

**Brainerd, MN  
August 5, 2019**

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: Hilgart, Lambert, Stunek, Pritschet, Bevans, Badeaux 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 BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA.

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

- A. Approval of the Minutes of the Regular Meeting held on July 15, 2019 and the Workshop Held on July 22, 2019 - Approved**
- B. Approval of Licenses - Approved**  
Contractor Licenses – 1 – New; 4 – Renewals
- C. Department Activity Reports - Approved**
  - 1. Fire Chief
  - 2. Parks Director
- D. Accept Retirement of Laurie Johnson (Administrative Specialist 2 – Community Development Department) – Effective August 31, 2019 – Approved**
- E. Request to Hire Daniel Diethert as Street Maintenance I Effective August 6, 2019 - Approved**

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

### **Community Member of the Month**

Mayor Menk presented Bruce and Kathy Buxton with the Community Member of the Month award for the month of August. Mayor Menk stated Bruce and Kathy are active in the community with cancer patients, survivors and promoting cancer fundraising walks. Bruce started the River to Rail projects that are now becoming reality. Mayor Menk thanked the Buxton’s for their hard work and dedication to the community.

### **Presentations**

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The Chair recognized Mr. Don Gorham, co-chairman for the Mississippi Riverfront Committee who gave a presentation about the history and overview of the Mississippi Landing Trailhead project concept plan, next steps and the goals going forward. He stated the committee is looking to increase community engagement by talking to people at different public events. He stated the next step will be to obtain more input on the project and look into funding options. Mr. Gorham answered questions from the Council and thanked the Council for the opportunity to present.

City Administrator Torstenson stated the concept was presented to the Senate Capital Investment Committee in 2018. She said the City will be presenting the project to the House of Representatives on September 6, 2019.

## **Council Committee Reports**

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

#### **Emergency Storm Sewer Repair – Informational**

Committee Chair Bevans explained the heavy rainfall recently caused some unexpected damage in the storm sewer system that needed emergency attention and repairs. He reviewed the locations and the total cost of these repairs.

#### **Improvement 16-09 (SAP 108-136-004) and 19-07 – Buffalo Hills Lane and Mississippi Drive Reconstruction Project – Testing Services - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE TESTING SERVICES PROPOSAL FROM BRAUN INTERTEC IN THE TOTAL AMOUNT OF \$23,483.

Committee Chair Bevans stated the cost will be paid from the construction fund and will be reimbursed through state aid.

#### **Event/Street Closure Application – Farmer's Market on Laurel – Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE FARMER'S MARKET TO BE HELD ON EACH TUESDAY FROM 3:00 TO 6:00 PM IN THE LAUREL STREET PARKING LOT THROUGH SEPTEMBER 24<sup>TH</sup>, 2019.

#### **Event/Street Closure Application – Project Rainbow Block Party - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE PROJECT RAINBOW BLOCK PARTY AUGUST 24<sup>TH</sup> UNDER THE CONDITION THAT ANY REQUEST FOR TRAFFIC CONTROL TO CLOSE OFF THE LOT BE MADE ONE WEEK IN ADVANCE.

#### **Event/Street Closure Application – Opening Art Reception with Music - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT

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APPLICATION FOR THE CROSSING ARTS ALLIANCE OPENING ART RECEPTION WITH MUSIC ON AUGUST 9<sup>TH</sup> UNDER THE CONDITION THAT THE APPLICANT REQUEST ANY TRAFFIC CONTROL NEEDS ONE WEEK PRIOR TO THE EVENT.

### **Personnel and Finance Committee Report**

#### **Approval of Bills - Approved**

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

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

#### **Fire Department Relief Association – Annual Report - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO AUTHORIZE STAFF TO SIGN THE ANNUAL REPORTS AND APPROVE THE INCREASE OF THE ANNUAL CONTRIBUTION TO \$10,750 PER YEAR OF SERVICE LEAVING THE PLAN FUNDED TO 105%.

#### **Resignation of Firefighter Teckemeyer - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF FIREFIGHTER MARK TECKEMEYER, EFFECTIVE JULY 10, 2019.

#### **Police Staff Out of State Travel and Training - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO AUTHORIZE OUT OF STATE TRAVEL AND TRAINING FOR POLICE ADMINISTRATIVE SUPERVISOR JULIE MCCULLOUGH TO ATTEND THE Z1 CONFERENCE IN SIOUX FALLS, SD SEPTEMBER 9-11<sup>TH</sup>, 2019.

#### **Community Development Director Chanski – Completion of Probationary Period - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE A HALF STEP ADVANCEMENT FOR COMMUNITY DEVELOPMENT DIRECTOR CHANSKI TO \$38.96 PER HOUR RETROACTIVE TO JULY 1, 2019.

Committee Chair Hilgart explained the process of implementing the new compensation system had started when the position was offered to Mr. Chanski. She said it was negotiated to start at Step 2, with the potential of advancing to Step 2 ½ or the equivalent, upon satisfactory completion of his 6-month probation period. She stated the probationary period will be 12-months going forward so a probation period would not fall in the middle of the year.

#### **Zoning Specialist/Permit Technician Position - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO APPROVE THE CREATION OF THE ZONING SPECIALIST/PERMIT TECHNICIAN POSITION, AUTHORIZE STAFF TO NEGOTIATE THE WAGE WITH THE IBEW ADMINISTRATIVE SUPPORT UNION, AND AUTHORIZE STAFF TO COMMENCE WITH THE HIRING PROCESS CONTINGENT UPON APPROVAL OF THE UNION.

Council Member Johnson stated he will be voting against this motion. He indicated last year when the City Planner retired, he did not agree with the creation of a Community Development Director position to replace a city planner position. He felt this would eventually turn into a need for a city planner, as most of the duties in community development would not allow the time needed for planning.

Council discussion took place.

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

#### **Performance Review Process/Training Needs Discussion - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE BASE PROPOSAL AS SUBMITTED BY DR. SICORA IN THE AMOUNT OF \$4,000.

Committee Chair Hilgart stated the Statement of Work provided in the packet was an incorrect estimate. She indicated a new statement was distributed to the Council. She explained the training will conclude in April of 2020 and the City will not proceed with the October 2020 option that is shown on the proposal.

Council discussion took place.

Committee Chair Hilgart indicated the sample performance review forms developed by the police department were provided in the packet.

Police Chief McQuiston stated the review form was developed and utilized during union negotiations. He explained the performance levels were derived from the original form the City was going to use prior to the training from Dr. Sicora. He stated the performance levels definition ratings of 0, 5 and 9 directly corresponds to the scoring system used by the City.

#### **Request for Proposals (RFP) for Memorial Park Redesign - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO PROCEED WITH THE PROJECT SCOPE PORTION OF THE PROPOSAL FROM WIDSETH SMITH NOLTIN (WSN) AND OBTAIN CITIZEN INPUT; NOT TO EXCEED \$20,000 FUNDED FROM THE CAPITAL FUND.

Committee Chair Hilgart stated the citizen input would be the Park Board and indicated the Park Director recommended a person with softball experience be a part of the review board. She explained this does not stop the process; it is an opportunity to receive more information.

Council Member Johnson asked if proceeding with the project scope initially going to affect the pond hockey for 2021, since the lease for the Mill Avenue hockey rinks expires.

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Committee Chair Hilgart stated the project scope of work should not delay the process.

The Chair recognized Mr. Tim Houle, civil engineer at WSN, who explained the Request for Proposal (RFP) stated the first task as project scoping. He said WSN will meet with the Park Board and will not need to form a new committee to review the scope, which should not exceed 60 days.

Council Member Johnson stated the Council Liaison will need to address the concerns with the adjoining property owner on a long-term solution for the parking lot at Memorial Park.

Council discussion took place.

### **Minnesota State Investment Fund – One-Time Exception - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO RETURN TO THE COUNCIL IN THE SPRING OF 2020 WITH THE MINNESOTA STATE INVESTMENT FUND (MIF) ONE-TIME EXCEPTION.

### **2018 Tax Increment Financing (TIF) Report Summary – Informational**

Committee Chair Hilgart stated the report was provided to Council and filed accordingly prior to the August 1, 2019 deadline.

### **Unfinished Business**

### **Committee Recommendations – Recommended by Mayor Menk - Approved**

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO APPOINT YVETTE CAMPBELL TO THE ECONOMIC DEVELOPMENT AUTHORITY WITH A TERM TO EXPIRE SEPTEMBER 7, 2021.

### **Call for Applicants – Informational:**

**(Application Information at [www.ci.brainerd.mn.us/boards/](http://www.ci.brainerd.mn.us/boards/))**

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

Cable TV Advisory Committee – 2 terms (Expire 2021)

Charter Commission – 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) – 1 term (Expire 2021) pending

### **New Business**

### **First Reading – Proposed Ordinance No. 1499 – An Ordinance Enacting Local Sales and Use Tax - Approved**

Finance Director Hillman explained the League of Minnesota Cities sent a notice that an ordinance amendment was needed related to local option sales tax so that it would include internet sales.

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MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1499 – AN ORDINANCE ENACTING CHAPTER 259 OF MN LAWS, LOCAL SALES AND USE TAX.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1499 – AN ORDINANCE ENACTING CHAPTER 259 OF MN LAWS, LOCAL SALES AND USE TAX.

**Resignation of Council Member Hilgart - Approved**

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF COUNCIL MEMBER HILGART EFFECTIVE SEPTEMBER 3, 2019, PUBLISH THE VACANCY, ESTABLISH A PROCEDURE/SCHEDULE FOR INTERESTED PARTIES TO SUBMIT AN APPLICATION, CONDUCT INTERVIEWS IN AN OPEN MEETING AND MAKE A DECISION.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO PLACE THE DEADLINE FOR SUBMITTING APPLICATIONS BE WEDNESDAY, SEPTEMBER 4, 2019 BY 4:30 PM AND TO HOLD A SPECIAL COUNCIL MEETING ON MONDAY, SEPTEMBER 9, 2019 AT 6:00 PM.

**Clarification on River-To-Rail Economic Incentives - Approved**

Community Development Director Chanski explained there were some questions regarding the implementation of the River-To-Rail economic incentives adopted by Council. He stated the exact boundaries are unclear, the details regarding the fee waiver incentive needs defining as well as the penalty for those that do not apply for a permit.

The Chair recognized Mr. Bruce Buxton, who indicated the map that was prepared by WSN for the River-To-Rail committee did not have boundary lines. He said the boundaries were simply identified as Washington to Oak Street; Mississippi River to Northern Pacific Center. He explained he would be concerned if the residential areas in southeast were not included.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO SPECIFY THE PROJECT AREA BOUNDARIES AS ONE-HALF BLOCK NORTH OF WASHINGTON STREET TO ONE-HALF BLOCK SOUTH OF OAK STREET; FROM THE MISSISSIPPI RIVER TO 19<sup>TH</sup> STREET SOUTHEAST.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT, DULY CARRIED, TO DEFINE THE FEE WAIVER INCENTIVES AT THE NORTHERN PACIFIC CENTER BY PROJECT; PER BUILDING PERMIT.

Community Development Director Chanski explained the details regarding the double fees for people that fail to obtain a permit and requested direction from Council.

The Chair recognized Mr. Bruce Buxton, who suggested calculating the permit fee as it should be for the permit with the state surcharge and deduct the permit fee for the incentive. He stated this would also allow for maintaining a record of the permits issued.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO DENY THE ECONOMIC INCENTIVE AND CHARGE AN INVESTIGATIVE FEE, WHICH IS EQUAL TO THE ORIGINAL COST OF THE PERMIT, FOR A PROPERTY OWNER WHO FAILS TO OBTAIN A PERMIT; ADDITIONALLY, TO DIRECT STAFF TO RETURN TO COUNCIL WITH FURTHER INFORMATION REGARDING THE PERMIT PROCESS FOR PROPERTIES IN THE INCENTIVE LOCATION.

Mayor Menk questioned if the City would need to submit the proper tax documents to the property owner that takes advantage of the incentive. Finance Director Hillman will research if the incentive is defined as a business subsidy and will bring back to Council.

### **Welcoming Communities - Approved**

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED TO JOIN THE BRAINERD WELCOMING COMMUNITY ADVOCACY GROUP.

### **Planning Commission**

#### **First Reading – Proposed Ordinance No. 1498 – An Ordinance to Rezone Property at 701 7<sup>th</sup> St., NW from a B-4 to an R-1 - Approved**

Community Development Director Chanski explained the details of the application to rezone the property at 701 7<sup>th</sup> Street NW, as a previous application for a variance was denied.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1498 – AN ORDINANCE TO REZONE PROPERTY AT 701 7<sup>TH</sup> ST. NW, BRAINERD FROM A B-4 (GENERAL COMMERCIAL) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1498 - AN ORDINANCE TO REZONE PROPERTY AT 701 7<sup>TH</sup> ST. NW, BRAINERD FROM A B-4 (GENERAL COMMERCIAL) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

### **Public Forum**

The Chair opened the Public Forum at 9:10 p.m.

No one came forward.

The Chair closed the Public Forum at 9:10 p.m.

### **Staff Reports**

Community Development Director Chanski stated he would like to recognize Laurie Johnson, who has submitted her letter of retirement. Mr. Chanski indicated Laurie has been with the City for 31 years and has been an indispensable part of the Building Department and an

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asset to the City. He said she will be sadly missed but congratulated her on her future endeavors.

Community Development Director Chanski indicated the Planning Commission will be meeting on August 7<sup>th</sup> at 6:00 pm to open the 30-day public comment period for the Comprehensive Plan Update.

City Administrator Torstenson stated per Council Member Lambert's request, the summer interns have conducted a survey from business owners on Washington Street, which the results were distributed at the meeting. She also indicated discussions and department head meetings are currently taking place to work on the 2020 budget. She announced she will be presenting in Bemidji on September 6, 2019 to the MN House Capital Investment Committee regarding the Riverfront Project.

### **Council Member Reports**

Council Member Lambert stated on August 7<sup>th</sup> at 10:00 a.m., she will be at a ribbon cutting for a new business at 119 S 6<sup>th</sup> Street called Creative Corners. She will also be speaking at the baseball tournament at the VFW on August 8<sup>th</sup> to welcome everyone and as the VFW auxiliary president.

Council Member Bevans reminded everyone that August 6<sup>th</sup> is the northside National Night Out at Gregory Park.

Mayor Menk stated there will be an EDA meeting on Thursday, August 8 at 7:30 a.m. He also announced downtown the Knotty Pine Bakery is progressing on their construction, the VFW installed a new sidewalk and awning on the back of their building and the Legion has an incredible mural on the side of their building.

Council Member Johnson thanked Brainerd Restoration, Crossing Arts, the Legion and Tony Powers for both murals that have been painted downtown.

Council Member Badeaux thanked the Crow Wing County Fair for allowing the Water Tower Committee to fundraise and draw awareness to the community for their cause.

### **Adjourn to Closed Session Under the Attorney-Client Privilege Pursuant to MN Statutes 13D.05, Subd. 3(A) To Conduct the City Administrator Performance Review – 9:18 p.m.**

The Chair reconvened the meeting at 9:25 p.m.

The Chair adjourned the meeting at 10:40 p.m.

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Cassandra Torstenson  
City Administrator