

Brainerd, MN
April 1st, 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 STUNEK AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA.

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

- A. Approval of Bills
- B. Approval of Minutes
- C. Department Activity Report
- D. Approve Temporary Beer License Application Submitted by Eagles Club #287 for an Event to be held on April 27 at Memorial Park, 1700 Mill Ave- Contingent upon Inspections
- E. Adopt Resolution MN Charitable Gambling Application to Conduct Off-Site Gambling Submitted by Brainerd Elks #615 for an Event to be held on May 8th, 2024, at the Brainerd Armory 1115 Wright St.
- F. Approve Temporary Liquor License Application Submitted by the Brainerd Elks #615 for an Event to be held on May 8th at The Brainerd Armory, 1115 Wright St- Contingent upon Approvals
- G. Approve Revised Public Utilities Department Operations Manager, Water/Wastewater Manager and Maintenance Mechanic Job Descriptions as presented.

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.

Presentations

Presentation by Tammy Ebertowski Special Gratitude and Armed Forces Tribute Event

Tammy Ebertowski, Neela Gorron, & Rosie Jensen presented a special award of gratitude to the Brainerd Fire Department & recognized First Responders. She also mentioned the Armed Forces Tribute that will take place for the 3rd year.

Camp Ripley Annual Presentation

Colonel Troy Fink, Camp Ripley, gave the annual Camp Ripley update. The City of Brainerd is a vital partner to Camp Ripley. He spoke about the many State and Federal partners that Camp partners with to serve local communities.

Member Czczok asked about the cost of ammunition and the size of ammunition that is used on Camp Ripley.

Colonel Fink stated that the price has gone up compared to other ammunition. The largest caliber of ammunition used is 150 caliber, but rockets are also considered ammunition.

Member Johnson asked about Commander Kruse. Colonel Fink did a great job, but he is missed.

Colonel Fink stated that Commander Kruse retired. He left surveys to be completed by Council Members.

The council thanked Colonel Fink for his presentation and service.

Council Committee Reports

Safety and Public Works Committee

Discuss Change Order Requests - Imp 21-15 Buffalo Hills Gully Remediation

Committee Chair O'Day stated that change order 1 was for a discrepancy on price per foot of pipe, change order 2 was for extra debris removal, change order 3 was for riprap, and change order 4 was denied until the contractor uses most of the original amount of fill that was bid.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE CHANGE ORDERS 1,2, & 3 AND DENY CHANGE ORDER 4.

Approve Testing Proposals for Imp 22-08 - South Brainerd Reconstruction Project

Committee Chair O'Day stated that testing of materials is required on large projects. This was the low bid.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE QUOTE WITH ITT IN THE TOTAL ESTIMATED AMOUNT OF \$11,100.

Approve Sexual Assault Services Placement of Awareness Ribbons Downtown

Committee Chair O'Day stated that this is done annually during Sexual Assault Awareness month. The signs will go on the decorative lighting downtown.

Member Johnson stated that based on his understanding of the First Amendment of the United States Constitution and how it relates to the right of way, as a City, we can allow speech in the right of way or not. The City does not have the authority to pick and choose which speech is allowed. He has nothing against sexual assault services or their campaign, but he does not believe the City should be allowing speech in the right of way.

Committee Chair O'Day stated that the request is more about placing signs on public property and less about speech on the material.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO APPROVE SEXUAL ASSAULT SERVICES, INC. TO PLACE AWARENESS RIBBONS ON LIGHT POLES IN THE DOWNTOWN BRAINERD AREA.

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

Discuss Private Road Access between B Street NE and C Street NE

Committee Chair O'Day stated that this is at 6th Avenue where the roundabout is proposed. The process of reclaiming right of way is to ensure that the flow of traffic is smooth and the street is maintained.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO BEGIN THE PROCESS OF TURNING THE BLOCK OF VACATED 6TH AVENUE NE BETWEEN B STREET NE AND C STREET NE BACK TO PUBLIC RIGHT-OF-WAY AND BEGINNING DISCUSSIONS WITH THE MALL PROPERTY OWNER TO THIS EFFECT.

Personnel and Finance Committee

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE ATTACHED ESST MOAS WITH THE TEAMSTERS UNION REPRESENTING POLICE SERGEANTS AND LIEUTENANT, IBEW REPRESENTING THE ADMINISTRATIVE SUPPORT UNION, AND THE UNITED STEEL WORKERS REPRESENTING THE HYDRO EMPLOYEES.

Approve Wage Adjustment for Community Service Officers (CSO)

Committee Chair Johnson stated that the CSO program is good for the community and has been a pipeline for officer hirings. The \$20.09 comes from the Flaherty and Hood study.

Member Czczok clarified who developed the proposal. The amount is about a 25% increase, which does not seem appropriate. However, he understands the rationale and will vote yes.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO INCREASE THE COMMUNITY SERVICE OFFICER (CSO) WAGE TO \$20.09 PER HOUR EFFECTIVE APRIL 2, 2024; FURTHER, THAT SAID WAGE SCALE BE INDEXED ANNUALLY BY THE ABI APPROVED FOR OTHER NON-UNION EMPLOYEES.

Approve Wage Step Increase for Assistant City Engineer Fladung

Committee Chair Johnson stated that Assistant City Engineer Fladung has acquired his Professional Engineer license. Staff felt obtaining this license warranted a step increase. The financial impact is about \$3,000, was not included in the budget. However, the Council did levy 1.5% more to implement the wage study and this impact will come out of those funds.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE A WAGE STEP INCREASE FOR ASSISTANT CITY ENGINEER FLADUNG FROM STEP 2 TO STEP 3 OF THE CURRENT WAGE GRID, EFFECTIVE APRIL 1ST, 2024.

Consider Wage Adjustment for Finance Manager

Committee Chair Johnson stated that Mr. Loch received an unsolicited offer from the private sector. He wants to work for the City, but the amount he could make elsewhere was a substantial difference.

Member Czczok stated that this is an important move, in order to get good people and keep them, the City needs to be willing to pay them.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE WAGE/STEP PLACEMENT ADJUSTMENT FOR FINANCE MANAGER DANIEL LOCH TO STEP 6 (\$56.52 PER HOUR) EFFECTIVE APRIL 2, 2024.

Committee Chair Johnson stated that a step increase for Finance Director Hillman was recommended by staff to keep the pay separation between Finance Manager and Finance Director. Financial impact is about \$3,400, to be paid from the levy funds.

Member Czczok asked if the increase plays a role in equity pay.

Committee Chair Johnson stated that the City reports what the max pay is and base salary. By advancing an employee's step, it does not affect pay equity.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE WAGE/STEP PLACEMENT ADJUSTMENT FOR FINANCE DIRECTOR HILLMAN TO STEP 6 (\$58.50 PER HOUR) EFFECTIVE APRIL 2, 2024.

Approve 2024-2026 Contract Terms and Wage Resolution with IBEW Local No. 31 (Administrative Support) Union

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE 2024-2026 TENTATIVE AGREEMENT SUMMARY BETWEEN THE CITY AND IBEW LOCAL NO. 31 UNION REPRESENTING THE ADMINISTRATIVE SUPPORT EMPLOYEES.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION SETTING THE 2024-2026 WAGES FOR THE IBEW LOCAL NO 31 UNION (ADMINISTRATIVE SUPPORT) EMPLOYEES.

RESOLUTION 20:24

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

Update on Assistant Planner Hiring Process

Committee Chair Johnson stated that the position has been posted twice. Staff is reviewing options on how to move forward.

Member Czczok asked about the applicant and interview process.

Community Development Director Kramvik stated that there were two offers given, both declined. He does not believe it was based on pay.

Unfinished Business

Committee Appointments

Mayor Badeaux recommended Mary Koep to the Transportation Advisory Committee and Paul Sandy to the Parks & Recreation Board.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO APPOINT MARY KOEP TO THE TRANSPORTATION ADVISORY COMMITTEE AND PAUL SANDY TO THE PARKS & RECREATION BOARD.

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)

Transportation Advisory Committee- 2 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)

New Business

Consider Special Council Meeting for the 805 Laurel Street Project

Community Development Director Kramvik gave an overview of the process for the Workforce Housing grant application. The grant application requires that the City apply for the grant on behalf of the project.

Member Czczok asked whether the Planning Commission could hold their meeting on April 10th, and the Council hear the matter at its regular meeting on April 15th.

Community Development Director Kramvik stated that due to the public hearing being required at the Planning Commission and the amount of time required for notice of the hearing, the Planning Commission could not have their meeting early.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO APPROVE A SPECIAL CITY COUNCIL MEETING ON APRIL 22ND AT 6:00 PM TO REVIEW THE 805 LAUREL STREET PROJECT.

Consider Conditional Use Permit for a 12-plex Apartment at PID 41040889

Community Development Director Kramvik gave an overview of the permit submitted by the My Neighbor to Love Coalition.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY TO APPROVE THE CUP FOR THE CONSTRUCTION OF A 12-UNIT MULTI-FAMILY APARTMENT AT PID 41040889 WITH THE CONDITION THAT ANY ADDITIONAL LIGHTING CONFORMS TO THE OUTDOOR LIGHTING ORDINANCE.

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

Consider Conditional Use Permit Amendment for a Boarding House at PID 41040888

Community Development Director Kramvik gave an overview of the boarding house permit amendment submitted to My Neighbor to Love Coalition.

Member Johnson asked if this meets the housing density in a TN-2 neighborhood.

Community Development Director Kramvik stated that boarding houses are found in commercial use in the zoning code, you cannot look at dwelling units per acre because the boarding house does not technically have a dwelling unit.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT AMENDMENT FOR THE OPERATION OF A BOARDING HOUSE AT PID 41040888 WITH THE CONDITION THAT ANY ADDITIONAL LIGHTING CONFORMS TO THE OUTDOOR LIGHTING ORDINANCE.

Consider Interim Use Permit for a Short-Term Rental at 714 S 7th Street

Community Development Director Kramvik gave an overview of the short-term rental. The owner has been cooperative and meets all requirements.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECHOK AND STENGLEIN, DULY CARRIED, TO APPROVE THE INTERIM USE PERMIT FOR ONE SHORT-TERM RENTAL UNIT AT 714 7TH ST S BRAINERD, MN 56401 WITH THE FOLLOWING CONDITIONS: SUBMISSION OF THE LODGING TAX FORM TO THE FINANCE DEPARTMENT, A LOCAL MANAGEMENT AGENT MUST BE PROVIDED FOR STAFF, THE INTERIM USE PERMIT SHALL TERMINATE ONE YEAR AFTER ISSUANCE, AND THE BUILDING OFFICIAL SHALL REVIEW THE NUMBER OF LEGAL BEDROOMS ON THE PROPERTY.

Approve Letter of Opposition to the Minnesota Senate Housing and Homeless Prevention Committee's Bill to Bypass Local Government Zoning Regulations

Community Development Director Kramvik gave an overview of the concerns that the Planning Commission and staff have for the "Missing Middle Bill" that is currently making its way through State committees.

Mayor Badeaux would like to have the letter dated as of April 2nd.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECHOK AND O'DAY, DULY CARRIED, TO DIRECT STAFF TO MAKE ANY NECESSARY CHANGES, DATE THE LETTER AS OF APRIL 2ND, AND APPROVE THE LETTER.

Consider Revising the Employee Policy Manual

Member Czechok stated that it would be a goodwill gesture to amend the policy manual. There is a lot of turbulence going on in the Public Utilities department. People want to be able to go to work and enjoy where they work. When the discussion on who the hiring committee would be for the Public Utilities Director took place there was not enough discussion and the committee that reviewed the job descriptions was re-established to hire for the position. He brought this item forward to encourage more discussion.

MOVED BY COUNCIL MEMBER CZECHOK TO AMEND THE EMPLOYEE POLICY MANUAL TO ASSIGN A QUORUM OR MORE OF THE PUBLIC UTILITIES COMMISSION AND THE CITY ADMINISTRATOR TO THE HIRING GROUP FOR THE PUBLIC UTILITIES DIRECTOR POSITION.

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

Public Forum

The Chair opened the public forum at 8:30 p.m.

No one came forward.

The Chair closed the public forum at 8:31 p.m.

Staff Reports

City Engineer/Public Works Director Dehn stated that Street Maintenance staff will be transitioning back to street sweeping as snow melt allows.

Community Development Director Kramvik gave an overview of the upcoming items for the EDA and Planning Commission meetings.

Mayor's Report

Mayor Badeaux wished everyone a Happy Easter. He thanked Rotary and the Parks and Recreation Department for their work on the Easter Egg Hunt. The Park Board is already starting work on their capital budget. Finally, Friday, April 5th, Joey Halvorson will be receiving recognition as Citizen of the Year. The Council is invited to the event, he requests that the Council adjourn to the event.

Council Member Reports

Chair Bevans reminded Council to fill out the surveys for Camp Ripley.

Member Stenglein thanked all those who tune in at home. She spoke with someone recently who watches the re-runs on cable. She thanked IT/GIS Director Strong for all of his work to bring meetings back to cable.

Member Czczok stated that the Colonel referred to the Council as a team, he would like to think that as well.

Adjourn

Adjourn to Closed Labor Negotiation Strategy Session pursuant to MN Statutes, 13D.03, Subd 1(b) to prepare for Negotiations with the IBEW Brainerd Public Utilities Union, IUOE Park Division Union, USW Hydro Union, LELS Police Officers Union, and Teamsters Police Sergeants and Lieutenant Union.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTES, 13D.03, SUBD 1(B) TO PREPARE FOR NEGOTIATIONS WITH THE IBEW BRAINERD PUBLIC UTILITIES UNION, IUOE PARK DIVISION UNION, USW HYDRO UNION, LELS POLICE OFFICERS UNION, AND TEAMSTERS POLICE SERGEANTS AND LIEUTENANT UNION.

The Chair adjourned the meeting after a five-minute break at 8:38 p.m.

The Chair reconvened the meeting at 9:06 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN,
DULY CARRIED, TO ADJOURN THE MEETING TO THE COMMUNITY MEMBER OF THE
YEAR CELEBRATION ON FRIDAY, APRIL 5TH, AT 602 S 5TH ST.



Nicholas W. Broyles
City Administrator