

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 as 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.

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

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

- A. Approval of the Minutes of the Regular Meeting held on August 1, 2016, and the Special Meeting on August 11, 2016, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 1 – New
 - 2. Contractor's Licenses – 3 – Renewals
- C. Department Activity Reports – Approved**
 - 1. Mayor
 - 2. Police Chief
 - 3. Finance Director – Distributed to Council Members
- D. Minnesota Lawful Gambling – Application for Exempt Permit – Submitted by the Brainerd Fire Department Relief Association for a Raffle to be held on December 5, 2016 at the Brainerd Fire Department – Approved**
- E. Resolution 31:16 Adopted – Approving the Minnesota Lawful Gambling Premises Permit Application as Submitted by Confidence Learning Center for Gambling Activity at The Local, 723 Mill Avenue, Brainerd**
- F. Application and Permit for a 1-4 Day Temporary On-Sale Liquor License – Submitted by the Brainerd American Legion for an Event to be held on August 27, 2016 at the NP Event Space, 210 Blacksmith Circle, Brainerd – Approved**
- G. Application and Permit for a 1-4 Day Temporary On-Sale Liquor License – Submitted by Mount Ski Gull/Ski Gull Inc. for an Event to be held on September 22, 2016 at the NP Event Space, 210 Blacksmith Circle, Brainerd – Approved**

H. Resolution No. 32:16 Adopted – Authorizing Proper Signatures on the Joint Powers Agreement between the City and BCA for Minnesota Internet Crimes Against Children Task Force (MICAC)

I. Resolution No. 33:16 Adopted – Accepting Donations and/or Contributions from April 1, 2016 through June 30, 2016

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

Council Committee Reports

Personnel and Finance Committee Report:

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

General Fund to Public Safety Fund	\$ 75,000
General Fund to Park Fund	\$ 80,000
General Fund to Street & Sewer Fund	\$ 30,000
General Fund to Airport Fund	\$ 12,960
	\$197,960

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained On Project</u>
Braun Intertec	14-15	Construction materials thru 7/18/16	\$7,131.25	N/A
Tom's Backhoe Svc	14-15	Pay Application #4, Brd Airport Util Ext, thru 7/29/16	\$1,430,040.17	\$185,323.26

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET 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.

2015 TIF Report – Accept Report as Presented – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT THE 2015 TIF REPORT AS PRESENTED.

Marketing of Tax Forfeit Property – Informational

Committee Chair Koep reported that the Personnel and Finance Committee had discussed the many options available for legal marketing strategies on tax forfeit property. She stated that there is no motion at this point.

Board/Commission Compensation Validity – Discontinue All Compensation for City Appointed Boards/Committees/Commissions Other than the Brainerd Public Utilities Commission Effective December 31, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART TO DISCONTINUE ALL COMPENSATION FOR CITY APPOINTED BOARDS/COMMITTEES/COMMISSIONS OTHER THAN THE BRAINERD PUBLIC UTILITIES COMMISSION EFFECTIVE DECEMBER 31, 2016.

Committee Chair Koep stated that inequity could be discussed indefinitely; however, the City Charter states that a board or committee cannot be compensated except by resolution of the Council. She stated that the Public Utilities Commission is the only board that has such a resolution in place and that the validity of the payments in relation to the City Charter is what needs to be further considered by Council.

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

Police Department – Request to Attend Out-of-State Bomb Technician Training – Authorize Brainerd Police Officer Tim Friis to Travel Out-of-State to Attend Regional Bomb Technician Training in Springfield, Indiana from September 19-23, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE BRAINERD POLICE OFFICER TIM FRIIS TO TRAVEL OUT-OF-STATE TO ATTEND A REGIONAL BOMB TECHNICIAN TRAINING IN SPRINGFIELD, INDIANA FROM SEPTEMBER 19-23, 2016.

Fire Department – Authorize the Advancement to Step C or 95% of Base Wage for Fire Marshal/Deputy Chief David Cox Retroactive to August 1, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE ADVANCEMENT TO STEP C OR 95% OF BASE WAGE FOR FIRE MARSHAL/DEPUTY CHIEF DAVID COX RETROACTIVE TO AUGUST 1, 2016.

Administration Department – Authorize the Advancement to Step D or 100% of Base Wage for City Administrator James M. Thoreen Retroactive to August 3, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE ADVANCEMENT TO STEP D OR 100% OF BASE WAGE FOR CITY ADMINISTRATOR JAMES M. THOREEN RETROACTIVE TO AUGUST 3, 2016.

Committee Chair Koep reported that clarification of the date for future wage increases to the City Administrator’s salary will be discussed at the September 6, 2016 meeting.

Safety and Public Works Committee Report

Library Parking Lot Resurfacing – Include Costs in the 2017 Crack Filling and Chip Sealing Contracts – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO INCLUDE THE RE-SURFACING OF THE LIBRARY PARKING LOT IN THE 2017 CRACK FILLING AND CHIP SEALING CONTRACTS.

Acceptance of Deed for Rotary Park – Accept Deed for Land located on the Northerly Portion of Lot 1 Block 1 Shirmar Woods First Addition and Send Letter of Thanks to Mr. Gary Larson and Ms. Beverly Gotti for their Donation – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ACCEPT DEED FOR LAND LOCATED ON THE NORTHERLY PORTION OF LOT 1 BLOCK 1 SHIRMAR WOODS FIRST ADDITION AND SEND LETTER OF THANKS TO MR. GARY LARSON AND MS. BEVERLY GOTTI FOR THEIR DONATION.

City Planner Ostgarden stated that the desire is to create a trail loop that crosses Little Buffalo Creek which would require a non-motorized transportation bridge. Maintenance of the trail was discussed; however, the level of commitment cannot be determined at this early stage.

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

Joint Meeting with WBCC – To be held at 6:00 P.M. on September 26, 2016 in the City Hall Conference Room – Informational

Committee Chair Bevans reported that a joint meeting of the Safety and Public Works Committee and the Walkable Bikeable City Committee has been set for 6:00 P.M. on September 26, 2016 in the City Hall Conference Room.

Downtown Maintenance Update – Informational

City Planner Ostgarden reported that the owner of the contracted landscaping company had lost his cell phone which resulted in lack of contact recently. The contractor also experienced lack of staff for two months. He stated that he will keep the Council up to date as progress occurs.

City Code Section 403 – Enforcement of House Numbers – Cancel Temporary Suspension of Notification Letters and Resume Notification and Enforcement Actions Immediately – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO CANCEL THE TEMPORARY SUSPENSION OF HOUSE NUMBER VIOLATION NOTIFICATION AND TO RESUME NOTIFICATION AND ENFORCEMENT IMMEDIATELY.

Improvement 14-15 – Appeal of Change Orders #3 and #4 – Drop Appeal and Notify Contractor of Decision – Approved

City Attorney Langel reviewed the situation and process for appeal, stating that a document substantiating the reason for the appeal to the change orders is required.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO DROP THE APPEAL OF CHANGE ORDERS #3 AND #4 FOR IMPROVEMENT 14-15 (AIRPORT UTILITY EXTENSION) AND TO NOTIFY THE CONTRACTOR OF THIS DECISION.

Unfinished Business

Public Hearing – Final Reading of Proposed Ordinance No. 1457 – An Ordinance Providing for the Annexation of the Robert & Andrea Marohn Property at 11427 Easy Street, PID #811080000590009 – Approved

The Chair opened the Public Hearing at 8:31 P.M. No one came forward.

The Chair closed the Public Hearing at 8:32 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1457 – AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE ROBERT & ANDREA MAROHN PROPERTY AT 11427 EASY STREET, PID #811080000590009; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

Committee Member Koep brought up concerns with water erosion to the road; she asked if the City will need to take care of this issue in the future rather than Oak Lawn Township based on it being annexed into the City.

City Attorney Langel stated that the issue would be handled between the property owner and the township based on it being a roadway issue and not a water and sewer issue.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1457 – AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE ROBERT & ANDREA MAROHN PROPERTY AT 11427 EASY STREET, PID #811080000590009.

ORDINANCE NO. 1457

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. 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 – Approved

The Chair opened the Public Hearing at 8:33 P.M. No one came forward.

The Chair closed the Public Hearing at 8:34 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FINAL 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; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT 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.

ORDINANCE NO. 1459

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. 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, Ste 210, Brainerd – Approved

The Chair opened the Public Hearing at 8:35 P.M.

The Chair recognized Mr. Al Schmidt, owner of Paradigm Performance who stated he was available for questions.

The Chair closed the Public Hearing at 8:37 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO HOLD THE FINAL 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, STE 210, BRAINERD; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT 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, STE 210, BRAINERD.

ORDINANCE NO. 1460

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

Public Hearing – Final 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 – Approved

The Chair opened the Public Hearing at 8:38 P.M. No one came forward.

The Chair closed the Public Hearing at 8:39 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FINAL 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.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ADOPT ORDINANCE NO. 1461 – ZONING ORDINANCE TEXT AMENDMENT – SECTION 22, OFF STREET PARKING – TO REMOVE MINIMUM OFF STREET PARKING REQUIREMENTS IN CERTAIN ZONING DISTRICTS.

ORDINANCE NO. 1461

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

New Business

Public Hearing on Re-development Plan for Tax Forfeited Properties in the Subdivisions of Brainerd Oaks, Dal Mar Estates and Serene Pines as Forwarded by the Crow Wing County HRA – To be Held on Tuesday, September 6, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET, DULY CARRIED, TO CALL FOR A PUBLIC HEARING PURSUANT TO MINNESOTA STATUTES 469.028 ON SEPTEMBER 6, 2016 TO DISCUSS THE RE-DEVELOPMENT PLAN FOR TAX FORFEITED PROPERTIES IN THE SUBDIVISIONS OF BRAINERD OAKS, DAL MAR ESTATES AND SERENE PINES AS FORWARDED BY THE CROW WING COUNTY HRA.

Per agenda request, the Council requests the Brainerd City Planning Commission to hear the proposal and forward a written recommendation to Council as soon as possible.

City Planner Ostgarden stated that the Planning Commission will discuss the item at their meeting on Wednesday, August 17, 2016.

Public Forum

The Chair recognized Oak Lawn Township Representative William Durham who discussed the road maintenance agreement between the City and Oak Lawn Township.

The Chair recognized BIC Owner Mike Higgins who gave an update on the recycling center and stated that they are taking in wood from the storms last year and this year which will be sold to a power company in the cities to be turned into wood chips.

Staff Reports

Written: A report from City Administrator Thoreen was attached to the Packet which included an update on election judges and an update and report relating to the Facilities Committee.

City Planner Ostgarden reported that 190 people are signed up for the community survey panel and the City is looking for 110 more.

Council Member Reports

Council Member Borkenhagen suggested that Council Members share the link to the Community Survey on social media if applicable: <http://www.ci.brainerd.mn.us/CivicAlerts>

Council Member Hilgart thanked those who organized the City employee picnic, stating it was a fun event with good food and company. She also reported that at the recent BLAEDC meeting it was stated that there will be no increase in the amount they are requesting from the City.

Council Member Koep discussed the recent newspaper article relating to new ownership of the methadone clinic located on the outskirts of Brainerd. She stated that she feels the City should voice their denial of support for the clinic being in Brainerd at all.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, THAT THE CITY OF BRAINERD GO ON RECORD TO STATE THAT THE CITY COUNCIL IS NOT IN SUPPORT OF A METHADONE CLINIC BEING LOCATED IN THE CITY OF BRAINERD.

Alderman Hilgart stated that county and state representatives should know that this is the Council's position so they may lobby against it based on citizen concerns and the deterrence to development in that area.

Council Member Koep recommended that based on the information on the Facilities Committee included in the packet, the Committee should hold a meeting to review the information and return to Council with recommendations. City Administrator Thoreen stated that he would follow up with this request.

Council Member Johnson reported that after three years of applying, the Brainerd HRA has been awarded funds through the Resident Opportunities and Self-Sufficiencies (ROSS) Grant. He stated this will provide the HRA the opportunity to hire a coordinator to connect residents with career and educational resources to help public housing residents to achieve economic independence.

Mayor Menk reported that last week he attended the 194th Tank Battalion Reunion and that area residents might have noticed the 300 participants of the ten or twenty mile run which was part of the reunion. He stated that during the week of September 9, 2016, an organization called "Northern Tin" which specializes in the reconditioning and refurbishing of antique vehicles will be hosting a large event at the Crow Wing County fairgrounds.

Adjourn

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

James M. Thoreen
City Administrator