# City of Blaine
# City Council

November 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 7:02PM by Mayor Sanders followed by the Pledge of Allegiance and the Roll Call.

### 2. Pledge of Allegiance

### 3. Roll Call

**PRESENT:** Mayor Tim Sanders, Councilmember Tom Newland, Councilmember Lori Saroya, Councilmember Jess Robertson, Councilmember Terra Fleming, Councilmember Chris Massoglia, Councilmember Leslie Larson

**ABSENT:**

**ALSO PRESENT:** City Manager Michelle Wolfe; Community Development Director Erik Thorvig; City Planner Sheila Sellman; Police Captain Joe Gerhard; Finance Director Jason Zimmerman; Director of Engineering Dan Schluender; Director of Administrative Services Scott Johnson; City Attorney Tom Loonan; Communications Manager Ben Hayle; and Public Works Director Nick Fleischhacker

### 4. Awards - Presentations - Organizational Business

None.

### 5. Communications

Councilmember Robertson thanked the city's election team for their great work on early voting for the upcoming election.

City Manager Wolfe reviewed a letter she received from the Minnesota Board of Peace Officers Standards and Training. She explained compliance checks are conducted on a yearly basis, but not every department is checked on a yearly basis. She reported on September 26, 2024 a post board standards coordinator conducted a compliance check at the Blaine Police Department. She stated after a comprehensive review of records the department passed. She indicated the director of the Board of Peace Officers encouraged city staff to recognize the department for their efforts, which was the reason she was sharing this information with staff and the city council. A round of applause was offered by all in attendance.

## 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 7:08PM.

Dr. Roger Day, 9701 Xebec Street, discussed a crime that was being committed by the State of Minnesota that was deactivating his home medical business. He stated this is causing great harm both state and nationwide. He provided the council with a four-page handout on a class action lawsuit that he had filed. He explained he was seeking a formal referral from the police department to the BCA in order for this organization to take up this case.

Gary Schutta, 3801 85th Avenue, explained he lived next to Old Dominion. He indicated he sent the council a document that detailed reasons he believed the variance should not be approved. He commented on how the site was designed to have parking at the front of the lot and Old Dominion has now shifted the employee parking to the side of the property. He asked that the city council do the right thing and not allow for storage of trailers in the front of the property.

Dave Folden, 10452 Vermillion Circle, stated he lives in The Sanctuary neighborhood. He reported he was a 15-year resident and owned two businesses in Blaine. He commented on Anoka County's recycling goals for 2030 and noted this goal has distorted Walter's expansion proposal. He indicated he has heard from Walter's and the city council that this was the larger factor in the proposed expansion. However, he has had direct correspondence with the MPCA and the County Commissioner. He reported the County's goals for 2030 emphasized goals and progress and do not emphasize law and mandates. He noted the language was soft in a lot of spots, but the main focus was to set a goal. He explained the County Commissioner is going to communicate with the State to ensure there was progress towards the 75% recycling goal. He was of the opinion the County's goals have been inappropriately used to push the Walter's expansion project forward and has manufactured an urgency. He feared this has created mistrust with both the City and the council. He was of the opinion that the County's recycling goals do not need to be solved in the heart of Blaine's residential neighborhoods or adjacent to the NSC or the new baseball stadium and the surrounding 105th Avenue development. He indicated there was more appropriate vacant land suited for this purpose. He recommended this garbage transfer facility be considered elsewhere and not be adjacent to Blaine's residential neighborhoods.

Michael Brees, 2456 Arnold Palmer Drive, explained he spoke with Director Thorvig about a development panel. He believed this was a great idea and would create more efficiencies for developers going forward. He stated he would be happy to serve on this panel. He explained he liked Walter's and noted he contracted with them for the National Sports Village. He indicated he was concerned with how an expansion of the Walter's facility would adversely impact his development. He stated the smell from the Walter's property was real, and he feared how an expansion would compound this concern. He reported he did not want patrons sitting on his rooftop patio smelling refuse while eating or drinking at his establishment. He recommended the proper solution be considered for this site before considering the Walter's expansion.

Dana Carlson, 287 117th Avenue, addressed the council regarding some crimes that occurred against his children. He reported he was in need of documentation to assist with properly reporting these crimes. Mayor Sanders stated he would have the City Attorney or other staff members be in contact with Mr. Carlson.

Dale Sprouse, 12880 Lexington Avenue, expressed opposition to rezoning a portion of property at 125th Avenue and Lexington Avenue to High Density. He explained there were a lot of people in attendance at this meeting that were against rezoning this property. He asked that the City stop overbuilding and say no to the proposed project. He feared the city's schools were over burdened. He recommended the council not move forward with the rezoning for the portion of property at 125th Avenue and Lexington Avenue to High Density, noting the planning commission recommended denial of this request.

Elmer Stevenson, 12565 Zest Street, reported the city council took away the high density zoning on his property less than 1/8 of a mile from where the new high density was proposed. He stated he could not understand why the council was considering this action and feared the city would be opening itself up to a lawsuit if this project were to move forward.

Allen Albright, 3340 122nd Avenue NE, stated there has been a great injustice done here. He commented on how the notification system was broken when only a handful of people were notified of the agenda item and the residents had to take action themselves to notify others. He asked that the city council make a change so this doesn't occur again in the future.

There being no further input, Mayor Sanders closed the Open Forum at 7:28PM.

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

Mayor Sanders stated he would be abstaining from voting on Item 8.3.

Motion adopted 6-0-1 (Mayor Sanders abstained on Item 8.3).

Due to a technical issue, Mayor Sanders recessed the City Council meeting at 7:30PM.

Mayor Sanders reconvened the City Council meeting at 7:34PM.

**8.1.** 2024-519 Schedule of Bills Paid
*Sponsors: Jason Zimmerman, Finance Director*

**8.2.** 2024-515 Approval of Minutes
*Sponsors: Cathy Sorensen, City Clerk*

**8.3.** RES 24-222 Approve Premise Permit for Lawful Gambling Activity for Ham Lake Area Chamber of Commerce
*Sponsors: Cathy Sorensen, City Clerk*

**8.4.** 2024-489 Approve a Tobacco and Tobacco Products License for VPS Global Solutions LLC DBA MGM Wine & Spirits
*Sponsors: Cathy Sorensen, City Clerk*

**8.5.** RES 24-216 Resolution Accepting SCORE Grant Funds and Authorizing the Mayor and City Manager to Execute the 2025 Agreement for The Residential Recycling Program
*Sponsors: Jason Zimmerman, Finance Director*

**8.6.** RES 24-205 Resolution Authorizing the Purchase of a Network Switch for the Lexington Athletic Complex and Associated Budget Amendment
*Sponsors: Paul Grosse, IT Manager, Jason Zimmerman, Finance Director*

**8.7.** RES 24-213 Resolution Authorizing Change Order No. 1 in the Amount of $58,100 for the 2024 Storm Sewer Lining Project, Improvement Project No. 24-51 and Associated Budget Amendments
*Sponsors: Daniel Schluender, Director of Engineering*

**8.8.** RES 24-211 Resolution to Receive Feasibility Report and Order Public Hearing for the 2025 Southwest Area Street Reconstructions, I/P 25-06
*Sponsors: Daniel Schluender, Director of Engineering*

**8.9.** RES 24-212 Resolution to Receive Petition and Order Public Hearing for Vacation of a 54-ft length portion of the Drainage and Utility Easement, according to the recorded plat thereof, Anoka County, Minnesota; Vacation No. V24-05
*Sponsors: Daniel Schluender, Director of Engineering*

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

**9.1.** RES 24-203 Resolution Granting a Conditional Use Permit to Allow a Fitness Center in the Light Industrial (I-1) Zoning District at 1491 94th Lane NE. Cindi Nikituk (Farrell's eXtreme Bodyshaping) (Case File No. 24-0062/SLK)
*Sponsors: Sheila Sellman, City Planner*

City Planner Sellman stated the applicant is requesting a Conditional Use Permit (CUP) to open a fitness center in a multi-tenant building. The applicant is requesting a conditional use permit for a fitness center that will provide fitness classes and coaching. The hours of operation are 4:30AM-12:30PM and 4PM-7PM Monday-Friday, Saturday 5:30AM-11AM, and closed on Sunday. Staff commented on the request in further detail and recommended approval with one condition.

Mayor Sanders opened the public hearing at 7:37PM.

There being no public input, Mayor Sanders closed the public hearing at 7:37PM.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to adopt a Resolution Granting a Conditional Use Permit to Allow a Fitness Center in the Light Industrial (I-1) Zoning District at 1491 94th Lane NE.

Motion adopted unanimously.

**9.2.** RES 24-210 Resolution Granting a Conditional Use Permit Amendment to Allow Sheds/Accessory Structures in the Corner Side Yard for the Marquest Meadows North Development in the Development Flex (DF) Zoning District. Kara Werth (Case File No. 24-0064/SAS)
*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the applicant is requesting a conditional use permit amendment to allow accessory structures in the corner side yard for the Marquest Meadows North development. Staff commented further on the request and recommended approval with conditions.

Mayor Sanders opened the public hearing at 7:42PM.

There being no public input, Mayor Sanders closed the public hearing at 7:42PM.

Moved by Councilmember Fleming, seconded by Councilmember Massoglia, to adopt a

Resolution Granting a Conditional Use Permit Amendment to Allow Sheds/Accessory Structures in the Corner Side Yard for the Marquest Meadows North Development in the Development Flex (DF) Zoning District.

Councilmember Massoglia thanked staff for expediting this request. He stated he appreciated the fact the neighbors supported this request.

Councilmember Newland asked if the $500 fee was waived for the applicant. Community Development Director Thorvig reported conditional use permits have a $500 fee, which covers staff time for the application. He indicated the council has on occasion, waived fees. He noted this was done by the council at their last meeting for this application.

Councilmember Newland questioned why the fee was waived.

Councilmember Massoglia commented he did not believe this applied to the matter that was before the city council because the fee waiver was addressed and voted on at a previous meeting.

Motion adopted unanimously.

**9.3.** 2024-497 Approve an Off Sale Liquor License for VPS Global Solutions LLC DBA MGM Wine & Spirits located at 255 County Road 10 NE

*Sponsors: Cathy Sorensen, City Clerk*

Communications Manager Hayle stated council is asked to approve an off-sale liquor license for VPS Global Solutions LLC DBA MGM Wine & Spirits located at 255 County Road 10 NE. It was noted a public hearing is required prior to the approval of an off-sale liquor license in the city. Pranitha Rachakatla, applicant, is purchasing the current MGM Wine & Spirits and has applied for an off-sale liquor license for VPS Global Solutions LLC DBA MGM Wine & Spirits located at 255 County Road 10 NE. The applicant has met the licensing requirements by completing all necessary forms and paying associated fees. Blaine Police Department has conducted a background investigation on the applicant and found no reason to deny the license. The liquor licenses, if approved, would be valid until June 30, 2025 and eligible for renewal July 1, 2025. 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 7:46PM.

There being no public input, Mayor Sanders closed the public hearing at 7:46PM.

Moved by Councilmember Newland, seconded by Councilmember Robertson, to Approve an Off Sale Liquor License for VPS Global Solutions LLC DBA MGM Wine & Spirits located at 255 County Road 10 NE.

Motion adopted unanimously.

**9.4.** RES 24-215 Resolution Certifying Delinquent Special Charges

*Sponsors: Jason Zimmerman, Finance Director*

Finance Director Zimmerman requested the council consider conducting a public hearing for unpaid special charges and other municipal services, to be certified to property taxes for collection in 2025. Each year, the city encounters unpaid charges for municipal services, including abatement of weeds and trees, false alarm, rental licenses, and other related charges. These outstanding balances represent a financial obligation to the city, and according to state statutes, the city has the authority to assess unpaid charges against the property through a certification process. These charges, when unpaid for a significant period, may affect the city's ability to provide continuous services efficiently. To ensure proper revenue collection and avoid disruption in services, unpaid balances are proposed to be certified to the respective property taxes for recovery. A list of properties with unpaid charges has been compiled, and notices have been sent to the affected property owners. The public hearing provides an opportunity for the Council to review any objections or concerns from property owners regarding their unpaid balances. After consideration, the Council may decide to adjust, reduce, or certify the full amount of these charges.

Mayor Sanders opened the public hearing at 7:48PM.

There being no public input, Mayor Sanders closed the public hearing at 7:48PM.

Moved by Councilmember Newland, seconded by Councilmember Fleming, to adopt a Resolution Certifying Delinquent Special Charges.

Motion adopted unanimously.

## 10. Development Business

**10.1.** RES 24-197 Resolution Granting a Comprehensive Plan Amendment to Change from Planned Commercial (PC) to High Density Residential 2 (HDR2) on the Southwest Corner Lexington Avenue and 125th Avenue NE. Lexington Crossings (HJ Development) (Case File No. 24-0057/SAS)

*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the applicant is requesting a comprehensive land use plan to change from Planned Commercial to High Density Residential 2 (HDR2) for approximately 3.34 acres at the corner of 125th Avenue and Lexington Avenue.

Moved by Councilmember Robertson, seconded by Councilmember Fleming, to table action on this item to a date uncertain and direct staff to place this item on the December 16, 2024 workshop meeting agenda.

Councilmember Robertson commented she lived on Lexington Avenue and explained she was familiar with the traffic on this roadway. She was asking for the item to be tabled to allow council to further discuss this proposal. She indicated she supported commercial development and unique amenities in Blaine. She commented she also appreciated the wetlands in Blaine. She supported the city council working to find a path for this development to move forward without requiring a comprehensive plan amendment.

Councilmember Massoglia asked if this path forward would keep the commercial zoning for this property.

Councilmember Robertson stated this was the case.

Councilmember Massoglia indicated he could support this property remaining commercial. He thanked the residents that were in attendance and thanked those that provided feedback to the council. He reported the voices of the neighbors do matter and thanked the residents who reached out to him.

Councilmember Larson commented she was confused about the path forward.

Councilmember Robertson explained she would like the council to revisit the issue with staff and the developer in order to bring a commercial development forward. She indicated she did not want this project to die, but rather wanted to see it move forward without the housing component.

Councilmember Saroya indicated she was confused by the amendment. She reported the planning commission voted unanimously to deny the amendment. She asked why the city council could not deny the comprehensive amendment and the development could then be reconsidered by the applicant. She questioned why the council was more concerned about the relationship with the developer than the residents living in this area. She stated this was not her ward and she was so frustrated by the proposed action before the council and explained she would be a no vote for the amendment to table.

Councilmember Robertson clarified she had made a motion to table. She explained she brought this motion forward after having discussions with staff and staff believed this was the best direction forward. She indicated if a vote were taken on Item 10.1 and it fails, the applicant would have to bring back a new application. Mr. Thorvig reported if the application were denied, the applicant would not be able to make a similar request for one year. He stated if the council were to table action to a future workshop meeting, further discussion could be held regarding the path forward for this development.

Councilmember Larson commented on the intent of the developer was to have high density within this commercial development. She stated according to the applicant, the commercial uses cannot move forward without the proposed high density residential. She believed the developer has been dangling commercial in front of the city over the true intention, which was to have high density residential. She indicated she did not trust this developer based on the language that was included in his narrative. She reported she received 120 emails where residents requested her to vote nay on this item. She stated there was an overwhelming number of residents living in this area that did not want high density residential included in the commercial development. She did not support tabling action on this item in order to discuss how to make it work. She was prepared to say she did not want housing included in this commercial development.

Councilmember Fleming stated she has heard from no one who wants the apartment complex. She indicated when she knocked on doors two years ago, she heard that residents wanted commercial development on this property, which was the manner in which this property was zoned. She explained if the council were to deny the comprehensive plan amendment, the applicant would have to wait one year to come back with a plan for this property. She indicated Councilmember Robertson was proposing to table action on this vote in order to allow the council to speak with the developer to see if there was a path forward for this development that did not include high density housing.

Councilmember Saroya asked what the other options were for this property. She indicated the developer has stated the commercial development will not occur without the residential. She stated she has been against this project from the start. She commented there was a neighboring property that wants to purchase this property and asked if this had been considered versus pushing commercial on this property.

Councilmember Newland stated he could support tabling this item to a December workshop meeting.

Councilmember Larson asked how many votes were needed to table an item.

Mayor Sanders reported this would require a simple majority. He requested staff speak to the statutory requirements for city council consideration of agenda items.  Mr. Thorvig stated typically, per statute, the council has to take action on items in 60 days, and a 60-day extension could be granted. He reported the deadline for this item is January 4, 2025. He indicated the applicant can always extend an application for a period of time beyond that date. He envisioned the council would discuss this on December 16 and it would be decided what meeting the council would further address this item in January of 2025.

Councilmember Larson asked if the developer has had this property under purchase agreement for quite some time. Mr. Thorvig stated it was his understanding the developer has had the property under purchase agreement for a significant period of time and this agreement would expire in 2025.

Councilmember Larson commented on how this property has not developed because this developer has had the land tied up in a purchase agreement. She indicated if the council were to vote down the comprehensive plan amendment, the developer would have to reconsider his plans, or another developer would have a chance to develop this land. Mr. Thorvig indicated he was uncertain as to what the provisions were within the purchase agreement or when it would expire in 2025. He commented on the significant infrastructure costs that the developer would have to incur in order to develop this property because of the wetlands.

Councilmember Fleming indicated she was not in favor of the apartment complex. However, she was supportive of commercial development on this property. She stated she would be willing to work with this developer given how he had an understanding of the challenges on this site. She reiterated that she would vote no if the project came back to the City Council with an apartment building.

Councilmember Larson asked for more details on why Councilmember Robertson was proposing to table this item.

Councilmember Robertson indicated she was hoping to move this development forward without needing a comprehensive plan amendment.

Councilmember Saroya commented she would like to say with respect, this motion reminds her of the actions that were taken on the 99th Avenue apartments. She feared there was something else going on, given the fact it was one day before the election.

Councilmember Fleming called for a point of order, stating speaking about the election was not relevant.

Councilmember Saroya shared further comments regarding the 99th Avenue apartment project.

Councilmember Massoglia called for a point of order, noting the 99th Avenue apartments were not on the agenda for discussion.

Councilmember Saroya stated she feared action was being delayed on this item and that after the election the direction of the council would change, as was done with the 99th Avenue apartments.

Councilmember Robertson explained she took issue with this statement, noting her name was not on the ballot and she was not trying to do anyone favors. She asked that Councilmember Saroya not make comments like this because this project has nothing to do with politics. Rather she was trying to bring a project forward that has the potential to be really great and would provide more commercial options for the residents in the area.

Councilmember Newland called the question.

Motion to table action on this item to a date uncertain and direct staff to place this item on the December 16, 2024 workshop meeting agenda adopted 5-2 (Councilmembers Larson and Saroya opposed).

**10.2.** 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*

Ms. 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. This item was previously considered by the City Council and tabled to allow for more information. The request for a variance to allow front yard storage of semi trailers was first considered by the City Council on September 4, 2024 and was tabled to September 16, 2024 to allow for engagement with the nearby residents. Staff facilitated a meeting with the nearby residents and Old Dominion staff and consultants. A primary concern in that meeting was whether a sound wall would be effective in reducing noise and a desire to allow for more time to research the efficacy of sound barriers. The applicant requested an extension to the 60-day rule in Minnesota Statute 15.99 to allow for more time to research sound barriers. On September 16, 2024 the City Council tabled the item to a date uncertain, no later than November 18, 2024 to allow for research to be conducted. It was noted staff has provided several options for action on this item for the Council to consider. These options were further discussed with the Council.

Moved by Mayor Sanders, seconded by Councilmember Newland, to remove this item from the table for discussion.

Motion adopted unanimously.

Councilmember Newland stated this topic has been before the council for a number of years and he looked forward to the council finding a solution to the noise concerns. He indicated he was not thrilled with the option that was presented by Old Dominion where they are asking for all the parking and will then provide a sound wall. He explained he was disappointed by the fact Old Dominion would not provide the sound wall unless all of their parking was approved. He had hoped the city would have been able to work together with Old Dominion on this matter. He feared the applicant would set a precedent if the requested parking were approved. He believed the best solution would be to deny the variance request.

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

Councilmember Larson commented she received a tour of the Old Dominion property last week. She discussed the changes that have been made to the property to assist with addressing noise, noting the PA system had been removed. She indicated the noise coming from the site in the middle of the night was coming from the snow plows and stated the applicant has asked the snow plow company to turn off their beeping.

Councilmember Massoglia indicated he disagreed with Councilmember Newland. He was of the opinion the proposed sound wall was a tremendous compromise and showed the applicant was willing to work with the community. He stated he supported allowing this industrial property owner being allowed to utilize his property, which was located directly off of I-35W, even though there has been complaints from one adjacent property owner. He explained if the request were denied, the sound wall would not move forward, which would greatly benefit the neighbors.

Councilmember Saroya indicated there were complaints from more than one property owner. She noted this property was located in Ward 1 and there were ongoing issues. She stated she has spoken with the neighbors and understood there were issues with noise, smell, and vibration. She commented on how one neighbor has issues with their doors not closing anymore because their foundation has shifted. She questioned why homes were located next to this facility, and recommended the council work to mitigate the harm that was being caused to the neighbors. She commented on the detailed email that was sent to the Council from Gary Schutta, stating the increased noise and vibrations has become unbearable. She did not support escalating an issue that already exists. She commented she would be a no vote on the parking expansion on this property.

Councilmember Massoglia stated the applicant could currently park along the entire length of their building, which meant denying the variance isn't going to address this parking. He noted there was one property owner that abuts Area A and C. He indicated if the request were denied, all of the neighbors would still have the noise and the sound wall would not be installed. He commented if the city were to allow the parking, the sound wall would be installed, which he believed would be better than the current situation.

Councilmember Newland explained he has given this request a great deal of thought and stated he believed one resident matters. He indicated he spoke with Mr. Schutta and he understood Mr. Schutta feels like it is him against the trucking world or him against City Hall. He stated this resonated with him. He understood the council could not always get things right, but in this instance, he recommended the city live up to and enforce the ordinances that were in place with respect to parking. He did not support the city making an exception that would open the door for future parking issues on other properties.

Councilmember Robertson asked if there were outstanding enforcement or compliance issues on this property. Ms. Sellman reported she has not looked at the case file, but she understood there were issues with outdoor storage.

Councilmember Massoglia stated he respected Councilmember Newland's comment and that he wanted to look out for the little guy. He commented he appreciated this line of thought, but he was of the opinion the council had the responsibility to look out for the entire city. He indicated this business has been in Blaine since the 1970s and encouraged the council to look at the big picture as well.

Councilmember Newland explained he would be voting to deny because he was looking out for the city as a whole, in that he wanted this site to be consistent with other properties.

Councilmember Massoglia stated because this building was so old, if it had been built today, it would have been placed at the front of Area A and Old Dominion was previously allowed to park in Area A. He commented further on how the variance process allowed for properties to be considered on a case by case basis.

Councilmember Larson stated if the council were to vote no, the sound wall would be lost.

Councilmember Newland indicated the site was purchased with the building where it was and this was no surprise to Old Dominion. He supported the city enforcing the codes that were currently in place.

Councilmember Saroya asked if the employees were not parking in an employee lot. Ms. Sellman commented the applicant was in attendance and would be better equipped to address this question.

Kevin Davidson, Director of Real Estate for Old Dominion Freight Line, reported the employee parking lot was moved for safety reasons. He indicated employees now walk straight across into the office area.

Councilmember Massoglia reiterated that staff and the planning commission were recommending, at least, that parking be allowed in Area A, as has been allowed in the past. Ms. Sellman stated this was correct.

Motion to deny failed 3-4 (Councilmembers Larson, Massoglia, Robertson and Mayor Sanders opposed).

Moved by Councilmember Massoglia, seconded by Councilmember Larson, to adopt a Resolution Granting a Variance to Store Semi-Trailers in Areas A, B and C of the Front Yard at 3701 85th Avenue NE with the condition the applicant is required to install a sound wall.

Councilmember Robertson asked what portion of the front yard would be allowed to be used for parking.

Councilmember Massoglia recommended parking be allowed in Areas A, B and C because this would ensure a sound wall was installed.

Motion to approve failed 3-4 (Councilmembers Newland, Robertson, Saroya and Mayor Sanders opposed).

Councilmember Robertson indicated she was not supportive of approving parking in Areas A, B and C.

Councilmember Massoglia asked if Councilmember Robertson could support parking in Areas A and B.

Councilmember Robertson commented this was not what the applicant was requesting.

Counclimember Massoglia stated the Council could opt to approve parking in these two areas, and the applicant could make a decision on whether or not to proceed in this manner.

Councilmember Larson suggested parking be allowed in Areas A and B with no sound wall.

Councilmember Massoglia indicated he could support this motion, but believed the sound wall would benefit the neighborhood.

Councilmember Robertson asked if any conditions should be considered if this motion were to move forward. Mr. Thorvig reviewed the conditions that could be considered by the council, noting a 60-foot setback could be required from the south property line.

Moved by Councilmember Larson, seconded by Councilmember Massoglia, to adopt a Resolution Granting a Variance to Store Semi-Trailers in Areas A and B of the Front Yard at 3701 85th Avenue NE with a 60-foot setback requirement from the south property line.

Councilmember Robertson indicated she did not want to impede a business from doing business on their property, while also considering the concerns of the neighbors. She asked if there was some type of sound barrier that could be installed in Area B to assist with mitigating noise.

Daniel Jensen, Stinson LLP, explained he was a representative for Old Dominion. He commented on the research that he had done regarding the sound wall. He indicated the problem was that the noise levels at the site as measured by the city are below the normal levels that sound walls are used for. He stated it was hard to get data on how much noise dampening could happen when the levels on the site were this low. He reported it was estimated the sound levels would be reduced by five decibels if the sound wall were constructed. He indicated the sound wall could assist with reducing traffic noise from I-35W, which would be a benefit to the adjacent residents.

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

**10.3.** RES 24-199 Resolution Granting Preliminary Plat Approval to Divide One Existing Lot into Two Lots to be Known as Northtown Revitalization Second Addition at 100 Northtown Drive. 4th Dimension Properties, LLC. (Case File No. 24-0056/EES)

*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the applicant is requesting a preliminary plat to divide one existing lot into two lots. The existing lot includes Hobby Lobby, the former LA Fitness, and parking lot. The plat will split the lot to allow separate ownership of the Hobby Lobby box and the LA Fitness box. Staff commented further on the request and reported the planning commission recommends approval with conditions.

Moved by Councilmember Robertson, seconded by Councilmember Massoglia, to adopt a Resolution Granting Preliminary Plat Approval to Divide One Existing Lot into Two Lots to be Known as Northtown Revitalization Second Addition at 100 Northtown Drive.

Motion adopted unanimously.

**10.4.** ORD 24-2567 First Reading

Ordinance Granting a Rezoning from Planned Business District (PBD) to Development Flex (DF) at 3629 95th Avenue NE. As-Suffah Islamic Center (Case File No. 24-0059/SLK)

*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated the applicant is requesting a rezoning to Development Flex (DF) to allow for a K-8 school with a daycare and a Mosque. The subject site is currently zoned Planned Business district and does not allow elementary schools. Staff commented further on the ordinance and requested the ordinance be introduced.

Declared by Mayor Sanders that Ordinance No. 24-2567, "Ordinance Granting a Rezoning from Planned Business District (PBD) to Development Flex (DF) at 3629 95th Avenue NE," be introduced and placed on file for second reading at the November 18, 2024 Council meeting.

**10.5.** ORD 24-2568 First Reading

Ordinance Approving Annual Revisions to the Blaine Zoning Ordinance. City of Blaine (Case File No. 24-0060/EES)

*Sponsors: Sheila Sellman, City Planner*

Ms. Sellman stated annually, staff reviews the zoning code to identify areas for improvement. This process was established following substantial revisions to the zoning code in 2020 to ensure that the code remains current and prevent the need for such substantial revisions. Changes this year include modification to the park dedication calculation, changes to setbacks in response to variance granting in 2024, and rewriting of intent/purpose statements for commercial and industrial districts. Staff commented further on the ordinance and requested the ordinance be introduced.

Declared by Mayor Sanders that Ordinance No. 24-2568, “Ordinance Approving Annual Revisions to the Blaine Zoning Ordinance,” be introduced and placed on file for second reading at the November 18, 2024 Council meeting.

## 11. Administration

None.

## 12. Other Business

None.

## 13. Adjournment

Moved by Councilmember Massoglia, seconded by Councilmember Fleming, to adjourn the meeting at 9:01PM.

Motion adopted unanimously.

**Signed by** ______________________

Tim Sanders, Mayor

**Signed by** ______________________

Catherine M. Sorensen, CMC, City Clerk