

**Brainerd, MN
July 19th, 2021**

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: O'Day, Stunek, Johnson, Pritschet, Stenglein, Erickson, 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 ALDERMEN PRITSCHET AND ERICKSON, DULY CARRIED, TO APPROVE THE AGENDA WITH THE REMOVAL OF THE COMMUNITY DEVELOPMENT MID-YEAR PRESENTATION.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO APPROVE THE CONSENT CALENDAR.

- A. **Approval of Bills- Approved**
- B. **Approval of the Minutes of the Regular Meeting held on July 6th, 2021, and Council Zoning Workshop held on July 12th, 2021- Approved**
- C. **Approval of Licenses-Approved**
- D. **Department Activity Reports- Approved**
- E. **Minnesota Lawful Gambling Application to Conduct Excluded Bingo- Submitted by Lower South Long Lake Association, Bingo Event to be held at Jack's House Bowling, September 5th, 2021- Approved**
- F. **Adopt Resolution Accepting Donations & Contributions for the 2nd Quarter of 2021- Adopted**

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

Council Committee Reports

Safety and Public Works

Approve Change Order 1- Improvement 20-06- SE Brainerd Resurfacing Project- Approved

Committee Chair O'Day stated that this change order was to re-align sanitary sewer and provide primary hookup for a lot that has potential of being developed, the total cost for this change order is \$3226.

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE CHANGER ORDER 1 FOR IMPROVEMENT 20-06- SE BRAINERD RESURFACING PROJECT.

Event Application- Downtown Minnow Races- Approved

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Committee Chair O'Day stated that this event would be a part of the Here for Good Market, so no additional closures would have to be made.

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE EVENT APPLICATION UNDER THE CONDITION THAT THE APPLICANT SUBMIT THEIR INSURANCE CERTIFICATE AND ENSURE A MINIMUM OF A 4-FOOT WALKWAY IS MAINTAINED DURING THE EVENT.

Event Application- Minnesota Headwaters Board Paddling Day- Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE EVENT APPLICATION UNDER THE CONDITION THAT THE APPLICANT FILL OUT THE PARK USE FORM AVAILABLE AT CITY HALL.

Event/Street Closure Application- Brainerd Jaycee's Street Fest- Approved

Committee Chair O'Day stated that the event will take place on September 25th as a part of the sesquicentennial celebrations.

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE EVENT/ STREET CLOSURE APPLICATION UNDER THE CONDITIONS THAT APPLICANT COORDINATE POWER WITH BPU, MONITOR ILLEGAL PARKING IN THE BURLINGTON LOT, PROPER NOTIFICATION TO BUSINESSES, REMOVE ALL SIGNS AFTER CONCLUSION OF THE EVENT, COORDINATE WITH THE POLICE DEPARTMENT, REQUEST TRAFFIC CONTROL, AND SETUP CONTACT WITH SILENT PARTNER PRODUCTIONS.

Event/Street Closure Application- Lil' Rubber Ducky Race- Approved

MOVED AND SECONDED BY ALDERMEN O'DAY PRITSCHET, DULY CARRIED; TO APPROVE THE EVENT/ STREET CLOSURE APPLICATION UNDER THE CONDITION THAT THE APPLICANT REQUEST TRAFFIC CONTROL FOR THE EVENT 1- WEEK PRIOR TO THE EVENT.

Personnel & Finance

Approve Water Tower Committee Grant Match Request and Time Extension- Approved

Committee Chair Johnson stated that this is for Phase 1 of the water tower repair and addressed concerns about the use of the money to specify it as a grant match of the Minnesota Historical Society Grant for which the application is due by July 23rd, 2021.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE \$162,043 TO BE GRANT MATCH FUNDS FROM THE COMMITTED FUNDS FOR THE MINNESOTA HISTORICAL SOCIETY GRANT; FURTHER, TO AUTHORIZE THE SUBMISSION OF THE GRANT REQUEST TO THE MN HISTORICAL SOCIETY BY THE JULY 23RD, 2021 DEADLINE.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO HAVE ADMINISTRATOR BERGMAN CONTACT BREEN AND PERSON ON THE PROGRESS OF THE WATER TOWER.

Discussion of Additional Cyber Liability Insurance Coverage –Information Only

Committee Chair Johnson stated that the committee decided not to purchase the additional coverage.

Discussion of Request for Proposals for Audit Services – Information Only

Committee Chair Johnson stated that the committee is satisfied with the services of CliftonLarsonAllen and will not be seeking other request for proposals for audit services for 2021.

Adopt Resolution to Close out Sinking Funds 319 and 309 and Fund 229- Fund Used to Account for CARES Dollars- Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN TO ADOPT RESOLUTION 40:21 RESOLUTION TO TRANSFER CERTAIN FUNDS TO AND FROM SINKING FUNDS AND TO CLOSE OUT CERTAIN FUNDS USED TO CARES ACT DOLLARS.

RESOLUTION 40:21

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

Unfinished Business

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 – 1 term (Expire 2021) – 2 terms (Expire 2022)

Charter Commission – 1 term (Expire 2022)

Rental Dwelling License Board of Appeals – 3 terms (Expire 2022)

Transportation Advisory Committee (TAC) – 1 term (Expire 2022)

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

Economic Development Authority (EDA) – 1 term (Expire 2021) – 1 term (Expire 2026)

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

Police & Fire Civil Service Commission – 1 term (Expire 2023)

Ad Hoc Committees – Applicants Needed

Water Tower Fundraising Committee – Two positions available

New Business

Consideration for Designating the Park Board as the Managing Entity for the Mississippi Landing Trailhead Project and Implementing a Project Management Team

Member Johnson questioned why the Park Board is being designated the managing entity instead of the City Council due to budgeting concerns and decision-making approvals as they

concern the budget. He is concerned about the project staying under the \$2.85 million dollar budget.

Community Development Director Chanski explained that the Project Management Team would do the technical work for the project as a way to assist the Park Board alleviating time the whole board needs to spend on the project. The Park Board would approve each step.

City Engineer/ Interim Public Works Director stated that staff has started to write the Request for Proposal (RFP) for this project and will be very clear that the budget is firm and that there will be alternative plans in place to ensure it stays on budget.

MOVED AND SECONDED BY ALDERMEN ERICKSON AND JOHNSON, DULY CARRIED, TO DESIGNATE THE PARK BOARD AS THE MANAGING ENTITY FOR THE MISSISSIPPI LANDING TRAILHEAD PROJECT AND DEVELOP A PROJECT MANAGEMENT TEAM FOR THE PROJECT COMPRISED OF 1 MEMBER OF THE CITY COUNCIL, 2 MEMBERS OF THE PARK BOARD, AND 2 MEMBERS OF THE RIVERFRONT COMMITTEE WITH THE COMMUNITY DEVELOPMENT DIRECTOR AND CITY ENGINEER AS EX-OFFICIO MEMBERS.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET, DULY CARRIED TO APPOINT MEMBER O'DAY AS THE LIASON TO THE MISSISSIPPI LANDING TRAILHEAD PARK MANAGEMENT TEAM.

Discussion Regarding Interim Public Works Department and Next Steps- Approved

Administrator Bergman stated that the Park Board met to review the function of the interim department. All feedback has been positive and supports the creation of a permanent Public Works Department.

The Chair recognized Kevin Yeager, 325 Bluff Ave, Chair of the Park Board, who stated he is exceedingly happy with the interim department. There has been a learning curve, but every meeting has shown improvement. Mr. Yeager is in support of the creation of a permanent department.

MOVED AND SECONDED BY ALDERMEN STUNEK AND PRITSCHET, DULY CARRIED, TO CREATE A PERMANENT PUBLIC WORKS DEPARTMENT STRUCTURE TO BE APPROVED BY THE COUNCIL; FURTHER, TO DIRECT STAFF TO REVIEW APPLICABLE JOB DESCRIPTION FOR NECESSARY MODIFICATION TO FIT ANY NEW/CHANGED/ REMOVED DUTIES.

Consideration for Resolution Adopting the Zoning Code Annotated Outline- Amended and Approved

Community Development Director Chanski stated that he sent an e-mail to Council members last week to clear up any questions they may have had after the workshop. The proposed format will transition the City's current, traditional Zoning Code to a Character- Based organization of the Zoning Districts, focusing on creating a simplified and synthesized format. The goal of adopting the annotated outline is to authorize staff to start the process of drafting the new zoning code ordinance language.

Members Johnson, O'Day, Stunek, and Bevans expressed their opposition to the resolution as it pertains to the specific details of the Annotated Outline, and they were anticipating approving this conceptually. However, portions of the Annotated Outline and Resolution were agreeable.

Member Erickson made a motion which was seconded by Member Stenglein to adopt the Resolution and Annotated Outline as presented, which was later withdrawn. He stated that the Planning Commission has been working on the Annotated Outline since October 2020. The consultants have also stated that the language is subject to change based on feedback. Mr. Erickson drew from agreeable language in the Resolution to produce a new motion that would instruct the Planning Commission to use the Annotated Outline and the Comprehensive Plan to transition the current Zoning Code to a hybrid model.

MOVED AND SECONDED BY ALDERMEN ERICKSON AND STENGLEIN, DULY CARRIED, TO USE THE ANNOTATED OUTLINE TO MAKE A RECOMMENDATION FOR PLANNING COMMISSION TO TRANSITION THE ADOPTED ZONING CODE TO A HYBRID CHARACTER-BASED ZONING CODE TO BETTER ALIGN WITH THE 2035 COMPREHENSIVE PLAN.

Consideration for Interim Ordinance 1519- Ordinance Instituting a Moratorium on Amendments to the Zoning Code-Approved

Community Development Director Chanski suggested that the Council should move forward on the moratorium process despite the previous action of the Council with the zoning code. The length of time of the moratorium can be lengthened given cause. The moratorium needs to go through the Ordinance process, which does take some time. During the moratorium, Council can consider additions to the code by working along with applicants to adapt the zoning code without the typical timeline as defined by Minnesota State statute.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO HOLD THE FIRST READING AND DISPENSE WITH THE ACTUAL READING OF THE INTERIM ORDINANCE NO. 1519; AN ORDINANCE INSTITUTING A TEMPORARY MORATORIUM ON APPLICATIONS TO AMEND THE ZONING ORDINANCE INCLUDING THE OFFICIAL ZONING MAP OF THE CITY AND DIRECTING THAT STUDIES OF OFFICIAL CONTROLS RELATED THERETO BE CONDUCTED.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND ERICKSON, DULY CARRIED, TO SCHEDULE A PUBLIC HEARING FOR PROPOSED ORDINANCE NO. 1519 DURING THE CITY COUNCIL MEETING ON AUGUST 2ND, 2021.

Public Forum

The Chair opened public forum at 8:27 p.m.

No one came forward.

The Chair closed public forum at 8:28 p.m.

Staff Reports

Community Development Director Chanski stated that the Planning Commission has a meeting on Wednesday, July 21st, at 6:00 pm. Parking Commission is putting together their recommendations to present to Council including fees, management, the recommendations do not recommend elimination of the Burlington lot at this time. The EDA will be beginning the 2022 budget process in August.

City Engineer/ Interim Public Works Director Sandy stated that he had a pre-meeting for the TH210 project. The City, County, and Representatives have been invited to attend. The Park Board has started their work on the budget. He thanked the Council for the support of the Public Works Department.

Administrator Bergman stated that the Charter Commission met and discussed 3 sections of the Charter. Staff will be working on getting redlined drafts for the commission to approve at their next meeting before being presented to the Council. The ad hoc committee resolutions will come before the Council at the August 2nd meeting. LELS Union negotiations will start on August 4th, there will be a closed session on August 2nd to discuss union negotiation strategy. Finally, Ms. Bergman is looking forward to attending an in-person conference for the Coalition of Greater Minnesota Cities summer conference in Alexandria July 29 and 30th.

Mayors Report

The Mayor is catching up from his vacation and thanked those who helped in his absence.

Council Member Reports

Member Stenglein reported on the sesquicentennial, there are over a dozen community partners. She is excited that it is coming together.

Member Pritschet thanked Engineering staff for resolving a situation for a citizen.

Member O'Day is excited to be a part of the Trailhead Park.

Chair Bevans stated he received call that advertising for the sesquicentennial should be increased.

Adjourn to Joint Meeting of the City Council and Crow Wing County Commissioners for Joint Presentation by MNDOT on the TH210 Project on August 2nd, 2021, at 4:00 pm in the City Council Chambers

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET, DULY CARRIED, TO ADJOURN TO JOINT MEETING OF THE CITY COUNCIL AND CROW WING COUNTY COMMISSIONERS FOR JOINT PRESENTATION BY MNDOT ON THE TH210 PROJECT ON AUGUST 2ND, 2021, AT 4:00 PM IN THE CITY COUNCIL CHAMBERS.

The Chair adjourned the City Council to the joint meeting at 8:35 p.m.


Jennifer Bergman
City Administrator

July 19th, 2021