

**Brainerd, MN
May 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: Johnson, Borkenhagen, Koep, Pritschet, Bevans and Scheeler. Mayor Menk was also noted as present. Council Member Hilgart was noted as absent.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO MOVE THE ITEM, "EXTENSION OF PREMISES – ROUNDHOUSE BREWERY" FROM THE CONSENT CALENDAR TO ITEM 6B TO ALLOW FOR DISCUSSION.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, 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 May 2, 2016, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New
2. Contractor's Licenses – 3 – Renewals

C. Department Activity Reports – Approved

1. Police Chief
2. City Administrator
3. Finance Director – Distributed to Council

D. Extension of Premises – Submitted by Stephen Shepherd for an Event to be held on August 26th and August 27th of 2016 at Shep's on 6th, 315 S 6th Street, Brainerd – Approval of – Approved

E. VFW Request to hold "Poppy Day" on May 20th and 21st throughout the City of Brainerd – Approved

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

Presentation – HR Coordinator Kris Schubert and Recreation Specialist Katie Kaufman:

Discussion of the City of Brainerd's 2015 and 2016 Employee Wellness Programs

Recreation Specialist Kaufman reviewed the various events which City of Brainerd employees took part in during the 2015-2016 Wellness campaign, including the online program, health fair, employee picnic, seven lunch n' learns and both a chili cook-off which raised funds for "Coats for Kids" and a home style cooking event which raised funds for "New Pathways." As part of the program, the award for 2015-2016 Fitness Champion was announced as Kelly Dean from Brainerd Public Utilities and a drawing for a free vacation day was held with the winner being Kelly Eades from Brainerd Public Utilities.

2016 Employee Wellness Program:

Approve 2016 "Benovate" Wellness Program, Approve "Statement of Work" and Authorize Staff to Submit Application for \$6,000 Wellness Program to NJPA per City Policy – Approved

Human Resource Coordinator Schubert discussed the proposed change to a more user-friendly online health tracking program, "Benovate" for 2016-2017 based on a low participation rate on the 2015-2016 paper-based program. Incentives include a \$20 bonus for signing up, another \$10 for completing a health assessment and another \$50 in various incentives. She stated that events this year will once again include the employee picnic, lunch n' learns, chili feed, etc.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE 2016 "BENOVATE" WELLNESS PROGRAM AS PRESENTED AND RECOMMENDED BY THE WELLNESS COMMITTEE.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE STATEMENT OF WORK AS PRESENTED BETWEEN BENOVAE AND THE CITY OF BRAINERD AND TO AUTHORIZE PROPER SIGNATURES.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO AUTHORIZE STAFF TO SUBMIT AN APPLICATION FOR A \$6,000 WELLNESS PROGRAM TO NJPA FOR THE CITY'S 2016-2017 WELLNESS PROGRAM AS REQUIRED BY THE COUNCIL NOTIFICATION OF INTENT TO SUBMIT GRANT APPLICATION POLICY.

Extension of Premises – Submitted by Roundhouse Brewery to Allow Service on Patio from May 17, 2016 through June 30, 2016, 1551 Northern Pacific Road, Brainerd – Item to be placed on Agenda for the Council Special Meeting to be held on Monday, May 23, 2016 at 6:00 P.M. in the City Hall Council Chambers

City Planner Ostgarden stated that confusion is arising based on multiple items relating to Roundhouse Brewery being on tonight's Council agenda and Wednesday night's Planning Commission agenda. The items include approving a CUP for a patio and outdoor alcohol service.

It was determined that this item would be included on the agenda for a meeting to be held on Monday, May 23, 2016 which is to be officially set during the Personnel and Finance Committee agenda review.

Council Committee Reports

Personnel and Finance Committee Report:

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

General Fund to Public Safety Fund	\$65,000
General Fund to Park Fund	\$20,000
General Fund to Street & Sewer Fund	\$35,000
General Fund to Airport Fund	<u>\$12,960</u>
	\$132,960

Contractor	IMP #	Project	Amount	Total Retained
Braun Intertec	14-08	13 th Street SE	\$1,549.75	N/A
Tom's Backhoe	14-15	Brd Airport Util. Ext.	\$458,823.48	\$24,148.60

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.

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

Police Officer Conditional Offer – Authorize Conditional Offer to Ryan Franz with a Projected Starting Date of June 6, 2016 Pending Successful Completion of a Background Investigation and Required Pre-Employment Testing – Approved

Added Item:

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE A CONDITIONAL JOB OFFER FOR THE POSITION OF POLICE OFFICER TO RYAN FRANZ WITH A PROJECTED STARTING DATE OF JUNE 6, 2016, PENDING SUCCESSFUL COMPLETION OF A BACKGROUND INVESTIGATION AND REQUIRED PRE-EMPLOYMENT TESTING.

Animal Control Ordinances – Direct Staff to Prepare an Ordinance Amending City Code Sections 900 and 1010 relating to Animal Licensing, Vaccinations and Fees and Direct Staff to Develop a Policy for Licensing Notification, Chip Identification, Sharing of Information with H.A.R.T. and Veterinarian Communication of Licensing Requirements – Approved

Committee Chair Koep reported that Committee is recommending the removal of the distemper vaccine requirement, fee increases and allowing H.A.R.T. to license dogs at their facility while receiving \$5 of each dog licensed there. Based on the fee for H.A.R.T. licensing being part of the contract and not the ordinance, the following motion was made:

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO DIRECT STAFF TO PREPARE AN ORDINANCE TO AMEND CITY CODE SECTION 1010.01, SUBD. 7 BY INCREASING THE FEES TO \$15 FOR SPAYED OR NEUTERED DOGS AND TO \$25 FOR UN-SPAYED OR UN-NEUTERED DOGS.

Council conferred that further discussion would be held on cat licensing and issuing fines fine to citizens whose unlicensed animals are picked up.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO DIRECT STAFF TO PREPARE AN ORDINANCE TO AMEND CITY CODE SECTION 900.03, SUBD. 2A, BY REMOVING THE REQUIREMENT FOR DISTEMPER VACCINE.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO DIRECT STAFF TO DEVELOP AN ANIMAL LICENSING POLICY TO INCLUDE: A PROCESS OF NOTIFICATION TO ALL CITIZENS THAT A LICENSE IS DUE EACH YEAR, THE ADDITION OF A LINE TO THE LICENSE FORM ASKING IF EACH ANIMAL IS CHIPPED AND THE REGISTRATION NUMBER WHENEVER POSSIBLE, A SCHEDULE FOR SHARING LICENSED ANIMAL SPREADSHEETS WITH H.A.R.T. AND A REQUEST TO ALL AREA VETERINARIANS TO DISPLAY NOTIFICATIONS WITH ANIMAL LICENSE REQUIREMENTS.

It was noted that all animal licensing information should be included on the City's website.

NJPA Summer and Fall Planning Intern Funding Grant Application – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE SUBMITTAL OF GRANT APPLICATION FOR AN NJPA SUMMER AND FALL PLANNING INTERN.

Administration Department – Resignation of Administrative Specialist Jennifer Loidolt, Effective June 2, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF ADMINISTRATIVE SPECIALIST JENNIFER LOIDOLT, EFFECTIVE JUNE 2, 2016.

Update on Ordinance No. 1430 – Fire Fees – Authorization to Move Forward with First Reading to include Addition of an Appeal Process and Updates to State Fire Code – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO MOVE FORWARD WITH THE READING PROCESS OF AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 421 – UNIFORM FIRE CODE – RELATING TO THE ADDITION OF AN APPEAL PROCESS AND AN UPDATE TO STATE FIRE CODE.

Committee Member Johnson reported that the State Fire Code was updated last year so those changes will be included in the amendment as well.

LMCIT Liability Coverage Waiver Form – “Does Not Waive” Selection – Approved

Added item:

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE AND SUBMIT THE LIABILITY COVERAGE WAIVER FORM WITH “DOES NOT WAIVE” SELECTED TO THE LEAGUE OF MINNESOTA CITIES INSURANCE TRUST.

Brainerd Oaks/Serene Pines/Dal Mar Estates Offer – Special Meeting to be held at 6:00 P.M. on May 23, 2016 in the Brainerd City Council Chambers and to have it Televised – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN, DULY CARRIED, TO ADJOURN TO A MEETING TO BE HELD AT 6:00 P.M. ON MAY 23, 2016 IN THE CITY HALL COUNCIL CHAMBERS TO DISCUSS THE OFFER TO PURCHASE THE RESIDENTIAL LOTS AND TAX FORFEIT PARCELS IN BRAINERD OAKS, SERENE PINES AND DAL MAR ESTATES DEVELOPMENTS.

City Administrator Thoreen clarified that any business that requires action to be taken will be placed at the beginning of the meeting with an adjournment to then take place to an “informal session” to discuss the Brainerd Oaks/Serene Pines/Del Mar Estates offer.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO HOLD THE MAY 23RD SPECIAL MEETING IN THE COUNCIL CHAMBERS AND TO HAVE IT TELEVISED.

Safety and Public Works Committee Report:

Conduct on Premises Update – Informational

Police Chief McQuiston discussed the “Conduct on Premises” procedure incorporated in 2015 which has increased the ongoing record-keeping and history on Police Chief McQuiston discussed the “Conduct on Premises” procedure incorporated in 2015 which has increased the ongoing record-keeping and history on Disorderly Use of Licensed Rental Property. The Police Department utilized a grid system formerly in place, assigning officers to one of seven sections of the city. This allowed closer monitoring of licensed rental units. Information was provided on the number of instances of disorderly use of licensed rental property that required Written Management Plans and the outcomes of those plans. The police department intends to review the ordinance and recommend changes in 2016 for clarification, to cover areas not addressed, and strengthen the ordinance to withstand potential legal challenges.

Event/Street Closure Application – VFW – Memorial Day Events – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE APPLICATION FOR THE MEMORIAL EVENTS AS SUBMITTED BY THE BRAINERD VFW.

Improvement 16-05 – Crack Sealing Quotes – Approve Approximately \$20,560.25 of the Anderson Brothers Quote and Allow Use of 11,250 Pounds of Material at the Street Department under Quoted Unit Prices – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE APPROXIMATELY \$20,560.25 ON THE QUOTE FROM

ANDERSON BROTHERS FOR IMP 16-05 – 2016 CRACK SEALING – AND TO ALLOW ENGINEERING TO USE ALL OF THE 11,250 POUNDS OF MATERIAL AT THE STREET DEPARTMENT UNDER THE QUOTED UNIT PRICES PER LINEAL FOOT FROM ANDERSON BROTHERS.

Improvement 16-04 – 2016 Street Patching – Authorize Solicitation of Quote for Annual Quote at a Price of Approximately \$20,000 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE THE ENGINEERING DEPARTMENT TO SOLICIT THE ANNUAL STREET PATCHING QUOTES AT A COST OF APPROXIMATELY \$20,000.

Improvement 14-08 – Ditch Erosion – Authorize the \$6,000 Over-Budget Cost of Rip Rap to Improve Ditch Erosion – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE THE \$6,000 OVER-BUDGET COST TO RIP RAP THE DITCH EROSION IN IMP 14-08 – SE 13TH STREET.

Improvement 14-15 – Airport Utilities – Change Order #1 in the Amount of \$9,750 – Approved

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND PRITSCHET TO APPROVE CHANGE ORDER #1 IN THE AMOUNT \$9,750 FOR IMPROVEMENT 14-15 – AIRPORT UTILITIES – TO INSTALL AN AIR RELEASE MANHOLE.

Members Johnson, Borkenhagen and Pritschet voted “aye.” Members Koep, Bevans and Scheeler voted “nay.”

Upon roll call, members Johnson, Borkenhagen and Pritschet voted “aye.” Members Koep, Bevans and Scheeler voted “nay.” The Mayor broke the tie with an “aye” vote. The Chair declared the motion carried.

Petition for Improvement – Utility Extension – Natural Resources Management – Authorize \$2,500 for Feasibility Report to be prepared by SEH – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE THE EXPENDITURE OF \$2,500 FROM THE CONSTRUCTION FUND FOR SEH TO PREPARE A FEASIBILITY STUDY FOR AIRPORT UTILITY EXTENSION.

Committee Chair Bevans reported that if the City moves forward with the project, the \$2,500 and the cost of the entire project would be assessable.

Proposals for Bridge Inspections – Accept Proposal from WSN for 2016 Bridge Inspections at a cost of approximately \$6,100 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ACCEPT THE PROPOSAL FROM WSN FOR THE 2016 BRIDGE INSPECTIONS AT A COST OF APPROXIMATELY \$6,100.

Waste Treatment Plant Property Status – Invite Baxter’s Mayor to Meeting to be held at 6:00 P.M. on June 13, 2016 at BPU to Discuss – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO REQUEST THAT MAYOR MENK SEND A LETTER TO THE MAYOR OF BAXTER INVITING HIM TO A MEETING TO BE HELD AT 6:00 P.M. ON JUNE 13, 2016 AT BRAINERD PUBLIC UTILITIES TO ADDRESS THE STATUS OF THE WASTE TREATMENT PLANT AND ANY OTHER ISSUES THE CITY OF BAXTER MIGHT WANT TO ADDRESS.

Dandelion Concerns – No Action Taken – Informational

Added Item: Committee Chair Bevans reported that a citizen had contacted the City with a complaint of a property with a dandelion issue. He referred to City Code section 1407.03, item I, which states that for the purposes of this definition weeds do not include dandelions.

City Engineer Hulsether reported on the many acres of property the City maintains and sprays for noxious weeds, stating that the area in question would be very expensive to add to this list.

Unfinished Business

Public Hearing – Final Reading of Proposed Ordinance No. 1451 – An Ordinance Amending Brainerd City Code Section 1200 relating to Intoxicating Liquor to Allow Off-Sale Growler Licenses on Sunday – Approved

The Chair opened the Public Hearing at 8:43 P.M. No one came forward.

The Chair closed the Public Hearing at 8:44 P.M.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1451 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1200 RELATING TO INTOXICATING LIQUOR TO ALLOW OFF-SALE GROWLER LICENSES ON SUNDAY, FURTHER TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BORKENHAGEN TO ADOPT ORDINANCE NO. 1451 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1200 RELATING TO INTOXICATING LIQUOR TO ALLOW OFF-SALE GROWLER LICENSES ON SUNDAY

ORDINANCE NO. 1451

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

Call for Applicants – Informational:

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

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

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

Ad Hoc Walkable Bikeable City Committee

New Business

Request for Special Meeting – Set for May 23rd – See Personnel and Finance Committee Actions

This item was addressed as part of the Personnel and Finance Committee meeting by setting a special meeting to be held at 6:00 P.M. on May 23, 2016 in the Council Chambers.

Public Forum: No one appeared for this item

Staff Reports – Written

City Administrator Thoreen stated that updates for the sound system and a visual aid system are being considered.

Finance Director Hillman reported that filing for the 2016 City Council election opens on May 17th at 7:30 and runs through May 31st at 5:00 P.M. Information on vacancies can be found on the City's website www.ci.brainerd.mn.us or by stopping in at City Hall.

City Planner Ostgarden reminded the public of sign restrictions based on campaign season fast approaching, stating that campaign signs are not allowed in the Right-of-Way and will be removed.

Council Member Reports

Alderwoman Koep discussed 2016 Brainerd History Week, stating that the events will start on Tuesday, June 14th to incorporate a ceremony for "Flag Day" to be held at 4:00 P.M. at the All Veterans Memorial. She also asked staff and Council to attend a free presentation/seminar on "Strong Towns" by Charles Marohn to be held at 6:00 P.M. on June 17th at City Hall with a short tour of Downtown to follow.

Council President Scheeler reported that the public schools will hold a community forum on May 23, 2016 at 6:30 P.M.

Adjourn – To Closed Session Pursuant to M.S. 13D.05, Subd. 3(b) for Attorney-Client Privilege to Confer with the City's Counsel in the matter of IAFF v. City of Brainerd – 8:57 P.M.

The Chair reconvened into open session at 9:29 P.M.

Adjourn – To the Grand Opening of Memorial Park Restrooms to be held at 5:00 P.M. on Tuesday, May 17, 2016 at Memorial Park and To the Citizens Facilities Committee Meeting to be held at 6:00 P.M. on Tuesday, May 17, 2016 in the City Hall Conference Room, and to the Special Meeting to be held at 6:00 P.M. on May 23, 2016 in the City Hall Council Chambers

The Chair adjourned the meeting at 9:30 P.M.

James M. Thoreen
City Administrator