

Brainerd, MN
October 6, 2014

The Chair welcomed Ms. Mary Corrigan, who updated the Council on the history and current events happening at the Northland Arboretum. She answered questions of the Council and the Chair thanked her for her presentation. For further information on the Arboretum, go to www.northlandarb.org or call 829-8770.

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: 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.

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

Council Member Koep requested that the following items be removed from the Consent Calendar to be discussed during the Personnel and Finance Committee review:

- (L) *Requests to Defer Assessments*
- (O) *Police Department – Authorization of Sandra Anderson to Records Management* *Lead Position*

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

A. Approval of the Minutes of the Regular Meeting held on September 15, 2014 and the Closed Session held on September 15, 2014, as distributed – Approved

B. Approval of Licenses – Approved

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

C. Department Activity Reports – Approved

1. Mayor
2. Fire Chief
3. Park Director

D. Application and Permit for a 1-Day Temporary On-Sale Liquor License – Submitted by The Crossing Arts Alliance for an Event to be held on October 17, 2014 at the Franklin Arts Center, Brainerd – Approved

- E. Resolution No. 52:14 Adopted – Approving the Minnesota Lawful Gambling Premises Permit Application Submitted by Baxter Snowmobile Club to Establish a Lease for Lawful Gambling Activity at Sud’s, 1107 Oak Street, Brainerd – Contingent on Liquor License Completion
- F. Application to hold Excluded Raffles at Jack’s House during the Weeks of November 9th – November 13th of 2014 and March 23rd – March 27th of 2015 – Submitted by Brainerd/Baxter USBC Bowling Association – Approved
- G. Minnesota Lawful Gambling – Application for Exempt Permit – Submitted by Brainerd Amateur Hockey Foundation for a Raffle to be held January 17, 2014 at Essentia Health Sports Center, 502 Jackson Street, Brainerd – Approved
- H. LMCIT Regional Safety Group – Accept Program and Authorize Proper Signatures – Approved
- I. Consulting Contract with Hilde Inc. for GASB 45 Actuarial Services – Approval of and Authorization of Proper Signatures – Approved
- J. Initiative Foundation – “Walkability Audit” Grant in the amount of \$2,000 – Accept Grant and Authorize Proper Signatures – Approved
- K. Fire Department – “Ag Star Fund for Rural America” Grant in the amount of \$3,000 – Accept Grant and Authorize Proper Signatures – Approved
- L. (Removed for discussion during Personnel and Finance Committee)
- M. Engineering Department – Authorize City Engineer Hulsether Travel for Conference; October 28-October 31, 2014 – Approved
- N. Police Department – Request Meeting of Police and Fire Civil Service Commission to Conduct a New Police Officer Eligibility List – Approved
- O. (Removed for discussion during Personnel and Finance Committee)
- P. Administration Department – Administrative Specialist/Accounts Payable – Darla Johnson – Completion of 6-Month Probation – Change Employment Status to “Regular” and Advance to Step “B” of the Salary Administration Plan (\$20.16/hour) – Effective 9/24/14 – Approved
- Q. Resolution No. 53:14 Adopted – Establishing Polling Locations and Setting Pay For Election Judges for the November 4, 2014 General Election

R. Budget Public Hearing – Set for December 8, 2014 at 6:00 P.M. in the City Hall Council Chambers

S. Call for Applicants:
(Application Information at 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 – Recommended by the Personnel and Finance Committee – Approved

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

Council Committee Reports

Personnel and Finance Committee

2015 Health Insurance – Accept Plans and Rates – Approved

Council discussed the memo included in the Packet which outlined employee healthcare options and costs.

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, TO ACCEPT THE FOLLOWING HEALTH INSURANCE PLAN OPTIONS WITH HEALTHPARTNERS/NJPA:

1. *\$500 Deductible Option*
2. *\$1,000 Deductible Option*
3. *\$2,500 High Deductible Health Plan (\$2,500 HDHP)*
4. *New Plan - \$2,600 High Deductible Health Plan (\$2,600 HDHP)*

Discussion of Personnel Policy Section 5 Subd. 4 – Conflicts of Interest – No Action Taken

Per a memo from City Administrator Wussow which was included in the Packet, Council Members have recently requested both a list of current City employee “outside”

employment as well as a discussion on Section 5. Subd.4 of the Brainerd Employee Policy Manual which covers the policy.

Council discussion was held. The City Administrator was asked to provide an annual report from Department Heads on employees with outside employment to include verification of no Conflicts of Interest or Additional Overtime occurring.

Requests to Defer Assessments – Approved

This item, originally on the Consent Calendar, was removed based on Council Member Koep's request. Discussion was held by Council; ultimately resulting in a unanimous vote to approve all submitted deferment requests.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE REQUESTS TO DEFER ASSESSMENTS AS PRESENTED.

Police Department – Authorize Promotion of Sandra Anderson to Police Records Management Lead Position Effective October 7, 2014 – Approved

This item, originally on the Consent Calendar, was removed based on Council Member Koep's request. Council discussed staff costs.

MOVED AND SECONDED BY ALDERMEN BEVANS AND MATTEN TO AUTHORIZE THE PROMOTION OF SANDRA ANDERSON TO POLICE RECORDS MANAGEMENT LEAD POSITION EFFECTIVE OCTOBER 7, 2014 AS RECOMMENDED BY POLICE CHIEF MCQUISTON.

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

Safety Committee Update – Informational

The minutes of the September 16, 2014 City of Brainerd Safety Committee meeting were included in the Packet.

Safety and Public Works Committee

Set Time for Street Tour in Spring of 2015 – No Action Taken

Resolution No. 54:14 Adopted – Declaring Costs to be Assessed for 2014 Improvements and Ordering a Public Hearing for Monday, October 20, 2014 at 7:30 p.m.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 54:14 – DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT AND ORDERING A PUBLIC HEARING ON ASSESSMENTS FOR THE FOLLOWING 2014 IMPROVEMENTS:

IMPROVEMENT 13-17

Street Resurfacing

Willow Street between South 7th Street and South 13th Street

IMPROVEMENT 13-18

Street Resurfacing

10th Avenue NE between TH 25 and TH 210

IMPROVEMENT 13-19

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

IMPROVEMENT 14-02

Street Resurfacing

South 5th Street between Laurel Street and Front Street

RESOLUTION NO. 54:14

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 resolution adopted.

Resolution No. 55:14 Adopted – Declaring Costs to be Assessed for 2014 Downtown Special Services and Nuisances and Ordering a Public Hearing for Monday, October 20, 2014 at 7:30 p.m.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 55:14 – DECLARING COSTS TO BE ASSESSED FOR 2014 DOWNTOWN SPECIAL SERVICES AND NUISANCES AND ORDERING A PUBLIC HEARING FOR MONDAY, OCTOBER 20, 2014 AT 7:30 P.M. FOR THE FOLLOWING:

DOWNTOWN SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

Laurel Street from South 6th Street to South 8th Street

Front Street from South 6th Street to South 8th Street

South 7th Street from Maple Street to Front Street

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations

Misc properties around the City

RESOLUTION NO. 55:14

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 resolution adopted.

Improvement 13-17 – Willow Street Resurfacing – Quote for Sewer Wye Connection Repair – Accept Quote from Anderson Brothers Construction in the amount of \$25,231.17 – Approved

Council discussed the memo included in the Packet from City Engineer Hulsether in which he stated that only one contractor submitted a quote.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION TO ACCEPT THE QUOTE FROM ANDERSON BROTHERS IN THE AMOUNT OF \$25,231.17 FOR IMP 13-17 – WILLOW STREET RESURFACING/SEWER WYE CONNECTION REPAIR; TO BE PAID FROM THE SANITARY SEWER FUND.

2015 Capital Improvement Program – 2015 Improvement Priority List – Approve Items 1-3 and Direct Staff to Review and Return to Council with Items 4-8 – Approved

A “2015 Improvement Priority List” was included in the Packet which listed 12 items in order of importance as determined by staff. After Council discussion, the following motions were made:

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO APPROVE ITEMS 1-3 ON THE 2015 IMPROVEMENT PRIORITY LIST.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO DIRECT STAFF TO REVIEW AND RETURN TO COUNCIL WITH ITEMS 4-8 ON THE 2015 IMPROVEMENT PRIORITY LIST.

LRIP Applications – Authorize City to Submit Application for \$30,000 City Share of Dellwood Drive and for 28th Street Project to Include a Turn Lane – Approved

Per a memo from City Engineer Hulsether which was included in the Packet, the Minnesota Department of Transportation announced the 2014-2015 Local Road Improvement Program (LRIP) with applications for funding due by January 2, 2015. Staff requests Council’s authorization to submit the City’s application for Dellwood Drive and the 28th Street project; further details are in the memo.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AUTHORIZE SUBMITTAL OF AN APPLICATION FOR THE 2014-2015 LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) TO FUND THE \$30,000 CITY OF BRAINERD SHARE OF THE DELLWOOD DRIVE PROJECT WITH THE CITY OF BAXTER AND CROW WING COUNTY.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AUTHORIZE SUBMITTAL OF AN APPLICATION FOR THE 2014-2015 LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) TO FUND THE 28TH STREET PROJECT TO INCLUDE A TURN LANE.

Improvement 13-16 Tree Removal – Authorize up to \$75 for Reimbursement to Citizen for a Tree Removed from the Right-of-Way on 10th Avenue during SRTS Project – Approved

Per a memo from City Engineer Hulsether which was included in the Packet, a “snowball tree” which had significant sentimental value to a property owner on 10th Avenue was removed during the Safe Routes to School Project. He reports that the property owner recalls being told that the City would relocate the tree as part of the project and that staff feels it is important to follow through by offering to reimburse her for the cost of the tree. Following discussion by Council, the following motion was made:

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE UP TO \$75 FOR REIMBURSEMENT TO CITIZEN FOR A TREE REMOVED FROM THE RIGHT-OF-WAY IN FRONT OF THEIR HOME ON 10TH AVENUE AS PART OF IMPROVEMENT 13-16 (SAFE ROUTES TO SCHOOL).

712 4th Avenue NE Cleanup – No Action Taken

Information was included in the Packet. Council discussed the item and decided to take no action at this time.

Street Light Requests – Holton Avenue and Sullivan Supply – Approved

Following Council discussion, the following motion was made:

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND BEVANS TO APPROVE THE 2 REQUESTS FOR STREETLIGHTS; HOLTON AVENUE AS PROPOSED BY BPU AND 1 ON FRONT STREET ACROSS FROM SULLIVAN SUPPLY.

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

Request for Connection Charge Reconsideration – Denied

Per a memo from City Engineer Hulsether which was included in the Packet, an individual who recently purchased a parcel of land on Wonderland Park Road adjacent to Lum Park and the road and utility improvements on Wonderland Park Road is requesting reconsideration on the connection charge interest amount. He reports in detail the reasons behind staff’s recommendation to not deviate from the City’s established policy and method of calculation related to connection charges.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO DENY THE REQUEST FROM A WONDERLAND PARK ROAD PROPERTY OWNER TO RECONSIDER THE UTILITY CONNECTION CHARGE INTEREST

1420 Quince Street – Informational

Mr. Terry Kinder had requested to be on the Committee agenda for tonight’s meeting to dispute a water discharge citation; however, he did not attend the meeting.

City Engineer Hulsether reported that staff will correct the violation on the City's Right-of-Way at 1420 Quince Street and follow-up on the issue of illegal discharge.

New Business

First Reading – Proposed Ordinance No. 1422 – An Ordinance Amending Brainerd City Code Section 1135 Regarding Tobacco, Tobacco Products and Tobacco Related Products – City Administrator Wussow recommends Dispensing with the Actual Reading – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1422 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1135 REGARDING TOBACCO, TOBACCO PRODUCTS AND TOBACCO RELATED PRODUCTS; FURTHER TO DISPENSE WITH THE ACTUAL READING.

Set Special Council Meeting for Thursday, October 9, 2014 at 6:00 P.M. to Consider an Interim Use Permit as applied for by Brainerd Industrial Center – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, TO SET A SPECIAL COUNCIL MEETING ON THURSDAY, OCTOBER 9, 2014 AT 6:00 P.M. AT BRAINERD CITY HALL COUNCIL CHAMBERS TO DISCUSS THE FOLLOWING ITEMS:

*Potential Sale of Industrial Park Lots
Potential Memorial Monument at Police Department
Brainerd Industrial Center Interim Use Permit*

Public Forum

The Chair recognized Ms. Nancy Williams from the Downtown Business Group.

Council Other Committee Reports

Council Member Koep reported that the Brainerd Public Library Board discussed the possibility of requesting donations on Brainerd Public Utilities customer bills to help pay for the Historic Water Tower because "people are noticing" (repair activity on and around the tower).

Committee Recommendations – Recommended by Mayor Wallin – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER, DULY CARRIED, TO APPOINT MS. MARY AEGERTER TO BOTH THE GREEN STEP CITY COMMITTEE AND THE WALKABLE BIKEABLE CITY COMMITTEE.

Adjourn – To October 9, 2014 Special Council Meeting at 6:00 P.M. at City Hall – 9:12 p.m.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND MATTEN, DULY
CARRIED, TO ADJOURN THE MEETING AT 9:12 P.M.

Patrick Wussow
City Administrator