

Brainerd, MN
July 15, 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: 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 LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. Approval of the Minutes of the Regular Meeting held on July 1, 2019 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 4 – New; 3 – Renewals

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Adopt Resolution Accepting Donations & Contributions for the 2nd Quarter 2019 – Adopted by Resolution No. 46:19

E. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lower South Long Lake Improvement Association, PO Box 902, Brainerd. Bingo Events to be Held at Jack’s House, 300 Highway 25 S., Brainerd on September 1, 2019 - Approved

F. Relay of Voices – The Great River Run - Informational

G. Second Hand Auto License – Submitted by 210 Auto Sales LLC, 301 Washington Street, Brainerd – Contingent Upon Police and Fire Department Approval - Approved

H. Temporary On-Sale Liquor License Application – Submitted by The Crossing Arts Alliance for an Event to be Held on August 9, 2019 at 711 Laurel Street, Brainerd - 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.

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Community Member of the Month

Mayor Menk stated the Community Member of the Month will be addressed at the Council Workshop taking place on July 22, 2019 at 5:30 p.m.

Council Committee Reports

Safety and Public Works Committee Report

Downtown Events / Parking Concerns - Approved

Committee Chair Bevans explained in the past the City Council has given direction to staff to approve time sensitive event applications that are submitted between council meetings. He stated this concerns law enforcement regarding parking and the ability to enforce the towing of vehicles that are parked illegally.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO REQUIRE THAT ALL EVENT/STREET CLOSURE APPLICANTS MUST COMPLETE AN APPLICATION FOR CITY COUNCIL APPROVAL; STAFF WILL ADD A LINE TO THE APPLICATION FOR REPETITIVE EVENTS.

Event/Street Closure Application – Community Engagement Pop-Up Campfires - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FROM BRIDGES OF HOPE FOR POP-UP CAMPFIRES ON AUGUST 19, 21 AND 22, 2019 UNDER THE CONDITIONS THAT REQUESTS FOR TRAFFIC CONTROL BE MADE ONE WEEK PRIOR TO THE EVENT, LAWN SIGNS ARE REMOVED IMMEDIATELY AFTER EVENT COMPLETION, AND A MEMBER FROM THE FIRE DEPARTMENT INSPECTS EACH SITE AFTER EACH EVENT.

Event/Street Closure Application – Mississippi River Canoe Days - 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 MISSISSIPPI RIVER CANOE DAYS ON AUGUST 3, 2019 AT KIWANIS PARK.

Event/Street Closure Application – Lakes Area Music Festival - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FROM LAKES AREA MUSIC FESTIVAL FOR AUGUST 8, 2019 FROM 5:00 – 8:00 PM UNDER THE CONDITIONS THAT THE APPLICANT REMOVES ALL TRASH, SIGNS, BANNERS AND BATHROOM FACILITIES AT THE CONCLUSION OF THE EVENT.

Committee Chair Bevans indicated this event involves closing the Laurel Street public parking lot and does not include the leased parking lot.

Improvement 18-08 and 18-09 – College Drive and S 4th Street/Willow Street Mill and Overlay – Testing Services – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE TESTING SERVICES PROPOSAL FROM BRAUN INTERTEC IN THE TOTAL AMOUNT OF \$16,696.00 FOR THE MILL AND OVERLAY FOR COLLEGE DRIVE AND SOUTH 4TH STREET.

Committee Chair Bevans stated this cost will be paid out of the Construction Fund and is eligible for reimbursement with state aid funds.

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.

2019 Budget – Wage Settlement Discussion - Informational

Committee Chair Hilgart indicated discussion took place at committee level and it was determined to take no action. She explained the budget will be amended due to the wage settlements and the amended 2019 budget will now show revenues exceeding expenditures by roughly \$1,000 for the working funds versus \$15,000.

Audit Services for 2019 – Request for Quote - Approved

Committee Chair Hilgart explained Finance Director Hillman did a Listserv regarding performing a Request for Quotes (RFQ) for 2019 audit services. She stated it was discovered that is not commonly done and a Request for Proposals (RFP) would need to be initiated in order to receive costs.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO NEGOTIATE WITH CLIFTONLARSONALLEN (CLA) FOR THE 2019 AUDIT SERVICES AT THE COST OF \$46,020; FURTHER TO INITIATE A REQUEST FOR PROPOSALS (RFP) FOR THE 2020 AUDIT SERVICES.

Drivers License Testing Office Lease Discussion - Informational

Committee Chair Hilgart stated the Drivers License Testing Office lease agreement expires in October 2019 and the Department of Public Safety (DPS) is interested in renewing for a 3-year term at the same rate per square foot. She explained the Minnesota Pollution Control Agency (MPCA) is also implementing a new Green Lease program and the DPS is asking which of these options can be added into the agreement.

City Administrator Torstenson will offer a 3-year lease renewal at \$14.96 per square foot to the DPS for the Drivers License Testing Office. She will also give direction to the DPS that

quotes may be obtained for the desired updates shown in the Green Lease program, but the expenditures will be at the lease holder's expense and not the City.

Council Meeting Broadcasting/Streaming Update - Informational

Committee Chair Hilgart explained the installation has been delayed due to backordered equipment and extenuating circumstances. She stated Lakes Area Media Collaborative hopes to have the installation complete the beginning of August. It was also discussed a backup camera is available if a council meeting is held and the update is not completed.

Shared Facility Maintenance Services Agreement Update – Informational

Committee Chair Hilgart stated a report from Crow Wing County was received showing the hours of service to the City of Brainerd this year as part of the shared services agreement. She indicated the hours of service are much lower than expected for the first 6 months of the year, and staff has been directed to discuss a possible rate reduction for the second half of 2019 at the second quarter meeting with Crow Wing County.

Police Request to Hire Police Officers - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO AUTHORIZE THE POLICE & FIRE CIVIL SERVICE COMMISSION TO CERTIFY THE NEXT THREE CANDIDATES ON THE CURRENT POLICE OFFICER ELIGIBILITY LIST AND AUTHORIZE MAKING CONDITIONAL JOB OFFERS TO TWO OF THE CANDIDATES WITH A TENTATIVE START DATE OF ON OR ABOUT SEPTEMBER 19TH PENDING SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS.

Unfinished Business

Committee Recommendations – Recommended by Mayor Menk

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT, DULY CARRIED, TO APPOINT MR. DOUG STENBERG TO THE TRANSPORTATION ADVISORY COMMITTEE FOR A TERM TO EXPIRE 12/31/2020.

Call for Applicants – Informational:

(Application Information at 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 pending (Expire 2020) – 1 term (Expire 2021)

Facilities Discussion – Phasing, Cash Flow of Plan - Approved

Finance Director Hillman explained there are some remaining facility items scheduled to be completed in 5-15 years for City Hall that may be more cost effective to include them in the

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current scope of work. She stated these would be interior finishes; carpeting, painting, upgrade wiring to cat 6 and expansion of the employee breakroom. She said these finishes could be done later but it would save money to complete them during the initial phase. She did stress the cash flow statement provided does not include the projects for Memorial Park.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO FINALIZE THE SCOPE OF PROJECTS AND AUTHORIZE PROCEEDING WITH DESIGN FOR THE CITY HALL PROJECT INCLUDING THE INTERIOR FINISHES AS PRESENTED.

Council discussion took place.

City Engineer Sandy clarified the design for the police department, fire department and street garage will be completed at the same time.

The Chair recognized Mike Angland, architect with WSN and Kevin Currie, Contegrity Group who said taking care of the priorities in 2019-2020 would be a financial benefit to the City, as costs will only increase as time goes on.

City Administrator Torstenson stated this could speed up the process for the parks department staff to relocate to City Hall. She said the engineering breakroom is being removed and the space will be the office for the parks' director, and since all the furniture is removed it would be an ideal time to install the new flooring. She also stated once the ceilings are removed to install the new HVAC equipment, this would be the time to take out the wall to expand the first-floor breakroom.

New Business

Historic Water Tower Proclamation

Mayor Menk read a proclamation for the 100th Anniversary of the start of construction to the Historic Water Tower, which was Friday, July 12, 2019.

Planning Commission

Final Reading – Proposed Ordinance No. 1497 – An Ordinance to Rezone Property at 215 N 3rd St. Brainerd from a B-1 (Residential Office) to an R-2 (Medium Density Residential) District - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING OF ORDINANCE NO. 1497 – AN ORDINANCE TO REZONE PROPERTY AT 215 N 3RD ST., BRAINERD FROM A B-1 (RESIDENTIAL OFFICE) TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET TO ADOPT ORDINANCE NO. 1497– AN ORDINANCE TO REZONE PROPERTY AT 215 N 3RD ST., BRAINERD FROM A B-1 (RESIDENTIAL OFFICE) TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT.

ORDINANCE NO. 1497

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

Public Forum

The Chair opened the Public Forum at 8:09 p.m.

No one came forward.

The Chair closed the Public Forum at 8:09 p.m.

Staff Reports

City Engineer Sandy gave an update of the detour due to the sinkhole that occurred at the edge of the bridge on Highway 210. He stated MnDOT shut down the westbound lanes and one eastbound lane, which should be resolved in approximately three days. He indicated one lane in each direction has been reopened temporarily on College Drive. He stated the City of Baxter also opened College Drive at Cypress Drive to help alleviate some of the traffic. He advised residents to utilize Mill Avenue to Wise Road and the 371 bypass as alternate routes. He thanked the surrounding entities for the prompt response and assistance.

City Attorney Langel indicated the City of Brainerd prevailed in the Court of Appeals regarding the case with the City of Baxter regarding franchise fees for Brainerd Public Utilities. He stated the City of Brainerd provided power to Baxter prior to their existence thus predating the statute.

City Administrative Torstenson announced the Farmers Market takes place again Tuesday, July 16th from 3:00 – 6:00 pm. She thanked Mayor Menk for allowing the market to take place indoors at his building last week due to the forecasted rain and any additional Tuesday's that have inclement weather.

Council Member Reports

Council Member Bevans thanked City Engineer Sandy for his involvement being at the bridge last night and all the staff in law enforcement that took prompt action.

Mayor Menk stated there was a great response during the time of need in taking care of the issues at the bridge from city staff and all public servants in the area and he thanked them all.

Council Member Johnson agreed and also thanked the Sheriff's Office, State Patrol and the Baxter Police Department.

Council Member Hilgart stated the police department did a great job in directing traffic to avoid congestion.

Council Member Stunek thanked everyone involved for all the hard work.

Mayor Menk thanked the volunteers and staff for the 4th of July Celebration.

Council Member Badeaux thanked City Attorney Langel for the update on the franchise fee legal proceedings.

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Council Member Johnson invited everyone to the annual Brainerd Jaycees Streetfest which takes place on July 26th and 27th on Front Street.

Adjourn to Closed Session Under the Attorney-Client Privilege Pursuant to MN Statutes 13D.05, Subd. (B) Concerning Potential Litigation Under the False Claims Act – 8:19 p.m.

Adjourn to Council Workshop July 22, 2019 at 5:30 p.m.

The Chair adjourned the meeting at 8:24 p.m.

Cassandra Torstenson
City Administrator