

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 as Chair.

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

The Chair opened the meeting with the Pledge of Allegiance to the Flag.

Council Member Bevans stated that item G on the Consent Calendar (Finance Director Hillman Completion of Step "C") should read "\$7,211.46 per month" as established in Resolution No. 04:14.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND MATTEN TO ADOPT THE CONSENT CALENDAR AS CORRECTED.

- A. Approval of the Minutes of the Regular Meeting held on April 7, 2014, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses - 3 - Renewals
- C. Department Activity Reports – Approved**
 - 1. Mayor
 - 2. Police Chief
 - 3. Finance Director
 - 4. Airport Manager
- D. American Legion Auxiliary – Request to Promote "Poppy Day" in the City of Brainerd on Friday, May 9, 2014 – Approved**
- E. Application for Temporary On Sale 3.2% Malt Beverage (Beer) – Submitted by Brainerd Jaycees for an Event to be held on May 3, 2014 at the Brainerd Civic Center – Approved**
- F. Street Department – Maintenance I Employee Tim Holtz – Completion of 6-Month Probationary Period – Change Status from "probationary" to "regular" and adjust pay rate to \$21.13 per hour effective April 7, 2014 – Pursuant to Article XI, Section 6, of the I.O.U.E. Local 49 Street Department Union Contract – Approved**

G. Administration Department – Finance Director Connie Hillman – Successful Completion of Step “C” of Salary Administration Plan – Advance to Step “D” (100%) – \$7,211.46 per Month – Effective April 1, 2014 – Approved

H. Call for Applicants:

Cable TV Advisory Committee – 1 Term to Expire on 12/31/2016

Transportation Advisory Committee – 1 Term to Expire on 12/31/2015

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

Approval of Bills and Transfer of Funds – Recommended by the Personnel and Finance Committee

From General Fund to Public Safety Fund	\$0
From General Fund to Park Fund	\$19,040
From General Fund to Street & Sewer Fund	\$50,000
From General Fund to Airport Fund	<u>\$12,960</u>
Total Transfers from #101	\$82,000

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

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

Council Committee Reports

Safety and Public Works Committee

122 1st Avenue NE – Accept Low Bid from DeChantal Excavating of \$1,515 for Demolition and Cleanup on the Property and Assess Property Owner over a 7-Year Period to Cover the Cost – Approved

Per a memo from City Engineer Hulsether which was included in the Packet, after an agreement had already been made with the property owner at 122 1st Avenue NE to demo the house structure on the parcel, the Fire Department reached an agreement to first burn the structure as a training fire which changed the scope of demolition and cleanup. After the fire was complete an RFP was sent out for the cleanup and the low bid came in from DeChantal Excavating, which staff recommends accepting.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ACCEPT THE LOW BID FROM DECHANTAL EXCAVATING OF \$1,515 FOR DEMOLITION AND CLEANUP COSTS AT 122 1ST AVENUE NE AND TO ACCESS THE PROPERTY OWNER OVER A 7-YEAR PERIOD TO COVER THE COST.

Soap Box Derby Request – Authorize Closure of 15th Avenue NE from 10:00 A.M. to 1:00 P.M. on July 26th, August 23rd and September 27th of 2014 to Conduct Soap Box Derby Races – Approved

A request was received from the Parks Department to close 15th Avenue NE on 3 Saturdays throughout the summer to conduct Soap Box Derby races.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE CLOSURE OF 15TH AVE NE BETWEEN “L” STREET AND “J” STREET ON JULY 26TH, AUGUST 23RD AND SEPTEMBER 27TH OF 2014 FROM 10:00 A.M. TO 1:00 P.M. TO CONDUCT SOAP BOX DERBY RACES.

2014 Micro Surfacing Project – Approve Project and Authorize Advertisement for Bids; Call Meeting to Inform Public and Area Residents of Night-time Work Completion – Approved

City Engineer Hulsether discussed the process of “micro surfacing” to address a problem on South 6th Street and SE 19th Street with rutting while also informing the Council that staff is recommending the work be done at night to provide a much quicker finishing time and therefore less cost. He stated that area residents will be notified of the procedure so they can plan accordingly.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE 2014 MICRO-SURFACING PROJECT ON OAK STREET AND SOUTH 4TH STREET AND AUTHORIZE ADVERTISEMENT FOR BIDS; FURTHER, TO SCHEDULE AN INFORMATIVE MEETING FOR THE PUBLIC AND RESIDENTS AFFECTED TO NOTIFY THEM OF THE WORK BEING DONE IN THE EVENING HOURS RATHER THAN DAYTIME HOURS.

Water Tower Repair Grant Options – Authorize Submittal of Grant Application to Minnesota State Historic Preservation Office (SHPO) – Approved

Per a memo from City Planner Ostgarden which was included in the Packet, he seeks direction from the Council regarding their interest in providing a local match for a Minnesota State Historic Preservation Office (SHPO) grant that can fund architectural services for needed historic water tower repairs.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AUTHORIZE SUBMITTAL OF AN APPLICATION FOR A MINNESOTA STATE HISTORIC PRESERVATION OFFICE (SHPO) GRANT TO FUND ARCHITECTURAL SERVICES FOR NECESSARY HISTORIC WATER TOWER REPAIRS.

Braun Intertec Proposals – Accept Proposal as Presented with Contingency that 28th Street Services will only be Utilized if the Project Moves Forward this Year – Approved

Per a memo from City Engineer Hulsether which was included in the Packet, 2 proposals for 2014 Project Material Sampling and Testing were included in the attachment because the Safe Routes to School project which is federally funded needs to follow MNDOT's schedule of material control.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO ACCEPT THE PROPOSAL FROM BRAUN INTERTEC FOR 2014 PROJECT MATERIAL SAMPLING AND TESTING IN THE AMOUNT OF \$30,617 AS FOLLOWS WITH THE CONTINGENCY THAT 28TH STREET SERVICES WILL ONLY BE UTILIZED IF THE PROJECT MOVES FORWARD THIS YEAR:

Safe Routes to School (SRTS):	\$11,536
IMP 13017, 13-18, & 14-02:	\$ 5,619
IMP 13-19 (Streets Only):	\$ 7,258
IMP 13-06 (28 th Street):	\$ 6,204

Buffalo Hills Lane – Held Over

Engineering/Street Department Intern Update – Informational

City Engineer Hulsether stated that there had been less applicants this year for the intern positions and that interviews are being done in the next week or so.

Resolution No. 28:14 Adopted – Accepting Plans and Ordering Advertisement of Bids for Improvement 13-19, Garfield School Area Street Reconstruction

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO ADOPT RESOLUTION NO. 28:14 – ACCEPTING THE PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT OF BIDS FOR IMPROVEMENT 13-19 – GARFIELD AREA SCHOOL STREET RECONSTRUCTION AS FOLLOWS:

Street Reconstruction

10th Avenue NE between J Street NE and L Street NE

11th Avenue NE between J Street NE and L Street NE

J Street NE between 10th Avenue NE to 11th Avenue NE

L Street NE between 10th Avenue NE to 11th Avenue NE

RESOLUTION NO. 28:14

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

Personnel and Finance Committee

Transit ITS Purchase/Grant Contract with MNDOT – Resolution No. 29:14 Adopted – Authorizing Two Persons by Title to execute Aforementioned Agreement and any Amendments Thereto; those being Council President Parks and Mayor Wallin

City Engineer Hulsether stated that this resolution had already been adopted (Resolution No. 09-14, adopted 2/3/14); however, MNDOT has requested an amended resolution which identifies the individuals that would be signing on behalf of the City.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT RESOLUTION NO. 29:14 –AUTHORIZING TWO PERSONS BY TITLE TO EXECUTE THE GRANT CONTRACT WITH MN/DOT; THOSE TWO PERSONS BEING THE PRESIDENT OF

THE COUNCIL, DALE PARKS AND CITY OF BRAINERD MAYOR, JAMES E. WALLIN TO EXECUTE THE AFOREMENTIONED AGREEMENT AND ANY AMENDMENTS THERETO FOR STATE FUNDING OF INTELLIGENT TRANSPORTATION SYSTEM (ITS) AND RELATED SERVICES.

RESOLUTION NO. 29:14

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

Community Action – Request for \$8,000 City Contribution and \$500 of SCORE Funds for the 2014 American Celebration in Brainerd – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND MATTEN, DULY CARRIED, TO APPROVE CONTRIBUTION TO COMMUNITY ACTION IN THE AMOUNT OF \$8,500 FROM THE CITY OF BRAINERD SPECIAL PROJECTS FUND FOR THE "2014 AMERICAN CELEBRATION"

The Chair recognized Ms. Nancy Cross of Community Action who thanked the Council and City for their support; she presented a map and description of events planned for the celebration. She requested the use of the Brainerd Public Library parking lot which Council Library Liaison Koep will run by the Library Board. In closing, she invited the Council and Public to a Grand Opening celebration of the Paul Bunyan Trail to be held on July 27, 2014 in honor of Terry McGaughey who was a well-known advocate of the trail.

Resignation of Transit Coordinator Tom Jay – Accept with Regret and Authorize Hiring Process for Replacement to begin Immediately – Approved

Prior to the meeting, Council received notice from City Engineer Hulsether that Transit Coordinator Tom Jay had tendered his resignation that day with his last day being May 2, 2014. He requested authorization to begin the process of filling the position as soon as possible.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF TRANSIT COORDINATOR TOM JAY, EFFECTIVE MAY 2, 2014, AND TO AUTHORIZE HIRING PROCESS FOR REPLACEMENT TO BEGIN IMMEDIATELY.

Unfinished Business

Public Hearing/Presentation – MS4 Permit – Annual Hearing to Review Stormwater Related City Activities – Assistant City Engineer Freihammer – Informational

Assistant City Engineer Freihammer stated that the purpose of this Public Hearing is to educate the public on storm water related activities and allow comment on the performance over the last year. He went over goals completed over the past year and tasks planned for the upcoming year.

The Chair opened the Public Hearing at 8:27 P.M. No one came forward. The Chair closed the Hearing at 8:28 P.M.

Mr. Freihammer answered the Council's questions. The Chair thanked him for the presentation.

Construction Activity at 1420 Quince Street – Status of – Allow Property Owner 7 Days (Until Monday, April 28, 2014) to Complete the Exterior Construction Work Ordered at the April 7, 2014 City Council Meeting (Rafters, Sheeting, Window and Tar Paper”) or be Fined \$100 Per Day until Finished; Further, to Require the Completion of the Project Exterior including Cleanup by June 2, 2014 if Initial Requirement is Met – Approved

Per a memo from City Planner Ostgarden which was included in the Packet, at its April 7, 2014 meeting, the City Council gave Mr. Terry Kinder, 1420 Quince Street, until April 17, 2014, to complete building permit exterior work at his property as applied for including rafters, sheeting, windows and tar paper; however, the work is nowhere near complete and Mr. Kinder has not been in contact with the City. He states that the City Attorney informed him that the City has authority to issue administrative citations for code violations pursuant to Section 320.05 with Resolution No. 24:10 providing the authority for a \$100 penalty; further, Code section 320.07 provides the authority to treat each day as a separate violation.

Discussion was held by Council.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ALLOW THE PROPERTY OWNER AT 1420 QUINCE STREET UNTIL MONDAY, APRIL 28, 2014 TO COMPLETE THE FOLLOWING EXTERIOR CONSTRUCTION WORK AS ORDERED BY THE COUNCIL AT THE APRIL 7, 2014 MEETING: *RAFTERS, SHEETING, WINDOWS AND TAR PAPER*, WITH THE UNDERSTANDING THAT IF NOT COMPLETE, HE WILL BE SUBJECT TO A \$100 FINE PER DAY UNTIL COMPLETE. FURTHER, TO REQUIRE COMPLETION OF THE PROJECT EXTERIOR INCLUDING CLEANUP BY JUNE 2, 2014 IF INITIAL REQUIREMENT IS MET.

New Business

Presentation – Business 371 Reconstruction in 2017 – Jim Hallgren, Minnesota Department of Transportation

The Chair recognized MNDOT Project Manager Jim Hallgren, P.E., who presented information on the upcoming Business 371 Street Improvement Project which is expected to begin in the summer of 2017 with the letting in the fall of 2016. He discussed various options for design and shared MNDOT's need for public input as well as right-of-way and municipal consent requirements. He answered questions of the Council and the Chair thanked him for his presentation.

Following Mr. Hallgren's presentation, City Planner Ostgarden reported that accommodations for all types of transportation will be considered. He also suggested that this is an opportunity to provide landscaping so the corridor is not all concrete and asphalt enhancing college drive to some aspect and finally allowing for a pedestrian friendly South 6th Street corridor.

City Planner Ostgarden also reported that the city was awarded a \$437,000 Transportation Alternatives Program grant to continue with a pedestrian/bicycling sidewalk for the end of the MNDOT project to Industrial Park Road. The grant is for the July 2016/June 2017.

Planning Commission

Zoning Text Amendment – 1st Reading of Proposed Ordinance 1413 – An Ordinance Amending Brainerd Zoning Ordinance Section 515-2-2, 515-17-3, 515-54-5, 515-54-9, 515-54-11, 515-56-5, 515-56-9, AND 515-56-11 Regarding Small Houses and Infill – Approved

City Planner Ostgarden presented information on the Planning Commission's Commission recommendation to amend the Zoning Ordinance to permit small houses and to include design requirements for residential infill construction. Per his memo which was included in the Packet, the ordinance presented can be amended to remove what is not supported and a revised ordinance would be submitted at the next meeting for the 2nd reading consideration, the Zoning Code amendments include:

- Correcting conflicting language by specifying that the minimum dwelling area permitted is 750sf
- Permitting dwellings less than 750 sf in R-1 and R-2 non-conforming lots, by Conditional Use Permit
- Permitting dwellings less than 22' wide by Conditional Use Permit
- Limiting the size of accessory buildings for dwellings less than 750 sf
- Including a definition for "infill"
- Including standards for construction for infill residential development

The Chair recognized Planning Commissioners Sarah Hayden and Rick Cole, who discussed advantages and growing popularity of small homes and how it relates to promoting infill within the City, specifically on non-conforming lots. Slides were presented of small homes, and it was reiterated that this ordinance would provide the City with the ability to have some control over the very possible demand in the near future for these small homes by defining regulations and the Conditional Use Permit requirements.

Discussion was held by Council. Council members requested more precise lot requirement details and expressed the need for additional public comment.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND KOEP TO HOLD THE FIRST READING OF PROPOSED ORDINANCE 1413 – AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTION 515-2-2, 515-17-3, 515-54-5, 515-54-9, 515-54-11, 515-56-5, 515-56-9, AND 515-56-11 REGARDING SMALL HOUSES AND INFILL, FURTHER TO DISPENSE WITH THE ACTUAL READING.

Members Bevans, Borkenhagen, Koep, Pritschet and Parks voted "aye." Members Scheeler and Matten voted "nay." The Chair declared the motion carried.

It was noted that three separate zoning issues included in the Planning Commission recommendations will be voted on separately after the May 5, 2014 Public Hearing for the final reading of the proposed ordinance:

1. Correcting the inconsistent language related to minimum dwelling size permitted by right
2. Small Houses
3. Infill design requirements

Public Forum

None.

Reports

Mayor's Report

Mayor Wallin stated that at May 5th the Good Samaritan Bowl will be held at Jack's House of Brainerd and that all Council Members are invited to be part of a team and that this event was very important to late Council Member Bonnie Cumberland so this would be in part to honor her as well.

City Attorney's Report

City Attorney Quiring – No Report

City Administrator's Report

City Administrator Wussow – No Report

City Engineer's Report

City Engineer Hulsether stated that the new street sweeper should be arriving on Thursday and put to good use.

City Planner's Report

City Planner Ostgarden reported that:

- The next edition of the City newsletter would be delivered this week.
- Pine Street is still not complete and he hopes it is determined that the City will be allowed to clean up the property now that the owner's appeal time limit has come and gone.
- A meeting was held by Downtown Business Owners regarding streetscape costs and requirements; he will possibly be resubmitting bids and will need the Council's authority to move forward with that.
- The next Mississippi Riverfront Steering Committee meeting will be held April 30, 2014 at 4:00 P.M. at the Fire Department Training Room.
- Renu Recycling has submitted a complete application for purchase of the Wausau Plant and a Special Meeting of the Planning Commission Public Hearing will be held soon

Police Chief's Report

Police Chief McQuiston – Written Report as Attached

Mayor Wallin complemented the Police Department on the "Brighter Days Foundation" surprise party they had for Wyatt Newby which was included in the Police Chief report and had been featured in both the Brainerd Dispatch and on Lakeland News.

Finance Director's Report

Finance Director Hillman stated that there might be some additional 2013 entries to the "Budget to Actual" summary as presented with this month's report and that the auditors will begin field work the first week of May.

Council President's Report

Council President Parks – No Report

Council Other Committee Reports

Council Member Koep discussed Brainerd History Week, stating that the Kick-Off Day is June 16, 2014 at City Hall to celebrate the centennial of the building and will include the storage or burial of a time capsule.

Committee Recommendations – Recommended by Mayor Wallin

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPOINT MR. ROBERT BRADY TO THE CABLE TV ADVISORY BOARD FOR A TERM TO EXPIRE ON 12/31/2016.

Adjourn

The Chair adjourned the meeting at 10:03 P.M.

PATRICK WUSSOW
City Administrator