

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: Johnson, Bieser, Stenglein, Erickson, O'Day, and Bevans. Mayor Badeaux was noted as present. Member Stunek was noted as absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE AGENDA MOVING EXISTING ITEM 7A AFTER THE CONSENT CALENDAR.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO APPROVE THE CONSENT CALENDAR.

- A. **Approval of Bills**
- B. **Approval of Minutes of the Regular City Council Meeting held on September 6th, 2022**
- C. **Approval of Licenses**
- D. **Department Activity Report**
- E. **Temporary On Sale Liquor License Application- Submitted by Crossing Arts Alliance for an Event to be held October 7th, 2022, at 711 Laurel Street, Brainerd, MN 56401**
- F. **Temporary On Sale Liquor License Application- Submitted by Brainerd Jaycees for an Event to be held September 24th, 2022, Downtown Brainerd 6th Street and Front Street, Brainerd MN 56401**
- G. **Minnesota Lawful Gambling Application for Exempt Permit- Submitted by Brainerd Amateur Hockey Association for an Event to be held on February 20, 2023, at 612 Station, 612 Front Street, Brainerd, MN 56401**

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

Consider Conditional Use Permit for Residential Recovery Facility at 2501 Greenwood Street

Community Development Director Kramvik stated that at the previous meeting this matter was voted on but there was no motion.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON, DULY CARRIED, TO APPROVE A CONDITIONAL USE PERMIT TO OPERATE A RESIDENTIAL ADDICTION RECOVERY FACILITY WITH OUTPATIENT SERVICES AT 2501 GREENWOOD ST. WITH THE CONDITION THAT ANY FUTURE DEVELOPMENT OF PARKING LOTS CONFORM TO THE RESIDENTIAL LIGHTING AND SCREENING STANDARDS.

Council Committee Reports

Personnel and Finance Committee

Approval of Ancillary 2023 Benefits

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE 2023 ANCILLARY BENEFITS AS PRESENTED INCLUDING SWITCHING TO CIGNA AS OUR DENTAL INSURANCE PROVIDER WITH AN ENHANCED \$1,250 ANNUAL MAXIMUM POLICY.

Approval of 2023 Health Insurance Renewal and Adopt Resolution Accepting New Bylaws

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO ACCEPT THE 3% HEALTH INSURANCE RENEWAL RATE FOR 2023 FROM SOURCEWELL/ THE BETTER HEALTH COLLECTIVE WITH THE INCREASED DEDUCTIBLES AS NOTED; FURTHER, TO AUTHORIZE STAFF TO NEGOTIATE A MOA WITH THE AFFECTED UNIONS TO OFFER AND ESTABLISH CONTRIBUTION RATES FOR NEW SMART PLAN #7 WITH A \$5,580 SINGLE DEDUCTIBLE.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT A RESOLUTION APPROVING THE UPDATED MEMBERSHIP AGREEMENT AND BYLAWS OF THE BETTER HEALTH COLLECTIVE.

RESOLUTION 31:22

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

Authorize Staff to Begin Hiring Process for Public Works Department Administrative Specialist

Committee Chair Johnson stated that this position is to replace the Parks Administrative Specialist position when Ms. Finch retires.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE REVISED ADMINISTRATIVE SPECIALIST - GLOBAL JOB DESCRIPTION FOR THE PUBLIC WORKS DEPARTMENT AS PRESENTED; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS FOR THE ADMINISTRATIVE SPECIALIST - PUBLIC WORKS POSITION.

Authorization to Purchase Lease Accounting Software

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE STAFF TO EXPLORE AND BUDGET FOR THE POTENTIAL PURCHASE OF SOFTWARE TO ASSIST IN THE IMPLEMENTATION AND ONGOING NEEDS AND REPORTING REQUIREMENTS OF GASB 87 - ACCOUNTING FOR LEASES.

Consider Shared Services Agreement with the EDA

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE STAFF TO PRESENT THE DRAFT SHARED SERVICES

AGREEMENT TO THE EDA AT THEIR OCTOBER 6TH MEETING AND, IF AGREED TO BY THE EDA, ENTER INTO THE AGREEMENT.

Discussion of 2023 HRA Levy Request

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE HRA LEVY AT \$155,981 (.0185%) OF THE PREVIOUS YEARS ESTIMATED MARKED VALUE- THE MAXIMUM LEVY ALLOWED BY STATE STATUTE.

Safety and Public Works

Approve Event/ Street Closure Application- Skate Co Grand Opening

Committee Chair O'Day stated that there will be three events downtown for everyone to enjoy on September 24th.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE APPLICATION UNDER THE CONDITION THE APPLICANT REQUEST TRAFFIC CONTROL AS SOON AS POSSIBLE, ANY SIGNS ARE REMOVED AFTER EVENT CONCLUSION, AND AN INSURANCE CERTIFICATE IS SUBMITTED TO THE CITY PER THE PERMIT REQUIREMENTS BEFORE THE EVENT.

Approval of Hy-Tec Sign on Historic Water Tower

Committee Chair O'Day stated that the banner will be 4'x30' that will hang during the construction. It will hang on the east side of the tower.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE INSTALLATION OF THE HY-TEC SIGN DURING CONSTRUCTION WITH REMOVAL AFTER WORK HAS BEEN COMPLETED.

Approve CWC Customer Fuel Sales Agreement

Committee Chair O'Day stated that the agreement is a three-year agreement that includes 10% fee for administrative costs. It is still a better rate than market gas prices.

Member Johnson stated that he will be voting in favor of the motion, he thinks that the City should apply similar administrative costs to our partners to protect taxpayers.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE CROW WING COUNTY FUEL SALES AGREEMENT.

Approve Change Order 1- Improvement 20-07- Rotary Park Sewer Lining Project

Committee Chair O'Day stated that the contractor identified a segment of sewer that required additional significant material removal above and beyond the project scope.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE CHANGE ORDER #1 FOR A TOTAL AMOUNT OF \$20,400.00.

Review Classification of Non-Conservation Tax Forfeit Parcels

Committee Chair O'Day stated that the property can be held in conservation by the City if the City deems there is future public purpose for the parcel such as streets, trails, parks, etc. Staff does not see any future public purpose for the parcel listed, and the parcel would be better served sold to a private entity.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO CONCUR WITH THE NON-CONSERVATION STATUS OF PARCEL 41040624 SO THAT IT MAY BE PLACED ON THE COUNTY TAX FORFEIT LAND SALE.

Direction on Active Code Enforcement Cases

Committee Chair O'Day gave an overview of the properties, four of the properties were repeat reviews.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO FOLLOW STAFF RECOMMENDATIONS FOR EACH OF THE PROPERTIES.

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

Unfinished Business

Public Hearing for the Removal of Library Board Member

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

No one came forward

The Chair closed the public hearing at 7:48 p.m.

Member Johnson stated that he would be voting no due to the member not being able to have his case heard, he does not feel it right when it comes to our volunteer boards.

Member O'Day asked staff if anyone had gotten in contact with the member.

City Administrator Bergman stated that the Library Board and their Staff had tried several times in the last year to contact the member without reply.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO REMOVE THE LIBRARY BOARD MEMBER.

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

Adopt Resolution Setting the 2023 Preliminary Levy for the City of Brainerd and the Brainerd HRA and Set Budget Public Hearing

Finance Director Hillman gave an overview of the changes made to the budget since the budget workshop and possible ways to pay for the lawsuit.

Member Johnson stated that for the preliminary levy he is comfortable with 9.54% (\$6,852,566). However, he believes that more can be done to reduce the levy before the final levy in December.

Member O'Day stated that he would be voting no because he would be more comfortable around 8%. He does not believe the budget has been cut enough.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON TO ADOPT RESOLUTION SETTING THE PRELIMINARY LEVY FOR THE CITY OF BRAINERD AT \$6,852,566 AND THE LEVY FOR THE BRAINERD HRA AT \$155,981.

RESOLUTION 32:22

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON, DULY CARRIED, TO SET THE BUDGET PUBLIC HEARING FOR DECEMBER 12TH AT 7:30 P.M.

Final Reading- Proposed Ordinance 1536- Ordinance Amending Chapters 1 and 2 Brainerd City Charter

City Administrator Bergman gave an overview of the changes made to the Charter with this ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE 1536 AN ORDINANCE AMENDING CHAPTERS 1 AND 2 BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND BIESER TO ADOPT PROPOSED ORDINANCE NO. 1536, AN ORDINANCE AMENDING CHAPTERS 1 AND 2 OF THE BRAINERD CITY CHARTER.

ORDINANCE 1536

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

Final Reading- Proposed Ordinance 1537- Ordinance Amending Chapter 3 Brainerd City Charter

Finance Director Hillman gave an overview of the changes made to the Charter with this ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE 1537 AN ORDINANCE AMENDING CHAPTER 3 BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT PROPOSED ORDINANCE NO. 1537, AN ORDINANCE AMENDING CHAPTER 3 OF THE BRAINERD CITY CHARTER.

ORDINANCE 1537

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

Final Reading- Proposed Ordinance 1538- Ordinance Amending Chapter 5 Brainerd City Charter

Finance Director Hillman gave an overview of the changes made to the Charter with this ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE 1538 AN ORDINANCE AMENDING CHAPTER 5 BRAINERD CITY CHARTER AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY TO ADOPT PROPOSED ORDINANCE NO. 1538, AN ORDINANCE AMENDING CHAPTERS 5 OF THE BRAINERD CITY CHARTER.

ORDINANCE 1538

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

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 – 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)

New Business

Adopt Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment- 2022 Nuisance Abatement and Downtown Special Services District

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO ADOPT RESOLUTION IN WHICH DECLARES THE COST TO BE ASSESSED, ORDERS THE PREPARATION OF THE PROPOSED ASSESSMENT, AND SETS A PUBLIC HEARING ON THE PROPOSED ASSESSMENT FOR OCTOBER 17, 2022, AT 7:30 PM.

RESOLUTION 33:22

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

Public Forum

The Chair opened public forum at 8:07 p.m.

No one came forward.

The Chair closed public forum at 8:08 p.m.

Staff Reports

Community Development Director Kramvik stated that the Touch a Truck is taking place on September 24th downtown. He encouraged everyone to come out with their families to explore the City vehicles.

Human Resources Director Schubert thanked the Council again for allowing the City offices to close for the Employee Appreciation Event. The event was a success, and the food was delicious.

City Administrator Bergman thanked the Council as well for allowing the offices to close and for attending the Employee Appreciation Event. Finally the EDA subcommittee is reviewing the applications for the DEED Mainstreet Revitalization Grant, there was an overwhelming response to the application. The full EDA will review the applications on October 6th.

Mayor Report

Mayor Badeaux stated that the Touch a Truck event and the Flapjack Festival are both taking place this weekend.

Council Member Reports

Council Member Erickson stated that the Planning Commission is meeting on September 21st and the Northland Arboretum Board of Directors meets on September 22nd.

Adjourn to Closed Session Pursuant to MN Statute 13D.05 Subd. 3(c)(3) to Discuss NP Center Trail Project Final Settlement and Release Agreement

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLIN, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.05 SUBD. 3(C)(3) TO DISCUSS NP CENTER TRAIL PROJECT FINAL SETTLEMENT AND RELEASE AGREEMENT.

The Chair adjourned to closed session at 8:10 p.m.

The Chair reconvened the session at 8:24 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 8:25 p.m.



Jennifer Bergman
City Administrator

