

Brainerd, MN
July 16, 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: Hilgart, Lambert, Stunek, Bevans, Badeaux, Johnson 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 HILGART AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED BY MOVING THE HISTORICAL WATER TOWER DISCUSSION TO PRESENTATIONS DIRECTLY AFTER THE LAKES AREA MUSIC FESTIVAL PRESENTATION AND ELIMINATE ADJOURNING TO CLOSED SESSION PURSUANT TO MN STATE STATUTE 13D.05, SUBD. 3, TO CONDUCT THE CITY ADMINISTRATOR PERFORMANCE REVIEW.

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

- A. Approval of the Minutes of the Regular Meeting held on July 2, 2018 - Approved**
- B. Approval of Licenses - Approved**

Contractor Licenses – 3 – New; 3 – Renewals
- C. Department Activity Reports - Approved**

1. Police Chief
2. Finance Director
- D. Adopt Resolution Accepting Donations & Contributions for the 2nd Quarter 2018 – Adopted by Resolution No. 41:18**
- E. Minnesota Lawful Gambling – Adopt a Resolution Authorizing the Brainerd American Legion Post 255 to Conduct Off-Site Gambling July 27 and 28, 2018 at the Front Street/Lively Parking Lot – Adopted by Resolution No. 42:18**
- F. Minnesota Lawful Gambling Application For Exempt Permit – Submitted by the Brainerd Fire Department Relief Association for an Event to be Held December 3, 2018 at the Brainerd Fire Department, 23 Laurel Street, Brainerd - Approved**
- G. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lower South Long Lake Improvement Association. Bingo Events to be Held at Jack's House, 300 Hwy 25 S., Brainerd on September 2, 2018 - Approved**

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- H. Second Hand Goods Dealer License Application – Submitted by Stafford Simmons Kaplan dba JAK Antiques & Collectibles to Conduct Business at the American Legion Post 255, 708 Front Street, Brainerd – Contingent and Subject to Police and Fire Chief’s Approval - Approved**
Upon
- I. Temporary On-Sale Liquor License Application – Submitted by Brainerd American Legion Post 255 for an Event to be Held August 11, 2018 at the Event Center, 210 Blacksmith Cir., Brainerd - Approved**
NP
- J. Temporary On-Sale Liquor License Application – Submitted by The Crossing Arts Alliance, 711 Laurel Street, Brainerd for an Event to be Held August 10, 2018 - Approved**

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

Presentations

Lakes Area Music Festival Presentation

The Chair welcomed Mr. Scott Lykins and Mr. John Taylor Ward, founding Artistic Directors for the Lakes Area Music Festival (LAMF). Mr. Lykins and Mr. Ward indicated they are especially excited to present live concerts in downtown Brainerd in August and are celebrating their 10 Year Anniversary this season. He explained the musicians come from around the world to perform chamber music, orchestra, opera and ballet with most concerts being free of charge. This year’s season is opening to a one of a kind outdoor gala consisting of a 60-person orchestra playing film scores by John Williams. An outline of other upcoming activities was discussed along with an event schedule that was offered to the council and audience. Questions were answered regarding performances, education and outreach programs throughout the area. The Chair thanked them for their presentation.

Historic Water Tower Discussion

City Engineer Sandy explained the historic water tower has experienced more delamination and falling stucco, which could be a danger to the public. The water tower was listed on the National Register for Historic Buildings in 1974 and is subject to the National Historic Preservation Act of 1966 that is intended to preserve historical and archaeological sites in the United States. The water tower condition assessment was completed by Preservation Design Works in 2017 and is provided to aid in the discussion and help to direct staff on the next steps.

City Engineer Sandy stated Phase 1 of the repair work would be to install a new lightweight roof within the existing concrete bowl, which would stop all active water intrusion and would not be visible from the street. The next phase of the project would be the repair and rehabilitation of the stucco and concrete on the exterior of the tower, steel staircase and windows, which would be required to seal the outside of the structure. Phase three of the project would be at the discretion of the council for some cosmetic work, relocation of light poles and upgrading light fixtures. City Engineer Sandy stated there are remedial options by replacing the netting to prevent falling material, hiring a company to scrape loose material, or a complete demolition of the structure.

City Planner Ostgarden explained a grant from the Minnesota Historical Society was requested and received, based on the recommendation of the Planning Department and the City Engineer, to fund the assessment report in 2017. The 165-page document was compiled for the opportunity to apply for grant assistance in the preservation project. Without the report, it would not be possible to submit the application for historical society grant funding. As with any grant opportunity, the higher the match increases the potential for approval.

City Planner Ostgarden also asked how important it is to the council to retain the water towers' status on the national registry. There may be less expensive methods for repairing the tower that may not meet the standards of the Secretary of the Interior.

Finance Director Hillman explained for insurance reasons, something needs to be done about the falling stucco to avoid liability issues.

City Administrator Torstenson stated she contacted Congressman Nolan's office for information on federal grant opportunities, but the amounts will not fund the entire project.

Mayor Menk indicated the concrete used in 1919 is a much lower quality than what is available today. There is a minimum of work needed to be done to assure safety of the surrounding area due to the spalling stucco.

The Chair opened the Public Forum.

Ms. Sharon Prindle, 22038 County Road 3, Merrifield – Ms. Prindle stated the water tower is an icon to the city and many across the country know it is here. She said it is worth the money to spend to have it repaired because once it is gone, it is gone for good. The City has lost many old buildings already and she said we don't need to lose any more. She indicated it should not just be a Brainerd problem; it can include Crow Wing County and possibly surrounding counties.

Ms. Ann Nelson, 9 Kingwood Street, Brainerd – Ms. Nelson asked if the national registration would prevent it from being demolished, which was confirmed as no. The City is the owner of the structure and it is at the will of the owner to do what they choose. Ms. Nelson stated everything should be done to save the tower and the City needs to quit dragging their feet and act. There has not been much maintenance done since 2014. Ms. Nelson indicated she does not understand why maintenance has not been done on the tower for many years to prevent the complete deterioration of the structure. She suggested a referendum to allow the residents to choose the outcome.

Mr. Gerald Prindle, 22038 County Road 3, Merrifield – Mr. Prindle stated he has been viewing the tower for 72 years and people from all over the state know Brainerd by the historic water tower. He indicated too many historic old buildings have been removed and it is sentimental to him.

Ms. Susan Edwards, 16263 Mile Circle, Brainerd – Ms. Edwards stated she moved back to Brainerd in 2013 and was surprised to see all the changes done in the City where buildings were removed and replaced by parking lots. Ms. Edwards and her sister took a trip to Sydney, Australia in 2011 and a gentleman knew of the Brainerd water tower. The tower is part of our culture, our city and logos, and needs to be saved. Ms. Edwards suggested looking elsewhere for funding or grant opportunities.

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Ms. Katie Badgerow, Excelsior Drive, Baxter – Ms. Badgerow moved to the City 32 years ago from Illinois and loves the water tower. Ms. Badgerow asked if in the future the state widens the highway at that intersection if they could they demand the water tower is removed. It was determined that they could not make that decision.

Ms. Dana Moen, 1024 7th Ave NE, Brainerd – Ms. Moen was a past volunteer at the Crow Wing County Historical Society and through her services she had the opportunity to view many old documents. Ms. Moen indicated they did fundraising efforts in the 1970's to restore the water tower. She stated that when faced with a dilemma or problem, the residents in the City of Brainerd come together and help each other. It should be a community effort as there are plenty of people who would donate to help fund or create fundraising programs for the repairs. Ms. Moen commended Council Member Badeaux for the water tower presentation he gave at the library recently.

Ms. Doris Aasen, 12690 Little Pine Road, Brainerd – Ms. Aasen indicated she has friends that live out of state and when they visit Brainerd, they want to see the water tower. She feels there are a lot of fundraising opportunities and suggested a booth be set up at the Crow Wing County Fair to collect donations.

Mr. Mike Higgins, Brainerd Industrial Center, 1801 Mill Avenue, Brainerd – Mr. Higgins purchased the property at 1801 Mill Avenue for the Brainerd Industrial Center. He stated he has encountered problems when restoring his old buildings and there are unforeseen expenses that will occur. Mr. Higgins wants the council to be agreeable on the decision and does not want diversity among the members. He stated the council is doing a great job and wants it to continue and suggested sending the topic to a referendum for the residents to decide.

Mr. Joe Ling, 7118 Marconi Ct., Naples, FL – Mr. Ling has not been a resident of Brainerd since the 1970's but considers himself a son of Brainerd. He wanted to express that there are people interested in the water tower outside of the Brainerd area. He stated leadership from the council is needed to choose an option and adhere to that decision.

Ms. Carla Staffon, 1918 Graydon Avenue, Brainerd – Ms. Staffon inquired with the historic designation that the tower has if concrete is the only material that can be used in the restoration. It was determined that other materials are available, as in the lightweight replacement roof and this would not alter the historic designation. She added all the ideas that have been voiced are wonderful and there should be no reason not to try all of them.

Mr. Curtis Lundebj Jr., 523 F Street NE, Brainerd – Mr. Lundebj would like to see the water tower saved and encouraged applying for the grants that may be available.

Mr. Clyde Campbell, 11085 Devon Trail, Brainerd – Mr. Campbell thanks Mayor Menk for reminding everyone the concrete that was used to build the tower back in 1919 is definitely not the same as it is today. He feels personally attached to the water tower because his grandfather was the City Engineer when the water tower was constructed. Mr. Campbell indicated there is a similar water tower in Pipestone, MN and asked if staff has consulted with leadership in Pipestone. City Planner Ostgarden stated that the City of Pipestone applied for a grant from the historical society in 2016 to complete an assessment of their tower as well. Their city council has been discussing similar issues, but the outcome is unknown. City Planner Ostgarden will research and obtain specific details for a future meeting.

Mr. Jeff Ledin, 23288 Rebel Road, Merrifield – Mr. Ledin is a drinking water engineer who designs new water towers in the state of Minnesota. Mr. Ledin is neutral in the decision and wants to bring it into perspective. He was involved in contributing to the water tower report in 2014 and wanted to mention that \$2.4 million would build a brand-new functioning water tower. In relative terms of grant sources, usually those funds are rather modest amounts and would probably not fulfill the amount needed.

The Chair closed the Public Forum.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO OBTAIN CONTRACTOR BIDS FOR RESOLVING THE IMMEDIATE SAFETY CONCERNS, RESEARCH THE FUNDING OPTIONS AVAILABLE AND TO DRAFT A REFERENDUM QUESTION FOR DISCUSSION.

Break

The Council took a break from 9:05 – 9:10 p.m.

2017 Audit Presentation

The Chair recognized Ms. Mary Reedy of the City's accounting firm, CliftonLarsonAllen, who reviewed the City of Brainerd 2017 Audit Results along with Finance Director Hillman.

Items discussed:

- BPU Audit Report Results
- BPU Financial Report Results
- City's Required Communications
- City's Audit Results
- City's Financial Results
- Discussion Topics Insights and Observations

Ms. Reedy and Finance Director Hillman answered questions of the Council. The Chair thanked them for the presentation.

Council Committee Reports

Safety and Public Works Committee Report

Event/Street Closure Application – Brainerd Dispatch Customer Appreciation - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE BRAINERD DISPATCH CUSTOMER APPRECIATION EVENT AND THE APPLICANT WORK WITH THE ENGINEERING STAFF FOR TRAFFIC CONTROL IF NEEDED.

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Improvement 18-01 Testing Services – Brainerd Salt/Sand Storage Facility - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PRE-AUTHORIZED TESTING SERVICES FROM NORTHERN TECHNOLOGIES WITH AN ANTICIPATED TOTAL TESTING COST OF APPROXIMATELY \$2,000.

Improvement 18-03 – Change Order 1 - Approved

City Engineer Sandy explained there was a total amount of 57,350 linear feet of cracks to seal based on last year's data. The identified streets totaled 37,747 feet, which is 34% under the contracted amount. Due to a contract clause that protects the contractor and the City for overruns or underruns greater than 30% a price adjustment was requested. The contractor was directed to continue to seal cracks until the material that was already purchased was depleted, which completed a total of 60,092 feet of cracks.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE CHANGE ORDER 1 AS PRESENTED IN THE TOTAL CHANGE ORDER AMOUNT OF \$2,128.

Improvement 18-03 – Final Pay Application 1 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE PAY APPLICATION #1 FINAL PAYMENT FOR IMPROVEMENT 18-03: 2018 CRACK SEALING PROJECT AS PRESENTED.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO APPROVE THE PAYMENT OF BILLS & PAYMENTS TO CONTRACTORS CONTINGENT UPON THE APPROVAL OF SAFETY AND PUBLIC WORKS AUTHORIZING THE CRACK SEALING AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

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

2019 Budget Timeline Discussion - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE BUDGET WORKSHOP BE HELD ON MONDAY, AUGUST 27, 2018 AT 6:00 P.M.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO INVITE THE PUBLIC UTILITIES COMMISSION TO MEET WITH COUNCIL ON AUGUST 6, 2018 AT 6:30 P.M. TO DISCUSS COMPENSATION PHILOSOPHY FOR UNION NEGOTIATIONS.

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Brainerd and Crow Wing County Public Transit Space Lease - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE LEASE AGREEMENT FOR BRAINERD AND CROW WING COUNTY PUBLIC TRANSIT OFFICE SPACE IN CITY HALL AT A MONTHLY RENTAL RATE OF \$615 EFFECTIVE 1/1/19.

Community Development Director Position – Reorganization Opportunity - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO DIRECT STAFF TO UPDATE THE POSITION DESCRIPTION FROM CITY PLANNER TO COMMUNITY DEVELOPMENT DIRECTOR, TO PRESENT WAGE RANGE AT THE NEXT COUNCIL MEETING; AND REORGANIZE THE BUILDING DEPARTMENT TO FALL UNDER THE COMMUNITY DEVELOPMENT DIRECTOR RATHER THAN THE CITY ENGINEER.

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)
Transportation Advisory Committee – 1 term (Expire 2018) – 1 term (Expire 2019)

First Reading – Proposed Ordinance No. 1485 – Amending City Code Section 900 Animals and 1010 Licensing Fees to Permit Miniature Pigs within The City of Brainerd - Approved

City Planner Ostgarden indicated the draft ordinance was reviewed by the City Attorney and emailed to the Council today for review. This ordinance amendment was initiated at the request of a resident who desires to have a miniature pig as a pet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1485 – AMENDING CITY CODE SECTION 900 ANIMALS AND 1010 LICENSING FEES TO PERMIT MINIATURE PIGS WITHIN THE CITY OF BRAINERD.

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

New Business

Call for Public Hearing for Discussion on the Implementation and Progress of the Small Cities Development Program (SCDP) Grant CDAP-15-0038-O-FY16 (Downtown Grant) – Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO SET THE PUBLIC HEARING FOR MONDAY, AUGUST 6, 2018 AT 7:30 P.M. DURING THE REGULAR CITY COUNCIL MEETING.

Planning Commission

Public Hearing and Final Reading – Proposed Ordinance No. 1484 – Amending Brainerd Zoning Ordinance Sections 515-63-2 (B-4 District) and 515-65-2 (B-6 District) to Add Funeral Homes / Mortuaries and Crematoriums as Permitted Uses – Adopted by Ordinance No. 1484

The Chair opened the Public Hearing at 9:40 p.m.

No one came forward.

The Chair closed the Public Hearing at 9:40 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1484 – AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-63-2 (B-4 DISTRICT) AND 515-65-2 (B-6 DISTRICT) TO ADD FUNERAL HOMES / MORTUARIES AND CREMATORIIUMS AS PERMITTED USES.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT ORDINANCE NO. 1484 – AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-63-2 (B-4 DISTRICT) AND 515-65-2 (B-6 DISTRICT) TO ADD FUNERAL HOMES / MORTUARIES AND CREMATORIIUMS AS PERMITTED USES.

ORDINANCE NO. 1484

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

Public Forum

The Chair opened the Public Forum at 9:41 p.m.

No one came forward.

The Chair closed the Public Forum at 9:41 p.m.

Staff Reports

City Engineer Sandy announced the crews have started paving the first phase of the South 6th Street construction. He also stated work has started on the salt and sand storage building at the Streets Department.

City Attorney Langel stated an order has been received from the court allowing for the demolition of the motel on South 6th Street on or after September 1, 2018 which allows the owner time to obtain the permit and demolish the structures. If this does not take place by September 1, 2018, the City can proceed with the demolition.

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City Administrator Torstenson announced the first Placemaking Event took place over the weekend which was "Hearing Canvas; Seeing Music" and the artwork is on display in the downtown businesses.

Council Member Reports

Council Member Johnson attended the Placemaking Event and thought it was a great performance. He also visited the Barnstormers Event at the airport that is currently taking place and recommends everyone attend.

Council Member Hilgart stated Brainerd Community Action did a great job with the 4th of July celebration.

Council Member Stunek also enjoyed the Barnstormers Event at the airport and it is an excellent opportunity to see the planes. He also attended the "This One's for Hop" softball tournament played this weekend. Another special game was the Wounded Warriors Softball Team with an event at the Miracle Field last weekend.

Council Member Pritschet encouraged everyone to attend an event performed by Lakes Area Music Festival and enjoy the establishments in the downtown area.

Council Member Badeaux stated he attended the softball tournaments and they were very impressive to watch.

Adjourn

The Chair adjourned the meeting at 9:45 p.m.

Cassandra Torstenson
City Administrator