



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

Blaine City Hall
10801 Town Sq Dr NE
Blaine, MN 55449

Thursday, November 3, 2016

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:30 p.m. by Mayor Pro Tem Swanson 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; Safety Services Manager/Police Chief Chris Olson; Recreation Manager Jerome Krieger; Communications Technician Roark Haver; Senior Engineering Technician Al Thorp; City Clerk Catherine Sorensen; and Recording Secretary Linda Dahlquist.

Present: 5 - Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

Absent: 2 - Tom Ryan and Councilmember Clark

4. APPROVAL OF MINUTES

4.-1 [MIN 16-36](#) RECENTLY HELD MEETINGS

Moved by Councilmember Hovland, seconded by Councilmember King, that the Workshop Meeting Minutes of October 13, 2016, be approved.

Motion adopted 4-0-1 (Councilmember Herbst abstained from the Workshop Meeting Minutes of October 13, 2016, due to his absence.).

Aye: 4 - Councilmember Swanson, Councilmember Bourke, Councilmember King and Councilmember Hovland

Abstain: 1 - Councilmember Herbst

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.-1 [PROC 16-07](#) PROCLAIMING NOVEMBER 1, 2015 AS EXTRA MILE DAY AND RECOGNIZING THE BLAINE HIGH SCHOOL FOOTBALL PROGRAM

AND THE BLAINE FESTIVAL COMMITTEE

Mayor Pro Tem Swanson proclaimed November 1, 2016 to be Extra Mile Day and recognized Blaine High School Football Coach and Team for their volunteer services, and the Blaine Festival Committee Tim Duevel, John Smithe and Kat Smithe for their volunteer services.

Informational: no action required

6. COMMUNICATIONS

Councilmember Bourke reminded residents to get out and vote.

Councilmember Herbst reminded residents to hunt safely.

City Clerk Sorenson gave an overview on how residents can vote.

Informational; no action required

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Pro Tem Swanson opened the Open Forum at 7:40 p.m.

Caleb Davis, 8960 Hastings Street, stated he came home to a flooded basement on September 22, 2016. He noted his basement was fully finished and he had a company come to clean it. He stated the insurance company has denied liability because the City's road that was under construction when it flooded. He stated his sump pump was working but could not keep up with the water. He stated the residents are asking for help from the City to fight the insurance company.

City Attorney Sweeney replied the City cannot represent the residents in a lawsuit against the insurance company due to a conflict of interest. He noted if the City has a dispute with the contractor they can go after the contractor, but it will not get the residents' money back.

Councilmember Herbst asked if the residents can sue the City. City Attorney Sweeney replied the residents could sue the City and Contractor and there would be two insurance companies involved in the suit.

City Manager Arneson stated the City has a loan program to get the residents the funds quickly to repair their homes and the interest would be deferred. He noted the insurance company has not formally rejected the claims yet.

Councilmember Bourke asked if a performance bond is in place. City Manager Arneson replied yes, and the City will receive liquidated damages.

Tom Dorn, 8666 Hastings Street, stated he spoke at the Council meeting on October 6, 2016. He stated the Mayor said the City will go after the contractor. He stated the storm drains are at fault as well as the rain. He stated he talked to the League of Minnesota Cities and the contractor took ownership of the road construction and not the sewer. City Attorney Sweeney replied the City can sue the contractor, but will not solve the residents' damage problem.

Mr. Dorn stated the City sent the paperwork to Amerasure and that the League of Minnesota Cities is not covering the damages. He asked if the residents need to file with Weidema. City Attorney Sweeney replied he cannot give the residents legal advice. He stated the claim has not been denied. He stated if the claim is denied, the residents can move forward with legal action by talking to an attorney.

Mr. Dorn stated Amerisure is pointing to the blame on the City's Engineering.

Councilmember King asked for the next steps if the claim is denied. City Manager Arneson replied if the claim is denied the residents can seek legal action.

Peter Moberg, 8695 Hastings Street, thanked the City for the loan program and for the dumpsters. He requested a copy of the contractor's contract. City Manager Arneson replied staff can provide a copy of the contract. Mr. Moberg replied he has spent up to \$12,000 in clean up so far. He stated the contractor should have been prepared for the rain with the weather prediction and the state of the site. He stated pumps should have been ready and waiting. He stated no one has come to inspect inside the residents' homes. He noted he had 10 inches of water in his basement.

Mayor Pro Tem Swanson commented the road construction project had a lot of starting and stopping.

There being no further input, Mayor Pro Tem Swanson closed the Open Forum at 7:59 p.m.

Discussed

8. ADOPTION OF AGENDA

Amended postponing Item 11.1 to 12-15-16 Council meeting

9. 8:00 P.M. - ITEMS SET FOR A CERTAIN TIME

9.-1 [Com 16-06](#) PUBLIC COMMENT FOR BODY WORN CAMERAS

Mayor Pro Tem Swanson opened the public hearing at 8:00 p.m.

Safety Services Manager/Police Chief Olson stated this public hearing is part of a phase related to the purchase and implementation of Body Worn Cameras (BWCs) for Police Officers. He stated there is an important relationship between the Police Department and its Community and many people can see the importance of BWCs, the issues they can address and information they can provide in a situation. He stated BWCs brings an additional perspective. He noted Officer reports and witnesses accounts are always very important in the overall understanding on what occurred and what is captured on film or in a report. He stated the Legislature recently changed Statues related to data and addressing the use of BWCs. He stated one component is that prior to implementation or purchase there needs to be a public comment period which the Council is doing tonight. He stated on the City's public website there is information on BWCs that includes an email site and there is also an email site on the City's newsletter for the citizens to comment. He noted the comment period will remain open for approximately one month for the purchase and implementation which is considered phase one. He stated the Council has reviewed the general fund budget and capital budget information related to BWCs. He stated when it has been determined to move ahead with the purchase and implementation; the next phase will be another comment period that is mandated by Statute regarding the draft policy. He stated a draft policy will be posted on the City's website in 2017 and will have public comment period. He stated the comments gathered from both sites will be responded to in a Frequently Asked Questions (FAQ) section on the website.

Informational; no action required.

10. APPROVAL OF CONSENT AGENDA:

Moved by Councilmember Herbst, seconded by Councilmember King, that the following be approved:

Motion adopted unanimously.

10.-1 [MO 16-098](#) SCHEDULE OF BILLS PAID

Approved

10.-2 [RES 16-159](#) RECEIVE PETITION AND ORDER PUBLIC HEARING FOR VACATION OF DRAINAGE AND UTILITY EASEMENT, EAST 34' OF LOT 1 AND ALL OF LOT 2, BLOCK 1, WALLACE WOODS, VACATION NO. V16-03

Adopted

10.-3 [ORD 16-2366](#) SECOND READING

AMENDING ORDINANCE SECTION 74-82(a)(11) - REVISION TO
SIDEWALK REQUIREMENTS

Adopted

11. DEVELOPMENT BUSINESS**11.-1 RES 16-160** GRANTING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR AN EXPANSION OF AUTO REPAIR BUSINESS AND ADDITIONAL OUTDOOR STORAGE OF VEHICLES IN AN I-1 (LIGHT INDUSTRIAL) ZONING DISTRICT AT 1550 91ST AVENUE NE. FAMILY AUTO CARE. (CASE FILE NO. 16-0045/LSJ)

Planning and Community Development Director Schafer stated the applicant is applying for a conditional use permit amendment to expand his business in the Cornerstone Office Warehouse building at 1550 91st Avenue NE. He stated Family Auto Care and Transmission occupies suite 103 and has expanded to suites 101, 102, and 307 for a total square footage of 14,400 square feet. He stated the applicant would also like to store up to 20 vehicles outside in the rear of the building; although vehicles are generally picked up by customers or brought indoors overnight. He noted the zoning of the property is I-1 (Light Industrial). He stated staff suggests postponing this agenda item to the Council meeting on December 15, 2016.

Councilmember Hovland commented there have been compliance issues with this applicant in the past. He suggested the applicant move to a larger site.

Councilmember Bourke commented the City needs to support growing businesses.

Mayor Pro Tem Swanson commented he agrees the City needs to support growing businesses up to the point where they start to hinder other businesses.

Moved by Councilmember Bourke and Councilmember Herbst that Resolution 16-160, "Granting a Conditional Use Permit Amendment to allow for an Expansion of Auto Repair Business and Additional Outdoor Storage of Vehicles in an I-1 (Light Industrial) Zoning District at 1550 91st Avenue NE. Family Auto Care. (Case File No. 16-0045/LSJ)," be postponed to the Council meeting on December 15, 2016.

Motion adopted unanimously.

Aye: 5 - Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

11.-2 [RES 16-161](#)

GRANTING A SIX-MONTH EXTENSION FOR PRELIMINARY PLAT FOR BALL ROAD 3RD ADDITION, LOCATED AT OUTLOT A, BALL ROAD ADDITION. CREATIVE CAPITAL HOLDINGS LP. (CASE FILE NO. 15-0064/LSJ)

Planning and Community Development Director Schafer stated the Driessen Group, LLC received approval of a preliminary plat for the outlot on the southwest side of the entrance road to Walmart on Ball Road and a conditional use permit to allow for the construction of two multi-tenant retail buildings. He noted the Driessen Group, LLC is no longer involved with the development. He stated the property owner would like to extend the approval of the preliminary plat and conditional use permit to market the property and confirm tenants. He noted that if the property owner finds a user that wants to deviate from the conditional use permit, that user will need to apply for a conditional use permit amendment. He noted the site is zoned PBD (Planned Business District).

Council discussion on building signage from Ball Road.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Resolution 16-161, "Granting a Six-Month Extension for Preliminary Plat for Ball Road 3rd Addition, located at Outlot A, Ball Road Addition. Creative Capital Holdings LP," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

11.-3 [RES 16-162](#)

GRANTING A SIX-MONTH EXTENSION FOR THE CONDITIONAL USE PERMIT TO ALLOW FOR CONSTRUCTION OF TWO MULTI-TENANT RETAIL BUILDINGS ON ONE LOT IN A PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICT, LOCATED AT OUTLOT A, BALL ROAD ADDITION. CREATIVE CAPITAL HOLDINGS LP. (CASE FILE NO. 15-0064/LSJ)

Planning and Community Development Director Schafer stated the Driessen Group, LLC received approval of a preliminary plat for the outlot on the southwest side of the entrance road to Walmart and a conditional use permit to allow for the construction of two multi-tenant retail buildings. He noted the Driessen Group, LLC is no longer involved with the development. He stated the property owner would like to extend the approval of the preliminary plat and conditional use permit to market the property and confirm tenants. He noted that if the property owner finds a user that wants to deviate from the conditional use permit, that user will need to apply for a conditional use permit amendment. He noted the site is zoned PBD (Planned Business District).

Moved by Councilmember Herbst, seconded by Councilmember Hovland, that Resolution 16-162, "Granting a Six-Month Extension for the Conditional Use Permit to allow for Construction of Two Multi-Tenant Retail Buildings on One Lot in a PBD (Planned Business District) Zoning District, located at Outlot A,

Ball Road Addition. Creative Capital Holdings LP,” be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

12. ADMINISTRATION

12.-1 [ORD 16-2367](#) SECOND READING

AMENDING SECTION 74-81(g)(4)g OF THE MUNICIPAL CODE OF THE CITY OF BLAINE ESTABLISHING 2017 PARK DEDICATION FEES

Public Services Manager Therres stated the Park Board is recommending an increase in park dedication fees of 10% residential, 5% commercial and 10% industrial based on fair market value.

Councilmember Herbst stated he does not support 10% industrial fee increase. He requested the industrial fee remain at the 2016 rate. He stated he agrees with a fee increase of 10% residential and 5% commercial.

Councilmember King stated he does not support 10% industrial fee increase. He requested the industrial fee remain at the 2016 rate. He stated he agrees with a fee increase of 10% residential and 5% commercial.

Recreation Manager Krieger stated the City separates commercial and industrial; although other cities' combine commercial and industrial. He noted Blaine is the eighth highest city out of 12.

Councilmember Bourke asked if staff has a justification for the increase.

Public Services Manager Therres stated staff completes a five-year plan and the requirements and funds needed. He noted current funds are 80% parks and 20% open space for five years; the fund used to be 65% parks and 35% open space.

Councilmember Bourke commented the fees need to be affordable for the developers.

City Clerk Sorenson stated the change is substantial so First Reading needs to be postponed.

Postponed

12.-2 [RES 16-164](#) ADOPT 2017 CABLE TELEVISION BUDGET

Finance Director Huss stated the City's Cable Television Fund accounts for revenue received from cable franchise fees paid by the cable television customers and passed through to the North Metro Telecommunications Commission (NMTC). He stated staff anticipates the net franchise fee revenue distributed to Blaine in 2017 will be slightly higher than 2016 due to the NMTC's decision to increase the cities' revenue share. He stated the proposed 2017 Cable Fund operating budget includes an appropriation for the production and distribution of eight issues of the City's newsletter; administrative charges; staffing costs to produce the meetings that the City shows live; contractual services to maintain website video-on-demand of Council meetings and other city programming; and maintenance of the Legistar System. He noted no capital expenses are proposed for 2017. He stated the improvements associated with upgrades to high-definition video production should be completed by the end of 2016.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Resolution 16-164, "Adopt 2017 Cable Television Budget," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

12.-3 [RES 16-165](#)

ADOPT 2017 CHARITABLE GAMBLING FUND BUDGET

Finance Director Huss stated the Council reviewed the proposed budget and the estimated fund reserves and directed staff to appropriate funding for 2017 for the following organizations: Alexandra House, CEAP, Centennial Food Shelf, Hope for the Community, three high schools, Civil Air Patrol, SBM Fire (Fireworks), Family Promise - Anoka County, Hope 4 Youth, Stepping Stone Housing, and Bridgeview Drop-in Center. He stated Council has requested an amendment to the proposed budget to add \$2,500 to Beyond the Yellow Ribbon and reduce the Civil Air Patrol by \$2,500.

Moved by Councilmember Herbst, seconded by Councilmember Bourke that Resolution 16-165, "Adopt 2017 Charitable Gambling Fund Budget as amended," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

12.-4 [RES 16-166](#)

ADOPTING THE 2017 - 2018 CIF INTEREST FUND PLAN FOR NEIGHBORHOOD PARK IMPROVEMENTS AND THE ACCEPTANCE OF GRANT MONEY FROM GAME TIME COMPANY IN THE AMOUNT OF \$60,676.50.

Recreation Manager Krieger stated the City has the opportunity to receive matching grant money for playground equipment through a grant from Game Time. He stated the grant would pay for one half of the cost of playground equipment if

purchased by the City in 2016.

Council discussion on City parks.

Moved by Councilmember Hovland, seconded by Councilmember Herbst that Resolution 16-166, "Adopting the 2017 – 2018 CIF Interest Fund Plan for Neighborhood Park Improvements and the Acceptance of Grant Money from Game Time Company in the Amount of \$60,676.50," be approved.

Motion adopted unanimously.

Aye: 5 - Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

13. OTHER BUSINESS

None.

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 8:38 p.m.

Aye: 5 - Councilmember Swanson, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland