

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, Bevans, Johnson and Scheeler. It was noted that Council Member Pritschet was at a remote location in Rochester, MN; he appeared on screen through Skype. Mayor Menk was also noted as present.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO ADD THE ITEMS "LIBRARY BOARD DIRECTION" AND "HOUSE NUMBERS" TO NEW BUSINESS.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO MOVE "MIKE HIGGINS, BIC" FROM THE PUBLIC FORUM SECTION TO DIRECTLY AFTER THE CONSENT CALENDAR.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ADD "DISCUSSION OF BOARD COMPENSATION INEQUITY" TO UNFINISHED BUSINESS.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ADD A PHRASE TO PAGE 2 OF THE JULY 18, 2016 CITY COUNCIL MINUTES (ITEM: JEFF CZECZOK – CHARTER COMMISSION – INFORMATIONAL) SUMMARIZING COUNCIL MEMBERS' REQUEST TO HAVE "BOARD COMPENSATION INEQUITY" RESEARCHED AND INCLUDED ON THE AUGUST 1, 2016 CITY COUNCIL AGENDA.

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

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

B. Approval of License – Approved

1. On-Sale Liquor – Patrick Severson dba 218, 723 Mill Avenue, Brainerd - *Contingent upon fire inspection*

C. Department Activity Reports – Approved

1. Fire Chief
2. Park Director

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

Mike Higgins, BIC – Informational

The Chair recognized Mr. Mike Higgins, representing the Brainerd Industrial Center (BIC). He read a prepared statement in which he brought to the Council's attention his concerns regarding relationships between the City and his business. Specifically Mr. Higgins cited what he believes to be inappropriate actions on the part of Councilman Gary Scheeler. Discussion followed. The Council confirmed that the liaison to BIC is Councilman Bevans and that future communications regarding like issues be forwarded to the City Administrator, then forwarded to Councilmember Bevans.

Council Committee Reports

Safety and Public Works Committee Report

Event/Street Closure Application – Night Beats – September 24, 2016 on 800 Block of Laurel – Approved Subject to Two Conditions

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION AS SUBMITTED BY THE NIGHT BEATS COMMITTEE FOR AN EVENT TO BE HELD ON SATURDAY, SEPTEMBER 24, 2016 ON THE 800 BLOCK OF LAUREL STREET SUBJECT TO THE FOLLOWING 2 CONDITIONS: COORDINATE TRAFFIC CONTROL WITH THE STREET DEPARTMENT AND SUBMIT APPROPRIATE CERTIFICATE OF INSURANCE NAMING THE CITY AS ADDITIONAL INSURED.

Event/Street Closure – Street Rod Association – Temporary No Parking Zones for Bus Loading Areas – September 10, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION AS SUBMITTED BY THE MINNESOTA STREET ROD ASSOCIATION FOR AN EVENT TO BE HELD ON SEPTEMBER 10, 2016; SPECIFICALLY FOR TEMPORARY NO PARKING ZONES FOR BUS LOADING AREAS.

Dial-A-Ride Operating Policy Amendment – Section 2.1.1, Service Availability – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE CHANGE TO SECTION 2.1.1 OF THE TRANSIT POLICY RELATING TO START TIMES.

Buffalo Hills Construction Project Development Status – Referred to Staff for Further Information to be presented to the Safety and Public Works Committee before October 1, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DIRECT STAFF TO PRESENT INFORMATION TO THE SAFETY AND PUBLIC WORKS

COMMITTEE BEFORE OCTOBER 1, 2016 ON THE DEVELOPMENT OF/STATUS OF THE BUFFALO HILLS CONSTRUCTION PROJECT INCLUDING ASSESSMENT METHODOLOGY.

Meeting Request from WBCC – Propose September 12, 2016 – Informational

Committee Chair Bevans stated that he will offer Walkable Bikeable City Committee (WBCC) Chair Jackie Burkey the date of Monday, September 12, 2016 for a special meeting between the Safety and Public Works Committee and the WBCC.

Downtown Maintenance Update – Informational

Committee Chair Bevans reported that there have been complaints about the maintenance of certain areas and planters in the Downtown area. He stated that the contractor has been contacted and that the City Planner and Mayor are monitoring the upkeep. He stated that the Council will be kept up to date with this issue.

Added Item: Library Parking Lot Re-Surfacing Request – Referred to Future Safety and Public Works Meeting

Council Member Koep requested the discussion/proposal for the re-surfacing of the Brainerd Public Library's parking lot be added to an upcoming agenda.

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 On Project</u>
S E H	14-15	Airport Utilities Ext. – Through 6/30	\$99,970.64	N/A
S E H	16-07	Jordan Rd Utilities Ext. – Feasibility Report	\$2,500.00	N/A
Anderson Brothers	16-05	2016 Crack Sealing – Final	\$13,838.72	N/A

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO APPROVE THE PAYMENT OF 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.

Fire Relief Association – Authorize Signatures on Annual Reports – Approved

Committee Chair Koep reported that there is no increase in annual benefit level.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE PROPER SIGNATURES ON THE 2016 ANNUAL BENEFIT REPORTS FOR THE BRAINERD FIRE RELIEF ASSOCIATION.

Credit Card Status Update

Committee Chair Koep reported that the City is now accepting credit cards. More information on what can be paid for with a credit/debit card and what will eventually be available for online payment will be presented at the August 15, 2016 meeting.

Ratification of Administration Department Administrative Specialist Hiring – Nicole Torrence at Step “A” of the Salary Administration Plan with an Anticipated Hiring Date of August 8, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO RATIFY THE HIRING OF NICOLE TORRENCE AS THE ADMINISTRATIVE SPECIALIST IN THE ADMINISTRATION/FINANCE DEPARTMENT AT STEP “A” OF THE SALARY ADMINISTRATION PLAN WITH AN ANTICIPATED HIRING DATE OF AUGUST 8, 2016.

Police Department – Promotion of Police Officer Michael Kulzer to Sergeant effective August 2, 2016 with Appropriate Wage/Benefit Changes Pursuant to the Current Labor Agreement in Place – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE PROMOTION OF POLICE OFFICER MICHAEL KULZER TO SERGEANT EFFECTIVE AUGUST 2, 2016, WITH THE APPROPRIATE WAGE/BENEFIT CHANGES MADE PURSUANT TO THE CURRENT LABOR AGREEMENT IN PLACE.

Fire Department – Resignation of Paid On-Call Firefighter Dennis Logelin effective July 26, 2016 – Accepted with Regret

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

Subordination of Loan to 3rd Position – Held Over

City Attorney Transition – Welcome New City Attorney Joseph J. Langel following the departure of City Attorney Quiring – Informational

City Administrator Thoreen introduced Attorney Joseph Langel. Effective after tonight’s meeting, Mr. Langel will be representing the City under provisions of the contract with “Ratwik, Roszak and Maloney, P.A.

The Chair thanked departing City Attorney Quiring for his service and welcomed Mr. Langel. Contact information will be updated and available at City Hall.

Unfinished Business

Public Hearing – Final Reading – Proposed Ordinance No. 1458 – An Ordinance Opting out of the Requirements of Minnesota Statutes, Section 462.3593 – Temporary Family Healthcare Dwellings – Approved

The Chair opened the Public Hearing at 8:12 P.M. No one came forward.

The Chair closed the Public Hearing at 8:13 P.M.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT ORDINANCE NO. 1458 – AN ORDINANCE OPTING OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593 – TEMPORARY FAMILY HEALTHCARE DWELLINGS.

ORDINANCE NO. 1458

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

Ad Hoc Walkable Bikeable City Committee

Added Item: Board/Commission Compensation Inequities – Referred to Personnel and Finance Committee for August 15, 2016 Agenda – Approved

Council Member Bevans clarified that the subject of board compensation inequality was brought forth from the Charter Commission, not Mr. Czezczok independently. He recommended the item be referred to committee level for further discussion.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO REFER THE ITEM OF BOARD/COMMISSION COMPENSATION INEQUITIES BE REFERRED TO THE PERSONNEL AND FINANCE COMMITTEE FOR DISCUSSION AT THE AUGUST 15, 2016 MEETING.

New Business

Canvass of Primary Election Returns – To be held on Thursday, August 11, 2016 at 1:00 P.M. in the City Hall Council Chambers – Approved

Finance Director Hillman announced that the Primary Election will be held on Tuesday, August 9, 2016 and that results need to be canvassed for accuracy by a quorum of the Council.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO SET A SPECIAL MEETING OF THE CITY COUNCIL TO CANVASS PRIMARY ELECTION RESULTS FOR THURSDAY, AUGUST 11, 2016 AT 1:00 P.M. IN THE CITY COUNCIL CHAMBERS.

Resolution No. 30:16 Adopted – Waiving Recertification of Outstanding Special Assessments to Certain Tax-Forfeit Parcels in the City

The Chair recognized Ms. Jennifer Bergman, Executive Director of the Crow Wing County HRA, who discussed the proposal from Paxmar Land Development Company, Anoka, MN, to purchase and redevelop tax forfeited parcels in the Brainerd Oaks, DalMar Estates and Serene Pines Developments. She discussed the timeline during which the offers and counter offers of Paxmar and CWC HRA resulted in a purchase offer of \$912,300. She discussed details of the purchase agreement and development proposal and explained what the HRA is requesting of the City.

Ms. Bergman then answered several questions of the Council.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO ADOPT RESOLUTION NO. 30:16 – WAIVING RECERTIFICATION OF OUTSTANDING SPECIAL ASSESSMENTS TO CERTAIN TAX-FORFEIT PARCELS IN THE CITY.

RESOLUTION NO. 30:16

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

Change Orders #3 and #4 for IMP 14-15 – Airport Utility Extension – Declare Action from July 18, 2016 City Council Meeting to Deny Change Orders Upheld – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP TO UPHOLD THE MOTION FROM THE JULY 18, 2016 CITY COUNCIL MEETING TO DENY CHANGE ORDERS #3 AND #4 FOR IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION.

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

It was determined that based on the motion made, the following two items as listed on the agenda were null and void.

1. *Discussion and Action on Change Order #3 for Improvement 14-15*
2. *Discussion and Action on Change Order #4 for Improvement 14-15*

Break: The Council took a break from 8:54 P.M. to 9:01 P.M.

Added Item: Request from City of Crosby to add their Library to the Kitchigami Regional Library System (KRLS) – Uphold Library Board Determination that the Policy Established by KRLS itself would deny the Acceptance of an Additional Library – Approved

Library Council Liaison Koep reported that the City of Crosby began negotiations with the Kitchigami system to be identified as a branch library. She went over the Kitchigami Regional Library’s Branch Establishment Policy.

Following Council discussion about diminished service at the Brainerd Public Library with the loss of funding this change would create, the following motion was made:

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO UPHOLD THE BRAINERD LIBRARY BOARD DETERMINATION THAT THE POLICY ESTABLISHED BY THE KITCHIGAMI REGIONAL LIBRARY ITSELF WOULD DENY THE ACCEPTANCE OF AN ADDITIONAL BRANCH LIBRARY.

Added Item: House Numbers on Homes – Refer Content and Intent of Letters to Safety and Public Works Committee for Further Review and Suspend Sending of Letters at this time – Approved

Council Member Koep reported that she had been receiving calls from citizens who have received City-generated notifications to display more prominent numbers on their homes indicating addresses. It was noted that the local hardware store is now out of various numbers used for this purpose.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO REVIEW THE CONTENT OF THE “HOUSE NUMBER VIOLATION” LETTER AND REFER THIS ITEM TO THE SAFETY AND PUBLIC WORKS COMMITTEE FOR REVIEW; FURTHER, TO SUSPEND THE MAILING OF SUCH LETTERS AT THIS TIME.

Planning Commission

First Reading – Proposed Ordinance No. 1459 – Rezoning Property located South of Quince Street on S. 6th Street and S. 7th Street to just South of Willow Street from a B-4 (General Commercial) District to a B-2 (Neighborhood Business) District and R-2 One and Two Family Residential District – Initiated by City of Brainerd Planning Commission – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1459 – REZONING PROPERTY LOCATED SOUTH OF QUINCE STREET ON S. 6TH STREET AND S. 7TH STREET TO JUST SOUTH OF WILLOW STREET FROM A B-4 (GENERAL COMMERCIAL) DISTRICT TO A B-2 (NEIGHBORHOOD BUSINESS) DISTRICT AND R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT AS INITIATED BY CITY OF BRAINERD PLANNING COMMISSION; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

First Reading – Proposed Ordinance No. 1460 – Rezoning Property located at 310 W Laurel Street, Brainerd from a B-2 (Neighborhood Business) District to a B-4 (General Commercial) District as requested by KRRC LLP, 521 Charles St, Suite 210, Brainerd – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1460 – REZONING PROPERTY LOCATED AT 310 W LAUREL STREET, BRAINERD FROM A B-2 (NEIGHBORHOOD BUSINESS) DISTRICT TO A B-4 (GENERAL COMMERCIAL) DISTRICT AS REQUESTED BY KRRC LLP, 521 CHARLES ST, SUITE 210, BRAINERD; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

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

First Reading – Proposed Ordinance No. 1461 – Zoning Ordinance Text Amendment – Section 22, Off Street Parking – To Remove Minimum Off Street Parking Requirements in Certain Zoning Districts – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1461 – ZONING ORDINANCE TEXT AMENDMENT – SECTION 22, OFF STREET PARKING – TO REMOVE MINIMUM OFF STREET PARKING REQUIREMENTS IN CERTAIN ZONING DISTRICTS; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

Public Forum

The Chair recognized Spenser Bickett, Brainerd Daily Dispatch, who asked why Council President Scheeler passed the gavel during the June 6, 2016 City Council meeting discussion of a purchase offer for the Brainerd Oaks/DalMar Estates/Serene Pines Development based on “conflict of interest” but had not done the same this time.

Council President Scheeler stated that he no longer has the conflict based on the property now being sold and City Attorney Quiring stated that there was never a conflict actually proven; that Council President Scheeler voluntarily passed the gavel.

Staff Reports

1. Facilities Committee Report – City Administrator

City Administrator Thoreen reported that there has not yet been an official report received. He stated that the City Engineer is working on getting further information to HVAC consultant Gene Halvorson

City Engineer Hulsether reported that a local contractor is preparing a proposal for the repair of the City Hall front stairs and wing walls as well as acid washing the entire building.

2. PUC/HRA Information Request re Pay and Benefits – City Administrator

This item was referred to the Personnel and Finance Committee for review.

Council Member Reports

Council Member Borkenhagen requested that each Council Member choose a cause or issue to “champion” for the year based on past practices initiated by the late Bonnie Cumberland.

Council Member Johnson reported that the Park Board had held a public input meeting on the proposed splash pad. He stated that a donation account is set up at the Initiative Foundation and that the Park Board will continue to gather facts on size of the facility and where it should be built. He reported that the Riverfront Committee has been meeting and is considering construction of a three-trail bridge as part of the Riverfront project. He then read

from a letter written by HRA President Fargo relating to Council President Scheeler's actions throughout the Brainerd Oaks Development.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO FORMALLY DISAPPROVE OF COUNCIL PRESIDENT SCHEELER'S ACTIONS THROUGHOUT THE BRAINERD OAKS DEVELOPMENT PROCEDURE.

Council President Scheeler responded that he had been in contact with HRA members relating to this issue.

Council discussion was held.

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

Committee Recommendations:

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO RE-APPOINT MR. ED MENK TO THE ECONOMIC DEVELOPMENT AUTHORITY FOR THE RETROACTIVE TERM OF SEPTEMBER 8, 2015 TO SEPTEMBER 7, 2021.

Adjourn – To the Canvass of Primary Election Returns to be held at 1:00 P.M. on Thursday, August 11, 2016 in the City Hall Council Chambers

The Chair adjourned the meeting at 10:10 P.M.

James M. Thoreen
City Administrator