

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: Johnson, Czeczok, O'Day, Stunek, Terry, Stenglein, 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 TERRY AND O'DAY TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills
- B. Approval of Minutes
- C. Department Activity Report
- D. Approve New On-Sale and Sunday Sale Liquor Application Submitted by Blue Oyster LLC, Blue Oyster, 612 Front St - Contingent upon approvals
- E. Approve Temporary On-Sale Liquor License Submitted by Brainerd Jaycees for an Event to be held at Lyman P. White Park on August 7, 2024
- F. Approve Event/Street Closure Application - 4th of July Parade

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

Council Committee Reports

Personnel and Finance Committee

Consider Request from the Employee Wellness Committee for the Employee Appreciation Event

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO CLOSE CITY OFFICES FROM 11:30 AM TO 1:30 PM ON SEPTEMBER 19TH FOR THE EMPLOYEE APPRECIATION EVENT AT MEMORIAL PARK.

Authorize the Fire Department to Order a Fire Truck Chassis

Committee Chair Johnson stated that the Fire Truck is in the capital plan for 2025. Due to the process to acquire a truck, the Fire Department is requesting to authorize a down payment for the Chassis.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO AUTHORIZE THE FIRE DEPARTMENT TO ORDER A FIRE TRUCK CHASSIS, FUNDING TO COME FROM THE FIRE CAPITAL ACCOUNT.

Request Guidance on Requests for Sale of City-Owned Parcels

Committee Chair Johnson stated that there are so many variables as to who the purchaser may be that the committee thought this would be the best process.

Member O'Day asked about the EDA properties.

Committee Chair Johnson stated that since those are actively marketed, this does not apply to those lots.

Member Czczok asked whether this should be a policy.

Committee Chair Johnson stated that it could be a policy.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO HIRE AN APPRAISER TO COMPLETE AN APPRAISAL ON THE PROPERTY APPROXIMATELY \$500-\$2,000 DEPENDENT ON THE SIZE AND CHARACTERISTICS RETURN TO THE COUNCIL FOR DIRECTION ON WHAT TO OFFER TO THE PARTY. IF ACCEPTABLE, RETURN TO THE COUNCIL FOR APPROVAL; FURTHER TO DIRECT STAFF TO DRAFT A POLICY.

Authorize Hiring Brenda Hrtanek as Part-time Administrative Specialist

Committee Chair Johnson stated that the position is being funded with budgetary savings by not filling the Assistant Planner position.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE HIRING OF BRENDA HRTANEK AS OUR PART-TIME ADMINISTRATIVE SPECIALIST EFFECTIVE JUNE 18, 2024, AT STEP 1 OF THE ADMINISTRATIVE SPECIALIST WAGE GRID (\$24.70 PER HOUR).

Approval of Memorandum of Agreement for Juneteenth

Committee Chair Johnson stated that the MOA states that the union will trade one floating holiday in order for Juneteenth to be a paid holiday.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE ATTACHED JUNETEENTH MOA WITH THE UNITED STEEL WORKERS UNION REPRESENTING OUR HYDRO FACILITY EMPLOYEE.

Consider Memorandum of Agreement with IBEW Administrative Support Union for the Transit Operations Specialist Position

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE MOA WITH THE IBEW ADMINISTRATIVE SUPPORT UNION AS PRESENTED SETTING THE 2024-2026 WAGE FOR THE TRANSIT OPERATIONS SPECIALIST POSITION; TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS WITH AN ESTIMATED DATE OF HIRE AROUND SEPTEMBER 23, 2024; TO AUTHORIZE STAFF TO HIRE A TEMPORARY PART-TIME EMPLOYEE TO ASSIST THE TRANSIT DIVISION WHILE THE TRANSIT OPERATIONS SPECIALIST POSITION HIRING PROCESS IS CONDUCTED; FURTHER, TO UTILIZE THE TRANSIT OPERATIONS SPECIALIST WAGE GRID WHEN HIRING THE PART-TIME POSITION.

Consider Approval of Separation Agreement

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE SEPARATION AGREEMENT BETWEEN THE CITY OF BRAINERD, RONALD MYERS, JR., AND LAW ENFORCEMENT LABOR SERVICES AS PRESENTED.

Discussion of Request from Habitat for Use of Statewide Affordable Housing Aid (SAHA)

Committee Chair Johnson stated that Habitat for Humanity approached the City for using the funding, it is a great proposal, but the committee felt that since the dollars are public dollars it would be appropriate to advertise.

Member Czczok asked about a deadline.

Community Development Director Kramvik stated that staff will set a deadline for about one month to receive proposals.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO ADVERTISE PUBLICLY THE AVAILABLE FUNDS AND CONSIDER OPTIONS AT A FUTURE MEETING.

Consider Setting Workshop for 2025 Capital Planning

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO SCHEDULE A BUDGET WORKSHOP FOR JUNE 26TH, AT 6:00 P.M. TO DISCUSS 2024 CAPITAL.

Safety and Public Works Committee

Approve Change Order and Final Pay Request - Imp 21-12 North Brainerd Reconstruction

Committee Chair O'Day stated that the change order is \$5,170, this still brings the total for the project to less than the original bid by \$56,654.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE REQUESTED CHANGE ORDER AND FINAL PAY REQUEST FOR IMPROVEMENT 21-12 - NORTH BRAINERD RECONSTRUCTION.

Award Bid - Imp 23-11 - O Street Outfall Repair

Committee Chair O'Day stated that the bid includes the outfall on O and the street repair will be completed. The City budgets \$50,000 for outfall repairs each year.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AWARD BASE BID PLUS ALTERNATE TO DECHANTAL EXCAVATING IN THE AMOUNT OF \$62,866.

Adopt Resolution - 2025 Transit Operating and Capital Grant

Committee Chair O'Day stated that the transit operations are highly subsidized by the State. The state will be funding 95% of the transit operations in 2025..

Member Czczok stated that this agreement enables the City to have a transit service. If the City wants to aid the community, this grant is a must. He appreciates that this money is available.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION ENTERING INTO THE GRANT AGREEMENT WITH MNDOT FOR PROVIDING TRANSIT SERVICES.

RESOLUTION 28:24

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

Direction on Active Code Enforcement Cases

Committee Chair O'Day stated that the recommendation for 523 Grove Street was changed by staff as the owner reached out to renew the building permit and is working to complete the structure they were being cited for.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATIONS FOR ACTION ON PROPERTIES: 1306 QUINCE ST, 918 4TH AVE NE, 620 2ND AVE NE, 401 HOLLY ST, AND 523 GROVE ST.

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)

Park Board – 1 term (Expire 2026)

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)

Final Reading - Proposed Ordinance 1566 – Trees- and Consider Tree Policy

Community Development Director Kramvik gave an overview of the ordinance and policy. Every untreated ash tree is expected to die within 7 years.

Member Czczok asked about disposal of the ash trees and who the City's tree inspector is.

Community Development Director Kramvik stated the trees would be chipped and kept locally. He and Street Foreman Middagh are certified tree inspectors.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE 1566 AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 7:53 p.m.

No one came forward.

The Chair closed the public hearing at 7:54 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STENGLEIN TO ADOPT ORDINANCE 1566.

ORDINANCE 1566

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

Member Johnson stated that he is willing to serve on the tree committee.

Mayor Badeaux stated that four years sounds like a great term.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO UPDATE THE TREE POLICY.

Final Readings - Proposed Ordinances 1567 & 1568 - Cannabis and Off-Sale Liquor

Community Development Director Kramvik gave an overview of ordinance 1567.

Member Johnson stated that the off-sale liquor portion of this ordinance affects Mill Avenue Liquor. He asked whether the store could continue operating as a liquor store if someone else purchases it.

Community Development Director Kramvik stated that, yes, as long as it is not vacant for more than a year it can continue to be used as a liquor store. As a liquor store, the footprint needs to remain the same.

Member Czczok asked whether the City is required to have a dispensary in the City of Brainerd. He asked if there is a time limit for the County to regulate dispensaries.

Community Development Director Kramvik stated that based on population, the City is required to have two dispensaries. The County does not have a timeline to address cannabis. He stated that as early as January 1st, 2025 dispensaries could begin sales of cannabis. The City would need to have an ordinance in place prior to that date.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1567 AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 8:01 p.m.

No one came forward.

The Chair closed the public hearing at 8:02 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT ORDINANCE 1567.

ORDINANCE 1567

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

Community Development Director Kramvik gave an overview of ordinance 1568.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1568 AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 8:04 p.m.

No one came forward.

The Chair closed the public hearing at 8:05 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND JOHNSON TO ADOPT ORDINANCE 1568.

ORDINANCE 1568

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

Discuss Strike Contingency Plan Executive Summary

Administrator Broyles gave an overview of the executive plan that is not specific to any bargaining unit.

Member Czczok thanked Administrator Broyles for his leadership and Staff's dedication to the committee. It has been quite a learning experience.

Direction Requested on 15106 Riverside Drive

City Engineer/Public Works Director Dehn stated that staff received a request to get an update on the property. The property is connected to City water and sewer and is paying 200% utility fees. Staff is requesting guidance on the property.

Chair Bevans stated that minutes from the early 2000s that a property must annex prior to hooking up to utility. He asked if this situation creates a conflict if it stays connected and is not yet annexed and how long orderly annexation takes.

Attorney Langel recognized the inconsistency of this property. The City is moving toward orderly annexation. Therefore, the property could stay connected until annexation is decided upon. The length of time it takes for orderly annexation is determined by the two entities trying to agree to orderly annexation. Once the parties have agreed upon the annexation, it goes to the State.

Member Czczok asked about the connection charge. If the City proceeds with orderly annexation there would be SAC/WAC and connection fee charge is not indicated. Every property that has annexed up to this point has paid both fees. He would like the Council to wait for orderly annexation to determine the connection charge. If orderly annexation does not happen, the Council could establish a charge.

City Engineer/Public Works Director Dehn stated that the fee could be established at the Council's discretion.

Member O'Day stated that he agrees with Member Czczok for the fee for connection.

Chair Bevans stated that he does not like that the property is connected without a connection fee being collected. He thinks the property should pay the connection charge that everyone else paid.

Member Johnson stated that he agrees with the motion that they should charge the SAC/WAC, and annex, but he thinks that the connection charge should be discharged today.

Member O'Day asked whether the property was annexed prior to the orderly annexation, would they be able to forgo the connection charge.

Attorney Langel stated that it would be cleaner if the amount to connect was expressly dealt with in the motion. It is odd to require the property to be annexed, pay these fees, and that the City is not going to tell the property owner the end fee until maybe sometime later, maybe. As a property owner, they are looking for certainty.

Member Czczok clarified his motion to charge \$11,300 for the connection fee.

Member Johnson asked about the fee being closer to \$19,000.

City Engineer/Public Works Director Dehn stated that with the assessed interest over ten years the total would be closer to the number Member Johnson recalls. The last fee charged in 2010 was \$11,300. He asked whether Staff could assess the amount to the property at the interest rate of the current construction project.

Member Czczok clarified his motion that the fee could be assessed to the property.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO SEND A LETTER TO THE PROPERTY OWNER AT 15106 RIVERSIDE DRIVE INFORMING THEM THAT THEY ARE REQUIRED TO ANNEX INTO THE CITY LIMITS TO REMAIN CONNECTED TO THE CITY'S WATER. THEY WOULD HAVE 30 DAYS TO PROVIDE A PETITION TO ANNEX TO STAFF THAT COULD BE PRESENTED TO THE COUNCIL, PAY THE \$3,300 IN SAC/WAC FEES, AND \$11,300 FOR THE CONNECTION FEE WHICH COULD BE ASSESSED OVER A PERIOD OF TEN YEARS WITH INTEREST. IF NO PETITION IS RECEIVED, THE WATER METER WOULD BE REMOVED.

New Business

First Reading- Proposed Ordinance 1569- Vacant Building Registry

Community Development Director Kramvik gave an overview of the ordinance.

Member Czczok pointed out an error to correct for the final reading.

Member Johnson asked for a ballpark for how many vacant buildings there are in the City. He also asked if Staff has considered what the money would be utilized for. He would like to talk further about the use of funds.

Community Development Director Kramvik stated that he discussed with the Building Official, the number of vacant buildings is close to twenty. Staff could also coordinate with Public

Utilities to determine buildings without utilities that have property maintenance issues. No recommendations have been made regarding the use of funds.

Member Czczok asked whether there is leeway for the properties. He asked whether there would be an appeal process.

Community Development Director Kramvik stated that if the property is on the registry, the owner is most likely not communicating with staff or making any attempts to improve the property. He believes that Staff and Council will be open to working with property owners in order to improve these properties.

Member Stenglein stated that the goal of the ordinance is not to have money coming in. Properties should be fixed up.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1569 AND DISPENSE WITH THE ACTUAL READING.

Update on Orderly Annexation Discussions

City Engineer/Public Works Director Dehn stated that initial conversations have taken place with Crow Wing County. Using the City's existing water and sewer infrastructure as a basis for draft municipal boundary. The next steps would be to identify specific parcels, tax revenue, and maintenance.

Chair Bevans asked Staff to also bring back the areas that have previously been determined that it would be required to annex prior to connecting to utilities. There are a couple of spots in the City where he is thinking, Wonderland Park and Easy Street as examples.

Member Czczok asked for clarification on utility connection requirements.

Chair Bevans stated that there are places in the City where it would be required. Not necessarily that all connected would be required to annex.

Member Johnson pointed out that Mill Park is still listed as park land on the map.

Public Forum

The Chair opened the public forum at 8:33 p.m.

No one came forward.

The Chair closed the public forum at 8:34 p.m.

Staff Reports

Finance Director Hillman stated that the 2023 Audit will be presented at the first meeting in August. The audit will be submitted by the June 30th deadline.

Community Development Director Kramvik stated staff will complete the sound study for the interim use permit in the Industrial Park prior to the next meeting. The EDA approved a façade improvement grant in the amount of \$20,000 for 2024. The EDA has also recommended an expansion to the River to Rails Incentive District.

Interim Public Utilities Director Wussow thanked Administrator Broyles for inviting him to the WJJY Community Connection radio show.

Administrator Broyles stated that GMP has completed its first round of vetting for the Public Utilities Director position, the workgroup will meet to discuss which names to advance. He also stated that he is looking forward to getting formal feedback from the City Council during his six-month review.

Mayor Report

Mayor Badeaux stated that in 2024 it is more complicated to be hooked up to water than to marijuana. He read the proclamation for the Brainerd Garden Club's 100-year anniversary on June 19th. He stated that volunteers are needed for the 4th of July, contact Brainerd Community Action.

Council Member Reports

Member Terry stated that there is a presentation for First Responders, Law Enforcement, and Veterans to be held at the Gichi-zibi Center on September 19th. The event will be free, but you must register for tickets. Information can be found on the Sheriff's Facebook page.

Member Czczok asked to clarify the Purchase Agreement for VCV, how does this affect the timeline for the interim use permit.

Community Development Director Kramvik stated that the EDA was waiting on the VCV to submit the necessary documents to BPU prior to approving the PDA amendment. Once those documents are received, the EDA could schedule a special meeting.

Chair Bevans gave a shoutout to the Arts in the Park Event that takes place in Gregory Park on June 29th.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK, DULY CARRIED, TO ADJOURN TO THE CLOSED LABOR NEGOTIATION STRATEGY SESSION PURSUANT TO MN STATUTES, 13D.03, SUBD 1(B) TO PREPARE FOR NEGOTIATIONS WITH IBEW 31 (PUBLIC UTILITIES), TEAMSTERS, AND LELS UNIONS.

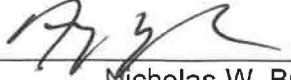
Chair Bevans adjourned the meeting to the closed session after a five-minute break.

The Council took a five-minute break and went into close session at 8:50 p.m.

The Chair reconvened the meeting at 9:27 p.m.

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

The Chair adjourned the meeting at 9:27 p.m.


Nicholas W. Broyles
City Administrator