



City of Blaine

City Council

September 6, 2023 | 7:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

MINUTES

1. Call to Order by the Mayor

The meeting was called to order at 7:03 PM by Mayor Sanders followed by the Pledge of Allegiance and the Roll Call.

2. Pledge of Allegiance

3. Roll Call

PRESENT: Mayor Tim Sanders, Councilmembers Terra Fleming, Leslie Larson, Chris Massoglia, Tom Newland, Jess Robertson and Lori Saroya.

ABSENT: None.

Quorum Present.

ALSO PRESENT: City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Sheila Sellman; Police Captain Russ Clark; Finance Director Jason Zimmerman; Director of Engineering Dan Schluender; Senior Recreation Manager Jerome Krieger; City Attorney Tom Loonan; and City Clerk Catherine Sorensen.

4. Awards - Presentations - Organizational Business

None.

5. Communications

None.

6. Open Forum

Open Forum is an opportunity for the public to present an issue or concern to City Council. There is a maximum of fifteen minutes set aside for open forum. Each presentation should be limited to no more than three minutes. If your item needs follow-

up from the City, staff will arrange for that follow-up and will contact you to let you know what is being done. Thank you for coming this evening.

Mayor Sanders opened the Open Forum at 7:06PM.

Kevin Brown, 9712 6th Street NE, requested the proposed three-story apartment project approval on 99th Avenue be denied based on reasons such as increased traffic along President Street and due to the adverse impacts this would have on the Alexendra House. He said he preferred the construction of townhomes and requested preservation of as many trees as possible.

Sandra Connor, 516 98th Lane NE, agreed with the concerns raised about the proposed apartment project. She stated she had concerns regarding increased traffic, water quantity concerns, noise, pollution, wear and tear on parks, and that the project would not be a good fit to the environment and surrounding neighborhood.

Deb Goers, 111 99th Avenue NE, stated she was weary of hearing about the complaints and requested the property be allowed to be developed just like all of the surrounding property was allowed to develop many years ago.

Sue Langenbrunner, 9873 7th Street NE, recommended the proposed apartment project be lower profile. She indicated she had traffic concerns given the proximity of the school and feared traffic would only get worse if the proposed apartment project were constructed.

Mr. Brown commented on the large electrical box that serves his neighborhood and stated he has concerns about how this would be affected by the proposed apartment building.

There being no further input, Mayor Sanders closed the Open Forum at 7:15PM.

7. Adoption of Agenda

The agenda was adopted as amended moving Items 10.6 and 10.7 after Item 10.2.

8. Approval of Consent Agenda:

All items listed under the "Consent Agenda" are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

Councilmember Newland noted he would be abstaining from approval of schedule of bills paid.

Moved by Councilmember Newland, seconded by Councilmember Robertson, that the consent agenda be approved in its entirety.

Motion adopted 6-0-1 (Councilmember Newland abstained).

- 8.1.** 2023-408 Schedule of Bills Paid
Sponsors: Michelle Wolfe, City Manager

Approved; Councilmember Newland abstained.

- 8.2.** 2023-410 2024-2029 Assessing Agreement With Anoka County
Sponsors: Michelle Wolfe, City Manager

9. 7:00 PM - Public Hearing and Items Published for a Certain Time

None.

10. Development Business

- 10.1.** RES 23-128 Resolution Granting a Conditional Use Permit to Construct a 40 Foot by 59 Foot Detached Accessory Building, for a Total of 2,984 Square Feet of Accessory Building Space in an FR (Farm Residential) Zoning District at 3651 125th Avenue NE. Jesse Orr (Case File No. 23-0061/EES)
Sponsors: Sheila Sellman, City Planner

City Planner Sellman stated the applicant is requesting a Conditional Use Permit (CUP) for 2,948 square feet of accessory building to construct a pole building. This is a conditional use in the FR zoning district. Staff commented on the request further and reported the planning commission recommended approval with conditions.

Moved by Councilmember Massoglia, seconded by Councilmember Newland, to adopt a Resolution Granting a Conditional Use Permit to Construct a 40 Foot by 59 Foot Detached Accessory Building, for a Total of 2,984 Square Feet of Accessory Building Space in an FR (Farm Residential) Zoning District at 3651 125th Avenue NE.

Motion adopted unanimously.

- 10.2.** RES 23-131 Resolution Granting a Conditional Use Permit for a Minor Auto Repair with Shared Access in the B-2 (Community Commercial) Zoning District at 10857 University Avenue NE. Valvoline Instant Oil Change (Case File No. 23-0055/SLK)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting a Conditional Use Permit (CUP) for a minor auto repair and shared access. Staff commented on the request further and reported the planning commission recommended approval.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, to adopt a Resolution Granting a Conditional Use Permit for a Minor Auto Repair with Shared Access in

the B-2 (Community Commercial) Zoning District at 10857 University Avenue NE.

Motion adopted unanimously.

10.3. ORD 23-2527 Second Reading

Adopt Ordinance for an Amendment to the 105th Avenue Redevelopment District to Allow Drive-Thrus on the South Side of 105th Avenue (Limited to One Drive-thru Per Parcel), as a Conditional Use. South Side Entertainment District (Case File No. 23-0056/SAS)

Sponsors: Sheila Sellman, City Planner

Ms. Sellman requested the council consider an ordinance amendment to the 105th Avenue Redevelopment District to allow drive-thrus on the southside of 105th Avenue limited to one drive-thru per parcel, with a conditional use permit. Staff commented further on the proposed history of this project and explained the developer has a tenant identified for this project.

Moved by Councilmember Fleming, seconded by Councilmember Larson, to approve the second reading and adopt the ordinance for an amendment to the 105th Avenue Redevelopment District to allow drive-thrus on the south side of 105th Avenue (limited to one drive-thru per parcel), as a conditional use.

Councilmember Newland reported he did not support a drive-thru within this development. He explained this project was to be part of the destination entertainment district with unique amenities and restaurants for visitors to the National Sports Center and golf course. He believed the drive-thru was counterintuitive to the plan and intent for this area. He urged the council to stay with the original vision for this area.

Councilmember Fleming stated she understood Councilmember Newland's concerns. However, she noted this restaurant would not be strictly a drive-thru but would have 1,200 square feet of restaurant space with both indoor and outdoor seating. She indicated there were no other coffee uses in this area and she believed this was a good fit for the entertainment district. She questioned if this coffee use were to fail would the council have any type of recourse to have the drive-thru removed. Mr. Thorvig explained the action before the council would change the zoning ordinance, which would change the regulations. He stated if this project did not happen or if the coffee shop goes away, the council could revert back to the previous language.

Councilmember Larson indicated she disagreed with Councilmember Newland's perspective. She noted she has five children and visits the hockey facility and soccer fields on a daily basis. She believed it would be beneficial to have a coffee shop in this area for the parents visiting the NSC. She discussed how visitors to the coffee show would drive-thru and stay in the area. She asked if it was always in the developers' plans to have a drive-thru.

Michael Breese, Pinpoint Community Development, explained this was always in the plan. He stated that after having the right-in, right-out approved, the drive-thru was more enabled. He reported he secured a tenant for this space in May. He stated the proposed

coffee shop within his development was a desired, regional chain with multiple locations that was financially stable.

Councilmember Larson supported the developer having a drive-thru given the time and money he spent on his plans, which included a tenant with a drive-thru.

Councilmember Saroya explained she agreed with Councilmember Larson. She anticipated families with children would appreciate having a drive-thru coffee shop this close to the NSC. She questioned if there were any other drive-thrus that would be allowed in the 105th redevelopment area. Ms. Sellman indicated the way the ordinance was written, drive-thrus would not be allowed on the north or south side of 105th. She stated the proposed ordinance would allow for one drive-thru on the south side of 105th. She commented further on the vision for 105th which did not include drive-thrus.

Councilmember Saroya indicated she supported drive-thrus on both sides of 105th.

Councilmember Newland thanked Councilmember Larson for sharing her perspective. He commented further on the differences between the expenditures of this developer and other developers, noting this was not a fair comparison because drive-thrus were not allowed on this property. He explained if dollars were expensed specific to the drive-thru this was driven by the need for a change to the zoning code for the developer. He stated he would still oppose the drive-thru.

Councilmember Robertson commented similar to the process being followed for Northtown, the plans for the 105th redevelopment area stemmed from resident concerns. She explained residents did not want to see more gas stations, drive-thrus or national chains in the 105th area. She reported 99% of this project was bringing new amenities and restaurants to the community, which was the intent of this zoning district. She indicated she was thrilled with this project and reiterated that the EDA supported this project so much it offered \$1.5 million in assistance. However, she feared this one tenant was a square peg that was trying to fit into a round hole. She hoped the council would consider the impact of this decision and noted she did not support the drive-thru within this zoning district.

Councilmember Fleming asked if the second phase of this project could have a drive-thru. Ms. Sellman commented the way the text was written within the ordinance was that one drive-thru would be allowed per parcel. She indicated Mr. Breese's project was a three acre parcel on the corner and future expansion would be done on a separate parcel, which would allow for another drive-thru if it was zoned 105th Avenue Redevelopment District.

Councilmember Fleming questioned who owned the adjacent parcel.

Mayor Sanders noted this parcel was owned by MAC.

Councilmember Fleming stated she believed the coffee shop was a great fit for this development given the fact there were no coffee shops in this area.

Councilmember Larson commented on how this coffee shop would benefit visitors to Blaine, as well as the residents of Blaine.

Mr. Breese stated the other thing to consider with this coffee shop was that it would be available to residents driving to work. He explained that all but two tenants within this development have residency in Blaine. He explained of the two that do not live in Blaine, one lived in Anoka County and the other lived in Forest Lake. He commented on how signage and visibility would be limited on this site. He discussed how he believed the coffee traffic would drive additional traffic to the new businesses.

Councilmember Massoglia indicated he has been on the fence regarding this issue and a part of him wanted to stick with the original vision. However, because the developer received approval for the right-in right-out, he could now support one drive-thru on the parcel. He questioned if the developer had another tenant lined up, in the event the ordinance was not approved. Mr. Breese stated he did not have another tenant lined up. He further discussed the water retention changes that occurred on the site after having a wet winter/spring and noted he would be absorbing those costs. He reported these expenses were making the proposed coffee tenant much more valuable to the development and would assist in keeping the development viable.

Councilmember Massoglia stated he did not believe this would be a terrible place for a drive-thru, nor would it change the intent of the entertainment district.

Motion adopted 5-2 (Councilmembers Robertson and Newland opposed).

- 10.4.** RES 23-111 Resolution Granting a Conditional Use Permit for a Drive-Thru on the Southern Portion of Building Two in the RD (105th Redevelopment District) Zoning District at 2030 105th Avenue NE. South Side Entertainment District (105th Blaine Business Park, LLC) (Case File No. 23-0059/SAS)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting a conditional use permit for a drive-thru on the south side of proposed building two, a site plan amendment to include the drive-thru and signage plan for the development. Staff commented further on the request and recommended approval.

Moved by Councilmember Fleming, seconded by Councilmember Larson, to adopt a Resolution Granting a Conditional Use Permit for a Drive-Thru on the Southern Portion of Building Two in the RD (105th Redevelopment District) Zoning District at 2030 105th Avenue NE.

Motion adopted 5-2 (Councilmembers Robertson and Newland opposed).

- 10.5.** RES 23-134 Resolution Granting a Signage Plan for National Sports Village (South Side Entertainment) at 2030 105th Avenue NE. (Case File No. 23-0059/SAS)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated as part of the 105th Redevelopment Zoning District, a signage plan must be approved by the city council. Staff reviewed the proposed signage plan in further detail

and noted the plan meets requirements for the district.

Mayor Pro Tem Robertson reported Mayor Sanders stepped out of the council chambers. She asked for a motion on this item.

Moved by Councilmember Fleming, seconded by Councilmember Massoglia, to adopt a Resolution Granting a Signage Plan for National Sports Village (South Side Entertainment) at 2030 105th Avenue NE.

Councilmember Newland explained he supported the proposed signage and thanked the developer for bringing forward a solid plan.

Motion adopted 6-0-1 (Mayor Sanders absent for vote).

- 10.6.** 2023-414 Motion to Approve or Deny a 12-Month Extension to a Conditional Use Permit to Construct a 111-Unit Apartment Building in a DF (Development Flex) Zoning District at 111 99th Avenue NE. Blaine Apartments LLC (Case File No. 22-0048/SAS)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting a 12-month extension to the conditional use permit to construct a 111-unit apartment at 111 99th Avenue NE. She reviewed the history of this project, noting construction had not commenced after one year, and therefore the developer was requesting a one-year extension. She indicated the developer continues to meet with lenders and contractors.

Director of Engineering Schluender spoke to the traffic study that was completed for this neighborhood. He explained the study addressed cut through traffic/speeding and to identify issues that may arise from the proposed apartment. He reported in late February a traffic consultant was hired and in March a neighborhood meeting was held. He noted the traffic study was complete and the information was available online. He indicated a meeting would be held with the neighborhood next Thursday to discuss mitigation options and this will be further addressed by the council in October.

Ms. Sellman commented on what would occur should the council approve the extension of the CUP. She reported that if the extension were denied, the applicant would have until December 5, 2023 to begin construction. She reviewed the two motion options for the council to consider which were to approve or deny the CUP extension.

Community Development Director Thorvig explained the intent of the discussion this evening was only to talk about the extension and not to debate approval of the project.

City Attorney Loonan commented on the memo he sent to the council and reported the matter before the council was to consider approving or denying a CUP extension.

Councilmember Newland thanked the city attorney for the memo, noting this addressed many of the questions he had. He understood there was precedent for granting the

extension. He stated the addition of time would not change the project. He indicated he would be supporting the CUP extension.

Councilmember Larson stated she understood the city has generally approved CUP extensions in the past, but asked if there were any extensions that have been denied. Ms. Sellman indicated the council has not denied any CUP extension requests. She reported some projects have gone forward and some have not, to their own accord.

Councilmember Larson questioned why this project had not moved forward and was now requesting an extension. Ms. Sellman deferred this question to the developer.

The developer outlined reasons for the extension request stating this was based on changing capital markets, difficulty in securing financing and increased interest rates that had changed since their original application that was denied and subsequently approved. He explained he was ready for construction once financing was secured. He hoped to have financing secured by the summer of 2024.

Councilmember Saroya requested further information regarding the HyVee project approval and extension process. Ms. Sellman explained the HyVee project was approved and later granted an extension. She noted the developer did some site work and ended up withdrawing an additional extension request.

Councilmember Fleming stated she has reviewed this item extensively. She indicated she wanted to honor the work the developer has put into this project and noted she supported a six month extension.

Councilmember Saroya reported she was not on the council when this project was originally approved. She indicated her father was a developer and understood having to deal with city councils. She commented on the tremendous amount of development that was coming to the city of Blaine. She stated this was no longer the former council. While she supported growth and development in the community, she was concerned with extending approval as she felt the project should not have been approved in the first place due to traffic, noise, and other impacts.

Moved by Councilmember Saroya, seconded by Councilmember Larson to Deny a 12-Month Extension from December 5, 2023, to a Conditional Use Permit to Construct a 111-Unit Apartment Building in a DF (Development Flex) Zoning District at 111 99th Avenue NE.

Councilmember Massoglia asked where the developer was with the site work. The developer explained he was ready for construction once the financing was in place. He reported the architectural drawings were at 50%, the engineering work was completed along the soil borings. In addition, a construction team has been selected.

Mayor Sanders questioned when the developer would be closing on financing for the project. The developer stated developers typically do not close projects from November to March, due to the inclement weather. He anticipated he would have financing in place by June of 2024.

Councilmember Newland inquired if six months would be an ideal timeline for the project to

begin. The developer indicated he hoped the project would begin in six months but would like for the CUP extension to be for one year. He commented on how there may be relief from the federal government during the second part of 2024, which would assist with interest rates.

Councilmember Newland asked how the city defined construction of a project beginning. Ms. Sellman stated commencement of a project was defined by an applicant having a watershed permit, applying for a building permit, grading, and tree removal.

Councilmember Massoglia noted he voted against this project both times. He indicated he was in favor of the extension given the time and money the developer has put into the project. He believed it was fair to grant the extension given the changes that have occurred in the financial market. He stated he would be in favor of a six month extension.

Councilmember Larson expressed concern with the rental rates that would be charged to future tenants given the rising costs for financing. For this reason, she favored denying the extension request.

Councilmember Robertson stated she would be voting against the denial. She commented on how the federal government impacted tree removal this year. She appreciated the time staff spent completing a traffic study and communicating with the neighbors. She indicated she wanted to respect the time and money the developer has put into this project and would therefore not be supporting the denial of the CUP.

Councilmember Robertson called the question.

Motion failed 2-5 (Councilmembers Fleming, Massoglia, Newland, Robertson and Mayor Sanders opposed).

Moved by Councilmember Robertson, seconded by Councilmember Newland to Approve a 12-Month Extension from December 5, 2023, to a Conditional Use Permit to Construct a 111-Unit Apartment Building in a DF (Development Flex) Zoning District at 111 99th Avenue NE.

Councilmember Massoglia presented a friendly amendment to the motion on the floor for a 6-month extension from the current December deadline.

Councilmember Robertson did not accept the friendly amendment as presented. She feared that six months may not be enough time for the developer to get all of the necessary permit approvals and financing in place. She encouraged the council to honor the time and money the developer has invested in this project.

Councilmember Massoglia withdrew his friendly amendment.

Motion amendment moved by Councilmember Massoglia, seconded by Councilmember Larson to Approve a 6-Month Extension from December 5, 2023, to a Conditional Use Permit to Construct a 111-Unit Apartment Building in a DF (Development Flex) Zoning District at 111 99th Avenue NE.

Councilmember Newland asked for clarification from the city attorney regarding the motion that was on the floor. Mr. Loonan reported the motion on the floor has been amended from twelve months to six months.

Councilmember Larson explained she supported the six month extension over the twelve month extension. She did not believe it was right to extend this project beyond six months based on a what if that could occur with interest rates.

Councilmember Fleming reported given the time and money that has been put into this project, she would hope the city council could offer some form of leniency given the fact the financing was not fully secured. She indicated this was what the developer was asking. She noted she appreciated the investment the developer was trying to make in the city. She proposed the council consider a one year extension from today.

Councilmember Saroya stated she agreed with Councilmember Larson and noted this project has been a problem since it began. She reported she has seen great projects come before the council and all funding had been secured. She supported the extension only being extended by three months.

Councilmember Fleming questioned how the council felt about a one year extension from today, which would be a nine month extension from the December 5, 2023 deadline.

Councilmember Massoglia stated he appreciated the compromise proposed by Councilmember Fleming.

The developer explained he supported the nine month extension versus a six or twelve month extension.

Councilmember Massoglia indicated he would change his motion from six months to nine months for the CUP extension. Mr. Loonan stated for clarity purposes he would like Councilmember Massoglia to withdraw his motion amendment. He reported Councilmember Massoglia could then make a motion to approve a nine month extension to the CUP.

Councilmember Massoglia withdrew his motion amendment recommending approval of a six month extension for the CUP.

Motion amendment moved by Councilmember Massoglia, seconded by Councilmember Fleming to Approve a 9-Month Extension from December 5, 2023, to a Conditional Use Permit to Construct a 111-Unit Apartment Building in a DF (Development Flex) Zoning District at 111 99th Avenue NE.

Councilmember Fleming asked if a no vote would default this back to 12 months.

Mayor Sanders stated this would be the case.

Councilmember Saroay questioned why the Council was not considering a three month extension.

Mayor Sanders reported Councilmember Saroya had not received a second for the three month extension. He explained Councilmember Massoglia withdrew his six month extension motion from the floor and restated it recommending a nine month extension and received a second from Councilmember Fleming.

Councilmember Newland explained he supported the nine month extension given the fact the developer offered his support for this recommendation.

Councilmember Saroya indicated she did not support the nine month extension. She believed the city was bending over backwards for this developer when this project should have never been approved in the first place. She stated the developer had the opportunity to complete this project, over the past year and the project was not started. She supported the city moving on and did not believe the problems should be prolonged. She feared the interests of the developer were being put before the interests of Blaine residents and she would not support this.

Councilmember Larson stated she would be voting to support the nine month extension because she did not want the fall back to the 12-month extension.

Motion adopted 6-1 (Councilmember Saroya opposed).

- 10.7.** 2023-415 Motion to Approve or Deny a 10-Month Extension for Recording the Final Plat of Green Acres 2nd Addition Creating One Lot and Two Outlots at 111 99th Avenue NE. Blaine Apartments LLC (Case File No. 22-0064/SAS)
Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the applicant is requesting a 10-month extension on recording the final plat for Green Acres 2nd Addition. She explained if the extension is approved the developer will have additional time to record the plat. If the extension is denied, the development is not denied, but the developer would have until February 22, 2024 to record the plat. After that time, the plat would expire, right of way would not be dedicated and Royal Oaks would not receive additional land for parking. She reported the developer would have to go through a new preliminary and final plat process for this project.

Mayor Sanders asked if it would be proper to have this extension align with the CUP extension. Ms. Sellman reported this would be proper.

The developer requested the council approve an eight month extension for the final plat recording in order to align with the CUP extension.

Moved by Councilmember Massoglia, seconded by Councilmember Newland, to Approve an 8-Month Extension for Recording the Final Plat of Green Acres 2nd Addition Creating One Lot and Two Outlots at 111 99th Avenue NE.

Motion adopted 6-1 (Councilmember Saroya opposed).

10.8. ORD 23-2528 First Reading

Ordinance Approving an Amendment to Section 26.06 (Nonconforming Structures, Uses) of the Zoning Ordinance to Allow the Creation of Nonconformities by Public Action to be Deemed in Compliance with the Zoning Ordinance. City of Blaine (Case File No. 23-0063/SLK)

Sponsors: Sheila Sellman, City Planner

Ms. Sellman stated the proposed ordinance amendment is to allow any conveyance of land to a federal, state, or local government for public purposes to allow that lot and any structures existing at the time of public action to be deemed in compliance with the minimum lot area, lot width and setbacks of the Zoning Ordinance.

Declared by Mayor Pro Tem Robertson that Ordinance No. 23-2528, "Ordinance Approving an Amendment to Section 26.06 (Nonconforming Structures, Uses) of the Zoning Ordinance to Allow the Creation of Nonconformities by Public Action to be Deemed in Compliance with the Zoning Ordinance," be introduced and placed on file for second reading at the September 18, 2023 Council meeting.

11. Administration

- 11.1. RES 23-148** Resolution Accepting a Quote from Winberg Companies, LLC. in the Amount of \$164,487.85 for the Sunrise Pond Park - Parking Lot and Trail Project, Improvement Project No. 23-41.

Sponsors: Jerome Krieger, Sr. Recreation Manager

Senior Recreation Manager Krieger stated the city council previously approved a Parks Capital Budget which included \$975,000 for the Sunrise Pond Park Improvements. Improvements include playground equipment/construction, parking lot, trail connection, irrigation, and lighting. Twelve (12) quotes were received on August 28, 2023 and Winberg Companies, LLC was the low bidder with a quote of \$164,487.85. The project consists of excavating and grading, subgrade preparation, installing storm sewer, placing aggregate base, concrete curb and gutter, paving a parking lot and trail, and turf restoration in the City's Sunrise Pond Park as shown in the plans. Staff commented on the project further and recommended approval of the Sunrise Pond Park parking lot and trail project.

Mayor Sanders returned to the council chambers.

Moved by Councilmember Newland, seconded by Councilmember Massoglia, to adopt a Resolution Accepting a Quote from Winberg Companies, LLC in the Amount of \$164,487.85 for the Sunrise Pond Park - Parking Lot and Trail Project.

Councilmember Newland asked when this project would be completed. Mr. Krieger stated his goal would be to have the curbing and first level of asphalt completed by the end of September.

Councilmember Massoglia believed the park was looking great and he anticipated this new piece of equipment would make Sunrise Pond Park a destination park in Blaine. He thanked staff for considering the comments from the neighbors and appreciated the fact there was still funding available to assist with installing future basketball courts.

Councilmember Saroya stated she supported the project, however, as a Ward 1 councilmember shared concern with the condition of some of the parks in Ward 1. She believed the city had to address the condition of the parks in Ward 1 in order to create equity between wards.

Councilmember Massoglia indicated there were parks in Ward 3 that also needed maintenance and upgrades. He discussed how Sunrise Pond Park was the first park east of Lexington Avenue and would serve a portion of Blaine that has had no park available to them.

Mayor Sanders reported the council was coming into its budgeting for 2024 and the council could set aside funds for its older parks in need of maintenance. He explained he recently visited the pickleball courts at the Lexington Athletic Complex and stated he was pleased to see how much these courts were being used.

Councilmember Newland thanked Councilmember Saroya for bringing up her concerns. He understood there were park amenities that could use maintenance throughout the park system in the city and anticipated the new finance director could assist the council in planning for future park improvement projects.

Councilmember Saroya questioned how the city prioritized its parks for maintenance. She asked that the older parks be made a priority given the crime and homelessness that was being seen in Ward 1. She feared this was becoming an equity issue for the residents in Ward 1. Mr. Krieger explained he was putting plans in place to address the concerns at Laddie Lake and on the tennis court that was in need of maintenance.

Councilmember Massoglia stated he had to push back on Councilmember Saroya's comment that this was becoming an equity issue as he did not want this type of narrative going into the city. He did not believe parks should become a divisive issue. He reported Ward 1 just broke ground on a \$4 million bandshell and commented there were new and old parks in Ward 3.

City Manager Wolfe explained the city was working on budgets for 2024 and noted the city had multiple funding sources for parks. She explained park dedication funds, collected from new developments, could only be used in a very specific manner for new parks.

Councilmember Saroya understood Aquatore Park was an amazing park in Ward 1 but noted her concerns were with the condition of the smaller neighborhood parks in her ward. She stated it was unacceptable to have drug deals and a homeless encampment within a city park, and this was occurring in Ward 1. She wanted to see the city addressing this concern.

Motion adopted unanimously.

11.2. ORD 23-2529 Second Reading

Adopt an Interim Ordinance for a Moratorium on Car Washes

Sponsors: Erik Thorvig, Community Development Director

Mr. Thorvig stated at the August 14, 2023 workshop, the city council discussed the potential of establishing a zoning moratorium to allow time for the city to study zoning related to car washes in the community. Since 2021, three standalone car washes have received approval. Another car wash is going through the approval process. Staff are aware of interest in two other potential standalone car washes. However, applications have not been applied for. Adoption of an interim ordinance (more commonly known as a moratorium) may aid cities in the zoning ordinance amendment process by allowing a city to study an issue without the pressure of time generated by pending applications. Cities may use a moratorium, as allowed by law, to protect the planning process, particularly when formal studies may be needed on a particular issue. Staff commented further on the proposed six month moratorium.

Councilmember Larson noted she supported the moratorium. She explained she was concerned with the amount of water used by these businesses. While she understood measures can be taken to recycle a certain percentage of the water, she understood that residents in Blaine were being fined for watering their lawn on certain days during the summer months. She did not believe the city needed more car washes at the moment.

Councilmember Newland indicated he was not supportive of moratoriums in general and supported the market balancing uses in the city.

Councilmember Saroya stated the city had an ordinance in place against storage units. She questioned why Councilmember Newland was against the proposal that was discussed at the worksession meeting when he supported the market balancing uses. She explained she supported the proposed moratorium because it would allow for strategic development of Blaine. She believed this moratorium was about listening to residents and their concerns. She supported the city taking a step back and allowing staff to look further into this use over the next six months.

Councilmember Newland addressed Councilmember Saroya's comment and noted the request discussed by the council at the worksession meeting would require a rezoning in order to allow for mini storage, which was an entirely different matter. He stated he supported car washes and he did not support the proposed moratorium.

Councilmember Fleming questioned how the council revised city code with respect to the mini storage concerns without a moratorium. Mr. Thorvig explained in 2020 staff reviewed the zoning code as a whole and throughout that discussion the topic of mini storage was addressed. He indicated the code was reviewed over six months' time and a moratorium was not necessary.

Councilmember Fleming requested staff speak further to the water concerns created by car washes. Mr. Schluender recommended the council place this topic on a future workshop agenda in order to allow the council to further discuss this issue but stated there was not an issue with the city running out of water. He commented the city was obligated by the DNR to

put certain watering measures in place during the summer months, such as watering restrictions, and that property owners in violation of the restrictions were notified and informed prior to any fines being imposed.

Councilmember Fleming asked if car washes were impacting the city's water table or water usage in a negative way. Mr. Schluender explained car washes were no different than any other business that uses water and noted there were other businesses in the city that used more water than all car washes in Blaine combined.

Councilmember Larson questioned if water for car washes was pulled from the aquifer in the same manner as the water used for grass. Mr. Schluender stated the city has a network of wells which pulls from several different aquifers. He reported that this water then goes through the treatment facilities and distributed to users not on private wells. He indicated the same water that is distributed to residents is distributed to car washes.

Councilmember Larson inquired if car washes have any restrictions on when they can and cannot use water. Mr. Schluender explained they use water as needed to operate their business. He stated these businesses are not restricted in the same way residents are when trying to irrigate the grass in their yard.

Councilmember Larson commented on how Blaine had restricted Ham Lake's ability to operate their wells. She believed the city had water issues and because of this she supported the moratorium being in place. Mr. Schluender indicated the city has a proactive campaign where residents are noticed when they are watering off days or off hours. These residents do not receive an automatic fine, but rather receive several notices before receiving a fine.

Councilmember Saroya stated she wanted more information on this topic and commented on how she believed there was a water shortage in her ward. She indicated she did not have adequate water pressure in her home during the summer months, nor did her neighbors. She feared how more car washes and heavy water users would adversely impact the community. Mr. Schluender invited Councilmember Saroya and her neighbors to reach out to staff with their water pressure concerns as they were not likely due to lack of water but other reasons.

Councilmember Robertson explained she appreciated what Councilmember Saroya was trying to do. She agreed it has been frustrating in the last eight months to receive so many car wash requests. However, she did not believe a moratorium was the right way to address this concern. Her concern was the council would continue to not like things and would then put moratoriums in place. She reported Blaine was 34 square miles and the city only had four car washes. She discussed how the 105th Area Redevelopment zoning district came about after receiving complaints about this area of Blaine and noted all of this work was completed without putting a moratorium in place. She indicated she struggled with the fact staff has stated there were no water concerns, but the council keeps bringing up this issue and reiterated staff was comprised of professionals in their fields and asked that council be professional when speaking with staff.

Councilmember Fleming agreed the city had amazing staff and she wanted them treated with respect. She indicated she was trying to understand what the pros and cons were of a

moratorium. Mr. Thorvig stated if the moratorium was not passed, staff could still be directed to study this issue. He explained if a moratorium was passed, it would mean a new car wash request would not have to be considered by the city council in the next six months. He indicated the moratorium would put a pause on all new requests in order to allow staff to review and revise city code.

Mayor Sanders commented he did not like the moratorium route himself, but he agreed this was a topic the city should study. He supported the city reviewing its code language in order to remain strategic with its uses. He reiterated that while it may seem like the city has a massive proliferation of car washes, there were only four. He understood the concern may be because these all came to the city in a short period of time but this was not controlled by the council. He urged the council not to govern based on social media. Rather, solid decision making should be the council's goal based on solid direction from staff and city code. He supported the council looking at where car washes do and do not make sense. He was of the opinion that the four current car washes made tremendous sense. He did not believe the city had a massive influx of car washes that demanded an immediate moratorium. Rather, he supported the city further studying this topic in order to inform the council on how to proceed with this topic.

Councilmember Saroya asked if the moratorium would only apply to stand-alone car washes. Mr. Thorvig stated the moratorium would apply to stand alone and accessory use car washes.

Councilmember Saroya reported there were 15 car washes in Ward 1. She explained she did not want additional car wash requests coming to the city while the city was studying this matter. For this reason, she supported the city putting a moratorium in place. She asked if the city would be facing legal action if the council were to reject a future car wash application if a moratorium were not in place. Mr. Loonan stated any quasi-judicial applications have standards by which they have to be reviewed against and if the application meets these standards, the council should be voting for approval of the request.

Mayor Sanders indicated the reactions from the public have been against stand-alone car washes and not towards accessory use car washes. He stated the city has had four stand-alone car washes that have come before the city for consideration.

Councilmember Massoglia explained he appreciated many of the mayor's comments. However, he stated he did not see a downside to the proposed moratorium. He supported the city putting this use on pause for six months in order to allow staff to further investigate this topic.

Councilmember Larson also supported this use being put on pause considering the fact the city was in a drought. She reported she very much respects staff but would continue to raise questions in order to better understand topics. She did not believe she was speaking disrespectfully but rather was bringing information to the forefront for everyone.

Councilmember Saroya indicated she respected staff and their expertise as well. She stated her role as a councilmember was not to rubber stamp items but rather to listen to the community and ask questions before making an informed decision.

Moved by Councilmember Saroya, seconded by Councilmember Massoglia to approve the Second Reading and Adopt an Interim Ordinance for a Moratorium on Car Washes.

Motion adopted 4-3 (Councilmembers Newland, Robertson, and Mayor Sanders opposed).

12. Other Business

None.

13. Adjournment



Signed by

Tim Sanders, Mayor

Signed by

Catherine M. Sorensen, CMC, City Clerk

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adjourn the meeting at 9:32PM.

Motion adopted unanimously.