

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: Erickson, Bevans, Czeczok, Johnson, Stunek, Yeager, 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 REMOVAL OF DESIGNATION OF GUSTAFSON PARK AND PUBLIC DISCLOSURE EXCEPTION FROM THE CONSENT CALENDAR, MOVING THE ORDERLY ANNEXATION AFTER THE PUBLIC FORUM, AND MOVING THE PRESENTATION BEFORE THE CONGRESSIONAL APPROPRIATIONS ITEM.

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

Approval of Bills

Approved as on file in the Administrator's Office.

Approval of Minutes

Approved February 2nd, 2026, minutes as presented.

Department Activity Reports

Approved reports as presented.

MN Lawful Gambling Application – Exempt Permit

Approved MN Lawful Gambling Application for Exempt Permit submitted by Lakes Area Heros for an Event to be held on April 26, 2026, at 1511 Northern Pacific Road.

Temporary On-Sale Liquor License - Sports Boosters

Approved Temporary On-Sale Liquor License submitted by the Brainerd Sports Boosters for an event to be held on April 18, 2026, at the Essentia Health Sports Center, 502 Jackson Street.

Temporary On-Sale Liquor License – Jackpine

Approved Temporary On-Sale Liquor License Application submitted by Jackpine Brewery for an Event to be held on March 20 and 21, 2026, at Essentia Health Sports Center, 502 Jackson Street.

Policy Update – Data Practices Exhibit A

Designated HR Director Kummet as Data Practices Designee - Non-Law Enforcement.

Resignation – Community Service Officer Jude Gregersen

Accepted the resignation of Community Service Officer Jude Gregersen effective Thursday, February 5, 2026.

Stormwater Management Maintenance Agreement – Voyageur Heights

Approved Stormwater Management Maintenance Agreement for the Voyageur Heights development.

Surplus Holiday Decor for Auction

Authorized disposal of surplus items.

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

Resolution – Designating Gustafson Park as Park Land

Council Member Czeczok asked if this resolution would prevent future City Council's from removing the designation.

Attorney Langel stated that the City Council always retains the right to rescind resolutions.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS TO ADOPT RESOLUTION DESIGNATING GUSTAFSON PARK AS PARK LAND.

RESOLUTION 08:26

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

Resolution – Public Disclosure Exception D. Gorham

Member Czeczok asked if the resolution indicated that at a Planning meeting Mr. Gorham would need to abstain from voting in regard to the improvement to his property. He also questioned whether a commissioner or Council Member needs to provide a reason for abstention from a vote.

Attorney Langel stated that he would need to abstain from any item that comes before the Planning Commission regarding his property. He also stated that a reason is not required for abstention.

Member Czeczok stated that he would prefer if a reason was given for an abstention.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS TO ADOPT RESOLUTION ACKNOWLEDGING THE CONFLICT DISCLOSURE AND CONFIRMS MR. DON GORHAM'S NON-INVOLVEMENT IN SCDP DECISIONS.

RESOLUTION 09:26

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

Public Forum

The Chair opened the public forum at 7:36 p.m.

A citizen came forward to speak on spending taxpayer money on things that would matter.

Member Czeczok stated that if there are issues that people have, he is willing to listen to anyone who wants to make our City look better via email or a phone call.

The chair closed the public forum at 7:41 p.m.

Resolution – Orderly Annexation Agreement

Community Development Director Kramvik gave an overview of the orderly annexation agreement and the process for orderly annexation. Crow Wing County Staff and City Staff have been working closely together with their legal teams to draft an agreement that is mutually agreeable.

Council Member Czeczok asked about whose cost responsibility it would be to connect to utilities since it is only the City's responsibility to extend utilities within 150 feet from someone's property line.

City Engineer Dehn stated that that would need to be determined on a case-by-case basis. General practice is to extend utilities to the property line.

Chair O'Day opened the public hearing at 7:45

The following spoke in opposition to orderly annexation:

Rachel Kohn, 14948 Riverside Dr
Richard Schmidt, 9567 Karr Dr
Glen Milender, 15098 Riverside Dr
Ken Mimmack, 18858 Ashmun Rd
Rebecca Olson, 14761 Riverside Dr
Eric Pikula, 15137 Riverside Dr
Tom Carson, 14904 River Arches Dr
Delrose Carson, 14904 River Arches Dr
Bruce Smith, 15090 Riverside Dr
Daniel O'Reilly, 15859 Ashmun Rd
Robert Johnson, 15151 Highview

Many requested more information on actual impacts to their property financially and environmentally.

The Chair closed the public hearing at 8:12 p.m.

Chair O'Day stated that the City is in a tough position because when the infrastructure was put in in 2003, it was understood that eventually homeowners would need to annex to connect to City water and sewer. Later, it was determined that the City could not enforce annexation due to septic failure. Eventually it will be harder and harder to replace septic systems. The annexation agreement would allow for future planning when inevitably septic systems cannot be updated.

Public Utilities Director Sandy stated that in general, the MPCA has water quality in watersheds at the forefront when it comes to septic systems and the transition to municipal utilities.

Mayor Badeaux asked Community Development Director Kramvik to explain the process that the City and County has done to get to this point. He stated that this creates a pathway for future annexation possibilities.

Community Development Director Kramvik stated that the resolution needs to be passed by both the City and County. There was a property that needed an emergency hookup that needed to happen this past year, and it was a fairly difficult process to annex the property. City Council then directed staff to pursue orderly annexation area. This does not annex properties tonight. It would go to a municipal boundary judge after passage by both municipalities. After approval by a judge, the properties could be annexed into the City, but there is a process for that as well.

Member Czczok asked about elevation issues for sanitary sewer placement and responsibility of cost. He asked about the number of properties that may be independently responsible.

City Engineer Dehn stated that if a lift station is required to get to the main, it would be the homeowners responsibility. The number is unknown as it depends on the lowest level of service for each property. The City does have an idea of service lines and depths on Riverside Drive. The other extensions would need to be scoped in the future when construction is proposed.

Chair O'Day clarified that a lift station could be placed on the City side for some of these properties as a solution to individual properties needing to be responsible for the cost of a lift station.

Member Yeager stated that these are the types of meetings he loses sleep over. There is a lot of emotion with these types of items. He has a lot of the same questions that property owners have. To be able to support moving forward with creating the annexation area, he needs to know the financial impacts to the property owners. He also stated that he is opposed to a City mandated annexation during ownership of properties as owners have bought land or homes for specific reasons. However, he does support annexation at the time of sale, subdivision, or other transitions. Adding Stormwater, sewer, and water to properties is better for the environment and it is also better for the whole to spread costs among more properties. To say that these properties or properties that are island properties do not receive City benefits or services is myopic. Everyone should share equally in the responsibility for the services that are a good thing for our lives.

Member Stunek stated that he supports Member Yeager's statement to pump the brakes and receive more information.

Member Czeczok asked about the next phase. Hypothetically, if the City passes the resolution what happens if the County Board does not. He also questioned if a judge would need to agree to the process. He asked if the County could review the resolution first for approval.

Attorney Langel stated that hypothetically if it weren't passed by the County Board, the City would need to renegotiate terms with the County, if that falls apart, it is a dead deal. If both parties agree, it does get forwarded to the Office of Administrative Hearings to ensure that the statute is being complied with. The order of approval of the agreement has no bearing on the process.

Mayor Badeaux stated that this is what government is for, to work for the public interest with private individuals. He appreciates everyone coming to speak. There are issues that will arise with annexation, but there are positives as well. If property owners have questions, he asked them to please reach out to staff.

Member Johnson stated that this resolution does not annex any properties, it is an agreement for a plan. In 25 years, when the City is going to improve Ashmun Road because sewers are failing and need to annex, there is a plan in place to make that happen. The City needs to be able to plan for the expansion. The agreement may not be perfect, but it can be improved upon. Having a long-term plan for the neighborhood is important for planning.

Member Czeczok appreciates Member Johnson's explanation. He stated that not one Council Member takes this process lightly. A public hearing was not a requirement, but the Council wanted to hear from property owners. The agreement is for the future of the City of Brainerd and Crow Wing County. If public infrastructure is needed, there is a plan in place to make it happen. It is inevitable that annexation will happen. If not now, in the future. The City is responsible for planning for the future.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK TO ADOPT RESOLUTION APPROVING THE ORDERLY ANNEXATION AGREEMENT.

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

Member Czeczok stated that the Council directed staff to move forward with orderly annexation, if any Council Member wasn't expecting tonight's discussion, he's not the only blind one in the room.

Member Johnson stated that he appreciates more data. However, there will never be a point in time where every question is answered.

Chair O'Day stated that the information could lead to different outcomes.

Member Erickson stated that he will support receiving more information. He does believe that annexation is inevitable. The property owners brought up great questions and concerns. He believes that our excellent staff have the answers to those questions and would like to slow down the process to provide answers to property owners. This is a longstanding issue, and annexation would provide for unity and continuity.

Mayor Badeaux asked to have staff analyze properties that may be too low lying for City utilities that may not be a good fit for annexation.

Member Czeczok asked about the process with the County.

Community Development Director Kramvik stated that they will make the County aware of tonight's result, and they can decide whether they would like to proceed with the resolution at their meeting.

Member Bevans would like an analysis done to make sure that there aren't properties that are not annexed, but are hooked up to utilities.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO PROVIDE AS MUCH INFORMATION AT THE NEXT MEETING TO ANSWER PROPERTY OWNERS QUESTIONS.

Council Committee Reports

Personnel and Finance Committee

Revised Job Description – Hiring of two Water Serviceworkers

Committee Chair Johnson stated that one of our Water Crew Chiefs retired, instead of hiring another Chief, there will be two teams of two Water Serviceworkers.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE UPDATED JOB DESCRIPTION AND AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS FOR TWO WATER SERVICEWORKER POSITIONS.

Baker Tilly Proposal – Community Pool Funding

Committee Chair Johnson stated that this authorizes staff to work with Baker Tilly to determine what it could look like if the City chooses to move forward with the Community Pool project.

Member Yeager asked about the statement in the agenda request "If the debt for the pool were issued in 2026, this fee would not be charged."

Finance Director Hillman stated that the cost would be included in the cost of issuance.

Member Czczok stated that no matter what the Council does, the YMCA wants \$4 million. The Charter provides about \$270,000 for three organizations, \$4 million dollars is about 15 years worth of that funding. We're asking the taxpayers of Brainerd to take on more debt for a pool that they will receive little return for. The City already has a lot of debt, and more will be incurred with the Fire Station remodel and other infrastructure. The rates will need to be increased because of the construction of a new Wastewater Treatment Facility. The City is always spending more than what our taxpayers can support.

Member Erickson stated he does not believe that this is the best use of public funds. There is a lot of infrastructure needs coming up. He also has a hard time selecting certain non-profits over others to receive funding. There are a lot of great non-profits in our community.

Chair O'Day stated that he is torn. His question is how funding the project would affect the tax levy. He isn't sure on how he will vote once more information is provided, but this is a small amount to pay to find out. The engineering services that were approved a couple of meetings ago for one property, is more than this cost to get the information.

Mayor Badeaux stated that he is not a big fan of spending money on consultants, but this is a small amount for such a large price tag. The City will be able to make an informed decision with the information provided.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND BEVANS TO AUTHORIZE STAFF TO ENTER INTO AGREEMENT WITH BAKER TILLY TO PERFORM A FINANCIAL ANALYSIS FOR THE PROPOSED YMCA COMMUNITY POOL; FURTHER, THE FUNDING TO COME FROM THE \$28,000 SPECIAL PROJECTS BUDGETED LINE ITEM.

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

Resolution – Official Intent to Reimburse Expenditures - TH210/Washington Street Project

Committee Chair Johnson stated that the next three items are a necessary step for the City to reimburse itself with bond proceeds for costs incurred prior to bonding for the projects.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF BRAINERD TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS TO BE ISSUED BY THE CITY FOR THE TH210/WASHINGTON STREET PROJECT.

RESOLUTION 10:26

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

Resolution – Official Intent to Reimburse Expenditures - Fire Station 1 Remodel

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF BRAINERD TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS TO BE ISSUED BY THE CITY FOR THE FIRE STATION 1 REMODEL PROJECT.

RESOLUTION 11:26

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

Resolution – Official Intent to Reimburse Expenditures - Main Lift Station Reconstruction

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF BRAINERD TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS TO BE ISSUED BY THE CITY FOR THE MAIN LIFT RECONSTRUCTION PROJECT.

RESOLUTION 12:26

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

Safety and Public Works Committee

Authorize Solicitation – Imp- 26-01 - 2026 Chip Seal Project

Committee Chair Erickson stated that staff has suggested several streets in North & South Brainerd to be chip sealed this year.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO AUTHORIZE SOLICITATION FOR BIDS FOR IMPROVEMENT 26-01: 2026 CHIP SEAL PROJECT.

Authorize Solicitation – Imp- 26-04 - CIPP Lining Project

Committee Chair Erickson stated that the lining project will be on portions of North 5th Street, North 7th Street, and between Washington and Juniper Streets. These lining projects are for pipes that are inaccessible for open trench replacement.

Member Czeczok asked the typical lifespan of lining and whether a project could be relined once it has been lined.

City Engineer Dehn stated that the lifespan is about 20-25 years. Relining would need to be considered on a case by case basis.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO AUTHORIZE SOLICITATION OF IMPROVEMENT 26-04: 2026 CIPP LINING PROJECT.

Update on Ronald/Joseph/Alley Resurfacing and Lead Service Line Replacements

Public Utilities Director Sandy stated that staff received an inquiry from Member Czeczok if the lead service lines are going to be replaced during the Ronald/Joseph/Alley resurfacing. At the time that Moore Engineering was hired, the service line funding was not available. Since that time, a portion of the project (Hawkins Drive) has been constructed and funds have become available. J & J excavating will begin work on the project this spring. Staff has asked Bolton & Menk to submit a proposal to replace these lines in conjunction with the resurfacing project. The Public Utilities Commission will consider the project at its next meeting and could be included as a third project this spring for service line replacements reimbursed by the 2026 allocation for replacement.

Member Czeczok stated that the service lines from the curb stop to the house is usually the responsibility of the property owner and without funding could be very expensive. He just assumed that the private service lines would be included in the project when BPU learned that the funding was available.

Direction on Active Code Enforcement

Committee Chair Erickson gave an overview of the nuisance property.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK TO RECOMMEND A MONTHLY \$300 CITATION AND TO PURSUE LEGAL ACTION WITH THE CITY ATTORNEY.

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

Unfinished Business

Committee Recommendation – Mayor

Mayor Badeaux recommended Cory Jay to the Public Utilities Commission and Jeremy Powell to the Park Board.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO APPOINT CORY JAY TO THE PUBLIC UTILITIES COMMISSION AND JEREMY POWELL TO THE PARK BOARD.

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)

Charter Commission – 2 terms (Expire 2029) 2 terms (Expire 2026)

Economic Development Authority-- 1 term (Expire 2028) 1 term (Expire 2031)

Library Board-- 1 term (Expire 2027)

Public Utilities Commission—1 term (Expire 2030)

Transportation Advisory Committee- 1 term (Expire 2026) 2 terms (Expire 2027)

Council President Recommended: (terms expire on 12/31 of said year)

Airport Commission -- 1 term (Expire 2028)

Planning Commission-- 1 term (Expire 2028)

Water Tower Committee—2 terms

New Business

Resolution – Convey Property to Brainerd EDA

Community Development Director Kramvik gave an overview of the conveyance. The Council will also have to pass a resolution on the business subsidy agreement at its next meeting.

Member Czeczok asked about the appraised property value. He also asked about what happens if the business doesn't meet the subsidy requirements.

Community Development Director Kramvik stated that the City is under contract for the appraisal which will be paid for by with the \$10,000 escrow the developer submitted. If the property owner does not meet the subsidy requirements by the end of the term, they will be required to purchase the property at market value.

Member Johnson thanked the business owner and property developer for their investment in the City of Brainerd.

Member Yeager thanked everyone involved with the project for their investment in the City.

Chair O'Day stated that this is the most visible part of the industrial park and it is exciting to have this project go in.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND ERICKSON TO ADOPT RESOLUTION CONVEYING - LOTS 1 AND 2 OF BLOCK 5 THIESSE DR, INDUSTRIAL PARK 1ST ADDITION TO THE EDA.

RESOLUTION 13:26

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

Presentation

Bolton and Menk – Brainerd Wastewater Treatment Facility (WWTF) Plan

Morgan Salo, Bolton and Menk, gave a presentation regarding the proposed Wastewater Treatment Facility. The cost of the project is projected to be between \$58-\$88 million and the operation and management projection of the facility is an additional \$500,000 per year. If no state or federal funding sources are awarded to the project the wastewater treatment rates are projected to increase from an average of \$35.74 to \$53.45 in phase one and \$80.80 in phase two.

Member Yeager asked about the life of the equipment. He stated that the City would need to build in the replacement cost at the same time.

Mr. Salo stated useful life is different for each facility and is based on a number of factors in which the facility operates.

Public Utilities Director Sandy stated that you are always going to be planning the next 25-year capital planning cycle. The rates will likely not be reduced once the initial project is paid for.

Priorities for Federal House Appropriations – Fiscal Year 2027

Administrator Broyles stated that the presentation by Bolton and Menk gave a great background for the appropriations. The City of Brainerd and City of Baxter will both be submitting the Wastewater Treatment Facility project to Congressman Stauber's office for priority funding. Bolton and Menk will prepare the funding proposal for no additional cost.

Member Yeager asked Mr. Salo about preparing applications for other communities for the same appropriations funding.

Mr. Salo stated that there is minimal effort as a lot of the data is already produced. He also stated that his focus is on the request for the City of Brainerd.

Chair O'Day stated that he has spoken personally with Mr. Stauber about this project.

Public Utilities Director Sandy stated that they will be monitoring Senators Smith and Klobuchar's portals as well.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND ERICKSON, DULY CARRIED, TO AUTHORIZE SUBMISSION OF A COMMUNITY PROJECT FUNDING REQUEST TO CONGRESSMAN STAUBER'S OFFICE FOR THE PHASE 1 WWTF IMPROVEMENTS. THE REQUEST WOULD INCLUDE FUNDING FOR PRETREATMENT UPGRADES, BIOSOLIDS PROCESS IMPROVEMENTS, AND ANCILLARY FACILITY ENHANCEMENTS, WITH A TOTAL REQUESTED AMOUNT OF \$10 MILLION.

Staff Reports

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

Public Utilities Director Sandy gave an overview of the Public Utilities Commission agenda.

Administrator Broyles stated that the Charter Commission meeting is on February 19th at 5:00 p.m.

Mayor Badeaux

Mayor Badeaux stated that the St. Patrick's Day Parade will take place in downtown Brainerd on March 14th. There will be a treasure hunt for the medallion.

Council Member Reports

Member Yeager stated that the Airport Director will be starting on Monday, February 23rd. The morning flights begin on March 8th, you can start booking them now.

Member Bevans will be attending the Charter Commission meeting. He attended the special Library meeting regarding the grant that was received in 2025.

Member Erickson will be attending the Planning Commission meeting and Region 5 meeting.

Member Johnson stated that Peewee B1 Hockey team has won the district. It is a generational event that deserves media attention. He asked everyone to keep the team in their prayers as they advance on.

Chair O'Day stated that the Brainerd Kixters placed 1st in Kick and for the first time ever Jazz. He thanked everyone for their meeting participation. These meetings are the kind that we lose sleep over. He apologized to staff for the additional work to slow the process down for understanding the annexation.

Adjourn

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

The Chair adjourned the meeting at 9:50 p.m.



Nicholas W. Broyles
City Administrator