



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

10801 Town Square Drive
Blaine MN 55449

Thursday, June 4, 2015

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:35 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; Recreation Manager Jerome Krieger; 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 15-18](#) RECENTLY HELD MEETINGS

Moved by Councilmember Herbst, seconded by Councilmember Hovland, that the Workshop Meeting Minutes of May 14, 2015, Workshop Meeting Minutes of May 21, 2015, and the Regular Meeting Minutes of May 21, 2015, be approved.

Motion adopted 5-0-2.

Councilmember Clark abstained from the Workshop Meeting Minutes of May 14, 2015 due to his absence.

Councilmember Swanson abstained from the Workshop Meeting Minutes and the Regular Meeting Minutes of May 21, 2015 due to his absence.

Aye: 5 - Mayor Ryan, Councilmember Bourke, Councilmember Herbst, Councilmember King and Councilmember Hovland

Abstain: 2 - Councilmember Swanson and Councilmember Clark

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Councilmember King recognized DaVinci Academy's third grade for receiving a National Champion award from the Continental Math League

Mayor Ryan thanked the volunteers on Aviation Days.

Mayor Ryan thanked the volunteers on the opening of the 500 acre park.

Mayor Ryan welcomed Kintaro Japanese Restaurant to Blaine.

Mayor Ryan gave an update on the Blaine Historical Society's planning for the 50th Anniversary Celebration and a historical book the members are working on documenting the City's history.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:45 p.m.

Mayor Ryan announced the City has sold Cloverleaf Courts and Blaine Courts to Lang Nelson and Associates.

There being no input, Mayor Ryan closed the Open Forum at 7:46 p.m.

8. ADOPTION OF AGENDA

Councilmember Bourke requested agenda item 12.3 be moved on the agenda to follow the Consent Agenda.

Mayor Ryan stated agenda item 11.5 was removed from the agenda.

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

Moved on the agenda to follow agenda item 12.3.

10. APPROVAL OF CONSENT AGENDA

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

10.-1 [MO 15-077](#) SCHEDULE OF BILLS PAID

Approved

10.-2 [MO 15-078](#) APPROVE TREE SALE TREES

Approved

10.-3 [MO 15-079](#) APPROVE THERAPEUTIC MASSAGE ENTERPRISE LICENSE FOR PEONY MASSAGE LLC, 11724 ULYSSES STREET, SUITE 120, BLAINE, MN 55434

Approved

10.-4 [ORD 15-2315](#) SECOND READING

VACATION OF EASEMENT FOR UTILITY AND ROAD PURPOSES FOR LOT 7, BLOCK 1, HARPERS STREET WOODS 5TH ADDITION (OUTLOT B, HARPERS STREET WOODS 2ND ADDITION; DOCUMENT NO. 446892), VACATION NO. V15-03

Adopted

12. ADMINISTRATION

12.-3 [MO 15-081](#) APPROVE CONTRACTS FOR LEGAL SERVICES

Councilmember Herbst commented the Berglund firm was the lowest bidder and the City will save money on prosecution services.

Councilmember Herbst stated he has used the Berglund firm for personal business in the past, but he will not use them while they are contracted with the City. He stated he whole heartedly recommends the Berglund firm.

Mayor Ryan commented the Council has discussed the ethical part of contracting with firms that have been involved in campaigns and that want to continue to be involved in campaigns.

Councilmember Clark stated he did not know the Berglund firm prior to a campaign event last summer. He stated he returned the campaign contribution that he received from them at that event. He stated he is going to vote no on this motion for other reasons.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, for a three-year contract to be entered into with Berglund and Berglund Ltd. and Counsel Michael Scott to provide prosecution services to the City of Blaine.

Motion adopted 5-2.

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

Nay: 2 - Mayor Ryan and Councilmember Clark

Councilmember Hovland stated he has concerns about splitting the attorney contract with two law firms. He commented the Berglund firm was the lowest bidder on civil and prosecution services. He stated the Berglund firm had represented him in the past.

Moved by Mayor Ryan, seconded by Councilmember Herbst, for a three-year contract to be entered into with Sweeney Law Firm to provide civil services to the City of Blaine.

Aye: 5 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst and Councilmember Clark

Nay: 2 - Councilmember King and Councilmember Hovland

Councilmember Herbst stated while there would be a savings if the contract was awarded to the Berglund firm he was in favor of using the Sweeney firm for civil.

Councilmember Bourke stated he is in favor of using the Sweeney firm for civil.

Councilmember Hovland asked if communications between the two firms is written into the contract. City Manager Arneson replied no there is no communication clause in the contract. He stated that if communication is needed between the two firms, he and Police Chief Olson will communicate with the firms. He noted the contracts are independent.

Councilmember Herbst commented the City will draw knowledge from both firms.

Councilmember Bourke asked if there is a transition plan with the firms. City Manager Arneson replied during the handoff period, there will be communication between the two firms. He stated the transition will be complete by September 1, 2015.

Moved by Councilmember Bourke, seconded by Councilmember King, for a three-year contract to be entered into with Berglund and Berglund Ltd. and Counsel Michael Scott to provide both prosecution services and civil services to the City of Blaine.

Aye: 2 - Councilmember King and Councilmember Hovland

Nay: 5 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember Herbst and Councilmember Clark

Councilmember Hovland suggested Workshops with the City Attorneys on current civil and criminal work.

Councilmember Swanson suggested Workshops with Police Chief Olson

reporting on the criminal work.

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

- 9.-1 [RES 15-099](#) ORDER IMPROVEMENT, ORDER PREPARATION OF AND APPROVE PLANS AND SPECIFICATIONS, AND CONCUR WITH CITY OF LEXINGTON ON ADVERTISEMENT FOR BIDS FOR THE RECONSTRUCTION OF FLOWERFIELD ROAD FROM LAKE DRIVE TO LEXINGTON AVENUE, IMPROVEMENT PROJECT NO. 13-22

Mayor Ryan opened the public hearing at 8:07 p.m.

City Engineer Keely stated this is a joint project between the City of Lexington and the City of Blaine to reconstruct Flowerfield Road from Lake Drive to Lexington Avenue. She noted the costs are proposed to be funded by assessments over a 10 year period to benefitting properties and the City's Pavement Management Program.

Councilmember Clark left the meeting at 8:07 p.m. and returned at 8:09 p.m.

Councilmember Clark and Councilmember Herbst left the meeting at 8:09 p.m.

Mayor Ryan closed the public hearing at 8:10 p.m.

Councilmember Bourke asked if the new road can handle the heavy trucks. City Engineer Keely replied the road will be built to the City's standard.

Moved by Councilmember King, seconded by Councilmember Herbst that Resolution 15-099, "Order Improvement, Order Preparation of and Approve Plans and Specifications, and Concur with City of Lexington on Advertisement for Bids for the Reconstruction of Flowerfield Road from Lake Drive to Lexington Avenue," be approved.

Motion adopted 5-0-2 (Councilmembers Clark and Herbst were absent).

Aye: 5 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember King and Councilmember Hovland

Abstain: 2 - Councilmember Herbst and Councilmember Clark

- 9.-2 [RES 15-100](#) ORDER IMPROVEMENT FOR PARTIAL RECONSTRUCTION OF 87TH AVENUE IN THE CITY OF CIRCLE PINES, IMPROVEMENT PROJECT NO. 15-11

City Engineer Keely stated the City of Circle Pines will reconstruct 87th Avenue as part of their 2015 Street Improvement Project. She stated three parcels in Golden Lake Estates Second Addition are Blaine residents that access to 87th Avenue. She noted the City will assess the three benefitting properties over a 10 year period in accordance with the City's Assessment Policy.

Mayor Ryan opened the public hearing at 8:12 p.m.

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

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that Resolution 15-100, "Order Improvement for Partial Reconstruction of 87th Avenue in the City of Circle Pines," be approved.

Motion adopted 5-0-2 (Councilmembers Clark and Herbst were absent).

Aye: 5 - Mayor Ryan, Councilmember Swanson, Councilmember Bourke, Councilmember King and Councilmember Hovland

Abstain: 2 - Councilmember Herbst and Councilmember Clark

Councilmember Clark and Councilmember Herbst returned to the meeting at 8:14 p.m.

9.-3 [ORD 15-2316](#)

SECOND READING

CHAPTER 12. - MISCELLANEOUS AND TRANSITORY PROVISIONS SEC. 12.06. - VACATION OF STREETS.

City Clerk Sorensen stated the City's Charter dictates that vacations are granted by Ordinance. She stated staff recommends the Commission consider a Charter amendment to allow vacations to be granted by resolution rather than ordinance.

Mayor Ryan opened the public hearing at 8:15 p.m.

Mayor Ryan closed the public hearing at 8:16 p.m.

Declared by Mayor Ryan that Ordinance 15-2316, "Chapter 12. Miscellaneous and Transitory Provisions Sec. 12-06. Vacation of Streets," be introduced and placed on file for second reading at the June 18, 2015, Council meeting.

[RES 15-099](#)

ORDER IMPROVEMENT, ORDER PREPARATION OF AND APPROVE PLANS AND SPECIFICATIONS, AND CONCUR WITH CITY OF LEXINGTON ON ADVERTISEMENT FOR BIDS FOR THE RECONSTRUCTION OF FLOWERFIELD ROAD FROM LAKE DRIVE TO LEXINGTON AVENUE, IMPROVEMENT PROJECT NO. 13-22

Moved by Councilmember Bourke, seconded by Councilmember King to reconsider Resolution 15-099.

Motion adopted unanimously.

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

[RES 15-100](#)

ORDER IMPROVEMENT FOR PARTIAL RECONSTRUCTION OF

87TH AVENUE IN THE CITY OF CIRCLE PINES, IMPROVEMENT
PROJECT NO. 15-11

**Moved by Councilmember Bourke, seconded by Councilmember King to
reconsider Resolution 15-100.**

Motion adopted unanimously.

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

11. DEVELOPMENT BUSINESS

11.-1 [RES 15-101](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN EIGHT STORY OFFICE EXPANSION, AUDITORIUM AND SINGLE LEVEL PARKING STRUCTURE IN A POD (PLANNED OFFICE DISTRICT) ZONING DISTRICT AT 4321 109TH AVENUE NE. INFINITE CAMPUS. (CASE FILE NO. 15-0023/LSJ)

Planning and Community Development Director Schafer stated the applicant is proposing to expand their facility and double the number of employees.

Moved by Councilmember Bourke, seconded by Councilmember Herbst, that Resolution 15-101, "Granting a Conditional Use Permit to Allow for an Eight Story Office Expansion, Auditorium and Single Level Parking Structure in a POD (Planned Office District) Zoning District at 4321 109th Avenue NE. Infinite Campus," be approved.

Motion adopted unanimously.

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

11.-2 [RES 15-102](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW 1,196 SQUARE FEET OF GARAGE SPACE IN AN R-1 (SINGLE FAMILY) ZONING DISTRICT AT 9100 FLANDERS STREET NE. THE EXISTING ATTACHED GARAGE IS 572 SQUARE FEET AND THE PROPOSED DETACHED GARAGE IS 624 SQUARE FEET. KEITH WYNN. (CASE FILE NO. 15-0024/SLK)

Councilmember Hovland left the meeting at 8:25 p.m.

Planning and Community Development Director Schafer stated the applicant is requesting to construct a detached garage in the side yard of the property measuring 624 square feet. He noted a driveway to the new garage must connect to the existing driveway and not directly to Flanders Street.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Resolution 15-102, "Granting a Conditional Use Permit to Allow 1,196 Square Feet of Garage Space in an R-1 (Single Family) Zoning District at 9100 Flanders Street NE. The Existing Attached Garage is 572 Square Feet and the Proposed Detached Garage is 624 Square Feet. Keith Wynn," be approved.

Motion adopted 6-0-1 (Councilmember Hovland absent).

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

Abstain: 1 - Councilmember Hovland

11.-3 [RES 15-103](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE OUTDOOR STORAGE OF CONSTRUCTION RELATED MATERIALS, EQUIPMENT RENTAL, OUTDOOR STORAGE OF PROPANE TANKS, AND A ZERO LOT LINE WITH SHARED ACCESS AT 10630 NASSAU STREET. GARY CARLSON EQUIPMENT. (CASE FILE NO. 15-0006/SLK)

Councilmember Hovland returned to the meeting at 8:27 p.m.

Planning and Community Development Director Schafer stated the applicant is proposing to purchase and occupy 10630 Nassau Street that is zoned I-2 (Heavy Industrial) and is located south of his current business. He stated the applicant is requesting a conditional use permit to allow outside storage and a zero lot line for shared access.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Resolution 15-103, "Granting a Conditional Use Permit to Allow for the Outdoor Storage of Construction Related Materials, Equipment Rental, Outdoor Storage of Propane Tanks, and a Zero Lot Line with Shared Access at 10630 Nassau Street. Gary Carlson Equipment," be approved.

Motion adopted unanimously.

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

11.-4 [RES 15-104](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN INDOOR VEHICLE SHOWROOM/SALES IN A (I-2) HEAVY INDUSTRIAL ZONING DISTRICT AT 2136 108TH LANE NE. NORTH STAR AUTO BODY AND GLASS. (CASE FILE NO. 15-0022/LSJ)

Planning and Community Development Director Schafer stated the applicant is requesting a conditional use permit for an automobile dealer's license in order to have an indoor vehicle showroom and indoor sales. He noted the site is zoned I-2 (Heavy Industrial).

Moved by Councilmember Bourke, seconded by Councilmember Clark, that Resolution 15-104, "Granting a Conditional use Permit to Allow for an Indoor Vehicle Showroom/Sales in a (I-2) Heavy Industrial Zoning District at 2136 108th Lane NE. North Star Auto Body and Glass," be approved.

Motion adopted unanimously.

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

11.-5 [RES 15-105](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR AN

OUTDOOR EVENT (MEN'S EXPO) TO BE HELD ON JULY 18TH, 2015 THAT INCLUDES VENDORS, MUSIC AND A CAR/BIKE SHOW IN A PBD (PLANNED BUSINESS DISTRICT) AT 9250 LINCOLN STREET NE. GABE'S RINKSIDE BAR AND GRILL. (CASE FILE NO. 15-0033)

Mayor Ryan removed agenda item 11.5 from agenda.

Removed Prior to Meeting

11.-6 [ORD 15-2318](#)

SECOND READING

REZONING FROM R-1 (SINGLE FAMILY) TO DF (DEVELOPMENT FLEX) FOR THE CAROLE'S COVE DEVELOPMENT AT NORTH ROAD EAST OF JEWEL STREET. FRANK FEELA. (CASE FILE NO. 15-0009/LSJ)

Planning and Community Development Director Schafer stated the applicant is proposing to develop a 3.19 acre parcel that currently has R-1 (Single Family) zoning and LDR (Low Density Residential) land use. He stated the applicant is requesting the zoning change to DF (Development Flex). He noted the applicant will be required to pay park dedication for the plat prior to release of the final plat mylars for recording at Anoka County.

Declared by Mayor Ryan that Ordinance 15-2318, "Rezoning from R-1 (Single Family) to DF (Development Flex) for the Carole's Cove Development at North Road East of Jewel Street. Frank Feela" be introduced and placed on file for second reading at the June 18, 2015, Council meeting.

ADMINISTRATION - continued

12.-1 [MO 15-080](#)

ACCEPTING THE PROPOSAL FOR A HOCKEY RINK AT LEXINGTON ATHLETIC COMPLEX IN THE AMOUNT OF \$56,750 FROM RINK SYSTEMS, INC.

Recreation Manager Krieger stated staff received two quotes from two companies for portable hockey boards and is recommending that Council accept the quote from Rink Systems, Inc.

Moved by Councilmember Clark, seconded by Councilmember Herbst, that Motion 15-080, "Accepting the Proposal for a Hockey Rink at Lexington Athletic Complex in the Amount of \$56,750 from Rink Systems, Inc.," be approved.

Motion adopted unanimously.

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

12.-2 [RES 15-106](#)

APPROVE JOINT POWERS AGREEMENT WITH THE CITY OF CIRCLE PINES FOR THE PARTIAL RECONSTRUCTION OF 87TH AVENUE, BLAINE IMPROVEMENT PROJECT NO. 15-11

City Engineer Keely stated a Joint Powers Agreement has been prepared with the City of Circle Pines for the partial reconstruction of 87th Avenue. She stated the City agrees to specially assess three parcels in Blaine that access 87th Avenue that will receive benefit from the project. She noted the City will need to make payments to the City of Circle Pines on an annual basis after assessments are received from the three parcels.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that Motion 15-106, "Approve Joint Powers Agreement with the City of Circle Pines for the Partial Reconstruction of 87th Avenue, Blaine," be approved.

Motion adopted unanimously.

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

[MO 15-081](#)

APPROVE CONTRACTS FOR LEGAL SERVICES

Moved on the agenda to follow the Consent Agenda.

12.-4 [ORD 15-2313](#)

SECOND READING

AN ORDINANCE AMENDING CHAPTER 6, ADMINISTRATION OF CITY AFFAIRS, SECTION 6.05, PURCHASES AND CONTRACTS, OF THE CHARTER OF THE CITY OF BLAINE

City Clerk Sorensen stated the Charter Commission is recommending the expenditure limit for purchases and contracts for the City Manager be increased to \$25,000.00.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that Ordinance 15-2313, "An Ordinance Amending Chapter 6, Administration of City Affairs, Section 6.05, Purchases and Contracts, of the Charter of the City of Blaine," be approved.

Amended motion adopted unanimously.

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

Moved by Councilmember Clark, seconded by Councilmember Herbst for purchases and contracts for the City Manager be increased to \$20,000.

**Councilmember Bourke - Yes
Councilmember Clark - Yes
Councilmember Herbst - Yes
Councilmember Hovland - Yes
Councilmember King - Yes
Councilmember Swanson - Yes
Mayor Ryan - Yes**

Amendment adopted unanimously.

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

13. OTHER BUSINESS

None.

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 8:52 p.m.

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