

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 Vice President Johnson.

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

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

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills**
- B. Approval of Minutes**
 - a. Regular City Council Minutes September 18th, 2023**
- C. Approval of Licenses**
- D. Department Activity Report**
- E. Approve Filling Station License Application Submitted by Northdale Oil 421 NE Washington Street**
- F. Approve Tobacco License Application Northdale Oil 421 NE Washington Street Contingent Upon Approvals**
- G. Approve Temporary On-Sale Liquor License Application Submitted by The Crossing Arts Alliance for Events to be held on October 6th and 27th at 711 Laurel St, Brainerd**
- H. Approve Temporary On-Sale Liquor License Application Submitted by Bridges of Hope for an Event to be held on October 8th at Gichi-ziibi Center for the Arts, 602 S 5th St, Brainerd**
- I. Approve 2023 Wage Grid for Electric Distribution Supervisor Position as Presented and Authorize Staff to Begin Hiring Process.**

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

Presentation

Tammi Ebertowski, Armed Forces Tribute Committee, gave an overview of the event that they hosted on September 15th. She thanked the City Departments that were involved and specifically the Street Department that provided street closures for the event for the older citizens to be able to park.

Council Committee Reports

Personnel and Finance Committee

Adopt Resolution Authorizing The Execution Of Traffic Safety Enforcement Grant

Committee Member Terry stated this is a public safety grant available to all of the police departments and the Sheriff's office in the County. The City does receive dollars for administration of the grant. The grant goes toward traffic safety in our community.

Member Czczok asked about the risk assessments that were a part of the application and whether the Council could get that information. He asked about the staffing levels when our officers are in the field working and if they are covered under the grant.

Chief Davis stated that he could check on the sharing of that information and could make it available at a later time. He stated that officers who are being covered by the grant are off duty officers, the staffing levels of the City are not decreased.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STUNEK TO ADOPT A RESOLUTION AUTHORIZING POLICE CHIEF JOHN DAVIS THE AUTHORITY TO EXECUTE THE 2024 TRAFFIC SAFETY ENFORCEMENT GRANT.

RESOLUTION 40:23

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

Approve Promotion of Miranda Halverson to Police Administrative Supervisor

Committee Member Terry stated that Ms. Halverson will fill the vacancy of the position due to retirement. The City is looking forward to having her in this position.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STUNEK, DULY CARRIED, TO APPROVE THE PROMOTION OF MIRANDA HALVERSON TO THE POLICE ADMINISTRATIVE SUPERVISOR POSITION EFFECTIVE OCTOBER 16, 2023, AT STEP 3 (\$32.01 PER HOUR); FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE POLICE RECORDS MANAGEMENT LEAD POSITION.

Approval of 2024 Health Insurance Broker Agreement

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STUNEK, DULY CARRIED, TO AUTHORIZE RETAINING NORTH RISK PARTNERS AS OUR HEALTH INSURANCE BROKER FOR 2024 FOR THE BETTER HEALTH COLLECTIVE (FORMERLY SOURCEWELL) IN THE AMOUNT OF \$25,000; FURTHER, TO APPROVE THE ATTACHED 2024 SERVICE AGREEMENT BETWEEN THE CITY OF BRAINERD AND NORTH RISK PARTNERS.

Consider IntraFi Cash Service (ICS) Agreement with Bremer

Committee Member Terry stated that this service will allow the City's money market funds to earn an interest rate around 5% instead of 3%.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STUNEK, DULY CARRIED, TO AUTHORIZE SIGNATURES ON THE ICS AGREEMENT WITH BREMER BANK.

Discussion on Lakes Area Media Collaborative

Committee Member Terry stated that they wish to have staff complete the document that was provided. The document will be approved at the next meeting.

Member O'Day asked whether we have a contractual agreement.

Vice Chair Johnson stated that there is not a contractual agreement between the City and Lakes Area Media Collaborative. Rather this is to state that Lakes Media has not held its contractual agreement with the State of Minnesota as a non-profit organization.

Member Czczok stated that the rules of decorum were not followed at the previous meeting. The item should have been voted on by Council to bring back instead of just directing staff without a motion.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO COMPLETE THE COMPLAINT FORM PROVIDED AND BRING IT BACK TO PERSONNEL AND FINANCE AT THE NEXT MEETING FOR APPROVAL PRIOR TO SENDING.

Safety and Public Works Committee

Authorize SRF to Apply for Active Transportation (AT) Grant

Committee Chair O'Day stated that this grant would be for the Pedestrian Bridge over Highway 210. There is a balance of \$15,000 for the SRF contract to use toward grant applications.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECHOK, DULY CARRIED, TO AUTHORIZE SRF TO PREPARE AND APPLY FOR THE ACTIVE TRANSPORTATION (AT) GRANT ON BEHALF OF THE CITY FOR THE TH 210/LUM PARK PEDESTRIAN BRIDGE.

Request to Award Improvement 23-12 - SW 4th Street Washout Repair Project

Committee Chair O'Day stated that Landwehr was the low bid which was under the engineers estimate by about 3%. The highest bid was almost \$200,000 more and this bid.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AWARD THE IMPROVEMENT 23-12 - SW 4TH STREET WASHOUT REPAIR PROJECT TO LANDWEHR CONSTRUCTION IN THE AMOUNT OF \$163,551.

Approve Downtown Snow Removal Bids

Committee Chair O'Day stated that the City reached out to five companies for snow removal services. The low bidder withdrew their bid due to staff capacity issues. Tom's Backhoe has always done a great job the bid is about 5% higher than last year.

Member Stenglein stated that this bid was also noticed as a bid opening to the public not just the companies staff reached out to.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AWARD OF THE 2023-2024 DOWNTOWN SNOW REMOVAL SERVICES CONTRACT TO TOM'S BACKHOE SERVICE.

Approve 2024-2033 Capital Improvement Plan

Vice Chair Johnson thanked City Engineer/Public Works Director Dehn for the inclusion of the maps and information with the Capital Improvement Plan.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE AND ADOPT THE 10-YEAR CAPITAL IMPROVEMENT PLAN AS PRESENTED FOR 2024-2033.

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)

Council President Recommended: (terms to expire 12/31 of said year)

Parking Commission—1 term (Expire 2026)

Final Reading- Proposed Ordinance 1556 – Creating Section 1350 of the City Code- Micromobility

City Engineer/Public Works Director Dehn stated that there has been no changes since the first reading.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1556 AND DISPENSE WITH THE ACTUAL READING.

Vice Chair Johnson opened the public hearing at 7:53 p.m.

No one came forward.

Vice Chair Johnson closed the public hearing at 7:53 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO ADOPT ORDINANCE 1556.

ORDINANCE 1556

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

Final Reading - Proposed Ordinance 1557 – Amendment to Section 1015.07 of the City Code Pertaining to Payment of Fees

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1557 AND DISPENSE WITH THE ACTUAL READING.

Vice Chair Johnson opened the public hearing at 7:54 p.m.

No one came forward.

Vice Chair Johnson closed the public hearing at 7:55 p.m.

Member Czczok asked whether this double fee would apply to the short-term rentals that were not properly licensed.

Community Development Director Kramvik stated that this is precisely the purpose of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STUNEK TO ADOPT ORDINANCE 1557.

ORDINANCE 1557

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

Final Reading - Proposed Ordinance 1558 - Rental Dwelling License Board of Appeals

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1558 AND DISPENSE WITH THE ACTUAL READING.

Vice Chair Johnson opened the public hearing at 7:57 p.m.

Becky LaPlante, 616 ½ Front St, stated that the Brainerd Lakes Area Landlord Board would request that the Council include in the ordinance having a representative of their board when rental license appeals are brought to Safety and Public Works. They are supportive of the dissolution of the committee.

Vice Chair Johnson closed the public hearing at 7:59 p.m.

Member Terry stated that she will vote no, as she does agree that there should be a representative from the Landlord Board included in the ordinance.

Vice President Johnson stated that he does think that the request by the Landlord Board is reasonable. However, he is concerned about putting it into the ordinance due to the status of the Board.

Member O'Day stated that the request is reasonable but with the number of appeals they've had in the past five years he does believe that it would be easy to include the Landlord Board in the future without including it in the ordinance.

Member Czczok stated that the SPW Committee would be open to public opinion at the appeal.

Member Terry stated that in her day job she has experience with the Landlord Group, and they have proven that they are a longstanding committee.

Mayor Badeaux stated that as a member who has sat on this committee which has struggled to have members since it began, agrees that with the Safety and Public Works Committee being designated as the authority, it would be reasonable to reach out to the landlords group for input.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT ORDINANCE 1558.

October 2, 2023

ORDINANCE 1558

Upon roll call, Council Members O'Day, Stunek, Stenglein, Johnson, and Czeczok voted "aye". Member Terry voted "nay". The Vice Chair declared the motion carried.

New Business

Consider Conditional Use Permit for an Animal Clinic at 1606 Mill Ave.

Community Development Director Kramvik gave an overview of the application.

Mayor Badeaux asked whether this would allow them to have an active clinic in the future.

Community Development Director Kramvik stated that they would have to apply for an amended CUP if they are expanding their use.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR AN ANIMAL CLINIC AT 1606 MILL AVE. BRAINERD, MN 56401 WITH THE FOLLOWING CONDITIONS: 1) DOGS CANNOT BE KEPT OR LEFT UNATTENDED OUTSIDE OF THE BUILDING. 2) NO MORE THAN 20 DOGS CAN BE ON THE PREMISES AT ANY ONE TIME; THIS NUMBER EXCLUDES PUPPIES UNDER THE AGE OF FOUR MONTHS. 3) NO MORE THAN FOUR DOGS CAN BE KEPT OVERNIGHT AT THE PREMISES. 4) THAT THE BUILDING IS PROPERLY SOUNDPROOFED TO NEGATE NOISE POLLUTION CREATED BY THE PROPOSED USE. 5) THE PROPERTY IS FREE OF ANIMAL FECES AT ALL TIMES AND IS PROPERLY DISPOSED OF TO MITIGATE ANY NOXIOUS SMELLS TO THE NEIGHBORING PROPERTIES. 6) PRIOR TO OPERATION, ALL STATE HEALTH DEPARTMENT AND MINNESOTA POLLUTION CONTROL AGENCY REQUIREMENTS FOR THE FACILITY ARE MET ALONG WITH ANY STATE LICENSING REQUIREMENTS.

Consider Interim Use Permit for a Short-Term Rental at 502 Juniper St.

Community Development Director Kramvik stated that since the Planning Commission meeting the property has been inspected by the Building Official and Fire Marshal.

Member O'Day stated that he will vote no. He stands by his previous comment that when a property is found to have been operating a short-term rental without a permit, their rental license should be revoked for a year.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO APPROVE THE INTERIM USE PERMIT FOR ONE SHORT-TERM RENTAL UNIT AT 502 JUNIPER ST. BRAINERD, MN 56401 WITH THE FOLLOWING CONDITIONS: 1) THE SHORT-TERM RENTAL CANNOT OPERATE UNTIL THERE IS AN APPROVED INSPECTION BY THE FIRE MARSHAL. 2) SUBMITTAL OF THE LOCAL OPTION SALES TAX FORM TO THE FINANCE DEPARTMENT EACH MONTH AND BEFORE RESUMING OPERATIONS AS A SHORT-TERM RENTAL. 3) THE INTERIM USE PERMIT FOR A SHORT-TERM RENTAL AT 502 JUNIPER ST. BRAINERD, MN 56401 TERMINATES ON 12/31/2024.

Council Members Stunek, Stenglein, Johnson, and Czeczok voted "aye". Members O'Day and Terry voted "nay". The Vice Chair declared the motion carried.

First Reading - Proposed Ordinance No. 1559 - Off-Street Parking and Outdoor Storage

Vice Chair Johnson apologized for skipping this item. The item was heard after the County Airport request.

Community Development Director Kramvik gave an overview of the ordinance.

Member O'Day asked about the thirty feet from the property line condition stating that this would work for properties in that are in square blocks. However, in his neighborhood this would not work well as the property line could be in the woods or further away from the house.

Vice Chair Johnson stated that Member O'Day should work with Community Development Director Kramvik.

Mayor Badeaux asked for clarification on the County's short-term rental application which does not allow for on-street parking. The ordinances should work together.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1559 AND DISPENSE WITH THE ACTUAL READING.

First Reading- Proposed Ordinance 1560- Amending Section 1505.03 of the City Code- Authorizing the Police Department to Conduct Background Checks for Tobacco, Tobacco Products, and Tobacco Related Product License Applications

Police Chief Davis gave an overview of the ordinance. Police Department staff attended a CJIS workshop and spoke with the state's CJIS auditor and learned of uncertainty regarding the state statute believed to authorize the use of CJIS for licensing purposes. The auditor was unable to provide direction to staff and recommended obtaining guidance from our city attorney. Attorney Langel has recommended amending section 1505.03 to include tobacco as one of the licenses the police department conducts criminal history background investigations.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1560 AND DISPENSE WITH THE ACTUAL READING.

Consider Requesting Crow Wing County to not Tax Brainerd Residents for Airport Contribution

Member Czczok stated that since the County and City have been supporting the Airport, Crow Wing County has included City taxpayers in their levy. The City of Brainerd also levies taxpayers for the Airport levy. With the previous discussion surrounding the Housing Trust Fund through the County HRA, the City taxpayers are excluded from the levy through the County because they have a City HRA. He would request similar accommodation for the Airport.

Vice Chair Johnson stated that he agrees that as a matter of fairness, we would not be double taxing the citizens of Brainerd.

Member Czczok stated that there are three Commissioners on the County Board with constituents in the City of Brainerd, he is confident that they want to look out for the best interests of their constituents who live in the City and the County.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO SEND A LETTER TO CROW WING COUNTY REQUESTING THAT THEY DO NOT TAX BRAINERD RESIDENTS FOR THE AIRPORT CONTRIBUTION.

Public Forum

The Chair opened the public forum at 8:18 p.m.

No one came forward.

The Chair closed the public forum at 8:18 p.m.

Staff Reports

Fire Chief Holmes reminded everyone that the Fire Department Open House is on October 12th, from 5:00 p.m.-7:00 p.m.

Police Chief Davis stated that there has been positive movement in the School Resource Officer issue, after hearing from the Attorney General's Office and in speaking with Attorney Langel he will start discussion with the School District. The Police Department had posted a press release public service request for assistance in identifying a burglary suspect and cautionary message, he reported that the suspect is in custody.

Mayor's Report

Mayor Badeaux stated that the Flapjack Festival was wet and soggy. It was very well attended. He thanked ECFE, the School District, and the City of Brainerd Street Department for their attendance. There is a Domestic Violence Vigil on October 10th at 6:30 p.m. at Lyman P. White Park. The next celebration downtown is the Spooktacular which is on October 28th from 11:00 a.m. to 1:00 p.m.

Council Member Reports

Member Czeczok asked to identify Administrator Bergman as the person to contact the County regarding the Airport levy. Finally, BPU will be discussing shutting off the unfluoridated water tap. This tap has been available since 1980. This matter will be on their agenda at the next commission meeting.

Vice Chair Johnson thanked Member Czeczok for bringing this matter up. He has had a few constituents concerned about the status of the tap. He supports the motion, based on the people that prefer the water and it is a piece of Brainerd History. The matter went all the way to the Minnesota Supreme Court.

Member Terry stated that she will vote no, due to unknown public safety issues.

Member Czeczok stated that the City of Brainerd water will eventually be permanently chlorinated. This could give citizens an alternative.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO REQUEST THAT BPU COMMISSION CONSIDER NOT SHUTTING OFF THE UNFLUORIDATED TAP.

Council Members O'Day, Stunek, Stenglein, Johnson, and Czeczok voted "aye". Member Terry voted "nay". The Vice Chair declared the motion carried.

Member Stenglein stated that she was able to tour the St. Cloud Wastewater Treatment Plant with Region V. It is completely fascinating how they can take municipal wastewater to power their plant.

Member O'Day stated that he attended the BPU facility tour with Public Utilities Director Wicklund. He thanked Mr. Wicklund for the tour. The eternal flame is burning the gas of two cities.

Member Terry stated that she also appreciated the BPU facility tour and was thankful that her neighbor was able to attend as well. If there are residents interested in touring the facilities, they could contact BPU to set up a time. Bridges of Hope has a community event at the Gichi-Zibii Center on October 8th, at 8:00 p.m. the event will include a theatrical performance, presentation, and reception.

Vice Chair Johnson stated that he went to the Flapjack Festival. He also went to the BPU Facility tour, the Hydroelectric Dam facility is awesome. The dam is built on petrified oak timber, meaning that the dam is floating.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO ADJOURN THE MEETING TO CLOSED LABOR NEGOTIATION STRATEGY SESSION PURSUANT TO MN STATUTES, 13D.03, SUBD 1(B) TO PREPARE FOR NEGOTIATIONS WITH THE IBEW LOCAL NO. 31 UNIONS.

The Vice Chair adjourned the meeting to the closed session at 8:31 p.m.

The Chair reconvened the meeting at 9:32 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK TO ADJOURN THE MEETING.

The Vice Chair adjourned the meeting at 9:32 p.m.



Jennifer Bergman
City Administrator