



# City of Blaine

## City Council

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September 4, 2024 | 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 7:00PM 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; Director of Administrative Services Scott Johnson; Public Works Director Nick Fleishhacker; Safety Services Director/Police Chief Brian Podany; Finance Director Jason Zimmerman; Director of Engineering Dan Schluender; City Attorney Tom Loonan; and City Clerk Catherine Sorensen.

#### 4. Awards - Presentations - Organizational Business

None.

#### 5. Communications

Safety Services Director/Police Chief Podany stated all school resource officers are back in the schools and are looking forward to building relationships with Blaine students over the coming school year.

#### 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 7:15PM.

Jim Bebeau, 4800 125th Ave NE, shared frustrations and concerns regarding the drainage easements on his property created by the city that have ruined his trees and property. He invited the city councilmembers to walk his property in order to better understand his ongoing water issues that were created by the city.

Gary Schutta, 3801 85th Avenue NE, expressed concerns regarding Old Dominion Trucking that included odor and noise, both from the loading and unloading area as well as truck back up alarms. He stated it was not a good idea to have a business like this expanding next to a large number of residential homes.

Dr. Roger Day, 9701 Xebec Street NE, shared concerns regarding past meeting minutes that referred to his concerns that were destroying his livelihood, but felt it was more involved, explaining that the actions of the state were harming the public. He reported he had been working with the Blaine Police Department and shared additional comments regarding his continued progress.

Emily Keymon, 563 98th Avenue NE, discussed the recent fatality at the University Avenue/85th Avenue intersection and shared suggestions for a bike/pedestrian path. She urged the city to work with the state and county to address the safety at this intersection as quickly as possible. She wanted to ensure Blaine's biggest transit hubs and retail areas were safe for bikers and pedestrians.

Emily Anderson, Association for Non-Smokers of Minnesota, addressed the council and spoke against the proposed ordinance allowing for a cigar lounge in the 105th Avenue Redevelopment District. She strongly encouraged the city to deny the proposed ordinance amendment.

Angela Dany, 31 115th Lane NE, expressed concerns regarding the Park of Four Seasons and the lack of an adequate sized storm shelter at the park. She recommended the park be required to bring the storm shelter into compliance without the eight new homes.

There being no further input, Mayor Sanders closed the Open Forum at 7:36PM.

## **7. Adoption of Agenda**

The agenda was adopted as presented.

## **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.

Moved by Councilmember Newland, seconded by Councilmember Robertson, that the following items on the Consent Agenda be approved.

Motion adopted unanimously.

- 8.1.**     2024-386     Schedule of Bills Paid  
*Sponsors: Jason Zimmerman, Finance Director*
- 8.2.**     2024-388     Approval of Minutes  
*Sponsors: Cathy Sorensen, City Clerk*
- 8.3.**     2024-328     Approve a Temporary Liquor License for the Chinese Community Center Festival of Asian Culture and Foods  
*Sponsors: Cathy Sorensen, City Clerk*
- 8.4.**     2024-364     Authorizing the Acquisition of Permanent Easement consistent with State Law for the 2024 Southwest Area Street Reconstruction Project, Improvement Project Number 24-07  
*Sponsors: Daniel Schluender, Director of Engineering*
- 8.5.**     RES 24-168     Resolution to Receive Petition and Order Public Hearing for Vacation of a portion of a Drainage and Utility Easement, on the west side, Lot 2, Block 3, Radisson Industrial Park, according to the recorded plat thereof, Anoka County, Minnesota; Vacation No. V24-04  
*Sponsors: Daniel Schluender, Director of Engineering*
- 8.6.**     RES 24-169     Resolution Authorizing an Interfund Loan for Advance of Certain Costs in Connection with a Tax Increment Financing District and Declaring the Official Intent to Reimburse Certain Capital Expenditures of a Project from the Proceeds of Tax-Exempt Bonds.  
*Sponsors: Jason Zimmerman, Finance Director*
- 8.7.**     ORD 24-2562     Second Reading  
Amending Chapter 38 - Fire Prevention and Protection, Article II. Minnesota State Fire Code, Sec. 38-33 Fire Protection Permits and Inspection Program; Fire Sprinkler Systems

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

- 9.1.** 2024-359 Consider approval of Wine and 3.2 Percent Malt Liquor On-Sale Licenses for 21 168. LLC dba bb.q Chicken, 9360 Baltimore Street NE, Suite 100, Blaine  
*Sponsors: Cathy Sorensen, City Clerk*

City Clerk Sorensen stated Council has been asked to approve the wine and on-sale 3.2 beer licenses for bb.q Chicken located at 9360 Baltimore Street NE, Suite 100, to allow the ability to serve intoxicating spirits, beer and wine. A public hearing is required prior to the approval for liquor licenses. Jian Liu and Kin Lau, applicants, submitted the wine and 3.2 beer license applications. The applicants included the required license fees, forms and documents, and background investigations were conducted by the Blaine Police Department with no concerns found. The liquor licenses, if approved, would be active through June 30, 2025, and run concurrent with annual liquor license renewals. All required information will be submitted to the state's alcohol and gambling enforcement division upon approval of the licenses by the council.

Mayor Sanders opened the public hearing at 7:38PM.

There being no public input, Mayor Sanders closed the public hearing at 7:38PM.

Moved by Councilmember Robertson, seconded by Councilmember Newland, to approve a Wine and On-Sale 3.2 beer license for 21 168. LLC dba bb.q Chicken, 9360 Baltimore Street NE, Suite 100, Blaine, contingent upon meeting all licensing requirements as outlined by statute, code, building, and fire codes.

Motion adopted unanimously.

- 9.2.** RES 24-170 Resolution Adopting Assessment for 2023 Southeast Area Street Reconstructions, Improvement Project No. 23-08.  
*Sponsors: Daniel Schluender, Director of Engineering*

Director of Engineering Schluender stated Improvement Project No. 23-08 was ordered by the City Council on December 19, 2022 with Resolution 22-208. A construction contract was awarded to Park Construction Company by the City Council on May 1, 2023 with Resolution No. 23-83 and construction was completed in the summer and fall of 2023. The total project cost indicated in the Feasibility Report was \$5,688,827.64. The Assessment Roll has been prepared consistent with the Feasibility Report. Of the total cost, the amount to be assessed is \$899,296.75. The Public Utility Funds will contribute \$285,941.43 for water and sanitary sewer improvements, and Pavement Management Program funds will contribute \$2,489,430.75. Please note that the final costs are less than the original report and the final

assessments will also be less as a reflection of this difference.

Mayor Sanders opened the public hearing at 7:43PM.

Peggy Dehlen, 1008 Cord Street, clarified her assessment would now be \$1,800 and not \$3,200, as previously estimated. Mr. Schluender reported this was the case.

There being no additional public input, Mayor Sanders closed the public hearing at 7:45PM.

Moved by Councilmember Fleming, seconded by Councilmember Newland, to adopt a Resolution Adopting Assessments for 2023 Southeast Area Street Reconstructions, Improvement Project No. 23-08.

Councilmember Newland noted the interest rate for this project was 5.5%. He questioned if this interest rate fluctuated on a yearly basis. Mr. Schluender reported the interest rate is set by the finance department on a yearly basis.

Motion adopted unanimously.

## **10. Development Business**

- 10.1.** RES 24-160 Resolution Granting a Variance to Store Semi-Trailers in a Portion of the Front Yard at 3701 85th Avenue NE. Old Dominion Freight Line (Case File No. 24-0046/EES)  
*Sponsors: Sheila Sellman, City Planner*

City Planner Sellman stated the applicant is requesting a variance from the requirement that outdoor storage be limited to side and rear yards to allow for front yard storage of semi trailers. The Planning Commission recommends approval of storage in the portion of the front yard that is at least 190 feet north of the southern property line, which has historically been used for trailer storage. She commented on the noise studies that were conducted by city staff and noted the applicant was in compliance with MPCA noise standards. It was noted additional information was provided by the applicant following the Planning Commission meeting. Staff commented further on the options available to the council and reported the planning commission supported outdoor storage in Area A.

Moved by Councilmember Fleming, seconded by Councilmember Larson, to adopt a Resolution Granting a Variance to Store Semi-Trailers in a Portion of the Front Yard at 3701 85th Avenue NE.

Councilmember Newland stated he was not thrilled with this variance request. He discussed how this area of Blaine has changed over the years, noting the truck terminal has remained. He commented on how the city could work to mitigate the use from the neighboring residential properties. He explained if the variance were denied the truck terminal can continue because this was a legally operating business. He indicated he appreciated the discussion that was held by the planning commission regarding this planning case and noted he supported a 16 foot sound wall being installed. He noted he

only supported outdoor storage in Area A.

Councilmember Robertson indicated she did not support the variance request either. She explained she watched the planning commission meeting and she appreciated the neighbors who were in attendance that voiced their concerns. She expressed concern with the public hearing notification process given the fact there were neighbors that were not notified of this request. She supported the city having more dialogue with the neighbors and not just the four or five residents that received a public hearing notice. She reported she did not support outdoor storage in any of these areas. She stated she would support denying the variance request in order to come back to the table to discuss with the applicant options that work for everyone, along with a potential sound wall.

Councilmember Saroya commented she was struggling with this request as well. She indicated she supported the sound wall, but she feared the sound wall would not address the smell and vibration concerns. She read an email she received from a resident where concerns were raised regarding the settlement and cracking of their home. She explained she did not believe it was fair for residents to have physical damage to their property because of an adjacent business. She did not support passing a variance that would cause further damage to the neighboring homes. She questioned where the city's strategic planning was and asked why a trucking terminal was allowed to be located adjacent to single family homes. She did not support the expansion of this business and reported she would be a no vote on this variance.

Councilmember Fleming discussed how this business would be expanding and while she supported businesses in the community, she was having a hard time supporting this variance. She expressed concern with the fact the business has been parking in this space for the past two years, even after being told not to. She indicated the business was now seeking a variance to allow them to park in these areas. She expressed concern with the fact the applicant may continue to park in these areas, even if the variance were denied. She supported going back to the drawing board in order to find common ground. She explained she liked the sound wall, but noted she would be a no vote for the variance.

Councilmember Massoglia questioned how the applicant determined what was front yard storage versus side yard storage. Ms. Sellman explained the front yard was determined by where the building was located.

Councilmember Massoglia indicated he supported the proposed sound wall. He commented on how trucking has been allowed on this property since the early 2000's and explained he believed this was the right fit for the area given its proximity to 35W. He noted there were other industrial uses in close proximity as well.

Councilmember Larson asked if the sound wall could be required if outdoor storage was only allowed in Area A. Ms. Sellman reported the applicant was seeking outdoor storage in Areas A, B and C and was offering to build a 16 foot sound wall if the variance was approved. She indicated the council could opt to approve outdoor storage in only Area A making the sound wall a requirement or condition. However, she noted if the council were to not approve the variance, the sound wall could not be required.

Councilmember Newland stated if there was a denial, the city would lose the opportunity to

have a 16 foot sound wall in place. He suggested action on this item be tabled in order to allow for further discussions between staff and Old Dominion to see if they would support outdoor storage only in Area A and still construct the 16 foot sound wall. Ms. Sellman commented based on what has been provided from Old Dominion, she believed the request was an all or nothing matter. However, she noted the applicant was in attendance and could address this matter further with the council.

Kevin Davidson, Director of Real Estate for Old Dominion, commented on the variance request, noting Old Dominion was requesting the use of the front yard between the existing building and the 85th Avenue right of way for short term parking of semi trailers with and without tractors to facilitate loading and unloading. He explained Old Dominion obtained this property in 2004 and obtained a CUP with the city. He reported in 2022, \$13 million was invested in the existing terminal and to pave the site with concrete. He explained the existing facility has three parking lots and discussed how these parking lots were utilized by Old Dominion. He stated he understood the neighbors concerns and stated he has made changes to address these concerns. He reiterated that Old Dominion would not be expanding operations. He explained Old Dominion was happy to serve the city of Blaine and the greater Minneapolis/St. Paul area.

Joel Bailey, Sambatek, explained his clients' intent was to fully utilize the site and commented further that Area C would be used for empty trailer storage and would be the least-used area. He discussed how the sound wall would help mitigate the noise concerns of the neighbors. He indicated Mr. Schutta's property was previously zoned commercial prior to a residential property being constructed.

Dan Jensen, Stinson LLP, reported his clients' intent was to increase safety for employees onsite as well as increased efficiencies. He noted his client would not be expanding their operations but rather was rearranging the site to improve safety. He commented in order to address the concerns of the neighbors, Old Dominion was proposing a sound wall, in order to be a good neighbor. He respectfully requested the mayor and city council support the variance for all three areas.

Councilmember Larson thanked the applicant and the applicants representatives for their statements. She questioned if the sound wall would address previous noise complaints or would the sound wall address future noise. Mr. Davidson explained he met with Gary and Judy Schutta after the planning commission meeting. He stated he was trying to be a good neighbor because he did not plan on going anywhere. He believed a proper solution to the noise concerns given the location of his business with surrounding residential was to add a sound wall.

Councilmember Newland supported tabling action on this item to allow staff and the applicant to see if other alternatives could be determined.

Mayor Sanders asked if there was time available to table action on this item to the September 16 city council meeting. Ms. Sellman stated the agency action deadline was September 21.

Ms. Sellman asked the applicant if this was an all or nothing matter when it comes to the variance request, or would the applicant support outdoor storage only in Area A and still

install the sound wall. Mr. Davidson stated this would have to be further discussed. He indicated he was being challenged by employee safety if the employee parking was moved back to Area C.

Councilmember Saroya asked if the applicant would consider amending their hours of operation along with the outdoor speaker system. Mr. Davidson said they would not be able to amend their hours and he did not think he could change things much more, but would work to consider changes where possible. He reiterated that Old Dominion was within the city and state noise codes.

Councilmember Larson appreciated the fact Old Dominion was willing to work with the city on this matter and was working to address safety on the site for their employees. She questioned how many employees Old Dominion had in Blaine. Mr. Davidson stated he had 275 employees at the Blaine location.

Councilmember Larson clarified how this property has been used as a trucking terminal since the 1970's and single family homes were then built around the trucking terminal 40 years ago.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to table action on this item to the September 16, 2024, City Council meeting.

Councilmember Saroya supported the city council taking comments from residents at this time.

Mayor Sanders recommended staff take comments from residents over the next two weeks.

Lisa Peterson, 8521 Xebec Street NE, explained the Old Dominion employees don't park in the designated employee parking area currently.

Motion to table adopted unanimously.

**10.2. ORD 24-2559 First Reading**

Ordinance Granting an Amendment to the City of Blaine Zoning Ordinance to Modify the Storm Shelter Requirement in the Manufactured Home (R-4) Zoning District to Match State Rules. Park of Four Seasons (Lakeshore Management) (Case File No. 23-0074/EES)

*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the proposed code amendment would modify the storm shelter requirement for manufactured home parks from one 810 square foot shelter for every 30 homes to four square feet of shelter space per resident of the manufactured home park, to be consistent with the Minnesota Administrative Rule governing manufactured home parks. Staff commented further on the proposed ordinance amendment and requested the council introduce the ordinance.

Declared by Mayor Sanders that Ordinance No. 24-2559, "Ordinance Granting an Amendment to the City of Blaine Zoning Ordinance to Modify the Storm Shelter Requirement in the Manufactured Home (R-4) Zoning District to Match State Rules. Park of Four Seasons (Lakeshore Management)," be introduced and placed on file for second reading at the September 16, 2024 Council meeting.

**10.3. ORD 24-2558 First Reading**

Ordinance Approving a Rezoning from Medium Density Multifamily (R-3B) to Low Density Multi-Family (R-3A) at 10001 Polk Street NE. City of Blaine (Case File No. 24-0048/EJT)

*Sponsors: Sheila Sellman, City Planner*

Community Development Director Thorvig stated this ordinance would consider a rezoning from Medium Density Multifamily (R-3B) to Low Density Multi-Family (R-3A) in order to be consistent with the Low Density/Medium Density (LDR/MDR) land use designation.

Declared by Mayor Sanders that Ordinance No. 24-2558, "Ordinance Approving a Rezoning from Medium Density Multifamily (R-3B) to Low Density Multi-Family (R-3A) at 10001 Polk Street NE," be introduced and placed on file for second reading at the September 16, 2024 Council meeting.

**10.4. ORD 24-2561 First Reading**

Ordinance Approving a Rezoning from Light Industrial (I-1) to Low Density Multi-Family (R-3A) at 10041 Polk Street NE. City of Blaine (Case File No. 24-0048/EJT)

*Sponsors: Sheila Sellman, City Planner*

Mr. Thorvig stated this ordinance would consider a rezoning from Light Industrial (I-1) to Low Density Multi-Family (R-3A) in order to be consistent with the Low Density/Medium Density (LDR/MDR) land use designation.

Declared by Mayor Sanders that Ordinance No. 24-2561, "Ordinance Approving a Rezoning from Light Industrial (I-1) to Low Density Multi-Family (R-3A) at 10041 Polk Street NE," be introduced and placed on file for second reading at the September 16, 2024 Council meeting.

**10.5. ORD 24-2557 Second Reading**

Ordinance Approving Amendments to Section 39.901 (Definitions) and Section 30.904 (Permitted Uses in the 105th Avenue Redevelopment District) of the Zoning Ordinance to Add Cigar Lounge as a Permitted Use. Society Cigars (Pinpoint Community Development) (Case File No. 24-0040/SAS)

*Sponsors: Sheila Sellman, City Planner*

Mayor Sanders recused himself from discussion of this item and left the dais due to a potential conflict of interest.

Ms. Sellman stated the applicant is requesting an ordinance amendment to the 105th Redevelopment District to allow a cigar lounge. She discussed the proposed location of a cigar lounge and recommended approval of the ordinance amendment.

Moved by Councilmember Massoglia, seconded by Councilmember Fleming, to adopt the Second Reading of Ordinance No. 2557, Approving Amendments to Section 39.901 (Definitions) and Section 30.904 (Permitted Uses in the 105th Avenue Redevelopment District) of the Zoning Ordinance to Add Cigar Lounge as a Permitted Use.

Councilmember Saroya inquired about Mayor Sanders recusal. City Attorney Loonan explained the proposed ordinance amendment was a zoning amendment to change the use and no specific business approval was being considered at this time.

Councilmember Saroya asked what Mayor Sanders ownership interest was in the cigar lounge. Mr. Loonan reiterated that a cigar lounge request was not before the city council at this time but rather the council was to consider an ordinance amendment that would add cigar lounge as a permitted use in the 105th Avenue Redevelopment District.

Councilmember Saroya requested further information regarding the mayor's interest in the cigar lounge.

Councilmember Massoglia called for a point of order.

Mayor Pro-Tem Robertson clarified the city council was not being asked to approve a particular business at this time, but rather was being asked to consider an ordinance amendment addressing the use. Mr. Loonan reported this was the case. He explained the mayor has indicated that he was working with business partners that have interest in operating a cigar lounge in this area, and given the connection, while there is not a contractual relationship, there was a strong enough relationship that he recused himself from this discussion and vote.

Councilmember Larson referred to the letters the city received from outside organizations that spoke out against smoking and the existence of a cigar lounge in the community, especially in light of the new state statute that would require cannabis licensing. She explained she could not think of a single time she has seen a teenager with a cigar, but noted there were teenagers with marijuana all throughout the community. She believed the direction of the state was unfortunate when it comes to marijuana. She did not support how the state was requiring the city to have a certain number of locations that would sell cannabis to young adults while suppressing a niche small business that would support the community. She indicated she would be supporting this ordinance amendment and noted she supported this small business owner coming to Blaine.

Councilmember Newland explained he supported the proposed ordinance amendment. He referred to sampling in a cigar lounge and asked what was and was not allowed. Ms. Sorensen explained sampling was allowed within the Minnesota Clean Air Act for exclusive

tobacco shops only.

Councilmember Saroya stated she was still struggling with the stated conflict of interest matter.

Councilmember Massoglia called for a point of order stating this was not the time to get into political issues against the mayor. He reiterated that the matter before the council was an ordinance amendment that would allow cigar lounges in the 105th Redevelopment Area.

Councilmember Saroya noted several councilmembers including the mayor were receiving campaign donations from the developer proposing the zoning code amendment.

Councilmember Massoglia and Councilmember Fleming called for a point of order.

Mayor Pro-Tem Robertson requested Councilmember Saroya stay on topic. She reiterated that City Attorney Loonan has addressed multiple times the differentiation between the council doing their jobs and receiving campaign donations and how there was no conflict of interest in any of the councilmembers ability to receive those funds. She stated she was open to allowing Councilmember Saroya to dialogue the matter at hand but other conversations were not for this time.

Councilmember Saroya questioned if the code amendment was in the best interest of Blaine residents. She explained she has spoken to residents that are against the proposed code amendment and felt this ordinance amendment was not moving Blaine in the right direction, especially with young people attending nearby events at the National Sports Center. She inquired if it was legal to have a cigar lounge in the community, noting cigar lounges were prohibited within the Minnesota Clean Air Act. She feared the city was trying to side step this regulation by licensing this use as a tobacco shop. She asked how long sampling was allowed and questioned how close the cigar lounge would be to the NSC soccer fields then reiterated her concerns regarding the mayor's conflict of interest.

Councilmember Massoglia called for a point of order and motioned to recess the meeting.

Mayor Pro-Tem Robertson requested staff speak to Councilmember Saroya's comments. Ms. Sorensen reported licenses for a tobacco products shop would require any visitor to be 21 and older. She indicated those under 21 years of age would not be allowed to enter the shop. Ms. Sellman reviewed the location of the soccer fields at the NSC and indicated the proposed ordinance amendment would address the entire 105th Avenue Redevelopment District.

Councilmember Saroya questioned if the city would consider allowing a hookah lounge in this area. She reviewed the concerns from the American Lung Association, noting cigars have the same addictive toxic compounds that were found in cigarettes. She explained cigar smoking can cause cancers and are just as addictive as cigarettes. She indicated her father died from lung cancer and she did not take this issue lightly. She was of the opinion the city was being irresponsible and should not allow a cigar lounge in the community. She stated she could not ethically support this ordinance amendment.

Councilmember Fleming explained she would like to hear from the developer.

Mayor Pro-Tem Robertson reported the council was being asked to discuss the ordinance amendment language and noted a cigar lounge request was not before the city council at this time. She anticipated the developer would address the city council when an application was brought forward.

Councilmember Larson explained there were already a number of cigar lounges in the state. She noted St. Paul has two and Maple Grove has one, which meant cigar lounges were not illegal in the state of Minnesota.

Councilmember Massoglia commented this agenda item has turned into a political theater, which was unfortunate. He reported sampling was already occurring in Blaine as allowed by the Minnesota Clean Indoor Air Act and explained this amendment would allow for a cigar lounge within this redevelopment district. He reported there were no comments on the previous sampling request, but rather this was a targeted political attempt to disrupt a single business in the city of Blaine.

Councilmember Newland called the question.

Motion adopted 5-1-1, (Councilmember Saroya opposed and Mayor Sanders abstained).

Mayor Sanders returned to the dais.

**10.6. ORD 24-2560 First Reading**

Ordinance Approving Amendments to Section 29.010 Farm Residential (FR) and Section 29.020 Residential Estate (RE) of the Zoning Ordinance, Adding Ground Mounted Solar Systems as Accessory Uses. City of Blaine (Case File No. 24-0047/SLK)

*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the proposed ordinance amendment adds ground mounted solar systems as accessory uses in the FR (Farm Residential) and RE (Residential Estate) zoning districts.

Declared by Mayor Sanders that Ordinance No. 24-2560, "Ordinance Approving Amendments to Section 29.010 Farm Residential (FR) and Section 29.020 Residential Estate (RE) of the Zoning Ordinance, Adding Ground Mounted Solar Systems as Accessory Uses," be introduced and placed on file for second reading at the September 16, 2024 Council meeting.

## **11. Administration**

**11.1. ORD 24-2563 First Reading**

Amending Chapter 42 - Health and Sanitation, Article II. - Tobacco, Division 2. - License, Sec. 42-61. Generally.

*Sponsors: Cathy Sorensen, City Clerk*

Ms. Sorensen stated council is asked to hold first reading of an ordinance amending tobacco license types.

Declared by Mayor Sanders that Ordinance No. 24-2563, "Amending Chapter 42 - Health and Sanitation, Article II. - Tobacco, Division 2. - License, Sec. 42-61. Generally," be introduced and placed on file for second reading at the September 16, 2024 Council meeting.

**11.2. ORD 24-2564 First Reading**

Article II. Intoxicating Liquor and 3.2 Percent Malt Liquor, Sec. 6-33. Definitions, Sec. 6-36. License Required; Number of Licenses, and Sec. 6-38. Kinds of Liquor Licenses.

*Sponsors: Cathy Sorensen, City Clerk*

Ms. Sorensen stated council is asked to hold first reading of an ordinance amending off-sale liquor licenses.

Declared by Mayor Sanders that Ordinance No. 24-2564, "Article II. Intoxicating Liquor and 3.2 Percent Malt Liquor, Sec. 6-33. Definitions, Sec. 6-36. License Required; Number of Licenses, and Sec. 6-38. Kinds of Liquor Licenses," be introduced and placed on file for second reading at the September 16, 2024 Council meeting.

**11.3. ORD 24-2556 First Reading**

Amending Chapter 82 - Traffic and Vehicles, Article I. - In General, Article IV. - Stopping, Standing, and Parking, Adding Sec. 82-157 Median Safety

*Sponsors: Brian Podany, Safety Services Manager/Police Chief*

Police Chief Podany stated after discussion at the June workshop, council directed staff to bring forward the median safety ordinance for formal consideration. The ordinance is being proposed due to concerns with pedestrians standing for long periods of time in the median of high traffic intersections within the city. The ordinance still allows for safe crossing of roadways but prohibits standing in the median for multiple light cycles. The proposed median safety ordinance arose out of police and resident concerns about pedestrians standing for long periods of time in the median of certain high-traffic intersections in the city of Blaine. There are several high-traffic, high-speed arterial roadways within the city that have been identified as potentially dangerous for pedestrians. Both residents and police have identified multiple intersections where this has been a problem and there have been repeated incidents at those locations. Pedestrians standing in high traffic roadway medians present an increased risk of being struck by a vehicle and impeding traffic flow. Feedback from officers who have responded to complaints about this problem note that those who partake in the action that have been requested to move to a position of greater safety have refused to do so as it is not prohibited by law.

Police Chief Podany explained the proposed median safety ordinance prohibits pedestrians

from standing within the intersections identified in the ordinance for a duration longer than two crosswalk signals. It does not prohibit crossing as directed by traffic signals. It additionally prohibits motorists from stopping or standing in their vehicles to address pedestrians who are standing in medians. Concerns regarding targeting of certain activities such as panhandling have been raised. This ordinance does not restrict that or any other specific activity from occurring in other locations but does prohibit any activities in the center median in order to ensure safety and promote traffic flow and safety. This helps to ensure safety in preventing crashes and promoting efficient traffic movement consistent with semaphore cycles. Enforcement of the ordinance will begin with education and requests for movement from the prohibited activity. For continued or repeated violations, enforcement action will be an option. This item came before council in 2021 and attached is summary information from the city attorney at that time regarding legal considerations of adopting a median safety ordinance. After review with the Director of Engineering the proposed ordinance has been revised from the version shared with council at the June workshop to include all arterial, reliever, and expander roads at intersections to better define the areas.

Declared by Mayor Sanders that Ordinance No. 24-2556, "Amending Chapter 82 - Traffic and Vehicles, Article I. - In General, Article IV. - Stopping, Standing, and Parking, Adding Sec. 82-157 Median Safety," be introduced and placed on file for second reading at the September 16, 2024 Council meeting.

## 12. Other Business

None.

## 13. Adjournment

Moved by Councilmember Newland, seconded by Councilmember Larson, to adjourn the meeting at 9:10PM.

Motion adopted unanimously.



Signed by

Tim Sanders, Mayor

Signed by

Catherine M. Sorensen, CMC, City Clerk

