

7:15 P.M. – *Showcasing Brainerd: Bremer Bank:* The Chair welcomed Ms. Kim Ellingson, Bremer Bank, who discussed the creation and history of Bremer Bank as well as the Otto Bremer Foundation; stating that there are 52 employees between their locations in Brainerd, Baxter and Aitkin and that they serve much of northern Minnesota.

The Chair thanked Ms. Ellingson for her presentation.

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 thanked Erin Carlson for her service through Lakes Media Collaborative in recording the Council meetings for the past 2½ years as it is her last night doing so.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET TO APPROVE THE CONSENT CALENDAR AS PRESENTED.

A. Approval of the Minutes of the Regular Meeting held on May 20, 2013, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 2 – New
2. Contractor's Licenses – 6 – Renewals
3. Bulk Plant – 1 – Renewal
4. Filling Station – 8 – Renewals
5. Off-Sale Beer – 4 – Renewals
6. On-Sale Liquor – 6 – Renewals
7. Sunday Liquor – 7 – Renewals
8. Club On-Sale – 1 – Renewal
9. Off-Sale Liquor – 1 – Renewal

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. Second Hand Goods Dealer License Application – Submitted by Stafford Simmons Kaplan dba JAK Antiques to conduct business at The Brainerd Hotel and Conference Center, 2115 S 6th Street, Brainerd – Approved**
- E. Application for Off Sale Intoxicating Liquor License – Submitted by Ed Mattson, dba Brainerd Warehouse Liquors, 817 Washington Street, Brainerd – Approved**
- F. Application for Temporary On-Sale Liquor – Submitted by American Legion Post 255 for an Event to be held on June 15, 2013 at Burlington Northern Building Center, Building #3, 1511 Northern Pacific Road, Brainerd – Approved**
- G. Joint Powers Agreement between State of MN Colleges and Universities/Central Lakes College and the City of Brainerd to Work in Partnership to Offer Fire and Safety Training at Central Lakes College – Approval of Agreement and Authorization of Proper Signatures – Approved**
- H. Administration Department – Administrative Specialist Jennifer Loidolt – Completion of 6-Month Probation – Change Employment Status to “Regular” and Advance to Step “B” of the Salary Administration Plan (90%, \$19.77/hr) – Effective 5/26/13 – Approved**
- I. Call for Applicants:**
1. Charter Commission – One Term to Expire 12/31/2015
 2. Housing & Redevelopment Authority (HRA) – One Term to Expire 6/6/18
 3. 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
 4. Transportation Committee – Two Terms to Expire 12/31/2014

Upon roll call, members Scheeler, Parks, Borkenhagen, Koep, Pritschet, Bevans, and Cumberland voted “aye.” The Chair declared the motion carried and the Consent Calendar adopted.

Approval of Bills – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

Upon roll call, members Scheeler, Parks, Borkenhagen, Koep, Pritschet, Bevans, and Cumberland voted “aye.” The Chair declared the motion carried.

New Business

Northern Pines/Whittier School Building Use – Mr. Glenn Anderson – Introduction and Request for Authorization to use the Whittier School Building before CUP Process is Completed – Withdrawn – Item Referred to Planning Commission for Review – Approved

City Planner Ostgarden stated that he received two email correspondences on the morning of May 31, 2013 related to Northern Pines' request to use the Whittier School building on a temporary basis during the Conditional Use Permit application process; one being a letter in opposition to the temporary use and signed by 6 north side residents, and the other being from Northern Pines Executive Director Glenn Anderson in response to that letter and withdrawing the request for temporary use.

City Attorney Fitzpatrick stated that concern was expressed to him today by a citizen that he may have a conflict of interest based on his representing both the school district and the City of Brainerd as their legal counsel. Because of this he recused himself as legal counsel should any issues arise.

The Chair recognized Mr. Glenn Anderson, Executive Director of Northern Pines Mental Health Facility of Brainerd; home address 1900 Minnesota Avenue, Duluth, MN. Mr. Anderson discussed the plans for Northern Pines' future use of the Whittier School building, including mostly public education and focus on children's mental health as well as a therapeutic daycare. He stated that other community non-profit organizations would be involved in what will eventually be the "Community Health and Wellness Center" at the Whittier School building. He answered questions of the Council.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS, DULY CARRIED, TO REFER THE CONCEPT OF NORTHERN PINES MENTAL HEALTH CENTER'S FUTURE USE OF THE WHITTIER SCHOOL BUILDING TO THE PLANNING COMMISSION FOR REVIEW.

City Planner Ostgarden stated that the request will take several months to work its way through the Planning Commission. He also stated that in regards to communication with the neighborhood, he wants to ensure that a network is established and will work on that while moving forward with the item.

Prairie Bay Mobile Food Unit (Side Dish) – Request to Add Franklin Art Center Parking Lot, City Hall Parking Lot and Downtown Laurel Street Parking Lot to Mobile Food Truck Zones – Discussion of – Add "Zone 8" (Franklin Art Center Property) to the Mobile Food Unit Trial Period Locations for Tuesdays and Saturdays between 9 A.M. and 2 P.M. and Deny Any Requests to Use Any City Parking Lots Throughout the Mobile Food Unit Trial Period – Approved

A request was included in the Packet from Nick Miller, General Manager of Prairie Bay Grill and Catering, to add Franklin Art Center to the "zones" allowed in the Mobile Unit Trial Period in order to utilize the space for their "Side Dish" mobile food unit. The letter also requested to park the Side Dish in city parking lots including the City Hall lot and the Laurel Street lot.

City Planner Ostgarden referred to the map of the seven areas that food trucks are allowed to set up in which was also included in the Packet. He stated that if the Council allows the eighth zone, time periods will also need to be determined. He stated

that the request to use the City Hall and Laurel Street parking lot request should be treated like any other property owner who needs Council's request to allow a mobile food unit to set up on their property.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO ADD AN ADDITIONAL FOOD TRUCK SET UP ZONE ("ZONE 8") TO THE MOBILE FOOD UNIT TRIAL PERIOD LOCATIONS, THAT BEING THE FRANKLIN ART CENTER PROPERTY BETWEEN THE HOURS OF 11 A.M. TO 7 P.M.

Alderman Borkenhagen stated that the request from Prairie Bay is to set up during the Farmers Market events; therefore, earlier start and end times might be a better idea.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AMEND THE MOTION TO READ "BETWEEN THE HOURS OF 9 A.M. AND 2 P.M. ON TUESDAYS AND SATURDAYS.

Discussion was held.

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER, DULY CARRIED, TO CALL THE QUESTION.

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER, DULY CARRIED, TO DENY ANY REQUEST TO USE THE CITY HALL PARKING LOT OR THE CITY LOT ON 7TH AND LAUREL FOR MOBILE FOOD UNIT SALES.

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER, DULY CARRIED, TO AMEND THE MOTION TO STATE THAT ANY REQUEST TO USE ANY CITY PARKING LOTS FOR MOBILE FOOD UNIT SALES BE DENIED THROUGHOUT THE MOBILE FOOD UNIT TRIAL PERIOD.

Public Forum

The Chair recognized Mr. Howard Brewer, 123 3rd Avenue NE, Brainerd, who stated that he has reserved the Brainerd National Guard Armory for August 24, 2013 with the plan to have the first annual "Brainerd Proud Days" celebration. He stated that he has met with various City departments and plans to meet with more to ensure all requirements are met and to work on ideas for the event.

Alderman Parks, Alderman Sheeler and President Cumberland formed a committee to work with Mr. Brewer on the event.

The Chair recognized Mr. Richard Polipnick, 14353 Inglewood Drive, Baxter, Executive Director of Visit Brainerd, who introduced himself and discussed how the company promotes the Brainerd/Baxter area through visitor guides and their website and Facebook site, focusing on activities and lodging and funded by lodging tax from Brainerd and Baxter. He stated that there is an open "events group" meeting once a month for businesses and tourism organizations from the area held at the Visit Brainerd office at 14084 Baxter Drive, Suite 12, in Baxter. (Contact www.visitbrainerd.com or 218-825-0410)

Reports

Mayor's Report

Mayor Wallin stated that the Ride for Healing and the moving Vietnam War memorial wall was a very impressive event and display. He also discussed Saturday's grand opening of the Buster's Dog Park and read a thank you from a participant that was highly impressed with the park.

City Attorney's Report

City Attorney Fitzpatrick stated that on June 25th there will be a court-appointed appraisers hearing on the Anda/Eminent Domain matter.

City Administrator's Report

City Administrator Goble stated that the City has an agreement with an organization called CGI Communications to stream community videos on the City's web site promoting the City to visitors and people who may be thinking of locating here. The videos will feature a "welcome" by Mayor Wallin, a "Quality of Life" segment, a "Recreational Opportunities" segment, a "Business and Industry" segment, and a "community organizations" segment wherein non-profit and service organizations will be invited to display their logo and message. There is no cost to the City for this to happen on their web site. However, one of the conditions on the agreement was that CGI would contact area businesses to give them the opportunity to have their business featured through a sponsorship of the sites. So if you own a business in Brainerd you may be contacted by representatives of CSI Communications. **We want to make sure that everyone understands that the City is not endorsing CGI nor are you under any obligation to sponsor any of the community videos that will be hosted on the City's website.**

She also reported that part of the Classification and Job Evaluation study is revising and upgrading job descriptions. Part of the process is for the City Administrator and Department Heads to review current job descriptions and identify the responsibilities that that particular position should be completing, either by deleting duties or adding duties. The final job descriptions will be approved by the City Council as part of the study results when presented by Springsted.

She stated that the City has been awarded a \$36,828 grant from the Otto Bremer Foundation for the library to provide digital literacy training to unemployed and economically disadvantaged individuals in the Brainerd Lakes area. She stated that the paperwork for the grant was received today and requested acceptance of the grant and authorize proper signatures.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO ACCEPT THE OTTO BREMER FOUNDATION GRANT IN THE AMOUNT OF \$36,828 FOR THE BRAINERD PUBLIC LIBRARY TO PROVIDE DIGITAL LITERACY TRAINING TO UNEMPLOYED AND ECONOMICALLY DISADVANTAGED INDIVIDUALS IN THE BRAINERD LAKES AREA AND TO AUTHORIZE PROPER SIGNATURES.

City Engineer's Report

City Engineer Hulsether discussed current improvement projects taking place at East River Road, SW 4th and 8th Streets. He stated that the grading work on the Buffalo Hills Trail has been delayed a week because of the wet weather so it will begin on Monday, June 10th.

City Planner's Report

City Planner Ostgarden stated that he had nothing to report.

Fire Chief's Report

Fire Chief Stunek stated that he had nothing in addition to his written report.

Park Director's Report

Park Director Sailer reported that a \$50,000 grant was received from the Otto Bremer Foundation for the Miracle League Field, putting the funds received so far at \$141,670 of the \$170,000 needed to begin developing the field. He stated that currently one company has offered to provide in-kind work and other companies have been contacted to do the same and that he hopes to be able to start the field in August. He stated that Lakeland TV will be broadcasting the Buster Park grand opening this evening.

Council President's Report

Council President Cumberland stated that she had enjoyed the opportunity to take part in mock interviews for Miss Minnesota pageant contestants and that she attended the monthly PUC meeting as Council Liaison. She stated that Tuesday, June 11th the Initiative Foundation is hosting a luncheon in St. Cloud and that Council needs to RSVP in case of a quorum which will require a published notice, and she reminded the public, staff and Council of the Town Hall meeting to be held on Monday, June 10th from 6:30 to 8:00 P.M. at the Brainerd High School.

She congratulated the community garden participants for a successful planting event and thanked area business for donations of funds and products.

Council Committee Reports

Personnel and Finance Committee

BAHA Ice Arena Management Operation and Maintenance Contract – Extension of Addendum #1 – Discussion of – Informational

Personnel and Finance Committee Chair Bevans reported that the City Administrator has been working diligently to secure funds through grants and local contributions to provide an ADA Compliant elevator at the Civic Center after the 2013 State bonding bill did not pass. He stated that discussion took place in Committee on options for meeting this \$150,000 City obligation which is part of the contract with BAHA

for management of the Civic Center. Further meetings will take place with BAHA representatives.

Safety and Public Works Committee

Request for Reimbursement to a Citizen in the amount of \$10.63 to be paid from Street and Sewer Fund for Replacement Sprinkler Head – Approved

Safety and Public Works Committee Chair Scheeler reported that a resident in the Tyrol Hills subdivision had submitted a receipt for the cost of replacing a sprinkler head that was damaged by a city snow plow jumping the curb this past winter. A memo included in the Packet from City Engineer Hulsether states that the Right of Way ordinance references damage to private property that occurs in conjunction with the City's use of the ROW which he views as construction rather than maintenance; therefore, he requests Council direction on whether to reimburse the citizen.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO REIMBURSE A CITIZEN FOR REPLACEMENT SPRINKLER HEAD COST IN THE AMOUNT OF \$10.63 TO BE PAID FROM THE STREET AND SEWER FUND.

Members Scheeler, Parks, Borkenhagen, Koep, Pritschet and Cumberland voted "aye." Member Bevans voted "nay" based on the damage being done to a sprinkler head put in the City Right of Way by the citizen.

Alderman Koep stated that Committee chose to reimburse the citizen contrary to regular policy based on extenuating circumstances but that more information on maintenance and replacement of items installed by citizens in City right of ways is planned to be published in the upcoming months to avoid further situations like this one.

Request for Reimbursement to a Citizen in the amount of \$50.23 to be paid from Street and Sewer Fund for Repair to Retaining Wall – Approved

Safety and Public Works Committee Chair Scheeler reported that a resident at 424 SW 5th Street had submitted an invoice in the amount of \$50.23 for damage to their retaining wall (located on private property) struck by a City plow.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO REIMBURSE A CITIZEN FOR COSTS TO REPAIR A RETAINING WALL IN THE AMOUNT OF \$50.23 TO BE PAID FROM THE STREET AND SEWER FUND.

Request for Sod Repair or Replacement at 802 19th Street SE – Held Over

Safety and Public Works Committee Chair Scheeler reported that a complaint had been received from Mr. Charles Extrand, 802 SE 19th Street, Brainerd, related to the condition of the sod that was placed in the fall of 2011 when SE 19th Street was reconstructed. Per a memo included in the Packet from City Engineer Hulsether, staff is concerned with setting a precedent for how long the City is willing to warrant sod work when the City has no control over how well or how often it is maintained and watered.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO DENY A HOMEOWNER'S REQUEST FOR REPLACEMENT OR REPAIR OF SOD IN HIS YARD AT 802 SE 19TH STREET.

Discussion was held regarding the timeline for maintenance checks and contact between the citizen and City staff. Council also suggested creation of a form that citizens would sign verifying their understanding of future maintenance of sod or items put in the right of way.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO RESCIND THE CURRENT MOTION AND TO INSTEAD HOLD OVER THE ITEM OF SOD REPLACEMENT REQUEST FOR 802 19TH STREET SE.

Tree Replacement Request from North Brainerd Citizen – Denied

Safety and Public Works Committee Chair Scheeler reported that a property owner in North Brainerd had requested replacement of a tree that had been planted to originally replace his tree that was removed as part of the 2010 Street and Storm Sewer project as the tree has died. Per a memo included in the Packet from City Engineer Hulsether, there is a warrantee period of 1 year on trees and the tree appeared to be in good condition at the conclusion of that year.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO DENY THE REQUEST FOR TREE REPLACEMENT AS REQUESTED BY A CITIZEN IN NORTH BRAINERD WHO HAD A TREE REMOVED AND REPLACED AS PART OF THE NORTH BRAINERD STREET AND STORM SEWER PROJECT IN 2010.

Aldерwoman Koep stated that there will be a special Committee meeting in the future related to trees in Brainerd.

Monitoring Well Access Agreement between Atek Products, LLC and the City of Brainerd – Approved

A proposed monitoring well agreement was included in the Packet to permit the construction and maintenance of 3 monitoring wells along the west side of 10th Avenue NE between T.H. 25 and T.H. 210, to investigate a release of perchloroethylene products from the ATEK building. Per a memo also included in the Packet from City Engineer Hulsether, staff has reviewed the well locations and agreement and is recommending approval of the request.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE MONITORING WELL ACCESS AGREEMENT BETWEEN ATEK PRODUCTS, LLC AND THE CITY OF BRAINERD AS PRESENTED.

Agreement between Crow Wing County and the City of Brainerd to Construct and Maintain the Portion of the Buffalo Hills Trail Located in the County Road 117 Right of Way – Approved

A revised draft of a proposed agreement between the City of Brainerd and Crow Wing County to construct and maintain the portion of the trail was included in the Packet

with a memo from City Engineer Hulsether stating that the agreement had been sent to the City Attorney for review.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE AGREEMENT BETWEEN CROW WING COUNTY AND THE CITY OF BRAINERD FOR CONSTRUCTION AND MAINTENANCE OF THE PORTION OF THE BUFFALO HILLS TRAIL LOCATED IN THE COUNTY ROAD 117 RIGHT OF WAY AS PRESENTED; SUBJECT TO CITY ATTORNEY REVIEW.

SRTS Grant Update – Informational

City Engineer Hulsether stated that staff has a meeting set up with Mn/Dot on June 10, 2013 to review requirements necessary to receive the funding for the project and to then determine how to go about the public engagement process for Safe Routes to School.

Resolution No. 33:13 Adopted – Authorizing the Purchase of an Intelligent Transportation System (ITS) and Related Services through Transit IT Technical Grant

A resolution system was attached to the Packet authorizing the purchase of an Intelligent Transportation System (ITS) and Related Services to be used in the Transit Department with an allocated 20% local share and 80% State/Federal share. Staff recommends the purchase of an ITS and Related Services in an amount not to exceed a total amount of \$75,000 with the 20% local share to be split between the City of Brainerd and Crow Wing County.

City Engineer Hulsether stated that the ITS would provide tablets which would allow drivers to communicate more efficiently with dispatch as well as maintain rider records. He stated that the tablets to be used are also GPS loaded so the dispatcher will know the location of the buses at all times.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO ADOPT RESOLUTION NO. 33:13 – AUTHORIZING CITY OF BRAINERD TRANSIT INTELLIGENT TRANSPORTATION SYSTEM (ITS) PURCHASE WITH 20% LOCAL AND 80% FEDERAL SHARE AND WITH A TOTAL COST NOT TO EXCEED \$75,000.

RESOLUTION NO. 33:13

Upon roll call, members Scheeler, Parks, Borkenhagen, Koep, Pritschet, Bevans, and Cumberland voted “aye.” The Chair declared the motion carried and the resolution approved.

Assessment at 1609 South 7th Street – Held Over

Eagles Club Event Application – Approved with the Conditions that Large Signs be Posted Prohibiting Beer from Leaving Premises, Requiring a “Point Person” to Prevent Beer from Leaving Premises, Prohibiting Amplified Music from being Directed Toward Homes South of the Eagles Club, Providing a “Contact Person” for any Concerns and Requiring Video Surveillance of the Entire Event

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED TO APPROVE THE EAGLES CLUB STREET CLOSURE, SPECIAL EVENT PERMIT FOR STREET DANCE TO BE HELD ON JULY 4, 2013 FROM 8:00 A.M. TO 10:00 P.M. WITH THE FOLLOWING CONDITIONS: LARGE SIGNS TO BE POSTED AT BEER GARDEN ADVISING PEOPLE THAT BEER SHOULD NOT LEAVE PREMISES, POINT PERSON IN PLACE ENSURING BEER DOES NOT LEAVE PREMISES, NO AMPLIFIED MUSIC DIRECTED TOWARDS HOMES SOUTH OF PREMISES, CONTACT PERSON AVAILABLE FOR CONCERNS THROUGHOUT ENTIRE EVENT AND VIDEO SURVEILLANCE OF ENTIRE EVENT.

Code Compliance Intern Hired – Informational

Safety and Public Works Committee Chair Scheeler reported that the person hired as Code Compliance Intern had started today and had already issued 120 code violations.

Other Committees

Alderman Borkenhagen stated that the community meetings he has been holding at the Senior Center would be put on hold over the summer months.

Adjourn – To Town Hall Meeting to be held on June 10, 2013 at 6:30 P.M. at Brainerd High School and to the Community Clean-up to be held on June 15, 2013 from 8:00 A.M. to 12:00 P.M. at the Ascensus Parking Lot at the Intersection of HWY 210 and HWY 25, Brainerd – Approved

The Chair adjourned the meeting at 9:47 P.M.

Theresa A. Goble
City Administrator