Brainerd, MN
February 21, 2017

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:32 P.M. by Council President Pritschet.

Upon roll call, the following members were noted as present: Bevans, Badeaux, Johnson, Hilgart, Lambert, Stunek and Pritschet. Mayor Menk was also noted as present.

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

MOVED AND SECONDED BY ALDERMAN BEVANS AND LAMBERT, DULY CARRIED, TO AMEND THE AGENDA BY MOVING SAFETY AND PUBLIC WORKS AGENDA ITEM NUMBER 7 - PLANNING COMMISSION - BUSINESS 371 LAYOUT, TO UNFINISHED BUSINESS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT THE CONSENT CALENDAR AS PRESENTED.

A. Approval of the Minutes of the Regular Meeting held on February 6, 2017, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 New and 3 Renewals

C. Department Activity Reports – Approved

1. Mayor
2. City Administrator
3. Police Chief
4. Finance Director

D. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by the Lumberjacks and Jill's Club. Bingo Events to be held April 12, 2017 and November 29, 2017 at the American Legion Post 255, 708 Front Street, Brainerd - Approved

E. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by St. Andrew's Catholic Church. Bingo Events to be held April 1, 2017 at the St. Andrew's Catholic Church, 1108 Willow Street, Brainerd - Approved.

F. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Council 11679. Saint Matthias for a Raffle to be held on April 30, 2017 at St. Francis of the Lakes Catholic School, 817 Juniper Street, Brainerd - Approved.

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

Presentation:

Arboretum Annual Report

The Chair recognized Mr. Matthew Hill, the Executive Director of the Northland Arboretum. Mr. Hill shared the Arboretum’s vision with the council which is: The Northland Arboretum will be the premier destination in Central Minnesota connecting people to the environment by promoting education and preservation, health and wellness, recreation and enjoyment for all. Mr. Hill shared some of the major upcoming events for the year. The major projects for the fiscal year are updating the garden where most of the weddings are held, and a new sign at the entrance of the Arboretum. Mr. Hill stated that the Arboretum is membership driven, and memberships start at $25 a year for an individual, $40 for a family. He distributed the financial information for the latest fiscal year and welcomed any questions from council. The Chair thanked him for his presentation.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills, Transfer of Funds & Payments to Contractors - Approved

General Fund to Airport Fund (remainder of 2017 budget) $142,540

Contractor	IMP #	Project	Amount	Total Retained
None				

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT THE APPROVAL OF BILLS, TRANSFERS OF FUNDS AND PAYMENTS TO CONTRACTORS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

Committee Chair Johnson explained that we were going to do an annual transfer to the airport rather than doing transfers monthly.

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

Employee Policy Manual Amendment for Department Head Health Care Saving Plan (HCSP) Contributions - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE AN AMENDMENT FOR SECTION 16 OF THE EMPLOYEE POLICY MANUAL RELATIVE TO THE POST EMPLOYEMENT HEALTH CARE SAVINGS PLAN (HCSP) FOR THE CITY ADMINISTRATOR AND DEPARTMENT HEADS AS PRESENTED.

Revised Performance Evaluation Form - Informational

Committee Chair Johnson reported staff has revised the performance evaluation form which will save staff time and will make the evaluations more useful.

Request to Hire Records Management Technician – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE INTERNAL POSTING FOR THE VACANT RECORDS MANAGEMENT TECHNICIAN, AND TO FILL THE POSITION WITH A SELECTED CANDIDATE TO BEGIN AS SOON AS POSSIBLE, CONTINGENT ON SUCCESSFUL PREEMPLOYEMENT TESTING REQUIREMENTS, AS LONG AS THERE IS ONLY ONE INTERESTED CANDIDATE.

Police Officer Request to Hire - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE MAKING A CONDITIONAL JOB OFFER TO THE NEXT TWO AVAILABLE CANDIDATES CONTINGENT UPON SUCCESSFUL COMPLETION OF PREEMPLOYMENT TESTING REQUIREMENTS, WITH A STARTING DATE OF MARCH 20, 2017 OR SHORTLY THEREAFTER.

Request to Use DWI Forfeiture Funding – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE USE OF NOT MORE THAN $5,800 OF DWI FORFEITURE FUNDS TO UPGRADE THE IN-SQUAD VIDEO SYSTEM IN SQUAD 416.

Fire Contract Formula for 2018 - Informational

Committee Chair Johnson shared the contract formula for 2018, noting that the amount to be allocated for 2018 decreased slightly.

Develop RFP for Facility Study - Approved

Committee Chair Johnson shared that we have $28,000 in the 2017 budget to hire a consultant to do a study of all the City's facilities. The question at hand is do we go ahead with a study or use the money to start to fix some of the items identified by the volunteer committee last summer.

Mayor Menk spoke in favor of going forward with the RFP so that we have a plan. The study would give us a business plan which would allow us to prioritize and to work through our budget process to determine if we bond for the items, or use existing funds.

City Administrator Thoreen stated that sending the RFP is the initial step. The study will give the City a starting point for many things. He thanked the committee for the work they did last summer and discussed some of the short comings such as examining the actual components of the HVAC system which are in the ceiling of the building. The study would give us a blue print, along with possible solutions and estimated cost of all the potential issues for all our facilities.

Council Member Hilgart stated her concern is we do not have a blue print of how we would pay for what is expected to be an extensive list of items. When we put out an RFP and we get the study, we don't just want to put it on the shelf. We currently do know some items that need to be fixed and we could use the money for the study for those items instead. Hilgart doesn't dispute that we need a plan, but feels that we are jumping ahead by doing the study. We could pursue the study after more thoughtful consideration.

Council Member Johnson likes that idea of having a plan. There are some items that we may have to spend money on this year regardless if we get the study or not.

Council Member Stunek stated that for years that City has talked about our capital needs. We need to get some expertise to review our facilities, or we will never get caught up. We need to take a look at a bigger vision.

MOVED AND SECONDED BY ALDERMAN BEVANS AND JOHNSON TO DIRECT STAFF TO DEVELOP AN RFP FOR A FACILITY STUDY AND TO RETURN THE RFP TO COUNCIL FOR APPROVAL WITH A LIST OF POTENTIAL PEOPLE WHO IT WILL BE SENT TO IN TWO WEEKS.

Council Member Bevans stated the motion gives us an opportunity to prepare the RFP so we can see what we are asking for and who it will be sent to.

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

Safety and Public Works Committee Report

Disposal of Bus #312 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE THE DISPOSAL OF BUS #312 AND TO RETAIN THE PARTS FOR SALVAGE.

Municipal Consent for CSAH 48 Project – Adopted per Resolution No.06:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, TO ADOPT RESOLUTION NO 06:17 APPROVING COUNTY PROJECT WITHIN MUNICPIAL CORPORATE LIMITS AS PRESENTED.

Committee Chair Bevans stated this is a County project, we are giving consent to the County to do the portion of the project that is within the City limits.

RESOLUTION NO 06:17

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

Street Funding Bill Support - Adopted per Resolution No. 07:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, TO ADOPT RESOLUTION NO 07:17 SUPPORTING DEDICATED STATE FUNDING FOR CITY STREETS.

Committee Chair Bevans stated the resolution is in support of legislation that is making its way through the legislative process. The bill provides a $10 surcharge on auto license fees that could potentially result in the City receiving an estimated amount of $127,000 per year to be used for City streets.

RESOLUTION NO 07:17

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

Acquisition of Tax Forfeit Parcel - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO PURCHASE THE PIECE OF PROPERTY ASSOCIATED WITH RE CODE 080334400A00009, WITH A DESCRIPTION OF NORTH 30 FEET OF THE SOUTHWEST QUARTER OF SOUTHEAST QUARTER SECTION 33, TOWNSHIP 134, RANGE 28, IN THE AMOUNT OF $4,000 TO BE PAID FROM THE CONSTRUCTION FUND.

Committee Chair Bevans stated this parcel is owned by Crow Wing County and we would use it for potential trails and road easements.

City Code Section 1315 Amendment related to Parking Restrictions during snow emergencies– Approve Holding the First Reading

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO SCHEDULE THE FIRST READING OF PROPOSED CHANGES TO CITY CODE SECTION 1315 AT THE MARCH 6, 2017 COUNCIL MEETING.

Committee Chair Bevans stated that the committee made a couple of suggestions to the proposed ordinance changes relative to defining the enforcement, and to clarify that any ordinance changes will not effective until the fall of 2017. Prior to the implementation, notification will be critical. We are trying to make our snow plowing more efficient. Committee Chair Bevans also stated that the public input and potential adoption would occur at the March 21, 2017 council meeting.

Request to Amend City Code Section 900 related to Animals and Bee Keeping – Approved Drafting of Potential Language Change

MOVED AND SECONDED BY ALDERMAN BEVANS AND LAMBERT, DULY CARRIED, TO DIRECT STAFF AND PLANNING AND ZONING TO DRAFT LANGUAGE FOR THE CITY COUNCIL TO CONSIDER PERMITTING BEE KEEPING IN A RESIDENTIAL AREA.

Unfinished Business

Resolution No. 08:17 Adopted – Ordering Improvement, Approving Plans and Specifications, and Ordering Advertisement for Bids for Improvements 14-03 Jackson Street; 16-13 Buffalo Hills Lane; and 14-01 Oak Street

City Engineer Hulsether provided an overview of the projects. All three projects are state aid eligible. Improvements 14-03 and 16-13 are the only projects that would be assessed and would be assessed in the same way as if we were reconstructing a local residential street. The purpose of tonight’s public hearing is to get public input if the project is needed.

The Chair opened the Public Hearing for Improvement 14-03 Street Resurfacing Jackson Street from NW 4th Street (CSAH 20) to Brainerd/Baxter City Limits at 8:14 P.M.

The following citizens addressed the Council relating to the item:

Jamie Hukriede, representative for the Brainerd Amateur Sports Foundation operating out of the Essentia Health Sports Center. The organization supports the project but requests relief from the assessments since they are a non-profit entity. Mr. Hukriede provided a letter to council.

The Chair closed the Public Hearing at 8:21 P.M.

The Chair opened the Public Hearing for Improvement 16-13 Street Resurfacing Buffalo Hills Lane from S 6th Street (TH 371B) to South Graydon Avenue at 8:21 P.M.

The following citizens addressed the Council relating to the item:

Michael Edmunds, 517 Buffalo Hills Lane East, Brainerd. Mr. Edmunds asked questions on the timing of the project, detours and how assessments can be paid. City Engineer Hulsether provided answers to Mr. Edmund's questions.

The Chair closed the Public Hearing at 8:25 P.M.

The Chair opened the Public Hearing for Improvement 14-01 Mill and Overlay Oak Street from South 6th Street (TH 371B) to SE 19th Street at 8:25 P.M.

No one came forward.

The Chair closed the Public Hearing at 8:26 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, TO ADOPTED RESOLUTION NO. 08:17 – ORDERING IMPROVEMENT, APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR IMPROVEMENTS 14-03 JACKSON STREET; 16-13 BUFFALO HILLS LANE; AND 14-01 OAK STREET.

RESOLUTION NO 08:17

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO PUT THE REQUEST FOR RELIEF OF STREET ASSESSMENTS BY THE BRAINERD AMATEUR SPORTS FOUNDATION ON THE NEXT SAFETY AND PUBLIC WORKS AGENDA.

Summary of Council Retreat - Informational

City Administrator Thoreen thanked council members and staff for taking the time to meet on a Saturday for the retreat, and that we had great input from everyone involved. Mr. Thoreen stated that a summary of the retreat's outcome was provided in the packet. Staff will report at least once a month on the status of the initiatives from the retreat.

Council discussion was held regarding the process of notifying council on how budgeted but unspecified funds should be spent.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO REFER THE ITEM OF NOTIFICATION OF BUDGETED EXPENDITURES TO THE PERSONNEL AND FINANCE COMMITTEE TO DETERMINE THE NEED FOR A POLICY TO HANDLE SPENDING OF BUDGETED FUNDS THAT ARE NOT SPECIFICALLY IDENTIFIED.

Call for Applicants – Informational:

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

Cable TV Advisory Committee – 2 terms (Expire 2019)
Charter Commission – 1 term (Expire 2020)
Transportation Advisory Committee – 1 terms (Expire 2018)
Rental Dwelling Board of Appeals – 3 terms (see below) – (Expire 2018)

1. *Residential Property Manager Representatives (1)*
2. *Tenant Representative (1)*
3. *General Public Representative (1)*

Business 371 Layout Reconsideration as Requested by Planning Commission – Informational

City Administrator Thoreen reviewed the information provided in the packet which was an e-mail from the City Administrator informing the council of the Planning Commission's unanimous vote to request the council to reconsider the Business 371 design. Also, included in the packet, was the information provided to the Brainerd Dispatch Editorial Board at a meeting last week to give another prospective on the status of the project. In December 2015, the council passed a resolution to direct MnDOT to go forward with the plans and specifications on the layout approved by council in the resolution.

City Engineer Hulsether also discussed the resolution passed in December 2015. Mr. Hulsether stated his research is that the resolution of municipal consent approving the final layout is a binding agreement, and referred the issue of the City's ability to rescind the action to the City Attorney.

City Attorney Langel addressed the council. He stated that the statute at issue provides timeframes for the process. The statute addresses the timeframe for when MnDOT provides the final lay out to the City, and a timeframe for the City to take action on the layout. Based on the City's action the next step occurs and on down the line. This all took place in 2015. The City Attorney does not see in statute where the City would have any authority to reverse course and reconsider their prior action.

Council Member Bevans stated we asked and received a lot of public comment on this project. Any public comment is always welcomed on the project regardless if it can be changed or not.

The Chair opened the meeting for Public Comment.

The following citizens spoke to the issue:

Ed Shaw, 521 North 9th Street, Brainerd.
Laura Rathe 15847 Old Stonebridge Trail, Brainerd.

The Chair close the public comment at 8:47 P.M.

New Business

Set Date for City Administrator Performance Evaluation

The Council discussed the process. The new form will be sent out to council members with a timeframe to return the completed forms to the Council President.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO SCHEDULE THE CITY ADMINISTRATOR'S PERFORMANCE EVALUATION DURING THE MARCH 20, 2017 COUNCIL MEETING.

Public Forum:

The Chair recognized Mr. Brian Wallin, the Chair of the Governmental Affairs Committee for the Greater Lakes Association of Realtors. Mr. Wallin extended an invitation to council members, staff, and the public, to an event called "Coffee with the Brainerd City Council." The purpose of the event is to discuss current real estate issues facing the City. Topics include but are not limited to affordable housing, property values, and the comprehensive plan. The hope is to open the lines of communication between the local government, the public, and the real estate community. The event is scheduled for March 2nd from 6 P.M. - 7 P.M. at the Greater Lakes Association of Realtors office at 15344 Pearl Drive, Baxter.

The Chair closed the public forum at 8:54 P.M.

Staff Reports – Verbal

. City Planner Ostgarden reported last Thursday the planning department held a focus group with about seven to eight realtors present. The meeting was held to get information for the comprehensive plan update. The group discussed several questions regarding real estate issues in the city of Brainerd. Mr. Ostgarden will get the information from the focus group to council members prior to the March 2nd event.

Council Member Johnson asked a question regarding the bonding priorities for 2018 included on the City Administrator's report. City Administrator reported the topic will be on the next personnel and finance committee agenda.

City Administrator Thoreen shared that city staff is working on a couple of property issues in the downtown area. We are working the City Attorney and information will be brought to the Council in the future.

Council Member Reports

Mayor Menk stated that there are a lot of things going on in our community. There are 15 places to eat within five blocks of City Hall and the great impact of this is not always recognized by our City.

Council Member Badeaux noted the last two weekends there have been basketball tournaments going on it our City. He thanked everyone involved.

Council Member Lambert noted there is still a need for volunteers for the Memorial Day celebration. Meetings will be held the 2nd Wednesday of every month until Memorial Day at 7:00 P.M. at the VFW for anyone interested in helping with the event.

Committee Recommendations – Recommended by Mayor Menk

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO APPROVE THE FOLLOWING COMMITTEE APPOINTMENTS:

1. Cable TV Advisory Committee: Mr. Robert Brady, Term to Expire 12/31/19
2. Transportation Advisory Committee: Mr. Robert Brady, Term to Expire 12/31/18
3. Brainerd Rental Board of Appeals, Terms to Expire 12/31/18 and subject to background checks *(Added Item):*
    a. Residential Rental Property Manager Representative – Mr. Todd Barnett
    b. General Public Representative – Ms. Amy Gray

Committee Recommendations – Recommended by Council President Pritschet

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO APPOINT MS. CATHY GRAY TO THE POLICE & FIRE CIVIL SERVICE COMMISSION TERM TO EXPIRE 12/31/18.

Adjourn – To Coffee with Brainerd City Council to be held March 2, 2017 at 6:00 P.M. at the office of the Greater Lakes Association of Realtors.

The Chair adjourned the meeting at 9:03 P.M.

James M. Thoreen
City Administrator