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, Johnson, Czeczok, O'Day, Stunek, Terry, and Bevans. Mayor Badeaux was noted as present.

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

Member Czeczok requested that the Northland Arboretum Agreement item be removed from the consent calendar.

Procedure for removing an item from the consent calendar was discussed.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA WITH THE REMOVAL OF THE ARBORETUM AGREEMENT FROM THE CONSENT CALENDAR.

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

A. **Approval of Bills**
B. **Approval of Minutes**
    a. **Regular City Council Meeting held on April 3, 2023**
C. **Approval of Licenses**
D. **Department Activity Report**
E. **Adopt Resolution Accepting 1st Quarter Donations**
F. **Ratify the Hiring of 2023 Interns and Temporary/ Seasonal Employees**
G. **Approve Letter Requesting brainerdmn.gov Domain**

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

Annual Presentation by Camp Ripley

The Chair recognized Senior Commander Lowell Kruse, who presented Camp Ripley's 2023 Community Brief. He explained the mission of Camp Ripley is to provide superior customer service, facilities, and resources empowering organizations to train in a realistic environment while fostering positive community relations and being the best neighbor, they can be. He gave a brief overview of the 2023 training schedule, community outreach events and the environmental partnerships. The Council had the opportunity to ask questions and the Chair thanked Senior Commander Kruse for his presentation. Members Terry and Czeczok thanked Senior Commander Kruse and his staff for their service to our country and community.

Council Committee Reports

Safety and Public Works Committee

Approve Event/Alley Closure Application- Shep's Elbow Convention

Committee Chair O'Day stated that the committee removed the contingency that the ordinance for alcohol in public spaces needed to be passed prior to the event. The contingency was removed to ensure that the passage of the ordinance is not based on this event alone.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE EVENT UNDER THE CONDITIONS DESCRIBED IN THE APPLICATION.

Approve Temporary and Permanent Easement- ISD 181

Committee Chair O'Day stated that the temporary easement is for construction and the permanent easement is for the boulevard.

Mayor Badeaux requested that the City take this opportunity to remind the school district of the agreement to replace the trees boulevard.

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

Approve Plans & Specifications and Authorize Bidding- Harrison SRTS Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE PLANS AND SPECIFICATIONS AS PRESENTED AND AUTHORIZING BIDDING OF IMPROVEMENT 22-06 (S.A.P. 108-113-008) WITH AN ANTICIPATED BID OPENING OF FRIDAY, MAY 5TH, 2023 AT 10:00 A.M.

Approve Widseth Contract Amendment- Lum Park Road SPRA Design Changes

Committee Chair O'Day stated that the amendment is to accommodate the design change that the Park Board suggested by connecting the pedestrian bridge to the historic arch at Lum Park. The Engineering services cost will increase, however, there will be larger savings in the construction of the road by moving the trail as the box culvert will then be unaffected.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE WIDSETH CONTRACT AMENDMENT OPTION 2 IN THE AMOUNT OF $13,300.

Request to Award Bid Improvement 23-01- 2023 Seal Coat Project

Committee Chair O'Day stated that the City has budgeted $150,000 for the project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AWARD THE CONTRACT FOR IMPROVEMENT 23-01 TO ASPHALT SURFACE TECHNOLOGIES CORPORATION IN THE AMOUNT OF $136,295.

Discussion on Right-Of-Way- Tree Removal

Committee Chair O'Day stated that this was discussion only. There has been discussion on how the City should handle trees that are in the right of way that are diseased, whether they should be contracted and assessed to the owner for all removals or if staff should handle smaller trees. The committee asked to have this added to a future Personnel and Finance agenda to discuss the potential for this and staff capacity.

Chair Bevans stated that he maintains the boulevard in front of his house and has paid for trees to be removed and replaced in the boulevard. It is his understanding that as a property owner it is his responsibility to maintain the boulevard.

Discussion on On-Street Trailer Parking

Committee Chair O'Day stated that unattended trailers are a problem in the winter for snow removal and summer during street sweeping. Currently, trailers can be left unattended for 48 hours. The committee directed staff to draft language for changing the requirements for the winter months.

Direction on Active Code Enforcement

Committee Chair O'Day stated that this is a property that Safety and Public Works Committee has addressed multiple times.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE WORKING WITH THE CITY ATTORNEY TO SEEK LEGAL ACTION AGAINST THE PROPERTY OWNER FOR VIOLATIONS OF CITY CODE RELATED TO GARBAGE.

Personnel and Finance Committee

Approve Bid for City Hall Generator

Committee Chair Johnson stated that he will be voting against the motion. He believes it is a waste of money. It has been in the capital budget for a few years and is also under budget. However, he does not see the taxpayers reaping $80,000 of benefit from the generator.

Member Terry pointed out the alternative options and effects section of the agenda request gives the rationale for the need for the generator.

Member O'Day questioned whether anything major has happened in the last few years to show a need for the generator.

Member Czeczok asked for the justification for the generator. Is there something less expensive to serve the critical needs of City Hall as opposed to the entire building.

IT/GIS Director Strong stated that in the last few years there have been a few outages that have lasted a number of hours. It affects transit and staff due to the phones being down. In order to split out the energy needed for a more cost-effective option, the building would have to be rewired to accommodate, which would cost much more.

Chair Bevans asked for clarification on whether this would be separate from the generators needed for the Police Station. Also, why cellphones wouldn't work during a power outage.

IT/GIS Director Strong stated that the Police Department needs HVAC replacement. The desk phones that the City operates with would not work during the power outages.

Mayor Badeaux stated that the use of natural gas sounds ill advised.

Todd Wicklund, Finance Director BPU, stated that $80,000 seems like a lot but really is in the right range. If something major were to happen, City Hall would need to be the command center for the City as much of the needed information for emergencies is housed at City Hall on the network.

Member Stenglein stated that she was shocked that City Hall didn't have a generator when the power had previously gone out. City Hall is where citizens are going to call in the event of a crisis and the City needs to be able to respond.

Mayor Badeaux questioned if there is a better phone system that would work in the case of a power outage. It seems like this $80,000 budget item appears to him to just benefit transit.

Member Terry stated that this generator would enable staff to work during an outage rather than waiting for the power to come back on, it would save the City money in the long run.

Chair Bevans stated he will vote no, due to there being higher priority needs to spend the money on.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE BID FROM JIM'S ELECTRIC FOR THE INSTALLATION OF THE UPGRADED 80KW KOHLER NATURAL GAS GENERATOR FOR $79,865.

Upon roll call, Council Members Stenglein, Stunek, and Terry voted "aye". Members Johnson, Czeczok, O'Day, and Bevans voted "nay". The Chair declared the motion failed.

Consider Agreement with Airport for IT/GIS Support

Committee Chair Johnson stated that IT staff have been helping with issues at the airport, the agreement equates to $21,160 with additional services being billed for hourly at the cost of each IT position. IT believes that they have the capacity to fulfill the agreement.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE IT/GIS SHARED SERVICES AGREEMENT BETWEEN THE CITY OF BRAINERD AND THE BRAINERD LAKES REGIONAL AIRPORT EFFECTIVE JAN 1, 2023, CONTINGENT ON AIRPORT COMMISSION APPROVAL.

Approve Final Change Order- Public Works Maintenance Building

Committee Chair Johnson stated that this is the final final change order.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE FINAL CHANGE ORDER FOR THE PUBLIC WORKS BUILDING ADDITION IN THE AMOUNT OF $19,033 FOR A TOTAL PROJECT FINAL COST OF $523,586.

Adopt Resolution for Sourcewell Community Impact Funding for Public Safety

Committee Chair Johnson stated that the funding will be used for our Fire Department and Police Department to have mental health check ins and additional physical fitness equipment.

Member Czeczok asked Staff to provide the application to City Council and questioned what the document is to be signed if the City is awarded funds. It seems deceptive of Sourcewell not to provide documents that detail the grant qualifications. He asked whether the Council would approve the agreement prior to receiving funds.

Committee Chair Johnson stated that the mental health of our emergency personnel is going to be something that needs to be funded in the future, whether that be through grants or public funding. The agreement will have to be approved by the City Council.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY TO ADOPT RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR FUNDING THROUGH THE SOURCEWELL COMMUNITY IMPACT FUNDING.

RESOLUTION 21:23

Upon roll call, Council Members Stenglein, Johnson, O'Day, Stunek, Terry, and Bevans. voted "aye". Member Czeczok voted "nay". The Chair declared the motion carried.

Accept Retirement of Street Maintenance III Marvin Bush and Authorize Mechanic Hiring Process

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT THE RETIREMENT OF MARVIN BUSH EFFECTIVE MAY 6, 2023, AND TO AUTHORIZE SEVERANCE PAY PER CITY POLICY AND THE IUOE LOCAL NO. 49 (STREET) UNION CONTRACT; FURTHER TO APPROVE THE STREET MAINTENANCE III – MECHANIC JOB DESCRIPTION AS PRESENTED AND TO AUTHORIZE STAFF TO BEGIN THE MAINTENANCE III - MECHANIC HIRING PROCESS.

Approve Promotion of Tony Runde to Deputy Police Chief

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO RATIFY THE PROMOTION OF TONY RUNDE TO DEPUTY POLICE CHIEF EFFECTIVE JUNE 3, 2023; FURTHER, THAT MR. RUNDE BE PLACED ON STEP 3 OF THE DEPUTY POLICE CHIEF WAGE GRID OR $45.55 PER HOUR.

Consider Amending American Rescue Plan Act (ARPA) Budget for Downtown Christmas Lights

Committee Chair Johnson stated he supports the motion. However, philosophically he is on the fence due to the old decorations having been gifted to us. He feels that the decorations should have been fundraised for. Due to it coming from ARPA dollars and not taxpayers he will support the motion.

Member O'Day asked for the length of time that the old decorations lasted.

Administrator Bergman will determine when the decorations were donated.

Chair Bevans stated that he will vote against the motion as he had to buy his own business Christmas lights and because downtown is the focus of many programs for the City.

Committee Chair Johnson stated that it is worth noting that the $28,701 is half of the cost, BPU is providing $28,700 through CIP funds. This is a great collaboration between the departments.

Member Czeczok clarified that the funds were to be taken from ARPA. He stated that he will bring back a request for cemetery funding through ARPA as well.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT AUTHORIZE STAFF TO AMEND ARPA BUDGET TO USE $28,701 IN ARPA FUNDS FOR DOWNTOWN HOLIDAY LIGHTS.

Upon roll call, Council Members Stenglein, Johnson, O'Day, Stunek, and Terry. voted "aye". Members Czeczok and Bevans voted "nay". The Chair declared the motion carried.

Unfinished Business

Authorize Signatures on the Amended Agreement with the Northland Arboretum

Member Czeczok stated that regarding the contract being signed, the working group succeeded in nothing. He will be voting no.

Member O'Day stated that he will vote no due to the City not following procedure.

Member Johnson stated that he will vote no due to the agreement stating that the Northland Arboretum will employ an Executive Director, which they currently do not have.

Member Czeczok asked for a second round of discussion.

Chair Bevans denied his request.

Member Czeczok stated that he has another comment and that typically there is a second round of discussion.

Chair Bevans stated that the Council only proceeds with a second round of discussion when Member Czeczok needs to bring up something that he has mentioned previously.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY TO CHALLENGE THE COUNCIL PRESIDENT'S DECISION TO NOT PROCEED WITH A SECOND ROUND OF DISCUSSION.

Chair Bevans clarified that a yes vote is in favor of the motion to have a second round of discussion.

Upon roll call, Council Members Johnson, Czeczok, O'Day, and Stunek voted "aye". Members Stenglein, Terry, and Bevans voted "nay". The Chair declared the motion carried.

Member Czeczok stated that with these types of items the City needs to be more fiduciarily responsible for the benefit of the taxpayers. The City is unaware of the salaries and other details of the Northland Arboretum's budget.

Member Terry stated that as the liaison she could retrieve any information from the Arboretum if asked. She does not believe that the Arboretum is trying to be nefarious.

Member Stenglein stated that the 990's filed by non-profit organizations are available to view if anyone is interested.

Mayor Badeaux stated that this item feels rushed and pushed through. It is very interesting timing that the City would be signing after finding that their Executive Director has resigned. Which leads the public to question whether there are individuals on the Council that are privy to pertinent information without sharing. Things get contentious when things are pushed through. The Council should follow their own procedures.

Member Terry stated that the Northland Arboretum Board met on Wednesday, April 12th, meaning that information was not available until now to share. This item was brought before the Council at the April 3rd meeting to agree to the extension of the agreement which was prior to anyone knowing the Director had another opportunity.

Member O'Day stated that the timeline for the contract should only be to the end of 2023. The procedure for the funds was done completely wrong by providing an extension.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STUNEK TO AUTHORIZE SIGNATURES ON THE EXTENDED AGREEMENT WITH THE NORTHLAND ARBORETUM.

Upon roll call, Council Members Stenglein, Stunek, Terry, and Bevans voted "aye". Members Johnson, Czeczok, and O'Day voted "nay". The Chair declared the motion carried.

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – 2 terms (Expire 2026) 2 terms (Expire 2025)
Library Board- 1 term (Expire 2025)
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)
Council President Recommended: (terms to expire 12/31 of said year)
Parking Commission—1 term (Expire 2026)
Planning Commission-- 1 terms (Expire 2025)

New Business

Adopt Resolution to Continue Participating in Opioid Settlements

Administrator Bergman stated the City of Brainerd entered into the MOA with the State of Minnesota back in December of 2021 to maximize the amount of funds the State could receive as a result of the opioid lawsuit settlements. The funds that were received from the settlements were given to the State and counties. There have been additional settlements since we entered into the MOA and the City of Brainerd is being asked to adopt a resolution to continue this MOA so the state can receive the additional funds. Crow Wing County anticipates receiving $2.5 million dollars, the County has hired a BLADE coordinator to focus on the substance abuse issues.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO ADOPT RESOLUTION AUTHORIZING CITY OF BRAINERD STAFF TO EXECUTE ALL NECESSARY DOCUMENTS TO ENSURE BRAINERD PARTICIPATION IN THE MULTISTATE SETTLEMENT RELATING TO OPIOID SUPPLY CHAIN PARTICIPANTS, AND IN THE MINNESOTA OPIOIDS STATE-SUBDIVISION MEMORANDUM OF AGREEMENT.

RESOLUTION 21:23

Upon roll call, Council Members Stenglein, O'Day, Stunek, Terry, and Bevans. voted "aye". Members Johnson and Czeczok voted "nay". The Chair declared the motion carried.

Set Public Hearing for Annual MS4 Report

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO SET THE PUBLIC HEARING FOR THE CITY'S MS4 PERMIT FOR MAY 15, 2023, AT THE REGULARLY SCHEDULED CITY COUNCIL MEETING.

Discussion on Annexation and Detachment of Dunmire Property

Community Development Director Kramvik stated Mr. Dunmire is requesting to annex Dunmire's Restaurant into Brainerd and hook up to City sewer and water while at the same time detaching 3.8 acres of parcel #41160504 from Brainerd. The remaining 2.2 acres located in Brainerd city limits would lie adjacent to Highway 210 and remain the General Commercial Zoning District and is approximately 6 acres in size. Mr. Dunmire would like to construct a mini-self storage facility on the northern portion of the property. The GC district does not permit mini-self storage facilities.

Chair Bevans asked whether this has gone to the Planning Commission.

Community Development Director Kramvik stated that since this is an individual property, matters like this would be a Council decision.

Member Stenglein asked about the nature of the property to the north.

Community Development Director Kramvik stated that the parcel to the north is zoned by the County as residential.

Member O'Day stated that this is a unique property at the very edge of the City where someone is offering something more for detachment than they are asking for. This provides for continuity of the City along Highway 210. He would support the annexation and detachment.

Mayor Badeaux asked whether the detachment would have to be approved by Oak Lawn Township.

Attorney Langel stated that no, the township does not have to approve the matter. The City can annex and detach by resolution.

Public Forum

The Chair opened the public forum at 8:58 p.m.

No one came forward.

The Chair closed the public forum at 8:59 p.m.

Staff Reports

HR Director Schubert stated that the Public Utility Director workgroup interviewed three candidates for the Director position. The workgroup will be making a recommendation to the BPU Commission on April 25th.

Community Development Director Kramvik stated that the Planning Commission will be holding a public hearing for the outdoor lighting ordinance at its next meeting.

City Engineer/Public Works Director Dehn stated that the application for the Highway 210 Pedestrian Bridge was not selected for grant funding. Notice has been sent out to the public regarding flooding that is happening on the Mississippi including at Kiwanis Park and Evergreen Landing.

Finance Director Hillman gave a shoutout to administrative staff for all of the phone calls that they have been taking regarding potholes and conditions of streets. Staff take the brunt of the phone calls and handle them with poise.

Administrator Bergman stated that on Friday afternoon she received notice that Judge Aanes signed off on the settlement agreement with IAFF. She is waiting to receive an e-mail from attorneys for more information. The City and League of Minnesota Cities will deposit the settlement amount into a trust until the firefighters determine how it is to be distributed. Secondly, the City received a thank you from the Crow Wing County Historical Society for the donation of $500.

Mayor Report

Mayor Badeaux stated that there is a park to be named after Lyman P. White. The park has had a few individuals speak against the name of the park. He will be writing a letter to the Dispatch regarding the research he has done regarding the incorrect report of actions that Lyman P. White made against Native Americans. He has been doing his due diligence to research, which is why some may have felt that the City had made no response to concerned citizens over the naming of the park.

Council Member Reports

Member Johnson thanked the Historical Society for thanking the City Council.

Member Stenglein stated that the PMT for the Pedestrian Bridge will meet tomorrow, she is disappointed that the feasibility study will be affected.

Adjourn to Closed Session per MN Statute 13D.05 Subd. 3(B) to Discuss Potential Litigation Arising Out of Property Tax Assessment Imposed by the City of Baxter

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK, DULY CARRIED, TO ADJOURN TO THE CLOSED SESSION PER MN STATUTE 13D.05 SUBD. 3(B) TO DISCUSS LITIGATION ARISING OUT OF PROPERTY TAX ASSESSMENT IMPOSED BY THE CITY OF BAXTER.

The Chair adjourned the meeting to the closed session after a five-minute break at 9:06 p.m.

The Chair reconvened the meeting at 9:24 p.m.

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

The Chair adjourned the meeting at 9:24 p.m.

Jennifer Bergman
City Administrator