

**Brainerd, MN  
October 1, 2018**

**6:00 p.m. Joint Informational Session** – Brainerd Economic Development Authority (EDA) and the Brainerd Housing & Redevelopment Authority (HRA) to learn about TIF and Tax Abatement presented by Stacie Kvilvang, Ehlers Company.

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 Vice-President Hilgart.

Upon roll call, the following members were noted as present: Lambert, Stunek, Bevans, Badeaux, Johnson, and Hilgart. Member Pritschet was noted as absent. Mayor Menk was also noted as present.

Council Vice-President Hilgart 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.

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

**A. Approval of the Minutes of the Regular Meeting held on September 17, 2018 - Approved**

**B. Approval of Licenses - Approved**

Contractor Licenses – 3 – New; 6 – Renewals

**C. Department Activity Reports - Approved**

1. Fire Chief
2. Parks Director

**D. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lakes Area Bowling Association, 1301 11<sup>th</sup> Ave NE, Brainerd. Bingo Events to be Held November 12-16, 2018 at Jack's House, 300 Hwy S, Brainerd – Approved**

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Upon roll call, members Lambert, Stunek, Bevans, Badeaux, Johnson, and Hilgart 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 STUNEK TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

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

### **Accounts Payable/Administrative Specialist Position Hiring - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE HIRING A CANDIDATE FOR THE ACCOUNTS PAYABLE/ADMINISTRATIVE SPECIALIST POSITION WITH THE FINAL INFORMATION BEING PROVIDED AT THE OCTOBER 15, 2018 MEETING CONTINGENT UPON PREEMPLOYMENT TESTING.

### **Request to Authorize Posting of Additional Building Inspector Position - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE AND POST THE ADDITIONAL BUILDING INSPECTOR POSITION INTERNALLY PER THE EMPLOYEE POLICY MANUAL WITH THE POTENTIAL HIRING DATE OF MID-DECEMBER 2018, PRIOR TO THE ADOPTION OF THE 2019 BUDGET.

### **Northtown Addition Land Donation - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT THE LAND DONATION WITH THE INTENT TO PROVIDE FUNDING FOR A PLAYGROUND OF \$30,000 TO BE CONSTRUCTED IN 2019.

Committee Chair Johnson indicated the developer in Northtown donated two (2) ¼ acre lots around an out lot to develop into a small city park. The Chair recognized Mr. David Mernin, Thomas Allen Homes on behalf Tom Dehn. Mr. Mernin stated the land being donated is primarily sand which is dry all summer and is limited to water runoff from the curbing and sewer system.

City Attorney Langel stated there will need to be a formal resolution adopted and a deed drafted for the acceptance of the land.

### **Request for Proposal Discussion for 2019 Audit Services - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO COMPLETE AN RFP (REQUEST FOR PROPOSALS) FOR AUDIT SERVICES IN THE SUMMER OF 2019 FOR 2019 AUDIT SERVICES.

### **Safety and Public Works Committee Report**

#### **Event/Street Closure Application – Brainerd Homecoming 5K, 10K and Parade – Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE FOR THE BRAINERD HOMECOMING 5K, 10K AND PARADE ON OCTOBER 6, 2018 WITH THE CONDITIONS THE APPLICANT WORK WITH ENGINEERING STAFF FOR TRAFFIC CONTROL NEEDS AND THE POLICE DEPARTMENT STAFF FOR NEEDS RELATING TO ENFORCEMENT FOR THE RACE AND PARADE.

**Event/Street Closure Application – Rising to Recovery Walk - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE FOR THE RISING TO RECOVERY WALK ON OCTOBER 21, 2018 WITH THE CONDITIONS THE APPLICANT RECEIVE APPROVAL FROM THE PARKS DEPARTMENT AND COORDINATE THE NEED FOR POLICE PRESENCE AT BUSY STREET CROSSINGS WITH THE POLICE DEPARTMENT.

**Event/Street Closure Application – Saint Francis School Marathon - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE FOR THE SAINT FRANCIS SCHOOL MARATHON ON OCTOBER 17, 2018 UNDER THE CONDITION THE APPLICANT WORK WITH THE ENGINEERING STAFF FOR TRAFFIC CONTROL NEEDS.

**Event/Street Closure Application – Zion Lutheran Church Trunk-or-Treat - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE FOR THE ZION LUTHERAN CHURCH TRUNK-OR-TREAT EVENT ON OCTOBER 31, 2018 UNDER THE CONDITION THE APPLICANT WORK WITH THE ENGINEERING STAFF FOR TRAFFIC CONTROL NEEDS.

**Section 425 – Rental Housing Maintenance Code and Conduct on Premises Ordinance Discussion - Informational**

Committee Chair Bevans stated there is no motion at this point. There were suggestions from staff where improvements could be made, along with some public discussion. There was discussion of trying to reward the landlords that do a good job, and work with the ones that need improvement. The ordinance will be on the agenda at the October 10, 2018 Rental Property Owners meeting.

**Unfinished Business**

**Call for Applicants – Informational:**  
**(Application Information at [www.ci.brainerd.mn.us/boards/](http://www.ci.brainerd.mn.us/boards/))**

**Mayor Recommended:** (all terms expire on 12/31 of said year)  
Charter Commission –1 term (Expire 2021)  
Library Board – 1 term (Expire 2021)

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TAC Board – 1 term (Expire 2019)

**First Reading of Proposed Ordinance No. 1483 – An Ordinance to Amend Section 1200 Intoxicating Liquor - Approved**

Member Johnson stated the changes from the last meeting were completed as requested.

Member Hilgart stated it does not seem as if Council addressed the status of defining as a bar or restaurant in the ordinance.

City Attorney Langel indicated this could be regulated through the licensing fees.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1483 TO AMEND SECTION 1200 INTOXICATING LIQUOR.

**New Business**

**PH and Res – Petition to Vacate a Portion of William Street and NW 3<sup>rd</sup> Street – West Brainerd – Held Over**

The Chair opened the Public Hearing at 7:51 p.m.

The Chair recognized Mr. Jeff Czczok, 511 D Street who spoke against the vacation. Mr. Czczok stated he provided additional information regarding the school district's business to the City Administrator, which was passed on to Council. He requested this information be made as part of the packet on the City website. He stated the school board went into closed session on February 12, 2018 but did not indicate the parcel that was to be discussed. Mr. Czczok played part of an audio tape, stating the school board did this to hide information.

The Chair closed the Public Hearing at 8:01 p.m.

Council member Badeaux stated he would like to hear a comment from the school district.

City Attorney Langel addressed the Council stating there is a valid petition that is pending and being reviewed per state statute as a street vacation. The action of the school board violating the open meeting law is outside the City's jurisdiction.

Council member Johnson said he understood the attorney's statement but would like a response from the school board.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND JOHNSON, DULY CARRIED, TO OBTAIN INFORMATION FROM THE SCHOOL BOARD TO BE PRESENTED AT THE OCTOBER 15, 2018 MEETING ALONG WITH THE RESOLUTION.

**Non-Commercial Speech Sign Discussion**

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City Engineer Sandy stated staff is seeking direction from Council regarding campaign signs being posted in the public right-of-way. The current ordinance gives the City the right to remove the signs that do not conform with Section 515-37 of the City Zoning Code. If the Council deems fit, staff can continue this practice. If a different direction is desired, staff would recommend modifying the ordinance to reflect the Council's desire and intent.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS TO DIRECT STAFF TO REVIEW THE ORDINANCE WORDING FOR PUBLIC CLARITY AND TAKE ONE DAY TO PULL ALL SIGNS NOT IN COMPLIANCE OF THE ORDINANCE FOR PICK UP AT CITY HALL.

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

### **Public Forum**

The Chair opened the Public Forum at 8:15 p.m.

The Chair recognized Mr. Jeff Czczok, 511 D Street, Brainerd who stated he had several campaign signs posted two years ago that were on private property and not in the public right-of-way that were removed by the City. He would like staff to make sure the signs being removed this year are only the ones that do not follow the ordinance. Mr. Czczok requested if a resident submits something to be part of the packet that it is added prior to the meeting. He stated the school district is proposing a 20% levy and will bond for \$60 million. They wrote they are also going to keep the \$7 increase per property, which Mr. Czczok does not see how they could if they bond in the future.

The Chair closed the Public Forum at 8:19 p.m.

### **Staff Reports**

City Engineer Sandy stated MnDOT is planning a ribbon cutting ceremony for the South 6<sup>th</sup> Street project either the last week of October or first week in November. This event will be hosted by the Chamber of Commerce and the date will be announced in the near future. He gave an update of the Safe Routes to School Open House which had about 20-25 people in attendance. They are making good progress with the project.

City Engineer Sandy met with the Department of Natural Resources (DNR) regarding the 2014 appropriation for the Cuyuna Lakes State Trail (CLST) in Deerwood. There is leftover funding that the City of Brainerd could use towards the construction of the trail from 5<sup>th</sup> Street to Norwood Street, and the City will need to send a letter of commitment by the end of the year.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO COMMIT FUNDS AND SEND A LETTER OF COMMITMENT TO THE DNR FOR THE CLST.

City Engineer Sandy indicated a grant application will be presented to Council within the next couple meetings for the Transportation Alternative Grant Solicitation which would be for connecting the trail to downtown. Minnesota has about \$6.5 million for Transportation

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Alternatives Funding available. He announced that last year an application was submitted for a traffic study at NW 4<sup>th</sup> Street. This application is back on the list for consideration, as more money has been allocated by the legislature and will be brought back to Council.

Fire Chief Holmes invited everyone to the Fire Department Open House on Thursday, October 4, 2018 from 5:00 – 7:00 p.m. at the Fire Hall.

City Administrator Torstenson has prepared a written report, which was provided and will be added to the packet. The following are a few of the topics discussed:

- Classification Study – Review process for the point system and development into each classification
- Community Development Director – There have been 15 applications received and the top ten are currently under review.
- AP/Administrative Specialist - There were 41 applications received, and eight interviews were completed.
- Union Negotiations – Currently in process
- Destination Downtown Competition - There have been 73 applications received, which have been narrowed down to 11. The winner will be announced at the Chamber Annual Event in November.
- River to Rail – The Steering Committee met on September 5<sup>th</sup>; ongoing progress
- Downtown – Many events took place this summer

City Administrator Torstenson will be out of the office for three days this week attending a mixed-use real estate finance class.

### **Council Member Reports**

Member Badeaux stated there will be a couple more applications submitted for the Citizen's Water Tower Committee, and hopes are to meet sometime this month.

Member Lambert attended the Region 5 meeting and stated the Intercultural Development Inventory committee will come and speak with the Council about assessing and coaching communities to attract a qualified workforce if Council is interested. She also attended the Transportation Advisory Committee meeting last week. The committee has one vacancy, and two applications should be coming forward. Bus fares and ticket sales were also discussed at the meeting.

Member Hilgart met with the Cuyuna Trails Association to discuss and explore the possibility of reforming the Cuyuna Trail within the Brainerd/Baxter area and Crow Wing County. The system is also multi-mobile for bikers, runners, and walkers of the trail to benefit all people using the trails.

Mayor Menk attended the Brainerd Public Utility Committee meeting. The contract for the new water tower has been contracted to a company from Indiana and should be operating by the fall of 2019. Utility workers have been actively replacing meters downtown. There have been improvements at the SuperAmerica and Holiday Stations on 6<sup>th</sup> Street and paving continues on South 6<sup>th</sup> Street.

**Adjourn – To Closed Session Pursuant to MN Statutes, 13D.05, Subd. 3(D) to Discuss pending Franchise Fee Litigation with the City of Baxter (City of Baxter V. City of Brainerd, Court File No. 18-CV-17-5263 – 8:45 p.m.**

The Chair reconvened into open session at 9:17 p.m.

**Adjourn to Fire Department Open House Thursday October 4, 2018 – 9:17 p.m.**

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Cassandra Torstenson  
City Administrator