

Brainerd, MN
March 18th, 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, Terry, and Bevans. Mayor Badeaux was noted as present.

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

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

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

- A. Approval of Bills
- B. Approval of Minutes
- C. Department Activity Report
- D. Approve Liquor License Transfer - Submitted by Mike Higgins for Notch 8, 1551 Northern Pacific Rd- Contingent upon Proof of Ownership
- E. Minnesota Lawful Gambling Application Submitted by Lakes Area Habitat for Humanity for an Event to be held on May 5th, 2024, at 415 8th Ave NE
- F. Designate City Administrator Broyles as Responsible Authority as a part of the Data Practices Policy
- G. Authorize Public Utilities Director to execute Legal Services Agreement with SpencerFane

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

Council Committee Reports

Safety and Public Works Committee

Authorize Bidding for Improvement 24-01 - 2024 Chip Sealing

Committee Chair O'Day stated that the City has \$150,000 budgeted for this project, it is estimated that it will cost less than that.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE BIDDING FOR IMPROVEMENT 24-01 - 2024 CHIP SEALING PROJECT.

Approve Construction Cost Share Agreement with Crow Wing County for 2024 Pavement Markings

Committee Chair O'Day stated that the City contracts with the County for pavement markings painted as a part of the County's larger pavement marking contract, providing for some cost savings.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE CONSTRUCTION COST SHARE AGREEMENT WITH THE CROW WING COUNTY FOR 2024 PAVEMENT MARKINGS.

Approve Additional Funds for 2022 Capital Transit Bus Purchase

Committee Chair O'Day stated that the build out of buses is way behind. The cost of building buses continues to increase. The price of the bus has gone from \$117,555 to \$143,417. The cost share of the purchase is 10% of the overall price, making the local share now \$14,342.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE INCREASING THE LOCAL SHARE OF THE 2022 TRANSIT BUS PURCHASE TO \$14,342.

Discuss Construction Year for Improvement 24-05 - South Brainerd Alley Resurfacing Project

Committee Chair O'Day stated that the Public Utilities Commission requested that the Council delay this project to 2025. Information was provided to SPW at the special meeting with the Public Utilities Commission, due to all Council members not having the information at the last meeting, the item was delayed to tonight.

Member Johnson stated that he would contend that all of the information is new. He is in favor of the motion.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO FOLLOW THE PUBLIC UTILITIES COMMISSION'S RECOMMENDATION TO DELAY CONSTRUCTION OF THE ALLEY UNTIL THE 2025 CONSTRUCTION SEASON.

Direction on Active Code Enforcement Cases

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO OBTAIN AN ADMINISTRATIVE SEARCH WARRANT TO ABATE THE JUNK AND DEBRIS AT 1017 10TH AVE NE.

Personnel and Finance Committee

Approve Use of Public Safety Aid Package for Police and Fire Wellness Program

Committee Chair Johnson stated that the Police and Fire Departments like the mental health program established by the grant from Sourcewell. The Sourcewell grant will cover years one and two, they are requesting use of the Safety Aid Package for years three, four, and five.

Member Czeczok asked for clarification on the amount already allocated to cover the number of budgeted officers.

Committee Chair Johnson stated that of the original aid amount, \$343,857 remains unallocated.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUENK, DULY CARRIED, TO APPROVE POLICE AND FIRE MENTAL HEALTH WELLNESS PROGRAM WITH A \$60,000 ALLOCATION OF PUBLIC SAFETY AID PACKAGE TO FUND THE PROGRAM.

Approval of Memorandum of Agreement Regarding New Earned Sick and Safe Time Law

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE ESST MEMORANDUM OF AGREEMENT WITH LAW ENFORCEMENT LABOR SERVICES, INC., LOCAL #65, REPRESENTING OUR POLICE OFFICERS.

Consider Public Utilities Work Group Recommendations

Member O'Day asked about the City being eligible for Sourcewell's grant to help cover costs of hiring a consultant for the search.

HR Director Schubert stated that the grant is based on Sourcewell's fiscal year which is July 1st- June 30th. She could ask if Sourcewell would be open to funding the search as it will go beyond their fiscal year.

Member Czczok stated that the approval subject to the funding being approved by the Public Utilities Commission. He asked how the City would deal with the cost if the commission does not fund a consultant.

Committee Chair Johnson said it could be funded by the Special Projects fund and General fund if the commission does not support the expenditure.

Member Stunek stated that he doesn't like the idea of the City Council approving the expenditure in the hopes that the Public Utilities Commission will approve the expenditure. He asked whether there was a way to hold off on a decision until the commission approves it.

HR Director Schubert stated that Commissioners Matten and Mark O'Day are on the work group. These commissioners were the ones to ask Staff to expedite the process and suggest that the City Council hear the matter and make its recommendation subject to the Public Utilities Commission funding it at their next meeting.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY TO RETAIN GMP CONSULTANTS FOR OUR PUBLIC UTILITIES DIRECTOR SEARCH SUBJECT TO THE FUNDING BEING APPROVED BY THE PUBLIC UTILITIES COMMISSION.

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

Committee Chair Johnson stated that Mr. Wussow is willing to be in the position for 4-6 months, at a rate of \$100 per hour, with PERA and ESST starting on April 15th.

Member Czczok stated that his statement is going to be nothing personal to Mr. Wussow. As Interim City Administrator Mr. Wussow was compensated \$60 per hour. As Public Utilities Director he will be compensated \$100 for a position that is overseen by the City Administrator. He understands that the position was negotiated based on another local city having an interim city administrator who is being compensated at \$95 per hour. He spoke with a council member in that city they said it was \$90 per hour. He believes the Council should vote down the motion as the City should negotiate further.

Member Stunek stated that his statement is also nothing personal towards Mr. Wussow. He will vote no on principle, as he believes there are people internally who could fill the spot until someone else is hired as has been done with other positions in the past.

Member O'Day asked how the terms were decided upon.

HR Director Schubert stated that when she contacted Mr. Wussow, these are the terms he requested. Even at this hourly rate there is a cost savings as he is not requesting benefits.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY TO DESIGNATE PATRICK WUSSOW AS OUR INTERIM PUBLIC UTILITIES DIRECTOR PER THE REQUESTED TERMS.

Upon roll call Council Members Stenglein, Johnson, O'Day, Terry, and Bevans voted "aye". Members Czeczok and Stunek voted "nay". The Chair declared the motion carried.

Authorize Crow Wing Historical Society Donation Request

Committee Chair Johnson stated that this is one of the few charitable donations that the City can legally give per state law.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE A \$500 DONATION TO THE CROW WING COUNTY HISTORICAL SOCIETY TO BE PAID OUT OF THE SPECIAL PROJECTS BUDGETED LINE ITEM.

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)

Parks & Rec- 1 term (Expire 2029)

Transportation Advisory Committee- 3 terms (Expire 2025)

Mayor Recommended: (terms to expire on 9/7 of said year)

Economic Development Authority- 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)

Member Czeczok requested that the Transportation Advisory Committee be spelled out in the call for applicants.

Appoint Mary Koep to the Kitchigami Regional Library Board

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO APPOINT MARY KOEP TO THE KITCHIGAMI REGIONAL LIBRARY BOARD.

Final Reading- Proposed Ordinance 1565- Administrative Subdivisions

Community Development Director Kramvik gave an overview of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1565 AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY TO ADOPT ORDINANCE 1565 ADMINISTRATIVE SUBDIVISIONS.

ORDINANCE 1565

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

New Business

Approve Memorandum of Understanding with City of Baxter - Pretreatment Delegation

City Engineer/Public Works Director Dehn stated that the understanding is between the cities of Brainerd and Baxter intended to ensure that both cities have similar requirements for their industrial users to stay within the bounds of the MPDE permit and allows for remediation by Brainerd if Baxter fails to meet standards. The MPCA requires that the MOU be in place before March 31st.

Member Johnson stated that the agenda request references a "no financial impact". It seems that since the City will be implementing and policing new standards in two cities there would be a financial impact.

City Engineer/Public Works Director stated that the intention is that Baxter will be required to implement and manage the same standards as the City of Brainerd and is a mechanism for the City to ensure that they comply with the permit.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO APPROVE THE PROPOSED MEMORANDUM OF UNDERSTANDING WITH THE CITY OF BAXTER IN REGARD TO PRETREATMENT DELEGATION.

Public Hearing And Adopt Resolution For Municipal Consent And Layout Approval For TH 371B/Willow Street Roundabout Project

City Engineer/Public Works Director Dehn gave an overview of the project. This is the final layout and municipal consent for the project. The City has received a \$750,000 grant for this project.

Chair Bevans opened the public hearing at 7:54 p.m.

No one came forward.

Chair Bevans closed the public hearing at 7:55 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK TO ADOPT RESOLUTION FOR MUNICIPAL CONSENT AND LAYOUT APPROVAL FOR THE TH 371B/WILOW STREET ROUNDABOUT PROJECT.

RESOLUTION 18:24

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

Member Czczok asked for a parliamentary point of order to ask when the Personnel and Finance agenda was amended to remove the item regarding the joint powers agreement with Baxter on the shared environmental resources technician position.

HR Director Schubert stated that the item was not ready by the time the packet went out on Thursday but was not removed from the agenda in error.

Member Czczok asked how Committee Chair Johnson knew about the item prior to the packet distribution.

Committee Chair Johnson stated that it was discussed at the Personnel and Finance Committee meeting, but not removed until after as staff did not receive a signed document in time.

Public Forum

The Chair opened the public forum at 7:57 p.m.

Kevin Query, 427 Cedar St, stated that as a bicyclist he is concerned about a number of things in the City. He stated that there isn't a bike rack at City Hall. He stated that there isn't access to the bike path across from Eclipse. Finally, he stated that there is dirt in the streets causing accidents. He has had accidents on South 6th Street and on College Drive. He has suggested that the City look into investing in a small street sweeper for the streets and sidewalks. He urges the Council to have Public Works look into bidding for this important piece of equipment.

Chair Bevans informed Mr. Query that the bike rack for City Hall is on the east side of the building.

The Chair closed the public forum at 8:01 p.m.

Staff Reports

City Engineer/Public Works Director Dehn stated that Street Maintenance staff has begun street sweeping some of the main streets. Parks Maintenance staff have begun sweeping trails. It is likely that staff will have to pull back due to the weather.

Community Development Director Kramvik stated that the Planning Commission will be considering two conditional use permits for My Neighbor to Love and continues work on a cannabis ordinance. Staff are also continuing to work with the school district regarding the property north of Buffalo Hills Park.

Administrator Broyles thanked Mayor Badeaux for including him in the St. Patrick's Day festivities. His family was in town and spoke highly of the event. He hopes to be a part of the celebration next year.

Mayor's Report

Mayor Badeaux stated that the St. Patrick's Day Celebration went great. He thanked staff for participating in the festivities. It is so important for staff's faces to be exposed to the community. He thanked the Police and Fire Departments for keeping the event safe. Finally, he thanked the Street Department for always ensuring that there are enough materials to close the street. The Easter festivities in town for children include Gregory Park at 9:15 a.m., Parks & Recreation and the NP Center at 11:00 a.m. For adults, April 6th is downtown golf.

Council Member Reports

Member Stenglein stated that Administrator Broyles attended the landlord group meeting they discussed what he should know about Brainerd.

Member Czezok reminded the public that Easter is about Jesus dying for our sins and Him rising from the grave.

Member Johnson stated he liked the sweeper idea, it could be used for the hockey rinks all seasons if stored at Memorial and Bane. He and his children went out almost every day looking for the medallion which is a part of the St. Patrick's celebration. He saw many City staff and citizens out looking. Especially once the last clue was dropped. He gave the Mayor props for the clues.

Chair Bevans stated that he speaks with Community Development Director Kramvik frequently about nuisances. The City does not have a staff member going around looking for trash, grass, and other nuisances. If you take care of your yard and home, your neighbors won't have any reason to call the City to complain. Nuisance complaints are citizen driven, it keeps our neighborhoods clean.

Adjourn

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

The Chair adjourned the meeting at 8:10 p.m.



Nicholas W. Broyles
City Administrator