Brainerd, MN
November 16, 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: Koep, Pritschet, Bevans, Johnson, Borkenhagen, Hilgart and Scheeler.

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

Approval of Agenda – Approved

The Chair presented the following correction to the "Payments to Contractors" section of the Personnel and Finance Committee Agenda based on a typographical error: Amount to be paid to the City of Baxter for Improvement 15-15 should read $1,383.60 rather than $12383.60.

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

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

A. Approval of the Minutes of the Regular Meeting held on November 2, 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. Application and Permit for a 1-Day Liquor License – Submitted by The Crossing Arts Alliance for an event to be held on November 20, 2015 at the Franklin Arts Center 1001 Kingwood St, Brainerd – Approved

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

Mills Family Donation – Present Certificate of Appreciation for Donation of Rifles to Police Department and Officially Accept Donation from Mills Family – Approved

The Chair recognized Police Chief McQuiston, who presented to Mr. Stuart Mills III a Certificate of Appreciation for the donation of 18 like new "Huldra Mark IV Tactical Rifles" which will allow the Police Department to assign identical patrol rifles to all staff and vehicles and upgrade their existing rifles to a more reliable platform. He stated that purchasing the rifles new would have cost in excess of $20,000.

Mr. Mills, upon accepting the Certificate, shared the story of himself and Brainerd Police Officer Troy Schreifels being behind the conception of these particular Huldra rifles after working together years ago on developing a cleaner shooting system. He reported that he now feels the project has come full circle.

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND HILGART, DULY CARRIED, TO ACCEPT THE DONATION FROM THE MILLS FAMILY OF 18 HULDRA MARK IV TACTICAL RIFLES.

Presentation – Lieutenant Scott Goddard – Crow Wing County Update

The Chair recognized Crow Wing County Lieutenant Scott Goddard, who reported that the population in the jail is quite high and no longer a very "seasonal" place to stay. He discussed the "drop it" boxes for prescription drugs so that unwanted drugs do not get into improper hands. He reported that the development of a "Golf" Unit, which will have separate units to house Minnesota Department of Corrections prisoners, is expected to be completed in March and will offer several positions for employment and that currently there are 22 deputies on staff along with employees of the transports, recreation, investigative division and seasonal (watercraft) departments. He discussed the sharing of services between City and County and the benefits of working together and answered questions of the Council. The chair thanked him for his presentation

Enterprise Lease Presentation – Request Preparation of a Lease Agreement for 4 Cars to be presented to Personnel and Finance Committee at the December 7, 2015 Meeting for Possible Recommendation to Council – Approved

The Chair welcomed Mr. Wong Nystrom from Enterprise Fleet Management who presented information on their corporate lease program which is being considered as an alternative to the City purchasing vehicles. Mr. Wong answered questions of the Council and the Chair thanked him for his presentation.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO REQUEST THAT ENTERPRISE FLEET MANAGEMENT PREPARE A 1-YEAR TRIAL PROPOSAL FOR THE LEASING OF 4 VEHICLES, INCLUDING ALL COSTS, FOR PRESENTATION TO THE PERSONNEL AND FINANCE COMMITTEE ON DECEMBER 7, 2015 FOR POSSIBLE RECOMMENDATION TO COUNCIL.

Council Committee Reports

Committee Chair Bevans reported that one item had been added to the agenda and that the last item of the current agenda would be moved to the top.

Safety and Public Works Committee Report

Assessment Objection – 1420 Mary Street – Denied

The Chair recognized Mr. Keith Johnson, 1420 Mary Street, Brainerd, who is requesting the full reversal of the $425 citation he received for on-street semi-tractor trailer parking.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DENY MR. KEITH JOHNSON'S REQUEST TO FULLY WAIVE THE $425 CITATION HE RECEIVED FOR ON-STREET SEMI-TRACTOR TRAILER PARKING.

Annual Code Enforcement Update – Informational

A 2014 year-end report of code enforcement activities and a 2015 year–to-date report on code enforcement activities were included in the Packet for the Council's information.

Cross-Jurisdictional Road Maintenance Agreement with Crow Wing County – Authorize City Engineer to Enter into Draft Agreement – Approved

City Engineer Hulsether reported that the County will be maintaining a bit more of the City's system based on comparable roads and the intention to not overlap.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO AUTHORIZE CITY ENGINEER HULSETHER TO ENTER INTO THE DRAFT CROSS-JURISDICTIONAL MAINTENANCE AGREEMENT BETWEEN THE CITY OF BRAINERD AND CROW WING COUNTY.

Downtown Snow Removal Bids – Accept Bid from Tom's Backhoe Service for 2015-2016 Downtown Snow Removal – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO WITHHOLD AWARDING OF THE 2015-2016 DOWNTOWN SNOW REMOVAL BID UNTIL THE DECEMBER 7, 2015 CITY COUNCIL MEETING TO ALLOW STAFF TO RESEARCH AND PRESENT ALTERNATIVES.

Discussion was held on alternatives being considered and the reason the City is considering the other alternatives; however, concerns over predicted snow being cleared were also raised.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ACCEPT THE BID FROM TOM'S BACKHOE SERVICE FOR 2015-2016 DOWNTOWN SNOW REMOVAL FOR $5,555 FOR 4 INCHES OF SNOW AND $1,485 FOR EACH ADDITIONAL INCH OF SNOW.

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

Council Member Borkenhagen requested that staff begin searching for alternatives for 2016-2017 downtown snow removal so more alternatives might be available at that time.

Improvement 14-15 – Airport Utility Extension – Authorization for Easement Payments in the amount of $2,310 – Approved

Two additional property owners have accepted the City's offer to purchase permanent and temporary utility easements for the Airport Utility Extension Project.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE PAYMENT FOR TWO ADDITIONAL EASEMENT AGREEMENTS FOR THE AIRPORT UTILITY EXTENSION PROJECT IN THE AMOUNT OF $2,310.

Animal Control Costs – Direct Staff to Gather Further Information on fees paid to Heartland Animal Rescue Team (HART) to be presented at the November 17, 2015 City Council Budget Workshop – Approved

Committee Chair Bevans discussed the amounts being paid to Heartland Animal Rescue Team (HART) for "monthly fees/boarding fees." Council discussed what might be included in the $5,142 being paid monthly.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DIRECT STAFF TO GATHER FURTHER INFORMATION ON FEES PAID TO HEARTLAND ANIMAL CONTROL TEAM (HART) TO BE DISCUSSED AT THE NOVEMBER 17, 2015 CITY COUNCIL BUDGET WORKSHOP.

Council Member Koep suggested that the Committee Chairs and Council President meet to develop suggestions to better implement animal control laws within the city.

Personnel and Finance Committee Report

Approval of Bills, Transfer of Funds, Payments to Contractors, and Prepaids – Approved

General Fund to Public Safety Fund	$330,000
General Fund to Park Fund	$55,000
General Fund to Street & Sewer Fund	$53,000
General Fund to Airport Fund	$12,960
	$450,960
Storm Sewer Fund to Construction Fund	$118,926.50

Contractor	IMP #	Project	Amount	Total Retained
Tim Thompson Plumbing	15-16	1517 Norwood Swr Rplcmt	$4,200	N/A
City of Baxter	15-15	Fairview Road Chip Seal	$1,383.60	N/A

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO APPROVE THE PAYMENT OF BILLS, TRANSFER OF FUNDS, PAYMENTS TO CONTRACTORS AND PREPAIDS 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 party requesting assessment deferment had met the financial guidelines as set forth by ordinance and therefore approval is recommended:

Margaret O'Rourke, 928 10th Avenue NE

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE DEFERMENT OF ASSESSMENTS FOR 1 PROPERTY AS LISTED AND AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

IAFF MOU – Authorize City Official Signatures on MOU between the City of Brainerd and IAFF relating to Health Care Savings – Approved

The IAFF Union is requesting that the payment for the recently laid off firefighters' unused vacation be included as taxable income on their final paycheck; a memorandum of understanding is required to make this change to that provision in their contract.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BRAINERD AND IAFF (FIRE EQUIPMENT OPERATORS) RELATING TO HEALTH CARE SAVINGS AND TO AUTHORIZE SIGNATURES OF CITY OFFICIALS.

Fire Marshall Deputy Chief Job Description – Authorize Changes to Position and Funds to Re-Advertise Position – Authorize Payment of Certification Costs if necessary with the Understanding that if Position is Vacated within Two Years those Funds are to be Reimbursed by Vacating Employee – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE REVISED FIRE MARSHAL/DEPUTY CHIEF JOB DESCRIPTION AND FUNDS TO RE-ADVERTISE; FURTHER, TO AUTHORIZE THE PAYMENT OF CERTIFICATION COSTS IF NECESSARY WITH THE UNDERSTANDING THAT IF POSITION IS VACATED WITHIN TWO YEARS THOSE FUNDS ARE TO BE REIMBURSED BY VACATING EMPLOYEE.

Note: Action must be approved by the Civil Service Commission before proceeding. A meeting has been scheduled for November 24, 2015 at 3:15 P.M.

Engineering Department – Resignation of Building Inspector Joshua Stewart – Accept Resignation with Regret; Authorize Backfilling Position with a Housing Inspector; Approve Revised Housing Inspector Job Description and Authorize Funds to Conduct Hiring; and Authorize Hiring of Qualified Temporary Staff to Assist with Inspection Duties during Hiring/Transitional Process if necessary – Approved

MOVED AND SECONDED BY ALDERMEN KEOP AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF BUILDING INSPECTOR JOSHUA STEWART, EFFECTIVE 11/20/2015.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE BACKFILLING MR. STEWARTS' POSITION WITH A HOUSING INSPECTOR POSITION AS SOON AS POSSIBLE.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE REVISED HOUSING INSPECTOR JOB DESCRIPTION AS DISTRIBUTED

THIS EVENING AND TO AUTHORIZE THE NECESSARY FUNDS TO CONDUCT THE HIRING PROCESS FOR A HOUSING INSPECTOR.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE HIRING OF QUALIFIED TEMPORARY STAFF TO ASSIST WITH INSPECTION DUTIES DURING THE HIRING/TRANSITIONAL PROCESS IF NECESSARY.

2015 Audit Services – Engagement Letter – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE ENGAGEMENT LETTER BETWEEN THE CITY OF BRAINERD AND CLIFTONLARSONALLEN FOR 2015 AUDIT SERVICES AS SUBMITTED AND TO AUTHORIZE STAFF SIGNATURES.

Used Oil Program Update – Informational

A letter has been sent to East Side Oil Companies requesting that they continue to provide used oil service to the City at no charge and no response has yet been received.

Parking Lot Fund Update – Informational

Committee Chair Koep reported that discussion will continue on this item which will be carried over to a future meeting.

Unfinished Business

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

The Chair opened the Public Hearing at 8:56 P.M. No one came forward.

The Chair closed the Public Hearing at 8:57 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO HOLD THE FINAL 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 FINAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT ORDINANCE NO. 1442 – REZONING AT 15770 DELLWOOD DRIVE FROM R-R (RURAL RESIDENTIAL) DISTRICT TO B-1 (RESIDENTIAL OFFICE) DISTRICT.

ORDINANCE NO. 1442

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

Mayoral Position Update – Informational

City Administrator Thoreen distributed a schedule for the November 30, 2015 Special City Council Meeting to conduct interviews of the six mayoral candidates.

Discussion was held on the process for appointment and sample interview questions were distributed to the Council. It will be determined on the night of the interviews whether a vote will be taken then or held over until the December 7, 2015 City Council meeting. Either way, the new Mayor will be sworn in and start service immediately at the beginning of the December 7th meeting.

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 Begin 1/1/2016 and Expire 12/31/2018
Rental Dwelling Board of Appeals – 1 "Tenant Representative" term to Expire 12/31/2016
Region Five – See http://www.regionfive.org for vacancies
Walkable Bikeable City Committee – Ad Hoc

New Business

Downtown Solar Energy Project – Authorize Conceptual Approval and Call Public Hearing – Acknowledge HRA's Administration of the Project, Housing Quality Standard Inspections and Use of City Attorney Services and Expenses – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO CONCEPTUALLY APPROVE THE PUERINGER SOLAR ENERGY PANELS PLAN FOR INSTALLATION ON THREE BUILDINGS (205, 209 AND 214 SOUTH 7TH STREET) AND CALL FOR A PUBLIC HEARING TO BE HELD ON MONDAY, DECEMBER 7, 2015; FURTHER, TO ACKNOWLEDGE THAT THE HRA SUPPORTS USE OF THE CITY ATTORNEY'S OFFICE AND EXPENSES INCURRED THEREFROM FOR LEGAL ADVICE AND THAT THE HRA BOARD SUPPORTS THE USE OF THE BRAINERD HRA STAFF TO ADMINISTER THE PROJECT AND PERFORM REQUIRED HOUSING QUALITY STANDARDS INSPECTIONS.

Public Forum: No one came forward.

Staff Reports – Written – Acknowledged

Council Member Reports

HRA Liaison Johnson reported that the Riverfront Subcommittee will be holding consultant interviews this week.

Charter Commission Liaison Bevans reported that the Charter Commission met on November 12, 2015. He reported that the Commission re-organized, discussed the City Charter purpose and brought up the item of Public Utilities Commission benefits.

Council President Scheeler reported that a meeting was to be held between the City of Brainerd and the City of Baxter relating to 3 parcels of 126 acres on Dellwood drive being considered for annexation to Brainerd and/or Baxter.

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 – 9:16 P.M.

The Council reconvened into open session at 9:58 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO DIRECT STAFF TO CONTINUE DISCUSSION AND NEGOTIATIONS ON THE PROPERTY AND EASEMENT ACQUISITIONS FOR THE AIRPORT ANNEXATION.

Adjourn – To Special Meeting to be held on Monday, November 23, 2015 at 5:15 P.M. relating to a Liquor License and to the Monday, November 30, 2015 Special Meeting to be held at 5:00 P.M. for the purpose of Conducting Mayoral Interviews.

The Chair adjourned the meeting at 10:00 P.M.

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Jim Thoreen
City Administrator