

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, Stenglein, and Bevans. Mayor Badeaux was also noted as present. Council Member Pritschet was noted as absent.

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 O'DAY AND JOHNSON TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills- Approved
- B. Approval of Minutes of the Regular City Council Meeting held on May 16<sup>th</sup>, 2022- Approved
- C. Approval of Licenses- Approved
- D. Department Activity Reports- Approved
- E. 2021 Audits for BPU and Brainerd HRA
- F. Ratify the Reclassification of Andy Moody to Water Plant Operator

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

### Council Committee Reports

#### Personnel and Finance Committee

#### League of Minnesota Cities Insurance Trust (LMCIT) Premium Renewal March 2022- February 2023

Committee Chair Johnson stated that the increase was within the budgeted increase.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO APPROVE THE INSURANCE RENEWAL FROM THE LMCIT FOR MARCH 1, 2022 – FEBRUARY 28, 2023, AS PRESENTED WITH THE ADDITION OF INCREASED CYBER SECURITY INSURANCE AT AN ADDITIONAL COST OF \$2,184.

#### Accept Resignation of Firefighter Bickel

Committee Chair Johnson stated that Firefighter Bickel will be missed as he was a very effective employee, he got a promotion with his full-time job and feels he is unable to fulfill the obligations of the position.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED TO ACCEPT THE RESIGNATION OF PAID ON-CALL FIREFIGHTER ANDREW BICKEL EFFECTIVE 5/2/2022.

### **Ratify Hiring of 2022 Interns and Temporary/ Seasonal Employees**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO RATIFY THE HIRING OF THE 2022 SUMMER TEMPORARY EMPLOYEES AS PRESENTED ON THE ATTACHED LISTING.

### **Ratify the Promotion of James Kramvik as the Community Development Director**

Committee Chair Johnson stated that this motion also authorizes the backfilling of an Assistant Planner which is needed.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED TO RATIFY THE PROMOTION OF JAMES KRAMVIK TO THE COMMUNITY DEVELOPMENT DIRECTOR POSITION EFFECTIVE JUNE 7, 2022, AND THAT HE BE PLACED ON STEP 2 AT A RATE OF \$40.97 PER HOUR ON THE COMMUNITY DEVELOPMENT DIRECTOR WAGE GRID; FURTHER TO DIRECT STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE ASSISTANT PLANNER POSITION.

### **Discussion of Prosecution Agreement**

Committee Chair Johnson stated that the current agreement was for 3 years signed in 2019. The City needs to notify Severson Porter within 6 months of the expiration.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO AUTHORIZE STAFF TO PROVIDE WRITTEN NOTICE TO SEVERSON PORTER TO RENEW THE CURRENT CONTRACT PRIOR TO JULY 1<sup>ST</sup>.

### **Consider Request from the Employee Wellness Committee for the Employee Appreciation Event**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED TO APPROVE THE REQUEST FROM THE WELLNESS COMMITTEE TO CLOSE CITY FACILITIES FROM 11:30 AM TO 1:00 PM ON SEPTEMBER 14TH.

### **Update on City Engineer/ Public Works Director Hiring Process**

Committee Chair Johnson stated that three applicants were chosen to interview for the position. The lodging allocation is standard for administrators and department heads who have to travel in for an interview.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO AUTHORIZE A LODGING REIMBURSEMENT FOR THE CITY ENGINEER/ PUBLIC WORKS DIRECTOR APPLICANTS FOR UP \$200 THE NIGHT BEFORE THEIR INTERVIEWS THAT WILL BE HELD ON JUNE 22, 2022.

### **Update on the 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.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO DIRECT STAFF TO DRAFT ANOTHER LETTER TO LAKES AREA MEDIA COLLABORATIVE REQUESTING THE FUNDS BE RETURNED; FURTHER TO SEND THE LETTER TO THE BOARD MEMBERS AS WELL AS THE EXECUTIVE DIRECTOR.

### **Safety and Public Works**

#### **Event/Alley Closure Application- Shep's on 6<sup>th</sup> Elbow Convention**

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON DULY CARRIED, TO APPROVE THE ATTACHED APPLICATION UNDER THE CONDITIONS LISTED IN THE APPLICATION.

#### **Event/ Parking Lot Closure- Lakes Area Skatepark Association Pop-Up Skatepark**

Committee Chair O'Day stated that this is a second event for the Lakes Area Skatepark Association. There will be a food truck and be a fundraiser for the association for a future skatepark.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE EVENT/ PARKING LOT CLOSURE FOR THE LAKES AREA SKATEPARK ASSOCIATION FOR THEIR POP-UP SKATE PARK EVENT UNDER THE CONDITIONS THAT ALL SIGNS BE REMOVED AFTER THE EVENT AND COORDINATOR FILLS OUT A FOOD TRUCK APPLICATION WITH NECESSARY ATTACHMENTS.

#### **Approve Bids for Improvement 19-02- Cuyuna Lakes State Trail West Segment**

Committee Chair O'Day stated that it was confirmed with the MNDNR that the alternate 1 segment of trail between S 8th Street and the spur line trail is not eligible for reimbursement of funding through the DNR. However, prices came in very favorable for this project and it makes sense to finish the connection at the risk of never completing it if it is not approved at this time.

Interim City Engineer Sandy stated the funds would come from local construction fund 401.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE BIDS AS PRESENTED AND AWARD THE CONSTRUCTION CONTRACT FOR IMPROVEMENT 19-02 - CUYUNA LAKES STATE TRAIL WEST SEGMENT TO DECHANTAL EXCAVATING IN THE TOTAL AMOUNT BASE BID PLUS ALTERNATE 1 IN THE AMOUNT OF \$630,162.

#### **Approve Testing Services Contract for Improvement 21-10- Greenwood Street Reconstruction Project**

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ACCEPT THE QUOTE AND AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH ITT IN THE TOTAL AMOUNT OF \$4,215.00.

### **Unfinished Business**

#### **Final Reading- Proposed Ordinance 1531- An Ordinance Replacing Sections 720 and 725 Brainerd City Code**

Interim City Engineer Sandy stated that this is a repeal and replace of sections 720 and 725 to be in line with the MS4 permit.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE NO. 1531 AN ORDINANCE REPLACING SECTIONS 720 AND 725 BRAINERD CITY CODE AND DISPENSE WITH THE ACTUAL READING OF THE ORDINANCE.

The Chair opened the public hearing at 7:47 p.m.

No one came forward.

The Chair closed the public hearing at 7:47 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT ORDINANCE 1531- AN ORDINANCE REPLACING SECTIONS 720 AND 725 BRAINERD CITY CODE.

#### **ORDINANCE 1531**

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, TO ADOPT A RESOLUTION FOR SUMMARY PUBLICATION.

#### **RESOLUTION 22:22**

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

#### **Approve Settlement Agreement with Gustafson Properties of Brainerd, LLC**

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE ATTACHED SETTLEMENT AGREEMENT AS PRESENTED AND AUTHORIZE STAFF TO EXECUTE THE SETTLEMENT.

#### **Public Hearing and Resolution-Petition to Vacate Alley Submitted by My Neighbor to Love- Alley Blocks M and E, West Brainerd**

Interim City Engineer Sandy stated that the public hearing was set by adopted Resolution 21:22. Upon due notice the Council can grant the vacation or not. The developer submitted a site plan.

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

Vicky Kinney, Lakeshore, My Neighbor to Love, stated that the alley serves no purpose to their mission and hinders plans. The organization did take seriously the recommendations by the Planning Commission recommending higher density housing. The plan is to put in three multiplex and eight single family homes on the property and allow for greenspace. The greenspace would be more beneficial than an alley that the City has to maintain.

Mike Angland, 15873 Old Stone Bridge Trail, Gustafson Properties, stated that there is a site plan sketch from the developer. The vacation would benefit of the property and is in line

with the comprehensive plan and the proposed zoning code. The vacation would allow for the most flexibility for the site.

MOVED BY COUNCIL MEMBER STENGLEIN TO ADOPT THE ATTACHED RESOLUTION, IN WHICH VACATES THE ALLEYS LYING WITHIN BLOCKS M AND E, WEST BRAINERD WHILE RESERVING RIGHTS TO AN EASEMENT FOR UTILITY PURPOSES.

The Chair declared the motion failed for lack of second.

**Call for Applicants – Informational:**  
**(Application Information at [www.ci.brainerd.mn.us/boards/](http://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**

**First Reading- Proposed Ordinance 1532- An Ordinance**

City Administrator Bergman stated that the Charter Commission reviewed several items at its May 10<sup>th</sup> meeting. The first ordinance encompasses changes to Chapter 1, 2, and 5, the information is laid out in the memo.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1532- AN ORDINANCE AMENDING THE BRAINERD CITY CHARTER DISPENSE WITH THE ACTUAL READING.

**First Reading Proposed Ordinance 1533- An Ordinance**

City Administrator Bergman stated that the Commission directed staff to review the language to allow distributing of funds to include one or more in reference to green space/arboretum, senior programs, and events/community action organizations. Staff brought back a recommendation to the Charter Commission to clarify both the intent of "within the city limits of Brainerd" and allowing multiple organization to receive the 1.5% of the previous years levy. The Charter Commission approved a motion to strike Chapter 3, Sections 3-5, in their entirety with further recommendation to have legal review and extend the Northland Arboretum's agreement to 5 years.

Council Member Stenglein stated that she will vote no to the second reading because she has heard a lot from constituents about the amenities from each of these organizations.

Council Member O'Day asked for clarification about the City's ability to give money to non-profit organizations if it is not in the Charter.

Attorney Langel stated that without language expressly in the Charter, you are relying on general state law in which cities do not have the authority to give money to organizations.

Council Member Johnson stated that there are legal expenditures the City can contract out with non-profits in the State of Minnesota. He also asked Council Member Stenglein to keep an open mind going into the second reading.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1533- AN ORDINANCE AMENDING THE BRAINERD CITY CHARTER DISPENSE WITH THE ACTUAL READING.

### **Set Joint Workshop of City Council and Public Utilities Commission**

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO SET JOINT WORKSHOP OF THE CITY COUNCIL AND BRAINERD PUBLIC UTILITIES COMMISSION FOR JUNE 27, 2022, AT 5:00 P.M. IN COUNCIL CHAMBERS.

### **Public Forum**

The Chair opened public forum at 8:03 p.m.

Nancy Cross, 12843 Eagle Dr, Lions Club, stated that the Brainerd Lions Club Celebrated its 100<sup>th</sup> birthday, the club will be having a birthday part on July 11<sup>th</sup> from 11-2 at Memorial Park and everyone is invited to attend. The Brainerd's Lions Club has given over \$1 million to non-profits in the area in the last 10 years.

The Chair closed public forum at 8:05 p.m.

### **Staff Report**

Acting Community Development Director Kramvik stated that he is excited for the opportunity to serve as Community Development Director and delve into the economic side of the position. The Planning Commission meeting on June 15<sup>th</sup> will hold the public hearing of the potential adoption of the zoning code and zoning map.

Finance Director Hillman stated that there will be two races for the City on the primary ballot. Regardless of the City having a race on the primary ballot, the City would still need to hold a primary due to state statute. The City is seeking over 50 election judges to serve for the primary and general election, she stated that in order to achieve party balance at the polling locations at all times, staff requests that you provide your party affiliation. This information is non-public information that would only be shared with election judges in the precinct if needed. You do not have to be a resident of Brainerd to become a judge.

IT/GIS Director Strong stated that the City will not be using WebEx going forward as it is more expensive, also that they will be going away from virtual meetings except for City Council and as needed for other meetings. The cable channel is almost secured, the contract needs to be finalized and Charter is having difficulties getting hardware. The channel will be called BC<sup>3</sup>, it will be viewable on Charter, CTC, Roku, Apple TV, Amazon Fire TV, YouTube, CableCast, and the City Website.

## **Mayors Report**

Mayor Badeaux stated that the Mississippi Landing Trailhead Park (MLT) had the groundbreaking event on June 6<sup>th</sup>. The amenities and design should be excellent. The City is actively involved in tearing out a parking lot and putting a park in its place. The parking situation will need to be adjusted to. He congratulated the Brainerd High School Softball team for making it to the State Tournament. He attended the baseball associations tournament at Jaycee's and Bane parks and congratulated them on the events. Finally, the splash pad is open he thanked contributors. He has been to the splash pad multiple times, and it is amazing to see the amount of individuals in the park. Every single time the button is pressed, there is a child using our park.

## **Council Member Reports**

Council Member Stenglein attended the groundbreaking for MLT it was great fun.

Council Member Stunek stated that the airport received a \$14 million grant for a new Fire Department, he attended the groundbreaking and is excited for its completion.

Council Member Johnson stated that at the EDA meeting on June 2<sup>nd</sup> there was discussion around the Initiative Foundation being awarded \$4.5 million from DEED Mainstreet Revitalization Program. The EDA will be holding a special meeting on June 8<sup>th</sup> at 5:00 p.m. to develop criteria for Brainerd's earmarked funding.

Council Member O'Day congratulated Mr. Kramvik on his promotion.

Council Member Erickson stated that he is excited for the next Planning Commission and the next step toward the approval of the updated zoning code. On May 26<sup>th</sup> he attended the Northland Arboretum Board of Directors meeting and updated them on the proposed updates to the Charter and informed them of important dates coming up.

## **Adjourn**

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

The Chair adjourned the meeting at 8:18 p.m.



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Jennifer Bergman  
City Administrator

