Brainerd, MN
April 15th, 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 absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND TERRY, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Report**
D. **Approve MN Lawful Gambling Application Submitted by the Brainerd Jaycees for an Event to be held at 702 S 5th St on May 25, 2024**
E. **Approve Temporary On-Sale Liquor Application Submitted by Jackpine Brewery for an Event to be held at 1481 Northern Pacific Rd on May 28, 2024- Contingent upon Approvals**
F. **Approve MN Lawful Gambling Application Submitted by Lakes Area Restorative Justice Project for an Event to be held on September 28, 2024, at 2011 S 6th St**
G. **Adopt Resolution Accepting 1st Quarter Donations**
H. **Authorize Hiring 2024 Summer Temporary Employees**

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

Approve Widseth Proposal - Police Department Exterior Repairs

Committee Chair O'Day stated that the proposal includes engineering and project management for the project. Construction will be a separate cost.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE PROPOSAL FROM WIDSETH FOR THE POLICE DEPARTMENT EXTERIOR REPAIRS PROJECT IN THE TOTAL AMOUNT OF $25,000.

Approve BIC Restoration Plan

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

Approve 2024 Pavement Markings Bid

Committee Chair O'Day stated that the bids the County received came in 16% over the estimate. The City's share is only 2% higher.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE PAVEMENT MARKING BIDS IN THE TOTAL AMOUNT OF $28,885.

Discuss Connection Charges for 15106 Riverside Drive

Member Czeczok stated that at committee he made a motion to charge the full amount of the assessment to connect. It is absurd to suggest changing the amount as everyone else who has previously connected has paid the full assessment amount.

Committee Chair O'Day stated that there was a lot of discussion at committee. He stated that if the County allows owners to put in a new septic system it is $10,000 cheaper than if they were to hook up to City water. The City did not think the County would allow this property to get new septic systems as it is so close to the river, but it seems they would. There are many questions for the County to answer. This decision will set a precedent for the future. This decision could also possibly spur more development if the charge were changed.

Chair Bevans stated he was on the Council when this decision was made. He agrees with Member Czeczok. This property is outside of the City of Brainerd currently but would need to be annexed if they stayed connected. If the petitioner were to annex in it is a one-time charge and could have been completed when the project was done a number of years ago. There have been a number of people who hooked up at the time of the project and since that could produce much fervor from them if discounts started.

Member Johnson stated that he would vote in favor of the motion, it doesn't hurt to get more information. He does not think all of the information is provided.

Member Czeczok stated that the contractor did not go through the proper process and there is speculation that staff could have been more informative. This could have been caught prior to the connection if the contractor had done his due diligence in securing the permit.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO DELAY THE DECISION UNTIL THE NEXT MEETING IN ORDER FOR STAFF TO GATHER MORE INFORMATION TO MAKE A MORE INFORMED DECISION AS THIS DECISION WILL SET A PRECEDENT.

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

Award Contract - Improvement 24-01 - 2024 Chip Seal Project

Committee Chair O'Day stated that the City budgets $150,000 annually, this bid was the only bid below the budget.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AWARD THE CONTRACT FOR IMPROVEMENT 24-01 TO ASPHALT SURFACE TECHNOLOGIES CORP. IN THE TOTAL BID AMOUNT OF $148,920.

Award Contract - Improvements 23-15 & 23-27 - Evergreen Ave and Bluff Ave Rehabilitation

Member Czeczok reminded everyone that this projects was originally slated as a rehabilitation, it is now a mill and overlay which is essentially a deluxe patch project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AWARD THE CONTRACT FOR IMPROVEMENTS 23-15 AND 23-27 TO ANDERSON BROTHERS CONSTRUCTION IN THE TOTAL BID AMOUNT OF $131,170.

Direction on Active Code Enforcement Cases

Committee Chair O'Day stated that the property has been a construction site for the last decade.

Member Johnson supports the abatement, he gets regular complaints about this property. He also stated that the property was to be fined $100 per day about a decade ago, so he would be interested to know what the assessment amount is at this time.

Member O'Day reminded Member Johnson that a limit on citations was a sticking point for him on the recent ordinance approved by the City Council. The property was fined up to the limit.

Chair Bevans asked about the expiration of the building permits.

Community Development Director Kramvik stated that if progress is being made, and the property owner is communicating with the building official, the permit is valid. The current permit is for the foundation only.

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 1420 QUINCE STREET.

Personnel and Finance Committee

Reclassify Tyler Heinlen to CSO Position

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RECLASSIFY TYLER HEINLEN TO A COMMUNITY SERVICE OFFICER EFFECTIVE MARCH 22, 2024.

Approval of Memorandums of Agreement (MOA) regarding new Earned Sick and Safe Time (ESST) Law

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE ESST MOAS WITH IUOE, LOCAL NO. 49, REPRESENTING THE STREET AND PARK MAINTENANCE DIVISION EMPLOYEES.

Discussion Regarding Assistant Planner Position

Committee Chair Johnson stated that with the trouble hiring an Assistant Planner this is the solution. Staff also requested hiring a part time employee, Council will delay that portion until this position has been filled.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO REESTABLISH THE ZONING SPECIALIST/PERMIT TECHNICIAN POSITION WITH THE ATTACHED UPDATED JOB DESCRIPTION; APPROVE THE ZONING SPECIALIST/PERMIT TECHNICIAN JOB CLASSIFICATION POINTS AT 351; AUTHORIZE STAFF TO NEGOTIATE THE WAGE FOR THE ZONING SPECIALIST/PERMIT TECHNICIAN POSITION WITH THE IBEW ADMINISTRATIVE SUPPORT UNION.

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)
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)

Approve Compromise Agreement with the City of Baxter Regarding Assessment Appeal

Attorney Langel stated that the agreement is consistent with the direction provided by the City Council. This is a one-time payment with no interest and has already been approved by the Baxter City Council.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, DULY CARRIED, TO AUTHORIZE EXECUTION OF THE SETTLEMENT WITH THE CITY OF BAXTER.

New Business

Set Public Hearing and Presentation of Municipal Storm Sewer Systems (MS4) Permit

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND TERRY, DULY CARRIED, TO SET THE PUBLIC HEARING FOR THE CITY'S MS4 PERMIT FOR MAY 20, 2024, AT THE REGULARY SCHEDULED CITY COUNCIL MEETING.

Adoption a Resolution Governing Write-in Vote Counting

Finance Director Hillman stated that the legislation has changed for municipalities regarding how to count municipal write-in votes. Staff recommends option 1 which is similar to County, State, and Federal races.

Member Czeczok asked whether the County would follow the process for counting write in votes if directed to do so.

Finance Director Hillman stated that write-in votes are counted at the precincts. At the end of the night, our election judges are counting the write-ins regardless of whether it is a real person or not which takes extra time.

Chair Bevans asked whether a third option would be to continue as the City has previously done without passing a resolution. Mayor Badeaux called him and stated that

allowing for all write-in votes continue to be counted would be the "American way" and what he would support.

Council Member O'Day stated that the United States has been counting write-ins in elections for 250 some years, why would the City stop now. He understands that it's extra work, but he feels like every vote should count even if it's silly.

Finance Director Hillman explained the process for counting write-in votes.

Generally, all Council Members agreed with Member O'Day.

Member Stenglein stated that she doesn't feel strongly, but she does believe that this resolution would make things easier.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO ADOPT RESOLUTION GOVERNING WRITE IN VOTING TO ONLY COUNT WRITE-IN VOTES WHEN A WRITTEN REQUEST IS MADE WITH THE CHIEF ELECTION OFFICIAL NO LATER THAN SEVEN DAYS BEFORE THE ELECTION.

RESOLUTION 23:24

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

Public Forum

The Chair opened the public forum at 7:58 p.m.

No one came forward.

The Chair closed the public forum at 7:59 p.m.

Staff Reports

City Engineer/Public Works Director Dehn stated that the Park Board meeting will include a developer for the Buffalo Hills Park area that could include a land swap. South Brainerd construction has begun they are working on removals.

Community Development Director Kramvik stated that the EDA will be visiting Giovanni's on Tuesday. The EDA also recommended that the City Council consider an agreement with Kamp Real Estate for the sale or lease of the Annex Building owned by the City, this will come before the Council at the next meeting. The Planning Commission will be discussing Short Term Rentals, cannabis dispensaries, the 805 Laurel project, and Outlot F of Brainerd Oaks. The Special Meeting is being held on April 22nd which will discuss the 805 Laurel project and Outlot F for the Minnesota Workforce Housing Grant. Finally, he stated that Dunkin' Donuts has begun construction on their Washington Street location.

Council Member Reports

Member Johnson thanked park staff for prepping Bane fields. Baseball season has started and the fields look great.

Member Czeczok stated that previously homeowners would have been responsible for replacing sidewalk that needed repair, the policy was changed shortly after an improvement and

homeowners were upset that they were responsible for their sidewalk but future homeowners on improvements would not be. He stated that this should be a reminder as the Council considers the connection costs on Riverside.

Member Stenglein stated that at the landlord's meeting Lieutenant Kulzer gave a great presentation on what landlords can and cannot restrict with the new cannabis law.

Member O'Day stated that he will be attending the Giovanni's tour, which he is looking forward to.

Member Czeczok asked if the EDA tour was publicly noticed.

Community Development Director Kramvik stated that the EDA tour was noticed.

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

Member Czeczok asked whether adjourning to the Council Special Meeting will be in place of publicly noticing the special meeting.

Chair Bevans stated that adjourning to the Special Meeting is not in place of publicly noticing the special meeting.

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.

The Chair adjourned the meeting after a five-minute break at 8:06 p.m.

The Chair reconvened the meeting at 9:14 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO ADJOURN THE MEETING TO THE SPECIAL MEETING ON APRIL 22, 2024, AT 6:00 P.M. IN THE COUNCIL CHAMBERS TO APPROVE LAND USE PERMITS AND CITY APPLICATIONS FOR WORKFORCE HOUSING GRANT.

Nicholas W. Broyles
City Administrator