

**Brainerd, MN
March 21st, 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: Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, 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 O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA.

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

- A. **Approval of Bills- Approved**
- B. **Approval of Minutes of the Regular City Council Meeting held on March 7th, 2022- Approved**
- C. **Approval of Licenses- Approved**
- D. **Department Activity Reports- Approved**

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.

Council Committee Reports

Safety and Public Works

Resolution- Approving Joint Powers Agreement for Lakes Area Drug Investigative Division and Authorize Signatures - Approved

Committee Chair O'Day stated that the agreement would allow the City of Brainerd, City of Baxter, and Crow Wing County law enforcement agencies to work together on drug related issues.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO APPROVE THE JOINT POWERS AGREEMENT WITH THE ENTITIES INVOLVED FOR THE LAKES AREA DRUG INVESTIGATIVE DIVISION AND AUTHORIZE SIGNATURES ON THE DOCUMENTS.

RESOLUTION 09:22

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.

Approve 2022 Bridge Inspection Request for Proposals- Approved

Committee Chair O'Day stated that this is a bi-annual inspection.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE REQUEST FOR PROPOSALS FOR BRIDGE SAFETY INSPECTION SERVICES, WITH A PROPOSED DUE DATE OF APRIL 22, 2022.

Approve Construction Cost Share Agreement for Pavement Marking with Crow Wing County- Approved

Committee Chair O'Day stated that in 2021, the City seal coated Oak Street, which consists of most of the striping in the City besides College Drive. The first winter after a seal coat done, it is typically pretty hard on the striping that is performed the year of the seal coat, as you can currently see on Oak Street. Much of the striping performed after the sealcoat is not visible anymore. College Drive is on the list to seal coat in 2022, and plans are currently out to bid.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE OF THE ATTACHED COST SHARE AGREEMENT WITH CROW WING COUNTY FOR ROADWAY PAVEMENT MARKINGS.

Approve Contract Towing Specifications and Authorize Bidding of Services- Approved

Committee Chair O'Day stated that the current towing agreement left questions interdepartmentally. The changes to the specifications will hopefully clear those up. Opening date of the bids is April 22, 2022, at 10:00 a.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE OF THE ATTACHED SPECIFICATIONS AND AUTHORIZE BIDDING FOR THESE SERVICES AS PRESENTED.

Approve Plans and Specifications and Authorize Bidding- East River Road Improvements- Approved

Committee Chair O'Day stated that this is the portion of East River Road that will be next to the Mississippi River Trailhead Park (MLT) to improve parking at the future park. This is a streets project, not a parks project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE PLANS AND SPECIFICATIONS AS PRESENTED AND AUTHORIZING BIDDING THE EAST RIVER ROAD IMPROVEMENTS CONCURRENTLY WITH THE MLT PARK PROJECT.

Approve Plans and Specifications and Authorize Bidding for 2022 Sanitary Sewer Collection System- Approved

Committee Chair O'Day stated this project came about from the smoke testing and manhole study that was performed by SEH to look at our collection system and find the areas where direct inflow of stormwater into the system may be occurring.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON DULY CARRIED, TO APPROVE THE ATTACHED PLANS AND SPECIFICATIONS AND AUTHORIZE BIDDING.

Approve Request for Proposals for Harrison Elementary-Oak Street Safe Routes to School Project- Approved

Committee Chair O'Day stated that the design and construction engineering services are not eligible grant costs. The project is beyond the City's annual street reconstruction plans for capital improvement, therefore, the staffing needed to deliver this project is not available from a City Staff perspective.

Member Johnson thanked City Engineer/ Public Works Director Sandy for his department's work on the grant application as the kids in his neighborhood will be a lot safer while crossing Oak Street to get to school.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE ATTACHED REQUEST FOR PROPOSALS FOR THE HARRISON ELEMENTARY OAK STREET SAFE ROUTES TO SCHOOL PROJECT, WITH A PROPOSED PROPOSAL OPENING DATE OF APRIL 29, 2022.

Resolution- Detour Agreement with the Minnesota Department of Transportation for the South 6th Street Reconstruction- Approved

Committee Chair O'Day stated that the detour for the South 6th Street (TH 371B) will use Willow Street.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO ADOPT THE ATTACHED RESOLUTION ENTERING INTO THE DETOUR AGREEMENT WITH MNDOT AND ALLOWS PROPER SIGNATURE AND AMENDMENTS THERETO ON THE AGREEMENT.

RESOLUTION 10:22

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.

Consideration of Bids and Award of Contract for the NP Center Segment of the Cuyuna Lakes State Trail Project- Approved

Committee Chair O'Day stated that the lowest bid came in 15% over the engineers estimate at \$375,706. Increased cost bids will be expected for all projects this year due to supply chain issues and increased costs for fuel and materials.

City Engineer/Public Works Director Sandy stated that the City was awarded \$1.1 million in grant funding from the Minnesota Department of Natural Resources to construct the trail through the City. Reimbursable cost for this segment of the trail is \$127,000 through the grant. The remaining local cost is \$248,000.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO AWARD OF THE NP CENTER SEGMENT OF THE CUYUNA LAKES STATE TRAIL PROJECT TO KNIFE RIVER.

Personnel and Finance Committee

Approval of Memoranda of Agreement (MOA) for 2021 IUOE Central Pension Fund Effective Date - Approved

Committee Chair Johnson stated this MOA clarifies/matches when the change of the employee's pension contribution was updated in 2021 as part of both 2021-2022 IUOE union contracts.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, APPROVE THE ATTACHED MOA BETWEEN THE CITY OF BRAINERD AND IUOE LOCAL NO. 49 TO AMEND THE 2021-2022 UNION CONTRACTS WHICH CORRECTS THE EFFECTIVE DATE TO THE FIRST PAYROLL IN APRIL 2021 FOR THE INCREASED 2021 CENTRAL PENSION FUND CONTRIBUTIONS FOR ITS MEMBERS.

Consider Proposals for Charter Contribution Organizations

Attorney Langel clarified the language in the Charter which- states that the levied dollars go to "an" entity so the dollars are for a single organization. However, the City Council can determine whether or not to award the dollars.

An Arboretum or Greenspace- Sent to Commission

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO SEND TO THE CHARTER COMMISSION TO CLARIFY THE LANGUAGE CHANGE INSTITUTED THAT SAID THERE SHALL BE A GREENSPACE OR ARBORETUM WITHIN THE CITY LIMITS.

A Community Action Organization- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ENTER INTO A 5-YEAR AGREEMENT WITH BRAINERD COMMUNITY ACTION FOR 1.5% OF THE PREVIOUS YEARS LEVY OF EACH YEAR.

A Senior Citizen Organization- Approved

Committee Chair Johnson stated that he would be voting against the motion due to the membership of The Center being regional. He supports the programs that the Center provides, however, it should be to the level of membership for all members from within the city limits. He would be in favor of funding The Center up to the membership of all senior citizens who reside in the city limits of Brainerd.

Council President Bevans stated he is not a member of The Center, but he does benefit from the programs provided.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLIN, TO ENTER INTO A 5-YEAR AGREEMENT WITH THE CENTER FOR 1.5% OF THE PREVIOUS YEARS LEVY OF EACH YEAR.

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

Discussion of Implementing the Street Lighting Policy- Approved

Committee Chair Johnson stated that many of the high traffic streets have been updated in the last ten years with updated conduit and would only need the new lights and poles placed.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO IMPLEMENT THE STREET LIGHTING POLICY WHEN RECONSTRUCTING THE STREETS IN ADDITION TO GOING BACK TO STREETS THAT HAVE UPDATED CONDUIT IN THE LAST TEN YEARS; FURTHER TO UPDATE HIGH TRAFFIC STREETS LIGHTING AS SOON AS POSSIBLE.

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- Establishing the Parking Commission as a Standing Committee- Approved

Community Development Director Chanski stated that the Parking Commission recommendations included the establishment of the commission as a standing committee.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT A RESOLUTION ESTABLISHING THE PARKING COMMISSION AS A STANDING COMMITTEE.

RESOLUTION 11:22

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.

Chair Bevans recommended Kevin Yeager (expire 2026), Wayne Erickson (expire 2024), Rylie Weber (expire 2026), Brenda Billman-Arndt (expire 2025), and Chuck Marohn (expire 2023) to the Parking Commission to expire December 31st of said year.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STUNEK, DULY CARRIED, TO APPROVE COUNCIL PRESIDENT BEVANS RECOMMENDATIONS FOR THE PARKING COMMISSION.

Member Johnson stated that he received a phone call regarding parking in the downtown area and where the enhanced parking restrictions apply. He tasked the Parking Commission with determining this at their first meeting as a standing committee.

Mayor Badeaux also requested the commission take a look at the possibility of on-street leased parking.

Resolution- Reestablishing Precincts and Polling Places- Approved

Member Johnson asked that for this election cycle Ward 4 keep St. Andrew's as the only polling place with the hope that Harrison can be used in future years.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND PRITSCHET, DULY CARRIED, TO USE ONLY ST. ANDREW'S FOR WARD 4 VOTING THIS ELECTION.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND PRITSCHET TO ADOPT RESOLUTION REESTABLISHING THE PRECINCTS AND POLLING PLACES USING ONLY ST.ANDREW'S FOR WARD 4.

RESOLUTION 12:22

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.

First Reading- Proposed Ordinance No. 1524- Amending City Code Section 320: Administrative Citations- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND O'DAY, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1524- AMENDING CITY CODE SECTION 320: ADMINISTRATIVE CITATIONS AND DISPENSE WITH THE ACTUAL READING.

First Reading- Proposed Ordinance No. 1525- Amending City Code Section 425: Rental Housing- Approved

Community Development Director Chanski stated that this is a repeal and replace of Section 425: Rental Housing of which the language was brought before Council in January of 2022.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND ERICKSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1525- AMENDING CITY CODE SECTION 425: RENTAL HOUSING MAINTENANCE CODE AND DISPENSE WITH THE ACTUAL READING.

First Reading- Proposed Ordinance No. 1526- Amending City Code Section 450: Property Maintenance- Approved

Community Development Director Chanski stated that this is a repeal and replace of Section 450: Property Maintenance with the International Property Maintenance Code (IPMC).

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND ERICKSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1526- AMENDING CITY CODE SECTION 450: PROPERTY MAINTENANCE AND DISPENSE WITH THE ACTUAL READING.

First Reading- Proposed Ordinance No. 1527- Amending City Code Section 515: Zoning Code and Official Zoning Map- Approved

Community Development Director Chanski stated it is believed that the new Zoning Code is a better representation of the City today and will be a great tool for looking into the future. He stated that the Public Hearing took place at the Planning Commission on Wednesday, March 16th. He introduced Jennifer Haskamp, the consultant who has been working on the improvements.

Jennifer Haskamp, Swanson Haskamp Consulting, 246 S Albert St, St. Paul, stated that the Zoning Code update has been in process the last 16 months. She gave a brief overview of the new Zoning Code and Zoning Map.

Member Johnson asked about section 1541 allowed uses: warming shelters- stating that initially when the Council approved the Interim Use Permit for Bridges of Hope that there would be discussion with the businesses and neighbors in the neighborhood after the permit expired.

Community Development Director Chanski stated that warming shelters are still listed as an interim use in the table of uses. The current warming house's permit does expire in June.

Ms. Haskamp stated that Warming Shelters as an interim use is listed in the table of uses but not in 515-3-41 Warming Shelter section as a point of preference. She will include "interim use" in the final reading.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STUNEK, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1527- AMENDING

CITY CODE SECTION 515: ZONING CODE AND OFFICIAL ZONING MAP AND DISPENSE WITH THE ACTUAL READING.

First Reading- Proposed Ordinance No. 1528- An Ordinance Replacing Section 1135 of the Brainerd City Code- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1528- REPLACING SECTION 1135 OF THE BRAINERD CITY CODE, DISPENSE WITH THE ACTUAL READING AND SET THE PUBLIC HEARING FOR APRIL 4TH, 2022 AT 7:30 PM .

Consideration of Interim Use Permit (IUP) for Commercial Greenhouse to Support the Operation of Yesterday's Gone Bar and Grill- Approved

Community Development Director Chanski stated that the Planning Commission met on Wednesday, March 16th to discuss the IUP for a Commercial Greenhouse. The Commission recommends that Council approve the interim use permit contingent on the zoning code update. This is contingent due to the fact that the City's current code does not allow for the materials proposed for this project.

Member Johnson stated that being that the Zoning Code passage is inevitable, that allowing the owner of Yesterday's Gone to start construction prior to the approval seems less restrictive.

City Attorney Langel stated that approving the permit without being contingent on the passage of the new Zoning Code would put the owner in violation of the Zoning Code.

Members Bevans, Stunek, Erickson, and Pritschet stated they would be voting no due to the need for the contingency on the passage of the code.

MOVED AND SECONDED BY COUNCIL MEMBER JOHNSON AND O'DAY TO ALLOW THE OWNER OF YESTERDAY'S GONE BAR AND GRILL TO CONSTRUCT A GREENHOUSE WITH THE ROLLED MATERIALS WITHOUT ANY CONTINGENCIES.

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

Member Stunek stated that he will be voting no due to approving the permit before the zoning code may set the City up for a problem.

Chair Bevans stated that he will be voting no due to the proposed material use of the greenhouse.

MOVED AND SECONDED BY MEMBERS ERICKSON AND STENGLEIN TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN INTERIM USE PERMIT FOR A COMMERCIAL GREENHOUSE TO SUPPORT THE OPERATIONS OF YESTERDAY'S GONE AT PID 4121525 CONTINGENT UPON THE PASSAGE OF THE NEW ZONING CODE.

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

**Consideration of the Interim Use Permit (IUP) for Short-Term Rental at 704 Fir St.-
Approved**

Community Development Director Chanski stated that the Planning Commission met on Wednesday, March 16th to discuss the IUP for the Short-Term Rental at 704 Fir Street. The commission recommends that Council approves the IUP contingent upon inspection by the Building Inspector and Fire Marshal, operations must comply with the most current version of zoning code, and in the event of a lapse in rental licensing the applicant will be given notice to comply.

MOVED AND SECONDED BY COUNCIL MEMBER ERICKSON AND PRITSCHET, DULY CARRIED, TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN INTERIM USE PERMIT FOR SHORT-TERM RENTAL AT 704 FIR STREET WITH CONTINGENCIES.

Public Forum

The Chair opened public forum at 8:52 p.m.

Jerry Stirewalt, N 9th St, stated that he has had a lot of issues with his landlord for issues that have not been handled by the City or addressed in City Code. He requested that tenants have a place to complain against their landlords if there is retaliation and issues not being addressed.

Kevin Yeager, 325 Bluff Ave, stated that he called Brainerd Public Utilities about the banners in downtown needing to be removed much sooner because they start to look ragged with a negative response. He thanked the Public Works department for removing the banners the very next day after calling City Hall. He is disappointed at Brainerd Public Utilities reaction and unwillingness to help with the request considering the fact that they are not an autonomous entity within the City. He is requesting that a policy be considered to allow other Departments within the City access to used equipment when needed.

Mike Murphy, 8371 Greenwood Rd, Baxter, stated that current zoning codes are restrictive of landowners.

The Chair closed public forum at 9:09 p.m.

Staff Reports

Attorney Langel stated that Ordinance 1523 regarding the amendment to the City Charter was published on January 30th, 2022, meaning it will not be enacted until May 1st, 2022. It would be appropriate for Council to make modifications to the personnel policy and City Code provisions that are not consistent with the amendments to the Charter.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO DIRECT STAFF TO MAKE MODIFICATIONS TO THE PERSONNEL POLICY AND CITY CODE PROVISIONS THAT ARE NOT CONSISTENT WITH THE AMENDMENTS TO THE CHARTER.

Community Development Director Chanski stated that the first improvements to East River Road for the Mississippi Landing Trailhead Park are underway. The Mississippi River is now visible.

Administrator Bergman stated that she and the Mayor presented to Lakes Area Unlimited Learning for a session "Brainerd Then and Now". City Engineer/ Public Works Director Sandy joined her on Community Focus to talk about road construction. Visit Brainerd presented at Lunch and Learn to share activities in Brainerd, a record number of staff attended. Finally, she and the Mayor attended the Committee of the Whole meeting where Country Manor presented to the committee requesting tax abatement. It was a work session, so no action was taken. County Staff was directed to research the subject further.

Mayors Report

Mayor Badeaux stated that the tree removal at the Mississippi is starting to look fantastic at the Trailhead Park. The Mayor requests that the City Council hear the request from the team for the naming of the park. Park Board meeting was on March 22nd at 4:00 p.m. The Highway 210 Business Owner Aesthetic Workshop will take place on March 29th, at 6:00 p.m. in the City Council Chambers.

Council Member Reports

Member Stunek as the liaison to The Center thanked the Council for funding the Center through Charter contributions.

Member Johnson stated that the Jaycee's Park master planning took place, he attended to contribute. He attended the St. Patrick's Day festivities and thanked all involved who made it a great day, his son won 2nd place in the costume contest. Finally, he was surprised that there is not a public hearing taking place at Council on the Zoning Code update, he requested that public comment on the topic be included in the meeting on April 4th.


Member Erickson stated that the Arboretum board meets on March 24th, he will follow up with them prior to their meeting as an update on the funding.

Member Bevans stated he attended the fish fry at St. Francis Church, and it was fantastic.

Adjourn

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

The Chair adjourned the meeting at 9:40 p.m.


Jennifer Bergman
City Administrator