

Brainerd, MN
April 15, 2013

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.

President Cumberland took a moment to express concern on behalf of the City for the victims and families suffering from the bombings that took place that day at the Boston Marathon.

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 SCHEELER AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

Council President Cumberland stated that item 5E should be pulled from the Consent Calendar as the event has been cancelled.

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND PARKS TO APPROVE THE CONSENT CALENDAR AS AMENDED.

A. Approval of the Minutes of the Regular Meeting held on April 1, 2013, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 4 – 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. Extension of Premises – Submitted by Shep's on 6th for Annual Event to be held on August 23rd and 24th, 2013 – Approved

E. ~~Application for Temporary 3.2 Percent Malt Beverage (Beer) On Sale Permit – Submitted by the Brainerd Jaycees for an event to be held on April 27th and 28th, 2013 at Memorial Field, 1700 Mill Avenue, Brainerd – Approved~~

F. Application for Temporary 3.2 Percent Malt Beverage (Beer) On Sale Permit – Submitted by the Brainerd Jaycees for an event to be held on May 4, 2013 at the Brainerd Area Civic Center – Approved

- G. Application for Temporary On-Sale Liquor License – Submitted by American Legion Post 255 for an event to be held on May 18, 2013 at the Brainerd Armory – Approved**
- H. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the Brainerd Jaycees for a Raffle to be held on August 3, 2013 at Kiwanis Perk, 1101 East River Road, Brainerd – Approved**
- I. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by the Brainerd Rotary Foundation for a Raffle to be held on May 6, 2013 at Jack’s House, 300 Hwy 25 S, Brainerd – Approved**
- J. Administration Department – Finance Director Connie Hillman – Completion of 6-Month Probation – Change Employment Status to “Regular” and Advance to Step “C” of the Salary Administration Plan (\$6,719.85/month) – Effective 4/1/13 – Approved**
- K. 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 to Public Safety Fund	\$178,000
General Fund to Park Fund	\$43,000
General Fund to Street & Sewer Fund	\$155,000
General Fund to Airport Fund	<u>\$ 12,960</u>
	\$388,960

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

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

Presentation – Brainerd Lakes Regional Airport Update – Commission Chair Andy Larson and Manager Jeff Wig – Airport Commission Status to be placed on May 6, 2013 Agenda

The Chair welcomed Airport Manager Jeff Wig and Airport Commission Chair Andy Larson. Mr. Larson stated that the ordinance establishing the commission includes the requirement for an annual report to Council and that was the reason for their presence tonight. He stated that former manager Steve Sievek did a superb job building the Airport infrastructure and facility and recognized interim manager Rick Adair's effort in securing the current air service.

Mr. Wig stated that he worked at the Airport for some years during the 1980's and feels fortunate to have returned as manager. He discussed recent upgrades and invited the public to visit to see the additions as well as have a bite to eat at Wings Café. He stated that a goal is to continue the very popular "Barnstormers" event this summer in conjunction with 4th of July activities.

Upon inquiry from Council President Cumberland, Mr. Wig discussed the requirement for the Airport to connect to City water and sewer and the status of this project in the proposed State bonding bill.

Council Member Bevans asked Commissioner Larson if he had any information about status of whether the Commission would continue to be the entity to make Airport decisions. Mr. Larson replied that it was a City Council/County Board decision.

Council President Cumberland thanked Mr. Larson and Mr. Wig for their presentation and placed the item of "Airport Commission Status" on the May 5, 2013 agenda.

Presentation/Proclamation – Brainerd Bicycle Advisory Committee Report & Proclamation for National Bike Month (May) and Bike to Work Week (May 12-17)

The Chair welcomed Ms. Judy Jones, Region 5 Transportation Planner, along with the other members of the Brainerd Bicycle Advisory Committee, Mr. Hans Jones and Sgt. Paul Dooley. The committee members discussed the process for identifying Brainerd as a "bicycle-friendly" mecca by considering the following items important to biking: Education, Enforcement, Evaluation, Encouragement and the Environment.

Ms. Jones shared the benefits of becoming a bicycle-friendly city along with implementation plans for route and safety sign placement to take place thanks to a "Route and Signage Grant" received from Region 5 as part of a \$200,000 Community Transformation Grant in partnership with the Minnesota Department of Health. She stated that public meetings of the Brainerd Bicycle Advisory Committee are held every 3rd Thursday of the month at 5:00 p.m. at the Brainerd City Hall conference room.

Mayor Wallin presented the Bicycle Advisory Committee members with a proclamation for May 2013 to be designated as National Bike Month in the City of Brainerd with May 8th as Bike to School Day and the week of May 12-17th as Bike to Work Week.

The Committee members answered questions of the Council and the Chair thanked them for their presentation.

Unfinished Business

“Mobile Food Truck Public Sales Trial Period” – Accept as Presented with Changes to “Trial Period, Violations, and Permits” Sections – Approved

President Cumberland introduced the newly titled “Mobile Food Truck Public Sales Trial Period” document, pointing out changes that had been made since the last meeting. She asked the Council for input related to the proposed document.

Discussion was held relating to a pro-rated permit fee for this year only based on the trial period starting in May, definition of a food truck, complaint/violation validity and documentation and location time limits. The Council also reviewed the “Food Truck Set Up Area” maps included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO APPROVE THE “MOBILE FOOD TRUCK PUBLIC SALES TRIAL PERIOD” WITH THE FOLLOWING CHANGES:

Public Sales Trial Period: *Change “One Year Ending 4/15/14” to “Ending 12/31/13”*

Violations: *Change the word “documented” to “substantiated”*

Permits: *Change amount from \$500 to \$300 for this ONE trial period only*

Sex Offender Living Location Concentration Concerns – Direct City Attorney to Draft Letter to MN Department of Corrections and Copy to State Legislators and Governor – Approved

Discussion was held between Council and staff relating to the laws in place to regulate the whereabouts of sex offenders and concentration of the offenders in one area, especially near schools churches and daycares. It was decided that a letter should be sent to the Minnesota Department of Corrections to express concern on the City’s behalf.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO DIRECT THE CITY ATTORNEY TO DRAFT A LETTER TO THE MN DEPARTMENT OF CORRECTIONS EXPRESSING THE CITY OF BRAINERD’S CONCERN ABOUT SEX OFFENDER LIVING LOCATION CONCENTRATION, ESPECIALLY WITHIN SCHOOL, CHURCH AND DAYCARE FACILITIES, AND TO COPY THE LETTER TO STATE LEGISLATORS AND GOVERNOR DAYTON.

Public Hearing – Ordinance No. 1403 Adopted – An Ordinance Amending Section 1200.03 of the Brainerd City Code to Permit Issuance of On-Sale Brewer, Taproom and Off-Sale Growler Liquor Licenses

The Chair opened the Public Hearing at 8:50 P.M. No one came forward.

The Chair closed the Public Hearing at 8:51 PM

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1403 – AN ORDINANCE AMENDING SECTION 1200.03 OF THE BRAINERD CITY CODE TO PERMIT ISSUANCE OF ON-SALE BREWER, TAPROOM AND OFF-SALE GROWLER LIQUOR LICENSES, FURTHER TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1403 – AN ORDINANCE AMENDING SECTION 1200.03 OF THE BRAINERD CITY CODE TO PERMIT ISSUANCE OF ON-SALE BREWER, TAPROOM AND OFF-SALE GROWLER LIQUOR LICENSES, AS PRESENTED.

ORDINANCE NO. 1403

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 ordinance adopted.

First Reading – Proposed Ordinance No. 1404 – Setting Fees for Permit Issuance of On-Sale Brewer Taproom and Off-Sale Growler Liquor Licenses – City Administrator Goble Recommends Dispensing with the Actual Reading – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1404 – SETTING FEES FOR PERMIT ISSUANCE OF ON-SALE BREWER TAPROOM AND OFF-SALE GROWLER LIQUOR LICENSES, FURTHER TO DISPENSE WITH THE ACTUAL READING.

Planning Commission

First Reading – Proposed Ordinance No. 1405 – Rezoning of Property South of Brook Street and West 13th Street SE from MH (Manufactured Housing) District to an R-1 (Single Family Residential) District – City Administrator Goble Recommends Dispensing with the Actual Reading – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1405 – REZONING OF PROPERTY SOUTH OF BROOK STREET AND WEST 13TH STREET SE FROM MH (MANUFACTURED HOUSING) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT, FURTHER TO DISPENSE WITH THE ACTUAL READING.

Public Forum – “Jimmy’s Pizza Temporary Sign” Placed on May 6, 2013 Council Agenda – Informational

The Chair recognized Mr. Brad Klein and Ms. Lori Hart, co-owners of Jimmy’s Pizza, who expressed concern about being cited for a temporary sign for horse rides being offered periodically in front of their business

Because City Planner Ostgarden was not at the meeting, Council President Cumberland placed the item on the May 6, 2013 agenda.

Reports

Mayor's Report

Mayor Wallin stated that he had taken part in the Bataan 71st Anniversary March and discussed the recent BTD Wood Powder Coating DEED Grant in the amount of \$100,000, stating that BLAEDC played an important role in securing that grant.

City Attorney's Report

City Attorney Fitzpatrick stated that he had nothing to report.

City Administrator's Report

City Administrator Goble referred the Council to the Strategic Planning Matrixes for the fourth Strategic Planning Session of the Council to be held on Monday, April 22nd at 6 p.m. that she had distributed for their review prior to tonight's meeting.

City Engineer's Report

City Engineer Hulsether stated for the audience and public's information that the wet gravel roads in alleyways are not a very good match for heavy equipment and is compounding snow removal difficulties. He stated that the constantly changing weather conditions are also causing potholes to "pop" off their base and because the City's regular material supplier is out of materials the department will most likely be over budget for pothole patching because of the amount needed and a different supplier.

City Planner's Report

City Planner Ostgarden was absent.

Police Chief's Report

Police Chief McQuiston stated that he had nothing in addition to his written report.

Finance Director's Report

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

Council President's Report

Council President Cumberland stated that she had attended a visitation at BTD Wood Powder Coating along with Mayor Wallin that was very interesting; that she and Council Members Borkenhagen and Pritschet had attended the Region 5 Summit and received information on grants and funding sources to follow up on; that she had worked at both the Transit booth and Center booth at the Brainerd Lakes Marketplace, that she, along with Mayor and Council Member Sheeler, had attended an informative session at the Airport with Representatives Ward, Radinovich and Mahoney to discuss bonding and

education bills, and that she was able to attend part of the Rental Property Managers meeting.

She stated that she and Council Member Koep were able to attend the NJPA Annual Representative Assembly which honors students who would not otherwise be honored at a local or regional level and who may have had difficult situations that year yet showed perseverance; Brainerd's own Mitchel Dean and Zach Hatcher were two of the honorees.

Council Committee Reports.

Safety and Public Works Committee

Fire Department Medical Runs – To be Continued at Future Meeting – Informational

Safety and Public Works Committee Chair Scheeler stated that a great deal of discussion was held in Committee related to the Fire Department performing medical runs. He stated that this item would not be brought forth if it were not a budget item and discussed overtime, fuel and SAFER grant costs/issues. He stated that a letter had been received from the City of Baxter requesting that the Fire Department not attend medical runs in Baxter. Because more information needs to be reviewed, Chair Scheeler suggested all questions to be brought forth at the May 6, 2013 Council meeting with answers to be presented to the May 20, 2013 Council meeting.

Council Member Koep suggested a special Committee meeting to discuss only medical runs.

Braun Intertec Proposals for Material Testing – Accept Proposals based on Staff Recommendation:

For Improvements 13-01, 13-02, 13-03 - \$8,305 – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ACCEPT THE PROPOSAL FROM BRAUN INTERTEC IN THE AMOUNT OF \$8,305 TO PERFORM MATERIAL SAMPLING AND TESTING FOR IMPROVEMENTS 13-01, 13-02 AND 13-03, AS PRESENTED.

For Improvements 13-04, 13-05, 13-08 - \$4,925 – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ACCEPT THE PROPOSAL FROM BRAUN INTERTEC IN THE AMOUNT OF \$4,925 TO PERFORM MATERIAL SAMPLING AND TESTING FOR IMPROVEMENTS 13-04, 13-05 AND 13-08, AS PRESENTED.

Building Permit Rebate Program – Continue in 2013 with Change to Eligible Permit Issuance Dates from June 1 through November 1 to May 1, 2013 through November 1, 2013 as Recommended by Staff – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO CONTINUE THE BUILDING PERMIT REBATE PROGRAM FOR

2013 WITH THE SAME TERMS AND CONDITIONS WITH THE EXCEPTION OF THE ELIGIBLE PERMIT ISSUANCE DATES CHANGING FROM JUNE 1 THROUGH NOVEMBER 1 TO MAY 1, 2013 THROUGH NOVEMBER 1, 2013 AS RECOMMENDED BY STAFF.

Alley, Block 24, West Brainerd – Informational

Safety and Public Works Committee Chair Scheeler referred the item to City Engineer Hulsether, who stated that last year an alley in west Brainerd was extended under the impression that the alley had been petitioned for vacation over 20 years ago and that the matter had been reversed and overturned as reflected on parcel maps; however, it turns out that a portion of the alley had been vacated after all. He stated that staff is working with the property owner to get the item resolved.

Resolution No. 25:13 Adopted – Approving Plans and Specifications and Authorizing Bids Returnable by 11:00 a.m. on Wednesday, May 15, 2013 for Improvements 13-04, 13-05, 13-08

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN TO ADOPT RESOLUTION NO. 25:13 – APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS RETURNABLE BY 11:00 A.M. ON WEDNESDAY, MAY 15, 2013 FOR IMPROVEMENTS 13-04, 13-05 AND 13-08.

RESOLUTION NO. 25:13

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

Town 180 Application Submittal – Denied

Safety and Public Works Committee Chair Scheeler stated that Committee recommends submitting the application and video required for a “reality competition show” entitled “Town 180” produced out of California to enhance the economic viability of those competing.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, TO AUTHORIZE SUBMITTAL OF AN APPLICATION FOR THE “TOWN 180” PROGRAM.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO TABLE THE MOTION TO AUTHORIZE SUBMITTAL OF AN APPLICATION FOR THE “TOWN 180” PROGRAM.

Aldermen Scheeler and Borkenhagen withdrew their motion to table.

On the original motion, no member voted “aye.” Members Bevans, Scheeler, Parks, Borkenhagen, Koep, Pritschet and Cumberland voted “nay.” The Chair declared the motion failed.

Personnel and Finance

IAFF Local 4725 – Fire Equipment Operators – Approval of Union Settlement & Wage Adjustments – Resolution No. 26:13 Adopted

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT RESOLUTION NO. 26:13 – IAFF LOCAL 4725 (FIRE EQUIPMENT OPERATORS) – SETTLEMENT AND WAGE ADJUSTMENTS, AS PRESENTED.

RESOLUTION NO. 26:13

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 IAFF LOCAL 4725 (FIRE EQUIPMENT OPERATORS) AND TO AUTHORIZE PROPER SIGNATURES.

IBEW Local 31 – Administrative Support – Approval of Union Settlement & Wage Adjustments – Resolution No. 37:13 Adopted

Personnel and Finance Committee Chair Bevans stated that the wage listed for “Records Management Supervisor” should read \$25.15.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO ADOPT RESOLUTION NO. 27:13 – APPROVING IBEW LOCAL 31 (ADMINISTRATIVE SUPPORT) SETTLEMENT AND WAGES AS CORRECTED.

RESOLUTION NO. 27:13

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 PRITSCHET, DULY CARRIED, TO APPROVE THE CONTRACT AS PRESENTED BETWEEN THE CITY OF BRAINERD AND IBEW LOCAL 31 (ADMINISTRATIVE SUPPORT) AND TO AUTHORIZE PROPER SIGNATURES.

Police Department Resignations – Accept with Regret and Authorize Process for Replacement – Approved for:

- **Police Officer Garrett Lee – Effective 4/19/13**
- **Records Management Tech Tanya Knopik – Effective 6/17/13**

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF POLICE OFFICER GARRETT LEE EFFECTIVE 4/19/13, TO AUTHORIZE THE POLICE AND FIRE CIVIL SERVICE COMMISSION TO CERTIFY THE NEXT THREE NAMES ON THE POLICE

OFFICER ELIGIBILITY LIST AND TO AUTHORIZE THE POLICE CHIEF AND MAYOR TO MAKE A CONDITIONAL JOB OFFER TO THE TOP CANDIDATE.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF RECORDS MANAGEMENT TECHNICIAN TANYA KNOPIK EFFECTIVE 6/17/13 AND AUTHORIZE POLICE STAFF TO START THE REPLACEMENT PROCESS.

Fire Department – Authorize Leave of Absence Extension – Effective April 1 – May 31, 2013 as Requested by Troy Rushmeyer – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE LEAVE OF ABSENCE EXTENSION REQUESTED BY FIREFIGHTER TROY RUSHMEYER – EFFECTIVE APRIL 1, 2013 THROUGH MAY 31, 2013.

Other Committees

Planning Commission Liaison Pritschet stated that the Commission would like to have their role in the City identified and discussed.

City Engineer Hulsether stated that he had a good meeting with Crow Wing County Solid Waste Officer Doug Morris related to a clean-up program and that further information on that program will be forthcoming.

Adjourn – To Council Strategic Planning Session IV to be held on Monday, April 22, 2013 at 6:00 P.M. in the Brainerd Police Department Training Room and To Meeting with Charles Marohn regarding his Otto Bremer Grant to be held on Wednesday, April 24, 2013 at 4:00 P.M. in the City Hall Conference Room – Approved

The Chair adjourned the meeting at 9:40 P.M.

Theresa A. Goble
City Administrator