**Brainerd, MN**
**October 20, 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: Koep, Pritschet, Matten, Bevans, Scheeler, Borkenhagen and Parks. Mayor Wallin was noted as absent.

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

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

*Move Item 5D (Adopt Resolution in Support of SkyWest Airlines Essential Air Service Bid) from the Consent Calendar to New Business, Item 10B, for discussion*

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA AS MODIFIED. .

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

**A.** **Approval of the Minutes of the Regular Meeting held on October 6, 2014, and the Special Meeting held on October 9, 2014, as distributed – Approved**

**B.** **Approval of Licenses – Approved**

1. Contractor's Licenses – 2 – Renewals
2. Tobacco License – 1 – New – (Contingent on Inspection by the Fire Dept)
   Thomas Lee Murray dba J.H.T. Vape
   823 Washington Street
   Brainerd, MN 56401

**C.** **Department Activity Reports**

1. Mayor
2. Police Chief
3. Finance Director
4. City Engineer

**D.** ***Item Moved to "New Business" for discussion***

**E.** **Donations & Contributions for 3rd Quarter 2014 – Resolution No. 56:14 Adopted – Accepting Donations and Contributions as Presented**

**F.** **Building Department – Resignation of Building/Housing Inspector Scott Sadusky – Effective 3/25/2015 – Accepted with Regret**

**G.** **Police Department – Recommendation to Hire Dixie Sanborn for Records Management Tech Position – Contingent on Successful Completion of Pre-Employment Exams – Starting at 85% of Base Rate/$19.04 per Hour or Step "A" of Union Contract – Approved**

**H.** **Fire Department – Paid On Call Firefighter Probation Completion – Mr. Andrew Bickel – Effective October 7, 2014 – Approved**

**I.** **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
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 – Approved**

| | |
|---|---|
| From General Fund to Public Safety Fund | $ 175,000 |
| From General Fund to Park Fund | $ 45,000 |
| From General Fund to Street & Sewer Fund | $ 40,000 |
| From General Fund to Airport Fund | $ 12,960 |
| From Parking Lot Fund to Street & Sewer Fund | $ 9,580 |
| From Parking Lot Fund to Construction Fund | $ 1,976 |
| Total Transfers Out | $ 284,516 |

MOVED AND SECONDED BY ALDERMEN BEVANS AND MATTEN 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.

**Presentation – Crow Wing Energized – Cassie Carrie, Crow Wing Energized Program Coordinator**

Information was included in the Packet on the Statewide Health Improvement Plan (SHIP) and Crow Wing Energized (CWE) programs; both of which are part of Minnesota's health reform initiative to reduce health care costs in Minnesota.

The Chair recognized Ms. Cassie Carrie, Crow Wing Energized Program Coordinator, who discussed the implementation plan for the (SHIP) in Crow Wing County including health improvement, prevention and meeting local needs. She answered questions of the Council and the Chair thanked her for her presentation.

**Council Committee Reports**

**Personnel and Finance Committee Report**

**Discussion of Assistance to Firefighter Grants – Authorize Up To $1,000 of Fire Department Budget for Outside Assistance in Applying for Federal Assistance to Firefighters Grants (AFG), Fire Prevention and Safety Grants (FP&S) and Staffing for Adequate Fire & Emergency Response (SAFER) Grants – Approved**

Information was included in the Packet relating to obtaining assistance in applying for various grants for the Fire Department.

Following Council discussion, the following motion was made:

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE UP TO $1,000 FROM THE FIRE DEPARTMENT BUDGET FOR GRANT WRITING SERVICES TO APPLY FOR AFG, FP&S AND SAFER GRANTS.

Staff was also directed to research the scope of these types of grants and report back to Council at the November 3, 2014 meeting on how the following expenses are covered by these grants being applied for: equipment, personnel and "other."

**2015 Budget Update – Budget Workshop Scheduled for Monday, October 27, 2014 at 7:15 P.M. in the Brainerd City Hall Council Chambers – Approved**

Per a memo from Finance Director Hillman which was included in the Packet, the City needs to set the final levy and adopt a final budget for 2015 by December 31, 2014.

Following Council discussion the following motion was made:

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, TO HOLD A BUDGET WORKSHOP ON MONDAY, OCTOBER 27, 2014 AT 7:15 P.M. IN THE CITY HALL COUNCIL CHAMBERS.

**Kitchigami Regional Library Request for Levy Increase – Authorize Letter to KRLS as Provided – Approved**

City Administrator Wussow provided information at the meeting on the budgets for Kitchigami Regional Library System and the Brainerd Public Library. A draft letter to KRLS was also provided relating to the increase in levy requested by KRLS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO AUTHORIZE SENDING THE DRAFT LETTER TO KRLS FROM THE CITY RELATING TO THE INCREASE IN LEVY REQUESTED BY KRLS FOR THEIR 2015 LEVY.

**Safety and Public Works Committee Report**

**Invoice from Classic Coatings – Authorize Payment of $12,000 – Approved**

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE PAYMENT OF $12,000 TO "CLASSIC PROTECTIVE COATINGS, INC." FOR EXTERIOR LOOSE CONCRETE/COATING REMOVAL AND INSPECTION ACCESS RIGGING FOR THE HISTORIC WATER TOWER.

**2015 Construction Program – Delay of SE 13th Street/CSAH 45 Resurfacing Project – Assistant City Engineer Freihammer, Council Member Matten and Council Member Koep to attend Crow Wing County Board Meeting on October 28, 2014 to Address the Possible Delay of Project and Report to Council at Future Committee Meeting – Approved**

Per a memo from City Engineer Hulsether which was included in the Packet, Council requested that staff ask the County Highway Department if there was a possibility of delaying the

CSAH 45 resurfacing project for a year. He states that in order to make this decision, the County needs the request in writing by October 22nd to be presented at the County Board meeting on October 28, 2014.

Following Council discussion, the following motion was made:

MOVED AND SECONDED BY ALDERMEN SCHEELER AND MATTEN TO LEAVE THE SE 13th STREET/CSAH 45 RESURFACING PROJECT IN THE 2015 CONSTRUCTION PROGRAM.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO REQUEST THAT THE FOLLOWING ATTEND THE CROW WING COUNTY BOARD MEETING ON OCTOBER 28, 2014 TO REQUEST THE DELAY OF THE WE 13TH STREET/CSAH 45 RESURFACING PROJECT: ASSISTANT CITY ENGINEER FREIHAMMER, COUNCIL MEMBER MATTEN AND COUNCIL MEMBER KOEP; UPDATE TO BE PROVIDED AT AN UPCOMING CITY COUNCIL MEETING.

**Event/Street Closure Application – October 31, 2014 from 12:00 P.M. to 6:00 P.M. including the Street Closure in Alley – Approved**

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION AS SUBMITTED BY KARI LAKE/BRAINERD DISPATCH FOR THE STREET CLOSURE IN THE ALLEY IN BLOCK H, WEST BRAINERD BETWEEN NOON AND 6:00 P.M. ON FRIDAY, OCTOBER 31, 2014 FOR A HALLOWEEN EVENT.

**Status of Mobile Food Unit Trial Period – Extend Through June 30, 2015 – Approved**

Per a memo from City Administrator Wussow which was included in the Packet, the City Council will need to take action to either continue the trial period or adopt an ordinance to permit the activity of mobile food trucks within the City of Brainerd based on the March, 2014 Council action as follows, "…*to extend the trial period for mobile food truck public sales through 12/21/14 with review to take place before this trial period is over."*

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER TO EXTEND THE TRIAL PERIOD FOR MOBILE FOOD TRUCK OPERATION WITHIN THE CITY OF BRAINERD THROUGH JUNE 30, 2015.

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

**Outdoor Serving and Consumption of Alcohol – Staff to Research and Present to Council Proposed Ordinances for City Code Amendment to Address Outdoor Serving of Alcohol at Already Established Bars/Restaurants within the City – Approved**

Per a memo from City Planner Ostgarden which was included in the Packet, a request has been received from a bar/restaurant owner to serve alcohol outdoors on their property. He states that the current City Code has no language to permit this type of service and requests direction on how to proceed.

Following Council discussion, the following motion was made:

MOVED AND SECONDED BY ALDERMEN SCHELLER AND KOEP, DULY CARRIED, TO REQUEST THAT STAFF RESEARCH AND BRING BACK TO THE COUNCIL TWO TO THREE PROPOSED ORDINANCES FOR CITY CODE AMENDMENT TO ADDRESS OUTDOOR SERVING OF ALCOHOL AT ALREADY ESTABLISHED BARS AND/OR RESTAURANTS WITHIN THE CITY.

**Zoning Ordinance Violations – Informational**

No action was taken by Council.

**Unfinished Business**

**Public Hearing – Resolution No. 57:14 Adopted – Approving the 2014 Improvement Assessments as Identified**

Assessment Rolls were included in the Packet. The Chair opened the Public Hearing at 8:31 P.M., and the following individuals addressed the Council:

*Brian Olson, 831 Brook Street, Brainerd re Property Located at 1223 12th ST SE*

The Chair closed the Public Hearing at 8:33 P.M.

Following Council discussion the following motion was made:

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS TO ADOPT RESOLUTION NO. 57:14 – ADOPTING THE ASSESSMENTS FOR 2014 IMPROVMENTS AS IDENTIFIED.

**RESOLUTION NO. 57:14**

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.

**Public Hearing – Resolution No. 58:14 Adopted – Approving the Downtown Special Services Assessments and Nuisance Abatements as Identified**

Assessment Rolls were included in the Packet. The Chair opened the Public Hearing at 8:34 P.M., and the following individuals addressed the Council:

*Gary Svendsen, 12277 Bass Lake Road, Merrifield re Property Located at 132 Oak Street*

*Dianna Lorimore, 16380 Birchwood Lane, Brainerd re Property Located at 1114 Pine Street & at 519 2nd Avenue NE*

*Calvin Kelling, re his property at 1101 S 10th ST*

*Terry Kinder, 1420 Quince ST*

Following Council discussion the following motion was made:

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET TO ADOPT RESOLUTION NO. 58:14 – APPROVING THE DOWNTOWN SPECIAL SERVICES ASSESSMENTS AND NUISANCE ABATEMENTS AS IDENTIFIED.

**RESOLUTION NO. 58:14**

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.

**Public Hearing – Final Reading of 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**

The proposed ordinance was included in the Packet, the Chair opened the Public Hearing at 8:59 P.M., and the following individuals spoke to the item:

*Kim Murray, associated with Tobacco License applicant, J.H.T. Vape*

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

Following Council discussion, the following motions were made:

MOVED AND SECONDED BY ALDERMEN SCHEELER AND MATTEN, DULY CARRIED, TO HOLD THE FINAL 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.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND MATTEN TO ADOPT 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.

**ORDINANCE NO. 1422**

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.

**New Business**

**Annexation Request – Ordinance No. 1423 – First Reading – Kurt LeVasseur Property adjacent to Lum Park on Wonderland Park Road – PID #81100000001A009 – Approved**

Per a memo from City Planner Ostgarden which was included in the Packet, an annexation request has been submitted for property adjacent to Lum Park on Wonderland Park Road. The

property is vacant and the owner has requested annexation to connect to city services. A required Public Hearing will be held on December 1, 2014 at the regular City Council meeting.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS, DULY CARRIED, TO HOLD THE FIRST READING OF ORDINANCE NO. 1423 – AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN PROPERTIES LOCATED IN OAK LAWN TOWNSHIP, 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. 59:14 Adopted – Acknowledging the City's Support of SkyWest Airlines Essential Air Service Bid**

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET TO ADOPT RESOLUTION NO. 59:14 – ACKNOWLEDGING THE CITY'S SUPPORT OF SKYWEST AIRLINES ESSENTIAL AIR SERVICE BID.

**RESOLUTION NO. 59:14**

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.

**Planning Commission**

**Conditional Use Permit and Variances – Jeffrey Laux, 604 N. 7th Street (former Whittier School) – Approved**

City Planner Ostgarden presented the Planning Commission recommendation to approve the CUP and Variances as applied for by Whittier Capital Group, LLC to repurpose the former Whittier School building as a site for a preschool to 6th grade Montessori School. All necessary information was included in the Packet.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT AND VARIANCES AS APPLIED FOR BY WHITTIER CAPITAL GROUP, LLC., FOR THE REPURPOSING OF THE BUILDING AT 604 N. 7TH STREET (FORMERLY WHITTIER SCHOOL); BASED ON THE FINDINGS-OF-FACT, CONDITIONS AND RECOMMENDATION OF THE PLANNING COMMISSION.

**Public Forum**

None

**Reports**

**Police Chief**

Police Chief McQuiston presented information on the in—squad cameras purchased for the Police Department. He showed a video from one of the cameras to illustrate the usefulness of these devices.

**Council Other Committee Reports**

**Committee Recommendations – Recommended by Mayor Wallin**

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO APPROVE THE REAPPOINTMENT OF MS. MARLEE LARSON TO THE HRA FOR A TERM TO EXPIRE 6/6/2019.

**Adjourn – To Closed Session Pursuant to 13D.03 subd.1 for Labor Negotiations Strategy – 9:12 P.M.**

The Council reconvened into open session at 10:20 P.M.

**Adjourn**

- **To MN Manufacturers Week Tours at 9am Thursday, October 23rd at Avantech and at 8:30am Friday, October 24th at Lexington Manufacturing**
- **To the Walkable Bikeable Event to be held on Monday, October 27, 2014 from 5:00 P.M. to 7:00 P.M. at the Land Services Building**
- **To the City Council Budget Workshop to be held on Monday, October 27, 2014 at 7:15 P.M. in the City Hall Council Chambers**

The Chair adjourned the meeting at 10:22 P.M.

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Patrick Wussow
City Administrator