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: Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, 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 CZECZOK AND BEVANS, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF APPROVING PLACEMENT OF BOLLARDS AT THE S 6^{TH} STREET HOLIDAY STATION TO SAFETY AND PUBLIC WORKS.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND YEAGER TO APPROVE THE CONSENT CALENDAR WITH THE ADDITION.

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Reports**
D. **Approve Event Application- BLASTT 5K**
E. **Approve Extension of Premise for Shep's on 6th for an Event to be held on August 22, 23, & 24 at 315 S 6th Street**
F. **Approve Event/Alley Closure Application- Shep's Elbow Convention**
G. **Ratify Hiring 2025 Summer Temporary Employees**

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

Public Forum

The Chair opened the public forum at 7:32 p.m.

The following people spoke in favor of a year-round warming shelter and asked the Council to reconsider their decision on the conditional use permit:

John Ward, 1602 SE 13^{th} St,
Dan Hegstad, 520 3^{rd} Ave NE
Bill Wear, 5283 Laverne Cir, Baxter
Gail Mueller, 25108 Norway Ln, Nisswa
Pam Stock, 317 N 7^{th} St
Wendy Biever, 320 Holly St
Anne Nelson-Fisher, 517 N 7^{th} St
Jacalyn Nornes, 21613 Irene Ave, Ironton
Pam Beaulieu, 2540 130^{th} St, Pillager
Val Bernard, 819 2^{nd} Ave NE,
Chuck Benson, 324 N 7^{th} St,
Richard Skogen, 20841 Donaldson Rd, Brainerd
Erika Nilsen, 13956 Grand Oaks Dr, Baxter,
Emily LeClaire, 1120 Norwood St,
Emma Needham, 1017 13^{th} Ave NE,
Eric Holst, 21471 Paradise Dr, Nisswa
Scott Hoffman, 11405 East Steamroll Bay Rd, East Gull Lake

Danelle & Carly Eggert, 20859 Sorenson Lk Trl N, Merrifield

Justin Goble, 1140 122nd St, SW Brainerd, stated that all the stories are heartwarming, but he believes that those present are in the minority of people. He supports the Police Department and City Council.

The Chair closed the public forum at 8:19 p.m.

Council Committee Reports

Personnel and Finance Committee

Adopt Resolution - State of Minnesota Bonding Request Priorities

Committee Chair Johnson stated that the priorities staff recommends for state bonding are Water Treatment Plant Improvements, Pedestrian Bridge Crossing over Highway 210, and Cuyuna Lakes State Trail Extension - East Segment.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE MINNESOTA MANAGEMENT AND BUDGET OFFICE FOR 2026 STATE APPROPRIATIONS FUNDED FROM STATE GENERAL OBLIGATION BONDS.

RESOLUTION 37:25

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

Approve 2025-2027 Contract Terms and Wage Resolution with United Steel Workers International, Local 9230 Unit 09, (Hydro) Union

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE 2025-2027 TENTATIVE AGREEMENT SUMMARY BETWEEN THE CITY AND THE USW, LOCAL 9230 UNIT 09, UNION REPRESENTING OUR HYDRO OPERATOR.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION SETTING THE USW, LOCAL 9230 UNIT 09, UNION WAGES FOR 2025-2027.

RESOLUTION 38:25

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

Committee Chair Johnson stated that IBEW employees are needed at the Hydro Dam as there is only one employee in the IUOE union at the Hydro Facility.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE MEMORANDUM OF UNDERSTANDING (MOU) ALLOWING IBEW UNION MEMBERS TO TEMPORARILY WORK AT THE HYDRO FACILITY THAT EXPIRES 12/31/27; FURTHER, TO AUTHORIZE THE SIGNATURE OF CITY ADMINISTRATOR BROYLES ON SAID MOU.

Safety and Public Works Committee

Award Proposal - Improvement 25-02 - 2025 Large Patching Project

Committee Chair Erickson stated that large patch repairs are budgeted for $50,000 each year.

Member Czeczok clarified the motion that was discussed at committee.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO AWARD OF THE PROPOSAL FROM ANDERSON BROTHERS IN THE AMOUNT OF $49,940 FOR IMPROVEMENT 25-02 - 2025 LARGE PATCHING PROJECT; FURTHER, TO DIRECT STAFF IN THE FUTURE TO BRING THE STREETS FOR THE LARGE PATCH IN ADVANCE OF THE BIDDING PROCESS FOR COUNCIL TO REVIEW.

Award Contracts - Materials Testing for Construction Projects

Committee Chair Erickson stated that the projects included are Wright/10th, Beech/Oakridge, S Brainerd Resurfacing, and Hawkins/Ronald/Joseph.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO AWARD PROPOSALS FOR CONSTRUCTION MATERIALS TESTING FOR THE 2025 CONSTRUCTION PROJECTS TO BRAUN INTERTEC IN THE AMOUNT OF $79,166 AND ITT $14,720.

Direction Requested on Additional Scope of Work Items - Imp 24-08 - M Street Outfall Repair Project

Committee Chair Erickson stated that the project is just west of M street, the outwash created damage to the adjacent property owner’s fence.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO INCLUDE THE FENCE REPAIR IN THE M STREET OUTFALL REPAIR.

Approve Final Payment and Project Acceptance - Police Department HVAC Replacement

Committee Chair Erickson stated that the project cost is $348,000, which was the original bid amount.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO APPROVE THE FINAL PAY ESTIMATE TO THELEN HEATING IN THE AMOUNT OF $17,400.

Direction Requested on Annual MS4 Public Meeting

Committee Chair Erickson stated that the MS4 meeting is a state requirement. The joint public meeting can be held away from the City Council meeting in partnership with Baxter.

Member O’Day asked whether the meeting required a quorum of Council Members.

Public Works Director Habighorst stated that a quorum of Council Members is not necessary. The only reason a public hearing has been necessary in the past is because it has been held at the City Council meeting. The meeting is proposed to be held at a park or the Arboretum.

Member Czeczok stated that he assumed it was going to be a requirement for the City Council to attend. He does not see the point in holding the meeting if potentially no one is in attendance.

Administrator Broyles asked City Attorney Langel if a public meeting could be held without Council Members present.

Attorney Langel stated that if staff wants to hold a public meeting to inform the public on a subject, they can.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK TO DIRECT STAFF TO HOLD A SHARED MS4 ANNUAL PUBLIC MEETING FOR BOTH BRAINERD AND BAXTER, NOT AT A COUNCIL MEETING. NOTICE WILL BE PUBLISHED WITH THE DATE, TIME, AND LOCATION OF THE MEETING.

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

Direction on Active Code Enforcement

Attorney Langel made the Council aware that the City is in the process of serving this individual with a court order to cease using 311 Washington as a residence.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK TO OBTAIN AN ADMINISTRATIVE SEARCH WARRANT AND ABATE THE JUNK AND DEBRIS AT 907 FIR STREET; TO ISSUE $100 PER WORKING DAY CITATION UNTIL THE BUILDING IS NO LONGER OCCUPIED AND ALL OUTDOOR STORAGE ISSUES RELATED TO THE RESIDENTIAL OCCUPANCY ARE RESOLVED BEGINNING AFTER A 10 DAY COMPLIANCE WINDOW AT 113 WASHINGTON STREET.

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

Approve Placing Bollards at the S 6th St Holiday Station (added item)

Public Works Director Habighorst stated that staff has discussed moving to the more permanent bollard instead of placing a planter on the sidewalk.

Member Johnson stated that he is disappointed that the bollard will not be dug into the sidewalk but will support the motion.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND ERICKSON, DULY CARRIED, TO PLACE BOLLARDS IN LIEU OF THE PLANTER AT 424 S 6TH STREET.

Unfinished Business

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- **2 terms** (Expire 2025) **1 term** (Expire 2026)
Council President Recommended: (terms expire on 12/31 of said year)

Water Tower Committee—**2 terms**

<u>Final Reading - Proposed Ordinance 1581 to Consider Data Center Ordinance</u>

Community Development Director Kramvik gave an overview of the ordinance. Data Centers are not permitted to operate in the City of Brainerd unless explicitly approved by a Conditional Use Permit. Prior to approval, a noise study shall be submitted by a third-party engineer demonstrating to the City that the operation of the data center will comply with MPCA noise rules.

Member Bevans asked the point of having a noise study done prior to operation.

Community Development Director Kramvik stated that the noise study prior to operation would establish a baseline, the sound engineer would then make assumptions of the facility based on designs, and then provide actual readings once operations begin.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1581 AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO ADOPT ORDINANCE 1581 REGARDING DATA CENTERS.

<u>ORDINANCE 1581</u>

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

<u>Proposed Ordinance 1582 - An Ordinance Amending Section 1110 of the Brainerd City Code Pertaining to Cannabis, Hemp and Related Businesses</u>

Community Development Director Kramvik gave an overview of the ordinance. Due to the State of Minnesota making continual changes to the cannabis legislation, staff is recommending an alternative ordinance that would allow the City to register a business in the City of Brainerd prior to the full license for a retailer license issued by the Office of Cannabis Management.

Member Johnson asked about the date of licensing.

Community Development Director Kramvik stated that if everything was complete, retailers would be able to be registered as of May 4^{th}.

Member Johnson stated that he is in favor of changing the language to reserve the permits on a pre-registration basis, if possible. There is a substantial investment in starting an operation. After pre-approval, they'll need to build or acquire a building and bring it up to standard and hope that they can get a license. It would be easier to work with the businesses when they have a pre-approval.

Member O'Day clarified that this ordinance may not come back in two weeks, rather it will wait until the State has sorted out the details.

Member Czeczok asked about ordinance process and delaying a second reading.

Attorney Langel stated that the City could choose just not to have a second reading for any reason. The timing should work out, as the session ends on the day of the Council's next meeting.

Member Yeager asked staff reach out to applicants/ those who have inquired about a registration to inform them of the status of the registration process.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO CONDUCT THE FIRST READING OF THE ALTERNATE VERSION OF ORDINANCE 1582 ALLOWING FOR CITY REGISTRATION FOR PREAPPROVED STATE APPLICANTS AND DISPENSE WITH THE ACTUAL READING.

New Business

Adopt Resolution - Award Bid - Improvement 17-12 - Wright/10th Reconstruction Project

Public Works Director Habighorst stated that this is the final time that the City Council will see the item prior to construction. The bid was below the engineer's estimate.

Member Johnson asked about the status of working with UPS on on-street trailer parking.

Public Works Director Habighorst stated that staff is engaged with UPS and working with them to resolve concerns by both the City and the business.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND YEAGER TO ADOPT RESOLUTION WHICH ACCEPTS THE BIDS AND AWARDS THE CONTRACT TO LANDWEHR CONSTRUCTION, INC. IN THE TOTAL CONTRACT AMOUNT OF $3,237,031 AND AUTHORIZE PROPER SIGNATIONS ON THE AGREEMENT DOCUMENTS.

RESOLUTION 39:25

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

First Reading of Proposed Ordinance 1583 Ending Future Rural Service District Properties

Community Development Director Kramvik stated that himself and the City Engineer reviewed the list of properties that are proposed to be removed from the Rural Service District. The properties that are proposed to be removed have access to either water or sewer.

MOVED AND SEOCNDED BY COUNICL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE LIST OF PROPERTIES TO REMOVE FROM THE RURAL SERVICE DISTRICT.

Member Johnson thanked staff for their work done to end new properties being put into the rural service district.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO CONDUCT THE FIRST READING OF ORDINANCE 1583 ENDING FUTURE RURAL SERVICE DISTRICT PROPERTIES AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBRS JOHNSON AND BEVANS, DULY CARRIED, TO SET THE PUBLIC HEARING FOR ORDINANCE 1583 FOR JUNE 2ND 2025.

Staff Reports

Public Works Director Habighorst stated that the Transit consultant review is still ongoing.

Community Development Director stated that Country Manor has submitted all of their building permits and has undergone approval by the State. Constructed is expected to begin early June.

HRA Director Charpentier stated that the HRA is hopeful to apply for a Greater Minnesota Housing Infrastructure to expand outlot f. Staff will provide more information at a later date.

Administrator Broyles thanked Council for the workshop, it was very helpful for staff. He attended the MCMA Conference, his colleagues around the State brought up infrastructure as a high priority time and time again. He believes that resources and funding for infrastructure improvements will be difficult for all governments in the future.

Mayor's Report

Mayor Badeaux stated that the Park Board will hold a workshop to align its priorities. They are very excited to hear that Council Priorities included parks maintenance. He will be attending the BLAEDC annual meeting as a speaker.

Council Member Reports

Member Bevans gave a shoutout to the American Legion for a great meal. He attended a tour at the hydro dam. He thanked Operations Manager Hawkinson for all the great information. He is very knowledgeable on the history and operations of the hydro dam.

Member Johnson thanked DeChantal for the great communication on the sewer repair in his neighborhood. Baseball season is in full swing. He tipped his cap to the Parks Maintenance workers for having our facilities open and useable.

Member Czeczok stated the Public Utility meeting was recorded on video. He suggested that Council watch prior to the joint meeting Thursday. The Commission also approved increases for the electrical rates.

Member Yeager stated that the Airport Commission personnel committee will be holding a grant planning session in October to tie them into the CIP for 2026. There was discussion about the letter submitted by Staff, after much the Airport Commission gave the Council best regards in its efforts. Finally, the commission participated in a presentation for a consultant to make effective changes for the airport, including working to form an airport authority. He also stated that he has asked staff for information on the expense of the City for operations at the Airport.

Member Erickson stated that he will be attending the Planning Commission meeting. The buckthorn remediation continues in South Brainerd. He is excited for the work to continue.

Chair O'Day stated that road construction season is coming up, he reminded everyone how annoying it is, but we'll get through it. It will not be as bad this summer as the next two years.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS, DULY CARRIED, TO ADJOURN TO JOINT PUBLIC UTILITIES COMMISSION, EDA, AND CITY COUNCIL MEETING ON MAY 8TH AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.

The Chair adjourned the meeting at 9:15 p.m

Nicholas W. Broyles
City Administrator