

**Brainerd, MN
November 21, 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 Vice President Pritschet.

Upon roll call, the following members were noted as present: Koep, Pritschet, Bevans, Johnson, Borkenhagen and Hilgart. Council Member Scheeler was noted as absent. Mayor Menk was also noted as present.

Vice President Pritschet opened the meeting with the Pledge of Allegiance to the Flag.

City Administrator Thoreen requested the addition of an application for a Temporary On-Sale Liquor License to the Consent Calendar.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART TO HOLD OVER CONSENT CALENDAR ITEM, "FIRE DEPARTMENT – THE COMPLIANCE ENGINE CONTRACT" TO THE DECEMBER 5, 2016 PERSONNEL AND FINANCE COMMITTEE AGENDA IN ORDER TO OBTAIN FURTHER INFORMATION FROM THE FIRE CHIEF.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART TO ADOPT THE CONSENT CALENDAR AS AMENDED.

- A. Approval of the Minutes of the Regular Meeting held on November 7, 2016 and the Special Meeting held on November 15, 2016, as distributed – Approved**
- B. Department Activity Reports – Approved**
 - 1. Police Chief
 - 2. Finance Director
- C. Fire Department – The Compliance Engine Contract – Held Over to December 5, 2016 Personnel and Finance Committee Agenda**
- D. Temporary On-Sale Liquor License Application – Submitted by the Brainerd American Legion for an Event to be held on December 10, 2016 at the Brainerd Armory, 1115 Wright Street, Brainerd – Approved**

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

Presentation/Proclamation: Brainerd Toastmasters – Mr. Rich Andresen

Mayor Menk read through and presented Mr. Rich Andresen with a framed proclamation for December being "Toastmasters Month" in the City of Brainerd.

Mr. Andresen thanked the City for the proclamation and discussed the history and activities the Toastmasters take part in throughout the year. He stated they meet each month at 7:30 A.M. at the Sawmill Inn and focus on all types of public speaking to assist people in feeling more comfortable doing so. He answered questions of the Council and the Chair thanked him for his presentation.

Council Committee Reports

Safety and Public Works Committee Report

Improvement 16-06 – Total Project Cost Overrun – Accept Overrun of Total Project Cost of \$2,187.73 (\$1,110.62 of which was approved at the November 7, 2016 City Council Meeting) and Approve the Final Payment to Anderson Brothers Construction of Brainerd for a Total Contract Cost of \$96,131.60 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE OVERRUN OF TOTAL PROJECT COST OF \$2,187.73 (\$1,110.62 OF WHICH WAS APPROVED AT THE NOVEMBER 7, 2016 CITY COUNCIL MEETING) AND APPROVE THE FINAL PAYMENT TO ANDERSON BROTHERS CONSTRUCTION OF BRAINERD FOR A TOTAL CONTRACT COST OF \$96,131.60 FOR IMPROVEMENT 16-06.

Sign Request – 205 1st Avenue NE – Designate a Handicap Parking Stall on the West Side of 1st Avenue NE in Front of 205 1st Avenue NE – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DESIGNATE A HANDICAP PARKING STALL ON THE WEST SIDE OF 1ST AVENUE NE IN FRONT OF 205 1ST AVENUE NE.

Eric Nordstrom – Traffic Concerns – Referred to Police and Engineering Departments for Recommendations on Improving Traffic Safety – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO REFER TRAFFIC CONCERNS DUE TO THE RESURFACING OF SW 4TH STREET TO THE ENGINEERING AND POLICE DEPARTMENTS FOR RECOMMENDATIONS ON IMPROVING TRAFFIC SAFETY.

Street Closure/Special Event Application – “Homeless Heroes 5K, 1 Mile and All Veterans Expo” to be held on Saturday, December 10, 2016 from 8:30-11:00 A.M. along College Drive, Boom Lake and Kiwanis Park; Subject to Organizer working with the Police Department to Ensure Safety During the Event – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE STREET CLOSURE/SPECIAL EVENT APPLICATION FOR THE “HOMELESS HEROES 5K, 1 MILE AND ALL VETERANS EXPO” TO BE HELD ON SATURDAY, DECEMBER 10, 2016 BETWEEN THE HOURS OF 8:30-11:00 A.M. ALONG COLLEGE DRIVE, BOOM LAKE AND KIWANIS PARK; APPROVAL SUBJECT TO ORGANIZER WORKING WITH THE POLICE DEPARTMENT TO ENSURE SAFETY DURING THE EVENT.

Added Item – Robert Marohn Annexation Issues – Water Runoff – To be placed on Future Safety and Public Works Committee Agenda – Informational

Committee Chair Bevans reported that Mr. Robert Marohn appeared at the Committee meeting with concerns about water runoff at his recently annexed property on 11427 Easy Street. He stated that this item will appear on a future Safety and Public Works agenda.

Personnel and Finance Committee Report

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

General Fund to Public Safety Fund	\$310,000
General Fund to Park Fund	\$ 60,000
General Fund to Street & Sewer Fund	\$ 75,000
General Fund to Airport Fund	<u>\$ 12,960</u>
	\$457,960

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
Anderson Bros. Const.	16-06	Sanitary Swr Blck 46-Final	\$1,077	\$0
Braun Intertec	14-15	Arpt Util Ext Thru 10/21	\$2,548	\$0
Tom's Backhoe	14-15	Arpt Util Ext thru 10/31	\$1,275,528.71	\$67,133

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

Deferred Assessment Criteria – Held Over from November 7, 2016 – Resolution No. 54:16 Adopted – Raising the Property Market Valuation from \$100,000 to \$110,000 for Criteria to apply for Deferment

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO ADOPT RESOLUTION NO. 54:16 – RAISING THE PROPERTY MARKET VALUATION IN RESOLUTION NO. 06:05 FROM \$100,000 TO \$110,000 FOR CRITERIA TO APPLY FOR DEFERMENT OF SPECIAL ASSESSMENTS.

RESOLUTION NO. 54:16

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

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR DEFERMENT OF ASSESSMENTS FOR PROPERTIES 091220100110009, 091220100110009, 091210000040009 BASED ON THE APPLICANTS MEETING CRITERIA SET FORTH IN RESOLUTION NO. 54:16.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO DENY THE APPLICATION FOR DEFERMENT OF SPECIAL ASSESSMENTS FOR PROPERTY 091860010070009 BASED ON THE APPLICANT FAILING TO MEET CRITERIA SET FORTH IN RESOLUTION NO. 54:16.

Resignation of Police Officer Campbell, Effective November 3, 2016 – Accepted with Regret – Hiring of Mr. Nicholas Petri with an Expected Start Date of December 27, 2016, Contingent on Successful Completion of Pre-Employment Screenings – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF POLICE OFFICER PATRICK CAMPBELL EFFECTIVE NOVEMBER 3, 2016 AND TO HIRE MR. NICHOLAS PETRI AS POLICE OFFICER WITH AN EXPECTED STARTING DATE OF DECEMBER 27, 2016 CONTINGENT ON THE SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT SCREENINGS.

Sale of Fire Engine #1 – Authorize Fire Chief to Proceed with Sale at Auction – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE FIRE CHIEF HOLMES TO PROCEED WITH THE SALE OF FIRE ENGINE #1 AT AUCTION.

Sale of Fire Department Hovercraft – Authorize Fire Chief to Proceed with Sale of Hovercraft and Use Proceeds toward Inflatable Boat, Motor and Trailer Purchase – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE FIRE CHIEF HOLMES TO PROCEED WITH THE SALE OF THE FIRE DEPARTMENT HOVERCRAFT WITH PROCEEDS TO BE USED TOWARD THE PURCHASE OF AN INFLATABLE STYLE BOAT WITH MOTOR AND TRAILER.

Muriel West Fee Appeal Follow-up – Appeal Granted – Fire Department to Waive Extrication Fee of \$500 for August 17, 2015 Accident – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO GRANT THE APPEAL FILED BY MS. MURIEL WEST AND WAIVE THE \$500 EXTRICATION FEE CHARGED FOR HER AUGUST 17, 2015 ACCIDENT.

Discussion was held by Council.

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

Budget Process – Workshop to be held on Thursday, December 1, 2016 at 6:00 P.M. at City Hall – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, THAT THE CITY COUNCIL HOLD A BUDGET WORKSHOP ON THURSDAY, DECEMBER 1, 2016 AT 6:00 P.M. AT CITY HALL.

Preliminary Discussion of Potential Bonding Requests – Identify The City Water Tower and the Cuyuna Lakes Trail as “Dual Top Priority” Projects in the Request – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO IDENTIFY THE CITY WATER TOWER AND THE CUYUNA LAKES TRAIL AS "DUAL TOP PRIORITY" PROJECTS IN THE CITY'S BONDING REQUESTS TO THE STATE.

2016 Audit Services – Engagement Letter between the City of Brainerd and Clifton Larson Allen identifying a fee of \$44,880 for 2016 Audit Services – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE ENGAGEMENT LETTER BETWEEN THE CITY OF BRAINERD AND CLIFTON LARSON ALLEN FOR 2016 AUDIT SERVICES WITH THE FEE OF \$44,880 IDENTIFIED.

Employee Meal Reimbursement Policy – Amend Section 19 of the Employee Policy Manual to Confirm a Total of \$47 for Full-Day Training Meal Reimbursement and Specifying that Breakfast is Reimbursable when an Employee has to leave for Any Training Prior to 7:00 A.M.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AMEND SECTION 19 OF THE EMPLOYEE POLICY MANUAL TO CONFIRM A TOTAL OF \$47 FOR FULL-DAY TRAINING MEAL REIMBURSEMENT AND SPECIFYING THAT BREAKFAST IS REIMBURSABLE WHEN AN EMPLOYEE HAS TO LEAVE FOR ANY TRAINING PRIOR TO 7:00 A.M.

Telephone Issues – Informational

Council Member Koep reported that there had been several issues with the new phone system for the City and that the City Administrator will meet with the City's IT Department to troubleshoot.

Unfinished Business

City of Brainerd Petition Requesting Concurrent Detachment/Annexation of Wastewater Treatment Facility and Surrounding Property from the City of Baxter to the City of Brainerd – Resolution No. 55:16 Adopted – Authorizing Submission of Petition

The Chair recognized Public Utilities Commission Chair Lucy Nesheim, who discussed the history of this issue which involved the Wastewater Treatment Facility (WWTF) and surrounding property totaling 99.51 acres located in Baxter being eligible for a concurrent detachment from Baxter and annexing into Brainerd. Complete statute language was included in the Packet and Ms. Nesheim referred to a letter from the Public Utilities Commission requesting the annexation.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT RESOLUTION NO. 55:16 – AUTHORIZING THE SUBMITTAL OF A PETITION TO THE OFFICE OF ADMINISTRATIVE HEARINGS AT THE STATE MUNICIPAL BOUNDARY ADJUSTMENT UNIT REQUESTING CONCURRENT DETACHMENT AND ANNEXATION OF THE WASTEWATER TREATMENT FACILITY AND SURROUNDING PROPERTY FROM THE CITY OF BAXTER TO THE CITY OF BRAINERD.

Council Discussion was held.

RESOLUTION NO. 55:16

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

Call for Applicants:

PLEASE NOTE: THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT – ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY

Mayor Recommended: (all terms expire on 12/31 of said year)

Cable TV Advisory Committee – 2 terms (Expire 2019)
Charter Commission – 2 terms (Expire 2020)
Housing and Redevelopment Authority (HRA) – 1 term (Expires 2021)
Public Utilities Commission – 1 term (Expires 2021)
Transportation Advisory Committee – 2 terms (Expire 2018)
Rental Dwelling Board of Appeals – 5 terms (see below) – (Expire 2018)
 1. *Residential Property Manager Representatives (2)*
 2. *Residential Rental Housing Advocate Representative (1)*
 3. *Tenant Representative (1)*
 4. *General Public Representative (1)*

Council President Recommended: (all terms expire on 12/31 of said year)

Airport Commission – 1 term (Expires 2019)
Planning Commission – 3 terms (Expire 2019)
Police & Fire Civil Service Commission – 1 term (Expires 2019)

Planning Commission

Conditional Use Permit – City of Brainerd on Behalf of Brainerd Public Utilities, 8027 Highland Scenic Road, Baxter, MN for RipRap Steep Slope Stabilization at the Hydroelectric Dam, 1801 Mill Avenue, Brainerd, MN – Authorize CUP based on 10 Findings-of-Fact and 1 Condition as Identified by the Planning Commission – Approved

Findings-of-Fact:

1. The City of Brainerd owns the hydroelectric dam and adjacent lands on the Mississippi River located in the city. The dam is operated and maintained by Brainerd Public Utilities.
2. The dam property abuts the Brainerd Industrial Center property and it has a steep slope that is creating erosion concerns for the dam and property.
3. Brainerd Pubic Utilities would like to stabilize about 300’ lineal feet of the slope with rip rap.
4. The property is located within 300’ of the Mississippi River, making it subject to the City of Brainerd Shoreland Management Regulations.
5. The stabilization method has been reviewed by the Crow Wing County Soil and Water Conservation District that has submitted a letter of support for the project subject to conditions.
6. The DNR, MPCA, and Army Corps of Engineers who were notified of the project and each submitted no comments.

7. The project is in keeping with the Zoning Ordinance objective to *Protect and preserve the natural environment of the City.*
8. The plan is consistent with the following Comprehensive Plan Goal and Strategy:
Commercial/Industrial Land Use
Goal: Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.
Strategy
Buffer commercial and industrial developments from environmentally sensitive areas and residential areas within the community.
9. BPU Superintendent Magnuson appeared at the meeting and reported that all parties involved feel this will be the best solution for the multiple problems on the hill.
10. No correspondence was received for or against the CUP.

Condition:

1. That the stabilization be done in accord with the recommendations for using native vegetation described in the November 14, 2016 Crow Wing County Soil and Water Conservation letter to Brainerd Public Utilities Superintendent as identified by the Planning Commission.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR THE RIP RAP STABILIZATION PROJECT AT THE BRAINERD HYDROELECTRIC DAM PROPERTY LOCATED AT 1801 MILL AVENUE BASED ON THE 10 FINDINGS-OF-FACT AND THE 1 CONDITION AS IDENTIFIED BY THE PLANNING COMMISSION.

Public Forum: None.

Staff Reports

City Planner Ostgarden reported that responses for the City Survey have been coming in.

City Engineer Hulsether reported on the November 18, 2016 snow event.

City Administrator Thoreen thanked the Nisswa, Crosby and Pillager Fire Departments in assisting the Brainerd and Baxter Fire Departments for a large business fire which also occurred on November 18th. He also thanked City Street and Utilities crews for all their hard work during the storm. He reported that the City received notification from the League of Minnesota Cities Insurance Trust (LMCIT) that for this year they are sending out the largest dividend in LMCIT history.

Council Member Reports

Council Member Johnson thanked all City Departments for their work during the storm.

Council Member Koep reported that the City has received a grant from the State for transit service and that one request being considered is running transit an hour earlier in the day and an hour later into the evening. She stated that the Grant has been accepted recognizing the city's 15% share with a one-year time frame to determine if this option improves ridership.

Mayor Menk stated that he was honored to be on the canvassing board for the County. He mentioned that KARE 11 had appeared at City Hall on Friday, November 18th and again appeared Downtown on Saturday, November 19th to report on various City departments throughout the storm.

Council Member Hilgart reported that the Fire Advisory Board had met on November 16th and discussed the earlier mentioned extrication fee waiver. She stated that she feels the extension of hours for transit ridership will be very helpful for those working in the area. She also thanked the Street Department for their work during the storm.

Council Member Borkenhagen thanked the City employees for all their work during the storm event.

Council Member Pritschet congratulated the new Council Elects.

Adjourn – To Closed Session Pursuant to M.S. 13D.03 to Discuss Union Negotiation Strategies – 8:56pm

The Council reconvened into open session at 9:49 P.M.

Adjourn – to Budget Workshop to be held at 6:00 P.M. on Thursday, December 1, 2016 in the City Hall Council Chambers

The Chair adjourned the meeting at 9:50 P.M.

James M. Thoreen
City Administrator