Brainerd, MN
December 7, 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.

Roll Call

Upon roll call, the following members were noted present: Koep, Pritschet, Bevans, Johnson, Borkenhagen, Hilgart and Scheeler.

Administer Oath of Office for New Mayor Edwin L. Menk

City Administrator Thoreen administered the Oath of Office to Mr. Edwin L. Menk for the position of Mayor of the City of Brainerd. Following a thank you from the new Mayor and pictures, Mayor Menk began his service as Mayor immediately.

Pledge of Allegiance

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

Approval of Agenda – Approved

Alderman Koep requested the addition of an item to "New Business" relating to the rescinding of a motion from the December 1, 2015 Budget Workshop.

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

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

A. Approval of the Minutes of the Regular Meeting held on November 16, 2015 and the Special Meetings held on November 17th, November 23rd and November 30th, 2015 as Attached – Approved

B. Approval of Licenses as Attached – Approved

1. Contractor's Licenses – 3 – Renewals
2. Garbage Licenses – 6 – Renewals
3. Tobacco Licenses – 15 – Renewals
4. Taxi Cab Licenses – 1 – Renewal
5. Pawnbrokers Licenses – 2 – Renewals

C. Acknowledgement of Department Activity Reports as Attached

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.

Presentation:

Brainerd Public Utilities Operating & Capital Budget – Approved

Public Utilities Commissioner Nesheim thanked the Council for the opportunity to present the information this evening.

Brainerd Public Utilities superintendent Scott Magnuson and Secretary Todd Wicklund reviewed key points of the budget which had been provided to the Council prior to the meeting. They answered questions of the Council and the Chair thanked them for their presentation.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO APPROVE THE BPU OPERATING AND CAPITAL BUDGETS AS PRESENTED.

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

BLACF Riverfront Grant – Jennifer Bergman, HRA – Informational

The Chair recognized Ms. Jennifer Bergman, Executive Director of the Brainerd Housing and Redevelopment Authority, who reported on the $33,000 grant received by the City of Brainerd through the Brainerd Lakes Area Community Foundation to "develop measureable goals, objectives and timelines to implement the design and development along the (Mississippi) river. This plan came out of the Mississippi River Partnership Plan developed by the University of Minnesota Rural Design Center. As part of the agreement with the City, the HRA will administer the grant on their behalf, and as part of that management plan a "Riverfront Sub-Committee" was formed. She reported that the 9-member sub-committee had met 3 times and hired Short Elliot Hendrickson (SEH) to serve as "project manager" and has scheduled a kickoff meeting to be held on Thursday, December 17, 2015 with time yet to be determined. She presented a "Project Steps and Timeline" handout as developed by SEH to Council. The Chair thanked her for her presentation.

Safety and Public Works Committee Report

Tax Forfeit Parcels – Authorize Purchase of 4 Parcels for the amount of $2,283.25 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO AUTHORIZE THE PURCHASE OF FOUR CROW WING COUNTY TAX FORFEIT PARCELS FOR THE AMOUNT OF $2,283.25 ($1,773.60 FROM STORM SEWER FUND AND $509.65 FROM CONSTRUCTION FUND).

MS4 Revisions:

First Reading of Proposed Ordinance No. 1443 – An Ordinance Amending Section 430 of the Brainerd City Code Pertaining to Erosion and Sediment Control – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1443 – AN ORDINANCE AMENDING SECTION 430 OF THE BRAINERD CITY CODE PERTAINING TO EROSION AND SEDIMENT CONTROL; FURTHER TO DISPENSE WITH THE ACTUAL READING.

Amendment to Section 725 – First Reading of Proposed Ordinance No. 1444 – An Ordinance Amending Section 725 of the Brainerd City Code Pertaining to Stormwater Management – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1444 – AN ORDINANCE AMENDING SECTION 725 OF THE BRAINERD CITY CODE PERTAINING TO STORMWATER MANAGEMENT; FURTHER TO DISPENSE WITH THE ACTUAL READING.

Adoption of Standard Operating Procedures – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ADOPT THE MS4 STANDARD OPERATING PROCEDURES AS PRESENTED.

Improvement 14-15 – Airport Utilities – Authorize Advertisement of Bids – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATIONS AND AUTHORIZE THE ADVERTISEMENT OF BIDS FOR IMPROVEMENT 14-15, AIRPORT UTILITIES.

Further information will be presented at the December 21, 2015 meeting on what funds are available and how that will affect the bid.

Improvement 15-17 – 2020 Safe Routes to School – Neighborhood Meeting to be held on December 10, 2015 at 6:00 P.M. at Garfield School, 1120 10th Ave NE, Brainerd

Committee Chair Bevans reported that the public and Council are invited to a neighborhood meeting on December 10, 2015 at 6:00 P.M. at Garfield School, 1120 10th Ave NE, Brainerd.

Civic Plus License Agreement – Authorize Purchase of "Premium" Civic Plus Package in the amount of $9,948.75 and Authorize Proper Signatures on Agreement – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED TO AUTHORIZE THE PURCHASE OF THE "PREMIUM" CIVIC PLUS PACKAGE IN THE AMOUNT OF $9,948.75 AND TO AUTHORIZE PROPER SIGNATURES ON AGREEMENT.

Dial-a-Ride Fare Adjustment – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, TO ACCEPT THE FARE INCREASE AS ADOPTED BY THE CROW WING COUNTY BOARD AND TO AMEND THE ADDENDUM TO THE OPERATING POLICY ACCORDINGLY; EFFECTIVE JANUARY 1, 2016.

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

Dellwood Drive Jurisdiction – Notify Crow Wing County of City's Desire to Service the "North 40" on the Map Provided by Crow Wing County and to enter into Negotiations with Baxter – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO NOTIFY CROW WING COUNTY OF THE CITY'S DESIRE TO SERVICE THE NORTH 40 ON THE AREA OUTLINED ON THE MAP BY CWC AND TO ENTER INTO NEGOTIATIONS WITH BAXTER TO EXTEND THE ANNEXATION AGREEMENT.

BPU Property Annexation – Notify City of Baxter of Brainerd's Request to Move Property into Brainerd – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DIRECT STAFF TO NOTIFY THE CITY OF BAXTER THAT IT IS THE CITY OF BRAINERD'S INTENT TO MAKE A REQUEST TO HAVE THE BRAINERD PUBLIC UTILITIES WASTE WATER TREATMENT PLANT, MAINTENANCE FACILITY AND OFFICES ANNEXED INTO THE CITY OF BRAINERD.

Request from 1003 Grove Street – Uphold City Attorney's Encroachment Agreement – Approved

Information and correspondence between the City and the property owner at 1003 Grove Street was included in the Packet relating to accessory building language.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO UPHOLD THE CITY ATTORNEY'S ENCROACHMENT AGREEMENT RELATING TO ACCESSORY BUILDING LANGUAGE FOR THE PROPERTY AT 1003 GROVE STREET.

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

WBCC Recommendations – Accept Request to Send a Letter to HWY 210 and South 6th Street Property Owners and Businesses Reminding them of their Responsibility to Keep their Sidewalks Clear of Snow and Ice – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED TO ACCEPT THE REQUEST FROM THE WALKABLE BIKEABLE COMMITTEE TO SEND A LETTER TO THE HWY 210 PROPERTY OWNERS AND BUSINESSES REMINDING THEM ABOUT THEIR RESPONSIBILITY TO KEEP THEIR SIDEWALK CLEAR OF SNOW AND ICE AND TO INCLUDE PROPERTIES ALONG SOUTH 6TH STREET.

Added Item – Cost Overrun on 28th Street Project – Informational

Chair Bevans reported that the Personnel and Finance Committee had acknowledged a cost overrun of $1,815.50 by Braun Intertec.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors – Approved

Contractor	IMP #	Project	Amount	Total Retained
Braun Intertec	13-06	28th Street Reconstruct	$1,815.50	$0
Preservation Design Works	14-19	Historic Water Tower	$2,399.78	$0
S.E.H.	14-15	Airport Utility Extension	$52,584.03	$0
WSB	05-01	College Drive	$226.00	$0

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO APPROVE THE PAYMENT 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.

Enterprise Lease – Authorize the City Entering into Proposed Lease with Enterprise Fleet Management for the Leasing of 4 New City Vehicles – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE CITY ENTERING INTO THE LEASE WITH ENTERPRISE FLEET MANAGEMENT FOR 4 NEW VEHICLES, AS PRESENTED.

Patti Carlson – East Side Oil – Held Over

Adopt Revised BPU Contribution Policy – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE REVISED BPU CONTRIBUTION POLICY AS PRESENTED.

Council/BPU Commissioner Health Insurance Benefit for 2016 – Pay 80% of the Employer Contribution for a Family Plan, Pay Full Premium for a Single Plan and Pay Opt Out Amount of $250; Further, to Direct Staff to Prepare and Incorporate an Employee Policy Manual Amendment Relative to the Council/BPU Health Insurance Benefit as Determined – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO OFFER THE FOLLOWING OPTIONS TO THE COUNCIL AND BPU COMMISSIONERS FOR THEIR 2016 HEALTH INSURANCE BENEFITS: TO PAY 80% OF THE EMPLOYER CONTRIBUTION FOR A FAMILY PLAN, TO FULLY PAY FOR SINGLE PLAN AND TO PAY AN OPT OUT AMOUNT OF $250; FURTHER, TO DIRECT STAFF TO PREPARE AND INCORPORATE AN EMPLOYEE POLICY MANUAL AMENDMENT RELATIVE TO THE COUNCIL/BPU HEALTH INSURANCE BENEFIT AS DETERMINED.

Industrial Lot Special Assessment Deferments – Approve the Deferral and Request the City Attorney’s Preparation of the Appropriate Documentation for Recording – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE DEFERRAL OF THE INDUSTRIAL LOT SPECIAL ASSESSMENTS AS PRESENTED AND REQUEST THE CITY ATTORNEY TO PREPARE THE APPROPRIATE DOCUMENTATION FOR RECORDING.

Resolution No. 53:15 Adopted – Relating to Finance; Transferring Certain Funds to and from Sinking Funds

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO ADOPT RESOLUTION NO. 53:15 – RELATING TO FINANCE – TRANSFERRING CERTAIN FUNDS TO AND FROM SINKING FUNDS.

Chair Koep reported that per the resolution, the City Administrator is authorized to transfer $80,418.24 from Fund 304 to Fund 321 to bring fund balance to zero.

RESOLUTION NO. 53:15

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 resolution adopted.

New Bremer Bank Program – Authorize Entering into the ICS and CDAR Agreements with Bremer Bank including Authorization of Proper Signatures – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE ENTERING INTO THE ICS AND CDAR AGREEMENTS WITH BREMER BANK INCLUDING AUTHORIZATION OF PROPER SIGNATURES.

Library Parking Spots in Maple Lot – Authorize the Use of Four Spots – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ALLOW THE USE OF FOUR PARKING SPOTS IN THE MAPLE LOT TO THE BRAINERD PUBLIC LIBRARY.

Committee Member Johnson stated that the Library should be able to use the spots unless/until there would be a demand for vacancies based on the leased parking spots filling up.

Memorial Park Restrooms – Authorize Park Director to Proceed with Construction Plans and Allocate up to $60,000 from the 2015 Building Fund to Complete this Project in 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE PARK DIRECTOR TO PROCEED WITH PLANS FOR THE MEMORIAL PARK RESTROOM BUILDING AND TO ALLOCATE UP TO $60,000 OF THE 2015 BUILDING FUND TOWARD THE COMPLETION OF THIS PROJECT IN 2016.

Employee Policy Manual Change for Non-Union Employees – Amend Employee Policy Manual Change to Eliminate Longevity Benefits for any Newly Hired Non-Union Employees Effective 1/1/2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE EMPLOYEE POLICY MANUAL CHANGE TO ELIMINATE LONGEVITY BENEFITS FOR ANY NEWLY HIRED NON-UNION EMPLOYEES EFFECTIVE 1/1/2016.

Meal Reimbursement for Transit Coordinator – Authorize Request to Reimburse $22.02 Overage for Meals – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE OVERAGE OF $22.02 FOR MEAL REIMBURSEMENTS ABOVE THE EMPLOYEE POLICY GUIDELINES.

Per Agenda Request included in the Packet, the overage can be absorbed by the transit professional training budget and 85% of the cost will be reimbursed by MnDot.

Police Department – Accept Resignation of Officer Peter Rinderknecht Effective November 24, 2015, Request Updated Police Officer Eligibility List from Civil Service Commission and Authorize Hiring of Replacement Officer as soon as possible to Fulfill COPS Grant Requirements – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF OFFICER PETER RINDERKNECHT, EFFECTIVE NOVEMBER 24, 2015.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO REQUEST THE PREPARATION OF AN UPDATED POLICE OFFICER ELIGIBILITY LIST FROM THE POLICE AND FIRE CIVIL SERVICE COMMISSION.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE HIRING OF A NEW POLICE OFFICER AS SOON AS POSSIBLE TO FULFILL COPS GRANT REQUIREMENTS.

Fire Department – Accept with Regret the Resignation of Paid On Call Firefighter Lance Davis – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF PAID ON CALL FIREFIGHTER LANCE DAVIS, EFFECTIVE NOVEMBER 19, 2015.

Fire Insurance Rebate – Informational

Chair Koep reported that about $203,000 was directly deposited into the Fire Relief Association Fund.

Finance Director Hillman reported that the money received is remitted directly to the Fire Relief Association fund and reported that she is currently researching the subject.

Unfinished Business

Public Hearing – Jim Hallgren/MnDot – Resolution No. 54:15 Adopted – Granting Approval of the Final Layout for the Business 371 Project

The Chair recognized Mr. Jim Hallgren, MnDot Project Manager, who stated that this public hearing is required for municipal consent. He discussed the final layout for the reconstruction of HWY 371 B/South 6th Street from Joseph Street to Washington Street and answered questions of the Council.

The Chair opened the Public Hearing at 9:02 P.M.

The following citizens spoke to the issue:

Mr. Joe Vreeland, South 6th Street, Brainerd

The Chair closed the Public Hearing at 9:04 P.M.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO ADOPT RESOLUTION NO. 54:15 – AUTHORIZING THE FINAL LAYOUT FOR BUSINESS HIGHWAY 371.

RESOLUTION NO. 54:15

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 resolution adopted.

Public Hearing – To Consider an Application for Loan Funding through the Downtown Brainerd Rental Rehabilitation Program for Roof Mounted Solar Energy Arrays as Applied for by Mr. Dave Pueringer dba Pueringer Investments – Held Over to December 21, 2015 Meeting – Approved

The Chair recognized Mr. Chris Robinson from BLAEDC, who reviewed the proposed project, stating that the applicant is seeking funding of ½ the total amount as a loan and the other ½ in a deferred loan/grant structured to be forgiven at 10% each year over the course of 10 years.

The Chair opened the Public Hearing at 9:24 P.M.

The following citizens spoke to the issue:

Mr. Patrick Wussow, 2018 Crestview Lane, Brainerd

The Chair closed the Public Hearing at 9:26 P.M.

Mr. Robinson answered several questions relating to funding, funds available and details of the project.

City Administrator Thoreen reviewed new information provided to Council at the meeting which alters the motion recommended in the Agenda Request relating to administration of the project.

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET, DULY CARRIED, TO HOLD OVER ANY ACTION ON THIS PROJECT UNTIL THE DECEMBER 21, 2015 MEETING.

Call for Applicants – *Informational*

PLEASE NOTE: *THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT –* ***ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY****)*

Mayor Recommended: **(all terms expire on 12/31 of said year)**

Cable TV Advisory Committee – 3 Terms (Expire 2016, 2018, 2018)
Charter Commission – 1 Term (Expires 2019)
Library Board – 2 Terms (Expire 2021)
Park Board – 2 Terms (Expire 2020)
Public Utilities Commission – 1 Term – (Expires 2020)
Rental Dwelling Board of Appeals – 1 "Tenant Representative" term to Expire 12/31/2016
Transportation Advisory Committee – 3 Terms (Expire 2017)

Council President Recommended: **(all terms expire on 12/31 of said year)**

Airport Commission – 1 Term (Expires 2018)
Planning Commission – 3 Terms (Expire 2018)
Police & Fire Civil Service Commission – 1 Term (Expires 2018)

(Apply for any Board or Commission at: www.ci.brainerd.mn.us/boards)

New Business

First Reading of Proposed Ordinance No. 1445 – An Ordinance Amending Brainerd City Code Section 900.08 Regarding Chickens – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1445 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900.08 REGARDING CHICKENS; FURTHER TO DISPENSE WITH THE ACTUAL READING.

Airport Security

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO RESCIND THE FOLLOWING MOTION, MADE AT THE DECEMBER 1, 2015 COUNCIL BUDGET WORKSHOP:

MOVED AND SECONDED BY ALDERMAN KOEP AND JOHNSON, DULY CARRIED, AS OF FEBRUARY 1, 2016 THE CITY WILL NO LONGER DO THE SECURITY AT THE AIRPORT AT NO COST.

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

Planning Commission

First Reading of Proposed Ordinance No. 1446 – Rezoning Northeast Corner of Oak Street and 28th Street from B-2 (Neighborhood Business) District to an R-1 (Single Family Residential) District – Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1446 – REZONING NORTHEAST CORNER OF OAK STREET AND 28TH STREET FROM B-2 (NEIGHBORHOOD BUSINESS) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT; FURTHER TO DISPENSE WITH THE ACTUAL READING.

Public Forum: No one came forward.

Council Member Reports

Alderman Koep reported that plans for History Week are underway with next summer's focus to be on Northeast Brainerd.

Committee Recommendations

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPOINT MS. JAN BURTON TO THE CHARTER COMMISSION FOR A TERM TO EXPIRE ON 12/31/2018.

Adjourn – To Closed Session to Discuss Easement Assessment Negotiations 10:17 P.M.

The Council reconvened into open session at 10:29 P.M.

Adjourn – To the Neighborhood Safe Routes to School/Garfield Meeting to be held on Thursday, December 10, 2015 at 6:00 P.M. at Garfield School, 1120 10th Ave NE, Brainerd

The Chair adjourned the meeting at 10:30 P.M.

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Jim Thoreen
City Administrator