

Brainerd, MN
July 21, 2014

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: Borkenhagen, Koep, Pritschet, Matten, Bevans, Scheeler and Parks. Mayor Wallin was also noted as present.

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

The Chair stated that Consent Calendar item D, "Temporary On Sale 3.2% Malt Beverage" application for a Jaycees event to be held August 8th and 9th should read "7th" instead of 6th Street and that Item I of the Consent Calendar should reflect the correct spelling of Katie Kaufman's last name. Council concurred.

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

- A. Approval of the Minutes of the Regular Meeting held on July 7, 2014 and the Special Meeting held on July 14, 2014, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 3 – New
 - 2. Contractor's Licenses – 4 – Renewals
- C. Department Activity Reports – Approved**
 - 1. Mayor
 - 2. Police Chief
 - 3. Finance Director
- D. Application for Temporary 3.2 Percent Malt Beverage (Beer) – Submitted by the Brainerd Jaycees for an Event to be held on August 8-9th, 2014 on 7th Street in Brainerd – Approved**
- E. Fire Department – 2013 Hazardous Materials Emergency Preparedness Grant – Approval of and Authorization of Signatures – Approved**
- F. Accept Official Notice of Pay Equity Compliance – Approved**
- G. Police Department – Resignation of Officer Brian Brewer – Accept with Regret and Authorize Civil Service Commission to Certify the Next Three Available Police Officer Candidates on the Police Officer Eligibility List and Authorization to Make a Conditional Job Offer to the Next Available Candidate Upon Certification – Approved**
- H. Police Department – Sale of Decommissioned Squad Cars – Approved**

I. Parks Department – Recreation Coordinator Katie Kaufman – Completion of 6-Month Probation – Change Employment Status to “Regular” and Advance to Step “B” of the Salary Administration Plan (90%, \$3837.79/month) – Effective 7/6/14 – Approved

J. 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 Borkenhagen, Koep, Pritschet, Matten, Bevans, Scheeler, 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	\$300,000
From General Fund to Park Fund	\$80,000
From General Fund to Street & Sewer Fund	\$50,000
From General Fund to Airport Fund	<u>\$12,960</u>
	\$442,960

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

Presentation – Bill Musel, Miss Brainerd United States Pageant Title Holders

The Chair recognized Mr. Bill Musel, who has created a name for himself as Brainerd Lakes Area's own Elvis and was recently named this year's “Citizen of the Year.” He and his wife, Vicky, are directors of the Miss Brainerd United States Pageant and state director of the pageant along with his wife. He introduced the current title holders who each presented their pageant platform and discussed their pageant experiences. Each thanked Bill and Vicky Musel and their sponsors for all the support along the way. The Chair thanked them for their presentation.

Miss Junior Teen Brainerd: Kathryn Sundquist; platform is *Kinship Partners*

Miss Teen Brainerd: Alexia Patel; platform is *A Life Without Hunger*

Miss Brainerd: Sara Mozey; Platform is *Reach Out And Rise* (ROAR)

Ms. Brainerd: Ariel Aakhus; Platform is *Project Create*

Miss Baxter: Anna Bigonek; Platform is *Adoption is an Option*

Introduction – Tom Whiteside, Congressman Nolan Representative at City Hall

The Chair recognized Mr. Tom Whiteside, who introduced himself as the representative for Congressman Nolan in the City Hall Office leased for that purpose. He thanked staff for their

help in making him feel welcome and invited the Council to please contact him with any questions or concerns.

2013 Audit Presentation – Informational

The Chair recognized Mr. Tom Koop and Ms. Mary Reedy from the City's auditing firm, CliftonLarsonAllen, who presented the 2013 Audit. They answered questions of the Council and the Chair thanked them for their presentation.

Council Committee Reports

Safety and Public Works Committee Report

Downtown Snow Removal Options – Informational

City Engineer Hulsether stated that staff will be meeting with representatives from downtown businesses to review options for snow removal and landscaping.

Code Enforcement Stats – Informational

Safety and Public Works Committee Chair Scheeler referred to the "Enforcement Actions" pie charts for both 2013 and 2014 which were requested by Committee and will be presented monthly. He stated that, to date, there have been 590 enforcement actions started compared to 535 at this time last year.

Resolution No. 42:14 Adopted – Accepting Low Bid from Tri-City Paving in the amount of \$276,640 for IMP 13-16 – Safe Routes to School

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO ADOPT RESOLUTION NO. 42:14 – ACCEPTING LOW BID FROM TRI-CITY PAVING IN THE AMOUNT OF \$276,640 FOR IMP 13-16 – SAFE ROUTES TO SCHOOL, FURTHER, TO MAINTAIN CONTINUOUS PROGRESS WITH NO PROJECT ABANDONMENT.

RESOLUTION NO. 42:14

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

Event Application – Submitted by the Brainerd Jaycees for "Street Fest on 7th" to be held August 8th and 9th, 2014 – Approved Subject to Conditions Set by City Staff

The application and a memo from City Engineer Hulsether outlining conditions to be met were included in the Packet.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE EVENT APPLICATION SUBMITTED BY THE BRAINERD JAYCEES FOR "STREETFEST ON 7TH" TO BE HELD AUGUST 8TH AND 9TH OF 2014 IN DOWNTOWN BRAINERD, SUBJECT TO CONDITIONS SET BY CITY STAFF.

Washington Administration Building Parking – Authorize Staff Recommendations to Parking as Presented – Approved

Per a memo from City Engineer Hulsether which was distributed before the meeting, staff recommendations to parking in the Washington Administration Building area were made in order to provide safety for students while limiting any adverse impacts to the surrounding residential neighborhood. He also reported at the meeting that the school parking lot will be monitored for unauthorized vehicles.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE FOLLOWING AMENDMENTS TO PARKING AROUND THE WASHINGTON STREET ADMINISTRATION BUILDING AS RECOMMENDED BY STAFF:

- *The parking on the south side of Oak Street between South 8th and South 9th, and the north side of Pine Street between South 8th and South 9th, be designated as 2 hour parking, Monday thru Friday, 8:00 a.m. to 3:00 p.m.*
- *The parking on the south ½ of the east side of South 9th Street between Pine St. and Oak St., and the east side of South 8th Street between Pine St. and Oak Street, be designated as “Bus Parking Only, Monday thru Friday, 7:30 a.m. to 3:30 p.m.*
- *The parking on the east side of North 9th Street between Pine Street and the parking lot entrance be designated “No Parking”.*

Note: Safety and Public Works Committee Chair Scheeler reported that the school district will be paying for all necessary signs.

IMP 2-12 – Buffalo Hills Trail – Final Payment in the amount of \$5,851.74 – Approved

Per a memo included in the Packet from City Engineer Hulsether, staff has completed the final walkthrough on the Buffalo Hills Project and recommends final acceptance of the project and payment.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE FINAL PAYMENT IN THE AMOUNT OF \$5,851.74 FOR IMPROVEMENT 12-12 – BUFFALO HILLS TRAIL AS RECOMMENDED BY STAFF.

Historic Water Tower Evaluation – Direct Staff to Investigate the Feasibility of Establishing a Program of Adding \$1 per Brainerd Public Utilities Monthly Billing to be used Specifically to Fund the Repair of the Historic Water Tower – Authorize a \$46,000 Capital Projects Fund Expenditure for the Engineering and Contracting Agreements to Evaluate the Tower’s Structural Soundness and Provide Recommendations for Repair – Approved

City Engineer Hulsether stated that an evaluation for the soundness of the tower and the coating is estimated at about \$46,000 based on proposals received before tonight’s meeting.

Safety and Public Works Committee Chair Scheeler reported that there is no motion out of Committee. He stated that many options were discussed based on information distributed

prior to the meeting; however, funding is a major issue based on the evaluation and many unknowns for what the repair might entail.

City Administrator Wussow reminded the Council that the grant for repair of the “bowl” of the Historic Water Tower was not approved but can be re-applied for in October.

MOVED AND SECONDED BY ALDERMEN BEVANS AND MATTEN, DULY CARRIED, TO DIRECT STAFF TO INVESTIGATE THE FEASIBILITY OF ESTABLISHING A PROGRAM OF ADDING \$1 PER BRAINERD PUBLIC UTILITIES MONTHLY BILLING TO BE USED SPECIFICALLY TO FUND THE REPAIR OF THE HISTORIC WATER TOWER.

Council Member Koep requested the City Attorney to look into the legalities of the proposal to add \$1 per Brainerd Public Utilities monthly billing.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE A \$46,000 CAPITAL PROJECTS FUNDS EXPENDITURE FOR THE ENGINEERING AND CONTRACTING AGREEMENTS TO EVALUATE THE TOWER'S STRUCTURAL SOUNDNESS AND PROVIDE RECOMMENDATIONS FOR REPAIR.

Appraisal for Alley Easement – Block 24, West Brainerd – Accept Proposal from Johanneck Appraisals – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ACCEPT THE PROPOSAL FOR BLOCK 24, WEST BRAINERD ALLEY EASEMENT APPRAISAL FROM JOHANNECK APPRAISALS AT A COST NOT TO EXCEED \$1,000.

Joint Meeting with Oak Lawn Township – Adjourn to July 29, 2014 Meeting to be held at Oak Lawn Town Hall at 7:00 P.M. – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ADJOURN TONIGHT'S MEETING TO THE OAK LAWN TOWNSHIP MEETING TO BE HELD ON TUESDAY, JULY 29, 2014 AT 7:00 P.M. AT OAK LAWN TOWN HALL.

1223 Pine Street – Update – Informational

City Planner Ostgarden reported that the property owner has been sentenced to jail again but is being released daily to continue work on cleanup and that he was contacted by a family member or friend has now provided a roll-off and assistance with the cleanup as well. He stated that he will be visiting the property on July 24th along with the City's prosecuting attorney to witness the progress made.

Southview Court Drainage Ditch Petition – Informational

A petition was attached to the Packet from the residents of the Southview Court Homeowners Association requesting maintenance of the drainage ditch along the west side of the subdivision. Also included was an extensive description and proposal for maintenance and upkeep of the area by City staff.

Per Safety and Public Works Committee Chair Scheeler, the item is considered resolved based on the property owner and the City Engineer's communication and solutions as

presented in the memo which is available upon request or online in the City Council Packet until the next meeting.

Downtown Marketing Meeting – Meeting to be held – Informational

Safety and Public Works Committee Chair Scheeler stated that a request for a meeting of City staff and the Downtown business owners/marketing group was received from Nancy, owner of Fancy Pants Chocolates.

Council Member Pritschet offered to set up this meeting.

Political Signs – Reminder

Safety and Public Works Committee Chair Scheeler reminded the public that political signs or any public signs cannot be posted in the right-of-way.

City Council Member Matten suggested a review of the sign ordinance.

Quince Street – Update – Informational

City Planner Ostgarden reported that there has been progress on the Quince Street building project.

Personnel and Finance Committee

Fire Department – Request to Hire One Temporary Fire Equipment Operator Position – No Action Taken

Personnel and Finance Committee Chair Bevans reported that Committee would like further information from Fire Chief Stunek to support this request.

Proposal to Hire Planning Department Intern – Trial Position at \$10-\$12 per Hour Depending on Qualifications with a Tentative Start Date of August 18, 2014 – Failed

Per a memo included in the Packet from City Engineer Hulsether and City Planner Ostgarden, the summer temporary employee assigned to code enforcement will complete 67 days of employment on August 14th which will leave many open cases. While trying to identify ways of closing these cases, a need for a Planning Intern which will be requested in the 2015 budget which could actually be used this year has been brought forth. Sufficient revenues from the enforcement program would not only fund the temporary code enforcement position but could also fund a Planning Intern position which pays \$10-\$12 per hour to begin around the middle of August. Based on this information, staff recommends hiring a trial Planning Intern position.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND SCHEELER TO AUTHORIZE HIRING A TRIAL PLANNING DEPARTMENT INTERN TO BEGIN ON OR ABOUT AUGUST 18, 2014 AT A RATE OF \$10-\$12 PER HOUR BASED ON STAFF RECOMMENDATIONS.

Upon roll call, members Pritschet, Matten and Scheeler voted “aye.” Members Borkenhagen, Koep, Bevans and Parks voted “nay.” The Chair declared the motion failed.

Resolution No. 43:14 Adopted – Accepting Donations and Contributions for 1st and 2nd Quarter of 2014

MOVED AND SECONDED BY ALDERMEN BEVANS AND MATTEN TO ADOPT RESOLUTION NO. 42:14 – ACCEPTING DONATIONS AND CONTRIBUTIONS FOR 1ST AND 2ND QUARTER OF 2014.

RESOLUTION NO. 42:14

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

Unfinished Business

Public Hearing – Final Reading of Proposed Ordinance No. 1416 – An Ordinance Amending Section 600 of the Brainerd City Code Relating to Recycling – City Administrator Wussow Recommends Dispensing with the Actual Reading – Approved

The Chair opened the Public Hearing at 9:43 P.M. No one came forward.

The Chair closed the Public Hearing at 9:44 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1416 – AN ORDINANCE AMENDING SECTION 600 OF THE BRAINERD CITY CODE RELATING TO RECYCLING; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS TO ADOPT ORDINANCE NO. 1416 – AN ORDINANCE AMENDING SECTION 600 OF THE BRAINERD CITY CODE RELATING TO RECYCLING.

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

First Reading – Proposed Ordinance No. 1417 – An Ordinance Amending Brainerd City Code Section 1010.03 Regarding Penalty for Late Payment of License Fees – City Administrator Wussow Recommends Dispensing with the Actual Reading – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1417 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010.03 REGARDING PENALTY FOR LATE PAYMENT OF LICENSE FEES; FURTHER TO DISPENSE WITH THE ACTUAL READING.

Planning Commission

Accessory Building (Garage) Variance – Ronald Gray 1702 13th Ave NE – Approved

Findings-of-Fact:

1. The property is zoned R-1A (Single Family) Residential District and is located in the Shoreland Management Zone of Rice Lake.
2. The lot is approximately 15,675 sf or .38 acres.
3. Detached garages are permitted in front of the principal building on a riparian lot.
4. The garage will be 24' x 20' in size.
5. A 5' side yard setback is proposed where 10' if required.
6. Impervious coverage is limited to 25% of the lot area or 3,891 sf. The total impervious surface including the garage will be approximately 2,906 sf.
7. The property has about 120 ft. of lake frontage. The property will be used in a reasonable manner in that the garage is a standard 2 stall garage, and the only accessory building on the lot. The location should not infringe on adjacent property views of Rice Lake.
8. There is a unique circumstance due to the irregular lot shape making garage placement in compliance with setback requirements more difficult.
9. The variance is supported by the Comprehensive Plan Goal #3 – Strategy, which reads:

General Goal #3: Promote community spirit and unity and enhance Brainerd's character and identity.

Strategy: *Protect and enhance important historical, cultural and natural resources as a means to maintain the integrity, heritage and local character of Brainerd's natural and built environment.*

10. An email of conditional support was received.
11. No one was present to speak in support of or opposition of the request.

Conditions

1. The garage roof must be of standard pitch.
2. No storage will be allowed on the south side of the garage.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO APPROVE THE ACCESSORY BUILDING (GARAGE) VARIANCE AS APPLIED FOR BY MR. RONALD GRAY FOR HIS PROPERTY AT 1702 13TH AVE NE, BRAINERD, BASED ON THE 11 FINDINGS-OF-FACT AND 2 CONDITIONS AS RECOMMENDED BY THE PLANNING COMMISSION.

First Reading – Proposed Ordinance No. 1418 – Zoning Text Amendment – Amend Zoning Ordinance Section 70-2, I-1 Light Industry District to Permit Fitness and Recreation Centers as described by the 2012 North American Industrial Classification System Code 713940 – City Administrator Wussow Recommends Dispensing with the Actual Reading – Approved

City Planner Ostgarden reported that the Planning Commission, with this ordinance, is utilizing the North American Classification Industrial Classification System to help identify the broad range of uses for these types of facilities.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND MATTEN, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1418 – ZONING TEXT AMENDMENT – AMEND ZONING ORDINANCE SECTION 70-2, I-1 LIGHT INDUSTRY DISTRICT TO PERMIT FITNESS AND RECREATION CENTERS AS DESCRIBED BY THE 2012 NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM CODE 713940; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

Public Forum:

None

Reports

Mayor's Report

Mayor Wallin stated that at the MidSummer Slam at Buffalo Hills last week there were six teams and he had the privilege of presenting 16 MVP awards; he also thanked Miss Minnesota, Savannah Cole, for opening all three games with the National Anthem and the Brainerd Lions for their donation of the flag pole, flag and solar light at the field.

City Engineer's Report

City Engineer Hulsether updated the Council on the new Transit Coordinator, stating that he is doing well and that information on the next Transportation Advisory Committee meeting will be coming soon.

City Planner's Report

City Planner Ostgarden reported that:

- Co-Chairs of the Riverfront Steering Committee are sending out an inquiry to all Riverfront Steering Committee members asking for a ranking of concerns by order of importance; he mentioned riverfront articles recently published in metro publications
- There will be a July 30, 2014 meeting at Lum Park Pavilion on the Great River Road

Council Other Committee Reports

Council President Parks reported on the July 14th Special Council meeting to discuss the City's Strategic Plan and the 2015 Budget. He stated that the Strategic Plan is something that he feels is very beneficial and that it is and will continue to be a work in progress. Concerning the budget, he reported that the methods of getting information from staff for the budget as well as staffing levels were discussed.

Council Member Koep stated that she would prefer that a meeting would be held to set parameters before the budget is presented to Council by staff.

**Adjourn – to Oak Lawn Township Meeting to be held on July 29, 2014 at Oak Lawn
Town Hall – Approved**

The Chair adjourned the meeting at 10:05 P.M.

Patrick Wussow, City Administrator