

**BRAINERD PLANNING COMMISSION**

Tuesday, May 13, 2014

5:00 p.m.

City Hall Council Chambers

1. **NEW BUSINESS**

- a. Public Hearing – Interim Use Permit – Submittal from Renu Recycling, 12065 Telegraph Rd, Redford MI 48239, for the Decommission of the Wausau Site at 1801 Mill Avenue

2. Adjournment

Any individual needing special accommodations please call 218/828-2309

# STAFF REPORT TO THE PLANNING COMMISSION

May 9, 2014

APPLICANT/LOCATION: Renu Recycling Inc.; 12065 Telegraph Road  
Redford, MI 48239 for the Wausau Property site  
located at 1801 Mill Avenue

PROPOSED USE: Site Decommissioning

SITE AREA: 80 acres

CURRENT ZONING: I-2 (General Industry) District

ADJACENT USES: East: Memorial Park  
South: Residential/Fire Station /Ball Fields  
West: Mississippi River  
North: Mississippi River

ADJACENT ZONING: North: Unorganized Territory/Crow Wing County  
East: R-1/R-1A (Single Family Residential) Districts  
and B-2 (Neighborhood Commercial District  
South: R-1 (Single Family Residential District  
West: Unorganized Territory/Crow Wing County  
and R-1A (Single Family Residential) Districts

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## Site and Ownership Information

Renu Recycling has an agreement to purchase the Wausau site on Mill Avenue and has applied for an Interim Use Permit to decommission the facility. The decommissioning process means that Renu will sell or salvage all the assessments (equipment, machinery, steel, copper, etc.) from the site and demolish the structures. Should the application receive approval in a timely manner the process can begin this summer and it is anticipated that it will not be complete until next spring. It is Renu's plan to sell the property for redevelopment.

The Interim Use Permit review process has become more complex due to a 3<sup>rd</sup> party interest in purchasing the site. The 3<sup>rd</sup> party has expressed interest in retaining a portion of the main building and several storage buildings. This staff report is written to anticipate an approval consideration based upon the 3<sup>rd</sup> party's ownership or should Renu retain ownership.

### **Site Characteristics**

The site on the easterly side of the Mississippi River is approximately 80 acres. It has a main building with a 400,000 sf main level and a 300,000 sf sub level. Other structures on the site are a:

- Wastewater treatment plant.
- Surge Building.
- Hydroelectric dam. The Brainerd Public Utilities is currently in negotiations with Wausau to purchase the dam.
- Two power substations, one to remain for the dam and one will be removed.
- Water tower.
- Several cold storage buildings.
- Paved parking area.
- Guard house.
- Rail line.

A unique aspect of the site is that a portion is located on the east side of Mill Avenue and is leased by the City of Brainerd for Memorial Park parking. The parcel also includes the softball fields and storm water ponds at the southerly end of the site which is also leased by the City of Brainerd.

### **Transportation/Access/Utilities**

The facility is accessed via County Road 3 (Mill Avenue). A spur line from the BNSF Railroad provides rail service to the facility.

The site is served by City of Brainerd sewer and water. The size of the services is not sufficient for property redevelopment. Process water comes from the river thru the pumps in the hydro building and process sewer is treated on site and discharged to river.

Brainerd Public Utilities provides electrical service to the site. In the past, BPU provided power to the mill, about 12MW, and the mill used all the hydro power on top of that, about 2.9MW. Currently, all electrical needs on the site are served by the hydro and excess is sold to Minnesota Power. Upon purchase of the hydro by BPU, we would use the power from the hydro in our system, and would supply power to any future development to the site.

### **Site Topography**

The site has approximately 3,850 of Mississippi River frontage with a significant bluff. The bluff rises as much as 35' in some areas and has as much as a 35% grade. The remainder of the site slopes from north to south with an elevation difference typically about 4-6 feet. The south end of the site shows an elevation difference of 10'-15' in some areas.

### **Shoreland Regulations Affecting the Site**

Development along the river is regulated by the City of Brainerd Shoreland Regulations. Lands within 300' of the River are subject to the regulations.

A small area of the northwest part of the main building is located within the 300' shoreland management area. The shoreland area also affects two of the buildings located on the site's north end.

What is unclear is whether any existing shoreland area vegetation is anticipated to be removed. Shoreland Regulations Section 530.09 Zoning and Water Supply/Sanitary Provisions. **Subd. 3 Shoreland Alterations reads:**

*Intensive vegetation clearing within the shore and bluff impact zones and on steep and long gradual slopes is not allowed.*

- *Notwithstanding, a grading and filling permit will be required for:*
  - *The movement of any material on steep slopes or within shore or bluff impact zones, and*
  - *The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.*

### **Decommissioning**

The procedure for the review and consideration of a "decommissioning" Interim Use Permit is described in Zoning Ordinance Section 515-71 I-2 (General Industry) District, Interim Use Permits 4A. It is defined as:

*"...the significant removal of machinery from service within a site, or the demolition of existing buildings, pavement, structures or facilities, and/or site remediation for the purposes of leaving a property barren for an unspecified amount of time. A site plan shall be submitted and is subject to Section 10 of this Ordinance."*

The site is located adjacent to:

- A residential district
- The Mississippi River and bridge
- A hydroelectric dam
- Mill Avenue (a county highway)
- Mill Avenue Bridge
- Across the street from parking and a park
- Ball field/fire station/storm water retention area

The decommissioning process is an enormous undertaking with costs being millions of dollars. The buildings that will be demolished are large and the machinery to be removed is massive. To ensure the decommissioning process does not have detrimental effects on the above uses and to ensure it does not adversely affect community health, safety and welfare, attention needs to be given to the details of the decommissioning

process. There are many potential adverse impacts that could be created by the process. They include:

- **Vibrations/Noise.**

The equipment used to demolish the buildings will be large and the disturbances caused by concrete removal will create vibration. What will be the effect of that vibration and noise and how will it be addressed?

- **Dust.**

This will be a dusty dirty process. The prevailing winds could carry dust into the adjacent residential and business areas. This will need to be monitored on a daily basis. What will be done to reduce dust affects? What will be the water source for dust control be located?

- **Erosion.**

What steps will be taken to prevent erosion during the process?

- **Demolition Waste/Debris.**

What is the plan for removal or reuse of demolition waste/debris? Will there be scrap metal, concrete and brick? If so, where will it be stockpiled? What is the plan to dispose of the material? Will it be visible to the neighborhood and passersby?

- **Transportation.**

What impact will the traffic to and from the site have on the neighboring uses and streets?

- a. What type of trucks will be used?
- b. How many trips per day are planned?
- c. Where will they be going?
- d. What routes will they take?

- **Work Plan.**

What is the decommissioning work plan? There are many issues associated with the day to day operation that need to be clarified

1. What are the estimated start and completion dates?
2. What are the days and hours of operation?
3. How many employees will be on site?
4. If employees drive to the site, where will they park?
5. Are amenities such as portajohns being provided?

- **Concrete/Brick Crushing.**

The main building has large concrete pillars that are supports for the massive paper making machines. In addition there is a thick concrete floor and a concrete foundation. The main building façade has a brick exterior.

What is the reuse plan for the concrete and brick? Many demolition projects reuse or crush the material and use it as fill in the cavity left following foundation demolition. Is that the plan? The size of the material placed back into the cavity can have an impact on its ability to compact and support redevelopment such as roads and buildings. Will the material be acceptable for reuse?

- **Foundation Removal.**

The depth to which the foundation is removed has an impact on the project cost but also impacts the ability to redevelop the site. Renu is proposing to remove the foundation to 2' below grade. With most of the foundation walls remaining intact what impact will this have on the ability to redevelop the site and provide utilities and impact road and building construction.

- **Final Grading Plan.**

What will be the final grading of the site? Should foundations be left in place, it is important for a future owner that its location and depth below final grade are identified.

- **Fencing/Security.**

Site security is important during the decommissioning process and once the process is complete. The site is currently fenced. Will this be sufficient to prevent trespassing and vandalism?

- **Inspections/Reports.**

It will be important for inspections to be performed by the City of Brainerd on a daily basis. What process will be in place to document that all work is being done in compliance with the Interim Use Permit conditions, state and federal regulations and the building permit that will be needed for the process?

- **Project Contact Identification**

What will be the communication process should complaints be made?

- **Signs.**

What type of signage is planned?

- **Landscaping.**

Once demolition is complete and all of the material and equipment removed from the site what will be the final site appearance and

what is the plan to leave behind a site that is one that is acceptable in appearance?

- **Performance Bonds.**

What surety does the public have that the Interim Use Permit holder will leave the site in a condition acceptable to the community? Separate bonding for the demolition process, the site restoration and ensuring subcontractors are paid will be needed.

### **Review Procedure**

The procedural review of an Interim Use Permit is found in Zoning Ordinance Section 515-6 Administration – Interim Use Section Procedure. 2B. which reads:

*New Uses. Uses defined as interim uses which do not presently exist within a respective zoning district shall be processed according to the standards and procedures for a Conditional Use Permit as established by Section 5 of this Ordinance.*

Although Renu is not yet the property owner, Zoning Ordinance Section 515-5 Administration Conditional Use Permit Procedure 2B. allows it to apply for the interim use permit with proof of equitable interest. It reads:

*Proof of Ownership or Authorization. The applicant shall supply proof of ownership or equitable ownership interest, a legal description and as applicable supply documented authorization from the owner(s) of the property in question to proceed with the requested Conditional Use Permit.*

Attached is a letter from Wausau describing RENU's equitable interest and authorizing the application.

Zoning Ordinance Section 515-5 Administration Conditional Use Permit Procedure 2F. Criteria for Granting Conditional Use Permits list the criteria by which an Interim Use permit is evaluated. It reads:

*In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.*

- 1. The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.**

The "use" in this case is the site decommissioning. The site decommissioning is permitted. There are Interim Use Permit provisions cited below that apply to this process. General regulations such as setbacks, lot coverage, building height, off street parking, etc. do not apply to this process.

2. *The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.*

There are no listed special standards for this class of Interim Use Permit.

3. *The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.*

There are many elements in this process that can create conditions that may be dangerous, injurious or noxious. Renu's submittal information describes how they will be addressed.

4. *The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.*

The "use" applicable to this criteria is the site. There are no new buildings or structures planned so siting an orientation is not an issue. However, site landscaping when the decommissioning process is complete is one that needs to be addressed.

Renu's proposal is to cover the decommissioned area with black dirt and seed. This description to reestablish the site is to a condition that is acceptable in the community is not sufficient. Further, it provides no information about oversight for ensuring that the reestablishment will take hold. Also, consideration should be given to using more than basic grass seed at the site. This method will create one that will need continuous mowing and will more than likely be on that becomes weed infested.

This is not a demolition of a dwelling where the footprint to be reestablished is small in area. There will a significant area that will need reestablishing. This is an opportunity to establish the site with native natural grasses and plants that can create a site with community aesthetics and in the long run require less maintenance.

It is recommended that Renu consult a native landscaping company or a landscaping company with that expertise and submit a plan to establish the site with native plantings. A financial guarantee may be needed to ensure for several years that the site is properly reestablished.

5. *The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.*

When completed The proposed restoration by Renu is not sufficient to create a site that will produce a total visual impression and environment which is consistent with the environment of the neighborhood. However, requiring a plan as described above should create a site that has an aesthetically pleasing visual impression and environment.

**6. *The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.***

The daily traffic by employees and other site visitor's vehicles should not create traffic issues. However, traffic involved with removal of machinery and scrap and debris needs to be addressed.

Truck traffic on Northeast Brainerd residential streets needs to be prohibited. Renu has provided a map that depicts truck routes to and from the facility. Renu's information specifies that a Type II landfill is needed for placement of some material. The Crow Wing County Landfill is a Type II facility. Mill Avenue to Hwy 210 will be the route to that facility. Mill Avenue is a county highway under the jurisdiction of Crow Wing County. Its Engineering Department will need to be consulted about issues it may have with Mill Avenue use. Shipping weight is an issue and there is a weight limit on Mill Avenue. Renu submittal information has specified that overweight shipping is planned. To do so will need approval by Crow Wing County.

Are the routes that do not require landfill access acceptable? Should the routes be through the City of Brainerd? Should the routes be ones that require shipments to go north to access Hwy 371?

What is not yet known is the type of truck(s) to be used in the shipping process. Nor has it been specified how many truck trips can be expected on a daily basis.

Should hauling go south on Mill Avenue it will pass through a residential area. Hour limitations for shipping south on Mill Avenue should be considered.

**7. *The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.***

Decommissioning the site and reusing it for redevelopment meets many of the Comprehensive Plan goals and implementation strategies.

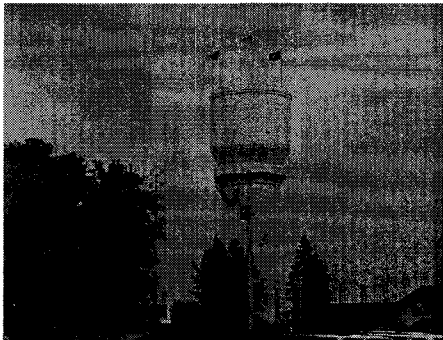


### **COMMERCIAL/INDUSTRIAL LAND USE**

**Goal:** *Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*

#### **STRATEGY**

Encourage the development of additional commercial and industrial areas within the city in accordance with the land use plan.



### **ECONOMIC DEVELOPMENT**

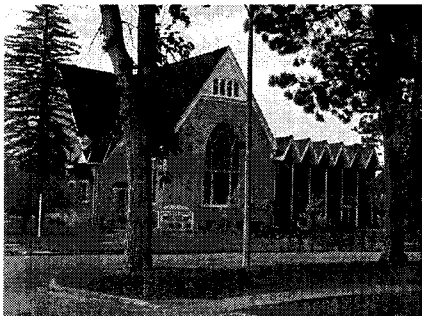
**Goal:** *Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.*

#### **STRATEGY**

Promote and encourage quality commercial and industrial development in the city through the support and cooperation of the City Council, EDA, the Brainerd Lakes Development Corporation

BLADC), business organizations and community leaders.

1. Actively promote development and redevelopment within the community,....
2. Plan for adequate land for future Industrial and Commercial Developments in three principal areas within the city:
  -  East of Business Highway 371 near the Industrial Park Road
  -  Within the Redevelopment of the Northern Pacific Center
  -  **On the former Potlatch Paper Mill site**
  -  Other areas deemed appropriate



### **LAND USE**

**Land Use Goal #5:** *Support development that enhances community character and identity.*

#### **STRATEGY**

Support the redevelopment of vacant and abandoned sites within the urban core.

***Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.***

- A. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.***

*The objectives of the Zoning Ordinance are:*

*515-1-2: Intent and Purpose.*

- A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. Protect neighborhoods.***
- D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.***
- E. Provide adequate light, air, and convenience of access to property.*
- F. Prevent congestion in the public right-of-way.*
- G. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. Protect and preserve the natural environment of the City.***
- I. Encourage the protection of historic and aesthetic resources in the City.*
- J. Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. Provide for compatibility of different land uses.*

Three areas above have been highlighted. The "use" as it relates to the objectives is the site. Once decommissioning is complete will the objectives of the Zoning Ordinance have been meeting?

**B. *Requirements for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:***

- 1. *Fire Protection. Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.***

The Fire Chief has stated that the site should have proper fire extinguishers. His department will address issues on "as needed" basis.

- 2. *Electrical Disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.***

Electrical disturbance should not be an issue in this process.

- 3. *Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled subject to MPCA standards. Fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.***

Renu's submittal information addresses this issue by stating it will monitor the situation and take measurements if needed. However, it does not provide information about who will take the measurements.

- 4. *Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.***

Renu's submittal information addresses this issue by stating it will monitor the situation and take measurements if needed. However, it does not provide information about who will take the measurements.

- 5. *Odors. No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.***

The demolition process may generate some odor emitting from material and dust.

- 6. *Air Pollution. No pollution of air by flying ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.***

Renu's submittal information addresses this issue by stating it will monitor the situation and take measurements if needed. However, it does not provide information about who will take the measurements. They will need to be taken by a person with proper credentials.

- 7. *Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.***

Glare should not be an issue in this process.

8. *Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.*

See the City Engineers report.

9. *Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.*

## DEPARTMENT INFORMATION

### Utilities

See attached memo.

### Fire

See comments above.

### Building

See attached memo.

### Engineering

See attached memo.

## PLANNING DEPARTMENT REVIEW

An area of aesthetic concern is where on site machinery and scrap will be stored waiting for shipment from the site. It is suggested that there is no need to store material within 200' of the Mill Avenue property line.

Renu has stated a willingness to conduct a neighborhood meeting prior to beginning the decommissioning process. It is suggested that such a neighborhood meeting be held.

City staff has communicated with AIM, the company decommissioning the Sartell paper plant and with Frattalone Companies the company that demolished the Metrodome. We have also had many communications with the City of Sartell about its decommissioning process. The Planning Department is extremely grateful for the insights they all have provided.

While not directly related to the Interim Use Permit it is worth noting that the City of Brainerd has leases with Wausau for the parking lot on the east side of Mill Avenue and the softball ball fields at the south end of the property on the west side of Mill Avenue that expire in 2018. Our ability to continue leasing that property after the leases expire is not a certainty. We have been fortunate to be able to use the property all these years; however the property may prove too valuable to a developer to allow it to continue as a

parking lot and softball fields. It is not too early to begin discussions about alternatives to our ability to use the property.

The preparation of this staff report has been a team effort of City Engineer Jeff Hulsether, Brainerd Public Works Director Scott Magnusson and Building Official Tim Caughey. Their expertise was critical in preparing the report.

### **INTERIM USE PERMIT CONDITIONS**

Based on staff review of the Renu submittal information the following approval conditions are recommended:

1. **Decommissioning Approval Period.** The Interim Use Permit for all decommissioning activity (except site restoration) shall be in effect for 1 year from the date of the Interim Use Permit approval.
2. **Town Meeting.** Prior to beginning the decommissioning process, Renu will conduct a neighborhood meeting to review the decommissioning plan.
3. **Statement of Financial Capability.** Renu shall submit verification that it has the financial capability to perform the decommissioning process.
4. **Decommissioning Meeting.** Prior to beginning the process, a decommissioning meeting shall occur with all parties involved to review the decommissioning work plan.
5. **Decommissioning Process.** The decommissioning process shall not commence and a City of Brainerd Building Permit will not be issued until all of the applicable submittal requirements specified herein have been submitted and approved by the City of Brainerd.
6. **Document Submittal.** Any and all documents that need to be submitted and revised to be in compliance with the conditions, terms and performance standards of this Interim Use Permit shall be submitted to the City prior to the issuance of a building permit.
7. **Project Contact Person.** The owner must designate and maintain throughout the term of the project a site representative with final decision making authority to field questions and complaints from the public and must make this person's name and contact information available to the City and the public before permits are issued for the work shown on the approved plans. The City of Brainerd will designate the Building Official as the contact person on behalf of the City.
8. **Security Agreements.** Renu grants the City of Brainerd the authority to require Security Agreements to ensure that the performance standards are completed as

provided in the approved Interim Use Permit. The owner must submit Security Agreements in the form of a complete Performance Bond or Letter of Credit in the amounts specified by the City of Brainerd. Such amounts shall be 110% of the estimated costs prior to the issuance of any demolition/building permits will be issued for work included in all phases of the decommissioning and demolition activities referenced under the Interim Use Permit documents and Storm Water Pollution Prevention Plan as amended.

9. **Escrow Account.** Renu shall provide an escrow in the amount of \$\_\_\_\_\_ to cover the cost of testing during the decommissioning process (not including restoration which is addressed herein), staff time associated with the decommissioning process and for any other unintended damages or needs that arise during the decommissioning process. The unused escrow amount will be returned upon completion of the decommissioning process.
10. **Inspection.** The City Administrator and his designee(s) shall have the right to inspect the premises for compliance purposes at any time upon reasonable request.
11. **Demolition Inspections and Reports.** The owner must maintain a record on site of all inspections for review by the City of Brainerd or other regulating agencies. Inspection reports include, but are not limited to, inspections performed by the City of Brainerd as required by the Building and Interim Use Permits and inspection reports prepared by the contractors Erosion Control Supervisor.
12. **Environmental Inspection and Reports.** The owner shall provide a copy of the renovation/demolition environmental checklist to the City of Brainerd along with certifications that the hazardous materials have been removed and property disposed of.
13. **Contractor's License.** Party's contracting to perform demolition will be required to be licensed as a contractor in the City of Brainerd.
  - The Contractor's License fee is \$50.00.
  - The Contractor shall take out and maintain throughout the decommissioning/demolition period insurance in the following minimum requirements.
  - Workers compensation insurance covering all employees in statutory limits who perform any of the obligations assumed by the Contractor under this contract.
  - Public liability, property damage liability insurance covering all operations under the contract. Limits for bodily injury or death not less than \$500,000 for any person and \$1,000,000 for each accident and

\$500,000 property damage limit for each accident.

- Automobile liability insurance on all self-propelled vehicles used in connection with the contract, whether owned, non-owned or hired; public liability limits of not less than \$500,000 for one person and \$1,000,000 each accident; property damage limit of \$500,000 for each accident.
- The Owner/Contractor shall provide the City of Brainerd with a certificate of said insurance which shall list the City of Brainerd as additional insured.
- In lieu of the requirement for a contractor's bond the City will accept the owner/general contractor's performance bond required in the IUP. Other contractors shall provide the usual contractor's bond.

**14. Easements.** Easements shall that have been granted to the City of Brainerd shall remain. If needed, new easements shall be in a location and size acceptable to the City of Brainerd. Documents for any new easements shall be prepared by the property owner and reviewed by the City of Brainerd. Easements shall be recorded at the Crow Wing County Register of Deeds office at the property owner's expense.

**15. Asphalt Surfaces.** All asphalt surfaces are to be removed except for those surfaces located within the existing easements. Should the City of Brainerd determine the asphalt surface within the easements has been disrupted shall be replaced at the owner's expense.

**16. Foundation Removal.** After much discussion about what is best for the community going forward, complete wall, foundation and floor removal of all buildings and structures is recommended. Anything less than complete removal leaves behind obstacles that will create site redevelopment problems and could cost the tax payers money to be removed.

**17. Building and Structure Removal.** All above grade structures shall be removed including, but not limited to, buildings, sheds, waste water treatment plant, surge tank, water tower, parking lots (except drive isles), and railroad spurs and sidings, with the exception of facilities located on parcels currently being leased by the City of Brainerd for recreational purposes.

All structures on the property shall be removed in their entirety including all underground utilities, rail facilities, and paved surfaces (exception of drive isles). Should a 3<sup>rd</sup> party purchaser request that a structure(s) remain, a bond shall be posted or retained to provide for the complete demolition of the structure(s) or until such time that the structure(s) has either been removed or the ownership of the property has been transferred to the 3<sup>rd</sup> party.

In the event that a portion of the main building remains, as part of the building/demolition permit application submittal, an engineered structural

solution shall be submitted for the separation as well as detailed structural restoration plans for the remaining building.

- 18. Fill.** Fill to be either a granular backfill or Class 7 crushed concrete compacted to a 95% maximum density.
- 19. Noise.** Activities that generate continuous noise, such as concrete crushing and hydraulic hammering, may not exceed the noise standards as established by the Minnesota Pollution Control Agency (MPCA) on various land uses within audible distances of the activities. Noise measurements will be conducted as soon as weather conditions permit following the commencement of the activity. A sufficient number of spot measurements will be taken to test residential properties located radially from the site. If the noise levels fall within acceptable MPCA guidelines, additional measurements will not be necessary unless there is a change of activity location, a change in noise abatement features, or complaints from the public.
- 20. Vibration.** Measurements at adjacent property lines should not exceed a Peak Particle Velocity (PPV) of 0.5 inches per second. If measurements are greater than 0.5 inches per second, additional readings should be taken to determine a safe distance from the activity. Renu shall submit pre-demolition vibration readings. The owner will provide, upon request by the City of Brainerd vibration readings to the City Engineering Department.
- 21. Testing Credentials.** All testing will be conducted by a 3<sup>rd</sup> party with proper credentials to perform such testing. Information about who will do the testing and test results shall be provided to the City of Brainerd.
- 22. Waste.** All disposal debris will be hauled to a licensed demolition landfill. The handling and disposal of construction and demolition debris shall be done in accordance with all federal, state and local laws and ordinances. Items, parts and/or debris removed during decommissioning shall not be kept within 200' of the Mill Avenue property line.
- 23. Fire Safety.** The owner shall comply with Section 14 of the State of MN Fire code. An onsite walk through inspection by the City of Brainerd Fire Department will be required prior to starting the decommissioning process.
- 24. Hours and Days of Operation.** All decommissioning related activity must be limited to the hours of 7 a.m. - 7 p.m. Monday-Friday and 9 a.m. to 5 p.m. on Saturdays. Hours of operation must be posted on the site and at all entrances and exits, along with site contact information. Hours of operation includes any activity associate with the process including but not limited to, dismantling

equipment salvaging scrap, demolition, crushing, stockpiling and hauling, etc. Trucks leaving the site and travel through the City of Brainerd shall not occur between the hours of 9:00 p.m. and 8:30 a.m. and 3:00 p.m. to 6:00 p.m.

25. **Site Amenities.** A minimum of 2 portable toilets shall be provided on site throughout the decommissioning process.
26. **Transportation.** Approximately \_\_% of the demolition debris will be removed by truck and \_\_% by rail. That equates to approximately \_\_ trucks and \_\_ other cars and personal vehicles a day coming to the site. All demolition and debris truck traffic into and out of the site will use the Mill Avenue entrance. Truck traffic on residential streets is prohibited.
27. **Trucking Route.** Should Crow Wing County agree truck traffic not using the Crow Wing County landfill shall go north on Mill Avenue to gain access to Hwy 371.
28. **Site Buffer/Security.** The existing visual buffer shall be retained and the site must be enclosed with existing or new fence until site restoration is completed.
29. **Site Restoration.** Restoration will include a plan prepared by a professional with credentials to restore the site with native landscaping. Such plan shall be submitted to the City of Brainerd.
30. **Approvals by Other Agencies.** The owner must obtain approvals and appropriate documentation for the demolition and restoration from all other agencies having jurisdiction, including but not limited to the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, State Historic Preservation Office, and Environmental Protection Agency. Work must be performed as specified in these approvals. The City of Brainerd is not responsible for Renu's approval by these agencies and/or ensuring Renu complies with these agency rules and regulations.
31. **Extension.** One 6 month extension may be requested in writing and filed with the City of Brainerd at least thirty (30) days before the expiration of the original Interim Use Permit. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the Interim Use Permit. Such petition shall be presented to the Planning Commission for a recommendation to the Council and acted upon by the Council.
32. **Termination.** The Interim Use Permit shall terminate upon the occurrence of any of the following events, whichever first occurs:
  - a) The date specified in the permit (Condition #1);

- b) A violation of the conditions under which the permit was issued; or
- c) A change in the City's zoning regulations; however, the City may provide a period of relief for up to a year if warranted.
- d) Work on the site authorized by such permit is not commenced within \_\_\_\_ days of issuance or the work authorized on the site by such permit is suspended or abandoned for \_\_\_\_ days after the time the work is commenced.

A certified copy of any order terminating the Interim Use Permit shall be filed with the Crow Wing County Recorder for recording.

**33. Compliance.** Any use permitted under the terms of any Interim Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated in connection therewith, and the Interim Use Permit shall remain in effect only so long as the terms and conditions agreed upon are observed and/or until the specified termination date/event occurs.

**34. Indemnification.** The Owner/Contractor shall indemnify and save harmless the City of Brainerd from loss of damage caused to any person or property by reason of any carelessness or neglect in the doing or making of this decommissioning/demolition or furnishing material and by reason of failure to pay all laborers, mechanics, subcontractors and material, men, and all persons supplies for the performance and completion of said decommissioning to promptly pay all just debts, dues and demands incurred in the performance of said work, and of and from all expense of inspection and engineering or of whatever kind of nature, which shall be caused by delay or failure in the performance and completion of this work, and further to indemnify and save harmless of and from all suit and action the City of Brainerd on account of any injuries or damages sustained by any person or persons by reason of any act, omission or negligence, or by the use of improper methods or materials on the part of said Contractor in the performance of any part of this work, and further to indemnify and protect and save the City of Brainerd harmless against any and all demands, fees, or royalties for any patented invention, materials, methods, arrangements or process of manufacture of any infringement thereon, that may be used or be in any matter connected with the decommissioning, demolition or maintenance of the work, materials or any part thereof, embraced in this project.

### CONCLUSION

There are significant differences between the Renu proposal and the staff decommissioning recommendations. We have already heard from Wausau that the conditions will drive Renu away. We have also heard the conditions will make it difficult for anyone interested in purchasing the property. It has been suggested that more moderate conditions would be better for all interested parties.

Staff questions the benefit to the community of permitting basements walls, footings, a broken up connect floor, a significant amount of underground infrasture, railroad tracks the asphalt parking, etc. being allowed to remain. Would not a "clean" site be better for all parties? Would not a "clean" site be more saleable and of valuable?

The Planning Commission will hear community concerns and issues associated with the process. It will hear Renu's proposal that it is not be cost effective to do as recommended in the staff report. The Planning Commission has the latitude to make its own recommendations, ones that may be different than either Renu's proposal or staff's recommendations. The review process may be difficult and complex. The Planning Commission's recommendation will be critical in the site's future. The Planning Commission should not feel compelled to make a recommendation on the 13<sup>th</sup>.

#### **PLANNING COMMISSION AND CITY COUNCIL ACTION**

The Planning Commission can consider a recommendation on this request at its Special Meeting on May 13, 2014. City Council consideration can occur at its May 19, 2014 meeting.

Respectfully submitted,

A handwritten signature in black ink, reading "Mark Ostgarden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Ostgarden AICP  
City Planner



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# MEMO

TO: City Planner Ostgarden

FROM: Jeff Hulsether

DATE: May 6, 2014

RE: Interim Use Permit Application for Wausau Plant Demolition –  
Engineering Department Recommendations

## Background

We have reviewed the Wausau Paper Work Plan narrative and document submittals and would like to offer the following comments and recommendations to the Planning Commission for their consideration.

The Engineering Departments review of the application is from the perspectives that all work must conform to all applicable laws, rules and ordinances; that the work is conducted in a manner which protects the public health, safety, and welfare; and that the work will result in a clean site that is free of blighted improvements and/or impediments, both physical and financial, to future redevelopment potential.

Within the text of the work plan, there are references to a third party purchaser of the property and making accommodations within the work plan to suit that third party. This Departments review of the application and recommendations are based on the belief that the work plan should be premised on there not being a 3<sup>rd</sup> party purchaser and that the parcel will remain in the post demolition condition for an extended period of time. If purchase agreements are entered into during the work plan process, the work plan can be modified to allow some improvements to remain on the site provided that financial guarantees are posted to provide for their removal should the purchase not materialize.

## 1. Foundation Removal

- We believe that it is in the best interest of the City of Brainerd to assure that at the conclusion of the decommissioning and demolition process that the Wausau site is clean and free of physical and financial impediments, to accomplish this, we are recommending the completed removal of substructures including basement walls, floors and foundations.



## **2. Backfill**

- Backfill materials shall consist of clean granular materials meeting the requirements of Mn/DOT granular backfill and shall be compacted to 95% of maximum density. Clean crushed concrete may also be used for backfill operations provided that it is crushed to meet a Mn/DOT class 7 gradation.

## **3. Site Restoration/Erosion Control**

- A Storm Water Pollution Prevention Plan (SWPPP) must be prepared for the proposed activity and a National Pollutant Discharge Elimination System (NPDES) Permit must be secured prior to any land disturbance activities. The SWPPP shall require a trained person to serve as an Erosion Control Supervisor and shall address issues such as, but not limited to, erosion control sequencing, BMP inspection and maintenance, pollution prevention management measures, stabilization schedules, temporary and permanent erosion prevention and sediment control, and final stabilization. A copy of the SWPPP shall be submitted to the City of Brainerd for approval.

## **4. Financial Guarantee**

- Staff is recommending that the Planning Commission and City Council consider the requirement of a financial statement from the owner to document their financial wherewithal to complete the decommissioning/demolition activities as required in the permit.
- Staff is also recommending that a Performance Bond be posted to assure the completion of the project and that a Payment Bond be posted to assure that all local subcontractors, employees, equipment rental businesses, landfills, etc. are paid for their services.

## **5. Building and Structure Removal**

- We are recommending that all above grade structures be removed including, but not limited to, buildings, sheds, waste water treatment plant, surge tank, water tower, parking lots (except drive isles), and railroad spurs and sidings, with the exception of facilities located on parcels currently being leased by the City of Brainerd for recreational purposes.
- The Engineering Department's recommendation is that all structures on the property be removed in their entirety including all

underground utilities, rail facilities, and paved surfaces (exception of drive isles), If the request to allow some structure(s) to remain, at the request of the 3<sup>rd</sup> party purchaser, is approved, we are recommending that an adequate bond be posted or retained to provide for the complete demolition of the structure(s) until such time that the structure has either been removed or the ownership of the property has been transferred to the 3<sup>rd</sup> party.

- Building separations will not be necessary if the structures are completely removed. In the event that the IUP permits a portion of the existing main structure to remain, as part of the building/demolition permit application submittal, staff will require that an engineered structural solution be submitted for the separation as well as detailed structural restoration plans for the remaining structure.

#### **6. Underground Utility Removal**

- All subgrade improvements including, but not limited to, water, sanitary and storm sewer piping and structures, electrical conduits, and gas piping shall be removed from the site. All connections to city services shall be mechanically capped or bulkheaded as required by the Engineering Office.

#### **7. Transportation**

- Decommissioning/Demolition related traffic is strictly prohibited from local residential streets.
- Staff is recommending that trucking hours through Brainerd be restricted from peak hours, e.i.. 7:00 – 8:30 a.m.; 3:00 – 6:00 p.m. if significant trucking activities are anticipated.
- Owner will need to coordinate with the Crow Wing County Highway Department for use of County Roads during this process. A memo from the county highway department is attached to this report.

- 8. Contractor's License.** All contractors performing any of the demolition activities will be required to be licensed as a contractor in the City of Brainerd.

The Contractor's License fee is \$50.00

The Contractor shall take out and maintain throughout the decommissioning/demolition period insurance in the following minimum requirements.

1. Workmen's compensation insurance covering all employees

in statutory limits who perform any of the obligations assumed by the Contractor under this contract.

2. Public liability, property damage liability insurance covering all operations under the contract. Limits for bodily injury or death not less than \$500,000 for any person and \$1,000,000 for each accident and \$500,000 property damage limit for each accident.
3. Automobile liability insurance on all self-propelled vehicles used in connection with the contract, whether owned, non-owned or hired; public liability limits of not less than \$500,000 for one person and \$1,000,000 each accident; property damage limit of \$500,000 for each accident.
4. The Owner/Contractor shall provide the City of Brainerd with a certificate of said insurance which shall list the City of Brainerd as additional insured.

In lieu of the requirement for a contractor's bond the City will accept the performance bond required of the owner/general contractor within the IUP. Any other contractors will need to provide the traditional contractor's bond.

#### **9. Indemnification**

- The Owner/Contractor shall indemnify and save harmless the City of Brainerd from loss of damage caused to any person or property by reason of any carelessness or neglect in the doing or making of this decommissioning/demolition or furnishing material and by reason of failure to pay all laborers, mechanics, subcontractors and material, men, and all persons supplies for the performance and completion of said decommissioning to promptly pay all just debts, dues and demands incurred in the performance of said work, and of and from all expense of inspection and engineering or of whatever kind of nature, which shall be caused by delay or failure in the performance and completion of this work, and further to indemnify and save harmless of and from all suit and action the City of Brainerd on account of any injuries or damages sustained by any person or persons by reason of any act, omission or negligence, or by the use of improper methods or materials on the part of said Contractor in the performance of any part of this work, and further to indemnify and protect and save the City of Brainerd harmless against any and all demands, fees, or royalties for any patented invention, materials, methods, arrangements or process of manufacture of any infringement thereon, that may be used or be in

any matter connected with the decommissioning, demolition or maintenance of the work, materials or any part thereof, embraced in this project.

#### **10. Environmental Issues**

Staff has reviewed the Environmental Quality Boards (EQB)s thresholds for Environmental Assessment Worksheets (EAW)s and Environmental Impact Statements (EIS)s and the decommissioning and demolition activity does not mandate either review. Depending on the size and scope of any re-development on the site, the redevelopment activity could very possibly trigger an EAW requirement.

Staff has discussed the question of unknown or rumored site contamination and we have determined that at this time, this is not a city issue, but instead, an issue for anyone associated with the chain of ownership who could become associated as a responsible party. This will become a city issue if and when the site redevelops and through a platting process, easements and rights of way are dedicated for public infrastructure extensions. If a phase 2 investigation has not occurred by that time, the Planning Commission should require a phase 2 on the proposed dedications as part of that platting process.



## **MEMORANDUM**

**To:** Jeff Hulsether – City of Brainerd Engineer  
**From:** Rob Hall – Crow Wing County Assistant Engineer  
**RE:** Demolition of Wausau Paper Plant  
**Date:** May 8, 2014

Dear Mr. Hulsether,

Thank you for meeting with our department recently to discuss the above referenced subject. Per our discussions we have some definite concerns; however, our responses are in general terms until more information is received. It will be imperative for us to be given such data as estimated cubic yards/truckloads to be removed from the site, percentage of material that will be transported by rail vs. truck, and destinations for the material. At this time, we can offer the following:

1. Depending upon what time of year material is removed, we will impose hauling hour requirements to alleviate traffic and safety concerns.
2. Once routes and quantities are estimated, we will determine a fee relating to the premature loss of life of our roadways involved. These estimates will also allow us to determine if transporting north from the plant is an option as it relates to the Mill Avenue Bridge. If a north route is an option, dependent upon truck volumes, a requirement to consistently monitor the bridge is a reality. The pavement and underground infrastructure on CSAH 45 (13<sup>th</sup> Street) is not able to withstand a major hauling operation, and trunk highways (Washington Street and South 6<sup>th</sup> Street) need to be utilized for destinations to the south and west of the plant.
3. Only one access from the plant onto Mill Avenue shall be utilized. Enhanced signing relating to truck traffic will be required. Depending upon the estimated number of trucks, etc., traffic control changes anywhere from short term intersection signing control to temporary signals may be required.
4. We propose to coordinate with the city as it relates to restricted days of operation. These may include weekends, high traffic volume holidays, etc.
5. We understand that vibration monitors will be a requirement through the city and that one is proposed to be placed between the site and Lakeview Lane. We request access to the data for review as it relates to the bridge.

As can be seen, we are unable to give specific comments until we receive additional information related to the overall work plan. We will be glad to do so at that time. If you have any questions, feel free to contact me.

**Robert Hall**  
**Assistant County Engineer**  
Highway Department  
16589 County Road 142  
Brainerd, MN 56401

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## Memo

To: City Planner Mark Ostgarden

From: City Building Official Tim Caughey *T.C.*

Date: May 6, 2014

Re: **Wausau Site Decommission**

I have numerous concerns after reviewing the I.U.P. application received from Renu. The following are the primary items that need clarification before the Building Department can accurately oversee the decommissioning of the Wausau site. I realize some areas of concern will be addressed when the demolition permit is issued, but discussion during the I.U.P. process would benefit all parties involved.

- **Structure to Remain and Building Separation** – With the excavation and removal of foundation walls and footings to subgrade depths of possibly 12' to 16', what engineering and design is being proposed to assure structural stability of the building that will remain?
- **Foundation Removals** – Staff is recommending total removal of all subgrade structure. Any portion of the structure remaining (subgrade) will permanently impede future development of the site (i.e. structural stability and uniformity of new buildings and utilities).
- **Backfill** – Any backfill placed in the excavation should meet a gradation that is capable of reaching a density to support structures for future development of the site. More detail is needed to identify the type of topsoil and seeding necessary to establish an acceptable finished turf.
- **Underground Utilities** – Addressing the future development of the site again, all utilities should be excavated and removed from the site; and as a priority the sewer and water services that are connected to city mains should be addressed before any excavation begins.

TC/lj

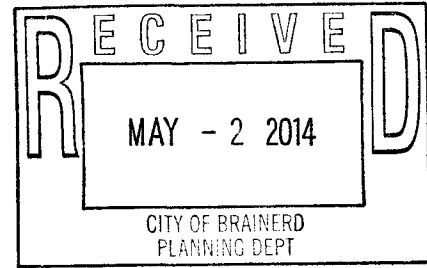


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**DATE:** May 2, 2014  
**TO:** Planning Commission and City Planner Ostgarden  
**FROM:** Scott Magnuson, Brainerd Public Utilities Superintendent  
**RE:** Wausau Paper Mill Site

Following are a few issues that BPU has with the demolition of the former paper mill. I have talked to Renu a little about what needs to happen concerning the Hydro separation and other electric issues.

- Sanitary sewer – we need to have the industrial sewer line leaving the treatment plant separated from the city sewer main as soon as possible to prevent unwanted sewage entering the city system. There is a domestic line leaving the mill buildings directly connected to the city line that could stay for a while
- Renu needs to talk with BPU to arrange for water to be used for dust control. All fire hydrants on-site are connected to a pump in the Hydro building using river water
- Utility separation from the Hydro needs to be coordinated with BPU. i.e. steam, water, sewer, telephone, chemicals, etc...
- Currently BPU has an easement following the existing power pole line and has plans to connect city water and sewer to the Hydro building. Discussions are needed as to the future plans for the site and need for utilities
- All foundations, footings, basement floors, piping, etc... should be completely removed from site, not just two feet below grade for future development of site
- BPU has a road easement from the current entrance on Mill Ave to the Hydro building as well as around the existing mill building as a secondary means to drive to the hydro building. A clear access road needs to be maintained at all times
- Use of six inch diameter crushed concrete for back fill is unacceptable for future development
- Vibration at the hydro building due to demolition activities needs to be closely monitored