



COUNCIL PROCEEDINGS THE CITY OF NEW BRIGHTON

Pursuant to notice thereof, a regular meeting of the New Brighton City Council was held Tuesday, September 27, 2022 at 6:30 pm in the New Brighton Council Chambers.

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

Also Present: Devin Massopust-City Manager, Sarah Sonsalla-City Attorney, Craig Schlichting-Director of Community Assets and Development, Dustin Lind-Engineering Supervisor, 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.

Rebecca Nyberg, 427 10th Avenue NW, stated she has an issue with all of the cats within the trailer park. She reported these cats were running wild, were hurt and neglected. She explained she called the trailer park to discuss her concern and was told to speak with Jeremy from the City of New Brighton. She requested the City also look into the number of cars from the trailer park that were parking in front of her home.

Mayor Niedfeldt-Thomas reported staff would gather information based on these comments and would be in touch regarding these concerns.

Sherry McNeil, 2559 Mounds View Drive, indicated she was also concerned about the number of cats within the trailer park. She recalled the cats used to be trapped on a yearly basis, but feared this was not being done now. She explained the cats would continue to move out into the surrounding neighborhood if not trapped.

Scott Hubbard, 430 10th Avenue NW, stated he had issues with the parking that was occurring on 4th Street from the trailer park. He noted he has spoken with the police department about this issue, but feared nothing was being done to address his concern. He explained some cars have been parked on the street for up to a month, which meant his street was not being swept or plowed. He asked that the City also address the cat concern at the trailer park. He reported he has been in the neighborhood for the past 54 years and he had concerns about the type of activity that was occurring at the trailer park.

Councilmember Allen thanked his neighbors for coming in today and speaking to the issues that were occurring in the neighborhood. He understood working with the owners of the manufactured home park was difficult at times. He encouraged staff and the Public Safety Department to address the concerns that have been raised regarding cats and parking.

Approval of Agenda

Approval of the September 27, 2022 Council Agenda.

Call to Order

Pledge of Allegiance

Public Comment Forum

Approval of Agenda

Approval of the
September 27, 2022

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

5 Ayes, 0 Nays-Motion Carried

Special Order of Business

1. Recognize Mayor Bob Benke for his Outstanding Service to the City of New Brighton.

Mayor Niedfeldt-Thomas shared a video that recognized former Mayor Bob Benke and described his history and involvement with the City of New Brighton. She then read a proclamation in full for the record and highlighted the numerous accomplishments of former Mayor Bob Benke due to his outstanding public service to the City over the past 40+ years, and named him an ambassador for New Brighton. A round of applause was offered by all in attendance. She presented him with a piece of artwork from Minnesota artist Mamie Carger, who customizes paper maps.

Former Mayor Bob Benke stated with all of the accomplishments over the years, he reminded the Council that he only walked on water in the winter time. He explained he has enjoyed working with his friends and neighbors to better the community and enjoy life. He reported he was not leaving New Brighton all together, but would remain involved at Christ the King Lutheran Church.

Judy Benke thanked the Council for the thoughtful gift and noted her heart would remain in the community forever.

Representative Connie Bernardy thanked former Mayor Bob Benke for his tremendous service to New Brighton and for mentoring others who serve the community. She stated it was an honor to serve with him over the years.

Mary Burg thanked former Mayor Bob Benke for his strong leadership and service to the community. She reported former Mayor Benke's vision for the I-35W Coalition assisted the City with receiving funding for the I-35W improvements. She thanked Mayor Benke for being a mentor to others and stated New Brighton was a better place because of his service. She also thanked Judy Benke for all of her sacrifices and for also serving the community.

Consent Agenda

1. Consider Approval of Payments.
2. Approve City Council Minutes:
 - a. September 6, 2022 Worksession Meeting Minutes.
 - b. September 13, 2022 Worksession Meeting Minutes.
 - c. September 13, 2022 City Council Meeting Minutes.
3. Accept Receipt of Commission Minutes:
 - a. June 13, 2022 Public Safety Commission Meeting Minutes.
4. Consider a Resolution Approving a Site Plan Authorizing Construction of a New Greenhouse at 641 Old Highway 8.
5. Consider Application for a Transient Merchant License for Art & Rugs Express.
6. Resolution to Consider Accepting a 2022 Stormwater Management Grant from

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Rice Creek Watershed District.

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

5 Ayes, 0 Nays - Motion Carried

Public Hearing

1. City Project 21-1, 2021 Street Rehabilitation Assessment Hearing.

City Manager Massopust indicated Engineering Supervisor Lind would be presenting this item to the Council.

Engineering Supervisor Lynde stated the approval of City Project 21-1, 2021 Street Rehabilitation included the recommendation that costs associated with the street rehabilitation portion of the project be funded by general taxes and assessments against benefiting properties in the project area. Minnesota State Statute 429 requires a Public Hearing be held to adopt the proposed assessments. Staff reviewed the Special Assessment Report which contains project costs, assessment rates, project location maps, and the resolution necessary for the adoption of the assessments and requested the Council open the assessment hearing.

Councilmember Abdulle asked what happened to a deferment if a property were to sell.

Engineering Supervisor Lind explained if a property sells, the assessment goes with the property and would be handled by the title company at the time of the sale. He reiterated that this was a deferment and not forgiven.

Mayor Niedfeldt-Thomas commended staff for reusing aggregate on the City's street rehabilitation projects.

Motion by Councilmember Dunsworth, seconded by Councilmember Abdulle to open the Public Hearing.

5 Ayes, 0 Nays - Motion Carried

The Public Hearing was opened at 7:23 p.m.

Jason Alberts, 1751 Longview Drive, discussed how his drains were clogged after the street project was completed. He noted this happened for his neighbors too. He stated he had concerns with the actual value of the improvement and questioned why the City had to charge residents 3% interest for the assessment. He discussed how all costs were higher at this time and explained New Brighton residents were feeling the squeeze.

Jason Gentley, 2360 Brighton Lane, stated at the end of Brighton Lane near Longview Drive, there was water pooling in the street. He indicated this was fine during the summer, but stated he did not want these portions of the road to remain ice all winter. He requested the City investigate this concern. Engineering Supervisor Lind reported the curb lines were removed in this area to address this concern. He explained this intersection was very flat and indicated staff would monitor this concern with the contractor.

Nicole Alberts, 1751 Longview Drive, commented there was a ton of water in the street. She anticipated the standing water, freezing and thawing of ice would damage the new roadway. She also expressed concern with the fact students from Irondale were parking on her street and questioned if the high school parking could be eliminated now that the school parking lot was enlarged.

Mayor Niedfeldt-Thomas asked for additional comments, there were none.

Motion by Councilmember Allen, seconded by Councilmember Axberg to close the Public Hearing.

Public Hearing
1. City Project 21-1, 2021 Street Rehabilitation Assessment Hearing.

5 Ayes, 0 Nays - Motion Carried

The Public Hearing was closed at 7:32 p.m.

Motion by Councilmember Axberg, seconded by Councilmember Abdulle to adopt a Resolution approving the 2022 Special Assessment Report for Project 21-1, 2021 Street Rehabilitation.

5 Ayes, 0 Nays-Motion Carried

2. Consider a Resolution Approving a Preliminary Plat, Final Plat, and Variances to Authorize Subdivision of the land at 546 Old Highway 8 SW into two parcels.

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 Jacob Pletscher is seeking authorization to subdivide his property at 546 Old Highway 8 into two parcels. Each parcel will need a 10' variance from the R-2 lot width requirement at the building setback. The existing home will remain on proposed Lot 2 in conformance with code requirements, and proposed Lot 1 will become a vacant lot eligible for construction of a single family or duplex home. Staff commented further on the request and recommended the Council table action on this item until the title commitment can be reviewed.

Motion by Councilmember Abdulle, seconded by Councilmember Dunsworth to open the Public Hearing.

5 Ayes, 0 Nays - Motion Carried

The Public Hearing was opened at 7:41 p.m.

Mayor Niedfeldt-Thomas asked for comments, there were none.

Motion by Councilmember Allen, seconded by Councilmember Axberg to close the Public Hearing.

5 Ayes, 0 Nays - Motion Carried

The Public Hearing was closed at 7:42 p.m.

Motion by Councilmember Abdulle, seconded by Councilmember Axberg to table action on this item until the title commitment can be reviewed.

5 Ayes, 0 Nays-Motion Carried

Council Business

1. Consider Ordinance 892: An Ordinance to Update Rental Licensing Requirements for Residential Housing Units Throughout the City.

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 Ordinance 892 responds to Council's directive to staff to initiate changes to City Code to expand the existing residential

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Council Business

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licensing and inspection program to include single family home rentals and duplex rentals. Updates as directed by Council have now been incorporated into the Ordinance, and the draft is now ready for final consideration. Staff commented on the proposed Ordinance in further detail noting language changes that were made based on previous Council comments. He reported the Equity Commission reviewed this Ordinance and recommended approval.

Councilmember Dunsworth commented this Ordinance was brought to the Council based on resident complaints. She indicated this Ordinance would provide the City with a way to address rental properties that have become a concern. She hoped this Ordinance would benefit both landlord and tenants in residential rental housing going forward.

Councilmember Allen stated there has been a rise in single family rentals in New Brighton. He hoped this Ordinance and the proposed inspection program would address the concerns that have been raised from these properties. He explained he appreciated the proposed tiered system and noted staff would now have the tools to take action against landlords that were not willing to work with the City. He appreciated the fact that minimum standards would now be in place for single-family rental housing. He thanked the City Council and staff for working on this Ordinance and rental licensing program.

Councilmember Abdulle explained he appreciated this Ordinance and what the inspection program will do to improve the quality of the City's housing stock. He reported he has been a renter longer than he has been a homeowner and he encouraged the City to educate renters to make them aware of the fact inspections were completed for their safety. He thanked staff for all of their efforts on this program and Ordinance.

Councilmember Axberg thanked Assistant Director Gozola for all of his work on this Ordinance. She requested further information regarding the Class A and Class B licenses. Assistant Director of Community Assets and Development Gozola commented on the differences between the Class A and Class B licenses, noting multiple failures would put landlords into Class C.

Councilmember Axberg asked if the renter had to be present during an inspection. Assistant Director of Community Assets and Development Gozola reported the renter does not have to be present, but the landlord would have to be present.

Councilmember Axberg questioned if something was not compliant, such as a hand railing, would this have to be brought into compliance when a property was inspected. Assistant Director of Community Assets and Development Gozola reported legal non-conformities, such as an outdated railing, could remain in place if built according to code when constructed. He explained staff would call the legal non conformities out to landlords in order to make them aware of the issues in order to encourage the landlords to correct them in the future.

Mayor Niedfeldt-Thomas thanked staff for all of their work on this Ordinance. She appreciated the fact that the inspection team would be making recommendations to the landlords. She reported this Ordinance does not apply to a single family home where someone is renting a room and the owner is present, rather this Ordinance applies to rentals where the owner is not present. Assistant Director of Community Assets and Development Gozola stated this was correct.

Mayor Niedfeldt-Thomas requested staff speak to the term significant romantic relationship and asked why this did not read domestic partnership. City Attorney Sonsalla stated she did not come up with this term, but rather this came from Rachel Tierney, the St. Paul City Attorney.

Councilmember Dunsworth reported domestic partnership was a legal term and people do file for this. However, it was her understanding this term has been removed from a lot of legal paperwork.

Mayor Niedfeldt-Thomas thanked staff for reviewing the eviction language and for providing the flexibility to seek legal counsel before evicting tenants. She indicated this was a pretty substantial Ordinance and she appreciated how thoughtful the City was through the entire process. She appreciated how the Council came together collectively to bring this Ordinance forward.

Councilmember Abdulle asked how the City was defining blood relative. Assistant Director of Community Assets and Development Gozola explained this included parent, grandparent, step-parent, step-child, child, grandchild, brother, sister, uncle, aunt, nephew or niece. This relationship may be by blood, marriage or persons involved in a significant romantic relationship or those who share a child.

Councilmember Allen questioned if there was consideration about giving a copy of the inspection report to the renters. Assistant Director of Community Assets and Development Gozola stated this direction could be

added to the policy.
Councilmember Allen supported this recommendation.

Motion by Councilmember Allen, seconded by Councilmember Dunsworth to adopt Ordinance 892, An Ordinance to Update Rental Licensing Requirements for Residential Housing Units Throughout the City.

5 Ayes, 0 Nays-Motion Carried

Motion by Councilmember Allen, seconded by Councilmember Dunsworth to direct staff to publish a summary Resolution for Ordinance 892.

5 Ayes, 0 Nays-Motion Carried

2. Acceptance of Vision Silver Lake Road 2040 Phase III Final Deliverables.

2. Acceptance of Vision
Silver Lake Road 2040
Phase III Final
Deliverables.

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 HKGi has prepared the final summary documents which bring the Vision Silver Lake Road 2040 project to a close. The final documents were presented to Council. Staff reviewed the relevant outcomes that drove this project and requested the Council accept the final summary document.

Councilmember Axberg stated she appreciated all of the feedback the City has received from the public on this project.

Councilmember Allen indicated there were no current plans before the City for these nodes, but stated this plan gives the City a vision for these areas. He appreciated how hard the City worked to get feedback for these areas in order to assist with the future planning for these areas.

Councilmember Abdulle concurred with these points. He appreciated the proactive planning the City was doing for this corridor. He explained he also appreciated how this plan considered the entire vision for the corridor, including how pedestrians move through the area. He discussed how he appreciated the fact the City Council had reduced the residential speed limit to 25 miles per hour. He thanked staff for all of their efforts on this plan.

Councilmember Dunsworth stated combatting the misinformation around this plan has been a significant challenge for the Council. She reiterated that there were no plans in place right now. Rather, this was a proactive study that engaged the public to assist with the planning of three nodes in the community that were in need of revitalization and redevelopment. She explained there were no six story apartment buildings being proposed in the City, neither was there a Starbucks or a Dunkin'. She indicated she appreciated the feedback that has been gathered from the public and reported this study was a guide for the future. She thanked Assistant Director Gozola for all of his work on this project.

Mayor Niedfeldt-Thomas stated after she was sworn in as Mayor she was excited to learn the City received granting funding and would be completing this vision study. She explained this meant HKGi would be working with staff on this project to engage the public. She reported the mixed use nodes, were currently mixed use nodes. She indicated she suggested the study be called Vision Silver Lake Road and reiterated that nothing was happening today, but rather this was a vision or guide for the corridor for the next 20 years. She noted the next steps for this would be for staff to draft Ordinances that would put the proper zoning in place. She commented further on the conversations she has had with residents and business owners about this plan. She discussed how this Silver Lake vision would assist the City in getting ahead of plans versus reacting to future plans from developers. She explained the City would continue to take feedback from residents and business owners on the Silver Lake corridor.

Motion by Councilmember Abdulle, seconded by Councilmember Allen to accept the final summary document and associated webpage identifying the consultant's findings to conclude the Vision Silver Lake Road 2040 project.

5 Ayes, 0 Nays-Motion Carried

Commission Liaison Reports, Announcements and Updates

Commission Liaison Reports, Announcements and Updates

Graeme Allen

Councilmember Allen reported the Public Safety Commission would meet next on Monday, October 10 at 6:30 p.m.

Emily Dunsworth

Councilmember Dunsworth reported Nine North has hired a new Executive Director. She stated Jeff Onstad was hired and noted she would be meeting with him to complete onboarding from the Board of Directors.

Abdullahi Abdulle

Councilmember Abdulle reported the Planning Commission met on Tuesday, September 20 and discussed the Pletcher's request.

Mayor Niedfeldt-Thomas

Mayor Niedfeldt-Thomas reported the Equity Commission met on Thursday, September 15 and discussed Ordinance 892. She explained this group would meet next on Thursday, October 20. She stated the League of Women Voters Candidate Forum for Senate and House candidates would be held on Monday, October 3 at 7:00 p.m. in the Council Chambers. She indicated the Municipal Candidate Forum would be held on Monday, October 17 at 7:00 p.m. She stated the Lions would be holding a fundraiser to benefit the New Brighton Historical Society on Saturday, October 9 from 12:00 p.m. to 4:00 p.m. at Adagio's. She invited the public to participate in the Tails on the Trails event on Saturday, October 9 at Hansen Park from 1:00 p.m. to 4:00 p.m. She stated the New Brighton Historical Society would be recognizing Pletscher's for over 100 years in the community at the New Brighton Community Center on Saturday, October 9 at 3:00 p.m. She noted the farmers market would be winding down over the next several weeks with the last weekly market being held on Wednesday, October 12. After this time, the farmers market would be held monthly. She reported early voting had started for the upcoming election.

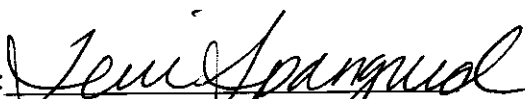
Adjournment

Mayor Niedfeldt-Thomas adjourned the meeting at 9:19 p.m.

Adjournment
The meeting adjourned at 9:19 p.m.


Kari Niedfeldt-Thomas, Mayor

ATTEST:


Terri Spangrud, City Clerk