

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: Terry, Stenglein, Johnson, Czeczok, O'Day, Stunek, and Bevans. Mayor Badeaux was noted as present.

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

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF A PRESENTATION BY CROW WING ENERGIZED.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills and Transfers of Funds**
- B. Approval of Minutes**
 - a. Regular City Council Meeting held on January 3rd, 2023**
- C. Approval of Licenses**
- D. Department Activity Report**
- E. Adopt Resolution Accepting 4th Quarter Donations**
- F. Approve Temporary On-Sale Liquor License Application Submitted by the Brainerd Sports Boosters for an Event to be held April 15, 2023, at the Essentia Health Sports Center, 502 Jackson St, Brainerd**
- G. Authorize Signatures on Agreement with Dispatch**

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

Presentations

Crow Wing Energized

Karen Johnson, Crow Wing Energized, introduced the vegetable of the year for 2023, Council Member Terry as the Green Bean. She presented the Mayor with a picture of him reading to students at the Early Childhood Learning Center as a thank you for his service as the vegetable of the year for 2022.

Council Committee Reports

Personnel and Finance Committee

Discussion Regarding Pay Equity Compliance Report

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE CITY OF BRAINERD'S PAY EQUITY IMPLEMENTATION FORM AND COMPLIANCE REPORT FOR WAGES AS DECEMBER 31, 2022; FURTHER, TO AUTHORIZE MAYOR BADEAUX TO SIGN THE FORM AND AUTHORIZE THE SUBMITTAL OF THE FORM TO MMB.

Approve Final Pay Estimate- Public Works Building Addition to Nor-Son

Committee Chair Johnson stated that this is the final pay for Nor-Son. The estimated actual cost for the project is \$582,994. The original budget for the project was \$468,109.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY TO APPROVE THE FINAL PAY ESTIMATE FOR NOR-SON IN THE AMOUNT OF \$42,958.

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

Informational- 2023 Workers' Compensation Renewal

Committee Chair Johnson stated that the renewal for workers' comp is \$329,611. Finance Director Hillman's estimate was only off by \$626, he gave a tip of the cap for the great work done by the Finance Director.

Safety and Public Works Committee

Approve Event Application- March for Life- MCCL

Committee Chair O'Day stated that the application requested a lane closure on S 6th St for about 15 minutes.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE APPLICATION PROVIDED MNDOT APPROVES THE LANE CLOSURE.

Approve OSHA Grant Application- Public Works Building Gate & Operator

Committee Chair O'Day stated that the Public Works building does not have a secure gate during the daytime hours when staff isn't present at the building. This grant will cover \$10,000 of the estimated \$18,000 cost of the project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE STAFF TO APPLY FOR THE OSHA SAFETY GRANT FOR INSTALLATION OF A NEW GATE AND OPERATOR AT THE PUBLIC WORKS FACILITY.

Review of Brainerd City Code Section 2014.05- Noise Related Issues for Outdoor Power Equipment for Snow Removal

Committee Chair O'Day stated that the City has received a couple of complaints from schools, restaurants, and other businesses in residential areas that they cannot remove snow in the early morning hours before students and customers would need to access their facility. This language change would exempt all power equipment needed to remove snow in the noise ordinance. Plows are already exempt in the noise ordinance.

Mayor Badeaux asked to clarify that the City would allow use of power equipment for snow removal.

Community Development Director Kramvik stated that staff interprets plows and snow blowers, brush attachments to tractors, etc., as different. This would continue to allow plows and add power equipment to the exempt list.

Mayor Badeaux stated that he absolutely does not support this change to the City Code. The City has already received complaints about the use early in the morning from residents and this would not allow recourse for those who abuse right and is not a solution for those residents who are being disturbed. He has received a number of complaints on this issue.

Committee Chair O'Day stated that schools are in neighborhoods, we want our schools to be in neighborhoods so why would we make it difficult for kids get into the schools. Obviously, they would like the user to use some restraint on hours of use.

Member Czczok called for a roll call vote.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO DIRECT STAFF TO DRAFT AN ORDINANCE AMENDMENT THAT EXEMPTS POWER EQUIPMENT FOR THE PURPOSES OF SNOW REMOVAL FROM CHAPTER 20, SECTION 2014.05 OUTDOOR POWER EQUIPMENT OF THE CITY CODE.

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

Discuss Street Lighting Policy

Committee Chair O'Day stated that there have been a few changes to the policy since last meeting. One change was regarding the light throwing standard, the lights will be 80% towards the street and 20% back towards the sidewalk. The temperature recommendation is 3000 Calvin as it is a softer and warmer light. The commercial style lights that were chosen are being revisited due to the cost.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO MOVE FORWARD WITH THE LIGHT THROWING DIRECTION/SPREAD AND THE TEMPERATURE RECOMMENDATIONS.

Review 2022 SPW Code Enforcement Cases

Committee Chair O'Day stated that the Committee directed staff to confer with the City Attorney and develop revised language to City Code 320 in regard to snow removal, grass, garbage, and animal feces to allow for faster resolution of these types of nuisances.

Direction on Active Code Enforcement Cases

Committee Chair O'Day stated that there were three cases brought to the attention of SPW. They agreed with staff's recommendation that they should work with the contractor to determine whether they should wait until spring to abate the properties.

Member Terry asked whether a verbal conversation is had with property owners in every case. She also asked whether staff is cognizant of mental health issues and physical limitations when repairs are needed when cost and ability may be limitations.

Community Development Director Kramvik stated that a majority of the cases that come to SPW are cases where the homeowner has not contacted staff or were in contact with staff but may have stopped responding. Those properties that have reached out to staff and are willing to work with them are typically granted extensions. Unless the property is a rental, there is no way for staff to obtain a phone number for homeowners until they themselves contact staff. Staff does send out information from the HRA for loan or grant programs with some of the

notifications. Providing information for assistance is something that staff would like to develop further.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO ISSUE A 10-DAY ORDER TO CORRECT LETTER AND BEGIN WORKING WITH THE CITY ATTORNEY FOR ABATEMENT OF THE PROPERTY. FURTHER, STAFF WORKS WITH THE ABATEMENT CONTRACTOR TO DETERMINE IF ABATEMENT NEEDS TO WAIT UNTIL SPRING BECAUSE OF SNOW FALL TOTALS.

Unfinished Business

Appoint Council Liaisons 2023-2024

Chair Bevans presented his recommendations for appointing Council Liaisons.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO CONFIRM CHAIR BEVANS APPOINTMENTS OF COUNCIL LIAISONS TO BOARDS AND COMMISSIONS.

Final Reading- Proposed Ordinance 1541- An Ordinance Amending Section 515-4 of the Zoning Code- Restrictions on Demolition and Removal of Dwelling Units

Community Development Director Kramvik gave an overview of Ordinance 1541 and the language that was added since the failure of Ordinance 1539. He stated that at the last Planning Commission meeting commissioners and staff reviewed the language that brought line A3 back into the Ordinance.

Kevin Yeager, 325 Bluff Ave, Planning Commission, stated that the Planning Commission has dedicated a lot of time and energy crafting language that wasn't too open ended or restrictive. The general discussion at Planning Commission was to limit the demolition of existing homes to expand campuses.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1541 AND DISPENSE WITH THE ACTUAL READING.

Chair Bevans opened the public hearing at 8:02 p.m.

No one came forward.

Chair Bevans closed the public hearing at 8:03 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STENGLEIN TO ADOPT ORDINANCE 1541, AN ORDINANCE AMENDING SECTION 515-4: GENERAL BUILDING AND DESIGN STANDARDS

ORDINANCE 1541

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

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)

Staff Reports

Community Development Director Kramvik stated that the next Planning Commission meeting will include the lighting ordinance and review of the Zoning Code.

Administrator Bergman stated that she attended the Emergency Management Training, it was a good training on roles and responsibilities, next session is February 8, 2023, at the Land Services Building. She had the opportunity to meet Senator Smith during a tour of the Brainerd YMCA which was awarded \$600,000 of Congressional spending.

Mayor Report

Mayor Badeaux reiterated his opposition to adding snow removal equipment to the City Code by offering to come to Council Members homes at 3:00 in the morning to snow blow outside their windows.

Council Member Reports

Member Johnson thanked Staff and City Council for their work on fighting the "Eggpocalypse" with the discussion on chickens. He has a public safety concern for Norwood Street from 13th St to 16th St. He requested that the Street Department and the Police Department post no parking signs so that we can get the street cleared from curb to curb.

Member Terry asked about committee appointments and the responsibility of Members to reach out to the commissions to inform them of liaisons.

Administrator Bergman stated that staff will handle contacting the commissions.

Adjourn

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

The Chair adjourned the meeting at 8:24 p.m.



Jennifer Bergman
City Administrator

Charter Commission – 4 terms (Expire 2026) 1 term (Expire 2025)
Rental Dwelling License Board of Appeals – 5 terms (Expire 2025)
HRA Board—1 term (Expire 2027)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2028) 1 term (Expire 2026)

Council President Recommended: (terms to expire 12/31 of said year)

Airport Commission-- 1 term (Expire 2025)

Planning Commission-- 2 terms (Expire 2025)

Committee Recommendations- Council President

Chair Bevans recommended Glen Nygard to the Airport Commission and Don Gorham to the Planning Commission.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO CONFIRM CHAIR BEVANS APPOINTMENTS TO COMMITTEES.

New Business

Set Joint Workshop of Park Board and Brainerd City Council

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO SET JOINT WORKSHOP FOR CITY COUNCIL AND PARK BOARD ON FEBRUARY 27TH AT 6:00 P.M.

Discussion on Amending City Code Section 900.08 Chickens

Community Development Director Kramvik stated City Council directed staff to review section 900 regarding chickens, Staff researched nine other Central Minnesota communities and their regulations regarding the matter. He gave an overview of the possibilities of combinations of animals the City could have while allowing 4 hens.

Member Johnson stated that he favors allowing up to any combination of 4 cats and dogs, or any combination of 3 dogs and cats while allowing 4 chickens or 4 ducks.

Member O'Day sees chickens and ducks as food, so they should be considered separately. He also stated he does not favor requiring neighbor permission as long as the birds are contained for a number of reasons. He would be ok with any combination of 4 cats and dogs while allowing 4 chickens or ducks consideration separately.

Chair Bevans stated that there have also been requests for goats and pot belly pigs since he has been on the Council. The guidance to staff is 4 pets and 4 food producing fowl.

Council discussion took place.

Member Stunek called for order.

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.