Brainerd, MN
February 20, 2024

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: Stenglein, Johnson, Czeczok, O'Day, Stunek, 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 STUNEK AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA.

Member Czeczok requested that the meeting minutes from February 2nd be removed from the consent calendar.

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

A. **Approval of Bills**
B. **Department Activity Report**
C. **Minnesota Lawful Gambling Application Submitted by St. Joseph's Catholic Church for an Event to be held at Northern Pacific Center, 1511 Northern Pacific Rd, on May 10, 2024**

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

Approval of Minutes

Member Czeczok noted changes to be made to the February 2nd meeting prior to approval.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY TO APPROVE THE FEBRUARY 2ND, 2024 MINUTES WITH CORRECTIONS.

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

Council Committee Reports

Personnel and Finance Committee

Approve Policy for Donation of Surplus Equipment to a Nonprofit Organization

Committee Chair Johnson stated that the Park Board voted to donate surplus supplies now that the City no longer utilizes for programming. The City needs to have a policy in order to donate the equipment.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADOPT THE DRAFT POLICY AS PRESENTED FURTHER; TO SET $5,000 AS THE FAIR MARKET VALUE AMOUNT.

Approval of Sewer Lead Job Description

Committee Chair Johnson stated that Flaherty and Hood classification and compensation study determined that the Sewer Lead position should be separate from the Street Maintenance III position because the sewer lead requires a specialized license and maintains the vac truck.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE SEWER LEAD JOB DESCRIPTION AS PRESENTED.

Approve 2024-2026 Contract Terms and Wage Resolution with IUOE Local No. 49 (Street Division) Union

Committee Chair Johnson stated that negotiations were very productive.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADOPT 2024-2026 TENTATIVE AGREEMENT SUMMARY BETWEEN THE CITY AND IUOE LOCAL NO. 49 UNION REPRESENTING THE STREET DIVISION EMPLOYEES.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION SETTING THE IUOE LOCAL NO. 49 STREET DIVISION WAGES FOR 2024-2026.

RESOLUTION 16:24

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

Approval of an MOA for IBEW Grievance No. 2023-4 Regarding the Reclassification of Ryan Miller

Committee Chair Johnson stated that the grievance was about placement on the wage grid when Mr. Miller was reclassified as a journeyman lineman. The union felt he should have been placed on step 5. In the future, promotions for BPU employees will follow the employee policy manual.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE MOA BETWEEN THE CITY OF BRAINERD AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION #31 RESOLVING IBEW GRIEVANCE NO. 2023-4 REGARDING THE RECLASSIFICATION OF RYAN MILLER AS PRESENTED.

Discussion regarding Interim City Administrator Wussow volunteering to continue to serve on the City's Union Negotiation Team effective February 29, 2024, going forward for Implementation of the Flaherty & Hood Recommended Wage Grid.

Committee Chair Johnson stated that he is grateful that Mr. Wussow is willing to do this, it will be very effective for continuity.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPOINT PATRICK WUSSOW TO THE CITY OF BRAINERD UNION NEGOTIATION TEAM, EFFECTIVE UNTIL THE FLARHERTY AND HOOD WAGE GRID IS ADOPTED SYSTEM WIDE.

Approval of Modified Fee from GMP Consultants for City Administrator Search

Committee Chair Johnson stated that this additional expense was a miscommunication with GMP. Interim Administrator Wussow developed a compromise with GMP and there is an additional cost of $1,750 to the City. Sourcewell will fund up to $10,000 of the total cost of $20,000.

Member Czeczok asked if the amount from Sourcewell is confirmed.

Interim City Administrator Wussow confirmed the amount from Sourcewell.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO INCREASE THE CITY'S PAYMENT TO GMP CONSULTING TO $20,000 FOR OUR RECENT CITY ADMINISTRATOR SEARCH.

Safety and Public Works Committee

Approve Event/Street Closure Application - St. Patrick's Day Celebration and Parade

Committee Chair O'Day stated that this is a street closure from 11:30 a.m. to 2:30 p.m. for the parade and festivities.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE APPLICATION UNDER THE CONDITIONS AS DESCRIBED IN THE EVENT APPLICATION.

Approve Brainerd Restoration Downtown Welcome Bench

Committee Chair O'Day stated that Widseth updated the drawings and finalized the location based on Council requests.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE BENCH AS PRESENTED AND TO WORK WITH BRAINERD RESTORATION ON INSTALLATION THIS SPRING.

Approve Plans & Specs and Authorize Bidding - Imp 23-15 and 23-27 - Evergreen Ave and Bluff Ave Rehabilitation

Committee Chair O'Day stated that this project was going to be a mill and overlay that would have required ADA accommodations be included at a considerable expense. The project is now more of a large patch project.

Chair Bevans asked about the savings on conducting the project this way.

City Engineer/Public Works Director Dehn stated that the ADA accommodation alone would cost upwards of $26,000.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE PLANS AND SPECIFICATIONS AS PRESENTED AND AUTHORIZING BIDDING OF IMPROVEMENTS 23-15 AND 23-27 – EVERGREEN AVE AND BLUFF AVE REHABILITATION PROJECT (STATE AID PROJECT 108-116-003).

Award Contract for Historic Water Tower Rehabilitation Phase 2 Project

Committee Chair O'Day stated that the bids were higher than expected. There is $235,000 remaining in the budget, of which $200,000 are ARPA dollars which need to be expended in 2024. The expense of the stairs is high due to the need for scaffolding.

Member Johnson stated that he is not happy to see the request. The tower is nowhere near done even with all of the requests that have been made. He will vote yes, as it is a low amount. However, his patience will run out with the rehab eventually and the expenditure requests.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO REMOVE THE STAIR SANDBLASTING FROM THE SCOPE OF WORK. AWARD CONTRACT TO HY-TEC CONSTRUCTION WITH THE ADJUSTED SCOPE OF WORK. ALLOCATE APPROXIMATELY $40,000 IN ADDITIONAL CAPITAL DOLLARS TO ACCOUNT FOR THE DIFFERENCE.

Discuss TH 210/Washington Street Reconstruction Street Lighting Layout

Committee Chair O'Day stated that the engineer wanted to look at improving safety for motorists and pedestrians. It was not cost effective to light the entire corridor, but there will be lighting at each intersection.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE LIGHTING ALTERNATIVE #2 INCLUDES 2 LIGHTS AT EACH INTERSECTION AND STAGGERED SPACING ACROSS THE STREET.

Deny Secondhand Auto Dealer's License for Tower Motors

Committee Chair O'Day stated that there is a history of violations by the company. There have been late vehicle excise tax payments, zoning code violations, and fire inspection failures historically.

Chair Bevans asked if the entity is now current with their vehicle excise tax payments.

Community Development Director Kramvik stated that when Tower Motors submitted their application, they did submit back vehicle excise tax.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO DENY THE SECONDHAND AUTO DEALER'S LICENSE FOR TOWER MOTORS.

Unfinished Business

Commission Appointments

Mayor Badeaux recommended Tad Erickson to the Public Utilities Commission.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO APPOINT TAD ERICKSON TO THE BRAINERD PUBLIC UTILITIES COMMISSION.

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)
Parks & Rec- 1 term (Expire 2029)
TAC- 3 terms (Expire 2025)
Mayor Recommended: (terms to expire on 9/7 of said year)
EDA- 1 term (Expire 2026)
Council President Recommended: (terms expire on 12/31 of said year)
Parking Commission-- 1 term (Expire 2026) 1 term (Expire 2028)

Final Reading- Proposed Ordinance 1561- Short-Term Rentals

Community Development Director Kramvik gave an overview of the ordinance. The Planning Commission reviewed concerns from the City Council at its last meeting and resubmitted the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1561 AND DISPENSE WITH THE ACTUAL READING.

Member O'Day stated that he previously stated that he would not vote no based on his dislike for the lack of exemption of the town center. He feels strongly that the town center needs to be exempted and open downtown for short-term rentals. He thinks that there is plenty of low-income housing in other areas. He thinks the ordinance is too restrictive in other areas as well, so he will vote no.

Member Johnson stated that he will vote no, he does not agree with the municipal or owner caps nor does he like the grandfather clause. He agrees that the town center district should be exempted in the ordinance. He does not see this ordinance as an improvement on the current code.

Member Stenglein stated that if someone wanted to open a hotel, that would be a great structure downtown. The piecemeal short-term rental approach is not good for downtown in large quantities. The ordinance is meant to be more restrictive to begin with so that it can be loosened in the future. She stated that it would be like trying to "put the toothpaste back in the tube" if they started to loosely and decided they needed to be more restrictive. This ordinance is not meant to be a permanent structure for short-term rentals, it is meant to give the City the tools to adjust as needed as time moves on.

Member Czeczok stated that he does not agree with the restrictions on property owners. A cap of twenty short-term rentals is an arbitrary number. He does not see the short-term rental issue as a problem. He will be voting no.

Chair Bevans stated that he will vote yes, he resonated with Council Member Stenglein's statement about putting toothpaste back in the tube. He understands that there are restrictions that are questioned, but Council Member Stenglein's statement about this being a place to start is correct. If nothing is done, it is quite possible that there will be toothpaste all over the place.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK TO ADOPT ORDINANCE 1561 REGARDING SHORT-TERM RENTALS.

ORDINANCE 1561

Upon roll call, Council Members Stenglein, Stunek, and Bevans voted "aye". Council Members Johnson, Czeczok, and O'Day voted "nay".

The Chair declared a tie.

Mayor Badeaux asked what happens if the ordinance is not passed. How does the City maintain its short-term rentals.

Community Development Director Kramvik stated that the Interim Use Permit process is still in place. There would be no caps, some IUPs have expirations, and some do not the ordinance would make all of the expirations the same.

Mayor Badeaux stated that nothing has changed since the last review by the Planning commission. There are things that he does and does not like, he likes that the City is being restrictive. He stated that he would vote no, simply because he does not think that the ordinance is the right way to handle short-term rentals.

Mayor Badeaux voted "nay". The Chair declared the ordinance failed.

Chair Bevans stated that he does not think it should go back to the Planning Commission without specific requests as nothing has changed previously when asked.

Attorney Langel stated that the Planning Commission will need to hold the public hearing again as it is a change to the zoning code.

MOVED AND SECONDED BY COUNCIL MEMBER CZECZOK AND JOHNSON TO REQUEST THAT THE PLANNING COMMISSION REVIEW THE ORDIANNCE TO MAINTAIN THE EXPIRATION DATES AS DECEMBER 31, 2024, AND REMOVE THE MUNICIPAL AND INDIVIDUAL CAPS.

Members Johnson, Czeczok, O'Day, Stunek, and Bevans voted "aye". Member Stenglein voted "nay". The Chair declared the motion carried.

New Business

Public Hearing and Adopt Resolution Ordering Improvement, Approving Plans and Specifications, and Authorizing Advertisement for Bid - Improvement 24-05 - South Brainerd Alley Resurfacing Project

City Engineer/Public Works Director Dehn stated that the assessment portion of the project is estimated at $49,000 or approximately $25 per front foot. Brainerd Public Utilities Staff requested input from the Commission, which was supportive of the project including replacement of the water main.

Member Czeczok asked about the BPU estimate for the watermain. He asked about the coordination with BPU Staff and Commission. Is there a requirement for the City to do the project and what if the City decided to wait on the project. He stated that there are a number of private galvanized service lines in this project, is the government entitled to tell the property owners to replace these lines. He asked whether the infrastructure is going to need to be updated in the next few years.

City Engineer/Public Works Director Dehn stated that the replacement of the water main is estimated at roughly $140,000. After discussion with BPU staff, there are additional services that they would like to install due to placement as well as cleaning up other tie-in pieces on Ronald Street so it will be higher. It is his opinion that staff are coordinating well on the project. There is an advantage to having a contractor that will already be set up near the project, the petition was submitted to go along with this project. He stated that the main lines would be replaced, if the homeowners needed to replace their service lines it could be completed with little to no impact to the completed project.

Member O'Day asked about the sewer that is located 20' below the project.

City Engineer/Public Works Director stated that the depth is most likely determined by gravity.

The Chair opened the public hearing at 8:10 p.m.

Anthony Whipple, 606 Ronald St, asked about the timeframe of the project. The beat-up surface of the alley does slow down the traffic.

City Engineer/Public Works Director Dehn stated that ideally it would line up with the South Brainerd project.

Member O'Day stated that one of the petitioners, Steve Smolke, stated that he is in support of the project.

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

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON TO ADOPT RESOLUTION ORDERING THE IMPROVEMENT, APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENT FOR BIDS.

RESOLUTION 16:24

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

Discussion of Posting Personnel and Finance Video Recordings on YouTube

Member Czeczok stated that he likes the fact that the Personnel and Finance meetings have changed times. However, the City has not been posting the recordings on YouTube since the change in meeting time. According to Interim Administrator Wussow's intention with the meetings was an informal exchange. As far as Member Czeczok is aware they are being conducted with voting and decision making as they had been previously.

Member Johnson confirmed that the committee is making recommendations at the meeting.

Member Czeczok asked to have the meetings that have been recorded on YouTube and continue forward.

Mayor Badeaux agreed with this for transparency.

Member Czeczok stated that Mr. Wussow had indicated that this would be for all standing committees.

Interim City Administrator Wussow stated that, yes, this would be for all standing committees.

IT/GIS Director Strong asked whether this would apply to cable cast and all other platforms. Historically, the City replays the meetings on cable for the week after the meeting.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO UPLOAD THE PREVIOUSLY RECORDED STANDING COMMITTEE MEETINGS AND FUTURE MEETINGS TO YOUTUBE AND AVAILABLE FOR CABLE.

Public Forum

The Chair opened the public forum at 8:19 p.m.

No one came forward.

The Chair closed the public forum at 8:19 p.m.

Staff Reports

City Engineer/Public Works Director Dehn stated that Park Board is meeting on February 27th with a large agenda. There will be a public hearing regarding the future of the Ski Loons.

Community Development Director Kramvik stated that at the February EDA meeting the EDA approved the website and will go live at the end of the month. The EDA entered into an agreement with Kamp Real Estate to broker sales of industrial park lots. The Planning Commission will hold its public hearing for administrative subdivision ordinance. They will also be discussing cannabis parameters.

Interim City Administrator Wussow stated that the new City Administrator Broyles will be starting on February 26th.

Member Czeczok asked Mr. Wussow about the committee activity reports he mentioned at the previous meeting and whether the Council should be reporting on their committees.

Interim City Administrator Wussow stated that he is putting together agendas from meetings held between Council meetings for the Council liaisons, to remind them of what was discussed at the meetings to report to Council.

Mayor's Report

Mayor Badeaux stated that he appreciates the reminder from Mr. Wussow, the Council often forgets what they have discussed at various meetings. He thanked Interim Administrator Wussow for his time in the interim role. Community Action has a grant available to community nonprofit organizations and government agencies for giving back to the community. He congratulated the Brainerd Warrior Dance Team on their win at State during the Council reports.

Council Member Reports

Member Stunek gave his thoughts and prayers to the people of Burnsville. The situation hits close to home.

Chair Bevans stated that the new street lights on N 6th St look nice. He recommends a drive from Washington Street to Gregory Park to take a look at the lights.

Member O'Day thanked Interim City Administrator Wussow for his work in the interim. He greatly appreciates him volunteering to continue participating in negotiations.

Member Stenglein stated that the Brainerd Landlords group met and had a presentation from Crow Wing County to promote working together with those who are on the edge of a crisis and losing housing.

Member Czeczok asked about 805 Laurel project. He stated that the caucuses are on February 27th for the major political parties, it would be great to see everyone get involved.

HRA Director Charpentier stated that with the inclusion of the City of Brainerd in the Crow Wing County Housing Trust Fund the 805 Laurel project submitted a funding request from the trust fund. These dollars will be helpful in applying for the Workforce Housing program through the State of Minnesota DEED.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT MN STATUTE 13D.05, SUBD.3(B) TO THE ATTORNEY-CLIENT PRIVILEGE TO DISCUSS PENDING LITIGATION, BRAINERD V. BAXTER (ASSESSMENT APPEAL).

The Chair adjourned to the closed session at 8:28 p.m.

The Chair reconvened the meeting at 8:58 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STUNEK, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 8:58 p.m.

Nick Broyles
City Administrator