

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, Bieser, Stenglein, Erickson, O'Day, and Bevans. Mayor Badeaux was noted as present.

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills**
- B. Approval of Minutes of the Regular City Council Meeting held on August 15th, 2022**
- C. Approval of Minutes of the City Council Workshop held on August 29, 2022**
- D. Approval of Licenses**
- E. Department Activity Reports**
- F. Ratify the Hiring of BPU Laborer Nicholas Moser Effective August 29, 2022, at Step 2**

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

Council Committee Reports

Personnel and Finance Committee

Approve Memorandum of Agreement (MOA) with IBEW Admin Support Union for Acting Transit Coordinator Position

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE MOA BETWEEN THE CITY OF BRAINERD, IBEW AND CRYSTAL GAUTHIER FOR GAUTHIER TO BE APPOINTED AS OUR ACTING TRANSIT COORDINATOR EFFECTIVE AUGUST 23, 2022.

Ratify the Promotion of Taylor Lokhorst to the Street Maintenance 1 Position

Committee Chair Johnson stated that there would be some overlap in staffing the street department for 2 weeks.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE PROMOTION OF TAYLOR LOKHORST TO THE STREET MAINTENANCE I POSITION EFFECTIVE OCTOBER 3, 2022, AND THAT HE BE PLACED ON STEP 1 (\$21.74 PER HOUR) OF THE STREET MAINTENANCE I WAGE GRID;

FURTHER TO DIRECT STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE PARK MAINTENANCE POSITION.

Disposal of Retired Police Squad

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE SALE OF RETIRED POLICE SQUAD #498 UTILIZING CENTRAL MINNESOTA DEALER AUCTION.

Ratify the Hiring of Police Officer Hiring Nicholas Karsnia and Request to Hire Community Service Officer (CSO)

Committee Chair Johnson stated that this is an exciting hire, due to Mr. Karsnia previously serving as a CSO and having grown up in Brainerd. It is always great when a local can serve their City.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO RATIFY THE HIRING OF POLICE OFFICER NICHOLAS KARSNIA, STARTING AT LELS STEP 1 RATE OF \$29.79, WITH AN EFFECTIVE DATE OF AUGUST 22, 2022, AND AUTHORIZE HIRING OF ONE CSO.

Consider Approval of a Classification and Compensation Study Request for Proposals

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE CLASSIFICATION AND COMPENSATION STUDY REQUEST FOR PROPOSALS AS PRESENTED.

Discussion of 2022 Audit Fee

Committee Chair Johnson stated that due to BPU and the HRA utilizing CliftonLarsonAllen (CLA) for their audits, it makes sense for the City to do so as well.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO UTILIZE CLIFTONLARSONALLEN FOR THE 2022 AUDIT AND PUT THE INCREASE INTO THE BUDGET.

Authorization to Apply for League of Minnesota Cities Trust (LMCIT) Loan Program for Extraordinary Expense

Committee Chair Johnson stated that Finance Director Hillman confirmed that this is an eligible use for the loan and the City can apply for up to \$250,000 dollars. If the City pays it off within a year, there is no interest. The interest rate after one year would be 3% over a 5 year term.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE STAFF TO APPLY FOR THE LMCIT LOAN PROGRAM FOR THE MAXIMUM POSSIBLE LOAN FOR EXTRAORDINARY EXPENSE.

Adopt Resolution Declaring the Intent to Reimburse Certain Expenditures from Proceeds of Tax-Exempt Bonds

Committee Chair Johnson stated that this a formality for the City to be able to reimburse ourselves for expenditures paid now if bonds are needed to be issued to cover the expenditure in the future.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT RESOLUTION DECLARING THE OFFICIAL INTENT TO REIMBURSE CERTAIN ORIGINAL EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT BONDS AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

RESOLUTION 28:22

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

Adopt Resolution to Terminate Assessment Agreement

Committee Chair Johnson stated he would be abstaining from the vote due to conflict of interest.

Member Stenglein stated that the new owners of the property have agreed to pay off the balance of loan that generated the assessment agreement.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK TO ADOPT RESOLUTION ADOPT RESOLUTION APPROVING THE TERMINATION OF AN ASSESSMENT AGREEMENT BETWEEN THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF BRAINERD AND FOR THE CITY OF BRAINERD, MINNESOTA, NELSON-KUEPERS, LLP.

RESOLUTION 29:22

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

Safety and Public Works

Event/ Street Closure Application- Brainerd Fire Department Open House

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE THE APPLICATION UNDER THE CONDITION THAT THE APPLICATION REQUEST TRAFFIC CONTROL FOR THE STREET CLOSURE ONE WEEK PRIOR TO THE EVENT.

Event/ Street Closure Application- St. Francis Marathon

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE APPLICATION UNDER THE CONDITION THE APPLICANT NOTIFY THE ADJACENT RESIDENCES/BUSINESSES OF THE EVENT, SIGNS ARE REMOVED AFTER EVENT CONCLUSION, AND AN INSURANCE CERTIFICATE IS SUBMITTED TO THE CITY PER THE PERMIT REQUIREMENTS BEFORE THE EVENT.

Temporary Easement Water Tower

Committee Chair O'Day stated that Breen & Person has decided not to charge anything to the City for the construction easement. He just asks that the Water Tower Committee recognize this is a donation.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE THE EASEMENT AS PRESENTED.

Approve Electrical/ Mechanical at Street and Parks Building

Committee Chair O'Day stated that this was missed in the original bidding plan as the bid proposal did not include Electrical and Mechanical items as listed in the original estimate. These items are necessary for permanent occupancy of the building. Staff received quotes for this work from Pike Plumbing & Heating (Mechanical) for \$37,100, Holden Electric (Electrical) for \$31,410, and Jim's Electric (Electrical) for \$29,944. To date, Holden Electric has obtained materials for the work and been paid a portion for materials on hand. With the addition of the Mechanical and Electrical items as quoted, the total cost would be \$586,263. The original budget was \$468,109. This represents 25% over the original budgeted amount. This amount will not affect the 2023 budget.

City Administrator Bergman stated that the recommendation that came from Widseth was that the City could save money keeping the electrical and mechanical separate from the original bid. This necessity was missed with the transition.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE QUOTES FROM PIKE PLUMBING & HEATING AND HOLDEN ELECTRIC FOR THE ADDITIONAL MECHANICAL AND ELECTRICAL WORK AT THE BRAINERD STREET & PARKS BUILDING ADDITION FOR A TOTAL PROJECT COST OF \$586,263.

Direction on Open Code Enforcement Cases

Committee Chair O'Day gave an overview of the properties. Both will be issued a 10-day order to correct letter and begin working with the City Attorney for next steps.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE THE RECOMMENDATIONS AS PRESENTED.

Unfinished Business

First Reading- Proposed Ordinance 1536- Ordinance Amending Chapters 1 and 2 Brainerd City Charter

City Administrator Bergman gave an overview of the changes made to the Charter with this ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY DULY CARRIED TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1536 AN ORDINANCE AMENDING CHAPTERS 1 AND 2 BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING.

First Reading- Proposed Ordinance 1537- Ordinance Amending Chapter 3 Brainerd City Charter

Finance Director Hillman gave an overview of the changes made to the Charter with this ordinance.

Member O'Day asked for clarification on whether the amount levied for the Permanent Improvement Fund each year would be discussed during the budget approval process.

Finance Director Hillman stated that it is a part of the budget discussions.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND JOHNSON, DULY CARRIED TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1537 AN ORDINANCE AMENDING CHAPTER 3 BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING.

First Reading- Proposed Ordinance 1538- Ordinance Amending Chapter 5 Brainerd City Charter

Finance Director Hillman gave an overview of the changes made to the Charter with this ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK, DULY CARRIED TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1538 AN ORDINANCE AMENDING CHAPTER 5 BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING.

Committee Recommendations- Recommended by Council President

Council President Bevans recommended Kevin Yeager for the Airport Commission and Paul Sandy for the Water Tower Committee.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE COMMITTEE RECOMMENDATIONS BY COUNCIL PRESIDENT BEVANS.

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)

New Business

Call for Public Hearing for the Removal of Library Board Member

Council President Bevans questioned why the Council was tasked with removing the member. It does not look good for volunteer commissions.

Administrator Bergman stated the Library Board is requesting that City Council remove Mr. Loyal Hyatt from the Library Board for non-attendance. Mr. Hyatt has not attended a Library

Board meeting since August 2021. The Library Board needs to have a quorum to conduct business, which has been difficult. Per the Charter: Every person appointed to any office by the City Council or Mayor may be removed from such office by a vote of two thirds of all the Council Members authorized to be elected. But any officer appointed by the Mayor shall not be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have reasonable opportunity to be heard in person, or by counsel in his or her defense. The Council shall fix the time and place for the hearing of such officer, of which not less than ten days' notice shall be given to such officer and shall have the power to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall refuse or neglect to appear and answer such charges, the City Council may declare such office vacant. Among such causes shall be continued absence by a member of a board from three successive regular meetings of such board, or neglect of duty of any officer.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STUNEK, DULY CARRIED, TO SET A PUBLIC HEARING FOR SEPTEMBER 19TH, 2022 AT 7:30 P.M.

Consider Resolution to Dissolve the Cable TV Advisory Committee

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT RESOLUTION ACKNOWLEDGING AND APPLAUDING THE ACCOMPLISHMENTS OF THE CABLE TV ADVISORY COMMITTEE AND DISOLVE THE COMMITTEE UNTIL A TIME AT WHICH THE CITY COUNCIL DEEMS IT NECESSARY TO BE REESTABLISHED.

RESOLUTION 30:22

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

Consider Conditional Use Permit for Ice Vending Machine at 1202 S 6th Street

Community Development Director Kramvik stated that the Planning Commission considered this CUP request during their regular meeting on August 17th. Discussion occurred on whether this building meets the definition of commercial/ retail establishments and if this building is an accessory use or primary use. Planning Commission voted 4-1 to recommend approval of this CUP request

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND BIESER, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR THE OPERATION OF THE ICE AND WATER VENDING MACHINE AT 1202 S 6TH ST WITH THE CONDITIONS THAT THE APPLICANT SUBMIT TO STAFF THE LIGHTING (2700K LIGHTING COLOR OR WARMER) AND FENCING/SCREENING PLANS THAT MEET CURRENT RESIDENTIAL STANDARDS.

Consider Conditional Use Permit for Residential Recovery Facility at 2501 Greenwood Street

Community Development Director Kramvik stated that Central Minnesota Adult and Teen Challenge has submitted an application for a Conditional Use Permit to operate a residential addiction recovery facility with outpatient services at 2501 Greenwood St, Brainerd MN, 56401. The current owner of this property is Evangelical Lutheran Good Samaritan, Parcel Number 41010613. The Planning Commission considered this CUP request during their regular meeting on August 17th. Planning Commission voted unanimously to recommend approval of this CUP request.

Council Member Reports

Member Johnson stated that HRA Director Charpentier regrets not being here.

Adjourn to Closed Session Pursuant to MN Statute 13D.03 to Discuss Labor Negotiation Strategy

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN,
DULY CARRIED, TO ADJOURN TO CLOSED SESSION.

The Chair adjourned to closed session at 8:20 p.m.

The Chair reconvened the session at 8:42 p.m.

Adjourn to Employee Appreciation Event on September 14th, 2022, at Lum Park

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN,
DULY CARRIED TO ADJOURN TO THE EMPLOYEE APPRECIATION EVENT ON
SEPTEMBER 14TH AT LUM PARK.

The Chair adjourned the meeting at 8:43 p.m.



Jennifer Bergman
City Administrator

Member O'Day stated that the model that the organization uses is perfect for supporting residents and will be supported in the community unlike other models.

Member Johnson questioned why with the number of older citizens needing care in the City why Good Samaritan is selling these parcels.

Community Development Director Kramvik stated that Good Samaritan has staffing limitations.

There was no motion due to discussion out of order. Continued to next meeting.

Public Forum

The Chair opened public forum at 8:08 p.m.

No one came forward.

The Chair closed public forum at 8:09 p.m.

Staff Reports

Community Development Director Kramvik stated that there is a Planning Commission Workshop on September 7th at 6:00 p.m. in the training room at the Fire Department. Topics of discussion include the moratorium for greenspace or surface parking in the TN-1 zones, lighting color and temperature, and manufactured housing district.

City Engineer/ Public Works Director Dehn stated that the MnDOT online open house for Highway 210 is open until September 12th. It is vital that citizens give their input.

Finance Director Hillman stated that the work on the budget and levy continues. If Council has any questions or concerns, please contact her.

City Administrator Bergman stated that she received an update from BLAEDC regarding the DEED Mainstreet applications, as of Friday there were 23 applications for a total of \$1.559 million dollars applied for. The EDA subcommittee will meet September 15th to review the applications. The League of Minnesota Cities Insurance Trust (LMCIT) and Benchmarking met last week and included the City of Brainerd Police Department in discussion about worker's compensation claims and the fact that Brainerd has some of the fewest claims across police departments in the state.

Chief Bestul stated that being included in discussion with LMCIT was a great opportunity to showcase the department. He attributed the low number of claims to morale, training, supporting candidates, and policy. The Department has a solid team.

Mayor Report

Mayor Badeaux thanked all of the area students, teachers, and staff for the photos from the first day of school. It's a big day for all of the youngest citizens of Brainerd. He added to City Engineer Dehn's statement about the Highway 210 online open house is an important opportunity to have input in the future of our major highway. The 2nd Annual Flapjack Festival will be held on September 24th, he is very excited about this event. He thanked the American Legion, Mills Automotive Group, and the Brainerd Water Tower Committee and Brainerd Jaycee's for putting on the event. Finally, he thanked Breen and Person for allowing the City to use their parking lot for the Historic Water Tower rehabilitation.