

7:00 P.M. – Presentation: League of Minnesota Cities

The Chair welcomed Mr. Dave Unmacht, Executive Director of the League of Minnesota Cities (LMC). Mr. Unmacht thanked the Council for the opportunity to discuss the membership and goals of the LMC. The LMC is the state's largest and most comprehensive membership organization serving Minnesota cities and is integrated with the LMC Insurance Trust. The staff provides services in three main ways; 1) Legislatively – LMC spends a lot of time at the State Capitol lobbying and to provide information 2) Training and Conferences –webinars, events and meetings 3) Information Sharing and Resources – provides data and responses to questions from cities. The Mission and Vision of the League is to promote excellence in local government and envision a future for Minnesota where cities are thriving and meeting ongoing challenges. The four major priorities the League has in 2017-2018 are; 1) Technology Access 2) Federal Advocacy 3) Racial Equity 4) Legislative Session.

Mr. Unmacht introduced Mr. Dan Greensweig, Administrator of the League of MN Cities Insurance Trust (LMCIT). Mr. Greensweig explained what the LMCIT is and what they do. The trust is a self-insured membership cooperative that was formed by Minnesota cities and is owned by its members. The coverage is specifically designed for cities. There are three main principals that are adhered to regarding coverages; 1) Provide as broad of a range as possible - they cover a lot of things that are not common in other venues such as land use claims. 2) Very conservative in terms of financial management and the importance of stability in premium costs. 3) Strong emphasis on loss control and one goal is to help members avoid losses. A current concern are the police issues that are taking place; liability, training and wellness of the officers as well as First Responders. LCMIT has implemented a number of initiatives, such as trainings, workshops, data security and land use resources to name a few. The Council thanked them both for the presentations.

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: Lambert, Stunek, Bevans, Badeaux, Johnson, Hilgart, 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 LAMBERT AND BEVANS, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO ADD A TEMPORARY ON-SALE LIQUOR LICENSE SUBMITTED BY THE CROSSING ARTS ALLIANCE FOR AN EVENT TO BE HELD SEPTEMBER 28, 2017 TO THE CONSENT CALENDAR.

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

- A. Approval of the Minutes of the Regular Meeting held on August 21, 2017 and the Budget Workshop held on August 28, 2017 - Approved**
- B. Department Activity Reports - Approved**
  - 1. Fire Chief
  - 2. Parks Director
- C. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Amateur Hockey Association for an Event to be Held February 13, 2018 at Essentia Health Sports Center, 502 Jackson St., Brainerd - Approved**
- D. (Added Item) Temporary On-Sale Liquor License Application – Submitted by The Crossing Arts Alliance, 711 Laurel St., Brainerd for an Event to be held September 28, 2017, Contingent on Background Investigation - Approved**

Upon roll call, members Lambert, Stunek, Bevans, Badeaux, Johnson, Hilgart and Pritschet 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**

| <u>Contractor</u>   | <u>Imp. #</u> | <u>Project</u>                            | <u>Amount Paid</u> | <u>Amount Retained</u> |
|---------------------|---------------|-------------------------------------------|--------------------|------------------------|
| Braun Intertec      | 14-01         | Material Testing Oak St. thru 8/11        | \$15,175           | \$0                    |
| Braun Intertec      | 14-03         | Material Testing Jackson St. thru 8/11    | \$2,792            | \$0                    |
| North Star Drilling | 14-15         | Seal Anderson Brothers Wells              | \$3,807            | \$0                    |
| S.E.H.              | 14-15         | Airport Util. Ext thru 7/29               | \$23,391           | \$0                    |
| Tri-City Paving     | 16-13         | Buffalo Hills Resurfacing thru 8/25       | \$269,376          | \$14,178               |
| Tri-City Paving     | 14-01         | Oak St. Mill & Overlay thru 8/25          | \$809              | \$43                   |
| Anderson Brothers   | 15-12         | S. 6 <sup>th</sup> St. Frontage thru 8/25 | \$76,958           | \$4,050                |
| Anderson Brothers   | 16-10         | NW Brainerd Resurfacing thru 8/25         | \$41,098           | \$2,163                |

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

##### **Consultant Presentations for Compensation Study - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK TO APPROVE RETAINING THE SERVICES OF DAVID DOWNS AND ASSOCIATES (DDA) HUMAN RESOURCES, INC. TO PERFORM A COMPENSATION SYSTEM AND PAY EQUITY STUDY FOR CITY OF BRAINERD AND BRAINERD PUBLIC UTILITIES.

Council Member Hilgart stated the proposal from DDA Human Resources Inc. includes a shared fee benefit from the National Joint Powers Alliance (NJPA). The services that will be provided are reasonable and the costs of the services are appropriate.

Council Member Johnson indicated he chose Gallagher & Company due to being a superior plan versus the basic plan offered by DDA Human Resources. The cost was higher, but it included a brand new compensation plan study with new ways to evaluate rather than a point system. This is a long-term decision that will affect the city for the next generation forward and we should use the best possible firm.

Council discussion took place regarding the differences of the two companies and the need to comply with the Pay Equity Act regardless of which firm is chosen.

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

**Authorization for Disposal of Bucket Truck - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO DISPOSE OF THE BUCKET TRUCK AT THE BRAINERD PUBLIC UTILITIES (BPU) AUCTION.

**Request of Phelps Developers for Revolving Loan – Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE A DEFERRED AND TRADITIONAL LOAN FROM LOCAL INCOME FUND 275 BE USED IN THE AMOUNT OF \$39,500. \$19,750 WILL BE IN THE FORM OF A DEFERRED LOAN AND \$19,750 WILL BE A TRADITIONAL LOAN WITH THE REMAINING PROJECT COSTS BE OWNER'S MATCH.

Committee Chair Johnson explained this fund was usually set up as one-third revolving loan, one-third deferred loan and one-third owner match. However, the fund only has \$39,500 available and the recommended option was each loan in the amount of \$19,750 and the balance would be owner match. The Economic Development Authority (EDA) recommended approval.

**League of MN Cities Insurance Trust (LMCIT) Premium Renewal '17-'18 - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE INSURANCE RENEWAL FROM THE LEAGUE OF MN CITIES INSURANCE TRUST (LCMIT) FOR JUNE 1, 2017 THROUGH MAY 31, 2018 AND INCLUDE AN INCREASE OF \$800 IN THE PREMIUM FOR A PERFORMANCE BOND INCREASE AND AN ADDITIONAL \$800 IN PREMIUM TO INCREASE THE REPLACEMENT VALUE OF CITY HALL.

Committee Chair Johnson stated the two additional changes were recommended by the insurance agent. City Hall was appraised this year and the replacement cost of the building went from \$3.5 million to \$4.9 million. The extra funds will bring it to the insured value it needs to be.

### **Brainerd Fire Department Vehicle Washing - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO APPROVE THE WASHING OF FIREFIGHTER'S PERSONAL VEHICLES AT THE BRAINERD FIRE DEPARTMENT WITHIN THE GUIDELINES OF THE PROPOSED STANDARD OPERATING GUIDELINES (SOG).

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

### **Brainerd Public Utilities (BPU) Refunding and Bond Issue – Informational Only**

Committee Chair Johnson explained Brainerd Public Utilities (BPU) is planning on refunding their 2007A bond issue as well as getting additional funds to finish the apron project. The Utility is considering a private placement rather than a public sale. The private sale is not certain, but indications are such that the rates being proposed are very good.

### **RFP Annex Remodeling - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR REFURBISHING THE DRIVER'S LICENSE OFFICE SPACE IN THE CITY HALL ANNEX AS REQUIRED UNDER PROVISIONS OF AMENDMENT NO. 1 TO LEASE NO.11934 WITH THE STATE OF MINNESOTA.

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

#### **No Parking Request North Side of Vine Street from Broadway Street to the Alley - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF RECOMMENDATION TO DENY THE NO PARKING REQUEST FOR THE NORTH SIDE OF VINE STREET BETWEEN BROADWAY STREET WEST TO THE ALLEY CROSSING.

### **Event/Street Closure Application – Fire Department Open House - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE FIRE DEPARTMENT OPEN HOUSE TO TAKE PLACE ON OCTOBER 12, 2017 FROM 5 PM – 7 PM WITH THE CONDITIONS THAT THE APPLICANT ORGANIZE TRAFFIC CONTROL WITH THE STREET DEPARTMENT STAFF.

### **S. 6<sup>th</sup> Street Cooperative Agreement with MnDOT - Approved**

Council Member Johnson inquired about the infrastructure being installed for a future stop light at Willow and Washington. City Engineer Sandy will consult with MnDOT, but it was not included on the bid thus a minimum of 50% cost could be the city's responsibility. An update on the findings will be presented to Council.

City Planner Ostgarden indicated the quote provided by MnDOT did not include any trees. City Engineer Sandy will inquire with some of our contingencies as to what could be done to incorporate landscaping into the project.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 45:17 TO AUTHORIZE SIGNATURES ON THE COOPERATIVE AGREEMENT WITH MNDOT FOR THE 2018 SOUTH 6<sup>TH</sup> STREET RECONSTRUCTION PROJECT.

#### **RESOLUTION 45:17**

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

#### **Safe Routes to School (SRTS) and Sidewalk Extension Proposals - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT THE PROPOSALS FROM S.E.H. FOR THE GARFIELD SRTS PHASE II AND PHASE III AND THE SOUTH 6<sup>TH</sup> STREET SIDEWALK PROPOSAL IN THE AMOUNT OF \$229,981 AND AUTHORIZE PROPER SIGNATURES ON THE CONSULTANT AGREEMENT FOR PROFESSIONAL SERVICES.

#### **Wright Street Appraisal - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE STAFF TO SEND OUT A LETTER WITH THE OFFER OF \$7,000 TO THE CURRENT OWNER, DLP INVESTMENTS LLC. IF A COUNTER OFFER IS RECEIVED, STAFF WILL RETURN TO THE COUNCIL WITH THE COUNTER OFFER.

#### **(Added Item) Quote for Winter Sand - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE QUOTE FROM HENGEL CONSTRUCTION FOR 1,000 CUBIC YARDS OF WASHED SAND IN THE AMOUNT OF \$2.50 PER YARD PICKED UP AND LOADED BY THE CITY.

#### **Unfinished Business**

**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**

**First Reading of Proposed Ordinance No. 1472 – An Ordinance Amending Section 900 of Brainerd City Code Pertaining to Public Safety and Animals - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1472 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900 – PUBLIC SAFETY AND ANIMALS.

#### **Public Hearing to Comment on Police Worn Body Cameras - Informational**

Police Chief McQuiston explained legislation governing police body worn cameras allows for each community the opportunity to give feedback prior to the program starting. This is an opportunity for anyone to come forward and give comments that may be incorporated into the policy. It is anticipated the majority of the communities' responses will be submitted using the electronic form posted online. The equipment has arrived and the IT staff has been working to get the equipment set up. The training is scheduled for the end of September with an anticipated start date the first part of October.

The Chair Opened the public hearing at 8:06 p.m.

No one came forward.

The Chair Closed the public hearing at 8:08 p.m.

#### **Supporting River to Rail Initiative – Adopted by Resolution No. 46:17**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT RESOLUTION NO. 46:17 TO SUPPORT THE RIVER TO RAIL INITIATIVE.

#### **RESOLUTION NO. 46:17**

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

#### **Public Forum**

The Chair Opened the public forum at 8:10 P.M.

No one came forward.

The Chair Closed the public forum at 8:10 P.M.

#### **Staff Reports**

City Planner Ostgarden reminded the Council of the need to appoint the Comprehensive Plan steering committee at the September 18, 2017 meeting.

City Planner Ostgarden gave an update to the rezoning application for the Riverside Drive garage project request. It has brought to the attention of the Planning Department a rezoning is not necessary due to a 1975 MN Supreme Court decision that there is a difference in a continuation of a non-conforming use and an expansion of a non-conforming use. If the owner chooses to install the garage attached to the apartment building, this would be considered an expansion of a non-conforming use. If the owner chooses to build a separate building, the Supreme Court ruled this as a continuation. Based on that decision, the owner

does not need to rezone in order to build a garage. However, there are other requirements to follow in the request for a garage. City Attorney Langel stated the non-conformity is on the structure itself, which is an apartment building. Since there is no expansion to the building, it is not considered an expansion of the non-conformity.

### **Council Member Reports**

Council Member Johnson stated the Economic Development Authority (EDA) met last week. The commission sent a positive recommendation to switch our local development organization from the EDA to Brainerd Lakes Area Economic Development Corporation (BLAEDC) and join in on the Brainerd Unified Fund. This will be on the Council agenda later this month. In Housing and Redevelopment Authorities (HRA) news, the grant that was received for renovating downtown commercial properties exceeds the costs of the proposed projects so more projects can be added. John Schommer, HRA Rehab Specialist indicated the grant was set up for 9 commercial properties with 17 rental units. If all the applications go through, there will be 32 rental units and 9 commercial.

Council Member Hilgart complimented staff on a great job arranging the Employee Picnic in August.

Council President Pritschet stated he will be meeting with the Brainerd Art Council, as they want to be involved. A future date will be arranged to meet with Region V, BLAEDC and City Planner.

Mayor Menk added that The Crossing Arts Alliance is busy setting up at their new location on 711 Laurel Street. He commented on the Special Progress Edition that was recently published in the newspaper as it represented the progress the city is making and he thanks the Brainerd Dispatch for the great job they did with the articles.

### **Adjourned**

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

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James M. Thoreen  
City Administrator