

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 JOHNSON AND HILGART, DULY CARRIED, TO AMEND THE AGENDA BY MOVING ITEM 8A – ADOPT RESOLUTION PROVIDING FOR THE PRIVATE PLACEMENT AND SALE OF ELECTRIC REVENUE BONDS – TO 6A BEFORE COMMITTEE REPORTS.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT THE CONSENT CALENDAR.

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

B. Approval of Licenses – Approved

Contractor's Licenses – 1 – New; 4 – Renewals

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Accept Retirement of Paid On-Call Firefighter Dave Cox – Effective 2/1/17 - Approved

E. Interim City Administrator Employment Agreement with James M. Thoreen – Terms Based on .6 FTE as Approved by Council on 8/21/17 – 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.

Adopt Resolution No. 52:17 Providing for the Sale of Electric Utility Revenue and Refunding Bond, Series 2017A, in the Maximum Principal Amount of \$6,560,000; And Taking Other Actions with Respect Thereto - Approved

The Chair recognized Mr. Paul Steinman, Financial Advisor from Springsted. Mr. Steinman presented details to the Council to approve a resolution to provide for the private

placement and sale of the electric revenue bonds series 2017A in the maximum principal amount of \$6,560,000 to Branch Banking & Trust Company (BB&T).

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT RESOLUTION NO. 52:17 PROVIDING FOR THE SALE OF ELECTRIC UTILITY REVENUE AND REFUNDING BOND, SERIES 2017A, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,560,000; AND TAKING OTHER ACTIONS WITH RESPECT THERETO.

RESOLUTION NO. 52:17

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

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

<u>Contractor</u>	<u>Imp. #</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Tom's Backhoe	14-15	Airport Util Ext thru 9/8	\$5,191	\$161
Landscape Structures	N/A	Gregory Park Fountain	\$30,653	\$0

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.

Brainerd Lakes Area Economic Development Corporation's (BLAEDC) Unified Fund (BUF) - Informational

Committee Chair Johnson explained this fund would pool all the economic development funds from the entire region into one lending institution. The Personnel & Finance Committee had further questions for staff to address in order to proceed.

Request to Waive Recertification of Special Assessments on Property Addressed 601 10th Street South – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO WORK WITH THE ATTORNEY TO TAKE THE APPROPRIATE STEPS AND/OR ACTION FOR THE CITY TO WAIVE ITS RIGHTS TO RECERTIFICATION OF THE OUTSTANDING NUISANCE ASSESSMENTS.

Consider Allocating Year 3 of the Brainerd Lakes Area Community Foundation (BLACF) Grant for National Joint Powers Alliance (NJPA) Riverfront Coordinator - Approved

Committee Chair Johnson stated there have been some questions that were addressed. S.E.H. will continue to work on the projects they are currently working on, but no future projects. The coordinator will be an employee of NJPA, but will be housed at City Hall.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE THE CITY ADMINISTRATOR TO WORK WITH NJPA TO HIRE A RIVERFRONT COORDINATOR USING THE YEAR 3 BLACF GRANT FOR THE 50% MATCH.

Heartland Animal Rescue Team (HART) Rate Increases (Carried Over) - Approved

Committee Chair Johnson indicated the rate is increasing from \$1.50 per capita to \$1.60 per capita as well as the boarding fees from \$16.00 per day to \$17.00 per day.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO A REVISED AGREEMENT WITH HART WITH THE RATE INCREASE AS PROPOSED, EFFECTIVE JANUARY 1, 2018.

Safety and Public Works Committee Report

Event/Street Closure Application- Crop Walk - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE CROP WALK SPECIAL EVENT WITH THE CONDITIONS THAT THE APPLICANT WORK WITH POLICE STAFF IF LOCAL STREET CLOSURES ALONG THE ROUTE ARE NEEDED.

Event/Street Closure Application – Turkey Run - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE TURKEY RUN SPECIAL EVENT WITH THE CONDITIONS THAT THE APPLICANT WORK WITH THE POLICE STAFF IF LOCAL STREET CLOSURES WITHIN THE CITY ALONG THE ROUTE ARE NEEDED.

Improvement 14-03 (SAP 108-129-002) Jackson Street Railing - Change Order #1 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE PAYMENT OF \$2,600 FOR THE RAILING. THE EXPENSE IS ELIGIBLE FOR STATE AID REIMBURSEMENT.

Large Patch Quotes and Discussion on Brook Street - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE ANDERSON BROTHERS PATCHING TOTAL FOR THE SMALL PATCH WORK AS PART OF THIS REQUEST FOR A TOTAL OF \$9,863 LUMP SUM.

South 6th Street Trees and Willow Street Intersection Discussion - Informational

Committee Chair Bevans explained there are no trees included in the MnDOT Reconstruction Project, nor is the infrastructure for signal lights at the Willow Street intersection

included. MnDOT's approach with this intersection has been developed into a method as to not predetermine the future intersection control at this intersection.

Update on 2016 Airport Utility Extension Project – Informational

Committee Chair Bevans stated the project is coming to a conclusion. Anderson Brothers has connected to both sewer and water and the wells on their property have been sealed. The airport contractor is back on site to connect the airport and tenants to the utilities.

Resolution No. 48:17 Adopted - Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment and Ordering a Public Hearing to be Held at 7:30 P.M. on October 16, 2017 for the Downtown Special Services District

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 48:17 DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED ASSESSMENTS AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 16, 2017 TO DISCUSS PROPOSED ASSESSMENTS FOR THE DOWNTOWN SPECIAL SERVICES DISTRICT.

RESOLUTION 48:17

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

Resolution No. 49:17 Adopted - Declaring Costs to be Assessed, Ordering the Preparation of Proposed Assessment and Ordering a Public Hearing to be Held at 7:30 P.M. on October 16, 2017 for Improvement 14-03 and 16-13

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION NO. 49:17 DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED ASSESSMENTS AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 16, 2017 FOR IMPROVEMENT 14-03 AND IMPROVEMENT 16-13 AS FOLLOWS:

IMPROVEMENT 14-03

Street Resurfacing

Jackson Street between NW 4th Street (Riverside Drive) and Brainerd City Limits

IMPROVEMENT 16-13

Street Resurfacing

Buffalo Hills Lane between S 6th Street (TH 371B) and Graydon Avenue

RESOLUTION NO. 49:17

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

Resolution No. 50:17 Adopted - Declaring Costs to be Assessed, Ordering the Preparation of Proposed Assessment and Ordering a Public Hearing to be Held at 7:30 P.M. on October 16, 2017 for Improvement 15-12 and 16-10

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION NO. 50:17 DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED ASSESSMENTS AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 16, 2017 FOR IMPROVEMENT 15-12 AND IMPROVEMENT 16-10 AS FOLLOWS:

IMPROVEMENT 15-12

Street Reconstruction

South 6th Street East Frontage Road between Wright Street and County Road 117 (Industrial Park Road)

IMPROVEMENT 16-10

Street Resurfacing

NW Brainerd Resurfacing

Williams Street between NW 5th Street to NW 4th Street

NW 5th Street between Williams Street to Washington Street

NW 7th Street between Charles Street and Washington Street

NW 8th Street between Charles Street and James Street

James Street between NW 2nd Street and NW 4th Street and NW 6th Street and NW 8th Street

NW 3rd Street between Washington Street and James Street

RESOLUTION NO. 50:17

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

Resolution No. 51:17 Adopted - Declaring Costs to be Assessed, Ordering the Preparation of Proposed Supplemental Assessment and Ordering a Public Hearing to be Held at 7:30 P.M. on October 16, 2017 for Improvement 05-28 and 09-02

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE STAFF TO GO THROUGH 429 PROCEEDINGS RELATING TO SUPPLEMENTAL ASSESSMENTS AND BEGIN THE FORMAL 429 PROCEEDINGS ACCORDING TO STATUTE 429 SUPPLEMENTAL ASSESSMENT GUIDELINES FOR IMPROVEMENT 05-28 AND IMPROVEMENT 09-02.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 51:17 DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED SUPPLEMENTAL ASSESSMENT AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 16, 2017 FOR IMPROVEMENT 05-28 AND IMPROVEMENT 09-02 AS FOLLOWS:

IMPROVEMENT 05-28

PID 09196041023Z889

IMPROVEMENT 09-02

PID 09188015007Z009

PID 09188015009Z009

RESOLUTION 51:17

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

Animal Control Officer - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE THE MAYOR AND ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR THE PROVISION OF ANIMAL CONTROL SERVICES IN THE CITY OF BRAINERD; THE AGREEMENT IS A MODIFIED CONTINUATION WITH ANIMAL CONTROL ENFORCEMENT SERVICES WITH FORMER OWNER DONALD HANNAHS, NOW UNDER OWNERSHIP OF MR. JOHN HERRMANN AS SOLE PROPRIETER.

Unfinished Business

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

City Engineer Sandy stated the Personnel & Finance Committee had requested the assistance of the Safety and Public Works Committee to review and make an ordinance change to reflect the State Statute minimum amount of days required to keep animals. The ordinance language has been revised to the State Statute minimum of 5 business days.

The Chair opened the Public Hearing at 8:06 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:06 p.m.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT ORDINANCE NO. 1472 – AN ORDINANCE AMENDING SECTION 900 OF THE BRAINERD CITY CODE PERTAINING TO PUBLIC SAFETY AND ANIMALS.

ORDINANCE NO. 1472

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

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

2018 Preliminary Levy - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BADEAUX TO ADOPT RESOLUTION NO. 53:17 SETTING THE PRELIMINARY LEVY FOR TAXES PAYABLE IN 2018 TO \$5,561,860 FOR THE CITY PLUS \$124,718 FOR THE HRA.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BADEAUX, DULY CARRIED, TO SET THE DATE AND TIME FOR THE PUBLIC HEARING AS DECEMBER 11, 2017 AT 6:00 P.M.

RESOLUTION NO. 53:17

Resolution for Fiscal Year 2018 Towards Zero Deaths (TZD) Traffic Safety Enforcement Grant - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 54:17 AUTHORIZING THE POLICE CHIEF AUTHORITY TO EXECUTE THE 2018 FISCAL YEAR TOWARDS ZERO DEATHS (TZD) GRANT.

RESOLUTION NO.54:17

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

Hold First Reading of Proposed Ordinance No. 1473 – An Ordinance to Amend Intoxicating Liquor Sunday Hours – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1473 – AN ORDINANCE AMENDING INTOXICATING LIQUOR SUNDAY SERVING HOURS.

Comprehensive Plan Steering Committee Appointments – Informational

City Planner Ostgarden questioned if the council members have had the opportunity to reach out to individuals for volunteering for the steering committee. All council members have identified and spoke with potential members. Updates and committee appointments will be finalized at the next council meeting October 2, 2017.

Downtown Public Parking Use Survey – Informational

City Planner Ostgarden explained a parking survey was completed in August by our Planning Intern, Emma Anderson. The daily and hourly data was compiled into a spreadsheet and color coded by volume of parking spaces being occupied. A brief overview shows that on most days, there is adequate parking in the downtown area within a one block radius. Additional afternoon times and weekend data will be gathered and presented at a later date.

Public Forum

The Chair Opened the public forum at 8:39 P.M.

No one came forward.

The Chair Closed the public forum at 8:39 P.M.

Staff Reports

City Attorney Langel indicated the annexation process is moving forward for Brainerd Public Utilities (BPU) land across the river. The hearing has been tentatively scheduled for November 3, 2017 with the location yet to be determined.

City Attorney Langel explained last year Baxter imposed franchise fees asserted against each of the three electrical utility companies in Baxter; one of which is BPU. A franchise fee is something a city can use to generate revenue for funding road improvements, which is very common. The question was raised as to whether a franchise fee can be imposed on a municipal utility and not a private corporation and if it can be imposed on a utility owned by another city. Our response to Baxter will stand as there is no support to back the fee asserted to BPU.

City Administrator Thoreen stated the Three Bridges project by the river will be included in the Legislative-Citizen Commission on Minnesota Resources (LCCMR) presentation on October 5, 2017 in St. Paul at 1:30 p.m. On the same date, Senator Ruud will be in Brainerd to learn the aspects of the project.

Council Member Reports

Council Member Johnson indicated the Brainerd Oaks project has approximately 13 homes under construction nearing completion. The Destination Downtown Contest is down to three finalists and the winner will be announced in the coming weeks.

Council Member Hilgart participated in the Bataan Memorial March on September 9, 2017 at the National Guard Armory. She thanked all of the guards for their dedication and for participating in a memorable event.

Council President Pritschet met with the Crossing Arts Alliance and they are very excited for the River to Rail Initiative and Springboard for the Arts. Mr. Pritschet was requested to meet with BLAEDC and Region V along with Mr. Bruce Buxton. An issue regarding the chalk for under the bridge has been addressed as to environmentally friendly ways for clean-up.

Mayor Menk attended the Bataan Memorial March presentation and stated it was an emotional tribute.

Mayor Menk and City Administrator Thoreen met with a group of people on Friday, September 15th from Operation Heartland as they came through town. The group is paddle-boarding the start of the Mississippi River to the Gulf of Mexico to raise awareness on the issues afflicting the veteran community. A plaque was presented to the City and a full report will be presented at a future meeting. There are 44 of these plaques being presented to communities between Itasca State Park and New Orleans.

Adjourn to Closed Session Pursuant to the Attorney-Client Privilege Under MN Statute 13D.05, Subd. 3(B) – 8:53 p.m.

The Chair reconvened into open session at 9:03 p.m.

Adjourn

The Chair adjourned the meeting at 9:03 p.m.

James M. Thoreen
City Administrator