

**Brainerd, MN
October 4, 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: Stunek, Johnson, Stenglein, O'Day, and Bevans. Mayor Badeaux was also noted as present. Council Members Pritschet and Erickson were noted as absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, 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 the Minutes of the Regular Meeting held on September 7th, 2021**
- C. Approval of Licenses-Approved**
- D. Department Activity Reports- Approved**
- E. Temporary Beer License- Submitted by the Brainerd Eagles Club for an Event to be held on October 9th, 2021, at Memorial Park Softball Fields- Approved**

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

Community Member of the Month

Mayor Badeaux recognized Mary Devine Johnson as the Community Member of the Month for October in the Council Chambers.

Council Member Stenglein congratulated Ms. Johnson on the success of the Sesquicentennial. Mary was deeply involved in coordinating community partners for the events as well as being a partner herself. Member Stenglein thanked her for all of the work she did to make the events so successful.

Council Committee Reports

Personnel & Finance

Authorize Sale of Retired Fire Department Equipment-Approved

Committee Chair Johnson stated that this is the sale of the 1991 engine that was replaced recently.

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MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE SALE OF RETIRED FIRE 1991 FIRE ENGINE USING THE PUBLIC AUCTION SITE.

Adopt Resolution- Authorizing Execution of the Towards Zero Deaths (TZD) Enforcement Grant Contract- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT RESOLUTION TO AUTHORIZE THE POLICE CHIEF TO EXECUTE THE TOWARDS ZERO DEATHS (TZD) ENFORCEMENT FISCAL YEAR 2022 GRANT CONTRACT.

RESOLUTION 51:21

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

Termination of Probationary Parks Maintenance Employee- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE TERMINATION OF A PROBATIONARY PARKS MAINTENANCE EMPLOYEE EFFECTIVE IMMEDIATELY; FURTHER TO AUTHORIZE STAFF TO START THE HIRING PROCESS TO BACKFILL THE POSITION.

Approval of Updated Job Descriptions and Creating Public Works Department- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE UPDATED JOB DESCRIPTIONS AS PRESENTED AND CREATE THE PUBLIC WORKS DEPARTMENT.

Safety and Public Works

Approve Event/ Street Closure Application- Zion Lutheran Church Trunk-or-Treat- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STUNEK, DULY CARRIED, TO APPROVE THE EVENT/ STREET CLOSURE APPLICATION UNDER THE CONDITION THAT THE APPLICANT REQUEST TRAFFIC CONTROL 1-WEEK PRIOR TO THE EVENT AND THAT THE APPLICANT SUBMIT THE REQUIRED INSURANCE CERTIFICATE PER THE APPLICATION REQUIREMENTS.

Discuss Street Light Policy Subcommittee-Not Approved

Committee Chair O'Day stated that the staff has come up with a street light policy but has requested some direction for the style of decorative lighting. He is requesting that a subcommittee be formed.

City Engineer/Interim Public Works Director Sandy stated that the point of forming a subcommittee versus the full SPW was so that they would have a more informal work sessions.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STUNEK TO FORM A SUBCOMMITTEE OF MAYOR BADEAUX AND MEMBER O'DAY FOR WORK ON THE STREET LIGHT POLICY.

MEMBER STENGLEIN MADE A SUBSIDIARY MOTION TO REFER THE STREET LIGHT SUBCOMMITTEE MATTER BACK TO SPW, IT FAILED FOR LACK OF A SECOND.

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

Discussion of Downtown Snow Removal and Special Services District- Discussion

Committee Chair O'Day stated that the committee asked business owners to attend the SPW meeting for further input.

City Engineer/ Interim Public Works Director Sandy stated that the approval of assessments from the September 20th Council meeting was for the 2020-2021 snow year and have accepted the snow removal bids for 2021-2022.

The Chair opened the floor for public comment at 7:50 p.m.

Lois and Steve Hensel, 619 Laurel St, owners of the Loide Oils & Vinegars, stated that the assessment for the downtown special services district was enacted by Ordinance 884 in 1990. They are not aware that the Ordinance has been reevaluated since it was put in place. They stated that City pays for 45% of the special services, while the owners of properties pay the remaining which is a service that the Hensel's do not believe outweighs the cost and burden to owners. Ms. Hensel stated there is a history of accepting the bid for the cost for snow removal to the same contractor each year, who raises the cost by 5% each year, is unfair. Also, that the beautification and other services are covered in the assessment are benefiting all people who visit downtown, not just the owners, therefor the burden should not be on owners. The couple requested that the City reevaluate the way it assesses the owners.

Marie Kirsch, 707 Laurel St, owner of the Knotty Pine Bakery, stated that she agrees that reevaluating the assessment could be useful. However, she does believe that the assessment does benefit not only her business but all businesses downtown. The services allow her customers to choose shopping locally. As a business owner she does not have time to dedicate to servicing the outside of her shop.

Brenda Billman-Arndt, 719 Laurel St, owner of Purple Fern Bath Company, feels strongly that the special services provided by the assessments is vital to the accessibility, cleanliness, and safety of visiting downtown Brainerd.

The Chair closed the floor at 8:10 p.m.

City Engineer/Interim Public Works Director Sandy clarified the statements made during the public comment. The information provided in the packet is a reevaluation of the amount that is assessed to owners, the amount assessed to the owners is in line with the amount of staff time at overtime it would take for City staff to remove the snow. The contract has been awarded to the same company because of other contractors inability to compete with the low bid that the contractor has historically made. The City does solicit bids from multiple contractors. The public

hearing for the assessment relating to the 2020-2021 services is on October 18th, at 7:30 p.m. during the regular City Council meeting.

Council Member Johnson stated that the assessment is reevaluated yearly at a public hearing.

Unfinished Business

Final Reading- Proposed Ordinance 1520- Ordinance Amending the City Charter- Approved

City Administrator Bergman stated that the Commission met on August 11th, consider changes to the Charter. She gave a brief overview of the changes that were proposed to the Charter which includes changing antiquated mill levy language to a percent of the previous year's levy, including "within the city limits" to programs funded, and necessary changes to the park board chapter regarding the hiring and compensation of staff. The first reading was held on September 20th.

The Chair opened the public hearing at 8:17 p.m.

No one came forward.

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

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK, DULY CARRIED, TO HOLD THE FINAL READING AND DISPENSE WITH THE ACTUAL READING OF ORDINANCE 1520 AN ORDINANCE AMENDING THE CITY CHARTER.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT PROPOSED ORDINANCE 1520- ORDINANCE AMENDING THE CITY CHARTER.

ORDINANCE 1520

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

Consideration of Planning Commission Recommendations Regarding Sober Homes

The Chair recognized the Chair of the Planning Commission, Mike Duval, 468 Tyrol Dr. Mr. Duval stated that the Planning Commission worked closely with Attorney Langel to host a lot of discussion to consider the ability of the City to regulate sober homes. The recommendation coming out of the Planning Commission is to implement a formal request for accommodation form for the City to use to make accommodations under the Federal Fair Housing Act. The addendum is specific to sober homes and the needs of those who would use the facility.

The Chair opened the floor for public comment at 8:26 p.m.

Residents of the Tyrol neighborhood spoke in opposition of the non-regulation of sober homes. Residents' concerns included pedestrian and child safety along the roadway, excessive

noise of vehicles, parking congestion, the number of people who reside in each home, and the worth of their own homes. Residents who spoke included:

Steve & Mary Suer, 450 Tyrol Dr
Dale Anselment, 462 Tyrol Dr
Bruce & Sharon Janowiec, 448 Tyrol Dr
Kay Adler, 456 Tyrol Dr
Ann Richardson, 449 Tyrol Dr
Lorraine Bemis, 445 Tyrol Dr

The Chair closed the floor at 8:54 p.m.

Chief Bestul urged the residents to call with concerns or when things are happening in the neighborhood and advised them that he has already informed staff to add patrols. He stated that he was unaware of an overabundance of calls from the Tyrol neighborhood. Finally, Chief Bestul stated that officers will be present on Tuesday to assess the neighborhood and patrols will be present going forward.

Council Member Johnson stated that the recommended form from the Planning Commission is a great first step. Also, that there are things that the Council can look into such as parking and speeds going forward.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLIN, DULY CARRIED, TO MOVE FORWARD WITH THE PLANNING COMMISSION'S RECOMMENDED FORM AND ADDENDUM FOR SOBER HOMES.

Mayor Badeaux spoke in support of further action for sober homes. He is also in favor of the mission of sober homes, and he feels we need to support these members of society.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO MOVE SOBER HOMES TO THE SAFETY AND PUBLIC WORKS AGENDA FOR THEIR NEXT MEETING.

City Engineer/ Interim Public Works Director Sandy stated that speed limits are a statutory regulation, a speed study could be done to officially to change the speed through the state. Parking on streets is something that the City Council can regulate on a neighborhood-by-neighborhood basis.

Community Development Director Chanski thanked those who were in attendance to speak to the issue, he also wanted to ensure the public that this issue is not one that the Planning Commission dealt with lightly. He then stated that with the Federal Fair Housing Act (FFHA) the sober homes are exempt from many of the zoning code for rentals. All building code requirements are met by the current owners and inhabitants.

City Attorney Langel stated that there is no requirement to inform neighbors on who is moving into a neighborhood unless crimes are sexual in nature. Information on crimes committed is public data if anyone wishes to find the information. He also stated that the City of St. Paul's density restriction is based largely on parking issues and was brought about by a three-year parking study by the City of St. Paul. Any regulations that the City seeks to place could very likely face litigation if the regulations violate the FFHA as defined by federal court. Regulations must be a balance of City and Federal law.

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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 2027) – 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

Public Forum

The Chair opened public forum at 9:15 p.m.

No one came forward.

The Chair closed public forum at 9:16 p.m.

Staff Reports

Community Development Director Chanski stated that the EDA meeting will be held on Thursday the 7th and the ECFE Touch-a-Truck will take place on Saturday the 9th.

Fire Chief Holmes stated that the Fire Department Open House is on October 7th from 5-7 p.m.

Administrator Bergman stated that she felt the House Bonding Tour went well, and thanked Council Member Stenglein for attending. She again thanked all those who worked so hard for the Sesquicentennial. Finally, she read a letter of congratulations on the celebration of the Sesquicentennial from Mayor Ulrika Liljeberg of Leksand, Sweden, Brainerd's Sister City.

Mayors Report

Mayor Badeaux presented the joint proclamation that himself and the Mayor of Baxter, Darrell Olson, proclaiming October 9th, 2021, as "Ron Stolski Day" in the cities of Brainerd and Baxter in honor of Ron Stolski's retirement.

Council Member Reports

Council Member Stenglein thanked all of the community partners again for their work with the Sesquicentennial events, and Communications Intern Ernster for all of the hard work that was

shouldered in making the celebration a success. She also stated that she attended the House Bonding Tour and wished that they could have taken a field trip to see the water tanks like they did for the Senate Bonding Tour. It made the experience so much more effective. Finally, she stated to those with opinions on the Federal Fair Housing Act to reach out to State Representative Stauber.

Council Member Johnson stated that the EDA will meet on October 7th. The EDA will be pursuing an RFP for economic development services.

Adjourn to Closed Session Pursuant to MN Statute 13.03 Subd. 1b for Union Negotiation Strategy- Discussion Only

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED TO ADJOURN TO THE CLOSED SESSION PURSUANT TO MN STATUTE 13.03 SUBD. 1B FOR UNION NEGOTIATION STRATEGY.

The Chair adjourned the meeting to the closed session at 9:24 p.m.

The Chair opened the closed session at 9:45

Adjourn to Closed Session Pursuant to MN Statute 13.05 Subd. 3(c)(3) to Discuss the Acquisition of a Trail Easement Across the Northern Pacific Center Property, 1511 Northern Pacific Road- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO ADJOURN TO THE CLOSED SESSION PURSUANT TO MN STATUTE 13.05 SUBD. 3(C)(3) TO DISCUSS THE ACQUISITION OF A TRAIL EASEMENT ACROSS THE NORTHERN PACIFIC CENTER PROPERTY, 1511 NORTHERN PACIFIC ROAD.

The Chair adjourned the meeting to the closed session at 9:47


The Chair opened the closed session

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO AUTHORIZE DRAFTING AN EASEMENT AGREEMENT ACROSS THE NORTHERN PACIFIC PROPERTY.

Adjourn to City Council Workshop- Zoning Code (Residential Standards) and Market Study Review, October 11, 2021, at 6:00 p.m. in the City Council Chambers-Approved

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND PRITSCHET, DULY CARRIED, TO ADJOURN TO THE CITY COUNCIL WORKSHOP- ZONING CODE (RESIDENTIAL STANDARDS) AND MARKET STUDY REVIEW, ON OCTOBER 11TH AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.

The Chair adjourned the meeting at 10:04 p.m.


Jennifer Bergman
City Administrator

