Brainerd, MN
March 19, 2018

Pursuant to due call and notice thereof, the special 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: Badeaux, Johnson, Hilgart, Lambert, Stunek, Bevans 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 LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. **Approval of the Minutes of the Special Meeting held on March 12, 2018 - Approved**

B. **Approval of Licenses – Approved**

Contractor Licenses – 1 - New; 1 - Renewals

C. **Department Activity Reports - Approved**

1. Police Chief
2. Finance Director

D. **Extension of Premises – Submitted by Steven Shepherd for an Event to be Held on August 24th and 25th, 2018 at Shep's On 6th, 315 S 6th St., Brainerd - Approved**

E. **Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Smiles for Jake, 15594 Sunset Way, Brainerd for an Event to be Held May 4th, 2018 at the Essentia Health Sports Center, 502 Jackson St., Brainerd - Approved**

F. **Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lumberjacks and Jills Club, 324 Washington St. NE, Brainerd. Bingo Events to be Held at the American Legion Post 255, 708 Front St., Brainerd on April 11, 2018 and November 28, 2018 - Approved**

G. **Second Hand Automobile License Application – Submitted by B&B Boat & Rec Inc. dba Brainerd Sports & Marine, 13377 State Hwy 25, Brainerd – Contingent Upon Background Investigation - Approved**

H. **Temporary Beer License – Submitted by Mid-Minnesota Builders Association for an Event to be Held March 23rd – March 25th, 2018 at the**

Essentia Health Sports Center, 502 Jackson St., Brainerd – Contingent Upon Background Investigation - Approved

I. Temporary On-Sale Liquor License Application – Submitted by The Elks Governing Body for an Event to be Held on May 9th, 2018 at The Brainerd National Guard Armory, 1115 Wright St., Brainerd - Approved

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

Presentations

Brainerd Community Action Annual Report

The Chair welcomed Ms. Holly Holm, executive director of Brainerd Community Action, who thanked the Council for the opportunity to appear. Ms. Holm wants to educate the community that Community Action does more than organize the 4th of July festivities. The organization works with many non-profits in the area as well as planning other events in the community. It takes the work of many volunteers to make these activities happen and Ms. Holm thanks them all for the time they spend on the projects. Ms. Holm encourages everyone to visit the updated website and Facebook page. She answered questions of the Council and the Chair thanked her for the presentation.

Crow Wing County Sheriff's Department Update

The Chair welcomed Mr. Scott Goddard, Crow Wing County Sheriff's Department Captain, who thanked the Council for the time to present. Mr. Goddard explained the new Unmanned Aerial Vehicle (UAV) Program aka "The Drone Program". This program is a joint effort between local police departments, the sheriff's office and fire department. An $80,000 grant was awarded by the National Joint Powers Alliance (NJPA) which allowed the program that is currently under way. There is one team set up in the Brainerd area and another in Crosslake. Mr. Goddard also announced a new Text-to-911 program that is now available throughout Minnesota. The preferred method of reaching emergency personnel is to call 911, however in certain situations, it may not be safe to call. He answered questions of the Council and the Chair thanked him for his presentation.

Sanitary and Storm Sewer Cost of Service Analysis Presentation

The Chair welcomed Mr. Dan Kasbohm, rate analyst with Utility Financial Solutions (UUFS), LLC who presented a Sewer and Storm Water Cost of Service Analysis for the City of Brainerd. He provided Financial Projections for 2018 through 2022, Cost of Service Results, Proposed Rates and Bill Impacts and discussed UFS' recommendations. He answered questions of the Council and the Chair thanked him for his presentation.

Council Committee Reports

Safety and Public Works Committee Report

Minnesota Department of Transportation (MnDOT) and Minnesota Public Transit Association (MPTA) 5-Year Capital and Operational Transit Plan – Adopted by Resolution 15:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION NO. 15:18 AUTHORIZING THE CREATION OF A BRAINERD AND CROW WING COUNTY PUBLIC TRANSIT SYSTEM 5-YEAR CAPITAL AND OPERATIONAL PLAN FOR A FEE OF $0 FOR THE PERIOD OF JUNE 2018 TO SEPTEMBER 30, 2019.

RESOLUTION NO. 15:18

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

Transit Grant Opportunity – NJPA Innovation Funding – Adopted by Resolution 16:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 16:18 FOR THE CITY OF BRAINERD TO BE LEAD AND FISCAL AGENT FOR NATIONAL JOINT POWERS ALLIANCE (NJPA) INNOVATION GRANT REQUEST.

RESOLUTION NO. 16:18

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

Transit Policy Updates - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT THE TRANSPORTATION ADVISORY COMMITTEE'S (TAC) RECOMMENDATION ADOPTING THE POLICY UPDATES AS PRESENTED.

Tax Forfeit Non-Conservation Parcels - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO AGREE WITH THE NON-CONSERVATION STATUS OF THESE PARCELS AND AUTHORIZE CROW WING COUNTY TO SELL THESE PARCELS ONCE THE SAID TRACTS ARE LISTED AS NON-CONSERVATION.

Administrative Citation Fees and Maximums – Informational

Committee Chair Bevans indicated staff will review the current fees and procedures. Further discussion is necessary to make a decision therefore, no action is recommended this evening.

Personnel and Finance Committee Report

Approval of Bills - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

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

Classification and Compensation Study Update - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO 1) APPROVE THE REVISED CITY JOB DESCRIPTIONS AND APPEALS AS RECOMMENDED BY THE CONSULTANT/PROJECT TEAM; FURTHER THAT THE REVISED DATE FOR ALL CURRENT/APPROVED JOB DESCRIPTIONS REFLECT JANUARY 1, 2018 FOR CLARITY 2) APPROVE THE CITY’S BENCHMARK JOBS AS RECOMMENDED 3) APPROVE THE BENCHMARK CITIES AS RECOMMENDED FOR THE CITY’S PORTION OF THE CLASSIFICATION AND COMPENSATION STUDY MARKET REVIEW (SUBJECT TO PARK BOARD APPROVAL).

2018 Legislative Agenda - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO ADOPT THE LEGISLATIVE POSITIONS WITH THESE CHANGES: REMOVE #3 ECONOMIC DEVELOPMENT AND REMOVE THE RECOMMENDATIONS FOR AIRPORT, FIRE, POLICE AND HRA.

Council asked staff to come back with more specific detail for airport, fire, police and HRA. Also, if legislation needs to be addressed that is not specified in the agenda, staff should consult with Personnel and Finance or Safety and Public Works Chairs to get direction.

Adverse Weather Policy - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ADOPT THE POLICY WITH MODIFICATIONS TO THE ACTIONS TAKEN IF THE COUNCIL MEETING IS CANCELLED BY SPECIFYING WEBSITES AND RADIO STATIONS TO CONSULT.

ClearGov Civic Insights Website - Informational

Committee Chair Johnson explained this was discussed at committee level and more information will be brought to a future meeting.

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) – 1 term (Expire 2021)
Housing & Redevelopment Authority – 1 term (Expire 2022) – *pending recommendation below subject to background check*

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPOINT MS. ASHLEY STORM TO THE HOUSING AND REDEVELOPMENT AUTHORITY (HRA) FOR A TERM TO EXPIRE 12/31/2022.

New Business

Municipal Separate Storm Sewer System (MS4) Presentation and Public Hearing - Informational

Assistant City Engineer Fladung gave a presentation to educate the public on the importance of storm water management, to give an overview of the City's storm sewer system, and to allow the public to comment on the Municipal Separate Storm Sewer System (MS4) permit that is administered through the Minnesota Pollution Control Agency (MPCA).

The Chair opened the Public Hearing at 9:03 p.m.

The Chair recognized Ms. Barbara Smude, 1523 S. 10th St., Brainerd who questioned what actions are being taken in the city to help alleviate the run-off of pesticides and herbicides.

The Chair recognized Mr. Michael Antus, 811 Brook St., Brainerd who wanted an explanation on how fertilizer, pesticides and herbicides used on lawns are being removed from the wastewater which affects drinking water.

City Engineer Sandy addressed concerns.

The Chair closed the Public Hearing at 9:11 p.m.

Public Hearing – Improvement 17-13 – Brook Street and SE 10th Street Resurfacing – Adopted by Resolution 17:18

City Engineer Sandy explained the Minnesota Statutes 429 process regarding improvements. The public hearing being held tonight is to hear testimony for or against the improvement. There will be future notices and hearings regarding assessments.

The Chair opened the Public Hearing at 9:12 p.m.

The Chair recognized Mr. Joe Studer, 1511 S. 10th St., Brainerd who asked about access to his driveway during construction and the dates proposed for the work. Mr. Studer indicated there are fallen trees and debris behind his property along the trail and questioned what entity is responsible for the cleanup. It was determined this land is owned by Crow Wing County. He expressed concerns with the speed of traffic on 10th Street.

The Chair recognized Ms. Barbara Smude, 1523 S. 10th St., Brainerd that agrees with the high-speed traffic occurring on 10th Street. There is a school bus stop at her address and she is concerned about safety. Ms. Smude asked how the improvement cost is configured per linear foot for the assessment.

The Chair recognized Mr. Michael Antus, 811 Brook St., Brainerd questioned the process to rehabilitate the sewer lines and the age of the water lines in this area of town.

City Engineer Sandy addressed concerns.

The Chair closed the Public Hearing at 9:23 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND JOHNSON TO ADOPT RESOLUTION NO. 17:18 ORDERING IMPROVEMENT, APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENTS FOR BIDS ON IMPROVEMENT 17-13 BROOK STREET AND SE 10TH STREET.

RESOLUTION NO. 17:18

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

Planning Commission

Final Reading of Proposed Ordinance No. 1478 – An Ordinance Amending Zoning Ordinance Section 515-60-6 to Consider Adding Parking Lots as a Conditional Use in B-1 Districts - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1478 – AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 515-60-6 TO CONSIDER ADDING PARKING LOTS AS A CONDITIONAL USE IN B-1 DISTRICTS.

Council discussion took place.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT TO ADOPT ORDINANCE NO. 1478 – AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 515-60-6 TO ADD PARKING LOTS AS A CONDITIONAL USE IN B-1 DISTRICTS.

ORDINANCE NO. 1478

Upon roll call, members Badeaux, Johnson, Hilgart, Lambert, Stunek and Pritschet voted "aye." Member Bevans voted "nay." The Chair declared the motion carried.

Final Reading of Proposed Ordinance No. 1479 – An Ordinance to Rezone Property at 15947 Beaver Dam Rd., Brainerd From an R-A (Rural Agriculture) District to an R-1A (Single Family Residential) District - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1479 – AN ORDINANCE TO REZONE PROPERTY AT 15947 BEAVER DAM RD., BRAINERD FROM AN R-A (RURAL AGRICULTURE) DISTRICT TO AN R-1A (SINGLE FAMILY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS TO ADOPT ORDINANCE NO. 1479 – AN ORDINANCE TO REZONE PROPERTY AT 15947 BEAVER DAM RD., BRAINERD FROM AN R-A (RURAL AGRICULTURE) DISTRICT TO AN R1-A (SINGLE FAMILY RESIDENTIAL) DISTRICT.

ORDINANCE NO. 1479

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

Public Forum

The Chair opened the Public Forum at 9:33 p.m.

No one came forward.

The Chair closed the Public Forum at 9:34 p.m.

Staff Reports

NJPA Open House Invitation – Informational

City Engineer Sandy reminded everyone of the South 6th Street Open House taking place at 5:00 on Tuesday, March 20, 2018 at Trinity Lutheran Church.

City Planner Ostgarden stated the Comprehensive Plan Neighborhood Meeting postcards have all been mailed to residents and business owners. Council members are encouraged to attend one of these meetings to show support in the project.

City Administrator Torstenson announced she visited the legislature last week and met with Senator Ruud, Representative Heintzeman and Representative Lueck. They talked about the events happening in Brainerd and the plan to participate in a Legislative Agenda that will be shared with them in the near future.

City Administrator Torstenson indicated she sent an email to the Council about the Parks and Trails Grant regarding the kayak and canoe landing. It has been determined to proceed with the grant in 2019, as some of the conditions of the application are currently not met.

Mayor Menk announced the St. Patrick’s Day parade on Saturday was fantastic.

Mayor Menk indicated that Sears is relocating from Baxter to Brainerd in the near future.

Mayor Menk also announced the Rotary Club is currently working on an arched entrance into Rotary Park with requests for matching funds being pursued.

Council Member Reports

Council Member Pritschet congratulated the Brainerd Warriors Adapted Floor Hockey team for winning the State title again this year.

Council Member Johnson announced there is a Brainerd Unified Fund meeting Tuesday, March 20, 2018.

Adjourn to South 6th Street Reconstruction Open House – March 20, 2018 at 5:00 P.M. at Trinity Lutheran Church, 1420 S. 6th St.

The Chair adjourned the meeting at 9:40 p.m.

Cassandra Torstenson
City Administrator