

**Brainerd, MN
July 1, 2019**

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:32 P.M. by Council President Johnson.

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

Council President Johnson opened the meeting with the Pledge of Allegiance to the Flag and a moment of silence to honor the victims and families of the North Memorial helicopter tragedy that took place on Friday, June 28, 2019.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO AMEND THE AGENDA BY MOVING THE COMMUNITY MEMBER OF THE MONTH DIRECTLY AFTER THE CONSENT CALENDAR.

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

A. Approval of the Minutes of the Regular Meeting held on June 17, 2019 - Approved

B. Approval of Licenses – Approved

Contractor Licenses – 1 – New; 3 – Renewals

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

D. Memorandum of Understanding (MOU) for Brainerd Public Utilities (BPU) IT Data Analyst Position – Approve and Authorize City Signatures - Approved

E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by The Brainerd Fire Department Relief Association for an Event to be Held December 2, 2019 at the Brainerd Fire Department, 23 Laurel Street, Brainerd - Approved

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

Community Member of the Month

Mayor Menk presented Mr. David Meyer with the Community Member of the Month award for the month of July. Mayor Menk stated David is an active member of the Brainerd VFW Post #1647, DAV Post #122, American Legion Post #255 and has been an advocate for the veterans and their families for many years. Mayor Menk went through the numerous volunteering functions and events that David takes part of. Mayor Menk thanked David for his hard work and dedication to the community.

July 1, 2019

Council Committee Reports

Safety and Public Works Committee Report

912 S 6th Street Petition for Improvement and Assessment - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE ASSESSMENT REQUEST BY THE PETITIONER FOR SEWER REPLACEMENT CHARGES TO BE ASSESSED TO THE PROPERTY AT 912 S 6TH STREET.

Acquisition of Tax Forfeited Alley - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO DIRECT STAFF TO PURSUE THE ACQUISITION OF THE TAX FORFEITED ALLEY PARCEL NO 41251072 AT NO COST TO THE CITY FOR USE AS A PUBLIC ALLEY.

Committee Chair Bevans indicated the photo provided is not an accurate photo of the parcel in question and staff will clarify the actual parcel size and location with Crow Wing County. He stated the City has been maintaining this alley that serves five properties.

Event/Street Closure Application – Arlington Avenue Block Party - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR 11303 ARLINGTON AVENUE UNDER THE CONDITION THAT THE APPLICANT SUBMIT REQUIRED INSURANCE FOR THE BOUNCE HOUSE WITHIN THE PUBLIC RIGHT-OF-WAY AND THAT TRAFFIC CONTROL REQUESTS BE MADE ONE WEEK PRIOR TO THE EVENT.

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

River to Rail Economic Incentive Policy - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO ADOPT THE POLICY WITH CLERICAL REVISIONS AS FOLLOWS 1) NATIONAL JOINT POWERS ALLIANCE (NJPA) CORRECTED TO SOURCEWELL 2) BRAINERD LAKES AREA ECONOMIC DEVELOPMENT (BLAEDC) COMMISSION CORRECTED TO BRAINERD LAKES AREA ECONOMIC DEVELOPMENT (BLAEDC) CORPORATION.

Committee Chair Hilgart stated the policy indicates City building permit and inspection fees for construction projects less than \$150,000 will be waived, but not the State of Minnesota

surcharge. She clarified that permit and inspection fees are one fee, not two separate fees. It is also stated in the policy the City will waive the SAC and WAC fees within the River to Rail corridor.

Police Request to Use Drug Forfeiture Funds for Pistol Transition - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO AUTHORIZE THE POLICE DEPARTMENT TO UTILIZE APPROXIMATELY \$8,500 OF DRUG FORFEITURE FUNDS TO COMPLETE A DEPARTMENTAL PISTOL UPGRADE.

Performance Culture Calibration

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO UTILIZE THE JULY 22ND COUNCIL WORK SESSION FOR A MORE IN-DEPTH OPPORTUNITY TO DISCUSS THE PROPOSED PROCESS.

Committee Chair Hilgart stated there are many questions regarding the process that need to be answered prior to proceeding.

City Administrator Torstenson explained the refresh session is a 90-minute session for those that were unable to attend the training in April, which will also be recorded for future reference. She stated the calibration prep training was to talk about what calibration is and how will it work in our City. She indicated the Talent Calibration sessions would be for supervisors and department heads to understand how to do performance reviews to be fair and equitable.

Council discussion took place.

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

League of Minnesota Cities (LMC) Membership Dues for Fiscal Year 2020 - Informational

Committee Chair Hilgart indicated the League of Minnesota Cities (LMC) sent a notice of a scheduled 3% increase for the membership dues for fiscal year 2020 that runs from September 1, 2019 through August 31, 2020.

Leased Parking Lot Rates - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO ADJUST PARKING LOT LEASE RATES TO THE PROPOSED RATES SHOWN BELOW EFFECTIVE OCTOBER 1, 2019 AND TO REVIEW THE RATES DURING THE ANNUAL BUDGET.

<u>PARKING LOT</u>	<u>CURRENT RATE</u>	<u>NEW RATE</u>
ALLEY	\$25 PER MONTH	\$35 PER MONTH
BURLINGTON NORTHERN SPACES 24-39	\$15 PER MONTH	\$25 PER MONTH
BURLINGTON NORTHERN SPACES 40-66 AND 83-98	\$10 PER MONTH	\$20 PER MONTH
CITY HALL	\$25 PER MONTH	\$35 PER MONTH
MAPLE	\$20 PER MONTH	\$15 PER MONTH

Committee Chair Hilgart explained significant increases would be necessary to cover the actual expenses for these lots but it was decided to adjust the rates as needed over time.

Mayor Menk indicated he was not in favor of the proposal, comparing the lots to those at city parks, which are also costly to maintain but don't garner revenue from users. He also stated previous councils allocated parking lot funds to other projects in the City.

Council Member Johnson stated people do not go to parks just to use the parking lots; they go to use the facilities, and this is not an accurate comparison.

Council Member Badeaux noted the City is obviously overcharging for the Maple Street lot and undercharging for the others based on occupancy percentages and needs to get to a point that is fair to the citizens and to the people downtown.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, THAT PARKING LOT FUNDS WILL BE USED FOR LEASED PARKING IN THE BURLINGTON NORTHERN, ALLEY, CITY HALL AND MAPLE PARKING LOTS FOR PARKING LOT IMPROVEMENTS.

Committee Chair Hilgart stated a notice of the rate adjustments effective October 1, 2019 will be sent with the third quarter invoice going out next week.

Unfinished Business

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 2021) – 1 term (Expire 2022)

Transportation Advisory Committee – 1 term (Expire 2020)

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

Economic Development Authority (EDA) – 1 term (Expire 2020) – 1 term (Expire 2021)

New Business

On-Sale / Sunday Micro Distillery Cocktail Room and Off-Sale Distilled Spirits License – Submitted by Brainerd Distilling Company dba 5Rocks Distilling Company, 25 Washington Street NE, Brainerd - Contingent Upon Police and Fire Department Approval - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BADEAUX, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR THE ON-SALE / SUNDAY MICRODISTILLERY COCKTAIL ROOM AND OFF-SALE DISTILLED SPIRITS LICENSES SUBMITTED BY BRAINERD DISTILLING COMPANY DBA 5ROCKS DISTILLING COMPANY, 25 WASHINGTON STREET NE CONTINGENT UPON POLICE AND FIRE DEPARTMENT APPROVAL.

July 1, 2019

Planning Commission

Conditional Use Permit Application – Submitted by Scott and Denise Blood, 1002 Laurel St., Brainerd – To Operate a Daycare – Approved

Community Development Director Chanski explained the details of the application, which was recommended for approval by the Planning Commission. He stated the next agenda item is for a variance to provide off-street parking for the daycare facility. He indicated the majority of the parking area is located on the adjoining property, which the applicant does not own. The Planning Commission determined the request for the variance should be denied as the basis for the application was for financial reasons.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR 1002 LAUREL STREET UNDER THE CONDITION THAT AN OFF-STREET PARKING AGREEMENT IS PROVIDED BETWEEN THE APPLICANT AND THE PROPERTY OWNER OF THE PARKING LOT.

Council discussion took place.

Variance to Allow Parking on an Unimproved Surface – 1002 Laurel St. - Denied

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO DENY THE VARIANCE DUE TO THE FACT THAT THE APPLICANT DOES NOT OWN THE PROPERTY.

Rezoning Application - Proposed Ordinance No. 1497 – An Ordinance to Rezone 215 N. 3rd St., Brainerd – From a B-1 (Residential Office) District to an R-2 (Medium Density Residential) District - Approved

Community Development Director Chanski explained the details of the application, which was recommended for approval by a majority vote of the Planning Commission. He indicated the property owner would like to be able to rent out an upper level of the home, as well as use it for her main residence and home office. He said she would also like to construct a garage on the property of a larger size than what is allowed in a B-1 district.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1497 – AN ORDINANCE TO REZONE 215 N 3RD STREET, BRAINERD FROM A B-1 (RESIDENTIAL OFFICE) DISTRICT TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF ORDINANCE NO. 1497 - AN ORDINANCE TO REZONE 215 N 3RD STREET, BRAINERD FROM A B-1 (RESIDENTIAL OFFICE) DISTRICT TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT.

Final Reading – Proposed Ordinance No. 1495 – An Ordinance to Rezone Property at 50 Jenny Street from an R-1A (Single-Family Residential) to an I-1 (Light Industrial) - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1495 – AN ORDINANCE TO REZONE PROPERTY AT 50 JENNY STREET FROM AN R-1A (SINGLE-FAMILY RESIDENTIAL) TO AN I-1 (LIGHT INDUSTRIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET TO ADOPT ORDINANCE NO. 1495 – AN ORDINANCE TO REZONE PROPERTY AT 50 JENNY STREET FROM AN R-1A (SINGLE-FAMILY RESIDENTIAL) TO AN I-1 (LIGHT INDUSTRIAL) DISTRICT.

ORDINANCE NO. 1495

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

Zoning Code Review Update - Informational

Community Development Director Chanski stated the Planning Commission is working on revising and simplifying the zoning code. He indicated a subcommittee of Planning Commission members was created and they reviewed the “B” zones and provided an example of the results. He said the Commission is looking for feedback from Council on the progress thus far and direction to proceed.

Council approves the format that is being planned and directed staff to proceed.

Public Forum

The Chair opened the Public Forum at 8:41 p.m.

No one came forward.

The Chair closed the Public Forum at 8:41 p.m.

Staff Reports

City Engineer Sandy stated the City received \$20,000 from the Mississippi Headwaters Board and \$10,000 from the Technical Service Area Aid which is part of the Soil and Water Conservation District for the Stormwater Retrofit Analysis. He said the remainder will be budgeted from the storm sewer fund for 2020, which is anticipated to be between \$0 - \$20,000.

Community Development Director Chanski congratulated Mr. David Meyer for being the first Community Member of the Month and reminded the community that nominations are continually open on the City website or stop into City Hall and we can offer a paper copy. He said Mayor Menk will be making another nomination at the July 15th Council meeting.

City Administrator Torstenson attended the League of Minnesota Cities annual conference in Duluth and encourages Council members to attend next year. She stated there were many topics that would be a benefit for everyone to attend. She also indicated Brainerd was presented with the Minnesota Green Steps City Level 2 Award for continuing participation in the Green Steps program. She said Community Development Director Chanski will be working to move the City to a level 3 or 4 in the next year.

Council Member Reports

Council Member Badeaux stated the June 30th Arts in the Park in Gregory Park had a fabulous turnout and thanked Community Action for the great work. He said there was a booth setup by the water tower committee for donations towards saving the tower, which was a trial run prior to the Crow Wing County fair.

Council Member Stunek stated he believes there was a higher attendance at Arts in the Park this year from past years.

Council Member Hilgart said Operation Sandwich are in constant need of volunteers or lunch supplies for the children this summer and any donations are appreciated.

Council Member Johnson stated progress is well underway on the Harrison School project.

Mayor Menk attended the ribbon cutting at the Brainerd Lakes Regional Airport on June 29th, which was well received, but with a sadness due to the helicopter tragedy the day before. He said a 1930's airplane kit was discovered in a machine shed by Avon, MN and funds are being raised to get this assembled and brought to Brainerd to be displayed in our airport.

Mayor Menk announced the Knotty Pine Bakery is progressing on their business downtown, and Pueringer Investments has completed the apartments. He stated the Riverfront Committee had a booth at Arts in the Park and that educated people on the project.

Council Member Bevans agreed this years Arts in the Park was fabulous.

Council Member Pritschet stated he recently traveled to Dallas with two members of the high school debate team for the nationals.

Adjourn

The Chair adjourned the meeting at 8:50 p.m.

Cassandra Torstenson
City Administrator