



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

Blaine City Hall
10801 Town Sq Dr NE
Blaine, MN 55449

Thursday, January 19, 2017

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 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; Communications Technician Roark Haver; Senior Engineering Technician Al Thorp; and City Clerk Catherine Sorensen.

Present: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

4. **APPROVAL OF MINUTES**

4.-1 [MIN 17-02](#) **RECENTLY HELD MEETINGS**

Moved by Councilmember Swanson, seconded by Councilmember Garvais, that the Minutes of the Workshop Meeting of January 5, 2017 and the Minutes of the Regular Meeting of January 5, 2017 be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

5. **AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

Mayor Ryan congratulated Jeff Berg, the Chair of the Park Board, for receiving the State Park Commission Award.

Presented.

6. COMMUNICATIONS

None.

None.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:35 p.m.

Richard Holmes, 11806 Naple Circle, addressed the Council on behalf of the homeowners living in The Cottages at Aspen Cove. He explained he was surprised to learn that 90% of the trees behind his development were going to be removed. He described how the conservation area looks after the tree removal and expressed great disappointment. He stated the beauty and privacy of the area has been lost. He thanked the Council for getting the work stopped. However, he feared how the property values within his development would be impacted by the tree loss. He questioned why the City gave no advanced notice regarding the tree removal. He requested all further tree cutting cease and that impacted homeowners be allowed to speak regarding this matter. He also believed the impacted homeowners should be provided with further information on the proposed vision for the property to allow homeowners to gain further understanding on how the conservation area would be developed. He stated he would like to receive a guarantee from the City that they would not further destroy the conservation area. He asked that the City consider creating a policy or set of procedures that would inform homeowners when the beauty and/or privacy of their home would be impacted.

Kevin Groves, 11800 Naple Circle, provided the Council with pictures and video of the conservation area before and after the tree removal. He commented on the how the wildlife would be impacted by the loss of trees. He stated he moved into his home in 2014 and was unaware that the conservation area would be entirely clear cut by the City without any communication to the homeowners. He did not understand why the City would change the conservation area in such a dramatic manner.

Emily Bross, 12145 Petersburg Court NE, explained the homes along Petersburg Court back up to the wetland conservation area. She stated she was very disappointed with the clear cutting that occurred along the property lines. She questioned why a buffer line of trees was not maintained to offer privacy to the existing homeowners. He requested the trees at the end of Petersburg Court remain in place.

Mayor Ryan explained the 500-acre conservation area was donated to the City in 1989. He described the efforts the City had taken to regrow the area with

native plants. He stated the City hoped to create a seven-mile raised walking trail through the area. It was his hope that the area would resemble Springbrook at some point in the future. He reported the City has been working on the financing and environmental issues for this project for years. He stated he understood that trees and wildlife were precious.

Stormwater Manager Hafner provided the Council and residents in attendance with a brief history of the property. He commented on the wetland restoration project that occurred in 2009 and noted a fair amount of wood was logged out of this area at that time. He described how the property had been maintained and restored in order to be sustainable, while not impacting the wetlands. He explained there were a number of threatened and endangered plant species within the conservation area. Staff noted the benefits of retaining and earning wetland credits. The proposed boardwalk trail location was discussed. He stated the hope would be to have a nature center on this property at some point in the future. He indicated all trees that were going to be removed had been removed, except for one area. He reported the healthy trees in the upland areas would be maintained. He then discussed the future phases of the project.

Jason Husveth, consultant and contractor for the City, clarified for the Council the areas where tree removal was still needed.

Steve Mikrut, 11828 Naples Street, explained he bought his home because of the trees. He questioned how many trees were removed by the contractor. Stormwater Manager Hafner had no idea how many trees were removed and noted the contract was bid out by the acre.

Mr. Mikrot, 11828 Naples Street, expressed frustration that a buffer was not left for the existing homeowners. He encouraged the City to replant trees along the path in order to afford the homeowners along the trail a bit of privacy.

Stormwater Manager Hafner explained that a buffer line of 20 feet beyond the property lines had to be left untouched by the contractor. He stated he did respect people's privacy. He estimated the trail was 400 to 600 feet from the existing homes. He anticipated that when the remaining trees had leaves in the summer time, the homeowners would not be able to see the trail.

Mr. Mikrot stated he could not believe the lack of consideration on the City's part and that they would remove such a large number of trees without consulting any of the impacted homeowners.

Mayor Ryan encouraged the homeowners to remember that this conservation area was planned long before The Lakes neighborhood developed. He explained an environmental committee has been working on this project for

over 20 years.

Councilmember Swanson questioned how many wetland credits would be lost if the remaining trees stayed in place. Stormwater Manager Hafner estimated the City would lose approximately two acres of credit which would be about \$200,000.

Councilmember Swanson asked if at any point the individuals involved on this project considered talking to the adjacent homeowners. Stormwater Manager Hafner stated a public meeting was held two years ago, and articles have been written in the local paper regarding this project. He indicated the City had also posted information on its website. He explained the tree removal work was started in January due to the need of frozen ground to perform the work.

Councilmember Clark stated the Council has been behind this project for some time. He inquired when notification was sent from the City to this neighborhood or the Council regarding the proposed tree removal. He questioned why the City had not held a public meeting regarding this matter. Stormwater Manager Hafner reported past practice has been not to notify homes.

Councilmember Clark apologized to the residents for the way this was handled. He stated he believed this project was good for the City and good for the environment; however he was not happy with the way this was handled. He promised the Council would be addressing its communication in order to ensure this type of situation did not occur again in the future. He questioned how the Council would like to move forward in order to find a solution for this problem.

Mr. Grandell, 11845 Naples, stated he was devastated to see what has happened to his neighborhood. He appreciated the support he has received from the Council. He believed the City should be embarrassed about this entire situation and he feared how his property value would be impacted. He was disappointed with how all privacy had been lost for the homeowners in his neighborhood. He questioned why the City did not hold a public meeting to address the tree loss with the residents. He expressed extreme disappointment in the City Council and City staff.

Councilmember Jeppson stated she sincerely empathized with the frustrations expressed by the residents. She explained she understood this project was not communicated well and she offered the residents a sincere apology. She indicated the City would have to communicate better with builders and developers to ensure they are not making promises to home buyers regarding the future of adjacent properties. She expressed concern with the maintenance trucks that would be used to access the conservation area.

Stormwater Manager Hafner explained maintenance would be completed twice a year by small equipment, such as bobcats and four-wheelers.

Councilmember Jeppson expressed concern with the way the conservation area looks at this time. She recommended the access point be moved to another location so as not to further disrupt the residential area. She suggested the access point be located off of Lexington Avenue. Stormwater Manager Hafner stated staff would have to take a hard look at where this access point could be relocated. He indicated the proposed location offered the best access point for the City. He reported the access point would have a gate in order to keep vehicles, snowmobiles and four-wheelers out of this area.

Mike Holmquist, 11857 Naples Circle, stated he lived directly across from the proposed access point. He suggested the City pull back at this time on further tree removal in order for the project to be discussed in further detail with the impacted homeowners. He said he believed if a sign had been posted on the property, the City would have received feedback from the neighborhood. He proposed the Council send a personal invite to the residents on the perimeter of the project inviting them to a neighborhood meeting. He suggested each street that backs up to this property designate one person to sit on a subcommittee in order to discuss options for the project. He indicated the project was all about compromise at this point in time, given the fact the trees were gone. He suggested the access gate be natural looking and that maples be planted on each side of the gate. He feared the Council had betrayed the trust of the residents and stated it would take some time for this to be regained.

Moved by Councilmember Clark, seconded by Councilmember Jeppson, to direct staff to cease all further tree cutting and to schedule a neighborhood meeting for residents living along the perimeter of the conservation area in order to discuss solutions and compromises for the project. Motion adopted unanimously.

Michael Fincher, 3316 117th Lane, asked if any trees would be removed from the cul-de-sac at 117th. Stormwater Manager Hafner stated no trees would be removed from this cul-de-sac.

Mary Jo Trushon, 12917 Buchanan Street, stated she was one of the original members of the Natural Resources Committee. She reported the intention of the committee was not to inflict this type of pain on homeowners. She requested the Natural Resources Committee members be a part of the neighborhood meeting where the conservation area will be further discussed.

Councilmember Clark supported this recommendation.

Mayor Ryan discussed the rich history of this property and the years of planning that have gone into this project.

A resident expressed concern that because such a large number of trees were removed, the water on the conservation site would spill over onto his property.

Councilmember Clark stated all of the issues brought up this evening would not be able to be fully addressed. He asked if the downed trees would be cleaned up. Stormwater Manager Hafner explained the crew would be back early next week to finish cleaning up the downed trees.

Councilmember Swanson questioned how staff would proceed. City Manager Arneson stated notifications would be sent to homeowners for a neighborhood meeting. He anticipated this meeting would be similar to the one held for 119th Avenue where the intent would be to listen to the concerns of the residents.

Councilmember Garvais recommended the vision and plan for the conservation area be fully explained to the residents at this meeting.

Councilmember Hovland stated he understood clear cutting was devastating as this occurred behind his home as well. He explained this property would come back and new trees would grow. He indicated he supported the motion brought forward by Councilmember Clark and he looked forward to further discussing this project with the neighboring residents.

Carol Holmquist, 11857 Naples Circle, reported the tree loss was devastating. She recommended the Council consider replanting trees in this area in order to assist the area in recovering.

There being no input, Mayor Ryan closed the Open Forum at 8:52 p.m.

Discussed.

8. ADOPTION OF AGENDA

The agenda was adopted as presented.

Adopted as presented.

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

None.

None.

10. APPROVAL OF CONSENT AGENDA:

Moved by Councilmember Hovland, seconded by Councilmember Garvais, that the following be approved:

\Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

10.-1 [MO 17-14](#)

SCHEDULE OF BILLS PAID

Approved

10.-2 [MO 17-15](#)

AUTHORIZE PURCHASE OF ROAD CHEMICALS FOR 2016 - 2017 IN THE AMOUNT OF \$277,920

Approved

10.-3 [MO 17-16](#)

AUTHORIZATION TO PURCHASE MINI-LOADER IN THE AMOUNT OF \$31,901.05 FROM 2017 STORMWATER BUDGET

Approved

11. DEVELOPMENT BUSINESS

11.-1 [ORD 17-2369](#)

SECOND READING

GRANTING A REZONING FROM B-2 (COMMUNITY COMMERCIAL) TO B-3 (REGIONAL COMMERCIAL) AT 11225 ULYSSES STREET NE. TWIN CITIES ORTHOPEDICS. (CASE FILE NO. 16-0050/SLK)

Planning and Community Development Director Schafer stated Twin Cities Orthopedics (TCO) is proposing to construct a 50,000-square foot, three-story medical office building at 11225 Ulysses Street NE. TCO evaluated design options to reduce the required space for program requirements to approximately 50,000 square feet from an original 60,000 square feet. Because of the site constraints such as wetlands and parking requirements the applicant has designed a 50,000-square foot 3 story building. The height of the building be proposed by TCO is approximately 48 feet.

Planning and Community Development Director Schafer explained the parcel is currently zoned B-2 (Community Commercial). This zoning district does not permit buildings to exceed 2.5 stories or 36 feet, whichever is less. The B-3 (Regional Commercial) zoning district allows buildings up to three (3)

stories or 50 feet without a Conditional Use Permit. Therefore, the applicant has requested approval of a rezoning of the parcel from B-2 (Community Commercial) to B-3 (Regional Commercial). The property adjacent to the north is currently zoned B-3, therefore, this would be a boundary extension of the B-3 zoning district. It was noted the medical office use is a permitted use in both the B-2 or B-3 zoning districts. Staff reviewed the request in further detail and recommended approval of the rezoning.

Moved by Councilmember Clark, seconded by Councilmember Hovland, that Ordinance No. 17-2369, "Granting a Rezoning from B-2 (Community Commercial) to B-3 (Regional Commercial) at 11225 Ulysses Street NE," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

11.-2 [RES 17-009](#)

GRANTING PRELIMINARY PLAT APPROVAL TO SUBDIVIDE 4.02 ACRES INTO ONE (1) LOT TO BE KNOWN AS TCO BLAINE ADDITION, LOCATED AT 11225 ULYSSES STREET NE. TWIN CITIES ORTHOPEDICS. (CASE FILE NO. 16-0050/SLK)

Planning and Community Development Director Schafer stated the proposed plat creates one lot. Lot 1 is 4.02 acres and is the site of the proposed TCO Medical Office Building. Park dedication will be due with the platting of one lot and the park dedication rate for commercial development is \$8,704/acre for a total due of \$26,547.20 (for 3.05 upland acres). This fee will need to be paid, at the rate in effect at the time of Final Plat, prior to release of final plat mylars for recording at Anoka County.

Moved by Councilmember King, seconded by Councilmember Garvais, that Resolution No. 17-009, "Granting Preliminary Plat Approval to Subdivide 4.02 Acres into One (1) Lot to be known as TCO Blaine Addition, located at 11225 Ulysses Street NE," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

11.-3 [RES 17-010](#)

GRANTING A ONE (1) FOOT VARIANCE TO THE TWENTY (20) FOOT PARKING STALL LENGTH TO ALLOW A NINETEEN (19) FOOT STALL LENGTH AND ELEVEN (11) ADDITIONAL PARKING STALLS ON SITE AT 11225 ULYSSES STREET NE. TWIN CITIES ORTHOPEDICS. (CASE FILE NO. 16-0050/SLK)

Planning and Community Development Director Schafer stated the variance being requested by Twin Cities Orthopedics is a one (1) foot variance to the 20-foot parking stall length allowing a 19-foot stall length. The drawings submitted by the applicant have indicated the variance would include the interior head-to-head parking stalls. The one foot stall length reduction would

allow the applicant to provide 11 additional stalls on site. City staff has contacted several other communities in the area and some of these Cities permit 19-foot stall lengths. Staff is amenable to granting this variance and the recommendation is for approval.

Councilmember Hovland recommended the Council have further discussion on the City's parking stall length and width requirements.

Moved by Councilmember Clark, seconded by Councilmember Garvais, that Resolution No. 17-010, "Granting a One (1) Foot Variance to the Twenty (20) Foot Parking Stall Length to allow a Nineteen (19) Foot Stall Length and Eleven (11) Additional parking Stalls on Site at 11225 Ulysses Street NE," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

11.-4 [ORD 17-2370](#)

SECOND READING

AMENDING SECTION 31.30 OF THE ZONING ORDINANCE OF THE CITY OF BLAINE TO ADD MOTORCYCLE SALES AND MAINTENANCE AS A USE ALLOWED BY CONDITIONAL USE PERMIT IN THE PBD (PLANNED BUSINESS DISTRICT) ZONING DISTRICT. CITY OF BLAINE. (CASE FILE NO. 16-0055/BKS)

Planning and Community Development Director Schafer discussed the proposed Code Amendment which would add motorcycle sales and maintenance as a use allowed by Conditional Use Permit in the PBD (Planned Business District). He explained the Planning Commission discussed the Code Amendment and recommended approval.

Councilmember Hovland understood the Harley Davidson owner was very willing to work with the City and was looking forward to building a new facility in Blaine.

Councilmember Garvais recommended the owner be present at the next Council meeting and that the adjacent homeowners be renotified.

Mayor Ryan did not believe it was necessary to renotify for this Code Amendment as a public hearing was held by the Planning Commission.

Declared by Mayor Ryan that Ordinance No. 17-2370, "Amending Section 31.30 of the Zoning Ordinance of the City of Blaine to Add Motorcycle Sales and Maintenance as a Use Allowed by Conditional Use Permit in the PBD (Planned Business District) Zoning District," be introduced and placed on file for second reading at the February 2, 2017 Council meeting.

11.-5 [ORD 17-2371](#)

SECOND READING

AMENDING SECTION 29.35 OF THE ZONING ORDINANCE OF THE CITY OF BLAINE TO ESTABLISH A 75-FOOT BUILDING SETBACK FROM THE ORDINARY HIGH WATER OF PUBLIC WATERS IN THE R-1 (SINGLE FAMILY) ZONING DISTRICT. CITY OF BLAINE. (CASE FILE NO. 16-0056/BKS)

Planning and Community Development Director Schafer requested the Council consider amending City Code to allow for the establishment of a 75-foot building setback from the Ordinance High Water of public waters in the R-1 (Single Family) zoning district. He explained the City had received inquiries from developers interested in building on Laddie Lake which led staff to recommend a setback be established through Ordinance.

Councilmember Swanson asked if the lot on Laddie Lake was viable. Planning and Community Development Director Schafer stated the lot was tough and would have an oddly constructed home. He reported the City would be open to considering a variance for the lot once the setback Ordinance was in place.

Councilmember Clark requested comment from the City Attorney on the proposed setback Ordinance. City Attorney Sweeney advised the DNR standard setback was 75 feet. For this reason, the City would not be creating a taking.

Councilmember King asked if the proposed Ordinance would create a hardship for any existing properties. Planning and Community Development Director Schafer stated there were several sheds or accessory structures that were non-conforming.

Councilmember Hovland questioned if the City had requirements for holding ponds. Planning and Community Development Director Schafer reported holding ponds had separate DNR requirements than lakes.

Declared by Mayor Ryan that Ordinance No. 17-2371, "Amending Section 29.35 of the Zoning Ordinance of the City of Blaine to Establish a 75-Foot Building Setback from the Ordinary High Water of Public Waters in the R-1 (Single Family) Zoning District," be introduced and placed on file for second reading at the February 2, 2017 Council meeting.

12. ADMINISTRATION

12.-1 [MO 17-17](#)

RATIFICATION OF LOCAL 340 (POLICE SERGEANTS) 2017-2019 UNION CONTRACT

Finance Director Huss stated the City of Blaine and Police Sergeants have reached a tentative agreement on a three-year contract for 2017 through 2019. He reviewed the terms and proposed changes to the contract in detail with the Council and recommended approval.

Moved by Councilmember Hovland, seconded by Councilmember King, that Motion 17-17, "Ratification of Local 340 (Police Sergeants) 2017-2019 Union Contract," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

12.-2 [MO 17-18](#)

AUTHORIZE THE CITY MANAGER TO EXTEND THE CONTRACT WITH LOCKRIDGE GRINDAL NAUEN P.L.L.P. TO ASSIST WITH THE LEGISLATIVE BONDING REQUEST FOR 105TH AVENUE

City Manager Arneson stated on January 7, 2016 the City Council authorized the City Manager to retain LGN and its government relations team to assist with the City's legislative bonding request for the 105th Avenue project for a cost not to exceed \$30,000. Due to the bonding bill, not being approved at the last Legislative session the City will need to extend the contract with LGN to continue to work with their government relations team. Staff recommended the Council authorize staff to extend the contract with Lockridge Grindal Nauen.

Councilmember Clark thanked Senator Newton, Senator Nolan West and Senator Chamberlain for their assistance with this bonding matter.

Councilmember King asked if this was a budgeted expense for 2017. City Manager Arneson reported it was not a budgeted expense and the costs would be coming out of the project cost fund.

Moved by Councilmember Clark, seconded by Councilmember Hovland, that Motion 17-18, "Authorizing the City Manager to Extend the Contract with Lockridge Grindal Nauen P.L.L.P. to Assist with the Legislative Bonding Request for 105th Avenue," be approved.

Motion adopted unanimously.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark, Councilmember King, Councilmember Hovland, Councilmember Garvais and Councilmember Jeppson

13. OTHER BUSINESS

Economic Development Coordinator Thorvig invited the Council to attend the Blaine Business Council next Thursday, January 26th at 7:30 a.m. at TPC. He noted the Blaine Business Council would meet again on April 27th at 7:30 a.m. at Infinite Campus.

Informational; no action required.

14. ADJOURNMENT

Moved by Councilmember Garvais, seconded by Councilmember Clark, to

adjourn the meeting at 9:19 p.m.

Aye: 7 - Mayor Ryan, Councilmember Swanson, Councilmember Clark,
Councilmember King, Councilmember Hovland, Councilmember Garvais
and Councilmember Jeppson