



City of Blaine Anoka County, Minnesota Minutes City Council

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

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Monday, March 2, 2020

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:49 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 Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Lori Johnson; Public Works Director Jon Haukaas; Police Chief/Safety Services Manager Brian Podany; Finance Director Joe Huss; Public Services Manager/Assistant City Manager Bob Therres; City Attorney Chris Nelson; City Engineer Dan Schluender; Senior Engineering Technician Jason Sundeen; Communications Technician Roark Haver; Adjunct Board Member Drew Brown; and City Clerk Catherine Sorensen.

Present: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

4. APPROVAL OF MINUTES

4.-1 RECENTLY HELD MEETINGS

Attachments: [02-03-20 Closed Workshop Labor Agreements](#)
 [02-03-20 Workshop Minutes](#)
 [02-03-20 Council Minutes](#)

Moved by Councilmember Hovland, seconded by Councilmember Robertson, that the Minutes of Closed Workshop Labor Agreements Meeting of February 3, 2020, the Minutes of Workshop Meeting of February 3, 2020, and the Minutes of the Regular Meeting of February 3, 2020 be approved.

Motion adopted. Councilmember Garvais abstained due to his absence.

Abstain: 1 - Councilmember Garvais

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.-1 POLICE OFFICER SWEARING IN CEREMONY/OATHS OF OFFICE

Police Chief/Safety Services Manager Podany introduced newly hired Police Officers Travis Peterson, Nathan Peterson and Nicholas Traffie to the City Council. He reported all officers have successfully completed the Field Training Program and are currently on solo patrol. The officers introduced their family and friends in attendance.

City Clerk Sorensen administered the Oath of Office to Officers Peterson, Peterson and Traffie and badges were pinned on. A round of applause was offered by all in attendance.

Police Chief Podany thanked the family members for their support and welcomed the new officers to the Blaine Police Department.

5.-2 ACCEPT A DONATION TO THE POLICE DEPARTMENT

Police Chief Podany stated the police department recently received a \$200 donation from community member Irene Revering for the Blaine Public Safety Association and will be used for the Community Outreach Trailer and thanked Ms. Revering for her donation.

Moved by Councilmember Hovland, seconded by Mayor Ryan, to Accept a Donation to the Police Department from Irene Revering for the Blaine Public Safety Association.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

6. COMMUNICATIONS

None.

7. OPEN FORUM

Mayor Ryan opened the Open Forum at 8:03 p.m.

There being no input, Mayor Ryan closed the Open Forum at 8:03 p.m.

8. ADOPTION OF AGENDA

The agenda was adopted as presented.

9. APPROVAL OF CONSENT AGENDA:

Moved by Councilmember Hovland, seconded by Councilmember Robertson, that the following be approved: Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

9.-1**SCHEDULE OF BILLS PAID**

Attachments: [Bills Paid 02/14/20](#)
 [Bills Paid 02/14/20 - Subset](#)
 [Bills Paid 02/21/20](#)
 [Bills Paid 02/21/20 - Subset](#)

Approved

9.-2**APPROVE A TEMPORARY ON-SALE INTOXICATING
LIQUOR LICENSE FOR CHURCH OF ST. TIMOTHY'S**

**VOLUNTEER APPRECIATION DINNER, 707 - 89TH
AVENUE NE**

Approved

10. 7:30 P.M. - PUBLIC HEARING AND ITEMS PUBLISHED FOR A CERTAIN TIME

10.-1

**GRANTING A CONDITIONAL USE PERMIT TO
OPERATE A LIQUOR STORE IN A DF (DEVELOPMENT
FLEX) ZONING DISTRICT AND APPROVE ISSUANCE
OF AN OFF-SALE INTOXICATING LIQUOR LICENSE
FOR SUPERVALU, INC., DBA CUB WINE & SPIRITS AT
4255 PHEASANT RIDGE DRIVE NE, SUITE 310, BLAINE
ASSOCIATES LLC. (CASE FILE NO. 20-0005/SLK)**

Attachments: [Attachments](#)

City Planner Johnson stated an agreement has been reached with Seuchia Ly of LIAJPOV, Inc., to purchase and relocate an existing off-sale intoxicating liquor license from Century Liquors located in The Village of Blaine. The new liquor store (Cub Wine and Spirits) will be located in a 3,500 SF tenant bay at 4255 Pheasant Ridge Drive NE, Suite #310; which is the former Christopher and Banks. The liquor store is proposed to be open Monday through Saturday 8AM to 10PM and Sunday 11AM to 6PM. There will be 3-4 full time employees and 4-5 part time employees. The new location meets current code requirements for adequate parking as a retail use. Per city code, a public hearing is required prior to the approval of an off-sale license in the City of Blaine. The applicant has submitted all application materials and supporting documentation including liquor liability insurance, license and background investigation fees. The Police Department is currently conducting a background investigation and the license is contingent upon a successful investigation and Certificate of Occupancy. If approved, Century Liquor will surrender their current off-sale license and not renew for 2020-2021.

Mayor Ryan opened the public hearing at 8:06 p.m.

There being no public input, Mayor Ryan closed the public hearing at 8:06 p.m.

Moved by Councilmember Hovland, seconded by Councilmember Garvais, that Resolution 20-32, "Granting a Conditional Use Permit to Operate a Liquor Store in a DF (Development Flex) Zoning District and Approve Issuance of an Off-Sale Intoxicating Liquor License for Supervalu, Inc., DBA Cub Wine & Spirits at 4255 Pheasant Ridge Drive NE, Suite 310," be approved.

Councilmember Hovland asked if all Cub stores in the City could open a liquor store if this item were approved. Ms. Sorensen reported this off-sale license was site specific and be an individual store, adding State Statute only allowed one off-sale store by any one owner.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

10.-2

**GRANTING A CONDITIONAL USE PERMIT TO
OPERATE A RESTAURANT WITH OUTDOOR DINING
(8 SEATS) IN A B-2 (COMMUNITY COMMERCIAL)
ZONING DISTRICT AND APPROVE ISSUANCE OF AN
ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR
LICENSE AT 3453 LAKE DRIVE NE. NAPLES
HOLDINGS LLC (BLUE COLLAR BBQ) (CASE FILE NO.
20-0007/EES)**

Attachments: [Attachments](#)

Ms. Johnson stated Blue Collar Barbeque currently operates a restaurant in Circle Pines and is moving to Blaine in Naples Marketplace on the northeast corner of Lake Drive and Naples Street. The restaurant would operate in the western endcap space of the multitenant retail building. The restaurant would like to offer outdoor dining on the premises and has made an application for a conditional use permit according to ordinance requirements. The proposed outdoor dining area has space for 8 outdoor dining seats on the sidewalk. Fencing is not shown on the site plan, however fencing, or a similar barrier is required by the liquor licensing regulations. The fence must be wrought iron or equivalent and is subject to approval by staff.

Ms. Johnson explained the parking on site will not be affected by this outdoor dining area, but the adjoining sidewalk will be reduced to a four and one half foot width along the length of the seating area. The building has sufficient parking for the additional seating space. The applicant is proposing to add a cooler and two smokers on the back of the building. The cooler must be painted to match the building. The smokers are not able to be painted. Therefore, addition of landscaping to create an opaque screen in the rear yard is listed as a condition of approval.

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

There being no public input, Mayor Ryan closed the public hearing at 8:13 p.m.

Mark Born, Blue Collar Barbeque, explained his restaurant has been successful in Circle Pines for the past six years and he was looking forward to moving to a new location in Blaine. He thanked staff for all of their assistance with his permitting requests.

Moved by Mayor Ryan, seconded by Councilmember Garvais, that Resolution 20-33, "Granting a Conditional Use Permit to Operate a Restaurant with Outdoor Dining (8 Seats) in a B-2 (Community Commercial) Zoning District and Approve Issuance of an On-Sale wine and 3.2 Percent Malt Liquor License at 3453 Lake Drive NE," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

10.-3

**ORDER IMPROVEMENT AND ORDER PREPARATION
OF PLANS AND SPECIFICATIONS FOR THE 2020
STREET RECONSTRUCTIONS - AREA 2, 132ND
LANE/TAYLOR STREET RECONSTRUCTION,
IMPROVEMENT PROJECT NO. 19-18**

Attachments: [Location Map](#)

City Engineer Schluender reviewed the streets that would be included in Improvement Project 19-18. He explained the proposed improvements include reclaiming existing bituminous pavement and reconstructing all curb and gutter, hydrant replacements, minor storm sewer additions, asphalt surface replacement, traffic control signage, and appurtenant construction. The estimated cost of improvements is \$3,241,086.00 with \$950,012.00 proposed to be assessed over a 15-year period. Replacement of existing sanitary sewer castings/rings and several water service repairs at an estimated cost of \$276,684.00 is proposed to be paid for by City Public Utility Funds. The remaining portion of \$2,014,390 is proposed to be paid from the City's Pavement Management Program Fund. Staff recommended the Council hold a public hearing and order preparation of the plans and specifications.

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

Steve Stonelake, 13163 Taylor Street, asked if this project would resolve a water issue that currently pools water in his backyard and the neighbor's driveway. He discussed how water drains in his neighborhood and requested staff take a look at the water runoff on his street. Mr. Schluender reported staff was aware of a couple of areas of concern and stated he would ensure this concern was addressed.

Hal Christenson, 13158 Pierce Street, questioned if he would be able to coordinate a second curb cut for a future driveway because he would like to build a second garage on his property in the future. He asked who he should speak with regarding this matter. Mr. Schluender stated he could work with this homeowner while he develops the project plans.

Bill Anderson, 13150 Lincoln Street, expressed concerns with the current fire hydrant locations in his cul-de-sac and neighborhood. He asked if his entire street would be ripped up. Mr. Schluender stated the entire street, curb and gutter would be removed.

Dick Abraham, 13150 Pierce Street, requested further information regarding his assessment given the fact he lives on a corner lot. Mr. Schluender reported the City does not distinguish between standard lots and corner lots. He indicated each residential lot would be charged a unit assessment and this amount was just over \$6,200.

Mr. Abraham asked when the project would begin. Mr. Schluender anticipated construction would begin in June after the garage sales.

Mayor Ryan commented on the City's deferral program that was available to seniors age 65 or older.

There being no additional public input, Mayor Ryan closed the public hearing at 8:27 p.m.

Moved by Councilmember Robertson, seconded by Councilmember Jeppson, that Resolution 20-34, "Order Improvement an Order Preparation of Plans and Specifications for the 2020 Street Reconstructions – Area 2, 132nd Lane/Taylor Street Reconstruction," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

10.-4

ON-SALE WINE LICENSE FOR CEC ENTERTAINMENT, INC. DBA CHUCK E CHEESE, 8943 UNIVERSITY AVENUE

Ms. Sorensen stated a public hearing is required by ordinance prior to the approval of an On-Sale Wine License in the City of Blaine. CEC Entertainment, Inc. has submitted an application for On-Sale Wine license for the restaurant located at 8943 University Avenue, Blaine, Minnesota. Chuck E. Cheese currently has a 3.2 percent malt liquor on-sale license and wishes to add an on-sale wine license that will allow them to sell wine and strong beer. The applicant has submitted a completed license application, and the license fee of \$2,500. The required certificate of insurance for liquor liability and all required forms and documents have been received and are on file in our office. It was noted the license is contingent upon a successful background investigation and Certificate of Occupancy walk-through.

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

There being no public input, Mayor Ryan closed the public hearing at 8:29 p.m.

Councilmember Paul stated he wished the applicant was in attendance to discuss how staff would be managing the sale of alcohol given the fact this was an entertainment use that had a high level of children. Ms. Sorensen explained the applicant could not be in attendance this evening and indicated this request may have been made given the fact it was becoming increasingly difficult to purchase 3.2 beer in Minnesota and that staff had no concerns with past compliance checks with regard to alcohol service.

Moved by Councilmember Jeppson, seconded by Mayor Ryan, that Motion 20-37, "On-Sale Wine License for CEC Entertainment, Inc. DBA Chuck E. Cheese at 8943 University Avenue," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

11. DEVELOPMENT BUSINESS

11.-1

GRANTING A WAIVER OF PLATTING THAT WILL SPLIT AN EXISTING PARCEL INTO TWO PARCELS IN AN R-1 (SINGLE FAMILY) ZONING DISTRICT LOCATED AT 4804 106TH LANE NE. GREGORY AND PAMELA MATHESON. (CASE FILE NO. 20-0003/LSJ)

Attachments: [Attachments](#)

Ms. Johnson stated Greg and Pam Matheson are requesting the approval to split their single family lot into two lots. The applicants wish to keep their existing home intact, but split the property so they can sell the south half of their existing lot. The existing lot size is .70 acres in size. The new Parcel A would be 15,492 square feet while the new Parcel B will be 18,216 square feet. Both new lots meet the minimum lot size requirement in the R-1 zoning district of 10,000 square feet. The existing home will remain on Parcel A and all required setbacks are met with this home. A new home could be built on Parcel B and meet all required setbacks. Staff noted there is a basketball hoop and cottonwood tree located on Parcel B that will need to be removed prior to the City releasing the required documents for the recording of the lot split at Anoka County.

Mayor Ryan asked how big the cottonwood tree was. Pam Matheson, 4804 106th Lane NE, explained the cottonwood tree was quite large. She asked if the City would be removing the tree or if she would be responsible for the tree removal. Mr. Schlunder reported the removal of the tree would be the

responsibility of the property owner. He noted the cottonwood tree has been a concern for quite some time.

Ms. Matheson suggested the emergency siren be moved across the street or to a City park. Mr. Schluender stated he could investigate the cost of moving the siren across the street.

Councilmember Robertson asked if the tree was at this location first or was it the siren. Ms. Matheson explained the tree had been at this location first.

Councilmember Robertson supported the City moving the siren versus requiring the Mathesons to remove the tree given the high expense. Mr. Schluender stated he could investigate the cost further.

Councilmember Garvais indicated another alternative would be to have the summer work crew remove this tree. Public Works Director Haukaas reported this was a very large tree and this work would have to be contracted out.

Councilmember Hovland stated this tree could be becoming a safety issue and believed it made more sense for the City to take the tree down versus moving the siren.

Mayor Ryan cautioned the City Council from taking this action because it could set a dangerous precedent. He encouraged the Mathesons to follow up with City staff regarding this matter.

Moved by Mayor Ryan, seconded by Councilmember Robertson, that Resolution No. 20-35, "Granting a Waiver of Platting that will Split an Existing Parcel into Two Parcels in an R-1 (Single Family) Zoning District located at 4804 106th Lane NE," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

11.-2

**GRANTING PRELIMINARY PLAT APPROVAL TO
RE-PLAT FIVE VACANT PARCELS INTO ONE PARCEL
AND ONE OUTLOT, LOCATED AT 11155 ULYSSES
STREET NE. BLAINE ULYSSES LLC (ULYSSES STREET
OFFICE BUILDING) (CASE FILE NO. 19-0053/LSJ)**

Attachments: [Attachments](#)

Ms. Johnson stated the proposed preliminary plat includes one lot and one outlot. Lot 1 includes several existing parcels adjacent to Highway 65 and east of Ulysses

Street, and this is where the office building will be located. This lot is 5.35 acres in size. The outlot being proposed is located between Buchanan Road and Ulysses Street. This outlot is located as such due to the fact the construction and right-of-way acquisition for Ulysses Street split this lot from the other property on the east side of Ulysses Street. This outlot is being used for ponding purposes, but had the potential for the creation of single-family parcels along Buchanan Street. The developer is proposing to enlarge the City pond for the benefit of this development, thus removing the opportunity for homes to be constructed along Buchanan Street. The developer will be required to pay for upgrades to 168 feet of Buchanan Street, the frontage of this outlot, in the amount of \$15,800 based on a feasibility report the City had prepared in 2006. Staff commented further on the request and recommended approval of the Preliminary Plat.

Councilmember Robertson explained this would be a very nice addition to the City of Blaine and the Highway 65 corridor.

Mayor Ryan agreed.

Moved by Councilmember Jeppson, seconded by Councilmember Robertson, that Resolution No. 20-36, "Granting Preliminary Plat Approval to Re-Plat Five Vacant Parcels into One Parcel and One Outlot located at 11155 Ulysses Street NE," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

11.-3

FIRST READING

GRANTING A REZONING FROM FR (FARM RESIDENTIAL) TO DF (DEVELOPMENT FLEX) FOR 174 ACRES AT LEXINGTON AVENUE AND 109TH AVENUE NE. ALLIANCE BANK (NORTH MEADOWS/WELLINGTON MANAGEMENT INC.) (CASE FILE NO. 19-0043/LSJ)

Attachments: [Attachments](#)
 [Letter - Sanctuary Preserve](#)

Ms. Johnson stated Wellington Management has requested a rezoning for the development of 174 acres at Lexington Avenue and 109th Avenue. The development will be known as North Meadows and will include 258 single family lots along with commercial or industrial properties to the east side of Austin. The proposed zoning for the development, including the commercial/industrial/high density lots, is DF (Development Flex). This is the preferential district for all new

single family development in Blaine as it allows flexibility on design issues that can benefit both the city and the developer to provide a market driven product. The DF zoning for the commercial lots is also beneficial if setbacks can be negotiated in order to get the optimal uses on these sites. Staff commented further on the types of single family homes, twin homes and townhomes that would be constructed as a part of this development. It was noted no action was required this evening but staff requested the Council hold the First Reading of Ordinance No. 20-2446.

Councilmember Hovland asked who owns the property to the north and west of the residential portion of the development. Ms. Johnson reported the City owns this land and it was a part of the Blaine Wetland Sanctuary.

Mayor Ryan questioned what future traffic signals would be needed in this area. Mr. Schluender stated a signal was being considered at Austin Street at 109th Avenue.

Declared by Mayor Ryan that Ordinance No. 20-2446, "Granting a Rezoning from FR (Farm Residential) to DF (Development Flex) for 174 Acres at Lexington Avenue and 109th Avenue NE," be introduced and placed on file for second reading at the March 16, 2020 Council meeting.

12. ADMINISTRATION

12.-1

EXTENDING THE PERIOD OF A COUNCIL-DECLARED LOCAL EMERGENCY FOR A UTILITY BREAK AT 35W SERVICE DRIVE AND 93RD AVENUE

Attachments: [Staff Memo](#)
 [Declaration](#)

Mr. Haukaas stated staff is requesting the Declaration of a State of Local Emergency be extended for the January 25 utility break on 35W Service Drive at 93rd Avenue NE. Per Article II, Sec. 30-35 of the Blaine Code of Ordinances, any declaration of an emergency in excess of three days must receive the consent of the City Council. The City Council declared this to constitute a local emergency at their meeting of February 2, 2020. As presented during Council workshop updates, the work continues and it is necessary to extend the declaration for several more weeks. It was noted at the March 2 workshop, staff presented the most recent information regarding progress and costs of the repairs.

Mayor Ryan thanked staff for all of their hard work on this project and apologized to the neighbors for noise impacts during this repair project.

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Resolution 20-37, "Extending the Period of Council-Declared Local Emergency for a Utility Break at 35W Service Drive and 93rd Avenue," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul

13. OTHER BUSINESS

None

14. ADJOURNMENT

Moved by Councilmember Robertson, seconded by Councilmember Jeppson, to adjourn the meeting at 8:53 p.m.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Hovland, Councilmember Jeppson, Councilmember Garvais, Councilmember Robertson and Councilmember Paul