Brainerd, MN
October 3, 2016

7:15 P.M. - Showcasing Brainerd: Brainerd Ace Hardware

The Chair recognized Mr. Nick Eades, managing partner of Brainerd Ace Hardware, who discussed the history of the store which was founded in 1958 by Mr. Joe Gustafson and purchased in 2013 by Mike and Mark Weibolt. He stated that there are currently 8 full-time and 10 part-time staff members ranging in age from 16 to 23 with a great deal of combined knowledge. Services offered at Ace include paint sales and mixing, key cutting, screen construction and repair, tag personalization/engraving, propane exchange and grill sales; most items are deliverable as well. They are a Husqvarna power equipment dealer offering parts, warranty service and mechanic services for those machines. City Council Members commented on the great service they've received at Ace over the years. Mr. Eades answered questions and the Chair thanked him for his presentation.

In the extra moments between the end of the presentation and the beginning of the meeting, City Administrator Thoreen pointed the Council and public's attention toward the new screens displayed throughout the Council Chambers which will now have the Council Packet on display as the meeting progresses.

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

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

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

City Administrator Thoreen announced that on page 5 of the September 19, 2016 draft minutes, the vote for the adoption of Resolution No. 43:16 should list member Borkenhagen as voting "nay" only.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT THE CONSENT CALENDAR WITH THE CORRECTION TO THE SEPTEMBER 19, 2016 MINUTES.

A. Approval of the Corrected Minutes of the Regular Meeting held on September 19, 2016, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New
2. Contractor's Licenses – 6 – Renewals

C. Department Activity Reports – Approved

1. Mayor

2. Fire Chief
3. Park Director

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

Council Committee Reports

Personnel and Finance Committee

Approval of Bills & Payments to Contractors – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO APPROVE THE PAYMENT OF BILLS AND PAYMENT TO CONTRACTOR AS PRESENTED.

Contractor	IMP #	Project	Amount	Total Retained
Braun Intertec	14-15	Airport Utility Ext thru 9/9	$3,903.50	$0

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

Request to Purchase HR Software & Authorize New Voluntary Benefits – Authorize Purchase of NeoGov and BenefitsConnect Software, New Voluntary Group Short-Term Disability, Accident, Critical Illness and Vision Plan and Clarification of Current Payroll Deductions for Existing Colonial Life and Aflac Policies with the Understanding that those Plans will not be Offered to New Employees – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE FOLLOWING:

- *THE PURCHASE OF NEOGOV EMPLOYMENT APPLICANT TRACKING SOFTWARE;*
- *THE PURCHASE OF BENEFITSCONNECT ONLINE BENEFITS ENROLLMENT SOFTWARE;*
- *THE OFFERING OF THE NEW VOLUNTARY GROUP SHORT-TERM DISABILITY, ACCIDENT, CRITICAL ILLNESS AND VISION PLANS AS PRESENTED BY INTEGRITY BENEFITS AT NO COST TO THE CITY; AND*
- *THE CLARIFICATION THAT EMPLOYEES MAY RETAIN AND UTILIZE PAYROLL DEDUCTIONS FOR THEIR EXISTING COLONIAL LIFE AND AFLAC POLICIES WITH THE UNDERSTANDING THAT THOSE PLANS WILL NOT BE OFFERED IN THE FUTURE TO NEW EMPLOYEES OR EXISTING EMPLOYEES IF NOT CURRENTLY ELECTED.*

Committee Chair Koep stated that the City's maximum cost will be $5,687 which is a 50/50 split of the total cost with Brainerd Public Utilities and that there will be ongoing annual software maintenance fees for these programs. She stated that the funds will come from the savings to the Human Resources Department which will be realized by this new automated process.

The Chair recognized Human Resource Coordinator Kris Schubert, who ensured the Council that all employees will have access to a computer to complete the automated forms.

Vehicle Lease Review – Informational

A summary of costs to be incurred in 2016 and over the term of the lease for current leased vehicles was included in the Packet. Committee Chair Koep reported that over the lease period, the estimated savings to the City is estimated at $6,527 for a five-year period. She stated that there have been no complaints and that the Parks Department is considering the leasing program as well.

Fire Department – Paid On-Call Firefighter Josh Stangel – Complete One-Year Probation – Change Employment Status from "Probationary" to "Regular" Effective October 1, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE CHANGE IN EMPLOYMENT STATUS FROM "PROBATIONARY" TO "REGULAR" FOR PAID ON-CALL FIREFIGHTER JOSH STANGEL FOLLOWING THE SUCCESSFUL COMPLETION OF HIS ONE-YEAR PROBATION, EFFECTIVE OCTOBER 1, 2016.

Discussion of Fund Balance Policy – Informational

The City's current fund balance policy, last amended December 19, 2011, was included in the Packet.

Committee Chair Koep reported that this has been a subject of discussion during Budget preparation and that further information will be presented to the Council as it becomes available.

Status Report on Facilities Committee – Informational

A report was included in the Packet on the Facilities Committee recommendations.

Committee Chair Koep reported that the main concerns identified are the HVAC and front steps at City Hall and that the Council would continue to be updated with progress.

Safety and Public Works Committee

Resolution No. 44:16 Adopted – Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment and Ordering a Public Hearing to be held on October 17, 2016 at 7:30 P.M. to discuss the 2016 Nuisance Abatements

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO ADOPT RESOLUTION NO. 44:16 – DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 17, 2016 AT 7:30 P.M. TO DISCUSS 2016 NUISANCE ABATEMENTS.

RESOLUTION NO. 44:16

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

Public Hearing – Resolution No. 45:16 Adopted – Authorizing the Vacation of a Portion of Lakeview Lane as Requested and Reserving Easements for any Existing Utilities

The Chair opened the Public Hearing at 7:45 P.M. No one came forward.

The Chair closed the Public Hearing at 7:46 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 45:16 – AUTHORIZING THE VACATION OF "THAT PART OF LAKEVIEW LANE LYING BETWEEN THE PREVIOUSLY VACATED NORTH 27 FEET AND A LINE COMMENCING AT THE INTERSECTION OF THE SOUTHERLY EDGE OF THE VACATED NORTH 27 FEET AND THE SOUTHWESTERLY EXTENSION OF THE LOT LINE BETWEEN LOTS 3 AND 4, TERRACE GARDEN ADDITION AND TERMINATING AT THE SOUTHWESTERLY CORNER OF LOT 1, SUNRISE PARK ADDITION" AS REQUESTED BY MARY MARJORIE LARSON, 817 LAKEVIEW LANE, RESERVING EASEMENTS FOR ANY EXISTING UTILITIES, IF ANY.

RESOLUTION NO. 45:16

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

Sewer Connection Cost at 411 SE 13th Street – Accept $2,500 paid by Previous Property Owner as payment in full resulting in a project cost to the City of $1,826.49, based on the total project cost of $4,326.49 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ACCEPT $2,500 PAID BY PREVIOUS PROPERTY OWNER AS PAYMENT IN FULL RESULTING IN A PROJECT COST TO THE CITY OF $1,826.49, BASED ON THE TOTAL PROJECT COST OF $4,326.49 FOR SEWER CONNECTION AT 411 SE 13TH STREET.

Committee Chair Bevans discussed the history of the project which involved a sewer connection due partially to a hole in the main sewer line. A partial payment was made by the owner of the property at that time but the property has since been sold.

Improvement 16-09 – Buffalo Hills Assessment Methodology – Informational

Per a request at the September 19, 2016 City Council meeting for further information related to assessment methodologies for the Buffalo Hills Project, a spreadsheet and illustration were attached to the Packet along with a memo from City Engineer Hulsether.

Committee Chair Bevans and Assistant City Engineer Sandy discussed cost and methodology options and some Council discussion was held.

Detachment/Annexation of BPU Property – No Action Taken – Informational

Committee Chair Bevans stated that it had been reported in the Brainerd Dispatch that the City of Baxter had come to a decision relating to the Detachment/Annexation of the BPU property; however, the City of Brainerd has not received any communication from Baxter. He stated that, at this time, no action will be taken; that the issue will be set aside.

Unfinished Business

Public Hearing – Vacation of a Portion of Lakeview Lane – Held during Safety and Public Works Committee Report

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 12/31/16
Ad Hoc Walkable Bikeable City Committee

New Business

Downtown Grant Agreement – Jennifer Bergman, HRA – Approve and Authorize Signatures as Indicated on the Grant Agreement with the State of Minnesota, the Administrative Contract with the Brainerd HRA and the Reuse of Program Income Policy; Further, to Approve the Rehab Policies and Procedures – Approved

The Chair recognized Ms. Jennifer Bergman, Executive Director of the Brainerd and Crow Wing County HRA. She briefly discussed the timeline leading to this stage of the SCDP Downtown Grant Agreement and summarized the requested action of the Council.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND KOEP, DULY CARRIED, TO APPROVE AND AUTHORIZE SIGNATURES ON THE GRANT AGREEMENT WITH THE STATE OF MINNESOTA, THE ADMINISTRATIVE CONTRACT WITH THE BRAINERD HRA AND THE REUSE OF PROGRAM INCOME POLICY FOR THE SCDP DOWNTOWN GRANT AGREEMENT AS PRESENTED.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND KOEP, DULY CARRIED, TO APPROVE THE SCDP DOWNTOWN GRANT AGREEMENT "REHAB POLICIES AND PROCEDURES" AS PRESENTED.

Planning Commission

Request for Variance – Submitted by Essentia Health/St. Joseph's Medical Center 523 N. 3rd Street, Brainerd, MN 56401 to Modify the Screening Requirements for its 501 N 4th Street Parking Lot – Denied

City Planner Ostgarden reported that the Planning Commission had unanimously recommended denial at their September 21, 2016 meeting.

Findings-of-Fact:

1. The property is located in an (R-1) Single Family Residential District.
2. The parking lot is the block bounded by N. 3rd Street, Holly Street, N. 4th Street and Ivy Street.
3. There are residential uses across Holly Street, N. 4th Street and Ivy Street.
4. The parking lot was constructed in 1984.

5. As of May 1, 2016, and for an indefinite but multi-year period prior, the parking lot for St. Joseph's hospital conformed to the Brainerd City Code. Specifically:
   515-20-9: Parking Lots.
   A. *All exposed parking areas of ten (10) or more required spaces in a front and side street yard shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year round fifty (50) percent opacity.*
   B. *When a parking lot is adjacent to or across an alley from a residential use or zone, the required screen height shall be increased to six (6) feet.*
6. Based on the Zoning Ordinance definition the properties across the streets are not adjacent properties.
7. As of May 1, 2016, the screening in place for the parking met the obscuration and opacity requirements of 5.A. above.
8. In June 2016, the required screening was completely removed. Currently the screening does not meet the City's Zoning Code. A permit is not required to landscape non-residential property.
9. New landscaping was installed consisting of perennials and deciduous shrubs which do not meet the obscuration and opacity requirements of 5.A. above.
10. Zoning Ordinance Section 515-15-3 A. 2: Non-Conforming Uses. reads:
    A lawful, nonconforming use of a structure, building or parcel of land may be changed to lessen the nonconformity of the use. Once a nonconforming structure or parcel of land has been changed, it shall not thereafter be so altered to increase the nonconformity.
11. Two representatives from Essentia Health were present and spoke in favor.
12. Four Citizens were present and spoke in opposition.
13. Two letters were received from citizens in opposition.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO UPHOLD THE PLANNING COMMISSION RECOMMENDATION AND DENY THE VARIANCE REQUESTED BY ESSENTIA HEALTH/ST. JOSEPH'S MEDICAL CENTER RELATING TO THE SCREENING OF THE PARKING LOT.

First Reading – Proposed Ordinance No. 1462 – Request from Mr. Joe Hess to Rezone the Property Located at 310 N. 6th Street from R-1 (Single Family) Residential to R3 (High Density Residential) – Denied

City Planner Ostgarden reported that a motion to deny the rezoning had failed on a 4/3 vote at the September 21, 2016 Planning Commission meeting and that no further recommendation had been made.

Findings-of-Fact:

1. The property is a 50' x 150' lot on which is located a 3 unit dwelling, with the property owner living in the basement unit.
2. The area is predominantly single family dwellings.
3. The Future Land use Map identifies the area as low density residential land use.
4. Adding another unit will not have effect on city streets, city utilities, or services such as parks or schools.
5. Prior to 2011 the property was zoned R-3 (High Density Residential) District but was zoned R-1 (Single Family Residential) District as part of the 2011 City wide Zoning Map review.

6. The petitioner was present and spoke in favor.
7. One property owner was present and spoke in opposition.
8. Two letters and 1 e-mail were received from citizens in opposition.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO DENY THE REZONING REQUESTED BY MR. JOE HESS FOR HIS PROPERTY AT 310 N. 6TH STREET FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT.

Public Forum:

The Chair recognized Mr. John Erickson, 230 Chippewa, Brainerd, who stated that the print on the screen is not showing large enough print to read from the audience.

City Administrator Thoreen stated that this is the very first use of the screens and any input is appreciated.

Council Member Reports

Council Member Borkenhagen reported that he had attended the Senior Center ("The Center") annual meeting as Council Liaison. He stated that the center has been making many improvements to the building.

Council Member Hilgart reported on the joint meeting of the Safety and Public Works Committee and the Walkable Bikeable City Committee (WBCC), stating that a preview of proposals for a City plan was presented. She added that ideas for funding such as a "levy" used for the Senior Center and the Arboretum were also discussed.

Council Member Johnson reported that the Parks Department met last week. He stated that the juveniles that damaged trees on College Drive and in Kiwanis Park turned themselves in and have been charged and sentenced. He stated that at the HRA meeting last week it was announced that Lutheran Social Services is adding four to five homeless units in the area this fall.

Council Member Koep reported on the KRLS/Crosby library issues.

Mayor Menk stated that a candidate forum will be held Tuesday morning at The Lodge. He stated that Hockey House has now moved into the old Downtown Art and Frame Building and is hoping to open tomorrow morning.

Council President Scheeler asked City Planner Ostgarden for details on a request from a citizen for a Special Meeting to consider a CUP/Variance request. Council agreed to allow Mr. Ostgarden to work with the property owner and Council President or Mayor to set up the Special Meeting following the Planning Commission's October 19, 2016 meeting.

Council President Scheeler announced that there will be a Fire Department Open House at the Brainerd Fire Station, 23 Laurel Street, Brainerd, on Thursday, October 13, 2016 from 5:00 P.M. to 7:00 P.M. He stated that this week is "Power Week" at Brainerd Public Utilities and invited the public to stop in to the BPU office at 8027 Highland Scenic Road, Baxter for information, cookies and coffee.

Adjourn – To Closed Session Pursuant to M.S. 13D.03 for Labor Negotiation Strategy – 8:38 P.M. – Approved

The City Council reconvened into open session at 8:54 P.M. No action was taken following the closed session.

Adjourn

The Chair adjourned the meeting at 8:55 P.M.

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James M. Thoreen
City Administrator