

**Brainerd, MN  
August 1st, 2022**

Pursuant to due call and notice thereof, the Brainerd City Council Closed Session pursuant to MN Statute 13D.05, Subd. 3(B) for Attorney/Client Privilege to Discuss IAFF Lawsuit, was called to order at 7:00 p.m.

The Chair Adjourned the Closed Session to the Regular City Council Meeting at 7:20 p.m.

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.

**Administer Oath of Office**

City Administrator Bergman administered the Oath of Office to William “Jamie” Bieser, Ward 1 Council Member.

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 JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF INTRODUCTION OF CITY ENGINEER/ PUBLIC WORKS DIRECTOR DEHN AND PRESENTATION OF TOWER AWARD AFTER THE CONSENT CALENDAR.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O’DAY TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills**
- B. Approval of Minutes of the Regular City Council Meeting held on July 18<sup>th</sup>, 2022**
- C. Approval of Licenses**
- D. Department Activity Reports**
- E. Resolution Accepting 2<sup>nd</sup> Quarter Donations**

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.

**Introduction of New City Engineer/ Public Works Director**

Administrator Bergman introduced Jessie Dehn, who started on August 1<sup>st</sup> as the new City Engineer/ Public Works Director.

City Engineer/ Public Works Director Dehn thanked the Council for the opportunity to work for the City.

**Presentation of Tower Award**

The Chair and Mayor Badeaux presented former Council Member Pritschet a Tower Award for his dedication to the City of Brainerd since 2013. The Tower Award is presented to members of the Council for their dedicated service to the City.

Former Council Member Pritschet imparted words to the Council about his eleven years of service.

### **Council Committee Reports**

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

##### **Approve Pay Application No. 1- Final for Improvement 22-02- 2022 Crack Seal**

Committee Chair O'Day stated that the project came in \$1,404 over the budgeted amount that is in the 5-year capital improvement plan of \$25,000, or about a 5.6% increase over the budgeted amount. This increase is due to allowing the contractor to continue crack sealing until they run out of crack filling material. The original estimated linear feet of cracks per the project plan was 39,005 feet. The contractor was able to crack seal 47,867 feet.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE FINAL PAY APPLICATION FOR IMPROVEMENT 22-02 - 2022 CRACK SEALING PROJECT IN THE AMOUNT OF \$18,191.46 TO MIDWEST ASPHALT MAINTENANCE.

#### **Direction on Active Code Enforcement**

Committee Chair O'Day stated that there are three active cases presented. He gave an overview of each of the properties.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO ACCEPT THE STAFF RECOMMENDATIONS ON THE ATTACHED MEMO.

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

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

##### **Brainerd Fire Department Relief Association Annual Report**

Committee Chair Johnson stated that with the poor performance of the stock market the Relief Association is asking for a reduction in the benefit level.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE STAFF TO SIGN THE ANNUAL REPORTS INCLUDING THE REDUCTION OF \$1,000 OF THE BENEFIT FROM \$14,750 PER YEAR OF SERVICE TO \$13,750 PER YEAR OF SERVICE.

##### **Accept the Resignation of Paid On-Call Firefighter Stangel**

Committee Chair Johnson stated that Firefighter Stangel has been serving the City for seven years. due to recent life changes he does not feel he can fulfill the requirements of the position.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STANGEL, DULY CARRIED, TO ACCEPT THE RESIGNATION OF PAID ON-CALL FIREFIGHTER JOSHUA STANGEL EFFECTIVE JULY 13TH, 2022.

**Ratify the Hiring of Paid On-Call Firefighters**

Committee Chair Johnson stated that service to the City of Brainerd's Fire Department is generational with two of the hirings. A father and grandfather of the hirings also served for the Department.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF NICK ANDERSON, ISAAC HIGH, ANTHONY MOBERG, AND TYLER OGREN EFFECTIVE AUGUST 1ST, 2022, AT THE PROBATIONARY RATE OF \$21.79 PER HOUR WITH \$3.00 PER HOUR RE-DIRECTED TO THEIR PENSION.

**Accept the Retirement of Transit Coordinator Anders Stone**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO ACCEPT THE RETIREMENT OF TRANSIT COORDINATOR ANDERS STONE EFFECTIVE AUGUST 22, 2022, AND TO AUTHORIZE HIS SEVERANCE PAYOUT PER THE EMPLOYEE POLICY MANUAL.

**Approve the Promotion of Chad Lardy to the Street Maintenance III Position**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE PROMOTION OF CHAD LARDY TO THE STREET MAINTENANCE III POSITION EFFECTIVE OCTOBER 16, 2022 AND THAT HE BE PLACED ON STEP 3 (\$29.06 PER HOUR) OF THE STREET MAINTENANCE III WAGE GRID; FURTHER, THAT HE ADVANCE TO STEP 4 (\$30.38 PER HOUR) FOR THIS PROMOTION WHEN HE ACHIEVES THE MPCA CLASS B SEWER COLLECTOR'S LICENSE; FINALLY, TO DIRECT STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE STREET MAINTENANCE I POSITION.

**Approval of the Revised Employee Policy Manual**

Committee Chair Johnson stated that members of the Public Utilities Commission, City Council, and Staff met to develop agreeable language.

Member Stenglein stated that the telecommute policy is still under review and will be presented to the Council at a later date.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE REVISED EMPLOYEE POLICY MANUAL AS PRESENTED.

**Discuss Additional Cost of Clean- Up Day**

Member Stenglein stated that the clean-up day was a catastrophic success, due to its success the event was over budget. However, the amount of trash taken to the dump instead of being left in our households is so valuable to the City.

Member Johnson stated that he would vote no on the matter due to the Skate Park Association not having responded to Council's request for answers to their discussion.

Member O'Day stated that he does not want to ruin a relationship over such a minimal cost in comparison to the overall budget. However, Staff and Council should use this as a learning experience.

Interim City Engineer Sandy stated that previous clean-up day efforts did not present this great of a success, so there was no expectation for this event to exceed the \$4,500 budgeted.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK TO PAY THE BILL FOR THE CLEAN UP DAY.

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

#### **Discussion of Reporting of Working Funds for 2023 Audit**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO DIRECT STAFF TO CONDENSE THE GENERAL FUND, PUBLIC SAFETY FUND, STREETS FUND, AND PARKS AND RECREATION FUND ALL INTO THE GENERAL FUND FOR THE ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR 2023.

#### **Discussion on 2023 Budget Timeline and Set Budget Workshop**

Committee Chair Johnson stated that on August 22<sup>nd</sup> or 23<sup>rd</sup> staff will present the budget to the P&F Chair and Council President per the City Charter, budget workshop on Monday, August 29<sup>th</sup>, have an additional workshop or further discussion about the budget and levy in September, and set the preliminary levy at the regular Council meeting on September 19.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE BUDGET TIMELINE AND TO SET A BUDGET WORKSHOP FOR MONDAY, AUGUST 29, 2022, AT 6:00 P.M.

#### **Resolution Accepting Second Distribution of Local Fiscal Recovery Fund (LFRF) Established under the American Rescue Plan Act (ARPA)**

Committee Chair Johnson stated that this is the final of the two payments from the Local Fiscal Recovery Fund that the City was expecting. The total amount allocated is \$1,468,098.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT THE ATTACHED PROPOSED RESOLUTION TO ACCEPT THE FINAL DISTRIBUTION OF CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT.

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.

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

Committee Chair Johnson stated that an e-mail was received from the Lakes Area Media Collaborative (LAMC) Board, it has been discussing the future of the organization and are awaiting legal advice. Once legal counsel has been given to them, the board will respond to the inquiry of the City.

#### **Unfinished Business**

**Consider Conditional Use Permit for Commercial Day Care Facility at 1002 Laurel Street**

Community Development Director Kramvik stated the applicant applied for and was approved for a CUP to operate a commercial day care facility at 1002 Laurel St in 2019. However, the CUP was not used and expired after one year. Planning Commission considered this CUP request during their regular meeting on July 20th. Planning Commission voted unanimously to recommend approval of this CUP request without adding any conditions.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY, DULY CARRIED, TO APPROVE A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL DAY CARE FACILITY AT 1002 LAUREL ST.

**Consider Interim Use Permit for Warming Shelter- 1926 S 7<sup>th</sup> Street**

Community Development Director Kramvik stated Jana Shogren has submitted a request on behalf of Bridges of Hope for an Interim Use Permit (IUP) to operate a warming shelter for the homeless at 1926 S. 7th St. The Planning Commission held a public hearing and considered this request during their regular meeting on July 20th and voted unanimously to recommend approval of this IUP with conditions.

Members Johnson and O'Day stated that they would be voting no due to the permit's expiration in 2025. Both stated the permit should be applied for annually.

Member Erickson stated that the Planning Commission approved the permit for this length with the caveat that review by the City Council at the request of the Police Department. Also, for confidence and stability, the organization has asked for a permit for three years.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN TO APPROVE AN INTERIM USE PERMIT TO OPERATE A WARMING SHELTER AT 1926 S. 7TH ST. WITH THE CONDITIONS THAT THE INTERIM USE PERMIT SHALL EXPIRE ON JUNE 30, 2025 AND THAT, IF THE BRAINERD POLICE DEPARTMENT DETERMINES THAT THE FACILITY HAS BEEN USED IN A DISORDERLY MANNER AND UPON THE RECOMMENDATION OF THE POLICE CHIEF, THE INTERIM USE PERMIT SHALL BE BROUGHT BEFORE THE CITY COUNCIL FOR REVIEW AND CONSIDERATION FOR SUSPENDING OR REVOKING THE PERMIT AT THE NEXT AVAILABLE CITY COUNCIL MEETING.

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

**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

**Council President Recommendation**

Chair Bevans recommended Chuck Marohn to the Planning Commission.

Mayor Badeaux stated that he appreciates Mr. Marohn, however, with his traveling schedule he does not think that he would be a great addition to the Planning Commission. The Planning Commission deals with time sensitive matters, and having a quorum is important.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND ERICKSON, DULY CARRIED, TO CONFIRM CHAIR BEVANS RECOMMENDATION OF CHUCK MAROHN TO THE PLANNING COMMISSION.

**New Business**

**Set Special Meeting to Canvass of 2022 Primary Election**

Finance Director Hillman stated that a special meeting needs to be held within three days of the election to canvass the Primary Election results.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO SET A SPECIAL MEETING ON AUGUST 11<sup>TH</sup>, AT 12:00 P.M. IN THE CITY COUNCIL CHAMBERS TO CANVASS THE ELECTION RESULTS.

**Public Forum**

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

No one came forward.

The Chair closed public forum at 8:06 p.m.

**Staff Report**

Human Resources Director Schubert stated that the nominations are open for Staff Innovation and Exceptional Service awards. In the past the Council Members have decided who receives each award. If a Council Member would like to help choose the recipients, please let her know.

Community Development Director Kramvik stated that the variance request at 401 Holly street has been rescinded, the applicants will reapply for their permit under the current code. There was an order to correct issued to remove a fence that was built incorrectly.

City Engineer/ Public Works Director Dehn thanked the Council for taking it easy on him for his first meeting.

Interim City Engineer Sandy stated that there are big things happening at the Mississippi Trailhead Landing Park with the learning center, amphitheater, and storm sewer all being

constructed. South 6<sup>th</sup> Street is open for fair week, the detour will be updated, and closures resume on August 8<sup>th</sup>.

City Administrator Bergman stated that the DEED Mainstreet Application through the Initiative Foundation is open through September 5<sup>th</sup>. She attended the City Administrator's meeting where the HRA discussed the Housing Trust Fund. Finally, she attended the BPU Commission meeting. There was a presentation by Bolton and Menk on the biosolids project, the Commission approved the contribution policy previously passed by the Council, and the solar project out at the airport has begun.

### **Mayor Report**

Mayor Badeaux stated that Streetfest took place, and it was a great opportunity to kick back and relax. It is his favorite Jaycees event. The Smiles on the 'Ssippi Event took place, and it was another enjoyable event. For the first year it has been hosted it was a well-done event and he can see the potential for future growth. Finally, he wanted to inform the public that the person that spoke during public forum at the previous meeting, while he was absent, that attributed words were not his own.

### **Council Member Reports**

Member Erickson stated that the Planning Commission will meet on August 17<sup>th</sup>, Transportation Advisory Committee will meet on August 18<sup>th</sup>, and the Northland Arboretum Board will meet on August 25<sup>th</sup>. He welcomed Jessie to the City. Finally, he attended the Smiles on the 'Ssippi event and he thought it was a well-rounded event that was well attended and brought attention to Rotary Park.

Member O'Day stated that the EDA meeting will meet on August 4<sup>th</sup>. He is excited to hear about Mississippi Trailhead Landing Park progress. The Crow Wing County Fair is going on this week.

Member Johnson stated that BPU will be contracting with the City of Baxter to add solar at their facility in Baxter. August 9<sup>th</sup> is the Primary Election, reminder that Ward 4 Precinct 1 and 2 will both take place at St. Andrew's Church.

Member Bevans stated that he is also excited about Mississippi Trailhead Landing Park. He attended RibFest and congratulated both Members Johnson and O'Day for their success in each of their booths. Finally, the Council cannot adjourn t to the Northside Neighborhood Association Night Out due to it being election night.

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

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTES 13D.03 TO DISCUSS LABOR NEGOTIATION STRATEGY AFTER A FIVE-MINUTE BREAK.

The Chair adjourned to the Closed Session at 8:20 p.m.

The Chair reconvened the meeting at 8:37 p.m.

### **Adjourn to the Canvassing Board Meeting**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADJOURN TO THE SPECIAL MEETING ON AUGUST 11, 2022, AT 12:00 P.M. TO CANVASS THE PRIMARY ELECTION RESULTS.

The Chair adjourned the meeting at 8:38 p.m.



---

Jennifer Bergman  
City Administrator