

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 Cumberland.

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

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

Council President Cumberland stated that, as noted in Consent Calendar A, the following motion was added to the permanent copy of the February 19, 2013 minutes after staff realized it had been inadvertently omitted:

Police Department Police Officer Position – Authorize Conditional Job Offer to Top Candidate Stephen Walker Contingent on Successful Completion of all Pre-employment Exams – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PARKS TO APPROVE THE CONSENT CALENDAR AS PRESENTED, THE MARCH 4, 2013 AND MARCH 11, 2013 MINUTES AS PRESENTED AND THE FEBRUARY 19, 2013 MINUTES AS AMENDED.

- A. Approval of the Minutes of the Regular Meeting held on March 4, 2013, and the Council Strategic Planning Session held on March 11, 2013, and the addition to the February 19, 2013 minutes, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 1 – New
 - 2. Contractor's Licenses – 2 – Renewals
- C. Department Reports – Approved**
 - 1. Mayor's report of activities distributed to Council
 - 2. Police Chief's report of activities distributed to Mayor and Council
 - 3. Finance Director's report distributed to Mayor and Council
- D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Turn in Poachers, Inc (TIP, Inc) for a Raffle to be held on April 13, 2013 at the TIP Headquarters, 7187 Wise Rd, Brainerd – Approved**

E. Resolution No. 17:13 Adopted – Authorizing Minnesota Lawful Gambling Premises Permit Application as Submitted by Community Charities of MN for Gambling to be conducted at Jack’s House, 300 HWY 25 S, Brainerd

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. Library Board – One Term to Expire 12/31/2017
4. Rental Dwelling Board of Appeals:
 - a. One “Tenant Representative Position” – Term Expires 12/31/2014
 - b. One “General Public Representative” – Term Expires 12/31/2014
5. Transportation Committee – Two Terms to Expire 12/31/2014

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

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

General Fund into Public Safety Fund	\$163,000
General Fund into Park Fund	\$31,000
General Fund into Street & Sewer Fund	\$42,000
General Fund into Airport Fund	<u>\$12,960</u>
	\$248,960

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

Members Bevans, Scheeler, Parks, Borkenhagen, Koep, Pritschet and Cumberland voted “aye.” No member voted “nay.” The Chair declared the motion carried.

Presentation – Crow Wing County Sheriff Todd Dahl

The Chair recognized Crow Wing County Sheriff Todd Dahl who discussed recent activities and statistics relating to Crow Wing County Sheriff’s Department as well as the TZD (Toward Zero Deaths) program that the unit has been highly focused on. He answered questions of the Council and the Chair thanked him for his presentation.

Unfinished Business

Fire Department Items (SAFER Grant Funding Options & Medical Runs) – Referred to the April 1, 2013 Personnel and Finance Committee Meeting – Approved

The Chair recognized Fire Chief Stunek, who presented information on the mission statement and history of the Fire Department. He discussed the attachments

he had included in the Packet related to the loss of the SAFER Grant and the Fire Department responding to medical calls:

SAFER Grant – Funding Options

Per the memo included in the Packet, the Brainerd Fire Department received a SAFER (Staffing for Adequate Fire and Emergency Response) Grant on September 7, 2010. This grant allowed the hiring of two full time Fire Equipment Operators. The grant covers wages and benefits at basically no cost to the City from April 28, 2011 to April 27, 2013. Because the time of the Grant is nearing its end and has not been extended, the Fire Chief has been working with the City Administrator and Finance Director on options for funding the continued employment of the two Fire Equipment Operators hired. Various scenarios were included in the memo.

Medical Runs

Per the memo included in the Packet, there has been much discussion as to whether the Brainerd Fire Department should be responding to medical calls within the City limits. This practice has been taking place since August, 2012. To date the department is averaging 77 medical calls per month. Information on costs and various concerns or support was included in the memo.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO REFER THE FIRE DEPARTMENT ITEMS OF “SAFER GRANT” AND “MEDICAL RUNS” TO THE APRIL 1, 2013 PERSONNEL AND FINANCE COMMITTEE AGENDA.

Public Hearing – Resolution No. 18:13 Adopted – Ordering Projects and Preparation of Plans and Specifications on the following Improvement Projects: 13-01, 13-02, 13-03, 13-04, 13-05 and 13-08

City Engineer Hulsether identified the projects being considered this evening.

The Chair opened the Public Hearing at 8:47 P.M.

The following citizens spoke to the item:

Mr. Alex Sutton – 310 4th St SW (IMP 13-01)

Mr. Ron Imgrund – 100 Washington Street (IMP 13-02)

Letter received from property owner at 410 N 10th Street (IMP 13-05)

The Chair closed the Public Hearing at 8:55 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO ADOPT RESOLUTION NO. 18:13 – ORDERING PROJECTS AND PREPARATION OF PLANS AND SPECIFICATIONS FOR THE FOLLOWING IMPROVEMENTS:

IMPROVEMENT 13-01

Street Resurfacing

SW 4th Street between College Drive and West Laurel Street

IMPROVEMENT 13-02

Street Resurfacing

East River Road between College Drive and Washington Street

IMPROVEMENT 13-03

Street Reconstruction

North 8th Street between Washington Street and Kingwood Street

Street Resurfacing

North 8th Street between Kingwood Street and Fir Street

IMPROVEMENT 13-04

Street Reconstruction

13th Avenue NE between N Street NE and O Street NE

IMPROVEMENT 13-05

Street Reconstruction

Ivy Street between North 10th Street and North 11th Street

RESOLUTION NO. 18:13

Upon roll call, members Bevans, Parks, Borkenhagen, Koep, Pritschet and Cumberland voted "aye." No member voted "nay." Member Scheeler abstained based on property ownership. The Chair declared the motion carried and the resolution adopted.

Public Hearing/Presentation – MS4 Permit – Annual Hearing to Review Stormwater Related City Activities – Assistant City Engineer Freihammer – Informational

Assistant City Engineer Freihammer stated that the purpose of this Public Hearing is to educate the public on storm water related activities and allow comment on the performance over the last year. He went over goals completed over the past year and tasks planned for the upcoming year.

The Chair opened the Public Hearing at 9:05 P.M. No one came forward. The Chair closed the Hearing at 9:06 P.M.

Mr. Freihammer answered the Council's questions. The Chair thanked him for the presentation.

Public Forum

The Chair recognized Ms. Jan Burton, 1017 Terrace Ave, Brainerd, who addressed the Council regarding her opinion on "imprudent data on global warming".

The Chair recognized Mr. Howard Brewer, 121 3rd Ave NE, Brainerd, who discussed the importance of the Fire Department as well as several facts about the dangers and history of fire.

Break

The Council took a break from 9:30 P.M. to 9:35 P.M.

Reports

Mayor's Report

Mayor Wallin stated that he has been participating in the conference calls as a representative for the CGMC and recently took part in two separate hour-long discussions related to Local Government Aid (LGA).

City Attorney's Report

City Attorney Fitzpatrick stated that the MN Supreme Court affirmed the decision of the Court of Appeals and the District Court which were in favor of the City of Brainerd on the College Drive Special Assessments Issue. He discussed the details of the case and expressed gratitude towards the attorneys, namely Mr. George Hoff, of Hoff, Barry & Kozar, PA, for their excellent representation and appellant work on the case.

Council Directed that City Administrator Goble send a letter of thanks to Mr. Hoff on behalf of the City.

City Administrator's Report

City Administrator Goble stated that Representative Joe Radinovich will host a town hall meeting on Saturday, March 23, 2013 from 3-4:30 P.M.

She stated that a request had been received to open a brewery and/or tap room which the City's current liquor license ordinance does not accommodate for. She stated that the City of Baxter does have this provision in their ordinance. The Chair directed the City Attorney to prepare a proposed ordinance to bring back to Council for consideration.

City Engineer's Report

City Engineer Hulsether stated that a meeting of the Clean-up Committee will be held Tuesday, March 19th at 3:00 P.M. in the City Hall Conference Room.

City Planner's Report

City Planner Ostgarden stated that although there was no Planning Commission section included on the agenda he now has three items to report from the March 14, 2013 Planning Commission meeting:

- 1) The Planning Commission determined that the use of a property in a B4 zone for an Invasive Species Eradication Business would be an allowed use for that zone.

- 2) The Planning Commission has the following concerns related to the proposed construction of a new parking lot at Riverside school: Access onto SW 4th Street and the Inclusion of Sidewalks.
- 3) City Planner Ostgarden requested a City Council member's participation in a committee to review the recommendations in a report by Barrett Steenrod, a student at the University of Minnesota Hubert H. Humphrey School of Public Affairs called THE (micro) City Beautiful. This report includes recommendations to improve Brainerd's quality of life and foster economic growth.

Police Chief's Report

Police Chief McQuiston reported that the Revenue Recapture program to date has collected \$5,864.01 for unpaid parking fines and that he hopes this program will cause more citizens to follow parking regulations within the City.

Finance Director's Report

Finance Director Hillman stated that she had nothing in addition to her written report.

Council Member Koep stated that the construction fund seems to be going more into the red each month and asked if there is any remedy for that forthcoming.

Finance Director Hillman stated that a billing for College Drive construction has been sent to Crow Wing County for approximately \$400,000.

City Engineer Hulsether stated that after the College Drive Project is completed staff will be able to do a final estimate on costs which will reflect a more accurate current balance.

Council President's Report

Council President Cumberland stated that the idea of stakeholders attending a Council Strategic Planning Session was discussed at the March 11th meeting and asked if this should be included at the March 25, 2013 Strategic Planning meeting.

MOVED AND SECONDED BY ALDERMEN PARKS AND SCHEELER, DULY CARRIED, TO SET A DATE AT THE MARCH 25, 2013 CITY COUNCIL STRATEGIC PLANNING MEETING FOR A FUTURE MEETING WHICH WILL INCLUDE STAKEHOLDERS, FURTHER TO PROVIDE THOSE STAKEHOLDERS WITH INFORMATION AND AN INVITE TO THAT MEETING.

Council Committee Reports

Safety and Public Works Committee

Safety and Public Works Committee Workshop – Part II – Scheduled for April 9, 2013 at 5:00 P.M. – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO HOLD A SECOND SAFETY AND PUBLIC WORKS COMMITTEE WORKSHOP ON TUESDAY, APRIL 9, 2013 AT 5:00 P.M. IN THE CITY HALL CONFERENCE ROOM.

State Aid Revisions – Held Over to April 9th Safety and Public Works Committee Workshop

Mosquito Spraying – Continue Discussion at the April 1, 2013 Safety and Public Works Committee Meeting – Approved

Council Member Koep discussed development of a pilot plan for mosquito control in the City of Brainerd. She stated that more information will need to be gathered.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO CONTINUE DISCUSSION ON MOSQUITO SPRAYING AT THE APRIL 1, 2013 SAFETY AND PUBLIC WORKS COMMITTEE MEETING.

Quiet Zones – Held Over to April 1, 2013 Safety and Public Works Meeting

RFPs for HVAC System – Accept Proposal not to exceed \$11,000 from Obermiller Nelson Engineering(ONE)/Architecture One as recommended by Staff – Approved

A memo distributed to the Council prior to the meeting from City Engineer Hulsether stated that 5 proposals were received to evaluate and plan the City Hall HVAC System. Based on cost and experience shown by client list and project types, staff recommends accepting the proposal from ONE (Obermiller Nelson Engineering), who is teaming with Architecture One with a proposal not to exceed \$11,000.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ACCEPT THE PROPOSAL FROM OBERMILLER NELSON ENGINEERING(ONE)/ARCHITECTURE ONE TO EVALUATE AND PLAN THE CITY HALL HVAC SYSTEM FOR AN AMOUNT NOT TO EXCEED \$11,000 TO BE PAID FROM THE CAPITAL PROJECTS FUND AS RECOMMENDED BY STAFF.

Snow Removal – Informational

City Engineer Hulsether discussed the challenges in clearing snow and ice after the recent snow events.

Personnel and Finance Committee

Crow Wing County Historical Society – Request for Funding – \$300 from General Fund – Approved

A letter from the Crow Wing County Historical Society thanking the City for past financial support and requesting a 2013 donation was included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPROVE A DONATION IN THE AMOUNT OF \$300 TO THE CROW WING COUNTY

HISTORICAL SOCIETY FOR THE YEAR 2013 – TO BE PAID FROM THE GENERAL FUND.

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

Police Department – Request to use Drug Forfeiture Funds in the amount of \$2,500 for Tactical Team Equipment and Request to use DUI Forfeiture Funds in the amount of \$6,660 for the Purchase and Installation of Mobile Computer in Police Department SUV – Approved

Memos from the Police Chief requesting the following actions were distributed to Council prior to the meeting:

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE THE USE OF \$2,500 OF DRUG FORFEITURE FUNDS TO PURCHASE HELMETS AND PROTECTIVE EYEWEAR FOR POLICE DEPARTMENT TACTICAL TEAM MEMBERS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE USE OF APPROXIMATELY \$6,660 OF DUI FORFEITURE FUNDS TO REPLACE A FAILING MOBILE COMPUTER IN ONE OF THE POLICE DEPARTMENT SUVS INCLUDING A DOCKING STATION AND INSTALLATION OF ALL COMPONENTS.

Street and Sewer Maintenance I Position – Authorization to Make Conditional Job Offer to Mr. Darin Caughey subject to Successful Completion of all Pre-employment Testing – Tentative Start Date of April 8, 2013 – Starting Wage per 2012 Union Contract of \$20.12/hour with \$.20 Less During Six-Month Probationary Period – Approved

A memo from City Engineer Hulsether was distributed to the Council prior to the meeting requesting authorization to make a conditional job offer to Darin Caughey for the Street Maintenance I position.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE A CONDITIONAL JOB OFFER TO MR. DARIN CAUGHEY FOR THE STREET MAINTENANCE I POSITION SUBJECT TO SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT BACKGROUND, DRUG AND PHYSICAL EXAMS WITH A TENTATIVE START DATE OF APRIL 8, 2013. PER THE IUOE LOCAL 49 (STREET DEPARTMENT) UNION CONTRACT, THE STARTING PAY FOR THIS POSITION IS \$20.12 PER HOUR (\$.20 LESS PER HOUR THAN BASE DURING SIX-MONTH PROBATIONARY PERIOD).

IUOE Local 49 – Street & Sewer Employees – Union Settlement & Wage Adjustments – Resolution No. 19:13 Adopted

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT RESOLUTION NO. 19:13 – IUOE LOCAL 49 (STREET & SEWER EMPLOYEES) SETTLEMENT AND WAGE ADJUSTMENTS, AS PRESENTED.

RESOLUTION 19:13

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO APPROVE THE CONTRACT AS PRESENTED BETWEEN THE CITY OF BRAINERD AND IUOE LOCAL 49 (STREET AND SEWER EMPLOYEES) AND TO AUTHORIZE PROPER SIGNATURES.

Authorization to Hire: GIS Intern, Engineering Intern and Street and Sewer Department Temporary Laborer as Included in Budget – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE HIRING OF A GIS INTERN, AN ENGINEERING INTERN AND A STREET & SEWER DEPARTMENT TEMPORARY LABORER AS INCLUDED IN THE BUDGET.

Other Committees

Council President Cumberland stated that the Rental Property Managers met recently and discussed many useful issues and ideas.

Committee Recommendations – Recommended by Mayor Wallin – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, TO APPOINT MS. LUCY NESHEIM TO THE HOUSING AND REDEVELOPMENT AUTHORITY (HRA) FOR A TERM TO EXPIRE JUNE 6, 2017 AS RECOMMENDED BY MAYOR WALLIN.

Adjourn – To Council Strategic Planning Session III to be held on March 25, 2013 at 6:00 P.M. at the Police Department Training Room – Approved

The Chair adjourned the meeting at 10:25 P.M.

THERESA A. GOBLE
City Administrator