Brainerd, MN
October 7, 2013

7:15 P.M. – Showcasing Brainerd: John Thelen, Thelen Heating & Roofing, Inc.:

The Chair welcomed Mr. John Thelen who shared with the Council the history of Thelen Heating & Roofing as well as the services offered their company. He discussed their locations, number of employees and business partnerships and answered questions of the Council. The Chair thanked him for his 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: Borkenhagen, Koep, Pritschet, Bevans, Scheeler, Parks and Cumberland. Mayor Wallin was noted as absent.

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

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

Council President Cumberland reported the following corrections to the September 16, 2013 minutes: The correct spelling of Rebecca Yeh's last name and removal of a sentence stating that Alderman Parks was appointed as liaison to the GreenStep City Committee. She also changed the date for the excluded raffles at Jack's House listed on tonight's Consent Calendar to April 1st-April 4 of 2014 rather than 2013. She called attention to the Call for Applicants section, stating that the EDA vacancy will be filled at the November 4, 2013 meeting.

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

A. Approval of the Minutes of the Regular Meeting held on September 16, 2013, as corrected, and of the Preliminary Budget Meeting held on September 11, 2013 as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 2 – New

2. Contractor's Licenses – 3 – 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. **Application to hold Excluded Raffles at Jack's House during the Weeks of November 12th – November 15th of 2013 and April 1st – April 4th of 2014 – Submitted by Brainerd/Baxter USBC Bowling Association – Approved**

E. **Minnesota Application for Exempt Permit – Submitted by BAHA for Raffle to be held on February 23, 2014 at Brainerd Area Civic Center – Approved**

F. **ISD #181 Contract for School Liaison Officer for the 2013-14 and 2014-15 School Years – Approved**

G. **Deferred Assessments – Approved**

H. **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
3. GreenStep City Committee – Five Terms
4. EDA – One Term to Expire 09/07/2019

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

Approval of Bills – Recommended by the Personnel and Finance Committee

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

Upon roll call 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

City Attorney Fitzpatrick – Letter of Retirement – Effective December 31, 2013 – Accept with Regret and Authorize RFP Process to Replace – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RETIREMENT OF CITY ATTORNEY TOM FITZPATRICK AND AUTHORIZE RFP PROCESS TO REPLACE.

Personnel and Finance Committee Chair Bevans stated that the RFP used in 2010 could be used again for the search. Council discussed options for the type of replacement and requested a copy of the "Quarterly City Attorney Reports" for the last two years.

Council Members and Staff thanked City Attorney Fitzpatrick for his many years of service and wished him the best in his retirement.

Budget Workshop Set for October 28, 2013 at 6:30 P.M. in the City Hall Council Chambers

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO SET A BUDGET WORKSHOP FOR 6:30 P.M. ON MONDAY, OCTOBER 28, 2013 IN THE CITY HALL COUNCIL CHAMBERS.

Cost Share Request from CWC SWCD for Buckthorn Removal – Authorize $500 from the General Unallocated Fund – Approved

Per a memo included in the Packet from City Planner Ostgarden, the CWC Soil and Water Conservation District (SWCD) has inquired about the City's interested in providing $500 in cost sharing to help remove buckthorn along the new Buffalo Hills Trail.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE $500 FROM THE GENERAL UNALLOCATED FUND TO BE CONTRIBUTED TOWARDS A COST SHARE WITH THE CROW WING COUNTY SOIL AND WATER DISTRICT (SWCD) FOR REMOVAL OF BUCKTHORN ALONG THE NEW BUFFALO HILLS TRAIL.

Police Department – Promotion of Police Officer John Davis to Patrol Sergeant Effective October 8, 2013 and Authorization to make a Conditional Officer to Ms. Ashlan Lambert for the position of Police Officer Contingent on Successful Completion of All Pre-Employment Exams with a Start Date of November 18, 2013 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO RATIFY POLICE CHIEF MCQUISTON'S RECOMMENDATION TO PROMOTE OFFICER JOHN DAVIS TO PATROL SERGEANT EFFECTIVE OCTOBER 8, 2013.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE A CONDITIONAL JOB OFFER TO MS. ASHLAN LAMBERT FOR THE POSITION OF POLICE OFFICER CONTINGENT ON SUCCESSFUL COMPLETION OF ALL PRE-EMPLOYMENT EXAMS AND WITH A START DATE OF NOVEMBER 18, 2013.

Environmental Law Group – Letter of Retention – Approval of Agreement and Authorization of Proper Signatures – Approved

Per a memo included in the Packet from City Administrator Goble, the City's legal counsel Kennedy & Graven has requested that the City retain "Environmental Law Group" to provide legal counsel and assistance towards any items with regards to the potential sale of the Wausau Paper facility.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO APPROVE AND AUTHORIZE PROPER SIGNATURES ON THE LETTER OF RETENTION WITH ENVIRONMENTAL LAW GROUP FOR LEGAL REPRESENTATION REGARDING THE POTENTIAL SALE OF THE WAUSAU PAPER FACILITY.

City Administrator Goble stated that funds will be given to the City to offset these costs.

Initiative Foundation Grant – Approve and Authorize Proper Signatures on $10,000 Grant Agreement for Mississippi Riverfront Development and Authorize $5,000 towards the same from the City's Capital Projects Fund – Approved

Personnel and Finance Committee Chair Bevans stated that a letter had been received this afternoon informing the City of the offer of a $10,000 grant from the Initiative Foundation towards the Mississippi Riverfront Design Project.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO APPROVE AND AUTHORIZE PROPER SIGNATURES ON THE $10,000 GRANT OFFER FROM THE INITIATIVE FOUNDATION TOWARDS THE MISSISSIPPI RIVERFRONT DESIGN PROJECT.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO AUTHORIZE $5,000 TOWARDS THE MISSISSIPPI RIVERFRONT PROJECT FROM THE CITY OF BRAINERD CAPITAL PROJECTS FUND.

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

MOU for Meter Tech/Locator Position – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT THE MOU WITH IBEW FOR THE METER TECH/LOCATOR POSITION AS PRESENTED.

Safety and Public Works Committee

Historic Water Tower Leakage Options – Held Over to October 21, 2013

Resolution No. 43:13 Adopted – Declaring Costs to be Assessed and Setting a Public Hearing for 7:30 P.M. on Monday, November 4, 2013 to Discuss Nuisance Abatement Assessments

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 43:13 – DECLARING COSTS TO BE ASSESSED AND SETTING A PUBLIC HEARING FOR 7:30 P.M. ON MONDAY, NOVEMBER 4, 2013 TO DISCUSS NUISANCE ABATEMENT ASSESSMENTS.

RESOLUTION NO. 43:13

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

Resolution No. 44:13 Adopted – Declaring Costs to be Assessed and Setting a Public Hearing for 7:30 P.M. on Monday, October 21, 2013 to discuss 2013 Improvement Assessments

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO ADOPT RESOLUTION NO. 44:13 – DECLARING COSTS TO BE ASSESSED AND SETTING

A PUBLIC HEARING FOR 7:30 P.M. ON MONDAY, OCTOBER 21, 2013 TO DISCUSS 2013 IMPROVEMENT ASSESSMENTS.

RESOLUTION NO 44:13

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

Resolution No. 45:13 – Authorizing Submittal of a Request for Advance of Municipal State Aid Street Funds in the amount of $1,340,360.64

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT RESOLUTION NO. 45:13 – AUTHORIZING THE SUBMITTAL OF A RESULOTION REQUESTING AN ADVANCE OF MUNICIPAL STATE AID STREET FUNDS IN THE AMOUNT OF $1,340,360.64.

RESOLUTION NO. 45:13

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

Parade Permit vs. Event Permit – Held Over to Safety and Public Works Committee Meeting to be held October 8, 2013

Hazardous Structure at 122 1st Avenue NE – Award Contract for Demolition to Hengel Ready Mix & Construction for the amount of $4,900 to be Assessed to the Property Owner over a Period Not to Exceed 7 Years – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AWARD THE CONTRACT FOR DEMOLITION OF THE HAZARDOUS STRUCTURE AT 122 1ST AVENUE NE TO HENGEL READY MIX & CONSTRUCTION FOR THE AMOUNT OF $4,900 TO BE ASSESSED TO THE PROPERTY OWNER FOR A PERIOD NOT TO EXCEED 7 YEARS.

Quiet Zones – Referred to Council Agenda for October 21, 2013 Meeting

Special Event Application for Concert at Sunshine Kitchen on October 25, 2013 – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE SPECIAL EVENT APPLICATION AS SUBMITTED BY MATT TAYLOR FOR A CONCERT TO BE HELD ON OCTOBER 25, 2013 AT SUNSHINE KITCHEN, 723 MILL AVE NE, BRAINERD.

Special Committee Meeting – Tuesday, October 8, 2013 at 4:00 P.M. in City Hall Conference Room – Informational

Safety and Public Works Committee Chair stated that the Special Safety and Public Works Committee meeting is scheduled for Tuesday, October 8, 2013 at 4:00 P.M. in the City Hall conference room.

St. Francis School Street Closure/Event Application – Close North 9th Street from Kingwood to Juniper, Juniper from 9th to 10th, 10th from Juniper to Kingwood and Kingwood from 10th to 9th from 12:15 P.M. to 2:30 P.M. on Wednesday, October 16, 2013 for a School Marathon – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE STREET CLOSURE EVENT APPLICATION AS SUBMITTED BY ST. FRANCIS SCHOOL TO CLOSE NORTH 9TH STREET FROM KINGWOOD TO JUNIPER, JUNIPER FROM 9TH TO 10TH, 10TH FROM JUNIPER TO KINGWOOD, KINGWOOD FROM 10TH TO 9TH, ON WEDNESDAY, OCTOBER 16TH BETWEEN THE HOURS OF 12:15 P.M. AND 2:30 P.M. FOR A SCHOOL MARATHON.

Trail Benches – Informational

Council Member Koep requested staff to provide further information to the Council on acquiring benches along the new Buffalo Hills Trail.

Unfinished Business

Ad Hoc Walkable Bikeable Committee Appointments – Approved

Per a memo included in the Packet from City Planner Ostgarden, nine applications have been received for the Ad Hoc Walkable Bikeable Committee. He states that the Planning Department recommends a committee of 10 or ideally 12 members

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE FOLLOWING APPOINTMENTS TO THE AD HOC WALKABLE BIKEABLE COMMITTEE AS RECOMMENDED BY THE CITY PLANNER – CONTINGENT ON SUCCESSFUL BACKGROUND CHECK OF ALL NEW APPLICANTS TO THE CITY**:**

Jan Burton, Brainerd
Jeff Czeczok, Brainerd
George Fruth, Brainerd
Sarah Gorham, Brainerd
Nila Patrick, Brainerd
Carolyn Pope, Brainerd
Laura Rathe, Brainerd
Ed Shaw, Brainerd
Patricia Townsend, Nisswa

New Business

Resolution No. 46:13 Adopted – Calling a Public Hearing to be held on Monday, November 4, 2013 at 7:30 P.M. on the Intention to Issue General Obligation Capital Improvement Plan Bonds and the Proposal to Adopt a Capital Improvement Plan Therefor

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PARKS TO ADOPT RESOLUTION NO. 46:13 – CALLING A PUBLIC HEARING TO BE HELD AT 7:30 P.M. ON MONDAY, NOVEMBER 4, 2013 REGARDING THE INTENTION TO ISSUE GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS AND THE PROPOSAL TO ADOPT A CAPITAL IMPROVEMENT PLAN THEREFOR.

RESOLUTION 46:13

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

Council Member Koep stated that the public needs to be better informed about the entire process of this CIP before a Public Hearing is simply held, including the fact that the plan will put into the debt service levy and outside of any parameters of the levy constraint otherwise many items that are currently paid for within a regular city levy, freeing it up for whatever else Council Members want to spend it on, which she feels is very significant.

City Administrator Goble stated that the CIP Plan document is available online and was attached to the Packet, that the budget workshop to be held on October 28th will go through the plan in detail, and that the Capital Improvement Plan is that – a "plan" which addresses the City's Strategic Focus for Stable Financial Planning which includes long-term financial plans.

Public Forum

The Chair recognized Mr. Jeff Czeczok, 511 D Street, Brainerd, who distributed the minutes of the December 19, 2011 City Council meeting and stated that the minutes from the December 19, 2011 City Council minutes are incorrect. He played the portion of the closed session recording which included a vote to approve the approval of the IAFF Local 4725 Union Contract which confirmed an incorrect list of the votes made by Council that night; that being Member Olson being present and voting "aye" when he had left the meeting and did not vote, and Member Koep voting "aye" when she, in fact, voted "nay." He also discussed what he feels is a discrepancy from a closed union strategy session in the beginning of 2013 for contracts effective 1/1/2013.

Reports

Mayor's Report

Mayor Wallin was absent.

City Attorney's Report

City Attorney Fitzpatrick reported that mediation is scheduled tomorrow with the firefighters related to overtime pay.

City Administrator's Report

City Administrator Goble stated that she will be attending the LMC Regional Meeting in Wadena along with Council Members Cumberland and Koep. She requested that Council adjourn to closed session to discuss union negotiation strategy at the October 21, 2013 meeting.

City Engineer's Report

City Engineer Hulsether stated that the code enforcement intern will be working 3 days a week in the City of Isanti through the end of her approved term of employment with the City the end of October.

City Planner's Report

City Planner Ostgarden reported that:

- The Downtown Business Association will be holding a "Halloween Spectacular" event on October 26th throughout the downtown area. He stated that judges are being sought for a costume contest which is part of that event and several Council Members voiced interest.
- The Planning Commission will be holding a Public Hearing on Wednesday, October 9, 2013 at 6:00 P.M. in the City Council Chambers to discuss language for the definition of a community center and including community centers as conditional uses in residential zoning districts. He asked that staff and Council to forward any letters or emails regarding the use of the Whittier School building to the Planning Department.
- The banners for College Drive have been ordered and should be here soon.
- Approximately $15,000 of the required $19,000 for the Riverfront design proposal has been received. He asked for Council's authorization to contact the U of M Design Team to see if they can begin development of a contract while the City still searches for the additional $4,000. Council was not responsive to that idea. He then suggested he talk with the U of M to simply see what suggestions they have to move forward, to which the Council was in consensus.

Fire Chief's Report

Fire Chief Stunek was absent.

Park Director's Report

Park Director Sailer reported that:

- The 7th Annual Great Pumpkin Festival will be held on Saturday, October 12, 2013 from 1-4 P.M. at Gregory Park.
- The goal for funds to build the Miracle Field has been met and hopefully soon will be exceeded thanks to many local and locally tied donations. He discussed plans to have the field up and running for summer program in 2014 with daytime Park Department programs taking place at the Bane Park/Miracle Field and programs for physically and mentally handicapped in the afternoons and evenings. He also shared that there is a plan to put in an all-inclusive playground next to the field.

- The Park Board has allowed Ms. Sheree Korwes to utilize a part of Lum Park to develop an Angel Garden for those who have lost a child. Wells Fargo of Brainerd is taking donations for this purpose.

Council President's Report

Council President Cumberland highlighted the following items from a written report she distributed at the meeting:

- MC'd the Buffalo Hills Trail Ribbon Cutting Ceremony
- Attended Union Negotiations
- Sat in on the Junior Police Program with Garfield Elementary students
- Sat in on an employee insurance meeting
- The Fire Department was recognized for safety efforts in 2011; congratulations
- Enjoyed speaking with many residents about a number of topics over the last few weeks via phone, email and in person

Council Other Committee Reports

Library Liaison Koep discussed the September 19, 2013 meeting of the Kitchigami Regional Library Board at which the Kitchigami Board asked that the Crow Wing County group that includes Brainerd, Pequot Lakes and Cross Lake as well as county board representatives expedite action to determine the future of funding for the Pequot Lakes and Cross Lake libraries, the use of the county reserve funds and how the Brainerd Library might be impacted by the decision to begin the process. She stated that she will be meeting with representatives from the County and nearby cities at 4:00 P.M. on October 22, 2013 at City Hall regarding this issue.

Council Member Borkenhagen reminded the Council of the Fire Department Open House being held at the Brainerd Fire Department on Thursday, October 10th from 5:00 P.M. – 7:00 P.M.

Charter Commission Liaison Bevans stated that the Charter Commission meets Thursday, October 10th in the City Hall Conference Room at 4:00 P.M. to discuss Green Space. He also stated that he has had recent communications with the Snodeos Club relating to continuing efforts on the Mississippi River crossing.

Council Member Pritschet invited the Council and staff members to serve as judges for the first BHS Debate Team competition.

Adjourn – 9:40 P.M. – To Closed Session Pursuant to Attorney-Client Privilege as Permitted by MN Statute13D.05, Subd. 3 (b), to Discuss Anda Special Assessment Appeal to District Court – Approved

The Council reconvened into open session at 10:17 P.M.

Adjourn – To Meeting with Downtown Group at 6:30 P.M. on October 14, 2013 at Glaze 2 Amaze – Approved

The Chair adjourned the meeting at 10:18 P.M.

Theresa A. Goble
City Administrator