Brainerd, MN
November 2, 2015

7:15 P.M. – Showcasing Brainerd: Jack's House

The Chair welcomed Ms. Ginger Lorenz, owner of Jack's House Family Entertainment Center, 300 HWY 25 S, Brainerd, who shared the history of the Center, built in 2003, as well as the many programs and events they host throughout the year. Jack's House features bowling leagues, youth leagues and activities, Shirley's Classic Grille and banquet facilities. Ms. Lorenz also discussed their largest and very successful fundraiser, the Good Samaritan Bowl, stating that the Jack's family feels contributing to community service is very important. She answered questions of the Council and the Chair thanked her 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: Koep, Pritschet, Bevans, Johnson, Borkenhagen, Hilgart and Scheeler.

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

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

The following correction was brought forth by Council Member Koep: Roll call must be added to the October 19, 2015 minutes under the Personnel and Finance Committee first item, Approval of Bills, Transfer of Funds and Payments to Contractors.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS TO APPROVE THE CONSENT CALENDAR AS AMENDED.

A. Minutes of the Regular Meeting held on October 19, 2015, as corrected – Approved

B. Licenses – Approved

1. Contractor's Licenses – 1 – Renewal

C. Department Activity Reports – Approved

1. Fire Chief
2. Park Director

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

Presentations:

Jim Hallgren, MnDot – Municipal Consent Procedures for Business 371 Reconstruction – Set Public Hearing for December 7, 2015 to Consider the Adoption of a Resolution Granting Approval of the Final Layout – Approved

The Chair recognized Mr. Jim Hallgren, MNDOT, who reported that the Business 371 project is at the point where a final design needs to be formulized with municipal consent. He stated that all city council comments have been addressed and reported that the estimated start date is for 2017. He referred to the layout and project overview provided to Council, and requested that the required Public Hearing be set.

Questions of Council were answered. Mr. Hallgren agreed to provide the Council with further information on the signal costs and any information relating to the project which comes forth.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO SET A PUBLIC HEARING FOR MONDAY, DECEMBER 7, 2015, TO CONSIDER THE ADOPTION OF A RESOLUTION GRANTING APPROVAL OF THE FINAL LAYOUT FOR THE BUSINESS 371 PROJECT.

Council Committee Reports

Safety and Public Works Committee Report

Downtown Handicap Stalls – Resign and Reallocate the Two Handicap Parking Spaces in Each of the Laurel Street and Front Street Lots so they are Conforming, Monitor Use and Address Specific Concerns about the Lack of Handicap Parking as they Arise and Notify Citizens about Handicap Parking Availability – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO:

1) RESIGN AND REALLOCATE THE TWO HANDICAP PARKING SPACES IN EACH OF THE LAUREL STREET AND FRONT STREET LOTS SO THAT THEY ARE CONFORMING (INCLUDING STRIPING IN THE SPRING)
2) MONITOR USE AND ADDRESS SPECIFIC CONCERNS ABOUT LACK OF HANDICAP PARKING AS THEY ARISE, AND
3) NOTIFY CITIZENS IN ALL WAYS PRACTICAL ABOUT HANDICAP PARKING AVAILABILITY.

Committee Chair Bevans reported that the City will be utilizing the website and newsletter to notify the public of all updates and information relating to handicap parking.

Improvement 14-01 – Oak Street Microsurfacing – Accept Quote from American Engineering and Testing (AET) in the amount of $2,750 to perform Falling Weight Deflectometer (FWD) Testing and Report Preparation – To be Paid from the Construction Fund – Approved

Per Agenda request from City Engineer Hulsether, staff recommends accepting the quote from AET for analyzation of the structural capabilities of the rutted areas on Oak Street to determine what fix would solve the structural problem.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE QUOTE FROM AMERICAN ENGINEERING AND TESTING (AET) IN THE AMOUNT OF $2,750 TO PERFORM THE FALLING WEIGHT DEFLECTOMETER (FWD)

TESTING AND REPORT PREPARATION FOR IMPROVEMENT 14-01 – OAK STREET MICROSURFACING; TO BE PAID FROM THE CONSTRUCTION FUND.

Discussion was held on State Aid availability for this project; if the project ends up being a mill and overlay.

Improvement 13-16 – Garfield SRTS – Authorize Final Payment in the amount of $1,725.26 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE FINAL PAYMENT IN THE AMOUNT OF $1,725.26 FOR IMPROVEMENT 13-16 – GARFIELD SAFE ROUTES TO SCHOOL (SRTS) TO TRI-CITY PAVING.

Council Member Johnson reported that this project came in $30,000 under budget.

Improvement 14-15 – Airport Utility Extension – Enter into Fee Title Purchase Agreement and Purchase Agreement with Natural Resources Management and Authorize Payments of $3,200 and $48,677, Respectively – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ENTER INTO THE FEE TITLE PURCHASE AGREEMENT WITH NATURAL RESOURCES MANAGEMENT AND TO AUTHORIZE PAYMENT OF $3,200.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ENTER INTO THE PURCHASE AGREEMENT FOR THE PURPOSE OF EASEMENTS WITH NATURAL RESOURCES MANAGEMENT AND AUTHORIZE PAYMENT OF $48,677.

Sanitary Sewer Capital Items – Authorize Purchase of the Following Budgeted Items: 1 Hot Water Steamer and 1 Small Diameter Pipe Camera for a total of $16,701.12 with the $1,701.12 Over Budget to be paid by the Maintenance and Repair Supplies Budget – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO AUTHORIZE THE FOLLOWING TWO PIECES OF BUDGETED EQUIPMENT AS LISTED AND TO PAY THE AMOUNT OF $1,701.12 OVER BUDGET FROM THE MAINTENANCE AND REPAIR SUPPLIES BUDGET:

- *1 HOT WATER STEAMER FROM HOTSYMINNESOTA.COM AT $8,716.52*
- *1 SMALL DIAMETER PIPE CAMERA FROM RIGID PIPELINE AT $7,984.60*

Light-Up Downtown Event Application – November 28, 2015 – Pending Certificate of Insurance and Fire Chief Approval for Bonfire – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE APPLICATION FOR THE “LIGHT UP DOWNTOWN” EVENT TO BE HELD ON NOVEMBER 28, 2015, IN DOWNTOWN BRAINERD SUBJECT TO THE RECEIPT OF CERTIFICATE OF INSURANCE AND FIRE CHIEF APPROVAL FOR BONFIRE.

Power Poles in NE Alleys – Informational

Committee Chair Bevans reported that the utility poles have been removed.

It was also noted that the contract is in the process of being developed.

Commercial Building Exterior Color – Informational

Committee Chair Bevans reported that a concern related to the new paint color of a downtown business has been reported.

City Planner Ostgarden discussed the process for reviewing a formal complaint for an incidence such as this where a citizen finds a color used to paint a building exterior "garish" which would first go through the Planning Commission/Planning Department before coming to Council.

Westgate Mobile Home Park – Informational

Committee Chair Bevans reported that a concern related to the Westgate Mobile Home Park has been received.

City Engineer Hulsether ensured the Council and public that these issues are being addressed and discussion was held on various methods for getting this complaint taken care of based on this particular situation where the property owner is not necessarily the home owner.

Special Assessment Considerations:

Individual letters from each property owner requesting special assessment considerations were included in the Packet.

a. Spectrum Housing – 28th Street – City Engineer to Work with Property Owner and any Agreed Upon Assessment Deductions to become Deferred Assessment – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO REQUEST THAT THE CITY ENGINEER WORK OUT A SOLUTION WITH THE OWNER OF SPECTRUM HOUSING AT 28TH STREET, BRAINERD, RELATING TO A REQUEST FOR DEFERRED ASSESSMENT FOR THE 28TH STREET PROJECT WITH THE UNDERSTANDING THAT ANY REDUCTIONS FROM THE PROPOSED ASSESSMENT WOULD BE CARRIED OVER TO A DEFERRED ASSESSMENT.

b. Degen – 706 N 6th Street and 402 14th Street SE Request to Remove Assessments – Denied

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION TO DENY THE DEFERRED ASSESSMENT REQUEST FOR 706 N 6TH STREET AND 402 14TH STREET SE, BRAINERD.

c. 1113 Pine Street – Request to Remove Assessments for Yard Cleanup – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO WAIVE THE ASSESSMENT FOR YARD CLEANUP AT 1113 PINE STREET, BRAINERD.

d. 1425 12th Ave NE – Request to Remove Assessments for Yard Cleanup – Denied

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DENY THE REQUEST TO REMOVE THE ASSESSMENT FOR YARD CLEANUP AT 1425 12TH AVENUE NE, BRAINERD, BASED ON LEGAL REASONS AND TO DIRECT STAFF TO CALL PROPERTY OWNER TO CLARIFY THE PROCESS.

City Engineer Hulsether discussed the process for applying for assistance based on the inability to pay an assessment due to economic hardship.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors – Approved

Contractor	IMP #	Project	Amount	Total Retained
Preservation Design Works	400-41481	Historic Water Tower	$733.75	N/A
Tri-City Paving	13-16	SRTS Garfield Sidewalks	$1,725.26	FINAL-RETAINAGE
WSB & Associates	05-01	College drive Reconstr.	$73.00	N/A

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

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

Deferment of Assessments – Approved

Committee Chair Koep reported that the following parties requesting assessment deferment had met the financial guidelines as set forth by ordinance and therefore approval is recommended:

Valarie Meyer - 1016 Broadway
Denise Luthjohn - 1402 13th Ave NE
Tamara Haberle - 318 3rd Ave NE (2 deferments)

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE DEFERMENT OF ASSESSMENTS FOR 4 PROPERTIES AS LISTED AND AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

Approval of City of Brainerd Drug and Alcohol Testing Policies for Commercial Drivers (DOT Policy) and Non-Commercial Drivers (Non-DOT Policy) – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE FOLLOWING POLICIES AS PRESENTED: "DRUG AND ALCOHOL TESTING POLICY FOR COMMERCIAL DRIVERS" (DOT POLICY) AND "DRUG AND ALCOHOL TESTING AND DRUG FREE WORKPLACE ACT POLICY FOR NON-COMMERCIAL DRIVERS" (NON-DOT POLICY).

Used Oil Program – Direct Staff to Contact East Side Oil and Request that their Services be Continued without Cost to the City – Approved

The City was recently notified that there will be a charge for the collection of used anti-freeze and filters at the public used oil site located at the Brainerd Fire Department.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO CONTACT THE OWNER OF EAST SIDE OIL COMPANY TO REQUEST THAT THEIR SERVICES BE CONTINUED WITHOUT COST TO THE CITY.

Committee Chair Bevans suggested this item be included on the November 17th Budget Work Session.

Parking Lot Fund Update – To be Discussed at the November 17, 2015 Budget Work Session – City Administrator Authorized to Notify BNSF of City's Consideration of Cancelling the Lease – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO REVIEW THE HISTORY OF THE BNSF PARKING LOT FOR AGENDA INCLUSION FOR THE NOVEMBER 17, 2015 BUDGET WORK SESSION AND AUTHORIZE THE CITY ADMINISTRATOR TO NOTIFY BNSF THAT THE CITY IS CONSIDERING CANCELLATION OF THE LEASE.

City Hall Hours for Christmas Eve Day – Notify Public that City Offices will be Open for Regular Business Hours on Christmas Eve – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO NOTIFY CITIZENS AND EMPLOYEES THAT CITY OFFICES WILL REMAIN OPEN FOR REGULAR BUSINESS HOURS ON CHRISTMAS EVE, 2015.

Selection of Audit Firm – Retain CliftonLarsonAllen as City's Audit Firm – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO RETAIN CLIFTONLARSONALLEN AS THE CITY'S AUDIT FIRM.

Alderman Koep reported that she would be voting against the motion based on feeling that the City needs to have a set of fresh eyes look into all items.

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

Generator Update – Informational

Committee Chair Koep reported that additional work and review is being done by staff relating to costs.

Authorize Submission of SCDP to DEED – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE BRAINERD HRA TO SUBMIT A SMALL CITIES DEVELOPMENT PROGRAM (SCDP) 2016 PRELIMINARY PROPOSAL TO DEED FOR A DOWNTOWN BRAINERD COMMERCIAL AND RENTAL GRANT PROGRAM.

Request to Use Drug Forfeiture Funds – Authorize the Police Department to Use $1,500 from the Drug Forfeiture Funds to Purchase Four New Rifle Sites – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE POLICE DEPARTMENT TO USE $1,500 FROM THE DRUG FORFEITURE FUNDS TO PURCHASE FOUR NEW RIFLE SITES.

Update on Administrative Fines – Informational

Committee Chair Koep reported that Finance Director Hillman had provided the following information upon her request for an update on administrative fines: Through October 28th the City has collected $8,407 in nuisance and administrative fines that there is currently $37,635 on the nuisance and administrative citation assessment roll to be paid or certified to the County; further, the City has $4,191.71 into abating nuisances (which is to cover postage and payment to contractors for abatement).

Status of GESP – Informational

Committee Chair Koep reported that staff is researching this topic and will keep Council up to date.

Postponement of November 4th P&F Workshop – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO POSTPONE THE NOVEMBER 4, 2015 PERSONNEL & FINANCE COMMISSION WORKSHOP TO MARCH, 2016.

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

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 – 1 Term to Expire on 12/31/2018
Brainerd Planning Commission – 1 Term to Expire 12/31/2015
Rental Dwelling Board of Appeals – 1 “Tenant Representative” term to Expire 12/31/2016
Walkable Bikeable City Committee – Ad Hoc

Council President Scheeler informed the Council and Public that Region Five has vacancies. See http://www.regionfive.org/

Planning Commission

Interim Use Permit at 316 15th Street SE to Allow a Home Extended Business for Auto Repair in an Accessory Building – Authorize IUP Based on the Six Findings-of-Fact and Four Conditions with the Additional Condition Requiring Annual Inspections by the Fire Department; Further, that the Initial Annual Inspection Take Place as soon as Possible – Approved

Findings-of-Fact:

1. The property is located in an R-2 (Medium Density Residential) District which permits accessory buildings to be used for home extended businesses by Interim Use Permit.
2. The property tenant desires to do auto repair in an accessory building (garage). Both the property owner and tenant have signed the application.
3. The repair business has been operating for some time without the required Interim Use Permit.
4. Property to the east and west is vacant. There is a vacant lot to the north and a women's shelter to the south.
5. The tenant/petitioner spoke in favor of the request.
6. There were no comments received from residents.

Conditions:

1. Hours of operation 8:00am to 8:00pm.
2. Limit of three vehicles for service at any one time.
3. No parts should be stored outside the garage at any time.
4. Annual safety inspections by the Fire Department required. (Added by Council)

Council Member Bevans reported that he will be voting against the motion, stating that he does not feel that due diligence was done on this application and he feels that makes it unenforceable.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO APPROVE THE INTERIM USE PERMIT AT 316 15TH STREET SE TO ALLOW A HOME EXTENDED BUSINESS FOR AUTO REPAIR IN AN ACCESSORY BUILDING BASED ON PLANNING COMMISSION RECOMMENDATION AND SIX FINDINGS-OF-FACT AND FOUR CONDITIONS, AND TO ADD THE FOLLOWING CONDITION: THAT THE FIRE DEPARTMENT INSPECT THE PROPERTY ANNUALLY FOR SAFETY AND POLLUTION CONCERNS.

Planning Commission Liaison Pritschet reported that the Planning Commission worked hard to help the business be in compliance and to protect the surrounding homes.

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

MOVED AND SECONDED BY JOHNSON AND PRITSCHET, DULY CARRIED, TO DIRECT THE FIRE DEPARTMENT TO PERFORM THE INITIAL ANNUAL INSPECTION ON THE PROPERTY AT 316 15TH STREET SE BEING USED AS A HOME EXTENDED BUSINESS FOR AUTO REPAIR AS SOON AS POSSIBLE.

First Reading of Proposed Ordinance No. 1442 – Rezoning at 15770 Dellwood Drive from R-R (Rural Residential) District to B-1 (Residential Office) District – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1442 – REZONING AT 15770 DELLWOOD DRIVE FROM R-R (RURAL RESIDENTIAL) DISTRICT TO B-1 (RESIDENTIAL OFFICE) DISTRICT; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

Public Forum: No one came forward.

Staff Reports – Written

City Administrator Thoreen reported that a news release had been issued by the Brainerd Police Department stating that the report of Halloween candy found with a needle in it was found to be a fabricated story.

Council Member Reports

HRA Liaison Johnson reported that the Mississippi Riverfront Subcommittee will meet on Thursday, November 5, 2015.

Council Member Johnson also reported that he had "MC'd" the Distinguished Service Awards banquet hosted by the Brainerd Jaycees on October 29th and Council Member Scheeler congratulated him on a job well done.

Council Member Pritschet reported that the TedX box was at a local resort on October 10, 2015. He recommends that everyone should experience this in person or online.

Council President Scheeler stated that he would like the Council and City to consider naming the Council Chambers the "James E. Wallin Room" in honor of the late Mayor Wallin.

Committee Resignations – Accepted with Regret

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. JAMES NORWOOD FROM THE PLANNING COMMISSION, EFFECTIVE 12/31/2015.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF COUNCIL MEMBER SCHEELER AS THE SENIOR CENTER COUNCIL LIAISON, EFFECTIVE IMMEDIATELY.

Committee Recommendations – Recommended by Acting Mayor – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO APPOINT MS. LYNDA HUMMEL TO THE LIBRARY BOARD FOR A TERM TO EXPIRE ON DECEMBER 31, 2019.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO APPOINT THE FOLLOWING COUNCIL LIAISON POSITIONS UPON RECOMMENDATION OF ACTING MAYOR SCHEELER:

Northland Arboretum – Council Member Koep – Term to Expire 12/31/2016

Senior Center – Council Member Borkenhagen – Term to Expire 12/31/2016

Adjourn

The Chair adjourned the meeting at 9:15 P.M.

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Jim Thoreen
City Administration