

**Brainerd, MN  
August 15th, 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: O'Day, Stunek, Johnson, Bieser, Stenglein, Erickson, 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 ERICKSON AND O'DAY, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND ERICKSON TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills**
- B. Approval of Minutes of the Regular City Council Meeting held on August 6<sup>th</sup>, 2022**
- C. Approval of Licenses**
- D. Department Activity Reports**
- E. Minnesota Lawful Gambling Application Submitted by Central Lakes College Foundation, 501 West College Dr, for an Event to be held on December 26, 2022.**
- F. Temporary On-Sale Liquor License Application- Submitted by SE'z LLC for an Event to be held on October 7<sup>th</sup>, 2022, at the Brainerd Armory 1115 Wright Street, Brainerd, MN 56401**

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

### **Council Committee Reports**

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

#### **Approve Event/Street Closure- Homecoming 5k**

Committee Chair O'Day stated that this is an annual event. The route will be slightly different due to construction.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE ATTACHED EVENT APPLICATION UNDER THE CONDITIONS THE APPLICANT FILL OUT THE PARK USE FORM SO THAT IT CAN BE SCHEDULED ACCORDINGLY AND THAT MILE/COURSE MARKINGS AND SIGNS ARE REMOVED AFTER THE EVENT.

#### **Approve Event/Street Closure- Touch-a-Truck**

Committee Chair O'Day stated that this will be the third time the event has taken place. There have been with no issues with the event in previous years. The closure will be Laurel from 6<sup>th</sup> Street to 8<sup>th</sup> Street and 7<sup>th</sup> Street from Front to Laurel.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE THE ATTACHED APPLICATION UNDER THE CONDITION THAT THE APPLICANT REQUEST TRAFFIC CONTROL FOR STREET CLOSURE ONE WEEK PRIOR TO THE EVENT.

#### **Approve Event/Street Closure- Bataan Memorial March**

Committee Chair O'Day stated this will be the first time for the event since before COVID.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE 21ST BATAAN MEMORIAL DEATH MARCH UNDER THE CONDITIONS THAT THE APPLICANT PROVIDE SUFFICIENT NOTICE TO ADJACENT BUSINESSES PRIOR TO THE EVENT AND COORDINATE WITH THE APPROPRIATE EMERGENCY SUPPORT STAFF.

#### **Approve Change Order 2 for Improvement 19-02- Cuyuna Lakes State Trail (CLST) NP Center Segment**

Committee Chair O'Day stated that this change order is reimbursable through the DNR grant.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE CHANGE ORDER 2 FOR IMPROVEMENT 19-02- CUYUNA LAKES STATE TRAIL NP CENTER SEGMENT TO KNIFE RIVER IN THE AMOUNT OF \$3,749.

#### **Personnel and Finance Committee**

##### **Accept Retirement of Parks Administrative Specialist Kimberly Finch**

Committee Chair Johnson stated that Ms. Finch has given the City enough notice so staff can get some of her institutional knowledge. Her service is very appreciated.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT WITH REGRET THE RETIREMENT OF ADMINISTRATIVE SPECIALIST KIMBERLY FINCH EFFECTIVE DECEMBER 16, 2022, AND TO AUTHORIZE HER SEVERANCE PAYOUT PER THE IBEW ADMINISTRATIVE SUPPORT UNION CONTRACT.

##### **Authorize Staff to Negotiate a Memorandum of Agreement (MOA) for the Acting Transit Coordinator**

Committee Chair Johnson stated that with the retirement of the current Transit Coordinator, Ms. Gauthier will temporarily take over the position so that the new City Engineer can get a feel for the department and make further staffing decisions.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE STAFF TO NEGOTIATE A MEMORANDUM OF AGREEMENT WITH THE IBEW ADMINISTRATIVE SUPPORT UNION TO APPOINT TRANSIT OPERATIONS SPECIALIST CRYSTAL GAUTHIER AS THE ACTING TRANSIT

COORDINATOR EFFECTIVE AUGUST 23, 2022; FURTHER, SAID TEMPORARY APPOINTMENT SHALL FOLLOW THE PROCESS DESCRIBED IN SECTION 6.04 OF THE EMPLOYEE POLICY MANUAL REGARDING AN ACTING DEPARTMENT HEAD APPOINTMENT.

**Accept Resignation of Community Service Officer (CSO) and Request to Hire**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT COMMUNITY SERVICE OFFICER BREVON LESNER'S LETTER OF RESIGNATION, EFFECTIVE ON JULY 27, 2022, AND AUTHORIZE TO HIRE REPLACEMENT.

**Approval of Updated Organizational Chart**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE UPDATED CITY OF BRAINERD ORGANIZATIONAL CHART THAT REFLECTS THAT BPU DEPARTMENT HEADS NOW REPORT TO THE CITY ADMINISTRATOR.

**Consider Approval of Telecommuting/ Remote Work Policy**

Committee Chair Johnson stated that the policy will be a living document and change as the world climate changes.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE TELECOMMUTING/REMOTE WORK POLICY AS PRESENTED.

**Authorization to Sign Updated Heartland Animal Rescue Team (HART) Impound Contract**

Committee Chair Johnson stated that the rate per capita has not changed. With the 2020 census adjustment it will be another \$1,288 per year for services. Employees cross check that the animals are from within the corporate city limits.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE CITY ADMINISTRATOR TO SIGN UPDATED HART IMPOUND CONTRACT.

**Consider Requests by Habitat for Forgiveness of Assessments and Loan**

Committee Chair Johnson stated that Habitat wants to build two single-family homes on these three lots in the year 2023.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO WAIVE THE CITY'S RIGHT TO REASSESS FOR THE OUTSTANDING NUISANCE ASSESSMENTS AT PIDS 41250768, 41191554, AND 41191555 AS OF AUGUST 15, 2022, AND DIRECT STAFF TO PREPARE NECESSARY PAPERWORK TO REMOVE THE LIEN ON PID 41250768 SO THE PROPERTY CAN BE CONVEYED TO THE BRAINERD HRA AND SOLD TO HABITAT PER THE HRA'S TAX FORFEIT PROPERTY POLICY.

**2021 Tax Increment Financing (TIF) Report Summary- Informational**

Committee Chair Johnson stated that the TIF Report Summary has been published.

## **Unfinished Business**

### **Committee Resignations**

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ACCEPT KEITH RIEDEL'S RESIGNATION FROM THE AIRPORT COMMISSION.

### **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

## **Public Forum**

The Chair opened public forum at 7:42 p.m.

Devan Walstead, 823 G Street, asked about his temporary liquor license that was supposed to be approved at tonight's meeting.

Commissioner Johnson stated that the license was on the consent calendar and was approved with one motion.

The Chair closed public forum at 7:43 p.m.

## **Staff Report**

City Engineer/ Public Works Director Dehn stated that the Mississippi Landing Trailhead Park is progressing, the contractor is laying more concrete this week. Progress continues with the Cuyuna Lakes State Trail work is being done at Laurel and 12<sup>th</sup> Street. The Streets/Parks Building is moving forward, and the concrete floor is complete. South 6<sup>th</sup> Street construction will last at least another month. Travelers in that area please use caution, manage speed, and utilize the 4-way stop at Buffalo Hills Lane. There will be two public meetings for the TH210 project on August 31<sup>st</sup>. The general public will meet at the Crow Wing County Land Services Building 4:30 pm. Businesses will meet at the Chamber of Commerce at 7:30 am. There will also be a virtual option put out by MnDOT as well.

Community Development Director Kramvik stated the Planning Commission will hold its meeting on August 17<sup>th</sup>. Items include two Conditional Use Permits (CUP), one for Adult and Teen Challenge, and the other at the old Bobbie's Kitchen.

Finance Director Hillman thanked the Primary Election Judges.

City Administrator Bergman stated that she attended the BLAEDC Board Meeting. She attended the County Canvassing Board for the Primary Election. Finally, she and Finance Director Hillman are meeting this week with Department Heads to work on budgets to prepare with the meeting with the Council President and Personnel and Finance Committee Chair.

### **Mayor Report**

Mayor Badeaux stated that previously the Council had asked to put stoplights in at Willow Street, but it was not approved by MnDOT. However, during construction, there has been a 4-way stop. Finally, the Mayor asked for general agreeance from the Council for the Contractor of the Historic Water Tower to put a banner on the Water Tower during construction. It will be put on the tower due to the City not owning any of the land surrounding the tower. The Water Tower committee will discuss the matter this week at their committee meeting.

Council Member Johnson asked to have final approval of the banner before its placement.

### **Council Member Reports**

Member Stenglein stated that she attended the Northside Picnic. It was a great activity for the community.

### **Adjourn To Closed Session Pursuant MN Statute 13D.05 Subd. 3(C)(3) To Develop Offers For Purchase Of Temporary Construction Easement At 124 6th Street North, Brainerd, MN 56401**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADJOURN TO CLOSED SESSION.

The Chair adjourned to the closed session at 7:55 p.m.

### **Adjourn to Closed Session Pursuant to MN Statutes 13D.05, Subd. 3(B) for Attorney/Client Privilege to Discuss IAFF Lawsuit**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADJOURN TO CLOSED SESSION.

The Chair reconvened the session at 8:14 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND ERICKSON TO ACCEPT THE IAFF LAWSUIT AS PRESENTED.

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

### **Adjourn to Closed Session Pursuant to MN Statute 13D.03 to Discuss Labor Negotiation Strategy**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADJOURN TO CLOSED SESSION.

The Chair adjourned to closed session at 8:15 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STUNEK TO  
ADJOURN THE MEETING.

The Chair reconvened the session at 8:23 p.m.

The Chair adjourned the meeting at 8:24 p.m.



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Jennifer Bergman  
City Administrator