

**Brainerd, MN
August 18, 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 as Chair.

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

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

The Chair stated that the following changes had been requested for the agenda:

Add #6A: Presentation – Lakes Area Music Festival

Add to Safety and Public Works Committee Agenda:

- First Reading of Proposed Ordinance No. 1419 to #2/Annexation of Dam Property
- Title VI Plan for Transit

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

The Chair reported that Consent Calendar No. 5H should include Calling for a Public Hearing on September 15, 2014 for the Petition to Vacate an alley.

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

A. Approval of the Minutes of the Regular Meeting held on August 4, 2014 as distributed, and the Special Council Meeting held on August 14, 2014 (to be distributed prior to the meeting) – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New
2. Contractor's Licenses – 4 – Renewals

C. Department Activity Reports – Approved

1. Mayor
2. Police Chief
3. Finance Director

D. Mr. Craig Miller – LMCIT Premium Renewal for 2014-2015 – Approved

E. Police Department K-9 Program – Request to Purchase Police Dog and Related Training – Approved

F. Application for a Temporary On-Sale Liquor License – Submitted by The Crossing Arts Alliance for an Event to be held on 9/13/14 at the Q Gallery, Franklin Arts Center, 1001 Kingwood St #222, Brainerd – Approved

G. Event Application – Brainerd Homecoming 5K – Approved

H. Petition to Vacate Street – Set Public Hearing for September 15, 2014 – Approved

I. 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

HRA – 1 Term to Expire on 6/6/2019

Upon roll call, members Borkenhagen, Koep, Pritschet, 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 – Approved

From General Fund to Public Safety Fund	\$72,000
From General Fund to Park Fund	\$58,000
From General Fund to Street & Sewer Fund	\$25,000
From General Fund to Airport Fund	<u>\$12,960</u>
	\$167,960

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

Presentation – Lakes Area Music Festival – Hannah Burchill

The Chair recognized Ms. Hannah Burchill, Marketing Intern with the Lakes Area Music Festival, who informed the Council and listening audience about the Festival which began 9 years ago with a group of 4 led by Mr. Scott Lykens who wanted to keep their music talents in check while working in the Brainerd Lakes Area. She reported that what started with an audience of 300 has grown to 12,000 at this year's shows and that all concerts are free with much of the work being done by volunteers and funding provided by contributions. Information on the last shows for the year and much more can be found at www.LakesAreaMusic.org. She answered questions of the Council and the Chair thanked her for her presentation.

Introduction – New Wausau Paper Mill Site Owners

The Chair recognized Ms. Sheila Haverkamp of BLAEDC, who introduced Mr. Mike Higgins, the new owner of the Wausau Paper Mill Site which will now be “Brainerd Industrial Center.” Mr. Higgins discussed the path that led him to ownership of scrap metal recycling yards and more recently repurposing vacant buildings or portions of buildings which is how he became interested in the Wausau site. He stated that he and his partners are very excited to determine what can be done with the building and site and declared that he had no plans to tear down the building as he feels it should be used as an asset to Brainerd by creating space for tenant rental within. He introduced Mr. Kevin Kronbeck, Consulting Engineer; Mr. Jeff Bean,

Special Projects and Marketing; and Ms. Sharon Johnson, Consultant and stated that a sign identifying the new business had been installed. He answered questions of the Council and the Chair thanked him for his presentation.

Presentation – BLAEDC – Update and 2015 Budget Request

The Chair recognized Ms. Sheila Haverkamp, BLAEDC, who updated the Council on recent activities and requested continued support from the City. She stated that BLAEDC is a non-profit organization set up almost 30 years ago to promote economic development and currently serves all of Crow Wing County. She also reported that BLAEDC's office is now located in the Tyrol Hills Center and that information can be found at www.growbrainerdlakes.org. Finally, she noted that BLAEDC has requested an increase in funding for 2015 in the amount of \$2,000. She answered questions of the Council and the Chair thanked her for her presentation.

Council Committee Reports

Safety and Public Works Committee Report

Criteria for Permit Denial – Staff to Develop City Code Amendment Language for First Reading of Proposed Ordinance at the September 2, 2014 City Council Meeting – Approved

City Engineer Hulsether reported that staff recommends that Section 1015.05 related to Permit Procedures be amended to include the same language to provide for the denial. Once amended, staff would recommend guidance criteria for a denial of a permit to and owner/contractor to include a history of any code enforcement actions related specifically to previous building permits over the previous years.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO DIRECT STAFF TO PRESENT A PROPOSED ORDINANCE AT THE SEPTEMBER 2, 2014 MEETING WITH LANGUAGE TO AMEND CITY CODE SECTION 1015.05 ENABLING PERMIT DENIAL BASED ON AN APPLICANT'S PERMIT AND CODE ENFORCEMENT HISTORY.

Code Enforcement Stats – Informational

An Enforcement Case Count by Month from January 1, 2014 to August 11, 2014 was included in the Packet.

Class 5 Quotes – Accept Bid from Roscoe Trucking of \$6.75/Cubic Yard for the City's Acquisition of 1,000 Cubic Yards of Class 5 Aggregate – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ACCEPT THE BID FROM ROSCOE TRUCKING OF \$6.75 PER CUBIC YARD OF CLASS 5 AGGREGATE FOR THE CITY'S ACQUISITION OF 1,000 CUBIC YARDS.

Transit Office Lease – Increase Monthly Lease Amount to \$500 per Month and Adopt Lease as Proposed – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO INCREASE THE TRANSIT OFFICE LEASE AMOUNT BY 3% TO \$500 PER MONTH AND TO ADOPT THE LEASE AS PROPOSED.

Sewer Issue at 1324 South 7th Street – Refer Back to Tom's Backhoe with Request for Response by Thursday, August 28th to be included on the September 2, 2014 Safety and Public Works Agenda – Approved

Information was included in the Packet relating to a citizen request for reimbursement of sewer service repair costs.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO REFER THE SEWER ISSUE AT 1324 SOUTH 7TH STREET BACK TO TOM'S BACKHOE AND ASK FOR A RESPONSE BY AUGUST 28TH IN ORDER TO BE INCLUDED ON THE SEPTEMBER 2, 2014 SAFETY AND PUBLIC WORKS AGENDA.

28th Street Project – Accept Oak Lawn Township Motions as Presented:

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO DIRECT THE CITY ATTORNEY TO WITHDRAW THE PETITION SUBMITTED TO CROW WING COUNTY TO CANCEL THE HEARING.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ACCEPT THE MOTION MADE AT THE OAK LAWN TOWNSHIP BOARD MEETING OF AUGUST 5, 2014 RELATING TO THE 28TH STREET PROJECT TO ACCEPT THE PETITION FOR LOCAL IMPROVEMENT AND AGREEMENT OF ASSESSMENT AND WAIVER FROM FAITH BAPTIST CHURCH AND THE RESOLUTION DECLARING ADEQUACY OF PETITION AND PROJECT APPROVAL.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ACCEPT THE FOLLOWING MOTION MADE AT THE OAK LAWN TOWNSHIP BOARD MEETING OF AUGUST 5, 2014 RELATING TO THE 28TH STREET PROJECT WITH THE NOTED CHANGE:

THAT THE CITY OF BRAINERD REIMBURSE THE TOWNSHIP IN FULL IF THEY ~~CHOOSE~~ FORCE ANNEXATION OF THE 28TH STREET PROJECT PROPERTY WITHIN THE NEXT FIVE YEARS; AFTER FIVE YEARS, A 10% REDUCTION PER YEAR UNTIL THE BALANCE NO LONGER EXISTS FOR A TOTAL OF 15 YEARS.

Update on Garfield projects – Informational

City Engineer Hulsether reported that the rain events have caused a bit of delay; however, staff is hoping to finish the work before school starts.

Hydrodam Annexation – First Reading – Proposed Ordinance No. 1419 – An Ordinance Providing for the Annexation of Certain Property Located in Unorganized – 1st Assessment, Crow Wing County, to The City Of Brainerd, Crow Wing County Minnesota, Pursuant to Minnesota Statute 414.033 – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1419 – AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN PROPERTY LOCATED IN UNORGANIZED – 1ST ASSESSMENT, CROW WING COUNTY, TO THE CITY OF BRAINERD, CROW WING COUNTY MINNESOTA, PURSUANT TO MINNESOTA STATUTE 414.033; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

Resolution No. 46:14 Adopted – Adopting the Title IV Plan for the City of Brainerd Transportation System

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 46:14 – ADOPTING THE TITLE IV PLAN FOR THE CITY OF BRAINERD TRANSPORTATION SYSTEM

RESOLUTION NO. 46:14

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

Personnel and Finance Committee Report

Initiative Foundation – Request for 2015 Budget Amount – Referred to the 2015 Budget Workshop to be held on August 25, 2014 – Approved

MOVE AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO REFER THE INITIATIVE FOUNDATION'S 2015 CONTRIBUTION REQUEST TO THE AUGUST 25, 2014 BUDGET WORKSHOP.

Resolution No. 47:14 Adopted – Relating to the Issuance of Bonds to Finance Various Capital Improvements in the City and Extension of a Sales & Use Tax for Waste Treatment, Water Infrastructure and Trail Purposes and Calling a Special Election Thereon

RESOLUTION NO. 47:14

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

Fire Department – Leave of Absence Requests for Firefighter Joel Jacobson and Firefighter Clinton Langerud as Presented and Recommended by the Fire Chief – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE FOLLOWING LEAVE OF ABSENCE REQUESTS AS RECOMMENDED BY THE FIRE CHIEF:

- JOEL JACOBSON – AUGUST 11, 2014 – SEPTEMBER 30, 2014
- CLINTON LANGERUD – AUGUST 12, 2014 – AUGUST 11, 2015

Records Management Lead Position – Request to Hire Position with Job Description and MOU as Presented – Approved

Per a memo included in the Packet from City Administrator Wussow, staff recommends that Council approve the hiring of the Police Records Management Lead position by approving the attached job description and MOU setting the base wage.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE HIRING OF THE POLICE RECORDS MANAGEMENT LEAD POSITION BY APPROVING THE JOB DESCRIPTION AND MOU AS PRESENTED.

St. Francis School Fares – Request from St. Francis – Referred to Transportation Advisory Committee August 20, 2014 Meeting for Review – Recommendation to be Presented to Council at the August 25, 2014 Budget Workshop – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO CONTINUE THE VERBAL AGREEMENT FOR THE 2014/2015 SCHOOL YEAR PROVIDING THAT TRANSIT COORDINATOR STONE AGREES THAT THE CITY IS IN COMPLIANCE WITH STATE LAWS FOR TRANSPORTING SCHOOL CHILDREN AND TO REFER THE ENTIRE SITUATION TO THE TRANSPORTATION ADVISORY COMMITTEE FOR ANY SUBSEQUENT BUSSING OF STUDENTS.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER, DULY CARRIED, TO REFER THE ITEM OF “ST. FRANCIS SCHOOL FARES” TO THE TRANSPORTATION ADVISORY COMMITTEE (TAC) MEETING TO BE HELD ON AUGUST 20, 2014 FOR FURTHER REVIEW OF ALL ASPECTS OF AGREEMENT INCLUDING TAC MINUTES AND CROW WING COUNTY RECOMMENDATIONS WITH A RECOMMENDATION TO BE PROVIDED AT THE AUGUST 25, 2014 CITY COUNCIL BUDGET WORKSHOP.

Planning Commission

Rezoning Request by Greg Jedlenski, 9089 Dal-Mar Drive, Brainerd

First Reading – Proposed Ordinance No. 1420 – An Ordinance Pertaining to Zoning in the City of Brainerd – Rezoning 317 North 8th Street and the Southwest corner of Juniper Street and North 8th Street from a (Single Family Residential) District to an R-3 (Multiple Family Residential) District – City Administrator Wussow Recommends Dispensing with Actual Reading – Denied

Mr. Greg Jedlenski, 9089 Dal-Mar Drive, Brainerd, addressed the Council on his request to rezone his property back to its status before the City-Wide Rezoning.

Information included in the Packet showed the Planning Commission’s recommendation for denial of the rezone.

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER TO DENY THE FIRST READING OF PROPOSED ORDINANCE NO. 1420 – AN ORDINANCE PERTAINING TO ZONING IN THE CITY OF BRAINERD – REZONING 317 NORTH 8TH STREET AND THE

SOUTHWEST CORNER OF JUNIPER STREET AND NORTH 8TH STREET FROM A (SINGLE FAMILY RESIDENTIAL) DISTRICT TO AN R-3 (MULTIPLE FAMILY RESIDENTIAL) DISTRICT.

Members Borkenhagen, Koep, Pritschet, Scheeler and Parks voted “aye.” Member Bevans voted “nay.” The Chair declared the motion carried and the ordinance denied.

Rental License Reinstatement Request – Mr. Greg Jedlenski – Authorize Staff to Reinstatement the 3rd Rental License for 317 N 8th Street Provided Mr. Jedlenski Provide the Register and Proof of Family Occupancy During the Period of License Lapse – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS, DULY CARRIED, TO AUTHORIZE STAFF TO REINSTATE THE THIRD RENTAL LICENSE FOR 317 N 8TH STREET PROVIDED MR. GREG JEDLENSKI PROVIDE THE REGISTER AND PROOF OF FAMILY OCCUPANCY DURING THE PERIOD OF RENTAL LICENSE LAPSE.

Public Forum

Andy Jedlenski, 717 Kingwood Street, who addressed the Council with concerns about notifying the public on items.

Reports

Mayor's Report

Mayor Wallin reported that the VFW State Baseball tournament was very impressive and that the Tower Award he presented to Jed and Kristi Copham at the NHRA Nationals was for their outstanding commitment & dedication to the Brainerd lakes area; stating that the event brings in millions of dollars to the area.

City Attorney's Report

City Attorney Quiring reported that through research he has determined that a previously discussed suggestion on implementing a fee on utility bills to pay for water tower repair would not be allowed based on the tower not being an operational facility.

City Engineer's Report

City Engineer Hulsether stated that Classic Coatings is currently working on the water tower and the Historic Water Tower to determine the reason for and level of damage; a report will be provided as soon as it is available. He introduced Transit Coordinator Andy Stone.

City Planner's Report

City Planner Ostgarden reported that:

- The 3rd quarter newsletter is on the website
- The Mississippi Riverfront Steering Committee is reviewing the survey results on design priorities suggested by members

- The information provided with tonight's BLAEDC presentation relating to jobs in Brainerd is very informative; showing that 81% of people that work in Brainerd do not live in Brainerd
- He would suggest having the public hearing for an ordinance at the first reading

Council Other Committee Reports

Committee Recommendations

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO APPOINT MR. MARC HALVERSON TO THE WALKABLE BIKEABLE AD HOC COMMITTEE.

Adjourn – To Closed Session for the Purpose of Conducting the City Administrator's Performance Evaluation pursuant to MN Statutes 13D.05, Subd. 3(a) – 9:54 P.M. – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS, DULY CARRIED, TO ADJOURN INTO CLOSED SESSION AT 9:54 P.M. FOR THE PURPOSE OF CONDUCTING THE CITY ADMINISTRATOR'S PERFORMANCE EVALUATION PURSUANT TO MN STATUTES 13D.05, SUBD. 3(A).

The Council reconvened into open session at 10:45 P.M.

Adjourn – To the City Council Budget Workshop to be held at 6:00 P.M. on Monday, August 25, 2014 in the City Hall Council Chambers – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, TO ADJOURN TO THE CITY COUNCIL BUDGET WORKSHOP TO BE HELD AT 6:00 P.M. ON MONDAY, AUGUST 25, 2014 IN THE CITY HALL COUNCIL CHAMBERS.

The Chair adjourned the meeting at 10:47 P.M.

Patrick Wussow
City Administrator