



# City of Blaine Anoka County, Minnesota Minutes City Council

Blaine City Hall  
10801 Town Sq Dr NE  
Blaine MN 55449

*This meeting will be a hybrid of Zoom and in-person. The Mayor has signed a declaration allowing members of the council, staff, and the public to attend the meeting remotely via Zoom as has been done during the COVID-19 pandemic.*

*The council chambers will have limited seating, with audience chairs being set up at least six feet apart. There will be an overflow area where the meeting can be watched in the Cloverleaf Farms Room, also with chairs set up at least six feet apart.*

*Public comments may be submitted prior to the meeting by sending an email to [PublicComment@BlaineMN.gov](mailto:PublicComment@BlaineMN.gov) or by calling 763-717-2782 no later than Noon on Monday June 21.*

*Public comment will also be taken during the meeting remotely via Zoom. Members of the public can join the Zoom webinar at <https://blainemn.zoom.us/j/94488660195>*

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Monday, June 7, 2021

7:30 PM Council Chambers and due to the COVID-19 pandemic, city meetings will also be held as virtual meetings

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## 1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:33PM by Mayor Sanders followed by the Pledge of Allegiance and the Roll Call. Due to the COVID-19 pandemic this hybrid meeting was held both virtually and in person.

## 2. PLEDGE OF ALLEGIANCE

## 3. ROLL CALL

Adjunct Member Drew Brown.

**ABSENT:** None.

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; City Engineer Dan Schluender; City Attorney Chris Nelson; Communications Manager Ben Hayle; and City Clerk Catherine Sorensen.

**Present:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

#### **4. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS**

##### **4.-1 Leo Luskey Recognition**

**Attachments:** [Proclamation](#)

Safety Services Manager/Police Chief Podany stated the Blaine Police Department would like to recognize Leo Lusky for his donation to the K9 Unit. Mr. Lusky donated a dog for the K9 unit which included the required training costs. The K9 officer is named Tyrone and will replace Rex, the current K9, who will retire in August. Tyrone will begin K9 School in August and will begin serving in November 2021. Police Chief Podany provided the Council with a brief history on Mr. Lusky's involvement in the community and thanked him for his tremendous service and commitment to the community.

Mr. Lusky stated he was extremely honored to be able to do this then presented the city council with a check for \$15,000. He commented further on how much this community and the Blaine Police Department meant to him.

Mayor Sanders read a proclamation in full for the record recognizing Leo Lusky for his generous donation to the Blaine Police Department and its K9 program.

The council and all in attendance offered Mr. Lusky a round of applause and standing ovation.

**Informational: no action required**

#### **5. COMMUNICATIONS**

City Clerk Sorensen commented on the passing of Ken Daniels, husband of former Councilmember Jane Daniels, and offered condolences on behalf of the City of Blaine.

#### **6. OPEN FORUM**

Mayor Sanders opened the Open Forum at 7:48PM.

Ann Lopez, 3623 112th Circle, expressed concerns with the road barrier at 112th/114th Lane. She reported The Sanctuary Preserve neighborhood has a nice park and this amenity should be open to the entire community. She was of the opinion having this roadway closed was a liability and safety concern for the community.

Giessi Lopez, 3623 112th Circle, stated he was concerned with the barrier in place at 112th/114th Lane. He explained he spoke to Councilmember Robertson regarding this matter. He commented on the history of this road closure and requested the council discuss this matter further at a future worksession meeting in order to make a change.

Angelene Ghelf, 3988 112th Circle, shared concerns regarding the closure of 114th Lane NE and how bus routes were being impacted. She noted the children from 110 homes were having to spend an extra five to ten minutes on the bus due to this closure. She requested the council reconsider this road closure.

There being no further input, Mayor Sanders closed the Open Forum at 7:58PM.

**7. ADOPTION OF AGENDA**

The agenda was adopted as presented.

**8. APPROVAL OF CONSENT AGENDA:**

Mayor Sanders requested the removal of agenda item 8.9.

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

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

**8.-1 Schedule of Bills Paid**

**Attachments:**    [05/14/2021 Bills Paid](#)  
                          [05/14/2021 Subset of Bills Paid](#)  
                          [05/21/2021 Bills Paid](#)  
                          [05/21/2021 Subset of Bills Paid](#)  
                          [05/28/2021 Bills Paid](#)  
                          [05/28/2021 Subset of Bills Paid](#)

**Approved**

**8.-2 Approval of Minutes**

**Attachments:**

05-10-21 Workshop Minutes

05-17-21 Closed Session - Pending Litigation Update - Mobile  
Response Update

## 05-17-21 Workshop Minutes

05-17-21 Council Minutes

5-21 and 5-22-21 Workshop Council Retreat

**Approved**

**8.-3**

## Adopt the General Records Retention Schedule and Appoint a Data Practices Responsible Authority and Compliance Official

**Attachments:**

## 2018 General Records Retention Schedule

[Public Notice for Data Practices Act 2021](#)

## Records Management - Data Practices Policies - Blaine 2019

**Adopted**

**8.-4**

**Approve a Tobacco and Tobacco Products License for  
Supervalu, Inc DBA Cub Wine and Spirits, 4255 Pheasant Ridge  
Drive NE #310, Blaine MN**

**Approved**

**8.-5**

## Approve 2021-2022 Liquor Licenses

**Attachments:**

2021 Liquor Renewals - June 7

**Approved**

**8.-6**

## Approve Temporary Road Closure for Blaine Festival Parade

**Attachments:**

Blaine Festival Parade Map final 060217.pdf

20210519142012386.pdf

**Approved**

**8.-7**

## Notifying League of Minnesota Cities Insurance Trust That Monetary Limits on Tort Liability are Not Waived

**Approved**

**8.-8**

**Granting a Final Plat Approval to Subdivide Approximately 4.07 acres into Five Lots to be Known as Blaine Square 2nd Addition at 12403 and 12417 Ulysses Street NE. Blaine Square LLC (Case File No. 21-0037/SLK)**

**Attachments:**

## Attachments

**Adopted**

- 8.-10                      Granting a Final Plat to Subdivide 26 Acres into 66 Single-Family Lots and One Outlot to be Known as Lexington Woods at 12621, 12691 and 12701 Lexington Avenue NE. D.R. Horton (Case File No. 21-0040/SLK)**

**Attachments:**      [Attachments](#)

Adopted

- 8.-11                      Granting Final Plat Approval to Subdivide 5.62 Acres into One Lot and Two Outlots to be Known as Lexington Meadows 5th Addition at 10717 Austin Street NE. Lexington Meadows LLC (Case File No. 21-0045/LSJ)**

**Attachments:**      [Attachments](#)

Adopted

- 8.-12                      Releasing Outlot C, Sunrise Oaks from Recorded Development Agreement (Case File No. 21-0042/LSJ)**

**Attachments:**      [Map](#)  
                                 [DA Release](#)

Adopted

- 8.-9                        Granting a Final Plat to Subdivide 24.42 Acres into 34 Lots and One Outlot to be Known as Meadowland Estates at 128th Avenue NE and Flanders Street. Meadowlands Development, LLC. (Case File No. 21-0041/EES)**

**Attachments:**      [Attachments](#)

Mayor Sanders requested further information from staff on this item. City Engineer Schluender stated it was brought to staff's attention today that the applicant has requested a reduction in the park dedication fees. He discussed the trail improvements that would be completed in the proposed development noting the cost would be \$5,200.

Councilmember Robertson asked if the developer was asking for some form of forgiveness for the trail costs. Mr. Schluender reported this was the case.

Councilmember Robertson stated she could support this request, given the fact the developer would be creating a trail that the public would use.

**Moved by Councilmember Jeppson, seconded by Councilmember Paul, that Resolution No. 21-114, "Granting a Final Plat to Subdivide 24.42 Acres into 34 Lots and One Outlot to be Known as Meadowland Estates at 128th Avenue NE**

and Flanders Street. Meadowlands Development, LLC," be approved.

**Amendment moved by Councilmember Jeppson, seconded by Councilmember Robertson, to amend Condition 12 to reduce the park dedication fee to \$132,719.**

**A roll call vote was taken. Amended motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

**9. 7:30 P.M. - PUBLIC HEARING AND ITEMS PUBLISHED FOR A CERTAIN TIME**

**9.-1 Approve On-Sale Wine and 3.2% Malt Liquor on-sale Liquor Licenses for The Fun Lab, Inc. dba The Fun Lab Located at 10650 Baltimore Street NE, #300, Blaine, Minnesota**

**Attachments:** [The Fun Lab](#)

Ms. Sorensen stated council is asked to approve the on-sale wine and 3.2% malt liquor on-sale licenses for The Fun Lab. These licenses will give the amusement center, located at 10650 Baltimore Street NE, #300, the ability to serve wine, 3.2 beer and strong beer. Andrew Walker, owner and James Webber, applicant/manager for The Fun Lab, have submitted applications for on-sale wine and 3.2% malt liquor on-sale licenses. The applicant included all required license fees, insurance forms, background forms and alcohol documents. The Police Department has concluded their background investigation and found no automatic disqualifiers. The Clerk's Office will grant the on-sale wine and 3.2% malt liquor on-sale licenses upon receipt of the Anoka County Food License and completion of successful fire inspection and certificate of occupancy. The Fun Lab closed in September of 2020, forfeited their liquor licenses and is now re-opening with the new owner.

Mayor Sanders opened the public hearing at 8:06PM.

There being no public input, Mayor Sanders closed the public hearing at 8:06PM.

Councilmember Robertson stated she was happy to see the Fun Lab reopening in the city of Blaine.

**Moved by Councilmember Hovland, seconded by Councilmember Jeppson, that Motion 21-89, "Approve On-Sale Wine and 3.2% Malt Liquor On-Sale Liquor License for The Fun Lab, Inc. dba The Fun Lab located at 10650 Baltimore Street NE, #300, Blaine, Minnesota," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

9.-2

**Vacation of Drainage and Utility Easement, Outlot E, Springbrook  
2nd Addition, Vacation No. V21-01**

**Attachments:**     [Petition for V21-01](#)  
                                 [Exhibit - Outlot E](#)

Mr. Schluender stated the city received a petition dated April 7, 2021 from Matthew Barker, representing Springbrook Land LLC, requesting the vacation of the existing drainage and utility easement over the entire outlot E, Springbrook 2nd Addition. The property was originally platted as an outlot, while waiting for the property to the west to develop and extend utility services to their east property line. With the development of Woods at Quail Creek 5th addition extending the utilities, the existing outlot can be replatted and developed with two residential lots. Engineering staff has reviewed the request and is in agreement with the vacation.

Mayor Sanders opened the public hearing at 8:08PM.

There being no public input, Mayor Sanders closed the public hearing at 8:08PM.

**Moved by Councilmember Robertson, seconded by Councilmember Paul, that Resolution No. 21-118, "Vacation of Drainage and Utility Easement, outlot E, Springbrook 2nd Addition," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

9.-3

**Vacation of Drainage and Utility Easements, Lot 4, Block 1, Mary  
and Jeffs First Addition, Vacation No. V21-02**

**Attachments:**     [Petition V21-02](#)  
                                 [Exhibit A](#)

Mr. Schluender stated the city received a petition dated April 5, 2021 from Nathan Raich, representing NR Properties, Inc., requesting the vacation of the existing drainage and utility easements of Lot 4, Block 1, Mary and Jeffs First Addition. The property was originally platted as Lot 4, Block 1 of Mary and Jeffs First addition subdivision. This property will now be included as part of the new proposed subdivision known as Meadowland Estates. This vacation will run concurrent with the recordation of the new record plat for Meadowland Estates. Engineering staff has reviewed the request and is in agreement with the vacation.

Mayor Sanders opened the public hearing at 8:10PM.

There being no public input, Mayor Sanders closed the public hearing at 8:10PM.

**Moved by Councilmember Hovland, seconded by Councilmember Robertson, that Resolution No. 21-119, "Vacation of Drainage and Utility Easements, Lot 4, Block 1, Mary and Jeffs First Addition," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

**9.-4 Vacation of Drainage and Utility Easements, Lot 1, Lot 2, and Lot 3, Block 1, Mary and Jeffs First Addition, Vacation No. V21-03**

**Attachments:**      [Petition](#)  
                                 [Exhibit A](#)

Mr. Schluender stated the city received a petition dated April 8, 2021 from Kelly Olsen, representing Olsen Global LLC, requesting the vacation of the existing drainage and utility easements of Lot 1, Lot 2, and Lot 3, Block 1, Mary and Jeffs First Addition. The properties were originally platted as part of Mary and Jeffs First Addition. The properties will be redeveloped as part of the proposed Harpers Landing Subdivision. The vacation of the easements will occur concurrent with the recordation of the Harpers Landing Record Plat. Engineering staff has reviewed the request and is in agreement with the vacation.

Mayor Sanders opened the public hearing at 8:12PM.

There being no public input, Mayor Sanders closed the public hearing at 8:12PM.

**Moved by Councilmember Hovland, seconded by Councilmember Massoglia, that Resolution No. 21-120, "Vacation of Drainage and Utility Easements, Lot 1, Lot 2, and Lot 3, Block 1, Mary and Jeffs First Addition," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

**9.-5                      Vacation of Flanders Street Right-of-Way, Mary and Jeffs First  
Addition, Vacation No. V21-04**

[illegible]



Mr. Schluender stated the city received a petition dated April 8, 2021 from Kelly Olsen, representing Olsen Global LLC, requesting the vacation of Flanders Street Right-of-Way, Mary and Jeffs First Addition. The right-of-way was originally platted as part of Mary and Jeffs First Addition. The current right-of-way will be redeveloped as part of the proposed Harpers Landing Subdivision. The vacation of the right-of-way will occur concurrent with the recordation of the Harpers Landing Record Plat. Engineering staff has reviewed the request and is in agreement with the vacation.

Mayor Sanders opened the public hearing at 8:14PM.

There being no public input, Mayor Sanders closed the public hearing at 8:14PM.

**Moved by Councilmember Robertson, seconded by Councilmember Hovland, that Resolution No. 21-121, "Vacation of Flanders Street Right-of-Way, Mary and Jeffs First Addition," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

9.-6

**Granting a Comprehensive Land Use Plan and Text Amendment from PI/PC (Planned Industrial/ Planned Commercial) to HDR-2 (High Density Residential) at 10717 Austin Street NE. Lexington Meadows Apartments (Roers Companies) (Case File No. 21-0031/LSJ)**

**Attachments:**     [Attachments](#)  
[Unapproved PC Minutes 051121](#)

City Planner Johnson stated the applicant is requesting a comprehensive land use plan and text amendment from PI/PC (Planned Industrial/ Planned Commercial) to HDR-2 (High Density Residential) for the construction of a 182-unit, four-story apartment building. The proposal for higher density housing on this outlot was presented to the city council at a workshop meeting in March 2021 to gauge interest in this concept. The city council gave the indication to move forward with the comprehensive plan amendment and to hold a public hearing.

Mayor Sanders opened the public hearing at 8:18PM.

There being no public input, Mayor Sanders closed the public hearing at 8:18PM.

**Moved by Councilmember Smith, seconded by Councilmember Robertson, that Resolution No. 21-122, "Granting a Comprehensive Land Use Plant and Text**

**Amendment from PI/PC (Planned Industrial/Planned Commercial) to HDR-2 (High Density Residential) at 10717 Austin Street NE," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

**9.-7**

**Second Reading**

**Granting a Rezoning from PBD (Planned Business District) to DF (Development Flex) for 5.62 Acres at 10717 Austin Street NE. Lexington Meadows Apartments (Roers Companies) (Case File No. 21-0031/LSJ)**

**Attachments:**     [Attachments](#)  
[Unapproved PC Minutes 051121](#)

Ms. Johnson stated a rezoning is required for this project because the site plan, as proposed, cannot meet the PBD standards as listed in the zoning ordinance. In order to be flexible with the setback standards and parking standards on site, a rezoning to DF (Development Flex) is required. Staff commented further on the project and recommended approval.

Mayor Sanders opened the public hearing at 8:19PM.

There being no public input, Mayor Sanders closed the public hearing at 8:19PM.

**Moved by Councilmember Robertson, seconded by Councilmember Jeppson, that Ordinance No. 21-2473, "Granting a Rezoning from PBD (Planned Business District) to DF (Development Flex) for 5.62 Acres at 10717 Austin Street NE," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

**9.-8**

**Granting a Conditional Use Permit for the Construction of a 182-unit, Four Story Apartment Building in a DF (Development Flex) Zoning District at 10717 Austin Street NE. Lexington Meadows Apartments (Roers Companies) (Case File No. 21-0031/LSJ)**

**Attachments:**     [Attachments](#)  
[Unapproved PC Minutes 051121](#)

Ms. Johnson stated the proposed project is a market rate apartment

building with 182 units with underground parking and several site amenities. Roers Companies, the applicant/developer, builds and operates communities across the Midwest, including Minnesota. The building will be four stories high and will be comprised of brick, fiber cement panels, glass, lap siding, stone and precast concrete. The building does meet the Highway 65 Overlay District requirements with regard to building materials. The unit mix for this project includes 58 studio units, 88 one-bedroom units, 32 two-bedroom units and 4 three-bedroom units. A price range has not been provided, however it is considered a market rate project. Staff commented further on the proposed project and recommended approval of the conditional use permit.

Mayor Sanders opened the public hearing at 8:20PM.

There being no public input, Mayor Sanders closed the public hearing at 8:20PM.

Councilmember Jeppson asked if Anoka County has already expanded this portion of the roadway in order to accommodate the signal. Mr. Schluender reported the developer was making these improvements at the intersection in order to accommodate the signal and reported these improvements would occur in 2022.

**Moved by Councilmember Robertson, seconded by Councilmember Jeppson, that Resolution No. 21-123, "Granting a Conditional Use Permit for the Construction of a 182-Unit, Four Story Apartment Building in a DF (Development Flex) Zoning District at 10717 Austin Street NE," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

## **10. DEVELOPMENT BUSINESS**

### **10.-1 Granting a Conditional Use Permit for the Establishment of a New Outdoor Dining Area (Backyard Park) in a B-2 (Community Commercial) Zoning District at 12530 Ulysses Street NE. The Roadside (Elevage Development Group) (Case File No. 21-0034/LSJ)**

**Attachments:** [Attachments](#)  
[Unapproved PC Minutes 051121](#)

Ms. Johnson stated this application is a request to provide a new outdoor dining area north of the building on The Roadside restaurant site. This new outdoor dining area would provide seating for 30-50 people. On the

northwest corner of 125th Avenue and Ulysses Street is an existing restaurant known as The Roadside. The site is zoned B-2 (Community Commercial) and a restaurant is a permitted use in this district. In 2013, the applicant applied for, and received, a conditional use permit for outdoor dining, indoor live entertainment and an outdoor bocce ball court. The applicant/ owner would now like to expand the outdoor dining area on site and add another outdoor dining/seating area to the north of the building. A conditional use permit amendment is required to allow this area to be constructed. The new outdoor seating area will be located in the landscaped area to the north of the restaurant. The area will include seating for 30-50 people at bar height tables, benches and picnic tables. Fire pits and lawn game areas are also provided. The area will be delineated with cedar posts/panels and planters. There is no paving being proposed in this area as there will be rock pathways for walkways. Bike racks are also proposed for those who wish to bike to this restaurant. The seating area does not encroach into any sight distance lines on the corner of the property.

Councilmember Massoglia reported he supported the proposed outdoor dining area, but noted traffic in this area was a concern to him. He encouraged the city to look into the traffic concerns at this intersection. Mr. Schluender reported this intersection has been before the council several times. He explained the berm would be removed which would open sight lines.

Councilmember Jeppson understood the traffic at this intersection was challenging because of the curve. She reiterated that the capacity at the restaurant would remain the same, which meant the site would not be adding cars. She noted she would be supporting the project, but stated she was concerned with the noise generated from the outdoor dining area. Ms. Johnson reported the applicant would have to abide by the city's noise standards and time limits for the outdoor dining area. She commented further on the landscaping that would be installed by the restaurant owner and noted the adjacent properties do already have fences in place.

Councilmember Jeppson asked what recourse the neighborhood would have if the hours of operation were not followed and noise concerns were to arise. Ms. Johnson encouraged the neighbors to contact the city code enforcement department (during the day) or Blaine Police Department (after business hours) with any concerns they had regarding noise.

Mayor Sanders indicated The Roadside currently has had an outdoor patio and hosts a bocce league and questioned if the city has received a large number of complaints to this point from the neighborhood. Ms.

Johnson stated she was not aware of any issues.

Mayor Sanders commented he was hopeful this restaurant would remain a great amenity for the neighborhood.

Councilmember Robertson stated she watched the planning commission meeting and understood The Roadside has not received a single complaint over the past eight years from the neighbors. She explained she did not want to downplay the concerns of the neighbors, but noted this restaurant was only open until 11:00PM. She encouraged residents with concerns to contact the restaurant owner directly.

Councilmember Massoglia commented even without the patio, traffic has been a concern at this intersection and stated he would like to see the city address this concern. He wanted to see greater visibility at this intersection.

Police Chief Podany reported he did a brief call history search for noise concerns at this property and noted there was one call in 2019 and one call in 2014. He stated there were no other calls to the property for noise complaints.

**Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that Resolution No. 21-124, "Granting a Conditional Use Permit for the Establishment of a New Outdoor Dining Area (Backyard Park) in a B-2 (Community Commercial) Zoning District at 12530 Ulysses Street NE," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

10.-2

### **First Reading**

#### **Granting a Code Amendment to the Industrial Zoning Districts (I-1, I-1A, I-2, I-2A) to Add Ground Mounted Solar as an Accessory Use with the Issuance of a Conditional Use Permit (Case File No. 21-0027/SLK)**

**Attachments:**     [Attachments](#)  
[Unapproved PC Minutes 051121](#)

Ms. Johnson stated this a request to allow ground mounted solar as an accessory use with a conditional use permit in all industrial zoning districts (I-1, I-1A, I-2, I-2A). The city has been presented with an application by Medtronic that involves a ground mounted solar array for vacant land near the corporate headquarters. Currently, the zoning

ordinance only allows free standing solar arrays in the PBD (Planned Business District) zoning district with a conditional use permit. The zoning ordinance does not support such use in the industrial zoning districts. The city council reviewed a possible code amendment and ground mounted solar array project for the Medtronic site on 82nd Lane NE at a workshop in March 2021. As a result of that workshop, the city council directed staff to initiate code amendments to all industrial zoned districts that would allow ground mounted solar arrays as a conditional use in the industrial zoning districts (I-1, I-1A, I-2, I-2A).

**Declared by Mayor Sanders that Ordinance No. 21-2474, "Granting a Code Amendment to the Industrial Zoning Districts (I-1, I-1A, I-2, I-2A) to Add Ground Mounted Solar as an Accessory Use with the Issuance of a Conditional Use Permit," be introduced and placed on file for second reading at the June 21, 2021 Council meeting.**

## **11. ADMINISTRATION**

### **11.-1 Pool Fence Variance Request For 3062 117th Avenue NE**

**Attachments:**    [Air Photo](#)  
[Application and Survey](#)  
[Residential Swimming Pools & Hot Tubs P](#)  
[Property Photos](#)  
[Similar Property Across Lake](#)

Community Development Director Thorvig stated the owner of 3062 117th Avenue NE has requested a variance to Chapter 18 of the city code to require only three sides of a pool barrier fence be installed. It was noted the owner of 3062 117th Avenue NE installed an in-ground pool after receiving a permit on August 26, 2020. The permit was submitted on behalf of the property owner by Atlantis Pools who is the installer of the pool. The plans submitted for the permit showed a 4-foot, non-climbable safety fence with latching gates around the entire perimeter of the pool which is required by city ordinance. Prior to final inspection of the pool this spring, it was observed by a building inspector that only three sides of the fence were installed. The property abuts one of the lakes in the Lakes development and the portion of the fence that abuts the lake was not installed. A stop work order was issued until the fence issue is resolved. After receiving the stop work order, the homeowner connected with city staff regarding options to keep just three sides of the fence. Staff commented further on the city's pool fencing requirements and recommended approval of the variance request based on the unique circumstances on the property and because the property owner has an automatic pool cover for the pool.

Councilmember Jeppson stated she believed the variance made sense

because the lake did serve as a natural barrier. She commented her main concern was with the fact the original plan showed a fence that was four-sided. She expressed concern with the fact the residents changed the original plan.

Mike Rogoscheski, 3062 117th Avenue NE, explained the pool company had submitted those plans to the city on his behalf. He indicated he was not aware of the fact the pool company had submitted a fencing plan because he worked with a different company for the fence. He stated he understood the changing of the plans was a concern and if he had known this was a concern, he would have requested approval from the city prior to installing his pool.

Councilmember Robertson thanked staff for their efforts on this request. She stated her frustration was with all the rules the government had in place in hopes of fitting every situation. She explained she was happy the homeowner could move forward with a variance.

**Moved by Councilmember Robertson, seconded by Councilmember Massoglia, that Resolution No. 21-125, "Pool Fence Variance Request for 3062 117th Avenue NE," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

## 11.-2

### **Accept Bid from Douglas-Kerr Underground, LLC in the amount of \$1,112,347.35 for the 132nd Avenue and Hastings Street Area Rehabilitations, Improvement Project No. 21-07**

**Attachments:** [Location Map](#)

Mr. Schluender stated the city council approved plans and specifications and ordered advertisement for bids for the 132nd Avenue and Hastings Street Area Rehabilitations project on April 19, 2021. Staff reviewed the streets included in the project area. It was noted bids were received electronically on May 25, 2021. It was noted a total of 8 bids were received ranging from \$1,112,347.35 to \$1,386,801.00. The Engineer's estimate for construction and three lowest bidders were discussed. Bids have been checked and tabulated, and it has been determined that Douglas-Kerr Underground, LLC of Mora, Minnesota is the lowest bidder. The Engineering Department has worked with Douglas-Kerr Underground, LLC on previous contracts. Staff recommends the low bid be accepted and a contract entered into with Douglas-Kerr Underground, LLC. City council is also asked to approve a 10% contingency to bring the total project budget to \$1,223,580.00. The funding source for this

project is assessments, Public Utility Funds and City Pavement Management Program funds and there are sufficient funds to cover these costs.

**Moved by Councilmember Robertson, seconded by Councilmember Smith, that Resolution No. 21-126, "Accept Bid from Douglas-Kerr Underground, LLC in the amount of \$1,112,347.35 for the 132nd Avenue and Hastings Street Area Rehabilitations," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

## 11.-3

### **Accept Bid from Park Construction Company in the amount of \$3,521,541.07 for the 2021 Street Reconstructions, Improvement Project No. 21-06**

**Attachments:**     [Project Location Map](#)

Mr. Schluender stated the city council approved plans and specifications and ordered advertisement for bids for the 2021 Street Reconstructions project on April 19, 2021. Staff reviewed the streets included in the project area. It was noted bids were received electronically on May 25, 2021. A total of 6 bids were received ranging from \$3,521,541.07 to \$4,009,240.49. The Engineer's estimate for construction and three lowest bidders were discussed. Bids have been checked and tabulated, and it has been determined that Park Construction Company of Minneapolis, Minnesota is the lowest bidder. The Engineering Department has worked with Park Construction Company on previous contracts. Staff recommends the low bid be accepted and a contract entered into with Park Construction Company. City council is also asked to approve a 10% contingency to bring the total project budget to \$3,873,700.00. The funding source for this project is assessments, Public Utility Funds, City Pavement Management Program funds and Municipal State Aid System funds, and there are sufficient funds to cover these costs.

**Moved by Councilmember Massoglia, seconded by Councilmember Jeppson, that Resolution No. 21-127, "Accept Bid from Park Construction Company in the Amount of \$3,521,541.07 for the 2021 Street Reconstructions," be approved.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders

## 12. OTHER BUSINESS



Mr. Thorvig provided council with an update on the upcoming 3M Open Pro-Am Invite event. He discussed the feedback received from the council regarding invites and the council discussed potential businesses to include in the event. Mr. Thorvig said he would proceed based on the feedback received.

Councilmember Paul requested further information regarding the hours of operation at MAYC. City Manager Wolfe explained staff was further investigating what the hours of operation should be along with the proposed rental usage and fees.

### **13. ADJOURNMENT**

**Moved by Councilmember Hovland, seconded by Councilmember Paul, to adjourn the meeting at 9:10PM.**

**A roll call vote was taken. Motion adopted unanimously.**

**Aye:** 7 - Councilmember Hovland, Councilmember Jeppson, Councilmember Robertson, Councilmember Paul, Councilmember Massoglia, Councilmember Smith and Mayor Sanders