Brainerd, MN
November 6th, 2023

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, Stenglein, Johnson, Czeczok, and Bevans. Mayor Badeaux was noted as present. Member Terry was noted as absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF AN EVENT APPLICATION FOR THE COMMUNITY THANKSGIVING ADDED TO SAFETY AND PUBLIC WORKS.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO APPROVE THE CONSENT CALENDAR.

A. **Approval of Bills**
B. **Approval of Minutes**
    a. **Regular City Council Minutes October 16th, 2023**
    b. **Special Meeting Minutes October 23rd, 2023**
C. **Approval of Licenses**
D. **Department Activity Report**
E. **Minnesota Lawful Gambling Application- Exempt Permit Submitted by the Blue Line Boosters Association for an Event to be held on January 24th, at Essentia Health Sports Center 502 Jackson Street**
F. **Accept the Retirement of Hydro Operator/Mechanic Bradley Holtz**
G. **Approve Reclassification of Ryan Miller to Lineworker effective September 27, 2023, at Step 4 ($46.37 per hour)**
H. **Approval of Transfers of Funds**

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

Council Committee Reports

Personnel and Finance Committee

Discussion on Sanitary & Storm Sewer Rates

Committee Chair Johnson stated that the recommendation was to establish rates for 5 years, the committee felt that was too long.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO REQUEST THAT STAFF RECOMMEND THE RATES FOR TWO YEARS AND THEN REVIEW AFTER THAT.

Approve Plans and Authorize Bidding – Police Department HVAC Replacement

Committee Chair Johnson stated that the Committee recommends using the rest of the $64,397 of unencumbered ARPA funds and $20,203 capital dollars to fund the rest of the cost of the project.

Member Czeczok asked how this was going to be funded previous to finding out the actual cost.

Finance Director Hillman stated that $140,000 was allocated from ARPA dollars and the rest would have been a Capital expense.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE PLANS AND AUTHORIZING BIDDING FOR THE POLICE DEPARTMENT HVAC REPLACEMENT PROJECT.

Discuss Amending Sections 1010 Licensing Fees, 1015 Permit Procedures and Fees, 1130 Building Related Trades, and Rental License Fees.

Committee Chair Johnson stated that staff put in a lot of time reviewing the fees of area communities.

Chair Bevans stated that Mike Duval sent an e-mail to Council regarding the rental fee.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO DRAFT AN ORDINANCE AND RESOLUTION FOR P&F TO REVIEW AT THE NOVEMBER 20TH CITY COUNCIL MEETING.

Approve Promotion of Electric Distribution Supervisor Mitch Lachelt at Step 6 effective November 7, 2023, as Recommended by the Public Utilities Commission

Committee Chair Johnson stated that per the union contract Mr. Lachelt had $6,000 in mandatory standby pay as a Lineworker. With this initial step placement, it does include the standby pay he would have earned as a Lineworker.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO INCLUDE SCHEDULED STANDBY PAY AS REQUIRED BY THE UNION CONTRACT INTO CONSIDERATION FOR INITIAL STEP PLACEMENTS FOR PROMOTED EMPLOYEES TO EXEMPT SUPERVISORY POSITIONS; TO APPROVE A CONDITIONAL JOB OFFER TO MITCH LACHELT FOR THE ELECTRIC DISTRIBUTION SUPERVISOR POSITION AT STEP 6 ($55.41 PER HOUR) WITH HIS PROMOTION BEING EFFECTIVE NOVEMBER 7, 2023; AND TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE LINEWORKER POSITION.

Accept Retirement of Administrative Specialist II Elaine Kraemer

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT THE RETIREMENT OF ADMINISTRATIVE SPECIALIST II ELAINE KRAEMER EFFECTIVE DECEMBER 15, 2023, AND TO AUTHORIZE MS. KRAEMER'S SEVERANCE PAY PER CITY POLICY AND THE IBEW ADMINISTRATIVE SUPPORT UNION CONTRACT; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE ADMINISTRATIVE SPECIALIST II – FIRE POSITION.

Approve Recreation Specialist Hiring Process as Recommended by the Park Board

Committee Chair Johnson stated that the Park Board recommended hiring a Recreation Specialist as opposed to a Recreation Coordinator.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE UPDATED RECREATION SPECIALIST JOB DESCRIPTION AND TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS FOR A RECREATION SPECIALIST AS RECOMMENDED BY THE PARK BOARD.

Approve Interim City Administrator Agreement for Patrick Wussow

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE AN INTERIM CITY ADMINISTRATOR EMPLOYMENT AGREEMENT WITH PATRICK WUSSOW EFFECTIVE NOVEMBER 1, 2023, WITH THE GENERAL TERMS AS PRESENTED; FURTHER, TO AUTHORIZE MAYOR BADEAUX TO SIGN THE AGREEMENT.

Approve GMP Consultants to Conduct the City Administrator Executive Search

Committee Chair Johnson stated that the cost is eligible for a 50% reimbursement up to a maximum of $10,000 through Sourcewell.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT GMP CONSULTANTS CITY ADMINISTRATOR EXECUTIVE SEARCH PROPOSAL IN THE AMOUNT OF $16,500.

Approve Library Capital Projects and Request Funds from Kitchigami Regional Library (KRL) Reserve Fund

Committee Chair Johnson stated that the Library plans to do three projects to add up to the $5,000 threshold.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE APPROVAL OF THE BRAINERD PUBLIC LIBRARY BOARD PROJECTS, REQUESTING $5,463 IN FUNDS FROM THE KITCHIGAMI REGIONAL LIBRARY RESERVE FUNDS DESIGNATED FOR THE BRAINERD PUBLIC LIBRARY.

Approval of Deferment of Assessments

Committee Chair Johnson stated all of these applicants have previously been approved to have assessment costs deferred.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR DEFERMENT OF ASSESSMENTS PAYABLE IN 2024 FOR APPLICANTS AT PID'S 41191220, 41300682, AND 41250875.

Discussion of the 2024 Debt Levy

Committee Chair Johnson stated that Finance Director Hillman has run the numbers and the debt levy got more expensive than originally was thought. They will continue to work to find ways to reduce the final levy.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RECOMMEND THAT THE 2024 PROPOSED DEBT LEVY BE $1,002,476.

Authorize Submission of State of Minnesota - Office of the Attorney General Nonprofit/Charity Complaint Form

Member Czeczok asked if there was any liable risk to the City by submitting the form.

Attorney Langel stated that it's just a form that the City is submitting, the Attorney General's office can choose to pursue the matter or not.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO SUBMIT THE ATTORNEY GENERAL NONPROFIT/CHARITY COMPLAINT FORM TO THE STATE OF MINNESOTA.

Safety and Public Works Committee

Approve Final Pay Request - Improvement 22-06 Harrison Safe Routes to School

Committee Chair O'Day stated that there is turf establishment prompting the final pay. The previously requested trees are included with this final pay application.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE FINAL PAY REQUEST FOR IMPROVEMENT 22-06 HARRISON SAFE ROUTES TO SCHOOL IN THE AMOUNT OF $4,913.33.

Approve Final Pay Request - Improvement 23-01 2023 Chip Sealing Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE FINAL PAY REQUEST FOR IMPROVEMENT 23-01 2023 CHIP SEALING PROJECT IN THE AMOUNT OF $135,046.65.

Approve Final Pay Request - Improvement 23-03 Large Patching Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE FINAL PAY REQUEST FOR IMPROVEMENT 23-03 LARGE PATCHING PROJECT IN THE AMOUNT OF $49,023.

Approve Change Order #1 and Partial Payment #1 - Lum Park SPRA

Committee Chair O'Day stated that the change order was for ADA compliance. The partial payment of $262,973.11 for the project with final payment in the spring when turf is established.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE CHANGE ORDER #1 IN THE AMOUNT OF $3,077.52 AND AUTHORIZE A TOTAL REVISED CONTRACT AMOUNT OF $262,973.11.

Approve Parking Change on S. 8th and S. 9th Streets

Committee Chair O'Day stated that with the change of the school to the Administrative building the restrictions are not needed for buses.

Mayor Badeaux stated that he is disappointed that there are no preschool classes at Washington any longer.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE REMOVING THE PARKING RESTRICTIONS ON SOUTH 8TH STREET AND SOUTH 9TH STREET BETWEEN PINE STREET AND OAK STREET, ADJACENT TO THE WASHINGTON EDUCATION SERVICES BUILDING.

Authorize Application for Lowell Safe Routes to School Grant

Committee Chair O'Day stated the application will be submitted with bump outs, median, and other improvements. This can be scaled back, if necessary, based on the amount of funding the City is awarded.

Member Johnson stated that he has seen a huge difference in reducing traffic speeds with the completion of the Harrison project. Lowell School will benefit from the medians as well as all of the improvements that were made with the Harrison project.

Mayor Badeaux would like to make sure that the bump outs are aligned properly with the street. He wants to make sure that this does not create additional problems during the winter for homeowners.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AUTHORIZE APPLICATION FOR THE SAFE ROUTES TO SCHOOL GRANT FOR LOWELL ELEMENTARY UNDER THE GENERAL SCOPE OF OPTION 3 DESCRIBED.

Approve Braun Intertec Agreement - Downtown Cable Load Testing

Committee Chair O'Day stated that the cables that the holiday lights are being hung need to be load tested to make sure that they're safe and will support the decorations for the season.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE BRAUN INTERTEC PROPOSAL TO PERFORM LOAD TESTING ON THE DOWNTOWN CABLES.

Approve Termination of Crow Wing County Fuel Sales Agreement

Committee Chair O'Day stated that it was estimated that Transit would save about $.25 per gallon with this program. Actual savings were about $.10 per gallon and there's only one convenient station to fill at, which led to the termination of the agreement.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO TERMINATE THE CROW WING COUNTY FUEL SALES AGREEMENT AND MOVING TRANSIT TO USING WEX CARDS FOR FUELING.

Approve Draft Transit Cooperative Agreements with Crow Wing County and Baxter

Committee Chair O'Day stated that these agreements will align with the third-party contract. The contributions and agreement will be reviewed annually.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE AGREEMENTS AS PRESENTED.

Approve 2024 Capital Bus Purchase

Member Johnson asked about the necessity of the bus.

Committee Chair O'Day stated that this bus will likely not come until 2026. With the constant repair of our current buses, we may need a new bus by then. If there is no need for a new bus when the time comes closer, the City is not under any contract to follow through.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE APPLICATION FOR THE MNDOT 2024 CAPITAL BUS VEHICLE REPLACEMENT GRANT.

Approve Transit Operating Policy Updates

Committee Chair O'Day stated that these updates are recommendations by MnDOT.

Member Czeczok pointed out that the last four items have been recommendations by the TAC committee.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE UPDATING THE ADVANCE NOTICE AND SUBSCRIPTION TRIP / STANDING ORDER TRANSIT OPERATING POLICIES.

Approve Event/Street Closure Application- Community Thanksgiving (added item)

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR COMMUNITY THANKSGIVING.

Unfinished Business

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – 2 terms (Expire 2026) 2 terms (Expire 2025)
Library Board- 1 term (Expire 2025)
Rental Dwelling License Board of Appeals – 5 terms (Expire 2025)
TAC—1 term (Expires 2023)
Mayor Recommended: (terms to expire on 9/7 of said year)
EDA—1 term (Expires 2026)
Council President Recommended: (terms to expire 12/31 of said year)
Parking Commission—1 term (Expire 2026)

Accept Committee Resignations

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT PATRICK WUSSOW'S RESIGNATION FROM THE PUBLIC UTILITIES COMMISSION.

Review Contested Nuisance Assessments

Community Development Director Kramvik stated that staff reviewed the contested assessments from the last meeting. Staff recommend waiving nuisances for three of the contested assessments as the nuisances were resolved before they were abated, and these were the first nuisances on the properties. The two properties not recommended by staff to waive have had historical issues and were both abated.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO WAIVE THE NUISANCE ASSESSMENTS FOR PROPERTIES 41360561, 41301028, AND 41191157 WHILE MAINTAINING NUISANCE ASSESSMENTS AT 41241526 AND 51250666.

New Business

Request to Begin Eminent Domain Process

Member O'Day asked whether these parcels had homes on them.

Interim City Administrator Wussow stated that these properties do not have homes on them. The Public Utility Commission is not interested in the homes, and this has caused a hold-up in the plans to acquire the land previously.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO BEGIN EMINENT DOMAIN PROCESS RELATED TO THE ACQUISITION OF PIDS 41361080 AND 41361081 FOR THE PURPOSE OF A FUTURE WELLFIELD AND WELLHEAD PROTECTION.

Designate Interim City Administrator Wussow as Responsible Authority as a part of the Data Practices Policy

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO DESIGNATE INTERIM CITY ADMINISTRATOR WUSSOW AS THE RESPONSIBLE AUTHORITY AS A PART OF THE DATA PRACTICES POLICY.

Request Workshop to Discuss Street and Public Utility Infrastructure for Upcoming Projects

Member Czeczok stated that the Public Utility Commission requested that the Council set a workshop to reconsider some of the future projects.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK, DULY CARRIED, TO SCHEDULE A WORKSHOP TO DISCUSS STREET AND PUBLIC UTILITY INFRASTRUCTURE FOR UPCOMING PROJECTS ON JANUARY 22, 2024, AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.

Public Forum

The Chair opened the public forum at 8:11 p.m.

Mike Murphy, 8371 Greenwood Rd, stated that the slow response for getting to the SW 4th street project after he had contacted the staff cost the City more time and money. He stated that he was given no information during or at the end of the project. He regrets to inform the City Council that the bank has not been restored to its former glory. He just paid for new street cover and now there is damage to the street.

The Chair closed the public forum at 8:12 p.m.

Staff Reports

Community Development Director Kramvik stated that at the Planning Commission meeting the commission will conduct a public hearing on the Short-Term Rental Ordinance.

City Engineer/Public Works Director Dehn stated that the Highway 25 detour may be lifted by the end of the week. The South Brainerd Project will be holding an informational meeting on Tuesday, November 7th at 6:00 p.m. to discuss the project.

City Administrator Bergman thanked the City Council for allowing her to serve the City of Brainerd as the City Administrator for the last four years. She has really enjoyed her position and has been amazed at all of the things accomplished during her time here. She also thanked the staff for their dedication to the City of Brainerd. The City is so fortunate to have the leadership team and employees that serve the City. Finally, she hopes that the work done in the last four years has made an impact on residents lives. She will be working for the State of Minnesota in Housing.

Council Member Reports

Member Johnson stated that concerned citizens would like the Planning Commission to review where dispensaries could be located in the City. The citizen may or may not want a dispensary near their house.

Member O'Day thanked Administrator Bergman for her work with the City. He is sad to see her go but looks forward to working with her again in her new role.

Member Stenglein thanked Administrator Bergman for putting up with Council Members, stating that Council is not always the easiest to work with. She salutes her poise and appreciates all of the work that she has done.

Member Czeczok sang "I'm so glad we had this time together". He thanked Jennifer for all of her input and advice and her arguments. As many times as they have disagreed he feels they always came to a good understanding of each other.

Chair Bevans thanked the Legion for their work on the Community Thanksgiving. He welcomed Interim City Administrator Wussow. Finally, he stated that he has worked with every City Administrator the City has ever had. Administrator Bergman ranks up there with the best of them. He stated she has been a fantastic asset to citizens and the City Council and has led the staff through a lot of trials and tribulations. He is excited to flood her office with requests from the City of Brainerd for housing needs.

Adjourn To Closed Session Pursuant to MN Statutes, 13d.03, Subd. 1(B) To Prepare For Negotiations With The IBEW Local No 31 And IUOE No. 49 Unions.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTES, 13D.03, SUBD. 1(B) TO PREPARE FOR NEGOTIATIONS WITH THE IBEW LOCAL NO 31 AND IUOE NO. 49 UNIONS.

The Chair adjourned the meeting to the closed session at 8:21 p.m.

Council took a five minute break prior to the closed session.

The Chair reconvened the meeting at 8:49 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO ADJOURN THE MEETING.

Patrick Wussow
Interim City Administrator

November 6th, 2023