

**Brainerd, MN
November 6, 2017**

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

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 APPROVE THE AGENDA.

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

A. Approval of the Minutes of the Regular Meeting held on October 16, 2017 and the Special City Administrator Hiring Process Meeting held October 17, 2017 – Approved

B. Approval of Licenses – Approved

Contractor's Licenses – 6; 3 New – 3 Renewals

C. Department Activity Reports – Approved

1. Fire Chief
2. Parks Director

D. Minnesota Lawful Gambling Application For Exempt Permit – Submitted by Knights of Columbus Council 1491, 902 Fir St., Brainerd for Events to be Held January 18, January 25, February 1 and February 8, 2018 at St. Francis Catholic Church, 404 N. 9th St., Brainerd, MN - Approved

E. Waiver of Nuisance Assessment – 1323 Oak Street - Approved

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

Council Committee Reports

Safety and Public Works Committee Report

State Aid Advance Resolution – 2018 South 6th Street Construction – Adopted by Resolution 68:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION NO. 68:17 TO APPROVE ADVANCING MUNICIPAL STATE AID STREET FUNDS (MSAS) FOR THE CITY'S PORTION OF THE SIGNAL INSTALLATION ON THE 2018 SOUTH 6TH STREET RECONSTRUCTION PROJECT.

RESOLUTION NO. 68:17

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

Update on 2017 Construction Projects – Informational

City Engineer Sandy indicated all of the state aid projects were completed this year. The local frontage road and northeast Brainerd resurfacing projects are substantially complete, but we will be holding the project open for seeding. The final estimates will be presented in the spring of 2018.

The City has been approached by MnDOT regarding the sidewalk extension project on South 6th Street. MnDOT is planning to reconstruct the second half of South 6th Street in 2022. MnDOT realized the sidewalk project is on the City's future projects for 2019 and they offered to pay the 20% match on the sidewalk for the federal funds and to cover the engineering work for the project. Although it will push the project out another four 4 years, it will be a cost savings to the City. The proposal from MnDOT will be brought to council at the November 20, 2017 meeting. City Planner Ostgarden mentioned this project dates back to 2014 when the initial application to MnDOT was submitted for the funding.

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>
Anderson Brothers	17-04	2017 Patch Work	\$9,863	\$0
Anderson Brothers	15-12	S. 6 th Street Frontage thru 10/27	\$85,646	\$4,508
Anderson Brothers	16-10	NW Brainerd Resurfacing thru 10/27	\$289,916	\$15,259
Braun Intertec	15-12	S. 6 th Street Frontage Testing thru 10/7	\$2,066	\$0
Braun Intertec	16-10	NW Brainerd Resurfacing Testing thru 10/7	\$1,112	\$0
S.E.H.	17-08	2019 SRTS Sidewalks thru 9/30	\$2,695	\$0
S.E.H.	14-15	Airport Util Ext thru 9/30	\$6,287	\$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 Stunek, Bevans, Badeaux, Johnson, Hilgart and Pritschet voted "aye." No member voted "nay." The Chair declared the motion carried.

Fire Department Fee Appeal - Approved

Committee Chair Johnson explained Ms. Laura Fautsch was in need of rescue and extrication services in August. Ms. Fautsch has requested an appeal to waive the \$500 fee or postpone payments until she has the ability to pay.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO WORK WITH MS. FAUTSCH TO SET UP A PAYMENT PLAN.

Authorize Submission of Small Cities Development Program (SCDP) 2018 Preliminary Proposal to Department of Employment & Economic Development (DEED) - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE THE BRAINERD HOUSING AND REDEVELOPMENT AUTHORITY (HRA) TO SUBMIT A SMALL CITIES DEVELOPMENT PROGRAM (SCDP) 2018 PRELIMINARY PROPOSAL TO THE DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT (DEED) FOR A NORTHEAST BRAINERD AND DOWNTOWN GRANT PROGRAM.

2018 Library Operating Supply Budget - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, ON BEHALF OF THE BRAINERD PUBLIC LIBRARY BOARD THAT THE KITCHIGAMI REGIONAL LIBRARY BOARD SUPPORT ALLOWING THE BRAINERD PUBLIC LIBRARY BOARD TO PURCHASE ALL SUPPLIES FOR THE LIBRARY BRANCH. THIS REQUEST WOULD ENTAIL MOVING THE \$6,000 SUPPLY ITEM LINE FROM THE KRLS BRAINERD PUBLIC LIBRARY OPERATING BUDGET TO THE CITY'S LIBRARY BUDGET. THE RECOMMENDED KRLS CONTRIBUTION FROM THE CITY WOULD BE REDUCED BY \$6,000.

Committee Chair Johnson explained this would simplify the process for the library to order supplies. Currently, a request is sent to the Kitchigami Regional Library Board from the Brainerd Library Board for approval. This would streamline the process for library staff to order supplies for the library as it would eliminate the need to place a request to the Kitchigami staff.

Employee Policy Manual Amendment and Memorandums of Agreement with IBEW, LELS and USW Unions to Increase Deductibles for High Deductible Health Plan as Required by IRS Regulations Effective January 1, 2018 - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE AMENDMENT FOR SECTION 15 OF THE EMPLOYEE POLICY MANUAL AS PRESENTED AND TO APPROVE THE ATTACHED MEMORANDUMS OF AGREEMENT BETWEEN THE CITY OF BRAINERD AND THE FOLLOWING UNION GROUPS THAT INCREASES THE DEDUCTIBLE FOR THE HIGH DEDUCTIBLE HEALTH PLAN (HDHP) PER IRS REGULATIONS EFFECTIVE JANUARY 1, 2018. 1) IBEW REPRESENTING THE ADMINISTRATIVE SUPPORT EMPLOYEES 2) IBEW REPRESENTING THE PUBLIC UTILITIES EMPLOYEES 3) LELS REPRESENTING THE POLICE OFFICERS 4) USW REPRESENTING THE HYDRO EMPLOYEES.

Deferment of Assessment – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE DEFERMENT FOR THE APPLICANT AT 928 10TH AVENUE NE FOR ASSESSMENT PAYABLE IN 2018 FOR IMPROVEMENT 13-19.

Unfinished Business

Continuation of Public Hearing – Downtown Special Services, Downtown Snow Removal and 2017 Nuisance Contested Assessments – Adopted by Resolution No. 69:17

The Chair Opened the public hearing at 7:41 P.M.

City Engineer Sandy indicated a resident will be appearing to speak at 7:45 p.m.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO DELAY THE PUBLIC HEARING TO WHEN THE RESIDENT ARRIVES.

City Engineer Sandy stated there are three other assessments that were contested at the last meeting as follows:

1) 911 Kingwood Street – Unlicensed Vehicle - \$2,375. The property owner received nineteen (19) administrative citations in 2016 and 2017 for the unlicensed vehicle parked on his property. The owner did not respond until the assessment notice was sent and no action has been taken to move the vehicle.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO UPHOLD THE CONTESTED ASSESSMENT AT 911 KINGWOOD STREET.

2) 319 N. 9th Street – Roof Condition - \$1,500. The property owner was sent twelve (12) nuisance letters with administrative penalties pertaining to the condition of his roof. The property owner claims to not know what the citations were for although a photo was sent with the letters.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO UPHOLD THE ASSESSMENT AND WORK TOWARDS ABATEMENT OF THE NUISANCE.

3) 1504 8th Avenue NE – Siding, Junk, Long Grass - \$500. The property owner had received four (4) citations relating to siding needing repair, junk, brush and long grass. City staff has worked with the property owner and the junk and brush have been abated on the property. Habitat for Humanity is working with City staff and the owner to get the siding repaired. City staff feels the grass citations should stand, as it was not abated in a timely fashion by the owner.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO WAIVE THE ASSESSMENT FOR JUNK/BRUSH AND SIDING IN THE AMOUNT OF \$250 AND TO UPHOLD THE GRASS CITATIONS IN THE AMOUNT OF \$250.

The Chair Continued the public hearing at 7:51 P.M.

The Chair recognized Ms. Sarah Hayden Shaw, 521 N. 9th Street, Brainerd. Ms. Shaw is the property owner of 606 Laurel Street. This property is adjacent to the city parking lot located on Laurel Street between 6th and 7th Street. Ms. Shaw indicated she is not contesting the assessment on the property however she would like to come to an agreement with the City on the shared use of the lot. The lot is being used for private parking and is the only access to the nine public parking spaces that are city owned.

The Chair Closed the public hearing at 8:02 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO UPHOLD THE ASSESSMENT AT 606 LAUREL STREET.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ADD THE REQUEST FROM MS. SHAW TO DISCUSS A LEASE AGREEMENT ON THE PROPERTY AT 606 LAUREL STREET TO THE SAFETY AND PUBLIC WORKS COMMITTEE MEETING NOVEMBER 20, 2017.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION 69:17 ADOPTING THE CONTESTED ASSESSMENT DECISIONS AS DISCUSSED ABOVE.

RESOLUTION NO. 69:17

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

Continuation of Public Hearing – Improvement 14-03 Contested Assessment – Adopted by Resolution No. 70:17

The Chair Opened the public hearing at 7:42 P.M.

No one came forward.

The Chair Closed the public hearing at 7:43 P.M.

City Engineer Sandy indicated a letter was received today from Gammello-Pearson on behalf of Brainerd Amateur Hockey Foundation withdrawing their contested assessment.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT RESOLUTION NO. 70:17 TO UPHOLD THE PROPOSED ASSESSMENT TO BRAINERD AMATEUR HOCKEY FOUNDATION (BAHF).

RESOLUTION NO. 70:17

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

Demolition of Building at 507 6th Street South – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE CONCEPT OF THE DEMOLITION OF THE BUILDING INCLUDING THE GARAGE LOCATED AT 507 6TH STREET SOUTH WITH THE COST TO BE ASSESSED AGAINST THE PROPERTY AND TO AUTHORIZE THE CITY ATTORNEY TO DRAFT THE AGREEMENT.

City Attorney Langel explained litigation on this property was initiated under the Hazardous Structure Statute to have the office and motel buildings to be demolished. There is a garage that was not subject to litigation as it was not found to be a hazardous structure. The

property owner wants to avoid legal fees, thus requesting the motel to be demolished by the City, with the cost to be assessed against the property.

City Administrator Thoreen added the property owner is currently delinquent in paying the taxes on the property.

Mayor Menk and City Administrator Thoreen indicated the property owner to the north of the motel expressed concern about the demolition affecting his buildings and property. The recommendation is to hire a contractor for the demolition.

Council Member Johnson questioned where the funds will come from to demolish the buildings. Finance Director Hillman indicated there is an old CDBG grant that could be used for this purpose, as it would meet one of the federal objectives of eliminating slum and blight. Staff will also research what was collected versus what was spent in nuisance fees over the last couple of years to determine the availability of funds.

Comprehensive Plan Steering Committee Appointments – Informational

Council President Pritschet requested each council member announce the candidate they have appointed to the committee. The Steering Committee consists of the following:

	Sector	Candidate Name
Councilman Pritschet	School District Member	Aaron Sinclair – Asst Superintendent
Councilwoman Lambert	Healthcare Representative	Mike Larson – Essentia
Mayor Menk	Local Industry Representative	Mike Higgins and Jeff Grunenwald
Councilman Bevans	Small Business Owner	Brian Moon – Easy Riders
Councilman Pritschet	Resident	Staci Headley
Councilman Badeaux	Park Board Member	Timothy Boeder
	City Council	Jan Lambert
	Planning Commission	Chuck Marohn
Councilman Johnson	Real Estate	Rick Fargo
Councilwoman Hilgart	BLAEDC Board Member	Pam O'Rourke
Councilman Stunek	Resident	Emily MacDonald

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO OFFICIALLY APPOINT THE CANDIDATES TO THE COMPREHENSIVE PLAN STEERING COMMITTEE.

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 – 2 term (Expire 2018)

Park Board – 1 term – (Expire 2021)

New Business

National Joint Powers Alliance Board of Directors – Informational

City Administrator Thoreen explained there will be an opening on the National Joint Powers Alliance (NJPA) Board of Directors for Sub-Region IV January 1, 2018. The nomination forms are due back by December 18, 2017. Council President Pritschet indicated it would be great to have someone representing the City of Brainerd on the Board and asked for any interested Council member to consider being nominated for the position.

Planning Commission

First Reading of Proposed Ordinance No. 1474 – Rezoning – Adventure Properties, 110 NW 3rd St., Brainerd – Rezone Property from a B-2 (Neighborhood Business) District to an R-3 (High Density Residential) District - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1474 – AN ORDINANCE TO REZONE PROPERTY AT 110 NW 3RD STREET FROM A B-2 (NEIGHBORHOOD BUSINESS) TO AN R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT.

First Reading – Proposed Ordinance No. 1475 – Amending Brainerd Zoning Ordinance Sections 515-02, 515-61, 515-63, 515-64, 515-65 and 515-70 Regarding Microdistilleries and Cocktail Rooms - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1475 – AN ORDINANCE TO AMEND ZONING ORDINANCE SECTIONS 515-02, 515-61, 515-62, 515-63, 515-64, 515-65 AND 515-70 TO PERMIT MICRODISTILLERIES AND COCKTAIL ROOMS.

Public Forum

The Chair Opened the public forum at 8:32 P.M.

No one came forward.

The Chair Closed the public forum at 8:32 P.M.

Staff Reports

None

Council Member Reports

Council Member Bevans reported he received an email from the District Chairman of the Boy Scouts of America recognizing our local Eagle Scout Ben Soukop for receiving a medal for saving a life.

Council member Stunek stated there is an upcoming Veteran's Memorial Ceremony planned at the memorial site by the Crow Wing County Courthouse on Saturday, November 11, 2017.

Council member Hilgart mentioned the Fire Advisory Committee meeting has been moved from November 13th to November 20th and Council Member Stunek will be attending.

Council member Johnson stated he attended the Housing and Redevelopment Authority's bus tour that took place on Thursday, November 2, 2017. The tour went to Fergus Falls, Fargo and Detroit Lakes to meet up with local staff about the downtown areas in those cities which was very insightful. Mayor Menk also attended the bus tour.

Mayor Menk indicated it was very nice to see all of the work going on downtown this week with roofing projects and store front projects taking place.

Committee Resignations

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. DAVID RUNBERG FROM THE TRANSPORTATION ADVISORY COMMITTEE.

Committee Recommendations – Recommended by Mayor Menk

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPOINT MR. TROY RUSHMEYER TO THE PARKS AND RECREATION BOARD.

Mayor Menk reported the other application received for this position was from Ms. Kara Schaefer. Ms. Schaefer was an excellent candidate as well and he appreciated her interest in the position.

Adjournment to

Closed Session pursuant to MN Statutes, 13D.05, Subd. 3(b) for attorney-client privilege to discuss the Firefighters Union Local 4725 lawsuit

Closed Session pursuant to MN Statutes, 13D.05, Subd. 3(b) for attorney-client privilege to discuss the pending annexation proceeding with the City of Baxter

City Administrator Interviews – November 15, 2017 at 2:00 p.m. – City Hall 2nd Floor Conference Room

The Chair adjourned the meeting at 9:34 p.m.

James M. Thoreen
City Administrator