

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: Koep, Pritschet, Matten, Bevans, Scheeler, Borkenhagen and Parks. 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:

Move Item 14C (Administrator Report/Request to Council) to 11B (New Business)

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

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

A. Approval of the Minutes of the Regular Meeting held on September 2, 2014 and the Special Meeting held on September 8, 2014, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New
2. Contractor's Licenses – 2 – Renewals
3. Liquor License (3.2% On-Sale, 3.2% Off-Sale, Sunday and Wine)

Michael Glen Cyrus dba "Suds"
1107 Oak Street
Brainerd MN 56401

C. Department Activity Reports – Approved

1. Mayor
2. Police Chief
3. Finance Director

D. Resolution No. 48:14 Adopted – Consent to Transfer Franchise

E. Resolution No. 49:14 Adopted – Authorizing Submittal of Rotary Riverside Park Grant Application

F. Call for Applicants: (www.ci.brainerd.mn.us/boards)

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

EDA – 2 Terms to Expire on 9/7/2020

Upon roll call, members Koep, Pritschet, Matten, Bevans, Scheeler, Borkenhagen 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	\$275,000
From General Fund to Park Fund	\$ 35,000
From General Fund to Street & Sewer Fund	\$ 70,000
From General Fund to Airport Fund	<u>\$ 12,960</u>
	\$392,960

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

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

Resolution No. 50:14 Adopted – Approving the Sale of Electric Utility Revenue Bonds, Series 2014A in the Original Aggregate Principal Amount of \$6,070,000; Fixing their form and Specifications; Directing their Execution and Delivery; and Providing for their Payment

The Chair recognized Mr. Paul Steinman of Springsted who presented the bid tabulation to the Council and answered questions.

Following Council discussion, the following motion was made:

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER TO ADOPT RESOLUTION NO. 50:14 – APPROVING THE SALE OF ELECTRIC UTILITY REVENUE BONDS, SERIES 2014A IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$6,070,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

RESOLUTION NO. 50:14

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

Power Poles – Update – Brainerd Public Utilities Superintendent Scott Magnuson – Informational

The Chair recognized Brainerd Public Utilities Superintendent Scott Magnuson, who discussed the memo related to Power Pole Attachments included in the Packet and answered questions of the Council.

Following discussion, Council determined not to take any action at this time.

Council Committee Reports
Personnel and Finance Committee

Request for Information on Employees with Outside Employment – Informational

Information was included in the Packet and additional confidential information was supplied to Committee and City Council; no action taken.

Resolution No. 51:14 Adopted – Setting the City's 2015 Preliminary Levy at \$4,898,835 and the Housing and Redevelopment Authority Levy at \$116,550

Personnel and Finance Committee Chair Bevans shared discussion held at Committee level.

Council Members provided input and recommendations for cutting costs and raising revenue, noting that the final amount would be determined by December 31, 2014.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND MATTEN TO ADOPT RESOLUTION NO. 51:14 – SETTING THE CITY'S 2015 PRELIMINARY LEVY AT \$4,898,835 AND THE HOUSING AND REDEVELOPMENT AUTHORITY LEVY AT \$116,550.

RESOLUTION NO. 51:14

Upon roll call, members Pritschet, Matten, Scheeler, Borkenhagen and Parks voted, "aye." Members Koep and Bevans voted "nay." The Chair declared the motion carried and the resolution adopted.

Police Department:

Authorization to Purchase New CSO Truck – Not to Exceed \$30,000 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE PURCHASE OF A NEW COMMUNITY SERVICE OFFICER (CSO) TRUCK FOR AN AMOUNT NOT TO EXCEED \$30,000 AS REQUESTED BY THE POLICE DEPARTMENT.

Resignation of CSO Lauren Taylor – Effective September 23, 2014 – Accept with Regret and Authorize Hiring of Replacement – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND MATTEN, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF CSO LAUREN TAYLOR EFFECTIVE 9/23/14 AND AUTHORIZE THE HIRING OF A REPLACEMENT.

Resignation of CSO/Temporary Records Management Technician Caitlin Robinson – Effective September 19, 2014 – Accept with Regret

MOVED AND SECONDED BY ALDERMEN BEVANS AND MATTEN, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF CSO/TEMPORARY RECORDS MANAGEMENT TECHNICIAN CAITLIN ROBINSON EFFECTIVE 9/19/14.

Safety and Public Works Committee

Land Exchange Proposal between the City of Brainerd and Bruce and Sharon Isebrand – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE LAND EXCHANGE PROPOSAL BETWEEN BRUCE AND SHARON ISEBRAND AND THE CITY OF BRAINERD FOR THE FOLLOWING PROPERTIES CONTINGENT ON LEGAL SURVEY:

PARCEL #050312400BA0009 AND #050313100A00009-OWNED BY THE ISEBRANDS

PARCEL #050312400CA0009 AND PARCEL #050313100A00009-OWNED BY THE CITY

TRACT A (AS EXHIBITED IN PROPOSAL)

TRACT B (AS EXHIBITED IN PROPOSAL)

MnDOT Agreement #05031 – Amendment #1 – Approved

A copy of the amendment was included in the Packet.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE AMENDMENT NO. 1 TO MN/DOT AGREEMENT NO. 05031 INCLUDING AUTHORIZATION OF PROPER SIGNATURES.

Disposal of Transit Bus #113 – Approved

A "Vehicle Disposition/Transfer Data Form" was included in the Packet for the disposal of Transit bus #113.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE THE DISPOSAL OF TRANSIT BUS #113.

Public Hearing to Consider 2014 Special Assessment – Set for 7:30 P.M. on October 20, 2014 in the City Hall Council Chambers – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO SET A PUBLIC HEARING FOR OCTOBER 20, 2014 AT 7:30 P.M. IN THE BRAINERD CITY HALL COUNCIL CHAMBERS FOR THE FOLLOWING IMPROVEMENT PROJECTS:

- *Imp 13-17 (Willow St from S 7th to SE 13th St)*
- *Imp 13-18 (10th Ave NE from T.H. 25 to T.H. 210)*
- *Imp 14-02 (S 5th St from Laurel to Front St)*
- *Imp 13-19 (10th Ave NE, "J" to "L" St) (11th Ave NE, "J" to "L" St)*

(“J” St NE from 10th to 11th Ave) (“L” St NE from 10th to 11th Ave)

- *Downtown Snow Removal and Special Services District*
- *2014 Nuisance Abatements and Citations*

Code Enforcement Activity – Informational

Informational; no action taken

Five-Year Construction Plan – Informational

Safety and Public Works Committee Chair Scheeler discussed the September 11, 2014 Safety and Public Works Committee Workshop.

Downtown Landscape Assessments – Submitted by Dave Pueringer/Downtown Business Owners – To be Included for Discussion at the October 20th Public Hearing for Special Assessments – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER, DULY CARRIED, TO DISCUSS DOWNTOWN LANDSCAPE ASSESSMENTS AT THE OCTOBER 20, 2014 SPECIAL ASSESSMENT PUBLIC HEARING.

Formation of “IT Committee” to Meet and Discuss IT Support Options – Committee Members to Include Council Members Matten and Koep, City Administrator Wussow, City Engineer Hulsether, Police Chief McQuiston and GIS/IT Coordinator Strong – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET, DULY CARRIED, TO FORM A COMMITTEE TO DISCUSS INFORMATIONAL TECHNOLOGY (IT) SUPPORT OPTIONS; COMMITTEE TO INCLUDE COUNCIL MEMBERS MATTEN AND KOEP, CITY ADMINISTRATOR WUSSOW, CITY ENGINEER HULSETH, POLICE CHIEF MCQUISTON, AND GIS/IT COORDINATOR STRONG.

Classic Protective Coating Quote – Deny Payment of Invoice and Request that the Contractor Submit an Amended Invoice that Reflects the Actual Work Performed – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO DENY PAYMENT OF THE INVOICE FROM CLASSIC PROTECTIVE COATING FOR HISTORIC WATER TOWER DAMAGE EVALUATION AND REQUEST THAT THE CONTRACTOR SUBMIT AN AMENDED INVOICE THAT REFLECTED THE ACTUAL WORK PERFORMED.

Unfinished Business

Public Hearing – Request for Vacation of 24th Street – Denied

The Chair opened the Public Hearing at 8:40 P.M.

The following citizen spoke to the issue:

Branda Shaw, 916 Bluff Avenue, Brainerd

The Chair closed the Public Hearing at 8:48 P.M.

Committee Members Scheeler and Matten discussed street and sewer installation process. Following additional Council discussion, the following motion was made:

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO DENY THE REQUEST FOR THE VACATION OF 24TH STREET.

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

Ordinance No. 1421 Adopted – An Ordinance Amending Section 1015.15 of the Brainerd City Code related to Granting or Denial of Permits – City Administrator Wussow Recommends Dispensing with the Actual Reading

The Chair opened the Public Hearing at 9:04 P.M. No one came forward.

The Chair closed the Public Hearing at 9:05 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1421 – AN ORDINANCE AMENDING SECTION 1015.15 OF THE BRAINERD CITY CODE RELATED TO GRANTING OR DENIAL OF PERMITS; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1421 – AN ORDINANCE AMENDING SECTION 1015.15 OF THE BRAINERD CITY CODE RELATED TO GRANTING OR DENIAL OF PERMITS.

ORDINANCE NO. 1421

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

Proposal to Change Columbus Day to "Native Peoples' Day" – Tabled from September 2, 2014 Meeting – No Action Taken

Council discussed a memo distributed by Council Member Borkenhagen prior to the meeting; no action was taken.

New Business

Council Request to Discuss Scheduling Council Workshop – Informational

Council held discussion relating to scheduling a workshop in a less formal setting in the future including using the City Hall Conference room as a location with the meeting still open to the public and recorded; a date was not set.

Council CIP/LOST Informational Committee – Members Borkenhagen, Scheeler and Pritschet and Staff to Meet – Approved

A request was included in the Packet from City Administrator Wussow for a Council Committee to be created for the purpose of discussing and delivering information to the Public on the CIP Bond and L.O.S.T. extension.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO FORM A COUNCIL COMMITTEE CONSISTING OF COUNCIL MEMBERS BORKENHAGEN, SCHEELER AND PRITSCHET AND STAFF FOR THE PURPOSE OF DISCUSSING AND DELIVERING INFORMATION TO THE PUBLIC ON THE CIP BOND AND L.O.S.T. EXTENSION.

Planning Commission

Fence Height and Fence Appearance Variances and Request to Keep Fence in Lake Street Right of Way – 801 Lake Street, Jerrold and Jill Seaver – Allow 6 ½ ft. Fence to Remain on Private Property – Refer Final Determination of Fence Located in Right-of-Way Outcome to City Engineer and City Planner based on Vehicle Safety Concerns – Approved

City Planner Ostgarden reported that the property owners built the 6 ½ ft. fence in the front yard of their property without a permit, stating that fences up to 4 ft. tall are what is permitted in a front yard between the house and street property line. He reported that the property owner desires to keep the fence at the constructed height. It was noted that the portion of the fence in the Public Right-of-Way was 7 ft. tall.

Findings-of-Fact:

1. The property owner has constructed a 6 ½' tall fence along the rear and street side yard property lines where Zoning Ordinance Section 19 – 7 specifies a 4' tall fence is permitted.
2. That portion of the fence constructed on the east property line was constructed with the “bad” side facing the neighboring property. Zoning Ordinance Section 19 – 5 specifies the good side shall face neighboring property.

Note: City Planner Ostgarden reported at the meeting that this aspect has been corrected by the property owner and is no longer a concern

3. The fence was constructed without a city issued fence permit.
4. The property is located in an R-1 (Single Family) Residential District. The lot is adjacent to a 6 unit apartment building.

5. Lake Street is a short residential Street measuring about 265' and it has 4 lots with street frontage.
6. The fence is also constructed into the Lake Street right of way. Fence construction in a street right of way is prohibited. Permitting the fence to remain in the right of way is a City Council issue.
7. The petitioners spoke and raised concerns about safety and privacy.
8. One letter in opposition to the variance and opposition to allowing the fence in the right of way was received.

Following Council discussion, the following motion was made:

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND MATTEN TO ALLOW A 6 ½ FT FENCE ON PRIVATE PROPERTY AT 801 LAKE STREET.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO ALLOW A FENCE LOCATED IN THE RIGHT-OF-WAY AT 801 LAKE STREET.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO MODIFY THE MOTION TO REFER THE ISSUE OF THE FENCE LOCATED IN THE RIGHT-OF-WAY AT 801 LAKE STREET TO THE CITY ENGINEER AND CITY PLANNER FOR A FINAL DETERMINATION BASED ON SAFETY ACCESS FOR VEHICLES.

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

Public Forum

The Chair recognized Dr. Klint Willert who introduced himself as the ISD 181 (Brainerd Public Schools) Superintendent.

The Chair recognized Mr. Dave Pueringer, who was denied the opportunity to address the Downtown Assessments discussed earlier at the meeting as it was an agenda item; he was asked to instead appear at the October 20, 2014 Special Assessment Public Hearing.

Committee Resignations – Accept with Regret

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. CHRIS HASTINGS AND MR. TERRY JOHNSON FROM THE EDA.

Adjourn – To Closed Session Pursuant to M.S. 13D.05, subd. 3(b) to Discuss IAFF Union Grievance Settlement – 10:18 P.M.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET, DULY CARRIED, TO ADJOURN INTO CLOSED SESSION AT 10:18 P.M. PURSUANT TO ATTORNEY CLIENT PRIVILEGE TO DISCUSS THE IAFF UNION GRIEVANCE SETTLEMENT.

The Council reconvened into open session at 10:48 P.M.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND MATTEN, DULY CARRIED, TO ACCEPT THE SETTLEMENT AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BRAINERD AND IAFF, LOCAL 4725, AS PRESENTED.

Adjourn – To Willow Street Bike Lane dedication to be held on September 16, 2014 at 5:30 P.M.

The Chair adjourned the meeting at 10:49 P.M.

Patrick Wussow
City Administrator