

7:15 P.M. – Showcasing Brainerd: Brainerd Armory, 194th Regiment; Larry Osvold

The Chair welcomed Mr. Larry Osvold from the Brainerd Armory who discussed the history of the 194th Regiment and Armory facility. He stated that one Bataan survivor, Mr. Walt Straaka, remains a member of the Regiment and that four other WWII survivors are current members: Russel Ness, Donald Klein Sr., Mervin Jensen and Ralph Yaeger. He stated that the Regiment has a Facebook page for the purpose of gathering and sharing the history of the members and their families. The Chair thanked Mr. Osvold for his presentation following brief Council discussion.

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: Borkenhagen, Hilgart, Koep, Pritschet, Bevans, Johnson and Scheeler. Mayor Menk was also noted as present.

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

Council Member Hilgart requested replacing item 6.1 (Charter Commission Report/Jeff Czezczok) with a presentation on new bike racks being installed throughout the community. She stated that the Charter Commission information will instead be presented at the July 18, 2016 City Council Meeting.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

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

- A. Minutes of the Regular Meeting held on June 20, 2016 as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 3 – Renewals
- C. Department Activity Reports – Approved**
 - 1. Mayor
 - 2. Fire Chief
 - 3. Park Director
- D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Minnesota Darkhouse & Angling Association – Brainerd Area for a Raffle to be held on October 29, 2016 at the Brainerd American Legion, 708 Front Street – Approved**

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

Presentations:

Walkable Bikeable City Committee/CLC Welding Class – Brainerd Bicycle Racks

City Planner Ostgarden introduced Ms. Amy Gray of the Walkable Bikeable City Committee who presented information on the bicycle racks designed and created by the Central Lakes College welding class with powder coating done by Gull Lake Sandblasting and Powder Coating. She stated that the five racks will be placed at the following locations: The corner of 7th and Laurel Streets, Crow Wing County Community Services, Franklin Arts Center, Kiwanis Trailhead and in front of the Brainerd Lakes Chamber/BLAEDC building.

The Chair recognized Mr. David Otto from the CLC welding class who introduced the four students that volunteered their time and service to design and create the bicycle racks. He stated that the project was a great experience for the students because several issues needed to be considered including durability, safety and even theft deterrence.

The Chair thanked them for their presentations.

Dan Hegstad, Brainerd Rotary Club

The Chair recognized Mr. Dan Hegstad, 520 Third Avenue NE, Brainerd, who discussed the history and purpose of the Brainerd Rotary Club. He stated that on 7/9/1921 the Rotary Club of Brainerd MN was named as international club #945 and with their centennial coming up they would like to celebrate with a worthy project. He shared a link to submit suggestions for this project: <http://www.brainerdrotary.org/projects.html> and discussed some parameters to consider.

2015 Audit, CliftonLarsonAllen

The Chair recognized Ms. Mary Reedy of the City’s accounting firm, CliftonLarsonAllen, who reviewed the City of Brainerd 2015 Audit Results along with Finance Director Hillman.

Items discussed:

- BPU Audit Results
- BPU Financial Results
- Required Communications to Governance
- City’s Audit Results
- City’s Financial Results
- Insights, Observations

Ms. Reedy and Finance Director Hillman answered questions of the Council. The Chair thanked them for their presentation.

Council Committee Reports

Safety and Public Works Committee Report

IMP 16-04 – 2017 Patching Project – Accept Quote from Anderson Brothers at a Cost not to exceed \$20,000 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE QUOTE FROM ANDERSON BROTHERS FOR IMPROVEMENT 16-04 – 2017 STREET PATCHING – AT A COST NOT TO EXCEED \$20,000.

IMP 14-15 – Airport Utility Extension – Change Order #2 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE CHANGE ORDER #2 FOR IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION – WHICH PROVIDES FOR A DECREASE IN CONTRACT COST OF \$775.00 BASED ON AN ADJUSTMENT IN LUMP SUM PRICES FOR JACK/BORE OPERATIONS AT THE LOCATIONS WHERE UTILITIES ARE CROSSING T.H. 210.

Resolution No. 28:16 Adopted – Authorizing an Agreement with the State of Minnesota to Provide Public Transportation Services in the Year 2017

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 28:16 – AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE PUBLIC TRANSPORTATION SERVICES IN THE YEAR 2017.

RESOLUTION NO. 28:16

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

Tree Vandalism on College Drive – Informational

Committee Bevans reported that there has been recent vandalism involving trees along College Drive and in Kiwanis Park. He stated that the perpetrators have been caught and that Committee is considering replacement alternatives as well as insurance coverage options based on cumulative damage over the years from this type of situation.

College Drive Roundabout Landscape Maintenance – Informational

Committee Chair Bevans reported that more information will be forthcoming relating to whether the City will be able to handle College Drive landscaping maintenance or if it will need to be outsourced.

Personnel and Finance Committee Report

Bills & Payments to Contractors – Approved

Contractor	IMP #	Project	Amount	Total Retained
Anderson Brothers Const.	15-06	Lum Park Rain Garden	\$ 4,967.23	\$0
Braun Intertec	14-15	Airport Utility Extension	\$ 4,336.25	\$0
S.E.H.	14-15	Airport Utility Extension	\$87,588.21	\$0

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

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

Update on Pueringer Solar Panel Project – Informational

Per Packet Agenda Request, the project has encountered several obstacles that Mr. Pueringer has and is hoping to overcome. The City has recently been awarded a new \$650,105 grant through DEED for Downtown Rehabilitation. It is the City's understanding that funds available will have to be used either through the Pueringer loan or other projects before the City is able to draw on the new grant.

2017 Budget – Set a Levy Target at 3% with 2% toward Operating Budget and 1% toward Capital Budget – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART TO SET A LEVY TARGET AT 3% WITH 2% TOWARD OPERATING BUDGET AND 1% TOWARD CAPITAL BUDGET.

Alderman Johnson stated that he feels it is too early know what will be needed.

Alderman Hilgart spoke in favor of the motion to send a message on what the Council is looking for.

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

Council/BPU Health Insurance – Accept Recommendations as presented for Insurance Options – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT THE FOLLOWING RECOMMENDATIONS AS PRESENTED FOR CITY COUNCIL MEMBER AND BRAINERD PUBLIC UTILITIES COMMISSIONER HEALTH INSURANCE:

1. 80% of the family premium based on the \$2,600/\$5,200 deductible insurance plan
2. 100% of the single premium based on the \$2,600/\$5,200 deductible insurance plan
3. \$250 monthly opt-out payment

Facility Committee Update – Accept Committee Recommendations and Authorize City Administrator to Move Forward with Implementation – Request Presence of Facility Committee Chair Vogt at Meeting to be Scheduled with Heating, Ventilation and Air Conditioning Specialist from Duluth for Inspection of City Hall and its HVAC System – Approved

The Chair recognized Facility Committee Chair Dan Vogt, 332 Aspen Court South, Brainerd, who presented the Committee's findings and recommendations as included in the Packet.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO ACCEPT THE RECOMMENDATIONS OF THE FACILITY COMMITTEE AND TO AUTHORIZE THE CITY ADMINISTRATOR TO IMPLEMENT THE RECOMMENDATIONS AS PRESENTED; FURTHER, TO REQUEST MR. DAN VOGT'S PRESENCE AT A MEETING TO BE SCHEDULED WITH A HEATING, VENTILATION AND AIR CONDITIONING SPECIALIST FROM DULUTH FOR THE INSPECTION OF CITY HALL AND ITS HVAC SYSTEM.

Council Chamber Audio Visual Equipment Discussion – Authorize City Administrator and IT Coordinator to Seek Formal Quotes for Improvements – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE CITY ADMINISTRATOR AND IT COORDINATOR TO SEEK FORMAL QUOTES TO PURCHASE AND INSTALL BY CITY STAFF VISUAL, AUDIO AND MISCELLANEOUS SUPPORT EQUIPMENT TO IMPROVE AND ENHANCE COUNCIL CHAMBER COMMUNICATIONS SYSTEM.

Break

The Council took a break from 9:00 P.M. to 9:05 P.M.

Unfinished Business

Public Hearing – Final Reading of Proposed Ordinance No. 1453 – An Ordinance Amending Brainerd City Code Section 900 re Animal Control by Removing the Requirement for Distemper Vaccination – City Administrator Thoreen Recommends Dispensing with the Actual Reading – Approved

The Chair opened the Public Hearing at 9:05 P.M. No one came forward.

The Chair closed the Public Hearing at 9:06 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1453 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900 ON ANIMAL CONTROL BY REMOVING THE REQUIREMENT FOR DISTEMPER VACCINATION; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT ORDINANCE NO. 1453 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900 ON ANIMAL CONTROL BY REMOVING THE REQUIREMENT FOR DISTEMPER VACCINATION.

ORDINANCE NO. 1453

Upon roll call, members Borkenhagen, Hilgart, Koep, Pritschet, Bevans, Johnson 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. 1454 – An Ordinance Amending Brainerd City Code Section 1010 re Licensing Fees by Increasing the Fees for

Animal Licensing Effective July 15, 2016 – City Administrator Thoreen Recommends Dispensing with the Actual Reading:

The Chair opened the Public Hearing at 9:06 P.M. No one came forward.

The Chair closed the Public Hearing at 9:07 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1454 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010 ON LICENSING FEES BY INCREASING THE FEES FOR ANIMAL LICENSES EFFECTIVE JULY 15, 2016; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP TO ADOPT ORDINANCE NO. 1454 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010 ON LICENSING FEES BY INCREASING THE FEES FOR ANIMAL LICENSES EFFECTIVE JULY 15, 2016.

ORDINANCE NO. 1454

Upon roll call, members Borkenhagen, Hilgart, Koep, Pritschet, Bevans, Johnson 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. 1455 – An Ordinance Deleting Section 820 re Public Phone Booths – City Administrator Thoreen Recommends Dispensing with the Actual Reading:

The Chair opened the Public Hearing at 9:07 P.M. No one came forward.

The Chair closed the Public Hearing at 9:08 P.M.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT ORDINANCE NO. 1455 – AN ORDINANCE DELETING SECTION 820 RE PUBLIC PHONE BOOTHS.

ORDINANCE NO. 1455

Upon roll call, members Borkenhagen, Hilgart, Koep, Pritschet, Bevans, Johnson 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

New Business

Smoking and Tobacco Use Policy – Adopt Policy with the Addition of “Smokeless Tobacco” – Approved

City Administrator Thoreen reported that a citizen had concerns after seeing an employee smoking in a City vehicle which prompted the development of a policy to prohibit this use in City vehicles.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO ADOPT THE CITY OF BRAINERD EMPLOYEE SMOKING AND TOBACCO USE POLICY WITH THE ADDITION OF SMOKELESS TOBACCO.

Proposed Ordinance No. 1457 – Annexation of Robert & Andrea Marohn Property at 11427 Easy Street, PID #811080000590009 – Hold First Reading of Ordinance and Set Public Hearing – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1457 – ANNEXATION OF ROBERT & ANDREA MAROHN PROPERTY AT 11427 EASY STREET, PID #08110000590009 AND TO SET A PUBLIC HEARING FOR AUGUST 15, 2016 AT 7:30 P.M.

Renewal of Contract – State of MN DHS/Quality Enterprises – For Paper Shredding of City Hall Documents – Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGREEMENT FOR THE STATE OF MN DHS/QUALITY ENTERPRISES FOR PAPER SHREDDING OF CITY HALL DOCUMENTS.

Police Department – MOU with CLC for Sexual Assault Matters – Send to City Attorney for Review Prior to Approval – Approved

Police Chief McQuiston reported that all post-secondary institutions have to adopt this policy to be in compliance with State law.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO SEND THE MOU BETWEEN THE CITY AND CENTRAL LAKES COLLEGE FOR SEXUAL ASSAULT MATTERS TO THE CITY ATTORNEY FOR REVIEW BEFORE APPROVAL.

Regional Park Dedication and Master Plan Submission – “Brainerd Riverfront Regional Park” – Held Over to July 18, 2016

Following discussion of Council; further information on future responsibilities the City might have relating to this project was requested.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO HOLD OVER ADOPTION OF A RESOLUTION SUPPORTING REGIONAL PARK DESIGNATION AND MASTER PLAN SUBMISSION TO THE JULY 18, 2016 CITY

COUNCIL MEETING IN ORDER TO RESEARCH THE CITY'S FUTURE RESPONSIBILITIES WITH THE PROJECT.

Planning Commission

Variance – Request from Erich Jenkins for a Variance to Construct an Accessory Building at 1407 S. 6th Street with a Commercial Steel Roof to Match the Roof of the Dwelling on the Property that is No Standing Seam in Design – Approved

Findings-of-Fact:

1. The property is zoned R-1.
2. Property is 58'x155' = 8,900 sq. ft. which is a conforming R-1 single family lot.
3. The neighborhood is predominately single-family houses.
4. The accessory building is 36' x 24' (864 sq. ft.) and will have 2/12 slope that matches the house.
5. The accessory building meets all zoning setback and building size limit requirements.
6. The dwelling has a steel ribbed metal panel roof and the accessory building will have the same roof material and design.
7. Asphalt shingles cannot be warranted on a 2/12 roof slope.
8. The accessory building placement will be such that it is not visible to the general public.
9. Using the property in this manner will be in harmony with the following Zoning Ordinance purposes:
 - a. *Protect neighborhoods.*
 - b. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational, and public areas.*
 - c. *Provide adequate light, air, and convenience of access to property.*
 - d. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
10. The variance is consistent with the following Comprehensive Plan Land Use Goals and Strategies:

LAND USE GOAL #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.

Strategy

Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.

LAND USE GOAL #5: Support development that enhances community character and identity.

Strategy

Support the redevelopment of vacant and abandoned sites within the urban core.
11. Petitioner spoke in favor of the project.
12. One email requesting 6ft privacy fence in the event that the building is a commercial building was received.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO APPROVE THE VARIANCE REQUESTED BY MR. ERICH JENKINS TO

CONSTRUCT AN ACCESSORY BUILDING AT 1407 S. 6TH STREET WITH A COMMERCIAL STEEL ROOF TO MATCH THE ROOF OF THE DWELLING ON THE PROPERTY THAT IS NO STANDING SEAM IN DESIGN BASED ON THE 12 FINDINGS-OF-FACT AND PLANNING COMMISSION RECOMMENDATION.

Conditional Use Permit – Request from Land and Lease Development LLC, on Behalf of Josh Imgrund, for Two Conditional Use Permits for its Property at 303 W Washington Street; Auto Sales and Vehicle Repair – Approved

Findings-of-Fact:

1. The property is zoned B-4 (General Commercial) District and auto sales and vehicle repair are uses allowed by Conditional Use Permit.
2. The parcel size is 140' x 100' (14, 000 sq. ft.).
3. The site has a history of auto related uses. The building on the site has two service stalls for auto repair.
4. The site is completely paved.
5. There area is commercially developed.
6. There will be no painting or body work on the premises.
7. Washington Street is the major east/west arterial through the City.
8. Building, Fire, BPU, have no issues with the uses.
9. The Engineering Department stated no vehicles should be in the right of way or blocking the 20' x 20' clear vision corner.
10. The Planning Department cited the need for off street parking that includes a handicapped stall and an enclosure if a dumpster is used.
11. Using the property in this manner will be in harmony with the following Zoning Ordinance purposes: *Provide for compatibility of different land uses.*
12. The variance is consistent with the following Comprehensive Plan Land Use goals and Strategies:
 - LAND USE GOAL #5: *Support development that enhances community character and identity.*
 - Strategy
 - Support the redevelopment of vacant and abandoned sites...
13. Petitioner spoke in favor.
14. No one spoke against.
15. There will be three employees.

Conditions:

1. Provide at least seven separately identified and marked parking spaces for visitors and employees and including a handicap parking spot.
2. Should a dumpster become necessary it must be screened.
3. Based on visibility concerns with the lot being on a corner, no vehicle shall be parked within the traffic visibility setback area at the corner of Washington Street and NW 3rd Street.

Aldermen Scheeler abstained from these motions.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND KOEP, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR AUTO SALES AT 303 W WASHINGTON STREET AS REQUESTED BY LAND AND LEASE DEVELOPMENT LLC ON

BEHALF OF JOSH IMGRUND BASED ON THE 14 FINDINGS-OF-FACT, 3 CONDITIONS AND RECOMMENDATION OF THE PLANNING COMMISSION.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR VEHICLE REPAIR AT 303 W WASHINGTON STREET AS REQUESTED BY LAND AND LEASE DEVELOPMENT LLC ON BEHALF OF JOSH IMGRUND BASED ON THE 15 FINDINGS-OF-FACT, 3 CONDITIONS AND RECOMMENDATION OF THE PLANNING COMMISSION.

Public Forum: No one appeared for Public Forum.

Council Member Reports

Mayor Menk reported on the successful 4th of July community celebration and stated that he had been contacted by a marketing specialist relating to a recent article listing Brainerd as the poorest town in Minnesota.

Council Member Johnson stated that Crow Wing County HRA will be holding a meeting on Thursday at 5:00 P.M. to decide if they will accept the current offer to purchase and develop Brainerd Oaks or offer an RFP. He stated that the County Board held a workshop and it appears they are willing to deed all three developments to the CWC HRA. If that offer is accepted he will be presenting a resolution for the City Council's adoption stating that the City will not recertify the special assessments.

Adjourn

The Chair adjourned the meeting at 9:40 P.M.

James M. Thoreen
City Administrator