

Brainerd, MN
January 19, 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 TO AMEND THE AGENDA BY REMOVING ITEM B1. CONSIDER REQUEST TO USE SOURCEWELL AND GORDIAN PROCUREMENT PROCESS.

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.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO APPROVE THE CONSENT CALENDAR.

A. Approval of Bills - Approved

B. Approval of the Minutes of the Regular Meeting held on January 4, 2021 - Approved

C. Approval of Licenses - Approved

Contractor Licenses – 21

D. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

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.

Council Committee Reports

Personnel and Finance Committee Report

Shared Services Agreement Between the City and Economic Development Authority (EDA) - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND ERICKSON, DULY CARRIED, TO APPROVE THE 2021 SHARED SERVICES AGREEMENT BETWEEN THE BRAINERD ECONOMIC DEVELOPMENT AUTHORITY AND THE CITY OF BRAINERD FOR SERVICES TO BE RENDERED BY THE CITY IN THE AMOUNT OF \$30,000.

Consider Police Officer Resignation - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STENGLEIN, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF POLICE OFFICER TYLER AISTROP.

Approve Memorandum of Understanding for Kulzer Grievance Settlement - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK , DULY CARRIED, TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BRAINERD AND TEAMSTERS LOCAL NO. 346 TO SETTLE THE KULZER GRIEVANCE BY ALLOWING LT. KULZER TO ADVANCE TO STEP 7, EFFECTIVE JANUARY 1, 2021.

Committee Chair Johnson explained Lt. Kulzer had previously earned two achieves expectations in his position as Sergeant and an exceeds expectations as a Lieutenant. The language in the Employee Policy Manual was vague and did not clarify the ratings needed to be within the same position. He indicated the revision to the employee manual will take place and brought back to Council for approval.

Consider Next Steps on Police Chief Hiring - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE OPTION #4 TO UTILIZE DEPUTY CHIEF MIKE BESTUL AS ACTING POLICE CHIEF FOR AN EXTENDED PERIOD OF TIME, REQUEST THE CIVIL SERVICE COMMISSION CONDUCT AN ACTING POLICE CHIEF EXAMINATION PROCESS AND WAIT TO REPOST THE POSITION UNTIL JANUARY 2022.

Council discussion took place.

Council Member Stenglein stated she feels the process should continue as it started and make a conditional job offer to the next candidate, Victor Siebeneck.

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

Discussion of Proration of the School Resource Officer Contract for 2020-2021 School Year - Approved

MOVED AND SECONDED BY ALDERMEN STENGLEIN AND STUNEK TO AUTHORIZE STAFF TO REDUCE THE SCHOOL RESOURCE OFFICER CONTRACT AMOUNT WITH ISD181 FOR THE FIRST HALF BILLING FOR THE 2020-2021 SCHOOL YEAR BY \$13,000.

Council Member Stenglein stated action will not be taken regarding the second half of the billing at this time.

Council Member Johnson indicated he is not in favor of the motion as the contract was agreed upon by both parties and signed.

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

2021 Workers' Compensation Renewal – Informational

Committee Chair Johnson indicated the experience mod came back at .79, which results in a savings of approximately \$52,000 from the budgeted amount to pay for the workers' compensation premium.

League of Minnesota Cities Insurance Trust (LCMIT) Liability Coverage Waiver Form – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE AND SUBMIT THE LIABILITY COVERAGE WAIVER FORM WITH “DOES NOT WAIVE” THE MONETARY LIMITS ON MUNICIPAL TORT LIABILITY ESTABLISHED BY MINNESOTA STATUTES, SECTION 466.04 OPTION SELECTED.

Safety & Public Works Committee Report

Consider Authorization to Bid – Improvement 19-01 – NW 4th Street Reconstruction – Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND ERICKSON, DULY CARRIED, TO AUTHORIZE THE BIDDING PHASE OF THIS PROJECT AND APPROVE THE ADVERTISEMENT FOR BIDS FOR THE NW 4TH STREET PROJECT WITH A PROJECTED BID OPENING DATE OF FEBRUARY 17, 2021 AT 10:00 AM.

Presentation – Funding Mechanisms and Outstanding Projects FY2021 - Informational

Committee Chair O'Day stated this presentation took place earlier tonight at the Safety & Public Works Committee meeting which was informational.

Presentation – 5-Year Street and Sewer Capital Improvement Plan - Approved

MOVED AND SECONDED BY ALDERMEN O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE 5-YEAR STREET AND SEWER CAPITAL IMPROVEMENT PLAN AS PRESENTED.

Unfinished Business

Consider Appointments of City Council Board/Commission Liaisons - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPOINT THE FOLLOWING MEMBERS AS COUNCIL LIAISONS TO THE BOARDS AND COMMISSIONS BELOW:

- Dave Badeaux – Park Board
- Gabe Johnson – Public Utilities Commission (PUC), Economic Development Authority (EDA), Housing & Redevelopment Authority (HRA)
- Kelly Bevans – Cable TV Advisory Committee, Charter Commission
- Tiffany Stenglein – BLAEDC Unified Fund (BUF), Region V
- David Pritschet – Library Board

- Tad Erickson – Fire Advisory Board, Northland Arboretum, Planning Commission, Transportation Advisory Committee (TAC)
- Michael O’Day – Riverfront Committee, Economic Development Authority (EDA), Walkable/Bikeable Committee
- Kevin Stunek – Airport Commission, Brainerd Community Action, The Senior Center

Committee Resignations - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. JERRY SINNER FROM THE ECONOMIC DEVELOPMENT AUTHORITY (EDA).

Committee Recommendations – Recommended by Mayor Badeaux - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND ERICKSON, DULY CARRIED, TO APPOINT THE FOLLOWING MEMBERS TO THE COMMISSIONS LISTED.

- W. Merritt Bussiere – Cable TV Advisory Committee – Term to Expire 12/31/2021
- Kara Schaefer – Park Board – Term to Expire 12/31/2022
- Michael Duval – Rental Dwelling License Board of Appeals – Term to Expire 12/31/2022
- Linda Marsh – Rental Dwelling License Board of Appeals – Term to Expire 12/31/2022
- Doug Stenberg – Transportation Advisory Committee (TAC) – Term to Expire 12/31/2022

MOVED AND SECONDED BY ALDERMEN JOHNSON AND ERICKSON TO APPOINT MARK O’DAY TO THE PUBLIC UTILITIES COMMISSION (PUC), FOR A TERM TO EXPIRE 12/31/2025.

- Mark O’Day – Public Utilities Commission (PUC) – Term to Expire 12/31/2025

Members Pritschet, Stenglein, Erickson, Stunek, Johnson, and Bevans voted “aye”. Member O’Day abstained from voting. The Chair declared the motion carried.

Call for Applicants – Informational:

(Application Information at www.ci.brainerd.mn.us/boards/)

PLEASE NOTE: THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY

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

Cable TV Advisory Committee – 1 term (Expire 2021) *pending appointment*- 1 term (Expire 2022)

Charter Commission – 2 terms (Expire 2024)

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

Park Board – 1 term (Expire 2025) *pending appointment*

Public Utilities Commission (PUC) – 1 term (Expire 2025) *pending appointment*

Rental Dwelling License Board of Appeals – 5 terms (Expire 2022) 2 *pending appointments*

Transportation Advisory Committee (TAC) – 3 terms (Expire 2022) *pending appointment*

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

Public Forum

The Chair opened the public forum at 7:56 p.m.

No one came forward.

The Chair closed the public forum at 7:56 p.m.

Staff Reports

City Administrator Bergman announced she will be meeting on Thursday with the Destination Downtown Business Coalition (DDBC) to discuss the \$15,000 contribution from the Economic Development Authority (EDA). She stated the Charter Commission met last week to discuss more updates to the Charter recommended by City Attorney Langel. The recommended changes will be sent to the Council prior to the next Charter Commission meeting to review. She said the Cable TV Advisory Committee met today after adding new members and had a good discussion.

City Administrator Bergman received a letter from the first graders at Garfield Elementary who are working on a geography project with Flat Stanley. They are requesting the City include Stanley in various areas of the City and submit photos back to them with his adventures. She announced there has been a decline in positive COVID tests both in Minnesota and Crow Wing County. She said staff will be back to work in the office and City Hall will reopen to the public on Monday, January 25, 2021.

City Engineer Sandy stated he has been working with the Parks Department regarding the implementation of the Public Works Department and will be touring the street garage with some Council members later this week.

Mayor's Report

Mayor Badeaux thanked the business owners for everything they have done to endure the pandemic. He said many of them have plans and suggestions for next year, and he would like the Council to keep an open mind to consider options when ideas are brought forth.

Council Member Reports

Council Member Erickson stated he is looking forward to the street garage tour taking place tomorrow.

Council Member Pritschet reminded everyone to be kind to others.

Council Member Johnson thanked the teachers for all they have done, and K-2 classes are back in session today. He also indicated the budgeting process will be started in March and will continue all year.

Council Member Stenglein thanked the plowing crews for the great work they have done for a resident to send in a thank you note.

Council Member Bevans thanked staff for all the adjustments that had to be made to cope with COVID and to continue to offer city services.

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 – 8:07 p.m.

Adjourn to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 8:19 p.m.

Adjourn to Closed Session Pursuant to MN Statute 13D.05, Subd. 3(A), To Conduct City Administrator Performance Review – 9:00 p.m.

The Council reconvened at 9:08 p.m.

The Chair adjourned the meeting at 9:08 p.m.

Jennifer Bergman
City Administrator