Brainerd, MN
March 3, 2014

7:15 P.M. – Showcasing Brainerd: Franklin Art Center – Amy Gray

The Chair welcomed Ms. Amy Gray, who thanked the Council for the opportunity to appear and discussed the premise behind the Franklin Art Center and ArtSpace, that being the creation of a place for artists to live at a reasonable rental rate in order to allow them to continue working as artists. She stated that all types of artists fill the units in the building including her and that commercial art, dance studios, RedHouse Media and the Crossing Arts Alliance take up the rest of the building which is also used by The Journey North Church for church services and by ISD 181 for activities and various programs. For questions she suggested the public visit the Franklin Art Center Facebook Page or call 454-0824. She answered questions of the Council and the Chair thanked her for her presentation.

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 Parks.

Upon roll call, the following members were noted present: Bevans, Scheeler, Koep, Pritschet and Parks. Member Borkenhagen was noted as absent. Mayor Wallin was also noted as present.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER TO ADOPT THE CONSENT CALENDAR AS PRESENTED.

A. Approval of the Minutes of the Regular Meeting held on February 18, 2014 and the Special Meeting held on February 24, 2014, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 2 – New

2. Contractor's Licenses – 5 – Renewals

C. Department Activity Reports – Approved

1. Council President
2. Mayor
3. Fire Chief
3. Park Director

D. Brainerd Lakes Marketplace – To be held March 28-29, 2014 at Brainerd Area Civic Center – Contingent on Fire Chief Authorization – Informational

E. Resolution No. 20:14 Adopted – Authorizing Minnesota Lawful Gambling Application to Conduct Off-Site Gambling – Submitted by Brainerd Elks

Lodge for Lawful Gambling to take place at the Brainerd National Guard Armory, 1115 Wright Street, Brainerd

F. Call for Applicants:

Cable TV Advisory Committee – 2 Terms to Expire on 12/31/2016
Library Board – 2 Terms to Expire on 12/31/2019
Transportation Advisory Committee – 3 Terms to Expire on 12/31/2015

Upon roll call, members Bevans, Scheeler, Koep, Pritschet and Parks voted "aye." No member voted "nay." The Chair declared the motion carried.

Approval of Bills – Recommended by the Personnel and Finance Committee

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

Upon roll call, members Bevans, Scheeler, Koep, Pritschet and Parks voted "aye." No member voted "nay." The Chair declared the motion carried.

Announcement of Bonnie Cumberland Miracle Field – Informational

City Administrator Wussow reported that at their meeting last week, the Park Board unanimously approved naming the Miracle League field "Bonnie Cumberland Memorial Field" and working with Landscape Structures to design and place a sign in her honor.

Presentation – Miss Minnesota United States Pageant – Miss Teen Minnesota United States, Rebecca Schreurs and Miss Jr Teen Minnesota United States, Hannah Northburg

The Chair welcomed Mr. Bill Musel, citizen of the year and co-director of the Miss United States Pageant and co-director of the Miss United States "State" Pageant, who discussed the program and successes gained in the last year. He thanked Brainerd Lyons member Mr. Joe Johnson who was in the audience; the Brainerd Lyons provide scholarships for the girls in the program. In closing, he introduced his wife, Vicki Musel, who agreed with her husband that the girls representing Brainerd at the State pageant last week made them very proud. She stated that Miss Northburg was not present this evening and introduced Miss Teen Minnesota United States, Rebecca Schreurs.

The Chair recognized Miss Rebecca Schreurs, who discussed how her participation in the pageant and all of its events over the last 8 months has changed her life. She stated that her platform is "teen drinking" and discussed her goals for working on this subject as well as working toward Miss Teen United States.

The Chair thanked them for the presentation.

Personnel and Finance Committee

Council Committee Reports

Administration Department – Accounts Payable/Administrative Specialist – Authorize Conditional Job Offer to Darla Johnson Subject to Successful Completion of Pre-Employment Background, Drug and Credit Check with Starting Salary of $19.04 per hour (Step A of the Salary Administration Plan – 85% of top rate) and Tentative Start Date of March 24, 2014 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE A CONDITIONAL JOB OFFER TO MS. DARLA JOHNSON FOR THE ACCOUNTS PAYABLE/ADMINISTRATIVE SPECIALIST POSITION WITH A STARTING SALARY OF $19.04 PER HOUR OR 85% OF THE TOP RATE FOR THE POSITION (STEP A OF SALARY ADMINISTRATION PLAN) AND A TENTATIVE START DATE OF MARCH 24, 2014 – OFFER SUBJECT TO SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT BACKGROUND, DRUG, & CREDIT CHECK.

Parks Department – Request to Purchase Mower with Equipment Certificates – Final Cost $15,342 – Approved

MOVED AND SECONDED BY ALDERMEN BY BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE REQUEST FROM THE PARKS DEPARTMENT TO PURCHASE A MOWER FROM MTI OF MAPLE GROVE, MN, FOR A TOTAL COST OF $15,342 TO BE PAID FOR WITH EQUIPMENT CERTIFICATES.

Fire Department – Request to Retain FEO Cory Zeien until Worker's Compensation Leave Status of FEO Charlie Dunemann is Determined – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE REQUEST TO RETAIN FEO CORY ZEIEN UNTIL THE STATUS OF FEO CHARLIE DUNEMANN'S WORKER'S COMPENSATION LEAVE IS DETERMINED.

Safety and Public Works

Downtown Landscape Request – Mr. Ed Menk, NW Corner of Laurel Street and South 7th Street – Approved

A request was received from Mr. Ed Menk to install and maintain landscaping material in front of his jewelry business at 623 Laurel Street. This same arrangement was previously approved for Ms. Lori Brown for her coffee business at 601 Laurel Street.

It was noted that Mr. Menk and Ms. Lori Brown will continue to pay the fee for general maintenance of downtown landscaping.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE REQUEST FROM MR. ED MENK TO INSTALL AND MAINTAIN LANDSCAPE MATERIAL IN FRONT OF HIS BUSINESS ON THE NORTHWEST CORNER OF LAUREL STREET AND SOUTH 7TH STREET, AND TO ALLOW MS. LORI BROWN TO

CONTINUE LANDSCAPE MAINTENANCE AT HER BUSINESS ON THE NE CORNER OF LAUREL STREET AND SOUTH 6TH STREET.

Resolution No. 21:14 Adopted – Receiving Report and Calling Public Hearing to be held on April 7, 2014 at 7:30 P.M. for Improvement 13-06 – 28th Street Construction

The feasibility report for Improvement 13-06, 28th Street Construction, was included in the Packet. Committee Chair Scheeler stated that a change was distributed prior to the meeting which amends the assessed amount to property owners from $147,000 to $161,918; however, the amount to be charged to Oak Lawn Township remains at $47,750.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 21:14 – RECEIVING REPORT AND CALLING FOR A PUBLIC HEARING TO BE HELD ON APRIL 7, 2014 AT 7:30 P.M. FOR IMPROVEMENT NO. 13-06 – 28TH STREET CONSTRUCTION.

RESOLUTION NO. 21:14

Upon roll call, members Bevans, Scheeler, Koep, Pritschet and Parks voted "aye." No member voted "nay." The Chair declared the motion carried and the resolution adopted.

Special Committee Meeting – To be held on Tuesday, March 11, 2014 at 5:00 P.M. – Informational

Frozen Sewer Services – Authorize Reimbursement of Thawing Costs from City Insurance Fund when caused by the City's Sewer System Freezing – Approved

City Engineer Hulsether stated that some of the shallow sewer areas throughout the City have caused sewer services to be blocked or fail because of the cold temperatures. He stated that staff recommends that the property owners whose sewer services freeze up should contact a plumbing service to thaw their services from the outside and submit their bills to the City to be reimbursed from the Insurance Fund.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO FOLLOW STAFF'S RECOMMENDATION AND AUTHORIZE BRAINERD RESIDENT REIMBURSEMENT OF THAWING COSTS FROM THE CITY INSURANCE FUND WHEN CAUSED BY THE CITY'S SEWER SYSTEM FREEZING.

Unfinished Business

At-Large Council Seat Replacement Process – 4-Vote Majority Wins and 3-Tie Limit with Mayor being Tie-Breaker – Approved

The Council discussed various methods of determining the at-large Council seat replacement, specifically the voting process, to be followed at the Special Meeting on March 10, 2014 at 6:00 P.M.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET, DULY CARRIED, TO DETERMINE THE COUNCIL ELECT FOR AT-LARGE POSITION WITH A 4

VOTE MAJORITY WINS AND TO SET THE TIE VOTE LIMIT TO A 3-TIE LIMIT WITH MAYOR BREAKING THE TIE.

City Administrator Wussow reported that Alderman Pritschet will be out of town on the date of the meeting so there will be a Skype connection set up to allow him to participate.

New Business

Authorization of DNR Conservation Partners Legacy Grant Application Submittal – Rotary Riverside Park Site Restoration – Approved

City Planner Ostgarden addressed the Council, reporting that he has been meeting with the Noon Rotary members about restoring a portion of Rotary Riverside Park with native vegetation. He stated that a DNR grant from the Conservation Partners Legacy program is a funding opportunity for the project with a required 10% match which the Noon Rotary has indicated it's willing to cover. An aerial depicting the proposed restoration was included in the Packet.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AUTHORIZE THE SUBMITTAL OF AN APPLICATION FOR A GRANT FROM THE DNR CONSERVATION PARTNERS LEGACY PROGRAM FOR THE RESTORATION OF RIVERSIDE PARK.

Authorize Appointment of Citizen Representatives on the Mississippi River Partnership Project Steering Committee – Approved

City Administrator Wussow stated that there were two applicants whose background checks had not been completed yet but that staff recommends the appointment of the first 6 candidates listed in the Packet attachment at this point.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE APPOINTMENT OF THE FOLLOWING APPLICANTS TO THE MISSISSIPPI RIVER PROJECT STEERING COMMITTEE EFFECTIVE 3/4/2014:

1. Jeff Behr
2. Howard Brewer
3. Marcia Ferris
4. Donald Gorman
5. Daniel Hegstad
6. Eric Roberts

Planning Commission

Zoning Ordinance Text Amendment – Approve 1st Reading of Ordinance No. 1411 – An Ordinance Amending Brainerd Zoning Ordinance Sections 515-70-4, 515-71-4, 515-72-4, Regarding Interim Uses – Decommissioning – Approved

The Chair recognized City Planner Ostgarden, who explained the key points relating to establishing a procedure for the decommissioning process for demolition, specifically demolitions of significant size, within the City of Brainerd, referring to section 10 of the City of

Brainerd Zoning Ordinance which he had supplied to them prior to the meeting. He referred to 6-Month Moratorium set on 12/2/13 on the Issuance of Building Permits that would "Provide for the Demolition/Decommissioning of Buildings used for Industrial Purposes within Industrial Zones" and discussed interim uses. He referred the Council to the attached proposed ordinance, stating that a public hearing and final reading would normally be held on March 17, 2014 if the first reading is held tonight; however, Wausau, the current property owner, has requested an expedited review process, which is why the next item on the agenda, "Decommissioning Approval Process," must also be addressed.

Discussion was held on the timing concerns related to this ordinance adoption and how it will affect the ability for the zoning ordinance to be amended and eventually for the application for decommissioning to be available.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING of ORDINANCE NO. 1411 – AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-70-4, 515-71-4, 515-72-4, REGARDING INTERIM USES – DECOMMISSIONING.

Decommissioning Approval Process – Special Meeting to be held on Thursday, March 13, 2014 to Consider Wausau's Request for Expedited Review and Adoption of Proposed Ordinance No. 1411

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO HOLD A SPECIAL MEETING AT 6:00 P.M. ON THURSDAY, MARCH 13, 2014 IN THE CITY HALL COUNCIL CHAMBERS FOR THE PURPOSE OF CONSIDERING EXPEDITED REVIEW AND APPROVAL OF PROPOSED ORDINANCE NO. 1411 – AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-70-4, 515-71-4, 515-72-4, REGARDING INTERIM USES – DECOMMISSIONING.

Public Forum

The Chair recognized Mr. Jeff Czeczok, who voiced his concern that open meeting law had been violated in the process of adjourning tonight's meeting to a closed session. Discussion was held.

Reports

Mayor's Report

Mayor Wallin stated that the roads are very slick and the public should drive safely. He also read a proclamation for a "Day of Reconciliation" which will take place over Brainerd's History week scheduled for the week of June 16^{th} this summer.

City Attorney's Report

City Attorney Quiring stated that he had nothing to report.

City Administrator

City Administrator Wussow stated that he had nothing to report.

City Engineer's Report

City Engineer Hulsether stated that street crews are working on getting the snow cleared off the streets and that the warmer temperatures expected next week will help.

City Planner's Report

City Planner Ostgarden reported that the GreenStep City Committee's first meeting was held last week to outline steps to take to meet the "best practice" list requirements. He stated that there will be a public hearing at the Planning Commission meeting to be held on March 12, 2014, to discuss changes to Northtown West subdivision. He also discussed an article about rental unit limits being approved in Winona, MN.

Fire Chief's Report

Fire Chief Stunek reported that 12 firefighters passed the "Officer One" training for firefighting skills and that 6 new firefighters have also completed testing and training recently. He also thanked the firefighters for their great work recently in battling fires during the extremely cold temperatures.

Adjourn:

Please Note: The statute listed below was corrected at the meeting and is therefore different than the statute listed on the agenda

To Closed Session pursuant to M.S. 13D.05, subd. 3(b). to discuss Hydrodam Due Diligence Review – 9:11 P.M.

The Council adjourned into closed session at 9:11 P.M. The Council reconvened into open session at 10:32 P.M.

No Action was taken.

Adjourn:

- **To a Council Special Meeting to be held on Monday, March 10, 2014 at 6:00 P.M. in the City Hall Council Chambers to Determine At-Large Council Seat Replacement**

- **To a Safety and Public Works Committee Meeting to be held on Tuesday, March 11, 2014 at 4:00 P.M. in the City Hall Council Chambers**

- **To a Council Special Meeting to be held on Thursday, March 13, 2014 at 6:00 P.M. in the City Hall Council Chambers to Discuss the Expedited Review and Adoption of Proposed Ordinance No. 1411 – An Ordinance Amending Brainerd Zoning Ordinance Sections 515-70-4, 515-71-4, 515-72-4, Regarding Interim Uses – Decommissioning**

The Chair adjourned the meeting at 10:33 P.M.

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Patrick Wussow, City Administrator