

**Brainerd, MN
November 4, 2019**

Pursuant to due call and notice thereof, the Special Meeting of the Brainerd City Council was called to order at 6:00 P.M. by Council President Johnson.

Upon roll call, the following members were noted as present: Lambert, Stunek, Bevans, Johnson, Erickson, Pritschet and Mayor Menk. Alderman Badeaux was noted absent; however, arrived at 6:25 pm. Also noted present were Gary Weiers, David Drown Associates Company (DDA); Theresa Bourke, Brainerd Dispatch; and Kris Schubert, HR Director.

City Administrator Hiring Process

The Chair welcomed Mr. Gary Weiers, DDA Company, who assisted the Council in selecting the top finalists for the City Administrator position. All candidates were referenced by Candidate number and not name during this process.

The Council selected the following five candidates to interview which are in no particular order:

1. Candidate #6 (Steve Kil)
2. Candidate #7 (David Chanski)
3. Candidate #8 (Nathan Ehalt)
4. Candidate #11 (Joe Gaa)
5. Candidate #12 (Jennifer Bergman)

Council discussion took place regarding the need or want for a sixth potential candidate. The consensus was that Candidate #1 will be a backup; however, only if one of the originally selected candidates withdraws from consideration within 48 hours of tonight's meeting.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT, DULY CARRIED, TO INTERVIEW CANDIDATES #6, #7, #8, #11 AND #12 ON NOVEMBER 19, 2019 STARTING AT 3:30 P.M.

Mr. Weiers explained interview components and options.

The Council agreed to provide a city tour, an interview with the Department Heads as a group, a meeting with Brainerd Economic Development partners and a final Group Interview with council which will result in about five hours of interview time. The interview date was schedule for Tuesday, November 19, 2019, with Council interviews to start at 3:30 p.m. to approximately 8:00 p.m. with deliberations to follow. There will be a 30-minute dinner break with box lunches delivered. It was agreed that Council would pay for the meals themselves.

Mr. Weiers inquired about reimbursement for travel expense noting that the last time the Council approved up to \$150 if a hotel room was needed the night before the interview.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO APPROVE A MAXIMUM HOTEL REIMBURSEMENT OF UP TO \$150; FURTHER, THAT THE DATE COULD BE FOR EITHER NOVEMBER 18TH OR NOVEMBER 19TH.

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Adjournment

The Chair adjourned the meeting at 6:38 P.M.

James M. Thoreen
Interim City Administrator

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Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:33 P.M. by Council President Johnson.

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

Council President Johnson opened the meeting with the Pledge of Allegiance to the Flag.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. Approval of the Minutes of the Regular Meeting held on October 21, 2019 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – New; 2 - Renewals

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

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

Interim City Administrator Thoreen thanked the team of people that assisted in the temporary staff relocations taking place at City Hall. He also thanked Crow Wing County for allowing the City to use their facilities for our meetings during the renovations.

Presentations

Northland Arboretum Annual Report

The Chair recognized Ms. Vicki Foss, executive director of the Northland Arboretum who distributed a copy of the 2018-2019 Annual Report. She stated the annual meeting at the arboretum took place on Saturday, November 2nd and she reviewed some of the highlights and activities that took place the past year. She indicated a new addition to the arb is the Veteran Pavilion, which can be used by family of veterans receiving care at the VA Clinic as a place of peace and rest while waiting. She also added that volunteer hours have increased this year to 3,388 over last year's total of 2,456 hours.

Region 5 Children's Museum

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The Chair welcomed Mr. Peter Olson, project director retained by Region 5 for the Children's Museum who gave a brief background of his career creating children's museums and the potential location of Lum Park. He stated one of the best assets a city can have is a children's museum and Lum Park would be an ideal location with the lake and wooded areas. He said the project idea began in 2015 and Region 5 has worked with Sourcewell in organizing a committee to fund a museum in the area. He gave an overview of the possible activities a museum could offer and the ability to fit the building within Lum Park without disrupting the current park uses. He asked if the City Council is interested in revisiting Lum Park to include a museum and to support the planning efforts for a museum in 2020 through community involvement and fundraising.

The Chair welcomed Ms. Ashley Martel, architect at Widseth Smith Nolting who spoke about the history of Lum Park and why this park would be an ideal place to build the region's first Children's Museum. She gave an overview of the site layout and potential amenities the museum could bring to Lum Park, along with the increase of vacationers and visitors to the Brainerd Lakes Area.

Council directed the museum concept be sent to the Park Board and the Personnel and Finance Committee to research the details of the project and for potential budgeting in 2020.

Council Committee Reports

Safety and Public Works Committee Report

Event Application – 5K for Mental Health Awareness - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE 5K FOR MENTAL AWARENESS TAKING PLACE ON MAY 9, 2020 AROUND CENTRAL LAKES COLLEGE CAMPUS AND BOOM LAKE.

Event Application – Hometown Holidays Santa Stop and Tree Lighting - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE HOMETOWN HOLIDAYS SANTA STOP AND TREE LIGHTING TAKING PLACE ON NOVEMBER 30, 2019 IN THE LAUREL STREET AND CITY HALL PARKING LOT.

Improvement 17-06, 17-07 and 18-05 H Street and 10th Avenue NE Reconstruction Project and Sidewalk Improvements – Change Order 1 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE CHANGE ORDER IN THE AMOUNT OF \$9,356 FOR IMPROVEMENTS 17-06, 17-07 AND 18-05 FOR H STREET AND 10TH AVENUE NE RECONSTRUCTION PROJECT AND SIDEWALK IMPROVEMENTS.

City Engineer Sandy explained the details of change order are part of the project costs. He indicated some of the costs will be eligible for state aid funding and some are attributable Brainerd Public Utilities (BPU) costs for watermain work.

**Improvement 19-13 – SE Interceptor Replacement Project – Final Pay Estimate
Number 1 - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE FINAL PAY ESTIMATE FOR IMPROVEMENT 19-13 IN THE AMOUNT OF \$123,300 TO TOM'S BACKHOE SERVICE.

Committee Chair Bevans indicated the project cost experienced an increase due to heavy rain conditions. He stated this caused the need for additional granular bedding to support the interceptor pipe.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

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

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Contract Amount</u>
Tom's Backhoe	19-13	SE Sanitary Sewer	\$123,300	\$123,576
Baratto Bros.		Gregory Park Warning House	\$237,616	\$220,000

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

Police Officer Resignation and Request to Hire - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF OFFICER FRIIS AND AUTHORIZE THE POLICE AND FIRE CIVIL SERVICE COMMISSION TO ESTABLISH A NEW POLICE OFFICER ELIGIBILITY LIST.

**City Hall Remodel – Network Cabling and Door Access Control (Security) -
Approved**

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK TO APPROVE THE QUOTE FOR CABLING FROM DIGITAL HORIZONS IN THE AMOUNT OF \$16,330 WITH AN ADDITIONAL \$3,500 OF CITY PROVIDED HARDWARE AND APPROVE THE QUOTE FOR ACCESS CONTROL FROM MIDWEST SECURITY AND FIRE IN THE AMOUNT OF \$41,513 TO ADD 16 CITY HALL DOORS TO THE EXISTING SYSTEM FOR A TOTAL COST OF \$61,343.

Committee Chair Badeaux stated this portion of the remodel project was quoted separately from the primary bids and came in much less than anticipated. He indicated that cameras are not a part of this quote.

Member Bevans indicated he does not support the choice to use Midwest Security and Fire and will be voting against the motion.

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

Deferment of Assessments - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO APPROVE THE DEFERMENT OF ASSESSMENT FOR PROPERTY AT 810 H STREET NE (41191702).

Committee Chair Badeaux stated staff has been directed to request further information from property owner of 1004 H Street NE (41191721), which will be brought back to the November 18th Council Meeting for consideration.

Parking Lots – Update

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO TABLE THE DISCUSSION ON PRICING AND INCENTIVES FOR THE PARKING LOTS UNTIL THE FALL OF 2020 FOR THE 2021 BUDGET PROCESS.

Committee Chair Badeaux stated the rates were adjusted October 1st, and more time is needed to evaluate the occupancy and vacancy percentages.

2020 Budget and Levy – Set Workshop

MOVED AND SECONDED BY ALDERMEN BADEAUX AND BEVANS, DULY CARRIED, TO DIRECT THE P&F COMMITTEE TO DISCUSS THE NON-WORKING FUNDS AND TO SET THE 2020 BUDGET AND LEVY WORKSHOP DATE FOR NOVEMBER 25TH AT 6:00 PM.

It was determined after the meeting to hold the workshop in the training room at the Police Department, 225 E River Road.

Unfinished Business

Public Hearing and Resolution – Improvement 17-06 and 17-07 – H Street and 10th Avenue NE Reconstruction Project – Contested Assessments – Adopted by Resolution No. 60:19

City Engineer Sandy stated of the four contested assessments from the October 21st Council meeting, one qualified for deferment, and one has been held over until the November 18th meeting for further review as indicated above. He explained the process of determining the engineer’s estimate in which assessment rates are initially calculated, the contractor bid process, the notification process to residents and the final assessment cost calculations.

The Chair opened the public hearing at 8:30 p.m.

The Chair recognized Ms. Jean Johnson, 815 10th Ave NE, who is contesting the assessments to her property. She explained her calculations of percentages assessed, the quality of the materials used and the overall dissatisfaction of the completed project.

City Engineer Sandy and Mr. Scott Hedlund from Short Elliott Hendrickson (SEH) explained the details and answered questions about the project.

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The Chair recognized Terri Ford, 518 10th Ave NE, who is contesting the assessment costs to her property due to an unreasonable increase from the initial estimate to the actual assessed amount. She indicated there were no notifications to the residents between the time of the estimate to the actual costs.

City Engineer Sandy stated there are two notifications to residents; one with the initial estimate in the spring and the other at the time of assessed amounts. He indicated this is the standard notification process. He said the assessment calculation process is followed the exact same way each year for every street project for consistency and equality to everyone. He indicated there could be another notification letter when the bids are received if Council requests.

Council Member Johnson directed staff to discuss the notification process with the Safety & Public Works Committee at a future meeting.

Council discussion took place and questions answered.

The Chair closed the public hearing at 9:30 p.m.

City Attorney Langel stated that estimated costs have no legal bearing on the assessments to the property. He said what is considered is the benefit versus the cost of the improvements to that property.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT THE RESOLUTION ORDERING THE ASSESSMENTS FOR IMPROVEMENTS 17-06 AND 17-07 FOR PROPERTIES 810 H ST NE (41191702), 518 10TH AVE NE (41191658), 815 10TH AVE NE (41191139 AND 41191140) AS PRESENTED.

Council Member Bevans stated he feels the assessed amounts are fair according to the value and benefits received from the project.

Council Member Johnson indicated the property owner at 815 10th Ave NE should be compensated for the work she had to do to resolve the problems with her landscape.

City Engineer Sandy stated there are standards and specifications that need to be met before a contract is accepted. He said this project remains open until those standards are acceptable.

Mr. Scott Hedlund explained the contractor did try to resolve the issues with the weeds and topsoil, but the property owner of 815 10th Ave NE would not allow them on the property.

RESOLUTION NO. 60:19

Upon roll call, members Stunek, Pritschet, Bevans, and Erickson voted "aye". Members Badeaux, Lambert and Johnson voted "nay". The Chair declared the motion carried.

Public Hearing and Resolution – Contested Nuisance Assessments – Adopted by Resolution No. 61:19

The Chair opened the public hearing at 9:38 p.m.

No one came forward.

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The Chair closed the public hearing at 9:39 p.m.

Community Development Director Chanski explained the nuisance assessment for 1319 11th Avenue NE was for an unlicensed vehicle that had a history going back to 2017 and the car was just recently removed from the property. Mr. Chanski explained the property maintenance assessment for 319 9th Street N is for a damaged roof going back to 2015. He indicated the property owner has been directed to the Brainerd Housing & Redevelopment Authority (HRA) to inquire about qualifications for a loan program to be able to repair his roof.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT THE RESOLUTION ORDERING THE ASSESSMENTS FOR NUISANCES ASSESSED TO PROPERTIES 1319 11TH AVE NE (41190516) AND 319 9TH ST N (41241208) AS PRESENTED.

RESOLUTION NO. 61:19

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

Call for Applicants – Informational:

(Application Information at www.ci.brainerd.mn.us/boards/)

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

Cable TV Advisory Committee – 1 term (Expire 2019) - 2 terms (Expire 2021)

Charter Commission – 2 terms (Expire 2020) - 1 term (Expire 2021) – 1 term (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2020)

New Business

Appoint Council Liaison – Fire Advisory Board, (added) the Northland Arboretum and as an Alternate to the Transportation Advisory Committee (TAC) - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO APPOINT TAD ERICKSON AS COUNCIL LIAISON TO THE FIRE ADVISORY BOARD, THE NORTHLAND ARBORETUM AND AS AN ALTERNATE TO THE TRANSPORTATION ADVISORY COMMITTEE.

Call for Public Hearing for Discussion on the Implementation and Progress of the Small Cities Development Program (SCDP) Grant CDAP-17-0019-O-FY18 - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO APPROVE SETTING THE PUBLIC HEARING FOR NOVEMBER 18, 2019 AT 7:30 P.M TO DISCUSS THE IMPLEMENTATION AND PROGRESS OF THE NORTHEAST AND DOWNTOWN BRAINERD SCDP GRANT AWARDED IN 2018.

Industrial Park Lots Sale Procedure

Community Development Director Chanski explained the Economic Development Authority (EDA) met October 31st to discuss the marketing and selling procedures for the industrial lots, specifically those in Phase IV and along Wright Street. He indicated there have

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been no sales since the FedEx purchase in 2015. He stated the EDA has proposed a procedure for marketing and transferring ownership of these lots to the EDA upon an agreement to purchase. He said the EDA also recommended marketing the property at \$1 per acre and to authorize staff to pursue financing by which the City may recoup its investment, not limited to Tax Increment Financing (TIF).

Tyler Glynn, economic development officer with BLAEDC explained the City no longer has a listing agent for this property which is an important facet of this motion. He indicated the lots are also listed on the BLAEDC website, and many other cities are listing lots at \$1 per acre since there is the option of TIF. He stated the developer would need to pay a deposit before the process starts.

Council Member Johnson voiced his concerns in recouping some of the money spent on these lots.

Council Member Bevans indicated the process would not take place until a developer comes forward.

Finance Director Hillman stated the Council would need to approve the TIF district prior to action taking place.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE EDA'S RECOMMENDED PROCEDURE FOR MARKETING AND SELLING INDUSTRIAL PARK LOTS FOR A PERIOD OF FOUR YEARS.

Planning Commission

Final Reading – Proposed Ordinance No. 1500 – Rezone 11349 Easy Street from R-1A to R-1 – Interim City Administrator Thoreen Recommends to Dispense with the Actual Reading – Adopted

MOVED AND SECONDED BY ALDERMEN LAMBERT AND STUNEK, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1500 – AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO THE ZONING OF 11349 EASY STREET FROM AN R-1A TO AN R-1 DISTRICT TO BE ABLE TO CONSTRUCT A GARAGE.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO ADOPT ORDINANCE NO. 1500 – AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO THE ZONING OF 11349 EASY STREET FROM AN R-1A TO AN R-1 DISTRICT TO BE ABLE TO CONSTRUCT A GARAGE.

ORDINANCE NO. 1500

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

Public Forum

The Chair opened the public forum at 10:11 p.m.

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No one came forward.

The Chair closed the public forum at 10:11 p.m.

Staff Reports

Mayor Menk read a proclamation honoring Mr. Walter Straka, a survivor of the Bataan Death March stating that Monday, November 11, 2019 is officially Walter Straka Day in the City of Brainerd.

Council Member Reports

Council Member Badeaux stated the Water Tower Committee has submitted a request for a grant and would like to open the committee for additional applicants.

Council Member Erickson said the Halloween events that took place in the community were well received and a lot of fun.

Council Member Lambert stated the Rental Housing Ordinance Review Committee is now reviewing the licensing and fees portion of the ordinance.

Council Member Johnson thanked Crow Wing County for the use of the facilities during the renovations at City Hall. He also participated in the Halloween events and said the northside community members are always very generous and the neighborhood is inviting.

Council Member Pritschet wished the hunters a safe and successful weekend. He said he spoke with the library board and they are more than happy to accommodate patrons to view the Council meetings on the computers.

Adjourn

The Chair adjourned the meeting at 10:18 p.m.

James M. Thoreen
Interim City Administrator