

**UNAPPROVED**

CITY OF BLAINE  
ANOKA COUNTY, MINNESOTA  
CITY COUNCIL MEETING  
Thursday, February 18, 2016

7:30 P.M.  
Council Chambers  
10801 Town Square Drive

**CALL TO ORDER BY MAYOR RYAN**

The meeting was called to order at 7:38 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

Mayor Tom Ryan, Councilmembers Dave Clark, Mike Bourke, Russ Herbst, Wes Hovland, Jason King, and Dick Swanson.

**ABSENT:** None.

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, Economic Development Coordinator Erik Thorvig, Communications Technician Roark Haver; Senior Engineering Technician Al Thorp; City Clerk Catherine Sorensen; and Recording Secretary Linda Dahlquist.

**APPROVAL OF MINUTES**

Workshop Meeting – February 4, 2016

Regular Meeting – February 4, 2016

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that the Workshop Meeting Minutes of February 4, 2016; and the Regular Meeting Minutes of February 4, 2016, be approved as amended.

Councilmember Clark requested a correction to the Regular Meeting Minutes of February 4, 2016, page 5, and paragraph 5. “Councilmember Clark stated he is ~~not~~ in favor of the project.”

Councilmember Clark requested a correction to the Workshop Meeting Minutes of February 4, 2016, page 3, and paragraph 2. “Councilmember Clark stated he would be in favor of allowing intoxicating liquor in community parks excluding Lakeside Commons but not neighborhood parks.”

Motion adopted 5-0-2. (Councilmember Bourke abstained from the Workshop Meeting Minutes of February 4, 2016; and the Regular Meeting Minutes of February 4, 2016, due to his absence. Councilmember Herbst abstained from the Workshop Meeting Minutes of February 4, 2016; and the Regular Meeting Minutes of February 4, 2016, due to his absence.)

## **AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

Mayor Ryan congratulated Bode Fielder on obtaining his Eagle Scout Award.

Mayor Ryan welcomed Edgemont Memory Care to the City of Blaine.

## **COMMUNICATIONS**

Councilmember Clark wished all the school districts' athletes the best of luck in upcoming State tournaments.

## **OPEN FORUM FOR CITIZEN INPUT**

Mayor Ryan opened the Open Forum at 7:43 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:43 p.m.

## **ADOPTION OF AGENDA**

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

~~9.1 Resolution 16-019, Vacation of Drainage and Utility Easement, Lots 2 & 3, Block 1, University Park Addition, Vacation No. V15-06.~~

Moved on the agenda to follow agenda item 11.4.

## **APPROVAL OF CONSENT AGENDA**

Councilmember Clark requested the removal of agenda item 10.2.

Councilmember Herbst requested the removal of agenda item 10.3.

10.1 Motion 16-022, Schedule of Bills Paid 1/29/16, 2/5/16, and January 2016 Payroll Checks and Wire Transfers.

Moved by Councilmember Clark, seconded by Councilmember Herbst, that Motion 16-022, "Schedule of Bills Paid 1/29/16, 2/5/16, and January 2016 Payroll Checks and Wire Transfers." be approved.

Motion adopted unanimously.

10.2 Motion 16-023, Approve 2015 DNR Water Appropriation Permit.

Moved by Councilmember Herbst, seconded by Councilmember King, that Motion 16-023, "Approve 2015 DNR Water Appropriation Permit," be approved.

Public Services Manager Therres stated this is a yearly fee paid to the DNR for water appropriation. He stated in 2015 the City used 2.3 billion gallons of water which is slightly lower than 2014. He stated the DNR charges a fee of \$8 per million gallons and a surcharge of \$30 per million gallons for water used in June, July and August that exceeds the volume of water pumped in January.

Councilmember Herbst stated the residents are efficient with their water use. Public Services Manager Therres replied the City has not done a Tier 1 or Tier 2 sprinkling ban for the past two years. He noted that with the appropriation for the new wells, the DNR may ask the City to do a year round water restriction.

Councilmember Clark commented going to a year round water restriction is a change in Council policy. He stated the Council policy of enacting Tier 1 and Tier 2 watering restriction only during drought conditions will remain in effect.

Councilmember Clark asked if the City has any requirements on sprinkler system rain shut off. Public Services Manager Therres replied the City does not. Planning and Community Development Director Schafer replied commercial and industrial projects do.

Councilmember Clark requested staff research whether sprinkler system rain shut off should be standard for new development and to bring this forward for a future workshop.

Motion adopted unanimously.

10.3 Resolution 16-027, Resolution Approving State of Minnesota Joint Powers Agreements with the City of Blaine on behalf of its City Attorney and Police Department.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Resolution 16-027, "Resolution Approving State of Minnesota Joint Powers Agreements with the City of Blaine on behalf of its City Attorney and Police Department," be approved.

Police Chief/Safety Services Manager Olson stated the Joint Powers agreement streamlines the access of sensitive information electronically between the City, County, State, and Federal court systems.

Motion adopted unanimously.

## **DEVELOPMENT BUSINESS**

11.1 Resolution 16-020, Granting a Conditional Use Permit Amendment to Construct an Approximately 16,500 Square Foot Building Addition and a New Play Area to the East Side of the Existing University Avenue Elementary School Anoka Hennepin School District/Anderson Johnson Associates, Inc. (Case File No. 16-0005/SLK).

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Resolution 16-020, "Granting a Conditional Use Permit Amendment to Construct an Approximately 16,500 Square Foot Building Addition and a New Play Area to the East Side of the Existing University Avenue Elementary School Anoka Hennepin School District/Anderson Johnson Associates, Inc.," be approved.

Planning and Community Development Director Schafer stated the applicant is requesting a Conditional Use Permit Amendment to allow an approximately 16,500 square foot addition to the existing University Avenue

Elementary School for 10 new classrooms and bathroom facilities. He noted the site work also includes constructing a new play area.

Motion adopted unanimously.

11.2 Ordinance 16-2339, Rezoning from FR (Farm Residential) to DF (Development Flex) for the Hidden Acres Development at 114<sup>th</sup> Avenue NE/Pierce Street NE. Cardinal Land Company, LLC. (Case File No. 15-0072/SLK).

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Ordinance 16-2339, "Rezoning from FR (Farm Residential) to DF (Development Flex) for the Hidden Acres Development at 114<sup>th</sup> Avenue NE/Pierce Street NE. Cardinal Land Company, LLC," be approved.

Planning and Community Development Director Schafer stated the applicant is proposing subdivide 10 acres into 29 single family lots on the property and is requesting a zoning change to DF (Development Flex) to provide more flexibility with setbacks, lot sizes, etc. He noted the water will come from the west on 114<sup>th</sup> and sewer will be brought down from the north. He commented the developer plans to raise the grade of the development.

Jim Satanski, 1057 113<sup>th</sup> Avenue NE, stated his concern is for Lot 6 in the proposed development to be left open so that 114<sup>th</sup> Avenue can connect through all of the properties in order for them to be able to develop in the future when the three property owners decide to sell/develop.

Planning and Community Development Director Schafer stated Mr. Satanski is able to develop without his neighbors; although developing Mr. Parkos' property is tied to his neighbors developing. He noted Mr. Kersten is comfortable with the proposed plan.

Jeff Parkos stated Mr. Kersten is tired of fighting the issue. He stated the elevations needed on his property will require fill. He stated he is in favor of removing Lot 6 from the developers plat. He stated he is comfortable having sewer and water on his property as long as the developer puts the grass back. He gave an overview of the history of property and the past development. He stated there should not be "leap frogging." He suggested widening Lot 6 and holding it in escrow. He suggested moving North Road 20 feet in order to not lose two lots. He asked if the sewer could be brought over from Polk Street to the west.

Planning and Community Development Director Schafer suggested a cul-de-sac 113<sup>th</sup> instead of the stub.

Councilmember Herbst asked if Mr. Parkos would be boxed in if Lot 6 remained in the plan. Mr. Parkos replied no, Mr. Satanski would be boxed in.

Councilmember Herbst asked if the developer will be affected greatly by the removal of Lot 6. Planning and Community Development Director Schafer replied the City has not taken a stand on this issue. He stated there has not been a good enough reason for the developer to remove Lot 6.

Mr. Satanski stated the water would come from 114<sup>th</sup> but no road surface will be built and the sewer will be pulled from a phantom road. He noted the three neighbors could petition the City to put in a road; although the new development residents would not want the road built.

Mayor Ryan asked if sewer will be installed from 113<sup>th</sup>. Planning and Community Development Director Schafer replied no sewer is planned for 113<sup>th</sup>.

Mr. Satanski asked how a road could be put in by petition.

Planning and Community Development Director Schafer stated the road could be done when the water is brought over from 114<sup>th</sup> to the new development. He noted the cost of the road will be the same.

Mr. Satanski asked if the Polk Street blacktop is in escrow. He noted that if the road goes in now, Mr. Kersten would need to sell a couple lots to pay for the assessment and risk losing Farm Residential zoning. He suggested the property owner retain ownership of Lot 6, that way the developer would not be out any money. He asked if the new development residents would be able to block 114<sup>th</sup> from being built. Planning and Community Development Director Schafer the new residents would have the ability to speak at a Council meeting.

Mr. Satanski stated if the assessment could be waived for Mr. Kersten.

Councilmember Clark asked if the property owners' petition for a road and when the assessment would need to be paid. Planning and Community Development Director Schafer replied the assessment is the same year the road is constructed. He noted it would be a sewer and street project.

Mayor Ryan commented the City has dead end roads with signs stating this road will be constructed in the future.

Councilmember Clark asked if the three property owners are willing to buy Lot 6. Mr. Satanski replied no, the property owner could retain ownership of Lot 6.

Mayor Ryan asked if a statement could be written into the development agreement that there is a future easement for the road. Planning and Community Development Director Schafer replied the City could require in the development agreement that the seller of the lots places an affidavit with closing that indicates that 114<sup>th</sup> is a required connection to the west at such time as the City orders it or it is needed for development.

Planning and Community Development Director Schafer suggested the developer include a statement in the preliminary plat that states the Developer be required to provide a recordable document that is recorded on the lots that 114<sup>th</sup> is a connection at some point in the future.

Councilmember Clark asked if the developer is ok with the Council requiring Cardinal Land Company LLC to include a statement on closing documents that 114<sup>th</sup> will connect. Cardinal Land Company LLC representative stated it would be fine and it would be one extra document for the lot buyers' to sign at closing.

Mr. Satanski asked how he would move forward on building 114<sup>th</sup>. Councilmember Herbst replied get the permit from the City and meet with the Engineering staff to extend the road.

Mr. Satanski stated if the developer is pulling water from 114<sup>th</sup>, would it be feasible to build the 114<sup>th</sup> road to the edge of his property and put a sign at the end of the road. He stated in his purchase agreement when the road goes through his assessment for the road would be forestalled until a property on that street was developed and it did not trigger the other three lots that exist.

Motion adopted unanimously.

11.3 Resolution 16-021, Granting Preliminary Plat Approval to Subdivide 9.83 Acres into 29 Lots and One (1) Outlot to be known as Hidden Acres, Located at 113<sup>th</sup> Avenue NE/Pierce Street NE. Cardinal Land Company, LLC. (Case File No. 15-0072/SLK).

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Resolution 16-021, “Granting Preliminary Plat Approval to Subdivide 9.83 Acres into 29 Lots and One (1) Outlot to be known as Hidden Acres, Located at 113<sup>th</sup> Avenue NE/Pierce Street NE. Cardinal Land Company, LLC,” be approved.

Planning and Community Development Director Schafer stated the applicant is proposing to develop a property that lies north of 113<sup>th</sup> Avenue and west of Ulysses Street. He stated the 9.83 acre parcel is currently zoned FR (Farm Residential) with a land use of LDR (Low Density Residential).

Moved by Councilmember Herbst, seconded by Councilmember Hovland, that the developer is required to execute a recordable document with each lot buyer that recognizes 114<sup>th</sup> will be a street constructed to the west connecting Polk Street and Pierce Street.

Councilmember Clark commented the amendment allows staff and the City Attorney to tweak the verbiage as long as it maintains the Council’s intent

Councilmember Herbst clarified the Council’s intent is that when the new homes and people are living in the development they will fully understand that the road will go through at the will of the owners of the neighboring properties.

Amendment adopted unanimously.

Amended motion adopted unanimously.

11.4 Resolution 16-022, Granting a Conditional Use Permit to allow for the Construction of 29 Single Family Homes (Detached Townhomes in a DF (Development Flex) Zoning District, Located at 113<sup>th</sup> Avenue NE/Pierce Street NE. Cardinal Land Company (Case File No. 15-0072/SLK).

Moved by Councilmember Herbst, seconded by Councilmember King, that Resolution 16-022, “Granting a Conditional Use Permit to allow for the Construction of 29 Single Family Homes (Detached Townhomes in a DF (Development Flex) Zoning District, Located at 113<sup>th</sup> Avenue NE/Pierce Street NE. Cardinal Land Company,” be approved.

Planning and Community Development Director Schafer stated the applicant is proposing to develop a property that lies north of 113<sup>th</sup> Avenue and west of Ulysses Street. He stated the 9.83 acre parcel is currently zoned FR (Farm Residential) with a land use of LDR (Low Density Residential).

Motion adopted unanimously.

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

9.1 Resolution 16-019, Vacation of Drainage and Utility Easement, Lots 2 & 3, Block 1, University Park Addition, Vacation No. V15-06.

Councilmember Herbst left the meeting at 8:47 p.m.

City Engineer Keely stated Scott Adams, Buffalo, Minnesota, submitted a petition requesting vacation of drainage and utility easements on Lots 2 and 3, Block 1, University Park Addition in order to facilitate the construction of a new commercial building on his property.

Mayor Ryan opened the public hearing at 8:48 p.m.

Mayor Ryan closed the public hearing at 8:49 p.m.

Moved by Councilmember King, seconded by Councilmember Hovland, that Resolution 16-019, "Vacation of Drainage and Utility Easement, Lots 2 and 3, Block 1, University Park Addition, Vacation No. V15-06," be approved.

Motion adopted 6-0-1 (Councilmember Herbst absent)

### **DEVELOPMENT BUSINESS (CONTINUED)**

11.5 Ordinance 16-2340, Rezoning from I-1 (Light Industrial) to I-2 (Heavy Industrial) at the Northeast Corner of Naples Street/101<sup>st</sup> Avenue NE. City of Blaine. (Case File No. 15-0077/BKS).

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Ordinance 16-2340, "Rezoning from I-1 (Light Industrial) to I-2 (Heavy Industrial) at the Northeast Corner of Naples Street/101<sup>st</sup> Avenue NE. City of Blaine," be approved.

Planning and Community Development Director Schafer stated Council directed staff to initiate a land use and rezoning change for seven (7) parcels on the east side of Naples Street industrial area from I-1 (Light Industrial) to I-2 (Heavy Industrial).

Motion adopted unanimously.

11.6 Resolution 16-023, Granting a Comprehensive Land Use Plan Amendment from LI (Light Industrial) to HI (Heavy Industrial) at the Northeast Corner of Naples Street/101<sup>st</sup> Avenue NE. City of Blaine (Case File No. 15-0077/BKS).

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Resolution 16-023, "Granting a Comprehensive Land Use Plan Amendment from LI (Light Industrial) to HI (Heavy Industrial) at the Northeast Corner of Naples Street/101<sup>st</sup> Avenue NE. City of Blaine," be approved.

Planning and Community Development Director Schafer stated Council directed staff to initiate a land use and rezoning change for seven (7) parcels on the east side of Naples Street industrial area from I-1 (Light Industrial) to I-2 (Heavy Industrial).

Motion adopted unanimously.

11.7 Ordinance 16-2342, Granting a Code Amendment to the I-2 (Heavy Industrial) and I-2A (Heavy Industrial) Zoning Districts that would Establish New Minimum Building Standards for Outside Storage Uses (Greater than One Acre) and Truck Terminals. City of Blaine (Case File No. 15-0076/BKS).

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Ordinance 16-2342, "Granting a Code Amendment to the I-2 (Heavy Industrial) and I-2A (Heavy Industrial) Zoning Districts that would Establish New Minimum Building Standards for Outside Storage Uses (Greater than One Acre) and Truck Terminals. City of Blaine," be approved.

Planning and Community Development Director Schafer stated Council directed staff to initiate changes to I-2 and I-2A (Heavy Industrial) to establish higher building standards for uses that require larger outside storage areas or truck storage for heavy trucking companies. He noted that this standard would apply on three to four acre lots.

Mayor Ryan noted the Council received a letter of concern from a resident. Planning and Community Development Director Schafer replied the examples in the letter do not apply because it does not fit. He stated the trucking company element does not apply because he is not zoned for trucking. He stated he is zoned I-2 so if he sold to someone who wants one acre of outside storage, a 20,000 square foot building would be required.

Councilmember Bourke asked if the property owner would have any latitude with the land use. Planning and Community Development Director Schafer replied the property is vacant so the owner currently does not have a use.

Motion adopted unanimously.

11.8 Ordinance 16-2341, Amending Chapter 18, Article IX Swimming Pools of the Code of Ordinance of the City of Blaine.

Moved by Mayor Ryan, seconded by Councilmember Clark, that Ordinance 16-2341, "Amending Chapter 18, Article IX Swimming Pools of the Code of Ordinance of the City of Blaine," be approved.

Planning and Community Development Director Schafer stated the purpose of the ordinance is to establish new setback provisions and standards for pool installations.

Motion adopted unanimously.

11.9 Resolution 16-024, Publication of the Title and Summary of Ordinance 16-2341 Amending Chapter 18, Article IX, Swimming Pools of the Code of Ordinances of the City of Blaine.

Moved by Councilmember Bourke, seconded by Councilmember Hovland, that Resolution 16-024, "Publication of the Title and Summary of Ordinance 16-2341 Amending Chapter 18, Article IX, Swimming Pools of the Code of Ordinances of the City of Blaine," be approved.

Planning and Community Development Director Schafer stated the purpose of the ordinance is to establish new setback provisions and standards for pool installations.

Motion adopted unanimously.

## **ADMINISTRATION**

12.1 Resolution 16-025, Amend North Metro TV Commission Joint Powers Agreement.



Moved by Councilmember Herbst, seconded by Councilmember Swanson, that Resolution 16-025, "Amend North Metro TV Commission Joint Powers Agreement," be approved.

Finance Director Huss stated North Metro TV is proposing to replace major components, video systems, and upgrade to high definition standards. He stated the Cable Commission considered the issuance of bonds by NMTV; although in order for this to occur, the Joint Powers Agreement governing the members of NMTV would need to be amended to allow for a debt issuance. He noted members are seeking an amendment to the JPA that would expand all members' authority to use franchise fees beyond cable-related expenses and include communication expenses. He stated the Commission will seek to finance the project through the issuance of a capital note or equipment certificate payable to the City of Circle Pines. He noted it is expected that franchise fees will be sufficient to cover the debt repayment and all operating costs of NMTV.

Councilmember Swanson commented the amendment will allow the City to utilize the funds for City communications such as newsletters, mailings, and website.

Motion adopted unanimously.

#### 12.2 Resolution 16-026, Approve Issuance of Capital Notes to Fund Cable TV Related Improvements.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that Resolution 16-026, "Approve Issuance of Capital Notes to Fund Cable TV Related Improvements," be approved.

Finance Director Huss stated North Metro TV is proposing to replace major components, video systems, and upgrade to high definition standards. He stated the Cable Commission considered the issuance of bonds by NMTV; although in order for this to occur, the Joint Powers Agreement governing the members of NMTV would need to be amended to allow for a debt issuance. He noted members are seeking an amendment to the JPA that would expand all members' authority to use franchise fees beyond cable-related expenses and include communication expenses. He stated the Commission will seek to finance the project through the issuance of a capital note or equipment certificate payable to the City of Circle Pines. He noted it is expected that franchise fees will be sufficient to cover the debt repayment and all operating costs of NMTV.

Motion adopted unanimously.

#### 12.3 Resolution 16-028, Amending Resolution 01-88 Establishing a Natural Resource Conservation Board and Policy for Process for Selection, Structure, Format and Charge.

Moved by Councilmember Clark, seconded by Councilmember Bourke, that Resolution 16-028, "Amending Resolution 01-88 Establishing a Natural Resource Conservation Board and Policy for Process for Selection, Structure, Format and Charge," be approved.

City Clerk Sorensen stated Council directed staff to bring forward an amendment to expand the existing Natural Resources Conservation Board (NRCB) structure to include one additional at-large member for a two-year term.

Motion adopted unanimously.

#### 12.4 Motion 16-024, 2016 Boards and Commissions Mayoral Appointments.

Moved by Councilmember King, seconded by Councilmember Clark, that Motion 16-024, “2016 Boards and Commissions Mayoral Appointments,” be approved.

City Clerk Sorensen stated vacancies exist in each Ward for all boards and commissions and members are appointed for two-year terms with the exception of the Special Board of Review where terms expire upon adjournment of the final Board of Review meeting.

Mayor Ryan announced the appointments:

**Planning Commission**

Joe Ouelette, Chair at Large

Terri Homan – Ward 1

Jason Halpern – Ward 2

Al Goracke – Ward 3

**Park Advisory**

Jeff Bird – Chair at Large

Jeff Lester – Ward 1

Jennifer Bingle – Ward 2

Karen Varian – Ward 3

**Natural Resouce Advisory**

Gene Rafferty – Ward 1

Benjamin Ruth – Ward 2

Kimberly Gunter – Ward 3

Anthony Castillo – At Large

Tonya Lizakowski – At Large

Anthony Wilder – At Large (added position)

**Special Board of Review**

Randi Erickson, Chair

Patrick Grengs

Maisa Olson

Lynda Riley

Mary Wells

Motion adopted unanimously.

**OTHER BUSINESS**

Mayor Ryan stated he and Councilmember Herbst met with the Governor’s staff about the reconstruction of 105<sup>th</sup> Avenue.

Councilmember Swanson suggested pedestrians should wear reflective clothing or carry a flashlight for better visibility when walking on City streets at night and suggested these tips be published in the next newsletter and on social media.

**ADJOURNMENT**

Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 9:15 p.m.

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Tom Ryan, Mayor

ATTEST:

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Catherine Sorensen, City Clerk  
*Submitted by TimeSaver Off Site Secretarial, Inc.*