

**Brainerd, MN  
May 6th, 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: Johnson, Czeczok, O'Day, Stunek, Terry, and Bevans. Mayor Badeaux was noted as present. Member Stenglein 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 STUNEK, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF DISCUSSION ON THE OWNERSHIP OF THE BRAINERD LAKES REGIONAL AIRPORT.

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

- A. Approval of Bills**
- B. Approval of Minutes**
- C. Department Activity Report**
- D. Adopt Resolution- Approving MN Lawful Gambling Premise Permit Submitted by BPOE Elks #615 to Conduct Gambling at Last Turn Saloon 214 S 8th St**
- E. Adopt Resolution- Approving MN Lawful Gambling Premise Permit Submitted by American Legion Post #255 to Conduct Gambling at Sage on Laurel, 606 Laurel St**
- F. Approve MN Lawful Gambling Application to Conduct Off-Site Gambling Submitted by The Brainerd American Legion Post #255 for an Event to be held on July 26 & 27 at the Mills Parking Lot**
- G. Approve Temporary On-Sale License Submitted by the Brainerd Jaycees for an Event to be held on July 26 & 27 at the Mills Parking Lot**
- H. Authorize Hiring 2024 Summer Temporary Employees**

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

#### **Council Committee Reports**

##### **Personnel and Finance Committee**

##### **Authorize the Fire Department to Apply for Sourcewell Community Match Funds**

Committee Chair Johnson stated that the grant is a matching grant that the Fire Department will use to purchase PPE. The matching funds will come out of the 2024 budget for PPE.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE FIRE DEPARTMENT TO APPLY FOR SOURCEWELL COMMUNITY MATCH FUNDING AND TO AUTHORIZE APPROPRIATE SIGNATURES.

**Consider Memorandum of Agreement (MOA) with IBEW Administrative Support Union for Zoning Specialist/Permit Tech Position**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE MOA WITH THE IBEW LOCAL NO. 31 ADMINISTRATIVE SUPPORT UNION AS PRESENTED SETTING THE 2024-2026 WAGE FOR THE ZONING SPECIALIST/PERMIT TECHNICIAN POSITION; FURTHER, TO AUTHORIZE AN INTERNAL ONLY JOB POSTING TO FILL THE ZONING SPECIALIST/PERMIT TECHNICIAN POSITION.

**Safety and Public Works Committee**

**Event/Parking Lot Closure Application - Tour of Lakes**

**Event/Street Closure Application - Memorial Day Parade**

**Event/Alley Closure Application - Shep's Elbow Convention**

**Event/Parking Lot Closure Application - DANGIE 5K**

**Event/Street Closure Application - Corpus Christi Processional**

**Event/Street Closure Application - First Lutheran Church Summer Picnic**

**Event/Parking Lot Closure Application - GnarBQ**

Committee Chair O'Day stated that for simplicity he would like to make one motion for all of the event applications. All of the events except one are annual events.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE ALL EVENT APPLICATIONS WITH THE CONDITIONS LISTED IN THE APPLICATIONS.

**Review Classification of Non-Conservation Tax Forfeit Parcel**

Committee Chair O'Day stated that the lot is in Brainerd Oaks, outlot E, the plan is to develop to the west parcel, outlot F. Outlot E will be used as an access point for outlot F.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO CONCUR WITH THE NON-CONSERVATION STATUS OF THE PARCEL 41290605 AS DESCRIBED SO THAT IT MAY BE SOLD TO THE HRA.

**Award Bid - Contract Towing**

Committee Chair O'Day stated that the committee did not make a motion in committee. Full City Council input is desired.

Chair Bevans stated that it seems both companies could do the job and the pricing is competitive. He would support the local business, there have been financial questions with the other company, and the last time the contract was approved he received many e-mails from the owner of Collin's Brothers personally chastising him for his vote.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY TO AWARD THE CONTRACT TOWING SERVICES FOR THE 2024-2026 PERIOD TO WEST BRAINERD AUTO.

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

**Discuss Rectangular Rapid-Flashing Beacons (RRFB) at 371B/Willow Street Roundabout**

Committee Chair O'Day stated that the four RRFB's around the roundabout would cost about \$60,000. This agreement is a cost share with MnDOT. The City will take over maintenance after construction.

Mayor Badeaux asked if the City is under any obligation to keep them if they fail in the future.

City Engineer/Public Works Director Dehn stated that it would be at the discretion of the City whether to transition to static signage or not.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE INSTALLATION OF RRFB'S AT THE PROPOSED ROUNDABOUT AT S. 6TH STREET AND WILLOW STREET AND TO DEVELOP AND AGREEMENT WITH MNDOT FOR THE CONSTRUCTION AND MAINTENANCE OF THE INSTALLATIONS.

#### **Authorize Grant Application - TH 210/Lum Park Pedestrian Bridge**

Committee Chair O'Day stated that the City has not been awarded a grant for the bridge yet. The City would be applying for \$1.5 million.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE APPLICATION TO THE CRP GRANT PROGRAM FOR THE TH 210/LUM PARK PEDESTRIAN BRIDGE PROJECT.

#### **Discussion on 2003 Riverside Drive Infrastructure Project and Annexation Requirements**

Committee Chair O'Day stated that in committee they felt that City Staff should start discussion with County Staff regarding orderly annexation. They did not include a reduction in the amount in their motion.

Chair Bevans questioned the need for the motion as a point of order.

Committee Chair O'Day clarified that it would be to discuss with the County.

Member Czczok clarified that it would be to authorize staff to have discussions with the County about orderly annexation.

Committee Chair O'Day stated that the 2003 Council "extended the utilities to Canada" and hoped that the homeowners along the improvement would hookup to utilities.

City Engineer/Public Works Director Dehn stated that there are about 30 properties outside of the City yet to connect, this does not include the properties that have deferred assessments within the City.

Committee Chair O'Day stated that there are many houses that need to connect and be annexed. The last property owners to pay the connection cost were charged \$11,300.

Member Czczok stated that the amount was left out to give Staff time to speak with the County about the process.

Chair Bevans stated that there are not any petitions for annexation at this point. Determining the amount for a connection charge is moot until there is a petition to annex.

Committee Chair O'Day stated that the forcible annexation law has changed since the project and connection conditions were originally put in place. The City has less power to forcibly require properties to annex in order to connect to utilities. If an orderly annexation agreement is made with the County, it could be a more cohesive process.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO DISCUSS POTENTIAL ORDERLY ANNEXATION WITH CROW WING COUNTY STAFF.

#### **Discuss 15106 Riverside Drive Connection Charge**

Committee Chair O'Day stated that the committee heard from the contractor, homeowner, and Mr. Ryan from Lakes Area Heroes advocating for the connection fee be dropped. Pending an annexation agreement there isn't an answer on how much the connection charge would be yet.

Member Czczok stated that the contractor spoke at committee, there were troubling details given by him. The Council wants to trust staff, however, there were two very different stories on the situation. Since hearing the 2010 assessments were \$11,300, he is hesitant to charge the previous amount given that he thought would be fair. There is a level of miscommunication, he was fully prepared to reduce the amount the property owner is charged based on this information.

Chair Bevans questioned how cost could even be discussed if no one is requesting to annex. As long as the property owner would be paying a fair amount to connect and annex compared to the other properties that have already done so or have petitioned to be an exception and paid double fees, he would be favorable to a lesser amount. He stated that if the property is not annexed and there is no utilities agreement the City cannot enforce proper use of the utility.

City Engineer/Public Works Director Dehn stated that Staff will need a month to have discussions with the County.

#### **Review Proposed Tree Ordinance and Policy**

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO BRING BACK THE ORDINANCE AT THE NEXT COUNCIL MEETING; FURTHER, TO REVISIT FUNDING FOR THE TREE INJECTIONS IN THE PARKS UP TO \$6,000 TO COME FROM A DIFFERENT FUND.

#### **Discuss Buffalo Hills Park Land Swap Proposal**

Committee Chair O'Day stated that there have been discussions with the Park Board and developers about the 20-acre parcel that the school district owns. This is the first proposal that the City has had from a developer regarding this land. There are utilities nearby. This is being proposed as a land swap between the district, developer, and the City.

Member Czczok stated that the developer needs the assurance prior to proceeding with the purchase from the school district.

Chair Bevans stated that he has heard many times “Brainerd is difficult to work with”, he commended staff for changing this perception as it is now a “let’s see if this could work” when considering projects.

MOVED AND SECONDED BY COUNCIL MEMBERS O’DAY AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO WORK WITH THE DEVELOPER AND ISD 181 FOR THE CONVEYANCE OF THE PROPERTY AND PROPOSED LAND SWAP OF BUFFALO HILLS PARK.

#### **Direction on Active Code Enforcement Cases**

MOVED AND SECONDED BY COUNCIL MEMBERS O’DAY AND CZECZOK, DULY CARRIED, TO ISSUE A 10-DAY ORDER TO CORRECT LETTER AND OBTAINING A SEARCH WARRANT TO ABATE THE NUISANCES AT 1119 13TH ST SE AND 1424 8TH ST SOUTH.

#### **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)

Transportation Advisory Committee- 2 terms (Expire 2025)

**Mayor Recommended: (terms to expire on 9/7 of said year)**

Economic Development Authority- 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)

#### **Discussion on the Ownership of the Brainerd Lakes Regional Airport**

Interim Public Utilities Director Wussow apologized that there wasn’t anything put together with the transition. Staff provided a draft of the meeting where the City and County discussed what the work done by the City with HR, IT, and Finance and the adjustments that the County would need to make to accommodate the acquisition.

Member Czczok stated that the direction given was to discuss with the County to look at the possibilities of having the County take over the airport. As the County was indicating that they were willing to take ownership. The levy would then be spread across the entire County. In the report, there are no pros of having the County take over the Airport. A shared services agreement could be negotiated. He gave a review of the points made by the staff’s memo. He has talked to County Administrator Houle a couple of times and has not indicated that there are hangups on the County side. The County is offering a once in a lifetime opportunity to spread the taxes and projects evenly. He stated that it appears that Staff went in looking for opportunity more so a rebuttal. He will speak for Mr. Houle stating that City Staff were not willing to take the initiative to move forward and do as Council asked them to do.

Chair Bevans stated that he may have to take part of the blame in the issue with everything that has been going on since this subject came about. He would like Administrator Broyles to take over the task of finding out where the County and City believe the deal could go.

Member Czczok stated that the motion was not clear in the minutes which said “explore the possibilities”, if you listened to what he said “have the County take over the levy”. It was more specific than what the minutes stated this is what the Council wanted to have done.

## **New Business**

### **Consider Conditional Use Permit and Variance Request for a Multi-Family Apartment Building at 1111 Oak Street**

Community Development Director Kramvik gave an overview of the permit.

City Engineer/Public Works Director Dehn stated there is concern over safety regarding planting trees in the boulevard as it is very narrow.

Member Czeczok stated that he was disheartened that Planning Commission included the tree requirement. He is glad that staff is recommending no trees.

Member O'Day asked about the façade.

Community Development Director Kramvik stated that the plan does meet the requirement for the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMITS AND VARIANCE REQUEST AT 1111 OAK STREET WITH THE CONDITION THAT THE OWNER REMOVE COMMERCIAL SIGNAGE.

### **Consider Variance Request for a Street Loaded Driveway at 1101 Pine Street**

Community Development Director Kramvik gave an overview of the variance. The zoning code includes language for alley loading driveways. This is an application to have the driveway connect to Pine Street.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO APPROVE THE VARIANCE REQUEST TO CONSTRUCT A 12' WIDE CONCRETE DRIVEWAY OFF PINE STREET IN THE PROPOSED LOCATION.

### **Consider Entering into a Brokerage Agreement for Sale or Lease of the Annex Building**

Community Development Director Kramvik gave an overview of the agreement. There has been interest in the purchase of the annex.

Member Czeczok asked whether the City would be the manager of the building if it is leased.

Community Development Director Kramvik stated that some improvements would be included in the lease agreement.

Chair Bevans stated that the economics of the building does cause it to be difficult to maintain. The Annex is a part of Brainerd history, and it is sad to think about selling.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO AUTHORIZE THE EDA TO ENTER INTO A BROKERAGE AGREEMENT FOR SALE OR LEASE OF THE ANNEX BUILDING WITH KAMP REAL ESTATE AND DEVELOPMENT.

## **Public Forum**

Member Czeczok stated that he is extremely happy that Interim Public Utilities Director is in the room. It was brought up at the Public Utilities Commission meeting that the Council approved the Eight05 Laurel project and sacrificed \$257,000 of SAC & WAC fees. These fees are being forgiven with various projects in the City. Chair Matten asked how the Commission could communicate with the City Council that it's a concern that fees are being forgiven when these fees are hard to make up. The Council needs to be cognizant of this. The Utilities Commission does a great job of keeping rates low but this makes it difficult to maintain rates.

Interim Public Utilities Director Wussow stated that it was specifically the topic of making sure that the utility is acknowledged for the credits earned and given out.

Mayor Badeaux stated that this is a part of the River to Rails initiative that was discussed and decided on in 2017. The Utilities would have been a part of the conversation at the time.

Member Czeczok stated that at the last EDA meeting there was discussion about making every area in town similar to the River to Rails area. By charging fees is how things are paid for. Would the projects that have had fees forgiven still happen if these fees weren't forgiven.

### **Adjourn**

**Adjourn to Closed Labor Negotiation Strategy Session with the Public Utilities Commission pursuant to MN Statutes, 13D.03, Subd 1(b) to prepare for Negotiations with the IBEW 31 Brainerd Public Utilities Union and IUOE 49 Parks Maintenance Union**

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ADJOURN TO CLOSED SESSION WITH PUBLIC UTILITIES COMMISSION PURSUANT TO MN STATUTES, 13D.03, SUBD 1(B) TO PREPARE FOR NEGOTIATIONS WITH THE IBEW 31 BRAINERD PUBLIC UTILITIES UNION AND IUOE 49 PARKS MAINTENANCE UNION.

The Chair adjourned the meeting after a five-minute break at 8:34 p.m.

The Chair reconvened the meeting at 9:22 p.m.

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

  
Nicholas W. Broyles  
City Administrator

The Chair opened the public forum at 8:20 p.m.

No one came forward.

The Chair closed the public forum at 8:21 p.m.

### **Staff Reports**

Police Chief Davis stated that since the warming shelter closed on April 21<sup>st</sup> the Police Department has been monitoring the development of a homeless encampment taking place in a wooded area adjacent to the river landing off of Evergreen Avenue. Recently there have been two significant incidents at the site, both incidents are under investigation. The homeless encampment is not unique to the City of Brainerd. The City of Baxter and Crow Wing County are seeing similar developments. There has been a work group formed with various community entities to identify barriers to permanent housing and what resources are available and how to direct the resources.

Member Terry stated that she sits on that group through her work with Community Services. She can provide updates to Council as well.

Member Czeczok asked whether there was a similar group of people last fall, that may have been asked to leave.

Police Chief Davis stated that there were individuals in the same area last summer into the fall leading into the opening of the warming shelter. There is a parcel of tax forfeit land and due to the land use ordinance through Crow Wing County restricting how long someone can be on the property, they were asked to leave. The Brainerd Police Department was not a part of the removal last fall.

City Engineer/Public Works Director Dehn stated that the Park Board will be awarding the Parks ARPA projects at a special meeting on May 7<sup>th</sup>. The Transportation Advisory Committee will meet to review the proposal from Blue Sky for the transit contract on May 9<sup>th</sup>, this item will be presented to the Council on May 20<sup>th</sup>.

Community Development Director Kramvik stated that VCV has submitted an interim use application for a variation to their plan for outdoor storage. The Planning Commission will also be discussing cannabis, short-term rentals, and garage requirements at the next meeting on May 15<sup>th</sup>. Staff will bring a vacant building registry ordinance to the next Council meeting.

HR Director Schubert stated that she was contacted by the League of Minnesota Cities HR Staff about pending additional ESST legislation. The original legislation went into effect on January 1<sup>st</sup> and had to be negotiated with each of the unions. There is legislation to expand the provisions to include all sick leave. Currently ESST is limited to 48 hours in 2024 and 80 hours in 2025. One of the provisions would apply to full sick leave cap, which is currently 960 hours. Staff is recommending that the City Council authorize City Administrator Broyles to contact legislators to inform them that the City of Brainerd does not support any changes to the ESST law at this time.

Administrator Broyles attended the Minnesota County and City Managers conference. It was a great opportunity to make connections though he wasn't able to attend a majority of the conference.

### **Council Member Reports**