

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.

City Administrator Thoreen requested three resolutions be added to the agenda for consideration pertaining to legislation that has been purposed as part of the City Administrator's Report.

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

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

- A. Approval of the Minutes of the Regular Meeting held on March 6, 2017, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 3 - Renewals
- C. Department Activity Reports – Approved**
 - 1. Mayor
 - 2. Police Chief
 - 3. Finance Director
- D. Acceptance of the Otto Bremer Trust Grant in the Amount of \$44,650 for the Brainerd Public Library and Authorize Proper Signatures - Approved**
- E. Temporary 3.2 Percent Malt Beverage (Beer) On-Sale License Application Submitted by the Brainerd Eagles Club for an Event to be Held on April 22, 2017 at Memorial Park, 1700 Mill Avenue, Brainerd, MN – Approved**
- F. Temporary On-Sale Liquor License Application – Submitted by the Brainerd Jaycees for an Event to be Held on May 6, 2017 at the Essentia Health Sports Center, 502 Jackson Street, Brainerd, MN – Approved**
- G. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Lakes Chapter MN Darkhouse & Angling Association for a Raffle to be Held on October 28, 2017 at Brainerd American Legion, 708 Front Street, Brainerd, MN – Approved**

H. Minnesota Lawful Gambling – Resolution No. 14:17 - Authorizing the American Legion Post 255 to Conduct Off-Site Gambling on May 6, 2017 at Essentia Health Sports Center, 502 Jackson Street, Brainerd, MN – Approved

I. Minnesota Lawful Gambling – Resolution No. 15:17 - Authorizing the American Legion Post 255 to Conduct Off-Site Gambling on July 7 – July 9, 2017 at Memorial Park, 1700 Mill Avenue, Brainerd, MN – 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.

Council Committee Reports

Safety and Public Works Committee Report

WBCC Non-Motorized Transportation Plan Tier I Recommendations - Informational

Committee Chair Bevans stated the Safety and Public Works Committee met with the Walkable Bikeable City Committee (WBCC) this evening. Tier I recommendations are projects to be done in the 2017-2019 timeframe. There is nothing on the construction schedule for 2017 from the WBCC recommendations. The process for going forward is that the Safety and Public Works Committee along with the WBCC will give their thoughts to staff which will be brought to council in the near future. This will allow for a greater prioritization of the projects, with more detail on the cost and the feasibility of the projects as the council works through the 2018 budget process.

Bee Keeping – Planning Commission Recommendation - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO DIRECT STAFF TO PREPARE LANGUAGE TO AMEND SECTION 900 TO PERMIT BEE KEEPING AND RECOMMEND THE ATTACHED DRAFT LANGUAGE AS PROPOSED BY THE PLANNING COMMISSION TO AMEND THE CODE.

Committee Chair Bevans stated the first reading of the proposed ordinance change will be at the April 3, 2017 council meeting.

Event Application – Rally4ShrinersKidz - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE APPLICATION FOR THE EVENT AS SUBMITTED.

Event Application – Lowell School Walk-A-Thon - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE APPLICATION SUBJECT TO THE CONDITION OF COORDINATING THE TRAFFIC CONTROL.

Improvement 17-02: 2017 Chip Seal – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE PLANS AND SPECIFICATIONS AS PROPOSED AND TO AUTHORIZE

STAFF TO BID IMPROVEMENT 17-02 WITH BID OPENING TO BE HELD ON APRIL 21, 2017 AT 10:00 A.M.

Resolution Opposing Small Cell Telecommunication Right of Way Use Bills – Adopted by Resolution No. 16:17

City Engineer Hulsether reported the bills introduced would allow small cell telecommunication equipment to be located within the public rights of way and on public facilities with little or no regulation and oversight by the public entities. The bills, in current form, undermine the City's ability to manage the rights of way and structures, and the ability to be reimbursed for the value and cost of managing our rights of way, and to protect the public. Not only do the bills limit the rights of the local jurisdictions to manage and regulate the rights of way, but also limits the local authority to regulate land use.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, TO ADOPT RESOLUTION NO 16:17 OPPOSING THE ADOPTION OF HF 739/SF 561, LEGISLATION WHICH WOULD PERMIT UNREGULATED ACCESS TO PUBLIC RIGHT OF WAY (PROW) FOR "SMALL CELL WIRELESS" EQUIPMENT.

RESOLUTION NO 16:17

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

Personnel and Finance Committee Report

Bills & Payments to Contractors - Approved

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
S.E.H.	14-15	Appt Util Ext thru 2/25	\$6,598	\$0

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

Committee Chair Johnson stated the council has approved \$1,269,640 for engineering services for the airport project, and we have spent \$1,239,228. Therefore, \$30,412 is remaining on what has been approved for the engineering 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.

Hiring Police Records Management Technician - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE HIRING OF MIRANDA LAMBERT FOR THE VACANT RECORDS MANAGEMENT TECHNICIAN POSITION EFFECTIVE MARCH 21, 2017 AT 85% OF THE BASE WAGE ACCORDING TO THE SALARY ADMINISTRATION PLAN STEP A \$20.21 PER HOUR, AND FURTHER TO AUTHORIZE HIRING A REPLACEMENT FOR MS. LAMBERT'S CSO POSITION AT THE ESTABLISHED CSO RATE OF PAY.

Authorization to Dispose of Decommissioned Police Cars - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, AUTHORIZE THE SALE OF DECOMMISSIONED POLICE DEPARTMENT VEHICLES 411 AND 499 UTILIZING ENTERPRISE.

Committee Chair Johnson stated that we have sold our decommissioned squads using other means, such as public surplus and other auction sites. This time we are going to sell the vehicles through Enterprise as this is a service they provide since we lease our vehicles from them.

Authorization to Dispose of 1997 Ford Van - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE SALE OF THE 1997 FORD VAN UTILIZING ENTERPRISE.

Retirement of City Engineer Hulsether - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT WITH REGRET THE RETIREMENT OF CITY ENGINEER JEFFREY HULSETHER EFFECTIVE JUNE 9, 2017.

City Administrator Thoreen read Mr. Hulsther's letter. Mr. Hulsether has been with the City for over 30 years and his last day worked will be Friday, June 9, 2017. Mr. Hulsether stated it has been an honor and a privilege to have served the residents of the City of Brainerd, and he thanked all the elected officials and city staff that he has worked with over the years for their support and the wonderful memories that will last a lifetime.

Replacement Process for City Engineer - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO POST THE JOB POSTING INTERNALLY PER OUR EMPLOYEE POLICY MANUAL.

Committee Chair Johnson stated any qualified staff can apply for the position, applicants will be interviewed and then a recommendation will be made to council.

RFP for Facility Assessment – Direction Provided

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO GIVE ALL COUNCIL MEMBERS COPIES THE FACILITIES REPORT FROM 2016, AND WE WILL REVISIT THAT REPORT WITH THIS RFP AT A LATER DATE.

Discussion of 2018 Bonding Priorities - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO DIRECT THE ADMINISTRATOR AND STAFF TO PREPARE A CALENDAR OF EVENTS TO YIELD IN A TIMELY MANNER INVITATIONS TO THE VARIOUS LEGISLATIVE ENTITIES FOR VISITATION TO THE PROPOSED EXPANSION OF THE CUYUNA TRAIL AND THE ASSOCIATED DEVELOPMENT OF THE BRAINERD RIVERFRONT, SPECIFICALLY THE THREE BRIDGES TRAIL, AS THE PRIMARY PROJECT FOR STATE BONDING ALLOCATIONS IN 2018.

Unfinished Business

Public Hearing/Presentation – MS4 Permit – Annual Hearing to Review Stormwater Related City Activities – Assistant City Engineer Sandy – Informational

Assistant City Engineer Sandy stated the purpose of the presentation tonight is: to educate the public on the importance of storm water management; to give an overview of the City's storm sewer system; to give an update on the status of compliance with the Municipal Separate Storm Sewer System (MS4) Permit conditions; and to allow the public to comment on the Stormwater Pollution Prevention Plan (SWPPP). Mr. Sandy went over the goals completed during the past year and tasks planned for the upcoming year.

The Chair opened the public hearing at 8:10.

The Chair recognized Mr. Jim Runberg, 1205 Lakeview Lane, Brainerd, who has a project for the City concerning the storm run-off into the Mississippi River from Lakeview Lane.

The Chair closed the public hearing at 8:12.

Public Hearing – Final Reading of Proposed Ordinance No. 1462 – An Ordinance Amending Brainerd City Code Section 1315 – Street Cleaning and Snow Removal – City Administrator Thoreen Recommends Dispensing with the Actual Reading – Denied

The Chair opened the public hearing at 8:12 P.M.

The Chair recognized Mr. Rick Fargo, 1315 Maple Street, Brainerd. Mr. Fargo stated that one of issues that has not been addressed is the number of properties that do not have any off-street parking available to them.

The Chair recognized Mr. Jim Runberg, 1205 Lakeview Lane, Brainerd. Mr. Runberg, owns eight rental properties in Brainerd and is concerned because he owns several buildings that have been grandfathered in over the years that have no off-street parking. The ordinance would be a big inconvenience for residents and he hoped that this would be taken into consideration.

The Chair recognized Mr. Mike Higgins, 1801 Mill Avenue, Brainerd. Mr. Higgins stated that Brainerd has three things: branding, history, and the river. It is difficult to put some of the new regulations into an old town.

Chair closed the public hearing at 8:20 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE 1462 - AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1315 PERTAINING TO PARKING FOR STREET CLEANING AND SNOW REMOVAL.

Council Member Bevans stated there has been good comments tonight on how we can work with our residents and it would be wonderful if we could accommodate everyone's needs. However, we need to have some rules and give guidelines to staff, and the rules need to work for as many people as possible.

Council discussion followed on how we are communicating with our residents and if there is a different alternative to the ordinance in its current form.

Members Lambert and Bevans voted “aye”. Members Badeaux, Johnson, Hilgart, Stunek, and Pritschet voted “nay”. The Chair declared the motion failed.

Set Date and Time for Riverfront Workshop - Approved

MOVED AND SECONDED BY ALDERMEN STUNEK AND JOHNSON, DULY CARRIED, TO HOLD THE RIVERFRONT WORKSHOP ON MONDAY, APRIL 24, 2017 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.

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

City Administrator’s Report – Determine City Representative for NJPA’s Annual Meeting

City Administrator Thoreen stated the NJPA annual meeting will be held on April 12, 2017 at Maddens. We are allowed two delegates to serve on the NJPA Representative Assembly. Additional tickets can be purchased if desired.

Council Member Lambert volunteered to attend the meeting. If anyone else can attend, please contact the City Administrator.

Resolution Opposing Adoption of HF 1105 – Expand Definition of “Open Meetings” - Adopted by Resolution No. 17:17

City Administrator Thoreen stated that House File 1105 is a bill that intends to expand the definition of open meetings. The League of Minnesota Cities has testified opposing this bill in its current form. It is the understanding that if a quorum of council members are at a social event, a graduation as an example, we could be considered to be in violation of the open meeting law if the event was not noticed.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, TO ADOPT RESOLUTION NO 17:17 OPPOSING THE ADOPTION OF HF 1105, A BILL INTENDED TO EXPAND DEFINITION OF “OPEN MEETINGS” UNDER MINNESOTA STATUTE 13D.

RESOLUTION NO 17:17

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

Resolution Opposing Adoption of HF 112 – Expand Opportunities to Petition Certain Leases of Public-Private Partnerships - Adopted by Resolution No. 18:17

City Administrator Thoreen stated House File 112 in its current form, seeks to expand opportunities for citizen petition for an election to approve certain leases for real property between a City and the HRA or EDA when property was obtained with bonds or other debt instruments. It is critical that options exist for cities to choose financing methods for projects that best suit the needs of the community even if the project may not have a popular support among some citizens. The resolution would therefore oppose the adoption of HF 112 in its current form.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, TO ADOPT RESOLUTION NO 18:17 OPPOSING THE ADOPTION OF HF 112 IN ITS CURRENT LANGUAGE.

RESOLUTION NO 18:17

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

Resolution Opposing Adoption of HF 654 and SF 1590 – Legislation to Allow for a Reverse Referendum for Local Property Tax Levies – Adopted by Resolution No. 19:17

City Administrator Thoreen stated if the legislation was enacted in its current form it would create untenable circumstances to adopt local property tax levies, which would be subject to a reverse referendum. Mr. Thoreen went through the timeline of the city adopting a levy and the potential impact this legislation could have on the process. The state of Minnesota’s property tax system is already complicated and this would complicate it even further. There are other means to which the legislature can put a cap on levies if they so choose.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BADEAUX, TO ADOPT RESOLUTION NO 19:17 OPPOSING THE ADOPTION OF HF 654 AND SF 1590, LEGISLATION WHICH IF ENACTED IN PRESENT FORM WILL CREATE UNTENABLE CIRCUMSTANCES TO ADOPT LOCAL PROPERTY TAX LEVIES SUBJECT TO A REVERSE REFERENDUM.

Council Member Hilgart stated she would not support adoption of the resolution because she feels the bill does not specifically apply to cities, therefore it is not our business to weigh in on the bills.

RESOLUTION NO 19:17

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

City Administrator Thoreen’s Annual Performance Review - Informational

Council President Pritschet explained the process that all council members completed an evaluation of City Administrator Thoreen and submitted the evaluation to the Council President. A report was then compiled, which President Pritschet shared with the council.

In looking at the 12 criteria: attendance and punctuality; attitude; professionalism; productivity; ability to organize; meeting deadline; ability to work with staff; ability to work with the

public; ability to follow instructions; communication; leadership; and cooperative abilities, Mr. Thoreen generally meets expectations across the board. Goals for the upcoming year and supervisor's comments were shared.

City Administrator Thoreen shared his self-evaluation of the same criteria. In all areas of criteria, Mr. Thoreen stated he feels that he meets requirements. Overall, Mr. Thoreen gave himself a grade of B-. Mr. Thoreen thanked the council for the opportunity to serve them and the residents of the City of Brainerd as their City Administrator.

Planning Commission

First Reading – Proposed Ordinance No. 1463 – Zoning Ordinance Text Amendment – Amend Section 2: Definitions – Add “boarding school” definition and Amend Section 63-6: B-4 (General Commercial) District – Add Boarding Schools as a Conditional Use – City Administrator Thoreen Recommends Dispensing with Actual Reading – Approved

City Planner Ostgarden reported the Planning Commission looked at the options it had to consider a recommendation to include boarding schools in the zoning ordinance. The Planning Commission's recommendation is to add the “boarding school” definition, and adding boarding schools as a B-4 (General Commercial) District conditional use. The Planning Commission felt it would be better to make it a conditional use rather than rezoning the property for several reasons. The reasons noted included if the project does not go through, we could potentially have to rezone the property back to commercial, and they felt that the conditional use permit offered the community the opportunity to learn about the use and to offer public input.

The Chair recognized Mr. Headley Williamson, 4630 Summit Pass Eagan, who spoke about the proposed boarding school and answered questions from council relating to its operation.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO 1463 – ZONING TEXT AMENDMENT - AMEND SECTION 2: DEFINITIONS - ADD “BOARDING SCHOOL” DEFINITION AND AMEND SECTION 63-6: B-4 (GENERAL COMMERCIAL) DISTRICT – ADD BOARDING SCHOOLS AS A CONDITIONAL USE.

Council Member Johnson requested that the planning department get a reading on the noise level at the facility.

City Administrator Thoreen requested a map of other B4 districts be presented at the next reading as the proposed ordinance change would not just affect this particular property.

Public Forum

Chair opened public forum at 9:26 P.M.

The Chair recognized Mr. Mike Higgins, 1801 Mill Avenue, Brainerd. Mr. Higgins addressed the council on how his workings have been going with the new council and an update on how things going at B.I.C.

Chair closed the public form at 9:29 P.M.

Staff Reports

City Engineer Hulsether provided information on another piece of potential legislation. He reported House File 2412, in its current form, would remove a city's authority to establish special service districts. We are one of the cities in the state that does have a special service district. It is in our downtown area where we provide some additional snow removal and landscaping services.

Council President Pritschet directed staff to send a letter to our legislators, informing them that we have special service district in our downtown area that is popular and needed, and we would like to maintain the ability to have the special service district. No one opposed going this route at this time.

City Administrator Thoreen stated Council President Pritschet and Council Member Stunek will be attending the League of Minnesota Cities Legislative Day on Thursday, March 23, 2017. Mr. Thoreen also shared that the Mayor and himself visited briefly with staff members from the Coalition last Thursday, and an EDA meeting is to be held on Tuesday, March 21, 2017.

Council Member Reports

Council President Pritschet shared that the school hosted the national qualification speech tournament over the weekend.

Mayor Menk congratulated the adapted floor hockey team and all those involved with the team and with the welcome home.

Adjourn

The Chair adjourned the meeting at 9:34 P.M.

James M. Thoreen
City Administrator