

**Brainerd, MN  
November 19, 2018**

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:31 P.M. by Council President Pritschet.

Upon roll call, the following members were noted as present: Bevans, Badeaux, Johnson, Hilgart, Lambert and Pritschet. Member Stunek was noted as absent. 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 LAMBERT TO ADOPT THE CONSENT CALENDAR.

**A. Approval of the Minutes of the Budget Workshop held on October 24, 2018, the Special Meeting held on October 29, 2018, the Regular Meeting held on November 5, 2018 and the Special Meeting/Budget Workshop held on November 13, 2018 - Approved**

**B. Approval of Licenses - Approved**

Contractor Licenses - 3 New; 2 – Renewals

**C. Department Activity Reports - Approved**

1. Police Chief
2. Finance Director

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

## **Presentations**

### **Region 5 – Intercultural Development Inventory Assessment**

The Chair recognized Ms. Cheryal Hills, Dawn Espe and Staci Headley, from Region Five Development Commission who thanked the Council for the opportunity to present. Ms. Hills gave a brief explanation of a program called Welcoming Communities taking place within a five-county region. This program is a result of the work being done in the region including lending programs and the community development planning tasks. Efforts are being made to target elected officials and non-profits to be part of the welcoming community’s effort, as an economic development and workforce attraction strategy. The program is building upon the regional branding efforts of “The Good Life”, and the work of regional partners with no cost to participate. Region Five will engage 10 local units of government including school boards and non-profits over the next 12 months by administering and delivering GROUP & Individual Intercultural Development Inventory (IDI) Assessments.

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MOVED AND SECONDED BY ALDERMEN JOHNSON AND BADEAUX, DULY CARRIED, FOR THE CITY OF BRAINERD TO COMMIT TO PARTICIPATING IN THE PROGRAM AND DIRECT STAFF TO WORK WITH REGION FIVE IN THE PROCESS.

### **Council Committee Reports**

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

##### **Event/Street Closure Application – Gnome for the Holidays - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR GNOME FOR THE HOLIDAYS ON SATURDAY, NOVEMBER 24, 2018.

##### **Breweries and Taprooms / Odor Restriction Language - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO DIRECT THE PLANNING COMMISSION AND STAFF TO REVIEW AND CLARIFY THE ODOR RESTRICTION AND PROPERTY LINE LANGUAGE IN ORDINANCE NO. 1449.

Committee Chair Bevans explained the paragraph that states "*No odors from the brewery facility shall be perceptible beyond the property line*" is a vague statement that needs to be more specific. There is also a sentence that states "*...be in compliance with any applicable Minnesota Pollution Control (MPCA) standards.*" The MPCA does not have odor regulations, as odor complaints are handled on the county or city level - both statements need to be reviewed and corrected.

Council Member Johnson suggested the same is reviewed for the microdistillery ordinance.

##### **Resolution – Joint Powers Agreement for Cuyuna Lakes State Trail Construction with the State of MN – Adopted by Resolution 55:18**

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT A RESOLUTION WHICH AUTHORIZES STAFF TO ENTER INTO THE JOINT POWERS AGREEMENT BETWEEN THE MINNESOTA DNR AND THE CITY OF BRAINERD FOR THE DESIGN AND CONSTRUCTION OF THE CUYUNA LAKES STATE TRAIL WITHIN THE CITY OF BRAINERD AS AUTHORIZED BY MN STATUTE 85.015, SUBD. 24.

#### **RESOLUTION NO. 55:18**

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

##### **Resolution – Joint Powers Agreement for Facility Maintenance with Crow Wing County – Postponed to December 5, 2018 Council Meeting**

Committee Chair Bevans stated Crow Wing County requested this agenda item be postponed until more details are clarified.

## **Personnel and Finance Committee Report**

### **Approval of Bills & Transfer of Funds – Approved**

From Parking Lot Fund to Streets: 2017-2018 Downtown Snow Removal	\$22,729
From Parking Lot Fund to Construction Fund: Downtown Special Services	\$1,905

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

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

### **Memorial Park WWII Monument and Flag Pole - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO ACCEPT THE DONATIONS FROM AREA CLUBS FOR THE WWII MONUMENT AND FLAG POLE AT MEMORIAL PARK AND DIRECT PARKS STAFF TO WORK WITH THE ORGANIZATIONS FOR THE INSTALLATION OF A FLOODLIGHT.

Committee Chair Johnson distributed a picture of the proposed monument and flagpole to be lit at night to properly illuminate the flag. The City will be responsible for making sure the floodlight stays lit.

### **2018 Audit Services – Engagement Letter - Approved**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE ENGAGEMENT LETTER AS SUBMITTED AND TO AUTHORIZE SIGNATURES.

### **Deferred Assessment Resolution Discussion – Adopted by Resolution No. 56:18**

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO AMEND RESOLUTION 54:16 - 4B WHICH CURRENTLY READS “*THE SPECIAL ASSESSMENTS TO BE DEFERRED EXCEED \$300*” TO “*THE SPECIAL ASSESSMENTS TO BE DEFERRED EXCEED \$300 IN TOTAL.*”

### **RESOLUTION 56:18**

Clarification was also provided that deferment is for assessments certified over multiple years.

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

## **Unfinished Business**

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**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)

**Planning Commission**

**First Reading – Interim Ordinance on Structure Demolition for Parking Lots- Tabled**

MOVED AND SECONDED BY ALDERMEN BADEAUX AND LAMBERT, DULY CARRIED, TO TABLE THE DISCUSSION UNTIL FURTHER INTERACTIONS WITH THE SCHOOL BOARD ARE HELD.

Council Member Badeaux stated the joint meeting held with the school district and the Council on November 13<sup>th</sup> was well received for both parties and dialog between them will continue. The Council and the school district should work towards a conclusion together without making an overarching decision.

**Public Forum**

The Chair opened the Public Forum at 8:03 p.m.

Ms. Carole Paschelke, 501 16<sup>th</sup> Street SE lives close to Harrison School and stated her property is one that would be acquired by the school district. She stated she was upset at first about learning she may lose her home. However, she has witnessed several safety issues with traffic stopping on the road to drop off kids, and speed limit concerns. She has come to hope that the legacy of this community would not be that we would have to lose a child to consider the safety of the drop off and pick up at our schools. The referendum was passed and now it appears the will of the voters is being circumvented by Council activity.

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Ms. Laine Larson, superintendent of ISD181 who reiterated the joint meeting between the City and school district was an amicable discussion. The school district has been planning the project over the course of four years and have done a significant amount of conversation with the public to assemble the right plan. She stated she is happy to hear the Council is open to further discussions and coming together as a unified team that care about the children and community.

Ms. Kim Ellingson, 10096 Island Drive stated she was an advocacy committee member working toward the passing of the referendum. She stated the plan has changed course several times due to discussion within the community and the district listened to what people wanted. Ms. Ellingson said she works at Bremer Bank and the economic impact of this project is huge. This is an opportunity for Brainerd to move forward with numerous projects and our school district is a main attractor to the Brainerd area and we want to attract additional people to the community.

Ms. Jenny Henkel, 1616 Norwood Street stated her property is to be acquired with the referendum and has also witnessed the traffic concerns and drop off and pick up issues. There is a need for designated areas for safety reasons and does not want a tragedy to happen in order for change to be made. She said Brainerd is building new homes in several areas and does not want the matter of her house being the issue to stop the progress.

Mr. Jason Bade, 615 4<sup>th</sup> Ave NE stated he would also be losing his home but stated it will be worth it to keep progress continuing. There are safety concerns as traffic goes too fast down the street. He said the referendum is the future of the children and the school and supports the project.

Ms. Cathy Nault, principal of Harrison Elementary stated she brought up safety at the joint meeting and agrees with the residents that spoke tonight. She said the district wanted the neighborhood schools to stay in the neighborhoods, but that should not come as a cost. She is eager and excited to see what comes next.

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

### **Staff Reports**

None

### **Council Member Reports**

Mayor Menk received a book about Brainerd that is dated 1946 and at that time, there were approximately 12,000 residents. The census is coming up in 2020 and he encourages everyone to make certain that everyone is counted in the census to see the actual growth of Brainerd. The Comprehensive Plan meeting that took place last week was well attended. The City has received a lot of great input to the plan and thanked Ms. Ashley Kaisershot from Sourcewell for her work.

Council Member Hilgart stated the Self-Healing Communities is holding a Community Conversation on November 27, 2018 at Lowell Elementary from 5:30 pm to 8:00 pm. This will include childcare and appetizers. She has asked City Administrator Torstenson to share the flyer with the Council Members to invite their constituents.

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Council President Pritschet thanked City Administrator Torstenson, and the Superintendent and Assistant Superintendent of ISD181 on behalf of the Brainerd Debate Team for judging the competition recently.

Council Member Bevans stated the Charter Commission met recently and there are two topics to bring to the Council. In 2013, there was a referendum that enacted a Primary Election. The Charter Commission would like to address this issue and asked if this is something the City wants to continue or could this be limiting the number of people that would possibly run for office. The other issue is the automatic levies that were enacted by a referendum to submit funds to Brainerd Community Action, The Center and the Northland Arboretum. The arboretum is not located in the City of Brainerd and could this hinder our efforts in receiving state assistance in the future.

Council Member Badeaux announced the second Citizen's Water Tower Committee meeting is scheduled for Wednesday, November 21, 2018 at 6:00 pm at City Hall.

**Closed Session Pursuant to Minnesota Statute 13D.05 Subd. 3(C)(3) to Develop or Consider Offers or Counteroffers for the Purchase or Sale of Temporary Construction Easements at 1001 H Street NE and 824 N Street NE – 8:28 p.m.**

**Motion to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 8:30 p.m.**

**Recess to Budget Workshop on Monday, November 26, 2018 at 6:00 p.m.**

The Chair adjourned the meeting at 9:00 p.m.

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Cassandra Torstenson  
City Administrator