Brainerd, MN
September 21, 2015

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: 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.

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

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

A. **Approval of the Minutes of the Regular Meeting held on September 08, 2015, and the Budget Workshop on September 14, 2015 – Approved**

B. **Approval of Licenses – Approved**

1. Contractor's Licenses – 2 – Renewals

C. **Department Activity Reports – Approved**

1. Police Chief

D. **Notice of Public Hearing for Post Award Hearing to be held on October 5, 2015 relating to BTD Wood Powder Coating – Approved**

E. **Minnesota Lawful Gambling Application to Conduct Exclude Bingo Submitted by Lakes Area USBC Bowling Association for Bingo Events to be held November 16-20, 2015 and March 14-18, 2016 – Approved**

F. **Temporary Liquor License Application – Submitted by the Brainerd American Legion for an Event to be held on September 30, 2015 at the Northland Arboretum – Approved**

Council Committee Reports

Safety and Public Works Committee Report

Building Permit Extension Request – 401 South 9th Street – Authorize Extension for 18 Months on the Building with a Completion Date on the Exterior of May 15, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE REQUEST FOR AN ADDITIONAL 18 MONTHS ON THE BUILDING

PERMIT AT 401 SOUTH 9^{TH} STREET WITH A COMPLETION DATE ON THE EXTERIOR OF MAY 15, 2016.

Crow Wing County Tax Forfeit Parcel Classifications – Follow Staff Recommendation as Identified by City Engineer to Approve Non-Conservation Status for 10 of the Lots Proposed and Disapprove Non-Conservation Status for 4 of the Lots Proposed – Approved

Per Agenda Request from City Engineer Hulsether, Crow Wing County identified 14 parcels in the City that are tax forfeit that the County would like to classify as non-conservation and offer for sale at a future tax forfeit land auction. Staff identified 4 of those parcels they recommend remain in conservation status due to the current public use taking place on those parcels. These are listed in the Agenda Request.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE STAFF'S RECOMMENDATION TO APPROVE THE NON-CONSERVATION STATUS FOR THE 10 PARCELS NOT LISTED IN THE CITY ENGINEER'S AGENDA REQUEST AND TO DISAPPROVE THE PROPOSED 4 PARCELS LISTED IN SAID REQUEST BASED ON CURRENT PUBLIC USE TAKING PLACE ON THOSE PARCELS.

Event Application – 2015 Brainerd Area Crop Walk – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE EVENT APPLICATION FOR THE 2015 CROP WALK TO BE HELD ON SUNDAY, OCTOBER 4, 2015 IN NORTHEAST BRAINERD.

Event Application – Homecoming Run and Parade – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE EVENT APPLICATION FOR THE 2015 HOMECOMING PARADE TO BE HELD ON SATURDAY, OCTOBER 3, 2015 IN DOWNTOWN BRAINERD.

Improvement 13-16 – Garfield SRTS – Change Order 1 relating to Completion Dates – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO AUTHORIZE CHANGE ORDER NO. 1 FOR IMPROVEMENT 13-16, GARFIELD SRTS, TO AMEND THE SUBSTANTIAL AND FINAL COMPLETION DATES TO OCTOBER 17, 2014 AND JULY 15, 2015, RESPECTIVELY, AS RECOMMENDED BY STAFF.

Improvement 14-10 – Block 160 Sanitary Sewer – Authorize Final Payment of $2,118.40 to Pratt's Affordable Excavating – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE FINAL PAYMENT OF $2,118.40 TO PRATT'S AFFORDABLE EXCAVATING FOR IMPROVEMENT 14-10 – BLOCK 160 SANITARY SEWER.

Improvement 15-02 – 2015 Seal Coat Project – Authorize Final Payment of $116,369.84 to ASTECH Corp – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE FINAL PAYMENT OF $116,369.84 TO ASTECH CORP FOR IMPROVEMENT 15-02 – 2015 SEAL COAT PROJECT.

Committee Chair Bevans reported that this project came in under budget.

Improvement 13-06 – 28th Street Reconstruction – Authorize Final Payment of $78,649.40 to Borden Excavating – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE FINAL PAYMENT TO BORDEN EXCAVATING IN THE AMOUNT OF $78,649.40 FOR IMPROVEMENT 13-06 – 28TH STREET RECONSTRUCTION.

Committee Chair Bevans reported that this project came in under budget.

Improvement 13-06 – 28th Street Reconstruction – Set Assessment Hearing for Monday, October 19, 2015 at 7:30pm – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO SET THE ASSESSMENT PUBLIC HEARING FOR IMPROVEMENT 13-06 – 28TH STREET RECONSTRUCTION – FOR OCTOBER 19, 2015 AT 7:30 P.M. IN THE CITY HALL COUNCIL CHAMBERS.

Downtown Snow Removal/Streetscape and Nuisance Abatements – Set Assessment Hearing for Monday, October 19, 2015 at 7:30pm – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO SET THE ASSESSMENT PUBLIC HEARING FOR DOWNTOWN SNOW REMOVAL/STREETSCAPE AND NUISANCE ABATEMENTS FOR MONDAY, OCTOBER 19, 2015 AT 7:30 P.M. IN THE CITY HALL COUNCIL CHAMBERS.

Quote from L&M Steel for Pedestrian Deterrent Fencing on College Drive – Authorize Purchase of 10 Replacement Posts from L&M Steel at a cost of $126.80 Each – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE QUOTE FROM L&M STEEL TO SUPPLY 10 REPLACEMENT POSTS FOR PEDESTRIAN DETERRENT FENCING ON COLLEGE DRIVE AT A COST OF $126.80 EACH.

Sewer Cleaning Reimbursement in the amount of $344 – 1102 7th Avenue NE – Approved

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND HILGART TO APPROVE REIMBURSEMENT IN THE AMOUNT OF $344 FOR SEWER SERVICE AT 1102 7TH AVENUE NE.

Discussion was held by Council on the process for ensuring the public is aware of processes and responsibilities associated with living within the City limits; such as in this case concerning whom to call for sewer blockage. Concerns relating to setting a precedent and to licensed contractors being held responsible for knowing the City processes were brought up.

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

Joint Meeting with Planning Commission – Informational

Committee Chair Bevans reported that Committee had provided City Planner Ostgarden with two dates Committee would be available.

NOTE: This meeting was later scheduled for October 12, 2015 at 6:00 P.M.

Personnel and Finance Committee Report

Approval of Bills, Transfer of Funds & Payments to Contractors – Approved

General Fund to Public Safety Fund	$350,000
General Fund to Park Fund	$50,000
General Fund to Street & Sewer Fund	$25,000
General Fund to Airport Fund	$12,960
	$437,960

Contractor	Imp No.	Project	Amount	Total Retained
Anderson Brothers Construction	15-13	BN Alley Regrade/Repave	$10,131.08	N/A
ASTECH Corp	15-02	2015 Seal Coat	$116,369.84	N/A
Borden Excavating Inc.	13-06	Imp 13-06 28th St Const Pay app #3	$78,649.40	N/A
Crow Wing SWCD	15-06	CWSWCD Mini Runoff Grant	$855.00	N/A
Pratt's Affordable Excavating	14-10	Sanitary Sewer Block 160 Pay App Final	$2118.40	N/A
WSB & Associates Inc.	05-01	College Dr – Project Management Coordination	$612.00	N/A

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO AUTHORIZE PAYMENT OF BILLS, TRANSFER OF FUNDS 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.

2016 Health Insurance – Accept Renewal Rates presented by NJPA and Eliminate the $500 Deductible Plan from Plan Options as Recommended by the Employee Insurance Committee – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT THE RENEWAL RATES PRESENTED BY NJPA AND ELIMINATE THE $500 DEDUCTIBLE PLAN FROM PLAN OPTIONS AS RECOMMENDED BY THE EMPLOYEE INSURANCE COMMITTEE.

Committee Chair Koep reported that this is an increase of approximately 20%.

Audit RFP's – Personnel and Finance Committee to Conduct Interviews with the following three Firms on Wednesday, October 21, 2015 at 3:45 P.M.: Eide Bailly, BerganKDV and CliftonLarsonAllen – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO HOLD INTERVIEWS WITH THE FOLLOWING AUDITING FIRMS AT 3:45 P.M. ON OCTOBER 21, 2015 IN THE CITY HALL CONFERENCE ROOM: EIDE BAILLY, BERGANKDV AND CLIFTONLARSONALLEN WITH THE PERSONNEL AND FINANCE COMMITTEE TO CONDUCT INTERVIEWS AND REMAINING COUNCIL MEMBERS TO OBSERVE IF THEY SO CHOOSE.

Resolution No. 43:15 Adopted – Setting the HRA 2016 Preliminary Levy at $116,941

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO ADOPT RESOLUTION NO. 43:15 – SETTING THE HRA'S 2016 PRELIMINARY LEVY AT $116,941.

RESOLUTION NO. 43:15

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

Set Date for Truth in Taxation Public Hearing – December 14, 2015 at 6:00 P.M. in City Hall Council Chambers – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO SET THE TRUTH IN TAXATION PUBLIC HEARING FOR DECEMBER 14, 2015 AT 6:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS.

Parking lots – Direct Staff to Review Rates, Discuss with Appropriate Parties and Return to Council with Proposal whereby City does not Subsidize the Lots – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO DIRECT STAFF TO REVIEW THE CURRENT PARKING LOT RATES, DISCUSS RATES WITH APPROPRIATE PARTIES, AND TO RETURN TO COUNCIL WITH A PROPOSAL WHEREBY THE CITY DOES NOT SUBSIDIZE THE LOTS.

Council Insurance – Discussion Item – Held Over

Committee Chair Koep reported that this item will continue to be reviewed by staff and Committee.

Community Action Utilities – Discussion Item – Held Over

Committee Chair Koep reported that this item will continue to be reviewed by staff and Committee.

P&F Workshop – RESCHEDULED to November 4, 2015 from 4:00 P.M. to 6:00 P.M.

Longevity – Discussion Item – Informational

Committee Chair Koep reported that this item will continue to be reviewed by staff and Committee.

Resolution No. 44:15 Adopted – Approving Joint Powers Agreement for GESP with State of Minnesota and Authorizing Proper Signatures

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO ADOPT RESOLUTION NO. 44:15 – APPROVING THE JOINT POWERS AGREEMENT FOR THE GESP PROGRAM WITH THE STATE OF MINNESOTA AND AUTHORIZING THE PROPER SIGNATURES ON THE AGREEMENT AND ANY FORTHCOMING AMENDMENTS TO THAT AGREEMENT.

RESOLUTION NO. 44:15

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

Unfinished Business

Set Date for Council Retreat – Monday, November 9, 2015 at 6:00 P.M.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET, DULY CARRIED, TO SET THE CITY COUNCIL RETREAT FOR NOVEMBER 9, 2015 AT 6:00 P.M.

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
Parks and Recreation Board – 1 Term to Expire on 12/31/2015
Walkable Bikeable City Committee – Ad Hoc

New Business

Resolution No. 45:15 Adopted – Restructuring the Fire Department

City Council President Scheeler read the resolution aloud.

City Attorney Quiring further explained the resolution and what it means to the Council and City.

The Chair recognized Fire Advisory Board Chair and Maple Grove Township Supervisor Mr. Bill Kronstedt, 11502 Silver Bay Road, Brainerd, who summarized the timeline leading up to the possibility of restructuring.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT RESOLUTION NO. 45:15 – A RESOLUTION RESTRUCTURING THE FIRE DEPARTMENT.

Upon Council Member Koep's request, each Council Member shared their feelings on the action being proposed.

RESOLUTION NO. 45:15

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

Planning Commission

Public Hearing – Final Reading of Proposed Ordinance No. 1439 – Authorizing the Rezoning at 614 Tamarac Street from B-4 (General Business) to R-1 (Single Family Residential) District – Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1439 – AUTHORIZING THE REZONING AT 614 TAMARAC STREET FROM B-4 (GENERAL BUSINESS) TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT; FURTHER TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT ORDINANCE NO. 1439 – AUTHORIZING THE REZONING AT 614 TAMARAC STREET FROM B-4 (GENERAL BUSINESS) TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

ORDINANCE NO. 1439

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

Conditional Use Permit to Allow Adult Day Care Center – 307 NW 8th Street – Approved

Findings-of-Fact:

1. The property is in a B-4 (General Commercial) District.

2. The proposed use is an adult day care center. The license application specifies 50 people. The facility has plans for 12-16 clients and 4 staff.

3. The building is approximately 6,500 square feet, ½ of which is proposed for the day center. The building’s other half is general office use.

4. The site has 21 parking spaces, sufficient for the day center and the current use.

5. Hours of operation are 8 a.m. to 4 p.m. Clients will be transported to/from the day center by group home staff, public transit and/or day center staff.

6. Property use is consistent with:

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.*

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.

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

Strategies

1. Encourage a variety of experiences and opportunities in terms of living, working and social activities within the community.
2. The existing building will be used for the day care center. No additions or changes to the building or site are planned or required.

7. The Utility, Fire, Engineering and Planning Departments have no concerns about the use. The Police Department expressed the desire to be aware of this type of facility. The Building Department identified minor repair items on the building's interior.

8. No one spoke in opposition to the request.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT TO ALLOW AN ADULT DAY CARE CENTER AT 307 NW 8TH STREET BASED ON THE 8 FINDINGS-OF-FACT AND RECOMMENDATION BY THE PLANNING COMMISSION.

First Reading – Proposed Ordinance No. 1440 – Amending Zoning Ordinance Section 515-6-2: Permitted Uses, to Allow Basement and 1st Floor Dwellings in the B-3 (Central Business) District – Denied

City Planner Ostgarden reported that the original draft of the motion was modified by the Planning Commission based on the petitioner's request for only the rear half of the first floor of a building to be included in this "permitted use" and that this modification is included in the ordinance placed in front of the Council this evening. He stated that the Planning Commission recommends denial of this modification.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO UPHOLD THE PLANNING COMMISSION'S RECOMMENDATION AND TO DENY THE FIRST READING OF PROPOSED ORDINANCE NO. 1440 – AMENDING ZONING ORDINANCE SECTION 515-6-2: PERMITTED USES, TO ALLOW THE REAR ½ OF A BUILDING'S 1ST FLOOR TO BE USED FOR RESIDENTIAL PURPOSES IN THE B-3 (CENTRAL BUSINESS) DISTRICT.

Upon roll call, members Hilgart, Koep, Pritschet, Bevans, Johnson, Borkenhagen and Scheeler voted "aye." No member voted "nay."

Public Forum:

The Chair recognized Mr. Dave Pueringer, 616 ½ Front Street, Brainerd, who spoke to the Council in regards to his dismay with the 25% levy increase and offered several alternatives to what staff has proposed for replacement/upgrading the City Hall HVAC system.

Council President, Mayor and Council Other Committee Reports

Council President Scheeler reported on his many activities throughout the last two weeks including filling in for Mayor Wallin at various community activities.

Adjourn

The Chair adjourned the meeting at 9:10 P.M.

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Jim Thoreen
City Administrator