

**Brainerd, MN
October 19, 2020**

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. Member W. Erickson was encountering technical difficulties and joined the meeting late. 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 Stunek, Pritschet, Bevans, T. Erickson, Lambert, and Johnson voted "aye". No member voted "nay". The Chair declared the motion carried.

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

A. Approval of the Minutes of the Regular Meeting held on October 5, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses - 9

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lakes Area Bowling Association, 1301 11th Ave NE, Brainerd. Bingo Events to be Held at Jack's House, 300 Hwy 25 S., Brainerd November 17-21, 2020 - Approved

E. Updated Preparedness Plan to Include Symptoms Decision Tree - Approved

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

Proposed Assessment Public Hearings

Public Hearing and Resolution – Proposed Assessments – Downtown Special Services District and 2020 Nuisance Abatement – Adopted by Resolution No. 47:20

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City Engineer Sandy stated pursuant to MN Statute 429, the City Council will hold a public hearing for each of the following proposed assessments to hear testimony for or against the proposed amount. He indicated the first hearing will be regarding the downtown special services district, and 2020 nuisance abatements. He explained the methodology that was used in determining the assessed amount of \$41,049.07.

The Chair opened the public hearing at 7:35 p.m.

The Chair recognized Mr. Richard Wetherall, 616 Norwood St., who stated he does not agree with or understand the nuisance letter that he received. Community Development Director Chanski explained the citation was issued due to a property maintenance nuisance for a roof that does not meet code requirements. Mr. Wetherall said he has no roof leaks and does not know why it is not in compliance.

The Chair recognized Ms. Kaleen Lewis, 1424 S. 8th St., who stated she does not understand the issue of the nuisance. Community Development Director Chanski indicated it is for an unlicensed vehicle. Ms. Lewis said she lost her job in April, the car is not operable and cannot afford to repair it at this time, so she did not think she needed to license it.

Council Member Bevans stated these residents should have contacted City Hall at the number provided in the letters that were sent to them prior to the public hearing tonight to work out a solution to these issues.

City Engineer Sandy indicated when a person speaks at a public hearing in objection to a nuisance assessment, it is temporarily pulled from the assessment roll in order for staff to revisit and work with the resident on an appropriate solution. He said it will then be brought back at the next Council meeting to either waive or adopt the assessment.

The Chair recognized Ms. Kathy Ogden, 1812 S. 7th St., who indicated she received a citation for an unlicensed vehicle in January. She said the car was a gift from a death in the family and they originally could not locate a clear title. She explained the situation was resolved and the car was licensed this summer. Community Development Director Chanski could not locate where the City was notified that it was taken care of.

Community Development Director Chanski stated there are two assessments that he is requesting be removed from the assessment roll. The first one is for Mr. John Groenwold, owner of 215 N. 5th St. who received a nuisance citation for a tree that needed to be removed and there were communication issues between Mr. Groenwold and City staff. The second one is for Mr. Joseph Bokry, 1889 Graydon Ave., who received a nuisance citation for an improperly parked trailer that was taken care of previously.

The Chair closed the public hearing at 7:59 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION ADOPTING THE ASSESSMENTS AS PROPOSED FOR THE DOWNTOWN SPECIAL SERVICES DISTRICT AND THE 2020 NUISANCE ABATEMENT, ADJOURNING THE PUBLIC HEARING FOR THE FIVE CONTESTMENTS TO NOVEMBER 2ND, 2020.

RESOLUTION NO. 47:20

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.

Public Hearing and Resolution – Proposed Assessments – Improvement 14-05 – Old Stonebridge Trail Final Lift – Adopted by Resolution No. 48:20

The Chair opened the public hearing at 8:00 p.m.

No one came forward.

The Chair closed the public hearing at 8:01 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT A RESOLUTION ADOPTING THE ASSESSMENTS AS PROPOSED FOR IMPROVEMENT 14-05 OLD STONEBRIDGE TRAIL FINAL LIFT.

RESOLUTION NO. 48:20

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.

Public Hearing and Resolution – Proposed Assessments – Improvement 19-10 – NE Brainerd Resurfacing Project – Adopted by Resolution No. 49:20

City Engineer Sandy gave a brief review of the various streets that were completed in this resurfacing project.

The Chair opened the public hearing at 8:04 p.m.

No one came forward.

The Chair closed the public hearing at 8:04 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION ADOPTING THE ASSESSMENTS AS PROPOSED FOR IMPROVEMENT 19-10 NE BRAINERD RESURFACING PROJECT.

RESOLUTION NO. 49:20

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.

Public Hearing and Resolution – Proposed Assessments – Improvements 13-21, 19-09, and 19-16 – NE Brainerd Reconstruction Project – Adopted by Resolution No. 50:20

City Engineer Sandy gave a brief review of the various streets that were completed in this reconstruction project.

The Chair opened the public hearing at 8:07 p.m.

No one came forward.

The Chair closed the public hearing at 8:07 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION ADOPTING THE ASSESSMENTS AS PROPOSED FOR IMPROVEMENTS 13-21, 19-09 AND 19-16 NE BRAINERD RECONSTRUCTION PROJECT.

RESOLUTION NO. 50:20

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.

Public Hearing and Resolution – Proposed Assessments – Improvements 16-09 and 19-07 – Buffalo Hills Lane and Mississippi Drive Reconstruction Project – Adopted by Resolution No. 51:20

City Engineer Sandy gave a review of the various streets that were completed in this reconstruction project. He explained of the \$1,854,910 project, the assessed amount to property owners is \$381,817 based on the City’s assessment policy. Council Member Johnson clarified the City policy states that 100% of a first-time construction is to be assessed to the property owners and that the City has chosen to assess this project at only a 50% assessment rate.

The Chair opened the public hearing at 8:10 p.m.

The Chair recognized Mr. Shane Olstad, 216 Ridge Dr., who stated his home is positioned on two lots with no possible room for expansion on either one. He questions why he is being assessed for two lots although there is only one home. City Engineer Sandy stated he did receive a written objection from Mr. Olstad and explained that the methodology used considers the original number of platted parcels. He said since the home was constructed on two parcels, this gives the property owner a considerably larger lot size compared to others in the Ridge Drive development.

City Engineer Sandy stated he has received two other written objections to these assessments. He read the letter submitted by Mr. and Mrs. James and Else Carlson, property owners of 153 Carol Lane, who stated they do not reside on Buffalo Hills Lane and feels the assessment is unjustified. He read a letter submitted by Mr. Patrick Krueger of Borden, Steinbauer, Krueger & Knudson Law Office on behalf of Ms. Faye Abrahamson, 308 Buffalo Hills Lane, which objects to the assessed amount.

City Engineer Sandy stated at the beginning of the Buffalo Hills project, Nagell Appraisal and Consulting completed a preliminary assessment and evaluation based on several variables. He explained all the proposed assessment amounts are on the lower end of the evaluation results.

The Chair closed the public hearing at 8:24 p.m.

Council Member Bevans commented about the benefit of living in the City with valuable city services at only a 20% assessment to property owners on a \$1.8 million project. Council Member Johnson agreed, as the Buffalo Hills roads desperately needed the work to be done and many residents have asked for the project for several years.

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MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT A RESOLUTION ADOPTING THE ASSESSMENTS AS PROPOSED FOR IMPROVEMENTS 16-09 AND 19-07-BUFFALO HILLS LANE AND MISSISSIPPI DRIVE RECONSTRUCTION PROJECT.

RESOLUTION NO. 51:20

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.

Presentations

The Chair welcomed Mr. Tyler Glynn, BLAEDC executive director who gave an update to the CARES Act funding. He explained several of the applicants shown on the report that was provided by Crow Wing County were listed as City of Brainerd businesses but were not located within the city limits. He stated that these applications have been moved from the City of Brainerd funding to the county funding pool. He indicated the small business grant funding application process has now entered round two that allow business with more than 50 employees to apply, which closes October 23rd, 2020 at midnight. He added all 89 of the state executive orders are taken into consideration. The Chair thanked him for the updates.

Council Committee Reports

Personnel and Finance Committee Report

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.

Community Service Officer (CSO) Resignation and Request to Hire - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO ACCEPT WITH REGRET THE RESIGNATION OF COMMUNITY SERVICE OFFICER (CSO) TOLBERT 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.

Updated Drug and Alcohol Policy for Commercial Drivers (DOT Policy) - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE UPDATED DRUG AND ALCOHOL POLICY FOR COMMERCIAL DRIVERS (DOT POLICY) AS PRESENTED.

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.

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Safety & Public Works Committee Report

DNR Forestry Tree Grant Approval - Approved

Park Director Sailer gave a brief overview of the DNR grant that is offered with no fund matching required. He explained this is to regulate and control the spread of emerald ash borer trees and includes a program to replant new trees.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE GRANT WITH RECREATION COORDINATOR KATIE KAUFMAN DESIGNATED AS THE LEAD PERSON TO FULFILL THE GRANT REQUIREMENTS.

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.

Street Light Request – 2014 Crestview Lane - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO APPROVE THE PETITIONER'S AND NEIGHBORS REQUEST TO TURN THE STREET LIGHT BACK ON NEAR NORWAY COURT ON CRESTVIEW LANE.

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

CARES Funding Discussion - Approved

Finance Director Hillman explained there is \$14,000 remaining from the You Betcha marketing campaign and staff recommends transferring that amount to the Visit Brainerd marketing campaign. She stated this will bring that balance to \$37,382 available for Visit Brainerd. She indicated the second recommendation is to include the administrative leave expenditures for CARES Relief Fund reimbursement.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE REALLOCATION OF \$14,000 FROM THE YOU BETCHA MARKETING CAMPAIGN TO BE UTILIZED BY THE VISIT BRAINERD MARKETING CAMPAIGN AND AUTHORIZE INCLUDING THE ADMINISTRATIVE LEAVE EXPENDITURES IN THE AMOUNT OF \$189,773 FOR CARES RELIEF FUNDING REIMBURSEMENT AS OUTLINED IN THE MEMO.

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)

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Cable TV Advisory Committee – 1 term (Expire 2021) - 2 terms (Expire 2022)
Charter Commission – 2 terms (Expire 2020)
Brainerd Housing & Redevelopment Authority (HRA) – 1 term (Expire 2020)

Other

Water Tower Fundraising Committee
Parking Commission

New Business

New On-Sale Beer, Wine and Sunday Licenses -Submitted by Jason Goldie, Owner of Big Jay's Pizza Arcade, 217 S. 7th St. #15, Brainerd – Contingent Upon Background Investigation and Fire Inspection - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO APPROVE THE ON-SALE BEER, WINE AND SUNDAY LICENSE APPLICATIONS FOR BIG JAY'S PIZZA ARCADE, 217 S 7TH ST #15, BRAINERD CONTINGENT UPON APPROVAL FROM THE POLICE CHIEF AND FIRE CHIEF.

Community Development Director Chanski announced that Mr. Goldie was originally looking for a commercial property in Baxter. He explained Mr. Goldie learned about the high SAC/WAC fees in Baxter, and he turned his attention to Brainerd and utilized the River to Rail Initiative program.

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 Public Hearing for Discussion on the Implementation and Progress of the Small Cities Development Program (SCDP) Grant CDAP-17-0019-O-FY18 For Primarily the Northeast Brainerd Area - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO ACCEPT STAFF'S RECOMMENDATION TO SET THE PUBLIC HEARING FOR NOVEMBER 2, 2020 AT 7:30 P.M. TO DISCUSS THE IMPLEMENTATION AND PROGRESS OF THE SMALL CITIES DEVELOPMENT GRANT (SCDP) THAT WAS AWARDED IN 2018.

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.

First Reading – Proposed Ordinance 1512 – An Ordinance Amending Section 600 of the Brainerd City Code Pertaining to Public Health and Garbage Disposal - Approved

City Engineer Sandy indicated the Solid Waste Committee, and the waste haulers that serve the City met and reviewed the ordinance and discussed some agreed upon changes. He explained these changes were brought forth due to complaints received regarding trash receptacles left along streets.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO HOLD AND DISPENSE WITH THE FIRST READING OF PROPOSED ORDINANCE NO. 1512 – AN ORDINANCE AMENDING SECTION 600 OF THE BRAINERD CITY CODE PERTAINING TO PUBLIC HEALTH AND GARBAGE DISPOSAL.

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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.

Consider Interim Public Works Department - Approved

City Administrator Bergman explained the Park Board has discussed and requested to create an interim public works department due to the retirement of Parks Director Sailer.

MOVED AND SECONDED BY ALDERMEN W. ERICKSON AND T. ERICKSON TO ACCEPT STAFF’S RECOMMENDATION AND AUTHORIZE THE CREATION OF AN INTERIM PUBLIC WORKS DEPARTMENT FROM DECEMBER 19, 2020 THROUGH DECEMBER 18, 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.

Public Forum

The Chair opened the public forum at 8:46 p.m.

No one came forward.

The Chair closed the public forum at 8:46 p.m.

Staff Reports

City Administrator Bergman thanked BPU for helping with installing banners downtown as well as their offer to hang Christmas banners later this year. She stated the Crossing Arts Alliance has an artist to paint Babe the Blue Ox that is to be placed downtown. The Destination Downtown Business Coalition are working on taking over the Farmers Market next summer. She stated that working with Visit Brainerd regarding marketing will be a great advantage.

City Engineer Sandy indicated recent bridge work to the Laurel Street bridge was completed today and he was able to participate in the bridge inspection. He stated a drone was used to get in areas that are difficult to see.

Mayor’s Report

Mayor Badeaux stated he attended a meeting last week regarding the design of the highway 25 project being handled by MnDOT. He was glad to hear the decision to accept an interim public works department, as the Park Board has been working very hard on that plan.

Council Member Reports

Council Member Pritschet reminded residents to review the snow emergency procedures due to upcoming weather. He stressed the importance for everyone to get out and vote.

Council Member Lambert also attended the highway 25 bridge meeting. She suggested during a Council retreat to discuss housing issues, new manufacturing businesses and staffing needs.

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Council Member Bevans welcomed Mayor Badeaux to living in north Brainerd.

Council Member T. Erickson agrees with Council Member Lambert in discussing and coming up with ideas regarding housing and the future growth of the area.

Council Member W. Erickson stated he enjoyed shopping at the Visit Brainerd store downtown and said he is very impressed with staff in working through the COVID issues and trying to find available resources for the City.

Council Member Johnson watched the City Council candidate forum discussion and agreed with every candidate's desire to keep taxes low and he urged everyone to get out and vote.

Adjourn

The Council adjourned at 9:25 p.m.

Jennifer Bergman
City Administrator