Brainerd, MN
June 15, 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 BEVANS AND T. ERICKSON TO APPROVE THE CONSENT CALENDAR.

A. **Approval of the Minutes of the Regular Meeting held on June 1, 2020 - Approved**

B. **Approval of Licenses - Approved**

Contractor Licenses – 4
Bulk Plant License – 1
Growler License – 1
Filling Station License – 8
Off-Sale Beer License – 3
Taproom/Distillery License – 2
On-Sale Wine/Beer License – 1
On-Sale Liquor License – 8
Club On-Sale Licenses – 3
Off-Sale Liquor License – 4

Contingent Upon Inspection/Fire Department - Approved
On-Sale Liquor Licenses -6
Off-Sale Beer License – 1
Club On-Sale License – 1
Off-Sale Liquor License – 1

C. **Department Activity Reports – Approved**

1. Police Chief
2. Finance Director

D. **Extension of Premises – Submitted by Shep’s on Sixth for an Event to be Held on August 28-29, 2020, at 315 S. 6th St., Brainerd – Approved**

E. Event Application – Produce Pop-Up Pantry - Approved

F. Ratification of Hiring – Seasonal/Temporary Employees - 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.

Dangerous Dog Hearing

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 recognized Mr. Michael O’Brien, animal control officer, who explained the criteria necessary according to City Code in order to deem a dog as dangerous.

The Chair recognized Mr. Joshua Hall and Ms. Erika Olson, who are the owners of the dog. Ms. Olson gave her deposition of the reports against her dog and the issues with the dog being deemed as dangerous. Mr. O’Brien gave responses to the statements made by Ms. Olson.

The Chair recognized Ms. Kathy Rolf who claimed the dog owned by Erika Olson attacked her dog on April 22, 2020 on her property and gave details of the event.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO DETERMINE THE DOG IS NOT DANGEROUS BASED ON THE FACTS.

Council Member Bevans stated the issue seems to be with the dog owners keeping their pet contained on their property and not necessarily the dog being a danger to others. City Attorney Langel explained the legal process involved with actions for the owner to follow if the dog was deemed dangerous.

Council Member Bevans chose to withdraw the above motion based on City Attorney Langel clarifying the legal procedure. Council Member Pritschet does agree the dog needs to be contained but does not agree with the dog being deemed dangerous.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO DEEM THE DOG AS DANGEROUS BUT NOT BE EUTHANIZED AND THE DOG OWNER WILL NEED TO COMPLY WITH THE NECESSARY REQUIREMENTS OF PROPER ENCLOSURE, VACCINATIONS, CITY LICENSING AND PROOF OF INSURANCE AND FOR THE ANIMAL CONTROL OFFICER REPORT BACK TO THE COUNCIL WITHIN 14 DAYS.

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

Mr. O’Brien asked the Council what he needs to do in 14 days if these conditions have not been met. Council Member Johnson stated he is to report back in 14 days and it will be placed on the next council agenda for a decision if progress isn’t being made.

Presentations

The Chair recognized Mr. Tyler Glynn, BLAEDC executive director. Mr. Glynn gave a brief update to the Key Recruitment Program and the River to Rail opportunities as businesses start to re-open. He stated he has received many positive responses to the Small Business Grant Relief that was recently passed by the EDA. He said he is working with the county regarding funding that could be received from the CARES Act.

Council Member Bevans indicated he would like the documentation supporting the funds that are paid from the City to BLAEDC. Mr. Glynn stated he is working on it and will provide the requested documents.

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.

Custodial Services Proposals for City Hall, Police Department, Fire Department, and Streets Garage - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO ACCEPT STAFF’S RECOMMENDATION AND AUTHORIZE ENTERING INTO AN AGREEMENT FOR PROFESSIONAL CUSTODIAL SERVICES WITH ENVIROTECH IN THE AMOUNTS OF $1,765/MONTH FOR CITY HALL, $1,255/MONTH FOR POLICE DEPARTMENT, $238/MONTH FOR FIRE DEPARTMENT AND $238/MONTH FOR STREET DEPARTMENT GARAGE.

Committee Chair Pritschet explained the current cleaning company has new ownership and the fees were going to increase. He said staff indicated it would be an ideal time to solicit Request for Proposals to compare pricing and the recommendation was to accept the proposal from EnviroTech.

Finance Director Hillman indicated the increase in fees was not budgeted, as the change in ownership of the current company was not anticipated nor was the increase in rates.

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.

Request for Additional Small Business Relief Grant Funds - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO FUND THE ADDITIONAL EIGHT BUSINESS APPLICANTS AS PRESENTED IN THE TOTAL AMOUNT OF $23,500.

Committee Chair Pritschet explained there were eight applications received after the initial $90,000 was allocated and the EDA has requested additional funding be approved for those eight businesses in the amount of $23,500. He clarified that all funds would be coming from Fund 217, as there was a misprint on the agenda request. He stated if the Federal Cares Act passes, the City may be eligible to be reimbursed for a portion of those funds.

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.

Update on Marketing Campaign - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE DESIGN AND MESSAGE OF THE CAMPAIGN, PURCHASE A FULL-PAGE AD IN THE LAKES COUNTRY JOURNAL FOR $2,300 AND BEGIN A CAMPAIGN SERIES ON SOCIAL MEDIA IN THE AMOUNT OF $700.

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.

Police Officer Hiring - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO RATIFY THE HIRING OF OFFICER JORDAN HOST, STARTING AT LELS 2020 STEP 1 RATE OF $27.43/HOUR WITH A STARTING DATE OF JUNE 8, 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.

Long Term Disability RFP Process - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE LONG-TERM DISABILITY INSURANCE RFP PROCESS AND TIMELINE AS SUBMITTED BY INTEGRITY EMPLOYEE BENEFITS.

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.

Consideration to Finalize Liquor License Fees for 7/1/2020 Renewal – Approved

Committee Chair Pritschet explained this is due to the revised restrictions of allowing businesses to open for indoor seating starting on June 10, 2020.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO APPROVE THE LIQUOR LICENSES AFFECTED BY COVID-19 AS PREVIOUSLY IDENTIFIED FOR THE RENEWAL OF 7/1/2020-6/30/2021 BE REDUCED BY A PRO-RATED 4 MONTHS AND THEN REDUCE THE REMAINING FEE BY 50% AND BILLING WILL BE DONE PRIOR TO THE END OF JUNE WITH THE FEES PAYABLE WITHIN 90 DAYS.

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.

The Skillet Restaurant Liquor License from 7/1/2019-6/30/2020 - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO REFUND THE ENTIRE LIQUOR LICENSE FEE IN THE AMOUNT OF $2,800 FOR THE LIQUOR LICENSE RENEWAL PERIOD OF JULY 1, 2019-JUNE 30, 2020 THAT WAS PAID.

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 & Public Works Committee Report

Improvement 20-01 – 2020 Seal Coat Project Bids - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF’S RECOMMENDATION AND AWARD THE CONTRACT TO ASPHALT SURFACE TECHNOLOGIES CORPORATION (ASTECH) IN THE TOTAL AMOUNT BID OF $147,576 AND FURTHER TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO THE AGREEMENT WITH ASTECH.

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.

Improvements 16-09 and 19-07 – 2019 Buffalo Hills Lane and Mississippi Drive Reconstruction Projects – Change Order 3 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF’S RECOMMENDATION AND AUTHORIZE CHANGE ORDER 3 FOR IMPROVEMENTS 16-09 AND 19-07 FOR TURF ESTABLISHMENT CONTINGENT UPON P&F APPROVAL FOR THE CONTRACT IN THE REVISED AMOUNT OF $1,607,663.

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 – Improvement 19-01 – NW 4th Street Reconstruction – Cooperative Construction Agreement – Adopted Resolution No. 29:20

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF’S RECOMMENDATION AND ADOPT THE ATTACHED CONSTRUCTION COST SHARE AGREEMENT RESOLUTION FOR IMPROVEMENT 19-01 NW 4TH STREET RECONSTRUCTION.

RESOLUTION NO. 29:20

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.

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

Council Member Bevans requested an update from Council Member Lambert regarding the committee that was formed to address the rental housing ordinance code. He stated it has been almost two years and he would like to have information brought forth as to the recommendations of the committee. Council Member Lambert stated due to COVID-19, the committee has not met recently. She said the committee does not meet during the summer but will resume in September. She hopes to have information to the Council by the end of 2020.

Temporary Extensions of Premises Update – No Action Needed

Community Development Director Chanski stated new COVID-19 regulations have now allowed businesses to open to the public and indoor dining is allowed at a 50% capacity. He explained the recommendation is to continue to allow all current and future permitted COVID-19 Temporary Extension of Premises to remain in place until October 31, 2020. An official motion was not made by the Council but all were in agreement.

New Business

Resolution – Designating Polling Locations for 2020 Election – Adopted by Resolution 30:20

Finance Director Hillman explained due to COVID-19, the state statute was updated to allow municipalities to make changes to their adopted polling locations. She stated the recommendation is to reduce the number of locations from eight to four for the 2020 Election.

Council Member Johnson asked if the City would have only four polling locations in the future. Finance Director Hillman indicated the election of 2022 will be held after a redistricting is held due to the census and it could be a possibility. The City is within the recommended population for only having four versus eight polling locations for the 2020 election but not going forward.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO ADOPT A RESOLUTION DESIGNATING UPDATED POLLING LOCATIONS FOR 2020 FOR THE CITY OF BRAINERD AND TO AUTHORIZE STAFF TO WORK WITH THE COUNTY IN SENDING OUT POLLING LOCATION CHANGE NOTICES TO ONE PER HOUSEHOLD.

RESOLUTION NO. 30:20

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 directed IT Director Strong to unmute the call-in users and opened the public forum at 9:00 p.m.

The Chair recognized Ms. Cheryl Peterson, 1518 Quince St., who spoke regarding her request for a response from a City Council member for her animal rescue service. It was determined since this issue is under legal counsel, it was recommended not to respond.

The Chair closed the public forum at 9:10 p.m.

Staff Reports

City Administrator Report/Update

City Administrator Bergman indicated she is requesting a Council work session be scheduled for June 22, 2020 to discuss the goals of the City Council. It was determined not all members are available that date, and a doodle poll will be sent to all members.

Council Member Reports

Mayor Badeaux stated boards and committees are starting to meet once again.

Council Member Pritschet stated the Corpus Christi Procession went well and he thanked the Council for the permission to do so.

Council Member Lambert requested information on the amount of funding that has been spent and invested downtown, and the return on the investment. City Administrator Bergman stated she will work on this with Tyler Glynn and Community Development Director Chanski.

Council Member Bevans attended a parking lot church service recently that was well received.

Council Member W. Erickson thanked the Council for the additional grant funding that was approved tonight to be able to fund the additional small businesses that applied.

Adjourn to Closed Session Pursuant to MN Statutes 13D.05, Subd. 3(A), To Conduct the City Administrator Performance Review – 9:18 p.m.

The Council reconvened at 10:03 p.m.

The Council adjourned at 10:08 p.m.

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Jennifer Bergman
City Administrator