Brainerd, MN
August 19, 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 asked for thoughts to be with the family of Brainerd Public Utilities employee LeRoy VanVickle who was involved in a car accident this week.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO AMEND THE AGENDA TO ADD ITEM 8B (NEW BUSINESS): HYDROELECTRIC DAM PURCHASE – DISCUSSION OF NEW INFORMATION.

Council President Cumberland stated that a request had been received to add the following item to the Consent Calendar: Raffle to be held on September 21, 2013 as applied for by the Alzheimer's Association Minnesota/North Dakota.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PRITSCHET, DULY CARRIED, TO APPROVE THE CONSENT CALENDAR AS AMENDED.

A. Approval of the Minutes of the Council's Joint Meeting with PUC held on August 2, 2013 and the Regular Meeting held on August 15, 2013, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New.
2. Contractor's Licenses – 2 – 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. Engineering Department – Building Inspector Scott Sadusky – Successful Completion of Step "C" – Advance to Step "D" or 100% of Base Wage for Position ($24.98 per hour) – Effective August 13, 2013 – Approved

E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Alzheimer's Association Minnesota-North Dakota Chapter for a Raffle to be held on September 21, 2013 at the Northland Arboretum in Brainerd – Approved

F. Call for Applicants:

1. 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*
2. 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.

Approval of Bills and Transfer of Funds – Recommended by the Personnel and Finance Committee

General Fund to Public Safety Fund	$400,000
General Fund to Park Fund	$57,000
General Fund to Street & Sewer Fund	$42,000
General Fund to Airport Fund	$12,960
	$511,960

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

Presentation – CGMC Update – Bradley Peterson

The Chair recognized Mr. Bradley Peterson, Coalition of Greater MN Cities (CGMC) lobbyist, who updated the Council and public on recent CGMC activities including a recap of legislative initiatives. He answered questions of the Council and thanked them for the opportunity to appear this evening.

New Business

Agenda Item Order – Discussion of – Allow More Flexible Preparation at the Discretion of the City Administrator and Council President – Informational

President Cumberland referred the Council to the attachments included in the Packet related to the order of agenda items.

After discussing various ideas, the Council decided to allow for preparation of the agenda to be more flexible based on factors such as the importance or urgency of an item and at the discretion of the City Administrator and Council President on a meeting to meeting basis.

Hydroelectric Dam – Discussion of New Information – Recommend Meeting between BPU's Engineering Firm and Past Paper Plant Employees – Informational

President Cumberland stated that she and Council Member Koep met with two retired employees of the dam operation who expressed concerns about the City's possible purchase of the hydro dam. In addition, other phone calls and an anonymous letter were received by all City Council members.

Council Member Koep stated that she feels these concerns need to be addressed.

Council consensus was to recommend that BPU's engineering firm meet with past employees of the paper plant to address recent concerns relating to the City's possible purchase of the hydroelectric dam. President Cumberland and Alderman Koep requested to be informed of the meeting time and date in order to be present at the meeting.

Public Forum

The Chair recognized Mr. Dave Pueringer, 616 ½ Front Street, Brainerd, who complemented City staff and officials for changes over the last six months in service and attitudes towards business owners. He also discussed his disappointment in the appearance of downtown in relation towards flowers and plants.

City Planner Ostgarden stated that he would survey downtown business owners at the end of the growing season to find out what they might want to do differently for next year.

Reports

Mayor's Report

Mayor Wallin stated that he served with Council Members Borkenhagen, Pritschet, Parks and Cumberland on a team for the Big Wiff Wiffle Ball Tournament on Saturday, August 17th which was a fun and worthwhile event.

City Attorney's Report

City Attorney Fitzpatrick was absent.

City Administrator's Report

City Administrator Goble reported that:

- The nearest League of Minnesota Cities 2013 Regional Meeting will be held in Wadena on October 9th; if Council Members would like to attend please let her know.
- She received notice from Marian Ridge of Kitchigami Regional Library System that because Council Member Koep is an elected official and Kitchigami Library Representative there needs to be an alternate Council Member elected as well. Alderman Parks agreed to serve as the alternate.

City Engineer's Report

City Engineer Hulsether stated that he had nothing to report.

City Planner's Report

City Planner Ostgarden reported that:

- Relating to the use of the Whittier School building, the Planning Commission is trying to formulate a definition of what a "community center" is and will bring a recommendation to Council in the near future. He stated that the Commission feels the best procedure to use in this case would be to amend the CUP language in the residential zoning district to add that classification of land use into the residential district.
- The Buffalo Hills Trail is open and ready for use.
- He and Planning Commissioner Sarah Hayden will be making a presentation on the Green Steps Cities Program at the next Council meeting.
- He has not been able to make contact with Central Lakes College regarding the banner program.
- He appreciates MnDot's spraying of weeds along HWY 371 and thanked them.
- He received a phone call inquiring about a rumor that the City is going to be annexing to Legionville Road and stated for the public's information that there is no truth to that rumor.

Police Chief's Report

Police Chief McQuiston was absent.

Finance Director's Report

Finance Director Hillman stated that work continues on the 2014 budget.

Council President's Report

Council President Cumberland reported that:

- She visited with distributors of fire equipment including the jaws of life along with Council Member Borkenhagen and Mayor Wallin.
- She and Council Member Koep attended the DOC meeting regarding the release of the latest Level 3 Sex Offender.
- She attended the monthly property managers group meeting.
- She met with the BLAEDC Execs about strategic planning.
- Erin is back with Lakes Media Collaborative filming the Council meetings.
- She attended two National Night Out Events – Northside and Downtown.
- Suggested that the City invite Mr. Charles Marohn to a future Council meeting to discuss how his ongoing activities relate to the City's Strategic Plan.
- The Library Used Book Sale was a great success.
- She enjoyed her Big Wiff Wiffleball experience and felt that the tournament was truly well put-together and for a great cause.

Council Committee Reports

Personnel and Finance Committee

International Association of Firefighters Brainerd Local 4725 – Request for Mediation of Overtime Grievances

Per a memo included in the Packet from HR Coordinator Schubert, the IAFF Union Local No. 4725 representing the Fire Equipment Operators filed a Petition for Mediation Services with the Bureau of Mediation Services on August 6, 2013 for numerous grievances they have filed since June 6th. The City Attorney informed the Personnel and Finance Committee that it was their choice to enter into mediation because it is not an identified step in the Unions grievance process. The City Attorney had explained that the City could go to Arbitration if they so choose. Personnel and Finance Committee denies the grievance at Step 3 and recommends entering into mediation for possible resolution before arbitration is considered.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO ENTER INTO MEDIATION WITH BRAINERD LOCAL 4725 (FIRE EQUIPMENT OPERATORS) OVER NUMEROUS GRIEVANCES INVOLVING OVERTIME ISSUES.

Brainerd Fire Department SAFER Grant Application Process August 30, 2013 Application Deadline – Lay off Two Firefighters Hired Under Safer Grant by December 28, 2013 Deadline and Apply for SAFER Grant for the Retention of Firefighters who Face Imminent Layoff – Approved

Per a memo included in the Packet from Fire Chief Stunek, he requests direction regarding the 2013 SAFER (Staffing for Adequate Fire and Emergency Response) Grant application because the application period is now open and must be processed no later than August 30, 2013. He states that the purpose of this grant involves two categories: hiring of firefighters and recruitment and retention of firefighters and that priorities include: 1) rehiring of laid-off firefighters, 2) retention of firefighters who face imminent layoff or filling position vacated through attrition but not filled due to economic circumstances, and 3) hiring new firefighters.

Personnel and Finance Committee Member Pritschet stated that retaining the two firefighters hired under the SAFER Grant disallows the re-application for the grant for priorities 1 or 2. He states that Chief Stunek was looking into priority 3; making the two SAFER Grant employees permanent and using it to hire two more as there is one firefighter who may be retiring after being on leave as well as an increase in calls. However, the majority of the Committee recommends applying under Option 2.

Council Member Bevans gave the minority report stating that the City needs to either have an adequate “full-time fire department” or not

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND PARKS, DULY CARRIED, TO LAY OFF THE TWO FIREFIGHTERS HIRED UNDER THE SAFER GRANT EFFECTIVE DECEMBER 28TH DEADLINE AND TO APPLY FOR THE SAFER GRANT UNDER RETENTION OF FIREFIGHTERS WHO FACE IMMIMENT LAYOFF.

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President Cumberland stated that the seriousness of making sure the application is done very thoroughly is very important.

Police Department – Retirement of Sergeant Becky A. Putzke – Effective August 31, 2013 – Accept with Regret and Authorize Severance Payment

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RETIREMENT OF SERGEANT BECKY A. PUTZKE, EFFECTIVE AUGUST 31, 2013, AND TO AUTHORIZE SEVERANCE PAYMENT.

Safety and Public Works Committee

Income Limit Guidelines for Assessments and Deferrals – Follow 50% Income Guideline as Defined in the 2013 Income Limits Summary for Crow Wing County – Approved

Per a memo included in the Packet from City Engineer Hulsether, a question was raised at the last meeting relating to income guidelines when determining a financial hardship for the purpose of funding and assessing sanitary sewer service replacements. The 2013 Income Limits Summary for Crow Wing County was also attached.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO FOLLOW THE 50% INCOME LIMIT GUIDELINE FOR ASSESSMENTS AND DEFERRALS AS DEFINED IN THE 2013 INCOME LIMITS SUMMARY FOR CROW WING COUNTY WHEN DETERMINING A FINANCIAL HARDSHIP FOR FUNDING AND ASSESSING SANITARY SEWER SERVICE REPLACEMENTS.

Application for Street Closure – Submitted by the Pitstop Bar for an Event to be held on Saturday, September 21, 2013 – Closure of the 8th Street Side of the Pitstop Bar from 8 a.m. to 8 p.m. – Authorize Closure with 4 Conditions Listed – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE APPLICATION FOR CLOSURE OF THE SIDEWALK ON THE 8TH STREET SIDE OF THE PITSTOP BAR FOR AN EVENT TO BE HELD ON SATURDAY, SEPTEMBER 21, 2013 FROM 8:00 A.M. TO 8:00 P.M. WITH THE FOLLOWING 4 CONDITIONS:

1. That the appropriate notification of adjacent property owners be made.
2. That the appropriate certificate of insurance be submitted.
3. That the south three parking spaces on the west side of South 8th Street be coned off during the event to provide for safe pedestrian traffic adjacent to the site.
4. That any other conditions required for outdoor sale of alcohol be adhered to.

Class 5 Quotes – Reject Anderson Brother's Construction Quote Accepted at August 5, 2013 Meeting and Instead Accept Roscoe Trucking & Excavating Quote – Approved

City Engineer Hulsether reported that the recommendation made at the August 5, 2013 City Council meeting to purchase class 5 aggregate from Anderson Brothers Construction was made prior to the return of the material's gradation results from Braun Intertec. Because the material is out of spec on the fine sieves and not suitable for the projects it is intended for, staff recommends rejecting the bid from Anderson Brothers Construction and instead authorizing the purchase of 700 cubic yards at a price of $6.10 per cubic yard from Roscoe Trucking & Excavating.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO REJECT THE QUOTE PREVIOUSLY ACCEPTED FOR CLASS 5 AGGREGATE AT $3.75 PER CUBIC YARD FROM ANDERSON BROTHERS CONSTRUCTION BASED ON UNSUITABILITY FOR PROJECTS UPON EXAMINATION.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO ACCEPT THE BID FROM ROSCOE TRUCKING & EXCAVATING FOR 700 YARDS OF CLASS 5 AGGREGATE AT $6.10 PER CUBIC YARD.

2014 Construction Program – Informational Meeting to be held on September 11, 2013 at 4:00 P.M.

Safety and Public Works Committee Chair Scheeler stated that an informational meeting will be held on September 11th at 4:00 P.M. to discuss the 2014 Construction Program.

Ditch Maintenance Quotes – Accept Bid from DeChantal Excavating in the Amount of $24,308 to be paid from the Storm Sewer Fund – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO ACCEPT THE BID FROM DECHANTAL EXCAVATING IN THE AMOUNT OF $24,308 TO BE PAID FROM THE STORM SEWER FUND FOR DITCH MAINTENANCE WORK.

Old Historic Water Tower – Water Leakage and Property Damage – Held Over to October 7, 2013 Meeting

Screening of Street Sweeping Pile – Authorize $5,343.75 from Street and Sewer Fund to Rent Equipment for Clearing and Screening Street Sweeping Material from City Pit off Highway 25 for Transport to the Northland Arboretum – Approved

Safety and Public Works Committee Chair Scheeler reported that sand and other materials collected from City streets has been accumulating at the City pit off Highway 25 for over 10 years and needs to be disposed of. He stated that staff recommends renting equipment in order to remove the material and screen it for debris and garbage so that it can be taken to the Northland Arboretum to use as additional cover over the old landfill.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AUTHORIZE THE CITY TO USE $5,343.75 FROM THE STREET AND SEWER FUND TO RENT EQUIPMENT FROM RDO EQUIPMENT CO. FOR CLEARING AND SCREENING STREET SWEEPING MATERIAL FROM THE CITY PIT OFF HWY 25 FOR TRANSPORT TO THE NORTHLAND ARBORETUM.

Final 2012 State Aid Resurfacing – Close Out Project and Make Final Payment to Contractor – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO CLOSE OUT CITY IMPROVEMENT 12-13 (2012 STATE AID RESURFACING) AND MAKE FINAL PAYMENT TO CONTRACTOR.

Code Enforcement Standards – Informational

Discussion was held regarding the standards that are being followed to determine code violations.

Other Committees

Committee Action Liaison Borkenhagen reported that the 4th of July celebration was a success this year with final numbers coming out ahead financially; however, the corn feed was missed and might be considered as a downtown event next year.

Transportation Advisory Committee Liaison Koep reported that the extension of the transit service to Pine River was further discussed at the meeting between Crow Wing County Transportation and the City of Brainerd Transit. She discussed some aspects of this extension service and stated that service is expected to begin October 1, 2013 with the contract coming before the Council prior to that date.

Committee Recommendations – Recommended by Mayor Wallin

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE APPOINTMENT OF MR. JOSHUA BERNS TO THE CHARTER COMMISISON FOR A TERM TO EXPIRE ON 12/31/2015 AND TO THE PARKS AND RECREATION BOARD FOR A TERM TO EXPIRE 12/31/2014.

Adjourn – To the Fire Service District Informational Meeting to be held on Thursday, August 22, 2013 at 6:30 P.M. at the Fire Station.

The Chair adjourned the meeting at 9:51.

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Theresa A. Goble
City Administrator