

**Brainerd, MN  
March 4, 2019**

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:31 P.M. by Council President Johnson.

Upon roll call, the following members were noted as present: Bevans, Badeaux, Hilgart, Stunek, and Johnson. Members Lambert and Pritschet were noted as absent. 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 HILGART, DULY CARRIED, TO APPROVE THE AGENDA.

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

**A. Approval of the Minutes of the Regular Meeting held on February 19, 2019 - Approved**

**B. Approval of Licenses - Approved**

Contractor Licenses – 4 – Renewals

**C. Department Activity Reports - Approved**

1. Fire Chief
2. Parks Director

**D. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by St. Andrews Church, 1108 Willow St., Brainerd. Bingo Events to be Held April 7, 2019 and November 23, 2019 - Approved**

**E. Temporary Beer License – Submitted by Mid-Minnesota Builders Association for an Event to be Held March 22 – 24, 2019 at the Essentia Health Sports Center, 502 Jackson St., Brainerd – Contingent Upon Police and Fire Chief Approval - Approved**

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

**Council Committee Reports**

**Safety and Public Works Committee Report**

**Event/Street Closure Application – Annual Elbow Convention - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR SHEP'S ON 6<sup>TH</sup> ANNUAL ELBOW CONVENTION AUGUST 23 – 24, 2019.

March 4, 2019 - **DRAFT**

**Event/Street Closure Application – Corpus Christi Procession - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE FOR THE CORPUS CHRISTI PROCESSION ON JUNE 23, 2019 UNDER THE CONDITIONS THE APPLICANT REQUEST ASSISTANCE AT BUSY STREET CROSSINGS WITH THE POLICE DEPARTMENT PRIOR TO THE EVENT.

**Resolution – Combining Certain Improvement Projects – Adopted by Resolution No. 11:19**

City Engineer Sandy explained that combining improvement projects have advantages of better bid prices for larger projects and assessment proceedings can be conducted as one proceeding.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ACCEPT STAFF'S RECOMMENDATION TO ADOPT A RESOLUTION TO COMBINE IMPROVEMENT PROJECTS 17-06 AND 17-07 WHICH CONSIST OF THE H STREET NE AND 10<sup>TH</sup> AVENUE NE RECONSTRUCTION.

**RESOLUTION NO. 11:19**

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

**Resolution – Declaring Sufficiency of Petition and Setting a Public Hearing - Request to Vacate a Portion of 16<sup>th</sup> Street SE from Oak Street to Norwood Street – Adopted by Resolution No. 12:19**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ACCEPT STAFF'S RECOMMENDATION TO ADOPT AND EXECUTE A RESOLUTION TO DECLARE THE SUFFICIENCY OF THE ATTACHED PETITION AND SETTING THE PUBLIC HEARING ON THE PROPOSED VACATION ON APRIL 1, 2019 AT THE REGULARLY SCHEDULED COUNCIL MEETING.

**RESOLUTION NO. 12:19**

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

**Resolution – Declaring Sufficiency of Petition and Setting a Public Hearing – Request to Vacate a Portion of the Alley Between Oak Street and Norwood Street from 16<sup>th</sup> Street SE to 17<sup>th</sup> Street SE – Adopted by Resolution No. 13:19**

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO ACCEPT STAFF'S RECOMMENDATION TO ADOPT AND EXECUTE A RESOLUTION TO DECLARE THE SUFFICIENCY OF THE ATTACHED PETITION AND SETTING THE PUBLIC HEARING ON THE PROPOSED VACATION ON APRIL 1, 2019 AT THE REGULARLY SCHEDULED COUNCIL MEETING.

**RESOLUTION NO. 13:19**

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

**Resolution – Declaring Sufficiency of Petition and Setting a Public Hearing – Request to Vacate a Portion of Pine Street Between South 5<sup>th</sup> Street and South 6<sup>th</sup> Street – Adopted by Resolution No. 14:19**

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ACCEPT STAFF'S RECOMMENDATION TO ADOPT AND EXECUTE A RESOLUTION TO DECLARE THE SUFFICIENCY OF THE ATTACHED PETITION AND SETTING THE PUBLIC HEARING ON THE PROPOSED VACATION ON APRIL 1, 2019 AT THE REGULARLY SCHEDULED COUNCIL MEETING.

**RESOLUTION NO. 14:19**

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

Council President Johnson stated these last three resolutions are related to the ISD181 School Reconstruction Projects at the Brainerd High School and Harrison Elementary.

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

**Resignation of Paid on Call Firefighter Mailhot - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF PAID ON CALL FIREFIGHTER JOSHUA MAILHOT, EFFECTIVE FEBRUARY 25, 2019.

**Establish New Police Officer Eligibility List - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO AUTHORIZE THE POLICE & FIRE CIVIL SERVICE COMMISSION TO ESTABLISH A NEW POLICE OFFICER ELIGIBILITY LIST.

**Police Lieutenant Promotion Request - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE PROMOTION OF CHAD KLEFFMAN TO LIEUTENANT, EFFECTIVE MARCH 5, 2019, WITH STEP 4 AS HIS INITIAL PLACEMENT ON THE LIEUTENANT WAGE GRID (\$38.06 PER HOUR) DUE TO HIS TRAINING AND EXPERIENCE THAT RELATE TO THIS PROMOTION.

March 4, 2019 - **DRAFT**

**Promotion of Chuck Arvidson to City Building Official- Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE APPOINTMENT OF CHUCK ARVIDSON AS THE BUILDING OFFICIAL AT STEP 4 (\$33.40 PER HOUR) OF THE BUILDING OFFICIAL WAGE SCHEDULE, EFFECTIVE MARCH 5, 2019.

**Approval of Final Pay Equity Points and Appeal - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE FINAL PAY EQUITY POINTS FOR EACH JOB CLASSIFICATION AS PRESENTED.

**Consultant for Performance Evaluation and Culture Training - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK TO CONCEPTUALLY APPROVE RETAINING DR. ROBERT SICORA TO CONDUCT OUR 2019 PERFORMANCE EVALUATION AND PERFORMANCE BASED CULTURE TRAINING, CONTINGENT UPON RECEIPT OF SOURCEWELL GRANT ASSISTANCE IN THE AMOUNT OF TWO (2) \$2,500 GRANTS AND COST SHARING WITH BPU.

Council discussion took place.

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

**Fire Contract Formula for 2020 – Informational**

Committee Chair Hilgart explained the calculation was presented and approved by the Fire Advisory Board at their February 19, 2019 meeting. This information is used by the Townships that contract with Brainerd for fire service at their annual meetings in March, at which time they set their levies for 2020.

**Unfinished Business**

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

**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) – 1 term (Expire 2022)

Transportation Advisory Committee – 1 term (Expire 2019) – 1 term (Expire 2021)

Rental Dwelling Board of Appeals – 2 terms (see below) (Expire 2020)

1. *Tenant Representative (1)*
2. *General Public Representative (1)*

**Council President Recommended: (all terms expire 12/31 of said year)**

Planning Commission – 2 terms (Expire 2021)

**New Business**

March 4, 2019 - **DRAFT**

**Public Hearing and Resolution – Ordering Improvements, Approving Plans and Specifications, and Ordering Advertisement for Bids – Improvement 17-06 and 17-07 – Adopted by Resolution No.15:19**

City Engineer Sandy explained improvement 17-06 is for the reconstruction of northeast H Street from Mill Avenue to 13<sup>th</sup> Avenue NE and 17-07 is the reconstruction of 10<sup>th</sup> Avenue NE between Washington and northeast J Street. He stated these improvements coincide with the Safe Routes to School (SRTS) sidewalk project.

The Chair opened the public hearing at 7:54 p.m.

City Engineer Sandy announced that he did receive a phone call from a resident who is against the reconstruction for H Street. They did not feel that they should be responsible for funding a street that is used as a cut across. He stated there have been complaints in the past of traffic using H Street as the cut across to Mill Avenue. He also received a written response in opposition of the 10<sup>th</sup> Street reconstruction.

The Chair recognized Mr. Dean Gangelhoff, owner of 1212 H Street, Brainerd who was concerned about access to his property while construction is taking place. He also asked if interest is charged when assessments are added to property taxes and if the proposal includes a new city water line.

City Engineer Sandy stated there will be clear access to resident's properties during the entire construction and new water main improvements are included in the project to take care of the freezing line problems that have occurred.

Finance Director Hillman stated the interest is half a percent higher than the City's bond rate would be, which has been 3 - 3 1/2% in recent years.

The Chair closed the public hearing at 7:58 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT A RESOLUTION ORDERING THE IMPROVEMENT, APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENTS OF BIDS FOR IMPROVEMENTS 17-06 AND 17-07 TO BE OPENED ON APRIL 26, 2019 AT 10:00 A.M.

**RESOLUTION NO. 15:19**

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

**First Reading – Proposed Ordinance No. 1492 – An Ordinance Amending City Code Sections 1010, 1015, 425 and 421 – City Administrator Torstenson Recommends to Dispense with the Actual Reading**

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1492 – AN ORDINANCE AMENDING CITY CODE SECTIONS 1010, 1015, 425, AND 421.

Council President Johnson indicated he does not agree with the proposed fees for bars and restaurants. He stated a fee of \$3,300 for a bar and \$2,700 for a restaurant would be an acceptable compromise.

Council member Badeaux stated he feels the fee structure shown for a club membership is not necessary. He indicated the flat based fee should remain in place.

City Administrator Torstenson explained the club membership structure was taken from a Minnesota State Statute (340A.408 Subd. 2), as many other cities are using this as their fee platform.

Council discussion took place and directed staff to work with Attorney Langel regarding the statute and review of the fee structure.

Alderman Bevans withdrew his motion.

### **Planning Commission**

#### **Variance Request – 2910 Oak Street – To Construct an Accessory Structure - Approved**

Community Development Director Chanski stated the Planning Commission recommended approval in a 3-2 vote of the variance request to construct an accessory structure with a 13' setback. He explained the details of the application, the property and the desire of the church to have an additional structure for storage.

MOVED AND SECONDED BY ALDERMEN HILGART AND BEVANS, DULY CARRIED, TO APPROVE THE VARIANCE REQUEST FOR A 24' X 24' ACCESSORY STRUCTURE AT 2910 OAK STREET AS RECOMMENDED BY THE PLANNING COMMISSION.

### **Public Forum**

The Chair opened the Public Forum at 8:13 p.m.

No one came forward.

The Chair closed the Public Forum at 8:13 p.m.

### **Staff Reports**

None

### **Council Member Reports**

Council member Bevans stated he visited the library recently and was very impressed with the facility, which is a great asset to our community.

Council member Johnson had the opportunity to attend the BLAEDC Annual Meeting last week and meet Mr. Don Ness, who is a former Duluth Mayor. He thanked Mr. Ness for the great presentation regarding community development.

Council member Badeaux stated the Water Tower Committee is working hard at implementing a lot of the fundraising ideas. He indicated there is a need for additional manpower to help put these ideas to work.

**Motion to Joint City Council/BPU Commission Closed Session Pursuant to M.S. 13D.03 to Discuss Negotiation Strategy – 8:15 p.m.**

**Motion to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy**

**Closed Session Pursuant to M.S. 13D.05, Subd. 3(B), For Attorney-Client Privilege**

The Chair reconvened into open session 9:48 p.m.

**Adjourn**

The Chair adjourned the meeting at 9:48 p.m.

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Cassandra Torstenson  
City Administrator