Brainerd, MN
December 21, 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. Mayor Menk was also noted as present.

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

The Chair requested the removal of the new Tobacco License from the Consent Calendar.

Mayor Menk requested the addition of a Committee Appointment to Item 14.

Approval of Agenda as Amended – Approved

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT THE CONSENT CALENDAR AS AMENDED.

A. Approval of the Minutes of the Regular Meeting held on December 7, 2015, the Special Meetings held on November 9, 2015, December 1, 2015 and December 14, 2015 as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 5 – New
2. Contractor's Licenses – 77 – Renewals
3. Second Hand Auto – 8 – Renewals
4. Second Hand Goods – 2 – Renewals
5. Garbage License – 1- Renewal
6. Tobacco Licenses:
   - 8 Renewals (ready to be approved)
   - 1 Renewal – Contingent upon required PD/FD Investigation
   - 1 New – Kristofer Anderson dba VIP Vapors
     207 S 7th Street, Brainerd

C. Department Activity Reports – Approved

1. Mayor
2. Police Chief
2. Finance 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

Mike Higgins, Update on BIC – Postponed

Airport Utility Project – Adopt Plans and Specifications – Approved

The Chair recognized Mr. Scott Hedlund, SEH Engineer and Overall Project Manager for the Airport Utility Project, who reviewed the background of this project. He reported on the continued meetings and correspondence between all parties involved in the development of the final design phase. He stated that the project is broken up into 4 areas, each being bid separately, and he reviewed those areas.

Finance Director Hillman discussed funding/bonds.

Mr. Hedlund stated that an approximate start date is May, 2016. He answered questions of the Council and the Chair thanked him for his presentation.

MOVED AND SECONDED BY ALDERMEN HILGART AND BEVANS, DULY CARRIED, TO ADOPT THE PLANS AND SPECIFICATIONS OF THE AIRPORT UTILITY PROJECT.

Council Committee Reports

Safety and Public Works Committee Report

Safe Routes to School (SRTS) Application – Garfield/Phase III – *2 Resolutions Adopted*:

Committee Chair Bevans reported that there were two attendees at the neighborhood informational meeting held last week who spoke against the project based on tree preservation.

Resolution No. 55:15 Adopted – Agreement for City to Maintain Facility for Garfield Safe Routes to School Phase III

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO ADOPT RESOLUTION NO. 55:15 – AGREEING TO MAINTAIN FACILITY FOR GARFIELD SAFE ROUTES TO SCHOOL PHASE III.

City Engineer Hulsether stated that he feels the project can be completed without disturbing the trees that are causing a concern. He added that the City first has to find out if they are funded for the project before a definitive answer and that might be in April of 2016.

RESOLUTION NO. 55:15

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.

Resolution No. 56:15 Adopted – Approving Sponsorship for Garfield Safe Routes to School Phase III

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 56:15 – A RESOLUTION OF SPONSORSHIP FOR GARFIELD SAFE ROUTES TO SCHOOL PHASE III.

RESOLUTION NO. 56:15

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.

Unlicensed Dwelling Fee Appeal – 721 SW 4th Street – Denied

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DENY THE APPEAL OF THE $450 UNLICENSED DWELLING FEE FOR THE PROPERTY LOCATED AT 721 SW 4TH STREET.

Improvement 14-08 – 13th Street SE – Municipal Consent & Cost Share Agreement – *Cost Share Agreement Approved and Resolution Adopted*:

Cost Share Agreement – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE COST SHARE AGREEMENT FOR IMPROVEMENT 14-08 – 13TH STREET SE, AND TO AUTHORIZE STAFF TO ENTER INTO AGREEMENT.

Resolution No. 57:15 Adopted – Approving County Project No. S.A.P. 018-645-007 within Municipal Corporate Limits

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO ADOPT RESOLUTION NO. 57:15 – APPROVING COUNTY PROJECT NO. S.A.P. 018-645-007 WITHIN MUNICIPAL CORPORATE LIMITS.

RESOLUTION NO. 57:15

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.

Improvement 14-09 – Dellwood Drive:

Resolution No. 58:15 Adopted – Approving County Project No. S.A.P. 018-592-003 within Municipal Corporate Limits

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 58:15 – APPROVING COUNTY PROJECT NO. S.A.P. 018-592-003 WITHIN MUNICIPAL CORPORATE LIMITS.

RESOLUTION NO. 58:15

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.

Resolution No. 59:15 Adopted – Related to Parking Restrictions for Project No. S.A.P. 018-592-003 on Dellwood Drive from Novotny Road to CSAH 49

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 59:15 - RELATED TO PARKING RESTRICTIONS FOR PROJECT NO. S.A.P. 018-592-003 ON DELLWOOD DRIVE FROM NOVOTNY ROAD TO CSAH 49

RESOLUTION NO. 59:15

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.

Improvement 14-15 – Airport Utility Extension – Well Relocation – Accept Quote from North Star Well Drilling in the amount of $5,691 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ACCEPT THE QUOTE FROM NORTH STAR WELL DRILLING IN THE AMOUNT OF $5,691 FOR THE WELL LOCATION PORTION OF IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION.

Committee Chair Bevans stated that the quote does not include inside plumbing or electrical connections, so there might be additional costs to get the system up and running.

Dial-a-Ride Fare Adjustment – Accept Dial-A-Ride Transportation Advisory Committee Recommendation for Increase of Fare Rate from $2.00 to $2.25 per for Quality Enterprises Services in Brainerd and Baxter – Approved

At the last City Transportation Advisory Committee (TAC) meeting, it was unanimously approved that beginning January 1, 2016, Quality Enterprises shall pay a premium rate for subscription rides resulting in an increase from $2.00 to $2.25 for Brainerd and Baxter fares.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE DIAL-A-RIDE TRANSPORTATION ADVISORY COMMITTEE RECOMMENDATION FOR AN INCREASE OF FARE RATE FROM $2.00 TO $2.25 FOR QUALITY ENTERPRISES SERVICES IN BRAINERD AND BAXTER

Traffic Control at CSAH 45 and Thiesse Drive – Informational

Committee Chair Bevans acknowledged staff and citizen safety concerns at the intersection of CSAH 45 and Thiesse Drive in the Industrial Park which have been forwarded to the County.

Personnel and Finance Committee Report

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

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

General Fund to Public Safety Fund	$430,000
General Fund to Park Fund	$ 55,000
General Fund to Street & Sewer Fund	$ 65,000
General Fund to Airport Fund	$ 12,940
	$562,940
Fire to Fire Capital per FAB Agreements	$ 81,445

Contractor	IMP #	Project	Amount	Total Retained
Braun Intertec	14-15	Airport Utility Extension	$2,814	$0
Tom's Backhoe	2015/2016	Downtown Snow Removal	$7,040	$0

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

IAFF Grievance Settlement Agreement MOU – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE SETTLEMENT AGREEMENT/MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BRAINERD AND IAFF, LOCAL 4725, RELATIVE TO IAFF GRIEVANCES 2015C, 2015D AND 2015E.

Resolution No. 60:15 Adopted – Approval of Revised Cafeteria Plan Document

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO ADOPT RESOLUTION NO. 60:15 – RELATING TO RESTATEMENT OF THE EMPLOYEE FLEXIBLE SPENDING ACCOUNT PLAN AND GRANTING AUTHORITY TO CITY ADMINISTRATOR.

RESOLUTION NO. 60:15

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.

Housing Inspector Hiring – Authorize Conditional Job Offer to Mr. Robert Meininger – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE A CONDITIONAL JOB OFFER TO MR. ROBERT MEININGER FOR THE POSITION OF HOUSING INSPECTOR WITH STARTING PAY TO BE ESTABLISHED AT STEP "B" OF THE SALARY ADMINISTRATION PLAN (90% OF BASE WAGE, $22.30/HOUR) WITH A TENTATIVE START DATE OF JANUARY 11, 2016; CONTINGENT ON SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT BACKGROUND, PHYSICAL AND DRUG EXAMS.

Preference for Department Year in Review Reports/Presentation – Event to be held on January 25, 2016 – Approved

Committee Chair Koep discussed options as included on the Agenda Request form.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, HOLD A "YEAR-IN-REVIEW" CITY EVENT ON JANUARY 25, 2016 WITH LOCATION TO BE DETERMINED.

Telephone System update – Informational

Chair Koep reported that Council authorized $47,660.36 for a new phone system and that, to date, the City has spent $49,438.62. She stated that the additional $1,778.26 is due to purchasing wall mounts, brackets and longer cords which were not included in the quote as well as upgrading the phones for the transit department and the police department.

Casualty/Property Dividend and Insurance Fund – Transfer $60,000 from the Insurance Fund into the Capital Fund – Approved

Chair Koep reviewed the information included in the Agenda Request.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO TRANSFER $60,000 FROM THE INSURANCE FUND INTO THE CAPITAL FUND.

Fire State Aid Money – Informational

In follow-up to an inquiry at the last meeting, Chair Koep reported that per MN State Statute 69.031 subd. 5, the fire aid payments need to be remitted to the Fire Relief Association.

Unfinished Business

2016 Budget Adopted and Resolution No. 61:15 Adopted – Setting the Final Levy at $5,217,260

Finance Director Hillman discussed the process for determining the City's Budget and Levy and how these amounts affect homeowner and business owner taxes. Further information was included in the Packet.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART TO ADOPT RESOLUTION NO. 61:15 – SETTING THE 2016 FINAL LEVY AT $5,217,260.

Alderman Borkenhagen stated that he would be voting against the motion because he does not wish to pass down the debt and problems that have piled up because the City continuously tries to get by on the cheap.

RESOLUTION NO. 61:15

Upon roll call, members Koep, Pritschet, Bevans, Johnson, Hilgart and Scheeler voted "aye." Member Borkenhagen voted "nay." The Chair declared the motion carried and the resolution adopted.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO SET THE 2016 BUDGET AS PRESENTED.

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

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 – Subject to Mr. Pueringer Proceeding with Plan as Presented – Approved

The Chair recognized Mr. Chris Robinson, who reviewed the project specifications and answered questions of the Council.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE 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 – SUBJECT TO MR. PUERINGER PROCEEDING WITH PLAN AS PRESENTED.

Public Hearing – Ordinance No. 1443 Adopted – An Ordinance Amending Section 430 of the Brainerd City Code Pertaining to Erosion and Sediment Control

The Chair opened the Public Hearing at 9:05 P.M. No one came forward.

The Chair closed the Public Hearing at 9:06 P.M.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1443 – AN ORDINANCE AMENDING SECTION 430 OF THE BRAINERD CITY CODE PERTAINING TO EROSION AND SEDIMENT CONTROL.

ORDINANCE NO. 1443

Upon roll call, members Koep, Pritschet, Bevans, Johnson, Hilgart and Scheeler voted "aye." Member Borkenhagen voted "nay." The Chair declared the motion carried and the ordinance adopted.

Public Hearing – Ordinance No. 1444 Adopted – An Ordinance Amending Section 725 of the Brainerd City Code Pertaining to Stormwater Management

The Chair opened the Public Hearing at 9:07. No one came forward.

The Chair closed the Public Hearing at 9:08 P.M.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT ORDINANCE NO. 1444 – AN ORDINANCE AMENDING SECTION 725 OF THE BRAINERD CITY CODE PERTAINING TO STORMWATER MANAGEMENT.

ORDINANCE NO. 1444

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.

Public Hearing – Ordinance No. 1445 Adopted – An Ordinance Amending Brainerd City Code Section 900.08 Regarding Chickens

The Chair opened the Public Hearing at 9:08 P.M.

The Chair recognized the following citizen who spoke in favor of the ordinance:

Ms. Melissa Lundeen, 15902 Olson Lane, Brainerd, appearing on behalf of Discovery Woods Montessori School.

The Chair closed the Public Hearing at 9:11 P.M.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT ORDINANCE NO. 1445 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900.08 REGARDING CHICKENS.

ORDINANCE NO. 1445

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.

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

The Chair opened the Public hearing at 9:12 P.M. No one came forward.

The Chair closed the Public Hearing at 9:13 P.M.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT 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.

ORDINANCE NO. 1446

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.

Call for Applicants – Informational

Mayor Menk read the vacancies aloud and shared application information:

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" (Expires 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

Authorize the Extension of HRA Board Terms to December 31 of Expiration Year and Extend Current Board Member Terms through December 31 of their Current Terms – Approved

The Chair recognized HRA Executive Director Jennifer Bergman, who reviewed the HRA Board's request to change the board term expiration date to December 31st of each year to coincide with the HRA's Fiscal Year End.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO AUTHORIZE THE EXTENSION OF HRA BOARD TERMS TO DECEMBER 31 OF

EXPIRATION YEAR AND TO EXTEND CURRENT BOARD MEMBER TERMS THROUGH DECEMBER 31 OF THEIR CURRENT TERMS.

Use of the Mayor's Office – To Be Determined by City Administrator – Informational

Mayor Menk stated that he does not need a permanent office in City Hall and recommended that City Administrator Thoreen determine the best use for the "Mayor's Office" at this time.

City Administrator Thoreen stated that the office will most likely be used for the Human Resource Coordinator and that the item will be revisited at the end of the current Mayor's term of office.

Public Forum: No one came forward.

Staff Reports – Written

City Administrator Thoreen reported that the "Shop with a Cop" program will be covered at 10:00 P.M. on Lakeland Public Television.

Mayor Menk thanked everyone for the great experience the past two weeks and wished everyone a Merry Christmas.

Council Member Reports

Council Member Johnson reported that fundraising is underway for the Gregory Park Fountain with the first $1,000 donated by the family of the late Mayor Wallin.

Council Member Johnson also reported that the HRA kickoff meeting with SEH and the Riverwalk Committee was very positive.

Council Member Koep reported that there had been a meeting between County and City representatives relating to Airport Security and that the County was very upfront about the fact that they would be contributing to the cost. She stated that further information will be forthcoming.

Council President Scheeler reported that Jeff Wig will be resigning as Airport Manager in February.

Council Member Borkenhagen reported that Community Action would like to ask the Council if they want to have the 4th of July in Brainerd and to please consider what that means financially.

Council Member Borkenhagen also shared his positive experience hanging out with kids at "The Shop" in Brainerd, stating that he feels it is important for other elected officials to stop in to talk with these youth.

Committee Resignation – Accepted with Regret

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO ACCEPT THE FOLLOWING RESIGNATIONS EFFECTIVE DECEMBER 31, 2015: MS. AUDRAE GRUBER FROM THE LIBRARY BOARD AND MR. RICK COLE FROM THE PLANNING COMMISSION.

Committee Recommendation – Recommended by Mayor Menk – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO RE-APPOINT MR. MARK O'DAY TO THE BRAINERD PUBLIC UTILITIES COMMISSION FOR A TERM TO EXPIRE ON DECEMBER 31, 2020.

Adjourn

The Chair adjourned the meeting at 9:34 P.M.

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Jim Thoreen
City Administrator