

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, Bevans, Johnson, Borkenhagen and Scheeler. Member Pritschet was noted as absent.

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

Moment of Silence for Mayor James E. Wallin

Council President Scheeler called for a moment of silence in honor of Mayor James E. Wallin, who unexpectedly passed away in the early morning hours of September 26, 2015. His devotion as a public servant to the City of Brainerd will be forever cherished.

Approval of Agenda – Approved

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

Consent Calendar – Approved

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

A. Approval of the Minutes of the Regular Meeting held on September 21, 2015 – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 3 – New
2. Contractor's Licenses – 1 – Renewals

C. Department Activity Reports – As Distributed to Council – Approved

1. Fire Chief
2. Park Director
3. Finance Director

D. Minnesota Lawful Gambling – Application to Conduct Excluded Bingo Submitted by the Knights of Columbus Council 1491 for Bingo Events to be held on January 14, 21, 28 and February 4, 2016 – Approved

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

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors

Contractor	IMP #	Project	Amount	Total Retained
S E H	14-15	Airport Utilities	\$66,518.52	N/A
Northwoods Landscaping	10-03	Downtown Maint.	\$2,215.00	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, Bevans, Johnson, Borkenhagen and Scheeler voted "aye." No member voted "nay." The Chair declared the motion carried.

2016 Parks and Recreation Seasonal Pay Rates – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE PARKS AND RECREATION SEASONAL EMPLOYEE PAY RATES FOR THE 2016 SEASON AS RECOMMENDED BY THE PARK BOARD.

Fire Marshal/Deputy Chief Position: Job Description, Base Wage, Hiring Process & Timeline and Creation of Position – Approved

MOVED AND SECONDED BY KOEP, JOHNSON, DULY CARRIED, TO APPROVE THE FOLLOWING ACTIONS RELATING TO THE FIRE MARSHAL/DEPUTY CHIEF POSITION AT THE BRAINERD FIRE DEPARTMENT AS RECOMMENDED BY THE PERSONNEL & FINANCE COMMITTEE:

1. APPROVE FIRE MARSHAL/DEPUTY CHIEF JOB DESCRIPTION
2. SET 2015 BASE WAGE FOR FIRE MARSHAL/DEPUTY CHIEF AT \$5,359.52/MONTH (75% OF FIRE CHIEF'S BASE WAGE
3. AUTHORIZE THE NECESSARY FUNDS TO CONDUCT THE HIRING PROCESS
4. REQUEST THE CIVIL SERVICE COMMISSION AMEND FIRE CIVIL SERVICE RULES TO CREATE THE POSITION AND COMPLETE THE HIRING PROCESS AS SOON AS POSSIBLE

Purchase of Office Furniture – Administration Department – Authorize up to \$4,000 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE UP TO \$4,000 FOR NEW OFFICE FURNITURE AND EQUIPMENT FOR THE CITY ADMINISTRATION DEPARTMENT AND TO AUTHORIZE DISPOSAL OF CURRENT ITEMS.

Telecom Service Analysis – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE STAFF TO WORK WITH CLIFTONLARSONALLEN ON THE COMPLIMENTARY PRELIMINARY ASSESSMENT OF THE CITIES TELECOM INVOICES.

Employee Out-of-State Travel Approval – Transit Coordinator Andy Stone – To be paid with Transit Training Funds – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE OUT-OF-STATE TRAVEL FOR TRANSIT COORDINATOR ANDY STONE TO ATTEND THE 2015 ROUTEMATCH USERS CONFERENCE WITH COSTS TO BE PAID FROM THE TRANSIT TRAINING BUDGET.

Budget Workshop – Scheduled for Tuesday, November 17, 5:15-7:00 P.M. in the City Hall Council Chambers – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO SET THE DATE FOR THE NEXT BUDGET WORKSHOP FOR TUESDAY, NOVEMBER 17, 2015 FROM 5:15 P.M. TO 7:00 P.M. TO BE HELD IN THE CITY HALL COUNCIL CHAMBERS.

Safety and Public Works Committee

Imp 13-06 – 28th Street – Resolution No. 46:15 Adopted – Declaring Costs to be Assessed, Authorizing Preparation of Proposed Assessment and Ordering a Public Hearing to be held on Monday, October 19, 2015 at 7:30 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 46:15 – DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT AND ORDERING PUBLIC HEARING TO BE HELD ON OCTOBER 19, 2015 RELATING TO IMPROVEMENT NO. 13-06 – 28TH STREET.

RESOLUTION NO. 46:15

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

Downtown Special Assessment District and Nuisance Abatements – Resolution No. 47:15 Adopted – Declaring Costs to be Assessed, Authorizing Preparation of Proposed Assessment and Ordering a Public Hearing to be held on Monday, October 19, 2015 at 7:30 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO ADOPT RESOLUTION NO. 47:15 – DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 19, 2015 RELATING TO THE DOWNTOWN SPECIAL SERVICES DISTRICT AND NUISANCE ABATEMENT.

RESOLUTION NO. 47:15

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

Event/Street Closure Application – Authorize Street Closures from 12:00 P.M. to 2:45 P.M. as Submitted for the St. Francis School Marathon to be held on Tuesday, October 13, 2015 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE STREET CLOSURE, SPECIAL EVENT AND FESTIVAL APPLICATION FOR THE ST. FRANCIS CATHOLIC SCHOOL MARATHON TO BE HELD ON TUESDAY, OCTOBER 13, 2015 INCLUDING STREET CLOSURES AS SUBMITTED BETWEEN THE HOURS OF 12:00 P.M. AND 2:45 P.M.

Event/Street Closure Application – Authorize Street Closures from 12:00 P.M. to 9:00 P.M. as Submitted for the Family Fun Festival to be held on Saturday, October 10, 2015 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE STREET CLOSURE, SPECIAL EVENT AND FESTIVAL APPLICATION FOR THE FAMILY FUN FESTIVAL TO BE HELD ON SATURDAY, OCTOBER 10, 2015 INCLUDING STREET CLOSURES AS SUBMITTED BETWEEN THE HOURS OF 12:00 P.M. AND 9:00 P.M.

Keop asked about restrooms in neighboring businesses – the form and whether there is an answer

Underground Storage Tank Release on City Property – Authorize Submittal of Leaksite Ownership form indicating the City's intent to Proceed with any Necessary Investigation – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE SUBMITTAL OF THE LEAKSITE OWNERSHIP FORM RELATING TO THE SOIL REMOVAL OPERATIONS IN THE FORMER FOUNDRY SITE AREA INDICATING THE CITY'S INTENT TO PROCEED WITH ANY NECESSARY INVESTIGATION.

It was noted that any expenses would be partially reimbursable through the petrofund and that staff would keep Council informed of any forthcoming information.

Request to Fund Sewer Service Replacement – 1517 Norwood Street – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT STAFF RECOMMENDATION TO APPROVE THE REQUEST FROM THE PROPERTY OWNER AT 1517 NORWOOD STREET TO HAVE THEIR SANITARY SEWER SERVICE REPLACED WITH CITY FUNDING AND HAVE THE COST ASSESSED TO THEIR PROPERTY WITH THE TERM NOT TO EXCEED 10 YEARS AND AN INTEREST RATE OF 3.9% WHICH IS THE SAME RATE AS THIS YEAR'S SPECIAL ASSESSMENTS.

Sewer Backup Claim – 123 5th Avenue NE – Authorize \$500 Cleaning Reimbursement to Property Owner Contingent on a Signed Release Guaranteeing No Further Claims will be Filed Against City on this Issue – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE REIMBURSEMENT IN THE AMOUNT OF \$500 FOR SEWER BACKUP CLEANING CONTINGENT ON THE PROPERTY OWNER SIGNING A WAIVER AND RELEASING THE CITY FROM ANY FURTHER CLAIMS ON THIS ISSUE.

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

Parks Department – Gregory Park Fountain – Authorize Staff to Seek Donations and Grants for Demolition of Fountain and Replacement Fountain or an Alternative – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO SEEK DONATIONS AND GRANTS TO FUND THE DEMOLISHING OF THE EXISTING GREGORY PARK FOUNTAIN AND TO RESEARCH THE POSSIBILITY OF BUILDING ANOTHER FOUNTAIN OR AN ALTERNATIVE.

Imp 14-08 – SE 13th Street/CSAH 45 Project – Informational

City Engineer Hulsether summarized details of the plans for this project as included his Agenda Request.

Upcoming Meetings:

Committee Chair Bevans announced the following meetings which will be held in the City Hall Conference Room:

- Joint Meeting of the Planning Commission and Safety and Public Works, Monday, October 12, 2015 at 6:00 P.M. re: Off-Street Parking.
- Safety and Public Works Committee, Monday, October 12, 2015 at 5:15 P.M. re: 13th Street Project

Unfinished Business

Public Hearing for Post Award Hearing relating to BTD Wood Powder Coating

The Chair opened the Public Hearing at 8:10 P.M. No one came forward.

The Chair Closed the Public Hearing at 8:11 P.M.

There was no action necessary for this item.

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

Brainerd Public Library Board – 1 Term to Expire on 12/31/2019

Walkable Bikeable City Committee – Ad Hoc

New Business

First Reading – Proposed Ordinance No. 1440 – Amending Section 122.21 of the Brainerd City Code Pertaining to On-Sale Liquor Zones and License Limitations – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1440 – AMENDING SECTION 122.21 OF THE BRAINERD CITY CODE PERTAINING TO ON-SALE LIQUOR ZONES AND LICENSE LIMITATIONS.

Charter Commission – Set Date for Meeting – No Action Taken

Council President Scheeler announced that there will be a meeting set up before the end of the year to meet the requirement set by State Statute. He stated that there are still two vacancies on the Charter Commission and a vote to change the City Charter requires all seven members to vote in favor of the change; therefore, if anyone is interested in serving the City in this capacity they should download an application off the website: www.ci.brainerd.mn.us

Planning Commission

First Reading – Proposed Ordinance No. 1441 – Amending Brainerd Zoning Ordinance Sections 515-24-5 to Allow Shipping Containers by Interim Use Permit in B-4 (General Commercial) Districts and the Mixed Use (MU) District – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1441 – AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-24-5 TO ALLOW SHIPPING CONTAINERS BY INTERIM USE PERMIT IN B-4 (GENERAL COMMERCIAL) DISTRICTS AND THE MIXED USE (MU) DISTRICT.

Variances for Accessory Building (Garage) Size and Setback at 1024 12th St SE –

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE VARIANCE FOR ACCESSORY BUILDING (GARAGE) SIZE AND SETBACK AT 1024 12TH STREET SE AS RECOMMENDED BY THE PLANNING COMMISSION.

Public Forum:

The Chair recognized Mr. William Durham, Oak Lawn Township, who expressed his concerns with the way the notification/change to the City's fire department structuring has been handled.

Staff Reports – Written

City Attorney Quiring requested the Council enter into closed session for an update on the Fire Department Restructuring.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AMEND THE AGENDA TO ADD A CLOSED SESSION PURSUANT TO M.S. 13D.03 FOR LABOR NEGOTIATION STRATEGY

City Engineer Hulsether reported that the consultants for the utility extension to the Airport will appear at the Oak Lawn Township meeting Tuesday evening.

Fire Chief Holmes invited the public to the Fire Department Open House to be held on Thursday, October 8th from 4:00 P.M. to 7:00 P.M.

Council Member and Other Committee Reports

Council Member Koep reported that the GESP Subcommittee will be attending a meeting on Friday, October 9, 2015 in Bemidji.

Council Member Koep also reported that she and City Administrator Thoreen had met with the CWC Board Finance Committee relating to reimbursement for Airport Security. She stated that there is no definitive answer at this point.

Council Member Hilgart reported that she and Council Member Borkenhagen had met with the Budget Management Team of the Airport Utility Extension Project and that the next step will be to meet with the township.

Adjourn – To Closed Session Pursuant to M.S. 13D.05, subd. 3(c) for the purpose of Discussing Negotiation Strategy for Property and Easement Acquisitions – 8:44 P.M.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO ADJOURN INTO CLOSED SESSION PURSUANT TO M.S. 13D.05, SUBD. 3(C) FOR THE PURPOSE OF DISCUSSING NEGOTIATION STRATEGY FOR PROPERTY AND EASEMENT ACQUISITIONS AT 8:44 P.M.

The Council reconvened into open session at 8:58 P.M.

MOVED AND SECONDED BY BEVANS AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE THE NEGOTIATION OF EASEMENT WITH AFFECTED PROPERTIES ON THE HWY 210 SEWER PROJECT BASED ON THE APPRAISALS PRESENTED.

Adjourn – To Closed Session Pursuant to M.S. 13D.03 for Labor Negotiation Strategy – 9:02 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ADJOURN INTO CLOSED SESSION PURSUANT TO M.S. 13D.03 FOR LABOR NEGOTIATION STRATEGY AT 9:02 P.M.

The Council reconvened into open session at 9:24 P.M.

Adjourn:

- To the Safety and Public Works Committee Meeting to be held on October 12, 2015 at 5:15 P.M. in the City Hall Conference Room
- To the Joint Meeting of Planning Commission and the Safety and Public Works Committee to be held on October 12, 2015 at 6:00 P.M.

The Chair adjourned the meeting at 9:25 P.M.

Jim Thoreen
City Administrator