



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

10801 Town Square Dr.
Blaine MN 55449

Thursday, May 16, 2013

7:30 PM

Council Chambers

Meeting Number 13-27

1. CALL TO ORDER BY THE MAYOR

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

Quorum present.

ALSO PRESENT: Bryan Schafer, Community Development Director; Bob Therres, Public Services Manager; Chris Olson, Public Safety Manager/Police Chief; Joe Huss, Finance Director; Jean Keely, City Engineer; Tom Godfrey, Program Supervisor; Roark Haver, Communications Technician; Cathy Ekstrand, Deputy City Clerk; and Recording Secretary Amanda Staple.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: 6 - Mayor Ryan, Mayor Pro Tem Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke and Councilmember Kolb

Absent: 1 - Councilmember Herbst

4. APPROVAL OF MINUTES

4.-1 [MIN 13-12](#)

WORKSHOP MEETING - 05/02/2013
REGULAR MEETING - 05/02/2013

Sponsors: Cross

Attachments: [Workshop Minutes 05/02/13](#)

[Regular Minutes 05/02/13](#)

Councilmembers Clark and Hovland abstained on the May 2, 2013 Workshop and Regular meeting minutes due to their absence.

Moved by Councilmember Kolb, seconded by Councilmember Bourke, that the

Minutes be Approved. The Motion was adopted unanimously.

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

Mayor Ryan reported that the triathlon will occur this Saturday.

6. COMMUNICATIONS

Mayor Ryan reported that a landowner across the street from the beach will allow parking for the beach on that property, which will prevent parking from occurring on the street and in front of people's driveways.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:29 p.m.

Jennifer Repp, 2810 Aspen Lake Drive, came before the Council to bring their attention to a safety matter. She stated that using 116th Avenue and Aspen Lake Drive as a cutoff is a threat to the safety of the neighborhood. She reported the dimensions of the road, noting that only one side has a sidewalk. She stated that because of the traffic volume there is an increase in runoff car incidents, identifying accident locations. She advised that she conducted a traffic count into and out of her subdivision and noted that from 6:00 a.m. to 9:00 a.m. there are 300 cars going through the intersection, which is not normal subdivision traffic. She stated that from 3:00 p.m. to 6:00 p.m. there are 360 cars, which are not the regular subdivision tenants. She noted that this number will only increase because of the additional developments. She stated that because people are using this route as a cut through, they are not aware of the normal patterns of the neighborhood children. She advised of a City worker that was flushing the hydrant who was yelling at passing traffic to slow down through the water from the hydrant. She advised that these concerns have been brought to the police department and while she is not worried about their possible illegal activities (i.e.: texting, speeding) she is worried but the sheer number of vehicles passing through the subdivision. She reviewed City regulations and studies and recommended that the City close the street similar to two other roadways in the area as she believed that action would result in an increase in public safety and bring some piece of mind to the neighborhood. She recognized that cul-de-sacs cost money and asked instead that a red and white striped barrier be installed along with a sign stating no outlet.

Mayor Ryan noted that the Engineering and Police Departments would review the situation to determine what could be done.

Councilmember Swanson stated that if the neighborhood were to agree and pay the cost, speed bumps could be installed.

Aaron Bienhoff, 2661 116th Avenue, referenced the issue and noted that four months ago he was t-boned on his motorcycle at the above mentioned intersection. He stated that if something is not done, he will not stay in his home to start a family.

Councilmember Bourke stated that he has also heard resident concern about this area and asked that a thorough review of that area be done.

Mrs. Repp stated that 116th is not within the Lakes and stated that if that roadway would become a cul-de-sac, it would create a solution and be similar to what exists on Fox Ridge and Deer Ridge.

There being no further input, Mayor Ryan closed the Open Forum at 7:48 p.m.

8. ADOPTION OF AGENDA

Mayor Ryan noted that Item 12.1 (Second Reading - Ordinance No. 13-2263, An Ordinance Amending Chapter 7, Taxation and Finance, Section 7.10, Disbursements; How Made, of the Charter of the City of Blaine) would be removed from tonight's agenda as the item requires seven votes and all Councilmembers are not present tonight.

The agenda was adopted as presented.

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

10. APPROVAL OF CONSENT AGENDA:

Approval of the Consent Agenda

Moved by Mayor Pro Tem Hovland, seconded by Councilmember Kolb that the following items be Approved by Consent Vote. Motion adopted unanimously.

10.-1 [MO 13-061](#)

SCHEDULE OF BILLS PAID

Sponsors: Huss

Attachments: [April 2013 Payroll Checks and Wire Transfers](#)

[04/26/13 Bills Paid](#)

[05/03/13 Bills Paid](#)

Approved unanimously by Consent Vote.

10.-2 [MO 13-062](#)

APPROVE A CARNIVAL LICENSE FOR GOPHER STATE EXPOSITIONS AT NORTHTOWN MALL

Sponsors: Cross

Approved unanimously by Consent Vote.

10.-3 [MO 13-063](#)

APPROVE A TEMPORARY 3.2% MALT BEVERAGE LICENSE FOR DISCOVER AVIATION DAYS, 8891 AIRPORT ROAD, BLAINE

Sponsors: Cross

Approved unanimously by Consent Vote.

10.-4 [MO 13-064](#)

APPROVE A TOBACCO AND TOBACCO PRODUCTS LICENSE FOR TWIN CITY VAPING, 12076 CENTRAL AVENUE NE

Sponsors: Cross

Approved unanimously by Consent Vote.

10.-5 [ORD 13-2265](#)

VACATION OF DRAINAGE AND UTILITY EASEMENTS FOR OUTLOT A, CHAIN OF LAKES ADDITION AND LOT 19, BLOCK 1, THE LAKES OF RADISSON FORTY-FOURTH ADDITION VACATION NO. V13-03

SECOND READING

Sponsors: Keely

Attachments: [V13-03 Chain of Lakes Lakes 44th AddnLocation Map](#)

Adopted unanimously by Consent Vote.

10.-6 [RES 13-077](#)

AUTHORIZE INSTALLATION OF REGULATORY SIGNS HARPERS STREET WOODS 2ND ADDITION

Sponsors: Keely

Attachments: [Harpers Street Woods 2nd Reg Sign Map](#)

Adopted unanimously by Consent Vote.

10.-7 [RES 13-078](#)

AUTHORIZE INSTALLATION OF REGULATORY SIGNS WOODS AT QUAIL CREEK 2ND ADDITION

Sponsors: Keely

Attachments: [Woods at Quail Creek 2nd Addn Reg Sign](#)

Adopted unanimously by Consent Vote.

10.-8 [MO 13-065](#)

AUTHORIZING PAYMENT IN THE AMOUNT OF \$10,528.00, PLUS STATE OF MN SALES TAX OF \$145.29, TOTALING \$10,673.29, TO AMI IMAGING SYSTEMS, INC., FOR DOCUWARE IMAGING SOFTWARE MAINTENANCE AGREEMENT ANNUAL RENEWAL.

Sponsors: Peters

Approved unanimously by Consent Vote.

11. DEVELOPMENT BUSINESS

11.-1 [ORD 13-2266](#)

THE CITY IS PROPOSING A CODE AMENDMENT TO SECTION 31.14 OF THE I-2 (HEAVY INDUSTRIAL) ZONING ORDINANCE THAT WOULD ADD, UNDER THE CONDITIONAL USE CATEGORY; PERSONAL CARE, HEALTH CARE, RECREATION OR EDUCATION RELATED COMMERCIAL SERVICES USES.

SECOND READING

Sponsors: Schafer

Planning and Community Development Director Schafer provided background information on the item that was discussed at the May 2nd Council meeting. He noted that this request would allow additional uses within the heavy industrial zoning district.

Moved by Councilmember Kolb, seconded by Councilmember Bourke, that this Ordinance be Adopted. The Motion was adopted unanimously.

11.-2 [RES 13-079](#)

GRANTING A CONDITIONAL USE PERMIT TO OPERATE A MARTIAL ARTS ACADEMY IN A I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT AT 1630 101ST AVENUE NE, SUITE 110. KUKKIWON TAEKWONDO ACADEMY. (CASE FILE NO. 13-0020/BKS)

Sponsors: Schafer

Attachments: [Kukkiwon Taekwondo Attachments.pdf](#)

Planning and Community Development Director Schafer presented the request and noted this application would take advantage of the zoning amendment approved in the last agenda item. He provided additional information about the business, noting that the peak activity would take place in the evening and weekend hours. He stated that staff did ensure that the building owner is aware that they would be responsible to address the parking needs and ensure that this use would fit with the other uses in the building.

Mr. Cook agreed that there are many businesses that cannot afford common retail space and believed that this business would fit well within the building.

Moved by Councilmember Swanson, seconded by Councilmember Kolb, that this Resolution be Adopted. The Motion was adopted unanimously.

11.-3 [RES 13-080](#)

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR A FITNESS FACILITY IN AN I-2 (HEAVY INDUSTRIAL) ZONING DISTRICT AT 1630 101ST AVENUE NE, SUITE 190. CROSSFIT BLAINE. (CASE FILE NO. 13-0022/BKS)

Sponsors: Schafer

Attachments: [Crossfit Blaine - Attachments.pdf](#)

Planning and Community Development Director Schafer advised that this request is for the same building as the previous request. He stated that Crossfit, the proposed business, is not an open gym and works with appointment and class scheduled clients. He stated that this business would not require a lot of parking because of the small class size and distribution of appointment clients.

Rick Jenson, the owner of Crossfit Blaine, provided additional information on the business noting that this is a strengthening and conditioning program and would not have regular exercise machines.

Moved by Councilmember Bourke, seconded by Mayor Pro Tem Hovland, that this Resolution be Adopted. The Motion was adopted unanimously.

11.-4 [RES 13-081](#)

GRANTING A CONDITIONAL USE PERMIT AMENDMENT TO CONSTRUCT A 1,171 SQUARE FOOT ATTACHED GARAGE. A CUP AMENDMENT IS REQUIRED IN THE WOODLAND VILLAGE 3rd ADDITION DEVELOPMENT FOR GARAGE/ACCESSORY BUILDING SPACE IN EXCESS OF 1,000 SQUARE FEET.

11809 LEVER STREET NE. JOSHUA AND LORI HERZOG

Sponsors: Schafer

Attachments: [11808 Lever Street Attachments.pdf](#)

Planning and Community Development Director Schafer presented the request noting that this is a CUP amendment request. He stated that this is a minor amendment and notice had been sent to residents, with no comments heard. He noted that you would not be able to tell driving by that the garage will be 170 square feet larger than neighboring properties.

Mayor Ryan stated that perhaps in the future the City could review the ability to issue these types of approval administratively.

Moved by Mayor Ryan, seconded by Councilmember Clark, that this Resolution be Adopted. The Motion was adopted unanimously.

11.-5 [RES 13-082](#)

**GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE
40.21 ACRES INTO ONE SINGLE FAMILY LOT FOR THE
EXISTING HOME AND SIX OUTLOTS FOR FUTURE
DEVELOPMENT TO BE KNOWN AS HARPERS WEST AT
13050 DUNKIRK STREET NE. HARPERS WEST, LLC.
(CASE FILE NO. 13-0004/SLK)**

Sponsors: Schafer

Attachments: [Harpers West Attachments.pdf](#)

Planning and Community Development Director Schafer presented the request for an outlot plat that would setup this area for future development. He explained that the homeowner will retain the north half of the property for the existing home with the south half of the property available for future development. He advised that the Preliminary Plat was approved at the March 7th Council meeting. He recommended approval of the request.

Moved by Councilmember Kolb, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

11.-6 [RES 13-083](#)

**GRANTING A CONDITIONAL USE PERMIT
AMENDMENT TO ALLOW FOR A 61, 200 SQUARE FOOT
ADDITION ONTO THE SOUTH SIDE OF THE AVEDA
BUILDING AT 3860 PHEASANT RDIGE DRIVE NE. CSM
INVESTORS II. (CASE FILE NO. 13-0032/LSJ)**

Sponsors: Schafer

Attachments: [Aveda Attachments.pdf](#)

Planning and Community Development Director Schafer presented the request noting that the Aveda business is running out of room at their current location and is proposing, in conjunction with the building owner CSM, an expansion of 61,000 square feet. He stated that this would allow for the building to expand and the business to remain in its existing location.

Tom Palmquist, CSM, concurred with the recommendation of staff included in the report. He believed that Aveda would be applying for a building permit and would then begin construction in the next few weeks. He noted that there is sufficient parking available onsite and advised that they have also applied for a permit through the Watershed District.

Moved by Councilmember Clark, seconded by Mayor Pro Tem Hovland, that this Resolution be Adopted. The Motion was adopted unanimously.

11.-7 [RES 13-085](#)

**RESOLUTION TO APPROVE DEVELOPMENT
AGREEMENT WITH CSM DEVELOPMENT, PHEASANT
RIDGE**

Sponsors: Schafer

Attachments: [CSM - Location Map.pdf](#)
[CSM - Development Agreement.DOC](#)

Planning and Community Development Director Schafer stated that earlier tonight the EDA approved a Resolution that would assist CSM in the expansion of their facility through the use of \$125,000 TIF towards the total expansion cost of \$3,000,000.

Mayor Ryan confirmed that Aveda has been a great business in Blaine supplying jobs to over 600 employees.

Moved by Councilmember Bourke, seconded by Councilmember Clark, that this Resolution be Adopted. The Motion was adopted unanimously.

12. ADMINISTRATION

12.-1 [ORD 13-2263](#)

**AN ORDINANCE AMENDING CHAPTER 7, TAXATION AND
FINANCE, SEC. 7.10, DISBURSEMENTS; HOW MADE, OF THE
CHARTER OF THE CITY OF BLAINE**

SECOND READING

Sponsors: Cross

Item pulled from the agenda.

12.-2 [RES 13-084](#)

**ACCEPT BID FROM NORTHWEST ASPHALT, INC., IN
THE AMOUNT OF \$865,617.72 FOR THE 2013 PAVEMENT
MANAGEMENT PROGRAM - BITUMINOUS OVERLAYS -
VARIOUS CITY STREETS
IMPROVEMENT PROJECT NOS. 13-01, 13-08 & 13-09**

Sponsors: Keely

Attachments: [2013 Overlay Project Location Map.pdf](#)

City Engineer Keely stated that the City opened bids on April 30th and received nine bids for the project. She advised that the low bidder was Northwest Asphalt Incorporated, whom the City has worked with in the past, and asked that a ten percent contingency be included for a total contracted amount slightly over \$950,000. She recommended approval of the request.

Moved by Councilmember Kolb, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-3 [ORD 13-2264](#)

CHAPTER 70 - PUBLIC RIGHT-OF-WAY MANAGEMENT

FIRST READING

Sponsors: Therres

Attachments: [US Bench Comments.pdf](#)
[Xcel Energy Comments.pdf](#)
[Ordinance 13-2264](#)

Public Services Manager Therres presented the First Reading of the Public Right-of-Way Management Ordinance. He explained that this would attempt to bring all the right-of-way regulations into one place and would also include benches.

Mayor Ryan stated that this began with benches and ended up becoming a much larger issue.

Councilmember Swanson asked that the proposed changes be identified and highlighted at the next meeting.

Declared by Mayor Ryan that Ordinance No. 13-2264, Chapter 70 – Public Right-of-Way Management,” be introduced and placed on file for second reading at the June 6, 2013 Council meeting.

12.-4 [MO 13-066](#)

AUTHORIZE CITY MANAGER TO ENTER INTO A

**CONTRACT WITH BARR ENGINEERING CO. IN A
NOT-TO-EXCEED AMOUNT OF \$140,000 IN
ACCORDANCE WITH THEIR PROPOSAL DATED APRIL
12, 2013 FOR THE NORTHEAST WELL FIELD STUDY -
IMPROVEMENT PROJECT NO. 11-08**

Sponsors: Assistant City Engineer Higgins and Therres

Attachments: [Northeast Well Field Siting Proposal.pdf](#)
[FINAL Wells 18 and 19 Siting Study.pdf](#)

Public Services Manager Therres presented the request noting that additional work is needed in regard to the northeast well field study. He advised that this would be a process completed in steps, which would allow testing to occur throughout the process, and noted that the process could also be stopped at any time. He identified the project area and explained the purpose for the study.

Mayor Ryan noted that if this process is not followed correctly, there could be a large impact on the water system. He believed that the \$140,000 would be well spent with Barr Engineering to determine the correct location for the wells.

Public Services Manager Therres stated that staff would also work with other agencies, including the DNR, in order to prevent a situation like that.

Commissioner Bourke questioned if the City is approved for up to four wells.

Public Services Manager Therres explained that the City has a window of opportunity that is coming to an end in the next four years that talks about up to six wells, but that is not approval. He advised that approval would be needed for each well once the City gets to that point.

Councilmember Hovland stated that it would benefit the City to install as many wells as possible because there will be changes coming that may not allow that in the future.

Moved by Councilmember Bourke, seconded by Mayor Pro Tem Hovland, that this Motion be Approved. The Motion was adopted unanimously.

12.-5 [MO 13-060](#)

**POTENTIAL KIOSKS PROVIDING SIDEWALK AND
TRAILS MAPS TO LOCAL BUSINESS DISTRICTS.
DESIGN PROJECT USING STATEWIDE HEALTH**

IMPROVEMENT PROGRAM (SHIP) GRANT FUNDS.

Sponsors: Godfrey

Attachments: [Kiosk 1.pdf](#)
[kiosk 2.pdf](#)
[Park of Four Seasons.pdf](#)
[Kiosk 3.pdf](#)
[Kiosk 4.pdf](#)
[Kiosk 5.pdf](#)
[Kiosk 6 NS.pdf](#)
[Kiosk Picture.pdf](#)

Program Supervisor Godfrey presented information on the SHIP grant and noted that Anoka County designated up to \$18,000 to the City of Blaine, noting that the Parks Department is taking the lead on this item. He stated that six kiosk locations have been identified that would distinguish walking trails and business districts. Program Supervisor Godfrey noted these locations were proposed because of the amount of foot traffic in the areas. He displayed a photograph of the proposed kiosk discussing the dimensions and proposed materials.

Mayor Ryan confirmed that there is approximately 65 miles of trails within the City.

Councilmember Hovland confirmed that the grant covers the cost of the kiosks and installation.

Program Supervisor Godfrey confirmed the aspects of the process and the kiosks that the grant will cover and noted that the only cost not covered will be the time for maintenance to install the kiosks, which Public Works estimates at two to three hours per kiosk. He stated that the maps and printing costs would be paid for with the SHIP grant.

Councilmember Hovland confirmed that ongoing maintenance and printing costs would become the responsibility of the City.

Councilmember Clark confirmed that the kiosk will display a single map behind Plexiglas and would not contain multiple maps that could be taken by passersby.

Councilmember Hovland stated that he misunderstood that aspect.

Mayor Ryan asked that bench locations be added to the maps in the future.

Program Supervisor Godfrey stated that the identification of the business

districts would remain broad to avoid leaving someone out or being too specific.

Moved by Councilmember Kolb, seconded by Councilmember Bourke, that this Motion be Approved. The Motion was adopted unanimously.

12.-6 [RES 13-058](#)

**ORDER IMPROVEMENT AND ORDER PREPARATION OF
PLANS AND SPECIFICATIONS FOR THE 93RD LANE
INDUSTRIAL PARK AREA STREET IMPROVEMENTS,
PHASE 2
IMPROVEMENT PROJECT NO. 12-19**

Sponsors: Keely

Attachments: [93rd Ln Assessment Map.pdf](#)

City Engineer Keely advised that the public hearing for this item was held on May 2, but a sufficient number of Councilmembers were not present at the previous meeting to approve the project. She explained that this would be the second phase of the multiphase project and reviewed the proposed improvements that would be included in this project, noting they will be similar to the phase one improvements completed the previous year. She reviewed the estimated project cost that will be funded through the City's pavement management funds as well as assessments.

Councilmember Clark stated that the Council received an email objecting to the project in regard to the number of Councilmembers present at the public hearing.

City Attorney Sweeney stated that the Council did not violate any aspect of the public hearing as at least four Councilmembers were present.

City Engineer Keely noted that the email objection was in regard to the assessments and the objection would then be valid at the next public hearing regarding assessments. She reviewed the objections to the assessment included in the email received from the resident and provided clarification on each of the issues. She confirmed that the assessment process for this project is consistent with City policy for assessing street improvements.

Moved by Councilmember Kolb, seconded by Mayor Ryan, that this Resolution be Adopted. The Motion was adopted unanimously.

12.-7 [RES 13-073](#)

**APPROVE PLANS AND SPECIFICATIONS AND ORDER
ADVERTISEMENT FOR BIDS FOR THE 93RD LANE
INDUSTRIAL PARK AREA STREET IMPROVEMENTS,**

**PHASE 2
IMPROVEMENT PROJECT NO. 12-19**

Sponsors: Keely

Attachments: [93rd Ln Assessment Map.pdf](#)

City Engineer Keely stated this is the same project that was approved in the last Council action and noted that the action had also been tabled for the original discussion at the May 2 Council meeting.

Moved by Mayor Pro Tem Hovland, seconded by Councilmember Kolb, that this Resolution be Adopted. The Motion was adopted unanimously.

13. OTHER BUSINESS

Cancellation of the July 4, 2013 Workshop and Regular Council Meeting

Action 13-166 (13.1)

-
Moved by Councilmember Swanson, seconded by Councilmember Clark, that the cancelation of the July 4, 2013 Workshop and Regular Council Meeting," be approved.

Motion adopted unanimously.

Mayor Ryan commented on the success of the recent bicycle helmet fitting, noting that 660 helmets were fitted and given out at the event.

Action 13-167 (13.2)

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Moved by Councilmember Clark, seconded by Councilmember Bourke, that request staff to report on the 116th and Aspen Lake Drive issue at the July 18, 2013 Council meeting be approved.

Motion adopted unanimously.

14. ADJOURNMENT

Moved by Councilmember Clark, seconded by Councilmember Kolb, that this be Adjourned. The Motion was adopted unanimously. The meeting adjourned at 8:45 p.m.