Brainerd, MN
November 16, 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: Pritschet, Bevans, W. Erickson, T. Erickson, Lambert, Stunek, and Johnson. Mayor Badeaux was also noted as present.

Due to the meetings being conducted remotely, all motions will be made by roll call vote for accuracy.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO AMEND THE AGENDA BY ADDING A COVID EMERGENCY SNOWPLOW AGREEMENT AND AN MS4 STORMWATER PERMIT UPDATE TO THE SPW AGENDA.

Upon roll call, members Pritschet, Bevans, W. Erickson, T. Erickson, Lambert, Stunek, 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 November 2, 2020 and the Minutes of the Special Meeting held on November 12, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses - 4

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Minnesota Lawful Gambling Premises Permit Application – Adopt a Resolution to Allow Lawful Gambling by the Nisswa Lions at Notch 8, 1511 Northern Pacific Center Rd., Brainerd - Approved

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

Presentations

The Chair welcomed The Center Executive Director, Ms. DeAnn Barry and Board President, Mr. Dale Parks, who indicated a summary of the year and the financial report through August 31st, 2020 was provided in the packet. Mr. Parks said it has been a very hard year at the Center and they appreciate the support from the City. He indicated having Council Member Stunek be a part of the meetings has been very beneficial. Council Member Stunek volunteered to serve as the Council Liaison for next year as well. The Chair thanked them for the update.

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

2020 Audit Engagement Letter - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO APPROVE THE ENGAGEMENT LETTER AS SUBMITTED AND AUTHORIZE SIGNATURES ON THE ENGAGEMENT LETTER AND THE HIPAA BUSINESS ASSOCIATE AGREEMENT.

Committee Chair Pritschet explained the Council previously approved to retain CliftonLarsonAllen (CLA) for 2020 audit services. He indicated there is an additional $2,000 listed if the CARES Act grant is required to be tested, which is probably a guarantee. He said the total audit fee is $47,500 with the Airport responsible for approximately $5,000 - $6,000 of the fee based on revenues.

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

Authorization to Sell Chevy Impala - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO AUTHORIZE THE SALE OF RETIRED COMMUNITY DEVELOPMENT VEHICLE, A 2007 CHEVY IMPALA VIN LAST FOUR # 4512, UTILIZING ENTERPRISE FOR THE SALE.

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

Deferment of Assessments - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO APPROVE THE APPLICATIONS FOR DEFERMENT OF ASSESSMENT PAYABLE IN 2021 FOR THE APPLICANTS AT PID'S 41180619, 41190660, AND 41180577, SUBJECT TO FURTHER STAFF REVIEW.

Committee Chair Pritschet stated these are for recent projects that were completed, and the requirements have been met to defer the assessments. He explained filing fees still need to be paid by the applicants, but there is a deadline date of November 30th which is prior to the next Council meeting.

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

Safety & Public Works Committee Report

Improvements 13-21, 19-09, 19-16, 19-20, and 19-21 – NE Brainerd Reconstruction Project – Final Pay Estimate - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO APPROVE THE PAY ESTIMATE TO ANDERSON BROTHERS CONSTRUCTION OF BRAINERD, LLC IN THE FINAL CONTRACT AMOUNT OF $1,932,848 ($508,196 THIS ESTIMATE), SUBJECT TO APPROVAL OF BILLS ON THE PERSONNEL AND FINANCE COMMITTEE AGENDA.

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

Improvements 17-06 and 17-07 – H Street and 10th Avenue NE Reconstruction Project – Final Pay Estimate - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF’S RECOMMENDATION AND APPROVE THE FINAL PAYMENT APPLICATION TO ANDERSON BROTHERS CONSTRUCTION LLC IN THE TOTAL AMOUNT OF $1,000,582 ($46,547 THIS ESTIMATE), SUBJECT TO APPROVAL OF BILLS ON THE PERSONNEL AND FINANCE COMMITTEE AGENDA.

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

Proposal for Professional Services – 2022 Highway 25 Trail Construction - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO AUTHORIZE STAFF TO EXECUTE A CONTRACT BETWEEN THE CITY OF BRAINERD AND SEH FOR THE PRELIMINARY ENGINEERING, DESIGN, AND CONSTRUCTION OF THE HIGHWAY 25 TRAIL FROM 5TH AVENUE NE TO 28TH STREET FOR 2022 CONSTRUCTION IN THE TOTAL AMOUNT OF $77,750 WHICH WILL BE COORDINATED WITH MNDOT’S BRIDGE REPLACEMENT AND TRAIL CONSTRUCTION OVER THE RAILROAD TRACKS AND WITH THE TRAIL CONSTRUCTION TO NORWOOD STREET UTILIZING THE MNDNR FUNDS.

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

***(Added Item)* COVID Emergency Service Level Agreement Between the City of Brainerd and Anderson Brothers Construction LLC - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF’S RECOMMENDATION AND ENTER INTO A COVID EMERGENCY SERVICE LEVEL AGREEMENT WITH ANDERSON BROTHERS CONSTRUCTION LLC FOR SNOWPLOWING FOR 2020-2021 SEASON.

Committee Chair Bevans indicated this would be in the event the City is short staffed due to COVID and the contract would take effect to assist in snowplowing. City Engineer Sandy stated Crow Wing County has also offered services if they have adequate staffing that the City could use as well. The agreement with Anderson Brothers could be used as a last resort.

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

(Added Item) **MS4 (Municipal Separate Storm Sewer System) Stormwater Program Update - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ENTER INTO AN AGREEMENT WITH HRGREEN IN THE AMOUNT OF $15,000 TO BEGIN PHASE 1 OF THE SELF AUDIT PORTION OF THE PLAN AS OUTLINED IN THE MEMO FROM HRGREEN.

City Engineer Sandy explained phase one will pair up the efforts of the NPDES (National Pollutant Discharge Elimination System) MS4 General Permit application with the Self-Audit, which will be completed by the end of the year. He indicated this will identify critical needs of the City's Stormwater Program. He said upon the completion of phase one, we can identify areas where MS4 and SWPPP (Stormwater Pollution Prevention Plan) do not meet the new Permit requirements.

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

Unfinished Business

Final Reading – Proposed Ordinance 1512 – An Ordinance Amending Section 600 of the Brainerd City Code Pertaining to Public Health and Garbage Disposal – City Administrator Bergman Recommends to Dispense with the Actual Reading – Approved

City Engineer Sandy gave a brief review of the changes to the code based on the previous meeting held with City staff and the solid waste haulers that serve Brainerd. He explained the preferred pickup location would be an alley, but many residents do not have an alley, or it would be too difficult to locate the receptacles in the alley.

Mayor Badeaux suggested an exemption application be drafted and available for those situations.

Council discussion took place and questions answered.

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

No one came forward.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO HOLD THE FINAL READING AND DISPENSE WITH THE ACTUAL READING OF ORDINANCE NO. 1512 - AN ORDINANCE AMENDING SECTION 600 OF THE CITY CODE RELATED TO PUBLIC HEALTH AND GARBAGE DISPOSAL.

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

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO ADOPT ORDINANCE NO. 1512 - AN ORDINANCE AMENDING SECTION 600 OF THE CITY CODE RELATED TO PUBLIC HEALTH AND GARBAGE DISPOSAL.

ORDINANCE NO. 1512

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

Order of Agenda - Approved

City Administrator Bergman explained the recommended action from the previous Council meeting was for the order of agenda to apply to all boards and committees, which is indicated in the attached revised version.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO AMEND THE RULES OF PROCEDURE AND DECORUM TO APPLY TO ALL CITY BOARDS AND COMMITTEES AS AMENDED.

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

Committee Recommendations – Recommended by Mayor Badeaux - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND W. ERICKSON TO APPOINT MS. JANET DECKER AS A RESIDENT BOARD MEMBER TO THE BRAINERD HRA AND MR. MICHAEL DUVAL AS A BOARD MEMBER OF THE BRAINERD HRA.

Council Member Johnson explained the resident board member is an appointment directly from the HRA as required by HUD.

Upon roll call, members Pritschet, W. Erickson, T. Erickson, Lambert, Stunek, and Johnson voted “aye”. Member Bevans 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)
Brainerd Housing & Redevelopment Authority (HRA) – 1 term (Expire 2020) *pending appointment*

Other
Water Tower Fundraising Committee
Parking Commission

New Business

November 16, 2020

City Hall Annex Heating Repairs - Approved

City Engineer Sandy explained the issues taking place with the four furnaces that are currently in the annex section of the building. He said the two upper level units are not operating and he gave a review of the recommended solutions to the concerns.

MOVED AND SECONDED BY ALDERMEN STUNEK AND BEVANS TO AUTHORIZE STAFF TO PROCEED WITH THE HEATING SYSTEM QUOTE FROM SCR NORTHERN IN THE TOTAL AMOUNT OF $11,573.

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

Clarification of Term Limits for Committees - Approved

City Administrator Bergman explained the question arose at the last Council meeting as to how to proceed when a person was appointed to fill a committee vacancy mid-term. She said it was discussed the person should be allowed to serve the number of full terms indicated.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO AMEND ANY COMMITTEES THAT HAVE TERMS LIMITS TO READ “A MEMBER SHALL BE ALLOWED TO SERVE THE SPECIFIED NUMBER OF FULL TERMS”.

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

Public Forum

The Chair opened the public forum at 8:17 p.m.

No one came forward.

The Chair closed the public forum at 8:17 p.m.

Staff Reports

City Administrator Bergman announced an update was made to the work from home plan due to increased exposure to COVID by City staff. She explained it was decided to resume working from home for those applicable employees, effective today, November 16th and to close City buildings temporarily. She indicated all City services will be available via phone, mail, and email.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO RATIFY THE CHANGES TO THE COVID PREPAREDNESS WORK FROM HOME PLAN.

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

City Administrator Bergman indicated the Charter Commission met recently to consider changes to the charter that conflict with state statute. She said this revised document, along with a proposed ordinance, will be brought to the Council for approval and first reading. She also announced the library will be closed to the public and are resuming curbside pick-up for requested library materials with limited hours. They will continue to offer free wi-fi, which is accessible from their parking lot, they will soon be starting an email service for document printing and will have a limited number of wi-fi hotspots available for check-out.

City Engineer Sandy stated a public survey was sent out recently in order to obtain input regarding the Highway 210 Corridor Study. He encourages everyone to participate to help identify the issues people have while traveling through our City.

Mayor's Report

Mayor Badeaux did not have a report for this evening.

Council Member Reports

All Council Members wished everyone a Happy Thanksgiving.

Council Member Johnson stated the EDA will be meeting via Webex this week, as many committees are transitioning back to remote meetings.

Adjourn to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 8:26 P.M.

The Council reconvened at 8:53 p.m.

Adjourn to Closed Session Pursuant to MN Statutes 13D.05, Subd. 3(A), To Conduct City Administrator Performance Review – 8:56 P.M.

The Council reconvened at 9:06 p.m.

Adjourn to Budget Workshop, Monday, November 30, 2020 at 6:00 PM – 9:07 P.M.

Jennifer Bergman
City Administrator

November 16, 2020