Brainerd, MN
February 16, 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.

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

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

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

A. Approval of the Minutes of the Regular Meeting held on February 1, 2016, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 3 – New

2. Contractor's Licenses – 6 – Renewals

C. Department Activity Reports – Acknowledged

1. Mayor
2. Police Chief
2. Finance Director

D. Application for Temporary On-Sale Liquor License – Submitted by The Crossing Arts Alliance for an Event to be held on March 4, 2016 at Room #114 in the Franklin Arts Center, 1001 Kingwood Street, Brainerd – Approved

E. Application for a Temporary On-Sale Liquor License – Submitted by Brainerd Sports Boosters for an Event to be held on April 23, 2016 at the NP Event Space, 210 Blacksmith Circle, Brainerd – Approved

F. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by the LumberJacks and Jill's Club Bingo Events to be held on April 6, 2016 and November 16, 2016 at the American Legion Post 255, 708 Front Street, Brainerd – Approved

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: Arboretum Update – Matthew Hill, Executive Director

The Chair recognized Mr. Matthew Hill, Executive Director of the Northland Arboretum, who distributed an outline and budget pages to the Council. Maps of the Arboretums location had been provided by City Hall prior to the meeting as well. He discussed ongoing activities such as skiing and many classes as well as recent developments at the Northland Arboretum including a new outdoor fitness trail. He discussed some of the main events that take place throughout the year and emphasized the importance of volunteers for event and general service at the Arboretum. Mr. Hill answered questions of the Council and the Chair thanked him for his presentation.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills, Transfers, Pre-Payments & Payments to Contractors – Approved

General Fund to Public Safety Fund	$375,000
General Fund to Park Fund	$70,000
General Fund to Street & Sewer Fund	$65,000
General Fund to Airport Fund	$12,960
	$522,960

Contractor	IMP #	Project	Amount	Total	Retained
Preservation Design		14-19	Historic Water Tower	$2,095.50	$0
Tom's Backhoe		1/25-1/26	DT Snow Removal	$5,555.00	$0

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

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

Memorial Park Restrooms – Accept Quote from Hytec Construction Company of Brainerd for Construction of the New Facilities at Memorial Park in the amount of $118,205.75 as submitted through the NJPA bid process – Approved

The Personnel and Finance Committee has followed the opportunity to receive a direct bid from the NJPA process wherein vendors are approved to provide quotes and/or bids without the necessity to prepare plans and specifications and call for bids from City staff sources. The process complies with Minnesota Statutes regarding the bid law.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE QUOTE FROM HYTEC CONSTRUCTION COMPANY OF BRAINERD IN THE AMOUNT OF $118,205.75 FOR THE CONSTRUCTION OF THE NEW RESTROOMS AT MEMORIAL PARK; THE COST WILL BE FUNDED BY $60,000 APPROVED DECEMBER, 2015, SUPPLEMENTED BY $12,000 COMMITTED BY THE PARK BOARD; THE BALANCE TO BE PAID FROM 2016 CAPITAL IMPROVEMENT EXPENDITURES.

Downtown Parking Discussion – Referred to Planning Commission with a Response or Recommendation Expected by June or July of 2016 – Approved

MOVED AND SECONDED BY KOEP AND JOHNSON, DULY CARRIED, TO REFER THE ISSUE OF DOWNTOWN PARKING AND THE MULTIPLE OPTIONS INVOLVED TO THE PLANNING COMMISSION WITH A RESPONSE OR RECOMMENDATION EXPECTED BY JUNE OR JULY OF 2016.

City Hall Front Steps – Request that the City Administrator, City Engineer, Building Official and City Council Prepare a Project Scope to Restore the City Hall Front Steps to their Original Appearance – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO REQUEST THAT THE CITY ADMINISTRATOR, CITY ENGINEER, BUILDING OFFICIAL AND CITY COUNCIL PREPARE A PROJECT SCOPE TO RESTORE THE CITY HALL FRONT STEPS TO THEIR ORIGINAL APPEARANCE.

Safety and Public Works Committee Report

Event/Street Closure Application – Royal Tire Block Party – May 6, 2016 on North 7th Street between Washington and Kingwood Streets – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION SUBMITTED BY ROYAL TIRE FOR A BLOCK PARTY TO BE HELD ON FRIDAY, MAY 6, 2016 FROM 7:00 A.M. TO 6:00 P.M. ON NORTH 7TH STREET BETWEEN WASHINGTON AND KINGWOOD STREETS, SUBJECT TO THE NORMAL NOTIFICATION REQUIREMENTS TO AFFECTED PROPERTY OWNERS.

Sight Corner at 28th Street SE and T.H. 25 – Remove the Top Rail of Fence on Two Segments South of the Segment Where the Top Fence Rail was Already Removed and Re-Test the Site Lines to Determine if This Action Improves the Situation – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO COMPLETE THE FOLLOWING ACTION IN ORDER TO IMPROVE SIGHT/SAFETY AT THE CORNER OF 28TH STREET SE AND T.H. 25: REMOVE THE TOP RAIL OF FENCE ON TWO SEGMENTS SOUTH OF THE SEGMENT WHERE THE TOP FENCE RAIL WAS ALREADY REMOVED AND RE-TEST THE SITE LINES TO DETERMINE IF THIS ACTION IMPROVES THE SITUATION.

5-Year CIP Funding Targets – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE TARGET INVESTMENT LEVEL BEGINNING THE UPDATE OF THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN AS PRESENTED.

Committee Chair Bevans reported that this is a notification to the Council on what needs to be budgeted to maintain the streets.

Improvement 16-03 – 2016 Chip Seal Program – Proceed with Completion of Plans and Specifications as Proposed with the Addition of Charles Street, the Elimination of Tyrol Drive and a Budget of $145,000 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO PROCEED WITH THE COMPLETION OF PLANS AND SPECIFICATIONS FOR CITY IMPROVEMENT NO. 16-03 – 2016 CHIP SEAL PROGRAM – AS PROPOSED WITH THE ADDITION OF CHARLES STREET, THE ELIMINATION OF TYROL DRIVE AND A BUDGET OF $145,000.

Bridge Inspection RFP – Informational

Committee Chair Bevans reported that the cost would be higher this year based on considerable changes to bridge inspection and reporting requirements.

Airport Authority – Appoint the Following to a Group to Discuss Airport Authority with Crow Wing County: Council Member Scheeler, One County Commission Member, One Airport Commission Member and One Outside Member

Committee Chair Bevans brought forth the potential consideration of formation of an Airport Authority as permitted under state law.

Discussion was held by Council. Members Scheeler, Hilgart and Koep spoke against pursuing an airport authority.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO APPOINT THE FOLLOWING TO PARTICIPATE IN DISCUSSION WITH CROW WING COUNTY RELATING TO AIRPORT AUTHORITY: ONE COUNCIL MEMBER, ONE COUNTY COMMISSION MEMBER, ONE AIRPORT COMMISSION MEMBER AND ONE OUTSIDE MEMBER.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO APPOINT COUNCIL PRESIDENT SCHEELER AS COUNCIL REPRESENTATIVE TO THE GROUP APPOINTED TO DISCUSS AIRPORT AUTHORITY.

Unfinished Business

Extension of Annexation Agreement with the City of Baxter – No Action Taken

No action was taken. Council would prefer to meet with Baxter prior to signing any agreement.

Resolution for Joint Provision of Airport Security – Resolution Failed – Airport Security to be kept in Place for Sixty Days with Crow Wing County to be Notified that they are Expected to Uphold the 50/50 Deal on Everything – Approved

Council Member Koep stated that she would be making a motion to adopt a resolution for the joint provision of airport security services with multiple changes to the document as attached. Council Member Scheeler also requested modifications to the document.

MOVED BY ALDERMEN KOEP TO ADOPT A RESOLUTION FOR THE JOINT PROVISION OF AIRPORT SECURITY SERVICES AS PRESENTED BUT EXCLUDING THE THIRD PARAGRAPH, REMOVING THE FIRST SENTENCE OF THE LAST PARAGRAPH AND ADDING THAT THE CITY WILL LIMIT IT'S ANNUAL CONTRIBUTION TO $12,000 INTO THE FIRST SENTENCE OF THE SECOND TO THE LAST PARAGRAPH FOLLOWING "FOR THE DURATION OF THIS AGREEMENT" *(RELATING TO PROVIDING THE REQUIRED LAW ENFORCEMENT SERVICES).*

Council Member Bevans stated that he would be voting against any motion to adopt the resolution included as he feels it should be rejected in its entirety

Following extensive discussion between Council members, Finance Director Hillman stated that the City has to take some action or the Airport will need to be shut down.

The Chair called for a second to the motion; as there was no second made, the Chair declared the motion failed.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO KEEP CURRENT AIRPORT SECURITY IN PLACE FOR SIXTY DAYS AND TO NOTIFY CROW WING COUNTY THAT EXPECTATIONS ARE THAT THEY UPHOLD THE 50/50 DEAL ON EVERYTHING.

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

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)

New Business

Historical Perspective on Brainerd-CWC Joint Powers for Airport – No Action Taken

No discussion was held nor action taken.

TSA Contract

Finance Director Hillman directed Council's attention to information provided to Council prior to the meeting. The information pertained to the application requirements for the deployment of local Law Enforcement Officers (LEO) at Transportation Security Administration (TSA) screening checkpoints. She reported that the application was submitted by the Airport

Authority and was not approved by Council last time; that it is basically requesting funding from TSA. She answered questions of the Council.

MOVED AND SECONDED BY ALDERMAN BEVANS AND PRITSCHET THAT THE BRAINERD POLICE DEPARTMENT PROVIDE TSA-REQUIRED AIRPORT SECURITY IN ACCORDANCE WITH A RESOLUTION FORWARDED FROM THE CROW WING COUNTY BOARD OF COMMISSIONERS WITH THE FOLLOWING CHANGES TO SAID RESOLUTION: 1. <u>STRIKING ALL LANGUAGE IN PARAGRAPH THREE:</u> " WHEREAS, DESPITE THAT THE AIRPORT IS OUTSIDE THE CITY LIMITS OF BRAINERD, AS LAW ENFORCEMENT AGENCY WITH THE HIGHEST CONCENTRATION OF LICENSED PEACE OFFICERS IN CLOSEST PROXIMITY TO THE AIRPORT, THE CITY OF BRAINERD POLICE DEPARTMENT HAS BEEN PROVIDING THAT SERVICE TO THE AIRPORT FOR A NUMBER OF YEARS AND THE AND THE COSTS OF PROVIDING THAT SERVICE WERE INITIALLY COVERED THROUGH A GRANT FROM TSA; AND…"; 2. <u>STRIKING THE FOLLOWING SENTENCE FROM THE BE IT FURTHER RESOLVED PARAGRAPH</u>: "THIS AGREEMENT SHALL TERMINATE ON DECEMBER 31, 2020 OR UPON CITY OF BRAINERD ANNEXATION OF THE AIRPORT PROPERTY, WHICHEVER FIRST OCCURS…" AND 3. <u>ADDING THE FOLLOWING LANGUAGE TO THE BE IT RESOLVED PARAGRAPH</u>, "FOR THE DURATION OF THIS AGREEMENT."

The motion was discussed but not adopted.

City Attorney Quiring suggested that instead of trying to re-word the motion with the drastic changes suggested this evening which will ultimately require County Board concurrence, the City representatives should continue to meet with County representatives because unless there is concurrence nothing will change.

MOVED AND SECONDED BY ALDERMAN PRITSCHET AND BEVANS TO INFORM THE COUNTY OF THE DESIRE TO CONTINUE NEGOTIATIONS REGARDING PROVISION OF AIRPORT SECURITY COSTS AND HOW THOSE COSTS MAY BE SHARED BETWEEN THE TWO ENTITIES.

Members Pritschet, Bevans, Borkenhagen, Hilgart, Koep and Scheeler voted "aye." Member Johnson voted "nay."

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO NOTIFY THE AIRPORT OF THIS ACTION AND ADVISE THEM THAT THERE IS SERIOUS CONSIDERATION OF TURNING THE CHALLENGE OVER TO THEM.

<u>Authorization to Seek State Bonding</u>

City Administrator Thoreen distributed information to the Council relating to the potential of seeking state funding for shortfall related to the sewer and water project.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO DIRECT THE CITY ADMINISTRATOR AND KEY STAFF TO PREPARE MATERIALS FOR THE CITY'S LEGISLATIVE DELEGATION SO THAT OUR LEGISLATORS MAY SUBMIT A BILL FOR THE PURPOSES OF MEETING EXPENSES OF THE REGIONAL AIRPORT SEWER AND WATER PROJECT WHICH EXCEED AFFORDABLE LOCAL FINANCING CAPABILITIES.

Council Member Koep requested that Mayor Menk and Council President Scheeler should be involved with this issue.

Public Forum

Mr. Bob O'Brien, interim manager of the Brainerd Regional Airport, introduced himself to the Council.

Staff Reports – Written

Council Member Reports

Council Member Koep referred to a letter she distributed which she is proposing to be sent to the Mille Lacs Ojibwa Band Chieftain pertaining to History Week 2017. Council members Pritschet and Borkenhagen suggested that a few changes be made to the letter.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO SEND LETTER TO MILLE LACS BAND OF OJIBWE CHIEFTAIN PERTAINING TO 2017 HISTORY WEEK FOLLOWING "WORDSMITHING" BY COUNCIL MEMBERS AS DEEMED APPROPRIATE.

Council Member Pritschet requested volunteers to judge at the speech tournament to be held at Forestview School this weekend.

Mayor Menk reported that he had received an email with high praise for Parks employee Tim Boeder for great service at Mill Park Skating Rink. He also requested the Council's approval to accept an invitation from Pastor Wayne Erickson to host a volunteer dinner for "National Volunteer Recognition Week" which the Council was in full support of.

Council President Scheeler reported that he had just received a text message from Airport Commissioner Jeff Czeczok which stated that the Airport Budget has not yet been approved.

Council President Scheeler also reported that the windows in the City Hall Annex (Community Action Office) are in very bad shape. Discussion was held between Council.

Adjourn – To Special Council Meeting to be held at 5:30 P.M. Monday, February 22, 2016 to Consider Award of Bids for Airport Utility Extension

The Chair adjourned the meeting at 9:38 P.M.

James M. Thoreen
City Administrator