

**Brainerd, MN
March 20th, 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 JOHNSON AND O'DAY, DULY CARRIED, TO APPROVE THE AGENDA.

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

- A. Approval of Bills**
- B. Approval of Minutes**
 - a. Regular City Council Meeting held on March 6, 2023**
- C. Approval of Licenses**
- D. Department Activity Report**
- E. Approve Temporary 3.2 Percent Malt Beverage (Beer) On-Sale License- Submitted By Brainerd Eagles Club #287 For An Event To Be Held On April 22, 2023, At Memorial Park, 1700 Mill Ave, Brainerd- Contingent Upon Inspections**
- F. Approve Temporary On-Sale Liquor License- Submitted By BPOE Lodge 615 For An Event To Be Held On May 10, 2023, At Brainerd National Guard Armory, 1115 Wright St, Brainerd- Contingent Upon Inspections**
- G. Adopt Resolution BCA Joint Powers Agreement For City Prosecution**

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

Approve Event/Parking Lot Closure Application- Tour of Lakes Cycling Event

Committee Chair O'Day stated this is an annual event that uses the Laurel Street parking lot.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE APPLICATION UNDER THE CONDITIONS AS DESCRIBED IN THE EVENT APPLICATION, INCLUDING CLOSING THE LAUREL STREET PARKING LOT ON FRIDAY, JUNE 2ND.

Adopt Resolution Authorizing Application for LMC Grant Navigation Support

Committee Chair O'Day stated that this program is through the League of Minnesota Cities to navigate larger Federal grants. This could potentially be used to apply for a grant for the pedestrian bridge over TH210.

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MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO ADOPT RESOLUTION AUTHORIZING APPLICATION FOR THE LEAGUE OF MINNESOTA CITIES GRANT NAVIGATION SUPPORT.

RESOLUTION 14:23

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.

Approve FHWA Title VI Assurances Agreement

Committee Chair O'Day stated that when the City is receiving Federal dollars, they need to agree to follow Title VI assurances which prohibit discrimination based on race, color, and national origin. We do not currently discriminate, and we will continue not to discriminate.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE FHWA TITLE VI ASSURANCES AGREEMENT THAT STATES THE CITY WILL COMPLY WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

Approve Historic Water Tower Additional Items

Committee Chair O'Day stated that with the work done on the roof of the water tower, additional items became necessary including a secondary drain that would go from the bowl to the observation deck. The Water Tower committee also approved a study to be done on the exterior of the tower to determine the damage to the stucco.

Member Johnson stated that he supports the motion. However, there was an error on the memo that stated that the City allocated \$300,000 to a "Water Tower Rehabilitation Phase 1 Project". The City did not allocate this money to phase one of the water tower rehabilitation, rather to tear down the water tower, which was later reallocated for grant matches to fix the water tower. Any future money would have to be discussed at a different time.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADDITIONAL ITEMS FOR THE HISTORIC WATER TOWER REHABILITATION SECONDARY DRAIN OUTLET \$28,012 AND LHB PHASE II INVESTIGATION AND DESIGN \$34,700.

Committee Chair O'Day stated that there was an additional bid from Holden, this bid was to be sent back to the Water Tower Committee.

Member Czeczok stated that sending the bid back to the Water Tower Committee was a part of the original motion in committee.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AMEND THE MOTION TO SEND THE HOLDEN ESTIMATE TO THE WATER TOWER COMMITTEE TO CONSIDER HOW THEY WOULD LIKE TO FUND IT.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO ADDITIONAL ITEMS FOR THE HISTORIC WATER TOWER REHABILITATION SECONDARY DRAIN OUTLET \$28,012 AND LHB PHASE II INVESTIGATION AND DESIGN \$34,700; FURTHER TO SEND THE HOLDEN ESTIMATE TO THE WATER TOWER COMMITTEE TO CONSIDER HOW THEY WOULD LIKE TO FUND IT.

Approve Plans & Specifications and Authorize Bidding- 2023 Seal Coat Project

Committee Chair O'Day stated that the City elected not to seal coat last year as the bids were astronomical. If the bids are favorable, the project will include College Drive to S 4th Street, including Willow Street.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE PLANS AND SPECIFICATIONS AS PRESENTED AND AUTHORIZING BIDDING OF IMPROVEMENT 23-01 WITH AN ANTICIPATED BID OPENING OF APRIL 12, 2023, AT 10:00 A.M.

Approve Quote for Testing Services for North Brainerd Reconstruction

Committee Chair O'Day stated that there were two quotes Braun Intertec's proposal totals \$39,954 and ITT's proposal totals \$10,515. There is a significant price difference between the two proposals presented, mostly due to the number of tests included in the proposal. When comparing unit costs and quantities Braun is approximately 50% higher than ITT.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE THE QUOTE WITH ITT IN THE TOTAL AMOUNT OF \$10,515.

Approve Transit Fare Increase for Brainerd

Committee Chair O'Day stated that the Transportation Advisory Committee (TAC) committee has provided this recommendation in an effort to make the transit system more self-sustainable.

Member Johnson stated that he is glad that the TAC is beginning to look at the transit system. He believes that some of the routes outside of Brainerd may be being subsidized by the Brainerd routes.

Member Czeczok stated that he appreciates the effort of the TAC, there has been a lot of serious discussion on the needs of the transit system.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE RECOMMENDED FARE INCREASE OF \$1.00 FOR BRAINERD-TO-BRAINERD DIAL-A-RIDE TO \$2.25 (\$4.50 FOR SAME DAY SERVICE), EFFECTIVE MAY 1, 2023.

Personnel and Finance Committee

Consider Step 5 Wage for Lineworker Job Offer

Committee Chair Johnson stated that Mr. Moorhouse was previously employed at BPU, he has 15 years of experience, and Staff felt he warranted step 5.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE HIRING OF DALLAS MOORHOUSE AS A JOURNEYMAN LINEWORKER AT STEP 5 (\$48.38 PER HOUR) SUBJECT TO SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT HIRING PROCESS.

Adopt Resolution Supporting Public Safety Duty Disability Legislation

Committee Chair Johnson stated that he voted no in committee and will again, he believes it is a bad piece of legislation that would put 61% of funding into two Minnesota towns.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY TO ADOPT RESOLUTION SUPPORTING STATEWIDE POLICIES AND RESOURCES FOR PUBLIC SAFETY MENTAL AND PHYSICAL INJURY EDUCATION, PREVENTION AND TREATMENT.

RESOLUTION 14:23

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

Approve Promotion of John Davis to Police Chief

Committee Chair Johnson stated this is the most exciting item on the agenda.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE PROMOTION OF JOHN DAVIS TO POLICE CHIEF EFFECTIVE JUNE 3, 2023, SUBJECT TO THE SUCCESSFULLY COMPLETION OF A BACKGROUND CHECK; FURTHER, THAT HIS INITIAL STEP PLACEMENT BE STEP 3 OF THE POLICE CHIEF WAGE GRID OR \$54.18 PER HOUR; FINALLY, TO AUTHORIZE STAFF TO BEGIN AN INTERNAL-ONLY PROMOTION PROCESS TO BACKFILL THE DEPUTY CHIEF POSITION.

Unfinished Business

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)

New Business

Call for Public Hearing on April 3rd, 2023, for Small Cities Development Program (SCDP) Proposal to Department of Employment and Economic Development (DEED)

Finance Director Hillman stated this is just the call for the public hearing at the next meeting and authorize the HRA to submit the final application for the SCPD grant.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE THE BRAINERD HRA TO SUBMIT A SDCP 2023 GRANT APPLICATION FOR DEED FOR A SOUTHEAST BRAINERD GRANT PROGRAM; FURTHER TO CALL FOR A PUBLIC HEARING TO BE HELD AT THE APRIL 3, 2023, COUNCIL MEETING.

Consider Conditional Use Permit for a 5-Unit Apartment at 2307 Crestview Lane

Community Development Director Kramvik gave an overview of the findings of fact. He stated that the Planning Commission considered this request at their March 15th meeting and

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issues regarding the proposed structure centered around site orientation of units and consistency with architectural styles of the neighborhood. Housing density was not stated as a concern by the Planning Commission but was a concern of nearby residents. The Planning Commission recommended approval of the Conditional Use Permit under conditions. Finally, he stated that a denial of the permit does require the City Council to provide reasons for the denial based on zoning code requirements or the issuance of conditional use permits.

Attorney Langel stated the options that the Council has for the approval or denial of the Conditional Use Permit.

Member Czeczok asked if the developer changed their layout to a conforming structure with 1-4 units whether anything would come back to the City Council for approval.

Community Development Director Kramvik stated that no, at that point the structure would be approved administratively according to the zoning code.

Member O'Day stated that this lot does not conform with the neighborhood.

Community Development Director Kramvik stated that the zoning was approved with the adoption of the zoning code. Staff looked at lots to make sure that nothing was non-conforming. The consultant would have considered the other uses in the neighborhood to zone it.

Member Bevans clarified the process for the public hearing and motion.

Member Terry asked how residents would know how density in their neighborhood is determined. How the comprehensive plan plays into the current zoning of the property. How residents or developers would know what could be built in a vacant lot.

Community Development Director stated that the consultant recommended how to determine the density. The legal document is the zoning code, the comprehensive plan is the guiding document. In the rules and administration for approval of conditional use permits, they may be connected to the comprehensive plan. Residents and developers could reach out to the City prior to purchasing a property to determine what could be put in a vacant lot according to the zoning code.

Member Johnson stated that he believes the lot is zoned incorrectly, the lot is too small.

Member O'Day stated that he would not want this in his back yard, the concept of a 4-plex would be much better because it would require garages.

Member Stunek stated that he agrees with Members Johnson and O'Day.

Member Terry recognized the need for a variety housing and appreciates Community Development Directors thoughtful approach to dwelling units per acre. With the comprehensive plan recognizing this area as low to medium density and the fact that other parcels in this area are single family, she will vote to deny the permit.

Chair Bevans disallowed a question by Member Czeczok as a point of order.

Member Stenglein stated she would be voting not to deny the permit. At the Planning Commission, they were concerned with the need for more housing in our neighborhoods. The look of the buildings in the documents is not accurate to what they would look like finalized.

Attorney Langel stated that the reasons given were not satisfactory and addressed the zoning of this parcel rather than focusing on the findings and the process of a conditional use permit.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND JOHNSON TO DENY THE CONDITIONAL USE PERMIT AT 2307 CRESTVIEW LANE.

Member Johnson stated that the lot is too small.

Member O'Day stated it does not conform with the neighborhood.

Member Stunek stated that the lot is too small and does not conform to the neighborhood.

Member Terry stated that the lot is too small and does not conform to the neighborhood.

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

Public Forum

The Chair opened the public forum at 8:09 p.m.

Don Gorham, 419 SW 5th St, stated that the Brainerd Riverfront Committee have been working together since 2013 in the community with no contentions. The committee felt a need for a park to connect the Mississippi River to the City of Brainerd. With the \$2.85 million the City received from LCCMR, the committee developed a plan for a riverside park and built a connection between the City and the River by naming the park Mississippi Landing Trailhead. Changing the name of the park did not appear formally on an agenda, rather via the Mayor's report. He requests that the City Council reconsider the name change as it is unfair to the work done by the Riverfront Committee and no longer encourages community involvement.

John Forrest, 159 Pineview Dr, stated that he has been a part of the Brainerd Riverfront Committee since it began. He echoes the comments of Mr. Gorham, he does not believe that any board like the Park Board or Riverfront Committee or member of the community was consulted prior to re-naming the park. He stated that we live in sensitive times, and it may not be wise to give a park a name that may cause concern in the future.

The Chair closed the public forum at 8:18 p.m.

Staff Reports

Community Development Director Kramvik stated that also at the Planning Commission, properties along Dellwood Drive were discussed and was not recommended to detach at this time due to BPU having added infrastructure and the owners of the properties wished not to be detached. Ordinances for lighting and parking were also discussed.

City Engineer/ Public Works Director Dehn stated that the Highway 25 bridge work will begin around May 1st. The official detour will be CR113/Industrial Park Road and South 6th Street.

City Administrator Bergman stated that she attended the Elected Officials Training on March 2nd and 3rd, she recommends that City Council Members attend in the future it was a worthwhile time. She had the opportunity to present to the Blue Ox Leadership Academy in

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Council Chambers, the group also visited the Fire Department and Police Department. The City has interviewed for a Communications Intern for this summer. She was on Community Focus and appreciates Hubbard Radio giving the opportunity to talk about the great things happening in Brainerd. Finally, she thanked the Council for allowing her to miss the last meeting and Finance Director Hillman for taking over in her absence, her first granddaughter was born on March 6th.

Mayor Report

Mayor Badeaux stated that St. Patrick's Day Celebration and Parade was a success. He thanked Denise and Shep for their work and continued dedication to the event. It was a snowy but pleasant day. He was pulled behind Council Member Stunek's truck through the parade. The next event is the Easter Egg Hunt hosted by Parks and Recreation on April 8th at Gregory Park. The hunt will take place at 10:00 am. You can then attend the NP Center's Easter Egg Hunt.

Council Member Reports

Member O'Day stated that the St. Patrick's Day parade was a great time.

Member Stenglein stated that the Parking Commission vacancy needs to be filled because the Parking Commission may get interesting. She and Member Terry attended the Bridges Career Day at Central Lakes College.

Adjourn

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

The Chair adjourned the meeting at 8:27 p.m.



Jennifer Bergman
City Administrator

