



COUNCIL PROCEEDINGS THE CITY OF NEW BRIGHTON

Pursuant to notice thereof, a regular meeting of the New Brighton City Council was held Tuesday, January 11, 2022 at 6:30 pm in the New Brighton Council Chambers. Due to the COVID-19 pandemic this was a virtual meeting.

Present: Mayor Niedfeldt-Thomas, Councilmembers Abdulle, Allen, Axberg and Dunsworth
Absent:

Also Present: Devin Massopust-City Manager, Sarah Sonsalla-City Attorney, Gina Foschi-Finance Director, Ben Gozola-Assistant Director of Community Assets and Development

Call to Order

Mayor Niedfeldt-Thomas called the meeting to order at 6:30 pm.

Pledge of Allegiance

Mayor Niedfeldt-Thomas led the Council in the Pledge of Allegiance.

Public Comment Forum

Mayor Niedfeldt-Thomas opened the Public Forum for comments from the public.

Approval of Agenda

Approval of the January 11, 2022 Council Agenda.

Motion by Councilmember Axberg, seconded by Councilmember Allen to approve the agenda as submitted.

A roll call vote was taken.

5 Ayes, 0 Nays-Motion Carried

Special Order of Business

1. Planning Commission 2021 Year in Review

Chair Erin Nichols-Matkaiti provided the Council with a year in review from the Planning Commission for 2021. She listed the residents in New Brighton that served on the Commission, noting three members had terms expiring at the end of 2022. She discussed the role of the Planning Commission noting this was an advisory group that made recommendations to the City Council. It was noted the Planning Commission meets on the 3rd Tuesday of every month at 6:30 p.m. She reported the Planning Commission held 11 meetings in 2021 where the group discussed 2 subdivisions, 7 SUP's, 1 PRD, 1 PUD, 3 Ordinances, and 1 Comp Plan Amendment. She commented further on the projects that were completed last year, which included an addition to TUV SUD and a redevelopment on the old US Bank site. She thanked Assistant Director of Community Assets and Development Ben Gozola for all of his work on behalf of the Planning Commission.

Call to Order

Pledge of Allegiance

Public Comment Forum

Approval of Agenda

Approval of the
January 11, 2022
Agenda.

Special Order of Business

1. Planning Commission
2021 Year in Review

Mayor Niedfeldt-Thomas thanked Chair Nichols-Matkaiti for all of her efforts on behalf of the City.

Councilmember Abdulle thanked Chair Nichols-Matkaiti for her leadership and 12 years of service on the Planning Commission.

Councilmember Dunsworth thanked Chair Nichols-Matkaiti for conducting herself so well at the Planning Commission meetings over the past few years, especially through the difficult requests.

Mayor Niedfeldt-Thomas requested an update on the zoning code revisions. Assistant Director of Community Assets and Development Gozola reported the Zoning Code Task Force has met several times and five chapters have been reviewed. He stated he was in the midst of creating the new zoning districts. He anticipated it would take the remainder of 2022 to finish revising the zoning code.

Councilmember Allen asked that Chair Nichols-Matkaiti extend a heartfelt thanks to each member of the Planning Commission for their service to the community.

Consent Agenda

1. Consider Approval of Payments.
2. Approve City Council Minutes:
 - a. November 23, 2021 Worksession Meeting Minutes.
 - b. December 2, 2021 Worksession Meeting Minutes.
 - c. December 9, 2021 Worksession Meeting Minutes.
 - d. December 14, 2021 City Council Meeting Minutes.
 - e. January 4, 2021 Worksession Meeting Minutes.
3. Accept Receipt of Commission Minutes:
 - a. December 14, 2021 Public Safety Commission Meeting Minutes.
 - b. December 1, 2021 PREC Meeting Minutes.
 - c. November 16, 2021 Planning Commission Minutes.
 - d. November 3, 2021 EDC Meeting Minutes.
4. Consideration of Resolution Designating Institutions as Depository for 2022.
5. Consider Resolution Delegating Authority to the Finance Director and his/her designees to make Electronic Funds Transfers for 2022.
6. Consideration of Resolution to Acknowledge and Accept Change for the Better Donations Received in 2021.
7. Consider Resolution Appointing Liaisons to Public Agencies.
8. Consider Resolution Appointing Acting Mayor for 2022.
9. Consider Resolution Designating Legal Newspaper for 2022.

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 - d. December 14, 2021 City Council.
 - e. January 4, 2021 Worksession.
3. Accept Receipt of Commission Minutes:
 - a. December 14, 2021 Public Safety Commission.
 - b. December 1, 2021 PREC.
 - c. November 16, 2021 Planning Commission.
 - d. November 3, 2021 EDC.
4. Consider Resolution Designating Institutions as Depository for 2022.
5. Consider Resolution Delegating Authority to the Finance Director and his/her designees to make EFT for 2022.
6. Consider Resolution to Acknowledge and Accept Change for the Better Donations Received in 2021.
7. Consider Resolution Appointing Liaisons to Public Agencies.
8. Consider Resolution Appointing Acting Mayor for 2022.

10. Consider Resolution Declaring a Vacancy on the Public Safety Commission.
11. Consider Resolution Appointing Adam Stout to the Public Safety Commission.
12. Consider Authorization for the replacement of Police Squad 1710.
13. Consider Authorization for the replacement of Police Squad 1711.
14. Consider Resolution Establishing Temporary Use that may be Approved by the Department of Community Assets and Development.
15. Consider Resolution Accepting Donation from New Brighton Lions Club.
16. Consider Approval of Renewal Application for Optional Liquor 2AM License – Cowboy Jack's.
17. Consider Approval of Renewal Application for Optional Liquor 2AM License – Adagio's Pizza Factory
18. Consider Approval of Public Premise License for The Exchange Food and Drink.
19. Consider Request for Exemption from Lawful Gambling License – St. John the Baptist Catholic Church.
20. Consider Application for Temporary Liquor License – St. John the Baptist Catholic Church.
21. Consider Resolution Accepting the 2021 Santa Cop Donations.
22. Consider Approval of Professional Services Agreement with WSB & Associates for Design, Bidding, and Construction Administration of Splash Pad, Site Amenities and Monument Signage at Lions Park.
23. Consider Authorization to replace (9) Motorola APX2500 radios with (9) APX6000 portable radios with associated parts and services.
24. Consider Approval of CivicPlus Contract for New City Website.

Motion by Councilmember Axberg, seconded by Councilmember Allen to approve the Consent Agenda as presented.

A roll call vote was taken.

5 Ayes, 0 Nays - Motion Carried

9. Consider Resolution Designating Legal Newspaper for 2022.
10. Consider Resolution Declaring a Vacancy on the Public Safety Commission.
11. Consider Res. Appointing Adam Stout to the Public Safety Commission.
12. Consider replacement of Police Squad 1710.
13. Consider replacement of Police Squad 1711.
14. Consider Res. Establishing Temporary Use that may be Approved by the DCAD.
15. Consider Res. Accepting Donation from New Brighton Lions Club.
16. Consider Approval of Renewal App. for Optional Liquor 2AM Lic.- Cowboy Jack's.
17. Consider Approval of Renewal App. for Optional Liquor 2AM Lic. – Adagio's Pizza Factory
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19. Consider Request for Exemption from Lawful Gambling Lic. – St. John the Baptist Catholic Church.
20. Consider App. for Temporary Liquor Lic. – St. John the Baptist Catholic Church.
21. Consider Res. Accepting the 2021 Santa Cop Donations.
22. Consider Approval of Prof. Services Agr. with WSB & Assc. for Design, Bidding, and Construction Admin. of Splash Pad, Site Amenities and Monument Signage at Lions Park.
23. Consider

Public Hearing

None.

Council Business

1. Consider a Resolution Approving a Site Plan and Nonconforming Use Permit for Aqseptence Group Inc. at 1950 Old Highway 8.

City Manager Massopust indicated Assistant Director of Community Assets and Development Gozola would be presenting this item to the Council.

Assistant Director of Community Assets and Development Gozola stated the applicants are seeking to construct a 22' x 24' x 9' carport on the southeast corner of their building to provide protected parking for a truck and trailer. The location will meet all required setbacks and will be outside of the normally required 60' landscaping buffer from adjacent residential uses. By code, all new structures in the I-1 district must be reviewed through the site plan review process. Furthermore, the legal nonconforming lack of a vegetative buffer has never been addressed by a previous application, so a nonconforming use permit review is also being conducted at this time. Staff discussed the concerns they have regarding the shed and outdoor storage on the property. It was recommended the applicant put a plan together to address the concerns regarding the outdoor storage. Staff commented further on the requested and noted the Planning Commission recommends approval.

Councilmember Allen stated he supported the outdoor storage being addressed, especially given the adjacent body of water. Assistant Director of Community Assets and Development Ben Gozola reported there were a number of army wells in the area that have been studied over the years and the outdoor storage had caused no concerns to date.

Councilmember Abdulle asked why the City did not require a buffer between this industrial property and Applewood Pointe. Assistant Director of Community Assets and Development Ben Gozola stated it was his understanding Johnson Screens sold some land to Applewood Pointe to allow them to create a buffer. He explained the developer then had the chance to put plantings in place and the new residents of Applewood Pointe purchased their units with the understanding Johnson Screens would be their neighbor.

Further discussion ensued regarding how non-conforming uses were viewed in the City of New Brighton.

Councilmember Abdulle questioned what would be done with the shed. Assistant Director of Community Assets and Development Ben Gozola explained the shed has been in place for 20 years and there has been no problems.

Councilmember Abdulle stated he believed the Site Plan made sense and noted he would be offering his support of the request.

Mayor Niedfeldt-Thomas asked how many tanks were on the property. Assistant Director of Community Assets and Development Ben Gozola reported the applicant had only one tank on the property at this time. Terry Ferrell, Johnson Screens representative, explained he had a propane tank on the site.

Mayor Niedfeldt-Thomas stated she would enjoy touring Johnson Screens and encouraged Mr. Ferrell to reach out to the Council when they would be available for a tour. Mr. Ferrell stated this was a great idea and noted he would be in touch.

Mayor Niedfeldt-Thomas inquired if additional vegetation should be planted along the property line. Assistant Director of Community Assets and Development Ben Gozola reported there was no room for additional vegetation. He explained there was a set of significant trees and bushes along the property line. He noted Applewood Pointe also installed a fence to screen the view. He reiterated that there have been no complaints from Applewood Pointe regarding the view.

Motion by Councilmember Axberg, seconded by Councilmember Dunsworth to adopt a Resolution Approving a Site Plan and Nonconforming Use Permit for Aqseptence Group Inc. at 1950 Old Highway 8.

Authorization to replace (9) Motorola APX2500 radios with (9) APX6000 portable radios with assc. parts and services.

24. Consider Approval of CivicPlus Contract for New City Website.

Public Hearing**Council Business**

1. Consider a Resolution Approving a Site Plan and Nonconforming Use Permit for Aqseptence Group Inc. at 1950 Old Highway 8.

A roll call vote was taken.

5 Ayes, 0 Nays-Motion Carried

2. Consider a Resolution Approving a Special Use Permit Amendment for NROCK Properties LLC authorizing changes to the exterior treatments on the building at 2370 Palmer Drive (Silver Lake Smile).

2. Consider a Resolution Approving a Special Use Permit Amendment for NROCK Properties LLC authorizing changes to the exterior treatments on the building at 2370 Palmer Drive (Silver Lake Smile).

City Manager Massopust indicated Assistant Director of Community Assets and Development Gozola would be presenting this item to the Council.

Assistant Director of Community Assets and Development Gozola stated in late 2018, Dr. David Ong (Silver Lake Smiles) received approval to construct a new commercial building at 2370 Palmer Drive. Architectural review at the time acknowledged the proposed design was unique, but decision makers determined it would still be compatible with the area and bring some needed diversity to the look and feel of the corridor. Construction in mid/late 2019 ultimately stalled due to winter setting in, and by the spring everything was shutting down (including the dental clinic) in the face of COVID. Vendors of the proposed false wall either backed out or went out of business, and costs for the remaining project components increased dramatically according to the applicant. Replacement vendors ultimately installed a partial false wall non-consistent with the approved plan. This application seeks to revise the previous SUP approval in light of the circumstances resulting in the present state of the building. Staff commented further on how the plans have evolved over time and stated it was the applicant's hope that the solution negotiated out with the Planning Commission can now be implemented to complete this project.

Councilmember Dunsworth stated she remembered this building coming before the Council several years ago and noted she was really excited about the innovative design. She indicated she has always wondered what happened because it does not look like it was originally approved. She understood there was an unfortunate set of circumstances and she appreciated the fact that the applicant was attempting to work with the City to modify the plans to bring the building closer to the original vision for the building. She reported she was happy to see this request before the Council and anticipated the neighbors would be pleased to see the property enhanced. She stated she supported the proposed compromise.

Councilmember Allen commented this situation was unfortunate and indicated he supported the new plans for the building. He reported he supported the building having solar panels. He thanked the applicant for continuing to work with the City to try and find something that made sense. Assistant Director of Community Assets and Development Ben Gozola indicated the applicant has installed solar panels on the roof, but noted the Planning Commission did not support solar panels being installed on the false wall.

Dr. David Ong, 2370 Palmer Drive, thanked staff for all of their assistance throughout this process. He thanked the City for issuing a CO for his building during COVID. He reported he now had subcontractors in place to assist with the modifying the screen fence/false walls. He indicated the number of plantings were correct but stated they would need some time to grow. He discussed the solar panels that were already installed on the roof and explained he would like to install additional solar panels on the false wall in order to make the building 80% sustainable, or up to 100% depending on the sun.

Assistant Director of Community Assets and Development Ben Gozola requested the applicant speak further to the energy efficiencies that were built into this building. Dr. Ong explained the building has a good "R" value and was made entirely out of Styrofoam. He indicated his building could be heated with two small space heaters. He invited the Council to come inside his building for a tour, once the building was complete. Councilmember Abdulle commented he attended both Planning Commission meetings where this request was discussed. He thanked Dr. Ong for his patience and for working through the concerns with the City. He understood the original plan would not be completed, but he appreciated the fact that a compromise had been reached. He stated climate change was real and he applauded Dr. Ong for his sustainability and energy efficiency efforts.

Mayor Niedfeldt-Thomas thanked staff for working so diligently with Dr. Ong in order to find a solution for this property. She understood no one could have anticipated the global pandemic and how it would impact construction and the availability of building material. She agreed this was a great story to share and she appreciated hearing more about the sustainability efforts that were incorporated into this building. She encouraged Dr. Ong to consider applying for the Planning Commission in the future. Dr. Ong stated he was happy to be in the community and noted New Brighton was his home.

Motion by Councilmember Dunsworth, seconded by Councilmember Abdulle to adopt a Resolution Approving a Special Use Permit Amendment for NROCK Properties LLC authorizing changes to the exterior treatments on the building at 2370 Palmer Drive (Silver Lake Smile).

A roll call vote was taken.

5 Ayes, 0 Nays-Motion Carried

Commission Liaison Reports, Announcements and Updates

Commission Liaison Reports, Announcements and Updates

Devin Massopust

City Manager Massopust provided the Council with an update on the number of cases of COVID that have occurred in the month of January in New Brighton. He reported all municipal operations were being provided just as they always have. He noted the City was taking applications at this time for the City's Commissions. He stated he attended a meeting with suburban Ramsey County City Managers last week where the uptick in crime was discussed.

Graeme Allen

Councilmember Allen reported the Public Safety Commission met on Monday, January 10 and received updates from Allina and Public Safety Director Paetznick. He stated this group discussed the need for qualified applicants for both EMT's and police officers, and received an update on COVID numbers.

Emily Dunsworth

Councilmember Dunsworth reported PREC met on Wednesday, January 5 and discussed the City's DCAD initiatives, a potential for street art in the community, and received a presentation on EV charging stations. She noted the Cable Commission was seeking a new Executive Director for Nine North.

Pam Axberg

Councilmember Axberg reported the EDC met on Wednesday, January 5 and discussed business outreach, public street art, the ice castles, and the survey findings for the Silver Lake Road corridor.

Abdullahi Abdulle

Councilmember Abdulle reported the Planning Commission would meet next on Tuesday, January 18. He indicated the Ramsey County League of Local Government would be meeting next on Friday, January 21.

Mayor Niedfeldt-Thomas

Mayor Niedfeldt-Thomas reported she participated in the North Metro Mayors Association and explained there were opportunities for this group to lobby for different transportation and cross jurisdictional needs. She noted she attended a Mayor Managers meeting on Monday, January 10 where the ongoing impacts of COVID were discussed. She provided the Council with an

update from the Regional Council of Mayors noting this group has been discussing housing goals and strategies along with the uptick in crime. She stated the ice castles were open now through the end of February. She encouraged those who were fully masked to visit the farmers market at the Community Center on Wednesday, January 12.

Adjournment

Mayor Niedfeldt-Thomas adjourned the meeting at 8:07 p.m.


Kari Niedfeldt-Thomas, Mayor

ATTEST: 
Terri Spangrud, City Clerk

Adjournment

The meeting adjourned
at 8:07 p.m.