

Brainerd, MN
April 5, 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: Stenglein, O'Day, Stunek, Johnson, Pritschet, and Bevans. Mayor Badeaux was also noted as present. Member Erickson was attending remotely.

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

Due to a member participating remotely, all motions will be made by roll call vote for accuracy.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO APPROVE THE AGENDA.

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

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET TO APPROVE THE CONSENT CALENDAR.

A. Approval of Bills - Approved

B. Approval of the Minutes of the Regular Meeting held on March 15, 2021 - Approved

C. Approval of Licenses - Approved

Contractor Licenses - 3

D. Department Activity Reports - Approved

1. Fire Chief
2. Parks Maintenance & Recreation

E. Adopt Resolution Accepting Donations & Contributions for the 1st Quarter of 2021 – Adopted by Resolution No. 16:21

F. Minnesota Lawful Gambling – Adopt Resolution Authorizing the Brainerd Eagles #287, 124 Front St., to Conduct Off-Site Gambling April 24, 2021 – May 1, 2021 at Memorial Park, 1700 Mill Ave., Brainerd, MN – Adopted by Resolution No. 17:21

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

Presentations

Community Development Director Chanski gave an update of the progress of the Parking Commission. He said the Commission has identified seven categories of issues that will be addressed in the months to come. The recommendation is for the City to eventually move away from providing off-street parking and to become more active in managing parking. He said one main concern is the Burlington Northern Lot lease costs the City more than the proceeds received from renting the spaces out. He explained the short-term goals the Commission would like the City to consider.

Council discussion took place.

Parking Commission member Yeager stated the Commission was asked to evaluate the parking concerns and make recommendations to Council. He said the Commission has worked hard to devise some action plans to be considered by Council.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND O'DAY TO DIRECT STAFF TO MAKE MONTHLY PAYMENTS ON THE BURLINGTON NORTHERN PARKING LOT LEASE RATHER THAN MAKING A FULL YEAR PAYMENT.

Council member Johnson added if the change to a monthly remittance incurs a fee, the topic needs to be brought back to Council.

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

MOVED AND SECONDED BY ALDERMEN STENGLEIN AND O'DAY FOR THE COUNCIL TO SEND THEIR PARKING QUESTIONS TO P&F CHAIR JOHNSON BY APRIL 12TH AND FOR THE QUESTIONS AND ANSWERS TO BE ON THE APRIL 19TH P&F COMMITTEE AGENDA.

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

MOVED BY ALDERMEN JOHNSON AND PRITSCHET TO AMEND THE AGENDA BY MOVING ITEMS 9A. AND 9B. "PUBLIC HEARINGS AND RESOLUTIONS" IMMEDIATELY BEFORE ITEM 7A. COUNCIL COMMITTEE REPORTS.

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

Public Hearing and Resolution – Ordering Improvement, Approving Plans and Specifications, and Ordering Advertisement for Bids – Improvements 19-19 – Jackson Street and NW 3rd Street Reconstruction Project – Adopted by Resolution No. 18:21

City Engineer Sandy explained the details of the project and the streets that are involved in the reconstruction, which includes a roundabout at the corner of Jackson and 4th Street.

The Chair opened the public hearing at 8:03 p.m.

No one came forward.

The Chair closed the public hearing at 8:05 p.m.

MOVED AND SECONDED BY ALDERMEN O'DAY AND JOHNSON TO ADOPT A RESOLUTION ORDERING THE IMPROVEMENT, APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENT OF QUOTES FOR IMPROVEMENT 19-19, TO BE OPENED ON APRIL 23, 2021 AT 10:00 A.M.

RESOLUTION NO. 18:21

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

Public Hearing and Resolution – Ordering Improvement, Approving Plans and Specifications, and Ordering Advertisement for Bids – Improvements 20-05 and 20-06 – Madison Street and SE Brainerd Construction Project – Adopted by Resolution No. 19:21

City Engineer Sandy explained the details of the proposed improvements.

The Chair opened the public hearing at 8:12 p.m.

The Chair recognized Mr. Dexter Hanson, who is the property owner of 1008, 1012, and 1016 Rosewood Street. He said he is willing to pay assessments on the 1016 Rosewood property, but the other two are untraveled, as they are located on a dead end. He also said the alley does not drain and incurs standing water frequently. He offered to pay all the assessed amounts for the Rosewood Street improvements if the City would pave the alley. He claimed he has seen an increase in "riff-raff" and the sidewalk project will add to the amount of needless congregation of people traveling to the bike trail and causing trouble.

The Chair recognized Ms. Sarah Gorham, 1524 Pine Street, who indicated there are garbage trucks continually traveling down this street and feels a lot of the wear and tear is from these trucks.

The Chair recognized Ms. Kitty Jacobs, 723 15th Street SE, who wanted clarification on the proposed sidewalks on 15th Street. City Engineer Sandy indicated the four blocks that will have sidewalks installed. She asked why her assessments are higher for her property. City Engineer Sandy explained her property is on a corner lot and will be assessed for the front yard on 15th Street and a 50% reduction for the side yard on Quince Street. He clarified sidewalks are not assessed to property owners. Ms. Jacobs was also concerned about the trees being removed or fences that are affected.

The Chair recognized Mr. Jason Atwater, CTC employee located at 1102 Madison Street, who stated he is in favor of the project, as the street is in dire need of repairs.

The Chair recognized Mr. Mike Jay, 1514 Rosewood Street, who is not in favor of the sidewalk project, as it would go across his driveway. He also has a long-term fence in place that he does not want to have to remove.

The Chair closed the public hearing at 8:38 p.m.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND O'DAY TO ADOPT A RESOLUTION ORDERING THE IMPROVEMENT, APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENT OF QUOTES FOR IMPROVEMENTS 20-05 AND 20-06, TO BE OPENED ON MAY 7, 2021 AT 10:00 A.M.

RESOLUTION NO. 19:21

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

City Engineer Sandy indicated that the dead-end portion of Rosewood may be left short of the reconstruction, but it could affect the property value. He will follow up with the resident regarding this issue.

Council Committee Reports

Safety & Public Works Committee Report

Consideration for Returning to Proactive Code Enforcement - Approved

Committee Chair O'Day explained that full code enforcement was halted temporarily last year due to COVID, with only the complaint driven issues addressed. He said there have been numerous complaints received recently from residents complaining about the condition of certain neighborhoods.

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET TO APPROVE STAFF TO RETURN TO FULL PROACTIVE CITY CODE ENFORCEMENT

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

Request to Approve Event Application – Corpus Christi Processional - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON TO APPROVE THE EVENT FOR THE CORPUS CHRISTI PROCESSIONAL TO BE HELD ON JUNE 6, 2021 UNDER THE CONDITIONS IDENTIFIED, INCLUDING COORDINATING BUSY INTERSECTION CROSSINGS WITH THE POLICE DEPARTMENT PRIOR TO THE EVENT.

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

Request to Approve Event Application Downtown Brainerd Spring Fling - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET TO APPROVE THE EVENT FOR THE DOWNTOWN SPRING FLING TO BE HELD ON MAY 7TH AND 8TH, 2021 WITH CONSIDERATION MADE TO THE COORDINATION BY THE APPLICANT WITH APPLICABLE DEPARTMENTS AS NOTED IN THE APPLICATION.

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

Request to Approve Improvement 19-10 – 2020 NE Brainerd Resurfacing Project Change Order 1 - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON TO APPROVE CHANGE ORDER 1 FOR IMPROVEMENT 19-10 2020 NE BRAINERD RESURFACING PROJECT IN THE AMOUNT OF \$11,582.

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

Request to Award Improvement 21-01 and 21-05 – 2021 Parking Lot and Street Seal Coat Projects - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET TO AWARD IMPROVEMENTS 21-01 AND 21-05 TO ASPHALT SURFACE TECHNOLOGIES IN THE TOTAL BID AMOUNT OF \$153,357 AND AUTHORIZING PROPER SIGNATURES ON THE CONTRACT DOCUMENTS.

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

Request to Approve Change to Transit Operating Policy - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON TO APPROVE THE CHANGE TO THE TRANSIT OPERATING POLICY AS PRESENTED.

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

Request to Discuss Evergreen Boat Landing Road Construction - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET TO APPROVE THE INSTALLATION OF A GATE ACROSS THE EVERGREEN BOAT LANDING FOR USE DURING THE SPRING SEASON AND THAW TO PREVENT DAMAGE TO THE ROADWAY AND DISPLAY SIGNAGE TO EXPLAIN THE REASON FOR THE TEMPORARY CLOSURE.

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

Request to Review and Change Improvement 19-18 – Highway 25 Trail Construction Year - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON TO APPROVE THE CHANGE IN THE YEAR FOR IMPROVEMENT 19-18 UNTIL 2025 TO BE DONE ALONG WITH THE HIGHWAY 210 MNDOT PROJECT.

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

Request to Re-Visit Colored Crosswalk Painting Plan – Informational

City Engineer Sandy stated the colored crosswalk painting plan will not be pursued unless it meets the guidance set forth in the Manual on Uniform Traffic Control Devices (MUTCD).

Mayor Badeaux stated this idea was envisioned to be a low effort project, but it has developed into taking more staff time than was intended.

No motion was made on this item.

Personnel and Finance Committee Report

Consideration of Request to Waive City's Ability to Recertify Special Assessments on Lot 5 Block 3 in the Serene Pines Development (PID 41280507) by Brandon Tuil – Direction Given

Committee Chair Johnson explained the details of the situation as indicated in the memo provided in the packet.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO NOT DENY THE REQUEST, BUT TO DIRECT THE BRAINERD HRA TO REACH OUT TO THE DEVELOPER TO INQUIRE IF A REASONABLE SOLUTION CAN BE AGREED UPON.

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

Authorization of Payment to Mr. Jedlenski - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN TO APPROVE THE PAYMENT OF \$5,355 TO MR. JEDLENSKI, WHICH IS THE DIFFERENCE IN THE RURAL AND URBAN CITY TAX RATE FOR TAXES PAYABLE IN THE YEARS OF 2012 – 2020.

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

Resignation of Firefighter Rubbelke - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND STUNEK TO ACCEPT WITH REGRET THE RESIGNATION OF PAID ON-CALL FIREFIGHTER RUBBELKE, EFFECTIVE MARCH 5, 2021.

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

Ratify Hiring of Police Officer Jacob Engst - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN TO RATIFY THE HIRING OF POLICE OFFICER JACOB ENGST, STARTING AT THE LELS STEP 1 RATE OF \$28.26, WITH A STARTING DATE OF APRIL 5, 2021.

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

Approval of On-Sale and Sunday Liquor Licenses for CC's Bar LLC at 121 Washington Street NE, Brainerd – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN TO APPROVE THE ON-SALE AND SUNDAY LIQUOR LICENSE FOR CC'S BAR LOCATED AT 121 WASHINGTON STREET NE, CONTINGENT ON POLICE AND FIRE CHIEF APPROVALS.

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

Review of Brainerd Public Utilities and Infrastructure Capital Budgets – Informational

Committee Chair Johnson stated discussion took place at committee level regarding the capital budgets for BPU and the City infrastructure. He encouraged everyone to review the information provided in the packet.

(Added Item) Interim Police Chief - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO REQUEST THE POLICE & FIRE CIVIL SERVICE COMMISSION COMPILE AN ELIGIBILITY LIST FOR INTERNAL FULL TIME POLICE CHIEF CANDIDATES.

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

Council member Stunek indicated Interim Chief Bestul has been doing a great job in this interim position. He explained Interim Chief Bestul has been doing the work of two positions and said there is no reason not to proceed with appointing a police chief.

Mayor Badeaux noted that the Police & Fire Civil Service Commission currently has two members with one vacant position.

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 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

First Reading – Proposed Ordinance No. 1515 – Amending Section 515-37 Signs - Approved

Community Development Director Chanski explained the details of the proposed amendment to Section 515-37: Signs, based on the recommendations from the Planning Commission.

MOVED AND SECONDED BY ALDERMEN ERICKSON AND PRITSCHET TO HOLD AND DISPENSE WITH THE FIRST READING OF PROPOSED ORDINANCE 1515, AN ORDINANCE TO AMEND SECTION 515-37: SIGNS.

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

City Attorney Langel clarified that in order to dispense with the actual reading, the vote to approve must be unanimous, otherwise the entire ordinance will need to be read into record.

Council member Johnson rescinded his "nay" vote from the previous roll call. He stated he does not agree with the statement in 515-37-1A, line 5, "*The city's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression...*". nor does he agree with the specification of the size and quantity of signs allowed but will address these concerns at the final reading.

Variance & Conditional Use Permit Amendment – Garfield Elementary - Approved

Community Development Director Chanski explained the details of the applications submitted for Garfield Elementary School.

MOVED AND SECONDED BY ALDERMEN ERICKSON AND STUNEK TO APPROVE THE VARIANCE REQUEST FOR GARFIELD ELEMENTARY AT 1120 10TH AVENUE NE FOR A REDUCED SIDE YARD SETBACK FROM 20 FEET TO 16 FEET 5 ¾ INCHES.

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

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND O'DAY TO APPROVE THE CONDITIONAL USE PERMIT AMENDMENT REQUEST FOR GARFIELD ELEMENTARY AT 1120 10TH AVENUE NE TO PERMIT THE CONSTRUCTION OF AN ADDITION TO THE EXISTING GYMNASIUM WITH THE CONDITION THAT AT LEAST TWO SHADE TREES OF A 2" CALIPER SIZE BE PLANTED BETWEEN THE PROPOSED ADDITION AND SIDEWALK ALONG L STREET NE.

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

Public Forum

The Chair opened the public forum at 9:03 p.m.

The Chair recognized Ms. Jody Kennedy, Garfield Elementary School principal, who thanked the Council for the approval of the variance and conditional use permit amendment.

The Chair closed the public forum at 9:05 p.m.

Staff Reports

HR Director Schubert stated the American Rescue Plan is still being reviewed and federal guidance is supposed to be provided within 60 days of the act being signed.

Community Development Director Chanski indicated some residents have reached out to members of the Council regarding the rental housing program. He said staff is working diligently with the residents and landlords on agreeable solutions to the problems. Unfortunately, current executive orders due to COVID have made enforcement difficult, and landlords have very little power in efforts to evict those when necessary. He said staff continues to stay up to date on current news regarding these orders.

City Engineer Sandy stated during the public hearings, he failed to mention he received emails in objection to the assessments at 723 SE 16th Street and 1526 Quince Street. This email will be entered into the packet and reflected in the minutes of the meeting.

City Administrator Bergman announced the next Charter Commission meeting will take place on April 14th, 2021 at 5:00 p.m. She indicated that City Attorney Langel is currently reviewing the Franchise Agreement with Charter/Spectrum and CTC. The Cable TV Advisory Committee directed staff to reach out to Central Lakes College (CLC) for a possible partnership.

Mayor's Report

Mayor Badeaux thanked everyone that called in to speak during the public hearings. He said he also attended the NP center egg hunt, as well as the City of Brainerd Parks Department egg hunt in Gregory Park with his family. He also stated he crossed the BN tracks on 13th Street without a problem, as efforts to create safe walkable crossings with the BN Railroad have failed.

Council Member Reports

Council member Johnson said he took his family to the NP Center for the Easter Egg Hunt and thanked all the business owners in the NP Center for the work to arrange it. He stated the EDA met last week and BPU has entered into an agreement with Baxter for temporary water service. He added that the BPU Commission has passed a resolution regarding the City WAC funds with more details to follow.

Council member Pritschet stated the library is open on a limited call ahead basis.

Council member Stenglein gave a brief update to the sesquicentennial events being planned and that more information is to follow.

Adjourn to Closed Session Pursuant to MN Statute 13D.05 Subd. 3(c)(3) to Consider Counteroffers for the Purchase of Property at 502 Jackson Street, Brainerd MN – 9:17 p.m.

The Council reconvened at 9:26 p.m.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STENGLEIN TO APPROVE THE AGREEMENT FOR IMPROVEMENTS ON PRIVATE PROPERTY AND THE SETTLEMENT AGREEMENT WITH THE BRAINERD AREA HOCKEY FOUNDATION (BAHF) IN RELATION TO THE NW 4TH STREET PROJECT.

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

The Council adjourned at 9:28 p.m.

Jennifer Bergman
City Administrator