Brainerd, MN
November 20th, 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: Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans. Mayor Badeaux was noted as present.

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

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, 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 November 6th, 2023**
C. **Approval of Licenses**
D. **Department Activity Report**
E. **Approve Secondhand Auto License- East Side Auto and Repair, 413 Washington Street- Contingent upon Approvals**

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

Presentation

Northland Arboretum Annual Presentation

Trevor Pumnea, 14250 Conservation Drive, gave an overview of the mission of the Northland Arboretum, improvements, educational opportunities, revenues, and expenditures for 2023. The City of Brainerd has contributed 17.8% of revenues with their events and facility rentals contributing 18.2% and 20.3% respectively in fiscal year 2023.

Council Committee Reports

Personnel and Finance Committee

Review Draft Resolution and Ordinance for Revised Fee Schedule

Committee Chair Johnson stated that the fee schedule will be a part of the ordinance as an appendix.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO MAKE ANY CHANGES, AND BRING THE PROPOSED ORDINANCE BACK TO THE NEXT CITY COUNCIL MEETING AS A FIRST READING.

Approve the Promotion of Allyson Timmons to Police Records Management Lead

Committee Chair Johnson stated that this was another internal promotion from the Police Department.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE PROMOTION OF ALLYSON TIMMONS TO THE POLICE RECORDS MANAGEMENT LEAD POSITION EFFECTIVE NOVEMBER 21, 2023, AT STEP 4 ($27.72 PER HOUR); FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE POLICE RECORDS MANAGEMENT TECHNICIAN POSITION.

Accept the Resignation of Street Maintenance I Taylor Lokhorst

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT MR. TAYLOR LOKHORST'S RESIGNATION EFFECTIVE DECEMBER 5, 2023; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE STREET MAINTENANCE I POSITION.

Authority to Enter into Consulting Agreement with Hildi, Inc. for Actuarial Services to Comply with Government Accounting Standards Board (GASB) 74/75 Relating to Other Post Employment Benefits (OPEBs)

Committee Chair Johnson stated that GASB requires that the City do OPEB reporting and this agreement with Hildi to provide the actuarial study that is needed for the reporting.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO AUTHORIZE SIGNATURES ON THE AGREEMENT FOR CONSULTING SERVICES WITH HILDI, INC. FOR FISCAL YEARS 2024 AND 2025 AS PRESENTED.

Authorization to Enter into Agreement with CliftonLarsonAllen (CLA) for 2023 Audit Services

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE SIGNATURE ON THE ENGAGEMENT LETTER WITH CLA FOR 2023 AUDIT SERVICES.

Discussion of 2024 Capital Expenditures

Committee Chair Johnson stated that the Park Board has completed their 2024 capital requests and there have been other deletions from the capital plan. The Park Board wanted clarification on the Memorial parking lot, the committee felt it was a part of the Park Board responsibilities when the parks were dedicated to the Park Board. He stated that there is not yet a definitive plan by the Park Board for the future of the lot due to the uncertainty.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE BUDGET DETAIL AS PRESENTED AND TO INFORM THE PARK BOARD THAT THE PARKING LOT AT MEMORIAL PARK IS DEDICATED TO THEM.

Safety and Public Works Committee

Adopt Resolution of Support - TH 210/Lum Park Pedestrian Bridge - TA Grant

Committee Chair O'Day stated that the resolutions are agreeing to maintain the bridge once it is built and finding other funding sources for the bridge completion.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO ADOPT RESOLUTION AGREEING TO ACT AS THE SPONSORING AGENCY FOR THE GRANT FUNDING.

RESOLUTION 47:23

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

Member Johnson asked for clarification on who would maintain the bridge once it is built. He thought that the DNR would maintain the bridge due to it being a part of the Cuyuna Lakes State Trail system.

City Engineer/Public Works Director Dehn stated that there will likely be an agreement with the DNR to maintain the bridge after completion.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY TO MAINTAIN THE FACILITIES RECEIVING GRANT FUNDING.

RESOLUTION 48:23

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

Adopt Resolution of Support - TH 210/Lum Park Pedestrian Bridge - AT Grant

Committee Chair O'Day stated that the City will be the sponsoring agency for this grant.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION SUPPORTING THE AT GRANT APPLICATION.

RESOLUTION 49:23

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

Award Contract for Improvement 21-15 - Buffalo Hills Gully Remediation Project

Committee Chair O'Day stated that there were some concerns from staff due to the bid being more than 33% lower than the engineering estimate. Due to Tom's Backhoe being local, their mobilization cost is lower.

Chair Bevans asked about whether the previous lawsuits have been cleared up.

Committee Chair O'Day stated that yes, they were cleared.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AWARD THE CONTRACT FOR IMRPOVEMENT 21-15- BUFFALO HILLS GULLY REMEDIATION PROJECT TO TOM'S BACKHOE IN THE AMOUNT OF $870,114.

Discuss Possible Sidewalk/Trail on Beech Street Reconstruction

Member Johnson stated that he reached out to a few constituents on Beech Street today and they liked the idea of narrowing the road and pedestrian features in the reconstruction. He would like to see a mailer go out to engage more citizens.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO INCLUDE A SIDEWALK OR TRAIL IN THE PLANS FOR THE BEECH STREET RECONSTRUCTION AS AN OPTION TO CONSIDER AFTER FURTHER COMMUNITY ENGAGEMENT.

Approve Proposal for 2024 Downtown Landscaping Services

Committee Chair O'Day stated that this is a 16.1% increase from last year's proposal.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE LANDSBURG LANDSCAPE NURSERY QUOTE IN THE AMOUNT OF $9,879.

Direction on Active Code Enforcement Cases

Member Johnson asked what abating a vehicle means.

Committee Chair O'Day stated that the vehicle will be impounded. It is an unlicensed vehicle that multiple complaints have been made about. The tabs are from 2020. The owner has not reached back out to staff after the multiple notices.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO SEND A 10-DAY NOTICE OF ABATEMENT AND OBTAINING A SEARCH WARRANT TO ABATE THE VEHICLE AT 319 N 9TH ST.

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)
Public Utilities- 1 term (Expire 2026)
TAC—1 term (Expires 2023)
Mayor Recommended: (terms to expire on 9/7 of said year)
EDA—1 term (Expires 2026)
Council President Recommended: (terms to expire 12/31 of said year)
Parking Commission—1 term (Expire 2026)

Adopt Resolution Establishing Sanitary and Storm Sewer Rates for 2024 and 2025

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STENGLEIN TO ADOPT RESOLUTION SETTING THE SANITARY RATES FOR 2024 AND 2025.

RESOLUTION 50:23

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

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY TO ADOPT RESOLUTION SETTING THE STORM SEWER RATES FOR 2024 AND 2025.

RESOLUTION 51:23

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

Update on City Administrator Search Process

HR Director Schubert stated that the timeline for the hiring is ambitious but is needed if the new City Administrator is to be on board by March 1st. She pointed out the specials meetings that will need to be scheduled to choose candidates and conduct interviews.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO SCHEDULE A SPECIAL MEETING FOR JANUARY 16TH AT 5:30 P.M. IN CITY COUNCIL CHAMBERS TO SELECT CANDIDATES FOR THE CITY ADMINISTRATOR POSITION AND A SPECIAL MEETING ON JANUARY 29TH ALL DAY IN CITY COUNCIL CHAMBERS TO CONDUCT INTERVIEWS FOR THE CITY ADMINISTRATOR POSITION.

Discussion of County's Response to not Tax Brainerd Residents for their Airport Contribution

Interim City Administrator Wussow stated that staff followed up with the County Board. The recommendation is to reduce the City's levy by $9,420.

Member Czeczok stated that he likes the idea, it is not exactly what he was thinking but would like to see it move forward. He mentioned the memo that he distributed about the County taking over control of the airport.

Member Johnson stated that the initial motion for a decrease in the City's levy and increase to the County will work for this year. He would like more information on what it looks like for the City if the County were to take over the airport. He is not prepared to discuss that matter tonight. He would also like to see the City give municipal consent for the City to contribute to the Housing Trust Fund.

Member O'Day stated that he agrees with the statements of Council Member Johnson. He would like more information on having the County take on the airport. He also agrees that municipal consent for the Housing Trust Fund is in the City's best interest as a community with the largest aging housing stock it would be helpful to be able to use some of those dollars.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO AGREE TO REDUCING THE CITY'S LEVY BY $9,420 AND ALLOW THE COUNTY TO INCREASE THEIR LEVY BY THE SAME AMOUNT.

Interim City Administrator Wussow stated that the County Administrator and other Administrators will be meeting on the 7th of December regarding the Housing Trust Fund.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO DIRECT STAFF TO CONFER WITH THE COUNTY ON THE POSSIBILITIES FOR OWNERSHIP OF THE AIRPORT AND MUNICIPAL CONSENT FOR THE HOUSING TRUST FUND.

New Business

Consider Variance and Conditional Use Permit Amendment at 1202 S 6th St.

Community Development Director Kramvik gave an overview of the amendment to the variance and conditional use permit. The Planning Commission recommended a denial of the amendment to the variance and approval of the conditional use permit.

Member O'Day asked about what may happen if the Council followed the Planning Commission's recommendation to deny the variance.

Chair Bevans asked if the ice machine was being considered a building. He stated that it looks fine.

Mayor Badeaux asked whether there have been other conditions that have not been met for this property.

Community Development Director Kramvik stated that the owner would have to submit an acceptable plan for the building. The owner has stated that if the unit is screwed into, the unit will forfeit its manufacturer warranty. He stated that the original conditional use permit was for the small size a building. Finally, he stated that the owner has provided an escrow for the remaining landscaping and screening requirements.

Member Johnson asked for clarification on the motion. He stated that the ice machine will always be an ice machine. The owner does not have any practical difficulty, but it is not ever going to look good.

Member Stunek asked whether there have been complaints.

Community Development Director Kramvik stated that there have not been any complaints.

Member Stenglein clarified that during the Planning Commission they discussed that the situation was created by the landowner.

Mayor Badeaux stated that he supports the motion. He does not believe that the project would have been approved initially if the owner had presented the Council with the need for the siding to be exposed. He also stated that the building is nowhere near complete and yet the owner is still trying to make changes.

Member Czeczok asked if the motion is voted down to deny the permit whether the Council would have to vote to approve a variance.

Community Development Director Kramvik stated that a determination does have to be made by the City Council.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO DENY THE VARIANCE FOR 1202 S 6TH STREET AS IT DOES NOT MEET THE REQUIREMENTS FOR A PRACTICAL DIFFICULTY, DUE TO THE FACT THAT THE ISSUE WAS CREATED BY THE LANDOWNER.

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

Community Development Director Kramvik stated that he did provide the Planning Commission with conditions that they could require with an approval. He reviewed these with the Council.

Chair Bevans asked if an "appropriate" landscaping plan could be approved by Community Development to satisfy the Council.

Member Johnson stated that he believes that an "appropriate" landscaping plan is too vague. He likes specific numbers of trees and shrubs. He supports approving the variance amendment with the conditions outlined by the Community Development department.

Mayor Badeaux stated that he feels removing the advertisements is a jedi mind trick, it's still an ice machine.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, DULY CARRIED, TO APPROVE THE VARIANCE FOR 1202 S 6TH STREET UNDER THE CONDITIONS THAT THE NEWLY PROPOSED AREA FOR LANDSCAPING SHALL REQUIRE ONE (1) SHRUB OR TWO (2) PERENNIALS BE PLANTED FOR EVERY FIVE (5) LINEAL FEET AND SHALL BE TWO (2) FEET TO FOUR (4) FEET IN HEIGHT; THE PROPERTY SHALL BE REQUIRED TO PLANT THREE (3) DECIDUOUS OVERSTORY TREES IN THE NEWLY PROPOSED LANDSCAPE AREA; STAFF MUST APPROVE A FINAL LANDSCAPE PLAN BEFORE INSTALLATION; ALL ADVERTISEMENT SIGNS SHALL BE REMOVED FROM THE SIDE METAL PANELING OF THE STRUCTURE. DIRECTION SIGNS CAN REMAIN.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE AMENDMENTS TO THE CONDITIONAL USE PERMIT AS PRESENTED.

Adopt Resolution - Receive Feasibility Report and Call for Public Hearing - Improvement 22- 08 - South Brainerd Reconstruction Project

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT RESOLUTION RECEIVING THE FEASIBILITY REPORT AND SETTING THE PUBLIC HEARING FOR IMPROVEMENT 22-08 - SOUTH BRAINERD RECONSTRUCTION PROJECT ON DECEMBER 18TH, 2023 AT 7:30 PM.

RESOLUTION 52:23

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

Public Forum

The Chair opened the public forum at 8:29 p.m.

Mike Duval, 468 Tyrol Dr, stated that he would like the City Council to know that variances remain with a property including when they're redeveloped. The Planning Commission makes careful consideration of each variance that has been recommended.

The Chair closed the public forum at 8:30 p.m.

Staff Reports

Community Development Director Kramvik stated that at the next meeting the short-term rental ordinance will be considered by the City Council.

City Engineer/Public Works Director Dehn stated that the new holiday decorations have been hung up for display downtown.

Finance Director Hillman wished everyone a happy and safe Thanksgiving.

HRA Director Charpentier stated that he appreciates the dialogue for municipal consent to contribute to the Housing Trust Fund.

Interim City Administrator Wussow stated that he will be making slight changes to the order of things. If Council has any concerns or questions, please let him know.

Mayor's Report

Mayor Badeaux stated that the tree lighting ceremony will be on December 1st at 5:00 p.m. This event also kicks off the Window Walk Downtown.

Council Member Reports

Member Stunek stated that the Community Thanksgiving will be on Thursday, November 23rd. The dinner is hosted by the Elks, Eagles, VFW, and Brainerd American Legion and will serve around 1,500 people.

Member O'Day wished everyone a Happy Thanksgiving.

Member Czeczok wished everyone a Happy Thanksgiving and one month to winter.

Chair Bevans stated that he is bell ringing at the Baxter Cub on December 9th for the Salvation Army.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 8:35 p.m.

Patrick Wussow
Interim City Administrator