

Brainerd, MN
October 18, 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: Stunek, Pritschet, Stenglein, Erickson, O'Day, and Bevans. Mayor Badeaux was also noted as present. Member Johnson was noted as absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA WITH THE REMOVAL OF THE MARKET STUDY DISCUSSION FROM THE WORKSHOP ON OCTOBER 25TH, 2021.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND PRITSCHET TO APPROVE THE CONSENT CALENDAR.

- A. **Approval of Bills- Approved**
- B. **Approval of the Minutes of the Regular Meeting held on October 4th, 2021**
- C. **Approval of Minutes from Council Workshop held on October 11th, 2021**
- D. **Approval of Licenses-Approved**
- E. **Department Activity Reports- Approved**
- F. **Resolution- Accepting 3rd Quarter Donations 2021**

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

Council Committee Reports

Personnel & Finance

Police Officer Hiring Ratification-Approved

Committee Member Stunek stated this will bring the department to 24 sworn officers.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO AFFIRM HIRING POLICE OFFICER BRYCE JOHNSON, STARTING AT LELS STEP 1 AT A RATE OF \$28.26 PER HOUR, WITH AN EFFECTIVE DATE OF OCTOBER 11TH, 2021.

Approval of 2022-2024 USW (Hydro) Union Contract Terms and Wages- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO APPROVE THE ATTACHED TENTATIVE AGREEMENT SUMMARY AND THE ATTACHED CONTRACT SUPPORTING DOCUMENTS BETWEEN THE CITY AND USW UNION (HYDRO).

MOVED AND SECONDED BY COUNCIL MEMBER STUNEK AND STENGLIN TO ADOPT THE RESOLUTION SETTING THE USW UNION WAGES FOR 2022-2024.

RESOLUTION 58:21

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

Authority to Enter into Lease Agreements for 2022 Budgeted Vehicles Prior to Budget Adoption- Approved

Council Member Stunek stated if the City waits to enter into the lease agreements until after the 1st of the year, after the 2022 budget is officially adopted, it may be too late to get the vehicles in production.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLIN, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH ENTERPRISE FOR LEASED VEHICLES IN THE PROPOSED BUDGET PRIOR TO THE 2022 BUDGET BEING ADOPTED.

Authority to Enter into Consulting Agreement with Hildi, Inc. for Actuarial Services to Comply with Government Accounting Standard Board (GASB) 74/75 Relating to Other Post-Employment Benefits (OPEBs)-Approved

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLIN, DULY CARRIED, TO AUTHORIZE SIGNATURES ON THE AGREEMENT FOR CONSULTING SERVICES WITH HILDI, INC. FOR FISCAL YEAR 2022 IN THE AMOUNT OF \$3,100 PLUS \$500 FOR EXHIBITS AND APPROXIMATELY \$800-\$1,000 FOR FISCAL YEAR 2023 SERVICES.

Safety and Public Works

Approve Event Application for the Tricks and Treats Skateboard Event- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE EVENT APPLICATION UNDER THE CONDITION THAT THE APPLICANT REQUEST TRAFFIC CONTROL 1- WEEK PRIOR TO THE EVENT, ALL SIGNS AND BANNERS ARE REMOVED AFTER EVENT COMPLETION, AND THAT THE APPLICANT SUBMIT INSURANCE CERTIFICATE PRIOR TO THE EVENT.

Approval of Final Pay Estimate- Improvement 19-10- NE Brainerd Resurfacing Project-Approved

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE FINAL PAY ESTIMATE AS PRESENTED TO KNIFE RIVER CORPORATION FOR IMPROVEMENT 19-10- NE BRAINERD RESURFACING PROJECT.

Approve Letter of Intent and Safe Routes to School Grant Application Submission- Harrison Elementary Oak Street Improvements- Approved

Council Member Erickson stated that he would be abstaining from voting due to his role in the application process with his employment with the Region 5 Development Commission.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO APPROVE LETTER OF INTENT SUBMISSION AND TO FURTHER ALLOW STAFF TO WORK ON AND SUBMIT THE FULL APPLICATION ONCE THE LETTER OF INTENT IS RECEIVED BY MNDOT.

Council Members Stunek, Pritschet, Stenglein, O'Day, and Bevans voted "aye". No member voted "nay". Member Erickson abstained from voting.

Discussion of Downtown Snow Removal and Special Services District- Discussion

Committee Chair O'Day stated that the committee hasn't heard from enough owners and the discussion came too late in the year to change how snow removal for 2021-2022 will be handled. Discussion will continue to explore this issue.

Discussion on Street Light Policy- Discussion

Committee Chair O'Day stated that the committee is in favor of standardizing decorative lights to create a pleasing aesthetic. They need to choose what that will look like with more input and research.

Discussion of Sober Homes Issue- Discussion

Committee Chair O'Day stated that the committee heard from the residents and owners of the sober homes at this committee meeting and heard the opposite of what they had heard the meeting prior. They directed all residents to be good neighbors.

Unfinished Business

Resolution- Adopting Assessment- 2021 Nuisance Abatement and 2020-2021 Downtown Special Services District- Approved

Community Development Director Chanski stated that staff was recommending three of the properties being assessed be taken off the roll. Mr. Hammond, PID 41040687, \$125 nuisance, is the new homeowner of the property. Because of timing of when he purchased the home, the nuisance didn't show up on the assessment search. Mr. Egle, PID 41191713, \$250 nuisance, has been working with staff to update his roof, because of supply and labor shortages it has been difficult.

Attorney Langel stated the third property nuisance assessment staff recommended removing from the roll is Ms. Strand-Peterson, PID 41250684, \$250 nuisance, because she thought that the nuisance was also waived at the time that the abatement issue was resolved on May 3rd, 2021 at the abatement hearing.

City Engineer/ Interim Public Works Director Sandy stated that there was a formal objection from Ed Shaw, PID 41241293, 41241294, & 41241470 who objects to the costs of snow removal district and special services.

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

Brad Hicks, 801 10th Ave NE, PID 41191142, \$3,000 Nuisance, stated that with the inability to evict tenants he could not do anything to change the condition of his rental. Mr. Hicks submitted a formal objection to the assessment.

Steve and Lois Hensel, 623 Laurel St, PID 41241457, came forward to talk again about their opposition to the assessment for special services and snow removal. They submitted a formal objection to the assessment.

The Chair closed the public hearing at 8:20 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND PRITSCHET TO ADOPT RESOLUTION ADOPTING ASSESSMENT- 2021 NUISANCE ABATEMENT AND 2020-2021 DOWNTOWN SPECIAL SERVICES DISTRICT AND DOWNTOWN SNOW REMOVAL, LESS THE EIGHT PROPERTIES DISCUSSED; FURTHER, TO ADJOURN THE PUBLIC HEARING TO NOVEMBER 1ST, 2021 AT 7:30 PM.

RESOLUTION 59:21

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

Resolution- Adopting Assessment- Improvement 19-19 NW 3rd Street and Jackson Street Reconstruction Project- Approved

The Chair opened the public hearing at 8:24 p.m.

No one came forward.

The Chair closed the public hearing at 8:5 p.m.

City Engineer/ Interim Public Works Director Sandy stated that Gustafson Properties, who own's a majority of properties along this improvement formally contested the assessment.

Attorney Langel stated that the owner of Gustafson Properties has submitted an official objection. The Council can adopt the assessment and the owners can appeal through the court system if they wish to.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND O'DAY TO ADOPT RESOLUTION ADOPTING ASSESSMENT- 19-19- NW 3rd STREET AND JACKSON STREET RECONSTRUCTION PROJECT.

RESOLUTION 60:21

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

Resolution- Adopting Assessment- 20-05 20-06- Madison Street and SE Brainerd Construction Project

The Chair opened the public hearing at 8:26 p.m.

Becky Chisholm, 1423 Pine St, PID 41250812, formally objected to the assessments on her property. She stated that she was unaware when she purchased the property that it would be assessed, and she simply cannot afford to pay for the assessment. Ms. Chisholm formally submitted an objection to the assessment.

Dexter Hanson, 1008 Rosewood St, PID 41250624, 41250623, 41250619, formally objected to the assessments on his three properties.

The Chair closed the public hearing at 8:37 p.m.

City Engineer/ Interim Public Works Director Sandy stated that Greg Blume, 1119 13th St, PID 41250961 & 41250960, formally contested his assessments on his properties.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND PRITSCHET TO ADOPT RESOLUTION ADOPTING ASSESSMENT- 20-05 20-06- MADISON STREET AND SE BRAINERD CONSTRUCTION PROJECT, LESS THE SIX PROPERTIES WHO CONTESTED THE ASSESSMENT; FURTHER, TO ADJOURN THE PUBLIC HEARING TO NOVEMBER 1, 2021, AT 7:30 PM.

RESOLUTION 61:21

Upon roll call, Council Members Stunek, 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

Dangerous Dog Hearing

Administrator Bergman stated that the City received a request from Angela Blakemore for a hearing regarding her dogs Ava, Brownie, and Wendy, pursuant to Brainerd City Ordinance 900.25.

Attorney Langel stated the procedure of the hearing. He also explained the options that the City Council has if the dogs are determined to be dangerous.

Angela Blakemore, 515 2nd Ave NE, stated that she asked for the hearing because her dogs were provoked and are good dogs. She stated that she was not present at the time of the incident.

Thomas Schutt, 12627 Lower Sylvan Rd, Pillager, stated that he has taken the dogs on the same walk off leash once or twice a week all summer. He typically checks to see if there are others out with their dogs prior to taking the dogs for a walk. He restated the events that led up to and took place that led to the dogs being impounded. He believes the dogs are not dangerous.

Mike O'Brien, Animal Control Officer, passed evidence to the Council from the incident to view. He stated the facts of the incident were constructed from the statements from both Mr. Schutt and the owners of the deceased dog. Ms. Blakemore could not provide record of current rabies vaccination. Therefore, the dogs were seized by animal control. Mr. O'Brien also read the statement of the owners of the deceased dog.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO DECLARE ALL THREE DOGS AS DANGEROUS.

Chair Bevans stated he would be voting no, because he believes the dogs should be euthanized immediately for the safety of all.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO ENFORCE THE ORDINANCE, ALLOW THE OWNERS SEVEN DAYS TO REMOVE THE DOGS FROM THE CITY OF BRAINERD, AND PROVIDE PROOF THAT THEY HAVE DONE SO; FURTHER THAT THE DOGS WILL BE SUBJECT TO IMMEDIATE SEIZURE BY ANIMAL CONTROL IF THEY ARE FOUND IN THE CITY.

Council Members Stunek, Pritschet, Stenglein, and O'Day voted "aye". Chair Bevans voted "nay". The Chair declared the motion carried.

Resolution- Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment- Nuisance Abatements- Approved

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY TO ADOPT RESOLUTION DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT- NUISANCE ABATEMENTS; FURTHER TO SET THE PUBLIC HEARING FOR NOVEMBER 1, 2021, AT 7:30 PM.

RESOLUTION 62:21

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

Public Forum

The Chair opened public forum at 9:12 p.m.

No one came forward.

The Chair closed public forum at 9:13 p.m.

Staff Reports

Human Resources Director Schubert stated that at the next meeting there will be information for the Council to consider dissolving the Civil Service Commission.

Administrator Bergman stated that Region 5 was not successful in receiving the DEED Main Street grant for the annex, but they are pursuing other sources and trying a second round for the grant in the winter. She has been asked to be on the Central Lakes College Comprehensive Facilities Planning Board. The Charter commission was approached by the Evergreen Cemetery Board to approve language to add the cemetery to the Charter as a recipient of funds. The Charter commission encouraged the members to apply for funding when the City puts out for RFP for the green space funds from the latest amendment to the Charter. Finally, the City received its official population from the Minnesota Demographers Office on the 2020 Census, the official population 14,395 residents and a total of 6,473 housing units in the City of Brainerd.

Mayors Report

Mayor Badeaux stated that he attended, and was a participant through Brainerd Community Action, of the Great Pumpkin Festival held by Parks and Recreation. He thinks it was the best event from the Parks Department in a long time. It was well attended, and the inclusion of nonprofit organizations was fantastic. The direction of the Parks Department is evident in the success of the event, and he would like to see more events just like it.

Council Member Reports

Member Stenglein was also in attendance at the Great Pumpkin Festival through her job and gave kudos to Recreation Coordinator Kaufmann for the success of the event.

Adjourn to Closed Session Pursuant to MN Statute 13.03 Subd. 1b for Union Negotiation Strategy- Discussion Only

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED TO ADJOURN TO THE CLOSED SESSION PURSUANT TO MN STATUTE 13.03 SUBD. 1B FOR UNION NEGOTIATION STRATEGY.

The Chair adjourned the meeting to the closed session at 9:20 p.m.

The Chair opened the closed session at 9:30

Adjourn to City Council Workshop Parking Commission, October 25th, 2021, at 6:00 p.m. in the City Council Chambers-Approved

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO ADJOURN TO THE CITY COUNCIL WORKSHOP- PARKING COMMISSION, ON OCTOBER 25TH AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.