

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 Pritschet.

Upon roll call, the following members were noted as present: Badeaux, Johnson, Hilgart, Lambert, Stunek, Bevans 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 ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

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 21, 2017, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 2 - Renewals
- C. Department Activity Reports – Approved**
 - 1. Fire Chief
 - 2. Park Director
- D. Resolution No. 09:17 – Resolution Approving Release of Contract for Private Development Related to Brainerd Oaks – Approved**
- E. On Sale Liquor License Transfer – Gregg A. Gribbin dba Liquor Pigz Sports Bar Inc. to Isaac F. Carranza dba Big Dogs Bar LLC – Subject to Background Investigation, Fire Inspection and Satisfaction of All City Code Requirements - Approved**
- F. Temporary 3.2 Percent Malt Beverage (Beer) On Sale License Application – Submitted by Mid-Minnesota Builders Association for an event to be held March 31-April 2, 2017 at the Essentia Health Sports Center - Approved**

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

Presentation:

Brainerd Community Action Annual Report

The Chair recognized Ms. Holly Holm, Executive Director of Brainerd Community Action. Ms. Holm introduced herself to the council. Ms. Holm was recently appointed the Executive Director earlier this year. A goal is to get the word out about Community Action and what it can

do to help non-profits in the area. Another goal is to update the website and social media marketing. Mr. Musel, Community Action Board Member shared several events that Community Action is involved with and stated that Ms. Holm brings lots of energy and looks forward to working with her. Questions were answered and the Chair thanked her for her presentation.

Council Committee Reports

Safety and Public Works Committee Report

Sanitary Sewer System Presentation – Informational

Committee Chair Bevans referred to the material that had been distributed to Council as part of the presentation to Committee this evening by Assistant City Engineer Sandy on the City's sanitary sewer system.

Resolution Establishing Connection Charges – Adopted per Resolution No. 10:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, TO ADOPT RESOLUTION NO 10:17 ESTABLISHING THE FINAL CONNECTION CHARGE FOR THE BEAVER DAM ROAD IMPROVEMENT PROJECT.

RESOLUTION NO 10:17

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

Brainerd Amateur Hockey Foundation (BAHF) Assessment Consideration – Reaffirmed Policy

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO DENY THE REQUEST AND TO REAFFIRM THAT THE CITY'S ASSESSMENT POLICY WILL BE FOLLOWED.

Transit Bus Replacement – Adopted per Resolution No. 11:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, TO ADOPT RESOLUTION NO 11:17 AUTHORIZING AN AMENDMENT TO AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE FOR A SECOND REPLACEMENT VEHICLE.

RESOLUTION NO 11:17

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

Pavement Marking Agreement with Crow Wing County – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ENTER INTO A PAVING MARKING AGREEMENT WITH CROW WING COUNTY AND TO AUTHORIZE SIGNATURE OF THE AGREEMENT.

In the information provided by City Engineer Hulsether, the City benefits from reduced costs associated with higher quantities by having the agreement with Crow Wing County. City employees will still do the painting of the crosswalks, stop bars, and parking stalls where needed.

Walkable Bikable City Committee (WBCC) – Request Meeting to Discuss Non-Motorized Transportation Plan Tier 1 Recommendations - Informational

The Safety and Public Works Committee will be meeting with the Walkable Bikable City Committee as part of the March 20, 2017 committee meeting to discuss the recommendations.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

Contractor	IMP #	Project	Amount	Total Retained
S.E.H.	14-15	Appt Util Ext thru 1/31	\$15,942	\$0

MOVED AND SECONDED BY ALDMERMEN JOHNSON AND HILGART TO APPROVE THE PAYMENT OF BILLS AND PAYMENTS TO CONTRACTORS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

Committee Chair Johnson stated that we have spent about \$30,000 of the additional \$69,000 approved by council for S.E.H. services.

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

Paid-On-Call Trainee/Probationary Pay Rate – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ESTABLISH A TRAINEE FIREFIGHTER WAGE AT 60% OF THE REGULAR WAGE AND PROBATIONARY FIREFIGHTER WAGE AT 80% OF THE REGULAR WAGE EFFECTIVE FOR NEW HIRES AFTER JANUARY 1, 2017.

Committee Chair Johnson stated it is estimated we will save approximately \$5,600 per firefighter over 3 years, which is the average time it takes a firefighter to go through the training program. While a firefighter is going through the training program they do not do the same duties as a fully trained firefighter, therefore the reduction of pay seems justifiable.

Council Member Bevans requested an update from the Fire Chief at a future council meeting on how things are going at the Fire Department since the restructure.

HR Intern – Approval to Hire with Funding from NJPA – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO MAKE A CONDITIONAL JOB OFFER TO MS. MEGAN DUHN AT A RATE OF \$12 PER HOUR, AS AN HR INTERN FOR THE CITY OF BRAINERD/BPU WITH AN ANTICIPATED HIRE DATE OF MAY 8, 2017 SUBJECT TO SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT BACKGROUND CHECK WITH FUNDING FOR THE POSITION COMING FROM NJPA.

Committee Chair Johnson stated that NJPA will reimburse the City up to \$12 per hour plus payroll expenses so the cost will be minimal to the City, and it doesn't affect the other interns we have received funding for in the past from NJPA.

Street Department Capital Equipment Purchases – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE OVERRUN OF COST ON THE BROOM TRACTOR AND ATTACHMENTS AND TO AUTHORIZE THE PURCHASE OF THE TRACTOR AND CHIPPER IN THE TOTAL AMOUNT OF \$96,711.76, AND TO DISPOSE OF THE OLD EQUIPMENT.

Close Out Bond Fund 308 - Adopted by Resolution No. 12:17

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, TO ADOPT RESOLUTION NO 12:17 AS PRESENTED TO CLOSE OUT BOND FUND 308.

RESOLUTION NO 12:17

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

Notification of Budgeted Expenditures – Discussion of a Need for Policy - Informational

Committee Chair Johnson stated the discussion from the committee was that a policy is not needed, however council requests better communication from staff on how funds are being spent.

2018 Polling Places - Informational

Committee Chair Johnson stated after the 2016 election the school district informed staff that due to safety concerns for students and staff we cannot use their buildings as polling locations. This means we will need to find four new polling locations before the 2018 election. If you have any ideas for new polling locations, please let staff know.

City Administrator Thoreen explained that even though we are talking about the 2018 election, we need to choose new polling places now so that all registered voters can be properly notified prior to the election.

HRA Per Diem Discussion (Carryover from February 6, 2017 Meeting) - Informational

Committee Chair Johnson referred the letter from the HRA's counsel that was included in the packet which states that it is up to the Brainerd HRA Board to set their per diem according to state statute (M.S. 460.011), and that state law prevails over the City Charter on this issue.

Council Member Bevans requested to hear from our City Attorney and to notify the Charter Commission.

City Attorney Langel concurred with the opinion of the HRA's counsel.

2018 Bonding Priorities - Informational

Committee Chair Johnson stated that we had previously established priorities for a 2017 bonding bill. At this time, it doesn't sound like there will be a bonding bill in 2017, therefore we need to establish our priorities as a City for a possible 2018 bonding bill. Discussion will take place at the next council meeting.

Unfinished Business

Public Hearing – To consider Vacation of Portion of North 10th Street – Adopted By Resolution No. 13:17

The Chair opened the Public Hearing at 7:56 P.M. No one came forward.

The Chair closed the Public Hearing at 7:56 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK, TO ADOPT RESOLUTION NO 13:17 AUTHORIZING THE VACATION OF "THAT PART OF NORTH 10TH STREET WHICH LIES SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF MINNESOTA TRUNK HIGHWAY NUMBER 210 AND WHICH LIES NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 65 FEET OF BLOCK 22, FIRST ADDITION TO BRAINERD" AS REQUESTED BY RONALD F. MEUSER JR, RESERVING EASEMENT FOR UTILITIES.

Council Member Johnson inquired who owns the property after it is vacated. Assistant City Engineer Sandy stated the property is split between the adjacent property owners.

RESOLUTION NO 13:17

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

Call for Applicants – Informational:

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

Cable TV Advisory Committee – 1 term (Expire 2019)

Charter Commission – 1 term (Expire 2020)

Transportation Advisory Committee – 1 terms (Expire 2018)

New Business

First Reading - Proposed Ordinance No. 1462 – An Ordinance Amending Brainerd City Code Section 1315 – Street Cleaning and Snow Removal – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1462 – AN ORDAINNCE AMENDING BRAINERD CITY CODE SECTION 1315 – STREET CLEANING AND SNOW REMOVAL; FUTHER, TO SET THE PUBLIC HEARING AND SECOND READING AT THE MARCH 20, 2017 MEETING.

Set Date and Time for Riverfront Workshop - Informational

The workshop will be set for either April 10th or April 24th at the March 20, 2017 council meeting.

Public Forum:

No one appeared for Public Forum.

Staff Reports – Verbal

City Administrator Thoreen shared that several bills have been introduced which would have an impact on the City. One of the bills includes a requirement that cities and counties notify businesses of ordinances that may impact their operations. Specifically, the bill would require for each city and county to send notification by first class mail or by e-mail to potentially affected businesses, licensed by the city, that a pending ordinance may affect their business. The bill has since been amended to include more detail and timeframes.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BADEAUX, DULY CARRIED, TO HAVE STAFF DRAFT A LETTER TO THE LEAGUE AND TO OUR LEGISLATORS STATING THE CITY OPPOSES HOUSE FILE 1242 IN ITS CURRENT FORM.

City Administrator Thoreen shared another bill that has been introduced broadly defining “correspondence” under the records management laws and limiting city discretion on what records could be destroyed. The bill was introduced in response to cities adopting e-mail retention policies which would auto delete e-mails after a certain period of time, such as 30 or 180 days. The League’s opinion is that the bill is problematic for three main reasons: (1) the City would have to keep everything that it has created or received; (2) the broad definition of correspondence would require retaining everything to and from all elected officials and staff for three years; (3) keeping material and information with little business, legal, fiscal or historical value would be unnecessarily costly. The bill does delete a part of the records management law and takes away discretion from the city to destroy things that are no longer needed.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND JOHNSON, DULY CARRIED, TO HAVE STAFF DRAFT A LETTER TO THE LEAGUE AND TO OUR LEGISLATORS STATING THE CITY OPPOSES HOUSE FILE 1185 IN ITS CURRENT FORM.

Council Member Reports

Council Member Johnson reported the HRA Board had a presentation from Springsted on the possibility of creating a TIF district over the entire downtown area, or a couple of properties, to assist with redevelopment. No action has been taken, just discussion.

Council Member Hilgart attended the realtor listening session. A couple of things discussed was broadening the scope of which grant funds could be used, and to put our commercial marketing of the industrial park up for proposal rather than continuing with the same broker year after year. Hilgart also attend the Arboretum meeting. The Arb is considering submittal of a project of regional significance to the Legacy Foundation. This may be a good time for Brainerd to look at how our efforts can go along with the project to help the rating.

Council Members Stunek, Lambert and Badeaux reported that they had attended the Newly Elected Official Conference sponsored the League, and felt it was a good learning experience.

Mayor Menk reported that various individuals did some cleanup of dead fall at Rotary Park over the weekend, and Mayor Menk also congratulated the Robotics Club for a job well done at a meet over the weekend.

Committee Recommendations – Recommended by Mayor Menk

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPOINT MS. RACHEL ZETAH TO THE BRAINERD RENTAL BAORD OF APPEALS AS A RESIDENTIAL HOUSING ADVOCATE REPRESENTATIVE, WITH TERM TO EXPIRE 12/31/18 AND SUBJECT TO BACKGROUND CHECK.

Adjourn

The Chair adjourned the meeting at 8:16 P.M.

James M. Thoreen
City Administrator