



**City of Blaine**  
**Anoka County, Minnesota**  
**Minutes - Final**  
**City Council**

10801 Town Square Drive  
Blaine MN 55449

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Thursday, March 19, 2015

7:30 PM

Council Chambers

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**1. CALL TO ORDER BY THE MAYOR**

The meeting was called to order at 7:30 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Quorum present.

**ALSO PRESENT:** City Manager Clark Arneson; City Attorney Patrick Sweeney; Planning and Community Development Director Bryan Schafer; Public Services Manager Bob Therres; Finance Director Joe Huss; Police Chief/Safety Services Manager Chris Olson; City Engineer Jean Keely; Stormwater Manager Jim Hafner; Communications Technician Roark Haver; Senior Engineering Technician Al Thorp; Deputy City Clerk Catherine Ekstrand; and Recording Secretary Linda Dahlquist.

**Present:** 7 - Tom Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**4. APPROVAL OF MINUTES**

- 4.-1** [MIN 15-11](#)      WORKSHOP MEETING - 3/5/2015  
REGULAR MEETNG - 3/5/2015

**Approved**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

- 5.-1** [SPEAKER](#)      BUILDING DEPARTMENT OF THE YEAR AWARD  
[15-02](#)

Dan Hauck, Chief Building Official, introduced the Building Department staff and Roger Axel, Executive Officer of Minnesota Building Officials. Mr.

Axel presented the Building Department of the Year Award to the City of Blaine.

Richard Hauffe, Regional Manager, State and Local Government Relations of the International Code Council, gave an overview of the International Code Council.

**Informational: no action required**

**6. COMMUNICATIONS**

None.

**7. OPEN FORUM FOR CITIZEN INPUT**

Mayor Ryan opened the Open Forum at 7:54 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:54 p.m.

**8. ADOPTION OF AGENDA**

**9. 8:00 P.M. - PUBLIC HEARING AND ITEMS SET FOR A CERTAIN TIME**

Moved on the agenda to follow agenda item 11.5.

**10. APPROVAL OF CONSENT AGENDA:**

**10.-1** [MO 15-036](#) SCHEDULE OF BILLS PAID

**Approved**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**10.-2** [MO 15-037](#) APPROVE 2015 TURF MANAGEMENT SUPPLIES

**Approved**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**10.-3** [RES 15-042](#) APPROVE TEMPORARY ROAD CLOSURES FOR CITY OPEN HOUSE AND WORLD FEST

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**11. DEVELOPMENT BUSINESS**

**11.-1** [RES 15-045](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A HEALTH CARE OFFICE FOR AN OUTPATIENT CLINIC FOR BALANCE DISORDERS IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT AT 1630 101ST AVENUE NE. NATIONAL DIZZY AND BALANCE CENTER (CASE FILE NO. 15-0016/SLK)

Planning and Community Development Director Schafer stated the applicant is proposing an outpatient clinic that offers treatment for concussions, dizziness, and balance disorders.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**11.-2** [RES 15-046](#)

GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE .87 ACRES INTO 5 SINGLE FAMILY LOTS TO BE KNOWN AS THE LAKES OF RADISSON 60th ADDITION AT 123rd LANE/KISKA CIRCLE NE. HANS HAGEN HOMES. (CASE FILE NO. 15-0015/SLK)

Planning and Community Development Director Schafer stated the applicant is requesting to replat six lots on 123rd Lane to eliminate one lot and make the remaining five lots approximately 10-feet wider.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**11.-3** [ORD 15-2308](#)

SECOND READING

REZONING FROM FR (FARM RESIDENTIAL) TO DF (DEVELOPMENT FLEX) FOR THE WAGAMON RANCH ADDITION AT HARPERS STREET/131ST AVENUE. GORHAM DEVELOPMENT, LLC (CASE FILE NO. 14-0068/LSJ)

Planning and Community Development Director Schafer stated the applicant is proposing to plat 92 acres on the north end of Harpers Street. He stated the property is zoned FR (Farm Residential) with a land use designation of LDR (Low Density Residential). He stated Gorham Development proposes to create single-family lots and rezone the property to DF (Development Flex).

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**11.-4** [RES 15-043](#)

GRANTING PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 92.92 ACRES INTO 108 SINGLE FAMILY LOTS AND 8 OUTLOTS TO BE KNOWN AS WAGAMON RANCH AT HARPERS STREET/131st AVENUE. (CASE FILE NO. 14-0068/LSJ)

Planning and Community Development Director Schafer stated the applicant

is proposing to plat 92 acres on the north end of Harpers Street. He stated the property is zoned FR (Farm Residential) with a land use designation of LDR (Low Density Residential). He stated Gorham Development proposes to create single-family lots and rezone the property to DF (Development Flex).

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**11.-5** [RES 15-044](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF 105 SINGLE FAMILY LOTS IN A DF (DEVELOPMENT FLEX) ZONING DISTRICT FOR WAGAMON RANCH AT HARPERS STREET/131ST AVENUE NE. (CASE FILE NO. 14-0068/LSJ)

Planning and Community Development Director Schafer stated the applicant is proposing to plat 92 acres on the north end of Harpers Street. He stated the property is zoned FR (Farm Residential) with a land use designation of LDR (Low Density Residential). He stated Gorham Development proposes to create single-family lots and rezone the property to DF (Development Flex).

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**8:00 P.M. - PUBLIC HEARING AND ITEMS SET FOR A CERTAIN TIME**

**9.-1** [RES 15-037](#)

ORDER IMPROVEMENT AND ORDER PREPARATION OF PLANS AND SPECIFICATIONS FOR THE PAVEMENT MANAGEMENT PROGRAM - 2015 BITUMINOUS OVERLAY, IMPROVEMENT PROJECT NO. 15-01

City Engineer Keely stated the proposed improvements include a 1 1/2 inch bituminous overlay, full width and edge milling, sport curb replacement and appurtenant construction on various city streets. She stated the project is to be assessed at a flat rate, over a five-year period per residential lot unit or front foot parcels zoned commercial/industrial and multi-family residential. She stated the project is to be paid from the City's Pavement Management Program Fund.

Mayor Ryan opened the public hearing at 8:13 a.m.

Stella Mosley, 12676 Fergus Street NE, stated she was unable to attend the open house. She would like a reason why this project is being done. Mayor Ryan stated each road is on a schedule. Ms. Mosley stated she does not think the road is in need of repair. City Engineer Keely stated the City rates the roads and the City is repairing this road to extend the life of the road for another 10 plus years to avoid a full reconstruction. Ms. Mosley asked why

the residents have to pay for the work and not the City. Councilmember Herbst stated in the past the residents paid for the work completely, today the City shares in paying for road work. Ms. Mosley asked how the residents are to pay the City for the work. City Engineer Keely stated the cost will be assessed over a five-year period.

Rob Nordstrom, 12662 Eldorado Street, asked if the residents can have their driveways done by the same contractor at the same time. City Engineer Keely stated the residents can contact the contractor directly.

Mayor Ryan closed the public hearing at 8:18 p.m.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**9.-2** [RES 15-038](#)

**ORDER IMPROVEMENT AND ORDER PREPARATION OF PLANS AND SPECIFICATIONS FOR THE PAVEMENT MANAGEMENT PROGRAM - 2015 STREET RECONSTRUCTIONS, IMPROVEMENT PROJECT NO. 15-07**

Mayor Ryan opened the public hearing at 8:18 p.m.

City Engineer Keely stated the proposed improvements will partially reconstruct 3rd Street from 101st Avenue to approximately 400 feet north and 92nd Circle from Woodland Road to the cul de sac. She stated the improvements include spot curb and gutter replacement, asphalt surface removal and replacement, aggregate base and appurtenant construction. She stated the project is to be assessed over a 10-year period, using the unit method for residential properties and the front footage method for commercial/industrial/high density residential properties and the Pavement Management Program. She stated the project also includes replacing the existing sanitary sewer structure castings/rings that will be paid from the Public Utility fund.

Darren Schifsky, 4305 92nd Circle, asked for the approximate cost per lot for assessment. City Engineer Keely replied the estimated cost of the assessment is \$1,042.61.

George Kurrick, 4347 92nd Circle NE, clarified that the cost is over \$1,000 per lot over a 10-year period.

David Merton, King of Glory Church, 3rd Street, asked for the church's cost. City Engineer Keely stated King of Glory Church is zoned commercial and is assessed on a per front foot rate. She noted the church owns property on both sides of the street. She stated King of Glory's assessment is estimated to be \$11,447.89 for 390 feet.

Mayor Ryan closed the public hearing at 8:23 p.m.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**9.-3** [RES 15-039](#)

APPROVE PLANS AND SPECIFICATIONS AND ORDER ADVERTISEMENT FOR BIDS FOR THE PAVEMENT MANAGEMENT PROGRAM - 2015 BITUMINOUS OVERLAY (IMPROVEMENT PROJECT NO. 15-01) AND 2015 STREET RECONSTRUCTIONS (IMPROVEMENT PROJECT NO. 15-07)

City Engineer Keely stated this item combines the two improvement projects 15-01 and 15-07, approving the plans and specifications, and orders advertisement for bids.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**9.-4** [RES 15-040](#)

ORDER IMPROVEMENT AND ORDER PREPARATION OF PLANS AND SPECIFICATIONS FOR THE 93RD LANE INDUSTRIAL PARK AREA STREET IMPROVEMENTS, PHASE 4, IMPROVEMENT PROJECT NO. 14-13

Mayor Ryan opened the public hearing at 8:26 p.m.

City Engineer Keely stated the improvement project includes asphalt pavement replacement, gravel shouldering, storm drainage improvements, culvert replacements and cleaning, ditch cleaning and regrading, traffic control signage and appurtenant construction. She stated the project will be paid by assessments over a 10-year period amongst benefitting properties and the Pavement Management Program. She stated the project also includes replacing the existing sanitary sewer castings/rings that will be paid from the Public Utility fund.

Mayor Ryan closed the public hearing at 8:27 p.m.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**9.-5** [RES 15-041](#)

APPROVE PLANS AND SPECIFICATIONS AND ORDER ADVERTISEMENT FOR BIDS FOR THE 93RD LANE INDUSTRIAL PARK AREA STREET IMPROVEMENTS, PHASE 4, IMPROVEMENT PROJECT NO. 14-13

City Engineer Keely stated the improvement project includes asphalt pavement replacement, gravel shouldering, storm drainage improvements,

culvert replacements and cleaning, ditch cleaning and regrading, traffic control signage and appurtenant construction. She stated the project will be paid by assessments over a 10-year period amongst benefitting properties and the Pavement Management Program. She stated the project also includes replacing the existing sanitary sewer castings/rings that will be paid from the Public Utility fund.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**9.-6** [ORD 15-2310](#)

VACATION OF DRAINAGE EASEMENTS AND STREET RIGHT-OF-WAY FOR OUTLOTS B, C, D, E, F, G AND H, GLENN MEADOWS, VACATION NO. V15-01

Mayor Ryan opened the public hearing at 8:29 p.m.

City Engineer Keely stated the vacation of drainage easements and street right-of-way is requested as the property will be replatted and new right-of-way and easements will be dedicated with the new plat.

Mayor Ryan closed the public hearing at 8:29 p.m.

Declared by Mayor Ryan that Ordinance 15-2310, "Vacation of Drainage Easements and Street Right-of-Way for Outlots B, C, D, E, F, G and H, Glenn Meadows, Vacation No. V15-01" be introduced and placed on file for second reading at the April 2, 2015, Council meeting.

**Introduced, Read, and Placed on File for Second Reading**

**DEVELOPMENT BUSINESS - continued**

**11.-6** [ORD 15-2309](#)

SECOND READING

GRANTING A CODE AMENDMENT TO THE B-2 (COMMUNITY COMMERCIAL), B-3 (REGIONAL COMMERCIAL) AND PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICTS TO ALLOW MEDICAL CANNABIS DISTRIBUTION FACILITIES AS A CONDITIONAL USE. (CASE FILE NO. 15-0004/BKS)

Planning and Community Development Director Schafer stated the State adopted new laws and rules for the manufacture and distribution of medical cannabis in 2014 and effective July 1, 2015. He stated Blaine is not currently designated as a manufacture or distribution site; although the expansion of the program could include Blaine in the future. He stated the City's commercial (retail) zones of B-2 (Community Commercial), B-3 (Regional Commercial), and PBD (Planned Business District) do not contain specific language for this use. He noted the City's zoning codes B-2 and B-3 language would allow the sale of medical cannabis as a permitted use under general retail or pharmacy

(drug store). He stated the proposed code amendment would add medical cannabis distribution as an allowed use under the Conditional Use Permit in each of the commercial zones. He noted the City does not have any proposals today.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

## 12. ADMINISTRATION

### 12.-1 ORD 15-2306 SECOND READING

AMENDING CHAPTER 34, ENVIRONMENT, ARTICLE XI, STORMWATER MANAGEMENT, DIVISION 2, STORMWATER MANAGEMENT PLAN, CODE OF ORDINANCES OF THE CITY OF BLAINE

Stormwater Manager Hafner stated the City's stormwater and erosion control ordinances need minor revisions to ensure compliance with the MS4 permit requirements.

Councilmember Herbst asked if the City can relax the language of the ordinance. City Attorney Sweeney replied the City can have its own language; although the City has to comply with State law and rules that govern stormwater. He stated the City needs to comply with the permit application to address no net increase of TP and TSS, amend the ordinance to expand the limitations on infiltration practices, amend the ordinance to include mitigation provisions. Stormwater Manager Hafner stated the suggested language provides guidance on Best Management Practices.

Councilmember Clark asked if State law requires testing before and after work to prove "no increase." Stormwater Manager Hafner replied the State does not require measurement.

Councilmember Clark requested staff to include language that no measurements will be taken.

**Postponed**

**Motion**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

### 12.-2 [ORD 15-2307](#) SECOND READING

AMENDING SECTION 33.16(i)(1)(d), SOIL EROSION AND SEDIMENTATION CONTROL, SWPPP DESIGN COMPONENTS,



**GENERAL CRITERIA, TRAINING, ZONING ORDINANCE OF THE CITY OF BLAINE**

Stormwater Manager Hafner stated the City's stormwater and erosion control ordinances need minor revisions to ensure compliance with the MS4 permit requirements. He stated inspections need to include the contact information of the contractor.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**12.-3 [RES 15-030](#)****PROVIDE FOR THE DEFEASANCE OF THE OUTSTANDING GENERAL OBLIGATION TAX INCREMENT REFUNDING BONDS, SERIES 2006A, AND AUTHORIZING AN ESCROW AGREEMENT**

Finance Director Huss stated the resolution provides for the defeasance of the outstanding bonds and authorizes the City to establish an escrow account with a suitable financial institution in the state and execute and deliver an escrow agreement within 90 days of the sale of Blaine Courts and Cloverleaf Courts.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**12.-4 [RES 15-047](#)****AMENDING RESOLUTION 05-142, ESTABLISHING CONDITIONS FOR SPECIAL BOARD OF REVIEW**

Mayor Ryan stated staff is recommending an increase in the compensation of Board members to \$250 regardless of certification.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**12.-5 [RES 15-048](#)****SUPPORT OF DEDICATED STATE FUNDING FOR CITY STREETS**

City Engineer Keely stated the League of Minnesota Cities adopted a resolution for support of new dedicated State funding for City streets. She noted that the resolution supports an omnibus transportation funding bill that provides additional dedicated state funding for city streets including funding for non-MSA street maintenance, construction and reconstruction.

Councilmember Clark stated he does not understand what the omnibus involves and will not support the resolution. He stated he wants to know what the funding source will be.

Councilmember Herbst stated he will not support the resolution.

**Failed**

**Aye:** 2 - Mayor Ryan and Councilmember Swanson

**Nay:** 5 - Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**12.-6** [RES 15-049](#)

**RESOLUTION IN SUPPORT OF LEGISLATION ESTABLISHING AN EARLY VOTING PROCESS FOR VOTERS IN MINNESOTA**

City Manager Arneson stated the resolution will allow voters to vote 15 days prior to election day.

**Adopted**

**Aye:** 6 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark and Councilmember Hovland

**Nay:** 1 - Councilmember King

**12.-7** [RES 15-050](#)

**APPROVE A PREMISES PERMIT FOR CHARITABLE GAMBLING FOR SPRING LAKE PARK LIONS, AT BEBOP & ELEGANCE ROOM LOCATED AT 1009 109TH AVENUE NE**

Councilmember Clark commented he was a former member of the Spring Lake Park Lions, but is inactive.

Deputy City Clerk Ekstrand stated Blaine Youth Hockey was in Bebop's and are moving to Axels. She stated Spring Lake Park Lions is moving into Bebop's as a third location.

**Adopted**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**13. OTHER BUSINESS**

**Motion**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland

**14. ADJOURNMENT**

**Adjourned**

**Aye:** 7 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember Clark, Councilmember King and Councilmember Hovland