



City Council Meeting

July 10, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Mayor Lund called the City Council Meeting of July 10, 2023, to order at 7:00 p.m.

Present

Mayor Scott Lund
Councilmember Dave Ostwald
Councilmember Tom Tillberry
Councilmember Ryan Evanson
Councilmember Ann Bolcom

Absent

Others Present

Walter Wysopal, City Manager
Beth Kondrick, Deputy City Clerk
Scott Hickok, Community Development Director
Sarah Sonsalla, City Attorney
Rachel Workin, Environmental Planner

Pledge Of Allegiance

Proclamations/Presentations

Approval of Proposed Consent Agenda

Motion made by Councilmember Bolcom to adopt the proposed Consent Agenda. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Approval/Receipt of Minutes

1. Approve the Minutes from the City Council Meeting of June 26, 2023.
2. Receive the Minutes from the City Council Conference Meeting of June 26, 2023.
3. Receive the Minutes of the June 21, 2023, Planning Commission Meeting.

Old Business

4. Ordinance No. 1410, Amending the Fridley City Code to Add Chapter 310, Hemp THC Products and Amend Chapter 209, Fees (Second Reading).

New Business

5. Resolution No. 2023-75, Approving Final Plat, PS #22-03 for Roers Companies.
6. Resolution No 2023-77, Acknowledging the Number of Vetoes Submitted Regarding the Innsbruck North Housing Improvement Area.
7. Resolution No. 2023-78, Initiate Street Rehabilitation Project No. ST2024-01.
8. Resolution No. 2023-79, Authorizing Execution of Grant Agreement with Minnesota Department of Transportation for 53rd Avenue Trail and Walk Improvements Project No. ST2023-21.
9. Resolution No. 2023-80, Approving Special Use Permit, SP #23-01 by Dreamers Child Care for the Property at 6425 Highway 65 N.E. (Ward 2).

Claims

10. Resolution No. 2023-76 Approving Claims for the Period Ending July 5, 2023.

Adoption of Regular Agenda

Motion made by Councilmember Tillberry to adopt the regular agenda. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Open Forum, Visitors: (Consideration of Items not on Agenda – 15 minutes.)

Jo Young, Chairperson of the Fridley '49ers Festival, thanked Council for their support of the event and also thanked those who volunteered. It was noted that next year will be the 75th anniversary of the incorporation of Fridley and the 50th anniversary of '49er Days, and she welcomed members of the Council to participate in planning.

Mayor Lund and the Council thanked the members of the '49ers Festival Committee for another successful event.

Regular Agenda**Public Hearing(s)**

11. Ordinance No. 1412, Public Hearing and First Reading Proposing Updates to Fridley City Code Section 205.28, Critical Area Overlay District, Section 205.32, Shoreland Overlay District and Section 205.30, Telecommunications Towers and Facilities District to Conform with New Mississippi River Corridor and Critical Area Rules

Motion made by Councilmember Bolkom to open the public hearing. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Rachel Workin, Environmental Planner, explained the purpose of these changes are to bring the City's ordinances into compliance with new State rules for the Mississippi River Corridor and Critical Area (MRCCA). She provided background on the MRCCA, as well as the process followed for the State/DNR for the rules update. She also reviewed the different documents and input staff considered when composing the draft ordinance updates. She provided an overview of the proposed changes including MRCCA district, bluff definition, structure siting guidelines, vegetation management, subdivisions, and optional provisions.

Councilmember Evanson asked for details on the potential cost of these permits and how some of those impacts mentioned, such as line of sight, are measured. A question was also asked as to the deadline for adoption and whether residents would need to do anything if these regulations would make their property nonconforming.

Ms. Workin replied that staff envisions that the smaller projects that would require a permit would be no-cost permits, while most of the other work that would require permitting would still continue to fall under the building permit process. She also explained when line of sight has come into play, specifically with fencing. She noted that the original adoption date was June 30, 2022 and the City requested a one-year extension to align with the recodification process. She recognized that date has passed but noted that staff has been in conversation with the Minnesota Department of Natural Resources and they are seeing progress being made. She noted that if they wanted to spend more time on this issue, staff would need to submit an additional extension request. She commented that residents who would become nonconforming would not be required to remove a structure and could make repairs but could not exacerbate a nonconformity. She confirmed that if the structure were damaged (fire, storm, etc.) it could be rebuilt in the same footprint.

Residents provided input on their individual circumstances and staff committed to working with the residents to determine what permitting would be needed. A question was also asked about utility easements and the clearing done by the utility company. Input was provided on erosion issues, culverts that may need attention, and a question was asked as to whether the City would be replacing volunteer trees that have been damaged along the riverbank.

Councilmember Ostwald asked if there would be an opportunity for a resident to request a variance if these changes are adopted.

Ms. Workin replied that a variance would follow the same process as other City variances, but other entities would need to be notified in some circumstances (DNR, neighboring cities, etc.). She stated that if the City did not conform, the DNR would have authority to adopt an ordinance for the City. She noted that this is the first reading, which would be followed by the second reading and adoption. She indicated that if additional amendments were desired in the future, the City could submit such requests to the DNR.

Motion made by Councilmember Bolcom to close the public hearing. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Motion made by Councilmember Bolcom to approve the first reading of Ordinance No. 1412 proposing updates to Fridley City Code Section 205.28, Critical Area Overlay District, Section 205.32, Shoreland Overlay District and Section 205.30, Telecommunications Towers and Facilities District to conform with new Mississippi River Corridor and Critical Area Rules. Seconded by Councilmember Tillberry.

Councilmember Ann Bolcom stated that housing is a top priority of the City and these areas along the river could potentially be used for redevelopment in the future. A request was made to reach out to other communities that have recently built housing within the MRCCA and to determine the impacts to private residents. It was noted that this is the first reading, and more information could be provided prior to the second reading.

Mayor Lund asked staff to look at the issues brought up at the meeting, meet with the residents who attended the meeting, and provide more information at the second reading of the ordinance.

Upon a voice vote, Mayor Lund, Councilmember Ostwald, Councilmember Tillberry and Councilmember Bolcom voting aye, and Councilmember Evanson voting nay, Mayor Lund declared the motion carried.

12. Ordinance No. 1411, Public Hearing and First Reading Authorizing a Study and Imposing a Moratorium on the Establishment and Operation of Cannabis Businesses within the City of Fridley

Motion made by Councilmember Bolcom to open the public hearing. Seconded by Councilmember Ostwald.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Beth Kondrick, Deputy City Clerk, provided background information on recent acts by the legislature related to cannabis products and use and on the Office of Cannabis Management (OCM). She stated that staff recommends a moratorium on the establishment and operation of cannabis

businesses within the City of Fridley to allow the City to study the topic further. She reviewed the next steps in the process if the first reading is approved tonight.

No residents wished to speak.

Motion made by Councilmember Ostwald to close the public hearing, Seconded by Councilmember Bolkom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Motion made by Councilmember Tillberry to approve the first reading of Ordinance No. 1411 authorizing a study and imposing a moratorium on the establishment and operation of cannabis businesses within the City of Fridley. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Informal Status Reports

The Council noted The Island Seas band would be performing at the Civic Center Plaza the following evening.

Adjourn

Motion made by Councilmember Ostwald to adjourn. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously and the meeting adjourned at 8:38 p.m.

Respectfully Submitted,

Melissa Moore
City Clerk

Scott J. Lund
Mayor