Brainerd, MN
December 19th, 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: Johnson, Bieser, Stenglein, Erickson, O'Day, Stunek, 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 O'DAY, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY TO APPROVE THE CONSENT CALENDAR WITH THE ADDITION ON MINNESOTA LAWFUL GAMBLING APPLICATION, AND CORRECTION TO THE DECEMBER 5TH MINUTES TO INCLUDE MEMBER STENGLEIN'S MOTION THAT WAS DISALLOWED BY COUNCIL PRESIDENT.

A. **Approval of Bills and Transfers of Funds**
B. **Approval of Minutes**
   a. **Regular City Council Meeting held on December 5th, 2022**
   b. **Budget Public Hearing held on December 12th, 2022**
C. **Approval of Licenses**
D. **Department Activity Report**
E. **Approve Renewal of Memorandum of Understanding with CLC for Sexual Assault Services**
F. **Minnesota Lawful Gambling Application submitted by American Legion Post 255, 708 Front St, for an event to be held January 6th, 2023, at the Brainerd High School, 702 S 5th St.**

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

Presentations

Presentation MnDOT Current Layout from PMT and Set Public Hearing

City Engineer/ Public Works Director gave an overview of the preliminary draft layout of Washington Street/ Highway 210. He stated that the public hearing will be held on February 21st with municipal consent at that time.

Luke Wehseler, MnDOT Project Management, gave an overview of the timeline and a review of the meetings held for public engagement and with the City PMT.

Member O'Day asked whether anything has been changed since the last PMT meeting. The City PMT requested some of the left turns that had been eliminated be added back in and also narrower lanes to slow traffic. They were big wins for the City PMT.

Mr. Wehseler stated that the layout had not changed since the last meeting.

Member Johnson stated that not everything that the City asked for will be met, which is understandable. Overall, the process to get to this plan has been great.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO SET THE PUBLIC HEARING AND FOR MUNICIPAL CONSENT TO FEBRAURY 21ST AT 7:30 P.M. IN THE CITY COUNCIL CHAMBERS.

Brainerd Community Action Annual Presentation

Dave Badeaux, 602 N 9th St, Brainerd Community Action, Executive Director, and Katie Deblock, 202 Ridge Dr, presented the annual budget for Brainerd Community Action. They highlighted changes to the budget for the Independence Day celebrations.

Council Committee Reports

Safety and Public Works

Adopt Resolution Approving Transit 2020 Bus Purchase

Committee Chair O'Day stated that the bus that was planned for purchase in 2020 will arrive in 2023. There was an increase to the cost share, the cost to the City for the bus is $11,756.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO ADOPT RESOLUTION AUTHORIZING 2020 BUS PURCHASE.

RESOLUTION 52:22

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

Adopt Resolution for Surface Transportation Block Grant Program (STBGP) Grant Application

Committee Chair O'Day stated that this strengthens our position in receiving funds for the 210/Washington Street project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO ADOPT RESOLUTION AGREEING TO MAINTAIN THE FACILITIES AS WILL BE DESCRIBED IN THE COOPERATIVE AGREEMENT.

RESOLUTION 53:22

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

Adopt Resolutions for Transportation Alternatives (TA) Grant Application

Committee Chair O'Day stated that the Transportation Alternatives grant is to strengthen the opportunity to build a pedestrian bridge over Washington street.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO ADOPT RESOLUTION AGREEING TO ACT AS THE SPONSORING AGENCY FOR THE GRANT FUNDING.

RESOLUTION 54:22

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

Member Erickson stated that this would be agreeing to maintain the transportation infrastructure that would be built with the opportunity to receive this grant.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO ADOPT RESOLUTION TO MAINTAIN THE FACILITIES RECEIVING GRANT FUNDING.

RESOLUTION 55:22

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

Approve Street Light Standards and Details

Committee Chair O'Day stated that the committee had detailed discussion with BPU Operations Manager Hawkinson. The standard lighting was chosen last March. Staff needed clarification on the lighting standards and the details for ordering the materials. The committee will continue to work with staff to implement and coordinate with the Planning Commission and the Park Board on lighting standards.

Approve Street Light Request

Committee Chair O'Day stated that there was a homeowner in North Town who requested a light at the intersection of Wild Avenue and Viking Street. The closest light is 400 ft away. The corner is too dark and unsafe.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE INSTALLATION OF A STREET LIGHT AT THE INTERSECTION OF VIKING STREET AND WILD AVENUE AT THE CITY'S EXPENSE.

Personnel and Finance Committee

Ratify the Hiring of Community Service Officer (CSO) Dominick Bailiff

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO RATIFY THE HIRING OF COMMUNITY SERVICE OFFICER DOMINICK BAILIFF, EFFECTIVE DECEMBER 16TH, 2022, AT THE CSO PAY RATE OF $16.00 PER HOUR.

Approve 2023 IBEW Administrative Support Union Contract Agreement

Committee Chair Johnson stated that this is a one-year contract that includes a 2.5% cost of living adjustment (COLA) and step increase for Alyson Timmons on January 1st.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE ATTACHED OFFER FOR SETTLEMENT BETWEEN THE CITY

AND IBEW LOCAL NO. 31 UNION REPRESENTING THE ADMINISTRATIVE SUPPORT EMPLOYEES FOR THE 2023 CONTRACT.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION SETTING THE IBEW ADMINISTRATIVE SUPPORT UNION WAGES FOR 2023.

RESOLUTION 56:22

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

Approve 2023-2025 IUOE Parks Union Contract Agreement

Committee Chair Johnson stated that this is a three-year contract that includes 2.5% COLA for two years and 3.75% COLA for the third year.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE 2023-2025 TENTATIVE AGREEMENT SUMMARY AND THE ATTACHED CONTRACT SUPPORTING DOCUMENTS BETWEEN THE CITY AND IUOE LOCAL NO. 49 UNION REPRESENTING PARKS MAINTENANCE EMPLOYEES.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT RESOLUTION SETTING THE IUOE LOCAL NO. 49 PARKS MAINTENACE WAGES FOR 2023-2025.

RESOLUTION 57:22

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

Request Authorization to Advertise for a Senior Engineer Tech/ Project Manager Position

Committee Chair Johnson stated that the Engineering Tech position has been posted twice and we have not had any luck with hiring. The adjustment to the position fits the qualifications better and may warrant more candidates with a higher starting wage.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO HIRE A SENIOR ENGINEERING TECH/PROJECT MANAGER INSTEAD OF THE ENGINEERING TECH POSITION.

Consider Library Board's Request for Parking Spots in the Maple Lot

Member O'Day asked how many employees the Library had working.

Finance Director Hillman stated that at peak time there are 9 employees or volunteers at the Library. They are looking to use the main Library lot for patrons.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO DENY THE LIBRARY'S BOARD REQUEST FOR ADDITIONAL PARKING SPOTS; HOWEVER, MAINTAIN THE FOUR THAT WERE APPROVED IN 2015, ON THE CONDITION THAT IF THE SPOTS ARE NEEDED FOR RENTAL, THE LIBRARY GIVES UP THE SPOTS UPON NOTIFICATION BY CITY STAFF.

Discussion of Streets Vehicle Replacement

Committee Chair Johnson stated that the City has attempted to replace a 19-year-old truck through Enterprise's government pricing. This action is to allow staff to reserve a truck with the consumer pricing. The cost will be about $4,500 more over five years than the government lease. He enjoys seeing the Street Foreman drive around in an old truck as it seems the City is saving taxpayer dollars, but it is time to replace the truck.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO A RETAIL LEASE WITH ENTERPRISE FOR A 2023 F-250.

Unfinished Business

Committee Recommendations- Recommended by Mayor Badeaux

Doug Stenberg- TAC expires 2024
Jan Lambert- TAC expires 2024
Lisa Nebel- TAC expires 2024
Johnathan Miller- Parks expires 2027
Mike Angland- PUC expires 2027

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE COMMITTEE RECOMMENDATIONS BY MAYBOR BADEAUX.

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – 4 terms (Expire 2026) 1 term (Expire 2025)
Library Board -- 1 term (Expire 2023)
Rental Dwelling License Board of Appeals – 5 terms (Expire 2025)
Mayor Recommended: (terms to expire 09/07 of said year)
Economic Development Authority (EDA) – 1 term (Expire 2028) 1 term (Expire 2026)
Council President Recommended: (terms to expire 12/31 of said year)
Airport Commission-- 1 term (Expire 2025)
Planning Commission-- 2 terms (Expire 2025)

New Business

First Reading- Proposed Ordinance 1540, an Ordinance Instituting a Moratorium on the Conversion of Dwellings to Green Space or Surface Parking

Community Development Director Kramvik gave an overview of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1540, AN ORDINANCE INSTITUTING A MORATORIUM ON THE CONVERSION OF DWELLINGS TO GREEN SPACE OR SURFACE PARKING AND DISPENSE WITH THE ACTUAL READING OF THE ORDINANCE.

Discussion Regarding the Sale of Alcohol in City Parks

City Engineer/ Public Works Director Dehn stated at the December 6th Park Board meeting they discussed policies regarding the new Amphitheater facility, the Park Board discussed the current restrictions of alcoholic beverages in City Parks and the possibility of allowing sale and consumption in City Parks. A similar question arose last summer concerning whether the existing City Code allows for the sale and consumption of alcohol in City parks. The City Code gives multiple definitions of intoxicating liquor. Staff is looking for a general approval that would allow the Park Board to continue to explore how alcohol could be allowed in parks and bring that back as an ordinance to City Council.

Member Johnson stated that he supports the idea of looking at section 1200 and 1205 and working with the Park Board to have alcohol at some events. It is currently against our code for softball players and campers to consume alcohol in the parks, whether the Council wants to allow it or not, it is worth looking at. The City Code also prohibits current activities for Street Fest and Shep's Elbow Convention. Something needs to be done to the code to unify the thoughts of each individual.

Member O'Day stated that generally he is supportive of looking at the language in the current code as it is confusing and outdated.

Chair Bevans stated that regardless of whether or not the Council allows alcohol in Parks that the language does need revamping. He thanked the Park Board for bringing this forward so that we can move forward with a single concept.

Approval of 2023 Parks Budget

City Engineer/ Public Works Director Dehn stated that at the November 28th budget workshop, there was a general consensus of the Council disapproving of the proposed Park Board 2023 capital request. However no formal action was taken at the workshop or at the December 5th council meeting. Based on the Council's discussion at the workshop the Park Board revisited the 2023 capital request at their special meeting on December 6th and are submitting an alternative for Council consideration. The packet includes an alternative budget that removes the $400,000 Memorial Light project (in Option A) and in its place $50,000 (Option B) to replace bulbs, capacitors, and ballasts. Spending $50,000 is not a guarantee fix for the lights. At the December 6th special Park Board meeting, the Board discussed many options including if $50,000 should be spent, since it is unknown if replacing the ballasts and capacitors will work. It was voted to change the $400,000 to $50,000 to attempt to "band-aid" the light situation for next season.

Member Johnson attended the Park Board meeting and stated that the Park Board had a really good discussion on the alternative option B. We do not know if the band aid will work or not, but it will hopefully allow time to put the lights in their entirety in the budget. They requested that the electric department goes to assess the lighting situation in less than nine months. There was confusion about budget authority, he would like to see the Council approve or not approve the Park budget at the time that the Park Board presents it to City Council.

Mayor Badeaux thanked Council Member Johnson for attending the Park Board meeting. He would like to see the City Council and Park Board meet earlier in the year to discuss the direction of the Park Board for the coming year.

Chair Bevans thanked the Park Board for presenting an alternative to the City Council. He also thanked Member Johnson for attending the meeting. He asked Mr. Johnson whether if the $50,000 designated isn't going to be a viable option whether it becomes part of funding the $400,000 for the replacement.

Member Johnson stated that he would like to hear the assessment of the lights from electricians and BPU before a conversation is had whether to assign the monies to the replacement of the lights.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO APPROVE THE PARK BOARD BUDGET WITH OPTION B.

Adopt Resolution Setting 2023 Levy and Adopt 2023 Budgets

Finance Director Hillman stated the City needs to set the final levy by December 28th for the City and the HRA. The amount of the City's levy in the proposed resolution with a 3% increase in the levy, and the amount listed for the HRA is the maximum allowed by statute that was adopted with the preliminary levy. The resolution was completed with a 3% increase as this was the consensus of the Council at the November workshop and used for the budget public hearing. To achieve a 3% increase to the levy a transfer of $179,958 from the Capital Fund to the General Fund was planned. Since the public hearing Staff has updated the budget for 2023 election forms that have been received and for tentative agreements of union contracts. The additional adjustments resulted in a reduction to expenditures of $36,707. With the additional adjustments the amount needed to be transferred from the Capital Fund to the General Fund could be reduced to $143,251, or the final levy could be reduced. The latest recap is also attached for your information. It has the transfer being $143,251 and the final levy as a 3% increase. If Council chooses to keep the transfer at $179,958, the levy could be set lower at just over 2.41%.

Member Johnson stated that this would keep the levy at a 3% increase and reduce the amount that needs to be transferred from the Capital Fund to the General Fund.

Chair Bevans thanked Council Member Johnson, Finance Director Hillman, and City Administrator Bergman for all of the work that they put in to achieve the budget that we have presented tonight.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT RESOLUTION SETTING THE CITY LEVY AT $6,443,500 (3% INCREASE) AND $155,981 FOR THE HRA.

RESOLUTION 58:22

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADOPT THE 2023 BUDGETS AS PRESENTED INCLUDING THE CAPITAL BUDGET OPTION B WHICH INCLUDES $50,000 FOR THE MEMORIAL LIGHTS.

Public Forum

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

No one came forward.

The Chair closed the public forum at 8:31 p.m.

Staff Reports

Eric Charpentier, Executive Director, HRA, stated that the HRA will be submitting to the Small Cities Development Grants for single family rehab in the southeast section of the City.

Finance Director Hillman stated that the City has received its rating from Standard and Poor affirming the City's AA- rating with a stable outlook. They were pleased with the City's plan to pay for the lawsuit. She thanked administrative staff for their work answering the phones and communicating with the Street Department during the snowstorms.

City Engineer/ Public Works Director Dehn thanked Public Works staff for their hard work and effort to keep snow cleared during the snow event. He was very impressed and proud of the work done by BPU to keep the lights on.

City Administrator Bergman stated on behalf of IT/GIS Director Strong that the City is on Charter channel 181.

Mayor Report

Mayor Badeaux stated that on Tuesday, December 20th there will be a flash mob downtown at 4:30 p.m. There may even be a Santa.

Council Member Reports

Member O'Day stated that the Holiday Hayrides were a success, the Street Department was able to assist the event by sanding the roads prior to the event at the request of the horse owner. He thanked Members Erickson and Bieser for being a part of the Safety and Public Works committee and being great to work with.

Member Erickson stated that it has been an honor and a privilege to serve on the Council. He gave a special thanks to staff for their work.

Member Johnson stated that it has been a lot of fun to work with Members Bieser and Erickson but is also excited to work with future members.

Member Stunek wished everyone happy holidays.

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.03 TO DISCUSS LABOR NEGOTIATION STRATEGY.

The Chair adjourned the meeting to closed session at 8:41 p.m.

The Chair reconvened the meeting at 8:55 p.m.

Adjourn to Closed Session pursuant to MN Statute 13D.05, Subd. 3(A) to Conduct City Administrator Performance Review

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STUNEK TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.05, SUBD. 3(A) TO CONDUCT CITY ADMINISTRATOR PERFORMANCE REVIEW.

The Chair adjourned the meeting to closed session at 8:56 p.m.

The Chair reconvened the meeting at 9:09 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 9:10 p.m.

Jennifer Bergman
City Administrator