Brainerd, MN
November 1st, 2021

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 Bevans.

Upon roll call, the following members were noted as present: Johnson, Pritschet, Stenglein, Erickson, O'Day, and Bevans. Mayor Badeaux was also noted as present. Council Member Stunek was noted as absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON, DULY CARRIED, TO APPROVE THE AGENDA WITH THE REMOVAL OF THE ADOPTION OF ORDINANCE 1520- ORDINANCE AMENDING THE CITY CHARTER.

This item was removed due to the need to have all council members present on a vote to amend the City Charter.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND O'DAY TO APPROVE THE CONSENT CALENDAR.

A. **Approval of Bills- Approved**
B. **Approval of the Minutes of the Regular Meeting held on October 18th, 2021- Approved**
C. **Approval of Minutes from Council Workshop held on October 25th, 2021- Approved**
D. **Approval of Transfer of Funds- Approved**
E. **Approval of Licenses-Approved**
F. **Department Activity Reports- Approved**

Upon roll call, Council Members Johnson, Pritschet, Stenglein, Erickson, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Council Committee Reports

Safety and Public Works

Approve State Park Road Account Grant Application Submission for Lum Park Road- Approved

Committee Chair O'Day stated that this grant was discussed previously for the Lum Park Road. Submission to the grant was due by November 1st.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE SUBMISSION OF THE STATE PARK ROAD ACCOUNT GRANT APPLICATION.

Approval of Final Pay Estimate- Improvement 21-01- 2021 Seal Coat Project- Approved

Committee Chair O'Day stated that the final pay was $2,000 under budget.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE FINAL PAY ESTIMATE $151,391 TO ASPHALT SURFACE TECHNOLOGIES.

Personnel & Finance

Cable TV Channel (PEG) Status Update

Committee Chair Johnson stated that this is part of the process to partner with Central Lakes College to start broadcasting the City Council meetings again on cable.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE STAFF TO BEGIN PURCHASING SERVICES AND HARDWARE REQUIRED FOR THE PEG CHANNEL IMPLEMENTATION USING PREVIOUSLY COLLECTED CABLE FRANCHISE FEE (2021)- NOT TO EXCEED THE CURRENT BUDGETBALANCE OF $64,880.

Accept Resignation of CSO Cole Thoma-Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO ACCEPT CSO COLE THOMA'S RESIGNATION AND AUTHORIZE FILLING THE VACANCY AT THE CURRENT RATE OF $14.00 PER HOUR.

Approval of 2022-2024 LELS (Police Officer) Union Contract Terms and Wages- Approved

Committee Chair Johnson stated that the agreement will be a three-year agreement with 2.5% COLA increase and market adjustments each year.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE ATTACHED TENTATIVE AGREEMENT SUMMARY AND THE ATTACHED CONTRACT SUPPORTING DOCUMENTS BETWEEN THE CITY AND LELS LOCAL #65 UNION.

MOVED AND SECONDED BY COUNCIL MEMBER JOHNSON AND STENGLEIN TO ADOPT THE RESOLUTION SETTING THE LELS (POLICE OFFICER) LOCAL #65 UNION WAGES FOR 2022-2024.

RESOLUTION 63:21

Upon roll call, Council Members Johnson, Pritschet, Stenglein, Erickson, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Consider Dissolving the Police and Fire Civil Service Commission-

Committee Chair Johnson stated that the Commission itself felt that they slow the hiring process and do not provide the same service to the City as they used to.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO DIRECT STAFF TO DRAFT AN ORDINANCE FOR A FIRST READING ON NOVEMBER 15TH COUNCIL MEETING.

Approval of Updated Pay Equity Points as Recommended by Consultant-Approved

Committee Chair Johnson stated that DDA recommended pay equity point assignments to IT/GIS Director at 530 points, HR Director at 525 points, BPU Accountant at 245 points, and BPU Laborer at 160 points. There were no changes for the Recreation Coordinator, City Engineer/Public Works Director, Administrative Specialist, Parks Foreman, or Assistant Engineer pay equity points.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE DAVID DROWN AND ASSOCIATES PAY EQUITY POINT ASSIGNMENTS AS PRESENTED.

Approve HR Assistant Job Description and Pay Equity Points- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE HR ASSISTANCT JOB DESCRIPTION AS PRESENTED AND ASSIGN 235 PAY EQUITY POINTS; FURTHER TO DIRECT STAFF TO BEGIN WAGE NEGOTIATIONS WITH THE IBEW ADMINISTRATIVE SUPPORT UNION FOR THIS NEW POSITION.

Approval of Deferment of Assessments

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR DEFERMENT OF ASSESSMENT PAYABLE 2022 FOR THE APPLICANTS AT PID'S 41191220, 41300682, 41191702, AND 41191721.

2022 Budget and Levy- Set Workshop- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO SET THE BUDGET WORKSHOP ON MONDAY, NOVEMBER 22ND, 2021, AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.

Unfinished Business

Resolution- Adopting Contested Assessments- Downtown Special Services District, Downtown Snow Removal, and 2021 Nuisance Abatement - Approved

City Engineer/ Interim Public Works Director Sandy stated that staff recommends that the assessments for the Downtown Snow Removal and Downtown Special Services District contested at the previous meeting PID 41241470, 41241294, 41241293, and 41241457 be adopted due to the discussion in regards to the snow removal and special services district.

Community Development Director Chanski stated staff recommends removing those nuisances recommended previously by staff PID 41040687, 41191713, and 41250684 and uphold the contested abatement assessment incurred at PID 41191142.

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

No one came forward.

The Chair closed the public hearing at 7:44 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT RESOLUTION ADOPTING CONTESTED ASSESSMENTS- DOWNTOWN SPECIAL SERVICES DISTRICT, DOWNTOWN SNOW REMOVAL, AND 2021 NUISANCE ABATEMENT.

RESOLUTION 64:21

Upon roll call, Council Members Johnson, Pritschet, Stenglein, Erickson, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Resolution- Adopting Contested Assessments- Improvement 20-06- SE Brainerd Resurfacing Project- Approved

City Engineer/ Interim Public Works Director stated that he spoke with all of the owners who previously contested the improvement assessment, explaining the process and answering any questions that they had.

The Chair opened the public hearing at 7:48 p.m.

Dexter Hanson, 1012, 1008, 1016 Rosewood St, stated he talked with City Engineer/Interim Public Works Director Sandy and agrees to pay all of the assessment, except for the portion of curb that was hit by the snowplow that needed repair.

Becky Chisholm, 1423 Pine St, spoke with City Engineer/ Interim Public Works Director Sandy and agrees to pay the assessment with no interest if she can be given 6 months to save money to pay the assessment in full having not known about the assessment when she purchased the property.

The Chair closed the public hearing at 7:52 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND PRITSCHET TO ADOPT RESOLUTION ADOPTING CONTESTED ASSESSMENTS- 20-06- SE BRAINERD RE-SURFACING PROJECT GRANTING THE REQUESTS BY PID 41250619 AND 41250812.

RESOLUTION 65:21

Upon roll call, Council Members Johnson, Pritschet, Stenglein, Erickson, O'Day, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Resolution- Adopting Assessment- Additional 2021 Nuisance Abatement

Community Development Director Chanski stated that these nuisances are those that were missed while working with software. Staff recommends that the nuisances be assessed as presented.

The Chair opened the public hearing at 7:57 p.m.

No one came forward.

The Chair closed the public hearing at 7:58 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT RESOLUTION ADOPTING ASSESSMENT- 2021 ADDITIONAL NUISANCE ABATEMENT.

RESOLUTION 66:21

Upon roll call, Council Members Johnson, Pritschet, Stenglein, Erickson, O'Day, and Bevans 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 – 1 term (Expire 2022)
Rental Dwelling License Board of Appeals – 3 terms (Expire 2022)
Transportation Advisory Committee (TAC) – 1 term (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)
Economic Development Authority (EDA) – 1 term (Expire 2027) – 1 term (Expire 2026)

Council President Recommended: (terms to expire 12/31 of said year)
Police & Fire Civil Service Commission – 1 term (Expire 2023)

Ad Hoc Committees – Applicants Needed
Water Tower Fundraising Committee – Two positions available

New Business

First Reading- Proposed Ordinance 1521- Ordinance Amending Section 515-63 to Allow Warming Shelters as Interim Use

Community Development Director Chanski stated that with the passage of this matter on November 15th, the entity will submit the interim use permit to the Planning and Zoning Commission at their November 16th meeting and will come back before the City Council on December 6th.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1521, AN ORDINANCE AMENDING SECTION 515-63:B-4, GENERAL BUSINESS DISTRICT OF THE ZONING CODE, AND DISPENSE WITH THE ACTUAL FIRST READING. ; FURTHER TO SET THE PUBLIC HEARING FOR NOVEMBER 15TH, 2021 AT 7:30 PM.

Public Forum

The Chair opened public forum at 8:03 p.m.

No one came forward.

The Chair closed public forum at 8:04 p.m.

Staff Reports

Human Resources Director Schubert stated that the Wellness Committee is doing a final push to promote staff participation in the program to receive full grant dollars, staff will go in a drawing for 4 free hours of vacation.

Community Development Director Chanski stated that the EDA will hold their regular meeting on November 4th. He will also be going on paternity leave any day now but assures the Council that his staff will uphold the department while he is away.

Administrator Bergman stated that the regular Charter meeting will be held on November 10th, the discussion will be on the Public Utilities Commission chapter. Finally, SEH has drafted language for the City's bonding bills, the bills will be forwarded to Senator Ruud and Representative Heintzeman

Mayors Report

Mayor Badeaux stated that in solidarity with the warming house individuals will be sleeping outside to promote the need of homeless housing in our area, himself and Chief Holmes will be participating in the event. The Water Tower Grant is on the docket this week for passage. He received a phone call from Minnesota Public Radio to share information about the water tower and its importance to our community. Finally, the Lakes Area Skate Park Association held their first event in the City Hall parking lot on Halloween. There were 49 skateboarders throughout the day, the community is supportive of a world class skatepark.

Council Member Reports

Member Erickson stated that the Spooktacular downtown was fantastic to attend.

Member Pritschet wished rifle hunters this weekend good luck and safe hunting.

Member O'Day stated that he attended the Spooktacular as well, his family really enjoyed it. The turn out for Halloween in his neighborhood was very encouraging.

Member Johnson thanked the Destination Downtown Brainerd Coalition for their work on the Spooktacular event. Also, North Brainerd held a fantastic Halloween walk for its trick or treaters as always. Finally, he volunteers his time to hold special meeting to bring passage of the warming house permit before it gets too cold.

Member Bevans stated that candy count at his house for Halloween was 1050 pieces. He so enjoyed all who visited his neighborhood.

Adjourn to City Council Workshop- Zoning Code Updated (Commercial Standards) and Continued Market Study Discussion, November 8, 2021, at 6:00 p.m. in the City Council Chambers-Approved

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ADJOURN TO THE CITY COUNCIL WORKSHOP- ZONING CODE UPDATE (COMMERCIAL STANDARDS) AND CONTINUED MARKET STUDY DISCUSSION, ON NOVEMBER 8, 2021 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.

Chair Bevans adjourned the meeting at 8:15 p.m.

Jennifer Bergman
City Administrator