Brainerd, MN
November 4, 2013

7:15 P.M. – Showcasing Brainerd: Elizabeth Holt, Walgreens Drug Store

The Chair welcomed Ms. Elizabeth Holt, who stated she had been with Walgreens stores for 40 years working her way into management and eventually landing here at the Brainerd store which employs 35 employees. She discussed the many services offered through the store and the pharmacy and stated that their extended hours of 8am to 10pm Monday through Friday as well as the grocery section are things she is proud of because of focus on meeting the needs of the community. She answered questions of the Council and the Chair thanked her for her 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: Koep, Pritschet, Bevans, Scheeler, Parks, Borkenhagen 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 SCHEELER AND BEVANS, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER TO APPROVE THE CONSENT CALENDAR AS PRESENTED.

A. Approval of the Minutes of the Regular Meeting held on October 21, 2013 and the Budget Workshop held on October 28, 2013, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 2 – New

C. Department Reports

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. Per Past Practice – Authorize Closure of City Offices at 12:00 P.M. On Tuesday, December 24, 2013 for Christmas Eve – Approved

E. Call for Applicants:

1. Transportation Committee – Two Terms to Expire 12/31/2014

2. GreenStep City Committee – Five Terms (Expiration TBD)

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

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

2013 Bond Issue – Paul Steinman, Springsted, Inc.

The Chair recognized Mr. Paul Steinman of the City’s bond counsel, Springsted, Inc., who reported that the current bond issues are more complex based on the financing of equipment certificates, street improvements and Capital Improvement Plan (CIP) items, which require a public hearing to be held.

He answered questions of the Council.

Public Hearing – Concerning the Adoption of Five-Year Capital Improvement Plan for the City Prepared in Compliance with Minnesota Statutes Section 475.521, as amended (the “Plan”); and the Issuance of General Obligation Bonds (the “Bonds”) thereunder for the Purposes Set Forth Therein

The Chair opened the Public Hearing at 7:40 P.M.

The Chair recognized the following citizens who spoke to the issue:

Ms. Jan Burton, 1017 Terrace Avenue, Brainerd
Mr. Bob Olson, 502 N 7th Street, Brainerd
Mr. Jeremy Mantell, 911 Grove Street, Brainerd

The Chair closed the Public Hearing at 8:04 P.M.

Resolution No. 51:13 – Adopting the 2013-2018 Capital Improvement Plan of the City of Brainerd, MN – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO ADOPT RESOLUTION NO. 51:13 – ADOPTING THE 2013-2018 CAPITAL IMPROVEMENT PLAN OF THE CITY OF BRAINERD, MN, AS PRESENTED.

RESOLUTION NO. 51:13

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

Resolution No. 52:13 Adopted – Providing for the Issuance and Sale of General Obligation Bonds, Series 2013A, in the Proposed Aggregate Principal Amount of $2,310,000

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT RESOLUTION NO. 52:13 – PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS, SERIES 2013A, IN THE PROPOSED AGGREGATE PRINCIPAL AMOUNT OF $2,310,000.

RESOLUTION NO. 52:13

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

Public Hearing – Resolution No. 53:13 Adopted – Approving Nuisance Abatement and Administrative Citation Assessments

The Chair opened the Public Hearing at 8:27 P.M. No one came forward

The Chair closed the hearing at 8:28:P.M.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS TO ADOPT RESOLUTION NO. 53:13 – APPROVING NUISANCE ABATEMENT AND ADMINITRATIVE CITATION ASSESSMENTS AS PRESENTED.

RESOLUTION NO. 53:13

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

Public Hearing

Public Hearing – Final Reading of Proposed Ordinance No. 1408 – An Ordinance Amending the Charter of the City of Brainerd by Striking Section 19 of Chapter Two of the Charter of the City of Brainerd and Replacing Said Section to Modify the Duties of the City Attorney – City Administrator Goble Recommends Dispensing with the Actual Reading – Failed

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO TABLE THE FINAL READING OF PROPOSED ORDINANCE NO. 1408.

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

The Chair opened the Public Hearing at 8:34 P.M.

The following citizen spoke to the issue:

Mr. Bob Olson, 502 N. 7th Street, Brainerd

The Chair closed the Public Hearing at 8:45 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITCHET TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1408 – AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF BRAINERD BY STRIKING SECTION 19 OF CHAPTER TWO OF THE CHARTER OF THE CITY OF BRAINERD AND REPLACING SAID SECTION TO MODIFY THE DUTIES OF THE CITY ATTORNEY.

Upon roll call, members Pritschet, Bevans, Parks, Borkenhagen, and Cumberland voted "aye." Members Koep and Scheeler voted "nay." *Because a Charter amendment requires a unanimous vote, the ordinance was considered failed*.

Public Hearing – Final Reading of Proposed Ordinance No. 1409 – An Ordinance Amending Brainerd Zoning Ordinance Sections 515-2-2, 515-54-5, 515-55-5, 515-56-5 and 515-57-5, Regarding Community Centers – City Administrator Goble Recommends Dispensing with the Actual Reading – Failed

City Planner Ostgarden addressed the Council and public to clarify that the City is procedurally still not at a point to determine whether the Whittier building itself should become a "community center" and tonight's public hearing is only to determine whether a "community center" as defined by the Planning Commission is compatible in a residential location.

> NOTE: At the October 21, 2013 City Council meeting, the following definition of "Community Center" was approved: *A building or buildings and associated property operated by a public and/or nonprofit group or agency that serves the community that is used for three or more of the following uses: Recreational, Social, Educational, or Cultural Activities and/or Public and/or Nonprofit group offices.*

The Chair opened the public hearing at 9:22 P.M.

The following citizens spoke to the issue; the majority (unless otherwise noted) being opposed to the zoning text amendment:

Ms. Carla Staffon, 509 Bluff Avenue, Brainerd
Ms. Erika Bennet, 703 N. 8th Street, Brainerd
Mr. Brian Weber, 17 Kingwood Street, Brainerd
Ms. Bernie Finch, 703 N 7th Street, Brainerd
Ms. Leah Cross, 519 Bluff Avenue, Brainerd
Mr. Kevin Yeager, 325 Bluff Avenue, Brainerd
Mr. Bud McCullough, 515 Kingwood Street, Brainerd
Mr. Kevin Carlson, 519 Bluff Avenue, Brainerd
Mr. Steve Carlson, 07 N. 6th St, Brainerd
Mr. Bob Olson, 502 N. 7th Street, Brainerd ,
Ms. Melissa Yeager, 325 Bluff Ave, Brainerd
Ms. Kathleen Tussa, 6687 Bedard Lane, Brainerd
Mr. Gordy Murphy, 704 N 5th Street, Brainerd
Mr. Greg Finch, 703 N. 7th Street, Brainerd

Ms. DeAnn Barry, representing the Senior Center – *in favor*
Ms. Kaylo Brooks, 503 Bluff Avenue, Brainerd
Ms. Carla Moriarty, 307 N 5th Street, Brainerd
Krista Soukup, 606 Bluff Ave, Brainerd
Mr. Dirk Vanderwerker, 604 N 5th Street, Brainerd
Mr. Glen Anderson, Executive Director at Northern Pines Health Center – *in favor*
Ms. Ruth Valerius, Senior Center employee – *in favor*
The Chair closed the Public Hearing at 10:35 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP TO AFFIRM THE CURRENT ZONING TEXT AND DENY THE FINAL READING OF PROPOSED ORDINANCE NO. 1409 – AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-2-2, 515-54-5, 515-55-5, 515-56-5 AND 515-57-5, REGARDING COMMUNITY CENTERS.

Upon Roll Call, members Koep, Bevans, Scheeler, Parks, and Borkenhagen voted "aye." Members Pritschet and Cumberland voted "nay." The Chair declared the motion carried and the final reading of the proposed Ordinance No. 1409 as failed.

Break

The Council took a break from 11:00 P.M. to 11:05 P.M.

Council Committee Reports

Personnel and Finance Committee

Downtown Motel Property Offer – Referred to HRA for Research with Results to be presented at December 2, 2013 City Council Meeting – Approved

A letter was received from Mr. Denis Villella, owner of the property at 12079 13th Ave SW, Brainerd, proposing the City purchase his property for the amount of $75,000.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO REFER TO THE HRA THE SALE OFFER OF THE PROPERTY AT 12079 13TH AVENUE SOUTHWEST (DOWNTOWN MOTEL) FOR THE AMOUNT OF $75,000 AS OFFERED BY THE OWNER, MR. DENIS VILLELLA WITH THE HRA TO REPORT BACK TO COUNCIL AT THE DECEMBER 2, 2013 CITY COUNCIL MEETING.

Parks and Recreation – Authorize Conditional Employment Offer for Recreational Specialist Position to Ms. Katie Kaufman – 85% of Base Wage ($3,555.25 per month) – Effective 1/6/14 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE CONDITIONAL EMPLOYEMENT OFFER FOR RECREATIONAL SPECIALIST POSITION TO MS. KATIE KAUFMAN AT 85% OF BASE WAGE ($3,555.25 PER MONTH) EFFECTIVE JANUARY 6, 2014.

Police Department

Request to Utilize $3,900 DWI Forfeiture Funds to Replace Squad Car Mobile Computer – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO AUTHORIZE THE POLICE DEPARTMENT USE OF $3,900 OF DWI FORFEITURE FUNDS TO REPLACE A SQUAD CAR MOBILE COMPUTER.

Request to Extend Records Management Clerk Temporary Assignment to January 1, 2014 – Approved

Per a memo included in the Packet from Police Chief McQuiston, the Police Department requests allowing the temporary assignment of CSO Caitlyn Robinson as Records Technician to continue until January 1, 2014. He stated that the intention is to advertise and begin the hiring process for a full time Records Technician in the next two months with the intention of having the position filled on January 2, 2014. A Memorandum of Understanding was also attached which specified that any future potential seniority matters for Ms. Robinson could relate back to her starting date as May 14, 2013.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE THE EXTENSION OF RECORDS MANAGEMENT CLERK TEMPORARY ASSIGNMENT TO JANUARY 1, 2014 INCLUDING APPROVAL OF AND PROPER SIGNATURE AUTHORIZATION ON THE MOU AS PRESENTED.

Authorize Conditional Police Officer Job Offer to Next Candidate on Police and Fire Civil Service Eligibility List, Erick Hendrickson – Contingent On Successful Completion of All Pre-Employment Exams – Approval of

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO MAKE A CONDITIONAL JOB OFFER FOR THE POSITION OF POLICE OFFICER TO MR. ERIK HENDRICKSON WITH A START DATE OF DECEMBER 2, 2013, CONTINGENT ON SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT BACKGROUND INVESTIGATION, PSYCHOLOGICAL TESTING AND MEDICAL SCREENING.

Recycled Paper – Authorize Staff to Order Recycled Paper containing at least 30% Post-Consumer Content in Accordance with GreenStep City Requirements as Adopted on April 1, 2013 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO AUTHORIZE STAFF TO BEGIN ORDERING RECYCLED PAPER CONTAINING AT LEAST 30% POST-CONSUMER CONTENT IN ACCORDANCE WITH GREENSTEP CITY REQUIREMENTS ADOPTED ON APRIL 1, 2013.

Members Pritschet, Bevans, Scheeler, Parks, Borkenhagen and Cumberland voted “aye.” Member Koep voted “nay.” The Chair declared the motion carried.

Safety and Public Works Committee

Central Lakes College Snow Removal Request – Denied

Per a memo included in the Packet from City Engineer Hulsether, staff met with the maintenance supervisor and staff at CLC to review snow plowing and removal issues experienced this past winter and spring and to discuss expectations for the coming winter.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO DENY CLC'S REQUEST TO CLOSE A PORTION OF THE SOUTH SIDEWALK SUBJECT TORECONSIDERATION.

Assessment Reviews:

Mike Murphy – SW 4th Street – Imp 13-01 – Reduce Assessable Footage from 170 Feet to 100 Feet thereby reducing Assessment from $2,890 to $1,700 – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION TO REDUCE THE ASSESSABLE FOOTAGE ON MR. MIKE MURPHY'S PROPERTY ON SW 4TH STREET FROM 170 FEET TO 100 FEET RESULTING IN A FINAL IMP 13-01 ASSESSMENT OF $1,700 RATHER THAN $2,890.

Clare Williams – Assessment Reduction Request – East River Road – Imp 13-02 – Denied

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION TO DENY IMP 13-02 ASSESSMENT REDUCTION REQUEST AS SUBMITTED BY MS. CLARE WILLIAMS ON EAST RIER ROAD.

"No Parking" Zones on SW 6th Street and Colonywood Lane – Held Over

Approval of Final Payments: For Projects 13-01, 13-02, 13-03 to Anderson Brothers & For Projects 13-04, 13-05, 13-08 to DeChantal Excavating – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATION TO APPROVE THE FINAL PAYMENTS FOR PROJECTS 13-01, 13-02 AND 13-03 TO ANDERSON BROTHERS AND THE FINAL PAYMENTS FOR PROJECTS 13-04, 13-05 AND 13-06 TO DECHANTEL EXCAVATING.

Alderman Scheeler abstained from this vote.

Downtown Snow Removal Bids – Accept Low Bid from Tom's Backhoe Service – Approved

Per a memo included in the Packet from City Engineer Hulsether, 2 bids were received for downtown snow removal with Tom's Backhoe Service being the low bid, providing for a base bid to remove a 4 inch snowfall from the streets, parking lots and sidewalks in the amount of $4,350 and an additional $1,170 for each additional inch.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KEOP, DULY CARRIED, TO APPROVE THE LOW BID FROM TOM'S BACKHOE SERVICE FOR THE 2013-2014 DOWNTOWN SNOW REMOVAL CONTRACT WITH PUNCH LIST TO BE ADDRESSED PRIOR TO FIRST SNOWFALL AND AT THE END OF SEASON.

SAC Fees at 2612 Oak Street – Reduce by $1,000 resulting in $900 SAC Fee – Approved

Per a memo included in the Packet from City Engineer Hulsether, staff recommends Council consider a partial waiver of the SAC fee for the property at 2612 Oak Street based on prior payments into sewer fund.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO REDUCE THE $1,900 SAC FEE FOR THE PROPERTY AT 2612 OAK STREET BY $1,000 AS RECOMMENDED BY STAFF.

1420 Quince Street Status – Informational

Building Official Caughey stated that the required conditions that were to be abated by October 31, 2013 had been taken care of.

Request to Reinstate Non-conforming Use – Residential Rental License – 510 F Street NE – Held Over

1223 Pine Street – Update – Informational

City Planner Ostgarden stated that this is an ongoing investigation and questions can be addressed to the City's prosecuting attorney, Matt Mallie.

Unfinished Business

Fire Service District Formation – Direct Staff to Discontinue Research – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO DIRECT STAFF TO DISCONTINUE RESEARCH ON THE FORMATION OF A FIRE SERVICE DISTRICT.

Alderman Bevans reported on a letter received

Public Forum.

None.

Reports

Mayor's Report

Mayor Wallin stated that he was able to meet with two teachers representing Brainerd's "Sister City," Leksand, Sweden.

City Attorney's Report

City Attorney Fitzpatrick stated that he had nothing to report.

City Administrator's Report

City Administrator Goble reported that:

- On behalf of the Mayor and Brainerd City Council, she sent a retirement card to our bond counsel attorney Steve Bubul. Mr. Bubul is an attorney with Kennedy and Graven law firm out of the Cities and he has served the city for many years as our professional advisor on many issues.

- The BPU will have a report at the December 2nd City Council meeting as to the status of the hydroelectric dam purchase. This was originally supposed to occur at tonight's meeting but that had been delayed as staff, attorneys, and engineering firms continue to work on drafting a proposed purchase agreement.

- The Brainerd Chamber will be holding their business council meeting in the Council Chambers on November 13th. City and BPU Staff will be providing information at the meeting.

City Engineer's Report

City Engineer Hulsether stated that he had nothing to report.

City Planner's Report

City Planner Ostgarden stated that he had nothing to report.

Fire Chief's Report

Fire Chief Stunek reported that the Fire Service District Meeting was successful in his opinion, that the Fire Department will be applying for equipment grants and will keep the Council posted on any success. He stated that the fire inspection process is being reviewed to see where improvements may be made.

Park Director's Report

Park Director Sailer stated that he had nothing in addition to his written report.

Council President's Report

Council President Cumberland reported that:

- She had attended the following meetings: 10/22 The Center Legacy Committee, 10/24 Fire District, 10/25 Labor Negotiations, 10/28 Budget Workshop, 10/29 BPU, 10/29 CGMC Economic Development Partnership, 11/1 Essentia Community

- She had helped judge the Downtown Halloween costume contest on 10/26, had attended the Carefree Living Open House on 10/29, assisted with the City Employee Chili Cook-off on 10/29, and participated in assorted meetings and discussions with staff and citizens.

- She continues to hear congrats on the first issue of the city newsletter – good job Alderman Borkenhagen and City Planner Ostgarden!

- Is beginning to hear plans from the committee established to plan a history celebration for the City Hall building and the City in general for next summer – thank you to Alderman Koep and Carl Faust!

- She will be investigating a program entitled, “Community Conversations” and how the city might use the program designed by the LMC for the 6 month Strategic Plan review

- She has received calls from constituents regarding the “Better Brainerd/Strong Towns” report that was circulated a few weeks ago. She asked the Council if they believe any action should be taken toward the ideas presented, stating that she had attempted to invite the director of the effort to a Council meeting with no success. Alderman Bevans suggested that the Safety and Public Works Committee take one or two of the ideas to explore each month or each meeting, and Council concurred.

Council Other Committee Reports

Alderman Koep reported that she has met with Carl Faust once relating to Brainerd’s “History Week” which has been set for June 16-20th, 2014. She stated that another meeting has been set for next week to begin program detail planning including coordination of a visit from the Governor.

Committee Appointments – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO APPROVE THE RE-APPOINTMENT OF MR. JERRY SINNER TO THE EDA FOR A TERM TO EXPIRE 9/7/2019 AND TO APPOINT MS. ELEANOR BURKETT TO THE WALKABLE BIKEABLE AD HOC COMMITTEE.

Adjourn – To Safety and Public Works 28th Street Informational Meeting to be held on Tuesday, P.M. in the City Hall Conference Room at 6:00 P.M. – Approved

The Chair adjourned the meeting at 11:55 P.M.

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Theresa A. Goble
City Administrator