

**Brainerd, MN
February 3, 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, Badeaux, Erickson, Lambert and Johnson. Member Stunek was noted as absent. Mayor Menk was also noted as present.

Council President Johnson opened the meeting with the Pledge of Allegiance to the Flag.

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

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO ADOPT THE CONSENT CALENDAR.

A. Approval of the Minutes of the Regular Meeting held on January 21, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 14– Renewals; 1 - New

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

D. Resolution Approving the Issuance of Health Care Facilities Refunding Revenue Bonds by the Duluth Economic Development Authority to Refinance a Project Located in the City – Adopted by Resolution 03:20

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

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON TO APPROVE THE PAYMENT OF BILLS AND PAYMENTS TO CONTRACTORS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE CONTINGENT UPON APPROVAL OF SAFETY & PUBLIC WORKS IMPROVEMENT 17-08 CHANGE ORDER 1.

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Contract Amount</u>
Crow Wing County Highway Dept	19-05	2019 Striping Project	\$15,673	\$15,521

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

Police Officer Resignation - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF OFFICER GOWEN, EFFECTIVE JANUARY 21, 2020.

City Hall Fire Alarm System Update - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO AUTHORIZE OPTION #2 OF THE ESTIMATES PRESENTED AND APPROVE THE INSTALLATION OF A NEW CONTROL PANEL AND REPLACE THE ANNUNCIATOR IN THE AMOUNT OF \$5,195 AS RECOMMENDED.

Committee Chair Badeaux explained a fire code change will be taking place in March that requires the alarm system to be connected to an internet connection for monitoring and sending alarms rather than the current phone line system. He stated there is a cost savings of \$644 annually by disconnecting the two phone lines. He added the front door annunciator is non-operational, and the fire department would prefer the annunciator is replaced rather than permanently removed.

Retirement of Building Official Chuck Arvidson - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RETIREMENT OF BUILDING OFFICIAL CHUCK ARVIDSON EFFECTIVE MARCH 3, 2020.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO A PHASED RETIREMENT OPTION (PRO) AGREEMENT WITH CHUCK ARVIDSON AND TO NEGOTIATE THE TERMS LISTED IN MR. ARVIDSON'S RESIGNATION LETTER WITH THE APPROVAL OF THE CITY ATTORNEY.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO DESIGNATE DARRIN DESETH AS INTERIM BUILDING OFFICIAL EFFECTIVE MARCH 3, 2020 AND INSTRUCT STAFF TO BEGIN DISCUSSIONS WITH THE IBEW UNION REGARDING THIS TEMPORARY APPOINTMENT.

Committee Chair Badeaux indicated staff will return to the next council meeting with information regarding the Minnesota Department of Labor and Industry Delegation Agreement for Inspections, which is currently held by Mr. Arvidson. He said this designation allows the City to issue permits and conduct inspections for state projects such as schools and hospitals.

Finance Director Hillman added a city is required to have a building official in order to issue building permits.

Annual Review of Investment Policy - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO APPROVE THE INVESTMENT POLICY AS PRESENTED.

Request for Additional Street Department Employee and Funding Opportunity - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO AUTHORIZE STAFF TO CHANGE THE STATE AID MAINTENANCE ALLOCATION TO UP TO 25% BEGINNING IN YEAR 2021 AND TO AUTHORIZE THE TRANSFER OF STATE AID FUNDS FROM CONSTRUCTION FUND 401 TO STREET AND SEWER FUND 235 ON AN ANNUAL BASIS TO COVER THE BASE WAGE AND BENEFITS OF THE NEW MAINTENANCE III POSITION IN PERPETUITY.

City Engineer Sandy explained the details of the funding for the state aid system, the current and future maintenance allocation and the request for the additional maintenance staff member.

Council Member Johnson asked if there is a negative result of increasing the state aid funding from \$1,500 per mile to a 25% maintenance allocation. City Engineer Sandy stated the future construction allocation would be reduced which is used to repay past projects.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO FILL THE MAINTENANCE III MECHANIC POSITION ON OR ABOUT NOVEMBER 15, 2020.

Safety and Public Works Committee Report

Improvement 17-08 Change Order 1 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE APPLICATION FOR CHANGE ORDER 1 ON IMPROVEMENT 17-08 AS PRESENTED CONTINGENT UPON THE APPROVAL OF PERSONNEL AND FINANCE AUTHORIZING THE PAYMENT TO THE CONTRACTOR.

Improvement 19-05 – 2019 Striping Project Final Pay Estimate Number 1 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PAYMENT TO CROW WING COUNTY IN THE AMOUNT OF \$15,673 FOR IMPROVEMENT 19-05 - 2019 STRIPING PROJECT.

Committee Chair Bevans explained the increase in cost is due to a 1% overrun attributed to materials exceeding the estimated quantities.

ISD181 Harrison Elementary Sewer Easement - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO APPROVE EXECUTION OF THE

ATTACHED EASEMENT AND AUTHORIZE PROPER SIGNATURES ON THE EASEMENT DOCUMENT.

Tax Forfeit Non-Conservation Parcels - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO APPROVE THE NON-CONSERVATION STATUS ON PARCEL NUMBER 41040862 WHICH ALLOWS THE PARCEL TO BE PLACED ON THE CROW WING COUNTY LAND SALE.

Cuyuna Lakes State Trail Alignment - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO APPROVE THE CONCEPT OF THE ALIGNMENT PRESENTED FOR DESIGN DEVELOPMENT, EASEMENT DRAWINGS AND OTHER DOCUMENTS MAY BE DRAFTED FOR THE PROJECT TO MEET ITS DEADLINE OF JULY 2021.

Committee Chair Bevans stated it is unfortunate an agreement could not be reached with Burlington Northern railroad for the trail to cross at 13th Street. He said the City was awarded bonding funds and a new proposed location needed to be found to meet the deadline.

CSAH 20 Turnback - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO APPROVE THE TURNBACK OF CSAH 20 (RIVERSIDE DRIVE) FROM WASHINGTON STREET TO BEAVER DAM ROAD IN CONCURRENCE WITH THE OFFER FROM CROW WING COUNTY UNDER THE CONDITIONS THAT THE PORTION OF THE ROADWAY FROM JACKSON STREET TO BEAVER DAM ROAD BE RE-CONFIGURED AND RE-STRIPED AS PART OF THE 2020 CONSTRUCTION OF RIVERSIDE DRIVE AT THE EXPENSE OF CROW WING COUNTY AND APPROVAL BY THE CITY ENGINEER AND CROW WING COUNTY IS TO PAY FOR HALF OF THE ENGINEERING FEES INCURRED BY THE CITY.

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 – 2 terms (Expire 2021) - 2 terms (Expire 2022)

Charter Commission – 2 terms (Expire 2020) - 1 term (Expire 2021) – 1 term (Expire 2022) – 1 term (Expire 2023)

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

Economic Development Authority (EDA) – 1 term (Expire 2020)

Council President Recommended: (terms to expire on 12/31 of said year)

Planning Commission – 1 term (Expire 2022)

Other

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Water Tower Fundraising Committee – Applicants Needed

City Hall Remodel Update - Informational

City Engineer Sandy stated Kevin Currie from Contegrity Group will explain the progress, anticipated schedule and answer questions the Council may have in reference to the project.

Mr. Currie said currently the date for the IT and Transit Departments to move back to their respective areas in City Hall is February 27th. He explained it was more conducive to combine phase one and two together which resulted in the engineering department move date to April 16th. He indicated the budget is on track with three change orders showing a credit towards the budget with pending changes for handrails. He stated there was a delay in starting the police department to February 17th due to determining security and access to the building, as well as arranging the subcontractors. He said they have settled on a solution by constructing a secured temporary entry vestibule in the parking garage. The Council thanked him for the updated.

New Business

Potentially Dangerous Dog Hearing

City Administrator Bergman stated the animal control officer received a complaint of a dog bite and the animal was deemed potentially dangerous. She indicated the owner of the dog, Mr. Stephan Nordin has requested a hearing to appeal that decision.

City Attorney Langel stated the dog has already been deemed potentially dangerous, and this is an appeal of a designation that has already occurred. He explained the dog owner has no further obligation to act upon; this definition just brings the dog closer to the dangerous dog designation if it bites again then further action would be necessary.

Mr. Stephan Nordin, 915 Laurel Street stated his dogs were being cared for by a friend as he was detained in jail. He indicated this person was aggressive towards his dog in trying to pull him out of a car which resulted in the dog biting his hand.

Mr. Michael O'Brien, animal control officer stated the victim, Mr. Williams, suffered the dog bite from attempting to remove the dog from a car. He said Mr. Williams received medical care within 15 hours of the bite.

Mr. Williams spoke to the Council and explained the details of the event that took place.

Council discussion took place and questions were answered.

MOVED AND SECONDED BY ALDERMEN BEVANS AND ERICKSON TO DEFINE THE DOG AS POTENTIALLY DANGEROUS DUE TO BITING AN INDIVIDUAL ON THE HAND.

Members Pritschet, Bevans, Erickson, Lambert and Johnson voted "aye". Member Badeaux voted "nay". The Chair declared the motion carried.

Planning Commission

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Final Reading – Proposed Ordinance No. 1502 – Amending Section 515-18: Outdoor Lighting of the Code of Ordinances – City Administrator Bergman Recommends to Dispense with the Actual Reading - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO HOLD AND DISPENSE WITH THE FINAL READING OF PROPOSED ORDINANCE NO. 1502 TO AMEND SECTION 515-18 OUTDOOR LIGHTING WITH THE PROPOSED CHANGE FROM A THIRTEEN FOOT MAXIMUM HEIGHT LIGHT SOURCE TO A FIFTEEN FOOT MAXIMUM HEIGHT LIGHT SOURCE IN THE B-1 AND B-2 DISTRICTS AND FROM A FIFTEEN FOOT MAXIMUM HEIGHT LIGHT SOURCE TO A TWENTY FOOT MAXIMUM HEIGHT LIGHT SOURCE IN B-3, B-4, B-5 AND B-6 DISTRICTS.

Council member Bevans withdrew his previous motion.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO HOLD AND DISPENSE WITH THE FINAL READING OF PROPOSED ORDINANCE NO. 1502 TO AMEND SECTION 515-18 OUTDOOR LIGHTING WITH THE PROPOSED CHANGE FROM A FIFTEEN FOOT MAXIMUM HEIGHT LIGHT SOURCE TO A TWENTY FOOT MAXIMUM HEIGHT LIGHT SOURCE IN B-3, B-4, B-5 AND B-6 DISTRICTS.

Members Pritschet, Bevans, Erickson and Johnson voted “aye”. Member Lambert voted “nay”. The Chair declared the motion carried.

Community Development Director Chanski indicated dispensing with the reading can only take place on a unanimous vote and proceeded to read the ordinance in its entirety.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1502 TO AMEND SECTION 515-18 OUTDOOR LIGHTING WITH THE CHANGE FROM A FIFTEEN FOOT MAXIMUM HEIGHT LIGHT SOURCE TO A TWENTY FOOT MAXIMUM HEIGHT LIGHT SOURCE IN B-3, B-4, B-5 AND B-6 DISTRICTS.

ORDINANCE NO. 1502

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

Public Forum

The Chair opened the public forum at 8:56 p.m.

No one came forward.

The Chair closed the public forum at 8:56 p.m.

Staff Reports

City Administrator Bergman stated her report was included with the council packet.

She indicated she would like for a Council member to join her in meeting with the YMCA to discuss strategic planning and partnering with the City. Council member Johnson has offered to attend.

Community Development Director Chanski announced the Planning Commission has a workshop scheduled for Wednesday, February 5th at 6:00 p.m. in the fire department training room.

City Engineer Sandy stated there will be a public open house Tuesday, February 4th in the fire department training room at 6:00 p.m. to discuss the NE 5th Avenue and B Street reconstruction projects. He said there will be another public open house at the same location on February 11th at 6:00 p.m. regarding local reconstruction projects in NE Brainerd.

Council Member Reports

Mayor Menk announced he received a letter from the Government Finance Officers Association (GFOA) which stated the comprehensive annual financial report from 2018 qualifies for a certificate of excellence in financial reporting. He thanked Finance Director Hillman and extended it to the Department Heads for their work as well.

Council member Johnson stated there are currently thirteen applicants for the HRA executive director position. He congratulated Tyler Glynn for being promoted to Executive Director for Brainerd Lakes Area Economic Development Corporation (BLAEDC).

Council member Pritschet invited anyone interested to participate in judging on February 15th at Forestview School for a speech tournament.

Adjourn to Council Workshop, Monday, February 10, 2020 at 6:00 PM in the Police Department Training Room – 9:05 p.m.

Jennifer Bergman
City Administrator