Brainerd, MN
January 6, 2025

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 Administrator Broyles.

Administer Oath of Office

Administrator Broyles administered the oath of office to Tad Erickson- Ward 1, Jeff Czeczok- Ward 3, Mike O'Day- At Large, Kevin Stunek- At Large.

Upon roll call, the following members were noted as present: Erickson, Bevans, Czeczok, Johnson, O'Day, and Stunek. Mayor Badeaux was also noted as present.

Administrator Broyles led the Pledge of Allegiance to the flag.

Appoint Council Member to Fill the At-Large Vacancy

Administrator Broyles stated that there were seven applicants for the vacant At Large seat: Jeffrey Bipes, Kyle Christenson, Wayne Erickson, Emily LeClaire, Tiffany Stenglein, Kevin Yeager, and Shirley Yeager. He stated that Ms. Shirley Yeager withdrew her application on January 6th.

The Council had no questions for the applicants.

Member Johnson nominated Kevin Yeager for the vacant seat.

Member Stunek nominated Tiffany Stenglein for the vacant seat.

Council Members voted for the vacant seat per the Rules of Decorum.

Members O'Day, Czeczok, Erickson, Johnson, and Bevans voted for Kevin Yeager. Member Stunek voted for Tiffany Stenglein.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, DULY CARRIED, TO APPOINT MR. KEVIN YEAGER TO THE AT LARGE SEAT FROM JANUARY 6TH, 2025 THROUGH DECEMBER 31ST, 2026.

Election of President and Vice President of the Council for 2025-2026

Member Johnson nominated Member O'Day for the office of President.

Member Stunek nominated Member Bevans for the office of President.

Council Members voted for the appointment per the Rules of Decorum.

Members O'Day, Czeczok, Erickson, and Johnson voted for Member O'Day. Members Stunek and Bevans voted for Member Bevans.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO APPOINT MEMBER O'DAY AS THE COUNCIL PRESIDENT FOR 2025-2026.

Member Stunek nominated Member Bevans for office of Vice President.

Member O'Day nominated Member Johnson for office of Vice President.

Council Members voted for the appointment per the Rules of Decorum.

Members Stunek and Bevans voted for Member Bevans. Members Erickson, Czeczok, O'Day, and Johnson voted for Member Johnson.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND ERICKSON, DULY CARRIED, TO APPOINT MEMBER JOHNSON AS VICE PRESIDENT FOR 2025-2026.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS, DULY CARRIED, TO APPROVE THE AGENDA.

Member Czeczok stated that minutes should include that the votes for appointment of Council Members to vacancies and President/Vice President should be read with the Council Members identity for each round.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND ERICKSON TO APPROVE THE CONSENT CALENDAR.

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Report**
D. **Adopt Resolution Designating Financial Institutions as Depositories for 2025**
E. **Annual Authorization to Perform Electronic Transfers**
F. **Designate the Brainerd Dispatch as the Official Newspaper for Calendar Year 2025 pursuant to the City Charter and Authorize Extension of Contract with Dispatch**
G. **Appoint City Attorney for 2025-2026 Pursuant to City Charter**
H. **Adopt Resolution Minnesota Lawful Gambling Premise Permit- Brainerd American Legion at Brainerd Elks, 215 S 9th St, Brainerd**
I. **Authorize Signatures on League of Minnesota Cities Insurance Trust (LMCIT) Liability Coverage Waiver Form**
J. **Approve Hiring of 2024-2025 Warming House Attendant Temporary Employees**
K. **Adopt Resolution Approving Signature Authorization for 2025 Capital Projects for the Brainerd Lakes Regional Airport**
L. **Approve On-Sale Intoxicating Liquor License Submitted by Last Turn Brew Pub LLC, 214 S 8th St- Contingent Upon Approvals**

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

Unfinished Business

Declare Vacancy on the Public Utilities Commission Expiring 2026

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO DECLARE VACANCY ON THE PUBLIC UTILITIES COMMISSION EXPIRING DECEMBER 31, 2026.

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)
Airport Commission - **1 term** (2027)
Charter Commission – **2 terms** (Expire 2025) 2 **terms** (Expire 2026) **3 terms** (Expire 2028)
Housing and Redevelopment Authority **- 1 term** (Expire 2029)
Parks & Recreation - **1 term** (Expire 2029)
Public Utilities Commission - **1 term** (Expire 2029)
Transportation Advisory Committee- **4 terms** (Expire 2026)
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 2027)

Consider Technology Director Job Description and Authorize Staff to Conduct an Internal Job Posting Process

HR Director Schubert stated that on December 19, 2024, the City Council approved creation of a single integrated City IT Department. As discussed at that meeting, Staff has prepared a Technology Director job description to oversee the new integrated Technology Department. Staff requests that the Council approve the job description and authorize Staff to conduct an internal job posting process to fill the position as soon as possible. One of the items that will be requested is that any applicant provide their staffing vision for the new department, including an Organizational Chart and draft job descriptions for any recommended positions to help expedite future hiring processes.

Member Czeczok asked whether the position would be required to perform the tasks of those this person would oversee.

HR Director Schubert stated that the Director would oversee the tasks of those they supervise and could provide backup if necessary. Ongoing training would be provided to ensure that staff are able to provide backup.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS, DULY CARRIED, TO APPROVE THE TECHNOLOGY DIRECTOR JOB DESCRIPTION AS PRESENTED AND TO AUTHORIZE STAFF TO CONDUCT AN INTERNAL JOB POSTING PROCESS TO FILL THE POSITION.

New Business

Accept Retirement of Street Maintenance III Glen Holst

HR Director Schubert stated that Mr. Holst submitted his retirement as of January 10th, 2025.

Member Czeczok thanked Mr. Holst for his many years of service, including the service of his family members.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND CZECZOK, DULY CARRIED, TO ACCEPT THE RETIREMENT OF STREET MAINTENANCE III GLEN HOLST EFFECTIVE JANUARY 10, 2025; APPROVE THE UPDATED MAINTENANCE III - STREET & SEWER DIVISION JOB DESCRIPTION AS PRESENTED; AND AUTHORIZE STAFF TO BEGIN AN INTERNAL HIRING PROCESS TO BACKFILL THE MAINTENANCE III POSITION.

Accept Resignation of CSO Dominick Baillif

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO ACCEPT MR. DOMINICK BAILLIF'S RESIGNATION EFFECTIVE JANUARY 13, 2025, AND TO AUTHORIZE STAFF TO BACKFILL THE POSITION.

Accept Resignation of Michelle Mendoza

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO ACCEPT MICHELLE MENDOZA'S RESIGNATION EFFECTIVE JANUARY 2, 2025; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL A POLICE RECORDS TECH POSITION.

Ratify the Hiring of CSO Joshua Winslow

Member Johnson asked whether this hiring will backfill the resignation just approved or whether this will be another job posting.

HR Director Schubert stated that this will be a new job posting.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND ERICKSON, DULY CARRIED, TO RATIFY THE HIRING OF JOSHUA WINSLOW AS A COMMUNITY SERVICE OFFICER EFFECTIVE JANUARY 14, 2025, AT $21.31 PER HOUR.

Ratify Hiring Brian Seieroe for Journeyman Electrician Position

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO RATIFY THE HIRING OF BRIAN SEIEROE FOR THE JOURNEYMAN ELECTRICIAN POSITION EFFECTIVE JANUARY 6, 2025; FURTHER, THAT HE BE PLACED ON STEP 3 OF THE JOURNEYMAN ELECTRICIAN WAGE GRID ($40.10 PER HOUR).

Approve Memorandum Of Understanding (MOU) Extending Timeframe Allowing IBEW Employees to Work at Hydro Facility

HR Director Schubert stated that both the United Steel Workers (USW) and IBEW Local No. 31 (Public Utility) Union representatives have agreed to extend the Memorandum of Understanding allowing IBEW BPU employees to temporarily perform work at the Hydro facility. This MOU will give the City more time to finalize the IBEW contract.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE MOU BETWEEN THE CITY OF BRAINERD, THE USW LOCAL NO. 9230 UNIT 09 UNION, AND THE IBEW LOCAL NO. 31 UNION REPRESENTING PUBLIC UTILITY EMPLOYEES THAT ALLOWS IBEW BPU EMPLOYEES TO ASSIST AT THE HYDRO DAM FACILITY AS NEEDED TO APRIL 1, 2025; FURTHER, TO AUTHORIZE THE SIGNATURE OF CITY ADMINISTRATOR ON SAID MOU.

Consider Approval of the Revised Employee Policy Manual

HR Director Schubert gave an overview of the changes that are proposed to the Employee Police Manual with State law changes in 2024.

Member Johnson stated that without being able to review the redlined version of the manual, he would request more time before approval. He would request that the Personnel and Finance Committee review the manual prior to its approval.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO HOLD OFF ON A DECISION SO THAT THE PERSONNEL AND FINANCE COMMITTEE CAN REVIEW THE CHANGES AT ITS NEXT MEETING.

Adopt Resolution - Receive Feasibility Report, Call for Public Hearing on Improvement, and Request for Contract Amendment for Bolton & Menk - Imp 23-16 - South Brainerd Resurfacing

City Engineer Dehn gave an overview of the feasibility report and contract amendment. The original scope of work did not include the design and installation of ten additional hydrants.

Member Johnson asked about the total cost of the contract and the percentage increase of the additional hydrants.

City Engineer Dehn stated that the original engineering contract was $68,450. The amendment to include the hydrants and gate valves is $32,130.

Member Johnson stated that he could not support a roughly 50% increase to the contract for ten new hydrants.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND ERICKSON TO ADOPT RESOLUTION RECEIVING THE ATTACHED FEASIBILITY REPORT AND CALLING FOR THE PUBLIC HEARING ON THE PROPOSED IMPROVEMENT TO BE HELD ON FEBRUARY 3RD AT 7:30 P.M.

RESOLUTION 04:25

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

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND ERICKSON TO APPROVE THE CONTRACT AMENDMENT REQUEST BY BOLTON AND MENK IN THE AMOUNT OF $32,130.

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

Adopt Resolution - Imp 21-13 - Beech/Oakridge Reconstruction Project - Order Feasibility Report

City Engineer Dehn gave an overview of the reconstruction project. The feasibility report will include more information.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK TO ADOPT RESOLUTION ORDERING THE FEASIBILITY REPORT FOR IMPROVEMENT 21-13 - BEECH/OAKRIDGE RECONSTRUCTION PROJECT.

RESOLUTION 05:25

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

Adopt Resolution - Imp 17-12 - Wright/S. 10th Reconstruction Project - Order Feasibility Report

City Engineer Dehn gave an overview of the reconstruction project.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK TO ADOPT RESOLUTION ORDERING THE FEASIBILITY REPORT FOR IMPROVEMENT 17-12 - WRIGHT/S. 10TH RECONSTRUCTION PROJECT.

RESOLUTION 06:25

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

Direction on Active Code Enforcement Cases

Community Development Director Kramvik gave an overview of 823 Willow Street. He stated that this property is also going through the process of resolving an illegal rental.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO OBTAIN AN ADMINISTRATIVE WARRANT TO ABATE THE GARBAGE/JUNK/DEBRIS AT 823 WILLOW ST.

Consider Variance from Fence Height Requirements at 303 J St NE

Community Development Director Kramvik gave an overview of the variance request and history of the property. He stated that the Planning Commission did not provide a recommendation after a failed motion to approve the variance. Staff recommend the approval of the variance.

Mayor Badeaux asked about the status of the nuisance items.

Community Development Director Kramvik stated that the items had been cleaned up prior to the Christmas holiday.

Chair O'Day stated that there has been a lot of staff time put into this property, he is glad that they are finally working with staff and hopes that we can move on.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO APPROVE THE VARIANCE AT 303 J ST NE.

First Reading Proposed Ordinance 1578 - Lot Standards and Building Design Standards

Community Development Director Kramvik gave an overview of the ordinance. The EDA had originally recommended that the Planning Commission pursue mixed use along the Washington Street corridor.

Member Johnson questioned why the City Council would consult the Public Utilities Commission if the SAC/WAC fees are City fees.

Community Development Director Kramvik stated that this may be a significant change if mixed use development does go in on Washington Street with the change to the Central Business District Incentive Program. The Public Utilities Commission had concerns about the incentive program but made no recommendation in its approval.

Member Czeczok asked who is in control of the SAC/WAC fees.

Community Development Director Kramvik stated that the City collects the fees, and the City Council approves the distribution of the funds.

Finance Director Hillman stated that the City Council did approve sending the water accessibility fee charges to BPU on an annual basis.

Member Czeczok asked when the revenues are decreased, how does this affect the future of the system.

Public Utilities Director Evans stated that the use of the property isn't of concern to the Utility Department. If the charges are not collected, the new section of the system would need to be funded from another source.

Member Czeczok stated that waiving the fees is a "feel good" thing. He doesn't believe that saving these businesses the SAC/WAC fees will prevent new business.

Member Johnson clarified that the SAC/WAC charges are for expanding the system. The money is not spent replacing pipes and fixing what the City already maintains. When the City is waiving the fees downtown, all the City is doing is ensuring that these businesses downtown aren't paying for the expansion of the system outside of the current city limits.

Member Czeczok stated that he is talking about expansion. He understands the law of Brainerd.

Chair O'Day stated that this is an incentive for redevelopment. He does not see this incentive being in place forever, it is valuable right now to redevelop Highway 210.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND JOHNSON, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1578 AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS TO DIRECT STAFF TO BRING PROPOSED ORDINANCE 1578 TO THE JANUARY 21ST CITY COUNCIL MEETING TO CONDUCT THE SECOND READING AND CONSIDER THE ORDINANCE.

Members Erickson, Bevans, Johnson, Stunek, and O'Day voted "aye". Member Czeczok voted "nay". The Chair declared the motion carried.

Discuss Future of City Hall Annex Building

Administrator Broyles gave an overview of the recent history of the Annex. The Annex is in need of significant updates. He stated that he anticipates future growth for Brainerd and additional office space may be limited. Furthermore, if the City Council continues with efforts to integrate functional areas within the city, there may be significant benefits to retaining the Annex. Making necessary repairs to an existing building that we already own would be significantly more cost effective than new construction. If Council desires to sell the Annex, staff will work with potential buyers and present to Council when appropriate.

Administrator Broyles stated that he sees benefit in consolidating functional activities.

Member Johnson stated that the facilities study showed concern about ADA compliance. City Hall HVAC can support the annex.

Chair O'Day stated that he is open to anything with the Annex. If the right offer came, anything is for sale. If there is someone who could fix it up and use it more immediately, he would be open.

Member Czeczok stated that if the City is interested in using the building it for its own use, there aren't funds to fix it up for use. He stated that staff could work to come up with figures to make the Annex useable and still consider offers in the closed session.

Administrator Broyles stated that staff work has not been done to estimate the potential costs. He is looking for direction to staff to either pursue those numbers or proceed with sale.

Member Bevans stated that the City Council could consider both selling and modernizing the Annex. More information is needed from both options.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO PROVIDE INFORMATION ON COST ESTIMATES AND TIMELINES NEEDED FOR IMPROVEMENTS.

Adopt Resolution Calling a Public Hearing on a Property Tax Abatement for Certain Property in the City of Brainerd

Community Development Director Kramvik stated that the specifics of the abatement will be provided at the Council meeting on February 3rd. The EDA did recommend a blended tax abatement structure. The resolution at this meeting is to set the public hearing.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO ADOPT RESOLUTION AUTHORIZING AND DIRECTING STAFF TO PUBLISH A NOTICE SETTING A PUBLIC HEARING BEFORE THE CITY COUNCIL ON MONDAY, FEBRUARY 3RD, 2025, AT OR AFTER 7:30 P.M. AT CITY HALL ON THE ABATEMENT.

RESOLUTION 07:25

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

Informational - City Issuing Conduit Debt

Finance Director Hillman stated that the City has been requested to issue conduit debt for the Country Manor project. If the City were to issue the conduit debt, there is no obligation for the City to pay the debt, there is no impact on the City's credit rating, and the conduit debt does not go towards the City's debt limit. The debt however does count towards the City's annual $10 million limit to issue bank-qualified bonds (BQ bonds). This could result in the City paying a higher interest rate if the City issues bonds in 2025.

Member Johnson asked whether there are plans to issue debt in the capital plan in 2025. He requested more information.

Finance Director Hillman stated that the plan is to issue debt in 2025.

Member Czeczok asked about the amount that Country Manor would be able to access.

Finance Director Hillman stated that they are issuing bonds for up to $50 million. In the City's policy it can issue conduit debt. However, if the City does not want to issue this debt, the City will need to notify Country Manor.

Member Johnson stated that he is not opposed to the issuance at this time. He would like to see more information.

Chair O'Day would like this issue to go to Personnel and Finance when information is available.

Public Forum

The Chair opened the public forum at 8:48 p.m.

No one came forward.

The Chair closed the public forum at 8:49 p.m.

Staff Reports

Public Works Director Habighorst stated that there will be a new skid steer in the Public Works Department. Transit was able to visit Winter Wonderland one of the two nights that it was scheduled. The rain on December 27th prevented the second trip from touring the lights. The average number of riders per day in 2024 was 154.

Community Development Director Kramvik stated that the Planning Commission started discussion on data center regulations, discussion will continue at its next meeting.

Administrator Broyles stated that Staff is excited for the New Year and new opportunities. He anticipates some great things in 2025. He thanked Member Bevans for his mentorship over the last eleven months. He congratulated the new and returning Council Members. He looks forward to a great year working with Chair O'Day.

Council Member Reports

Member Czeczok stated that he was onboard the Transit tour on December 27th that had to be cancelled. It was unfortunate, but people enjoyed the bus ride overall.

Member Johnson stated that he received a phone call from a constituent regarding the great leadership by Chief Davis and Chief Holmes.

Member O'Day thanked the Council for their confidence. He'll do his best. In the next couple of weeks e-mails will be sent out setting up leadership positions and Council Liaisons.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PER MN STATUTE 13D.03 SUBD. 3(C)3 TO CONSIDER OFFERS FOR THE SALE OF THE ANNEX.

The Chair adjourned the meeting to the closed session at 8:55 p.m.

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

The Chair adjourned the meeting at 9:21 p.m

Nicholas W. Broyles
City Administrator

January 6, 2025