

**Brainerd, MN
September 16, 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: Lambert, Stunek, Bevans, and Johnson. Mayor Menk was also noted as present. Members Badeaux and Pritschet were noted as absent.

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 AMEND THE AGENDA TO ADD THE COMMITTEE APPLICATION SUBMITTED BY JERRY SINNER FOR REAPPOINTMENT TO THE ECONOMIC DEVELOPMENT AUTHORITY.

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

- A. Approval of the Minutes of the Regular Meeting held on September 3, 2019, and the Special Meeting held on September 9, 2019 - Approved**
- B. Approval of Licenses - Approved**

Contractor Licenses – 1 – New; 1 - Renewal
- C. Department Activity Reports - Approved**

1. Police Chief
2. Finance Director
- D. Economic Development Authority (EDA) Update to Council - Approved**
- E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Amateur Hockey Association, PO Box 38, Brainerd for an Event to be Held on February 17, 2020 at Roundhouse Brewery, 1551 Northern Pacific Rd., Brainerd – Approved**
- F. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lakes Area Bowling Association, 1301 11th Ave NE, Brainerd. Bingo Events to be Held at Jack’s House, 300 Highway 25 S., Brainerd November 18-22, 2019 - Approved**
- G. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Knights of Columbus, 411 N. 10th St., Brainerd. Bingo Events to be Held at January 23 and 30, and February 6 and 13, 2020 at St. Francis Church, 404 MN. 9th St., Brainerd - Approved**

H. Update Employee Policy Manual to Reflect HR and IT/GIS Title Changes - Approved

Upon roll call, members Lambert, Stunek, Bevans 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 BEVANS AND LAMBERT TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

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

River To Rail Subsidy Reporting – Informational

Finance Director Hillman indicated she researched the criteria needed for the City to report to the state the River-to-Rail Economic Incentives. She stated if the City forgives more than \$25,000 or has a loan to a business in the amount of \$75,000-\$150,000, it is considered financial assistance and the grantee must comply with the City’s business subsidy policy. She indicated if assistance is greater than \$150,000, it is subject to a public hearing and state reporting requirements. She stated the River to Rail incentive amounts will be tracked and monitored.

School Resource Officer Contract with ISD 181 - Approved

MOVED AND SECONDED BY ALDERMEN STUNEK AND LAMBERT, DULY CARRIED, TO APPROVE AND AUTHORIZE SIGNATURES ON THE SCHOOL RESOURCE OFFICER CONTRACT BETWEEN THE CITY OF BRAINERD AND INDEPENDENT SCHOOL DISTRICT 181.

Authorization to use DWI Forfeiture Funds for Squad Video Storage System - Approved

MOVED AND SECONDED BY ALDERMEN STUNEK AND LAMBERT, DULY CARRIED, TO APPROVE THE POLICE DEPARTMENT TO UTILIZE APPROXIMATELY \$9,000 IN DWI FORFEITURED FUNDS TO CONVERT THE SQUAD CAR VIDEO SYSTEM SERVER TO A CLOUD BASED PLATFORM SUPPORTED BY THE CURRENT VENDOR AND FUND ANNUAL COST OF THE SYSTEM UTILIZING DWI FORFEITURE FUNDS FOR AT LEAST 5 YEARS.

Safety and Public Works Committee Report

Improvement 19-13 – SE Interceptor Replacement Project – Consideration of Quotes - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT THE QUOTE FROM TOM'S BACKHOE IN THE AMOUNT OF \$120,576 TO BE PAID FROM THE SEWER ACCESSIBILITY CHARGE (SAC) FUNDS.

Unfinished Business

Interim City Administrator Position - Approved

Council Member Bevans indicated the previous City Administrator, James Thoreen, has offered his services to serve as the Interim City Administrator on a three-day workweek until a new Administrator is hired. He stated after consulting with Gary Weiers from DDA Human Resources Inc., the position will be posted once approved by the Council. He said there were two excellent staff members that also showed interest in the position.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE APPOINTMENT OF JAMES THOREEN TO SERVE AS AN INTERIM CITY ADMINISTRATOR UNTIL A NEW ADMINISTRATOR IS HIRED.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO RESCIND THE FOLLOWING MOTION FROM THE SEPTEMBER 9TH MEETING:

- *MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO OPEN AN INTERIM CITY ADMINISTRATOR POSITION APPLICATION PROCESS TO CLOSE WEDNESDAY, OCTOBER 2ND AT 4:30 PM.*

Committee Recommendations – Recommended by Mayor Menk – Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO REAPPOINT JERRY SINNER TO THE ECONOMIC DEVELOPMENT AUTHORITY WITH A TERM TO EXPIRE SEPTEMBER 7, 2025.

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 2020) - 1 term (Expire 2021) – 1 term (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2020)

New Business

City Administrator Search – Mr. Gary Weiers from DDA to Discuss Timeline and Position Profile - Approved

The Chair welcomed Mr. Gary Weiers from DDA Human Resources Inc. via webcam to talk with the Council about the timeline and position profile that was provided. He stated that

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upon approval, the profile and position will be posted Tuesday, September 17th and will stay open for approximately one month. At that time, Mr. Weiers said he will select the top ten or twelve candidates, assign them a video interview and a personality index. Mr. Weiers stated the Council will have access to all the candidate information at the end of October and his targeted date to return to Council is November 4th, with potential interview dates of November 18th-19th.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO APPROVE THE PROPOSED CITY ADMINISTRATOR SEARCH TIMELINE AND POSITION PROFILE AS PRESENTED BY MR. GARY WEIERS FROM DDA HUMAN RESOURCES INC.

Five-Year Brainerd and Crow Wing County Public Transit Plan – Approved

MOVED AND SECONDED BY ALDERMEN STUNEK AND BEVANS, DULY CARRIED, TO ADOPT THE FIVE-YEAR TRANSIT PLAN AS PRESENTED.

Resolution – Declaring the Costs to be Assessed, Ordering Preparation of Proposed Assessment and Ordering a Public Hearing on Proposed Assessment for DTSS and Nuisances – Adopted by Resolution No. 50:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION THAT SETS THE PUBLIC HEARING FOR OCTOBER 21, 2019, DECLARES THE ASSESSMENT AMOUNT, ORDERS PREPARATION OF THE PROPOSED ASSESSMENT FOR THE DOWNTOWN SPECIAL SERVICES DISTRICT, DOWNTOWN SNOW REMOVAL AND 2019 NUISANCE ABATEMENT, AND ORDERS PREPARATION OF THE ASSESSMENT ROLL.

RESOLUTION NO. 50:19

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

Resolution – Declaring the Costs to be Assessed, Ordering Preparation of Proposed Assessment and Ordering a Public Hearing on Proposed Assessment for IMP 17-06 and IMP 17-07 – Adopted by Resolution No. 51:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION THAT SETS THE PUBLIC HEARING FOR OCTOBER 21, 2019, DECLARES THE ASSESSMENT AMOUNT, ORDERS PREPARATION OF THE PROPOSED ASSESSMENT FOR IMPROVEMENTS 17-06 AND 17-07, AND ORDERS PREPARATION OF THE ASSESSMENT ROLL.

RESOLUTION NO. 51:19

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

Planning Commission

Final Reading – Proposed Ordinance No. 1500 – An Ordinance Amending Section 515-18 Outdoor Lighting Standards - Denied

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The Chair opened the public hearing at 8:01 p.m.

The Chair recognized Matt Killian, Brainerd Lakes Area Chamber of Commerce, who spoke against the ordinance on behalf of the Chamber and the Board of Directors. He stated the improvements Brainerd has made are great and this ordinance is extremely restrictive. He said it could be expensive over time and increase public safety concerns.

The Chair recognized Tim Ramerth, project manager at WSN, who spoke against the ordinance on behalf of the Chamber's Government Affairs Committee and Brainerd Public Schools. He stated in the various meetings he has attended he has not seen any documentation that supports the rationale behind the thirteen-foot height. He referenced different articles that recommended higher lighting for safety and less shadowing. He stated another issue is this ordinance would not take into consideration the approved Conditional Use Permit for the lighting at the high school that has not yet been installed, which was approved at 23-feet.

The Chair recognized Scott Magnuson, superintendent at Brainerd Public Utilities (BPU), who spoke against the ordinance. He stated he was concerned about the streetlights that are not in the right-of-way and the shorter height could result in increased vandalism.

The Chair recognized Mike Higgins, owner of Brainerd Industrial Center, who spoke against the ordinance for several reasons, including snowplowing around the fixtures. He said the shorter the light poles are, the more fixtures are needed to light the area. He indicated the City has a Conditional Use Permit application process that takes care of issues without having to rewrite an ordinance.

The Chair closed the public hearing at 8:20 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND STUNEK TO SEND THE PROPOSED ORDINANCE NO. 1500 OUTDOOR LIGHTING BACK TO THE PLANNING COMMISSION TO ADDRESS THE ISSUES BROUGHT FORTH TONIGHT AND TO HOLD A PUBLIC HEARING AT THE PLANNING COMMISSION MEETING IN OCTOBER.

Council Member Bevans stated the existing ordinance adequately identifies the requirements and alternate heights can be requested by conditional use permit.

Council discussion took place.

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

There was no further discussion of changes to the current ordinance.

Public Forum

The Chair opened the Public Forum at 8:32 p.m.

No one came forward.

The Chair closed the Public Forum at 8:32 p.m.

Staff Reports

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City Engineer Sandy received a comment from a resident asking if the City Project Management Team committee meetings for the upcoming Highway 210 corridor project will be open to the public. City Attorney Langel said it is at the discretion of the Council, as it is not covered by the open meeting law. It was determined to have it open to the public with time limits for speaking.

Community Development Director Chanski stated the Planning Commission will be holding a public hearing on Wednesday, September 18th at 6:00 pm to hear input regarding the Comprehensive Plan.

City Administrator Torstenson thanked everyone for the opportunity to serve the City of Brainerd, as this is her last Council meeting before moving back to Illinois. She said Brainerd is a fabulous community with great schools, people and quality of life.

Council Member Reports

Mayor Menk presented City Administrator Torstenson an appreciation plaque for her service to the City of Brainerd. All Council Members thanked her for her service and wished her well on future endeavors.

Closed Session Pursuant to MN Statutes 13D.05, Subd. 3(C)(3), To Develop or Consider Offers or Counteroffers for the Purchase or Sale of Property at 304 Washington Street, 422 4th Street NW, 623 4th Street NW, 502 Jackson Street, 424 3rd Street NW and 622 4th Street NW, Brainerd – 8:40 p.m.

The Chair reconvened into open session – 8:52 p.m.

Adjourn to Klobuchar Staff Public Roundtable Discussions on Transportation, Infrastructure, Broadband and Housing September 17, 2019 at 12:15 p.m. at Crow Wing County Land Services – 8:54 p.m.

James M. Thoreen
City Administrator