Brainerd, MN
September 8, 2015

7:17 P.M. – Showcasing Brainerd: Geritol Frolics

The Chair welcomed Mr. Ed Younker and his wife, Yvonne. Mr. Younker discussed the history of the Geritol Frolics show held each year at the Franklin Arts Center including how much it has grown over the years. He stated that the show hires musicians and actors from the local area and surrounding communities, and that people come in large groups to see the show which brings business to local eateries and lodging facilities. He stated that this year they added online ticketing which has already generated a large number of sales. Show dates include Thursdays through Sundays from October 15th through October 25th and tickets are $15.00 or $17.00 depending on seat location; all seats are reserved and can be purchased at www.geritolfrolics.com. 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 7:33 P.M. by Council President Scheeler.

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

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

The Chair added two items to the agenda:

1: *2 Agenda Requests received this evening from City Administrator Thoreen to "Staff Reports"*

2: *A request from Chip Borkenhagen for a few moments of the Council's time as number 5A, directly following the Consent Calendar*

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

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

A. Approval of the Minutes of the Regular Meeting held on August 17, 2015, and the Special Meetings held on August 18, 19, 20, 24 and September 3, 2015 – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 2 – Renewals

C. Department Activity Reports – Approved

1. Fire Chief
2. Park Director

D. **Application for Temporary Liquor License – Submitted by Ski Gull, Inc., for an event to be held on September 24, 2015 at the Northern Pacific Center, 210 Blacksmith Circle, Brainerd – Approved**

E. **Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Amateur Hockey Foundation for a Raffle to be held on January 23, 2016 at Essentia Health Sports Center, 502 Jackson Street, Brainerd – Approved**

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

Announcement – Citizen of the Year – Mayor James Wallin

Council Member Borkenhagen introduced Ms. Nancy Cross, Community Education Director for a special announcement.

Ms. Cross, following a very generous and comprehensive description of a not-yet-identified individual, named Mayor James Wallin as "Citizen of the Year" based on Mr. Wallin's many years as a very kind, giving and driven leader of the Brainerd Lakes Area Community.

Presentation – Green Step City Award Presentation and Green Step City Program Review

The Chair recognized Ms. Sarah Hayden Shaw, who presented an award for "achieving the next step" in the Green Step City program. She discussed developing a more broad-reaching committee than the Green Step Committee as its own entity. She congratulated the City on the achievement of this most recent accolade and asked for continued work toward accomplishing even more "steps" in the Green Step City program.

Council Committee Reports

Personnel and Finance Committee:

Approval of Bills & Payments to Contractors – Approved

Contractor	IMP #	Project	Amount	Total Retained
Anderson Bros.	05-01	College Drive (final)	$31,323.21	N/A
Anderson Bros.	15-03	2015 Street Patching	$11,153.59	N/A
Braun Intertec	13-06	28th St SE Oak-TH 25	$4,709.00	N/A
Braun Intertec	14-10	Sanitary Sewer Blk 160	$663.00	N/A
Braun Intertec	14-15	Airport Utility Extension	$14,419.00	N/A
S.E.H.	14-15	Airport Utility Extension	$64,247.56	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 Hilgart, Koep, Pritschet, Bevans, Johnson, Borkenhagen and Scheeler voted "aye." No member voted "nay." The Chair declared the motion carried.

Police Department:

Request Approval for Employee Out-Of-State Travel – Bomb Technician Tim Friis – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE BRAINERD POLICE OFFICER TIM FRIIS TO ATTEND RECERTIFICATION AND MANDATED TRAINING FOR BOMB TECHNICIAN IN HUNTSVILLE, ALABAMA IN OCTOBER/NOVEMBER OF 2015 WITH ALL COSTS TO BE COVERED BY THE FBI.

Proceeds from Sale of Squad Car – Informational

Per the Agenda Request, a 2011 Ford Crown Victoria Police Interceptor was sold on the Public Surplus website for $3,950.

Fire Department – Leave of Absence Return Effective 9/3/15 – Dennis Logelin – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE PAID ON CALL FIREFIGHTER DENNIS LOGELIN'S REQUEST TO RETURN TO ACTIVE STATUS WITH THE BRAINERD FIRE DEPARTMENT EFFECTIVE SEPTEMBER 3, 2015.

Parks Department – Gregory Park Warming House Roof – Approval of Bid from Hy-Tec Construction in the amount of $9,960 to be paid from the Capital Improvement Fund – Approved

Per Agenda Request, Capital Improvement funds remaining from the Lum Park office insulation project were approved for this project at the 8/3/15 City Council meeting as long as it did not exceed $10,000.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO ACCEPT THE LOW QUOTE FROM HY-TEC CONSTRUCTION FOR THE AMOUNT OF $9,960 TO BE PAID FROM THE CAPITAL IMPROVEMENT FUND FOR THE REPLACEMENT OF THE GREGORY PARK WARMING HOUSE ROOF.

Review of Revised Data Practice Policy – Approved with Changes to Exhibit A relating to Charges

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE AND ACCEPT THE PROPOSED DATA PRACTICE POLICY WITH THE FOLLOWING CLARIFICATION: IN EXHIBIT A OF THE PROPOSED POLICY, CHANGE "100 OR FEWER" TO "10 OR FEWER PAGES OF DOCUMENTS...THERE WILL BE NO CHARGE AND FOR 11 OR MORE PAGES THERE WILL BE A .25 (TAX INCLUDED) CHARGE PER PAGE"; FURTHER, CHANGE THE "FEES" BOX TO REFLECT THIS INFORMATION.

2016 Budget Information/Status of Parking Lots – Informational

Committee Chair Koep reported that there is no recommendation at this time from Committee and that this item will be discussed at the September 14, 2015 Budget Workshop.

Personnel & Finance Committee Workshop – Scheduled for October 14, 2015 from 4:00 P.M. to 6:00 P.M. – Informational

Safety and Public Works Committee:

(Note: Per Council Member Koep's request, item #9 was moved to item #1)

Buffalo Hills Boulevard Maintenance – Staff Request to Mow Boulevard and Review Ordinance for Possible Amendments – Denied

Per Agenda Request, staff recommends maintaining the boulevard at Buffalo Hills through this fall with a possible amendment of the City's code/policy to clarify responsibilities, distinguish between trail and sidewalk and regulate ground cover.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO DENY THE ENGINEER'S REQUEST TO MOW THE BOULEVARD AT BUFFALO HILLS.

Discussion was held by Council.

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

Nuisance Notification Letters – Authorize Proposed Format of Letter with Changes as Recommended by Council – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE PROPOSED FORMAT FOR THE ADMINISTRATIVE VIOLATION NOTIFICATION (NUISANCE COMPLAINT LETTER) WITH THE FOLLOWING CHANGES: ADD, "OR IF YOU BELIEVE THIS CITATION IS IN ERROR" TO THE SENTENCE, "IF YOU ARE UNABLE TO MAKE THE CORRECTIONS IN THE REQUIRED TIME, PLEASE CALL THIS OFFICE TO MAKE OTHER ARRANGEMENTS" AND TO REMOVE "TO REMOVE BLIGHTED AND HAZARDOUS CONDITIONS" AND REPLACE WITH "TO IMPROVE PROPERTY VALUES AND QUALITY OF LIFE IN OUR NEIGHBORHOODS".

Committee Chair Bevans stated that a new letter will be developed for zoning violations which will reflect the same type of changes.

Event/Street Closure Request – East River Road between Front and Laurel Streets from 4:00 P.M. to 8:00 P.M. on October 8, 2015 for Fire Department Open House – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE STREET CLOSURE REQUEST FOR EAST RIVER ROAD BETWEEN FRONT AND LAUREL STREETS FROM 4:00 P.M. TO 8:00 P.M. ON OCTOBER 8, 2015, AS REQUESTED BY THE BRAINERD FIRE DEPARTMENT FOR THEIR ANNUAL OPEN HOUSE.

Street Light Request – 801 Lake Street – Denied

Per Agenda Request, staff recommends denial based on this not being consistent with the Council's previous efforts to eliminate mid-block street lights.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DENY THE REQUEST RECEIVED FOR PLACEMENT OF A STREET LIGHT ON A POWER POLE MID-BLOCK BETWEEN BROADWAY AND SOUTH 10TH STREET.

Street Light Request – 1015 Chicago Ave – Denied

Per Agenda Request, staff recommends denial based on setting a precedent and on previous documentation that concluded little or no difference in criminal activity based on light.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DENY THE REQUEST RECEIVED FOR THE STREET LIGHT AT THE DEAD END ON CHICAGO AVENUE TO BE TURNED BACK ON.

Winter Sand Quotes – Accept Quote from Roscoe Trucking & Excavating to Supply Approximately 1,000 Cubic Yards of Sand at a Unit Price of $3.00 per Cubic Yard – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE QUOTE FROM ROSCOE TRUCKING & EXCAVATING TO SUPPLY APPROXIMATELY 1,000 CUBIC YARDS OF SAND FOR WINTER STREET USE AT A UNIT PRICE OF $3.00 PER CUBIC YARD.

Improvement 13-06 – 28th Street Reconstruction – Change Order #2 for Mailbox Assembly and Installation with 50% of Charges to be Assessed to Property Owners as part of the Project Cost – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE CHANGE ORDER #2 FOR IMPROVEMENT 13-06, 28TH STREET RECONSTRUCTION, TO FURNISH AND ASSEMBLE 17 MAILBOXES AND SUPPORTS AT UNIT PRICE OF $100 PER UNIT WITH 50% OF THAT COST TO BE ASSESSED AS PART OF THE PROJECT COST.

Improvement 14-15 – Airport Utilities – Sewer Inspection Quotes – Held Over

Committee Chair Bevans reported that no quotes have been received.

Improvement 05-01 – College Drive Reconstruction – Authorize Final Payment in the Amount of $31,323.21 based on City Engineer Explanation and Recommendation – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE THE FINAL PAYMENT FOR IMPROVEMENT 05-01, COLLEGE DRIVE RECONSTRUCTION, IN THE AMOUNT OF $31,323.21 BASED ON THE ENGINEER'S EXPLANATION OF FINAL VALUE OF WORK AND RECOMMENDATION FOR PAYMENT.

Improvement 14-19 – Historic Water Tower HSR Proposals – Accept Proposal from Preservation Design Works LLC in an amount not to Exceed $10,000 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE PROPOSAL FROM PRESERVATION DESIGN WORKS LLC IN AN

AMOUNT NOT TO EXCEED $10,000 FOR THE HISTORIC WATER TOWER STRUCTURE REPORT AND ROOF DESIGN.

Committee Chair Bevans reported that this cost is covered by a grant secured by City Planner Ostgarden and not from the City Budget.

<u>Building Department ISO Rating – Informational</u>

Per Agenda request, Building Official Caughey informed the Council of the rating of "3" for Effectiveness Classification which he states is an excellent rating. The Council acknowledged the great work the Building Department and staff did in staying on top of the rating process and securing the ISO rating of 3.

<u>Facilities Comprehensive Needs Overview – No Action Taken – Informational</u>

Per Agenda Request, City Administrator Thoreen requested authorization to develop a comprehensive inventory of City facilities needs for repair, maintenance updates and other improvements which will meet space, HVAC, electrical, mechanical, and facility structural needs along with code compliance and energy-efficiency improvements to reduce long-term operating costs. Based on a local search not yielding any results, he recommends Contegrity Group of Little Falls to prepare a comprehensive evaluation.

Committee Chair Bevans reported that this is an informational item and that a list of all City needs is in the process of being developed.

<u>Right-of-Way Sign Ordinance – Make No Changes in Ordinance or Regulation of Ordinance at this time – Approved</u>

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO MAKE NO CHANGES IN THE ORDINANCE REGULATING RIGHT-OF-WAY SIGNS INCLUDING THE ENFORCEMENT THEREOF, AT THIS TIME.

Discussion was held by Council.

<u>Off-Street Parking Requirements – Planning Commission and Safety and Public Works Committee to hold meeting to Discuss – Approved</u>

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO INVITE THE PLANNING COMMISSION TO A MEETING WITH THE SAFETY AND PUBLIC WORKS COMMITTEE TO DISCUSS OFF-STREET PARKING REQUIREMENTS.

<u>Unfinished Business</u>

<u>Call for Applicants – Informational:</u>

<u>(Application Information at www.ci.brainerd.mn.us/boards/)</u>

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
Parks and Recreation Board – 1 Term to Expire on 12/31/2015
Rental Dwelling Board of Appeals:
1 Tenant Representative – Term to Expire 12/31/2016
Walkable Bikeable City Committee – Ad Hoc

Planning Commission

Rezoning at 614 Tamarac Street from B-4 (General Business) to R-1 (Single Family Residential) District –

Findings-of-Fact:

1. The property is vacant and the B-4 zoning does not permit residential use
2. The parcel is 132'x100'= 13,200 sf
3. The property is surrounded by and across the street from single family or two family uses.
4. Prior to 2011 the property was zoned R-3 Multiple Family Residential District.
5. The Future Land Use Map identifies this area along the South 6th Street corridor as Low to Medium Density Residential Land Use. Typically that is considered one and two family units.
6. Rezoning the property supports the Comprehensible Plan Land Use Strategy to Support the redevelopment of vacant and abandoned sites within the urban core.
7. Rezoning the property will permit the property to be used for residential purposes, which is the predominate land use pattern in this area.
8. South 7th Street traffic capacity will not be affected by this individual change.
9. There should be no negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1439 – AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO ZONING IN THE CITY OF BRAINERD AS FOLLOWS; FURTHER, TO DISPENSE WITH THE ACTUAL READING:

Rezone from B-4 (General Commercial) to R-1 (Single Family Residential):

E 132 ft of Lots 9 thru 12 Block 287 Incl, Town of Brainerd & 1st Addn to Brainerd
Section 24 Township 45 Range 31
P.I.N. #09196287009Y889
614 Tamarac Street

Public Forum: No one came forward.

Staff Reports – Written

City Administrator Thoreen requested/suggested that the Council hold a monthly work session with no expectation of any action to help staff frame issues the Council wants brought forth for future action. He also reported that at the Department Head meeting several items were brought forth for discussion of the Council at a retreat session which will be scheduled in the future.

Council President, Mayor and Council Other Committee Reports

Council Member Koep requested the opportunity to work with Sarah Hayden Shaw and perhaps City staff to get started on the GESP project discussed in the email from Ms. Shaw on the Green Step City reward presentation.

A committee of Council Members Johnson and Koep and City staff will be formed in the near future.

Committee Resignation – Accepted with Regret

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. GREG ROBERTS FROM THE PARKS AND RECREATION BOARD EFFECTIVE 8/27/2015.

Committee Recommendations – Recommended by Mayor Wallin – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO APPOINT MR. PATRICK WUSSOW TO THE RENTAL DWELLING BOARD OF APPEALS AS "GENERAL PUBLIC REPRESENTATIVE" FOR A TERM TO EXPIRE ON 12/31/2016.

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

Adjourn:

- **To the "Walk and Wheel" Event to be held on Saturday, September 12, 2015 from 11:00 A.M. to 2:00 P.M. on Laurel Street between 5th and 6th Streets, Brainerd**

- **To the Budget Workshop to be held on Monday, September 14, 2015 at 6:00 P.M. at City Hall**

The Chair adjourned the meeting at 8:52 P.M.

Jim Thoreen
City Administrator