Brainerd, MN
May 6, 2013

7:15 P.M. – Showcasing Brainerd: Camp Ripley. The Chair welcomed Sergeant Major Michael Worden, who discussed what is currently going on at Camp Ripley as well as upcoming events. He discussed the times this summer that the noise level will be higher; stating that noise levels are constantly monitored and that Camp takes noise complaints seriously. He discussed Camp Ripley's Environmental Impact, the Emergency Vehicle Operations Course (EVOC), Unmanned Aircraft Systems (UAS/Drones), Youth Camp for Military families, and answered questions of the Council. He invited the public to Camp Ripley's Open House scheduled for September 15, 2013 from 10am-4pm. The Chair thanked him for his presentation.

Pursuant to due call and notice thereof, the Regular meeting of the Brainerd City Council was called to order at 7:34 P.M. by Council President Cumberland.

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

MOVED AND SECONDED BY SCHEELER AND PARKS, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER TO APPROVE THE CONSENT CALENDAR AS AMENDED.

A. Approval of the Minutes of the Regular Meeting held on April 15, 2013, and the adjourned meetings held on April 22, 2013 and April 24, 2013, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 4 – New

2. Contractor's Licenses – 5 – Renewals

C. Department Reports – Approved

1. Mayor's report of activities distributed to Council

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

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

D. American Legion Auxiliary – Request to Promote "Poppy Day" in the City of Brainerd on May 10, 2013 – Approved

E. Religious and Charitable Organization Permit Application – Submitted by Brainerd Dog Park for a Fundraiser to be held on June 1, 2013 – Approved

F. **Police Department – Officer Justin Athman – Complete 1-Year Probation – Change Employment Status from "Probationary" to "Regular" – Adjust Pay to the "2nd Year Officer" Rate – $4,708.72/month – Effective 4/26/13 – Approved**

G. **Call for Applicants:**

1. Charter Commission – One Term to Expire 12/31/2015
2. 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*
3. Transportation Committee – Two Terms to Expire 12/31/2014

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

Payment of Bills – Recommended by the Personnel and Finance Committee - Approved

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

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

Unfinished Business

BLAEDC Update and Wausau Plant Status – Sheila Haverkamp and Bruce Buxton – BLAEDC Committee to be formed to focus on Wausau Plant Future Plans – Request for Council Representative – Approved

The Chair recognized Ms. Sheila Haverkamp, BLAEDC, who discussed the future of BLAEDC in relation to new and expanding businesses in their service area.

The Chair recognized Mr. Bruce Buxton, Chair of BLAEDC Board of Directors, who discussed the significance of the Wausau shut down, stating that BLAEDC has been working with Wausau throughout this process including ideas for the future of the plant. He suggested the formation of a small group committee to discuss all aspects of the Wausau situation and asked:

1. Would the Council consider appointing a member to that group?
2. Does the Council have any ideas that BLAEDC may not have covered?

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN, DULY CARRIED, TO FORM A BLAEDC COMMITTEE TO WORK ON THE FUTURE OF THE WAUSAU PAPER PLANT.

Council President Cumberland asked for interested Council Members to contact either the Mayor or herself

The Chair thanked them for their presentation.

Airport Commission – Status Of – Notification of Council's Recommendation that the Airport Commission Governance Remain as it is; Decision to be sent to Crow Wing County and Brainerd Airport Commission – Approved

Council President Cumberland referred the item to Alderman Bevans.

Alderman Bevans referred to past discussions regarding airport governance, stating that the Council's opinion needs to be on record.

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER, DULY CARRIED, TO GO ON RECORD THAT THE CITY COUNCIL DESIRES THE AIRPORT COMMISSION GOVERNANCE TO REMAIN AS IT IS UNDER THE CURRENT JOINT ORDINANCE AS ADOPTED BY THE CITY COUNCIL AND THE COUNTY BOARD, AND TO NOTIFY THE AIRPORT COMMISSION AND COUNTY BOARD AS SUCH.

Jimmy's Pizza – Transient Merchant Consideration – Informational

The Chair recognized Mr. Jim DeRosier and Ms. Lori Hart, who stated that they have purchased the Papa Murphy's in Crosby to remodel and open and asked for postponement of action with any transient merchant license applications relating to Jimmy's Pizza.

Community Video Showcase Program – Accept Proposal from CGI Communications, Inc. to Produce a Community Showcase Video for the City's Website at No Cost and No Liability to the City – Approved

City Administrator Goble reported that CGI Communications, Inc. has entered into a partnership with the US Conference of Mayors and the National League of Cities to provide communities a marketing tool that they can utilize to showcase and promote their community assets and attributes; as a result of this partnership, the City of Brainerd has been presented with the opportunity to receive a fully produced, no cost "community showcase" program to be featured on the City's website. She stated that the City bears no liability regardless of sponsorship participation.

MOVED AND SECONDED BY ALDERMEN KOEP AND PARKS, DULY CARRIED, TO ACCEPT THE PROPOSAL FROM CGI COMMUNICATIONS INC TO PRODUCE A COMMUNITY SHOWCASE VIDEO FOR THE CITY'S WEBSITE AT NO COST AND NO LIABILITY TO THE CITY.

"Towns 180" Reality Show – Authorize Council Member Borkenhagen to Prepare and Submit Video Application – Approved

Council President Cumberland reported that the "Towns 180" reality show discussed at the April 15, 2013 meeting has extended the application deadline until May

15, 2013. Chosen contestant cities would compete with other cities to be voted as a city that deserves a $200k "grant" and makeover planning. Council Member Borkenhagen has offered to prepare the video application.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND SCHEELER, DULY CARRIED, TO AUTHORIZE COUNCIL MEMBER BORKENHAGEN TO PREPARE AND SUBMIT A VIDEO APPLICATION FOR THE "TOWNS 180" REALITY SHOW.

Public Hearing – Ordinance No. 1404 Adopted – An Ordinance Amending Section 1010.01, Subd. 5, of the Brainerd City Code to Establish Fees for the Tap Room and Growler Licenses as: On Sale Tap, $500 and Off Sale Growler, $300

The Chair opened the Public Hearing at 8:48 P.M. No one came forward.

The Chair closed the Public Hearing at 8:49 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1404 – AN ORDINANCE AMENDING SECTION 1010.01, SUBD. 5, OF THE BRAINERD CITY CODE TO ESTABLISH FEES FOR THE TAP ROOM AND GROWLER LICENSES AS FOLLOWS, FURTHER TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1404 – AN ORDINANCE AMENDING SECTION 1010.01, SUBD. 5, OF THE BRAINERD CITY CODE TO ESTABLISH FEES FOR THE TAP ROOM AND GROWLER LICENSES.

ORDINANCE NO. 1404

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

Public Hearing – Ordinance No. 1405 Adopted – An Ordinance Amending Section 812 of the Brainerd City Code Pertaining to Zoning in the City of Brainerd; Changing the Zoning Designations of Certain Property Descriptions from R-MH (Manufactured Housing) District to an R-1 (Single Family Residential) District

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

The Chair closed the Public Hearing at 8:51 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1405 – AN ORDINANCE AMENDING SECTION 812 OF THE BRAINERD CITY CODE PERTAINING TO ZONING; CHANGING THE ZONING DESIGNATIONS OF CERTAIN PROPERTY DESCRIPTIONS FROM R-MH (MANUFACTURED HOUSING) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT, FURTHER, TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO ADOPT ORDINANCE NO. 1405 – AN ORDINANCE AMENDING SECTION 812 OF THE BRAINERD CITY CODE PERTAINING TO ZONING; CHANGING THE ZONING DESIGNATIONS OF CERTAIN PROPERTY DESCRIPTIONS FROM R-MH (MANUFACTURED HOUSING) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

ORDINANCE NO. 1405

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

Break

The Council took a break from 8:52 P.M. to 8:57 P.M.

New Business

4th of July Parade – Downtown Route – City Council to Send Letter to Community Action Endorsing the Concept of Moving the Parade Route to go through Downtown and asking Community Action to Meet with Those Interested in this Change, including Kevin Matthews, to Discuss Possibilities – Approved

The Chair recognized Mr. Kevin Matthews, owner of Kevin Matthews Pottery, 706 Laurel Street, Brainerd, who stated that discussions had been held between Nancy Cross of Community Action and himself relating to re-routing the 4th of July Parade through downtown Brainerd in order to support and benefit the businesses there. He discussed many reasons why a group of downtown businesses feel the parade would work better for the public with this route as well.

Discussion was held on whether the Council has the authority to determine the parade route.

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER, DULY CARRIED, THAT THE COUNCIL SEND A LETTER TO COMMUNITY ACTION ENDORSING THE CONCEPT OF THE 4TH OF JULY PARADE GOING THROUGH DOWNTOWN BRAINERD AND ASKING THEM TO MEET WITH MR. KEVIN MATTHEWS AND THE DOWNTOWN BUSINESSES INCLUDED IN THE GROUP IN FAVOR OF THIS CHANGE TO DETERMINE THE BEST ROUTE.

Brainerd Public Library – Request for Letter in Support of “Art Aware” Grant – Approved

Alderman Koep reported that Brainerd Public Library Manager Jolene Bradley is in pursuit of a grant to commission public art in the Library.

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN, DULY CARRIED, TO SEND A LETTER IN SUPPORT FOR THE “ART AWARE” GRANT TO THE BRAINERD PUBLIC LIBRARY.

Strategic Planning Vision Statements #1 and #2 – Discussion of – Informational

Council President Cumberland reported on the activities of Council taken throughout the four Strategic Planning meetings held. She noted that 2 of the 4 Strategy focus areas will be discussed tonight and the remaining 2 will be discussed at the next meeting. A Town Hall meeting for citizen and stakeholder input will be scheduled for June.

Council President Cumberland outlined the details of the following 2 Strategy focus areas:

- ***Invest in Neighborhoods***
- ***Stable Financial Planning***

Public Forum.

The Chair recognized Ms. Nila Patrick, owner of V.I.P. Weddings, 710 Laurel Street, Brainerd, who discussed recent efforts to re-invigorate the downtown businesses as well as support for a skateboard park. The Chair thanked her for the update.

The Chair recognized Mr. Jackson Binkley, 16805 Blakeman Rd, Brainerd, who asked what, if any, plans the Council has relating to marijuana reform on a local level. The Chair suggested Mr. Binkley contact the Police Chief and contact local legislators.

Reports

Mayor's Report

Mayor Wallin stated he had thoroughly enjoyed being the ambassador of the Good Samaritan Bowl and thanked all of the sponsors and contributors.

City Attorney's Report

City Attorney Fitzpatrick stated that he had nothing to report.

Council Member Koep referred the City Attorney to an article from the Star Tribune relating to criminal background checks during the hiring process.

City Administrator's Report

City Administrator Goble referred to an article in today's Brainerd Dispatch relating to local pension liabilities which included a table showing what Brainerd had paid in 2009, 2010, 2011 and 2012. She stated that the difference shown in the coordinated amounts between 2009, 2010 and 2011 vs. 2012 is based on audited numbers being used so by adding the 2012 PUC amount of $373,593 the amount becomes comparable to other years.

City Engineer's Report

City Engineer Hulsether stated that the City was successful in the Safe Routes to School application. He stated that over the next few weeks he and the Assistant City Engineer will meet with the Safe Routes coordinator relating to moving forward with the project and the public engagement involved. He stated that, regarding weight restrictions, load limits are expected to be lifted in the next week or so.

City Planner's Report

City Planner Ostgarden stated that warm weather activities are resuming and many of those activities such as pool setup and home improvements have rules and regulations. He stated that public should contact the Planning Department with questions (828-2310) and that an article in the Dispatch is forthcoming.

Fire Chief's Report

Fire Chief Stunek stated that burning restrictions went on at 8:00 A.M. this morning. He cautioned the public of the dry conditions.

Park Director's Report

Park Director Sailer distributed the rules of Buster Park, stating that the grand opening will be held on June 1st and that more information is available at www.brainerddogpark.com. He confirmed for Alderman Koep that signs will be placed at all parks regarding dogs having to be leashed in city parks.

Council President's Report

Council President Cumberland thanked the Fire Chief and Forestry for help they gave to a citizen for buckthorn problem recently. She stated that she had attended the Arbor Day program at Garfield School which was a fun and educational opportunity; that many downtown business ideas were discussed at Alderman Borkenhagen's community meeting; that she had the opportunity to be a panel participant at the County and City Managers Conference at Grand View last week which was very enlightening; and that she had bowled at the Good Samaritan Bowl.

She posed the question from a citizen, "if you want more participants in committees and boards, why hold them during times when people are at work?" Discussion was held with consensus being that a letter could be sent to committees inquiring if they would be willing to change meeting times.

Council Committee Reports

Personnel and Finance Committee

Fire Department – LEAN Training Principles – Informational

Personnel and Finance Committee Chair Bevans reported that a presentation had been made at Committee by Scott Stall regarding a proposal for LEAN training. He stated that the program is being looked at as a potential solution to issues facing the City of Brainerd; specifically the Fire Department's Medical Runs and SAFER Grant not being extended to provide funding for two full time fire equipment operators. He discussed the information given to Committee and stated that Mr. Stall will present "What is LEAN Training" to full Council at the May 20, 2013 meeting.

Police Department:

Request Authorization to Hire Community Service Officers – Approved

Personnel and Finance Committee Chair Bevans reported that Police Chief McQuiston is requesting to hire two replacement CSO's.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE HIRING OF TWO COMMUNITY SERVICE OFFICERS (CSO'S) AT THE POLICE DEPARTMENT AS REQUESTED BY POLICE CHIEF MCQUISTON.

Approval of MOU for Temporary Reassignment of CSO Caitlin Robinson as Police Records Management Technician – Approved

Personnel and Finance Committee Chair Bevans reported that Police Chief McQuiston has requested to make a temporary assignment of Community Service Officer Caitlin Robinson to the vacant Records Management Technician position in order to allow time to complete the employee compensation/classification study while supporting the needs of the department. He stated that this has been discussed with the Union Business Agent and the attached MOU is recommended for approval.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE THE TEMPORARY REASSIGNMENT OF CSO CAITLIN ROBINSON AS POLICE RECORDS MANAGEMENT TECHNICIAN AS REQUESTED BY POLICE CHIEF MCQUISTON AND AUTHORIZE SIGNATURES ON MEMORANDUM OF UNDERSTANDING (MOU).

Safety and Public Works Committee

2013 Crack Sealing Program – Accept Low Bid from Astech Corp. in the amount of Approximately $50,000 as Recommended by Staff – Approved

Safety and Public Works Committee Chair Scheeler reported that there had been 7 quotes received for the 2013 crack sealing program and that staff recommends accepting the low bid from Astech Corp. of St. Cloud in the amount of approximately $50,0000.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO ACCEPT AZTEC CORP. OF ST. CLOUD FOR THE 2013 CRACK SEALING PROGRAM IN THE AMOUNT OF APPROXIMATELY $50,000.

Resolution No. 28:13 Adopted – Accepting Low Bid from Anderson Brothers in the amount of $578,448.66 for Improvements 13-01, 13-02 and 13-03 as Recommended by Staff

Safety and Public Works Committee Chair Scheeler reported that there had been 2 bids received for Improvements 13-01, 13-02 and 13-03 and that staff recommends accepting the low bid from Anderson Brothers in the amount of $578,448.66.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 28:13 – ACCEPTING THE LOW BID FROM ANDERSON BROTHERS IN THE AMOUNT OF $578,448.66 FOR IMPROVEMENTS 13-01, 13-02 AND 13-03, AS PRESENTED.

RESOLUTION 28:13

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

Resolution No. 29:13 Adopted – Accepting Low Bid from Borden Excavating, Inc. of Merrifield in the amount of $433,182.50 for Improvement 12-12, Buffalo Hills Trail, as Recommended by Staff

Safety and Public Works Committee Chair Scheeler reported that there had been 3 bids received for the Buffalo Hills Trail project and that staff recommends accepting the low bid from Borden Excavating, Inc. of Merrifield in the amount of $433,182.50

Committee member Koep stated that the neighborhood will be invited to the contractors meeting for input before the project begins.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO ADOPT RESOLUTION NO. 29:13 – ACCEPTING THE LOW BID FROM BORDEN EXCAVATING, INC. OF MERRIFIELD IN THE AMOUNT OF $433,182.50 FOR THE IMPROVEMENT 12-12, BUFFALO HILLS TRAIL, AS PRESENTED.

RESOLUTION NO. 29:13

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

Transit Drug and Alcohol Policy Update – Resolution No. 30:13 Adopted

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 30:13 – AFFIRMING THE POLICY RELATED TO DRUG AND ALCOHOL TESTING OF TRANSIT EMPLOYEES OF BRAINERD BUS LINES, AS PRESENTED.

RESOLUTION NO. 30:13

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

Traffic Concerns at N 5th Street and Holly Street – Informational

The Chair recognized City Engineer Hulsether, who referred to the Packet attachment containing emails related to the safety of the intersection of 5th and Holly. He stated that the concerns are being looked into and that the item will be on a future agenda.

City Hall HVAC – Authorize Proceeding with Temporary Fix for Cooling in the City Hall Administration Office while Evaluating Permanent Fix Options – Authorize Request for an Amendment Quote to Contract to Include Cost Comparison in Changing from Electric to Natural Gas for Heat at the Police and Fire Departments – Approved

The Chair recognized City Engineer Hulsether, who stated that the final City Hall HVAC report should be arriving on Friday and should contain some recommendations for an immediate temporary fix for cooling in the Administration office. He asked for authorization to proceed with that temporary fix while evaluating permanent fix options.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE PROCEEDING WITH A TEMPORARY FIX FOR COOLING IN THE ADMINISTRATION OFFICE WHILE EVALUATING PERMANENT FIX OPTIONS.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AUTHORIZE ASKING FOR AN AMENDMENT QUOTE TO THE HVAC EVALUATION CONTRACT TO INCLUDE COST COMPARISON IN CHANGING FROM ELECTRIC TO NATURAL GAS FOR HEAT AT THE POLICE AND FIRE DEPARTMENTS.

Committee Chair Scheeler stated that the item would be brought back to Council for a vote before any action is taken.

Code Enforcement Intern – Application Deadline Extended – Informational

City Engineer Hulsether stated that very few applications were received for the Code Enforcement Intern position; therefore, the application period has been extended through May 20th.

Other Committees

Senior Center Liaison Cumberland stated that the Senior Center Plant Sale will be held at the Center May 9-11th.

Region 5 Liaison Pritschet stated that Region 5 is looking at a 5 county aggregate mapping project; however, the program was voted down by the County

Council and Library Board Member Koep updated the Council on Library funding.

Committee Recommendations – Recommended by Mayor Wallin – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET, DULY CARRIED, TO APPROVE THE FOLLOWING APPOINTMENTS AS PRESENTED:

A. Mr. Loyal Hyatt – Library Board – One Term to Expire 12/31/2017

B. Mr. Charles Johnson – Cable TV Advisory – One Term to Expire 12/31/2015

Adjourn

The Chair adjourned the meeting at 11:02 P.M.

____
Theresa A. Goble
City Administrator