



COUNCIL PROCEEDINGS THE CITY OF NEW BRIGHTON

Pursuant to notice thereof, a regular meeting of the New Brighton City Council was held Tuesday, July 25, 2023 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, Tony Paetznick-Public Safety 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. There were no comments from the public.

Approval of Agenda

Approval of the July 25, 2023 Council Agenda.

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

5 Ayes, 0 Nays-Motion Carried

Special Order of Business

None.

Consent Agenda

1. Consider Approval of Payments.
2. Approve City Council Minutes:
 - a. July 11, 2023 Worksession Meeting Minutes.
 - b. July 11, 2023 City Council Meeting Minutes.
3. Accept Receipt of Commission Minutes: None.

Call to Order

Pledge of Allegiance

Public Comment Forum

Approval of Agenda
 Approval of the July 25, 2023 Agenda.

Special Order of Business

- Consent Agenda**
1. Consider Approval of Payments.
 2. Approve City Council Minutes:
 - a. July 11, 2023 Worksession.
 - b. July 11, 2023 City Council.
 3. Accept Receipt of Commission Minutes: None.
 4. Consider approval of Playground

4. Consider approval of Playground Relocation at Totem Pole Park.
5. Consider Approval of Updates to Employee Handbook Section 31 titled "Purchasing Policy"
6. Consider Acceptance of the Second Quarter 2023 Financial Reports.
7. Consider Accepting the Independent Audit of New Brighton's Portable Recording System (Police Body Worn Cameras (BWCs)).
8. Consider Issuance of a 3.2 Off-Sale License for New Brighton Gas.
9. Consider a Resolution Identifying the Need for Livable Communities Demonstration Account Funding and Authorizing Application for Grant Funds.
10. Consider a Resolution approving a site plan authorizing improvements to 305 2nd Street NW.
11. Consider approval of Gambling Exemption for Ducks Unlimited North Suburban Chapter 239.
12. Consider Resolution Establishing a New Polling Place for New Brighton Precinct 2 for the 2023 School Elections.
13. Consider Authorizing staff to Purchase Community Center Meeting Room Furniture.
14. Consider Quote for City Project 23-3 Concrete Street Rehabilitation Utility Improvements.

Relocation at Totem Pole Park.

5. Consider Approval of Updates to Employee Handbook Section 31 titled "Purchasing Policy"

6. Acceptance of the Second Quarter 2023 Financial Reports.

7. Accepting the Independent Audit of New Brighton's Portable Recording System (Police Body Worn Cameras).

8. Consider Issuance of a 3.2 Off-Sale Lic. for New Brighton Gas.

9. Consider Resolution Identifying the Need for Livable Communities Demo Account Funding and Authorizing App. for Grant Funds.

10. Resolution approving a site plan authorizing improvements to 305 2nd Street NW.

11. Consider approval of Gambling Exemption for Ducks Unlimited North Suburban Chapter 239.

12. Resolution Establishing a New Polling Place for Precinct 2 for the 2023 School Elections.

13. Authorize staff to Purchase Community Center Meeting Room Furniture.

14. Consider Quote for City Project 23-3.

Public Hearing

1. Ordinance 906:
 - a. Consider Ordinance 906: An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses
 - b. Consider a Resolution authorizing summary publication of Ordinance 906

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

5 Ayes, 0 Nays - Motion Carried

Public Hearing

1. Ordinance 906:
 - a. Consider Ordinance 906: An Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses
 - b. Consider a Resolution authorizing summary publication of Ordinance 906

City Manager Massopust requested the Council consider an Ordinance that would authorize a study and impose a moratorium on the operation of cannabis businesses. He explained staff was directed by the Council to bring this Ordinance forward in order to allow staff to take more time to study and make decisions on how to regulate certain aspects of these businesses. He indicated this moratorium would not regulate the use of cannabis, but rather addresses the licensing and businesses themselves. He indicated Assistant Director of Community Assets and Development Gozola would be presenting this item in further detail to the Council. Assistant Director of Community Assets and Development Gozola explained 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 adopt an interim ordinance 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. It was noted the moratorium ordinance and executive summary were prepared by Kennedy & Graven. Staff commented on the proposed Ordinance further and recommended the Council hold a public hearing and adopt the Ordinance.

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

5 Ayes, 0 Nays - Motion Carried

The Public Hearing was opened at 6:36 p.m.

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

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

5 Ayes, 0 Nays - Motion Carried

The Public Hearing was closed at 6:37 p.m.

Councilmember Allen stated he appreciated the fact the City was taking the time to put the correct processes and procedures in place when it comes to the operation of cannabis businesses and noted the moratorium would assist the City with this process.

Motion by Councilmember Dunsworth, seconded by Councilmember Axberg to adopt Ordinance 906, an Interim Ordinance Authorizing a Study and Imposing a Moratorium on the Operation of Cannabis Businesses.

5 Ayes, 0 Nays-Motion Carried

Motion by Councilmember Allen, seconded by Councilmember Abdulle to approve a Resolution authorizing summary publication of Ordinance 906.

5 Ayes, 0 Nays-Motion Carried

Council Business

1. Consider Agreement with Mounds View Schools for School Resource Officers.

City Manager Massopust indicated Public Safety Director Paetznick would be presenting this item to the Council.

Public Safety Director Paetznick stated Mounds View Schools has again requested the proactive policing presence of New Brighton officers for the upcoming academic year. The current agreement will include three full-time School Resource Officers and 100% reimbursement to the City of the personnel costs for the nine-month school year. He commented on the history of the school-based policing in New Brighton and summarized the revisions that were made to the updated agreement.

Councilmember Abdulle thanked Director Paetznick for his presentation. He stated it was always good to hear about the great work being done by the Public Safety Department. He indicated he was concerned about the five year term on the agreement because this would cover the Council's entire term. He hoped that the progress that was being made in the schools and updates would be made to the Council over the next five years given the fact the contract

Council Business

1. Consider Agreement with Mounds View Schools for School Resource Officers.

would automatically renew each year. Public Safety Director Paetznick reported the agreement would automatically renew after a 60 day opt out time period. He indicated there was a seven-day with cause opt out for each party as well, which offers greater protection to both parties. Councilmember Dunsworth thanked Director Paetznick for his detailed presentation and for providing evidence that both students and parents were comfortable with having officers in the schools.

Mayor Niedfeldt-Thomas questioned how long this survey has been going on. City Manager Massopust reported this survey was completed by the State and has been going on since the 1980's.

Councilmember Allen supported the Public Safety Director continuing to provide the Council and Public Safety Committee with yearly updates on the SROs.

Mayor Niedfeldt-Thomas recommended the State survey results also be provided to the Council on an annual basis. City Manager Massopust reported this information could be provided to the Council, along with an SRO update.

Councilmember Axberg offered her condolences to the family of the officer that died in the line of duty from Pequot Lakes, Minnesota. She noted this death has an impact on the entire public safety community. She commented on the positive interactions and relationships that are built within schools by having SRO's in the schools. She indicated she has been comfortable with contracts that have automatic renewals and noted she supported this clause given the history between the two organizations.

Motion by Councilmember Axberg, seconded by Councilmember Allen to approve the Agreement between the City of New Brighton and the Mounds View School District for School Resource Officer (SRO) services at Irondale High School, Highview Middle School, Bel Air Elementary School, Sunnyside Elementary School, Pike Lake Education Center, and Early Childhood Education Center.

4 Ayes, 1 Nay (Councilmember Abdulle)-Motion Carried

2. Consider a Resolution Approving a Special Use Permit and Site Plan to authorize Pioneer Paper Stock to locate at 600 Lakeview Point.

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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 Pioneer Paper Stock of Minnesota is looking to open a recycled paper sorting & distribution operation within the former H Brooks building at 600 Lakeview Point Drive. He reviewed how the site would be used by Pioneer Paper Stock. Staff commented further on the request and explained the Planning Commission and staff both recommend approval of the proposed Special Use Permit and Site Plan with conditions.

Councilmember Allen commented on the arrangement that would be made regarding the gate. Councilmember Abdulle questioned what would be in the large tank. Assistant Director of Community Assets and Development Gozola explained the tank would house diesel fuel for the tractor trailers visiting the site.

Mark Elsbern, Division Manager for Pioneer Paper, introduced himself to the Council and explained all existing laws would be followed when it came to the diesel fuel tank and other chemicals onsite.

Mayor Niedfeldt-Thomas asked Pioneer Park would own this site, or would it be leased. Mr. Elsbern reported he did have a purchase agreement in place for the property and this would be completed after his due diligence was completed.

Mayor Niedfeldt-Thomas inquired if Pioneer Park would be opening a second location in New Brighton, or would the business be relocating to New Brighton. Mr. Elsbern explained the business would be relocating to the City of New Brighton. He indicated he was looking forward to combining his operations under one roof

within this building.

Mayor Niedfeldt-Thomas questioned what State Department would regulate this business. Mr. Elsbern explained he has a permit with the MPCA. Further discussion ensued regarding the activity that was occurring on the property.

Motion by Councilmember Abdulle, seconded by Councilmember Dunsworth to adopt a Resolution Approving a Special Use Permit and Site Plan to authorize Pioneer Paper Stock to locate at 600 Lakeview Point.

5 Ayes, 0 Nays-Motion Carried

3. Consider a Resolution Approving a Special Use Permit, Site Plan, and Variance to authorize an addition to the Benedictine Living Community at 1101 Black Oak Drive.

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 Benedictine Health Center at Innsbruck is seeking to renovate the oldest portion of the existing building housing 58 long care residents. As part of the renovation, an addition would be placed on the SW corner of the property to allow the conversion of existing double occupancy rooms into single occupancy rooms. None of the proposed changes and updates will result in an increased number of residents. Staff commented further on the request and explained the Planning Commission and staff both recommend approval of the proposed SUP, site plan, and variance with conditions. Mayor Niedfeldt-Thomas stated she understood the last few years have been incredibly difficult for health care workers over the past three years. She asked when other phases may be considered by the Benedictine Living Community. Reid Hewitt, Executive Director at Benedictine Living in New Brighton, reported this was part of his original plan and would meet the need of the residents onsite at this time. He indicated he could not speak to the long term vision for this property. He stated the 1965 portion of the building would be renovated and all current licensed beds would remain and residents would now have private rooms. He reported the renovations would cost well over \$8 million which showed the commitment Benedictine Living had to New Brighton.

Mayor Niedfeldt-Thomas requested further information regarding the services provided by Benedictine Living. Mr. Hewitt discussed the services provided by Benedictine Living which included 30 transitional care beds and 70 memory care beds.

Motion by Councilmember Dunsworth, seconded by Councilmember Allen to adopt a Resolution Approving a Special Use Permit, Site Plan, and Variance to authorize an addition to the Benedictine Living Community at 1101 Black Oak Drive.

5 Ayes, 0 Nays-Motion Carried

4. Consider Resolution Accepting Bids and Award of Contract for City Project 23-3, 2023 Concrete Street Rehabilitation.

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

Community Assets and Development Director Schlichting stated two bids were received for City Project 23-2 for the 2023 Concrete Street Rehabilitation project. He explained a bid tabulation has been completed by the Department of Community Assets and Development and all bid totals were verified. The low bid of \$833,691.38 submitted by Ti-Zack Concrete, Inc. is six percent below the

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engineer's estimate of \$886,100. The project was bid with an add alternate bid item for concrete grinding of the streets following completed repairs. The cost for grinding (\$193,879.98) was not included in the original engineers estimate. Staff reviewed the location of this project and recommends awarding the contract to include the concrete grinding as it will provide a better end product for all residents in the project corridor. The low bidder, Ti-Zack Concrete, Inc., has not completed work for the City in the past. Staff has however checked for references with MnDOT and feel the contractor is qualified and capable of performing work of this kind and magnitude. The contractor has also recently completed work for Ramsey County along New Brighton Road/County Road 88. If awarded, the contract requires project completion by June 28, 2024.

Councilmember Allen questioned if there had been internal conversations about more streets switching to concrete. Community Assets and Development Director Schlichting stated this has been discussed by staff. He explained concrete is not as flexible as asphalt, should utility work be needed. He indicated there were higher front end costs for concrete, but they concrete does last longer.

Mayor Niedfeldt-Thomas asked if there were additional expectations written into the contract for ways to protect the watershed. Community Assets and Development Director Schlichting discussed the waterbodies within the project area. He explained this rehab project would not get into the gravel or sand so ponding would not be required.

Motion by Councilmember Abdulle, seconded by Councilmember Dunsworth to accept all bids and adopt the attached Resolution awarding a contract for City Project 23-3, 2023 Concrete Street Rehabilitation to the lowest responsible bidder, Ti- Zack Concrete, Inc., in the amount of \$1,027,571.36 (Base Bid plus Alternate).

5 Ayes, 0 Nays-Motion Carried

Commission Liaison Reports, Announcements and Updates

Commission Liaison Reports, Announcements and Updates

Devin Massopust

City Manager Massopust reported on Sunday, July 30 from 4:00 p.m. to 6:00 p.m. a National Night Out preperty would be held in Veteran's Park and at the Public Safety Center. He stated National Night Out would be held on Tuesday, August 1. He noted the farmers market would not be held on Wednesday, July 26.

Graeme Allen

Councilmember Allen reported the Planning Commission met on Tuesday, July 18. He noted Bolton & Menk reviewed the parking study with the Commission and the general consensus was that from a commercial or retail standpoint there has been no parking concerns. He stated the main concerns for parking in the City have been in residential areas. He reported he attended the neighborhood meeting for the splash pad. He thanked staff for all of their efforts in planning for this meeting.

Emily Dunsworth

Councilmember Dunsworth reported the Cable Commission has been working on different funding models for Nine North in order to be more sustainable. She stated on a personal note, her sons 11A baseball team took first place in State last week.

Pam Axberg

Councilmember Axberg reported the workers compensation reinsurance association has a surplus for 2022 and 2023, which meant they would be refunding dollars to businesses. She encouraged local businesses to visit their website (wcra.biz) to see if they would be receiving a refund.

Abdullahi Abdulle

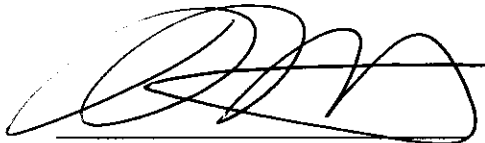
Councilmember Abdulle reported he was pleased to see all of the work the City was doing to address climate change and sustainability.

Mayor Niedfeldt-Thomas

Mayor Niedfeldt-Thomas reported she attended the splash pad neighborhood meeting. She thanked the parks team for working with Ramsey County on how to connect services. She thanked all of the residents that attended and provided feedback at this meeting. She commented on the open house she attended at the Community Center for Rise. She explained she would be participating in a Metro Cities transportation and general government committee in preparation for next years legislative session. She encouraged residents to reach out to her if they have any topics that were of interest to the community. She congratulated Sergeant Farmer for being recognized regarding the Public Safety Department's drone program. She noted the Equity Commission met on July 20 and discussed the parking study. She reported the City Council would meet next on Tuesday, August 8. She encouraged residents to attend the upcoming concert series which would be held on Thursday, August 10 from 6:00 p.m. to 8:00 p.m. at Veterans Park. She encouraged parents to get their children signed up for Safety Camp. She noted the League of Women Voters would be holding their summer social on Monday, August 21. Lastly, she encouraged residents to participate in Stockyard Days, which would be held Friday, August 11 through Sunday, August 13.

Adjournment

Mayor Niedfeldt-Thomas adjourned the meeting at 8:02 p.m.



Kari Niedfeldt-Thomas, Mayor

ATTEST:


Terri Spangrud, City Clerk**Adjournment**

The meeting adjourned
at 8:02 p.m.