

7:15 P.M. – *Showcasing Brainerd: Ed Mattson, Owner of The Skillet and The Last Turn Saloon*

The Chair recognized Mr. Ed Mattson, who has owned The Skillet restaurant in Brainerd for four years and is in the final steps of purchasing The Last Turn Saloon in Brainerd as well. He thanked the Council for the opportunity to appear this evening and for their support of The Skillet. Upon Council's request, he discussed his history of working in the restaurant industry. He expressed his excitement for the recent purchase of Last Turn Saloon; even ensuring that the Beer Cheese Soup recipe will stay the same. He answered questions of the Council and the Chair thanked him for his 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 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 the following corrections: Change time of Walking Trail Event adjournment on tonight's agenda to 12:15 P.M. on Wednesday, May 4, 2016, and correct page 5 of the April 18, 2016 minutes to reflect the Public Hearing for the Marohn Annexation to be held on June 6, 2016 rather than May 16, 2016.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT THE CORRECTIONS TO THE AGENDA AND DRAFT MINUTES AS PRESENTED.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT THE CONSENT CALENDAR WITH THE CORRECTED APRIL 18, 2016 MINUTES.

A. Approval of the Minutes of the Regular Meeting held on April 18, 2016, as Corrected – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New
2. Contractor's Licenses – 1 – Renewal
3. On Sale & Sunday Liquor License – 1 – New:
10 Buck Investors dba 218, 723 Mill Avenue, Brainerd
(Contingent upon Fire Inspection)

C. Department Activity Reports – Approved

1. Fire Chief
2. Park Director

D. Resolution No. 21:16 Adopted – Approving State of Minnesota Joint Powers Agreements with the City of Brainerd on Behalf of its Prosecuting Attorney and Police Department

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 – Camp Ripley Annual Update – Colonel St. Sauver:

The Chair recognized Colonel St. Sauver, Camp Ripley Commander, who presented Camp Ripley’s 2016 Overview Brief, stating that the months of May and July will be very busy for the largest logistical exercise they have done in many years. He discussed 2015 Economic Impact and activities for the upcoming months. He discussed DNR, State Patrol and MnDOT Snowplow training, all being held in September, and the Environmental Program.

The Chair thanked him for his presentation.

Council Committee Reports

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>
S.E.H.	14-15	Airport Utilities Ext. Project	\$9114.83	N/A

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO APPROVE THE PAYMENT OF BILLS AND THE ONE CONTRACTOR PAYMENT 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.

Animal Control Ordinances – Informational

Committee Chair Koep reviewed the current animal impound and license processes and reviewed the proposed changes presented this evening to Council Members. She reported that Committee did not feel comfortable holding the first reading of the proposed ordinance amendments which would increase the fees for licensing dogs and allow HART to license dogs at their facility.

The Council agreed to postpone the first reading of ordinances relating to animal control to the May 16, 2016 meeting.

Brainerd Oaks Discussion – Inform Crow Wing County of the City’s Encouragement to Continue Working with the City and County HRA Boards toward an Agreement with the Developer interested in Brainerd Oaks as well as Other Brainerd Properties – Approved

Committee Chair Koep reported that a developer interested in Brainerd Oaks has also expressed interest in Serene Pine and Dal Mar Estates.

Council Member Scheeler abstained from this vote.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO INFORM CROW WING COUNTY OF THE CITY'S ENCOURAGEMENT TO CONTINUE WORKING WITH THE CITY AND COUNTY HRA BOARDS TOWARD AN AGREEMENT WITH THE DEVELOPER INTERESTED IN BRAINERD OAKS AS WELL AS OTHER BRAINERD PROPERTIES.

Police Department – Make Conditional Job Offer to Police Officer Candidate Mike Bengen Pending the Successful Completion of a Background Investigation and Required Pre-Employment Screening with a Projected Start Date of May 23, 2016 and Terms of Employment to be in Accordance with the Current Labor Agreement – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO MAKE A CONDITIONAL JOB OFFER TO POLICE OFFICER CANDIDATE MIKE BENGEN, PENDING THE SUCCESSFUL COMPLETION OF A BACKGROUND INVESTIGATION AND REQUIRED PRE-EMPLOYMENT SCREENING, WITH A PROJECTED START DATE OF MAY 23, 2016 AND TERMS OF EMPLOYMENT TO BE IN ACCORDANCE WITH THE CURRENT LABOR AGREEMENT.

Fire Department – Resignation of POC Firefighter Langerud – Effective April 26, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF PAID ON-CALL FIREFIGHTER CLINTON LANGERUD, EFFECTIVE APRIL 26, 2016.

Resolution No. 22:16 Adopted – Related to Finance; Transferring Certain Funds to and From Sinking Funds

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO ADOPT RESOLUTION NO. 22:16 – AUTHORIZING THE TRANSFER OF FUNDS FOR THE 2007B GO IMPROVEMENT BONDS FROM FUND 311 TO 322, AND TRANSFERRING THE 2007B GO UTILITY REVENUE BONDS FROM FUND 312 AND 323 TO FUNDS 237 AND 238.

RESOLUTION NO. 22:16

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.

Sale of Industrial Park Property to Snodeos – Authorize Sale of Parcel #09111001001C009 to the Brainerd Snodeos for the Bid Price of \$9,562 and Authorize the Deposit of Net Proceeds into Debt Service Fund 322 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE SALE OF PARCEL #09111001001C009 TO BRAINERD SNODEOS

FOR THE BID PRICE OF \$9,562, AND TO AUTHORIZE THE DEPOSIT OF THE NET PROCEEDS INTO DEBT SERVICE FUND 322.

4th of July Funding Request – Contribute \$8,000 to Community Action for the 4th of July Celebration – Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO APPROVE CONTRIBUTING \$8,000 TO COMMUNITY ACTION FOR THE 4TH OF JULY CELEBRATION.

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

Safety and Public Works Committee Report

Event/Street Closure Application – Community Action 4th of July Events to be held in Brainerd from 8:00 A.M. to 11:00 P.M. on Monday, July 4, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE 4TH OF JULY PARADE, ENTERTAINMENT AND FIREWORKS IN BRAINERD FROM 8:00 A.M. TO 11:00 P.M. ON MONDAY, JULY 4, 2016 AS APPLIED FOR BY COMMUNITY ACTION.

Event/Street Closure Application – Eagles Club 4th of July Events to be held in Brainerd from 8:00 A.M. to 8:00 P.M. on Monday, July 4, 2016 – Neighbors to be Informed of Event, No Speakers to face South or Toward Residences and No Beer to leave Designated Beer Garden Area – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE 4TH OF JULY BEER GARDEN, FOOD AND DANCE EVENT BETWEEN FRONT STREET AND LAUREL STREET IN BRAINERD FROM 8:00 A.M. TO 8:00 P.M. ON MONDAY, JULY 4, 2016 AS APPLIED FOR BY THE BRAINERD EAGLES; SUBJECT TO THE FOLLOWING CONDITIONS:

- DISCUSS WITH ANY NEIGHBORS THE DETAILS OF THE EVENT
- DO NOT DIRECT ENTERTAINMENT SPEAKERS SOUTH OR TOWARD ANY RESIDENCE
- ENSURE THAT BEER IS NOT ABLE TO BE BROUGHT OUT OF THE BEER GARDEN

Evergreen Cemetery Storm Sewer Outfall – Discussion Item

Committee Chair Bevans reported that the City is working with the cemetery to define property and storm sewer lines.

Resolution No. 23:16 Adopted – Adopting a Complaint Procedure, Form & Public Notice for Title VI Complaints

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 23:16 – ADOPTING A COMPLAINT PROCEDURE, FORM AND PUBLIC NOTICE FOR TITLE VI COMPLAINTS.

RESOLUTION NO. 23:16

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.

Construction Project Update – Property Owner at 411 SE 13th Street to Break Connection to City Sewer at their Expense – Approved

City Engineer Hulsether reviewed the information included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO REQUIRE THE PROPERTY OWNER AT 411 SE 13th STREET TO BREAK CONNECTION TO CITY SEWER AT THEIR EXPENSE.

Unfinished Business

A. 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

First 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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST 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.

Planning Commission

Conditional Use Permit – TT of Brainerd LLC, 13754 Two Mile Rd, Brainerd, MN 56401, for JDB LLC and Stepping Stone Childcare Learning Center LLC for a Commercial Childcare Center at 810 NW 7th Street, Brainerd, MN – Approved

City Planner Ostgarden reviewed the findings and recommendations of the Planning Commission.

Findings-of-Fact:

1. The property is zoned B-4 (General Commercial) and commercial day cares are permitted conditional uses in the district.
2. Property is one (1) acre in size.
3. The property has limited public visibility.
4. The property has a 1 story 9,400 sf building and off street parking.
5. The property has access from 6th Street NW and 7th Street NW.

6. A multifamily residential development is located to the north, the VA Clinic to the south and wetlands to the east and vacant land to the west. The local streets are designed to handle the traffic generated by B-4 uses of the property.
7. Commercial Daycare will not negatively affect public services and facilities or overburden city services.
8. The site has 30 off street parking spaces that include 2 handicapped spaces.
9. The Petitioner spoke in favor of the CUP.
10. The applicant is asking to be approved to care for up to 160 children.
11. The City Planner expressed concerns with parking and traffic flow.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT APPLIED FOR BY TT OF BRAINERD LLC, 13754 TWO MILE RD, BRAINERD, MN 56401, FOR JDB LLC AND STEPPING STONE CHILDCARE LEARNING CENTER LLC FOR A COMMERCIAL CHILDCARE CENTER AT 810 NW 7TH STREET, BRAINERD, MN BASED ON THE 11 FINDINGS-OF FACT AND THE RECOMMENDATION OF THE PLANNING COMMISSION.

Conditional Use Permits – Brainerd Industrial Center, 1801 Mill Avenue, Brainerd, MN 56401; Recycling Center and Construction and Demolition Waste Transfer Station – Approved:

City Planner Ostgarden reviewed the findings and recommendations of the Planning Commission and reminded the Council that the CUP's for each the Recycling Center and the Construction and Demolition Waste Transfer Station should be voted on separately.

The Chair allowed public comment and recognized the following citizens who spoke on the proposed CUP's:

Mr. William Basset, 1101 Lakeview Lane, Brainerd, who spoke against the recycling center based on the approval being difficult to "un-approve" should citizens find the center to cause problems.

Mr. Lawrence Severt, Oak Lawn Township resident and President of the Rice Lake Association, spoke against the transfer station based on concerns about water quality, noise and odor. He spoke of the horrible smells associated with the transfer station in Sauk Rapids, MN.

Mr. Mike Higgins, Owner of BIC, reported that comparing concerns to the Sauk Rapids transfer station were unfounded based on the fact that the Sauk Rapids facility was a garbage transfer station and this would be only construction and demolition debris. He also stated that cement barrier walls will be put up blocking any contamination to any water bodies. He stated that no hazardous materials can be collected, that no incineration is allowed, and that standard excavating noises will be the only noise; no grinding, etc.

Mr. Jerry Sinner, 10020 Island Drive, Brainerd and City EDA Member, spoke in support of both CUPs based on these facilities bringing in jobs. He stated that Mr. Higgins has invested a great deal of time and money in order to utilize the formerly vacant BIC facilities.

Mayor Menk, City EDA Chair, reported that Mr. Higgins has not requested any help from the City/EDA for all of the improvements and utilization he's brought to the BIC. He stated that

he recommends approving both CUPs based on economic impact and the fact that the many environmental regulatory boards will be carefully monitoring the facility.

Recycling Center – Approved

Findings-of-Fact:

1. The property is located in an I-2 (General Industry) District. Recycling Centers are a use permitted by Conditional Use Permit.
2. B.I.C will lease spaces to GreenForest to operate a Multiple Recycling Facility (MRF).
3. The recycling center will be located within the main building on the site next to a demolition and construction material transfer station.
4. The recycling process will be conducted with the walls of the main building.
5. The recycling center is approximately 350 feet from Mill Avenue and the nearest residential property is approximately 1,100 feet away.
6. A single point of access to the recycling center will be used which is controlled by an automated security gate.
7. Recycling centers are regulated by the MPCA and this transfer station is eligible for a Permit by Rule to operate.
8. The petitioner and facility owner were present and spoke in favor.
9. Four citizens were present and one email was received voicing concerns about noise, odor, dust and debris.

Council Member Scheeler abstained from the vote.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT APPLIED FOR BY MR. JEFF GRUNEWALD, GREENFOREST RECYCLING RESOURCES, LLC. FOR A RECYCLING CENTER TO BE LOCATED AT THE BRAINERD INDUSTRIAL CENTER, 1801 MILL AVENUE, BRAINERD, MN 56401 BASED ON THE 9 FINDINGS-OF-FACT AND THE RECOMMENDATION BY THE PLANNING COMMISSION.

Council Planning Liaison Pritschet stated that having this recycling center in town could reduce overhead for local carriers. He commended Mr. Mike Higgins, BIC owner, for bringing in business and stated that the EPA and MPCA have many stipulations to regulate pollution concerns brought forth at the Planning Commission meeting.

Construction and Demolition Debris Waste Transfer Station – Approved

Findings-of-Fact:

1. The property is located in an I-2 (General Industry) District. Transfer stations are a use permitted by Conditional Use Permit.
2. B.I.C will own and operate the transfer station.
3. The transfer station will be located under an open sided free standing 30,000 square foot building at the north end of the property which is visible from Mill Avenue.
4. The transfer station will be located next to a privately operated recycling center.
5. The transfer station site is approximately 350 feet from Mill Avenue and the nearest residential property is approximately 1,100 feet away.

6. A single point of access to the transfer station will be used which is controlled by an automated security gate.
7. Recycling centers are regulated by the MPCA and this transfer station is eligible for a Permit by Rule to operate.
8. The petitioner and facility owner were present and spoke in favor.
9. Four citizens were present and one email was received voicing concerns about noise, odor and debris; concerns were all addressed.
10. All MPCA Regulations regarding noise, odor and dust shall be met.

Council Member Scheeler abstained from the vote.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT APPLIED FOR BY MR. MIKE HIGGINS, BRAINERD INDUSTRIAL CENTER, LLC. FOR A CONSTRUCTION AND DEMOLITION DEBRIS TRANSFER STATION TO BE LOCATED AT THE BRAINERD INDUSTRIAL CENTER, 1801 MILL AVENUE, BRAINERD, MN 56401 BASED ON THE 9 FINDINGS-OF-FACT AND THE RECOMMENDATION BY THE PLANNING COMMISSION.

Public Forum:

No one appeared at Public Forum.

Staff Reports – Written

(Verbal: Any Updates since Packet)

City Administrator Thoreen informed the Council Members that he will be ordering new seating for use in the Council Chambers.

Council Member Reports

Parks Liaison Johnson reported that the Parks Department is holding a ribbon-cutting for new restrooms at Memorial Park on or around May 4, 2016. He congratulated Council Member Hilgart on her participation in the Run for the Lakes half-marathon this past weekend.

Council Member Pritschet reported on the “Resilient Region” Region V annual report and funding for Garfield Safe Routes to School.

Council Member Borkenhagen invited the community to the event, “Aging Boom: Are we Ready?” to be held from 5:30-7:00 P.M. on May 5, 2016 at The Center and reported that their plant sale starts on May 19th.

Mayor Menk reported that he attended three Bringing up Grades (BUG) programs, an Arbor Day event with area school children and the Good Samaritan Bowl. He stated that he also welcomed attendees to the Airport Manager’s meeting at Madden’s Town Hall.

On that note, City Administrator Thoreen confirmed that the Airport Bonding Bill is still “moving along,” stating that Senator Stumpf has included the \$6,000,000 request for the Airport Utility Extension Project on his list of projects to be funded through the Senate version. He suggested that citizens encourage this bill by contacting their legislators.

Committee Recommendations

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE APPOINTMENT OF MS. SUSAN HARDY TO THE BRAINERD PUBLIC LIBRARY BOARD FOR A TERM TO EXPIRE ON 12/31/2021.

City Administrator Thoreen discussed the development of a Citizens Facility Committee which will also include Council Members Koep and Borkenhagen as Council representatives. He asked for the Council's recommended appointees to the Committee.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO APPROVE THE APPOINTMENT OF THE FOLLOWING CITIZENS TO THE "CITIZENS FACILITY COMMITTEE" TO EVALUATE AND CONSIDER IMPROVEMENTS OF CITY FACILITIES: MIKE ANGLIN, AMY GRAY, KIM ELLINGSON, JEFF CZECZOK, KEVIN GOEDKER, TOM HOFIUS, DAVE PUERINGER AND DAN VOGT.

Adjourn

- **To Ribbon Cutting/Grand Opening of Northside Walking Route at St. Joseph's Hospital to be held at 12:15 P.M. on Wednesday, May 4, 2016**
- **To Walkable Bikeable City Committee Non-Motorized Transportation Plan Presentation to be held at 6:00 P.M. on Wednesday, May 11, 2016 at the Brainerd Fire Department**

The Chair adjourned the meeting at 9:22 P.M.

James M. Thoreen
City Administrator