

# **UNAPPROVED**

**CITY OF BLAINE  
ANOKA COUNTY, MINNESOTA  
CITY COUNCIL MEETING  
Monday, September 16, 2019**

**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**

## **ROLL CALL**

**PRESENT:** Mayor Tom Ryan, Councilmembers Andy Garvais, Julie Jeppson, Richard Paul, and Dick Swanson.

**ABSENT:** Councilmember Wes Hovland and Jess Robertson.

Quorum Present.

**ALSO PRESENT:** City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Lori Johnson; Public Works Director Jon Haukaas; Police Chief/Safety Services Manager Brian Podany; Finance Director Joe Huss; Public Services Manager/Assistant City Manager Bob Therres; City Attorney Patrick Sweeney; City Engineer Dan Schluender; Community Standards Director Bob Fiske; Senior Engineering Technician Jason Sundeen; Budget/Fiscal Analyst Ward Brown; Communications Technician Roark Haver; Communications Coordinator Ben Hayle; and City Clerk Catherine Sorensen.

## **APPROVAL OF MINUTES**

Workshop Meeting – August 12, 2019

Workshop Meeting – September 4, 2019

Regular Meeting – September 4, 2019

Moved by Councilmember Paul, seconded by Councilmember Garvais, that the Minutes of Workshop Meeting of August 12, 2019, the Minutes of Workshop Meeting of September 4, 2019, and the Minutes of the Regular Meeting of September 4, 2019 be approved.

Motion adopted. Councilmember Swanson abstained on the September 4, 2019 Workshop meeting minutes due to his absence.

Councilmember Paul asked if there was an update on the Blaine Wetland Sanctuary Open House. City Engineer Schluender reported notice was sent to residents and explained the Open House would be held on Thursday, October 24.

## **AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

### **5.1 Proclamation Declaring October as National Domestic Violence Awareness Month**

Mayor Ryan read a proclamation in full for the record declaring October to be National Domestic Violence Awareness Month in the City of Blaine.

Connie Moore, representative from the Alexandra House, thanked the Council for passing this proclamation and for their continued support. She noted 28 families in Blaine used this shelter in 2018 and so far, 15 have utilized the shelter in 2019. She commented on how stay lengths were increasing because there was a need for more affordable housing in the community. She invited the public to attend Hopefest which was being sponsored by Alexandra House on Saturday, September 28 in Lino Lakes at the YMCA.

Mayor Ryan thanked Ms. Moore for all of her efforts on behalf of the community.

## **COMMUNICATIONS**

Mayor Ryan introduced newly hired City Manager Michelle Wolfe to the City of Blaine then thanked Finance Director Huss for serving as Acting City Manager during the interim.

City Manager Wolfe thanked the Council for the opportunity to work for the City of Blaine and said she appreciated the warm welcome she has received.

Mayor Ryan thanked the Fire Department for putting on a great display this past weekend at the Fire Department's 75<sup>th</sup> Anniversary Celebration then thanked the Parks Department for their efforts in planning another successful World Fest, noting this was a great event for the community.

## **OPEN FORUM FOR CITIZEN INPUT**

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

There being no input, Mayor Ryan closed the Open Forum at 7:45 p.m.

## **ADOPTION OF AGENDA**

The agenda was adopted as presented.

## **APPROVAL OF CONSENT AGENDA**

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

### **9.1 Motion 19-167, Schedule of Bills Paid.**

9.2 Resolution 19-139, A Resolution Declaring Certain Property Surplus and Authorizing Sale and/or Disposal Thereof.

9.3 Motion 19-156, Amend the Contract with Barr Engineering Company to Update the City's Water System Plan, Improvement Project No. 17-04.

Mayor Ryan asked when the items from the Senior Center would be sold. Public Services Manager/Assistant City Manager Therres anticipated this would occur closer to mid-November or early December.

Motion adopted unanimously.

**7:30 P.M. - PUBLIC HEARINGS AND ITEMS SET FOR A CERTAIN TIME**

10.1 Resolution 19-140, Vacation of Drainage and Utility Easement for Lexington Meadows, Vacation No. V19-07.

Mr. Schluender stated a petition received July 18, 2019, was submitted to the City by Stephen Wellington representing Lexington Meadows LLC., and Nicholas Andersen, representing Blaine Leased Housing, requesting vacation of drainage and utility easements that underlie street right-of-way for a proposed plat. The Engineering Department has reviewed this request and concurs with the vacation.

Mayor Ryan opened the public hearing at 7:48 p.m.

There being no additional public input, Mayor Ryan closed the public hearing at 7:48 p.m.

Moved by Mayor Ryan, seconded by Councilmember Paul, that Resolution 19-140, "Vacation of Drainage and Utility Easement for Lexington Meadows," be approved.

Motion adopted unanimously.

**DEVELOPMENT BUSINESS**

11.1 Resolution No. 19-141, Granting a Conditional Use Permit to Allow for a Total of 1,175 Square Feet of Accessory Garage Space and a Total of Three Accessory Structures in an R-1 (Single Family) Zoning District. (Teddy and Jody Bourgoin) (Case File No. 19-0038/EES).

Moved by Councilmember Swanson, seconded by Councilmember Jeppson, that Resolution No. 19-141, "Granting a Conditional Use Permit to Allow for a Total of 1,175 Square Feet of Accessory Garage Space and a Total of Three Accessory Structures in an R-1 (Single Family) Zoning District," be approved.

City Planner Johnson stated the applicant is requesting a conditional use permit (CUP) to allow for a total of 1,175 square feet of accessory garage space and a total of three accessory structures in the R-1 (Single Family) zoning district. The applicant currently has an attached garage totaling 479 square feet and a 120 square foot shed. The applicant was issued a building permit for and has already started to build a 576 square foot detached garage. Due to staff oversight, the applicant was not aware that a conditional use permit was necessary for the square footage proposed and for the three structures on the lot. In the R-1 (Single Family) zoning district, a CUP is required for garages larger than 1,000 square feet and up to 1,200 square feet and for more than two accessory buildings.

Motion adopted unanimously.

11.2 Resolution No. 19-142, Granting a Preliminary Plat to Subdivide a 35 Acre Parcel into Two Lots to be known as Glimcher Northtown Mall Sixth Addition located at 398 Northtown Drive. (Washington Prime Group) (Case File No. 19-0035/LSJ).

Moved by Councilmember Garvais, seconded by Mayor Ryan, that Resolution No. 19-142, “Granting a Preliminary Plat to Subdivide a 35 Acre Parcel into Two Lots to be known as Glimcher Northtown Mall Sixth Addition located at 398 Northtown Drive,” be approved.

Ms. Johnson stated the ownership group of Northtown Mall (Washington Prime Group or WPG) is requesting the approval of a preliminary plat that would subdivide one large parcel into two lots. The legal description of the parcel that is being split is Lot 1, Block 1, Glimcher Northtown Mall Addition, and it is the parcel on which the mall building is located. The proposed plat contains two lots. Proposed Lot 1 is 31.89 acres and proposed Lot 2 is 3.23 acres. The mall building is located on proposed Lot 1. The mall ownership intends to negotiate a land transfer with the Metropolitan Council for proposed Lot 2. She indicated the mall owners were working diligently to maintain the viability of the mall. She explained Metro Transit would have to come back to the City requesting a Conditional Use Permit if the transit hub were relocated. It was noted for the record the City of Spring Lake Park had submitted a Resolution opposing the plat while the City of Fridley had submitted a letter supporting the new transit hub. Staff commented further regarding the proposed transportation hub and explained the Planning Commission recommended approval of the plat.

Mayor Ryan commented the Council has not seen the final plans for the transportation hub but believed this was an exciting change for the mall. He explained this transportation hub has been discussed for quite some time. He stated he looked forward to reviewing the plans after they are submitted by Metro Transit.

Councilmember Garvais requested comment from the mall owners regarding the future plans for Northtown Mall.

Paula Mueller, General Manager of Northtown Mall, discussed how she was working to keep Northtown Mall viable given how the retail sales climate has changed. She reported the mall was shifting its focus to the exterior of the mall. She commented the proposed location for the transportation hub creates an easy in and easy out. She explained they fully support the Spring Lake Park residents and indicated they would continue to work to be a good neighbor.

Mayor Ryan explained Northtown was a big employer for the City of Blaine and made up a large portion of the City’s tax base. He encouraged the mall to pursue additional upscale dining options for the community.

Community Development Director Thorvig reiterated that both Metro Transit and Northtown Mall would continue to work to be good neighbors and include the residents of Spring Lake Park in the planning process.

Motion adopted unanimously.

11.3 Resolution No. 19-143, Granting Final Plat Approval to Re-Plat Two (2) Existing Parcels into One Parcel to be known as Royal Lakes Retail Center located at 12475 Lexington Avenue NE. (Classic Construction) (Case File NO. 19-0032/SLK).

Moved by Councilmember Garvais, seconded by Mayor Ryan, that Resolution No. 19-143, "Granting Final Plat Approval to Re-Plat Two (2) Existing Parcels into One Parcel to be known as Royal Lakes Retail Center located at 12475 Lexington Avenue NE," be approved.

Ms. Johnson stated the applicant is proposing to plat the parcel to combine the two existing parcels into one lot. The plat will allow a parcel for the construction of a multi-tenant building on the southeast corner of Lexington Avenue and 125th Avenue. Site access will consist of a right-in/right-out on 125th Avenue and a full access off of Fraizer Street. The existing right in/right out on Lexington Avenue will be removed as a part of the development of this parcel. Anoka County Highway Department is requiring an additional 10' of permanent roadway easement plus 5' of permanent utility, drainage, slope, and trail easement adjacent to 125th Avenue.

Motion adopted unanimously.

11.4 Resolution No. 19-144, Releasing Outlot C, Meadow Place from Recorded Development Agreement for Meadow Place (Case File No. 19-0012/LSJ).

Moved by Councilmember Garvais, seconded by Councilmember Jeppson, that Resolution No. 19-144, "Releasing Outlot C, Meadow Place from Recorded Development Agreement for Meadow Place," be approved.

Ms. Johnson stated the City is requested to release specific lots from recorded development agreements on a fairly regular basis. In this instance the parcel being released is an outlot that was part of the Meadow Place plat. It is known as Outlot C, Meadow Place. The Meadow Place plat was a little peculiar in that there is property owned by the developer that is across Ulysses Street from the Meadow Place plat. Meadow Place is on the west side of Ulysses Street and this outlot is on the east side of Ulysses Street. The property on which Meadow Place is located and Outlot C were once one large lot, but when Ulysses Street was constructed, the right-of-way separated the two parcels. The two parcels remained together in the legal description of the property. Since Outlot C has no bearing on the development of Meadow Place, and since the owner of Outlot C would like to sell this outlot to a user who would replat the property and use it as part of a commercial development, there is no need for this outlot to be tied to the development agreement for Meadow Place.

Motion adopted unanimously.

## **ADMINISTRATION**

12.1 Resolution 19-145, Adoption of the Anoka County 2019 Multi-Jurisdictional All-Hazard Mitigation Plan.

Moved by Councilmember Jeppson, seconded by Councilmember Garvais, that Resolution 19-145, "Adoption of the Anoka County 2019 Multi-Jurisdictional All-Hazard Mitigation Plan," be approved.

Police Chief/Safety Services Manager Podany stated the Anoka County mitigation plan meets FEMA plan guidance requirements. There are several steps needed for the County and cities to be approved by FEMA. The completed adoption resolution is sent to HSEM electronically as soon as possible and FEMA will then approve the plan for theC. In addition, each city then adopts the plan by resolution. Also, the plan is marked 'Final' with the date of FEMA's approval. The resolutions from the County and cities are placed in an appendix in the plan and the final plan is sent to HSEM. Lastly, FEMA will send a letter approving the cities.

Mayor Ryan asked if this plan was approved every three years. Police Chief Podany reported the plan was approved every five years.

Motion adopted unanimously.

12.2 Second Reading – Ordinance 19-2435, Amending Chapter 18 – Buildings and Building Regulations Article VIII. – Residential Maintenance Code and Article X. – Licenses for Rental Dwellings, Reasonable Accommodations for Sober Living Homes, of the Code of Ordinances of the City of Blaine.

Moved by Councilmember Garvais, seconded by Councilmember Swanson, that Ordinance 19-2435, “Amending Chapter 18 – Buildings and Building Regulations Article VIII. – Residential Maintenance Code and Article X. – Licenses for Rental Dwellings, Reasonable Accommodations for Sober Living Homes, of the Code of Ordinances of the City of Blaine,” be approved.

Community Standards Director Fiske stated the Council has been reviewing a proposed reasonable accommodation ordinance that would create the process for a private provider to operate a single-family home as a multi-person sober living home consistent with the Fair Housing Amendment Act. The Act directs that individuals recovering from addiction are federally protected as a disability group and therefore should receive reasonable accommodations from cities for their lodging and addiction support. Blaine, like several other cities, defines "family" in City Code as not more than four (4) unrelated individuals; sober living home providers are requesting the ability to have more than four unrelated individuals in a home. As the Act requires cities to provide a process for these requests staff has drafted a proposed code amendment to the Rental Licensing program that would establish an application process with neighborhood notice and action by the City Council. Each license request would be evaluated based on outlined criteria, include written notice of a public hearing to all property owners within 350 feet of the property, and require providers to be members of the Minnesota Association of Sober Homes as this organization promotes successful management of such residences through code of ethics criteria and standards of living verified through independent inspections. Staff was also recommending amendments to Section 18-509 relating to hearings for rental licensing actions to include hearings conducted by an independent hearing officer on behalf of the Council, similar to other license proceedings and consistent with sober living home recommendations.

Councilmember Paul stated he was going to support the proposed code amendment and understood there were a lot of changes in State law. He asked how sober homes would be inspected by the City. Mr. Thorvig reported staff would be treating sober homes in the same manner as rental properties. He commented further on the extra step that applicants would have to go through in order to receive a license for a sober home.

Motion adopted unanimously.

12.3 Resolution 19-146, Publication of the Title and Summary of Ordinance 19-2435, Amending Chapter 18 – Buildings and Building Regulations Article VIII. – Residential Maintenance Code and Article X. – Licenses for Rental Dwellings, Reasonable Accommodations for Sober Living Homes, of the Code of Ordinances of the City of Blaine.

City Clerk Sorensen stated this item required a four-fifths majority of the Council to be approved and for this reason, staff recommended action on this item be postponed.

Moved by Councilmember Garvais, seconded by Councilmember Paul, to Postpone Action on the Publication of the Title Summary of Ordinance 19-2435.

Motion adopted unanimously.

12.4 First Reading – Ordinance No. 19-2436, Ordinance Amending Chapter 70 – Special Events, Streets, Sidewalks and Other Public Places.

Ms. Sorensen stated as follow-up from the recent 3M Open, staff is recommending a code amendment that would remove the exception of both the 3M golf event and the Blaine Festival, thereby requiring both organizations to obtain a special event license from the City. Both organizations work extremely well with police and staff already and including them in the special event license process will help continue that partnership. Since both events are unique in size and community impact, it is important to ensure all event aspects are thoroughly reviewed and processed through Emergency Management rather than administratively. Staff will also be following the same administrative review process for carnivals and circuses; in the past staff has reviewed applications and brought to Council for formal approval but after reviewing the Code again these licenses can be approved administratively unless the City Manager requests a public hearing in front of Council.

Declared by Mayor Ryan that Ordinance No. 19-2436, “Ordinance Amending Chapter 70 – Special Events, Streets, Sidewalks and Other Public Places,” be introduced and placed on file for second reading at the October 7, 2019 Council meeting.

12.5 Resolution 19-147, Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for Construction of Dunkirk Street, Improvement Project No. 16-15.

Moved by Councilmember Paul, seconded by Councilmember Jeppson, that Resolution 19-147, “Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for Construction of Dunkirk Street,” be approved.

Mr. Schluender stated Improvement Project No. 16-15 included installing concrete curb and gutter, storm sewer improvements, aggregate base, asphalt surface, traffic control signage, and appurtenant construction. The Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$51,885.06. The Public Utility Fund and Pavement Management Program funds will contribute \$84,914.05 for storm sewer improvements.

Motion adopted unanimously.

12.6 Resolution 19-148, Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for 113<sup>th</sup> Avenue NE Trunk Sanitary Sewer Improvements, Improvement Project No. 17-09.

Moved by Mayor Ryan, seconded by Councilmember Jeppson, that Resolution 19-148, “Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for 113<sup>th</sup> Avenue NE Trunk Sanitary Sewer Improvements,” be approved.

Mr. Schluender stated Improvement Project No. 17-09 included installing trunk sanitary sewer and appurtenant construction. The total project cost indicated in the Feasibility Report was \$580,642. The Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$359,961.65. It is proposed that \$222,743.00 will be deferred until development of existing parcels on 113th Avenue. The Public Utility Fund will contribute \$10,000.00 for lift station removal. The plat of Creekside Village agreed to be assessed an extra \$25,266 for an increase in pipe size to serve the plat, and the plat of Wicklow Woods paid \$21,597.00 for an increase in pipe size to serve the plat.

Councilmember Paul requested further information regarding the proposed assessments for this project. Mr. Schluender explained this project was different from the Jefferson Street project. He indicated this was a trunk sanitary sewer line extension along rear property lines for the impacted parcels. He reported development has occurred to the south, along with Wicklow Woods to the west. He stated when this petition went through several developers were waiting for the sewer lines to be extended. He commented residents were now entertaining offers from developers for their parcels.

Motion adopted unanimously.

12.7 Resolution 19-149, Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for Reconstruction of Tournament Players Parkway, Improvement Project No.19-07.

Moved by Councilmember Jeppson, seconded by Councilmember Garvais, that Resolution 19-149, "Declare Cost to be Assessed, Order Preparation and Call for Hearing on Proposed Assessment for Reconstruction of Tournament Players Parkway," be approved.

Mr. Schluender stated the Tournament Players Parkway portion of Improvement Project No. 19-07 included repair/replacement of concrete curb and gutter and sidewalk, pedestrian ramp improvements, storm sewer and structure improvements, full depth reclamation, new sanitary castings and rings and appurtenant construction. The total project cost for Tournament Players Parkway indicated in the Feasibility Report was \$1,181,100. The Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$244,995.08. The Public Utility Fund will contribute \$27,282.87 for sewer improvements.

Motion adopted unanimously.

12.8 Resolution 19-150, Adjusting Certain Tax Levies for Bonded Indebtedness for Fiscal Year 2020.

Moved by Councilmember Swanson, seconded by Mayor Ryan, that Resolution 19-150, "Adjusting Certain Tax Levies for Bonded Indebtedness for Fiscal Year 2020," be approved.

Mr. Huss stated adoption of the proposed Resolution to adjust tax levies certified for bonded indebtedness is requested. The Resolution includes adjustments to scheduled levies for the City's General Obligation (G.O.) Special Assessment Improvement Bonds, G.O. Capital Improvement Bonds, and the City's Capital Equipment Certificates of Indebtedness. For G.O. Debt issues that are primarily funded through special assessments against the improved property, an analysis of deferred special assessments collections is made by the City's financial consultant at the time the bonds are issued. This can result in a calculated deficit of available funds, thus requiring a tax levy to fund repayment of the debt. This calculated levy is certified to the County at the time the bonds are issued as a general ad valorem levy for each year. These levy amounts are reviewed annually to verify their necessity. Finance staff has reviewed the financial position of the City's debt service funds in 2019 and has determined that certain levies could be adjusted in 2020.

Motion adopted unanimously.

12.9 Resolution 19-151, Certify Proposed General Fund Budget and Tax Levy for Fiscal Year 2020.

Moved by Councilmember Jeppson, seconded by Councilmember Garvais, that Resolution 19-151, "Certify Proposed General Fund Budget and Tax Levy for Fiscal Year 2020," be approved.



Mr. Huss stated Minnesota Statutes require that cities annually certify preliminary budget and property tax levies to county auditors by September 30. As discussed at previous budget workshops, the preliminary budget may be adjusted either up or down, however, once set, the property tax levy can only be lowered. Thus, the Council does have the ability to reduce the preliminary tax levy as the 2020 budget process unfolds. The levy proposed in the resolution would, per the best estimates of staff given data currently available, result in a combined 2020 net tax capacity rate that equals the 2019 combined net tax capacity rate for the City and EDA of 36.810%. The proposed General Fund expenditure budget totals \$34,642,830. Preliminary revenue sources provide a safe margin of revenues over expenditures of \$252,770.

Councilmember Paul asked if the proposed levy took into consideration levies for upcoming years. Mr. Huss reported this was not the case. He explained the Council would adopt the 2021 levy in the fall of 2020.

Motion adopted unanimously.

12.10 Resolution 19-152, Establishing 2019 Public Hearing Dates for the Proposed 2020 General Fund Budget and Tax Levy.

Moved by Councilmember Jeppson, seconded by Councilmember Paul, that Resolution 19-152, "Establishing 2019 Public Hearing Dates for the Proposed 2020 General Fund Budget and Tax Levy," be approved.

Mr. Huss stated Minnesota Statutes requires cities to establish future public hearings on the proposed budget and tax levy by September 30, and to hold the public hearings at a regularly scheduled Council meeting. The resolution calls for two public hearings: The first for discussion on the proposed 2020 General Fund Budget and Tax Levy on December 9, 2019 at 8:00 p.m. and the second public hearing for the adoption of the 2020 Tax Levy and General Fund Budget at 7:30 p.m. on December 16, 2019.

Motion adopted unanimously.

**OTHER BUSINESS**

None.

**ADJOURNMENT**

Moved by Councilmember Paul, seconded by Councilmember Jeppson, to adjourn the meeting at 8:39 p.m.

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Tom Ryan, Mayor

ATTEST:

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