

**Brainerd, MN  
November 5, 2018**

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:34 P.M. by Council President Pritschet.

Upon roll call, the following members were noted as present: Stunek, Bevans, Badeaux, Johnson, Hilgart, Lambert and Pritschet. Mayor Menk was also noted as present.

Council President Pritschet 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 BEVANS AND JOHNSON, DULY CARRIED, TO AMEND THE MINUTES OF THE MEETING HELD ON OCTOBER 15, 2018 UNDER SECTION 425 RENTAL HOUSING MAINTENANCE COMMITTEE.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT THE CONSENT CALENDAR WITH THE AMENDED OCTOBER 15, 2018 MINUTES.

- A. Approval of the Minutes of the Regular Meeting held on October 15, 2018, as Amended - Approved**
  
- B. Approval of Licenses - Approved**  
  
Contractor Licenses - 4 New; 2 – Renewals
  
- C. Department Activity Reports - Approved**  
  
1. Fire Chief  
2. Parks Director
  
- D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Community Action, 213 S 5<sup>th</sup> St., Brainerd for an Event to be Held on January 4, 2019 at Roundhouse Brewery, 1551 Northern Pacific Rd., Brainerd - Approved**
  
- E. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Knights of Columbus, 411 N 10<sup>th</sup> St., Brainerd. Bingo Events to be Held at St. Francis Church, 404 N 9<sup>th</sup> St., Brainerd in January 31, February 7<sup>th</sup>, February 14<sup>th</sup> and February 21, 2019 - Approved**

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

**Presentations**

**Tour of the Lakes – Mr. Ed Shaw**

November 5, 2018

The Chair recognized Mr. Ed Shaw, 521 N 9<sup>th</sup> Street who is speaking on behalf of Paul Bunyan Cyclists. Mr. Shaw gave a brief history of the Tour of Lakes event that has been held at various areas in the county since 1989. He is reporting that for the first time, the bicycle ride will start in downtown Brainerd between Hockey House and Sage on Laurel in June 2019. There will be future updates and details as the event nears. The Council thanked him for the information.

## **Council Committee Reports**

### **Safety and Public Works Committee Report**

#### **Cuyuna Lakes State Trail Joint Powers Agreement and Next Steps - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE STAFF TO WORK WITH SHORT ELLIOT HENDRICKSON (SEH) TO FORMULATE A PHASING PLAN AND WORK WITH THE DNR TO DEVELOP A COOPERATIVE AGREEMENT FOR AUTHORIZATION BY RESOLUTION AT THE NEXT COUNCIL MEETING.

#### **Downtown Snow Removal Bids - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT THE BIDS FOR THE 2018-2019 DOWNTOWN SNOW REMOVAL AND AWARD THE CONTRACT TO TOM'S BACKHOE SERVICE.

#### **Local Road Improvement Program – NW 4<sup>th</sup> Street (Riverside Drive) Next Steps - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO RECOMMEND A MOTION IN WHICH RESCINDS THE INTENT OF THE CITY TO SUBMIT HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDING DUE TO THE AWARD OF LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) FUNDING FOR A MAJORITY OF THE PROJECT COSTS, SELECTING AND REQUESTING BOLTON AND MENK TO PROVIDE A PROPOSAL FOR DESIGN AND CONSTRUCTION ENGINEERING SERVICES, AND DIRECT STAFF TO WORK ON A COST PARTICIPATION AGREEMENT WITH CROW WING COUNTY.

Council Member Pritschet requested clarification on the disadvantages of proceeding with the HSIP.

City Engineer Sandy stated there is more environmental work involved with the HSIP – if awarded it would be federal projects. He indicated there are pros and cons to both options. There are more engineering costs, more time involved, and more construction documentation needs to be done when the funds are dispersed. The advantages of having more money vs the disadvantages of needing to spend more on engineering costs.

Council Member Johnson asked what the least expensive option for the tax payer after all expenses is were paid. City Engineer Sandy stated a proposal could be requested from Bolton and Menk for both options and we could evaluate the differences in engineering costs. The HSIP may be more cost effective but it is unknown without a proposal.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO DIRECT STAFF TO NOTIFY THE PROPERTY OWNERS ON THE EASTERLY BLOCK OF JACKSON AND 3<sup>RD</sup> STREET OF THE OPPORTUNITY TO IMPROVE THE SECTION OF GRAVEL ROAD ON JACKSON STREET IF THIS ROAD IMPROVEMENT IS APPROVED.

**Resolution – Advancing Municipal State Aid Funds FY 2019 – Adopted by Resolution No. 53:18**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ACCEPT STAFF’S RECOMMENDATION AND ADOPT A RESOLUTION IN WHICH ADVANCES MUNICIPAL STATE AID STREET FUNDS IN THE TOTAL AMOUNT OF \$1,987,000.

**RESOLUTION NO. 53:18**

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

**Personnel and Finance Committee Report**

**Approval of Bills - Approved**

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

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

**Assistance to Firefighters Grant Application - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO APPLY FOR A FIRE OPERATIONS AND PPE GRANT THROUGH THE ASSISTANCE TO FIREFIGHTERS GRANT (AFG) PROGRAM. THE TOTAL APPLICATION REQUEST WILL BE APPROXIMATELY \$250,000 WITH A 10% LOCAL COST SHARE IF THE GRANT IS AWARDED.

**Resignation of Paid on Call Firefighter Vork - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF PAID ON CALL FIREFIGHTER VORK EFFECTIVE OCTOBER 15, 2018.

**Police Department Request to Use Drug Forfeiture Funds – Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE THE POLICE DEPARTMENT TO UTILITZE APPROXIMATELY

\$11,864 OF DRUG FORFEITURE FUNDS FOR THE PURCHASE OF THREE TACTICAL BALLISTIC PROTECTION SHIELDS AND TWO LESS LETHAL LAUNCHERS.

**Appointment of Interim Building Official Mr. Chuck Arvidson - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE DESIGNATION OF MR. CHUCK ARVIDSON AS THE CITY'S INTERIM BUILDING OFFICIAL, EFFECTIVE NOVEMBER 6, 2018, UNTIL A DATE TO BE LATER DETERMINED; FURTHER, THAT HE RECEIVE 90% OF THE BUILDING OFFICIAL BASE WAGE OR \$32.50 PER HOUR DURING THIS INTERIM ASSIGNMENT.

**Authorize Hiring Mr. Darrin Deseth for Building Inspector Position - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE THE HIRING OF MR. DARRIN DESETH AS A FULL-TIME BUILDING INSPECTOR STARTING AT \$23.435 PER HOUR (STEP A OF OUR SALARY ADMINISTRATION PLAN) EFFECTIVE NOVEMBER 6, 2018.

**Authorize Hiring Mr. David Chanski as Community Development Director - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE HIRING MR. DAVID CHANSKI AS COMMUNITY DEVELOPMENT DIRECTOR STARTING AT STEP 2 OF THE WAGE GRID OR \$6,529.50 PER MONTH EFFECTIVE DECEMBER 31, 2018; FURTHER, TO AUTHORIZE UP TO \$2,000 IN MOVING EXPENSES.

**Funding the Bridges of Hope Self-Healing Communities Project**

City Attorney Langel explained that state law reads any expenditure by a city must have a public purpose, benefit the community as a body and be directly related to a function of government and does not have as its primary objective the benefit of a private interest. A city must also have authority by either Charter or Statute and it does not appear that the authority exists in this example. It cannot be determined what the function of government is for Bridges of Hope.

Council Member Johnson argued that the Charter does implicitly authorize the expenditure and believes it does benefit the community as a whole. These Self-Healing meetings are public and in which everyone is welcome to attend. He stated this contribution fits within the Charter and State Statutes.

Council Member Hilgart clarified this is a stipulated contribution to the Self-Healing Communities Initiative specific to the City of Brainerd which is a collaboration of many entities that is being administered through the Bridges of Hope.

MOTION BY ALDERMEN BEVANS TO RESCIND THE \$1,000 CONTRIBUTION TO THE BRIDGES OF HOPE SELF-HEALING COMMUNITIES PROJECT.

The motion died for lack of a second.

**Deferment of Assessments - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE DEFERMENT FOR ALL THREE APPLICANTS FOR ASSESSMENT PAYABLE IN 2019.

**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) – 3 terms (Expire 2022)

Housing & Redevelopment Authority – 1 term (Expire 2023)

Library Board – 1 term (Expire 2021)

Park Board – 1 term (Expire 2023)

Public Utilities Commission – 1 term (Expire 2023)

Transportation Advisory Committee – 1 term (Expire 2019) – 3 terms (Expire 2021)

Rental Dwelling Board of Appeals – 2 terms (see below) 3 terms– (Expire 2020)

1. *Residential Property Manager Representative (2)*
2. *Residential Rental Housing Advocate Representative (1)*
3. *Tenant Representative (1)*
4. *General Public Representative (1)*

**Council President Recommended: (all terms expire 12/31 of said year)**

Airport Commission – 1 term (Expire 2021)

Planning Commission – 3 terms (Expire 2021)

Police & Fire Civil Service Commission – 1 term (Expire 2021)

**Public Hearing and Final Reading if Proposed Ordinance No. 1483 – An Ordinance to Amend Section 1200 Intoxicating Liquor – Approved**

The Chair opened the public hearing at 8:07 p.m.

No one came forward.

The Chair closed the public hearing at 8:07 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1483 – AN ORDINANCE TO AMEND SECTION 1200 INTOXICATING LIQUOR.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT ORDINANCE NO. 1483 – AN ORDINANCE TO AMEND SECTION 1200 INTOXICATING LIQUOR.

**ORDINANCE NO. 1483**

November 5, 2018

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

**Continuation of Public Hearing and Resolution – 2018 Nuisance Contested Assessments – Adopted by Resolution 54:18**

The Chair opened the public hearing at 8:09 p.m.

No one came forward.

The Chair closed the public hearing at 8:09 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT THE RESOLUTION AS ORIGINALLY PRESENTED INCLUDING THE CONTESTED ASSESSMENTS.

**RESOLUTION NO. 54:18**

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

**New Business**

**Discussion of Council Meeting Start Time**

City Administrator Torstenson indicated there were some members interested in earlier start times for council meetings. After Council discussion, it was determined to leave the start time at 7:30 p.m.

**Public Forum**

The Chair opened the Public Forum at 8:18 p.m.

The Chair recognized Mr. Chuck Marohn, 616 N. 4<sup>th</sup> Street, who stated he is a member of the Planning Commission and had thought this issue would be on the agenda tonight. He is speaking on behalf of himself and not the commission. Mr. Marohn distributed talking points to the Council and explained the need for placing a moratorium regarding the demolition of buildings for the purposes of constructing off-street parking. The situation regarding the school district’s plans need to be reviewed and discussed among the community prior to the start of the projects.

The Chair recognized Mr. Ed Shaw, 521 N. 9<sup>th</sup> Street, and spoke regarding the school district project plan. He stated that the City needs to act on the district’s plans to level a portion of certain neighborhoods. Mr. Shaw has reached out directly to the district and would like the leaders of our children’s education to be open, transparent and straightforward, which they have not been.

The Chair recognized Mr. Mike Higgins, 1801 Mill Avenue and owner of the Brainerd Industrial Center. He indicated he can see both sides to the school districts issues and does not agree with waiting a year to proceed with the project. The upcoming meeting with the district will

be a great start for discussion on both views and does not want to see conflict. He stated the referendum is a very important part of Brainerd, and we have a strong community with a great education system.

Council Member Lambert stated at the Planning Commission meeting, it was discussed that the moratorium be no longer than three months. Mr. Marohn stated he had assumed it would be included in the agenda tonight for drafting at the next Planning Commission meeting.

The Chair closed the Public Forum at 8:35 p.m.

Council Member Johnson said he saw in the newspaper recently the school board had voted unanimously to appoint two members of their board to meet with two members of City Council. He asked if anyone knows how this turned into a joint meeting with all staff from both entities rather than just a small meeting to start with.

City Administrator Torstenson indicated she met with Ms. Laine Larson, Superintendent with ISD181. Ms. Larson said it would be best if the meeting could be publicly noticed for others to be able to attend. The meeting has been scheduled for Tuesday, November 13, 2018 at 2:30 p.m. at the Washington Education Services Building.

### **Staff Reports**

City Engineer Sandy announced the S. 6<sup>th</sup> Ribbon Cutting Ceremony on October 31<sup>st</sup> had a great turnout.

Fire Chief Holmes announced there is a new mass notification system for the City that he and Chief McQuiston have been working on with the county. Chief Holmes encourages everyone to sign up to be informed of city and county notices.

Finance Director Hillman reminded everyone of the general election tomorrow and that schools are no longer polling locations. The City of Brainerd website has a link to find your voting location.

Council Member Pritschet stated you can also visit the website, [www.pollfinder.sos.state.mn.us](http://www.pollfinder.sos.state.mn.us) to find your polling location.

City Administrator Torstenson announced the City of Brainerd's application to the National Parks Service Rivers, Trails and Conservation Assistance Program was selected to receive a technical services grant. This will be used to assist in planning and funding strategies to build the Riverfront Trail.

### **Council Member Reports**

Council Member Johnson announced the Essentia Health Sports Center lobby is setup and ready for voters to arrive. He also stated while researching the validity of the contribution to the Bridges of Hope, he found in the League of MN Cities document there is an annual limit of \$50,000 to contribute to a private economic development organization.

Council Member Hilgart attended the Northland Arboretum board meeting last week and stated the month of October brought a lot of fun events. They are now setting up for the Sertoma Winter Wonderland event and welcome volunteers.

Council Member Stunek stated he also attended the ribbon cutting event.

Council President Pritschet reminded all residents to get out and vote tomorrow and welcomed the hunters to the lakes area.

Council Member Bevans announced the arch at Gregory Park has been completely repaired and looks great. The Charter Commission will have their annual meeting on Wednesday, November 7<sup>th</sup> at 5:15 p.m. and everyone is welcome to attend.

Council Member Lambert also attended the ribbon cutting at Laurel and S.6<sup>th</sup> Street. She stated the new committee for the Rental Ordinance Review needs more volunteers and the application is available at City Hall and on the website.

Council Member Badeaux stated the first Citizen's Water Tower Committee met last week and went very well. Future meetings will be held at 6:00 p.m. on the third Wednesday of each month at City Hall and are open to the public.

**Motion to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 8:48 p.m.**

The Chair reconvened into open session at 9:52 p.m.

**Recess to Joint Meeting with the School District November 13, 2018 at 2:30 p.m. at the Washington Education Services Building at 804 Oak Street**

**Recess to Special Council Meeting to Canvass General Election Results and Then to a Budget Workshop on Tuesday, November 13, 2018 at 6:00 p.m.**

The Chair adjourned the meeting at 9:52 p.m.

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Cassandra Torstenson  
City Administrator