

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 congratulated local women receiving honors over the weekend: Rebecca Yeh, crowned Miss Minnesota, and Savannah Cole, Miss Minnesota first runner-up; also Maren Goff, Heather Erickson and Lauren Johnson who were all contestants in the pageant with ties to the Brainerd/Baxter area.

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

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

Council President Cumberland stated that two licenses had been added to the Consent Calendar for approval: items B5 and B6.

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

A. Approval of the Minutes of the Regular Meeting held on June 3, 2013, and the Town Hall Meeting held on June 10, 2013, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New
2. Contractor's Licenses – 2 – Renewals
3. Off-Sale Liquor – 1 – New:
*Wilbur Eggert dba Cornerstone Liquor
702 Laurel Street
Brainerd, MN 56401*
4. Tobacco License – 1 – New:
*Wilbur Eggert dba Cornerstone Liquor
702 Laurel Street
Brainerd, MN 56401*
5. On-Sale & Sunday Liquor Renewal – Jack's House
6. Club On-Sale & Sunday Liquor Renewal – Fraternal Order of Eagles

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. 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, Bevans 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	\$230,000
General Fund to Park Fund	\$ 85,000
General Fund to Street & Sewer Fund	\$ 35,000
General Fund to Airport Fund	<u>\$ 12,960</u>
	\$362,960

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

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

Unfinished Business

Strategic Plan Update – President Cumberland to Report – Informational

President Cumberland presented information related to the City’s Strategic Plan as included in the Packet. Each of the four priority Strategic Focus Areas were discussed in detail as well as plans for future meetings including neighborhood meetings. The finalized Strategic Plan will be on the July 1, 2013 meeting for adoption.

Planning Commission

First Reading – Proposed Ordinance No. 1406 – Rezoning the East Side of 13th Street South, South of Brook Street, from R-1 (Single Family) District to I-2 (General Industrial) District – Further to Dispense with the Actual Reading – Approved

Council President Cumberland stated that the property was originally zoned I-2. When the City wide Zoning Map review was completed on September 19, 2011, the property was to remain in an I-2 (General Industry) District. However, the property was incorrectly zoned R-1. A public hearing was held on April 10, 2013 to consider rezoning

the property to an I-1 (Light Industrial) District, but was held over for additional review. Another public hearing was held on June 12, 2013 to consider rezoning the property to an I-2 (General Industry) District. There was no public comment at the public hearing but a letter was received from Shipman Auto support the I-2 zoning.

City Planner Ostgarden reported that at its June 12, 2013 meeting, the Planning Commission considered this item with the following motions considered:

- Zone the property to I-1.
- Zone the property to I-1 north of Shipman Auto Parts and I-2 from Shipman to the south area boundary. Most of the property in the area considered for rezoning is owned by Shipman.
- Zone the property to I-2.

He stated that all three motions failed to receive a majority vote of members present; therefore, no recommendation has been submitted and commission unanimously voted to forward the rezoning to the City Council without a recommendation.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO RECOMMEND RETURNING THE ZONING OF THE EAST SIDE OF 13TH STREET S, SOUTH OF BROOK STREET, FROM R-1 (SINGLE FAMILY) DISTRICT TO I-2 (GENERAL INDUSTRIAL) DISTRICT AND ACCEPTING THE 9 FINDINGS-OF-FACT INCLUDED IN THE JUNE 12, 2013 PLANNING COMMISSION MINUTES AND ADDING FINDINGS-OF-FACT NO. 10: PROPERTY WAS ZONED I-2 PRIOR TO INADVERTENTLY BEING CHANGED TO I-1.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PARKS, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1406 – AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO THE ZONING IN THE CITY OF BRAINERD; REZONING THE EAST SIDE OF 13TH STREET SOUTH, SOUTH OF BROOK STREET FROM R-1 (SINGLE FAMILY) DISTRICT TO I-2 (GENERAL INDUSTRIAL) DISTRICT – FURTHER TO DISPENSE WITH THE ACTUAL READING.

Public Forum

The Chair recognized Mr. Chip Borkenhagen, 201 West Laurel Street, Brainerd, who announced that businesses who want to be featured advertisers in the first ever newsletter for the City of Brainerd should contact him through City Hall.

Reports

Mayor's Report

Mayor Wallin stated that he is going to be taking part in a cow-milking contest at Culvers tomorrow at 2pm.

City Attorney's Report

City Attorney Fitzpatrick stated that the commissioners hearing on the Ande eminent domain challenge takes place next Tuesday, June 25, 2013, and that he might need to meet with the Council in closed session if possible before that date. He stated that the City Administrator would notify the Council if this becomes necessary.

Council Member Koep stated that a citizen who is a landlord brought forth a concern to her related to one of his tenants having tests done which found lead present at his rental property. The citizen stated that he feels the housing inspector signing off on a property being safe should mean that it is safe and wonders if there could be a resolution that declared homes built before a certain date to be "grandfathered" in and therefore not requiring lead removal if found. The citizen pointed out that the process to remove lead is very extensive and expensive and many landlords would just walk away from a property rather than go through the process, which could lower Brainerd's tax base.

City Attorney Fitzpatrick stated that he would look into it and report back to the Council.

City Administrator's Report

City Administrator Goble was absent.

City Engineer's Report

City Engineer Hulsether was absent. Assistant City Engineer Freihammer updated the council on current street construction projects, stating that grading on N 8th St/East River Road/SW 4th should be done this week with tarring to begin next week and plans for completion by July 3rd and that Buffalo Hills trail construction has begun. He reported that the Code Enforcement Intern had been very busy and reminded the public that property owners are required to have addresses displayed on their homes.

City Planner's Report

City Planner Ostgarden reported that:

- The school district has started two parking lot projects: Washington Education Services building and Riverside Elementary School.
- Prairie Bay has received permission to set up their mobile food unit at the Crow Wing County parking lot which will begin in a few weeks.
- He had attended a Bush Foundation Grant application meeting and took away from it ideas for applying for grants in the future.
- Planning Commission monthly agendas will now be published in the Brainerd Daily Dispatch at no additional cost to the City.

Police Chief's Report

Police Chief McQuiston stated that his attached report for the month had errors in the amount of calls listed; the numbers should be Calls 2013 - 1,524; Calls 2012 - 1,454; Citations 2013 - 238.

Finance Director's Report

Finance Director Hillman stated that Clifton Larson Allen has completed their field work for the 2012 Audit and will present the information at the July 15, 2013 Council meeting. She also stated that 2014 Budget Worksheets will be distributed to department heads in July.

Council President's Report

Council President Cumberland congratulated the HRA and their Housing Task Force for success in obtaining the 2013 Small Cities Development Program grant in the amount of \$715,000.

She also reported that:

- She and City Planner Ostgarden had attended a presentation in St. Cloud featuring Jack Schultz' "Boomtown USA and the 7 ½ Keys to Big Success in Small Towns" program.
- The Council has been invited to the Northland Arboretum on June 27, 2013 at 4:00 P.M for the dedication of the Holden Pavilion.
- The Center and the Parks Department "Concerts in the Park" series has started, featuring live music each Thursday at 7:00 P.M. at Gregory Park.
- A citizen called her to bring attention to the beautiful job McDonalds in East Brainerd has done with their landscaping. She encouraged the public to alert her to extra efforts such as this so she might mail them a note of thanks for helping to beautify the community.
- That there was not a huge turnout at the Community Cleanup and costs came in far below the estimated amount, totaling only approximately \$500 with about 38 participants. She thanked City staff and volunteers from MN Adult & Teen Challenge and from Sentence to Serve as well as Waste Partners and Nisswa Sanitation.
- The Council has been invited to a Meet and Greet at Glaze 2 Amaze to be held on June 26, 2013 at 6:30 P.M.

Council Committee Reports

Personnel and Finance Committee

Approval of Bills and Transfer of Funds – Informational

Personnel and Finance Committee Chair Bevans stated for the Council's information that the two rather large prepay amounts included in the bills were for a Police Car K-9 Unit as approved in the Budget and an EDA Revolving Loan fund payment to a contractor as outlined in the agreement.

Fire Capital Fund Request of Approximately \$6,300 to purchase the following: Replacement Hose, The Local Match for Crow Wing County 800 MHz Grant and Pagers for New Paid On Call Firefighters – Approved

Personnel and Finance Committee Chair Bevans reported that Committee recommends approval of the request from Fire Chief Stunek for approximately \$6,300

from the Fire Capital Fund; \$3343 for replacement hose, \$720.67 to cover local 20% match for the Crow Wing County 800 MHz Radio Grant and \$2200 to purchase pagers for the seven new paid on call firefighters.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO APPROVE THE USE OF APPROXIMATELY \$6,300 FROM THE FIRE CAPITAL FUND FOR THE FOLLOWING EXPENSES: \$3,343 FOR REPLACEMENT HOSE, \$720.67 FOR 20% MATCH OF CROW WING COUNTY 800 MHZ RADIO GRANT AND \$2,200 FOR PAGERS FOR NEW PAID ON CALL FIREFIGHTERS.

Memorandums of Understanding between the City of Brainerd and Both IUOE Local No. 49/Streets and IUOE Local No. 49/Parks for Union Contract Central Pension Funds – Approve MOUs and Authorize Signatures – Approved

Personnel and Finance Committee Chair Bevans stated that these MOUs reflect change in the amount that the employees contribute as presented in the Packet attachment and that Committee recommends approval.

- Between City of Brainerd and IUOE Local No. 49 – Streets
- Between City of Brainerd and IUOE Local No. 49 – Parks

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO APPROVE THE MEMORANDUMS OF UNDERSTANDING (MOU) BETWEEN THE CITY OF BRAINERD AND BOTH IUOE LOCAL NO. 49/STREETS AND IUOE LOCAL NO. 49/PARKS, AS PRESENTED AND TO AUTHORIZE PROPER SIGNATURES.

Financial Reports – Discussion of – Informational

Personnel and Finance Committee Chair Bevans reported that discussion was held in Committee (per Finance Director Hillman's request) related to recent financial situations and status of procedures and funds since she became finance director. He stated that no changes were recommended.

Safety and Public Works Committee

Safe Routes to School Update – Resolution No. 34:13 Adopted – Authorizing Approval of and Signatures on Agency Agreement No. 03971 between City of Brainerd and Minnesota Department of Transportation Appointing The Commissioner of Transportation as Agent

Per a memo included in the Packet from City Engineer Hulsether, staff met with Mn/DOT representatives on June 10th to review the processes the City will need to follow for the federal funding source of SRTS funds and to establish a schedule for project development, design, the various approvals and construction. The only action being requested at tonight's meeting is the Council's adoption of a resolution approving the attached agency agreement.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 34:13 – AUTHORIZING AGENCY AGREEMENT NO 03971

BETWEEN THE CITY OF BRAINERD AND MN/DOT – APPOINTING COMMISSIONER OF TRANSPORTATION AS AGENT.

Resolution No. 34:13

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

Safety and Public Works Committee Chair Scheeler stated that a neighborhood walkthrough has been tentatively set for July 8, 2013 at 6:15 P.M. at Garfield School to include Committee, City Engineer and Assistant City Engineer as well as Council President and Mayor if they are available.

Bonding Requests – Authorize Request to Include the Following Projects in the 2014 Bonding Application: Utility Extension to the Airport, Elevator Improvement at the Civic Center and Completion of the Cuyuna State Trail between the Intersection of 8th and Norwood Street and the Intersection of 5th Avenue NE and Washington Street – Approved

Per a memo included in the Packet from City Engineer Hulsether, the Minnesota Office of Management and Budget is soliciting projects for consideration in the 2014 bonding cycle and legislators have recommended request submittal.

Safety and Public Works Committee Chair Scheeler reported that prioritization of the 3 recommended projects will be determined at the next meeting to be included in a resolution of support of those projects. The projects being considered are: Utility Extension to the Airport, Elevator Improvement at the Civic Center and Completion of the Cuyuna State Trail between the Intersection of 8th and Norwood Street and the Intersection of 5th Avenue NE and Washington Street.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE THE REQUEST TO INCLUDE THE FOLLOWING PROJECTS IN THE 2014 BONDING APPLICATION: UTILITY EXTENSION TO THE AIRPORT, ELEVATOR IMPROVEMENT AT THE CIVIC CENTER AND COMPLETION OF THE CUYUNA STATE TRAIL BETWEEN THE INTERSECTION OF 8TH AND NORWOOD STREET AND THE INTERSECTION OF 5TH AVENUE NE AND WASHINGTON STREET.

Other Committees

Council Member Bevans reported on the neighborhood notification process of the Whittier task force; discussion of costs for this item of the cost of this will appear on the July 1, 2013 Personnel and Finance Committee meeting.

Committee Resignation – Accepted with Regret

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. CASEY STENGEL FROM THE HRA, EFFECTIVE JUNE 4, 2013.

Committee Recommendations by Mayor Wallin – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE THE APPOINTMENT OF COUNCIL MEMBER MARY KOEP AS BRAINERD PUBLIC LIBRARY BOARD COUNCIL LIAISON AS RECOMMENDED BY MAYOR WALLIN, EFFECTIVE JUNE 18, 2013.

Adjourn – To Meet and Greet Event at Glaze 2 Amaze Pottery, 706 Laurel Street, Brainerd, to be held on June 26, 2013 at 6:30 P.M.

The Chair adjourned the meeting at 9:07 P.M.

Theresa A. Goble
City Administrator