

**BRAINERD PLANNING COMMISSION**

Wednesday, October 8, 2014

6:00 p.m.

City Hall Council Chambers

1. Call to Order
2. Approval/Amendment of Agenda
3. Approval of minutes of the regular meeting of September 10, 2014
4. New Business
  - A. Public Hearing – Conditional Use Permit and Variances – 604 N 7<sup>th</sup> Street (former Whittier School) – Discovery Woods Montessori School ISD 4198
  - B. Public Hearing – Interim Use Permit for the Decommissioning of the former Wausau Paper Site – 1801 Mill Avenue - Brainerd Industrial Center
5. PUBLIC FORUM – Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission – Time limits may be imposed.
6. Old Business
7. Commissioners' Questions/Comments
8. City Planner Report
9. Adjourn

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

**PLANNING COMMISSION**  
Wednesday, September 10, 2014

Chairman Angie Plantenberg called the meeting of the Brainerd Planning Commission to order at 6:02 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Pritschet, Hayden Shaw, Matten, Plantenberg, Norwood, Straw, and Cole. No Commissioners were noted absent. Also present was City Planner Ostgarden.

City Planner Ostgarden requested an amendment to the agenda adding Complete Streets as item 4b.

**#2     Approval/Amendment of Agenda**

MOTION AND SECONDED BY COMMISSIONERS NORWOOD AND STRAW, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

**#3     Approve minutes of the regular meeting of August 13, 2014**

MOTION AND SECONDED BY COMMISSIONERS STRAW AND NORWOOD, DULY CARRIED, TO APPROVE THE MINUTES FOR THE REGULAR MEETING OF AUGUST 13, 2014.

**#4     NEW BUSINESS**

**a.     Public Hearing – Fence Height and Appearance Variance – Jerrold and Jill Seaver – 801 Lake Street**

City Planner Ostgarden described the location of the property and noted it is in an R-1 (Single Family Residential) District with the adjacent property being R-3 (Multiple Family Residential) District with a six-plex located on the east side of 801 Lake Street. He stated the petitioner has constructed a six and a half (6-1/2) foot tall privacy fence in the front yard of the property between the house and the property and out to the street. He noted in that location only fences up to four (4) feet in height are permitted.

City Planner Ostgarden stated the Planning Commission will be reviewing the fence that is located on private property and whether or not there are practical difficulties that would call for granting the variance. He noted the City Council will have to address the ability to keep the portion of the fence that is located within the street right-of-way.

City Planner Ostgarden stated the other part of the variance is regarding the appearance of the newly constructed fence which has the “good side” of the fence facing in when it is required to face out to the adjacent property. He noted the older portion of the fence also has the good side facing in but that portion was constructed prior to the adoption of the Zoning Ordinance fence requirements therefore it is “grandfathered” in and does not need a variance.

City Planner Ostgarden stated a letter was received today from an attorney firm that is representing the Bements who own the property to the west. The letter states their concerns regarding the fence and their opposition to the variance.

City Planner Ostgarden also noted the fence was installed without a permit. He stated past practice when a fence is installed without a permit has been to inspect the fence and if it's in compliance the property owner must apply for the permit after the fact. If the fence is not in compliance the property owner must either take the fence down or apply for a variance.

Discussion was held regarding the reason for the four (4) foot height requirement in the front yard and the requirement to get permission from the adjacent property owner to have the fence located on the property line.

The Public Hearing was opened at 6:18 p.m.

Mrs. Jill Seaver, 801 Lake Street, stated this spring they took down a 30 foot diseased blue spruce and after the removal realized what a privacy buffer the tree had provided. She noted the neighborhood has changed over the years and described some of the problems they have had in the recent years such as people breaking into the house, inappropriate conversations from neighbors regarding watching her work in the yard and sunbathing in the yard, an assault against Jerry that occurred in the yard, and concerns about the grandchildren playing in the yard because of these issues. She stated they also would like the fence as they have two new puppies and it's nice to have the fenced in yard for them also.

Commissioner Matten asked if the Seavers had received the letter from the attorney representing the Bements as there are other concerns within that letter such as removal of shrubs that were not on the Bement's property. City Planner Ostgarden stated that portion is not relevant to the variance request.

Commissioner Shaw asked if they felt a six foot fence instead of a four foot fence was more for safety or privacy. Mrs. Seaver stated it is for both because of a lot of issues they are having in the neighborhood and it has made her feel more comfortable being in her back yard.

Mr. Jerry Seaver, 801 Lake Street, gave a history of the fences located on the property and the verbal permission he stated he receive from the City to construct the split rail fence within the right-of-way (which he noted was taken down when needed during street construction). He also noted he did receive permission from the Bements to construct the older portion of the fence on the property line noting there is also a gate in the back that he has to go across the Bement property to access. He stated when he removed the shrubs and constructed the new fence he feels it improved the appearance. He noted he did construct a gate to use instead of the gate in the back of the property assuming it would be ok with adjacent property owner, but if there is an issue he will remove the gate. He stated the six (6) foot is necessary for both safety and privacy because of all the issues in the neighborhood.

Mr. Seaver stated the fence is located eight (8) feet from the curb and approximately twelve (12) feet of fence is located in the right-of-way. He stated the shrub that was located there prior to the fence was more of a site issue than the fence. He also noted he will correct the appearance of the fence.

The Public Hearing was closed at 6:30 p.m.

Commissioner Norwood read the findings-of-fact into the record as follows:

1. The property owner has constructed a six and one half (6 ½) foot tall fence along the rear and street side yard property lines where Zoning Ordinance Section 19 – 7 specifies a four (4) foot tall fence is permitted.
2. That portion of the fence constructed on the east property line was constructed with the “bad” side facing the neighboring property. Zoning Ordinance Section 19 – 5 specifies the good side shall face the neighboring property.
3. The fence was constructed without a city issued fence permit.
4. The property is located in an R-1 (Single Family) Residential District. The lot is adjacent to a six (6) unit apartment building.
5. Lake Street is a short residential street measuring about 265 feet and it has four (4) lots with street frontage.
6. The fence is also constructed within the Lake Street right-of-way. Fence construction in a street right-of-way is prohibited. Permitting the fence to remain in the right-of-way is a City Council issue

The Commission agreed to add the following finding-of-fact: 7. The petitioner spoke and raised concerns with safety and privacy. 8. One letter was received in opposition to the variance and opposition to allowing the fence in the right-of-way was received.

The Commission agreed to add a condition, based on the property owner’s statement that the good side of the fence must face out to the adjacent property.

Commissioner Hayden Shaw stated she agrees to grant the variance because of privacy and safety concerns but she hopes the Council will require them to move the fence back to the property line as she feels it does cause a site distance issue.

Discussion was held regarding keeping the fence on the east property line. The Commission agreed the issue of the fence being on the property line between the two properties is between the property owners.

**MOTION AND SECONDED BY COMMISSIONERS PRITSCHET AND NORWOOD, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST TO ALLOW THE SIX AND ONE HALF (6-1/2) FOOT FENCE FROM THE FRONT OF THE HOUSE TO THE FRONT PROPERTY LINE WITH THE EIGHT (8) FINDINGS-OF-FACT AND THE CONDITION THAT THE GOOD SIDE OF THE FENCE WILL FACE OUT.**

#### **b. Complete Streets**

City Planner Ostgarden stated he sent the Planning Commission a draft copy of a policy for complete streets. He noted this came out of the Green Step Committee as a complete street policy is a requirement of a green step city. He stated a complete street policy was drafted to present to the Walkable/Bikeable City Committee for review/comment and possible adoption which would then be presented to the Planning Commission with possible future recommendation to the City Council. He stated a Complete Street policy will require looking at



all modes of transportation, including non-motorized and transit operation, when designing streets for construction/reconstruction. He noted this will also include the right-of-way area and making sure there is sufficient green space.

City Planner Ostgarden stated this will be coming to the Commission in the future. He stated there will need to be discussion on what street projects this will be included on. He stated this will be presented to the City Engineer for his input.

Commissioner Hayden Shaw asked the Commission to look through the draft policy and provide their opinions. She stated this is a blank slate and it needs to be tailored to Brainerd. She noted the part of the policy that lays out when the City Council can exempt the policy will be an important part that will need the most finesse.

#5 **PUBLIC FORUM** – Time allocated for citizens to bring matters not on the agenda to the attention of the Planning Commission – Time limits may be imposed.

The new owner of the former Wausau paper plant introduced himself to the Planning Commission.

#6 **OLD BUSINESS**

None

#7 **Commissioners' Questions/Comments**

Commissioner Hayden Shaw stated she would like to revisit the parking requirements specific to the number of spaces required for businesses and hopes the Commission can review that in the future.

Discussion was held regarding a workshop after the regular October meeting to discuss the parking requirements, discussion with the Building Official regarding the building permit process, and the possible discussion of signs in the right-of-way.

#8 **City Planner's Report**

City Planner Ostgarden invited the Planning Commission to attend the ribbon cutting ceremony for the first bike lane in the City of Brainerd. It will be Tuesday, September 16 at 5:30 pm in front of St Andrew's Church on Willow Street.

City Planner Ostgarden noted the article on the A-Frame signs and the previous discussion about signs and other items within the right-of-way, especially downtown, and the possibility of drafting an ordinance regarding this issue

City Planner Ostgarden stated the Mississippi Riverfront project is moving along and noted the visual representations of the priorities will be presented October 2. He stated he's hoping what is being presented will be accepted by the Steering Committee and once accepted will go to the City Council.

City Planner Ostgarden stated the City Council is currently reviewing the 2015 budget and there is a possibility the funding for the Riverfront project along with the request for funding for the Comprehensive Plan review will likely be cut.

City Planner Ostgarden stated there is potential to have a special meeting towards the end of September regarding the Brainerd Industrial Center Interim Use Permit. He stated he is waiting on a complete application.

#9 **Adjournment**

As there was no further business the meeting adjourned at 7:03 p.m.

Respectfully submitted,

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Mark Ostgarden AICP  
City Planner

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# STAFF REPORT TO THE PLANNING COMMISSION

September 30, 2014  
CONDITIONAL USE PERMIT

APPLICANT: Whittier Capital Group, LLC; Jeffrey Laux, Vice President  
c/o Foley and Mansfield PLLP; 250 Marquette Ave., Suite  
120; Minneapolis, MN 55401

LOCATION: Former Whittier School site at 604 N. 7<sup>th</sup> Street

PROPOSED USE: Reuse the school building and site for preschool to 6<sup>th</sup> grade  
Montessori School

CURRENT ZONING: R-1(Single Family Residential) District

ADJACENT USES: East: Residential  
South: Residential  
West: Residential  
North: Residential

ADJACENT ZONING: North: R-1 (Single Family Residential) District  
East: R-1 (Single Family Residential) District  
South: R-1 (Single Family Residential) District  
West: R-1 (Single Family Residential) District

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## REPORT

Independent School District 181 sold the former Whittier School block property to Whittier Capital Group LLC; Jeffrey Laux, Vice President. It is planning to lease the site to Discovery Woods Montessori School. It will be relocating its school from its present site at 810 NW 7<sup>th</sup> Street north of the Veteran's Administration.

The building was last used as a school in the 2007-08 school years. Since then, the building has been heated and maintained to best preserve its possible future uses. In 2010, the building received some minor improvements in preparation for a six (6) month lease to Essentia Health, who used it for dedicated training space for a system wide technology conversion. The site and amenities had been maintained by ISD 181 for neighborhood recreational purposes.

The property is located in an R-1 (Single Family) Residential District. Uses allowed by Conditional Use Permit are:

A. *Off-premise surface parking lots and parking ramps...*

- B. *Bed and breakfast...*
- C. *Non-profit and not-for-profit offices located in buildings owned by the Brainerd Independent School District...*
- D. *Planned Unit Developments...*
- E. *Government and public regulated utility buildings and structures...*
- F. ***Public and private schools provided that:***
  - 1. *The site accesses a major collector.*
  - 2. *The site is landscaped in accordance with Section 20 of this Ordinance.*
  - 3. *Off-street parking is provided in accordance with Section 22 of this Ordinance.*
  - 4. *Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.*
  - 5. *Emergency vehicle access is provided to and within the site.*
- G. *Hospitals...*
- H. *Places of worship and related buildings...*
- I. *Dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet...*

The question may be asked why a Conditional Use Permit is required to reuse the property for school purposes. The reason is based on the length of vacancy. Because the building and property have not been used for school purposes for over six (6) years, reestablishing the property for school purposes, issuing a Conditional Use Permit is required.

Based on B.1. above, the following are the Conditional Use Permit criteria:

**A. 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.

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

The proposed use does not conform to off street parking requirements and screening requirements. This staff report reviews each of these areas.

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

This class of conditional use has the following special standards:

- 1. *The site accesses a major collector.*

The site is located within the Northside neighborhood on residential streets. N. 8<sup>th</sup> Street runs along the property's east side. The 2004 City Comprehensive Plan identifies this

street as a Minor Arterial which is one class higher than a Major Collector.

2. *The site is landscaped in accordance with Section 20 of this Ordinance.*

Section 20 specifies the following off street parking screening requirements:

- A. *All exposed parking areas of ten (10) or more required spaces in a front and side street yard shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year round fifty (50) percent opacity.*

Screening is required as there are spaces at the north and south ends of the building across the street from residential uses. Any parallel parking on the east side of the building will also be visible for residential property to the east.

- B. *When a parking lot is adjacent to or across an alley from a residential use or zone, the required screen height shall be increased to six (6) feet.*

Not applicable.

- C. *A berm may be used as part of the screening for off-street parking in which case the berm shall be no more than two (2) feet in height. Landscaping on a berm shall maintain eighty (80) percent year round opacity not less than three (3) or more than four (4) feet in height.*

This is an option for Discovery Woods to consider, however there does not appear to be sufficient width on the north side to make a berm practical.

- D. *A four (4) foot high wall or fence constructed of masonry, brick, wood, or vinyl may be used for required screening. The area between the parking lot and a wall or fence shall be planted with grass or established with landscape material.*

This is an option for Discovery Woods to consider.

- E. *Chain link fence with or without slats is not permitted to satisfy screening requirements.*

3. *Off-street parking is provided in accordance with Section 22 of this Ordinance.*

The site is deficient in off-street parking. Elementary schools require:

*One (1) space for each classroom plus one (1) additional space for each three hundred (300) students, plus one (1) space for each employee, plus one (1) space for each four (4) seats in auditorium.*

Based on this formula the site will need 141 on site spaces and 17 are provided.

4. *Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance.*

An off street loading and service entrance is available on the building's east and south sides.

5. *Emergency vehicle access is provided to and within the site.*

The site is accessible by emergency vehicles.

Variances from one (1), two (2) and three (3) are being requested by Discovery Woods. A staff report reviewing the variance(s) has been prepared.

6. *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.*

Reestablishing the property for school purposes will have no elements or conditions that will create dangerous, injurious, or noxious to any other property or persons.

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

There are no plans to alter or enlarge the building. Discovery Woods plans to use the entire block for school activities. It plans no changes to the site landscaping that has been in place for decades.

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

A school is a nonresidential use in a residential zoning district. The school building occupies about thirteen (13) percent of the block. It's two and one half (2 ½) stories tall and arguably its size and appearance has not historically had a negative effect on the neighborhood. The school building is located on the west side of the block and there is some screening on the building's west side to buffer it from the residential uses across the street. One half (½) of the block is a recreation area for students and available for neighborhood use. The building's impact and the amount of open space create an environment that would be consistent with a neighborhood school site.

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

The site is deficient in off-street parking. A parking area is located on the building's north side, a drive lane and parallel parking is located on the east side of the building.

The Discover Woods letter describes that a little more than fifty (50) percent of the children ride a bus. Approximately twenty (20) vehicles drop off/pick up off children each day. The question to consider is the whether the daily pick-up/drop off will reach the level that occurred when it was Whittier School. Should the Planning Commission be concerned about traffic and an option to consider that would address it is to require the driveway on the buildings east side of the building be used for drop off/pick up.

**10. *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.*

The reuse complies with all the applicable Zoning Ordinance objectives, in particular the three highlighted sections because it:

1. Provides some short term security for the neighborhood that the property will remain as a school.
2. Neighborhood schools provide quality of life characteristics that make residential neighborhoods desirable.
3. The school was built in 1939. It has an architectural look that would not be used today. Demolishing the building would be removing a part of Brainerd's history.
4. Schools within neighborhoods have long been considered compatible with residential uses.

**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.*
2. *Electrical Disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.*
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.*
4. *Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.*
5. *Odors. No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.*



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.*
7. *Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.*
8. *Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.*
9. *Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.*

The use will not create the type of above listed adverse effects.

## **DEPARTMENT INFORMATION**

### **Utilities**

No issues.

### **Fire**

All fire code issues such as fire extinguishers, alarm system, exit signs, etc. are up to date.

### **Building**

No issues.

### **Engineering**

No issues.

### **Planning**

In the attached letter from Discovery Woods it read as "*DWMS... is projecting a steady increase (of students) over the years to come.*" The Planning Commission needs to base its recommendations on how the "*steady increase*" will affect the neighborhood and consider them when reviewing the proposal.

In reviewing this application we need to remember Discovery Woods is not the property owner and has no control over its long term use. With that in mind, the issue when Whittier School closed was what was going to happen to the school and site. We are all aware of the process that identified an alternative site use and the neighborhood angst that was created. The neighborhood's desire is that the site be used for school purposes. Mr. Laux and Discovery Woods are providing that opportunity. It plans to use the existing site as is, meaning no neighborhood intrusions with demolition, construction and site redevelopment for other permitted or conditional uses.

Landscaping requirements for this site include screening all parking areas, northeast and south sides. This can be a vegetative buffer, wall or fence. Tree planning is also required. The number required is based on one (1) tree for each three thousand (3,000) square feet of open play area. Based on approximately forty-four thousand eight hundred (44,800) square feet of green space, fifteen (15) trees will be required. The site currently has seventeen (17) trees.

Approximately eight four (84) off street parking spaces are required. Meeting current parking space width, length and drive lane requirements, it appear seventeen (17) on site spaces, seven (7) spaces on the building's north side (this does not include the right-of-way), six (6) spaces appear possible along the buildings east side and there appears to be room for (5) spaces on the building's south side.

One (1) on site space will need to be handicapped accessible. In discussing this requirement with the Building Official he thought that a sidewalk for the main entrance to the north parking area should be provided so that access is available at the main entrance. This shown in the attached aerial photograph of the site. Historically this property had two (2) on street identified handicapped spaces. Such spaces are no longer permitted or recognized as they are not ADA compliant.

All street frontages, except Grove Street, have sidewalk. Also, asphalt parking was installed in the Grove Street right-of-way. Conditions to consider are Discovery Woods removing the right-of-way asphalt, installing the Grove Street sidewalk and return the asphalt area not used for sidewalk into green space. The attached aerial photograph depicts is area.

The sidewalk should be installed for safety purposes which will provide physical activity and health benefits. Today students and staff cannot walk around the block during recess or during activity times without walking in Grove Street traffic lanes. Each block front is about three hundred (300) feet meaning one trip around the block is twelve hundred (1,200) feet. It will take a little less than four and one half (4 ½) around the block trips to equal one (1) mile. Walking should be part of each day's schedule.

Attached is the 1871 plat called Brainerd Original Town that establishes a "town square" and city blocks for schools and church. Although schools were intended to be on other blocks, they were part of this neighborhood's planning. Discovery Woods is not a school for the neighborhood children, most will out of town residents. However, as stated earlier, this is an opportunity to retain this building and doing so hopefully for many years to come.

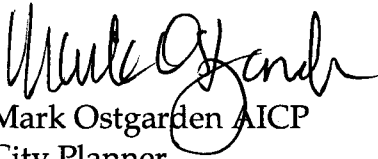
The property is owned by Whittier Capital Group LLC; Jeff Laux, Vice President. Should Discovery Woods not work at this site, the owner will be looking to occupy the building with other tenants, demolish the building and redevelop the site, or sell the

property for another party to utilize the site. If none of these options work, there is the potential for the community to have a vacant building and site that can't be used and becomes tax forfeit property.

**PLANNING COMMISSION AND CITY COUNCIL ACTION**

The Planning Commission can consider a recommendation on this request at its October 8, 2014 meeting and City Council consideration can occur at its October 20, 2014 meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Ostgarden". The signature is fluid and cursive, with the first name "Mark" and last name "Ostgarden" clearly distinguishable.

Mark Ostgarden AICP  
City Planner



**Discovery Woods**  
MONTESSORI SCHOOL

810 NW 7<sup>th</sup> Street  
Brainerd, MN 56401  
(218) 828-8200

info@discoverywoods.com  
www.discoverywoods.com

Discovery Woods Montessori School (DWMS) is a free public school in Brainerd with our own independent school district number of 4198. DWMS currently has 107 elementary students and 22 full time employees. DWMS is located in Northwest Brainerd and is in the fourth year of operation. DWMS is partnering with the Whittier Capital Group LLC to reutilize the historic Whittier building in north Brainerd.

DWMS strongly believes that the Whittier building and strong neighborhood community will help our children succeed on their educational paths. On September 22, 2014 the DWMS Board unanimously approved action on the terms of a lease and tentative move date of October 24, 2014 into the Whittier School building.

The board has researched the financial costs to stay in our current building or to move to the Whittier building. The move into the Whittier building will be beneficial to DWMS financially as well as in many other areas. Currently DWMS does not have the physical space or capacity to provide the level of services to our children that we would like to.

The Audubon Center of the North Woods is the authorizer for DWMS. The ACNW is committed to authorizing charter schools that have recognized the importance of experiential and environmental education.

DWMS is requesting a Conditional Use Permit to allow DWMS to utilize the Whittier building for education purposes and operate as a neighborhood elementary school. DWMS currently has 107 elementary students and is projecting a steady increase over the years to come. DWMS currently employees 22 full time staff members. At one time, Brainerd ISD 181 had approximately 188 students in the Whittier building. DWMS views the Whittier building as the permanent location for our school. DWMS will have extra classrooms in the Whittier building which will allow for future enrollment increases.

Our goal is to operate the Whittier building as a school as it has been in the past and thus will not involve any element or cause any condition that may be dangerous. DWMS and the Whittier Capital Group LLC are fascinated with the historical Whittier building and have a strong desire to maintain its historical characteristic. Some of our future modification plans will enhance the historical aspect of the building and neighborhood. DWMS is researching using alternative energy with solar panels that would be placed on the roof. The ACNW and DWMS are both committed to the environment and feel that alternative energy will benefit our children for learning as well as the community. The Whittier building has historically been utilized as an elementary school and encompasses an entire city block. North 8<sup>th</sup> Street, which is divided, will aid vehicular access to the Whittier building as well as multiple other access roads.

DWMS is also requesting a Variance regarding the number of off-street parking spots as required by the City of Brainerd. The intent of DWMS is to utilize the Whittier building as an elementary school in the same manner as Brainerd ISD 181 had for years. DWMS would prefer not to destroy the green space on the property for parking spaces and would rather use that space for our children to play and for education purposes. The majority of the outdoor space on the Whittier block will be utilized for our children and educational purposes. DWMS employees 22 full time staff members, has 6 classes, 107

students and the maximum occupancy of the gymnasium/auditorium is 450 people. DWMS would be required to have a parking lot with the capacity to hold approximately 141 vehicles which would equate to an addition of over 40,000 square feet of parking surface. Since the Whittier facility is located on its own city block, approximately 40 – 44 parking spots are available on the school side of the street in addition to approximately 17 parking spots off street. The Whittier block is not large enough for the additional parking lot as the block is only about 2 acres or 90,000 square feet in size including the building footprint. DWMS does not host events that require large amounts of parking on a regular basis. DWMS feels that the addition of another parking lot will diminish the harmonious relationship of buildings and grounds in the neighborhood and detract from the neighborhood appearance of the Whittier block. The addition of another parking lot will also create the additional need for diverting water run-off and detract from the historical and natural appearance of the neighborhood and unimproved areas of the block. To add an additional parking lot off street will greatly alter the essential character of not only the Whittier block but the entire neighborhood negatively. DWMS feels that the loss of educational space for a parking lot would be a hardship due to the loss of educational and children areas in addition to an eyesore for the neighborhood.

DWMS also wishes to address vehicular access to the Whittier location. The Whittier building will be used by DWMS as an elementary school in the same manner as it has traditionally been used as by Brainerd ISD 181. Currently DWMS has 107 students and 22 full time staff members. DWMS feels that North 8<sup>th</sup> Street, which is a divided street, is a major road in comparison to the intended use for the Whittier building by DWMS. In addition to North 8<sup>th</sup> Street, Fir Street is one block away and Washington Street is four blocks away; all of which will allow more than enough road access to the Whittier building. North 8<sup>th</sup> Street allows for increased visibility and safety in addition to sidewalks throughout the neighborhood. The Whittier location provides multiple avenues of approach which will help reduce any traffic congestion. Should North 8<sup>th</sup> Street not qualify as a major road, the granting a variance for vehicular access will help to maintain the essential character of the entire neighborhood.

There has been a considerable amount of positive Brainerd community outreach to DWMS to move into the historical Whittier building. By granting DWMS the Conditional Use Permit and Variances, DWMS will be able to provide an elementary school in the historic Whittier building and add character to the entire neighborhood. DWMS feels that the Whittier building in North Brainerd will help us provide a more meaningful education and services to our children. DWMS is excited to become part of the North Brainerd neighborhood and look forward to facilitate neighborhood events and being another destination for families to enjoy.

Thank you very much for your time, consideration and support!

Chad Turcotte

DWMS Board Chair



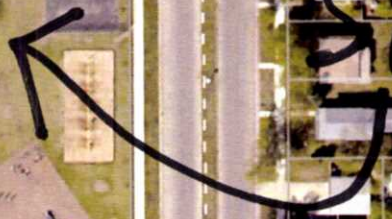
BLUFF AVE

WILSON ST

N 8TH ST

GROVE ST

Discovery Woods Site

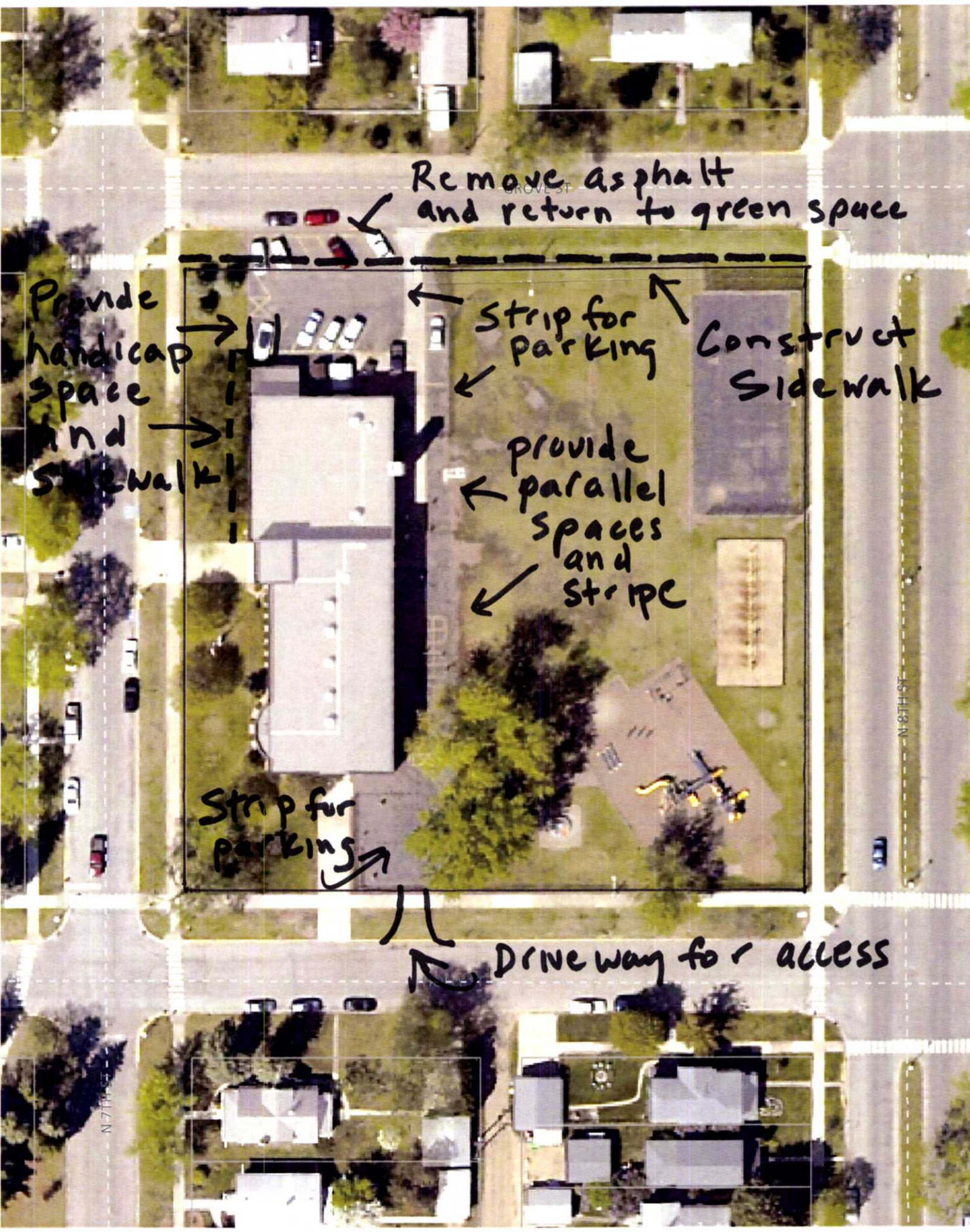


HOLLY ST

IVY ST







Remove asphalt  
and return to green space

Provide  
handicap  
space  
and  
sidewalk

Strip for  
parking

Construct  
Sidewalk

provide  
parallel  
spaces  
and  
stripe

Strip for  
parking

Driveway for access

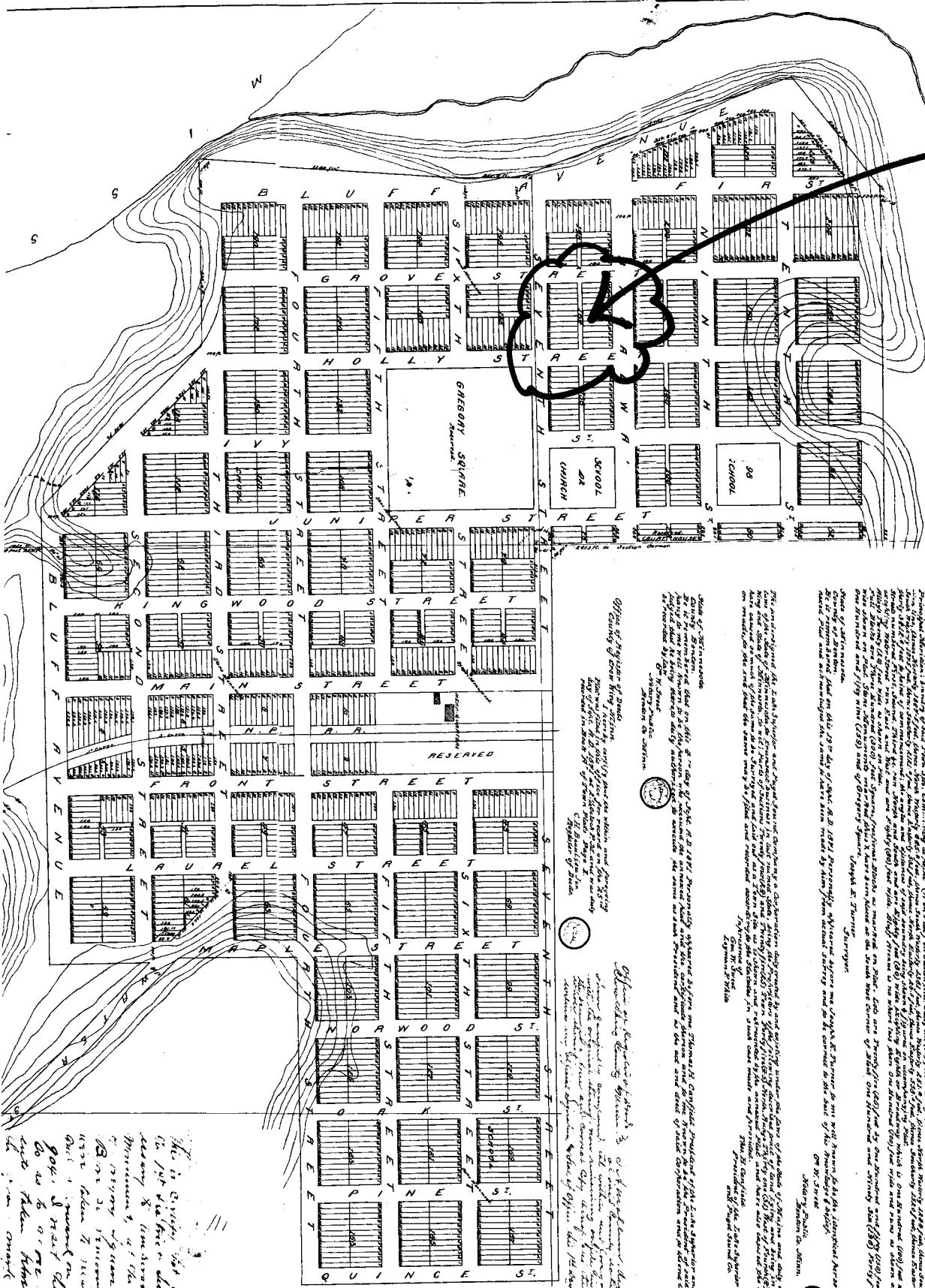
N 7TH ST

N 8TH ST



## Site

**BRainerd.**  
*CROW WING COUNTY.*  
**MIN.**

[illegible]

State of Tennessee,  
County of Monroe,  
Do hereby certify that  
having to me well known  
Judge that he being  
is recorded by Law  
Geo. W.

Office of Registrar of Deeds  
County of Brown Michigan  
I hereby certify that the within and foregoing  
document is a true and correct copy of the  
original as the same appears from records in this  
office of said County of Brown, State of Michigan  
this 14th day of April 1907.  
C. H. Beaulieu, Jr.  
Registrar of Deeds.

[illegible][illegible]



## NOTICE OF HEARING

### TO WHOM IT MAY CONCERN:

Notice is hereby given that Discovery Woods Montessori School ISD 4198, 810 NW 7<sup>th</sup> Street, Brainerd, MN 56401 has applied for a conditional use permit to operate a public school in an R-1 (Single Family Residential) District at 604 North 7<sup>th</sup> Street (former Whittier School site). The application also includes a request for variances from Zoning Ordinance Section 515-54-5 (F) subsections 1, 2, and 3.

The property is located in an R-1 (Single Family Residential) District and Zoning Ordinance Section 54-5.F. specifies public and private schools are permitted by Conditional Use Permit in an R-1 District.

The application includes variance requests from Zoning Ordinance Section 515-54-5. F. 1, 2, 3. Conditional Uses that requires a public school to have:

1. Accesses a major collector.
2. The site landscaped in accordance with Section 20 of this Ordinance.
3. Off-street parking in accordance with Section 22 of this Ordinance.

The property is described as follows:

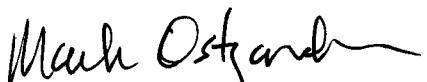
*All of Block 164 (Exempt) Subj to Esmnt of Rec Granted to City of Brainerd on Doc #783994, Town of Brainerd and 1<sup>st</sup> Addition to Brainerd  
PID #09196164000Z009  
Section 24 Township 45 Range 31*

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, October 8, 2014 to consider the request for the Conditional Use Permit and Variances.

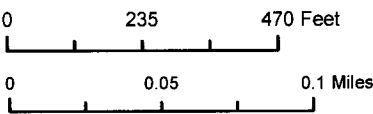
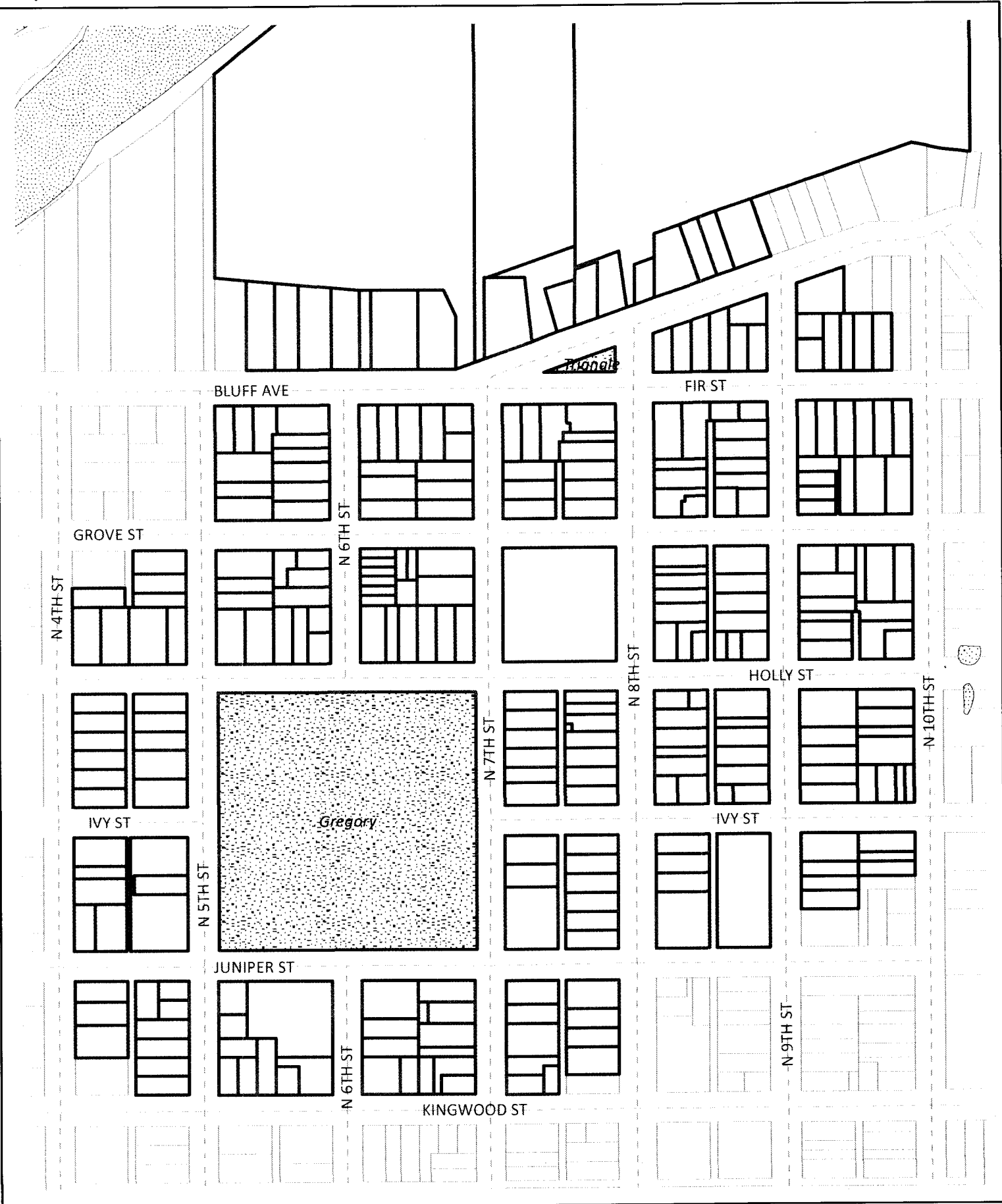
A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 24<sup>th</sup> day of September, 2014

  
\_\_\_\_\_  
Mark Ostgarden AICP  
City Planner

Publication date: September 26, 2014



| APPRCL          | TXNAME                             | TXADR1                | TXADR2                   | PHYSADDR        |
|-----------------|------------------------------------|-----------------------|--------------------------|-----------------|
| 09196194001Z009 | 523 GROVE STREET LLC               | 11171 TOWN HALL ST    | BRAINERD, MN 56401       | 523 GROVE ST    |
| 09196170008Z009 | AEGERTER, MARY A                   | 615 5TH ST N          | BRAINERD, MN 56401       | 615 5TH ST N    |
| 09196202019Y889 | AJBK2 LLC                          | 2071 127TH LN NE      | BLAINE, MN 55449         | 917 GROVE ST    |
| 09196098013Z009 | ALDERMAN, BETTY R & JAMES F TRTEES | 424 N NINTH ST        | BRAINERD MN 56401        | 424 9TH ST N    |
| 09196160005Y009 | ALFANO, LEEANNE N                  | 611 10TH ST N         | BRAINERD, MN 56401       | 611 10TH ST N   |
| 09196194021Z009 | ANDERSON, ANNA B                   | 708 5TH ST N          | BRAINERD, MN 56401       | 708 5TH ST N    |
| 09196074001Z009 | ANDERSON, LARRY M                  | 613 KINGWOOD ST       | BRAINERD, MN 56401       | 613 KINGWOOD ST |
| 09196132015Z009 | ANDERSON, ROGER ZACHARY            | 520 4TH ST N          | BRAINERD, MN 56401       | 520 4TH ST N    |
| 09196098008Z009 | ARNOLD, AMANDA                     | 419 10TH ST N         | BRAINERD, MN 56401       | 419 10TH ST N   |
| 09196168003Z009 | BAILEY, CAROL R                    | 619 N 6TH ST          | BRAINERD MN 56401        | 619 6TH ST N    |
| 09105000007Z009 | BEMENT, HARRY S & ARLISS J         | 11279 ASH AVE         | BRAINERD MN 56401        | 723 BLUFF AVE   |
| 09105000010A009 | BEMENT, HARRY S & ARLISS J         | 11279 ASH AVE         | BRAINERD MN 56401        | 703 BLUFF AVE   |
| 09196222009Z009 | BEMENT, HARRY S & ARLISS J         | 11279 ASH AVE         | BRAINERD MN 56401        | 805 FIR ST      |
| 09196220021Z009 | BENDER, JENNIFER J                 | 804 9TH ST N          | BRAINERD, MN 56401       | 804 9TH ST N    |
| 09196198001Z009 | BENNETT, ERICA LYNN                | 703 N 8TH ST          | BRAINERD, MN 56401       | 703 8TH ST N    |
| 09196076013Z009 | BENSON, CHARLES A & MARY L         | 324 N 7TH STREET      | BRAINERD MN 56401        | 324 7TH ST N    |
| 09196170019Z009 | BENSON, JOSEPH A & JORDAN J        | 401 HOLLY ST          | BRAINERD, MN 56401       | 401 HOLLY ST    |
| 09196072001Y009 | BERG, DONNIE L & HEATHER L         | 11044 GULL RIVER RD   | EAST GULL LAKE, MN 56401 | 519 KINGWOOD ST |
| 09196168023Z009 | BEVANS, KELLY J & SUSAN M          | 523 HOLLY ST          | BRAINERD MN 56401        | 523 HOLLY ST    |
| 09196140017Z009 | BLAKE, ROBERT H & MEGAN E          | 516 8TH ST N          | BRAINERD, MN 56401       | 516 8TH ST N    |
| 09196140001Z009 | BLANCK, KATHRYN J                  | 815 IVY ST            | BRAINERD, MN 56401       | 815 IVY ST      |
| 09196168011Z009 | BLEGEN, MINDY L                    | 614 5TH ST N          | BRAINERD, MN 56401       | 614 5TH ST N    |
| 09196200001Z009 | BOCK, ELIZABETH P                  | 815 GROVE ST          | BRAINERD MN 56401        | 815 GROVE ST    |
| 09196074013Y889 | BODY OF CHRISTIAN, FELLOWSHIP      | 602 JUNIPER           | BRAINERD MN 56401        | 602 JUNIPER ST  |
| 09196194013Z009 | BOILEAU, JAMES E & CONNIE          | 712 5TH ST N          | BRAINERD MN 56401        | 712 5TH ST N    |
| 09196160020A009 | BONFIG, SCOTT L & JULIE            | 26068 CODY LN         | MERRIFIELD, MN 56465     | 610 9TH ST N    |
| 09196200007Y009 | BORCHARDT, JOHN A                  | 721 9TH ST N          | BRAINERD, MN 56401       | 721 9TH ST N    |
| 09196170010Z009 | BOTTORFF, MIKE & MARY MARSHALL     | 623 FIFTH ST N        | BRAINERD, MN 56401       | 623 5TH ST N    |
| 09149001005Z009 | BRAINERD, LONDON & EMILY           | 609 BLUFF AVE         | BRAINERD, MN 56401       | 609 BLUFF AVE   |
| 09196168023Y009 | BRANDT, CHRISTOPHER E & ANNA       | 609 6TH ST N          | BRAINERD, MN 56401       | 609 6TH ST N    |
| 09196168005Z009 | BRAUSEN, KAY                       | 514 GROVE ST          | BRAINERD MN 56401        | 514 GROVE ST    |
| 09196200016Z009 | BROTHEN, ALEX J & KATY S           | 800 FIR ST            | BRAINERD, MN 56401       | 800 FIR ST      |
| 09196198007Z009 | BROWN, KATHRYN Z & DANIEL J        | 715 N 8TH ST          | BRAINERD MN 56401        | 715 8TH ST N    |
| 09196070011Z009 | BROWN, MARK A & LORIE A            | 321 5TH ST N          | BRAINERD, MN 56401       | 321 5TH ST N    |
| 09196220019Y009 | BROWN, TODD & HEIDI                | 13984 OAKWOOD DR      | BAXTER, MN 56425         | 907 FIR ST      |
| 09196074001Y009 | BRUSSEAU, MICHAEL D & LAUREL       | 307 7TH ST N          | BRAINERD MN 56401        | 307 7TH ST N    |
| 09196194013Y009 | BUNDY, RANDALL E & PAMELA J        | 510 BLUFF AVE         | BRAINERD, MN 56401       | 510 BLUFF AVE   |
| 09196194017Z009 | BURKEY, WILLIAM & JACQUELINE T     | 502 BLUFF AVE         | BRAINERD, MN 56401       | 502 BLUFF AVE   |
| 09196132019Z009 | BYE CABLES INC                     | P O BOX 565           | BRAINERD, MN 56401       | 510 4TH ST N    |
| 09196160013Z009 | CAMERON, RICHARD B JR              | 607 3RD AVE NE        | BRAINERD, MN 56401       | 624 9TH ST N    |
| 09166001004Z009 | CARLSON, KEVIN A & LEANELLA M      | 519 BLUFF AVE         | BRAINERD MN 56401        | 519 BLUFF AVE   |
| 09196202005Z009 | CARLSON, RODNEY A & SHARON         | 10575 KADE POINT RD   | BRAINERD MN 56401        | 914 FIR ST      |
| 09196070015Z009 | CASH, DAVID L & MARLYS P           | 19737 FLYING EAGLE DR | NEVIS, MN 56467          | 320 4TH ST N    |
| 09196162010Z009 | CAUGHEY, TONYA J & RICHARD K       | 621 9TH ST N          | BRAINERD, MN 56401       | 621 9TH ST N    |
| 09196108020Z009 | CHAMBERLAIN, SONYA HESS & LAURENCE | 401 JUNIPER ST        | BRAINERD, MN 56401       | 401 JUNIPER ST  |
| 09196222001Y009 | CHRISTENSEN, JULIE M               | 815 9TH ST N          | BRAINERD, MN 56401       | 815 9TH ST N    |

| APPRCL          | TXNAME                            | TXADR1                | TXADR2                   | PHYSADDR       |
|-----------------|-----------------------------------|-----------------------|--------------------------|----------------|
| 060244200A00009 | CITY OF BRAINERD                  | 501 LAUREL ST         | BRAINERD, MN 56401       |                |
| 091050000110009 | CITY OF BRAINERD                  | 501 LAUREL ST         | BRAINERD, MN 56401       |                |
| 091961040000009 | CITY OF BRAINERD                  | 501 LAUREL ST         | BRAINERD, MN 56401       |                |
| 09196132011Z009 | CLARK, CHARLES E & BARBARA C      | 523 N 5TH ST          | BRAINERD MN 56401        | 523 5TH ST N   |
| 09196160001X009 | CLUEVER, JODY A & MICHAEL         | 12674 KNOLLWOOD DR    | BAXTER, MN 56425         | 607 10TH ST N  |
| 09196198007Y009 | COLEMAN, MARGARET                 | 717 N 8TH ST          | BRAINERD MN 56401        | 717 8TH ST N   |
| 09196076015Z009 | COLLINS, DAVID C & LINDA          | 9845 OAK SHORE DR     | LAKEVILLE, MN 55044      | 318 7TH ST N   |
| 09196160021Z009 | COOK, RICHARD L & ARDELL          | 8299 GARDENVIEW RD N  | NISSWA MN 56468          | 608 9TH ST N   |
| 09196166021Z009 | DANZL, LAVONNE M REV TRUST        | 619 HOLLY ST          | BRAINERD, MN 56401       | 619 HOLLY ST   |
| 09196162019Z009 | DAY, EMMA                         | 612 8TH ST N          | BRAINERD, MN 56401       | 612 8TH ST N   |
| 09196202007Z009 | DEGEN, MICHAEL S & JULIE L        | 10935 GULL RIVER RD   | EAST GULL LAKE, MN 56401 | 910 FIR ST     |
| 09196196020Z009 | DK HOLDINGS LLC                   | 9292 EDGEWATER CIRCLE | BREEZY POINT, MN 56472   | 708 6TH ST N   |
| 091350000010009 | DK INVESTMENTS LLC                | 1107 6TH ST S         | BRAINERD, MN 56401       | 614 6TH ST N   |
| 091350000020009 | DK INVESTMENTS LLC                | 1107 6TH ST S         | BRAINERD, MN 56401       | 616 6TH ST N   |
| 091350000030009 | DK INVESTMENTS LLC                | 1107 6TH ST S         | BRAINERD, MN 56401       | 618 6TH ST N   |
| 091350000040009 | DK INVESTMENTS LLC                | 1107 6TH ST S         | BRAINERD, MN 56401       | 620 6TH ST N   |
| 091350000050009 | DK INVESTMENTS LLC                | 1107 6TH ST S         | BRAINERD, MN 56401       | 622 6TH ST N   |
| 091350000060009 | DK INVESTMENTS LLC                | 1107 6TH ST S         | BRAINERD, MN 56401       | 624 6TH ST N   |
| 091350000070009 | DK INVESTMENTS LLC                | 1107 6TH ST S         | BRAINERD, MN 56401       | 610 GROVE ST   |
| 091350000080009 | DK INVESTMENTS LLC                | 1107 6TH ST S         | BRAINERD, MN 56401       | 612 GROVE ST   |
| 091350000090009 | DK INVESTMENTS LLC                | 1107 6TH ST S         | BRAINERD, MN 56401       |                |
| 09193003022Z009 | DORAN, THOMAS J & MARGUERITE      | 817 BLUFF             | BRAINERD MN 56401        | 817 BLUFF AVE  |
| 09196162022Y009 | DOSH, MARIE                       | 811 HOLLY ST          | BRAINERD, MN 56401       | 811 HOLLY ST   |
| 09196070013Z009 | DOUD, JESSICA R                   | 404 JUNIPER ST        | BRAINERD, MN 56401       | 404 JUNIPER ST |
| 09196160016Z009 | DOWNWIND, HARLAN L                | 618 9TH ST N          | BRAINERD MN 56401        | 618 9TH ST N   |
| 09196194003Z009 | DZIUK, STEVEN R                   | 705 6TH ST N          | BRAINERD, MN 56401       | 705 6TH ST N   |
| 09196168001Z009 | ELLZEY, REBECCA                   | 615 6TH ST N          | BRAINERD, MN 56401       | 615 6TH ST N   |
| 09196070009Z009 | ENDRES, JOANNE C                  | 414 JUNIPER ST        | BRAINERD, MN 56401       | 414 JUNIPER ST |
| 09196170017Z009 | ENGELSTAD, SCOTT E & PATRICIA K   | 616 4TH ST N          | BRAINERD, MN 56401       | 616 4TH ST N   |
| 09196070017Z009 | ENGISCH, RUDOLPH D & BRENDA       | 312 N 4TH STR         | BRAINERD MN 56401        | 312 4TH ST N   |
| 09196102000I009 | EPISCOPAL CHURCH                  | 408 N 7TH             | BRAINERD MN 56401        |                |
| 09196074007Z009 | ERICKSON, JOHN & JANET            | 230 CHIPPEWA          | BRAINERD MN 56401        | 323 7TH ST N   |
| 09196138017Z009 | ERICKSON, NATHAN & MARISHAH       | 514 7TH ST N ST       | BRAINERD, MN 56401       | 514 7TH ST N   |
| 09105000009B009 | ERICKSON, TAD A                   | 707 BLUFF AVE         | BRAINERD, MN 56401       | 707 BLUFF AVE  |
| 09196102000G009 | EVERSON, LYNDA E                  | 422 7TH ST N          | BRAINERD MN 56401        | 422 7TH ST N   |
| 09196138005Z009 | FARRELL, SEAN                     | 511 N 8TH ST          | BRAINERD MN 56401        | 511 8TH ST N   |
| 09196166013Z009 | FILKINS, MARK B & PATIENCE J      | 603 HOLLY ST          | BRAINERD MN 56401        | 603 HOLLY ST   |
| 09196196001Z009 | FINCH, GREGORY L & BERNADETTE A   | 703 7TH ST N          | BRAINERD MN 56401        | 703 7TH ST N   |
| 09196108001Z009 | FIRST CONGREGATIONAL CHURCH       | 415 JUNIPER           | BRAINERD MN 56401        |                |
| 09196108007Z009 | FIRST CONGREGATIONAL CHURCH       | 415 JUNIPER           | BRAINERD MN 56401        | 413 5TH ST N   |
| 09196108020Y009 | FIRST CONGREGATIONAL CHURCH       | 415 JUNIPER           | BRAINERD MN 56401        | 411 JUNIPER ST |
| 09196132009Z009 | FISHER, STEVEN A N & ANNE C N     | 517 5TH ST N          | BRAINERD, MN 56401       | 517 5TH ST N   |
| 09196132004Z009 | FITZPATRICK, THOMAS A & RUTH A    | 511 5TH ST N          | BRAINERD MN 56401        | 511 5TH ST N   |
| 09196198005Z009 | FORD, CHRISTOPHER B & MICHELLE K  | 711 8TH ST N          | BRAINERD MN 56401        | 711 8TH ST N   |
| 09166001010Z009 | FOSSUM, JAMES P & CARLA (STAFFON) | 509 BLUFF AVE         | BRAINERD MN 56401        | 509 BLUFF AVE  |
| 09196132013Z009 | FRASL, STEVEN P & PAULINE         | 524 4TH ST N          | BRAINERD MN 56401        | 524 4TH ST N   |

| APPRCL          | TXNAME                           | TXADR1                  | TXADR2                     | PHYSADDR      |
|-----------------|----------------------------------|-------------------------|----------------------------|---------------|
| 09196162001Y009 | FREDENBURG, JEREMY D             | 819 HOLLY ST            | BRAINERD MN 56401          | 819 HOLLY ST  |
| 09193003018Z009 | FREEMAN, MARTIN L & PEGGY A      | 837 BLUFF AVE           | BRAINERD, MN 56401         | 837 BLUFF AVE |
| 09196074013Z009 | FREIHAMMER, JESSE R & KATIE L    | 316 6TH ST N            | BRAINERD, MN 56401         | 316 6TH ST N  |
| 09196198007W009 | FRID, THOMAS M & JOYCE A         | 721 N 8TH ST            | BRAINERD MN 56401          | 721 8TH ST N  |
| 09196202011Z009 | GADACZ, KEITH C & ANGELA R       | 902 FIR ST              | BRAINERD, MN 56401         | 902 FIR ST    |
| 09196222011Z009 | GOEDSCHE, JANES LIVING TRUST     | 371 OX CREEK RD         | WEAVERVILLE, NC 28787-9765 | 801 FIR ST    |
| 09196196023Z009 | GORDON JR & LAURIE MURPHY        | 704 6TH ST N            | BRAINERD, MN 56401         | 704 6TH ST N  |
| 09196196007Y009 | GORHAM, RAMONA                   | 624 BLUFF AVE           | BRAINERD MN 56401          | 624 BLUFF AVE |
| 09196076003Z009 | GORTON, JAY J                    | P O BOX 29              | PEQUOT LAKES, MN 56472     | 307 8TH ST N  |
| 09196140020Z009 | GRIESER, JACOB & JEANNIE         | 510 N 8TH ST            | BRAINERD, MN 56401         | 510 8TH ST N  |
| 09196202009Z009 | GROGG, MICHAEL G II & EDITH A    | 906 FIR ST              | BRAINERD, MN 56401         | 906 FIR ST    |
| 09196102000B009 | GUNDERSON, TIMOTHY R             | 407 8TH ST N            | BRAINERD, MN 56401         | 407 8TH ST N  |
| 09196200022Y009 | GUSTAFSON, GLEN A                | 9222 21ST SW            | LAKE SHORE, MN 56468       | 805 GROVE ST  |
| 09196072020Z009 | HALL, EDWARD M & JUDITH C        | 9303 MEADOW BROOK LN    | BRAINERD, MN 56401         | 310 5TH ST N  |
| 09196198003Z009 | HAMILTON, JODY ROBERT            | 707 8TH ST N            | BRAINERD, MN 56401         | 707 8TH ST N  |
| 09105000009A009 | HANDELAND, NICOLE D & TROY G     | 4527 INDIAN DEER RD     | WINDERMERE, FL 34786       | 709 BLUFF AVE |
| 09196140022Z009 | HANSEN, DANIEL J                 | 801 IVY ST              | BRAINERD, MN 56401         | 801 IVY ST    |
| 09196132021Z009 | HANSON, DONNA M                  | 508 N 4TH ST            | BRAINERD MN 56401          | 508 4TH ST N  |
| 091962000190009 | HERMAN, BLAIRE M                 | 712 N 8TH ST            | BRAINERD, MN 56401         | 712 8TH ST N  |
| 09196074019Z009 | HESS, JOE C/O ANGELINE HESS      | 1622 NORWOOD ST         | BRAINERD, MN 56401         | 310 6TH ST N  |
| 09196220001Z009 | HILL, TIMOTHY MEAD               | 913 FIR ST              | BRAINERD, MN 56401         | 913 FIR ST    |
| 09196220019X009 | HILL, TIMOTHY MEAD               | 913 FIR ST              | BRAINERD, MN 56401         |               |
| 09160202005Y009 | HINES, SANDY L                   | 712 N 9TH ST            | BRAINERD MN 56401          | 712 9TH ST N  |
| 09196196017Z009 | HOFIUS, THOMAS & AMY & STEPHEN   | 722 6TH ST N            | BRAINERD, MN 56401         | 722 6TH ST N  |
| 09196166004Z009 | HOLLOWAY, RONNIE L & KRISTI M    | 623 7TH ST N            | BRAINERD MN 56401          | 623 7TH ST N  |
| 09166001007Z009 | HOWARD, JONATHAN                 | 515 BLUFF AVE           | BRAINERD, MN 56401         | 515 BLUFF AVE |
| 09193003026Z009 | HULL, SAMUEL A & KERI A          | 809 BLUFF AVE           | BRAINERD, MN 56401         | 809 BLUFF AVE |
| 09196166001Z009 | HUMMEL, JERRY K & REBECCA S      | 24803 COUNTY ROAD 19    | MERRIFIELD, MN 56465       | 617 7TH ST N  |
| 09196160007Y009 | HYATT, COREY J                   | 918 GROVE ST            | BRAINERD, MN 56401         | 918 GROVE ST  |
| 09196076008Z009 | JEDLENSKI, BRANDON A & JENNA J   | 317 8TH ST N            | BRAINERD, MN 56401         | 317 8TH ST N  |
| 09196076010Z009 | JEDLENSKI, GREGORY A & PATRICIA  | 9089 DAL-MAR DR         | BRAINERD MN 56401          |               |
| 09196138001Z009 | JENTSCH, ARTHUR L & COLLEEN J    | 11572 STATE HIGHWAY 210 | BRAINERD MN 56401          | 501 8TH ST N  |
| 09196100013Z009 | JENTSCH, MICHAEL                 | 14190 MEMORYWOOD DR     | BAXTER MN 56425            | 424 8TH ST N  |
| 09196196005Z009 | JOHNSON, CLIFTON E & LU VERNE    | 711 N 7TH ST            | BRAINERD MN 56401          | 711 7TH ST N  |
| 091490010100009 | JOHNSON, DANNY L & BARBARA L     | 611 HOLLY               | BRAINERD MN 56401          |               |
| 09166001001Y009 | JOHNSON, DANNY L & BARBARA L     | 611 HOLLY               | BRAINERD MN 56401          |               |
| 09196166019Z009 | JOHNSON, DANNY L & BARBARA L     | 611 HOLLY               | BRAINERD MN 56401          | 611 HOLLY ST  |
| 091602020020009 | JOHNSON, IRENE                   | 702 N 9TH ST            | BRAINERD, MN 56401         | 702 9TH ST N  |
| 091960980100009 | JOHNSON, SABRINA D               | 421 10TH ST N           | BRAINERD, MN 56401         | 421 10TH ST N |
| 091961400190009 | JONES, JACLYN F                  | 15821 330TH AVE         | PIERZ, MN 56364            | 512 8TH ST N  |
| 091960740050009 | JONES, TARA E                    | 309 7TH ST N            | BRAINERD, MN 56401         | 309 7TH ST N  |
| 09196194005Z009 | KARELS, STEVEN C                 | 707 6TH ST N            | BRAINERD, MN 56401         | 707 6TH ST N  |
| 09196222007Z009 | KAUL, DAVID W & VICKI L          | 14320 SHOREVIEW DR      | BAXTER, MN 56425           | 811 FIR ST    |
| 09196222001Z009 | KESTI, DAVID C & JULIANN M       | 823 FIR ST              | BRAINERD, MN 56401         | 823 FIR ST    |
| 09196220019Z009 | KIKER, RUSSELL & SAMANTHA HOLMES | 812 N 9TH ST            | BRAINERD, MN 56401         | 812 9TH ST N  |
| 091602020030009 | KLEINSCHMIDT, CONNIE L           | 708 9TH ST N            | BRAINERD, MN 56401         | 708 9TH ST N  |



| APPRCL          | TXNAME                                   | TXADR1              | TXADR2                     | PHYSADDR        |
|-----------------|------------------------------------------|---------------------|----------------------------|-----------------|
| 09196200007X009 | KOONS, JAMES & PAULA                     | 723 NORTH 9TH ST    | BRAINERD, MN 56401         | 723 9TH ST N    |
| 09196160007X009 | KRETZMAN, ADDIE E (LIFE ESTATE)          | 924 GROVE ST        | BRAINERD, MN 56401         | 924 GROVE ST    |
| 09196108013Z009 | LAKE, LISA N REV TRUST AGR 2-16-95       | 424 4TH ST N        | BRAINERD, MN 56401         | 424 4TH ST N    |
| 09196108016Y009 | LAKE, LISA N REV TRUST AGR 2-16-95       | 424 4TH ST N        | BRAINERD, MN 56401         |                 |
| 09196140013Y009 | LAKE, THOMAS J                           | 102 BELLE RAE CIR   | BRAINERD, MN 56401         | 812 HOLLY ST    |
| 09196138007Z009 | LAMBERSON, DENNIS W & DEAN L WILSON      | 515 N 8TH ST        | BRAINERD MN 56401          | 515 8TH ST N    |
| 09196198023Z009 | LARSON, DIANE M                          | 704 N 7TH ST        | BRAINERD, MN 56401         | 704 7TH ST N    |
| 09196102000C009 | LARSON, REED A & KAYLEEN A               | 25403 PINE HAVEN RD | NISSWA, MN 56468           | 411 8TH ST N    |
| 09196070009Y009 | LAUTER, LISA                             | 319 5TH ST N        | BRAINERD, MN 56401         | 319 5TH ST N    |
| 09196074021Y009 | LIMOGIANNI, BRITTANI & ANTHONY           | 609 KINGWOOD ST     | BRAINERD, MN 56401         | 609 KINGWOOD ST |
| 09196138003Z009 | LINDGREN, KEITH A & JULIE R              | 507 N 8TH STR       | BRAINERD MN 56401          | 507 8TH ST N    |
| 09105000007B009 | LINDQUIST, PAUL D                        | 729 BLUFF AVE       | BRAINERD, MN 56401         | 729 BLUFF AVE   |
| 09196102000H889 | LOCKWOOD, MATTHEW R                      | 2210 14TH ST S      | MOORHEAD, MN 56560         | 418 7TH ST N    |
| 09196220001Y009 | LONGFELLOW, MICHELLE L                   | 917 FIR ST          | BRAINERD MN 56401          | 917 FIR ST      |
| 09196074001X009 | LORIMOR, DIANNA C                        | 16380 BIRCHWOOD LN  | BRAINERD, MN 56401         | 301 7TH ST N    |
| 09196162022Z009 | LORIMOR, DIANNA C                        | 16380 BIRCHWOOD LN  | BRAINERD, MN 56401         | 807 HOLLY ST    |
| 091602020040009 | LOSOS, DARREN                            | 710 9TH ST          | BRAINERD, MN 56401         | 710 9TH ST N    |
| 09196194007X009 | LOTHSPEICH, DENNIS M & PATRICIA A GIMBEL | 723 N 6TH ST        | BRAINERD, MN 56401         | 723 6TH ST N    |
| 09196138010Z009 | LUJAN, BENJAMIN & CYNTHIA HANSON         | 521 8TH ST N        | BRAINERD, MN 56401         | 521 8TH ST N    |
| 09149001001Z009 | MANDELL, JOSEPH G & KATHLEEN A           | 615 BLUFF AVE       | BRAINERD, MN 56401         | 615 BLUFF AVE   |
| 091602020010009 | MANTELL, JEREMY D & COURTNEY             | 911 GROVE ST        | BRAINERD, MN 56401         | 911 GROVE ST    |
| 09196072001Z009 | MCCULLOCH, EDWARD W & LYNNE M            | 515 KINGWOOD ST     | BRAINERD MN 56401          | 515 KINGWOOD ST |
| 09196196012Z009 | MCDONALD, JOHN E & EILEEN                | 612 BLUFF           | BRAINERD MN 56401          | 612 BLUFF AVE   |
| 09196140022Y009 | MEDVED, THOMAS J                         | 6692 NORTHUMBRIA DR | PINE RIVER, MN 56474       | 809 IVY ST      |
| 09196162004Z009 | MERTZ, SHERRIE MARIE                     | 947 S SPENCER ST    | SHAKOPEE, MN 55379         | 607 9TH ST N    |
| 09196132017Z009 | MEYENBURG, TIMOTHY DAVID                 | 512 4TH ST N        | BRAINERD, MN 56401         | 512 4TH ST N    |
| 09196138015Z009 | MEYER, GREGORY S & DIANE L               | 520 7TH ST N        | BRAINERD, MN 56401         | 520 7TH ST N    |
| 09196200001Y009 | MEYER, SHANE D & CARISSA E               | 701 9TH ST N        | BRAINERD, MN 56401         | 701 9TH ST N    |
| 09196138008Z889 | MINNEGASCO PROPERTY ACCOUNTING           | P O BOX 59038       | MINNEAPOLIS, MN 55459-0038 |                 |
| 09196076006Z009 | MOENGEN, JOHN D                          | 36170 GALE LN       | CROSSLAKE, MN 56442        | 311 8TH ST N    |
| 09196168005Y009 | MORAN, SANDRA L                          | 621 N 6TH ST        | BRAINERD MN 56401          | 621 6TH ST N    |
| 09196070003Z009 | MORIARTY, KARLA                          | 307 5TH ST N        | BRAINERD, MN 56401         | 307 5TH ST N    |
| 09196142011Z009 | MUSGRAVE, BRIAN A                        | 803 PINE ST         | LA CROSSE, KS 67548        | 523 10TH ST N   |
| 09196070001Z009 | NASH, PATRICK V & REBECCA L              | 303 5TH ST N        | BRAINERD, MN 56401         | 303 5TH ST N    |
| 09196076021Z009 | NELSON, PATRICIA G                       | 308 N 7TH ST        | BRAINERD MN 56401          | 308 7TH ST N    |
| 09196200010Z009 | NELSON, THOMAS W & JOANNE M              | 816 FIR ST          | BRAINERD MN 56401          | 816 FIR ST      |
| 09196194007Z009 | NEWSTROM, REBECCA S                      | 709 N 6TH ST        | BRAINERD MN 56401          | 709 6TH ST N    |
| 09196166015Z009 | NICK & JOE'S MOW AND SNOW LLC            | 2200 PRINCETON AVE  | ST PAUL, MN 55105          | 605 HOLLY ST    |
| 09196140005Z009 | NINHAM, AMY S & BYRON K                  | 511 N 9TH ST        | BRAINERD, MN 56401         | 511 9TH ST N    |
| 09196074021Z009 | NORDENSON, DANIEL J & ELIZABETH S        | 601 KINGWOOD ST     | BRAINERD MN 56401          | 601 KINGWOOD ST |
| 09196196007Z009 | NORWOOD, JAMES A & RACHEL C              | 719 N 7TH ST        | BRAINERD, MN 56401         | 719 7TH ST N    |
| 09196140001Y009 | NYLUND, SHANNON & JERRA                  | 501 9TH ST N        | BRAINERD, MN 56401         | 501 9TH ST N    |
| 09196160023Z009 | O'DAY, MARK C                            | 602 N 9TH           | BRAINERD MN 56401          | 602 9TH ST N    |
| 09196102000A009 | OLANDER, KEVIN M                         | PO BOX 2055         | LA HABRA, CA 90632         | 401 8TH ST N    |
| 09196162021Z009 | OLIVIER, KELLY & SHELBY                  | 75 WINCHESTER ST    | KALISPELL, MT 59901        | 801 HOLLY ST    |
| 09196098011Z009 | OLSON, CODY RYAN                         | 918 IVY ST          | BRAINERD, MN 56401         | 918 IVY ST      |

| APPRCL          | TXNAME                              | TXADR1              | TXADR2                      | PHYSADDR        |
|-----------------|-------------------------------------|---------------------|-----------------------------|-----------------|
| 09196200013Z009 | OLSON, STEVEN D & MARY              | 14601 LYNNDAL DR    | BAXTER, MN 56425            | 810 FIR ST      |
| 09196138008Y009 | O'REILLY, JOHN                      | 519 8TH ST N        | BRAINERD, MN 56401          | 519 8TH ST N    |
| 09196168010Z009 | ORTON, MARC A                       | 618 5TH ST N        | BRAINERD, MN 56401          | 618 5TH ST N    |
| 09196142021Z009 | OSBORNE, JOAN M                     | 508 N 9TH ST        | BRAINERD MN 56401           | 508 9TH ST N    |
| 09196072005Z009 | PARK UNITED, METHODIST CHURCH       | 315 N 6TH ST        | BRAINERD MN 56401           | 514 JUNIPER ST  |
| 09196162001X009 | PERTTULA, THOMAS J & ELIZABETH B    | 6590 PARKVIEW CIR   | BAXTER MN 56425             | 823 HOLLY ST    |
| 09196170001Y009 | PICKAR, RICK & LINDA                | 9968 ST MATHIAS RD  | BRAINERD MN 56401           | 423 HOLLY ST    |
| 09196168021Z009 | POTVIN, ALLISON                     | 521 HOLLY ST        | BRAINERD, MN 56401          | 521 HOLLY ST    |
| 09105000007Y889 | PUETZ, RAYMOND & MARILYNN           | 6545 COUNTY ROAD 45 | BRAINERD, MN 56401          | 727 BLUFF AVE   |
| 09196162015A009 | QUICK, MARY JEAN                    | 618 N 8TH ST        | BRAINERD, MN 56401          | 8TH ST N        |
| 09196162016Z009 | QUICK, MARY JEAN                    | 618 N 8TH ST        | BRAINERD, MN 56401          | 618 8TH ST N    |
| 09196194015Y009 | QUILLIN, RICHARD C & MELANIE        | 508 BLUFF AVE       | BRAINERD MN 56401           | 508 BLUFF AVE   |
| 09196162008Z009 | RATHEY, EDWARD S & DENISE L         | 617 9TH ST N        | BRAINERD, MN 56401          | 617 9TH ST N    |
| 09196168007Z009 | REABE, ROXANE                       | 624 N 5TH ST        | BRAINERD MN 56401           | 624 5TH ST N    |
| 09196222003Z009 | REIERSON, LUKE T & CARENE R         | 817 FIR ST          | BRAINERD MN 56401           | 817 FIR ST      |
| 09196132001Z009 | RESCH, DIANE K                      | P O BOX 207         | EMILY MN 56447              | 501 5TH ST N    |
| 09196070007Z009 | RESSEN, RICK R & ROSALIND           | 313 N 5TH ST        | BRAINERD MN 56401           | 313 5TH ST N    |
| 09196138019Z009 | REZAC, CRAIG PAUL & TYANNE GUIDA R  | 512 7TH ST N        | BRAINERD, MN 56401          | 512 7TH ST N    |
| 09196142017Z009 | RHODES FINANCIAL SERVICES LLC       | 16735 43RD AVE N    | PLYMOUTH, MN 55446          | 516 9TH ST N    |
| 09196170019Y009 | RICHARDSON, SHELLY L & JOHN P       | 409 HOLLY ST        | BRAINERD MN 56401           | 409 HOLLY ST    |
| 09196168019Z009 | RITCHIE, MARK A                     | 515 HOLLY ST        | BRAINERD, MN 56401          | 515 HOLLY ST    |
| 09196076022Z009 | RIVERS, CULLEN                      | 713 KINGWOOD ST     | BRAINERD, MN 56401          | 713 KINGWOOD ST |
| 09196142001Z009 | ROBECK, THOMAS                      | 915 IVY ST          | BRAINERD, MN 56401          | 915 IVY ST      |
| 09196072016Y009 | ROBERTS, JENNA C                    | 502 JUNIPER ST      | BRAINERD, MN 56401          | 502 JUNIPER ST  |
| 09193003024Z009 | ROJAS, SARA                         | 815 BLUFF AVE       | BRAINERD, MN 56401          | 815 BLUFF AVE   |
| 09196194022Z009 | ROMANO, FRANCES N                   | 702 5TH ST N        | BRAINERD, MN 56401          | 702 5TH ST N    |
| 09196070005Z009 | RUPPERT, CHARLES F & BRIDGET J RYAN | 311 N 5TH ST        | BRAINERD, MN 56401          | 311 5TH ST N    |
| 09196098016Z009 | RYAPPY, SHARRON A                   | 418 N 9TH ST        | BRAINERD MN 56401           | 418 9TH ST N    |
| 09196140003Z009 | SANDBERG, KATIE K                   | 507 9TH ST N        | BRAINERD, MN 56401          | 507 9TH ST N    |
| 09196196010Z009 | SAUMER, ANDREW P & LINDA M          | 620 BLUFF AVE N     | BRAINERD MN 56401           | 620 BLUFF AVE   |
| 09196198011X009 | SCHELPER, SANDRA JEAN-MOSER         | P O BOX 702         | BRAINERD, MN 56401          | 712 FIR ST      |
| 09196142005Y009 | SCHLIEK, DEAN R                     | 26877 N STAR LN     | BREEZY POINT, MN 56472-3252 | 515 10TH ST N   |
| 09196132007Z009 | SCHMIDT, ERIC & TONI                | 515 5TH ST N        | BRAINERD, MN 56401          | 515 5TH ST N    |
| 09196170001Z009 | SCHMIDT, HEIDI MICHELLE             | 417 HOLLY ST        | BRAINERD MN 56401           | 417 HOLLY ST    |
| 09196198021Z009 | SCHOENECKER, JEANETTE F             | 708 7TH ST N        | BRAINERD, MN 56401          | 708 7TH ST N    |
| 09196138013Z009 | SEALE, ELMER H DR                   | 522 N 7TH           | BRAINERD MN 56401           | 522 7TH ST N    |
| 09196074006Z009 | SHAW, CHARLES R & ELIZABETH A       | 315 7TH ST N        | BRAINERD MN 56401           | 315 7TH ST N    |
| 09196140007Z009 | SHAW, EDWARD R & MARY AEGERTER      | 722 6TH ST S        | BRAINERD, MN 56401          | 513 9TH ST N    |
| 09196142001W009 | SHAW, EDWARD R & MARY AEGERTER      | 722 6TH ST S        | BRAINERD, MN 56401          | 923 IVY ST      |
| 091961400090009 | SHAW, EDWARD R & SARAH J HAYDEN     | 517 9TH ST N        | BRAINERD, MN 56401          | 517 9TH ST N    |
| 09196140010Z009 | SHAW, EDWARD R & SARAH J HAYDEN     | 517 9TH ST N        | BRAINERD, MN 56401          | 521 9TH ST N    |
| 09196142019Z009 | SHAW, EDWARD R & SARAH J HAYDEN     | 517 9TH ST N        | BRAINERD, MN 56401          | 512 9TH ST N    |
| 09196102000E009 | SHIPMAN, DONALD & NANCY             | 419 N 8TH ST        | BRAINERD, MN 56401          | 419 8TH ST N    |
| 09196102000D009 | SINCLEAR, KEVIN M                   | 415 8TH ST N        | BRAINERD, MN 56401          | 415 8TH ST N    |
| 09196200020Z009 | SNOW, BRADY                         | 710 8TH ST N        | BRAINERD, MN 56401          | 710 8TH ST N    |
| 09196196015Z009 | SOUKUP, KRISTA S                    | 606 BLUFF AVE       | BRAINERD, MN 56401          | 606 BLUFF AVE   |

| APPRCL          | TXNAME                              | TXADR1                    | TXADR2                   | PHYSADDR        |
|-----------------|-------------------------------------|---------------------------|--------------------------|-----------------|
| 09196098019Z009 | ST FRANCIS CATHOLIC CHURCH          | 1108 WILLOW ST            | BRAINERD, MN 56401       | 412 9TH ST N    |
| 09196100001Z009 | ST FRANCIS CATHOLIC CHURCH          | 1108 WILLOW ST            | BRAINERD, MN 56401       | 817 JUNIPER ST  |
| 09196100015Z009 | ST FRANCIS CATHOLIC CHURCH          | 1108 WILLOW ST            | BRAINERD, MN 56401       |                 |
| 09196100017Z009 | ST FRANCIS CATHOLIC CHURCH          | 1108 WILLOW ST            | BRAINERD, MN 56401       | 416 8TH ST N    |
| 09196100019Z009 | ST FRANCIS CATHOLIC CHURCH          | 1108 WILLOW ST            | BRAINERD, MN 56401       |                 |
| 09196098017Z009 | ST FRANCIS CHURCH                   | 1108 WILLOW ST            | BRAINERD, MN 56401       | 416 9TH ST N    |
| 09105000005Z009 | STATE OF MINNESOTA DNR-             | 500 LAFAYETTE ROAD BOX 45 | ST PAUL, MN 55155        |                 |
| 09196170007Z009 | STEALY, KEVIN C & ELLEN             | 611 5TH ST N              | BRAINERD, MN 56401       | 611 5TH ST N    |
| 09196196019Z009 | STEEN, NANCY L                      | 4711 REFORMA RD           | WOODLAND HILLS, CA 91364 | 712 6TH ST N    |
| 09196076017Z009 | STEGNER, AARON A & CARRIE D         | 310 7TH ST N              | BRAINERD, MN 56401       | 310 7TH ST N    |
| 09196194007Y009 | STEIGER, PATRICIA                   | 22969 OLD GOVERNMENT TRL  | NISSWA, MN 56468         | 717 6TH ST N    |
| 09196074007Y009 | STOCK, PAMELA S                     | 317 7TH ST N              | BRAINERD MN 56401        | 317 7TH ST N    |
| 09196074012A009 | STOCK, PAMELA S                     | 317 7TH ST N              | BRAINERD MN 56401        |                 |
| 09196138011Z009 | STONEBERG, TRUETT E & JANET         | 523 N 8TH ST              | BRAINERD MN 56401        | 523 8TH ST N    |
| 09196160001Y009 | SULLIVAN, BART & KATHLEEN           | 6351 CLEARWATER RD        | BAXTER, MN 56425         | 923 HOLLY ST    |
| 09196200005Z009 | SULLIVAN, BART & KATHLEEN           | 6351 CLEARWATER RD        | BAXTER, MN 56425         | 713 9TH ST N    |
| 09196198015Z009 | SULLIVAN, JOYCE                     | 708 FIR ST                | BRAINERD, MN 56401       | 708 FIR ST      |
| 09196162001Z009 | SULLIVAN, TRISH                     | 813 HOLLY ST              | BRAINERD, MN 56401       | 813 HOLLY ST    |
| 09196222005Z009 | SWENSON, KENT & SARA NELSON-SWENSON | 11767 WOOD DR SW          | BRAINERD, MN 56401       | 815 FIR ST      |
| 09196138022Z009 | TAN INVESTMENTS INC                 | 502 7TH ST N              | BRAINERD MN 56401        | 502 7TH ST N    |
| 09196132023Z009 | TAUTGES, ROBERT J & TOD STRANGE     | 9056 FOREST HEIGHTS DR    | BRAINERD, MN 56401       | 504 4TH ST N    |
| 09105000007A009 | TAX FORFEITED                       | 326 LAUREL ST             | BRAINERD, MN 56401-3590  |                 |
| 09196140015Z009 | TAYLOR, JAMES O & SARA L            | 518 8TH ST N              | BRAINERD, MN 56401       | 518 8TH ST N    |
| 09196200007Z009 | THESING, AMANDA L                   | 715 9TH ST N              | BRAINERD, MN 56401       | 715 9TH ST N    |
| 09196076023Z009 | THOMAS, JOHN G                      | 5154 JORDAN RD            | BAXTER, MN 56425         | 302 7TH ST N    |
| 09196202003Z009 | THOMSEN, THOMAS & JENNIFER          | 918 FIR ST                | BRAINERD, MN 56401       | 918 FIR ST      |
| 09196166023Z009 | THORNTON, DANIEL                    | 623 HOLLY ST              | BRAINERD, MN 56401       | 623 HOLLY ST    |
| 09196168016Z009 | TIPLADY, ROBERT W & MARGARET        | 509 HOLLY STR             | BRAINERD MN 56401        | 509 HOLLY ST    |
| 09196162006Z009 | TOLBERT, CAROL G                    | PO BOX 22                 | BRAINERD, MN 56401       | 611 9TH ST N    |
| 09196072019Y009 | TRUSTY, MARY B                      | 511 KINGWOOD ST           | BRAINERD, MN 56401       | 511 KINGWOOD ST |
| 09196072021Z009 | TRUTH LUTHERAN CHURCH LLC           | PO BOX 471                | BRAINERD, MN 56401       | 501 KINGWOOD ST |
| 09196200022Z009 | TURCOTTE, ROBERT A & JOYCE          | 809 GROVE ST              | BRAINERD MN 56401        | 809 GROVE ST    |
| 09196168013Z009 | VAN DERWERKER, DIRK C & SUSAN SKARP | 604 N 5TH ST              | BRAINERD, MN 56401       | 604 5TH ST N    |
| 09196162017Z009 | VANDEN AVOND, RENEE                 | 614 8TH ST N              | BRAINERD, MN 56401       | 614 8TH ST N    |
| 09196142001X009 | VERVALEN, WENDY                     | 921 IVY ST                | BRAINERD, MN 56401       | 921 IVY ST      |
| 09196142001Y009 | VERVALEN, WENDY                     | 921 IVY ST                | BRAINERD, MN 56401       |                 |
| 09196202001Z009 | VESELY, BARBARA N                   | 1324 15TH AVE NE          | BRAINERD MN 56401        | 922 FIR ST      |
| 09196138021Z009 | WAGNER, JOSEPH J & MARY L           | 508 7TH ST N              | BRAINERD MN 56401        | 508 7TH ST N    |
| 09196140013Z009 | WALKER, CAROLYN A                   | 524 N 8TH ST              | BRAINERD MN 56401        | 524 8TH ST N    |
| 09196072016Z009 | WALLACE, CELIA M                    | 312 N 5TH ST              | BRAINERD, MN 56401       | 312 5TH ST N    |
| 09196102000F009 | WALLIN, LINDA                       | 423 N 8TH ST              | BRAINERD, MN 56401       | 423 8TH ST N    |
| 09196166017Z009 | WARNBERG, LORRAINE M REVC TRUST     | 607 HOLLY ST              | BRAINERD, MN 56401       | 607 HOLLY ST    |
| 09196162013Z009 | WATSON, KIMBERLY MAUDE              | 624 8TH ST N              | BRAINERD, MN 56401       | 624 8TH ST N    |
| 09196160007Z009 | WEISS, DOLORES M                    | 912 GROVE ST              | BRAINERD MN 56401        |                 |
| 09196160013Y009 | WEISS, DOLORES M                    | 912 GROVE ST              | BRAINERD MN 56401        | 912 GROVE ST    |
| 09196142013Z009 | WELLIVER, WILLIAM G                 | 344 NW WOODLAND RD        | RIVERSIDE MO 64150       | 520 9TH ST N    |

| APPRCL          | TXNAME                          | TXADR1                     | TXADR2                | PHYSADDR        |
|-----------------|---------------------------------|----------------------------|-----------------------|-----------------|
| 09196160018Y009 | WEST, EVELYN E                  | 612 9TH ST N               | BRAINERD, MN 56401    | 612 9TH ST N    |
| 09196202022Y009 | WHEELER, LEONARD L              | 923 GROVE ST               | BRAINERD, MN 56401    | 923 GROVE ST    |
| 09196196003Z009 | WHITE PINE INVESTMENTS, LLC     | 4399 UPPER ROY LAKE RD     | NISSWA, MN 56468      | 707 7TH ST N    |
| 09196164000Z009 | WHITTIER CAPITAL GROUP LLC      | 250 MARQUETTE AVE STE 1200 | MINNEAPOLIS, MN 55401 | WHITTIER SCHOOL |
| 09196108017Z009 | WILEMAN, DANIEL E & JOAN M      | 412 4TH ST N               | BRAINERD MN 56401     | 412 4TH ST N    |
| 09196142023Z009 | WINGETT, JAMES R & JUDITH J     | 502 N 9TH ST               | BRAINERD MN 56401     | 502 9TH ST N    |
| 09196072021Y009 | WNUK, MARY L                    | 507 KINGWOOD ST            | BRAINERD MN 56401     | 507 KINGWOOD ST |
| 09196200003Z009 | WOLF, NATALIE S                 | 709 N 9TH ST               | BRAINERD, MN 56401    | 709 9TH ST N    |
| 091961420080009 | YOUNG, ROBERT W & AMY L GIBSON  | 519 N 10TH ST              | BRAINERD, MN 56401    | 519 10TH ST N   |
| 09196142009Z009 | YOUNG, ROBERT W & AMY L GIBSON  | 519 N 10TH ST              | BRAINERD, MN 56401    | 712 7TH ST N    |
| 09196198019Z009 | ZIMMERMAN, CHRISTOPHER & AMY JO | 704 FIR ST                 | BRAINERD, MN 56401    | 704 FIR ST      |
| 09196198017Z009 | ZIMMERMAN, CHRISTOPHER J        | 704 FIR ST                 | BRAINERD MN 56401     | 818 9TH ST N    |
| 09196220014Z009 | ZIMMERMANN, MARY R              | 818 9TH ST N               | BRAINERD, MN 56401    |                 |



City Planning Department  
City Hall – 501 Laurel Street  
Brainerd, MN 56401  
218-828-2309/Fax 218-828-2316  
www.ci.brainerd.mn.us

|            |         |
|------------|---------|
| Receipt #  | 9073    |
| Check #    | 12265   |
| Date Paid: | 9/23/14 |

## CONDITIONAL USE/REZONING/VARIANCE APPLICATION

### NATURE OF REQUEST (please check)

CONDITIONAL USE PERMIT ☒ (\$190.00)      REZONING      (\$250.00)      VARIANCE ☒ (\$220.00)

PROPERTY ADDRESS: 604 N. 7th Street Brainerd

LEGAL DESCRIPTION: Lot(s): \_\_\_\_\_ Block: 164 Addition: PID # 091961640002009  
(attach description if lengthy)

Property Owner Name: Whittier Capital Group, LLC. Attn: Jeffrey Wm. Laux  
% Foley and Mansfield PLLP

Street Address: 250 Marquette Ave Suite 120 City: Minneapolis State: MN Zip Code: 55401

Phone Number: 612-834-0470 Fax: \_\_\_\_\_ E-mail: jeffreywlaux@gmail.com

Applicant Name: (If different than Property Owner) Discovery Woods Montessori School ISD #498 Chad Turcotte

Street Address: 810 NW 7th St City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-828-3200 Fax: \_\_\_\_\_ E-mail: chad.dums@gmail.com

Description of Request: Please see attached.

[Signature]  
Property Owner Signature

9.18.14  
Date

Jeffrey Laux, V.P. WHITTIER CAPITAL GROUP, LLC  
(Please print name)

[Signature]  
Applicant Signature

9-18-14  
Date

Chad M Turcotte  
(Please print name)

(OVER)

Discovery Woods Montessori School is a free public school in Brainerd with our own independent school district number of 4198. DWMS is requesting to assume previously established rights and privileges that were afforded to ISD 181 while ISD 181 occupied the Whittier building. This request is being made as the building will have the same use and purpose with ISD 4198 as with ISD 181.

Should the same rights and privileges be afforded to ISD 4198, DWMS would request a Conditional Use Permit to allow ISD 4198 to utilize the Whittier building for education purposes and operate as a neighborhood elementary school. ISD 4198 also would request a Variance regarding the number of off-street parking spots as required by the City of Brainerd. ISD 4198 would prefer not to destroy the green space on the property for parking spaces and would rather use that space for our children to play and for education purposes.

ISD 4198 would make both requests to help provide public education to our children and operate in the same manner as ISD 181 while they occupied the Whittier building as a school.



# STAFF REPORT TO THE PLANNING COMMISSION

September 30, 2014

## VARIANCE

APPLICANT: Whittier Capital Group, LLC; Jeffrey Laux, Vice President  
c/o Foley and Mansfield PLLP; 250 Marquette Ave., Suite  
120; Minneapolis, MN 55401

LOCATION: Former Whittier School site at 604 North 7<sup>th</sup> Street

PROPOSED USE: Variances from special Zoning Ordinance standards for  
schools in residential districts. Variances are  
parking requirements and screening for the  
reuse of the former Whittier School site for a Montessori  
school

CURRENT ZONING: R-1 (Single Family) Residential

ADJACENT USES: North: Single Family Dwelling  
East: Single Family Dwelling  
South: Single family dwellings  
West: Single Family Dwelling

ADJACENT ZONING: North: R-1 (Single Family) Residential  
East: R-1 (Single Family) Residential  
South: R-1 (Single Family) Residential  
West: R-1 (Single Family) Residential

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## REPORT

Independent School District 181 sold the former Whittier School block property to the Whittier Capital Group, LLC; Jeffrey Laux, Vice President

. It is planning to lease the block to Discovery Woods Montessori School. It will be relocating its school from its present site north of the Veteran's Administration. The site does not comply with many current Zoning Ordinance requirements. Discovery Woods is requested variances from those requirements.

The building was last used as a school in the 2007-08 school year. Since then, the building has been heated and maintained to best preserve its possible future uses. In 2010, the building received some minor improvements in preparation for a six (6) month lease to Essentia Health, who used it for dedicated training space for a system wide technology conversion.

The Zoning Ordinance specifies that public and private schools in R-1 (Single Family) Residential Districts are allowed by Conditional Use Permit provided:

*F. Public and private schools provided that:*

*1. The site accesses a major collector.*

The site is located within the Northside neighborhood on residential streets. N. 8<sup>th</sup> Street runs along the property's east side. The 2004 City Comprehensive Plan identifies this street as a Minor Arterial which is one class higher than a Major Collector.

*2. The site is landscaped in accordance with Section 20 of this Ordinance.*

**Landscaping Requirements - Parking Lots.**

*A. All exposed parking areas of ten (10) or more required spaces in a front and side street yard shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year round fifty (50) percent opacity.*

Screening is required as there are spaces at the north and south ends of the building across the street from residential uses. Any parallel parking on the east side of the building will also be visible for residential property to the east.

*B. When a parking lot is adjacent to or across an alley from a residential use or zone, the required screen height shall be increased to six (6) feet.*

Not applicable.

*C. A berm may be used as part of the screening for off-street parking in which case the berm shall be no more than two (2) feet in height. Landscaping on a berm shall maintain eighty (80) percent year round opacity not less than three (3) or more than four (4) feet in height.*

This is an option for Discovery Woods to consider, however There does not appear to be sufficient width on the north side to make a berm practical.

*D. A four (4) foot high wall or fence constructed of masonry, brick, wood, or vinyl may be used for required screening. The area between the parking lot and a wall or fence shall be planted with grass or established with landscape material.*

This is an option for Discovery Woods to consider.

*E. Chain link fence with or without slats is not permitted to satisfy screening requirements.*

*3. Off-street parking is provided in accordance with Section 22 of this Ordinance.*

The property currently has seventeen (17) off-street parking spaces and the Zoning Ordinance specifies that:

*Schools, Elementary and Junior High. One (1) space for each classroom plus one (1) additional space for each three hundred (300) students, plus one (1) space for each employee, plus one (1) space for each four (4) seats in auditorium.*

The off-street parking requirement is one hundred forty one (141) spaces. This number is significantly higher because it uses the number gym/auditorium occupancy load established by the Fire Department. Perhaps a better way to estimate required spaces is to calculate spaces based on gym/auditorium seating. This method reduces the total off street parking to approximately eighty-four (84) spaces.

The parking area on the buildings north side does not meet minimum requirements for ninety degree (90°) parking and a drive aisle. This would require a minimum of thirty (30) feet of width.

4. *Off-street loading and service entrances are provided as regulated by Section 23 of this Ordinance that reads:*

- A. *All required loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading area shall be located at least fifty (50) feet from the intersection of two (2) street right-of-ways and at least fifty (50) feet from a residential district unless within a building.*
- B. *Loading areas shall not occupy areas within the required front yard setbacks.*
- C. *Each loading area shall be located with appropriate means of vehicular access to a street or public alley in a manner which will cause the least interference with traffic on both on- and off-site.*
- D. *Loading areas located at the front or side of a building on a corner lot shall meet the following conditions:*
  - 1. *Loading areas shall not conflict with pedestrian movement.*
  - 2. *Loading areas shall not obstruct the view of the public right-of-way from off-street parking access.*
  - 3. *Loading areas shall comply with all other requirements of this Ordinance.*

This section refers to loading/ unloading goods and material...not students. The building's east side has a driveway and access to meet this requirement.

5. *Emergency vehicle access is provided to and within the site.*

Emergency vehicle access is provided from Grove Street and North 7<sup>th</sup> Street

Variances from F1, F2A and F3 are requested.

Criteria for Granting Variances

- A. **Variances shall only be permitted:**

**I. When they are in harmony with the general purposes and intent of the ordinance.**

Following is the Intent and Purpose section of the Zoning Ordinance:

- 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.**
- L. *Provide for administration of this Ordinance.*
- M. *Provide for amendments.*
- N. *Prescribe penalties for violation of such regulations.*
- O. *To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

Should the variance(s) be granted, doing so will arguably protect the neighborhood in that the site will be reused for school purposes, will permit a building important in our community's history to remain and school uses have been considered as compatible uses in residential districts.

**II. When the variance is consistent with the Comprehensive Plan.**

Should a variance(s) be approved a basis for the decision could be:

**General Goal #3:** *Promote community spirit and unity and enhance Brainerd's character and identity.*

**Strategy –** *Protect and enhance important historical, cultural and natural resources as a means to maintain the*

*integrity, heritage and local character of Brainerd's natural and built environment.*

*GOAL: Support development that enhances community character and identity.*

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

- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.**

*Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:*

- I. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;*

Based on the number of staff off street parking is not sufficient. ISD 181 was required to construct a new parking lot on Pine Street to accommodate staff and visitors at the Washington Education Services Building on Oak Street. Why should screening not be provided if it's a requirement?

Is it reasonable to expect Discovery Woods should be able to reuse the site without meeting the standards prescribed in the Zoning Ordinance?

- II. The plight of the landowner is due to circumstances unique to the property not created by the landowner;*

*The variance, if granted, will not alter the essential character of the locality.*

Essential - (vital, necessary, **important**, crucial)

Character - (nature, **quality**, personality, makeup)

Should variances be granted, the site will be used in the manner it had been prior to closing in 2008.

*Economic considerations alone do not constitute practical difficulties.*

*Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.*

## **PLANNING DEPARTMENT COMMENTS**

The variances requested are:

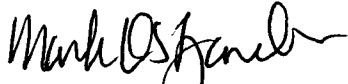
1. The number of required onsite parking spaces. There are seventeen (17) on site spaces.
2. Parking areas do not meet the minimum design standards.
3. Screening is not provided for the north, south and east parking areas.

Reuse of the property is an opportunity to correct, where practical, the deficiencies of a noncompliant site.

**PLANNING COMMISSION AND CITY COUNCIL ACTION**

The Planning Commission can consider a recommendation at its October 8, 2014 meeting and the City Council can receive the recommendation for consideration at its October 20, 2014 meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Ostgarden", with a stylized flourish at the end.

Mark Ostgarden AICP  
City Planner



## Discovery Woods

MONTESSORI SCHOOL

810 NW 7<sup>th</sup> Street  
Brainerd, MN 56401  
(218) 828-8200

info@discoverywoods.com  
www.discoverywoods.com

Discovery Woods Montessori School (DWMS) is a free public school in Brainerd with our own independent school district number of 4198. DWMS currently has 107 elementary students and 22 full time employees. DWMS is located in Northwest Brainerd and is in the fourth year of operation. DWMS is partnering with the Whittier Capital Group LLC to reutilize the historic Whittier building in north Brainerd.

DWMS strongly believes that the Whittier building and strong neighborhood community will help our children succeed on their educational paths. On September 22, 2014 the DWMS Board unanimously approved action on the terms of a lease and tentative move date of October 24, 2014 into the Whittier School building.

The board has researched the financial costs to stay in our current building or to move to the Whittier building. The move into the Whittier building will be beneficial to DWMS financially as well as in many other areas. Currently DWMS does not have the physical space or capacity to provide the level of services to our children that we would like to.

The Audubon Center of the North Woods is the authorizer for DWMS. The ACNW is committed to authorizing charter schools that have recognized the importance of experiential and environmental education.

DWMS is requesting a Conditional Use Permit to allow DWMS to utilize the Whittier building for education purposes and operate as a neighborhood elementary school. DWMS currently has 107 elementary students and is projecting a steady increase over the years to come. DWMS currently employs 22 full time staff members. At one time, Brainerd ISD 181 had approximately 188 students in the Whittier building. DWMS views the Whittier building as the permanent location for our school. DWMS will have extra classrooms in the Whittier building which will allow for future enrollment increases.

Our goal is to operate the Whittier building as a school as it has been in the past and thus will not involve any element or cause any condition that may be dangerous. DWMS and the Whittier Capital Group LLC are fascinated with the historical Whittier building and have a strong desire to maintain its historical characteristic. Some of our future modification plans will enhance the historical aspect of the building and neighborhood. DWMS is researching using alternative energy with solar panels that would be placed on the roof. The ACNW and DWMS are both committed to the environment and feel that alternative energy will benefit our children for learning as well as the community. The Whittier building has historically been utilized as an elementary school and encompasses an entire city block. North 8<sup>th</sup> Street, which is divided, will aid vehicular access to the Whittier building as well as multiple other access roads.

DWMS is also requesting a Variance regarding the number of off-street parking spots as required by the City of Brainerd. The intent of DWMS is to utilize the Whittier building as an elementary school in the same manner as Brainerd ISD 181 had for years. DWMS would prefer not to destroy the green space on the property for parking spaces and would rather use that space for our children to play and for education purposes. The majority of the outdoor space on the Whittier block will be utilized for our children and educational purposes. DWMS employs 22 full time staff members, has 6 classes, 107



students and the maximum occupancy of the gymnasium/auditorium is 450 people. DWMS would be required to have a parking lot with the capacity to hold approximately 141 vehicles which would equate to an addition of over 40,000 square feet of parking surface. Since the Whittier facility is located on its own city block, approximately 40 – 44 parking spots are available on the school side of the street in addition to approximately 17 parking spots off street. The Whittier block is not large enough for the additional parking lot as the block is only about 2 acres or 90,000 square feet in size including the building footprint. DWMS does not host events that require large amounts of parking on a regular basis. DWMS feels that the addition of another parking lot will diminish the harmonious relationship of buildings and grounds in the neighborhood and detract from the neighborhood appearance of the Whittier block. The addition of another parking lot will also create the additional need for diverting water run-off and detract from the historical and natural appearance of the neighborhood and unimproved areas of the block. To add an additional parking lot off street will greatly alter the essential character of not only the Whittier block but the entire neighborhood negatively. DWMS feels that the loss of educational space for a parking lot would be a hardship due to the loss of educational and children areas in addition to an eyesore for the neighborhood.

DWMS also wishes to address vehicular access to the Whittier location. The Whittier building will be used by DWMS as an elementary school in the same manner as it has traditionally been used as by Brainerd ISD 181. Currently DWMS has 107 students and 22 full time staff members. DWMS feels that North 8<sup>th</sup> Street, which is a divided street, is a major road in comparison to the intended use for the Whittier building by DWMS. In addition to North 8<sup>th</sup> Street, Fir Street is one block away and Washington Street is four blocks away; all of which will allow more than enough road access to the Whittier building. North 8<sup>th</sup> Street allows for increased visibility and safety in addition to sidewalks throughout the neighborhood. The Whittier location provides multiple avenues of approach which will help reduce any traffic congestion. Should North 8<sup>th</sup> Street not qualify as a major road, the granting a variance for vehicular access will help to maintain the essential character of the entire neighborhood.

There has been a considerable amount of positive Brainerd community outreach to DWMS to move into the historical Whittier building. By granting DWMS the Conditional Use Permit and Variances, DWMS will be able to provide an elementary school in the historic Whittier building and add character to the entire neighborhood. DWMS feels that the Whittier building in North Brainerd will help us provide a more meaningful education and services to our children. DWMS is excited to become part of the North Brainerd neighborhood and look forward to facilitate neighborhood events and being another destination for families to enjoy.

Thank you very much for your time, consideration and support!

Chad Turcotte

DWMS Board Chair

# STAFF REPORT TO THE PLANNING COMMISSION

## September 30, 2014

|                     |                                                                                                                                                                                                                                                |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICANT/LOCATION: | Brainerd Industrial Center LLC; 1801 Mill Avenue;<br>Brainerd, MN 56401; Mike Higgins, President                                                                                                                                               |
| PROPOSED USE:       | Site Decommissioning of former Wausau property                                                                                                                                                                                                 |
| SITE AREA:          | Approximately 80 acres – applicant’s information<br>specifies the site is 71 +/- acres                                                                                                                                                         |
| CURRENT ZONING:     | I-2 (General Industry) District                                                                                                                                                                                                                |
| ADJACENT USES:      | East: Memorial Park<br>South: Residential/Fire Station/Ball Fields<br>West: Mississippi River<br>North: Mississippi River                                                                                                                      |
| ADJACENT ZONING:    | North: Unorganized Territory/Crow Wing County<br>East: R-1/R-1A (Single Family Residential) Districts<br>and B-2 (Neighborhood Commercial) District<br>South: R-1 (Single Family Residential) District<br>West: Newly annexed area to be zoned |

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Brainerd Industrial Center (BIC) purchased the Wausau property in August 2014. It has submitted an Interim Use Permit (IUP) application 180<sup>0</sup> different than the IUP submitted and approved for Renu’s decommissioning process. BIC does plan to sell and/or scrap the site assets, however that is the where the process similarities stop. BIC’s vision is the site AND buildings have significant value and have tremendous potential for manufacturing, warehousing and even commercial uses and it plans to lease the facility for such purposes. It plans only minor demolition to the main building and to demolish the treatment plant and water tower. This change in decommissioning philosophy results in an IUP review that while requiring many of the same issues from the previous IUP be addressed, the potential for negative impact is greatly reduced and in several areas to completely removed.

### Site Characteristics

The site has a main building with a 400,000 sf main level and a 300,000 sf sub level. Other significant structures on the site are a:

- Wastewater treatment plant.
- Surge Tank.

- Water tower.
- Several cold storage buildings.
- Paved parking area.
- Guard house.
- Rail line spur.

A unique aspect of the site is that a portion of the softball fields and storm water ponds at the southerly end of the site is on BIC land leased by the City of Brainerd. There is BIC property on the east side of Mill Avenue and is leased by the City of Brainerd for Memorial Park parking.

The site is located adjacent to:

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

### **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. 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 dam and excess is sold to Minnesota Power.

### **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.

Should BIC decide to alter vegetation along with the regulated area, 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.*

## Application Review

The following pages are a review of the BIC decommissioning proposal. City Staff has had considerable communication with BIC. We have met on several occasions and have exchanged numerous e-mails. Jeff Bean has submitted all of the information requirements on behalf of Mr. Higgins, for the decommissioning review.

Blue text is information provided by Jeff Bean on behalf of Mr. Higgins in an August 26, 2014 e-mail and the green text is information submitted in September 9, 2014 e-mail. All black text is staff information.

### Application Purpose and Intent:

Per Subsection 515-71-4, Interim Uses; BIC is requesting an Interim Use Permit under the standards and procedures for a Conditional Use Application as it relates to the decommissioning of assets which may be deemed to consist of a significant removal of machinery (defined as a system of related elements that operate in a definable manner) from service within a site and to also demolish and salvage certain portions of the Main Building. Please refer to the Drawing Package which includes two (2) views each of the Operating Floor level and Basement Floor level, with one (1) of each showing the area as it exists today and one (1) of each showing the area as it is proposed to exist at the end of the Interim Use.

BIC intends to repurpose the existing buildings into a multiple use facility for Permitted and Conditional Uses within the existing I-2 General Use District

as allowed under the Ordinance. In anticipation of reasonable and sustainable future uses relevant in today's industrial market, the applicant desires to prepare for the removal of equipment related to the paper making process (Equipment Assets), whether in whole or in part. In consultation with industry professionals and in light of the former owner's efforts and the City's cooperation to market the subject property for paper making production, it is not likely that the Equipment Assets will be utilized in this location again. The use of these Equipment Assets in whole is further complicated by Asset Re-Sale and Use Agreements which place covenants and restrictions against the existing paper machines. In summary, those covenants and restrictions are as follows:

1. The former owner had entered into an agreement whereby 10 parties with operations in 18 locations would not be eligible to purchase or operate certain Equipment Assets in one or more transactions that represented more than 25% of any individual paper machine, until a date after January 31, 2017.
2. In another restrictive agreement, the former owner did and BIC recently was required to enter into an agreement whereby the owner of the Equipment Assets is prohibited to from selling or leasing a whole paper machine to any entity that would produce a product similar to a list of 54 different paper grade products, until June 27th, 2018. In addition and in regards to the most modern paper machine; BIC is required to destroy mechanical components and intellectual property associated with a specific portion of the machine that will leave an equipment void in the center of the paper machine process. Estimated costs to replace the destroyed portion have been estimate to range from \$1,200,000 to \$2,000,000.
3. Both agreements place significant penalties and fiscal risks upon BIC, in the event those Equipment Assets are used in violation of the covenants and restrictions, no matter where in the world they may be operated. BIC can only imagine the problems we could have in enforcing such covenants and restrictions.

While BIC will entertain and pursue any inquiries that involve the operation of the assets in Brainerd, it must gauge those inquires against the risks imposed against the assets by the agreements and the broader financial risks associated with the financial stability of the parties making such inquires.

Timing of the removal of the Assets will likely extend beyond 12 months and likely much longer, not only due to marketing issues, but also due to the volume of the Equipment Assets involved.



In relation to building demolition; BIC proposes to:

1. Remove that portion of the Main Building known as the boiler house and associated equipment. With the likely removal of the Equipment Assets, the need for the use of boilers and associated equipment ceases. It is not economical to utilize these boilers strictly for heating purposes. This action would occur in 2015.
2. Removal of that portion of the Main Building known as the rail unloading/tank area to the north and east side. This building is not served by a basement area and at the time constructed, was attached to a preexisting portion of the building, making it easily detached. This action would occur in 2015, unless a reasonable and sustainable use develops.
3. Removal of the water tower located to the west of the south end of the Main Building. This structure is no longer in use and should be removed before it becomes a safety issue. This action would occur in 2015.
4. Removal of the South Substation as BIC transitions to the City owned North Substation as its primary power source.
5. Removal of the dust collection system mounted to the roof system, just south and east of the boiler house. This action would occur in 2015, unless a reasonable and sustainable use develops.
6. Removal and/or relocation of selected rail remains a possibility as new uses develop. For example, development of the southern vacant land portion of the Real Property to new uses may require the removal of certain lines to open up a development envelope that could accommodate commercial flexible use buildings and/or other industrial process buildings.

#### **BIC and Its Vision:**

BIC has made it no secret that it enters the Brainerd marketplace with little to no knowledge of the areas depth of need for the type of space to be offered. What BIC does know is that the facilities available on the Real Property are in near excellent condition, well maintained and offer many features that may not be available in the Greater Brainerd Lakes Region, including but not limited to multiple crane bays, sufficient electric power infrastructure, an engineered closed loop drainage system with the capacity to handle significant volumes and treatment of waste water, rail service, a quality office building, warehouse capacity, storage buildings and workshop areas suitable for small businesses. It also contains a significant vacant land base to provide for additional buildings, the success of which may or may not be hampered by land available through local industrial park developments subsidized by State and Federal Programs.

BIC envisions the Real Property to be transformed into a multi-tenant, multi-use facility with uses ranging across a broad spectrum of uses as currently allowed within the Ordinance under an I-2 Zone. It is also noted that all I-1 Zoned uses are allowed in an I-2 Zone and if BIC is interpreting the Ordinance correctly, since an I-1 Zone may also incorporate general office and commercial uses, such extends to an I-2 Zone. The decommissioning process is a major undertaking and will take a significant amount of time that is yet undefined. It will consist of heavy rigging, mechanical awareness, material handling and logistics organization.

However, BIC sees the following building areas becoming available for use in the near future:

1. Building 61: This 5,920 square foot insulated and heated commercial steel building will be cleaned out and made available for lease.
2. Building 41: This 38,157 square foot building is incorporated within the Main Building at its south end and is served by two rail bays and multiple truck bays. It may be suitable to be divided further and will be made available for lease in the near future.
3. Building 49: This 8,500 per floor square foot office building will be made available for lease in the near future.
4. Warehouse 1: This 4,000 square foot building will be cleaned out and made ready for lease.
5. Warehouse 2: This 4,000 square foot building will be cleaned out and made ready for lease.
6. Warehouse 3: This 3,360 square foot building will be cleaned out and made ready for lease.
7. Warehouse 4: This 3,360 square foot insulated and heated building will be cleaned out and made ready for lease.

As the process continues, we would desire to see various areas within the Main Building open up to the marketplace and be utilized. We intend to be aggressive marketers and will reach beyond the Greater Brainerd Lakes Area in our efforts to reach end users.

There is no data like the above for the main building.

## **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."*

To ensure the decommissioning process does not have detrimental effects on the following activities and uses and to ensure it does not adversely affect community health, safety and welfare, a review of the process is required. Following are what appear to be the significant issues associated with this decommissioning:

- **Work Plan.**

Whole machines and components sold for reuse will be disassembled and most likely be moved by truck. The salvage of ferrous and non-ferrous materials will go to any number of salvage merchants who in the sole opinion of BIC offer what is deemed to be a fair and reasonable price. It is likely that 80% of this material will be loaded out from within the interior of the Main Complex.

Steel I-beams and structural steel may be retained for future use on the site for building additions or modifications and discretely stored as to not diminish the visual aspects of the property.

Wood debris will be munched and/or ground into smaller sizes to increase the density and reduce hauling costs to a wood to energy facility or landfill. It is logical that such materials will be piled as neatly as possible as it awaits processing. Said processing will be undertaken according to State and Federal requirements.

Fire systems in the affected areas will be dismantled, dug out, capped and deadheaded underground. Said actions will be undertaken according to State, Federal and Fire Code.

BIC will require authorization to operate from 9:00 AM to 5:00 PM on Sundays. Michigan team members work in 12 day shifts and do not wish to be idle away from home.

- **Concrete/Brick Crushing.**

Assuming concrete waste will be generated; all such materials will be munched and crushed for 1) use on site or 2) for retail or wholesale sales. It is logical that such materials will be piled as neatly as possible as it awaits processing. Said processing will be undertaken according to State and Federal requirements.



- **Foundation Removal.**

Staff's position with BIC is that where building and structure demolition is occurring that ALL basement walls and foundation of the demolished area be removed. BIC's response is:

It is also the position of BIC that those materials be removed or in the alternative, processed by crushing into a usable size for use on site for road building, backfilling, etc. Excess quantities of processed crush will be stored on site for sale. It is logical that such materials will be piled as neatly and discretely as possible.

- **Fill.**

It has been the City's position that all fill material is either a granular backfill or Class 7 crushed concrete compacted to a 95% maximum density.

- **Demolition Waste/Debris.**

All material to be disposed of in a landfill shall be done so under the rules and regulations of the Minnesota Pollution Control Agency. As such issues fall under the jurisdiction of the MPCA, BIC must look to the MPCA as its source of guidance.

There is the potential for onsite storage/stock pile for steel, crushed concrete and munched wood. There should be no need to store/stockpile any of this material between the front of the building and the street property line.

- **Transportation/Truck Traffic/Hauling.**

Currently, we are working with BNSF to determine the viability and condition of the spur, as it relates to inquiries we have received as to rail services available. In the event the spur is ever removed, it will be done so in an appropriate manner with rail and ties either being sold or stockpiled, except in the case of spoiled or rutted ties not suitable for future use, which will be properly disposed of. It is our hope that the only changes in the rail yard will be related to relocation of lines to more appropriately serve future business.

Decommissioning, as defined by the Ordinance would begin upon the issuance of the Interim Use Permit and it is expected that the time period to carry out such activity may take in excess of 24 months. At this time our assumption is that 50% may move on rail and the remainder of 50% by truck. Assuming there is 3,500 ton to move on a rail car that carries 100 ton, a total of 35 trips would be generated. Assuming there is 3,500 ton to move by truck with a weight limitation of 22 ton, a total of 159 trips would

be generated. In an example, estimating of each transportation method will move that volume in year one and assuming 260 working days per year; it would generate 0.62 truckloads per day and 0.134 rail cars per day. One thing we cannot control is the number of potential LTL shipments that may occur. These are generally handled by freight companies who may only be stopping to pick up a pallet or two of

Based upon the truckload calculations above, BIC does not feel its truck traffic through town to be significant enough to warrant restrictions that are not applied to all other truck traffic. BIC will honor the holiday and weekend times as presented.

Attached is memo from the Crow Wing County Engineering Department that includes a statement by Mr. Higgins about truckloads /per day. The memo states the County's position related to traffic to and from the site. It also need to be clarified that no local presidia stress can be used for truck traffic to or form the site,

- **Dust.**

See City Engineer's Report

- **Final Grading Plan.**

See City Engineer's Report

**Erosion.**

See City Engineer's Report

- **Fencing/Security.**

Site security is important during the decommissioning process and once the process is complete. The site is currently fenced.

- **Inspections/Reports.**

Staff's recommendation is that the City of Brainerd have on site meetings with the owner the 1<sup>st</sup> Monday of every other month (Bi-monthly).

- **Project Contact Identification**

BIC property owner Mike Higgins has stated he is the designated BIC contact.

- **Signs.**

No additional signs have been proposed. The asset removal and demolition processes may have directional signs for visitors and contractors.



## 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.*

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.***

BIC intends to repurpose the existing buildings into a multiple use facility for Permitted and Conditional Uses within the existing I-2 General Use District as allowed under the Ordinance. BIC anticipates the existing buildings and spaces within the main building to reach across a wider spectrum of uses than its previous history exhibits. BIC believes that this offers more economic stability to the Brainerd Community, the Greater Brainerd Lakes Regional Community and BIC. However, single tenancy use will not be ignored at the expense of holding a vacant building.

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

BIC is unsure of the definition of special standards, but ventures to say that due to the fact that the Real Property has previously operated in an industrial use capacity; BIC would be assumed that of such special standards may already be in effect. 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.***

The proposed use shall not be dangerous, injurious or noxious to other property. The process of decommissioning equipment, in and of itself, contains some risk of danger, injury and noxious effects if not conducted properly. It is the intent that all work shall be performed with the upmost attention to the safety and welfare of the people performing the work. BIC sees little to no impact to persons beyond the property boundaries, except

for any of the demolition activities to which BIC would accept reasonable standards during the short time of such activity.

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

BIC does not believe its actions will detract from the Real Property's present state and in fact, anticipates that it will enhance a more harmonious relationship of buildings and grounds to adjacent buildings and properties.

The "use" applicable to this criterion is the site. There are no new buildings or structures planned so siting an orientation is not an issue. Site landscaping is not an issue as no additional development is planned.

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

BIC cannot say that the proposed interim use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood. However, it is BIC's belief that the overall nature of the use under the interim permit shall in the end enhance the total visual impression and environment of the subject property and will lend itself to an improved visual impression and environment in the eyes of the neighborhood.

What if any affect may occur as a result of the decommissioning and demolition will arguably be an improvement to the neighborhood because the dust collection system, treatment plant and water tower will be removed.

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

The proposed interim use shall have little to no effect on traffic within the neighborhood and will remain much less than would be evident when the Real Property was under its former operational use. All parking will be within the boundary of the subject property. The daily traffic by employees and other site visitor's vehicles should not create traffic issues.

Truck traffic on Northeast Brainerd residential streets needs to be prohibited. BIC has provided a map that depicts truck routes to and from the facility. BIC'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. BIC submittal information has specified that overweight shipping is planned. To do so will need approval by Crow Wing County (See Crow Wing County memo).

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

BIC has not studied the objectives of the Ordinance and does not at this time deem itself qualified to assess the proposed interim use against the Comprehensive Plan. However, it is BIC's position that the interim use shall enhance the desirability of the Real Property and shall expose its features and uses to a larger marketplace, thereby creating a broader, more diverse and sustainable economy for the Brainerd Community, the Greater Brainerd Lakes Regional Community and BIC.

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 entire Main Building of the Industrial Facility is serviced by a Sprinkled Fire Protection System in a Wet status and is monitored for water flow by a 24 hour service. The BIC may consider a conversion of the system to a to Dry Valve Protected System which allows for the lines running from the riser valve up into the building to be filled with air, which prevents freezing of the system in cold weather. In the event of a fire, the fire causes a loss of air pressure that triggers the opening of a valve that releases water into the system. The other buildings are not protected by a Sprinkled Fire Protection System. All building contains inspected and rated fire extinguishers. The Brainerd Fire Department maintains a station just south of the in the southeast corner of the Real Property.

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

The BIC does not foresee any activity that shall be cause for an electrical disturbance adversely affecting radio or other equipment in the vicinity of the Real Property during the Interim use process.



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.*

BIC will fulfill the requirements of the MPCA and its rules and regulations in effect for projects of a similar nature and will maintain copies of any submittals on site. BIC has retained Industrial Hygiene Services Corporation shall serve as said 3<sup>rd</sup> party. Contact is Tim Huber, Industrial Hygiene Services Corporation, 4205 White Bear Parkway, Suite 500, Vadnais Heights, MN 55110 Phone 651-766-9811

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

BIC will fulfill the requirements of the MPCA and its rules and regulations in effect for projects of a similar nature and will maintain copies of any submittals on site. Industrial Hygiene Services Corporation has extensive information relating to the site and shall continue to provide related services to BIC. As such issues fall under the jurisdiction of the MPCA, BIC must look to the MPCA as its source of guidance.

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

See City Engineer's memo.

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.*

The BIC does not foresee any such air pollution originating from operations during the Interim Use period. Most operations will be conducted in the area the Main Building and will be a significant distance from adjoining property.

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

The BIC does not foresee any light glare originating from operations during the Interim Use period. Most operations will be conducted in the area of the Main Building and will be a significant distance from adjoining property  
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.*

The BIC does not foresee any erosion originating from or being caused from its operations during the Interim Use period, as most operations will be

within the confines of a building. In the event it is believed that any operation may be cause for wind or water erosion concerns, adequate efforts will be engaged to address said threat.

See City Engineers Report

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

The BIC agrees. It should also be noted that all water or liquid substances generated within the Main Building are collected by an internal drainage system that delivers all liquids to the Surge Holding Tank in Building 54, whereby they can be regularly sampled and handled appropriately prior to any discharge.

## **Department Information**

### **Utilities**

See attached memo.

### **Fire**

See comments above.

### **Building**

See attached memo.

### **Engineering**

See attached memo.

## **Planning Department Review**

BIC has submitted much more information than Renu for its decommissioning and demolition. It has been very responsive to our requests for information. BIC has stated a willingness to conduct a neighborhood meeting prior to beginning the decommissioning process.

While not directly related to the Interim Use Permit it is worth noting that the City had leases with Wausau that transfer to BIC. The leases that expire in 2018 are 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. Our ability to continue leasing the 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.



Mr. Higgins has specified that decommissioning could take a couple of years. He has also identified that steel and crushed concrete will be kept for site reuse, reducing truck traffic to/from the site. A decommissioning and demolition process that is extended over a period of time and one that follows all conditions and local, state and federal requirements should not create negative neighborhood and community impacts.

Provided with this staff report are Mike Higgins reference letters and information about Mike Higgins and Associates.

Also provided are a site plan and several pages of the main building floor plans.

### **Exterior Storage/Screening**

Following are Zoning Ordinance requirements for I-2 District exterior storage:

*Zoning Ordinance Section 515-24-3: OUTDOOR STORAGE Commercial and Industrial Zoning Districts reads as follows:*

- B. All exterior storage shall be screened so as not to be visible from adjacent properties and right-of-way, except for the following:*
  - 1. Merchandise being displayed for sale in accordance with zoning district requirements.*
  - 2. Materials and equipment currently being used for landscaping or construction on the premises (within a period of one (1) year).*

Zoning Ordinance Section 20 Landscaping and Screening specifies the screen height shall be 6'.

Based on the above I-2 District requirement for exterior storage/stockpiling of any material visible for the public right of way, any material stockpiled/stored as a result of demolition and/or decommissioning should be screened in accord with Section 24-3 and Section 20.

While not part of the IUP approval process, in case some Planning Commissioners are interested in BIC's site development/leasing plans, following is information provided by Jeff Bean on behalf of Mr. Higgins in a September 29, 2014 e-mail:

### **BIC Future Site Use**

In regards to potential outcomes: There are a lot of moving pieces at this time and how, if and when these pieces comes together will dictate how the user mix will develop. We foresee having for rent:

- 1. Heavy Industrial Space:
  - a. The Property is zoned and suited for this type of use, especially with it containing 17 crane ways.
  - b. As the number of Tenants increases, it is likely that the following will occur:
    - i. More grade entry doors will be installed.
    - ii. More docks will be installed.
    - iii. More openings between existing rooms will be filled in.



- iv. More transformers and electrical services will be installed around the perimeter of the buildings.
  - v. It is not likely that more parking will be required.
- 2. Light Industrial Space:
  - a. The Property is zoned and suited for this type of use.
  - b. Same as 1(b) above.
- 3. Warehousing:
  - a. The Property appears zoned and suited for this use.
  - b. We could foresee the following types of warehousing:
    - i. Private: Where companies lease space and operate their own warehousing on site.
    - ii. Public: Where an entity, like BIC, will take delivery and store products owned by others, by rail or truck, shipping out on demand by rail or truck.
- 4. Commercial Use of the Outer Buildings for Storage or Operations:
  - a. The Property appears zoned and suited for this use.
  - b. The outer buildings are well suited for enclosed storage. One of the buildings is currently heated.
  - c. It is possible that code issues will be encountered should Tenant's wish to operate within any of the buildings.
- 5. Office Space for Utilization by Others:
  - a. Within the office area of the Main Building:
    - i. It is possible that individual offices could be made available for lease.
    - ii. It is possible that an entity may wish to lease a significant portion of either office level.
    - iii. It is possible that an entity may wish to rent a significant amount of space for its administrative activities tied to work performed within the industrial space.
  - b. In the cases above, consideration will likely be given to separate the utilities of each floor to better control and manage their functions.
  - c. Some walls may be built.
  - d. Code issues will likely be encountered and will be dealt with.
- 6. Activities in the Open Land Areas:
  - a. The Property appears zoned and suited for a variety of uses. Our unskilled review of the zoning ordinance seems to suggest that a whole host of uses are available to the Property, including, but not limited to, uses allowed within the L-1, B-1, B-2, B-3, B-4 and B-6 Zoning Districts.
    - i. We could foresee selling commercial parcels in the southeast portion of the subject property.
    - ii. We could foresee building commercial buildings for lease in the southeast portion of the subject property.
    - iii. We could foresee rail activities in the southwest portion of the subject property that extend passed the west side of the main building.
    - iv. We could foresee rail activities across the whole southern portion of the subject property, as a real possibility.

- v. It has been suggested that the subject property may be eligible to be considered a Transloader rail location, in which event BIC would provide rail yard services to others.

We recognize the possibilities are vast and you may consider them vague, but we do not know how else to explain them. If the City can tell us what type of businesses the first six Tenants do and how much square footage and services they will need, we will be able to give you a better answer.

## **Recommended Interim Use Permit Conditions**

BIC's vision for the site and its plans for a limited amount of demolition has resulted in a review of each condition required of the previous IUP. BIC is heavily invested up front in this site and community as it holds no mortgage on this property. Mr. Higgins will be hands on in the process and has already begun to ensure the site is kept neat and orderly. Mr. Higgins will be overseeing and participating in the doing the site demolition work.

Staff is suggesting 23 conditions for this IUP approval. The previously approved IUP had 35. Some of the conditions no longer needed are a statement about financial capability, security agreements, contractors licensing, concrete crushing, asphalt removal and site restoration.

Based on staff review of the BIC application and submittal information the following approval conditions are recommended:

1. **Decommissioning Approval Period.** The Interim Use Permit for all decommissioning activity shall be in effect for 2 years from the date of the Interim Use Permit approval.
2. **Neighborhood Meeting.** Prior to beginning the decommissioning process. BIC will conduct a neighborhood meeting.
3. **Decommissioning Meeting.** Prior to beginning the process, a decommissioning meeting shall occur with all parties involved to review the decommissioning work plan.
4. **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.



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 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. **Escrow Account.** BIC shall provide and maintain an escrow in the amount of \$5,000 to cover the cost of testing during the decommissioning process, 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.
8. **Inspections.** A bi-monthly (every 2 months) meeting with the Building Official shall occur on site the 1<sup>st</sup> Monday of each month until the end of the decommissioning process. Those dates are December 1, 2014, February 2, 2015, April 6, 2015, June 1, 2015, August 3, 2015, October 5, 2015 and December 7, 2015 and continue until determined by the City inspections are longer needed.
9. **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.
10. **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.
11. **Utility Connections.** All disconnections from services shall be mechanically capped or bulk headed as required by the City Engineer's Office.
12. **Foundation Removal.** Demolition work shall include complete subgrade walls, floors and foundations/footings.
13. **Fill.** Fill to be either a granular backfill or Class 7 crushed concrete compacted to a 95% maximum density.

- 14. Structural Integrity.** An engineered structural solution and restoration plan shall be submitted for any alterations to the remaining load bearing structure.
- 15. 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.
- 16. 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. BIC shall submit pre-demolition vibration readings. The owner will provide, upon request by the City of Brainerd vibration readings to the City Engineering Department.
- 17. 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.
- 18. 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.
- 19. Trucking Route.** Truck traffic on local residential streets is prohibited.
- 20. Site Buffer/Security.** The existing visual buffer and fencing shall be retained.
- 21. 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 Crow Wing County, 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 BIC's approval by these agencies and/or ensuring BIC complies with these agency rules and regulations.



**22. Termination.** The Interim Use Permit shall terminate upon the occurrence of any of the following events, whichever first occurs:

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

**23. 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.

These conditions apply to the process and activities identified by Mr. Higgins and Mr. Bean. Should Mr. Higgins desire to decommission and/or demolish anything more than what is described in the submittal, the IUP will need to be amended. If applicable additional conditions may be required as a result of that process.

### **Planning Commission and City Council Action**

The Planning Commission can consider a recommendation on this request at its October 8, 2014. The City Council may schedule a special meeting or it will consider the request at its October 20, 2014 meeting.

### **Team Report**

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

Respectfully submitted,



Mark Ostgarden AICP  
City Planner

# MEMO

TO: City Planner Ostgarden

FROM: Jeff Hulsether

DATE: September 29, 2014

RE: Interim Use Permit Application for BIC – Engineering Department Recommendations

## **Background**

We have reviewed the BIC IUP 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 and that the work is conducted in a manner which protects the public health, safety, and welfare.

### **1. Foundation Removal**

- Staff is recommending that any demolition being proposed within the IUP for complete structure removal include the removal of all footings and foundations. The removal of the foundations on the connected portions of the main building, the boiler room and the unloading area, will be evaluated with the Building Permit Applications and staff is recommending that all foundations be removed that are not of structural importance to the remaining structure.

### **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.

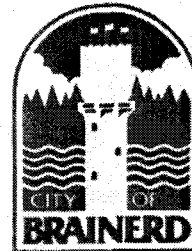
### **3. Site Restoration/Grading/Erosion Control**

- A Storm Water Pollution Prevention Plan (SWPPP) and a National Pollutant Discharge Elimination System (NPDES) Permit will not be required if the area being disturbed by demolition and/or grading activities is less than 1 acre in size. With the Building Permit applications for demolitions, staff will require a site plan depicting the proposed grading, the proposed Best Management Practices (BMP's) to prevent erosion, specifically, perimeter control measures and maintenance and restoration schedules.

### **4. Building and Structure Removal**

- As part of the building/demolition permit application submittal for partial demolition of the existing main structure, staff will require that an engineered structural solution and restoration plan be submitted for any alterations to the remaining load bearing structure.

- 5. Dust** – During the Demolition processes, airborne particulate matter shall be measured and kept within safe levels.



[www.ci.brainerd.mn.us](http://www.ci.brainerd.mn.us)

# Memo

To: Mark Ostgarden, City Planner

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

Date: September 29, 2014

Re: Brainerd Industrial Center – Interim Use Permit

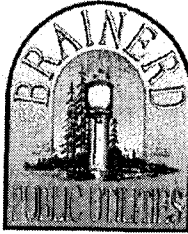
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With the purchase of the Wausau property by Mike Higgins (B.I.C.), the involvement of the building department has changed significantly in comparison to the total decommission and removal that was proposed by the Renu Company, the former interested party. The repurposing of the facility will involve many smaller demolition and removal projects that will require separate permits depending on the scope of each individual project.

As stated in the interim use permit (IUP), the requirement of bi-monthly meetings at the site will ensure a smooth process for the owner and city officials. After spending half a day with Mr. Higgins and his employees on Friday, September 26<sup>th</sup> and reviewing his initial intention, I believe the frequency of inspections will be more on a day-to-day, week-to-week basis.

TC/lj





**Brainerd Public Utilities**  
3027 Highland Scenic Road  
Post Office Box 373  
Brainerd, MN 56401-0373  
Phone (218) 829-8726  
Fax (218) 829-4703 [www.bpu.org](http://www.bpu.org)

**DATE:** September 25, 2014  
**TO:** Planning Commission and City Planner Ostgarden  
**FROM:** Scott Magnuson, <sup>SM</sup> Brainerd Public Utilities Superintendent  
**RE:** B.I.C.

Following is a summary of items that BPU has related to the Brainerd Industrial Center. BPU has had discussions with BIC on all these items.

- Sanitary sewer – we need to have the industrial sewer line leaving the treatment plant separated from the city sewer main to prevent unwanted sewage entering the city system. If the treatment plant is demolished, this will take care of itself. There is a domestic line leaving the mill buildings directly connected to the city line
- BPU and BIC are currently discussing “shared services” related to both the BPU Hydro facility and the BIC
- Currently BPU has an easement following the existing power pole line from M street to the North Substation. Discussions will be needed as to the future plans for the site and need for utilities
- 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



## MEMORANDUM

To: Jeff Hulsether, Brainerd City Engineer and Mark Ostgarden, Brainerd City Planner  
From: Rob Hall, Crow Wing County Highway Department  
RE: Interim/Conditional Use Permit for Brainerd Industrial Center, LLC  
Date: September 29, 2014

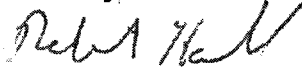
In May of 2014 our department sent a memorandum related to a proposal that would have involved demolishing and removing the entire former Wausau Paper Plant. It has come to our attention that a new owner, Brainerd Industrial Center (BIC), is proposing to move forward with a project that would involve minor demolition and substantial removal of machinery.

On the morning of September 18, 2014 I met with Mike Higgins of BIC on site. Mr. Higgins indicated that the removal of materials from the site would likely result in two to three truckloads per day, spread out over long period of time. If this turns out to be the case, the requirements listed in our May correspondence, specifically item #2, will be able to be relaxed.

Without having specific cubic yards/truckload estimates, we are still only able to give general comments. I have attached the May correspondence, and the comments listed on it remain valid at this time. We will continue to defer to the City in terms of any restricted hours and/or days of operation.

As stated above, when BIC has a final determination of the quantity of material to be trucked onto the local roadway system, we may be able to adjust the comments. If you have any questions, feel free to contact me.

Sincerely,

  
Robert Hall

Attachment

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

**Our Vision:** Being Minnesota's favorite place.  
**Our Mission:** Serve well. Deliver value. Drive results.  
**Our Values:** Be responsible. Treat people right. Build a better future.

Office: (218) 824-1110  
Cell: (218) 838-0964  
Fax: (218) 824-1111  
[www.crowwing.us](http://www.crowwing.us)



## 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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Fax: (218) 824-1111  
www.crowwing.us

## NOTICE OF HEARING

### TO WHOM IT MAY CONCERN:

Notice is hereby given that Brainerd Industrial Center; 1801 Mill Avenue; Brainerd, MN 56401, has submitted a request for an Interim Use Permit for decommissioning of the site located at 1801 Mill Avenue; Brainerd, MN 56401. The property is zoned I-2 (General Industry) District and Zoning Ordinance Section 515-71-4: Interim Uses. A. lists decommissioning as a permitted Interim Use. This decommissioning process will include removal of site assets and minimal building demolition.

The property is legally described as follows:

*Lots 1,2,3,4 and 5, Auditor's Subdivision of gov't Lot 4 Section 18 and also including that Part of Govt Lot 3 Sec 18 lying w'ly of the w'ly ROW line of CSAH #3*

*P.I.N. No. 050184203E00009*

*Section 18 Township 45 Range 30*

*That part of gov't Lots 1 and 2, Sec 19, desc as follows:....(for full legal description contact City of Brainerd)*

*P.I.N. No. 050192102A00009*

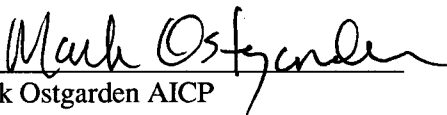
*Section 19 Township 45 Range 30*

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, October 8, 2014 to consider the request for the Interim Use Permit.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 24<sup>th</sup> day of September, 2014

  
Mark Ostgarden AICP  
City Planner

Publication date: September 26, 2014



## BILL OF SALE

THIS BILL OF SALE (the "**Bill of Sale**"), is made effective as of August 13, 2014 (the "**Effective Date**"), by and between Wausau Paper Mills, LLC, a Wisconsin limited liability company ("**Seller**") and Brainerd Industrial Center, LLC, a Michigan limited liability company ("**Buyer**").

### RECITALS

A. Seller and Buyer have entered into that certain Asset Purchase Agreement dated August 6, 2014 ( the "**Purchase Agreement**").

B. Pursuant to the Purchase Agreement, Seller desires to sell and assign to Buyer and Buyer desires to purchase and accept from Seller, for the consideration and upon the terms and conditions set forth in the Purchase Agreement, certain of the assets of Seller, and Buyer wishes to acquire certain assets of the Seller.

NOW, THEREFORE, pursuant to the Purchase Agreement and for good and valuable consideration, the receipt of which is hereby acknowledged, Seller and Buyer agree as follows:

1. Defined Terms. Any defined terms used in this Bill of Sale but not defined in this Bill of Sale shall have the meaning ascribed to such term as set forth in the Purchase Agreement.

2. Conveyance. Seller does hereby sell, assign, convey, and deliver to Buyer, all right, title, and interest in and to the Personal Property.

3. Acceptance. Buyer hereby accepts conveyance of the Personal Property by Seller, including, all right, title and interest therein.

4. Title. Seller represents and warrants that Seller holds sufficient right, title and interest in and to the Personal Property to convey the Personal Property to Buyer as and to the extent required under the terms of the Purchase Agreement. Nothing contained in this Bill of Sale shall be deemed to supersede or alter any of the obligations, agreements, covenants, representations, warranties, limitations, or disclaimers of Seller or Buyer contained in the Purchase Agreement.

5. Governing Law. This Bill of Sale shall be construed in accordance with, and governed by, the laws of the State of Minnesota without reference to conflicts of laws principles.

6. Miscellaneous. This Bill of Sale may be executed in two or more counterparts, all of which together shall constitute one and the same instrument. Electronic signatures exchanged via electronic mail or facsimile transmission shall be deemed as originals for purpose of this Bill of Sale. The parties agree that any ambiguity in this instrument shall not be construed against the drafter as a default despite any common law rule or precedent to do so. The parties hereto agree to cooperate in executing any other or further documents as are appropriate or necessary to carry out the effect and purpose of this Bill of Sale.

IN WITNESS WHEREOF, the parties have made this Bill of Sale effective as of the Effective Date.

SELLER:

WAUSAU PAPER MILLS, LLC

By: Sherr L. Leumer

Name: SHERRI L. LEUMER

Title: SENIOR VP AND CFO / MANAGER

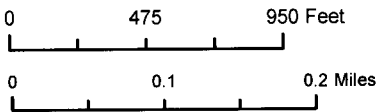
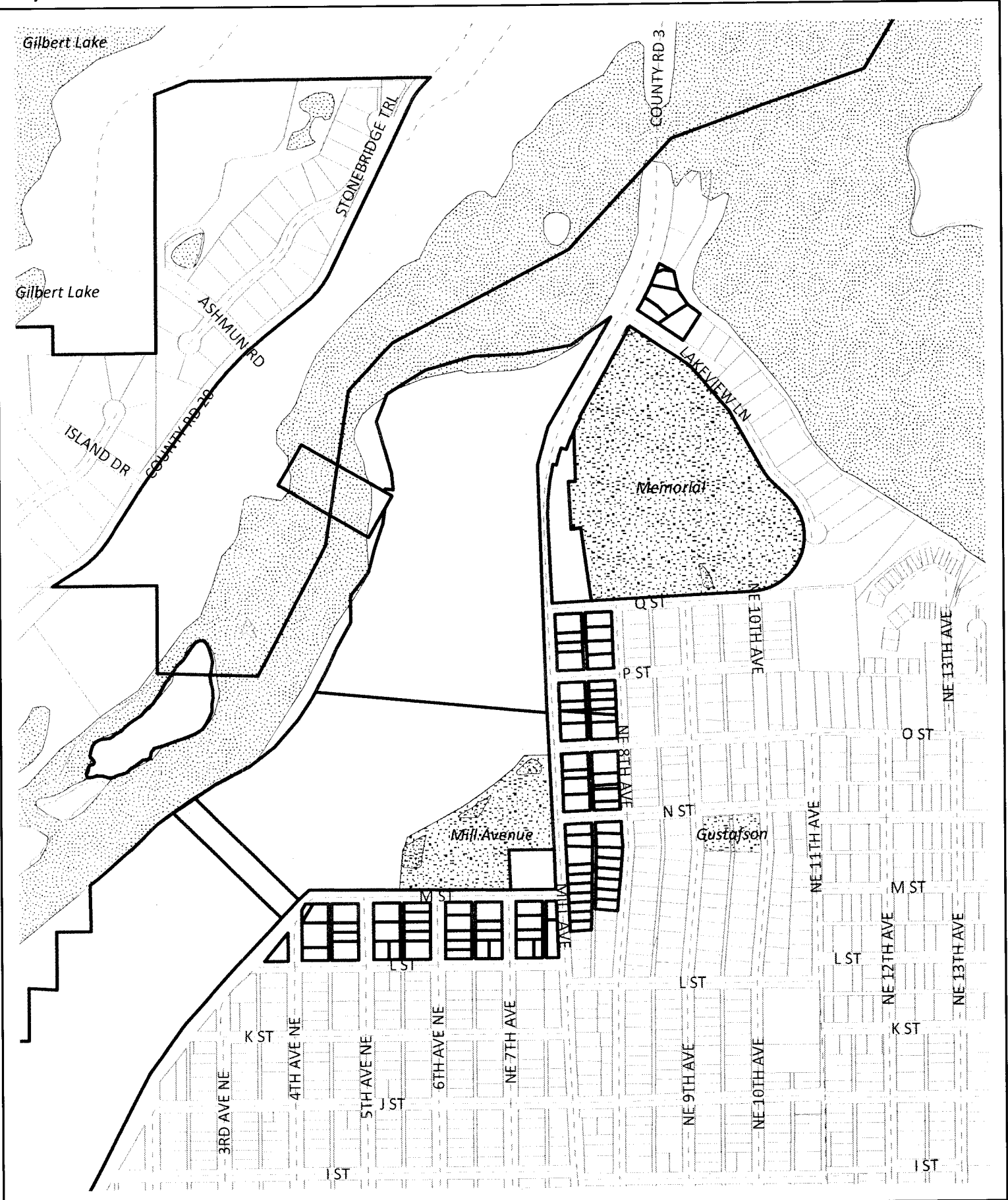
BUYER:

BRAINERD INDUSTRIAL CENTER, LLC

By: Michael D Higgins

Name: Michael D Higgins

Title: manager



| APPRCL          | TXNAME                                        | TXADR1                | TXADR2                   | PHYSADDR        |
|-----------------|-----------------------------------------------|-----------------------|--------------------------|-----------------|
| 09201008001Z009 | ANDERSEN, PAUL M & CHRISTA                    | 17370 GULLVIEW TRL    | BRAINERD MN 56401        | 1424 MILL AVE   |
| 050184203C00009 | ATHMANN, CHRISTINE                            | 1950 MILL AVE NE      | BRAINERD, MN 56401       |                 |
| 050184203D00009 | ATHMANN, CHRISTINE                            | 1950 MILL AVE NE      | BRAINERD, MN 56401       |                 |
| 091360010050009 | BARQUERO, AMANDA                              | 1238 MILL AVE         | BRAINERD, MN 56401       | 1238 MILL AVE   |
| 09148001001Y009 | BEMENT, HARRY S & ARLISS J                    | 11279 ASH AVE         | BRAINERD MN 56401        | 1624 MILL AVE   |
| 091480010030009 | BEMENT, HARRY S & ARLISS J                    | 11279 ASH AVE         | BRAINERD MN 56401        | 1616 MILL AVE   |
| 09148001010Z009 | BEMENT, HARRY S & ARLISS J                    | 11279 ASH AVE         | BRAINERD MN 56401        | 1613 8TH AVE NE |
| 092010080030889 | BEMENT, HARRY S & ARLISS J                    | 11279 ASH AVE         | BRAINERD MN 56401        | 1418 MILL AVE   |
| 09148001011Y009 | BOCK, LEON A                                  | 1623 8TH AVE NE       | BRAINERD MN 56401        | 1623 8TH AVE NE |
| 091720030050009 | BOELTER, JAMES H & JANELLE KLUCAS & ARDELLE B | 1221 6TH AVE NE       | BRAINERD, MN 56401       | 1221 6TH AVE NE |
| 091360010230009 | BOGUICKI, ILLA                                | 1237 8TH AVE NE       | BRAINERD MN 56401        | 1237 8TH AVE NE |
| 091480050110009 | BRAINERD HRA                                  | 324 EAST RIVER RD     | BRAINERD, MN 56401       | 1519 8TH AVE NE |
| 050184203E00009 | BRAINERD INDUSTRIAL CENTER LLC                | 735 N MISSION RD      | MT PLEASANT MI 48858     | 1801 MILL AVE   |
| 091720020120009 | BRONEAK, RICHARD C                            | 1204 6TH AVE          | BRAINERD, MN 56401       | 1204 6TH AVE NE |
| 09172003007Z009 | CAPRANOS, TOM                                 | PO BOX 163            | NORTHWOOD IA 50459       | 1220 5TH AVE NE |
| 050184103X00009 | CITY OF BRAINERD                              | 501 LAUREL ST         | BRAINERD, MN 56401       |                 |
| 050192101B00009 | CITY OF BRAINERD                              | 501 LAUREL ST         | BRAINERD, MN 56401       |                 |
| 09172004007Y009 | CITY OF BRAINERD                              | 501 LAUREL ST         | BRAINERD, MN 56401       |                 |
| 09201008004Z009 | CLARK, TREVOR A & JAMIE L                     | 1414 MILL AVE         | BRAINERD, MN 56401       | 1414 MILL AVE   |
| 09172002005Z009 | CROCKER, MICHAEL J & JODY L                   | 5290 SUGAR CAMP RD    | MILFORD, OH 45150        | 1217 7TH AVE NE |
| 09172001004Z009 | CROCKER, RONALD L & MARGARET                  | 1222 7TH AVE NE       | BRAINERD MN 56401        | 1222 7TH AVE NE |
| 09201008001A009 | CROW WING COUNTY HIGHWAY DEPARTMENT           | 16589 COUNTY ROAD 142 | BRAINERD MN 56401        |                 |
| 09172002001Z009 | DEGEN, MICHAEL                                | 10935 GULL RIVER RD   | EAST GULL LAKE, MN 56401 | 615 L ST NE     |
| 09172001001Z009 | DELANEY, MATTHEW                              | 11879 MAPLEWOOD DR    | BRAINERD, MN 56401       | 1205 MILL AVE   |
| 09172001005Z009 | DEVYN MUDGETT                                 | 1218 7TH AVE NE       | BRAINERD MN 56401        | 1218 7TH AVE NE |
| 09201001005Z009 | DIEMER, THOMAS                                | 2833 72ND ST SW       | PEQUOT LAKES MN 56472    | 1507 8TH AVE NE |
| 091360010210009 | ESLINGER, JASON AND HANNAH MUELLER            | 1229 NE 8TH AVE       | BRAINERD, MN 56401       | 1229 8TH AVE NE |
| 050192102B00009 | EVERGREEN, CEMETERY ASS'N                     | 1105 3RD AVE NE       | BRAINERD MN 56401        |                 |
| 091720050000009 | FELLMAN, RICHARD C & BLANCA L                 | 1201 4TH AVE NE       | BRAINERD, MN 56401       | 1209 4TH AVE NE |
| 09201008009Z009 | FOX, DOUGLAS                                  | 1405 8TH AVE NE       | BRAINERD MN 56401        | 1405 8TH AVE NE |
| 09201008010A009 | FOX, DOUGLAS                                  | 1405 8TH AVE NE       | BRAINERD MN 56401        |                 |
| 09172004005Z009 | FRANZEN, JACK M & BONNIE                      | 18853 TRACSIDE RD     | BRAINERD MN 56401        | 1223 5TH AVE NE |
| 091360010060009 | FRANZEN, MARY B                               | 4718 ASHLEY RD        | BAXTER, MN 56425         | 1234 MILL AVE   |
| 09172004011Z009 | GERHARDT, TERI                                | 1202 4TH AVE NE       | BRAINERD MN 56401        | 1202 4TH AVE NE |
| 091480050090009 | GRUNEWALD, WILLIAM E & JOAN A                 | 12170 DEER PATH       | MERRIFIELD MN 56465      |                 |
| 092010010070009 | GRUNEWALD, WILLIAM E & JOAN A                 | 12170 DEER PATH       | MERRIFIELD MN 56465      | 1513 8TH AVE NE |
| 09172003011Y009 | HAMLIN, NANCY C C/O DAN VANHOUSE              | 22739 COUNTY RD 4     | NISSWA MN 56468          | 511 L ST NE     |
| 091360010220009 | HARRISON, JOSEPH A, SCOTT, ELIZABETH          | 1233 8TH AVE NE       | BRAINERD, MN 56401       | 1233 8TH AVE NE |
| 091360010040009 | HESS, JOLEEN                                  | 1300 MILL AVE         | BRAINERD, MN 56401       | 1300 MILL AVE   |
| 09201009005Y009 | HOLDEN, BETTY                                 | 1321 8TH AVE          | BRAINERD MN 56401        | 1321 8TH AVE NE |
| 09172004009Z009 | HORAK, ROBERT A REV TRUST                     | 16697 JOHNSON RD      | BRAINERD, MN 56401       | 1210 4TH AVE NE |
| 091720030040009 | JASON & KRISTA JOHNSON                        | 1215 6TH AVE NE       | BRAINERD, MN 56401       | 1215 6TH AVE NE |
| 091360010090009 | JEWELL, ROBERT D & SUSAN M                    | 1222 MILL AVE         | BRAINERD MN 56401        | 1222 MILL AVE   |
| 091720010030009 | JOAN MORGAN                                   | 1223 MILL AVE         | BRAINERD MN 56401        | 1223 MILL AVE   |
| 09192000001A009 | JOHNSON, DANIEL                               | 801 LAKEVIEW LN       | BRAINERD, MN 56401       | 801 LAKEVIEW LN |
| 09192000001B009 | JOHNSON, DANIEL                               | 801 LAKEVIEW LN       | BRAINERD, MN 56401       | 1902 MILL AVE   |



| APPRCL          | TXNAME                               | TXADR1                    | TXADR2                | PHYSADDR        |
|-----------------|--------------------------------------|---------------------------|-----------------------|-----------------|
| 09201009004Y009 | JOHNSON, LISA K                      | 1315 8TH AVE NE           | BRAINERD MN 56401     | 1315 8TH AVE NE |
| 091720030060009 | JUSTIN, DERRICK                      | 520 M ST                  | BRAINERD, MN 56401    | 520 M ST NE     |
| 091720020110009 | KELM, WILLIAM H & TERESA D           | 1208 NE 6TH AVE           | BRAINERD, MN 56401    | 1208 6TH AVE NE |
| 091480050100009 | LASH, SHARON J                       | 1517 8TH AVE NE           | BRAINERD MN 56401     | 1517 8TH AVE NE |
| 09136001001Z009 | LETENDRE, DONALD, LUVERNE AND JANINE | 1304 MILL AVE             | BRAINERD, MN 56401    | 1314 MILL AVE   |
| 091360010030009 | LETENDRE, DONALD, LUVERNE AND JANINE | 1304 MILL AVE             | BRAINERD, MN 56401    | 1304 MILL AVE   |
| 091720040040009 | MASCHLER, LOUANN                     | 16333 COUNTY ROAD 142     | BRAINERD, MN 56401    | 1215 5TH AVE NE |
| 091720040030009 | MOGENSEN, DELORIS J                  | 1211 5TH AVE NE           | BRAINERD MN 56401     | 1211 5TH AVE NE |
| 09201008006Z009 | MORGAN, JOAN P                       | 9228 DRAHOS TRL           | BRAINERD MN 56401     | 1402 MILL AVE   |
| 091360010080009 | MORRIS, THERESA J (LIFE ESTATE)      | 1226 MILL AVE NE          | BRAINERD MN 56401     | 1226 MILL AVE   |
| 09172003011Z009 | NELSON, CHILEEN M                    | 503 L ST NE               | BRAINERD, MN 56401    | 503 L ST NE     |
| 091720020040009 | NUSBAUM, BERNIE PAUL                 | 1215 7TH AVE NE           | BRAINERD, MN 56401    | 1215 7TH AVE NE |
| 09172004001Z009 | OLSON, JOSEPH P                      | 423 L ST NE               | BRAINERD, MN 56401    | 423 L ST NE     |
| 091720010070009 | OST, JASON G                         | 7297 HWY 25               | BRAINERD, MN 56401    | 1212 7TH AVE NE |
| 09172001008Y009 | PENN, LINDA A                        | 711 L ST NE               | BRAINERD MN 56401     | 711 L ST NE     |
| 092010080080009 | PETERSEN, CHRISTOPHER & CARLY SLETTE | 1401 8TH AVE NE           | BRAINERD, MN 56401    | 1401 8TH AVE NE |
| 091920000020009 | PORWALL, CYRIL & KATHY               | 805 LAKEVIEW LN           | BRAINERD, MN 56401    | 805 LAKEVIEW LN |
| 09201009002Z009 | PREISINGER, ROGER LEROY & CAROL AN   | 1320 MILL AVE             | BRAINERD MN 56401     | 1320 MILL AVE   |
| 091720030030009 | PUERINGER, DAVID F                   | 616 1/2 FRONT ST          | BRAINERD MN 56401     | 1211 6TH AVE NE |
| 09172002007Z009 | RETTKE, KAREN                        | 1222 6TH AVE NE           | BRAINERD, MN 56401    | 1222 6TH AVE NE |
| 091360010240009 | RUSSOM, MAUREEN A                    | 1301 8TH AVE NE           | BRAINERD, MN 56401    | 1301 8TH AVE NE |
| 09148005001Z009 | S & P QUISBERG LLC                   | PO BOX 2656               | BAXTER, MN 56425      | 1518 MILL AVE   |
| 091480050030009 | S & P QUISBERG LLC                   | PO BOX 2656               | BAXTER, MN 56425      | 1514 MILL AVE   |
| 091480050040009 | S & P QUISBERG LLC                   | PO BOX 2656               | BAXTER, MN 56425      |                 |
| 09201001001Z009 | S & P QUISBERG LLC                   | PO BOX 2656               | BAXTER, MN 56425      | 1508 MILL AVE   |
| 09201001003Z009 | S & P QUISBERG LLC                   | PO BOX 2656               | BAXTER, MN 56425      | 1500 MILL AVE   |
| 091360010070009 | SHOGREN, JERRALD L & VICKI A         | 1230 MILL AVE             | BRAINERD MN 56401     | 1230 MILL AVE   |
| 09148001008Z009 | SIMON, PEGGY JOANN                   | 1603 8TH AVE NE           | BRAINERD, MN 56401    | 1603 8TH AVE NE |
| 09201009001Z009 | SPECHT, LARRY A & VALERIE G          | 3595 BEDOW RD             | FORT RIPLEY, MN 56449 | 1324 MILL AVE   |
| 091720020100009 | STAHL, HERBERT H & BETTY             | 1212 6TH AVE N E          | BRAINERD MN 56401     | 1212 6TH AVE NE |
| 09172001008Z009 | STEININGER, DELLA L                  | 703 L ST NE               | BRAINERD, MN 56401    | 703 L ST NE     |
| 091720020030009 | SWEARINGEN, RUSSELL L & SHIRLEY #    | 623 L ST NE               | BRAINERD MN 56401     |                 |
| 09172002001Y009 | SWEARINGEN, SHIRLEY A                | 623 L ST NE               | BRAINERD, MN 56401    | 623 L ST NE     |
| 091480010040009 | TERHAAR, THOMAS A & KATHRYN          | 1124 24TH AVE N           | ST CLOUD MN 56303     | 1610 MILL AVE   |
| 09148001005Z009 | TERHAAR, THOMAS A & KATHRYN          | 1124 24TH AVE N           | ST CLOUD MN 56303     | 1606 MILL AVE   |
| 09148001007Z009 | TERRI HOEFFERLE                      | 823 P ST NE               | BRAINERD, MN 56401    | 823 P ST NE     |
| 09172002008Z009 | THOMAS & SARAH FLANNIGAN             | 1216 6TH AVE NE           | BRAINERD, MN 56401    | 1216 6TH AVE NE |
| 091360010250009 | VANSICKLE, JENNIFER H                | 1307 8TH AVE NE           | BRAINERD, MN 56401    | 1307 8TH AVE NE |
| 09172004007X009 | VESEL, JOSHUA D                      | 14911 JEWELWOOD DR        | BAXTER, MN 56425      | 402 M ST NE     |
| 091360010260009 | VLECK, AMY & DANIEL                  | 14191 CROOKED LAKE RD     | DEERWOOD, MN 56444    | 1311 8TH AVE NE |
| 09201008012Z009 | WALSH, BRIAN E & JULIE               | 1421 8TH AVE NE           | BRAINERD, MN 56401    | 1421 8TH AVE NE |
| 09201008011Y009 | WENDEL PROPERTIES LLC                | 17122 STATE HWY 371       | BRAINERD, MN 56401    | 1413 8TH AVE NE |
| 09172003009Z009 | WILEY, JEANINE L                     | 1210 5TH AVE NE           | BRAINERD, MN 56401    | 1210 5TH AVE NE |
| 09172003001Z009 | WINTERFELD, LINDSAY M                | 523 L ST NE               | BRAINERD, MN 56401    | 523 L ST NE     |
| 091480050120009 | ZHOU, WEI & CECILIA                  | 14115 PENNOCK AVE APT 307 | APPLE VALLEY MN 55124 | 1523 8TH AVE NE |



## City Planning Department

City Hall – 501 Laurel Street  
Brainerd, MN 56401  
218-828-2309/Fax 218-828-2316  
www.ci.brainerd.mn.us

|            |                |
|------------|----------------|
| Receipt #  | <u>9074</u>    |
| Check #    | <u>1001</u>    |
| Date Paid: | <u>9/24/14</u> |

# CONDITIONAL USE/REZONING/VARIANCE APPLICATION

### NATURE OF REQUEST (please check)

|                        |            |          |            |          |            |
|------------------------|------------|----------|------------|----------|------------|
| CONDITIONAL USE PERMIT | (\$190.00) | REZONING | (\$250.00) | VARIANCE | (\$220.00) |
|------------------------|------------|----------|------------|----------|------------|

PROPERTY ADDRESS: 1801 Mill Avenue, Brainerd, MN

LEGAL DESCRIPTION: Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Addition: See attached legal descriptions  
(attach description if lengthy)

Property Owner Name: Brainerd Industrial Center, LLC

Street Address: 735 S. Mission Road City: Mt. Pleasant State: MI Zip Code 48858

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Applicant Name: (If different than Property Owner) Attn: Jeffrey R. Bean

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: 517-202-9421 Fax: 888-349-5356 E-mail: jeff@jeffbean.net

Description of Request: Per Subsection 515-71-4, Interim Uses; Owner is requesting an Interim Use Permit under the standard and procedures for a Conditional Use Permit as it relates to the decommissioning of assets which may be deemed to consist of a significant removal of machinery (defined as a system of related elements that operate in a definable manner) from service within a site and to also demolish and salvage certain portions of the Main Building.

Brainerd Industrial Center, LLC

By: \_\_\_\_\_  
Property Owner Signature

August 26th, 2014  
Date

Michael D. Higgins, Manager  
(Please print name)

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Please print name)

(OVER)

# AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

☒ **BRAINERD FIRE DEPARTMENT**

Attn: Kevin Stunek, Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; [kstunek@ci.brainerd.mn.us](mailto:kstunek@ci.brainerd.mn.us)

☒ **BRAINERD POLICE DEPARTMENT**

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; [corky.mcquiston@ci.brainerd.mn.us](mailto:corky.mcquiston@ci.brainerd.mn.us)

☒ **BRAINERD PUBLIC UTILITIES**

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; [smagnuson@bpu.org](mailto:smagnuson@bpu.org)

☐ **BWSR (MN Board of Water and Soil Resources)**

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; [john.overland@state.mn.us](mailto:john.overland@state.mn.us)

☒ **CROW WING COUNTY HIGHWAY DEPARTMENT**

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111  
[tim.bray@crowwing.us](mailto:tim.bray@crowwing.us)

☒ **CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT**

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095  
[melissa.barrick@crowwingswcd.us](mailto:melissa.barrick@crowwingswcd.us)

☐ **CROW WING COUNTY SURVEYOR'S OFFICE**

Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126;  
[mark.liedl@crowwing.us](mailto:mark.liedl@crowwing.us)

☐ **HRA**

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;  
[jennifer@brainerdhra.org](mailto:jennifer@brainerdhra.org)

☒ **MISSISSIPPI HEADWATERS BOARD**

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104  
[mhb@mississippiheadwaters.org](mailto:mhb@mississippiheadwaters.org)

☒ **MINNESOTA DEPARTMENT OF TRANSPORTATION**

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; [mary.safgren@state.mn.us](mailto:mary.safgren@state.mn.us)

☒ **MINNESOTA DEPARTMENT OF NATURAL RESOURCES**

Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043;  
[wade.miller@state.mn.us](mailto:wade.miller@state.mn.us)

☒ **MINNESOTA POLLUTION CONTROL AGENCY**

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594  
[Reed.Larson@state.mn.us](mailto:Reed.Larson@state.mn.us)

☐ **U.S. ARMY CORPS OF ENGINEERS**

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402



Lori L. Martin  
Vice President  
321 S. Saginaw Rd.  
Midland, MI 48640

September 12, 2014

Brainerd City Planning Commission  
Mr. Mark Ostgarden  
Brainerd City Hall  
501 Laurel Street  
Brainerd, MN 54601

RE: Michael D. Higgins, Higgins and Associates, Inc. & Brainerd Industrial Center, LLC

Mr. Ostgarden,

Mike Higgins and Higgins and Associates, Inc. have been long term customers of Fifth Third Bank and I have worked with them as their commercial relationship manager for nearly a decade. Over that time period, I have been aware of or involved in numerous projects involving excavation, demolition and redevelopment. The scope of these projects has grown over the years.

Throughout this time, I have enjoyed our banking relationship and consider Mr. Higgins and his entities a valued customer of the Bank. I am aware of the Brainerd Industrial Center project and look forward to its expected success.

Should you require additional information, please do not hesitate to contact me.

Sincerely,

Lori L. Martin  
Vice President  
Commercial Banking  
(989) 839-2596  
lori.martin@53.com



**SOUTHWESTERN**

MICHIGAN ECONOMIC GROWTH



**ALLIANCE**

[www.southwesternalliance.org](http://www.southwesternalliance.org)

333 N. 2ND STREET, SUITE 302, NILES, MI 49120 | 269-683-1833 | [SOUTHWESTERNALLIANCE@GMAIL.COM](mailto:SOUTHWESTERNALLIANCE@GMAIL.COM)

September 10, 2014

Brainerd Planning Commission  
Brainerd City Hall  
501 Laurel Street  
Brainerd, MN 56401  
Attn: Mark Ostgarden

Mr. Mark Ostgarden:

JLJB LLC out of Grand Rapids, Michigan has owned and operated the Simplicity Industrial Center in Niles, Michigan since 2007. Further, since owning and operating the Simplicity Industrial Center JLJB LLC has cooperated and participated within our organization and has also been active within our market.

Should you have further questions, please do not hesitate to contact me at any time.

Respectfully,

Joe Sobieralski, Executive Director  
Southwestern Michigan Economic Growth Alliance



**LABELLE MANAGEMENT**

Since 1948

August 25, 2014

City of Brainerd Minnesota  
501 Laurel Street  
Brainerd, MN 56401

Dear Sirs/Madams,

Our company owns and operates restaurants, hotels and commercial real estate all over the state of Michigan. We purchase, build and develop our own projects.

I have worked with Mike Higgins and Higgins and Associates for 25 plus years. Mike has always been my go to guy when we needed dirt work, excavation, demolition or any sort of site work completed for a project. I have always found him to be fair, reasonable and able to complete the work in a timely and professional manner.

I have watched him grow his company and get into major demolition along with recycling and development of property. I wouldn't hesitate to hire Mike for any future projects our company enters into. If I can be of any further assistance please feel free to contact me.

Sincerely,

**Brad Hansen**

**President/CEO**

**LaBelle Management**

**Direct 989-772-2902 x214**

**Cell 989-429-8421**

**Fax 989-773-7521**

**Email [bhansen@labellemgt.com](mailto:bhansen@labellemgt.com)**

Office: (989) 772-2902

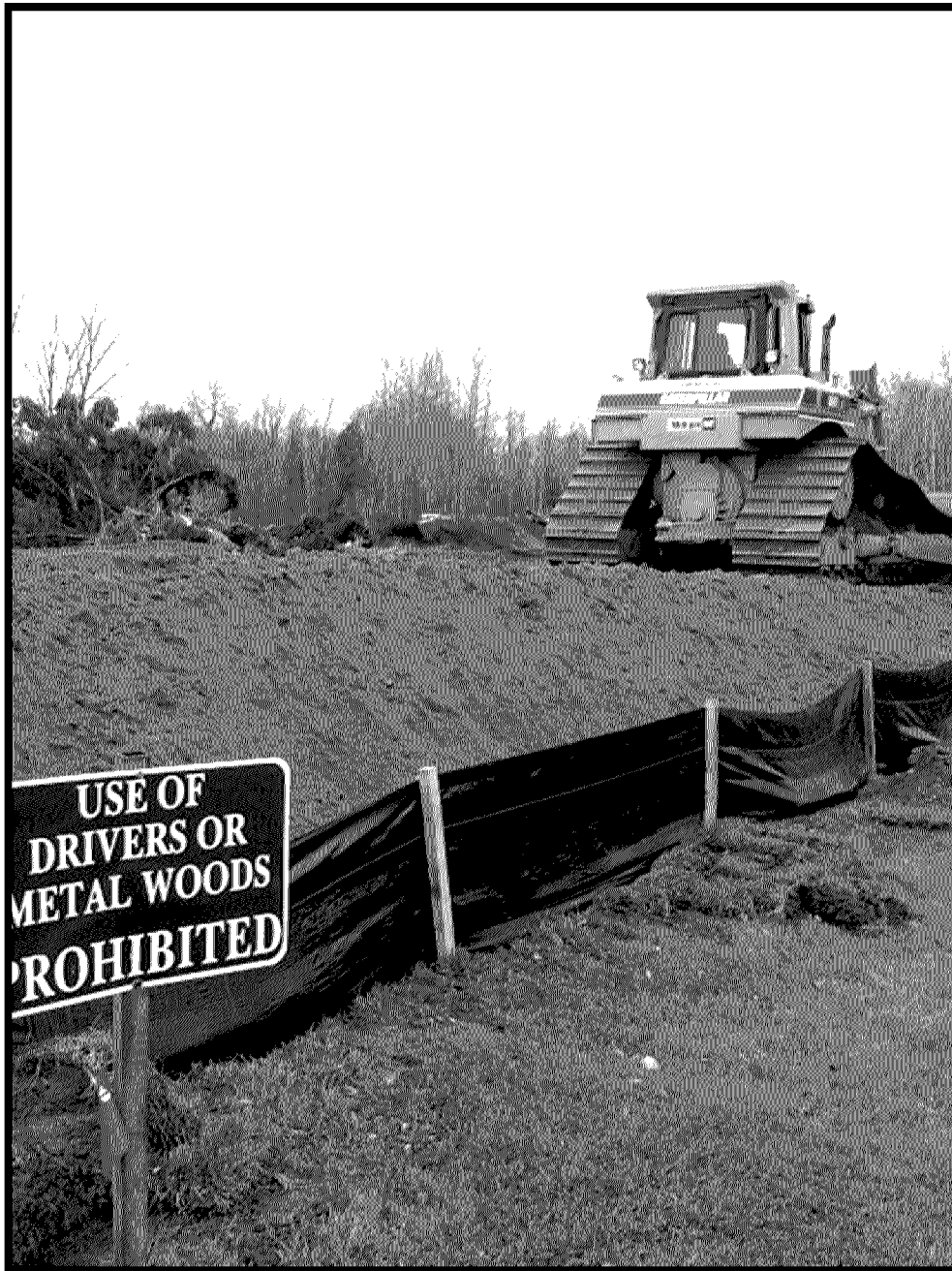
Fax: (989) 773-7521

Hospitality Management & Real Estate Development  405 South Mission St., Mt. Pleasant, MI 48858



HIGGINS AND ASSOCIATES

Est. 1993



## •About our Business

Since 1993, Higgins and Associates has been a Providing Industrial Services for Clare, Isabella, Gratiot and Surrounding Counties. More Recently we have Expanded Out into the Midwest. We are Committed to Providing Safe, Fast and Friendly Customer Service.

Higgins and Associates is a one stop shop to Recycle Ferrous and Non-Ferrous metals for individuals Cleaning out their garage to Industrial Demolitions jobs. Recycling is Encouraged as a way to Sustain our Environment, Conserve Energy while putting Extra Money in your Pocket

What We Do:

Higgins and Associates Provides a Variety of Services.

- Scrap Metal Recycling-Ferrous/Non-Ferrous
- Large and Small Scale Demolition and Clean ups
- Rigging and Crane Services



## **Scrap Metal Recycling**

### **What we buy:**

Cars  
Batteries  
Catalytic Convertors  
Copper  
Aluminum  
Tin  
Stainless Steel  
Ferrous and Non-Ferrous Materials  
Industrial Scrap

### **Locations**

Higgins and Associates - Main Office  
735 S Mission Rd  
Mt Pleasant MI 48858  
Phone: 989-772-8853

Higgins and Associates  
7045 E Monroe Rd  
Breckenridge, MI 48615  
Phone: 989-842-1027





### **Industrial Clean-ups/Demolitions**

Total Building and Structure  
Demolition  
Petroleum Tank, Steel Silo and  
Concrete Silo  
Demolition  
Plant & Equipment Dismantling and  
Relocation  
Selective Interior and Exterior  
Removals  
Equipment & Piping Removals  
(HVAC, MEP)  
Equipment Salvage  
Equipment Removal  
Dismantlement and Removal  
Equipment Demolition  
Mezzanine Demolition and Removal



### **Rigging and Crane Services-over 40 years**

**Experience**  
Equipment Installation  
Sign Installation  
Trusses  
Concrete Forms  
Bridge Work  
Steel Erection  
Oil Rigging



### **Site General Contracting/Site Remediation**

Excavation  
Landscaping  
Sea Walls  
Land Elevation  
Ponds

## **Industrial Clean-ups/Demolitions**

**Project: 12/1/2013 – 6/30/2014**

### **Demolition and Site Remediation of a 200,000 Square Foot Portion of Former Kelvinator Facility**

1. Demolition and Salvage of Multi-Story Boil House Facility, Including Old Coal Bins.
2. Demolition and Salvage of Paint Line and Drying Tunnel Process Area.
3. Demolition and Salvage of Multi-Story Warehouse Facility

Location: Kelivinator Facility  
1701 Clyde Park SE  
Grand Rapids, MI

Customer: GRL Properties  
Rich Rybinski  
401 Hall St SW # 108  
Grand Rapids, MI 49503

**Project: 2/1/2013 – 11/30/2013**

### ***Demolition, Remediation and Redevelopment of Former Manville Fiberglass Facility***

1. Demolition and Removal of Ingredient Furnish Area
2. Demolition and Removal of Blast Furnace Area and Smoke Stacks
3. Redevelopment of 10,000 Square Foot Steel Structure from Salvage

Location: Owen Corning Plant  
300 N 100 South,  
Bluffton, IN 46714

Customer: Bluffton, LLC/GRL Properties  
Jeff Bean  
ANYI Management Company  
130 W. Grand River Avenue  
Brighton, MI 48116



**Project: 11/26/2012 – 11/30/2012**

**Boiler Removal and Transportation**

1. Removal of Piping
2. Removal and Disposal of two ACM (Asbestos Containing Material) Boilers
3. Mobilization and transportation to Landfill

Location: A.M Todd Company

1717 Douglas Ave.

Kalamazoo, MI 49007

Customer: Martin and Associates

Bill Martin

8135 Coss Dr

Portage, MI 49002



**Project: 06/01/2012 – 1/30/2013**

**Salvage and Restoration of the former Simplicity Pattern Company**

1. Removal and Salvage of Beloit Paper Machine and related hardware.
2. Remediation of facility systems within Paper Mill area.
3. Removal and Remediation of 153,000 square foot of intermediate floor space on a 2 story tilt up concrete building creating 153,000 square foot of modern high bay space.
4. Removal of Boiler House building, basement and cooling tower w/related equipment.

Location: Simplicity Plant

901 Wayne St

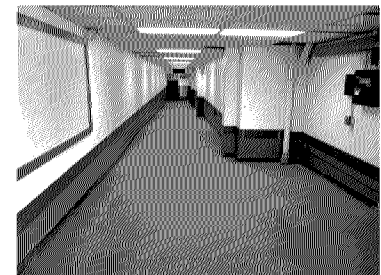
Niles Mi 49120

Customer: JLB, LLC

Jeff Bean

6675 Whiteville Rd

Rosebush, MI 48878



**Riggins and Crane Services**

**Brown Milling Inc**

8731 E. Rosebush  
Mt Pleasant MI 48858  
Ron Brown

**Apollo Exploration and Development**

5805 E Pickard St  
Mount Pleasant, MI 48858  
Ed Peters

**Pollister Drilling**

19305 30th Ave (M-66)  
Marion, MI 49665  
Ed Pollister

**Site General Contracting/Site Remediation**

**Excavate, Dirt Work, and Demolition**

Labelle Management  
405 South Mission St  
Mt Pleasant, MI 48858

**Project: 12/1/2013 – 6/30/2014**

**General Contract Building and Grounds Services**

B&L Motorsports  
1920 N. 24<sup>th</sup> Ave  
Mears, MI 49436  
Albert Bancroft

**Project: 08/01/2013-1/30/2014**

**Excavate, Create Sites, Install Drain Field/Septic, enlarged existing pond on 80 acre  
Campground**

Outdoor Adventures  
1400 North Henry Street  
Bay City, MI 48706  
Tom Shoemaker



### **Safety Training/Certifications**

Asbestos Abatement Supervisor Training  
ETC Training Service Group  
Romulus, MI 48174  
Instructor: Harry Dryer

Monthly Safety Meetings  
Information provided by Risk Management Center  
Powered by Succeed Management Solutions, LLC



### **Sponsorships/Donations**

Isabella County 4H  
Sponsored 2004-2014  
Deb Ecker

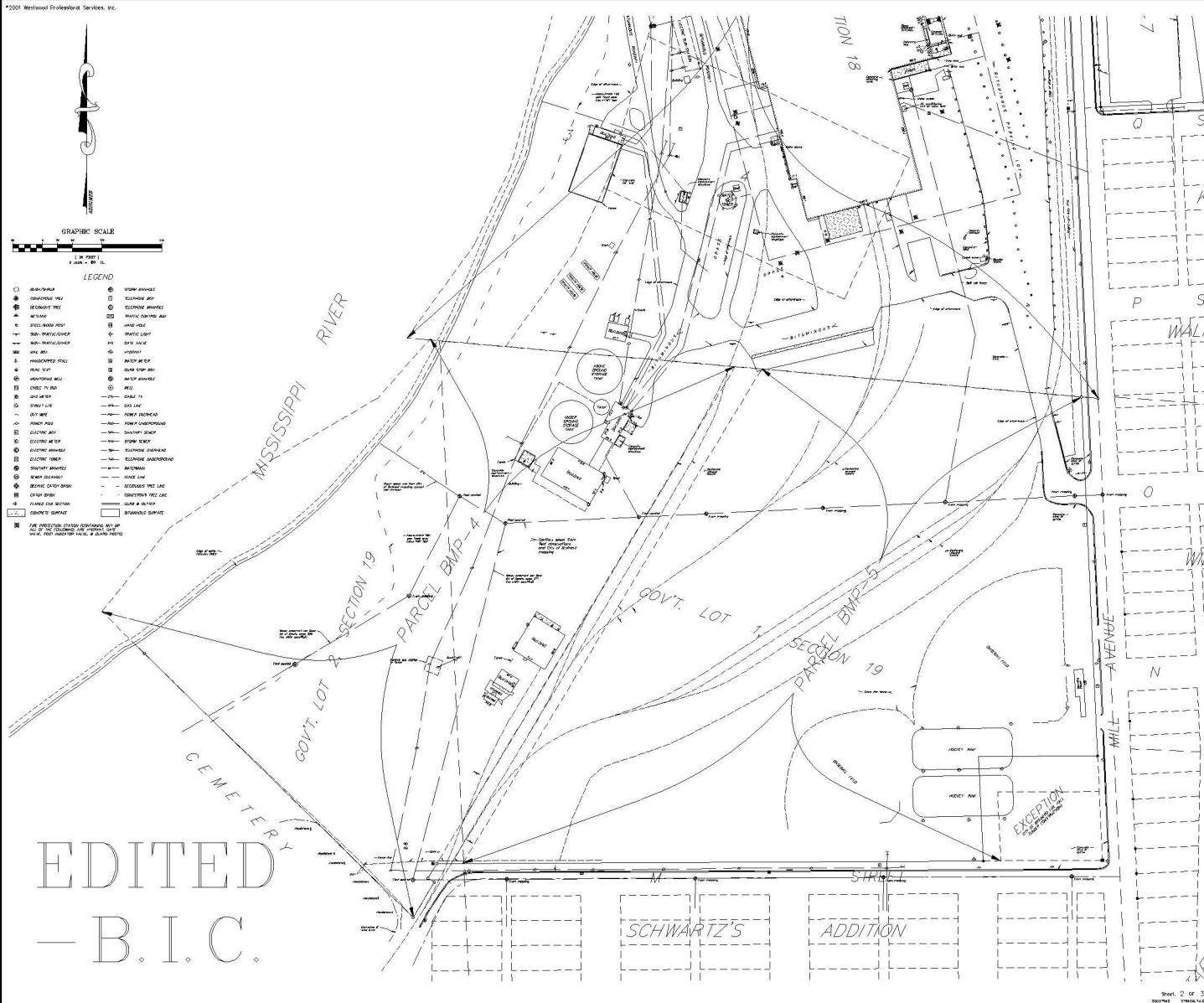
Mt Pleasant Sports Boosters  
Donated/Sponsored 2004-2014  
Liz Hickey

Rosebush Playscape  
Headed up a Fundraiser 2000-2002  
Softball Tournaments, Mud Bogs and other  
Community Events  
Raising \$150,000

# Sponsorships And Donations







EDITED  
— B. I. C.

Date \_\_\_\_\_  
 Drawn by \_\_\_\_\_  
 Checked \_\_\_\_\_  
 Record Drawing by/drawn by \_\_\_\_\_

Prepared by:  
Brainerd Industrial Center LLC  
PREPARED AND EDITED FROM ALTA SURVEY- FORMER POTLATCH PROPERTY  
2003 WESTWOOD PROFESSIONAL SERVICES

ALTA/ACSM  
Land Title SurveySM  
Survey

EDITED — B.I.C.

PREPARED AND EDITED FROM ALTA  
2003 WESTWOOD P

**Legend**

- Water (Blue)
- Grass (Green)
- Gravel (Yellow)
- Concrete (Grey)

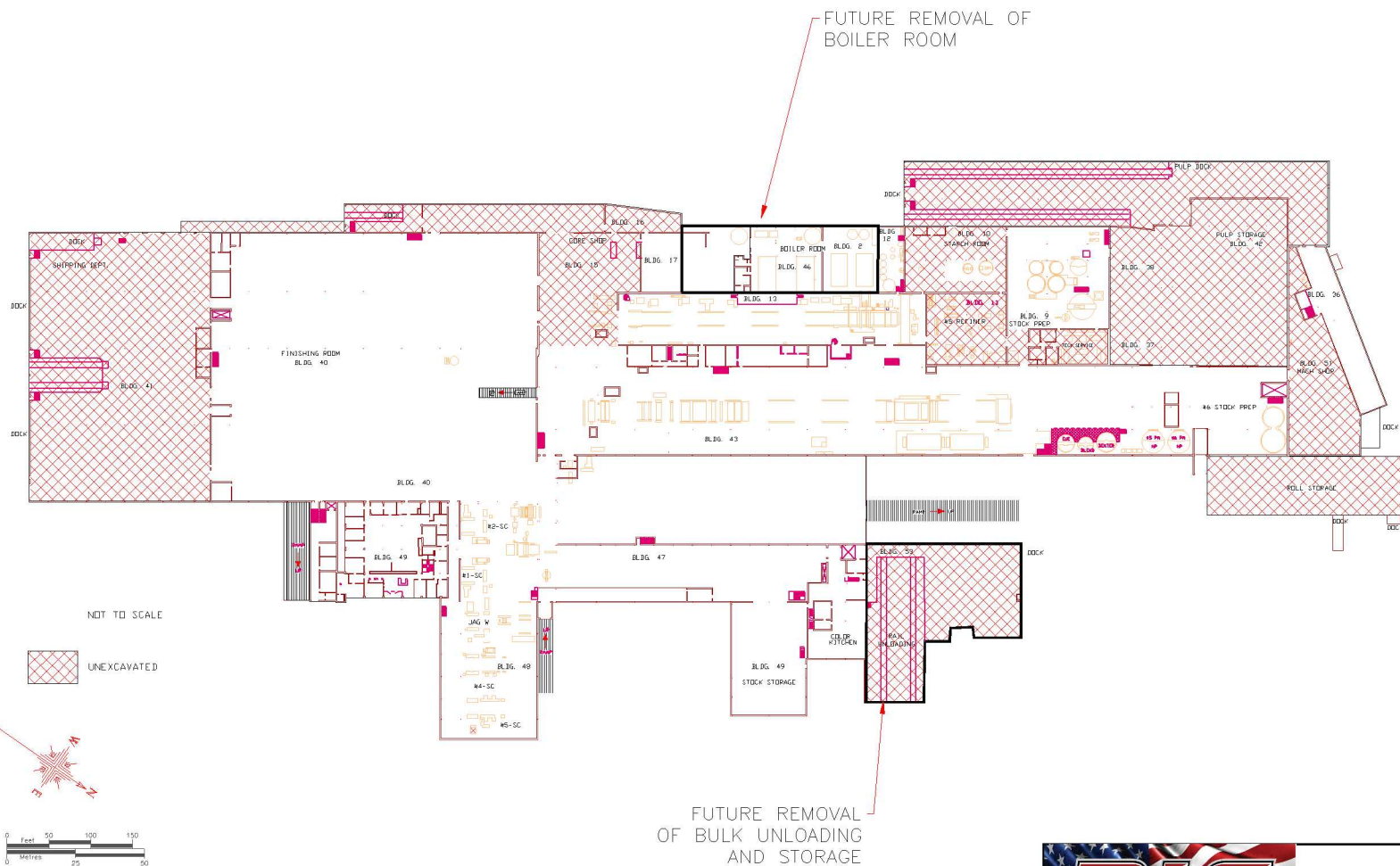
**Labels**

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- Box 98
- Box 99
- Box 100

| INDEX    |                                                                |
|----------|----------------------------------------------------------------|
| SHEET NO | DESCRIPTION                                                    |
| Page 1:  | Boundary, General Note, Certification.                         |
| Page 2:  | ALTA Survey of northerly portion lying east of the Mississippi |
| Page 3:  | ALTA Survey of northerly portion lying east of the Mississippi |

ACCORDING TO THE CITY OF BRAINARD THE  
SUBJECT PROPERTY LYING EAST OF THE MISSISSIPPI  
RIVER IS ZONED I-2 AND THE APPLICABLE LOT  
REQUIREMENTS AND SETBACKS ARE AS FOLLOWS:

|                                  |               |
|----------------------------------|---------------|
| Location:                        | MAJORS PT.    |
| DE VARS:                         | 100000        |
| From Vardishead:                 | 40000         |
| File Vardishead, internal:       | 10000 in with |
| has you in back, center:         | 20000         |
| from Vardishead:                 | 40000         |
| repetition, repeat for internal: | 100000        |
| Shift reason:                    | None          |



BRAINERD INDUSTRIAL CENTER LLC.  
1801 MILL AVENUE  
BRAINERD, MINNESOTA 56401

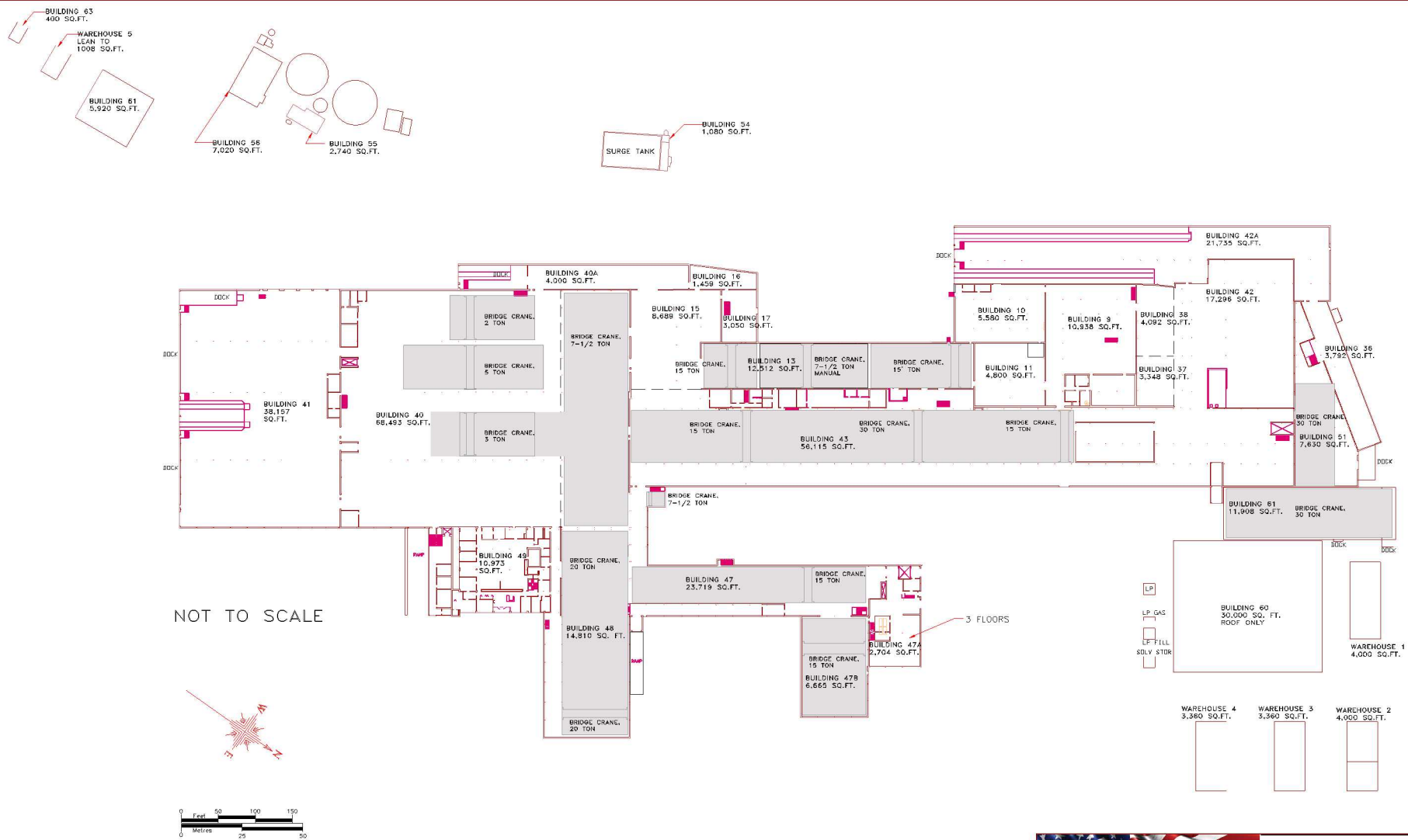
BASEMENT FLOOR ELEVATION 1204' VARIES  
INTERIM USE PERMIT PLAN

|                |      |    |      |          |           |      |    |      |          |           |            |             |           |                         |
|----------------|------|----|------|----------|-----------|------|----|------|----------|-----------|------------|-------------|-----------|-------------------------|
| REFERENCE DWG: | REV. | BY | DATE | REVISION | APPR'D BY | REV. | BY | DATE | REVISION | APPR'D BY | REF. DWG.: | CHECKED BY: | APPR. BY: | DWG. NO. H-4008-0227-BU |
|                |      |    |      |          |           | X    | X  |      | X        | X         | DRAWN BY:  |             |           | JOB NO.:                |
|                |      |    |      |          |           |      |    |      |          |           | DATE:      | DATE:       | DATE:     | REV.                    |
|                |      |    |      |          |           |      |    |      |          |           | 8/19/2014  |             |           |                         |









**BRAINERD INDUSTRIAL CENTER LLC.**  
1801 MILL AVENUE  
BRAINERD, MINNESOTA 56401

OPERATING FLOOR ELEVATION 1222"  
POST INTERIM USE PERMIT PLAN

|                |      |    |      |          |           |      |    |      |          |           |            |           |             |           |           |          |
|----------------|------|----|------|----------|-----------|------|----|------|----------|-----------|------------|-----------|-------------|-----------|-----------|----------|
| REFERENCE DWG: | REV. | BY | DATE | REVISION | APPR'D BY | REV. | BY | DATE | REVISION | APPR'D BY | REF. DWG.: | DRAWN BY: | CHECKED BY: | APPR. BY: | DWG. NO.: | JOB NO.: |
|                |      |    |      |          |           | X    | X  | X    |          | X         |            | K. P. K.  |             |           |           |          |
|                |      |    |      |          |           |      |    |      |          |           | DATE:      | DATE:     | DATE:       |           |           | REV.     |
|                |      |    |      |          |           |      |    |      |          |           | 8/22/2014  |           |             |           |           |          |