Brainerd, MN
March 4th, 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: Stenglein, Johnson, Czeczok, O'Day, Stunek, Terry, and Bevans. Mayor Badeaux was noted as present.

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

Member O'Day asked to have the discussion from the special Public Utilities and Safety and Public Works Committee meeting about the South Brainerd Alley added to Unfinished Business.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF DISCUSSION OF THE SOUTH BRAINERD ALLEY ITEM TO UNFINISHED BUSINESS.

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

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Report**
D. **Approve Tobacco License Application Submitted by Vapor North New Location, 101 Washington Street - Contingent upon Approvals**
E. **Approve Tobacco License Application Submitted by The Parlor LLC, 714 Laurel St - Contingent upon Approval**
F. **Adopt Resolution Authorizing the City of Brainerd to Submit Information to the Minnesota Public Facilities Authority (MPFA) and to enter into a Grant Agreement with the MPFA**
G. **Approval of Revised Job Descriptions for Public Utility Department Water Crew Chief, Water Service worker, Water Plant Chief Operator, Water Plant Operator, and Wastewater Crew Chief classifications as presented.**
H. **Declare Youth Recreation Equipment as Surplus**

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

Council Committee Reports

Safety and Public Works Committee

Discuss Proposed Sidewalk on Willow Street (S. 6th to S. 7th)

Committee Chair O'Day stated that staff recommended sidewalk placement on the south side of the street. The committee is recommending that the sidewalk be placed on the north side as there is an electrical box that would have to be moved on the south side. The north side of the street has a pole that would need to be moved, but it would be much cheaper to do so than move an electrical box. The foot traffic to Speedway will benefit from the sidewalk.

Member Czeczok asked about the existing sidewalk and whether it would be replaced as a part of the project.

City Engineer/Public Works Director Dehn stated that the existing sidewalk is on the north side of the street, and it will be replaced with this project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO PLACE SIDEWALK ON THE NORTH SIDE OF WILLOW STREET BETWEEN S. 6TH STREET AND S. 7TH STREET.

Direction on Active Code Enforcement Cases

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO OBTAIN AN ADMINISTRATIVE SEARCH WARRANT TO ABATE THE JUNK AND DEBRIS FOR THE PROPERTY AT 804 19TH ST SE.

Personnel and Finance Committee

Paid On-call Firefighter Hiring 2024

Committee Chair Johnson stated that this is the yearly hiring in anticipation of retirements to keep the number of Paid On-Call Firefighters at forty.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE ESTABLISHMENT OF A PAID ON-CALL FIREFIGHTER HIRING LIST AND TO AUTHORIZE THE HIRING OF UP TO 4 PAID ON-CALL FIREFIGHTERS.

Approve Library Capital Projects and Request Funds from Kitchigami Regional Library (KRL) Reserve Fund

Committee Chair Johnson stated that this request is for funds Kitchigami set up for the excess fund balance for capital projects.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE BRAINERD PUBLIC LIBRARY BOARD PROJECTS, REQUESTING $100,624 IN FUNDS FROM THE KITCHIGAMI REGIONAL LIBRARY RESERVE FUNDS DESIGNATED FOR THE BRAINERD PUBLIC LIBRARY.

Authorize the Use of the City of Brainerd Logo for Water Tower Committee Merchandise

Committee Chair Johnson stated that the Water Tower Committee wants to use the logo to put on merchandise to raise money.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE USE OF THE CITY LOGO BY THE WATER TOWER COMMITTEE TO ASSIST WITH SAVING THE HISTORIC WATER TOWER.

Member Czeczok asked whether the City Council should approve the items that the logo would be on.

Mayor Badeaux stated that as the liaison he would gladly vet the products.

Member Johnson stated that he'll support the motion, but he doesn't see why it couldn't be staff administratively approving the items.

MOVED AND SECONDED BY COUNCIL MEMBER CZECZOK AND JOHNSON, DULY CARRIED, TO AMEND THE MOTION TO INCLUDE COUNCIL REVIEW OF THE ITEMS.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE USE OF THE CITY LOGO BY THE WATER TOWER COMMITTEE TO ASSIST WITH SAVING THE HISTORIC WATER TOWER WITH COUNCIL REVIEW OF THE ITEMS TO BE PLACED ON THE CONSENT CALENDAR.

Fire Contract Formula for 2025 - Informational

Committee Chair Johnson stated that the Fire Advisory Board approved the formula, Brainerd's 2024 cost is $22,000.

Member Czeczok asked whether any of the members disagreed with the increase.

Member Terry stated that the members did not have a concern. The members were all impressed with Finance Director Hillman's clarity regarding the expenses.

Update on Public Utilities Director Hiring Process

Committee Chair Johnson stated that as of the Personnel and Finance Committee meeting the interviews were not complete.

HR Director Schubert stated that two additional applications had been received since interviews were conducted. The work group will meet and hope to give a recommendation at the March 18th meeting.

Member Czeczok stated that prior to the Personnel and Finance meeting, there was conversation about the interview process for the Public Utilities Director. Based on comments made, he reminded Council members to monitor themselves and their comments. There is no place for disparaging comments.

Approve Memorandum of Agreement between City and IBEW Local No. 31 Administrative Support Union setting the 2024 Wage for the Environmental Resources Technician Position

Committee Chair Johnson stated that this is the joint position with Baxter that the City has been trying to get the union to agree to. It's great to be able to begin the hiring process for this position.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE MOA BETWEEN THE CITY OF BRAINERD AND IBEW LOCAL NO. 31 ADMINISTRATIVE SUPPORT UNION SETTING THE 2024 WAGE FOR THE NEW ENVIRONMENTAL RESOURCES TECHNICIAN POSITION.

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)

Parks & Rec- 1 term (Expire 2029)
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)

Final Reading- Proposed Ordinance 1564- Replacement of City Code 700

City Engineer/Public Works Director Dehn stated that two definitions were added to the ordinance since the first reading for clarification. The definitions do not significantly affect the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1564 AND DISPENSE WITH THE ACTUAL READING.

Member Czeczok questioned the statement at the end of the summary ordinance, "notice is hereby given that a copy of the entire ordinance is available during City office hours or on the City's website", whether someone who comes in at the end of the day would be able to inspect the ordinance.

City Engineer/Public Works Director Dehn stated that staff would be available to do so no matter how late in the day a person came in to inspect the ordinance.

The Chair opened the public hearing at 7:47 p.m.

No one came forward.

The Chair closed the public hearing at 7:48 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON TO ADOPT ORDINANCE 1564 REPLACEMENT OF CITY CODE 700.

ORDINANCE 1564

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

Consider Postponing South Brainerd Alley Project (Added Item)

Member O'Day stated that at the joint meeting of the Public Utilities Commission and Safety and Public Works, the Public Utilities Committee had concerns about communication between staff, City Council, and the Commission. There was good discussion about concerns on both sides. From the Engineering perspective, cost savings are possible if the alley is done at the same time as the South Brainerd project. The Public Utilities Commission requested that the City Council delay the project for one year.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO POSTPONE THE SOUTH BRAINERD ALLEY PROJECT UNTIL 2025.

Member Johnson stated that he would be voting no, as the information was not available publicly previous to the meeting. It was not a part of the agenda packet for tonight. The process for adding an item to the agenda should be followed.

Member O'Day stated that he understands Member Johnson's view. Both BPU and the City have put the project up for bid, the bids have not been returned yet. If bids were opened, the City could determine how much the project is going to cost.

Member Johnson stated that the Commission had time to include this item in the current Council Packet.

Member Czeczok clarified that the project plans are not complete, so the project has not yet gone out for bid. He would be glad to hear about this item at a later date, but he would ask that the City delays moving forward with the plans until this is decided.

Chair Bevans asked about the timeline of the project.

Member O'Day asked whether this would be reviewed previous to or after the bidding process.

City Engineer/Public Works Director Dehn stated that the project is still in the planning stage. It could be brought back to City Council after the plans are complete. The project could be brought back to the City Council prior to or after the bidding process depending on the City Council's preference.

Member O'Day withdrew his motion.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN TO BRING THE ALLEY PROJECT BACK TO THE CITY COUNCIL FOR DISCUSSION AND DELAY ANY FURTHER DEVELOPMENT OF THE PLANS AND SPECIFICATIONS UNTIL THE NEXT CITY COUNCIL MEETING.

Member O'Day stated that he would vote no, as he does not see the point in putting a stop to plans and specifications whether the project is done in 2024 or 2025. The more that the City knows the better in regard to deciding to delay the project.

Member Johnson stated that he agrees with Member O'Day, there is already momentum with the project.

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

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO BRING THE ITEM BACK FOR DISCUSSION AT THE NEXT CITY COUNCIL MEETING AND TO HAVE THE ENGINEERING DEPARTMENT CONTINUE TO DEVELOP PLANS AND SPECIFICATIONS IN THE MEANTIME.

New Business

Consider Conditional Use Permit for a Childcare Facility at 418 8th Ave NE

Community Development Director Kramvik gave an overview of the proposed conditional use permit.

Member Johnson stated that the approval will provide 16 childcare spots. The City can use every childcare spot it can get he is in favor of the CUP.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR A CHILDCARE FACILITY WITH TWO CLASSROOMS WITH A TOTAL OF 16 CHILDREN AT 418 8TH AVE NE WITH THE FOLLOWING CONDITIONS: 1) APPROVED INSPECTIONS AND REVIEWS BY THE FIRE MARSHAL AND BUILDING OFFICIAL PRIOR TO OPERATION. 2) THE 6-FOOT PRIVACY FENCE SLATS SHALL BE EARTH-TONE IN COLOR AND APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR.

Consider Conditional Use Permit Amendment for a 12-plex Apartment at PID 41040887

Community Development Director Kramvik gave an overview of the amendment to the project. The permit changes include a floor plan change and changes to the parking.

Member Johnson asked whether the 12-unit apartment, fitness center, and boarding house are on the same parcel. He asked whether changes to the fitness center and boarding house would need to go through the Planning Commission.

Community Development Director Kramvik stated that the other facilities are on separate parcels. The facilities would need to go through the Planning Commission if changes are to be made.

Member O'Day stated that he agrees with the comments made by Commissioner Duval at the Planning Commission meeting regarding setbacks.

Member Johnson asked to clarify the footprint of the building as he likes the rectangular building better than the spokes.

Community Development Director Kramvik stated that the setbacks were changed with the new plan as well as not reducing any of the trees proposed in the landscape plan. The new footprint of the building is the rectangular building.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT AMENDMENT FOR THE CONSTRUCTION OF A 12-UNIT MULTIFAMILY APARTMENT AT PID 41040887, WITH THE CONDITION THAT ANY ADDITIONAL LIGHTING CONFORMS TO THE OUTDOOR LIGHTING ORDINANCE.

First Reading - Proposed Ordinance 1565 - Administrative Subdivisions

Community Development Director Kramvik gave an overview of the ordinance. The objectives of the ordinance were to create better definitions for boundary line adjustment and lot consolidation, allow for the adjustment or consolidation of three properties rather than two to reduce the administrative burden on developers and builders, allow for the base lot subdivision of commercial buildings, and state a clear restriction on when the parcel can be administratively subdivided in the future.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO CONDUCT THE FIRST READING OF ORDINANCE 1565 AND DISPENSE WITH THE ACTUAL READING.

Consider Joint Workshop with Planning Commission for Short-Term Rental Ordinance

Community Development Director Kramvik stated that the Planning Commission reviewed the guidance by the City Council at their previous meeting. The Planning Commission requested a workshop with the City Council.

Member Stenglein stated that the Planning Commission, in watching the Council Meetings, has heard the hurdles for individual Council Members in order to pass an ordinance. She believes that a workshop would be valuable, and the matter of short-term rentals could be pinned up.

Member Czeczok asked whether holding a workshop would count as having been returned to the Planning Commission.

Community Development Director Kramvik stated that the public hearing legally needs to be conducted at the Planning Commission level. Additional public comments could be received at the City Council level.

Mayor Badeaux stated that if there are major concerns, Council Members could communicate with the Planning Commission.

Member O'Day stated that if a workshop is necessary to get through the issue and then the City Council doesn't have to deal with the issue again, he is in favor of having a workshop.

Chair Bevans stated that he will vote against holding a workshop.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO SCHEDULE A JOINT WORKSHOP WITH THE PLANNING COMMISSION ON MARCH 11TH AT 6:00 REGARDING SHORT-TERM RENTAL ORDINANCE.

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

Chair Bevans clarified that an interim use permit and rental license are required to run a short-term rental.

Public Forum

The Chair opened the public forum at 8:16 p.m.

No one came forward.

The Chair closed the public forum at 8:17 p.m.

Staff Reports

Finance Director Hillman stated that the Presidential Nominating Primary election is on March 5th, precincts are open from 7:00 a.m. to 8:00 p.m.

Member Czeczok asked if there is a separate polling location for Ward 3 Precinct 3.

Finance Director Hillman stated that Ward 3 Precinct 3 is combined with Ward 3 Precinct 2 at Bethlehem Lutheran as there are only a few voters in Precinct 3.

HRA Director Charpentier stated that DW Jones will be requesting that the City of Brainerd be the applicant for the Work Force Housing Development Program on behalf of DW Jones at a future meeting.

City Engineer/Public Works Director Dehn stated that MnDOT has updated the City on the 2022 transit bus is expected to be built in 2024. The amount of the local share has increased, the item will come before the Council at the next meeting. Street Maintenance staff is assisting with the elections and the fence replacement at Mill Field. Spring street sweeping is expected to commence the week of March 11th which is a few weeks ahead of schedule.

Community Development Director Kramvik stated that the Planning Commission has started discussion on cannabis dispensaries.

Administrator Broyles stated that he has met some fantastic people in the last week. He is looking forward to meeting more people, building relationships, and serving the community.

Mayor's Report

Mayor Badeaux stated that as the liaison he was excited to have a lot of passionate people attend the last Park Board meeting. He thought people were polite and came forward with great ideas. He thanked the public for coming forward to a meeting, he does not recommend bringing business forward on social media.

Council Member Reports

Member Czezok stated that there has been a negative culture developed by the City Council. It is the duty of the elected officials to be responsible to the City, residents, and staff. Comments made that are duragatory in nature are not how all Members feel. He primarily is referencing the comments made about the Public Utilities Department. If the City Council cannot monitor ourselves and challenge each other to improve, the officials are not doing their jobs. He is challenging everyone to see that this behavior is ended.

Member Stenglein stated that Region 5 gave a "poop to power" presentation. There will be great things coming for the waste water treatment facility.

Member O'Day welcomed Administrator Broyles. He thanked those who attended the special meeting from the Public Utilities to help improve communication.

Member Johnson stated that the HRA Board met to determine budget priorities. The board is looking to acquire properties to rehab this year.

Member Terry stated that the Library Board revised their bylaws at its previous meeting to allow previous members of the Library Board to be Regional Board members. She will look to appoint a member to the board next meeting.

Member Stunek stated that a delegation of our Police Officers and Firefighters went down to the memorial for those lost in the line of duty in Burnsville. He thanked our members for attending the memorial.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT MN STATUTE 13D.05, SUBD.3(C) 3 TO DISCUSS THE PURCHASE OF THE ROBERTS PROPERTY.

The Chair adjourned to the closed session after a five-minute break at 8:33 p.m.

The Chair reconvened the meeting at 8:44 p.m.

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

The Chair adjourned the meeting at 8:44 p.m.

Nicholas W. Broyles
City Administrator