

**Brainerd, MN
December 3, 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: Stunek, Bevans, Badeaux, Johnson, Hilgart, Lambert 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 JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO AMEND THE CONSENT CALENDAR BY MOVING ITEM D. L&L LOGISTICS TAXI LICENSE TO 7B. UNDER PRESENTATIONS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT THE CONSENT CALENDAR AS AMENDED.

A. Approval of the Minutes of the Regular Meeting held on November 19, 2018, and the Budget Workshop held on November 26, 2018 - Approved

B. Approval of Licenses - Approved

Garbage Hauler's License - 2 – Renewals

- Waste Management of Minnesota, Inc.
- Waste Partners Inc.

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

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

Business and Community Spotlight

The Chair recognized Mr. Shawn Hunstad, president and CEO of Stern Industries who thanked the Council for the opportunity to speak tonight. Mr. Hunstad stated the company is in their 23rd year in the Brainerd Lakes Area, which started as a rubber company in Staples, MN. Stern Companies has evolved over time into a broker, manufacturer and assembler corporation. Currently, there are two independent companies under the Stern Companies umbrella; Stern Industries and Stern Assembly. Mr. Hunstad gave a brief overview of the Entrepreneurial Operating System (EOS), the company vision and the industries that they serve. The Council thanked him for the presentation.

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Presentations

Brainerd Public Utilities (BPU) 2019 Operating & Capital Budget - Approved

Brainerd Public Utilities Superintendent, Mr. Scott Magnuson and Finance Director, Mr. Todd Wicklund reviewed the key points of the budget and operating costs which had been provided to the Council prior to the meeting. They answered questions of the Council and the Chair thanked them for their presentation.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE BRAINERD PUBLIC UTILITIES 2019 OPERATING AND CAPITAL BUDGET AS ADOPTED BY THE PUBLIC UTILITIES COMMISSION AT THEIR NOVEMBER 27, 2018 MEETING.

L&L Logistics dba Grab-A-Cab Taxi Service, 912 4th Ave NE, Brainerd – Taxi Cab License as New Ownership – Contingent Upon Background Check and Police Approval/Inspections - Approved

Council Member Lambert indicated a question was brought to her regarding the requirement if taxi cab services need to operate 24 hours a day. It was determined that it is not a City requirement and is at the discretion of the service provider.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO APPROVE THE TAXI CAB LICENSE FOR L&L LOGISTICS CONTINGENT UPON BACKGROUND CHECK AND POLICE APPROVAL.

The Chair recognized Mr. John Hoskins, owner of Brainerd Area Taxi who stated a city the size of Brainerd does not need two taxi cab services along with the current transit system. He stated his company is open 24 hours a day and have been for 18 ½ years. He feels all taxi services in Brainerd should be required to operate 24 hours a day and should not be able to pick and choose the fares they want. He indicated Lyft and Uber are coming to the City and there are no requirements regarding licensing and insurance and there should be some regulations.

Council Member Lambert stated she recognizes the concerns from Mr. Hoskins, but the Council cannot mandate the number of taxi companies that can operate a business.

Council discussion took place.

Council Member Bevans has directed SPW staff to research the issue of Uber and Lyft services and regulations to bring back to the next council meeting.

Council Committee Reports

Safety and Public Works Committee Report

Improvement 17- 08 – Request to Authorize Winter Tree Clearing - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO DIRECT STAFF TO PROCEED WITH SOLICITING QUOTES FOR WINTER

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TREE REMOVAL FOR 20 TREES AS IDENTIFIED AS PART OF THE GARFIELD SAFE ROUTES TO SCHOOL PROJECT AND TO DIRECT STAFF TO NOTIFY AFFECTED PROPERTY OWNERS OF THE TREE REMOVALS PER THE PROJECT PLAN AND TO REMOVE THE 38 REMAINING TREES BY STREET DEPARTMENT STAFF.

Public Transit Bus Disposals - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND DISPOSE AND RECYCLE BUS #313, RECYCLE BUS #312 AND TO DISPOSE AND SELL BUSES #117 AND #311 ON PUBLIC SURPLUS OR RECYCLE IF UNABLE TO SELL.

Public Transit Bus Parking at City Hall - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO CREATE TWO ENFORCEABLE PARKING SPACES FOR PUBLIC TRANSIT BUS PARKING AND THE INCLUSION OF TWO SIGNS AND PAVEMENT MARKINGS TO DENOTE THE PUBLIC TRANSIT SPACES.

Public Transit Operating Policy Modifications - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO STRIKE *"REQUESTS OF THE DRIVER FOR SCHEDULED TRIP CHANGES ARE DOUBLE FARE"* FROM POLICY 2.1.4 AND REPLACE WITH *"ALL REQUESTS FOR SERVICE AND CHANGES TO SERVICE MUST BE PLACED WITH THE DISPATCHER."*

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ADOPT A NEW POLICY 2.3.2.2 FOR YOUNG CHILDREN RIDERS THAT READS *"YOUNG CHILDREN RIDERS: UNATTENDED CHILDREN AGE EIGHT (8) AND OLDER MAY RIDE THE BUS ALONE WITHOUT A PARENT OR OLDER SIBLING. (CONSIDERATION SHOULD BE GIVEN DEPENDING ON DEVELOPMENTAL ABILITIES). CHILDREN UNDER THE AGE OF EIGHT (8) AND AT LEAST FOUR (4) MAY RIDE WITH A SIBLING WHO IS AT LEAST ELEVEN (11) YEARS OF AGE OR OLDER. ALL CHILDREN MAY RIDE WITH A RESPONSIBLE GUARDIAN, ADULT OR PARENT."*

Public Transit Subscription Fare Increase - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO INCREASE THE SUBSCRIPTION FARE SERVICE PROVIDED FROM \$2.50 TO \$3.00 EFFECTIVE JANUARY 1, 2019.

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

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Northtown Property - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE DONATION UNDER THE TERMS EXPLAINED.

Committee Chair Johnson explained this is the donation that was accepted at the October 1, 2018 council meeting. The parcels and details are now finalized with a park being constructed in summer of 2019 named "The Meadows".

Broadcasting and Live Streaming Council Meetings - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO DIRECT STAFF TO OBTAIN COST OPTIONS TO PROVIDE BOTH LIVE STREAMING AND CABLE BROADCASTING AND WORK WITH THE LAKES AREA MEDIA COLLABORATIVE TO USE A PORTION OF FRANCHISE FEES TO PAY FOR THE UPGRADES.

City Hall Annex Vacancy Notice

Committee Chair Johnson indicated Brainerd Community Action is relocating to the lower level of Bremer Bank.

Council Member Stunek is the board liaison and explained the move is for expansion of the non-profits and there is more available space at Bremer.

Agreement with the Cities of Baxter and Nisswa for Joint Prosecution Services - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE JOINT PROSECUTION SERVICES AGREEMENT WITH NISSWA AND BAXTER AND AUTHORIZE EXECUTION OF THE DOCUMENT.

Renewal of City Prosecution Agreement with Mallie Law Office

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE ATTACHED PROSECUTION AGREEMENT WITH MALLIE LAW OFFICE AND AUTHORIZE EXECUTION OF THE DOCUMENT WITH THE PROPOSED CHANGES.

Committee Chair Johnson stated he thought the document had been amended and was the one to be presented. The attached document is not the complete document as an email was distributed to council with amendments and does not think the law firm has seen the agreement with the changes.

City Administrator Torstenson indicated the law office has viewed the document, but there was some misunderstanding on the language used. The email was provided as a quick update from the Personnel and Finance Committee meeting for the council meeting. The modifications that need to be made is to correct the date to expire December 31, 2019 and should commence January 1, 2020. The language in the termination clause needed to be updated to what is shown in the email provided.

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MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO AMEND THE MOTION TO INCLUDE THE CORRECT DATE AND THE TERMINATION CLAUSE AS AMENDED IN THE EMAIL.

Council Member Hilgart does not agree with the premise of adopting an agreement that does not exist in the format that is to be approved.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE ATTACHED PROSECUTION AGREEMENT WITH MALLIE LAW OFFICE AND AUTHORIZE EXECUTION OF THE DOCUMENT WITH THE PROPOSED CHANGES.

The Chair recognized Mr. Matt Mallie with Mallie Law Office who stated he is willing to wait two weeks until the next council meeting for the agreement to be approved.

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

Unfinished Business

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)

Public Forum

The Chair opened the Public Forum at 8:30 p.m.

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The Chair recognized Ms. Gail Henke, 807 Wright St., who stated she wanted to bring up the lack of parking at Harrison Elementary for the remodel taking place. It is needed for staff, parents and grandparents.

The Chair recognized Ms. Tiffanie Knapp, 7169 Hilltop View Rd., who said she hopes both the school board and the council consider a long-term vision that would be best for both the City and for Harrison. It is a unique school that could be an asset to the City if the school district can have the space that they need to provide for parking and a new gymnasium. It could attract people to the neighborhood and possibly new development on the south side.

The Chair recognized Ms. Sarah Katzenberger, 9153 County Rd. 23, who is a parent of Harrison Elementary. She stated every day when she picks up her child, she walks with her two younger children from parking on the street. She stated that the notion of having more people walk to school is not necessarily an option, as many families that attend Harrison live several miles away and do not reside in the neighborhood. Ms. Katzenberger said the bus route is an hour and a half and does not want to miss that much time with her daughter on a daily basis. She stated the traffic on Oak Street travels faster than they should and it is not safe.

The Chair recognized Ms. Jennifer Bade, 615 4th Ave NE, who indicated her property is to be acquired from the school district. She said she is very sad to have to move, but the safety issue is a big problem with children in danger of being hit by vehicles. The traffic on 4th Avenue is too fast, and many do not watch out for pedestrians. She stressed the urgency to take care of the problem and come up with a solution.

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

Staff Reports

City Engineer Sandy stated the motel on south 6th Street has been removed. The office building will be left until the spring, as the owner of Exhaust Pros has requested, to avoid having an exposed wall during the winter months.

City Administrator Torstenson indicated she will be attending an Opportunity Zone training next week and is hoping to bring back some helpful information for our City.

Mayor Menk stated he has had the pleasure of serving as Mayor for the past three years and thanked the community for electing him as Mayor for another term.

Council Member Reports

Council Member Hilgart had the opportunity to attend the first Community Conversation for the Self-Healing Communities last Tuesday at Lowell School. There were 92 community members that attended the meeting and looks forward to the next one.

Council Member Badeaux also attended the Community Conversation and had good conversations with the people attending. He is pleased to see the support for the movement in discussing adverse childhood experiences.

Council Member Stunek stated he is looking forward to the joint meeting with the school board tomorrow night to hopefully finalize many of the issues.

Council President Pritschet thanked everyone that appears to speak for public forum because it helps the Council in determining what the public wants on many decisions that are made.

Council Member Lambert announced the following applicants for the Ad Hoc committee for Rental Ordinance Conduct on Premises Review that she is the council liaison:

- Mr. John Prozinski – Public input
- Mr. John Cullinane – Landlord
- Mr. Rick Fargo - Landlord
- Ms. Shannon Fortune – Tenant Advocate from HRA
- Mr. Nathan Bertram – Tenant Advocate from Crow Wing Social Services

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO APPOINT THESE MEMBERS TO THE RENTAL ORDINANCE CONDUCT ON PREMISES REVIEW COMMITTEE.

Motion to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 8:46 p.m.

Recess to the Joint Meeting with the School Board on Tuesday, December 4, 2018 at 6:00 p.m. and to the Budget and Levy Public Hearing on Monday, December 10, 2018 at 6:00 p.m. – 9:17 p.m.

The Chair adjourned the meeting at 9:17 p.m.

Cassandra Torstenson
City Administrator