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, Bevans, Czeczok, Johnson, and O'Day. Mayor Badeaux was also noted as present. Members Erickson and Stunek were 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.

Member Czeczok requested to remove the Task Manager from the consent calendar.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO APPROVE THE CONSENT CALENDAR WITH THE REMOVAL OF THE TASK MANAGER.

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Reports**
D. **Event/Street Closure Application- Community Thanksgiving**
E. **Adopt Resolution Accepting 3rd Quarter Donations**
F. **Adopt a Resolution supporting a Memorandum of Understanding Between Central Lakes College and the City of Brainerd**

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

Task Manager

Member Czeczok stated that the City Council directed staff to contact Crow Wing County about Transit and requesting that Baxter reconsider their transit fare structure. He would like to know the status of the items. He also requested that the Transit business model be included on the tracker.

Administrator Broyles stated that he has meetings with both Crow Wing County and Baxter regarding transit in the coming weeks.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS TO APPROVE THE TASK MANAGER.

Upon roll call Council Members Yeager, 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 7:33 p.m.

Daniel Wall, 423 SE 17th Street, stated that he is concerned about the City remembering that a discount was offered to the homeowners on Norwood Street from when the detour was routed along their street.

Member Czeczok does not remember what Mr. Wall was referring to.

Chair O'Day stated that residents on Norwood Street took issue with the detour running on Norwood Street for the Safe Routes project at Harrison. This issue is a part of the discussion for the public hearing and ordering Improvement 25-05.

The chair closed the public forum at 7:36 p.m.

Council Committee Reports

Safety and Public Works Committee

Approve Change Order #3 - Imp 17-12 - Wright/10th Reconstruction Project

Member Yeager stated that the committee decided to discuss the item with the entire Council.

City Engineer Dehn gave an overview of the change order request. The request is for labor and equipment to perform the contaminated soil tests and re-placement of soils.

Member Czeczok stated that staff directed the contractor to isolate the material, conduct testing, and replace the material which is appropriate. He is concerned that a decision was made regarding the project outside of a City Council meeting that may affect the contract time and scope of the project. He does not understand the process that was taken to suspend the contract and he has not subsequently had input in the project decision. He questions why his vote is needed on this item when it wasn't needed when the scope of the project was changed. He stated that a similar situation has been enacted regarding the solar project which he is not happy about. He supports paying for the change order, but he does not agree with the process taken towards project completion. He is trying to establish a precedent that actions taken are directed at a meeting. Council Members represent the public. He feels that each Member is entitled to a vote on matters to best represent their constituents.

Chair O'Day stated that Member Czeczok has a valid point, the construction season has been very complicated. All the Staff and City Council can do now is learn from processes that not only offend but go against policy.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND YEAGER, DULY CARRIED, TO APPROVE CHANGE ORDER #3 IN THE AMOUNT OF $5,355.

Member Bevans stated that the bigger issue is that the Council doesn't know what was done on the construction projects and what decisions were made.

Member Czeczok gave an overview of the process taken and stated that there were two full Council meetings to have information presented. He appreciates the action being taken by the Council leadership and respects them, but to see staff give deference to any one Council Member is completely out of bounds. Ground rules need to be set.

City Engineer Dehn will provide a report next meeting.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON, DULY CARRIED, TO DIRECT STAFF TO COME BACK WITH DETAILED EXPLANATION OF WHAT WAS DECIDED ON THE PROJECTS.

Consider HyTec Proposal for City Hall Annex Building

Member Yeager gave an overview of the actions taken on the Annex building. The proposal from HyTec includes basic items to "keep the Annex alive".

Member Johnson stated that he supports scheduling discussion at a workshop or meeting. He asked how long the quote is viable.

Chair O'Day stated that the quote is viable for 30-days.

Member Bevans stated that he requested an appraisal from Kamp Realty via the EDA. The City Council has not been given the appraised value. He would question the building's worth prior to deciding what to do with it.

MOVED AND SECONDED BY COUNCIL MEMBERS YEAGER AND CZECZOK, DULY CARRIED, TO DISCUSS THE ANNEX AT A WORKSHOP.

City Council discussed dates for the discussion.

Member Czeczok questioned why the budget meeting and the discussion of the Annex couldn't be held at the same meeting. He reminded Council Members of the difference between a regular meeting and a special meeting.

Attorney Langel stated that truth and taxation could be held in conjunction with other meetings.

Chair O'Day stated that the Annex discussion will be held in conjunction with the budget public hearing meeting on December 8th at 6:00 p.m.

<u>Direction on Active Code Enforcement</u>

Member Yeager gave an overview of the property.

MOVED AND SECONDED BY COUNCIL MEMBERS YEAGER AND CZECZOK TO SEND A $300 CITATION EVERY 30 DAYS TO 1209 ROSEWOOD STREET.

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

<u>Personnel and Finance Committee</u>

<u>Approve Promotion of Laura Jewell to Billing Representative</u>

Committee Chair Johnson stated that the Cashier/Postal Specialist does the same tasks as the Business Office Support Specialist. The positions have been combined, and the City will backfill the position as a Business Office Support Specialist.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO PROMOTE LAURA JEWELL TO THE BILLING REPRESENTATIVE POSITION EFFECTIVE NOVEMBER 4, 2025; FURTHER THAT SHE BE PLACED ON STEP 6 OF THE BILLING REPRESENTATIVE WAGE GRID ($34.33 PER HOUR), APPROVE THE UPDATED BUSINESS OFFICE SUPPORT SPECIALIST JOB DESCRIPTION AS PRESENTED AND TO AUTHORIZE STAFF TO COMPLETE A HIRING PROCESS TO FILL THE POSITION.

<u>Discussion of 2026 Parks Proposed Capital</u>

Committee Chair Johnson stated that the Park Board has requested changes to the Parks capital request from August. Being that the City has not approved a Park budget, this will be a part of the overall budget discussion going forward.

<u>Adopt Resolution Establishing Deferred Assessment Criteria</u>

Committee Chair Johnson stated that the Finance Department knocked this out of the park. The valuation of the house for a resident to be able to defer an assessment has been changed to assessment median household homestead value per Crow Wing County for homesteads within Crow Wing County.

Member Czeczok asked what the updated value would be.

Finance Director Hillman stated that the City will use pay year 2026 for the applications submitted in fall. The amount will be known prior to assessment next year.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS TO ADOPT THE PROPOSED RESOLUTION AS PRESENTED.

RESOLUTION 81:25

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

2026 Levy Update

Committee Chair Johnson stated that the memo outlined the changes made. Stated that the Charter outlines this process for the preliminary levy. The committee felt it was a good process to continue budget discussions to bring forth updates to the Council.

Chair O'Day requested that Finance Director Hillman send out an itemized line-item budget to the full Council so that the Council could provide requests to discuss at this meeting.

Member Czeczok clarified that no decisions would be made at the meeting.

Committee Chair Johnson stated that the meeting would provide for options for the Council to consider at the next meeting.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO DIRECT THE COUNCIL PRESIDENT, PERSONNEL AND FINANCE COMMITTEE CHAIR, CITY ADMINISTRATOR, AND FINANCE DIRECTOR TO MEET THIS WEEK TO PRESENT OPTIONS AND RECOMMENDATIONS TO THE FULL CITY COUNCIL AT THE DECEMBER 1ST MEETING AND REQUEST SUGGESTIONS FROM THE CITY COUNCIL MEMBERS PRIOR TO THE MEETING.

Chair O'Day set the meeting for 12:00 p.m. on Thursday, November 20th.

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)
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**

Final Reading of Proposed Ordinance 1597 - Amending Section 1110 - Cannabis, Hemp and Related Businesses and Section 1000 - General Provisions Appendix A

Finance Director Hillman stated that the heading to the ordinance was changed to acknowledge changes to both sections 1110 and 1000.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND YEAGER, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1597 AND DISPENSE WITH THE ACTUAL READING.

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

No one came forward.

The Chair closed the public hearing at 8:08 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND YEAGER TO ADOPT ORDINANCE 1597.

ORDINANCE 1597

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS TO ADOPT RESOLUTION PROVIDING FOR THE SUMMARY PUBLICATION OF ORDINANCE 1597.

RESOLUTION 82:25

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

New Business

Resolutions Adopting Policies and Plans and Approve Grant Agreement for Small Communities Development Program (SCDP) Grant No CDAP-24-0069-O-FY25

Finance Director Hillman gave an overview of the actions to be taken by the City Council to move forward with the grant.

Member Czeczok asked about the scope of the grant.

John Schommer, Brainerd HRA Rehab Coordinator, stated that the grant will contribute to part of the cost to purchase lighting for Highway 210. The cost of the lighting is so expensive, that the grant only covers a portion of the City's estimated $1.2 million share.

Member Johnson asked why the City is responsible for the lighting on the State Highway.

City Engineer Dehn stated that the MnDOT policy provides for cost sharing. The City has a different standard for commercial corridor lighting than MnDOT.

Member Czeczok asked what the difference is between the City's standard and MnDOT's standard lights.

City Engineer Dehn stated that the MnDOT standard is very basic. The City's is a black café style aesthetic light.

Public Utilities Director Sandy stated that the City's standard is about twice the cost of MnDOT's.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS TO ADOPT RESOLUTION APPROVING THE RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN.

RESOLUTION 83:25

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

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO ADOPT RESOLUTION APPROVING THE SECTION 3 PLAN.

RESOLUTION 84:25

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS, DULY CARRIED, TO AUTHORIZE SIGNATURES ON THE SCDP GRANT NO CDAP-24-0069-O-FY2025.

Annual Review of the Data Practices Policy and Approve Changes

Administrator Broyles gave an overview of the data practices policy changes.

Member Czeczok stated that the City has an awesome data practices policy. He appreciates all of the work staff has done to review.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS APPROVE THE UPDATED DATA PRACTICES POLICY AS PRESENTED.

First Reading- Proposed Ordinance 1598- Snow Removal

Public Works Director Habighorst gave an overview of the ordinance. The snow removal ordinance currently is very specific to awarding the contract to a contractor. This ordinance will include language that states that City Staff can also complete the work.

Member Johnson stated that he doesn't see the necessity of the ordinance change. If it is necessary, it should have been completed prior to directing staff to conduct downtown snow removal.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND CZECZOK, DULY CARRIED, TO CONDUCT THE FIRST READING OF ORDINANCE 1598 AND DISPENSE WITH THE ACTUAL READING.

Public Hearing, Adopt Resolution Ordering Improvement and Ordering Preparation of Plans Improvement 25-05 - Southeast Brainerd Reconstruction Project

City Engineer Dehn gave an overview of the process. He apologized that the resolution in the packet is the previously adopted resolution ordering the feasibility study. He provided the resolution to Council for consideration. It is the standard resolution used to order the improvement.

Member Czeczok clarified that there was a copy available in the room.

The Chair opened the public hearing at 8:20 p.m.

The Chair stated that the purpose of the hearing is to express whether or not citizens support the project. Anyone with questions specific to assessments and project logistics can contact the City Engineer, his cards are provided on the podium.

Bryan Dosh, 1711 Norwood, asked questions about logistics and the assessment.

Chair O'Day directed Mr. Dosh to call City Engineer Dehn with his specific questions.

Finance Director Hillman stated that the letters have a preliminary amount for the assessment. The final amount will be determined after the project is complete and at that time the property owner will have the opportunity to pay the assessment, or the amount will go on their property taxes in pay year 2027.

Kathy Deuel, 1717 Norwood, stated that she is concerned about the logistics of the project.

Chair O'Day directed Ms. Deuel to speak with City Engineer Dehn with her specific questions.

The Chair closed the public hearing at 8:27 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO ADOPT RESOLUTION ORDERING IMPROVEMENT 25-05 SOUTHEAST BRAINERD RECONSTRUCTION AND AUTHORIZING PREPARATION OF THE PLANS.

RESOLUTION 85:25

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

Consider Development of Gustafson Park

Community Development Director Kramvik gave an overview of the property. The HRA discussed during open forum of the Park Board meeting that they would like the opportunity to develop the parcels. The Council could also replat the property and individually sell the parcels. Finally, the City Council could choose to leave the property as park land.

Member Bevans questioned why the City would want to take out a park considering all of the vacant properties that are already available in the City that could be infilled. His reaction is that it would be a shame to take a park to develop housing. He likened it to Gregory Park.

Chair O'Day stated that when Lyman P. White was dedicated, all of the Parks were dedicated to the Park Board with the exception of Trailside, a portion of Buffalo Hills Park, and Gustafson. Gustafson is very under utilized but requires maintenance. If the parcels were put back on the tax rolls, the City would benefit from having single family or duplexes on the property. The City of Brainerd has a lot of parks and park amenities.

Member Bevans stated that he googled Gustafson, there are pages and pages of kids using this park. He stated that it would be unfortunate to get rid of a park that looks like it is being used every day when there are many vacant lots in the City to infill.

Member Czeczok stated that the park is a fixture in the neighborhood. If the neighbors were asked, he believes that they would say they don't want it to be developed. He would also be hesitant to develop the property. However, this property would be cheaper for a developer to build as the parcels are all together.

Mayor Badeaux stated that the Park Board's position is that they are in charge of anything the City Council says they are in charge of per the City Charter. Gustafson was not dedicated to the Park Board but continues to be maintained by Park Staff. As far as he is aware the goal is to keep the Park as a greenspace. This is situated in a neighborhood that is near two of our largest parks that the Park Board would like to focus on. At the cost of this park, they could do that. The Council continues to restrict their budget yet continues to expect the Park Board to continue to grow our parks.

Chair O'Day stated that if the property is sold to a developer, the proceeds should go towards our parks.

Member Johnson stated that he loves Gustafson. He is ok exploring the development of the property. Maybe in the end it doesn't make sense to develop, but he doesn't think that getting rid of it to "save money" is a good enough reason. The cost of maintaining this park is impossible to determine. The t-ball and soccer programs are now held at Jaycees Park.

Mayor Badeaux asked what it costs to mow one yard of grass.

MOVED AND SECONDED BY COUNCIL MEMBER BEVANS AND CZECZOK TO HAVE THE PARK BOARD EXPLORE FUTURE USE OF GUSTAFSON PARK AND RETURN TO THE COUNCIL.

Member Yeager stated that the Park Board has already shown interest in reducing their empire so that they could maintain a higher level of parks in the other parks. The impetus is to lower the burden on the Park Board. He supports that notion. If there is a sale, he would like to see the money go back to the parks.

Member Bevans rescinded his motion.

Mayor Badeaux stated that he loves this park. He does not want to remove any parks. He also thinks that the Park Board doesn't want to remove any parks. The Council should probably know what it costs to run this park before decisions are made. The Park Board was presented with the possibility of developing this park and agreed to have the City Council consider the possibilities. Either dedicate it as a park or develop it. This is all a bunch of government nonsense.

Chair O'Day stated that if the property is to be sold, the land would be conveyed to the EDA, which they could discuss next month.

Member Czeczok questioned how this will be considered in the budget discussion.

Member Johnson stated that Staff and Park Board already did the work to consider what the effect on the budget would be if the land was sold.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON TO MAKE THIS DECISION AS A PART OF THE 2026 BUDGET PROPOSAL.

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

Staff Reports

Police Chief Davis highlighted the Booyah Award that was awarded to Investigator Personius and his training of officers in the use of the LUCAS device that was awarded by a grant to the department.

Public Works Director Habighorst stated that registrations for pond hockey is open and there is a new pleasure rink at Jaycees park that is ready to open weather permitting.

Community Development Director Kramvik gave an overview of the upcoming Planning Commission agenda.

HR Director Schubert stated that the PFML acknowledgement forms are due by December 1st. She is also waiting on a couple of health insurance forms from Council Members.

Public Utilities Director Sandy stated that he is in his third week. He thanked the managers in his department for being so welcoming and guiding him in his new position. He has felt welcomed at City Hall as well. There are a lot of exciting and expensive projects coming up.

Administrator Broyles stated that agreement for the solar project at Rotary Park will be considered at the Public Utilities Commission and Park Board at their upcoming meetings. The project needs to be completed by January 1st, 2026, in order to utilize energy credits.

Mayor's Report

Mayor Badeaux stated that the Charter is the governing document for the City. He is getting tired of passing the buck and pointing the finger and try to make items more of an issue than they are. The Tree Lighting Ceremony will be on December 5th at City Hall at 5:00 p.m.

Council Member Reports

Member Bevans stated that the Library Board meeting is this Wednesday. The Library has a new Librarian.

Member Czeczok stated that he appreciates the update on the Rotary project. The Public Utilities Commission meeting is next Tuesday. He wished everyone a Happy Thanksgiving.

Member Yeager stated that the Airport was happy to have a robust turn out of applicants for the Airport Manager. There were 28 applicants. The committee will interview 4 candidates to further narrow the possibilities for the Airport Commission to interview at their December meeting. Hoping to decide in early December. The Airport will be sad to see Mr. Planzer leave he has been instrumental in changes at the Airport. The Commission anticipates approval of Delta/Skywest as their essential air service at the Airport, which would mean that the morning flights would return to the City in 2026 which are critical to the enplanements. The longster is now hanging in the rafters at the Airport.

Chair O'Day stated that he asks Council Members to review the line-item budget that will be sent out and he hopes the Council will send suggestions to Staff.

Adjourn

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

The Chair adjourned the meeting at 9:05 p.m.

Nicholas W. Broyles
City Administrator