

**Brainerd, MN
May 18, 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: T. Erickson, Lambert, Stunek, Pritschet, Bevans, W. Erickson, and Johnson. Mayor Badeaux was also noted as present.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPROVE THE AGENDA.

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

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

A. Approval of the Minutes of the Regular Meeting held on May 4, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 7

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Police Department Carpet Change to Remodel Project - Approved

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

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

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

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Request from Brainerd Community Action for 4th of July Fireworks Donation - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE REQUEST FROM BRAINERD COMMUNITY ACTION FOR A DONATION OF \$8,000 FOR THE 4TH OF JULY FIREWORKS; FURTHER TO AUTHORIZE THE PAYMENT TO BE MADE AFTER JUNE 2, 2020 WHEN IT IS KNOWN THAT THE EVENT WILL BE HELD DUE TO COVID-19.

Brainerd Community Action Executive Director Badeaux explained the organization hopes to present a firework's display amid COVID-19 regulations and will be in contact with other entities for donations.

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

Small Business Relief Grant - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO TRANSFER \$90,000 FROM THE CITY'S ECONOMIC INITIATIVE FUND (FUND 217) TO THE BRAINERD ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO FUND THE SMALL BUSINESS RELIEF GRANT.

Committee Chair Pritschet explained the intent of the grant program is to help support small businesses during the pandemic. He stated Fund 217 was established in 2018 when the City participated in the one-time exception of use of State MIF Funds. The City retained 80% of the balance at that time, and the Council designated the funds to be used as City Economic Initiatives.

Community Development Director Chanski stated the grant eligibility is \$3,000 per legal entity.

Council Member Bevans indicated the grants need to be issued to businesses that generate revenue in the City, as this is the purpose of MIF funds.

Council discussion took place regarding the details of the grant and the guidelines.

Upon roll call, members T. Erickson, Lambert, Stunek, Pritschet, Bevans, and W. Erickson voted "aye". Member Johnson voted "nay". The Chair declared the motion carried.

Request for Funds to Conduct Marketing Campaign - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO DIRECT STAFF TO IMPLEMENT THE PROPOSED MARKETING CAMPAIGN AND DESIGNATE \$25,000 OF CITY ECONOMIC INITIATIVE FUNDS FROM FUND 217 TO FUND THE CAMPAIGN.

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

Termination of Memorandum of Agreement (MOA) with HRA for Administration of Revolving Loan Program - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO AUTHORIZE WRITTEN NOTICE TO BE SENT TO THE HRA TERMINATING THE MEMORANDUM OF AGREEMENT (MOA) ASSOCIATED WITH THE ADMINISTRATION OF THE CITY OF BRAINERD'S REVOLVING LOAN PROGRAM AND REQUESTING THE HRA TO WAIVE THE 60-DAY NOTICE REQUIREMENT IN THE MOA.

Finance Director Hillman indicated the returned \$100,000 would be placed in Fund 217 for City Economic Initiatives.

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

Safety and Public Works Committee Report

Event Application – Corpus Christi Processional - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE CORPUS CHRISTI PROCESSIONAL ON JUNE 14, 2020 WITH THE CONDITION OF COMPLIANCE WITH THE GOVERNOR'S ORDERS REGARDING COVID-19 GUIDELINES.

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

Event Application – Produce Pop-Up - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PRODUCE POP-UP EVENT ON MAY 26, 2020 UNDER THE CONDITION THAT SIGNAGE AND GARBAGE BE REMOVED IMMEDIATELY AFTER THE EVENT.

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

Improvement 20-02 – 2020 Crack Seal Project Quotes - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE STAFF TO ENTER INTO A CONTRACT WITH LOT PROS INC IN THE CONTRACT COST OF \$15,759.

Committee Chair Bevans stated there is an additional cost of approximately \$5,600 of materials for this project that have been purchased on a state bid.

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

Testing Services – Improvement 19-10 – NE Brainerd Resurfacing Project - Approved

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MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PROPOSAL FROM ITT IN THE AMOUNT OF \$4,495 FOR TESTING SERVICES ON IMPROVEMENT 19-10 NE BRAINERD RESURFACING PROJECT.

City Engineer Sandy stated staff felt comfortable accepting the low bid by ITT to give this firm an opportunity to prove their performance on a smaller project.

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

Testing Services – Improvements 19-09, 13-21, 19-16, 19-20 and 19-21 – NE Brainerd Reconstruction Project - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PROPOSAL FROM BRAUN INTERTEC IN THE AMOUNT OF \$44,480 FOR TESTING SERVICES ON IMPROVEMENTS 19-09, 13-21, 19-16, 19-20 AND 19-21 NE BRAINERD RECONSTRUCTION PROJECT.

Committee Chair Bevans explained due to the complexity and timeliness of this state aid project, staff felt Braun Intertec was the correct choice.

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

Sanitary Sewer Infiltration and Inflow Study - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PROPOSAL FROM SEH FOR THE SERVICES OUTLINED IN THE DOCUMENT WITH HALF THE COSTS TO BE PAID BY BPU AND THE CITY SHARE TO BE PAID FROM THE SANITARY SEWER FUND 237.

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

Unfinished Business

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 – 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)

Other

Water Tower Fundraising Committee – Applicants Needed

New Business

Consider City of Brainerd Preparedness Plan/COVID-19 Update

City Administrator Bergman gave an update of the current procedures staff is following regarding COVID-19 and the Governor's regulations. She indicated due to the fire at City Hall, it is suggested to continue with the current work at home plan for several staff members and for public buildings to remain closed to the public until at least June 2, 2020. She said the June 1, 2020 council meeting will take place via WebEx and further details and progress of the fire cleanup will be provided at that meeting.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO APPROVE THE STAY AT HOME WORK PLAN AS PRESENTED.

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

Fire Chief Holmes explained the details of the recommended preparedness plan and the guidelines staff will follow.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO ADOPT THE CITY OF BRAINERD'S PREPAREDNESS PLAN AS PRESENTED.

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

Resolution Supporting Lake Country Cares – Adopted by Resolution No. 22:20

City Administrator Bergman gave a brief explanation of the campaign which is in collaboration with the Brainerd Chamber of Commerce and Crow Wing County.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION ENDORSING THE LAKE COUNTRY CARES CAMPAIGN AS PRESENTED.

RESOLUTION 22:20

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

Appoint Community Members to the R5CM Task Force – Direction to Staff

City Administrator Bergman explained the application process was open from May 5th through May 13th for residents to apply to the Region 5 Children's Museum Task Force. She indicated there were four applications received, but none of them are from City of Brainerd residents. She said the applicants are from surrounding areas of Brainerd and is asking for Council direction to proceed.

Council directed staff to re-open the application process until Wednesday, May 27th, 2020 with applications available on the City website.

Conduct Dangerous Dog Hearing – No Action

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City Attorney Langel gave a brief explanation regarding the details of the dangerous dog hearing based on an appeal from the dog owner.

The Chair requested IT Director Strong to unmute the callers and asked for the dog owner to identify themselves by stating their name and address.

No one came forward as the dog owner.

It was determined the dog owner did not call in during the meeting, and the appeal hearing has been canceled.

Farmer's Market Update - Approved

City Administrator Bergman indicated she has reached out to four different organizations and the Parks Department to take the lead on the Downtown Farmer's Market this season to which they have all declined. She explained the guidelines for operating a market during COVID-19 would take extensive staff time and it has been recommended to suspend the market this year and continue to explore options for 2021.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO SUSPEND THE DOWNTOWN FARMERS MARKET FOR THE 2020 SEASON.

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

First Reading of Proposed Ordinance No. 1508 – Amending Section 900 of the Brainerd City Code Pertaining to Animals - Approved

Finance Director Hillman explained the new computer software has slightly modified the dog licensing process and a few changes to the City Code are recommended: 1) Remove the requirement for the owner to provide the color of the dog 2) Remove the requirement of attaching a copy of the vaccination record as staff will view and document rabies tag number 3) Remove the requirement to have the dog owner sign an affidavit of spay/neuter and to accept a verbal confirmation.

Michael O'Brien, animal control officer for the City indicated these changes are acceptable.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO HOLD THE FIRST READING AND DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1508 TO AMEND CITY CODE SECTION 900 PERTAINING TO ANIMALS.

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

First Reading and Set Public Hearing – Proposed Ordinance No. 1509 – Amending Section 515-37: Signs of the Code of Ordinances - Approved

Community Development Director Chanski explained the change is to simplify the wording in the code regarding the placement of signs for elections or realtor signs.

MOVED AND SECONDED BY ALDERMEN AND TO HOLD THE FIRST READING AND DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1509 TO AMEND CITY CODE SECTION 515-37 PERTAINING TO SIGNS AND SET THE PUBLIC HEARING FOR JUNE 1, 2020.

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

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

City Engineer Sandy gave a presentation to educate the public on the importance of storm water management. The purpose of the presentation is to give an overview of the City's storm sewer system, and to allow the public to comment on the Municipal Separate Storm Sewer System (MS4) permit that is administered through the Minnesota Pollution Control Agency (MPCA).

The Chair opened the public hearing at 9:28 p.m.

No one came forward to speak.

The Chair closed the public hearing at 9:28 p.m.

Resolution – Accepting Bid – Improvement 19-10 – NE Brainerd Resurfacing Project – Adopted by Resolution No. 23:20

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE STAFF TO ENTER INTO A CONTRACT WITH KNIFE RIVER INC AT THE COST OF \$1,145,091 ON IMPROVEMENT 19-10 NE BRAINERD RESURFACING PROJECT.

RESOLUTION NO. 23:20

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

Resolution – Accepting Bid – Improvements 19-09, 13-21, 19-16, 19-20 and 19-21 – NE Brainerd Reconstruction Project – Adopted by Resolution No. 24:20

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO ADOPT A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE STAFF TO ENTER INTO A CONTRACT WITH ANDERSON BROTHERS CONSTRUCTION OF BRAINERD LLC AT THE COST OF \$1,950,725 FOR IMPROVEMENTS 19-09, 13-21, 19-16, 19-20 AND 19-21 NE BRAINERD RECONSTRUCTION PROJECT.

RESOLUTION NO. 24:20

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

Public Forum

The Chair opened the public forum at 9:34 p.m. and directed IT Director Strong to unmute the callers.

The Chair recognized Cheryl Peterson, 1518 Quince St., who stated she would like the Council to amend the City Code Section 900 to allow for a non-profit in-home animal rescue service.

The Chair recognized Julie Vanderschaaf, 11229 Easy St., who spoke in favor of Ms. Peterson and the rescue service.

The Chair closed the public forum at 9:42 p.m.

Staff Reports

Fire Chief Holmes stated the state fire marshal was at City Hall this evening to investigate the roof fire that occurred today. He gave a brief outline of the damage incurred and the process going forward to discover the cause of the fire and the repairs needed.

City Engineer Sandy indicated the League of MN Cities insurance adjusters, as well as the contractors' insurance agents will be on site tomorrow.

City Administrator Bergman thanked the fire department for the prompt response and care given to the equipment inside.

City Administrator Bergman stated the House and Senate have a bill in process for the Cares Act to provide funding to cities and counties due to COVID-19.

Community Development Director Chanski announced the EDA is holding a meeting May 19th at 6:00 p.m. via WebEx and there will be no Planning Commission meeting this month.

Finance Director Hillman stated bonding is moving forward for several projects and a public hearing will be held at the council meeting, June 1, 2020 for the tax abatement bonds. She announced 2020 Election filings will be posted tomorrow, May 19th on the City website with links provided to the Secretary of State website. She said new legislation has changed how filing for office can be done for the 2020 election.

Council Member Reports

Mayor Badeaux thanked the fire and police departments, as well as first responders and city staff during the fire at City Hall today.

Council Member Bevans stated he had the opportunity to work with two local businesses, Easy Riders Bike Shop and Mike Hamad Upholstery who provided great service. He encouraged everyone to shop local and call ahead because many are open, but the doors are still locked due to COVID-19.

Council Member Lambert announced there will be a short Memorial Day service that will be live streamed at the All-Vets Memorial on Monday. She also inquired about the animal rescue from public forum, which cannot be discussed due to pending legal issues.

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Council Member Stunek encouraged everyone to support local businesses.

Council Member T. Erickson also thanked the fire department for the great work today at City Hall.

Council Member W. Erickson gave recognition to the EDA for the work in developing a grant program for small businesses.

Council Member Johnson stated local businesses are struggling with the decisions from the Governor and is in support of the Lake Country Cares campaign and local grants. He announced Josh Heintzeman contacted him today regarding the fire at City Hall asking if the City needs anything to recover.

Finance Director Hillman stated staff has heard from local restaurants and bars thanking the City for delaying the liquor license fee due date, as this is a tremendous help during this time.

Adjourn

The Chair adjourned at 10:00 p.m.

Jennifer Bergman
City Administrator