Brainerd, MN
December 7, 2020

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:34 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AND LAMBERT TO AMEND THE AGENDA BY REMOVING ITEM #5: APPEAL OF BUILDING PERMIT FOR 14839 WONDERLAND PARK RD WHICH WAS WITHDRAWN BY THE REQUESTER.

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 BEVANS AND PRITSCHET TO APPROVE THE CONSENT CALENDAR.

A. Approval of Bills and Transfers of Funds – Approved

Public Safety Fund to Fire Capital Fund per budgeted amount	$ 18,000
Public Safety Fund to Fire Capital Fund per FAB Agreements	103,947
Parking Lot Fund to Streets Fund – Downtown Snow Removal Costs	28,895
Parking Lot Fund to Construction Fund – Downtown Special Services	1,256

B. Approval of the Minutes of the Regular Meeting held on November 16, 2020 and the Minutes of the Special Meeting held on November 30, 2020 - Approved

C. Approval of Licenses - Approved

Contractor Licenses - 2

D. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

E. Adopt Resolution Accepting Donations & Contributions for the 3rd Quarter 2020 – Adopted by Resolution No. 46:20

F. Approval of City Administrator November 2020 Performance Review Summary - Approved

G. Resolution Designating Polling Locations for 2021 – Adopted by Resolution No. 54:30

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.

<u>Presentations</u>

The Chair welcomed Ms. Candice Zimmermann, executive director of the Northland Arboretum. Ms. Zimmermann presented a slideshow that introduced the Arboretum Team as well as the many activities that took place in 2020. She gave a brief explanation of their mission to provide education, recreation, and conservation to visitors of the Arb. Ms. Zimmermann indicated the PPE grant and other donations the Arb have received helped tremendously but it is yet unknown if the grant needs to be repaid. She gave a brief overview of the Haunted Trail revenues, which was very successful. She provided information on how to get involved with the Arb and encouraged everyone to visit. The Chair thanked her for the presentation.

The Chair welcomed Brainerd Public Utilities Superintendent, Mr. Scott Magnuson, Finance Director Mr. Todd Wicklund, and Board Member Tad Johnson who presented the 2021 Operating & Capital Budget for the Utility. They reviewed the key points of the budget and operating costs, which was provided to the Council prior to the meeting and included in the packet. They answered questions of the Council and the Chair thanked them for the presentation.

MOVED AND SECONDED BY ALDERMAN BEVANS AND STUNEK TO APPROVE THE 2021 OPERATING AND CAPITAL BUDGET FOR BRAINERD PUBLIC UTILITIES (BPU) AS PRESENTED.

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.

<u>Council Committee Reports</u>

<u>Safety & Public Works Committee Report</u>

<u>Resolution – SP 1814-08 – S 6th Street Reconstruction FY2022 – Consideration of MnDOT Municipal Consent – No Resolution Adopted</u>

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO SCHEDULE A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED LAYOUT OF SOUTH 6TH STREET FOR MONDAY, DECEMBER 21, 2020 AT 7:30 P.M.

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.

<u>Resolution – SP 1814-08 – S 6th Street Reconstruction FY2022 – Establish Right-of-Way for Storm Pond Construction – Adopted by Resolution No. 55:20</u>

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ADOPT A RESOLUTION WHICH DEDICATES LOT 5, BLOCK 2 SOUTH EDGEWOOD ADDITION TO THE PUBLIC AS ROAD AND UTILITY RIGHT-OF-WAY.

<u>RESOLUTION NO. 55:20</u>

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.

Alley Garbage Can Placement Exception Criteria - Approved

City Engineer Sandy explained what the recommended three criteria for exception for residents. He stated these would be for properties that do not have an adequate garage or driveway access to an alley, properties without a driveway from the street or alley if a physical barrier exists, or if a resident would need to travel across another’s property or public right-of-way to place a can due to barriers or being landlocked.

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ADOPT THE THREE CRITERIA FOR THE EXEMPTION AS PRESENTED.

City Engineer Sandy stated the intention of the ordinance criteria is not to make this difficult for residents. He said it is to ensure garbage receptacles are removed from the streets and back to the alleys.

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.

Personnel and Finance Committee Report

Approve Hiring of Allyson Timmons as Police Records Management Technician - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO RATIFY THE HIRING OF ALLYSON TIMMONS AS A POLICE RECORDS MANAGEMENT TECHNICIAN, STARTING AT STEP 1 ($20.69 PER HOUR) EFFECTIVE NOVEMBER 16, 2020.

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.

Approve Hiring of Tyler Aistrop - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO AFFIRM THE HIRING OF POLICE OFFICER TYLER AISTROP, STARTING AT LELS 2020 STEP 1 RATE OF $27.43/HOUR, WITH A STARTING DATE OF DECEMBER 14, 2020.

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.

Approve Hiring of Paid On-Call Firefighters - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO APPROVE THE HIRING OF PAID ON-CALL FIREFIGHTERS AT THE TRAINEE LEVEL - DREW BEESON, RANDY KALIS, RICK LEE, AND AT THE PROBATIONARY LEVEL - HENRY PRASKA.

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.

<u>Deferred Loan Subordination Requests - Approved</u>

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE DEFERRED LOAN SUBORDINATION REQUESTS FOR OWNERS OF PROPERTY 214 S 8TH STREET AND 1723 OAK STREET.

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.

<u>Assistant Planner Position - Approved</u>

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS FOR THE ASSISTANT PLANNER POSITION AND THAT THE POSITION ONLY BE POSTED INTERNALLY AT THIS TIME.

Committee Chair Pritschet stated when Building Official Chuck Arvidson retired, the Community Development Department maintained two building inspectors and did not fill the housing inspector position. He indicated there is a need for another staff member to assist in the planning and zoning duties.

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

MOVED AND SECONDED BY ALDERMAN PRITSCHET AND T. ERICKSON TO APPROVE THE MOA BETWEEN THE CITY OF BRAINERD AND THE IBEW ADMINISTRATIVE SUPPORT UNION SETTING THE WAGE FOR THE ASSISTANT PLANNER POSITION.

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.

<u>Fire Department Purchase of a New Fire Engine - Approved</u>

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO AUTHORIZE FIRE CHIEF HOLMES TO PROCEED WITH THE PURCHASE OF A NEW FIRE ENGINE USING THE H-GAC PURCHASING PROCESS.

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.

<u>Non-Working Funds 2021 Budget Discussion - Approved</u>

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO PAY FOR THE RESURFACING OF THE PAY LOTS IN THE LAUREL STREET PARKING LOT TO BE DONE IN 2021 OUT OF THE CAPITAL BUDGET AND DIRECT THE PARKING COMMISSION TO ADDRESS THE PARKING LOT RATES AND BRING RECOMMENDATIONS BACK TO THE COUNCIL AT A LATER MEETING.

Council discussion took place regarding the library and parking 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.

2021 Budget and Levy - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO A 1% INCREASE OVER THE 2020 LEVY TO BE AT PRESENTED AT THE TRUTH AND TAXATION LEVY PUBLIC HEARING ON DECEMBER 14, 2020.

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

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)

Ad Hoc Committees – Applicants Needed
Water Tower Fundraising Committee – Two positions available
Parking Commission – One position available (Four members appointed; Five -member limit)

New Business

Conditional Use Permit – Lincoln Education Level IV Special Education Facility – 400 Quince St. - Approved

Community Development Director Chanski gave a brief review of the application submitted by ISD#181 for the facility remodel at 400 Quince Street.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND T. ERICKSON TO APPROVE THE CONDITIONAL USE PERMIT APPLICATION FOR LINCOLN EDUCATION LEVEL IV SPECIAL EDUCATION FACILITY AT 400 QUINCE ST., CITING STAFF FINDINGS-OF-FACT AND THE CONDITIONS THAT A LANDSCAPE PLAN ON THE EAST SIDE OF THE PROPOSED PARKING LOT BE BROUGHT BACK TO THE PLANNING COMMISSION FOR APPROVAL AND THAT A LIGHTING PLAN SHOWING THE USE OF 3000K LIGHTS BE BROUGHT BACK TO THE PLANNING COMMISSION FOR APPROVAL.

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.

Consideration for Adopting the International Property Maintenance Code - Approved

Community Development Director Chanski explained the rental housing ordinance review committee has been meeting to update the rental policies in the City Code. He stated after reviewing the current Section 450, it is recommended to adopt the international property maintenance code for conformity.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET TO DIRECT STAFF TO DRAFT AN ORDINANCE FOR CONSIDERATION BY THE CITY COUNCIL REPEALING SECTION 450 OF THE CITY CODE IN ITS ENTIRETY AND PORTIONS OF SECTION 425 RELATED TO PROPERTY MAINTENANCE REPLACING THEM BOTH WITH THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC).

Council discussion took place regarding the IPMC and questions were answered.

Council Member Bevans expressed displeasure at the amount of time this has taken the committee to arrive at a recommended solution and does not oppose adopting the IPMC. He stated the question from residents is regarding the enforcement of stronger consequences for landlords that receive conduct on premises warnings and to prevent it from escalating to a violent outcome. Mayor Badeaux and Council Member Johnson agreed with the statement by Council Member Bevans.

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.

First Reading – Proposed Ordinance 1513 – Ordinance Amending the Brainerd City Charter - Approved

City Administrator Bergman gave a brief update to the revisions recommended to the City Charter. She stated the Charter will be reviewed in phases, with the first phase addressing duplicative items or items inconsistent with state law.

City Attorney Langel stated these changes are to specifically bring the Charter current and he reviewed the areas that conflict with state law. He said these specifically are clean up revisions of non-discretionary items, with no changes to the operation of the City.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO HOLD THE FIRST READING AND DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1513; AN ORDINANCE AMENDING THE BRAINERD CITY CHARTER AS PRESENTED.

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 9:37 p.m.

No one came forward.

The Chair closed the public forum at 9:38 p.m.

Staff Reports

City Administrator Bergman announced since the Children's Museum formally withdrew their request for Lum Park as the location, staff will be meeting with WSN regarding the Lum Park Masterplan. She stated after discussion with the Park Board at their meeting December 15th, an update will be provided at a later Council meeting. She announced that City Engineer Sandy will be the Interim Public Works Director, starting on December 19th after Park Director Sailer's last day. She said there will be discussion with the Park Board as well regarding the Recreation Coordinators' duties going forward which will be brought back to Council. She also stated the Parking Commission will be holding their first meeting very soon under the direction of Community Development Director Chanksi.

City Engineer Sandy stated the survey for the corridor 210 study is still available online for public comment and encourages everyone to complete this survey.

HR Director Schubert reminded the Council of the Police Chief interviews taking place Thursday, December 10, 2020 starting at 1:00 pm and more information will be sent.

Mayor's Report

Mayor Badeaux proclaimed December 10, 2020 as the 100th Anniversary of the Brainerd Water Tower and read the official proclamation.

Council Member Reports

Council Member Bevans stated BPU is working on some electrical upgrades in north Brainerd at current time, as some have lost power briefly while cables are being moved.

Adjourn to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 9:45 p.m.

The Council reconvened at 10:14 p.m.

Adjourn to Thursday, December 10, 2020 at 1:00 p.m. for Police Chief Interviews - 10:15 p.m.

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Jennifer Bergman
City Administrator

December 7, 2020