Brainerd, MN
December 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: Koep, Pritschet, Bevans, Scheeler, Parks, Borkenhagen and Cumberland. Mayor Wallin was noted as absent.

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

President Cumberland stated that a request to remove item 10A (Planning Department: Possible 1st Ordinance Reading for Zoning Text Amendment) from the agenda was received from City Planner Ostgarden.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO REMOVE THE PLANNING DEPARTMENT ITEM (10A) FROM THE AGENDA AS REQUESTED BY CITY PLANNER OSTGARDEN.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND PARKS, DULY CARRIED, TO APPROVE THE AMENDED AGENDA.

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 December 2, 2013 as well as the Budget Workshop held on November 25, 2013, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 69 – Renewals
2. Garbage Licenses – 5 – Renewals
3. Pawnbroker Licenses – 2 – Renewals
4. Second-Hand Automobile Licenses – 8 – Renewals
5. Second-Hand Goods Licenses – 1 – Renewal
6. Tobacco Licenses – 21 – Renewals
7. Tobacco Licenses – 2 – New Licenses

C. Department Reports

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. Administration Department – Administrative Specialist Jennifer Loidolt – Successful Completion of One Year of Employment – Approve Advance to Step "C" or 95% of Base Wage for Position ($20.87 per hour) – Effective November 26, 2013 – Approved

E. **Fire Department – Resignation of Paid On Call Firefighter Troy Rushmeyer – Effective December 12, 2013 – Accepted with Regret**

F. **Call for Applicants:**

1. Transportation Committee – Two Terms to Expire 12/31/2014
2. Library Board – Two Terms to Expire 12/31/2017 and 12/31/19
3. Cable TV Advisory Committee – One Term to Expire 12/31/16

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 and Transfer of Funds – Recommended by the Personnel & Finance Committee

General Fund to Public Safety Fund	$485,000
General Fund to Park Fund	$50,000
General Fund to Street & Sewer Fund	$40,000
General Fund to Airport Fund	$12,940
Total Transfers from #101	$587,940
Fire (Fund 225) to Fire Capital Fund (404) per budget	$73,873

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPROVE THE PAYMENT OF BILLS AND TRANSFER OF FUNDS 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.

Council Committee Reports

Safety and Public Works Committee Report

28th Street Cost Distribution – Joint Meeting Set for January 7, 2014 at 7:00 p.m. with Oak Lawn Township Board – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED TO ADJOURN TO A JOINT MEETING WITH OAK LAWN TOWNSHIP TO BE HELD ON TUESDAY, JANUARY 7, 2013 AT 7:00 P.M. TO DISCUSS 28TH STREET COST DISTRIBUTION.

Assessment Deferral Ordinance/Resolutions – Refer to Charter Commission Meeting to be held on Thursday, January 30, 2014 at 4:00 P.M. – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO REFER THE ITEM OF "INCOME LIMITS FOR DEFERRED ASSESSMENTS" TO THE CHARTER COMMISSION MEETING TO BE HELD ON THURSDAY, JANUARY 30, 2014 AT 4:00 P.M.

Permit Fee Rebate Program – Informational

Per Safety and Public Works Committee Chair Scheeler, the Permit Fee Rebate program will be revisited in February of 2014 and any questions should be referred to City Engineer Hulsether in the meantime.

Status of Discussions with Jim Uhlman – Informational

Safety and Public Works Committee Chair Scheeler reported that a meeting between himself, City Engineer Hulsether, Building Official Caughey, City Planner Ostgarden and Mr. Uhlman had taken place to discuss Mr. Uhlman's request to continue using his building on Beaver Dam Road after the roof had caved in and been removed. He stated that it was decided that Mr. Uhlman would have until June 1, 2014 to clean up the site and meet all City Codes relating to the remaining walls of the building on the property.

Fire Department Medical Runs Status Report – Review of – Discontinue Medical Runs Immediately and Revisit Issue at May 5, 2014 City Council Meeting – Approved

At their May 20, 2013 meeting, the City Council passed the following motion:

"*Allow Medical Runs as Originally Presented to Resume Effective Immediately, Including the Use of the Big Red Truck and with a One-Year Study to take place as of December 31, 2013"*

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO DISCONTINUE MEDICAL RUNS IMMEDIATELY AND TO REVISIT THIS ISSUE AT THE MAY 5, 2014 CITY COUNCIL MEETING.

Discussion was held by Council.

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

Snow Removal – Informational

City Engineer Hulsether reminded the public to drive carefully with all of the recent snow.

Personnel and Finance Committee Report

Fire Department Personnel Request – Recall FEO Cory Zeien through March 14, 2014 or Until FEO Charlie Dunemann Returns from Worker's Compensation Leave, (Whichever is Sooner) AND Contingent on there being No Additional Cost to the Partners in the Fire District – Approved

Per a memo from City Administrator Goble which was included in the Packet, Fire Chief Stunek is requesting that FEO Cory Zeien be recalled until such time as the current FEO Charlie Dunemann returns to work from worker's compensation leave. Chief Stunek reasons that the cost is very similar to paying unemployment for Mr. Zeien as he is scheduled to be laid off 12/28/13 pending information on the SAFER Grant.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE REQUEST FROM FIRE CHIEF STUNEK TO RECALL FEO CORY ZEIEN THROUGH MARCH 14, 2014 OR UNTIL FEO CHARLIE DUNEMANN RETURNS FROM WORKER'S COMPENSATION LEAVE, WHICHEVER IS SOONER, AND CONTINGENT ON THERE BEING NO ADDITIONAL COST TO PARTNERS IN THE FIRE DISTRICT.

Position Classification and Job Evaluation Study – Accept Study and Approve Position Classification, Job Evaluation and Preliminary Points Assessment but Withhold Implementation, if any, of Salary Plan Until Later in 2014 – Approved

The final report from Springsted, Inc. of the position classification and job evaluation study for the City as commissioned was included in the Packet and included all City positions including the BPU Department.

Per a memo from City Administrator Goble also included in the Packet, part of the study included a recommendation of a compensation plan which would result in internal pay equity among position classifications. She states that this plan was quite extensive and not something staff has worked with in the past and therefore suggested that Council wait on any action regarding salary.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO ACCEPT THE "POSITION CLASSIFICATION AND JOB EVALUATION STUDY" AS PREPARED BY SPRINGSTED, INC, AND APPROVE THE POSITION CLASSIFICATION, JOB EVALUTION PLAN AND PRELIMINARY POINTS ASSESSMENT AS INCLUDED IN THE STUDY BUT WITHHOLD IMPLEMENTATION, IF ANY, OF THE SALARY PLAN UNTIL LATER IN 2014.

Sinking Fund Bond Paid Off – Resolution No. 58:13 Adopted – Authorizing the Transfer of Certain Funds to Capital Projects from Sinking Funds

Per a memo from Finance Director Hillman which was included in the Packet, Sinking Fund 305 was established for the purpose of paying bonded indebtedness for the City's 2002B GO Bond issue. The bond is paid off and the sinking fund can now be closed; current balance is 33,880.53.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO ADOPT RESOLUTION NO. 58:13 – AUTHORIZING THE TRANSFER OF CERTAIN FUNDS TO CAPITAL PROJECTS FROM SINKING FUNDS.

RESOLUTION NO. 58:13

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.

Request for Historic Water Tower Door for Display – Offer Door to Crow Wing County Historical Society – Approved

Requests for the door from the historic water tower which was replaced were received from both the Crow Wing County Historical Society and "This Old Farm" museum.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO OFFER THE REPLACED DOOR FROM THE HISTORIC WATER TOWER TO THE CROW WING COUNTY HISTORICAL SOCIETY FOR DISPLAY.

Police Department – Acting Sergeant Request – Assign Investigator Craig Katzenberger as Temporary Acting Sergeant – Approved

Per a memo from Police Chief McQuiston which was included in the Packet, the Police Department is requesting authorization to assign Investigator Craig Katzenberger as Acting Sergeant based on Sergeant Joy Larson being on extended worker's compensation.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE ASSIGMENT OF POLICE DEPARTMENT INVESTIGATOR CRAIG KATZENBERGER AS TEMPORARY ACTING SERGEANT EFFECTIVE MONDAY, DECEMBER 30, 2013.

Administration Department – Resignation of Accounts Payable Administrative Specialist Tamara Geurkink – Effective December 31, 2013 with Last Day of Employment being December 24, 2013 – Accept with Regret and Authorize Replacement Procedure – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF ACCOUNTS PAYABLE ADMINISTRATIVE SPECIALIST TAMARA GEURKINK, EFFECTIVE DECEMBER 31, 2013 WITH LAST DAY OF EMPLOYMENT BEING DECEMBER 24, 2013, AND TO AUTHORIZE REPLACEMENT PROCEDURE.

Unfinished Business

Adoption of 2014 Budget and Resolution No. 59:13 Setting Final 2014 Levy at $4,453,486 – Approved

City Administrator Goble summarized her memo that was included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER TO ADOPT RESOLUTION NO. 59:13 – SETTING THE 2014 FINAL LEVY AT $4,453,486.

RESOLUTION NO. 59:13

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.

MOVED AND SECONDED BY ALDERMEN BEVANS AND SCHEELER TO ADOPT THE 2014 BUDGET AS PRESENTED.

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

Public Hearing – Final Reading and Adoption of Ordinance No. 1410 – An Ordinance Restricting Location of Residence of Level III Predatory Offenders – City Administrator Goble Recommends Dispensing with the Actual Reading – Approved

The Chair opened the Public Hearing at 8:34 P.M. No one came forward.

The Chair closed the Public Hearing at 8:35 P.M.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1410 – AN ORDINANCE RESTRICTING LOCATION OF RESIDENCE OF LEVEL III PREDATORY OFFENDERS.

ORDINANCE NO. 1410

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 ordinance adopted.

Food Truck Update – City Planner Ostgarden – Extend Trial Period for Mobile Food Truck Public Sales Through December 31, 2014 with Review to Take Place before End of Trial Period – Approved

City Planner Ostgarden stated that the trial period for Food Trucks to operate in Brainerd ends December 31, 2013; he provided options regarding the issue as outlined in his Packet memo and asked for Council direction on how to proceed.

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND SCHEELER, DULY CARRIED, TO EXTEND THE TRIAL PERIOD FOR MOBILE FOOD TRUCK PUBLIC SALES THROUGH 12/31/2014 WITH REVIEW TO TAKE PLACE BEFORE THIS TRIAL PERIOD IS OVER.

Walkable Bikeable City Committee (WBCC) Application and WBCC Size – Discussion of – City Planner Ostgarden – Allow Planning Department to Seek Out Members for WBCC from a List Provided by the City Planner – Authorize Appointment Mr. Merrit Bussiere to Committee – Approved

MOVED BY ALDERMEN KOEP TO REFER THE TOPIC OF WALKABLE BIKEABLE CITY COMMITTEE APPLICATION AND SIZE OF COMMITTEE TO THE COUNCIL RETREAT TO BE HELD IN JANUARY OF 2014.

The Chair called for a 2nd. As there was none, the Chair declared the motion failed.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS TO SUPPORT THE PLANNING DEPARTMENT’S REQUEST TO SEEK OUT PEOPLE TO SERVE AS RESOURCES AS NEEDED FOR THE WALKABLE BIKEABLE COMMITTEE FROM THE DESIGNATED LIST PROVIDED BY THE CITY PLANNER.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS TO AMEND THE MOTION TO SHOW THAT THE PLANNING DEPARTMENT IS AUTHORIZED TO SEEK OUT MEMBERS FOR THE WALKABLE BIKEABLE COMMITTEE FROM A LIST PROVIDED BY THE CITY PLANNER.

Members Pritschet, Bevans, Scheeler, Borkenhagen and Cumberland voted in favor of the amendment. Members Koep and Parks voted “nay.”

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPOINT MR. MERRITT BUSSIERE TO THE WALKABLE BIKABLE CITY COMMITTEE (WBCC).

Riverfront Project – Enter into Mississippi River Partnership Plan and Contract for Design Assistance with U of M – Approved

Per a memo from City Planner Ostgarden which was included in the Packet, after receiving $16,000 of the originally required $19,970 to contract with the U of M for Mississippi Riverfront Design, he contacted the U of M for further options. The U of M agreed to submit a revised proposal which reflects the amount of funds raised. Both the original and the new proposals were also included in the Packet.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BEVANS, DULY CARRIED, TO APPROVE THE MISSISSIPPI RIVER PARTNERSHIP PLAN WITH THE UNIVERSITY OF MINNESOTA (U OF M) AND APPROVE ENTERING INTO A CONTRACT WITH THE U OF M FOR THE DESIGN ASSISTANCE.

New Business

East Brainerd Mall TIF – Resolution No. 60:13 Adopted – Awarding the Sale of and Providing the Form, Terms, Covenants and Directions for the Issuance of its Taxable Tax Increment Revenue Note, Series 2013

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT RESOLUTION NO. 60:13 – AWARDING THE SALE OF AND PROVIDING THE FORM, TERMS, COVENANTS AND DIRECTIONS FOR THE ISSUANCE OF ITS TAXABLE TAX INCREMENT REVENUE NOTE, SERIES 2013.

RESOLUTION NO. 60:13

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.

City Attorney – Appoint the Firm of Ratwik, Roszak & Maloney on a 1-year Contract Effective January 1, 2014 – Approved

Per a memo from City Administrator Goble which was included in the Packet, the City Attorney interview team unanimously recommends appointing the firm of Ratwik, Roszak & Maloney as City Attorney for 2014 based upon the following counter proposal from them:

2014 Annual Retainer of $40,000 for basic legal services, <u>including</u>:

- Two Council meetings per month (additional meetings would be billed at a flat rate of $750) and;
- Routine legal advice through telephone, electronic communication, or personal consultations with elected officials, City Administrator, Department heads, and various City staff as appropriate; and
- Routine review of ordinances, resolutions, agreements, forms, notices, deeds, city charter, and other legal documents as necessary.

MOVED AND SECONDED BY ALDERMEN KOEP AND PARKS, DULY CARRIED, TO APPROVE APPOINTING THE FIRM OF RATWIK, ROSZAK & MALONEY AS CITY ATTORNEYS FOR A 1-YEAR CONTRACT EFFECTIVE JANUARY 1, 2014; SUBJECT TO FINAL REVIEW OF THE CONTRACT BY CITY ATTORNEY FITZPATRICK.

<u>Public Forum</u>

The Chair recognized Mr. Bob Olson, 502 N. 7th Street, Brainerd, who requested a 2014 budget when it's ready. He inquired about 2014 budget expenditures and requested a copy of an email from Council Member Scheeler relating to the levy. He also questioned the Council on the need for boiler valve actuator and telephone system replacement at City Hall. He requested time on the January 6, 2014 City Council Meeting.

The Chair recognized Ms. Jan Burton, 1017 Terrace Avenue, Brainerd, who suggested the City have a citizen committee be part of the budgeting process.

<u>Reports</u>

<u>Mayor's Report</u>

Mayor Wallin was absent.

<u>City Attorney's Report</u>

City Attorney Fitzpatrick stated that he had nothing to report. He thanked the Council for all of the personal and professional support and for the opportunity to serve the City in a great working relationship over the past 20 years.

<u>City Administrator's Report</u>

City Administrator Goble reported that:

- The Eggs and Issues meeting will take place at Arrowwood on January 23, 2013 from 7:30 to 9:30 A.M. and asked interested City Council Members to let her know if they would like to attend.

- For the record, the CIP approved at the December 2, 2013 Council meeting was subject to the receipt of a petition which was received and validated; therefore, that bond issue is cancelled.
- A Cake and Coffee Reception for Retiring City Attorney Tom Fitzpatrick will be held in the City Council Chambers on Monday, December 30, 2013 from 3-4:30 P.M. She wished Mr. Fitzpatrick well in his retirement and expressed her appreciation for his guidance and legal advice.

City Engineer's Report

City Engineer Hulsether wished City Attorney Fitzpatrick a great retirement and wished everyone a Merry Christmas.

City Planner's Report

City Planner Ostgarden stated that at its last meeting the Planning Commission set a Public Hearing to be held at its January 8, 2014 meeting regarding a possible amendment to the zoning ordinance to include the interim use permit language for the demolition of buildings in industrial districts I-1 and I-2 *and* to include the Mixed Use District.

Police Chief's Report

Police Chief McQuiston stated that he had nothing in addition to his written report.

Finance Director's Report

Finance Director Hillman stated that she had nothing in addition to her written report; she wished everyone a Merry Christmas and Happy New Year.

Council President's Report

Council President Cumberland pointed the Council's attention to the progress report she distributed in August and asked for updates or suggestions. She also highlighted items from her written report distributed to Council prior to the meeting:

- 12/3 – Attended the Adult/Teen Challenge Banquet, thanked staff
- 12/5 – Attended the Northside Meeting re Whittier Property
- 12/9 – Attended Meeting re City Administrator Hiring Process as well as Budget meeting
- 12/11 – Watched Planning and Zoning Commission Meeting on T.V.
- 12/12 – Attended NIMS Fire Training Session
- 12/14 – Visited Downtown Businesses
- 12/15 – Observed NE Brainerd Controlled House Burn

Council Other Committee Reports

Council Member Bevans stated that at the Ward 2 Neighborhood meeting the choices for the future of the Whittier building were narrowed down to the following top four options and requested that staff forward to the school district:

1. *School Building other than District #181*
2. *Demolish Building and Extend Gregory Park*
3. *Donate to a Church*
4. *Use as a Community Center*

Council Member Bevans requested that the item of live streaming City Council meetings be placed on a future agenda.

Committee Resignations – Accepted with Regret

MOVED AND SECONDED BY ALDERMEN KOEP AND BORKENHAGEN, DULY CARRIED, TO ACCEPT WITH REGRET THE FOLLOWING COMMITTEE RESIGNATIONS EFFECTIVE IMMEDIATELY:

Emily Charpentier from the Library Board
Ed Shaw from Library Board from the Library Board

Adjourn – To Closed Session Pursuant to M.S. 13D.05, Subd. 1(b) to Discuss Union Negotiation Strategies – 9:54 P.M. – Approved

The Council reconvened into open session at 10:48 P.M.

Adjourn – To City Administrator Interviews to be held on Monday, December 30, 2013 and to the January 7, 2014 Joint Meeting between the City and Oak Lawn Township at 7:00 P.M. to discuss 28th Street Cost Distribution.

The Chair adjourned the meeting at 10:49 P.M.

Theresa A. Goble
City Administrator