Brainerd, MN
October 19, 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.

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

Approval of Agenda

The Chair added the item, "Brainerd Lakes Chamber of Commerce," to the agenda following the Consent Calendar.

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

Moment of Silence:

Council Member Borkenhagen called for a moment of silence for Police Officer Steven Sandberg who was killed in the line of duty on Sunday in St. Cloud, MN.

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

A. Approval of the Minutes of the Regular Meeting held on October 5, 2015, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 2 – Renewals

C. Department Activity Reports – Approved

1. Police Chief
2. Finance Director

D. Resolution No. 48:15 Adopted – Accepting Donations & Contributions for 3rd Quarter 2015

E. Resolution No. 49:15 Adopted – Approving the Lease for Lawful Gambling Activity as submitted by Heartland Animal Rescue Team for Gambling to be held at Cornerstone Liquor Store, 817 Washington Street, Brainerd

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

Award Presentation – To Brainerd Police Chief McQuiston from the Office of Traffic Safety for the "Toward Zero Deaths" Program

The Chair recognized Mr. Frank Scherf, NE MN Law Enforcement Liaison for the Office of Traffic Safety, who presented Police Chief McQuiston with the Outstanding Law Enforcement Agency during the 3rd Quarter of the 2015 "Toward Zero Death Enforcement" Program. He presented Chief McQuiston with one of four new Preliminary Breath Test Devices which were awarded to the Brainerd Police Department as part of the Outstanding Law Enforcement Agency recognition.

Brainerd Lakes Chamber of Commerce – Resolution No. 51:15 Adopted – Supporting the Lakes Proud Campaign

John Landsburg, Landsburg Landscape Nursery, and Matt Kilian, CEO of Brainerd Lakes Chamber, presented information on a project being used to grow the regional economy by creating an understanding that it matters where consumer and business dollars are spent. This project, entitled "Lakes Proud," involves individuals taking a pledge which lists their name on the LakesPROUD.com website and provides them with exclusive access to their FREE media kit as well as dibs on discounted media packages, promotional campaigns and event invites. They encouraged area citizens to "pause before you purchase." They asked for a resolution of support for this program, stating that if every adult in Cass and Crow Wing County made one $50 purchase each month from a local store, $42 Million would stay in our community; if every business made one $500 purchase each from a local vendor, $18 million would stay in our community – these facts being an easy path to pocket $60 Million every year.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART TO ADOPT RESOLUTION NO. 50:15 – A RESOLUTION IN SUPPORT OF THE "LAKES PROUD" CAMPAIGN.

RESOLUTION NO. 50:15

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.

Council Committee Reports

Personnel and Finance Committee Report

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

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO APPROVE THE PAYMENT OF BILLS, TRANSFER OF FUNDS AND PAYMENTS TO CONTRACTORS.

General Fund to Public Safety Fund	$135,000.00
General Fund to Park Fund	$45,000.00
General Fund to Street & Sewer Fund	$43,000.00
General Fund to Airport Fund	$12,960.00
	$235,960.00

Parking Lot Fund to Street & Sewer Fund	$2,338.64
Parking Lot Fund to Construction Fund	$1,527.00
	$3,865.64

Contractor	IMP #	Project	Amount	Total Retained
C&L Excavating	13-19	NE Garfield Street	$5,943.32	N/A

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.

Authorization for BPU to Purchase Old Health Club Property Adjacent to BPU Service Center for $60,000 and Authorization of Signatures on Purchase Agreement – Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO AUTHORIZE THE PURCHASE OF THE OLD HEALTH CLUB PROPERTY ADJACENT TO BRAINERD PUBLIC UTILITIES’ SERVICE CENTER FOR $60,000 AND TO AUTHORIZE SIGNATURES OF PURCHASE AGREEMENT.

Alderman Koep reported that she would be voting against the motion based on the cost, buffer requirements, and additional costs which she feels will cause an increase in utility rates for customers.

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

Review Draft City of Brainerd Drug and Alcohol Testing Policies for Commercial Drivers (DOT Policy) and non-commercial Drivers (Non-DOT Policy) – Informational

Per Agenda Request from Human Resource Coordinator Schubert, staff has obtained and recommends utilizing updated Drug and Alcohol Testing and Drug-Free Workplace policy templates from the LMC. The draft versions were attached to the Packet to receive Council and Staff input before a final version is presented for approval at the November 2, 2015 meeting.

Proceeds from the Sale of Industrial Park Property – Deposit $482,704 into the City’s Debt Service Fund – Approved

Per Agenda Request from Finance Director Hillman, this summer the City received $482,074 in net proceeds from the sale of the 8.57 acres to FedEx which was deposited into the EDA fund. Staff has discussed options with the City’s Financial Advisor and Bond Counsel and recommends depositing the proceeds into the City’s debt service fund.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO DEPOSIT THE $482,074 OF NET PROCEEDS FROM THE SALE OF THE 8.57 ACRES IN THE INDUSTRIAL PARK INTO THE DEBT SERVICE FUND.

Council Health Insurance – Informational

Chair Koep reported that this item has been discussed many times and reviewed the current insurance coverage for the City of Brainerd Council Members. She stated that the

Affordable Care Act was brought up as a standard which needs to be followed, and that further information will be presented to the Council in the near future.

Council President Scheeler reported that County Commissioners make over $30,000 per year and that he feels the City Council members work just as hard and have had no salary increase in 15 years (current rate is $6,600 + $50/month for Council President/Committee Chairs plus benefits as included on the attached market study survey). He also stated that he does not feel it would be fair to change to having no policy right before an election and that if other boards are offered insurance the Council should also have that opportunity.

New Revenues – Informational

Chair Koep asked for the Council and Staff's opinion on the collection of franchise fees or incorporation of a new revenue stream such as an increase to Brainerd Public Utilities' contribution rate.

Council discussion was held. It was suggested that there be a sunset on the fee collection and/or a purpose set for the money collected.

2016 Budget – Discussion of and Direction for November 17, 2017 Budget Workshop – Informational

A budget workshop is scheduled for Tuesday, November 17, 2015 at 5:15 P.M. Staff will continue to review budget information as included in the Packet memo.

Questions for Audit Firm Interviews – Informational

Chair Koep requested any Council questions be directed to Committee to be brought forth at the interviews to be held on October 21, 2015 at 3:45 P.M.

Accounting of Fund Balance at End of Year – Informational

Staff will review how fund balance is reported for the working funds.

November 4, 2015 Personnel and Finance Committee Workshop – 4:00 P.M. to 6:00 P.M. – Informational

October 21, 2015 Audit Firm Interviews – Adjourn to – Informational

Safety and Public Works Committee Report

Improvement 13-19 – Garfield Streets Project – Final Payment Contract Cost of $830,862.70 and Final Payment to C&L Excavating in the Amount of $5,943.32 to be paid from the Construction Fund – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE FINAL CONTRACT COST IN THE AMOUNT OF $830,862.70 FOR IMPROVEMENT 13-19 – GARFIELD STREETS PROJECT.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO AUTHORIZE THE FINAL PAYMENT IN THE AMOUNT OF $5,943.32 TO C&L EXCAVATING; TO BE PAID FROM THE CONSTRUCTION FUND.

Improvement 14-15 – Airport Utilities – Supplemental Borings – Follow Staff Recommendation to Advance Borings at an Estimated Cost of $2,814 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ACCEPT THE PROPOSAL FROM BRAUN INTERTEC TO ADVANCE THE 4 SOIL BORINGS AS RECOMMENDED BY STAFF FOR IMPROVEMENT 14-15 – AIRPORT UTILITIES – AT AN ESTIMATED COST OF $2,814.

2020 SRTS Grant Letter of Intent – Authorize Staff to Submit – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO GRANT STAFF'S REQUEST FOR AUTHORIZATION TO SUBMIT A LETTER OF INTENT FOR A SAFE ROUTES TO SCHOOL PROJECT IN 2020 WHICH WOULD ESSENTIALLY COMPLETE THE SIDEWALK NETWORK IN THE GARFIELD AREA.

Handicap Parking – Informational

Per Agenda Request submitted by City Engineer Hulsether, staff is working to identify the problems associated with limited handicap parking in the downtown area and will be considering options while considering the new Public Right of Way Accessibility Guidelines.

Utility Poles – Informational

It was identified that there is no new contract and no new developments at this point.

Improvement 14-08 – 13th Street SE Reconstruction – Limit Scope of Project to include only Essential Sanitary and Storm Sewer Undergrounds Necessary to Complete the Project – Approved

Chair Bevans reported that a meeting was held to discuss this project and the city needs to determine its plan for what work to do in regards to underground sewer and water.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO LIMIT THE SCOPE OF THE 13TH STREET SE RECONSTRUCTION PROJECT TO INCLUDE ONLY THE ESSENTIAL SANITARY AND STORM SEWER UNDERGROUNDS THAT ARE NECESSARY TO COMPLETE THE 13TH STREET RECONSTRUCTION.

Rental License Reinstatement – 727 Bluff Avenue – Reinstatement of Fifth Unit Denied

MOVED AND SECONDED BY BEVANS AND HILGART, DULY CARRIED, TO UPHOLD THE STATE STATUTE AND DENY REINSTATEMENT OF THE FIFTH UNIT FOR THE PROPERTY AT 727 BLUFF AVENUE.

Chair Bevans read the following excerpt from a letter included in the Packet from Mr. Raymond Puetz, 5645 County Rd 45, Brainerd, *"As a future consideration, it has occurred to me that the location of this property (727 Bluff Avenue) could make the ideal entrance for the* *(proposed) Mississippi River Partnership plan. If you should concur, I would be happy to sell the property for the tax assessed value."*

Unfinished Business

Public Hearing – Resolution No. 51:15 Adopted – Adopting Assessments as Proposed for Imp 13-06 – 28th Street Project

Improvement 13-06 – Street and Trail Construction – 28th Street between Oak Street and TH 25: Grading, Storm Sewer, Curb and Gutter, Aggregate Base, Bituminous Surfacing, and 8 foot Bituminous Trail

The Chair opened the Public Hearing at 8:51 P.M.

The Chair recognized the following citizens who spoke on the issue:

Ms. Lori Millum, 345 28th Street SE, Brainerd

The Chair closed the hearing at 9:00 P.M.

Alderman Hilgart stated that she empathized with being assessed for a street improvement in your neighborhood when the public uses the street more than the citizens who live on that street and will be paying for it. She asked what options the City has in the cost, interest rate, etc.

Discussion was held on interest rates and the bond set for this project.

City Engineer Hulsether responded to concerns brought up by Ms. Millum and stated that the top rail on the curb will be removed for visibility.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT RESOLUTION NO. 51:15 – ADOPTING THE ASSESSMENTS FOR IMPROVEMENT 13-06 – 28TH STREET CONSTRUCTION BETWEEN OAK STREET AND TH 25 AS PROPOSED.

RESOLUTION NO. 51:15

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.

Public Hearing – Resolution No. 52:15 Adopted – Adopting Assessments as Proposed for the Downtown Special Services District and Nuisance Abatements

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection:
Laurel Street from South 6th Street to South 8th Street
Front Street from South 6th Street South 8th Street
South 7th Street from Maple Street to Front Street

Nuisance Abatement and Administrative Citations:
Miscellaneous Properties around the City

The Chair opened the Public Hearing at 9:05 P.M.

The Chair recognized the following citizens who spoke on the issue:

Mr. Daniel Lund, 1425 12the Avenue Ne, Brainerd – Nuisance Abatement/Adm Citations
Mr. Keith Johnson, 1420 Mary Street, Brainerd – Downtown Maintenance

The Chair closed the Public Hearing at 9:20 P.M.

City Engineer Hulsether reviewed the assessment process and pertinent citations, and ongoing abatements to be discussed at the next Safety and Public Works Committee meeting.

City Planner Ostgarden reported that he would put together the history and transactions which resulted in Mr. Lund's $450 fine.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO ADOPT RESOLUTION NO. 52:15 – ADOPTING THE ASSESSMENTS FOR DOWNTOWN SPECIAL SERVICES DISTRICT AND NUISANCE ABATEMENTS AS PROPOSED.

RESOLUTION NO. 52:15

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.

Public Hearing – Ordinance No. 1440 Adopted – Amending Section 122.21 of the Brainerd City Code Pertaining to On-Sale Liquor Zones and License Limitations

Addition of the following to Section 1200.21 of the Brainerd City Code pertaining to on-sale liquor zones and license limitations:

"Subd. 7 Lot 1 Block 1, Northern Pacific Center"

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1440 – AMENDING SECTION 122.21 OF THE BRAINERD CITY CODE PERTAINING TO ON-SALE LIQUOR ZONES AND LICENSE LIMITATIONS; FURTHER TO DISPENSE WITH THE ACTUAL READING.

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

ORDINANCE NO. 1440

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.

Public Hearing – Final 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 – 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 – Denied

The Chair 9:29 opened the Public Hearing at 9:29 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO DENY THE FINAL READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1441 RELATING TO THE AMENDMENT OF THE BRAINERD ZONING ORDINANCE TO THE ALLOWANCE OF SHIPPING CONTAINERS BY INTERIM USE PERMIT.

Planning Commission Council Liaisons Pritschet and Johnson recommended the approval of the ordinance based on the Planning Commission recommendation, stating that this would be useful in a business expansion situation.

Council discussion was held.

Upon roll call, members Hilgart, Koep, Bevans and Scheeler voted “aye.” Members Pritschet, Johnson and Borkenhagen voted “nay.” The Chair declared the motion carried and the final reading of proposed ordinance no. 1441 DENIED.

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 – 1 Term to Expire on 12/31/2018
Brainerd Public Library Board – 1 Term to Expire on 12/31/2019

New Business

Mayoral Appointment Process – Adopt the Following Timeline for Mayoral Replacement: Appointed Mayor to Serve through December, 2016 and Mayor Position to be on November 8, 2016 Ballot for a Two-Year Period ending December, 2018 – Approved

Council discussed the timeline for replacement as well as how this fits into term length and election years. It was determined that the appointed Mayor shall serve through December, 2016 and that the Mayor’s position shall appear on the November 8, 2016 ballot for the two year period ending December, 2018.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ADOPT THE FOLLOWING TIMELINE FOR MAYORAL REPLACEMENT: THE APPOINTED MAYOR SHALL SERVE THROUGH DECEMBER, 2016 AND THE MAYOR’S POSITION SHALL APPEAR ON THE NOVEMBER 8, 2016 BALLOT FOR THE TWO YEAR PERIOD ENDING DECEMBER, 2018.

Public Forum: None

Staff Reports – Written

City Administrator Thoreen reported on the Oak Lawn Township meeting he attended.

Council Member Reports

Council Member Johnson reported that proposals for the Mississippi Riverfront Project will be reviewed at the November HRA meeting.

Council Member Koep reported that she had attended a meeting on the Guaranteed Energy Savings Program (GESP) with City Administrator Thoreen and City Engineer Hulsether in Bemidji. She also reminded everyone of the Geritol Frolics being held this Thursday through Sunday.

Council Member Bevans reported that he, along with Council Member Scheeler, attended North Memorial Ambulance Service's Life Saver Award presentation to Mr. J.D. Berns, who performed life-saving efforts on his mother while waiting for the ambulance one year ago.

Council Member Pritschet reported that the Brainerd High School hosted a debate tournament and City Administrator Thoreen and Council Member Scheeler had served as judges and that Council Member Koep would be judging tomorrow.

Council Member Scheeler reported that the Brainerd Fire Department Open House had been very well attended and a great event.

Committee Recommendations – Recommended by Acting Mayor Scheeler – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPOINT MR. JEFF CZECZOK TO THE CHARTER COMMISSION FOR A TERM TO EXPIRE ON DECEMBER 31, 2018.

Adjourn – To the October 21, 2015 Personnel and Finance Committee Meeting to be held at 3:45 P.M. in the City Hall Conference Room for the purpose of Conducting Audit Firm Interviews – Approved.

The Chair adjourned the meeting at 9:58 P.M.

JIM THOREEN
City Administrator