

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 Bevans.

Upon roll call, the following members were noted as present: O'Day, Stunek, Johnson, Pritschet, Stenglein, Erickson, and Bevans. Mayor Badeaux was also noted as present.

Council President Bevans opened the meeting with the Pledge of Allegiance to the flag.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE CONSENT CALENDAR.

- A. **Approval of Bills**
- B. **Approval of Minutes of the Regular City Council Meeting held on June 20th, 2022**
- C. **Approval of Minutes City Council and Public Utilities Commission Joint Workshop June 27th, 2022**
- D. **Approval of Licenses**
- E. **Department Activity Reports**
- F. **Minnesota Lawful Gambling Application For Exempt Permit- Submitted By Lower South Long Lakes Improvement Association For An Event To Be Held On September 4th, 2022, At Jacks House Bowling 300 S Highway 25**
- G. **Temporary On-Sale Liquor License Application- Submitted By Brainerd Jaycees For An Event To Be Held July 22 & 23 Downtown Brainerd 6th St And Front St**

Upon roll call, Council Members O'Day, Stunek, Johnson, Pritschet, Stenglein, Erickson, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Council Committee Reports

Safety and Public Works

Updated City of Brainerd Emergency Operations Plan

Committee Chair O'Day stated that the last emergency plan was updated in 2008.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO ADOPT UPDATED EMERGENCY OPERATION PLAN AND EMERGENCY SUPPORT FUNCTIONS AND TO AUTHORIZE APPROPRIATE SIGNATURES.

Event/Parking Lot Closure- Dangie 5k

Committee Chair O'Day stated that this is the third time the event has taken place, there have been no issues previously.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE APPLICATION UNDER THE CONDITION THAT THE APPLICANT REMOVE ANY BANNERS/SIGNS/ETC. IMMEDIATELY AFTER EVENT CONCLUSION.

Event/Alley Closure- Crossing Arts Alliance Appreciation Picnic

Committee Chair O'Day stated that there should be no disruptions due to the event. It will take place in the afternoon in the alley between Crossing Arts and Knotty Pine Bakery.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE EVENT APPLICATION.

Approve Testing Services Contract with ITT for Improvement 19-02- Cuyuna Lakes State Trail (CLST) West Segment

Committee Chair O'Day stated that the quote from ITT for testing services is \$7,770 and the quote from Braun Intertec is \$12,119 for substantially the same work and testing frequency.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE QUOTE FOR MATERIALS TESTING SERVICES FROM ITT IN THE TOTAL AMOUNT OF \$7,770 FOR IMPROVEMENT 19-02 - CUYUNA LAKES STATE TRAIL WEST SEGMENT.

Approve Quotes for Improvement 22-04- 2022 Large Patch Project

Committee Chair O'Day stated the quotes initially received were from Anderson Brothers Construction and Knife River. The original quote from Anderson Brothers was much lower than Knife River's quote, so City staff engaged Anderson Brothers to add additional patch work to the quote from Anderson Brothers to utilize the entire \$50,000 budget amount.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE QUOTE FROM ANDERSON BROTHERS CONSTRUCTION OF BRAINERD, LLC IN THE TOTAL AMOUNT OF \$50,000 (1,808 SQUARE YARDS).

Direction on Open Code Enforcement Cases

Committee Chair O'Day stated that the property at 1005 3rd Ave NE has been having ongoing problems dating back to 2016. Staff is recommending a 10-day order to correct and to work with the City Attorney to abate the property if the owner fails to comply.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO AUTHORIZE STAFF TO SEND A 10 DAY ORDER TO CORRECT LETTER AND WORK WITH THE CITY ATTORNEY TO ABATE THE PROPERTY IF THE PROPERTY OWNER FAILS TO COMPLY.

Committee Chair O'Day stated that the owner of 1106 13th Ave NE has passed away, with little or no information about next of kin and the status of the property is unknown at this time.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ABATE THE GRASS AND FALLEN DEBRIS, TO ASSESS WITHOUT

CITATION, AND DIRECT STAFF TO FOLLOW UP THE CITY ATTORNEY ABOUT THE PROPERTY.

Personnel and Finance Committee

Ratify the Hiring of 2022 Seasonal/Temporary Employees

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF ISABELLA SIMOTA EFFECTIVE JUNE 8, 2022, AT \$14.00 PER HOUR AS A 2022 CONCESSION STAND WORKER.

Approve Memorandum of Agreement (MOA) with IBEW – BPU Union for Water Plant Relief Operator Position

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE ATTACHED MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BRAINERD AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) LOCAL NO. 31 UNION FOR THE WATER PLANT RELIEF OPERATOR POSITION; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS FOR THIS POSITION.

Approve the Hiring of Jessie Dehn as City Engineer/Public Works Director

Committee Chair Johnson stated that the City was worried about finding any candidates let alone good candidates. He is excited about the skill set Mr. Dehn will bring to the City.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE HIRING OF JESSIE DEHN AS CITY ENGINEER/ PUBLIC WORKS DIRECTOR STARTING AT STEP 2 OF THE WAGE GRID AT \$48.40 PER HOUR TENTATIVELY EFFECTIVE AUGUST 1, 2022.

Consider Approval of the Revised Employee Policy Manual

Committee Chair Johnson stated that the Council asked for a telecommuter section in the policy manual, this can be completed by August. The BPU Commission also had continued concerns and asked that the Council set up more time to work together.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO POSTPONE THIS ITEM TO THE FIRST MEETING IN AUGUST WHICH WILL ALLOW STAFF ADDITIONAL TIME TO DRAFT AND INCLUDE THE TELECOMMUTING/REMOTE WORK SECTION AND WILL ALSO GIVE THE COUNCIL MORE TIME TO REVIEW THE RECOMMENDED CHANGES WITH THE BPU COMMISSION.

Approve Additional Costs of Clean-Up Day

Committee Chair Johnson stated that the City authorized \$4,500 for cleanup day organized by the Lakes Area Skatepark Association. The actual cost was \$8,775. The committee requested that staff follow up with the Skatepark Association to see if they can contribute to the cost instead of having the taxpayers pay for something that was not in the budget.

Resolution Setting Pay for Election Judges for Training and the Primary and General Elections

Committee Chair Johnson stated that the County raised their rates for election judges, and the City is following suit.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADOPT RESOLUTION APPOINTING AND SETTING WAGES FOR ELECTION JUDGES AT \$20 PER HOUR FOR HEAD JUDGES AND \$15 FOR ASSISTANT JUDGES.

RESOLUTION 25:22

Upon roll call, Council Members O'Day, Stunek, Johnson, Pritschet, Stenglein, Erickson, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Updated on Request for Funds to be Returned from Lakes Area Media Collaborative

Committee Chair Johnson stated that the City has not received a response.

Unfinished Business

Final Reading- Interim Ordinance 1534-

Community Development Director Kramvik stated that the moratorium would give the Planning Commission and staff more time to research conversion of dwellings to green space or surface parking in the R-1 zones. The exemptions to the moratorium are the Brainerd Housing and Redevelopment Authority, the Brainerd Economic Development Authority, Crow Wing County, and the removal of unsafe or hazardous structures by the City.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND PRITSCHET, DULY CARRIED, TO CONDUCT THE FINAL READING OF INTERIM ORDINANCE NO. 1534 AN ORDINANCE INSTITUTING A MORATORIUM ON THE CONVERSION OF DWELLINGS TO GREEN SPACE OR SURFACE PARKING IN THE R-1 ZONE AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 7:50 p.m.

Chuck Marohn, 616 N 4th Street, stated that the Planning Commission needs to take time to study and discuss the conversion of dwellings to green space or surface parking in the R-1 zones. With the adoption of the new zoning code, there is a need to address school districts, churches, and hospitals in R-1 zones purchasing properties for parking.

The Chair closed the public hearing at 7:52 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT INTERIM ORDINANCE 1534- INSTITUTING A MORATORIUM ON THE CONVERSION OF DWELLINGS TO GREEN SPACE OR SURFACE PARKING IN THE R-1 ZONE.

Member Johnson stated that he supports the ordinance. It is good that the City is trying to save structures as opposed to tearing them down.

Member O'Day asked if there were any projects that the Community Development Department knew about that this ordinance would slow down.

Community Development Director Kramvik stated that there is a potential project in North Brainerd.

ORDINANCE 1534

Upon roll call, Council Members O'Day, Stunek, Johnson, Pritschet, Stenglein, Erickson, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Final Reading- Proposed Ordinance 1535- An Ordinance An Ordinance Amending City Code Section 515: Zoning Code and the Official Zoning Map

Community Development Director Kramvik thanked the Planning Commission, City Council, staff, and consultants for all of their work on the zoning code update. The proposed zoning code is guided by the comprehensive plan and promotes complete neighborhoods, infill, and redevelopment.

Mike Duval, 468 Tyrol Dr, Planning Commission Chair, stated that the process has been extensive, with each iteration of the code it has improved, and the plan was unanimously approved by the Planning Commission.

Jennifer Haskamp, Haskamp-Swanson Consulting, reviewed the main changes since the last time the Council was presented the proposed zoning code.

Chair Bevans asked Ms. Haskamp about fence setbacks in reference to an issue he is aware of.

Ms. Haskamp stated that in the proposed zoning code, fence setback is at 12 feet instead of 20 feet. It could be reverted back, however, the Planning Commission unanimously approved the setback at 12 feet when it approved the proposed zoning code.

Mayor Badeaux stated that with the extensive process that the zoning code has gone through with unanimous support by the Planning Commission, changing something at the last second is bad practice.

MOVED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE NO. 15335- AN ORDINANCE AMENDING CITY CODE SECTION 515: ZONING CODE AND THE OFFICIAL ZONING MAP RETAINING SECTION 515.19.7C AND DISPENSE WITH THE ACTUAL READING.

Council Members O'Day, Erickson, and Bevans voted "aye". Council Members Stunek, Pritschet, and Stenglein voted "nay". The Chair declared the motion failed due to lack of a unanimous vote.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND PRITSCHET, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE NO. 1535- AN ORDINANCE AMENDING CITY CODE SECTION 515: ZONING CODE AND THE OFFICIAL ZONING MAP AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 8:13 p.m.

Jesse Hartman, 401 Holly St, stated that he was issued a permit and was in the process of building a fence with a twelve-foot setback. The view of Holly Street will always be disrupted because of the way that Holly is built. In this instance, it is only taking away usable yard from the owner of the property to not allow for only a twelve-foot setback of a fence.

Kelsie Randall, 401 Holly St, asked the Council to uphold the permit that they applied for.

Chuck Marohn, 616 N 4th St, stated that although he disagrees with the change of the setback, to not approve the ordinance because of one section would not be helpful to the process. The fence ordinance can always be changed after the zoning code is approved.

The Chair closed the public hearing at 8:24 p.m.

Member Johnson stated that he supports the adoption of the Ordinance, it still is not perfect, but it is a much better product. Work can continue with Planning Commission to improve the document.

Chair Bevans stated that he is surprised that three planners did not bring the issue of the fence up to the Council.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON TO ADOPT ORDINANCE 1535- AN ORDINANCE AMENDING CITY CODE SECTION 515: ZONING CODE AND THE OFFICIAL ZONING MAP.

ORDINANCE 1533

Upon roll call, Council Members O'Day, Stunek, Johnson, Pritschet, Stenglein, Erickson, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Ward 1 Appointment Update

Finance Director Hillman stated that there have been two applications for the Ward 1 vacancy with another application having been given out. Staff is looking for direction on how the Council would like to conduct the interviews before the appointment on July 18th.

MOVED BY COUNCIL MEMBER STENGLEIN TO HOLD A SPECIAL MEETING ON WEDNESDAY, JULY 13TH AT 6:00 P.M. TO CONDUCT INTERVIEWS FOR WARD 1 APPOINTMENT.

The Chair declared the motion failed for lack of a second.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO CONDUCT THE INTERVIEWS FOR WARD 1 APPOINTMENT DURING THE JULY 18TH COUNCIL MEETING.

Call for Applicants – Informational:
(Application Information at www.ci.brainerd.mn.us/boards/)

Mayor Recommended: (terms to expire on 12/31 of said year)

Cable TV Advisory Committee – 2 terms (Expire 2022) --1 term (Expire 2024)
Charter Commission – 1 term (Expire 2022) 1-term (Expire 2025)
Rental Dwelling License Board of Appeals – 2 terms (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2022) – 1 term (Expire 2026)

Council President Recommended: (terms to expire 12/31 of said year)
Planning Commission—1 term (Expire 2023)

Ad Hoc Committees – Applicants Needed
Water Tower Fundraising Committee – 1 position available

Public Forum

The Chair opened public forum at 8:34 p.m.

No one came forward.

The Chair closed public forum at 8:34 p.m.

Staff Report

IT/GIS Director Strong stated that tonight is the first night of the meeting being broadcasted on cable. He introduced the station manager from CLC.

Administrator Bergman stated that the EDA will be meeting on July 7th to discuss commercial, and office uses for underutilized spaces, approving the application for the DEED Mainstreet Program, and discussing use of ARPA funds by the EDA.

Mayors Report

Mayor Badeaux stated that the Park Board started discussion on use of ARPA funds in the parks. He stated he will be the Pony Baseball All-Star game announcer and get to throw out the first pitch. Finally, the 4th of July was on Monday, he thanked the Police and Fire Departments for all of their hard work during the festivities and announced that the winner for best float was Hartland Detached Marines- Toys for Tots.

Council Member Reports

Member Stenglein stated that she attended Arts in the Park and enjoyed the beautiful weather.

Member Erickson welcomed CLC station manager. He congratulated and thanked staff and consultants for their hard work on the zoning code update. It's something that everyone can be proud of.

Member Pritschet stated that this meeting is his last meeting, he thanked the citizens of Ward 1 for the opportunity to serve them. Also, he thanked Staff for their incredible work and fellow Council Members for working with him to serve the City.

Member Johnson thanked Member Pritschet for his service to the City, he has been great to work with. He stated that the ARPA funds discussion will be postponed until later this year in order for the Parks Board and staff to present projects. Finally, the Kitchigami Regional Library Representative for the City of Brainerd's term is ending. He volunteered to be the representative with Mary Koep as his alternate.

Mayor Badeaux recommended the appointment of Council Member Johnson with Mary Koep as the alternate.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STUNEK, DULY CARRIED, TO APPOINT COUNCIL MEMBER JOHNSON AS THE KITCHIGAMI REGIONAL LIBRARY BOARD REPRESENTATIVE FOR THE CITY OF BRAINERD WITH MARY KOEP AS THE ALTERNATE.

Member O'Day stated that it has been a pleasure to serve with Member Pritschet. He stated that the 4th of July was a blast being in the parade for the City. He is looking forward to next year to receive the trophy once again. He will be excited to have the Mississippi Trailhead Landing Park as a part of the celebrations next year.

Member Bevans apologized for the confusion during the passage of the zoning code, but felt the information was important. He thanked Member Pritschet for his service. Finally, the Northside National Night Out will be on the second Tuesday of August.

Adjourn to Lions Club Event on July 16th, 2022, at Memorial Park

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO ADJOURN TO LIONS CLUB EVENT ON JULY 16TH, 2022 AT MEMORIAL PARK.

The Chair adjourned the meeting at 8:47 p.m.



Jennifer Bergman
City Administrator