

**Brainerd, MN
May 17, 2021**

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: Erickson, O'Day, Stunek, Johnson, Pritschet, Stenglein, 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 ALDERMEN PRITSCHET AND O'DAY, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. Approval of Bills - Approved

B. Approval of the Minutes of the Regular Meeting held on May 3rd, 2021 - Approved

C. Approval of Licenses - Approved

Contractor Licenses - 3

D. Department Activity Reports - Approved

1. Police Chief

E. Approval of 2021 Temporary Employee Hiring - Approved

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

Presentations

Destination Downtown Brainerd Council- Babe the Blue Ox

The Chair recognized Brenda Billman-Arndt, Marie Kirsch, and Lisa Jordan, from the Destination Downtown Brainerd Council (DDBC) and Crossing Arts Alliance. Brenda and Lisa gave a presentation on the progress of the Babe the Blue Ox Statue that was donated to the City in 2020 and their intentions for the statue. They explained the process that the DDBC and Crossing Arts Alliance have been taking to decide on what the statue would look like. To do so they had a call for art from local artists, formed a panel to review all the art and make a final decision. The artwork chosen is called "Babe the Waabigwan Ox" which is Ojibwe for flower and depicts Ojibwe art. The Destination Downtown Brainerd Council's next steps are to decide where the statue will be placed. They will work with the City according to City code and with snow removal in mind.

Public Hearing and Presentation Municipal Separate Storm Sewer (MS4) Permit

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The Chair recognized City Engineer, Paul Sandy, and Shawn Tracy from HRGreen, who was attending the meeting virtually, to present on the City's 2020 Municipal Separate Storm Sewer (MS4) Permit progress. Shawn spoke to the requirements and expectations of the MS4 Permit. The intent of the permit is to reduce the amount of sediment and pollutants entering lakes and rivers. Afterward, Engineer Sandy spoke to the efforts and staff time that is put into infrastructure keeping our waters within standards.

After Engineer Sandy's presentation, the floor was opened for the public hearing at 8:00 p.m.

Mary Koep, 123 Laurel St, was recognized by the Chair. Ms. Koep asked how is the success measured in this program? What do they ask you to do to measure success?

City Engineer Sandy responded to her question by stating that the Minnesota Pollution Control Agency (MPCA) allocates a waste load for water quality that is standardized by the Environmental Protection Agency (EPA). If the city's water quality is different from that standard it is required to implement more stormwater practices to reduce the pollution. Documentation is required to meet that standard.

Hearing no other comments or questions, the public hearing for the MS4 permit was closed at 8:06 p.m.

Council Committee Reports

Personnel and Finance Committee Report

Discussion of Options for Use of Potential Kitchigami Regional Fund Balance- Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE MOTION PASSED BY THE BRAINERD LIBRARY BOARD AS WELL AS INCLUDE THE LIBRARY FACILITIES PLAN FOR MARY KOEP TO PRESENT TO THE KITCHIGAMI REGIONAL LIBRARY BOARD AS TWO OPTIONS AND INFORM THE KITCHIGAMI REGIONAL LIBRARY BOARD THAT THE CITY WILL WORK WITH THEM IN GETTING A RETURN FOR TAXPAYERS.

Request to Approve Quote to Repair Historic Water Tower Flagpole Ropes- Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE QUOTE WITH DIAMOND TOWER INC. IN THE AMOUNT OF \$4,000 TO REPLACE THE ROPES ON THE FLAGPOLES ATTACHED TO THE HISTORIC WATER TOWER.

Community Service Officer Resignation and Request to Hire- Approved

Committee Chair Johnson indicated the 2021 starting rate of pay for Community Service Officers is typically \$11.67 per hour. The rate will be increased to be more competitive in the current job market.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF COMMUNITY SERVICE OFFICER ANDREW LOUKS' RESIGNATION AND AUTHORIZE FILLING THE VACANCY AT A RATE OF \$12.00 PER HOUR.

Disposal of Retired Police Squad - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE SALE OF RETIRED POLICE SQUAD #422 UTILIZING CENTRAL MINNESOTA DEALER AUCTION.

Police Officer Hiring Ratification- Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO AFFIRM HIRING POLICE OFFICER JACOB SCHOLTEN, STARTING AT LELS STEP 1 RATE OF \$28.26 PER HOUR, WITH AN EFFECTIVE DATE OF JUNE 1, 2021

Adopt Resolutions for State Bonding Priorities- Adopted by Resolutions 28:21 and 29:21- Adopted by Resolution 28:21 and Resolution 29:21

Committee Chair Johnson commented that State Bonding Priorities are due to the State by June 15th. Staff recommended two priorities, to be adopted by resolution.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE MINNESOTA MANAGEMENT AND BUDGET OFFICE FOR THE PURPOSE OF PURCHASING A WATER TANK AS THE FIRST PRIORITY.

RESOLUTION NO. 28:21

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE MINNESOTA MANAGEMENT AND BUDGET OFFICE FOR THE PURPOSE OF EXTENDING THE CUYUNA LAKES STATE TRAIL AS THE SECOND PRIORITY.

RESOLUTION NO. 29:21

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

Safety & Public Works Committee Report

Request to Adopt Resolution Accepting Bids- Improvement 20-05 and 20-06 SE Brainerd and Madison St- Adopted by Resolution No. 30:31- Adopted by Resolution 30:21

Committee Chair O'Day commented that this project came in about \$800,000 less than City Engineer Sandy's estimate.

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET TO ADOPT THE RESOLUTION TO ACCEPT THE BIDS FOR IMPROVEMENTS 20-05 AND 20-06- MADISON ST AND SE BRAINERD CONSTRUCTION PROJECT AND AWARDING THE BID TO DECHANTAL EXCAVATING IN THE TOTAL BID AMOUNT OF \$2,501,505 AND AUTHORIZING PROPER SIGNATURES ON THE CONTRACT DOCUMENTS.

RESOLUTION NO. 30:21

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

Request to Accept Bids- 21-02 and 21-06- 2021 Crack Sealing Projects – Approved

Committee Chair O'Day commented that \$25,000 is set aside each year for crack sealing.

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO ACCEPT THE BIDS AS PRESENTED AND AWARDING IMPROVEMENTS 21-02 AND 21-06 TO LOT PROS INC. IN THE TOTAL CONTRACT AMOUNT OF \$13,804 AND AUTHORIZING THE PROPER SIGNATURES ON THE CONTRACT DOCUMENTS.

Request to Approve Testing Services with Braun Intertec for Improvement 19-19-NW 3rd and Jackson St- Approved

Alderman Johnson was recognized by the Chair and asked why the testing services are contracted outside of the road project contract.

City Engineer Sandy was recognized by the Chair and explained that when a contractor is hired their job is to go out and perform the work. It is the engineer's job to test the materials the City is using and verify the materials are per specification. The testing service contract is with the City and not the contractor. The contractor is not required to do their own testing on this type of project.

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE PROPOSAL FROM BRAUN INTERTEC FOR TESTING SERVICES ON IMPROVEMENT 19-19 NW 3RD AND JACKSON STREET RECONSTRUCTION PROJECT IN THE TOTAL AMOUNT OF \$5,066.

Request to Approve Event Application- DANGIE 5K War Against Cancer- Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE EVENT APPLICATION FOR DANGIE 5K WAR AGAINST CANCER, AUGUST 7TH, 2021, UNDER THE CONDITION THAT THE APPLICANT REMOVE ANY BANNERS/SIGNS IMMEDIATELY AFTER THE EVENT CONCLUSION.

Request to Approve Event/Parking Lot Closure Application- WeARE Fundraiser- Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE EVENT AND PARKING LOT CLOSURE APPLICATION FOR THE WEARE FUNDRAISER, AUGUST 18TH, 2021, UNDER THE CONDITIONS NOTED IN THE APPLICATION.

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

Economic Development Authority (EDA) – 1 term (Expire 2021) – 1 term (Expire 2026)

Council President Recommended: (terms to expire 12/31 of said year)

Police & Fire Civil Service Commission – 1 term (Expire 2023)

Ad Hoc Committees – Applicants Needed

Water Tower Fundraising Committee – Two positions available

Public Forum

The Chair opened the public forum at 8:30 p.m.

Sherry Otterson, 1014 7th Ave NE, was recognized by the Chair virtually. She stated that she has called the Assistant Planner, Community Development Director, the Mayor, and Councilman O'Day to address rental units in Northeast. The units across the street from her is in disrepair and no action has been taken by the City. She was instructed to call City Hall in the morning to talk to Community Development Director Chanski, to get started on resolution.

No other citizens came forward.

The Chair closed the public forum at 8:40 p.m.

Staff Reports

City Administrator Bergman introduced Toni Gage, the new Administrative Assistant. She indicated that the City is still waiting on Franchise Agreements from CTC, as there were a few questions that needed to be answered before they would submit. With the Governor's order on Sunday, City Council, employees, and the public are no longer required to wear masks in city facilities. As stated in the Preparedness Plan, the City will follow orders and guidance from the Governor and the CDC.

City Engineer Sandy gave a construction update on the 4th Street construction with curbs being installed and paving and landscaping to take place next week. The expected opening is still in the first week of June. He indicated the groundbreaking event for the Memorial Park project took place on May 11th, Mayor Badeaux and Kevin Yeager from the Parks Committee both spoke, and several Council Members were in attendance. Finally, the flags on the water tower will hopefully be in place before Memorial Day.

Community Development Director Chanski indicated the EDA will be holding a planning retreat on May 18th at the Fire Department. There will be a public hearing on May 19th at 6:00 pm at the Planning Commission meeting and there will also be a special meeting held on the 26th of May at 7:00 p.m. for the Planning Commission to consider rezoning for Country Manor.

GIS/IT Director Shawn Strong stated that the Cable TV Committee met and came to a consensus on having a PEG channel. This will be on the next meeting agenda.

Mayor's Report

Request to Approve Special Event Application- Memorial Day Ceremony - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE SPECIAL EVENT APPLICATION FOR THE MEMORIAL DAY CEREMONY WITH THE CONDITIONS NOTED ON THE APPLICATION.

Request to Approve Name a Snowplow Final Survey Results- Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE RESULTS OF THE NAME A SNOWPLOW SURVEY AND AUTHORIZE STAFF TO STICKER THE EQUIPMENT APPROPRIATELY.

Engineer Sandy presented the results to the Council.

Unfinished Business

Consideration of National Boxer Rescue's Request for Extension to Operate In-Home Rescue- Motion from May 3rd, 2021, Meeting Stands

Council President Bevans explained that he asked to have this item put on the agenda as unfinished business from the May 3rd, 2021, meeting. The motion at the previous meeting was to deny the request for a refund of the \$250 text amendment fee and further enforce staff to uphold the ordinance from Section 900 effective immediately. The business that the Council is addressing is that the owner requested an extension to October 31st, 2021, to move to their new home outside of the City.

City Attorney Langel was recognized by the Chair. He advised that the owner has been issued an administrative citation since the last meeting. The City is also able to proceed to abatement if it so chooses. There are no criminal implications with this civil matter.

The Council President asked if any members would like to make changes to the motion from May 3rd.

Hearing no other comments, the original motion stands.

Committee Resignations-Accept with Regret

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF ASHLEY STORM FROM THE HOUSING AND REDEVELOPMENT AUTHORITY COMMISSION.

**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 – 1 term (Expire 2021) – 2 terms (Expire 2022)
Charter Commission – 1 term (Expire 2022)
Park Board – 1 term (Expire 2024)
Rental Dwelling License Board of Appeals – 3 terms (Expire 2022)
Transportation Advisory Committee (TAC) – 1 term (Expire 2022)

Mayor Badeaux thanked Sherry Otterson for calling into public forum and stated that he has contacted and sent photos the Building Inspectors and he wants to ensure that there is progress. He made a point of principle that businesses as well as rental property owners should be held to a higher standard. He then thanked the Council for the donation for the Brainerd Fourth of July Fireworks. He stated that Brainerd Community Action is committing to having the parade return to the Fourth of July Celebration starting at 6 p.m. with an altered look to the fireworks due to construction as well.

Council Member Reports

Council member Stenglein reported that the Sesquicentennial Banners have been ordered and pre-ordering for purchase has started. The banners will be available from Visit Brainerd and will cost \$75. The funds will be used to install historical markers and monuments throughout Brainerd.

Council member Stunek indicated that the groundbreaking for the Splash Pad went very well.

Council member Johnson confirmed the EDA will meet for their strategic planning retreat on May 18th. He also agreed with the mayor's statements about businesses needing to be held accountable just as the residents are in the city.

Council member Bevans attended the Northside Residents Association meeting via Zoom.

Council member O'Day also thanked Sherry Otterson for calling in to report. He indicated that as a council member, neighborhood tidiness complaints are the most common complaint he hears. He also regaled the council about his trip up the water tower, stating that it was obvious why repairs are necessary.

Council member Pritschet congratulated the Brainerd High School 2021 Graduates and wished them well in their futures. The banners are much welcomed to the City.

Council member Erickson talked about the effective Planning Commission Workshop that took place. The Northland Arboretum Board of Directors will meet May 26th. The Fire Advisory Board met May 17th; the 2020 budget came in under budget with the savings going towards capital fund. The 2021 budget is right on track. Finally, the Battalion Chief Jeff Schellin, was awarded Firefighter of the Year.

MOTION BY COUNCILMEN JOHNSON AND PRITSCHET, DULY CARRIED, TO ADJOURN TO CLOSED SESSIONS PURSUANT TO MN STATUTE 13D.05 SUBD. 3B AND MN STATUTE 13D.05 SUBD. 3A


Adjourn To Closed Session Pursuant To MN Statute 13D.05, Subd. 3B To Discuss Pending Litigation And Receive Advice Regarding Strategy Options For The Firefighters Union Local 4725 And Mark Turn V. City of Brainerd- 8:54 p.m.

The Council reconvened at 9:35. No action taken.

Adjourn to Closed Session Pursuant To MN Statute 13D.05, Subd. 3A, To Conduct City Administrator Quarterly Talk- 9:35 p.m.

The Council reconvened at 9:48 p.m.

The Chair adjourned the meeting at 9:48 p.m.



Jennifer Bergman
City Administrator