Brainerd, MN
May 1st, 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: Johnson, Czeczok, O'Day, Stunek, Stenglein, and Bevans. Member Terry was noted as absent. 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 TO APPROVE THE CONSENT CALENDAR.

A. **Approval of Bills**
B. **Approval of Minutes**
    a. **Regular City Council Meeting held on April 17, 2023**
C. **Department Activity Report**
D. **Ratify the Hiring of 2023 Interns and Temporary/ Seasonal Employees**

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

Presentation by The Center

The Chair recognized Kathy Tousa, 14075 Firewood Dr, Baxter, and Nicolas Reindel, 8101 Buffalo Creek Rd, members of The Center. The members gave an update on the fundraising events taking place at The Center including the upcoming plant sale. They spoke about the dedication of the members to growing a variety of product for the sale.

Presentation TH210 Pedestrian Bridge Feasibility Study Report

The Chair recognized Casey Black, SRF Consulting Group, who gave an overview of the purpose and findings of the feasibility study done by SRF for the TH210 Pedestrian Bridge project. The consulting firm is also exploring grant opportunities for the pedestrian bridge. He described the layout of the bridge, right-of-way impacts, and utility needs.

Council Committee Reports

Personnel and Finance Committee

Reclassify Richard Berry from Police Intern to CSO

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RECLASSIFY RICHARD BERRY BACK TO A COMMUNITY SERVICE OFFICER EFFECTIVE APRIL 28, 2023.

Consider Public Utilities Department Recommendations

Committee Chair Johnson stated that the hiring work group and Public Utilities Department have both approved of the recommendations.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE APPOINTMENT OF MR. TODD WICKLUND TO THE PUBLIC UTILITIES DIRECTOR POSITION EFFECTIVE MAY 2, 2023, AT HIS CURRENT WAGE AND TO CONTINUE HIS FULLY PAID HEALTH INSURANCE; APPROVE THE ELIMINATION OF THE BPU SUPERINTENDENT AND FINANCE DIRECTOR/SECRETARY POSITIONS EFFECTIVE IMMEDIATELY; APPROVE THE CREATION OF A NEW BPU FINANCE MANAGER POSITION OR APPROPRIATE TITLE SUBJECT TO JOB TITLE AND COMPENSATION INFORMATION FROM FLAHERTY & HOOD; FURTHER, TO AUTHORIZE INITIATION OF THE HIRING PROCESS.

Discussion on 2024 Capital Equipment and Facilities Budget

Committee Chair Johnson stated there have been multiple things moved around within the plan. He asked the Council to review the Capital Plan and contact Finance Director Hillman with questions.

Discussion on Response from Lakes Area Media Collaborative (LAMC)

Committee Chair Johnson stated that staff will review the information provided by LAMC again and Council will determine action at a future meeting.

Discussion on Right of Way Tree Removal

Committee Chair Johnson stated that the Committee felt it was most prudent to go with option 3 and push the removal of trees to 2024 to ensure that there was money available to remove trees.

Member O'Day asked whether the committee spoke about the trees that staff could take care of this year without affecting the budget.

Member Johnson stated that if there is something that needs to be removed this year it can be, but the committee wanted to make sure it was included in the budget for next year.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO BUDGET FOR REMOVAL OF RIGHT-OF-WAY TREES IN 2024.

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

Safety and Public Works Committee

Consider Light Pole Height in the General Commercial Zoning District

Committee Chair O'Day stated that this change allows for pole height in General Commercial Zoning districts to have a range of 13-20 feet if conditions are met.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE PROPOSED ORDINANCE, AMENDING SECTION 515-4-8 OUTDOOR LIGHTING WITH ONE CHANGE BY LEAVING THE GENERAL COMMERCIAL (GC) DISTRICT IN 2.D AND RECOMMEND STAFF TO BRING THIS PROPOSED ORDINANCE TO THE NEXT CITY COUNCIL MEETING AS A FIRST READING.

Approve Potential Alternative Closure Routes- CLC 5K Mental Health Awareness Run

Committee Chair O'Day stated that with flooding the applicant requested an alternative route using East River Road.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO ALLOW FOR CLOSURE OF EAST RIVER ROAD BETWEEN LAUREL STREET AND COLLEGE DRIVE IF THE EVENT ORGANIZER WISHES TO CHANGE THE ROUTE TO UTILIZE THIS ALTERNATIVE RUN ROUTE.

Approve Event/Street Closure Application- Corpus Christi Procession

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

Discuss Stop Sign Request- Rosewood Street and 15th Street SE

Committee Chair O'Day stated that the committee considered the request and was educated on the use of stop signs. The intersection does not have any history of accidents. The committee spoke about the possibility of utilizing paint as a way to narrow the street and ease traffic.

Request to Award Improvement 22-10- Graydon Avenue Outfall Repair Project

Committee Chair O'Day stated that the outfall drains to the north of Graydon Avenue into a wetland.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AWARD THE IMPROVEMENT 22-10 CONTRACT TO DECHANTAL EXCAVATING IN THE AMOUNT OF $51,971.

Review Classification of Non-Conservation Tax Forfeit Parcels

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO CONCUR WITH THE NON-CONSERVATION STATUS OF PARCELS 41300849, 41301027, AND 41301029 SO THAT THEY MAY BE PLACED ON THE COUNTY TAX FORFEIT LAND SALE.

Unfinished Business

Committee Resignations

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO ACCEPT THE RESIGNATION OF THERESA WOODWARD FROM THE PLANNING COMMISSION.

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)

New Business

Consider Conditional Use Permit for a Recycling Facility at 1021 Madison Street

Community Development Director Kramvik stated Greenforest Environmental Solutions applied for a Conditional Use Permit (CUP) to operate a recycling facility at 1021 Madison St in the General Industrial Zoning District. The property is currently operating as a recycling facility at 1021 Madison St. The property owner was unaware of the need for a Conditional Use Permit. The property owner has been very cooperative with the department on all required submittals and contacted the Fire Marshal and Building Official for inspection of the property. The Planning Commission recommends approving the Conditional Use Permit with six conditions.

Member Johnson stated that the conditions did not have anything that included parking on-street. He stated that Madison Street is ground zero of the trailer parking problem. He would like to add that all unattended trailers be parked off-street as a condition for approval.

Member Czeczok asked whether there would be a timeframe for the unattended trailer. He also asked whether there would be a potential for failure if there was not a timeframe.

Community Development Director Kramvik stated that trailers have been parked off-street by the applicant.

Council discussion took place.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADD THE CONDITION THAT THERE WILL NO ON-STREET PARKING OF UNATTENDED TRAILERS.

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

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT WITH THE SEVEN CONDITIONS.

First Reading- Proposed Ordinance 1549- Amending Sections 1200 and 1205 of the City Code- Sale and Consumption of Alcoholic Beverages in Public Places

City Engineer/Public Works Director Dehn stated that the ordinance was crafted with guidance by the Park Board and City Council.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1549 AN ORDINANCE AMENDING SECTIONS 1200 AND 1205 OF THE CITY CODE PERTAINING TO THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES AND DISPENSE WITH THE ACTUAL FIRST READING AND SET THE PUBLIC HEARING FOR MAY 15TH AT 7:30 P.M.

First Reading- Proposed Ordinance 1550- Amending Section 1310.05 of the City Code- On-Street Parking of Unattended Trailers

City Engineer/Public Works Director Dehn stated Staff is recommending a revision to City Code to prohibit parking of unattended trailers on public streets, alleys, and parking lots during the time period of November 1st through March 31st of each year. Previous discussion by Safety and Public Works Committee directed staff to draft an ordinance regarding the parking of unattended trailers during the winter months.

Member Johnson asked for clarification on residential parking of commercial vehicles.

Community Development Director Kramvik stated that there are already certain commercial vehicles that are not allowed to park on residential streets.

Mayor Badeaux pointed out an error with wording in the ordinance.

City Engineer Dehn stated that the language can be revised to clarify that it is only unattended trailers not hitched to a vehicle.

Member Stenglein clarified that the reading was being dispensed.

Member Johnson stated that he will support the motion tonight, however, language needs to be clearer before the 2nd reading.

Mayor Badeaux asked whether anyone is concerned about parking in the Industrial Park in the summer.

Council discussion took place on procedure.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1550 AN ORDINANCE AMENDING SECTION 1310.05 OF THE CITY CODE PERTAINING TO ON-STREET PARKING OF UNATTENDED TRAILERS; FURTHER TO STRIKE THE LANGUAGE "OR TRAILERS ACTIVELY HITCHED OR CONNECTED TO A TOWING VEHICLE" PREVIOUS TO THE FIRST READING OF ORDINANCE 1550.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING OF ORDINANCE 1550.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO SET THE PUBLIC HEARING FOR ORDINANCE 1550 FOR MAY 15TH AT 7:30 P.M.

Set Joint Workshop of City Council and Brainerd Public Utilities Commission

City Administrator Bergman stated that the Public Utilities Commission asked to have a joint workshop with topics including upcoming capital projects and the reorganization of the department.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO SET THE JOINT WORKSHOP OF THE CITY COUNCIL AND BRAINERD PUBLIC UTILITIES COMMISSION FOR JUNE 26TH, 2023 AT 6:00 P.M. LOCATION TO BE DETERMINED.

Public Forum

The Chair opened the public forum at 8:23 p.m.

No one came forward.

The Chair closed the public forum at 8:23 p.m.

Staff Reports

City Engineer/Public Works Director Dehn stated that the stakes on College Drive are in place to get trees planted to reestablish the median and a few in the boulevard. Staff is still receiving calls about potholes. Staff are prioritizing the heavier traffic streets as patching material is running low. More material will be available when the mills open up again.

Mayor Report

Mayor Badeaux thanked City Engineer/Public Works Director Dehn for doing a great job on his live broadcast update of the North Brainerd construction project. The videos are available on our website and promoted on social media. The Mayor proclaimed May 4th, 2023, as a day of Prayer and Fasting in the City of Brainerd.

Adjourn

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

The Chair adjourned the meeting at 8:29 p.m.

Jennifer Bergman
City Administrator