

**Brainerd, MN
May 16th, 2022**

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: Erickson, O'Day, Stunek, Johnson, Pritschet, Stenglein, and Bevans. Mayor Badeaux was also noted as present.

Council President Bevans opened the meeting with the Pledge of Allegiance to the flag.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills- Approved**
- B. Approval of Minutes of the Regular City Council Meeting held on May 2nd, 2022- Approved**
- C. Approval of Licenses- Approved**
- D. Department Activity Reports- Approved**

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

Presentations

Bridges of Hope- Warming Shelter Update

Jana Shogren, 7247 Lone Oak Rd, Executive Director of Bridges of Hope, and Ann Hunnicut, 1822 County Rd 2, Fort Ripley, Director of the Warming Shelter gave an overview of the service that the warming shelter did for the homeless population of Brainerd with the approval of the conditional use permit granted by the City. The shelter had 942 nights of sleep and a total of 78 guests in 148 days of operation. There were 22 police calls, three of those calls were from the shelter for events that happened outside of the shelter. The shelter does hope to continue its operations in 2022 with support from the City.

Member Johnson asked about the shelter's decision to not follow the CDC guidance on masking in the middle of the pandemic.

Ms. Shogren stated that they were able to be socially distanced within the shelter. There were zero staff absences and masks and supplies were available.

Council Committee Reports

Personnel and Finance Committee

Ratify the Hiring of 2022 Summer Temporary/Seasonal Employees

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLIN, DULY CARRIED, TO RATIFY THE HIRING OF THE 2022 SUMMER TEMPORARY EMPLOYEES AS PRESENTED.

Request from Brainerd Community Action for Independence Day Fireworks Donation

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE REQUEST FROM BRAINERD COMMUNITY ACTION FOR A DONATION FOR \$8,000 FOR INDEPENDENCE DAY FIREWORKS OUT OF THE SPECIAL PROJECTS BUDGET LINE ITEM.

On-Sale Beer and Wine License- Submitted by Badeaux Restaurants LLC- DBA Slice on Oak, 625 Oak St- Contingent Upon Approvals

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLIN, DULY CARRIED, TO APPROVE THE ON-SALE BEER, WINE, AND SUNDAY LICENSE APPLICATION FOR BADEAUX RESTAURANTS LLC DBA SLICE ON OAK, CONTINGENT UPON THE POLICE CHIEF AND FIRE CHIEF'S APPROVAL.

Update on Community Development Director Hiring Process

Committee Chair Johnson stated that there were six applicants, four were sent invitations for interview, with two accepting the invitation. Interviews will take place on May 24th.

Update on the Request for Funds to be Returned from Lakes Area Media Collaborative

Committee Chair Johnson stated that there has not been a response from Lakes Area Media Collaborative.

Safety and Public Works

Event/Street Closure- Submitted by DDBC for the Here for Good Market

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE APPLICATION WITH THE PROPOSED CONDITIONS.

Event/Street Closure- Independence Day Celebrations

Committee Chair O'Day stated that the parade route will start at the upper parking lot of the high school head north along 5th to Laurel, west to East River Road, ending in the lower lot of the high school due to construction.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE APPLICATION WITH THE PROPOSED CONDITIONS.

Authorize Agreement for Engineering Services from WSB for the Safe Routes to School

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE WSB PROPOSAL FOR DESIGN AND CONSTRUCTION SERVICES WITH A PROJECT FEE OF \$48,942.

Accept Bids- Improvement 20-07- 2022 Sanitary Sewer Collection System Repairs

Committee Chair O'Day stated that the Engineer's estimate was \$435,500. The City budgets \$400,000 per year. However, the budget for 2021 capital improvements has not been done due to the need for a sewer study to be completed.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ACCEPT THE BIDS AND AWARDED THE CONTRACT FOR IMPROVEMENT 20-07 TO MICHELS CORPORATION IN THE TOTAL CONTRACT AMOUNT OF \$367,550 AND AUTHORIZING PROPER SIGNATURES ON THE AGREEMENT AS SUBMITTED.

Approve Professional Services Agreement with SEH for Construction Administration on Improvement 20-07- 2022 Sanitary Sewer Collection System Repairs

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE ATTACHED SCOPE OF SERVICES WITH SEH FOR CONSTRUCTION ADMINISTRATION FOR IMPROVEMENT 20-07 IN A FEE NOT TO EXCEED \$36,500.

Accept Bids- Improvement 22-02 2022 Crack Sealing Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ACCEPT THE BIDS AND AWARDED THE CONTRACT FOR IMPROVEMENT 22-02 TO MIDWEST ASPHALT MAINTENANCE IN THE TOTAL BID AMOUNT OF \$14,824 AND AUTHORIZING PROPER SIGNATURES ON THE AGREEMENT DOCUMENTS.

Resolution- Accepting Bids- Improvement 21-10- Greenwood Street Reconstruction Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO ADOPT RESOLUTION ACCEPTING THE BIDS AND AWARDS THE CONTRACT TO ANDERSON BROTHERS CONSTRUCTION OF BRAINERD, LLC IN THE TOTAL CONTRACT COST OF \$93,547 AND AUTHORIZING PROPER SIGNATURES ON THE AGREEMENT DOCUMENTS.

RESOLUTION 18:22

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

Resolution- Accepting Bids- Improvement 21-12- North Brainerd Reconstruction Project

Committee Chair O'Day stated that due to supply chain issues, the project may not start until next year. However, the contractor will continue to monitor the supply issue and may be able to complete phase one of the project if supplies become available.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO ADOPT RESOLUTION ACCEPTING THE BIDS AND AWARDS THE CONTRACT TO DECHANTAL EXCAVATING IN THE TOTAL CONTRACT AMOUNT OF \$3,942,248.75 AND AUTHORIZE PROPER SIGNATURES ON THE AGREEMENT DOCUMENTS.

RESOLUTION 19:22

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

Resolution- Master Partnership Agreement with the State of Minnesota for Collaborative Design, Construction, and Maintenance Projects

Committee Chair O'Day stated that the Master Partnership Contract allows for governmental agencies to purchase services from the other party, which may include sharing of facilities, equipment, data, testing, etc.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO ADOPT RESOLUTION ENTERING INTO THE MASTER PARTNERSHIP CONTRACT WITH MNDOT.

RESOLUTION 20:22

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

Direction on Active Code Enforcement Cases

Committee Chair O'Day stated that direction on enforcement will be at the second meeting of the month moving forward. He gave an overview of the properties under review.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO FOLLOW STAFF RECOMMENDATIONS LISTED IN THE MEMO FOR EACH OF THE EIGHT PROPERTIES.

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

Unfinished Business

Final Reading- Proposed Ordinance 1530- An Ordinance to Rezoning 1005 S 6th St

Acting Community Development Director Kramvik stated 005 S 6th St. is currently located in a B-2 (Neighborhood Business) District. The B-2 District does not allow short-term rentals. Rezoning the property from B-2 to R-2 will not add any nonconformities to the property. Rezoning the property to R-2 will not affect the future proposed zoning designation for this property. Planning Commission voted unanimously to recommend approval of this rezoning request.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND PRITSCHET, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE NO.

1530 AN ORDINANCE TO REZONE 1005 S 6TH STREET AND DISPENSE WITH THE ACTUAL READING OF THE ORDINANCE.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND PRITSCHET TO ADOPT ORDINANCE 1530- AN ORDINANCE REZONING 1005 S 6TH STREET.

ORDINANCE 1530

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

Call for Applicants – Informational:

(Application Information at www.ci.brainerd.mn.us/boards/)

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

Cable TV Advisory Committee – 2 terms (Expire 2022) --1 term (Expire 2024)

Charter Commission – 1 term (Expire 2022) 1-term (Expire 2025)

Rental Dwelling License Board of Appeals – 2 terms (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2022) – 1 term (Expire 2026)

Council President Recommended: (terms to expire 12/31 of said year)

Planning Commission—1 term (Expire 2023)

Ad Hoc Committees – Applicants Needed

Water Tower Fundraising Committee – 1 position available

New Business

Consideration of Interim Use Permit- Short Term Rental at 1005 S 6th Street

Acting Community Development Director Kramvik stated that only one unit may be advertised as a short-term rental at any given time. Occupancy of the short-term rental will be set by the Building Official and Fire Marshall. Planning Commission voted unanimously to recommend approval of the Interim Use Permit contingent upon the approval of the rezoning request.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STUNEK, DULY CARRIED, TO APPROVE THE INTERIM USE PERMIT FOR SHORT TERM RENTAL AT 1005 S 6TH STREET.

First Reading- Proposed Ordinance 1531- An Ordinance Replacing Section 720 and 725 Brainerd City Code

Interim City Engineer/ Public Works Director Sandy that the update is a part of the requirements for the City's MS4 permit.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1531- AN

ORDINANCE REPLACING SECTION 720 AND 725 BRAINERD CITY CODE DISPENSE WITH THE ACTUAL READING AND SET THE PUBLIC HEARING FOR JUNE 6TH, 2022 AT 7:30 P.M.

Resolution Declaring Sufficiency of Petition and Setting a Public Hearing on a Vacation Commenced by a Majority of Abutting Landowners for Alley- Blocks M and E-West Brainerd

Chair Bevans asked for clarification on voting procedures on a motion that previously failed.

Interim City Engineer Sandy stated that the petition sufficiency was passed unanimously at a previous meeting. The vacation was denied.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND PRITSCHET TO ADOPT A RESOLUTION DECLARING THE PETITION SUFFICIENT AND SETS THE PUBLIC HEARING ON THE PROPOSED VACATION FOR JUNE 6, 2022 AT 7:30 P.M.

RESOLUTION 21:22

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

Public Forum

The Chair opened public forum at 8:16 p.m.

James Trantina, 7506 322nd St, Saint Joseph, Collins Brothers, stated that he has concern about the towing contract that was approved by Council at the last meeting. He expressed concern about Chair Bevans having a conflict of interest in the decision. He stated his company has a good report with Brainerd's Fire, Street, and Police Departments. He stated that the company chosen does not have the same capabilities that his company has when it comes to heavy duty towing and snow removal capabilities. He stated that the bills in question could have included more charges per the contract, however, they did not add on the additional fees.

The Chair closed public forum at 8:21 p.m.

Staff Report

Finance Director Hillman stated that public filings for office open on Tuesday, May 17th and close on May 31st at 5:00 p.m. Positions open include Wards 2 & 4, At-Large, and the Mayor's office.

Interim City Engineer Sandy stated that Thrash the Trash is on Saturday, May 21st, at 10:00 a.m. for City of Brainerd residents to bring their household trash and donate to the Lakes Area Skate Park Association.

Acting Community Development Director Kramvik stated that the Planning Commission will be meeting on May 18th at 6:00 p.m. to further discuss the proposed zoning code and zoning

map. There will be discussion on four properties who were notified through a letter concern, continued discussion on the Brook Street properties, and discussion of the Town Center.

HRA Director Charpentier recognized Administrator Bergman who will be receiving Housing and Community Development Achievement Award by Minnesota Chapter of National Association of Housing Redevelopment Organizations (MNNAHRO). The award is given to an individual who is not a member of NAHRO but who has made significant contributions to housing redevelopment in their community. Jennifer was nominated by the Director of Aitkin County HRA and himself. The award runs in her family, as Administrator Bergman's Mother was a recipient of the award. He congratulated Ms. Bergman on her achievement.

Administrator Bergman stated that she is very humbled by the award she will be receiving the award on May 24th, she thanked her nominators.

Administrator Bergman stated that the Charter Commission met on May 11th and provided feedback for two ordinances to come before the Council. Finally, she had the opportunity to attend her first in person conference, which she enjoyed very much networking and learning with other City Administrators and Managers.

Mayors Report

Mayor Badeaux pointed out that the Council will be adjourning to the Planning Commission again tonight, he encourages his fellow Council Members to attend. He was dressed as a cucumber as a part of Crow Wing Energized Vegetable of the Year and went to schools to read. The Splash Pad Grand Opening is on Thursday, May 26th at Memorial Park. Finally, he highlighted upcoming events Thrash the Trash, Armed Forces Day, and the return of Brainerd Bee's at Mills Field are on Saturday, May 21st.

Council Member Reports

Council Member Erickson stated that the Planning Commission is meeting on May 18th and the Northland Arboretum Board of Directors will meet on May 26th.

Council Member Pritschet stated that the Arboretum and the Library are hosting Library Week at the Arboretum together in June and the gate fee to the Arb will be free with your library card that week. He announced his resignation and submitted a letter of resignation from the City Council effective August 1, 2022.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO ACCEPT MEMBER PRITSCHET'S RESIGNATION EFFECTIVE JULY 31ST, 2022, ACCEPT APPLICATIONS FOR THE VACANCY FROM MAY 17TH TO JULY 8TH TO BE APPOINTED ON JULY 18TH; FURTHER TO OPEN FILINGS ON MAY 17TH THROUGH MAY 31ST TO HOLD A SPECIAL ELECTION FOR WARD 1 IN THE 2022 ELECTION CYCLE.

Member O'Day stated that the Mississippi Trailhead Landing Park groundbreaking will be taking place in the near future.

Member Johnson stated that the HRA will be completing strategic planning with the Great River Group on May 19th. The EDA met, continuing to work with the multiple organizations to market the parking lots in downtown. The DDBC podcast will be dropping, keep ears open for the update. City Engineer position is still taking applications.

Adjourn to Closed Session per MN Statute 13D.05 subd. 3B Under the Attorney-Client Privilege to Discuss Gustafson Properties of Brainerd, LLC. v. City of Brainerd.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STENGLEIN, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PER MN STATUTE 13D.05 SUBD. 3B UNDER THE ATTORNEY-CLIENT PRIVILEGE TO DISCUSS GUSTAFSON PROPERTIES OF BRAINERD, LLC. V. CITY OF BRAINERD.

Adjourned to closed session at 8:40 p.m.

After a five-minute break, Council went into closed session at 8:45 p.m.

Council reconvened at 9:01 p.m.

Adjourn to Planning Commission Meeting on May 18th, 2022, at 6:00 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND ERICKSON DULY CARRIED TO ADJOURN TO THE PLANNING COMMISSION MEETING ON MAY 18TH, 2022 AT 6:00 P.M.

The Chair adjourned the meeting at 9:01 p.m.


Jennifer Bergman
City Administrator