

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 WITH THE ADDITION OF ADOPT RESOLUTION DECLARING ASSESSMENTS AND ORDERING PUBLIC HEARING FOR NUISANCE ABATEMENTS TO OLD BUSINESS.

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

- A. Approval of Bills
- B. Approval of Minutes
  - a. Regular City Council Meeting held on October 3<sup>rd</sup>, 2022
  - b. City Council Workshop held on October 11<sup>th</sup>, 2022
- C. Approval of Licenses
- D. Department Activity Report
- E. Adopt Resolution Accepting 3<sup>rd</sup> Quarter Donations
- F. On-Sale/Sunday Liquor License- Submitted by Tara Bemidji LLC, 612 Front Street, Brainerd- Contingent Upon Approvals
- G. Temporary Liquor License Submitted by Jackpine Brewery, for an Event to be held on November 11, 2022, at Ya Sure Kombucha, 216 S 8th Street, Brainerd

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

##### Accept the Resignation of Engineering Technician Justin Larson

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED TO ACCEPT WITH REGRET ENGINEERING TECHNICIAN JUSTIN LARSON'S RESIGNATION EFFECTIVE OCTOBER 21, 2022; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS FOR THE POSITION.

##### Approve the Promotion of Crystal Gauthier to Transit Coordinator

Committee Chair Johnson stated that at this time, the Transit Operations Specialist position will not be backfilled, other administrative staff will take over the duties.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE PROMOTION OF CRYSTAL GAUTHIER TO THE TRANSIT COORDINATOR POSITION EFFECTIVE OCTOBER 18, 2022, AND THAT SHE BE PLACED ON STEP 2 (\$36.13 PER HOUR) OF THE TRANSIT COORDINATOR WAGE GRID.

**Consider Classification and Compensation Study Proposals**

Committee Chair Johnson stated that out of the three proposals that were submitted, Flaherty and Hood are providing additional services options that fit the needs of the City. The City has \$45,000 budgeted, Sourcewell will reimburse the City \$10,000 towards the cost of the study.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT FLAHERTY & HOOD PA'S CLASSIFICATION AND COMPENSATION STUDY PROPOSAL INCLUDING THE ADDITIONAL SERVICE OPTIONS AS IDENTIFIED IN AN AMOUNT NOT TO EXCEED \$53,250.

**Discussion of Civil Attorney Contract 2023-2024**

Committee Chair Johnson stated that the retainer for 2023 will remain flat and increase by \$2,000 in 2024. Non-retainer services will increase by \$5-\$10 as outlined in the memo.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH RATWICK, ROSZAK & MALONEY FOR 2023 AND 2024.

**Adopt Resolution Establishing Deferred Assessment Criteria**

Committee Chair Johnson stated that the median household value has increased to \$170,000 from \$110,000 in 2016 and gave an overview of the other changes. He also stated that staff did an excellent job reviewing the criteria.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION ESTABLISHING CRITERIA FOR DEFERMENT OF ASSESSMENTS.

**RESOLUTION 37:22**

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.

**Safety and Public Works**

**Event/Street Closure Application- Spooktacular**

Committee Chair O'Day stated that the event consists of a trick or treat event with children's activities like pumpkin painting, cookie decorating, vendors selling goods, and live music. The applicant is requesting closure of S. 7th Street between Front and Laurel Streets, as in previous years.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE THE EVENT AND STREET CLOSURE APPLICATION WITH THE CONDITIONS LISTED WITHIN THE APPLICATION.

**Approve Event/ Alley Closure Application- Zion Lutheran Church Trunk or Treat**

Committee Chair O'Day stated the church has in the past, and during this event, closed the north/south alley behind the church for the event. This is so that traffic cannot utilize the alley for safety reasons during the event.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE APPLICATION WITH THE CONDITIONS AS PRESENTED.

#### **Discussion on Downtown Snow Removal and Special Services District**

Committee Chair O'Day stated that they reviewed possible changes and had discussion on the costs.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO SET THE PUBLIC HEARING FOR NOVEMBER 7, 2022, AT 7:30 P.M.

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

Committee Chair O'Day stated that committee spent a majority of the time on this discussion. Due to homeowner opinions the committee decided to go with option #3.

Mayor Badeaux stated that he had previously had a long discussion about sidewalks in North Brainerd and assessed the sidewalks himself. He does not believe that sidewalks need to be on both sides of every street. The cost and the priorities of homeowners are important to consider.

Member Bieser stated that due to North 3<sup>rd</sup> Street being main access to the hospital, he supported staff's recommendation of option #4. The walkability score of this neighborhood is lower than the national average.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO ADJUST PLANS TO LEAVE EXISTING SIDEWALK ON NORTH HALF OF BLOCK AND INSTALL NEW SIDEWALK ON SOUTH HALF OF BLOCK BETWEEN JUNIPER AND IVY.

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

#### **Adopt Resolution Approving Title VI Program Plan**

Committee Chair O'Day stated that this is a plan addressing anti-discrimination.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO ADOPT RESOLUTION ENDORSING THE TRANSIT PROGRAM'S TITLE VI PROGRAM.

#### **RESOLUTION 38:22**

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 Transit Capital Vehicle Grant Agreement- 2022 Bus Purchase**

Committee Chair O'Day stated that the bus will most likely not be seen until 2025.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO EXECUTE THE AGREEMENT WITH THE FTA AND MNDOT TRANSIT FOR THE PURCHASE OF THE 2022 BUDGETED BUS AT A LOCAL COST OF \$13,100.

**Approve HR Green Contract Amendment- Buffalo Hills Gully Project**

Committee Chair O'Day stated that this amendment comes with no cost to the City.

Mayor Badeaux stated that he does not appreciate that the City is taking on precedent of taking responsibility for million-year-old impressions.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER, DULY CARRIED, TO APPROVE THE CONTRACT AMENDMENT AS PRESENTED.

**Approve Proposal from Widseth for Engineering Services for SPRA Lum Park Road Project**

Committee Chair O'Day stated that Widseth scored higher than the other proposals and was chosen even though it was the highest cost.

Member Bieser stated that he would be abstaining from the vote due to his employment with the firm.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE PROPOSAL FROM WIDSETH FOR ENGINEERING SERVICES FOR THE LUM PARK ROAD RECONSTRUCTION PROJECT IN THE AMOUNT NOT TO EXCEED \$89,628.

Council Members Stunek, Johnson, Stenglein, Erickson, O'Day, and Bevans voted "aye". No member voted "nay". Member Bieser abstained from voting. The Chair declared the motion carried.

**Adopt Resolution Approving Agreement with CWC - SPRA Lum Park Road Project**

Committee Chair O'Day stated that the County would be the fiscal agent because of the way the grant is awarded.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO ADOPT RESOLUTION FOR CROW WING COUNTY TO ACT AS THE FISCAL AGENT ON BEHALF OF THE CITY FOR THE SPRA FUNDING.

**RESOLUTION 39:22**

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 Resolution Declaring Sufficiency of Petition and Setting a Public Hearing on a Vacation Commenced by a Majority of Abutting Landowners- Alley Blocks M and E, West Brainerd**

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO ADOPT RESOLUTION DECLARING THAT THE PETITION IS SUFFICIENT AND SETS THE PUBLIC HEARING ON THE PROPOSED VACATION FOR NOVEMBER 7, 2022, AT 7:30 PM.

## **RESOLUTION 40:22**

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.

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

Committee Chair O'Day gave an overview of the case, it is one that the Council has heard previously at 401 Holly Street.

Member Erickson stated that due to the City not knowing where the property line is, it is in the City's best interest to cease action.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND BIESER TO CEASE CORRECTIVE ACTION.

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

### **Unfinished Business**

#### **Adopt Resolution for Assessment- 2022 Nuisance Abatement and 2021-2022 Downtown Special Services District**

Community Development Director Kramvik stated that staff is recommending two nuisance assessments be waived PID 41191552 & 41191107. He gave an overview of details of both properties and the reason for the recommendation.

City Engineer/ Public Works Director Dehn stated that the notice of hearing was published, and letters were sent to those who are being assessed. If there are contested assessments, staff asks that Council adopt the assessment as certified, withholding those contested assessments.

The Chair opened the public hearing at 7:58 p.m.

The following people came forward to contest Nuisance Abatement Assessment:

Mike Thelen, 4117 Sunset View Rd, 218 2<sup>nd</sup> Ave NE, PID 41191789  
Anna Marie Bell, 923 9<sup>th</sup> Ave NE, PID 41191107  
Matt Jaeger, 9260 Northtown St, PID 41330653  
Rory Parker, 1720 Laurel St, PID 41300794  
Wallace Goodrich, 14639 Ridgeway Rd, 4<sup>th</sup> Ave NE, PID 41191502  
Craig Matich, 823 Brook Street, PID 41360827

Member Erickson recommended a property assessment be waived PID 41300564 he gave an overview of the property and situation.

The following people came forward to contest Downtown Snow Removal and Downtown Special Services Assessment:

Steve Hensel, 623 Laurel St, PID 41241457  
Lois Hensel, 623 Laure St, PID 41241457

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND JOHNSON TO ADOPT THE ASSESSMENTS AS PRESENTED LESS THE NINE PROPERTIES CONTESTED AND ADJOURN THE PUBLIC HEARING TO NOVEMBER 7<sup>TH</sup> AT 7:30 P.M.

**RESOLUTION 41:22**

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

**Adopt Resolution Declaring Assessments And Ordering Public Hearing For Nuisance Abatements**

Community Development Director Kramvik stated that staff has discovered an additional \$26,790 in nuisance assessments. A new resolution must, therefore, be adopted, declaring these costs to be assessed, order the preparation of the proposed assessment, and call a public hearing on the proposed assessment.

Member Johnson asked how \$26,790 in assessments was lost.

Community Development Director Kramvik stated that the software with enforcements that were started before the cutoff date, August 31, 2021, yet the citations or abatements happened afterward.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION WHICH DECLARES THE COST TO BE ASSESSED, ORDERS THE PREPARATION OF THE PROPOSED ASSESSMENT, AND SETS A PUBLIC HEARING ON THE PROPOSED ASSESSMENT FOR NOVEMBER 7, 2022, AT 7:30 PM.

**RESOLUTION 42:22**

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.

**Accept Committee Resignation**

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND ERICKSON, DULY CARRIED, TO ACCEPT THE RESIGNATION OF DAVID HAINES ON THE RENTAL DWELLING BOARD OF APPEALS.

**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 2027) – 1 term (Expire 2026)

**Public Forum**

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

Chuck Marohn, 616 N 4<sup>th</sup> Street, stated that he does not have a property dispute with his neighbor, he has a property dispute with City Council. He stated that there are no property monuments on his land. He explained how a survey of the block would work. He stated that he and the previous adjacent property owner agreed where the lot line was and now the City Council has created a big problem.

The Chair closed the public forum at 8:35 p.m.

### **Staff Reports**

Community Development Director Kramvik stated that the City is seeing an influx of redevelopment. The Community Development has issued several permits in the last couple of months for infill. He gave an overview of the Planning Commission items that will be reviewed on Wednesday, October 19<sup>th</sup>, at its regular meeting.

City Engineer/ Public Works Director Dehn stated that progress is still happening at the Police cold storage building, Streets/Parks building is coming along, and the CLST is paved there are a few things to clean up before finishing up.

IT/GIS Director Strong stated that Charter got the hardware that they have been waiting for a year on. Hopefully, by New Years the City of Brainerd meetings will be on Charter cable.

City Administrator Bergman stated that the EDA met to make recommendations to the Initiative Foundation for 33 grants for the DEED Mainstreet Program. The EDA also conducted strategic planning to revisit their goals and action steps for 2023-2024. She gave a shoutout to Chief Holmes for being awarded Fire Officer of the Year. He was nominated by Battalion Chief Rubado, Chief Bestul, and Baxter Police Chief Exsted.

### **Mayor Report**

Mayor Badeaux congratulated Ms. Kaufman and the Parks Department for their hard work on the Great Pumpkin Festival. The groundbreaking for the historic water tower roof project took place, the project should take about five weeks to complete. The tower is one step closer to preservation. He thanked everyone involved and the donors.

### **Council Member Reports**

Member Johnson tipped his cap to City Engineer Dehn for having secured 27 trees for College Drive. The Initiative Foundation drafted an e-mail with his signature that was 100% false, to those who were denied initial round funding and he apologizes for the error.

Member Stunek went to the Fire Department Open House and sat in a truck.

Member O'Day attended the Pumpkin Festival and Fire Department Open House, he congratulated Chief Holmes. He also stated that in meeting with the Project Management Team for Highway 210 he believes the plan for 2026 is getting closer to what the public needs.

Member Erickson also gave a shoutout to Ms. Kaufman and the Parks staff for the Great Pumpkin Festival.

Member Bevans stated that he attended Fire Department Open House, The Pumpkin Festival, Water Tower groundbreaking, and Park United Methodist 150<sup>th</sup> Anniversary.

**Adjourn**

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN,  
DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 8:45 p.m.



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Jennifer Bergman  
City Administrator