Brainerd, MN
July 17, 2023

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:30 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: Czeczok, O'Day, Stunek, Terry, Stenglein, Johnson, and Bevans. Mayor Badeaux was noted as absent

Council President Bevans opened the meeting with the Pledge of Allegiance to the flag.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE BIDDING- LUM PARK ROAD SPRA PROJECT TO SPW.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK TO APPROVE THE CONSENT CALENDAR WITH THE ADDITION OF MINNESOTA LAWFUL GAMBLING ADOPT RESOLUTION ALLOWING THE OFFSITE GAMBLING BY THE BRAINERD AMERICAN LEGION POST #255 ON JULY 28 & 29 AT THE MILLS PARKING LOT ON FRONT STREET, BRAINERD, MN.

A. **Approval of Bills**
B. **Approval of Minutes**
   a. **City Council & HRA Joint Workshop Minutes June 26, 2023**
   b. **Regular City Council Minutes July 3, 2023**
C. **Approval of Licenses**
D. **Department Activity Report**
E. **Temporary On-Sale Liquor License Application- Submitted by Vigilant Guardian Veterans Motorcycle Club for an Event to be held on August 18th, 2023, at the Brainerd Armory, 1115 Wright St**
F. **Minnesota Lawful Gambling Application- Adopt Resolution Allowing Offsite Gambling by the Brainerd American Legion Post #255 on July 28 & 29 at the Mills Parking Lot on Front Street, Brainerd, MN**
G. **Adopt Resolution Accepting Second Quarter Donations**
H. **Authorize Hiring of Paid On-Call Firefighters Lee Anderson and Jackson Holmes Effective August 1, 2023**

Upon roll call, Council Members Czeczok, O'Day, Stunek, Terry, Stenglein, Johnson, and Bevans. voted "aye". No member voted "nay". The Chair declared the motion carried.

Presentations

2022 Audit Presentation

Mary Reedy, CLA, gave an overview of the 2022 audit. Overall, the results for both the City and Brainerd Public Utilities had a clean opinion with no findings for internal control or Minnesota legal compliance. She thanked staff for being conscientious, responsible, and responsive during the audit. The settlement for the IAFF lawsuit was reported in 2022, due to this the fund balance is out of compliance with the Fund Balance Policy. The audit was submitted to the State on time.

Finance Director Hillman gave an overview of the City's financial results comparing 2022 revenues and expenditures to the budget.

Parks Capital Asset Presentation and Discussion

Andrew Shipe, 711 N 8th St, Park Board Chair, stated that the Park Board has been working over the last 18 months to determine all of the capital assets in all of the parks. The Board has done a tremendous amount of work to start developing a capital plan with the City Council to maintain the parks properly.

Kevin Yeager,325 Bluff Ave, Park Board Member, gave an overview of the options the Council has for developing a capital plan- fundraising, community partners take over greater ownership, referendum, maintain, avoid grant trap, remove capital, and capital planning. He believes there has been a gap in maintenance in the last 30 years that is now becoming evident.

Member Czeczok asked whether the assets included trails and parking lots.

Mr. Yeager stated that if the parking lot is within the park it is included, but these assets are more of the hard structures like pavilions, courts, flag poles, etc.

Member Terry stated that she appreciates all of the work done by the Park Board. She would like to have a work session.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK, DULY CARRIED, TO SET A WORKSHOP FOR JULY 31, 2023, AT 4:00 P.M. IN COUNCIL CHAMBERS TO DEVELOP THE 2024 PARKS BUDGET.

Council Committee Reports

Safety and Public Works Committee

Discussion on Assessment Reductions due to Detours

Committee Chair O'Day stated that staff's recommendation was not to make any reductions on assessments. The calculated reduction would be an insignificant amount when the road is eventually reconstructed. No other City practices reduction of assessments on detours and this may set a precedent. The committee directed staff to consider where the streets affected are placed on the 10-year plan.

Chair Bevans asked about the truck detour signs.

City Engineer/Public Works Director Dehn stated that there is one sign placed at the intersection of Highways 18 and 25 to instruct trucks to detour around. The other sign that was to be placed at 13th Street needed repair and was not placed. However, staff expects that the road will open as early as Thursday so the other sign will not be required.

Member Johnson stated that the Council should do something in the future about the assessments. The MnDOT policy included in the packet doesn't apply, as the City streets are not equipped to handle truck traffic.

Approve Brainerd Transit Fare Increase

Committee Chair O'Day stated that the Committee wanted to have discussion with the full Council.

City Engineer/Public Works Director Dehn gave an overview of the actions by transit partners. With the elimination of the Pine River route, methodology used to develop recommendations was a fuel cost analysis for each partner. The TAC did not make a formal recommendation on fare increases.

Member O'Day asked where the shortfall funding would come from if there was one.

City Engineer/Public Works Director Dehn stated that there is a small fund balance, beyond that the shortfall would come from the City's General Fund or levy.

Member Czeczok stated that he feels that a higher increase in fares will affect those that don't have other options. He feels $3 for Brainerd originating trips scheduled in advance and $6 same day scheduling is a compromise.

Member Johnson stated that he was ready to vote no on the recommended increase. He stated that it is public transportation so he doesn't want to squeeze people to make this a profitable venture, but he also does not want to use levy dollars for something that should be able to fund itself. It seems that the transit department is spending too much money. The contract with Blue Sky is the problem. He does not understand how the TAC could so confidently demand that the Council choose the higher bidding third party contractor but when it comes time to pay for the contractor it is placed as the responsibility of the City Council. He is very disappointed in the committee and is unsure what purpose they serve if they can't make a recommendation. He believes that the Brainerd routes should cash flow the operation based on the analysis.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, DULY CARRIED, TO APPROVE FARE INCREASE WITH ADVANCED NOTICE TO $3.00 FOR BRAINERD ORIGINATING DIAL-A-RIDE TRIPS, $6.00 FOR SAME DAY SERVICE, EFFECTIVE AUGUST 21ST, 2023.

Request Authorization to Solicit Engineering Services for SW 4th Street Outfall Repair

Committee Chair O'Day stated that the outfall is right off of the street, the pictures do not do it justice. Staff would like to take care of this as soon as possible, that is why an RFP is not being requested. Also, since the engineering firms will have similar fee structures for this project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE STAFF TO DIRECT SOLICIT A SURVEY/DESIGN PROPOSAL FROM A CONSULTING ENGINEERING FIRM FOR THE REPAIRS.

Discussion on StreetScan Software and Proposal

Committee Chair O'Day stated that proposals are coming forward with details of the street scan. The committee is not recommending a proposal, rather to put it in the budget in 2024 and add it to the 10-year streets capital plan.

Member Johnson asked if the cost was to come out of the construction fund.

City Engineer/Public Works Director Dehn stated that it is recommended to come out of the construction fund.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO ADD STREET SCANNING AND ASSET MANAGEMENT SOFTWARE SERVICES TO THE 10-YEAR STREETS CAPITAL PLAN BEGINNING WITH INITIAL SCANNING IN 2024.

Discussion on Micromobility Regulations

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO PREPARE A PROPOSED ORDINANCE REGULATING MICROMOBILITY.

Consider Directing Staff to Amend Section 320 of the City Code Pertaining to Contesting Citations

Committee Chair O'Day stated that it is a lengthy and costly process to contest citations currently.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO DRAFT AN ORDINANCE TO AMEND SECTION 320.17 & 320.19 OF THE CITY CODE PERTAINING TO CONTESTING CITATIONS AND DESIGNATE CITY COUNCIL AS THE AUTHORITY TO HEAR AND REVIEW APPEALS.

Direction on Active Code Enforcement

Committee Chair O'Day gave an overview of the cases.

MOVED AND SECONDED BY MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO OBTAIN A SEARCH WARRANT AND ABATE THE FENCE AT 1306 OAK STREET; FURTHER, TO OBTAIN A SEARCH WARRANT AND ABATE THE JUNK AND DEBRIS AT 412 J ST NE.

Approve Plans & Specifications and Authorize Bidding- Lum Park Road SPRA Project

Chair Bevans asked about an engineers estimate on the road.

City Engineer/Public Works Director Dehn stated that the total cost of the project is $260,000 with not quite half being funded by the State Park Road account through the DNR.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO THE PLANS AND SPECIFICATIONS AS PRESENTED AND AUTHORIZING BIDDING OF IMPROVEMENT 21-17 (S.A.P. 018-600-034) WITH AN ANTICIPATED BID OPENING OF THURSDAY AUGUST 10TH, 2023.

Personnel and Finance Committee

Accept Resignation of Paid On-Call Firefighter Matthew Ingman

MOVED AND SECONDED BY MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT THE RESIGNATION OF PAID ON-CALL FIREFIGHTER MATTHEW INGMAN EFFECTIVE FRIDAY, JULY 28, 2023.

Unfinished Business

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – 2 terms (Expire 2026) 2 terms (Expire 2025)
Library Board- 1 term (Expire 2025)
Rental Dwelling License Board of Appeals – 5 terms (Expire 2025)
TAC—1 term (Expires 2023)
Mayor Recommended: (terms to expire 09/07 of said year)
Economic Development Authority (EDA) – 1 term (Expire 2028)
Council President Recommended: (terms to expire 12/31 of said year)
Parking Commission—1 term (Expire 2026)

New Business

Public Hearing and Adopt Resolution Allowing the HRA to Establish Redevelopment Project Area, TIF District, and Approving TIF Financing Plan

HRA Director Charpentier gave an overview of the process to establish the TIF district.

Mikaela Huot, Baker Tilly, gave an overview of the Thrifty White Redevelopment TIF Plan.

The Chair opened the public hearing at 8:31 p.m.

No one came forward.

The Chair closed the public hearing at 8:32 p.m.

Member Stenglein stated that the Planning Commission met to determine whether this project fit into the comprehensive plan. She also stated that the City Council will see DW Jones a number of times over the course of the project.

MOVED AND SECONDED BY MEMBERS JOHNSON AND STENGLEIN TO ADOPT RESOLUTION ESTABLISHING REDEVELOPMENT PROJECT NO. 2 AND APPROVING A REDEVELOPMENT PLAN THEREFOR; FURTHER, ESTABLISHING TAX INCREMENT FINANCING REDEVELOPMENT DISTRICT NO. 2-1 AND APPROVING A TAX INCREMENT FINANCING PLAN THERETO.

RESOLUTION 28:23

Upon roll call, Council Members Czeczok, O'Day, Stunek, Terry, Stenglein, Johnson, and Bevans. voted "aye". No member voted "nay". The Chair declared the motion carried.

Adopt Resolution of Municipal Consent for DEED Redevelopment Grant Application by Brainerd HRA

HRA Director Charpentier gave an overview of the funding sources DW Jones is utilizing to develop the property. The Brainerd HRA would like to apply for a redevelopment grant through DEED on behalf of DW Jones. The grant match will be supplied with the creation of the TIF district.

Member Czeczok asked how much the grant request is.

HRA Director Charpentier stated that they are seeking $400,00-$500,000.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON TO ADOPT THE RESOLUTION OF MUNICIPALITY CONSENT FOR MINNESOTA DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT GRANT APPLICATION BY THE BRAINERD HRA.

RESOLUTION 29:23

Upon roll call, Council Members Czeczok, O'Day, Stunek, Terry, Stenglein, Johnson, and Bevans. voted "aye". No member voted "nay". The Chair declared the motion carried.

First Reading of Proposed Ordinance 1553- Establish Country Manor – Planned Unit Development District, Consider Approval of the Preliminary Plat and Final Plat for Country Manor, and Consider Approval of the PUD General Concept Plan and Development Stage Plan for Country Manor

Community Development Director Kramvik gave an overview of the project.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1553 AND DISPENSE WITH THE ACTUAL READING, AN ORDINANCE AMENDING SECTION 515-2-21. D OF THE ZONING CODE.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE COUNTRY MANOR PRELIMINARY PLAT AND FINAL PLAT BASED ON THE FINDINGS OF FACT WITH THE FOLLOWING CONDITION: APPROVAL OF THE PRELIMINARY PLAT AND FINAL PLAT ARE SUBJECT TO CITY COUNCIL APPROVAL OF THE REZONING REQUEST, PROPOSED ORDINANCE 1553.

Member Stenglein stated that the Planning Commission considered the storm water and impervious surface ratio at length. Because the development requires a storm water plan, the amount of impervious surface percentages is less of an issue.

Member Czeczok stated that he appreciates the work of the Planning Commission on this matter.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO APPROVE THE PUD GENERAL CONCEPT PLAN AND DEVELOPMENT STAGE PLAN BASED ON THE FINDINGS OF FACT WITH THE FOLLOWING CONDITIONS: APPROVAL OF THE PUD GENERAL CONCEPT PLAN AND DEVELOPMENT STAGE PLAN ARE SUBJECT TO CITY COUNCIL APPROVAL OF THE REZONING REQUEST, PROPOSED ORDINANCE 1553, AND APPROVAL OF THE COUNTRY MANOR PRELIMINARY PLAT AND FINAL PLAT; AND THE FINAL LIGHTING PLAN CONFORMS TO SECTION 515-4-8 OF THE ZONING CODE AND THE CN-2 DISTRICT STANDARDS.

Set Date for Presentation- Flaherty & Hood Classification & Compensation Study- to be held immediately following Joint Meeting with BPU Commission on July 31, 2023

Administrator Bergman stated that the information will not be ready by July 31, staff will schedule a presentation when it is prepared.

Public Forum

The Chair opened the public forum at 8:46 p.m.

No one came forward.

The Chair closed the public forum at 8:47 p.m.

Staff Reports

Community Development Director Kramvik stated that the EDA held a workshop and discussed incentives to develop Washington Street. Staff will be discussing this with BPU and Engineering. At the next Planning Commission, staff will bring the possibility of mixed-use development within the corridor.

Police Chief Davis requested that the City keep the family of slain Fargo Police Officer Wallin and the Fargo Police Department in our thoughts and prayers. Officer Wallin was the Great-nephew of former Mayor Wallin.

City Administrator Bergman stated that the packet for the BPU joint workshop will go out on Thursday, July 27th.

Council Member Reports

Member O'Day stated that he attended the Wastewater Treatment Board meeting, he would like to remind City Attorney Langel to respond to Public Utilities Director.

Member Johnson stated that the 10U Baseball team won the state tournament, they will attend a Twins game. The City club, the Cubs were up 6-0 when he left tonight. Finally, he has complained about 1420 Quince Street a number of time this year. The City Council met at that property 10 years ago to issue a $100/day fines until issues were resolved, it is still not finished. He has a semi-trailer on the property with the door propped open with a cinder block, any kid could wander into the trailer and get locked in and die if the block were to fall away. It is a serious safety concern. He feels he needs to complain publicly as nothing has been done with his private complaints.

Member Stenglein stated that Region V will celebrate its 50th anniversary the celebration will take place in Brainerd.

Member Terry stated that the first Age Friendly meeting is scheduled.

Member Czeczok stated that Public Utilities is awaiting response from the City Attorney on a time sensitive matter for the Wastewater Treatment Board.

Chair Bevans stated that his e-mails today included whether the City of Brainerd will address the smoking of weed in public any time soon.

Adjourn to Closed Session Pursuant to MN Statute 13D.05, Subd. 3(b)- Attorney-Client Privilege- to Discuss Pending Litigation, Scheffler v. City of Brainerd

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.05, SUBD 3(B)- ATTORNEY-CLIENT PRIVILEGE TO DISCUSS PENDING LITIGATION, SCHEFFLER V. CITY OF BRAINERD.

The Chair adjourned the meeting to closed session at 8:55 p.m. with a five-minute break.

Adjourn to Joint Workshop City Council and BPU Commission on July 31 at 6:00 p.m. in the City Council Chambers

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK, DULY CARRIED, TO ADJOURN TO THE JOINT WORKSHOP OF THE CITY COUNCIL AND PARK BOARD ON JULY 31, 2023, AT 4:00 P.M. IN THE CITY COUNCIL CHAMBERS AND THE JOINT WORKSHOP OF THE CITY COUNCIL AND PUBLIC UTILITIES COMMISSION ON JULY 31, 2023 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.

The Chair adjourned the meeting to the Joint Workshops at 9:07 p.m.

Jennifer Bergman
City Administrator