

**Brainerd, MN
April 2, 2018**

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:35 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 BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED BY ADDING SENATOR CARRIE RUUD TO THE PRESENTATIONS.

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 19, 2018- Approved**
- B. Approval of Licenses – Approved**
 - Contractor Licenses – 1 - New
- C. Department Activity Reports - Approved**
 - 1. Fire Chief
 - 2. Parks Director
- D. Minnesota Lawful Gambling – Adopt a Resolution Authorizing the Brainerd Eagles #287 to Conduct Off-Site Gambling on April 21-22, 2018 at Memorial Park, 1700 Mill Avenue, Brainerd – Adopted by Resolution No. 18:18**
- E. Temporary 3.2 Percent Malt Beverage (Beer) On-Sale License – Submitted by Brainerd Eagles #287 for an Event to be Held April 21, 2018 at Memorial Park, 1700 Mill Avenue, Brainerd - Approved**
- F. Resolution for Prosecutor Attorney for MN Court Data Services – Adopted by Resolution No. 19:18**

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

Presentations

Representative Josh Heintzeman and Senator Carrie Ruud

The Chair welcomed Representative Josh Heintzeman who thanked the council for the opportunity tonight. City Administrator Torstenson had visited him recently and invited him to

April 2, 2018

speak at tonight's council meeting. Representative Heintzeman gave a brief review of his time in office and some of the things Brainerd has been working on that may be relevant to different interactions at the legislative level. He has had more opportunities lately to interact with people, projects and ideas such as bonding. He appreciates having the relationship and conversations early on in a project. Representative Heintzeman indicated the River to Rail Initiative was a great idea and is willing to guide certain steps of the process as it may relate to Legislative-Citizen Commission on Minnesota Resources (LCCMR), bonding or Legacy Dollars. The Chair thanked him for the presentation.

The Chair welcomed Senator Carrie Ruud who thanked the council for inviting her tonight. Senator Ruud indicated the City made a great decision in hiring City Administrator Torstenson, who she recently met over coffee. They discussed priorities, the vision of Brainerd going forward and how to communicate more efficiently. Senator Ruud discussed the deadlines for committee action on bills for 2018. She stated some of the topics being discussed are the constitutional amendment for transportation, tax conformity and the bonding bill. The Chair thanked her for the presentation.

Council Committee Reports

Safety and Public Works Committee Report

2018 Bridge Safety Inspections Request for Proposals - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE REQUEST FOR PROPOSALS FOR THE 2018 BI-ANNUAL BRIDGE SAFETY INSPECTIONS WITH A RETURN DATE OF APRIL 27, 2018 AT 2:00 P.M.

Contract Towing Request for Proposals - Approved

City Engineer Sandy stated the contract with West Brainerd Auto expires on April 14, 2018. The contract was reviewed with Police Chief McQuiston and Deputy Police Chief Bestul and the suggested changes are: 1) Omit Miscellaneous Towing Charges 2) Omit No Keys 3) Identified After Hours Pickup Times 4) Changed "Impound per day" to "Impound per 24-hours".

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE REQUEST FOR PROPOSALS LANGUAGE AND AUTHORIZE STAFF TO SOLICIT BIDS FOR 2018-2020 CONTRACT TOWING WITH BIDS TO BE RECEIVED BY APRIL 27, 2018 BY 10:00 A.M.

Improvement 12-14 – S 6th Street Change Order Authorization Procedures - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE THE CITY ENGINEER TO APPROVE OR DENY CHANGE ORDERS ON THE SOUTH 6TH STREET PROJECT (IMPROVEMENT 12-14) UP TO \$30,000 CUMMULATIVE OVER THE COURSE OF THE PROJECT IF TIME CONSTRAINTS OR COST INCREASES BECOME A FACTOR IN THE DECISION MAKING PROCESS AND THE ENGINEER HAS EVALUATED THE CHANGE ORDER FOR COST EFFECTIVENESS AND FEASIBILITY BEFORE AUTHORIZATION AS WELL AS NOTIFYING COUNCIL OF THE CHANGE ORDERS.

April 2, 2018

Event/Street Closure Application – Corpus Christi Procession - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE EVENT APPLICATION WITH THE CONDITION THAT THE APPLICANT SPEAK WITH THE POLICE DEPARTMENT IF ASSISTANCE IS NEEDED DURING THE PROCESSION ITSELF AT BUSY STREET CROSSINGS.

Alley Spring Maintenance Discussion - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO DIRECT STAFF TO CONTINUE WITH THE GENERAL MAINTENANCE PRACTICES THAT ARE OUTLINED AS WELL AS WORK WITH THE CITY ATTORNEY AND NOTIFY PROPERTY OWNERS OF THE CITY'S DESIRE TO POTENTIALLY VACATE ALLEYS THAT ARE NOT TECHNICALLY DEFINED AS ALLEYS BUT ARE CURRENTLY BEING MAINTAINED.

Administrative Citation Process - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDED CHANGES TO THE ADMINISTRATIVE CITATION AND VIOLATION LETTERS AS PRESENTED WITH THE FOLLOWING INCLUSIONS: 1) PLANNING DEPARTMENT CITATIONS WILL CHANGE FROM DAILY TO WEEKLY 2) THE FAILURE TO COMPLY SENTENCE IN THE SECOND LETTER SENT TO THE PROPERTY OWNER WILL BE UPDATED TO SHOW POTENTIAL FINES COULD BE UP TO \$2,000 3) CITY CONTACT INFORMATION IN BOLD PRINT.

Committee Chair Bevans stated some of the Planning Department citations with safety concerns will be a three-day citation and some may be addressed with the assistance of Law Enforcement if necessary.

City Engineer Sandy indicated long grass and garbage citations are also a three-day citation due to the cleanliness and safety concerns. The nuisance will be abated by City Staff after that time period.

Council Member Hilgart questioned the label on the outside of the envelope stating "Code Violation Enclosed" whether this is a privacy issue. City Attorney Langel indicated there isn't anything being violated by doing so.

Personnel and Finance Committee Report

Approval of Bills - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK 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.

ClearGov Civic Insights Presentation – Direction Provided

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO DIRECT STAFF TO PREPARE AN ANNUAL REPORT TO POST ON THE CITY WEBSITE AND CONTINUE TO INVESTIGATE OTHER OPTIONS FOR PROVIDING INFORMATION TO THE PUBLIC.

Committee Chair Johnson indicated the ClearGov Civic Insights presented the software at committee level. The ClearGov program is a way to present information to the public, however, no action was taken to proceed with the program.

Police Officer Conditional Job Offer - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE MAKING A CONDITIONAL JOB OFFER TO POLICE OFFICER CANDIDATE SHANE HOLTZ CONTINGENT UPON SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS WITH A STARTING DATE OF APRIL 30, 2018 OR SHORTLY THEREAFTER.

Police Request for Out-Of-State Travel and Training - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE OUT-OF-STATE TRAVEL FOR OFFICER DEREK PALLANSCH TO ATTEND THE NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS TRAINING CONFERENCE IN HOUSTON, TEXAS FROM MAY 30th TO JUNE 2nd, 2018 WITH THE COSTS ASSOCIATED WITH THE CONFERENCE TO BE PAID FOR BY DRUG COURT FUNDING.

Resignation of Paid On-Call Firefighter Martin - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE WITH REGRET THE RESIGNATION OF PAID ON-CALL FIREFIGHTER MARTIN EFFECTIVE MAY 1, 2018.

Updated Legislative Agenda for Police, Fire and Airport - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE LEGISLATIVE AGENDA FOR POLICE, FIRE AND AIRPORT WITH THE FOLLOWING AMENDMENTS: 1) REMOVE #1 AND #5 UNDER POLICE 2) REMOVE #3 AND #4 UNDER FIRE.

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

Unfinished Business

None

April 2, 2018

New Business

On-Sale/Sunday Liquor License -Submitted by Sage on Laurel, 606 Laurel Street, Brainerd – Contingent Upon Fire Chief’s Approval - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE ON-SALE/SUNDAY LIQUOR LICENSE FOR SAGE ON LAUREL, LLC AT 606 LAUREL STREET, BRAINERD CONTINGENT UPON FIRE CHIEF’S APPROVAL.

First Reading – Proposed Ordinance No. 1480 – An Ordinance Amending Sections 1200.03 and 1010.01 of the Brainerd City Code to Permit Issuance of Licenses and Fees for Microdistilleries and Cocktail Rooms - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1480 – AN ORDINANCE AMENDING SECTIONS 1200.03 AND 1010.01 OF THE BRAINERD CITY CODE TO PERMIT ISSUANCE OF LICENSES AND FEES FOR MICRODISTILLERIES AND COCKTAIL ROOMS.

Resolution Supporting Preservation of Local Decision-Making Authority – Adopted by Resolution No. 20:18

City Engineer Sandy stated there is a trend at the legislature of bills being written that try to regulate local government from making decisions in their communities. This resolution would uphold the support of the council to make decisions based upon the best interests of the constituents of Brainerd.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT RESOLUTION NO. 20:18 TO SUPPORT PRESERVATION OF LOCAL DECISION-MAKING AUTHORITY.

RESOLUTION NO. 20:18

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

Sanitary and Storm Sewer Rate Analysis, Discussion and Recommendation – Adopted by Resolution No. 21:18 and 22:18

City Engineer Sandy reviewed the information regarding the rate study along with staff recommendations for the rates for 2018-2019 for sanitary sewer and 2019 for the storm sewer. City Engineer Sandy included in the packet information on alternative billing options as previously discussed. Staff recommended the resolutions included with the packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 21:18 ESTABLISHING SANITARY SEWER COLLECTION SYSTEM CHARGES.

RESOLUTION NO. 21:18

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 22:18 ESTABLISHING STORM SEWER COLLECTION SYSTEM CHARGES.

RESOLUTION NO. 22:18

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

Comprehensive Plan Steering Committee – Change in Members - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, TO APPROVE WITH REGRET THE RESIGNATION OF MR. AARON SINCLAIR FROM THE COMPREHENSIVE PLAN STEERING COMMITTEE.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPOINT MS. LAINE LARSON OF ISD 181 TO THE COMPREHENSIVE PLAN STEERING COMMITTEE.

Mayor Menk announced there is a person representing Central Lakes College that desires to be a part of the steering committee. Staff will obtain more details and present the name at the next council meeting for consideration.

City Planner Ostgarden suggested residents who express interest in the committee should follow the regular application process for appointment.

Council Member Hilgart indicated since it is a citizen driven committee by ward, equal representation should be considered when appointing additional members.

Council Member Lambert suggested a limit to the number of members on the committee.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO LIMIT THE NUMBER OF MEMBERS ON THE COMPREHENSIVE PLAN STEERING COMMITTEE TO 14.

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

Planning Commission

Conditional Use Permit Request – St. Francis Catholic Church – 404 North 9th Street – To Construct a 10,800 Sq. Ft. Addition and Parking Lot Expansion - Approved

City Planner Ostgarden explained the church would be completing the project in two phases. The Church is requesting an extension of the Conditional Use Permit for up to 5 years

April 2, 2018

in order to complete both phases. The first phase would be the 10,800 square foot addition and phase two would be the parking lot expansion. City Planner Ostgarden briefly reviewed the property site plans and details.

The Chair welcomed Ms. Erica Marcussen, architect with Widseth Smith Nolting (WSN). Ms. Marcussen summarized the site plans for the addition along with the parking lot expansion.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR ST. FRANCIS CATHOLIC CHURCH, 404 NORTH 9TH STREET FOR PHASE ONE BUILDING EXPANSION AND PHASE TWO PARKING LOT EXPANSION BASED ON THE PLANNING COMMISSIONS RECOMMENDED FINDINGS OF FACT AND IN ACCORDANCE WITH ZONING ORDINANCE SECTION 515-5-4: CANCELLATION OF CONDITIONAL USE PERMITS, THE CONDITIONAL USE PERMIT IS APPROVED FOR 5 YEARS FROM THE DATE OF APPROVAL.

The Chair welcomed Reverend Anthony Wroblewski, 416 North 9th Street who is the pastor at St. Francis Church. Council Member Badeaux asked what the response has been since the stop sign was installed at the corner of Juniper and North 9th Street. Reverend Wroblewski stated the stop sign has been a blessing to everyone and received very well by parents and church goers.

Conditional Use Permit Request – City of Brainerd – To Construct an Accessory Building 37' in Height at the Public Works Facility Located at 724 Thiesse Drive - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR THE CITY OF BRAINERD TO CONSTRUCT A 37' TALL SALT STORAGE BUILDING AT 724 THIESSE DRIVE.

Public Forum

The Chair opened the Public Forum at 8:35 p.m.

No one came forward.

The Chair closed the Public Forum at 8:35 p.m.

Staff Reports

City Engineer Sandy announced the public informational meeting last week regarding the South 6th Street reconstruction went very well. There were approximately 30 attendees that came for the presentation and questions were answered. The pre-construction meeting today at MnDOT resulted in a delayed start date due to weather.

City Planner Ostgarden stated two Comprehensive Plan Neighborhood Ward meetings have been held with approximately 15 attending each meeting. There are two more this week; April 3rd at Bethlehem Lutheran Church and April 5th at Trinity Lutheran Church.

April 2, 2018

Fire Chief Holmes stated the fire department is taking applications for Paid On-Call Firefighters. The application is on the website along with an informational meeting scheduled for April 17th at the Fire Station.

City Administrator Torstenson announced the first half of our legislative agenda has been sent to the legislators with the second half being sent this week. There have not yet been any letters sent in support of or in opposition to, however, the resolution in support of preserving local decision-making authority will be the first action item sent.

City Administrator Torstenson indicated a website calendar page will be created for public awareness to inform them of potential events regarding the Downtown Placemaking Initiative and Events.

City Administrator Torstenson is one of four alumni that has been invited to speak on April 17th at the University of North Dakota as a part of the Hultberg Lectureship Series titled "Women Who Are Changing the World".

Mayor Menk stated Sears has relocated from Baxter to the old County Market building in northeast Brainerd. Mayor Menk indicated he was one of the first customers to dine at Senor Petron's, which is the new Mexican restaurant in the old Log Cabin location and the Purple Fern is scheduled to open downtown on May 1st.

Council Member Reports

Council Member Badeaux announced he participated in the annual BHS Alumni Basketball Tournament and thanks the Brainerd Sports Boosters for arranging the event.

Council Member Lambert attended and participated in the Comprehensive Plan Neighborhood Meeting and stated it was very informational with good ideas discussed.

Council Member Bevans stated the "Brainerd Bucks" portion of the Comprehensive Plan Neighborhood Meeting was a great exercise for residents to discuss their ideas of what tax money should be spent on in the community using a limited budget.

Council Member Pritschet regretfully will not be able to attend his ward meeting due to speech class subsections taking place. However, Council Member Hilgart has offered to attend in his place.

Council Member Stunek attended the ward meeting and found it interesting where the residents put their "money" in the exercise. Member Stunek thanked City Engineer Sandy and the plowing crew for the good job they did with Saturday's snowstorm.

Council Member Hilgart is looking forward to attending the neighborhood meeting and also thanks the snowplowing crew for the prompt removal of the snow in the middle of Laurel Street.

Council Member Johnson attended the Ward 4 meeting last week and found it interesting to listen to the comments of the residents as they were deciding where to spend their "money". The additional exercise involved placing stickers on maps in areas of the City that residents value and areas to improve or change. The residents in Ward 4 had several places of value marked with very few placed in areas needing change.

April 2, 2018

Committee Resignations – Accept with Regret

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. RICK FARGO FROM THE HOUSING AND REDEVELOPMENT AUTHORITY (HRA) EFFECTIVE APRIL 2, 2018.

Council Member Johnson indicated while updating policies at the HRA, it was discovered that persons working in the business of managing properties are prohibited from serving on a public housing 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) – 1 term (Expire 2021)

Housing & Redevelopment Authority – 1 term (Expire 2018)

Adjourn to Closed Session Under MN Statute 13D.05, Subd. 3(b) Under the Attorney-Client Privilege to Discuss Pending Litigation with Tom's Backhoe and Annexation of BPU Property – 8:45 p.m.

The Chair reconvened into open session at 9:00 p.m.

The Chair adjourned the meeting at 9:00 p.m.

Cassandra Torstenson
City Administrator