

UNAPPROVED

CITY OF BLAINE
ANOKA COUNTY, MINNESOTA
CITY COUNCIL MEETING
Thursday, April 7, 2016

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

CALL TO ORDER BY MAYOR RYAN

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

PRESENT: Mayor Tom Ryan, Councilmembers Russ Herbst, Jason King, and Dick Swanson.

Pursuant to Minn. Stat. 13D.02 notice is hereby given that Councilmember King will be participating in the meeting via interactive television from Las Vegas, Nevada.

ABSENT: Councilmembers Mike Bourke, Dave Clark, and Wes Hovland

Quorum present.

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

APPROVAL OF MINUTES

Regular Meeting – March 3, 2016

Workshop Retreat Meeting – March 10, 2016

Workshop Meeting – March 17, 2016

Regular Meeting – March 17, 2016

Moved by Councilmember Swanson, seconded by Councilmember Herbst that the Regular Meeting Minutes of March 3, 2016; the Workshop Retreat Meeting Minutes of March 10, 2016; the Workshop Meeting Minutes of March 17, 2016; and the Regular Meeting Minutes of March 17, 2016; be approved.

Motion adopted 3-0-1 (Mayor Ryan abstained from the Workshop Meeting Minutes of March 17, 2016; and the Regular Meeting Minutes of March 17, 2016 due to his absence).

Mayor Ryan removed agenda items 12.2 and 12.5 from the agenda.

AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

5.1 Resolution 16-042, Acceptance of Donation from Girl Scout Troop 14079.

Police Chief/Safety Services Manager Olson stated Girl Scout Troop 14079 raised money for the Blaine Public Safety Association to purchase a bullet proof vest for Blaine K9 Remy.

Moved by Councilmember Herbst, seconded by Councilmember Swanson, to accept the donation and offer appreciation to Girl Scout Troop 14079 for the Blaine Public Safety Association for facilitating this donation.

Motion adopted unanimously.

COMMUNICATIONS

Mayor Ryan announced the opening of the second Goodwill store to the City of Blaine at 4333 Ball Road.

6.1 Introduction of New Fire Chief – Charlie Smith

Tom Newland, SBM Fire Board, stated Chief Charlie Smith has been hired and started work with SBM on April 4, 2016. He noted Chief Smith has been introduced to the day and night SBM crews and tonight to the City Council. He noted that Chief Smith will be introduced to the Spring Lake Park City Council and Mounds View City Council later this month. He stated the official badging ceremony will take place in the near future.

Harley Wells, SBM Fire Board, gave an overview of the process used to hire Fire Chief Smith. He noted that Chief Zikmund will retire on May 1, 2016.

Andy Westerberg, SBM Fire Board, gave an overview of Chief Smith's career, education, and experience. He noted that Chief Smith is a retired veteran after 22 years with Minnesota Air National Guard.

Chief Smith stated he is excited to be working with SBM and is looking forward to getting to know the communities they serve.

Mayor Ryan thanked the SBM Fire Board for their work on hiring the new chief.

OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:55 p.m.

There being no further input, Mayor Ryan closed the Open Forum at 7:55 p.m.

ADOPTION OF AGENDA

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

9.1 Resolution 16-043, Vacation of Utility Easement, South Oaks Pond, Vacation No. V16-01.

Moved on the agenda to follow agenda item 11.1.

APPROVAL OF CONSENT AGENDA

Councilmember Swanson requested the removal of agenda item 10.2.

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

10.1 Motion 16-035, Schedule of Bills Paid 3/11/16, 3/18/16, and 3/25/16.

~~10.2 Resolution 16-041, Acceptance of Donation from the Blaine Festival.~~

10.3 Motion 16-036, Approve Temporary Nursery Sales Licenses.

10.4 Motion 16-037, Approve Therapeutic Massage Enterprise License at Peony Massage LLC, 11724 Ulysses Street, Suite 120, Blaine, MN 55434.

10.5 Motion 16-038, Approve Therapeutic Massage Enterprise License for Serenity Mind Body and Soul LLC, 11901 Central Avenue NE, Blaine, MN 55434.

10.6 Motion 16-039, Approve a Name Change for the Bebop and Elegance Room to Banquets of Minnesota Blaine, 1009 109th Avenue NE.

10.7 Resolution 16-044, Approve a Premises Permit Name Change for Charitable Gambling for Spring Lake Park Lions Club at Banquets of Minnesota Blaine, 1009 109th Avenue NE, Formerly Bebop's Sports Bar.

10.8 Motion 16-040, Approve a Temporary On-sale 3.2 Malt Liquor License for Church of St. Timothy's Parish Dinner, 707 – 89th Avenue NE.

10.9 Resolution 16-045, Granting Approval to Conduct Off-site Gambling at the TPC on April 18, 2016 for the Spring Lake Park Lions.

10.10 Resolution 16-046, Approve Temporary Road Closure for World Fest.

10.11 Resolution 16-047, Resolution Approving an Amendment to the Blaine Economic Development Project Plan, Establishing a Redevelopment Tax Increment Financing District and Approving a Tax Increment Financing Plan Therefor (Oak Park Plaza Project).

10.12 Motion 16-041, Selection of a Printer for the 2016 City Newsletter.

Motion adopted unanimously.

10.2 Resolution 16-041, Acceptance of Donation from the Blaine Festival.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Resolution 16-041, "Acceptance of Donation from the Blaine Festival," be accepted.

Acting City Manager Therres stated the Blaine Festival is donating money to supplement the City's inventory of picnic tables to be used at the Blaine Festival and other City events.

Motion adopted unanimously.

DEVELOPMENT BUSINESS

11.1 Resolution 16-048, Granting a Conditional Use Permit to Allow for a Shared Driveway Between the Two Subject Properties at 1525 99th Lane and 10040 Davenport Street NE (Green Lights Recycling).High Tides Properties, LLC. (Case File No. 16-0008/LSJ).

Moved by Councilmember Herbst, seconded by Councilmember Swanson, that Resolution 16-048, "Granting a Conditional Use Permit to Allow for a Shared Driveway Between the Two Subject Properties at 1525 99th Lane and 10040 Davenport Street NE (Green Lights Recycling).High Tides Properties, LLC," be approved.

Planning and Community Development Director Schafer stated Green Lights Recycling is a tenant in the building at 1525 99th Lane on Lot 1 of the plat and they occupy the building at 10040 Davenport Street. He stated Lot 2 of the plat is located in between Lot 1 and 10040 Davenport Street and is currently vacant. He stated when the plat was approved by the Council, it was suggested that a driveway could be constructed between 1525 99th Lane and 10040 Davenport via Lot 2 of the plat. He stated a driveway connection between the lots requires a conditional use permit.

Motion adopted unanimously.

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

9.1 Resolution 16-043, Vacation of Utility Easement, South Oaks Pond, Vacation No. V16-01.

Mayor Ryan opened the public hearing at 8:01 p.m.

City Engineer Keely stated a petition was submitted by Kevin & Victoria Fairchild requesting vacation of a portion of a utility easement on Lots 2A & 2B, Block 1, South Oaks Pond. She stated the vacation is being requested to allow for construction of a deck off of the rear of their house. She noted the applicant is a single property owner who represents 100% of the affected property abutting this easement. She also noted that the original easement belonged to Great River Energy and they have released their control over the portion being vacated.

Mayor Ryan closed the public hearing at 8:02 p.m.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Resolution 16-043, "Vacation of Utility Easement, South Oaks Pond," be approved.

Motion adopted unanimously.

DEVELOPMENT BUSINESS (CONTINUED)

11.2 Ordinance 16-2349, Granting a Rezoning from FR (Farm Residential) to R-1A (Single Family) for the Hideaway of Blaine at 1749 118th Avenue NE. Bald Eagle Builders, Inc. (Case File No. 16-0009/LSJ).

Planning and Community Development Director Schafer stated Bald Eagle Builders, Inc. is proposing to develop a small infill plat (8 lots) on a 4.6 acre property that is between 119th Avenue and 118th Avenue just to the east of Aberdeen Street/Club West Parkway. He stated the proposal requires a rezoning of the property and approval of a preliminary plat. He stated in order to plat the property it must be rezoned from FR (Farm Residential) to R-1A (Single Family).

Declared by Mayor Ryan that Ordinance 15-2349, "Granting a Rezoning from FR (Farm Residential) to R-1A (Single Family) for the Hideaway of Blaine at 1749 118th Avenue NE. Bald Eagle Builders, Inc.," be introduced and placed on file for second reading at the April 21, 2016, Council meeting.

11.3 Resolution 16-049, Granting a Waiver of Platting to Adjust the Property Line Between two (2) Lots in Victory Village Located at 1560 109th Avenue NE. CSRS, Inc. and Raising Cane's Restaurant, LLC. (Case File No. 16-0007/LSJ).

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Resolution 16-049, "Granting a Waiver of Platting to Adjust the Property Line Between two (2) Lots in Victory Village Located at 1560 109th Avenue NE. CSRS, Inc. and Raising Cane's Restaurant, LLC," be approved.

Planning and Community Development Director Schafer stated the applicant is proposing a waiver of platting or lot split, to split off a portion of Lot 1, Block 1 Victory Village 5th Addition so it can be combined with an adjacent lot. He stated Tract A will be the site on which Raising Cane's will be located and Tract B will be combined with Lot 4, Block 1 Victory Village 4th Addition.

Motion adopted unanimously.

11.4 Resolution 16-050, Granting a Conditional Use Permit to Allow for the Construction of a 4,352 Square Foot Raising Cane's Restaurant, a Shared Access and Parking and Pole Mounted Lighting that is up to 40-Feet in Height at 1560 109th Avenue NE. CSRS, Inc. and Raising Cane's Restaurant, LLC. (Case File No. 16-0007/LSJ).

Moved by Councilmember Herbst, seconded by Mayor Ryan, that Resolution 16-050, "Granting a Conditional Use Permit to Allow for the Construction of a 4,352 Square Foot Raising Cane's Restaurant, a Shared Access and Parking and Pole Mounted Lighting that is up to 40-Feet in Height at 1560 109th Avenue NE. CSRS, Inc. and Raising Cane's Restaurant, LLC," be approved.

Planning and Community Development Director Schafer stated Victory Village is the commercial/retail development on the southeast corner of 109th Avenue and Highway 65 and Raising Cane's restaurant will be located on one of the last remaining lots. He stated the site is zoned PBD (Planned Business District) and a conditional use permit is required in order to construct a building and develop this site. He noted that part of the conditional use permit approval includes a shared access for the site.

Yanez Moree, CSRS Architect for Raising Canes, gave an overview of the restaurant's history. He noted Raising Canes serves only chicken.

Motion adopted unanimously.

11.5 Resolution 16-051, Granting Preliminary Plat Approval to Subdivide 33.35 Acres into 45 Lots and Five (5) Outlots to be Known as Parkside North NW Townhomes, Located at Fraizer Street and 124th Lane. Parkside North, LLC. (Case File No. 15-0006/SLK).

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Resolution 16-051, "Granting Preliminary Plat Approval to Subdivide 33.35 Acres into 45 Lots and Five (5) Outlots to be Known as Parkside North NW Townhomes, Located at Fraizer Street and 124th Lane. Parkside North, LLC," be approved.

Councilmember Herbst stated this sewer line extension will not affect the people on Lever Street. Planning and Community Development Director Schafer replied you are correct. He stated this plat will rely on a sewer on Fraizer Street on the west side of the development. He stated the sewer is not going north of Main Street and this project has nothing to do with the east side sewer or Lever Street sewer because it is separate.

Councilmember Herbst confirmed that there is no conflict of interest. City Attorney replied based on Planning and Community Development Director Schafer's comments there is no conflict of interest and that Councilmember Herbst may participate in a vote this evening.

Planning and Community Development Director Schafer stated the applicant is proposing to subdivide an existing outlot into 45 single family detached units and five outlots. He stated Parkside North NW Townhomes consists of subdividing approximately 8.63 acres into a subdivision with 45 dwelling units. He stated the preliminary plat also includes five outlots for drainage, ponding, future commercial and multi-family development, and private roadways.

Mayor Ryan asked if any of the properties will need flood insurance. Don Jensen, developer, replied few properties were included in the FEMA map amendment and there are none within the zone. He stated he would like that removed from the plat so it is not a title issue.

Councilmember Herbst asked about sidewalks in the development. Planning and Community Development Director Schafer stated under the current design the development will have privately maintained sidewalks due to it being a cut through to the commercial area.

Councilmember Swanson asked if the City has other developments with privately maintained sidewalks. Planning and Community Development Director Schafer reply yes there are several.

Councilmember Herbst asked if a driveway will be added from the street to the commercial area. Planning and Community Development Director Schafer replied yes when the commercial is platted.

Councilmember King asked if any of the units qualify as affordable housing. Planning and Community Development Director Schafer replied no this project does not qualify as affordable housing.

Mr. Jensen stated this development is higher and every portion of infrastructure raises the base of each unit. He stated the builder is in disagreement with adding a sidewalk and respectfully request the sidewalk be deleted as part of the internal infrastructure. He noted this will be an empty nester neighborhood.

Motion adopted unanimously.

11.6 Resolution 16-052, Granting a Conditional Use Permit to Allow for Construction of 45 Single Family Detached Townhomes in a DF (Development Flex) Zoning District at Fraizer Street and 124th Lane. Parkside North, LLC. (Case File No. 16-0006/SLK).

Moved by Councilmember Herbst, seconded by Mayor Ryan, that Resolution 16-052, "Granting a Conditional Use Permit to Allow for Construction of 45 Single Family Detached Townhomes in a DF (Development Flex) Zoning District at Fraizer Street and 124th Lane. Parkside North, LLC," be approved.

Planning and Community Development Director Schafer stated the applicant is proposing to subdivide an existing outlot into 45 single family detached units and five outlots. He stated Parkside North NW Townhomes consists of subdividing approximately 8.63 acres into a subdivision with 45 dwelling units. He stated the preliminary plat also includes five outlots for drainage, ponding, future commercial and multi-family development, and private roadways. He stated a change to the Standard Condition Number 16 to read as "Outlots A, B, and C and all improvements on those outlots as shown on the preliminary plat to be maintained by the Homeowners Association."

Moved by Councilmember Herbst, seconded by Councilmember Swanson, to amend Standard Condition Number 16 to Outlots A, B, and C and all improvements on those outlots as shown on the preliminary plat to be maintained by the Homeowners Association.

Amendment adopted unanimously.

Amended motion adopted unanimously.

ADMINISTRATION

12.1 Resolution 16-053, Receive Feasibility Report and Order Public Hearing for the Reconstruction of 91st Avenue from Jefferson Street to Polk Street. Improvement Project No. 15-20.

Moved by Mayor Ryan, seconded by Councilmember Swanson, that Resolution 16-053, "Receive Feasibility Report and Order Public Hearing for the Reconstruction of 91st Avenue from Jefferson Street to Polk Street," be approved.

City Engineer Keely stated the proposed project will reconstruct 91st Avenue from Jefferson Street to Polk Street. She stated the proposed improvements include installation of concrete curb and gutter, storm sewer improvements, new bituminous asphalt surface, replacement of existing water main and appurtenant construction. She stated the project will also replace the existing sanitary sewer castings/rings and a sanitary manhole. She stated staff will need to work with Coon Creek Watershed District. She stated the project will be assessed to benefiting properties over a ten year period and the remaining costs are to be paid from the City's Pavement Management Program. She noted the costs for the sanitary sewer and water main work will be paid from the Public Utility Fund.

Councilmember Swanson asked about the school being assessed. City Engineer Keely replied the assessment will be the whole width of the school's parcel.

Councilmember Swanson requested a report on a comparison of work and assessments to benefiting properties of neighboring cities.

Councilmember Swanson asked about adding curb and gutter and if the street will be widened. City Engineer Keely replied the street will be narrower. She noted the current street is 30 feet wide and the standard street is 28 feet wide.

Mayor Ryan commented residents would need to petition for a sidewalk if they want one installed.

Motion adopted unanimously.

12.2 — Resolution 16-054, Declare Adequacy of Petition and Order Preparation of Feasibility Report for Level Street North of 125th Avenue. Improvement Project No. 16-10.

Removed from the agenda.

12.3 — Resolution 16-055, Accept Bid from Pearson Bros., Inc., in the amount of \$190,898.00 for the 2016 Seal Coat Program. Improvement Project No. 16-02.

Moved by Mayor Ryan, seconded by Councilmember Herbst, that Resolution 16-055, “Accept Bid from Pearson Bros., Inc., in the amount of \$190,898.00 for the 2016 Seal Coat Program,” be approved.

City Engineer Keely stated bids have been checked and tabulated, and it has been determined that Pearson Bros., Inc. of Hanover, Minnesota is the lowest bidder. She noted the Engineering Department has worked with Pearson Bros., Inc. on previous contracts and recommends the low bid be accepted and a contract entered into with Pearson Bros., Inc. She stated the City Council is also asked to approve a 10% contingency. She stated the funding source for this project is the General Fund and there are sufficient funds to cover these costs.

Councilmember Herbst asked about the Willowbrook plat area. City Engineer Keely replied that area had new pavement with the platting. She stated seal coat will go on after the wear course.

Councilmember Swanson asked about public hearings for Hastings Street. City Engineer Keely replied the Hastings resolution will be brought to the Council meeting on April 21, 2016. She noted the delay will not affect the schedule.

Motion adopted unanimously.

12.4 — Resolution 16-056, Accept Bid from Warning Lights of Minnesota, Inc. in the amount of \$50, 940.80 for the 2016 Pavement Markings. Improvement Project No. 16-03.

Moved by Councilmember Herbst, seconded by Councilmember Swanson, that Resolution 16-056, “Accept Bid from Warning Lights of Minnesota, Inc. in the amount of \$50, 940.80 for the 2016 Pavement Markings,” be approved.

City Engineer Keely stated bids have been checked and tabulated, and it has been determined that Warning Lights of Minnesota, Inc. of Minneapolis, Minnesota is the lowest bidder. She noted that the budget for pavement markings is \$48,000 and the low bid is over budget by \$2,940.80. She noted that if the Council accepts the low bid, it could require a budget adjustment later in the year based on final construction cost. She stated the Engineering Department has worked with Warning Lights of Minnesota, Inc. on previous contracts and recommends the low bid be accepted and a contract entered into with Warning Lights of Minnesota, Inc. She stated the Council is also asked to approve a 5% contingency. She stated the funding source for this project is the General Fund and sufficient funds will be identified to cover these costs.

Motion adopted unanimously.

12.5 — Resolution 16-057, Receive Feasibility Report and Order Public Hearing for the Reconstruction of Hastings Street from 85th Avenue to Cul de sac. Improvement Project No. 15-22.

Removed from the agenda.

12.6 Resolution 16-058, Authorization to Hire Public Service Worker and Make Budget Adjustment to Fund New Position.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Resolution 16-058, “Authorization to Hire Public Service Worker and Make Budget Adjustment to Fund New Position,” be approved.

Acting City Manager Therres stated the Council directed staff to bring back a proposal to hire one Public Service Worker and show how that new position would be funded. He stated the total cost for an additional Public Service Worker is \$83,500 and the new position requires the Council to make a budget adjustment of \$30,000 in the Storm Water Budget to fund the activities that the position would perform that are storm water related. He noted the existing 2016 General Fund Budget would not need a budget adjustment; although the Storm Water Budget would need an amendment.

Councilmember Swanson confirmed this position would work on public works projects and storm water projects. Acting City Manager Therres replied yes.

Motion adopted unanimously.

12.7 Ordinance 16-2346, Chapter 54 – Parks and Recreation Article III. – Conduct in Public Parks.

Moved by Councilmember King, seconded by Councilmember Herbst, that Ordinance 16-2346, “Chapter 54 – Parks and Recreation Article III. – Conduct in Public Parks,” be approved.

City Clerk Sorensen stated staff is proposing code amendments to allow intoxicating alcohol to be sold by nonprofit groups or State-licensed caterers in community parks such as Aquatore, Blaine Baseball Complex, and Lexington Athletic Complex but not in neighborhood parks or at Lakeside Commons; address advertising and signage allowed in City parks as part of a City-approved event; authority to establish additional regulations with regard to special events in public parks such as insurance, traffic management plans parking requirements, and inspections; and minor housekeeping amendments with regard to use of motorboats within City limits. She stated staff is recommending two minor changes since first reading was held on March 17, 2016 which is a correction to Sec. 54-75 and clarifying language to Sec. 54-72.

Motion adopted unanimously.

12.8 Ordinance 16-2348, Amending Chapter 6 – Alcoholic Beverages, Article II. – Intoxicating Liquor and 3.2 Percent Malt Liquor, Sec. 6-38. – Kinds of Liquor Licenses; Sec. 6-47. – Restrictions on Issuance of License; and Sec. 6-48. – Conditions of License.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Ordinance 16-2348, “Amending Chapter 6 – Alcoholic Beverages, Article II. – Intoxicating Liquor and 3.2 Percent Malt Liquor, Sec. 6-38. – Kinds of Liquor Licenses; Sec. 6-47. – Restrictions on Issuance of License; and Sec. 6-48. – Conditions of License,” be approved.

City Clerk Sorensen stated Council's direction is to allow the sale of intoxicating liquor by nonprofit organizations, staff proposed code amendment to Chapter 6 - Alcoholic Beverages. Parameters regarding requirements and location of any sale are addressed in Chapter 54 - Conduct in Public Parks.

Motion adopted unanimously.

OTHER BUSINESS

Mayor Ryan stated the Police Department will be working on a campaign to help address texting and distracted driving. Police Chief/Safety Services Manager Olson replied there is a State-wide push on this issue and that the Police Department will be focusing on this during the month of April.

ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Swanson, to adjourn the meeting at 8:47 p.m.

Tom Ryan, Mayor

ATTEST:

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