

**Brainerd, MN
June 4, 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 BEVANS AND LAMBERT, DULY CARRIED, TO AMEND THE AGENDA BY REMOVING THE AIRPORT PRESENTATION AND ADDING 9B – COLLEGE DRIVE BRIDGE CHALK GRAFFITI PROJECT.

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

A. Approval of the Minutes of the Regular Meeting held on May 21, 2018 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – New; 3 – Renewals
July License Renewals

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

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

Camp Ripley Annual Update

The Chair welcomed Senior Commander Lowell Kruse, who presented Camp Ripley’s 2018 Community Brief. He explained the number one mission of Camp Ripley is to train soldiers to be the best resources they can be for the federal government. He discussed the 2018 annual training schedule, the economic impact that Camp Ripley has provided to the surrounding communities, the leadership changes in the past year, events that took place in 2017 and the environmental briefing.

Council had the opportunity to ask questions and the Chair thanked Senior Commander Kruse for his presentation.

June 4, 2018

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills

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

Committee Chair Johnson explained the reason the payment to Anderson Brothers was an exception is that the project is estimated to be over budget and the committee would like discussion with the City Engineer before it is 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.

MOTION AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO CONSIDER PAYMENT TO ANDERSON BROTHERS BASED ON THE POTENTIAL COST OVERRUNS ON THE PROJECTS.

City Engineer Sandy explained the project is estimated to be approximately 3% over budget due to changes in curb and gutter work on the service drive of South 6th Street and eleven blocks in northwest Brainerd. This is for drainage from the side streets and the conditions of damaged curb that need to be pulled and redone.

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

Police Department Bomb Team Joint Powers Agreement (JPA) Renewal & Resolution – Adopted by Resolution 34:18

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT A RESOLUTION AUTHORIZING THE RENEWAL OF THE BRAINERD-CROW WING COUNTY BOMB TEAM JOINT POWERS AGREEMENT AND AUTHORIZE SIGNATURES OF THE MAYOR, CITY ADMINISTRATOR AND POLICE CHIEF.

RESOLUTION NO. 34:18

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

Recommendations for Paid on Call Hiring - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE A CONDITIONAL JOB OFFER TO KATHLEEN GRIMBSY, ROBERT GAWBOY, CHRISTOPHER WALLACE AND TYLER VORK FOR THE POSITION OF PAID ON-CALL FIREFIGHTER SUBJECT TO SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT PHYSICAL, DRUG, PSYCHOLOGICAL AND BACKGROUND CHECKS.

Safety and Public Works Committee Report

Improvement 18-01 Change Order 1 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE CHANGE ORDER 1 FOR IMPROVEMENT 18-01 BRAINERD SALT/SAND STORAGE FACILITY IN THE TOTAL REDUCTION AMOUNT OF \$3,900 WHICH REDUCES THE TOTAL BUILDING CONTRACT COST WITH GREYSTONE TO \$216,696.

Committee Chair Bevans indicated the change order is due to the City not needing the fire-retardant fabric.

Improvement 18-01 – Street Department Salt/Sand Shed Paving Quote - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE QUOTE FROM ANDERSON BROTHERS AT A COST OF \$18,598 FOR PAVING ON IMPROVEMENT 18-01 STREET DEPARTMENT SALT/SAND STORAGE FACILITY.

Improvement 17-13 – Testing Services Proposals - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE QUOTE FROM BRAUN INTERTEC FOR THE TESTING SERVICES ON BROOK STREET AND SE 10TH STREET IN THE AMOUNT OF \$12,219.

Northtown Access Easement - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE ACCESS EASEMENT FOR A SINGLE ONE-TIME PAYMENT OF ONE DOLLAR TO THE CITY OF BRAINERD AND AUTHORIZE PROPER SIGNATURES ON THE EASEMENT DOCUMENT TO BE RECORDED AT CROW WING COUNTY LAND SERVICES.

Loretto Bay Alley Improvement and Maintenance Agreement - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE ALLEY IMPROVEMENT AND MAINTENANCE AGREEMENT AND AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE AGREEMENT WITH LORETTO BAY.

Committee Chair Bevans indicated there are alleys in southeast Brainerd that residents are using as alleyways that were never platted as alleyways nor designated as alleyways. It was discovered the City has been maintaining these alleyways and should not have been.

Resolution – Crow Wing County Multi-Hazard Mitigation Plan – Adopted by Resolution No. 35:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION FOR THE UPDATED CROW WING COUNTY MULTI-HAZARD MITIGATION PLAN.

RESOLUTION NO. 35:18

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

Resolution – Brainerd and Crow Wing County Public Transit Operating and Capital Transit Grant for Year 2019 – Adopted by Resolution 36:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE PUBLIC TRANSPORTATION SERVICES IN FISCAL YEAR 2019.

RESOLUTION NO. 36:18

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

Event/Street Closure Application – Jaycees Street Fest - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF’S RECOMMENDATION AND APPROVE THE EVENT APPLICATION WITH THESE CONDITIONS 1) COORDINATE WITH BPU ON THE POWER AND WATER NEEDED DURING THE EVENT 2) COORDINATE TRAFFIC CONTROL THROUGH THE ENGINEERING DEPARTMENT 3) COORDINATE POLICE STAFFING NEEDS THROUGH DEPUTY CHIEF BESTUL ALONG WITH SUBMITTING THE NECESSARY PERMITS AND INSURANCE CERTIFICATES.

Street Sweeping Policy - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ADOPT THE STREET SWEEPING POLICY 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)

Final 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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO HOLD THE FINAL READING OF 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.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT 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.

ORDINANCE NO. 1482

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

New Business

First Reading – Proposed Ordinance No. 1483 – City Code Section 1200 – Liquor Ordinance Review – Direction Given

City Attorney Langel explained a proposed ordinance has been drafted with suggested changes to the existing city code regarding on-sale liquor. The City is allowed twelve on-sale intoxicating liquor licenses. This limit of twelve does not apply to clubs, restaurants, theaters, hotels and bowling alleys by state law. The City of Brainerd’s Code indicates the definition of a restaurant as seating capacity for 75 persons, a bar area size needs to be half the size of the dining area and off-street parking of one stall for every three units of seating capacity in the dining area. The current definition excludes all but possibly one dining establishment as a restaurant.

City Attorney Langel indicated staff is requesting input from council regarding the definition of a restaurant, existence and nature of the liquor zones and the number of licenses allowed in the zones.

Council discussion took place.

City Administrator Torstenson offered ideas of where to possibly expand the downtown liquor zone area if the council deems appropriate.

MOVED AND SECONDED BY ALDERMEN HILGART AND LAMBERT, DULY CARRIED, TO HOLD A SPECIAL COUNCIL MEETING ON MONDAY, JUNE 11TH AT 7:30 P.M. TO DISCUSS OPTIONS AND DETAILS OF A LIQUOR ORDINANCE REVISION.

(Added Item) College Drive Bridge Chalk Graffiti Project - Approved

Council Member Pritschet explained the proposal is to provide sidewalk chalk in a metal container under the bridge by Kiwanis Park to encourage temporary graffiti and artwork. This would allow for creativity and people are encouraged to display their art talents.

June 4, 2018

MOVED AND SECONDED BY BEVANS AND JOHNSON, DULY CARRIED, TO DIRECT STAFF TO PURCHASE A METAL CONTAINER AND CHALK FROM THE MAYOR'S CONTINGENCY FUND UP TO \$200 AND PROVIDE NECESSARY CLEANUP FROM THE PARKS DEPARTMENT STAFF.

Public Forum

The Chair opened the Public Forum at 8:47 p.m.

The Chair welcomed Mr. Ed Mattson, owner of The Last Turn Saloon, 214 S 8th Street who asked council if the public is invited to attend the Special Council Meeting taking place on Monday, June 11th. Council stated the public is encouraged and welcome to attend.

The Chair closed the Public Forum at 8:49 p.m.

Staff Reports

City Engineer Sandy announced the legislative session has come to an end and the bonding bill did pass. There was undesignated money from the bonding bill for local road improvement programs. It may be possible that the application submitted for NW 4th Street improvements from the recent traffic study may get a second look. When they decide to solicit for projects, the old applications that did not receive funding are reviewed first. The competitive bidding threshold regarding transportation purposes passed so competitive bidding will only be required on projects above \$175,000.

City Engineer Sandy indicated that Tom's Backhoe has progressed to the next section on South 6th Street between Quince and Vine Street. They have started removing concrete and are moving at a swift pace on the project with underground utilities. To date they have completed water, sewer and storm sewer from Joseph to Vine Street. A late June street opening is anticipated from that point up to Willow Street. MnDOT also received authorization to allow for overtime of State Patrol Officers to patrol the areas on South 7th Street that have had recent traffic concerns due to the detour. Council Member Hilgart suggested the sign be changed from "Local Traffic Only" to "Road Closed" as most people feel they are local but may not reside on that street. City Engineer Sandy explained this is not an option according to MnDOT as they cannot display signage to close a trunk highway if it is not actually closed. He will ask about a possible sign suggestion of "No Thru Traffic". Council Member Johnson questioned the 4-way stop at 13th Avenue SE and Oak Street and what can be done about the traffic backup during peak times. City Engineer Sandy stated this is the best option for that intersection and temporary signal lights would be very costly.

City Planner Ostgarden made an observation regarding the application that was submitted by City Engineer Sandy for improvements on NW 4th Street. The morning after the decision was made to not fund the project, there was an accident at the intersection of James Street and NW 4th Street.

City Planner Ostgarden introduced Jared Booms who is the Planning Intern for the summer.

Finance Director Hillman announced filings for city offices closes Tuesday, June 5th at 5:00 p.m. City Hall will be open until 5:00 p.m. to accept applications.

June 4, 2018

City Administrator Torstenson indicated an application was submitted for an NJPA Grant to conduct customer service training for all city staff in the month of June. If approved, the grant would cover approximately 50% of the training costs and the remaining amount would be shared with BPU and possibly other city entities such as the HRA and Airport. The potential dates are June 18th or 19th.

City Administrator Torstenson announced we will be offering a downtown Farmers Market on Tuesdays this summer from 3:00 – 7:00 p.m. in the Laurel Street parking lot starting June 26th. There is a Downtown Events Calendar on our website for all of the events and activities being held this summer. We are in the process of organizing and scheduling placemaking events for downtown. The events will only use one parking lot on any given day at a time to allow for customer parking.

City Administrator Torstenson stated the US Treasury has approved 128 low income census tracts in Minnesota. These are known as the Opportunity Zones in which Brainerd has two of these zones that will be available for additional economic development funding to assist in promoting development in Brainerd. An economic development webpage has been created that outlines the economic development opportunities in Brainerd as well as resources available. She thanked Council Member Johnson for his work on the webpage.

City Administrator Torstenson announced there are two upcoming trainings for Council. The first one is through the League of Minnesota Cities which will be in St. Cloud June 20 – 22nd. The Coalition of Greater Minnesota Cities is offering a training July 25 – 27th in Mankato. If anyone is interested, please visit their respective websites or contact City Administrator Torstenson.

City Administrator Torstenson indicated council members and city staff attended the Emergency Disaster Management Training held last week by Homeland Security and Management Group. The training was fantastic and very informational.

Council Member Reports

Mayor Menk announced Operation Sandwich has started to provide lunch to area school children during the summer. There are various locations that are accepting donations and/or volunteers to assist in the program. If you would like more information, visit the website www.unitedwaynow.org for details.

Council Member Badeaux announced the birth of his baby boy.

Council Member Lambert thanked the Memorial Day Committee for the work done to organize the parade and services provided.

Council Member Bevans announced the gazebo has been removed from Gregory Park. He stated he has met the potential business owners for the microdistillery and the location is yet to be announced.

Council Member Bevans asked if a response has been received from the school district regarding sharing the costs of the survey for the Riverfront. City Engineer Sandy and City Administrator Torstenson has followed up with the district but have not yet received a response.

Council Member Pritschet announced he will not be present at the next council meeting as he will be traveling to Florida with the high school debate team to compete in a tournament. He encouraged all residents to allow extra time during the road construction taking place and be aware of pedestrians and kids.

Council Member Hilgart reminded everyone about the Northland Arboretum Fun Run taking place on Friday evening, June 8th and the Sour Grapes 5K on Saturday the 9th.

Council Member Johnson announced on behalf of the HRA that 33 lots have been sold in Brainerd Oaks; 15 homes completed and sold and 11 currently in progress. The Revolving Loan Fund to assist in abating property nuisances has started off very successfully and several applications have been received.

Adjourn

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

Cassandra Torstenson
City Administrator