

**Brainerd, MN
January 19, 2016**

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: Pritschet, Bevans, Johnson, Borkenhagen, Hilgart, Koep and Scheeler. Mayor Menk was also noted as present.

Committee Chair Bevans requested that Items 8A and 8B be noted as "postponed" as they will be held at the February 1, 2016 meeting based on notification processes. He also requested the addition of item 8D, Annexation Agreement, to the Agenda as well as the adjournment of the meeting "To Discuss Pending Litigation."

Approval of Agenda as Amended – Approved

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

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

A. Approval of the Minutes of the Regular Meeting held on January 4, 2016, as corrected – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 15 – Renewals

C. Department Activity Reports – Approved

1. Police Chief
2. Finance Director

D. BLAEDC 2016 Funding Support – Authorize Signatures on "2016 Contract for Services" and Payment as Approved through Budget Process – Approved

E. Resolution No. 04:16 Adopted – Accepting Donations & Contributions for 4th Quarter 2015

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

Presentation – Close~Converse – Authorize Listing Extension for Brainerd Industrial Park Lots

The Chair recognized Mr. Nate Grotzke, who updated the Council on the current commercial real estate and construction situation in the community. Upon request, he discussed strategies such as ensuring that all commercial real estate is well represented and "ready to go" on the internet and other media. This way, "site selectors" which are used for

scouring the market can easily begin a working relationship with Close~Converse to start a sale. Examples include readily available information on utilities, licenses, soil borings, etc.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE 1-YEAR EXTENSION TO THE LISTING EXTENSION FOR BRAINERD INDUSTRIAL PARK LOTS.

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 AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

General Fund to Public Safety Fund	\$260,000
General Fund to Park Fund	\$55,000
General Fund to Street & Sewer Fund	\$35,000
General Fund to Airport Fund	\$12,960
General Fund to Mayor Contingency Fund #250 per budget	\$2,500
General Fund to IT Capital #403 per Budget	\$20,000
General Fund to Fire Capital #404 per Budget	\$37,000
General Fund to Capital #400 per Budget	<u>\$422,060</u>
	\$844,520

Contractor	IMP #	Project	Amount	Total Retained
S.E.H.	14-15	Airport Utility Extension	\$145,062.80	\$0
American Eng. Testing	14-01	2014 Micro Surfacing	\$2,750.00	\$0
LHB, Inc.	14-19	Historic Water Tower	\$979.80	\$0

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

Parking Lot Fund – Request City Attorney’s Review of the Possibility of “Folding In” the Shortfall from the Parking Lot Fund to the Service District the City has for Downtown, to Research if the 7th and Laurel and Front Street Lots Can be Used as “Paid Parking” Lots and to Consider Eliminating the Maple Street Lot from the Assessment Roll – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO REQUEST THE CITY ATTORNEY’S REVIEW OF THE POSSIBILITY OF “FOLDING IN” THE SHORTFALL FROM THE PARKING LOT FUND TO THE SERVICE DISTRICT THE CITY HAS FOR DOWNTOWN, TO RESEARCH IF THE 7TH AND LAUREL AND FRONT STREET LOTS CAN BE USED AS “PAID PARKING” LOTS AND TO CONSIDER ELIMINATING MAPLE STREET LOT FROM ASSESSMENT ROLE.

Police Officer Position – Authorize Conditional Job Offer to Next Available Candidate Contingent on Successful Completion of Background Investigation and

Required Pre-Employment Testing and with a Projected Start Date of March 1, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO MAKE A CONDITIONAL JOB OFFER TO ONE OF THE TOP THREE POLICE OFFICER CANDIDATES CONTINGENT ON SUCCESSFUL COMPLETION OF A BACKGROUND INVESTIGATION AND REQUIRED PRE-EMPLOYMENT SCREENING WITH A PROJECTED STARTING DATE OF MARCH 1, 2016.

Housing Inspector:

Accept Resignation of Robert Meininger, Effective January 12, 2015 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF HOUSING INSPECTOR ROBERT MEININGER EFFECTIVE JANUARY 12, 2016.

Authorize Conditional Job Offer for the Position of Housing Inspector in the Building Safety Department to Mr. Jason Stockinger at a Starting Rate of 85% of Base Wage (\$21.06 per Hour) or Step “A” of the Salary Administration Plan and Contingent on Successful Completion of Pre-Employment Background, Drug and Physical Exams with a Projected Start Date of February 8, 2016 – Direct City Attorney to Research if there is any Conflict of Interest Concerns with this Hiring – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE A CONDITIONAL JOB OFFER FOR THE POSITION OF HOUSING INSPECTOR TO MR. JASON STOCKINGER AT A STARTING RATE OF 85% OF BASE WAGE (\$21.06 PER HOUR) OR STEP “A” OF THE SALARY ADMINISTRATION PLAN AND CONTINGENT ON SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT BACKGROUND, DRUG AND PHYSICAL EXAMS WITH A PROJECTED START DATE OF FEBRUARY 8, 2016.

Council requested the City Attorney to research if there is any “conflict of interest” concern with this hiring.

Status of IT Committee – Informational

Personnel and Finance Committee Member Hilgart announced that meeting of the I.T. Committee will be held on Tuesday, January 20th at 12:30 P.M. with NJPA to see what they have to offer for I.T. Options. She stated that a meeting recently held with CWC was quite positive.

Credit Card Update – Informational

Chair Koep announced that options for credit card use will hopefully be presented in February.

Personnel & Finance Committee Workshop – Scheduled for March 14, 2016 from 5:30 P.M. to 7:30 P.M. – Informational

The Workshop was set for Monday, March 14, 2016 from 5:30 P.M. to 7:30 P.M.

Safety and Public Works Committee Report

Airport Utility Charges – Uphold Actions of the City Council in 1970 which Established a 200% Sewer and Water Charges Outside of the City of Brainerd – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO UPHOLD THE ACTIONS OF THE CITY COUNCIL IN 1970 ESTABLISHING 200% SEWER AND WATER CHARGES OUTSIDE OF THE CITY OF BRAINERD.

Council requested that staff inform the Airport of this motion.

Airport Annexation Discussion – Direct Staff to Notify Oak Lawn Township and All Parties Involved in the Airport Annexation of the City's Intent to Hold Open Discussion with Oak Lawn Township relating to Annexing the Airport Property – Approved

The Chair recognized Building Official Caughey, who addressed the Council relating to staff concerns that, in regards to the Airport Annexation Project, there are concerns about plumbing and utility codes not complying with the City's codes for hooking up utilities following annexation. He discussed the option allowed by state statute to encompass the code for orderly annexation up to two miles outside of a city.

Council asked several questions of Mr. Caughey.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADVISE STAFF TO NOTIFY OAK LAWN TOWNSHIP AND ALL PARTIES INVOLVED IN THE AIRPORT ANNEXATION OF THE CITY'S INTENT TO HOLD OPEN DISCUSSION WITH OAK LAWN TOWNSHIP RELATING TO ANNEXING THE AIRPORT PROPERTY.

Alderman Koep expressed her concerns.

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

Authorize the Expenditure of \$293.00 from the Airport Sewer Construction Project Fund to Enter Into the License for Utility to Cross Public Waters Agreement with the DNR – Approved

NOTE: This item was added at the meeting

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO INVEST \$293 FROM THE AIRPORT SEWER CONSTRUCTION PROJECT FUND FOR A 50-YEAR "LICENSE FOR UTILITY TO CROSS PUBLIC WATERS" AGREEMENT WITH THE DEPARTMENT OF NATURAL RESOURCES.

Construction Cross Share Agreement between Crow Wing County, the City of Baxter and the City of Brainerd for Improvements to Dellwood Drive between Novotny Road and County State Aid Highway (CSAH) 49 – Approved

NOTE: This item was added at the meeting

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE "CONSTRUCTION CROSS SHARE AGREEMENT BETWEEN CROW WING COUNTY, THE CITY OF BAXTER AND THE CITY OF BRAINERD FOR IMPROVEMENTS TO DELLWOOD DRIVE BETWEEN NOVOTNY ROAD AND COUNTY STATE AID HIGHWAY (CSAH) 49" FOR THE DELLWOOD DRIVE PROJECT.

Unfinished Business

Public Hearing – Improvement 14-08 – SE 13th Street – POSTPONED TO FEBRUARY 1, 2016 MEETING

Public Hearing – Improvement 14-09 – Dellwood Drive – POSTPONED TO FEBRUARY 1, 2016 MEETING

Call for Applicants – Informational:

(Application Information at www.ci.brainerd.mn.us/boards/)

Cable TV Advisory Committee – 1 Term to expire 12/31/2016

Library Board – 1 Term to expire 12/31/2021

Rental Dwelling Board of Appeals – 1 "Tenant Representative" term to expire 12/31/2016

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

Annexation agreement/BPU Location – Added to Meeting – Authorize Council Members and Staff to Continue Discussions on these items – Approved

Council Member Bevans referred to an annexation agreement distributed at the January 4, 2016 meeting between the City of Brainerd and the City of Baxter referring to the area from Novotny Road North. He stated that this agreement came to light during discussion of three properties along the Dellwood Drive project that are still in Crow Wing County. He stated that the Council has assigned him and Mayor Menk the task of determining the future of these properties/this agreement. He asked the Council and staff to please continue to contact him or the Mayor with any thoughts on how this will move forward.

Council Member Bevans also reported that as part of the discussions being held relating to the Brainerd/Baxter Annexation Agreement, the ironic fact that the Brainerd Public Utilities building is actually located in the City of Baxter. He stated that discussions will continue on both issues and that Council and staff should continue to contact him, the Mayor or the City Administrator with thoughts or suggestions.

He asked for Council's official direction to continue working on these matters.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DIRECT MAYOR MENK, COUNCIL MEMBER BEVANS AND CITY STAFF TO CONTINUE DISCUSSIONS ON THE ANNEXATION AGREEMENT WITH THE CITY OF BAXTER AND TO CONTINUE TO WORK ON GETTING THE BRAINERD PUBLIC UTILITIES FACILITIES OFFICIALLY MOVED INTO THE CITY OF BRAINERD AND TO KEEP THE COUNCIL INFORMED OF ALL DISCUSSIONS AND MEETINGS.

Public Forum: No one came forward

Staff Reports

City Administrator Thoreen reported that he has spoken with Council President Scheeler, City Attorney Quiring and Brainerd Dispatch reporter Bickett relating to the application form used for City boards and commissions. Council will be updated as any changes occur.

Council Member Reports

Council Member Koep reported that Crow Wing County has been provided with all the necessary information on airport security and will be having a meeting on January 22nd.

Council Member Koep reported that the Cable TV Advisory Committee met and reviewed current franchise agreements and the promotion of local channels. A meeting has been set for March 21, 2016.

Council Member Borkenhagen thanked the Fire and Police Chief's for their monthly reports.

Council Member Hilgart reported that the BLAEDC Annual Meeting will be held on February 10, 2016.

Council Member Scheeler reported that he attended a Maple Grove Township meeting to let them know the City would like to see them come back to Brainerd. He asked for further consideration of the mutual aid process and went over other meetings he had attended.

Mayor Menk discussed a promotion being put on by Deluxe Check Printing for City improvement which the City should look into applying for.

Committee Resignations – Accept with Regret

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. KEVIN STUMPF FROM THE PLANNING COMMISSION EFFECTIVE IMMEDIATELY.

Committee Recommendations – Council President Recommended

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO APPOINT MS. STACI HEADLEY TO THE PLANNING COMMISSION FOR A TERM TO EXPIRE ON DECEMBER 31, 2018.

Committee Recommendations – Mayor Recommended

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPOINT THE FOLLOWING MEMBERS TO COMMITTEES AS PRESENTED:

- A. Transportation Advisory Committee – Jan Lambert – term to expire 12/31/2017
- B. Walkable Bikeable City – Patrick Neumann – Ad Hoc Committee
- C. Walkable Bikeable City – Zachary Swarthout – Ad Hoc Committee

Break: The Council took a break from 8:47 P.M. to 8:52 P.M.

Adjourn – To Closed Session to Discuss Pending Litigations – 8:53 P.M.

The Council reconvened into open session at 9:10 P.M.

Adjourn – To the “Year In Review” Event to be held at 6:00 P.M. on Monday, January 25, 2016 at Yesterday’s Gone, Brainerd

The Chair adjourned the meeting at 9:11 P.M.

JAMES M. THOREEN
City Administrator