Brainerd, MN
May 19, 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: Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day. Mayor Badeaux was also noted as present.

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

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

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

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Reports**
D. **Approve MN Lawful Gambling Exempt Permit Submitted by the Brainerd Junior Jaycees for an Event to be held on June 21, 2025, at 702 S 5th St**
E. **Approve MN Lawful Gambling Premise Permit Submitted by Pohl Children's Scholarship Foundation for Premise at Yesterday's Gone, 219 S 9th St**
F. **Approve Temporary On-Sale Liquor License Submitted by Jackpine Brewery for an Event to be held on June 5th, 2025, at Lyman P. White Park**
G. **Approve Temporary On-Sale Liquor License Submitted by Jackpine Brewery for an Event to be held on July 10, 2025, at Lyman P. White Park**
H. **Approve Temporary On-Sale Liquor License Submitted by the Brainerd Jaycees for an Event to be held on July 25 & 26 at the Mills Parking Lot Front Street**
I. **Event Application Brainerd Community Action Concerts in the Park**

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, 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.

The following people spoke in favor of a year-round warming shelter and asked the Council to reconsider their decision on the interim use permit:

Pam Beaulieu, 2540 130th St, Pillager
Randi Wickham, 710 S 8th St, Brainerd
Emma Needham, 1017 13th Ave NE, Brainerd
Bill Wear, 5283 Laverne Cir, Baxter
Matt Karlgaard, 16236 Birchwood Ln, Brainerd

The Chair closed the public forum at 7:40 p.m.

Council Committee Reports

Personnel and Finance Committee

Approve RFP for Custodial Services

Committee Chair Johnson stated that our current custodial services contract ends June 30th. The City would like to pursue another two-year contract beginning July 1st.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO BEGIN THE RFP PROCESS FOR CUSTODIAL SERVICES.

Authorize Staff to Work with the Brainerd YMCA to Identify Grant Opportunities

Shane Riffle, Brainerd YMCA CEO, presented to the Council regarding the future facility of the YMCA and requested assistance to secure a qualified consultant in municipal project funding.

Member Yeager stated he would abstain from voting due to being on the governance board for the YMCA.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS TO AUTHORIZE CITY STAFF TO WORK IN PARTNERSHIP WITH YMCA LEADERSHIP AND EXISTING YMCA ADVISORS TO EXPLORE THE FEASIBILITY OF FUNDING A NEW CITY POOL FACILITY AS PART OF THE YMCA'S PROPOSED CAPITAL PROJECT AT 602 OAK STREET; FURTHER TO APPROVE AN ALLOCATION NOT TO EXCEED $5,000 TO SUPPORT THE RFP DEVELOPMENT.

Council Members Czeczok, Johnson, Stunek, Erickson, Bevans, and O'Day voted "aye". No Member voted "nay". Member Yeager abstained from voting. The Chair declared the motion carried.

Ratify the Hiring of Trevor Hines as Technology Specialist

Committee Chair Johnson stated that there were 24 applicants for the position.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF TREVOR HINES FOR THE TECHNOLOGY SPECIALIST POSITION EFFECTIVE MAY 21, 2025; FURTHER, THAT HE BE PLACED ON STEP 1 OF THE TECHNOLOGY SPECIALIST WAGE GRID ($30.07 PER HOUR).

Accept Resignation of Lineworker Dylan Ferrari

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO ACCEPT THE RESIGNATION OF DYLAN FERRARI; FURTHER, TO AUTHORIZE STAFF TO BEGAN THE HIRING PROCESS TO BACKFILL THE POSITION.

Safety and Public Works Committee

Review Proposed Code Enforcement Ordinance

Committee Chair Erickson stated that the current code enforcement is complaint based. This draft ordinance would allow for active code enforcement on thoroughfares, around City parks, and enroute to other non-complaint inspections.

Member Johnson asked about who on our staff would be doing this active code enforcement.

Community Development Director Kramvik stated that the Code Compliance Officer is Mr. Stockinger, and he has the capacity to do this work.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO BRING THE DRAFT ORDINANCE FORWARD AS A PROPOSED ORDINANCE AT THE NEXT MEETING.

Approve Agreement - Construction Surveying on As-Needed Basis

Committee Chair Erickson stated that there are eleven projects, two of the projects that are being done in house may require surveying support.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO APPROVE THE AGREEMENTS WITH SEH TO PERFORM AS NEEDED CONSTRUCTION SURVEYING ON THE RECONSTRUCTION PROJECTS.

Approval of Front Street Flag Poles to be Modified

Committee Chair Erickson stated that in order to maintain the flag poles downtown more effectively, small fixes were required to be able to raise and lower the flags easily. The Public Utilities Department has offered to install the lights at no cost. He is happy to see the flags remain downtown.

Member Johnson asked which fund the money will come out of.

Public Works Director Habighorst stated that it will come out of the Streets operating fund. He will be working with Finance Director Hillman.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO APPROVE THE FLAGPOLE IMPROVEMENTS TO LOWER/RAISE FLAGS AND FIVE HARD WIRED LIGHTING UNITS FOR A TOTAL COST OF $825.

Discussion and Review of New City Ordinance of Street Performers/Buskers

Committee Chair Erickson stated that staff requested additional feedback from Council before bringing the ordinance for the first reading.

Member Johnson asked how busking will be differentiated from other activities such as someone flipping a sign for a pizzeria for example.

Member Czeczok requested that the sign size be eighteen by twelve inches as it is a sidewalk event, he doesn’t want to see a sign used as advertisement. He asked about the significant amount of work for staff to regulate this ordinance.

Public Works Director Habighorst stated that there is a difference between public and private spaces. It also could be the difference between an advertisement or entertainment. He stated that the Police and Public Works Departments will have added duties.

Committee Chair Erickson is concerned about regulating the content of the signs, but the size may help alleviate advertising.

Chair O’Day asked whether this ordinance only pertains to people who are performing with a hat for tips or whether it also regulates people who want to play the guitar in the park. He doesn’t want to discourage people from enjoying the parks.

Public Works Director Habighorst stated that the difference could also be whether it is for entertainment or self-reflection. The reason staff is requesting whether there should be allowable areas for busking is that there are businesses downtown that would like to have outdoor seating areas and the City wouldn't want to have a busker disrupting businesses.

Police Chief Davis stated that he would discourage the use of intent as it is very subjective. He would like to see activity instead of intent from the stance of enforcement.

Mayor Badeaux stated that the Park Board should be allowed to provide input if parks are going to be included as an area to allow busking.

Member Bevans stated he will vote against this motion, as it fixes something that is not broken. This ordinance will create more problems for law enforcement for something that only one person has requested.

Public Works Director Habighorst stated that if there isn't an ordinance, the City has no jurisdiction to regulate.

Attorney Langel asked whether there is an issue with buskers to regulate with the structure proposed.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK TO BRING THE DRAFT ORDINANCE FORWARD AS A PROPOSED ORDINANCE AT THE NEXT MEETING.

Upon roll call no Members voted "aye". Members Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day voted "nay". The Chair declared the motion failed.

Unfinished Business

City Administrator Report

Administrator Broyles gave an overview of his report highlighting the suspense tracker. He asked where the Council would prefer this report to be placed on the agenda.

Member Bevans like the explanation of the report and suspense tracker. He stated that the report could go along with the other department reports in the consent calendar. The report can always be pulled from the consent calendar and discussed if Council had questions.

Member Johnson stated that the report could be included once a month, depending on the Administrator's preference on the consent calendar.

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)
Public Utilities Commission—**1 term** (Expire 2028)
Transportation Advisory Committee- **2 terms** (Expire 2025) **1 term** (Expire 2026)
Council President Recommended: (terms expire on 12/31 of said year)
Water Tower Committee—**2 terms**

New Business

Adopt Resolution - Petition Sufficiency and Set Public Hearing - N. 9th Street Vacation

Public Works Director Habighorst gave an overview of the petition. He requested that the Council set a public hearing for the second meeting in June so that proper notification of the hearing can be provided. The resolution only calls for a public hearing, the authorization to vacate the street would happen after the public hearing.

Member Johnson will vote yes, to set the public hearing. However, he has not seen enough information to support the vacation.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS TO ADOPT RESOLUTION WHICH DECLARES THE PETITION TO VACATE A PORTION OF NORTH 9TH STREET SUFFICIENT AND SETS THE PUBLIC HEARING FOR JUNE 16TH, 2025.

RESOLUTION 41:25

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

Consider Revising Corner Lot Fence Requirements

Community Development Director Kramvik gave an overview of the corner lot draft ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO BRING THE DRAFT ORDINANCE PLANNING COMMISSION FOR CONSIDERATION.

Discuss Brainerd Community Action Beautification Ideas

Dave Badeaux, Brainerd Community Action Executive Director, gave an overview of the beautification ideas that Brainerd Community Action is exploring. The banner program they are proposing is for the Laurel Street decorative lighting between South 5th Street and South 3rd Street. The other proposal is painting or wrapping electrical boxes downtown at the discretion of the Public Utilities department. Community Action's request includes Public Utilities hanging the banners and fitting the poles with the correct hardware and approving the electrical boxes that could be included. The ideas would come at no cost to the City.

Member Yeager stated that art is subjective, he is wondering about approving the artistic concepts. He stated that a wrap would lend better to approving the art prior to being done.

Chair O'Day stated that the banners are great. He asked about a theme to the electrical boxes.

Mr. Badeaux stated that he would like to see the artist group being small so that the concept planning could be easily managed.

Member Johnson supports both concept, it's a great vibe for downtown.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND YEAGER, DULY CARRIED, TO GIVE CONCEPTUAL APPROVAL TO APPROACH THE PUBLIC UTILITIES DEPARTMENT TO MOVE FORWARD WITH THESE PROJECTS.

Staff Reports

Technology Director Strong stated that CLC has hired a station manager who is job shadowing to take over running most meetings moving forward.

Public Works Director Habighorst highlighted his staff in each division for their hard work.

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

Administrator Broyles highlighted staff to assure the Council that they are focused on delivering services.

Mayor's Report

Mayor Badeaux stated that Park Board had its priority meeting that went very well. On June 5th there will be a Concert in the Park at Lyman P. White Park from 5:30 to 8:30.

Council Member Reports

Member Yeager stated that the Airport Director resigned on May 6th, the Commission will be advertising for an Interim Airport Director and has agreed to the separation agreement that was put forth to Mr. Wright. Mr. Yeager has been working closely with Airport staff in the absence of a Director. A hiring subcommittee was established, and the candidates will be considered on June 5th. He thanked Airport staff for their work while the Commission navigates the hiring.

Member Bevans participated in the audit fraud interviews.

Member Erickson stated that he will have Planning Commission and Region 5 meetings this week.

Chair O'Day recognized the Fire Department for sending four of our Firefighters to assist with the wildfires in northern Minnesota. He recognized the Public Works crews for all of their hard work this spring. He was invited to a leadership breakfast at Essentia Health.

Member Czeczok wished everyone a Happy Memorial Day.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, DULY CARRIED, TO ADJOURN.

The Chair adjourned the meeting at 8:56 p.m

Nicholas W. Broyles
City Administrator