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 O'Day.

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

Chair O'Day led the Pledge of Allegiance to the flag.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF APPROVAL OF MEMORANDUM OF AGREEMENT WITH IBEW ADMINISTRATIVE SUPPORT UNION FOR TECHNOLOGY POSITIONS TO PERSONNEL AND FINANCE.

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

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Report**
D. **Approve New On-Sale Liquor License Application Submitted by Burritos California Mexican Grill LLC at 302 Washington St**
E. **Adopt Resolution Accepting 4th Quarter Donations**
F. **Approve Event/Street Closure Application- St. Patrick's Day**

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

Public Forum

The Chair opened the public forum at 7:31 p.m.

Paul Skogen, 13347 Norway Dr, Baxter gave an update on the Water Tower. The windows are complete and will be installed when the frost goes out of the ground. Business After Hours will take place in June at the Water Tower, all are invited. The committee still needs to raise $2.5 million for the exterior stucco.

The Chair closed the public forum at 7:34 p.m.

Council Committee Reports

Safety and Public Works Committee

Authorize Advertisement for Bids - Imp 25-01 - 2025 Chip Sealing Project

Committee Chair Erickson stated that the engineers estimate was about $10,000 over budget. Staff will communicate with the bidders regarding add/alternates and discuss depending on where the bids come in.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND YEAGER, DULY CARRIED, TO BID THE CHIP SEAL PROJECT WITH THE STREETS LISTED AND DISCUSS ONCE ACTUAL BIDS ARE RECEIVED.

Authorize Advertisement for Bids - Lowell Safe Routes to School

Committee Chair Erickson stated that the project funding is a State grant without a local match.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO AUTHORIZE ADVERTISEMENT THE LOWELL SAFE ROUTES TO SCHOOL PROJECT FOR BIDS.

Award Proposal - 2025 Downtown Plantings

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND YEAGER, DULY CARRIED, TO APPROVE THE LANDSBURG LANDSCAPE NURSERY QUOTE IN THE AMOUNT OF $11,607.

Award Proposal - M Street Stormwater Outfall Repair Engineering Services

Committee Chair Erickson stated that the committee did not have a recommendation due to a distinct delta between the two proposals. They asked staff to return to the proposers to make them more easily comparable.

Member Czeczok stated that there was a motion at committee that failed 2-1 to award the proposal to WSB. The Council can make a motion without a committee recommendation. He recommends accepting the proposal from WSB.

Member Johnson asked for clarification on why the Committee didn't make a recommendation.

Member Yeager stated that he was the committee member that motioned for the denial of the award. The two proposals were so vastly different, he believes that the scope needs to be cleaned up so that the proposals can be more comparable. Both firms seemingly had the information but were so different.

Member Bevans stated that staff recommended WSB, so the proposals must have been accurate.

City Engineer Dehn stated that the firms were given very specific scope of services. The add/alternate was included in one of the proposals and not the other.

Chair O'Day asked about the erosion that this project is fixing and the start date. Whether delaying this decision by two weeks would affect the timeline.

City Engineer Dehn stated that staff made improvements to the project area to sustain it for the winter, it has not been evaluated since the spring thaw began. Delaying the decision will not be detrimental, however, the proposals are already public so it is unlikely that one of the firms would want to change their numbers.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS, DULY CARRIED, TO AWARD PROPOSAL OF M STREET STORMWATER OUTFALL REPAIR ENGINEERING SERVICES TO WSB IN THE AMOUNT OF $29,700.

Personnel and Finance Committee

Approve Revised Special Assessment Policy

Committee Chair Johnson stated that the proposed policy included interest for a term of thirty years for economic hardship deferrals.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO DIRECT STAFF TO COME TO THE NEXT PERSONNEL AND FINANCE MEETING WITH AN UPDATED ASSESSMENT POLICY THAT TREATS UNDEVELOPED PROPERTIES DIFFERENTLY THAN ECONOMIC HARDSHIP ASSESSMENTS AND CONNECTION CHARGES.

Approve Library Exterior and Mechanical Repairs Proposal

Committee Chair Johnson stated that the City budgeted $425,000. The proposal for the scope is $338,461. With this recommendation the council will not be expending the additional funds.

Member Czeczok questioned leaving out the recommendation to use the additional funds for the Maple parking lot.

Member Johnson stated that the parking lot resurface should be funded by the parking lot funds. There isn't money in the fund right now, but there is a way to raise money in that fund by leasing out spaces.

Mayor Badeaux stated that he appreciates the government not spending money it doesn't need to spend.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE HYTEC CONSTRUCTION PROPOSAL UTILIZING THE SCOPE NOT REPLACING THE ASPHALT SHINGLES OR RESURFACING OF THE MAPLE LOT.

Consider Municipal Dispensary License Application

Committee Chair Johnson stated that the deadline for municipalities to apply for a municipal license is March 14th. Staff are unsure whether the license window will ever open again. The question is whether to expend the money to apply for the license in case the City decides whether to pursue a municipal license or not. This vote was a split vote out of committee, two in favor.

Member Stunek stated that he voted against the motion in committee. If we allow this to happen, what will be next.

Member Czeczok asked about other costs once the City has applied. He also asked about cannabis being illegal federally whether there is risk to the City funding.

Member Johnson listed the known future costs including the application fee and renewal fees. The cost that is unknown is how it will affect the cost of a new insurance policy.

Community Development Director Kramvik stated that there isn't any data yet on how a municipal dispensary could affect federal funding the City would receive in the future.

Attorney Langel stated that it is too early to know the risks.

Chair O'Day stated that there is potential for revenue by the City. This is a question of whether the City wants to be more in control of the cannabis business in the City.

Member Czeczok stated he will vote no. The City has other things that it needs to handle before we start venturing into the business. The private sector is better suited.

Mayor Badeaux stated that the City of Brainerd has made no investment toward a municipal dispensary other than considering this license. He does like that there are local interests. He supports the small expenditure to learn more about the process.

Member Erickson stated that his concern was also about the violation of Federal law.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS TO APPLY FOR THE MUNICIPAL DISPENSARY LICENSE.

Upon roll call, Council Members Bevans, Johnson, and O'Day voted "aye". Members Erickson, Czeczok, Stunek, and Yeager voted "nay". The Chair declared the motion failed.

Accept Resignation of CSO Joshua Winslow

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT MR. JOSHUA WINSLOW'S RESIGNATION EFFECTIVE MARCH 5, 2025, AND TO AUTHORIZE STAFF TO BACKFILL THE POSITION.

Accept the Resignation of Lineworker Travis Donnelly

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO ACCEPT MR. DONNELLY'S RESIGNATION EFFECTIVE FEBRUARY 28, 2025; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE POSITION.

Ratify Hiring of Wyatt Pribyl for Street Maintenance I Position

Committee Chair Johnson stated that there were 44 applicants of which 4 were interviewed for the position. The justification for placing Mr. Pribyl on step 3 is that he comes from a different street department, he has his CDL and is a DOT inspector.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF WYATT PRIBYL FOR THE STREET MAINTENANCE I POSITION EFFECTIVE MARCH 17, 2025; FURTHER, THAT HE BE PLACED ON STEP 3 OF THE MAINTENANCE I WAGE GRID ($28.20 PER HOUR).

Fire Contract Formula for 2026 - Informational

Committee Chair Johnson stated that all of the information is provided. The City of Brainerd's cost is increasing by $17,500 in 2026. He requested that staff review the formula.

Approve Memorandum of Agreement with IBEW Administrative Support Union for Technology Positions (Added Item)

Committee Chair Johnson stated that the City met with the Union today about the positions. With this MOU the wages will be set, and the hiring process can begin.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE MEMORANDUM OF AGREEMENT WITH IBEW ADMINISTRATIVE SUPPORT UNION FOR TECHNOLOGY POSITIONS.

Unfinished Business

Accept Resignation of Patrick Wussow from the Public Utilities Commission

Member Czeczok thanked Mr. Wussow for his dedication to Public Utilities.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO ACCEPT RESIGNATION OF PATRICK WUSSOW FROM THE PUBLIC UTILITIES COMMISSION.

Council President- Committee Recommendation

Chair O'Day recommended Andrew Shipe to the Airport Commission.

Member Bevans stated that he will be voting no, as the Northside Neighborhood feels he does not meet their expectations of representation on the Park Board.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND YEAGER TO APPOINT ANDREW SHIPE TO THE AIRPORT COMMISSION.

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

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – **2 terms** (Expire 2025) **2 terms** (Expire 2026)
Housing & Redevelopment Authority -- **1 term** (Expire 2027)
Library Board-- **1 term** (Expire 2027)
Public Utilities Commission—**1 term** (Expire 2028)
Transportation Advisory Committee- **3 terms** (Expire 2026)
Council President Recommended: (terms expire on 12/31 of said year)
Water Tower Committee—**3 terms**

Consider Public Utilities Commission Recommendation for Central Business District Incentive Policy

Community Development Director Kramvik gave an overview of the discussion at the Public Utilities Commission meeting. They continue to express concerns that all SAC/WAC charges should be forgiven.

Member Bevans asked how long the incentive will be in effect.

Community Development Director Kramvik stated that it expires in 2029.

Member Czeczok stated that he sees a review by the Public Utilities Commission for anything over 4 housing units. The City should make sure that SAC/WAC is used when it is needed and encouraged all members to review the uses.

Chair O'Day stated that adding review by the Public Utilities Commission will encourage communication. The only thing he may see as an issue is that this will add time as the Public Utilities Commission only meets once a month.

Member Johnson stated that he will vote no, as it adds bureaucratic red tape. He thinks one way to improve communication would be adding the applications to the Public Utilities packet as a way to keep an eye on potential problems. He doesn't see the point in sending a

City fee to the Commission to review that then would need to return to the Council when there is already a policy in place to waive the fee. It is a City fee, not a Public Utility fee.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS TO CZECZOK AND BEVANS TO RECOMMEND THAT THE PUBLIC UTILITIES COMMISSION REVIEW ALL SAC AND WAC FORGIVENESS AND PROVIDE A RECOMMENDATION TO COUNCIL IF THE PROJECT VALUATION EXCEEDS $150,000.

Upon roll call, Council Members Czeczok, Erickson, and O'Day voted "aye". Members Bevans, Johnson, Stunek, Yeager voted "nay". The Chair declared the motion failed.

Member Johnson stated that the policy is published on the website.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO LEAVE THE CENTRAL BUSINESS DISTRICT POLICY AS IS AND TO INCLUDE IN THE PUBLIC UTILITIES COMMISSION PACKET ALL FORGIVEN SAC/WAC FEE CHARGES.

New Business

Consider Preliminary Plat Request for St. Francis Church - 411 N 10th St

Community Development Director Kramvik gave an overview of the proposal. The Planning Commission recommended unanimously to approve the request with conditions.

City Engineer Dehn stated that the petition for vacation was received after the packet was distributed. He gave an overview of the vacation of that section of N 9th Street and recommends the vacation.

Member Johnson asked about the public benefit of eliminating this portion of N 9th Street.

City Engineer Dehn stated that the intent of the local street is to service adjacent properties. St. Francis owns most of the adjacent properties the public benefit is to themselves.

Member Czeczok asked whether the Council can ask for more information prior to vacating the street.

Community Development Director Kramvik stated that an approval tonight does not bind the City Council to a street vacation. A street vacation is a separate process. The point of a preliminary plat is to give the applicant feedback on their plan.

Father Garry, St. Francis Church, gave an overview of the plans and why they are important to St. Francis as well as the City of Brainerd.

Ed Shaw, 521 N 9th St, stated that the Church is a good neighbor. He is concerned about setting precedence for removing homes for parking lots and street vacations.

Member Yeager asked a question about the renderings of the rectory. He also asked whether adding 15 spaces of parking will be enough for the growth anticipated for the school.

Erica Markuson, 7804 Industrial Park Rd, Widseth, clarified that the 3-D rendering is the most accurate of the design. She clarified the parking plan.

MOVED BY MEMBER YEAGER TO DENY THE PRELIMINARY PLAT AND THAT THE PROPERTY REMAIN A TN-1 DISTRICT.

The Chair declared the motion failed for lack of second.

Member Johnson stated that he will support the motion but is not sold on the vacation of North 9th Street. He needs to see clearer plans to see what would be done with the street if it was vacated.

Member Erickson stated that he supports the plan. The vacation would calm traffic and make the street safer for the school.

Member Czeczok asked to clarify whether approving this preliminary plat means that the street is vacated.

Community Development Director Kramvik stated that this motion does not vacate the street. There is a formal process to follow when vacating a street.

Mayor Badeaux stated that he supports St. Francis's plan. He complains most about parking lots as he supports on-street parking. He needs to see further plans for the project and information before finalizing the plans.

Chair O'Day stated that he is excited about this project, however, he has reservations about the street vacation. He needs more information. He trusts that St. Francis will do something beautiful in the neighborhood. However, he is also concerned about a large neighbor in the same neighborhood following suit and pursuing vacation. He thinks that it would be best just to start with the rectory until expansions of the church and school are planned so that their plans can move forward.

Member Czeczok stated that it is the City Council's responsibility to know what is planned before approving.

Member Johnson stated that he will vote yes, even though he has reservations. He is optimistic that the plans will be prepared before moving forward further. He thinks the rectory is a slam dunk. The vacation would be best when expansion is planned.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND ERICKSON TO APPROVE THE PRELIMINARY PLAT CONTINGENT UPON: VACATION OF N 9TH STREET BETWEEN IVY AND JUNIPER STREET, REZONING OF ALL PARCELS TO PUBLIC SEMI-PUBLIC DISTRICT, AND APPROVAL OF THE DEVELOPMENT AGREEMENT WITH THE CITY OF BRAINERD.

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

First Reading- Proposed Ordinance 1581- Consider Rezoning and Zoning Text Amendment for Paradigm Auto - 310 W Laurel Street

Community Development Director Kramvik gave an overview of the rezoning and zoning text amendment submitted by Paradigm Auto.

Member Bevans asked how to procedurally not to conduct the reading at all.

Attorney Langel stated that the Council can make a motion to forgo the reading.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON, DULY CARRIED, TO FORGO THE READING OF PROPOSED ORDINANCE 1581.

Member Bevans stated that this property has been in violation of the zoning code for many years.

Community Development Director Kramvik stated that the business has been in violation of the zoning code two times previously, both requiring a change to the zoning code to resolve.

Member Johnson asked to clarify that the business has made no changes to comply, rather the zoning code was changed to accommodate the business. He asked whether the proposed zoning district would require the business to pave and screen. He questioned the use of the Makers and Employment District as the business is surrounded by the Town Center District. He stated that the applicant has not complied with the zoning district since it was adopted, and is again asking for a change. He compared this to the interim use permits for short-term rentals and how the City Council has denied those applicants who did not follow the correct procedures.

Community Development Director Kramvik stated that both times the business requested a rezoning after the business was found to be non-compliant. He stated that the Makers and Employment District would require that they pave but would not require screening.

Member Erickson stated that he believed when the new zoning code was adopted that the Town Center District is the incorrect zoning for this area evidenced by all of the continuing problems with this property. He believes that anything west of the Mississippi River is not Town Center.

Member Bevans stated that the business has been abusive for over a decade. The last time that the business was here, the City suggested moving the U-Haul business by offering them land in the Industrial Park. It is unfair to all other citizens for this business to continue to not follow the direction of the City Council.

Member Erickson stated that he agrees with not having exceptional rules for those disobeying. He will support the motion but does not support Town Center as the zoning district in this area.

Chair O’Day stated that if the zoning change and text amendment is denied, it will not take his business away, it is enforcing our zoning code. They still have an opportunity to work with the Council. He asked to clarify the motion.

Member Bevans stated that he is asking staff to enforce the zoning code citywide.

Attorney Langel stated that the Council will also need to deny the rezoning and text amendment.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON, DULY CARRIED, TO ENFORCE THE ZONING CODE.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND YEAGER, DULY CARRIED, TO DENY THE ZONING CHANGE AND TEXT AMENDMENT REQUEST.

Consider Conditional Use Permit and Variance for Suite Properties LLC - 324 5th Street S

Community Development Director Kramvik gave an overview of the request.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO APPROVE CONDITIONAL USE PERMIT AND VARIANCE REQUEST FOR 324 5TH STREET S.

Consider Preliminary and Final Plat for Three Pete LLC - 15770 Dellwood Drive

Community Development Director Kramvik gave an overview of the request.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO APPROVE THE PRELIMINARY AND FINAL PLAT FOR 15770 DELLWOOD DRIVE.

Adopt Resolution - Approve Plans and Authorize Bidding - Improvement 17-12 - Wright/10th Reconstruction Project

Public Works Director Habighorst gave an overview of the project.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS TO ADOPT RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENT FOR BIDS FOR IMPROVEMENT 17-12.

RESOLUTION 21:25

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

Priorities for Federal House Appropriations - Fiscal Year 2026

Administrator Broyles gave an overview of the priorities. The Dam project is not eligible for house appropriations. However, the Public Utilities Commission is pursuing state funding. The Biosolids project will be considered for 2027, but conversations need to had with the City of Baxter.

Chair O'Day encouraged the City to submit projects yearly for this funding.

Member Johnson stated that the $5 million for the water facility is very important since the City has already been appropriated State funding.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO RESPOND TO CONGRESSMAN STAUBER'S REQUEST FOR PROJECTS BY THE MARCH 14 DEADLINE WITH THE FOLLOWING PROJECTS IN PRIORITIZED ORDER $5M FOR OUR WATER TREATMENT PROJECT AND $6M FOR PEDESTRIAN BRIDGE CROSSING AT LUM PARK/210 AND CUYUNA LAKES TRAIL.

Authorize Council Member Bevans to Attend Crow Wing County Commission Meeting to Discuss the Arb

Administrator Broyles stated that the Northland Arboretum requested that a Member of the City attend the upcoming County Commission meeting in support of the Arboretum.

Member Bevans stated that in order to be designated as a regional park designation the County needs to own a certain amount of land within the arboretum in order to be the designate. This will open the door for more funding.

Chair O'Day stated that the Arboretum Director has been doing as asked for pursuing alternative funding opportunities.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND BEVANS, DULY CARRIED, TO AUTHORIZE COUNCIL MEMBER BEVANS TO ATTEND THE CROW WING COUNTY COMMISSION MEETING ON MARCH 11 TO SUPPORT THE ARB SEEKING GMRPTC REGIONAL DESIGNATION.

Staff Reports

Community Development Director Kramvik stated that the EDA has started their childcare facility tours.

Public Utilities Director Evans stated that the Public Utilities Department is in process of having two projects added to the MPCA priority list for Clean Water Funds. The department would like to add the main lift station rebuild and the 20-year capital improvement plan and wastewater plant upgrade to the priority list. On March 13th, at 5:30 p.m. there will be a Joint Wastewater Management Board meeting at BPU.

Administrator Broyles thanked Mr. Wussow for his service to the City and mentorship.

Mayor's Report

Mayor Badeaux stated that he went to the Arboretum on Sunday with his family. He encouraged everyone to visit. He gave details about the St. Patrick's Day week celebration. The St. Patrick's Day parade is at 1:00 on March 15th downtown.

Council Member Reports

Member Czeczok gave an update on the Public Utility Commission. He stated that Public Utilities Director Evans had a report in the packet.

Member Bevans stated that the Arboretum has a lot of interesting and exciting things going on. He attended the downtown business social at Sage on Laurel. If you're not at the St. Patrick's Day Parade, you're missing out.

Member Johnson stated that the arbitrator has ruled on the IBEW contract. On the length of contract, wages, and non-discrimination the arbitrator sided with the City's position. The IBEW Union did get Juneteenth as a holiday. He thanked all who worked the last couple of years on this ruling, he couldn't be happier with the outcome.

Member O'Day thanked those who attended the meeting.

Adjourn

Adjourn to Closed Session Pursuant to MN Statute 13D.05 Subd. 3(A) to Conduct City Administrator Broyles 2024 Performance Review

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND STUNEK, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.05

SUBD. 3(A) TO CONDUCT CITY ADMINISTRATOR BROYLES 2024 PERFORMANCE REVIEW.

The Chair adjourned the meeting to closed session at 9:48 p.m

The Council took a five-minute break.

The Chair reconvened the meeting at 10:31 p.m.

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

The Chair adjourned the meeting at 10:31 p.m.

Nicholas W. Broyles
City Administrator