Brainerd, MN
August 5, 2013

7:15 P.M. – Showcasing Brainerd: Miss Brainerd United States, Jackie Thurlow; Miss Teen Brainerd US, Rebecca Scheures, and Miss Junior Teen Brainerd US, Hannah Northburg:

The Chair welcomed Ms. Vicky Randall, Chair of the Miss Brainerd Program, who thanked the Council for the opportunity to appear, thanked the City of Brainerd for allowing the opportunity to have the pageants and thanked the Lions Club for the scholarships provided to each category. Each pageant winner discussed how they became involved with the Miss Brainerd program as well as opportunities the program has opened for them

Mr. David Kaul from Brainerd Lions presented each with a $500 scholarship.

The Chair thanked Jackie, Rebecca and Hannah for their 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.

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

President Cumberland opened the meeting with the Pledge of Allegiance to the Flag.

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

President Cumberland stated that the July 15, 2013 Council minutes were corrected to read “2014” on page 10 in the motion referring to the dates of LMCIT coverage.

MOVED AND SECONDED BY ALDERMEM KOEP AND SCHEELER TO APPROVE THE CONSENT CALENDAR AS CORRECTED AND PRESENTED.

A. Approval of the Corrected Minutes of the Regular Meeting held on July 15, 2013, the minutes as distributed from the Special Meeting held on July 29, 2013 and the Budget Workshop held on July 29, 2013 – Approved

B. Approval of Licenses – Approved

1. Contractor’s Licenses – 2 – 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. Resolution No. 38:13 Adopted – Authorizing the Minnesota Lawful Gambling Premises Permit Application as Submitted by the Lakes Area Senior Activity Center to Establish Lease for Lawful Gambling Activity at Brainerd Warehouse Liquors, 817 Washington Street, Brainerd

E. **Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lower South Long Lake Improvement Association for an Event to be held on September 1, 2013 at Jack's House – Approved**

F. **Engineering Department – Engineering Technician Ron Brekke – Successful Completion of One Year of Employment – Advance to Step "C" or 95% of Base Wage for Position ($22.18 per hour) – Effective July 23, 2013 – 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. Parks and Recreation Board – Term Expires 12/31/2014
4. Transportation Committee – Two Terms to Expire 12/31/2014

Upon roll call, members Parks, Borkenhagen, Koep, Pritschet, Bevans, Scheeler 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 PARKS TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

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

Presentation – David Jones, 30+ Year Umpire for Brainerd Parks and Recreation

Park Director Sailer introduced Brainerd Parks and Recreation Umpire David "Jonesy" Jones, discussing Jonesy's many years as being a favorite umpire of the many youth softball and baseball teams and reporting that because of how much two twin cities teams loved "Jonesy" at a Brainerd tournament; they both invited him to be their umpire at two separate Cooperstown Little League tournaments in New York.

The Chair welcomed Mr. David Jones, who shared his experience at Cooperstown and his love of the City of Brainerd as well as his experience as an umpire for the Brainerd Parks and Recreation Department over the past 30+ years. He displayed his trader pins acquired at Cooperstown.

Park Director Sailer presented "Jonesy" with a plaque from the Parks and Recreation Department and Mayor Wallin presented him with a plaque from the City of Brainerd.

Presentation – Gary Johnson, University of Minnesota Urban and Community Forestry – Community Tree Fact Sheet – Informational

The Chair welcomed Mr. Gary Johnson, Professor of Urban Forestry at the University of Minnesota St. Paul Campus, who discussed the Community Tree Fact Sheet prepared by the University Of Minnesota Department Of Forest Resources Urban Community Forestry Community Preparedness Project Team dated July 1, 2013. This information was included in the Council Packet.

He thanked City staff and residents for their cooperation in the project and answered questions of the Council.

The Chair thanked him for the presentation.

Presentation – Donald Hickman – Initiative Fund Funding Opportunities re Strategic Plan Focus

The Chair welcomed Mr. Donald Hickman from the Initiative Foundation, who reported on current grants available to the City, stating that it is now time to re-apply. He stated that the last grant was just closed out this morning for the purpose of creating the City's first newsletter which was identified as a Strategic Focus in the City's strategic planning process. He reported that a $10,000 grant has been applied for which would be used for Strategic Focus #4 - Riverfront Planning.

He answered questions of the Council and the Chair thanked him for his presentation.

Unfinished Business

Public Hearing – Ordinance No. 1407 Adopted – An Ordinance Amending Ordinance No. 812 Pertaining to Zoning in the City of Brainerd; Rezoning the South End of 19th Street from R-3 (Multiple Family Residential) District to R-1 (Single Family Residential) District

The Chair opened the Public Hearing at 8:26 P.M. No one came forward.

The Chair closed the Public Hearing at 8:27 P.M.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND SCHEELER, DULY CARRIED, TO HOLD THE FINAL READING OF ORDINANCE NO. 1407 – AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO ZONING IN THE CITY OF BRAINERD; REZONING THE SOUTH END OF 19TH STREET FROM R-3 (MULTIPLE FAMILY RESIDENTIAL) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT, FURTHER TO ADOPT THE ORDINANCE.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND SCHEELER TO ADOPT ORDINANCE NO. 1407 – AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO ZONING IN THE CITY OF BRAINERD; REZONING THE SOUTH END OF 19TH STREET FROM R-3 (MULTIPLE FAMILY RESIDENTIAL) DISTRICT TO R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

ORDINANCE NO. 1407

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

Public Forum

The Chair recognized Mr. Howard Brewer, 121 3rd Avenue NE, Brainerd, who presented the Council with demographic information regarding Fire Department services.

Reports

Mayor's Report

Mayor Wallin stated that the Walk a Mile in Her Shoes fundraising walk will be held on August 10, 2013.

City Attorney's Report

City Attorney Fitzpatrick stated that he had nothing to report. He asked the Council to convene into closed session at the end of the meeting pursuant to attorney client privilege to discuss possible settlement on the Anda Properties.

City Administrator's Report

City Administrator Goble reported that:

- An informational meeting will be held at the Fire Station on Thursday, August 22, 2013 at 6:30 P.M. to discuss the idea of creating a fire service district.
- The position analysis questionnaires for the job classification studies have been sent to Springsted and results are expected mid-September.
- She received notice from Legislature that site visits for bonding requests will take place on Tuesday, September 17th at both the Airport and Civic Center; Airport from 4:00-4:30pm for the utility extension project and Civic Center from 4:45-5:15pm for the handicap accessible elevator request.
- CGI Communications video graphing has been completed for the promotional website streaming; she thanked City Planner Ostgarden for being their tour guide and thanked Kevin Close, Kevin Thesing and Kim Ellingson for their individual testimonies.

City Engineer's Report

City Engineer Hulsether stated that he had nothing to report.

City Planner's Report

City Planner Ostgarden reported that:

- The meeting regarding the Mississippi River trail bikeway corridor held on August 3rd was well-attended and informational. He stated that a marketing plan will be developed with MnDot and he will keep the Council informed.
- The Planning Commission will be discussing the plans for Whittier School at its meeting next week; it is anticipated that the possibility of a community center will be discussed including how zoning of the building would be handled.
- He received an anonymous letter listing over 30 alleged violations related to improperly parked recreational vehicles; if the person that sent in the letter would contact him he would be happy to follow-up with them after verifying that the 30 alleged violations are valid.

Fire Chief's Report

Fire Chief Stunek was absent.

Park Director's Report

Park Director Sailer stated that the Big Wiff Wiffle Ball tournament will be held on Saturday, August 17th and that teams can sign up through August 13, 2013 at www.thebigwiff.com; all proceeds will go to the building of a Miracle Field at Banes Park.

Council President's Report

Council President Cumberland reported that:

- Of the 34 items on a list of goals prepared by the Council in January, 18 have been worked on and she is excited about the progress.
- The annual Senior Center Ribfest will be held at The Center on August 16th.
- She attended the CGMC meeting in Bemidji last week which she found very interesting and productive.
- The Council has put together a team of 4 so far for the Big Wiff Wiffle Ball tournament; she asked for team name and uniform suggestions.
- National Night Out is Tuesday night, August 6th.
- More letters of appreciation have been sent out for property beautification efforts.
- She attended a Building a Better Brainerd meeting at the Library last week and stopped in at the Crow Wing County Fair, the Teen Challenge Kaleidoscope Run, Jaycees Streetfest, the Dog Park, the Community Gardens and the Buffalo Hills Trail.

Council Committee Reports

Safety and Public Works Committee

Office Stairwell at 402 Front Street – Property Owner to Block Openings in Basement Wall and Cover Sidewalk Restoration Costs and City to Contract for Removal of Stairwell and Restoration Work – Approved

Per a memo included in the Packet from City Engineer Hulsether, an arrangement was made last year between the City and the property owners at 402 Front Street related to removing a hazardous stairwell during the mill and overlay project on South 4th Street; however, the property owners were unable to coordinate the work so the mill and overlay occurred without the stairwell being removed. He requests authorization from the Council to proceed with the removal work this summer with the same arrangement as proposed last year.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO CHANGE THE MOTION MADE LAST YEAR RELATING TO REMOVAL OF STAIRWELL AT 402 FRONT STREET TO READ THAT AN ARRANGEMENT WOULD BE MADE WITH THE PROPERTY OWNERS TO BLOCK THE OPENINGS IN THE BASEMENT WALL, THAT THE CITY WOULD LET A CONTRACT TO REMOVE THE STAIRWELL AND DO THE RESTORATION WORK AND THAT THE COST OF RESTORING THE SIDEWALK WOULD BE AT THE PROPERTY OWNERS EXPENSE.

Request from Mike Murphy – Informational

At the July 15, 2013 City Council Meeting, Mr. Mike Murphy spoke during public forum requesting that the City Council send a letter to the state and federal elected officials expressing the Council's opposition to certain EPA regulatory mandates relating to lead certifications and the issuance of building permits.

Safety and Public Works Committee Chair Scheeler stated that Committee recommends contacting Mr. Murphy and asking him to submit a draft letter for Council consideration.

Criteria for Assessing Sewer Service Replacements – Held Over to August 19, 2013 Committee Meeting

Resolution No. 39:13 Adopted – Approving Transit Funding Application as Presented

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 39:13 – AUTHORIZING THE 2014 TRANSIT AGREEMENT WITH THE STATE OF MINNESOTA AND CROW WING COUNTY.

RESOLUTION NO. 39:13

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

Code Enforcement Statistics/Intern Position – Referred to Personnel and Finance Committee

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND SCHEELER, DULY CARRIED, TO RECOMMEND CONTINUATION OF THE CODE ENFORCEMENT INTERN POSITION THROUGH SEPTEMBER 2013; FURTHER, TO INCLUDE THIS POSITION IN THE 2014 BUDGET DISCUSSION.

Class 5 Quotes – Accept Quote from Anderson Brothers Construction in the Amount of $3.75/Cubic Yard and including Purchase of Entire 1,000 Cubic Yards Provided for in the Request – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO ACCEPT THE QUOTE FOR CLASS 5 AGGREGATE FROM ANDERSON BROTHERS CONSTRUCTION IN THE AMOUNT $3.75 PER CUBIC YARD AND TO PURCHASE THE ENTIRE 1,000 CUBIC YARDS PROVIDED FOR IN THE REQUEST.

Sidewalks in North Brainerd – Direct Staff to Contact 2007 Hazardous Sidewalk Replacement Contractors in order to Establish Dialogue for Continued Discussion at the August 19, 2013 Committee Meeting – Approved

Safety and Public Works Committee Chair Scheeler stated that reports have recently been received relating to problems with sidewalks reconstructed in 2007 as part of the City's enforcement of hazardous sidewalks replacement.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO DIRECT STAFF TO DRAFT A LETTER TO CONTRACTORS THAT WORKED ON SIDEWALK REPLACEMENTS IN 2007 IN ORDER TO ESTABLISH DIALOGUE FOR THE AUGUST 19, 2013 COMMITTEE MEETING.

Tree Ordinance – Direct Staff to Draft Letter to BPU Reminding them to follow City Code Section 1405.07 for Tree Removal – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO DIRECT STAFF TO DRAFT A LETTER TO BPU REMINDING THEM TO FOLLOW SECTION 1405.07 OF THE BRAINERD CITY CODE WHEN DEALING WITH ANY TREE REMOVAL REQUEST.

SE 19th Street Turf Re-Establishment – Denied

Safety and Public Works Committee Chair Scheeler stated that this is the third time this item has been on Committee and reported that there is a majority and minority report coming from Committee.

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND SCHEELER TO DENY STREET TURF RE-STABLISHMENT ON SE 19TH STREET.

Committee member Koep stated that she cannot support the motion based on Council's main duty of serving the community and the previous Committee recommendation to work with the property owner to come to a reasonable conclusion.

Chair Scheeler stated that he has witnessed the difference in sod performance based on whether the property owner is watering or not. He stated that he is not in favor of the City covering the costs for replacement sod when the first placement was not cared for.

Discussion was held regarding this issue.

Upon voice vote, members Parks, Borkenhagen, Pritschet, Bevans, Scheeler and Cumberland voted "aye." Member Koep voted "nay." The Chair declared the motion carried.

Personnel and Finance Committee

BAHA – Letter of Intent to Purchase Civic Center – Discussion of – Acknowledge Receipt of Letter of Intent and Form Committee to Consider Various Aspects of the Request; Committee to Consist of the City Administrator, Council President, City Attorney and a member of BAHA – Approved

A letter of intent from BAHA to purchase the Civic Center from the City was included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACKNOWLEDGE RECEIPT OF THE LETTER OF INTENT FROM BAHA TO PURCHASE THE CIVIC CENTER FROM THE CITY OF BRAINERD AND TO FORM A COMMITTEE CONSISTING OF THE CITY ADMINISTRATOR, COUNCIL PRESIDENT, CITY ATTORNEY AND A MEMBER OF BAHA TO REVIEW AND DISCUSS THE REQUEST.

Fire Department Relief Association – 2013 Pension Schedules – Request of Annual Benefit Increase to $7,300 Effective 1/1/2014 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE FIRE DEPARTMENT RELIEF ASSOCIATION 2013 PENSION SCHEDULES AS PRESENTED, AUTHORIZING AN INCREASE TO THE AMOUNT PER YEAR OF SERVICE TO $7,300 EFFECTIVE JANUARY 1, 2014 AS REQUESTED.

CLC Banner Project – Request for City Partnership of $1,960 – Denied

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO AUTHORIZE CONCEPTUAL APPROVAL OF THE COLLEGE DRIVE BANNER PROJECT PARTNERSHIP INITIATIVE BETWEEN THE CITY OF BRAINERD AND CENTRAL LAKES COLLEGE AT A COST OF $1960 PLUS APPLICABLE SALES TAX TO BE PAID FROM THE SPECIAL PROJECTS FUND.

Discussion by Council indicated that more information was needed before a decision could be made.

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

Committee requested further information from City Planner Ostgarden based on Council’s discussion that many details need to be known before this request is re-considered.

Fire Department DNR Grant – Matching Funds from Fire Capital Fund – Authorize Proper Signatures and Approval of Matching Funds Use – Approved

Per a memo included in the Packet from Fire Chief Stunek, the Brainerd Fire Department has received a DNR grant to purchase wildland equipment and water movement items totaling approximately $2,300 with the DNR grant allowing for $1,000 and the balance to come from the Fire Capital Fund. He requests authorization of signatures and approval of fund use.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE DNR GRANT AND AUTHORIZE PROPER SIGNATURES;

FURTHER, TO APPROVE $1,000 FROM THE FIRE CAPITAL FUND TO PURCHASE WILDLAND EQUIPMENT AND WATER MOVEMENT ITEMS.

Police Department:

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO ACCEPT THE RESIGNATION OF OFFICER STEPHEN WALKER EFFECTIVE JULY 19, 2013, TO REQUEST THE CIVIL SERVICE COMMISSION TO CERTIFY THE NEXT THREE CANDIDATES ON THE ELIGIBILITY LIST AND TO DIRECT STAFF TO PROCEED WITH MAKING A CONDITIONAL JOB OFFER.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO REQUEST THE CIVIL SERVICE COMMISSION TO BEGIN THE PROMOTIONAL PROCESS OF A PATROL OFFICER TO SERGEANT, CONTINGENT UPON RECEIVING SERGEANT LETTER OF RETIREMENT.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT THE MEMORANDUM OF UNDERSTANDING FOR HCSP FOR TEAMSTERS LOCAL 346 POLICE SERGEANTS AS PRESENTED AND AUTHORIZE SIGNATURES.

Other Committees

Airport Liaison Scheeler thanked City Engineer Hulsether for his appearance and information presented at the most recent Airport Commission meeting.

Committee Recommendations – Recommended by Mayor Wallin

MOVED AND SECONDED BY ALDERMEN KOEP AND PARKS, DULY CARRIED, TO APPROVE THE APPOINTMENT OF MR. RICK FARGO TO THE BRAINERD HRA FOR A TERM TO EXPIRE ON JUNE 6, 2018 AS RECOMMENDED BY MAYOR WALLIN.

Adjourn – To Closed Session Pursuant to Attorney Client Privilege to Discuss Possible Settlement on the Anda Properties – 9:40 P.M.

The Council reconvened into open session at 9:48 P.M.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND SCHEELER, DULY CARRIED, TO APPROVE PAYMENT OF $345,000 TO ROGER AND ELIZABETH ANDA AND JAMES MARTIN, LLC, FOR PERMANENT PROPERTY ACQUISITIONS, TEMPORARY CONSTRUCTION EASEMENTS, COSTS OF RESTORATION AND IN FULL SETTLEMENT OF ANY AND ALL CLAIMS FOR DAMAGES RELATED TO OR ARISING FROM THE COLLEGE DRIVE CONSTRUCTION PROJECT.

Adjourn

The Chair adjourned the meeting at 9:50 P.M.

Theresa A. Goble
City Administrator