

Brainerd, MN
April 6, 2020

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council via WebEx teleconferencing was called to order at 7:30 P.M. by Council President Johnson.

Upon roll call, the following members were noted as present: Bevans, Badeaux, Erickson, Lambert, Stunek, Pritschet and Johnson. Mayor Menk was also noted as present.

Council President Johnson opened the meeting with the Pledge of Allegiance to the Flag.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO AMEND THE AGENDA BY ADDING THE OATH OF OFFICE FOR MAYOR BADEAUX, DECLARE A VACANCY AND PROCESS TO FILL THE WARD 3 COUNCIL POSITION AND TO ADJOURN TO A CLOSED SESSION, TUESDAY, APRIL 7, 2020 AT 6:00 PM TO CONSIDER THE ACQUISITION OF THE MEMORIAL PARK PARKING LOT PURSUANT TO 13D.05 SUBD. 3(B)(3).

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

Due to conducting the meeting electronically, all motions will be voted on by a roll call vote for accuracy.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO APPROVE THE CONSENT CALENDAR.

- A. Approval of the Minutes of the Regular Meeting held on March 16, 2020 and the Emergency Meeting held on March 26, 2020 - Approved**
- B. Approval of Licenses - Approved**

Contractor Licenses – 4 – Renewals
- C. Department Activity Reports - Approved**

1. Fire Chief
2. Park Director
- D. Adopt Resolution Accepting Donations & Contributions for the 1st Quarter 2020 – Adopted by Resolution No. 14:20**
- E. On-Sale/Sunday Wine License Application – Submitted by Slice on Oak LLC, 625 Oak St., Brainerd – Contingent Upon Police & Fire Department Approval - Approved**

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

Council Committee Reports

April 6, 2020

Safety and Public Works Committee Report

Request to Waive SAC/WAC at 728 4th Ave NE – Denied

Committee Chair Bevans indicated the applicant purchased the property three years ago and as part of the purchase agreement, SAC/WAC fees would be waived as long as the applicant built a home within 12 months. He stated since the house was not constructed within the time frame, the recommendation is to deny the request.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO DENY THE REQUEST TO WAIVE SAC/WAC AT 728 4TH AVENUE NE.

Upon roll call, members Bevans, Badeaux, Erickson, Lambert, Stunek, Pritschet and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Event/Street Closure Application – Crop Walk - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE CROP WALK TAKING PLACE ON MAY 6, 2020 UNDER THE CONDITIONS THAT THE SIGNS ARE REMOVED BY THE LAST WALKER DURING THE EVENT AS INDICATED BY THE APPLICANT.

Upon roll call, members Bevans, Badeaux, Erickson, Lambert, Stunek, Pritschet and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Improvement 19-01 – NW 4th Street Reconstruction – Postponing Construction - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ACCEPT STAFF'S RECOMMENDATION AND POSTPONE THE NW 4TH STREET CONSTRUCTION UNTIL THE 2021 SEASON.

Committee Chair Bevans stated the negotiations for the easement property purchases are in progress and the wetland permitting is taking longer than expected. He explained there would not be enough time to go out for bids and complete the project this year.

Council Member Johnson asked if delaying this project will affect the 5-Year Capital Plan projects for 2021. City Engineer Sandy stated it will not have any influence on other projects.

Upon roll call, members Bevans, Badeaux, Erickson, Lambert, Stunek, Pritschet and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Riverside Drive Turnback Agreement and Cost Share Termination Agreement - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND ADOPT THE JURISDICTIONAL TRANSFER AGREEMENT BETWEEN CROW WING COUNTY AND THE CITY OF BRAINERD FOR A

SEGMENT OF COUNTY STATE AID HIGHWAY (CSAH) 20 BETWEEN TRUNK HIGHWAY 210 AND CSAH 5.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ACCEPT STAFF'S RECOMMENDATION AND TERMINATE THE CONSTRUCTION COST SHARE AGREEMENT BETWEEN CROW WING COUNTY AND THE CITY OF BRAINERD FOR COUNTY STATE AID HIGHWAY (CSAH) 20 RECONSTRUCTION BETWEEN TH210 AND JACKSON STREET.

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

Personnel and Finance Committee Report

Approval of Bills - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

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

Police Lieutenant Resignation & Promotion - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON TO ACCEPT WITH REGRET LIEUTENANT KLEFFMAN'S RESIGNATION.

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

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK TO AUTHORIZE THE PROMOTION OF SERGEANT MICHAEL KULZER TO LIEUTENANT EFFECTIVE APRIL 7, 2020 AND SET THE STARTING WAGE AT THE STEP 6 TEAMSTERS LABOR AGREEMENT RATE OF \$42.41/HOUR.

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

Police Officer Hiring Ratification - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON TO AFFIRM THE HIRING OF POLICE OFFICER DALTON LANGER STARTING AT LELS 2020 STEP 1 RATE OF \$27.43/HOUR WITH AN EFFECTIVE STARTING DATE OF MARCH 30, 2020.

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

LCCMR Submission Request- Adopted by Resolution No. 15:20

April 6, 2020

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK TO ACCEPT STAFF'S REQUEST TO SUBMIT THE MISSISSIPPI LANDING TRAILHEAD AS A RESPONSE TO THE LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES 2021 ENVIRONMENT AND NATURAL RESOURCE TRUST FUND REQUEST FOR PROPOSAL AT A REQUESTED SUM OF \$3.8 MILLION AND ADOPT A RESOLUTION OF SUPPORT.

RESOLUTION NO. 15:20

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

Review Election Judge Pay – Adopted by Resolution No. 16:20

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON TO ADOPT A RESOLUTION SETTING THE WAGES FOR ELECTION JUDGES AT \$12/HOUR FOR ELECTION AND TRAINEE JUDGES AND \$15/HOUR FOR HEAD JUDGES FOR THE 2020 ELECTIONS.

RESOLUTION 16:20

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO PROVIDE UP TO \$500 PER ELECTION FOR LUNCH AND DINNER FOR THE ELECTION JUDGES.

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

Unfinished Business

Committee Recommendations – Recommended by Council President - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPOINT KEVIN YEAGER TO THE PLANNING COMMISSION.

Upon roll call, members Bevans, Badeaux, Erickson, Lambert, Stunek, Pritschet and Johnson 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 2021) - 2 terms (Expire 2022)

Charter Commission – 2 terms (Expire 2020) - 1 term (Expire 2021) – 1 term (Expire 2022) – 1 term (Expire 2023)

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

Economic Development Authority (EDA) – 1 term (Expire 2020)

Council President Recommended: (terms to expire on 12/31 of said year)
Planning Commission – 1 term (Expire 2022) pending recommendation above

Other

Water Tower Fundraising Committee – Applicants Needed

Postponement of MS4 Annual Public Hearing and Presentation - Approved

City Engineer Sandy indicated due to the situation, it has been decided to postpone the MS4 Annual Public Hearing and Presentation to May 18, 2020 at 7:30 pm during the regular City Council meeting.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO POSTPONE THE MS4 ANNUAL PUBLIC HEARING AND PRESENTATION TO MAY 18, 2020 AT 7:30 PM.

Upon roll call, members Bevans, Badeaux, Erickson, Lambert, Stunek, Pritschet and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

Review COVID-19 Recommendations - Approved

City Administrator Bergman reviewed Council action from the March 16 and 26, 2020 meetings regarding COVID-19. She stated in anticipation of an extended Stay at Home order from Governor Walz, staff would like to recommend to continue the recommendations of the City Council regarding COVID-19 and amend the City of Brainerd Stay at Home work plan to coincide with the timeline in the Governors Executive Order 2020. She requested that the 21 employees that were not able to work from home be called back to work with staggered shifts to continue social distancing requirements.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO APPROVE STAFF'S REQUEST TO CONTINUE THE RECOMMENDATIONS OF THE CITY COUNCIL REGARDING COVID-19, AMEND THE CITY OF BRAINERD'S STAY AT HOME ORDER TO COINCIDE WITH THE TIMELINE IN THE GOVERNOR'S EXECUTIVE ORDER 2020 AND IMPLEMENT STAGGERED SHIFTS FOR STREET, PARKS AND POLICE RECORDS STAFF THAT WERE PREVIOUSLY UNABLE TO WORK FROM HOME.

Upon roll call, members Bevans, Badeaux, Erickson, Lambert, Stunek, Pritschet and Johnson voted “aye”. No member voted “nay”. The Chair declared the motion carried.

New Business

Public Hearing and Resolution – Ordering Improvement, Approving Plans and Specifications, and Ordering Advertisement for Bids – Improvement 19-10 – NE Brainerd Resurfacing Project – Adopted by Resolution No.17:20

City Engineer Sandy explained pursuant to Statute 429, a public hearing is required hear testimony for or against improvements and to continue with assessment proceedings. He stated Improvement 19-10 consists of numerous streets in NE Brainerd, including 11th Avenue NE, 10th Avenue NE, J, L, O, and P Streets as outlined in the attached feasibility report. He explained the letters that were sent to the residents suggested they write or call in their comments to be read

April 6, 2020

into public record. He indicated no comments have been received for or against this improvement.

The Chair opened the public hearing at 8:14 p.m. to any residents that have called in to the meeting. IT Director Strong has unmuted the callers.

No one came forward to speak.

The Chair closed the public hearing at 8:15 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION ORDERING IMPROVEMENT 19-10, APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENT OF BIDS TO BE OPENED ON MAY 8, 2020 AT 11:00 A.M.

RESOLUTION NO. 17:20

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

Public Hearing and Resolution – Ordering Improvement, Approving Plans and Specifications, and Ordering Advertisement for Bids – Improvements 13-21, 19-09 and 19-16 – NE Brainerd Reconstruction Project – Adopted by Resolution No. 18:20

City Engineer Sandy explained pursuant to Statute 429, a public hearing is required hear testimony for or against improvements and to continue with assessment proceedings. He stated Improvement 13-21 is the reconstruction of B Street from Gillis Avenue to 5th Avenue NE, Improvement 19-09 is the reconstruction of 5th Avenue NE from Washington Street to D Street and Improvement 19-16 is the reconstruction of B, C and D Streets from 5th Avenue NE to the East Brainerd Mall property as outlined in the attached feasibility report. He explained the letters that were sent to the residents suggested they write or call in their comments to be read into public record. He said he received an email from Linda Marsh, 429 C Street NE which he will read during the public hearing.

The Chair opened the public hearing at 8:17 p.m.

City Engineer Sandy read the email from the resident at 429 C Street NE who wrote the majority of the assessment costs should fall mainly on business owners rather than residents as most traffic is for the businesses. City Engineer Sandy explained all the streets involved in these improvements are state aid eligible streets. He said the City of Brainerd assessment policy states residents are assessed at a standard width; seven-ton road design, and anything over that is not assessed to residents.

The Chair directed IT Director Strong to unmute any residents that have called in that would like to speak.

The Chair recognized Jeff Czczok who thanked the City for the project taking place, as many residents in the neighborhood of D Street have disabilities. He said the City has done a great job in making repairs, but the reconstruction will be a huge improvement.

The Chair closed the public hearing at 8:21 p.m.

April 6, 2020

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO ADOPT A RESOLUTION ORDERING IMPROVEMENT 13-21, 19-09 AND 19-16, APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENT OF BIDS TO BE OPENED ON MAY 8, 2020 AT 10:00 A.M.

RESOLUTION NO. 18:20

Upon roll call, members Bevans, Erickson, Lambert, Stunek, Pritschet and Johnson voted "aye". No member voted "nay". Member Badeaux abstained from voting. The Chair declared the motion carried.

Review Licenses and Fees - Approved

Finance Director Hillman explained staff has been working on the City licenses that are to be renewed within the next few months. She reviewed the list compiled by staff and indicated due to COVID-19, many of the businesses are not allowed to be open to the public and may experience financial strain.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO APPROVE STAFF'S RECOMMENDATIONS AS FOLLOWS: 1) PRORATE CITY FEES MONTHLY DEPENDANT ON THE GOVERNOR'S ORDER FOR WINE, ON-SALE LIQUOR AND SUNDAY ON-SALE LIQUOR, ON-SALE BEER, CLUBS, OFF-SALE DISTILLERY, COCKTAIL ROOMS, TAPROOMS, AND GROWLERS TO BE INVOICED WITHIN 30 DAYS AFTER THE ORDER HAS BEEN LIFTED ALLOWING APPLICANTS 90 DAYS TO PAY. ALL RENEWAL APPLICATIONS MUST BE SUBMITTED TO THE CITY AS USUAL FOR THE JULY 1, 2020 STATE AND CITY FILING DUE DATE. 2) CURRENT RENTAL HOUSING LICENSES TO BE EXTENDED UNTIL JULY 31, 2020.

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

(Added Item) Oath of Office to Newly Appointed Mayor Dave Badeaux

City Administrator Bergman administered the Oath of Office to newly appointed Mayor Dave Badeaux.

(Added Item) Declare a Vacancy on the City Council for Ward 3

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO POST THE OPEN POSITION AND ACCEPT APPLICATIONS APRIL 7, 2020 THROUGH APRIL 22, 2020 AT 4:30 P.M. AND SCHEDULE A SPECIAL CITY COUNCIL MEETING FOR MONDAY, APRIL 27, 2020 AT 6:00 PM TO INTERVIEW APPLICANTS AND APPOINT THE NEW MEMBER ON MONDAY, MAY 4, 2020.

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

Public Forum

April 6, 2020

The Chair opened the public forum at 8:30 p.m. and directed IT Director Strong to unmute the callers.

The Chair recognized Jeff Czczok who congratulated Mayor Badeaux and thanked Mayor Menk for his service. He wanted to add to his earlier comment regarding D Street if during construction, if traffic could be diverted and accommodating to the residents who may have some issues with traveling. He also encouraged all other applicants who applied for positions with the City to apply and serve on the many boards and commissions that have vacancies.

The Chair closed the public forum at 8:33 p.m.

Staff Reports

City Administrator Bergman indicated staff has reached out to Brainerd Lakes Economic Development Corporation (BLAEDC) if they would be willing to host a call with our area SBA lenders regarding the Paycheck Protection Program in efforts to assist the small businesses in Brainerd. She explained at the next Council meeting, staff will be bringing some ideas on how we can bring some relief to the residents and businesses of Brainerd during this time.

City Administrator Bergman stated at the March 16th meeting, the Council authorized a Request for Quote (RFQ) for maintenance downtown and a part time maintenance employee. She said this is still in process and intern applications have been received. She stated the Downtown Business Coalition have been discussing these topics and the Farmers Market has also been talked about.

Community Development Director Chanski stated the RFQ has been processed and the topic will be brought back to Council at the April 20, 2020 meeting.

City Engineer Sandy indicated contractors are still working on City Hall and have started working on the Police Department remodel. He explained the City was awarded Transportation Alternatives Grant funding for the Highway 25 trail connection for 2022.

Council Member Johnson stated Tyler Glynn, BLAEDC executive director would like to speak regarding the SBA Federal programs to assist small businesses due to COVID-19.

Tyler Glynn explained what BLAEDC is doing to assist businesses with financial assistance programs that are available, including the Paycheck Protection Program. He directed anyone that is in need of assistance to reach out to him.

Council Member Reports

Ed Menk urged the community to continue to stay at home and wear a facemask when out in the public. He said our local businesses will need everyone's support when they are able to reopen. He thanked the Council for the opportunity he had to serve as Mayor for the City of Brainerd.

Mayor Badeaux thanked Ed Menk for his service and thanked the Council for appointing him as Mayor. He added that the electronic meetings are going well from the Council's perspective but urged residents to contact the City if they are having issues with attending and hearing the meetings.

Council Member Pritschet agreed with supporting local businesses now by ordering take-out and into the future by visiting their establishments.

Council Member Bevans thanked Yvette Campbell from Bremer Bank for working hard at processing applications from businesses for financial assistance programs.

Council Member Stunek thanked Ed Menk for his service to the City.

Council Member Erickson announced Northland Arboretum has hired an Executive Director and the grounds remain open to the public.

Council Member Johnson added the school district is doing a great job with distance learning. He stated there will be a (Brainerd Unified Fund) BUF meeting at BLAEDC taking place Tuesday, April 7th.

Adjourn to Closed Session April 7, 2020 at 6:00 p.m. to Consider the Acquisition of the Memorial Park Parking Lot Pursuant to 13D.05 Subd. 3(b)(3). – 9:00 p.m.

Jennifer Bergman
City Administrator