Brainerd, MN
February 5, 2024

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: Terry, Stenglein, Johnson, Czeczok, O'Day, Stunek, 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 JOHNSON AND CZECZOK, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. **Approval of Bills**
B. **Approval of Minutes**
    a. **Special City Council Meeting Minutes January 8th, 2024**
    b. **Regular City Council Meeting Minutes January 16th, 2024**
    c. **Special City Council Meeting Minutes January 22nd, 2024**
    d. **Special City Council Meeting Minutes January 29th, 2024**
C. **Department Activity Report**
D. **Approve Temporary On-Sale Liquor License Application for Jackpine Brewery for an Event to be held at Essentia Health Sports Center, 502 Jackson Street, on March 22 & 23, 2024-- Contingent upon approvals**
E. **Approve Temporary On-Sale Liquor License Application Submitted by the Brainerd Sports Boosters for an Event to be held at the Essentia Health Sports Center, 502 Jackson St on April 20, 2024**
F. **Minnesota Lawful Gambling Application to Conduct Excluded Bingo- Submitted by the Knights of Columbus for an Event to be held at St. Francis Catholic Church, 404 9th St, on April 7 and 21, 2024**
G. **Minnesota Lawful Gambling Application- Submitted by Central Lakes College Foundation for an Event to be held at CLC, 501 W College Dr, on May 1, 2024**
H. **Minnesota Lawful Gambling Application to Conduct Excluded Bingo - Submitted by St. Andrew's Catholic Church for Bingo Events to be held at St. Andrew's Church, 1108 Willow St, March 16, 2024, and November 16, 2024.**
I. **CC's Bar - Approve Change of Ownership and Expanded Premises**
J. **Resolution Adopting Policies and Plans for Small Communities Development Program (SCDP) Grant No. CDAP-23-0018-O-FY24**

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

Council Committee Reports

Personnel and Finance Committee

Approve Quote for Public Works Maintenance Facility Gate Operator

Committee Chair Johnson stated that the gate was more expensive than anticipated. However, there were other cost savings in the 2024 capital items that will cover the extra cost.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE QUOTE FROM ELITE FENCE FOR THE AMOUNT OF $22,275.

Accept the Resignation of Water Plant Relief Operator Tanner Josephson

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO ACCEPT TANNER JOSEPHSON'S RESIGNATION EFFECTIVE JANUARY 30, 2024.

Ratify the Hiring of Police Records Management Technician Michelle Mendoza

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF MICHELLE MENDOZA FOR THE POLICE RECORDS MANAGEMENT TECHNICIAN POSITION EFFECTIVE JANUARY 16, 2024; FURTHER, THAT SHE BE PLACED ON STEP 1 OF THE POLICE RECORDS MANAGEMENT TECHNICIAN WAGE GRID ($22.28 PER HOUR).

Approval of the City Administrator Employment Contract

HR Director Schubert stated that Mr. Broyles could potentially start on February 26th to work with Interim Administrator Wussow.

Member Czeczok asked Mr. Wussow to clarify whether he will be staying until March 1st.

Interim Administrator Wussow stated that he will be staying until March 1st, utilizing ESST hours designated to him by the State.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE MR. BROYLE'S CITY ADMINISTRATOR EMPLOYMENT CONTRACT WITH AN ANTICIPATED START DATE OF FEBRUARY 26TH AND AUTHORIZE THE MAYOR TO SIGN SAID AGREEMENT.

Adopt a Resolution Setting 2024 Wages for Non-Union Exempt Employees

Committee Chair Johnson stated that there were four appeals. The Police Chief is ranked the same as the Public Utilities Director, therefore is now placed on the same pay scale.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION ESTABLISHING THE WAGES, STEP PLACEMENT AND LUMP SUM PAYMENTS EFFECTIVE JANUARY 1, 2024, FOR NON-UNION EXEMPT EMPLOYEES CONSISTING OF THE CITY ADMINISTRATOR, DEPARTMENT HEADS, MUNICIPAL UTILITY DIVISION MANAGERS AND NON-UNION SUPERVISORS.

RESOLUTION 13:24

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

Annual Review and Approval of Investment Policy

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE INVESTMENT POLICY AS PRESENTED.

Safety and Public Works Committee

Consider Approval of Risky Business Tobacco License

Committee Chair O'Day stated that the Police Chief is now comfortable with the changes the company has made.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE ISSUANCE OF A TOBACCO LICENSE TO LIMOS ETC., DBA RISKY BUSINESS, CONTINGENT ON A SUCCESSFUL FIRE INSPECTION.

Approve Event/Street Closure Application - CLC 5K Mental Health Awareness Run

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO THE EVENT/STREET CLOSURE APPLICATION THE CONDITION THAT THE EVENT ORGANIZER PROVIDE A CERTIFICATE OF INSURANCE TO CITY HALL PRIOR TO THE EVENT, REQUEST TRAFFIC CONTROL MATERIALS ONE WEEK PRIOR TO THE EVENT, AND SIGNS ARE REMOVED AFTER THE EVENT IS COMPLETE.

Adopt Resolution of Support for LCCMR Grant Application and Authorize Staff to Apply For LCCMR Grant Funding - TH 210/Lum Park Pedestrian Bridge

Committee Chair O'Day stated that the City will apply for $3.75 million. The grant has a 25% match.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION AUTHORIZING APPLICATION FOR THE LCCMR GRANT PROGRAM AND FURTHER AUTHORIZING SRF TO PREPARE THE APPLICATION ON THE CITY'S BEHALF.

RESOLUTION 14:24

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

Approve Final Layout for TH 371B/Willow Street Roundabout

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE FINAL LAYOUT AS PRESENTED AND AUTHORIZES STAFF TO PROCEED WITH DESIGN AND RIGHT-OF-WAY ACQUISITION.

Authorize Staff to Request LPP Funds for TH 371B/Willow Street Roundabout Project

Committee Chair O'Day stated that the grant would go towards MNDOT's share of the project.

Member Johnson asked about the estimated local share and how it will be funded.

City Engineer/Public Works Director Dehn stated that a preliminary estimate of about $2 million for the project. The City previously was awarded $750,000 in HSIP funding which would cover most of the City cost.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE $1.5 MILLION REQUEST IN LPP FUNDS FOR THE TH 371B/ WILLOW STREET ROUNDABOUT PROJECT.

Approve Brainerd Restoration Downtown Welcome Bench

Committee Chair O'Day stated that the committee would like the full Council input. He gave an overview of the item. The committee was concerned about tripping hazards, the design, and ADA accessibility.

Mayor Badeaux stated that the tripping hazard concern is valid. He likes the unique ideas for seating downtown.

Chair Bevans had similar concerns about the existing quarter wall, there should be a definite plan for placement, and to make sure that the chairs are more user-friendly to sit either way. His recommendation is to send it back to Downtown Restoration.

Member Johnson stated that through the construction the ADA accessibility questions could be resolved. The curb could be removed after installation, if need be, by the Street Department.

MOVED BY COUNCIL MEMBER JOHNSON TO APPROVE THE BENCH FOR DOWNTOWN.

The Chair declared the motion defeated due to lack of a second.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND TERRY TO SEND THE DESIGN BACK TO BRAINERD DOWNTOWN RESTORATION TO REVIEW THE DESIGN OF THE BENCH FOR ACCESSIBILITY, PLACEMENT, AND USER-FRIENDLY SEATING.

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

Unfinished Business

Commission Appointments

Mayor Badeaux recommended Katie Deblock to the Brainerd HRA Board.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPOINT KATIE DEBLOCK TO THE BRAINERD HRA BOARD.

Chair Bevans recommended David Peterson and Colin Francis to the Planning Commission.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO APPOINT DAVID PETERSON AND COLIN FRANCIS TO THE PLANNING COMMISSION.

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)
Parks & Rec- 1 term (Expire 2029)
Public Utilities- 1 term (Expire 2026)
TAC- 3 terms (Expire 2025)
Mayor Recommended: (terms to expire on 9/7 of said year)
EDA- 1 term (Expire 2026)
Council President Recommended: (terms expire on 12/31 of said year)
Parking Commission-- 1 term (Expire 2026) 1 term (Expire 2028)

New Business

First Reading – Proposed Ordinance 1564 – Replacement of City Code 700

City Engineer/Public Works Director Dehn stated that the guidance is aimed at bringing the City in compliance with requirements related to a delegated pre-treatment program from the MPCA.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1564 AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO SCHEDULE THE PUBLIC HEARING FOR MARCH 4TH AT 7:30 P.M. IN THE CIYT COUNCIL CHAMBERS.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO RE-APPOINT MEMBERS O'DAY AND CZECZOK TO THE JOINT WASTEWATER TREATMENT BOARD.

First Reading - Proposed Ordinance 1561 - Short-Term Rentals

Community Development Director Kramvik gave an overview of the revisions to the ordinance made since December.

Member Johnson asked about the grandfathered properties and the caps that the owners would be subject to.

Community Development Director Kramvik stated that grandfathered in properties would not be subject to the caps. This was a direction by Planning Commission and Council.

Member O'Day asked about the changes requested for City Center.

Community Development Director Kramvik stated that the Planning Commission did not recommend multiple units in the City Center due to most of Brainerd's affordable housing being downtown. The Planning Commission would like to see how the short-term rental ordinance affects the housing stock and review the ordinance in the future for those units in the City Center.

Member Stenglein stated that this ordinance is to get a handle on the need for short-term rentals in the City. It is not meant to be the final say on the short-term rental matter.

Member O'Day stated he would vote against the ordinance if no changes are made before the next meeting. He feels strongly that affordable housing being downtown isn't a good enough reason not to include short-term rentals downtown in the future.

Member Czeczok asked about flexibility in the number of short-term rentals. He asked about the livability of homes that are vacant. Is it possible that if these vacant homes were turned into short-term housing that the property would be improved. He does not agree with the restrictions on these properties, it goes against individual property rights.

Member Johnson stated that he does not think he will approve the ordinance as it stands. He doesn't understand the individual owner caps. He agrees that downtown should be included at some point. He stated that this will never be an ordinance that everyone agrees on.

Mayor Badeaux stated that he has an issue with the caps on owners, as it would be better to have fewer owners with multiple properties.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1561 AND DISPENSE WITH THE ACTUAL READING.

Public Forum

Chair Bevans reviewed the purpose of the Public Forum time. If a citizen has a question of procedure, Staff are available during the weekdays to answer questions. Public Forum is a time to share opinions and suggestions for items for Council.

The Chair opened the public forum at 8:09 p.m.

No one came forward.

The Chair closed the public forum at 8:10 p.m.

Staff Reports

Police Chief Davis stated that he and Fire Chief Holmes are in the process of working with a mental health professional to continue to implement the "check up from the neck up" program.

Finance Director Hillman stated that she handed out forms for the audit that all of the Council members need to fill out, sign, and return to her.

Community Development Director Kramvik gave an overview of the Planning Commission itinerary. They will hold an administrative subdivision public hearing at its next meeting.

Interim City Administrator Wussow stated that Staff met with the County regarding the Airport consolidation. Staff will review the information and bring it forward to the Council at a future meeting. The Public Utilities Commission includes Council Liaison reports in their agenda, it may be helpful to include this on the City Council agenda as well.

Mayor's Report

Mayor Badeaux stated that St. Patrick's Day celebration will take place on March 16th downtown Brainerd. It will be a family friendly event. He attended the comedy show for the

Jaycees Extravaganza, there were concerns about the consumption of alcohol in the past by the School Board. He believes the school board made the right decision in broadening the policy, there were no problems at the event. He thanked the School Board and Brainerd Jaycees for the event. It was a great event that brought many downtown.

Council Member Reports

Member Johnson thanked the community, especially Crow Wing County Sheriff's Office, MNDNR, Brainerd Dispatch, and B93.3 on behalf of the Brainerd Jaycees. The collaboration was fun to see. He cannot say enough about the Dispatch and B93.3 for their communication before, during, and after the event to get information out.

Member O'Day stated that the EDA is meeting on February 8th.

Member Stenglein stated that Region 5 had their organizational meeting. Doug Kern was elected as Chair. She will be a part of the Transit Committee.

Member Czeczok stated that the RFP for Transit was posted on February 3rd. Public Utilities Commission met and approved water main replacement for the alley in South Brainerd. He stated that Commissioners made comments about false statements by Council Members regarding the Utilities Department staff. The Commmission asked that when the Council makes comments, to be careful about unsubstantiated comments.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO SET THE NEXT PERSONNEL AND FINANCE COMMITTEE MEETING FOR FEBRUARY 14TH AT 11:00 AM IN THE CITY COUNCIL CHAMBERS.

Member Czeczok requested that the meeting be noticed in the paper. He also stated that he would be submitting an agenda item regarding recording the Personnel and Finance Committee meetings again.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ADJOURN 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 AND IUOE LOCAL NO. 49 UNIONS.

The Chair adjourned to the closed session at 8:21 p.m.

The Council took a five-minute break.

The Chair reconvened the meeting at 8:45 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 8:45 p.m.

Patrick Wussow
Interim City Administrator