

**Brainerd, MN
July 8, 2024**

Pursuant to due call and notice thereof, the special meeting of the Brainerd City Council and Public Utilities Commission was called to order at 6:00 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: Terry, Stenglein, Johnson, Czezok, O'Day, Stunek, and Bevans. Mayor Badeaux was also noted as present. Public Utilities commissioners noted as present: Angland, Erickson, Johnson, O'Day, and Matten.

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

Approve Agenda

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

New Business

**Accept the Resignation of Administrative Specialist- Public Works Department
Kathryn Johansen**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECHOK, DULY CARRIED, TO MOTION TO ACCEPT MS. KATHY JOHANSEN'S RESIGNATION EFFECTIVE JULY 1, 2024; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE ADMINISTRATIVE SPECIALIST - PUBLIC WORKS POSITION.

Strike Contingency Plan Update and Adopt Resolution in the Event of an IBEW Local No. 31 Strike Action Against the City of Brainerd

Administrator Broyles stated the City received an official Intent to Strike Notice from the IBEW Local No. 31 (Public Utility Union) on Tuesday, July 2nd. Therefore, the union has the legal right to strike as of July 13th, at 12:01 a.m. and ends on August 1st, at 11:59 p.m. The Strike Contingency Plan Work Group met on July 8th to begin execution of the Strike Contingency Plan.

HR Director Schubert stated that the resolution presented for Council consideration is a template from Flaherty and Hood and that the City Attorney has also reviewed it. At the Strike Work Group meeting today, the Work Group had additional discussions regarding the section for the Managers and Non-Union Supervisors receiving additional pay when required to work in excess of the normal workweek to perform services regularly performed by striking employees.

Member Terry stated that the group talked about "excess of the normal work week". The group discussed changing it to "in excess of 60 hours per workweek".

Member Czezok stated that it was also indicated that Non-Union Supervisors would need to track their hours.

Commissioner Angland stated that the Work Group discussed the financial implications of the strike. He questioned how to determine if 60 hours is the number of hours chosen before overtime is utilized.

Member Terry stated that the discussion surrounded 60 hours recognizing that the positions are traditionally and in definition exempt from overtime and knowing that leadership typically works over 40 hours as a part of their role.

Commissioner O'Day stated that anything over 40 hours should be compensated at time and a half.

Commissioner Angland stated that in the private sector, there are contracts for individuals to define what the overtime structure would be.

HR Director Schubert stated that the City does not have this clarified as Supervisory employees work the hours required to complete the work. When talking about 40 hours, that is in reference to non-exempt employees. Public Utility Department Managers and Supervisors are exempt employees meaning they are exempt from overtime as defined by federal law.

Member Terry stated that she fears and is leery of outlining anything over 40 hours as overtime as possibly setting a standard going forward for any negotiations if there are unions formed in the future.

Chair Bevans stated that a specified number of hours is preferred.

Commissioner Angland asked whether documented extra work could be quantified as overtime.

Member Johnson stated that it is very common for HR Director Schubert and Finance Director Hillman to work additional hours regularly. He is fine with the statement being vague as it is subject to the City Administrator's approval. He is also fine with setting a fixed number of hours worked per week.

Administrator Broyles stated that having been in public service and paid a salary for most of his career he has never gotten compensated for time after 40 hours. This is a unique situation, and being in a leadership position, during this time the expectation is that you will work until the job is done. He would be in favor of time after 60 hours per week being compensated at time and a half.

Interim Public Utilities Director Wussow brought attention to section 1. He clarified that with the passage of the resolution, he wanted the Council to be clear that they are authorizing the City Administrator to enter into agreements and/or contracts to be ratified at a later date. These may include contracts or agreements with other cities or contractors to fulfill the duties as he determines are needed with approval.

Member O'Day stated that he is comfortable with the City Administrator overseeing agreements and contracts that are time sensitive.

Member Czczok stated that if the City did not make any amendment to the resolution our supervisory staff and non-union staff could work in excess of 100 hours a week now and not be compensated for it, therefore, he believes that this would be a benefit to these staff members.

Member Terry stated that the statement is very specific to strike action.

Member Johnson stated that the City did receive a notice from the Bureau of Mediation Services (BMS) not to change any terms of employment for the Public Utilities Department supervisory staff. He asked whether this action constitutes a change to employment.

Administrator Broyles stated that he thinks that if the City changes from the status quo, it will benefit employees.

HR Director Schubert stated that the current terms and conditions of employment are that the non-union employees work until they get the job done. Since the City would be adding a benefit to those employees, Staff can ask BMS if this is a change that can be made. If it is something that BMS would have concerns with, it could be changed at the next Council meeting.

Member Czczok discussed approving the resolution as presented.

HR Director Schubert stated that she supported including 60 hours per week in the resolution. She does not believe that BMS would have an issue.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND TERRY TO ADOPT RESOLUTION WITH AMENDING SECTION S FROM "NORMAL WORKWEEK" TO "IN EXCESS OF 60 HOURS PER WORKWEEK" WITH APPROVAL BY THE CITY ATTORNEY AND BUREAU OF MEDIATION SERVICES.

RESOLUTION 29:24

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

Adjourn to Closed Labor Negotiations Strategy Session pursuant to MN Statutes, 13d.03 Subd 1(b) to prepare for Negotiations with the IBEW 31 (Public Utilities)

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND TERRY, DULY CARRIED, TO ADJOURN THE MEETING.

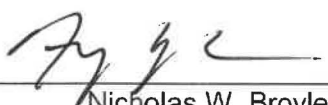
The Chair adjourned the meeting at 6:25 p.m.

After a five-minute break the Council and Public Utilities Commission went into closed session.

The Chair reconvened the meeting at 6:48 p.m.

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

The Chair adjourned the meeting at 6:48 p.m.



Nicholas W. Broyles
City Administrator