

Brainerd, MN
June 17, 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, Bevans and Johnson. Member Pritschet 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 LAMBERT AND BEVANS, 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 June 3, 2019 and the Council Workshop held on June 10, 2019 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – New; 5 – Renewals

C. Department Activity Reports - Approved

1. City Administrator Report
2. Police Chief
3. Finance Director

D. Hire Crystal Gauthier as Transit Operations Specialist effective July 8, 2019 – Placed on Step 2 of the Transit Operations Specialist Wage Grid (\$23.04 per hour) - Approved

E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the Brainerd Jaycees, PO Box 384, Brainerd for an Event to be Held on July 27, 2019 at East River Road, 410 E River Rd., Brainerd - Approved

F. Promotion of Shawn Middagh as Street & Sewer Foreman Effective June 17, 2019 – Placed on Step 4 of Street & Sewer Foreman Wage Grid (\$31.23 per hour) - Approved

G. Second Hand Goods Dealer License Application – Submitted by Stafford Simmons Kaplan dba JAK Antiques & Collectibles to Conduct Business at the Eagles Club 287, 124 Front St., Brainerd - Contingent Upon and Subject To Police and Fire Chief's Approval - Approved

H. Temporary On-Sale Liquor License Application – Submitted by the Brainerd Jaycees for an Event to be Held on July 13 and 14, 2019 at Memorial Park,

June 17, 2019

Brainerd - Approved

I. Temporary On-Sale Liquor License Application – Submitted by the Brainerd Jaycees for an Event to be Held on July 26 and 27, 2019 in Downtown Brainerd on Front Street - Approved

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

Presentations

2018 Audit Presentation

The Chair recognized Ms. Mary Reedy from the City’s accounting firm, CliftonLarsonAllen, who reviewed the City of Brainerd 2018 Audit results along with Finance Director Hillman.

Items discussed:

- BPU Audit Report Results
- BPU Financial Report Results
- City’s Required Communications
- City’s Audit Results
- City’s Financial Results
- Discussion Topic Insights and Observations

Ms. Reedy and Finance Director Hillman answered questions of the Council. The Chair thanked them for the presentation.

Brainerd Lakes Area Economic Development Corporation (BLAEDC) Presentation

The Chair recognized Mr. Tyler Glynn, economic development officer for Brainerd Lakes Area Economic Development Corporation (BLAEDC), who gave a brief update of the economic developments taking place. He stated the Brainerd Community Profile page and major employer analytics have been updated on the BLAEDC website. He said BLAEDC has recently completed a project for Junior Achievement Company Program and the Brainerd High School. He announced Sheila Haverkamp, executive director of BLAEDC recently returned from a trip to New York to participate in the Intelligent Communities Conference. He indicated BLAEDC is working with Brainerd on a new marketing strategy as to how to move forward on the unique properties in Brainerd. He thanked the Council for the opportunity to present.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Transfer of Funds - Approved

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

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

IUOE Local No. 49 (Street Dept) Union – Memorandum of Agreement for Health Care Savings Plan Contribution for 2019-2020 Contract - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE MOA BETWEEN THE CITY OF BRAINERD AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 49 (STREET DEPARTMENT) CLARIFYING THAT ONLY THE SICK LEAVE PORTION OF AN EMPLOYEE'S SEVERANCE PAYMENT WILL BE CONTRIBUTED TO THE HCSP; FURTHER, TO AUTHORIZE SIGNATURES OF CITY OFFICIALS ON THE MOA.

Street & Sewer Maintenance I Position – Request Authorization to Fill Vacancy - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS FOR THE VACANT STREET & SEWER MAINTENANCE I POSITION.

Committee Chair Hilgart stated the second motion will continue the same process of informing the Council of openings and requesting authorization to fill such positions.

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO CONTINUE TO CONSULT WITH THE COUNCIL PRIOR TO POSTING A POSITION VACANCY.

Southeast Brainerd Grant Subordination Request - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE SMALL CITIES DEVELOPMENT PROGRAM (SCDP) GRANT SUBORDINATION REQUEST FOR THE OWNER OF 1411 OAK STREET, BRAINERD.

Discussion of Contract for Animal Control Services - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE ANIMAL CONTROL CONTRACT WITH MICHAEL O'BRIEN OF LAKES AREA WILDLIFE CONTROL (LAWC), EFFECTIVE JUNE 18, 2019 OR COMPLETION OF SIGNATURES ON THE CONTRACT.

Safety and Public Works Committee Report

Improvement 19-06 – 2019 Street Patching – Quote Consideration and Award Recommendation - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE QUOTE FROM ANDERSON BROTHERS CONSTRUCTION OF BRAINERD, LLC IN THE TOTAL QUOTE AMOUNT OF \$9,993 FOR IMPROVEMENT 19-06 – 2019 STREET PATCHING PROJECT.

Committee Chair Bevans indicated these are for the three larger patches located at Thiesse Drive, the intersection of 6th Avenue NE and K Street and the intersection of 7th Avenue NE and F Street.

Resolution – 2019 Capital Transit Bus Purchase – Adopted by Resolution No. 41:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION AUTHORIZING THE PURCHASE OF THE 2019 BUDGETED BUS FROM NORTH CENTRAL BUS SALES OF ST. CLOUD AT A TOTAL COST OF \$84,632.

RESOLUTION NO. 41:19

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

Resolution – 2020-2021 State of Minnesota Transit Grant Resolution – Adopted by Resolution No. 42:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT THE RESOLUTION AS PROPOSED TO ALLOW PROPER SIGNATURES ON THE GRANT AGREEMENT WITH THE STATE OF MINNESOTA.

Committee Chair Bevans stated this is a two-year agreement, rather than the one-year timeframe in previous agreements.

RESOLUTION NO. 42:19

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

Resolution – Advancing Municipal State Aid Funds FY 2019 – Adopted by Resolution No. 43:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION IN WHICH ADVANCES MUNICIPAL STATE AID STREET FUNDS.

Committee Chair Bevans indicated this additional \$850,000 is the amount needed to cover all additional State Aid costs.

RESOLUTION NO. 43:19

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

Resolution – Improvements 16-09 (SAP 108-136-004) and 19-07 – Buffalo Hills Lane and Mississippi Drive Reconstruction – Approving Bids and Authorizing Contract Signatures – Adopted by Resolution No. 44:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION IN WHICH ACCEPTS THE BIDS AS PRESENTED AND AUTHORIZES THE

MAYOR AND CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH KRAEMER TRUCKING AND EXCAVATING, INC. IN THE TOTAL CONTRACT AMOUNT OF \$1,563,604.

Committee Chair Bevans stated this is approximately 17% above Engineer's estimate.

RESOLUTION NO. 44:19

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

Event/Street Closure Application – Lil' Rubber Duckie Race – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT , DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT AND STREET CLOSURE APPLICATION FOR THE LIL RUBBER DUCKIE RACE TO TAKE PLACE ON JULY 27, 2019 UNDER THE CONDITIONS THAT THE APPLICANT COORDINATE THE NEED FOR TRAFFIC CONTROL ONE WEEK PRIOR TO THE EVENT.

Improvements 17-06 (SAP 108-119-006), 17-07 and 18-05 – H Street and 10th Avenue NE Reconstruction Project – Request for Testing Services Proposal - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PROPOSAL FROM BRAUN INTEREC FOR THE COST OF \$34,235.

Street Light Request – 1103 8th Avenue NE - Denied

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO DENY THE REQUEST FOR TURNING THE STREET LIGHT AT 1103 8TH AVENUE NE BACK ON BASED ON DRIVER SAFETY WOULD NOT BE IMPROVED.

City Engineer Sandy indicated Brainerd Public Utilities (BPU) have been removing some of the old-style concrete post streetlights that had been turned off. He asked for direction from Council of how to respond to future requests from residents.

Council Member Bevans stated residents have the right to install an outdoor light on their property if they need additional light. He said Brainerd Public Utilities also offers a security light program.

Council discussion took place.

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

(Added Item) Improvement 17-08 Safe Routes to School (SRTS) Reconsideration of Concrete Bids – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT THE SECOND LOW BID FROM CONCRETE IDEA, INC. IN THE AMOUNT OF \$1,155,937 BASED ON THE DETERMINATION FROM MNDOT THAT YOUNG

EXCAVATING FAILED TO MEET THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM REQUIREMENTS.

Committee Chair Bevans explained the bid is approximately \$121,300 higher than Young Excavating, but MnDOT agreed to contribute \$97,100 more in federal funds and state aid will cover the remaining \$24,282 price increase.

Unfinished Business

Final 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 indicated this is the final reading of proposed Ordinance No. 1496 which would allow the City to conduct all commercial plumbing plan reviews in house due to having a master plumber on staff.

The Chair opened the public hearing 8:29 P.M.

No one came forward.

The Chair closed the public hearing at 8:29 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO HOLD THE FINAL READING OF ORDINANCE NO. 1496 – AN ORDINANCE REPLACING SECTION 400 OF CHAPTER IV OF THE CITY CODE AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT ORDINANCE NO. 1496 – AN ORDINANCE REPLACING SECTION 400 OF CHAPTER IV OF THE CITY CODE.

ORDINANCE NO. 1496

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

Committee Resignations – Accept with Regret

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF DALE PARKS FROM THE ECONOMIC DEVELOPMENT AUTHORITY (EDA).

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)

Community Member of the Month

June 17, 2019

Mayor Menk awarded Mr. David Meyer as the Community Member of the Month for July 2019. Mr. Meyer was nominated by a Council Member and by a member of the VFW Post 1647 in Brainerd. Mr. Meyer plays an active role in the VFW and the DAV (Disabled American Vets), drives the veterans to medical appointments and volunteers approximately 40 hours a week to the community. Mr. Meyer will be acknowledged at the July 1, 2019 Council Meeting.

Planning Commission

Reconsideration of 50 Jenny Street Rezoning – Approved

The Chair recognized Mr. Scott Magnuson, BPU Superintendent who thanked the Council for the opportunity to explain the rezoning request. He indicated the rezoning will allow steel siding for a new 50' x 46' maintenance garage which is not allowed in a residential district. He stated there are future plans to replace the water tanks at the plant, as the current tanks date back to 1935. He distributed and explained a map of the water plant to the Council and the proposed plans.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO HOLD THE FIRST READING OF ORDINANCE NO. 1495 – AN ORDINANCE TO REZONE PROPERTY AT 50 JENNY STREET FROM AN R-1A SINGLE FAMILY RESIDENTIAL DISTRICT TO AN I-1 LIGHT INDUSTRIAL DISTRICT.

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

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING OF ORDINANCE NO. 1495 – AN ORDINANCE TO REZONE PROPERTY AT 50 JENNY STREET FROM AN R-1A SINGLE FAMILY RESIDENTIAL DISTRICT TO AN I-1 LIGHT INDUSTRIAL DISTRICT.

New Business

Facilities Discussion

The Chair welcomed Mr. Mike Angland, architect with Widseth Smith Nolting (WSN) who outlined the five different options for the City Council to consider, and which option to pursue for design. He indicated that options one through five include HVAC controls for Police and Fire, as well as a remodel of the police department and a location study for the fire department. The options for City Hall include 1) new parts for the existing HVAC system 2) completely new HVAC system 3) remodel of street garage and combining park administration at City Hall 4) remodel of City Hall to include efficiency upgrades and 5) remodel of City Hall to include efficiency upgrades and a full remodel of the annex.

Fire Chief Holmes discussed the concerns with the Fire Department building, and it was determined that a fire hall location study is needed as it would define the best and most suitable location for a new fire hall in the future.

Police Chief McQuiston explained the necessary changes that needed to be done at the police station which include an interior remodel and HVAC control upgrades.

June 17, 2019

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO PROCEED WITH OPTION #3 PLUS THE ALA-CARTE OPTIONS AS FOLLOWS:

City Hall	Replace existing cooling tower and heat pumps – HVAC Replacement Option #2 Upgrade HVAC controls Repair exterior south stairs Replace fluorescent light fixtures with LED fixtures Replace existing ballasted roof, parapet walls and roof drains Tuckpoint brick, stone and mortar Install new guardrail and interior finished for stair enclosure Upgrade security system Replace windows
Police Dept	Interior Remodel HVAC controls upgrade
Fire Dept	Location study HVAC controls upgrade
Street & Sewer	Interior remodel and exterior addition

Public Forum

The Chair opened the Public Forum at 9:59 p.m.

No one came forward.

The Chair closed the Public Forum at 9:59 p.m.

Staff Reports

None

Council Member Reports

Council Member Lambert indicated she would like a copy of the anonymous surveys that were distributed to the department heads for the City Administrator review. After Council discussion, it was determined these will be provided to the Council after the members have completed their own review.

Mayor Menk stated the downtown Farmers' Market is taking place Tuesday, June 18th from 3:00 – 6:00 p.m.

Council Member Hilgart announced the Northland Arboretum is hosting the Chamber After Hours event on June 25th at 4:30 p.m.

Council Member Badeaux thanked the staff for the work involved with the facility study.

June 17, 2019

Pursuant to the attorney-client privilege and Minnesota Statutes, section 13D.06, subdivision 3(b), I hereby move to close the meeting for the purpose of receiving confidential legal advice from the City Attorney regarding the pending grievance with the IUOE. It would be detrimental to the interests of the City for the City to hold public discussion with its attorney where an opposing party or an opposing attorney could listen to or be made aware of the City's position and strategy. Therefore, it is in the City's best interest to obtain legal advice in a confidential setting to maintain the attorney-client privilege.

Adjourn – Motion Closing Meeting – 10:13 p.m.

The Council will now enter into closed session pursuant to the attorney-client privilege under M.S. 13D.05, subd. 3(b) to discuss the pending grievance with the IUOE.

The Chair reconvened into open session at 10:21 p.m.

Adjourn

The Chair adjourned the meeting at 10:22 p.m.

Cassandra Torstenson
City Administrator