

**Brainerd, MN  
February 4, 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: Pritschet, Bevans, Badeaux, Hilgart, Stunek, and Johnson. Member Lambert was 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 PRITSCHET, DULY CARRIED, TO AMEND THE AGENDA BY ADDING COUNCIL LIAISON APPOINTMENTS VOICE VOTE FROM LAST MEETING UNDER UNFINISHED BUSINESS.

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

**A. Approval of the Minutes of the Regular Meeting held on January 22, 2019 - Approved**

**B. Approval of Licenses - Approved**

Contractor Licenses – 2 New; 12 – Renewals

**C. Department Activity Reports - Approved**

1. Fire Chief
2. Parks Director

**D. Temporary On-Sale Liquor License Application – Submitted by Brainerd Sports Boosters for an Event to be Held April 13, 2019 at Essentia Health Sports Center, 502 Jackson Street, Brainerd - Approved**

**E. Community Development Director Monthly Report - Approved**

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

### **Council Committee Reports**

#### **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.

February 4, 2019

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

**Paid On Call Firefighter Hiring - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE FIRE DEPARTMENT ESTABLISH A PAID-ON CALL FIREFIGHTER HIRING LIST AND APPROVE THE HIRING OF UP TO FOUR PAID ON CALL FIREFIGHTERS.

**Police Lieutenant Job Description – Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE JOB DESCRIPTION FOR THE POLICE LIEUTENANT POSITION AS PROVIDED BY THE POLICE CHIEF AND HUMAN RESOURCE COORDINATOR.

**Approval of 2019-2021 LELS (Police Officer) Union Contract – Adopted by Resolution 04:19**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE 2019-2021 TENTATIVE AGREEMENT SUMMARY AND HEALTH INSURANCE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND LELS LOCAL #65.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO ADOPT A RESOLUTION SETTING THE POLICE OFFICER WAGES FOR 2019-2021.

**RESOLUTION NO. 04:19**

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

**Recreation Coordinator Promotion – Adopted by Resolution 05:19**

Council member Johnson indicated in the City Charter, the Park Board is the authority to handle compensations and hiring.

Parks Director Sailer stated it was approved by the Park Board at their January meeting, but seeks approval from the Council.

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK TO ADOPT A RESOLUTION PROMOTING MS. KATIE KAUFMAN FROM RECREATION SPECIALIST TO RECREATION COORDINATOR EFFECTIVE FEBRUARY 17, 2019.

**RESOLUTION NO. 05:19**

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

**Parks Department Mower Upgrade Request - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE UPGRADE TO PURCHASE A JOHN DEERE X750 COMMERCIAL MOWER WHICH IS A NET OF \$1,681,98 OVER THE BUDGETED AMOUNT.

Committee Chair Hilgart indicated the Parks Department 2019 Capital Budget is below the budgeted amount and the additional funds are available for the upgrade.

Council member Badeaux stated he does not agree with the process of going above the set budgeted amount but will vote in favor of the upgrade since the funds are available.

**Letter of Qualifications – Software - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO AUTHORIZE STAFF TO SUBMIT THE LETTER OF QUALIFICATIONS TO PROPOSED SOFTWARE VENDORS AND OTHERS AND APPROVAL OF PROPOSED TIMELINE.

**Approval of Accounting and Use of One-Time Exception of State Funded Minnesota Investment Funds (MIF) - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE LETTER AS PROPOSED BE SUBMITTED TO THE CHAIRS OF THE LEGISLATIVE COMMITTEES WITH JURISDICTION OVER ECONOMIC DEVELOPMENT POLICY AND FINANCE FOR THE ACCOUNTING AND EXPLANATION OF THE USE AND DISTRIBUTION OF THE FUNDS FOR THE ONE-TIME EXCEPTION OF REPAYMENT BALANCES FROM THE STATE-FUNDED MIF PROGRAM AS AUTHORIZED BY LAWS OF MINNESOTA 2017, CHAPTER 94, ARTICLE 6, SECTION 24.

**ASI Tax Increment Finance (TIF) District No. 4-3 Decertification – Adopted by Resolution No. 06:19**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK TO ADOPT A RESOLUTION DECERTIFYING TAX INCREMENT FINANCING DISTRICT NO. 4-3 ASI APARTMENTS.

**RESOLUTION NO. 06:19**

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

**League of Minnesota Cities Insurance Trust Liability Coverage Waiver Form - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE AND SUBMIT THE LIABILITY COVERAGE WAIVER FORM WITH “DOES NOT WAIVE” THE MONETARY LIMITS ON MUNICIPAL TORT LIABILITY ESTABLISHED BY MINNESOTA STATUTES, SECTION 466.04 OPTION SELECTED.

**Crow Wing County Historical Society Donation Request - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO AUTHORIZE A \$300 DONATION TO THE HISTORICAL SOCIETY TO BE PAID FROM SPECIAL PROJECTS BUDGETED LINE ITEM.

**Annual Review of Investment Policy - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BEVANS, DULY CARRIED, TO APPROVE THE POLICY AS PRESENTED.

**Safety and Public Works Committee Report**

**Event/Street Closure Application – St. Patrick’s Day Parade - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF’S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE ST. PATRICK’S DAY PARADE ON MARCH 16, 2019 UNDER THE CONDITIONS THAT THE APPLICANT CONTINUE WORKING WITH THE POLICE DEPARTMENT FOR OFFICER PRESENCE AT THE EVENT AND CONTINUE COORDINATION FOR TRAFFIC CONTROL WITH THE ENGINEERING DEPARTMENT PRIOR TO THE EVENT TAKING PLACE.

**Resolution – Receive Report and Call Hearing for Improvements 17-06, 17-07 and 18-05 – Adopted by Resolution 07:19**

City Engineer Sandy gave a brief explanation of the proposed improvements.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ACCEPT STAFF’S RECOMMENDATION AND ADOPT A RESOLUTION IN WHICH RECEIVES THE FEASIBILITY REPORT AND SETS THE IMPROVEMENT HEARING FOR 7:30 P.M. ON MARCH 4, 2019 DURING THE REGULARLY SCHEDULED COUNCIL MEETING CONSISTENT WITH MINNESOTA STATUTE 429.

**RESOLUTION NO. 07:19**

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

**Unfinished Business**

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

**Final Reading – Proposed Ordinance No. 1491 – An Ordinance to Amend City Code Section 1200 Intoxicating Liquor Subd. (7a). Sunday On-Sale License: To Add Microdistilleries and Brewer Taprooms – Adopted by Ordinance No. 1491**

The Chair opened the public hearing at 8:04 p.m.

No one came forward.

The Chair closed the public hearing at 8:04 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1491 – AN ORDINANCE TO AMEND CITY CODE SECTION 1200 INTOXICATING LIQUOR SUBD. (7A). SUNDAY ON-SALE LIQUOR LICENSE TO ADD MICRODISTILLERIES AND BREWER TAPROOMS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1491 – AN ORDINANCE TO AMEND CITY CODE SECTION 1200 INTOXICATING LIQUOR SUBD. (7A). SUNDAY ON-SALE LIQUOR LICENSE TO ADD MICRODISTILLERIES AND BREWER TAPROOMS.

**ORDINANCE NO. 1491**

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

**(Added Item) January 22, 2019 Appointment of Council Liaisons – Approved**

Mayor Menk appointed the following Council Liaisons:

**Charter Commission:** Kelly Bevans – Term Expires 12/31/2022

**Economic Development Authority (EDA):** Kelly Bevans – Term Expires 12/31/2022

**Economic Development Authority (EDA):** Gabe Johnson – Term Expires 12/31/2022

**Brainerd HRA:** Gabe Johnson – Term Expires 12/31/2020

**Public Utilities Commission:** Ed Menk – Term Expires 12/31/2022

**Rental Housing BOA:** Dave Badeaux – Term Expires 12/31/2020

**Transportation Advisory Committee (TAC):** Jan Lambert – Term Expires 12/31/2020

**Transportation Advisory Committee (TAC):** Sue Hilgart – Term Expires 12/31/2020

Council President Johnson appointed the following Council Liaisons:

**Airport Commission:** Kevin Stunek – Term Expires 12/31/2019

**Planning Commission:** Jan Lambert – Term Expires 12/31/2020

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE APPOINTMENTS OF THE LIASIONS FROM THE JANUARY 22, 2019 MEETING AS PRESENTED THAT WERE NOT VOTED ON BY THE COUNCIL.

**New Business**

**Direct Select Consultant for Facility Plan Implementation - Approved**

City Administrator Torstenson explained the facility assessment was completed in 2018 and identified recommendations for corrective actions and facility improvements. In December, the Council voted to retain the existing footprints and improve the facilities by addressing the deficiencies and recommended efficiencies. Following this direction, staff recommends approval to proceed to the design and engineering phase by direct selecting Widseth Smith Nolting.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPROVE UP TO \$10,500 TOWARD A CONTRACT WITH WIDSETH SMITH NOLTING TO PROCEED TO THE NEXT STEP OF FACILITY PLAN IMPLEMENTATION.

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

**Set Date for Council Retreat - Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND BEVANS TO SET THE COUNCIL RETREAT DATE FOR SATURDAY, MARCH 2, 2019 FROM 12:00 – 4:00 PM IN CITY HALL COUNCIL CHAMBERS.

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

**Planning Commission**

**Final Reading of Proposed Ordinance No. 1490 – An Ordinance to Amend Section 515-57: R-3, High Density Residential District to Add Single Family Dwellings as Permitted Uses – Adopted by Ordinance No. 1490**

The Chair opened the public hearing at 8:16 p.m.

No one came forward.

The Chair closed the public hearing at 8:16 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1490 – AN ORDINANCE TO AMEND SECTION 515-57 TO ALLOW SINGLE FAMILY DWELLINGS AS PERMITTED USES IN R-3 HIGH DENSITY RESIDENTIAL DISTRICTS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT ORDINANCE NO. 1490 – AN ORDINANCE TO AMEND SECTION 515-57 TO ALLOW SINGLE

## FAMILY DWELLINGS AS PERMITTED USES IN R-3 HIGH DENSITY RESIDENTIAL DISTRICTS.

### **ORDINANCE NO. 1490**

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

#### **Public Forum**

The Chair opened the Public Forum at 8:17 p.m.

No one came forward.

The Chair closed the Public Forum at 8:17 p.m.

#### **Staff Reports**

City Engineer Sandy stated a letter was sent on behalf of the City to the legislature regarding regulatory duplication of environmental standards. The environmental quality board needed to receive 25 letters in order to prompt a public hearing on this proposed legislation.

City Engineer Sandy attended the annual city engineers conference last week that had a great turnout of 570 members. City Administrator Torstenson and Planning Commission Member Mr. Chuck Marohn also attended and spoke at the conference which was well received among the audience. City Engineer Sandy thanked them for attending and speaking about Brainerd.

Community Development Director Chanski announced the Planning Commission has a retreat scheduled for Wednesday, February 13, 2019 at 6:00 p.m. to discuss goals and objectives for 2019. He stated there are two vacancies on the Commission and encourages anyone interested to apply.

Fire Chief Holmes stated the 2018 Firefighter of the Year is Captain Barry Sell and thanked him for the great job he does for the community. The department recently had three firefighters compete in a fitness competition and placed first and second place. This a great tribute to the fitness levels of members in the department. The month of January ended with a total of 55 service calls, which is the highest level for the month of January in the last 10 years.

Finance Director Hillman announced the City received the Certificate of Achievement for Excellence in Financial Reporting from the Governor’s Finance Officers Association for 2017. This is the 25<sup>th</sup> consecutive year the City has received this award. The award would not be possible without the cooperation of all departments.

City Administrator Torstenson distributed and highlighted the City Administrator report. She stated she spoke at the engineer conference to the largest group thus far in her career and was honored to have been invited. She indicated she will be attending a public finance seminar this week.

February 4, 2019

City Administrator Torstenson indicated there is a legislative conference being held by the League of Minnesota Cities in St. Paul on February 20 – 21<sup>st</sup>. She asked Council if anyone is interested in attending, she can provide the registration information and organize meetings with the legislature. The Chamber of Commerce is also holding a local legislative conference in February as well. The legislative agenda will be on the Council agenda for February 19<sup>th</sup>, 2019.

City Administrator Torstenson stated there is a legislative bill in process that ensures continuation of insurance benefits for a police or fire employee that has been disabled or killed in the line of duty. She asked for Council approval to send a letter of support for the bill.

MOTION AND SECONDED BY ALDERMEN STUNEK AND PRITSCHET, DULY CARRIED, TO SEND A LETTER OF SUPPORT.

City Administrator Torstenson announced the EDA meeting scheduled for February 7<sup>th</sup> has been rescheduled for February 14<sup>th</sup> at 7:30 a.m.

### **Council Member Reports**

Council member Badeaux indicated the Water Tower Committee has made progress in establishing plans and ideas in the fundraising efforts. There have been two new applications received for the committee.

MOTION AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO APPROVE THE APPOINTMENT OF MR. ERIC ROHLFING AND MR. PAUL SKOGEN TO THE COMMITTEE.

MOTION AND SECONDED BY ALDERMEN BADEAUX AND BEVANS, DULY CARRIED, TO CAP THE WATER TOWER COMMITTEE LEVEL AT THE CURRENT MEMBERSHIP.

Council member Hilgart invited everyone to the Northland Arboretum on March 2, 2019 at 9:00 a.m. for a pancake breakfast fundraiser and child ID event. The arboretum has also seen an increase in skiers due to the large amount of snow the area has received. She recently attended a Leadership Conference through the League of Minnesota Cities in Plymouth.

Council member Johnson reminded everyone to log in and complete the Intercultural Development Inventory (IDI) Assessment prior to the meeting on Monday, February 11, 2019.

Council member Bevans stated Brainerd Eagle Scout, Ben Soukop was in the newspaper being congratulated for life saving efforts and now has a comic strip commending the rescue. He also presented the Parks and Recreation Department with a homemade pergola to use in a City park.

Mayor Menk stated he attended a workshop regarding the Destination Downtown program, along with City Administrator Torstenson and Council President Johnson

### **Motion to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 8:34 –p.m.**

The Chair reconvened into open session 8:45 p.m.



**Adjourn to Intercultural Development Inventory (IDI) Assessment – Monday,  
February 11, 2019 at 6:00 P.M.**

The Chair adjourned the meeting at 8:45 p.m.

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Cassandra Torstenson  
City Administrator