

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: Bevans, Badeaux, Hilgart, Lambert, Stunek, Pritschet 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 BEVANS AND PRITSCHET TO ADOPT THE CONSENT CALENDAR.

A. Approval of the Minutes of the Regular Meeting held on January 7, 2019 and the Special Meeting held on January 15, 2019 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 14 – Renewals

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Adopt Resolution Accepting Donations & Contributions for the 4th Quarter 2018 – Adopted by Resolution 03:19

E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Council 11679, Saint Mathias, 1844 S. Oakridge Ln., Fort Ripley for an Event to be Held on March 24, 2019 at St. Francis of the Lakes Catholic School, Juniper St., Brainerd - Approved

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F. Approval of Bills – Approved

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

Presentations

The Chair welcomed Ms. Holly Holm, executive director of Brainerd Community Action, who thanked the Council for the opportunity to give a recap of the past year activities and events. She stated in 2018 she did a complete assessment of the programs and made improvements and changes along the way to work smarter, not harder. She streamlined many processes and procedures with the fiduciaries to improve communication and transparency. She stated that Community Action does more than organize the 4th of July festivities. They

partner with many non-profits in the area as well as planning other events in the community and are the fiscal agent for several fundraising initiatives including the Save the Water Tower efforts. Community Action has been involved with the program “The Newcomers Club”, sponsored in part by Brainerd Lakes Area Community Foundation and the Initiative Foundation, which aims to retain and keep new residents here in Brainerd. The mission purpose and mission statement of Community Action have been revised and she reviewed the goals of Community Action going forward. She answered questions of the Council and the Chair thanked her for the presentation.

Unfinished Business

Appointment of Council Committees for 2019 and 2020

Council President Johnson appointed the following members to the Personnel and Finance Committee and the Safety and Public Works Committee:

Personnel and Finance Committee

Dave Badeaux, Kevin Stunek and Sue Hilgart as Chair

Safety and Public Works Committee

Jan Lambert, Dave Pritschet and Kelly Bevans as Chair

Appointment of Council Liaisons

Mayor Menk appointed the following Council Liaisons:

Charter Commission: Kelly Bevans – Term Expires 12/31/2022

Economic Development Authority (EDA): Kelly Bevans – Term Expires 12/31/2022

Economic Development Authority (EDA): Gabe Johnson – Term Expires 12/31/2022

Brainerd HRA: Gabe Johnson – Term Expires 12/31/2020

Public Utilities Commission: Ed Menk – Term Expires 12/31/2022

Rental Housing BOA: Dave Badeaux – Term Expires 12/31/2020

Transportation Advisory Committee (TAC): Jan Lambert – Term Expires 12/31/2020

Transportation Advisory Committee (TAC): Sue Hilgart – Term Expires 12/31/2020

Council President Johnson appointed the following Council Liaisons:

Airport Commission: Kevin Stunek – Term Expires 12/31/2019

Planning Commission: Jan Lambert – Term Expires 12/31/2020

Call for Applicants – Informational:

(Application Information at 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) – 1 term (Expire 2022)

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

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

1. *Tenant Representative (1)*
2. *General Public Representative (1)*

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

Planning Commission – 2 terms (Expire 2021)

New Business

Request for Lieutenant Promotion Process - Approved

Police Chief McQuiston indicated the Police & Fire Civil Service Commission met recently and made amendments to the existing Civil Service Rules and Procedures to create the new position of Lieutenant. He stated that the job description was also approved at the Civil Service Committee meeting and should have been included in the packet for approval. The job description will be presented at the February 4th Council meeting. Police Chief McQuiston explained the promotion process and hopes to be able to recommend a candidate for promotion at the March 4th Council meeting.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE AUTHORIZATION FOR THE POLICE AND FIRE CIVIL SERVICE COMMISSION TO ESTABLISH AN ELIGIBILITY LIST FOR THE LIEUTENANT PROMOTION TO START THE PROMOTIONAL TESTING PROCESS WITH THE JOB DESCRIPTION GOING TO COUNCIL ON FEBRUARY 4, 2019.

Police Officer Resignation and Request to Hire Police Officers - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF OFFICER PRINCE, AND AUTHORIZE CONDITIONAL JOB OFFERS TO ISMAIL TOURE AND CHASE REED WITH TENTATIVE STARTING DATES OF FEBRUARY 25 AND MARCH 18 RESPECTIVELY, PENDING SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS.

Improvement 16-09 – Buffalo Hills Lane and Mississippi Drive Reconstruction – Request to Authorize Letter Report - Approved

City Engineer Sandy stated a second public meeting was held recently regarding the Buffalo Hills Lane and Mississippi Drive reconstruction. There were some negative public comments on the proposed assessment methodology. He stated after discussion with the City Attorney, it is recommended to hire a certified appraiser to give guidance regarding special assessment determination by taking into consideration the physical and/or economic characteristics and market information. This report will give a general outline of benefits to the proposed properties to be assessed.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE QUOTE FROM NAGELL APPRAISAL & CONSULTING AT THE COST OF \$2,200 TO BE ALLOCATED FROM THE CONSTRUCTION FUND AND MOVED TO THE PROJECT COST FUND IF THE PROJECT PROCEEDS.

Council member Bevans directed staff to research the alternatives the City has regarding Buffalo Hills Lane if this project does not occur.

Improvement 17-10 – Sanitary Sewer Project – Alley of Oak to Pine from SE 11th Street to SE 19th Street – Authorization to Bid - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE THE SOLICITATION OF BIDS FOR IMPROVEMENT 17-10, SANITARY SEWER RECONSTRUCTION LOCATED IN THE ALLEY BETWEEN OAK AND PINE STREET FROM SE 11TH STREET TO SE 19TH STREET.

SP1806-76 – TH 210 Construction in 2019 - Informational

City Engineer Sandy announced that MnDOT is planning a reconstruction of Trunk Highway 210 from the city limits of Brainerd to Ironton in the summer of 2019. It has been determined there are no conflicts with city utilities.

2019 Workers' Compensation Renewal - Informational

Finance Director Hillman stated the 2019 workers' compensation had been budgeted using an experience modification of 1.10. The actual renewal came in with an experience modification of 1.16, which is approximately a 6% increase in premium than what was budgeted.

First Reading of Proposed Ordinance No. 1491 – An Ordinance to Amend City Code Section 1200 Intoxicating Liquor - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1491 – AN ORDINANCE TO MODIFY SECTION 1200 OF THE CITY CODE TO ALLOW SUNDAY ON-SALE LICENSES FOR BREWERIES AND TAPROOMS.

Planning Commission

First Reading of Proposed Ordinance No. 1490 – An Ordinance to Amend Section 515-57: R-3, High Density Residential District - Approved

Community Development Director Chanski explained the Planning Commission had discussed this topic last summer. They voted unanimously to approve recommending the amendment to Section 515-57 to allow single family dwellings as a permitted use in R-3 (High Density) residential districts.

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1490 – AN ORDINANCE TO AMEND SECTION 515-57 TO ALLOW SINGLE FAMILY DWELLINGS AS PERMITTED USES IN R-3 HIGH DENSITY RESIDENTIAL DISTRICTS.

Variance Request – 214 2nd Ave NE – To Construct a 20' x 24' Garage – Approved as Modified

Community Development Director Chanski stated an application was submitted by Mr. William Cory for a variance to construct a 20' x 24' garage on his property at 214 2nd Ave NE. The request went before the Planning Commission at the January 16th meeting. Mr. Cory is seeking the following variances from Section 515-17 General Building, Use and Design Provisions:

3. A. Building Design Standards

2. a. *Single Family Standards. An attached or detached garage is limited in size to sixteen (16) ft by twenty (20) ft. The proposed size of the garage and storage building is 20'x24'.*

8. B. Residential Accessory Buildings, Structures and Uses

3. a. *Accessory Building Floor Area, Height and Number. The combination of accessory buildings and garages (attached and detached) per lot shall not exceed the following standards:*

<u>Zoning District</u>	<u>Maximum Allowable Floor Area</u>
R-2	10% of lot area

The lot is 3,500 sq. ft., limiting accessory building area to 350 sq. ft. The proposed garage and storage building totals approximately 480 sq. ft., which is approximately 13.7% of the lot area.

3. c. *Height. Detached accessory buildings shall not exceed the height of the principle building or fifteen (15) feet, whichever less. The roof height of the 14.5' dwelling at the midpoint is approximately 12.2' and the roof height of the 20' garage at the midpoint is approximately 13.5'.*

4. b. *Setbacks. Side and rear setbacks shall be as provided for in the respective Zoning District. Accessory Building and Structure side yard set backs are three feet and a 20" side yard setback along the north property line is proposed.*

Community Development Director Chanski indicated the Planning Commission recommended approval of the application with the following conditions and based on the findings of fact:

CONDITIONS

- Garage size must be no larger than 17 ½' deep x 20' wide
- Gutters must be installed on the north side of the garage

FINDINGS OF FACT

- The narrowness of the lot makes conformance with the current code unfeasible
- The small size of the existing house makes conforming to the size requirement of the garage difficult

- Utilities along the south side of the lot make encroachment unfeasible and justifies a northern encroachment
- Proposed structure is consistent in dimension and character to the neighborhood

Community Development Director Chanski stated he received an email from the applicant after the Planning Commission meeting, stating he did not feel the Planning Commission had all the necessary information in order to completely review the request. The applicant requested it be returned to the Planning Commission with a staff report and findings of fact that the previous City Planner would draft prior to a meeting.

Council member Lambert, who is the council liaison, stated there was adequate information provided in order to make the decision. The findings of fact and staff report is not a requirement to decide an outcome of a request – this was just a practice that City Planner Ostgarden would do. She stated all the necessary information was reviewed. Descending members of the Planning Commission were not in favor of the variance request for reasons other than not having enough information to make a decision.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO APPROVE THE VARIANCE WITH THE CONDITIONS BASED ON THE RECOMMENDATIONS OF THE PLANNING COMMISSION.

Public Forum

The Chair opened the Public Forum at 8:13 p.m.

No one came forward.

The Chair closed the Public Forum at 8:13 p.m.

Staff Reports

None

Council Member Reports

Council member Bevans thanked Mr. Mike Higgins of Brainerd Industrial Center for the presentation and staff for the smooth process in the lease agreement.

Mayor Menk announced Dairy Queen is opening in the former KFC building in east Brainerd, and Giovanni's Pizza has reopened under new management.

Motion to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 8:15 p.m.

Adjourn

The Chair adjourned the meeting at 8:34 p.m.

Cassandra Torstenson

City Administrator

January 22, 2019