Brainerd, MN
December 2, 2013

7:15 P.M. – Showcasing Brainerd: Nancy Williams, Fancy Pants Chocolates

The Chair welcomed Ms. Nancy Williams, owner of Fancy Pants Chocolates for the last 10 years, originally called Chocolates, Etc. She makes a variety of chocolates right at the store and shared that she loves to be in the downtown area. 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 7:32 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 BEVANS AND KOEP, DULY CARRIED, TO MOVE ITEM 5E OF THE CONSENT CALENDAR (Deferred Assessment) TO NEW BUSINESS ITEM B.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE AMENDED AGENDA.

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

A. Approval of the Minutes of the Regular Meeting held on November 18, 2013, as distributed – Approved

B. 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

C. Industrial Park Listing Agreement – Extend through December 31, 2014 – Requested by Kevin Close – Approved

D. 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 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 General Obligation Bonds – Paul Steinman, Springsted, Inc.:

The Chair recognized Finance Director Hillman, who stated that Mr. Paul Steinman was unable to make tonight's meeting due to unfavorable weather conditions. She introduced the 2013 GO Bonds and stated that one bid was received from Robert W. Baird & Co. Inc. at an interest rate of 2.2944%. Springsted has advised they did due diligence on the one bid and are recommending accepting the bid. Ms. Hillman answered questions of the Council.

Resolution No. 56:13 Adopted – Awarding the Sale of General Obligation Bonds, Series 2013A, in the Original Aggregate Principal Amount of $1,240,000; Fixing their Form and Specifications; Directing their Execution and Delivery; and Providing for their Payment

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO ADOPT RESOLUTON NO. 56:13 – AWARDING THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2013A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,240,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

RESOLUTION NO. 56:13

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.

Resolution No. 57:13 Adopted – Awarding the Sale of General Obligation Capital Improvement Plan Bonds, Series 2013B, in the Original Aggregate Principal Amount of $1,040,000; Fixing their form and Specifications; Directing their Execution and Delivery; and Providing for their Payment

Finance Director Hillman reported that approval of these bonds is contingent upon the City not receiving a petition as of December 4, 2013 in accordance with Minnesota Statutes which states that if within 30 days of the public hearing on CIP Bonds (Nov 4, 2013) a petition requesting a vote on the issuance of the bonds is signed by a number of registered voters in the City equal to five percent of the votes cast in the City's last general election then the bonds may be issued only after obtaining approval of a majority of voters voting on the question of whether to issue the bonds.

Ms. Hillman noted that one bid on the issue was received from Robert W. Baird & Co., Inc. at an interest rate of 3.4409%. Springsted has advised they did due diligence on the one bid and are recommending accepting the bid, contingent upon the State Statute petition provision. Ms. Hillman answered questions of the Council.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT RESOLUTION NO. 57:13 – AWARDING THE SALE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2013B, (CONTINGENT UPON THE STATE STATUTE PETITION PROVISIONS) IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $1,040,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

RESOLUTION NO. 57:13

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.

PLEASE NOTE: Subsequent to the December 2, 2013 Council meeting, a petition was filed with the City Administrator on December 4, 2013. The petition was validated by the proper officials and, therefore, the CIP bond issue did not move forward.

Presentation – Brainerd Public Utilities 2014 Budget – Distributed to Mayor and Council – Approved

The Chair recognized PUC President Mr. Bill Wroolie and PUC Secretary Mr. Todd Wicklund, who presented the Brainerd Public Utilities 2014 Budget and answered questions of the Council.

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, TO APPROVE THE BRAINERD PUBLIC UTILITIES 2014 BUDGET AS PRESENTED.

Council Committee Reports

Personnel and Finance Committee

Fire Service District – Termination of Fire Contract between Fort Ripley Township and the City of Brainerd – Request Waiver of 1-yr Notice Requirement – Denied

Per a memo from City Administrator Goble which was included in the Packet, the City received a request from Fort Ripley Township providing formal written notice of termination of the fire contract between the Township and the City as required by terms of the contract. She states that the letter also requests the City to waive the one-year notice requirement; however, based on the notice requirement being included in each of the 12 contracts since the Township of Fort Ripley contracted with the City in 1993, she recommends not waiving the one-year notice requirement.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO DENY WAIVING THE ONE-YEAR NOTICE REQUIREMENT FOR THE CONTRACT FOR FIRE SERVICE BETWEEN THE CITY OF BRAINERD AND FORT RIPLEY TOWNSHIP.

Police Department:

Request for Authorization to Establish a New Police Officer Eligibility List – Approved

Per a memo included in the Packet from Police Chief McQuiston, the current Police Officer Eligibility List has been exhausted and he requested direction be given to the Civil Service Commission to begin the process of establishing an updated eligibility list so that the Police Department may hire the 24th licensed officer in accordance with the COPS grant requirement.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO AUTHORIZE THE POLICE AND FIRE CIVIL SERVICE COMMISSION TO ESTABLISH A NEW POLICE OFFICER ELIGIBILITY LIST.

Resignation of CSO Nathan Smolke – Accepted with Regret – No Replacement at this Time

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF CSO NATHAN SMOLKE, EFFECTIVE NOVEMBER 22, 2013.

Nila Patrick – (VIP Weddings) – Request new Amortization of Downtown Revolving Loans – Approved

A letter was included in the Packet from American National Bank on behalf of Nila Patrick/VIP Weddings, requesting a new amortization of Ms. Patrick's downtown revolving loans.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO APPROVE THE REQUEST FROM NILA PATRICK/VIP WEDDINGS FOR A NEW AMORTIZATION OF HER DOWNTOWN REVOLVING LOANS.

2013 Audit Engagement Letter – CliftonLarsonAllen – Approved

Personnel and Finance Committee Chair Bevans stated that there is a 2% increase in the cost for this year's audit. The engagement letter was included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE TERMS AND OBJECTIVES OF THE CONTRACT BETWEEN THE CITY AND CLIFTONLARSONALLEN FOR THE 2013 AUDIT.

Council member Koep recommended the City go out for proposals for audit services for the 2014 year.

Safety and Public Works Committee

Street Light Request – Direct Staff to send Letter to ISD 181 Requesting the Bus Stop in the Middle of Oakridge Drive be Moved Back to its Previous Location on Beech Street for Better Lighting – Approved

A request was received to install a streetlight on the center of Oakridge Drive in order to better light the bus stop.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO SEND A LETTER TO ISD 181 REQUESTING THE BUS STOP AT THE CENTER OF OAKRIDGE DRIVE BE MOVED BACK TO ITS ORIGINAL LOCATION ON BEECH STREET FOR BETTER LIGHTING.

Parking on SW 6th Street and Colonywood Lane – Authorize Staff to Post "No Parking" Zones on the East Side of SW 6th Street between College Drive and Colonywood Lane and on the North Side of Colonywood Lane between SW 6th and SW 4th Streets – Approved

Per a memo which was included in the Packet from City Engineer Hulsether, staff is requesting to post "No Parking" zones near the water retention pond along South 6th Street just north of College Drive based on the pond being used for a snow dump during winter months.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AUTHORIZE STAFF TO POST "NO PARKING" ZONES ON THE EAST SIDE OF SW 6TH STREET BETWEEN COLLEGE DRIVE AND COLONYWOOD LANE AND ON THE NORTH SIDE OF COLONYWOOD LANE BETWEEN SW 6TH AND SW 4TH STREETS.

Building Demolition Permit Moratorium – Set 6-Month Moratorium on the Issuance of Building Permits that would Provide for the Demolition/Decommissioning of Buildings used for Industrial Purposes within Industrial Zones – Approved

Per a memo which was included in the Packet from City Engineer Hulsether, inquiries have been received from contractors related to the Wausau site and potential demolition of portions of the site. Staff is requesting that Council set a moratorium on the issuance of building permits that would provide for the demolition/decommissioning of buildings used for industrial purposes within industrial zones in order to review this process.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN TO FOLLOW STAFF RECOMMENDATION AND SET A 4-MONTH MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS THAT WOULD PROVIDE FOR THE DEMOLITION/DECOMMISSIONING OF BUILDINGS USED FOR INDUSTRIAL PURPOSES WITHIN INDUSTRIAL ZONES.

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

510 F Street – Rental License Reinstatement – Denied

Per a memo which was included in the Packet from City Planner Ostgarden, a decision on the request to reinstate a rental license (license lapsed for more than1 year) at 510 F Street was postponed at the November 4th and 18th, 2013 City Council meetings based on concerns with parking and building permit status. At the November 18th meeting the property owner informed Council that he wishes to rent the unit as a duplex rather than a triplex. The property zoning permits only single family dwellings. City Planner Ostgarden listed the Planning Department's recommendations as:

1. The building permit status has no impact on a decision regarding the duplex rental license reinstatement. The two issues at this point are independent of one another.

2. Because the City Council does not have the authority to violate the Zoning Ordinance, the Planning Department recommends that the duplex rental license should not be granted.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO DENY THE REQUEST TO REINSTATE A RENTAL LICENSE FOR A DUPLEX AT 510 "F" STREET.

28th Street Assessment Issue – Held Over

City Engineer Hulsether stated that meetings are being held this week at both Faith Baptist Church and Oak Lawn Township. He stated that hopefully City staff can then hold a meeting with all parties in order to provide an update at the December 16, 2013 Safety and Public Works Meeting.

Signal Systems at Washington Street and N 4th Street and Washington Street and N 8th Street – Informational

City Engineer Hulsether stated that the signal system at the intersection of 8th and Washington Street was looked at this summer with concerns raised about conflicts with pedestrians and left turning vehicles. MNDot was contacted relating to a possible conflict with the lack of a dedicated left turn for northbound traffic and responded saying that the mast arm with the north bound signals and the conduits were not wired for a dedicated left turn head; therefore, they will look into the system this upcoming summer to see if they can pull additional wire through the existing conduits.

Accessory Building Request for 15262 Beaver Dam Road – Mr. Jim Uhlman – Waive Fines until meeting between Staff, Safety and Public Works Committee and Mr. Uhlman is held to determine Allowed Use for Building – Approved

Correspondences between Mr. Uhlman and the City as well as a memo from City Planner Ostgarden were distributed to the Council prior to the meeting. In summary, Mr. Uhlman is requesting to use the space inside 4 standing walls as a riding area following a collapse of the roof of the building some time ago. Since the request, Building Official Caughey first determined that the walls need to be of uniform height and the Planning Department has received a complaint about the structure.

The Chair recognized Mr. Jim Uhlman, who asked that one Council member or more attend a meeting between himself and the City Planner to determine whether Mr. Uhlman can continue to use the remaining walls of the building at 15262 Beaver Dam Road as an area for riding or other activities.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO SET A MEETING OF THE SAFETY AND PUBLIC WORKS COMMITTEE, STAFF AND MR. JIM UHLMAN; FURTHER, TO WAIVE ANY FINES AGAINST PROPERTY OWNER JIM UHLMAN FOR THE STRUCTURE LOCATED AT 15262 BEAVER DAM ROAD UNTIL A FINAL DETERMINATION CAN BE MADE AS TO WHAT THE STRUCTURE REMAINING ON THE PROPERTY CAN BE USED FOR.

Unfinished Business

City Attorney Proposals – Interview Team to Interview 5 of the 6 Firms that Submitted Proposals – Approved

City Administrator Goble stated that 6 proposals as noted below had been received and stated that direction is needed from Council on which firms to interview:

Eckland & Blando LLP of Minneapolis
Flaherty/Hood of St. Paul
Gammello, Qualley, Pearson & Mallak PLLC of Baxter
Combination proposal: Matt Mallie of Brainerd and Hoff, Barry & Kozar PA of St. Paul
Pemberton Law of Fergus Falls
Ratwik, Roszak & Maloney of Minneapolis

MOVED AND SECONDED BY ALDERMEN KOEP AND SCHEELER TO INTERVIEW AT LEAST THREE OF THE FIRMS LISTED.

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, TO AMEND THE MOTION TO INTERVIEW FIVE OF THE LAW FIRMS THAT SUBMITTED PROPOSALS FOR THE CITY ATTORNEY POSITION.

Alderman Bevans stated that the firm of Gammello, Qualley, Pearson & Mallak PLLC of Baxter should not be interviewed because of a conflict of interest issue with a member of the firm.

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER, DULY CARRIED, THAT AN INTERVIEW TEAM COMPRISED OF COUNCIL MEMBERS PARKS, CUMBERLAND AND KOEP, MAYOR WALLIN, CITY ATTORNEY FITZPATRICK AND CITY ADMINISTRATOR GOBLE INTERVIEW THE FIVE IDENTIFIED FIRMS PROPOSING TO FILL THE CITY ATTORNEY POSITION AS SOON AS POSSIBLE AND PRESENT A RECOMMENDATION AT THE DECEMBER 16, 2013 CITY COUNCIL MEETING.

First Reading – Proposed Ordinance No. 1410 – An Ordinance Restricting the Location of Residence of Level III Predatory Offenders – Further to Dispense with the Actual Reading – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1410 – AN ORDINANCE RESTRICTING THE LOCATION OF RESIDENCE OF LEVEL III PREDATORY OFFENDERS; FURTHER TO DISPENSE THE ACTUAL READING.

GreenStep City Committee Appointment and Member Total of 5 – Approved

MOVED AND SECONDED BY ALDERMEN BY BEVANS AND PRITSCHET, DULY CARRIED, TO APPOINT MR. ROBERT FITZIMMONS TO THE GREENSTEP CITY COMMITTEE.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO SET THE NUMBER OF GREENSTEP COMMITTEE MEMBERS AT FIVE.

New Business

Chamber Building – Right of First Refusal – Do Not Exercise Right of First Refusal – Verify Easements on Historic Water Tower – Approved

Included in the Packet was a letter from Brainerd Lakes Chamber CEO Lisa Paxton explaining the reasons the Chamber is selling the building, the “right of first refusal” agreement with the City, and the purchase agreement between the Chamber and potential purchaser, J. Brad Person.

City Administrator Goble stated that the Historic Water Tower is not included in the agreement, that the purchaser has agreed not to use the Tower for storage and that both the Chamber and BLAEDC have stated that they plan to relocate within the City limits.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, THAT THE CITY NOT EXERCISE ITS RIGHT OF FIRST REFUSAL ON THE SALE OF THE CHAMBER BUILDING AND TO VERIFY THE CITY’S EASEMENTS ON THE HISTORIC WATER TOWER SITE.

Deferred Assessment – 704 4th Street SW, Benjamin and Delia Tan – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ACCEPT THE DEFERMENT REQUEST FROM BENJAMIN AND DELIA TAN FOR THE ASSESSMENT TO THEIR PROPERTY AT 704 4TH STREET SW.

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

Public Forum.

None.

Reports

Mayor’s Report

Mayor Wallin stated that his Christmas lights are up. He reminded the listening audience to drive safely because of the weather.

City Attorney’s Report

City Attorney Fitzpatrick stated that he had nothing to report.

City Administrator's Report

City Administrator Goble stated that Region 5's Resilient Region Meeting will be held on January 14, 2014 from 4-7pm at the Arrowwood Lodge in Baxter. She asked Council Members to let her know if they would like to attend.

City Engineer's Report

City Engineer Hulsether stated that the warm weather with snow already received will create very slippery roads and reminded the public to drive slower and more carefully.

City Planner's Report

City Planner Ostgarden reported that:

- He will be attending a grant writing workshop in Little Falls tomorrow.
- He will be presenting information on food trucks at the December 16th meeting.
- He attended a meeting to learn more about an internet based community interaction software program platform which permits exchange of information in the community over the internet rather than having to meet in person. He stated that it is called "Mind Mixers" and that he will continue to share information with the Council as it becomes available.
- The 2nd Annual Brainerd Curling Club Bonspiel will be held at the Brainerd Curling Club on December 6-8th with 28 teams competing.

Fire Chief's Report

Fire Chief Stunek reported that:

- A "controlled house burn" for training was cancelled this week and that he will let the Council and staff know when it is rescheduled as it is quite a thing to witness.
- NIMS (National Incident Management System) Training will be held on December 12th and will be taped for those who cannot attend.
- He'd like to also remind the public to slow down during the winter months to avoid traffic accidents.

Park Director's Report

Park Director Sailer reported that the Parks Department received 100 Wilson baseball gloves as part of the $2,000 donation from former Minn. Twin Justin Morneau to be used for the Miracle Field.

Council President's Report

Council President Cumberland reported that:

- She attended/participated in The Center monthly board meeting and annual membership meeting on November 20th.

- She attended retirement parties for Lisa Paxton and Bonnie Muzik on November 21st.
- She sat in on a video/phone conference call (along with staff members) regarding the Mind Mixer program.
- She had attended the EDA, BPU, and Bikeable Walkable Committee meetings and attended the informational meeting on sexual predators held at the PD.
- She attended/participated in the Budget Workshop on November 25th.
- She had attended/participated in IBEW negotiation sessions.
- She will be meeting with the City Administrator and EXEC facilitators regarding the progress on the City's Strategic Plan.
- She spent over 1½ hours shopping and visiting in 7 stores in Downtown Brainerd Saturday and plans to continue this trend through Christmas!

Council Other Committee Reports

Airport Liaison Scheeler stated that the Airport has paid for a booth at the December 5th Brainerd Lakes Chamber Business Expo. He stated that the Airport Commission has a new commissioner as well; Trudi Amundson.

Adjourn

- **To Ward 2 Neighborhood Meeting to Discuss the Future of Whittier School to be held on Thursday, December 5, 2013 from 6:00 P.M. to 8:00 P.M. at United Congregational Church, 415 Juniper Street**

- **To City Council Review of City Administrator Applications to be held on Monday, December 9, 2013 at 4:30 P.M. in the City Hall Conference Room**

- **To 2014 Budget and Levy Public Hearing to be held in the Council Chambers on Monday, December 9, 2013 at 6:00 P.M.**

The Chair adjourned the meeting at 9:22 P.M.

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Theresa A. Goble
City Administrator