Brainerd, MN
September 16, 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.

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

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

Council Member Koep requested that Item 4F (Special Event/Extension of Premises Application Submitted by Matt Taylor/Sunshine Kitchen) be voted on separately.

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

A. Approval of the Minutes of the Regular Meeting held on September 3, 2013 as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 1 – New
2. Contractor's Licenses – 1 – Renewal
3. Tobacco License – 1 – New
   - Zachary Mykel Barthel dba The Underground Apparel, 215 S 6th St, Brainerd

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. Application for Temporary On-Sale Liquor Permit – Submitted by The Crossing Arts Alliance for an event to be held on October 3, 2013 at the Q Gallery, Franklin Arts Center, 1001 Kingwood Street #222, Brainerd – Approved

E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Minn Darkhouse & Angling Association Brainerd Lakes Area for a Raffle to be held on October 26, 2013 at 708 Front Street, 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 Borkenhagen, Koep, Pritschet, Bevans, Scheeler, Parks and Cumberland voted "aye." No member voted "nay." The Chair declared the motion carried.

Special Event/Extension of Premises Application – Submitted by Matt Taylor for a Concert to be held on October 25, 2013 at Sunshine Kitchen, 723 Mill Ave NE, Brainerd – Held Over to October 7, 2013 Safety and Public Works Meeting

Council Member Koep voiced concerns about noise during and directly after the event which could disturb the neighborhood.

The Chair recognized Mr. Matt Taylor, owner of Sunshine Kitchen, who stated that the reason for the fenced in area is to handle overflow and if the Extension is not approved they will just have to have the event inside only.

The item was referred to the October 7, 2013 Safety and Public Works Committee meeting with Mr. Taylor to appear to finalize details.

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

General Fund to Public Safety Fund	$120,000
General Fund to Park Fund	$40,000
General Fund to Street & Sewer Fund	$12,000
General Fund to Airport Fund	$12,960
	$184,960

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

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

Council Committee Reports

Personnel and Finance Committee

Animal Control Contract – Effective January 1, 2014 – Approved

Per a letter included in the Packet from Animal Control Officer Donald Hannahs, the rate for service for over 6 years has been $1.10 on the populous; the rate for the year 2014 will be $1.20 on the populous or $1,360.60 per month.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE ANIMAL CONTROL CONTRACT BETWEEN THE CITY OF BRAINERD AND ANIMAL CONTROL ENFORCEMENT SERVICES FOR THE YEAR 2014 AS PRESENTED.

CLC/ISD 181 – Banner Partnership – Authorize up to $3,000 from the Special Projects Fund for up to 20 Decorative Banners Along College Drive – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO ALLOW THE EXPENDITURE OF UP TO $3,000 FROM THE SPECIAL PROJECTS FUND FOR UP TO 20 DECORATIVE BANNERS ALONG COLLEGE DRIVE.

Council Member Borkenhagen suggested placing banners in places like downtown or entrances into Brainerd rather than College Drive which is so visually stimulating already.

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

Street and Sewer Department:

Retirement of Street Maintenance II Employee Joe M. Adams, Effective Immediately – Accept with Regret and Authorize Severance Pay – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO ACCEPT WITH REGRET THE RETIREMENT OF STREET MAINTENANCE II EMPLOYEE JOE M. ADAMS EFFECTIVE IMMEDIATELY AND TO AUTHORIZE SEVERANCE PAY.

Authorize Internal Posting of Street Maintenance II Position – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE INTERNAL POSTING FOR THE STREET MAINTENANCE II POSITION.

Street Maintenance I Position – Authorization to Make Conditional Job Offer to Mr. Timothy Holtz subject to Successful Completion of all Pre-employment Testing – Tentative Start Date of October 7, 2013 or Sooner if Available – Starting Wage per Union Contract of $20.53/hour with $.20 Less During Six-Month Probationary Period – Approved

A memo from City Engineer Hulsether was distributed to the Council prior to the meeting requesting authorization to make a conditional job offer to Mr. Timothy Holtz for the Street Maintenance I position.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE A CONDITIONAL JOB OFFER TO MR. TIMOTHY HOLTZ FOR THE STREET MAINTENANCE I POSITION SUBJECT TO SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT BACKGROUND, DRUG AND PHYSICAL EXAMS WITH A TENTATIVE START DATE OF OCTOBER 7, 2013. PER THE IUOE LOCAL 49 (STREET DEPARTMENT) UNION CONTRACT, THE STARTING PAY FOR THIS POSITION IS $20.53 PER HOUR ($.20 LESS PER HOUR THAN BASE DURING SIX-MONTH PROBATIONARY PERIOD).

Fire Department:

Resignation of Paid On Call Firefighter Richard Bestul – Accept with Regret and Authorize Replacement – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF PAID ON CALL FIREFIGHTER RICHARD BESTUL AND AUTHORIZE THE HIRING OF A REPLACEMENT.

Request to Use $56,700 from Fire Capital Fund – Approved

Included in the Packet was a request from Fire Chief Stunek to utilize $56,700 from the Fire Capital fund to purchase extrication equipment for up to $38,500, thermal imaging camera for $9,700, a repeater tower for the 800 MHz radio equipment up to $5,000 and 5 SCBA face pieces for up to $3,500. Per City Administrator Goble, the balance of the Fire Capital Fund prior to these expenditures is $203,448.

Council Member Scheeler asked what is being done with the current equipment.

Personnel and Finance Committee Chair stated that he will ask Fire Chief Stunek to provide that information by the next meeting.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE THE USE OF $56,700 FROM THE FIRE CAPITAL FUND TO PURCHASE EXTRICATION EQUIPMENT, THERMAL IMAGING CAMERA, REPEATER TOWER AND SCBA FACE PIECES AS REQUESTED.

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

Confirm Union Contract Negotiations Team: Council President Cumberland, HR Coordinator Schubert and City Administrator Goble – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPOINT COUNCIL PRESIDENT CUMBERLAND, HR COORDINATOR SCHUBERT AND CITY ADMINISTRATOR GOBLE AS THE UNION CONTRACT NEGOTIATIONS TEAM FOR THE 2014 LABOR AGREEMENTS.

Member Cumberland abstained from the motion.

Sale of Civic Center to BAHA – Status of – Affirm Continuation of Negotiations between City and BAHA – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AFFIRM THAT STAFF CONTINUE NEGOTIATIONS WITH BAHA FOR THE SALE OF THE CIVIC CENTER.

City Administrator Position Detail – Informational

Chair Bevans stated that a copy of the City Administrator Position Detail had been placed in front of each Council Member and that if Council had any questions or suggestions to please discuss with City Administrator Goble. He stated that if there are no changes to be made the contract price for the search to be conducted by Springsted will stay at $8,500.

Safety and Public Works Committee

Request from Habitat for Humanity – Waive SAC and WAC Fees for 24 Months for New Construction at 509 E Street, Brainerd – Approved

Per a memo included in the Packet from City Engineer Hulsether, Habitat for Humanity is asking the City to waive SAC and WAC fees for a house to be constructed at 509 E Street because of delays associated with architectural design to assure the new structure fits into the neighborhood. Staff recommends waiving the SAC and WAC fees for a 24-month period and will also be bringing forth language at a future meeting to amend the ordinance to provide for a 24-month waiver period for demolition/reconstruction situations such as this.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO WAIVE THE SAC AND WAC FEES FOR 24 MONTHS ON CONSTRUCTION OF A NEW HOUSE AT 509 E STREET AS REQUESTED BY HABITAT FOR HUMANITY.

October 10, 2013 National Fire Prevention Week Fire Department Open House Event – Street Closure Request for East River Road between Front and Laurel Streets from 4:00 P.M. to 8:00 P.M. – Approved Contingent Upon Receiving a Completed "Special Events/Street Closure" Application

A memo was included in the Packet from Fire Chief Stunek requesting to close East River Road between Front and Laurel Streets from 4:00 P.M. to 8:00 P.M. for the Fire Department Open House to be held from 5:00 P.M. to 7:00 P.M.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE STREET CLOSURE REQUEST FROM FIRE CHIEF STUNEK TO CLOSE EAST RIVER ROAD BETWEEN FRONT AND LAUREL STREETS FROM 4:00 P.M. TO 8:00 P.M. ON THURSDAY, OCTOBER 10, 2013, FOR THE FIRE DEPARTMENT OPEN HOUSE, FURTHER, TO REQUIRE THE "SPECIAL EVENT/STREET CLOSURE" APPLICATION TO BE SUBMITTED PRIOR TO THE EVENT.

2013 Assessment Hearings – To be held on Monday, October 21 2013 at 7:30 – Approved

Per a memo included in the Packet from City Engineer Hulsether, staff is preparing assessment rolls for this year's projects

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO SET THE 2013 ASSESSMENT HEARINGS FOR MONDAY, OCTOBER 21, 2013 AT 7:30 P.M. FOR THE FOLLOWING IMPROVEMENTS:

13-01 – SW 4th Street – College Drive to West Laurel Street
13-02 – East River Road – College Drive to Washington Street
13-03 – North 8th Street – Washington Street to Fir Street
13-04 – 13th Avenue NE – N Street to O Street
13-05 – Ivy Street – North 10th Street to North 11th Street
Downtown Snow Removal Assessment District
Downtown Special Services District

City Hall Renovation Issues – Authorize Change Orders as Follows: $2880.75 for City Hall Penthouse Wall Replacement, $784.30 for Flashing in Elevator Lobby and $26,600 for Roof Replacement in Elevator Lobby – Approved

Per a memo included in the Packet from City Engineer Hulsether, staff recommends approval of the change order from Hytec Construction which includes reconstruction of the parapet wall on top of the City Hall penthouse at a cost of $2,880.75 and installation of flashing in the elevator lobby at a cost of $784.30. Investigation of the moisture problems in the elevator lobby also revealed a significant problem with the lack of flashing between the roof and sidewalls and the elevator shaft wall; staff feels that simply removing the glass panel roof and replacing it with a standard insulated wood truss steal roofing system would be the best solution.

At the meeting, City Engineer Hulsether stated that the estimate to replace the roof of the elevator lobby had come in that day at $26,600 and staff recommends moving forward with that as well.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AUTHORIZE THE FOLLOWING CHANGE ORDERS FOR THE CITY HALL RECONSTRUCTION PROJECT: $2,880.75 FOR CITY HALL PENTHOUSE WALL REPLACEMENT, $784.30 FOR FLASHING IN THE ELEVATOR LOBBY AND $26,600 FOR ROOF REPLACEMENT IN THE ELEVATOR LOBBY.

Event Request – "Crop Walk" to be held Sunday, October 6, 2013 from Noon to 4:00 P.M. – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE SPECIAL EVENT APPLICATION SUBMITTED BY ROB HALL FOR THE "CROP WALK" TO BE HELD BETWEEN 12:00 P.M. AND 4:00 P.M. ON SUNDAY, OCTOBER 6, 2013, FROM BETHLEHEM LUTHERAN CHURCH TO LUM PARK AND BACK TO BETHLEHEM CHURCH VIA THE TRIAL ON THE NORTH SIDE OF TH 210.

Property at 1420 Quince Street – Authorize Extension to Meet Code Requirements with Conditions Listed by April 7, 2013 with Listed Conditions to be met by October 21, 2013 – Approved

Per a letter included in the Packet from City Engineer Hulsether, concerns related to completion date and exterior storage of building materials and equipment have been raised about a home addition/remodel project located at 1420 Quince Street.

Safety and Public Works Committee Chair Scheeler stated that an extension for completion of the project had been received prior to the meeting and that staff recommends authorizing a building permit extension to April 7, 2014 to meet City Code requirements with certain conditions to be met by October 21, 2013. He stated that the motion includes the conditions.

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE A BUILDING PERMIT EXTENSION AFFORDING THE PROPERTY OWNER AT 1420 QUINCE STREET UNTIL APRIL 7, 2014 TO MEET CITY CODE REQUIREMENTS WITH THE FOLLOWING CONDITIONS TO BE ADDRESSED PRIOR TO OCTOBER 21, 2013:

1. Vegetation must be removed from the pile of topsoil located on the southeast corner of the property.
2. All construction debris and materials not being used for finished product must be removed from the site.
3. Excess fill material also needs to be removed from the site.

Special Safety and Public Works Committee Meeting to discuss 2014 Construction Program – To be held on October 2, 2013 at 4:00 P.M. – Informational

Signal Issues at North 8th Street and Washington Street – Informational

City Engineer Hulsether stated that he and Council Member Koep completed a walkthrough of the intersection at North 8th and Washington Street and that he felt the only minor weakness was the lack of a dedicated left turn phase crossing from south to north on the west side of the intersection. He stated that he will contact MnDot for suggestions and to request a signal for a dedicated left turn phase and keep the Council informed of what he hears back from them.

Quiet Zones – Motion to Spend Up to $7,500 for RFP Contingent on Baxter Covering their Share of Costs – Tabled to October 21, 2013

Safety and Public Works Committee Chair Scheeler stated that the Planning Commission has recommended moving forward with RFPs for quiet zones and that Committee has mixed feelings based on tonight's discussion. He stated that cost is a major factor and that Committee suggests any approval of RFPs be contingent on Baxter covering part of those costs.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PARKS TO SPEND UP TO $7,500 FROM THE CONSTRUCTION FUND TOWARD A QUIET ZONE RFP CONTINGENT UPON BAXTER PAYING THEIR SHARE OF ANY COSTS INVOLVED.

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN TO TABLE THE MOTION UNTIL THE OCTOBER 21, 2013 MEETING.

On the motion to table, upon roll call, members Borkenhagen, Koep, Pritschet, Scheeler, and Cumberland voted "aye." Members Bevans and Parks voted "nay." The Chair declared the motion carried.

Flea Market – 13th and Pine Street – Informational

City Planner Ostgarden stated that the matter of a property owner running a "flea market" type operation, after receiving several citations, has been turned over to the City's Prosecuting Attorney to implement misdemeanor prosecution.

Colonywood Lane Landscaping – Informational

Prior to the meeting a letter was distributed to Council from Anda Construction Company requesting the City's direction for landscaping on Colonywood Lane.

City Engineer Hulsether stated that black dirt and seed was put in the boulevards during the College Drive Project; however, that was disturbed when the adjacent property owner was doing other work.

Committee Member Koep stated that she would recommend staff communicate with the Andas regarding enhancements to their boulevard.

Unfinished Business

Presentation – GreenStep Cities – City Planner Ostgarden and Planning Commissioner Sarah Hayden

The Chair recognized City Planner Ostgarden and Planning Commissioner Sarah Hayden, who are part of the committee assuring that the requirements for Brainerd to be a GreenStep City are met and maintained. Ms. Hayden stated that of the 16 "Best Practices" identified in the program, 9 are required and that Brainerd has actually met 10. Of the 6 left to complete, Ms. Hayden focused on 4: Efficient Public Buildings, Complete Streets, Purchasing, Benchmarks and Community Engagement. She stated that the committee would like to have more members including Council members. She answered questions of the Council and the Chair thanked her for her presentation. The Council also authorized 7 members to be on committee.

New Business

"Little Free Libraries" Project – President Cumberland – Authorize Participation in the Program on Private Properties within the City of Brainerd – Approved

Council President Cumberland discussed various details about the Little Free Libraries program asking for direction from Council on whether to move forward with the program.

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, TO APPROVE THE "LITTLE FREE LIBRARIES" PROGRAM ON PRIVATE PROPERTIES WITHIN THE CITY OF BRAINERD.

Public Forum

The Chair recognized Mr. Mike Murphy, 8371 Greenwood Road, Baxter, who discussed the hardship implemented by the City on businesses opening; specifically building requirements for a daycare attempting to open on his property and SAC and WAC charges. He asked the Council to consider changing requirements and charges to make it easier to start a business in Brainerd.

City Engineer Hulsether stated that the City uses the same SAC and WAC schedule as Baxter and many other cities and that the sink requirements for inside the building are a health department requirement rather than from the City of Brainerd. He and President Cumberland acknowledged Mr. Murphy's complaints and suggestions.

The Chair recognized Mr. Jeff Kramer, 505 Rosewood Street, Brainerd, who discussed an issue with his Right-of-Way that had not yet been settled.

City Engineer Hulsether stated that he will schedule a meeting between Mr. Kraemer, the City Attorney and himself.

Reports

Mayor's Report

Mayor Wallin stated that he will be attending a meeting at the Airport Tuesday at 4:00 regarding the bonding bill. He also reminded people to use extra care when driving throughout the community because of school being back in session.

City Attorney's Report

City Attorney Fitzpatrick was absent.

City Administrator's Report

City Administrator Goble stated that she has set up a meeting of the Fire Advisory Board for October 24, 2013 at 4:00 P.M. to receive input in the proposed 2014 budget. She stated that the information received will be included in a future budget meeting.

City Engineer's Report

City Engineer Hulsether reported that the contractor began work on cleaning the southeast drainage ditch which should improve conditions for the snow melt in the spring.

City Planner's Report

City Planner Ostgarden reported that:

- He submitted the grant to the Initiative Foundation for the University of MN Riverfront project in the amount of $10,000 which is half of the cost of the project.
- He will be attending the upper Midwest Planning Conference in Rochester this Wednesday through Friday.
- The Planning Commission has finalized language on a definition of a community center and text amendment language for a community center which would affect the Whittier School property. There will be a Public Hearing at the October Planning Commission Meeting and results will be brought to Council thereafter.
- The Buffalo Hills Trail Ribbon Cutting Ceremony will be held on Tuesday, October 1st at 5:00 P.M., stating that there will be golf carts for those unable to walk or bike the trail.
- He recently received a call from a local savings and loan company who has a client who is unable to get a mortgage on their home based on the home having a "non-conforming home" status. He stated that if this is true there are significant implications for how the community deals with non-conforming uses and that he will be discussing the issue with City Attorney Fitzpatrick and LMC.

Police Chief's Report

Deputy Police Chief Bestul stated he had nothing in addition to his written report.

Finance Director's Report

Finance Director Hillman stated she had nothing in addition to her written report.

Council President's Report

Council President Cumberland reported that:

- Lakeland Television interviewed her regarding the Wausau Plant and Hydrodam.
- She had attended Safety and Public Works, Budget, Business after Hours, Newsletter Layout, Civic Center Future Ownership, and Property Manager Meetings as well as conference calls regarding the Hydrodam purchase.
- She served on the Citizen of the Year panel along with Council Member Borkenhagen; she congratulated Mr. Bill Musel who was awarded the title this year.
- The Ageless Expo and Walk to End Alzheimer's take place this Saturday, 9/21.
- The Fire Department recently earned a Lifetime Safety Achievement Award; congratulations.
- Lakeland Television, WCCO and KARE-11 have all been nominated for an Emmy Award; congratulations.
- Rebecca Yeh of Nisswa took 4th Runner-up at the Miss America Pageant this Sunday; congratulations.
- "Meet and Exec" will be held Tuesday, September 24th at the Brainerd Hotel.

Council Other Committee Reports

Adjourn – To Buffalo Hills Ribbon Cutting to be held on Tuesday, October 1, 2013 at 5:00 P.M. and to the Safety and Public Works Committee Special Meeting to be held on October 2, 2013 at 4:00 P.M. at City Hall.

The Chair adjourned the meeting at 9:55 P.M.

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Theresa A. Goble
City Administrator