

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:31 P.M. by Mayor Menk.

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

Mayor Menk opened the meeting with the Pledge of Allegiance to the Flag.

City Administrator Thoreen explained due to the circumstances of both Council President and Vice-President being absent, we are to elect a President Pro Tem for the purpose of tonight's meeting.

MOVED AND SECONDED BY ALDERMEN STUNEK AND LAMBERT, DULY CARRIED, TO ELECT COUNCIL MEMBER BEVANS AS PRESIDENT PRO TEM.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

MOVED AND SECONDED BY ALDERMEN STUNEK AND BADEAUX TO ADOPT THE CONSENT CALENDAR AS PRESENTED.

**A. Approval of the Minutes of the Regular Meeting held on June 5, 2017 - Approved**

**B. Approval of Licenses - Approved**

Contractor's Licenses – 2 – New and 3 - Renewals

**C. Department Activity Reports - Approved**

1. Police Chief
2. Finance Director

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

**Council Committee Reports**

**Personnel and Finance Committee Report**

**Approval of Bills & Payments to Contractors- Approved**

| Contractor           | IMP # | Project                             | Amount Paid | Retained |
|----------------------|-------|-------------------------------------|-------------|----------|
| Asphalt Preservation | 17-02 | 2017 Chip Seal Project-Final        | \$124,773   | \$0      |
| Braun Intertec       | 14-03 | Jackson St Resurfacing thru 5/26/17 | \$3,254     | \$0      |
| Tom's Backhoe        | 14-15 | Airport Util. Ext                   | \$16,712    | \$0      |

MOVED AND SECONDED BY ALDERMEN STUNEK AND LAMBERT TO APPROVE THE PAYMENT OF BILLS AND PAYMENTS TO CONTRACTORS.

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

### **Safety and Public Works Committee Report**

#### **2018 and 2019 Street and Sewer Capital Improvement Plan Update-Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT THE ENGINEER'S REQUEST FOR RECOMMENDATIONS FOR STAFFING PERTAINING TO DESIGN AND CONSTRUCTION, CONTINGENT UPON PROVIDING FINANCIAL ESTIMATES.

City Engineer Sandy will provide financial estimates at the next Council Meeting.

#### **Adoption of ADA Transition Plan- Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ADOPT THE ADA TRANSITION PLAN AS PROPOSED.

#### **Event/Street Closure Application – Jaycees Street Fest- Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION ON LAUREL STREET BETWEEN SOUTH 5<sup>TH</sup> STREET AND SOUTH 6<sup>TH</sup> STREET STARTING AT 3:00 P.M. JULY 28<sup>TH</sup> THROUGH JULY 29<sup>TH</sup> UNDER THESE CONDITIONS: TO COORDINATE WITH THE STREET DEPARTMENT ON TRAFFIC CONTROL, HAND DELIVER NOTIFICATIONS OF THE EVENT TO PROPERTY OWNERS AND PARKING TENANTS AS STATED IN THE APPLICATION BY THE APPLICANT AND TO ENSURE ALL APPLICABLE LICENSES AND PERMITS ARE OBTAINED PRIOR TO THE EVENT.

#### **Improvement 17-02 2017 Chip Seal Project Final Pay Application-Informational**

Committee Chair Bevans reported information was provided about the 2017 Chip Seal Project and final payment was authorized under Bills & Payments to Contractors.

#### **No Parking Request – N 1<sup>st</sup> Street and Kingwood Street- Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE NO PARKING REQUEST ON NORTH 1<sup>ST</sup> STREET AND KINGWOOD STREET.

#### **Public Hearing - Petition to Vacate Terrace Avenue- Approved**

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX, DULY CARRIED, TO APPROVE HOLDING A PUBLIC HEARING FOR THE PROPOSED VACATION ON TERRACE AVENUE FOR JULY 17<sup>TH</sup>, 2017 AT 7:30 P.M.

**2018 State of Minnesota Transit Grant Resolution – Adopted by Resolution No. 36:17**

MOVED AND SECONDED BY ALDERMEN BADEAUX AND LAMBERT, TO ADOPT RESOLUTION NO. 36:17 TO ALLOW THE CITY ADMINISTRATOR AND MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE PUBLIC TRANSPORTATION SERVICES IN CROW WING COUNTY AND SELECTED AREAS OF CASS COUNTY BEFORE THE DEADLINE OF JULY 28<sup>TH</sup> 2017.

**RESOLUTION NO. 36:17**

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

**Amendment for Engineering Services for SEH/WSN for the Airport Utility Project- Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE FEE AMENDMENT AS PROPOSED AT AN ESTIMATED HOURLY BASIS TO BE \$6,300/WEEK INCLUDING EXPENSES AND EQUIPMENT UNTIL CONSTRUCTION ON THE PROJECT IS COMPLETED OR THE RETAINAGE AMOUNT IS DEPLETED.

**Unfinished Business**

**Final Reading of Proposed Ordinance No. 1468 – Ordinance Amending Section 1315 of Brainerd City Code Pertaining to Parking For Street Cleaning and Snow Removal- Adopted by Ordinance No. 1468**

The Chair opened the public forum at 7:43 P.M.

No one came forward.

The Chair closed the public forum at 7:44 P.M.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND LAMBERT, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1468 – AN ORDINANCE AMENDING: SECTION 1315 OF THE BRAINERD CITY CODE – PARKING FOR STREET CLEANING AND SNOW REMOVAL.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX TO ADOPT ORDINANCE NO. 1468 – AN ORDINANCE AMENDING: SECTION 1315 OF THE BRAINERD CITY CODE – PARKING FOR STREET CLEANING AND SNOW REMOVAL

**ORDINANCE NO. 1468**

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

**Final Reading of Proposed Ordinance No. 1467 – Ordinance Adding Section 455 To Brainerd City Code Pertaining to Subsurface Sewage Treatment Systems And Memorandum of Understanding With Crow Wing County – Adopted by Ordinance No. 1467**

The Chair opened the public forum at 7:44 P.M.

No one came forward.

The Chair closed the public forum at 7:45 P.M.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1467 – AN ORDINANCE ADDING SECTION 455 TO BRAINERD CITY CODE PERTAINING TO SUBSURFACE SEWAGE SYSTEMS AND MEMORANDUM OF UNDERSTANDING WITH CROW WING COUNTY.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND LAMBERT TO ADOPT ORDINANCE NO. 1467 – AN ORDINANCE ADDING SECTION 455 TO BRAINERD CITY CODE PERTAINING TO SUBSURFACE SEWAGE SYSTEMS AND MEMORANDUM OF UNDERSTANDING WITH CROW WING COUNTY

**ORDINANCE NO. 1467**

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

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX, DULY CARRIED, TO AUTHORIZE THE SIGNATURES ON THE MEMORANDUM OF UNDERSTANDING WITH CROW WING COUNTY.

**Call for Applicants – Informational:**

**(Application Information at [www.ci.brainerd.mn.us/boards/](http://www.ci.brainerd.mn.us/boards/))**

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

Charter Commission – 1 term (Expire 2020)

Transportation Advisory Committee – 1 term (Expire 2018)

**New Business**

**Rental Dwelling Appeals Board Report – Approval To Deny Rental License Renewal -Approved**

Council Member Badeaux spoke as the council liaison as a representative of the Rental Board of Appeals. The members of the board did not take the decision lightly and they took their time to deliberate the situation and in making their recommendation to council.

City attorney stated the license for the property has expired as of May 31, 2017. The property owner has applied for a renewal. The City has not issued the renewal due to the pending revocation process. At this point, the motion would be to deny the license renewal

request.

The owner, Mr. Julian Jayasuriya of DTM Partnership, LLC, 8845 Medley Lane, Golden Valley, MN spoke about the situation at hand and asked the council for leniency by extending the revocation for an additional 30 days to allow him to hire adequate management and to find a buyer for the property.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND LAMBERT, DULY CARRIED, TO DENY THE RENEWAL OF THE RENTAL LICENSE APPLICATION FROM THE PROPERTY OWNER OF 217 S 7<sup>TH</sup> ST, BRAINERD AS RECOMMENDED BY THE APPEAL'S BOARD.

### **Public Forum**

The Chair Opened the public forum at 7:55 P.M.

No one came forward.

The Chair Closed the public forum at 7:56 P.M.

### **Staff Reports**

City Administrator Thoreen reported good news regarding the change in local government aid from the Legislative Session. In 2018, the City of Brainerd will receive an additional \$107,500 which is not where we wanted to be, but it is better than where we have been. We had asked the legislature to be restored to our 2002 level, which was not honored. However, there will be the slight increase in 2018 as indicated. The plan for 2019 has not yet been mapped out, but we understand there will be an increase over the 2017 level.

City Planner Ostgarden announced the public hearing for the proposed Exodus Boy's Academy boarding school will take place at 6:00 P.M. on Wednesday, June 21, 2017 at the Planning Commission meeting. Also at the meeting, a presentation will be held on the Comprehensive Plan Update.

### **Council Member Reports**

Council Member Stunek had the opportunity last Wednesday to witness the critical rescue of a construction worker in Baxter who was buried in the sand on a work site. The Brainerd Fire Department, and the Cities of Brainerd and Baxter came together with their resources to the aid of this man. He is very lucky to be alive today. Thank you to both cities for working together and coordinating their efforts between the Street Department and Public Works for a good ending to this unfortunate incident.

Council Member Badeaux wanted to thank everyone who was involved in Brainerd History Week for a successful week. It is a great annual event and hopefully will continue for years to come.

Mayor Menk thanks everyone for participating in Brainerd History Week and he took the opportunity to visit Roscoe Field which is the Shipman's Auto Parts property. He did not realize it was there and it proved to be quite interesting. Good job to the Brainerd Dispatch for informing everyone about the week of events if they did not get the chance to participate.

**Committee Recommendations – Recommended by Council President**

**Planning Commission – Mr. Patrick Wussow - Approved**

**Airport Commission – Mr. Jeffrey Czczok - Approved**

MOVED AND SECONDED BY ALDERMEN LAMBERT AND STUNEK, DULY CARRIED TO APPROVE THE APPOINTMENT OF MR. PATRICK WUSSOWC TO THE PLANNING COMMISSION AND MR. JEFFREY CZECZOK TO THE AIRPORT COMMISSION.

**Adjourn**

The Chair adjourned the meeting at 8:02 P.M.

  
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James M. Thoreen  
City Administrator