

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: Hilgart, Lambert, Stunek, Bevans, Badeaux, Johnson and Pritschet. Mayor Menk was also noted as present.

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

Council Member Johnson requested the following amendments to the agenda:

- 1) Move "Temporary 3.2 Percent Malt Beverage (Beer) On Sale License Application" to the agenda directly following the Consent Calendar.
- 2) Move item "Comprehensive Plan – Draft Scope of Services and Project Schedule" to the end of the Planning Commission agenda.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT THE CONSENT CALENDAR AS AMENDED.

A. Approval of the Minutes of the Regular Meeting held on June 19, 2017 – Approved

B. Approval of Licenses – Approved

Contractor's Licenses – 4 - New and 6 - Renewals

C. Department Activity Reports- Approved

1. Mayor's Report
2. Fire Chief
3. Parks Director

D. Temporary On-Sale Liquor License Application – Submitted by Brainerd Jaycees for an Event to be Held July 28th-29th, 2017 in Downtown Brainerd - Approved

E. On Sale Liquor License Transfer – Shirley Schroeml, 9th Street Bar to Robert Lewis, 9th Street Social Club – Subject to Background Investigation, Fire Inspection and Satisfaction of All City Code Requirements - Approved

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

Temporary 3.2 Percent Malt Beverage (Beer) On Sale License Application - Submitted by Brainerd Jaycees for an Event to be Held July 7th – 9th, 2017 at Memorial Park - Approved

Council Member Johnson indicated the dates on the application were incorrectly listed as July 8th and 9th, 2017 and correction was needed to include July 7th, 2017 due to the Wounded Warriors Amputee Softball Team game July 7th.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE TEMPORARY 3.2 PERCENT MALT BEVERAGE (BEER) ON SALE LICENSE APPLICATION JULY 7TH THROUGH JULY 9TH, 2017.

Presentation:

Lakes Area Music Festival

The Chair recognized Mr. Scott Lykins and Mr. John Taylor Ward, founding Artistic Directors for the Lakes Area Music Festival (LAMF). Mr. Lykins introduced themselves to the council and thanked the council for their time. They updated the council on the growth of their organization since last speaking to the council four years ago. The organization is currently moving to their new location on Laurel Street and is proud to be a part of the redevelopment of downtown Brainerd. LAMF is organized around three core values: 1) Excellence 2) Radical Hospitality 3) Sustainability. An outline of upcoming activities was discussed along with an event schedule that was offered to the council. All of the events are no charge, but a free will offering is accepted. Questions were answered regarding performances, education and outreach. The Chair thanked them for their presentation.

Council Committee Reports

Safety and Public Works Committee Report

2019 Street and Sewer Capital Improvement Plan Update - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO DIRECT STAFF TO PROCEED WITH BUFFALO HILLS LANE, H STREET AND 10TH AVENUE NE PROJECT DEVELOPMENT AND TO DIRECT STAFF TO SOLICIT RFP'S FOR PRELIMINARY CONSTRUCTION AND ENGINEERING SERVICES FOR THE FEDERALLY FUNDED 2019 SAFE ROUTES TO SCHOOL PROJECTS AND THE SOUTH 6TH STREET SIDEWALK EXTENSION.

Event/Street Closure Application Rosary Procession - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR A ROSARY PROCESSION FROM LAKES AREA CATHOLIC CHURCHES TO BE HELD OCTOBER 12TH, 2017 WITH THE CONDITIONS THE APPLICANT MUST CONTACT THE POLICE DEPARTMENT FOR ASSISTANCE TO CROSS TRUNK HIGHWAY 210 ALONG THE PROCESSION ROUTE.

Committee Chair Bevans explained the procession will start at St. Francis Church to St. Andrews Church using Juniper Street, North 8th Street, South 9th Street and Willow Street.

Transient Food Unit Approval at Streetfest – Planning Department - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE REQUEST FOR A TRANSIENT FOOD UNIT TO OPERATE AT THE STREETFEST ON JULY 28TH-JULY 29TH, 2017.

Committee Chair Bevans stated the Planning Department has received some questions and requests from food vendors in regards to operating a food unit at the Jaycees Streetfest event. There is currently a \$500 annual permit fee to operate a Transient Food Unit. For single event requests such as this, it has been allowed without a fee when the event organizer submits the request.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors – Approved

Contractor	IMP#	Project	Amount Paid	Amount Retained
S.E.H.	14-15	Airport Util Ext thru 5/31/17	\$29,804	\$0
Tri-City Paving	14-03	Jackson St Resurfacing thru 6/23/17	\$70,842	\$0
Tri-City Paving	14-01	Oak St Mill & Overlay thru 6/23/17	\$107,844	\$5,676

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

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

Authorize Purchase and Installation of a new Outdoor Warning Siren - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE PURCHASE AND INSTALLATION OF A NEW OUTDOOR WARNING SIREN WITH THE TOTAL COST NOT TO EXCEED \$20,000.

Fire Chief Holmes indicated the current siren is about 50 years old. Committee Chair Johnson explained this is a budgeted expense for the year.

2016 Year End Transfers Between Funds

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED TO APPROVE THE TRANSFERS AS OUTLINED BELOW:

1. Transfer \$788,239 from Sanitary Sewer Fund (237) to Construction Fund (401).
2. Transfer \$128,313 from Storm Sewer Fund (238) to Construction Fund (401).
3. Transfer \$1,300 from the Street & Sewer Fund (235) to Park Dedication Fund (405).
4. Transfer \$92,100 from the Public Safety Fund (225) to Fire Capital Fund (404).
5. Transfer \$316,600 from the General Fund (101) to Capital Equipment Fund (400).

Committee Chair Johnson explained Sanitary Sewer and Storm Sewer projects are initially paid out of the Construction Fund. Once those projects are complete, the money is then

repaid back to the Construction Fund. The Street & Sewer Fund to Park Dedication Fund was a remainder of a donation received for maintenance on the roundabouts on College Drive. The Street Department received the donation and it is now being transferred. The Public Safety Fund transfer to the Fire Capital Account is per the contracts with the entities for fire service. The General Fund to Capital Equipment Fund transfer was per our amended City Fund balance policy that all funds in excess of 1% of operating expenditures need to be transferred to the General Capital Fund.

2018 Budget Discussion/Timeline – Informational

Committee Chair Johnson stated City Administrator Thoreen provided an outline of the process, timeline and recommendations for the 2018 budget process. It was decided among the committee to follow the City Charter. City Administrator Thoreen, Committee President Johnson and Council President Pritschet will create an initial budget for the Council.

Unfinished Business

Call for Applicants – Informational:
(Application Information at 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

City Administrator's Report

City Administrator Thoreen informed the Council the date has been set to meet with the City Council of Baxter. The date of August 14, 2017 was presented and will be confirmed. The State Demographer has been invited to attend and provide information from a statewide level to county level and down to a city level regarding key trends such as economics, income and health. Council Member Johnson asked if information regarding school districts can be requested from them as well. A tentative time and place will be 6:00 P.M. at a location in Baxter.

City Administrator Thoreen indicated the city is beginning negotiations with the State of Minnesota regarding the license bureau space in our annex. The lease expires in October 2017 and a number of issues will need to be corrected, improved and cleaned up. They are asking for the same amount of space with a term of 2 years with a third year option. Building Official Caughey has been involved to review some of the electrical and heating concerns. They are requesting one new testing station and this will be incorporated in the remodel.

Council Member Johnson stated it is important that Building Official Caughey is involved to make sure that the building is entirely up to code as we need all buildings in the city to be. And since the City of Brainerd is renting it out, we should lead by example.

City Administrator Thoreen explained there are some exterior updates to the annex that will be done; new windows and the exterior front of the building needs some work. An initial

quote received was approximately \$5,000 and are awaiting a second quote. A full report will be brought to council once completed.

City Administrator Thoreen briefly explained progress is underway regarding the apartments at 217 South 7th Street and the motel property on South 6th Street. The PTO Study Committee has met twice to examine the PTO program and will meet again in July and August. The bonding request has been submitted to the State for the Three Bridges Trail Initiative along the Mississippi River.

Hold First Reading of Proposed Ordinance No. 1469 – An Ordinance to Amend Brainerd City Code Section 1205 – Non-Intoxicating Malt Liquor – Approved

City Administrator Thoreen explained the Brainerd City Code Section 1205 needed to be updated with the correct age of 21 years from 19 years to conform to Minnesota State Law.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1469 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1205 – NON-INTOXICATING MALT LIQUOR TO CORRECT THE LEGAL AGE FROM 19 YEARS TO 21 YEARS AS PER MINNESOTA STATE LAW.

Planning Commission

Conditional Use Permit Application – Kevin Donnay, Widseth Smith Nolting on Behalf of Headley Williamson, Chairman of Exodus Boy’s Academy – To Allow Boarding School at 2115 South 6th Street – Approved

City Planner Ostgarden stated there were two City Council members who attended the Planning Commission meeting on June 21, 2017; Members Lambert and Stunek. City Administrator Thoreen and Mayor Menk were also present. The Planning Commission has recommended approval of the Conditional Use Permit for the Exodus Boy’s Academy based on the Findings of Fact and recommended conditions. City Planner Ostgarden reviewed the minutes from the Planning Commission meeting.

Council Member Bevans asked City Planner Ostgarden if conditions can be added to a Conditional Use Permit approval similar to the rental ordinance conduct on premises. City Planner Ostgarden was in contact with City Attorney today and it has been suggested not to put a condition on this school that is not applied to other schools.

Council discussion was held regarding the Conditional Use Permit criteria and the proposed timeline of the project.

City Administrator Thoreen invited Mr. Williamson and Mr. Donnay to speak in response to the questions and to discuss the proposed plans and construction timeline. Mr. Williamson gave a brief summary of the goals of the program and the need for a school of this nature.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON TO APPROVE THE CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT AND THE RECOMMENDATIONS OF THE PLANNING COMMISSION.

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

Variance Request – 102 Ridge Drive - To Allow a 6’ High Fence in an Area a 4’ Fence is Permitted – Denied

City Planner Ostgarden reviewed the application details, Findings of Fact and Planning Commission recommendations for the request.

Council discussion took place and questions were answered.

MOVED BY ALDERWOMAN LAMBERT TO DENY THE VARIANCE REQUEST TO ALLOW A SIX FOOT HIGH FENCE IN AN AREA WHERE A FOUR FOOT HIGH FENCE IS ALLOWED BASED ON THE FINDINGS OF FACT.

Hearing no second, the Chair declared the motion failed.

MOVED AND SECONDED BY ALDERMAN BEVANS AND HILGART TO APPROVE THE VARIANCE REQUEST TO ALLOW A SIX FOOT HIGH FENCE IN AN AREA WHERE A FOUR FOOT HIGH FENCE IS ALLOWED.

City Planner Ostgarden expressed the importance of following the guidelines of the Findings of Fact before approving the variance. All three of the following criteria must be met in order to approve a variance:

Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

- 1. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.*
- 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
- 3. The variance, if granted, will not alter the essential character of the locality.*

Council discussion took place regarding the placement of the fence and an appropriate solution to where the fence could be located.

City Administrator Thoreen commented that the Planning Commission is advisory and makes recommendations to council who can ultimately override the decision. However, the need to follow the criteria, guidelines and conditions is important.

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

Pursuant to Sturgis Parliamentary Procedure, the President passed the gavel to Vice Chair Hilgart for purposes of participating in an action.

MOVED BY ALDERWOMAN LAMBERT TO DENY THE VARIANCE REQUEST BASED ON THE VARIANCE CRITERIA AND FINDINGS OF FACT. SECONDED BY COUNCIL PRESIDENT PRITSCHET.

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

Vice President Hilgart yielded the gavel to President Pritschet.

Hold First Reading of Proposed Ordinance No. 1470 – An Ordinance to Amend the Brainerd Zoning Ordinance Definitions and Floodplain Sections - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1470 – AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 2 DEFINITIONS TO INCLUDE NEW FLOODPLAIN DEFINITIONS AND REMOVING SECTION 76 FLOODPLAIN DISTRICT, SECTION 77 FW FLOODWAY DISTRICT AND SECTION 78 FF FLOOD FRINGE DISTRICT AND REPLACE THEM WITH A NEW SECTION 76 ENTITLED FLOODPLAIN DISTRICTS.

Comprehensive Plan – Scope of Services and Project Schedule – Informational

City Planner Ostgarden introduced Ms. Ashley Kaisershot from the National Joint Powers Alliance. Ms. Kaisershot will be the individual working with the City of Brainerd if we enter into an agreement with NJPA to assist us in the project. A brief review of discussion that took place at the Planning Commission meeting was shared with council regarding the phases and steps in the update process. An agreement from the NJPA to enter into the contract will be presented at the next council meeting. Ms. Kaisershot spoke about the importance of community involvement and the plans to engage the public to participate.

City Administrator Thoreen commented this is going to be a marathon and not a sprint. The City of Brainerd has not had an update to the Comprehensive Plan since 2004. A lot has changed since then; we have many more resources to reach the community now then we did back in 2004.

Public Forum

The Chair Opened the public forum at 8:58 P.M

No one came forward.

The Chair Closed the public forum at 8:58 P.M.

Staff Reports

City Engineer Sandy introduced Mr. James Fladung who is our new Assistant City Engineer.

Council Member Reports

Council member Lambert announced she will be absent from the next council meeting, as she is expecting a new grandchild in Missouri.

Mayor Menk reported he received two letters from the League of Minnesota Cities regarding Senator Carrie Ruud and Representative Dale Lueck. They were each selected as a

Legislator of Distinction for 2017. Mayor Menk also made a Proclamation for July 7th, 2017 to be "Wounded Warriors Amputee Softball Day" in the City of Brainerd. They will be playing a game at Memorial Field Friday night at 7:30 P.M. There is no charge to attend, however a free will offering will be accepted. Mayor Menk stated a very nice flag has been displayed from a crane on the north side of Brainerd and is a very prominent sight coming over the bridge. He wished everyone a safe and happy 4th of July.

Council Member Johnson updated the council on the HRA progress on the Serene Pines and Brainerd Oaks projects. There are currently nine homes under construction; seven in Serene Pines and two in Brainerd Oaks. Purchase agreements have been completed on two or three of these homes. Those developments are progressing well.

Adjourned

The Chair adjourned the meeting at 9:01 P.M.

James M. Thoreen
City Administrator