Brainerd, MN
February 18, 2025

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 O'Day.

Upon roll call the following Members were noted as present: Erickson, Bevans, Johnson, Stunek, Yeager and O'Day. Mayor Badeaux was also noted as present. Member Czeczok was noted as absent.

Chair O'Day led the Pledge of Allegiance to the flag.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Report**
D. **Approve Temporary On-Sale Liquor License Submitted by the Brainerd Sports Boosters for an Event to be held on April 12th, 2025, at 502 Jackson St**
E. **Approve MN Lawful Gambling Applications Submitted by Brainerd Family YMCA for Events to be held on March 20, 21, 22 at 1511 Northern Pacific Rd**
F. **Adopt Resolution for MN Lawful Gambling Premise Permit Submitted by Brainerd Amateur Hockey Association for Premise at Notch 8, 1551 Northern Pacific Rd, Brainerd**
G. **Approve Crow Wing County 2025 Pavement Markings Agreement**
H. **Approve TH 371B/Willow Roundabout Easements**
I. **Biennial Body Worn Camera Audit Report**

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

Public Forum

The Chair opened the public forum at 7:31 p.m.

No one came forward.

The Chair closed the public forum at 7:32 p.m.

Council Committee Reports

Personnel and Finance Committee

Discuss Municipal Dispensary Partnership

Committee Chair Johnson stated that this is not an authorization to go ahead with a municipal license. However, since there are companies that have reached out promising profit sharing the City would like to see proposals before it moves forward.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO REQUEST PROPOSALS FOR MUNICIPAL DISPENSARY PARTNERSHIP FROM INTERESTED PARTIES DUE WITHIN 30-DAYS.

Discussion of the Number of Years of Interest Collection on Deferred Assessments

Committee Chair Johnson stated that the committee's opinion is that if property owners are going to hold onto assessments, there should be some type of financial incentive to have them pay their assessment.

Chair O'Day asked if this policy would only apply to all the properties that are annexing and hooking up to sewer and water.

Member Bevans stated that the answer to his question is no. The Beaver Dam project included eternal assessment deferment in order to get the project approved. There is confusion as to what the policy is. There have been instances where property owners have deferred their assessment for fifty years.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO DIRECT STAFF TO AMEND THE DEFERRED ASSESSMENT POLICY TO ACCRUE INTEREST FOR UP TO THIRTY YEARS AND ENSURE THAT ALL ASSESSMENTS ARE PAID AT THE SALE OF PROPERTY.

Safety and Public Works Committee

Direction on Active Code Enforcement Cases

Committee Chair Erickson stated that the property is conducting residential use in a commercially zoned building verified by a Police incident report.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND BEVANS, DULY CARRIED, TO PURSUE LEGAL ACTION WITH THE CITY ATTORNEY FOR PROPERTY 113 WASHINGTON STREET NE.

Approve Request to Reduce Brainerd's Same Day Transit Fare

Committee Chair Erickson stated that the Transit department ended 2024 with positive net revenue, enough so that a new software can be acquired, funding the reserve, and reducing the same day fare for Brainerd can be made.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND YEAGER, DULY CARRIED, TO REDUCE BRAINERD'S SAME DAY FARE FROM $6.00 TO $5.00.

Authorize Solicitation of Request for Qualifications (RFQ) for Transit Software

Committee Chair Erickson stated that the current software is antiquated, and updates are not likely.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND YEAGER, DULY CARRIED, TO APPROVE SOLICITATION (RFQ), PURCHASE AND IMPLEMENTATION FOR THE TRANSIT TECHNOLOGY SOFTWARE.

Discuss Construction Procurement Program through Sourcewell

Committee Chair Erickson stated that the City has options on how to procure bids for construction projects. If a low bid option isn't chosen, going through this Sourcewell procurement program would give the City additional protections and options for cost and time savings. There was a presentation during the committee meeting by Gordian.

Member Yeager stated that the program breaks down the project into fixed unit pricing. With this system, for those seeking the scope it establishes a base price. He has a lot of questions as there are a lot of advantages and disadvantages to the program that he can see. His motion was to use the program on the Library project to see how it fleshes out to see if the program is a good fit for other projects as there are advantages to the program.

Member Johnson stated that he supports the motion to try this program out as a cost savings opportunity. He also stated that if cost savings and efficiencies are found, he does not want to see additional items added to the scope just because there are leftover funds.

Chair O'Day asked if the program would continue to be used in the future would the Council be aware of its use. He stated that Sourcewell is an organization that provides great services for organizations like the City, this is a perfect opportunity.

Member Yeager stated that the motion is exclusive to the Library project. He will be watching the project closely in order to assess whether the program is a good fit for the City for future projects.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND YEAGER, DULY CARRIED, TO AUTHORIZE UTILIZATION OF THE SOURCEWELL CONSTRUCTION PROCUREMENT PROGRAM FOR THE LIBRARY EXTERIOR AND MECHANICAL REPAIRS PROJECT.

Approve WSB Amendment Request - Lowell Safe Routes to School

Committee Chair Erickson stated that the committee recommended denial of the request, however, there was no motion.

Public Works Director Habighorst gave an overview of the amendment. This addition could be used in the future for beautification or contribute to other projects.

Member Johnson stated that this request is for WSB's time to design. He asked how much the outlets would add to project costs.

City Engineer Dehn stated that he estimates the cost of constructing the outlets to be $1,500. It would be an eligible cost from the grant.

Chair O'Day stated that he can see the advantage of the project. He stated that since the City taxpayers aren't the only contributors to the project it could be a great addition.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND STUNEK, DULY CARRIED, TO APPROVE WSB AMENDMENT REQUEST IN THE AMOUNT OF $2,317.

Unfinished Business

Council President- Committee Recommendation

Chair O'Day recommended Jeremy Powell and Blake Higgins to the Planning Commission.

MOVED AND SECONDED BY JOHNSON AND BEVANS, DULY CARRIED, TO APPOINT JEREMY POWELL TO THE PLANNING COMMISSION.

MOVED AND SECONDED BY JOHNSON AND BEVANS, DULY CARRIED, TO APPOINT BLAKE HIGGINS TO THE PLANNING COMMISSION.

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – **2 terms** (Expire 2025) **2 terms** (Expire 2026)
Housing & Redevelopment Authority -- **1 term** (Expire 2027)
Library Board-- **1 term** (Expire 2027)
Transportation Advisory Committee- **2 terms** (Expire 2026)
Council President Recommended: (terms expire on 12/31 of said year)
Airport Commission - **1 term** (Expire 2027)

Final Reading Proposed Ordinance 1579 -Amending Sections 1200 and 1500 of the City Code

Community Development Director Kramvik gave an overview of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1579 AMENDING SECTIONS 1200 AND 1500 OF THE CITY CODE AND DISPENSING WITH THE ACTUAL READING.

The Chair opened the public hearing at 7:52 p.m.

No one came forward.

The Chair closed the public hearing at 7:52 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT ORDINANCE 1579.

ORDINANCE 1579

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

New Business

Consider Development Agreement with Country Manor Campus Brainerd LLC and Cost Share Agreement with Crow Wing County

Community Development Director Kramvik gave an overview of the cost share agreement for a turn lane on Beaver Dam road.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND YEAGER, DULY CARRIED, TO APPROVE THE COST SHARE AGREEMENT WITH CROW WING COUNTY.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON, DULY CARRIED, TO APPROVE THE DEVELOPMENT AGREEMENT WITH COUNTRY

MANOR CAMPUS BRAINERD LLC, CONTINGENT UPON EXECUTION OF THE COST SHARE AGREEMENT.

Adopt Resolution Calling a Public Hearing on Issuing Conduit Debt

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON TO ADOPT RESOLUTION CALLING A PUBLIC HEARING ON MARCH 17TH AT 7:30 P.M. REGARDING THE ISSUANCE OF CONDUIT REVENUE BONDS FOR THE BENEFIT OF COUNTRY MANOR CAMPUS, LLC AND PROVIDING PRELIMINARY APPROVAL OF THE ISSUANCE.

RESOLUTION 15:25

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

Public Hearing and Adopt Resolution Ordering Improvement and Ordering Preparation of Plans - Improvement 17-12 - Wright/10th Reconstruction Project

Public Works Director Habighorst gave an overview of the process and project.

Chair O'Day asked about conducting the public hearings at the Council meetings.

City Engineer Dehn stated that there have been informal informational meetings conducted for the projects outside of the Council meetings. It is a statutory requirement that improvement public hearings be held at the Council meeting.

Chair O'Day opened the public hearing at 7:58 p.m.

Dylan Paulson, Precision Technologies, 924 Wright Street, stated that there are concerns by their company about accessing their one driveway during construction.

Chair O'Day stated that Mr. Paulson can speak with Engineer Dehn during office hours on the details of the project.

Chair O'Day closed the public hearing at 8:00 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND JOHNSON TO ADOPT RESOLUTION WHICH ORDERS THE IMPROVEMENT AND PREPARATION OF THE PLANS FOR IMPROVEMENT 17-12- WRIGHT/10TH ST RECONSTRUCTION PROJECT.

RESOLUTION 16:25

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

Public Hearing and Adopt Resolution Ordering Improvement and Ordering Preparation of Plans - Improvement 21-13 - Beech/Oakridge Reconstruction Project

Public Works Director Habighorst gave an overview of the process and project.

Chair O'Day opened the public hearing at 8:02 p.m.

Wanda Kuhn, 2315 Kermit Ln, stated that they are concerned about how to access Meadowview during construction.

Robin Boyd, 1202 Beech St, she is concerned about the Meadowview being assessed as well for the project. She is not in favor of having a sidewalk as there is limited foot traffic.

Mike Glomski, 722 Beech St, stated he is against a sidewalk on the project as there is no foot traffic. He complained about the speed on the road. He is concerned that Meadowview be assessed for the project as it is their main source of access to their homes.

Chair O'Day stated that those with questions about the project can contact staff during business hours.

Chair O'Day closed the public hearing at 8:06 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND JOHNSON TO ADOPT RESOLUTION IN WHICH ORDERS THE IMPROVEMENT AND PREPARATION OF THE PLANS FOR IMPROVEMENT 21-13- BEECH/OAKRIDGE RECONSTRUCTION PROJECT.

RESOLUTION 17:25

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

Adopt Resolution - Approve Plans and Authorize Bidding - Improvement 23-16 - South Brainerd Resurfacing Project

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND ERICKSON TO ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR IMRPOVEMENT 23-16 SOUTH BRAINERD RESURFACING PROJECT, AND ORDERING ADVERTISEMENT FOR BIDS TO BE OPENED ON MARCH 20TH, 2025.

RESOLUTION 18:25

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

Adopt Resolution - Order Feasibility Report - Improvement 23-14 - Hawkins-Ronald-Joseph Resurfacing Project

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS TO ADOPT RESOLUTION ORDERING THE FEASIBILITY REPORT FOR IMPROVEMENT 23-14 - HAWKINS-RONALD-JOSEPH RESURFACING PROJECT.

RESOLUTION 19:25

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

Discuss Orderly Annexation of Riverside Drive

Community Development Director Kramvik stated that in 2003, the City constructed utilities along Riverside Drive. Staff believes that it was the intention that this project would allow existing properties to connect to the City utility infrastructure and no longer use wells and septic systems for their water and sewer. After a connection policy was developed for Riverside Drive, the State of Minnesota changed regulations on how municipalities are allowed to force annexation. As a result, the City has no statutory authority to force connection to properties outside the City limits. Staff has had meetings with Crow Wing County regarding annexation of these properties.

Member Johnson asked why staff is recommending placing these properties in the Rural Service District, which in his opinion shouldn't exist in the City.

Community Development Director Kramvik stated that in the discussions with the County, it wouldn't require properties to be connected to City services and the tax levy within the district is reduced.

Member Johnson stated that the Rural Services district is ridiculous and created because the City was trying to beat Baxter to Highway 371 N thirty years ago. The basis of the district is that they are not hooked up to water and sewer. Water and Sewer funds in the City are financed by user fees. Why would the City cut taxes in half if they receive full services. He supports the orderly annexation but does not support the use of rural services district as they should pay the full amount of taxes.

Member Bevans stated that he agrees with Member Johnson on the recommendation to place properties in the Urban Services District. He believes that the connection fee would need to be reconsidered as the City had such a difficult time with one property.

Chair O'Day stated that it sound as there are strong feelings against the use of the Rural Services district. He can see how the use of reduced tax rate could coax them into the City, but he does not believe that the orderly annexation process will speed things up and questioned whether the City could force annexation this way.

Community Development Director Kramvik stated that the City cannot force annexation through utility hookups. It needs to go through the orderly annexation process. Once annexed, the City code can require them to hook up to City sewer and water when their septic system fails. The annexation process would include an agreement between the City and County, both governments would pass a resolution, and then the matter would go to a municipal boundary line judge who would conduct a public hearing and make a determination.

Chair O'Day stated that the goal is to have the boundary lines include all properties that are serviced by City products, which would be City streets, pipes, sewers, and electricity. He doesn't know how he feels about court ordered annexation, he will support it, but he expects backlash.

MOVED BY COUNCIL MEMBER JOHNSON TO MOVE FORWARD WITH ORDERLY ANNEXATION ALONG RIVERSIDE DRIVE ASSIGNING THE ZONING DISTRICT AS URBAN SERVICES.

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

Chair O'Day requested that this item be sent to the Personnel and Finance Committee in two weeks to continue the conversation.

Discuss Proposed Land Transfer of Tax Forfeited Property

Community Development Director Kramvik gave an overview of the property adjacent to the Evergreen Landing.

Member Johnson stated that he is concerned about the liability to the City if the City were to accept this parcel. He asked whether the City will be policing the homelessness and open-air drug market activity now that the ordinance is in place.

Attorney Langel stated that this parcel will be no different than any City parcel or park. With it currently being a County parcel, they are responsible for any action taken on the property.

Police Chief Davis stated that he spoke with Mayor Badeaux regarding the encampments. The department has developed a plan to hopefully prevent the encampments before they start.

Member Johnson stated there have been fires, drug overdoses, and multiple deaths on the property. If the City is liable for this going forward, it is concerning.

Member Yeager asked about the motivation of the County for transferring this parcel.

Community Development Director Kramvik stated he believes the reasoning is that the parcel is tax forfeit, there are trails that could be connected if the City was the owner, and the issues with encampments on the property.

Chair O'Day stated that there is a trail that connects to the old pump house. He believes that there has been homeless activity even when he was a kid. The entire area is flooded every spring. There is variable ownership of the parcels along the river, it will be less complicated if the City owns this parcel when trails are proposed.

Member Bevans stated that having this parcel in the City's control in the future when more changes to ordinances and statutes occur would be beneficial.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON, DULY CARRIED, TO BEGIN THE PROCESS FOR A LAND TRANSFER PID 41230522 TO THE CITY OF BRAINERD.

Discuss Special Assessment Policy

Public Works Director Habighorst stated that at the public hearing for a proposed improvement a citizen asked the Council to consider a change to the assessment policy regarding cul-de-sacs. Staff has reviewed the policy, and is recommending not changing the policy regarding cul-de-sacs. Staff does, however, support changing the assessment for this particular parcel.

Member Erickson stated that he is in favor of leaving the policy as is, and entertaining staff's recommendations to assess the segments as side yard.

Mayor Badeaux stated that he agrees with the sentiment of changing this parcel.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON, DULY CARRIED, TO APPLY THE ASSESSMENT POLICY IN THE MOST FAVORABLE WAY TO MR. FORREST REGARDING THE CUL-DE-SAC/SIDE YARD.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND STUNEK, DULY CARRIED, TO KEEP THE ASSESSMENT POLICY AS IS.

Staff Reports

Public Works Director Habighorst gave a shoutout to City Engineer Dehn, he acquired a $1 million grant for a future project. He stated that there is a public opinion survey for the public to complete and gave details on how to access the survey. Finally, Parks and Rec held their annual skating party. He thanked all of the sponsors, there was a great turn out.

Community Development Director Kramvik gave an overview of the next Planning Commission meeting.

HRA Director Charpentier stated that Minnesota Housing will be opening a greater Minnesota infrastructure grant at the end of first quarter. The HRA will be asking the City to support a project in Brainerd Oaks with an application once the details of the grant are released.

Administrator Broyles stated that employees are in the midst of performance reviews. He will be submitting his performance review information for the Council to consider and holding a closed session at the next meeting.

Mayor's Report

Mayor Badeaux stated that Valentine's Day was a great opportunity for everyone to get out and support local restaurants. He reminded the public that the Council makes the decision that it thinks is the best. It is not a good idea to use social media to drag people through the mud. It doesn't do the good you think it does especially when you come to the City Council yearly with a request.

Council Member Reports

Member Bevans stated that the Northside meeting was "hopping".

Member Yeager stated that the Deputy Director at the Airport has resigned, Commissioner Barrows and himself are now a part of the Personnel and Finance Committee for the Airport. Finally, the budget for 2025 is at about a $379,000 deficit. This is very concerning considering the Airport is a large asset. The Commission is taking this matter very seriously.

Member Johnson stated that the EDA had a special meeting to approve an amendment to the BlockMetrix purchase agreement. He received a call from a citizen concerned about parking on the sidewalk at the Holiday gas station on South 6th Street. This is concerning as it is illegal to park on sidewalks, but also because the High School is only a block away and there are a lot of our high schoolers that walk in this area throughout the day. The caller suggested a couple of bollards to prevent sidewalk parking. He suggests putting this on the Council agenda in a near future to consider the cost and ADA accessibility.

Member O'Day congratulated the Brainerd Kixters for their first place win in High Kick at the State Tournament.

Adjourn

Adjourn to Closed Session Pursuant to MN Statute 13D.05 Subd. 3(C)3 to Discuss Counteroffer for Temporary and Permanent Easement

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND BEVANS, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.05 SUBD. 3(C)3 TO DISCUSS COUNTEROFFER FOR TEMPORARY AND PERMANENT EASEMENT.

The Chair adjourned the meeting at 8:48 p.m

The Council took a five-minute break.

The Chair reconvened the meeting at 9:00 p.m.

MOVED AND SECONDED BY MEMBERS ERICKSON AND BEVANS, DULY CARRIED, TO ADJOURN THE MEETING.

Nicholas W. Broyles
City Administrator