Brainerd, MN
September 16, 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: O'Day, Stunek, Stenglein, Johnson, Czeczok, and Bevans. Mayor Badeaux was also noted as present. Member Terry was noted as absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Report**
D. **Approve MN Lawful Gambling Application Submitted by St. Francis Church for an Event to be held on March 29, 2025 & November 22, 2025, at St. Andrew's Church 1108 Willow St.**
E. **Approve MN Lawful Gambling Application Submitted by St. Vincent De Paul for an Event to be held on November 2, 2024, at St. Francis Church, 411 N 10th St.**
F. **Adopt Resolution Accepting 2nd Quarter Donations**
G. **Approve Summary of City Administrator Broyles Six-month Performance Evaluation held September 3, 2024.**
H. **Approve Event/Alley Closure Application - Zion Lutheran Trunk-or-Treat**
I. **Approve Event/Street Closure Application - Fire Department Open House**

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

Presentation

BLADE Presentation

Talia Brodhead, BLADE Coalition, presented the mission, goals, and events held by BLADE in 2024.

Member Czeczok thanked Ms. Brodhead for her presentation. He asked whether BLADE condones recreational marijuana use and whether the organization made any push back at the State level.

Ms. Brodhead stated that BLADE does not condone recreational marijuana use, they were not involved in State legislation.

Member Stenglein asked about the Narcan vending machine whether it is nasal or needle.

Member Bevans asked how to get involved.

Ms. Brodhead stated that the vending machine has nasal spray. You can e-mail her or connect on Facebook.

Council Committee Reports

Personnel and Finance Committee

Authorize Sale of Retired Community Service Officer Vehicle

Committee Chair Johnson stated that the vehicle has about 40,000 miles on it.

Member Czeczok asked if this an auction or sale outright.

Finance Director Hillman stated that she believes it is an auction through Enterprise.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE SALE OF RETIRED COMMUNITY SERVICE OFFICER VEHICLE #443 UTILIZING ENTERPRISE FLEET MANAGEMENT.

Adopt Resolution Authorizing The Execution Of Traffic Safety Enforcement Grant

Committee Chair Johnson stated that this is a grant that the City applies for each year as the administrator of the grant. The grant covers the County and its municipalities.

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

RESOLUTION 35:24

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

Review Proposed Fee Schedule

Committee Chair Johnson stated that previously the fee schedule was adopted by resolution. These changes to the current City Code will come back to the Council as an ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO DRAFT AN ORDINANCE REGARDING THE PROPOSED FEES.

Approval of 2025 Health Insurance Renewal

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE 2025 HEALTH INSURANCE RENEWAL AS RECEIVED FROM THE BETTER HEALTH COLLECTIVE WITH AN AVERAGE 8% ANNUAL INCREASE ACROSS ALL FOUR OF OUR HEALTH PLANS AND WITH A 15% RATE CAP FOR OUR 2026 RENEWAL.

Discussion of 2025 HRA Preliminary Levy

Committee Chair Johnson stated that the HRA requested $218,991 dollars. In committee, there was a split vote to approve $173,960 as the preliminary levy. He stated that this is the amount that was levied for 2024.

Member O'Day stated that the Council received a letter from HRA Board Director Duval. He asked for the differences between the amount levied in 2024 and the amount requested in 2025.

Committee Chair Johnson stated that the primary difference was that they increased a line item for Board Initiatives by $45,000 with the possibility of Brainerd Oaks project receiving a Workforce Housing grant and the need for gap funding. The request also increases their fund balance by $30,000.

Member Czeczok stated that as he understands the developer of Outlot F is requesting $100,000 from the Housing Trust Fund which the City contributes to, and the additional amount would also be the responsibility of our taxpayers.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO SET THE 2025 HRA PRELIMINARY LEVY AT $173,960.

Discussion of 2025 Preliminary Park Board Budget

Committee Chair Johnson stated that the committee would like to have the Park Board review the budget again.

Member Czeczok asked for the percentage of the addition of two part time employees.

Committee Chair Johnson stated that it would be about a 1%-2% increase.

Safety and Public Works Committee

Award 2024-2025 Downtown Snow Removal Bid

Committee Chair O'Day stated that there were two very similar bids. The City has been assured that Advantage Home Pros has the proper equipment. He stated that Tom's Backhoe has always done a good job.

Member Czeczok stated that he believes this may lead to a lower cost next year.

Member Johnson stated that this may be a risk to save a minimal amount.

Member Stunek asked about the process to change contractors if the City feels that the contract is not being upheld.

City Engineer/Public Works Director Dehn stated that if the contractor is not meeting the specifications of the contract, the City can issue a notice to cure to the contractor.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AWARD THE 2024-2025 DOWNTOWN SNOW REMOVAL SERVICES CONTRACT TO ADVANTAGE HOME PROS.

Approve Bridge Inspection Services Proposal

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE PROPOSAL FROM BOLTON & MENK FOR BRIDGE INSPECTION SERVICES IN THE AMOUNT OF $2,400.

Approve Traffic Control Change at Intersection of 5th Avenue NE and D Street NE

Committee Chair O'Day stated that the intersection was researched and did not warrant being a 4-way stop. However, with the Highway 210 construction upcoming there may be changes to traffic throughout northeast.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO MAINTAIN THE CURRENT TRAFFIC CONTROL AT 5TH AVENUE NE AND D ST.

Direction Requested regarding Signs within the Right of Way

Committee Chair O'Day stated that we are in an election season, there are signs that pop up in the right of way. Like most other property maintenance ordinances, some of the committee members felt it important to stay complaint based.

Member Stenglein stated that she was the dissenting vote in committee. She feels that signs in the right of way should be actively enforced because she feels it puts staff in an awkward position if they have to explain why they took certain signs and not others.

Member Czeczok stated that there could be another motion if this motion passes, that if staff is called to a location due to a complaint that if they see other signs while on location they should move them as well.

Member Bevans will vote no, he believes that if its in the right of way it should be picked up. He agrees with Member Stenglein that it could be awkward for staff.

Member O'Day stated that it should be more of a commonsense approach as staff should not be out measuring exactly where the sign is in a yard.

Mayor Badeaux stated that he does not wish to relive "sign gate". If there is a danger, staff could remove it. If the City is driving around picking up signs, we're wasting the citizens time and money.

Member Czeczok stated that if staff is going to enforce the code, that staff needs to be more aware.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO DIRECT STAFF TO REMAIN COMPLAINT BASED REGARDING SIGNS IN THE RIGHT-OF-WAY.

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

Consider Past Citations for 1002 15th St SE - Mike Degen

Committee Chair O'Day stated that Mr. Degen had a tenant he could not evict and conflicting citations issued by multiple staff members. The property has been cleaned and sold. He offered to pay the administrative portion of the citation.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO FORGIVE THE PREVIOUS OWNER $500 WORTH OF THE ASSESSMENT.

Consider Past Citations and Abatements for 1113 Rosewood St - Dave Braverman

Committee Chair O'Day stated that Mr. Braverman was not able to get into his property due to legal restrictions. He has reclaimed the property and has cleaned up the property. The abatements are not typically forgiven but the committee chose to relieve him of the current citations.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO FORGIVE ALL CITATIONS AND ASSESS FOR THE AMOUNT OF THE ABATEMENTS.

Unfinished Business

Accept Colin Francis Resignation from Planning Commission

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO ACCEPT THE RESIGNATION OF COLIN FRANCIS FROM 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)
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)
Planning Commission—1 term (Expire 2026)

Discussion of Airport Commission 2025 Levy Request

Chair Bevans opened discussion on the motion that was tabled from the September 3rd meeting regarding the Airport Levy.

Member Johnson stated that he was the no vote in committee. He sees no reason to increase the amount if the County is not increasing their contribution and due to the difficult budget in 2025.

Member Czeczok stated that throughout the process, one of the things that was very clear is that the fair thing to do would be for the County to take over the entire levy. Once it was determined that there would be additional staff work, the County decided against ownership. The Brainerd citizens are taxed twice, he is not in favor.

Mayor Badeaux stated that with the current budgetary concerns, he believes the City should be tightening their belts. He is in favor of keeping the Airport Levy flat.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STUNEK TO SET THE AIRPORT PRELIMINARY LEVY AT $150,000 FOR 2025.

Members O'Day, Stunek, and Stenglein voted "aye". Members Johnson, Czeczok, and Bevans voted "nay". The Chair declared a tie vote. Mayor Badeaux voted "nay". The Chair declared the motion failed.

Member Czeczok stated that this is an unfair tax situation for the City of Brainerd citizens. No one has given him a rational explanation as to why the County cannot administer the entire levy for the Airport. If the levy were spread among the entire County taxbase, it would be more fair. The County has a chance to do the right thing. The City still has its horse in the race with all of the staffing that the Brainerd taxpayers pay for.

Member Johnson asked whether the City could set their levy to $1,000.

Attorney Langel stated that the ordinance was adopted by both parties. It contained language that stated that if one party reduced their levy, the other party could choose to do the same.

Member Czeczok clarified that the other party can choose to reduce their levy if one party reduces the levy.

Member Bevans stated that the County didn't even address the City's request at the last Commission meeting. He thinks that that is a little disappointing. The City needs to do what's best for its citizens. The County administering the levy is what would be best for the entire county.

Finance Director Hillman stated that the Council is setting the preliminary levy. If it is set at $1,000, and later increases it to $146,080 the City would need to reduce the operating levy.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO SET THE AIRPORT PRELIMARY LEVY FOR 2025 AT $1,000.

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

<u>Final Reading - Proposed Ordinance 1572 - Prohibiting Outdoor Storage for Crypto Mining and Similar Uses</u>

Community Development Director Kramvik gave an overview of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1572 AND DISPENSE WITH THE ACTUAL READING.

Member Stenglein stated that this is a step, there needs to be a more global view of sound.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT ORDINANCE 1572.

<u>ORDINANCE 1572</u>

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

<u>Final Reading - Proposed Ordinance 1573 - Regulating Garage Requirements for Residential Housing Units</u>

Community Development Director Kramvik gave an overview of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1573 AND DISPENSE WITH THE ACTUAL READING.

Member Stenglein stated that the market will dictate the need for garages. This gives some flexibility in what is required of builders and developers in our community.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO ADOPT ORDINANCE 1573.

ORDINANCE 1573

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

Adopt Resolution Setting the 2025 Preliminary Levy for the City of Brainerd and the Brainerd HRA, and Motion to Set Date and Time for the Budget Public Hearing

Finance Director Hillman Staff stated that staff received very preliminary market value information from the County. The preliminary data shows an estimated increase in estimated market value and net tax capacity of 4.13% and 2.38% respectively. At the August 26th workshop, the P&F Chair, Council President and City Administrator's budget was presented to Council, and it showed the levy would need to be increased by $601,391 or 8.64% over the 2024 levy. This was keeping the levies for the Library, EDA and Airport at the same funding level as 2024. The budget has been updated to include health insurance rates, estimated amounts for prosecution services, a net of $25,000 with the continuing agreement with Mr. Sadusky, and the increased Library levy. With these changes, the current budget shows a levy increase of $570,356 or 8.20%. This assumes an airport levy of $146,080. With the Airport preliminary levy set at $1,000 it could bring the levy to $7,384,536 which is about 6.12% increase over 2024. Typically, a separate budget hearing meeting is set, but Council could choose to hold it on the same night of a Council meeting.

Member Johnson stated that he picked 8%. He fully expects being below 6% by December. He didn't think it fair to go down to the 6% with the Airport at $1,000 because it may come back in a few months that that amount isn't going to work for the Airport. He believes there should be some flexibility.

Member Czeczok asked for clarification on the amount from Member Johnson.

Member Johnson stated that the preliminary levy being set at $7,515,698 is about $140,000 more than what could be reduced. He wants to ensure that there is flexibility if the County comes back and says that it could consider that in three years it could take over the levy. The Airport is at $1,000, with his motion he has allowed for room in the levy in case it is needed.

Finance Director Hillman clarified the amounts.

Mayor Badeaux stated that he has a gigantic problem with the City just presenting numbers and that's what the Council goes with. The work needs to be done to reduce the amount actually levied by the end of the year.

Member O'Day stated that he agrees with Mayor Badeaux. He stated that at some point every line item needs to be reviewed to remove items that are not necessary. At home, if you don't have enough money you don't dig in someone else's pocket to make up the difference. Setting the preliminary at 8% is not acceptable.

Member Czeczok asked whether the street scanning equipment is still in the budget. He is not in favor of the software.

Member Johnson stated that the street scanning equipment is still in the capital budget.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT RESOLUTION SETTING THE PRELIMINARY AT $7,515,698 PLUS $173,960 FOR THE HRA.

RESOLUTION 36:24

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

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO SET THE BUDGET PUBLIC HEARING FOR DECEMBER 2ND AT 7:30 P.M. DURING THE REGULAR COUNCIL MEETING.

New Business

Adopt Resolution Declaring Costs to be Assessed for Nuisance, Downtown Snow Removal, and Downtown Special Services Assessments and Call for Public Hearing

City Engineer/Public Works Director Dehn gave an overview of the assessment.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION WHICH DECLARES THE COST TO BE ASSESSED, ORDERS THE PREPARATION OF THE PROPOSED ASSESSMENT, AND SETS A PUBLIC HEARING ON THE PROPOSED ASSESSMENT ON OCTOBER 21, 2024, AT 7:30 P.M.

RESOLUTION 37:24

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

Adopt Resolution Declaring Costs to be Assessed for Improvement 22-08- South Brainerd Reconstruction Assessments and Call for Public Hearing

City Engineer/Public Works Director Dehn gave an overview of the assessments for the South Brainerd Construction Project.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO ADOPT RESOLUTION WHICH DECLARES THE COST TO BE ASSESSED, ORDERS THE PREPARATION OF THE PROPOSED ASSESSMENT, AND SETS A PUBLIC HEARING ON THE PROPOSED ASSESSMENT ON OCTOBER 21, 2024, AT 7:30 P.M.

RESOLUTION 38:24

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

Discussion on the Parking Commission

Community Development Director Kramvik gave an overview of the reason staff is recommending that the Parking Commission be decommissioned.

Member Czeczok asked for clarification on quorum.

Attorney Langel stated that the vacancies do not count toward the number of members. With 2 vacancies, the committee is now a 3-person committee. Two members in attendance would be a quorum.

Member O'Day stated that there are regulations for parking that have to go through other commissions.

Mayor Badeaux stated that the work that was done by the Commission was grand. This is not an indication that the City of Brainerd does not take parking seriously.

Member Stenglein stated that she is concerned that this is the third commission that has been decommissioned that has been put on SPW. She is in favor of citizen input. However, she does not see parking commission as where citizens need to be.

Member Czeczok stated that he will be voting no, as there is nothing wrong having the full council have the discussion. When you're not on the committee, you don't have the opportunity to be a part of the discussion.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO DECOMMISSION THE PARKING COMMISSION AND HAVE THE SAFETY AND PUBLIC WORKS COMMITTEE MAKE FUTURE RECOMMENDATIONS TO THE CITY COUNCIL.

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

Public Forum

The Chair opened the public forum at 8:46 p.m.

No one came forward.

The Chair closed the public forum at 8:47 p.m.

Staff Reports

HRA Director Charpentier stated that Minnesota Housing will be considering the two projects next week for the Workforce Housing Grant. The Northstar exterior project is wrapping up, the improvements add to the aesthetic of Lyman P. White Park. He will be speaking at the Rosenmeier Forum with former City Administrator Bergman on Tuesday, September 17th.

IT/GIS Director Strong stated that CLC has hired a new station manager, and he will be meeting with them soon. Cable content will be updated more frequently.

City Engineer/Public Works Director Dehn stated that the Laurel Street Bridge will be closed starting Monday, September 23rd until October 3rd in order to repair the joint on the bridge to finish the project. Staff was informed that there is potential alternative to move the funding for the pedestrian bridge to be moved back a year. Moving the funds back a year could provide staff an opportunity to apply for more funding and other grants.

Community Development Director Kramvik stated that the EDA will be holding a special meeting on September 17th at 5:00 p.m. to consider BlockMetrix' updated proposal. Planning Commission is continuing their discussion on design standards. Touch a Truck and Flapjack Festival in downtown at 10:00 a.m. on September 21st.

City Administrator Broyles stated that the Wellness Committee is hosting the Employee Appreciation Event at the Public Works Building on September 19th. The Airport is hosting the full-size exercise on September 20th. He will be attending the national ICMA conference in Pittsburgh September 21st- 25th.

Mayor's Report

Mayor Badeaux stated that everyone was excited for the Police vs. Firefighter Softball game. He thanked the Officers and Firefighters for participating. There were about 300 people who attended. Member Stunek threw out the first pitches. The Police Department won Paul Bunyan's Bat. It's Homecoming Week for Brainerd this week. This Friday the Brainerd Warriors will be playing football against Alexandria. Thanks to the School District for all of the festivities.

Council Member Reports

Chair Bevans stated that Mrs. Mary Koep had a medical concern, and she wanted to let everyone know she is doing fine. She thanked the Police Department for their service and quick response.

Member Johnson is excited to watch Brainerd host Moorhead on Friday.

Member O'Day stated he is excited to attend all of the upcoming events.

Member Stenglein stated that the softball game was great. Her mom was confused by the score, but overall had a great time. She attended the MnDOT open house about the 371/210 Interchange, it'll be interesting to see the layout come to be. Region 5 TAC meeting they developed a long-range regional transit plan. It was interesting to see the similarities and differences in concerns by all of the communities. Her and Xenobia attended Pride in the Park, it was great. Connect Effect is being held once again at CLC this year if you want information connect with her.

Member Czeczok stated that there is a TAC meeting on Thursday, September 19th.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, TO ADJOURN THE MEETING TO THE EMPLOYEE APPRECIATION LUNCH AT 11:30 ON WEDNESDAY, SEPTEMBER 19TH AND THE FULL SCALE EXERCISE AT 11:00 ON THURSDAY, SEPTEMBER 20TH.

The Chair adjourned the meeting at 9:02 p.m.

Nicholas W. Broyles
City Administrator

September 16, 2024