

7:15 P.M. – Showcasing Brainerd: M&M Sales and Service

The Chair welcomed Mr. Sam Millner and Mr. Mike Brown from M&M Express Sales and Service (formerly Brainerd Country Power), located at 13380 Hwy 25 in Brainerd. They informed the Council that the Brainerd location is their fourth store with their other locations being in Maple Lake, Buffalo and Big Lake, MN. M&M carries all major brands of outdoor power equipment and sells new and used products as well as tires. The Brainerd location also has a service center for small engines with experienced staff to answer questions. The gentlemen answered questions of the Council and invited all to attend their grand opening on April 22, 2016. The Chair thanked them for the presentation.

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 noticed present: Bevans, Johnson, Borkenhagen, Hilgart, Koep, Pritschet 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 PRITSCHET, DULY CARRIED, TO APPROVE THE ADDITION OF A TEMPORARY ON-SALE LIQUOR LICENSE APPLICATION TO THE CONSENT CALENDAR.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED TO ADD, "CITY PROSECUTING ATTORNEY MATT MALLIE" TO THE AGENDA DIRECTLY FOLLOWING THE CONSENT CALENDAR.

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

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

A. Approval of the Minutes of the Regular Meeting held on March 21, 2016, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New
2. Contractor's Licenses – 4 – Renewals
3. Second Hand Goods – 1 – New

Contingent upon Background Investigation and Fire Inspection:
Golden Eagle Rare Coins and Collectibles, LLC
415 E Washington Street, Brainerd

C. Department Activity Reports – Approved

1. Fire Chief
2. Park Director

D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the Brainerd Jaycees for a Raffle to be held on August 6, 2016 at Kiwanis Park, 1101 East River Road – Approved

E. Minnesota Lawful Gambling Application to Conduct Off-Site Gambling – Adopt a Resolution Authorizing the Brainerd Elks Lodge #615 to Conduct Raffle and Pull-Tab Activity at the Brainerd National Guard Armory, 1115 Wright Street, Brainerd – Approved

F. Temporary 3.2 Percent Malt Beverage (Beer) On-Sale License Application – Submitted by the Brainerd Eagles Club for an event to be held on April 23, 2016 at Memorial Park, Brainerd – Contingent Upon Background Investigation and Fire Inspection – Approved

G. Minnesota Lawful Gambling Application to Conduct Off-Site Gambling – Adopt a Resolution Authorizing the Brainerd Eagles Club to hold Off-Site Gambling at Memorial Park – Approved

H. Temporary On-Sale Liquor License – Submitted by the Brainerd Jaycees for an Event to be held on May 7, 2016 at the Essentia Health Sports Center, 502 Jackson Street, Brainerd – Approved

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

Council Committee Reports

Matt Mallie – City Prosecutor – Informational

The Chair recognized Mr. Matt Mallie, who works out of his office at 510 Norwood Street as the City’s Prosecuting Attorney, and who addressed the Council requesting consideration of the renewal of his contract. He discussed the various prosecution services and challenges he has handled over the 15 years he has been City Prosecutor. He answered Council Member questions and the Chair thanked him for his presentation.

Safety and Public Works Committee Report

Improvement 14-08 (13th Street SE) and Improvement 16-03 (2016 Seal Coat) Testing Services – Enter into Contract with Braun Intertec to Provide Testing Services for an Estimated Price of \$9,509 to be paid from the Construction Fund – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE ENGINEERING DEPARTMENT ENTERING INTO A CONTRACT WITH BRAUN INTERTEC TO PROVIDE TESTING SERVICES FOR IMPROVEMENT 14-08 AND IMPROVEMENT 16-03 FOR AN ESTIMATED PRICE OF \$9,509 TO BE PAID FROM THE CONSTRUCTION FUND.

Improvement 14-15 (Airport Utility Extension) Testing Services – Accept Proposal from Braun Intertec in the Estimated Amount of \$29,940 for Material Sampling and Testing Services for Improvement 14-15 – Airport Utility Extension Project – Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BORKENHAGEN TO ACCEPT THE PROPOSAL FROM BRAUN INTERTEC IN THE ESTIMATED AMOUNT OF \$29,940 FOR MATERIAL SAMPLING AND TESTING SERVICES ASSOCIATED WITH IMPROVEMENT 14-15, AIRPORT UTILITY EXTENSION PROJECT.

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

Improvement 16-05 – 2016 Crack Sealing – Authorize Engineering Department to Solicit Quotes and to Order Material through State Contract – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE THE ENGINEERING DEPARTMENT TO SOLICIT QUOTES FOR CRACK SEALING NEAR BUFFALO HILLS LANE, S 7TH STREET, WILLOW STREET AND FRONT STREET (APPROXIMATELY 41,000 LF OF CRACKS) AND TO ORDER 11,250 LBS OF MATERIAL AT \$0.613/LB FROM THE STATE CONTRACT TO SUPPLY TO THE CONTRACTOR AWARDED THE QUOTE WITH TOTAL CONTRACT COST ESTIMATED AT \$25,000 WITH THE ABILITY TO ADD AND DELETE UP TO 30% OF THE CONTRACT WITHOUT PRICE ADJUSTMENTS TO STAY WITHIN THAT AMOUNT.

Tax Forfeit Parcels – Support Crow Wing County Board Proposed Action to Offer 4 Tax Forfeit Parcels as “Non-Conservation” and Offer for Sale – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO SUPPORT THE CROW WING COUNTY BOARD PROPOSED ACTION TO OFFER 4 TAX FORFEIT PARCELS AS “NON-CONSERVATION” AND OFFER FOR SALE.

Washington Street Sanitary Sewer – Direct Staff to Further Investigate the Best Course of Action to Remedy the Sanitary Sewer Situation between 4th and 5th Streets using a Budget of up to \$3,000 to be paid from the Sanitary Sewer Fund – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DIRECT STAFF TO FURTHER INVESTIGATE THE BEST COURSE OF ACTION TO REMEDY THE SANITARY SEWER SITUATION ON WASHINGTON STREET BETWEEN 4TH AND 5TH STREETS USING A BUDGET OF UP TO \$3,000 TO BE PAID FROM THE SANITARY SEWER FUND.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors – Approved

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
Preservation Design Works	14-19	Historic Water Tower	\$632.42	\$0 (Final Payment)

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

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

Renewal of City Prosecutor Agreement – Mallie Law Office – Renew Agreement through December 31, 2019 at \$14,392/month plus Cost of Living Adjustment and \$125/hour for Services Outside of Contract – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO RENEW THE PROSECUTION AGREEMENT WITH MALLIE LAW OFFICE EFFECTIVE THROUGH DECEMBER 31, 2019 AT THE AMOUNT OF \$14,392 PER MONTH PLUS THE COST OF LIVING ADJUSTMENT AS GRANTED THE LAST THREE YEARS AND \$125/HOUR FOR SERVICES PROVIDED OUTSIDE OF CONTRACT SERVICES.

Police Department – K-9 Compensation Agreement/Teamsters – Accept and Authorize Proper Signatures – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT AND APPROVE THE PROPOSED MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND TEAMSTERS LOCAL 346 RELATING TO THE POLICE DEPARTMENT K-9 OFFICER AND TO AUTHORIZE THE CITY ADMINISTRATOR TO SIGN OFF ON THE AGREEMENT ON BEHALF OF THE CITY.

Police Department – Authorize Officer Tim Friis to Travel Out of State for Transport and Security of Bomb Team Materials – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE BRAINERD POLICE OFFICER TIM FRIIS TO TRAVEL OUT OF STATE WITH THE BOMB TEAM COMMANDER IN APRIL FOR THE TRANSPORT AND SECURITY OF BOMB TEAM MATERIALS.

Purchase of Property by Brainerd Snodeos – Resolution No. 17:16 Adopted – Offering Crow Wing County Parcel 09111001001C009 for Public Sale to the Highest Bidder with a Bid no less than \$6,800 and with Bids due by 4:00 P.M. on Friday, April 22, 2016

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO ADOPT RESOLUTION NO. 17:16 – OFFERING CROW WING COUNTY PARCEL NO. 09111001001C009 FOR PUBLIC SALE TO THE HIGHEST BIDDER WITH A BID NO LESS THAN \$6,800 AND WITH BIDS DUE BY 4:00 P.M ON FRIDAY, APRIL 22, 2016 AT 4:00 P.M.

Council President Scheeler distributed information printed from the Crow Wing County website showing an amount of \$36,700 and a different parcel number than what was included in the Packet. He stated at according to Range, Inc., they pay nearly \$38,000 property tax per year on their property and would be interested in this parcel if they were to expand. He stated that Snodeos pays \$1,000 per year property tax. He stated that this parcel is listed at \$38,000 because of the buildable area when most parcels in the area are \$138,000.

Committee Chair Koep reported that the motion to adopt the resolution stands and that the numbers will be verified prior to final signature.

City Administrator Thoreen stated that staff will verify the dollar amount and parcel number. He stated that the \$6,800 was derived from what Snodeos offered for the lot but the Council has latitude on the amounts and the due date.

Council President Scheeler reported that Range did offer that if they bought the land they would lease it to Snodeos for \$1.

Council Member Johnson stated that the purpose of tonight's action is to place the land up for public bid and at that time any party can bid on it.

Council determined to change the due date for bids to April 22, 2016 and to leave the minimum bid the same.

RESOLUTION NO. 17:16

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

Fire Department – Muriel West Appeal – Held Over – Council to Consider Ordinance Amendment for Appeals – Staff Directed to Investigate Safety Concerns at the Intersection of Beaver Dam and Wise Road – Approved

Committee Chair Koep reported that following an automobile accident in which extrication was required, Ms. West's insurance would not cover the cost of the extrication, therefore she is appealing the \$500 being charged by the City for that service. She stated that Ms. West is also requesting that the intersection of Beaver Dam and Wise Road be investigated for safety concerns.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO HOLD OVER A DECISION ON THE APPEAL FROM MURIEL WEST TO ALLOW COUNCIL TO REVIEW ORDINANCE NO. 1430 TO CONSIDER THE ADDITION OF AN APPEALS SECTION; FURTHER, TO DIRECT STAFF TO INVESTIGATE THE INTERSECTION OF BEAVER DAM AND WISE ROAD FOR SAFETY CONCERNS.

Fire Department – Paid On-Call Firefighter Hiring – Authorize Establishment of Paid On-Call Firefighter List and Authorize the Hiring of Three Paid On-Call Firefighters – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE ESTABLISHMENT OF A PAID ON-CALL FIREFIGHTER HIRING LIST AND TO AUTHORIZE THE HIRING OF THREE PAID ON-CALL FIREFIGHTERS.

Credit Enhancement Application – Resolution No. 18:16 Adopted – A Resolution Covenanting and Obligating the City of Brainerd to be Bound by and Use the Provisions of Minnesota Statutes, Section 446A.086 to Guarantee the Payment of the Principal and Interest on Certain Bonds and Authorizing the Execution of a Credit Enhancement Program Agreement

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS TO ADOPT RESOLUTION NO. 18:16 – COVENANTING AND OBLIGATING THE CITY OF BRAINERD TO

BE BOUND BY AND USE THE PROVISIONS OF MINNESOTA STATUTES, SECTION 446A.086 TO GUARANTEE THE PAYMENT OF THE PRINCIPAL AND INTEREST ON CERTAIN BONDS AND AUTHORIZING THE EXECUTION OF A CREDIT ENHANCEMENT PROGRAM AGREEMENT.

RESOLUTION NO. 18:16

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

Postage Machine Lease – Authorize Staff to Terminate the City's Lease with Pitney Bowes and Enter into a Five-Year Lease with Dakota Mailing for a Postage Machine for City Hall – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE STAFF TO TERMINATE THE CITY'S LEASE WITH PITNEY BOWES AND ENTER INTO A FIVE-YEAR LEASE WITH DAKOTA MAILING FOR A POSTAGE MACHINE FOR CITY HALL.

Unfinished Business

Public Hearing – Final Reading of Proposed Ordinance No. 1448 – An Ordinance Amending Ordinance No. 812 Pertaining to Zoning in the City of Brainerd; Rezoning 810 NW 7th Street from R-3 (Multiple Family) District to B-4 (General Commercial) District – City Administrator Thoreen Recommends Dispensing with the Actual Reading – Approved

The Chair opened the Public Hearing at 8:15 P.M. No one came forward.

The Chair closed the Public Hearing at 8:16 P.M.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1448 – AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO ZONING IN THE CITY OF BRAINERD – CHANGING THE ZONING DESIGNATION OF 810 NW 7TH STREET FROM R-3 (MULTIPLE FAMILY) DISTRICT TO B-4 (GENERAL COMMERCIAL) DISTRICT; FURTHER TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT ORDINANCE NO. 1448 – AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO ZONING IN THE CITY OF BRAINERD – CHANGING THE ZONING DESIGNATION OF 810 NW 7TH STREET FROM R-3 (MULTIPLE FAMILY) DISTRICT TO B-4 (GENERAL COMMERCIAL) DISTRICT.

ORDINANCE NO. 1448

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

Public Hearing – Final Reading of Proposed Ordinance No. 1449 – An Ordinance Amending Sections 515-02, 515-61, 515-62, 515-63, 515-64, 515-65 and 515-70 of the Zoning Ordinance to Add Brew Pubs and Breweries/Taprooms as Permitted Uses or Conditional Uses – City Administrator Thoreen Recommends Dispensing with the Actual Reading – Approved

The Chair opened the Public Hearing at 8:17 P.M. No one came forward.

The Chair closed the Public Hearing at 8:18 P.M.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1449 – AN ORDINANCE AMENDING SECTIONS 515-02, 515-61, 515-62, 515-63, 515-64, 515-65 AND 515-70 OF THE ZONING ORDINANCE TO ADD BREW PUBS AND BREWERIES/TAPROOMS AS PERMITTED USES OR CONDITIONAL USES; FURTHER TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT ORDINANCE NO. 1449 – AN ORDINANCE AMENDING SECTIONS 515-02, 515-61, 515-62, 515-63, 515-64, 515-65 AND 515-70 OF THE ZONING ORDINANCE TO ADD BREW PUBS AND BREWERIES/TAPROOMS AS PERMITTED USES OR CONDITIONAL USES.

ORDINANCE NO. 1449

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

Call for Special Informal Council Session – To be held at 5:30 P.M. on Monday, April 25, 2016 in the Fire Department Training Room for the Purpose of Discussing Issues Pertinent to Future Actions of the Council – Approved

City Administrator Thoreen presented a draft agenda of a proposed informal meeting session

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO HOLD A SPECIAL INFORMAL MEETING AT 5:30 P.M. ON MONDAY, APRIL 25, 2016 IN THE FIRE DEPARTMENT TRAINING ROOM FOR PURPOSES OF DISCUSSING ISSUES PERTINENT TO FUTURE ACTIONS OF THE COUNCIL.

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

Ad Hoc Walkable Bikeable City Committee

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

Public Forum:

The Chair recognized Mr. James Trantino with Collins Brothers Towing, St. Cloud, who presented information to the Council on his opinion that the City Towing Contract recently awarded should be reviewed.

The Council agreed to review the information presented.

Staff Reports – Written

City Administrator Thoreen shared with the Council a plan for reorganization of City Hall, including the move from the 2nd floor to 3rd floor of the Administration Department and the move from the 3rd floor to the 2nd floor of the Engineering Department. In addition, the Information Technology Department will be located on the first floor along with GIS. He shared that there will be some costs associated with the move but the entire process will be covered by the \$30,000 allocated for the MOU to provide additional IT service on a trial basis.

Council Member Reports

Council Member Bevans reported that there has not yet been a response from the City of Baxter relating to the Annexation Agreement and property located under Brainerd Public Utilities.

Mayor Menk reported that he was fortunate to attend the award meeting at which CTC and Crow Wing Power each were awarded \$500,000 to be loaned to Avantech for a new plant. He also stated that he attended Senator Klobuchar's drug court listening session, stating that he is very impressed with the program's 89% success rate.

Council Member Koep stated that Mr. Jeff Czezczok reported that an email from January 4, 2016 between Council members should have been available to public.

Council Member Johnson displayed the new Parks and Recreation Department's activity brochure. He also reported that the Mississippi Riverfront Subcommittee met on March 24, 2016 and officially named the area being discussed the "Brainerd Riverfront" and discussed plans for branding and promotion. He stated that funds can be donated to the Brainerd Lakes Area Community Foundation for the Riverfront project.

Council Member Scheeler reported that meetings have been being held by the School Facilities Committee which he will continue to update the Council on.

Committee Resignation – Accepted with Regret

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. JEFF CZECHOK FROM THE WALKABLE BIKEABLE CITY COMMITTEE.

Adjourn – To the Volunteer Appreciation Dinner to be held on Tuesday, April 12, 2016 at 6:00 P.M.

The Chair reported that the City Administrator's performance evaluation had been held on and went very well.

The Chair adjourned the meeting at 8:52 P.M.

James M. Thoreen
City Administrator