Brainerd, MN
May 21, 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, Bevans, Badeaux and Pritschet. Member Stunek was noted as absent. 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 ADDING A PRESENTATION BY THE WALKABLE BIKEABLE COMMITTEE PRIOR TO THE CONSENT CALENDAR.

Presentations

Ms. Eleanor Burkett, chairperson for the Walkable Bikeable Committee thanked the council for the opportunity to present. Ms. Burkett stated as the revisions are being made to the 2004 Comprehensive Plan, the strategies for the Transportation Goal continue to be a priority and should be included in the revised plan. She also encouraged city staff utilize the Non-motorized Transportation Plan (NMTP) that was approved by city council in 2016 as an annual budget guide for maintenance and improvements. The WBCC hopes that one day, with joint efforts, Brainerd will be able to join the list of honored bicycle friendly communities in Minnesota.

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

A. Approval of the Minutes of the Regular Meeting held on May 7, 2018 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – New; 4 - Renewals

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Minnesota Lawful Gambling Applications for Exempt Permit – Submitted by The Brainerd Jaycees for an Event to be Held July 28, 2018 at the Brainerd High School Lower Lot, 400 East River Road, Brainerd - Approved

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

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

Police Officer Conditional Job Offer – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE MAKING A CONDITIONAL JOB OFFER TO POLICE OFFICER CANDIDATE, GRANT LARSON, CONTINGENT ON SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS, WITH A STARTING DATE OF JUNE 25TH, OR SHORTLY THEREAFTER.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE THE CALL TO THE CIVIL SERVICE COMMISSION TO CERTIFY THE NEXT THREE CANDIDATES IF NECESSARY.

Council Member Johnson indicated the Civil Service Commission only certifies three candidates at a time. If this third candidate does not successfully complete the screening process, the commission needs to meet and certify three more candidates.

Safety and Public Works Committee Report

Brainerd Riverfront Plaza Land Survey and Title Research Proposals - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE PROPOSAL FROM WIDSETH SMITH NOLTING AT THE COST OF $4,500 USING THE DEDICATED FUNDS AUTHORIZED FOR THE PLAZA.

Event/Street Closure Application – Memorial Day Parade - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE MEMORIAL DAY PARADE UNDER THE CONDITIONS THAT THE EVENT STAFF COORDINATE TRAFFIC CONTROL WITH ENGINEERING STAFF AND WORK WITH THE POLICE DEPARTMENT IF A POLICE ESCORT WILL BE NECESSARY FOR THE PARADE.

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

2018 Transit Capital Bus Purchase – Adopted by Resolution No. 33:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION AUTHORIZING THE PURCHASE OF THE 2018 BUDGETED BUS FROM NORTH CENTRAL BUS SALES OF ST. CLOUD AT THE TOTAL COST OF $80,144.

RESOLUTION NO. 33:18

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

Set Public Hearing – Draft 5-Year Capital Improvement Plan - Approved

City Engineer Sandy indicated the draft version of the 5-year capital plan has been available on our website for the public to view. The public hearing has been set for June 18, 2018 at 7:30 pm to hear from the community.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO HOLD THE PUBLIC HEARING ON JUNE 18, 2018 AT 7:30 P.M. REGARDING THE 5-YEAR CAPITAL IMPROVEMENT PLAN.

Council Member Johnson thanked staff for compiling the plan and sharing it online for the public to view.

Snow Plowing Policy – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF RECOMMENDATION TO ADOPT THE POLICY AND SIDEWALK/TRAIL PRIORITY SCHEDULE AS PRESENTED.

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)

Planning Commission

Conditional Use Permit Request – Non-enclosed Premises at Sage on Laurel, 606 Laurel Street - Approved

City Planner Ostgarden explained the Planning Commission is recommending approval of the application based on the Findings of Fact and recommended conditions. City Planner Ostgarden reviewed the details from the Planning Commission meeting regarding the patio and a map of the proposed layout.

City Planner Ostgarden indicated the Planning Commission was concerned about the access of vehicles into the parking lot when the patio is constructed and showed two maps of the lot.

Council Member Johnson stated the City signed a lease in March to rent a portion of the parking lot owned by Ms. Sarah Hayden Shaw and inquired if the lease would be void in passing the Conditional Use Permit.

City Attorney Langel indicated the lease would not be consistent with the terms and conditions implied thus making it void.

The Chair recognized Ms. Sarah Hayden Shaw, owner of Sage on Laurel located at 606 Laurel Street. Ms. Hayden Shaw indicated the lease was never executed and she has not received any payments for it. Ms. Hayden Shaw stated she has met all the requirements of the application and all plans for the patio have been reviewed by city staff. The parking lot striping plans have been reviewed by City Engineer Sandy as the best layout for the lot. Ms. Hayden Shaw agreed to renegotiate the lease if necessary.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT TO CONSTRUCT A NON-ENCLOSED PATIO ADJACENT TO THE RESTAURANT, REMOVING CONDITION #2 REGARDING THE PARKING LOT AND TERMINATE THE PARKING LOT LEASE.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO DIRECT STAFF TO DRAFT A LEGAL EASEMENT REGARDING THE FENCE AND PROPOSED FENCE GATE LOCATED ON SAGE ON LAUREL PROPERTY.

Final Reading – Proposed Ordinance No. 1481 – A Zoning Ordinance Text Amendment to Permit Noncommercial Greenhouses as an Accessory Use in the Residential Districts Below:

- R-R, Rural Residential District
- R-E, Single Family Estate Residential District
- R-1A, Single Family Residential
- R-1, Single Family Residential
- R-2, Medium Density Residential
- R-3, High Density Residential
- R-MH, Manufactured Housing District
- B-1, Residential Office District
- B-2, Neighborhood Business District

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1481 – A ZONING ORDINANCE TEXT AMENDMENT TO PERMIT NONCOMMERCIAL GREENHOUSES AS AN ACCESSORY USE IN THE RESIDENTIAL DISTRICTS SHOWN.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT TO ADOPT ORDINANCE NO. 1481 – A ZONING ORDINANCE TEXT AMENDMENT TO PERMIT

NONCOMMERCIAL GREENHOUSES AS AN ACCESSORY USE IN THE RESIDENTIAL DISTRICTS SHOWN.

ORDINANCE NO. 1481

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

New Business

First Reading – Proposed Ordinance No. 1482 – An Ordinance Adding Section 540 to the Brainerd City Code Enforcing the Statutory Prohibition of the Use and Sale of Coal Tar Sealant Products within the City of Brainerd – Approved

City Engineer Sandy explained coal tar sealant products are illegal in the state of Minnesota due to known carcinogens which affect stormwater runoff. The Minnesota Statute states local units of government need to adopt by reference into the city ordinances to be able to enforce it.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO HOLD THE FIRST READING OF ORDINANCE NO. 1482 – AN ORDINANCE ADDING SECTION 540 TO THE BRAINERD CITY CODE ENFORCING THE STATUTORY PROHIBITION OF THE USE AND SALE OF COAL TAR SEALANT PRODUCTS WITHIN THE CITY OF BRAINERD.

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

Discussion of Downtown Creative Placemaking Initiative Support – Informational

City Administrator Torstenson explained the Council made a motion at the February 20, 2018 council meeting to contribute $3,000 to supporting the downtown creative placemaking initiative. Staff is seeking clarification from council if funds are to be used for expenses of the City or Brainerd Restoration. It was determined the contribution is for expenses incurred by Brainerd Restoration.

Modification of On-Sale Liquor License for Sage on Laurel - Approved

Finance Director Hillman stated the Conditional Use Permit approval for the outdoor patio requires a modification to the on-sale liquor license to include the patio for serving alcohol.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS TO HOLD THIS REQUEST UNTIL THE JUNE 4, 2018 MEETING AFTER THE MORATORIUM OF LIQUOR LICENSES PASSES.

City Attorney Langel clarified this is not a new on-sale liquor license request; it is simply a modification to an existing license to include a patio. Minnesota State law indicates the only action needed on an existing license to extend the premises is to amend the existing license and provide evidence of insurance coverage to include the patio.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO APPROVE THE MODIFICATION OF THE ON-SALE LIQUOR LICENSE FOR SAGE ON LAUREL TO EXTEND TO THE NON-ENCLOSED PATIO AREA.

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

Public Forum

The Chair opened the Public Forum at 8:36 p.m.

No one came forward.

The Chair closed the Public Forum at 8:36 p.m.

Staff Reports

City Engineer Sandy reported the legislative session has ended and gave an update of some of the bills that were recently discussed.

Finance Director Hillman announced filings for city offices open on Tuesday, May 22, 2018. On Wednesday, May 30th, the Crow Wing County Sheriff’s Office, the Division of Emergency Management and the Brainerd Fire Department will be hosting a Module II workshop training for senior leadership and elected officials on the rules and responsibilities in disaster response. The event will take place at the Crow Wing County Land Services building from 5:30 p.m. – 7:30 p.m. in Rooms 1 and 2. If anyone is interested in attending, an R.S.V.P. is required.

City Administrator Torstenson stated six summer interns started at City Hall recently. We have asked them to look at our city processes and encouraged ideas that they may have. Ms. Torstenson said she will be working with city staff towards a goal of improving customer service in the City. Another legislative update to announce is the city will not lose any LGA funds this year, however there was not an increase either. The bonding bill for trails did not get put into the bonding or LCCMR this year. Council Members Hilgart and Johnson attended the session in St. Paul with City Administrator Torstenson advocating for our trails package which unfortunately did not pass.

Council Member Reports

Council Member Hilgart announced the trip to the State Capitol was very educational regarding our bonding request and ways to make it more persuasive. She met with the Fire Advisory Board today to discuss how to plan to fund for capital equipment replacement.

Council Member Bevans represented the Brainerd City Council at the groundbreaking of the construction at St. Francis Church.

Mayor Menk announced Operation Sandwich will be underway shortly. This is a program to provide lunch to students throughout the summer and donations are welcome. Mayor Menk will be traveling to Madden's this week to address the Housing and Redevelopment Authority (HRA) by welcoming them to our City and community.

In downtown news, Senor Patrons is installing a new roof and The Purple Fern has opened for business. City Administrator Torstenson joined Mayor Menk on a tour of the downtown mall which is being remodeled by Pueringer Investments and will soon have 14 new apartments.

Adjourn to Closed Session Pursuant to MN Statutes 13D.05, Subd. 3 (C) (3) For the Purpose of Developing or Considering Offers or Counteroffers for the Sale of Property known as Industrial Park Phase V – 8:47 p.m.

The Chair reconvened into open session at 9:06 p.m.

The Chair adjourned the meeting at 9:06 p.m.

Cassandra Torstenson
City Administrator