Brainerd, MN
January 6, 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 Cumberland.

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

President Cumberland opened the meeting with the Pledge of Allegiance to the Flag.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO AMEND THE CONSENT CALENDAR TO INCLUDE THE ADDITIONAL TOBACCO LICENSE FOR VAPOR NORTH AS APPLIED FOR BY MR. JOHN DUNDAS, CONTINGENT ON APPROVAL BY THE FIRE CHIEF.

A. Approval of the Minutes of the December 9, 2013 Budget Public Hearing, the Regular Meeting held on December 16, 2013, the Agenda as Presented and the Consent Calendar as Amended – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 36 – Renewals
2. Tobacco License – 2 – Renewals
3. Garbage Hauler License – 2 – Renewals
4. Tobacco License – 1 – New
   Vapor North, 405 Washington Avenue, Brainerd

C. Department Reports – Approved

1. Mayor's report of activities distributed to Council
2. Fire Chief's report of activities distributed to Mayor and Council
3. Park Director's report of activities distributed to Mayor and Council

D. Designation of Brainerd Dispatch as Official Newspaper for Calendar Year 2014 – Required by Charter – Approved

E. Designation of Financial Institutions as Depositories for 2014: Bremer Bank, Wells Fargo, Lakewood Bank, US Bancorp, First National Bank of Deerwood, People's National Bank, Frandsen Bank & Trust, Riverwood Bank, RBC Wealth Management, 4M Money Market, PMA Financial Network, Inc. and Morgan Stanley – Approved

F. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Lakes Chapter of Muskies, Inc. for a Raffle to be held on March 1, 2014 at the Brainerd Armory – Approved

G. **Signature Authorization for 2014 Capital Projects for the Brainerd Lakes Regional Airport – Resolution No. 01:14 Adopted**

H. **Call for Applicants:**

Airport Commission – 1 Term to Expire on 12/31/2016
Cable TV Advisory Committee – 2 Terms to Expire on 12/31/2016
Charter Commission – 1 Term to Expire on 12/31/2017
Library Board – 4 Terms to Expire on 12/31/2019
Park Board – 1 Term to Expire on 12/31/2018
Planning Commission – 2 Terms to Expire on 12/31/2016
Police and Fire Civil Service Commission – 1 Term to Expire on 12/31/2016
Public Utilities Commission – 1 Term to Expire on 12/31/2018
Transportation Advisory Committee – 6 Terms to Expire on 12/31/2015

Upon roll call, members Pritschet, Bevans, Scheeler, Parks, Borkenhagen, Koep and Cumberland 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 THE PAYMENT OF BILLS AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

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

Council Committee Reports

Personnel and Finance Committee

Mind Mixer Proposal – Informational

Personnel and Finance Committee Chair Bevans stated that Committee had heard a presentation on the Mind Mixer program (mindmixer.com) which is an effort to incorporate community engagement tools into the City's makeup.

Request from the City of East Gull Lake for Fire Service Contract Termination Effective January 1, 2014 – Acknowledged

A letter was included in the Packet from the City of East Gull Lake giving the 1-year termination notice of its contract for Fire and Rescue Services with the City of Brainerd effective January 1, 2015.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO ACKNOWLEDGE THE LETTER RECEIVED FROM THE CITY OF EAST GULL LAKE

TERMINATING ITS CONTRACT FOR FIRE AND RESCUE SERVICES WITH THE CITY OF BRAINERD EFFECTIVE JANUARY 1, 2015.

Memorandum of Understanding with International Association of Firefighters, Brainerd Local 4725 – Approved

Per a memo from City Administrator Goble which was included in the Packet, staff recommends approval of the MOU negotiated with the IAFF union to address the assignment and the changing of the Fire Inspector's work hours to better meet the needs of the department and customers.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BRAINERD AND IAFF BRAINERD LOCAL 4725 RELATED TO THE CHANGING OF THE FIRE INSPECTOR WORKING HOURS AS PRESENTED, INCLUDING A SUNSET CLAUSE FOR MARCH 1, 2014 TO ALLOW FOR REVIEW BY THE NEW CITY ADMINISTRATOR.

Downtown Motel – Status Report from Brainerd Housing and Redevelopment Authority – Informational

An update from the HRA was included in the Packet.

City Administrator Position – Employment Contract Offer to Mr. Patrick Wussow – Approved

The "City Administrator Employment Agreement" was included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE THE EMPLOYMENT CONTRACT OFFER TO MR. PATRICK WUSSOW AS PRESENTED.

Wage Resolutions & Union Contracts – Effective January 1, 2014 – Approved:

In a memo included in the Packet from City Administrator Goble, it was noted that Council consensus during negotiation strategy sessions was to negotiate a one-year contract for employees effective 1/1/2014 with the wage increase amount of 1.95% and the elimination of the $500 Deductible Health Insurance Plan. She states that currently three of the seven unions have agreed to this proposal to settle 2014 contracts.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO APPROVE THE UNION CONTRACTS AND APPLICABLE INSURANCE MOU'S BETWEEN THE CITY OF BRAINERD AND THE FOLLOWING EMPLOYEE GROUPS:

IBEW LOCAL #31 - ADMINISTRATIVE SUPPORT
IUOE LOCAL #49 - STREET DEPARTMENT
IUOE LOCAL #49 - PARKS DEPARTMENT
DEPARTMENT HEADS AND SUPERVISORS

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT THE FOLLOWING 2014 WAGE RESOLUTIONS AS PRESENTED:

RESOLUTION NO. 02:14 – IBEW LOCAL #31 – ADMINISTRATIVE SUPPORT EMPLOYEES 2014 WAGES

RESOLUTION NO. 03:14 – IUOE LOCAL #49 PARKS DEPARTMENT EMPLOYEES 2014 WAGES

RESOLUTION NO. 04:14 – DEPARTMENT HEADS AND SUPERVISORS 2014 WAGES

RESOLUTION NO. 05:14 – IUOE LOCAL #49 – STREET DEPARTMENT EMPLOYEES 2014 WAGES

Upon roll call, members Pritschet, Bevans, Scheeler, Parks, Borkenhagen, Koep and Cumberland voted “aye.” No member voted “nay.” The Chair declared the motion carried and Resolutions 02:14, 03:14, 04:14 and 05:14 adopted.

Safety and Public Works Committee

2014 Improvements – Resolution No. 06:14 Adopted – Receiving Report and Calling for Public Hearing at 7:30 p.m. on Tuesday, January 21, 2014 on the following Improvements:

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 06:14 – RECEIVING REPORT AND CALLING A PUBLIC HEARING TO DISCUSS 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 14-02
Street Resurfacing
South 5th Street between Laurel Street and Front Street

IMPROVEMENT 14-05
Street Overlay
Old Stonebridge Court and Old Stonebridge Trail

RESOLUTION NO. 06:14

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

Improvement 12-12 – Buffalo Hills Trail – Request for Amendment to Services Agreement – Tabled to Tuesday, January 21, 2014 Council Meeting – Approved

Included in the Packet was a request from SEH for an amendment to the original Buffalo Hills Trail construction project contract in the amount of $5,000 based on several tasks being added to the project at the request of the City which SEH feels were outside the original scope of the project.

Per a memo also included in the Packet from City Engineer Hulsether, necessary redesigns in the project did involve extensive coordination with CWC, the DNR and a local ATV club as well as additional survey work and observation; therefore, staff feels the services agreement amendment as proposed is in order and recommends approval.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO APPROVE THE REQUEST FOR A $5,000 AMENDMENT TO THE ORIGINAL SERVICE CONTRACT BETWEEN THE CITY OF BRAINERD AND SEH FOR THE BUFFALO HILLS TRAIL PROJECT.

Alderman Koep gave the minority report, stating she feels the amendment is an afterfact.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO TABLE THE MOTION TO THE JANUARY 21, 2014 MEETING.

On motion to table, members Pritschet, Scheeler, Parks, Borkenhagen, Koep and Cumberland voted "aye." Member Bevans voted "nay." The Chair declared the motion carried. The item will appear on the Tuesday, January 21, 2014 City Council meeting agenda.

Improvement 13-20 – Buffalo Creek Watershed Improvements – Authorize StormGarden Work to be done in Public Right-of-Way and Request that a Copy of the Agreement be Available at City Hall – Approved

Per a memo included in the Packet from City Engineer Hulsether, as part of the Legacy Fund grant secured by the Crow Wing Soil and Water Conservation District last year the City committed to a local match consisting of in-kind labor to prepare plans and specification and potentially some on-site work for construction on a number of storm water BMP's in the little Buffalo Creek watershed in order to improve water quality. He states that staff felt it necessary to present the project to the Council for approval since work involving the construction of stormwater gardens in City Right-of-Ways.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE STORMGARDEN PLANS FOR IMP 13-20, BUFFALO CREEK WATERSHED IMPROVEMENTS, INCLUDING AUTHORIZATION TO WORK WITHIN THE PUBLIC RIGHT-OF-WAY AND TO REQUEST THAT A COPY OF THE AGREEMENT BE KEPT ON FILE AT CITY HALL.

Safe Routes to School Project Solicitation – Denied

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO MOVE FORWARD WITH SAFE ROUTES TO SCHOOL PROJECT SOLICITATION IN ACCORDANCE WITH THE PLAN.

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

City Hall Phone System Upgrade – Obtain Quotes from CTC – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO OBTAIN QUOTES FROM CTC FOR UPGRADING THE PHONE SYSTEM AT CITY HALL.

City Engineer Association of Minnesota (CEAM) Project of the Year Award – Informational

A notification was included in the Packet from the City Engineer's Association of Minnesota that the College Drive Reconstruction project has been selected as the winner of the CEAM Project of the Year award for 2013.

Unfinished Business

Bob Olson – Request to Appear Before Council – Informational

The Chair recognized Mr. Bob Olson, 502 N 7th Street, Brainerd, who had requested to appear before Council. Mr. Olson presented City financial information to the Council.

Staff will report back with answers to the questions Mr. Olson presented.

Mr. Olson provided copies of his remarks to the City Council and City Administrator.

GreenStep City Committee Appointment – Mr. Eric Pouliot – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO APPROVE THE APPOINTMENT OF MR. ERIC POULIOT TO THE GREENSTEP CITY COMMITTEE.

Discussion was held on whether the Ad Hoc committees should have a residency requirement based on Mr. Pouliot having an East Gull Lake address. Further discussion on this topic will be held in the future.

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

New Business

Petition of Wausau Paper Printing & Writing LLC for Waiver of Obligation to Repay JOBZ Tax Benefits – Oppose Waiver and Notify Legislators of City's Action – Approved

Included in the Packet were letters dated October 14, 2013 from Wausau Paper Mills, LLC to the MN Department of Revenue requesting a waiver of repayment requirement under the JOBZ program and from the MN Department of Revenue, dated December 17, 2013 requesting the City provide a statement either supporting or opposing the waiver request (including the reasons for support or opposition).

Per City Administrator Goble, the MN Department of Revenue is the final authority on the request for waiver; however, before making a determination the Commissioner must consult with local units of government.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO GO ON RECORD THAT THE CITY STRONGLY OPPOSES THE WAIVER OF OBLIGATION REQUEST FROM WAUSAU PAPER MILLS, LLC., TO REPAY JOBZ TAX BENEFITS; FURTHER, THAT THE CITY'S STATEMENT BE SENT TO AREA LEGISLATORS ASKING FOR THEIR SUPPORT.

Authorization to Discuss with Downtown Property Owners Listing Downtown on the National Register of Historic Places – Funding Potential for Building Exterior and Interior Improvements – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET, DULY CARRIED, TO AUTHORIZE STAFF TO DISCUSS WITH DOWNTOWN PROPERTY OWNERS LISTING DOWNTOWN ON THE NATIONAL REGISTER OF HISTORIC PLACES.

Planning Commission

Variance – 1423 S 10th Street; Accessory Building Height – Approved

Findings-of-Fact:

1. The property is located in an R-1 (Single Family Residential) District
2. The property is a corner lot with a lot size of 75' x 144' (10,800) sf.
3. A variance was granted in August 2013 to permit an accessory building to be located closer to the front property line than the principle building on the lot.
4. Access to the garage will be off the Summit Street cul-de-sac.
5. All setbacks, lot coverage and garage size limit requirements are met.
6. The owner desired to match the 8/12 house pitch and discovered that pitch would make the garage 20" taller than the house.
7. Lot size, the additional garage height and location and its relationship to the house height and location contribute to the property being used in a reasonable manner.
8. In relationship to the neighborhood the additional garage height does not alter its essential character.
9. Granting the variance is consistent with the Comprehensive Plan because it supports the Land Use Strategy of:
   Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.
10. The petitioner spoke in support and there was no public opposition.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND KOEP TO APPROVE THE VARIANCE REQUEST SUBMITTED BY MISTY BAYLISS TO PERMIT AN ACCESSORY BUILDING TO BE TALLER THAN THE PRINCIPAL BUILDING AT 1423 S 10TH STREET BASED ON THE 10 FINDINGS-OF-FACT AND RECOMMENDATION OF THE PLANNING COMMISSION.

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

Public Forum

The Chair recognized Mr. John Dundas, who verified that the application he submitted to sell Tobacco had been approved.

Reports

Mayor's Report

Mayor Wallin thanked the Council for their service in 2013.

City Attorney's Report

The Chair welcomed City Attorney Eric Quiring to his first meeting. He stated that he had nothing to report.

City Administrator's Report

City Administrator Goble stated that:

- The LMC Experienced Officials 2014 Leadership Conference is scheduled for Jan 31- Feb 1 in Brooklyn Center. Please let me know if you are interested in attending and we'll make the reservations for you.

- With the sale of the Equipment Certificates and the receipt of the funds, staff is now moving forward on the purchases as identified in the Plan – the street sweeper; police vehicles and squad video system; Parks pickup, field groomer and satellite lifter; and city hall staff vehicles. All items will be purchased off the state contract, through the NJPA contract, and/or by competitive bids. Used equipment will either be traded in, sold on the surplus public auction web site currently be used by the police dept, and or scrapped.

- I want to thank City Engineer Jeff Hulsether for his constant due diligence this weekend regarding the heating system at City Hall. I know that he came in at least once both days to "manually" control the system because of the frigid weather.

City Engineer's Report

City Engineer Hulsether stated that he had nothing in addition to his attached annual report.

City Planner's Report

City Planner Ostgarden stated that in addition to his attached annual report, he had three items:

- The 1st draft of the City's 2nd newsletter is complete.
- P\The Owner of the Brainerd Hotel has requested to operate as an "extended stay" property. The Planning Commission will be reviewing this item.
- Further donations for the University of Minnesota study for the Mississippi Riverfront project have been received.

Fire Chief's Report

Fire Chief Stunek was absent. His annual report was attached to the Packet along with is regular monthly report.

Park Director's Report

Park Director Sailer stated that the Park Board will now hold their regular meetings on the 4th Tuesday of each month at 4:00 P.M. at the Brainerd City Hall Conference Room. His annual report was attached to the Packet along with is regular monthly report.

He also updated Council on the condition of the Park Office building which has a leaking roof.

Council President's Report

Council President Cumberland distributed a list of 2014 items.

Council Other Committee Reports

Mayor Wallin reminded the Council about Retiring Northland Arboretum Director Dale Braddy's retirement party to be held on Thursday, January 9th.

Committee Resignations – Accepted With Regret

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO ACCEPT, WITH REGRET, THE FOLLOWING COMMITTEE RESIGNATIONS:

A – Ms. Jan Lambert – Planning Commission – Effective 1/6/14
B – Mr. Kevin Stumpf – Decline Reappt to Cable TV Advisory Committee

Committee Recommendations – Recommended by President Cumberland

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE APPOINTMENT OF COUNCIL MEMBER GARY SCHEELER AS AIRPORT COMMISSION COUNCIL LIAISON FOR A TERM TO EXPIRE ON 12/31/2014.

Adjourn

The Chair adjourned the meeting at 9:30 P.M.

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Theresa A. Goble
City Administrator