

Brainerd, MN
April 1, 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: 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 PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. Approval of the Minutes of the Regular Meeting held on March 18, 2019 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – New; 4 – Renewals

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

D. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lumberjacks and Jills Club, 324 Washington St. NE, Brainerd. Bingo Events to be Held at the Brainerd American Legion Post 255, 708 St., Brainerd on April 10, 2019 and November 13, 2019 - Approved

Front

E. Temporary Beer License Application – Submitted by Brainerd Eagles Club #287, 124 Front St., Brainerd for an Event to be Held April 27, 2019 at Memorial Park, 1700 Mill Ave. – Contingent Upon Police Chief Approval - Approved

F. Transit Young Children Rider Policy Revision - 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 Senior Commander Lowell Kruse, who presented Camp Ripley’s 2019 Community Brief. He explained the mission of Camp Ripley is to provide the best possible support, facilities and resources enabling customers to train in a realistic environment, while maintaining positive community relations. He discussed the 2019 training schedule, the

April 1, 2019

economic impact, accomplishments and projects that took place in 2018 and the environmental partnerships. The Council and audience had the opportunity to ask questions and the Chair thanked Senior Commander Kruse for his presentation.

Council Committee Reports

Safety and Public Works Committee Report

Transit Service Window Reduction - Approved

City Engineer Sandy explained the service window timeframe is part of the transit system no-show policy, which states that a bus will arrive zero minutes before to 30 minutes after a scheduled pickup time. The service has been doing very well on the 30 minute service window and staff feels it appropriate to shorten the service window to 20 minutes. This will not affect the service but should improve the efficiency of the program.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO MODIFY THE TRANSIT SERVICE WINDOW FROM 30 MINUTES TO 20 MINUTES.

Resolution – Receiving Feasibility Report and Calling for Public Hearing on Improvement 16-09 and 19-07 – Adopted by Resolution No. 19:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION TO ADOPT A RESOLUTION IN WHICH RECEIVES THE FEASIBILITY REPORT AND SETS THE IMPROVEMENT HEARING FOR 7:30 P.M. ON MAY 6, 2019 DURING THE REGULARLY SCHEDULED COUNCIL MEETING CONSISTENT WITH MINNESOTA STATUTE 429.

RESOLUTION NO. 19:19

Upon roll call, members Bevans, Badeaux, Lambert, Stunek, Pritschet and Johnson voted "aye". Member Hilgart abstained from voting. The Chair declared the motion carried.

Resolution – Consolidating Improvement Projects 16-09 and 19-07 – Adopted by Resolution No. 20:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPROVE STAFF'S RECOMMENDATION AND ADOPT A RESOLUTION IN WHICH CONSOLIDATES IMPROVEMENT 16-09 AND 19-07 INTO ONE IMPROVEMENT FOR THE PURPOSE OF MINNESOTA STATUTE 429 PROCEEDINGS.

RESOLUTION NO. 20:19

Upon roll call, members Bevans, Badeaux, Lambert, Stunek, Pritschet and Johnson voted "aye". Member Hilgart abstained from voting. The Chair declared the motion carried.

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

Fire Department Purchase of New Aerial Apparatus - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO AUTHORIZE FIRE CHIEF HOLMES TO MOVE FORWARD WITH THE PURCHASE OF A NEW AERIAL APPARATUS USING THE SOURCEWELL PURCHASING PROCESS.

Committee Chair Hilgart indicated \$456,000 will be from the Fire Capital Fund and the remaining \$800,000 from a bond that will be issued.

Union Contract Settlements – Approved and Adopted by Resolutions

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE UNITED STEEL WORKERS LOCAL 9230 UNIT 09 (USW – HYDRO) 2019-2021 TENTATIVE AGREEMENT SUMMARY AND AUTHORIZE SIGNATURES OF CITY OFFICIALS AS NEEDED BASED ON THE SUMMARY.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO ADOPT A RESOLUTION TO APPROVE THE 2019-2021 WAGE GRID AS PRESENTED FOR THE UNITED STEEL WORKERS LOCAL 9230 UNIT 09 (USW – HYDRO).

RESOLUTION NO. 21:19

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

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE IUOE LOCAL #49 (STREET) 2019-2020 TENTATIVE AGREEMENT SUMMARY AND AUTHORIZE SIGNATURES OF CITY OFFICIALS AS NEEDED BASED ON THE SUMMARY.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO ADOPT A RESOLUTION TO SET THE HOURLY WAGES FOR IUOE LOCAL #49 (STREET) UNION AND APPROVE THE 2019-2020 EIGHT-STEP WAGE GRID AS PRESENTED.

RESOLUTION NO. 22:19

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

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE IUOE LOCAL #49 (PARKS) 2019-2020 TENTATIVE AGREEMENT SUMMARY AND AUTHORIZE SIGNATURES OF CITY OFFICIALS AS NEEDED BASED ON THE SUMMARY.

April 1, 2019

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO ADOPT A RESOLUTION TO SET THE HOURLY WAGES FOR IUOE LOCAL #49 (PARKS) UNION AND APPROVE THE 2019-2020 EIGHT-STEP WAGE GRID AS PRESENTED.

RESOLUTION NO. 23:19

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

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE IBEW LOCAL #31 (ADMINISTRATIVE SUPPORT) 2019-2021 TENTATIVE AGREEMENT SUMMARY AND AUTHORIZE SIGNATURES OF CITY OFFICIALS AS NEEDED BASED ON THE SUMMARY.

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK TO ADOPT A RESOLUTION TO SET THE HOURLY WAGES FOR IBEW LOCAL #31 (ADMINISTRATIVE SUPPORT) UNION AND APPROVE THE 2019-2020 EIGHT-STEP WAGE GRID AS PRESENTED.

RESOLUTION NO. 24:19

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

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE AN INTERNAL JOB POSTING FOR THE NEW ADMINISTRATIVE SPECIALIST 2 GLOBAL POSITION AND THE NEW ADMINISTRATIVE SPECIALIST 2 PAYROLL/HR POSITION.

Committee Chair Hilgart clarified these are not additional positions. The three staff members in the current positions need to submit new application paperwork for the new job classifications.

City-Wide Cleanup Discussion - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE A \$10 VOUCHER TO CROW WING COUNTY LANDFILL TO BE MAILED IN MAY THAT WOULD EXPIRE JUNE 30, 2019 FOR A CITY-WIDE CLEANUP.

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO UTILITZE FUNDING FROM THE CITY COUNCIL SPECIAL PROJECTS FUND.

Unfinished Business

Final Reading – Proposed Ordinance No. 1492 – An Ordinance Amending City Code Sections 1010, 1015, 425 and 421 – City Administrator Torstenson Recommends to Dispense with the Actual Reading

The Chair opened the Public Hearing at 8:12 p.m.

The Chair recognized Mr. Rob Lewis, 212 S. 9th Street, owner of 9th Street Social Club stated he would like some clarity on the definition of a restaurant versus a bar. He indicated he does not agree that a bar is penalized with an additional \$300 and a restaurant is rewarded with a \$300 price break. He said as a small business owner with a bar only, he does not have the ability to make the additional income that a restaurant could, and it is unfair.

Finance Director Hillman stated the City has twelve on-sale liquor licenses, which all are issued to current businesses. She said there is the potential of six of them re-classifying as a restaurant which would open six additional on-sale licenses as restaurants do not count in the limit of twelve.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO HOLD THE FINAL READING OF ORDINANCE NO. 1492 – AN ORDINANCE AMENDING CITY CODE SECTIONS 1010, 1015, 425 AND 421 AS PRESENTED.

Council Member Bevans indicated that the establishments taking the most financial amount of resources are the bars and not the restaurants. He stated more police resources go toward occurrences at bars.

Council Member Hilgart stated the \$300 was negotiated as a smaller increase, as originally it was going to be \$1,000.

Council Member Badeaux agrees with the \$300 difference and the incentive to allow an on-sale establishment to identify as a restaurant or a bar.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT ORDINANCE NO. 1492 – AN ORDINANCE AMENDING CITY CODE SECTIONS 1010, 1015, 425 AND 421 AS PRESENTED.

ORDINANCE NO. 1492

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

Committee Recommendations – Recommended by Mayor Menk

- Transportation Advisory Committee (TAC) – Robert Owens
- Rental Dwelling Board of Appeals – Erica Bjelland
 - General Public Representative
- Rental Dwelling Board of Appeals – Shannon Fortune
 - Residential Rental Housing Advocate Representative

MOVED AND SECONDED BY ALDERMENT PRITSCHET AND HILGART, DULY CARRIED, TO APPOINT THE COMMITTEE MEMBERS AS PRESENTED.

Call for Applicants – Informational:
(Application Information at www.ci.brainerd.mn.us/boards/)

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 2020)

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

Planning Commission – 2 terms (Expire 2021)

New Business

Public Hearing and Resolution – Request to Vacate a Portion of 16th Street SE from Oak Street to Norwood Street – Adopted by Resolution No. 25:19

City Engineer Sandy explained the school district has been working to obtain all properties along the proposed vacation. The public will benefit from the vacation by incurring less costs as it relates to street maintenance or other future road activities. He indicated the vacation will serve no purpose other than access to the properties owned by ISD#181.

The Chair opened the public hearing at 8:26 p.m.

No one came forward.

The Chair closed the public hearing at 8:26 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET TO ADOPT A RESOLUTION IN WHICH VACATES 16TH STREET SE BETWEEN OAK STREET AND NORWOOD STREET.

RESOLUTION NO. 25:19

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

Public Hearing and Resolution – Request to Vacate a Portion of Pine Street Between South 5th Street and South 6th Street – Adopted by Resolution No. 26:19

City Engineer Sandy explained the school district has been working to obtain all properties along the proposed vacation. The public will benefit from the vacation by incurring less costs as it relates to street maintenance or other future road activities.

The Chair opened the public hearing at 8:28 p.m.

No one came forward.

The Chair closed the public hearing at 8:28 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO ADOPT A RESOLUTION IN WHICH VACATES PINE STREET BETWEEN SOUTH 5TH STREET AND SOUTH 6TH STREET.

RESOLUTION NO. 26:19

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

Public Hearing and Resolution – Request to Vacate the Westerly 2/3 of the East/West Alley Between Oak Street and Norwood Street Between 16th Street SE and 17th Street SE – Adopted by Resolution No. 27:19

City Engineer Sandy explained the school district has been working to obtain all properties along the proposed vacation. The public will benefit from the vacation by incurring less costs as it relates to street maintenance or other future road activities. He indicated the vacation will serve no purpose other than access to school district property, in which the school district is requesting the vacation of the west 2/3 of the alley. He said it would create a dead end and staff is requesting the applicant to incorporate a turn around or drive through for garbage trucks and other maintenance equipment.

The Chair opened the public hearing at 8:30 p.m.

The Chair recognized Mr. Tim Ramerth, from Widseth Smith Nolting (WSN) and representing ISD#181 who stated he has discussed the issue of the dead end with City Engineer Sandy and they are working towards a possible solution. He indicated there are several other alleys in the City that do not have a turn around and to keep that in mind as they try to resolve the issue.

The Chair closed the public hearing at 8:31 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET TO ADOPT A RESOLUTION IN WHICH VACATES THE WESTERLY 2/3 OF THE EAST/WEST ALLEY BETWEEN OAK STREET AND NORWOOD STREET BETWEEN 16TH STREET SE AND 17TH STREET SE.

RESOLUTION NO. 27:19

City Attorney Langel stated the concern with the dead-end should have been resolved prior to the vacation. He said once the resolution is passed, there can be no additional restrictions. He indicated although there are several alleys in the City that are dead-end, we do not want to be creating new dead-end alleys.

Mr. Tim Ramerth replied that the school district will be creating a parking lot and a reasonable solution would be to provide access from the alley to that parking lot. He said another option is to provide a turn around and are more than willing to accommodate the request for a solution. He stated an easement will be created in the process to realign the sanitary sewer and an easement can be included to solve this issue.

Community Development Director Chanski stated the turn around issue could be addressed as part of the Conditional Use Permit (CUP) that will be addressed later in the meeting.

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

April 1, 2019

Planning Commission

Six Month Waiting Period Waiver – 214 2nd Ave NE Variance - Approved

Community Development Director Chanski explained the petitioner was granted a variance in February to construct a 20' x 17 ½' garage. He stated the petitioner has purchased additional property to increase the size of his lot and has requested the Council waive the six-month waiting period in order to secure the purchase of the property. The petitioner will be requesting a new variance for the desired 24' x 20' garage size.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO WAIVE THE SIX-MONTH WAITING PERIOD ON HIS VARIANCE REQUEST APPLICATION AT 214 2ND STREET NE AND ALLOW A VARIANCE RE-APPLICATION FOR CONSIDERATION BY THE PLANNING COMMISSION AT A FUTURE DATE.

First Reading – Proposed Ordinance No. 1493 – An Ordinance to Rezone Property at 940 and 944 – 28th Street SE and Unaddressed Property on 28th Street from R-1 to R-2 - Approved

- 940 and 944 – 28th Street – PIN 09143000005E009
- Unaddressed Property – PIN 09143000005H009

Community Development Director Chanski stated the petitioner has applied for rezoning of his properties at 940 and 944 28th Street and on behalf of the property owner of the unaddressed property in which he is currently purchasing. He indicated the property addressed at 940 and 944 28th Street is a twin home that was built when the area was zoned R-2. He said at some point the zoning was changed to R-1 and the petitioner would like to return it back to the R-2 designation for the purpose of constructing an additional twin home.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1493 – AN ORDINANCE TO REZONE PROPERTIES AT 940 AND 944 28TH STREET AND THE UNADDRESSED PROPERTY FROM AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO AN R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

First Reading – Proposed Ordinance No. 1494 – An Ordinance to Rezone Property at 1601 and 1609 Oak Street and Neighboring Parcels from B-2 to an R-2 - Approved

- 1601 Oak St. – PIN 09181016007B009
 - Neighboring Parcel – PIN 09181016008B009
- 1609 Oak St. – PIN 09181016009Z009
 - Neighboring Parcel – PIN 09181016008A009

Community Development Director Chanski stated this proposed ordinance is related to the ISD#181 school project. He indicated the current zoning of B-2 (Neighborhood Business) District does not allow schools, thus rezoning to an R-2 (Medium Density Residential) District is necessary to proceed with the construction projects as well as becoming homogeneous to the rest of the neighborhood.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1494 – AN

ORDINANCE TO REZONE PROPERTY AT 1601 AND 1609 OAK STREET AND NEIGHBORING PARCELS FROM A B-2 BUSINESS DISTRICT TO AN R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

Conditional Use Permit Request – Laine Larson, Superintendent of ISD#181 on Behalf of Brainerd Public Schools – Approved

Community Development Director Chanski stated the purpose of the conditional use permit is to expand onto the properties that the school is purchasing for the Harrison Elementary project. He said the Planning Commission unanimously agreed to recommend approval with the following conditions: 1) The lighting shall be no greater than 13' in height 2) The applicant shall provide street trees of a species with a straight trunk and an upper canopy to frame the edge of Oak Street between the sidewalk and the curb in which the sidewalk will be moved 5' from the curb to accommodate the installation of trees.

Mr. Tim Ramerth addressed the Council to clarify the concerns regarding the sidewalk. He stated the conditions imposed by the Planning Commissions were implemented in the plans that are out for bids and the trees will be planted in 4'x4' sections similar to the downtown area.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT REQUEST FROM ISD181 WITH THE CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND THE APPLICANT WILL PROVIDE AN EXIT OR TURN AROUND OF SUFFICIENT SIZE APPROVED BY THE CITY ENGINEER OR AN ACCESS/EASEMENT ACROSS THE DISTRICTS' PROPERTY AS APPROVED BY THE CITY ENGINEER.

Public Forum

The Chair opened the Public Forum at 8:49 p.m.

The Chair recognized Ms. Laine Larson, superintendent of ISD181, who presented a Bond Improvements Update as of today. She reviewed the design process of the projects and the progress of Harrison Elementary School and Brainerd High School.

The Chair closed the Public Forum at 9:03 p.m.

Staff Reports

City Engineer Sandy stated he was scheduled to speak in St. Paul to give testimony regarding a bill going through the Senate for motor fuels, motor vehicle registration and motor vehicle sales taxes. He said he was told due to time constraints that he would not be able to speak, so he will be sending a letter of his testimony instead.

Fire Chief Holmes stated they are accepting applications for Paid on Call Firefighters, which are due by noon on April 12, 2019. He said there will be an informational session taking place on April 9th at 6:30 p.m. at the fire station if anyone is interested.

City Administrator Torstenson explained training dates have been scheduled for the upcoming Performance Management Training that is mandatory for all employees. She stated there will be an EDA meeting on Thursday, April 4th at 7:30 a.m. and the topic of discussion will be the legal responsibilities of the EDA. She indicated the 2nd Annual Farmers Market will start

April 1, 2019

June 11, 2019 and we are currently accepting vendor applications. Lastly, the City is working with BLAEDC regarding the Opportunity Zones located in the City by creating a website to attract financial investors interested in the area.

Council Member Reports

Mayor Menk reminded everyone to be safe on the water as the ice is now melting and is becoming thin in many areas.

Mayor Menk and Council Member Lambert will be partnering in the B.U.G. (Bringing Up Grades) program for 4th graders with the Kiwanis Club this year.

Council Member Lambert attended the Remembering the Veterans presentation on March 22nd at the VFW.

Closed Session Pursuant Minnesota Statute 13D.05 Subd. 3(C)(3) to Develop or Consider Offers or Counteroffers for the Purchase or Sale of Property at 1006 Washington Street

Motion to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 9:00 p.m.

The Chair reconvened into open session 9:15 p.m.

Adjourn

The Chair adjourned the meeting at 9:15 p.m.

Cassandra Torstenson
City Administrator