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: Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans. Mayor Badeaux was also 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 CZECZOK, DULY CARRIED, TO APPROVE THE AGENDA MOVING ITEM FIVE FROM PERSONNEL AND FINANCE TO ITEM H UNDER UNFINISHED BUSINESS.

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

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Report**
D. **Adopt Resolution Accepting 3rd Quarter Parks Donations**
E. **Approve Event/Street Closure Application- Community Thanksgiving**
F. **Approval of Transfers of Funds**

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

Council Committee Reports

Personnel and Finance Committee

Ratify Hiring of Samuel Richey as Police Officer

Committee Chair Johnson stated that this hiring will bring the Police Department to twenty-six sworn officers. The twenty-seventh officer is in the pre-employment process.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF MR. SAMUEL RICHEY EFFECTIVE NOVEMBER 4, 2024, ON STEP 2 OF THE POLICE OFFICER WAGE GRID ($34.60 PER HOUR).

Approve Deferment of Assessments

Committee Chair Johnson stated that these are the annual applications that have previously been deferred.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR DEFERMENT OF ASSESSMENTS PAYABLE IN 2025 FOR APPPLICANTS AT PID'S 41191220, 41300682, AND 41250875.

2025 Levy and Budget Update

Committee Chair Johnson stated that staff has been working to lower the final levy for 2025 from the 8% proposed in the preliminary levy. So far, staff has reduced the levy by $73,451 and the budget will be further discussed at the next Personnel and Finance meeting.

Member Czeczok asked to review the items staff is proposing to be removed from the budget prior to the next meeting.

Finance Director Hillman stated that a summary could be sent out to City Council on Tuesday morning.

Committee Chair Johnson stated that he would also like to see these items, and he would like the summary to be provided in the packet for the next meeting for the public.

Adopt Resolution Relating to Finance Transferring Certain Funds to and From Sinking Funds 316 and 321

Committee Chair Johnson stated that these funds are previous debt issuances that have been fully paid off and there is a cash balance. This transfer will help to pay off other debts.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION RELATING TO FINANCE TRANSFERRING CERTAIN FUNDS TO AND FROM SINKING FUNDS, CLOSING OUT FUNDS 316 AND 321 WITH CASH BALANCES TO BE TRANSFERRED TO 6 OTHER DEBT SERVICE FUNDS AND ANY FUTURE DELINQUENT TAX REVENUES OR SPECIAL ASSESSMENT COLLECTIONS GOING TO FUND 400.

RESOLUTION 49:24

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

Safety and Public Works Committee

Adopt Resolutions - IIJA Technical Assistance Grant Agreement and Support NSBP Grant Application

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO APPROVE THE IIJA TECHNICAL ASSISTANCE GRANT AGREEMENT AND ADOPT RESOLUTION AGREEING TO THE TERMS OF THE GRANT.

RESOLUTION 50:24

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

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION SUPPORTING THE NSBP GRANT APPLICATION.

RESOLUTION 53:24

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

Authorize Application - Carbon Reduction Program Grant - TH 210/Lum Park Pedestrian Bridge Project

Committee Chair O'Day stated that the City has already received $1.3 million from this grant. The City is applying for an additional $1 million.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPLY FOR THE CRP GRANT PROGRAM FOR THE TH 210/LUM PARK PEDESTRIAN BRIDGE PROJECT FOR $1 MILLION.

Authorize Application - Surface Transportation Block Grant Program - Oak Street Reconstruction Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPLY FOR THE STBGP GRANT FOR THE OAK STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF $1.25 MILLION.

Discussion on Lowell Safe Routes to School Project Construction Detour

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, THAT NO SIGNED DETOUR BE PLANNED FOR THE LOWELL SAFE ROUTES TO SCHOOL PROJECT.

Approve Bolton & Menk Amendment Request - Laurel Street Bridge Repair Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE AMENDMENT REQUEST FOR BOLTON & MENK IN THE AMOUNT OF $1,950.

Award Engineering Services Proposal - Hawkins/Ronald/Joseph Resurfacing Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AWARD OF THE ENGINEERING SERVICES CONTRACT FOR THE HAWKINS /RONALD/ JOSEPH RESURFACING PROJECT TO MOORE ENGINEERING IN THE AMOUNT OF $80,000.

Update on TH 371B/Willow Street Comparison of Costs

Committee Chair O'Day stated that the committee reviewed the comparison. The comparison was difficult. The overall cost would have been cheaper, but the City has received a grant for this project.

Member Johnson clarified that HSIP cannot be used for sanitary and water. The grant does not affect the $140,000 in water and $69,000 for sanitary and storm sewer rate payers. The water fund does not need additional expenditures.

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)
Planning Commission—1 term (Expire 2026)

Final Reading and Public Hearing - Proposed Ordinance 1574 - Fee Schedule

Community Development Director Kramvik gave an overview of the proposed ordinance.

Member Czeczok asked why staff is recommending increases.

Community Development Director Kramvik stated that the increases are based on the amount of time it takes our inspectors and staff to issue these permits. It's also based on comparing to other municipalities.

Mayor Badeaux stated that he is still concerned about the cost of the decreasing fees for food trucks.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1574 AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 7:48 p.m.

No one came forward.

The Chair Closed the public hearing at 7:49 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND O'DAY TO ADOPT ORDINANCE 1574.

ORDINANCE 1574

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

Member Johnson asked what a summary publication is.

Community Development Director Kramvik stated that a summary publication is desired as it would cost hundreds of dollars to publish the ordinance in the newspaper. The City has done this with the zoning code, sewer code, and Charter updates. The resolution states that the entire ordinance is available for review at City Hall.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO ADOPT RESOLUTION FOR SUMMARY PUBLICATION OF ORDINANCE 1574.

RESOLUTION 51:24

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

Final Reading and Public Hearing - Proposed Ordinance 1575 - Burning Restrictions

Community Development Director Kramvik gave an overview of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1575 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 7:53 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND TERRY TO ADOPT ORDINANCE 1575.

ORDINANCE 1575

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

Integration Work Group Update

Administrator Broyles gave an overview of the process the City has taken to begin integration of City and BPU, IT and Finance Departments. The work group would like formal direction to continue the integration of the departments.

Member Czeczok stated that he feels strongly about holding a workshop in the first quarter so that all Members have the best information available to them.

Member O'Day stated that anytime the City is looking to explore more efficiency, he is all for it, but he wants to make sure that integration is something that comes before the Council in the end to get approved.

Administrator Broyles stated that staff want to be as transparent as possible. All recommendations will be brought before the full Council.

Member Johnson stated that the City is looking for efficiency and to save money for the rate payers and taxpayers. He hopes that the integration work group is looking for efficiencies that don't cost more.

Member Czeczok stated that integration was a goal for Administrator Broyles. He wants clarification on when the City Council would like the integration to take place, before or after the IBEW 31 (Public Utilities) contract is finalized.

Administrator Broyles stated that there is not anymore staff work to be done with the contract ratification. The workgroup could continue after the ratification if Council desires, however, he believes work can continue intentionally and methodically.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN TO CONTINUE THE WORKGROUP INCLUDING NECESSARY STAFF, WAIT UNTIL AFTER ARBITRATION WITH IBEW LOCAL 31 IS COMPLETE, AND CONDUCT A JOINT WORKSHOP, REGARDING INTEGRATION, WITH THE PUBLIC UTILITIES COMMISSION IN THE FIRST QUARTER OF 2025.

Member Terry asked for clarification on why the Council would be waiting until after the contract is ratified.

Member Czeczok stated that that is how the timeline has been presented all along.

Member Stenglein stated that the City will not benefit by waiting, as the process will be long and complicated.

Member Johnson stated that he agrees with Member Stenglein.

Member O'Day stated that if staff isn't spending time with arbitration, it is smart to continue with integration.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO DIVIDE THE QUESTION AMENDING THE MOTION AND SEPARATING OUT WAITING UNTIL ARBITRATION WITH IBEW LOCAL 31 IS COMPLETE.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO CONTINUE THE WORKGROUP INCLUDING NECESSARY STAFF AND CONDUCT A JOINT WORKSHOP, REGARDING INTEGRATION, WITH THE PUBLIC UTILITIES COMMISSION IN THE FIRST QUARTER OF 2025.

MOVED BY COUNCIL MEMBER CZECZOK TO HAVE THE WORKSHOP ON THE SAME DAY AS THE COUNCIL RETREAT.

The Chair declared the motion failed due to lack of a second.

MOVED AND SECONDED BY COUNCIL MEMBER STENGLEIN AND CZECZOK, DULY CARRIED, TO SCHEDULE AN INTEGRATION WORKSHOP ON FEBRUARY 10TH AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN TO WAIT UNTIL AFTER ARBITRATION WITH IBEW 31 IS COMPLETE.

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

Member Johnson stated that the City should take its time with this matter and not put a timeline on it.

Update on Information Requested on BLRA

Administrator Broyles stated that the estimated staff time spent on the airport was included, these are estimates as the City does not track its time in a way to provide hard data.

Member Johnson stated that one of the reasons the City has been pursuing the County assuming the complete ownership of the airport was how much staff time the HR Department spends. The low number of hours spent by HR leads him to further wanting nothing to do with the airport.

Member Czeczok commented that the IT department hours are not presented as the hours are reimbursed to the City. He does not agree with this as time spent at the Airport takes away from their work at other City facilities.

Member Johnson stated that this is called an opportunity cost, it is a loss to the City.

Provide Direction for Paradigm Auto Code Violations

Community Development Director Kramvik gave an overview of the solutions for Paradigm Auto. Staff is concerned with crushed material in this area so close to the river.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO ALLOW THE PROPERTY OWNER 90 DAYS TO INITIATE THE LAND SWAP

OR SUBMIT ALL APPLICABLE ZONING APPLICATIONS TO THE COMMUNITY DEVELOPMENT DEPARTMENT. AT THE CONCLUSION OF THE 90 DAYS, IF EITHER OPTION HAS NOT BEEN INITIATED: THE PROPERTY OWNER MAY REQUEST ADDITIONAL TIME FROM THE CITY COUNCIL: OR STAFF INITIATES LEGAL ACTION FROM THE CITY ATTORNEY.

Provide Direction for Contested Nuisance Assessments

Community Development Director Kramvik gave an overview of all of the contested nuisance assessments and the staff recommendations for each property.

MOVED AND SECONDED BY CZECZOK AND O'DAY TO FOLLOW STAFF RECOMMENDATIONS FOR CONTESTED NUISANCE ASSESSMENTS.

Chair Bevans stated he would vote against the motion because he knows more information than given for some of these properties. The Beaver Dam property has been a great tragedy.

Member Johnson stated that he would be voting against the motion due to 1420 Quince Street.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATIONS FOR NUISANCE ASSESSMENTS AT PIDS 41240739, 41300794, 41190954, 41250653, AND 41240591.

Member Johnson stated that he has been hearing complaints about 1420 Quince property since before he was elected.

MOVED AND SECONDED BY COUNCIL MEMBER JOHNSON AND CZECZOK, DULY CARRIED, TO MAINTAIN FULL ASSESSMENT OF $1,025 AT 41250666.

Chair Bevans stated that the Beaver Dam property has a new owner, in order to give the new property owner a break but maintain incentive to finish the property he would like to see $10,500 forgiven. He presumes that the new owner knew about the assessment before purchasing.

Member Johson stated that the owner should have seen the red flag with contract for deed.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO WAIVE $10,500 OF THE $21,000 ASSESSMENT AT 41330502.

Adopt Resolution Reaffirming the Purchase of the Roberts Property and Discussion of the Wellhead Protection Partner Grant

Finance Director Hillman gave an overview of the property purchase and a potential grant opportunity to assist with the purchase. She stated that the main reason to purchase the property is for wellhead protection. Staff recommend passing the resolution reaffirming the purchase of the Roberts Properties and determining whether to apply for the wellhead protection partner grant which would extend the closing date.

Attorney Langel stated that the resolution is to make a clear record of the purchase of the two parcels from the Roberts. Delaying the purchase of the property to apply for the competitive grant has potential to be problematic with the sellers. If the Council chooses to extend the timeline for closing, the Council could go into closed session to discuss the provisions of the purchase agreement.

Member Czeczok asked about the grant and funding for the purchase and the need for a closed session.

Attorney Langel stated that it would require an amendment to the terms of the purchase, for which the City could hold a closed session.

Member O'Day stated that there are a lot of opportunities with the property, he doesn't want to go after a grant that would cuff the City into not utilizing the property in other ways such as park land. He thinks its in the better interest of the City to pay for the property outright.

Chair Bevans asked where the wells would be. He asked why two purchase agreements couldn't be drawn.

Public Utilities Director Evans stated that the land would be used in the future as two new wells would be needed. He also stated that there is a great probability that the water has less manganese in it and is therefore a purer water source. Unfortunately, the well placement has not been determined.

Finance Director Hillman stated that the grant is not reimbursable. If the City Council decides to apply for the competitive grant, the property agreement will need to be extended.

Member Johnson talked about the history of this property, and now that the City is this close, he is concerned about getting a grant that locks the land up in perpetuity. He supports the purchase, but he isn't sure about application of the grant.

Member Czeczok asked about the purchase resolution. If the City approves the purchase, he would love to get money from the State to finance it. If the purchase agreement stalls out, the City could still apply for the grant.

Attorney Langel stated that the resolution is needed for clarification. If the purchase of the property stalls out, arguably, the sellers could sell the property to someone else.

Community Development Director Kramvik stated that he asked the wellhead protection consultants whether there should be development on the property. The consultants do not recommend development.

Finance Director Hillman stated that there needs to be a signed purchase agreement in order to apply for the grant. There is a possibility of purchasing credits back from the grant if the City pursues the grant.

Public Utilities Director Evans stated that there could be parks and trails on the property. Future expansion could be multiple well sites and realignment for water and sewer lines.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON TO ADOPT RESOLUTION APPROVING PROPERTY PURCHASE AGREEMENT.

RESOLUTION 52:24

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

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO ADJOURN TO CLOSED SESSION AFTER THE COMPLETION OF THE AGENDA TO DISCUSS OPTIONS FOR PAYMENT.

Public Forum

The Chair opened the public forum at 9:06 p.m.

No one came forward.

The Chair closed the public forum at 9:06 p.m.

Staff Reports

Police Chief Davis gave an update on the damaged rapid flashing beacon sign discussed at the last meeting. The City Prosecutor has submitted a claim of restitution against the driver, the case is not complete. He stated that Sergeant Rosier nominated Street/Sewer employees Lardy and Schlegel for the Booyah Award. He read Sergeant Rosier's statement of nomination.

City Engineer Dehn stated that there is a storm sewer outfall that has been scouring an area near a sanitary sewer main. The contractor will be starting work this week with repairs.

Finance Director Hillman stated that the General Election is on November 5th, all polling locations are open from 7:00 a.m. to 8:00 p.m. She thanked Election Judges for their hard work and the polling locations for allowing the City to use their facilities. She stated that the Canvass of the General Election needed to take place between November 7th and 15th. She requested that the City Council set the canvassing date for November 13th at 11:30 a.m. in the Brainerd City Council Chambers.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO SET THE CITY COUNCIL CANVASS OF THE GENERAL ELECTION FOR NOVEMBER 13TH, 2024 AT 11:30 A.M. IN THE CITY COUNCIL CHAMBERS.

Public Works Director Habighorst thanked Engineer Dehn for his tour and information.

Community Development Director Kramvik stated that the EDA will be attending a tour at the Just for Krypto Facility on Thursday, November 8th. The City Council and Public Utilities Commission have been invited and the meeting has been publicly noticed.

Administrator Broyles welcomed Public Works Director Habighorst.

Mayor's Report

Mayor Badeaux stated that the Council was asked to write a letter of support for the YMCA for the DEED childcare grant, there was no time for the Council to approve it, so the Mayor on behalf of himself signed the letter. Halloween, Dangerous Decibels in Gregory Park was great. North Brainerd was a happening place, Zion Lutheran, and Franklin Arts Center. Hometown Holiday celebration is Saturday, November 30th, the City Hall tree lighting will take place at 5:00 p.m.

Council Member Reports

Member Czeczok stated that the Public Utilities Commission decided to increase water rates by 20% on December 1st.

Member O'Day welcomed Mr. Habighorst and reminded everyone to vote tomorrow.

Chair Bevans stated that he had 1,730 trick or treaters at his house for Halloween.

Member Johnson thanked North Brainerd for their Halloween celebration, it's always electric.

Member Terry stated that they collect 47.2 pounds at the drug take back day. She thanked the Brainerd Police Department for participating.

Member Stunek wished everyone running good luck and reminded everyone to get out and vote.

Adjourn

Adjourn to Closed Session per MN Statute 13D.05 Subd. 3(c) to Discuss Potential Amendments to Purchase Agreement with Roberts Sand and Gravel Concerning PIDS 41361081 41361080

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY TO TO ADJOURN TO CLOSED SESSION PER MN STATUTE 13D.05 SUBD. 3(C) TO DISCUSS POTENTIAL AMENDMENTS TO THE PURCHASE AGREEMENT WITH ROBERTS SAND AND GRAVEL CONCERNING PIDS 41361081 AND 41361080

The Chair adjourned to closed session at 9:04 p.m.

The Council took a 7-minute break.

The Chair reconvened the meeting at 9:41 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 9:41p.m.

Nicholas W. Broyles
City Administrator