

Brainerd, MN  
October 3<sup>rd</sup>, 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: Stunek, Johnson, Bieser, Stenglein, Erickson, O'Day, 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 STUNEK AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA.

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 September 6<sup>th</sup>, 2022
- C. Approval of Licenses
- D. Department Activity Report
- E. Ratify the Hiring of Tanner Josephson for Water Plant Relief Operator Position Effective November 1<sup>st</sup>, 2022, at Step 2
- F. Minnesota Lawful Gambling Premises Permit Application- Adopt Resolution to allow Lawful Gambling by the Brainerd Snodeos at Jack's House Bowl, 300 Hwy 25, Brainerd MN

Council Member Johnson stated that Council received an updated version of the minutes, he asked for clarification on which minutes were being approved. Whether the amended minutes were in the packet.

City Administrator Bergman confirmed that the updated minutes were in the packet.

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

### Council Committee Reports

#### Personnel and Finance Committee

#### Approve Change Order for Public Safety Cold Storage Building

Committee Chair Johnson stated that per the zoning code the street-facing wall cannot be all steel panel.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO APPROVE THE QUOTE FOR THE NICHIAH PANELS AS PRESENTED.

#### Authorize Internal Job Posting for Transit Coordinator Position

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLIN, DULY CARRIED TO APPROVE THE UPDATED TRANSIT COORDINATOR JOB DESCRIPTION AND AUTHORIZE STAFF TO CONDUCT THE JOB POSTING PROCESS FOR ONLY INTERNAL CANDIDATES FOR THE TRANSIT COORDINATOR POSITION.

**Clarification of Step Placement for Chad Lardy's Street Maintenance III Promotion**

Committee Chair Johnson stated that when the City negotiated Mr. Lardy's promotion it was thought that he needed a Sewer Collection Class B license, he was going to acquire it to be at step 4. He is not qualified to take the Class B licensure and the City does not need a Class B license holder. The intention with the promotion was for him to acquire the needed license and he would be placed on step 4. He has acquired proper licensure, therefore has achieved the step placement.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO CLARIFY THE INITIAL STEP PLACEMENT FOR CHAD LARDY'S PROMOTION ON OCTOBER 16, 2022, TO STREET MAINTENANCE III/SEWER LEAD WILL BE AT STEP 4 (\$30.38 PER HOUR).

**Adopt Resolution Authorizing the Execution of Towards Zero Deaths (TZD) Grant Contract**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLIN TO ADOPT RESOLUTION AUTHORIZING THE POLICE CHIEF AUTHORITY TO EXECUTE THE 2023 FISCAL YEAR TZD GRANT.

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

**Approve North Risk Partners as 2023 Health Insurance Broker**

Committee Chair Johnson stated that we have had them as the broker for a number of years and have been very satisfied with their services.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO AUTHORIZE RETAINING NORTH RISK PARTNERS AS HEALTH INSURANCE BROKER FOR 2023 FOR THE BETTER HEALTH COLLECTIVE (FORMERLY SOURCEWELL) IN THE AMOUNT OF \$25,000; FURTHER, TO APPROVE THE ATTACHED 2023 SERVICE AGREEMENT BETWEEN THE CITY OF BRAINERD AND NORTH RISK PARTNERS.

**Consider Updating the City of Brainerd Financial Management Policies- Fund Balance**

Committee Chair Johnson clarified the primary change. Instead of the fund balance for cash flow being determined from next year's expected budget, it will be the current year's budget.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLIN, DULY CARRIED TO UPDATE THE CITY OF BRAINERD FINANCIAL MANAGEMENT POLICY- FUND BALANCE AS PRESENTED AND EXPLAINED.

**Safety and Public Works**

**Event/Street Closure Application- Shriner's Turkey Run**

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.

#### **Approve MnDNR Cooperative Agreement**

Committee Chair O'Day stated that the agreement covers the installation of new planks by DNR staff, with the City providing rock or aggregate fill for the replacement.

Member Johnson stated that BPU will be adding a light at the boat launch along with this project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE THE AGREEMENT WITH THE STATE OF MINNESOTA FOR THE LUM PARK PUBLIC WATER ACCESS REPLACEMENT AND DIRECT STAFF TO WORK WITH THE DNR ON THE REPAIRS IN ADVANCE OF THE CITY'S LUM PARK ROAD PROJECT.

#### **Approve NP Center Trail Project Final Settlement and Release Agreement**

Committee Chair O'Day stated Mr. Higgins has requested that he be compensated for gravel used on the project in lieu of punch list item completion.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE FINAL SETTLEMENT AND RELEASE AGREEMENT AS PRESENTED AND ISSUANCE OF \$20,000 PAYMENT TO MR. HIGGINS FOR REIMBURSEMENT.

#### **Approve Change Order 1- Improvement 19-02-CLST Extension West Segment Project**

Committee Chair O'Day stated that there were additional utility costs and other items with this change order, BPU will be responsible for a portion of the cost.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE CHANGE ORDER 1 FOR A TOTAL AMOUNT OF \$8,356.

#### **Discussion on North 3rd Street**

Committee Chair O'Day stated that there was discussion at SPW with the residents whose portion of sidewalk is scheduled to be removed. All residents who spoke would like to keep the sidewalk due to the need to stay active. No motion was made, to allow for time to talk to other residents. Request staff returns to SPW in two weeks.

Chair Bevans asked to add a push button pedestrian crossing in front of the hospital as a request from the Northside Neighborhood Association.

#### **Approve Downtown Snow Removal Bids**

Member Johnson asked if the committee discussed the e-mail sent to the Council regarding treating the downtown district like the rest of the City and not remove the snow but

once or twice a year. If the City is going to listen to the downtown business owners, the City should not engage in a contract.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE BID FROM TOM'S BACKHOE SERVICE FOR THE 2022-2023 DOWNTOWN SNOW REMOVAL SERVICES IN THE DOWNTOWN DISTRICT.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO TABLE THE MOTION UNTIL NOVEMBER 7<sup>TH</sup>.

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

Committee Chair O'Day gave an overview of the properties that were discussed.

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

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

#### **Unfinished Business**

#### **Adopt Ordinance 1536- Ordinance Amending Chapters 1 and 2 Brainerd City Charter**

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN 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 Stunek, Johnson, Bieser, Stenglein, Erickson, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

#### **Adopt Ordinance 1537- Ordinance Amending Chapter 3 Brainerd City Charter**

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

#### **ORDINANCE 1537**

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

#### **Adopt Ordinance 1538- Ordinance Amending Chapter 5 Brainerd City Charter**

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

#### **ORDINANCE 1538**

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

**Set Workshop for Discussion of the Use of Coronavirus State and Local Fiscal Recovery Funds (SLFRF)-Part of American Rescue Plan Act (ARPA) of 2021**

Finance Director Hillman stated that staff is requesting to set a workshop on Tuesday, October 11, 2022, at 6:00 p.m. to discuss the uses of the Coronavirus State and Local Fiscal Recovery Funds (SLFRF)- funds that are part of the American Rescue Plan Act (ARPA) of 2021. Monday, October 10<sup>th</sup> is a Federal holiday. The City received \$1,468,097.57 in SLFRF. The Council will also have to adjourn tonight's meeting to the workshop.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN, DULY CARRIED, TO SET A COUNCIL WORKSHOP FOR TUESDAY, OCTOBER 11, 2022, AT 6:00 P.M. TO DISCUSS THE USES OF THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF)- FUNDS THAT ARE PART OF THE AMERICAN RESCUE PLAN ACT (ARPA) OF 2021.

**Appoint Library Board Council Liaison**

Chair Bevans recommended Member Bieser to serve as the Library Board liaison.

MOVED AND SECONDED BY COUNCIL MEMBER JOHNSON AND STENGLEIN, DULY CARRIED, TO APPOINT MEMBER BIESER AS THE LIBRARY BOARD COUNCIL LIAISON.

**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)  
Library Board—1 term (Expire 2023)

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

Economic Development Authority (EDA) – 1 term (Expire 2022) – 1 term (Expire 2026)

**New Business**

**Consider Interim Use Permit for Outdoor Storage as a Principal Use at 1911 Thiesse Drive**

Community Development Director Kramvik stated the applicant proposes operating a crypto mining facility with containers to house the data mining machines along with cooling towers. The primary use of this site is outdoor storage as any subsequent buildings are accessory to the crypto mining operation. Crypto mining would be an allowed use in the General Industrial Zoning District if the operation were to occur in a primary structure. VCV is required to obtain an Interim Use Permit for outdoor storage as a principal use due to multiple containers/ structures proposed on site without a primary structure. The Planning Commission considered the interim use permit request for outdoor storage as a principal use at 1918 & 1911 Thiesse Dr. at their regular meeting on September 21<sup>st</sup>. Planning Commission made a motion to recommend approval of the interim use permit for outdoor storage as a principal use to operate a crypto

mining facility with the conditions that the permit is contingent upon final sale of the property to VCV Digital and the permit would be voided if operation discontinued as a crypto mining facility. Upon roll call vote, the chair declared a tie vote, in which the motion failed.

Member Johnson asked for clarification as to why the permit would be voided if the operations discontinued.

Community Development Director Kramvik stated that if operations ceased, another company wanting to use the outdoor storage would have to apply for an interim use permit for outdoor storage, giving the Council authority at that time to decide if that is the best use for the property.

Member O'Day asked what liabilities the City would be under if the permit was denied.

City Attorney Langel stated that all the work to date is still contingent on receiving proper permitting. This is likely the last step for the applicants to begin operations.

Member Erickson stated at the Planning Commission he did not feel it was the City's responsibility to question the applicant's business model and they had been working with BPU on the utility agreement.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND BIESER, DULY CARRIED, TO APPROVE THE INTERIM USE PERMIT CONTINGENT UPON FINAL SALE OF THE INDUSTRIAL PARK PROPERTY TO VCV AND IS VOIDED UPON OPERATIONS DISCONTINUING AS A CRYPTO MINING FACILITY.

**Consider Interim Use Permit for Outdoor Storage as a Principal Use at 1918 Thiesse Drive**

Community Development Director Kramvik stated that this property is slightly different with a guard shack and less storage and towers on this portion. The Planning Commission took identical action on the motion for the interim use permit at 1911 Thiesse Drive.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE INTERIM USE PERMIT IS CONTINGENT UPON FINAL SALE OF THE INDUSTRIAL PARK PROPERTY TO VCV AND IS VOIDED UPON OPERATIONS DISCONTINUING AS A CRYPTO MINING FACILITY.

**Consider Variance from Setback Standards for Guard Shack at 1911 Thiesse Drive**

Community Development Director Kramvik stated the applicant is proposing a reduced front yard setback from 40 feet to 36 feet for the installation of a guard shack for a crypto mining facility. Variances may be granted if the applicant establishes that there are practical difficulties in complying with the Zoning Ordinance. The Planning Commission considered the variance request for a reduced setback for the construction of a guard shack during their regular meeting on September 21<sup>st</sup>. Planning Commission voted unanimously to recommend denying the variance request as the reduced setback was caused by the design of the property owner and not considered a practical difficulty unique to the site. The request does not meet the standards for granting a variance.

Member Erickson stated that the Planning Commission felt there were potential other designs for the guard shack, so it did not meet practical difficulty requirements.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND JOHNSON, DULY CARRIED, TO DENY THE VARIANCE REQUEST FOR A REDUCED FRONT YARD SETBACK FOR THE CONSTRUCTION OF A GUARD SHACK.

**Consider Variance from Setback Standards for ADA Wheelchair Lift at 804 Oak Street**

Community Development Director Kramvik stated the applicant is requesting a reduced rear yard setback from 10 feet to zero feet for the addition of an ADA enclosed wheelchair lift along Pine Street. The Planning Commission considered the variance request for a zero-foot rear yard setback for the construction of an ADA wheelchair lift during their regular meeting on September 21<sup>st</sup>. Planning Commission voted unanimously to recommend approval of the variance request.

Member Johnson stated that he approves of the motion because it is a 100-year-old building in a dense urban area as opposed to the previous variance.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STUNEK, DULY CARRIED, TO APPROVE THE VARIANCE REQUEST FOR A ZERO FOOT REAR YARD SETBACK AT 804 OAK STREET TO ALLOW FOR THE CONSTRUCTION OF AN ADA ENCLOSED WHEELCHAIR LIFT.

**Consider Variance for Boundary Line Adjustment at 3231 Oak Street**

Community Development Director Kramvik stated Jordan Chouanard has submitted a variance request on behalf of Liberty Group of Brainerd at 3231 Oak Street. The applicant is requesting a boundary line adjustment that will remove the required lot frontage on a public street. The applicant is proposing access to the property through a 33-foot-wide easement. The Planning Commission considered the variance request for the boundary line adjustment during their regular meeting on September 21<sup>st</sup>. Planning Commission voted unanimously to recommend approval of the variance request with the condition that Liberty Group provides documentation at closing that a secondary easement is agreed upon in the closing documents for the sale of the property.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY, DULY CARRIED, TO APPROVE THE VARIANCE REQUEST FOR A BOUNDARY LINE ADJUSTMENT THAT WILL REMOVE THE REQUIRED LOT FRONTAGE ON A PUBLIC STREET AND ALLOW ACCESS TO THE PROPERTY THROUGH A 33-FOOT-WIDE EASEMENT WITH A SECONDARY EASEMENT IDENTIFIED IN THE CLOSING DOCUMENTS FOR THE SALE OF THE PROPERTY.

**Consider Variance from Setback Standards at for Duplex Construction at 515 South 9th Street**

Community Development Director Kramvik stated an applicant submitted a request on behalf of Stangler Properties for a variance at 515 S. 9th Street. The applicant is requesting a reduced side yard setback from 5 feet to 2.5 feet along the north boundary line for the construction of a duplex. This matter was approved previously, but nothing was built on the site, so the request did expire. The Planning Commission considered the variance request during their regular meeting on September 21<sup>st</sup>. Planning Commission voted unanimously to recommend approval of the variance request as the structure would be consistent with other properties in the neighborhood.

Member O'Day asked for clarification of the placement of the door being on the side of the building. He stated that he will support the motion, but side loading makes the building look

like a military installment. If the City keeps approving buildings that look like Brainerd, we'll have to call the City, Fort Brainerd.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND JOHNSON, DULY CARRIED, TO APPROVE THE VARIANCE REQUEST FOR A REDUCED SIDE YARD SETBACK FROM 5 FEET TO 2.5 FEET ALONG THE NORTH BOUNDARY LINE.

**Consider Variance from Setback Standards and Height Standards for Garage Construction at 324 Woodland Hills Lane**

Community Development Director Kramvik stated that an applicant has submitted a request for two variances at 324 Woodland Hills Ln. The applicant is requesting a detached garage placement in front of the principal structure and for the proposed detached garage to exceed the height of the principal structure by 3' 4.5". The proposed detached garage size is 40 feet x 40 feet with a height of 15' 7.5" at the midpoint of the roof. The Planning Commission considered these variance requests during their regular meeting on September 21<sup>st</sup>. Planning Commission voted unanimously to recommend approval of both variance requests due to the topographical and wetland challenges of the property.

Member Erickson stated that the topography created the practical difficulty. The zone Garden Living also provides for more flexibility.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY, DULY CARRIED, TO APPROVE BOTH VARIANCE REQUESTS FOR THE DETACHED GARAGE PLACEMENT IN FRONT OF THE PRINCIPAL STRUCTURE 52' FROM THE PROPERTY LINE AND FOR THE PROPOSED DETACHED GARAGE TO EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE BY 3' 4.5".

**Discussion on Rules of Decorum**

Council President Bevans stated that he asked to have this item put on the agenda due to it being election season. The rules of decorum document are provided in the packet. He said that the City is working to create one City of Brainerd family, this includes all entities their staffs, elected officials, and volunteers. He reminded the Council to remain civil. He hopes that all staff, volunteers, and elected officials can take this knowledge with us. Each person is always representing the City of Brainerd. He thanked everyone for trying their best.

Member Stenglein stated that the Sturgis Standard Code of Parliamentary Procedure has had a name change.

**Public Forum**

The Chair opened public forum at 8:25 p.m.

Kathy Tousa, 14075 Firewood Dr, President of The Center Board, thanked the Council for continued support. She highlighted The Center's activities including choir and theater. Tickets are available for the catered dinner "Hee-Haw" coming up this month.

Diane Saumer-Guidi, 402 Bluff Ave, stated that she did not typically dress in a dress and wig in public, but was glad to do so for the upcoming play. She is a charter member of the theater group.

Candice Zimmerman, 10246 County Rd 44, Executive Director Northland Arboretum, gave an update on the Levy funding and direction that the Council had given The Northland



Arboretum. With the work done by the working group, The Arb has hired a consultant to prioritize sustainable funding ideas. Ms. Zimmerman passed out invitations to the Council to the Northland Arboretum Annual Meeting on October 22, 2022 at 6:00 p.m. to share more impact throughout the facility.

The Chair closed public forum at 8:31 p.m.

### **Staff Reports**

Fire Chief Holmes stated that the Fire Department Open House is on October 13<sup>th</sup> from 5-7 at the Fire Department. He included an invitation to the Council and commemorative coin for the 150<sup>th</sup> Anniversary of the Brainerd Fire Department to acknowledge service as Council Members during the celebration.

Community Development Director Kramvik thanked everyone who participated in the Touch a Truck event and it's organizers.

City Engineer/ Public Works Director Dehn stated that they are working to fill the positions in the Public Works Department. The Parks Maintenance position had 26 applicants; the Public Works Administrative Specialist position had 36 applicants. The City's project management team along with the 210 business owners met to put forth recommendations for the corridor. Finally, the South 6<sup>th</sup> and Buffalo Hills Lane intersection is open to traffic. It will be an all way stop until mid-November when the signals come in.

### **Mayor Report**

Mayor Badeaux Proclaimed October 9-16 as Fire Prevention Week. He read the proclamation written dedicating the week. Finally, he gave examples of errors made by staff and commissions in the last month. He stated as stewards of the public interest, the City needs to hold itself to the highest standards. He talked about how it is important to ensure public trust of the City. In the last handful of years, the City has deflected a lot of things that have been happening to many other organizations. It is important to say these things publicly so that we can continue to be on the right path.

### **Council Member Reports**

Member Stenglein stated that she went to the Flapjack Festival and had pancakes. It was a good time.

Member Stunek stated that the Legion made over 200 pancakes.

Chair Bevans stated that he attended the Senior Center BBQ meal, used the compost at the Arboretum, he went to Touch a Truck, and the Flapjack Festival.

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

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STUNEK, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.03 TO DISCUSS LABOR NEGOTIATION STRATEGY

The Chair adjourned to closed session at 8:45 p.m.

The Chair reconvened the session at 9:10 p.m.

**Adjourn to Closed Session Pursuant to MN Statute 13D.05 Subd. 3B for Attorney-Client Privilege to Discuss City of Brainerd V. Carlson Pending Litigation**

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND ERICKSON, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.05 SUBD. 3B FOR ATTORNEY CLIENT PRIVILEGE TO DISCUSS CITY OF BRAINERD V. CARLSON PENDING LITIGATION.

The Chair adjourned to closed session at 9:11 p.m.

The Chair reconvened the session at 9:19 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ADJOURN TO THE CITY COUNCIL WORKSHOP ON OCTOBER 11, 2022, AT 6:00 P.M.

The Chair adjourned the meeting at 9:20 p.m.



---

Jennifer Bergman  
City Administrator