7:15 P.M. – Showcasing Brainerd: Brainerd Area Hockey Foundation, Rodney Rahn

The Chair welcomed Mr. Rodney Rahn from Brainerd Area Hockey Foundation and Essentia Health Sports Center, who discussed the recent transformation to their facility to better accommodate all users and support new multi-purpose events and sports including ADA-accessibility. He answered questions of the Council and the Chair thanked him for his presentation.

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 Scheeler.

Upon roll call, the following members were noted present: Pritschet, Bevans, Johnson, Borkenhagen, Hilgart, Koep and Scheeler. 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 KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT THE CONSENT CALENDAR AS PRESENTED.

A. Approval of the Minutes of the Regular Meeting held on January 20, 2015, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 6 – Renewals

C. Department Activity Reports – Approved

1. Mayor
2. Fire Chief
3. Park Director

D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the Brainerd Jaycees for a Raffle to be held on August 8, 2015 at Kiwanis Park – Approved

E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the Brainerd Rotary Foundation for a Raffle to be held on September 29, 2015 at Yesterday's Gone – Approved

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

812 Juniper Street Update – Carried Over from January 20, 2015 Meeting – Direct Staff to Review the Policies for Conduct on a Rental Property; Particularly with respect to Timelines and Letters Sent Out by the City – Approved

Safety and Public Works Committee Chair Bevans summarized what had taken place during the committee meeting.

Council Chair Scheeler recognized the following citizens who addressed the Council with their concerns with safety surrounding the St. Francis School; specifically relating to a home on Juniper Street which has had marked criminal activity:

- Father Anthony Wrobleski, 416 N 9th Street, Brainerd
- Krista Bernander, 6141 Fairmont Court, Baxter (children attend St. Francis)
- John Prozinski, 13792 Olivewood Drive, Baxter (children attend St. Francis)

Following Council discussion, the following motion was made:

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DIRECT STAFF TO REVIEW THE POLICIES FOR CONDUCT ON A RENTAL PROPERTY; PARTICULARLY WITH RESPECT TO TIMELINES AND THE LETTERS SENT OUT BY THE CITY.

Hydrodam Update by BPU Council Liaison Scheeler – Informational

BPU Council Liaison Scheeler reported that a closed meeting had been held at 11:00 A.M. this morning to consider payment dispute issues relating to the hydroelectric dam repair project and possible action on such. He stated that the meeting was continued to this Friday at 2:00 P.M. and that he will have a dam update at each meeting.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors (No Contractor Payments) – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

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

Annual Review and Approval of Investment Policy with Changes as Recommended – Approved

An Investment Policy was included in the Packet with recommended changes highlighted in yellow.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE CITY’S INVESTMENT POLICY WITH CHANGES AS RECOMMENDED.

Street Department Lighting Upgrade – Authorize $1,320 from the Street and Sewer Management Budget as recommended by Staff – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE STREET DEPARTMENT LIGHTING UPGRADE AS RECOMMENDED BY STAFF AT A COST OF $1,320 TO BE PAID FROM THE STREET AND SEWER MANAGEMENT BUDGET.

Annual Plan for Fire Extinguisher Training with MnDOT – Authorize Training and Proper Signatures on Annual Agreement #1000005 between the City of Brainerd Fire Department and MnDot – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE MNDOT ANNUAL PLAN AGREEMENT #1000005, INCLUDING PROPER SIGNATURE AUTHORIZATION, ALLOWING THE BRAINERD FIRE DEPARTMENT TO CONDUCT FIRE EXTINGUISHER TRAINING TO EMPLOYEES OF MNDOT ON FEBRUARY 18, 2015 AND APRIL 29, 2015 WITH A TOTAL FEE CHARGED OF $200.

City Administrator Advance to Step "D" of Salary Administration Plan – Approved

Following Council discussion, the following motion was made:

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE ADVANCEMENT OF CITY ADMINISTRATOR WUSSOW TO STEP "D" OF THE SALARY ADMINISTRATION PLAN (100% OF BASE WAGE) BASED ON SUCCESSFUL COMPLETION OF ONE YEAR OF EMPLOYMENT; EFFECTIVE 2/10/2015.

CIP Bond Projects – Discussion of – No Action Taken

A memo from City Administrator Wussow and Finance Director Hillman was included in the Packet listing the projects included in CIP Bond which failed on the 2014 referendum. Per the memo, staff has identified the telephone system as the top priority and will prioritize other needs in the upcoming months based on the $100,000 budgeted for these items.

Council discussion was held with no action taken.

LMC Joint Legislative Conference – Discussion of – No Action Taken

Information was included in the Packet on the LMC Joint Legislative Conference for Cities, Counties, Schools and Townships to be held March 4th and 5th in St. Paul. City Council members are asked to contact Finance Director Hillman if they would like to attend.

Accepting Credit Cards and Website Design – Discussion of – Accept Offer from Mr. Chip Borkenhagen to help Design the Website and Invite Input from Council Members, Staff and Community on What Should be included on the Website – Approved

Discussion was held by Council on website design and the ability to accept credit card payments for various permit and license fees.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT MR. BORKENHAGEN'S OFFER TO HELP THE COUNCIL IDENTIFY WHAT IS

WANTED ON THE WEBSITE AND ENCOURAGE ALL COUNCIL MEMBERS, STAFF AND COMMUNITY MEMBERS TO PROVIDE INPUT.

Landlord Letter – Discussion of – Approve Inclusion of Letter "To Rental Housing Owner" in Landlord/Tenant Lease Information as Recommended by Council Member Koep – Approved

A tentative letter drafted by Council Member Koep was included in the Packet which she suggest be included with community landlord correspondence to identify crucial landlord/tenant lease items.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO APPROVE INCLUDING THE LETTER DRAFTED BY COUNCIL MEMBER KOEP "TO RENTAL HOUSING OWNER" WITH LANDLORD/TENANT LEASE INFORMATION.

Council Member per Diem – Discussion of – No Action Taken

A memo from City Administrator Wussow and Finance Director Hillman was included in the Packet relaying a request to consider whether or not the City should have a policy that does not allow Council Members serving on a committee who pays a per diem to accept the per diem payment.

Council discussion was held with no action taken.

Airport Security Update – Informational

Safety and Public Works Committee Report

Event Application – Tour of Lakes Bicycle Ride to be held on Saturday, June 6, 2015 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE EVENT APPLICATION FOR THE TOUR OF LAKES BICYCLE RIDE TO BE HELD ON SATURDAY, JUNE 6, 2015, AS SUBMITTED BY SHARON K. BODIE, PENDING THE APPROVAL OF TRAFFIC CONTROL BY THE BRAINERD POLICE DEPARTMENT AND ALL MNDOT PERMITS NECESSARY.

Appeal of Rental Registration Late Fee – Submitted for the Property at 511 "J" Street – Denied

Per a letter from City Engineer Hulsether, the property owner is appealing the late fee based on misplaced paperwork. He also indicates that reminder letters were sent in August and September and therefore recommends denying the appeal.

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND HILGART TO REDUCE FINE TO REDUCE THE FINE FROM $450 TO $300 RESULTING IN A TOTAL AMOUNT DUE OF $332.

Following Council discussion, all members voted against the motion.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO UPHOLD THE $450 RENTAL REGISTRATION LATE FEE FOR THE PROPERTY AT 511 "J" STREET.

Improvement 14-15 – Airport Utility Extension – Select SEH and WSN as Recommended by Staff – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO SELECT THE TEAM OF SEH/WSN FOR CONSULTANTS ON IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION.

Right-of-Way Encroachment Policy – Approved

The policy as recommended by staff was included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ADOPT THE "RIGHT-OF-WAY ENCROACHMENT" POLICY AS RECOMMENDED BY STAFF.

Buffalo Hills Trail Cleanup – Informational

Other – Citizen Complaint re Tree Cleanup – No Action Taken

Unfinished Business

HRA Board Membership – Request Withdrawn

Call for Applicants:
(Application Information at www.ci.brainerd.mn.us/boards/)

Cable TV Advisory Committee – 2 Terms to Expire on 12/31/2016 & 12/31/2017
Charter Commission – 2 Terms to Expire on 12/31/2018
EDA – 1 Term to Expire on 9/7/2020
Rental Dwelling Board of Appeals:
1 Tenant & 1 General Public Representative – Terms to Expire 12/31/2016

Planning Commission

Variance – AutoZone Stores Inc for the property at 801 W Washington St – Sign Height and Sign Location – Approved

As indicated in the Packet, the Planning Commission recommends approval based on the following Findings-of-Fact and subject to the Conditions listed:

Findings-of-Fact:

1. The property is located in B-4 (General Commercial) District.
2. The property has 300' of Washington Street (Hwy 210) frontage.
3. The request is part of a site redevelopment proposal for a new AutoZone which is an auto parts store.

4. The proposal is to reuse an abandoned fifty-six (56) foot tall sign structure. Twenty-five (25) feet is the maximum permitted freestanding sign height.
5. The property is permitted two free standing signs each can be 300 square feet in area and 300 feet apart.
6. The topography around the property does not create sight distance obstacles and there are no buildings or structures that obscure the sign locations.
7. The Tanner Motor sign is thirty-five (35) feet tall (allowed by variance) and the McDonald's sign is approximately fifty (50) feet (legal nonconforming).
8. The business representative spoke in support. There was no opposition.

Conditions:
1. The square footage as depicted in the illustration included in the January 21, 2015 Planning Commission packet cannot change.
2. Animation of the sign is not permitted.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND KOEP, DULY CARRIED, TO APPROVE THE VARIANCE ON SIGN HEIGHT AND SIGN LOCATION AS APPLIED FOR BY AUTOZONE STORES INC FOR THE PROPERTY AT 801 WASHINGTON STREET BASED ON THE RECOMMENDATION OF THE PLANNING COMMISSION.

Conditional Use – Permit Minnesota Adult and Teen Challenge Inc for the property at 2424 Business 371 – Construct an Addition – Approved

1. The property is 9.42 approximately acres located in a B-4 (General Commercial) District. Licensed Drug and Alcohol Treatment and Recovery Facilities are conditional uses in B-4 (General Commercial) Districts.
2. The proposal is to construct a 13,928 sf addition to the existing building.
3. The addition will provide offices class rooms for outpatient treatment and 20 inpatient beds for short term stay.
4. The addition we comply with Zoning Ordinance setback requirements.
5. The site has a parking lot capable of parking for approximately 94 vehicles, which meets off street parking requirements for the facility.
6. The addition will not affect site access or site circulation.
7. There are no City department concerns about the addition.
8. The addition is supported by the following Comprehensive Plan Goals and Strategies:

   Comprehensive Plan

   General Goal #1: *Maximize Brainerd's potential as a thriving center for business, health care, industry, education and recreation, while maintaining and enhancing its livability.*

   Strategies

   Protect both the general welfare and the individual choices of Brainerd residents. Insure that decisions that are made by the community reflect the needs of current residents and business owners.

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   General Goal #3: *Promote community spirit and unity and enhance Brainerd's character and identity.*

   Strategy

Seek partnerships with coalitions and interest groups to share resources and energies in order to address community problems and opportunities.

LAND USE GOAL #5: *Support development that enhances community character and identity.*

Strategy

Support the redevelopment of vacant and abandoned sites within the urban core.

9. A representative of Minnesota Adult and Teen Challenge spoke in support. There was no opposition.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND KOEP, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT TO CONSTRUCT AN ADDITION AS APPLIED FOR BY MINNESOTA ADULT AND TEEN CHALLENGE FOR THE PROPERTY AT 2424 BUSINESS 371 BASED ON THE RECOMMENDATION OF THE PLANNING COMMISSION.

First Reading – Proposed Ordinance No. 1427 – Zoning Text Amendment – Testing Labs in B-4 (General Business) District – Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1427 - AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-63-2 REGARDING TESTING LABS; FURTHER TO DISPENSE WITH THE ACTUAL READING.

First Reading – Proposed Ordinance No. 1428 – Rezoning – Property located on the westerly side of the Mississippi River adjacent to the Brainerd Public Utility Hydroelectric Dam – Approved

The Planning Commission recommends approval of proposed Ordinance No. 1428 based on the following Findings-of-Fact:

Findings-of-Fact:

1. The property is a 37 acres +/- acre vacant parcel annexed to the city in 2014.
2. The property is adjacent to the Brainerd Public Utility dam and is owned by the City of Brainerd.
3. The proposed zoning is R-A (Rural Agriculture) which limits minimum lots size to 20 acre.
4. Due to the site topography only an area on the north end of the property appears to have development potential.
5. The Mississippi Headwaters Board supports the R-A zoning.
6. The Future Land Use Map identifies the property as Low to Medium Density Residential Land Use.
7. The proposed zoning is supported by the following Comprehensive Plan Goals and Strategies:

Goal: *PLAN FOR THE ORDERLY, EFFICIENT AND FISCALLY RESPONSIBLE GROWTH OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN BRAINERD.*

Strategies

1. *Locate and design industrial and commercial developments to provide good access and road service, while avoiding the routing of traffic through residential neighborhoods.*
2. *Require new commercial and industrial developments to have access to adequately sized and designed public roads.*
3. *Encourage the development of additional commercial and industrial areas within the city in accordance with the land use plan.*

LAND USE GOAL #1: *Support the efficient and orderly growth of all urban development, including residential, commercial and industrial areas. Strengthen the distinction between the urban city and the rural countryside with well-planned and carefully coordinated services appropriate to the distinct needs of each.*

Strategy

Identify areas of significant natural resource benefit and protect these areas from premature or incompatible development.

LAND USE GOAL #2: *Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*

Strategy

Buffer commercial and industrial developments from environmentally sensitive areas, residential neighborhoods and other incompatible land uses within the community.

PARKS AND OPEN SPACE GOAL: *Provide and maintain adequate community parks and open space to meet the future needs of the community.*

Strategy

Strongly support the expansion of parks, trails, and open space along the Mississippi River and Gilbert Lake

8. The residents of 16044 Ahrens Hill Road and the resident of 15674 Sandhill Circle expressed concerns about possible development and their impression is the property was not well suited to agriculture

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1428 – REZONING THE PROPERTY LOCATED ON THE WESTERLY SIDE OF THE MISSISSIPPI RIVER ADJACENT TO THE BRAINERD PUBLIC UTILITY HYDROELECTRIC DAM; FURTHER TO DISPENSE WITH THE ACTUAL READING.

Public Forum

The Chair recognized Mr. Howard Brewer, 121 3rd Avenue NE, Brainerd, who provided a handout for the Council and discussed Fire Department operations.

Council President, Mayor and Council Other Committee Reports

Mayor Wallin commended the Brainerd school district, reporting that 6 of the 8 “Blue Ribbon School” awards in Minnesota were presented to Brainerd elementary schools.

Committee Resignations – Accepted with Regret:

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MS. LUCY NESHEIM FROM

THE BRAINERD HRA IN ORDER TO CONTINUE HER SERVICE ON THE BRAINERD PUBLIC UTILITIES COMMISSION, EFFECTIVE IMMEDIATELY.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. DON SAMUELSON FROM THE BRAINERD CHARTER COMMISSION IN ORDER TO CONTINUE HIS SERVICE ON THE BRAINERD PUBLIC UTILITIES COMMISSION, EFFECTIVE IMMEDIATELY.

Committee Recommendations – Recommended by Council President

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE APPOINTMENT OF MR. DALE PARKS TO BOTH THE PLANNING COMMISSION FOR A TERM TO EXPIRE ON 12/31/2016 AND TO THE HRA FOR A TERM TO EXPIRE ON 6/6/2017.

Adjourn

The Chair adjourned the meeting at 9:05 P.M.

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Patrick Wussow
City Administrator