Brainerd, MN
June 20, 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, Hilgart, Koep, Pritschet, Bevans and Scheeler. Mayor Menk was also noted as present.

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

Council Member Bevans requested that Item B3 from the Consent Calendar (Secondhand Automobile License) be moved to the Safety and Public Works Committee for discussion.

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

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

A. Approval of the Minutes of the Regular Meeting held on June 06, 2016, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New
2. Contractor's Licenses – 4 – Renewals

C. Department Activity Reports – Approved

1. Mayor
2. Police Chief
3. Finance Director

D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by The Mission Township Fire Fighters Relief Association for a Raffle to be held on August 13, 2016 at the Eagles Club, 124 Front Street, Brainerd – Approved

E. Application and Permit for 1-4 Day Temporary On-Sale Liquor License – Submitted by the Brainerd Jaycees for an Event to be held on July 9th and 10th at Memorial Park near Softball Fields – Approved

F. Police Department – Resolution No. 25:16 Adopted – Approving Bomb Disposal Unit Joint Powers Agreement between the State of MN, Crow Wing County and the City of Brainerd for the period of July 1, 2016 – June 30, 2018 and Authorize Proper Signatures

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

Presentation: Nancy Williams, Kids Day Follow-up

The Chair recognized Ms. Nancy Williams, owner of Fancy Pants Chocolates and coordinator of the children’s parade which took place during last week’s History Week celebration. She showed a video of the 65+ kids that took part in the parade held downtown which featured Brainerd Mayor Ed Menk as Paul Bunyan. The Chair thanked her for her presentation.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills, Transfers & Payments to Contractors – Approved

General Fund to Public Safety Fund	$425,000
General Fund to Park Fund	$80,000
General Fund to Street & Sewer Fund	$70,000
General Fund to Airport Fund	$12,960
	$587,960

Contractor	IMP #	Project	Amount	Total Retained
Asphalt Preservation Co	16-03	2016 Chip Seal-Final	$131,270.50	$0
Braun Intertec	14-08	13th Street SE	$2,762.00	$0
Tom’s Backhoe	14-15	Airport Util. Extension	$842,075.00	$68,468.35

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, Hilgart, Koep, Pritschet, Bevans and Scheeler voted “aye.” No member voted “nay.” The Chair declared the motion carried.

2017 Budget Discussion – No Action Taken

Committee Chair Koep reported that there is no action out of Committee. Council discussion was held.

Election Judge Pay Discussion – Leave Rate of Pay for Election Judges “As Is” for 2016 Election – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO LEAVE THE RATE OF PAY FOR ELECTION JUDGES “AS IS” FOR THE 2016 ELECTION.

Safety and Public Works Committee Report

Out-of-State Travel Request – Transit Coordinator Stone – Authorize Request with a 15% Local Match of up to $350 to be paid from the Transit Fund – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE OUT-OF-STATE TRAVEL REQUEST FOR TRANSIT COORDINATOR STONE WITH A 15% LOCAL MATCH OF UP TO $350 TO BE PAID FROM THE TRANSIT FUND.

Improvement 16-03 – 2016 Chip Seal – Final Payment – Informational

Committee Chair Bevans reported that this payment was approved in Personnel and Finance Committee Agenda item 1: Approval of Payment of Bills, Transfers and Contractor Payments.

Improvement 14-15 – Airport Utility Extension – Request from Mr. Richard Cahoon to Add an Outside Drop Sanitary Sewer Manhole Modification to the Airport Utility Extension Project at His Expense with the Cost of Approximately $4,700 to be paid in Advance – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE REQUEST FROM MR. RICHARD CAHOON TO ADD AN OUTSIDE DROP SANITARY SEWER MANHOLE MODIFICATION TO THE AIRPORT UTILITY EXTENSION PROJECT AT HIS EXPENSE WITH THE COST OF APPROXIMATELY $4,700 TO BE PAID IN ADVANCE.

2017 Construction Update – Direct Staff to Develop Feasibility Report for 2017 Projects as Identified with the Addition of Buffalo Hills West of Greenwood – Approved

A memo from City Engineer Hulsether was included in the Packet stating that based on MnDOT's letting date being pushed back, construction projects have been shuffled; a 5-year capital program draft with a 6th year temporarily included was attached. Projects being proposed to be advanced into 2017 include (State Aid projects are underlined):

- *Imp 14-03 – Jackson St from City Limits to NW 4th St – FDR*
- *Imp 14-01 – Oak St from S 6th St to SE 19th St – Mill & Overlay*
- Imp 15-12 – S 6th St EFR – Wright St to 117 – Reconstruction
- *H St from 8th Ave to 13th Ave – Reconstruction*
- *Buffalo Hills Lane from Greenwood St to Bus 371 – FDR*
- NW 3rd & NW 8th from Washington to James St – Resurfacing
- James St from NW 8th to NW 7th – Resurfacing
- NW 7th St – Charles to Washington - Resurfacing

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DIRECT STAFF TO DEVELOP A FEASIBILITY REPORT FOR 2017 CONSTRUCTION PROJECTS AS IDENTIFIED WITH THE ADDITION OF BUFFALO HILLS WEST OF GREENWOOD.

Committee Chair Bevans reported that $800,000 of the costs will be covered by State Aid and Council discussed recommendations for the feasibility report.

Imgrund Motors:

Request to Conduct Car Sales at 303 W Washington Street Prior to CUP Consideration by Planning Commission on June 29, 2016 and Final Approval of Council on July 5, 2016 – Denied

Allow Vehicles Owned by Imgrund Motors and Parked at 303 W Washington to Remain on Lot until July 5, 2016 Council Determination – Approved

Secondhand Automobile License Contingent Upon Police and Fire Inspections and the Planning Department/City Council Approval of the CUP – Approved

(This item was moved from Consent Calendar and modified)

Committee Chair Bevans reported that Mr. Joshua Imgrund and Mr. Justin Imgrund had appeared before the Safety and Public Works Committee requesting to conduct sales of the cars already located at the leased location of 303 W Washington Street which had formerly been an automobile dealership. The applicants have already applied for a Conditional Use Permit for the purpose of sales and repair at the site which has been scheduled for consideration of the Planning Commission at their special meeting to be held on June 29, 2016; however, to avoid loss of revenue they are requesting to be able to sell cars for the next 15 days.

Council President Scheeler passed the gavel to Vice President Pritschet and announced that he would be abstaining from the discussion or vote based on conflict of interest; he is the listing agent for the former "Imgrund Motors" building in Baxter.

Council discussion was held.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO DENY THE REQUEST FROM IMGRUND MOTORS TO SELL AUTOMOBILES AT 303 W WASHINGTON STREET PRIOR TO CUP CONSIDERATION BY THE PLANNING COMMISSION ON JUNE 29, 2016 AND FINAL APPROVAL BY CITY COUNCIL ON JULY 5, 2016.

Members Johnson, Borkenhagen, Hilgart, Koep, Pritschet and Bevans voted "aye." No member voted "nay." Member Scheeler abstained. The Chair declared the motion carried.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ALLOW THE VEHICLES OWNED BY IMGRUND MOTORS AND PARKED AT 303 W WASHINGTON TO REMAIN ON THE PROPERTY UNTIL THE CITY COUNCIL DETERMINATION OF THE IMGRUND MOTORS' CUP APPLICATION ON JULY 5, 2016.

Members Johnson, Borkenhagen, Hilgart, Koep, Pritschet and Bevans voted "aye." No member voted "nay." Member Scheeler abstained. The Chair declared the motion carried.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO APPROVE THE SECONDHAND AUTOMOBILE SALES LICENSE AS APPLIED FOR BY JOSHUA IMGRUND TO CONDUCT SALES AT 303 W WASHINGTON STREET CONTINGENT UPON POLICE AND FIRE INSPECTIONS AND THE APPROVAL OF THE CUP BY THE CITY COUNCIL ON JULY 5, 2016.

Members Johnson, Borkenhagen, Hilgart, Koep, Pritschet and Bevans voted “aye.” No member voted “nay.” Member Scheeler abstained. The Chair declared the motion carried.

Airport Utility Discussion – Informational

(This item was not on the agenda)

Council President Scheeler asked for an update on Airport Utility Extension Connection Procedures.

Assistant City Engineer Paul Sandy reported that a meeting is scheduled this week and the Council will be kept up to date.

Unfinished Business

Public Hearing – Final Reading of Proposed Ordinance No. 1452 – An Ordinance Amending City Code Section 421 – Uniform Fire Code – City Administrator Thoreen Recommends Dispensing with the Actual Reading – Approved

The Chair opened the Public Hearing at 8:06 P.M. No one came forward.

The Chair closed the Public Hearing at 8:07 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1452 – AN ORDINANCE AMENDING CITY CODE SECTION 421 – UNIFORM FIRE CODE.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1452 – AN ORDINANCE AMENDING CITY CODE SECTION 421 – UNIFORM FIRE CODE.

ORDINANCE NO. 1452

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

Animal Control and Licensing:

Modify Service Agreement with H.A.R.T. – Approve and Authorize Signatures on Amendment to Service Agreement which Permits a Portion of Dog License Fees to be Allocated to H.A.R.T – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE AND AUTHORIZE APPROPRIATE CITY OFFICIALS TO SIGN THE AMENDMENT TO THE SERVICE AGREEMENT BETWEEN THE CITY AND HEARTLAND ANIMAL RESCUE TEAM (H.A.R.T.) WHICH PERMITS A PORTION OF DOG LICENSE FEES TO BE ALLOCATED TO H.A.R.T.

It was clarified that citizens can still license their dogs at City Hall; that this would allow licensing at H.A.R.T. when dogs are being picked up as well.

First Reading – Proposed Ordinance No. 1453 – An Ordinance Amending Brainerd City Code Section 900 – Animal Control – Approved

This amendment to the City Code would remove "distemper" from the required vaccinations and increase licensing fees for dogs.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1453 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900 – ANIMAL CONTROL; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

First Reading – Proposed Ordinance No. 1454 – An Ordinance Amending Brainerd City Code Section 1010 – Licensing Fees – Approved

This amendment would update the dog licensing fee on the City's fee schedule section of the Code.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1454 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010 – LICENSING FEES; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

First Reading – Proposed Ordinance No. 1455 – An Ordinance Deleting Section 820 re Public Phone Booths – City Administrator Thoreen Recommends Dispensing with the Actual Reading – Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1455 – AN ORDINANCE DELETING SECTION 820 – PUBLIC PHONE BOOTHS; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

Splash Pad Development Procedure – Adopt 8 Conditions relating to Operation and Funding of Proposed Splash Pad by Brainerd Parks and Recreation and Authorize Signatures of Proper City Officials on Agreement with Initiative Foundation of Little Falls, MN for the Purposes of Receiving and Disbursing Donations toward Proposed Splash Pad – Approved

A list of 8 guidelines intended to ensure that the Park Board and City Council honor the City Charter requirements regarding Parks operations and funding was attached.

The Chair recognized Ms. Emily Noble, 13760 Five Mile Road and Mr. Dale Parks, 1415 Pine Street, who spoke in favor of the guidelines and requested signature authorization to contract with the Initiative Foundation for the handling of donations.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BORKENHAGEN, DULY CARRIED, TO ADOPT THE 8 CONDITIONS DATED 5/23/2016 RELATING TO BRAINERD PARKS AND RECREATION'S OPERATION AND FUNDING OF A PROPOSED SPLASH PAD IN THE CITY OF BRAINERD; FURTHER, TO AUTHORIZE PROPER CITY OFFICIALS TO

ENTER INTO AN AGREEMENT WITH THE INITIATIVE FOUNDATION, LITTLE FALLS, MN, FOR THE PURPOSES OF RECEIVING AND DISBURSING DONATIONS INTENDED TO CONSTRUCT THE SPLASH PAD ON CITY PARK PROPERTY AT A DATE YET TO BE DETERMINED.

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

NOTE: "New Business" items were moved to the end of the meeting while awaiting bond counsel representation.

Planning Commission

Variance Application – Submitted by David Hill, 1020 Ivy Street – To Construct a 560 Sq. Ft. Dwelling on a Conforming Lot on which Minimum Allowed Dwelling Size is 750 Sq. Ft. – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE VARIANCE SUBMITTED BY DAVID HILL TO CONSTRUCT A 560 SQ. FT. DWELLING ON THE CONFORMING LOT AT 1020 IVY STREET ON WHICH THE MINIMUM ALLOWED DWELLING SIZE IS 750 SQ. FT. BASED ON THE PLANNING COMMISSION RECOMMENDATION AND THE 12 FINDINGS-OF-FACT.

Variance Applications – Submitted by John and Jennifer Berg, 15340 Russell Road – To Construct a Metal Panel Sided Accessory Building with a Ribbed Metal Roof – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE VARIANCE APPLICATIONS SUBMITTED BY JOHN AND JENNIFER BERG TO CONSTRUCT A METAL PANEL SIDED ACCESSORY BUILDING WITH A RIBBED METAL ROOF AT 15340 RUSSELL ROAD BASED ON THE PLANNING COMMISSION RECOMMENDATION, 8 FINDINGS-OF-FACT AND 1 CONDITION.

Rezoning – Request Submitted by Benjamin Larson – To Rezone 814 Front Street from a B-3 (Central Business) District to a B-4 (General Commercial) District – Denied

City Planner Ostgarden reported that the Planning Commission denied approval of the rezoning based on "spot zoning" and not on the license application itself.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND KEOP, DULY CARRIED, TO DENY THE REZONING AS REQUESTED BY BENJAMIN LARSON FOR 814 FRONT STREET FROM A B-3 (CENTRAL BUSINESS) DISTRICT TO A B-4 (GENERAL COMMERCIAL) DISTRICT BASED ON THE PLANNING COMMISSION RECOMMENDATION.

Public Forum: No one appeared for Public Forum.

Staff Reports – Written
(Verbal: Any Updates since Packet)

Finance Director Hillman reported that election judges are needed for the upcoming election.

City Planner Ostgarden reported that a community-wide survey will be taking place which will utilize a body of about 300 panelists; interested citizens should contact City Hall at 218-828-2309 or go to the website at www.ci.brainerd.mn.us

Council Member Reports

Council Member Pritschet reported that Roundhouse Brewery had their grand opening and also that the High School Debate Team did very well in Salt Lake City.

Council Member Koep reported that History Week was very successful and well-attended and that she is enjoying seeing growth in the community's interest in Brainerd's history.

Mayor Menk reported that there will be a celebration for retiring Brainerd Police Sergeant Joy Larson at 3:00 P.M. on June 30, 2016 at the Police Department.

Break

The Council took a break from 8:47 P.M. to 8:57 P.M.

New Business

Sale of 2016A & 2016B Bonds:

Resolution No. 26:16 Adopted – Awarding Sale of GO Utility Revenue Bonds, Series 2016A

The Chair recognized Mr. Paul Steinman, municipal advisor of the City's bond counsel, Springsted, Inc., who introduced the bonds and distributed bid and rating information and answered questions of the Council.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT RESOLUTION NO. 26:16 – A RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION UTILITY REVENUE BONDS, SERIES 2016A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $9,690,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

RESOLUTION NO. 26:16

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

Resolution No. 27:16 Adopted – Awarding the Sale of GO Equipment Certificates of Indebtedness, Series 2016

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT RESOLUTION NO. 27:16 – A RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2016B, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,075,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

RESOLUTION NO. 27:16

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

Adjourn

The Chair adjourned the meeting at 9:03 P.M.

____
James M. Thoreen
City Administrator