Brainerd, MN
July 6, 2015

7:15 P.M. – Showcasing Brainerd: The Center

The Chair recognized Ms. DeAnn Barry, Executive Director of "The Center" community senior activity facility, 403 Kingwood Street, Brainerd, (www.thebrainerdcenter.com), who discussed membership benefits, various activities such as bingo and a tennis league and the history of The Center. She also discussed the implementation of the Crow Wing Energized program at their facility and their public dining room. She invited everyone to the Rib Fest Dinner being held on Friday, August 14, 2015, stating that there are a limited amount of seats available with tickets available by contacting The Center at 829-9345 or in person.

Following Council comments and questions, the Chair thanked Ms. Barry 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, Borkenhagen, Hilgart, Koep, Bevans, Johnson and Scheeler. Member Pritschet was noted as absent.

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

The Chair stated that item 8A, Mike Higgins Request to Appear, had been postponed to the July 20, 2015 City Council meeting.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO ADOPT THE AGENDA AS AMENDED.

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

A. Approval of the Minutes of the Regular Meeting held on June 15, 2015, and the Special Meetings held on June 18, 2015 and June 24, 2015, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 6 – New

2. Contractor's Licenses – 5 – Renewals

C. Department Activity Reports – Approved

1. Fire Chief
2. Park Director

D. Minnesota Lawful Gambling – Application for Exempt Permit – Submitted by Brainerd Fire Relief Association for a Raffle to be held on December 7, 2015 – Approved

E. Temporary 3.2% Malt Beverage (Beer) On Sale Application – Submitted by the Brainerd Jaycees for an Event to be held on July 11th and July 12th, 2015 at Memorial Park – Approved

F. Temporary On Sale Liquor License – Submitted by the Brainerd Jaycees for an Event to be held on July 31st and August 1st, 2015 in Downtown Brainerd – Approved

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

Presentations:

BLAEDC – Economic Development Presentation

The Chair welcomed Sheila Haverkamp of BLAEDC and Mr. Paul Means, BLAEDC board member and President of Riverwood Bank. Ms. Haverkamp thanked the Council for the opportunity to appear before the Council to go over BLAEDC annual report. She stated that BLAEDC's mission is to expand the community by bringing in business and jobs. She presented a video on the Brainerd Lakes Area which promoted all of the things there are to offer and answered questions and heard suggestions of the Council. She also provided an update on the Brainerd Industrial Center, stating that it is ready to start offering space for businesses and that although it is very early in the process, marketing and promotion has begun. The Chair thanked Ms. Haverkamp for her presentation.

Business 371 Construction Project Layout – Jim Hallgren, MnDot

The Chair recognized Mr. Jim Hallgren, MnDot Project Manager. He provided the Council with a handout which illustrated the Business 371 design concept developed after the request for a compromised solution from the City. The new design offers a 2-lane from Joseph Street to Willow Street and a 4-lane beyond that point. MnDot will move forward into detailed design and bring plans back to the Council for municipal consent in the fall. He answered questions of the Council on the Council's desire for a signal on Willow Street as well as on the appearance and maintenance costs. The Chair thanked him for his presentation.

Fire Department Discussion – City Administrator Wussow – Notify Crow Wing Township that they will need to Fulfill Fire Service Contract with City – Adjourn Tonight's Meeting to Close Session to Discuss Labor Negotiation Strategies – Send Letter as Presented to IAFF to Inform them of Council's Consideration of Switching to an All Paid On-Call Fire Department – Approved

City Administrator Wussow discussed the recent notice received from Crow Wing Township stating their desire to leave the Brainerd Fire Service district. He reported that there is a requirement to give a one year notice of cancelling service effective December 31 of any given year.

Discussion was held relating to costs associated with fire service and the loss of revenue caused by Fort Ripley Township and The City of East Gull Lake leaving Brainerd service in the past year.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO SEND LETTER TO CROW WING TOWNSHIP ADVISING THEM THAT THEY WILL NEED TO COMPLETE THEIR CONTRACT.

City Administrator Wussow briefly discussed the proper procedure Council must follow if they choose to discuss the future move to an all "Paid On-Call" department. He distributed a draft letter to Mark Turner, President of the IAFF Local No. 4725 and current FEO of the Brainerd Fire Department, which stated the Council's consideration of restructuring the Brainerd Fire Department to eliminate full-time Fire Equipment Operators for solely paid on-call firefighters.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO ADJOURN TO CLOSED SESSION TO DISCUSS UNION NEGOTIATION STRATEGIES.

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND HILGART, DULY CARRIED, TO SEND A LETTER TO IAFF PRESIDENT MARK TURNER INDICATING THE BRAINERD CITY COUNCIL'S DESIRE TO DISCUSS THE RESTRUCTURING OF THE BRAINERD FIRE DEPARTMENT.

Council Committee Reports

Safety and Public Works Committee Report

Improvement 15-03 – Street Patching Quotes – Accept Quote from Anderson Brothers in the amount of $11,153.59 – Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BORKENHAGEN, DULY CARRIED, TO ACCEPT THE QUOTE FROM ANDERSON BROTHERS IN THE AMOUNT OF $11,153.59 FOR IMPROVEMENT 15-03, STREET PATCHING.

WBCC Street Closure/Event Application – September 12, 2015 – Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE STREET CLOSURE/EVENT APPLICATION FOR THE "WALK AND WHEEL" TO BE HELD ON SEPTEMBER 12, 2015, AS SUBMITTED BY THE WALKABLE BIKEABLE CITY COMMITTEE AND INCLUDING THE THREE CONDITIONS RECOMMENDED BY STAFF.

Alderman Koep requested that city staff be at city hall to monitor restrooms, etc.

Jaycees Streetfest on 7th Street Closure/Event Application – July 31-August 1, 2015 – Approved

This item was added to the agenda.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO APPROVE THE STREET CLOSURE/EVENT APPLICATION FOR THE "STREETFEST ON 7TH" TO BE HELD ON JULY 31 – AUGUST 1, 2015 AS SUBMITTED BY THE BRAINERD JAYCEES AND INCLUDING THE FIVE CONDITIONS RECOMMENDED BY STAFF.

<u>Boulevard Maintenance Responsibility on Buffalo Hills Lane – Re-Affirm Policy that Boulevard Maintenance is the Adjacent Property Owner's Responsibility – Approved</u>

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO RE-AFFIRM THE CITY'S POLICY THAT BOULEVARD MAINTENANCE IS THE ADJACENT PROPERTY OWNER'S RESPONSIBILITY.

Aldermen Koep spoke against the motion and recommended that a policy be adopted to include grant funds which would cover repair and maintenance in projects which re-design a neighborhoods general make-up.

The Chair recognized Terri Blahosky, Lawn Liaison for Edgewood Townhome Association, who read a portion of the "Legacy Trail Grant" agreement relating to covering the costs of maintaining what the Association feels is a trail rather than a sidewalk.

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

<u>Special Assessment Request – 15265 Beaver Dam Road – Certify Assessment over a 10-Year Period of Time – Approved</u>

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO CERTIFY THE ASSESSMENT FOR THE PROPERTY AT 15265 BEAVER DAM ROAD OVER A 10-YEAR PERIOD OF TIME AS RECOMMENDED BY STAFF.

<u>Improvement 15-04 – 2015 Crack Sealing Project – Authorize Final Payment of $28,399.35 – Approved</u>

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ACCEPT STAFF RECOMMENDATION TO APPROVE FINAL PAYMENT TO ANDERSON BROTHERS IN THE AMOUNT OF $28,399.35 FOR IMPROVEMENT 15-04, 2015 CRACK SEALING.

<u>Improvement 14-15 – Airport Utilities – Geotechnical Proposal – Accept Proposal from Braun Intertec in the approximate amount of $18,109 – Approved</u>

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE PROPOSAL FROM BRAUN INTERTEC IN THE ESTIMATED AMOUNT OF $18,109 FOR GEOTECHNICAL SERVICES NEEDED FOR THE AIRPORT UTILITY DESIGN.

<u>Improvement 03-04 – Wonderland Park Road – Connection Charge – Follow Policy used in Previous Utility Extension Projects and Collect a Connection Charge for Each Unit Constructed When they are Constructed – Approved</u>

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION TO FOLLOW POLICY USED IN PREVIOUS UTILITY EXTENSION PROJECTS AND COLLECT A CONNECTION CHARGE FOR EACH UNIT CONSTRUCTED WHEN THEY ARE CONSTRUCTED.

<u>Proposed Right-of-Way Ordinance – Informational</u>

Per Committee Chair Bevans, Committee discussed what can and cannot be legislated and how to enforce the Code. He invited Council Members to bring comments and suggestions to City Planner Ostgarden on how to move forward with an ordinance amendment.

Accessory Building Right-of-Way Encroachment – North 10th Street Right-of-Way at 1003 Grove Street – Allow Encroachment provided that the Property Owner and City Agree that the Building will be Removed if the City Needs Access to the Yard – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ALLOW THE ENCROACHMENT IN THE N 10TH STREET RIGHT-OF-WAY AT 1003 GROVE STREET PROVIDED THAT THE PROPERTY OWNER AND CITY AGREE THAT THE BUILDING WILL BE REMOVED IF THE CITY NEEDS TO ACCESS THE YARD.

Council Member Scheeler stated that he would be voting against the motion based on the non-enforcement of City Code as written and how it will affect that property in the future.

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

Jaycees Street Closure/Event Application – August 8, 2015 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE STREET CLOSURE/EVENT APPLICATION FOR "BIG BILL'S LIL RUBBER DUCKIE RACE" TO BE HELD ON AUGUST 8, 2015 AS SUBMITTED BY THE BRAINERD JAYCEES.

Update of City Hall HVAC System – Informational

Committee Chair Bevans reported that a representative from the HVAC system will be at City Hall this Wednesday to evaluate and updates will be provided to Council.

Personnel and Finance Committee Report

Approval of Bills and Payments to Contractors – Approved

Contractor	Project	Amount	Retained
Marco	Cisco Phone System Install-Down Pymnt/CIP Plan	$12,846	$0
S.E.H.	Airport Utility Extension Preliminary thru 5/31	$30,969.73	$0
WSB & Assoc.	College Dr-Final Pymnt & Landscape Warranty Pro	$1,074	$0

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

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

Approve Authorization to Solicit Request for Proposals for LTD and Dental Insurance Effective 1/1/16 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE CITY TO SOLICIT QUOTES FOR LONG-TERM DISABILITY (LTD) AND DENTAL INSURANCE QUOTES TO BE EFFECTIVE JANUARY 1, 2016.

Approval and Signature Authorization of the Municipal Advisor Contract – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE MUNICIPAL ADVISOR CONTRACT AND AUTHORIZE PROPER SIGNATURES AS RECOMMENDED BY STAFF.

Parks Department – Taurus Sale Update – Informational

Per an Agenda Request from Park Director Sailer, the Parks Department Taurus was sold for $629 and a portion of those funds will be used to replace the driver's seat and put proper logos on the 2008 Tahoe that the Brainerd Parks Department is receiving from the Brainerd Police Department.

Paid On Call Conditional Job Offers – Authorize Conditional Job Offers Contingent on Successful Completion of Medical, Background and Psychological Testing for Joshua Stangel and Josiah Winship – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE CONDITIONAL JOB OFFERS TO THE FOLLOWING CANDIDATES CONTINGENT ON SUCCESSFUL COMPLETION OF THE MEDICAL, BACKGROUND AND PSYCHOLOGICAL TESTING: JOSHUA STANGEL AND JOSIAH WINSHIP.

Length of TIF District Policy – Informational

Committee Chair Koep reported that no action is recommended at this time. She stated that she asked Ms. Sheila Haverkamp of BLAEDC if there are policies the City could develop to help them and will await a response.

Update of City Hall HVAC System – Informational

Committee Chair Koep reported that the costs of the HVAC System were discussed at committee level.

Reporting of Sales to Council – Any Sale of Land or Goods to be reported to Council at the First Meeting of Each Month – Approved

This item was added to the agenda.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, THAT AT THE FIRST MEETING OF EACH MONTH ANY SALE OF LAND OR GOODS WOULD BE REPORTED TO THE COUNCIL IN A WRITTEN MEMO.

Budget Meeting – To be held on Monday, August 10, 2015 at 6:00 P.M. in the City Hall Council Chambers – Approved

MOVED AND SECONDED BY ALDERMAN KOEP AND JOHNSON, DULY CARRIED, TO HOLD A BUDGET WORKSHOP ON MONDAY, AUGUST 10, 2015 AT 6:00 P.M. IN THE BRAINERD CITY HALL COUNCIL CHAMBERS.

Committee Chair Koep stated that the committee is recommending separate workshops to be held with department heads which will be scheduled at the July 20, 2015 City Council meeting.

Unfinished Business

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
HRA – 1 Term to Expire on 6/6/2020
Rental Dwelling Board of Appeals:
1 Tenant & 1 General Public Representative – Terms to Expire 12/31/2016
Walkable Bikeable Committee
Brainerd HRA/City of Brainerd Mississippi Riverfront Sub-Committee

Planning Commission

Habitat for Humanity – Front and Rear Yard Variances – 1321 Norwood Street – Approved

Findings-of-Fact:

1. The property is an R-2 (Medium Density Residential) District that permits single family dwellings.
2. The lot is 50’ x 90’ (4,500 sf) which is less than the minimum lot size for the district.
3. The house is 962 sf and the garage is 416 sf for a total is 1,378 sf.
4. Based on the ability to average the front yard setback, the proposed setback is 15.75’, 4.25’ less than permitted. A 6’ rear yard encroachment is proposed leaving a 19’ rear yard setback.
5. The house will have the same setback as the property to the west.
6. The neighborhood has other houses with a setback less than required.
7. Building on the lot is supported by the following Comprehensive Plan Goal and Strategy: 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.
8. The character of the neighborhood will not change because the house size and its style are comparable with the other houses in the neighborhood.
9. The non-conforming lot size creates a practical difficulty for constructing the dwelling and meeting setback requirements.
10. The petitioner’s representative spoke on behalf of the request and there was no other public input prior to the meeting or at the meeting.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE FRONT AND REAR YARD VARIANCES AT 1321 NORWOOD STREET

BASED ON THE 10 FINDINGS-OF FACT AND RECOMMENDATION OF THE PLANNING COMMISSION.

East Brainerd Mall – Parking Deferment Request – 417 8th Avenue NE – Approved

The Commission agreed to recommend approval of the off-street parking deferment because:

1. The amount of parking provided is not less than one-half the amount of parking required by this Ordinance.
2. The site has sufficient property under the same ownership to accommodate the expansion of the parking facilities to meet the minimum requirements of this Ordinance if the parking demand exceeds on site supply.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO APPROVE THE PARKING DEFERMENT REQUEST SUBMITTED BY THE EAST BRAINERD MALL, 417 7TH AVENUE NE, AS RECOMMENDED BY THE PLANNING COMMISSION.

City Planner Ostgarden stated that Ascensus has been notified of this action based on their office being a major office tenant in that mall.

Brainerd Lakes Regional Airport Property – Annexation Discussion – Recommend

City Engineer Hulsether reported that once utilities are extended to airport it will cost them twice as much as they are not annexed to city; therefore, all parties need to be involved in the decision of whether to annex.

MOVED AND SECONDED BY ALDERMEMN KOEP AND BEVANS, DULY CARRIED, TO RECOMMEND THAT DISCUSSION BEGIN ON THE ANNEXATION OF THE BRAINERD LAKES REGIONAL AIRPORT PROPERTY.

Public Forum

The Chair recognized Mr. Gerald Backstrom, 2234 Spruce Drive, who addressed the Council on the privacy fence broken in two places behind Edgewood Townhomes.

City Engineer was directed to get in touch with Mr. Backstrom relating to this issue.

The Chair recognized Ms. Margie Backstrom, 2235 Spruce Drive, who addressed the Council on her disappointment relating to the Legacy Trail Grant; specifically how the area behind Edgewood Townhomes is a trail and should be maintained.

The Chair recognized Ms. Carolyn Pope, 2232 Spruce Drive, who also addressed the Council on the broken fence behind Edgewood Townhomes.

Council President, Mayor and Council Other Committee Reports

Mayor Wallin James Wallin reported that he met with Senator Klobuchar at CTC relating to broadband connections throughout Minnesota. He also witnessed the take-off of a gentleman who is swimming down the Mississippi River for a fundraising effort. He was pleased to announce that he rode in Brainerd's 4th of July Parade in a truck donated for use by Mills.

Council Members Hilgart and Koep reported on her experience at the League of Minnesota Cities Conference

<u>Committee Recommendations – Recommended by Mayor Wallin – Approved</u>

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPOINT MR. ERIC CHARPENTIER TO THE HRA FOR A TERM TO EXPIRE ON 6/6/2020.

<u>Adjourn – To Closed Session Pursuant to M.S. 13D.03 to Discuss Labor Negotiation Strategies – 9:42 P.M. – Approved</u>

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ADJOURN INTO CLOSED SESSION PURSUANT TO M.S. 13D.03 TO DISCUSS LABOR NEGOTIATION STRATEGIES.

The Council reconvened into open session. No action was taken.

<u>Adjourn</u>

The Chair adjourned the meeting at 10:15 P.M.

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Patrick Wussow
City Administrator