**Brainerd, Minnesota**
**February 4, 2013**

Pursuant to due call and notice thereof, the Regular meeting of the Brainerd City Council was called to order at 7:31 P.M. by Council President Cumberland.

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

Note: Corrections to the 1/22 Minutes included the change from Goble to Cumberland in opening the meeting on Page 1 and the change from Koep to Parks on page 11 when referring to the Ad Hoc Committee members.

President Cumberland welcomed the new reporter, Jessica, from the Brainerd Dispatch. She drew the audience's attention to the Call for Applicants section of the Consent Calendar.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO ADOPT THE CONSENT CALENDAR AND AGENDA AS PRESENTED AND THE MINUTES AS CORRECTED.

**A. Approval of the Minutes of the Regular Meeting held on January 22, 2013, as distributed – Approved**

**B. Approval of Licenses – Approved**

1. Contractor's Licenses – 4 – Renewals

**C. Department Reports – Approved**

1. Fire Chief's report of activities distributed to Mayor and Council

2. Park Director's report of activities distributed to Mayor and Council

**D. Annual Investment Policy Review – No Change Recommended – Approved**

**E. Engineering Department – Change of Employment Status from "Probationary" to "Regular" for Ron Brekke, Engineering Technician – Advance to Step "B" or 90% of the base wage for the position ($20.60 per hour) – Effective January 23, 2013 – Approved**

**F. Call for Applicants:**

1. Cable TV Advisory Committee – One Term to Expire 12/31/2015
2. Charter Commission – One Term to Expire 12/31/2015
3. Rental Dwelling Board of Appeals:
   *One "Tenant Representative Position"* – Term Expires 12/31/2014
   *One "General Public Representative"* – Term Expires 12/31/2014
4. Transportation Committee – Two Terms to Expire 12/31/2014
5. Housing & Redevelopment Authority – One Term to Expire 6/6/2017

Upon roll call, members Pritschet, Bevans, Parks, Borkenhagen, Koep and Cumberland voted "aye." No member voted "nay." The Chair declared the motion carried and the Consent Calendar adopted.

**Approval of Bills – Recommended by the Personnel and Finance Committee – Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPROVE THE PAYMENT OF BILLS AS PRESENTED.

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

**Unfinished Business**

**Safe Routes to Schools – Discussion of – Resolution No. 10:13 Adopted – Authorizing Submission of Safe Routes to School (SRTS) Grant in the amount of $300,000 – Approved**

Council President Cumberland stated that there has been a great deal of discussion and correspondence on this item. She stated that new information is welcomed and reminded the audience that vocal encouragement is not tolerated. She stated for the record that the action called for tonight is to make a decision as to "whether or not the City applies for a Safe Routes to School Grant" and "If the City applies, is it for the $300,000 grant or for the $450,000 which includes $75,000 from both the school district and City."

City Engineer Hulsether reviewed the routes for both options mentioned; stating that there is an approximately 8-block difference between the two.

The Chair recognized the following citizens who spoke to the issue:

Ms. Diane Mailhot, 1306 10th Ave NE, Brainerd
Ms. Sarah Hayden, 517 N 9th St, Brainerd
Ms. Luella Converse, 1113 9th Street, NE
Ms. Dondi Allen, 1020 9th Ave NE, Brainerd (via letter)
Mr. Ed Shaw, 517 N 9th Street, Brainerd
Mr. Dion Smolik, 2605 CR 23, Brainerd
Ms. Donna Carner, 1218 10th Ave, Brainerd
Nick Kennedy, 1223 "L" St NE, Brainerd
Mr. Guy Green, 1004 "H" Street NE, Brainerd
Ms. Marsha Ferris, 523 3rd Avenue, Brainerd
Mr. Ryan Riggs, 1324 K St NE, Brainerd
Mr. David Braverman, 1113 Rosewood Street, Brainerd
Mr. David Pueringer, 616 ½ Front Street, Brainerd
Mr. Jeff Czeczok, 511 "D" Street, Brainerd

The Chair closed discussion at 8:39 P.M.

Discussion was held by Council.

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND PRITSCHET TO ADOPT RESOLUTION NO. 10:13 – AUTHORIZING SUBMISSION OF SAFE ROUTES TO SCHOOL (SRTS) GRANT IN THE AMOUNT OF $300,000.

**RESOLUTION NO. 10:13**

Upon roll call, members Pritschet, Bevans, Parks, Borkenhagen and Cumberland voted "aye." Member Koep voted "nay." The Chair declared the motion carried.

**Break**

The Council took a break from 9:05 to 9:15 P.M.

**New Business**

**Nancy Cross – 2013 4th of July Celebration – Discussion of – Contribute $8,000 from Special Projects Fund to Community Action for 4th of July Celebration in Brainerd and Contribute $500 from S.C.O.R.E. Funds to Community Action for Celebration Cleanup – Approved**

The Chair recognized Ms. Nancy Cross, Executive Director of Community Action, who informed the Council that the 2013 4th of July celebration will be held in Brainerd and distributed a schedule of events.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO CONTRIBUTE $8,000 FROM THE SPECIAL PROJECTS FUND TO COMMUNITY ACTION TO BE USED FOR THE 2013 4TH OF JULY CELEBRATION IN BRAINERD AND $500 FROM S.C.O.R.E. FUNDS TO BE USED FOR CLEANUP AFTER THE CELEBRATION.

Note: Ms. Cross confirmed that the City of Baxter contributes an identical amount.

**Public Forum**

The Chair recognized Mr. Guy Green, 1004 "H" Street NE, Brainerd, who verbalized and distributed information to the Council requesting that a hearing be conducted by the Council to removed Alderman Scheeler from his Council seat based on a situation related to the cancellation of his radio show. The Council noted receipt of the materials.

The Chair recognized Mr. Dion Smolik, 2605 CR 23, Brainerd, who discussed government spending.

**Reports**

**Mayor's Report**

Mayor Wallin stated his cousin is doing well after surgery. He discussed transparency in committee appointments, stating that there are many boards to serve on for interested citizens and that those vacancies are listed on the agendas, website, front door and library. (Call City Hall with questions 828-2307)

**City Attorney's Report**

City Attorney Fitzpatrick was absent.

**City Administrator's Report**

City Administrator Goble stated that the NJPA has invited 2 Council representatives to the representatives assembly to recognize outstanding students (Chair Cumberland and Council Member Koep elected to attend at Grandview Lodge on April 10th).

She stated that the Strategic Planning Meeting for the Council will be held at the Police Department on February 11, 2012 from 6pm to 9pm.

She stated that Representative John Ward is having a Town Hall meeting at City Hall on Saturday, March 2, 2013 from 9am to 10am.

**City Engineer's Report**

City Engineer Hulsether stated that he had nothing to report.

**City Planner's Report**

City Planner Ostgarden stated that there was a recent article in the Star Tribune that referred to a "tug-of-war" between Food Trucks and Skyway vendors in the Twin Cities. The Council requested that City Planner copy the information out to them.

**Fire Chief's Report**

Fire Chief Stunek was absent.

**Park Director's Report**

Park Director Sailer stated that he had nothing in addition to his written report.

**Council President's Report**

Council President Cumberland stated that she had attended the Department Head meeting that morning which was a positive environment.

She reminded the Council to sign and return their Electronic Communications between Council Members acknowledgements to the Administration office.

She advised the Council to stay engaged with ongoing information related to the Governor's proposed LGA formula as recommended by the CGMC.

She thanked Council Member Koep for taking over scheduling the "Showcasing Brainerd" feature which is being moved to the 1st meeting of the month. She added that recognition of local businesses that have been established for a century is also in the works.

She stated that the committee established to discuss food truck options is meeting with the City of Baxter's Mayor and City Administrator next week. After this meeting the downtown established businesses and Prairie Bay will be invited to future meetings related to this subject.

**Committee Reports**

**Personnel and Finance Committee**

**Gambling License Language Review – Staff to Draft Amendment to City Code Section 1170 which would Allow a Non-Local Charitable Gambling Organizations to**

**Conduct Lawful Gambling Provided that 85% of the Net Profits of the Operation of Gambling be used to Directly Benefit the Residents of the City of Brainerd – Approved**

A copy of Section 1170.01-1170.19 of the City Code related to Gambling was included in the Packet. The owners of Jack's House Bowling recently requested that a gaming organization out of Wadena (that conducts gambling at their own Wadena location) be allowed to manage the charitable gambling at Jack's House. Currently, only locally established organizations are eligible for a lawful gambling license and must contribute not less than 10 percent of the net profits from the operation of gambling for the direct benefit of the residents of the city.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO DIRECT STAFF TO DRAFT AN AMENDMENT TO SECTION 1170 OF THE BRAINERD CITY CODE RELATING TO CONDUCTING LAWFUL GAMBLING WHICH WOULD ALLOW AN EXCEPTION STATING IF ELIGIBILITY CRITERIA ARE NOT MET AS A LOCAL CHARITABLE GAMBLING ORGANIZATION, AN ORGANIZATION OUTSIDE OF BRAINERD CAN BE ALLOWED TO CONDUCT LAWFUL GAMBLING AS LONG AS A MINIMUM OF 85% OF THE NET PROFITS FROM THE OPERATION OF GAMBLING BE USED TO DIRECTLY BENEFIT THE RESIDENTS OF THE CITY OF BRAINERD.

Alderman Bevans noted that the first reading of the ordinance will be on the February 19, 2013 Council agenda with the final reading to be held March 4, 2013.

**Safety and Public Works Committee**

**Soil and Water Conservation District Wetland Assistance Agreement – Resolution No. 09:13 Adopted – Delegating the Administration of the Minnesota Wetland Conservation Act to the Soil and Water Conservation District, Further to Include an Amendment to the Resolution to Include a Termination Clause with which the City could Withdraw from the Agreement upon Written Notice**

Per a memo from City Engineer Hulsether, the City of Brainerd has been receiving services from the SWCD for the Buffalo Hills Trail project through some informal verbal agreements many years ago. These services are necessary since the City does not have staff sufficiently trained in wetland identification and delineation due to the rare frequency of the need for such training. He states that since the City now has an active project it would be an opportune time to formalize the relationship with the SWCD.

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND KOEP TO ADOPT RESOLUTION NO. 09:13 – DELEGATING THE ADMINISTRATION OF THE MINNESOTA WETLAND CONSERVATION ACT TO THE SWCD, FURTHER TO INCLUDE A TERMINATION CLAUSE WITH WHICH THE CITY COULD WITHDRAW FROM THE AGREEMENT UPON WRITTEN NOTICE.

**RESOLUTION NO. 09:13**

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

**Annual MS4 Hearing – To be held at 7:30 P.M. on Monday, March 18, 2013**

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND KOEP, DULY CARRIED, TO SET THE MS4 PUBLIC HEARING FOR MONDAY, MARCH 18, 2013 AT 7:30 P.M. AT BRAINERD CITY HALL COUNCIL CHAMBERS.

**Tax Forfeit Parcel Classification – Recommend Non-Conservation Property - Approved**

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND KOEP, DULY CARRIED, TO RECOMMEND CLASSIFICATION OF SEC 35 TWP 45 RG 31 TO NON-CONSERVATION PROPERTY.

**Other**

Council Liaison Bevans stated that the ISD 181 Finance Director has accepted 3 repurposing proposals for the Whittier School building which will be presented to the Whittier Task Force on Wednesday, February 13, 2013.

**Committee Recommendations – Recommended by Council President – Approved**

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND PRITSCHET, DULY CARRIED, TO APPROVE THE APPOINTMENT OF MR. JAMES NORWOOD TO THE PLANNING COMMISSION FOR A TERM TO EXPIRE 12/31/2015.

**Adjourn – To Closed Session to Discuss Union Negotiation Strategies – 10:05 P.M. – Approved**

The Council reconvened into open session at 10:42 P.M.

**Adjourn – To Council Strategic Planning Session to be held Monday, February 11, 2013 from 6:00 P.M. to 9:00 P.M. at the Police Department Meeting Room – Approved**

_____

Theresa A. Goble
City Administrator