

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 STENGLEIN AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA.

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

- A. Approval of Bills**
- B. Approval of Minutes**
 - a. Regular City Council Meeting held on February 6th, 2023**
- C. Approval of Licenses**
- D. Department Activity Report**
- E. Minnesota Lawful Gambling Application Brainerd Amateur Hockey Inc, for an Event to be held on March 4, 2023, at Essentia Health Sports Center, 502 Jackson St, Brainerd**

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.

Council Committee Reports

Personnel and Finance Committee

Accept Resignation of Community Service Officer (CSO) Masen Barton and Authorize to Hire

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT COMMUNITY SERVICE OFFICER MASEN BARTON'S LETTER OF RESIGNATION, EFFECTIVE FEBRUARY 27, 2023, AND AUTHORIZE TO HIRE ONE COMMUNITY SERVICE OFFICER TO FILL THIS NOW VACANT POSITION.

Ratify the Hiring of Warming House Attendant Owen Carlson and Direction on Future Hiring Ratifications for Temporary Employees

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO RATIFY THE HIRING OF OWEN CARLSON AS A WARMING HOUSE ATTENDANT EFFECTIVE JANUARY 28, 2023, AT \$15.00 PER HOUR; FURTHER, THAT IN THE FUTURE, THE RATIFICATION OF HIRING TEMPORARY/SEASONAL EMPLOYEES THAT ARE BUDGETED BE INCLUDED ON THE CONSENT CALENDAR, INSTEAD OF THE PERSONNEL AND FINANCE COMMITTEE AGENDA.

Accept Retirement of Police Chief Mike Bestul

Committee Chair Johnson thanked Police Chief Bestul for the work he has done in the last two years. The organizational changes the Chief has made allow the City to hire internally for his replacement.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT THE RETIREMENT OF POLICE CHIEF MIKE BESTUL EFFECTIVE JUNE 16, 2023, AUTHORIZE SEVERANCE PAY PER CITY POLICY, APPROVE THE UPDATED POLICE CHIEF JOB DESCRIPTION AS PRESENTED. FURTHER, AUTHORIZE STAFF TO CONDUCT A HIRING PROCESS FOR ONLY INTERNAL CANDIDATES FOR THE POLICE CHIEF POSITION.

Approve Revised Employee Policy Manual Health Insurance Exhibit with 2023 Changes

Committee Chair Johnson stated that the Council was presented with a number of options but hope to have even more options with the Flaherty and Hood analysis.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO REQUEST A MARKET REVIEW AND GUIDANCE FROM OUR CLASSIFICATION AND COMPENSATION CONSULTANT. FLAHERTY AND HOOD, PA, AT A FLAT RATE OF \$800 TO OBTAIN AND ANALYZE THE MARKET INFO FOR COUNCIL COMPENSATION THAT WOULD INCLUDE WAGES AND BENEFITS INCLUDING HEALTH INSURANCE.

Safety and Public Works Committee

Event/ Street Closure Application- Brainerd St. Patrick's Day Parade and Celebration

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE APPLICATION UNDER THE CONDITIONS AS DESCRIBED IN THE EVENT APPLICATION.

Adopt Resolution Removing On-Street Parking on Oak Street

Committee Chair O'Day stated that this is again a part of the Safe Routes to School Initiative. This is a different proposal than was previously brought to Council. The affected properties have other parking options. To accommodate the taper sections approaching the medians from either end, this will conflict with on-street parking on the north side of Oak Street from the intersection of SE 15th Street and roughly 150 feet west as well as the intersection of SE 16th Street and roughly 150 feet east.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION CHANGING THE PARKING ZONE ON THE NORTH SIDE OF OAK STREET BETWEEN THE INTERSECTION OF SE 15TH STREET AND 150 FEET WEST OF SE 15TH STREET AND FROM THE INTERSECTION OF SE 16TH STREET AND 150 FEET EAST OF SE 16TH STREET TO "NO PARKING" EFFECTIVE JUNE 2, 2023.

RESOLUTION 10:23

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

Approve Grant Application for Laura Jane Musser Environmental Initiative Grant for Jaycees Park Trail

Committee Chair O'Day stated that the proposed project is a walking trail for Jaycee's park. The grant does not require a match.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE STAFF TO APPLY FOR THE LAURA JANE MUSSER ENVIRONMENTAL INITIATIVE FUND GRANT FOR THE JAYCEES PARK MULTI-USE TRAIL.

Approve Grant Application for MnDNR Outdoor Recreation Grant for Lum Park Beach Restroom Building

Committee Chair O'Day stated that the committee directed staff to include this item at the Joint City Council and Park Board Workshop on February 27th.

Approve Proposal from Bolton & Menk for Engineering Services for the Buffalo Hills Gully Remediation Project

Committee Chair O'Day stated that the committee directed staff to request more proposals from other engineering firms. The engineering costs are grant qualifying.

Discuss Street Lighting Policy

Committee Chair O'Day stated that the committee has decided that banners and outlets are not needed on any of the commercial corridors. Staff had researched different light poles that were cheaper. However, the original poles that were proposed have dropped in cost. These poles have more control over where light is thrown.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE PURCHASING EPIC LIGHT POLES AND FIXTURES WITHOUT BANNERS OR OUTLETS FOR THE COMMERCIAL CORRIDORS.

Approve Budget for 2023 Landscaping in Downtown Special Services District

Committee Chair O'Day stated that this proposal is the same as 2022 services, with an increase in cost for the flowers. The other option included hiring out the special services at a cost over \$30,000.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE BUDGET AMOUNT OF \$18,000 FOR 2023 LANDSCAPING IN THE DOWNTOWN SPECIAL SERVICES DISTRICT.

Direction on Active Code Enforcement Cases

Committee Chair O'Day stated that 1306 Oak Street has been piling garbage in the backyard.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE STAFF TO OBTAIN A WARRANT THROUGH THE CITY ATTORNEY AND IMMEDIATELY ABATE THE PROPERTY.

Unfinished Business

**Public Hearing and Adopt Resolution for Municipal Consent and Layout Approval
for TH210/ Washington Street Reconstruction Project**

City Engineer/ Public Works Director Dehn gave an overview of the materials that were available to Council prior to Municipal Consent.

Luke Wehseler, MnDOT Project Manager, gave an overview of the final layout design of the Trunk Highway 210 Reconstruction. He gave an overview of changes that were made by request of the City PMT. The reconstruction will include replacement of signals at NW 4th Street, improvements to the bridge with a barrier between the driving lanes and the sidewalk, numerous access changes, two roundabouts- one at 8th Avenue NE and 6th Avenue NE with accommodations for businesses along Highway 25, and rehabilitation on the most eastern portions of the project.

Member O'Day asked about access to Wonderland Park Road.

Mr. Wehseler stated that those accessing Wonderland Park Road would make a U-turn from the left turn lane at Rice Lake Road.

Member Czeczok asked for clarification on multiple locations. He asked if there was consideration for lights instead of the roundabouts at 8th avenue. He stated that he would not cross the intersection at 8th avenue with changing to a roundabout. There is no security for pedestrians. The ADA accommodations have been spoken about a lot during the process, however, the roundabouts give no thought to accommodations.

Chair Bevans asked if the Council gives municipal consent this evening, whether there would be opportunities to make further changes to the layout. Also, whether there would be opportunity for citizens to comment in the next stage of the project.

Mr. Wehseler stated that once municipal consent is given there not be opportunity to make changes to the layout. There will be opportunity for residents and businesses to comment on the construction and staging for the project.

Member Czeczok stated that he has the utmost respect for those who having been working on this plan. The northeast neighborhood is quite quiet, he sees this neighborhood becoming a speedway to avoid roundabouts with this construction.

Chair Bevans opened the public hearing at 8:11 p.m.

Marc Halvorson, 156 Pineview Drive, Brainerd Floral, had questions for MnDOT.

Chair Bevans asked him to direct those to MnDOT. This is the opportunity to comment to the Council about what citizens feel about the project overall.

Jo Ella Converse, 1113 9th Ave NE, stated that she agrees with Member Czeczok about people wanting to avoid the roundabouts. The change at Mill Avenue will not allow residents of northeast opportunity to cross Mill Avenue safely or effectively. She had asked County Engineer Bray about the need for lights on Mill Avenue. She had contacted MnDOT about the crash reports on Washington. She believes the reason that they are taking the stoplights out is because it is cheaper to maintain roundabouts.

Chair Bevans closed the public hearing at 8:17 p.m.

Member Johnson stated that he supports giving municipal consent. This plan is not perfect, the project management team (PMT) has been meeting for years. The team has pushed back a lot and been given a lot of concessions. The needs of the City of Brainerd and MnDOT's needs don't necessarily line up, but this is as good as it's going to get while still meeting the needs of our community.

Member Czczok stated that he is concerned with focusing on the needs of MnDOT. This road is also used for getting from point a to point b, but also for commerce. The turbine that came through last fall would not be able to navigate these roundabouts.

Member O'Day stated that through his work with the PMT he has learned that you're not going to make every person happy. They worked through safety and traffic back up studies. Again, this plan is not perfect, but he has heard the just as strong of argument for roundabouts over the stoplights. The plan has come a long way, there was previously changes at every intersection.

Member Stenglein stated that there has been a lot of progress made from the original proposal. She is more concerned about the construction of the roundabouts and the detours through neighborhoods as opposed to the layout.

Mayor Badeaux stated that the process has been interesting. There was a point when he did not think that MnDOT and the City would come to an agreement. There are still a lot of changes that he did not want to give up for access to neighborhoods. He sees the potential for side streets becoming frontage roads.

Member Czczok asked about plans for 5th avenue.

Chair Bevans disallowed his comment to stay on topic.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT THE RESOLUTION FOR MUNICIPAL CONSENT AND LAYOUT APPROVAL FOR THE TH 210/ WASHINGTON STREET RECONSTRUCTION PROJECT (SP 1805-80).

RESOLUTION 11:23

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

Committee Resignation

MOVED AND SECONDED BY MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO ACCEPT WITH REGRET MARLEE LARSON'S RESIGNATION FROM THE HRA BOARD.

Committee Appointment- Mayor Badeaux

Mayor Badeaux recommended Kevin Yeager to the HRA Board term expiring 2027 and Allie Verchota to the HRA Board term expiring 2024.

Member Czczok asked how the assignments were determined.

Mayor Badeaux stated that Commissioner Yeager's position was a renewal of his expired term.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO CONFIRM MAYOR BADEAUX'S COMMITTEE RECOMMENDATIONS.

Call for Applicants – Informational:

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

Charter Commission – 4 terms (Expire 2026) 1 term (Expire 2025)

Rental Dwelling License Board of Appeals – 5 terms (Expire 2025)

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)

Parking Commission—1 term (Expire 2026)

Planning Commission-- 1 terms (Expire 2025)

Final Reading- Proposed Ordinance 1543- Amending Section 900.08 of City Code Concerning the Harboring of Chickens and Ducks

Community Development Director Kramvik gave an overview of the ordinance which excludes neighboring consent as the Council had previously requested.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1543, AN ORDINANCE AMENDING SECTION 900.08 OF THE CITY CODE CONCERNING THE HARBORING OF CHICKENS AND DUCKS AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 8:32 p.m.

No one came forward.

The Chair closed the public hearing at 8:32 p.m.

MOVED AND SECONDED BY COUNCIL MEMBER O'DAY AND CZECZOK TO ADOPT PROPOSED ORDINANCE 1543.

ORDINANCE 1543

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.

Final Reading- Proposed Ordinance 1544- Amending Section 2014.05 of City Code Concerning the Use of Outdoor Power Equipment

Community Development Director Kramvik gave an overview of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1544, AN ORDINANCE AMENDING SECTION 2014.05 OF THE CITY CODE TO EXEMPT POWER EQUIPMENT FOR THE PURPOSES OF SNOW REMOVAL AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 8:35 p.m.

No one came forward.

The Chair closed the public hearing at 8:35 p.m.

Mayor Badeaux stated that he appreciates the language “loud and explosive noises that disturb the peace”. He asked for a reasonable request to deny backpack blowers.

MOVED AND SECONDED BY COUNCIL MEMBER STENGLEIN AND TERRY TO ADOPT PROPOSED ORDINANCE 1544.

ORDINANCE 1544

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.

Final Reading- Proposed Ordinance 1545- Amending Section 1315.03 of City Code Concerning Parking Restrictions During Snow Emergencies

City Engineer/ Public Works Director Dehn gave an overview of the ordinance. He stated that it was discussed at the last meeting that staff's practice will continue to try to clear all snow on day one. This is concerning the parking restrictions, not snow removal practices.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE 1545, AN ORDINANCE AMENDING SECTION 1315.03 OF THE CITY CODE: SNOW EMERGENCIES AND DISPENSE WITH THE ACTUAL READING.

Chair Bevans opened the public hearing at 8:39 p.m.

No one came forward.

Chair Bevans closed the public hearing at 8:39 p.m.

Member Johnson stated that he would vote against the ordinance as he does not think the changes are necessary. He thinks the changes would allow the Street Department to do less work than they have been doing effectively in the past. He is concerned about Charles and James Streets, with Municipal consent for TH210 just passed and cutting off access points, the Council would be telling the Street Department that they do not expect these streets to be plowed on the first day of a snow emergency.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT ORDINANCE 1545.

ORDINANCE 1545

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

New Business

Consider Conditional Use Permit for Mini Storage Units at 15770 Dellwood Drive

Community Development Director Kramvik gave an overview of the permit application and conditions for approval.

Member Czeczok thanked the Planning Commission for their attention and work on matters.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A MINI STORAGE FACILITY AT 15770 DELLWOOD DRIVE WITH THE FOLLOWING CONDITIONS: THAT ALL OUTDOOR LIGHTING SHALL NOT EXCEED 3,000 K TEMPERATURE. THE FIRE MARSHAL APPROVES A FIRE PROTECTION PLAN FOR THE PROPERTY. ALSO, PRIOR TO FINAL BUILDING INSPECTION OR CERTIFICATE OF OCCUPANCY THE FIRE MARSHAL COMPLETES A FIRE INSPECTION OF THE PROPERTY ACCORDING TO THE CONDITIONS OF THE FIRE PROTECTION PLAN.

Consider Final Plat for Creekside Community Development

Community Development Director Kramvik gave an overview of the Final Plat Application and the Development Agreement.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY TO APPROVE THE FINAL PLAT FOR CREEKSIDE COMMUNITY DEVELOPMENT AND APPROVE THE DEVELOPMENT AGREEMENT AS PRESENTED.

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

First Reading- Proposed Ordinance 1547- Amending Section 320 of the City Code- Administrative Citations

Community Development Director Kramvik gave an overview of the abatement process for grass, garbage, snow removal, and animal feces. The draft includes addition of language "The City Council is not bound by the schedule when a matter is appealed for administrative review. Staff may bring repeat offenses to the Safety & Public Works Committee for determination of further action".

Member Terry asked Community Development Director Kramvik to give an overview of the conversation they had regarding notification to residents and assistance that is available for improvement through programs at the HRA and County levels.

Member Johnson stated that he will vote yes to dispense the reading, he stated he will vote against the ordinance at the next reading as it still does not contain language to cap the amount that a resident would be cited.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND CZECZOK, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE NO. 1547 – AMENDING SECTION 320 OF THE CITY CODE – ADMINISTRATIVE CITATIONS AND DISPENSE WITH THE ACTUAL READING.

First Reading- Proposed Ordinance 1548- Rezoning Parcel #41160504 (Tract B) to RL-1

Community Development Director Kramvik gave an overview of the purpose for the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE NO.

1548- REZONING PARCEL #41160504 (TRACT B) TO RL-1 AND DISPENSE WITH THE ACTUAL READING.

Public Forum

The Chair opened the public forum at 8:51 p.m.

No one came forward.

The Chair closed the public forum at 8:51 p.m.

Staff Reports

Police Chief Bestul highlighted the “Booyah” award for January in which Officers Middleton, Larson, and Reed participated in a seizure call where lifesaving measures were needed. The medical staff stated that the patient would not have survived if officers had not responded quickly and effectively. The same officers and Officer Personius responded to a second lifesaving call in January where their training was utilized. Minutes do matter in saving a life. “Booyah” to the officers and an effective training.

City Engineer/ Public Works Director Dehn gave an overview of the upcoming storm, and the Street Departments plan to conduct the snow emergency Thursday through Saturday.

Community Development Director Kramvik stated that Planning Commission held a public hearing and discussed the residential lighting standards, Planning Commission would like to continue to discuss the standards.

HR Director Schubert stated that the City received its first notification of noncompliance for pay equity. Staff is working with Flaherty and Hood, and there will be guidance at a future meeting.

Mayor Report

Mayor Badeaux stated that the Park Board had a meeting with the PMT for the Mississippi Landing Trailhead Park (MLT Park). There is left over LCCMR funds, and the Park Board would like to see if there is potential for using these funds for invasive species between the park and College Drive by making the park continuous. The park used to extend all the way to College Drive. Also, regarding the MLT Park, the land had been gifted to the City for the park by Lyman P. White in 1823, he is requesting that the Park be rededicated as the Lyman P. White Park once again to honor the original request.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO REDEDICATE THE LAND AS PARK LAND TO BE NAMED LYMAN P. WHITE PARK PENDING LEGAL REVIEW.

Council Member Reports

Member Terry stated that as the Green bean, she will be participating the polar plunge with the Lakes Area Law Enforcement team, if anyone is able to make a donation it would be appreciated.

Member O'Day thanked Chief Bestul for his service and positive changes he has made as a Chief.

Member Czczok stated that at the PUC meeting BPU Finance Director Wicklund stated that there is no way for the City to comply with Governor Walz's legislation for zero emissions by 2040. Finally, he believes that the Airport Commission left a lot of money on the table with their agreement with the café. The City needs to look at cutting back the contribution by the City if they continue to leave money on the table.

Adjourn to the City Council and Park Board Joint Workshop on February 27th at 6:00 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADJOURN TO THE CITY COUNCIL AND PARK BOARD JOINT WORKSHOP ON FEBRUARY 27TH, AT 6:00 P.M.

The Chair adjourned the meeting at 9:07 p.m.



Jennifer Bergman
City Administrator