

Brainerd, MN
February 16, 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: Pritschet, Stenglein, Erickson, O'Day, Stunek, Johnson and Bevans. Mayor Badeaux was also noted as present.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY ALDERMEN STUNEK AND O'DAY TO APPROVE THE CONSENT CALENDAR.

A. Approval of Bills - Approved

B. Approval of the Minutes of the Regular Meeting held on February 1, 2021 - Approved

C. Approval of Licenses - Approved

Contractor Licenses - 4

D. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

E. Approval of City Administrator 2020 Performance Review Summary and Successful Completion of Probationary Period - Approved

F. Minnesota Lawful Gambling Application For Exempt Permit – Submitted by the Mule Deer Foundation, 1939 S 4130 W Suite H, Salt Lake City, UT 84104 for an Event to be Held on April 23, 2021 at the Brainerd American Legion, 708 Front St., Brainerd - Approved

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

Community Member of the Month

Mayor Badeaux announced the Brainerd Jaycees are nominated as the Community Members of the Month for their successful conversion and implementation of the 2021 Ice Fishing Extravaganza to a virtual fishing event. He indicated there were approximately 4,100 different fish entries submitted with over 10,450 photos that needed to be verified. He commended the Jaycees and all the volunteers for the tremendous work that went into the contest this year.

Council Committee Reports

Personnel and Finance Committee Report

Consider Wage Grid Step Placement Request from Glen Holst – Street Maintenance III – Approved

Committee Chair Johnson explained that as a result of 2021-2022 IUOE Street Department Contract negotiations, Street Department employees were allowed to elect the wage grid option or to remain on the Legacy Pay option. Mr. Holst opted to switch to the wage grid. Following City policy and past practice for initial step placement, Mr. Holst was placed on Step 5 of the Street Maintenance III wage grid. Mr. Holst is requesting an adjustment to Step 6 based on his experience and longevity with the City of Brainerd. Committee Chair Johnson noted the majority of the Committee and Staff recommends denial of Mr. Holst's request.

The Chair recognized Glen Holst, Street Department Maintenance III employee, who described his rationale for the adjustment including his 27 years of employment with the City and previous employment experience. Mr. Holst also provided a brief recap of his experience and knowledge of the equipment he operates.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN TO ACCEPT STAFF'S RECOMMENDATION AND DENY GLEN HOLST'S REQUEST FOR AN ADJUSTMENT TO STEP 6 OF THE STREET MAINTENANCE III WAGE GRID, EFFECTIVE JANUARY 1, 2021.

Committee Chair Johnson stated this is not about the money or the value of Mr. Holst as an employee. He indicated it is the policy and the decision of a collective bargaining unit.

Council member Stunek indicated he does not agree with the recommendation to deny the request, as Mr. Holst has the experience and knowledge of this heavy equipment that other employees do not have. He said there can be exceptions to the policy.

Further council discussion took place.

Upon roll call, members Stenglein and Johnson voted "aye". Members Pritschet, Erickson, O'Day, Stunek, and Bevans voted "nay". The Chair declared the motion failed.

MOVED AND SECONDED BY ALDERMEN STUNEK AND ERICKSON TO REJECT STAFF'S RECOMMENDATION AND APPROVE GLEN HOLST'S REQUEST FOR AN ADJUSTMENT TO STEP 6 OF THE STREET MAINTENANCE III WAGE GRID, EFFECTIVE JANUARY 1, 2021.

Upon roll call, members Pritschet, Erickson, O'Day, Stunek, and Bevans voted "aye". Members Stenglein and Johnson voted "nay". The Chair declared the motion carried.

Consider Wage Grid Step Placement Request from Marvin Bush – Street Maintenance III - Approved

Committee Chair Johnson indicated Mr. Bush was promoted from Street Maintenance II to Street Maintenance III, effective January 5, 2021, in which policy states the employee would start at the lowest step of the wage grid that is paid at a higher rate than the previous position. He explained Mr. Bush would occasionally perform Street Maintenance III duties when he was a

Street Maintenance II employee on the Legacy pay plan. This resulted in a pay differential which is a higher per hourly rate than the Step 3 wage of the Maintenance III grid.

Council discussion took place.

The Chair recognized Marvin Bush, Street Department III employee, who is requesting to be placed at Step 4 of the wage grid. He explained Step 3 is approximately \$.90 less per hour than what he was earning prior to the promotion due to out-of-class pay provisions under the Legacy Pay plan. Staff noted that even though Mr. Bush was occasionally paid a higher rate during temporary out-of-class assignments, his primary position and pay was a Maintenance II employee; therefore, with his promotion and placement at Step 3, he will now receive the Step 3 rate for all worked hours which will result in more pay for Mr. Bush over the course of the year.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN TO ACCEPT STAFF'S RECOMMENDATION AND DENY MARVIN BUSH'S REQUEST FOR AN ADJUSTMENT TO STEP 4 OF THE STREET MAINTENANCE III WAGE GRID, EFFECTIVE JANUARY 5, 2021

Committee Chair Johnson stated again, this is not about the money or the value of Mr. Bush as an employee. He indicated this position was posted for new applicants and technically, Mr. Bush is a new hire to the position.

Upon roll call, members Stenglein and Johnson voted "aye". Members Pritschet, Erickson, O'Day, Stunek, and Bevans voted "nay". The Chair declared the motion failed.

MOVED AND SECONDED BY ALDERMEN STUNEK AND ERICKSON TO REJECT STAFF'S RECOMMENDATION AND APPROVE MARVIN BUSH'S REQUEST FOR AN ADJUSTMENT TO STEP 4 OF THE STREET MAINTENANCE III WAGE GRID, EFFECTIVE JANUARY 5, 2021.

Upon roll call, members Pritschet, Erickson, O'Day, Stunek, and Bevans voted "aye". Members Stenglein and Johnson voted "nay". The Chair declared the motion carried.

Request Approval of Lease Agreement with Office of Congressman Pete Stauber - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE LEASE AGREEMENT FOR THE OFFICE OF CONGRESSMAN PETE STAUBER AS PRESENTED.

Consider Tentative Agreement for IBEW Administrative Support 2021-2022 Union Contract Terms – Adopted by Resolution No. 05:21

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE 2021-2022 TENTATIVE AGREEMENT SUMMARY AND SUPPORTING DOCUMENTS BETWEEN THE CITY AND IBEW LOCAL NO. 31 (ADMINISTRATIVE SUPPORT) AS PRESENTED.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT A RESOLUTION SETTING THE IBEW LOCAL NO. 31 (ADMINISTRATIVE SUPPORT) UNION WAGES FOR 2021-2022.

RESOLUTION NO. 05:21

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

Clarification Regarding Employee Policy Manual Step Advancement for New Hires - Approved

Committee Chair Johnson explained because the hire date and performance review date took place in two different years, the language in the employee policy manual indicates the step advancement for City Administrator Bergman would not take place until January 1, 2022. He indicated the language in the employee policy manual is ambiguous, and City Administrator Bergman should be placed at Step 2 effective January 1, 2021.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE CITY ADMINISTRATOR BERGMAN'S STEP ADVANCEMENT TO STEP 2 OF THE CITY ADMINISTRATOR WAGE GRID EFFECTIVE JANUARY 1, 2021.

Update on Acting Police Chief Examination Process - Approved

Committee Chair Johnson stated the Police and Fire Civil Service Commission met and conducted the Acting Police Chief interview process on February 12, 2021. He said there was one certified candidate to serve as the Acting Police Chief for longer than 30 days and the recommendation is to appoint Acting Police Chief Bestul for 2021.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPOINT ACTING POLICE CHIEF BESTUL THROUGH 2021.

Adopt Resolution Declaring the Official Intent to Reimburse Certain Expenditures from Proceeds of Bonds to be Issued by the City – Ground Storage Tank Project – Adopted by Resolution No. 06:21

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN TO ADOPT A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF BRAINERD TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF BONDS TO BE ISSUED BY THE CITY.

The Chair recognized Todd Wicklund, finance director at Brainerd Public Utilities (BPU), who gave a brief update of the storage tank project. He indicated the two storage tanks will be compartmentalized inside the new building.

RESOLUTION NO. 06:21

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

Consideration of Crow Wing Historical Society Donation Request – Approved

Committee Chair Johnson indicated the recommendation is to donate \$500 to the Crow Wing Historical Society for 2021, as a donation request was not received last year.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE A \$500 DONATION TO THE CROW WING HISTORICAL SOCIETY TO BE PAID OUT OF THE SPECIAL PROJECTS BUDGETED LINE ITEM.

Safety & Public Works Committee Report

Request to Authorize Improvement 21-01 and 21-05 – 2021 Seal Coat Project Competitive Bidding – Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE COMPETITIVE BIDDING PROCESS FOR IMPROVEMENTS 21-01 AND 21-05 – 2021 SEAL COAT PROJECT AND 2021 PARKING LOT SEAL COAT PROJECT.

Update on Highway 25 Bridge Replacement Aesthetics Treatments – Informational

Mayor Badeaux gave a brief explanation and update of the aesthetics being considered for the MnDOT Highway 25 bridge project taking place in 2025.

Update on Improvement Project 19-02 – 2022 Cuyuna Lakes State Trail Construction Project - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO AFFIRM THE PROPOSED ALIGNMENT AND MOVE FORWARD WITH THE PLANNING AND DESIGNING OF THE TRAIL INCLUDING ALTERNATE ROUTES.

City Engineer Sandy gave an update of the preliminary design phase of the project being planned with SEH and the MnDNR. He stated there is the possibility of exceeding the \$1,100,000 DNR funding the City was awarded for the trail construction and connection, but there are safeguards in place. He explained details of the final design and next steps.

Request to Approve Geotechnical Services Agreement with Braun Intertec for Improvement 19-02 – Cuyuna Lakes State Trail Construction - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE GEOTECHNICAL SERVICES WITH BRAUN INTERTEC FOR IMPROVEMENT 19-02 – CUYUNA LAKES STATE TRAIL PROJECT IN THE PROPOSED AMOUNT OF \$13,900 TO BE PAID FROM THE MNDNR FUNDING RECEIVED.

Committee Chair O'Day explained Braun Intertec proposes seven borings throughout the alignment to analyze soil conditions. He stated this procedure needs to be done while the ground is frozen.

Affirm Competitive Bidding for Street and Sewer Addition Project - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO AFFIRM THE COMPETITIVE BIDDING PROCESS AND ADVERTISEMENT FOR BIDS FOR THE STREET AND SEWER ADDITION PROJECT WITH A PROPOSED BID OPENING DATE OF MARCH 11, 2021 AT 2:00 P.M.

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 2022)

Charter Commission – 2 terms (Expire 2024)

Housing & Redevelopment Authority (HRA) – 1 term (Expire 2025)

Rental Dwelling License Board of Appeals – 3 terms (Expire 2022)

Transportation Advisory Committee (TAC) – 2 terms (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2025) – 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

Consideration of Appeal – 705 19th St. SE Rental License Administrative Decision - Approved

City Attorney Langel indicated a letter was issued to the property owner stating the rental license had lapsed for over one year and could not be reissued per ordinance due to nonconforming use. Community Development Director gave a brief explanation of the determination to deny the rental license for noncompliance with the City of Brainerd Zoning Code.

The Chair recognized Mr. Brad Person, who is representing the property owner. He indicated under state statute, there are two definitions of protective nonconformity: the use and the structure. He said the use is not being debated, however, the building was built as a duplex and the structure has not changed.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO AFFIRM THE DECISION BY COMMUNITY DEVELOPMENT DIRECTOR CHANSKI TO DENY THE RENTAL LICENSER OF 705 19TH ST SE AND DIRECT STAFF TO DRAFT THE FINDINGS AND PRESENT WITH A RESOLUTION AT THE MARCH 1, 2021 MEETING.

Adopt Resolution Supporting the Payment Local Government Aid (LGA) on Time and In Full – Adopted by Resolution No. 07:21

Finance Director Hillman explained the Coalition of Greater MN Cities is highlighting different legislative topics in the month of February that impact Minnesota cities and adopting a resolution is one way to support the efforts of the Coalition. Mayor Badeaux stressed the

importance of Local Government Aid and the need for residents to familiarize themselves with LGA and what it means to cities in Minnesota.

MOVED AND SECONDED BY ALDERMEN O'DAY AND JOHNSON TO ADOPT A RESOLUTION TO SUPPORT THE PAYMENT OF LOCAL GOVERNMENT AID (LGA) TO BE PAID ON TIME AND IN FULL.

RESOLUTION NO. 07:21

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

Adopt Resolution Certifying Brainerd as a Telecommuter Forward! Community – Adopted by Resolution No. 08:21

City Administrator Bergman gave a brief explanation of the program created by the Department of Employment and Economic Development (DEED), which promotes the availability of telecommuting options.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT A RESOLUTION IN SUPPORT OF TELECOMMUTING OPPORTUNITIES AND THE TELECOMMUTER FORWARD! CERTIFICATION.

RESOLUTION NO. 08:21

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

Consider First Reading – Proposed Ordinance No. 1514 – Repealing Section 905 and Amending Section 1400 of the City Code - Approved

Community Development Director Chanski gave a review of the recent re-organization of the Parks Department. He stated that staff is recommending the City Tree Inspector position be assigned under the Community Development Department, rather than the Parks Department. Assistant Planner Kramvik is an experienced landscape architect and Recreation Coordinator Kaufman could focus on sporting events and park education. Assistant Planner Kramvik will also manage the Model Communities Targeted to Slow the Spread of EAB grant received in 2020.

MOVED AND SECONDED BY ALDERMEN ERICKSON AND PRITSCHET, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING AND HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1514; AN ORDINANCE REPEALING SECTION 905 IN ITS ENTIRETY AND AMENDING SECTION 1400 OF THE BRAINERD CITY CODE.

Set Joint Economic Development Authority (EDA) and City Council Workshop - Approved

Community Development Director Chanski indicated the EDA has made strategic planning a priority for 2021. He stated staff would like the City Council and EDA meet to discuss their relationship in a workshop setting.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND O'DAY, DULY CARRIED, TO HOLD A CITY COUNCIL AND EDA WORKSHOP ON MARCH 8TH, 2021 AT 5:00 P.M. IN THE FIRE DEPARTMENT TRAINING ROOM.

Public Forum

The Chair opened the public forum at 8:50 p.m.

No one came forward.

The Chair closed the public forum at 8:51 p.m.

Staff Reports

Community Development Director Chanski announced the monthly Planning Commission meeting is taking place tomorrow at 6:00 pm and the Parking Commission will be meeting on Thursday at 4:00 pm.

City Administrator Bergman indicated the Destination Downtown Business Coalition met last week and have many great ideas. She said safety was a topic of concern and there may be some ideas brought to Council in the future.

Mayor's Report

Mayor Badeaux stated he is impressed with the Parking Commission and the goals they are working on. He thanked the Council for the change of delegation of the City Tree Inspector to the Community Development Department.

Council Member Reports

Council Member Erickson attended the Planning Commission workshop last week and will be attending the Northland Arboretum and Fire Advisory Board meetings next week.

Council Member Pritschet announced school was back with in person learning today and reminded everyone to be kind.

Council Member Johnson stated he will be attending the BPU and HRA meetings next week and the EDA canceled the February meeting but is scheduled to meet March 4th.

Council Member Bevans indicated the Northside Association residents met last week and the Charter Commission will be scheduled for March 3rd.

Council Member Bevans requested the March 1st Council meeting include an agenda item for the Conduct on Premises Review be returned to the City Council for action. He stated that this should be brought to Safety & Public Works to complete since the Rental Housing Ordinance Review committee has been reviewing it for a few years.

Adjourn to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 8:57 p.m.

The Council reconvened at 9:03 p.m.

MOVED AND SECONDED BY ALDERMEN STENGLEIN AND STUNEK, DULY CARRIED, TO HAVE COUNCIL MEMBER JOHNSON REPRESENT THE COUNCIL AT THE MARCH 4TH, 2021 MEDIATION SESSION WITH THE IBEW LOCAL 31 BPU UNION.

Adjourn to Closed Session Pursuant to MN Statutes 13D.05, Subd. 3(B) For Attorney-Client Privilege to Discuss Tom's Backhoe Service, Inc. V. City of Brainerd Pending Litigation – 9:04 p.m.

The Council reconvened at 9:07 p.m.

MOVED AND SECONDED BY ALDERMEN STENGLEIN AND PRITSCHET, DULY CARRIED, TO ADOPT THE TERMS OF THE SETTLEMENT WITH TOM'S BACKHOE AS PRESENTED.

Adjourn to Closed Session Pursuant to MN Statute 13D.05 Subd. 3(C)(3) to Consider Counteroffers for the Purchase of Property at 502 Jackson Street, Brainerd – 9:08 p.m.

The Council reconvened at 9:21 p.m.

Adjourn to Closed Session Pursuant to Minnesota Statute 13D.05, Subd. 3(C)(3), To Develop or Consider Offers for the Purchase of Property at the Northern Pacific Center Property – 9:22 p.m.

The Council reconvened at 9:42 p.m.

The Chair adjourned the meeting at 9:42 p.m.

Jennifer Bergman
City Administrator