

**Brainerd, MN  
June 21, 2021**

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. Member Pritschet was noted as absent. Mayor Badeaux was noted as present.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA WITH THE REMOVAL OF ITEM THREE- RESOLUTION IN SUPPORT OF EIGHT05 HOUSING DEVELOPMENT ON THE PERSONNEL AND FINANCE AGENDA.

MOVED AND SECONDED BY ALDERMEN STUNEK AND JOHNSON TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills and Transfer of Funds- Approved**
- B. Approval of the Minutes of the Regular Meeting held on June 7<sup>th</sup>, 2021- Approved**
- C. Approval of Licenses- Approved**
  - 1. On-Sale & Sunday Liquor License Renewal: The Parlor LLC
  - 2. Beer/Wine Renewal (Contingent on Inspections): JR's No. 19 BBQ
- D. Department Activity Reports**
  - 1. Police Chief Report
  - 2. Financial Report
- E. Approval of 2021 Temporary/Seasonal Hires- Approved**
- F. Temporary On-Sale Liquor License Application- Submitted by Brainerd Jaycee's for an Event to be held on July 31<sup>st</sup>, 2021, at Memorial Park- Approved**
- G. Temporary On-Sale Liquor License Application- Submitted by Brainerd Jaycee's for an Event to be held on August 18<sup>th</sup>, 2021, at Memorial Park- Approved**

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

### **Presentations**

The Chair recognized Mary Reedy, CliftonLarsonAllen, and Finance Director Hillman to present the 2020 Audit Results. Ms. Reedy stated that the results of the audit overall were positive and similar to other years, the results will be submitted by June 30<sup>th</sup> to the State of Minnesota. Finance Director Hillman provided an overview of City spending for 2020 in comparison to the budget.

June 21<sup>st</sup>, 2021

MOVED AND SECONDED BY ALDERMEN STUNEK AND STENGLEIN, DULY CARRIED, TO ACCEPT THE AUDIT AS PRESENTED.

### **Council Committee Reports**

#### **Personnel & Finance**

##### **Authorize Purchase of Sesquicentennial Dispatch Wrap- Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE PURCHASE OF THE DISPATCH WRAP, AN ADDITIONAL ASSERTION IN THE ECHOLAND SHOPPER, AND THE PURCHASE OF 1000 LOOSE WRAPS FOR A TOTAL OF \$1,325 TO BE PAID FROM THE SPECIAL PROJECTS BUDGETED LINE ITEM.

##### **Adjustment of Wages for Temporary Employees- Approved**

Committee Chair Johnson explained that the increase would be to adjust wages to match for temporary employees doing the same work.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE A WAGE ADJUSTMENT FOR ERIC DESMITH \$14 PER HOUR EFFECTIVE JUNE 22<sup>ND</sup>, 2021.

Committee Chair Johnson discussed the financial impact to increase all of the nonpark seasonal and temporary employees. The impact is estimated to be less than \$10,000 and that the overall 2021 budget should be able to absorb the additional cost.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE WAGE ADJUSTMENTS TO \$14 PER HOUR EFFECTIVE JUNE 22<sup>ND</sup>, 2021, FOR INTERNS AND POLICE DEPARTMENT COMMUNITY SERVICE OFFICERS (CSO).

##### **2022 Debt Levy Review- Informational**

Committee Chair Johnson summarized the assumptions used to calculate the debt levy which should show a decrease in 2022 to \$831,175. This is the lowest debt levy in fifteen years.

#### **Safety and Public Works**

##### **Resolution- Authorizing an Agreement with the State of Minnesota to Provide Public Transportation Services in the Year 2022- Approved**

Committee Chair O'Day explained the State of Minnesota pays 80% of capital costs and 85% of operating costs of the City's transit system. This agreement explains the terms of the contract with the State to provide the funding. Of the remaining 15% of operating costs, the City pays 46% of the cost.

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON TO ADOPT RESOLUTION 34:21 AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE

TRANSIT IN 2022 AND ALLOW PROPER SIGNATURES ON THE GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

**RESOLUTION 34:21**

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

**Consider Brainerd and Crow Wing County Public Transit Office Lease for 2022-  
Approved**

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE BRAINERD AND CROW WING COUNTY PUBLIC TRANSIT OFFICE LEASE FOR 2022.

**Consider Productive Alternatives 3<sup>rd</sup> Party Agreement Extension for July 1-July 31- Approved**

Committee Chair O'Day stated that this is an extension in order to get the new company in place.

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, TO APPROVE AGREEMENT WITH PRODUCTIVE ALTERNATIVES, 3<sup>RD</sup> PARTY CONTRACT EXTENSION JULY 1- JULY 31 AT THE SAME MONTHLY UNIT PRICES AS SUBMITTED IN THE ORIGINAL CONTRACT.

**Consider Brainerd and Crow Wing County Public Transit 3<sup>rd</sup> Party Contractor Proposal- Approved**

Committee Chair O'Day explained that this was where most of the committee's discussion took place. The evaluation of proposals in Committee determined that the proposal chosen was a higher bid, but of better quality. He wanted to bring the recommendation to the council to encourage discussion.

Member Erickson, liaison for the Transportation Advisory Committee (TAC), spoke in favor of the recommendation from the committee after his examination of the proposals and the superiority of the proposal chosen. He explained the contract is for professional services, so the contract does not have to be issued to the lowest bidder. He also discussed local procurement versus the professional services that a different company can provide.

Member Johnson questioned the quote from Blue Earth Blue Sky (Jefferson Lines) due to the proposal cost being significantly higher than the Brainerd Bus Lines proposal.

The Chair recognized Andy Stone, Transportation Coordinator, to address reasons for the cost increase. Mr. Stone provided that Jefferson Lines proposal included higher wages for drivers, dispatchers, and they would be hiring an onsite manager that the Minnesota Agreement requires but has never been satisfied in the past.

The Chair recognized City Engineer/Interim Public Works Director Sandy, who also discussed reasons for the Jefferson Lines proposal being significantly higher. Jefferson Lines'

proposal included Commercial Automobile Liability Insurance, which is a requirement of the agreement within the requests for proposals. This is a line item that the other companies have not been providing that Jefferson Lines included in their proposal. He also reiterated that Jefferson Lines intends to hire a full-time manager, which is also a requirement of the request document. Mr. Sandy stated that the increase in operating costs that the city would be responsible for is 46% of the 15% operating cost the State does not pay, which equates to an increase of about \$33,000 yearly. Further, that the first year will be covered by the American Cares Act dollars which will allow the committee time to consider acceptable adjustments.

Council discussion took place.

Following discussion, the Chair called for a roll call vote.

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON TO APPROVE THE AWARD OF THE 3<sup>RD</sup> PARTY OPERATION CONTRACT FOR BRAINERD AND CROW WING PUBLIC TRANSIT TO BLUE EARTH BLUE SKY (JEFFERSON LINES) PER THE TRANSPORTATION ADVISORY COMMITTEE'S RECOMMENDATION.

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

**Consider Event/Parking Lot Closure Application- Concert for Kids- Approved**

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE EVENT/ PARKING LOT CLOSURE APPLICATION FOR THE CONCERT FOR KIDS.

**Review Event/Street Closure Application- Here for Good Market- Approved**

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE EVENT FOR THE REST OF THE SEASON AS SCHEDULED.

**Consider State Park Grant Application Proposal from Widseth- Approved**

Committee Chair O'Day forwarded this grant opportunity to staff. The State Park Road Account assists Cities, Townships, and Counties with improving local public roadway access to public boat launches and water accesses and state parks, trails, and campgrounds. Staff proposed that Lum Park road would be a great project to consider applying for the funding through this program to enhance the road surface, provide some aesthetic treatments at the entrance to the park, and get a majority of the project costs funded for a street that is already in need of some attention.

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO AUTHORIZE THE PROPOSAL AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WIDSETH FOR THE STATE PARK ROAD APPLICATION FOR LUM PARK ROAD IN THE TOTAL AMOUNT OF \$2,300.

**Consider Quotes for Improvement 21-03 -2021 Large Patch Project- Approved**

June 21<sup>st</sup>, 2021

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO AUTHORIZE THE QUOTE WITH KNIFE RIVER IN THE TOTAL AMOUNT OF \$48,938 FOR IMPROVEMENT 20-03- 2021 LARGE PATCH PROJECT.

**Consider Modification to Scope of Services for 2021 Gully Erosion Study with HRGreen- Approved**

Committee Chair O'Day stated that between Carol Lane and Ridge Drive on the North end of Buffalo Hills there is a gully on a culvert that has become thirty to forty feet deep and wide.

The Chair recognized City Engineer/Interim Public Works Director Sandy to explain how the gully has become so expansive. Also, that the reason it was addressed when the road was being reconstructed is because the gully is the result of run off from many jurisdictions. The study done by HRGreen will also help determine what entity would be responsible for its repair.

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO AUTHORIZE TO ENTER INTO PROFESSIONAL SERVICES AGREEMENTS WITH HRGREEN FOR THE BUFFALO HILLS GULLY STABILIZATION PROJECT AND AUTHORIZING THE AMENDMENT TO THE MS4 PROGRAM UPDATE WITH HRGREEN.

**Unfinished Business**

**Final Reading- Proposed Ordinance 1516- Ordinance Amending the Brainerd City Charter- Adopted**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO HOLD AND DISPENSE WITH THE FINAL READING OF THE PROPOSED ORDINANCE NO. 1516 AMENDING THE BRAINERD CITY CHARTER AS PRESENTED.

Attorney Langel stated after the completion of new business that a public hearing for Ordinance 1516 should have been held as stated in the newspaper.

The Chair opened the public hearing at 8:47 p.m.

No one came forward.

The Chair closed the public hearing at 8:48 p.m.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND ERICKSON TO ADOPT ORDINANCE NO. 1516 AMENDING THE BRAINERD CITY CHARTER AS PRESENTED.

**ORDINANCE NO. 1516**

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

**Final Reading- Proposed Ordinance 1517- Amending Section 515-66: Transient Food Unit Overlay District- Adopted**

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO HOLD AND DISPENSE WITH THE FINAL READING OF THE PROPOSED ORDINANCE NO. 1517 AMENDING SECTION 515-66: TRANSIENT FOOD UNIT OVERLAY DISTRICT AS PRESENTED.

MOVED AND SECONDED BY ALDERMEN ERICKSON AND JOHNSON TO ADOPT ORDINANCE NO. 1517 AMENDING SECTION 515-66 TRANSIENT FOOD UNIT OVERLAY DISTRICT AS PRESENTED.

### **ORDINANCE NO. 1517**

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

### **Final Reading- Proposed Ordinance 1518- Ordinance Amending Ordinance 812- Pertaining to the Zoning in the City of Brainerd- Adopted**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO HOLD AND DISPENSE WITH THE FINAL READING OF THE PROPOSED ORDINANCE NO. 1518 AMENDING ORDINANCE 812- PERTAINING TO THE ZONING IN THE CITY OF BRAINERD AS PRESENTED.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN TO ADOPT ORDINANCE NO. 1518 AMENDING ORDINANCE 812- PERTAINING TO THE ZONING IN THE CITY OF BRAINERD AS PRESENTED.

### **ORDINANCE NO. 1518**

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

### **Call for Applicants- Informational**

**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 – 1 term (Expire 2021) – 2 terms (Expire 2022)  
Charter Commission – 1 term (Expire 2022)  
Park Board – 1 term (Expire 2024)  
Rental Dwelling License Board of Appeals – 3 terms (Expire 2022)  
Transportation Advisory Committee (TAC) – 1 term (Expire 2022)

**Mayor Recommended: (terms to expire 09/07 of said year)**

Economic Development Authority (EDA) – 1 term (Expire 2021) – 1 term (Expire 2026)

**Council President Recommended: (terms to expire 12/31 of said year)**

Police & Fire Civil Service Commission – 1 term (Expire 2023)

**Ad Hoc Committees – Applicants Needed**

## Water Tower Fundraising Committee – Two positions available

### **New Business**

#### **Consider Ad Hoc Committee Procedure- Approved**

Administrator Bergman developed a procedure for ad hoc committees based on research on other cities and from recommendations from council members. The document was reviewed by Attorney Langel. Administrator Bergman recommends bringing back our current ad hoc committees- Water Tower, Walkable Bikeable, and Parking- by resolution at future Council meetings. All chairs of current ad hoc committees were in favor of having direction given by the Council.

MOVED AND SECONDED BY ALDERMEN O'DAY AND JOHNSON, DULY CARRIED, TO ADOPT AD HOC COMMITTEE PROCEDURE.

#### **Set Council Workshop for Monday, July 12<sup>th</sup>, 2021, at 6:00 PM- Approved**

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN STUNEK AND JOHNSON, DULY CARRIED, TO SET THE COUNCIL WORKSHOP FOR MONDAY, JULY 12<sup>TH</sup>, AT 6:00 PM.

### **Public Forum**

The Chair opened the public forum at 8:49 p.m.

The Chair recognized Justin Grecula, 1624 8<sup>th</sup> Ave NE, to bring attention reducing the width of the residential roads for reasons of safety and speed on residential roads.

The Chair closed the public forum at 8:51 p.m.

### **Staff Reports**

Community Development Director Chanski stated that the Planning Commission is holding a workshop on June 23<sup>rd</sup> at 6:30 p.m. at the Fire Department Training room.

City Engineer/Interim Public Works Director Sandy stated that the Park Board will be holding a budget workshop on July 6<sup>th</sup>. Northwest 4<sup>th</sup> street is on track to be paved. With the impending State shutdown, the signals may not be completed on time.

Finance Director Hillman thanked staff for helping with the audit.

During Police Chief Bestul's report, Chair Bevans read a letter from a citizen thanking the Police Department for their assistance with a traffic accident.

### **Mayors Report**

Mayor Badeaux agreed with narrowing roads. Commented on the Here for Good Market, sharing that he is happy to see the activity going on downtown and creative use of space. He also announced that Arts in the Park is Sunday, June 27<sup>th</sup>.

June 21<sup>st</sup>, 2021

## **Council Member Reports**

Member Erickson gave a brief update on sober homes as discussed at the Planning Commission on June 16<sup>th</sup>. The commission has put together findings of fact and a list of questions for Attorney Langel and staff so that a recommendation can be brought back to Council at a future meeting. A moratorium on sober homes was also brought up during the meeting but was declined by the commission.

Member O'Day commented on the Here for Good Market, and his recent trip to another city, in hopes that our market can continue to grow.

Member Bevans stated he was thrilled to have Arts in the Park return, it is a great event to attend.

Member Johnson thanked the citizen for coming forward about street widths. Confidence Learning Center had their annual Fishing and Golf Classic, he along with Public Utilities Commission Chair Johnson won 3<sup>rd</sup> place in the walleye category. Thanked Public Utilities for hanging the banners.

Member Stenglein reported that the sesquicentennial banners have been on sale and about two dozen have already been purchased. Administrator Bergman and Member Stenglein were on Community Focus on WJJY to give a teaser for the 150<sup>th</sup> Anniversary Events and call for partners. She is excited to have a marching band for the 4<sup>th</sup> of July Parade.

## **Adjourn To Closed Session With The Brainerd Public Utilities Commission Pursuant to Minn. State Statute. Sec 13D, Subd.3(B) To Discuss Threatened Litigation AMJET Turbine Systems, LLC. - 9:02 p.m.**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ADJOURN TO THE CLOSED SESSION WITH THE BRAINERD PUBLIC UTILITIES COMMISSION PURSUANT TO MINN. STATE STATUTE SEC 13D, SUBD.3B TO DISCUSS THREATENED LITIGATION- AMJET SYSTEMS, LLC.

Re-opened 9:18 p.m. information only.

Adjourned at 9:19 p.m.

  
\_\_\_\_\_  
Jennifer Bergman  
City Administrator