**Brainerd, MN**
**October 15, 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: Lambert, Stunek, Bevans, Badeaux, Johnson, Hilgart 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 APPROVE THE AGENDA.

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

**A. Approval of the Minutes of the Regular Meeting held on October 1, 2018 - Approved**

**B. Approval of Licenses - Approved**

Contractor Licenses –7– New; 3 – Renewals

**C. Department Activity Reports- Approved**

1. Police Chief
2. Finance Director

**D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Central Lakes College Foundation,501 W College Dr., Brainerd for and Event to be Held on December 21, 2018 - Approved**

**E. Resolution Adopting Policies and Plans for Small Communities Development Program (SCDP) Grant No. CDAP-17-0019-O-FY18 – Adopted by Resolution No. 48:18**

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

**Presentations**

**Bridges of Hope – Self Healing Communities**

The Chair recognized Ms. Amy Wyant and Mr. Tom Gonzalez, Project Coordinators for Bridges of Hope who gave a presentation talking about their current project, Self-Healing Communities. They explained the goal of the project is to increase the community’s capacity to come together and solve problems by reducing Adverse Childhood Experiences (ACEs). Mr. Gonzalez explained the ACEs Model pyramid and the effects of each level and how, over time, can affect the life of a person struggling with Adverse Childhood Experiences. The project is

engaging parents and residents and are working on building solutions that are sustainable because they originate from solving problems rather than treating symptoms. They thanked the Council for the opportunity to present.

**Comprehensive Plan Committee Presentation**

The Chair recognized Ms. Ashley Kaisershot, Sourcewell Planning and Zoning Specialist and Mr. Matthew Kallroos, Regional Planner from Region Five. They gave an update of the Comprehensive Plan progress with a summary of the community engagement process that is taking place. The importance of public participation is a main leading element to creating a Comprehensive Plan. The current goal is to intentionally involve citizens and stakeholders throughout the community and to make people feel heard. Ms. Kaisershot indicated the Steering Committee consists of thirteen strong citizens whose role is to gather information about and from the community and then summarize and prioritize the information they receive. Mr. Kallroos reviewed some of the comments that were received from the online community survey that ended in September and the top concerns of the residents. The Chair thanked them for the presentation.

**Council Committee Reports**

**Personnel and Finance Committee Report**

**Approval of Bills & Payments to Contractors - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE PAYMENT OF BILLS AND PAYMENTS TO CONTRACTORS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

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

**Police Request for Out-of-State Travel and Training - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE OUT-OF-STATE TRAVEL FOR POLICE OFFICER TIM FRIIS TO ATTEND BOMB TECHNICIAN RECERTIFICATION IN HUNTSVILLE, ALABAMA FROM NOVEMBER 25-30, 2018.

**City Attorney Contract Renewal - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH RATWICK, ROSZAK & MALONEY FOR YEARS 2019 AND 2020.

**Set Date for Budget Workshop - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT STAFF’S RECOMMENDATION TO SET A BUDGET WORKSHOP FOR NOVEMBER 13, 2018 AT 6:00 P.M.

***(Added Item)*** **Ratification of Hiring of Ms. Pamela Ziemer for Accounts Payable/Administrative Specialist Position - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF MS. PAMELA ZIEMER FOR THE ACCOUNTS PAYABLE/ADMINISTRATIVE SPECIALIST POSITION STARTING AT A WAGE OF $20.62 PER HOUR.

**Safety and Public Works Committee Report**

**Fare Increase for Brainerd Transit Services - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE FARE INCREASE, AS PASSED AT THE TRANSPORTATION ADVISORY COMMITTEE, WHICH EQUATES TO A $.25 INCREASE FOR BRAINERD-TO-BRAINERD AND BRAINERD-TO-BAXTER DIAL-A-RIDE SERVICE, OR FARES OF $1.25 AND $2.25 RESPECTIVELY. THIS DOES NOT AFFECT THE EXPRESS ROUTE SERVICE.

**Transit Policy Update Regarding Sale of Tickets by Bus Drivers - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE CHANGE TO TRANSIT OPERATING POLICY SECTION 2.1.3 FARES BY STRIKING THE LAST LINE IN THE POLICY IN WHICH "RIDE TICKETS MAY ALSO BE PURCHASED FROM TRANSIT DRIVERS".

**Event/Street Closure Application – Turkey Run - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE FOR THE TURKEY RUN ON NOVEMBER 22, 2018 WITH THE CONDITION THAT THE APPLICANT WORK WITH THE ENGINEERING STAFF AND POLICE STAFF FOR TRAFFIC CONTROL CONCERNS.

**Highway Safety Improvement Program (HSIP) – Authorization to Apply for Funding for NW 4th Street Improvement - Approved**

City Engineer Sandy stated a traffic study was completed last year to analyze the NW 4th Street corridor for the City to be able to apply for funds through the Local Road Improvement Program (LRIP) and the Highway Safety Improvement Program (HSIP). Although the City did not receive funding through LRIP at that time, legislature authorized more funding to the program and now previously submitted applications are being considered. City Engineer Sandy explained the details on funding for the HSIP and the application will be for funding in the full amount; if funding is received through the LRIP, the amount for the HSIP would be reduced.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE THE SUBMISSION OF THE HIGHWAY SAFETY IMPROVEMENT PROGRAM APPLICATION TO MNDOT. STAFF MAY BE RETURNING TO COUNCIL WITH A RESOLUTION AT THE FIRST MEETING IN

NOVEMBER TO INCLUDE IN THE APPLICATION. STAFF WILL CONSULT COUNTY STAFF FOR ANY LETTERS OF SUPPORT ALONG WITH OTHER EMERGENCY SERVICES PERSONNEL FOR LETTERS OF SUPPORT.

**Transportation Alternatives – Authorization to Submit Letter of Intent to Apply for Funds for 28th Street and Downtown Trail Connections - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE SUBMITTING THE LETTER OF INTENT TO APPLY FOR TRANSPORTATION ALTERNATIVES FUNDING. STAFF WILL BEGIN ADDITIONAL IN-DEPTH PROJECT DEVELOPMENT AND WILL RETURN TO THE COMMITTEE WITH RESOLUTIONS NEEDED TO SUBMIT THE APPLICATION.

**Downtown Motel Demolition Quotes - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE QUOTE FROM HENGEL CONSTRUCTION FOR A TOTAL COST OF $34,100.

**Section 425 – Rental Housing Maintenance Discussion - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO FORM A SUBCOMMITTEE OF SEVEN MEMBERS, WHICH INCLUDES 1) COUNCIL MEMBER (JAN LAMBERT), 1) LAW ENFORCEMENT, 2) RENTAL PROPERTY OWNERS, 2) TENANTS AND 1) CITY AT LARGE MEMBER TO ADDRESS THE ISSUE USING THE STANDARD CITY BOARD AND COMMISSION APPLICATION FORM.

Committee Chair Bevans indicated he does not agree with the motion, as trying to compile a committee of rental housing property owners has been an ongoing struggle. Mr. Bevans stated many residents have expressed concern about the issue and this will extend the period of time a solution is found.

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

**Unfinished Business**

**Committee Resignations – Accept with Regret - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO ACCEPT THE RESIGNATION OF MS. MELONIE ELLSTROM FROM THE TRANSPORTATION ADVISORY COMMITTEE, EFFECTIVE OCTOBER 15, 2018.

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

**PLEASE NOTE:** *THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT* ***– ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY***

**Mayor Recommended: (all terms expire on 12/31 of said year)**

Cable TV Advisory Committee – 2 terms (Expire 2021)
Charter Commission –1 term (Expire 2021) – 3 terms (Expire 2022)
Housing & Redevelopment Authority – 1 term (Expire 2023)
Library Board – 1 term (Expire 2021)
Park Board – 1 term (Expire 2023)
Public Utilities Commission – 1 term (Expire 2023)
Transportation Advisory Committee – 1 term (Expire 2019) – 3 terms (Expire 2021)
Rental Dwelling Board of Appeals – 2 terms (see below) 3 terms– (Expire 2020)

1. *Residential Property Manager Representative (2)*
2. *Residential Rental Housing Advocate Representative (1)*
3. *Tenant Representative (1)*
4. *General Public Representative (1)*

**Council President Recommended: (all terms expire 12/31 of said year)**
Airport Commission – 1 term (Expire 2021)
Planning Commission – 3 terms (Expire 2021)
Police & Fire Civil Service Commission – 1 term (Expire 2021)

**New Business**

**Public Hearing – IMP 17-13 Assessments – Adopt Resolution Ordering the Special Assessments – Adopted by Resolution 50:18**

City Engineer Sandy explained this is a continuation of the 429 proceedings for ordering special assessments for the improvement project on Brook & South 10th Street.

The Chair opened the Public Hearing at 8:20 p.m.

The Chair recognized Mr. John Ward, of which 1602 SE 13th Street is a rental property he owns. Mr. Ward received the first letter on March 5, 2018 and stated he called and inquired about the side yard deduction and he would like clarification. Mr. Ward was unable to attend the first public hearing and is asking for considerations as such: 1) Consider a longer term for no interest (currently through 11/16/18) for that project and 2) A longer period of time to pay from a ten-year deferment to a 20-year timeframe.

City Engineer Sandy indicated the side yard deduction does not apply to Mr. Ward's property, as it is located at the corner of a county road and a city street.

City Engineer Sandy stated that past City Council Members have not considered a term longer than ten years, nor has a longer interest free timeframe been passed.

The Chair recognized Mr. Bob DeSpot, property owner of 830 Brook Street, who complimented staff on a job well done on the Brook Street project.

The Chair closed the Public Hearing at 8:27 p.m.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ALLOW THE OPTION TO EXTEND THE PAYMENTS TO TWENTY (20) YEARS FOR THIS PROJECT AT ZERO PERCENT INTEREST ON A REQUEST ONLY BASIS.

City Attorney Langel suggested if the policy and existing terms are to be modified, it would be best that they be modified in the same manner for all assessments.

Finance Director Hillman stated assessment income is used to pay back the debt on the project and twenty years is a long time to extend it out.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO AMEND THE ORIGINAL MOTION TO FIFTEEN (15) YEARS AT ZERO PERCENT INTEREST FOR ALL ASSESSED PROJECTS.

Council Member Bevans stated there is a deferment of assessment policy in place and can already be difficult to collect on. He does not agree with changing the policy that was adopted this year.

City Engineer Sandy read the current policy and payment provisions that were adopted at the August 6, 2018 council meeting.

City Attorney Langel stated the policy is in place. If the desire is to make changes, the policy would need to be amended and Council should not operate against the current policy.

City Administrator Torstenson urged Council to keep in mind the proceeds from assessments are used to pay for future road projects.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO AMEND THE AMENDED MOTION TO FIFTEEN (15) YEARS AT 3.3% INTEREST FOR ALL ASSESSED PROJECTS.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION NO. 50:18 ORDERING ASSESSMENTS AS PROPOSED FOR IMPROVEMENT 17-13.

**RESOLUTION NO. 50:18**

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

**Public Hearing – Downtown Special Services, Downtown Snow Removal and 2018 Nuisance Assessments – Adopted by Resolution 51:18**

Finance Director Hillman stated these assessments are spread over a period of one year. A resident did call City Hall inquiring about a payment plan for the nuisance assessment on their property and direction is requested.

The Chair opened the Public Hearing at 8:38 p.m.

The Chair recognized Ms. Laura Bisted, business property owner at 608 Front Street stated she is not contesting the snow removal fees. The problem is when snow is plowed and left in the middle of the street for two days, as this hinders customer parking on the street until the snow is removed. She also indicated there is a problem with vehicles parked illegally on Front Street. She explained there are other issues she would like address: 1) The flowers planted in the planters on Front Street are not as nice as the other areas of downtown. 2) Weeding does not get done and there is no garbage can nearby. 3) A better bike rack that accommodates more bicycles is needed for the residents that rent the apartments on Front Street.

City Engineer Sandy stated they try to address the snow removal as fast as possible. However, when snow is continually falling, it makes more sense to wait until it is done. He will monitor the issue of the center row of snow this winter.

The Chair recognized Mr. Todd Bisted, business property owner at 608 Front Street. Mr. Bisted added when the plows come through the street, they do a poor job of getting close to the curb. This results in people having to walk over snow and ice humps to get to the sidewalk, as well as cars parking on the sidewalk because there is no distinction of the curb.

The Chair recognized Mr. Edwin Menk, business owner of E.L. Menk Jewelers at 623 Laurel Street indicated the assessments for snow removal started approximately 20 years ago after downtown business owners discussed the need for services. Prior to that, the windrows of snow in the center of the street would be there for several days. The City works hard to clean up all the snow and they have a large territory to cover.

The Chair recognized Ms. Aleathea Modlin, property owner of 506 7th Ave NE, who is contesting the nuisances that have been assessed to her property. She stated she is a single mom with two jobs, has experienced medical issues this past two years and tries her best to keep her property cleaned up. She claims she was not notified from the City until this assessment letter came saying she owes $750 and the wording in the letter is unclear. City Administrator Torstenson and City Engineer Sandy will follow up on the issue.

The Chair recognized Mr. David Braverman, property owner of 1113 Rosewood St. who had obtained a building permit to construct a garage. Since then, he had money stolen from him and could not complete his project in the time allowed. The City has sent him letters regarding the unfinished project as well as junk in the yard. He indicated it is frustrating to get a letter saying money is owed and maybe send a reminder that there are past due amounts before it gets to the point of being assessed. He stated the City needs to understand his rights as a private property owner and he does not appreciate pictures being taken of his property.

The Chair closed the Public Hearing at 8:57 p.m.

Council Member Badeaux stated he would like to revisit the process of assessment letters and the wording used. The goal is to have the property issues taken care of in a timely manner without needing to issue citations.

City Administrator Torstenson stated the timeframe has been extended for the trash and garbage nuisance abatements to a seven-day notice to allow for another trash pickup cycle. She will work with staff on revising the letters and reviewing timelines.

Council Member Johnson indicated it is not the wording of the letters; it is the fact the City is paying someone to drive around taking pictures of petty concerns in people's yards when their neighbors don't even complain about and it's ridiculous.

City Planner Ostgarden stated the results of Community Survey's that have recently taken place are showing residents want better and more enforcement in the community, not less.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT RESOLUTION NO. 51:18 ORDERING THE SPECIAL ASSESSMENTS AS PROPOSED FOR THE DOWNTOWN SPECIAL SERVICES DISTRICT, DOWNTOWN SNOW REMOVAL AND 2018 NUISANCE ASSESSMENTS EXCLUDING THE CONTESTMENTS AT 506 7TH AVE NE AND 1113 ROSEWOOD UNTIL NOVEMBER 5, 2018 TO REVIEW.

**RESOLUTION NO. 51:18**

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

**Vacating a Portion of NW 3rd Street and William Street in West Brainerd – Adopted by Resolution No. 52:18**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS TO ADOPT RESOLUTION NO. 52:18 TO VACATE A PORTION OF WILLIAM STREET AND NW 3RD STREET.

Council Member Badeaux reviewed some concerns from the last council meeting regarding the public forum and made a formal apology.

**RESOLUTION NO. 52:18**

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

**Public Forum**

The Chair opened the Public Forum at 9:08 p.m.

No one came forward.

The Chair closed the Public Forum at 9:08 p.m.

**Staff Reports**

City Engineer Sandy stated the ribbon cutting event for South 6th Street will take place on October 31st at 11:30 a.m. at the corner of 6th and Laurel Street.

City Planner Ostgarden stated the November Planning Commission meeting may be taking place on a different date due to the Thanksgiving holiday.

City Administrator Torstenson attended the League of MN Cities Regional Meeting and discussed the upcoming legislative session. She stated she has started to arrange meetings

with the legislators for beginning topic conversations about the 2019 session. The Citizen's Water Tower Committee is meeting for the first time on Wednesday, October 24th at 5 p.m. in the 2nd floor conference room at City Hall.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO EXTEND THE ENDING DATE TO FUNDRAISE FOR THE WATER TOWER TO OCTOBER 24, 2020 TO ALLOW A FULL TWO YEARS.

Mayor Menk announced he attended presentations from the three finalists of the Destination Downtown 2.0 competition at the Chamber of Commerce last week, along with City Administrator Torstenson and Council Member Johnson. The winner will be announced at the Chamber of Commerce on November 15th. He stated since the Parks Department no longer has a lift truck, a decision needs to be made regarding the downtown Christmas décor.

**Council Member Reports**

Council Member Lambert stated she also attended the League of MN Cities Regional Meeting last week.

Council Member Bevans stated the City is looking for volunteers to be a part of the Rental Housing Ordinance Review Committee, which will consist of two landlords, two tenants and one at-large council member. He announced the Pumpkin Fest at Gregory Park over the weekend had a great turnout.

Council Member Hilgart has been working with the Self-Healing Communities as a volunteer with their project and was happy to have them present to the Council this evening.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO PROVIDE A $1,000 CONTRIBUTION TO THE SELF-HEALING COMMUNITIES PROJECT.

Council Member Hilgart stated the Fire Department staff did a great job at their Open House last week.

Council Member Hilgart had the opportunity to screen applications for the Community Development Director with City Administrator Torstenson and HR Coordinator Schubert. It was acknowledged that some are traveling a distance to interview and a $200 reimbursement for travel expenses and one-night stay in a hotel will be offered.

**Public Notices**

- Public Meeting for Buffalo Hills Lane Project at the Church of Jesus Christ of Latter-Day Saints on October 16, 2018 from 6 p.m. – 7 p.m.
- MnDOT Ribbon Cutting at the corner of Laurel and South 6th Street on October 31, 2018 at 11:30 a.m.

**Motion to Closed Session Pursuant to MN Statutes 13D.05, Subd. 3(B) for Attorney-Client Privilege to Discuss the IAFF V. City of Brainerd Lawsuit**

**Motion to Closed Session Pursuant to M.S. 13D.03 to Discuss Labor Negotiation Strategy – 9:25 p.m.**

The Chair reconvened into open session at 10:34 p.m.

**Recess to Facility Discussion Workshop – Wednesday, October 24, 2018 at 6:00 p.m.**

The Chair adjourned the meeting at 10:35 p.m.

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Cassandra Torstenson
City Administrator