

RESOLUTION NO. 2021-102

State of Minnesota

County of Ramsey

City of New Brighton

RESOLUTION ESTABLISHING THE 2022 UTILITY RATES AND CHARGES

Whereas, the City operates Water, Sewer, Stormwater and Street Light Utilities; and

Whereas, the City operates a recycling program in conjunction with Ramsey County; and

Whereas, an analysis of the utility and recycling rates in conjunction with a review of the Water, Sewer, Stormwater and Street Light operations, capital improvements, and recycling costs has been conducted; and

Whereas, the rates will be effective with the customers' first quarter billed on or after January 1, 2022.

Now, therefore be it resolved:

1. The 2022 utility rates shall be:

Water

Single, two-family, and Townhome residential properties	\$3.83 per 1,000 gallons
All other properties	\$4.94 per 1,000 gallons

Sewer

Single, two-family, and Townhome residential properties	\$5.36 per 1,000 gallons
All other properties	\$7.27 per 1,000 gallons

Storm Water:

Single and two-family per lot	\$19.92 per quarter
Townhome per unit	\$19.92 per quarter
Park, cemetery, golf course	\$5.46 per acre per quarter
School	\$59.47 per acre per quarter
Mobile home park	\$80.86 per acre per quarter
Church	\$110.79 per acre per quarter
Apartment, condominium, senior housing & nursing home	\$132.01 per acre per quarter
Commercial, industrial, & warehouse	\$247.43 per acre per quarter
Unimproved, vacant land	\$ 0.00 per acre per quarter

Street Lights:

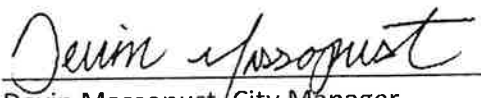
Single and two-family per lot	\$11.71 per quarter
Townhome per unit	\$11.71 per quarter
All other properties	\$35.12 per quarter

2. The flat rate quarterly charge, which includes up to 8,000 gallons, for single, two family, and townhome residences shall be \$30.64 for water and \$42.88 for sewer. All other properties will be charged \$39.52 for water and \$58.16 for sewer.
3. Residential properties shall have its summer sewer charges (May – September) determined by its winter quarter water usage. If an irrigation meter is installed on the property, then actual summer usage will be charged.
4. For a new residential account which did not exist at the time of the winter quarter, or in the case of a change in ownership for a home which occurs after the winter quarter, the sewer consumption charges shall be set at the lower of 15,000 gallons per quarter or actual water usage, but not lower than 8,000 gallons. For all other types of new accounts, the sewer charges shall be based on the actual quarterly water usage until the next winter quarter.
5. Whenever there is an outstanding balance on a customer's account as of the next business day after the due date, a fee of ten percent (10%) shall be charged on the entire outstanding balance.
6. The charges for miscellaneous items, such as meters, repair work, and special services shall be equal to an amount which permits the City to recover the costs associated with the item identified on the current fee schedule.
7. When actual usage is not obtainable from a single, two-family, or townhome water meter, a fee of \$125 per quarter per meter shall be charged and refundable if resolved within six months.
8. When actual usage is not obtainable from all other properties, a fee equal to 150% of the average quarterly bill shall be charged and refundable if resolved within six months.
9. When actual usage is not obtained during the winter quarter, the sewer charge will be based upon a consumption of 25,000 gallons per quarter.

Adopted this 14th day of December 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor

Attest:


Devin Massopust, City Manager


Terri Spangrud, City Clerk

RESOLUTION NO. 2021-101

City of New Brighton
County of Ramsey
State of Minnesota

RESOLUTION ADOPTING THE FINAL TAX LEVIES FOR TAXES PAYABLE IN 2022 FOR LAKE DIANE AND
BICENTENNIAL POND STORM SEWER IMPROVEMENT TAXING DISTRICTS

WHEREAS, there are ongoing lake restoration improvements to Lake Diane and Bicentennial Pond, and

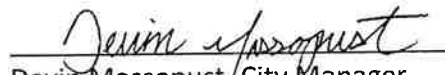
WHEREAS, the final 2022 Storm Sewer Improvement Taxing District tax levies will provide financing for potential projects in 2022.

NOW THEREFORE BE IT RESOLVED the final Storm Sewer Improvement Taxing District tax levies for taxes payable in 2022 shall be \$3,750 for Lake Diane and \$2,100 for Bicentennial Pond.

ADOPTED this 14th day of December 2021 by the New Brighton City Council with a vote of 6 ayes and 0 nays.


Karl Niedfeldt-Thomas, Mayor

ATTEST:


Devin Massopust, City Manager


Terri Spangrud
City Clerk

RESOLUTION NO. 2021-100
City of New Brighton
County of Ramsey
State of Minnesota

RESOLUTION ADOPTING THE 2022 BUDGETS AND 2022-2031 CIP

Whereas, the 2022 Budget process has been completed; and

Whereas, key issues and financial strategies for the City's service levels and activities have been established and incorporated into the 2022 Budget; and

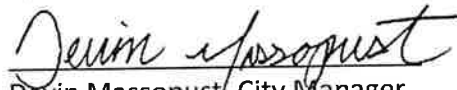
Whereas, the 2022 Budgets allocate resources and anticipate financing sources necessary to finance the services provided by these operations; and

Whereas, the City of New Brighton's budget for 2022 is \$32,834,000, of which \$19,526,800 is designated for property tax-supported programs;

Now, therefore be it resolved that: The 2022 Budgets are approved and adopted as summarized in Attachment A, and

Be it further resolved that: The Capital Improvement Plan for 2022-2031 is approved and adopted in the total amount of \$112,861,700.

Adopted this 14th day of December 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor
Devin Massopust, City Manager

Attest:


Terri Spangrud, City Clerk

Attachment A

General Fund	19,526,800
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Internal Service:

Risk Management	804,400
Fleet	590,700
Non-Fleet	2,035,500
Information Technology	871,400
Pavement Management	1,059,300

Enterprise:

Water	2,918,600
Sewer	3,636,100
Storm Water	1,149,200
Street Lights	242,000

Total	<u>32,834,000</u>
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RESOLUTION No. 2021-099
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION APPROVING THE FINAL 2022 PROPERTY TAX LEVY

WHEREAS, the 2022 Budget process has been completed; and

WHEREAS, key issues and financial strategies for the City's service levels and activities have been established and incorporated into the 2022 Budget; and

WHEREAS, the property tax levy is a significant financing source anticipated in the 2022 Budget; and

WHEREAS, there will be no specific tax levies in 2022 for debt; debt service requirements for 2022 will be met with other financing sources.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Final 2022 Property Tax Levy of \$11,475,600 is approved.
2. There are sufficient sums of money in the Debt Service funds of the City to pay principal and interest in 2022 on the following outstanding bond issues and the deferred annual tax levies previously certified to the County Auditor are hereby as follows:

Bond Issue	2022 Scheduled Levy	Reduction in Levy	2022 Certified Levy
GO IMP 2015A	\$152,418.14	(\$152,418.14)	\$0
GO IMP 2019A	\$384,569.81	(\$384,569.81)	\$0

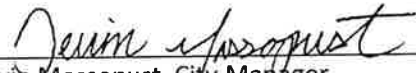
3. For the following outstanding bond issue, principal and interest in 2022 will be paid for out of the Municipal Development Fund. The Municipal Development Fund will be reimbursed for this advance out of the proceeds of abatements and taxes when collected. The deferred annual tax levy previously certified to the County Auditor is hereby as follows:

Bond Issue	2022 Scheduled Levy	Reduction in Levy	2022 Certified Levy
GO Tax Abatement, 2021A	\$378,179.14	(\$378,179.14)	\$0

ADOPTED this 14th day of December, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor

ATTEST:


Devin Massopust, City Manager


Terri Spangrud, City Clerk

RESOLUTION NO. 2021-098

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**RESOLUTION APPROVING THE MEMORANDUM OF AGREEMENT (MOA)
BETWEEN THE STATE OF MINNESOTA AND LOCAL GOVERNMENTS AND
AUTHORIZING PARTICIPATION IN NATIONAL OPIOID SETTLEMENTS**

WHEREAS, the State of Minnesota, Minnesota counties and cities, and their residents, have been harmed by misconduct committed by certain entities that engage in the manufacture, marketing, promotion, distribution, or dispensing of opioids; and

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties joined with thousands of local governments across the country to file lawsuits against opioid manufacturer and pharmaceutical distribution companies and hold those companies accountable for their misconduct; and

WHEREAS, representatives of local Minnesota governments, the League of Minnesota Cities, the Association of Minnesota Counties, the Coalition of Greater Minnesota Cities, the State of Minnesota, and the Minnesota Attorney General's Office have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of proceeds to the State of Minnesota and to individual local governments from recent settlements in the national opioid litigation; and

WHEREAS, by signing onto the MOA, the state and local governments maximize Minnesota's share of opioid settlement funds, demonstrate solidarity in response to the opioid epidemic, and ensure needed resources reach the most impacted communities; and


WHEREAS, it is in the best interests of the State of Minnesota and the residents of the City of New Brighton that the City participate in the national opioid litigation settlements; and

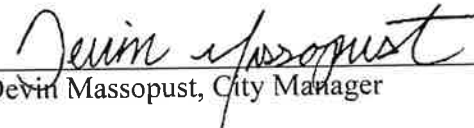
NOW, THEREFORE, be it resolved by the City Council of the City of New Brighton, Minnesota:

1. Participation in the opioid litigation settlements promotes the public health, safety, and welfare of the residents of the City of New Brighton.
2. The City of New Brighton supports and opts-in to the national opioid litigation settlements with the Distributors McKesson, Cardinal Health, and Amerisource Bergen, and with the Manufacturer Johnson & Johnson.
3. The Memorandum of Agreement (MOA) between the State of Minnesota and Local Governments relating to the distribution of settlement funds is approved.

4. City Staff is authorized to take such measures as necessary to sign the MOA and otherwise participate in the national opioid settlements, including executing the Participation Agreement and accompanying Release.

ADOPTED this 14th day of December 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-097

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

RESOLUTION APPOINTING INDIVIDUALS TO THE EQUITY COMMISSION


WHEREAS, twenty of New Brighton's residents offered their time and energy to serve our community and expressed their interest in filling one of nine available positions; and

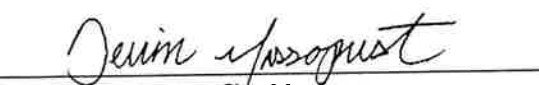
WHEREAS, the City Council has met and reviewed all applications submitted by individuals interested in serving on the City's new Equity Commission;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the following appointments to the Equity Commission become effective January 3, 2021.

- Carlos Herrera (Term expiring 3/31/2023)
- Ellen Weber (Term expiring 3/31/2023)
- Jason Steffenhagen (Term expiring 3/31/2023)
- Jonas Lim (Term expiring 3/31/2024)
- Kami Miller (Term expiring 3/31/2024)
- Kristin Lau (Term expiring 3/31/2024)
- Lindsay Spooner (Term expiring 3/31/2025)
- Ruben Vazquez (Term expiring 3/31/2025)
- Sanja Obradovic (Term expiring 3/31/2025)

ADOPTED this 14th day of December by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION NO. 2021-096

City of New Brighton
County of Ramsey
State of Minnesota

**RESOLUTION MAKING AN ELECTION NOT TO WAIVE THE STATUTORY
TORT LIMITS FOR LIABILITY INSURANCE PURPOSES**

Whereas, Minnesota Statutes Chapter 466 deals with tort liability for cities; and

Whereas, Minnesota Statutes 466.04 currently sets the maximum liability limits for cities at \$500,000 per claimant and \$1,500,000 per occurrence; and

Whereas, the City procures its insurance from the League of Minnesota Cities Insurance Trust (LMCIT); and

Whereas, the City's current insurance policies provide coverage up to the tort liability limits as provided by Minnesota Statutes; and


Whereas, the LMCIT allows the City the option to waive those limits; and

Whereas, the LMCIT has required the City to make an election by resolution with regards to waiving or not waiving its tort liability established by Minnesota Statutes 466.04; and

Now, Therefore Be It Resolved that: the City of New Brighton does hereby elect **NOT** to waive the statutory tort liability limit established by Minnesota Statutes 466.04

Adopted this 14th day of December 2021, by the New Brighton City Council with a vote of 8 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

Attest:


Terri Spangrud
City Clerk

RESOLUTION No. 2021-095
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION AUTHORIZING APPLICATION FOR A CLIMATE RESILIENCE PLANNING GRANT

WHEREAS, The Minnesota Pollution Control Agency has made funds available to facilitate \$870,000 in climate resilience planning grants to local governments including tribal nations, cities, counties, towns/townships, soil and water conservation districts, water management organizations, water districts, regional development commissions and the Metropolitan Council;

WHEREAS, the City recognizes the importance of the changing climate and now is the time to prepare New Brighton for warmer, wetter conditions;

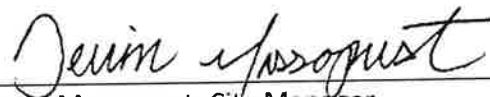
WHEREAS, the City participates in GreenStep Cities, which promotes and scores communities on sustainability initiatives;

WHEREAS, the City intends to use the grant to determine vulnerabilities of our stormwater infrastructure with respect to the impacts of climate change;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of New Brighton hereby authorize the Director of Community Assets and Development to apply for a planning grant.

ADOPTED this 14th day of December, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

(SEAL)

RESOLUTION NO. 2021-094
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**RESOLUTION DESIGNATING POLLING PLACES FOR ANY
SPECIAL ELECTIONS BEING CONDUCTED IN 2022 PRIOR TO
APPROVAL OF REDISTRICTING WORK**

WHEREAS, Minnesota Statutes 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming election year by December 31st of each year; and

WHEREAS, changes to the polling places locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

WHEREAS, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting;

NOW, THEREFORE, BE IT RESOLVED, that the New Brighton City Council hereby designates the following polling places for any elections conducted in the city in 2021:

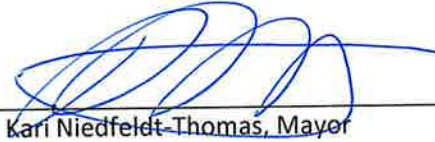
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| Precinct 1 | New Brighton Community Center
400 10 th St NW; New Brighton MN 55112 |
| Precinct 2 | St. John the Baptist Church
835 2 nd Ave NW; New Brighton MN 55112 |
| Precinct 3 | St. John the Baptist Church
835 2 nd Ave NW; New Brighton MN 55112 |
| Precinct 4 | United Church of Christ
1000 Long Lake Rd; New Brighton MN 55112 |
| Precinct 5 | New Brighton Community Center
400 10 th St NW; New Brighton MN 55112 |
| Precinct 6 | United Church of Christ
1000 Long Lake Rd; New Brighton MN 55112 |
| Precinct 7 | GracePoint Church
2351 Rice Creek Rd; New Brighton MN 55112 |
| Precinct 8 | GracePoint Church
2351 Rice Creek Rd; New Brighton MN 55112 |

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to establish a replacement polling place that meets the requirements of the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to designate an emergency replacement polling place that meets the requirements of the Minnesota Election Law for any polling place designated in this Resolution when necessary to ensure a safe and secure location for voting; and

BE IT FURTHER RESOLVED, that the City Clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Ramsey County Elections Office.

ADOPTED this 14th day of December by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

RESOLUTION NO. 2021- 093

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR 2022 RCWD
STORMWATER MANAGEMENT GRANT PROGRAM**


WHEREAS, the City of New Brighton supports the grant application made to the Rice Creek Watershed District for the 2022 Stormwater Management Grant Program. The project is to construct a drainage pond which will provide stormwater benefits for existing flows and future facility improvements.

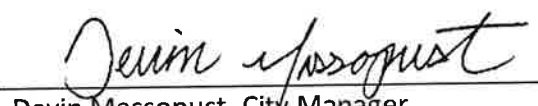
WHEREAS, the City of New Brighton recognizes if the grant application is approved it will be eligible for grant funding of up to 50 percent of eligible project costs with a maximum allocation of \$100,000 per eligible project.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota:

1. That City Staff is authorized to apply for the 2022 RCWD Stormwater Management Grant Program.

ADOPTED this 14th day of December, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION NO. 2021-092

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION ORDERING PREPARATION OF A FEASIBILITY STUDY FOR CITY PROJECT 22-1, 2022 STREET REHABILITATION.

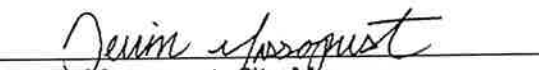
WHEREAS, it is proposed to improve 23rd Avenue NW (10th Street NW to cul-de-sac); 22nd Avenue NW (10th Street NW to cul-de-sac); 9th Street NW (Oakwood Drive to cul-de-sac); Emerald Drive; Emerald Court; Patton Road; 10th Street NW (Garden View Apartments to 11th Avenue NW); 9th Avenue NW (7th Street NW to 8th Street NW); 7th Avenue NW (10th Street NW to cul-de-sac); 6th Avenue NW (Old Highway 8 NW to 8th Street NW); 7th Street NW (6th Avenue NW to Old Highway 8 NW); 14th Street NW (Old Highway 8 NW to 1st Avenue NW); and 1st Avenue NW (14th Street NW to Old Highway 8 NW), and to assess benefited properties for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota:

1. That the proposed improvement, called City Project 22-1, 2022 Street Rehabilitation, be referred to the Director of Community Assets and Development for study and is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

ADOPTED this 14th day of December, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION NO. 2021-091
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**A RESOLUTION TO ACCEPT THE REDISTRIBUTION OF
UNREQUESTED CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS
ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT**

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 ("ARPA") which included \$65 billion in recovery funds for cities across the country;

WHEREAS, the Coronavirus Local Fiscal Recovery Fund was established under ARPA to provide relief to cities to enable them to continue to support the response to the pandemic and lay the foundation for a strong economic recovery;

WHEREAS, The Coronavirus Local Fiscal Recovery Fund provides for \$19.53 billion in payments to be made to States and territories which will distribute the funds to nonentitlement units of local government (NEUs);

WHEREAS, NEUs generally have populations below 50,000;

WHEREAS, The ARPA requires that States and territories allocate funding to NEUs in an amount that bears the same proportion as the population of the NEU bears to the total population of all NEUs in the State or territory;

WHEREAS, \$2,407,654.70 was initially allocated to the City pursuant to the ARPA;

WHEREAS, funds are distributed in two tranches with the first distribution completed in 2021 and the second round coming in 2022, about 12 months later;

WHEREAS, after the deadline of October 11, 2021 passed for NEUs to request ARPA funds, nearly \$12 million of the \$377 million available to Minnesota's NEUs remained unrequested;

WHEREAS, the state of Minnesota, as allowed by the US Treasury, has redistributed these remaining funds amongst eligible local governments who requested ARPA funds;

WHEREAS, \$78,844.06 has been allocated to the City pursuant to the ARPA (Redistribution).

WHEREAS, this recent receipt of \$39,422.03 plus the July receipt of \$1,203,827.35 represent the first half of the City's total allocation of ARPA funds, with the second half coming in 2022.

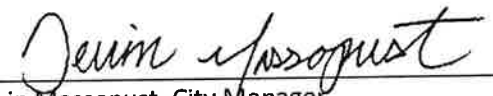
WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRIGHTON, MINNESOTA AS FOLLOWS:

1. The City Council of the City of New Brighton hereby accepts the Redistribution of coronavirus local fiscal recovery fund established under the ARPA to be used in a manner consistent with guidance adopted by the United State Department of Treasury.
2. City staff are hereby authorized to make recommendations to the City Council for future expenditures that may be reimbursed with ARPA funds.

ADOPTED this 14th day of December, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

RESOLUTION No. 2021-090
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION APPROVING A SUMMARY PUBLICATION FOR ORDINANCE No. 889

WHEREAS, the City Council of the City of New Brighton has adopted the above referenced ordinance 889 Amending the City's Fee Schedule and Establishing Fees for 2022; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of Ordinance No. 889;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the following summary of Ordinance No. 889 shall be published in the official newspaper in lieu of the entire ordinance:

SUMMARY PUBLICATION

**Ordinance No. 889
Amending the City's Fee Schedule Establishing Fees for 2022**

Ordinance No. 889 was adopted by the City Council of the City of New Brighton on December 14, 2021 amending the City's Fee Schedule establishing fees and rates for 2022. The full ordinance is available via email request. Contact City Clerk Terri Spangrud at terri.spangrud@newbrightonmn.gov or 651-638-2045 for more information.

ADOPTED this 14th day of December 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor

ATTEST:


Devin Massopust, City Manager


Terri Spangrud, City Clerk

RESOLUTION No. 21-089
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION ADOPTING ADA TRANSITION PLAN FOR PUBLIC RIGHTS OF WAY

WHEREAS, the Americans with Disability Act (ADA), enacted on July 26th, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability, and

WHEREAS, Title II of the ADA pertains to the programs, activities and services public entities provide, and

WHEREAS, as a provider of public transportation services and programs, the City of New Brighton must comply with this section of the Act as it specifically applies to public service agencies.

NOW, THEREFORE LET IT BE RESOLVED, by the City Council of the City of New Brighton, Minnesota:

1. That the ADA Transition Plan for Public Rights of Way is hereby accepted and adopted.

ADOPTED this 23rd day of November by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust City Manager

ATTEST:


Sandra Daniloff, Deputy City Clerk

RESOLUTION No. 2021-088
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION APPOINTING LAURA SOKOL-KRAFT TO
PARKS, RECREATION AND ENVIRONMENTAL COMMISSION (PREC)

WHEREAS, Ahmed Abdiwahed recently resigned from the Parks, Recreation and Environmental Commission; and

WHEREAS, Laura Sokol-Kraft applied to serve on the Parks, Recreation and Environmental Commission, interviewed with the City Council earlier this year and remains on an eligibility list; and

WHEREAS, Sokol-Kraft is interested and willing to serve;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that Laura Sokol-Kraft be appointed to the Parks, Recreation and Environmental Commission to fill the remained of the vacated term which expires on March 31, 2024.

ADOPTED this 9th day of November by the New Brighton City Council with a vote of 4 ayes and 0 nays. (*Dunsworth absent*)


Kari Niedfeldt-Thomas, Mayor

ATTEST:


Devin Massopust, City Manager


Terri Spangrud, City Clerk


RESOLUTION NO. 2021-087
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND RAMSEY COUNTY FOR GRADING, BITUMINOUS SURFACING, ADA IMPROVEMENTS, TMS, SIGNALS, LIGHTING, AND OTHER ASSOCIATED CONSTRUCTION UPON, ALONG, AND ADJACENT TO TRUNK HIGHWAY NO. 694 AT SILVER LAKE ROAD (COUNTY STATE AID HIGHWAY (C.S.A.H.) NO. 44) ACCORDING TO STATE-PREPARED PLANS, SPECIFICATIONS, AND SPECIAL PROVISIONS DESIGNATED BY THE CITY AS STATE AID PROJECT NO. 147-020-045, BY THE COUNTY AS STATE AID PROJECT NO. 062-644-040, AND BY THE STATE AS STATE PROJECT NO. 6285-160 (T.H. 694=393)

WHEREAS, IT IS RESOLVED that the City of New Brighton enter into MnDOT Agreement No. 1047332 with the State of Minnesota, Department of Transportation for the following purposes: To provide for payment by the City to the State of the City's share of the costs of the lighting, ADA improvements, and storm sewer construction and other associated construction to be performed upon, along, and adjacent to Trunk Highway No. 694 at Silver Lake Road (County State Aid Highway No. 44) within the corporate City limits under State Project No. 6285-160.

IT IS FURTHER RESOLVED, that the Mayor and City Manager are authorized to execute the Agreement and any amendments to the Agreement.

ADOPTED this 9th day of November, 2021 by the New Brighton City Council with a vote of 4 ayes and 2 nays. (Dunsworth absent)


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-086
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION APPROVING PUBLICATION BY TITLE AND SUMMARY OF ORDINANCE No. 888
AMENDING ARTICLE 4, CHAPTER 2 OF THE CITY CODE REGARDING COMMISSIONS

WHEREAS, the City Council of the City of New Brighton has adopted the above referenced ordinance amending Article 4, Chapter 2 of the New Brighton City Code regarding City Commissions; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of Ordinance No. 888;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the following summary of Ordinance No. 888 shall be published in the official newspaper in lieu of the entire ordinance:

SUMMARY PUBLICATION

Ordinance No. 888

Amending Article 4, Chapter 2 of the City Code Regarding Commissions

Ordinance No. 888 was adopted by the City Council of the City of New Brighton on November 9, 2020, amending Article 4, Chapter 2 of the New Brighton City Code to update the description and duties of the Equity Commission, incorporate equity expectations into the descriptions of other commissions and to provide general organizational changes. The full ordinance is available for review at New Brighton City Hall, 803 Old Highway 8 NW, New Brighton, Minnesota, 55112 during regular office hours or by contacting City Clerk Terri Haarstad at terri.spangrud@newbrightonmn.gov or 651-638-2045.

ADOPTED this 9th day of November 2021 by the New Brighton City Council with a vote of 4 ayes and 0 nays. (*Dunsworth absent*)


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-085
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION AUTHORIZING APPLICATION FOR A 2022 SCORE GRANT THROUGH RAMSEY COUNTY

WHEREAS, the City of New Brighton ("City") is a municipal corporation and subdivision of the State of Minnesota organized and operating under Minnesota law; and

WHEREAS, the City Council is the official governing body of the City; and

WHEREAS, the City operates a municipal recycling program; and

WHEREAS, state law requires counties to manage the waste produced by citizens and businesses by waste reduction, reuse, and recycling in preference to land-filling; and

WHEREAS, the Legislature has enacted legislation, referred to as the SCORE program, which authorizes grants to counties for waste reduction, reuse, and recycling activities; and

WHEREAS, the State of Minnesota has provided SCORE program money to Ramsey County for recycling activities; and

WHEREAS, Ramsey County provides annual grants to cities located within its boundaries; and

WHEREAS, the City of New Brighton has been encouraged to apply for 2022 SCORE grant funding through Ramsey County.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton that City staff is authorized to apply for 2022 SCORE grant funding through Ramsey County.

ADOPTED this day of 9th day of November, 2021, by the New Brighton City Council with a vote of 4 ayes and 0 nays. (Dunsworth absent)


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Haarstad, City Clerk

(SEAL)

RESOLUTION No. 2021-084
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION CERTIFYING DELINQUENT UTILITY ACCOUNTS TO BE PAYABLE WITH 2022 PROPERTY TAXES

WHEREAS, the City certifies delinquent utility bills for collection with the property taxes each year; and

WHEREAS, certification is authorized by the City Code for delinquent utility charges unpaid that exceed \$100 and are past due by ninety (90) days; and

WHEREAS, the affected customers have been advised as to the certification providing them an opportunity to make full payment prior to this certification

NOW THEREFORE, BE IT RESOLVED that:

1. The certifications shall be shown in Attachment A.
2. The certified amounts shall be collected in full with the 2022 property taxes.

ADOPTED this 9th day of November 2021 by the New Brighton City Council with a vote of 4 ayes and 0 nays. (Dunworth absent)


Karl Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

Delinquent Utility Balance List
Wednesday, November 3, 2021

Attachment A

<u>Account Number</u>	<u>Parcel Number</u>	<u>Delinquent Amount</u>
100131	333023230090	110.12
100339	333023230108	113.77
100743	333023220027	110.12
101139	333023230078	110.12
102624	323023340001	349.1
102897	323023330075	247.86
103085	323023310018	121.39
103366	323023310041	116.76
103424	293023330084	183.54
104174	323023220059	110.12
104976	303023440012	259.23
104984	293023330067	200.78
105460	323023230014	110.12
105544	313023140049	173.12
105593	313023140044	182.87
105833	313023110063	112.93
106583	303023330070	110.12
107912	323023440007	152.42
108365	323023330038	108.78
108894	313023120140	308.12
109116	303023340010	110.12
109157	323023310012	110.12
109512	303023440061	111.63
109751	323023310015	200.03
110213	323023320057	236.34
110809	333023230010	110.12
111021	313023110074	174.33
111245	313023140036	115.18
111286	313023140040	143.4
111492	323023320038	295.48
111914	323023320065	179.79
112292	313023140015	115.93
113746	323023430007	2173.93
113803	323023210001	316.99
113969	323023420014	3326.14
114264	293023430020	357.32
200238	293023140107	111.82
200279	293023140105	116.29
200428	293023140020	268.75
200543	293023110079	110.12
200980	293023140032	303.55
201210	293023340012	404.64
201269	293023340019	361.53
201939	293023140145	218.87

202176	293023140130	688.09
202473	303023410011	449.34
202531	303023130066	241.3
202630	303023140062	207.89
202697	303023420011	226.17
202887	293023130037	147.81
203091	293023140100	259.57
203125	293023140086	671.32
203331	293023120026	204.15
203471	293023120043	218.87
203489	293023120018	246.29
203612	293023220005	2227.55
203638	293023220006	2784.94
203661	293023230017	218.87
204149	293023120048	218.87
204180	293023210082	218.87
204339	293023210004	582.56
204354	293023210122	279.75
204743	293023240025	315.38
204768	293023240024	218.87
204776	293023240010	548.06
204891	293023240018	110.12
205054	293023210065	110.12
205195	303023110054	273.43
205310	293023310011	283.73
205385	293023310014	272.66
205682	293023240029	194.15
206011	203023430018	615.66
206664	293023240092	254.09
206805	293023240065	129.9
206839	293023240063	248.73
207795	193023430002	323.86
209270	303023140011	280.62
209742	303023120007	456.28
210252	193023340011	218.87
210344	193023310039	210.12
211144	303023240027	223.35
211334	303023110020	414.4
211482	303023130056	249.51
211706	303023210039	711.62
212027	303023230001	298.84
212266	193023440061	329.44
212662	303023140065	314.26
212704	303023140057	221.4
213199	303023420017	110.12
213561	193023310043	242.23
215160	193023410021	512.17

215301	193023440012	232.14
215731	193023410029	209.6
216192	303023210012	441.75
216366	193023430008	347.31
216424	193023430010	129.57
216952	303023240074	607.97
217026	303023130093	110.12
218396	303023220047	284.84
218453	303023220044	218.87
218883	303023220007	373.38
219378	293023420021	405.13
220376	303023310011	104
220400	293023140091	218.87
222232	293023240141	129.55
222323	203023310031	231.29
223594	203023420059	449
223677	203023410078	429.8
224511	203023420050	444.63
224686	203023130053	253.34
300194	203023220031	172.28
300715	193023240054	110.12
301358	203023230049	287.88
302208	193023220069	110.12
302414	203023220028	112.83
302562	193023210080	110.12
303693	183023110101	110.12
304865	193023140028	205.22
305599	183023330051	110.12
306563	193023130007	162.74
306761	193023120004	234.82
307421	183023310034	281.56
308551	183023310052	225.79
309203	183023310020	213.49
309435	183023110072	236.28
309476	183023110074	269.76
309484	183023110061	269.33
309690	183023120076	207.5
309849	183023120022	215.9
310540	183023130029	138.95
310730	173023230034	110.12
311266	173023320009	110.12
311910	193023110100	277.92
311928	193023110099	117.75
311985	193023110096	117.55
312082	203023220010	110.12
312959	183023140037	110.12
313007	183023140058	110.12

313072	183023140043	110.12
313148	183023120077	170.39
313320	183023120045	110.12
313932	183023310010	369.15
313999	183023310092	234.42
314237	183023320014	132.42
314542	183023420062	106.13
315242	183023230045	152.06
315614	173023230007	112.88
315820	183023140064	200
316307	183023330025	274.32
316869	183023120014	111.62
316927	173023310003	314.36
317115	173023230016	193.27
317610	183023330022	355.99
317743	193023210001	410.23
317800	183023420041	223.1
318014	183023220007	187.12
318139	183023330045	110.12
318337	183023230019	558.57
318519	183023120008	167.81
318535	183023120006	110.12
318915	183023130020	172.82
318980	183023130025	215.95
319111	193023220043	110.12
319459	183023220013	192.33
321216	173023230061	178.91
321356	213023230007	1416.11
321448	173023230070	168.68

\$	49,687.16
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Resolution 2021-083
State of Minnesota
County of Ramsey
City of New Brighton

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A TIF ASSISTANCE AGREEMENT AND
APPROVING AMENDMENT TO TIF PLAN**

WHEREAS, the City of New Brighton, Minnesota (the "City"), has reviewed a proposal by 2299 Palmer LLC, a Minnesota limited liability company (the "Developer"), to acquire certain real property within the City legally described in Exhibit A attached hereto (the "Development Property"), demolish an existing blighted building thereon, and construct an approximately 132-unit multifamily rental housing facility with underground parking and other related amenities; all improvements to be completed, owned, and operated by the Developer (the "Project");

WHEREAS, the City has established, pursuant to the provisions of Minnesota Statutes, Section 469.124 through 469.133 and Sections 459.174 through 469.1794, as amended, Tax Increment Financing (Redevelopment) District No. 35 (the "TIF District") within its Development District No. 1;

WHEREAS, the Project is located within the TIF District and the City has adopted a tax increment financing plan therefor (the "TIF Plan") which provides for the use of tax increment financing in connection with the Project;

WHEREAS, there has been prepared and presented to the City Council for its consideration a certain TIF Assistance Agreement, between the City and the Developer stating the Developer's responsibilities and the terms and conditions the City's assistance with financing certain costs of the Project (the "TIF Agreement");

WHEREAS, in connection with making an election to authorize certain expenditures for affordable housing pursuant to Minnesota Statutes 469.1763, Subdivision 2(d), the City desires to amend the TIF Plan as set forth in that certain document entitled "Tax Increment Financing Plan for Tax Increment Financing (Redevelopment) District No. 35 within Development District No. 1 (US Bank Redevelopment Project)", dated the date hereof and presented for the City Council's consideration (the "Amended TIF Plan"); and

WHEREAS, the Amended TIF Plan does not increase the total estimated tax increment expenditures, the amount of bonded indebtedness, capitalized interest, or make any other changes described in Minnesota Statutes, Section 469.175, subd. 4, that would require a new public hearing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota (the "City Council"), as follows:

Section 1. Approval of TIF Agreement.

1.01. The City Council hereby approves the TIF Agreement in substantially the form presented to the City Council, together with any related documents necessary in connection therewith, including but not limited to any documents, exhibits, certifications or consents referenced in or attached to the TIF Agreement including without limitation the TIF Note and the

Declaration of Restrictive Covenants (both as defined in the TIF Agreement) and consents to collateral assignments to secure financing for the Project (collectively, the "Development Documents"), and hereby authorizes the Mayor and City Manager to negotiate the final terms thereof and, in their discretion and at such time, if any, as they may deem appropriate, to execute the same on behalf of the City, and to carry out, on behalf of the City, the City's obligations thereunder.

1.02. The approval hereby given to the Development Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by legal counsel to the City and by the officers authorized herein to execute said documents prior to their execution; and said officers are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officers of the City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. This Resolution shall not constitute an offer and the Development Documents shall not be effective until the date of execution thereof as provided herein.

1.03. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the City Council by any duly designated acting official, or by such other officer or officers of the City Council as, in the opinion of the City Attorney, may act in their behalf. Upon execution and delivery of the Development Documents, the officers and employees of the City are hereby authorized and directed to take or cause to be taken such actions as may be necessary on behalf of the City to implement the Development Documents, including without limitation the issuance of the TIF Note thereunder, when all conditions precedent thereto have been satisfied.

1.04. The City Council hereby determines that the execution and performance of the Development Documents will help realize the public purposes of the Act.

Section 2. Approval of Amended TIF Plan.

2.01. The City Council finds that the Amended TIF Plan is intended and, in the judgment of the City Council, the effect will be, to carry out the objectives of the Development Program for Development District No. 1 (the "Development Program"), to create an impetus for redevelopment activities associated with better utilizing blighted, polluted and underutilized land and enhancing the tax base of the City, in an effort to provide an ongoing benefit to residents in the City and to those who frequent the area in the City, to create an impetus for the construction of decent, safe and sanitary housing for persons of low and moderate income and to otherwise promote certain public purposes and accomplish certain objectives as specified in the Development Program, as modified, and in the Amended TIF Plan.

2.02. The City Council hereby ratifies and confirms the findings made in connection with the establishment of the TIF District.

2.03. In accordance with Minnesota Statutes 469.1763, Subdivision 2(d) the City Council may elect to increase by up to 10%, the permitted amount of expenditures for activities located outside the geographic area of the district, provided that the expenditures (1) be used exclusively to assist housing

that meets the requirement for a qualified low-income building, as that term is used in section 42 of the Internal Revenue Code; (2) not exceed the qualified basis of the housing, as defined under section 42(c) of the Internal Revenue Code, less the amount of any credit allowed under section 42 of the Internal Revenue Code; and (3) be used to: (i) acquire and prepare the site of the housing; (ii) acquire, construct, or rehabilitate the housing; or (iii) make public improvements directly related to the housing; or (4) to assist owner-occupied housing that meets the requirements of section 469.1761, subdivision 2. The City Council hereby elects to authorize utilizing up to 35% of the tax increment from the TIF District, less any amount utilized for administrative expenses, for expenditures outside the TIF District in accordance with Minnesota Statutes 469.1763, Subdivision 2 and the Amended TIF Plan.

2.04. The staff of the City and the City's advisors and legal counsel are authorized and directed to proceed with the implementation of the Amended TIF Plan. The staff of the City is hereby directed to file a copy of the Amended TIF Plan with the County Auditor of Ramsey County, the Office of the State Auditor and the Commissioner of Revenue.

Adopted this 12th day of October, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

RESOLUTION NO. 2021-082

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPER'S
AGREEMENT

WHEREAS, North Shore Development Partners LLC, a Minnesota limited liability company (the "Developer"), has proposed to develop that property located within the City of New Brighton (the "City") and described on attached Exhibit A (the "Property"); and

WHEREAS, on August 24, 2021, the City Council passed Resolution No. 2021-069 ("**City Preliminary Resolution**") conditionally approving the Preliminary Planned Residential Development and preliminary site plan as described in the City Preliminary Resolution for the Property ("**Preliminary PRD**"); and

WHEREAS, on _____, 2021, the City Council passed Resolution No. 2021-_____ ("**City Final Resolution**"; City Preliminary Resolution and City Final Resolution collectively "**Resolutions**") conditionally approving the Final Planned Residential Development and final site plan as described in the City Final Resolution for the Property (the "**Final PRD**"); and

WHEREAS, the Resolutions require the Developer to enter a Developer's Agreement with the City regarding the development of the Property; and

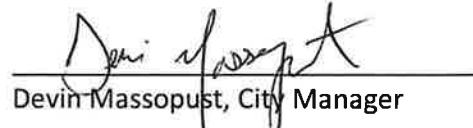
WHEREAS, the City staff has presented a proposed Developer's Agreement between the City and Developer pertaining to the development of the Property attached here to as Exhibit B (the "Developer's Agreement"); and

WHEREAS, the City Council considered the Developer's Agreement at its October 12, 2021 meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the Developer's Agreement, subject to the final review and approval of the City Attorney and the City Manager, and authorizes the Mayor and City Manager to execute the same.

ADOPTED this 12th day of October, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

A portion of the property located at 2299 Palmer Drive in the City, legally described as follows:

Lot C of REGISTERED LAND SURVEY 237 TRACT C, Ramsey County, Minnesota, as depicted below.

EXHIBIT B

THE DEVELOPER'S AGREEMENT

[Developer's Agreement to be inserted]

RESOLUTION 2021-081
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A
FINAL PLANNED RESIDENTIAL DEVELOPMENT TO AUTHORIZE REDEVELOPMENT OF
THE US BANK SITE AT 2299 PALMER DRIVE INTO A 132 UNIT MULTIFAMILY
BUILDING

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a 2040 comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, the US Bank National Association and North Shore Development Partners (the "Applicants") are seeking to redevelop the property at 2299 Palmer Drive which is legally described as shown on Exhibit A; and:

WHEREAS, the City Council granted approval of the Preliminary Planned Residential Development for the proposed improvements on August 24, 2021; and

WHEREAS, the Applicant made complete application for Final PRD review on September 10, 2021; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on September 21, 2021; and

WHEREAS, the Planning Commission considered the Final Planned Residential Development submittals and staff report, and recommended approval of the Final Planned Residential Development application on September 21, 2021; and

WHEREAS, the City Council considered on October 12, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

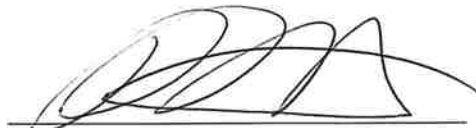
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the proposed Final Planned Residential Development for the US Bank Redevelopment at 2299 Palmer Drive into a 132-unit multifamily building based on the following findings of fact:

1. *City Council granted approval of the Preliminary Planned Residential Development (PRD) for the proposed improvements on August 24, 2021, subject to conditions.*
2. *The development will allow the City to work towards its established goals of:*
 - a. *Supporting a diverse population with a diverse housing stock;*
 - b. *Establishing a sense of place as the building will be constructed of high-quality materials which integrate with the surrounding area;*
 - c. *Supporting local business as the new building will provide needed support and customers for continued commercial development/success on adjacent lands;*
 - d. *Developing an area specifically targeted as a “potential area of improvement;”*
 - e. *Creating safe streets by narrowing down Palmer Drive and introducing a missing sidewalk connection to the neighboring Crossroads of New Brighton residential building.*
 - f. *Providing a much needed injection of new market rate apartments to address the local demand for rental units.*
 - g. *Contributing significant park dedication funding which will be used to implement the City’s goals outlined in the Parks Comprehensive Plan*
3. *The proposed Final PRD plans are in substantial compliance with the approved Preliminary PRD and associated conditions of approval listed in Resolution 2021-069:*
 - a. *The proposed final plan has not increased the approved residential density within the project;*
 - b. *No non-residential uses are proposed;*
 - c. *Open space areas are compliant with the approved Preliminary PRD;*
 - d. *All conditions are either met, or can be addressed moving forward via further conditions placed on Final PRD approval.*
4. *The proposed Commencement Date of the project is identified as approximately October 15, 2021, and the proposed Compliance date is identified as approximately March 15, 2023.*

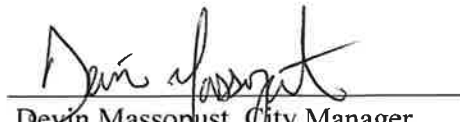
BE IT FURTHER RESOLVED, that approval of the Final Planned Residential Development shall be subject to the following conditions:

1. *Engineering comments in the 8/5/21 Engineering Memo shall all be addressed moving forward, and the City reserves the right to hold up permits or inspections until all applicable conditions are satisfied.*
2. *The applicant shall enter into a developer's agreement with the City covering all aspects of public improvements, dedications, responsibilities, etc.*
3. *All general development conditions of preliminary approval (i.e. utilities to be underground, lighting to be down directional, plantings to remove metal cages around root balls, etc) shall continue to be applicable to the Final PRD approval.*
4. *The Applicant shall obtain a sign permit from the City prior to construction/changing of monument signage.*
5. *Developers shall coordinate their development activities with the Fire Marshal and Community Engagement Officer during construction.*
6. *All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.*

ADOPTED this 12th day of October, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____
_____ <authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

Exhibit A

Tract C, Registered Land Survey No. 237, files of Registrar of Titles, County of Ramsey.
(Torrens Property, Certificate of Title No. 337544)

Together with a perpetual easement for parking purposes over, under and across the east 60.00 feet of the most northerly 310.00 feet of that part of Tract D, except that part described as follows: Commencing at the Northwest corner of said Tract D; thence Southerly along the West line of said Tract D, a distance of 258.10 feet; thence at right angles Easterly a distance of 190 feet; thence Northerly and parallel to said West line of said Tract D to the North line of said Tract D; thence West along the North line of said Tract D to the point of beginning, in Registered Land Survey No. 237, files of the Registrar of Titles, County of Ramsey, State of Minnesota, except the north 30.00 feet thereof for the right of way of Palmer Drive.

**Mayor Niedfeldt-Thomas' Statement and Determination
Regarding Conducting Meetings by Telephone or Other Electronic Means**

As the Mayor of the City of New Brighton, Minnesota I find as follows:

- a. The spread of COVID-19, including the increasing spread of the Delta variant, in the United States and Minnesota has raised serious public health concerns.
- b. The Delta variant has been found to spread more easily, including between both vaccinated and unvaccinated individuals.
- c. After months of steady decline in the number of positive cases of COVID-19 there has been an increase in the number of cases in Minnesota and Ramsey County over the past four months and the Center for Disease Control has categorized community spread in both Minnesota and Ramsey County as "high", the highest level for identifying community spread.
- d. The City Council meeting location does not provide space to maintain adequate distance between members of the council, staff, and members of the public, and does not allow for meetings to be conducted effectively and safely.
- e. Minnesota Statutes, section 13D.021 authorizes cities to meet by telephone or other electronic means if the presiding officer, chief legal counsel, or chief administrative officer determines that meeting in person is not practical or prudent because of the existence of a health pandemic. I have consulted with the City Manager and the City Attorney in making this determination.

Based on the above findings, I determine as follows:

1. Effective immediately and until further notice, meetings of City bodies governed by Minnesota Statutes, Chapter 13D, including but not limited to City Council meetings, may be conducted by telephone or other electronic means at times when it is not practical or prudent to hold those meetings in person due to the existence of the health pandemic. All such meetings must comply with the requirements in Minnesota Statutes, section 13D.021.

Dated: October 12, 2021.



Kari Niedfeldt-Thomas, Mayor
City of New Brighton, Minnesota

RESOLUTION 2021-080
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT,
VARIANCE, AND SITE PLAN AMENDMENT ALLOWING CONSTRUCTION OF A NEW
GYMNASIUM ON THE EXISTING GLOBAL ACADEMY BUILDING AT 3000 5TH ST NW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Global Academy owns and operates a school on R-1 zoned property at 3000 5th St NW which is legally described as:

Lot 2, Block 1, Seminary Estates 2nd Addition.

WHEREAS, Global Academy filed an application seeking to amend their special use permit and site plan to authorize construction of a new gymnasium facility to supplement the existing campus; and

WHEREAS, the gym will be thirty-three (33) feet in height on the eastern side of the building and therefor the application also requests a three-foot height variance; and

WHEREAS, staff fully reviewed the requests and prepared a report for consideration by the Planning Commission at their meeting on September 21, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the September 21, 2021, meeting and considered input from residents; and recommended approval of the request based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on September 28, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit, site plan amendment, and variance based on the following findings of fact:

1. The subject property is guided for public/quasi-public use by the 2030 comprehensive plan, and schools are a specially permitted use in the corresponding R-1 zoning district.
2. All proposed building additions will meet required setbacks, and proposed building materials are allowed by code and are consistent with the existing building.
3. Continued operation of a school at the proposed location will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
4. The proposed school improvements will not further impact the use and enjoyment of the subject and surrounding properties provided conditions regarding grading and drainage are addressed.
5. A significant investment in school improvements will not have detrimental impact on area property values.
6. The proposed updates to the school will have no impact on the subsequent development (or redevelopment) of surrounding property.
7. The subject site appears to be adequately served by public utilities, roads, and drainage facilities to accommodate the proposed use;
8. The special use will be in conformance with all underlying zoning district requirements.
9. The requested variances are in harmony with the general purpose of the zoning code as the applicant has successfully presented a site plan that properly balances public needs being served against minimum required standards.
10. The proposed gym is significantly set back from neighboring homes such that the requested height will have no impact on adjacent lands.
11. The variance request is consistent with the Comprehensive Plan.
12. The applicant has established there are practical difficulties to support the requested variance in that:
 - a. The request is reasonable because:
 - i. Gymnasiums are a typical improvement needed on all schools, so the use is not out of the ordinary;
 - ii. The proposed gym is largely conforming to code around its entire periphery with the exception of the SW corner which exceeds the height maximum only to reach the existing grade;
 - iii. The existing school building projects upwards of 45' above grade at points, so the proposed gym height is far shorter than other portions of the building.

b. There are unique circumstances in that needs of schools are always evolving, and typical residential uses do not face similar challenges; and


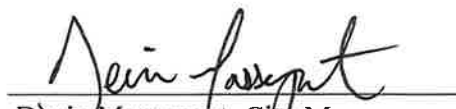
c. Granting of the variances will not impact the character of the area

13. The requested variances are not being sought solely to improve the value of the property.

BE IT FURTHER RESOLVED, that approval of the special use permit, site plan, and variance shall be subject to the following conditions:

1. Engineering comments in the 9/13/21 Engineering Memo shall be successfully addressed to the satisfaction of the City Engineer prior to issuance of a building permit.
2. The applicant shall be required to correct any lighting problems that are identified following construction of the new gym.
3. New locations for the two handicapped stalls being lost shall be identified prior to issuance of a building permit, and striping for the new stalls shall be completed prior to the certificate of occupancy being issued for the new addition.
4. Failure to adhere to these conditions of approval shall be grounds for revocation of the special use permit amendment by the City Council.

ADOPTED this 28th day of September, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor
Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____
_____ <authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

RESOLUTION 2021-080
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT,
VARIANCE, AND SITE PLAN AMENDMENT ALLOWING CONSTRUCTION OF A NEW
GYMNASIUM ON THE EXISTING GLOBAL ACADEMY BUILDING AT 3000 5TH ST NW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Global Academy owns and operates a school on R-1 zoned property at 3000 5th St NW which is legally described as:

Lot 2, Block 1, Seminary Estates 2nd Addition.

WHEREAS, Global Academy filed an application seeking to amend their special use permit and site plan to authorize construction of a new gymnasium facility to supplement the existing campus; and

WHEREAS, the gym will be thirty-three (33) feet in height on the eastern side of the building and therefor the application also requests a three-foot height variance; and

WHEREAS, staff fully reviewed the requests and prepared a report for consideration by the Planning Commission at their meeting on September 21, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the September 21, 2021, meeting and considered input from residents; and recommended approval of the request based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on September 28, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit, site plan amendment, and variance based on the following findings of fact:


1. The subject property is guided for public/quasi-public use by the 2030 comprehensive plan, and schools are a specially permitted use in the corresponding R-1 zoning district.
2. All proposed building additions will meet required setbacks, and proposed building materials are allowed by code and are consistent with the existing building.
3. Continued operation of a school at the proposed location will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
4. The proposed school improvements will not further impact the use and enjoyment of the subject and surrounding properties provided conditions regarding grading and drainage are addressed.
5. A significant investment in school improvements will not have detrimental impact on area property values.
6. The proposed updates to the school will have no impact on the subsequent development (or redevelopment) of surrounding property.
7. The subject site appears to be adequately served by public utilities, roads, and drainage facilities to accommodate the proposed use;
8. The special use will be in conformance with all underlying zoning district requirements.
9. The requested variances are in harmony with the general purpose of the zoning code as the applicant has successfully presented a site plan that properly balances public needs being served against minimum required standards.
10. The proposed gym is significantly set back from neighboring homes such that the requested height will have no impact on adjacent lands.
11. The variance request is consistent with the Comprehensive Plan.
12. The applicant has established there are practical difficulties to support the requested variance in that:
 - a. The request is reasonable because:
 - i. Gymnasiums are a typical improvement needed on all schools, so the use is not out of the ordinary;
 - ii. The proposed gym is largely conforming to code around its entire periphery with the exception of the SW corner which exceeds the height maximum only to reach the existing grade;
 - iii. The existing school building projects upwards of 45' above grade at points, so the proposed gym height is far shorter than other portions of the building.

- b. There are unique circumstances in that needs of schools are always evolving, and typical residential uses do not face similar challenges; and
 - c. Granting of the variances will not impact the character of the area
13. The requested variances are not being sought solely to improve the value of the property.

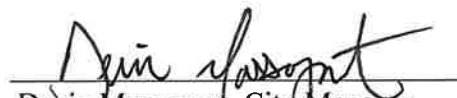
BE IT FURTHER RESOLVED, that approval of the special use permit, site plan, and variance shall be subject to the following conditions:

1. Engineering comments in the 9/13/21 Engineering Memo shall be successfully addressed to the satisfaction of the City Engineer prior to issuance of a building permit.
2. The applicant shall be required to correct any lighting problems that are identified following construction of the new gym.
3. New locations for the two handicapped stalls being lost shall be identified prior to issuance of a building permit, and striping for the new stalls shall be completed prior to the certificate of occupancy being issued for the new addition.
4. Failure to adhere to these conditions of approval shall be grounds for revocation of the special use permit amendment by the City Council.

ADOPTED this 28th day of September, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager


ATTEST:



Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated 10/5/21


<authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

Resolution No. 21-079

State of Minnesota
County of Ramsey
City of New Brighton

RESOLUTION ADOPTING ASSESSMENTS ON PROJECT 20-1, 2020 STREET REHABILITATION

BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota as follows:

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed the proposed assessment of the benefited lots in the area.

BY: The construction of storm sewer, watermain improvements, sanitary sewer improvements, and street rehabilitation.

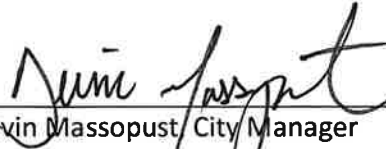
NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota:

1. The total amount to be assessed is \$169,491.66.
2. Such proposed assessment, referred to as Special Assessment Number 63201000 is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the improvement in the amount of the assessment levied against it.
3. Such assessment shall be payable in equal annual principal installments extending over a period of ten (10) years, the first installment to be payable on or after the first Monday in January 2022 and shall bear the interest at the rate of 3.00 percent per annum from the adoption of this assessment resolution.
4. The owner of any property so assessed may, at any time prior to the certification of the assessment to the County Auditor pay the whole of the assessment on such property with interest accrued to the date of the payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution and he may, at any time thereafter, pay the County Treasurer, the balance of assessments remaining unpaid with interest accrued in accordance with the statutes such in case made and provided.
5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax list of the County and such assessments shall be collected and paid over the same manner as other municipal taxes.

Adopted this 28th day of September, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

RESOLUTION No. 21-078
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

APPROVING A RESOLUTION OF SUPPORT TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION – NOISE WALL

WHEREAS, the state of Minnesota, acting through its Commissioner of Transportation (MnDOT) and in accordance with Statute 161.125 – Sound Abatement along Highways, proposes to study, design and construct a noise wall improvement along the South of TH 694 between 2860 Torchwood Drive and Berne Circle E (west city limits) within the corporate City of New Brighton (City) limits, tentatively scheduled in the year 2027-2028 and;

WHEREAS, the City supports the continued study and design of this noise wall improvement, and have agreed to consider the City's participation in the costs of the noise wall construction and associated construction engineering in future City Capital Improvement programming.

NOW THEREFORE, BE IT RESOLVED the City of New Brighton provide this resolution of support for the construction of a noise wall along the South of 694 between 2860 Torchwood Drive and Berne Circle E within the corporate City of New Brighton (City) limits.

ADOPTED this 28th day of September by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Karl Niedfeldt-Thomas, Mayor


Devin Massopust City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 21- 77
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON


APPROVING A RESOLUTION OF SUPPORT TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION – NOISE WALL

WHEREAS, the state of Minnesota, acting through its Commissioner of Transportation (MnDOT) and in accordance with Statute 161.125 – Sound Abatement along Highways, proposes to study, design and construct a noise wall improvement along the South of TH 694 between 10th Street NW and the RR bridge within the corporate City of New Brighton (City) limits, tentatively scheduled in the year 2027 and;

WHEREAS, the City supports the continued study and design of this noise wall improvement, and have agreed to consider the City's participation in the costs of the noise wall construction and associated construction engineering in future City Capital Improvement programming.

NOW THEREFORE, BE IT RESOLVED the City of New Brighton provide this resolution of support for the construction of a noise wall along the South of 694 between 10th Street NW and the RR bridge within the corporate City of New Brighton (City) limits.

ADOPTED this 28th day of September by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION NO. 21-076
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

APPROVING A RESOLUTION OF SUPPORT TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION – NOISE WALL

WHEREAS, the state of Minnesota, acting through its Commissioner of Transportation (MnDOT) and in accordance with Statute 161.125 – Sound Abatement along Highways, proposes to study, design and construct a noise wall improvement along the North of TH 694 between the Fridley border (east city limits) and HWY 694 Service Road within the corporate City of New Brighton (City) limits, tentatively scheduled in the year 2027-2028 and;

WHEREAS, the City supports the continued study and design of this noise wall improvement, and have agreed to consider the City's participation in the costs of the noise wall construction and associated construction engineering in future City Capital Improvement programming.

NOW THEREFORE, BE IT RESOLVED the City of New Brighton provide this resolution of support for the construction of a noise wall along the North of 694 between the Fridley border (east city limits) and HWY 694 Service Road within the corporate City of New Brighton (City) limits.

ADOPTED this 28th day of September by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-015
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON


**RESOLUTION ADOPTING THE PROPOSED TAX LEVIES FOR TAXES PAYABLE IN 2022 FOR LAKE DIANE AND
BICENTENNIAL POND STORM SEWER IMPROVEMENT TAXING DISTRICTS**

WHEREAS, there are ongoing lake restoration improvements to Lake Diane and Bicentennial Pond, and

WHEREAS, the proposed 2022 Storm Sewer Improvement Taxing District tax levies will provide financing for potential projects in 2022.

NOW THEREFORE BE IT RESOLVED the proposed Storm Sewer Improvement Taxing District tax levies for taxes payable in 2022 shall be \$3,750 for Lake Diane and \$2,100 for Bicentennial Pond.

ADOPTED this 14th day of September 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-074
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**RESOLUTION ADOPTING THE PROPOSED PRELIMINARY TAX LEVIES FOR TAXES PAYABLE IN 2022 AND
SETTING THE COUNCIL MEETING DATES FOR THE 2022 BUDGET DISCUSSION WITH PUBLIC COMMENT MEETING
AND THE DETERMINATION OF THE FINAL 2022 TAX LEVY AND BUDGET MEETING**

WHEREAS, the proposed preliminary 2022 budget includes a proposed tax levy of \$11,475,600
and

WHEREAS, the proposed 2022 tax levy is an increase of \$873,200 from the 2021 tax levy, and

WHEREAS, the City is required to certify its proposed preliminary 2022 tax levies to Ramsey
County on or before September 30, 2021, and

WHEREAS, the final 2022 tax levy adopted in December may remain at this level or be reduced,
and

WHEREAS, there will be no other specific debt service levies proposed for 2022; other debt
service requirements for 2022 will be met with other financing sources, and

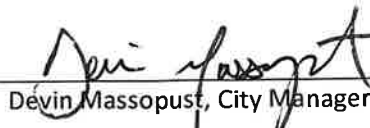
WHEREAS, the City is required to set dates and times for its 2022 Budget Discussion with Public
Comment meeting and the Determination of the Final 2022 Tax Levies meeting.

NOW THEREFORE BE IT RESOLVED THAT:

1. The proposed preliminary total citywide levy for taxes payable in 2022 shall be \$11,475,600.
2. There will be no other separate specific tax levies for debt in 2022.
3. The Budget Discussion with Public Comment public meeting will be held during the regular
City Council meeting on Tuesday, November 23, 2021 at 6:30 p.m.
4. The determination of the Final 2022 Tax Levies and Budget meeting will be held during the
regular City Council meeting on Tuesday, December 14, 2021 at 6:30 p.m.

ADOPTED this 14th day of September 2021 by the New Brighton City Council with a vote of 5
ayes and 0 nays.


Karl Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-073

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**RESOLUTION APPROVING AND AUTHORIZING THE MODIFICATION OF THE DEVELOPMENT PROGRAM FOR
DEVELOPMENT DISTRICT NO. 1, THE ESTABLISHMENT OF TAX INCREMENT FINANCING (REDEVELOPMENT)
DISTRICT NO. 35, AND THE ADOPTION OF A TAX INCREMENT FINANCING PLAN THEREFOR**

WHEREAS, it has been proposed that the City of New Brighton, Minnesota (the "City") modify the Development Program (the "Program Modification") for Development District No. 1 (the "Development District"), establish Tax Increment Financing (Redevelopment) District No. 35 within the Development District (the "TIF District"), and adopt the related Tax Increment Financing Plan therefor (the "TIF Plan") all pursuant to and in conformity with applicable law, including Minnesota Statutes, Sections 469.124 through 469.133 and Sections 469.174 through 469.1794, as amended (the "TIF Act"), all as reflected in that certain document entitled "Tax Increment Financing Plan for Tax Increment Financing (Redevelopment) District No. 35 within Development District No. 1 (US Bank Redevelopment Project)", and presented for the Council's consideration (collectively, the "Program Modification and the TIF Plan"); and

WHEREAS, the City has performed all actions required by law to be performed prior to the adoption and approval of the Program Modification and the TIF Plan, including without limitation, delivery of the Program Modification and the TIF Plan to the Board of Ramsey County (the "County") and the Board of Independent School District No. 621 (the "School District") and the holding of a public hearing by the City thereon on date hereof following notice thereof published in the City's official newspaper at least 10 but not more than 30 days prior to the public hearing, which was held on the date hereof; and

WHEREAS, certain information, written reports and other documentation and materials (collectively, the "Materials") relating to the establishment of the TIF District and the approval and adoption of the Program Modification and the TIF Plan and to the activities contemplated therein have heretofore been prepared and submitted to the Council and/or made a part of the City files and proceedings on the Program Modification and the TIF Plan. The Materials, which are incorporated herein by reference, include data, information and/or substantiation constituting or relating to (1) the "studies and analyses" on why the new TIF District meets the requirements to be a redevelopment tax increment financing district, including a "Report of Inspection Procedures and Results for Determining Qualifications of a Tax Increment Financing District as a Redevelopment District"; dated July 9, 2021, prepared by LHB, Inc., Minneapolis, Minnesota, (2) why the TIF District meets the so-called "but for" test, including an analysis of the proforma and other materials submitted by a private developer; and (3) the bases for the other findings and determinations made in this resolution. The Council hereby confirms, ratifies, and adopts the Materials, which are hereby incorporated into and made as fully a part of this resolution to the same extent as if set forth in full herein; and

WHEREAS, the TIF District is being established to facilitate the demolition of the existing substandard building, facilitate the construction of an approximately 132-unit multifamily housing facility in the TIF District and related amenities and improvements, to be constructed, owned, and operated by North Shore Development Partners LLC (the "Developer") on property within the TIF District, together with any necessary and directly related infrastructure (collectively, the "Development"); and

WHEREAS, the City has determined that it is reasonable and necessary to provide certain financial assistance to the Developer in order to facilitate Developer's plans for the Project and the Development Property, and to that end, the City has negotiated a TIF Assistance Agreement between the City and Developer (the "Agreement").

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota (the "Council") as follows:

1. The Council hereby finds that:

(a) the land within the Development District would not be available for redevelopment without the financial aid sought under the Program Modification;

(b) the Program Modification will afford maximum opportunity, consistent with the needs of the City as a whole, for the development of the Development District by private enterprise; and

(c) the Program Modification conforms to the general plan for the development of the City as a whole. The Development District is not being expanded and the only modification of the Program relates to the incorporation by reference of the proposed TIF District and the terms of the TIF Plan therefor.

2. The Council hereby finds that the TIF District is in the public interest and is a redevelopment district, as defined in Minnesota Statutes, Section 469.174, Subdivision 10 for the following reasons:

The TIF District is, pursuant to Minnesota Statutes, Section 469.174, Subdivision 10, a "redevelopment district" because it consists of a project or portions of a project within which the following conditions, reasonably distributed throughout the District, exist: (1) parcels consisting of at least 70% of the area of the TIF District are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and (2) more than 50% of the buildings located within the TIF District are deemed "structurally substandard" (within the meaning of Minnesota Statutes, Section 469.174, Subdivision 10(b) and (c)) to a degree requiring substantial renovation or clearance. Such conditions are reasonably distributed throughout the geographic area of the proposed TIF District.

The TIF District consists of one parcel, and the parcel is "occupied" as defined in Minnesota Statutes, Section 469.174, Subd. 10(e), in that: (1) 100% of the parcel is occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and (2) the only building in the TIF District (i.e. 100% of the buildings in the TIF District) is structurally substandard to a degree requiring substantial renovation or clearance. In addition, the costs of bringing the structurally substandard building into compliance with building codes applicable to new buildings would exceed 15% of the cost of constructing a new structure of the same size and type on the site.

The Materials, including, without limitation, the report of LHB, Inc. and the supporting facts for these determinations, are on file with the staff of the City. There have been no building permits issued or improvements made to the parcel or building since the date of the report.

3. The Council hereby makes the following additional findings:

(a) The Council further finds that the proposed Development, in the opinion of Council, would not occur solely through private investment within the reasonably foreseeable future and, therefore, the use of tax increment financing is deemed necessary. The specific basis for such finding being:

The property on which the proposed Development will occur would not be developed in the reasonably foreseeable future. The estimated total redevelopment costs for this property make the total cost of this effort significantly higher than costs reasonably incurred for similar developments on a clean site. The demolition and redevelopment costs are higher than for new development and would make development infeasible. The rents for affordable housing units in the Development do not provide a sufficient return on investment to stimulate new development. The developers of the Development have represented that they could not proceed with the Development without tax increment assistance.

(b) The Council further finds that the TIF Plan conforms to the general plan for the development or redevelopment of the City as a whole. The specific basis for such finding being:

The TIF Plan will generally complement and serve to implement policies adopted in the City's comprehensive plan. The City has determined that the development proposed in the TIF Plan conforms to the City comprehensive plan and is or will be in substantial accordance with the existing zoning or any permitted exception for the property and is consistent with other uses in the area. The anticipated redevelopment of the project site and any subsequent demolition, reconstruction, or renovation related to the project will remain consistent with the City's design goals.

(c) The Council further finds that the TIF Plan will afford maximum opportunity consistent with the sound needs of the City as a whole for the development of the Development District by private enterprise. The specific basis for such finding being:

The Development proposed to occur within the TIF District will afford maximum opportunity for the removal of the substandard building and the development of the applicable parcel consistent with the needs of the City. The Development will increase the taxable market valuation of the City. The Development will expand the number and type of available housing options in the City and help fulfill the need for such housing in the City.

(d) For purposes of compliance with Minnesota Statutes, Section 469.175, Subdivision 3(b)(2), the Council hereby finds that the increased market value of the property to be developed within the TIF District that could reasonably be expected to occur without the use of tax increment financing is likely \$0 (other than amounts due to inflation), which is less than the market value estimated to result from the proposed development (approximately \$39,547,426), after subtracting the present value of the projected tax increments for the maximum duration of the TIF District (approximately \$6,428,250), which is approximately \$33,119,176. In making these findings, the Council has noted

that the existing building on the Development Property is blighted and would likely remain in its current condition or further deteriorate if tax increment financing were not available. Thus, the use of tax increment financing will be a positive net gain to the City, the School District, and the County, and the tax increment assistance does not exceed the benefit which will be derived therefrom.

4. The City elects to retain all of the captured tax capacity to finance the costs of the TIF District and the Development District. The City elects the method of tax increment computation set forth in Minnesota Statutes, Section 469.177, Subd. 3(b).

5. The provisions of this Sections 2-4 are hereby incorporated by reference into and made a part of the TIF Plan and the findings of Section J of the TIF Plan are incorporated herein by reference and made a part hereof.

6. The Council further finds that the Program Modification and TIF Plan are intended and in the judgment of the Council its effect will be to promote the public purposes and accomplish the objectives specified therein.

7. The TIF District is hereby established and the Program Modification and TIF Plan, as presented to the Council on this date, including without limitation the findings and statements of objectives contained therein, are hereby approved, ratified, established, and adopted and shall be placed on file in the office of the City Clerk. City staff shall, in writing, request the Ramsey County Auditor to certify the new TIF District and shall file the Program Modification and TIF Plan with the Commissioner of Revenue and the Office of the State Auditor.

8. In accordance with Minnesota Statutes, Section 469.175, Subd. 1(b), the City elects to delay the receipt of the first increment until tax payable year 2024.

ADOPTED this 14th day of August, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Karl Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

EXTRACT OF MINUTES OF A MEETING
OF THE CITY OF NEW BRIGHTON, MINNESOTA

HELD: September 14, 2021

Pursuant to due call and notice thereof, a meeting of the City Council of the City of New Brighton, Ramsey County, Minnesota, was duly called and held at City Hall, 803 Old Highway 8 NW, New Brighton, Minnesota on the 14th day of September 2021, at 6:30 p.m.

The following members were present: Mayor Kari Niedfeldt-Thomas , Councilmembers Graeme Allen, Emily Dunsworth, Pamela Stegora Axberg, and Abdullahi Abdulle and the following were absent: None

Member Abdulle introduced the following resolution and moved its adoption:

RESOLUTION NO. 2021- 073

**RESOLUTION APPROVING AND AUTHORIZING THE MODIFICATION OF THE
DEVELOPMENT PROGRAM FOR DEVELOPMENT
DISTRICT NO. 1, THE ESTABLISHMENT OF TAX
INCREMENT FINANCING (REDEVELOPMENT) DISTRICT NO. 35, AND
THE ADOPTION OF A TAX INCREMENT FINANCING PLAN THEREFOR**

WHEREAS, it has been proposed that the City of New Brighton, Minnesota (the "City") modify the Development Program (the "Program Modification") for Development District No. 1 (the "Development District"), establish Tax Increment Financing (Redevelopment) District No. 35 within the Development District (the "TIF District"), and adopt the related Tax Increment Financing Plan therefor (the "TIF Plan") all pursuant to and in conformity with applicable law, including Minnesota Statutes, Sections 469.124 through 469.133 and Sections 469.174 through 469.1794, as amended (the "TIF Act"), all as reflected in that certain document entitled "Tax Increment Financing Plan for Tax Increment Financing (Redevelopment) District No. 35 within Development District No. 1 (US Bank Redevelopment Project)", and presented for the Council's consideration (collectively, the "Program Modification and the TIF Plan");

WHEREAS, the City has performed all actions required by law to be performed prior to the adoption and approval of the Program Modification and the TIF Plan, including without limitation, delivery of the Program Modification and the TIF Plan to the Board of Ramsey County (the "County") and the Board of Independent School District No. 621 (the "School District") and the holding of a public hearing by the City thereon on date hereof following notice thereof

published in the City's official newspaper at least 10 but not more than 30 days prior to the public hearing, which was held on the date hereof;

WHEREAS, certain information, written reports and other documentation and materials (collectively, the "Materials") relating to the establishment of the TIF District and the approval and adoption of the Program Modification and the TIF Plan and to the activities contemplated therein have heretofore been prepared and submitted to the Council and/or made a part of the City files and proceedings on the Program Modification and the TIF Plan. The Materials, which are incorporated herein by reference, include data, information and/or substantiation constituting or relating to (1) the "studies and analyses" on why the new TIF District meets the requirements to be a redevelopment tax increment financing district, including a "Report of Inspection Procedures and Results for Determining Qualifications of a Tax Increment Financing District as a Redevelopment District"; dated July 9, 2021, prepared by LHB, Inc., Minneapolis, Minnesota, (2) why the TIF District meets the so-called "but for" test, including an analysis of the proforma and other materials submitted by a private developer; and (3) the bases for the other findings and determinations made in this resolution. The Council hereby confirms, ratifies, and adopts the Materials, which are hereby incorporated into and made as fully a part of this resolution to the same extent as if set forth in full herein;

WHEREAS, the TIF District is being established to facilitate the demolition of the existing substandard building, facilitate the construction of an approximately 132-unit multifamily housing facility in the TIF District and related amenities and improvements, to be constructed, owned, and operated by North Shore Development Partners LLC (the "Developer") on property within the TIF District, together with any necessary and directly related infrastructure (collectively, the "Development"); and

WHEREAS, the City has determined that it is reasonable and necessary to provide certain financial assistance to the Developer in order to facilitate Developer's plans for the Project and the Development Property, and to that end, the City has negotiated a TIF Assistance Agreement between the City and Developer (the "Agreement").

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota (the "Council") as follows:

1. The Council hereby finds that: (a) the land within the Development District would not be available for redevelopment without the financial aid sought under the Program Modification; (b) the Program Modification will afford maximum opportunity, consistent with the needs of the City as a whole, for the development of the Development District by private enterprise; and (c) the Program Modification conforms to the general plan for the development of the City as a whole. The Development District is not being expanded and the only modification of the Program relates to the incorporation by reference of the proposed TIF District and the terms of the TIF Plan therefor.

2. The Council hereby finds that the TIF District is in the public interest and is a redevelopment district, as defined in Minnesota Statutes, Section 469.174, Subdivision 10 for the following reasons:

The TIF District is, pursuant to Minnesota Statutes, Section 469.174, Subdivision 10, a "redevelopment district" because it consists of a project or portions of a project within which the following conditions, reasonably distributed throughout the District, exist: (1) parcels consisting of at least 70% of the area of the TIF District are occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and (2) more than 50% of the buildings located within the TIF District are deemed "structurally substandard" (within the meaning of Minnesota Statutes, Section 469.174, Subdivision 10(b) and (c)) to a degree requiring substantial renovation or clearance. Such conditions are reasonably distributed throughout the geographic area of the proposed TIF District

The TIF District consists of one parcel, and the parcel is "occupied" as defined in Minnesota Statutes, Section 469.174, Subd. 10(e), in that: (1) 100% of the parcel is occupied by buildings, streets, utilities, paved or gravel parking lots, or other similar structures and (2) the only building in the TIF District (i.e. 100% of the buildings in the TIF District) is structurally substandard to a degree requiring substantial renovation or clearance. In addition, the costs of bringing the structurally substandard building into compliance with building codes applicable to new buildings would exceed 15% of the cost of constructing a new structure of the same size and type on the site.

The Materials, including, without limitation, the report of LHB, Inc. and the supporting facts for these determinations, are on file with the staff of the City. There have been no building permits issued or improvements made to the parcel or building since the date of the report.

3. The Council hereby makes the following additional findings:

(a) The Council further finds that the proposed Development, in the opinion of Council, would not occur solely through private investment within the reasonably foreseeable future and, therefore, the use of tax increment financing is deemed necessary. The specific basis for such finding being:

The property on which the proposed Development will occur would not be developed in the reasonably foreseeable future. The estimated total redevelopment costs for this property make the total cost of this effort significantly higher than costs reasonably incurred for similar developments on a clean site. The demolition and redevelopment costs are higher than for new development and would make development infeasible. The rents for affordable housing units in the Development do not provide a sufficient return on investment to stimulate new development. The developers of the Development have represented that

they could not proceed with the Development without tax increment assistance.

(b) The Council further finds that the TIF Plan conforms to the general plan for the development or redevelopment of the City as a whole. The specific basis for such finding being:

The TIF Plan will generally complement and serve to implement policies adopted in the City's comprehensive plan. The City has determined that the Development proposed in the TIF Plan conforms to the City comprehensive plan and is or will be in substantial accordance with the existing zoning or any permitted exception for the property and is consistent with other uses in the area. The anticipated redevelopment of the project site and any subsequent demolition, reconstruction, or renovation related to the project will remain consistent with the City's design goals.

(c) The Council further finds that the TIF Plan will afford maximum opportunity consistent with the sound needs of the City as a whole for the development of the Development District by private enterprise. The specific basis for such finding being:

The Development proposed to occur within the TIF District will afford maximum opportunity for the removal of the substandard building and the development of the applicable parcel consistent with the needs of the City. The Development will increase the taxable market valuation of the City. The Development will expand the number and type of available housing options in the City and help fulfill the need for such housing in the City.

(d) For purposes of compliance with Minnesota Statutes, Section 469.175, Subdivision 3(b)(2), the Council hereby finds that the increased market value of the property to be developed within the TIF District that could reasonably be expected to occur without the use of tax increment financing is likely \$0 (other than amounts due to inflation), which is less than the market value estimated to result from the proposed development (approximately \$39,547,426), after subtracting the present value of the projected tax increments for the maximum duration of the TIF District (approximately \$6,428,250), which is approximately \$33,119,176. In making these findings, the Council has noted that the existing building on the Development Property is blighted and would likely remain in its current condition or further deteriorate if tax increment financing were not available. Thus, the use of tax increment financing will be a positive net gain to the City, the School District, and the County, and the tax increment assistance does not exceed the benefit which will be derived therefrom.

4. The City elects to retain all of the captured tax capacity to finance the costs of the TIF District and the Development District. The City elects the method of tax increment computation set forth in Minnesota Statutes, Section 469.177, Subd. 3(b).

5. The provisions of this Sections 2-4 are hereby incorporated by reference into and made a part of the TIF Plan and the findings of Section J of the TIF Plan are incorporated herein by reference and made a part hereof.

6. The Council further finds that the Program Modification and TIF Plan are intended and in the judgment of the Council its effect will be to promote the public purposes and accomplish the objectives specified therein.

7. The TIF District is hereby established and the Program Modification and TIF Plan, as presented to the Council on this date, including without limitation the findings and statements of objectives contained therein, are hereby approved, ratified, established, and adopted and shall be placed on file in the office of the City Clerk. City staff shall, in writing, request the Ramsey County Auditor to certify the new TIF District and shall file the Program Modification and TIF Plan with the Commissioner of Revenue and the Office of the State Auditor.

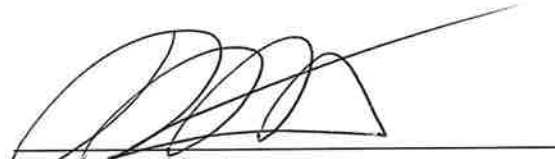
8. In accordance with Minnesota Statutes, Section 469.175, Subd. 1(b), the City elects to delay the receipt of the first increment until tax payable year 2024.


The motion for adoption of the foregoing resolution was duly seconded by member Allen and, after full discussion thereof, and upon a vote being taken thereof, the following voted in favor thereof: Niedfeldt-Thomas, Allen, Dunsworth, Stegora Axberg and Abdulle.

the following voted against same: None

and the following abstained: None.

Adopted this 14th day of September 2021.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ss.
CITY OF NEW BRIGHTON)

I, the undersigned, being the duly qualified and acting City Clerk of the City of New Brighton, Minnesota, DO HEREBY CERTIFY that I have carefully compared the attached and foregoing extract of minutes of a meeting of the City Council of the City of New Brighton held on the date therein indicated with the original minutes thereof on file in my office and that the same is a full, true, and correct transcript thereof insofar as said minutes relate to a meeting held on September 14, 2021, modifying the development program for Development District No. 1, establishing Tax Increment Financing (Redevelopment) District No. 35, adopting a Tax Increment Financing Plan therefor, and approving a Tax Increment Financing Assistance Agreement with North Shore Development Partners LLC.

WITNESS my hand this 16th day of September, 2021.



Terri Spangrud, City Clerk

RESOLUTION 2021-072
CITY COUNCIL
CITY OF NEW BRIGHTON

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 887 BY TITLE AND SUMMARY**

WHEREAS, the city council of the City of New Brighton has adopted Ordinance No. 887, an ordinance rezoning property within the City; and

WHEREAS, the ordinance contains a map; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, that the City Clerk shall cause the following summary of Ordinance No. 887 be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of New Brighton has adopted Ordinance No. 887 which updates the City's zoning map. The former US Bank site at 2299 Palmer Drive is hereby rezoned from B-3 (General Commercial) to R-3B (High Density Residential) subject to a Final Planned Residential Development for the site being approved and implemented. The full ordinance text is available for inspection at City Hall during regular business hours, and will be emailed or sent to any party upon request.

Mayor Kari Niedfeldt-Thomas

BE IT FURTHER RESOLVED by the City Council of the City of New Brighton that the City Clerk keep a copy of the ordinance at city hall for public inspection, and that a full copy of the ordinance be posted in a public place within the city.

Adopted this 14th day of September, 2021 by the City of New Brighton City Council with voting as follows:


Mayor Kari Niedfeldt-Thomas: Aye

Abdullahi Abdulle: Aye

Emily Dunsworth: Aye

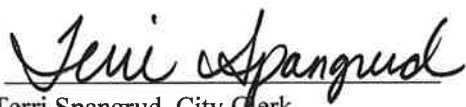
Graeme Allen: Aye

Pamela Axberg: Aye


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-071
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**RESOLUTION AUTHORIZING AN INTERFUND LOAN FOR ADVANCE OF CERTAIN COSTS IN CONNECTION
WITH A TAX INCREMENT FINANCING DISTRICT**

NOW THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City of New Brighton, Ramsey County, Minnesota (the "City") as follows:

Section 1. Background.

1.01. The City is considering establishing Tax Increment Financing (Redevelopment) District No. 35 which is anticipated to include certain real property located at or near 2299 Palmer Drive in the City (the "TIF District") pursuant to Minnesota Statutes, Sections 469.174 to 469.1794, as amended (the "TIF Act").

1.02. The City may incur certain costs related to the TIF District which may be financed on a temporary basis from available City funds.

1.03. Under Section 469.178, Subdivision 7 of the TIF Act, the City is authorized to advance or loan money from any fund from which such advances may be legally made in order to finance expenditures that are eligible to be paid with tax increments under the TIF Act.

1.04. The City has determined that it may pay for administrative costs associated with the establishment of the TIF District and certain other costs incurred in connection with the proposed development of the TIF District, including but not limited to acquisition of land and buildings in the TIF District (including any or all of the properties listed above), demolition and site preparation costs, and costs of public infrastructure (the "Cost Advances") on a temporary basis from the City's general fund or any other fund, as determined by the City Finance Director, from which such advances, from time to time, may be legally made (the "Fund") as an interfund loan pursuant to Minnesota Statutes, Section 469.178, Subd. 7.

1.05. The City hereby designates the Cost Advances as an interfund loan in accordance with the terms of this resolution and the TIF Act.

Section 2. Repayment of Interfund Loan.

2.01. The City will reimburse itself for the Cost Advances including without limitation (i) administrative costs incurred prior to the establishment of the TIF District, subject to the limitations of the TIF Act in an aggregate amount not to exceed \$1,173,969, and (ii) certain costs incurred in connection with the development of the TIF District, including without limitation, land

and building acquisition, demolition and site preparation, and public infrastructure in an aggregate amount not to exceed \$10,565,713 (the "Interfund Loan"), together with interest at the rate of 4% per annum (which is the greater of the rates specified under Sections 270C.40 or 549.09 in accordance with Minnesota Statutes, Section 469.178, Subdivision 7); provided, however, the City Finance Director is authorized to specify a lower rate.

2.02. Principal and interest ("Payments") on the Interfund Loan shall be paid semiannually on February 1 and August 1 (each a "Payment Date"), commencing on the first Payment Date on which the City has received Available Tax Increment (defined below), or on any other dates determined by the City Finance Director, through the date of last receipt of tax increment from the TIF District (the "Maturity Date").

2.03. Payments on the Interfund Loan will be made solely from the tax increment from the TIF District received by the City from Ramsey County in the 6-month period before any Payment Date, net of the amount paid under any agreement with a private developer or otherwise pledged to the payment of any obligation (the "Available Tax Increment"). Payments shall be applied first to accrued interest, and then to unpaid principal, unless otherwise specified by the City Director of Finance. Interest accruing from the date of each Cost Advance will be compounded semiannually on February 1 and August 1 of each year and added to principal, unless otherwise specified by the City Finance Director. Payments on this Interfund Loan may be subordinated to any outstanding or future bonds, notes, or contracts secured in whole or in part with available tax increment and are on a parity with any other outstanding or future interfund loans secured in whole or in part with available tax increment.

2.04. The principal sum and all accrued interest payable under this resolution is pre-payable in whole or in part at any time by the City without premium or penalty.

2.05. This resolution is evidence of an internal borrowing by the City in accordance with Section 469.178, subdivision 7 of the TIF Act, and is a limited obligation payable solely from Available Tax Increment pledged to the payment hereof under this resolution. The Interfund Loan shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on the Interfund Loan or other costs incident hereto except out of Available Tax Increment. The City shall not have any obligation to pay any principal amount of the Interfund Loan or accrued interest thereon, which may remain unpaid after the termination or expiration of the TIF District.


2.06. The City may at any time make a determination to forgive the outstanding principal amount and accrued interest on the Interfund Loan, in whole or in part, on any date from time to time, to the extent permissible under law.

2.07. The City may from time to time amend the terms of this Resolution to the extent permitted by law, including without limitation amendment to the payment schedule and the

interest rate; provided that the interest rate may not be increased above the maximum specified in Section 469.178. subd. 7 of the TIF Act.

Section 3. Effective Date. This resolution is effective upon adoption.

ADOPTED this 14th day of September 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Karl Niedfeldt-Thomas, Mayor
Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-070
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**RESOLUTION AUTHORIZING EARLY DECERTIFICATION OF THE CITY OF NEW BRIGHTON'S TAX INCREMENT
FINANCING DISTRICT No. 29 – BCPII SOUTH (SOO LINE)**

WHEREAS, on October 15, 1999, the City of New Brighton (the "City") certified its Tax Increment Financing District No. 29 – BCPII South (Soo Line) within its Development District (the "Project"); and

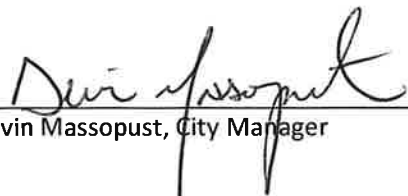
WHEREAS, as of December 31, 2021, all bonds and obligations to which tax increment from District No. 29 have been pledged have been paid in full or defeased; and

WHEREAS, the City desires by this resolution to cause the decertification of District No. 29 after which all property taxes generated by property within the District will be distributed in the same manner as all other property taxes beginning January 1, 2022.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the City's staff shall take such action as is necessary to cause the County Auditor of Ramsey County to decertify District No. 29 – BCPII South (Soo Line) as a tax increment district and to no longer remit tax increment from the District to the City.

ADOPTED this 24th day of August 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION 2021-069
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A PRELIMINARY
PLANNED RESIDENTIAL DEVELOPMENT TO AUTHORIZE APPLICATION FOR A FINAL
PLANNED RESIDENTIAL DEVELOPMENT FOR THE REDEVELOPMENT OF THE FORMER
US BANK SITE AT 2299 PALMER DRIVE

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a 2040 comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, the US Bank National Association and North Shore Development Partners (the “Applicants”) are seeking to redevelop the property at 2299 Palmer Drive which is legally described as shown on Exhibit A; and:

WHEREAS, the subject property is guided for “Mixed Use Regional” development by the new 2040 Comprehensive Plan, and the City has yet to write specific zoning standards which correspond to this new land use category; and

WHEREAS, the City has identified the Planned Residential Development process as the appropriate avenue for development in Mixed Use areas until such time as base zoning districts are established; and

WHEREAS, the Applicants have elected to propose a Planned Residential Development with improvements intended to conform with the goals and objectives of the new 2040 Comprehensive Plan rather than wait for new zoning to be created for Mixed Use Regional land use guidance; and

WHEREAS, the purpose of a Planned Residential Development (PRD) is to allow for flexible development that can grant variations in “...density, bulk, height, setbacks, and other regulations pertaining to the use of land...that are not in strict accordance with the other provisions of the Zoning Code or any other ordinance of the City” provided the applicant can show the development is not detrimental to the public; and

WHEREAS, Section 7-060(11) of the City’s zoning code provides further flexibility for PRDs in stating that “all or any of the foregoing [referencing PRD standards] may be modified as deemed necessary by the City Council for the preservation of the public health, safety, morals, and general welfare of the residents of the planned residential development and the City;” and

WHEREAS, because the City does not have zoning districts established for its new Mixed Use land use categories, the City finds it appropriate to utilize the full flexibilities offered by the PRD ordinance during this unique point in time; and

WHEREAS, a complete application for a Preliminary Planned Residential development with site plan and rezoning to multi-family residential was received by the City on July 16, 2021; and

WHEREAS, the proposed development will include 132 market rate apartments; up to 14 of which may be affordable at 60% AMI if supported by TIF via a separate approval process; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on August 17, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the August 17th meeting and considered input from residents; and

WHEREAS, the Planning Commission recommended conditional approval of the preliminary planned residential development and associated requests on August 17th, 2021, based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on August 24th, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the proposed preliminary planned residential development and associated requests for improvements to the land at 2299 Palmer Drive based on the following findings of fact:

1. The subject property is guided for Mixed Use Regional development and is specifically called out as an area for potential redevelopment by the new 2040 Comprehensive Plan.
2. The Mixed Use Regional land use classification calls for residential densities between 8 and 50 units per acre, with an allowance to build up an additional story provided the development does not exceed 60 units per acre; and the proposed project meets these standards.
3. Until base zoning is established for Mixed Use Regional, the only option for developing property in the City's new Mixed Use areas is the PUD or PRD process, so flexibility as offered through the planned development process is appropriate at this time.
4. The proposed building represents an advance in local housing design, offers numerous dwelling sizes which can be utilized by citizens at many stages of life.

5. The building type, density, height, and bulk is consistent with what is reasonably anticipated to be allowed when new zoning for Mixed Use Regional development is established.
6. The building type, density, height, and bulk are appropriate for the site given surrounding uses.
7. Use of the land will be in a manner that encourages social interchange, and demonstrates an efficiency in the use of land without creating a detriment to public health, safety, or general welfare.
8. The development will allow the City to work towards its established goals of:
 - a. Supporting a diverse population with a diverse housing stock;
 - b. Establishing a sense of place as the building will be constructed of high-quality materials which integrate with the surrounding area;
 - c. Supporting local business as the new building will provide needed support and customers for continued commercial development/success on adjacent lands;
 - d. Developing an area specifically targeted as a “potential area of improvement;”
 - e. Creating safe streets by narrowing down Palmer Drive and introducing a missing sidewalk connection to the neighboring Crossroads of New Brighton residential building.
 - f. Providing a much needed injection of new market rate apartments to address the local demand for rental units.
 - g. Contributing significant park dedication funding which will be used to implement the City’s goals outlined in the Parks Comprehensive Plan.
9. The new land use guidance of Mixed Use Regional was specifically intended to incentivize improvements like the one being requested;
10. The Mixed Use Regional designation intends for multi-family buildings to be the primary vehicle for residential land uses in the district;
11. The building as proposed does not pose a public safety concern provided all conditions of approval are met;
12. Identified impacts of the proposed development can be addressed via conditions.

BE IT FURTHER RESOLVED, that approval of the preliminary planned residential development shall be subject to the following conditions:

1. Engineering comments in the 8/5/21 Engineering Memo shall be addressed.

2. To eliminate internal congestion concerns, the proposed internal entrance shall be shifted to the south to correspond with the second drive aisle in the shared parking lot. Reconfiguration of internal parking shall maintain or increase available surface spaces. Minor geometric changes, if needed, shall be made to the plans prior to final plan approval
3. Existing easements granting access rights to Palmer Drive for surrounding properties shall remain in place as part of this PRD
4. The boulevard along Palmer Drive shall be expanded into the existing turn lane as directed by the City Engineer.
5. Within the expanded boulevard of Palmer Drive, the developer shall construct sidewalk to extend the existing walkway easterly to the next driveway entrance.
6. Crosswalk striping shall be placed over the access point to Palmer Drive to connect the existing sidewalk with new sidewalk being constructed as part of this development.
7. Building materials shall be consistent with those approved as part of the development review process, and found to be compatible with the Palmer Drive Overlay Area and Brighton Village development.
8. Drainage and utility easements (or others), as required by the City Engineer, shall be provided as part of the future final plat application.
9. Final easement language shall be subject to review and approval by the City Attorney.
10. All public improvements shall be constructed in accordance with the City's Private Development Standards.
11. A permit authorizing the development shall be obtained from the Rice Creek Watershed District.
12. All utilities (i.e. telephone, electric, gas service lines, etc) shall be placed underground in accordance with the provisions of all applicable City ordinances.
13. Lighting shall be directed downward, and installed so as to prevent direct light from being detectable at the lot line of the site on which the source is located.
14. Lighting shall not shine directly into the public right-of-way or onto any residential use.
15. Prior to final plan approval, the City Attorney shall review and approve the shared parking agreement with Krause-Anderson providing 60 additional spaces which can be used by residents and guests of this building.

16. Signage for the building shall be reviewed and approved through the City's standard sign permit process
17. A fire hydrant shall be placed at location approved by Fire Marshal. The new hydrant shall not be greater than 50 feet from a building fire department connection, not be greater than 30 feet from a roadway, and shall not be placed in a manner that requires hoses connected from the hydrant to the fire truck, and from the fire truck to the fire department connection, to be placed across a primary ingress/egress route to the location.
18. All final drive aisles shall be designed to accommodate an aerial device with a 235" wheel base and a front cramp angle of 45 degrees. Amendments to parking lot geometrics, if needed, shall be incorporated into final plans and worked out with DCAD staff .
19. Pull station covers shall be placed over all pull stations.
20. Police and Fire Keyboxes shall be mounted at a location identified by public safety staff upon substantial completion of the facility.
21. The final building shall comply with all applicable fire codes.
22. Developers shall coordinate their development activities with the Fire Marshal and Community Engagement Officer during construction
23. The developer shall use 4" Stortz connection for the FDC
24. Placards shall be placed on standpipe connections indicating apartment units accessed by that standpipe. This must be coordinated with the Fire Marshall and Community Engagement Officer.
25. Placards on standpipes servicing garage area shall indicate the parking stall coverage range. This must be coordinated with the Fire Marshall and Community Engagement Officer
26. Whenever standpipes are placed on columns in garage area, the column shall be painted red.
27. Final plantings and trees shall be approved by the City Forester prior to submittal of the final PRD plans.
28. Metal cages and/or burlap shall be removed from all tree root masses prior to planting throughout the development.
29. A decorative fence shall be introduced along the boulevard separating this development from the main drive aisle leading to Palmer Drive; coordination to be done with the Public Safety department.

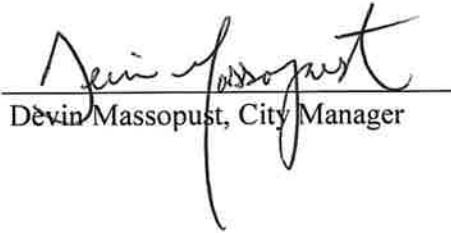
30. The developer shall instruct the City's Park's Department as to existing plants which can be donated to the City prior to demolition, and outline the permitted removal times so the work may be completed prior to development activities beginning.
31. Reference monuments shall be placed as may be required by state law
32. The final building shall comply with all applicable City of New Brighton multi-housing ordinances.
33. The sub-grade parking level shall be renamed to "lower level" or level "-1" to avoid confusion for emergency response.
34. Exterior doors shall be numbered in consecutive order in a clockwise manner around the building starting with the main lobby entry.
35. If building camera system is installed, the following shall be considered:
 - a. A camera specifically installed to monitor the mail area and/or area where packages are designated to be left.
 - b. Cameras at entrances should be of sufficient resolution and set at proper angles to support individual identification.
36. Indoor parking spaces shall be numbered from the lowest level up (i.e. lower level spaces numbered 100 – 199, and main level parking spaces numbered 200 – 299).
37. Residential units shall be numbered to indicate the floor they are on (i.e. main level units of which there are none in the 100's, 2nd floor units in the 200's, 3rd floor units in the 300's, etc).
38. The property address shall be displayed on site consistent with City Code.
39. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.
40. Payment of the required park dedication fee shall be made prior to the City signing the final plat
41. Payment of sewer and water connection fees shall be paid prior to issuance of the building permit.
42. As part of the Final PRD plans, the applicant's shall include an improved property divider (fence/wall) along the eastern property line, and shall coordinate that work with the Crossroads of New Brighton facility.

43. Prior to Final PRD Approval, a Development Agreement shall be negotiated covering details relating to construction and completion of the project.
44. Approval of this Preliminary Planned Residential Development (PRD) shall remain valid for 90 days following the date of approval. Application for final PRD approval shall be made prior to expiration of the preliminary approval.

ADOPTED this 24th day of August, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____

North Shore Development Partners
authorized representative

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

Exhibit A

Tract C, Registered Land Survey No. 237, files of Registrar of Titles, County of Ramsey.
(Torrens Property, Certificate of Title No. 337544)

Together with a perpetual easement for parking purposes over, under and across the east 60.00 feet of the most northerly 310.00 feet of that part of Tract D, except that part described as follows: Commencing at the Northwest corner of said Tract D; thence Southerly along the West line of said Tract D, a distance of 258.10 feet; thence at right angles Easterly a distance of 190 feet; thence Northerly and parallel to said West line of said Tract D to the North line of said Tract D; thence West along the North line of said Tract D to the point of beginning, in Registered Land Survey No. 237, files of the Registrar of Titles, County of Ramsey, State of Minnesota, except the north 30.00 feet thereof for the right of way of Palmer Drive.

RESOLUTION No. 2021-068

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**RESOLUTION GIVING HOST APPROVAL TO THE ISSUANCE OF CHARTER SCHOOL LEASE
REVENUE AND REFUNDING BONDS UNDER MINNESOTA STATUTES,
SECTIONS 469.152 THROUGH 469.1655
(GLOBAL ACADEMY PROJECT)**

NOW THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City of New Brighton, Ramsey County, Minnesota (the "City") as follows:

Section 1. General Recitals.

(a) The purpose of Minnesota Statutes, Sections 469.152 through 469.1655 as amended, (the "Act"), is, among other things, to promote the welfare of the State of Minnesota (the "State") by the active attraction and encouragement and development of economically sound industry and commerce to prevent so far as possible the emergence of blighted and marginal lands and areas of chronic unemployment.

(b) Minnesota Statutes, Section 471.656, as amended, authorizes a municipality to issue obligations to finance the acquisition or improvement of property located outside of the corporate boundaries of such municipality if the governing body of the city in which the property is located consents by resolution to the issuance of such obligations.

Section 2. Description of the Project.

(a) Global Academy ABC (the "Borrower"), a Minnesota nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") has proposed that the City of Independence, Minnesota (the "Issuer") issue conduit revenue bonds under the Act, in one or more series, in an aggregate principal amount not to exceed \$16,000,000 (the "Bonds") and loan the proceeds thereof to the Borrower to (i) refund the City of Landfall Village, Minnesota Charter School Lease Revenue Note (Global Academy Project), Series 2018A which financed the acquisition, renovation and equipping of an approximately 64,737 square foot existing kindergarten through grade 8 charter school facility located at 3000 5th Street NW in the City (the "Original Facilities"); (ii) refinance existing School and Borrower debt, including, without limitation, refinancing certain taxable debt used to finance the acquisition, renovation and equipping of the Original Facilities; (iii) finance the construction, equipping, renovation and improvement of the Original Facilities, including but not limited to, the construction of an approximately 7,000 square foot gymnasium (the Original Facilities, as improved, the "School Facilities"); (iv) fund a debt service reserve fund, if necessary; (v) pay a portion of the interest on the Bonds, if necessary; and (vi) pay the costs of issuing the Bonds, if

necessary (the "Project"). The School Facilities will be owned by the Borrower and leased to and operated as a kindergarten through grade 8 charter school facility by Global Academy Inc., a Minnesota nonprofit corporation and public charter school (the "School").

(b) The City has been advised that the Bonds or other obligations, as and when issued, will not constitute a charge, lien or encumbrance upon any property of the City or the Issuer, except upon the Project and the revenues to be derived from the Project. Such Bonds or other obligations are special, limited obligations of the Issuer. Such Bonds or obligations will not be a charge against the general credit or taxing powers of the City or the Issuer, but are payable from sums to be paid by the Borrower pursuant to a revenue agreement.

Section 3. Recital of Representations Made by the Borrower.

(a) The Borrower has agreed to pay any and all costs incurred by the City in connection with the issuance of the Bonds, whether or not such issuance is carried to completion.

(b) The Borrower has represented to the City that no public official of the City has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project.

Section 4. Public Hearing.

(a) As required by the Act and Section 147(f) of the Code a Notice of Public Hearing was published in the City's official newspaper and a newspaper of general circulation for a public hearing on the proposed issuance of the Bonds and the proposal to undertake and finance the Project.

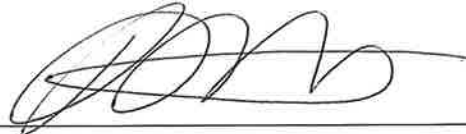
(b) As required by the Act and Section 147(f) of the Code the City Council has on this same date held a public hearing on the issuance of the Bonds and the proposal to undertake and finance the Project, which is located within the jurisdictional limits of the City, at which all those appearing who desired to speak were heard and written comments were accepted.

Section 5. Host Approval.

(a) The City Council hereby gives the host approval required under Section 147(f) of the Code and pursuant to Minnesota Statutes §471.656, Subd. 2(2), the City Council hereby consents to the issuance of the Bonds by the Issuer.

(b) City staff is hereby authorized and directed to prepare and furnish to bond counsel and the original purchaser of the Bonds certified copies of all proceedings and records of the City relating to the approval of the issuance of the Bonds, including a certification of this resolution.

ADOPTED this 24th day of August 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

RESOLUTION No. 2021-067

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

A RESOLUTION TO DEDICATE PROOF OF LOCAL MATCH FUNDING FOR
MINNESOTA SHADE TREE GRANT

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, whereas, on June 1, 2021, the City of New Brighton was notified that the Minnesota Department of Natural Resources had awarded the City of New Brighton \$100,000 of grant funds through the Minnesota Shade Tree program for the removal and replacement of ash trees; and

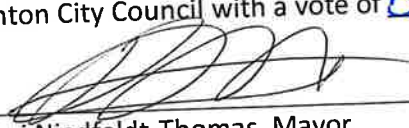
WHEREAS, the City of New Brighton is a Tree City USA and is committed to the health and management of its urban forest; and

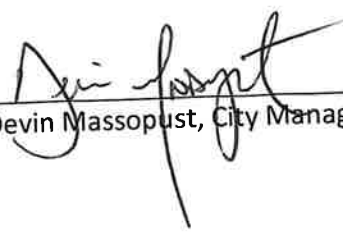
WHEREAS, said grant requires the City to fully fund the project and match the grant funds dollar for dollar; and

WHEREAS, the Minnesota Management and Business office is requiring the City to provide a resolution formally dedicating proof of funding for the City's matching funds.

NOW, THEREFORE BE IT RESOLVED, that the City of New Brighton does hereby dedicate \$107,174.92 in cash matching contributions from the City's Parks and Recreation Forestry budget, from the City's Parks and Recreation Parks budget, and from the City's 4M General Fund Account towards the removal, replacement, and management of ash trees in the City of New Brighton over the next three budget years.

ADOPTED this 24th day of August, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-060
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**RESOLUTION AUTHORIZING AN AMENDMENT TO THE RETIREMENT BENEFIT LEVEL FOR THE
NEW BRIGHTON FIREFIGHTERS' RELIEF ASSOCIATION BYLAWS**

WHEREAS, the City of New Brighton and the New Brighton Firefighters' Relief Association have had ongoing discussions regarding Firefighter retirement benefits; and

WHEREAS, the Firefighter's Relief Association is funded at 188% for 2020; and

WHEREAS, the City Council believes that that a financially solvent Fire Relief Association and Fund is essential to attracting and retaining quality, well-trained personnel;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the retirement benefit level for the Firefighters' Relief Association bylaws be amended to \$9,000 per year of service effective August 25, 2021.

ADOPTED this 24th day of August, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

Resolution No. 21- 065

State of Minnesota
County of Ramsey
City of New Brighton

RESOLUTION DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENTS, AND SETTING DATE FOR ASSESSMENT HEARING ON CITY PROJECT 20-1, 2020 STREET REHABILITATION.

WHEREAS, Public Improvement Project 20-1, 2020 Street Rehabilitation, was ordered by the City Council of the City of New Brighton at a Public Improvement Hearing, noticed, and held as required by law;

WHEREAS, the total final project costs is \$962,676.99.

WHEREAS, said improvement project is now completed so that the cost thereof can be special assessed.

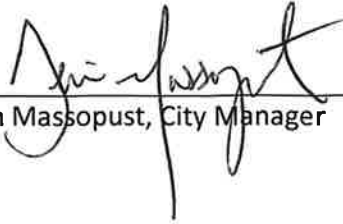
NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota that:

1. The cost of such improvement to be specially assessed is hereby declared to be \$169,491.66.
2. The City Clerk, with the assistance of the Director of Community Assets and Development (City Engineer), shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, place, or parcel of land within the district affected, without regard to cash valuation, as provided by law and shall file a copy of such proposed assessments in his office for public inspection.
3. The Clerk shall, upon completion of such proposed assessment, notify the Council thereof.
4. That a public hearing on the proposed assessment be set for September 28, 2021, at 6:30 p.m. in the City of New Brighton City Council Chambers at 803 Old Highway 8 NW, New Brighton, Minnesota.
5. The mailed notices of this hearing are sent to each benefited property owner as required by law.

Adopted this 24th day of August, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

Resolution No. 21-064

State of Minnesota
County of Ramsey
City of New Brighton

RESOLUTION AWARDING THE BID FOR PROJECT 21-4, 2021 SEWER LINING.

WHEREAS, pursuant to advertisement in the *Pioneer Press* and online at <http://www.QuestCDN.com>, bids for the above mentioned improvement were received, opened, and read aloud by the City Administration at 10:00 a.m., August 10, 2021 complying with the advertisement; and

WHEREAS, the lowest bidder meeting bid specifications was found to be **Insituform** with a total bid of **\$346,689.19**.

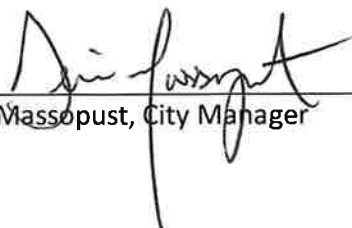
NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton:

1. That the Mayor and City Manager are hereby authorized and directed to enter into a contract with Insituform in the name of the City of New Brighton for City Project 21-4, 2021 Sewer Lining.
2. That staff are directed to work with Insituform to add Alternate 2 as needed.

Adopted this 24th day of August, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

Resolution No. 21-063

State of Minnesota
County of Ramsey
City of New Brighton

RESOLUTION TO CONSIDER FIRST AMENDMENT TO CONTRACT OF PRIVATE REDEVELOPMENT WITH CARDIOVASCULAR SYSTEMS, INC. (CSI).

WHEREAS, City, Owner, and Ryan Companies US, Inc., a Minnesota corporation ("Ryan"), entered into a Contract for Private Redevelopment dated June 11, 2014, recorded June 12, 2014, as Document No. 2507433 ("Contract"); and


WHEREAS, Section 4.4 of the Contract provides Owner with certain rights to purchase the Option Property; and

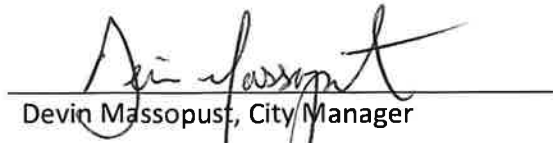
WHEREAS, City and Owner desire to amend the Contract to provide for additional option periods.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton:

1. That the Mayor and City Manager are hereby authorized and directed to enter into the First Amendment to Contract for Private Redevelopment.

Adopted this 24th day of August, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Karl Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION 2021-062
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
ALLOWING CONSTRUCTION OF A SPECIAL PURPOSE FENCE AT 50 14TH STREET NW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, RLF II Central, LLC, has purchased the property at 50 14th Street NW legally described as:

The part of the Southeast 1/4 of the Northeast 1/4 of Section 20, Township 30 North, Range 23 West, Ramsey County, Minnesota, lying Southeast of the Old State Trunk Highway 8-63 and Northeast of The Minnesota Transfer Railway Company's Butchers Spur right of way, except the North 450 feet and further excepting the following 4 described tracts:

- 1. Beginning at the point of intersection of the Southeasterly line of Old State Trunk Highway 8-63 and the Northeasterly line of Butchers Spur right of way; thence Northeasterly along the Southeasterly line of Old State Trunk Highway 8-63 a distance of 220 feet; thence deflect 90 degrees to the right a distance of 185 feet; thence deflect 90 degrees to the right and thence Southwesterly on said deflection to the North line of 14th Street North; thence West on the North line of said 14th Street North to the Northeasterly line of Butchers Spur right of way; thence Northwesterly on the Northeasterly line of said Butchers Spur right of way to place of beginning;*
- 2. That part which lies southerly of a line described as commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 89 degrees, 57 minutes, 27 seconds West along the south line of said Southeast Quarter of the Northeast Quarter 511.15 feet to the point of beginning of the line to be described; thence westerly 152.08 feet along a tangential curve concave to the north having a central angle of 32 degrees, 38 minutes, 08 seconds and a radius of 267.00 feet and said line there terminating.*
- 3. That part which lies southeasterly of a line parallel with and distant 51.21 feet southeasterly from the centerline of said Old State Trunk Highway 8-63 as described in Document No. 1797275 and which lies northerly of Line "A" as described below and which lies westerly of Line "B" as described below:*

Line A:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 89 degrees, 57 minutes, 27 seconds West along the south line of said Southeast Quarter of the Northeast Quarter 511.15 feet to the point of beginning of the line to be described; thence westerly 152.08 feet along a tangential curve concave to the north having a central angle of 32 degrees, 38 minutes, 08 seconds and a radius of 267.00 feet and said line there terminating.

Line B:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 89 degrees, 57 minutes, 27 seconds West along the south line of said Southeast Quarter of the Northeast Quarter 566.81 feet to the point of beginning of the line to be described; thence North 01 degree, 58 minutes, 35 seconds East 480.00 feet and said line there terminating.

4. That part which lies northwesterly of a line parallel with and distant 51.21 feet southeasterly from the centerline of said Old State Trunk Highway 8-63 as described in said Document No. 1797275. Abstract.

WHEREAS, the property at 50 14th Street NW has been the site of a legal nonconforming trucking use which dates back to the 1970's; and

WHEREAS, RLF II Central, LLC, has allowed FedEx to make improvements to the property in order to continue the legal nonconforming use; and

WHEREAS, the introduction of FedEx site improvements led to new complaints regarding lighting and noise emanating from the site; and

WHEREAS, FedEx hired Cavanaugh Tocci Associates, a consulting company specializing in sound analysis, to study the lighting and noise concerns; and

WHEREAS, the Cavanaugh Tocci Associates study identified a solution to the complaints in the form of a 19' barrier and a 17' barrier to replace an existing chain link fence on the property; and

WHEREAS, fences greater than 6' in height are allowed as special purposed fences if authorized by special use permit; and

WHEREAS, RLF II Central, LLC (the “Applicants”) made application to the City on 7/1/21 for a Special Use Permit (SUP) to add the recommended special purposed fences on the property at 50 14th Street NW; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on July 20, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the July 20, 2021, meeting and considered input from residents; and recommended approval of the request based on the applicant’s submittals and findings of fact; and

WHEREAS, the City Council considered on July 27, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.


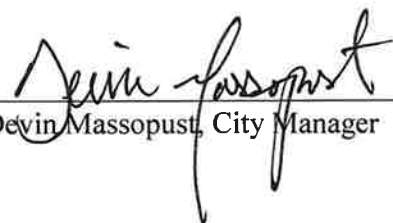
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit based on the following findings of fact:

1. The subject property is guided for Mixed Use City Center by the comprehensive plan, and the existing trucking operation is a legal nonconforming use with rights to operate until redeveloped or discontinued.
2. Erection of the proposed fence will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
3. The proposed fence will have no impact on development of adjacent land.
4. The new fence will not create any access issues, nor are there concerns about its impact on City utilities.
5. The proposed fence will conform to all other underlying zoning requirements.
6. The applicant has demonstrated the fence is necessary to provide a buffer between residential and industrial land uses.
7. The purpose for the fence is consistent with the intent and purpose regulations for fences spelled out in the New Brighton zoning ordinance.

BE IT FURTHER RESOLVED, that approval of the special use permit shall be subject to the following conditions:

1. The Special Use Permit shall authorize a northern barrier which is 19' tall and approximately 255' long, and a southern barrier that is 17' tall and approximately 350' long.
2. Plans shall be updated to show existing utilities (private and public). Adjustments, if needed, shall be made to address any engineering concerns to protect utilities or to ensure proper drainage.
3. Additional minor adjustments to the fence location and length may be administratively approved by staff, but major adjustments shall only be authorized via an SUP amendment.
4. The sound barrier shall be properly maintained and in place while the legal nonconforming trucking use is in operation. Removal of the wall or failure to maintain the wall aesthetically or operationally will be deemed an illegal expansion of the legal nonconformity.

ADOPTED this 27th day of July, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor
Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____
_____ <authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

RESOLUTION No. 2021-061
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
FOR 2554 EASTMAN DRIVE TO AUTHORIZE CONSTRUCTION OF AN ACCESSORY
BUILDING IN EXCESS OF 624 SQUARE FEET

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Daniel Marquardt and Susan Schwichtenberg (the “Applicants”) made application to the City on 6/11/21 for a special use permit to authorize construction of an accessory structure (garage) in excess of 624 square feet for the property at 2554 Eastman Drive which is legally describe as:

From Certificate of Title No. 572589
(Torrens Property)
South 160 feet of Lot 3, Knollwood Park No. 2

and

WHEREAS, the garage addition will meet all required setbacks and will be conforming to codes in every way; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission on July 20, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the July 20th meeting and considered input from residents; and

WHEREAS, the Planning Commission recommended approval of the request based on the applicant’s submittals and findings of fact; and

WHEREAS, the City Council considered on July 27th, 2021, the recommendations of the Planning Commission, staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit based on the following findings of fact:

1. *The subject property is guided for residential use by the comprehensive plan, and a detached garage in excess of 624 square feet can be permitted via a special use permit in the corresponding R-1 zoning district.*
2. *Construction of the proposed garage will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.*
3. *The new conforming garage will not be detrimental to uses on the subject property or on surrounding lands.*
4. *Construction of the proposed garage addition will not have a detrimental impact on area property values.*
5. *The subject site is adequately served by public utilities, roads, and drainage facilities to accommodate the proposed addition.*
6. *The special use will be in conformance with all underlying zoning district requirements..*

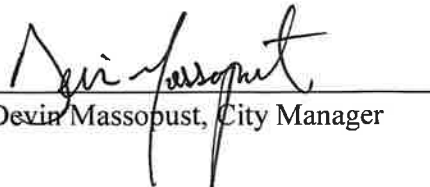
BE IT FURTHER RESOLVED, that approval of the special use permit shall be subject to the following conditions:

1. *The Special Use Permit shall authorize the location and size of garage as shown on the Certificate of Survey for 2554 Eastman Dr dated June 11, 2021; any changes to the location or size of the garage addition shall require an amendment to this permit.*
2. *Roof and exterior color and material(s) must be consistent and complimentary with the principal structure.*
3. *No commercial or home occupation activity shall be conducted within the detached garage.*
4. *Final building plans must show the resulting drainage patterns around the structures will not adversely impact neighboring properties.*
5. *Failure to adhere to conditions of approval shall be grounds for revocation of the special use permit by the City Council.*

ADOPTED this 27th day of July, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____

Susan Schwichtenberg <or authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

RESOLUTION 2021-060
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION APPROVING AN AMENDMENT TO THE 2040 COMPREHENSIVE PLAN TO
PROVIDE ADDITIONAL DENSITY FLEXIBILITY FOR RESIDENTIAL DEVELOPMENT IN
THE MIXED USE REGIONAL LAND USE CLASSIFICATION

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, the City received an application to amend the current Comprehensive Plan to create an avenue for residential developments to achieve up to 60 units per acre through a planned development process in the Mixed Use Regional Land Use Classification; and

WHEREAS, the Planning Commission held a public hearing on the requested amendment at their meeting on July 20, 2021; and

WHEREAS, the Planning Commission recommended the City Council approve the text amendment to the Comprehensive Plan to clarify language and to authorize additional vertical development in the Mixed Use Regional district in order to allow residential density to exceed 50 units per acre as part of a planned development; and

WHEREAS, the Comprehensive Plan Amendment is subject to review and approval by the Metropolitan Council;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the following text amendment to the Mixed Use – Regional Node language on page 3-27 of the City’s 2040 Comprehensive Plan:

Mixed Use – Regional Node


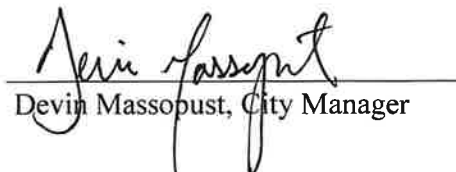
The City intends the Mixed Use – Regional Node designation to be for areas serving community and regional needs with convenient and immediate access to regional highways and Interstates. These areas are targeted to have regional-serving commercial retail or service businesses, offices, and high-density housing. The mix of uses will tend to lean commercial with, in most cases, at least 50 percent of development being commercial in nature. Commercial, office, and residential development may be combined vertically in the

same building or horizontally on the same or adjacent sites. When uses are mixed within a building; retail, service, and civic uses should be focused on the ground floor while housing and offices should be focused on the upper floors.

Residential uses can stand-alone, and will primarily consist of higher-density stacked multi-family housing with the possibility of higher-density row homes or townhouses utilized as a transition into surrounding neighborhoods. Residential development is expected to be realized over at least around 35% of the district's land area residential with at densities generally ranging from density of residential development at 12 - 50 units per acre. Densities of up to 60 units per acres may be allowed through expanded vertical development via the Planned Residential or Planned Unit Development process. The mix of uses will be more automobile-oriented than other Mixed Use nodes, but pedestrian facilities are still important to ensure safe movement through the site. Parking should be optimized, with shared parking where possible/feasible, and parking facilities on the interior of the site. The intensity of mixed use - community development will vary depending on its location within the City and surrounding uses, but generally will be more intense in nature. Because frequent and reliable transit service greatly benefits Mixed Use - Regional Nodes, transit service maintenance and expansion to these areas should be supported.

BE IT FURTHER RESOLVED, that the Department of Community Assets & Development is directed to submit this amendment to the Metropolitan Council for review and approval.

ADOPTED this 27th day of July, 2021 by the New Brighton City Council with a vote of 5 ayes and 6 nays.


Kari Niedfeldt-Thomas, Mayor
Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION NO. 2021 - 059

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**A RESOLUTION AWARDING THE SALE OF
\$9,875,000 GENERAL OBLIGATION
TAX ABATEMENT BONDS, SERIES 2021A
FIXING THEIR FORM AND SPECIFICATIONS;
DIRECTING THEIR EXECUTION AND DELIVERY;
AND PROVIDING FOR THEIR PAYMENT**

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, Ramsey County, Minnesota (the "City") as follows:

Section 1. Sale of Bonds.

1.01. Background; Findings. It is determined that:

(a) The City is authorized by Minnesota Statutes, Chapter 475 and Sections 469.1812 through 469.1815, as amended (collectively, the "Abatement Act") to utilize property tax abatements on specified parcels in order to accomplish certain public purposes, including construction of certain public improvements, including without limitation various park improvements at Creekview, Hansen, Lions, Silver Oaks, Sunny Square, and Totem Pole parks as outlined in the City's 2021-2026 Capital Improvement Plan (the "Project").

(b) On July 13, 2021 the City held a public hearing regarding, and adopted a resolution (the "Abatement Resolution") approving property tax abatements in the maximum amount of \$12,000,000 (the "Abatements") on certain property in the City (the "Abatement Parcels") pursuant to the Abatement Act.

(c) It is determined that it is necessary and expedient that the City issue the Bonds to finance the Project.

(d) The City is authorized by Minnesota Statutes, Section 475.60, subdivision 2(9) to negotiate the sale of the Bonds, it being determined that the City has retained an independent municipal advisor in connection with such sale. The City has retained Baker Tilly Municipal Advisors, LLC, in Saint Paul, Minnesota as its municipal advisor. The actions of the City staff and the City's municipal advisor in negotiating the sale of the Bonds are ratified and confirmed in all aspects.

1.02. Award to the Purchaser and Interest Rates. The proposal of Northland Securities, Inc., Minneapolis, Minnesota (the "Purchaser") to purchase the Bonds of the City described in the Terms of Proposal thereof is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of \$10,409,325.25 (par amount of \$9,875,000, plus a premium of \$604,030.25 less an underwriter's discount of \$69,705.00), for Bonds bearing interest as follows:

<u>Year of Maturity</u>	<u>Interest Rate</u>	<u>Year of Maturity</u>	<u>Interest Rate</u>
2023	4.00%	2033	1.20%
2024	4.00	2034	1.30
2025	4.00	2035	1.40
2026	4.00	2036	1.50
2027	4.00	2037	1.65
2028	4.00	2038	1.75
2029	4.00	2039	2.00
2030	4.00	2040	2.00
2031	1.00	2041	2.00
2032	1.10	2042	2.00

1.03. Purchase Contract. Any amount paid by the Purchaser over the minimum purchase price shall be credited to the Debt Service Fund hereinafter created or deposited in the Construction Fund hereinafter created, as determined by the City Finance Director in consultation with the City's municipal advisor. The City Finance Director is directed to retain the good faith check of the Purchaser, pending completion of the sale of the Bonds. The Mayor and City Manager are authorized to execute a contract with the Purchaser on behalf of the City, if requested by the Purchaser.

1.04. Terms and Principal Amount of Bonds. The City will forthwith issue and sell the Bonds pursuant to the Act in the total principal amount of \$9,875,000, originally dated as of the date of delivery, in fully registered form, in denominations of \$5,000 each or any integral multiple thereof, numbered No. R-1 and upward, bearing interest as above set forth, and maturing serially on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2023	\$330,000	2033	\$500,000
2024	420,000	2034	510,000
2025	430,000	2035	520,000
2026	435,000	2036	530,000
2027	445,000	2037	540,000
2028	455,000	2038	550,000
2029	465,000	2039	560,000
2030	475,000	2040	570,000
2031	480,000	2041	580,000
2032	490,000	2042	590,000

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

1.05. Optional Redemption. The City may elect on February 1, 2030, and on any day thereafter to prepay Bonds maturing on or after February 1, 2031. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine.

If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

Section 2. Registration and Payment.

2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing August 1, 2022, to the registered owners of record as of the close of business on the 15th day of the immediately preceding month, whether or not that day is a business day.

2.03. Registration. The City will appoint, and will maintain, a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar will keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the 15th day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Bonds surrendered upon any transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Bond is at then registered in the bond register as the absolute owner of such Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds, in an amount sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, written notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) at least 30 days prior to the redemption date to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Appointment of Initial Registrar. The City appoints U.S. Bank National Association, St. Paul, Minnesota, as the initial Registrar. The Mayor and the City Manager are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or

consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the City Manager must transmit to the Registrar money sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the City Finance Director and executed on behalf of the City by the signatures of the Mayor and the City Manager, provided that all signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of any Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been so prepared, executed and authenticated, the City Finance Director will deliver the same to the Purchaser thereof upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

Section 3. Form of Bond.

3.01. Form of Bond. The Bonds will be printed or typewritten in substantially the form set forth in **Exhibit B** attached hereto.

3.02 Approving Legal Opinion. The City Manager is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which will be complete except as to dating thereof and to cause the opinion to be printed on or accompany each Bond.

Section 4. Payment; Security; Pledges and Covenants.

4.01 Debt Service Fund. The Bonds are payable from the General Obligation Tax Abatement Bonds, Series 2021A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. Amounts in the Debt Service Fund are irrevocably pledged to the Bonds. To the Debt Service Fund hereby created, there is hereby pledged and irrevocably appropriated and there will be credited: (A) the proceeds of general ad valorem property taxes herein or hereafter levied and the Abatements; (B) capitalized interest financed from Bond proceeds, if any; (C) the amount over the minimum purchase price paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.03 hereof; and (D) all investment

earnings on funds in the Debt Service Fund; and (E) any and all other moneys which are properly available and are appropriated by the City Council to the Debt Service Fund. If a payment of principal or interest on the Bonds becomes due when there is not sufficient money in the Debt Service Fund to pay the same, the City Finance Director is directed to pay such principal or interest from other funds of the City, and such fund will be reimbursed for those advances out of the proceeds of Abatements and Taxes when collected.

4.02 Construction Fund. The proceeds of the Bonds, less the appropriations made in Section 4.01, together with any other funds appropriated for the Project will be deposited in a separate construction fund (the "Construction Fund") to be used solely to defray expenses of the Project and the payment of principal and interest on the Bonds prior to the completion and payment of all costs of the Project. Any balance remaining in the Construction Fund after completion of the Project and the costs thereof paid, may be used as provided in Minnesota Statutes, section 475.65. Thereafter, the Construction Fund is to be closed and any remaining balances therein and subsequent collections of taxes for the Project are to be deposited in the Debt Service Fund.

4.03. Pledge of Tax Levy. For the purpose of paying the principal of and interest on the Bonds, there is levied a direct annual irrepealable ad valorem tax (the "Taxes") upon all of the taxable property in the City, which will be spread upon the tax rolls and collected with and as part of other general taxes of the City. The taxes will be credited to the Debt Service Fund above provided and will be in the years (being each year of collection) and amounts as set forth in **Exhibit C.**

It is hereby determined that the estimated collections of Abatements and the foregoing Taxes will produce at least 5% in excess of the amount needed to meet when due the principal and interest payments on the Bonds.

4.04. Certification to Director of Property Records and Revenue as to Debt Service Fund Amount. It is hereby determined that the estimated collections of Abatements and the foregoing Taxes will produce at least 5% in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The amount of the Abatements is at least equal to the principal amount of the Bonds. The tax levy herein provided is irrepealable until all of the Bonds are paid, provided that at the time the City makes its annual tax levies the City Finance Director may certify to the Director of Property Records and Revenue of Ramsey County the amount available in the Debt Service Fund to pay principal and interest due during the ensuing year, and the Director of Property Records and Revenue will thereupon reduce the levy collectible during such year by the amount so certified.

4.05. Director of Property Records and Revenue Certificate as to Registration. The City Manager is authorized and directed to file a certified copy of this resolution with the Director of Property Records and Revenue of Ramsey County and to obtain the certificate required by Minnesota Statutes, Section 475.63.

4.06 General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund

of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds, certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, may be deemed representations of the City as to the facts stated therein.

5.02. Certification as to Official Statement. The Mayor, City Manager and Finance Director, or any of them, are hereby authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is, as of the date thereof, a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

5.03. Other Certificates. The Mayor, City Manager and Finance Director, or any of them, are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Mayor, City Manager and Finance Director, or any of them, shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Finance Director shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

5.04 Electronic Signatures. The electronic signature of the Mayor, City Administrator and/or the City Finance Director, or any of them, to this resolution and to any certificate authorized to be executed hereunder shall be as valid as an original signature of such party and shall be effective to bind the City thereto. For purposes hereof, (i) "electronic signature" means (a) a manually signed original signature that is then transmitted by electronic means or (b) a signature obtained through DocuSign or Adobe or a similarly digitally auditable signature gathering process; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message.

Section 6. Tax Covenants.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the Code), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made

applicable to the Bonds. To that end, the City will comply with all requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds and the rebate of excess investment earnings to the United States (unless the City qualifies for any exemption from rebate requirements based on timely expenditure of proceeds of the Bonds, in accordance with the Code and applicable Treasury Regulations).

6.02. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or the Project financed by the Bonds, or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

6.03. Qualified Tax Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

(a) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;

(b) the City hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than any private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2021 will not exceed \$10,000,000; and

(d) not more than \$10,000,000 of obligations issued by the City during calendar year 2021 have been designated for purposes of Section 265(b)(3) of the Code.

6.04. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns ("DTC"). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the "Participants") or to any other person on behalf of which a Participant holds an interest in the

Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar) of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Manager of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co.," will refer to such new nominee of DTC; and upon receipt of such a notice, the City Manager will promptly deliver a copy of the same to the Registrar and Paying Agent.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which will govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this Resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

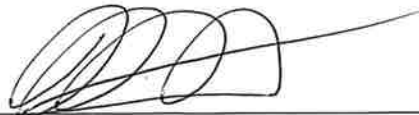
Section 8. Continuing Disclosure.

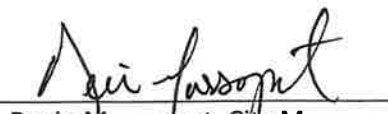
8.01. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate will not be considered an event of default with respect to the Bonds; however any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

8.02. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Manager and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

Section 9. Defeasance. When the Bonds and all accrued interest thereon, have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge the Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full or by depositing irrevocably in escrow, with a suitable institution qualified by law as an escrow agent for this purpose, cash or securities which are backed by the full faith and credit of the United States of America, or any other security authorized under Minnesota law for such purpose, bearing interest payable at such times and at such rates and maturing on such dates and in such amounts as shall be required and sufficient, subject to sale and/or reinvestment in like securities, to pay said obligation(s), which may include any interest payment on such Bond and/or principal amount due thereon at a stated maturity (or if irrevocable provision shall have been made for permitted prior redemption of such principal amount, at such earlier redemption date). If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

ADOPTED this 27th day of July, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-058
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION APPROVING AN OFF-SITE GAMBLING LICENSE FOR NEW BRIGHTON LIONS CLUB TO CONDUCT PULL-TABS AT LONG LAKE REGIONAL PARK, 1500 OLD HIGHWAY 8 NW


WHEREAS, New Brighton Lions Club has made application for an off-site gambling license to operate pull-tabs at Long Lake Regional Park, located at 1500 Old Highway 8 NW in the City of New Brighton; and

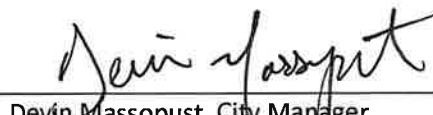
WHEREAS, a resolution is required by the Gambling Control Board showing city approval for the off-site gambling license; and

WHEREAS, the City Council approves the request for resolution for New Brighton Lions Club for this license.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton to hereby approve the resolution for an off-site gambling license for New Brighton Lions Club to conduct pull-tabs at Long Lake Regional Park, located at 1500 Old Highway 8 NW in the City of New Brighton.

ADOPTED this 27th day of July by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

Resolution No. 21-057

State of Minnesota
County of Ramsey
City of New Brighton

**RESOLUTION CALLING FOR A PUBLIC HEARING BY THE CITY COUNCIL ON THE
PROPOSED ADOPTION OF A MODIFICATION TO THE DEVELOPMENT PROGRAM FOR
DEVELOPMENT DISTRICT NO. 1 AND THE PROPOSED ESTABLISHMENT OF TAX
INCREMENT DISTRICT NO. 35: 2299 PALMER DRIVE REDEVELOPMENT REDEVELOPMENT
THEREIN AND THE ADOPTION OF THE TAX INCREMENT FINANCING PLAN THEREFOR.**

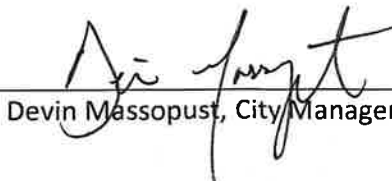
BE IT RESOLVED, by the City Council (the "Council") for the City of New Brighton, Minnesota (the "City"), as follows:

Section 1. Public Hearing. This Council shall meet on September 14, 2021, at approximately 6:30 P.M., to hold a public hearing on the proposed adoption of a Modification to the Development Program for Development District No. 1, the proposed establishment of Tax Increment Financing District No. 35: 2299 Palmer Drive Redevelopment, (a redevelopment district), and the proposed adoption of a Tax Increment Financing Plan (the "Modification and Plan") therefor, all pursuant to and in accordance with Minnesota Statutes, Sections 469.124 to 469.134 , and Sections 469.174 to 469.1794, inclusive, as amended in an effort to encourage the development and redevelopment of certain designated areas within the City; and

Section 2. Notice of Public Hearing, Filing of Program and Plan. City staff is authorized and directed to work with Baker Tilly to prepare the Modification and Plan and to forward documents to the appropriate taxing jurisdictions including Ramsey County and Independent School District No. 621. The Director of Community Assets & Development is authorized and directed to cause notice of the hearing, together with an appropriate map as required by law, to be published at least once in the official newspaper of the City not later than 10, nor more than 30, days prior to September 14, 2021, and to place a copy of the Modification and Plan on file in the Director of Community Assets & Development's office at City Hall and to make such copy available for inspection by the public.

Adopted this 27th day of July, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

**CITY OF NEW BRIGHTON
COUNTY OF RAMSEY
STATE OF MINNESOTA**

RESOLUTION NO. 2021-056

RESOLUTION APPROVING PROPERTY TAX ABATEMENTS

BE IT RESOLVED By the City Council of the City of New Brighton, Ramsey County, Minnesota (the "City") as follows:

Section 1. Recitals.

(a) The City proposes to (i) undertake various public improvements, including various park improvements as outlined in the City's 2021-2026 Capital Improvement Plan with tax abatement bonds authorized by the Minnesota Statutes, Sections 469.1812 through 469.1815 (the "Act") and (ii) authorize a property tax abatement with respect to various parcels of land to finance certain public improvements, including improvements to the following parks: Creekview, Hansen, Lions, Sunny Square, Totem Pole, and Silver Oaks (the "Project"). The City proposes to use property tax abatement pursuant to the Act to finance the Project. The proposed term of the abatement will be for up to 20 years in an estimated not to exceed \$12,000,000. The abatement will apply to the City's share of the property taxes (the "Abatement") derived from the property described by property identification numbers on the attached **Exhibit A** (the "Property").

(b) On the date hereof, the Council held a public hearing on the question of the Abatement, and said hearing was preceded by published notice thereof in accordance with the Abatement Law.

Section 2. Findings for the Abatement. The City Council hereby makes the following findings:

(a) The Council expects the benefits to the City of the Abatement to at least equal the costs to the City thereof.

(b) Granting the Abatement is in the public interest because it will help finance the acquisition and construction of public facilities in the City; preserve the tax base; finance public infrastructure; provide access to services for residents of the City; benefit the Property by providing amenities to those who live and work in the City thereby improving City-based employers' ability to attract workers; and protect the general health and welfare of the community by maintaining public infrastructure and facilities.

(c) The Property will not be located in a tax increment financing district at the time the Abatement commences.

(d) In any year, the total amount of property taxes abated by the City by this and other resolutions, if any, does not exceed the greater of 10% of the net tax capacity of the City or \$200,000.

Section 3. Terms of Abatement. The Abatement is hereby approved. The terms of the Abatement are as follows:


(a) The Abatement shall be for a up to a 20-year period and shall apply to the taxes payable in the years 2025 through 2045, inclusive.

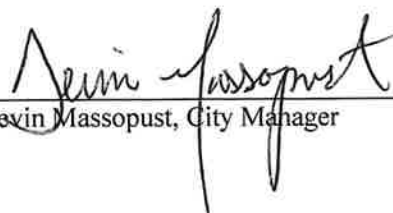
(b) The City will abate the City's share of the property tax amount which the City receives from the Property, in an amount not to exceed \$12,000,000.

(c) The maximum amount of Abatement authorized under this resolution is \$12,000,000. The maximum principal amount of bonds to be secured by Abatement under this resolution will not exceed the estimated sum of Abatement from the Property for the term authorized under this resolution.

(d) The Abatement shall be subject to all the terms and limitations of the Abatement Law.

Approved this 13th day of July, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Karl Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

Exhibit A

Parcel ID Numbers for the "Property"

293023130058	293023130081	293023130103	293023130125	293023130147	293023130169
293023130059	293023130082	293023130104	293023130126	293023130148	293023130170
293023130061	293023130083	293023130105	293023130127	293023130149	293023130171
293023130062	293023130084	293023130106	293023130128	293023130150	293023130172
293023130063	293023130085	293023130107	293023130129	293023130151	293023130173
293023130064	293023130086	293023130108	293023130130	293023130152	293023130174
293023130065	293023130087	293023130109	293023130131	293023130153	293023130175
293023130066	293023130088	293023130110	293023130132	293023130154	293023130176
293023130067	293023130089	293023130111	293023130133	293023130155	293023130177
293023130068	293023130090	293023130112	293023130134	293023130156	293023130178
293023130069	293023130091	293023130113	293023130135	293023130157	293023130179
293023130070	293023130092	293023130114	293023130136	293023130158	293023130180
293023130071	293023130093	293023130115	293023130137	293023130159	293023130181
293023130072	293023130094	293023130116	293023130138	293023130160	293023130182
293023130073	293023130095	293023130117	293023130139	293023130161	293023130183
293023130074	293023130096	293023130118	293023130140	293023130162	293023130184
293023130075	293023130097	293023130119	293023130141	293023130163	293023130185
293023130076	293023130098	293023130120	293023130142	293023130164	293023130186
293023130077	293023130099	293023130121	293023130143	293023130165	293023420033
293023130078	293023130100	293023130122	293023130144	293023130166	293023420034
293023130079	293023130101	293023130123	293023130145	293023130167	293023430005
293023130080	293023130102	293023130124	293023130146	293023130168	293023430025

RESOLUTION NO. 2021-054

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

A RESOLUTION ACCEPTING GRANT TOTALLING \$1,455 FROM THE
MINNESOTA POLLUTION CONTROL AGENCY (MPCA)

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City of New Brighton is located within the State of Minnesota and is eligible to receive grant funding from the Minnesota Pollution Control Agency; and

WHEREAS, the Minnesota Pollution Control Agency offers grants to replace 2-cycle gasoline-powered landscaping and snow-removal equipment with electric-powered equipment; and

WHEREAS, the City of New Brighton owns and operates the Brightwood Hills Golf Course which requires the use of landscaping equipment; and

WHEREAS, the City of New Brighton is committed to sustainability efforts throughout the City including the reduction of greenhouse gases and noise pollution; and


WHEREAS, on June 1, 2021, the Minnesota Pollution Control Agency notified the City of New Brighton that they were being awarded \$1,455 to purchase alternative landscaping equipment that will run on battery power;

NOW, THEREFORE BE IT RESOLVED, that the City of New Brighton City Council hereby accepts the Alternative Landscaping Grant totaling \$1,455.

ADOPTED this 13th day of July, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Karl Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-055

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

RESOLUTION CERTIFYING DELINQUENT UTILITY ACCOUNTS AND PAST DUE MISCELLANEOUS RECEIVABLES INVOICES
TO BE PAYABLE WITH 2022 PROPERTY TAXES

WHEREAS, the City certifies delinquent utility bills and past due miscellaneous receivable invoices for collection with the property taxes each year; and

WHEREAS, certification is authorized by the City Code for delinquent utility charges unpaid that exceed \$100 and are past due by ninety (90) days; and

WHEREAS, certification is authorized by the City Code for miscellaneous receivable charges unpaid when due; and

WHEREAS, the affected customers have been advised as to the certification providing them an opportunity to make full payment prior to this certification

NOW THEREFORE, BE IT RESOLVED that:

1. The certifications shall be shown in Attachment A and Attachment B.
2. The certified amounts shall be collected in full with the 2022 property taxes.

ADOPTED this 13th day of July 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

Delinquent Tax List
Wednesday, July 7, 2021

Attachment A

<u>Parcel Number</u>	<u>Invoice Number</u>	<u>Coding</u>	<u>Total Amount</u>
303023130036	20-0001747	Forest	\$ 711.25
303023420082	20-0001758	Forest	\$ 651.98
303023140039	20-0001759	Forest	\$ 711.25
333023230078	20-0001737	Forest	\$ 577.25
323023430007	20-0001736	Forest	\$ 414.90
-----> Grand Total			<u>\$ 3,066.63</u>

Delinquent Tax List
Wednesday, July 7, 2021

Attachment B

<u>Account Number</u>	<u>Parcel Number</u>	<u>Delinquent Amount</u>
205310	293023310011	\$296.47
205385	293023310014	\$276.76
103366	323023310041	\$340.53
205922	203023440015	\$109.86
206011	203023430018	\$770.44
206839	293023240063	\$225.38
103424	293023330084	\$760.12
207548	293023210039	\$106.01
222323	203023310031	\$255.07
207795	193023430002	\$265.48
104224	323023220026	\$697.39
104299	323023220106	\$123.49
300715	193023240054	\$212.02
208926	193023310011	\$111.17
301358	203023230049	\$510.35
104984	293023330067	\$730.65
105163	293023330077	\$571.27
105544	313023140049	\$553.80
105593	313023140044	\$530.09
302208	193023220069	\$215.33
302562	193023210080	\$212.02
104976	303023440012	\$817.45
209270	303023140011	\$276.20
303263	193023110016	\$106.01
303693	183023110101	\$212.02
105833	313023110063	\$340.14
305599	183023330051	\$212.02
106260	313023110081	\$530.89
100131	333023230090	\$319.54
100339	333023230108	\$107.52
114264	293023430020	\$1,019.75
100438	333023220037	\$281.81
306563	193023130007	\$339.93
306761	193023120004	\$451.63
307421	183023310034	\$451.42
209742	303023120007	\$513.49
106492	303023430054	\$128.36
210252	193023340011	\$212.02
210310	193023310005	\$292.79
308551	183023310052	\$281.62
309039	183023310044	\$414.68
309203	183023310020	\$153.78
200428	293023140020	\$232.90

100743	333023220027	\$319.54
100776	333023220048	\$107.52
100867	333023230057	\$610.80
101139	333023230078	\$319.54
114017	293023440037	\$568.68
101394	293023340092	\$319.54
101410	293023340031	\$352.24
106583	303023330070	\$337.54
106757	303023330056	\$107.52
220400	293023140091	\$248.72
201269	293023340019	\$419.33
201939	293023140145	\$215.03
202176	293023140130	\$358.39
202473	303023410011	\$545.87
202531	303023130066	\$301.78
202697	303023420011	\$212.02
102574	323023310035	\$218.93
102616	323023310046	\$187.46
202887	293023130037	\$120.81
202911	293023120067	\$212.02
202994	293023120078	\$161.04
203091	293023140100	\$339.52
203125	293023140086	\$562.06
102624	323023340001	\$995.52
102749	323023340029	\$107.52
102814	323023310055	\$213.53
203471	293023120043	\$106.01
203489	293023120018	\$253.60
203612	293023220005	\$1,196.28
203638	293023220006	\$1,512.69
203661	293023230017	\$212.02
102897	323023330075	\$638.47
204149	293023120048	\$229.24
204180	293023210082	\$106.01
204339	293023210004	\$148.71
204354	293023210122	\$204.92
203323	293023120036	\$163.89
204651	293023240105	\$255.75
204743	293023240025	\$364.24
204768	293023240024	\$212.02
205096	293023210107	\$219.95
103085	323023310018	\$455.36
205195	303023110054	\$241.22
321448	173023230070	\$358.71
107375	303023410098	\$933.18
309435	183023110072	\$380.00
309476	183023110074	\$449.60

309484	183023110061	\$357.59
309567	183023120071	\$160.16
309690	183023120076	\$453.66
223628	203023420058	\$156.11
107623	333023230121	\$125.04
107912	323023440007	\$423.99
109116	303023340010	\$319.54
108894	313023120140	\$730.41
113746	323023430007	\$5,506.95
309849	183023120022	\$363.53
211144	303023240027	\$212.02
211334	303023110020	\$503.90
211482	303023130056	\$256.90
212027	303023230001	\$403.53
109157	323023310012	\$319.54
310730	173023230034	\$212.02
114462	293023340098	\$107.52
109371	303023440077	\$122.54
110213	323023320057	\$683.41
212704	303023140057	\$212.02
213496	193023310050	\$212.02
213561	193023310043	\$358.39
311175	173023320014	\$224.44
311266	173023320009	\$212.02
311332	173023320024	\$212.02
311514	183023240016	\$442.00
311910	193023110100	\$410.05
312082	203023220010	\$238.53
312157	183023440076	\$212.52
312173	183023440075	\$291.15
312884	183023140049	\$262.68
312959	183023140037	\$212.02
313072	183023140043	\$212.02
313148	183023120077	\$236.38
313320	183023120045	\$218.98
313932	183023310010	\$328.59
313999	183023310092	\$367.54
314146	183023320005	\$222.46
314237	183023320014	\$301.04
110668	333023220004	\$387.48
111245	313023140036	\$372.80
111286	313023140040	\$544.19
219428	293023420009	\$1,415.10
113803	323023210001	\$873.27
109751	323023310015	\$571.52
300194	203023220031	\$293.04
215160	193023410021	\$393.66

215301	193023440012	\$261.95
315614	173023230007	\$184.17
216077	303023240018	\$250.75
216192	303023210012	\$357.61
316307	183023330025	\$568.01
111492	323023320038	\$540.74
111567	323023320035	\$119.08
216366	193023430008	\$324.81
316869	183023120014	\$124.49
317115	173023230016	\$400.40
224511	203023420050	\$660.64
317610	183023330022	\$447.04
216952	303023240074	\$401.44
217000	303023130086	\$327.06
317743	193023210001	\$587.88
320598	183023420067	\$872.52
317800	183023420041	\$120.29
112292	313023140015	\$333.46
318014	183023220007	\$352.20
318089	193023230012	\$106.01
318139	183023330045	\$212.02
318337	183023230019	\$259.40
318519	183023120008	\$298.30
318535	183023120006	\$212.02
318568	183023120003	\$180.49
318915	183023130020	\$317.00
318980	183023130025	\$136.78
218396	303023220047	\$344.85
218453	303023220044	\$212.02
218883	303023220007	\$479.20
319111	193023220043	\$212.02
221325	303023340041	\$226.97

\$

64,761.92

RESOLUTION NO. 2021-054

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

A RESOLUTION ACCEPTING GRANT TOTALLING \$1,455 FROM THE
MINNESOTA POLLUTION CONTROL AGENCY (MPCA)

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City of New Brighton is located within the State of Minnesota and is eligible to receive grant funding from the Minnesota Pollution Control Agency; and

WHEREAS, the Minnesota Pollution Control Agency offers grants to replace 2-cycle gasoline-powered landscaping and snow-removal equipment with electric-powered equipment; and

WHEREAS, the City of New Brighton owns and operates the Brightwood Hills Golf Course which requires the use of landscaping equipment; and

WHEREAS, the City of New Brighton is committed to sustainability efforts throughout the City including the reduction of greenhouse gases and noise pollution; and

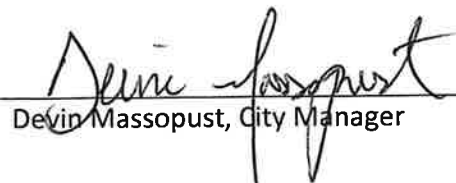
WHEREAS, on June 1, 2021, the Minnesota Pollution Control Agency notified the City of New Brighton that they were being awarded \$1,455 to purchase alternative landscaping equipment that will run on battery power;

NOW, THEREFORE BE IT RESOLVED, that the City of New Brighton City Council hereby accepts the Alternative Landscaping Grant totaling \$1,455.

ADOPTED this 13th day of July, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

RESOLUTION No. 2021-053

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

A RESOLUTION TO DEDICATE PROOF OF LOCAL MATCH FUNDING FOR
MINNESOTA SHADE TREE GRANT

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, whereas, on June 1, 2021, the City of New Brighton was notified that the Minnesota Department of Natural Resources had awarded the City of New Brighton \$100,000 of grant funds through the Minnesota Shade Tree program for the removal and replacement of ash trees; and

WHEREAS, the City of New Brighton is a Tree City USA and is committed to the health and management of its urban forest; and

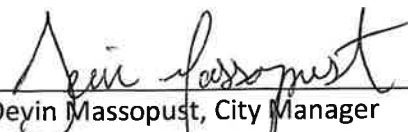
WHEREAS, said grant requires the City to fully fund the project and match the grant funds dollar for dollar; and

WHEREAS, the Minnesota Management and Business office is requiring the City to provide a resolution formally dedicating proof of funding for the City's matching funds.

NOW, THEREFORE BE IT RESOLVED, that the City of New Brighton does hereby dedicate up to \$107,174.92 in cash and in kind contributions from the City's Parks and Recreation Forestry budget towards the removal, replacement and management of ash trees in the City of New Brighton over the next three years.

ADOPTED this 13th day of July, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays


Karl Niedfeldt-Thomas, Mayor


Deyin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

Mayor Kari Niedfeldt-Thomas's Minnesota Statutes Section 13.021 Statement and Determination Regarding Conducting Meetings by Telephone or Other Electronic Means

As the Mayor of the City of New Brighton, Minnesota, I find as follows:

- a. On March 24, 2020, former Mayor Valerie Johnson determined, and on January 12, 2021 I also determined that it was appropriate to allow remote public meetings in the City under Minnesota Statutes Section 13D.021 because holding meetings in-person was not prudent or practical, and it was not feasible to have the entire City Council, City staff, and the public at the City's regular meeting location due to the ongoing state and local emergency declarations related to the COVID-19 pandemic;
- b. To return to in-person meetings, the Mayor must make a new determination that meetings will no longer be conducted under Minnesota Statutes Section 13D.021;
- c. On May 6, 2021, Governor Tim Walz issued Executive Order 21-21: Safely Sunsetting COVID-19 Public Health Restrictions ("EO 21-21"), establishing an anticipated timeline for sunsetting emergency COVID-19 restrictions, including the expiration of the provision strongly encouraging public meeting to be held remotely on May 28, 2021, and on May 14, 2021, Governor Walz issued Executive Order 21-23 immediately terminating most mask-wearing requirements;
- d. Under EO 21-21, almost all emergency restrictions will end by July 1 or when 70 percent of Minnesotans ages 16 or older have received one dose of a COVID-19 vaccine;
- e. With the State of Minnesota sunsetting its emergency regulations, the City has begun the process of returning to normalcy, but will continue to allow remote participation in public meetings to accommodate the provisions of Executive Order 20-55, encouraging "at-risk" individuals to stay home, which is set to expire or be rescinded on July 1 or when Minnesota reaches vaccination goals; and
- f. The City may continue to allow members of the public and members of the City Council, and all of its boards, committees, subcommittees, and commissions, to participate remotely during in-person public meetings as permitted by law (Minnesota Statutes 13D.02 (meetings conducted by interactive technology)).

Based on the above findings, I determine as follows:

1. Former Mayor Johnson's Statement and Determination Regarding Conducting Meetings by Telephone or Other Electronic Means dated March 24, 2020 and my Statement and Determination Regarding Conducting Meetings by Telephone or Other Electronic Means are hereby rescinded as of June 22, 2021 at 11:59 p.m.
2. As of June 23, 2021 all meetings of the City Council and its boards, committees, subcommittees, and commissions shall be conducted in-person, allowing for remote participation as permitted by law, including under Minnesota Statutes Section 13D.02.

Dated this 22nd day of June, 2021.

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

Kari Niedfeldt-Thomas
Mayor, City of New Brighton

RESOLUTION No. 2021-052

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**RESOLUTION PROVIDING FOR THE COMPETITIVE NEGOTIATED SALE OF \$9,875,000
GENERAL OBLIGATION TAX ABATEMENT BONDS, SERIES 2021A AND CALLING A
PUBLIC HEARING ON TAX ABATEMENT AND ISSUANCE OF ABATEMENT BONDS**

BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota, as follows:

1. Background.

(a) The City of New Brighton, Minnesota (the "City") is authorized by Minnesota Statutes, Sections 469.1812 through 469.1815 (the "Abatement Act") to grant an abatement of all or a part of the taxes levied by the City on real property within its boundaries (the "Abatement") and to issue general obligation bonds to finance public improvements (the "Abatement Bonds").

(b) Pursuant to the Abatement Act, before approving a property tax abatement, the City Council is required to hold a public hearing regarding the Abatement.

(c) The City proposes to issue Abatement Bonds to finance various public improvements, including various park improvements as outlined in the City's 2021-2026 Capital Improvement Plan.

2. Finding; Amount and Purpose. It is hereby found, determined and declared that the City, should issue \$9,875,000 General Obligation Tax Abatement Bonds, Series 2021A, to finance various park improvements as outlined in the City's 2021-2026 Capital Improvement Plan.

3. Meeting. This City Council shall meet on the date and at the time and place specified in the form of Terms of Proposal attached hereto as **Exhibit A** for the purpose of awarding the sale of the Bonds.

4. Competitive Negotiated Sale. The City has retained Baker Tilly Municipal Advisors, LLC ("Baker Tilly MA") as an independent financial advisor, and the City Council hereby determines to sell the Bonds by private negotiation, by way of a competitive sale in response to Terms of Proposal for the Bonds which are not published in any newspaper or journal.

5. Terms of Proposal. The terms and conditions of the Bonds and the sale thereof are fully set forth in the "Terms of Proposal" attached hereto as **Exhibit A** and hereby made a part hereof.

6. Official Statement. The City Manager and other officers or employees of the City are hereby authorized to participate with Baker Tilly MA in the preparation of an official statement for the Bonds.

7. Hearing Scheduled.

(a) The City Council will hold a public hearing regarding the approval of the Abatement on Tuesday, July 13, 2021 at approximately 6:30 p.m. at City Hall. The City Clerk is authorized and directed to publish a notice in substantially the form attached as **Exhibit B**, to be

published in the official newspaper of the City more than 10 days but no more than 30 days before the date of the hearing.

(b) City staff and consultants are authorized to take all other actions needed to bring the Abatement and issuance of the Abatement Bonds before the City Council.

ADOPTED this 22nd day of June by the New Brighton City Council with a vote of 3 ayes and 0 nays. (Allen, Axberg absent)


Kari Niedfeldt-Thomas, Mayor

ATTEST:


Devin Massopust, City Manager


Terri Spangrud, City Clerk

RESOLUTION 2021-051
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
AMENDMENT ADDING TRUCKING TERMINAL AS A USE ON THE PROPERTY AT 201
5TH AVENUE SW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, NBMN TT, LLC, has purchased the property at 201 5th Avenue SW legally described as:

That part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota, lying Easterly of the Minnesota Transfer Railway's 100 foot right-of-way, lying Westerly of the Interstate Highway No. 35W right-of-way, and lying North and West of the following described line:

Commencing at the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 89 degrees 58 minutes 15 seconds West along the North line of said Southeast Quarter of the Northeast Quarter, a distance of 500.93 feet to the West right-of-way line of said Interstate Highway No. 35W; thence South 00 degrees 41 minutes 08 seconds West along said West right-of-way line 393.08 feet to the point of beginning of the line to be described; thence South 67 degrees 05 minutes 26 seconds West 243.59 feet to the East right-of-way line of said Minnesota Belt Line Railway and said line there terminating.

(Abstract Property)

WHEREAS, NBMN TT, LLC (the "Applicants") made application to the City on 5/20/21 for a Special Use Permit (SUP) Amendment to add Trucking Terminal as a use on the property at 201 5th Avenue SW; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on June 15, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the June 15, 2021, meeting and considered input from residents; and recommended approval of the request based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on June 22, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested preliminary plat based on the following findings of fact:

1. The subject property is guided for Low Density Residential use by the 2040 Comprehensive Plan, and R-1 zoning standards are consistent with this land use classification;
2. The subject land is zoned R-1 on the City's zoning map, and all proposed lots are conforming to the minimum standards of the R-1 zoning district;
3. All required easements will be dedicated as part of the future final plat application;
4. All proposed lots will have adequate access to the local roadway system;
5. All proposed lots can be adequately served by existing municipal services, and the lots as a whole do not pose any public safety concerns
6. There are no identified areas within the subdivision that are subject to periodic flooding, nor are there any concerns about future storm water drainage capabilities of the site.
7. Identified impacts of the proposed development can be addressed via conditions.

BE IT FURTHER RESOLVED, that approval of the preliminary plat shall be subject to the following conditions:

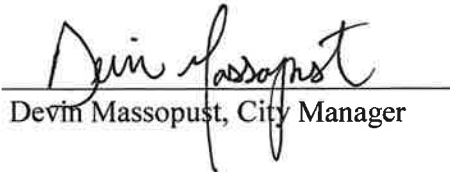
1. Engineering comments in the 6/7/21 Engineering Memo shall be addressed.
2. Future access to Lots 2, 3, and 4 shall come off of Inca Lane and not off 7th St NW.
3. Curb cut permits shall be obtained for each building site if a dropdown curb is required.
4. All drainage and utility easements (or others), as required by the City Engineer, shall be provided on the future final plat application.
5. Existing water services that are shown for re-use (Lots 1 and 4) must be determined to be operable before they can be used. One or both shall be replaced at the developer's expense if deemed necessary by DCAD.
6. An existing senior deferred assessment for a previously installed water stub (\$993.90) shall be paid prior to acceptance of a final plat application.
7. A NPDES permit and project SWPPP will be required.
8. Tracking of dirt into the street shall be monitored and addressed in a timely manner, or the developer must agree to paying for street sweeping services when directed to do so by the City.
9. All new utilities (i.e. telephone, electric, gas service lines, etc) shall be placed underground in accordance with the provisions of all applicable City ordinances.

10. Lighting on any of the proposed lots shall be directed downward, and installed so as to prevent direct light from being detectable at the lot line of the site on which the source is located.
11. Lighting shall not shine directly into the public right-of-way or onto any adjacent residential lot.
12. Details on street lighting, if determined to be needed at this intersection, shall be worked out with the City Engineer prior to final plan approval.
13. Reference monuments shall be placed in the subdivision as required by state law.
14. As part of the Final Plat Approval, a Development Agreement shall be negotiated which mandates that building proposals on Lots 2, 3, and 4 shall demonstrate sensitivity to preserving existing tree cover in as much as possible. Building permits for all lots shall be subject to required updates including but not limited to grading plan adjustments to preserve trees, required tree protection fencing, agreements to replace threatened trees, etc.
15. Any trees removed should be done at the appropriate time of year to avoid the potential spread of disease for the species in question.
16. All construction times and activities shall comply with New Brighton City Code especially relating to parking and hours of work.
17. All necessary permits must be provided to the City (RCWD, NPDES, MDH, etc. as may be applicable).
18. Park dedication in the amount of \$5,475 in lieu of a land dedication shall be paid in full prior to the final plat being signed by the City.
19. Additional soil tests, if deemed necessary by DCAD, shall be submitted to the City prior to a future final plat approval.

ADOPTED this 22nd day of June, 2021 by the New Brighton City Council with a vote of 3 ayes and 0 nays. (Allen, Axberg absent)



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____
_____ <authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

RESOLUTION NO. 2021-050

**STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

**RESOLUTION TERMINATING THE LOCAL STATE OF LOCAL EMERGENCY
ENACTED IN RESPONSE TO COVID-19**

BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota as follows:

WHEREAS, on March 24, 2020, former Mayor Valerie Johnson declared a local emergency in response to the COVID-19 pandemic, which was extended by the City Council through Resolution No. 2020-030 “until further action of the City Council”; and

WHEREAS, on January 12, 2021, Mayor Kari Niedfeldt-Thomas and the City Council reaffirmed the local emergency originally declared and extended on March 24, 2020 through Resolution No. 2021-009; and

WHEREAS, the number of cases of COVID-19 have substantially decreased over the past month, which caused the Centers for Disease Control and Prevention (“CDC”) and the State of Minnesota on May 13, 2021 and May 14, 2021, respectively, to issue guidance that face masks are no longer necessary for fully-vaccinated individuals, and the State of Minnesota has rescinded almost all capacity restrictions in public places, although the statewide emergency declared by the Governor remains in place in order to wind down certain emergency measures; and

WHEREAS, the City Council finds and determines as follows:

- a. The declaration of a local emergency allows the City to implement local emergency operations plans and to access certain emergency powers to meet, enter into contracts, and raise funds without having to follow typical procedures to allow it to rapidly respond to the emergency;
- b. The initial uncertainties associated with the COVID-19 pandemic, the potential need for a local emergency response, and the possibility that a local declaration would be required in order for the City to be eligible for federal or state relief funds made the declaration of a local emergency by the City appropriate;
- c. Given that the local emergency related to the pandemic has extended for more than one year, the need for a rapid response using emergency powers is no longer necessary and the City has learned how to continue its work without having to rely on emergency plans or the exercise of emergency powers;
- d. The City will remain bound by the statewide emergency and the Governor’s emergency orders regardless of whether a local emergency remains in place;

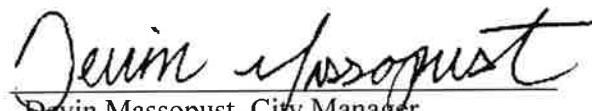
- e. While the COVID-19 pandemic remains a public health risk, the increased availability of vaccines and the number of vaccinated individuals has caused the number and severity of cases to continue to drop; and
- f. It is no longer necessary to continue the local emergency because the City can and will continue to respond to the COVID-19 pandemic without having to rely on local emergency operations plans or emergency powers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota:

1. The local emergency declared by Former Mayor Johnson and extended by City Council Resolution No. 2020-030 on March 24, 2020, that was reaffirmed by Mayor Niedfeldt-Thomas and the City Council by Resolution No. 2021-009 on January 12, 2021 is terminated, effective immediately.
2. Resolution No. 2020-030 and Resolution No. 2021-009 are hereby repealed.
3. The City shall continue its work to resume normal operations as soon as possible and in compliance with the State's diminishing COVID-19 restrictions.
4. This Resolution will be given prompt and general publicity and filed in accordance with Minnesota Statutes Section 12.29.

ADOPTED this 22nd day of June 2021, by the New Brighton City Council with a vote of 3 ayes and 0 nays (Allen, Axberg absent).


Kevin Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:

Terri Spangrud, City Clerk



RESOLUTION 2021-049
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A PRELIMINARY PLAT
FOR AMBERG 1ST ADDITION

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Ibiza, LLC, has purchased the property at 2221 7th Street NW legally described as:

The easterly 205.00 feet of the northerly 300 feet of the East Half of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 30, Township 30, Range 23, Ramsey County, Minnesota, EXCEPT the east 30.00 feet thereof.

and

That part of the Easterly 205.00 feet of the Northwest Quarter of the Northeast Quarter of Section 30, Township 30, Range 23, Ramsey County, Minnesota, lying south of Cemetery Road, according to the Government Survey thereof.

WHEREAS, Ibiza, LLC (the "Applicants") made application to the City on 5/14/21 for a Preliminary Plat to subdivide the 1.22 acre site into four lots; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on June 15, 2021; and

WHEREAS, the Planning Commission considered the request at their June 15, 2021, meeting and recommended conditional approval of the request based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council held a public hearing on the request at their June 22, 2021, meeting to gain public input on the proposal; and

WHEREAS, the City Council considered all public feedback, the recommendations of the Planning Commission and Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested preliminary plat based on the following findings of fact:

1. The subject property is guided for Low Density Residential use by the 2040 Comprehensive Plan, and R-1 zoning standards are consistent with this land use classification;
2. The subject land is zoned R-1 on the City's zoning map, and all proposed lots are conforming to the minimum standards of the R-1 zoning district;
3. All required easements will be dedicated as part of the future final plat application;
4. All proposed lots will have adequate access to the local roadway system;
5. All proposed lots can be adequately served by existing municipal services, and the lots as a whole do not pose any public safety concerns
6. There are no identified areas within the subdivision that are subject to periodic flooding, nor are there any concerns about future storm water drainage capabilities of the site.
7. Identified impacts of the proposed development can be addressed via conditions.

BE IT FURTHER RESOLVED, that approval of the preliminary plat shall be subject to the following conditions:

1. Engineering comments in the 6/7/21 Engineering Memo shall be addressed.
2. Future access to Lots 2, 3, and 4 shall come off of Inca Lane and not off 7th St NW.
3. Curb cut permits shall be obtained for each building site if a dropdown curb is required.
4. All drainage and utility easements (or others), as required by the City Engineer, shall be provided on the future final plat application.
5. Existing water services that are shown for re-use (Lots 1 and 4) must be determined to be operable before they can be used. One or both shall be replaced at the developer's expense if deemed necessary by DCAD.
6. An existing senior deferred assessment for a previously installed water stub (\$993.90) shall be paid prior to acceptance of a final plat application.
7. A NPDES permit and project SWPPP will be required.
8. Tracking of dirt into the street shall be monitored and addressed in a timely manner, or the developer must agree to paying for street sweeping services when directed to do so by the City.
9. All new utilities (i.e. telephone, electric, gas service lines, etc) shall be placed underground in accordance with the provisions of all applicable City ordinances.

10. Lighting on any of the proposed lots shall be directed downward, and installed so as to prevent direct light from being detectable at the lot line of the site on which the source is located.
11. Lighting shall not shine directly into the public right-of-way or onto any adjacent residential lot.
12. Details on street lighting, if determined to be needed at this intersection, shall be worked out with the City Engineer prior to final plan approval.
13. Reference monuments shall be placed in the subdivision as required by state law.
14. As part of the Final Plat Approval, a Development Agreement shall be negotiated which mandates that building proposals on Lots 2, 3, and 4 shall demonstrate sensitivity to preserving existing tree cover in as much as possible. Building permits for all lots shall be subject to required updates including but not limited to grading plan adjustments to preserve trees, required tree protection fencing, agreements to replace threatened trees, etc.
15. Any trees removed should be done at the appropriate time of year to avoid the potential spread of disease for the species in question.
16. All construction times and activities shall comply with New Brighton City Code especially relating to parking and hours of work.
17. All necessary permits must be provided to the City (RCWD, NPDES, MDH, etc. as may be applicable).
18. Park dedication in the amount of \$5,475 in lieu of a land dedication shall be paid in full prior to the final plat being signed by the City.
19. Additional soil tests, if deemed necessary by DCAD, shall be submitted to the City prior to a future final plat approval.


ADOPTED this 22nd day of June, 2021 by the New Brighton City Council with a vote of 3 ayes and 0 nays (Allen, Axberg absent).



ATTEST:


Terri Spangrud, City Clerk


Kari Medfeldt-Thomas, Mayor


Devin Massopust, City Manager

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____
_____ <authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

**RESOLUTION NO. 2021-048
CITY OF NEW BRIGHTON
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**AUTHORIZING AN INTERFUND LOAN FOR ADVANCE OF INFRASTRUCTURE IMPROVEMENT
COSTS IN CONNECTION WITH A TAX INCREMENT FINANCING DISTRICT**

BE IT RESOLVED By the City Council of the City of New Brighton, Minnesota (the "City") as follows:

Section 1. Background.

1.01. The City established Tax Increment Financing District 34 (the "TIF District") pursuant to Minnesota Statutes, Sections 469.174 to 469.1794, as amended (the "TIF Act"), on April 23, 2019.

1.02. The City may incur certain costs related to the TIF District which may be financed on a temporary basis from available City funds.

1.03. Under Section 469.178, Subdivision 7 of the TIF Act, the City is authorized to advance or loan money from any fund from which such advances may be legally made in order to finance expenditures that are eligible to be paid with tax increments under the TIF Act.

1.04. The City has determined that it may pay for public infrastructure improvement costs associated the Old Highway 8 intersection improvements, including but not limited to, the reconstruction of Old Highway 8 and 8th Avenue Northwest by acquisition, removal, demolition and replacement of the existing bituminous pavement, the removal and replacement of designated sections of concrete curb and gutter, storm sewer improvements, sanitary sewer improvements, signal system, improved pedestrian facilities, LED light, and landscape improvements and related professional consultant and materials costs (the "Cost Advances") on a temporary basis from the City's general fund, municipal development fund or any other fund, as determined by the Assistant City Finance Director, from which such advances, from time to time, may be legally made (the "Fund") as an interfund loan pursuant to Minnesota Statutes, Section 469.178, Subd. 7.

1.05. The City hereby designates the Cost Advances as an interfund loan in accordance with the terms of this resolution and the TIF Act.

1.06. On November 17, 2018, City Council approved a Resolution Authorizing an Interfund Loan for Advance of Certain Costs in Connection with a Tax Increment Financing District

pursuant to Minnesota Statutes, Section 469.178, Subd. 7, and, with respect to the infrastructure project described herein, this resolution supplements but does not rescind the prior action.

Section 2. Repayment of Interfund Loan.

2.01. The City will reimburse itself for the Cost Advances including without limitation (i) administrative costs incurred prior to the establishment of the TIF District, subject to the limitations of the TIF Act, and (ii) certain costs incurred in connection with public infrastructure improvement costs associated the Old Highway 8 intersection improvements, including but not limited to, the reconstruction of Old Highway 8 and 8th Avenue Northwest by acquisition, removal, demolition and replacement of the existing bituminous pavement, the removal and replacement of designated sections of concrete curb and gutter, storm sewer improvements, sanitary sewer improvements, signal system, improved pedestrian facilities, LED light, and landscape improvements and related professional consultant and materials costs in an aggregate amount not to exceed the greater of TWO MILLION DOLLARS AND 00/100 (\$2,000,000) or the adopted and, if applicable, amended Tax Increment Financing Plan budget for the TIF District (the "Interfund Loan"), together with interest at the rate of 4% per annum (which is the greater of the rates specified under Sections 270C.40 or 549.09 in accordance with Minnesota Statutes, Section 469.178, Subdivision 7); provided, however, the Assistant City Finance Director is authorized to specify a lower rate.

2.02. Principal and interest ("Payments") on the Interfund Loan shall be paid semiannually on February 1 and August 1 (each a "Payment Date"), commencing on the first Payment Date on which the City has received Available Tax Increment (defined below), or on any other dates determined by the Assistant City Finance Director, through the date of last receipt of tax increment from the TIF District (the "Maturity Date").

2.03. Payments on the Interfund Loan will be made solely from the tax increment from the TIF District, excluding the parcels described in **Exhibit A**, received by the City from Ramsey County in the 6-month period before any Payment Date, net of the amount paid under any agreement with a private developer or otherwise pledged to the payment of any obligation (the "Available Tax Increment"). Payments shall be applied first to accrued interest, and then to unpaid principal, unless otherwise specified by the City Director of Finance. Interest accruing from the date of each Cost Advance will be compounded semiannually on February 1 and August 1 of each year and added to principal, unless otherwise specified by the Assistant City Finance Director. Payments on this Interfund Loan may be subordinated to any outstanding or future bonds, notes, or contracts secured in whole or in part with available tax increment and are on a parity with any other outstanding or future interfund loans secured in whole or in part with available tax increment.

2.04. The principal sum and all accrued interest payable under this resolution is pre-payable in whole or in part at any time by the City without premium or penalty.

2.05. This resolution is evidence of an internal borrowing by the City in accordance with Section 469.178, subdivision 7 of the TIF Act, and is a limited obligation payable solely from Available Tax Increment pledged to the payment hereof under this resolution. The Interfund Loan shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on the Interfund Loan or other costs incident hereto except out of Available Tax Increment. The City shall not have any obligation to pay any principal amount of the Interfund Loan or accrued interest thereon, which may remain unpaid after the termination or expiration of the TIF District.

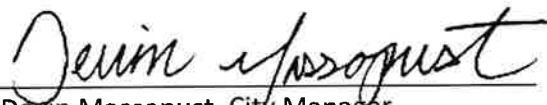
2.06. The City may at any time make a determination to forgive the outstanding principal amount and accrued interest on the Interfund Loan, in whole or in part, on any date from time to time, to the extent permissible under law.

2.07. The City may from time to time amend the terms of this Resolution to the extent permitted by law, including without limitation amendment to the payment schedule and the interest rate; provided that the interest rate may not be increased above the maximum specified in Section 469.178. subd. 7 of the TIF Act.

Section 3. Effective Date. This resolution is effective upon adoption.

Adopted this 22nd day of June, 2021, by the New Brighton City Council with a vote of 3 ayes and 0 nays (Allen, Axberg absent).


Karl Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



Exhibit A
Excluded Parcels

Lot 1, Block 1, MIDTOWN VILLAGE 3RD ADDITION, Ramsey County, Minnesota
and
Lot 1, Block 2, MIDTOWN VILLAGE 2ND ADDITION, Ramsey County, Minnesota

RESOLUTION NO. 2021-047

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**A RESOLUTION TO ACCEPT THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED
UNDER THE AMERICAN RESCUE PLAN ACT**

WHEREAS, since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the disease has infected over 32 million and killed over 575,000 Americans ("Pandemic"). The disease has impacted every part of life: as social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs;

WHEREAS, as a result of the Pandemic cities have been called on to respond to the needs of their communities through the prevention, treatment, and vaccination of COVID-19.

WHEREAS, city revenues, businesses and nonprofits in the city have faced economic impacts due to the Pandemic.

WHEREAS, Congress adopted the American Rescue Plan Act in March 2021 ("ARPA") which included \$65 billion in recovery funds for cities across the country.

WHEREAS, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.

WHEREAS, an estimated \$2.4 million will soon be allocated to the City of New Brighton ("City") pursuant to the ARPA ("Allocation").

WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds.

WHEREAS, the City, in response to the Pandemic, has had expenditures and anticipates future expenditures consistent with the Department of Treasury's ARPA guidance.

WHEREAS, the State of Minnesota will determine the City's final allocation and distribute ARPA funds to the City because its population is less than 50,000.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRIGHTON, MINNESOTA AS FOLLOWS:

1. The City intends to collect its share of ARPA funds from the State of Minnesota to use in a manner consistent with the Department of Treasury's guidance.
2. City staff are hereby authorized to take any actions necessary to receive the City's share of ARPA funds from the State of Minnesota for expenses incurred because of the Pandemic.
3. City staff are hereby authorized to make recommendations to the City Council for future expenditures that may be reimbursed with ARPA funds.

ADOPTED this 22nd day of June, 2021 by the New Brighton City Council with a vote of 3 ayes and 0 nays (Allen, Axberg absent).



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk


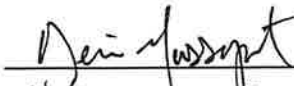


EXHIBIT D

MnDOT Agreement No. 1033695

LOCAL AGENCY RESOLUTION
RESOLUTION NO. 21-046
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

BE IT RESOLVED, that the CITY OF NEW BRIGHTON enter into an agreement with the MINNESOTA COMMERCIAL RAILWAY COMPANY and the Commissioner of Transportation for REPLACEMENT OF THE RAILROAD SIGNAL SYSTEM ON CSAH 12 (10th St NW), and appointing the Commissioner of Transportation agent for the CITY OF NEW BRIGHTON to supervise said project and administer available Federal Funds in accordance with Minnesota Statute, Section 161.36. The CITY OF NEW BRIGHTON's share of the cost shall be 10 % of the total signal cost.

BE IT FURTHER RESOLVED, that the  and 
(Kari Niedfeldt-Thomas, Mayor) (Devin Massopust, City Manager)

be and they are hereby authorized to execute said agreement and any amendments thereto for and on behalf of the CITY OF NEW BRIGHTON.

ADOPTED this 22nd day of June by the New Brighton City Council with a vote of 3 ayes and 0 nays.

(Allen, Axberg absent)

STATE OF MINNESOTA

CERTIFICATION

CITY OF NEW BRIGHTON

I hereby certify that the foregoing Resolution is a true and correct copy of a Resolution presented to and adopted by the CITY OF NEW BRIGHTON COUNCIL of the CITY OF NEW BRIGHTON at a duly authorized meeting thereof held in the CITY OF NEW BRIGHTON CITY HALL at 803 Old Hwy 8 NW, New Brighton, MN 55112 Minnesota, on the 22nd day of June, 2021, as disclosed by the records of said CITY OF NEW BRIGHTON COUNCIL in my possession.

By:


Terri SpangrudTitle: City Clerk

RESOLUTION NO. 2021-045

**A RESOLUTION WITHDRAWING FROM THE JOINT POWERS AGREEMENT
ESTABLISHING THE REGIONAL ALL-HAZARDS INCIDENT MANAGEMENT
ORGANIZATION AND APPROVING THE COOPERATIVE AGREEMENT FOR THE
MINNESOTA STATEWIDE ALL-HAZARDS INCIDENT MANAGEMENT
ORGANIZATION**

WHEREAS, the City of New Brighton is a signatory to and participant in the Joint Powers Agreement Establishing the Regional All-Hazards Incident Management Organization (the "JPA"); and

WHEREAS, participants in the JPA agreed to make available employees to be rostered for deployment and activated to respond to incidents inside and outside the State of Minnesota as requested by another local agency or unit of government; and

WHEREAS, the City of New Brighton and other participants in the JPA wish to re-structure the organization so that it is no longer a joint powers entity with a board of directors, but rather a cooperative association managed by an operating committee; and

WHEREAS, the Cooperative Agreement for the Minnesota Statewide All-Hazards Incident Management Organization was prepared to govern the re-structured organization and replace the JPA; and


WHEREAS, the JPA provides that a participant may only withdraw from the JPA by resolution of its governing body declaring its intent to withdraw effective no less than ninety (90) days from the date of the resolution.

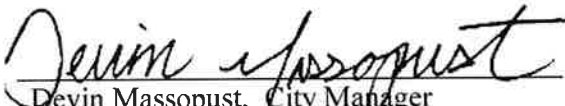
NOW THEREFORE BE IT RESOLVED by the New Brighton City Council as follows:

1. The City of New Brighton hereby declares its intent to withdraw and does withdraw from the Joint Powers Agreement Establishing the Regional All-Hazards Incident Management Organization effective ninety (90) days from the date of this Resolution, and hereby consents to termination of the JPA. A certified copy of this resolution shall be delivered to the Chair of the Board as provided in the JPA.
2. City of New Brighton participation in the Minnesota Statewide All-Hazards Incident Management Organization is hereby approved.
3. The Cooperative Agreement for the Minnesota Statewide All-Hazards Incident Management Organization is hereby approved and a signature page shall be executed by Mayor Kari-Niedfelt-Thomas and delivered to the Operating Committee as provided in the Cooperative Agreement.

Adopted this 8th day of June, 2021 by the New Brighton City Council with a vote of 4 ayes and 0 nays (Dunsworth absent).




Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-044

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**RESOLUTION APPROVING A SUMMARY PUBLICATION FOR
ORDINANCE No. 885 ESTABLISHING THE INCLUSION COMMISSION**

WHEREAS, the City Council of the City of New Brighton has adopted the above referenced ordinance establishing an Inclusion Commission; and

WHEREAS, Minnesota Statutes, section 412.191, subdivision 4 allows publication by title and summary in the case of lengthy ordinances or those containing maps or charts; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of Ordinance No. 885;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the following summary of Ordinance 885 shall be published in the official newspaper in lieu of the entire ordinance:

SUMMARY PUBLICATION

Ordinance No. 885


AN ORDINANCE ESTABLISHING THE INCLUSION COMMISSION

Ordinance No. 885 was adopted by the City Council of the City of New Brighton on May 25, 2021 establishing an Inclusion Commission to advise the City Council on issues and goals related to diversity, equity and inclusion. The full ordinance is available for review at New Brighton City Hall, 803 Old Highway 8 NW, New Brighton, Minnesota, 55112 during regular office hours or by contacting City Clerk Terri Haarstad at terri.spangrud@newbrightonmn.gov or 651-638-2045.

ADOPTED this 25th day of May, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



**RESOLUTION 2021-043
CITY COUNCIL
CITY OF NEW BRIGHTON**

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 884 BY TITLE AND SUMMARY**

WHEREAS, the city council of the City of New Brighton has adopted Ordinance No. 884, an ordinance rezoning property within the City and amending Chapter 16 of the New Brighton city code regarding manufactured homes and manufactured home communities; and

WHEREAS, the ordinance is lengthy and contains maps; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, that the City Clerk shall cause the following summary of Ordinance No. 884 be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of New Brighton has adopted Ordinance No. 884 which updates the City's zoning map and amends the City's regulations governing new and existing manufactured home communities. The Lakeside Manufactured Home Park is hereby rezoned from R-3B (High Density Residential) to MHC (Manufactured Home Community). The Oak Grove Manufactured Home Park is hereby rezoned from R-2 (Two Family Residential) to MHC. Both parks will now be governed by the same standards all manufactured home communities in the community have been regulated under for decades, and this change eliminates all inconsistencies with the prior underlying zoning classifications. Chapter 16 of the City Code is also updated to provide greater detail on the allowed number of units that can be created in new manufactured home parks, and on expansion areas of existing parks. The full ordinance text is available for inspection at City Hall during regular business hours, and will be emailed or sent to any party upon request.

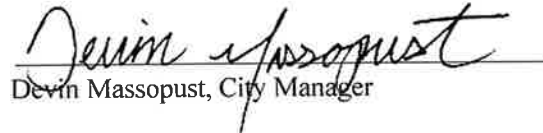
Mayor Kari Niedfeldt-Thomas

BE IT FURTHER RESOLVED by the City Council of the City of New Brighton that the City Clerk keep a copy of the ordinance at city hall for public inspection, and that a full copy of the ordinance be posted in a public place within the city.

ADOPTED this 25th day of May, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



Resolution No. 2021-042

State of Minnesota
County of Ramsey
City of New Brighton

RESOLUTION AWARDING THE BID FOR PROJECT 21-1, 2021 STREET REHABILITATION


WHEREAS, pursuant to advertisement in the *Pioneer Press and Finance and Commerce*, and online at <http://www.QuestCDN.com>, bids for the above mentioned improvement were received, opened, and read aloud by the City Administration at 1:00 p.m., May 18, 2021 complying with the advertisement; and


WHEREAS, the lowest bidder meeting bid specifications was found to be **GMH Asphalt Corporation** with a total bid of **\$1,450,170.40**.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton:

1. That the Mayor and City Manager are hereby authorized and directed to enter into a contract with GMH Asphalt Corporation in the name of the City of New Brighton for City Project 21-1, 2021 Street Rehabilitation Project.

Adopted this 25th day of May, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Medfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



RESOLUTION No. 2021-041
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION APPOINTING INDIVIDUAL TO MUNICIPAL ADVISORY COMMISSION

WHEREAS, Public Safety Commissioner Tanya Kessler submitted her resignation from the Public Safety Commission due to a relocation; and

WHEREAS, the City Council reviewed application materials and interviewed advisory commission applicant Dan Judd in March; and

WHEREAS, Dan Judd is willing and able to serve the remainder of Commissioner Kessler's term;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that Dan Judd be appointed to the Public Safety Commission effective immediately:

ADOPTED this 25th day of May, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.

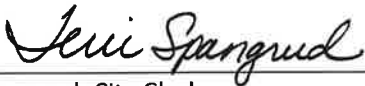


Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



RESOLUTION NO. 2021-040

**STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

**RESOLUTION CONSENTING TO THE ISSUANCE OF REVENUE BONDS BY THE
DULUTH ECONOMIC DEVELOPMENT AUTHORITY**

BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota, as follows:

Section 1. Definitions. The capitalized terms used in this resolution have the meanings assigned below:

2021 Bonds: means DEDA's revenue bonds, proposed to be issued in one or more series in an aggregate maximum principal amount of \$150,000,000.

Authorized Officers: means the Mayor, City Manager and City Clerk of the City.

Bond Counsel to DEDA: means Fryberger, Buchanan, Smith & Frederick, P.A.

Benedictine: means Benedictine Health System d/b/a Benedictine, as obligated group agent for the obligated group currently comprised of St. Gertrude's Health Center, City of Lakes Care Center, Steeple Pointe Senior Living Community and Benedictine Care Centers, and the sole corporate member of the Owner/Operator.

City: means the City of New Brighton, Minnesota.

City Council: means the governing body of the City.

DEDA: means the Duluth Economic Development Authority, Minnesota.

Host Municipalities: means the Cities of Ada, Byron, Crookston, Hastings, Minneapolis, New Brighton, Osseo, Owatonna, Red Wing, Rochester and Shakopee, Minnesota, DEDA and the Port Authority of Winona.

Owner/Operator: means Benedictine Care Centers, an affiliate of Benedictine.

Prior Bonds: means the City of Lauderdale, Minnesota Health Care Facilities Revenue Refunding Note (Benedictine Health System Obligated Group) Series 2016A.

Prior Bonds Issuer: means the City of Lauderdale, Minnesota.

Project: means the constructing, improving, renovating, furnishing and equipping of senior housing and health care facilities located at 1101 Black Oak Drive, New Brighton, Minnesota, by the Owner/Operator.

Section 2. General Recitals.

A. The Prior Bonds Issuer previously issued the Prior Bonds to finance or refinance, as applicable, the Project.

B. The Project is owned and operated by the Owner/Operator as a senior living facility.

C. Through its operation of the Project, the Owner/Operator provides health care and senior housing services available to residents within the jurisdiction of the City and in the surrounding area.


D. We have been informed by Bond Counsel to DEDA that Benedictine has requested that DEDA issue the 2021 Bonds to refund the Prior Bonds and other outstanding obligations incurred by affiliates of Benedictine with respect to facilities located in the jurisdictions of the Host Municipalities.

E. Bond Counsel to DEDA has informed the City that since the Project is located within its jurisdiction, Minnesota Statutes, Section 471.656, subdivision 2(2) requires the City Council to consent by resolution to the issuance by DEDA of any portion of bonds financing or refinancing the Project.

Section 3. Consent. The City consents to the issuance by DEDA of the 2021 Bonds to finance and/or refinance the Project.

Section 4. Authorization to Staff. The Authorized Officers and other officers of the City (individually or with one or more other officers of the City or their designees) are authorized and directed to (a) provide a certified copy of this resolution to DEDA or its representatives, along with all proceedings and records of the City relating to the subject matter of this resolution, and any other affidavits and certificates required by DEDA to show the facts relating to the City respecting the subject matter of this resolution, as the facts appear from the books and records in the City's custody and control or as otherwise known to them; and (b) in connection with the Project, the issuance of the 2021 Bonds and the refunding of the Prior Bonds, and on any future date in connection with the 2021 Bonds, take any other action, including holding hearings, or execute other documents, including approvals, consents and certificates, required or deemed appropriate on the request of DEDA or its agents for performance of the City in connection with the subject matter of this resolution.

ADOPTED this 11th day of May, 2021 by the New Brighton City Council with a vote of 4 ayes and 0 nays (Dunsworth absent).

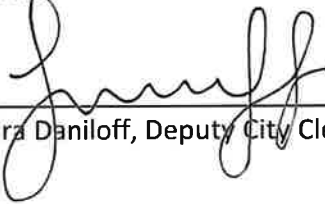


Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Sandra Daniloff, Deputy City Clerk



Resolution No. 2021-039

State of Minnesota
County of Ramsey
City of New Brighton

RESOLUTION AWARDING THE BID FOR PROJECT 20-6, OLD HIGHWAY 8 INTERSECTION IMPROVEMENTS

WHEREAS, pursuant to advertisement in the *Pioneer Press and Finance and Commerce*, and online at <http://www.QuestCDN.com>, bids for the above mentioned improvement were received, opened, and read aloud by the City Administration at 10:00 a.m., April 29, 2021 complying with the advertisement; and

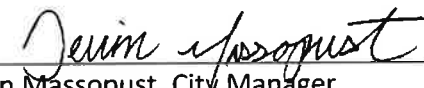
WHEREAS, the lowest bidder meeting bid specifications was found to be **Douglas-Kerr Underground LLC** with a total bid of **\$1,962,694.85**.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton:

1. That the Mayor and City Manager are hereby authorized and directed to enter into a contract with Douglas-Kerr Underground LLC in the name of the City of New Brighton for City Project 20-6, Old Highway 8 Intersection Improvements.

Adopted this 11th day of May, 2021, by the New Brighton City Council with a vote of 4 ayes and 0 nays (Dunsworth absent).


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



RESOLUTION NO. 2021-038

**CITY OF NEW BRIGHTON
COUNTY OF RAMSEY
STATE OF MINNESOTA**

**RESOLUTION APPROVING MEDIATED
SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS**

WHEREAS, Kevin Olson was previously employed by the City as a police officer with the Police Department; and

WHEREAS, Mr. Olson allegedly sustained injuries in the line of duty; and

WHEREAS, Mr. Olson was granted Police and Fire Plan duty disability benefits by the Public Employees Retirement Association (PERA), pursuant to Minn. Stat. § 353.656, Subd. 1; and

WHEREAS, Mr. Olson claims to be entitled to continuation of health insurance coverage under Minn. Stat. § 299A.465, as a result of his duty disability; and

WHEREAS, the parties participated in mediation on April 30, 2021 and reached a tentative settlement of Mr. Olson's claim under Minn. Stat. § 299A.465 subject to City Council approval; and

WHEREAS, the parties wish to resolve their differences without the cost, delay and uncertainty of litigating the matter; and

WHEREAS, the Settlement Agreement provides for the resolution of the dispute between the parties as well as a release of all claims for the future payment of any health insurance premiums by the City on behalf of Mr. Olson under Minn. Stat. § 299A.465.

NOW, THEREFORE, BE IT RESOLVED THAT the above-referenced recitals are incorporated herein to this Resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council hereby approves the Settlement Agreement in substantially the form as attached hereto as Exhibit A, the contents of which are incorporated herein by reference.

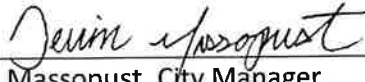
NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, the Mayor, the City Administrator and the City Attorney are hereby authorized and directed to take any and all additional steps and actions necessary or convenient to prepare the appropriate documents and/or agreements to facilitate the directives of the City Council as provided herein in order to accomplish the intent of this Resolution.

Adopted this 11th day of May, 2021 by the New Brighton City Council with a vote of 4 ayes and 0 nays (Dunsworth absent).



Kari Niedfeldt-Thomas, Mayor

ATTEST:



Devin Massopust, City Manager



Terri Spangrud, City Clerk



EXHIBIT A

**SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS
BETWEEN THE CITY OF NEW BRIGHTON AND KEVIN OLSON**

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release ("Agreement") is made and entered into by and between **Kevin Olson**, for himself or his heirs, successors and assigns (hereinafter "Employee"), and **City of New Brighton**, and all their related entities, affiliates and subsidiaries (hereinafter referred to as "Employer") (collectively, the "Parties"), as follows:

WHEREAS,

A. In a letter dated June 17, 2017, the Public Employees Retirement Association (PERA) notified Employer of its determination that Employee was granted PERA line of duty disability benefits and that the Employer was responsible for health insurance continuation pursuant to Minn. Stat. § 299A.465. In September of 2019, Mr. Olson commenced a civil action against the Employer in Ramsey County District Court (File No. 62-CV-20-4030) claiming a violation of Minn. Stat. § 299A.465 and seeking a judgment for all benefits due and owing. ("PERA Action").

B. The Parties desire to resolve fully and finally any and all claims and disputes by Employee against Employer, including, but not limited to, any claims related to Employee's employment or the separation of that employment with and from Employer.

C. Employer denies all allegations of illegal or otherwise actionable conduct.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties hereto agree as follows:

1. **Release.** Employee hereby releases and forever discharges Employer and all of its related entities, and their predecessors, successors, and past and present officers, directors, employees, agents, partners, attorneys, benefit plans, insurers, and representatives, (hereinafter "Releasees") from any and all claims of whatever nature, whether known or unknown, which exist or may exist on Employee's behalf against Releasees as of the date of this Agreement, including but not limited to any and all tort claims, contract claims, equitable claims, bonus claims, commission claims, stock or stock option claims, breach of fiduciary duty claims, stock claims, ERISA claims, wrongful termination claims, public policy claims, retaliation claims, statutory claims, personal injury claims, emotional distress claims, invasion of privacy claims, defamation claims, fraud claims, quantum meruit claims, claims for attorney fees, expenses, or costs, claims arising under the Labor Agreement between the Employer and Law Enforcement Labor Services, Inc., any claims of any obligation by the Employer under Minn. Stat. § 299A.465 to continue paying its share of health insurance premiums, and any and all claims arising under any federal, state or other governmental statute, law, regulation and/or ordinance covering discrimination or actions arising in and out of employment, including but not limited to, claims arising under Veteran's Preference Act, Minn. Stat. § 197.46, Title VII of the Civil Rights Act of 1964, as amended, the Civil Rights Act of 1991; and the Minnesota Human Rights Act; the Age Discrimination in Employment Act of 1967, as amended by the Older Workers' Benefit Protection Act of 1990, the Americans with Disabilities Act, the Family and Medical Leave Act, Minnesota

Public Employment Labor Relations Act, Minn. Stat. §§ 181.931-.935, and 42 U.S.C. §§ 1983 and 1985, provided that such claims are otherwise waivable by law.

2. **No Filing Of Claims.** Employee represents and warrants that Employee will not hereafter file, any claims, charges, grievances, actions, appeals or complaints against Releasees in or with any administrative, state, federal or governmental entity, agency, board or court, or before any other tribunal or arbitrator(s), public or private, based upon any actions occurring prior to the date of this Agreement. Employee understands that nothing in this Agreement shall be construed to prohibit Employee from filing a charge with, or participating in any investigation or proceeding conducted by, the Equal Employment Opportunity Commission and/or any federal, state or local agency. Notwithstanding the foregoing, Employee understands and agrees that Employee is releasing Employer from any and all claims by which Employee is giving up the opportunity to recover any compensation, damages, or any other form of individual relief in any proceeding brought by Employee or on Employee's behalf.

3. **Non-Admission of Liability.** Employer denies any wrongdoing whatsoever. The Parties acknowledge that Employer is entering into the settlement made pursuant to this Agreement solely for the purpose of compromising disputed claims and avoiding the time, expense and uncertainty of litigation. It is expressly understood and agreed that nothing contained in this Agreement shall constitute or be treated as an admission of any wrongdoing or liability on the part of Employer.

4. **Confidentiality & Non-disparagement.** The Parties agree that they will not hereafter without compulsion of legal process or as required by law, disclose to others, either directly, indirectly or by implication, the fact or terms of this settlement, except that Employee may disclose such information as is necessary to his immediate family, and the parties may disclose such information as necessary to their attorneys, accountants or other professional advisors to effect the purposes for which the parties have consulted such attorneys, accountants, or professional advisors, or where disclosure is required by law. If the parties are asked a question about the status of the dispute, the parties shall be authorized to state "the dispute has been resolved" or "no comment" and no more, without violating the provisions of this paragraph.

The parties also agree, without limitation in time, that they will not, directly or indirectly, individually or in concert with others, engage in any conduct or make statements, by any method, including in writing, orally, electronically, in the media, in the press, on the internet and/or on social media sites, that are considered derogatory or detrimental to the other party.

5. **Consideration.** In consideration for Employee's agreement to the release and the other conditions set forth in this Agreement, Employer will provide Employee with monetary consideration in the amount of Forty-two Thousand, Five Hundred Dollars and No Cents (\$42,500.00), provided that Employee complies with the terms of this Agreement and does not exercise Employee's right of rescission pursuant to Section 6. Employee understands and agrees that Employee is receiving from Employer good and sufficient consideration in addition to anything of value to which Employee is already entitled. Employer will make the payment

referenced in Section 5.A within twenty business days after Employer has received all of the following items, provided that Employee does not exercise Employee's right of rescission pursuant to Section 6: (1) an original of this Agreement appropriately signed and dated by Employee; and (2) W-9 tax forms completed and executed by Employee.

A. The payment referenced in the paragraph above shall be made as follows: Employer will issue one payment to "Kevin Olson" in the amount of \$42,500.00, less any applicable withholdings. The Parties understand that Employer will issue a W-2 or 1099 if required by governing law.

B. The payment referenced in the paragraph above shall also serve as consideration for Employer's dismissal of the PERA Action regarding insurance benefit continuation by the Employer. The parties agree that the dismissal of the PERA Action is conditioned on PERA's assent to the terms herein and Employee's acknowledgment that Employer has no further obligations regarding health insurance. The parties agree to take the appropriate steps to cause the dismissal of the PERA Action, and each shall bear their own respective costs associated with such proceedings. Employee agrees to dismiss the PERA Action described above and to waive any and all claims for continuation of healthcare benefits pursuant to Minn. Stat. 299A.465; however, nothing in this agreement shall impact Employee's entitlement to PERA duty disability, PERA regular disability, or PERA regular retirement benefits.

C. Employee agrees that the foregoing payment shall constitute the entire amount of monetary consideration provided to Employee under this Agreement, that Employee is not entitled to any further monetary consideration whatsoever from Employer, that Employee will assume payment of any attorneys' fees or costs that Employee has incurred, and that Employee will not seek any further compensation or consideration for any other claimed damages, costs, or attorneys' fees in connection with the matters encompassed in this Agreement, or any other events or circumstances that existed or occurred prior to Employee's execution of this Agreement. Employee agrees and acknowledges that all tax liability and reporting obligations for all payments made pursuant to this Agreement are made with the understanding that Employee shall be solely responsible for payment of any and all taxes due on the amounts payable under this Agreement, and Employee acknowledges and agrees that Employee will indemnify, defend, and hold Employer harmless from and against any and all costs, liability or penalties relating to such taxes. Neither Employee nor Employee's attorney will be eligible for or claim entitlement to any further payment, except as otherwise provided by this Agreement.

D. The Parties expressly acknowledge that the payment to Employee under Section 5.A fully satisfies Employer's obligations to Employee under Minn. Stat. Section 299A.465 and it represents a negotiated settlement equal to approximately thirty-one months of health insurance premiums that would have been paid by Employer under Minn. Stat. Section 299A.465. Employee does not object to and shall not contest Employer's rights to seek reimbursement of these amounts pursuant to Minn. Stat. Section 299A.465, subd. 4.

6. **Review and Rescission.** Pursuant to the Age Discrimination in Employment Act, Employee has had 21 days to consider this Agreement and to seek the advice of his attorney before signing it. Employee understands that if she signs this Agreement before the expiration of the 21-day period, that act constitutes a waiver of his right to consider the Agreement for 21 days. After Employee signs the Agreement, the following rescission/revocation periods will commence:

<u>Act</u>	<u>Revocation Period</u>
Age Discrimination in Employment Act, 29 U.S.C. § 626(f) (1) (G)	7 days
Minnesota Human Rights Act, Minn. Stat. § 363A.031, subd. 2	15 days

Once the Agreement is signed, Employee understands that she has the right to rescind or revoke the waivers and releases contained in this Agreement. To be effective, the rescission or revocation must be in writing and delivered to the Employer either by hand or mail within the 7-day period for the Age Discrimination in Employment Act, or within the 15-day period for the Minnesota Human Rights Act. If delivered by mail, the rescission or revocation must be: (1) postmarked within the applicable 7- or 15-day period; (2) properly addressed to the City; and (3) sent by certified mail return receipt requested to:

City of New Brighton
Attn: City Manager
803 Old Highway 8 NW
New Brighton, MN 55112

Employee has carefully read and fully understands all of the terms of this Agreement, and Employee knowingly and voluntarily entered into all of the terms set forth in this Agreement. Employee knowingly and voluntarily intends to be legally bound by all of the terms set forth in this Agreement. Employee relied solely and completely upon his own judgment or the advice of Employee's attorneys in entering into this Agreement. Employee is, through this Agreement, releasing Employer from any and all claims Employee may have against Employer relating to his employment and separation from employment. Employee therefore agrees and acknowledges: (1) that Employee's waiver of rights is knowing and voluntary; (2) that Employee has read and understands the terms of this Agreement and has voluntarily accepted these terms for the purpose of making a full and final compromise, settlement and adjustment of any and all claims, disputed or otherwise; and (3) that the payment and consideration Employee is receiving exceeds that which Employee would otherwise have been entitled to, and that the extra payment is in exchange for signing this Agreement. Employee acknowledges that Employee was advised to consider the terms of this Agreement and to consult with an attorney of his choice prior to signing this Agreement. Employee further acknowledges that Employee has consulted with an attorney prior to signing this Agreement.

8. **Ownership Of Claims.** The Parties represent and warrant that they are the sole and lawful owner of all rights, title and interest in and to all released matters, claims and demands referred to herein. The Parties further represent and warrant that there has been no assignment or other transfer of any interest in any such matters, claims or demands that the Parties may have against one another.

9. **Applicable Law.** This Agreement, in all respects, shall be interpreted, enforced and governed by and under the laws of the State of Minnesota.

10. **No Interference with Rights.** Nothing in this Agreement is intended to waive Employee's claims (i) for PERA duty disability, PERA regular disability, or PERA retirement benefits, (ii) for unemployment or workers' compensation benefits, (iii) for vested rights under ERISA-covered employee benefit plans as applicable on the date Employee signs this Agreement, (iv) that may arise after Employee signs this Agreement, (v) for reimbursement of expenses under the Employer's expense reimbursement policies, (vi) for a UIM claim against Employer and the League of Minnesota Cities, or (vii) which cannot be released by private agreement. In addition, nothing in this Agreement including but not limited to the acknowledgments, release of claims, proprietary information, and confidentiality provisions, prevents Employee from communicating with, filing a charge or complaint with, or from participating in an investigation or proceeding conducted by the Equal Employment Opportunity Commission, or any other any federal, state or local agency charged with the enforcement of any laws.

11. **Successors and Assigns.** It is expressly understood and agreed by the Parties that this Agreement and all of its terms shall be binding upon each Parties' representatives, heirs, executors, administrators, successors and assigns.

12. **Drafting.** The Parties agree that this Agreement shall be construed without regard to the drafter of the same and shall be construed as though each party to this Agreement participated equally in the preparation and drafting of this Agreement.

13. **Execution of Additional Documents.** The Parties agree to execute such other, further, and different documents as reasonably may be required to effectuate this Agreement including but not limited to a stipulation for dismissal of the PERA Action.

14. **Headings.** The headings in each paragraph herein are for convenience of reference only and shall be of no legal effect in the interpretation of the terms hereof.

15. **Integration.** This Agreement constitutes a single, integrated, written contract, expressing the entire agreement between the Parties. It supersedes all prior agreements between the Parties. The Parties represent and warrant that they are not relying on any promises or representations that do not appear written herein. The Parties further understand and agree that this Agreement can be amended or modified only by a written agreement, signed by all of the Parties hereto.

16. **Severability.** If any provision in this Agreement is found to be unenforceable, it

shall not affect the enforceability of the remaining provisions and the court shall enforce the remaining provisions to the extent permitted by law.

17. **Counterparts.** This Agreement may be executed in separate counterparts and each such counterpart shall be deemed an original with the same effect as if all Parties had signed the same document.

18. **Voluntary Agreement.** Employee understands and agrees that Employee may be waiving significant legal rights by signing this Agreement, and represents that Employee has entered into this Agreement voluntarily, after consulting with his attorneys, with a full understanding of and in agreement with all of its terms.

19. **Authority To Enter Into Agreement.** Each party represents and warrants that, as of the date of the execution of this Agreement, Employee or it has the right and authority to execute this Agreement, and Employee or it has not sold, assigned, transferred, conveyed, or otherwise disposed of any claims or demands relating to any right surrendered by virtue of this Agreement. Each party further represents and warrants that Employee or it has had the opportunity to consult and has consulted legal counsel in connection with the negotiation and execution of this Agreement. Each of the Parties and his or its signatory represents that the signatory is either a party or a business representative or assignee of, and is fully authorized to execute this Agreement on behalf of, the party for whom Employee signs.

20. **Facsimile Signature.** Facsimile signatures on this Agreement shall be treated as original signatures.

21. **Effective Date.** The effective date of this Agreement is the date it is signed by Employee.

IN WITNESS WHEREOF, the Parties hereto have executed this Settlement Agreement and Release on the dates indicated below.


PLEASE READ THIS SETTLEMENT AGREEMENT CAREFULLY. IT INCLUDES A RELEASE OF ALL KNOWN AND UNKNOWN CLAIMS.

DATED: _____

By: _____
Kevin Olson


City of New Brighton

DATED: May 11, 2021



Kari Niedfeldt-Thomas, Mayor

ATTEST:



Devin Massopust, City Manager

RESOLUTION No. 2021-037
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**RESOLUTION AUTHORIZING TRANSFER FROM THE GENERAL FUND TO THE COMMUNITY REINVESTMENT FUND AND
AMENDING THE 2021 GENERAL FUND BUDGET FOR THE TRANSFER**

WHEREAS, the City's Fund Balance Policy includes targeted and minimum balances for the General Fund, and

WHEREAS, the targeted balance for the year ending December 31, 2020, is \$7,060,750, and

WHEREAS, the minimum balance is 35% of the subsequent year's budgeted operating expenditures, or \$6,282,675, and

WHEREAS, as of December 31, 2020, the unassigned fund balance of the General Fund is \$9,116,262, and

WHEREAS, the unassigned fund balance is currently at 50.79% of the subsequent year's budgeted operating expenditures, and

WHEREAS, included in the Fund Balance Policy is a provision to retain an unassigned fund balance between 41% and 45% of the subsequent year's budgeted expenditures, and

WHEREAS, included in the Fund Balance Policy is a provision to utilize the amount in excess of the targeted balance in the subsequent year's budgets and/or by transferring to other funds, and

WHEREAS, as of December 31, 2020, the excess amount is \$2,055,512, and

WHEREAS, the City's long-term financial plans include replenishing reserves as opportunities arise, and

WHEREAS, the Community Reinvestment Funds reserves are committed for future community projects, improvements, new initiatives and to provide interfund loans and transfers to other funds.

NOW THEREFORE, BE IT RESOLVED the Interim Finance Director is authorized and directed to transfer \$1,397,500 from the General Fund to the Community Reinvestment Fund.

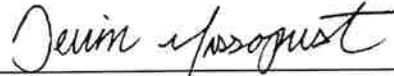
BE IT FURTHER RESOLVED the 2021 General Fund Budget be amended as follows:

Increase: Transfer Out to Community Reinvestment Fund \$1,397,500

ADOPTED this 11th day of May, 2020 by the New Brighton City Council with a vote of 4 ayes and 0 nays (Dunsworth absent).

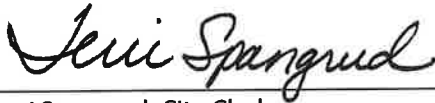


Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



City of New Brighton, MN
General Fund's 101 Targeted Fund Balance per Policy

Designated for Cashflows	
Subsequent Year's Budget:	2021
Property Taxes	10,602,400
<i>(Less Debt Service) includes only internal loans</i>	(501,400)
Police State aid	256,000
Fire state aid	133,200
Police Training Aid	30,000
MSA	11,200
	<u>10,531,400</u>
 x 50%	 <u><u>5,265,700</u></u>
 Designated for Contingencies	
Subsequent Year's Budgeted Operating Expenditures	18,451,900
<i>(Less Debt Service) Includes internal loans</i>	(501,400)
	<u>17,950,500</u>
 x 10%	 <u><u>1,795,050</u></u>
 Total Targeted Fund Balance	 <u><u>7,060,750</u></u>
 Unassigned Fund Balance as of 12/31/2020	 9,116,262
 Amount over Targeted Fund Balance	 <u><u>2,055,512</u></u>
 KPI Council Directive Minimum 41% - 45%	 50.79%
 Potential to Reallocate per Fund Balance Policy	 <u><u>1,397,500</u></u>
 % of next year's budget after the transfer	 43.00%
 Minimum Fund Balance:	 6,282,675
(35% of subsequent year's budget)	

**RESOLUTION 2021-036
CITY COUNCIL
CITY OF NEW BRIGHTON**

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 881 BY TITLE AND SUMMARY**

WHEREAS, the city council of the City of New Brighton has adopted Ordinance No. 881, an ordinance amending Chapter 16 of the New Brighton city code and Chapter 4 of the New Brighton Zoning Code regarding manufactured homes and manufactured home communities; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, that the City Clerk shall cause the following summary of Ordinance No. 881 be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of New Brighton has adopted Ordinance No. 881 which updates and amends the City's regulations governing new and existing manufactured home communities. Updates to Chapter 16 of the City Code will ensure that new manufactured home parks and expansions of existing parks meet specific standards after approval. Updates to Chapter 4 of the zoning code create a new zoning district, the Manufactured Home Community (MHC) District, to allow the City to work with manufactured home communities to achieve spacing and placement of homes in a manner that will conform to all Minnesota Department of Health guidelines for these types of communities. The area most fraught with historical zoning infractions (manufactured homes between 4th St NW and True Street) now has specialized standards which will allow the City, park owner, and residents to find workable solutions to long standing problems outside of the variance process. Tiny homes are also now an allowed unit type within manufactured home communities. The full ordinance text is available for inspection at City Hall during regular business hours, and will be emailed or sent to any party upon request.

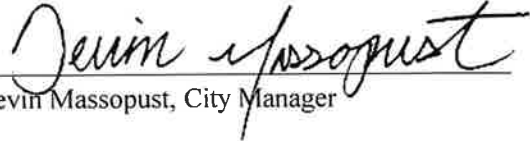
Mayor Kari Niedfeldt-Thomas

BE IT FURTHER RESOLVED by the City Council of the City of New Brighton that the City Clerk keep a copy of the ordinance at city hall for public inspection, and that a full copy of the ordinance be posted in a public place within the city.

Adopted this 27rd day of April, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



RESOLUTION 2021-035
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
AUTHORIZING OUTDOOR STORAGE OF LANDSCAPING MATERIALS AND EQUIPMENT
AT 125 & 175 OLD HIGHWAY 8 SW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Clearscape Holdings LLC, has a purchase agreement to own the properties located at 125 and 175 Old Highway 8 SW legally described as:

Parcel 1: That part of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota, lying North of the Southerly 316.25 feet thereof and lying Southerly and Westerly of a line described as beginning at a point in the West line of said Northwest Quarter of the Northeast Quarter, distant 538.75 feet North of the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence Southeasterly deflecting 72 degrees, 05 minutes (measured from the South to the East) from said West line a distance of 258.28 feet; thence Southeasterly to a point in the North line of the South 316.25 feet of said Northwest Quarter of the Northeast Quarter distant 363.7 feet East of said West line, according to the United States Government survey.

Parcel 2: The Southerly 106.25 feet of the Westerly 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota.

Parcel 3: The North 210 feet of the South 316.25 feet of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota.

WHEREAS, Clearscape Holdings LLC (the “Applicants”) made application to the City on 1/29/21 for a Special Use Permit (SUP) to authorize outdoor storage for their business at 125 & 175 Old Highway 8 SW;

WHEREAS, Clearscape Holdings LLC is seeking authorization to store landscaping materials and business vehicles outdoors which requires a Special Use Permit;

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on February 16, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the February 16, 2021, meeting and considered input from residents; and recommended approval of the request based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on February 23, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council, and approved the requested SUP subject to conditions; and

WHEREAS, the applicant's submitted an application to amend the Special Use Permit on March 26, 2021, to add a retail component to the proposed facility; and

WHEREAS, staff fully reviewed the amendment request and prepared a report for consideration by the Planning Commission at their meeting on April 20, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the April 20, 2021, meeting and considered input from residents; and

WHEREAS, the Planning Commission recommended approval of the request on April 20, 2021, based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on April 27, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit amendment based on the following findings of fact:

1. The proposed outdoor storage will not be detrimental to the public health or general welfare provided all materials are stored per an approved plan and all conditions are met;
2. The proposed storage will not impact the use of surrounding properties, and will not impact surrounding property values provided all conditions are met;
3. The proposed storage will not have any impact on the normal and ordinary development of surrounding properties;
4. The subject site is adequately served by municipal utilities and infrastructure;
5. The proposed use can conform to all underlying zoning district requirements.

BE IT FURTHER RESOLVED, that approval of the special use permit amendment shall be subject to the following conditions:


1. All employee crews and 3rd party landscape contractor crews (wholesale customers) shall use the 1st St SW to 8th Ave SW entrance / exit route to separate business traffic from retail traffic. Retail customers with trailers shall be instructed to exit via 8th Ave SW. Direct ingress & egress via the driveway on to Old Highway 8 shall be used by customers only.
2. The applicant shall work with staff on ingress/egress requirements for staff and customers as part of and following any reconstruction/reconfiguration of the Old Highway 8 corridor
3. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
4. The applicants shall provide a narrative of spill control practices for equipment stored near creek, and come to an agreement with DCAD staff on final mitigation measures to contain and prevent materials from leaving the site and entering the creek/ditch as may be needed both now and in the future.
5. The applicant shall obtain all needed permits from the Rice Creek Watershed District (RCWD), and agree to address storm water concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage.
6. The applicants shall provide spot elevations and a grading/drainage plan for proposed employee parking lot for staff approval prior to the improvement being made. Drainage created by the proposed parking lot shall not adversely affect neighboring properties.
7. The applicants shall stripe the new employee parking lot and customer spaces per the approved plan upon completion of paving.
8. The applicants shall provide an updated survey to staff showing on-site utilities, and accommodate minor site changes if directed to do so by the City to protect these utility lines.
9. The applicants will provide the fire marshal with updated Material Safety Data (MDS) sheets as may be needed.
10. The applicants shall either make improvements to the site to eliminate tracking of dirt into the street, or shall pay for street sweeping services whenever directed to do so by the City.
11. Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.

12. If later determined necessary, the applicant shall make minor adjustments to the arrangement of parking spaces and/or storage if it is ultimately determined changes are needed to facilitate large vehicle turning movements or provide on-site safety.

ADOPTED this 27th day of April, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____
<authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public



RESOLUTION NO. 2021-034

**STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

**RESOLUTION AUTHORIZING THE WAIVER OF CERTAIN INTEREST WITH
RESPECT TO A LOAN ON THE GOLDEN POND PROPERTY**

WHEREAS, on January 14, 1988, the City of New Brighton (the "City") and Golden Pond, a Minnesota limited partnership ("Golden Pond") entered into a Contract for Private Development (the "Contract") whereby the City acquired property with existing housing structures on it that is legally described on the attached Exhibit A (the "Property"); and

WHEREAS, in the Contract, Golden Pond agreed to remove the existing housing structures on the Property and construct an approximately 91 rental unit, senior citizen, or mature adult apartment facility that had certain affordability requirements; and

WHEREAS, as part of the project, the City provided Golden Pond with a loan in the amount of \$125,000 that was secured by a note and mortgage on the Property (the "Loan"); and

WHEREAS, the Loan bore simple, noncompounded interest at a rate of eight percent per annum that started to accrue on July 1, 2002; and

WHEREAS, the principal of and interest on the Loan was to be payable upon any arms' length sale of the Property by Golden Pond or upon failure by Golden Pond to maintain the project in accordance with certain restrictions related to low and moderate income persons; and

WHEREAS, the Loan, note, and mortgage did not have a term or expiration date; and

WHEREAS, the Property has been maintained by Golden Pond in conformance with the affordability restrictions for over 30 years; and

WHEREAS, Property is being sold to Brighton Pond Apartments, LLC, who has agreed through entering into an Affordable Housing Agreement with the City to maintain a certain amount of affordable housing on the Property; and

WHEREAS, the \$125,000 plus the accrued interest on the Loan amounts to \$312,918 and

WHEREAS, at the closing, the Loan will be paid off in full, however, Golden Pond has requested that the City waive \$100,000 of the accrued interest; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota, as follows:

EXHIBIT A

Legal Description of the Property

Lots 1 through 17 inclusive:

That part of Lot 18 that lies northeasterly of a line drawn from the southeasterly corner of said Lot 18 to the northwest corner of said Lot 18;

Lots 39 through 42 inclusive;

The vacated east-west alley accruing to said lots by reason of the vacation thereof;

That part of the west half of the vacated north-south alley lying north of the easterly projection of the south line of said Lot 39; and

That part of the east half of the vacated north-south alley lying north of the westerly projection of the north line of said Lot 18;

All in Block 3, Second Addition to New Brighton,

Together with that part of the east half of vacated Fourth Avenue accruing thereto by reason of the vacation thereof, Ramsey County, Minnesota.

1. \$100,000 of the accrued interest on the Loan is hereby waived by the City Council for the following reasons:
 - a. The Loan was made to support affordable housing. The Property was held and operated by the same owner for over 30 years as affordable housing and has served the public purpose of providing affordable housing to the City.
 - b. The terms of the mortgage and note provide for repayment of the Loan with interest at eight percent at any time that the Property is sold with no stated end date to that requirement. Typically, City loans either have a stated maturity date so that the amount of accrued interest is known and can be planned for or are forgiven after a certain period of time which justifies the use of public funds.
 - c. Because the Loan has an unlimited due-on-sale provision, the longer the Property is held by the same owner, the larger the amount of accrued interest will be. There is a general principle under the law that it is not in the public interest to unduly burden the transfer of real property. By requiring Golden Pond to pay all of the accrued interest, this will make it very difficult for it to sell the Property at any time.
2. The Mayor and City Manager are authorized to execute the satisfaction of mortgage and provide it to the title company for recording along with an instruction letter that allows the satisfaction to be recorded upon payment to the City of \$212,918.


ADOPTED this 13th day of April, 2021, by the New Brighton City Council with a vote of 4 ayes and 0 nays. (Abdulle absent)



Kari Niedfeldt-Thomas, Mayor



Terri Spangrud, City Clerk

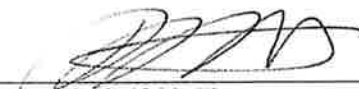


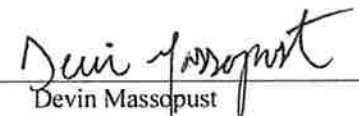
Devin Hassopust, City Manager

SATISFACTION OF MORTGAGE

THAT CERTAIN MORTGAGE held by the undersigned, a Minnesota municipal corporation, dated July 1, 1988, executed by Golden Pond Limited Partnership, a Minnesota limited partnership as Mortgagor, to City of New Brighton, as Mortgagee, and filed for record July 22, 1988, as Document Number 2450703, in the Office of the County Recorder of Ramsey County, Minnesota, which was amended by Document Number 3518033, filed July 19, 2002 and subordinated by Document Number 3518038, filed July 19, 2002, is, hereby released and satisfied.

CITY OF NEW BRIGHTON

By: 
Kari Niedfeldt-Thomas
Its: Mayor

By: 
Devin Massopust
Its: City Manager

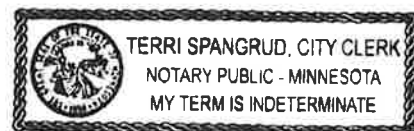
STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

This instrument was acknowledged before me on April 13th, 2021 by Kari Niedfeldt-Thomas and Devin Massopust, the Mayor and City Manager, respectively of the City of New Brighton, a municipal corporation under the laws of the State of Minnesota, on behalf of the corporation.


Notary Public

This document was drafted by:

Kennedy & Graven, Chartered (SJS)
150 South 5th Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300



RESOLUTION 2021-033
CITY COUNCIL
CITY OF NEW BRIGHTON

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 880 BY TITLE AND SUMMARY**

WHEREAS, the city council of the City of New Brighton has adopted Ordinance No. 880, an ordinance amending Chapter 13 of the New Brighton city code regarding permitting of short-term rental properties; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, that the City Clerk shall cause the following summary of Ordinance No. 880 be published in the official newspaper in lieu of the entire ordinance:

Public Notice

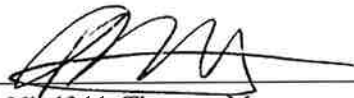
The City Council of the City of New Brighton has adopted Ordinance No. 880 which requires that property owners first obtain a permit from the City prior to renting out their dwelling as a short term rental on websites such as VRBO and AirB&B. The purpose of the \$10 permit is to ensure that such properties are being overseen by a resident agent during the time of the rental (i.e. someone who can respond within approximately 30 minutes to issues should any arise), that renters be documented, that certain information is provided to renters, and that property owners are responsible for seeing that their guests comply with all local ordinances. Repeat problems at a property will result in immediate suspension of a permit and review by City Council. Following review, the City Council may reinstate, amend, or revoke the permit. Repeat problems at properties may result in revocation of short-term rental rights for up to one year. The full ordinance text is available for inspection at City Hall during regular business hours, and will be emailed or sent to any party upon request.

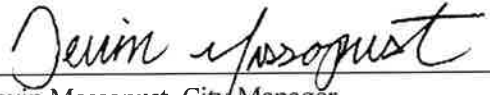
Mayor Kari Niedfeldt-Thomas

BE IT FURTHER RESOLVED by the City Council of the City of New Brighton that the City Clerk keep a copy of the ordinance at city hall for public inspection, and that a full copy of the ordinance be posted in a public place within the city.

Adopted this 13th day of April, 2021, by the New Brighton City Council with a vote of 4 ayes and 0 nays (Abdulle absent).




Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION NO. 2021-032
State of Minnesota
County of Ramsey
City of New Brighton

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF
NEW BRIGHTON ON BEHALF OF ITS CITY ATTORNEY AND DEPARTMENT OF PUBLIC SAFETY**

WHEREAS, the City of New Brighton on behalf of its Prosecuting Attorney and Department of Public Safety desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of New Brighton, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of New Brighton on behalf of its Prosecuting Attorney and Department of Public Safety, are hereby approved.
2. That the Director of Public Safety, Anthony S. Paetznick, or his successor, is designated the Authorized Representative for the Department of Public Safety. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
3. That the Chief City Prosecutor, Robb L. Olson, or his successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.
4. That Kari Niedfeldt-Thomas, the Mayor for the City of New Brighton, and Terri Spangrud, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

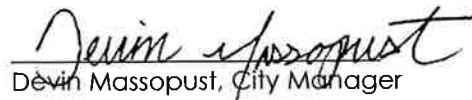
Adopted this 13th day of April, 2021, by the New Brighton City Council with a vote of 4 ayes and 0 nays (Abdulle absent).



ATTEST:


Terri Spangrud, City Clerk


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

Resolution No. 2021-031

State of Minnesota
County of Ramsey
City of New Brighton

RESOLUTION ORDERING PROJECT AND AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS FOR PROJECT 21-1, 2021 STREET REHABILITATION.

WHEREAS, pursuant to Resolution 21-027 of the City Council of the City of New Brighton, adopted March 9, 2021, a date was set for a Council Hearing on proposed Improvement Project 21-1, 2021 Street Rehabilitation; and,

WHEREAS, ten days published notice of the hearing through two weekly publications of the required notice was given and the hearing was held thereon the 23rd day of March, 2021, at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE LET IT BE RESOLVED by the City Council of the City of New Brighton:

1. Such improvement is hereby ordered as proposed.
2. The Director of Community Assets and Development is hereby designated as the engineer for this improvement and is hereby authorized to proceed with the preparation of the plans and specifications.

Adopted this 23rd day of March, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk

RESOLUTION 2021-030
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A MINOR SUBDIVISION

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Do and Bryan Nguyen (the “Applicants”), own land located at 2530 Silver Lake Road (the “Property”) which is legally described as:

EXISTING LEGAL DESCRIPTION:

That part of Lot 20, Knollwood Park No. 2, lying Northerly of the Southerly 160 feet thereof, said 160 feet being measured along the East AND West lines of said Lot. Reserving therefrom a 5 foot easement across said lot approximately 185 feet South of the North line of said lot for public utilities use, such as setting of poles, stringing of wires, trimming or removing of trees as necessary for line clearance, or for laying of underground conduits, Ramsey County, Minnesota.

WHEREAS, the Applicants made application to the City on 2/12/21 seeking a minor subdivision to divide the Property into two (2) buildable lots; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on March 16, 2021; and

WHEREAS, the Planning Commission considered the subdivision request at their March 16, 2021, meeting and made recommendations for City Council consideration; and

WHEREAS, the City Council held a public hearing to listen to public input regarding this request at their meeting on March 23, 2021; and

WHEREAS, following the public hearing, the City Council considered the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested minor subdivision based on the following findings of fact:

1. The applicants propose to remove all improvements on the lot to ensure both new lots contain no nonconformities.
2. Both proposed lots exceed the minimum lot size in the R-1 zoning district.
3. Both proposed lots exceed the minimum required width for an R-1 zoned lot.
4. Both of the proposed lots will have legal and direct access to an adjacent public roadway for access purposes.
5. Both lots can be adequately served by municipal utilities.
6. All required easements will be dedicated as part of this minor subdivision.

BE IT FURTHER RESOLVED, that approval of the minor subdivision shall be subject to the following conditions:

1. The land must be cleared of all improvements as a condition of any subdivision approval
2. Park dedication in the amount of \$1,825 shall be paid prior to the subdivision being filed with Ramsey County.
3. Regarding lot access for both Parcel A and Parcel B:
 - a. Only one driveway access will be allowed to Silver Lake Road.
 - b. The access can be a shared driveway for both parcels or one parcel can access via Eastman Drive to the north.
 - c. The new driveway location onto Silver Lake Road must be located at or south of the existing driveway location to provide adequate spacing from existing access points and safe operations along the corridor.
4. Engineering comments in the 3/9/21 Engineering Memo shall be successfully addressed to the satisfaction of the City Engineer prior to issuance of a building permit.
5. A notice of intent shall be submitted to the Rice Creek Watershed District if planned projects will disturb more than 5,000 square feet of land.

ADOPTED this 23rd day of March, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.

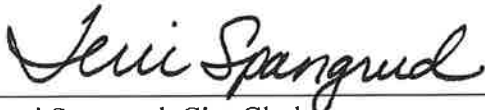


Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____

<authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

RESOLUTION No. 2021-029
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION APPOINTING INDIVIDUALS TO MUNICIPAL ADVISORY COMMISSIONS

WHEREAS, nineteen of New Brighton's residents offered their time and energy to serve our community and expressed their interest in filling one of eleven available positions; and

WHEREAS, the City Council has met and reviewed all applications submitted by individuals interested in serving an appointment to one of the City's four municipal advisory commissions and interviewed them;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the following appointments become effective April 1, 2021:

- Economic Development Commission
 - Mike Murlowski (Term expiring 3/31/2024)
 - John DuBose (Term expiring 3/31/2024)
- Parks, Recreation and Environmental Commission
 - Matthew Johnson (Term expiring 3/31/2024)
 - Julia O'Rourke (Term expiring 3/31/2024)
 - Ahmed Abdiwahed (Term Expiring 3/31/2024)
 - Michael Spooner (Term expiring 3/31/2024)
 - Kristin Hicks (Term Expiring 3/31/2023)
- Planning Commission
 - Tim McQuillan (Term expiring 3/31/2024)
 - Todd Biedenfeld (Term expiring 3/31/2024)
- Public Safety Commission
 - Geoff Hollimon (Term expiring 3/31/2024)
 - Leah Kuipers (Term expiring 3/31/2023)

ADOPTED this 23rd day of March, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



RESOLUTION No. 2021-028
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**RESOLUTION RESTRICTING PARKING ON MUNICIPAL STATE AID ROUTE 147-124-002, 8th
AVENUE NW BETWEEN OLD HIGHWAY 8 AND 10th STREET NW**

WHEREAS, pursuant to City Council order, Plans and Specifications have been prepared with reference to the construction of Improvement Project 20-6, Traffic Signal at Old Highway 8 and 8th Avenue, and


WHEREAS, the City of New Brighton has planned the improvement of 8th Avenue NW between Old Highway 8 and 10th Street, and

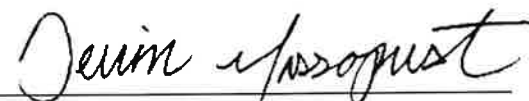
WHEREAS, this improvement does not provide for adequate width for parking on both sides of the street; and approval of the proposed construction as a Municipal State Aid Street project must therefore be conditioned upon certain parking restrictions.

NOW, THEREFORE LET IT BE RESOLVED, by the City Council of the City of New Brighton, Minnesota:

1. That parking is hereby banned on the east and west sides of 8th Avenue NW at locations that do not have adequate width to support parking at all times.

ADOPTED this 23rd day of March by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



Resolution No. 2021-027

State of Minnesota
County of Ramsey
City of New Brighton

RESOLUTION ACCEPTING THE FEASIBILITY STUDY AND CALLING FOR A PUBLIC IMPROVEMENT HEARING ON PROPOSED IMPROVEMENT PROJECT 21-1, 2021 STREET REHABILITATION.

WHEREAS, pursuant to City Council order, a Feasibility Report has been prepared by the Department of Community Assets and Development of the City of New Brighton with reference to the construction of Improvement Project 21-1, 2021 Street Rehabilitation, and

WHEREAS, this Feasibility Report was received by the City Council of the City of New Brighton on March 9, 2021.

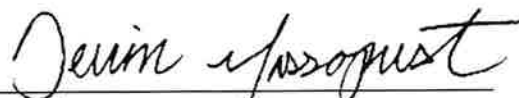
NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton:

1. The Council will consider the construction of the proposed Improvement 21-1, 2021 Street Rehabilitation, in accordance with the report and the assessment of contiguous or benefiting properties for all or a portion of the cost of the installation, pursuant to Minnesota Statute 429.011, law 1955, Chapter 393, as amended, at the estimated cost of \$2,892,400.
2. That the Public Improvement Hearing will be held on said proposed improvement in the Council Chambers of City Hall at 6:30 p.m., March 23, 2021, and the Clerk shall give mailed and published notice of such hearing and improvement as required by law.

Adopted this 9th day of March, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

RESOLUTION No. 2021-026

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

RESOLUTION AUTHORIZING THE APPLICATION TO THE MINNESOTA DNR FOR THE OUTDOOR RECREATION GRANT

BE IT RESOLVED that The City of New Brighton act as legal sponsor for the project contained in the Outdoor Recreation grant application to be submitted on March 31, 2021 and that Parks and Recreation Director, Jennifer Fink, is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of The City of New Brighton.

BE IT FURTHER RESOLVED that the applicant has read the Conflict of Interest Policy contained in the Outdoor Recreation Grant Program Manual and, upon discovery, certifies it will report to the State any actual, potential, or perceived individual or organizational conflicts of interest to the application or grant award.

BE IT FURTHER RESOLVED that The City of New Brighton has the legal authority to apply for financial assistance, and it has the financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that The City of New Brighton has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.

BE IT FURTHER RESOLVED that The City of New Brighton has or will acquire fee title or permanent easement over the land described in the site plan included in the application.

BE IT FURTHER RESOLVED that, upon approval of its application by the State, The City of New Brighton may enter into an agreement with the State for the above-referenced project, and that The City of New Brighton certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

NOW, THEREFORE BE IT RESOLVED that Mayor Kari Niedfelt-Thomas is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of The City of New Brighton on March 9, 2021.

ADOPTED this 9th day of March by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfelt-Thomas, Mayor

ATTEST:



Terri Spangrud, City Clerk



Devin Massopust, City Manager



Resolution No. 2021-025

State of Minnesota
County of Ramsey
City of New Brighton

AUTHORIZING THE ISSUANCE, SALE, AND DELIVERY OF ITS SUBORDINATE MULTIFAMILY HOUSING REVENUE NOTE (BRIGHTON OAKS PROJECT), SERIES 2021; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE NOTE AND RELATED DOCUMENTS; PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES WITH RESPECT TO THE NOTE; AND GRANTING APPROVAL FOR CERTAIN OTHER ACTIONS WITH RESPECT THERETO

WHEREAS, the City of New Brighton, Minnesota (the "City"), is a statutory city and political subdivision organized and existing under the Constitution and laws of the State of Minnesota; and

WHEREAS, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to carry out the public purposes described in the Act by issuing revenue bonds and notes or other obligations to finance or refinance multifamily housing developments located within the City, and as a condition to the issuance of such revenue obligations, adopt a housing program providing the information required by Section 462C.03, subdivision 1a, of the Act; and

WHEREAS, in the issuance of the City's revenue obligations and in the making of a loan to finance a multifamily housing development, the City may exercise, within its corporate limits, any of the powers that the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, as amended, without limitation by any provisions of Minnesota Statutes, Chapter 475, as amended; and

WHEREAS, on October 9, 2018, the City Council adopted a preliminary resolution (as supplemented on April 23, 2019, the "Preliminary Resolution") providing preliminary approval for the issuance of revenue bonds, notes or other obligations, in one or more series, at one time or from time to time pursuant to the Act, in an aggregate amount not to exceed \$38,000,000 (collectively, the "Obligations") in order to lend the proceeds thereof to New Brighton Leased Housing Associates III, LLLP, a Minnesota limited liability limited partnership (the "Borrower"), to finance the acquisition, construction, and equipping of an approximately 154-unit multifamily rental housing development and functionally related facilities to be located at 617 8th Ave NW N, New Brighton, Minnesota to be known as the Brighton Oaks Project, including funding capitalized interest and certain reserves and paying certain costs of issuance of the Obligations;

WHEREAS, the Preliminary Resolution constitutes a reimbursement resolution and an official intent of the City to reimburse expenditures with respect to the Project from the

proceeds of tax-exempt revenue bonds in accordance with the provisions of Treasury Regulations, Section 1.150-2; and

WHEREAS, on July 23, 2019, pursuant to the Act and the Funding Loan Agreement, dated as of July 1, 2019, between the City, U.S. Bank National Association, a national banking association, in its capacity as fiscal agent (the "Fiscal Agent") and Citibank, N.A., a national banking association (the "Senior Lender"), the City issued its Multifamily Note with designation as Multifamily Housing Revenue Note (Old Highway 8 Family Housing Project), Series 2019A, dated July 23, 2019 and delivered by the City in the original aggregate principal amount of \$14,988,947 (the "Series 2019A Governmental Note"). The Series 2019A Governmental Note was sold to the Senior Lender; and

WHEREAS, the proceeds derived from the sale of the 2019A Governmental Note to the Senior Lender were loaned by the City to the Borrower pursuant to the terms of an Project Loan Agreement, dated as of July 1, 2019, by and between the Borrower, the Fiscal Agent, and the City, whereby the City applied the proceeds derived from the sale of the 2019A Governmental Note to fund a loan to the Borrower to finance a portion of the Project; and

WHEREAS, on November 4, 2019, pursuant to the Act and the Amended and Restated Funding Loan Agreement, dated as of November 1, 2019, between the City, the Fiscal Agent and the Senior Lender, the City issued its Multifamily Note with designation as Multifamily Housing Revenue Note (Old Highway 8 Family Housing Project), Series 2019B, dated November 4, 2019 and delivered by the City in the original aggregate principal amount of \$4,787,204 (the "Series 2019B Governmental Note" and together with the Series 2019A Governmental Note, the "Senior Notes"). The Series 2019B Governmental Note was sold to the Senior Lender; and

WHEREAS, the proceeds derived from the sale of the 2019B Governmental Note to the Senior Lender were loaned by the City to the Borrower pursuant to the terms of an Amended and Restated Project Loan Agreement, dated as of November 1, 2019, by and between the Borrower, the Fiscal Agent, and the City, whereby the City applied the proceeds derived from the sale of the 2019B Governmental Note to fund a loan to the Borrower to finance a portion of the Project; and

WHEREAS, the City has prepared a housing program providing the information required by Section 462C.03, subdivision 1a of the Act (the "Housing Program") regarding the issuance by the City of Obligations in the aggregate principal amount of \$38,000,000, to finance the Project; and

WHEREAS, on June 25, 2019, the City Council held a duly noticed public hearing in accordance with the Act and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") with respect to (i) the required public hearing under the Code; (ii) the required public hearing under Section 462C.04, subdivision 2, of the Act; (iii) the Housing Program; and (iv) the approval of the issuance of obligations to finance the Project in the aggregate principal

amount not to exceed \$38,000,000. At the public hearing, a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing; and

WHEREAS, following the public hearing, the City Council adopted a resolution under the terms of which the City approved the Housing Program; and

WHEREAS, the Issuer received an additional allocation of bonding authority from Minnesota Department of Management and Budget ("MMB") under Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act"), in the aggregate principal amount of \$500,000; and

WHEREAS, a second notice of public hearing (the "Public Notice") was published at least 7 days before the regularly scheduled meeting of the City Council and in accordance with Section 147(f) of the Code with respect to (i) the required public hearing under the Code; and (ii) approval of the issuance of additional obligations to finance the Project in the aggregate principal amount not to exceed \$500,000 and the City Council conducted a public hearing on the date hereof at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing;

WHEREAS, the Borrower proposes that the City issue, sell, and deliver, as a portion of the Obligations authorized under the Housing Program, its Subordinate Multifamily Housing Revenue Note (Brighton Oaks Project), Series 2021 (the "2021 Note") in an original aggregate principal amount not to exceed \$500,000; and

WHEREAS, the 2021 Note will be purchased by Polaris Capital, LLC, a Minnesota limited liability company, an affiliate thereof, or another financial institution selected by the Borrower (the "Lender") and will be subordinate to the Senior Notes; and

WHEREAS, the proceeds derived from the sale of the 2021 Note (the "Loan") will be loaned by the City to the Borrower pursuant to the terms of a Loan Agreement, dated on or after March 1, 2021 (the "Loan Agreement"), by and between the Borrower and the City, whereby the City will apply the proceeds derived from the sale of the 2021 Note to fund a loan to the Borrower to finance a portion the Project and the Borrower will agree to repay the loan in specified amounts and at specified times sufficient as set forth therein to pay in full when due the principal of, premium, if any, and interest on the 2021 Note; and

WHEREAS, pursuant to an Assignment of Loan Agreement between the City and the Lender (the "Assignment"), the City will pledge and grant a security interest in all of its rights, title, and interest in the Loan Agreement to the Lender (except for certain rights of indemnification and to reimbursement for certain costs and expenses); and

WHEREAS, the obligations of the Borrower under the Loan Agreement and payment of amounts due under the 2021 Note will be secured by a guaranty to be executed by Dominium Holdings I, LLC, in favor of the Lender, a subordinate pledge of tax credit equity of the Borrower

and such other security agreements required by the Lender and in forms authorized by the Borrower to be executed by or on behalf of the Borrower (collectively, the "Collateral Documents"); and

WHEREAS, certain rental and occupancy requirements of federal and state law are set forth in a Regulatory Agreement (the "Regulatory Agreement") by and among the City, Borrower and the Lender; and

WHEREAS, the Note will be a special, limited revenue obligation of the City. No holder of the Note shall ever have the right to compel any exercise of the taxing power of the City to pay the Note or the interest thereon, nor to enforce payment thereof against any property of the City. The Note and the interest thereon: (i) shall be payable solely from the revenues pledged therefor under the Loan Agreement; (ii) shall not constitute a debt of the City within the meaning of any charter, constitutional or statutory limitation; (iii) shall not constitute nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers; (iv) shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in the Loan Agreement, which will be assigned to the Lender under the Assignment; and (v) shall not constitute a general or moral obligation of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRIGHTON, MINNESOTA, AS FOLLOWS:

1. The City acknowledges, finds, determines, and declares that the issuance of the 2021 Note is authorized by the Act and is consistent with the purposes of the Act and that the issuance of the 2021 Note, and the other actions of the City under the Loan Agreement, and this resolution constitute a public purpose and are in the interests of the City. The Project constitutes a "qualified residential rental project" within the meaning of Section 142(d) of the Code, and a "multifamily housing development" authorized by the Act, and furthers the purposes of the Act. In authorizing the issuance of the 2021 Note for the financing of the Project and the related costs, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by providing affordable multifamily housing developments for low or moderate income residents of the City and otherwise furthering the purposes and policies of the Act.

2. For the purposes set forth above, there is hereby authorized the issuance, sale, and delivery of the 2021 Note in one or more series in the maximum aggregate principal amount not to exceed \$500,000, as a portion of the Obligations authorized under the Housing Program. The 2021 Note shall bear interest at the rates, shall be designated, shall be numbered, shall be dated, shall mature, shall be in the aggregate principal amount, shall be subject to redemption prior to maturity, shall be in such form, and shall have such other terms, details, and provisions as are prescribed in the form of the 2021 Note, in substantially the form now on file with the City, with necessary and appropriate variations, omissions, and insertions (including changes to the aggregate principal amount of the 2021 Note, the stated maturity of

the 2021 Note, the interest rates on the 2021 Note and the terms of redemption of the 2021 Note) as are approved as evidenced by the execution thereof as provided in Section 5. The City hereby authorizes the 2021 Note to be issued, in whole or in part, as a "tax-exempt bond," the interest on which is excludable from gross income for federal and State of Minnesota income tax purposes or as a taxable bond. The 2021 Note shall be a special, limited obligation of the City payable solely from the revenues provided by the Borrower pursuant to the Loan Agreement and the Assignment; the City does not pledge its general credit or taxing powers or any funds of the City to the payment of the 2021 Note.

3. All of the provisions of the 2021 Note, when executed as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. All of the provisions of the Loan Agreement, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof.

4. To ensure compliance with certain rental and occupancy restrictions imposed by the Act and Section 142(d) of the Code and to ensure compliance with certain restrictions imposed by the City, the Mayor and City Manager are also hereby authorized and directed to execute and deliver the Regulatory Agreement.

5. The 2021 Note is hereby approved and shall be issued pursuant to this Resolution in substantially the form on file with the City with such appropriate variations, omissions and insertions as are necessary and appropriate and are permitted or required by this Resolution, and in accordance with the further provisions thereof; and the principal amount of the 2021 Note that may be outstanding hereunder is expressly limited to \$500,00, unless a duplicate 2021 Note is issued in accordance with this resolution. The actual amount of the 2021 Note shall be determined by the agreement of the Lender and the Borrower prior to the issuance of the 2021 Note. The 2021 Note will bear interest at the rates and mature in the years and amounts and be subject to redemption on the dates determined by the Borrower and the Lender and set forth in the 2021 Note executed by the Mayor and the City Manager (the "Authorized Officers"). The sale of the 2021 Note to the Lender at a purchase price equal to its stated principal amount is hereby accepted. The 2021 Note shall be issued in a denomination equal to its entire principal amount and be dated as of the date of delivery to the Lender, shall be payable at the time and in the manner and shall be subject to such other terms and conditions as are set forth therein.

6. The 2021 Note shall be executed by the Authorized Officers on behalf of the City. In case any Authorized Officer whose signature shall appear on the 2021 Note shall cease to be such officer before the delivery of the 2021 Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such signatory had remained in office until delivery. In the event of the absence or disability of the Authorized Officer, such officers of the City as, in

the opinion of the City Attorney, may act in their behalf, shall without further act or authorization of the City execute and deliver the 2021 Note.

7. Upon delivery of the 2021 Note to the Lender, the Lender shall, on behalf of the City, advance the purchase price thereof and disburse the proceeds of the 2021 Note to or at the direction of the Borrower to finance the costs of acquisition, construction and equipping of the Project in accordance with the terms of the Loan Agreement, or if required by the Lender, a disbursing agreement between the Lender and the Borrower.

8. The City will cause to be kept at the office of the Assistant Finance Director of the City a 2021 Note Register in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration of transfers of ownership of the 2021 Note. The 2021 Note shall be initially registered in the name of the Lender and shall be transferable upon the 2021 Note Register for such 2021 Note by the holder thereof in person or by its agent duly authorized in writing, upon surrender of such 2021 Note together with a written instrument of transfer satisfactory to the Assistant Finance Director, duly executed by the then holder thereof or its duly authorized agent. The City may require, as a precondition to any transfer, that the transferee provide evidence to the City that the transferee is a financial institution or other accredited investor under the securities laws. The following form of assignment shall be sufficient for said purpose.

For value received _____ hereby sells, assigns and transfers unto _____ the attached Note of the City of New Brighton, Minnesota, and does hereby irrevocably constitute and appoint _____ attorney to transfer said Note on the books of said City, with full power of substitution in the premises. The undersigned certifies that the transfer is made in accordance with the provisions of Sections 8 and 11 of the Resolution authorizing the issuance of the Note.

Dated: _____

Registered Owner

Upon such transfer the Assistant Finance Director shall 2021 Note the date of registration and the name and address of the successor holder in the 2021 Note Register and in the registration blank appearing on the 2021 Note. The Assistant Finance Director shall not be held liable for any actions undertaken pursuant to this Section 8.

9. In case the 2021 Note shall become mutilated or be destroyed or lost, the City shall, if not then prohibited by law, cause to be executed and delivered a new 2021 Note of like outstanding principal amount, number and tenor in exchange and substitution for and upon cancellation of such mutilated 2021 Note, or in lieu of and in substitution for such 2021 Note destroyed or lost, upon the payment by the registered holder thereof of the reasonable

expenses and charges of the City in connection therewith, and in the case of a 2021 Note destroyed or lost, the filing with the City of evidence satisfactory to the City with indemnity satisfactory to it. If the mutilated, destroyed or lost 2021 Note has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new 2021 Note prior to payment.

10. The City may deem and treat the person in whose name the 2021 Note is last registered in the 2021 Note Register and by notation on the 2021 Note, whether or not such 2021 Note shall be overdue, as the absolute owner of such 2021 Note for the purpose of receiving payment of or on account of the principal balance, redemption price or interest and for all other purposes whatsoever, and the City shall not be affected by any notice to the contrary.

11. The 2021 Note has been issued without registration under state or other securities laws, pursuant to an exemption for such issuance; and accordingly the 2021 Note may not be assigned or transferred in whole or part, nor may a participation interest in the 2021 Note be given pursuant to any participation agreement, except to a financial institution or other accredited investor and as an exempt security or as an exempt transaction and in principal amounts of at least \$100,000.

12. The 2021 Note shall be a special and limited revenue obligation of the City, the proceeds of which shall be disbursed pursuant to the terms of the Loan Agreement, and the principal, premium, and interest on the 2021 Note shall be payable solely from the proceeds of the 2021 Note, the revenues derived from the Loan Agreement, and the other sources as set forth in the Loan Agreement. The loan repayments to be made by the Borrower under the Loan Agreement are to be fixed so as to produce revenues sufficient to pay the principal of, premium, if any, and interest on the 2021 Note when due. Pursuant to the Assignment, the City will assign its rights to the basic payments and certain other rights and interests under the Loan Agreement, the 2021 Note, and the Assignment to the Lender.

13. The Authorized Officers are hereby authorized and directed to execute and deliver the Loan Agreement, the 2021 Note, the Regulatory Agreement, the Assignment, any consents or such other documents as are necessary or appropriate in connection with the issuance, sale, and delivery of the 2021 Note, including various certificates of the City, the Information Return for Tax-Exempt Private Activity Bond Issues, Form 8038, an endorsement to the tax certificate of the Borrower, and similar documents (collectively, the "Financing Documents"). All of the provisions of the Financing Documents, when executed and delivered as authorized herein, shall be deemed to be a part of this resolution as fully and to the same extent as if incorporated verbatim herein and shall be in full force and effect from the date of execution and delivery thereof. The Financing Documents shall be substantially in the forms on file with the City which are hereby approved, with such necessary and appropriate variations, omissions, and insertions as are approved by bond counsel to the City, as do not materially adversely change the substance thereof with respect to the City, and as the Authorized Officers,

in their discretion, shall determine, and the execution thereof by the Authorized Officers shall be conclusive evidence of such determinations.

14. The City hereby authorizes the Borrower to provide such security for payment of its obligations under the Assignment and the Loan Agreement and for payment of the 2021 Note, including the Collateral Documents, or any other security agreed upon by the Borrower and the Lender, and the City hereby approves the execution and delivery of such security.

15. The City hereby authorizes Kennedy & Graven, Chartered, as bond counsel, to prepare, execute, and deliver its approving legal opinions with respect to the 2021 Note.

16. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the City or the City Council by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City Council, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties.

No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City Council, or any officer, agent or employee of the City in that person's individual capacity, and neither the member of the City Council nor any officer or employee executing the 2021 Note shall be personally liable on the 2021 Note or be subject to any personal liability or accountability by reason of the issuance thereof.

No provision, covenant or agreement contained in the aforementioned documents, the 2021 Note, or in any other document relating to the 2021 Note, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to a general or moral obligation of the City or any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants, and representations set forth in such documents, the City has not obligated itself to pay or remit any funds or revenues, other than funds and revenues derived from the Loan Agreement which are to be applied to the payment of the 2021 Note, as provided therein.

17. Except as otherwise expressly provided herein, nothing in this resolution or in the aforementioned documents expressed or implied, is intended or shall be construed to confer upon any person or firm or corporation, other than the City, any holder of the 2021 Note issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provisions hereof, this resolution, the aforementioned documents, and all of their provisions being intended to be and being for the sole and exclusive benefit of the City, and any holder from time to time of the 2021 Note issued under the provisions of this resolution.

18. In case any one or more of the provisions of this resolution (other than the provisions contained in Sections 12 and 18 and the first sentence of Section 2 or provisions

limiting the liability of the City, the Authorized Officers, or any officer, employee, or agent of the City contained herein) or of the aforementioned documents, or of the 2021 Note issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the 2021 Note, but this resolution, the aforementioned documents, and the 2021 Note shall be construed and endorsed as if such illegal or invalid provisions had not been contained therein.

19. The 2021 Note, when executed and delivered, shall contain a recital that it is issued pursuant to the Act, and such recital shall be conclusive evidence of the validity of the 2021 Note and the regularity of the issuance thereof, and that all acts, conditions, and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the 2021 Note, and to the execution of the aforementioned documents to happen, exist, and be performed precedent to the execution of the aforementioned documents have happened, exist, and have been performed as so required by law.

20. The officers of the City, bond counsel, other attorneys, and other agents or employees of the City are hereby authorized to do all acts and things required of them by or in connection with this resolution, the aforementioned documents, and the 2021 Note, for the full, punctual, and complete performance of all the terms, covenants, and agreements contained in the 2021 Note, the aforementioned documents, and this resolution. If for any reason the Authorized Officers is unable to execute and deliver the documents referred to in this Resolution, such documents may be executed by any member of the City Council or any officer of the City delegated the duties of the Authorized Officers with the same force and effect as if such documents were executed and delivered by the Authorized Officers.

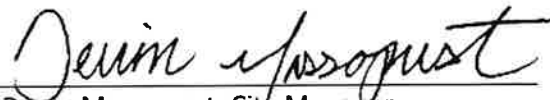
21. The authority to approve, execute and deliver future amendments to the Financing Documents herein authorized entered into by the City in connection with the issuance of the Series 2021 Note and any consents required under the Financing Documents is hereby delegated to the Authorized Officers subject to the following conditions: (a) such amendments, consents or documents do not require the consent of the holder of the Series 2021 Note or such consent has been obtained; (b) such amendments, consents or documents do not materially adversely affect the interests of the City; (c) such amendments, consents or documents do not contravene or violate any policy of the City, and (d) such amendments, consents or documents are acceptable in form and substance to the counsel retained by the City to review such amendments, consents and documents. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this resolution. The execution of any instrument by the Authorized Officers shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Authorized Officers, any instrument authorized by this paragraph to be executed and delivered may be executed by the officer of the City authorized to act in his/her place and stead.

22. The Borrower shall pay the administrative fee of the City on the date of issuance of the 2021 Note; the Borrower has elected to pay the present value of the City's ongoing maintenance fee as a lump sum payment upon the issuance of the Bonds rather than making annual installments over the life of the Bonds. The Borrower will also pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the 2021 Note, whether or not the 2021 Note is issued, including any costs for attorneys' fees.

23. This Resolution shall be in full force and effect from and after its approval.

Adopted this 9th day of March, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, Deputy City Clerk



RESOLUTION No. 2021-024

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON


**RESOLUTION APPROVING A LAWFUL GAMBLING LICENSE FOR NEW BRIGHTON LIONS CLUB TO OPERATE AT THE
EXCHANGE FOOD & DRINK**

WHEREAS, New Brighton Lions Club has made application for a lawful gambling license to operate at The Exchange Food & Drink, located at 500 Fifth Avenue NW Ste 105 in the City of New Brighton; and

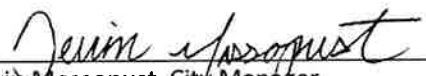
WHEREAS, the City Council approves the request for resolution for New Brighton Lions Club for this license;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton to hereby approve the resolution for the lawful gambling license for New Brighton Lions Club to operate at The Exchange Food & Drink, located at 500 Fifth Avenue NW Ste 105 in the City of New Brighton.

ADOPTED this 9th day of March by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor

ATTEST:


Devin Massopust, City Manager


Terri Spangrud, City Clerk



RESOLUTION No. 2021-023

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

RESOLUTION AMENDING THE 2020 GENERAL FUND BUDGET

WHEREAS, the City of New Brighton adopts budgets on an annual basis set forth by State Statute and generally accepted accounting principles and

WHEREAS, the legal level of budgetary control is established at the fund level, and

WHEREAS, the City Council finds it necessary to amend the 2020 General Fund Budget revenue and expense appropriations for annual financial statement presentation as follows:

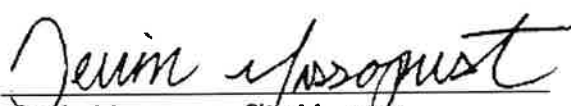
	<u>From</u>	<u>To</u>
Public Safety DUI Forfeitures	\$0	\$ 19,300
Public Safety Santa Cop Program	\$0	\$ 12,400
Public Safety TZD Safe Roads Grant Program	\$0	\$ 37,300
DCAD Environmental Cleanup Grant for Former Micom Site	\$0	\$269,370

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the 2020 General Fund Budget is hereby amended as detailed above.

ADOPTED this 9th day of March 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor

ATTEST:


Devin Massopust, City Manager


Terri Spangrud, City Clerk



RESOLUTION 2021-022
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A SPECIAL USE PERMIT
AUTHORIZING OUTDOOR STORAGE OF LANDSCAPING MATERIALS AND EQUIPMENT
AT 125 & 175 OLD HIGHWAY 8 SW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Clearscape Holdings LLC, has a purchase agreement to own the properties located at 125 and 175 Old Highway 8 SW legally described as:

Parcel 1: That part of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota, lying North of the Southerly 316.25 feet thereof and lying Southerly and Westerly of a line described as beginning at a point in the West line of said Northwest Quarter of the Northeast Quarter, distant 538.75 feet North of the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence Southeasterly deflecting 72 degrees, 05 minutes (measured from the South to the East) from said West line a distance of 258.28 feet; thence Southeasterly to a point in the North line of the South 316.25 feet of said Northwest Quarter of the Northeast Quarter distant 363.7 feet East of said West line, according to the United States Government survey.

Parcel 2: The Southerly 106.25 feet of the Westerly 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota.

Parcel 3: The North 210 feet of the South 316.25 feet of the West 410 feet of the Northwest Quarter of the Northeast Quarter of Section 32, Township 30, Range 23, Ramsey County, Minnesota.

WHEREAS, Clearscape Holdings LLC (the “Applicants”) made application to the City on 1/29/21 for a Special Use Permit (SUP) to authorize outdoor storage for their business at 125 & 175 Old Highway 8 SW;

WHEREAS, Clearscape Holdings LLC is seeking authorization to store landscaping materials and business vehicles outdoors which requires a Special Use Permit;

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on February 16, 2021; and

WHEREAS, the Planning Commission held a public hearing on the request at the February 16, 2021, meeting and considered input from residents; and

WHEREAS, the Planning Commission recommended approval of the request on February 16, 2021, based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on February 23, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested special use permit based on the following findings of fact:

1. The proposed outdoor storage will not be detrimental to the public health or general welfare provided all materials are stored per an approved plan and all conditions are met;
2. The proposed storage will not impact the use of surrounding properties, and will not impact surrounding property values provided all conditions are met;
3. The proposed storage will not have any impact on the normal and ordinary development of surrounding properties;
4. The subject site is adequately served by municipal utilities and infrastructure;
5. The proposed use can conform to all underlying zoning district requirements.

BE IT FURTHER RESOLVED, that approval of the special use permit amendment shall be subject to the following conditions:


1. Materials/design of the opaque wall/fence/gate combination intended to screen on-site storage from view from Old Highway 8 must be reviewed and approved by staff prior to installation. Appeals to staff's determination would be sent to Council for a final decision.
2. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
3. The applicants shall provide a narrative of spill control practices for equipment stored near creek, and come to an agreement with DCAD staff on final mitigation measures to contain and prevent materials from leaving the site and entering the creek/ditch as may be needed both now or in the future.

4. The applicant shall obtain all needed permits from the Rice Creek Watershed District (RCWD), and agree to address storm water concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage.
5. The applicants shall provide spot elevations and a grading/drainage plan for proposed employee parking lot for staff approval prior to the improvement being made. Drainage created by the proposed parking lot shall not adversely affect neighboring properties.
6. The applicants shall stripe the new employee parking lot per the approved plan upon completion of paving.
7. The applicants shall provide an updated survey to staff showing on-site utilities, and accommodate minor site changes if directed to do so by the City to protect these utility lines.
8. The applicants will provide the fire marshal with updated Material Safety Data (MDS) sheets as may be needed.
9. The applicants shall either make improvements to the site to eliminate tracking of dirt into the street, or shall pay for street sweeping services whenever directed to do so by the City.
10. Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.
11. If later determined necessary, the applicant shall make minor adjustments to the arrangement of parking spaces if it is ultimately determined changes are needed to facilitate large vehicle turning movements.

ADOPTED this 23rd day of February, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.




Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____
_____ <authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

RESOLUTION 2021-021
CITY COUNCIL
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A PLANNED UNIT
DEVELOPMENT AMENDMENT AND SITE PLAN AMENDMENT FOR AN EXPANSION OF
THE TÜV SÜD FACILITY LOCATED AT 141 14TH STREET NW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a 2040 comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, on May 23rd, 2017, TÜV SÜD America Incorporated received approval of a Preliminary and Final Planned Unit Development, Preliminary and Final Plat, and Site Plan to authorize construction of the existing TÜV SÜD facility on property located at 141 14th Street NW which is legally described as:

Lot 1 Block 1 of NEW BRIGHTON EXCHANGE 3RD ADDITION, Ramsey County,
Minnesota

and

WHEREAS, TÜV SÜD America Incorporated has applied for a Planned Unit Development Amendment and Site Plan amendment to authorize construction of a proposed addition on the eastern side of the existing facility at 141 14th Street NW; and

WHEREAS, plans for the TÜV SÜD facility originally approved on May 23rd, 2017, included details for a proposed addition roughly in the same size and shape as the addition now being sought by TÜV SÜD America; and

WHEREAS, the complete application included ample information that could facilitate a conditional approval of the proposed addition; and

WHEREAS, staff fully reviewed the requests and prepared a report for consideration by the Planning Commission at their meeting on February 16, 2021; and

WHEREAS, the Planning Commission held a public hearing on the requests at the February 16th meeting and considered input from residents; and

WHEREAS, the Planning Commission recommended conditional approval of the Planned Unit Development Amendment and Site Plan amendment on February 16, 2021, based on the applicant's submittals and findings of fact; and

WHEREAS, the City Council considered on February 23, 2021, the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested Planned Unit Development amendment and Site Plan amendment based on the following findings of fact:

1. The property is located on the east side of Old Highway 8 NW within in the New Brighton Exchange redevelopment area, specifically 4.19 acres at the southwest corner of 14th ST NW and Northwest Parkway, formerly known as Block D of the NWQ Framework Plan.
2. The property is zoned NBE, New Brighton Exchange.
3. The property is guided in the New Brighton Comprehensive Plan for Mixed Use City Center.
4. A PUD and associated site plan was previously approved on May 23rd, 2017; the plans for which anticipated an addition to the building within the area proposed for an addition at this time.
5. The proposed addition of 20,000 square feet is largely consistent with originally approved plans in terms of size and location.
6. The Planning Commission and City Council reviewed the proposed amendments against the PUD standards of Section 7-230 and PUD criteria of Section 7-240 of the Zoning Code and determined the proposed plans are in conformance with these requirements based on the following:
 - a. The total project area of 4.19 acres will continue to exceed the 4 acre minimum for a PUD.
 - b. The Site Plan has been developed in a manner that will ensure compatibility with future development within the New Brighton Exchange redevelopment area.
 - c. The use was previously determined to be consistent with the NWQ Framework Plan and the Mixed Use City Center land use designation of the Comprehensive Plan, and the proposed addition will have no impact on that determination.
 - d. Enhanced landscaping will continue to be provided around the new addition consistent with the previously approved landscaping plan
 - e. The addition's placement and relation to the existing building is consistent with the NWQ Framework Plan and City Center designation of the Comprehensive Plan.

- f. The proposal to blend the addition into the existing building using similar massing, materials, and colors will ensure the quality of construction continues to meet an acceptable standard for the NBE zoning district.
 - g. The proposed addition was determined to have no impact on surrounding properties provided all building code provisions are followed, and all conditions of approval are met.
- 7. Environmental review for this and all surrounding properties in the New Brighton Exchange has been extensive and exhaustive, and this proposed addition is in conformance with the previously reviewed and approved plans for this parcel. Accordingly, no further environmental review is being required for this addition.
- 8. All identified concerns can be addressed via conditions.

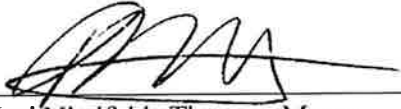
BE IT FURTHER RESOLVED, that approval of the Planned Unit Development amendment and Site Plan amendment shall be subject to the following conditions:

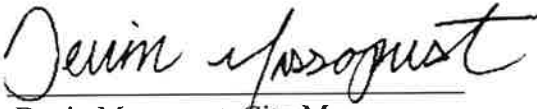
- 1. The applicant consents to making minor amendments to the plans to successfully address all engineering issues that arise once updated Civil plans are submitted and reviewed.
- 2. Plans shall be updated as needed to address any concerns relating to the existing domestic water service line location in relation to the addition.
- 3. A revised landscaping plan showing consistency with the original landscaping plan must be submitted along with any future building permit application and shall be subject to approval by DCAD staff.
- 4. A formal lighting plan shall be submitted as part of the building permit application to show consistency with previous approvals and no impacts to adjacent ROWs or neighboring properties.
- 5. Any problems with existing or proposed lighting that are later identified shall be brought into compliance with code requirements.
- 6. The applicant shall obtain all necessary permits from the Rice Creek Watershed District.
- 7. Plans shall successfully show how the existing passive gas venting framework under the existing building will be extended under the new foundation/addition.
- 8. All new/additional utilities (i.e. telephone, electric, gas service lines, etc) are to be placed underground in accordance with the provisions of all applicable City ordinances
- 9. Lighting shall be directed downward, and installed so as to prevent direct light from being detectable at the lot line of the site on which the source is located.

10. Lighting shall not shine directly into the public right-of-way or onto any residential use.

11. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.

ADOPTED this 23rd day of February, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____
<authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

RESOLUTION NO. 2021-020

**STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

**RESOLUTION APPROVING THE CONVEYANCE OF EXCESS MIDTOWN VILLAGE
PARCELS TO ADJACENT PROPERTY OWNERS AND APPROVING THE
COMBINATION OF THE MIDTOWN VILLAGE PARCELS WITH THE ADJACENT
PARCELS**

WHEREAS, Richard J. Gross is the owner of property located at 739 8th Avenue NW in the City of New Brighton, legally described as:

Lot 6, Block 3, Redmond Addition, according to the recorded plat thereof, County of Ramsey, State of Minnesota

(the "Gross Parcel"); and

WHEREAS, Felicia Givens and Timothy Givens are the owners of property located 742 7th Avenue NW in the City of New Brighton, legally described as:

Lot 12, Block 3, Redmond Addition, according to the recorded plat thereof, County of Ramsey, State of Minnesota

(the "Givens Parcel"); and

WHEREAS, both the Gross Parcel and the Givens Parcel are adjacent to the 7th Street NW right-of-way; and

WHEREAS, the City is the owner in fee of the 7th Street NW right-of-way property; and

WHEREAS, the 7th Street NW right-of-way was replatted in the plat of Midtown Village as Outlots H and I, Midtown Village; and

WHEREAS, as part of its approval of the Midtown Village plat, the City vacated the portions of the 7th Street NW right-of-way that encumbers Outlots H and I, Midtown Village in order to create additional green space between the Gross Parcel and the Givens Parcel and the new Midtown Village development;

WHEREAS, the City desires to convey Outlot H of Midtown Village to Richard J. Gross, the owner of the Gross parcel; and

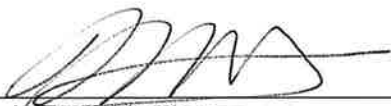
WHEREAS, the City desires to convey Outlot I of Midtown Village to Felicia Givens and Timothy Givens, the owners of the Givens parcel; and

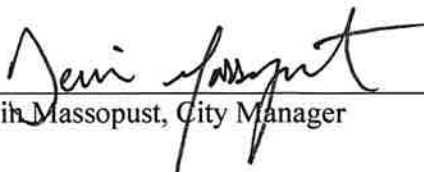
WHEREAS, Outlot H of Midtown Village shall be combined with the Gross Parcel to create a single parcel for property tax purposes and Outlot I shall be combined with the Givens Parcel to create a single parcel for property tax purposes; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota, as follows:

1. The conveyance of Outlot H of Midtown Village to Richard J. Gross is hereby approved. The Mayor and the City Manager are authorized to execute the quit claim deed conveying said property to Richard J. Gross. Richard J. Gross shall be responsible for the costs of recording the deed with Ramsey County.
2. The conveyance of Outlot I of Midtown Village to Felicia Givens and Timothy Givens is hereby approved. The Mayor and the City Manager are authorized to execute the quit claim deed conveying said property to Felicia Givens and Timothy Givens. Felicia Givens and Timothy Givens shall be responsible for the costs of recording the deed with Ramsey County.
3. The combination of Outlot H of Midtown Village with the Gross Parcel is hereby approved.
4. The combination of Outlot I with the Givens Parcel is hereby approved.
5. Richard J. Gross shall record the deed to Outlot H with Ramsey County and combine Outlot H with the Gross Parcel no later than May 23, 2021 or the City's approval of the conveyance and the combination of the two parcels shall be void.
6. Felicia Givens and Timothy Givens shall record the deed to Outlot I with Ramsey County and combine Outlot I with the Givens Parcel no later than May 23, 2021 or the City's approval of the conveyance and the combination of the two parcels shall be void.

ADOPTED this 23rd day of February 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

(Top 3 inches reserved for recording data)

QUIT CLAIM DEED

eCRV number: _____

DEED TAX DUE: \$1.65*

DATE: _____, 2021

FOR VALUABLE CONSIDERATION, the City of New Brighton, a municipal corporation in the State of Minnesota ("Grantor"), hereby conveys and quitclaims to Richard J. Gross, a single person ("Grantee"), real property in Ramsey County, Minnesota, legally described as follows:

Outlot H, Midtown Village, according to the recorded plat thereof

*The consideration for this transfer is less than \$500.

Check here if all or part of the described real property is Registered (Torrens) ☐

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- ☒ The Seller certifies that the Seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- ☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor
CITY OF NEW BRIGHTON

By: _____

Kari Niedfeldt-Thomas

Its: Mayor

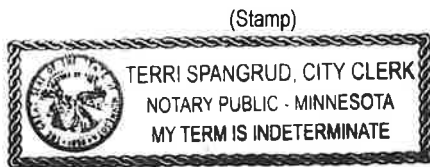
By: _____

Devin Massopust

Its: City Manager

State of Minnesota, County of Ramsey

This instrument was acknowledged before me on February 23, 2021, by Kari Niedfeldt-Thomas and Devin Massopust, the Mayor and the City Manager, respectively, of the City of New Brighton, a municipal corporation in the State of Minnesota, Grantor.



Terr Spangrud
(signature of notarial officer)
Title (and Rank): City Clerk/Notary Public
My commission expires: Indeterminate
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:

Kennedy & Graven, Chartered (SJS)
150 South 5th Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:

Richard J. Gross
739 8th Avenue NW
New Brighton, MN 55112

RESOLUTION NO. 2021-020

**STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

**RESOLUTION APPROVING THE CONVEYANCE OF EXCESS MIDTOWN VILLAGE
PARCELS TO ADJACENT PROPERTY OWNERS AND APPROVING THE
COMBINATION OF THE MIDTOWN VILLAGE PARCELS WITH THE ADJACENT
PARCELS**

WHEREAS, Richard J. Gross is the owner of property located at 739 8th Avenue NW in the City of New Brighton, legally described as:

Lot 6, Block 3, Redmond Addition, according to the recorded plat thereof, County of Ramsey, State of Minnesota

(the "Gross Parcel"); and

WHEREAS, Felicia Givens and Timothy Givens are the owners of property located 742 7th Avenue NW in the City of New Brighton, legally described as:

Lot 12, Block 3, Redmond Addition, according to the recorded plat thereof, County of Ramsey, State of Minnesota

(the "Givens Parcel"); and

WHEREAS, both the Gross Parcel and the Givens Parcel are adjacent to the 7th Street NW right-of-way; and

WHEREAS, the City is the owner in fee of the 7th Street NW right-of-way property; and

WHEREAS, the 7th Street NW right-of-way was replatted in the plat of Midtown Village as Outlots H and I, Midtown Village; and

WHEREAS, as part of its approval of the Midtown Village plat, the City vacated the portions of the 7th Street NW right-of-way that encumbers Outlots H and I, Midtown Village in order to create additional green space between the Gross Parcel and the Givens Parcel and the new Midtown Village development;

WHEREAS, the City desires to convey Outlot H of Midtown Village to Richard J. Gross, the owner of the Gross parcel; and

WHEREAS, the City desires to convey Outlot I of Midtown Village to Felicia Givens and Timothy Givens, the owners of the Givens parcel; and

WHEREAS, Outlot H of Midtown Village shall be combined with the Gross Parcel to create a single parcel for property tax purposes and Outlot I shall be combined with the Givens Parcel to create a single parcel for property tax purposes; and


NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota, as follows:

1. The conveyance of Outlot H of Midtown Village to Richard J. Gross is hereby approved. The Mayor and the City Manager are authorized to execute the quit claim deed conveying said property to Richard J. Gross. Richard J. Gross shall be responsible for the costs of recording the deed with Ramsey County.
2. The conveyance of Outlot I of Midtown Village to Felicia Givens and Timothy Givens is hereby approved. The Mayor and the City Manager are authorized to execute the quit claim deed conveying said property to Felicia Givens and Timothy Givens. Felicia Givens and Timothy Givens shall be responsible for the costs of recording the deed with Ramsey County.
3. The combination of Outlot H of Midtown Village with the Gross Parcel is hereby approved.
4. The combination of Outlot I with the Givens Parcel is hereby approved.
5. Richard J. Gross shall record the deed to Outlot H with Ramsey County and combine Outlot H with the Gross Parcel no later than May 23, 2021 or the City's approval of the conveyance and the combination of the two parcels shall be void.
6. Felicia Givens and Timothy Givens shall record the deed to Outlot I with Ramsey County and combine Outlot I with the Givens Parcel no later than May 23, 2021 or the City's approval of the conveyance and the combination of the two parcels shall be void.

ADOPTED this 23rd day of February 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



(Top 3 inches reserved for recording data)

QUIT CLAIM DEED

eCRV number: _____

DEED TAX DUE: \$1.65*

DATE: _____, 2021

FOR VALUABLE CONSIDERATION, the City of New Brighton, a municipal corporation in the State of Minnesota ("**Grantor**"), hereby conveys and quitclaims to Richard J. Gross, a single person ("**Grantee**"), real property in Ramsey County, Minnesota, legally described as follows:

Outlot H, Midtown Village, according to the recorded plat thereof

*The consideration for this transfer is less than \$500.

Check here if all or part of the described real property is Registered (Torrens) ☐

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- ☒ The Seller certifies that the Seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- ☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

CITY OF NEW BRIGHTON

By: _____

Kari Niedfeldt-Thomas

Its: Mayor

By: _____

Devin Massopust

Its: City Manager

State of Minnesota, County of Ramsey

This instrument was acknowledged before me on _____, 2021, by Kari Niedfeldt-Thomas and Devin Massopust, the Mayor and the City Manager, respectively, of the City of New Brighton, a municipal corporation in the State of Minnesota, Grantor.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:

Kennedy & Graven, Chartered (SJS)
150 South 5th Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:

Richard J. Gross
739 8th Avenue NW
New Brighton, MN 55112

(Top 3 inches reserved for recording data)

QUIT CLAIM DEED

eCRV number: _____

DEED TAX DUE: \$1.65*

DATE: _____, 2021

FOR VALUABLE CONSIDERATION, the City of New Brighton, a municipal corporation in the State of Minnesota ("**Grantor**"), hereby conveys and quitclaims to Felicia Givens and Timothy Givens, married to each other, joint tenants ("**Grantees**"), real property in Ramsey County, Minnesota, legally described as follows:

Outlot I, Midtown Village, according to the recorded plat thereof

*The consideration for this transfer is less than \$500.

Check here if all or part of the described real property is Registered (Torrens) ☐

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- ☒ The Seller certifies that the Seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- ☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor
CITY OF NEW BRIGHTON

By: 
Kari Niedfeldt-Thomas

Its: Mayor

By: 
Devin Massopust
Its: City Manager

State of Minnesota, County of Ramsey

This instrument was acknowledged before me on _____, 2021, by Kari Niedfeldt-Thomas and Devin Massopust, the Mayor and the City Manager, respectively, of the City of New Brighton, a municipal corporation in the State of Minnesota, Grantor.

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:

Kennedy & Graven, Chartered (SJS)
150 South 5th Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:

Felicia Givens and Timothy Givens
742 7th Avenue NW
New Brighton, MN 55112

RESOLUTION No. 2021-019

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

RESOLUTION ACCEPTING FUNDS TO THE PARKS AND RECREATION SCHOLARSHIP FUND

WHEREAS, the City desires that all New Brighton families are able to participate in Parks and Recreation programs; and


WHEREAS, the City Council appreciates monetary and tangible support from businesses, community organizations or individuals toward youth and families who may not be able to participate in New Brighton's recreational activities due to their income status; and

WHEREAS, the City welcomes funds and tangible donations to help maintain the quality and quantity of affordable recreational opportunities for New Brighton families,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton to hereby approve the resolution accepting monetary donations to the Parks and Recreation Scholarship Fund in the amount of \$4,349.29 to assist low income families in participating in New Brighton Parks and Recreation programs and also other tangible donations benefitting program participants in the New Brighton Parks and Recreation Department.

ADOPTED this 23rd day of February, 23, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



RESOLUTION No. 20201-018
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING LEASE AMENDMENT #3
FOR T-MOBILE CENTRAL LLC'S CELLULAR INSTALLATION ON THE CITY WATER
TOWER AT 660 5TH STREET SW

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, the City leases space to cellular carriers on its water towers and park space for cellular towers to benefit the public both financially and technologically; and

WHEREAS, the City and Sprint PCS, a Delaware limited liability company ("Sprint"), entered into a Tower Lease Agreement dated September 15, 1999, to rent space for cellular equipment on the City Water Tower at 660 5th Street SW; and

WHEREAS, such leases will need to be amended from time to time to acknowledge changes to the installation or changes to the terms of the lease; and

WHEREAS, the City and Sprint entered into Amendment #1 to this lease on July 25, 2005; and

WHEREAS, the City and Sprint entered into Amendment #2 to this lease on November 8, 2019, to extend the length and terms of the lease; and


WHEREAS, on April 1, 2020, T-Mobile acquired Sprint and merged both companies under the banner of T-Mobile; and

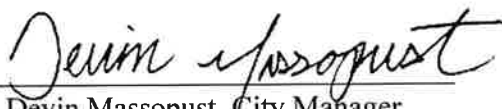
WHEREAS, T-Mobile is now seeking approval of Amendment #3, attached as **Exhibit A**, to authorize a change out of former Sprint equipment in favor of new T-Mobile equipment, and this new installation must be reflected on the lease; and

WHEREAS, the equipment change out will not trigger any changes to the terms of the lease.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves Amendment #3 to T-Mobile Central LLC's lease for water tower space at 660 5th Street SW.

ADOPTED this 23rd day of February, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



Exhibit A:

AMENDMENT NO. 3 TO TOWER LEASE AGREEMENT PREPARED BY KENNEDY & GRAVEN

AMENDMENT NO. 3 TO TOWER LEASE AGREEMENT

THIS AMENDMENT NO. 3 TO TOWER LEASE AGREEMENT ("Amendment") is made and entered into on _____, 2021, by and between the City of New Brighton, a Minnesota municipal corporation ("Landlord"), and T-Mobile Central LLC, a Delaware limited liability company, ("Tenant") (Collectively the "Parties").

Recitals

The Parties hereto recite, declare and agree as follows:

A. Landlord and Sprint PCS, a Delaware limited liability company ("Sprint"), entered into a Tower Lease Agreement dated September 15, 1999, as amended by First Amendment to Tower Lease Agreement ("First Amendment") dated 7/25/05 and Second Amendment to Tower Lease Agreement dated 11/8/19 (the "Lease") for leased premises (the "Premises") in New Brighton, Minnesota described therein (the "Property").

B. Tenant has acquired the Lease by merger with Sprint.

C. Tenant wishes to modify its facilities and equipment installed on the Premises under the Lease, and Landlord and Tenant desire to enter into this Amendment in order to memorialize the location and details of such modifications.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant covenant and agree as follows:

1. Equipment Modifications. Tenant may relocate its equipment as described and depicted on the site plan drawings attached hereto and incorporated herein, which plans shall supplement the Lease exhibits and, to the extent inconsistent therewith, supersede such exhibits.
2. Terms; Conflicts. The terms and conditions of the Lease are incorporated herein by this reference, and capitalized terms used in this Amendment shall have the same meanings such terms are given in the Lease. Except as specifically set forth herein, this Amendment shall in no way modify, alter or amend the remaining terms of the Lease, all of which are ratified by the parties and shall remain in full force and effect.
3. Authorization. The persons who have executed this Amendment represent and warrant that they are duly authorized to execute this Amendment in their individual or representative capacity as indicated.

4. LIMITATION ON LIABILITY. NOTWITHSTANDING ANY PROVISION IN THE LEASE OR THIS AMENDMENT TO THE CONTRARY, NEITHER PARTY SHALL BE LIABLE OR RESPONSIBLE TO THE OTHER, OR ITS AFFILIATES OR CUSTOMERS, FOR ANY SPECIAL, INCIDENTAL, INDIRECT, PUNITIVE OR CONSEQUENTIAL COSTS, LIABILITIES OR DAMAGES, WHETHER FORESEEABLE OR NOT, INCLUDING WITHOUT LIMITATION ECONOMIC LOSS OR LOST BUSINESS OR PROFITS, INTERRUPTION OF SERVICE DAMAGES, OR ANY DELAY, ERROR OR LOSS OF DATA OR INFORMATION ARISING IN ANY MANNER OUT OF, OR IN CONNECTION WITH USE OF THE PREMISES. Nothing herein shall change or otherwise affect the Landlord's liability limits established under Minn. Stat. § 466.04, as amended.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year first written above.


LANDLORD: City of New Brighton

By: 

Printed Name: Kari Niedfeldt-Thomas

Title: Mayor

Date: 2/23/2021

By: 

Printed Name: Devin Massopust

Title: City Manager

Date: 2/23/2021

Tenant: T-Mobile Central LLC

By: _____

Printed Name: _____

Title: _____

Date: _____

T-Mobile Legal Approval

EXHIBIT

Final plans as approved by KLM on behalf of the City will be attached hereto.

RESOLUTION No. 2021-017

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**APPROVING A RESOLUTION OF SUPPORT TO RAMSEY COUNTY'S SUBMITTAL OF THE OLD HIGHWAY 8 LRIP ROUTES
OF REGIONAL SIGNIFICANCE GRANT APPLICATION**

WHEREAS, the Minnesota Department of Transportation (MnDOT) has made \$75 million of Local Road Improvement Program (LRIP) grant funds available statewide for 2021, 2022 and 2023 projects, with a cap of \$1.25 million per project, and

WHEREAS, funding is available through the LRIP for the following three project categories: Routes of Regional Significance Account, Rural Road Safety Account and Trunk Highway Corridor Account, and

WHEREAS, LRIP funds can be used on reasonable elements associated with roadway construction, but cannot be used for consultant engineering and inspection, utility coordination, and

WHEREAS, construction costs above and beyond a LRIP award must be funded with alternate funding sources, and

WHEREAS, Ramsey County, in cooperation with the City of New Brighton is submitting a 2023 LRIP Routes of Regional Significance application request of \$1.25 million for Old Highway 8 from County Road D to 5th Avenue, and

WHEREAS, Old Highway 8 through the project area is a Route of Regional Significance due to its A-Minor Reliever functional classification, its designation as a 10-ton CSAH route, its function as a parallel reliever route to Interstate 35W and its significant existing AADT of 10,300, and

WHEREAS, this LRIP grant will assist in converting a portion of the Old Highway 8 corridor from a 4-lane undivided roadway to a 3-lane roadway with a new separated bicycle and pedestrian trail.

WHEREAS, this LRIP grant will assist in providing Old Highway 8 signal upgrades at County Road D and County Road E

WHEREAS, this LRIP grant will assist with improvement pavement quality along Old Highway 8 with a mill/overlay of the entire corridor from County Road D to 5th Avenue Northwest, and

WHEREAS, Old Highway 8 improvements are expected to significantly reduce crashes, improve overall traffic operations and provide for a safer and more enjoyable environment for bicycle and pedestrian and users, and

WHEREAS, Old Highway 8 improvements are also expected to provide significant economic and quality of life benefits for adjacent City of New Brighton businesses and neighborhoods, and

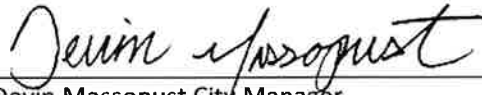
WHEREAS, total construction costs for Old Highway 8 improvements are estimated at \$2.2 million which includes a combination of County and local funding.

NOW THEREFORE, BE IT RESOLVED that the City of New Brighton supports Ramsey County's submittal of the Old Highway 8 LRIP Routes of Regional Significance grant application.

ADOPTED this 9th day of February by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust City Manager

ATTEST:



Terri Spangrud, City Clerk



RESOLUTION No. 2021-016

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

RESOLUTION WAIVING LATE FEES ON UNPAID UTILITY BALANCES THROUGH DECEMBER 31, 2021 AND WAIVING INTEREST CHARGES WHEN CERTIFYING DELINQUENT UTILITY ACCOUNTS TO BE PAYABLE WITH 2022 PROPERTY TAXES

WHEREAS, the City charges a late fee of ten percent (10%) on the entire outstanding balance on a customer's utility account on the date following each quarterly due date; and

WHEREAS, the City annually certifies delinquent utility bills for collection with the property taxes; and

WHEREAS, certification is authorized by the City Code for charges unpaid that exceed \$100 and are past due by ninety (90) days; and

WHEREAS, interest at the rate of 10% per annum has been included in the totals; and

WHEREAS, the affected customers are advised of the certification process and provided with an opportunity to make full payment prior to this certification.

NOW THEREFORE, BE IT RESOLVED that:

1. All late fees on unpaid utility balances will be waived through December 31, 2021.
2. The interest charges on delinquent utility accounts certified to be payable with 2022 property taxes will be waived through December 31, 2021.
3. The actual certifications will return to the City Council for approval at a later date.

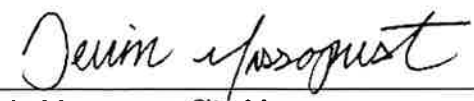
ADOPTED this 9th day of February 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



ATTEST:


Terri Spangrud, City Clerk


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

RESOLUTION NO. 2021-015

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**A RESOLUTION REGARDING THE SUPPORT OF A JOB CREATION FUND
APPLICATION IN CONNECTION WITH TÜV SÜD AMERICA**

WHEREAS, the City of New Brighton, Minnesota (the “City”), desires to assist TÜV SÜD AMERICA, a corporation, which is proposing to construct an addition to their existing facility in the City; and

WHEREAS, the City of New Brighton understands that TÜV SÜD AMERICA, through and with the support of the City, intends to submit to the Minnesota Department of Employment and Economic Development an application for an award and/or rebate from the Job Creation Fund Program; and,

WHEREAS, the City of New Brighton held a city council meeting on January 26th, 2021, to consider this matter.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City Council of New Brighton, Minnesota, that, after due consideration, the Mayor and City Council of the City of New Brighton, Minnesota, hereby adopts the following findings of fact related to the project proposed by TÜV SÜD AMERICA and its application for an award and/or rebate from the Job Creation Fund Program and express their approval.

The City Council hereby finds and adopts the reasons and facts supporting the following findings of fact for the approval of the Job Creation Fund Program application:

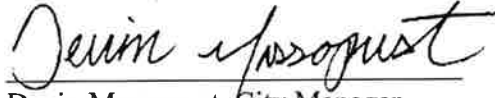
1. Finding that the project is in the public interest because it will encourage the growth of commerce and industry, prevent the movement of current or future operations to locations outside Minnesota, resulting in increased employment in Minnesota, and preserve or enhance the state and local tax base
 - Growing the local presence of TÜV SÜD America with the area of the City known as the New Brighton Exchange will further solidify this area as a preeminent location for global headquarters in this area of the Twin Cities;
 - Further investment by TÜV SÜD America into this location will solidify the Twin Cities as the company’s anchor location in North America, and will improve local access to high-quality, state-of-the-art device testing facilities;

- Expansion of TÜV SÜD America will bring a minimum of 19 new high-paying, upper-class, career jobs to the Twin Cities in-line with local and regional goals for job creation;
 - The new addition to TÜV SÜD America will continue the City's transformation of the New Brighton Exchange area which has seen an 1831% increase in value since redevelopment of the area started in 2007.
2. Finding that the proposed project, in the opinion of the City Council, would not reasonably expected to occur solely through private investment within the reasonably foreseeable future.
- TÜV SÜD America has locations throughout the United States that are also vying for this testing facility;
 - Alternate locations such as Boston, Atlanta, and Tampa offer unique amenities that must be overcome in addition to the incentives that may be offered by their respective states.
3. Finding that the proposed project conforms to the general plan for the development or redevelopment of the City as a whole.
- The existing TÜV SÜD America facility and the proposed expansion for which these job creation funds are sought conform to the City's 2040 Comprehensive Plan in that:
 - TÜV SÜD America's success directly achieves the City's vision of developing a diversified tax base and creating local jobs as part of a healthy business environment;
 - Located within an identified Mixed Use district, the proposed new construction on the existing TÜV SÜD America building is consistent with intended development in this area of the City;
 - Approval via Planned Unit Development is anticipated by the Comprehensive Plan as being necessary "to provide regulatory flexibility so these areas can optimize their development potential;"
 - Expanding the TÜV SÜD America's facility will help the City to realize its goals for high-density development within the New Brighton Exchange.
4. Finding that the proposed project will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment or development of the project by private enterprise.
- The requested funds will afford the maximum opportunity for the City and TÜV SÜD America to work together to maximize the use of their land in New Brighton to the benefit of all parties involved.

ADOPTED this 26th day of January 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



RESOLUTION No. 2021-014
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION DESIGNATING THE ACTING MAYOR FOR 2021

WHEREAS, the City Council annually appoints a City Councilmember to serve as Acting Mayor in the absence of the elected Mayor in compliance with MN State Statute 412.121; and


WHEREAS, the Acting Mayor has the responsibility of handling the roles and responsibilities of this position if the Mayor is unavailable to attend a meeting or perform required duties; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota that Councilmember Emily Dunsworth is designated to serve as the Acting Mayor for the City of New Brighton for 2021 and until such time as a new Acting Mayor is appointed.

ADOPTED this 26th day of January by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor

ATTEST:


Devin Massopust, City Manager


Terri Spangrud, City Clerk



RESOLUTION NO. 2021-013

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

RESOLUTION APPOINTING DELEGATES AND ALTERNATES TO SERVE AS LIAISONS TO PUBLIC AGENCIES

WHEREAS, it is important to the City Council that the City of New Brighton be represented at meetings of specific public agencies and organizations whose responsibilities relate to the City of New Brighton;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the following representatives are appointed to serve as the City's representatives to various public agencies and organizations as follows:

League of MN Cities	Delegate: Abdullahi Abdulle
Metro Cities	Delegate: Kari Niedfeldt-Thomas
Ramsey County League of Local Governments	Delegate: Abdullahi Abdulle
Northeast Youth & Family Services	Delegate: Mary Burg
North Suburban Cable Commission	Delegate: Emily Dunsworth
North Metro Mayors Association	Delegate: Kari Niedfeldt-Thomas
Community Partners with Youth (CPY)	Delegate: Graeme Allen
Twin Cities Gateway	Delegate: Jennifer Fink

ADOPTED this 26th day of January 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



RESOLUTION No. 2021-012
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

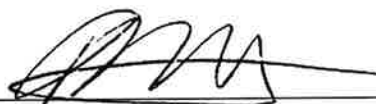
RESOLUTION APPOINTING CITY COUNCIL LIAISONS TO MUNICIPAL ADVISORY COMMISSIONS

WHEREAS, the City Council annually appoints members of the City Council to serve as liaisons to the various City Commissions;

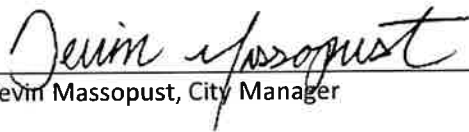
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton that the following City Councilmembers are appointed to serve as liaisons to the following commissions:

- Economic Development Commission
 - Pam Stegora Axberg
- Parks, Recreation and Environmental Commission
 - Emily Dunsworth
- Planning Commission
 - Abdullahi Abdulle
- Public Safety Commission
 - Graeme Allen

ADOPTED this 26th day of January, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



RESOLUTION No. 2021-011

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**RESOLUTION DELEGATING AUTHORITY TO MAKE ELECTRONIC FUNDS TRANSFERS TO THE
FINANCE DIRECTOR AND THEIR DESIGNEES FOR 2021**

WHEREAS, Minnesota Statute 471.38 Subd. 3 requires that the City Council annually delegate authority to make electronic funds transfers; and

WHEREAS, the City uses electronic funds transfers whenever possible for a variety of disbursement purposes; and

WHEREAS, all electronic funds transfers are subject to the same documentation and approval requirements as established in the City's Purchasing Policy; and

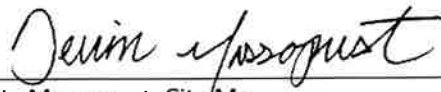
WHEREAS, a list of all transactions made by electronic funds transfer is submitted to Council at the next regular meeting after the transaction is completed;

NOW THEREFORE, BE IT RESOLVED that authority to make electronic funds transfers shall be delegated to the Finance Director and their designees for 2021.

ADOPTED this 26th day of January 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust, City Manager

ATTEST:



Terri Spangrud, City Clerk



RESOLUTION No. 2021-010

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**A RESOLUTION ESTABLISHING TEMPORARY USES THAT MAY BE APPROVED BY
THE DEPARTMENT OF COMMUNITY ASSETS AND DEVELOPMENT**

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City of New Brighton adopted Ordinance 874 in 2020 which established Temporary Use regulations for the City; and

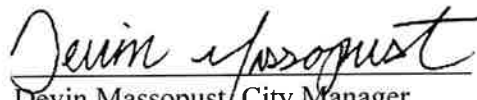
WHEREAS, Ordinance 874 allows the City Council to identify temporary uses that can be administratively approved by the Department of Community Assets and Development; and

WHEREAS, the current COVID-19 pandemic presents economic challenges to residents and businesses which demand that some uses historically authorized via SUP can also be temporarily approved via temporary use permit;

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City Council of New Brighton adopts the list of authorized 2021 temporary uses outlined in Exhibit A.

ADOPTED this 12th day of January 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



Exhibit A

2021 AUTHORIZED TEMPORARY USES & STRUCTURES			
Temporary Use or Structure	Allowable Duration (per site)	Permit(s) Required	Additional Requirements
Temporary Structure			
Construction Dumpsters (not associated with a valid building permit)	60 days	Yes if in ROW	(1)
Construction Trailer	Until issuance of certificate of occupancy	Yes	(2)
Outdoor Dining in Conjunction with a Licensed Food Establishment	As noted in the Temporary Use Permit by the Department of Community Assets & Development; or if not noted, the current calendar year	Yes	(3)
Real Estate Office / Model Sales Home	Until 85% occupancy of the phase is reached	Yes + Building Permit	(4)
Temporary Signs	30 days, or as specifically allowed as a component of another validly issued temporary use permit	Yes	Zoning Section 9-046
Temporary Storage in a Portable Container	14 days per year	No	(5)
Use of Mobile Homes, Trailers, Campers, etc	90 days	Yes	(6)

(1) Construction Dumpster

- (a) All temporary trash receptacles or dumpsters, regardless of location, shall adhere to the following standards:
 - (i) Not be placed within five feet of a fire hydrant or mailbox, or be within a required landscaping area;
 - (ii) Be secured with a cover to prevent litter and debris from escaping the dumpster; and
 - (iii) Be promptly removed once full.
- (b) Temporary trash receptacles or dumpsters located **outside public rights-of-way** are not required to obtain a temporary use permit, but shall comply with the following additional standards:
 - (i) Be located on the driveway, or to the side or the rear of the site to the maximum extent practicable;

- (c) Temporary trash receptacles or dumpsters that cannot reasonably be kept on private property under subdivision (b) above may be placed **in the right-of-way** subject to the following additional standards:
 - (i) A temporary use permit shall be obtained prior to placement of the dumpster; and
 - (ii) The maximum timeframe for keeping a trash receptacle or dumpster within the ROW shall be seven (7) calendar days, or if supported by the project, a longer timeframe as agreed to with the Department of Community Assets & Development.

(2) Construction Trailer

- (a) Construction trailers may be permitted on a construction site provided that the trailer is:
 - (i) Approved by the Community Development Department for location, safety, and compatibility with adjacent properties;
 - (ii) Located on the same site or in the same development as the related construction;
 - (iii) Not located within a required landscape area; and
 - (iv) Associated with development for which a valid Building Permit has been or will be issued.
- (b) The applicant shall be required to restore the trailer site to its previous condition if the trailer is located off the construction site.

(3) Outdoor Dining in Conjunction with a Licensed Food Establishment

Outdoor dining areas may be temporarily permitted for licensed food establishments provided the following conditions can be met:

- (a) Adequate screening, fencing, and/or other requirements may be required as needed to ensure the dining area does not have a detrimental impact on adjoining properties or the general public.
- (b) Temporary encroachment into the front yard setback may also be permitted subject to the following:
 - (i) The outdoor dining area is adjacent to the principal building, and primary access is provided from within the principal building;
 - (ii) The design of the patio area and any fencing and landscaping are such that sight lines in and out of existing or proposed access points are not obstructed;
 - (iii) Temporary structures are not erected within the outdoor dining area;
 - (iv) Banners, streamers or other types of permanent or temporary signs are not placed or displayed in the outdoor dining areas;
 - (v) The patio does not take on characteristics of a building having a roof and/or walls
 - (vi) The applicant adheres to any other conditions deemed necessary by the Department of Community Assets & Development.

(4) Real Estate Sales Office/Model Sales Home

One temporary real estate sales office or model sales home per builder or developer may be temporarily permitted in a section or phase of a new residential or nonresidential development provided the office or model home:

- (a)** Is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscape;
- (b)** Complies with the applicable standards in the approved development plan (if applicable);
- (c)** Is operated by a developer or builder active in the same phase or section where the use is located; and
- (d)** Is removed or the model home is converted into permanent residential use once 85 percent occupancy in the section or phase of the development is reached.

(5) Temporary Storage in a Portable Shipping Container

Temporary storage in a portable shipping container shall be permitted to serve an existing use subject to the following standards:

- (a)** The location shall be subject to approval by the Department of Community Assets and Development; and
- (b)** The storage container shall not impede ingress, egress, or emergency access to the property or structure being served.
- (c)** The storage container shall not be used as living quarters at any time.

(6) Use of Mobile Homes, Trailers, or Campers

- (a)** A Mobile Home, Trailer, or Camper designed for habitation; owned by a non-resident, guest, or visitor; may be parked or occupied by the guest or visitor on private property containing a permanent dwelling unit for a period not to exceed ninety (90) days if authorized via temporary use permit.
- (b)** The Mobile Home, Trailer, or Camper shall have self-contained sanitary facilities or standard on-site facilities meeting all requirements outlined by the Department of Community Assets & Development in the temporary use permit.
- (c)** The temporary use permit authorizing the use shall be displayed in a conspicuous location on the outside of the vehicle.

RESOLUTION NO. 2021-009

**STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON**

**RESOLUTION ENACTED PURSUANT TO MINNESOTA STATUTES SECTION 12.29
REAFFIRMING THE DECLARATION AND EXTENSION OF THE PERIOD OF A
LOCAL EMERGENCY**

BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota as follows:

WHEREAS, on March 24, 2020, Valerie Johnson, Mayor of the City of New Brighton determined that a local emergency existed within the City of New Brighton due to the COVID-19 Health Pandemic; and

WHEREAS, on March 24, 2020, the New Brighton City Council adopted Resolution 2020-030, a Resolution Enacted Pursuant to Minnesota Statutes Section 12.29 Declaring and Extending the Period of a Local Emergency; and

WHEREAS, Mayor Johnson's determination was based in part on the following:

1. On March 11, 2020, the World Health Organization determined that the COVID-19 outbreak constituted a pandemic. On March 13, 2020, President Trump declared a national state of emergency as a result of the pandemic.
2. On March 13, 2020, Governor Tim Walz issued Emergency Executive Order 20-01 declaring a state of peacetime emergency to address the COVID-19 pandemic in Minnesota. The Governor's Executive Order triggered activation of the City's emergency management plan and enabled the City to exercise its emergency powers.
3. The spread of COVID-19 in the United States and Minnesota has raised serious public health concerns and resulted in a great deal of uncertainty.

WHEREAS, Minnesota Statutes Section 12.29 authorizes the Mayor to declare the existence of a local emergency, to invoke any necessary portions of the City's emergency operations plans and any pandemic response plan, and to authorize aid and services in accordance with interjurisdictional agreements; and

WHEREAS, Minnesota Statutes Section 12.37 authorizes the City, acting through its governing body, to: (1) enter into contracts and incur obligations necessary to combat the disaster by protecting the health and safety of persons and property and by providing emergency assistance to the victims of the disaster; and (2) exercise the powers vested by that section in the light of the exigencies of the disaster without compliance with time-consuming procedures and formalities otherwise prescribed by law; and

WHEREAS, the State of Minnesota continues to be under a state of peacetime emergency due to the COVID-19 pandemic; and

WHEREAS, Kari Niedfeldt-Thomas, the current Mayor of the City of New Brighton finds that the COVID-19 pandemic continues to threaten the health, safety, and welfare of the residents of the community and threatens the provision and delivery of City services as a result of the emergency; and

WHEREAS, Mayor Niedfeldt-Thomas finds that the emergency poses the risk of and may cause catastrophic loss of public health, safety, and welfare if it is not continued to be addressed; and

WHEREAS, Mayor Niedfeldt-Thomas wishes to reaffirm Mayor Johnson's previous declaration of an emergency; and

WHEREAS, the City Council wishes to reaffirm the previous City Council's extension of the local emergency as the COVID-19 pandemic has been in existence for at least nine months and there is no indication that the pandemic will subside within the coming months; and

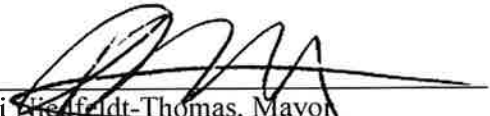
WHEREAS, the City Council wishes to reaffirm the previous City Council's finding that this emergency, which involves an outbreak of an infectious disease (COVID-19), is a highly fluid and evolving situation, and in the interest of the public health, a response or action may be needed that requires deviation from standard procedures for procuring goods and services; and

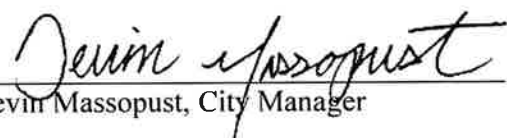
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota:

1. That Mayor Johnson's determination and Council extension of a local emergency in Resolution No. 2020-030 is hereby reaffirmed.
2. The declaration of a local emergency has invoked the City's Emergency Operations Plans and the Pandemic Response Plan. The portions that are necessary for response to and recovery from the emergency are authorized, including but not limited to all appropriate community containment and mitigation strategies. To the extent normal state laws and City policies and procedures impede an efficient response or compliance with federal and state directives and recommendations, the City Manager, the Director of Public Safety, and their designees are authorized to suspend compliance with those laws, policies, and procedures and to take those actions necessary to protect the public health, safety, and welfare.
3. The state of local emergency is continued in effect until further action of the City Council.
4. City staff is authorized to enter into agreements and contracts necessary for the procurement of materials, equipment, and services required to respond to the local emergency.

5. The Mayor and City Manager are authorized to execute any necessary agreements, contracts, and related documents regarding the local emergency necessary to implement corrective action relative to the local emergency to protect the health, safety, and welfare of the City and the community.
6. City staff is authorized to take any appropriate action and to prepare any appropriate documents to facilitate the directives of the Council as set forth in this resolution.
7. The Mayor, City Manager, City staff, City Attorney, and City consultants are authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this resolution.

ADOPTED this 12th day of January 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Wisniewski, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



RESOLUTION NO. 2021-008

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION APPROVING ADDITIONAL USES FOR THE "CHANGE FOR THE BETTER" FUNDS

WHEREAS, the City implemented a program in 1993 authorizing donations by residents through their utility billing for park maintenance and improvements;

WHEREAS, the City sees benefits in expanding the use of those donations for programming and scholarship funds;

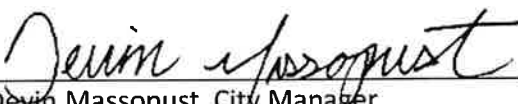
WHEREAS; residents will be given a 30 day notice in which they can notify the City if they no longer want to participate in the program;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota:

1. That all donations received after March 1, 2021 will be used for park improvements and repairs, parks and recreation scholarships or program enhancement at the discretion of the Director of Parks and Recreation.

ADOPTED this 12th day of January, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



RESOLUTION No. 2021-007

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

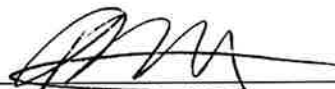
APPROVING A RESOLUTION OF SUPPORT TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION – NOISE WALL

WHEREAS, the state of Minnesota, acting through its Commissioner of Transportation (MnDOT) and in accordance with Statue 161.125 – Sound Abatement along Highways, proposes to study, design and construct a noise wall improvement along the South of TH 694 between 2860 Torchwood Drive and Berne Circle E (west city limits) within the corporate City of New Brighton (City) limits, tentatively scheduled in the year 2026-2027 and;

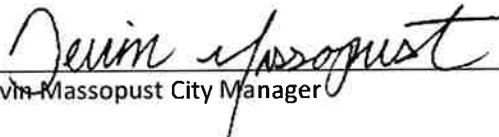
WHEREAS, the City supports the continued study and design of this noise wall improvement, and have agreed to consider the City's participation in the costs of the noise wall construction and associated construction engineering in future City Capital Improvement programming.

NOW THEREFORE, BE IT RESOLVED the City of New Brighton provide this resolution of support for the contruction of a noise wall along the South of 694 between 2860 Torchwood Drive and Berne Circle E within the corporate City of New Brighton (City) limits.

ADOPTED this 12th day of January, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust City Manager

ATTEST:



Terri Spangrud, City Clerk



RESOLUTION No. 2021-006

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

APPROVING A RESOLUTION OF SUPPORT TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION – NOISE WALL

WHEREAS, the state of Minnesota, acting through its Commissioner of Transportation (MnDOT) and in accordance with Statute 161.125 – Sound Abatement along Highways, proposes to study, design and construct a noise wall improvement along the North of TH 694 between the Fridley border (east city limits) and HWY 694 Service Road within the corporate City of New Brighton (City) limits, tentatively scheduled in the year 2026-2027 and;

WHEREAS, the City supports the continued study and design of this noise wall improvement, and have agreed to consider the City's participation in the costs of the noise wall construction and associated construction engineering in future City Capital Improvement programming.

NOW THEREFORE, BE IT RESOLVED the City of New Brighton provide this resolution of support for the construction of a noise wall along the North of 694 between the Fridley border (east city limits) and HWY 694 Service Road within the corporate City of New Brighton (City) limits.

ADOPTED this 12th day of January, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



Kari Niedfeldt-Thomas, Mayor



Devin Massopust City Manager

ATTEST:



Terri Spangrud, City Clerk



RESOLUTION No. 2021-005

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**RE-APPOINTING THE ST. PAUL PIONEER PRESS AS THE OFFICIAL LEGAL
NEWSPAPER FOR THE CITY OF NEW BRIGHTON FOR THE 2021**

WHEREAS, the City Council is required by MN State Statutes § 412.831 to annually designate a newspaper to serve as its official newspaper for published notices, summary publication of ordinances and other publication needs; and

WHEREAS, the cited rates by the St. Paul Pioneer Press of \$6.30 per column inch for a one-time publication; and

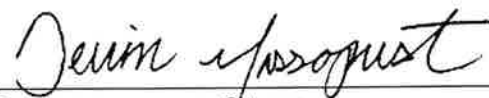
WHEREAS, the St. Paul Pioneer Press meets all criteria set forth by MN State Statutes § 331A; and

WHEREAS, the bid submitted by the St. Paul Pioneer Press indicates that it is best able to meet the needs of the City of New Brighton and our residents;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota that the New Brighton City Council designates the St. Paul Pioneer Press as the Official Newspaper for the City of New Brighton for 2021.

ADOPTED this 12th day of January, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Medfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



RESOLUTION NO. 2021-004

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

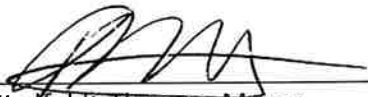
RESOLUTION ORDERING PREPARATION OF A FEASIBILITY STUDY FOR CITY PROJECT 21-1, 2021 STREET REHABILITATION.

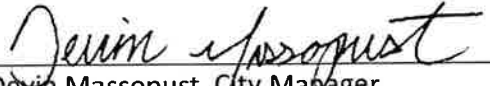
WHEREAS, it is proposed to improve Longview Drive (Silver Lake Road to Cedar Drive); Cedar Drive; Brighton Lane; 17th Avenue NW (Longview Drive to Count Road H); Sunnyside Terrace; Sunbow Lane; Rainbow Lane; Oriole Lane; Long Lake Court; and 14th Avenue NW, and to assess benefited properties for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Brighton, Minnesota:

1. That the proposed improvement, called City Project 21-1, 2021 Street Rehabilitation, be referred to the Director of Community Assets and Development for study and is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is necessary, cost effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

ADOPTED this 12th day of January, 2021, by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk



RESOLUTION No. 2021-003

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**RESOLUTION ACKNOWLEDGING AND ACCEPTING CHANGE FOR THE BETTER DONATIONS
RECEIVED IN 2020**

WHEREAS, the City of New Brighton invites and accepts donations to assist in programs and initiatives; and the City Council must officially designate depositories for funds; and

WHEREAS, one method by which citizens can make donations to the City is the "Change for the Better" program; and

WHEREAS, participants in the "Change for the Better" program authorize the City to round the amount of their quarterly utility bill up to the nearest dollar, or add a fixed amount to their bill; and

WHEREAS, the contributions received from this program in 2020 are designated for maintenance, repairs or ongoing operations of City parks; and

WHEREAS, it is the City Council's desire to acknowledge and express appreciation to all participants for their donations;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of New Brighton to hereby approve the resolution acknowledging and accepting donations received in 2020 as follows:

1. \$2,129.47 from the participants in the "Change for the Better" program; and
2. Designate these contributions for use in maintenance, repairs or improvements to City parks.

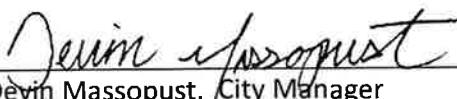
ADOPTED this 12th day of January 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



ATTEST:


Terri Spangrud, City Clerk


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

RESOLUTION No. 2021-002

STATE OF MINNESOTA

COUNTY OF RAMSEY

CITY OF NEW BRIGHTON

**RESOLUTION DESIGNATING INSTITUTIONS AS DEPOSITORIES OF CITY FUNDS FOR INVESTMENT
PURPOSES AND NAMING THE PRIMARY DEPOSITORY FOR 2021**

WHEREAS, the City Council must officially designate depositories for funds; and

WHEREAS, the investment of funds shall be in accordance with Minnesota Statutes and guidelines of the City's official investment policy; and

WHEREAS, the City has used and been satisfied with the services of US Bank and other institutions for investment purposes;

NOW THEREFORE, BE IT RESOLVED that:

1. US Bank shall be designated as the City's primary depository for 2021 and,
2. The institutions with which the City may make investments shall be as follows:

Minnesota Municipal Money Market Fund (4M Fund)

Securian Asset Management

RBC Global Asset Management

Moreton Capital Markets

US Bank Corporate Treasury Division


3. Approval of the above institutions shall be contingent upon their continuing to meet the guidelines of the City's official investment policy.
4. Either a surety bond or collateral shall be provided as security when funds deposited at the City's primary depository herein specified exceed the FDIC guarantee.

ADOPTED this 12th day of January 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.



ATTEST:


Terri Spangrud, City Clerk


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

RESOLUTION No. 2021-001
STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

RESOLUTION TO ACCEPT IN \$ \$11,397 IN MONETARY DONATIONS FOR THE SANTA COP PROGRAM

WHEREAS, numerous persons and businesses have donated \$11,397 in cash to the City of New Brighton for the Santa Cop program;

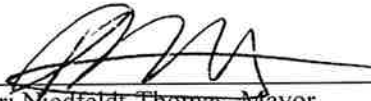
WHEREAS, the City of New Brighton accepts donations to maintain programs within the City of New Brighton;


WHEREAS, the City of New Brighton continues to serve children and families who are in need during the holiday season;

WHEREAS, the Santa Cop program is used to serve those children and families;

NOW THEREFORE BE IT RESOLVED, by the City Council for the City of New Brighton to approve the resolution accepting the \$11,397 in monetary donations for use in the Santa Cop program.

ADOPTED this 12th day of January, 2021 by the New Brighton City Council with a vote of 5 ayes and 0 nays.


Kari Niedfeldt-Thomas, Mayor


Devin Massopust, City Manager

ATTEST:


Terri Spangrud, City Clerk

