Brainerd, MN
November 18, 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: Stunek, Terry, Stenglein, Johnson, Czeczok, O'Day, and Bevans. Mayor Badeaux was also noted as present.

Member Terry attended the meeting virtually from 310 Canal Park Dr, Duluth, MN 55802 appropriate notice to the public was given.

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 E UNDER NEW BUSINESS AND ADDING APPROVE EVENT APPLICATION FOR HOLIDAY HAYRIDES TO SAFETY AND PUBLIC WORKS.

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 STENGLEIN AND O'DAY TO APPROVE THE CONSENT CALENDAR.

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Report**
D. **Authorize Letter of Support for the Northland Arboretum for the Regional Designation through the Greater Minnesota Parks and Trails Commission**

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

Safety and Public Works Committee

Discuss Sanitary Forcemain Sewer Lining Project and Sewer Rates

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO DIRECT STAFF TO PROVIDE MORE INFORMATION AT THE NEXT COUNCIL MEETING.

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.

Direction on Active Code Enforcement

Committee Chair O'Day stated that the owner has been working with staff on and off, but the project has not come to completion.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO FINE THE PROPERTY AT 401 4TH AVE NE $300 ONCE A MONTH UNTIL A CORRECTION PLAN IS APPROVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT.

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.

Approve Event Application- Holiday Hayrides (added item)

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO APPROVE THE EVENT APPLICATION FOR HOLIDAY HAYRIDES FOR NOVEMBER 30TH DOWNTOWN BRAINERD FROM 4:00 P.M. TO 6:00 P.M.

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.

Personnel and Finance Committee

Ratify Hiring Brandon Burgau as Police Intern

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO RATIFY THE HIRING OF BRANDON BURGAU AS OUR 2024 FALL POLICE INTERN EFFECTIVE NOVEMBER 19, 2024, AT $20.09 PER HOUR.

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.

Ratify Hiring Nicholas Carvelli as Apprentice Lineworker

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY TO RATIFY THE HIRING OF NICHOLAS CARVELLI AS AN APPRENTICE LINEWORKER EFFECTIVE NOVEMBER 12, 2024, AT $35.08 PER HOUR WHICH REPRESENTS THE 1ST 6 MONTHS OF THE APPRENTICE LINEWORKER PROGRESSION SCHEDULE.

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.

Approval of Memorandum Of Agreement (MOA) with IBEW Union setting wages for Administrative Assistant Position

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE ATTACHED MOA WITH THE IBEW LOCAL NO. 31 ADMINISTRATIVE SUPPORT UNION SETTING THE 2024 - 2026 WAGES FOR THE ADMINISTRATIVE ASSISTANT POSITION; FURTHER, TO AUTHORIZE STAFF TO CONDUCT AN INTERNAL HIRING PROCESS FOR THE ADMINISTRATIVE ASSISTANT POSITION.

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.

Approve Deferment of Assessments

Committee Chair Johnson stated that this owner meets all of the criteria for deferment.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE APPLICATION FOR DEFERMENT OF ASSESSMENTS PAYABLE IN 2025 FOR THE APPLICANT AT PID 41250586.

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.

Discussion of Civil Attorney Contract

Committee Chair Johnson stated that the committee discussed whether the City should issue an RFP for attorney services. The City is currently going through arbitration and are satisfied with Ratwik, Roszak, and Maloney (RRM) services, so two member of the committee thought it important to stay with our current City Attorney.

Member Czeczok stated that if he is not mistaken the current contract with our City Attorney was agreed to in 2014 asked for clarification.

Administrator Broyles stated that the last time the City went out for RFP was in 2014.

Member Johnson stated that per the City Charter, the City appoints the City Attorney every two years.

Finance Director Hillman stated that the City considers the City Attorney contract every two years.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY TO ELECT TO REMAIN WITH RRM AND DIRECT STAFF TO ENTER INTO NEGOTIATIONS WITH THEM AND PRESENT FINANCIALS TO COUNCIL FOR CONSIDERATION.

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.

2025 Budget and Levy Discussion

Finance Director Hillman clarified that the City wants to reduce the Capital Levy by $100,000 and reduce the Park Board facility funding request by $100,000 each year.

Member Czeczok stated that the Council has talked about the Airport levy at least a half a dozen times in the last year. He finds it interesting that the request started at $225,000, then went through the committee, and the City Council set it at $1,000. Now it has returned to a larger amount again. It is not the City's responsibility to match what the County pays for the Airport. The Council's responsibility is to the taxpayers, who ultimately pay the levy. There is a remedy for the situation.

Member O'Day asked for clarification on how the committee got to $125,000. He does not think that the entire Council agrees with what to levy for the Airport.

Member Johnson stated that two members of the committee wanted to come back to the Council with $150,000 levy for the airport, they determined that the $150,000 was already defeated by the Council. The $125,000 is the original levy less the roughly $25,000 in staff time that the City is putting into the airport.

Chair Bevans stated that he supports $1,000 for the Airport. He agrees with Member Czeczok, he thinks the double taxation is something that can be fixed. He thinks that the tragedy is that the City wrote a proposal to the County to discuss the taxation of the Airport. It appears that the County is not even interested in administering the levy for the Airport. He does not believe that the levy should fall on primarily the back of the Brainerd taxpayers.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO REDUCE THE CAPITAL LEVY BY $100,000 AND REDUCE THE PARK BOARD'S FACILITY FUNDING REQUEST BY $100,000 EACH YEAR, USE $125,000 AS THE 2024 AIRPORT

APPROPRIATION, REDUCE THE CAPITAL TREE BUDGET TO $15,000, AND PRESENT 4.75% INCREASE AT THE DECEMBER 2ND, 2024 BUDGET PUBLIC HEARING.

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK TO, REDUCE THE PARK BOARD’S FACILITY FUNDING REQUEST BY $100,000 EACH YEAR, REDUCE THE CAPITAL LEVY BY $100,000, AND REDUCE THE CAPITAL TREE BUDGET TO $15,000.

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

Member Johnson commented that a 4.75% increase would include $125,000 for the Airport for the Budget Public Hearing.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O’DAY TO PRESENT A 4% LEVY INCREASE AT THE DECEMBER 2ND, 2024 BUDGET PUBLIC HEARING.

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

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)

Adopt Resolution Awarding the Sale of General Obligation Bonds, Series 2024A; Fixing their Form and Specifications; Directing their Execution and Deliver; and Providing for their Payment

Lauren Volz, Baker Tilly, gave an overview of the sale results for the South Brainerd Reconstruction Bonds. The sales result was a 3.168% interest rate to Hilltop Securities Inc. in the aggregate amount of $2,910,000. The City’s bond rating is AA-, this is dependent on financial strength and conservative management practices.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O’DAY TO ADOPT RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2024A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $2,910,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

RESOLUTION 54:24

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.

New Business

Discussion of Process to Fill Vacant At-Large Position effective January 6, 2025

Member Johnson stated that he originally supported a shorter period of time in which to apply. He had a great conversation with Member Czeczok about including our newly elected Council Member in the decision-making process and now supports the motion.

Chair Bevans is concerned about the amount of time for Council Members to consider the applicants.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO DECLARE A VACANCY OF THE AT-LARGE POSITION SET TO EXPIRE DECEMBER 31,2026 ; FURTHER, TO ACCEPT APPLICATIONS FOR THE VACANCY FROM NOVEMBER 19TH, 2024 THROUGH DECEMBER 30TH WITH AN ANTICIPATED APPOINTMENT ON JANUARY 6TH, 2025.

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.

Call for Public Hearing - Request to Vacate Right of Ways

City Engineer Dehn stated that staff is recommending two public hearings for vacation of right of ways.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK TO FOR PUBLIC HEARING FOR MADISON HEIGHTS PLAT AND RADEMACHER COMMERCIAL ADDITION FOR EACH RIGHT OF WAY VACATION TO BE HELD ON DECEMBER 16TH, 2024 AT 7:30 P.M.

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.

Public Hearing and Adopt Resolution - Ordering Improvement and Ordering Preparation of Plans - Improvement 23-13 - TH 371B/Willow Street Roundabout Project

The Chair opened the public hearing at 8:07 p.m.

Blake Peterson, 623 Willow St, stated that they will be receiving about $100 for an easement from the City. He does not feel this is fair market value. He asked why it is the homeowners responsibility to pay $5,200 so that the City can acquire the land. He does not feel that putting a roundabout on this corner will add value to the property.

City Engineer Dehn stated that $5,200 is for half of the assessment which pays for the street reconstruction. The easement cost is for the City's cost for constructing the sidewalk, gutters, etc. on his property.

Chair Bevans stated that the easement is not a purchase agreement. The City will use the property during the construction.

The Chair closed the public hearing at 8:12 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT RESOLUTION ORDERING IMPROVEMENT AND ORDERING PREPARATION OF PLANS FOR IMPROVEMENT 23-13- TH 371B/WILLOW STREET ROUNDABOUT PROJECT.

RESOLUTION 55:24

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.

First Reading - Proposed Ordinance 1577 - Annexation of 15106 Riverside Drive Public Forum

Community Development Director Kramvik clarified that the City Council passed Ordinance 1576, but all adjacent properties were not notified of the public hearing. Therefore, the Council must conduct another public hearing at the December 16th meeting, with notification to all adjacent properties, and pass Ordinance 1577 which will annex 15106 Riverside Drive and repeal Ordinance 1576.

Member Czeczok clarified that the Office of Administrative Hearings found the discrepancy.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN TO CONDUCT THE FIRST READING AND DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE 1577, AN ORDINANCE PROVIDING FOR THE ANNEXATION OF 15106 RIVERSIDE DRIVE.

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 City Administrator to Attend Conference for Sourcewell

Administrator Broyles stated that he has the opportunity as a Board of Trustee Member for Sourcewell to attend the annual Governance Conference. All expenses would be paid by Sourcewell, it would just cost his time.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO AUTHORIZE THE CITY ADMINISTRATOR TO ATTEND THE AGRIP GOVERNANCE CONFERENCE ON MARCH 16-19, 2025.

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.

Public Forum

The Chair opened the public forum at 8:17 p.m.

No one came forward.

The Chair closed the public forum at 8:17 p.m.

Staff Reports

HRA Director Charpentier stated that their staff met with their DEED rep who stated that the HRA small cities grant would be likely more competitive if they only applied for a streetscape grant this round. The streetscape grant includes lighting, benches, etc. The HRA would submit another pre-application for commercial and residential funding along Washington street in 2026.

Public Works Director Habighorst stated that a contractor has stabilized the sewer main near Evergreen Cemetery. Staff will be working on design for a permanent fix. The Police Department has been assisting our Park Department in installing cameras in three areas in our parks.

Community Development Director Kramvik stated that the Planning Commission will review three short term rental renewals, a brew pub at Last Turn saloon, and a CUP and variance request for seven residential units above Bob and Fran's at their November meeting. The Planning Commission will be reviewing a crypto mining ordinance in December. Finally, the EDA, City Council, and Public Utilities Commission toured the facilities at Just for Krypto, it was very interesting and beneficial in creating the ordinance.

Chair Bevans asked for an update on the Roberts property purchase.

Attorney Langel stated that the documents are prepared, they are just waiting on the current owner to travel to sign his documents.

Administrator Broyles stated that he will be on vacation Wednesday through Friday this week, he will be traveling to welcome his first grandson.

Mayor's Report

Mayor Badeaux stated that Brainerd Jaycees and Brainerd Community Action have been presenting community awards. They awarded Visit Brainerd with Non-Profit of the Year and Wade Haapajoki as Citizen of the Year. There will be a ceremony in the first part of 2025. He stated that Small Business Saturday is November 30th downtown with Window Walk from 11:00 a.m.- 6:00 p.m., Hayrides from 4:00 p.m.-6:00 p.m., City Hall Tree Lighting at 5:00 p.m., and the unveiling of the cookie statues downtown. The statues look really cool. He is excited for people to see them.

Council Member Reports

Member Johnson reminded the kids of Brainerd not to drop kick the cookies.

Chair Bevans stated that he is sad to see Bob and Fran's and the Auto Import going out of business. He stopped into Auto Import. Their family has been running that location for over fifty years.

Member O'Day congratulated Administrator Broyles on his first grandchild. He thanked all of the voters and poll workers. He commented that it is amazing how much work goes into voting, our poll workers in Crow Wing County are very efficient and accurate.

Member Czeczok thanked Mayor Badeaux for the recognition Youth Volunteer of the Year, she has a very impressive resume. He also congratulated Administrator Broyles on his first grandchild.

Adjourn

Adjourn to Closed Labor Negotiation Strategy Session pursuant to MN Statutes, 13D.03, Subd 1(b) to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals conducted pursuant to MN Statutes, 179A.01 to 179A.25. The Closed Labor Negotiation

<u>Strategy Session meeting may be further closed for discussion of litigation strategy protected by the attorney-client privilege, as permitted by MN Statutes, 13D.05, Subd 3(b). The specific subject to be discussed, pursuant to MN Statutes, 13D.01, Subd 3, are the legal positions and strategy in the interest arbitration between the City and IBEW 31 (Public Utilities) Union, BMS Case No. 24-PN-0860.</u>

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADJOURN TO CLOSED SESSION.

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.

The Chair adjourned to closed session at 8:28 p.m.

The Council took a 7-minute break.

The Chair reconvened the meeting at 9:10 p.m.

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

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.

The Chair adjourned the meeting at 9:10 p.m.

Nicholas W. Broyles
City Administrator