

Brainerd, MN
May 7, 2018

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: Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux 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 HILGART, DULY CARRIED, TO AMEND THE AGENDA BY MOVING ITEM 6A – BRAINERD COMMUNITY ACTION PRESENTATION TO #8 OF THE PERSONNEL AND FINANCE COMMITTEE REPORT.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

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

- A. Approval of the Minutes of the Regular Meeting held on April 16, 2018 - Approved**
- B. Approval of Licenses - Approved**

Contractor Licenses – 1 – New; 2 - Renewals
- C. Department Activity Reports - Approved**

1. Fire Chief
2. Parks Director
- D. Extension of Premises – Submitted by Brainerd American Legion #255 for an Event to be Held on May 28, 2018 at 708 Front St., Brainerd - Approved**
- E. Letter of Understanding Between the City of Brainerd and Teamsters General Local Union No. 346 for Health Fund Merger to the Teamsters Joint Council 32 – Employers Health and Welfare Fund - Approved**
- F. Minnesota Lawful Gambling Premises Permit Application – Adopt Resolution to Allow Lawful Gambling by Baxter Snowmobile Club at The Last Turn Saloon, 214 S 8th St., Brainerd – Adopted by Resolution No. 26:18**
- G. Resolution Identifying “Slum and Blight” Conditions – Adopted by Resolution No. 27:18**

May 7, 2018

- H. Temporary On Sale Liquor License Application – Submitted by The Crossing Arts Alliance, 711 Laurel St for an Event to be Held June 5, 2018 - Approved**
- I. Minnesota Lease for Lawful Gambling Activity Application – Submitted by The Baxter Snowmobile Club at The Last Turn Saloon, 214 S 8th St., Brainerd - Approved**

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

Presentations

Walkable Bikeable City Committee

The representative from the Walkable Bikeable Committee was unable to attend the meeting. Staff will look into rescheduling.

Council Committee Reports

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

Amanda Musurka Appeal – Direction Provided

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO ARRANGE A PAYMENT PLAN WITH MS. AMANDA MUSURKA FOR THE FIRE DEPARTMENT EXTRICATION FEE.

Police Officer Conditional Job Offer - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL JOB OFFER TO POLICE OFFICER CANDIDATE JOE TABLANTE, CONTINGENT ON SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS WITH A START DATE OF JUNE 4TH OR SHORTLY THEREAFTER.

Resolution for Police NJPA Innovation Grant Application – Adopted by Resolution No. 28:18

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT RESOLUTION NO. 28:18 AUTHORIZING THE POLICE DEPARTMENT TO APPLY FOR THE

NJPA INNOVATIVE FUNDING PROGRAM FOR PURCHASING TRAFFIC SAFETY EQUIPMENT FOR TOWARDS ZERO DEATHS USE.

RESOLUTION NO. 28:18

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

One-Time Exception for Use of State Funded Minnesota Investment Funds (MIF) Dollars - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO UTILIZE THE ONE-TIME EXCEPTION OF STATE MIF CASH BALANCE OF \$216,966 TO SUBMIT 20% TO THE STATE AND RETAINING 80% TO BE USED ON LOCAL ECONOMIC DEVELOPMENT INITIATIVES IN THE CITY OF BRAINERD.

Resolution for Dedication of Funds For Bonding Bill and/or Other State Funding – Adopted by Resolution No. 29:18

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO COMMIT \$100,000 FROM 80% OF THE ONE-TIME STATE MIF FUNDS TO MATCH ANY BONDING OR GRANTS THAT MAY BE RECEIVED FROM THE STATE.

Council Member Hilgart stated this will give the City the opportunity to be responsive with a match to the LCCMR bonding bill or any other funding option. If the bonding is not issued, the City retains the funds for future uses.

Committee Chair Johnson indicated the council discussed match funding for bonding and other state funding last year but did not pass due to lacking a source of funds. The MIF Funding action previously passed gives the City a potential source to use to match the grant.

Mayor Menk asked City Administrator Torstenson if a higher dollar amount would give the City a better chance of receiving a bonding bill or if the \$100,000 is adequate.

City Administrator Torstenson explained that this amount is sufficient and will show the City has serious commitment to the project.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO AMEND THE MOTION BY ADDING A CHANGE TO THE RESOLUTION FOR THE LCCMR GRANT AMOUNT FROM \$1.5 MILLION TO \$2.675 MILLION.

RESOLUTION NO. 29:18

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

Close-Converse Contract Extension - Approved

May 7, 2018

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE THE CONTRACT EXTENSION FOR CLOSE-CONVERSE THROUGH DECEMBER 31, 2018.

Committee Chair Johnson explained City Administrator Torstenson requested an extension due to potential interest in Brainerd Industrial Park lots.

City Administrator Torstenson indicated she has been working with BLAEDC on what the market analysis results reflect. The pricing on the properties are valued appropriately when compared to other shovel ready sites. Further marketing efforts with Close-Converse will take place that will not only feature the land itself, but also the community and what the Brainerd Lakes Area has to offer.

Brainerd Community Action Presentation – Informational

Committee Chair Johnson explained Ms. Holly Holm made a presentation at the Personnel and Finance Committee meeting earlier this evening regarding the activities and fireworks show on the 4th of July.

MOVED AND SECONDED BY JOHNSON AND STUNEK, DULY CARRIED, TO CONTRIBUTE \$8,000 FROM THE COUNCIL SPECIAL PROJECTS BUDGET TO BRAINERD COMMUNITY ACTION TOWARDS THE FIREWORKS DISPLAY ON JULY 4TH, 2018.

Safety and Public Works Committee Report

Bridge Inspection Services Proposal - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFFS RECOMMENDATION OF THE LOWEST QUOTE FROM WIDSETH SMITH NOLTING TO PERFORM THE BRIDGE INSPECTION SERVICES IN 2018 FOR A PRICE OF \$2,450.

Contract Towing Bids - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT THE BID FROM WEST BRAINERD AUTO SERVICE FOR CONTRACT TOWING FOR YEARS 2018 – 2020.

Emergency Culvert Replacement Project – Pine Street and Walnut Street - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT THE QUOTE FROM DECHANTAL EXCAVATING FOR A COST OF \$17,986 FOR THE REPLACEMENT OF THE CULVERT.

Event/Street Closure Application – Garfield Walk-a-Thon - Approved

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

CONDITION THAT THE APPLICANT COORDINATE THE NEED FOR TRAFFIC CONTROL WITH ENGINEERING STAFF BEFORE THE EVENT.

Improvement 17-13 Bid – Adopted by Resolution No. 30:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT A RESOLUTION TO ACCEPT THE BID FROM ANDERSON BROTHERS CONSTRUCTION OF BRAINERD, LLC IN THE TOTAL BID AMOUNT OF \$639,561 AND TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH ANDERSON BROTHERS CONSTRUCTION OF BRAINERD, LLC.

RESOLUTION NO. 30:18

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

Improvement 18-01 Bid – Adopted by Resolution No. 31:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION ACCEPTING THE BID FROM GREYSTONE CONSTRUCTION AND DECLARES THE BID FROM A & B CONSTRUCTION NON-RESPONSIVE ALONG WITH DISQUALIFYING THE BID AS PRESENTED AT THE BID OPENING.

RESOLUTION NO. 31:18

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

Improvement 18-02 Chip Seal Bids - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE BID FROM ASPHALT PRESERVATION COMPANY INC. FOR A TOTAL BID OF UP TO \$150,000 AND AUTHORIZE PROPER SIGNATURES ON THE AGREEMENT.

Committee Chair Bevans explained the original bid was higher because it included streets receiving high traffic due to the South 6th Street construction. By eliminating those streets this summer, we stay under budget and it works better for the detours to keep those streets accessible.

Improvement 18-03 Crack Seal Bids - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE BID FROM KAMCO INC. AT A BID COST OF \$12,619 AND AUTHORIZE PROPER SIGNATURES ON THE AGREEMENT.

Committee Chair Bevans indicated the project cost is higher than the bid cost because the City purchases the materials from the State contract at a reduced unit price. The total estimated project cost is \$17,636.50 which include the streets eliminated from the chip seal as those streets will still be crack sealed.

Request For Proposals For Operating Services - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE SOLICITATION OF THE REQUEST FOR PROPOSALS FOR THE OPERATING SERVICES OF THE BRAINERD AND CROW WING COUNTY PUBLIC TRANSIT SERVICE WITH A RETURN BY DATE OF 10:00 AM LOCAL TIME ON JUNE 11, 2018.

City Engineer Sandy indicated this is contingent upon MnDOT reviewing the DBE (Disadvantage Business Enterprises) goal for the contract which will be inserted into the proposal before it is sent out.

Rotary Riverside Park Addition - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE ADDITIONAL PROPERTY TO EXTEND ROTARY PARK TO JENNY STREET.

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)

Public Hearing - Final 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 – Approved

The Chair opened the Public Hearing at 7:55 p.m.

No one came forward.

The Chair closed the Public Hearing at 7:56 p.m.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, TO HOLD THE FINAL 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.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT TO ADOPT 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.

ORDINANCE NO. 1480

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

May 7, 2018

New Business

Discussion of Date for Council Retreat – Date Set

Council discussion took place and it was determined to hold the Council Retreat on Monday, June 25, 2018 at 5:30 p.m.

Discussion of Fair Housing Standards – Informational

Finance Director Hillman stated as part of the Small City Development Grant an activity needs to be completed annually. The chosen activity is discussion of Fair Housing Standards in the City of Brainerd. The council packet included information regarding Fair Housing Standards.

Council Member Johnson indicated he is in full support of fair housing standards and recommends the book called “The Color of Law” which details many aspects regarding fair housing.

Council Member Pritschet stated it is a topic that needs to have attention and fully supports fair housing.

Discussion of Liquor Zones and Licenses – Adopted by Resolution No. 32:18

City Administrator Torstenson explained it was requested of staff to research the liquor zones. Upon review of the ordinances regarding on sale liquor licenses for bars and restaurants, as well as the definition of a restaurant, it was determined an in-depth review of all aspects of the ordinance is needed.

City Planner Ostgarden indicated the current liquor ordinances need to be fully reviewed before any decisions can be made.

City Attorney Langel explained there are restrictions in the number of licenses that can be issued in a downtown liquor zone and questioned which downtown businesses were grandfathered in prior to 2001. There is also a definitional issue of what constitutes a restaurant and the current language is not clear. The proposed resolution is to allow time to research the details of liquor zone language and licenses.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX TO HOLD THE ISSUANCE OF NEW ON-SALE LIQUOR LICENSES IN ABEYANCE FOR 30 DAYS PENDING DETERMINATION OF THE STATUS OF THE LICENSING LIMITATIONS SET FORTH IN SECTION 1200.21 OF THE CITY CODE.

RESOLUTION NO. 32:18

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

Public Hearing – Request to Vacate a Portion of Vine Street West of South 4th Street (Willow Street Extension) - Denied

May 7, 2018

City Engineer Sandy indicated the public hearing is set to hear testimony for or against the vacation of a 15-foot section of Vine Street west of South 4th Street at the request of the property owner at 323 Vine Street. A previous vacation from 1959 vacated the south 45-foot portion of Vine Street in this same location which left a 15-foot sliver of property which lies between 323 Vine and the vacated section. The MN Department of Natural Resources stated they could not definitely prove the vacation abuts public water but acknowledged the property may provide public use in the future.

The Chair opened the Public Hearing at 8:28 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:28 p.m.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, TO DENY THE VACATION REQUEST DEEMING THAT THE VACATION IS NOT IN THE BEST INTEREST OF THE PUBLIC AND MAY BE USED TO PUBLIC BENEFIT IN THE FUTURE.

Planning Commission

Conditional Use Permit – Parking Lot in a B-1 District for a Use Permitted in a B-6 District Located Across an Alley for Thrifty White - Approved

City Planner Ostgarden indicated the site proposed contains a vacant lot and a duplex building at the southeast corner of Kingwood Street and North 2nd Street on the north side of the alley. This application is for the parking lot to be used by the Thrifty White store which is a permitted use in a B-6 district located adjacent to or across an alley. The Planning Commission held the public hearing at their meeting on April 18, 2018 and are recommending approval with conditions.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO APPROVE THE CONDITIONAL USE PERMIT TO CONSTRUCT A PARKING LOT AT THE SOUTHEAST CORNER OF KINGWOOD STREET AND 2ND STREET NORTH BASED ON THE SITE PLAN REVIEWED, FINDINGS OF FACT AND CONDITIONS IMPOSED BY THE PLANNING COMMISSION.

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

First Reading – Proposed Ordinance No. 1481 – Amending Zoning Ordinance Sections 515-02, 515-17, 515-52, 53, 54, 55, 56, 57, 58, 515-60 and 515-61 to Add Noncommercial Greenhouses as an Accessory Use - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1481 TO AMEND ZONING ORDINANCE SECTIONS 515-02, 515-17, 515-52, 53, 54, 55, 56, 57, 58, 515-60 AND 515-61 TO ADD NONCOMMERCIAL GREENHOUSES AS AN ACCESSORY USE.

May 7, 2018

Public Forum

The Chair opened the Public Forum at 8:53 p.m.

No one came forward.

The Chair closed the Public Forum at 8:53 p.m.

Staff Reports

City Engineer Sandy indicated the digging has started on South 6th Street last week and the crews had a good first week. The detour maps and street closing information have been posted on the City website on the engineering page. There are also links to the MnDOT page for construction updates.

Fire Chief Holmes announced they had an opportunity for a great cooperative training situation with the Brainerd Airport recently and nineteen firefighters were certified in airport rescue firefighting. The instructor indicated it was a unique training situation and it is very rare that a department the size of Brainerd supporting an airport fire rescue would participate in that training. The City of Brainerd firefighters are very committed to the community and to the people traveling through the area.

Finance Director Hillman indicated the field work for the 2017 audit has started and the auditors will be here for the next two weeks.

City Administrator Torstenson attended the placemaking meeting with Region V and Brainerd Restoration recently. There are several projects that have been identified for downtown this summer which is very exciting. The banners supporting the Riverfront have been received and will be going up in many areas around the City. She thanked the Riverfront Committee for raising the funds for the banners.

Council Member Reports

Council Member Badeaux gave an update on the presentation he gave at the library regarding the historic water tower.

Mayor Menk announced the Bringing Up Grades Program (B.U.G.) awards were presented to 28 fourth graders in our school district. Mayor Menk stated the sign for the new downtown business, The Purple Fern is now displayed and will be opening soon.

Council Member Pritschet urged all the drivers to please use extra caution when driving the detours around the South 6th Street construction. Many of the detours are routed through residential areas where there are pedestrians, children and pets.

Council Member Stunek thanked the council for the flower arrangement that was sent for his father's funeral.

Council Member Hilgart attended Council Member Badeaux' presentation at the library and stated it was a very interesting presentation. She also attended the Brainerd Restoration

May 7, 2018

kickoff to the detour Downtown project. The Northland Arboretum is getting prepared for summer events including a 5K race this year to the Sour Grapes Event.

Council Member Johnson added to the drivers during the construction please do not pass cars on the shoulder when a left turn is being taken. It is very dangerous in these residential neighborhoods, as well as illegal. He announced he will be attending a Brainerd Unified Fund meeting and there have been three projects funded so far with a fourth on the meeting agenda. The program is working as planned and applications are coming in. Council Member Johnson stated the Brainerd Jaycees have set aside a budget for a new project downtown and are looking for ideas.

Adjourn

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

Cassandra Torstenson
City Administrator