**Brainerd, MN**
**March 7, 2016**

*7:15 P.M. – Showcasing Brainerd: Brainerd History Week*

Because the originally scheduled "Showcasing Brainerd" guest was unable to attend, Council Member Koep discussed Brainerd History Week which will take place this summer.

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, Hilgart, Koep and Scheeler. Mayor Menk was also noted as present. Council Member Borkenhagen was noted as absent.

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 JOHNSON TO ADOPT THE CONSENT CALENDAR AS PRESENTED.

**A. Approval of the Minutes of the Regular Meeting held on February 16, 2016 and the Special Meeting held on February 22, 2016, as distributed – Approved**

**B. Approval of Licenses – Approved**

1. Contractor's Licenses – 0 - New

2. Contractor's Licenses – 6 - Renewals

**C. Department Activity Reports – Acknowledged**

1. Mayor
2. Fire Chief
3. Park Director

**D. Application for Temporary Liquor License – Submitted by the Benevolent Protective Order of the Elks for an Event to be held on April 27, 2016 at the Brainerd National Guard Armory, 1115 Wright Street, Brainerd – Approved**

**E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Aadzuhman Shrine Club for Raffles to be held on May 1st, July 24th, September 5th and November 24th of 2016 at the Brainerd Masonic Center, 205 ½ South 6th Street, Brainerd – Approved**

**F. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by CCW for a Bingo Event to be held on May 1, 2016 at St. Francis Church, 404 North 9th Street, Brainerd – Approved**

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

**Presentations:**

**Ms. Colette Larson, Essentia Health "Take Heart" Program Director – Heart Safe Community Designation Information – Informational**

The Chair recognized Ms. Colette Larson, who stated that she had appeared before the Council approximately a year ago to donate AED machines to Brainerd's Fire, Police and Parks and Recreation Departments. She reported that after submitting an application to the American Heart Association in conjunction with the MN Dept of Health, the community (Brainerd and Baxter) has met all qualifications to be designated as a "Heart Safe Community." She discussed what is involved with this designation and the program. She distributed a plaque and signs for designating Brainerd as a "Heart Safe Community" and answered questions of the Council. The Chair thanked her for her presentation.

**Ms. Nancy Cross – Community Action Update and Budget**

The Chair recognized Ms. Nancy Cross, Executive Director of Community Action, who reported that the purpose of Community Action is to support in many different ways the non-profit organizations within the community. She stated that one of the most important services provided is the CARE (Coordinating Area Resources Effectively) Directory which provides information and contacts to people for non-profit services in the area. (See crowwingcaredirectory.org, visit Community Action or access the list at the Brainerd Public Library for more information.)

Ms. Cross discussed many events coordinated by Community Action, including the 4th of July celebration and stated that they are always "an arm's length away" with costs for many events coming from funding from the City of Brainerd and donations. She distributed Community Action's annual budget to the City Council and answered questions. The Chair thanked her for her presentation.

**Discussion of Airport Sewer and Water Extension Project Financing; Bond Counsel Martha Ingram and Financial Advisor Paul Steinman – Item Referred to Brainerd Public Utilities Commission with a Report Requested for March 21, 2016 City Council Meeting – Approved**

***A. Adopt Resolution Providing for the Issuance and Sale of General Obligation Utility Revenue Bonds, Series 2016A, in the Proposed Aggregate Principal Amount of $10,715,000 – NOT ADOPTED – Referred to BPUC for Recommendation at March 21, 2016 Meeting***

***B. Adopt Resolution Providing for the Issuance and Sale of General Obligation Equipment Certificates of Indebtedness, Series 2016B, in the Proposed Aggregate Principal Amount of $1,105,000 – NOT ADOPTED – Referred to BPUC for Recommendation at March 21, 2016 Meeting***

City Administrator Thoreen reminded the Council that a contract has been awarded.

The Chair recognized Ms. Martha Ingram from the City's Bond Counsel, Kennedy and Graven who reported that it is the firm's position that State Law prevails over the City's Charter.

Council Member Koep stated that after speaking with two attorneys on her own, she feels it is the public's right to know that she does not feel anything would prevent the City from holding a referendum.

The Chair also recognized Mr. Paul Steinman from the City's Financial Consultant Springsted, Inc. who discussed the best security to investors being with the use of a GO Bond and reported that 100% of the debt is expected to be paid by utility revenue and the City of Baxter's L.O.S.T. proceeds.

Council Member Bevans asked if the City of Brainerd has the authority to spend Brainerd Public Utilities' revenue.

Ms. Ingram stated that Federal and State law considers BPU and the City as "one."

Council Member Koep stated that she feels the City's Charter defines the two as autonomous boards.

Following extensive discussion by Council, the following motion was made:

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION UTILITY REVENUE BONDS, SERIES 2016A, IN THE PROPOSED AGGREGATE PRINCIPAL AMOUNT OF $10,715,000.

Many Council members stated that they had more questions.

Upon roll call, members Johnson and Pritschet voted "aye." Members Bevans, Hilgart, Koep Scheeler voted "nay." The Chair declared the adoption of the resolution failed.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO REFER THE DISCUSSION OF THE AIRPORT SEWER AND WATER EXTENSION PROJECT FINANCING TO THE BRAINERD PUBLIC UTILITIES COMMISSION AND TO REQUEST A REPORT TO COUNCIL AT THE MARCH 21, 2016 CITY COUNCIL MEETING.

**Council Committee Reports**

**Safety and Public Works Committee Report**

**Improvement 14-15 – Airport Utility Extension – Braun Payment Overestimate – Authorize Payment of $4,027 and Acknowledge that the Payment Exceeded the Original Estimate by $337 – Approved**

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON TO AUTHORIZE THE PAYMENT OF THE INVOICE FROM BRAUN INTERTEC FOR THE AMOUNT OF $4,027; FURTHER, TO ACKNOWLEDGE THAT THE PAYMENT EXCEEDED THE ORIGINAL ESTIMATE BY $337.

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

**Improvement 14-15 – Airport Utility Extension – Agreement for Professional Services – Held Over to March 21, 2016 City Council Meeting**

Committee Chair Bevans reported that there was no motion from Committee.

**Improvement 14-08 – CSAH 45 (13th Street SE) Improvements – Adoption of a Resolution Accepting Bids**

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 10:16 – ACCEPTING THE LOW BID FROM TRI-CITY PAVING IN THE AMOUNT OF $1,297.427.62 WITH THE CITY COST SHARE OF $579,545.50 PLUS 3% TO CROW WING COUNTY FOR CONTRACT ADMINISTRATION SERVICES FOR IMPROVEMENT 14-08 – CSAH 45 (13TH STREET SE) IMPROVEMENTS.

**RESOLUTION NO. 10:16**

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

**Improvement 14-08 – CSAH 45 (13th Street SE) Improvements – Consideration of Change Order – No Action Taken**

Committee Chair Bevans reported that there was no motion from Committee.

City Engineer Hulsether reported that work items had been removed from the original request for proposals based on cost; however, now that bids came in lower than expected, staff is recommending that those items be put back into the bid unit costs.

Following Council discussion, no action was taken by Council.

**Improvement 16-02 – 2016 Street Striping – Striping Cost Share Agreement – Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE STAFF TO ENTER INTO COST SHARE AGREEMENT (PROJECT NO. COP 18-200-65 – FOR ROADWAY PAVEMENT MARKINGS) WITH CROW WING COUNTY FOR THE STRIPING OF COLLEGE DRIVE DURING THE 2016 CONSTRUCTION SEASON.

**Improvement 16-03 – 2016 Seal Coat Project – Approve Plans and Specifications with Cost Limit of $145,000 and Bid Opening to be held on April 6, 2016 at 11:00 A.M. – Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE PLANS AND SPECIFICATIONS AND APPROVE BIDDING OF IMPROVEMENT 16-03 – 2016 SEAL COAT PROJECT – AS PRESENTED WITH A COST LIMIT OF $145,000 AND BID OPENING SET FOR APRIL 6, 2016 AT 11:00 A.M.

**GPS Equipment Replacement – Authorize Purchase of Trimble R10 GPS Equipment Update and Software Updates for a total of $23,292 – Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE PURCHASE OF A TRIMBLE R10 GPS EQUIPMENT UPDATE FROM FRONTIER PRECISION ON THE STATE CONTRACT IN THE AMOUNT OF $22,950 PLUS SOFTWARE UPDATES IN THE AMOUNT OF $342 FOR A TOTAL APPROVED AMOUNT OF $23,292.

It was noted that this item should be included in the budget in the future.

**2016 Contract Towing Specifications – Approve Bid Specifications and Authorize Advertisement of Bids due March 17, 2016 – Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE BID SPECIFICATION AND AUTHORIZE THE ADVERTISEMENT OF BIDS RETURNABLE BY 10:00 A.M. ON MARCH 17, 2016 FOR THE CITY'S 2016 CONTRACT TOWING.

**Event/Street Closure Application – Lowell Walk-a-Thon – May 19, 2016 from 9:00 A.M. to 1:00 P.M. around Lowell Elementary School – Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION AS SUBMITTED BY LOWELL ELEMENTARY SCHOOL FOR THE "WALK-A-THON" TO BE HELD ON MAY 19, 2016 AROUND LOWELL ELEMENTARY SCHOOL BETWEEN 9:00 A.M. AND 1:00 P.M. WITH THE ALTERNATE DAY OF MAY 20, 2016 APPROVED AS WELL IN CASE OF RAIN.

**Web Based Community Engagement Initiative Hiring of Qualtrics for Comprehensive Plan – Informational**

Per Agenda Request, the Planning Department plans to utilize the $5,000 in their budget to hire "Qualtrics" to initiate a community engagement process for updating the City's Comprehensive Plan.

**Resolution No. 11:16 Adopted – Authorizing Application for a MPCA GreenCorps Member**

The Planning Department is requesting to submit an application to the GreenCorps program for a GreenCorps member to work with the Walkable Bikeable Committee for 11 months to develop a community non-motorized transportation education and awareness program. The City's only cost would be the in kind services to be provided, including a desk, computer and position oversight.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 11:16 – SUPPORTING THE APPLICATION FOR A MINNESOTA GREENCORPS MEMBER TO WORK WITH THE WALKABLE BIKEABLE CITY COMMITTEE AT CITY HALL FOR 11 MONTHS.

Council Member Koep reported that the roads and alleys are deplorable within the City and although this request states that there is no cost involved she cannot support it based on the anticipation of future costs arising.

**RESOLUTION NO. 11:16**

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

**Personnel and Finance Committee Report**

**Approval of Bills & Payments to Contractors – Approved**

| Contractor | IMP # | Project | Amount | Total Retained |
|---|---|---|---|---|
| Braun Intertec | 14-15 | Geo Tech Eval - Airport Utility - Final | $4,027 | N/A |
| S E H | 14-15 | Airport Util. Ext thru 1/31 | $11,208 | N/A |

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

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

**Authorize Purchase of Snow Plow – Approve Purchase through State Contract and Proposed Trade-In Value of Current Vehicle for a Total Cost to City of $217,000 – Approved**

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE PURCHASE OF THE MACK CAB AND CHASSIS AND TOWMASTER EQUIPMENT THROUGH THE STATE CONTRACT AS A REPLACEMENT PLOW TRUCK FOR THE PRICE OF $231,352, AND TO ACCEPT THE $14,000 TRADE-IN VALUE OF CITY VEHICLE #103 (1998 FORD SINGLE AXEL), FOR A TOTAL COST TO THE CITY OF $217,000.

**Fire Department – Informational:**

a) Fire Contract Formulas for 2017
b) Fire Advisory Board Fee Discussion
c) Fire Advisory Board Discussion Billing for Mutual Aid

An Agenda Request for each item was included in the Packet. Committee Chair Koep reported that these were informational items and no action was necessary.

Finance Director Hillman reported that the spreadsheet included in the Packet* for item "a" (Fire Contract Formulas) was missing the number in the "Debt Service for Fire Engine" box, and that the actual (correct) amount sent to the Fire Advisory Boards reflected a 3.8% decrease $1,176,032.

*A correct spreadsheet will be scanned into the Packet.

**Police Department – Authorization for Out-of-State Travel – Approved**

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE OUT-OF-STATE TRAVEL FOR POLICE OFFICER TONY RUNDE TO ATTEND THE LIFESAVER CONFERENCE IN LONG BEACH, CALIFORNIA FROM APRIL 2-5, 2016.

Per Agenda Request included in the Packet, costs will be covered by the Commissioner's Award for 2014-2015.

**MOU for IT Position – Approve Agreement and Budget Amendment and Authorize Proper Signatures – Approved**

Committee Chair Koep read the agreement aloud to Council. She reported that after meeting with NJPA to discuss options, the IT Committee felt the attached proposal served the City's needs best.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE AND AUTHORIZE PROPER SIGNATURES ON THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BRAINERD AND IBEW LOCAL NO. 31(ADMINISTRATION) RELATING TO IT STAFFING ASSISTANCE AND TO APPROVE A BUDGET AMENDMENT TO REALLOCATE MS. LORI TURKOWSKI'S BUDGETED 2016 SALARY AS APPROPRIATE.

**Payment Card 3rd Party Processor Recommendation – Authorize Expenditure of Up To $7,000 from the $20,000 Strategic Initiative Budget for the Estimated Initial Hardware, Authorize use "RevTrak" as 3rd Party Processor and Authorize Passing on all Processing Fees on to User – Approved**

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO REQUEST THE APPROVAL OF UP TO $7,000 FROM THE $20,000 STRATEGIC INITIATIVE BUDGET FOR THE ESTIMATED INITIAL HARDWARE IMPLEMENTATION OF 3RD PARTY PAYMENT SOFTWARE, AUTHORIZE THE USE OF "REVTRAK" AS THE CITY'S 3RD PARTY PROCESSOR AND AUTHORIZE PASSING ALL PROCESSING FEES ON TO THE USER.

**Personnel and Finance Committee Workshop – To be held at 5:30 P.M. on March 28, 2016 in the City Hall Conference Chambers**

**Unfinished Business**

**Public Hearing/Presentation – MS4 Permit – Annual Hearing to Review Stormwater Related City Activities – Assistant City Engineer Sandy – Informational**

Assistant City Engineer Sandy stated that the purpose of this Public Hearing is to educate the public on storm water related activities and allow comment on the performance over the last year. He went over goals completed during the past year and tasks planned for the upcoming year.

The Chair opened the Public Hearing at 9:33 P.M. No one came forward. The Chair closed the Hearing at 9:34 P.M.

Mr. Sandy answered the Council's questions. The Chair thanked him for the presentation.

**<u>Call for Applicants – Informational:</u>**
**<u>(Application Information at www.ci.brainerd.mn.us/boards/)</u>**

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

**<u>Planning Commission</u>**

**<u>First Reading of Proposed Ordinance No. 1447 – Zoning Text Amendment to Amend Section 61 – B-2 (Neighborhood Business) District to add Residential as a Use Permitted in the District and Remove Liquor Stores as a Use Permitted in the District – Further to Dispense with the Actual Reading – Approved</u>**

City Planner Ostgarden presented the Council with information from the Planning Commission supporting their proposal to amend text of B-2 district language to allow residential and commercial districts to exist in the same business district. He stated that; although, B-1 Districts have allowed this in the past, B-2 Districts have not thus far.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1447 – ZONING TEXT AMENDMENT TO AMEND SECTION 61 – B-2 (NEIGHBORHOOD BUSINESS) DISTRICT TO ADD RESIDENTIAL AS A USE PERMITTED IN THE DISTRICT AND REMOVE LIQUOR STORES AS A USE PERMITTED IN THE DISTRICT – FURTHER TO DISPENSE WITH THE ACTUAL READING.

Council discussion was held. Concerns included signage and future expansions.

**<u>Public Forum:</u>**

The Chair recognized Ms. Jan Burton, 1017 Terrace Avenue, Brainerd, who addressed the Council to share her own and fellow property owners' concerns with monies being spent unnecessarily. She stated that an attitude of arrogance is felt and many feel speaking to the Council members is a waste of time and cautioned the Council and City on the appearance of nepotism.

**<u>Council Member Reports</u>**

Mayor Menk reported he will be attending the MN Chamber Session Priorities Dinner Tuesday evening along with 5 State Representatives and Senators.

Council Member Johnson reported that the Park Board will be discussing tree issues in the area.

Council Member Koep reported that she does not feel there will be any movement from the County on the Airport Security issue and she feels the Council needs to take action to avoid closure of the Airport. She requested the City Administrator meet with the Police Chief to ensure there is no overtime used but to utilize mutual aid or retired officers to cover emergencies.

Council Member Johnson responded with the following statement, “We decrease public service by $40,000, increase contribution to Airport by $20,000 and pay for security with the Airport fund; that <u>IS</u> the solution.”

City Administrator Thoreen stated that he would meet with Police Chief McQuiston and Interim Airport Manager O’Brien. He stated that the item will be on the March 21, 2016 agenda.

Deputy Chief Bestul discussed the TSA agreement and concerns relating to the “no overtime” concerns.

The date for the City Administrator Performance Review was set for the end of the March 21, 2016 City Council Meeting.

Council President Scheeler discussed meeting with various parties relating to Airport Security and Oak Lawn Township.

In relation to the Airport Annexation agreement, Council President Scheeler referred to a letter received from Council Member Bevans resigning from the Annexation Committee. He requested that instead, Council Member Bevans remain on the Committee and asked Council Members to address all concerns directly through Council Member Bevans.

**<u>Adjourn</u>**

The Chair adjourned the meeting at

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James M. Thoreen
City Administrator