



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

10801 Town Square Dr.
Blaine MN 55449

Thursday, June 21, 2012

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 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 Thomas Sweeney; Bryan Schafer, Community Development Director; Bob Therres, Public Services Manager; Joe Huss, Finance Director; Jean Keely, City Engineer; Chris Olson, Safety Service Manager/Police Chief; Roark Haver, Communications Technician; Al Thorp, Senior Engineering Technician; Jane Cross, City Clerk; and Recording Secretary Linda Dahlquist.

Present: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst

4. APPROVAL OF MINUTES

4.1 [MIN 12-23](#)

WORKSHOP MINUTES - 06/07/12
REGULAR MINUTES - 06/07/12

Sponsors: Cross

Attachments: [Workshop Minutes 6/7/12](#)
[Council Minutes 6/7/12](#)

Councilmember Kolb abstained from the Minutes of the Workshop Meeting

of June 7, 2012 and the Minutes of the Regular Meeting of June 7, 2012 due to her absence. Councilmember Clark abstained from the Minutes of the Workshop Meeting of June 7, 2012 and the Minutes of the Regular Meeting of June 7, 2012 due to his absence.

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that the Minutes be Approved. The Motion was adopted unanimously.

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Safety Service Manager/Police Chief Olson introduced Officer Reggie Larson and new K-9 dog Rex. He stated Rex is a German Shepherd and Belgian Malinois mix. He stated Rex has had three months of training and he is now a certified narcotics dog and tomorrow he will receive his certification as a U.S. Police K-9 Association Police Dog 1. He stated Officer Larson has a history with K-9 dogs that started with his father. Officer Larson stated Rex has received the following training: bite, obedience, walking patrol, agility, narcotics detection in cars and rooms, tracking, handling protection and finding bad guys. It was noted that Rex lives with Officer Larson. Chief Olson stated Officer Greg Rowe assists Officer Larson with training Rex and that the dogs are with the officer/handler 24/7. Officer Larson stated Rex will be ready for duty on June 29.

Councilmember Kolb asked Officer Larson if Rex will go on vacation with the family. Officer Larson replied it depends on where the family goes and when he cannot go Rex goes to the Stone Mountain Pet Lodge in Blaine.

Chief Olson thanked the Council for their support of the Blaine Police department.

Jane Daniels, Blaine Public Safety Association, stated the annual dog walk has raised almost \$15,000 over the years.

Councilmember Clark left the meeting at 7:36 p.m.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:39 p.m.

There being no input, Mayor Ryan closed the Open Forum at 7:40 p.m.

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

Moved in the agenda to follow agenda item 12.3.

10. APPROVAL OF CONSENT AGENDA:

Councilmember Hovland requested the removal of agenda item 10.3.
Councilmember Clark entered the meeting at 7:43 p.m.

Approval of the Consent Agenda

Moved by Councilmember Herbst, seconded by Councilmember Bourke that the following items be Approved by Consent Vote. Motion adopted unanimously.

10.1 [MO 12-072](#)**SCHEDULE OF BILLS PAID**

Sponsors: Huss

Attachments: [06/01/12 Bills Paid](#)
[06/06/12 Bills Paid](#)

Approved unanimously by Consent Vote.

10.2 [MO 12-073](#)**APPROVE 2012-2013 ON-SALE WINE LICENSE RENEWALS**

Sponsors: Cross

Approved unanimously by Consent Vote.

10.4 [MO 12-075](#)**APPROVE A TEMPORARY ON-SALE 3.2 PERCENT MALT BEVERAGE LICENSE FOR SGT JOHN RICE VFW POST #6316, JULY 4TH CELEBRATION**

Sponsors: Cross

Approved unanimously by Consent Vote.

10.5 [MO 12-076](#)**APPROVE 2012-2013 ANNUAL ON-SALE BEER, OFF-SALE BEER AND CLUB/PUBLIC DRINKING/TAVERN LICENSE RENEWALS**

Sponsors: Cross

Attachments: [On & Off Sale Beer Renewal List](#)

Approved unanimously by Consent Vote.

**10.6 [MO 12-077](#) APPROVE 2012-2013 PRIVATE ON-SALE AND SUNDAY
LIQUOR LICENSE RENEWALS**

Sponsors: Cross

Attachments: [On Sale Intoxicating Renewal List](#)

Approved unanimously by Consent Vote.

10.7 [MO 12-081](#) REPLACEMENT OF LIFT STATION NO. 16 PUMP

Sponsors: Public Works Director Ulrich

Approved unanimously by Consent Vote.

**10.8 [MO 12-085](#) APPROVE A TOBACCO AND TOBACCO PRODUCTS
LICENSE FOR SIGNATURE ENTERPRISES INC., DBA
CENTURY LIQUOR**

Sponsors: Cross

Approved unanimously by Consent Vote.

**10.9 [MO 12-086](#) APPOINTMENT OF ELECTION JUDGES FOR 2012
PRIMARY AND GENERAL ELECTIONS**

Sponsors: Cross

Attachments: [Election Judge Appointments 6-21-12.pdf](#)

Approved unanimously by Consent Vote.

**10.3 [MO 12-074](#) APPROVE 2012-2013 OFF-SALE LIQUOR LICENSE
RENEWALS**

Sponsors: Cross

Attachments: [2012 Off-Sale Renewal List](#)

Councilmember Hovland abstained from this item because his son is employed by MGM Liquor.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that this Motion be Approved. The Motion was adopted unanimously.

11. DEVELOPMENT BUSINESS

11.1 [RES 12-083](#)

**GRANTING FINAL PLAT APPROVAL TO SUBDIVIDE
3.36 ACRES INTO 28 LOTS TO ALLOW FOR 27 RENTAL
TOWNHOME UNITS AND A COMMON AREA AT 124TH
LANE/KISKA STREET NE. HANS HAGEN HOMES (CASE
FILE NO. 12-0016/SLK)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)

Planning and Community Development Director Schafer stated the North Bay Rental Townhome development was approved in 2008 and the general site remains unchanged except the buildings are being modified to include additional one story end units. He stated the applicant is proposing to split the original longer buildings into two separate buildings to double the number of end units which reduces the original number of planned units from 43 units down to 27 units.

Councilmember Bourke asked if the townhouses are all rental and if any will be for purchase. Community Development Director Schafer replied there is no plan for purchase.

Councilmember Herbst commented there is a big demand for single level homes.

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

11.2 [RES 12-084](#)

**CONDITIONAL USE PERMIT AMENDMENT TO ALLOW
FOR A 5-FOOT SIDE YARD SETBACK FOR LIVING
SPACE THAT IS PLACED ABOVE THE GARAGE FOR
THE DEACONS POND DEVELOPMENT (ALL
ADDITIONS) AT 118TH LANE AND LONDON STREET.
TJB HOMES, INC. (CASE FILE NO. 05-96/LSJ)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)

Planning and Community Development Director Schafer stated Deacon's Pond development began building two-story homes in late 2005. He stated the homes have bonus rooms that provide additional living space built over the garage which are allowed to be placed 5-feet from the side yard; not the 8-foot setback that was established for the development.

Councilmember Bourke asked if decks would be allowed off the additional space. Planning and Community Development Director Schafer responded

no, but a window on the side would be allowed.

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

11.3 [RES 12-085](#)

CONDITIONAL USE PERMIT AMENDMENT TO ALLOW FOR A 5-FOOT SIDE YARD SETBACK FOR LIVING SPACE THAT IS PLACED ABOVE THE GARAGE FOR THE ST. ANDREWS VILLAGE ADDITION AT 117th AVENUE/HUPP STREET. TJB HOMES, INC. (CASE FILE NO. 05-127/SLK)

Sponsors: Schafer

Attachments: [Attachments 062112 Council.pdf](#)

Planning and Community Development Director Schafer stated the St. Andrew development began building homes in 2006. He stated the developer now markets two-story homes which have bonus rooms built over the garage which are allowed to be placed 5-feet from the side yard; not the 8-foot setback that was established for the development.

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

12. ADMINISTRATION

12.1 [MO 12-078](#)

APPROVE AN ON-SALE 3.2 PERCENT MALT BEVERAGE LICENSE FOR VICTORY PIZZERIA & PUB, 9967 ULYSSES STREET NE

Sponsors: Cross

City Clerk Cross stated the applicant, James Schmitz, owner of Victory Pizzeria & Pub is currently in the process of applying for an On-Sale Intoxicating liquor license; however due to publication requirements and Council's meeting schedule, the applicant wants to utilize the 3.2 On-Sale Beer in the interim. She stated the final walk through is next week.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that this Motion be Approved. The Motion was adopted unanimously.

12.2 [RES 12-086](#)

ACCEPT BID FROM RUM RIVER CONTRACTING CO. IN THE AMOUNT OF \$1,089,060.99 FOR THE RECONSTRUCTION OF OAK PARK BOULEVARD/119TH AVENUE FROM 125TH AVENUE TO JEFFERSON

STREET (IMPROVEMENT PROJECT NO. 11-12)

Sponsors: Keely

City Engineer Keely stated a total of eight bids were received and it was determined that Rum River Contracting Co., of Princeton, Minnesota is the lowest bidder. She stated the engineering department has worked with Rum River Contracting Co. on previous contracts and recommend the low bid be accepted and a contract entered into with Rum River Contracting Co. She stated the Council is also asked to approve a 10% contingency to bring the total project budget to \$1,197,967.09. She stated project funding sources are Public Utility funds, Pavement Management Program funds, Municipal State Aid Street funds and assessments.

Councilmember Herbst commented the work on 130th is good. He asked when the project would start and how long will the work take. City Engineer Keely replied the project will start after the parade and will take this construction season for the work to be done. The contract will be held over until the spring to make sure seed and sod have taken hold. She stated the work does not include a full reconstructed of sidewalk and curb, but does include a full reconstruct of the road.

Councilmember Herbst asked if the City could include start dates on the no parking signs. City Engineer Keely replied the City will take this suggestion under consideration for future overlay projects.

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

12.3 [MO 12-079](#)

APPROVE FINAL COST-SHARE PAYMENT TO ANOKA COUNTY FOR THE RECONSTRUCTION OF UNIVERSITY AVENUE (CSAH 51) BETWEEN CSAH 10 AND TH 10, S.P. 02-651-06, SAP 106-020-27, IMPROVEMENT PROJECT NO. 05-11

Sponsors: City Council

Attachments: [Adjusted Final Invoice - University.pdf](#)
 [Supplemental Agreement No. 1.pdf](#)
 [University Ave JPA.pdf](#)

City Engineer Keely stated in 2008 the Council approved a Joint Powers Agreement (JPA) No. 2008-0505 with Anoka County detailing requirements and obligations for construction, costs and future maintenance for the reconstruction of University Avenue between CSAH 10 and TH 10. She stated the final invoice exceeds previous totals approved by the Council because the City received less of the County's federal aid than originally

estimated; therefore, the final invoice from the County in the amount of \$73,797.80 needs the Council's authorization to make final payment.

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

Update on Miscellaneous Roads

Councilmember Bourke asked for an update on the University project. City Engineer Keely replied construction is scheduled for 2014 and the County is working on their environmental documentation that includes noise wall analysis and right-of-way acquisition needs.

Councilmember Herbst asked for an update on County Road 14. City Engineer Keely replied the road will be substantial complete and open on August 2, but some construction still needs to be done thru the fall.

Councilmember Herbst asked for an update on the access on Lexington Avenue. City Engineer Keely replied the contractor provides access to the north or south in phases. She stated residents will have to watch which way the County is directing traffic. Councilmember Herbst asked if the signs could state "local businesses are open during construction." City Engineer Keely replied she will look into it with the County.

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

9.1 [ORD 12-2251](#)

**VACATION OF STREET RIGHT-OF-WAY
TH 65 WEST FRONTAGE ROAD
ADJACENT TO EAST PROPERTY LINE
LOT 1, BLOCK 1, SANDLER PLACE
VACATION NO. V12-02**

Sponsors: City Council

Attachments: [V12-02. Map. Sandler.pdf](#)

Mayor Ryan opened the public hearing at 8:00 p.m.

City Engineer Keely stated Park Dental is requesting a vacation of street right-of-way on Trunk Highway 65 West Frontage Road adjacent to the east property line of Lot 1, Block 1, Sandler Place in order to expand their parking. She stated the City and Xcel Energy have reviewed the request and concur with the vacation and a drainage and utility easement will be granted over the

vacated area to cover existing utilities.
Herbst stated Park Dental needs the additional parking.

Mayor Ryan closed the public hearing at 8:03 p.m.

Declared by Mayor Ryan that Ordinance No. 12-2251, "Vacation of Street Right-of-Way TH 65 West Frontage Road Adjacent to East Property Line Lot 1, Block 12, Sandler Place Vacation No. V12-02" be introduced and placed on file for second reading at the June 12, 2012 Council meeting.

9.2 [MO 12-071](#)

**PUBLIC HEARING TO RECEIVE INPUT REGARDING
AN
OFF-SALE LIQUOR LICENSE FOR SIGNATURE
ENTERPRISES, INC. DBA CENTURY LIQUOR,
4355 PHEASANT RIDGE DRIVE, #124, BLAINE, MN.**

Sponsors: Cross

Attachments: [Signature Enterprises dba Century Liq Public Hearing Notice](#)

Mayor Ryan opened the public hearing at 8:03 p.m.

City Clerk Cross stated Erica Lentsch with Signature Enterprises, Inc. is purchasing Century Liquor an off-sale liquor establishment and has submitted an Off-Sale Intoxicating Liquor license application, supporting documentation, license fee and background investigation. She stated the Blaine Police Department has conducted a background investigation and found nothing to prohibit issuance of the license.

Erica Lentsch, Century Liquor, stated she is excited to be taking over Century Liquor. She stated she has developed a business plan to grow the business. She stated the store has an experienced store manager. She stated the store is located in the Village of Blaine next to Green Mill.

Mayor Ryan closed the public hearing at 8:05 p.m.

Moved by Councilmember Herbst, seconded by Councilmember Swanson, that this Motion be Approved. The Motion was adopted unanimously.

12.4 [MO 12-080](#)

**APPROVE FINAL COST-SHARE PAYMENT TO ANOKA
COUNTY FOR CONSTRUCTION OF A NORTHBOUND
TURN LANE ON LEXINGTON AVENUE AT WOODLAND
PARKWAY, IMPROVEMENT PROJECT NO. 11-07**

Sponsors: Keely

Attachments: [JPA - Lexington Turn Lane.pdf](#)
 [Final Quantities from ACHD.pdf](#)

City Engineer Keely stated the Council approved a Joint Powers Agreement (JPA) No. 2011-0555 with Anoka County detailing requirements and obligations for construction and costs for the construction of a northbound turn lane on Lexington Avenue at Woodland Parkway. She stated the Council is asked to approve the final payment to Anoka County.

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

12.5 [RES 12-072](#)

**ORDER IMPROVEMENT, ORDER PREPARATION OF
AND APPROVE PLANS AND SPECIFICATIONS, AND
CONCUR WITH ADVERTISEMENT FOR BIDS FOR THE
RECONSTRUCTION OF HAMLINE AVENUE FROM
EDGEWOOD ROAD TO PATRIOT LANE,
IMPROVEMENT PROJECT NO. 10-13**

Sponsors: Keely

Attachments: [Exhibit 1 - location map.pdf](#)
 [Exhibit 2 - assessment map.pdf](#)
 [Preliminary Assesment Roll.pdf](#)

City Engineer Keely stated the proposed joint project between the City of Lexington and the City of Blaine will reconstruct Hamline Avenue from Edgewood Road to Patriot Lane. The work will consist of a full street reconstruction, converting Hamline Avenue from a rural section roadway to an urban section roadway with curb and gutter and storm sewer. She stated the work will include storm sewer, aggregate base, curb and gutter, bituminous pavement replacement, ditch cleaning and regarding, and appurtenant construction. She stated the assessed will be over 10 years. She stated Funds from the City Water Utility Fund and the City's Pavement Management Fund will also be used.

Mayor Ryan asked if there has been any discussion from Blaine's property owners. City Engineer Keely replied Blaine's four property owners received notice. She stated two of the parcels are Blaine Ponds and in their development agreement it was stated they would be responsible for future assessments on Hamline Avenue when a project was brought forward, and the other two owners are Northern Natural Gas and the City.

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

[TMP 12-429](#)

James F Schmitz, 1500 Grizzly Lane, Sartell, stated he is the owner of Victory Pizzeria & Pub located at 9967 Ulysses Street NE. He stated the restaurant is scheduled to open on July 2, 2012, and he applied for the 3.2 percent malt beverage license as a backup plan due to his liquor license being delayed.

Councilmember Clark asked if the Council has the ability to expedite the liquor license approval. City Clerk Cross replied once the background check comes back, State law requires the City to put a public hearing notice in the paper ten days prior to the approval. She stated the public notice was posted on June 15, 2012.

Mayor Ryan stated a special meeting could be called in order for Victory Pizzeria & Pub to get a liquor license for their opening on June 2, 2012.

City Cross stated the 10 day waiting period would be up on June 26, 2012.

Moved by Councilmember Clark, seconded by Councilmember Kolb, that the City Council hold a Special Meeting on June 28, 2012 at 6:00 p.m.

Moved by Councilmember Clark, seconded by Councilmember Kolb, to amend the motion to change the time of the Special Meeting to 8:00 p.m. Amendment adopted unanimously. Amended motion adopted unanimously.

12.6 [RES 12-070](#)

**ADOPTING ASSESSMENT FOR RECONSTRUCTION OF
CLOUD DRIVE NE/119TH AVENUE NE FROM TH 65 TO
LONDON STREET NE, IMPROVEMENT PROJECT NO.
10-11**

Sponsors: Keely

Attachments: [10-11 Final Assmt Roll](#)
[10 11 assessmentMAP.pdf](#)

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

12.7 [MO 12-082](#)

**APPROVE 2012 THERAPEUTIC MASSAGE ENTERPRISE
LICENSES**

Sponsors: Cross

Attachments: [2012 Massage Enterprise List](#)

City Clerk Cross stated the Council approved a new ordinance requiring all massage therapy enterprises be licensed effective May 19, 2012. She stated staff has received from eleven massage enterprises their license applications

with required documentation, prorated license fees for 2012 and background investigations. The Blaine Police Department has conducted background investigations on each enterprise and found nothing to prohibit issuance of the licenses. City Clerk Cross stated the licenses are renewable this fall with an effective date of January 1, 2013 and are effective for a calendar year.

Safety Service Manager/Police Chief Olson requested the removal of Hong Massage, 1506 125th Avenue NE, from the Therapist Enterprise License Application list because information needs to be further verified.

Moved by Councilmember Herbst, seconded by Councilmember Swanson, that this Motion be Approved. The Motion was adopted unanimously.

Moved by Councilmember Herbst, seconded by Councilmember Swanson, to amend the motion to approve the edited list of the Therapist Enterprise License Applicants. Amendment adopted unanimously. Amended motion adopted unanimously.

12.8 [MO 12-083](#)

**APPROVE 2012 THERAPEUTIC MASSAGE
INDIVIDUAL LICENSES**

Sponsors: Cross

Attachments: [2012 Massage Individual List](#)

City Clerk Cross stated the Council approved a new ordinance requiring all massage therapists be licensed effective May 19, 2012. She stated staff received 42 individual massage therapist applications with documentation, prorated license fees for 2012 and background investigations for each individual. She stated the investigations found nothing to prohibit issuance of these licenses. City Clerk Cross stated the licenses are renewable this fall with an effective date of January 1, 2013 and are effective for a calendar year.

Safety Service Manager/Police Chief Olson requested the removal of Caiyun Zhao, Hong Cao, Steve Johnson, and Benjamin Hastings from the Therapist Individual License Application list because information needs to be further verified

Moved by Councilmember Herbst, seconded by Councilmember Swanson, that this Motion be Approved. The Motion was adopted unanimously.

Mayor Ryan asked if the removed individuals and businesses have been notified. Chief Olson replied the department is working on notification.

Moved by Councilmember Herbst, seconded by Councilmember Swanson, to amend the motion to approve the edited list of the Therapist Individual License Applicants. Amendment adopted unanimously. Amended motion adopted unanimously.

12.9 [MO 12-084](#)**ESTABLISHING AN INTERNSHIP POSITION WITHIN
THE BUILDING DEPARTMENT FOR 2012**

Sponsors: Schafer

Planning and Community Development Director Schafer stated the City has an opportunity to utilize an internship position to handle routine aspects of residential inspections plus provide additional public counter, phone and scheduling help allowing inspection staff to focus on complex issues/inspections. He stated staff will work with a vocational/trade school to identify an individual that has completed necessary course work and certifications, but needs inspector experience. He stated the internship would be a temporary position ending on November 2, 2012 with 32-40 hours per week with a pay range \$12.00-\$15.00 per hour (no benefits) depending on qualifications. He stated if approved the selection process would begin immediately.

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

13. **OTHER BUSINESS**

Motion by Councilmember Swanson, seconded by Councilmember Bourke, to accept the Twin City Gateway grant for \$7,300 to distribute the funds as staff outlines," be approved.

Motion adopted unanimously.

City Manager Arneson stated \$5,000 to be used for Blazin 4th and \$2,300 to be used for Worldfest.

Mayor Ryan reminded the residents that the Blazin 4th parade is on Saturday, June 23, 2012.

14. **ADJOURNMENT**

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this meeting be Adjourned. The Motion was adopted unanimously. The meeting adjourned at 8:40 p.m.