Brainerd, MN
July 20, 2020

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council via WebEx teleconferencing was called to order at 7:32 P.M. by Council President Johnson.

Upon roll call, the following members were noted as present: Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. 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 AMEND THE AGENDA BY RELOCATING THE DANGEROUS DOG HEARING TO THE BEGINNING OF THE AGENDA AND ADDING ITEM 4A. FOOD TRUCK MORATORIUM UNDER SAFETY & PUBLIC WORKS AGENDA.

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

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

A. Approval of the Minutes of the Regular Meeting held on July 6, 2020 and the Workshop held on July 13, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 2

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the Mule Deer Foundation, 1939 S 4130 W Suite H, Salt Lake City, UT 84104 for an Event to be Held August 6, 2020 at the Brainerd American Legion, 708 Front St., Brainerd - Approved

E. Temporary Beer License Revised Date from April 25, 2020 (Canceled due to COVID) – Submitted by the Brainerd Aeries Eagles #287, 124 Front St., Brainerd for an Event to be Held August 22, 2020 at Memorial Park, 1700 Mill Ave., Brainerd - Approved

F. Adopt Resolution Accepting Donations & Contributions for the 2nd Quarter 2020 – Adopted by Resolution 32:20

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

Community Member of the Month

City Administrator Bergman recognized Ms. Tammy Ebertowski who was nominated as Community Member of the Month for her volunteer service throughout the community.

Council Member Lambert indicated she has worked with Ms. Ebertowski at the VFW numerous times and she is very energetic and passionate in her volunteer work. Mayor Badeaux stated he is glad to have this program to recognize the work and efforts of the residents in the community.

The Chair welcomed Ms. Tammy Ebertowski to speak. Ms. Ebertowski thanked the Mayor, City Council and Councilwoman Lambert for selecting her as community member of the month for her volunteer service with the Mid-Minnesota Women's Center. She said she is very proud of her work and the lives she has touched with her time spent with the Center.

Dangerous Dog Hearing

City Attorney Langel reviewed the incident and the details of the hearing based on an appeal from the dog owner. He explained the definition of a dangerous dog, which is any dog that without provocation inflicts substantial bodily harm on a human being on private or public property.

The Chair opened the public hearing at 7:43 p.m.

The Chair recognized Ms. Brittani Joppru, 1205 ½ Mill Ave., who is the owner of the dog. Ms. Joppru indicated there are some statements in the report that are not true and explained in her opinion what occurred. She gave a brief recap of the incident and does not feel the dog should be declared as dangerous. She also stated the dog will not be living in the city limits of Brainerd.

Council Member Johnson stated any comments or testimony about this topic must be made in the hearing and will not be heard later in the meeting.

The Chair recognized Ms. Melissa Kinnard, who is an advocate for people who have had their pets declared dangerous. She gave her views and possible solutions to the issue.

The Chair recognized Mr. Michael O'Brien, animal control officer, who gave his account of the incident and the disagrees that the information in the report is not accurate. He explained the process he followed and the actions he has taken in this case.

The Chair closed the public hearing at 8:02 p.m.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO DECLARE THE DOG AS DANGEROUS BASED ON THE INFORMATION PRESENTED AND THE PRIOR CLASSIFICATION OF A POTENTIALLY DANGEROUS DOG.

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

City Attorney Langel explained due to the owner stating the dog will not be living with city limits, it is up to the jurisdiction to make the dangerous dog determination. He said a motion could be made to take action if the dog is picked up in the City in the future.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ORDER THE DOG BE EUTHANIZED IF IT IS PICKED UP AGAIN WITHIN THE CITY LIMITS OF BRAINERD.

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

Presentations

The Chair recognized Ms. Mary Reedy from the City’s accounting firm, CliftonLarsonAllen, who reviewed the City of Brainerd 2019 Audit results along with Finance Director Hillman. Ms. Reedy indicated this year was challenging due to COVID-19 as the audit needed to be completed off-site, and she thanked City Staff for the extra work.

Items discussed:

- BPU Audit Report Results
- BPU Financial Report Results
- City’s Required Communications
- City’s Audit Results
- City’s Financial Results
- Discussion Topic Insights and Observations

Ms. Reedy and Finance Director Hillman answered questions of the Council. The Chair thanked them for the presentation.

Council Committee Reports

Safety & Public Works Committee Report

Improvement 20-03 – 2020 Large Patching Project Quotes - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF’S RECOMMENDATION AND APPROVE THE LARGE PATCHING QUOTE FROM ANDERSON BROTHERS CONSTRUCTION IN THE AMOUNT OF $50,000.

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

Organized Garbage Collection – Postponed until September

Committee Chair Bevans explained this was a topic at a previous meeting regarding the placement and enforcement of garbage receptacles in the right-of-way after trash collection. He indicated due to the number of garbage haulers and various pick-up schedules, it would be hard to enforce and discussion with the waste companies is needed. He stated this will be on the

Safety & Public Works agenda for the September 7, 2020 Council meeting with an invitation for the waste companies to attend at 5:30 p.m. and discuss a possible solution.

H Street NE Cut-Across Traffic Discussion - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO DIRECT STAFF TO INSTALL "NO SEMI TRUCKS" TRAFFIC SIGNS ENTERING ON TO H STREET AND REPORT BACK TO THE COUNCIL ON AUGUST 3, 2020 IF FURTHER ACTION IS NEEDED.

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

***(Added Item)* Food Truck Moratorium – No Action**

Community Development Director Chanski explained he has received inquiries from food truck vendors requesting the ability to operate outside the allowed transient food overlay district. He indicated the recommendation is to authorize a moratorium on Section 515-66 of the City Code for the remainder of 2020.

Committee Chair Bevans says he understands the struggle of the food truck business due to various fair events being canceled. He explained that a moratorium may cause an overrun of food trucks in areas that established brick and mortar restaurants are already financially affected by COVID. He said there was not enough time at committee level to discuss the issue and there is no motion.

Council discussion took place. It was decided that more time is needed to discuss the options and will be on the Safety & Public Works agenda at the August 3, 2020 Council meeting.

Personnel and Finance Committee Report

Approval of Bills - Approved

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

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

Discussion on Lakes Area Media Collaborative - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO DISCONTINUE THE FUNDING TO LAKES AREA MEDIA COLLABORATIVE AND TO MOVE FORWARD WITH REQUESTS FOR PROPOSALS FOR ANOTHER PROVIDER; FURTHER TO ALLOW STAFF TO HANDLE INSTALLATION AND OPERATION OF THE EQUIPMENT USING THE FRANCHISE FEES NOT BEING SUBMITTED TO LAKES AREA MEDIA COLLABORATIVE.

Committee Chair Pritschet stated there has been no response from Lakes Area Media Collaborative and no agreement was located. He indicated staff is meeting next week with Charter regarding televising the meetings on a cable channel.

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

School Resource Officer Contract Amount for 2019-2020 School Year - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO REDUCE THE CONTRACT AMOUNT WITH ISD181 FOR THE 2019-2020 SCHOOL YEAR BY $20,000 AND USE COVID RELIEF FUNDS TO REIMBURSE THE CITY FOR THE SCHOOL RESOURCE OFFICER’S WAGES FROM 3/16-5/23/2020 AS A RESULT OF THE SCHOOL RESOURCE OFFICER’S DUTIES CHANGING DUE TO COVID-19.

Council Member Johnson stated the contract was agreed upon by both parties, the City upheld their end of the agreement and he will be voting no to the motion.

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

Street Department Employee Resignation - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO ACCEPT WITH REGRET THE RESIGNATION OF DANIEL DIETHERT, EFFECTIVE JULY 29, 2020 AND AUTHORIZE BACKFILLING THE POSITION FROM THE SAME POOL OF MAINTENANCE I APPLICATIONS CURRENTLY BEING ADVERTISED FOR FROM A PREVIOUS RESIGNATION.

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

Request for Proposal for 2020 Audit Services - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO RETAIN THE SERVICES OF CLIFTONLARSONALLEN FOR THE 2020 AUDIT SERVICES.

Upon roll call, members Lambert, Stunek, Pritschet, Bevans, W. Erickson, T. 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) *pending appointment*

Mayor Recommended: **(terms to expire 09/07 of said year)**
Economic Development Authority (EDA) – 1 term (Expire 2020) – *pending appointment*

Other
Water Tower Fundraising Committee
Parking Commission

Committee Recommendations – Recommended by Mayor Badeaux

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPOINT MICHAEL O'DAY TO THE CHARTER COMMISSION WITH A TERM TO EXPIRE DECEMBER 31, 2022 AND TO THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) FOR A TERM TO EXPIRE SEPTEMBER 7, 2020.

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

Adopt Amended Preparedness Plan - Approved

City Administrator Bergman reviewed the changes put forth by the Governor's orders and the updates to the plan as presented.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO ADOPT THE AMENDED PREPAREDNESS PLAN AS PRESENTED.

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

New Business

Planning Commission

Conditional Use Permit – Jacobson Excavating & Landscaping – 3424 Oak St. - Approved

Community Development Director Chanski gave a brief review of the application and the applicants request to allow outdoor storage of landscaping materials at 3424 Oak Street.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO APPROVE THE CONDITIONAL USE PERMIT FOR JACOBSON EXCAVATING AND LANDSCAPING TO ALLOW OUTDOOR STORAGE OF LANDSCAPING MATERIALS AT 3424 OAK STREET BASED ON THE FINDINGS OF FACT.

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

Conditional Use Permit Amendment – Harrison Elementary School – 1515 Oak St. - Denied

Community Development Director Chanski explained the school district has submitted a request to amend their current Conditional Use Permit to reconsider the requirement of boulevard trees. He indicated the building plans have changed and the removal of mature trees will not be needed, and a fiber optic line was found to be shallowly buried in the right-of-way.

City Engineer Sandy stated the fiber line depth has no bearing on the requirement to plant the trees as required.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO DENY THE CONDITIONAL USE PERMIT AMENDMENT REQUEST FOR ISD181 AT HARRISON SCHOOL, 1515 OAK STREET BASED ON THE REASON FOR THE REQUEST IS UNSUBSTANTIATED.

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

Zoning Code Update RFP - Approved

Community Development Director Chanski explained the details of the request to proceed with a Request for Proposals (RFP) to assist in the update of the Zoning Code.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET TO AUTHORIZE STAFF TO FIELD THE REQUEST FOR PROPOSALS AND QUALIFICATIONS FOR ZONING CODE UPDATE SERVICES.

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

Public Forum

The Chair opened the public forum at 9:24 p.m.

No one came forward.

The Chair closed the public forum at 9:24 p.m.

Staff Reports

City Administrator Bergman stated the goals and strategies discussed at the workshop will be compiled and presented at the August 3, 2020 Council meeting. She said a recommendation will also be brought forth at that meeting regarding the CARES Act funding. She indicated the door release switches have been installed at City Hall and the recommendation is to re-open City Hall on Monday, July 27, 2020 as a controlled access using the Ring system. She gave an update that the owners of the previous dangerous dog hearing have met the insurance requirements set forth by the Council. Lastly, she announced that she has received some complaints regarding an independent contracted employee the City has hired. City Attorney Langel has estimated the fee to investigate the concerns would be approximately $3,500.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO APPROVE THE COST FOR THE INVESTIGATION.

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

City Engineer Sandy gave a brief update to the progress of the reconstruction of the steps at City Hall.

Community Development Director Chanski indicated he will present his department update at the August 17th Council meeting, due to the other presentations that were taking place tonight and August 3rd. He stated the Region 5 Children’s Museum Task Force met last week with another meeting scheduled in August.

Mayor’s Report

Mayor Badeaux stated he attended the Region 5 Children’s Museum Task Force meeting and is very encouraged by the project. He also indicated the 4th of July fireworks event was very successful.

Council Member Reports

Council Member Bevans announced last Thursday the summer concert events resumed at Gregory Park which he attended.

Council Member Johnson stated there is a Visit Brainerd store open downtown and encourages everyone to stop in.

Council Member Lambert added the Region 5 Children’s Museum Task Force is working on scheduling an open house event and will provide more information as it occurs.

Adjourn

The Council adjourned at 9:36 p.m.

_____
Jennifer Bergman
City Administrator