



## COUNCIL PROCEEDINGS THE CITY OF NEW BRIGHTON

Pursuant to notice thereof, a regular meeting of the New Brighton City Council was held Tuesday, August 22, 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 (attending remotely), Gina Foschi-Finance Director (attending remotely), Craig Schlichting-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 August 22, 2023 Council Agenda.

**Motion by Councilmember Axberg, 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. August 8, 2023 City Council Meeting Minutes.
3. Accept Receipt of Commission Minutes: None.
4. Consider Approval of a Tobacco License for Fog Tobacco (1439 Silver Lake Rd NW).

### Call to Order

### Pledge of Allegiance

### Public Comment Forum

### Approval of Agenda

Approval of the August 22, 2023 Agenda.

### Special Order of Business

### Consent Agenda

1. Consider Approval of Payments.
2. Approve City Council Minutes:
  - a. August 8, 2023 City Council.
3. Accept Receipt of Commission Minutes: None.
4. Consider Approval of a Tobacco License for Fog Tobacco (1439 Silver Lake Rd NW).

5. Consider Application for a Handbill Distribution for Creative Concrete, Inc.
6. Consider Change Order 1 and Final Payment, Partial Payment 5, for City Project 22-1, 2022 Street Rehabilitation.
7. Consider Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessments, and Setting Public Hearing Date for Assessment Hearing on City Project 22-1, 2022 Street Rehabilitation.
8. Consider Resolution Setting a New Public Hearing on a Street ROW Vacation.
9. Consider Approval of Lease Agreement with Rise, Inc.
10. Consider Resolution Declaring Source of Matching funds for Silver Oaks Park Outdoor Recreation Grant.
11. Consider Resolution Declaring a Vacancy on the Equity Commission.
12. Consider Application for Temporary Wine / Strong Beer License for Northern Lights Greyhound Adoption.

5. Consider App. for a Handbill Distribution for Creative Concrete, Inc.

6. Consider Change Order 1 and Final Payment, Partial Payment 5, for City Project 22-1.

7. Consider Resolution Declaring Costs to be Assessed, Ordering Prep. of Proposed Assessments, and Setting Public Hearing Date for Assessment Hearing on City Project 22-1.

8. Consider Resolution Setting a New Public Hearing on a Street ROW Vacation.

9. Consider Approval of Lease Agreement with Rise, Inc.

10. Consider Res. Declaring Source of Matching funds for Silver Oaks Park Outdoor Recreation Grant.

11. Consider Res. Declaring a Vacancy on the Equity Commission.

12. Consider App. for Temp. Wine/Strong Beer License for Northern Lights Greyhound Adoption.

#### **Public Hearing**

#### **Council Business**

1. Consideration of Xcel Energy Franchise Ordinances 902, 903, 904, 905 and Resolution Approving a Summary Publication for Ordinance Numbers 902, 903, 904 and 905.

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

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

#### **Public Hearing**

None.

#### **Council Business**

1. Consideration of Xcel Energy Franchise Ordinances 902, 903, 904, 905 and Resolution Approving a Summary Publication for Ordinance Numbers 902, 903, 904 and 905.

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 the purpose of a franchise fee is to grant Xcel Energy a franchise agreement to construct, operate, repair and maintain a gas and electric distribution utility in the public ways and public grounds of the City of New Brighton. Xcel Energy is the sole provider of natural gas and electricity in New Brighton. Their gas and electric utility systems occupy an estimated 84 acres of City street right-of-way and they benefit from the all-weather access afforded by the City streets that are repaired and maintained by City taxpayers. The benefit of franchise fees are they are paid by Xcel Energy customers, including non-profits such as churches, local governments, and school districts. Staff commented on the previous franchise fee that was established in November of 2015 and noted this agreement would expire in 2023. With fees being collected based on use, the City has not met the target of \$900,000 in revenue. Staff commented further on the proposed franchise fees and recommended a minor change in the rate structure to provide for additional funding to address Climate Action Plan initiatives.

Mayor Niedfeldt-Thomas asked how the current franchise fees are utilized by the City. Community Assets and Development Director Schlichting reported the funds are placed in the General Fund and are used for a number of different things.

Councilmember Axberg asked what type of increase the average resident would see. Community Assets and Development Director Schlichting explained the franchise fee would increase 82 cents per month or \$10 per year for a residential customer.

Councilmember Axberg commented the Council was still working on the Climate Action Plan. She questioned if the City could accrue funding for a document that was not yet approved. Community Assets and Development Director Schlichting indicated the City's Climate Action Plan initiatives would far exceed \$100,000, but staff was proposing to set aside \$100,000 in franchise fees to assist with these expenditures. Councilmember Abdulle thanked staff for the detailed presentation. He inquired if multi-family residents were charged a franchise fee. Community Assets and Development Director Schlichting reported this would only occur if the multi-family residents had a separate gas or electric meter.

Mayor Niedfeldt-Thomas explained Xcel Energy attended the Council worksession meeting on April 23, 2023 and talked with the Council about this topic. She indicated she originally had concerns with moving to a flat rate versus a usage based fee, however she understood the usage based fee was challenging for staff. She stated she appreciated the fact the City would be putting money aside for climate action initiatives in order to have match dollars available for future strategies.

Councilmember Abdulle commented on how the actions at a local level mattered to the community. He explained he appreciated the partnership the City had with Xcel Energy and he supported the City putting aside \$100,000 each year for climate action items.

Councilmember Allen commented on how infrastructure costs have gone up in recent years and noted he could support the proposed flat rate franchise fees. He thanked staff for all of their efforts on this item.

Councilmember Axberg indicated this would be a pass through fee that would be passed onto residents. City Manager Massopust reported this was the case.

Councilmember Axberg questioned why the City would be pursuing this fee versus raising the levy. Community Assets and Development Director Schlichting explained franchise fees can be collected from all properties in the City, including churches, non-profits and school district properties.

**Motion by Councilmember Dunsworth, seconded by Councilmember Abdulle to adopt Ordinance 902, establishing an Electric Franchise.**

**4 Ayes, 0 Nays, 1 Abstain (Councilmember Axberg)-Motion Carried**

**Motion by Councilmember Abdulle, seconded by Councilmember Dunsworth to adopt Ordinance 903, establishing a Gas Franchise.**

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

**Motion by Councilmember Allen, seconded by Councilmember Abdulle to adopt Ordinance 904, for the collection of Electric Franchise Fees.**

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

**Motion by Councilmember Dunsworth, seconded by Councilmember Abdulle to adopt Ordinance 905, for the collection of Gas Franchise Fees.**

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

**Motion by Councilmember Allen, seconded by Councilmember Axberg to adopt a Resolution for Summary Publication of Ordinances 902, 903, 904 and 905.**

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

**Commission Liaison Reports, Announcements and Updates****Devin Massopust**

City Manager Massopust reported the Tuesday, September 5 Council Worksession would be held at Hansen Park. He invited the public to attend the end of summer celebration on Friday, September 1 at Veterans Park from 6:00 p.m. to 8:00 p.m.

**Graeme Allen**

Councilmember Allen reported the Planning Commission did not meet in August. He explained this group would be meeting next on Tuesday, September 19. He indicated he attended a tour of the Exchange Apartments and stated he believed this building was a good addition to the community. He reminded the public that Monday, September 4 is Labor Day and spoke to the contributions in history that positively impacted the labor force and added to the success of the country.

**Emily Dunsworth**

Councilmember Dunsworth reported she attended the Public Safety Commission meeting on Monday, August 14 where the group received a detailed presentation on use of force. She noted she attended the Nine North Joint Powers meeting last week with City Manager Massopust.

**Pam Axberg**

Councilmember Axberg reported Union Gospel Mission Twin Cities opened a cooling center for today and tomorrow. She thanked Ramsey County for partnering with this organization to aid people without shelter during this heat.

**Abdullahi Abdulle**

Councilmember Abdulle encouraged residents to get involved and provide feedback on Ramsey County's long range plan transportation plan. He commented further on the Met Council's unified planning work.

**Mayor Niedfeldt-Thomas**


Mayor Niedfeldt-Thomas thanked the New Brighton Lions for all of their hard work on Stockyard Days. She congratulated the recently crowned New Brighton Ambassadors and thanked them for naming her an Honorary Commadore with the Minneapolis Aquatennial. She stated the Equity Commission met on Thursday, August 17 and discussed the City's potential land acknowledgement statement. She noted cleanup day would be held on Saturday, September 16. She invited the public to attend the farmers market each week on Wednesday at the Community Center from 3:00 p.m. to 7:00 p.m.

**Adjournment**


Mayor Niedfeldt-Thomas adjourned the meeting at 7:20 p.m.

**Adjournment**

The meeting adjourned at 7:20 p.m.



Kari Niedfeldt-Thomas, Mayor

ATTEST:   
Terri Spangrud, City Clerk