



## COUNCIL PROCEEDINGS THE CITY OF NEW BRIGHTON

Pursuant to notice thereof, a regular meeting of the New Brighton City Council was held Tuesday, July 11, 2023 at 6:30 pm in the New Brighton Council Chambers.

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

**Also Present:** Devin Massopust-City Manager, Sarah Sonsalla-City Attorney (attending remotely), 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. There were no comments from the public.

### Approval of Agenda

Approval of the July 11, 2023 Council Agenda.

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

**3 Ayes, 0 Nays-Motion Carried**

### Special Order of Business

None.

### Consent Agenda

1. Consider Approval of Payments.
2. Approve City Council Minutes:
  - a. June 27, 2023 Worksession Meeting Minutes.
  - b. June 27, 2023 City Council Meeting Minutes.
3. Accept Receipt of Commission Minutes:
  - a. June 7, 2023 Parks, Recreation and Environmental Commission Minutes.

### Call to Order

### Pledge of Allegiance

### Public Comment Forum

**Approval of Agenda**  
 Approval of the July 11, 2023 Agenda.

### Special Order of Business

- Consent Agenda**
1. Consider Approval of Payments.
  2. Approve City Council Minutes:
    - a. June 27, 2023 Worksession Meeting.
    - b. June 27, 2023 City Council Meeting.
  3. Accept Receipt of Commission Minutes:
    - a. June 7, 2023 PREC.
    - b. April 10, 2023 Public Safety Comm.
  4. Consider Resolution Setting a Public

Hearing on a Street ROW Vacation.

- b. April 10, 2023 Public Safety Commission Meeting Minutes.
4. Consider Resolution Setting a Public Hearing on a Street ROW Vacation.
5. Consider Approval of Temporary On-Sale Liquor License for Retrieve a Golden of the Midwest for their annual Goldzilla event.
6. Consider Approval of Temporary On-Sale Liquor License for St. John the Baptist Catholic Church for their annual Fall Fest.
7. Consider Approval of Gambling License Exemption for St. John the Baptist Catholic Church for their annual Fall Fest.
8. Consider Authorizing Preventative Maintenance Agreement with Bergeson-Caswell Incorporated for Well #6.
9. Resolution to Consider Stop Signs on 12th Avenue NW at 6th Street NW.
10. Consider Approval of Final Payment for Kraus Anderson for Sunny Square Redevelopment Project.
11. Consider Approval of Temporary On-Sale Liquor License for Stockyard Days.
12. Consider Approval of Off-Site Gambling License for MN Fastpitch Academy Foundation during Stockyard Days.

5. Consider Approval of Temp. On-Sale Liquor Lic. for Retrieve a Golden of the Midwest for their annual Goldzilla event.

6. Consider Approval of Temp. On-Sale Liquor Lic. for St. John the Baptist Catholic Church for their annual Fall Fest.

7. Consider Approval of Gambling License Exemption for St. John the Baptist Catholic Church for their annual Fall Fest.

8. Authorizing Preventative Maintenance Agr. with Bergeson-Caswell Inc. for Well #6.

9. Resolution to Consider Stop Signs on 12th Avenue NW at 6th Street NW.

10. Consider Approval of Final Payment for Kraus Anderson for Sunny Square Redev. Project.

11. Consider Approval of Temp. On-Sale Liquor License for Stockyard Days.

12. Consider Approval of Off-Site Gambling Lic. for MN Fastpitch Academy Foundation during Stockyard Days.

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

**3 Ayes, 0 Nays - Motion Carried**

### **Public Hearing**

None.

### **Council Business**

1. Consider Accepting Bids and Authorize Staff to Enter into a new five-year contract for recycling services.

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 following an RFP process initiated in March of 2023 and review of all proposals, Republic Services is the next preferred provider based on base price, environmental factors, clean-up day costs and direct personal service. Staff commented further on the primary assessment criteria that were considered and recommended the Council direct staff to negotiate and finalize a five-year recycling contract with Republic Services.

Councilmember Allen discussed how the recycling market has changed in the past seven years. He asked how costs have changed during this time. Assistant Director of Community Assets and Development Gozola stated costs have risen during this time.

Councilmember Axberg questioned if recycling costs were billed quarterly to residents.

### **Public Hearing**

### **Council Business**

1. Consider Accepting Bids and Authorize Staff to Enter into a new five-year contract for recycling services.

Assistant Director of Community Assets and Development Gozola noted this was a pass through cost that was put onto residents utility bills. He commented on how the yearly SCORE grant assists with covering recycling expenses.

Mayor Niedfeldt-Thomas questioned if Republic was hosting the current cleanup day.

Assistant Director of Community Assets and Development Gozola explained the City works with Republic along with other vendors to provide various services for cleanup day.

Mayor Niedfeldt-Thomas inquired if the City was sharing information regarding the walk up services or language services provided by Republic. Assistant Director of Community Assets and Development Gozola explained he was not aware of these services prior to this RFP process and noted staff would be sharing this information with residents.

Mayor Niedfeldt-Thomas questioned why multi-family buildings were able to opt out of recycling. Assistant Director of Community Assets and Development Gozola reported smaller multi-family buildings (less than 10 units) had the option of joining the City's recycling program. He explained all multi-family buildings in the City have opted to pursue their own recycling services.

Beverly Mathiasen, Republic Services, recommended that if the City was going to require multi-family buildings to use Republic Services, the property owners should be notified in the case they were in a three to five year contract with another recycling vendor.

Councilmember Allen questioned if Republic would be able to provide organized trash collection for New Brighton. Ms. Mathiasen reported there was strong guidance and rules in terms of organized trash collection. She indicated the City would start with a consortium for organized trash collection. She encouraged the Council to review the City of Anoka's actions regarding organized trash collection.

Mayor Niedfeldt-Thomas requested further information regarding electric vehicles. Ms.

Mathiasen explained Republic was an environmental services company that was committed to offering customers the most complete set of environmental solutions. She noted Republic rolled out the industry's first integrated electric vehicles for trash and recycling services in 2023. She anticipated half of all future vehicle purchases would be electric. In addition, Republic was hoping to open its first polymer center in Las Vegas this year. She stated in the Midwest, a polymer center would be opening in 2024, which would assist with recycling more plastic. She introduced the local department leaders to the Council and commented further on Republic's environmental achievements.

Mayor Niedfeldt-Thomas questioned if the compressed natural gas vehicles could be used in New Brighton. Ms. Mathiasen reported this would be difficult given the location of the CNG pumps.

Mayor Niedfeldt-Thomas inquired when the Track My Truck App would be going live. Ms. Mathiasen anticipated this app would be available sometime in 2024.

Mayor Niedfeldt-Thomas asked if the County's organics program would be funded by the County. Assistant Director of Community Assets and Development Gozola stated the centralized collection facility was provided by the County. He noted he would have to do more research on how this program was being funded.

Councilmember Allen discussed how valuable recycling services were to New Brighton residents. He stated he would like to learn from staff more about the County's organics recycling program.

**Motion by Councilmember Axberg, seconded by Councilmember Allen to direct staff to negotiate final details of a new five-year recycling contract with Republic Services.**

Councilmember Allen explained he supported the City pursuing organics recycling with Republic in order to streamline the process, but noted he would still like to learn more about where the County's program was at. City Manager Massopust stated he would speak with the County regarding this matter and would report back to the City Council.

**2 Ayes, 0 Nays, 1 Abstain (Councilmember Allen)-Motion Carried**

2. Consider Ordinance 901: An ordinance to amend Chapter 29 of the City Code to updated language prohibiting on-street parking of large vehicles.

2. Consider Ordinance 901: An ordinance to amend Chapter 29 of the City Code to updated language prohibiting on-street parking of large vehicles.

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 at the request of the Public Safety department, staff has prepared Ordinance 901 to update code language prohibiting the parking of large vehicles on-street. Once code is updated, the Public Safety department will employ a combination of education and enforcement activities to address the ongoing problem. He reviewed photos of several roadways in the community that have become concerns with semi-truck parking. Staff commented on the proposed ordinance in further detail and reported the Planning Commission recommended approval.

Councilmember Axberg asked how this ordinance was working for the City of Minneapolis. Assistant Director of Community Assets and Development Gozola stated he has not spoken to anyone from the City of Minneapolis regarding this matter. He noted he worked with public safety staff to understand how other jurisdictions have addressed this issue, in order to draft language that could be enforced.

Mayor Niedfeldt-Thomas asked if there was a concern with trucks idling and waiting to pick up loads on on-street space. Assistant Director of Community Assets and Development Gozola reported staff did not object to trucks waiting.

Mayor Niedfeldt-Thomas questioned if the City would be putting up more signs to address on-street parking. Assistant Director of Community Assets and Development Gozola explained discussions would occur regarding signage in the most problem areas of the community.

Mayor Niedfeldt-Thomas inquired if residents could apply for a permit if they have a food truck. Assistant Director of Community Assets and Development Gozola indicated this could be considered within the parking ordinance that was being worked on at this time.

Councilmember Allen supported the City looking to identify places where trucks could be stored in the community while waiting to load or unload.

Mayor Niedfeldt-Thomas recommended staff put something in the next newsletter regarding this Ordinance.

**Motion by Councilmember Axberg, seconded by Councilmember Allen to approve Ordinance 901, an Ordinance to amend Chapter 29 of the City Code to updated language prohibiting on-street parking of large vehicles.**

**3 Ayes, 0 Nays-Motion Carried**

3. Consider a resolution directing staff to prepare an Ordinance authorizing a study and imposing a temporary moratorium on the operation of cannabis businesses.

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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 Minnesota Legislature recently enacted a number of new laws which are now going into effect, including a law clearing the way for cannabis businesses to open up throughout the state. To effectively update City Code to accommodate this new use, it is recommended that Council direct staff to prepare an ordinance establishing a temporary moratorium on such businesses to allow for study of the new law. Following completion of the study and prior to the moratorium ending, staff would bring forward any recommended City Code updates for Council consideration. Staff commented further on the potential licensing framework and noted the City would address this

further during the moratorium.

Mayor Niedfeldt-Thomas asked why a public hearing was required for the Council to consider a moratorium. City Attorney Sonsalla explained this was a requirement per the cannabis statute.

Mayor Niedfeldt-Thomas reported the Public Hearing was slated for July 25. She inquired if the Council would be considering the moratorium at this same meeting. City Manager Massopust indicated the Council would be voting on the moratorium on July 25.

Mayor Niedfeldt-Thomas recommended the City begin building relationships with the school district in order to discuss how to properly educate students on this topic. Councilmember Allen asked if this moratorium would impact the products that were currently legal. City Manager Massopust explained these products were not considered a part of the cannabis business.

Councilmember Allen questioned why the City was dealing with this now when there was still ambiguity. City Manager Massopust stated the City understood this topic was extremely nebulous and the City was working to be proactive. He explained the moratorium would give staff time to prepare for future license requests.

Councilmember Allen reported if the moratorium were passed staff would look into this topic further and in 2024 the City would have a better idea on how to set best practices.

Mayor Niedfeldt-Thomas indicated she supported the proposed moratorium.

Councilmember Allen questioned if the City would be required to have two cannabis businesses in the future. He stated he would like to have further information regarding this requirement. He thanked staff for all of their efforts and for answering his questions regarding the temporary moratorium.

**Motion by Councilmember Allen, seconded by Councilmember Axberg to approve a Resolution directing staff to prepare an ordinance authorizing a temporary moratorium on Cannabis Businesses.**

**3 Ayes, 0 Nays-Motion Carried**

### **Commission Liaison Reports, Announcements and Updates**

#### **Devin Massopust**

City Manager Massopust reported flyers were being sent out regarding EAB treatment. He stated National Night Out would be held on Tuesday, August 1. He explained the next concert at Veteran's Park would be held on Thursday, July 13.

#### **Pam Axberg**

Councilmember Axberg reported July was Park and Recreation Month. She encouraged residents to get out and take advantage of the City's parks. She stated PREC met on Wednesday, July 5.

#### **Mayor Niedfeldt-Thomas**

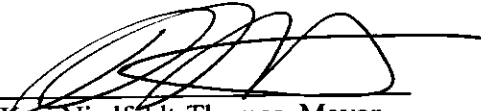
Mayor Niedfeldt-Thomas commented on the TUV SUD grand opening and thanked the City for partnering with this local business. She discussed the Just Deeds event that was held last month. She thanked DEI Coordinator Hue Schlieu for organizing this event. She stated a regional mayors meeting was held on Monday, July 10 and this group discussed cannabis and workforce concerns. She noted the farmers market would be held on Wednesday from 3:00 p.m. to 7:00 p.m. She stated Stockyard Days would begin on Friday, August 11 and events would run through Sunday, August 13. She explained the Equity Commission would meet next on Thursday, July 20 and the City Council would meet next on Tuesday, July 25.


**Commission Liaison  
Reports,  
Announcements and  
Updates**

**Adjournment**  
The meeting adjourned  
at 8:13 p.m.

**Adjournment**

Mayor Niedfeldt-Thomas adjourned the meeting at 8:13 p.m.

  
Kari Niedfeldt-Thomas, Mayor

ATTEST:   
Terri Spangrud, City Clerk