Brainerd, MN
December 2, 2019

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 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 AMEND THE AGENDA BY ADDING RECORDED VOTE TO APPOINT ALDERMAN ERICKSON.

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

A. **Approval of the Minutes of the Regular Meeting held on November 18, 2019, the City Administrator Selection Meeting held on November 19, 2019 and the Budget Workshop held on November 25, 2019 - Approved**

B. **Approval of Licenses - Approved**

Contractor Licenses – 2 – New; 1 – Renewal
Garbage Hauler Licenses – 4 Renewals
Tobacco Licenses – 18 Renewals
Taxicab License – 1 Renewal
Second Hand Auto Licenses – 7 Renewals
Second Hand Goods Licenses – 2 Renewals
Pawnbroker License – 1 Renewal

Contingent Upon Fire Department Inspection
Tobacco Licenses – 2 Renewals
Taxicab License – 1 Renewal
Pawnbroker License – 1 Renewal

C. **Department Activity Reports - Approved**

1. Fire Chief
2. Parks Director

D. **Memorandum of Agreement with United Steel Workers International Union Local 9230 Unit 09 to Replace Current High Deductible Health Plan with Sourcewell's Smart Plan #3 Health Plan Option - Approved**

E. **Minnesota Lawful Gambling Premises Permit Application – Adopt Resolution to Allow Lawful Gambling by the American Legion Post 255 at Cornerstone Liquor, 817 Washington Street, Brainerd – Adopted by Resolution No. 64:19**

F. Resolution Designating Polling Locations for 2020 – Adopted by Resolution No. 65:19

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

Presentations

Basic Emergency Management Certification Presentation

The Chair welcomed Mr. Mark Marcy from Homeland Security and Emergency Management (HSEM), who presented Fire Chief Holmes with his Basic Emergency Management Certification for completing over 150 hours of training in emergency management. He read a letter from the director of HSEM congratulating Chief Holmes for his hard work in earning this certification. Chief Holmes said it was an honor to complete the training to have the additional education to serve the community.

Council Committee Reports

Safety and Public Works Committee Report

Event/Street Closure Application – Tour of the Lakes Bike Ride - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF’S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE TOUR OF THE LAKES BIKE RIDE ON JUNE 6, 2020 USING THE CITY HALL AND LAUREL STREET PARKING LOTS FOR EVENT PARKING UNDER THE CONDITIONS THE APPLICANT WORK WITH LOCAL BUSINESSES WITH PRIVATE PARKING TO ENSURE SIGNAGE IS PLACED TO INDICATE NO EVENT PARKING AND REQUESTS FOR TRAFFIC CONTROL BE SUBMITTED ONE WEEK PRIOR TO THE EVENT.

Resolution – Advancing State Aid Funds – Adopted by Resolution No. 66:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION IN WHICH ADVANCES MUNICIPAL STATE AID STREET (MSAS) FUNDS IN THE TOTAL AMOUNT OF $1,294,000.

RESOLUTION NO. 66:19

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

Improvement 19-19 – NW 3rd Street and Jackson Street Construction – Consideration of Proposal for Engineering Services and Construction Administration - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF’S RECOMMENDATION AND APPROVE THE PROPOSAL FROM BOLTON AND MENK IN THE TOTAL AMOUNT NOT TO EXCEED $36,440 FOR THE DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR IMPROVEMENT 19-19.

Tree Policy Revision – Consideration of Cotton Bearing Tree Grandfather Clause - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND ADOPT THE POLICY WITH THE REVISIONS AS PRESENTED.

Committee Chair Bevans stated the cotton tree would need to be 12" in diameter at the 4 ½ foot height level in order to be exempt from the requirement to remove.

Technology Enhanced Traffic Control Policy - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND ADOPT THE POLICY AS PRESENTED.

Committee Chair Bevans indicated the policy will provide staff the steps to follow before considering a technology enhanced device.

Personnel and Finance Committee Report

Approval of Bills - Approved

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

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

Assistance to Firefighters Grant Application - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO AUTHORIZE THE FIRE DEPARTMENT TO APPLY FOR A FIRE OPERATIONS AND PERSONAL PROTECTION EQUIPMENT (PPE) GRANT THROUGH THE ASSISTANCE TO FIREFIGHTERS PROGRAM. THE TOTAL APPLICATION REQUEST WILL BE APPROXIMATELY $255,000 WITH A 10% LOCAL COST SHARE IF THE GRANT IS AWARDED.

Committee Chair Badeaux stated the fire department applied for this grant in 2018 but was not awarded to our department in that round of applications. He explained if the grant is accepted, the local match of $25,500 would be funded from the fire capital fund.

Children's Museum Discussion – Direction Given

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO APPROPRIATE UP TO $20,000 TO THE 2020 BUDGET FOR POTENTIAL USE ON THE CHILDREN'S MUSEUM MASTER PLAN.

Committee Chair Badeaux stated there needs to be more discussion regarding the proposed plan and agreement.

Animal Control Services Contract Proposal - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO APPROVE THE AMENDED ANIMAL CONTROL ENFORCEMENT PROPOSAL WITH LAKES AREA WILDLIFE CONTROL INCLUDING MONTHLY REPORTS AS PRESENTED.

Committee Chair Badeaux explained the contract was negotiated with a yearly rate increase for the next three years. He said the monthly rates will be $1,768 for 2020, $2,298 for 2021 and $2,987 for 2022, which includes monthly reporting and a 90-day option to terminate.

City Administrator Employment Agreement - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO APPROVE THE CITY ADMINISTRATOR EMPLOYMENT AGREEMENT WITH JENNIFER BERGMAN AS PRESENTED WITH THE CORRECTIONS AND TO AUTHORIZE SIGNATURES OF CITY OFFICIALS.

Committee Chair Bevans stated the benefit document in the packet had erroneous information and HR Director Schubert distributed the corrected agreement to the Council.

Deferment of Assessment - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO APPROVE THE DEFERMENT OF ASSESSMENTS PAYABLE IN 2020 FOR 613 10TH AVE NE (PIDs 41191678 AND 41141679).

Memorial Park Redesign and Parking Lot Discussion – Direction Given

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO ENTER INTO NEGOTIATIONS TO PURCHASE THE PARKING LOT FROM BRAINERD LAND LLC IN THE AMOUNT OF $223,000 AS SHOWN ON THE COMMERCIAL APPRAISAL.

Committee Chair Badeaux explained the parking lot purchase will be included in the amount of $1.3 million for the Memorial Park redesign. He gave a brief review of discussion that took place at the Park Board meeting regarding potential adjustments to the original design if the purchase is approved. He said if the offer for the parking lot is not accepted, those funds would be used in the park redesign.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO LIMIT THE ENTIRE MEMORIAL PARK REDESIGN PROJECT TO NOT EXCEED $1.3 MILLION.

Committee Chair Badeaux indicated the City Council has control of the funding but the Park Board decides what is done at the parks with those funds.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO PUT $117,000 INTO THE CITY DEBT LEVY FOR 2020 TO BE USED TO STRUCTURE THE DEBT ISSUE.

Finance Director Hillman explained it was discussed at the Council Workshop on November 25th to reduce the debt levy by $117,000. She indicated by approving this motion, the debt levy would remain the same as the 2019 amount.

Unfinished Business

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

The Chair opened the public hearing at 8:00 p.m.

No one came forward.

The Chair closed the public hearing at 8:01 p.m.

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

Cable TV Advisory Committee – 2 terms (Expire 2019) - 2 terms (Expire 2021)
Charter Commission – 1 term (Expire 2019) - 2 terms (Expire 2020) - 1 term (Expire 2021) – 1 term (Expire 2022)
Housing & Redevelopment Authority (HRA) – 1 term (Expire 2019)
Library Board – 4 terms (Expire 2019)
Park Board – 1 term (Expire 2019)
Public Utilities Commission (PUC) – 1 term (Expire 2019)
Transportation Advisory Committee (TAC) – 3 terms (Expire 2019)

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

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

Council President Recommended: (terms to expire on 12/31 of said year)
Airport Commission – 1 term (Expire 2019)
Planning Commission – 3 terms (Expire 2019)
Police & Fire Civil Service Commission – 1 term (Expire 2019)

Other

Water Tower Fundraising Committee – Applicants Needed

(Added Item) **Public Vote for Alderman Tad Erickson**

Council President Johnson stated a public vote is required when appointing a new member to council. He indicated this was not done at the meeting held on September 9, 2019 to appoint Alderman Erickson. He requested the Council Members voice their votes from that meeting, which are as follows and remained the same for all three votes:

Vote 1	Vote 2	Vote 3
Lambert - Erickson	Lambert - Erickson	Lambert - Erickson
Stunek - Erickson	Stunek - Erickson	Stunek - Erickson
Pritschet - Erickson	Pritschet - Erickson	Pritschet - Erickson
Bevans – O'Day	Bevans – O'Day	Bevans – O'Day
Badeaux – O'Day	Badeaux – O'Day	Badeaux – O'Day
Johnson – O'Day	Johnson – O'Day	Johnson – O'Day

Council President Johnson stated Mayor Menk voted to break the tie between Tad Erickson and Michael O'Day by appointing Tad Erickson.

Planning Commission

First Reading – Proposed Ordinance No. 1501 – An Ordinance to Rezone Property at 7757 Wise Road from an R-A (Rural Agriculture) District to an R-1A (Single-Family Residential) District – Interim City Administrator Thoreen Recommends to Dispense with the Actual Reading - Approved

Community Development Director Chanski stated the purpose of the rezoning is to allow the property owner the ability to split the lot into less than 20 acres to build a home on the lot for a family member.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1501 – AN ORDINANCE TO REZONE 7757 WISE ROAD FROM AN R-A (RURAL AGRICULTURE) DISTRICT TO AN R-1A (SINGLE-FAMILY RESIDENTIAL) DISTRICT.

Conditional Use Permit Application – Submitted by ISD181 for Garfield Elementary School, 704 3rd Ave NE - Approved

Community Development Director Chanski explained the conditional use permit is needed to construct an addition to the school which includes but is not limited to classrooms, kitchen, office space and parking lot. He said the Planning Commission voted unanimously to recommend approval of the permit application with no conditions.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR GARFIELD ELEMENTARY, 704 3RD AVE NE, BRAINERD BASED ON STAFF FINDINGS OF FACT.

Conditional Use Permit Application – Submitted by ISD181 for Lowell Elementary School, 1120 10th Ave NE - Approved

Community Development Director Chanski stated the conditional use permit is required in order to construct an addition to the school which includes but is not limited to classrooms, kitchen, gymnasium and parking lot. He said the Planning Commission voted unanimously to recommend approval of the permit application with no conditions.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR LOWELL ELEMENTARY, 1120 10TH AVE NE, BRAINERD BASED ON STAFF FINDINGS OF FACT.

Conditional Use Permit Application – Submitted by ISD181 for Riverside Elementary School, 205 W. Washington St. - Approved

Community Development Director Chanski said the conditional use permit is needed to build an addition on the school which includes but is not limited to a gymnasium, exterior finishes and an update to the service entry. He said the Planning Commission voted unanimously to recommend approval of the permit application with no conditions.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR RIVERSIDE ELEMENTARY, 205 W WASHINGTON STREET, BRAINERD BASED ON STAFF FINDINGS OF FACT.

Public Forum

The Chair opened the public forum at 8:11 p.m.

The Chair welcomed Mr. Mike Angland, who spoke on behalf of Brainerd Restoration about their idea to install outdoor speakers downtown to allow various holiday music, and other music for events downtown. He said he wanted to inform the Council prior to fundraising in the community for this project. He thanked the Council for their cooperation with all the projects of Brainerd Restoration.

The Chair closed the public forum at 8:15 p.m.

Staff Reports

City Engineer Sandy thanked the street department for all the hard work in snow removal this past weekend. He said we received over 16” of snow over those four days.

Council Member Reports

Mayor Menk thanked the street department and Tom’s Backhoe for a great job clearing and hauling snow. He said he supports the downtown speaker project and thanked Brainerd Restoration for their work in raising funds for the community.

Mayor Menk stated Brainerd Public Utilities is working with the airport on a future project to install solar panels for energy conservation.

Council Members Pritschet and Johnson also thanked the street department for dealing with the heavy snowfall.

Council Member Johnson congratulated Jennifer Bergman for being chosen for the City Administrator position. He stated the HRA will be having a special meeting on Thursday, December 5, 2019 at 9:00 a.m. to discuss the vacancy created with Ms. Bergman leaving as the executive director.

Council Member Stunek thanked the Brainerd Fire Department, the Brainerd and Baxter Police Department's, Crow Wing County Sheriff's Department, the Legion, the Elks and the VFW for the help in delivering over 360 meals on Thanksgiving Day. He said the Legion also served over 400 meals at their facility.

Recess to Budget and Levy Public Hearing on Monday, December 9, 2019 at 6:00 P.M.

Adjourn

The Chair adjourned at 8:20 p.m.

James M. Thoreen
Interim City Administrator