

Brainerd, MN
February 5, 2018

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: Bevans, Badeaux, Johnson, Hilgart, Lambert, Stunek 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.

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

- A. Approval of the Minutes of the Regular Meeting held on January 16, 2018 and the Special Meeting held on January 29, 2018 - Approved**
- B. Approval of Licenses – Approved**

Contractor Licenses – 4 – New, 10 – Renewals
- C. Department Activity Reports - Approved**

1. Mayor's Report
2. Fire Chief
3. Parks Director
- D. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by St. Andrew's Catholic Church, 1108 Willow St., Brainerd. Bingo Events to be Held March 10, 2018 and November 17, 2018 - Approved**
- E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by The Evangelical Lutheran Good Samaritan Society, 4800 W. 57th St., Sioux Falls, SD 57108 for an Event to be Held on May 7, 2018 at Jack's House, 300 Hwy 25 S., Brainerd - Approved**
- F. Temporary On-Sale Liquor License Application – Submitted by Brainerd Sports Boosters for an Event to be Held April 21, 2018 at the Essentia Health Sports Center, 502 Jackson St., Brainerd – Approved**
- G. Temporary On-Sale Liquor License Application – Submitted by Lakes Area Music Festival for an Event to be Held February 25, 2018 at Luminary Fern, Northern Pacific Center, 210 Blacksmith Cir., Brainerd - Approved**

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

February 5, 2018

Presentations

Close~Converse Annual Update and Contract Extension Discussion - Approved

The Chair recognized Mr. Nate Grotzke from Close~Converse Commercial Properties, the City's listing agent for the Industrial Park lots, who updated the Council on current commercial real estate trends and the status of the lot sales. There is interest in proceeding with current business plans, but the options are limited with only three industrial properties available on the market in the region. The only commercial property in the region that has sold since the sale of the Fed-Ex property was in Baxter.

Council Member Hilgart asked how broad the marketing of Close~Converse extends. Mr. Grotzke indicated the packet of information is uploaded to all commercial websites and they work with brokers representing large manufacturing companies. They have also worked with developers that build the projects and have partnered with BLAEDC and the Chamber of Commerce. Council Member Hilgart also indicated this is a passive form of marketing and questioned what part of the marketing strategy is not passive. Mr. Grotzke stated the work with the brokers, developers and site selectors are active forms of marketing, but there is not a lot of current activity for commercial property. Council Member Hilgart asked what type of industry may be interested as a potential buyer for property in our industrial park. Mr. Grotzke indicated there may be some smaller manufacturers that might be interested in operating on a larger scale to grow their business. The Chair thanked him for his presentation.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO APPROVE A 3 MONTH CONTRACT EXTENSION WITH CLOSE~CONVERSE AND TO PERFORM A MARKET ANALYSIS.

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>
S.E.H.	17-08	SRTS & Sidewalk Ext. S. 6 th St. thru 12/30/17	\$127	\$0
S.E.H.	14-15	Airport Util. Ext. thru 12/30/17	\$2,206	\$0
City of Baxter	17-02	2017 Chip Seal & Striping – FINAL	\$4,740	\$0
Millsop Associates	17-05	Storage Tank Site Investigation thru 01/26/18	\$4,624	\$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 Bevans, Badeaux, Johnson, Hilgart, Lambert, Stunek and Pritschet voted "aye." No member voted "nay." The Chair declared the motion carried.

Street and Sanitary Sewers Capital Equipment Purchases and Quotes – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE EQUIPMENT QUOTES FROM THE RESPECTIVE

February 5, 2018

EQUIPMENT DEALERS FOR THE LOADER, SNOWBLOWER AND VACTOR TRUCK, AUTHORIZE STAFF TO ACCEPT TRADE-IN VALUES FOR THE SNOWBLOWER AND VACTOR AND TO LIST THE 1991 LOADER ON PUBLIC SURPLUS AT A MINIMUM BID OF \$25,300.

Committee Chair Johnson indicated the trade in value of the old equipment is lower than expected and the costs of the new equipment are higher than expected. The budgeted amount for these pieces of equipment and estimated trade in values was \$570,000. This falls short of the actual amount of \$658,209. The discussion of funding sources for the vactor truck will take place at a future meeting.

Resolution & Subscriber Agreement for MN Court Data Services - Adopted by Resolution No. 07:18

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT RESOLUTION NO. 07:18 AUTHORIZING THE POLICE CHIEF TO SIGN AND EXECUTE THE MASTER SUBSCRIBER AGREEMENT FOR POLICE ACCESS TO THE MINNESOTA COURT DATA SERVICES SYSTEM.

RESOLUTION 07:18

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

Resolution Approving Master Joint Powers Agreement (JPA) and Execution of JPA and Court Amendment with Bureau of Criminal Apprehension (BCA) – Adopted by Resolution No. 08:18

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT RESOLUTION NO. 08:18 AUTHORIZING THE CITY ADMINISTRATOR AND MAYOR TO SIGN AND EXECUTE THE MASTER JOINT POWERS ALLIANCE (JPA) AND AMENDMENT FOR THE CITY PROSECUTOR'S ACCESS TO THE CRIMINAL JUSTICE DATA NETWORK (CJDN).

RESOLUTION 08:18

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

Draft Policy and Memorandum of Agreement Template for Hiring Full-Time Employees as Paid On-Call Firefighters - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE POLICY AUTHORIZING HIRING CITY EMPLOYEES TO SERVE AS PAID ON-CALL FIREFIGHTERS AND THE APPLICABLE MEMORANDUM OF AGREEMENT (MOA) TEMPLATE AS PRESENTED; FURTHER TO AUTHORIZE STAFF TO ENTER INTO NEGOTIATIONS WITH THE LELS UNION REGARDING SAID MOA.

Council Member Hilgart clarified this policy is valid for any full-time employee and union, not exclusively an employee with the LELS Union. Currently, there is one employee interested

in serving as a paid on-call firefighter who is a full-time police officer and member of the LELS union.

Council Member Bevans wanted clarification of the employee's priority for serving as a firefighter during his work shift on the Police Department.

Fire Chief Holmes stated the policy states the employee would remain at their primary job and would not leave for a fire call unless authorization was received, and personal or comp time used.

2018 Human Resource Intern – Request Authorization to Advertise and Hire - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE STAFF TO ADVERTISE FOR AND HIRE AN HR INTERN IN 2018.

Annual Review of Investment Policy – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE INVESTMENT POLICY AS PRESENTED.

Consulting Agreement with Hildi, Inc. for Actuarial Services to Comply with Government Accounting Standard Board (GASB) 74/75 Relating to Other Post Employment Benefits (OPEBs) - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE AGREEMENT FOR CONSULTING SERVICES WITH HILDI, INC. IN THE AMOUNT OF \$3,100 FOR 2018 AND APPROXIMATELY \$800-\$1,000 FOR 2019 WITH THE FOLLOWING REVISIONS:

Finance Director Hillman indicated the City Attorney reviewed the contract and a few revisions will be made. Hildi Inc. as agreed to the following: 1) Payment terms to change from fifteen (15) days to thirty (30) days. 2) The interest on overdue accounts to change from 12% to 5%. 3) The City Administrator will be updated to Cassandra Torstenson. 4) The verbiage under Liability will change from “gross negligence” to “negligence”.

Crow Wing County Historical Society Donation Request - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE A \$300 DONATION TO THE CROW WING COUNTY HISTORICAL SOCIETY.

Industrial Park Land Marketing Discussion

The contract extension with Close~Converse was approved previously.

Revolving Loan Fund Policy Discussion / Approval – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO CALL FOR AN ECONOMIC DEVELOPMENT AUTHORITY (EDA) MEETING TO RENEW A DRAFT POLICY AND FOR STAFF TO DRAFT A MEMORANDUM OF

February 5, 2018

AGREEMENT (MOA) WITH THE HOUSING AND REDEVELOPMENT AUTHORITY (HRA) FOR MANAGEMENT OF THE "OLD CDBG" FUNDS.

Committee Chair Johnson stated the funds would be used for improving the housing stock in the City of Brainerd or any commercial interests within the River to Rail boundaries. After appropriate discussion with the EDA and HRA, the proposal will be brought to Council in April for final approval.

Safety and Public Works Committee Report

2018 State Aid Allocation - Informational

City Engineer Sandy provided a brief update and comparison of the 2017 and 2018 State Aid allocation as well as the legislative decisions for State Aid this year. There was a 9.18% increase in the State Aid balance due to the tax from the sale of auto parts that was statutorily dedicated to the Highway User Tax Distribution Fund (HUTD). There has been feedback from various cities to have the state constitutionally dedicate these funds in the future.

Airport Utility Easements - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE SIGNATURES ON THE EASEMENT DOCUMENTS AS PRESENTED FOR ACCESS TO THE CITY / BRAINERD PUBLIC UTILITIES (BPU) SEWER AND WATER UTILITIES ON AIRPORT PROPERTY.

Committee Chair Bevans explained the easements are necessary for the City and BPU to be able to maintain the water and sewer utilities on the airport property.

Dellwood Drive Chip Seal Cost Share - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE INVOICED AMOUNT AND THE FINAL QUANTITIES SO FORTH PRESENTED BY THE CITY OF BAXTER FOR A TOTAL CITY OF BRAINERD COST OF \$4,740.

Event/Street Closure Application – St. Patrick’s Day Parade - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE ST. PATRICKS DAY PARADE EVENT APPLICATION WITH THE CONDITIONS OF CONTINUED WORK WITH LAW ENFORCEMENT FOR THE EVENT AND ORGANIZATION BY THE APPLICANT WITH THE ENGINEERING AND STREET DEPARTMENT FOR THE USE OF THE CITY TRAFFIC CONTROL DEVICES.

MnDOT S 6th Street Detour Agreement – Adopted by Resolution No. 09:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 09:18 ENTERING INTO AGREEMENT NO. 1030302 DETOUR AGREEMENT BETWEEN THE CITY OF BRAINERD AND THE MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT) AND AUTHORIZE PROPER SIGNATURES ON THE AGREEMENT.

RESOLUTION NO. 09:18

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

Notice of Hearing – Annual MS4 Stormwater Public Hearing - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO SET THE ANNUAL MS4 STORMWATER PUBLIC HEARING FOR MARCH 19, 2018 AT 7:30 PM IN COUNCIL CHAMBERS.

Unfinished Business

Committee Resignations – Accept with Regret

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. DAN HEGSTAD FROM THE PARKS AND RECREATION BOARD EFFECTIVE FEBRUARY 5, 2018.

Committee Recommendations – Recommended by Mayor Menk

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO APPOINT THE FOLLOWING MEMBERS TO THE COMMITTEES AS PRESENTED:

- A. Library Board – Loyal Hyatt – Term to Expire 12/31/2023
- B. Library Board Representative – Mary Koep – Term to Expire 12/31/2023
- C. Parks Board – Timothy Boeder – Term to Expire 12/31/2022
- D. Parks Board – Kara Schaefer – Term to Expire 12/31/2020
- E. Transportation Advisory Committee – Mary Koep – Term to Expire 12/31/2018
- F. Transportation Advisory Committee – Mary Wohl – Term to Expire 12/31/2018
- G. Transportation Advisory Committee – Nathan Bertram – Term to Expire 12/31/2019
- H. Transportation Advisory Committee – Kevin Larson – Term to Expire 12/31/2019

Call for Applicants – Informational:

(Application Information at www.ci.brainerd.mn.us/boards/)

PLEASE NOTE: THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT – ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY

Mayor Recommended: (all terms expire on 12/31 of said year)

Charter Commission – 1 term (Expire 2020) – 1 term (Expire 2021)
Housing & Redevelopment Authority – 1 term (Expire 2022)

New Business

Consideration of New On-Sale Wine and Beer License for Burrito California, 404 ½ West Washington Street - Approved

February 5, 2018

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE NEW ON-SALE WINE AND BEER LICENSE FOR BURRITO CALIFORNIA LOCATED AT 404 ½ WEST WASHINGTON STREET.

Housing and Rehabilitation Grant Application – Adopted by Resolution No. 10:18

Finance Director Hillman indicated the Housing and Redevelopment Authority (HRA) is applying for a grant on behalf of the City to target a downtown area and housing in northeast Brainerd. The application requires a public hearing to identify community development and housing need, adopting a resolution, and authorize appropriate signature on the Citizen Participation Plan.

The Chair recognized Mr. John Schommer, Rehabilitation Coordinator for the HRA. Mr. Schommer explained the grant application is similar to the Downtown Grant that is currently in place. There will be one commercial application included in this grant, but the majority will be for owner occupied rental rehab in a portion of northeast Brainerd.

The Chair opened the public hearing at 8:10 p.m.

The Chair recognized Mr. Nathan Steffenson, 410 E. River Rd Apt. 1006, Brainerd who is in support of the grant application. Mr. Steffenson previously served as a member on the HRA board and cited the potential for increased accessibility, energy efficiency, reduction in water usage and the mitigation of harmful chemicals.

The Chair closed the public hearing at 8:11 p.m.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT RESOLUTION NO. 10:18 AUTHORIZING THE LOCAL GOVERNMENT AND SMALL CITIES DEVELOPMENT PROGRAM APPLICATION.

RESOLUTION NO.10:18

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO AUTHORIZE THE APPROPRIATE SIGNATURE ON THE CITIZEN PARTICIPATION PLAN.

Planning Commission

First Reading of Proposed Ordinance No. 1477 – Text Amendment to Section 17-8 C. Accessory Buildings, Uses and Equipment

City Planner Ostgarden explained it is not uncommon to see different types of structural fabric material used in construction of buildings, particularly in commercial industrial type uses. The structural fabric material can provide architectural interest to a building and provide a flexible alternative for utilitarian purposes in an industrial district. The City of Brainerd Zoning Ordinance currently does not permit the use of structural fabric material in commercial or industrial districts. The need for a salt and sand storage building in the industrial area was

brought to our attention and the ability to use this type of material is a good option for the intended use. The Planning Commission approved the ordinance amendment.

Council discussion took place and it was requested that City Planner Ostgarden provides additional information about the structural fabric buildings and their uses prior to the second reading of the proposed ordinance.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE FIRST READING OF ORDINANCE NO. 1477 AMENDING SECTION 17-8 C. ACCESSORY BUILDINGS, USES AND EQUIPMENT TO PERMIT FABRIC CONSTRUCTION MATERIAL FOR COMMERCIAL AND INDUSTRIAL ACCESSORY BUILDINGS.

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

Public Forum

The Chair opened the Public Forum at 8:22 p.m.

No one came forward.

The Chair closed the Public Forum at 8:23 p.m.

Staff Reports

City Engineer Sandy announced the date for the first business Meet and Greet for the S. 6th Street project. It will take place at the Chamber of Commerce, 224 W. Washington Street on Monday, March 5, 2018 from 5:30 p.m. to 7:00 p.m. The public open house is scheduled for March 20, 2018 from 5:00 p.m. to 7:00 p.m. at Trinity Lutheran Church, 1420 S. 6th Street.

City Planner Ostgarden indicated the Comprehensive Plan team has obtained some information regarding the current vacancy rate of rental property in the City. All rental property owners that have a building with 6 units or more were contacted which amounted to over 1,000 rental units. Out of those 1,000 units, only 19 were currently vacant. The Planning Department may continue by contacting the property owners with 5 units or less for further results.

City Administrator Torstenson gave an update on some of the tasks she has been working on this past month. She has been reviewing the Compensation Study materials but is not yet ready to adequately respond. The internal reviews with staff are near completion on the Facility Study and it was requested for Wideth Smith Nolting (WSN) to provide a draft final report in early June. This will give Council more information before the budgets are assembled. WSN will be making another presentation update to Council at the March 5, 2018 meeting.

City Administrator Torstenson stated she gave a presentation to the Senate Capital Investment Committee last week. They discussed items on the bonding request such as the Riverfront Trail and Cuyuna extension. She met with Representative Heintzeman and Senator Ruud to discuss events and projects that are being taking place in the City.

Council Member Reports

Mayor Menk indicated the Small Business Revolution will be announcing the Top 5 finalists in the Main Street Program on February 13, 2018.

Council Member Johnson announced the Riverfront Committee would like to acquire banners to display from the light posts in the Riverfront district. These are available by sponsorship at the cost of \$375 for three years to any business wishing to advertise.

Council Member Hilgart said the weekly district letter from Senator Ruud mentioned the meeting with City Administrator Torstenson and had high praise for her and the activity taking place in Brainerd.

Council Member Bevans mentioned Eagle Scout Ben Soukop, who had saved the life of a person in a car accident last November. He urged Mayor Menk to contact Mr. Soukop to possibly speak at an upcoming council meeting of the heroic event.

Council Member Lambert announced she recently attended a League of Minnesota Cities event for Experienced Elected Officials that was very informative.

Council Member Badeaux thanked the Brainerd Jaycee's for another successful Ice Fishing Extravaganza Tournament this year.

Adjourn

The Chair adjourned the meeting at 8:32 p.m.

Cassandra Torstenson
City Administrator