

7:15 P.M. – Showcasing Brainerd: Yesterday's Gone, Steven Zelinske

The Chair welcomed Mr. Steven Zelinske, who stated that he and his wife co-own Yesterday's Gone. He discussed his family's history in the Brainerd area and how they came to purchase Yesterday's Gone when it was located on Front Street. After 7 years on Front Street, the former Moose Lodge became vacant and they were able to purchase and remodel the building, moving in during 2010. Mr. Zelinske stated that in addition to great food, banquet facilities and "the best Bloody Mary in town," Yesterday's Gone is proud of focusing on "green" operations, a wonderful working team and giving back to the community. Following Council comments and questions 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: Mayor Wallin, Johnson, Borkenhagen, Hilgart, Koep, Pritschet Bevans and Scheeler.

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

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT THE CONSENT CALENDAR AS PRESENTED.

- A. Approval of the Minutes of the Regular Meeting held on April 20, 2015, and the Closed Session held on April 20, 2015, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 2 – New
- C. Department Activity Reports – Approved**
 - 1. Mayor
 - 2. Fire Chief
 - 3. Park Director
- D. American Legion Auxiliary Carl Sydney Hanson Until #255 – Request to hold "Poppy Day" on May 8, 2015 in Downtown Brainerd – Approved**
- E. On Sale Liquor License Transfer – Thomas James Lake dba TJ's Log Cabin to JJ's Inc. dba The Log Cabin – Approved**
- F. Temporary On-Sale Liquor License Modification – Brainerd VFW #1647 Event to be held on May 16, 2015 (Approved at 4/20/2015 City Council Meeting) – Add "Outdoor Area" Description – Approved**

G. Minnesota Lawful Gambling – Application for Exempt Permit Submitted by Central Lakes College Foundation for a Raffle to be held on August 27, 2015 at Northern Pacific Center, Brainerd, MN 56401 – Approved

Council Committee Reports:

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors – Approved

Contractor	Improvement	Project	Amount	R/A
Pratt's Exc.	Sanitary Sewer	Sewer Line Repair	\$3,362.50	N/A
SEH	14-15	Airport Utility Ext.	\$40,152.99	N/A

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO APPROVE THE PAYMENT OF BILLS AND PAYMENTS TO CONTRACTORS AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

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

Royal Tire TIF – Resolution 19:15 Adopted – Calling for a Public Hearing on June 15, 2015 on the Establishment of TIF District 4-18, the Creation of a TIF Plan for the District and a Modification of the Development Program for Development District No. 4

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO ADOPT RESOLUTION NO. 20:15 – A RESOLUTION CALLING FOR A PUBLIC HEARING ON THE ESTABLISHMENT OF TAX INCREMENT FINANCING (REDEVELOPMENT) DISTRICT NO. 4-18 (ROYAL TIRE), CREATION OF A TIF PLAN FOR THE DISTRICT, AND MODIFICATION OF THE DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 4

RESOLUTION NO. 19:15

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

Fire Department – Expenditure Request – Authorize Approximately \$4,980 for iPads, Installation of iPads and 1-Year Service Plan on Each iPad – Purchase and Installation to be paid from the Fire Department Capital Outlay Account and Service Plans to be paid from the Fire Department Computer Account – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE REQUESTED EXPENDITURE OF APPROXIMATELY \$4,980 FOR THE PURCHASE OF 3 ADDITIONAL IPADS, THE INSTALLATION OF ALL 4 IPADS, AND A 1-YEAR SERVICE PLAN FOR EACH IPAD; TO BE PAID FROM THE FIRE DEPARTMENT CAPITAL OUTLAY ACCOUNT (PURCHASE AND INSTALLATION) AND FIRE DEPARTMENT COMPUTER ACCOUNT (SERVICE PLANS).

Accounting for Nuisances – Transfer from Fund 209 to Fund 101 – Approved

A request from Finance Director Hillman was included in the Packet to account for everything in the general fund rather than using a separate fund to account for nuisances.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE TRANSFER OF APPROXIMATELY \$47,000 OF FUNDS AS OF 12/31/2014 AND FROM ANY ACTIVITY THAT HAS OCCURRED SINCE 1/1/2015 FROM FUND 209 TO FUND 101 TO ACCOUNT FOR NUISANCES.

Tom's Backhoe – Motion to Resolve Overpayment – No Further Action to be taken in Recovery of \$7,000 Overpayment – Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO DECLINE PURSUING THE RECOVERY OF A \$7,000 OVERPAYMENT TO TOM'S BACKHOE.

Council Member Pritschet stated that that pursuing the matter legally might cost more than the \$7,000 itself.

Council Member Koep, giving the Committee minority report, stated that the City should make every effort possible to recover taxpayers' money and that she would not support the motion.

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

2013 Capital Improvement Plan Update – Informational

Personnel and Finance Committee Chair Koep reported that the IT Committee will meet on Wednesday for further discussion on the phone system and that 3 quotes have been received for the Police Department generator so far.

May 12, 2015 Personnel & Finance Committee Workshop – Finalize Agenda – Informational

Personnel and Finance Committee Chair Koep reported that the Personnel & Finance Committee workshop to be held on May 12, 2015 will be a closed session to discuss union negotiation strategy.

Safety and Public Works Committee Report

Rental Registration Appeal – Woodcrest Townhomes and Apartments on Hillcrest Drive – Waive \$17,000 in Fines/Fees – Refer "Non-Transferable License" Language to Staff for Review – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO WAIVE \$17,000 IN FINES/FEES ASSESSED TO DENEEN KLOSTER, WOODCREST TOWNHOMES AND APARTMENTS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO REFER THE "NON-TRANSFERABLE LICENSE" LANGUAGE OF THE RENTAL HOUSING ORDINANCE TO STAFF FOR REVIEW.

Stop Sign Request – Wild Street and Northtown Street – Refer to Staff and Police Department for Evaluation of Speeding and the Need for a Stop Sign with a Report Due to Council by the June 15, 2015 Meeting – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO REFER ISSUE OF HIGH SPEEDS AT THE INTERSECTION OF WILD STREET AND NORTHTOWN STREET TO CITY STAFF AND POLICE DEPARTMENT FOR EVALUATION BASED ON THE REQUEST FOR A STOP SIGN FROM A CITIZEN.

Organized Collection – Direct Staff to Notify Area Garbage Collectors of the City's Concerns with Two Wheel Carts being Left out Beyond Pick Up Day, Excessive Heavy Truck Traffic, and the Timing of Garbage Pickups – Request Written Response from Area Haulers by October 15, 2015 – Approved

Safety and Public Works Committee Chair Bevans reported that this issue was originally brought up based on citizen complaints about the two-wheeled garbage carts being left near the streets beyond garbage pick-up day.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DIRECT STAFF TO NOTIFY ALL AREA GARBAGE COLLECTORS OF THE CITY'S CONCERNS WITH TWO WHEEL GARBAGE CARTS BEING LEFT OUT BEYOND PICKUP DAY, THE EXCESSIVE AMOUNT OF HEAVY TRUCKS TRAVELLING CITY STREETS, AND THE TIMING OF GARBAGE PICKUPS AND TO REQUEST A WRITTEN RESPONSE FROM AREA HAULERS BY OCTOBER 15, 2015.

Council Members Koep and Johnson spoke against "organized garbage collection" but were in support of this motion.

Event/Street Closure Application – VFW Memorial Day Parade – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION AS SUBMITTED BY THE VFW FOR A MEMORIAL DAY PARADE TO BE HELD ON MONDAY, MAY 25, 2015 FROM "B" STREET TO 3RD AVENUE TO EVERGREEN CEMETERY.

Land Exchange – Wright Street Area – Accept Low Proposal from KLD in the amount of \$1,300 for Required Survey and Legal Description Services with Cost to be Split between City and Requesting Property Owner – Approved

The City of Brainerd has been approached by a property owner to consider a land exchange along the north side of a portion of Wright Street northeast of the County fairgrounds. Survey and legal description services are required and the property owner has agreed to split these costs 50/50.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION TO ACCEPT THE LOW PROPOSAL FROM KLD IN THE AMOUNT OF \$1,300 FOR SURVEY AND LEGAL DESCRIPTION SERVICES REQUIRED FOR A POSSIBLE LAND EXCHANGE BETWEEN THE CITY AND A REQUESTING PROPERTY OWNER IN THE WRIGHT STREET AREA WITH COSTS TO BE SPLIT 50/50 WITH SAID PROPERTY OWNER.

City Engineer Hulsether reported that the fee will be paid from the construction fund with a project number to be set up and with reimbursement into the construction fund to occur once the parcel is sold.

IMP 14-09 – Dellwood Drive – Held Over to May 18, 2015 Meeting – Informational

Safety and Public Works Committee Chair Bevans reported that Committee recommends holding this item over to the May 18, 2015 meeting to compare how the City of Baxter is handling special assessments on this project.

Planning Commission Request to Meet with Safety and Public Works Committee regarding Off-Street Parking Requirements – Disregard Planning Commission Request and Recommend that Planning Commission Revisit Parking Requirement Code at Commission Level and Present Findings to Council – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DISREGARD THE PLANNING COMMISSIONS REQUEST TO MEET WITH THE SAFETY AND PUBLIC WORKS COMMITTEE TO DISCUSS OFF-STREET PARKING REQUIREMENTS. FURTHER, TO KEEP OFF-STREET PARKING “AS IS” AT THIS TIME.

Discussion was held relating to parking restrictions and requirements and whether or not to revisit the policy.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO RECOMMEND THAT THE PLANNING COMMISSION REVISIT THE PARKING REQUIREMENT CODE AND PRESENT A RECOMMENDATION TO COUNCIL, POSSIBLY IN A JOINT MEETING.

Committee Chair Bevans reported that he feels the review would be more productive in a Committee setting with results to be presented to the Council for action.

IMP 15-13 – BN Credit Union Parking Lot – Accept \$10,731.08 Quote from Anderson Brothers – Half to be paid from City’s Construction Fund and Half to be assessed to the BN Credit Union – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE STAFF RECOMMENDATION TO ACCEPT QUOTE FOR BN CREDIT UNION ALLEY RESURFACING IN THE AMOUNT OF \$10,731.08 WITH PAYMENT OF HALF THE AMOUNT TO COME FROM THE CONSTRUCTION FUND AND THE OTHER HALF TO BE ASSESSED TO THE BN CREDIT UNION.

Council Member Koep requested a report on the amount of money projected to come from the construction fund this year.

Survey Equipment Replacement – Authorize Replacement of Data Collector with Upgrade to “Tablet PC Data Collector State Contract with Trade in for the amount of \$9,237.90 to be paid from the Construction Fund – Approved

Safety and Public Works Committee Chair Bevans added this item to the agenda.

One of the Engineering Department’s data collectors for surveying has stopped working. Staff presented options for replacement in an Agenda Request distributed to Council prior to the meeting.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE REPLACEMENT OF DATA COLLECTOR WITH AN UPGRADE

TO "TABLET PC DATA COLLECTOR" STATE CONTRACT WITH TRADE IN FOR THE AMOUNT OF \$9,237.90 TO BE PAID FROM THE CONSTRUCTION FUND.

Unfinished Business

CSAH 45 (13th Street) Update – Crow Wing County – Informational

The Chair welcomed Mr. Luke Wessler, Crow Wing County, who updated the Council on the CSAH 45 (13th St SE) pavement rehabilitation project. He reported that there will be no design change, only rehabilitation. He answered questions of the Council and said he would be back in the fall with a cost share agreement between the county and city.

Ordinance No. 1434 – An Ordinance Creating Section 515-86 of the Brainerd Zoning Code related to Transient Food Unit Overlay Districts by adding Section 515-66 entitled "TFU – Transient Food Unit Overlay Districts" – Mayoral Veto Overridden – Ordinance Adoption Approved

Council President Scheeler read Mayor Wallin's memo as included in the Packet. He asked Park Director Sailer to review Park Board discussion which was included in the Packet as well.

Discussion was held on how to address the food trucks specifically in parks for sporting and community events which is listed in section 515-66-4 #17, "Units cannot locate within 300' from the property perimeter of any festival (including the Crow Wing County Fairgrounds), sporting event and civic event unless a license is issued to be a part of the festival or event."

Council Member Borkenhagen suggested considering the wants of those that do want to see new choices and not only those opposed.

City Planner Ostgarden suggested changes the Council could make in order to satisfy Mayor and Council concerns.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO OVERRIDE THE MAYORAL VETO AND APPROVE THE ADOPTION OF ORDINANCE NO. 1434 – AN ORDINANCE CREATING SECTION 515-86 OF THE BRAINERD ZONING CODE RELATED TO TRANSIENT FOOD UNIT OVERLAY DISTRICTS BY ADDING SECTION 515-66 ENTITLED "TFU – TRANSIENT FOOD UNIT OVERLAY DISTRICTS" – WITH THE FOLLOWING CHANGES:

- *Change #16 of section 515-66-4 to read, "Units cannot locate within 300' of a property line of a property line of a restaurant or bar"*
- *Change #20 of section 515-66-4 to read, "Sales are permitted in a City park when approved by the City Park Board"*

ORDINANCE NO. 1434

Council Member Johnson stated that although he feels it is still too restrictive he will support the adoption of the ordinance.

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

Ordinance No. 1435 – An Ordinance Amending the Official Zoning Map of the City Dated September, 2011, as Identified in Section 515 of the Brainerd City Code to add Transient Food Unit (TFU) Overlay Districts – Mayoral Veto Overridden – Ordinance Adoption Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART TO OVERRIDE THE MAYORAL VETO AND APPROVE THE ADOPTION OF ORDINANCE NO. 1435 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY DATED SEPTEMBER, 2011, AS IDENTIFIED IN SECTION 515 OF THE BRAINERD CITY CODE TO ADD TRANSIENT FOOD UNIT (TFU) OVERLAY DISTRICTS.

ORDINANCE NO. 1435

City Planner Ostgarden confirmed that allowing food trucks in City parks is covered in Ordinance No. 1434.

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

Park Board Information relating to Mobile Food Units – Informational

This information was covered during the discussion on Ordinance No. 1434.

Break: The Council took a break from 8:52 P.M. to 8:57 P.M.

First Reading – Proposed Ordinance No. 1437 – An Ordinance Amending Brainerd City Code Section 1010.01 Regarding License Fees for Transient Food Units with the Fee Changed to \$500, No Prorating of Fee, and Direction to Staff to Look into Single Event Permit Fees – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1437 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010.01 REGARDING LICENSE FEES FOR TRANSIENT FOOD UNITS.

Alderman Koep spoke against a fee being required for ice cream vendors.

Alderman Johnson suggested separate fees for single event permits/prices.

City Planner Ostgarden reported that ice cream trucks are completely separate from this ordinance as this ordinance addresses private property and city streets.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO AMEND THE MOTION TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1437 BY ADDING THE FOLLOWING CHANGES: LIST UNIVERSAL \$500 FEE AND REMOVE ANY PRORATING OF FEES. FURTHER, TO DIRECT STAFF TO LOOK INTO ALLOWING SINGLE DAY/EVENT PERMIT FEES.

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

Parks Department – Historical Paul Bunyan Banners – Informational

Park Director Sailer shared information on calls he had received from the public relating to the historic Paul Bunyan banners recently discovered, stating that most remember the banners being displayed at various places many years ago around the same time as a beard-growing contest.

Call for Applicants – Informational:

(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

Rental Dwelling Board of Appeals:

1 Tenant & 1 General Public Representative – Terms to Expire 12/31/2016

Public Forum: No one came forward to speak.

Staff Reports:

City Administrator Wussow distributed a request from the VFW to conduct Off-Site Gambling at their event on May 16, 2015.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT RESOLUTION NO. 20:15 – ALLOWING VFW #1647 TO CONDUCT OFF-SITE GAMBLING AT THE ARMORY ON MAY 16, 2015.

RESOLUTION NO. 20:15

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

City Administrator Wussow reported that the Civil Service Commission had met today and appointed Chip Lohmiller as the official Interim Fire Chief. He will serve as interim until a Fire Chief is hired.

Park Director Sailer reported that the Park Department and DNR installed new cement planks at the Lum Park boat landing and that the Gregory Park tennis courts will be resurfaced in time for use by the end of May. He also shared that at the April 25th inaugural softball tournament; Ms. Erin Thiesse sold concession items that had been donated and collected over \$1,300 which she is donating to the Kujava Family Benefit to be held on May 16, 2015 from 5:00 P.M. to 11:00 P.M. at the Armory. He also reported that several umpires are donating their wages earned that day to the same.

Council President, Mayor and Council Other Committee Reports:

Mayor Wallin reported that he had been very fortunate over the years to have a very low level of destruction to the flower gardens he installs and maintains at Kiwanis Park; however, recently someone has been flipping all the decorative rocks surrounding the flowers which has

created some extra work for him. He reported that Thursday, May 7th is the National Day of Prayer and services will be held this year at the Brainerd Armory rather than the All-Memorial. He requested a motion to extend City Administrator Wussow's employment until a new City Administrator is hired.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BORKENHAGEN, DULY CARRIED, TO EXTEND CITY ADMINISTRATOR WUSSOW'S EMPLOYMENT UNTIL A REPLACEMENT ADMINISTRATOR IS HIRED.

Council Member Scheeler reported that a Finance Overview Committee meeting had been held at BPU, that LOST meetings will continue with the City of Baxter and that an open house will be held in the future for the Airport utilities extension.

Council Member Hilgart reported that the Civil Service Commission also took action today in utilizing the iPads authorized for the Fire Department and that they recommended that Fire Advisory Board members be included on the interview panel for the Fire Chief hiring. She stated that BLAEDC meets at 7:30 A.M. on Friday, May 8th at the Brainerd Industrial Center.

Council Member Johnson reported that the HRA Board discussed the Riverwalk and unanimously approved to administer/manage/sub grant the project and that an agreement will most likely be presented at the next meeting for approval.

Committee Appointments – Recommended by Mayor Wallin – Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO APPOINT MR. MATT MALLIE TO THE EDA FOR A TERM TO EXPIRE ON 9/7/2020.

Adjourn:

- **To the Baxter Fire Advisory Committee Board Meeting to be held on May 5, 2015 at 7:00 P.M.**
- **To the Personnel and Finance Committee Closed Meeting to be held on May 12, 2015 at 4:00 P.M. in the City Hall Conference Room**
- **To the Retirement Party for Fire Chief Kevin Stunek to be held on May 14, 2015 from 2-4 with Tower Award Presentation to take place at 3:00 P.M.**
- **To the City Administrator 2nd Interviews to be held on May 15, 2015 at 4:00 P.M. in the City Hall Conference Room**

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

Patrick Wussow
City Administrator