

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

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

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND O'DAY, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND ERICKSON TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills- Approved
- B. Approval of the Minutes of the City Council Code Enforcement Workshop held on February 28th, 2022- Approved
- C. Approval of Minutes of the Regular City Council Meeting held on February 22nd, 2022- Approved
- D. Approval of Licenses- Approved
- E. Department Activity Reports- Approved

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

Community Member of the Month

Mayor Badeaux introduced the February Community Member of the Month, Dawn Stienka, new Coco Moon owner. He stated that she is receiving the award for her dedication to downtown and continuing a long-standing businesses. He noted the importance of succession planning for businesses like Coco Moon.

Conduct Dangerous Dog Hearing

City Administrator Bergman reviewed the previous dangerous dog hearing regarding the dogs co-owned by Ms. Blakemore and Mr. Scott, stating that the Council's decision was that the animals were not allowed in city limits after the hearing, giving them 7 days to remove the dogs permanently. On February 24th, an incident at Ms. Blakemore's residence involving the same dogs revealed that the dogs had been back several times. Administrator Bergman highlighted City Code section 900.27 which states that if an owner of an animal has subsequently violated the provision with the same animal, the animal must be seized by the Enforcement Officer. The owner may request a hearing as Ms. Blakemore has done. If Council finds that the provisions from the previous dangerous dog hearings has been violated, the animals shall be destroyed in a proper and humane way.

City Attorney Langel stated that the scope of the hearing is very narrow. The question is whether or not these 3 dogs were back in the city limits. After this decision, section 900.27 of the City Code determines what happens next.

Mike O'Brien, 501 Laurel St, City Animal Control Officer, stated he received a call from dispatch on February 24th about dogs involved in a fight at an address in northeast he recognized as Ms. Blakemore's. He informed dispatch that these dogs were declared dangerous previously and to use caution. Mr. O'Brien seized all 3 dogs from the owner after the owner admitted that the animals had been in the City a number of times since the hearing. It is unclear if anyone was directly harmed by the dogs on February 24th.

The Chair opened the public hearing at 7:43 p.m.

No one came forward.

The chair closed the public hearing at 7:45 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO DECLARE THAT THE COUNCIL'S ORDER WAS VIOLATED.

Council Member O'Day stated that making this decision does not feel good as a dog lover but it is a necessary decision for the safety of all. It is not the dogs fault that the owner's chose not to follow council directives.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO FOLLOW THE CITY CODE 900.27, SUBD. 4 FINDING THE OWNER SUBSEQUENTLY VIOLATED PROVISIONS FOR WHICH THE ANIMALS WERE SEIZED, ORDER THE DESTRUCTION OF THE ANIMALS IN A PROPER AND HUMANE WAY; FURTHER THE OWNER SHALL PAY THE COSTS OF CONFINING THE ANIMALS.

Council Committee Reports

Safety and Public Works

Approve Event/Street Application- 2022 St. Patrick's Day Parade- Approved

Committee Chair O'Day stated that this is the annual parade by Brainerd Community Action that is back after 2 years.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE EVENT/STREET CLOSURE APPLICATION UNDER THE CONDITIONS THAT THE APPLICANT SUBMIT TRAFFIC CONTROL ONE WEEK PRIOR TO THE EVENT AND THAT THE APPLICANT SUBMIT THE REQUIRED INSURANCE PER THE EVENT APPLICATION.

Approve Plans and Specifications and Authorize Bidding- Brainerd Historic Water Tower- Approved

Mayor Badeaux stated that this is a great first step in the long process to preserving the water tower. He thanked the Minnesota Historical Society for their grant funding.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE BIDDING FOR THE HISTORIC WATER TOWER PROJECT.

Create Visual Quality Working Group for 2025 Highway 210 Reconstruction- Approved

Committee Chair O'Day would like the Council President to nominate a working group for visual quality to work with MnDOT staff and consultant engineers on the creation of the Visual Quality Manual for the Highway 210 Corridor.

Council President Bevans recommended Council Members Stenglein, Pritschet, and himself to be on the committee.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPOINT MEMBERS BEVANS, STENGLEIN, AND PRITSCHET TO THE VISUAL QUALITY WORKING GROUP FOR THE 2025 HIGHWAY 210 RECONSTRUCTION.

Consideration of Revised Section 320 Amendment Language- Approved

Committee Chair O'Day stated that the additional changes were made to the proposed language as requested by the Council.

Member Johnson stated that he will be voting no due to removing "not to exceed" language for the administrative citations.

COUNCIL MEMBER JOHNSON MOVED TO AMEND THE MOTION TO ADD BACK LANGUAGE TO SUBDIVISION TWO "AN ADMINISTRATIVE OFFENSE MAY BE SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$600".

The amendment to the motion dies for lack of a second.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO APPROVE PROPOSED CHANGES TO SECTION 320 OF THE CITY CODE AND DIRECT STAFF TO DRAFT THE SUBSEQUENT ORDINANCE AMENDMENT.

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

Personnel and Finance Committee

Fire Department Relief Association- 2021 Annual Report Update - Approved

Committee Chair Johnson stated the Relief Association was notified in January of this year that the State made an actuarial change to the rate of return used on the 2021 annual report to 7-8%. Using a rate of return of 7-8% resulted in a required municipal contribution of \$88,273. Mr. Enge spent many hours researching this issue and talking with the state. The State's response was that the City already signed off on the report and nothing else needed to be done. Mr. Enge was allowed to update other assumptions resulting in a required municipal contribution of \$30,252 for 2022. The required municipal contribution is already covered by the amount the City paid to the Relief Association.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO SIGN REVISED ANNUAL REPORTS THAT SHOW A REQUIRED MUNICIPAL CONTRIBUTION FOR 2022 OF \$30,252.

Consider Approval of an Agreement to Provide HR Services to the HRA- Approved

Committee Chair Johnson stated this was talked about during the budgeting process for 2022.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE JOINT POWERS AGREEMENT BETWEEN THE CITY OF BRAINERD AND THE BRAINERD HOUSING AND REDEVELOPMENT AUTHORITY FOR HUMAN RESOURCES SERVICES.

Ratify the Hiring of 2022 Engineering Interns- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO RATIFY THE HIRING OF THE 2022 ENGINEERING INTERNS AS PRESENTED.

Authorize Final Payment on Lum Park Master Plan- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE FINAL PAYMENT FOR THE LUM PARK MASTER PLAN IN THE AMOUNT OF \$2,450.

Consideration of Crow Wing County Historical Society Donation Request- Approved

Committee Chair Johnson stated this is one of the few non-profits a city can give donations to. The City has been donating up to \$500 for the last 15 years.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE A \$500 DONATION TO THE CROW WING COUNTY HISTORICAL SOCIETY TO BE PAID OUT OF THE SPECIAL PROJECTS BUDGETED LINE ITEM.

Fire Contract Formula for 2023- Informational

Committee Chair Johnson stated that each year Staff prepares the proposed fire contract calculation for the following year to be used by Townships that contract with Brainerd for fire services. The City will see a decrease in its funding share of about \$747 from the 2022 calculation.

Update on the Request for Funds to be Returned From Lakes Area Media Collaborative- Informational

Committee Chair Johnson stated that the City Council sent a letter on August 16th, 2021, to Lakes Area Media Collaborative requesting refund of unspent funds be returned to the City. Staff has not received a response to the letter.

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 – 2 terms (Expire 2022) --1 term (Expire 2024)
Charter Commission – 1 term (Expire 2022) 1-term (Expire 2025)
Rental Dwelling License Board of Appeals – 3 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 – Two positions available

New Business

Resolution- Receiving Feasibility Report and Calling Hearing on Improvement 21-10- Greenwood St.-Approved

City Engineer/ Public Works Director Sandy gave a description of the project that will be in conjunction with MnDOT's 371B (S 6th Street) project. This is a state aid project.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND O'DAY TO ADOPT RESOLUTION RECEIVING THE FEASIBILITY REPORT AND SETTING THE PUBLIC HEARING FOR IMPROVEMENT 21-10- GREENWOOD STREET RECONSTRUCTION PROJECT ON APRIL 4TH, 2022 AT 7:30 P.M.

RESOLUTION 07:22

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

Resolution- Receiving Feasibility Report and Calling Hearing on Improvement 21-12- North Brainerd Reconstruction.-Approved

City Engineer/ Public Works Director Sandy gave a description of the project that will take place this summer. The expense is extensive due to the need to replace storm sewers and other utilities that are from the 1900's as well as the vast number of sidewalks to replace.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STUNEK TO ADOPT RESOLUTION RECEIVING THE FEASIBILITY REPORT AND SETTING THE PUBLIC

HEARING FOR IMPROVEMENT 21-12- NORTH BRAINERD RECONSTRUCTION PROJECT
ON APRIL 4TH, 2022 AT 7:30 P.M.

RESOLUTION 08:22

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

Consideration for Request to Amend Greenhouse Ordinance

Community Development Director Chanski stated Mr. Zelinske had previously submitted a permit to build a greenhouse on a non-contiguous lot in 2020. He is requesting that City Council amend the materials that greenhouses may be made of to include flexible, rolled, material.

Steve Zelinske, Yesterday's Gone, stated that he wants to be able to construct his greenhouse with rolled materials and that he would also like to see the ordinance cover any business with a state license to serve food as for liquor licenses purposes he classifies his establishment as a bar not a restaurant.

Chair Bevans spoke against the motion due to maintenance and upkeep standards not being provided.

COUNCIL MEMBER O'DAY MOVED TO AMEND THE MOTION TO INCLUDE A 3 YEAR MAINTENANCE CHECK.

The amendment to the motion died for lack of a second.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND PRITSCHET TO EDIT THE PROPOSED ZONING CODE TO ALLOW FOR GREENHOUSES TO BE CONSTRUCTED WITH FLEXIBLE, ROLLED MATERIAL; FURTHER THAT GREENHOUSES BE EXTENDED TO INCLUDE ANY BUSINESS WITH A STATE LICENSE TO SERVE FOOD.

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

Public Forum

The Chair asked for a point of privilege to ask Attorney Langel if during the public forum citizens can discuss an item that was previously on tonight's agenda, in reference to the Dangerous Dog Hearing.

City Attorney Langel stated that it would be up to the Council to determine public value to allow discussion of an agenda item.

The Chair opened public forum at 8:30 p.m.

Angela Blakemore, 515 2nd Ave NE, requested that the Council allow an animal behavior specialist to evaluate her dogs as she believes that they are not dangerous.

Nathan Scott, 515 2nd Ave NE, requested that the Council reconsider their decision as his dogs are not dangerous.

The Chair closed public forum at 8:37 p.m.

Staff Reports

City Engineer/ Public Works Director highlighted that the City of Brainerd applied for \$500,000 grant for Safe Routes to School and was awarded.

Mayors Report

Mayor Badeaux stated that you can still register to enter a float in the St. Patrick's Day parade. The parade is at 1:00 p.m. on Saturday, March 12th. Finally, the Park Board will be starting white board sessions for park master planning.

Council Member Reports

Member O'Day stated that the EDA has finalized economic development services agreements.

Chair Bevans stated that the Northside Residents Association has made their first pitch to the Park Board for improvements to Gregory Park.

Adjourn to Closed Session Pursuant to Minnesota Statute 13D.05, subd. 3(c)(3) to Discuss the Possible Acquisition of Property PID: 41361081 & 41361080

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY, DULY CARRIED, TO ADJOURN TO CLOSED SESSION TO DISCUSS POSSIBLE ACQUISITION OF PROPERTY PID: 41361081 & 41361080.

Council adjourned to the closed session at 8:39 p.m.

Council took an 8-minute break prior to the closed session.

Council reconvened at 9:03 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND JOHNSON, DULY CARRIED, FOR BPU TO NEGOTIATE PURCHASE OF LANDS BPU WILL ACQUIRE PID: 41361081 & 41361080; FURTHER THAT GRANT FUNDS NOT BE USED TO DO SO.

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

The Chair adjourned the meeting at 9:06 p.m.


Jennifer Bergman
City Administrator