

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 President Parks.

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

Council President Parks 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 KOEP AND BEVANS TO ADOPT THE CONSENT CALENDAR AS PRESENTED.

A. Approval of the Minutes of the Regular Meeting held on March 3, 2014, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 4 – Renewals

C. Department Activity Reports – Approved

1. Mayor
2. Police Chief
3. Finance Director

D. Application for Temporary On-Sale Liquor License – Submitted by BPOE Lodge 615 for an Event to be held on April 30, 2014 at the Brainerd Armory, 1115 Wright Street, Brainerd – Approved

E. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lumberjacks and Jills Club to hold Bingo Events on April 9, 2014 and November 19, 2014 at the American Legion Post 255, 708 Front Street, Brainerd – Approved

F. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the Brainerd Rotary Foundation for a Raffle to be held on September 9, 2014 at Yesterday's Gone, 219 S 9th Street, Brainerd – Approved

G. Submitted by Brainerd Area Amateur Radio Club for a Raffle to be held on April 19, 2014 at the Brainerd Armory, 1115 Wright Street, Brainerd – Approved

H. Call for Applicants:

Cable TV Advisory Committee – 2 Terms to Expire on 12/31/2016

Library Board – 2 Terms to Expire on 12/31/2019

Transportation Advisory Committee – 3 Terms to Expire on 12/31/2015

Upon roll call, members Bevans, Scheeler, Borkenhagen, Koep, Pritschet, Matten 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	\$315,000
From General Fund to Park Fund	\$5,000
From General Fund to Street & Sewer	\$70,000
From General Fund to Airport Fund	<u>\$12,960</u>
Total Transfers from #101	\$402,960

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

Legislative Update

City Administrator Wussow reported that:

- An outline of “Talking Points for the Purchase of the Brainerd Dam” prepared by the City and BPU will be presented at the Capital on Tuesday by Representative Ward.
- The FERC license transfer was approved after preparation of the outline; therefore the City is progressing towards acquiring all items necessary to move forward with the purchase of the Dam.
- Information on the Local Option Sales Tax extension was presented to the House last week and went well; the House moved the item to the omnibus bill in preparation for approval without further committee hearings.

Council Committee Reports

Safety and Public Works Committee

Resolution No. 22:14 Adopted – Awarding the 2014 Street Resurfacing Bid to Tri-City Paving for Improvements 13-17, 13-18, and 14-02 (2014 Street Resurfacing Project) in the Amount of \$359,926.57

Per a memo included in the Packet from Assistant City Engineer Freihammer, two bids were received for 2014 Street Resurfacing and that staff recommends accepting the low bid from Tri-City Paving.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO ADOPT RESOLUTION NO. 22:14 – AWARDING THE 2014 STREET RESURFACING

PROJECT INCLUDING IMPROVEMENTS 13-17, 13-18 AND 14-02 TO THE LOW BIDDER, TRI-CITY PAVING, FOR THE AMOUNT OF \$359,926.57

RESOLUTION NO. 22:14

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

Classification of Tax Forfeit Parcels – Serene Pines and Dalmar Estates Subdivisions – Request CWC Re-Attach Original Special Assessments to the Tracts of Land, Classify them as "Non-Conservation" and offer them for Sale; further, Request that "Outlot A" of Serene Pines be Classified as "Conservation" and be retained for Public Purposes – Approved

A memo from City Engineer Hulsether was included in the Packet with Staff recommendations related to Crow Wing County's proposed classification of non-conservation on parcels that are going tax forfeit in the Serene Pines and Dalmar Estates subdivisions.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION IN RELATION TO THE SERENE PINES AND DALMAR ESTATES SUBDIVISIONS AND REQUEST THAT CROW WING COUNTY RE-ATTACH ORIGINAL SPECIAL ASSESSMENTS TO THE TRACTS OF LAND, CLASSIFY THEM AS "NON-CONSERVATION" AND OFFER THEM FOR SALE; FURTHER, REQUEST THAT "OUTLOT A" OF SERENE PINES BE CLASSIFIED AS "CONSERVATION" AND BE RETAINED FOR PUBLIC PURPOSES.

Building Permit Rebate Program for 2014 – Suspend Program Effective March 20, 2014 and Review by February 1, 2015 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN, DULY CARRIED, TO SUSPEND THE BUILDING PERMIT REBATE PROGRAM EFFECTIVE MARCH 20, 2014, AND REVIEW PROGRAM BY FEBRUARY 1, 2015.

2014 City Wide Clean-up – City Planner to Meet with Master Gardeners, Chamber and City Staff to Form Subcommittee to develop a "Beautify Brainerd" Project – Approved

Council Member Borkenhagen reported that he has been meeting with various service organizations regarding combining efforts for cleaning up the City.

Discussion was held by Council.

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN, DULY CARRIED, TO REQUEST CITY PLANNER TO MEET WITH MASTER GARDENER AND CHAMBER AND CITY TO SEE IF THERE COULD BE A SMALL SUBCOMMITTEE TO DEVELOP A "BEAUTIFY BRAINERD" PROJECT

Whittier School Review – Direct Staff to Inform School District that the City is Not Interested in Purchasing the Whittier School Building – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS, DULY CARRIED, TO DIRECT STAFF TO INFORM THE SCHOOL DISTRICT THAT THE CITY IS NOT INTERESTED IN THE PURCHASE OF THE WHITTIER SCHOOL BUILDING.

Kampmann Encroachment – Held Over

Resolution No. 23:14 Adopted – Receiving Report and Calling Public Hearing for Improvement 13-19 at 7:30 p.m., Monday, April 7, 2014

A memo from City Engineer Hulsether was included in the Packet presenting the feasibility report for the 2nd phase of the proposed 2014 street reconstruction projects which consist of reconstruction of streets in the Garfield School area.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 23:14 – RECEIVING REPORT AND CALLING PUBLIC HEARING FOR IMPROVEMENT 13-19 AT 7:30 P.M., MONDAY, APRIL 7, 2014.

RESOLUTION NO. 23:14

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

Mobile Food Trailer Request – Include “Food Trailers” in the City of Brainerd’s Food Truck Trial Period which is effective through December 31, 2014 – Approved

A request to operate a Food Trailer was received from Kim and Deza Pracht and included in the Packet.

Per a memo also included in the Packet, the City Council would need to amend their motion made at the December 16, 2013 meeting to allow food “trucks” during a trial period extended through 12/31/2014. The motion would need to specifically allow food “trailers” because of the set-up proposed by the Prachts for their “Grub on the Go” business which is run from a trailer.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AMEND THE DECEMBER 16, 2013 COUNCIL MOTION TO EXTEND THE MOBILE FOOD TRUCK TRIAL PERIOD TO ALSO INCLUDE FOOD “TRAILERS” FOR THE SAME TRIAL PERIOD WHICH ENDS DECEMBER 31, 2014.

1224 Pine Street Appeal – Hearing Set for April 1, 2014 at 4:30 P.M. – Approved

City Planner Ostgarden reported that property owner Chad Ross has been granted 6 hours per day this week to be released from jail through the Huber law to work on cleaning up the property at 1224 Pine Street.

City Planner Ostgarden stated that the City is also pursuing the civil aspect of this case which includes a hearing requirement should the property owner request one. Because Mr.

Ross has requested a hearing, a motion must be made to call the hearing within 20 days of the request.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO HOLD A HEARING ON APRIL 1, 2014 AT 4:30 P.M. IN THE CITY HALL COUNCIL CHAMBERS TO ADDRESS THE APPEAL OF PROPERTY OWNER CHAD ROSS RELATED TO THE CLEAN UP OF HIS PROPERTY LOCATED AT 1224 PINE STREET, BRAINERD.

MS4 Public Hearing – To be held on Monday, April 21, 2014 at 7:30 P.M.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO HOLD THE ANNUAL MS4 PUBLIC HEARING ON APRIL 21, 2014 AT 7:30 P.M.

Personnel and Finance Committee Report

Police Department:

Request to Utilize Drug Forfeiture Funds for New Investigator Mobile Computers

A request from Police Chief McQuiston was included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE USE OF UP TO \$4,500 OF DRUG FORFEITURE FUNDS TO PURCHASE TWO NEW MOBILE SQUAD CAR COMPUTERS FOR THE POLICE DEPARTMENT INVESTIGATOR VEHICLES.

Resignation of Police Officer Matthew Stein – Accept with Regret and Request Police and Fire Civil Service Commission to Certify Top Three Candidates from Police Officer Eligibility List

A request from Police Chief McQuiston was included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND MATTEN, DULY CARRIED, TO ACCEPT THE RESIGNATION OF OFFICER MATTHEW STEIN EFFECTIVE MARCH 4, 2014 AND REQUEST THE CIVIL SERVICE COMMISSION TO MEET AND CERTIFY THE NEXT THREE CANDIDATES ON THE POLICE OFFICER ELIGIBILITY LIST AND TO AUTHORIZE CONDITIONAL JOB OFFERS BE MADE TO THE TOP TWO CANDIDATES.

Planning Commission

Preliminary Plat – East Ridge Subdivision – Approved

City Planner Ostgarden discussed the reasons for the Planning Commission recommendation to approve the East Ridge Preliminary Plat applied for by JAE Enterprises. Attachments supporting the decision were included in the Packet.

Discussion was held by Council.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO APPROVE THE PRELIMINARY PLAT FOR THE EAST RIDGE SUBDIVISION BASED ON THE

16 FINDINGS-OF-FACT AS PRESENTED AND SUBJECT TO THE FOLLOWING 3 CONDITIONS:

1. Compliance with the Zoning Ordinance Building Design Standards and General Landscaping requirements prior to occupancy of a unit. (as originally recommended by the Planning Commission)
2. Utility easements are 12' width (as originally recommended by the Planning Commission)
3. Developer shall maintain the trail within the subdivision (amended by City Council this evening)

Public Forum

None.

Reports

Mayor's Report

Mayor Wallin was absent.

City Attorney's Report

City Attorney Quiring had nothing to report.

City Administrator's Report

City Administrator Wussow reported that an inquiry was received relating to new Council Member Matten being on the Planning Commission along with Council Member Pritschet; he stated that this is allowable because she was already on the Planning Commission before being a City Council member.

City Engineer's Report

City Engineer Hulsether reminded people to be careful based on the forecast for a winter storm. He also report that load limits in the central zone go into effect at midnight and that there is a 5-ton axle weight restriction on local streets until the frost goes out, with City trucks, garbage trucks, honey wagons and school buses being exempt. He also confirmed City Administrator Wussow's reminder to the public to continue running a light stream of water in one faucet of their home until further notice from BPU.

City Planner's Report

City Planner Ostgarden reported that:

- The Mississippi River Partnership Plan Steering Committee will hold a meeting on Wednesday, March 26, 2014 at 4:00 P.M. at the Fire Department Training Room.
- The Planning Department is preparing for the April/May/June Newsletter; please present ideas for articles to mostgarden@ci.brainerd.mn.us

- The City has received the interim use permit application from Renu Recycling for the Wausau site decommissioning and shared the following timeline regarding the interim use permit:
 - ❖ Currently all City departments are reviewing the application for completeness
 - ❖ The Planning Commission is having and has invited Council to a “walk-through” tour of the Wausau site on Thursday, March 20, 2014 at 8:00 A.M.
 - ❖ A Special Planning Commission Meeting to hold a Public Hearing to consider the application is scheduled for March 24, 2014 at 6:00 P.M. which will be cancelled if the application is deemed incomplete
 - ❖ A Special Council Meeting is set for March 27, 2014 at 6:00 P.M. to then approve the interim use permit if the application is complete and acceptable

Police Chief’s Report

Police Chief McQuiston stated that he had nothing in addition to her written report.

Finance Director’s Report

Finance Director Hillman stated that she had nothing in addition to her written report.

Council President’s Report

Council President Parks officially placed new Council Member Matten on the Personnel and Finance Committee. He also requested all Council members to return the “project list” that was distributed by late Council Member Cumberland to staff in order to create an updated list by the April 7, 2014 Council meeting. He suggested a Council workshop this summer to review current goals and establish a new list.

Council Other Committee Reports

Council Member Koep reported that History Week will take place during History week and Great Northern Railroad center will host tours as well as a gala event. She stated that there will be events focused on veterans, classic cars, and more.

Committee Recommendations

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS, DULY CARRIED, TO APPOINT MR. SHAUN STANICH AND MS. TONI CZECZOK TO THE MISSISSIPPI RIVER PARTNERSHIP PLAN STEERING COMMITTEE.

Adjourn

- **To Planning Commission Tour of Wausau Site to be held on Thursday, March 20, 2014 at 8:00 A.M. (Council Invited to Attend)**
- **To Planning Commission Special Meeting and Public Hearing to be held on Monday, March 24, 2014 at 6:00 P.M. in the City Hall Council Chambers to Consider the Renu Recycling Interim Use Permit Application**

- To the Mississippi River Partnership Plan Steering Committee Meeting to be held on Wednesday, March 26, 2014 at 4:00 in the Brainerd Fire Department Training Room
- To the Special Meeting of the City Council to be held on Thursday, March 27, 2014 at 6:00 P.M. to discuss Wausau Site Interim Use Permit

The Chair adjourned the meeting at 8:51 P.M.

Patrick Wussow
City Administrator