

7:15 P.M. – Showcasing Brainerd: Brainerd Public Library, Jolene Bradley.

The Chair welcomed Ms. Jolene Bradley, Manager of the Brainerd Public Library, who distributed and discussed information on library statistics including membership, usage and programs offered. She reported on 2015 developments including the Digital Literacy Project partially funded by the Otto Bremer Foundation, Agate Lights by local artist Greg Rosenberg provided by an Art Aware Grant and the Smart Play Spot in collaboration with the Minnesota Children's Museum. She answered questions from the Council and the Chair thanked her for her 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: Mayor Wallin, Bevans, Johnson, Borkenhagen, Hilgart, Koep, Pritschet and Scheeler.

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

Council Member Bevans requested that Item 8E, City Attorney Update on 812 Juniper Street Property, be added to Unfinished Business.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

Council President Scheeler requested that the February 17, 2015 City Council Meeting Minutes be moved from the Consent Calendar to item 6A to discuss corrections.

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 February 17, 2015, as distributed – Removed from Consent Calendar for Discussion

B. Approval of Licenses – Approved

1. Contractor's Licenses – 3 – Renewals

C. Department Activity Reports – Approved

1. Mayor
2. Fire Chief
3. Park Director

D. Resolution No. 07:15 Adopted – Approving Minnesota Lawful Gambling Application to Conduct Off-Site Gambling as Submitted by the Brainerd Elks Lodge #615 for a Raffle and Pull Tabs to be held on 4/29/15 at the Brainerd National Guard Armory

- E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the MN Darkhouse & Angling Association Brainerd Lakes Area for a Raffle to be held on 10/24/2015 at the American Legion – Approved**
- F. Application for a Temporary On-Sale Liquor License – Submitted by BPOE Lodge 615 for an Event to be held on April 29, 2015 at the Brainerd National Guard Armory – Approved**
- G. Application for a Temporary On-Sale Liquor License – Submitted by the Brainerd Sports Boosters for an Event to be held on April 18, 2015 at the Northern Pacific Center NP Event Space – Approved**
- H. Application for a Temporary On-Sale Liquor License – Submitted by the Crossing Arts Alliance for an Event to be held on March 20, 2015 at the Crossing Arts Gallery, Franklin Arts Center – Approved**

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

Corrections/Amendments to February 17, 2015 City Council Meeting Minutes – Recommended by Council President Scheeler – Approved

Council President Scheeler presented his recommendations for changes to the February 17, 2015 minutes and asked that more information be included in future minutes in the same fashion as these changes.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO AMEND THE FEBRUARY 17, 2015 CITY COUNCIL MINUTES AS RECOMMENDED BY COUNCIL PRESIDENT SCHEELER.

Council President Scheeler requested that staff be brought back to meetings for taking minutes.

Council Member Bevans suggested that two meeting minutes be presented using the recommendations received tonight before requiring the return of staff to meetings.

Presentation – Community Policing Project (COP) – Police Chief McQuiston – Informational

The Chair recognized Police Chief McQuiston, who discussed the Brainerd Police Department's Conduct on Premises (COP) Community Policing Projects. Materials included in the Packet identified this project as an effort to address rental property police concerns while developing and enhancing communication and relationships between the police department and rental property owners, managers, residents and tenants. Two patrol officers will be assigned to monitor and oversee rental properties in each grid and the Patrol Officers, Patrol Sergeants and Police Chief will have several responsibilities as outlined in the plan documents.

Council Committee Reports

Safety and Public Works Committee Report:

Crow Wing County Tax Forfeit Lot Request – Authorize Classification of Brainerd City Lot #092150010080009, Lot 8, Block 1 (Bahma Second Addition), as Non-Conservation and Offer for Sale and Direct Staff to Confirm Action with Crow Wing County Land Services – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO AUTHORIZE CLASSIFICATION OF CITY LOT #092150010080009, LOT 8, BLOCK 1 (BAHMA SECOND ADDITION), AS NON-CONSERVATION AND OFFER FOR SALE AND DIRECT STAFF TO CONFIRM WITH CROW WING COUNTY LAND SERVICES.

Improvement 15-04 – 2015 Crack Sealing – Follow Staff Recommendation to Accept Low Quote from Anderson Brothers in the Amount of \$24,970.58 (\$1,807.50 Above Estimate) to be paid from the Construction Fund – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION TO ACCEPT THE LOW QUOTE FROM ANDERSON BROTHERS IN THE AMOUNT OF \$24,557.50 (\$1807.50 ABOVE CITY ENGINEER'S ESTIMATE) FOR IMPROVEMENT 15-04, 2015 CRACK SEALING, TO BE PAID FROM THE CONSTRUCTION FUND.

Improvement 15-02 – 2015 Seal Coat Project – Follow Staff Recommendation to Accept the Low Bid from ASTECH Construction in the amount of \$128,970.58 (\$20,903.57 Below Estimate) – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE LOW BID FROM ASTECH CONSTRUCTION IN THE AMOUNT OF \$128,970.58 (\$20,970.58 BELOW ESTIMATE) FOR IMPROVEMENT 15-02, CHIP SEAL/FOG SEAL PROGRAM.

Historic Water Tower Update – Discussion of – Informational

City Engineer Hulsether reported that the League of MN Cities Insurance Trust (LMCIT) covered approximately \$6,800 in engineering fee costs for determining the cause of structural damage to the City's Historic Water Tower.

City Planner Ostgarden stated that, although there is a \$10,000 grant available to investigate repair alternatives, the criteria for use of the grant is "historic analysis" which would require reconstruction of the original design including the domed roof. He stated that the grant requires the RFQ process for structural analysis.

Council directed staff to prepare an RFQ.

Downtown Landscaping – Discussion of – Require all Downtown Business Owners to Share in Landscaping Costs – Approved

Council Member Bevans reviewed past meeting discussion.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO REQUIRE ALL DOWNTOWN BUSINESS OWNERS TO SHARE IN THE COST OF DOWNTOWN LANDSCAPING.

City Planner Ostgarden shared the Planning Commission's discussion on responsibility of the downtown business owners.

Council President Scheeler mentioned the need for follow-up on larger plants.

Council Member Koep stated that she will not support a motion based on only Coco Moon and E.L. Menk taking pride in their storefront landscaping.

Council Member Johnson shared Council Member Koep's concern.

Council Member Bevans stated that the concern is with the rest of the owners, not the five being mentioned.

Council President Scheeler stated that he has only heard from E.L. Menk and Dave Pueringer on this issue.

Council Members Bevans, Johnson, Borkenhagen, Hilgart and Scheeler voted "aye." Members Koep and Pritschet voted "nay." The Chair declared the motion carried.

Property at 410 12th Street SE – Follow Staff Recommendation to Utilize the Street and Sewer Fund to Purchase the Property, Demolish the Structure on the Property and Sell the Lot on the Open Market – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION TO UTILIZE THE STREET AND SEWER FUND TO PURCHASE THE PROPERTY AT 410 12TH STREET SE FOR APPROXIMATELY \$3,500, DEMOLISH THE STRUCTURE ON THE PROPERTY FOR APPROXIMATELY \$1,500 AND SELL THE LOT ON THE OPEN MARKET.

Resolution No. 08:15 Adopted – Authorizing the 2015 Transit Bus Capital Purchase Change from 400 to 500 Series

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 08:15 – AUTHORIZING THE 2015 TRANSIT BUS CAPITAL PURCHASE CHANGE FROM 400 TO 500 SERIES.

Council Member Koep discussed using transit reserves because she feels that is what they are for.

RESOLUTION NO. 08:15

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

LMC Support Resolutions – Resolutions No. 09:15 (Supporting Dedicated State Funding for City Streets) and No. 10:15 (Supporting Legislation Authorizing the Establishment of Municipal Street Improvement Districts) Adopted as Recommended by Staff

Council Member Bevans referred to the memo included in the Packet from City Engineer Hulsether which presented the Legislative platform and requested two resolutions of support to be adopted by Council.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO ADOPT RESOLUTION NO. 09:15 – SUPPORTING DEDICATED STATE FUNDING FOR CITY STREETS.

RESOLUTION NO. 09:15

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO ADOPT RESOLUTION NO. 10:15 – RENEWING THE CITY’S SUPPORT OF LEGISLATION AUTHORIZING THE ESTABLISHMENT OF MUNICIPAL STREET IMPROVEMENT DISTRICT.

Council Member Koep stated her opposition because it does not require that the cost of the project to the property owner be based on the benefit to the owner.

RESOLUTION NO. 10:15

Upon roll call, members Bevans, Johnson, Borkenhagen, Hilgart, Pritschet and Scheeler voted, “aye.” Member Koep voted “nay.” The Chair declared the motion carried and the resolution adopted.

Improvement 14-15 – Airport Utility Extension – Authorize Approval of Professional Service Agreement with Proper Signatures between the City and SEH at a Fee Not to Exceed \$190,786 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY AND SHORT ELLIOTT HENDRICKSON INC (SEH) AT A FEE NOT TO EXCEED \$190,786 FOR IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION PROJECT.

Council President Scheeler updated the Council on the status of Local Option Sales Tax (L.O.S.T.)

It was noted that Baxter will be inviting the City to their meeting(s) relating to the project as well. Council Member Scheeler, Mayor Wallin, City Administrator Wussow and Finance Director Hillman will attend those meetings.

Note: A Meeting of the Airport Utility Project Management Team will be held on Monday, March 9, 2015 at 3:00 P.M. at City Hall

WBCC Recommendation – Direct Staff to Continue Working with MNDOT to Enforce Sidewalk Maintenance in and around Brainerd, Specifically Snow Removal – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DIRECT STAFF TO CONTINUE TO WORK WITH MNDOT TO ENFORCE SIDEWALK MAINTENANCE, SPECIFICALLY SNOW REMOVAL.

Food Truck Status Update – Reminder of Public Hearing to be held on Wednesday, March 18, 2015 at Planning Commission and 1st Reading of Ordinance to be included on the April 6, 2015 City Council Meeting – Informational

Personnel and Finance Committee Report:

Conference Call with Sharon Klumpp from Springsted – City Administrator Search – Informational

Committee Chair Koep updated the Council on the City Administrator Search and reviewed the proposed hiring process timeline.

Council Member Pritschet reported that nine applications had already been received.

Approval of Bills – Approved

Approval to take place at subsequent City Council meeting.

Authorize Sale of Fire Trucks – Approved

It was noted by the Council that Fire Chief Stunek had reported that these fire trucks had not been in service for many years.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE SALE OF TWO OF THE BRAINERD FIRE DEPARTMENT TRUCKS ON MINN BID AS RECOMMENDED BY THE FIRE CHIEF AND THE FIRE ADVISORY BOARD.

Fire Department Fees:

First Reading – Proposed Ordinance No. 1430 – An Ordinance Amending Brainerd City Code Section 421 – Uniform Fire Code – City Administrator Wussow recommends Dispensing with the Actual Reading – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1430 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 421 – UNIFORM FIRE CODE; FURTHER TO DISPENSE WITH THE ACTUAL READING.

Resolution Establishing Fees relating to City Code Section 421.05 and 421.06 – Informational – To be Adopted at March 16, 2015 City Council Meeting

Engineering Department – Building Inspector Position – Authorize Conditional Job offer to Mr. Joshua Stewart Subject to Successful Completion of all Pre-Employment Testing with Tentative Start Date of March 23, 2015 at Step “A” of the Salary Administration Plan, \$22.01 per Hour (85% of Base Wage as Noted in Union Contract) – Approved

A memo was distributed at the meeting with the details of a conditional offer recommendation.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE A CONDITIONAL OFFER FOR THE BUILDING INSPECTOR POSITION TO MR. JOSHUA STEWART SUBJECT TO SUCCESSFUL COMPLETION OF ALL PRE-EMPLOYMENT TESTING WITH A TENTATIVE START DATE OF MARCH 23, 2015 AT STEP "A" OF THE SALARY ADMINISTRATION PLAN, \$22.01 PER HOUR (85% OF BASE WAGE AS NOTED IN THE UNION CONTRACT).

First Reading – Proposed Ordinance No. 1431 – An Ordinance Amending Brainerd City Code Section 1015 – Building Permit Fees – City Administrator Wussow recommends Dispensing with the Actual Reading – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1431 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1015 – BUILDING PERMIT FEES; FURTHER TO DISPENSE WITH THE ACTUAL READING.

Rental License Renewal Packet – Authorize Use of Packet after City Attorney Direction on “Lease Addendum for Crime-Free/Drug-Free Housing” Section and Punctuation Change on Letter to Renter – Approved

Council Member Johnson asked that the exclamation point be removed from the letter.

Council inquired about the “Lease Addendum for Crime-Free/Drug-Free Housing” section of the Practical Guide to Rental Housing and asked City Attorney Quiring to get further information on MN Statute 504B.171 and how it should be included in the renewal information.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE RENTAL LICENSE RENEWAL PACKET WITH PUNCTUATION CHANGE AND CITY ATTORNEY DIRECTION ON MN STATUTE 504B.171 RELATING TO THE “LEASE ADDENDUM FOR CRIME-FREE/DRUG-FREE HOUSING” SECTION OF THE RENTAL HOUSING GUIDE.

Review of City Planner/Community Development Coordinator SAFE Job Evaluation Points Assignment – No Action at this time – Review when All Job Descriptions are Complete – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO TAKE NO ACTION AT THIS TIME ON THE REVIEW OF JOB EVALUATION POINTS ASSIGNMENT FOR THE CITY PLANNER/COMMUNITY DEVELOPMENT COORDINATOR POSITION; FURTHER, TO EVALUATE THIS JOB DESCRIPTION WHEN ALL JOB DESCRIPTIONS ARE COMPLETE.

Council Member Koep revised her motion to add that further evaluation will take place when all of the job evaluations are complete. Council Member Pritschet agreed to the change.

Council Member Bevans stated that he would vote against the motion because it is a “no action” vote.

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

Airport Security Update – Informational

Committee Chair Koep acknowledged that a notice was sent to the Crow Wing County Board inviting discussion on security costs at the Airport. A meeting will be set in the future.

Policy for Annual Tax Incentive Information – Discussion of – Direct Staff to Present the City's "Annual Disclosure" Document to the City Council and Brainerd Dispatch at the same time – Approved

Committee Chair Koep reported that Finance Director Hillman provided the Annual Disclosure of Tax Increment Districts for the Year Ended December 31, 2013 at the Personnel and Finance Committee meeting.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, THAT THE CITY'S "ANNUAL DISCLOSURE OF TAX INCREMENT DISTRICTS FOR THE YEAR" BE PROVIDED TO THE CITY COUNCIL AND THE BRAINERD DISPATCH AT THE SAME TIME.

Committee for Personnel Policy Update – Council Member Koep Held Over this Item

March 4, 2015 Workshop Topics – Informational

The Council reviewed the list included in the Packet.

Unfinished Business

Public Hearing/Presentation – MS4 Permit – Annual Hearing to Review Stormwater Related City Activities – Assistant City Engineer Freihammer – Direct Staff to Send Letter to State Officials to Stop Unfunded Mandates – Approved

Assistant City Engineer Freihammer stated that the purpose of this Public Hearing is to educate the public on storm water related activities and allow comment on the performance over the last year. He went over goals completed over the past year and tasks planned for the upcoming year.

The Chair opened the Public Hearing at 8:54 P.M. No one came forward. The Chair closed the Hearing at 8:55 P.M.

Mr. Freihammer answered the Council's questions. The Chair thanked him for the presentation.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT THE MS4 PERMIT AS PRESENTED AND DIRECT STAFF TO SEND A LETTER TO STATE OFFICIALS ASKING THEM TO STOP THE UNFUNDED MANDATES.

Strategic Planning Update – Council Member Scheeler – No Action

Council agreed to wait until this summer to revisit this discussion.

Resolution No. 11:15 Adopted – Establishing a Complete Streets Policy

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT RESOLUTION NO. 11:15 – ESTABLISHING A COMPLETE STREETS POLICY.

City Planner Ostgarden identified that Right-of-Ways are for walkers, bicyclists and automobiles.

Staff identified that criteria will be provided before moving forward on future projects in order to comply with the Complete Streets Policy.

Council Member Pritschet stated this is not a mandate but a desire to be inclusive.

RESOLUTION NO. 11:15

Upon roll call, members Bevans, Johnson, Borkenhagen, Hilgart, Pritschet and Scheeler voted “aye.” Member Koep voted “nay.” The Chair declared the motion carried and the resolution adopted.

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

Juniper Street Update – Informational

Upon Council Member Bevans' request, City Attorney Quiring confirmed that he had sent a confidential letter to the Council and that a Management Plan had been submitted and approved which will be verified by staff.

City Administrator Wussow identified that the broken window is a closet window and not required for egress and will be boarded up.

The City Attorney is looking at the ordinance for ways to make enforcement easier and streamline this whole process.

Public Forum: None

Council President, Mayor and Council Other Committee Reports

Council Member Johnson thanked the Jaycees for the playground equipment donation and mentioned that a new hotel at the former “Downtown Motel” site is being considered.

Council President Scheeler reported on the Hydro Dam project. He also suggested that Department Heads should return to Council meetings.

Adjourn – To Closed Session Pursuant to M.S. 13D.05, Subd. 1(b) to Discuss Union Negotiation Strategies – 9:22 P.M.

Break

The Council took a break from 9:22 to 9:27 P.M. before entering into closed session.

The Council Reconvened into Open Session for Council Action relating to Union Contract at 9:41 P.M.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE PROPOSED 2014 UNION CONTRACT BETWEEN THE CITY OF BRAINERD AND IAFF.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE PROPOSED 2015-2017 UNION CONTRACT BETWEEN THE CITY OF BRAINERD AND IAFF.

Adjourn – To Personnel and Finance Committee Workshop to be held on Wednesday, March 4, 2015 at 4:00 P.M. in the City Hall 2nd Floor Conference Room – 9:45 P.M.

The Chair adjourned the meeting at 9:45 P.M.

Patrick Wussow
City Administrator