

**Brainerd, MN
April 18th, 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: Stenglein, Erickson, Stunek, Johnson, Pritschet, and Bevans. Member O'Day was present via WebEx from 1126 Tipton Ct, Fort Meyers, FL 33901. Mayor Badeaux was also noted as present.

Due to a Council Member attending virtually, all votes are roll call votes.

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

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STUNEK TO APPROVE THE AGENDA.

Upon roll call, Council 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 COUNCIL MEMBERS STENGLEIN AND ERICKSON TO APPROVE THE CONSENT CALENDAR.

- A. **Approval of Bills- Approved**
- B. **Approval of Minutes of the Regular City Council Meeting held on April 4th, 2022- Approved**
- C. **Approval of Licenses- Approved**
- D. **Department Activity Reports- Approved**
- E. **Resolution 16:22- Accept 1st Quarter Donations**

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

Council Committee Reports

Safety and Public Works

Approve Event/Parking Lot Closure Application- Armed Forces Freedom Festival

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE EVENT APPLICATION WITH THE CONDITIONS LISTED IN THE APPLICATION.

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

Approve Event/Street Closure Application- Smiles on the 'Ssippi

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO APPROVE THE EVENT APPLICATION WITH THE CONDITIONS LISTED IN THE

APPLICATION; FURTHER THAT THERE BE NO ALCOHOL AND APPLICANT CONTACT CROW WING COUNTY EMERGENCY SERVICES.

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

Approve Construction and Maintenance Cost Share Agreement with Crow Wing County for 2022 Cuyuna Lakes State Trail Project

Committee Chair O'Day stated that the City will manage the portion of the trail that is on 13th Street, County Road 45, which is a County highway.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE AGREEMENT AS PROPOSED.

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

Approve Plans and Specifications and Authorize Bidding for Improvement 19-02-Cuyuna Lakes State Trail West Segment

Committee Chair O'Day stated that the bid opening will take place on May 25th at 10:00 a.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO APPROVE THE PLANS AND SPECIFICATIONS AND AUTHORIZE BIDDING OF THE WORK.

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

Approve Construction Materials Testing Agreement with Braun Intertec for Improvement 19-02 Cuyuna Lakes State Trail NP Center Segment

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE PROPOSAL FROM BRAUN INTERTEC IN THE PROPOSAL AMOUNT NOT TO EXCEED \$6,329 FOR MATERIALS TESTING ON IMPROVEMENT 19-02 - CUYUNA LAKES STATE TRAIL NP CENTER SEGMENT.

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

Review Classification of Land to "Non-Conservation" and Future Land Sale of Tax Forfeited Lands

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO CONCUR WITH THE NON-CONSERVATION STATUS OF BOTH PARCELS 41241526 AND 41360899 SO THAT THEY MAY BE PLACED ON THE COUNTY TAX FORFEIT LAND SALE.

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

Direction on Active Code Enforcement Cases

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE RECOMMENDATIONS FROM STAFF FOR THE FIVE PROPERTIES.

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

Personnel and Finance Committee

Consideration of Bids for the Historic Water Tower Rehabilitation Project

Committee Chair Johnson stated the bid was about \$61,000 higher than expected at \$385,000. The City's contribution will be \$162,043 as a match to the Historical Society grant and the Water Tower Committee covering the rest of the cost with their raised funds.

Paul Skogen, 13347 Norway Drive, Baxter, Chair of the Water Tower Committee, stated that the remaining earmarked funds from the City will stay in reserve for other grant opportunities as a match.

Council Member Bevans stated he is in support of the motion but is concerned about the condition of the stairs. Discussion was held on the phase in which the stairs will be addressed.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO AWARD PHASE 1 OF THE HISTORIC WATER TOWER REHABILITATION PROJECT TO HY-TEC CONSTRUCTION IN THE AMOUNT OF \$385,000 AND AUTHORIZING SIGNATURES ON THE AGREEMENT WITH HY-TEC WITH THE WATER TOWER COMMITTEE USING THEIR FUNDS RAISED TO COVER OVERAGES.

Upon roll call, Council 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 2022 Interns and Summer Temporary Employees

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLIN TO RATIFY THE HIRING OF 2022 INTERNS AND SUMMER TEMPORARY EMPLOYEES AS PRESENTED.

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

Accept the Resignation of Police Officer Knisley

Committee Chair Johnson stated that this brings the roster to 24 out of the 27 officers the department hopes to have this year.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ACCEPT THE RESIGNATION OF OFFICER STEVEN KNISLEY'S RESIGNATION EFFECTIVE MARCH 31, 2022.

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

Accept the Resignation of City Engineer/ Public Works Director Paul Sandy

Committee Chair Johnson stated that the work group for Community Development Director hiring will also include the Public Works Director hiring.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLIN TO ACCEPT THE RESIGNATION OF CITY ENGINEER/PUBLIC WORKS DIRECTOR PAUL SANDY EFFECTIVE MAY 6, 2022; APPROVE THE ATTACHED REVISED CITY ENGINEER/PUBLIC WORKS DIRECTOR JOB DESCRIPTION AS PRESENTED; AND DESIGNATE COUNCIL MEMBERS O'DAY AND JOHNSON AS COUNCIL REPRESENTATIVES TO A WORK GROUP TO OVERSEE THE CITY ENGINEER/PUBLIC WORKS DIRECTOR HIRING PROCESS.

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

Approval of MOA for Acting Community Development Director

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BRAINERD, THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) LOCAL NO. 31 UNION AND JAMES KRAMVIK FOR KRAMVIK TO BE APPOINTED AS THE ACTING COMMUNITY DEVELOPMENT DIRECTOR EFFECTIVE APRIL 23, 2022.

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

Update on Community Development Director Hiring Process

Committee Chair Johnson stated that the position descriptions have been updated to better divide duties. The profile also easily depicts the hiring range and pay range to help candidates understand the performance-based system.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLIN TO APPROVE THE ATTACHED COMMUNITY DEVELOPMENT DIRECTOR POSITION PROFILE AND HIRING TIMELINE; APPROVE THE ATTACHED REVISED JOB DESCRIPTIONS FOR THE COMMUNITY DEVELOPMENT DIRECTOR, BUILDING OFFICIAL AND ASSISTANT PLANNER; AUTHORIZE THE WORK GROUP TO CONTINUE TO OVERSEE THE COMMUNITY DEVELOPMENT DIRECTOR HIRING PROCESS AND TO DESIGNATE COUNCIL MEMBERS O'DAY AND JOHNSON TO SERVE AS COUNCIL REPRESENTATIVES ON THE COMMUNITY DEVELOPMENT DIRECTOR INTERVIEW PANEL.

Approval of Change Order for Zoning Code Update Project

Committee Chair Johnson stated the zoning update was set to be on budget at \$90,000 and on time, but when the Council rejected the final zoning code additional funds are needed to extend the timeline and consulting work.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE CHANGE ORDER IN THE AMOUNT OF \$5,000 FOR THE COMPLETION OF THE ZONING CODE UPDATE PROJECT.

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

Consideration of Contract with Swanson-Haskamp Consulting for As-Needed Planning and Zoning Consulting

Committee Chair Johnson stated that if something complex comes up that James feels needs a second set of eyes, he can request services. He will effectively be fulfilling two jobs until a new Community Development Director is hired.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO APPROVE THE PROPOSAL FROM SWANSON HASKAMP CONSULTING FOR AS-NEEDED PLANNING & ZONING CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$10,000.

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

Consider Brainerd Community Action Request for Agreement Amendment

Committee Chair Johnson stated that Brainerd Community Action requests that the liaison is a voting member, second that the city provide offices if needed in the future. He does not foresee their need for an office, but one could be provided if faced with the need.

Chair Bevans is concerned about where the City would plan to house Community Action should the need come about. Council discussion was held and it was determined that there would be space if the need was to arise.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TO STUNEK AUTHORIZE AMENDING THE AGREEMENT BETWEEN THE CITY OF BRAINERD AND BRAINERD COMMUNITY ACTION PER THE REQUEST.

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

Authorize Library Entrance Door and to Request Funds from Kitchigami Regional Library (KRL)

Committee Chair Johnson stated that Mary Koep had brought the underspent funds to the City's attention to be used for capital spending. The vote is to show support for the project. The project is to make the library more accessible.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO AUTHORIZE THE APPROVAL OF THE BRAINERD PUBLIC LIBRARY BOARD FRONT ENTRANCE DOOR PROJECT, REQUESTING \$31,495 IN FUNDS FROM THE KITCHIGAMI

REGIONAL LIBRARY RESERVE FUNDS DESIGNATED FOR THE BRAINERD PUBLIC LIBRARY.

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

Adopt Resolution to Elect the Standard Allowance Available Under the Revenue Loss Provision of the Coronavirus Local Fiscal Recovery Fund Established Under the American Rescue Plan Act

Committee Chair Johnson stated this was discussed at the February 28th workshop this is the formal adoption of the resolution.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION ELECTING THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT.

RESOLUTION 17:22

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

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

Committee Chair Johnson stated that there has not been a response from Lakes Area Media Collaborative.

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 – 2 terms (Expire 2022) --1 term (Expire 2024)
Charter Commission – 1 term (Expire 2022) 1-term (Expire 2025)
Rental Dwelling License Board of Appeals – 3 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

First Reading- Proposed Ordinance 1529- An Ordinance Amending Section 1200 of the Brainerd City Code Pertaining to Intoxicating Liquor

Finance Director Hillman stated that at the April 4, 2022, council meeting staff was directed to draft an ordinance to allow more than one Class 2 and Class 3 liquor licenses to be issued to a person. State Statute limits the number of off-sale liquor licenses to one but not the number of on-sale licenses. If Council adopts the proposed language changes, the City would be more restrictive than State Statute by limiting the number of Class 1 or bar licenses to one per person.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STENGLEIN TO CONDUCT THE 1ST READING OF PROPOSED ORDINANCE NO. 1529, AN ORDINANCE AMENDING SECTION 1200 OF THE BRAINERD CITY CODE PERTAINING TO INTOXICATING LIQUOR AND DISPENSE WITH THE ACTUAL READING OF THE ORDINANCE.

Upon roll call, Council 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 public forum at 8:00 p.m.

No one came forward.

The Chair closed public forum at 8:02 p.m.

Staff Reports

Community Development Director Chanski thanked the Council again for the opportunity to serve the City of Brainerd. The Planning Commission meeting is on Wednesday, April 20th, at 6:00 p.m. they will be considering some of the changes to the zoning code. The Mississippi Trailhead Landing Park came under bid, the project management team is meeting on Tuesday and the Park Board is meeting on Tuesday, April 26th.

Finance Director Hillman stated that the auditors will be at City Hall starting on April 25th, to start field work.

City Administrator Bergman stated that the ISD 181 school dedications are coming up, she encouraged City Representatives to attend. On Thursday, April 21st, she and County Administrator Houle will be at the library to do strategic planning to assist the Kitchigami Library Board with their board retreat and will be doing a session on governance. The Cable TV Advisory Board is reviewing a draft agreement with CLC, hoping that the draft will be considered at one of the Council meetings in May. Finally, the Charter Commission is meeting on April 20th at 4:00 p.m.

Mayors Report

Mayor Badeaux stated that the shoveling brigade will have a luncheon on Saturday, April 23rd at 12:30 p.m. at the Fire Department. The Junior Jaycees are doing a class afterward to learn about civic engagement. For Community Member of the Month, he is looking for members

of the community to recognize. Thanks to those who have shared members in the past. Finally, Camp Ripley has invited the Council for a briefing and tour at Camp Ripley.

Council Member Reports

Council Member Pritschet stated that it is amazing to see the progress of the Water Tower Committee.

Council Member Johnson thanked Rotary, the NP Center, and the Parks Department for the Easter egg hunt. Reminder to Department Heads that agenda items are due to the Finance Director or City Administrator by Wednesday at noon on packet weeks. Finally, he stated that the summer is going to be rough without a Community Development Director and City Engineer, the City Administrator is compiling a list of projects from the departments and will have a Council Workshop to prioritize the list of work.

Adjourn to Planning Commission Meeting April 20th, 2022, at 6:00 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND ERICKSON TO ADJOURN PLANNING COMMISSION MEETING APRIL 20, 2022, AT 6:00 P.M.

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

The Chair adjourned the meeting at 8:15 p.m.

Jennifer Bergman
City Administrator