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: Yeager, Erickson, Bevans, Czeczok, Johnson, and O'Day. Mayor Badeaux was also noted as present. Member Stunek was noted as absent.

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.

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

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Reports**
D. **Approve MN Lawful Gambling Exempt Permit Application Submitted by CLC Foundation for an Event to be held on May 6, 2026 at 501 W College Dr**
E. **Approve Special Event Application- Turkey Run**
F. **Approval of Transfers of Funds**
G. **Ratify Hiring Wyatt Andres as Police Intern**

Upon roll call, Council Members Yeager, Erickson, Bevans, Czeczok, Johnson, 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.

No one came forward.

The chair closed the public forum at 7:32 p.m.

Council Committee Reports

Personnel and Finance Committee

Approval of Memorandum of Agreement (MOA) with Brainerd Public Utilities Managers and Supervisors Association Union clarifying Benefits and Policies for Supervisor Members

Committee Chair Johnson stated that the employee policy manual does not reference union managers and supervisors. With this MOA the City and the Union are clarifying that the union managers and supervisors will receive the same benefit structure as non-union managers and supervisors.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE ATTACHED MEMORANDUM OF AGREEMENT WITH THE PUBLIC UTILITIES DEPARTMENT MANAGERS AND SUPERVISORS ASSOCIATION TO CLARIFY BENEFITS FOR UNION SUPERVISORS AS PRESENTED.

Approve Memorandum of Agreement (MOA) with IUOE Street and Parks Divisions regarding Paid Family Leave (PFL)

Committee Chair Johnson stated that these two bargaining units have agreed to a 50/50 split in the cost of benefits for PFL.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE PAID FAMILY LEAVE MOA WITH THE IUOE STREET AND PARKS DIVISIONS AS PRESENTED.

Approve Promotion of Brittney Kummet to HR Director Effective January 26, 2026

Committee Chair Johnson stated that the position was posted internally. Ms. Kummet will be placed on step one. The City will begin the hiring process to replace her current position.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE PROMOTION OF BRITTNEY KUMMET TO THE HR DIRECTOR POSITION EFFECTIVE JANUARY 26, 2026, AT STEP 1 OF THE HR DIRECTOR WAGE GRID ($55.17 PER HOUR); FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE HR ASSISTANT POSITION.

Accept the Retirement of Police Records Management Technician Kimberly Marquart

Committee Chair Johnson stated that Ms. Marquart has been with the department for nineteen years. He thanked her for her service and knowledge.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO ACCEPT THE RETIREMENT OF KIMBERLY MARQUART EFFECTIVE DECEMBER 5, 2025; FURTHER TO AUTHORIZE STAFF TO BACKFILL THE POLICE RECORDS MANAGEMENT TECHNICIAN POSITION.

Approve Settlement Agreement with Teamsters (Police Sergeants and Lieutenant) Union regarding 2025 Floating Holiday and Juneteenth Holiday Payment

Committee Chair Johnson stated that with the timing of the arbitration determination there were a few of our sergeants/lieutenants who had used both of their floating holiday for the year. The settlement agreement clarifies that all union members will be paid for Juneteenth in 2025 and if any employee had already utilized both of their floating holidays in 2025, the last floating holiday will be converted to a vacation day.

HR Director Schubert noted that per the Arbitrator's award, union members have the option of converting the paid Juneteenth holiday into a 2nd paid floating holiday by declaring their preference in writing by January 1st of each year.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE ATTACHED SETTLEMENT AGREEMENT WITH THE TEAMSTERS UNION REPRESENTING THE POLICE SERGEANTS AND LIEUTENANT ADDRESSING PAYMENT FOR THE 2025 JUNETEENTH HOLIDAY.

Approve Revised Employee Policy Manual

Committee Chair Johnson stated that there were a number of changes to the employee policy manual, most were due to legislative changes.

Member Czeczok asked the estimated time it took staff to add and remove the language due to the legislation.

HR Director Schubert stated that it took staff days to make the changes. The City Attorney also reviewed the changes.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE UPDATED EMPLOYEE POLICY MANUAL AS PRESENTED.

Approve Deferment of Assessments

Committee Chair Johnson stated that these are the same applicants that Council has previously deferred. There were no new applications. The resolution setting deferral parameters has not been amended in a number of years, there are potential changes to be made including home values. The committee would like to see the value be set at the median home value.

Member Czeczok asked whether there are people who have applied and been denied deferral due to the value of their home.

Committee Chair Johnson stated that he asked that question in committee. There have been a number of inquiries but due to the value of their home they did not even apply for the deferral.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR DEFERMENT OF ASSESSMENTS PAYABLE IN 2026 FOR APPLICANTS AT PID'S 41191220, 41300682, 41250875, AND 41250586; FURTHER TO DIRECT STAFF TO AMEND THE RESOLUTION FOR QUALIFICATION FOR REVIEW BY CITY COUNCIL.

Discussion of Library Minnesota Department of Education (MDE) Grant

Committee Chair Johnson stated that the Library Board put the City of Brainerd's name on a grant application for about a half a million dollars that the Council was not aware of. The committee is requesting a memo be sent to remind the boards and commissions that the City does have a grant policy. The Library received the grant which does not require a match, he is looking forward to seeing the improvements at the Library.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO NECESSARY AGREEMENTS TO ADMINISTER THE GRANT; FURTHER TO DIRECT THE CITY ADMINISTRATOR TO SEND A MEMO TO ALL COMMISSIONS REMINDING THEM OF THE GRANT POLICY.

Safety and Public Works Committee

Discuss Service Line Reimbursement Request - 601 S. 9th Street

Committee Chair Erickson stated that staff was directed to come back with a breakdown of the cost for replacing the section of main that was replaced during the residence's service line replacement. The total cost of the service line replacement was $10,250. The initial cost attributed to the sanitary main was $1,850. Staff adjusted the cost attributed to $1,400. In discussion, staff noted that it is typical for a portion of the main to be replaced in a situation such as this and the City should not participate in the cost.

Member Czeczok stated that he was under the understanding that the need to replace a portion of the main was because of the poor condition of the main. However, even if the main were virtually new, it would still be replaced when a service line is repaired. For this reason, he has changed his opinion of whether or not the City should contribute to the cost.

Committee Chair Erickson stated that he had spoken in favor of the City contributing the adjusted cost. He voted against the motion in committee.

Member Johnson stated that he will also vote against not contributing to the replacement. He thinks that if citizens are repairing City stuff, the City should pay for it's own stuff. He doesn't care about common practice of governments taking advantage of their citizens in other communities. He believes that the City should have a policy that would provide for the City replacing the sewer main while properties are working on their service lines. Instead of ignoring the replacement, assuming the owner needs to pay for everything, and the City will never have a conversation with them because the owners are peasants and must pay for everything because we said so. The City should participate in the costs of the main.

Committee Chair Erickson stated that the committee wanted to address this item separate from the policy.

Member Johnson stated that the motion does not include directing staff to draft a policy.

Chair O'Day stated that he agrees with the motion, he feels for the individual, but there was nothing wrong with the main service line. If there was something wrong with the main, he would support contributing to the cost.

Committee Chair Erickson stated that indeed the motion does not address the policy.

Mayor Badeaux asked for clarification on the working status of the sewer main.

City Engineer stated that the main was flowing as it should.

Member Czeczok stated that on this point exactly, if the main had been installed a week previous to the repair, a section of the main would still need to be replaced.

Member Bevans asked for clarification on the status of the sewer main. He asked whether there were other issues with the Y besides the backup. Is it possible that it's best to replace the main while there is a hole in the ground even if it isn't part of the issue.

City Engineer Dehn stated that the photo in the packet was prior to being replaced. He pointed out that the main is not the section attached to the PVC. He stated that the backups the homeowner was experiencing were out of the Y. He stated that the main is older, there is some cracking, but not in disrepair.

Member Yeager stated that a critical part of the conversation is that only this residence was experiencing issues. The main continues down to more houses on the line that were not having issues. He doesn't want to deal with reimbursing a homeowner every time there is a repair that didn't start out as our issue.

Chair O'Day agreed with Member Yeager's comment. When staff inspect these repairs they need to be trusted to determine whether a line is functional or not. Who is the Council to judge based on a picture. He doesn't want to be stuck with a bill every time a line gets replaced.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK TO NOT PARTICIPATE IN ANY OF THE COSTS FOR THE REPLACEMENT INCLUDING THE COST OF THE MAIN.

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

Member Czeczok stated that he is not interested in a policy after hearing the results of the voted.

Member Bevans stated that he hopes staff is inspecting each of these repairs. In the case of his water shut off, he thinks it was a convenient time for replacement.

Update on TH 210/Lum Park Pedestrian Bridge Funding

Committee Chair Erickson stated that this issue is before Council again. The discussion in committee was that there is a possibility of extending the funding by a year again, but this is not a guarantee. If the extension is not possible, the City would be responsible for the entire cost of the project. The City does not have the additional funds allocated to complete the project.

Chair O'Day stated that by not accepting this grant, it is not saying that the project isn't a priority. By returning the funds, it may make the City more eligible for funds in the future. The City will not be able to utilize the funds in time.

Member Bevans stated that he agrees with Chair O'Day's statement. He clarified that the entire project is about $6 million.

Mayor Badeaux stated that he believes there are alternatives to the project that might make it more cost effective.

Member Johnson stated that none of his questions were answered. He is still in the dark with reality. He's not comfortable turning back the funds without more information.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK TO INFORM THE STATE OF MINNESOTA THAT THE CITY WILL NOT ACCEPT THE $1.33 MILLION IN CRP GRANT FUNDING FOR THE PEDESTRIAN BRIDGE.

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

Approve MnDNR Grant Application for Cuyuna Lakes State Trail - East Segment

Committee Chair Erickson stated that the committee discussed similar concerns of the last item. This grant amount would be about $300,000. The total project amount is about $1.8 million. The City does not have the total project funded even with the grant.

Chair O'Day asked about the previous study done for this project. He asked how much more needs to be done on the project plan before its completion as it is currently at 60% plan. He does not like that there is a 75% grant match.

City Engineer Dehn stated that more planning needs to be completed on the project. This would likely include more soil bore samples to determine the quality in the alignment. The conditions have not changed since the study was done.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO NOT AUTHORIZE STAFF TO APPLY FOR THE MNDNR GRANT FOR THE CUYUNA LAKES STATE TRAIL- EAST SEGMENT PROJECT.

Unfinished Business

Accept Resignation of Paul Sandy from the EDA (expires 2028) and Park Board (expires 2028) and Declare Vacancies on both Boards

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO ACCEPT THE RESIGNATION OF PAUL SANDY FROM THE EDA AND PARK BOARD.

Commission Appointment- Recommended by Mayor Badeaux

Mayor Badeaux recommended Shirley Yeager for the Library Board.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO APPOINT SHIRLEY YEAGER TO THE LIBRARY BOARD.

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)
Economic Development Authority—**1 term** (Expire 2028)
Park Board—**1 term** (Expire 2028)
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**

Approval of Updated Solar Development Agreement at Rotary Park

Public Works Director Habighorst gave an overview of the project changes. The Park Board and Utility Commission both recommended the changes. The project will be taking place on the pavilion at Rotary and will power lights at the park.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS, DULY CARRIED, TO APPROVE THE UPDATED SOLAR DEVELOPMENT AGREEMENT AT ROTARY PARK.

Continuance of Public Hearing and Consider Assessments for Improvement 23-16

City Engineer Dehn stated that the contractor has completed the patching. There was rain after the patching and staff provided a photo to depict the effectiveness of the repair.

Member Bevans asked whether the repair would cost the City extra money. Since the owner knew there was an issue, which was communicated to the contractor and the City, he hopes that there isn’t extra cost with the repair.

City Engineer Dehn stated that he needs to follow up with Bolton and Menk to answer that question. Generally, these are issues that the contractor is expected to cover.

Chair O’Day continued the public hearing at 8:07 p.m.

No one came forward.

Chair O’Day closed the public hearing at 8:08 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS TO ADOPT RESOLUTION ADOPTING THE ASSESSMENT FOR PID 41350550.

RESOLUTION 77:25

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

New Business

Consider Hazardous Structure - 319 North 9th Street

Community Development Director Kramvik gave an overview of the property.

Member Bevans asked whether the dwelling is eligible to be on the vacant dwelling list. He asked whether considering this property hazardous would be normal procedure after two years. Finally, he asked whether City has created a larger liability if the property owner does not resolve the issue and continues to be assessed for a vacant dwelling and removal of the structure.

Member Czeczok asked about the timeline of the hazardous structure process.

Community Development Director Kramvik stated that the property has been assessed for the vacant dwelling assessment twice. It is currently an unpaid assessment. He also stated that the owner was in contact with the City previously to repair the structure but has ended communications. The department has developed a better procedure to deal with these structures.

Attorney Langel stated that following the statutory hazardous structure procedure allows the owner to respond to the order. If he doesn't respond a judge would issue an order to demolish the building which would be assessed to the property. As often happens with these cases, the assessment goes unpaid and the property becomes tax forfeit. He referenced statute to determine the timeline, but it is not a very long period. The owner will need to be served and then the process will continue.

Chair O'Day stated that the worst case scenario the City is looking at $30,000 assessed to the property and then an organization asks for that to be waived to rebuild a dwelling.

Mayor Badeaux stated that he drives by this house every day, he dislikes the idea of tearing down structures, but this is a property that he supports tearing down.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND CZECZOK TO ADOPT RESOLUTION DECLARING 319 NORTH 9TH STREET A HAZARDOUS STRUCTURE.

RESOLUTION 78:25

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

First Reading - Proposed Ordinance 1597 - Amending City Code Section 1110 - Cannabis, Hemp, and Related Businesses

Finance Director Hillman gave an overview of the ordinance. Staff used the direction given to staff on October 6th. There was one change from Council direction that had to do with cannabis event. Staff is also recommending to remove definitions from the ordinance and refer to State Statute.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND CZECZOK, DULY CARRIED, TO CONDUCT THE FIRST READING OF ORDINANCE 1597 AND DISPENSING WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO SET PUBLIC HEARING FOR ORDINANCE 1597 FOR NOVEMBER 17, 2025 AT 7:30 P.M.

Discussion of a Community Pool with the YMCA

Finance Director Hillman stated Staff is seeking Council's direction for Staff to work with the Y to determine the amount of the YMCA's request of the City for an aquatic center. City Council would need to provide further direction to staff at a future meeting after the YMCA determines the construction costs, requests funding from the City, and outlines the benefits to the City. If City Council provides further direction to staff, staff would work with our current municipal advisor, Baker Tilly. City Council authorized $5,000 to the YMCA to explore funding options for the aquatic center. This would not be needed if the City works with our current municipal advisor, Baker Tilly.

Member Johnson questioned how this action differs from the last time that the City heard about this item.

Member Czeczok asked about the amount of staff time this is expected to use.

Finance Director Hillman stated that she believes there was confusion. The City will not need to expend the money, if the City does go ahead with this plan it would use its own municipal advisor. She also stated that the staff time is unknown. The YMCA is still in their planning stage and money gathering. Until they have dollars secure, it will not be a lot of staff time. After that there will be more staff time needed to determine how the City would fund the pool.

Administrator Broyles stated that there have been a couple of meetings thus far, but nothing intrusive. The bulk of the work will fall on the YMCA to find the capital with partners.

Member Johnson requested that he be provided the date of the original motion, he would like to review the motion to compare.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON, DULY CARRIED, TO DIRECT STAFF TO WORK WITH THE BRAINERD YMCA TO DETERMINE THE YMCA'S REQUEST OF THE CITY FOR AN AQUATIC CENTER.

Staff Reports

Community Development Director Kramvik gave an overview of the next Planning Commission meeting.

City Engineer Dehn stated that the roundabout at Willow Street is open. The upcoming week is going to be very busy with our reconstruction projects prior to the winter. Finally, Hawkins Drive did receive its final lift on the new pavement.

HRA Director Charpentier stated that the City did not receive the Greater Minnesota Housing Infrastructure grant for Outlot E & F in Brainerd Oaks. Staff is meeting with the developer to continue forward with the project. Staff will follow up with Minnesota Housing to determine why the City wasn't chosen.

Member Czeczok asked for the dollar amount of the grant and questioned why the City was not awarded the money with the amount of housing that this would open up for the City.

Chair O'Day asked for an update on the 805 Laurel project.

HRA Director Charpentier stated that the request for the infrastructure grant for outlots E & F was for $170,000. He stated that the 805 Laurel project is still a commitment for DW Jones, he will be meeting with them this week.

Administrator Broyles stated that Public Utilities Director Sandy starts on Tuesday. Charter Commission is meeting on Wednesday.

Mayor's Report

Mayor Badeaux stated that green energy is expensive and a cannabis event cannot last more than four days. On a positive note, he attended the Park Board as the liaison, there are three different groups that want to partner with the City of Brainerd Parks Department. The number of organizations pursuing partnerships was encouraging. He thanked the organizations.

Council Member Reports

Member Czeczok stated that the Public Utilities Commission met last Tuesday. There was interesting conversation on electric vehicle charging and developing a water leak policy. The Commission talked about the PILOT and will be present at the Charter Commission meeting. He has been meeting with Mr. Bollig regarding his stormsewer issue. He requested to not have follow up conversation at the Council level until December as Mr. Bollig is out of town. Finally, when approving staff conducting downtown snow removal he had asked a very specific question- whether the City had all of the equipment necessary for our staff to conduct downtown snow removal. He was disappointed to learn during the Park Board meeting to hear that there was a request to purchase more equipment.

Member Bevans stated that Member Stunek is doing well, he expects to be back as soon as possible. He stated that the Charter Commission is meeting on Wednesday. The Highway 210 Project Management Team met to discuss the upcoming construction, it's going to be beautiful. He attended Nila Patrick's funeral who was a long-time businessperson in town. He wished his wife Sue a Happy Birthday. He passed out 1,738 pieces of candy on Halloween.

Member Yeager updated the Council on the Airport Commission. Congressman Stauber visited the airport. The main disruption for the Airport due to the shutdown is moving airplane parts. Halloween is an epic happening in North Brainerd they had 2,250 kids visit his home. They generally pick the best costume, which this year was a three-part Titanic costume. Finally, good news is that this marks the 16th anniversary of the Yankees not winning the World Series.

Chair O'Day stated that they visited North Brainerd for Halloween, his daughter commented that "it is like a movie". It is great to see the roundabout open, looking forward to the roads being open and completed as soon as possible in the spring.

Adjourn

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

The Chair adjourned the meeting at 8:38 p.m.

Nicholas W. Broyles
City Administrator