

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:32 P.M. by Council President Pritschet.

Upon roll call, the following members were noted as present: Stunek, Bevans, Badeaux, Johnson, Hilgart, Lambert 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 BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA.

City Administrator Thoreen requested a revision on page 4 of the September 5, 2017 minutes under Brainerd Fire Department Vehicle Washing should read *"The Council hereby affirms its adoption of a policy on September 5, 2017 which permits the Fire Department Staff to Wash Personal Vehicles in Fire Stations; this action also corrects the record to recognize that the Council, on December 19, 2011 re-instated the washing of vehicles."*

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT THE CONSENT CALENDAR WITH THE CORRECTION TO THE SEPTEMBER 5, 2017 MINUTES.

- A. Approval of the Minutes of the Regular Meeting held on September 5, 2017 as corrected, the Minutes of the Regular Meeting held on November 6, 2017, and the Special City Administrator Interviews held November 15, 2017 – Approved**
- B. Approval of Licenses**

None
- C. Department Activity Reports – Approved**

1. Police Chief
2. Finance Director
- D. Minnesota Lawful Gambling Premises Permit Application – Adopt Resolution to Allow Lawful Gambling by Heartland Animal Rescue Team (HART) at Sage on Laurel, 606 Laurel St., Brainerd, MN – Adopted by Resolution 71:17**
- E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Central Lakes College Foundation, 501 West College Dr., Brainerd, MN for an Event to be Held on January 27, 2018 - Approved**

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

Council Committee Reports

Safety and Public Works Committee Report

Shaw Parking Lot Agreement Proposal Discussion - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO LEASE THE PARKING LOT AT 612 LAUREL LEGALLY DESCRIBED AS THE FIRST ADDITION LOTS 13 THRU 17 BLOCK 69 - FROM THE SHAW'S FOR ONE YEAR – APPROXIMATELY 7,000 SQUARE FEET AT \$.25 PER SQUARE FOOT AND THE CITY CONTINUES SNOW PLOWING ALONG WITH THE CONDITIONS THAT ANY CHANGES TO THE CONFIGURATION MUST ALLOW CONTINUED ACCESS TO THE CITY'S PORTION OF THE LOT.

MOVED BY ALDERMAN BEVANS FOR THE START DATE OF THE LEASE TO BE BACK DATED TO FEBRUARY 1, 2017.

The motion failed for lack of a second.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, FOR THE START DATE OF THE LEASE TO BE NOVEMBER 20, 2017.

Proposal for Sanitary Sewer Repair – Visu-Sewer – Gravity Sewer Line near Walnut Street - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT THE TRENCHLESS FIX PROPOSAL FROM VISU-SEWER WHICH INCLUDES A CIPP LINER FOR A COST OF \$15,444.25 AND THE PRESSURE GROUTING OF THE PIPE TO STOP THE LEAKS AT \$270 HR/LABOR PLUS \$12/GALLON GROUT (TIME AND MATERIALS) APPROVED UP TO \$17,000 TO REPAIR THE SEWER LINE NEAR WALNUT STREET.

S. 6th Street Sidewalk Extension Project – MnDOT Proposal - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT MNDOT'S PROPOSAL TO USE THE CITY'S FEDERAL FUNDS IN THE CONSTRUCTION OF THE SOUTH 6TH STREET SIDEWALK EXTENSION WITH THE CONDITIONS THAT MNDOT COVERS THE 20% CONSTRUCTION MATCH OF THE SIDEWALK ALONG WITH MNDOT DESIGNING THE SIDEWALK TO BE INCORPORATED INTO THE MNDOT RECONSTRUCTION OF SOUTH 6TH STREET (TH 371B) FROM JOSEPH STREET TO GREENWOOD STREET IN 2022. ALSO TO DIRECT STAFF TO HAVE SEH SCOPE DOWN THEIR PROPOSAL FOR PROFESSIONAL SERVICES FROM SEPTEMBER 5, 2017 TO NOT INCLUDE THE SOUTH 6TH STREET SIDEWALK EXTENSION DESIGN AND CONSTRUCTION ENGINEERING SERVICES.

Event / Street Closure Application – Gnome for the Holidays – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE EVENT / STREET CLOSURE APPLICATION SUBMITTED

FOR GNOME FOR THE HOLIDAYS EVENT TAKING PLACE IN DOWNTOWN BRAINERD ON DECEMBER 9, 2017 FROM 1:00 P.M. TO 5:00 P.M. WITH THE CONDITIONS THAT THE APPLICANT CONTACT THE FIRE DEPARTMENT REGARDING THE USE OF A CONTAINED FIRE PIT FOR THE EVENT AND THE STREET DEPARTMENT IF ANY TRAFFIC CONTROL IS NEEDED.

The Chair welcomed Ms. Nancy Williams, owner of Fancy Pants Chocolates, 704 Laurel Street. Ms. Williams explained the events taking place that day which include Santa's arrival and trolley rides.

Event / Street Closure Application – Homeless Heroes 5K – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT / STREET CLOSURE APPLICATION SUBMITTED BY THE BRAINERD JAYCEES FOR A 5K EVENT TAKING PLACE ALONG COLLEGE DRIVE ON DECEMBER 9, 2017 FROM 8:30 A.M. TO 11:30 A.M. WITH THE CONDITIONS THAT THE APPLICANT OBTAIN PERMISSION TO USE THE PARK AND TO CONTACT POLICE STAFF IF PRESENCE IS NEEDED AT THE EVENT.

The Chair welcomed Mr. Arron Stoen from the Brainerd Jaycees. Mr. Stoen explained this is the 2nd Annual 5K and all proceeds will go to the Homeless and Wounded Warriors. The events include a 5K, a one mile run/walk as well as a virtual run.

Personnel and Finance Committee Report

Approval of Bills, Transfer of Funds & Payments to Contractors - Approved

Parking Lot Fund to Street and Sewer Fund	\$10,844
Parking Lot Fund to Construction Fund	\$1,905
	\$12,749

<u>Contractor</u>	<u>Imp. #</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Bolten & Menk	16-14	Traffic Study	\$7,279	\$0
S.E.H.	14-15	Airport Util Ext thru 10/28	\$10,902	\$0
S.E.H.	17-08	2019 SRTS Sidewalks thru 10/28	\$2,606	\$0
Anderson Brothers	15-12	S. 6 th Street Frontage thru 11/16	\$37,905	\$1,995

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

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

City Administrator Employment Agreement - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE CITY ADMINISTRATOR AGREEMENT WITH CASSANDRA TORSTENSON EFFECTIVE JANUARY 1, 2018.

2018 Budget and Levy Discussion – Informational

Committee Chair Johnson indicated the budget workshop will be held on Monday, November 27, 2017 at 6:00 p.m.

2017 Audit Services – Engagement Letter from CliftonLarsonAllen – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE ENGAGEMENT LETTER AS SUBMITTED AND TO AUTHORIZE SIGNATURES.

Authorize Agreement for Utility Rate Study - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO THE AGREEMENT WITH UTILITY FINANCIAL SOLUTIONS (UFS) TO REVIEW THE FINANCIAL PROJECTIONS AND RATE DESIGN STUDY FOR THE SANITARY AND STORM SEWER FUNDS IN THE AMOUNT OF \$5,000.

Discussion of Fuel Cards - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO OPEN A CREDIT ACCOUNT WITH WEX THROUGH ENTERPRISE AND TO START USING FUEL CARDS.

Committee Chair Johnson explained this will streamline fuel purchasing by staff for city vehicles.

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 – 2 term (Expire 2018)

New Business

None

Planning Commission

Public Hearing – Final Reading of Proposed Ordinance No. 1474 – An Ordinance to Amend Ordinance No. 812 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

The Chair opened the Public Hearing at 8:01 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:01 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1474 – AN ORDINANCE AMENDING ORDINANCE NO. 812 TO REZONE PROPERTY AT 110 NW 3RD STREET, BRAINERD FROM A B-2 (NEIGHBORHOOD BUSINESS) DISTRICT TO AN R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT ORDINANCE NO. 1474 – AN ORDINANCE AMENDING ORDINANCE NO. 812 TO REZONE PROPERTY AT 110 NW 3RD STREET, BRAINERD FROM A B-2 (NEIGHBORHOOD BUSINESS) DISTRICT TO AN R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT.

ORD. NO. 1474

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

Public Hearing – Final Reading of Proposed Ordinance No. 1475 – An Ordinance Amending Brainerd Zoning Ordinance Sections 515-02, 515-61, 515-62, 515-63, 515-64, 515-65 and 515-70 Regarding Microdistilleries and Cocktail Rooms – Approved

The Chair opened the Public Hearing at 8:02 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:02 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1475 – AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-02, 515-61, 515-62, 515-63, 515-64, 515-65 AND 515-70 TO ALLOW MICRODISTILLERIES AND COCKTAIL ROOMS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT ORDINANCE NO. 1475 – AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-02, 515-61, 515-62, 515-63, 515-64, 515-65 AND 515-70 TO ALLOW MICRODISTILLERIES AND COCKTAIL ROOMS.

ORD. NO. 1475

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

Variance Request – 1501 South 8th Street, Brainerd – Construct a Non-Conforming Building (Garage) – Approved

City Planner Ostgarden indicated the Brainerd Laestadian Church currently has a 150' x 22' garage on the south side of the property that runs parallel to its south property line. There are senior living apartments on the property named The Manor which consists of 14 apartments

and 11 garages. The church would like to construct 3 more garages so each resident has a garage unit. They have requested a 12' variance in order to construct an accessory building addition to match the 3' side yard setback of the existing building. The Planning Commission recommends approval.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO APPROVE THE 12' VARIANCE REQUEST SUBMITTED BY THE LAESTADIAN CHURCH (MANOR), 1501 SOUTH 8TH STREET, BRAINERD TO PERMIT AN ACCESSORY BUILDING ADDITION TO MATCH THE 3' SIDE YARD SETBACK OF THE EXISTING BUILDING.

Variance Request – 523 Holly Street, Brainerd – Expand a Non-Conforming Building (Garage Portion) by Adding a Deck onto the Garage Roof – Approved

City Planner Ostgarden explained the property owner has constructed a deck on an existing garage that encroaches into the street side yard setback approximately 2'3". The deck addition matches that existing setback. This setback creates a non-conforming situation and adding the deck required a variance to match the setback. The Planning Commission recommends approval.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND STUNEK TO APPROVE THE VARIANCE REQUEST SUBMITTED BY MR. KELLY BEVANS, 523 HOLLY STREET, BRAINERD TO PERMIT THE EXPANSION OF A NON-CONFORMING BUILDING THAT WILL PERMIT A DECK TO ENCROACH 2'3" INTO A REQUIRED STREET SIDE YARD.

Members Stunek, Badeaux, Johnson, Hilgart, Lambert and Pritschet voted "aye." No member voted "nay." Member Bevans abstained from voting. The Chair declared the motion carried.

Public Forum

The Chair opened the Public Forum at 8:09 p.m.

The Chair recognized Mr. Timothy Voss, 911 Kingwood Street, Brainerd. Mr. Voss stated he had come forward at a past meeting regarding nuisance citations assessed to his property for an unlicensed vehicle. Mr. Voss indicated he was not able to be present at the November 6, 2017 council meeting to contest the assessment due to being at work. Mr. Voss is asking for direction, as the fines have accrued to \$2,375 and he is unable to pay.

City Engineer Sandy stated the assessment roles were adopted at the November 6, 2017 council meeting. Since these are nuisance citations, they are assessed over a one year period. City Attorney Langel agreed that since the assessments were adopted, that is the final step prior to transferring the assessments to the county. City Attorney Langel and City Engineer Sandy will research further on the issue and contact Mr. Voss.

The Chair closed the Public Forum at 8:13 p.m.

Staff Reports

City Planner Ostgarden reported the first meeting of the Comprehensive Plan Steering Committee is tentatively scheduled for Thursday, December 7, 2017. Mayor Menk has been invited to attend the first meeting to welcome the appointed members.

City Administrator Thoreen attended the Coalition of Greater Minnesota Cities conference in Alexandria on November 16th and 17th. The Coalition adopted an agenda for next year's legislative concerns. Mr. Thoreen will provide a copy of the agenda to council members once available.

Council Member Reports

Council Member Johnson attended the Chamber of Commerce Dinner of Excellence last week. The Destination Downtown contest winner was announced as the Purple Fern Bath Company, makers of hand crafted bath products opening in May 2018. Mr. Johnson thanked the members in the community that came together for the prize package. The second and third place winners of the contest, Brainerd Distilling Company and the Last Turn Saloon will be moving forward with their plans.

Council Member Johnson introduced Gabe LeGarde, the new Brainerd Dispatch staff member that will be attending and reporting on council meetings.

Council Member Hilgart announced there is need in our community for donations to various organizations such as The Sharing Bread Soup Kitchen and The Shop to feed the less fortunate.

Council Member Lambert stated an email from Holly Holm was sent to council encouraging the members to volunteer for the Celebrity Wrapping Challenge taking place on December 9, 2017.

Mayor Menk reported receiving a letter awarding the City of Brainerd a Certificate of Achievement for Excellence in Financial Reporting in the United States and Canada for 2016. This certificate is the highest form of recognition in the area of government accounting and financial reporting.

Mayor Menk stated there have been many construction projects taking place downtown recently. Mr. Menk thanks to those contributing hard work to revitalize the downtown area.

Adjourn to Closed Session Pursuant to MN Statutes, 13D.05, Subd. 3(B) for Attorney-Client Privilege to Discuss the Pending Annexation Proceeding and the Lawsuit by the City of Baxter Concerning Franchise Fees - 8:20 p.m.

The Chair reconvened into open session at 8:39 p.m.

Adjourn to 2018 Budget Workshop on November 27, 2017 at 6:00 P.M.

The Chair adjourned the meeting at 8:39 p.m.

James M. Thoreen
City Administrator