

**Brainerd, MN
June 20th, 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: Erickson, O'Day, Stunek, Johnson, Pritschet, Stenglein, 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 STUNEK AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA.

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

- A. Approval of Bills- Approved**
- B. Approval of Minutes of the Regular City Council Meeting held on May 16th, 2022- Approved**
- C. Approval of Licenses- Approved**
- D. Department Activity Reports- Approved**
- E. 2021 Audits for BPU and Brainerd HRA**
- F. Ratify the Promotion of David Nelson to the Water Service Worker Position**

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

Community Member of the Month

Mayor Badeaux was honored to recognize Meta Mandich and Emily Rolfson as Community Members of the Month for June. He recognized their leadership and hard work in making the splashpad project a reality. These women recognized a need in the community and saw it through.

Emily thanked the City Council and Mayor for helping to make the splash pad a reality. Former Council Member and Mayor Cumberland was her high school teacher who encouraged her to never give up on a goal.

Council Committee Reports

Personnel and Finance Committee

Consider Cable Channel Agreement with CLC

Committee Chair Johnson stated that IT Director Strong has done a lot of work to bring meetings back to cable. Potentially the City could be back on cable by the first meeting in July.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO ENTER INTO AGREEMENT WITH CENTRAL LAKES COLLEGE TO HOST AND OPERATE THE CABLE CHANNEL.

Consider Share Services Agreement with Crow Wing County

Committee Chair Johnson stated that in 2021 the City used 1,350 hours of the 1,500 contracted. In 2023 the fee will increase by 8% after being flat for 2021 and 2022.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED TO AUTHORIZE SIGNATURE ON THE AGREEMENT AMENDMENT FOR THE 2023 SHARED MAINTENANCE SERVICES AGREEMENT.

Consider Declaring Lakes Area Music Festival Annual Event a Community Festival

Committee Chair Johnson stated that the school district is still deciding on whether or not to allow alcohol in the schools. The Lakes Area Music Festival events need to be a Community Festival to be able to serve at all of their events.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO CONSIDER THE ANNUAL THE LAKES AREA MUSIC FESTIVAL EVENTS THAT RUNS FOR 24 DAYS AS A COMMUNITY FESTIVAL, THEREBY ALLOWING LAKES AREA MUSIC FESTIVAL TO HOLD MORE THAN ONE (1) TEMPORARY LIQUOR LICENSE WITHIN A 30-DAY PERIOD; CONTINGENT ON THE SCHOOL DISTRICT DECISION ON ALLOWING ALCOHOL IN THE SCHOOLS.

Consider Request for American Rescue Plan Act (ARPA) Funds for EDA

Committee Chair Johnson requested that the City consider allocating \$80,000 in ARPA funds to use as match for applicants who may need additional assistance with the DEED Mainstreet Revitalization Program.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE THE ALLOCATION OF \$80,000 IN ARPA FUNDS TO THE EDA TO BE USED AS A MATCHING GRANT FUNDS TO ELIGIBLE ORGANIZATIONS OR BUSINESSES FOR THE DEED MAIN STREET REVITALIZATION PROGRAM.

Discussion on Use of American Rescue Plan Act (ARPA) Funds for Public Works Projects

Committee Chair Johnson stated that at the end of the February workshop Council had directed staff to make a priority list of all of the projects prior to allocating ARPA funds.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO DIRECT STAFF TO COME BACK TO COUNCIL WITH A LIST OF ALL POSSIBLE PROJECTS THE ARPA FUNDS CAN BE USED FOR.

Update on the Request for Funds to be Returned from Lakes Area Media Collaborative

Committee Chair Johnson stated that Attorney Langel sent a new letter which included more of the board members as recipients. There has not been a response from Lakes Area Media Collaborative.

Safety and Public Works

Approve Agreement Amendment for Improvement 19-02- Cuyuna Lakes State Trail Road and Parking Lot Improvements

Committee Chair O'Day stated that this work was unforeseen. The soil in the NP Center segment was found unsuitable for a trail. Mr. Higgins is working to remove the soil.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE ATTACHED AGREEMENT AMENDMENT FOR THE SUBCUT WORK FOR IMPROVEMENT 19-02 - NP CENTER SITE IMPROVEMENTS AND AUTHORIZING PAYMENT TO MR. HIGGINS FOR THE WORK COMPLETED.

Approve Change Order 1 for Improvement 19-02- Cuyuna Lakes State Trail NP Center Segment

Committee Chair O'Day stated that Knife River has been supplying Mr. Higgins with fabric, sand, and topsoil to complete the subcut operations where the unsuitable materials were. The total change order amount for supplying these materials is \$45,640. This is a reimbursable expense through the MnDNR grant.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE CHANGE ORDER 1 AS PRESENTED.

Approve Cooperative Construction Agreement with the State of Minnesota for the Highway 25 Bridge Project- SP-1811-35 (TH25-018)

Committee Chair O'Day stated the City was awarded federal money for the construction of the trail on the bridge, and MnDOT agreed to cover the 20% share that came along with that money, along with providing the engineering and expenses related to that for the project. The intent of this trail segment is to connect into the Highway 210 Improvements in 2026, along with connecting into the 28th Street Trail in which will be a part of the Cuyuna Lakes State Trail.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO ADOPT THE ATTACHED RESOLUTION IN WHICH ENTERS INTO THE AGREEMENT WITH MNDOT FOR THE BRIDGE REPLACEMENT PROJECT.

RESOLUTION 23:22

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

Resolution- Authorizing an Agreement with the State of Minnesota to Provide Public Transportation Services in the Year 2023

Committee Chair O'Day stated that Transit Coordinator Stone was at the committee meeting to give an overview of ridership, which is near what it was pre-covid. The agreement is the same as previous years with the local share of 5% of operating costs and 10% of capital costs.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO ADOPT RESOLUTION TO ALLOW PROPER SIGNATURES ON THE AGREEMENT WITH THE STATE OF MINNESOTA FOR TRANSPORTATION SERVICES.

RESOLUTION 24:22

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

Unfinished Business

Final Reading- Proposed Ordinance 1532- An Ordinance Amending the Brainerd City Charter

The Chair opened the public hearing at 7:49 p.m.

DeAnn Barry, 18610 Smith Road, The Center- Executive Director, stated that the addition of the Senior Center in the Charter was added after a referendum voted on by the citizens of Brainerd in 1982. She clarified the LGA funding that came into question previously, she has spoken with a member of Representative Ruud's staff about the City levying for non-profit organizations which is not a factor in LGA funding.

Darlene Stone, 2219 Buffalo Hills Lane, stated that she spoke with Mayor Badeaux, and thanked him for his kindness. She is proud of Ms. Barry and all of the work accomplished at the Center. The "Golden Years" aren't so golden and the Center is a place for seniors to belong. These citizens are taxpayers and voters.

Suzanne Hanson, 2302 Kermit Lane, stated that she does not believe any of the Council members are old enough to vote on this matter. The Council should take a tour of the Center before a decision is reached.

Karen Reither, 2131 Graydon Avenue, questioned that when something like this matter has been voted on by all citizens, why do few people get to decide now?

Dave Badeaux, 602 N 9th Street, Brainerd Community Action- Executive Director, stated that the Brainerd Community Action Board asked him to speak to thank the Council for the opportunity to continue working with the City. While the City needs to be fiscally responsible, he believes that Community Action put forth a robust proposal that they can deliver on in the next five years and hope to continue dialogue for the future.

The Chair closed the public hearing at 8:00 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE NO. 1532 AN ORDINANCE AMENDING THE BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING OF THE ORDINANCE.

Member O'Day asked for clarification on what the Council is voting on within this ordinance for the record.

Administrator Bergman gave an overview of Ordinance 1532 the changes include changes to the ward language, election of officers following the oath of office during the first meeting in January, permanent improvement fund language, repealing the Streets Chapter, and deferment of assessments.

Member Stenglein stated she will be voting no because there are too many changes in one ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT ORDINANCE 1532- AN ORDINANCE AMENDING THE BRAINERD CITY CHARTER.

ORDINANCE 1532

Upon roll call, Council Members Erickson, O'Day, Johnson, and Bevans voted "aye". Members Stunek, Pritschet, and Stenglein voted "nay". The Chair declared the motion failed due to lack of a unanimous vote.

Final Reading- Proposed Ordinance 1533- An Ordinance Amending the Brainerd City Charter

Administrator Bergman gave an overview of the proposed change recommended by the Charter Commission to the Charter with Ordinance 1533 by striking sections 3-5 in Chapter 3 Finances in their entirety.

The Chair opened the public hearing at 8:09 p.m.

Dave Badeaux, 602 N 9th St, Brainerd Community Action, Executive Director, stated again for the record the organizations thanks for the opportunity to work with the City.

Kathy Tousa, 14075 Firewood Drive, Baxter, President of the Center Board, stated that the public voted for the Center's funds originally, therefore, six people should not have the power to decide for a community. She also stated that when members from outside of the City come to the Center, they shop, eat, and do other activities while in town benefitting the City.

DeAnn Barry, 18610 Smith Road, stated that the Center is thankful for the opportunity to work with the City all these years. She stated that other documents like the Declaration of Independence and the Constitution still have relevance today even though they are hundreds of years old. Why then, should the vote that took place in 1982 not have relevance today.

The Chair closed the public hearing at 8:13 p.m.

Member O'Day stated that he is a member of the Charter Commission, he was on the fence about this discussion. He stated he has never seen an issue with the Center previous to the process of cleaning up the Charter. When the previous language change was proposed, the entire organization received misconstrued information. He stated that what needs to be discussed is whether a referendum is appropriate for Community Action and The Center from the Charter Commission.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE NO. 1533 AN ORDINANCE AMENDING THE BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING OF THE ORDINANCE.

Member Stenglein stated that she would be voting no because it is an elected officials job to interact with the public and explain things. More importantly, that government is how communities come together and accomplish things it wants to do. Over the past several months it is clear that funding these organizations are what the community wants to do.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON TO ADOPT ORDINANCE 1533- AN ORDINANCE AMENDING THE BRAINERD CITY CHARTER.

ORDINANCE 1533

Upon roll call, Council Members Erickson, Johnson, and Bevans voted “aye”. Members O’Day, Stunek, Pritschet, and Stenglein voted “nay”. The Chair declared the motion failed due to lack of a unanimous vote.

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 – 2 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 – 1 position available

New Business

Consideration of Variance from Setback Standards- 521 N 9th Street

Community Development Director Kramvik stated the Planning Commission considered the requested variance is from Section 515-54-7. B Principal Building Setbacks. The applicant is requesting a reduced front yard setback from 20 feet to 12 feet for an addition that will be setback six inches from the primary structure. The proposed addition also includes a bay window that will extend an additional 2 feet into the required front yard setback. The Commission voted unanimously to recommend granting the requested variance without conditions.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND ERICKSON, DULY CARRIED, TO APPROVE THE REQUESTED VARIANCE AT 521 N 9TH STREET.

Consideration of Variance from Setback Standards- 704 Norwood Street

Community Development Director Kramvik stated the Planning Commission considered the variance request during its regular meeting on June 15th. The Commission discussed the variance request and believed that it is consistent with the Comprehensive Plan and had practical difficulties that are unique to the site. The Commission voted unanimously to recommend granting the requested variance with the condition that staff approves a storm water management plan that diverts storm water from the neighboring south and east properties that will result from the construction of the accessory structure.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O’DAY, DULY CARRIED, TO APPROVE THE REQUESTED VARIANCE AT 704 NORWOOD STREET.

First Reading- Interim Ordinance 1534- An Ordinance Instituting a Moratorium on the Conversion of Dwellings to Green Space or Surface Parking in the R-1 Zone

Community Development Director Kramvik stated this proposed Ordinance imposes a six-month moratorium on the conversion of dwelling units to green space or surface parking in the R-1 zoning district. The City has a shortage of housing, particularly affordable housing. Removal of dwelling units for the establishment of green space or surface parking adds to the overall shortage of housing. The Planning Commission and Staff need time to study this problem and develop changes to the Code to address this issue.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO HOLD THE FIRST READING OF INTERIM ORDINANCE NO. 1534- AN ORDINANCE INSTITUTING A MORATORIUM ON THE CONVERSION OF DWELLINGS TO GREEN SPACE OR SURFACE PARKING IN THE R-1 ZONE AND DISPENSE WITH THE ACTUAL READING.

First Reading- Proposed Ordinance 1535- An Ordinance Amending City Code Section 515: Zoning Code and Zoning Map

Community Development Director Kramvik thanked everyone who have been involved in the Zoning Code revision process. He gave an overview of the process to further review the proposed zoning code and an overview of the changes made previous to coming back to the Council.

Member Johnson confirmed that there would be a public hearing at the second reading.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON, DULY CARRIED, TO HOLD THE FIRST READING OF INTERIM ORDINANCE NO. 1535- AN ORDINANCE AMENDING CITY CODE SECTION 515: ZONING CODE AND ZONING MAP.

Public Forum

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

Candice Zimmerman, 10246 County Road 44, Northland Arboretum, Executive Director, gave an update on the work group being formed. The cities of Brainerd and Baxter have agreed to meet with the Northland Arboretum. Crow Wing County respectfully declined to be a part of the workgroup. They are working to set a date to meet.

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

Staff Report

Finance Director Hillman stated that the City is seeking election judges, we have about half of the number of judges needed.

City Administrator Bergman stated that she attended the Flag Day Ceremony and Here for Good Market Business After Hours. Also, she was on Community Focus this week.

Council Member Reports

Member Johnson stated that the EDA held a special meeting on June 8th to prioritize criteria for the DEED Mainstreet Revitalization Program and select a subcommittee to develop the application. He hopes that all the businesses possible to apply for the dollars as we may be allocated more if other communities cannot commit projects. Finally, he heard from a constituent about flooding in his basement after the City did repairs to the alley, he would like to see the matter on Safety and Public Works at the next meeting.

Mayors Report

Mayor Badeaux stated that Brainerd Community Action has events 3 weeks in a row. The Pop Up Skatepark where the Lakes Area Skatepark Association received \$13,000 from Clow Stamping for a future skatepark. Arts in the Park at Gregory Park on June 26th, and the Independence Day Celebration for which the parade route will be backwards. Parking for the 4th of July may be complicated.

Adjourn to City Council and Public Utilities Commission Joint Workshop on Monday, June 27, 2022, at 5:00 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO ADJOURN TO THE CITY COUNCIL PUBLIC UTILITIES COMMISSION JOINT WORKSHOP ON MONDAY JUNE 27, 2022, AT 5:00 P.M.

The Chair adjourned the meeting at 8:36 p.m.


Jennifer Bergman
City Administrator