Brainerd, MN
March 6th, 2023

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: Stenglein, Johnson, Czeczok, O'Day, Stunek, Terry, 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 CZECZOK AND STENGLEIN TO APPROVE THE CONSENT CALENDAR.

A. **Approval of Bills**
B. **Approval of Minutes**
   a. **Regular City Council Meeting held on February 21st, 2023**
   b. **Joint Workshop City Council and Park Board held on February 27th, 2023**
C. **Approval of Licenses**
D. **Department Activity Report**
E. **Temporary On-Sale Liquor License Application- Submitted By Jackpine Brewery, For An Event To Be Held On March 24 & 25 At The Essentia Health Sports Center, 502 Jackson St, Brainerd**
F. **Minnesota Lawful Gambling Application For Exempt Permit- Submitted By Vigilant Guardians Veterans Motorcycle Club Inc. For An Event To Be Held At 1119 S 6th St On September 24, 2023**
G. **Approval Of Public Boxing Application- Submitted By Northern Pacific Center For An Event To Be Held At The NP Center, 1511 Northern Pacific Rd, On March 10th- Contingent On Police Chief And Fire Chief Authorization**

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

Council Committee Reports

Safety and Public Works Committee

Event/ Street Closure Application- CLC 5k

Committee Chair O'Day stated that the 5k is for mental health awareness and he encourages everyone to participate.

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

Approve MnDNR Outdoor Recreation Grant Application

Committee Chair O'Day stated that the grant was discussed at the workshop with the Park Board general consensus was that the pavilion will not include a bathroom.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AUTHORIZE STAFF TO APPLY FOR THE MNDNR OUTDOOR RECREATION GRANT FOR THE LUM PARK BEACH & CAMPGROUND EXPANSION PROJECT TO ALLOW FOR DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF A NEW PAVILION FACILITY.

Adopt Resolution Formally Dedicating Park Lands

Committee Chair O'Day stated that with the dedication of the Lyman P. White Park that extends to the College Drive Bridge staff reviewed the dedication of the other parks. Staff discovered that none of the other parks were dedicated to the Park Board. This resolution will cover all parks except the Buffalo Hills Lions Park, Gustafson Park, and Trailside Park until future development and master planning in these parks is determined.

Member Johnson asked whether the Parks that are not being dedicated to the Parks Department would still be maintained even though they will not be properly dedicated.

Committee Chair O'Day stated that the odds are good, since they have been maintained up to this point.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION DESIGNATING THE CURRENT PARKS- LESS BUFFALO HILLS, GUSTAFSON, AND TRAILSIDE PARKS- AND THE NEW LYMAN P. WHITE PARK AS PARK LANDS.

RESOLUTION 12:23

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

Adopt Resolution Removing On-Street Parking on Lum Park Road

Committee Chair O'Day stated that this is a part of the grant to rebuild the road from Highway 210 into the boat launch. Plans include narrowing of a segment of Lum Park Road to accommodate trail across the box culvert.

Member Johnson asked how this would affect parking for events like the Ski Loons show. He stated that he supports the motion but is concerned about parking being brought out to 13th Avenue Northeast.

Mayor Badeaux stated he is speaking against the resolution because this is the first time he is hearing about removing parking for a grant that was initially brought through Parks. The philosophy of the City is to push parking onto the street. The parking that is in the beach area would be moved to the street creating a need for more on street parking not less.

Member Stunek asked if this could be event specific.

City Engineer/ Public Works Director Dehn stated that this wouldn't be possible is due to the narrowing of the road and the inability to support two-way traffic with on street parking. A lot

of this section already doesn't allow for parking. With the parks maintenance facility moving, there would be off street parking available.

Member Czeczok asked whether the project could proceed without approving the removal of parking and how much this would affect the cost of the project.

City Engineer/Public Works Director Dehn stated that the scope of the project would have to change, and the cost of the project would increase with the widening of the road. A rough estimate of cost increase is $50,000 or more.

Member Johnson stated that he no longer supports the resolution. He would like to see this matter sent back to the Park Board.

Member O'Day asked staff to look at the possibility for increasing parking in another space.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO ADOPT RESOLUTION CHANGING THE PARKING ZONE ON LUM PARK ROAD BETWEEN TH 210 TO THE BOAT LAUNCH ACCESS ROAD.

RESOLUTION 13:23

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

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO SEND THIS MATTER BACK TO THE PARK BOARD.

Approve Engineering Proposal for the Buffalo Hills Gully Remediation Project

Committee Chair O'Day stated that the City has received three other proposals for the gully project after Council requested other quotes for engineering services. The proposals submitted were less than the previous proposal by Bolton & Menk. The committee felt it was unfair to the original proposal, however, they chose to award the engineering services to SEH.

Member Johnson stated that he could not support the motion due to SEH seeing Bolton & Menk's proposal prior to submitting their own.

Member Czeczok stated that he was hesitant to ask staff at the previous meeting to acquire more proposals. He stated that the City Attorney confirmed to the committee that there is nothing illegal about going out for more professional services proposals. However, it did not smell right to him to ask for more proposals, no matter how much he likes to save money. He agrees with Member Johnson and also voted no in committee.

Chair Bevans stated that he has still not heard whether the City is responsible for the gully in the first place. This is much like owning a home next to the railroad or airport and complaining about the noise.

Member Johnson stated that he would support the project if the City assessed the homeowners for the cost like they do with other Public Works projects.

Mayor Badeaux stated that he has found photos from 1939 with the gully in them. He does not support getting involved in repairing the gully.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO APPROVE THE SEH PROPOSAL FOR CONSTRUCTION ENGINEERING SERVICES FOR THE BUFFALO HILLS GULLY REMEDIATION PROJECT IN THE AMOUNT OF $64,130.

Voice vote was taken, Chair Bevans requested a roll call vote.

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO REFER THIS MATTER TO LEGAL TO DETERMINE THE CITY'S RESPONSIBILITY WITH THE GULLY PROJECT.

Approve Street Lighting Policy

Committee Chair O'Day stated that the street lighting policy is now in a nice pretty package. This has been discussed at length.

Chair Bevans stated that he suspects that the Council may someday regret not putting banners along Washington Street, but as a taxpayer he realizes the cost is too much.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE STREET LIGHTING POLICY AS PRESENTED.

Personnel and Finance Committee

Ratify the Hiring of Police Officer Nathanael Peters

Committee Chair Johnson stated that with this hiring, the City is at 26 sworn officers.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF MR. NATHANAEL PETERS EFFECTIVE MARCH 13, 2023, ON STEP 4 OF THE POLICE OFFICER WAGE GRID AT $36.04 PER HOUR.

Update Regarding Police Chief Hiring Process

Committee Chair Johnson stated that the position was posted internally, there were two applicants.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE FORMATION OF A WORK GROUP COMPRISED OF ONE OR TWO CITY COUNCIL MEMBERS, CITY ADMINISTRATOR BERGMAN AND HR DIRECTOR SCHUBERT TO OVERSEE THE INTERVIEW AND PROMOTION RECOMMENDATION PROCESS.

The Chair nominated Members Johnson and Terry.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK, DULY CARRIED, TO APPOINT COUNCIL MEMBERS JOHNSON AND TERRY TO THE WORK GROUP.

Approve Submittal of Request for Reconsideration of the City's 2023 Pay Equity Report

Committee Chair Johnson stated that the City expected that it would fail pay equity, this is the next step to get an extension.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE CITY AND FLAHERTY & HOOD STAFF TO OFFICIALLY REQUEST A RECONSIDERATION AND AN EXTENSION OF TIME FROM THE MN MANAGEMENT AND BUDGET DEPARTMENT FOR THE CITY OF BRAINERD TO ACHIEVE COMPLIANCE.

Update Regarding Classification and Compensation Study

Committee Chair Johnson stated that the committee had discussion on the market sources. The committee felt that Little Falls, which is also a county seat, was a better comparison than Sauk Rapids and Sartell that are in the St. Cloud/Metro.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE SOURCES AS PRESENTED, REMOVING SAUK RAPIDS AND SARTELL FROM THE COMPARABLE MARKET SOURCES, AND ADDING LITTLE FALLS.

Request Council Rep for Work Group to Discuss Top Positions in BPU Department

Committee Chair Johnson stated that the City requested guidance from Flaherty & Hood, our Classification and Compensation Consultant, regarding the top two positions for the BPU Department to begin preparation for BPU Finance Director Wicklund's upcoming retirement. A recommendation was received, and Staff is requesting that a Council representative serve on a Work Group with the BPU Personnel Committee.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPOINT ONE MEMBER AS THE CITY COUNCIL'S REPRESENTATIVE TO SERVE ON A WORK GROUP TO BEGIN PREPARATIONS FOR BPU FINANCE DIRECTOR WICKLUND'S UPCOMING RETIREMENT.

Chair Bevans nominated Member Terry.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON, DULY CARRIED, TO APPOINT MEMBER TERRY TO THE WORK GROUP.

Authorize Crow Wing Historical Society Donation Request

Committee Chair Johnson stated that this is one of the allowable donations of a City, it has been past practice to donate $500.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO AUTHORIZE A $500 DONATION TO THE CROW WING HISTORICAL SOCIETY FROM THE SPECIAL PROJECTS BUDGETED LINE ITEM.

Authorize Purchase of Civic Clerk Software

Committee Chair Johnson stated that this software is an upgrade of the current agenda software. It will save a lot of staff time and it can convert the packets into HTML for citizens who need or want this feature.

Member Czeczok asked about the add ons that were available with the software and the cost they require.

Finance Director Hillman stated that staff is not proposing any additional add ons.

Chair Bevans stated that there is a yearly fee.

Committee Chair Johnson stated that it will have to find a place in the budget.

Finance Director Hillman stated that staff is going to try to negotiate the year two increase. Also, the Airport, BPU, and HRA will potentially be using this system it could then be a cost share.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE APPROPRIATE SIGNATURES, AND THE PURCHASE OF CIVIC CLERK SOFTWARE TO BE PAID OUT OF THE 2023 SPECIAL PROJECTS BUDGETED LINE ITEM.

Fire Contract Formula for 2024- Informational

Committee Chair Johnson stated that the Fire budget is increasing $11,448 in 2024, of that Brainerd's share will increase by $4,888.

Unfinished Business

Final Reading and Public Hearing- Proposed Ordinance 1547- Amending Section 320 of the City Code- Administrative Citations

Community Development Director Kramvik gave an overview of the proposed ordinance.

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

The Chair opened the public hearing at 8:07 p.m.

No one came forward.

The Chair closed the public hearing at 8:08 p.m.

Member Johnson stated that he will vote no on the ordinance as there is no cap to the amount that a citizen could be cited.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY TO ADOPT ORDINANCE 1547 AN ORDINANCE AMENDING SECTION 320 OF THE CITY CODE PERTAINING TO ADMINISTRATIVE CITATIONS.

ORDINANCE 1547

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

Member Czeczok requested that the Finance Department review the Airport finances, specifically the CARES Act dollars. There are some concerns that he has.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 8:18 p.m.

Jennifer Bergman
City Administrator

March 6th, 2023

Final 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. He stated that the public hearing was conducted at the Planning Commission.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULYC CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE NO. 1548- REZONING PARCEL #41160504 (TRACT B) TO RL-1 AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT ORDINANCE 1548 AN ORDINANCE AMENDING THE CITY OF BRAINERD ZONING MAP.

ORDINANCE 1548

Upon roll call, Council Members Stenglein, Johnson, Czeczok, O'Day, Stunek, Terry, 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)
Charter Commission – 2 terms (Expire 2026) 2 terms (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)

Public Forum

The Chair opened the public forum at 8:12 p.m.

No one came forward.

The Chair closed the public forum at 8:12 p.m.

Staff Reports

Community Development Director Kramvik stated that at their next meeting the Planning Commission will discuss a CUP application on Crestview Lane, lighting, and goals of the Parking ordinance in the Zoning Code pertaining to off-street parking.

Mayor Report

Mayor Badeaux stated that the St. Patrick's Day Celebration will be on Saturday, March 11th. City Engineer/ Public Works Director Dehn, Community Development Director Kramvik, and Member O'Day will be a part of the parade. Member O'Day will be the Grand Marshall for the parade. The City's focus is to have things for families to do.

Council Member Reports