Brainerd, MN
April 3rd, 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 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 March 20, 2023**
C. **Approval of Licenses**
D. **Department Activity Report**
E. **MN Lawful Gambling Application for Exempt Permit Submitted by Central Lakes College Foundation for an Event to be held on May 3rd, 2023 at Central Lakes College 501 W College Dr**
F. **Approve DTSS Landscaping Bid**
G. **Authorize Hiring 2023 Temporary Employees**
H. **Authorize Hiring of a BPU Laborer**

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.

Community Member of the Month

Mayor Badeaux recognized 4th Grader Amirah Cosgrove as the Community Member of the Month for April. The Community Member of the Month celebrates our citizens who go out of their way to show that life in Brainerd is worth being a part of. As a part of a District 6 Senate Contest, Amirah's drawing of the Brainerd Water Tower will hang in the Minnesota Senate Building for the remainder of 2023. The Mayor feels strongly that young citizens should know that Brainerd is a great place to live. Whenever we can see a showing of pride in our community by our youngest community members they should be recognized. Amirah also drew his favorite thing about Brainerd, the Water Tower.

Council Committee Reports

Safety and Public Works Committee

Approve Event/Parking Lot Closure Application- VFW Freedom Fest

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 16TH.

Discuss Request for Enhanced Signage at Laurel/8th

Committee Chair O'Day stated that a citizen requested enhanced signage for the intersection of S 8th Street and Laurel Street. The Police Department reported that there has only been one accident in that area in a number of years and there is no significant proof of the need for enhanced signage. LED signage would be expensive and may set precedence for more requests that are unwarranted. Staff will work to paint the intersection and place flags to draw attention to the need to stop.

Adopt Resolution to Authorize Application for MnDNR Outdoor Recreation Grant

Committee Chair O'Day stated that this is a formality for the grant that was approved at the previous Council meeting.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO ADOPT RESOLUTION AUTHORIZING APPLICATION FOR THE MNDNR OUTDOOR RECREATION GRANT FOR THE LUM PARK BEACH AND CAMPGROUND EXPANSION PROJECT.

RESOLUTION 17:23

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.

Discussion on Park Properties

Committee Chair O'Day stated that the committee wants to have discussion about the park lands after the Park Board has time to discuss the properties.

Discussion on Lum Park Road SPRA Project

Committee Chair O'Day stated that the committee discussed the removal of parking with the narrowing of Lum Park Road for traffic calming at length. The Council has expressed the need for on-street parking in our parks, the Park Board confirmed their desire for parking to be on-street.

Member Johnson asked whether there would be a light added to the boat launch.

City Engineer/Public Works Director Dehn stated that Park Board does not want to see a light at the boat launch.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO LEAVE THE ROAD LAYOUT THE WAY IT IS WITHOUT REMOVING ANY PARKING.

Personnel and Finance Committee

League of MN Cities Insurance Trust (LMCIT) Premium Renewal March 2023-February 2024

Committee Chair Johnson stated that the City budgeted a 5.5% increase. The actual increase was 10%. The cost to the City is $189,033 and $1,385 for Transit.

Member Czeczok asked why the renewal is for March when it is now April..

Finance Director Hillman stated that there is no lapse in coverage, the presentation to the City was not available until now.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE INSURANCE RENEWAL FROM LMCIT FOR THE PERIOD OF MARCH 1, 2023-FEBRUARY 28, 2024.

Consider Extension of the Agreement with the Northland Arboretum

Committee Member Terry stated that as Council Liaison to the Northland Arboretum she has heard the history of the decision made. The work done by the Arb is fulfilling the request of the Council. Making a significant fiscal change in 18 months is daunting, she believes that the agreement should be in line with the other agreements to allow proper time for the ideas the Arb has implemented to become fiscally independent take root.

Committee Chair Johnson stated that the other two organizations for which the City levies, have both had a citizen referendum pass in their favor. Funding for the Arboretum has been on the ballot twice and both times failed to pass by the voters. About 20 years ago the Charter Commission and City Council decided to give the Arboretum funding for the short term. He believes that eighteen months to get finances in order was sufficient. Ultimately, he cannot ethically support taxing the poorest people in the county for the leisure activities of the richest.

Member O'Day stated that he would be voting no as well, it is nothing against the Arb. He believes that the operation of the City is to seek RFPs for this greenspace organization levy contribution in the Fall, not award an extension.

Member Czeczok asked whether there was a work group formed.

Administrator Bergman stated that Ms. Zimmerman formed a work group at the direction of the Council.

Chair Bevans stated that he will support the motion, he cannot answer what people wanted to do 100 years ago. An extension would level the playing field.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STUNEK TO EXTEND THE AGREEMENT WITH THE NORTHLAND ARBORETUM THROUGH DECEMBER 31ST, 2026 TO BE IN LINE WITH THE AGREEMENTS FOR THE OTHER TWO ORGANIZATIONS.

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

Accept Letter of Resignation from Battalion Chief Joe Rubado

Committee Chair Johnson stated that Battalion Chief Rubado has served our Fire Department for 26 years.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO ACCEPT THE RESIGNATION OF BATTALION CHIEF JOE RUBADO EFFECTIVE JULY 31ST, 2023.

Approve Hiring List Paid On-Call Firefighters 2023 and Authorize to Hire

Committee Chair Johnson stated the goal is to be at 40 trained firefighters.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE ESTABLISHMENT OF A PAID ON-CALL FIREFIGHTER HIRING LIST AND TO HIRE UP TO 4 PAID ON-CALL FIREFIGHTERS.

Consider Recommendations Regarding the Public Utilities Director Job Description and Hiring Process

Committee Chair Johnson stated that this was recommended by the work group that included Member Terry so no action by Council is needed.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE PUBLIC UTILITIES DIRECTOR JOB DESCRIPTION AS PRESENTED; FURTHER, TO CONDUCT AN INTERNAL ONLY JOB POSTING PROCESS AS RECOMMENDED BY THE WORK GROUP AND BPU COMMISSION UTILIZING THE 2023 BPU SUPERINTENDENT/FINANCE DIRECTOR WAGE GRID.

Approve Outdoor Program Banner Policy

Committee Chair Johnson stated that the PUC passed an outdoor banner program policy.

Unfinished Business

Public Hearing and Adopt Resolution for Housing and Rehabilitation Small Cities Development Program Grant Application

John Schommer, HRA Rehab Coordinator, stated that the HRA is applying for a grant on behalf of the City in two areas in Southeast Brainerd through DEED. There will also be rental rehabilitation available if awarded the grant. The application is due May 1st, and they will know later this year whether they have been awarded the grant.

The Chair opened the public hearing at 7:56 p.m.

No one came forward.

The Chair closed the public hearing at 7:56 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT RESOLUTION AUTHORIZING LOCAL GOVERNMENT APPLICATION. AUTHORIZE APPROPRIATE SIGNATURE ON THE CITIZEN PARTICIPATION PLAN; FURTHER TO AUTHROIZE APPROPRIATE SIGNATURE ON THE CONFLICT-OF-INTEREST DISCLOSURE FORM.

RESOLUTION 18:23

continue work on the parking ordinance, and finally they will review plans resubmitted by VCV to include actual buildings on the property recently purchased by them that will then have to be reviewed by the EDA.

City Engineer/ Public Works Director Dehn stated there was a potential for a snow emergency later in the week. The freeze-thaw has been creating many potholes, this is not unique to the City, the street crew has been working on patching those holes. Finally, the contractor for the Highway 25 bridge has moved up the construction to mid-April. Look for details regarding the detour.

City Administrator Bergman drew attention to her submitted report. The owner of CC's Bar had previously requested the ability to extend her premises, and staff reached out with information to enable her to do so. She has reached out to the Lakes Area Media Collaborative via e-mail that has gone unanswered, Attorney Langel drafted a letter to Mr. Henschke and three board members. Finally, she attended CLC's ten-year planning meeting to provide feedback on things CLC is doing in their partnership with the City.

Mayor Report

Mayor Badeaux stated that the Easter Events will take place on April 8th at Gregory Park at 10:00 a.m. and the NP Center at 11:00 a.m. He recommends snowpants and other winter gear. He thanked Recreation Coordinator Kaufman for her work on the Gregory Park event and Mr. Higgins for the NP Center event.

Council Member Reports

Member Johnson stated that he read in the Brainerd Daily Dispatch that the City only needs 2 inches of snow to reach an all-time record for snowfall for the City. The current record is 82".

Chair Bevans stated that MnDOT has changed some of the plans for 210 after the municipal consent. He is working with City Engineer Dehn to get to the bottom of the situation. He thanked Member Johnson for his persistence in getting funds returned from Lakes Area Media Collaborative, he hopes the City continues to press the matter.

Member O'Day stated that the EDA meets on Thursday he's excited for the meeting.

Member Stenglein stated the Brainerd Unified Fund met for the first time since 2021. There are funds available for gap financing.

Member Czeczok stated that the Public Utilities Commission would like to hold a joint meeting. There are a lot of items to talk about when it comes to utilities, it may "shock" you.

Adjourn

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

The Chair adjourned the meeting at 8:12 p.m.

Jennifer Bergman
City Administrator

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 for Denial of the Conditional Use Permit for a 5-Unit Apartment at 2307 Crestview Lane

Community Development Director Kramvik stated City Council considered the request for a Conditional Use Permit for a 5-unit apartment complex at 2307 Crestview Lane at their regularly scheduled meeting on March 20th, 2023, and voted to deny the Conditional Use Permit. This resolution formally adopts the reasons for denial of the CUP based on the zoning code and future land use map.

RESOLUTION 19:23

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.

Committee Resignation

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO ACCEPT THE RESIGNATION OF LYNDA HUMMEL FROM THE LIBRARY BOARD.

Committee Appointment

Mayor Badeaux recommended Justin Grecula to the EDA.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO APPOINT JUSTIN GRECULA TO THE EDA.

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)
Library Board- 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)
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 8:01 p.m.

No one came forward.

The Chair closed the public forum at 8:02 p.m.

Staff Reports

Community Development Director Kramvik stated that at its next meeting the Planning Commission will hold a public hearing for the revised lighting ordinance in the zoning code, will