

Brainerd, MN
June 3, 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: Badeaux, Hilgart, Lambert, Stunek, Pritschet, Bevans 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 PRITSCHET AND BEVANS, DULY CARRIED, TO AMEND THE AGENDA BY REMOVING ITEM 8B. REQUEST FOR HEARING – POTENTIALLY DANGEROUS DOG.

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

A. Approval of the Minutes of the Regular Meeting held on May 20, 2019 - Approved

B. Approval of Licenses – Approved

Contractor Licenses – 3 – New; 4 – Renewals
Bulk Plant License – 1 Renewal
Growler License – 1 Renewal
Filling Station License – 8 Renewals
Off-Sale Beer Licenses – 5 Renewals
Taproom License – 1 Renewal
On-Sale Wine/Beer License – 1 Renewal
On-Sale Liquor Licenses – 11 Renewals
Club On-Sale Licenses – 4 Renewals
Off-Sale Liquor Licenses – 6 Renewals
On-Sale Liquor Licenses – 3 Renewals

C. Department Activity Reports - Approved

1. Fire Chief
2. Park Director

D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by WeARE – Advocates for Reproductive Education, 424 James St., Brainerd for an Event to be Held on June 26, 2019 at The Luminary Fern, 210 Blacksmith Cir., Brainerd - Approved

E. Resolution Modifying the 2019-2021 Deputy Police Wage Grid – Adopted by Resolution No. 38:19

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

June 3, 2019

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.

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

Recommendations for Paid On-Call Hiring - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE A CONDITIONAL JOB OFFER TO CLINTON HEADLEY, MATTHEW INGMAN, ERIK HIDALGO AND ROBERT KRAMER FOR THE POSITION OF PAID ON-CALL FIREFIGHTER. OFFER IS SUBJECT TO SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT; PHYSICAL, DRUG, PSYCHOLOGICAL AND BACKGROUND CHECKS.

Sale of 1983 E-One Aerial Apparatus - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO AUTHORIZE CHIEF HOLMES TO PROCEED WITH THE PROCESS OF SELLING THE 1983 E-ONE AERIAL APPARATUS.

Mattson Loan Subordination - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE SUBORDINATION REQUEST FOR MR. MATTSON AT THE PROPERTIES OF 214 AND 216 8TH STREET SOUTH, BRAINERD.

(Added Item) City Administrator Torstenson Performance Review Process - Informational

Committee Chair Hilgart stated the review paperwork was sent to the Council Members and she explained the timeline and process for the review.

Safety and Public Works Committee Report

Event/Street Closure Application – Kickoff to Summer - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE KICKOFF TO SUMMER EVENT FROM JUNE 7 TO JUNE 9TH, 2019 UNDER THE CONDITIONS THE APPLICANT RECEIVE PROPER FIRE DEPARTMENT INSPECTIONS PRIOR TO THE EVENT, NOTIFY RESIDENTIAL PROPERTIES WITHIN ONE BLOCK AND ALL SIGNS AND BANNERS ARE REMOVED IMMEDIATELY AFTER THE EVENT.

Improvement 14-05 Stonebridge Final Lift Discussion - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO DIRECT STAFF TO PROCEED WITH THE FINAL LIFT PROJECT AT THE SOONEST AVAILABLE TIMEFRAME AND ASSESS THE PROJECT AT 100% TO THE PROPERTY OWNERS.

Improvement 18-08 (SAP 108-126-014) and (SAP 108-124-008) – College Drive and South 4th Street Mill and Overlay Project – Consideration of Bids and Award Recommendation - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE BID FROM ANDERSON BROTHERS AT A TOTAL CONTRACT COST OF \$625,193 AND AUTHORIZING EXECUTION OF THE CONTRACT DOCUMENTS. FURTHER, TO DIRECT STAFF TO WORK WITH ANDERSON BROTHERS TO REDUCE THE COSTS ON THE PROJECT THROUGH ALLOWING DAYTIME WORK.

Improvement 19-03 – 2019 Seal Coat Project – Consideration of Bids and Award Recommendation - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE BID FROM ASPHALT SURFACE TECHNOLOGIES CORPORATION AT A CONTRACT CONSTRUCTION COST OF \$168,017.

Improvement 19-04 – 2019 Crack Sealing Project – Quotes and Award Recommendation- Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE QUOTE FROM LOT PROS LLC AT A TOTAL CONTRACT COST OF \$12,302 AND A TOTAL PROJECT COST OF \$17,927.

Resolution Designating the East River Road Parking Lot for Student Parking for the 2019-2021 School Year - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION TO DESIGNATE THE EAST RIVER ROAD PARKING LOT FOR STUDENT PARKING FOR THE DURATION OF THE 2019-2021 SCHOOL YEARS.

RESOLUTION NO. 39:19

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

Unfinished Business

June 3, 2019

Call for Applicants – Informational:
(Application Information at 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 2020)

Council President Recommended: (all terms expire 12/31 of said year)
Planning Commission – 1 term (Expire 2021) (*pending appointment*)

(Added Item) Committee Recommendations – Recommended by Council President

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPOINT MS. THERESA WOODWARD TO THE PLANNING COMMISSION FOR A TERM TO EXPIRE 12/31/21.

New Business

Presentation of Bronze Award for Bikeable Community

Community Development Director Chanski explained in 2016, the City received an honorable mention as a Bicycle Friendly Community from the League of American Bicyclists. He stated this year the City received the bronze designation which is a great accomplishment for the City and reviewed the criteria for the designation.

Set Council Workshop – General Work Session

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK, DULY CARRIED, TO SET THE WORKSHOP FOR MONDAY, JULY 22, 2019 AT 5:30 P.M.

Planning Commission

Variance Request – 702 S. 5th St. Brainerd High School – Setback Requirement from 25' to 15' - Approved

Community Development Director Chanski explained the request is to allow a 15-foot front yard setback for the construction of the performing arts center. He stated the Planning Commission held the public hearing to consider the request and voted unanimously to recommend approval based on staff findings.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO APPROVE THE VARIANCE REQUEST FOR A 15-FOOT FRONT YARD SETBACK FOR THE CONSTRUCTION OF A PERFORMING ARTS CENTER AT 702 S 5TH STREET BASED ON THE FINDINGS OF FACT, OMITTING 1BI AND III.

Conditional Use Permit Request – Brainerd High School, 702 S. 5th St. - Construction of Additions at the High School - Approved

Community Development Director Chanski explained the request is for the entire Brainerd High School property in order to remodel and construct additions with the exclusion of south campus. He said the Planning Commission voted to recommend approval with the following conditions: 1) Light poles to not exceed 13 feet but may be compromised if an acceptable height is brought forward 2) Require a 50% illumination reduction between 11 pm and dawn 3) Landscape plan must be approved by the Planning Commission for the east parking lot 4) Applicant to reconcile the islands to have both trees and lights.

The Chair recognized Mr. Tim Ramerth, project manager from Widseth Smith Nolting (WSN) and Ms. Laine Larson, superintendent of ISD#181 who presented information and a request for Council to reconsider the conditions placed on the Conditional Use Permit by the Planning Commission.

Council questions and discussion took place and questions were answered.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT WITH THE FOLLOWING CONDITIONS: 1) LIGHT POLES WILL NOT EXCEED 23 FEET AND WILL INCLUDE EXTERNAL GLARE SHIELDS 2) PARKING LOT LIGHTS SHALL BE REDUCED BY 50% FROM 11 PM TO DAWN, EXCEPT FOR SPECIAL EVENTS OR STUDENT ACTIVITIES THAT FINISH LATER 3) SCHOOL DISTRICT OFFICIALS WILL WORK WITH CITY STAFF ON A LANDSCAPING PLAN BUT DO NOT NEED APPROVAL FROM THE PLANNING COMMISSION.

Council Member Badeaux requested the Planning Commission and staff review the current lighting ordinance for possible modifications to the requirements.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS FOR AN UNDERSTANDING BETWEEN ISD#181 AND THE CITY THE LIGHTS FOR THE SOUTH AND LOWER PARKING LOTS FOR THE HIGH SCHOOL ARE APPROVED AT 23-FEET GOING FORWARD.

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

First Reading – Proposed Ordinance No. 1495 – An Ordinance to Rezone Property at 50 Jenny Street from an R-1A to and I-1 – City Administrator Torstenson Recommends to Dispense with the Actual Reading - Denied

Community Development Director Chanski explained Brainerd Public Utilities is requesting to rezone the property at 50 Jenny Street from an R-1A (Single Family Residential) District to an I-1 (Light Industrial) District for the purpose of possible future expansion of buildings. He said the R-1A zoning designation limits many of the building standards and that the I-1 designation would better suit the treatment plant.

Council Member Johnson stated the rezoning should not be done without a plan of what Brainerd Public Utilities is proposing.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND PRITSCHET, DULY CARRIED, TO DENY THE FIRST READING OF PROPOSED ORDINANCE NO. 1495 TO REZONE PROPERTY AT 50 JENNY STREET FROM AN R-1A TO AN I-1.

First Reading – Proposed Ordinance No. 1496 – An Ordinance Replacing Section 400 of Chapter IV of the City Code – City Administrator Torstenson Recommends to Dispense with the Actual Reading – Approved

Community Development Director Chanski explained the City now has a master plumber on staff which means the City may work towards an agreement with the State to conduct all commercial plumbing plan reviews in house. He stated the State would regain the duties if future staff changes take place, as the City does not require a master plumber on staff.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1496 - AN ORDINANCE TO REPLACE SECTION 400 OF CHAPTER IV OF THE CITY CODE.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1496 – AN ORDINANCE TO REPLACE SECTION 400 OF CHAPTER IV OF THE CITY CODE.

Public Forum

The Chair opened the Public Forum at 8:47 p.m.

No one came forward.

The Chair closed the Public Forum at 8:47 p.m.

Staff Reports

City Engineer Sandy stated he addressed the Mississippi Headwaters Board in Walker, MN and secured \$20,000 of funding towards the Stormwater Retrofit Study. He said he has also requested funding from the Crow Wing County Soil and Water Conservation District Technical Service Area 8 (TSA 8) for another \$10,000 to assist in the study.

Community Development Director Chanski announced the Community Member of the Month nominations are open on the City website or available at City Hall. He added that he and City Administrator Torstenson had the opportunity to present in St. Paul last week to the MN Mississippi Parkways Commission regarding the efforts to build a trail and facility on the Mississippi River.

Fire Chief Holmes made an update regarding a possible deployment for him to travel to Kansas to assist in the flooding and tornado relief efforts. He stated a different agency fulfilled the request, however there is concern about the process if future requests are made in a short period of time when Council approval is not a timely solution. It was determined the Council President, Safety & Public Works Committee Chair and the Personnel & Finance Chair will be notified for approval.

Finance Director Hillman stated the Governor signed a bill that increased the amount of the Local Government Association (LGA) funding back to the 2002 level. She indicated the City

was scheduled to receive an additional \$15,000 in 2020 over 2019, but the new legislation will allow \$235,215 more funding to be received by the City.

City Administrator Torstenson stated she completed and emailed her performance review to the Council. She said the prosecution agreement for Severson Porter has been signed and is in effect today, June 3, 2019. She announced there will be an EDA meeting on Thursday, June 6, 2019 at 7:30 a.m. She stated the Cable TV Advisory Commission met on May 21, 2019 with the next meeting scheduled for June 18th at 3:00 p.m. and explained the cable franchise agreement expires in 2020 and will need to be updated. She indicated the presentation in St. Paul was positively acknowledged and she has since received two emails in reference to the visit.

Council Member Reports

Council Member Pritschet stated he will be absent from the council meeting on June 17th due to being out of state with debate students at nationals.

Council Member Lambert thanked everyone that attended the Memorial Day Service.

Mayor Menk announced there will be a monument dedication taking place on Sunday, June 9th at Memorial Park at 1:00 p.m. and invited everyone to attend.

Council Member Johnson stated he will be attending a Brainerd Unified Fund (BUF) meeting on Tuesday, June 4th. He said the Crow Wing County Housing & Redevelopment Authority (HRA) has contracted with a firm to complete a housing study in the county and will report back on the results.

Council Member Hilgart said Saturday, June 8th will be the last Sour Grapes trail run at the Northland Arboretum and encouraged everyone to sign up.

Adjourn to the Monument Dedication at Memorial Park on June 9th at 1:00 p.m. and the Council Workshop June 10, 2019 at 5:30 p.m.

The Chair adjourned the meeting at 8:58 p.m.

Cassandra Torstenson
City Administrator