Brainerd, MN
July 18, 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: 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 President Scheeler added item 6B: Introduction of Hara Charlier, the new President of Central Lakes College.

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

Council Member Johnson requested that the July 5, 2016 City Council minutes be corrected in the last paragraph to reflect the meeting of the "Crow Wing County" HRA rather than "Brainerd" HRA.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO ADOPT THE CONSENT CALENDAR WITH THE CORRECTION TO THE JULY 5, 2016 MINUTES.

A. Minutes of the Regular Meeting held on July 5, 2016, as Corrected – Approved

B. Licenses – Approved
1. Contractor's Licenses – 1 – New
2. Tobacco License – Cory Locky dba Tobacco Den, 2806 Clara St
Contingent upon Police Chief and Fire Chief Approval

C. Department Activity Reports – Approved
1. Mayor
2. Police Chief
3. Finance Director

D. Police Department – Resolution No. 29:16 Adopted – Approving State of Minnesota MOU on Behalf of MNSCU and CLC with the City of Brainerd on behalf of its Police Department

E. Temporary Liquor – Crossing Arts Alliance – August 18, 2016 at Franklin Arts Center, 1001 Kingwood Street, Ste 114, Brainerd – Approved

F. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lower South Long Lake Improvement Association for a Bingo Event to be held on September 4, 2016 at Jack's House, 300 Hwy 25 S, Brainerd – 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

Jeff Czeczok – Charter Commission – Informational

The Chair recognized Mr. Jeff Czeczok, 511 "D" Street, Brainerd, who spoke on behalf of the Brainerd Charter Commission. Mr. Czeczok questioned the validity of the Public Utilities Commission and the Housing and Redevelopment Authority to receive wages and, in the PUC's case, insurance coverage while no other boards receive compensation. He added that the money being paid is "the people's" money and questioned how the City could allow the practice based on Charter rules.

Council discussion was held. It was suggested that the boards that are compensated are asked their opinion before proceeding with further research.

Introduction of new Central Lakes College President Hara Charlier – Informational

The Chair introduced Ms. Hara Charlier, new president of Central Lakes College, 501 W College Drive, who discussed the current happenings and future plans at the College. She stated that she and her husband are very happy to be in Brainerd and answered questions of the Council.

Council Committee Reports

Safety and Public Works Committee Report

IMP 14-15 – Change Orders for Airport Utility Extension:

Change Order #5 – Approved; Change Orders #3 and #4 – Denied

Per agenda request, Change order #3 (additional $88,037.50) is for extra equipment and work associated with moving of a large rock that is blocking the boring of the water casing under T.H. 25; change order #4 (additional $27,490) is for extra work associated with the removal of concrete rubble necessary for the construction of about 800 feet of water main; and change order #5 (savings of $260,792.93) is to document the cost differential of a design change from gravity sewer in the concrete rubble area to a directional drilled force main.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE CHANGE ORDER #5 RELATING TO SANITARY SEWER FOR IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION.

Committee Chair Bevans reported that discussion in Committee relating to the engineering involved in change orders #3 and #4. Following confirmation that bidding for the project was accepted without the requirement of methodology, a motion was made for denial.

MOVED BY ALDERMEN BEVANS AND KOEP TO DENY CHANGE ORDER #3 RELATING TO EXTRA EQUIPMENT FOR ROCK REMOVAL AND CHANGE ORDER #4 RELATING TO EXTRA WORK FOR ROCK AND RUBBLE REMOVAL FOR IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION.

Extensive discussion was held by the Council on change orders #3 and #4 being separate items; one dealing with hitting rubble while digging and one being for an obstruction that has to be dealt with; they discussed the validity and questioned the methodology used. Concerns on the procedure following a rejection of a change order were also discussed.

The Chair recognized representatives from the City's consulting engineer on the project, SEH, who answered questions on and recommended approval of both Change Orders #3 and #4.

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

Utility Connection Procedures for Properties Out of City Limits – Adopt Recommendations of City Engineer – Approved

City Engineer Hulsether's recommendations were included in the Packet.

*Note: Council Member Pritschet stepped out briefly and was not included in this vote.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE CITY ENGINEER'S RECOMMENDATIONS FOR UTILITY CONNECTION PROCEDURES FOR PROPERTIES OUT OF CITY LIMITS.

IMP 16-06 – Alley Block 46 – Approve Plans and Specifications for the Alley Block 46 Sanitary Sewer Replacement and Authorize Engineering Staff to Solicit Bids for Construction in the Fall of this Year – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE PLANS AND SPECIFICATIONS FOR THE ALLEY BLOCK 46 SANITARY SEWER REPLACEMENT AND AUTHORIZE ENGINEERING STAFF TO SOLICIT BIDS FOR CONSTRUCTION IN THE FALL OF THIS YEAR.

Council discussion was held relating to the sanitary sewer fund and the contingency fund balance on the airport utility project.

College Drive Trees – Include $15,500 in the 2017 Budget to Replace Missing and Vandalized/Unhealthy Trees – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO INCLUDE $15,500 IN THE 2017 BUDGET FOR TREE REPLACEMENT.

First Reading of Proposed Ordinance No. 1458 – An Ordinance Opting out of the Requirements of Minnesota Statutes, Section 462.3593 relating to Temporary Family Health Care Dwellings – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1458 – OPTING OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593 RELATING TO TEMPORARY FAMILY HEALTH CARE DWELLINGS; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

Greater Minnesota Regional Trails & Park Commission Application – Informational

Per Agenda Request, the Planning Department has learned the submittal is not needed at this time. Information about future commitments will be part of a future submittal for designation status.

Storm Update – Added Item – Informational

City Engineer Hulsether reported on events that were a result of the nearly 9 inches of rain that fell last week, stating that sinkholes have been created and that staff is concerned about the condition of the interceptor near the BIC property. He stated that the City crews all did a great job keeping up with the many challenges the storms created and that he does expect more sinkholes to occur in the near future.

Personnel and Finance Committee Report

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

General Fund to Public Safety Fund	$315,000
General Fund to Park Fund	$ 40,000
General Fund to Street & Sewer Fund	$ 0
General Fund to Airport Fund	$ 12,960
	$367,960

Contractor	IMP #	Project	Amount	Total Retained On Project
Braun Intertec	14-08	Soils Testing thru 6/10-CSAH 45	$819.25	$0.00
Tom's Backhoe	14-15	Pay App #3, Brd Airport Utility Extension thru 6/30	$790,203.12	$110,057.98

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, 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 Borkenhagen, Hilgart, Koep, Pritschet, Bevans, Johnson and Scheeler voted "aye." No member voted "nay." The Chair declared the motion carried.

Fire Department – Fire Chief Holmes – Successful Completion of One-Year Probationary Period – Change Status from "Probationary" to "Regular" Status as Recommended by City Administrator Thoreen – Effective July 13, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE CHANGE OF STATUS FROM "PROBATIONARY" TO "REGULAR" AND THE ADVANCEMENT TO STEP C OR 95% OF BASE WAGE FOR FIRE CHIEF HOLMES BASED ON THE SUCCESSFUL COMPLETION OF HIS ONE-YEAR PROBATIONARY PERIOD, EFFECTIVE JULY 13, 2016.

Administrative Specialist Position – Added Item – Authorize Staff to Negotiate and Make a Conditional Job Offer to the Top Candidate at 85% of Base Wage – Name and Hire Date to be Included on the August 1, 2016 Agenda – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE STAFF TO NEGOTIATE AND MAKE A CONDITIONAL JOB OFFER TO THE TOP ADMINISTRATIVE SPECIALIST CANDIDATE AT 85% OF THE BASE WAGE FOR THE POSITION; FURTHER, THAT THE COUNCIL WILL RATIFY THE APPLICANT'S NAME AND DATE OF HIRE AT THE AUGUST 1, 2016 MEETING.

Unfinished Business

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

Code Enforcement Report – Building Official Caughey – Informational

The Chair recognized Building Official Caughey who summarized the Code Enforcement Report included in the Packet. He answered questions of the Council and the Chair thanked him for the presentation.

Public Forum:

The Chair recognized Mr. Jeff Czeczok, 511 "D" Street, Brainerd, who asked if a state-licensed contractor is required to get a city license to work in the City of Brainerd.

City Engineer Hulsether stated that residential work would be covered under a state contractor license but commercial work would require a city license.

Staff Reports – Written

City Administrator Thoreen reported on the progress of the City Hall Facilities Committee recommendations. He stated that Gene Halvorson from Maple Hill Energy of Duluth inspected the City Hall and Fire Department HVAC systems last week. He will forward the report to Council when received for a determination on whether a second opinion will be warranted.

Council Member Reports

Council Member Johnson reported that the CWC HRA has accepted the offer from PaxMar for the redevelopment of Brainerd Oaks, DalMar Estates and Serene Pines; he will present a resolution at the August 1, 2016 meeting stating that the City will not recertify assessments and is willing to take all of the net proceeds from the land sale. He stated that the Park Board is holding a public input meeting at 7:00 P.M. on Tuesday, July 18, 2016 at the Fire Department Training Room.

Council Member Pritschet stated that he had attended the Ski Loons show and that it was very impressive and well-attended.

Council Member Koep requested an opinion from the City Attorney on whether individuals could smoke in their own apartments within an apartment building based on a complaint received from a citizen. It was determined that a person's apartment building is private property and therefore can be smoked in unless prohibited by landlord's lease.

Mayor Menk reported on BLAEDC's micropolitan summit. He also warned people of distracted walkers and drivers playing Pokémon Go.

Committee Recommendations – Recommended by Mayor Menk – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPOINT MR. DANIEL HEGSTAD TO THE AD HOC WALKABLE BIKEABLE CITY COMMITTEE.

Adjourn

The Chair adjourned the meeting at 8:41 P.M.

James M. Thoreen
City Administrator