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 Johnson.

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

Due to Aldermen Pritschet and Lambert participating in the meeting remotely, all motions will be made by roll call vote for accuracy.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO AMEND THE AGENDA BY SWITCHING ITEMS #1 APPROVAL OF BILLS AND #6 ANDERSON BROTHERS CONSTRUCTION REQUEST TO PURCHASE INDUSTRIAL LOTS ON THE P&F AGENDA.

Upon roll call, members Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, Lambert, 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 September 8, 2020 and the Minutes of the Workshop held on September 14, 2020 - Approved**

B. **Approval of Licenses - Approved**

Contractor Licenses - 3

C. **Department Activity Reports - Approved**

1. Police Chief
2. Finance Director

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

Presentations

Evergreen Cemetery Board Presentation

The Chair recognized Mr. Duane Blanck, president of the Evergreen Cemetery Board and Board Member Mr. Fred Casey. Mr. Blanck started by giving a brief history of the Evergreen and Memorial Gardens Cemeteries and the overall operations that take place. He stated there has been a considerable change in the funeral business in recent years as more people are choosing cremation rather than typical burials. He gave a review of the financial situation that the cemetery board is heading toward. Mr. Casey is asking for a Council Member be a part of a committee with the Board, along with the City and County to discuss the financial future of these cemeteries to keep them maintained and continuing to operate. The Chair thanked them for the presentation.

Brainerd Lakes Area Economic Development Corporation (BLAEDC) Presentation – Tyler Glynn

The Chair recognized Mr. Tyler Glynn, executive director of BLAEDC, who gave an update of the CARES Act Relief Grant Program. He indicated the program was accepting applications from August 17th – Sept 18th with 247 being submitted totaling $2,328,125 in funds requested. Of these, 101 were Brainerd applications in the amount of $899,150. He indicated there will be a small business sub-committee meeting to review the submissions on September 25th at the Crow Wing County Courthouse from 1:00 – 3:00 pm and a non-profit sub-committee meeting on October 1st from 9:00 am – 4:00 pm at Crow Wing County. He stated the Mayor and/or Council Members are welcome to attend and provide feedback. He also stated a list of all the approved grant recipients will be provided to the Council. The Council had the opportunity to ask questions and thanked him for the presentation.

Introduction of the HRA Executive Director

The Chair recognized Mr. Eric Charpentier, 441 Tyrol Drive, Brainerd who is the newly hired executive director of the Brainerd HRA. Mr. Charpentier gave a brief presentation of his background and work history and is excited for the opportunity to be a part of the HRA. He provided the Council with recent activity of the HRA and indicated the requested levy amount for 2021 is .0185% which is the maximum allowed by state statute. The Council welcomed him to his new position and thanked him for the presentation.

Council Committee Reports

Personnel and Finance Committee Report

Anderson Brothers Construction Request to Purchase Industrial Lots - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO SUPPORT THE SALE OF THE REMAINING THIRTEEN LOTS OF PHASE IV IN THE INDUSTRIAL PARK TO ANDERSON BROTHERS CONSTRUCTION AT $1 PER ACRE AND TO TRANSFER THE FOLLOWING LOTS TO THE EDA FOR SALE: LOTS 1, 7, AND 8, BLOCK 1; LOT 1, BLOCK 2; LOT 1, BLOCK 3; LOTS 1-4, BLOCK 4; AND LOTS 1-4, BLOCK 5; ALL LOCATED IN THE BRAINERD INDUSTRIAL PARK 1ST ADDITION, CROW WING COUNTY, MINNESOTA.

Committee Chair Pritschet gave a brief review of the request Anderson Brothers presented to the EDA . He explained the EDA has the right of revertor, which states if Anderson Brothers Construction does not fulfill their end of the contract, the land can then be reclaimed by the EDA to resell.

The Chair recognized Mr. Terry McFarlin, CEO of Anderson Brothers Construction, along with Mr. Bill Potvin, vice president of corporate affairs, who gave the Council a brief recap of the request. He stated they would like to purchase the remaining lots to relocate the Anderson Brothers Construction business from highway 210 to the Industrial Park, which would consolidate equipment and staff to one location and be a safer location.

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

<u>Police Records Management Tech Resignation & Request to Hire - Approved</u>

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO ACCEPT WITH REGRET THE RESIGNATION OF RECORDS MANAGEMENT TECHNICIAN DIXIE SANBORN AND AUTHORIZE FILLING THE VACANCY.

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

<u>Funding for DDA Human Resources Inc. To Conduct Police Chief Search - Approved</u>

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO AUTHORIZE FUNDING FOR DDA HUMAN RESOURCES INC. TO CONDUCT OUR POLICE CHIEF SEARCH AS PROPOSED.

HR Director Schubert explained the Civil Service Commission has approved retaining DDA to conduct the police chief search. She indicated the Commission will complete the interviews, certify the eligibility list, and will recommend to the Council the top three from that list. She said the Commission will be meeting again on September 25th to discuss the proposed process.

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

<u>Zoning Code Update Consultant Selection - Approved</u>

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO CONTRACT WITH SWANSON HASKAMP TO PERFORM A COMPREHENSIVE UPDATE OF THE ZONING CODE FOR AN AMOUNT NOT TO EXCEED $90,000 AND AUTHORIZE CITY ADMINISTRATOR BERGMAN TO SIGN THE CONTRACT.

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

<u>Civil Attorney Contract Renewal - Approved</u>

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH RATWIK, ROSZAK & MALONEY FOR 2021 AND 2022.

Committee Chair Pritschet explained the proposed agreement shows no increase in fees for year 2021, and year 2022 will incur a $5 per hour increase with a retainer increase of $2,000 per year.

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

Approval of Bills – Approved

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

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

Safety & Public Works Committee Report

Event/Street Closure Application – Bikers for Kids – Kinship Partners Support Event - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF’S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR BIKERS FOR KIDS - A KINSHIP PARTNERS SUPPORT EVENT ON OCTOBER 3, 2020 UNDER THE CONDITIONS THAT THE APPLICANT REQUEST TRAFFIC CONTROL FOR THE EVENT ONE WEEK PRIOR TO THE EVENT AND THAT BANNERS AND OTHER SIGNAGE ARE REMOVED AFTER THE EVENT.

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

Event/Street Closure Application – Visit Brainerd Open House/25 Year Celebration - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF’S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE VISIT BRAINERD OPEN HOUSE ON OCTOBER 1, 2020 UNDER THE CONDITION THAT THE APPLICANT REQUEST TRAFFIC CONTROL ONE WEEK PRIOR TO THE EVENT.

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

2020-2021 Downtown Snow Removal Bids - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF’S RECOMMENDATION AND ACCEPT THE BIDS FOR THE 2020-2021 DOWNTOWN SNOW REMOVAL AND AWARD THE CONTRACT TO TOM’S BACKHOE SERVICE.

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

Improvement 14-05 – Old Stonebridge Trail – Final Pay Estimate – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO APPROVE THE FINAL PAYMENT FOR IMPROVEMENT 14-05 OLD STONEBRIDGE TRAIL TO KNIFE

RIVER IN THE TOTAL AMOUNT OF $48,584 SUBJECT TO APPROVAL OF THE BILLS AND PAYMENTS TO CONTRACTORS ON THE PERSONNEL AND FINANCE AGENDA.

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

Unfinished Business

Final Reading – Proposed Ordinance No. 1510 – Amending the Rural Service District - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO HOLD AND DISPENSE WITH THE FINAL READING OF PROPOSED ORDINANCE NO. 1510 AMENDING THE RURAL SERVICE DISTRICT.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO ADOPT PROPOSED ORDINANCE NO. 1510 AMENDING THE RURAL SERVICE DISTRICT.

ORDINANCE NO. 1510

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

Committee Recommendations – Recommended by Mayor Badeaux

MOVED AND SECONDED BY ALDERMEN BEVANS AND T. ERICKSON TO APPOINT MS. MARIE KIRSCH TO THE ECONOMIC DEVELOPMENT AUTHORITY (EDA) WITH A TERM TO EXPIRE SEPTEMBER 7, 2021.

Upon roll call, members Stunek, Pritschet, Bevans, W. Erickson, T. Erickson, Lambert, 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 – 1 term (Expire 2021) - 2 terms (Expire 2022)
Charter Commission – 2 terms (Expire 2020)

Mayor Recommended: (terms to expire 09/07 of said year)
Economic Development Authority (EDA) – 1 term (Expire 2021) – *pending appointment*

Other
Water Tower Fundraising Committee
Parking Commission

New Business

Resolution – Accepting Babe the Blue Ox Statue – Adopted by Resolution 37:20

City Administrator Bergman indicated the Destination Downtown Business Coalition would like to place a Babe the Blue Ox statue downtown in the City's right-of-way. She said Attorney Langel has advised against allowing a private owner to place an item in the right-of-way, but the City may accept it as a donation for it to be placed there. She stated the Chamber of Commerce is the fiscal agent that own the statue.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT A RESOLUTION ACCEPTING THE BABE THE BLUE OX STATUE FROM THE BRAINERD LAKES AREA CHAMBER OF COMMERCE.

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

RESOLUTION NO. 37:20

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO AUTHORIZE THE CROSSING ARTS ALLIANCE AND DOWNTOWN BUSINESS COALITION TO CALL FOR ARTISTS FOR THE PAINTING OF THE STATUE AND INCLUDE A COUNCIL MEMBER TO BE A PART OF JUDGING THE ARTWORK.

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

Authorize CARES Act Funds Pooling Agreement with Crow Wing County - Approved

City Administrator Bergman gave a brief overview of the proposed agreement with Crow Wing County.

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO APPROVE THE CARES ACT FUNDS POOLING AGREEMENT WITH CROW WING COUNTY.

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

Adopt 2021 Preliminary Levy – Adopted by Resolution No. 38:20

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO ADOPT A RESOLUTION SETTING THE PRELIMINARY LEVY AT 4% ($6,315,337) FOR THE CITY AND THE REQUESTED MAXIMUM ALLOWED AMOUNT OF $136,520 FOR THE HRA.

Council discussion was held, and it was determined to set the preliminary levy at 4%, with the goal of lowering it prior to the final levy being adopted.

RESOLUTION NO. 38:20

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

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO SET THE DATE AND TIME FOR THE BUDGET PUBLIC HEARING FOR DECEMBER 14, 2020 AT 6:00 PM.

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

Resolution – Declaring Costs to Be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment – 2020 Nuisance Abatement and Downtown Special Services District – Adopted by Resolution No. 39:20

City Engineer Sandy explained the process that needs to take place with the next five resolutions.

MOVED AND SECONDED BY ALDERMEN BEVANS AND T. ERICKSON TO ADOPT A RESOLUTION IN WHICH DECLARES COSTS TO BE ASSESSED, ORDERS PREPARATION OF THE PROPOSED ASSESSMENTS FOR 2020 NUISANCE ABATEMENT AND DOWNTOWN SPECIAL SERVICES DISTRICT, AND ORDERS A PUBLIC HEARING TO BE HELD VIA WEBEX ON OCTOBER 19, 2020 AT 7:30 PM TO CONSIDER TESTIMONY FOR OR AGAINST THE PROPOSED ASSESSMENTS.

RESOLUTION NO. 39:20

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

Resolution – Declaring Costs to Be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment – Improvement 14-05 – Old Stonebridge Trail Final Lift – Adopted by Resolution No. 40:20

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO ADOPT A RESOLUTION IN WHICH DECLARES COSTS TO BE ASSESSED, ORDERS PREPARATION OF THE PROPOSED ASSESSMENT FOR IMPROVEMENT 14-05 OLD STONEBRIDGE TRAIL FINAL LIFT, AND ORDERS A PUBLIC HEARING TO BE HELD VIA WEBEX ON OCTOBER 19, 2020 AT 7:30 PM TO CONSIDER TESTIMONY FOR OR AGAINST THE PROPOSED ASSESSMENTS.

RESOLUTION NO. 40:20

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

Resolution – Declaring Costs to Be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment – Improvement 19-10 – NE Brainerd Resurfacing Project - Adopted by Resolution No. 41:20

MOVED AND SECONDED BY ALDERMEN W. ERICKSON AND T. ERICKSON TO ADOPT A RESOLUTION IN WHICH DECLARES COSTS TO BE ASSESSED, ORDERS PREPARATION OF THE PROPOSED ASSESSMENT FOR IMPROVEMENT 19-10 NE BRAINERD RESURFACING PROJECT, AND ORDERS A PUBLIC HEARING TO BE HELD

VIA WEBEX ON OCTOBER 19, 2020 AT 7:30 PM TO CONSIDER TESTIMONY FOR OR AGAINST THE PROPOSED ASSESSMENTS.

RESOLUTION NO. 41:20

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

Resolution – Declaring Costs to Be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment – Improvements 13-21, 19-09, and 19-16 – NE Brainerd Reconstruction Project – Adopted by Resolution No. 42:20

MOVED AND SECONDED BY ALDERMEN BEVANS AND T. ERICKSON TO ADOPT A RESOLUTION IN WHICH DECLARES COSTS TO BE ASSESSED, ORDERS PREPARATION OF THE PROPOSED ASSESSMENT FOR IMPROVEMENT 13-21, 19-09, AND 19-16 NE BRAINERD RECONSTRUCTION PROJECT, AND ORDERS A PUBLIC HEARING TO BE HELD VIA WEBEX ON OCTOBER 19, 2020 AT 7:30 PM TO CONSIDER TESTIMONY FOR OR AGAINST THE PROPOSED ASSESSMENTS.

RESOLUTION NO. 42:20

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

Resolution – Declaring Costs to Be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment – Improvement 16-09 and 19-07 – Buffalo Hills Lane and Mississippi Drive Reconstruction Project – Adopted by Resolution No. 43:20

MOVED AND SECONDED BY ALDERMEN T. ERICKSON AND W. ERICKSON TO ADOPT A RESOLUTION IN WHICH DECLARES COSTS TO BE ASSESSED, ORDERS PREPARATION OF THE PROPOSED ASSESSMENT FOR IMPROVEMENT 16-09 AND 19-07 BUFFALO HILLS LANE AND MISSISSIPPI DRIVE RECONSTRUCTION PROJECT, AND ORDERS A PUBLIC HEARING TO BE HELD VIA WEBEX ON OCTOBER 19, 2020 AT 7:30 PM TO CONSIDER TESTIMONY FOR OR AGAINST THE PROPOSED ASSESSMENTS.

RESOLUTION NO. 43:20

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

Planning Commission

First Reading – Proposed Ordinance No. 1511 – Amending Section 515-62 of the City Code - Approved

Community Development Director Chanski explained the details of the request to allow commercial greenhouses as an interim use in a B-3 district.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND W. ERICKSON TO HOLD AND DISPENSE WITH THE FIRST READING OF PROPOSED ORDINANCE NO. 1511 TO AMEND SECTION 515-62 OF THE CITY CODE ALLOWING COMMERCIAL GREENHOUSES AS AN INTERIM USE IN A B-3 DISTRICT.

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

Public Forum

The Chair opened the public forum at 9:01 p.m.

No one came forward

The Chair closed the public forum at 9:02 p.m.

Staff Reports

City Administrator Bergman stated she met with Council Members Johnson and W. Erickson, along with Park Board Members Kara Schaefer and Kevin Yeager and other staff members to discuss the possibility of a public works department. She also thanked the Mayor and Council Members for participating in our Employee Appreciation Day by delivering lunches to various departments and presenting staff awards last week. She indicated there have been some staff members affected by being exposed to COVID but are able to work from home if they are able to.

City Engineer Sandy thanked the Council Members who visited the streets garage for the Employee Appreciation event.

HR Director Schubert announced an Employee Insurance Committee Meeting was held last week to initially start the review of RFP’s and will meet again on September 28th. Council Member T. Erickson attended that meeting and found it interesting.

Mayor’s Report

Mayor Badeaux announced the Children’s Museum Task Force met last week to discuss the future plans of the museum. He said Visit Brainerd is holding an Open House at their location on Front Street on October 1st from 4:30-6:30 pm. He also announced the Water Tower Fundraising Dinner takes place September 24th from 5:30-8:30 pm at the Legion, which is being catered by Pit Happens, along with an online silent auction.

Council Member Reports

Council Member W. Erickson said he was happy to visit the street department for the Employee Appreciation Day.

Council Member Bevans stated there has been a lot of money and work put into the city parks and there will be more money going into them very soon. He wants to address those that continue to vandalize the parks and requests that they stop doing so immediately and if someone is witness to the vandalism to call the police. He said it is everyone’s responsibility to keep an eye out and report vandalism in our community.

Council Members T. Erickson and Stunek were honored to participate in the Employee Appreciation Day and had a good time talking with staff members.

Adjourn

The Council adjourned at 9:15 p.m.

Jennifer Bergman
City Administrator