



CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, August 21, 2023 @ 7:30 PM

The public is invited to attend these meetings in person

Attend by phone: 1-844-992-4726

City Council - Meeting Access Code:2487 323 8670

Personnel and Finance Committee at 7:15 PM - Meeting Access Code:2486 936 6318

Safety and Public Works Committee at 7:00 PM- Meeting Access Code:2495 186 0038

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and Amazon FireTV

1. **Call To Order**

2. **Roll Call**

___J. Czezok ___M. O'Day ___K. Stunek ___K. Terry
___T. Stenglein ___G. Johnson ___K. Bevans ___Mayor Badeaux

3. **Pledge of Allegiance**

4. **Approval Of Agenda - Voice Vote**

5. **Consent Calendar**

NOTICE TO PUBLIC - all matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to be ADOPTED BY ROLL CALL

A. **Approval of Bills**

B. **Approval of Minutes**

C. **Department Activity Reports**

D. **Contractor Licenses**

E. **Minnesota Lawful Gambling Application- Exempt Permit submitted by Brainerd Fire Department Relief Association for an Event to be held on December 4th, 2023 at the Brainerd Fire Department, 23 Laurel St, Brainerd.**

F. **Approval of Updated Employee Policy Manual Clarifying Benefits for Municipal Utility Division Managers.**

6. **Presentation**

- A. **Presentation by the Brainerd YMCA**
- B. **2024 Parks Budget Presentation by the Park Board**
- 7. **Council Committee Reports**
 - A. **Safety & Public Works Committee**
 - 1. Direction on Active Code Enforcement Cases
 - 2. Approve Event/Street Closure Application -Touch-A-Truck and Flapjack Festival
 - 3. Approve Event/Street Closure Application - Neighborhood Potluck
 - 4. Approve Event/Street Closure Application - First Lutheran Rally Day
 - 5. Award Imp 21-17- Lum Park Road SPRA Project
 - 6. Adopt Resolution for 2024 Transit Operating Grant
 - 7. Approve Sale of Single Axle Dump Truck
 - 8. Discussion on Draft 2024-2033 Capital Improvement Plan
 - 9. Adopt Resolution Declaring SW 4th Street Washout Emergency
 - B. **Personnel & Finance Committee**
 - 1. Approve Conditional Job Offer for Daniel Loch for Finance Manager Position
 - 2. Consider Employee Policy Manual Update regarding Reimbursement for City-Paid CDL Training/Testing
 - 3. Consider Update to City's Non-DOT Drug, Alcohol and Cannabis Policy
 - 4. Consider Applying Double Fees to After the Fact Zoning and Subdivision Processes and Permits
- 8. **Unfinished Business**
 - A. **Call for Applicants**
 - B. **Final Reading - Proposed Ordinance 1554 - Creating Chapter 16 and Section 1600 of the City Code - Use of Cannabis in Public Places**
 - C. **Adopt Resolution for Denial of the Interim Use Permit for a Short-Term Rental at 515 S 9th St.**
- 9. **New Business**
 - A. **Consider Variance Request for an Accessory Structure at 11617 Andrew St.**

- B. **Consider Variance Request for an Accessory Structure at 219 W. Laurel St.**
- C. **Consider Interim Use Permit Request for a Short-Term Rental at 203 Hawkins Dr.**
- D. **First Reading - Proposed Ordinance 1555 - Amending Section 320 - Contesting Administrative Citations**
- E. **Adopt City of Brainerd Data Practices Policy**
- F. **Set Date for Council Workshop for Classification and Compensation Study Presentation**
- 10. **Public Forum**
Time allocated for citizens to bring matters not on the agenda to the attention of the Council -
Time limits may be imposed
- 11. **Staff Reports**
(Verbal: Any Updates since Packet)
- 12. **Mayor's Report**
- 13. **Council Member Reports**
- 14. **Adjourn**
 - A. **Adjourn to Budget Workshop and Closed Union Negotiation Strategy Session pursuant to MN Statutes, 13D.03, Subd 1(b) to prepare for negotiations with the IBEW Local No. 31 Unions on August 28th at 6:00 p.m. in Council Chambers**

Visit the City's Website at www.ci.brainerd.mn.us

MISSION

"Provide high quality, cost effective public services and leadership in creating a sustainable city"

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 07/01/2023 - 07/31/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor MISC - 3 DEHNS LLC:							
TAX REIMB. 78358	3 DEHNS LLC	07/01/2023	07/20/2023	1,468.03	0.00	Paid	Y 07/20/2023
	41330600 & 41330599 REIMB PROP TAX P/pziemer						
	230-5200-43430 MISCELLANEOUS			730.72			
	230-5200-43430 MISCELLANEOUS			737.31			
	Total for vendor MISC - 3 DEHNS LLC:			1,468.03	0.00		
Vendor 2969 - ARTSPACE BRAINERD LIMITED PARTNERSH:							
8/1/23 78503	ARTSPACE BRAINERD LIMITED PARTNERSH	07/25/2023	07/26/2023	3,372.09	0.00	Paid	Y 07/26/2023
	REMITTANCE OF TIF PAYMENT DUE 8/1/23 pziemer						
	277-6517-46602 REPAYMENT - LOAN			3,372.09			
	Total for vendor 2969 - ARTSPACE BRAINERD LIMITED PARTNERSH:			3,372.09	0.00		
Vendor 2740 - AT&T MOBILITY:							
07032023/FD 78175	AT&T MOBILITY	06/25/2023	07/11/2023	344.07	0.00	Paid	Y 07/11/2023
	287312856222 FIRE DEPT PHONES pziemer						
	225-2220-43321 TELEPHONE			344.07			
07032023/ADM 78176	AT&T MOBILITY	06/25/2023	07/11/2023	99.34	0.00	Paid	Y 07/11/2023
	ACCT 287292136423 ADMIN PHONES pziemer						
	101-1400-43321 TELEPHONE			99.34			
X07032023/CD 78177	AT&T MOBILITY	06/25/2023	07/11/2023	149.01	0.00	Paid	Y 07/11/2023
	ACCT 287292136423 COM DEV PHONES pziemer						
	101-2400-43321 TELEPHONE			149.01			
X07032023/ENG 78178	AT&T MOBILITY	06/25/2023	07/11/2023	275.14	0.00	Paid	Y 07/11/2023
	ACCT 287292136423 ENG PHONES pziemer						
	101-1700-43321 TELEPHONE			275.14			
X07032023/HR 78179	AT&T MOBILITY	06/25/2023	07/11/2023	49.67	0.00	Paid	Y 07/11/2023
	ACCT 287292136423 HR PHONE pziemer						
	101-1400-43321 TELEPHONE			49.67			
X07032023/IT 78180	AT&T MOBILITY	06/25/2023	07/11/2023	175.80	0.00	Paid	Y 07/11/2023
	ACCT 287292136423 IT PHONES 5/26/23-(pziemer						
	101-1800-43321 TELEPHONE			175.80			

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
X07032023/PARKS							
78181	AT&T MOBILITY	06/25/2023	07/11/2023	209.01	0.00	Paid	Y
	ACCT 287292136423 PARKS PHONES	pziemer					07/11/2023
	230-5200-43321 TELEPHONE			209.01			
X07032023/STRTS							
78182	AT&T MOBILITY	06/25/2023	07/11/2023	175.80	0.00	Paid	Y
	ACCT 287292136423 STREET DEPT PHONES	pziemer					07/11/2023
	235-3100-43321 TELEPHONE			137.57			
	237-3190-43321 TELEPHONE			38.23			
07032023/TRANSIT							
78183	AT&T MOBILITY	06/25/2023	07/11/2023	49.67	0.00	Paid	Y
	ACCT 287292136423 TRANSIT PHONES	pziemer					07/11/2023
	203-9000-43321 TELEPHONE			49.67			
X07032023/PD							
78184	AT&T MOBILITY	06/25/2023	07/11/2023	2,084.21	0.00	Paid	Y
	ACCT 287287520356 COMPUTER SUPPORT/CF	pziemer					07/11/2023
	225-2120-43309 COMPUTER TECHNICAL SUPPORT			802.83			
	225-2120-43321 TELEPHONE			1,281.38			
X07032023/AIR							
78274	AT&T MOBILITY	06/25/2023	07/11/2023	235.80	0.00	Paid	Y
	ACCT 287291178494 AIRPORT PHONES	pziemer					07/11/2023
	260-9020-43321 TELEPHONE			235.80			
	Total for vendor 2740 - AT&T MOBILITY:			3,847.52	0.00		
Vendor 1343 - CHARTER COMMUNICATIONS:							
0008065063023							
78263	CHARTER COMMUNICATIONS	06/30/2023	07/11/2023	46.77	0.00	Paid	Y
	6/30/23-7/29/23 BUSINESS TV	pziemer					07/11/2023
	225-2120-43380 UTILITIES			46.77			
0280094071223							
78359	CHARTER COMMUNICATIONS	07/12/2023	07/20/2023	109.98	0.00	Paid	Y
	REDUNDANT INTERNET 7/12/23-8/11/23	pziemer					07/20/2023
	101-1800-43321 TELEPHONE			109.98			
	Total for vendor 1343 - CHARTER COMMUNICATIONS:			156.75	0.00		
Vendor 0125 - CONSOLIDATED TELEPHONE CO:							
21236838							
78382	CONSOLIDATED TELEPHONE CO	07/12/2023	07/20/2023	208.15	0.00	Paid	Y
	7/12-8/11 CAMPGROUND INTERNET/WIFI	pziemer					07/20/2023
	230-5280-43321 TELEPHONE			208.15			

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21238129/IT 78388	CONSOLIDATED TELEPHONE CO IT PHONES/INTERNET 7/12-8/11/23 101-1800-43321	07/12/2023 pziemer TELEPHONE	07/20/2023	592.50 592.50	0.00	Paid	Y 07/20/2023
21238129/CH 78389	CONSOLIDATED TELEPHONE CO 7/12-8/11 CITY HALL PHONES/INTERNET 101-1940-43321	07/12/2023 pziemer TELEPHONE	07/20/2023	53.58 53.58	0.00	Paid	Y 07/20/2023
21238129/PD 78390	CONSOLIDATED TELEPHONE CO 7/12-8/11 PD PHONES/INTERNET 225-2120-43321 225-2120-43309	07/12/2023 pziemer TELEPHONE COMPUTER TECHNICAL SUPPORT	07/20/2023	116.17 97.42 18.75	0.00	Paid	Y 07/20/2023
21238129/FD 78391	CONSOLIDATED TELEPHONE CO 7/12-8/11 FD PHONE/INTERNET 225-2220-43321	07/12/2023 pziemer TELEPHONE	07/20/2023	68.75 68.75	0.00	Paid	Y 07/20/2023
21238129/STRTS 78392	CONSOLIDATED TELEPHONE CO 7/12-8/11 STREETS PHONE/INTERNET 235-3100-43321	07/12/2023 pziemer TELEPHONE	07/20/2023	19.75 19.75	0.00	Paid	Y 07/20/2023
21238129/PARKS 78394	CONSOLIDATED TELEPHONE CO 7/12-8/11 PARKS INTERNET 230-5200-43321	07/12/2023 pziemer TELEPHONE	07/20/2023	49.29 49.29	0.00	Paid	Y 07/20/2023
Total for vendor 0125 - CONSOLIDATED TELEPHONE CO:				1,108.19	0.00		
Vendor 2970 - DLP INVESTMENTS, LLC:							
8/1/23 78506	DLP INVESTMENTS, LLC REMITTANCE OF TIF PAYMENT DUE 8/1/23 274-6505-46602	07/25/2023 pziemer REPAYMENT - LOAN	07/26/2023	9,167.15 9,167.15	0.00	Paid	Y 07/26/2023
Total for vendor 2970 - DLP INVESTMENTS, LLC:				9,167.15	0.00		
Vendor 1859 - ENTERPRISE FM TRUST:							
FBN4787475/ENG 78383	ENTERPRISE FM TRUST JUL 2023 ENG VEHICLE LEASES 101-1700-43331	07/06/2023 pziemer LEASE PAYMENTS	07/20/2023	931.28 931.28	0.00	Paid	Y 07/20/2023
FBN4787475/CD 78384	ENTERPRISE FM TRUST JUL 23 COM DEV VEHICLE LEASES	07/19/2023 pziemer	07/20/2023	357.61	0.00	Paid	Y 07/20/2023

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	101-2400-43331	LEASE EXPENSE		357.61			
FBN4787475/FD 78385	ENTERPRISE FM TRUST JUL 23 FIRE DEPT VEHICLE LEASES 225-2220-43331	07/06/2023 pziemer	07/20/2023	1,503.58	0.00	Paid	Y 07/20/2023
		LEASED PAYMENTS		1,503.58			
FBN4787475/PARKS 78386	ENTERPRISE FM TRUST JULY 23 PARKS VEHICLE LEASES 230-5200-43331	07/06/2023 pziemer	07/20/2023	2,298.36	0.00	Paid	Y 07/20/2023
		LEASE PAYMENTS		2,298.36			
FBN4787475/STRTS 78387	ENTERPRISE FM TRUST JULY 23 STREET DEPT VEHICLE LEASE 235-3100-43331	07/06/2023 pziemer	07/20/2023	8,019.09	0.00	Paid	Y 07/20/2023
		LEASE PAYMENTS		7,393.08			
	237-3190-43331	LEASE PAYMENTS		626.01			
FBN4787475/PD 78395	ENTERPRISE FM TRUST JUL 23 PD VEHICLE LEASES 225-2120-43331	07/06/2023 pziemer	07/20/2023	10,297.57	0.00	Paid	Y 07/20/2023
		LEASED PAYMENTS		10,297.57			
	Total for vendor 1859 - ENTERPRISE FM TRUST:			23,407.49	0.00		
Vendor 3107 - LUNCH BOX PROPERTIES LLC:							
8/1/23 78505	LUNCH BOX PROPERTIES LLC REMITTANCE OF TIF PAYMENT DUE 8/1/23 281-6514-46602	07/25/2023 pziemer	07/26/2023	2,156.05	0.00	Paid	Y 07/26/2023
		REPAYMENT - LOAN		2,156.05			
	Total for vendor 3107 - LUNCH BOX PROPERTIES LLC:			2,156.05	0.00		
Vendor 4150 - MICHELS TRENCHLESS INC:							
IMP 20-01 - PR2 78396	MICHELS TRENCHLESS INC IMP 20-01 PAY REQ 2 - FINAL? 401-9030-45530-20:07	07/01/2023 pziemer	07/20/2023	75,794.90	0.00	Paid	Y 07/20/2023
		CAPITAL-PYMTS TO CONTRACTS		75,794.90			
	Total for vendor 4150 - MICHELS TRENCHLESS INC:			75,794.90	0.00		
Vendor 3992 - MOMENTUM TRUCK GROUP:							
R500005992:01 77981	MOMENTUM TRUCK GROUP E3 REPAIRS 225-2220-42220	06/09/2023 pziemer	07/07/2023	6,941.36	0.00	Paid	Y 07/07/2023
		REPAIR & MAINT		6,941.36			
	Total for vendor 3992 - MOMENTUM TRUCK GROUP:			6,941.36	0.00		

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8/1/23 78507	PENTEX MANAGEMENT REMITTANCE OF TIF PAYMENT DUE 8/1/23 pziemer 283-6506-46602 REPAYMENT-LOAN	07/25/2023	07/26/2023	1,309.34	0.00	Paid	Y 07/26/2023
	Total for vendor 2972 - PENTEX MANAGEMENT:			1,309.34	0.00		
Vendor 3576 - SUSO 2 BRAINERD LP:							
8/1/23 78504	SUSO 2 BRAINERD LP REMITTANCE OF TIF PAYMENT DUE 8/1/23 pziemer 293-6512-46602 REPAYMENT - LOAN	07/25/2023	07/26/2023	98,963.06	0.00	Paid	Y 07/26/2023
	Total for vendor 3576 - SUSO 2 BRAINERD LP:			98,963.06	0.00		
Vendor 1600 - TIMBERLAND TOWNHOMES OF BRD LP:							
8/1/23 78508	TIMBERLAND TOWNHOMES OF BRD LP REMITTANCE OF TIF PAYMENT DUE 8/1/23 pziemer 292-6503-46602 REPAYMENT - LOAN	07/25/2023	07/26/2023	5,571.71	0.00	Paid	Y 07/26/2023
	Total for vendor 1600 - TIMBERLAND TOWNHOMES OF BRD LP:			5,571.71	0.00		
Vendor 2659 - U.S. BANK CORP - ACH:							
2324146 78509	U.S. BANK CORP - ACH MN GO BONDS 2020A 303-7200-46611 310-7850-46611 307-7600-46611	07/28/2023 pziemer INTEREST PAYMENTS INTEREST PAYMENTS INTEREST PAYMENTS	07/28/2023	31,200.00 11,150.00 9,050.00 11,000.00	0.00	Paid	Y 07/28/2023
2324157 78510	U.S. BANK CORP - ACH MN GO BONDS 2021A 101-0000-14100 305-7610-46611	07/28/2023 pziemer DUE FROM COMPONENT UNIT INTEREST PAYMENTS	07/28/2023	111,507.50 78,960.00 32,547.50	0.00	Paid	Y 07/28/2023
2324107 78511	U.S. BANK CORP - ACH MN GO BONDS 8/1/2023 315-7940-46611 101-0000-14100 320-7100-46611 237-3190-46611 101-0000-14100 302-7700-46611 317-7960-46611	07/28/2023 pziemer INTEREST PAYMENTS DUE FROM COMPONENT UNIT INTEREST PAYMENTS INTEREST PAYMENTS DUE FROM COMPONENT UNIT INTEREST PAYMENTS INTEREST PAYMENTS	07/28/2023	44,975.00 1,700.00 3,881.25 893.75 5,050.00 25,150.00 7,025.00 1,275.00	0.00	Paid	Y 07/28/2023
	Total for vendor 2659 - U.S. BANK CORP - ACH:			187,682.50	0.00		

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
# of Invoices:	38	# Due:	0	Totals:	420,946.14	0.00	
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00	
Net of Invoices and Credit Memos:					420,946.14	0.00	

--- TOTALS BY GL DISTRIBUTION ---

101-0000-14100	DUE FROM COMPONENT UNIT	107,991.25
101-1400-43321	TELEPHONE	149.01
101-1700-43321	TELEPHONE	275.14
101-1700-43331	LEASE PAYMENTS	931.28
101-1800-43321	TELEPHONE	878.28
101-1940-43321	TELEPHONE	53.58
101-2400-43321	TELEPHONE	149.01
101-2400-43331	LEASE EXPENSE	357.61
203-9000-43321	TELEPHONE	49.67
225-2120-43309	COMPUTER TECHNICAL SUPPORT	821.58
225-2120-43321	TELEPHONE	1,378.80
225-2120-43331	LEASED PAYMENTS	10,297.57
225-2120-43380	UTILITIES	46.77
225-2220-42220	REPAIR & MAINT	6,941.36
225-2220-43321	TELEPHONE	412.82
225-2220-43331	LEASED PAYMENTS	1,503.58
230-5200-43321	TELEPHONE	258.30
230-5200-43331	LEASE PAYMENTS	2,298.36
230-5200-43430	MISCELLANEOUS	1,468.03
230-5280-43321	TELEPHONE	208.15
235-3100-43321	TELEPHONE	157.32
235-3100-43331	LEASE PAYMENTS	7,393.08
237-3190-43321	TELEPHONE	38.23
237-3190-43331	LEASE PAYMENTS	626.01
237-3190-46611	INTEREST PAYMENTS	5,050.00
260-9020-43321	TELEPHONE	235.80
274-6505-46602	REPAYMENT - LOAN	9,167.15
277-6517-46602	REPAYMENT - LOAN	3,372.09
281-6514-46602	REPAYMENT - LOAN	2,156.05
283-6506-46602	REPAYMENT-LOAN	1,309.34
292-6503-46602	REPAYMENT - LOAN	5,571.71
293-6512-46602	REPAYMENT - LOAN	98,963.06
302-7700-46611	INTEREST PAYMENTS	7,025.00
303-7200-46611	INTEREST PAYMENTS	11,150.00
305-7610-46611	INTEREST PAYMENTS	32,547.50
307-7600-46611	INTEREST PAYMENTS	11,000.00
310-7850-46611	INTEREST PAYMENTS	9,050.00
315-7940-46611	INTEREST PAYMENTS	1,700.00
317-7960-46611	INTEREST PAYMENTS	1,275.00
320-7100-46611	INTEREST PAYMENTS	893.75
401-9030-45530-20:07	CAPITAL-PYMTS TO CONTRACTS	75,794.90

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--- TOTALS BY FUND ---							
	101 - GENERAL FUND			110,785.16	0.00		
	203 - TRANSIT FUND			49.67	0.00		
	225 - PUBLIC SAFETY FUND			21,402.48	0.00		
	230 - PARK & RECREATION FUND			4,232.84	0.00		
	235 - STREET & SEWER FUND			7,550.40	0.00		
	237 - SANITARY SEWER FUND			5,714.24	0.00		
	260 - AIRPORT FUND			235.80	0.00		
	274 - ROYAL TIRE TIF			9,167.15	0.00		
	277 - ARTSPACE TIF FUND			3,372.09	0.00		
	281 - JIMMY JOHN'S TIF			2,156.05	0.00		
	283 - TACO JOHN'S TIF FUND			1,309.34	0.00		
	292 - TIMBERLAND TWNHMS TIF			5,571.71	0.00		
	293 - BRAINERD MALL TIF FUND			98,963.06	0.00		
	302 - SINKING 302 18A GO			7,025.00	0.00		
	303 - 2020A TAX ABATEMENT BONDS			11,150.00	0.00		
	305 - 2021A DEBT SERVICE FUND			32,547.50	0.00		
	307 - 2020A GO IMPR BONDS			11,000.00	0.00		
	310 - SINKING EQUP CERTIFICATES			9,050.00	0.00		
	315 - SINKING 315 15A GO FUND			1,700.00	0.00		
	317 - SINKING 317 13A GO FUND			1,275.00	0.00		
	320 - SINKING 320 2015B GO			893.75	0.00		
	401 - CONSTRUCTION FUND			75,794.90	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			107,991.25	0.00		
	1400 - ADMINISTRATION			149.01	0.00		
	1700 - ENGINEERING			1,206.42	0.00		
	1800 - IT/GIS			878.28	0.00		
	1940 - CITY HALL			53.58	0.00		
	2120 - POLICE DEPARTMENT			12,544.72	0.00		
	2220 - FIRE DEPARTMENT			8,857.76	0.00		
	2400 - COMMUNITY DEVL/INSPECTION			506.62	0.00		
	3100 - S & S MAINTENANCE			7,550.40	0.00		
	3190 - SANITARY SEWER EXPENSE			5,714.24	0.00		
	5200 - PARK MAIN/ADMINISTRATION			4,024.69	0.00		
	5280 - CAMPGROUND			208.15	0.00		
	6503 - TIMBERLAND TWNHMS TIF			5,571.71	0.00		
	6505 - ROYAL TIRE TIF			9,167.15	0.00		
	6506 - TACO JOHN'S TIF			1,309.34	0.00		
	6512 - BRAINERD MALL TIF			98,963.06	0.00		
	6514 - JIMMY JOHN'S TIF			2,156.05	0.00		
	6517 - ARTSPACE TIF FUND			3,372.09	0.00		

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
GL Distribution							
--- TOTALS BY DEPT/ACTIVITY ---							
7100	- SINKING 156A GO			893.75	0.00		
7200	- SINKING 04A GO			11,150.00	0.00		
7600	- 2020A GO IMPR BONDS			11,000.00	0.00		
7610	- 2021A GO IMPR BONDS			32,547.50	0.00		
7700	- SINKING 302 GO 18A			7,025.00	0.00		
7850	- SINKING EQUIP CERTIFICATE			9,050.00	0.00		
7940	- SINKING 15A GO FUND			1,700.00	0.00		
7960	- SINKING 2013A GO			1,275.00	0.00		
9000	- TRANSIT FUND			49.67	0.00		
9020	- AIRPORT M & O			235.80	0.00		
9030	- CONSTRUCTION PROJ-MISC			75,794.90	0.00		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 0011 - ACE HARDWARE:							
317374/1 78789	ACE HARDWARE WEED WACKER LINE 235-3100-42220	08/09/2023 pziemer	08/23/2023	22.49	22.49	Open	N 08/23/2023
	REPAIR & MAINT			22.49			
317300/1 78797	ACE HARDWARE KEYS AND KEY TAGS 225-2120-42210	08/07/2023 pziemer	08/23/2023	8.66	8.66	Open	N 08/23/2023
	OPERATING SUPPLIES			8.66			
317463/1 78816	ACE HARDWARE RATCHET STRAPS FOR WATER DISTRIBUTION 235-3100-42220	08/11/2023 pziemer	08/23/2023	399.44	399.44	Open	N 08/23/2023
	REPAIR & MAINT			399.44			
317485/1 78843	ACE HARDWARE CAUTION TAPE 238-3160-42220	08/14/2023 pziemer	08/23/2023	16.98	16.98	Open	N 08/23/2023
	REPAIR & MAINT			16.98			
316406/1 78889	ACE HARDWARE LUM PARK - DRAIN PLUG 230-5200-42220	08/01/2023 pziemer	08/23/2023	1.80	1.80	Open	N 08/23/2023
	REPAIR & MAINT			1.80			
317493/1 78890	ACE HARDWARE STRAPS - PARKS 230-5200-42220	08/14/2023 pziemer	08/23/2023	1.79	1.79	Open	N 08/23/2023
	REPAIR & MAINT			1.79			
317197/1 78900	ACE HARDWARE THREAD SEALTAPE - PARKS 230-5200-42220	08/03/2023 pziemer	08/23/2023	3.58	3.58	Open	N 08/23/2023
	REPAIR & MAINT			3.58			
317013/1 78901	ACE HARDWARE WIRING - PARKS SHOP 230-5200-42220	08/01/2023 pziemer	08/23/2023	22.30	22.30	Open	N 08/23/2023
	REPAIR & MAINT			22.30			
317150/1 78902	ACE HARDWARE RAKE BOW X2 230-5200-42220	08/02/2023 pziemer	08/23/2023	53.98	53.98	Open	N 08/23/2023
	REPAIR & MAINT			53.98			
317231/1 78903	ACE HARDWARE GGP HOSE BIBB BRASS 230-5200-42220	08/03/2023 pziemer	08/23/2023	11.69	11.69	Open	N 08/23/2023
	REPAIR & MAINT			11.69			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
317440/1 78904	ACE HARDWARE KIWANIS REPAIR 230-5200-42220	08/11/2023 pziemer	08/23/2023	1.79	1.79	Open	N 08/23/2023
	REPAIR & MAINT			1.79			
317484/1 78905	ACE HARDWARE WASP SPRAY/POWER BITS 230-5200-42220	08/14/2023 pziemer	08/23/2023	43.07	43.07	Open	N 08/23/2023
	REPAIR & MAINT			43.07			
	Total for vendor 0011 - ACE HARDWARE:			587.57	587.57		

Vendor 2902 - ADVANCE AUTO PARTS:

6574320929614 78891	ADVANCE AUTO PARTS BATTERY - GARBAGE TRUCK PARKS 230-5200-42220	08/01/2023 pziemer	08/23/2023	169.39	169.39	Open	N 08/23/2023
	REPAIR & MAINT			169.39			
6574321329791 78892	ADVANCE AUTO PARTS CREDIT FOR PARKS TRUCK BATTERY 230-5200-42220	08/01/2023 pziemer	08/23/2023	(22.00)	(22.00)	Open	N 08/23/2023
	REPAIR & MAINT			(22.00)			
	Total for vendor 2902 - ADVANCE AUTO PARTS:			147.39	147.39		

Vendor 2670 - AMERICAN STEEL SUPPLY INC:

116670 78893	AMERICAN STEEL SUPPLY INC GGP GATE REPAIRS 230-5200-42220	08/08/2023 pziemer	08/23/2023	73.24	73.24	Open	N 08/23/2023
	REPAIR & MAINT			73.24			
116695 78894	AMERICAN STEEL SUPPLY INC GGP GATE FABRICATION 230-5200-42220	08/09/2023 pziemer	08/23/2023	145.42	145.42	Open	N 08/23/2023
	REPAIR & MAINT			145.42			
116723 78895	AMERICAN STEEL SUPPLY INC GGP GATE FABRICATION 230-5200-42220	08/10/2023 pziemer	08/23/2023	159.60	159.60	Open	N 08/23/2023
	REPAIR & MAINT			159.60			
	Total for vendor 2670 - AMERICAN STEEL SUPPLY INC:			378.26	378.26		

Vendor 2846 - AMERICAN WELDING-GAS INC:

09509430 78896	AMERICAN WELDING-GAS INC NOZZLES 230-5200-42220	08/09/2023 pziemer	08/23/2023	61.84	61.84	Open	N 08/23/2023
	REPAIR & MAINT			61.84			
	Total for vendor 2846 - AMERICAN WELDING-GAS INC:			61.84	61.84		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 0041 - ANDERSON BROTHERS CONSTRU:							
32970 78824	ANDERSON BROTHERS CONSTRU QTY 2.070 HOT MIX 235-3100-42220	08/04/2023 pziemer	08/23/2023	155.25	155.25	Open	N 08/23/2023
	REPAIR & MAINT			155.25			
32982 78845	ANDERSON BROTHERS CONSTRU QTY 2.060 HOT MIX 235-3100-42220	08/08/2023 pziemer	08/23/2023	154.50	154.50	Open	N 08/23/2023
	REPAIR & MAINT			154.50			
32983 78846	ANDERSON BROTHERS CONSTRU QTY 2.02 HOT MIX 235-3100-42220	08/08/2023 pziemer	08/23/2023	151.50	151.50	Open	N 08/23/2023
	REPAIR & MAINT			151.50			
	Total for vendor 0041 - ANDERSON BROTHERS CONSTRU:			461.25	461.25		
Vendor 0039 - ARAMARK UNIFORM SERVICES:							
2530169171 78765	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS 235-3100-43430	08/03/2023 pziemer	08/23/2023	70.08	70.08	Open	N 08/23/2023
	MISCELLANEOUS			70.08			
2530171663 78811	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS 235-3100-43430	08/10/2023 pziemer	08/23/2023	45.79	45.79	Open	N 08/23/2023
	MISCELLANEOUS			45.79			
	Total for vendor 0039 - ARAMARK UNIFORM SERVICES:			115.87	115.87		
Vendor 3343 - ARROW MANAGEMENT:							
32169 78823	ARROW MANAGEMENT 1201 NORWOOD STREET - GARBAGE ABATEMPziemer 101-2400-43405	08/11/2023	08/23/2023	300.00	300.00	Open	N 08/23/2023
	NUISANCES			300.00			
	Total for vendor 3343 - ARROW MANAGEMENT:			300.00	300.00		
Vendor 0944 - ASPEN MILLS:							
317867 78814	ASPEN MILLS UNIFORM 225-2220-41113	08/09/2023 pziemer	08/23/2023	448.87	448.87	Open	N 08/23/2023
	UNIFORM ALLOWANCE			448.87			
	Total for vendor 0944 - ASPEN MILLS:			448.87	448.87		
Vendor 3265 - BARATTO BROTHERS CONSTRUCTION:							

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FINAL - KIWANIS							
78862	BARATTO BROTHERS CONSTRUCTION	07/31/2023	08/23/2023	17,874.80	17,874.80	Open	N
	KIWANIS IMPROVEMENTS THRU 7/31/23 FIP	pziemer					08/23/2023
	400-9050-45530	CAPITAL - OTHER		17,874.80			
	Total for vendor 3265 - BARATTO BROTHERS CONSTRUCTION:			17,874.80	17,874.80		
Vendor 0748 - BJERGA FEED STORES:							
1386964							
78897	BJERGA FEED STORES	08/14/2023	08/23/2023	367.48	367.48	Open	N
	HERBICIDE - PARKS	pziemer					08/23/2023
	230-5200-42220	REPAIR & MAINT		367.48			
	Total for vendor 0748 - BJERGA FEED STORES:			367.48	367.48		
Vendor 3966 - BLUE SKY TRANSIT:							
72023							
78888	BLUE SKY TRANSIT	08/01/2023	08/23/2023	105,123.64	105,123.64	Open	N
	JULY 2023 THIRD PARTY SERVICES	pziemer					08/23/2023
	203-9000-42212	MOTOR FUELS		4,928.03			
	203-9000-43401	VEHICLE REPAIRS		14,734.35			
	203-9000-43440	TRANSIT SERVICE CONTRACT PY		85,461.26			
	Total for vendor 3966 - BLUE SKY TRANSIT:			105,123.64	105,123.64		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:							
8/2023							
78775	BRAINERD PUBLIC UTILITIES	08/08/2023	08/23/2023	205,164.42	205,164.42	Open	N
	REMIT 8/2023 SALES TAX -BAXTER, CITY	pziemer					08/23/2023
	237-0000-20850	DUE TO COMPONENT UNIT		205,164.42			
JUL 23/CITY							
78832	BRAINERD PUBLIC UTILITIES	08/01/2023	08/23/2023	3,041.15	3,041.15	Open	N
	6/24/23-7/24/23 CITY UTILITIES	pziemer					08/23/2023
	101-1940-43381	BPU UTILITIES		2,828.49			
	101-9200-43381	BPU UTILITIES		125.24			
	236-3180-43381	BPU UTILITIES		36.00			
	401-1003-43430	MISCELLANEOUS		51.42			
JUL 23/POLICE DEPT							
78835	BRAINERD PUBLIC UTILITIES	08/01/2023	08/23/2023	4,423.46	4,423.46	Open	N
	6/24/23-7/24/23 POLICE DEPT UTILITIES	pziemer					08/23/2023
	225-2120-43381	BPU UTILITIES		4,423.46			
JUL 23/LIBRARY							
78836	BRAINERD PUBLIC UTILITIES	08/01/2023	08/23/2023	2,409.89	2,409.89	Open	N
	6/24/23-7/24/23 LIBRARY UTILITIES	pziemer					08/23/2023
	211-5500-43381	BPU UTILITIES		2,409.89			

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JUL 23/FIRE DEPT							
78837	BRAINERD PUBLIC UTILITIES	08/01/2023	08/23/2023	2,157.50	2,157.50	Open	N
	6/24/23-7/24/23 FIRE DEPT UTILITIES pziemer						08/23/2023
	225-2220-43381 BPU UTILITIES			2,157.50			
JULY23/STREETS							
78848	BRAINERD PUBLIC UTILITIES	08/14/2023	08/23/2023	23,783.96	23,783.96	Open	N
	6/24/23-7/24/23 STREET DEPT UTILITIES pziemer						08/23/2023
	235-3100-43381 BPU UTILITIES			23,783.96			
JULY23/PARKS							
78849	BRAINERD PUBLIC UTILITIES	08/14/2023	08/23/2023	17,979.63	17,979.63	Open	N
	6/24/23-7/24/23 PARKS UTILITIES pziemer						08/23/2023
	230-5200-43381 BPU UTILITIES			587.40			
	230-5200-43381 BPU UTILITIES			16,566.57			
	230-5280-43380 UTILITIES			608.22			
	230-5280-43380 UTILITIES			53.74			
	230-5280-43380 UTILITIES			163.70			
8/15/23							
78878	BRAINERD PUBLIC UTILITIES	08/15/2023	08/23/2023	147,026.20	147,026.20	Open	N
	REMIT LOST THRU 8/11/23 pziemer						08/23/2023
	251-9360-43467 REMIT LOCAL SALES TAX COLLECT			147,026.20			
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:			405,986.21	405,986.21		
Vendor 4209 - CALLTOWER:							
201571901							
78785	CALLTOWER	08/01/2023	08/23/2023	360.02	360.02	Open	N
	CALLTOWER 8/1/23-8/31/23 pziemer						08/23/2023
	101-1800-43321 TELEPHONE			360.02			
	Total for vendor 4209 - CALLTOWER:			360.02	360.02		
Vendor 0102 - CANON FINANCIAL SERVICE:							
30945028							
78766	CANON FINANCIAL SERVICE	07/24/2023	08/23/2023	77.97	77.97	Open	N
	8/1/23-8/31/23 CANON LIBRARY CONTRACT pziemer						08/23/2023
	211-5505-43430 MISC - COPY MACHINE PYMTS			77.97			
31008635							
78834	CANON FINANCIAL SERVICE	08/08/2023	08/23/2023	19.73	19.73	Open	N
	LIBRARY COPIER - FAX ABILITY ADDITION pziemer						08/23/2023
	211-5505-43430 MISC - COPY MACHINE PYMTS			19.73			
	Total for vendor 0102 - CANON FINANCIAL SERVICE:			97.70	97.70		
Vendor 0447 - CDW GOVERNMENT, INC:							

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LB65844 78844	CDW GOVERNMENT, INC QTY 2 LG 34 IN. LED 203-9000-42200	08/01/2023 pziemer	08/23/2023	630.80	630.80	Open	N 08/23/2023
	OFFICE SUPPLIES			630.80			
	Total for vendor 0447 - CDW GOVERNMENT, INC:			630.80	630.80		
Vendor 1333 - CHAMBERLAIN OIL COMPANY:							
444341-00 78815	CHAMBERLAIN OIL COMPANY 15-40 ENGINE OIL 235-3100-42220	08/10/2023 pziemer	08/23/2023	774.07	774.07	Open	N 08/23/2023
	REPAIR & MAINT			774.07			
	Total for vendor 1333 - CHAMBERLAIN OIL COMPANY:			774.07	774.07		
Vendor 0122 - COMMUNITY ACTION:							
AUG 23 78782	COMMUNITY ACTION AUG 2023 LEVY PAYMENT 101-9200-43460	08/08/2023 pziemer	08/23/2023	7,819.75	7,819.75	Open	N 08/23/2023
	REMIT COMMUNITY ACTION LEVY			7,819.75			
	Total for vendor 0122 - COMMUNITY ACTION:			7,819.75	7,819.75		
Vendor 2226 - CORE PROFESSIONAL SERVICES:							
1606 78791	CORE PROFESSIONAL SERVICES NEW HIRE EVALUATION 225-2220-43300	07/22/2023 pziemer	08/23/2023	300.00	300.00	Open	N 08/23/2023
	PROFESSIONAL SERVICES			300.00			
1611 78792	CORE PROFESSIONAL SERVICES NEW HIRE EVALUATION 225-2220-43300	07/28/2023 pziemer	08/23/2023	300.00	300.00	Open	N 08/23/2023
	PROFESSIONAL SERVICES			300.00			
	Total for vendor 2226 - CORE PROFESSIONAL SERVICES:			600.00	600.00		
Vendor 0900 - CUB FOODS - BRAINERD:							
TRX 160 - FD 78793	CUB FOODS - BRAINERD TRASH BAGS 225-2220-42210	08/09/2023 pziemer	08/23/2023	9.19	9.19	Open	N 08/23/2023
	OPERATING SUPPLIES			9.19			
	Total for vendor 0900 - CUB FOODS - BRAINERD:			9.19	9.19		
Vendor 0132 - CWC HIGHWAY DEPT:							
6301 78764	CWC HIGHWAY DEPT JULY 2023 TRANSIT FUEL	08/01/2023 pziemer	08/23/2023	2,488.53	2,488.53	Open	N 08/23/2023

Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	GL Distribution						
	203-9000-42212	MOTOR FUELS		2,262.30			
	203-9000-42212	MOTOR FUELS		226.23			
	Total for vendor 0132 - CWC HIGHWAY DEPT:			2,488.53	2,488.53		
Vendor 0135 - CWC TREASURER:							
6329/CH 78826	CWC TREASURER	08/01/2023	08/23/2023	7,975.00	7,975.00	Open	N
	AUG 23 SHARED SERVICES	pziemer					08/23/2023
	101-9200-43300	PROFESSIONAL SERVICES		7,975.00			
6329/LIB 78827	CWC TREASURER	08/01/2023	08/23/2023	675.00	675.00	Open	N
	AUG 23 SHARED SERVICES	pziemer					08/23/2023
	211-5500-43300	PROFESSIONAL SERVICES		675.00			
	Total for vendor 0135 - CWC TREASURER:			8,650.00	8,650.00		
Vendor 3438 - DAHLHEIMER BEVERAGE:							
1976277 78781	DAHLHEIMER BEVERAGE	08/08/2023	08/23/2023	27.00	27.00	Open	N
	PAINT FORM LUBRICATION	pziemer					08/23/2023
	235-3170-42210	OPERATING SUPPLIES		27.00			
1975846 78794	DAHLHEIMER BEVERAGE	08/08/2023	08/23/2023	29.60	29.60	Open	N
	BLACK STRIPPING PAD	pziemer					08/23/2023
	225-2220-42210	OPERATING SUPPLIES		29.60			
1978040 78898	DAHLHEIMER BEVERAGE	08/10/2023	08/23/2023	151.20	151.20	Open	N
	JANITORIAL SUPPLIES PARKS	pziemer					08/23/2023
	230-5200-42220	REPAIR & MAINT		151.20			
	Total for vendor 3438 - DAHLHEIMER BEVERAGE:			207.80	207.80		
Vendor 2077 - DISPLAY SALES COMPANY:							
INV0157 78859	DISPLAY SALES COMPANY	08/09/2023	08/23/2023	26,316.00	26,316.00	Open	N
	DOWNTOWN HOLIDAY DISPLAYS	pziemer					08/23/2023
	229-0000-45530-23:25	PYMTS TO CONTRACTORS		26,316.00			
	Total for vendor 2077 - DISPLAY SALES COMPANY:			26,316.00	26,316.00		
Vendor 3353 - DTM FLEET SERVICE:							
1697 78798	DTM FLEET SERVICE	08/02/2023	08/23/2023	34.95	34.95	Open	N
	SQD 434 - SQD RADIO REPAIR/PART	pziemer					08/23/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		34.95			

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Total for vendor 3353 - DTM FLEET SERVICE:				34.95	34.95		
Vendor 4089 - EAGLE ENGRAVING INC:							
2023-5581 78795	EAGLE ENGRAVING INC LARGE FIREGROUND TAG 225-2220-42250	07/28/2023 pziemer PERSONAL PROTECTIVE GEAR	08/23/2023	127.40 127.40	127.40 127.40	Open	N 08/23/2023
Total for vendor 4089 - EAGLE ENGRAVING INC:				127.40	127.40		
Vendor 1859 - ENTERPRISE FM TRUST:							
FBN4799152/ENG 78828	ENTERPRISE FM TRUST AUG 23 ENG. VEHICLE LEASES 101-1700-43331	08/03/2023 pziemer LEASE PAYMENTS	08/23/2023	931.28 931.28	931.28	Open	N 08/23/2023
FBN4799152/CD 78829	ENTERPRISE FM TRUST AUG 23 COM DEV VEHICLE LEASES 101-2400-43331	08/03/2023 pziemer LEASE EXPENSE	08/23/2023	357.61 357.61	357.61	Open	N 08/23/2023
FBN4799152/FD 78830	ENTERPRISE FM TRUST AUG 23 FIRE DEPT VEHICLE LEASES 225-2220-43331	08/03/2023 pziemer LEASED PAYMENTS	08/23/2023	1,195.58 1,195.58	1,195.58	Open	N 08/23/2023
FBN4799152/STREETS 78831	ENTERPRISE FM TRUST AUG 23 STREET DEPT VEHICLE LEASES 235-3100-43331 237-3190-43331	08/03/2023 pziemer LEASE PAYMENTS LEASE PAYMENTS	08/23/2023	4,341.39 3,715.38 626.01	4,341.39	Open	N 08/23/2023
FBN4799152/PD-CR 78838	ENTERPRISE FM TRUST AUG 23 CREDIT - PD SALE 225-0000-39101	08/03/2023 pziemer SALE OF ASSETS	08/23/2023	(24,684.51) (24,684.51)	(24,684.51)	Open	N 08/23/2023
FBN4799152/PD 78839	ENTERPRISE FM TRUST AUG 23 POLICE DEPT VEHICLE LEASES 225-2120-43331	08/03/2023 pziemer LEASED PAYMENTS	08/23/2023	10,332.57 10,332.57	10,332.57	Open	N 08/23/2023
FBN4799152/PARKS-CR 78840	ENTERPRISE FM TRUST AUG 23 CREDIT PARKS VEHICLE 230-0000-39101	08/03/2023 pziemer SALE OF ASSETS	08/23/2023	(34,178.69) (34,178.69)	(34,178.69)	Open	N 08/23/2023
FBN4799152/PARKS 78841	ENTERPRISE FM TRUST AUG 23 PARKS VEHICLE LEASES	08/03/2023 pziemer	08/23/2023	3,069.50	3,069.50	Open	N 08/23/2023

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	230-5200-43331	LEASE PAYMENTS		3,069.50			
	Total for vendor 1859 - ENTERPRISE FM TRUST:			(38,635.27)	(38,635.27)		
Vendor 0170 - FASTENAL COMPANY:							
MNBAX263049 78833	FASTENAL COMPANY	08/10/2023	08/23/2023	18.89	18.89	Open	N 08/23/2023
	STREET SIGN HARDWARE	pziemer					
	235-3100-42220	REPAIR & MAINT		18.89			
	Total for vendor 0170 - FASTENAL COMPANY:			18.89	18.89		
Vendor 0071 - FORUM COMMUNICATIONS COMPANY:							
234944-1 78787	FORUM COMMUNICATIONS COMPANY	07/01/2023	08/23/2023	36.81	36.81	Open	N 08/23/2023
	NOTICE: TRANSIT SERVICE END - PINE Rlpziemer						
	203-9000-43350	PRINTING/LEGAL PUBLICATION		36.81			
245192-1 78788	FORUM COMMUNICATIONS COMPANY	07/26/2023	08/23/2023	23.56	23.56	Open	N 08/23/2023
	NOTICE: SPEC. MTG BPU	pziemer					
	101-0000-14100	DUE FROM COMPONENT UNIT		23.56			
	Total for vendor 0071 - FORUM COMMUNICATIONS COMPANY:			60.37	60.37		
Vendor 3303 - HALVERSON, MIRANDA:							
8/16/23 78906	HALVERSON, MIRANDA	08/16/2023	08/23/2023	38.07	38.07	Open	N 08/23/2023
	REIMB. NIBRS TRNG - M.HALVERSON	pziemer					
	225-2120-43330	PROFESSIONAL DEVELOPMENT		38.07			
	Total for vendor 3303 - HALVERSON, MIRANDA:			38.07	38.07		
Vendor 0200 - HEARTLAND ANIMAL RESCUE:							
JULY 2023 78886	HEARTLAND ANIMAL RESCUE	08/01/2023	08/23/2023	2,579.33	2,579.33	Open	N 08/23/2023
	JUL 23 BOARDING SERVICES	pziemer					
	225-2700-43300	PROFESSIONAL SERVICES		1,919.33			
	225-2700-43430	MISCELLANEOUS		660.00			
	Total for vendor 0200 - HEARTLAND ANIMAL RESCUE:			2,579.33	2,579.33		
Vendor 0209 - HEARTLAND TIRE INC.:							
3042317 78799	HEARTLAND TIRE INC.	08/09/2023	08/23/2023	37.55	37.55	Open	N 08/23/2023
	SQD 411- TIRE REPAIR	pziemer					
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		37.55			
	Total for vendor 0209 - HEARTLAND TIRE INC.:			37.55	37.55		

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Vendor 0201 - HEARTLAND TIRE SERVICE INC:							
15023768 78809	HEARTLAND TIRE SERVICE INC TRUCK 107 TIRE REPAIR 237-3190-42220	08/10/2023 pziemer	08/23/2023	64.24	64.24	Open	N 08/23/2023
	REPAIR & MAINT			64.24			
	Total for vendor 0201 - HEARTLAND TIRE SERVICE INC:			64.24	64.24		
Vendor 0203 - HOLDEN ELECTRIC:							
72493 78812	HOLDEN ELECTRIC REPAIR WASH BAY LIGHT 235-3100-42220	08/11/2023 pziemer	08/23/2023	120.75	120.75	Open	N 08/23/2023
	REPAIR & MAINT			120.75			
72503 78883	HOLDEN ELECTRIC LUM PARK CHCK SITE 6 230-5200-42220	08/11/2023 pziemer	08/23/2023	132.10	132.10	Open	N 08/23/2023
	REPAIR & MAINT			132.10			
	Total for vendor 0203 - HOLDEN ELECTRIC:			252.85	252.85		
Vendor MISC - HOLMQUIST, DALE JR:							
00044546 78842	HOLMQUIST, DALE JR BD Payment Refund 101-2400-32220	08/14/2023 pziemer	08/23/2023	250.00	250.00	Open	N 08/23/2023
	Res - Variance			250.00			
	Total for vendor MISC - HOLMQUIST, DALE JR:			250.00	250.00		
Vendor 3795 - INDEPENDENT TESTING TECHNOLOGIES:							
42752 78762	INDEPENDENT TESTING TECHNOLOGIES IMP 21-12 PROF. SVCS 401-9030-43330-21:12	07/31/2023 pziemer	08/23/2023	100.00	100.00	Open	N 08/23/2023
	PROFESSIONAL DEVELOPMENT			100.00			
	Total for vendor 3795 - INDEPENDENT TESTING TECHNOLOGIES:			100.00	100.00		
Vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:							
IN4280108 78800	INNOVATIVE OFFICE SOLUTIONS LLC MOBILE PRINTER PAPER 225-2120-42200	08/03/2023 pziemer	08/23/2023	38.98	38.98	Open	N 08/23/2023
	OFFICE SUPPLIES			38.98			
IN4290547 78863	INNOVATIVE OFFICE SOLUTIONS LLC HANGING/EVIDENCE FILES 225-2120-42200	08/14/2023 pziemer	08/23/2023	40.00	40.00	Open	N 08/23/2023
	OFFICE SUPPLIES			21.89			
	OPERATING SUPPLIES			18.11			

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IN4291752 78877	INNOVATIVE OFFICE SOLUTIONS LLC COPY PAPER 225-2220-42200 OFFICE SUPPLIES Total for vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:	08/15/2023 pziemer	08/23/2023	47.98 47.98 126.96	47.98 126.96	Open	N 08/23/2023
Vendor 3712 - JAREDS LAWN CARE:							
10661 78801	JAREDS LAWN CARE LAWN CARE 8/8/23 225-2120-43300 PROFESSIONAL SERVICES Total for vendor 3712 - JAREDS LAWN CARE:	08/07/2023 pziemer	08/23/2023	184.72 184.72 184.72	184.72 184.72	Open	N 08/23/2023
Vendor 2396 - KNIFE RIVER:							
1017736 78770	KNIFE RIVER TRACTION SAND 235-3125-42220 REPAIR & MAINT Total for vendor 2396 - KNIFE RIVER:	08/01/2023 pziemer	08/23/2023	585.20 585.20 585.20	585.20 585.20	Open	N 08/23/2023
Vendor 0223 - L & M STEEL:							
038880 78879	L & M STEEL FRENCH DRAIN GATES 237-3190-42220 REPAIR & MAINT Total for vendor 0223 - L & M STEEL:	08/16/2023 pziemer	08/23/2023	3,854.00 3,854.00 3,854.00	3,854.00 3,854.00	Open	N 08/23/2023
Vendor 0313 - LAKES AREA SENIOR CENTER:							
AUG 2023 78783	LAKES AREA SENIOR CENTER AUG 23 LEVY PAYMENT 101-9200-43461 REMIT SENIOR CITIZEN LEVY Total for vendor 0313 - LAKES AREA SENIOR CENTER:	08/08/2023 pziemer	08/23/2023	7,819.75 7,819.75 7,819.75	7,819.75 7,819.75	Open	N 08/23/2023
Vendor 1956 - LANDSBURG LANDSCAPE NURSERY INC:							
23229 78899	LANDSBURG LANDSCAPE NURSERY INC STRAW BALES 230-5200-42220 REPAIR & MAINT Total for vendor 1956 - LANDSBURG LANDSCAPE NURSERY INC:	08/03/2023 pziemer	08/23/2023	24.00 24.00 24.00	24.00 24.00	Open	N 08/23/2023

Vendor 3430 - LARSON ELEVATOR COMPANY:

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
LE651070923 78887	LARSON ELEVATOR COMPANY 9/1/23-8/31/24 ELEVATOR MAINTENANCE 101-0000-15510 PREPAID OTHER 101-1940-42220 REPAIR & MAINT Total for vendor 3430 - LARSON ELEVATOR COMPANY:	08/15/2023 pziemer	08/23/2023	2,253.16 1,502.11 751.05 2,253.16	2,253.16	Open	N 08/23/2023

Vendor 0232 - LEAGUE MN CITIES INS TRUS:

40001339/3RD 2023

78771	LEAGUE MN CITIES INS TRUS PROP/CASUALTY 3RD INSTALLMENT 2023	08/04/2023 pziemer	08/23/2023	57,123.29	57,123.29	Open	N 08/23/2023
	101-1400-43361 INS - GENERAL LIABILITY			628.40			
	101-1700-43361 INS - GENERAL LIABILITY			292.98			
	101-1700-43363 INS - AUTO			171.25			
	101-1800-43361 INS - GENERAL LIABILITY			224.86			
	101-1940-43361 INS - GENERAL LIABILITY			19.75			
	101-2400-43361 INS - GENERAL LIABILITY			453.78			
	101-2400-43363 INS - AUTO			219.25			
	101-9200-43361 INS - GENERAL LIABILITY			3,959.50			
	101-9200-43362 INS - PROPERTY			6,229.50			
	101-9200-43363 INS - AUTO			69.75			
	101-9200-43365 INS - OTHER			351.81			
	203-9000-43361 INS - GENERAL LIABILITY			408.44			
	203-9000-43363 INS - AUTO			2.25			
	203-9000-43365 INS - OTHER			4.66			
	225-2120-43361 INS - GENERAL LIABILITY			14,997.41			
	225-2120-43362 INS - PROPERTY			1,190.00			
	225-2120-43363 INS - AUTO			6,611.00			
	225-2120-43365 INS - OTHER			453.21			
	225-2220-43361 INS - GENERAL LIABILITY			444.77			
	225-2220-43362 INS - PROPERTY			1,243.50			
	225-2220-43363 INS - AUTO			1,639.50			
	225-2220-43365 INS - OTHER			346.33			
	235-3100-43361 INS - GENERAL LIABILITY			2,254.76			
	235-3100-43362 INS - PROPERTY			846.25			
	235-3100-43363 INS - AUTO			1,095.50			
	235-3100-43365 INS - OTHER			923.50			
	230-5200-43361 INS - GENERAL LIABILITY			678.47			
	230-5200-43362 INS - PROPERTY			5,470.25			
	230-5200-43363 INS - AUTO			606.25			
	230-5200-43365 INS - OTHER			249.51			
	211-5500-43361 INS - GENERAL LIABILITY			35.78			
	211-5500-43362 INS - PROPERTY			2,498.75			
	211-5500-43365 INS - OTHER			146.42			
	237-3190-43361 INS - GENERAL LIABILITY			644.25			
	237-3190-43362 INS - PROPERTY			241.75			
	237-3190-43363 INS - AUTO			313.00			

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	GL Distribution						
	237-3190-43365	INS - OTHER		263.75			
	238-3160-43361	INS - GENERAL LIABILITY		322.25			
	238-3160-43362	INS - PROPERTY		121.00			
	238-3160-43363	INS - AUTO		156.50			
	238-3160-43365	INS - OTHER		132.00			
	295-6510-43361	INS - GENERAL LIABILITY		36.45			
	260-9020-43361	INS - GENERAL LIABILITY		125.00			
8411							
78820	LEAGUE MN CITIES INS TRUS	08/11/2023	08/23/2023	1,000.00	1,000.00	Open	N
	LMC GL #13422 FIREFIGHTERS	pziemer					08/23/2023
	280-9700-43470	UNINSURED LOSSES		1,000.00			
8419							
78882	LEAGUE MN CITIES INS TRUS	08/16/2023	08/23/2023	1,000.00	1,000.00	Open	N
	LMC GL 285753 DEDUCTIBLE	pziemer					08/23/2023
	280-9700-43470	UNINSURED LOSSES		1,000.00			
	Total for vendor 0232 - LEAGUE MN CITIES INS TRUS:			59,123.29	59,123.29		
Vendor 2141 - M&M EXPRESS SALES & SERVICE:							
461230							
78796	M&M EXPRESS SALES & SERVICE	08/03/2023	08/23/2023	752.58	752.58	Open	N
	CARBIDE RESCUE CHAIN	pziemer					08/23/2023
	225-2220-42210	OPERATING SUPPLIES		752.58			
	Total for vendor 2141 - M&M EXPRESS SALES & SERVICE:			752.58	752.58		
Vendor 0243 - MARCO FINANCING:							
508195708							
78858	MARCO FINANCING	08/08/2023	08/23/2023	1,224.81	1,224.81	Open	N
	COPIER LEASE CH 2ND FLOOR 9/1/23-12/1	pziemer					08/23/2023
	101-1800-43331	LEASE PAYMENTS		1,224.81			
	Total for vendor 0243 - MARCO FINANCING:			1,224.81	1,224.81		
Vendor 1384 - MARTIN-MCALLISTER:							
15490							
78802	MARTIN-MCALLISTER	07/31/2023	08/23/2023	625.00	625.00	Open	N
	POLICE ASSESSMENT/POTENTIAL HIRE	pziemer					08/23/2023
	225-2120-43300	PROFESSIONAL SERVICES		625.00			
	Total for vendor 1384 - MARTIN-MCALLISTER:			625.00	625.00		
Vendor MISC - MATIONAL CONDUCTOR CONSTRUCTORS:							
59531870-OVERPAY							
78876	MATIONAL CONDUCTOR CONSTRUCTORS	08/14/2023	08/23/2023	15.00	15.00	Open	N
	OVERPAYMENT OF TEAM SPONSORSHIP	pziemer					08/23/2023
	230-5215-34715	ADULT SOFTBALL USER FEES		15.00			

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	Total for vendor MISC - MATIONAL CONDUCTOR CONSTRUCTORS:			15.00	15.00		
Vendor 2544 - MN GIS/LIS CONSORTIUM:							
200005779							
78768	MN GIS/LIS CONSORTIUM	08/07/2023	08/23/2023	325.00	325.00	Open	N
	2023 MN GIS CONFERENCE SSTRONG	pziemer					08/23/2023
	101-1800-43330	PROFESSIONAL DEVELOPMENT		325.00			
	Total for vendor 2544 - MN GIS/LIS CONSORTIUM:			325.00	325.00		
Vendor 3992 - MOMENTUM TRUCK GROUP:							
R500006237							
78767	MOMENTUM TRUCK GROUP	08/02/2023	08/23/2023	228.90	228.90	Open	N
	TRUCK 106 CHECK ENGINE DIAGNOSIS/CAB	pziemer					08/23/2023
	235-3100-42220	REPAIR & MAINT		228.90			
	Total for vendor 3992 - MOMENTUM TRUCK GROUP:			228.90	228.90		
Vendor 3168 - MOTORS-N-MORE:							
30027							
78803	MOTORS-N-MORE	08/07/2023	08/23/2023	23.00	23.00	Open	N
	SQD 443 - OIL CHANGE	pziemer					08/23/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		23.00			
30033							
78804	MOTORS-N-MORE	08/09/2023	08/23/2023	269.79	269.79	Open	N
	SQD 434 - NEW BATTERY	pziemer					08/23/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		269.79			
30037							
78822	MOTORS-N-MORE	08/10/2023	08/23/2023	311.79	311.79	Open	N
	SQD 436 - BATTERY	pziemer					08/23/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		311.79			
	Total for vendor 3168 - MOTORS-N-MORE:			604.58	604.58		
Vendor 3018 - NORTH COUNTRY JANITORIAL & SUPPLY I:							
JUL 23/CITY HALL							
78776	NORTH COUNTRY JANITORIAL & SUPPLY I	08/07/2023	08/23/2023	227.40	227.40	Open	N
	JUL 23 CITY HALL JANITORIAL	pziemer					08/23/2023
	101-1940-43300	PROFESSIONAL SERVICES		227.40			
JUL 23/FIRE DEPT							
78777	NORTH COUNTRY JANITORIAL & SUPPLY I	08/07/2023	08/23/2023	87.50	87.50	Open	N
	JUL 23 FIRE DEPT JANITORIAL	pziemer					08/23/2023
	225-2220-43300	PROFESSIONAL SERVICES		87.50			

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JUL 2023/POLICE							
78778	NORTH COUNTRY JANITORIAL & SUPPLY I	08/07/2023	08/23/2023	308.00	308.00	Open	N
	JUL 23 POLICE DEPT JANITORIAL	pziemer					08/23/2023
	225-2120-43300	PROFESSIONAL SERVICES		308.00			
JUL 2023/STREETS							
78779	NORTH COUNTRY JANITORIAL & SUPPLY I	08/07/2023	08/23/2023	43.75	43.75	Open	N
	JUL 23 STREET DEPT JANITORIAL	pziemer					08/23/2023
	235-3100-43380	UTILITIES		43.75			
JUL 2023/PARKS							
78780	NORTH COUNTRY JANITORIAL & SUPPLY I	08/07/2023	08/23/2023	43.75	43.75	Open	N
	JULY 23 PARKS SHOP JANITORIAL	pziemer					08/23/2023
	230-5200-43380	UTILITIES		43.75			
Total for vendor 3018 - NORTH COUNTRY JANITORIAL & SUPPLY I:				710.40	710.40		

Vendor 1153 - NORTHLAND ARBORETUM:

AUG 2023

78784	NORTHLAND ARBORETUM	08/08/2023	08/23/2023	7,819.75	7,819.75	Open	N
	AUG 23 LEVY PAYMENT	pziemer					08/23/2023
	101-9200-43462	REMIT ARBORETUM LEVY		7,819.75			
Total for vendor 1153 - NORTHLAND ARBORETUM:				7,819.75	7,819.75		

Vendor 0736 - NORTHLAND FIRE PROTECTION:

54783							
78772	NORTHLAND FIRE PROTECTION	08/02/2023	08/23/2023	55.85	55.85	Open	N
	RECHARGE PD FIRE EXTINGUISHER	pziemer					08/23/2023
	225-2120-42209	SAFETY EQUIPMENT SUPPLIES		55.85			
54842							
78773	NORTHLAND FIRE PROTECTION	08/04/2023	08/23/2023	760.00	760.00	Open	N
	PD ANNUAL FIRE ALARM INSPECTION	pziemer					08/23/2023
	225-2120-43300	PROFESSIONAL SERVICES		760.00			
Total for vendor 0736 - NORTHLAND FIRE PROTECTION:				815.85	815.85		

Vendor 4062 - NOVACARE REHABILITATION:

846793206							
78881	NOVACARE REHABILITATION	08/15/2023	08/23/2023	185.00	185.00	Open	N
	FITNESS TESTING POTENTIAL HIRES	pziemer					08/23/2023
	225-2120-43300	PROFESSIONAL SERVICES		185.00			
Total for vendor 4062 - NOVACARE REHABILITATION:				185.00	185.00		

Vendor 0284 - OFFICE SHOP:

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1131093-0 78884	OFFICE SHOP CERTIFICATE HOLDERS 278-6515-43430	08/16/2023 pziemer	08/23/2023	16.56	16.56	Open	N 08/23/2023
	MISCELLANEOUS			16.56			
1131075-0 78885	OFFICE SHOP DRY ERASE BOARD/MARKERS 203-9000-42200	08/15/2023 pziemer	08/23/2023	141.80	141.80	Open	N 08/23/2023
	OFFICE SUPPLIES			141.80			
	Total for vendor 0284 - OFFICE SHOP:			158.36	158.36		

Vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:

1647-214743 78805	O'REILLY AUTOMOTIVE STORES INC. SQUAD WASH 225-2120-42221	08/07/2023 pziemer	08/23/2023	54.31	54.31	Open	N 08/23/2023
	SQUAD CAR REPAIR SUPPLIES			54.31			
	Total for vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:			54.31	54.31		

Vendor 2620 - PERSONNEL EVALUATION INC:

48436 78806	PERSONNEL EVALUATION INC PROFILE - POTENTIAL HIRE X2 225-2120-43300	07/31/2023 pziemer	08/23/2023	50.00	50.00	Open	N 08/23/2023
	PROFESSIONAL SERVICES			50.00			
	Total for vendor 2620 - PERSONNEL EVALUATION INC:			50.00	50.00		

Vendor 4227 - POPE DOUGLAS SOLID WASTE MNGMT:

10925 78818	POPE DOUGLAS SOLID WASTE MNGMT EVIDENCE DISPOSAL 225-2120-43300	07/31/2023 pziemer	08/23/2023	292.50	292.50	Open	N 08/23/2023
	PROFESSIONAL SERVICES			292.50			
	Total for vendor 4227 - POPE DOUGLAS SOLID WASTE MNGMT:			292.50	292.50		

Vendor 3346 - ROSIER, PAUL:

8/4/23 78819	ROSIER, PAUL KICKBALL EVENT SUPPLIES 225-2120-43305	08/04/2023 pziemer	08/23/2023	89.84	89.84	Open	N 08/23/2023
	CRIME PREVENTION PROGRAM			89.84			
	Total for vendor 3346 - ROSIER, PAUL:			89.84	89.84		

Vendor 2589 - STAPLES ADVANTAGE:

3544466003 78864	STAPLES ADVANTAGE FILE BASKETS/CERTIFICATES/HOLDERS	08/05/2023 pziemer	08/23/2023	35.74	35.74	Open	N 08/23/2023
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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
	225-2120-42200	OFFICE SUPPLIES		35.74			
3544466004 78865	STAPLES ADVANTAGE DIGITAL RECORDERS X3 225-2120-42210	08/05/2023 pziemer	08/23/2023	204.66	204.66	Open	N 08/23/2023
		OPERATING SUPPLIES		204.66			
	Total for vendor 2589 - STAPLES ADVANTAGE:			240.40	240.40		

Vendor 0322 - STREICHERS PROF EQUIP:

I1647225 78807	STREICHERS PROF EQUIP 728CW - INITITAL ISSUE 225-2120-41113	07/31/2023 pziemer	08/23/2023	23.98	23.98	Open	N 08/23/2023
		UNIFORM ALLOWANCE		23.98			
I1647598 78808	STREICHERS PROF EQUIP 728CW - INITIAL ISSUE 225-2120-41113	08/02/2023 pziemer	08/23/2023	75.98	75.98	Open	N 08/23/2023
		UNIFORM ALLOWANCE		75.98			
I1649271 78866	STREICHERS PROF EQUIP 728CW-INITIAL ISSUE 225-2120-41113	08/10/2023 pziemer	08/23/2023	43.99	43.99	Open	N 08/23/2023
		UNIFORM ALLOWANCE		43.99			
I1648870 78867	STREICHERS PROF EQUIP 728CW - INITIAL ISSUE 225-2120-41113	08/09/2023 pziemer	08/23/2023	708.92	708.92	Open	N 08/23/2023
		UNIFORM ALLOWANCE		708.92			
I1648871 78868	STREICHERS PROF EQUIP 728CW - INITIAL ISSUE 225-2120-41113	08/09/2023 pziemer	08/23/2023	119.99	119.99	Open	N 08/23/2023
		UNIFORM ALLOWANCE		119.99			
	Total for vendor 0322 - STREICHERS PROF EQUIP:			972.86	972.86		

Vendor 4226 - SUPERIOR TRAFFIC CONTROL:

2023-059 78821	SUPERIOR TRAFFIC CONTROL MESSAGE BOARD SIGN HARRISION SRTS 401-9030-43300-22:06	08/11/2023 pziemer	08/23/2023	2,000.00	2,000.00	Open	N 08/23/2023
		PROFESSIONAL SERVICES		2,000.00			
	Total for vendor 4226 - SUPERIOR TRAFFIC CONTROL:			2,000.00	2,000.00		

Vendor 3902 - TEAM LAB:

INV0037285 78813	TEAM LAB S.S. SUPER SCRUB 225-2220-42210	08/04/2023 pziemer	08/23/2023	115.00	115.00	Open	N 08/23/2023
		OPERATING SUPPLIES		115.00			

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Total for vendor 3902 - TEAM LAB:				115.00	115.00		
Vendor 0334 - U.S. BANK:							
6995378 78857	U.S. BANK MN GO BONDS 2016A 237-3190-43300 101-0000-14100	07/25/2023 pziemer	08/23/2023	500.00	500.00	Open	N 08/23/2023
	PROFESSIONAL SERVICES			190.00			
	DUE FROM COMPONENT UNIT			310.00			
Total for vendor 0334 - U.S. BANK:				500.00	500.00		
Vendor 2956 - ULINE:							
167084589 78810	ULINE SANITARY SEWER JET HOSE ROLLERS 237-3190-42220	08/10/2023 pziemer	08/23/2023	105.25	105.25	Open	N 08/23/2023
	REPAIR & MAINT			105.25			
Total for vendor 2956 - ULINE:				105.25	105.25		
Vendor 0087 - VISIT BRAINERD:							
JUN 23 LODGING 78880	VISIT BRAINERD REMIT JUNE 2023 LODING TAX 101-9200-43340	08/16/2023 pziemer	08/23/2023	4,489.41	4,489.41	Open	N 08/23/2023
	LODGING TAX REMIT/PR			4,489.41			
Total for vendor 0087 - VISIT BRAINERD:				4,489.41	4,489.41		
Vendor 0344 - WASTE PARTNERS INC:							
37X00342 78769	WASTE PARTNERS INC JUL 23 LIBRARY WASTE REMOVAL 211-5500-43380	07/31/2023 pziemer	08/23/2023	100.14	100.14	Open	N 08/23/2023
	UTILITIES			100.14			
Total for vendor 0344 - WASTE PARTNERS INC:				100.14	100.14		
Vendor 3199 - WEX BANK:							
90806722/CD 78869	WEX BANK JULY 2023 COM DEV FUEL 101-2400-42212	07/31/2023 pziemer	08/23/2023	242.87	242.87	Open	N 08/23/2023
	MOTOR FUELS			242.87			
90806722/ENG 78870*	WEX BANK JULY 2023 ENG FUEL 401-9030-42212 401-9030-42212	07/31/2023 pziemer	08/23/2023	127.31	127.31	Open	N 08/23/2023
	MOTOR FUELS			128.19			
	MOTOR FUELS			(0.88)			

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
90806722/FD 78871	WEX BANK JULY 2023 FIRE DEPT FUEL 225-2220-42212	07/31/2023 pziemer	08/23/2023	1,037.29 1,037.29	1,037.29	Open	N 08/23/2023
	MOTOR FUELS			1,037.29			
90806722/PD 78872*	WEX BANK JULY 2023 POLICE DEPT FUEL 225-2120-42212	07/31/2023 pziemer	08/23/2023	6,381.04 6,469.86	6,381.04	Open	N 08/23/2023
	MOTOR FUELS			(88.82)			
	MOTOR FUELS						
90806722/PARKS 78873*	WEX BANK JULY 2023 PARKS DEPT FUEL 230-5200-42212	07/31/2023 pziemer	08/23/2023	2,142.92 2,143.83	2,142.92	Open	N 08/23/2023
	MOTOR FUELS			(0.91)			
	MOTOR FUELS						
90806722/STRTS 78874	WEX BANK JULY 2023 STREET DEPT FUEL 235-3100-42212	07/31/2023 pziemer	08/23/2023	5,593.93 4,732.98	5,593.93	Open	N 08/23/2023
	MOTOR FUELS			860.95			
	MOTOR FUELS						
90806722/ADMIN 78875	WEX BANK JULY 2023 WEX EDGE REBATE 101-0000-36299	07/31/2023 pziemer	08/23/2023	(29.19) (29.19)	(29.19)	Open	N 08/23/2023
	MISCELLANEOUS REVENUE			(29.19)			
	Total for vendor 3199 - WEX BANK:			15,496.17	15,496.17		
Vendor 3899 - WEX HEALTH INC:							
0001793356-IN 78774	WEX HEALTH INC JUL 23 COBRA 101-9200-43300	07/31/2023 pziemer	08/23/2023	41.00 41.00	41.00	Open	N 08/23/2023
	PROFESSIONAL SERVICES			41.00			
0001775819-IN 78786	WEX HEALTH INC JUNE 2023 COBRA BILLING & MAILING 101-9200-43300	07/01/2023 pziemer	08/23/2023	73.00 41.50	73.00	Open	N 08/23/2023
	PROFESSIONAL SERVICES			9.00			
	DUE FROM COMPONENT UNIT			3.00			
	DUE FROM COMPONENT UNIT			19.50			
	PROFESSIONAL SERVICES						
	Total for vendor 3899 - WEX HEALTH INC:			114.00	114.00		
Vendor 1712 - WSB & ASSOCIATES:							
R-022575-000-3 78790	WSB & ASSOCIATES MSP RIVERBANK PROEECT JUN 23	08/10/2023 pziemer	08/23/2023	9,025.25	9,025.25	Open	N 08/23/2023

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	401-9030-43300-21:16	PROFESSIONAL SERVICES		9,025.25			
	Total for vendor 1712 - WSB & ASSOCIATES:			9,025.25	9,025.25		
Vendor 0354 - ZIEGLER, INC:							
SI000366045							
78763	ZIEGLER, INC	08/03/2023	08/23/2023	1,173.72	1,173.72	Open	N
	TRADE IN APPRAISAL FOR 2024 BACKHOE pziemer						08/23/2023
	235-3100-42220	REPAIR & MAINT		1,173.72			
	Total for vendor 0354 - ZIEGLER, INC:			1,173.72	1,173.72		
# of Invoices:	129	# Due:	129	Totals:	725,904.97	725,904.97	
# of Credit Memos:	4	# Due:	4	Totals:	(58,914.39)	(58,914.39)	
Net of Invoices and Credit Memos:					666,990.58	666,990.58	
* 3 Net Invoices have Credits Totalling:					(90.61)		

--- TOTALS BY GL DISTRIBUTION ---

101-0000-14100	DUE FROM COMPONENT UNIT	345.56
101-0000-15510	PREPAID OTHER	1,502.11
101-0000-36299	MISCELLANEOUS REVENUE	(29.19)
101-1400-43361	INS - GENERAL LIABILITY	628.40
101-1700-43331	LEASE PAYMENTS	931.28
101-1700-43361	INS - GENERAL LIABILITY	292.98
101-1700-43363	INS - AUTO	171.25
101-1800-43321	TELEPHONE	360.02
101-1800-43330	PROFESSIONAL DEVELOPMENT	325.00
101-1800-43331	LEASE PAYMENTS	1,224.81
101-1800-43361	INS - GENERAL LIABILITY	224.86
101-1940-42220	REPAIR & MAINT	751.05
101-1940-43300	PROFESSIONAL SERVICES	227.40
101-1940-43361	INS - GENERAL LIABILITY	19.75
101-1940-43381	BPU UTILITIES	2,828.49
101-2400-32220	Res - Variance	250.00
101-2400-42212	MOTOR FUELS	242.87
101-2400-43331	LEASE EXPENSE	357.61
101-2400-43361	INS - GENERAL LIABILITY	453.78
101-2400-43363	INS - AUTO	219.25
101-2400-43405	NUISANCES	300.00
101-9200-43300	PROFESSIONAL SERVICES	8,077.00
101-9200-43340	LODGING TAX REMIT/PR	4,489.41
101-9200-43361	INS - GENERAL LIABILITY	3,959.50
101-9200-43362	INS - PROPERTY	6,229.50
101-9200-43363	INS - AUTO	69.75
101-9200-43365	INS - OTHER	351.81
101-9200-43381	BPU UTILITIES	125.24
101-9200-43460	REMIT COMMUNITY ACTION LEVY	7,819.75
101-9200-43461	REMIT SENIOR CITIZEN LEVY	7,819.75
101-9200-43462	REMIT ARBORETUM LEVY	7,819.75
203-9000-42200	OFFICE SUPPLIES	772.60
203-9000-42212	MOTOR FUELS	7,416.56
203-9000-43350	PRINTING/LEGAL PUBLICATION	36.81

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	203-9000-43361	INS - GENERAL LIABILITY		408.44			
	203-9000-43363	INS - AUTO		2.25			
	203-9000-43365	INS - OTHER		4.66			
	203-9000-43401	VEHICLE REPAIRS		14,734.35			
	203-9000-43440	TRANSIT SERVICE CONTRACT PY		85,461.26			
	211-5500-43300	PROFESSIONAL SERVICES		675.00			
	211-5500-43361	INS - GENERAL LIABILITY		35.78			
	211-5500-43362	INS - PROPERTY		2,498.75			
	211-5500-43365	INS - OTHER		146.42			
	211-5500-43380	UTILITIES		100.14			
	211-5500-43381	BPU UTILITIES		2,409.89			
	211-5505-43430	MISC - COPY MACHINE PYMTS		97.70			
	225-0000-39101	SALE OF ASSETS		(24,684.51)			
	225-2120-41113	UNIFORM ALLOWANCE		972.86			
	225-2120-42200	OFFICE SUPPLIES		96.61			
	225-2120-42209	SAFETY EQUIPMENT SUPPLIES		55.85			
	225-2120-42210	OPERATING SUPPLIES		231.43			
	225-2120-42212	MOTOR FUELS		6,381.04			
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		731.39			
	225-2120-43300	PROFESSIONAL SERVICES		2,405.22			
	225-2120-43305	CRIME PREVENTION PROGRAM		89.84			
	225-2120-43330	PROFESSIONAL DEVELOPMENT		38.07			
	225-2120-43331	LEASED PAYMENTS		10,332.57			
	225-2120-43361	INS - GENERAL LIABILITY		14,997.41			
	225-2120-43362	INS - PROPERTY		1,190.00			
	225-2120-43363	INS - AUTO		6,611.00			
	225-2120-43365	INS - OTHER		453.21			
	225-2120-43381	BPU UTILITIES		4,423.46			
	225-2220-41113	UNIFORM ALLOWANCE		448.87			
	225-2220-42200	OFFICE SUPPLIES		47.98			
	225-2220-42210	OPERATING SUPPLIES		906.37			
	225-2220-42212	MOTOR FUELS		1,037.29			
	225-2220-42250	PERSONAL PROTECTIVE GEAR		127.40			
	225-2220-43300	PROFESSIONAL SERVICES		687.50			
	225-2220-43331	LEASED PAYMENTS		1,195.58			
	225-2220-43361	INS - GENERAL LIABILITY		444.77			
	225-2220-43362	INS - PROPERTY		1,243.50			
	225-2220-43363	INS - AUTO		1,639.50			
	225-2220-43365	INS - OTHER		346.33			
	225-2220-43381	BPU UTILITIES		2,157.50			
	225-2700-43300	PROFESSIONAL SERVICES		1,919.33			
	225-2700-43430	MISCELLANEOUS		660.00			
	229-0000-45530-23:25	PYMTS TO CONTRACTORS		26,316.00			
	230-0000-39101	SALE OF ASSETS		(34,178.69)			
	230-5200-42212	MOTOR FUELS		2,142.92			
	230-5200-42220	REPAIR & MAINT		1,402.27			
	230-5200-43331	LEASE PAYMENTS		3,069.50			
	230-5200-43361	INS - GENERAL LIABILITY		678.47			
	230-5200-43362	INS - PROPERTY		5,470.25			
	230-5200-43363	INS - AUTO		606.25			
	230-5200-43365	INS - OTHER		249.51			
	230-5200-43380	UTILITIES		43.75			
	230-5200-43381	BPU UTILITIES		17,153.97			
	230-5215-34715	ADULT SOFTBALL USER FEES		15.00			
	230-5280-43380	UTILITIES		825.66			
	235-3100-42212	MOTOR FUELS		4,732.98			
	235-3100-42220	REPAIR & MAINT		3,199.51			

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	235-3100-43331	LEASE PAYMENTS		3,715.38			
	235-3100-43361	INS - GENERAL LIABILITY		2,254.76			
	235-3100-43362	INS - PROPERTY		846.25			
	235-3100-43363	INS - AUTO		1,095.50			
	235-3100-43365	INS - OTHER		923.50			
	235-3100-43380	UTILITIES		43.75			
	235-3100-43381	BPU UTILITIES		23,783.96			
	235-3100-43430	MISCELLANEOUS		115.87			
	235-3125-42220	REPAIR & MAINT		585.20			
	235-3170-42210	OPERATING SUPPLIES		27.00			
	236-3180-43381	BPU UTILITIES		36.00			
	237-0000-20850	DUE TO COMPONENT UNIT		205,164.42			
	237-3190-42212	MOTOR FUELS		860.95			
	237-3190-42220	REPAIR & MAINT		4,023.49			
	237-3190-43300	PROFESSIONAL SERVICES		190.00			
	237-3190-43331	LEASE PAYMENTS		626.01			
	237-3190-43361	INS - GENERAL LIABILITY		644.25			
	237-3190-43362	INS - PROPERTY		241.75			
	237-3190-43363	INS - AUTO		313.00			
	237-3190-43365	INS - OTHER		263.75			
	238-3160-42220	REPAIR & MAINT		16.98			
	238-3160-43361	INS - GENERAL LIABILITY		322.25			
	238-3160-43362	INS - PROPERTY		121.00			
	238-3160-43363	INS - AUTO		156.50			
	238-3160-43365	INS - OTHER		132.00			
	251-9360-43467	REMIT LOCAL SALES TAX COLLECT		147,026.20			
	260-9020-43361	INS - GENERAL LIABILITY		125.00			
	278-6515-43430	MISCELLANEOUS		16.56			
	280-9700-43470	UNINSURED LOSSES		2,000.00			
	295-6510-43361	INS - GENERAL LIABILITY		36.45			
	400-9050-45530	CAPITAL - OTHER		17,874.80			
	401-1003-43430	MISCELLANEOUS		51.42			
	401-9030-42212	MOTOR FUELS		127.31			
	401-9030-43300-21:16	PROFESSIONAL SERVICES		9,025.25			
	401-9030-43300-22:06	PROFESSIONAL SERVICES		2,000.00			
	401-9030-43330-21:12	PROFESSIONAL DEVELOPMENT		100.00			

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			58,388.74	58,388.74		
	203 - TRANSIT FUND			108,836.93	108,836.93		
	211 - LIBRARY FUND			5,963.68	5,963.68		
	225 - PUBLIC SAFETY FUND			37,187.37	37,187.37		
	229 - PANDEMIC GRANTS			26,316.00	26,316.00		
	230 - PARK & RECREATION FUND			(2,521.14)	(2,521.14)		
	235 - STREET & SEWER FUND			41,323.66	41,323.66		
	236 - PARKING LOT FUND			36.00	36.00		
	237 - SANITARY SEWER FUND			212,327.62	212,327.62		
	238 - STORM SEWER FUND			748.73	748.73		
	251 - LOCAL OPTION SALES TAX			147,026.20	147,026.20		
	260 - AIRPORT FUND			125.00	125.00		
	278 - HEALTHY EMPLOYE INITIATIVE			16.56	16.56		
	280 - PACKAGE INSURANCE FUND			2,000.00	2,000.00		
	295 - EDA FUND			36.45	36.45		
	400 - CAPITAL PROJECTS FUND			17,874.80	17,874.80		
	401 - CONSTRUCTION FUND			11,303.98	11,303.98		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			174,435.70	174,435.70		
	1003 - 10:03 DWNTWN MAIN CNTRACT			51.42	51.42		
	1400 - ADMINISTRATION			628.40	628.40		
	1700 - ENGINEERING			1,395.51	1,395.51		
	1800 - IT/GIS			2,134.69	2,134.69		
	1940 - CITY HALL			3,826.69	3,826.69		
	2120 - POLICE DEPARTMENT			49,009.96	49,009.96		
	2220 - FIRE DEPARTMENT			10,282.59	10,282.59		
	2400 - COMMUNITY DEVL/INSPECTION			1,823.51	1,823.51		
	2700 - ANIMAL CONTROL			2,579.33	2,579.33		
	3100 - S & S MAINTENANCE			40,711.46	40,711.46		
	3125 - SNOW REMOVAL			585.20	585.20		
	3160 - STORM SEWER EXPENSE			748.73	748.73		
	3170 - TRAFFIC CONTROL			27.00	27.00		
	3180 - PARKING LOTS EXPENSE			36.00	36.00		
	3190 - SANITARY SEWER EXPENSE			7,163.20	7,163.20		
	5200 - PARK MAIN/ADMINISTRATION			30,816.89	30,816.89		
	5215 - ADULT SOFTBALL			15.00	15.00		
	5280 - CAMPGROUND			825.66	825.66		
	5500 - LIBRARY-BUDGETED			5,865.98	5,865.98		
	5505 - TAXABLE FEES			97.70	97.70		
	6510 - ECONOMIC DEVELOPMENT AUTH			36.45	36.45		
	6515 - HEALTHY EMPLOYE INITIATIVE			16.56	16.56		

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
--- TOTALS BY DEPT/ACTIVITY ---							
	9000 - TRANSIT FUND			108,836.93	108,836.93		
	9020 - AIRPORT M & O			125.00	125.00		
	9030 - CONSTRUCTION PROJ-MISC			11,252.56	11,252.56		
	9050 - CAPITAL PROJECTS-MISC			17,874.80	17,874.80		
	9200 - CITY-WIDE			46,761.46	46,761.46		
	9360 - LOCAL OPTION SALES TAX			147,026.20	147,026.20		
	9700 - PACKAGE INSURANCE			2,000.00	2,000.00		

Pursuant to due call and notice thereof, the joint workshop of the Brainerd City Council and Park Board was called to order at 4:00 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: Czeczok, Terry, Stenglein, Johnson, and Bevans. Mayor Badeaux was also noted as present. Members O'Day and Stunek were noted as absent. Park Board Members noted as present: Miller, Schaefer, Yeager, and Shipe.

Also noted as present were Administrator Bergman, Finance Director Hillman, City Engineer/ Public Works Director Dehn, and Police Chief Davis.

Discussion of Parks Capital Budget

Public Works Director Dehn stated that the Park Board is looking for direction on capital planning and annual funding amount.

Park Board Chair Shipe asked how the Council would like to close the gap of deferred maintenance and planning for the future.

Chair Bevans asked Personnel and Finance Chair Johnson what the capital budget of the Park Board was previously.

Member Johnson stated that without accounting for ARPA dollars, the capital budget for Parks was \$217,500 in 2023 and averaged \$399,000 the previous three years.

Chair Bevans asked whether the Park Board can work with \$400,000 instead of asking the taxpayers to support \$1.6 million in capital in 2024.

Park Board Chair Shipe stated that the Park Board inventoried all of the capital items at all parks and made a rough assessment of when the items need to be replaced. By planning for those future expenditures and those that need more immediate attention, the Park Board developed the current needs in our parks. The Park Board is not asking for \$1.6 million in 2024, if the City is to maintain capital, based on the analysis done by the Park Board that is what is needed for 2024 to repair or replace capital items.

City Engineer/ Public Works Director Dehn stated that to maintain the parks the cost is about \$645,000 annually, without replacing structures that are already in dire need.

Member Johnson stated that all the deferred maintenance is about \$5 million dollars in order to be able to maintain at \$645,000.

Park Board Chair Shipe stated that he would like to start with determining what items the parks would be better to remove than maintain to determine how much the capital needs are in the future.

Mayor Badeaux stated that the Park Board has determined the reach of the "kingdom" that the City has. The maintenance philosophy has previously been to let things rot, and in working with this Park Board they have developed a philosophy of maintaining the assets we have, removing assets that aren't as valued, and planning for the future.

Member Czeczok asked what has been removed in the last five years.

Mayor Badeaux stated that small things have been removed, Mill Park was removed from the property and not completely replaced in its move to Memorial.

Discussion took place surrounding vision and philosophy.

Chair Bevans questioned whether the City could provide the funds without a tax increase, whether through bonding or referendum.

Finance Director Hillman stated that bonding, especially for Parks, has a lot of requirements. If bonding was the route, the City would probably have to increase taxes.

Member Stenglein does not see a problem with \$650,000 the question is how the City gets to that number.

Member Johnson referred to the agenda request for funding ideas by the Park Board. Activities should contribute to the maintenance of the fields and facilities they use. The service groups that are developing these parks can contribute more to the maintenance of the facilities they are funding. He also thinks, some things need to be removed from parks.

Discussion took place surrounding removal of items and fundraising.

Member Johnson stated that the \$645,000 sounds great for capital for Parks. However, fitting that into the plan city wide is more complicated. There are years when larger purchases need to be made by other departments and Parks budget would need to be reduced.

Member Yeager stated that he would ask for the money to get back to a baseline, adopting a general philosophy of reduction of capital, and developing long-term partnerships to maintain parks.

Chair Bevans stated that he would be in favor of a referendum in 2024 to ask the taxpayers whether they would support funding over a period of time to get the Parks back to baseline.

Discussion took place surrounding referendums voted on previously by citizens.

Finance Director Hillman stated that the City needs to be mindful of donated structures when removing items.

Member Miller stated that all donated items should have one life cycle, after that life cycle the group is responsible for its replacement or understand it will be removed.

City Engineer/Public Works Director Dehn asked for clarification for the 2024 budget. Staff will look into the referendum option.

Member Johnson stated that he would be comfortable with a Parks Capital budget proposal of \$750,000. He would like to see items specified in the Capital Budget.

Park Board Chair Shipe stated that by capital planning and creating a capital fund for parks, the department would have money to replace structures when their life cycle is completed.

Member Johnson stated that this idea is much like the Fire Department's fund that they have to save for trucks so that the City does not have to issue debt when the time comes to purchase a truck.

Member Schaefer stated that she believes that marketing of our parks would help to bring attention to the parks. So that when a gazebo needs to be taken down, people would know what's happening or be given an opportunity to make changes.

Discussion took place on the notification of removal of items and marketing.

Chair Bevans thanked the Park Board for their analysis. Next steps are to figure out who is going to be responsible for taking on fundraising projects and prioritizing projects.

Discussion of Cannabis in Public Places

Park Board Chair Shipe gave an overview of the discussion from the Park Board based on cannabis. The Park Board recommends that cannabis smoking not be allowed in public places. There was also discussion during the Park Board to include cigarette smoking in the ordinance as well. The Park Board ultimately split 3-2 in favor of no smoking cannabis in public places. The dissenting votes wanted to support smoke-free parks.

Member Johnson stated that the City should leave the cigarette smokers alone. He does not support smoking cannabis in public places. Cigarette smokers can no longer smoke inside of a bar/restaurant, not being able to smoke on the sidewalk would cause someone to break a rule somewhere or cause people not to want to go to our restaurants.

Member Stenglein stated she would be interested in extending the policy to cigarette smokers as well.

Mayor Badeaux agrees that smoking cannabis in public spaces makes him uncomfortable. As a city he believes we should ensure that everyone feels comfortable using our public spaces.

Members Terry and Cieczok stated that they support no smoking anywhere in public including cigarettes.

Police Chief Davis stated that regulating cigarette smokers does not seem aesthetically pleasing, but if that's the decision that the Council makes, the Police Department will enforce it.

Member Miller stated that there is a cultural difference between cigarette smokers and cannabis smokers.

Member Terry asked for clarification of his statement.

Member Miller stated that he believes those who smoke cigarettes are more aware and move away from people when they smoke as they are used to being separated. He does not believe vapers and cannabis smokers have the same consideration for others.

Police Chief Davis added that the impairment from cannabis is the major concern.

Member Johnson asked to have the City Attorney check into state statute for regulating cigarette smoking. The law for cannabis specifically states that cities have the ability to regulate the use in public spaces. He wonders if the cigarette law also states the same thing. He is in favor of banning smoking cannabis in public spaces.

Mayor Badeaux stated that the Park Board voted to not change their policy on smoking at youth events.

Adjourn

The Chair adjourned the meeting at 7:25 p.m.

Jennifer Bergman
City Administrator

Pursuant to due call and notice thereof, the joint workshop of the Brainerd City Council and Utilities Commission was called to order at 6:00 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: Czeczok, Mike O'Day, Stunek Terry, Stenglein, Gabe Johnson, and Bevans. Mayor Badeaux was also noted as present. Public Utilities Commissioners noted as present: Angland, Tad Johnson, Matten, Mark O'Day, and Wussow.

Also noted as present were Administrator Bergman, Public Utilities Director Wicklund, HR Director Schubert, Finance Director Hillman, HR Assistant Boser, and Police Chief Davis.

Discussion on Water Lines in City Limits

Public Utilities Director Wicklund stated that Council Member Czeczok requested discussion related to the materials that can be used for service lines. The materials that can currently be used are in the plumbing code. Previously, BPU only used to allow copper lines. The responsibility of who pays for potential damage will be a part of the ordinance that Council will hear at a future meeting.

Member Czeczok asked who is informing developers that the City is no longer requiring copper lines.

Public Utilities Director Wicklund stated that at this time they are not holding a public event until the water ordinance is in place. If they come to the City and are wanting to build, the building official can inform them of the materials they can choose from.

Member Czeczok asked about the inspection of the lines, who has the final authority under the City to approve the lines.

Public Utilities Director Wicklund stated that the Building Official for the City has the final approval. The Public Utilities Department will also sign off on the checklist.

Member Wussow stated that the Building Official will ensure that all other departments have approved their portion of the project before approving final occupancy.

Reorganization of the Public Utilities Department

HR Director Schubert stated that after being appointed as Public Utilities Director, Mr. Wicklund reviewed the department's staffing needs. The primary recommendations were to transition to a Business Office Supervisor, IT positions whether or not collaboration with the City is possible, filling the vacant Electric Department Supervisor position, and adding a Journeyman Electrician.

Public Utilities Director Wicklund gave an overview of the new maintenance and technical services divisions, the positions would not be new positions just realigning to give priority to projects.

Chair Bevans asked about the title changes for the Business Office Manager changing from the Accounting Supervisor and whether that changes the value of the position.

HR Director Schubert stated that that change is in name only, not value. The department has started the hiring process for the Finance Manager position. The updated job descriptions for the department have been reviewed and approved by the Public Utilities Commission and have been included with the Compensation Study.

Member Johnson requested that a conversation be had between the City and Public Utilities to find potential efficiencies in having one IT Department city wide like our HR Department.

Public Utilities Director Wicklund stated that the IT personnel would need experience with SCADA systems.

Member Mike O'Day asked about personnel needs with the automation of the Hydroelectric Dam, whether these positions being created would eventually be replaced by automation.

Public Utilities Director Wicklund stated that the added positions would be necessary in the future; further, only the positions at the dam are not being replaced.

Discussion on Future Public Utilities Capital Projects

Public Utilities Director Wicklund gave an overview of the current and future capital projects. Included in the plan are the new lights that the City approved with the new policy. Items that are on the plan also include items that have been ordered, but receipt of the items is two to three years out. Capital projects for the electric dam will potentially produce 3.5 megawatts of renewable energy.

Member Czeczok asked about the lead service line assessment project and how this would be conducted.

Member Gabe Johnson asked whether we would rely on homeowners to assist with the assessment.

Public Utilities Director Wicklund stated that an assessment of all accounts will need to be done, newer construction will not have lead pipes and the assessment will rely on homeowners to assist the department by taking pictures of their service lines inside their homes. The plan would be to replace 3% of lines each year once the assessment is complete and a plan is in place. Finally, he discussed the current solar projects and potential future development of a solar energy park in the area of the Wright Street Extension in the Industrial park. He encouraged future discussion on owning batteries to store power.

Administrator Bergman stated that if Council would like, there would be an opportunity in late September to tour all of the utility facilities.

Member Gabe Johnson asked about the energy produced by the turbines at the hydroelectric dam and how much more capacity replacement would produce. He also asked about the potential for biomass project.

Public Utilities Director Wicklund stated that another 1.5 megawatts would be produced with the replacement of the generators. The new generators would be more efficient. There is potential for a gas burning facility that could produce 10 megawatts of energy. This facility would not run every day of the year, it would be used when MISO called for energy. With biomass would be difficult to have a facility. Hibbing does have a biomass facility that Brainerd could tap into for potential shortfalls.

Member Tad Johnson questioned the need for purchasing more capacity when we have allowed Krypto mining that takes up large amounts of megawatts. Could the City kick out the Krypto miners to make up for the deficit.

Public Utilities Director Wicklund stated that the Krypto miners are on a separate contract and does not contribute to the shortfall.

Chair Bevans asked about the status Robert's Property purchase.

Public Utilities Director stated that there will be a future closed session regarding the land.

Adjourn

The Chair adjourned the meeting at 6:42 p.m.

Jennifer Bergman
City Administrator

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:30 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: Czeczok, O'Day, Stunek, Terry, Stenglein, Johnson, and Bevans. Mayor Badeaux was noted as present.

Council President Bevans opened the meeting with the Pledge of Allegiance to the flag.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STENGLEIN TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills
- B. Approval of Minutes
 - a. Regular City Council Minutes July 17, 2023
- C. Approval of Licenses
- D. Department Activity Report
- E. Ratify the Hiring of Officer Cameron Walkowiak Effective July 31, 2023, at Step 1 of Police Officer Rate (\$31.35 per hour)
- F. Approval of Electric Distribution Supervisor Job Description
- G. Approval of Journeyman Electrician Job Description

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

Council Committee Reports

Safety and Public Works Committee

Direction on Active Code Enforcement

Committee Chair O'Day gave an overview of the cases.

MOVED AND SECONDED BY MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATIONS.

Approve Event Application - BHS Homecoming 5K

Committee Chair O'Day gave an overview of the event, it will include use of the trails in Kiwanis and Rotary. There will be no street closures with this event.

MOVED AND SECONDED BY MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE APPLICATION UNDER THE CONDITIONS AS DESCRIBED IN THE EVENT APPLICATION.

Adopt Name-A-Truck Selection

Committee Chair O'Day stated that the most popular name was "Plow Bunyan", with "Snowbgone Kenobi", and "Blade the Blue Ox" coming in second and third.

MOVED AND SECONDED BY MEMBERS O'DAY AND CZECHOK, DULY CARRIED, TO ADOPT "PLOW BUNYAN" AS THE NAME OF THE NEW TRUCK.

Approve Transit Lease Agreement

Committee Chair O'Day stated that the rent is being increased by \$40 each month to total \$700 per month.

MOVED AND SECONDED BY MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE TRANSIT OFFICE LEASE AS PRESENTED.

Approve Change Orders #3, #4, and #5 - Harrison SRTS

Committee Chair O'Day gave an overview of the changes. With the change order, the total spent on the project is \$492,165 which is still under the project grant of \$500,000.

MOVED AND SECONDED BY MEMBERS O'DAY AND CZECHOK, DULY CARRIED, TO APPROVE CHANGE ORDERS 3, 4, AND 5 IN THE TOTAL AMOUNT OF \$12,638.

Approve Letter of Support and Adopt Resolution - TH 210 MPDG Grant

MOVED AND SECONDED BY MEMBERS O'DAY AND STENGLEIN TO APPROVE THE LETTER OF SUPPORT AND ADOPT RESOLUTION SUPPORTING MNDOT'S MPDG GRANT APPLICATION.

RESOLUTION 31:23

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

Approve MnDOT Agreement - Engineering Services on TH 371B/Willow St Roundabout Project

Committee Chair O'Day stated that this is the roundabout on Willow and South 6th, potentially to be completed in 2025. The agreement states that MnDOT and the City will cost share the engineering services in total of \$196,998. The agreement also includes cost share for the estimated project cost \$333,995.

Mayor Badeaux stated that this is \$200,000 for engineering services that should have been conducted when the road was reconstructed.

Chair Bevans asked about the amount that the roundabout could have cost if it had been included in the South 6th Street reconstruction.

City Engineer/Public Works Director Dehn stated that this is unknown.

MOVED AND SECONDED BY MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE JOINT POWERS AGREEMENT WITH MNDOT AS PRESENTED.

Approve LHB Proposal - Engineering Services for Historic Water Tower

Committee Chair O'Day stated that this is for the engineering of the stairs, windows, and electrical tape and lights for heat and light inside the bowl.

MOVED AND SECONDED BY MEMBERS O'DAY AND CZECHOK, DULY CARRIED, TO APPROVE THE LHB PROPOSAL IN THE AMOUNT OF \$14,000.

Discussion on Proposed Ordinance on E-Bike Regulations

Committee Chair O'Day stated that the proposed ordinance seemed to be straightforward. The committee recommended a few changes, and staff will come back with an ordinance at the next meeting.

Review Draft Ordinance for Amendment to Section 320.19 - Contesting Administrative Citations

Committee Chair O'Day stated that the ordinance will come back at the next meeting to streamline the appeals process.

Personnel and Finance Committee

Approve 2023 Relief Association Annual Report

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE STAFF TO SIGN THE ANNUAL REPORT AND INCREASE THE AMOUNT ANNUAL AMOUNT UP TO \$14,000 PER YEAR OF SERVICE.

Approve MOU Extension to Allow IBEW Employees to Work at Hydro Facility

Committee Chair Johnson stated that this is the MOU to work at the hydro dam through December 31, 2024.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE MOU BETWEEN THE CITY OF BRAINERD, THE USW LOCAL NO. 9230 UNIT 09 UNION, AND THE IBEW LOCAL NO. 31 UNION REPRESENTING PUBLIC UTILITY EMPLOYEES THAT ALLOWS IBEW BPU EMPLOYEES TO ASSIST AT THE HYDRO DAM FACILITY AS NEEDED THROUGH DECEMBER 31, 2024; FURTHER, TO AUTHORIZE THE SIGNATURE OF CITY ADMINISTRATOR ON SAID MOU.

Approve Updated City of Brainerd Organizational Chart

Committee Chair Johnson stated that this was the subject of the workshop, it does not include changes to IT as the City is still looking at options to best serve the organization. The Finance Manager, Operations Manager, and Water/Wastewater Manager were reclassified to be municipal utility division managers and they will have the same vacation schedule as department heads.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE UPDATED CITY OF BRAINERD ORGANIZATIONAL CHART AS PRESENTED AND DIRECT STAFF TO UPDATE THE EMPLOYEE POLICY MANUAL ACCORDINGLY.

Discussion of Proposed 2024 Debt Levy

Committee Chair Johnson stated that the debt levy will increase. There was some discussion about the long-term capital and street projects, the committee does not feel it is sustainable to continue to borrow \$2.5 million a year for projects. There may need to be some changes made to the Capital Improvement Plan. He appreciates the work done by Finance Director Hillman.

Discussion on Annual Budget Timeline and Set Workshop

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO SET A BUDGET WORKSHOP FOR MONDAY, AUGUST 28TH, AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.

2022 Tax Increment Financing (TIF) Report Summary – Informational

Committee Chair Johnson stated that the TIF report was submitted on time.

Unfinished Business

Call for Applicants – Informational:

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

Charter Commission – 2 terms (Expire 2026) 2 terms (Expire 2025)

Library Board- 1 term (Expire 2025)

Rental Dwelling License Board of Appeals – 5 terms (Expire 2025)

TAC—1 term (Expires 2023)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2028)

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

Parking Commission—1 term (Expire 2026)

Final Reading of Proposed Ordinance 1553- Establish Country Manor – Planned Unit Development District, Consider Approval of the Preliminary Plat and Final Plat for Country Manor, and Consider Approval of the PUD General Concept Plan and Development Stage Plan for Country Manor

Community Development Director Kramvik gave an overview of the project.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE 1553 AND DISPENSE WITH THE ACTUAL READING, AN ORDINANCE AMENDING SECTION 515-2-21. D OF THE ZONING CODE.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT ORDINANCE 1553.

ORDINANCE 1533

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

New Business

Consider Interim Use Permit (IUP) For One Short Term Rental - 515 S 9th St.

Community Development Director Kramvik stated that staff periodically review short term rental websites for Brainerd properties and noticed that this property was being advertised as a short-term rental. Staff reached out to the property owner and made him aware of the ordinance regarding short term rentals, he applied for an IUP that was considered at the Planning Commission meeting. The Planning Commission did unanimously approve the permit, the commission asked staff to reach out to the Initiative Foundation to see if there were any issues with the DEED Mainstreet funding that the property owner received. There were no issues with the grant that the EDA had awarded the property. In order to deny Interim Use Permits findings of fact need to be stated in the denial.

Member O'Day stated that he did not sit on the subcommittee for the EDA, he asked whether there was any mention of short-term rental in his application.

Community Development Director Kramvik stated that he contacted BLAEDC and went line by line through the application, there was no mention of making this home a short-term rental.

Mayor Badeaux stated that the use of the property as a short-term rental operating outside of its own license was caught by staff and informed the operator that they couldn't have a short-term rental without the proper permit. He stated that the owner is still advertising this property and has it actively advertised on air bnb at the time of the meeting. Why would the City issue a permit to someone who is aware that they are illegally operating the property and still has the property listed.

Member Stenglein stated that Commissioner Duval brought up was that the variance was granted for this property in part of our comprehensive plan recognizing a need for long-term housing. If the property had been brought forth as a short-term rental, it may not have been granted the variance in the first place for the construction.

Members asked to clarify the IUP process.

Chair Bevans stated that the rental is in violation of the zoning code because it is currently operating without a license.

City Attorney Langel stated that if no member made a motion to approve the IUP, a motion to deny must be made with reasons for denial. Rationale would come from the findings of fact so that in the event of an appeal the City has support for their denial.

Mayor Badeaux stated that rental properties are a business within the residential district. We have a responsibility to residents to create boundaries and restrictions on how these properties operate. We should not be rewarding owners who operate a business without a permit.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND JOHNSON TO DENY THE INTERIM USE PERMIT FOR ONE SHORT TERM RENTAL AT 515 S 9TH ST DUE TO THE USE OF DEED MAINSTREET FUNDS FOR A SHORT-TERM RENTAL AND ACTIVELY RUNNING A SHORT-TERM RENTAL WITHOUT AN INTERIM USE PERMIT AS A VIOLATION OF THE ZONING CODE.

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

First Reading - Proposed Ordinance 1554 - Creating Chapter 16 - Sale and Use of Cannabis, and Section 1600 of the City Code - Use of Cannabis in Public Places

City Engineer/Public Works Director Dehn gave an overview of the proposed ordinance as discussed at the workshop.

Member Johnson asked if we were married to creating Chapter 16, rather in favor of a Chapter 420.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1554 CREATING CHAPTER 16- SALE AND USE OF CANNABIS, AND SECTION 1600 OF THE CITY CODE- USE OF CANNABIS IN PUBLIC PLACES AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO CALL FOR A PUBLIC HEARING AT THE AUGUST 21ST, 2023 CITY COUNCIL MEETING.

Consider Requesting MnDOT to Install No Parking Signs on South 6th Street

City Engineer/Public Works Director Dehn gave an overview of parking restrictions on the 371B/South 6th Street corridor.

Member Stenglein asked if the potential demonstration project would put parking onto the street.

Chair Bevans asked to stay on topic of the lawsuit.

Member Czczok asked for clarification of statutes that imply parking in the driving lane is not allow in this section of the corridor. He referred to an e-mail by Administrator Bergman in March.

Chief Davis stated that there are three statutes that would address the issue and prohibit the parking. Statutes addressed what you can do within a business district. He quoted MN Statute 169.34 Subdivision 1, 15D. that does refer to parking in a traffic lane and if asked by a peace officer to move, not doing so could result in a citation.

Attorney Langel stated that discussion is off topic.

Member O'Day asked whether there is a citation that the Brainerd Police can issue for disrupting the normal flow of traffic.

Chief Davis stated that careless driving citation would apply.

Chair Bevans asked to discuss the motion.

Member Johnson stated that he agreed that there would be discussion, but in the end we do not want "no parking" signs on South 6th Street because they would be unsightly and redundant because obviously you cannot park in a traffic lane.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO DENY THE REQUEST, TO REQUEST ADDITIONAL SIGNAGE FROM MNDOT.

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

August 7th, 2023

Consider Revised Rules of Decorum/Council Procedures

Administrator Bergman gave an overview of the revisions in the rules of decorum.

Member Czczok stated that the rules of decorum should include the Administrator informing the Council of any litigation against the City as soon as practical.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO ADOPT THE AMENDED RULES OF DECORUM AND PROCEDURE WITH THE ADDITION OF A LINE STATING THAT THE CITY ADMINISTRATOR WILL INFORM THE CITY COUNCIL OF ANY PENDING LITIGATION AS SOON AS PRACTICAL.

Public Forum

The Chair opened the public forum at 8:22 p.m.

No one came forward.

The Chair closed the public forum at 8:23 p.m.

Staff Reports

HR Director Schubert wished Community Development Director Kramvik a very Happy Birthday.

Community Development Director Kramvik stated that the Planning Commission has been working on the potential updated parking ordinance.

City Engineer/Public Works Director Dehn stated that the Harrison SRTS project is mostly completed, the street has been opened for traffic. The rapid flashing beacon signal signs have been delayed until this fall. The trees in the school's CUP are included, the trees will be planted this fall when the weather is more favorable. North Brainerd continues progress well, it is expected to be completed near the end of August. The 6th and Willow roundabout project has kicked off with SEH engaging property owners. Staff is looking for two members to be a part of the PMT.

Members Terry and Czczok volunteered to be on the PMT.

Chair Bevans asked IT/GIS Director Strong whether there is a large difference between IT at BPU and the rest of the City. He would like an analysis at a future meeting.

Police Chief Davis recognized the Police Department drug investigator and the task force he is assigned to. There was a residence where they recovered about 15,000 fentanyl pills recently. Statistically speaking, 9,000 of those pills would have a lethal dose of narcotics. The investigation involved multiple counties and states. The department has not lost focus on the opioid crisis.

City Administrator Bergman stated that she attended the DDBC business visits. The realtors that are a part of the Counselors of Real Estate went on a bus tour. They will present their findings on August 10th. The Mayor and herself will be attending the Mayor's Prayer Breakfast on the 9th. Finally, if there is any feedback on the new agendas, please let us know. They will continue to be sent out as PDFs until training can be given.

Mayor's Report

Mayor Badeaux requested more information about what it means when someone steps outside of the licenses that they are issued in the City of Brainerd, specifically with rentals and housing. He wonders what the repercussions are for having an unpermitted short-term rental.

Council Member Reports

Member Stenglein stated that the 50th Anniversary party was held for Region V. She sat with Lucy Nesheim former alderman. She thanked everyone who reached out to her regarding micro-mobility with their feedback.

Member Stunek stated that Streetfest was fun.

Member Czczok sang Mr. Kramvik a short birthday song.

Member Johnson stated that he will be resigning from the Kitchigami Regional Library Board. He will find a suitable replacement and bring them forward.

Chair Bevans went to the Northside Residents community picnic, it went well. The Northside road construction is moving along. He went to the DDBC business visits and business social. He got a blue ribbon on his cookies at the County Fair. He will bring samples.

Adjourn

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

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

Jennifer Bergman
City Administrator



BRAINERD POLICE DEPARTMENT MONTHLY REPORT



BESTUL'S BOOYAH AWARD

Nominated by Deputy Chief Runde: CWC Probation Agent Katie Deblock wished to express how impressed she was with Jacob Engst during an encounter with an adult female going through a meth-induced mental health psychosis event in mid-June.

Katie Deblock advised that neither herself, nor her ACT Team counterparts, were able to calm the female down. She indicated that Officer Engst spoke calmly to her, let the female guide the conversation, and that, "Jacob's de-escalation skills were impressive, and he no doubt had a big impact in getting her calmed down enough to where she voluntarily agreed to go to the emergency room." Nice work Jacob! *Booyah!*



STAFFING & ASSIGNMENTS

I would like to take a moment to introduce our newest team member, **Cameron Walkowiak!!** Cameron was sworn in as a Brainerd Police Officer on Monday, July 31st.

A little bit about Cameron:

- ❖ He grew up in Baxter, MN.
- ❖ Before joining us at the City of Brainerd, he was working as a Community Service Officer for the City of Dilworth while finishing college.
- ❖ Cameron loves to hunt, fish, and play hockey along with other sports. He enjoys spending as much time outside as possible!

Please welcome Cameron to the City of Brainerd! 😊



Officer Walkowiak working on defensive tactics during his academy weeks.

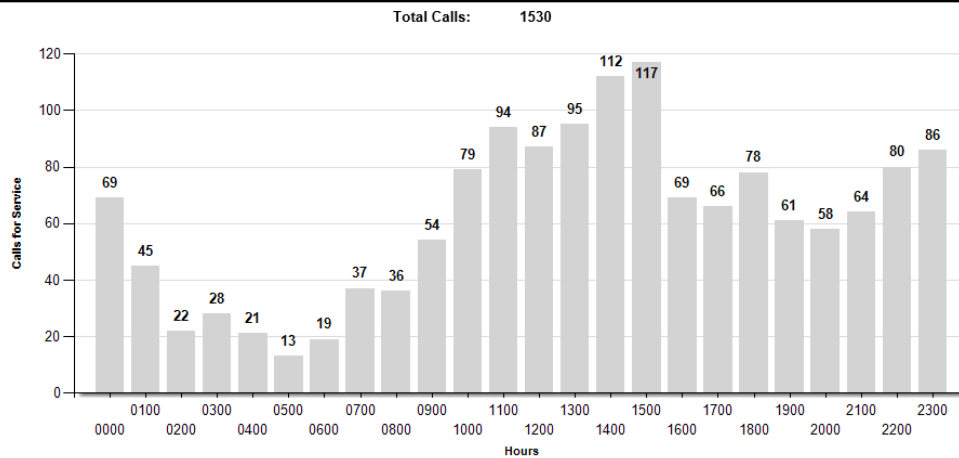
OVERALL CALLS FOR SERVICE

July	2023	2022
Number of Calls for Service	1490	1641



Calls for Service Hourly

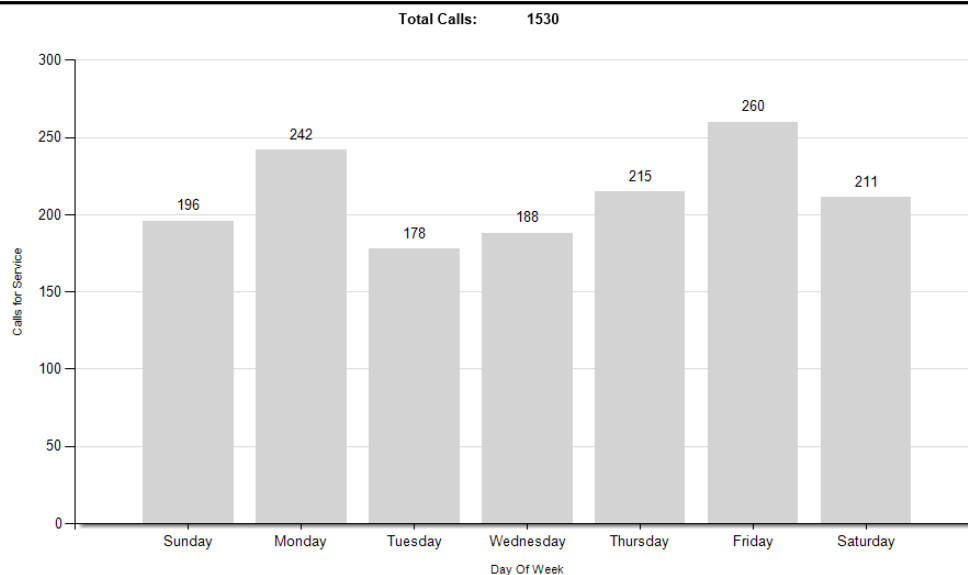
7/1/2023 to 7/31/2023



Calls for Service Day Of Week

Start Date: 7/1/2023

End Date: 7/31/2023



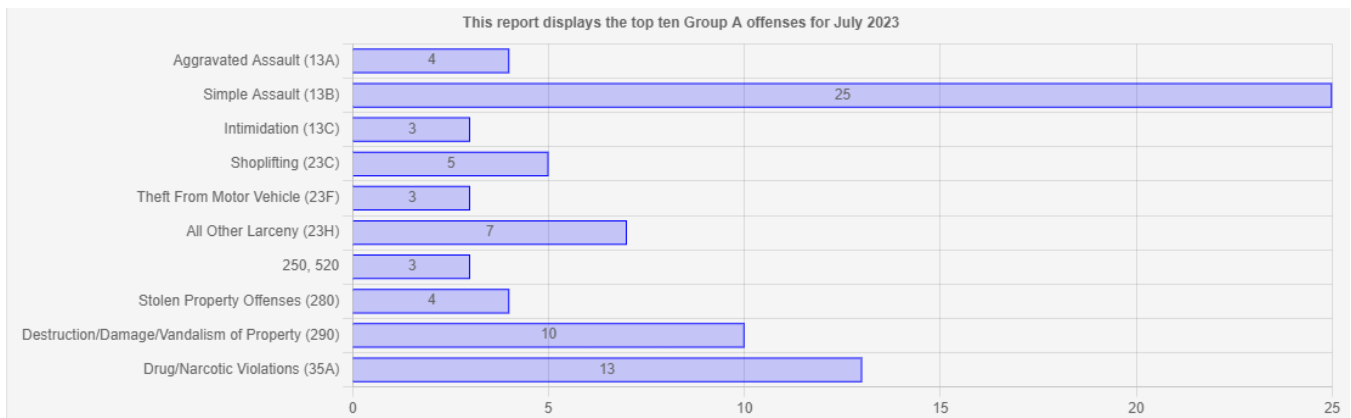
CRIME STATISTICS

Year to Date through July	2023	2022
Group A Offenses Known or Reported to Police	718	869
Group A and B Arrests	456	487

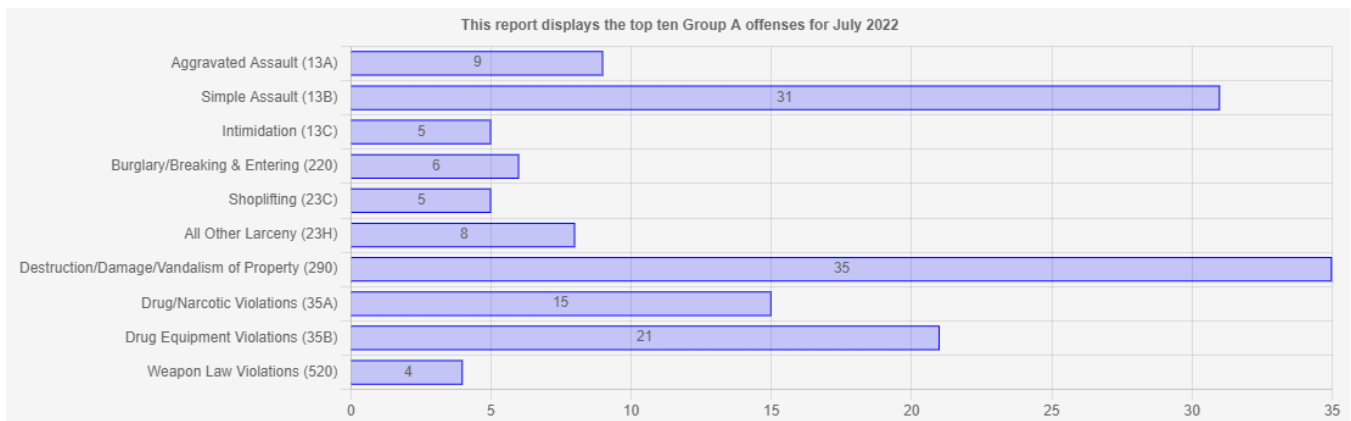
**** Note: 2023 totals do not include case files that have not yet been coded.**

TOP 10 GROUP A OFFENSES

July 2023

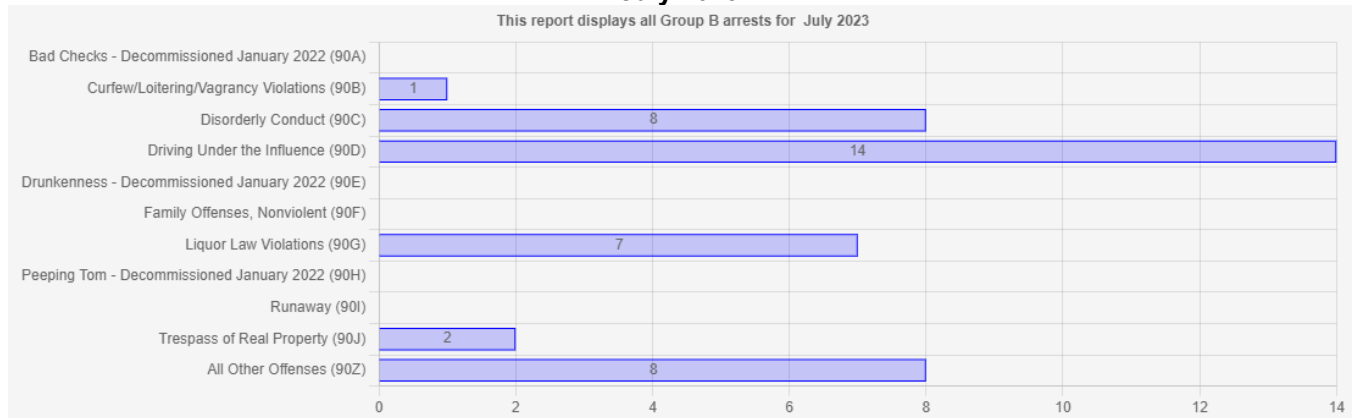


July 2022

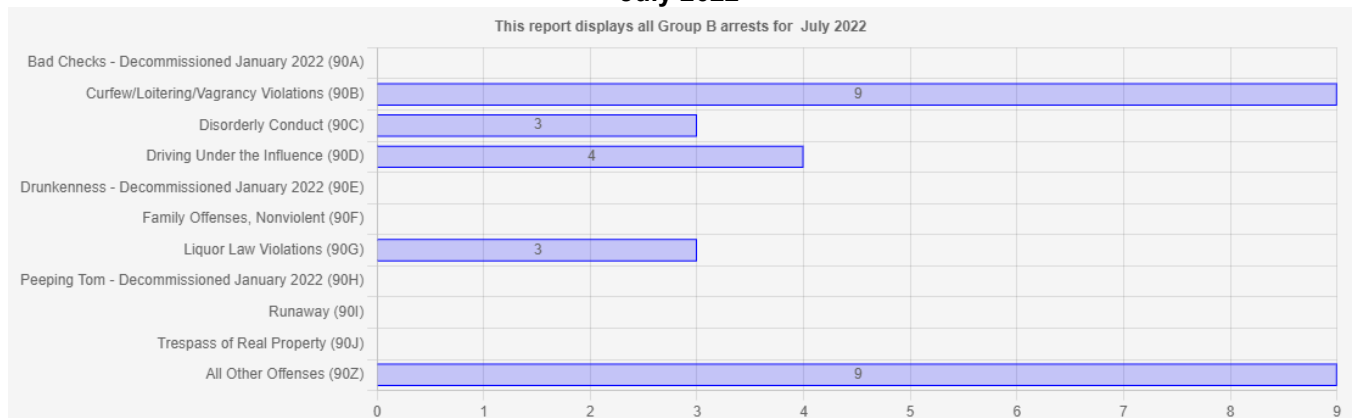


GROUP B ARREST DATA

July 2023



July 2022



CITATIONS, PARKING TICKETS, & WRITTEN WARNINGS

July	2023	2022
Citations (Inc. Parking Tickets & Written Warnings)	200	280

39 parking tickets were issued in the month of July, with the following dispositions.

1	Dismissed
27	Paid in Full
0	Partial Payments Received
11	No Payment Received

Revenue Recapture Receipts:

2022 Total:	\$ 5,688.23
2023 To Date:	\$ 7,621.99

CONDUCT ON PREMISES ACTIVITY REPORT

There were no Conduct on Premises incidents reported in the month of July.

BODY WORN CAMERA DATA REPORT

Month	Number of Videos	Hours of Video	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
July	1776	408	712	411	13.79 Minutes	57



TRAINING & STAFF DEVELOPMENT

DMT Operator Recertification

Several officers completed the online DMT Operator Recertification course. Operators were instructed on proper test administration, interpretation of test results and test records, and court issues regarding the DMT. The course is required periodically to maintain certification to run breath tests on the DMT.

Spotting Pre-Assault Indicators

One officer attended a three-hour "Spotting Pre-Assault Indicators" online training course. The hyper-focused program is packed with recent video footage capturing actual assaults on officers for the purposes of demonstrating the critical importance of identifying those subtle (and sometimes not so subtle) behaviors, statements and positions that can flag an attack. Each incident is dissected in an understandable, step-by-step fashion to point out how and when indicators of all kinds can and do surface during every day interactions.

OC Aerosol Instructor Recertification

An officer attended an OC Aerosol Instructor Recertification course, the first of four modules in an Instructor Certification Program comprised of four 8-hour instructor level classes covering OC Aerosols, Impact Munitions and Distraction Device Munitions. Students acquire instructor-level knowledge of products, both technically and tactically, along with the skills necessary to conduct in-service training.

Taser Instructor Re-certification

One sergeant and one officer attended a one-day Taser Instructor Re-certification course designed to provide instructors with the basic operational theory and practical training necessary to reasonably, safely, and effectively operate TASER energy weapons and teach operators the proper use and handling of them.

COMMUNITY OUTREACH

Thank you to Easy Riders in Brainerd for helping with the repair and maintenance of the police department's Trek bicycles, getting them roadworthy and ready for the summer. Officers utilized the bicycles to patrol on the 4th of July. Be on the lookout! Officers will be out on the bicycles in the city parks and on the trails giving out ice cream citations to kids who wearing their helmets this summer!



COMMUNITY OUTREACH



Sergeant Pallansch and Sergeant Reed were at The Center one morning to assist with donut running and the opportunity for people to have Coffee with a Cop! Thank you to all who stopped by and to The Center for letting them help out with the donuts!



Officer Selvestra and Officer Engst enjoyed a visit from some of the motorcycle riders who recently participated in the "Forever Loved" Ride to Raise Funds for Brainerd's Pohl Children's Foundation.

The Brainerd and Baxter Police Departments were honored to escort these riders through the city on July 15th.

Officer Williams came upon some entrepreneurs selling lemonade and cupcakes while out on patrol one day. Officer Williams said the lemonade was some of the best he has ever had.

It was great to see people stop by to help the kids reach their savings goal.



School Resource Officer Selvestra had the occasion to meet two ISD 181 students who had recently attended the Legionville Education Center and Summer Camp to learn the ins and outs of being a School Patrol.

Legionville Education Center was established by the Minnesota American Legion in 1956 for the purpose of training young people in the correct school patrol procedures. While school safety patrol crossing and bus training have always been the primary focus of the camp, they have expanded to include additional safety classes.

You will see these two students, and many others, with traffic flags assisting students in the crosswalks once the school year begins.

COMMUNITY OUTREACH

The first Brainerd Police Activity League Kickball with Cops was held on July 27 at Memorial Park. It was a warm, fun event with area kids in our community. Thank you to the City of Brainerd for the use of the field and facilities, to Cub Foods for donating food to help us out with lunch, to Dick's Sporting Goods for the assortment of balls and gift cards, and to Taco Johns for the ice, kid's meal certificates, and gift cards. Officers and kids had a blast! Visit the Brainerd Police Department Facebook for a fun video of the event.



Bags with Badges



IT'S BACK!!! The Law Enforcement and Firefighters Bags with Badges tournament was such a success last year that we will be holding another one this summer. It is scheduled for August 24th at the Northern Pacific Center between buildings 1 and 2.

This free event is for ages 8 to 17, with two separate divisions based on age. Each participant will be randomly paired with a police officer or fire fighter.

Every participant will receive a prize and winners take home a trophy or custom bag toss board set. Free food and beverages will also be provided.

Contact the Brainerd Police Department at (218-829-2805) to register.



City of Brainerd
IT/GIS Department Monthly Report
July 2023

Projects

- Airport staff began occupying new ARFF building, significant network administration to extend city and airport networks to new building, coordinated CTC adding hardware and moving existing airport phones to ARFF.
- BCA security audit – working on final tasks include VPN and VLAN changes

Software

- City website refresh underway, meetings, providing input to vendor
- CivicClerk – agenda management software project went live replacing agenda center
- CivicRec – park reservation/registration software – ongoing learning and customization
- Codification of city code – RFQ conducted, in the process of compare proposals
- Migrating files from network servers to OneDrive (cloud)
- Continued implementation of IT asset tracking software and ticketing system

Hardware

- Replacement backup server configured, software installed, entering production mode
- Continued migration of virtual servers to newer physical host, gradually eliminating dated hardware
- Various police squad issues – video, printing, connectivity, etc. New squad car(s).

Other

- Technical support for numerous meetings – City Council, Park Board, Planning Comm, EDA, etc.
- Staff: Added: Police Officer Departed: none

Statistics

Email: sent 7,831 or 252/day (down from 8,812), received 33,527 or 1,081/day (down from 34,834)
Cisco Secure Endpoint: 6.39M files scanned (down from 6.63M), 711K IPs scanned (down from 723K)
YouTube – City of Brainerd channel views 660 (down from 796), 106.7 hours watched (up from 91.4)

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: August 21, 2023

RE: Community Development Director Report

Building

The Community Development Department issued 81 building permits with a total project valuation of \$1,529,810 in the month of July. Within the River-to-Rail Corridor, twelve (12) permits were issued. These improvements account for a total project value of \$342,274.00 and resulted in \$3,460.59 waived in permit fees.

**Note: project valuation does not include all projects as some permits, such as residential mechanical permits, have a flat fee and are not based on valuation. Therefore, the listed total project valuation is solely based on the permits whose fees are determined by valuation.*

Four single-family home construction projects were issued in the month July with a total construction valuation of \$975,000.

Issued Permits for July 2023		
Type Of Permit	# Issued	Total Project Valuation
Commercial – Building – Remodel	1	\$4,000
Commercial – Building – Roofing	4	\$118,00
Commercial – Building – Siding	3	\$49,850
Commercial – Building – Windows/Doors	2	\$19,257
Commercial – Plumbing – Water Heater	1	7,300
Fence	5	N/A
Residential – Building – Accessory Structure	2	\$51,000
Residential – Building – Demolition	1	N/A
Residential – Building – New/Addition	4	\$975,000
Residential – Building – Remodel	7	\$243,802
Residential – Building – Roofing	15	N/A
Residential – Building – Roofing + Garage	2	N/A
Residential – Building – Siding	5	N/A
Residential – Building – Doors/windows	7	\$61,601
Residential – ENG - Sewer/Water Repair	1	N/A
Residential – HUD HOME - Installation	1	N/A

Residential - MECH - Air Conditioner	4	N/A
Res - MECH - Furnace/Boiler	2	N/A
Res - MECH – Furnace + AC	1	N/A
Res - MECH - New/Addition	1	N/A
Res - MECH - Remodel	2	N/A
Res - PLBG - New/Addition	1	N/A
Res - PLBG - Remodel	2	N/A
Res - PLBG - Water Heater	6	N/A

Code Enforcement

The Community Development Department conducted 126 code enforcement inspections in July resulting in violations across the following categories:

Inspection by Enforcement Category	
Accessory Structure Material	2
Garbage	7
Garbage Disposal	4
Grass & Weeds	77
Junk and Debris	31
Premises Identification	4
Tree Diseased Dead or Hazardous	3
Unlicensed/Inoperable Vehicles	9
Zoning Code Violation	29
Exterior Structure	7
Total = 179	

*Note: With the adoption of Ordinance No. 1524 on April 4th, Community Development staff have moved to complaint driven enforcement only.

Rental Housing

The Community Development Department issued 15 rental licenses in the month of July which brings the total number of rental units issued for the 2023-2024 renewal period to 2,563.

The Housing Inspector completed 229 rental property inspections.

**Note: The above number reflects properties and not the number of units.*

Planning & Zoning

The Community Development Department continues to work on a revised off-street parking ordinance. The objectives of the ordinance include 1) create parking maximums in all non-residential zoning districts 2) determine a new standard for the minimum residential parking required, that prioritize a more compact and less burdensome parking footprint 3) include the Accessory Dwelling Unit in the parking minimum formula 4) incentivize businesses to increase bicycle spaces in the Commercial Districts and 5) regulate parking on unimproved surfaces in the rear yard. The proposed ordinance was reviewed by the Parking Commission on August 2nd and by

the Planning Commission on August 16th. Staff is planning on holding a public hearing at the September 20th Planning Commission meeting for the proposed off-street parking ordinance revision.

The Planning Commission also reviewed a letter drafted by staff requesting consideration from DW Jones for the installation of a public art piece as part of the Eight05 Laurel Project. Public art includes but is not limited to the following: building murals, sculptures, memorials, integrated landscape architectural work, community art, pavement art, mosaics, etc. The Planning Commission recommended staff also send contact information from local art organizations to potentially partner with DW Jones on a public art project.

The Planning Commission will be discussing short-term-rentals and will be reviewing ordinances from other cities that have implemented regulations on numbers and usage. Updates to the short-term rental ordinance were made as part of the Zoning Code update in 2022. Short-term rentals remained interim use permits and were expanded to multi-family and downtown districts. Previously, homeowner occupied dwelling units/ buildings did not require interim use permits. If the Planning Commission recommends any changes, this will be the next ordinance amendment the Community Development Department will work on.

Planning and Zoning Process – Review of Project Progress

Address: 1202 6th St S

PZE Process: Conditional Use Permit

Permit Number: PZ22-0017

Date Issued: 8/2/22

Project Description: Demolish restaurant and install a self-serve ice machine. A conditional use permit was needed for a building under 1,000 SQFT.

Project Progress: As of 7/19/23

The applicant has completed the following steps:

- Demolished existing restaurant.
- Cleared the lot of impermeable surfaces.
- Built foundation and installed the self-service Ice Machine.
- A number of items are required before certificate of occupancy.

Address: 2501 Greenwood St

PZE Process: Conditional Use Permit

Permit Number: PZ22-0018

Date Issued: 8/2/22

Project Description: The purchase of Evangelical Lutheran Good Samaritan's parcel 41010613 to operate a residential addiction recovery facility with outpatient services.

Project Progress:

- A remodel permit was issued on 6/14/2023 for a \$150,000 renovation of the property to meet functional needs.

Address: 804 Oak St.

PZE Process: Variance

Permit Number: PZ22-0021

Date Issued: 9/9/22

Project Description: A variance from the rear yard setback requirement was submitted to facilitate:

- Construction of an enclosing structure for a wheelchair lift measuring 8'6"x14'6" x1.5 stories along Pine Street.
- The project was completed to meet ADA requirements.

Project Progress: The project at 804 Oak Street has been completed in accordance with the approved variance.

Address: 1918 & 1911 Thiesse Dr.

PZE Process: Interim use Permit

Permit Number: PZ22-0024

Date Issued: 9/07/22

Project Description: The operation of a cryptocurrency mining facility, specifically for outdoor storage as a principal use.

Project Progress: No construction has begun at the property and building plans have not been submitted. VCV submitted alternate plans for the construction of a building and was approved by the EDA for the proposed design alteration. VCV will no longer make use of the Interim Use Permit unless a change of scope is approved by the EDA.

Address: 515 9th St S

PZE Process: Variance

Permit Number: PZ22-0025

Date Issued: 9/07/22

Project Description: Requests a lot line setback adjustment from 5' to 2'6" to facilitate:

- The construction of a duplex.

Project Progress: As of this date:

- The proposed structure was constructed and passed all inspections.

Address: 824 Woodland Hills Ln

PZE Process: Variance

Permit Number: PZ22-0026

Date Issued: 9/08/22

Project Description: Requested the variance to allow the:

- Construction of a 40'x40' accessory structure.
- Located forward from the front façade.
- Wall heights of 12 ft to allow the parking of a camper.

Project Progress: A new accessory structure permit was issued on 5/18/23 and the \$75,000 accessory structure is in progress.

Address: 3231 Oak St

PZE Process: Variance

Permit Number: PZ22-0027

Date Issued: 9/07/22

Project Description: Boundary line adjustment with recorded easement to access the rear property. Eliminated the flag lot and created an easement.

Project Progress: The boundary line adjustment has been recorded with the County.

Address: PID 41040504

PZE Process: Conditional Use Permit

Permit Number: PZ22-0032

Date Issued: 10/5/22

Project Description: The applicant proposed the construction of a 12-unit apartment complex.

Project Progress: The applicant has not begun construction but has placed the required fire hydrant as part of the development agreement.

Address: PID 41040501

PZE Process: Conditional Use Permit

Permit Number: PZ22-0033

Date Issued: 10/5/22

Project Description: The construction of a health club and boarding house.

Project Progress: The applicant has not begun construction.

Address: 1005 6th St S

PZE Process: Interim use Permit

Permit Number: PZ22-0037

Date Issued: 12/5/22

Project Description: Applicant requested permission for one short-term rental.

Project Progress: This property currently operates as a short-term rental in the City.

Address: 15770 Dellwood Dr

PZE Process: Conditional Use Permit

Permit Number: PZ23-0001

Date Issued: 1/9/23

Project Description: Application to allow for the construction of mini-storage units on the premises.

Project Progress: The applicant has applied for a building permit, but the permit has not yet been issued.

Address: PID 41160504

PZE Process: Rezoning

Permit Number: PZ23-0004

Date Issued: 1/11/23

Project Description: The purpose of this rezoning was to prepare this section of Parcel 41160504 for a consolidation with the contiguous parcel 41170515 which is also zoned Rural Living One (RL-1) Zoning District.

Project Progress: The consolidation was completed and recorded with the County.

Address: PID 41040504

PZE Process: Final Plat

Permit Number: PZ23-0005

Date Issued: 1/12/23

Project Description: The consolidation of 11 parcels to accommodate the space needed for the 12-unit apartment complex described in the Conditional Use Permit PZ22-0032

Project Progress: The plat has been recorded with Crow Wing County.

Address: 2307 Crestview Ln

PZE Process: Conditional Use Permit

Permit Number: PZ23-0008

Date Issued: 3/1/23

Project Description: The applicant proposed a 5-unit apartment complex which received considerable opposition from the neighborhood association.

Project Progress: Upon denial of the conditional use permit by the City Council, the applicant redesigned the site plan and submitted a 4-unit complex as a permitted use on the parcel. The permit for this project was issued on 8/08/23 and will break ground before winter. The neighborhood association is much less opposed to the new plan.

Address: 1021 Madison St

PZE Process: Conditional Use Permit

Permit Number: PZ23-0009

Date Issued: 3/30/23

Project Description: The operation of a recycling facility in the General Industrial District.

Project Progress: The property continues to operate as a recycling facility and is working with the fire department on the conditions added to the permit.

Address: 2424 Business 371

PZE Process: Variance

Permit Number: PZ23-0012

Date Issued: 5/18/23

Project Description: The variance requested was to exceed the 12' height limit on signs in the PSP zoning district by 3'.

Project Progress: Upon passage, a permit was filed and issued. The sign is currently on order and has not yet been installed.

Address: 3 Washington St Ne

PZE Process: Variance

Permit Number: PZ23-0013

Date Issued: 6/2/23

Project Description: Construction of a new Dunkin Donuts:

The first variance request is to allow their main entrance to face the rear yard of the property. Section 515-2-14.C requires the principal façade to front onto an avenue/street for properties in the CC District. The second variance request is to allow a 27'1" principal building front yard setback, a 24' side yard corner setback, and a 66'7" rear yard setback.

Project Progress: The applicant has not filed a permit but continues to work with staff on the Zoning Requirements.

Address: 431 B St Ne

PZE Process: Variance

Permit Number: PZ23-0014

Date Issued: 5/3/22

Project Description: Requested a 7' corner yard setback for an accessory structure addition.

Project Progress: The applicant is planning for fall construction but has not yet applied for a permit.

Address: 703 Oak St

PZE Process: Conditional Use Permit

Permit Number: PZ23-0017

Date Issued: 6/8/23

Project Description: The operation of a Commercial Day Care Facility.

Project Progress: The YMCA continues to work with WSN on the final design and is planning for fall construction.

ANDERSON AIRE LLC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
14156 THREE MILE RD	Mechanical	Active	MB740516	04/09/2024	2023-0068	12/31/2023

BLUE WATER PLUMBING INC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
1906 1ST ST	Mechanical	Active	MB004426	01/01/2024	2023-0067	12/31/2023
1906 1ST ST	Plumbing Contractor	Active	PC001640	12/31/2023	2023-0041	12/31/2023

KORDIAK PLUMBING AND HVAC LL

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
1057 ROCK ELM TRL N	Mechanical	Active	106740406	05/22/2025	2023-0066	12/31/2023
1057 ROCK ELM TRL N	Plumbing Contractor	Active	PC725714	12/31/2023	2023-0040	12/31/2023

NORDIC MECHANICAL SERVICES

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
11965 LARC INDUSTRIA	Mechanical	Active	MB003242	08/26/2024	2023-0065	12/31/2023

TIM BORDERS MASONRY LLC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
13787 13TH AVE SW	Masonry	Active			2023-0009	12/31/2023

Total Licensees5

Population: All Records
Licensee.DateRegistered Between 8/3/2023 12:00:00 AM AND 8/17/2023 12:00:00 AM



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Approval of Updated Employee Policy Manual Clarifying Benefits for Municipal Utility Division Managers.

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): n/a - consent calendar
item

SUMMARY OF ISSUE: At the August 7, 2023 Council meeting, the Council approved an updated Organizational Chart. Included in the recommendation from the Personnel and Finance Committee was to update our Org Chart to include Municipal Utility Division Managers specifically the Operations Manager, the Finance Manager and the Water/Wastewater Manager; further, to direct Staff to update the applicable portions of our Employee Policy Manual so the Municipal Utility Division Managers have the same benefit package as the Department Heads. The attachment includes a redlined version of the applicable Employee Policy Manual sections that clarifies the benefit package for our Municipal Utility Division Managers.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Our City Attorney is currently reviewing our entire Employee Policy Manual since there were multiple employment law changes enacted during the 2023 MN Legislative Session. Once all of those changes have been finalized and approved by the Council, an updated version of our Employee Policy Manual will be distributed to Staff at that time.

RECOMMENDED ACTION/MOTION: Consent Calendar - Approve Updated Employee Policy Manual Clarifying Benefits for Municipal Utility Division Managers.

FINANCIAL IMPACT:

EMPLOYEE POLICY MANUAL AMENDMENT

TO CLARIFY BENEFITS FOR MUNICIPAL UTILITY DIVISION MANAGERS

ARTICLE 16. REGULAR VACATION

All full-time employees, except the City Administrator, ~~and~~ Department Heads and Municipal Utility Division Managers, shall earn vacation at the rate of: 6.67 hours per full month worked during the employee's first five years of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

5 years of service - 10.00 hours per month
10 years of service - 10.67 hours per month
11 years of service - 11.33 hours per month
12 years of service - 12.00 hours per month
...
24 years of service - 20.00 hours per month

City Administrator, ~~and~~ Department Heads and Municipal Utility Division Managers shall earn vacation at the rate of:

Ten (10) hours per full month worked during the first year of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

1 year of service - 10.67 hours per month
2 years of service - 11.33 hours per month
3 years of service - 12.00 hours per month
4 years of service - 12.67 hours per month
5 years of service - 13.33 hours per month
6 years of service - 14.00 hours per month
7 years of service - 14.67 hours per month
8 years of service - 15.33 hours per month
9 years of service - 16.00 hours per month
10 years of service - 16.67 hours per month
11 years of service - 17.33 hours per month
12 years of service - 18.00 hours per month
13 years of service - 18.67 hours per month
14 years of service - 19.33 hours per month
15 years of service - 20.00 hours per month

EXHIBIT B

LONG-TERM DISABILITY COVERAGE AND LIFE INSURANCE

- II. **Face Amount of Life Insurance for Certain Employees and Elected Officials.** Consistent with the Policy Manual, the City will provide life insurance coverage to elected officials, Department Heads, and non-union supervisors in the following amounts: Mayor, City Council and Public Utilities Commission \$50,000; City Administrator. ~~and~~ Department Heads and Municipal Utility Division Managers \$100,000; Non-union supervisors \$50,000.

EXHIBIT C

MINNESOTA HEALTH CARE SAVINGS PLAN CONTRIBUTIONS

All funds collected by the City on behalf of the employee for purposes of contributing to the Minnesota Health Care Savings Plan will be deposited into the employee's individual health care savings plan account as follows:

1. City Administrator, ~~and~~ Department Heads and Municipal Utility Division Managers:
 - a) Employees eligible for severance pay as outlined in ARTICLE 27 of the City Employee Policy Manual will contribute 100% of their severance pay into the Plan.

	Park Maintenance			Pond Hockey			Outdoor Rinks			Concessions			Tournaments		
	'22 Actual	'23 Budget	'24 Budget	'22 Actual	'23 Budget	'24 Budget	'22 Actual	'23 Budget	'24 Budget	'22 Actual	'23 Budget	'24 Budget	'22 Actual	'23 Budget	'24 Budget
Total Taxes and Penalties			-	-	-	-	-	-	-	-	-	-	-	-	-
Total Rev fr Other Gov'ts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Charges for Services - User Fees	9,419	11,000	9,250	1,961	1,500	1,500	-	-	-	25,435	45,000	30,000	4,787	2,000	2,000
Other Revenue															
Interest Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Utility Electric Sales	80,191	70,000	66,000	-	-	-	-	-	-	-	-	-	-	-	-
Contributions & Donations	7,433	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Misc. Program Revenue	-	1,000	1,000	-	-	-	-	-	-	-	-	-	-	-	-
Misc. Revenue	490	1,000	1,000	-	-	-	-	-	-	-	-	-	-	-	-
Total Charges for Services	88,114	72,000	68,000		-	-	-	-	-	-	-	-	-	-	-
TOTAL REVENUES	97,533	83,000	77,250	1,961	1,500	1,500	-	-	-	25,435	45,000	30,000	4,787	2,000	2,000
Total Personal Services	766,419	768,161	799,587	135	451	455	14,287	9,398	9,575	9,943	16,571	17,563	2,745	-	-
Supplies															
Office and Operating Supplies	6,140	5,750	5,750	355	5,500	1,000	121	250	250	20,514	29,915	27,500	-	2,000	2,000
Motor Fuels	21,471	23,000	22,000	-	-	-	-	-	-	-	-	-	-	-	-
Repairs & Maintenance	63,698	75,000	80,000	-	-	-	-	-	-	-	-	1,000	-	-	-
Repairs & Maintenance - Mills Field	17,403	7,500	5,000	-	-	-	-	-	-	-	-	-	-	-	-
Small Tools	403	800	1,000	-	-	-	-	-	-	-	-	-	-	-	-
Total Supplies	109,114	112,050	113,750	355	5,500	1,000	121	250	250	20,514	29,915	28,500	-	2,000	2,000
Services															
Professional Services	25,425	28,000	30,735	-	-	-	-	-	-	-	-	-	-	-	-
Computer Technical Support	13,900	6,300	6,500	-	-	-	-	-	-	-	-	-	-	-	-
Telephone	3,013	2,580	2,076	-	-	-	-	-	-	-	-	-	-	-	-
Postage	110	200	200	-	-	-	-	-	-	-	-	-	-	-	-
Professional Development	940	2,100	2,100	-	-	-	-	-	-	-	-	-	-	-	-
Lease Payments	30,834	29,125	29,954	-	-	-	-	-	-	-	-	-	-	-	-
Printing/Legal Publications	1,481	1,000	1,500	-	-	-	-	-	-	-	-	-	-	-	-
Insurance	26,964	25,289	29,314	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	89,906	79,300	77,500	-	-	-	-	-	-	-	-	-	-	-	-
Rent Expense	1,710	1,500	1,715	-	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous	876	2,000	2,000	-	-	-	-	-	-	-	-	-	-	-	-
Credit Card Fees	1,287	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dues and Subscriptions	122	1,000	1,010	-	-	-	-	-	-	-	-	-	-	-	-
Total Services	196,568	178,393	184,604	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL OPERATING EXPENSES	1,072,102	1,058,604	1,097,941	490	5,951	1,455	14,408	9,648	9,825	30,457	46,486	46,063	2,745	2,000	2,000
Other Revenue (Expenses)															
Sale of Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Other Revenue (Expenses)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL REVENUE OVER/(UNDER)	(974,569)	(975,604)	(1,020,691)	1,471	(4,451)	45	(14,408)	(9,648)	(9,825)	(5,021)	(1,486)	(16,063)	2,042	-	-

2024 PROPOSED BUDGET - 7/20/2023

	Special Events			Kickball			Adult Softball			Campground			GRAND TOTAL			
	'22 Actual	'23 Budget	'24 Budget	'22 Actual	'23 Budget	'24 Budget	'22 Actual	'23 Budget	'24 Budget	'22 Actual	'23 Budget	'24 Budget	'22 Actual	'23 Budget	'24 Budget	Difference
Total Taxes and Penalties	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Rev fr Other Gov'ts	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Charges for Services - User Fees	1,294	1,000	1,000	3,449	3,000	3,000	46,705	50,000	50,000	52,725	40,000	55,000	145,775	153,500	151,750	(1,750)
Other Revenue																
Interest Income	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Utility Electric Sales	-	-	-	-	-	-	-	-	-	-	-	-	80,191	70,000	66,000	(4,000)
Contributions & Donations	-	-	-	-	-	-	-	-	-	-	-	-	7,433	-	-	-
Misc. Program Revenue	-	-	-	-	-	-	-	-	-	-	-	-	-	1,000	1,000	-
Misc. Revenue	-	-	-	-	-	-	-	-	-	-	-	-	490	1,000	1,000	-
Total Charges for Services	-	-	-	-	-	-	-	-	-	-	-	-	88,114	72,000	68,000	(4,000)
TOTAL REVENUES	1,294	1,000	1,000	3,449	3,000	3,000	46,705	50,000	50,000	52,725	40,000	55,000	233,889	225,500	219,750	(5,750)
Total Personal Services	3,675	-	-	2,911	3,019	3,073	25,101	28,913	29,437	-	-	-	825,215	826,512	859,690	33,177
Supplies																
Office and Operating Supplies	5,893	2,000	3,000	259	600	500	10,079	14,000	13,000	926	500	500	44,287	60,515	53,500	(7,015)
Motor Fuels	-	-	-	-	-	-	-	-	-	-	-	-	21,471	23,000	22,000	(1,000)
Repairs & Maintenance	-	-	-	-	-	-	-	3,500	3,500	732	1,500	1,500	64,429	80,000	86,000	6,000
Repairs & Maintenance - Mills Field	-	-	-	-	-	-	-	-	-	-	-	-	17,403	7,500	5,000	(2,500)
Small Tools	-	-	-	-	-	-	-	-	-	-	-	-	403	800	1,000	200
Total Supplies	5,893	2,000	3,000	259	600	500	10,079	17,500	16,500	1,658	2,000	2,000	147,993	171,815	167,500	(4,315)
Services																
Professional Services	-	-	-	-	-	-	-	-	-	-	-	-	25,425	28,000	30,735	2,735
Computer Technical Support	-	-	-	-	-	-	-	-	-	-	-	-	13,900	6,300	6,500	200
Telephone	-	-	-	-	-	-	-	-	-	1,353	800	800	4,367	3,380	2,876	(504)
Postage	-	-	-	-	-	-	-	-	-	-	-	-	110	200	200	-
Professional Development	-	-	-	-	-	-	-	-	-	-	-	-	940	2,100	2,100	-
Lease Payments	-	-	-	-	-	-	-	-	-	-	-	-	30,834	29,125	29,954	830
Printing/Legal Publications	-	-	-	-	-	-	-	-	-	-	100	-	1,481	1,100	1,500	400
Insurance	-	-	-	-	-	-	-	-	-	-	-	-	26,964	25,289	29,314	4,025
Utilities	-	-	-	-	-	-	-	-	-	2,928	3,300	3,300	92,834	82,600	80,800	(1,800)
Rent Expense	-	-	-	-	-	-	-	-	-	-	-	-	1,710	1,500	1,715	215
Miscellaneous	-	-	-	-	-	-	-	-	-	-	-	-	876	2,000	2,000	-
Credit Card Fees	-	-	-	-	-	-	-	-	-	-	-	-	1,287	-	-	-
Dues and Subscriptions	-	-	-	-	-	-	-	-	-	-	-	-	122	1,000	1,010	10
Total Services	-	-	-	-	-	-	-	-	-	4,282	4,200	4,100	200,850	182,593	188,704	6,111
TOTAL OPERATING EXPENSES	9,568	2,000	3,000	3,171	3,619	3,573	35,179	46,413	45,937	5,939	6,200	6,100	1,174,058	1,180,921	1,215,894	34,973
Other Revenue (Expenses)																
Sale of Assets	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Other Revenue (Expenses)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL REVENUE OVER/(UNDER)	(8,274)	(1,000)	(2,000)	278	(619)	(573)	11,526	3,587	4,063	46,786	33,800	48,900	(940,169)	(955,421)	(996,144)	(40,723)

2024 Proposed Capital Budget

Item	Cost
2% Capital Asset Long-Term Maintenance	
<i>To Parks Capital Fund</i>	\$510,000
Equipment	
<i>Perkins Satellite Lifter</i>	\$30,000
Annual Programs	
<i>Trees Replacement</i>	\$25,000
<i>Picnic Table/Grilling Station/Trash Can Replacement Program</i>	\$15,000
<i>Park Weed and Feed Program</i>	\$25,000
<i>Bench Installation Program</i>	\$5,000
<i>Park ADA Upgrades</i>	\$25,000
<i>Park Sign Replacements</i>	\$5,000
<i>Parks Security Cameras</i>	\$6,500
Building Demolition	
<i>Lum Park Maintenance Office/Shop Demo</i>	\$15,000
<i>Jaycees Park North Pavilion/Playground Demo</i>	\$5,000
<i>Gustafson Park Shed Demo</i>	\$3,000
<i>Memorial Park Shed Demo</i>	\$3,000
Park Facility Rehabilitation	
Bane Park	
<i>Garage Roof Replacement</i>	\$10,000
Gregory Park	
<i>Warming House/Pavilion Gutter Replacement</i>	\$5,000
Lum Park	
<i>Pavilion 1 Rehabilitation</i>	\$30,000
<i>Pavilion 2 Rehabilitation</i>	\$30,000
Total	\$747,500

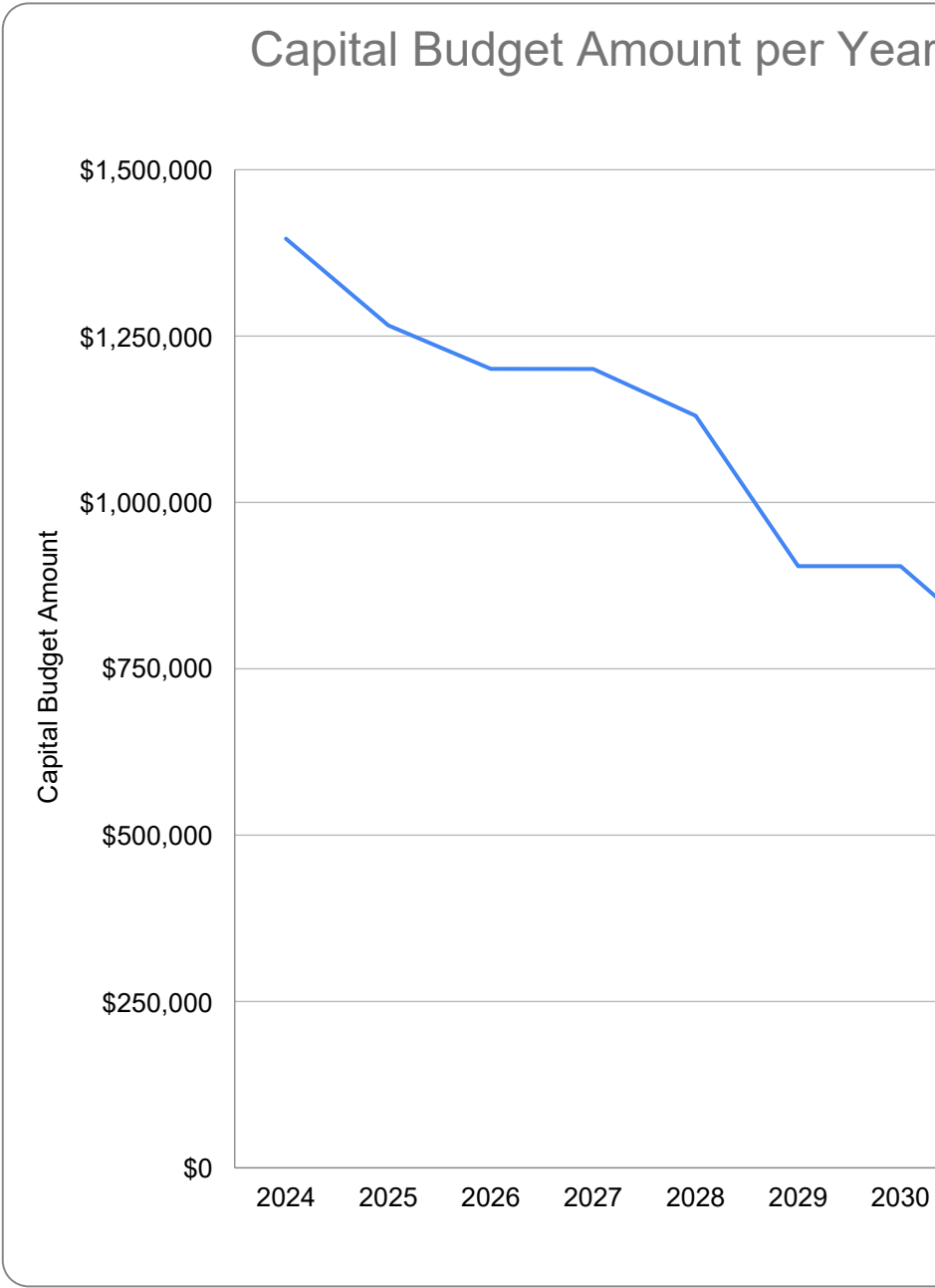
Park	Item	Replacement Year	Value (2023 Dollars)
Bane	1 wooden garage, Approx. 10-12' x 20' - painted siding - old shingles	2024	\$25,000
Buffalo Hills	park sign	2024	\$6,500
Buster	Gazebo	2024	\$35,000
Gregory	Warming house gutters	2024	\$5,000
Jaycees	North side - Large wood pavillion on concrete slab - bad shingles demo	2024	\$3,000
Jaycees	North side - Old metal swings, monkey bars & twist slide - pebble rock w/no borders	2024	\$1,000
Kiwanis	Trail Retaining Wall	2024	\$50,000
Lum	Main entry sign	2024	\$6,500
Lum	Building #1 (old Offices) demolition	2024	\$10,000
Lum	Beach House demolition	2024	\$15,000
Lyman P. White	Water Bottle Filler	2024	\$3,000
Meadows	Sign	2024	\$6,500
O'Brien	Main sign (Fading - no cocrete slab)	2024	\$6,500
Buffalo Hills	playground equipmtent	2025	\$80,000
Gregory	Pergola	2025	\$4,000
Kiwanis	Garden w/ Pavers	2025	\$2,000
Memorial	Mill field Main Fence Surround	2025	\$50,000
Buster	Dog Waste Bag Dispensor x2	2026	\$500
Lum	Stone arch roof assembly	2027	\$6,000
Memorial	West Parking Lot	2027	\$300,000
Bane	1 batting cage	2028	\$5,000
Buffalo Hills	gravel grading on parking lot, driveway to ge through park	2028	\$40,000
Buffalo Hills	grills	2028	\$1,000
Gregory	Little free library	2028	\$500
Gregory	SE playground	2028	\$100,000
Gregory	SW playground	2028	\$80,000
Gregory	Tennis court benches x 7	2028	\$3,500
Gregory	Tennis court rain garden	2028	\$5,000
Gustafson	4 wire fence backstops	2028	\$40,000
Jaycees	North side - 2 metal grills	2028	\$1,000
Jaycees	South side - 2 old scoreboards	2028	\$30,000
Jaycees	South side - 1 wooden garage, Approx. 20' x 20' - painted siding- old shingles	2028	\$50,000
Jaycees	South side - large gravel parking lot with many large boulders along north perimeter	2028	\$5,000
Kiwanis	Grill	2028	\$500
Lum	Sidewalks (bituminous)	2028	\$50,000
Lyman P. White	Wood Art Structure	2028	\$40,000
Lyman P. White	Bike Repair Tools	2028	\$3,200
Memorial	Mill field Scoring tower	2028	\$100,000
Memorial	Mill field Concession Stand	2028	\$600,000
Memorial	Main Playground	2028	\$100,000
Triangle	Dog waste bag holder	2028	\$500
Gustafson	2 metal signs saying Gustafson park	2030	\$6,500
Gustafson	metal numbers on backstops	2030	\$1,000
Jaycees	South side - Main sign (no cocrete slab)	2030	\$6,500
Lum	Pump house	2030	\$5,000
Lum	Grills (8 ct)	2030	\$8,000
Lum	Picnic Tables (27 ct.)	2030	\$27,000
Lum	Gator Playground equipment and enclosure	2030	\$60,000
Lum	Beach and Retaining wall	2030	\$20,000
Lum	Main umbrella bulding (by beach)	2030	\$200,000
Lum	Water spigot (freestanding)	2030	\$500
Memorial	East Parking Lot	2030	\$300,000
Memorial	Mill field Sun deck	2030	\$200,000
Memorial	Mill field Netting	2030	\$75,000
Memorial	Mill field storage building	2030	\$100,000
Memorial	Field #3 dug outs	2030	\$10,000
Memorial	Field #2 dug outs	2030	\$10,000
Memorial	Field #1 dug outs	2030	\$10,000
Memorial	Rink nets/ hoops	2030	\$3,000
Memorial	Water basin pumps	2030	\$20,000
Memorial	Built in tables (4)	2030	\$6,000
Memorial	Freestanding Picnic tables (17)	2030	\$17,000
Bane	Miracle Field w/special painted surface	2033	\$100,000
Bane	1 Miracle field sign w/2 steel poles - memorial sign	2033	\$1,500
Bane	2 asphalt parking lots & asphalt road through park	2033	\$150,000
Bane	Asphalt walkway 3 different directions through park	2033	\$30,000
Bane	1 metal grill	2033	\$500
Bane	5 wooden picnic tables	2033	\$5,000
Buffalo Hills	way finding signs	2033	\$500
Buffalo Hills	picnic tables	2033	\$7,000
Buster	Wood Fencing	2033	\$500
Buster	Chainlink Fence	2033	\$75,000
Buster	Signage	2033	\$1,000
Buster	Picnic Tables x 4	2033	\$4,000
Gregory	Picnic Tables x 13	2033	\$20,000
Gregory	Fountain	2033	\$250,000

Gregory	Basketball hoops x 3	2033	\$6,000
Gregory	Pleasure rink string lights	2033	\$1,000
Gustafson	1 red shed	2033	\$5,000
Hitch Wayne	Sign	2033	\$6,500
Jaycees	North side - Water spicket	2033	\$1,000
Jaycees	North side - 6 wooden picnic tables	2033	\$6,000
Jaycees	South side - 1 batting cage	2033	\$5,000
Jaycees	South side - 1 L screen	2033	\$1,000
Jaycees	South side - 3 wooden picnic tables	2033	\$3,000
Jaycees	South side - 6 poles - (5 lights & 1 camera)	2033	\$27,000
Kiwanis	Memorial Pillar x2	2033	\$2,000
Kiwanis	Parking Posts w/ Chain (10ft sections)	2033	\$2,500
Kiwanis	Playground Equipment	2033	\$100,000
Kiwanis	Swing Set	2033	\$10,000
Kiwanis	Light Post x2	2033	\$9,000
Kiwanis	Picnic Tables x 8	2033	\$8,000
Lum	Parking lots and road surfaces	2033	\$1,000,000
Lum	Disc golf Holes	2033	\$8,000
Lum	Disc golf tee boxes	2033	\$1,000
Lum	Yellow Monkey bars and Enclosure (2 Ct.)	2033	\$6,000
Lum	Yellow Playground equip	2033	\$30,000
Lum	Yellow Rainbow and enclosure	2033	\$5,000
Lum	Landing/dock	2033	\$7,000
Memorial	Mill field Score Board	2033	\$50,000
Memorial	Field #3 Lights	2033	\$200,000
Memorial	Field #2 Lights	2033	\$200,000
Memorial	Field #1 Lights	2033	\$200,000
Rotary	Bench/Signage Structure	2033	\$10,000
Triangle	Picnic Tables x1	2033	\$1,000
Memorial	Mill field Lights	2035	\$300,000
Bane	Playground with swings /slides, etc.	2038	\$100,000
Bane	3 large rubber mats outside main building	2038	\$3,000
Buster	Light Post x2	2038	\$5,000
Gregory	3 court tennis court fence	2038	\$50,000
Gregory	3 court tennis court lights x 4 poles	2038	\$200,000
Jaycees	North side - 1 pole with light	2038	\$4,500
Kiwanis	Park Sign	2038	\$6,500
Rotary	Community Garden	2038	\$50,000
Lum	Smaller Umbrella Building (mid park)	2040	\$30,000
Lum	Yellow Climb over and enclosure	2040	\$5,000
Lum	Shower building	2040	\$500,000
Lum	Flower planter with stone surround	2040	\$1,000
Memorial	Mill field Bleachers and Ramp systems	2040	\$200,000
Memorial	Main Sign (west Side)	2040	\$6,500
Triangle	Playground Equipment	2042	\$80,000
Bane	Full size hockey rink w/permanent board perimeters & chain link extension on both ends	2043	\$150,000
Bane	solid metal gate & fence between rink & ball field	2043	\$1,000
Bane	Four 3 seat alum. bleachers - approx. 20' long	2043	\$20,000
Bane	One 4 seat aluminum bleacher - approx. 10-12' length	2043	\$5,500
Bane	1 Arched Miracle field sign over west entrance walkway	2043	\$50,000
Bane	2 scoreboards - 1 new & 1 very old	2043	\$30,000
Bane	2 new L screens & 1 old L screen	2043	\$3,000
Bane	Sprinkler system - both ball fields	2043	\$40,000
Buffalo Hills	2 green high top tables	2043	\$1,000
Buster	Drinking Water Station	2043	\$5,000
Gregory	Flagpole light	2043	\$500
Gregory	3 court tennis court	2043	\$150,000
Gregory	Tennis court nets x 5	2043	\$25,000
Gregory	2 court tennis court	2043	\$100,000
Gregory	Bike rack	2043	\$750
Jaycees	South side - Varied height chain link fence perimeters - 8 gates - plastic yellow protector	2043	\$100,000
Jaycees	South side - 4 chain link dugouts, concrete floors, wood/metal roofs, secured benches	2043	\$20,000
Jaycees	South side - four 3 seat alum. bleachers - approx. 20' long	2043	\$20,000
Kiwanis	Buffalo Hills Trail Sign	2043	\$500
Kiwanis	Memorial Benches x7	2043	\$11,000
Kiwanis	Boom Lake Information Signage x2	2043	\$1,000
Kiwanis	Dock	2043	\$5,000
Kiwanis	Paved Trail	2043	\$200,000
Lum	Umbrella building # 2	2043	\$150,000
Lum	Small umbrella building (NE corner of park)	2043	\$20,000
Lyman P. White	Picnic Tables x6	2043	\$18,000
Meadows	Picnic table x 1	2043	\$1,000
Memorial	Field #3 Score Board	2043	\$10,000
Memorial	Field #2 Score Board	2043	\$10,000
Memorial	Field #1 Score Board	2043	\$10,000
Memorial	Lion Fountain	2043	\$5,000
Memorial	Benches (6)	2043	\$9,000

Rotary	Picnic Benches x 6	2043	\$6,000
Trailside	Parking lot	2043	\$300,000
Memorial	Field # 3 Fencing /Backstop	2044	\$30,000
Memorial	Field # 2 Fencing /Backstop	2044	\$30,000
Memorial	Field # 1 Fencing /Backstop	2044	\$30,000
Meadows	Playground equipment	2045	\$80,000
Jaycees	South side - 2 new playground areas - wood chip base & timber borders	2048	\$80,000
Lyman P. White	Irrigation	2048	\$40,000
Rotary	River Deck w/ Benches	2048	\$60,000
Lum	Camps sites (18.ct.)	2050	\$18,000
Lum	Dump Station	2050	\$20,000
Lum	Blue swing set	2050	\$10,000
Lum	Bench (6 ct.)	2050	\$12,000
Lum	sidewalks (concrete)	2050	\$150,000
Memorial	Mill field Dug outs (2)	2050	\$170,000
Memorial	Field #3 bleachers (2)	2050	\$10,000
Memorial	Field #3 Surface	2050	\$10,000
Memorial	Field #2 bleachers (2)	2050	\$10,000
Memorial	Field #2 Surface	2050	\$10,000
Memorial	Field #1 bleachers (2)	2050	\$10,000
Memorial	Field #1 Surface	2050	\$10,000
Memorial	Sidewalks and pathways	2050	\$200,000
Triangle	Sign	2052	\$6,500
Bane	Varied height chain link fence perimeters - 6 gates - plastic yellow protectors	2053	\$100,000
Bane	4 chain link dugouts, concrete floors, wood/metal roofs, secured benches	2053	\$10,000
Bane	Miracle Field chain link fence perimeter with backstop	2053	\$40,000
Bane	2 Large chain link dugouts, concrete floors, wood/metal roofs, non-secured benches	2053	\$5,000
Bane	1 brick memorial marker at miracle field	2053	\$5,000
Bane	Main sign with plant surround at North end of park	2053	\$6,500
Bane	2 memorial benches w/o concrete slab base	2053	\$3,000
Buffalo Hills	bench	2053	\$1,500
Buffalo Hills	2 ball fields with fencing	2053	\$120,000
Buffalo Hills	2 sets of dugouts	2053	\$10,000
Buffalo Hills	4 sets of metal bleachers	2053	\$22,000
Buffalo Hills	scoreboard	2053	\$15,000
Buffalo Hills	green building/shed	2053	\$100,000
Buffalo Hills	concession building/pavilion/bathrooms	2053	\$350,000
Buster	Park Sign	2053	\$6,500
Buster	Memorial Benches x3	2053	\$4,500
Gregory	Benches x 17	2053	\$26,000
Jaycees	South side - 2 baseball fields w/grass infields/clay mounds (Bronco/Pony sizes)	2053	\$20,000
Jaycees	South side - 2 story block building (concessions- announcers booths - storage & BR's	2053	\$400,000
Lyman P. White	Restroom Building	2053	\$300,000
Lyman P. White	Open Side Bench x7	2053	\$7,700
Lyman P. White	Closed Side Bench x12	2053	\$12,000
Lyman P. White	Bike Rack	2053	\$750
Memorial	Splash pad and surface	2053	\$500,000
Rotary	Pavilion	2053	\$250,000
Rotary	Memorial Bench	2053	\$1,500
Rotary	Signage on Front Gate	2053	\$6,500
Trailside	Sign	2053	\$6,500
Gregory	Boulder historical marker	2058	\$1,000
Memorial	Mill field surface	2060	\$10,000
Bane	4 yellow painted steel foul poles	2063	\$1,000
Bane	Block building - cocessions, warming house, BR's, annoncners booth	2063	\$600,000
Evergreen	Gate	2063	\$5,000
Jaycees	South side - 4 yellow painted steel foul poles	2063	\$2,000
Kiwanis	Pavilion	2063	\$150,000
Kiwanis	Restroom Building	2063	\$400,000
Lum	Building # 2 (storage)	2063	\$200,000
Lyman P. White	Light Posts x13	2063	\$60,000
Lyman P. White	Amphitheater Covered Structure	2063	\$200,000
Lyman P. White	Pavilion	2063	\$115,000
Rotary	Trail Gate	2068	\$5,000
Lum	Stone Circle	2070	\$50,000
Memorial	Concession Building	2070	\$500,000
Memorial	Ball field Bathroom building	2070	\$400,000
Bane	2 baseball fields w/grass infields/clay mounds (Bronco/Pony sizes)	2073	\$20,000
Bane	Metal flag pole w/concrete base	2073	\$3,000
Buffalo Hills	flag with solar light	2073	\$3,500
Gregory	Flagpole	2073	\$3,000
Gregory	Basketball court	2073	\$70,000
Gregory	Warming house + kitchenette	2073	\$400,000
Gregory	Tennis practice wall	2073	\$10,000
Gregory	2 court tennis court fence	2073	\$35,000
Lyman P. White	River Step Structure and canoe/kayak launch	2073	\$150,000
Lyman P. White	River Observation Deck	2073	\$325,000

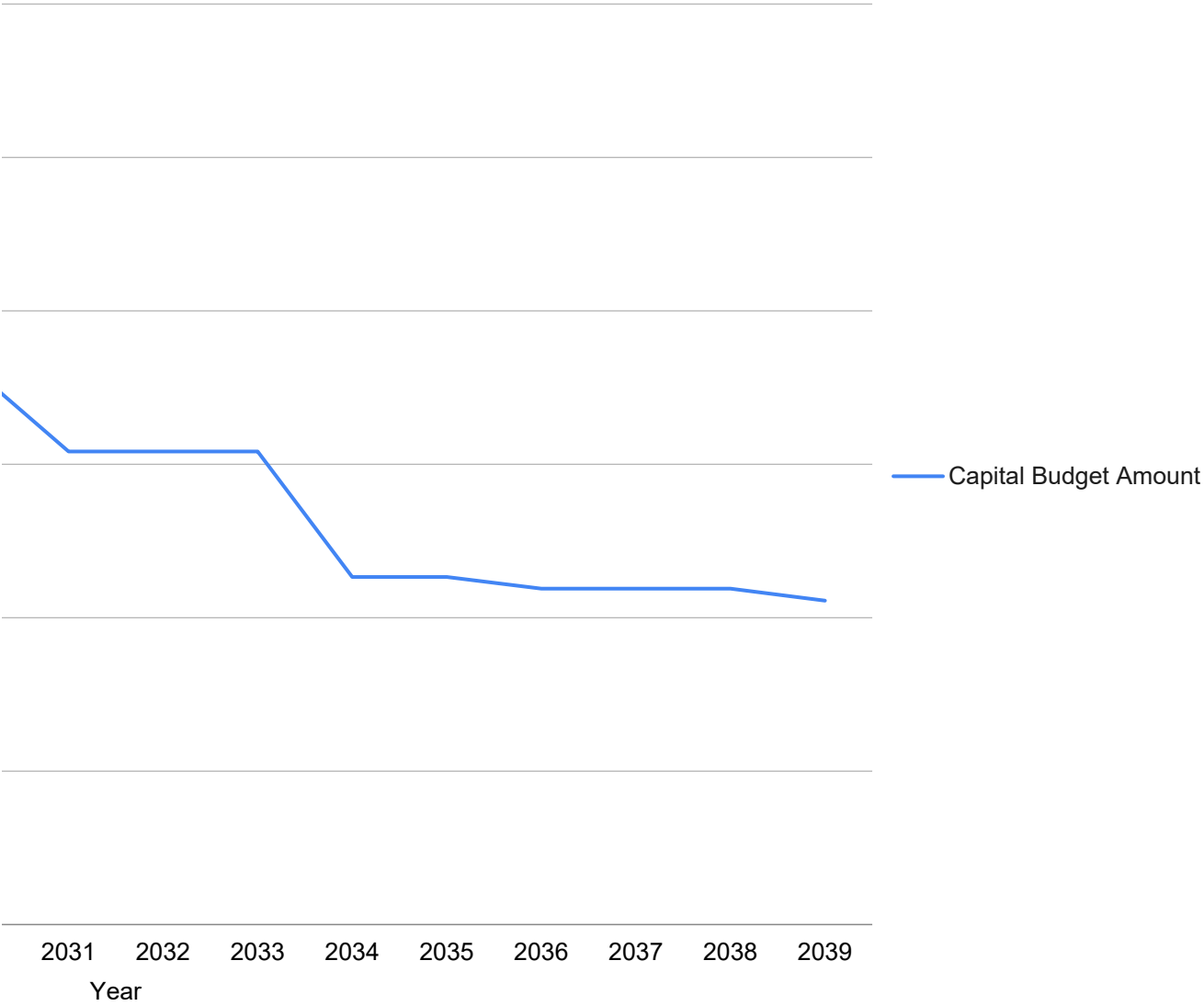
Lyman P. White	Amphitheater Seating (seating, lights, railing)	2073	\$100,000
Lyman P. White	Top of Hill Seating Area	2073	\$100,000
Lyman P. White	Paved Paths	2073	\$125,000
Memorial	Warming House and Pavilion	2073	\$400,000
Memorial	Small rink + lighting	2073	\$200,000
Memorial	Large rink + lighting	2073	\$400,000
Rotary	Entrance Structure	2073	\$450,000
Kiwanis	Duck Feature	2083	\$10,000
Memorial	Vet Memorial and Flag	2083	\$10,000
Gregory	South stone entrance	2123	\$200,000
Gregory	South stone sign and planter	2123	\$100,000
Gregory	North stone arch	2123	\$200,000
Kiwanis	Under Bridge Path	2123	\$25,000
Lum	Stone Arch Columns	3023	\$100,000
Gregory	Bent tree by SE playground		
Kiwanis	Brainerd Brewing Rest Area		
Kiwanis	Brainerd Brewing Pillar		
Kiwanis	Small Post w/ Sign		
Kiwanis	Wooden Posts		
Kiwanis	Road Rock Structures		
Kiwanis	Mississippi River Route Signage Structure		
Kiwanis	Mississippi River Pier Sign		

Year	2024	2025	2026	2027	2028
Capital Budget Amoun	\$1,396,347	\$1,266,007	\$1,200,727	\$1,200,570	\$1,130,190



2029	2030	2031	2032	2033	2034	2035
\$904,254	\$904,254	\$770,893	\$770,893	\$770,893	\$566,413	\$566,413

· (Assumes Replacing All Items at Projected End of Life)



2036	2037	2038	2039
\$547,413	\$547,413	\$547,413	\$527,859

SUM of Value (2023 Dollars)

17996900

Category	SUM of Value (2023 Dollars)
Baseball/Softball	3588000
Basic Amenities	3767400
Basketball	79000
Camping	43000
Demolition	28000
Disc Golf	9000
Hockey	150000
Hockey/Ice Skating	600000
Pickleball/Tennis	578500
Playground	847000
Structures	8307000
(blank)	
Grand Total	17996900

Category	SUM of Value (2023 Dollars)
Baseball/Softball	3588000
Basic Amenities	3767400
Basketball	79000
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Hockey	150000
Hockey/Ice Skating	600000
Pickleball/Tennis	578500
Playground	847000
Structures	8307000
(blank)	
Grand Total	17996900



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Direction on Active Code Enforcement Cases

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

With the adoption of Ordinance No. 1524, the revised Section 320 of the City Code dictates that violations of the City Code shall, after receiving a notice of violation, be issued up to three administration citations for non-compliance. Once three citations have been issued, the violation shall be brought before the Safety & Public Works Committee for review. The Committee shall then make a recommendation to the City Council as to how to proceed with enforcement of the violation.

Staff is bringing two (3) properties before the Committee for review. Staff is looking for direction from the Council as how to proceed with the cases.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Attached are the case files for:

609 11th Ave NE

PID 41191502

301 9th St S & PID 41241233

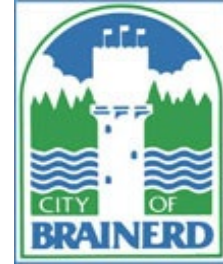
Section 320, action that could be taken against these properties include:

- 1) Continued administrative citations in an amount determined by the City Council
- 2) Abatement of the offense (depending on the type of offense)
- 3) Legal action (at the recommendation of the City Attorney depending on the type of the offense)
- 4) Cease corrective action

RECOMMENDED ACTION/MOTION: See Memo

FINANCIAL IMPACT: N/A

MEMO



TO: Mayor and City Council
FROM: James Kramvik, Community Development Director
DATE: August 21, 2023
RE: Recommendations for Active Code Enforcement Cases

Staff recommends the following actions for the active code enforcement cases brought before the City Council:

- **609 11th Ave NE**
 - Received one (1) Notice of Violation Letter (05/30/23) and three (3) Citations for Zoning Code Violation – Outdoor Storage
 - First citation 7/13/23 – Third citation 08/10/23
 - \$600 in open citations

Resident has called and stopped in numerous times with promises of cleaning this up – we have allowed many delays.

Staff recommends issuing a 10-day order to correct letter; if the property is not corrected forward the case to the City Attorney for abatement.

- **PID 41191502 (no address)**
 - Received one (1) Notice of Violation Letter (06/05/23) and three (3) Citations for Zoning Code Violation Exterior Structure - Accessory Structure
 - First citation 7/11/23 – Third citation 08/03/23
 - \$600 in open citations

This issue goes back to 2020 with assurances from the homeowner that it would be corrected – no action has been taken.

Staff recommends issuing a \$300 citation every month until December 1st.

- **PID 41241233 (no address) and 301 9th St S**
 - Received one (1) Notice of Violation Letter each for Junk/Debris/Blight and Accessory Structure Material

This property is a safety concern for downtown businesses and residents as staff has received numerous complaints about individuals living in tents/ temporary structures.

Staff recommends working immediately with the City Attorney on abatement of the junk, debris and illegal structures and issuing the property owners a 10-day order to correct letter. After 10 days and a secured search warrant, staff would contract abatement of the junk/ debris and illegal living structures. The Police Department will reach out with their law enforcement social worker liaison to

recommend services for individuals residing at the property. Staff will also personally reach out to the owners of the property to ensure they are aware of the issue.

Running Summary of Actions Taken

1005 3rd Ave NE – Administrative warrant received, and property was abated 5/4/23 - junk and debris - \$825 in open fines.

915 Laurel Street – Administrative warrant received 5/30/23. Abated 6/9/23.

1306 Oak Street – Immediate \$300 fine for garbage – Administrative warrant received 5/23/23. Abated 6/2/23.

1306 Oak Street – Repeat grass issue – Immediate \$300 fine and immediate abatement for long grass/weeds took place 6/2/23.

1201 Norwood – Repeat grass issue – Immediate \$300 fine and immediate abatement for long grass/weeds took place 6/2/23.

924 7th Ave NE – Repeat grass issue – Immediate \$300 fine and immediate abatement for long grass/weeds took place 6/2/23.

408 2nd Ave NE – Repeat grass issue – Immediate \$300 fine and immediate abatement for long grass/weeds took place 6/2/23.

1113 Rosewood St – Administrative warrant received, and property was abated for garbage and junk/debris/blight 6/22/23.

924 7th Ave NE – 3rd citation for tree limbs, brush pile sent to property owner – abated 6/30/23.

1812 Oak St – Administrative warrant received, and property was abated for garbage and junk/debris 7/26/23.

1306 Oak Street – Immediate \$300 fine for garbage – received administrative warrant 8/14/23 to abate garbage.

1306 Oak Street – Received administrative warrant 8/14/23 to abate broken fence.

412 J St NE – Requested administrative warrant 7/18/23 to abate junk/debris.

1113 Rosewood St – Immediate \$300 fine for garbage - requested administrative warrant 8/1/23 to abate garbage.

May 30, 2023

MILES, JULIE
609 11TH AVE NE
BRainerd, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 609 11TH AVE NE
Real Estate Code: 41191667

Violation: Zoning Code Violation

515-3-28 Outdoor Storage

2. Outdoor Storage is as regulated by the Appendix A: Table of Uses. Outdoor storage is not permitted in any Residential Zoning District.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 06/09/2023

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD



This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN23-0265

Date of Violation: 08/10/2023

Parcel ID: 41191667

Violator(s): MILES, JULIE
609 11TH AVE NE
BRainerd, MN 56401

Location/Address of Violation: **609 11TH AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
515-3-28 Outdoor Storage	Zoning Code Violation	\$300.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

**Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to:
City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.**

Re-inspection Date: 08/20/2023

For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so.

An additional citation will be issued if the violation is not corrected by the re-inspection date.

Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429.

Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation.

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Dylan Edwards, Assistant Planner

Date: 08/10/2023

Representative's Signature:

(served via first class mail)





June 05, 2023

GOODRICH, WALLACE D
PO BOX 608
BREEZY POINT, MN 56472

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address:

Real Estate Code: 41191502

Violation: Exterior Structure

IPMC 304.1, 304.6

Description: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Corrective action required; thirty (30) days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 07/05/2023

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,

By Order of:

THE CITY OF BRAINERD





This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN23-0279

Date of Violation: 08/03/2023

Parcel ID: 41191502

Violator(s): GOODRICH, WALLACE D
PO BOX 608
BREEZY POINT, MN 56472

Location/Address of Violation:

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 304.1,304.6	Exterior Structure	\$300.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

**Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to:
City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.**

Re-inspection Date: 08/13/2023

For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so.

An additional citation will be issued if the violation is not corrected by the re-inspection date.

Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429.

Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation.

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Jason Stockinger, Building Inspector

Date: 08/03/2023

Representative's Signature: 

(served via first class mail)



ISSUE GOES BACK TO 2020

August 13, 2020

GOODRICH, WALLACE D
PO BOX 608
BREEZY POINT, MN 56472

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address:

Real Estate Code: 41191502

Violation: Exterior Structure

Ordinance: 450

Description: Ord 450.31 Subd. 2. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. NOTE: Siding and roofing permits are required in the City of Brainerd. Corrective action is required; thirty (30) days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us Administration/Documents/City Codes.

Action should be taken on or before 09/12/2020

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in a \$100 citation(s), up to a maximum of and not to exceed \$2,000 for each administrative offense.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD

August 17, 2023

LN REAL ESTATE LLC
PO BOX 460069
HOUSTON, TX 77056

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address:

Real Estate Code: 41241233

Violation: Junk/Debris/Blight
IPMC308.1

Description: Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Rubbish is defined as combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials; furniture, appliances, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Corrective action is required; 14 days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 08/31/2023

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Assistant Planner, Dylan Edwards at 218/454-3409 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD

August 17, 2023

LN REAL ESTATE LLC
PO BOX 460069
HOUSTON, TX 77056

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address:

Real Estate Code: 41241233

Violation: Accessory Structure Material

Ordinance: 515-17-8

Description: Design Standards. No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings.

Ordinance: 515-4-1. B - Dwelling Unit Restriction.

Description: No cellar, garage, tent, travel trailer, motor home, fish house, shall at any time be used as a dwelling unit.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 09/16/2023

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

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Respectfully,

By Order of:

THE CITY OF BRAINERD

August 17, 2023

BRAINERD BN CREDIT UNION
804 LAUREL ST
BRAINERD, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 301 9TH ST S
Real Estate Code: 41241232

Violation: Accessory Structure Material

Ordinance: 515-17-8

Description: Design Standards. No plastic, canvas or vinyl tarps shall be used in the construction of any accessory buildings.

Ordinance: 515-4-1. B - Dwelling Unit Restriction.

Description: No cellar, garage, tent, travel trailer, motor home, fish house, shall at any time be used as a dwelling unit.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 09/16/2023

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

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Respectfully,
By Order of:
THE CITY OF BRAINERD

August 17, 2023

BRAINERD BN CREDIT UNION
804 LAUREL ST
BRAINERD, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

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Real Estate Code: 41241232

Violation: Junk/Debris/Blight
IPMC308.1

Description: Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Rubbish is defined as combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials; furniture, appliances, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Corrective action is required; 14 days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 08/31/2023

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - \$100.00 | 2nd Citation - \$200.00 | 3rd Citation - \$300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Assistant Planner Dylan Edwards at 218/454-3409 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD







Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Approve Event/Street Closure Application -Touch-A-Truck and Flapjack Festival

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director **DEPARTMENT:** Public Works

PRESENTER: Jessie Dehn, Public Works Director **ESTIMATED TIME (MIN):** 2 Minutes

SUMMARY OF ISSUE: Attached to this request is an Event and Street Closure Application for the ECFE & Historic Brainerd Water Tower Committee's combined event, Touch-a-Truck and Flapjack Festival to be held on Saturday, September 23, 2023 from 8:00 a.m. to 12:00 p.m. in downtown Brainerd.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: This is a combined event coupling the annual Touch-a-Truck event and the Flapjack Festival. The Touch-a-Truck event allows children to get up close with military, emergency services, maintenance, and other trucks and vehicles. The Flapjack Festival is a fundraising event for the Historic Water Tower Committee including flapjacks and flapjack eating contest. The applicant requests a street closure consisting of Laurel Street from S. 6th Street to S. 8th Street, S. 7th Street from Front Street to Maple Street, and the Laurel Street parking lot. The applicant also indicates that sidewalks will still be available. The Flapjack Festival may have amplified sound with an indicated possible performer as well as an additional ADA restroom.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the attached application under the conditions listed in the attached event application.

FINANCIAL IMPACT: N/A



SPECIAL EVENT APPLICATION

Date of Application: 8/14/2023

Event applications can be submitted to the Engineering Department at 501 Laurel Street, Brainerd, MN 56401 or tgage@ci.brainerd.mn.us. Event applications that include a street closure must be submitted at least 30 calendar days prior to the event and will require City Council approval. All other event applications must be submitted at least 14 calendar days prior to the event.

Type of event: ☒ Event – City Parking Lot ☐ Event – City Park
☒ Event with Street Closure ☐ Other _____

Name of event: Touch-a-Truck & FlapJack Festival

Organizer Information

Organizer's Name: (ECFE) (Historic Brainerd Water Tower Committee)
Organizer's Address: (12149 Knollwood Drive, Baxter, MN) (501 Laurel St.)
Event Contact Person: (Braindi Wynn) (Paul Skogen)
Event Contact Daytime Phone: (218-454-5450) (218-831-3913)
Event Contact E-mail Address: (braindi.wynn@isd181.org) (Pauls@hyteconstruction.com)
Contact Name/Number Day of Event: James Kramvik 218-513-0176
For Profit/Nonprofit Status (type): (ISD 181) (Historic Brainerd Water Tower Committee)

Applicant information (if different from the event organizer):

Applicant Name: James Kramvik Paul Skogan
Applicant Address: 501 Laurel St. Brainerd, MN 56401
Applicant Phone: 218-513-0176 (218-831-3913)
Applicant E-mail Address: (jkramvik@ci.brainerd.mn.us) (Pauls@hyteconstruction.com)

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
Sept 23	10:00 AM	12:00 PM	Touch-A-Truck (ECFE)
			Laurel St between S. 6th and S. 8th
			S. 7th St. between Front and Maple
Sept 23	8:00 AM	12:00 PM	FlapJack Festival (Water Tower Committee)
			Laurel Street Parking Lot

☐ Recurring event (requires only one application submittal per year)

Event locations (*all dimensions are parking lot usable space estimates*):

- City Hall Parking Lot (130' x 146')
- Laurel Street Parking Lot (92' x 120')
- Front Street Parking Lot (66' x 125')
- City Street(s) (street closure request information on page 4 MUST be filled out)
- City Park (must contact the Parks & Recreation Department for information)
- Other (specify location above)

Description of Activities

Brief description of the activities planned during the event. If a parade/run/walk event, please describe the proposed route with the assembly and dispersal locations and attach a route map:

Touch-a-Truck event to be held in the street. FlapJack Festival will be held in the Laurel Street Parking Lot. Downtown businesses will be contacted to be made aware of the street closure and parking lot closure and to give them the opportunity to participate.

Site Information

Electrical usage

☐

Yes

☐

No

Describe the type of equipment to be used and how you intent to supply the power:

Possibly needed for performer if electrical is present (FlapJack Festival).

Amplified Sound

☒

Yes

☐

No

Describe any recording and sound amplification equipment to be used in your event along with the times:

Possible performer with acoustic guitar and amplifier (FlapJack Festival).

Restrooms provided

☒

Yes

☐

No

If yes, how many 1 (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: 1 ADA Restroom

(if restrooms are provided by neighboring property(s), please submit the location and property owner's signature to verify approval has been granted)

Signs, banners, and/or posters/flyers

☐

Yes

☒

No

Describe the signs, banners, posters, flyers and the locations:

Flyers will be handed out to local businesses

Trash Receptacle Disposal

☒

Yes

☐

No

Company contracted for trash receptacle disposal: _____

Additional Event Information

Please provide a layout of the event showing booths, tents, staging, amusement, food, etc and provide a street map or park map showing the borders of the event.

Throughout all events, businesses should be reasonably accessible to the public. If a business's entrance is blocked by an event layout, then accommodations such as signage, handbills, or similar methods should be made available to mitigate the impact on customer access.

A \$100/day security deposit for publicly owned spaces ONLY is required (payable by check only). The security deposit will be refunded should the event site be left clean and void of trash and all event items are removed on the last day of the event. An event that does not occur will not have its security deposit refunded except for hazardous weather conditions, as determined by the City of Brainerd.

Street Closure Request Information

Describe the name and sections of the streets for which you are requesting temporary closure
(e.g. South 7th Street between Maple Street and Front Street):

(Touch A Truck) Laurel St. between S. 6th St. and S. 8th St. S. 7th St
between Front St. and Maple St. (FlapJack Festival) Laurel Street Parking Lot

Date and time for beginning of street closures: 7:30 AM

Date and time for reopening of streets: 1:00 PM

Describe how your event preserves customer and residential access for businesses and houses along your
proposed street closure (e.g. preserving pedestrian flow along sidewalks). Additional pages may be attached.

Sidewalk/pedestrian traffic will not be restricted through the area.
Parking will be available in the City Hall, Justice Center, Front Street,
and Laurel St (access via alley) parking lots as well as on Front Street.

While the City continues to treat downtown as a venue for events, event plans must be balanced with the
interests and needs of property owners.

If a street closure occurs along residential streets, reasonable efforts must be made to alert all property
owners along the street of the proposed closure. All street closures shall be approved by the City Council.
Failure to notify property owners and tenants in street closure areas will result in revocation of this permit.

For information regarding a street closure, please contact the City Engineering office at 218-828-2307 or
engineer@ci.brainerd.mn.us.

Hold Harmless Agreement and Insurance Information

The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney's fees), charges, liability, or exposure, however caused, resulting from, arising out of, or in any way connected with the applicant's event herein described.

The City, at its discretion, may require the Applicant to obtain liability insurance for any event. If liability insurance is required, the following requirements apply:

- Minimum of \$1,000,000 in commercial general liability insurance.
- Applicant's insurance shall be primary.
- Insurance shall cover liability for injury death and property damage including coverage for alcohol related claims if alcohol will be served.
- The insurance policy must be issued by an insurance company licensed to do business in Minnesota acceptable to the City.
- The City must be named as an "Additional Insured" on the policy.
- At least ten (10) days prior to the event, the Applicant must provide to the City a Certificate of Insurance showing the required coverage.

Signature of Event Applicant

I attest that the above information is true and accurate, and I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.

James Kramvik Digitally signed by James Kramvik
Date: 2023.08.14 13:14:55 -05'00'

Signature of Applicant

James Kramvik

Print Name


August 15, 2023
Paul Skogen

Contacts, Permits, and Fees Checklist

Each event has its own requirements and needs. Listed below is a summary of the permits common to many events. Please note that it is not necessary to have all permits approved upon submission of this application. However, this checklist should serve as a guide as you plan your event. *All events must have all permits and fees paid and approved prior to the start of the event.*

The Event Planner is responsible for providing the following (as needed) information:

Permit, License, or Checklist	Yes	Pending	N/A	Contact (See contact information below)
Authorization to use a city park			X	Contact the Parks & Recreation Department for information/procedure.
Fire/EMS/Police support			X	Check yes to request emergency support. The appropriate level of fire, EMS, and police support will be determined based on crowd size and the type of event. Fees may be discussed with the sponsor.
Food and vendor licenses	X			All vendors must apply for a temporary license through the Commissioner of Revenue's Office. Food vendors are required to collect and report meals tax. Contact City Hall for information/procedure.
Health Department Permit	X			All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).
Insurance Certificate			X	May be required before issuing a permit.
Sign/banner Permits			X	Contact the Planning Department for information/procedure.
Parade Permit			X	Issued by the Police Department after complete submission of application.
Alcohol Use Permit			X	Must be approved by City Council after submission of the event application. Contact City Hall for information/procedure.

Contact Information

Administration Department:	(218) 828-2307 admin@ci.brainerd.mn.us
Parks and Recreation Department:	(218) 828-2320 parks@ci.brainerd.mn.us
Engineering Department:	(218) 828-2307 engineer@ci.brainerd.mn.us
Planning Department:	(218) 828-2307 planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 police@ci.brainerd.mn.us
Fire Department:	(218) 828-2312 fire@ci.brainerd.mn.us
MN Commissioner of Revenue:	(651) 282-5225 www.revenue.state.mn.us
MN Department of Health	(320) 223-7300 www.health.state.mn.us
MNDOT Baxter Office	(218) 828-5700 www.dot.state.mn.us

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	_____	_____
City Administration	_____	_____
Engineering Department	8/16 JD	See below conditions
Fire Department	_____	_____
Fire Support/EMS	_____	_____
Parks Department	_____	_____
Planning Department	_____	_____
Police Department	_____	_____

Event Application Approval

The event as described above is approved subject to any conditions noted on this form or otherwise set forth by the City of Brainerd.

City Administrator

Date

Approval Conditions

- Provide a certificate of insurance to City Hall prior to the event.
- Request traffic control materials 1 week prior to event.
- Contact downtown businesses to inform them of the closure.

Certification of Street Closure Approval

The street closure request as described herein was approved by the City Council at their _____, 20__ meeting. Approval is subject to the following condition(s):



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Approve Event/Street Closure Application - Neighborhood Potluck

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Attached to this request is an Event and Street Closure Application for a Neighborhood Potluck in the Brainerd Oaks neighborhood to be held on Sunday, September 17, 2023 from 12:00 p.m. to 3:00 p.m. A rain day is proposed to occur on Sunday, September 24th in the event of inclement weather.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The event is a potluck event for neighborhood residents including kids games and socializing. The applicant is requesting closure of York Court for the event. Private homes would provide necessary power and garbage/recycling. Flyers would be handed out to residents on Holton Avenue, York Court, and King Court.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the attached application under the conditions listed in the attached event application.

FINANCIAL IMPACT: N/A



SPECIAL EVENT APPLICATION

Date of Application: August 5, 2023

Event applications can be submitted to the Engineering Department at 501 Laurel Street, Brainerd, MN 56401 or tgage@ci.brainerd.mn.us. Event applications that include a street closure must be submitted at least 30 calendar days prior to the event and will require City Council approval. All other event applications must be submitted at least 14 calendar days prior to the event.

Type of event:

Event – City Parking Lot

Event – City Park

Event with Street Closure

Other _____

Name of event:

Neighborhood Potluck
~~Block Party~~

Organizer Information

Organizer's Name:

Jennifer Waldriff

Organizer's Address:

912 York Court Brainerd MN 56401

Event Contact Person:

Katie Nelson Holton Ave

Event Contact Daytime Phone:

↳ 916-769-8613

Event Contact E-mail Address:

Contact Name/Number Day of Event:

Jennifer Waldriff 218-821-9793

For Profit/Nonprofit Status (type):

NON-profit neighbors getting together

Applicant information (if different from the event organizer):

Additional organizers

Applicant Name:

Dawn Myhra

Applicant Address:

York Ct

Applicant Phone:

↳ phone 218-820-1890

Applicant E-mail Address:

Sophie Oliver 1017 Holton Ave

↳ phone 451-765-0432

Event Information

Event Details (list each date separately)

	Event Date	Start Time	End Time	Event Location(s) – see locations listed below
1 st	9.17.23	12 noon	3pm	would like to have
				regular gatherings for
2 nd	9.24.23	12 noon	3pm	the neighborhood
				↳ if there is rain on the 17 th

Recurring event (requires only one application submittal per year)

Event locations (all dimensions are parking lot usable space estimates):

- City Hall Parking Lot (130' x 146')
- Laurel Street Parking Lot (92' x 120')
- Front Street Parking Lot (66' x 125')
- City Street(s) (street closure request information on page 4 MUST be filled out)
- City Park (must contact the Parks & Recreation Department for information)
- Other (specify location above)

Description of Activities

Brief description of the activities planned during the event. If a parade/run/walk event, please describe the proposed route with the assembly and dispersal locations and attach a route map:

• Kids games / socializing
• Adult socializing

Site Information

Electrical usage

☒ Yes

☐ No

Describe the type of equipment to be used and how you intent to supply the power:

will have food tables set up on event planners
driveway w/ electrical from home for hot items
coolers for cold items. Pot luck style

Amplified Sound

☐ Yes

☐ No

Describe any recording and sound amplification equipment to be used in your event along with the times:

Restrooms provided

☐ Yes

☒ No

If yes, how many _____ (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: _____

(if restrooms are provided by neighboring property(s), please submit the location and property owner's signature to verify approval has been granted)

Signs, banners, and/or posters/flyers

☒ Yes

☐ No

Describe the signs, banners, posters, flyers and the locations:

flyers will be handed out to property owners who live
on Clark Ct, Horton Ave. ; King Ct by organizers

Trash Receptacle Disposal

☒ Yes

☐ No

Company contracted for trash receptacle disposal: _____

Additional Event Information

Please provide a layout of the event showing booths, tents, staging, amusement, food, etc and provide a street map or park map showing the borders of the event.

Throughout all events, businesses should be reasonably accessible to the public. If a business's entrance is blocked by an event layout, then accommodations such as signage, handbills, or similar methods should be made available to mitigate the impact on customer access.

A \$100/day security deposit for publicly owned spaces ONLY is required (payable by check only). The security deposit will be refunded should the event site be left clean and void of trash and all event items are removed on the last day of the event. An event that does not occur will not have its security deposit refunded except for hazardous weather conditions, as determined by the City of Brainerd.

Street Closure Request Information

Describe the name and sections of the streets for which you are requesting temporary closure

(e.g. South 7th Street between Maple Street and Front Street):

would only close off York St. where it intersects
Horton Ave. Then there is no interruption of
traffic through neighborhood.

Date and time for beginning of street closures: _____

Date and time for reopening of streets: _____

Describe how your event preserves customer and residential access for businesses and houses along your proposed street closure (e.g. preserving pedestrian flow along sidewalks). Additional pages may be attached.

While the City continues to treat downtown as a venue for events, event plans must be balanced with the interests and needs of property owners.

If a street closure occurs along residential streets, reasonable efforts must be made to alert all property owners along the street of the proposed closure. All street closures shall be approved by the City Council. Failure to notify property owners and tenants in street closure areas will result in revocation of this permit.

For information regarding a street closure, please contact the City Engineering office at 218-828-2307 or engineer@ci.brainerd.mn.us.

Contacts, Permits, and Fees Checklist

Each event has its own requirements and needs. Listed below is a summary of the permits common to many events. Please note that it is not necessary to have all permits approved upon submission of this application. However, this checklist should serve as a guide as you plan your event. *All events must have all permits and fees paid and approved prior to the start of the event.*

The Event Planner is responsible for providing the following (as needed) information:

Permit, License, or Checklist	Yes	Pending	N/A	Contact (See contact information below)
Authorization to use a city park			X	Contact the Parks & Recreation Department for information/procedure.
Fire/EMS/Police support				Check yes to request emergency support. The appropriate level of fire, EMS, and police support will be determined based on crowd size and the type of event. Fees may be discussed with the sponsor.
Food and vendor licenses			X	All vendors must apply for a temporary license through the Commissioner of Revenue's Office. Food vendors are required to collect and report meals tax. Contact City Hall for information/procedure.
Health Department Permit			X	All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).
Insurance Certificate				May be required before issuing a permit.
Sign/banner Permits			X	Contact the Planning Department for information/procedure.
Parade Permit			X	Issued by the Police Department after complete submission of application.
Alcohol Use Permit			X	Must be approved by City Council after submission of the event application. Contact City Hall for information/procedure.

Contact Information

Administration Department:	(218) 828-2307 admin@ci.brainerd.mn.us
Parks and Recreation Department:	(218) 828-2320 parks@ci.brainerd.mn.us
Engineering Department:	(218) 828-2307 engineer@ci.brainerd.mn.us
Planning Department:	(218) 828-2307 planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 police@ci.brainerd.mn.us
Fire Department:	(218) 828-2312 fire@ci.brainerd.mn.us
MN Commissioner of Revenue:	(651) 282-5225 www.revenue.state.mn.us
MN Department of Health	(320) 223-7300 www.health.state.mn.us
MNDOT Baxter Office	(218) 828-5700 www.dot.state.mn.us

Hold Harmless Agreement and Insurance Information

The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney's fees), charges, liability, or exposure, however caused, resulting from, arising out of, or in any way connected with the applicant's event herein described.

The City, at its discretion, may require the Applicant to obtain liability insurance for any event. If liability insurance is required, the following requirements apply:

- Minimum of \$1,000,000 in commercial general liability insurance.
- Applicant's insurance shall be primary.
- Insurance shall cover liability for injury death and property damage including coverage for alcohol related claims if alcohol will be served.
- The insurance policy must be issued by an insurance company licensed to do business in Minnesota acceptable to the City.
- The City must be named as an "Additional Insured" on the policy.
- At least ten (10) days prior to the event, the Applicant must provide to the City a Certificate of Insurance showing the required coverage.

Signature of Event Applicant

I attest that the above information is true and accurate, and I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.


Signature of Applicant


Print Name

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	_____	_____
City Administration	_____	_____
Engineering Department	_____	_____
Fire Department	_____	_____
Fire Support/EMS	_____	_____
Parks Department	_____	_____
Planning Department	_____	_____
Police Department	_____	_____

Event Application Approval

The event as described above is approved subject to any conditions noted on this form or otherwise set forth by the City of Brainerd.

City Administrator

Date

Approval Conditions

Request traffic control materials one week prior to the event.

Certification of Street Closure Approval

The street closure request as described herein was approved by the City Council at their _____, 20__ meeting. Approval is subject to the following condition(s):



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Approve Event/Street Closure Application - First Lutheran Rally Day

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Attached to this request is an Event and Street Closure Application for the First Lutheran Rally Day event to be held on Sunday, September 10, 2023 from 8:00 a.m. to 1:00 p.m.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The event includes a bounce house, games and other activities. The applicant is requesting closure of Norwood Street from S. 8th Street west to the funeral home entrance. Sidewalks would remain open during the event. The church would provide restrooms in the adjacent building.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the attached application under the conditions listed in the attached event application.

FINANCIAL IMPACT: N/A



SPECIAL EVENT APPLICATION

Date of Application: 8.3.2023

Event applications can be submitted to the Engineering Department at 501 Laurel Street, Brainerd, MN 56401 or tgage@ci.brainerd.mn.us. Event applications that include a street closure must be submitted at least 30 calendar days prior to the event and will require City Council approval. All other event applications must be submitted at least 14 calendar days prior to the event.

Type of event: ☐ Event – City Parking Lot ☐ Event – City Park
☒ Event with Street Closure ☐ Other _____

Name of event: First Lutheran Rally Day

Organizer Information

Organizer's Name: Jordan Gades
Organizer's Address: 424 S 8th St
Event Contact Person: Jordan Gades
Event Contact Daytime Phone: 651-357-4726
Event Contact E-mail Address: pastorjordan@flcbrainerd.com
Contact Name/Number Day of Event: Jordan Gades 651-357-4726
For Profit/Nonprofit Status (type): Non Profit 501c3

Applicant information (if different from the event organizer):

Applicant Name: _____
Applicant Address: _____
Applicant Phone: _____
Applicant E-mail Address: _____

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
Sept 10th, 2023	8am	1pm	Norwood st - 8th st west to funeral home entrance

☐ Recurring event (requires only one application submittal per year)

Event locations (all dimensions are parking lot usable space estimates):

- City Hall Parking Lot (130’ x 146’)
- Laurel Street Parking Lot (92’ x 120’)
- Front Street Parking Lot (66’ x 125’)
- City Street(s) (street closure request information on page 4 MUST be filled out)
- City Park (must contact the Parks & Recreation Department for information)
- Other (specify location above)

Description of Activities

Brief description of the activities planned during the event. If a parade/run/walk event, please describe the proposed route with the assembly and dispersal locations and attach a route map:

Blocking off 1/2 a block of Norwood st right outside of First Lutheran to host games and other activities for church.

Site Information

Electrical usage



Yes



No

Describe the type of equipment to be used and how you intent to supply the power:

Extension cord to Bouncy house

Amplified Sound



Yes



No

Describe any recording and sound amplification equipment to be used in your event along with the times:

Restrooms provided



Yes



No

If yes, how many 4 (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: First Lutheran Church

(if restrooms are provided by neighboring property(s), please submit the location and property owner's signature to verify approval has been granted)

Signs, banners, and/or posters/flyers



Yes



No

Describe the signs, banners, posters, flyers and the locations:

Trash Receptacle Disposal



Yes



No

Company contracted for trash receptacle disposal: _____

Additional Event Information

Please provide a layout of the event showing booths, tents, staging, amusement, food, etc and provide a street map or park map showing the borders of the event.

Throughout all events, businesses should be reasonably accessible to the public. If a business's entrance is blocked by an event layout, then accommodations such as signage, handbills, or similar methods should be made available to mitigate the impact on customer access.

A \$100/day security deposit for publicly owned spaces ONLY is required (payable by check only). The security deposit will be refunded should the event site be left clean and void of trash and all event items are removed on the last day of the event. An event that does not occur will not have its security deposit refunded except for hazardous weather conditions, as determined by the City of Brainerd.

Street Closure Request Information

Describe the name and sections of the streets for which you are requesting temporary closure (e.g. South 7th Street between Maple Street and Front Street):

Norwood st - the 1/2 block between 8th st west to funeral home entrance. We would leave that entrance open.

Date and time for beginning of street closures: 8am

Date and time for reopening of streets: 1pm

Describe how your event preserves customer and residential access for businesses and houses along your proposed street closure (e.g. preserving pedestrian flow along sidewalks). Additional pages may be attached. We would be blocking no entrance to other buildings and all surrounding roads are open.

There are sidewalks on both sides of the street which would still be open.

While the City continues to treat downtown as a venue for events, event plans must be balanced with the interests and needs of property owners.

If a street closure occurs along residential streets, reasonable efforts must be made to alert all property owners along the street of the proposed closure. All street closures shall be approved by the City Council. Failure to notify property owners and tenants in street closure areas will result in revocation of this permit.

For information regarding a street closure, please contact the City Engineering office at 218-828-2307 or engineer@ci.brainerd.mn.us.

Hold Harmless Agreement and Insurance Information

The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney's fees), charges, liability, or exposure, however caused, resulting from, arising out of, or in any way connected with the applicant's event herein described.

The City, at its discretion, may require the Applicant to obtain liability insurance for any event. If liability insurance is required, the following requirements apply:

- Minimum of \$1,000,000 in commercial general liability insurance.
- Applicant's insurance shall be primary.
- Insurance shall cover liability for injury death and property damage including coverage for alcohol related claims if alcohol will be served.
- The insurance policy must be issued by an insurance company licensed to do business in Minnesota acceptable to the City.
- The City must be named as an "Additional Insured" on the policy.
- At least ten (10) days prior to the event, the Applicant must provide to the City a Certificate of Insurance showing the required coverage.

Signature of Event Applicant

I attest that the above information is true and accurate, and I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.



Signature of Applicant

Jordan Gades

Print Name

Contacts, Permits, and Fees Checklist

Each event has its own requirements and needs. Listed below is a summary of the permits common to many events. Please note that it is not necessary to have all permits approved upon submission of this application. However, this checklist should serve as a guide as you plan your event. *All events must have all permits and fees paid and approved prior to the start of the event.*

The Event Planner is responsible for providing the following (as needed) information:

Permit, License, or Checklist	Yes	Pending	N/A	Contact (See contact information below)
Authorization to use a city park			X	Contact the Parks & Recreation Department for information/procedure.
Fire/EMS/Police support			x	Check yes to request emergency support. The appropriate level of fire, EMS, and police support will be determined based on crowd size and the type of event. Fees may be discussed with the sponsor.
Food and vendor licenses			x	All vendors must apply for a temporary license through the Commissioner of Revenue's Office. Food vendors are required to collect and report meals tax. Contact City Hall for information/procedure.
Health Department Permit			x	All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).
Insurance Certificate	x			May be required before issuing a permit.
Sign/banner Permits	X			Contact the Planning Department for information/procedure.
Parade Permit			X	Issued by the Police Department after complete submission of application.
Alcohol Use Permit			x	Must be approved by City Council after submission of the event application. Contact City Hall for information/procedure.

Contact Information

Administration Department:	(218) 828-2307 admin@ci.brainerd.mn.us
Parks and Recreation Department:	(218) 828-2320 parks@ci.brainerd.mn.us
Engineering Department:	(218) 828-2307 engineer@ci.brainerd.mn.us
Planning Department:	(218) 828-2307 planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 police@ci.brainerd.mn.us
Fire Department:	(218) 828-2312 fire@ci.brainerd.mn.us
MN Commissioner of Revenue:	(651) 282-5225 www.revenue.state.mn.us
MN Department of Health	(320) 223-7300 www.health.state.mn.us
MNDOT Baxter Office	(218) 828-5700 www.dot.state.mn.us

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	_____	_____
City Administration	_____	_____
Engineering Department	8/16 JD	See conditions below
Fire Department	_____	_____
Fire Support/EMS	_____	_____
Parks Department	_____	_____
Planning Department	_____	_____
Police Department	_____	_____

Event Application Approval

The event as described above is approved subject to any conditions noted on this form or otherwise set forth by the City of Brainerd.

City Administrator

Date

Approval Conditions

Provide certificate of insurance to City Hall prior to event.
Request traffic control materials one week prior to event.

Certification of Street Closure Approval

The street closure request as described herein was approved by the City Council at their _____, 20__ meeting. Approval is subject to the following condition(s):



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Award Imp 21-17- Lum Park Road SPRA Project

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Engineering

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Staff has received 2 bids for Improvement 21-17 - Lum Park Road SPRA (State Park Road Account) Project.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The City received grant funds from the MnDNR to rehabilitate Lum Park Road from Highway 210 to the public boat launch. The project includes reclamation and paving of Lum Park Road and a mill and overlay of the boat launch access road. Also included in the project is trail construction through the adjacent park area.

In total, 2 bids were received from Anderson Brothers and Knife River. Total bid prices submitted by each contractor were \$241,470.13 and \$322,584.59, respectively. The Engineer's Estimate for the project was \$226,968.65. These amounts are for construction costs only and do not include costs for Widseth engineering services or other administrative costs. The project was awarded up to \$143,000 in SPRA grant funds, however the exact amount eligible for funding is based on the costs to construct access road only per design standards. Items such as additional road width for parking, trails, and other expenses would be funded by the City.

RECOMMENDED ACTION/MOTION: Staff recommends award of the Improvement 21-17 - Lum Park Road SPRA Project contract to Anderson Brothers in the amount of \$241,490.13.

FINANCIAL IMPACT: \$241,470.13.

August 14, 2023

Brainerd/Baxter

7804 Industrial Park Road
Baxter MN 56425

218.829.5117

Baxter@Widseth.com

Widseth.com

Honorable Mayor and City Council
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

RE: Lum Park Road & Boat Launch Drive Reconstruction
Engineer's Letter of Recommendation for Bid Award
WSN No. 2022-11736

Dear Mayor and City Council:

Pursuant to authority of the City Council and after proper legal advertisement, bids for the above- referenced project were obtained at 11:00 A.M., in the Brainerd City Hall on August 10, 2023.

The following bids were received:

Anderson Brothers Construction Company of Brainerd, LLC	\$241,470.13
Knife River – North Central	\$322,584.59

The Engineering Estimate of the construction cost was \$226,968.65. Details of all bids are shown on the attached Bid Tabulation. The bids were conforming to the plans, specifications, and advertisement.

We recommend the contract be awarded to Anderson Brothers Construction Company of Brainerd, LLC, Brainerd, Minnesota, the lowest responsible bidder, on the basis of the unit prices on the bid proposal.

If you have any questions regarding the award process, project costs or bids please do not hesitate to give us a call.

Sincerely,

WIDSETH SMITH NOLTING



Alex D. Bitter, P.E.

Enclosure

WIDSETH SMITH NOLTING
7804 Industrial Park Road, Baxter, MN 56425

PHONE 218-829-5117

TABULATION OF BIDS

NAME: LUM PARK ROAD & BOAT LAUNCH DRIVE RECONSTRUCTION

CLIENT: City of Brainerd
PROJECT NO: 2022-11736
DATE: August 10, 2023
TIME: 11:00 AM

ITEM NO.					ENGINEER'S ESTIMATE		Anderson Bros. Construction Co. 11325 State Highway 210 Brainerd, MN 56401		Knife River - North Central 4787 Shadow Wood Drive NE Sauk Rapids, MN 56379	
	SPEC NO	ITEM DESCRIPTION	CONTRACT QUANTITY	UNIT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	2021.501	MOBILIZATION	1	LUMP SUM	\$12,000.00	\$12,000.00	\$15,000.00	\$15,000.00	\$ 17,200.00	\$17,200.00
2	2104.502	REMOVE PIPE APRON	2	EACH	\$100.00	\$200.00	\$125.70	\$251.40	\$ 100.00	\$200.00
3	2101.502	SALVAGE SIGN	2	EACH	\$50.00	\$100.00	\$26.40	\$52.80	\$ 25.00	\$50.00
4	2104.503	SAWING CONCRETE PAVEMENT (FULL DEPTH)	20	LIN FT	\$9.00	\$180.00	\$5.85	\$117.00	\$ 23.00	\$460.00
5	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	283	LIN FT	\$5.50	\$1,556.50	\$4.15	\$1,174.45	\$ 5.00	\$1,415.00
6	2104.503	REMOVE PIPE CULVERT	17	LIN FT	\$10.00	\$170.00	\$20.10	\$341.70	\$ 28.00	\$476.00
7	2104.503	REMOVE CURB AND GUTTER	105	LIN FT	\$4.50	\$472.50	\$3.65	\$383.25	\$ 5.00	\$525.00
8	2104.503	REMOVE RETAINING WALL	105	LIN FT	\$10.00	\$1,050.00	\$6.20	\$651.00	\$ 18.00	\$1,890.00
9	2104.504	REMOVE BITUMINOUS PAVEMENT	1412	SQ YD	\$6.00	\$8,472.00	\$2.35	\$3,318.20	\$ 6.45	\$9,107.40
10	2106.607	EXCAVATION SPECIAL	350	CU YD	\$15.00	\$5,250.00	\$17.75	\$6,212.50	\$ 27.00	\$9,450.00
11	2123.510	COMMON LABORERS	6	HOUR	\$95.00	\$570.00	\$114.00	\$684.00	\$ 80.00	\$480.00
12	2123.610	SKID LOADER	6	HOUR	\$140.00	\$840.00	\$146.85	\$881.10	\$ 150.00	\$900.00
13	2123.610	STREET SWEEPER (WITH PICKUP BROOM AND WATER)	6	HOUR	\$155.00	\$930.00	\$194.00	\$1,164.00	\$ 190.00	\$1,140.00
14	2211.507	AGGREGATE BASE CLASS 5 (CV)	124	CU YD	\$30.00	\$3,720.00	\$60.35	\$7,483.40	\$ 50.00	\$6,200.00
15	2215.504	FULL DEPTH RECLAMATION	4804	SQ YD	\$2.25	\$10,809.00	\$1.75	\$8,407.00	\$ 4.70	\$22,578.80
16	2232.504	MILL BITUMINOUS SURFACE (2.0")	1747	SQ YD	\$2.00	\$3,494.00	\$3.75	\$6,551.25	\$ 8.00	\$13,976.00
17	2301.504	CONCRETE PAVEMENT 4"	136	SQ YD	\$15.00	\$2,040.00	\$82.68	\$11,244.48	\$ 120.00	\$16,320.00
18	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (2,B)	1008	TON	\$90.00	\$90,720.00	\$81.00	\$81,648.00	\$ 92.00	\$92,736.00
19	2360.509	TYPE SP 12.5 WEARING COURSE MIXTURE (2,B)	209	TON	\$75.00	\$15,675.00	\$81.00	\$16,929.00	\$ 102.00	\$21,318.00
20	2501.502	18" CS PIPE APRON	2	EACH	\$435.00	\$870.00	\$645.55	\$1,291.10	\$ 558.00	\$1,116.00
21	2501.503	18" CS PIPE CULVERT	26	LIN FT	\$70.00	\$1,820.00	\$79.50	\$2,067.00	\$ 91.00	\$2,366.00
22	2511.504	GEOTEXTILE FILTER TYPE 4	46	SQ YD	\$4.00	\$184.00	\$27.90	\$1,283.40	\$ 7.50	\$345.00
23	2511.507	RANDOM RIPRAP CLASS II	10	CU YD	\$130.00	\$1,300.00	\$144.65	\$1,446.50	\$ 200.00	\$2,000.00
24	2521.518	2" BITUMINOUS WALK	8801	SQ FT	\$2.65	\$23,322.65	\$3.500	\$30,803.50	\$ 5.80	\$51,045.80
25	2531.503	CONCRETE CURB AND GUTTER DESIGN B618	157	LIN FT	\$22.00	\$3,454.00	\$40.30	\$6,327.10	\$ 50.00	\$7,850.00
26	2531.618	TRUNCATED DOMES	120	SQ FT	\$63.00	\$7,560.00	\$58.30	\$6,996.00	\$ 65.00	\$7,800.00
27	2563.601	TRAFFIC CONTROL	1	LUMP SUM	\$6,000.00	\$6,000.00	\$1,689.75	\$1,689.75	\$ 3,000.00	\$3,000.00
28	2564.602	INSTALL SIGN	2	EACH	\$100.00	\$200.00	\$126.75	\$253.50	\$ 120.00	\$240.00
29	2573.501	STABILIZED CONSTRUCTION EXIT	1	LUMP SUM	\$2,000.00	\$2,000.00	\$1,176.00	\$1,176.00	\$ 1,700.00	\$1,700.00
30	2573.502	STORM DRAIN INLET PROTECTION	7	EACH	\$200.00	\$1,400.00	\$205.95	\$1,441.65	\$ 195.00	\$1,365.00
31	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	705	LIN FT	\$5.00	\$3,525.00	\$5.30	\$3,736.50	\$ 5.00	\$3,525.00
32	2573.503	SILT FENCE, TYPE MS	126	LIN FT	\$8.00	\$1,008.00	\$5.30	\$667.80	\$ 5.00	\$630.00
33	2574.507	COMMON TOPSOIL BORROW	201	CU YD	\$45.00	\$9,045.00	\$39.00	\$7,839.00	\$ 59.00	\$11,859.00
34	2574.508	FERTILIZER (22-5-10)	222	POUND	\$1.75	\$388.50	\$1.00	\$222.00	\$ 0.95	\$210.90
35	2575.505	SEEDING	0.38	ACRE	\$300.00	\$114.00	\$1,050.80	\$399.30	\$ 995.00	\$378.10
36	2575.508	SEED MIXTURE 22-111 (TEMPORARY SEEDING)	37	POUND	\$5.00	\$185.00	\$4.55	\$168.35	\$ 4.30	\$159.10
37	2575.508	SEED MIXTURE 25-131	113	POUND	\$6.50	\$734.50	\$4.25	\$480.25	\$ 4.03	\$455.39
38	2575.508	SEED MIXTURE 25-141	2	POUND	\$8.00	\$16.00	\$4.80	\$9.60	\$ 4.55	\$9.10
39	2575.500	HYDRAULIC REINFORCED FIBER MATRIX	1570	POUND	\$2.50	\$3,925.00	\$2.10	\$3,297.00	\$ 2.00	\$3,140.00
40	2582.503	4" SOLID LINE PAINT	1130	LIN FT	\$0.50	\$565.00	\$2.65	\$2,994.50	\$ 2.50	\$2,825.00
41	2582.503	4" DOUBLE SOLID LINE PAINT	350	LIN FT	\$0.50	\$175.00	\$5.30	\$1,855.00	\$ 5.00	\$1,750.00
42	2582.503	4" BROKEN LINE PAINT	210	LIN FT	\$1.00	\$210.00	\$2.65	\$556.50	\$ 2.50	\$525.00
43	2582.503	8" SOLID LINE PAINT	196	LIN FT	\$0.50	\$98.00	\$7.40	\$1,450.40	\$ 7.00	\$1,372.00
44	2582.518	PAVEMENT MESSAGE	62	SQ FT	\$10.00	\$620.00	\$8.45	\$523.90	\$ 8.00	\$496.00

TOTAL BID	\$226,968.65	\$241,470.13	\$322,584.59
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I hereby certify that this tabulation is a true and correct copy of the bids for the Lum Park Road & Boat Launch Drive Reconstruction project.



Alex D. Bitter

57744

Thursday, August 10, 2023

REG. NO.

DATE



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Adopt Resolution for 2024 Transit Operating Grant

AGENDA: SPW Committee

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Attached is the resolution that allows the City the ability to enter into an agreement with the State of Minnesota to provide public transportation services in the Cities of Brainerd and Baxter and Crow Wing County.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: This resolution is similar as those passed for prior grant cycles with the State of Minnesota. The agreement provides for a local share of 5% of total operating costs and 10% of total capital costs, with the State of Minnesota's share being 95% and 90% respectively.

RECOMMENDED ACTION/MOTION: Staff recommends adoption of the attached resolution entering into the grant agreement with MnDOT for providing transit services.

FINANCIAL IMPACT: N/A

RESOLUTION

NO _____

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE
PUBLIC TRANSPORTATION SERVICES IN THE YEAR 2024**

BE IT RESOLVED, that the City of Brainerd enters into an Agreement with the State of Minnesota to provide public transportation services in Crow Wing County in 2024; and,

BE IT RESOLVED, that the City of Brainerd agrees to provide a local share of 5 percent of the total operating cost and 10 percent of the total capital costs; and,

BE IT RESOLVED, that the City of Brainerd agrees to provide 100 percent of the local share necessary for expenses that exceed funds available from the State; and,

BE IT FURTHER RESOLVED, that the City of Brainerd authorizes the Mayor and the City Administrator to execute the aforementioned Agreement and any amendments thereto.

Adopted this _____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Approve Sale of Single Axle Dump Truck

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Staff is requesting authorization from the Council to sell a 2001 Sterling single axle dump/plow truck using a public auction site.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: With the arrival of the new dump/plow truck, "Plow Bunyan", we have retired "Cousin Eddie" from service. As we were not offered a trade-in for this truck with the new purchase, staff is recommending selling the truck on a public auction site that has been used for other decommissioned City vehicles. Funds from the sale would go to the Capital fund.

RECOMMENDED ACTION/MOTION: Staff recommends authorization to sell the single axle dump/plow truck on the public auction site.

FINANCIAL IMPACT: Not known at this time.





Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Discussion on Draft 2024-2033 Capital Improvement Plan

AGENDA: SPW Committee

ACTION REQUESTED: Discussion Item

SUBMITTED BY: Jessie Dehn, Public Works Director **DEPARTMENT:** Public Works

PRESENTER: Jessie Dehn, Public Works Director **ESTIMATED TIME (MIN):** 15 Minutes

SUMMARY OF ISSUE: Attached to this item is a draft of the 10-Year Capital Improvement Plan for the years 2024 through 2033. Staff is looking for discussion with the SPW Committee on the draft plan and what the next few years of planned construction would look like.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The draft plan includes projects that are already programmed, such as Highway 210 Reconstruction and the 6th and Willow Intersection Roundabout. The plan also includes typical annual projects like our seal coating program, large patching project, and crack sealing. The concept and approach uses a combination of maintenance/rehabilitation work as well as full reconstruction.

The reconstruction projects are prioritized mainly as areas with considerable utility concerns and deteriorating pavement conditions. Staff developed the plan considering utility concerns, State Aid balance and projections, enterprise funds, and construction funds. Some of the concerns with this version of the plan is the amount of funding needed in the next several years compared to the amount of levy funds brought in for taking on additional bonding debt. Staff can limit the scope of some of the reconstruction projects. However, the trade off is the amount of deferred maintenance that will continue to grow over the next few years. For example, staff used the North Brainerd (2023) and South Brainerd (2024) projects as a baseline for scope of annual reconstruction each year. This adds up to around 1.25 miles of reconstruction annually. To maintain rebuilding all of the local streets (approx. 80 miles) over 40 years, we need to reconstruct approximately 2 miles per year. At the pace of 1.25 miles reconstructed annually, this would amount to reconstructing the entire system within about 65 years. To limit the amount of reconstruction each year less than 1.25 miles would likely lead to a faster deteriorating system than funding would keep pace with. Some tools that we have available are continuing an aggressive preventative maintenance program including treatments such as seal coating and other similar preventative maintenance measures. However, this only addresses surface issues and does not correct deteriorating underground utilities.

RECOMMENDED ACTION/MOTION: Staff is requesting direction on the approach and scope of the 10-Year Capital Improvement Plan.

FINANCIAL IMPACT: N/A

MEMO



TO: Mayor and Council

FROM: Finance Director Connie Hillman

DATE: August 16, 2023

RE: Estimating the Impact of the Non-Facility and Equipment Plan

At the August 7, 2023 Council meeting the preliminary 2024 debt levy was discussed. As mentioned in that memo, the City, through the capital levy, is trying to be in a place where equipment and facility improvements can be done without having to issue debt. The last bonds for facilities and equipment were issued in 2020. Long-term capital planning really started in 2018 with the establishment of the 30-year capital plan. Consequently, the City would only need to issue improvement and revenue bonds for non-facility/equipment needs.

The Permanent Improvement levy is transferred into the road improvement capital fund (401). The 2023 Permanent Improvement levy was \$375,350, 6% of the previous years tax levy. Per the Charter, the City can levy up to 9%. The City also received funding an annual maintenance amount from the State for the maintenance of state-aid eligible streets. In 2023 this amount was \$238,006, of which \$100,000 was used in 2023 to pay for the mechanic position (Council action 2/3/2020).

Making the following assumptions:

- Same state municipal aid in 2024 as in 2023 (\$238,006)
- The same amount needed to cover mechanic position (\$100,000)
- The Council will levy 6% of the previous years total levy for the Permanent Improvement Levy
- Used the 2023 budgeted wages for the Senior Engineering Techs and Intern (90%), Public Works Director/City Engineer (7.5%), and Assistant City Engineer (50%) allocated to the road improvement capital fund (401))

2024 Permanent Improvement Levy (6%)	\$386,610
Municipal State Aid (\$238,006 - \$100,000)	138,006
Total Revenue for Roads	\$524,616
Maintenance Costs:	
Seal Coating	\$150,000
Crack Sealing	35,000
Street Patching	50,000
Street Striping	25,000
Other Costs:	
Street Scan Software	35,000
Salary and Wages	250,176
Total Costs	\$545,176
Difference	(\$20,560)

Based on the assumptions made, the chart above shows that the Permanent Improvement levy at 6% will probably not cover the estimated 2024 non-construction related costs. I say probably because some of the salary and wages can be allocated to the actual street project that is bonded for and assessed. The chart does show that the City's current levy and other revenue would not cover the street reconstruction projects.

Ideally the debt levy could be set at a certain amount and when one debt issue is paid off, another debt issue of the same amount could be issued. The debt levy, barring changes in interest rate, the cost of construction, and the size of each construction project each year, would remain fairly the same.

As mentioned in the August 7, 2023 memo, the difference in the expiring debt for 2024 and what is estimated to be needed for the debt to cover the 2023 construction projects was a net increase to the debt levy of \$81,921. Based on the 2024-2033 10-year capital Plan shown tonight, the City would issue debt in the amount \$2,230,941. The City is also planning on assessing \$992,976, which will offset the amount of the levy needed. Using an interest rate of 3%, the net debt levy for the 2024 proposed construction projects would be an average of \$149,154 over 10 years. The 2024 proposed levy for debt paid off in 2025 is \$54,584, the net potential need could increase by \$94,570, and the 2025 debt levy could be \$1,067,911 (2024 preliminary \$973,341 + \$94,570).

Continuing to the 2026 debt levy, based on the proposed 2025 construction project, the City would need to issue debt in the amount of \$1,086,635 and would be assessing \$796,242. The average estimated debt levy would be \$30,234 over 10 years. The 2024 preliminary debt levy for the debt that would be falling off in 2026 is zero dollars. Again, using a 3% interest rate, 2026 debt levy could increase by \$30,234 to \$1,098,225 (\$1,067,911 + \$30,234).

Staff did not estimate a debt levy beyond 2026. Mainly because 2026 is the start of the TH 210/Washington Street reconstruction project and there are too many variables at this time. The chart below depicts the debt levy based on the information above.

Pay Year	Levy Amount	% Change	Pay Year	Levy Amount	% Change
Potential 2026	\$1,098,225	2.84%	2016	2,076,916	14.63
Potential 2025	1,067,911	9.72%	2015	1,811,860	-4.64
Prelim. 2024	973,341	5.80%	2014	1,900,000	26.67
2023	920,000	14.91	2013	1,500,000	0.00
2022	800,615	-12.23	2012	1,499,661	11.11
2021	912,212	-27.86	2011	1,349,661	14.21
2020	1,264,451	0.00	2010	1,181,717	12.87
2019	1,264,850	-20.99	2009	1,046,959	5.75
2018	1,600,886	-22.92	2008	990,000	30.39
2017	2,076,916	0.00	2007	759,278	3.90

There are many assumptions that have been made to arrive at these numbers. It does not take into account using any of the estimated February 1, 2024 reserves either. This information is presented to be a guide to the Council in setting the 2024 construction

schedule. This information also does not take into account the revenue debt that the City may need to issue for the water, sanitary, storm and other utility debt.



YEAR	PROJ. NO.	PROJECT DESCRIPTION	TOTAL	CONSTRUCTION FUND	SPECIAL ASSESSMENTS	MUNICIPAL STATE AID	SANITARY SEWER FUND	STORM WATER UTILITY	WATER FUND (BPU)	OTHER SOURCES	COMMENTS
2024	24-01	2024 Seal Coat	\$150,000	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	
2024	24-02	2024 Crack Sealing	\$35,000	\$35,000	\$0	\$0	\$0	\$0	\$0	\$0	
2024	24-03	2024 Street Patching	\$50,000	\$50,000	\$0	\$0	\$0	\$0	\$0	\$0	
2024	24-04	2024 Street Striping	\$25,000	\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	
2024		2024 Street Scanning	\$35,000	\$35,000	\$0	\$0	\$0	\$0	\$0	\$0	
2024	22-08	South Brainerd Reconstruction Project	\$4,280,000	\$1,225,000	\$915,000	\$0	\$490,000	\$350,000	\$1,300,000	\$0	Paul Circle, Madison Street (6th to 7th), S. 7th Street (Madison to Paul), Paul Street (6th to 8th), S. 8th Street (Paul to Wright), Todd Street (7th to Bane Park), Vine Street (6th to 7th), S. 7th Street (Pine to Tamarac), Rosewood Street, Sycamore Street, Tamarack Street
2024		Evergreen/Bluff Resurfacing Project	\$155,952	\$12,965	\$77,976	\$65,011	\$0	\$0	\$0	\$0	Evergreen Avenue (N. 10th to 1st NE), Bluff Avenue (10th to Evergreen)
2024	21-15	Buffalo Hills Gully Erosion Project	\$975,000	\$0	\$0	\$0	\$0	\$244,000	\$0	\$731,000	MN Clean Water Fund Grant Award
2024		2024 Storm Sewer Outfall Replacement Project	\$50,000	\$0	\$0	\$0	\$0	\$50,000	\$0	\$0	O Street/10th Avenue NE
2024		2024 Sanitary Sewer Replacement Project	\$302,000	\$0	\$0	\$0	\$302,000	\$0	\$0	\$0	
		TOTAL 2024	\$6,057,952	\$1,532,965	\$992,976	\$65,011	\$792,000	\$644,000	\$1,300,000	\$731,000	
2025	25-01	2025 Seal Coat	\$160,000	\$160,000	\$0	\$0	\$0	\$0	\$0	\$0	
2025	25-02	2025 Crack Sealing	\$37,500	\$37,500	\$0	\$0	\$0	\$0	\$0	\$0	
2025	25-03	2025 Street Patching	\$55,000	\$55,000	\$0	\$0	\$0	\$0	\$0	\$0	
2025	25-04	2025 Street Striping	\$26,000	\$26,000	\$0	\$0	\$0	\$0	\$0	\$0	
2025		S. 6th/Willow Roundabout Project	\$1,326,061	\$0	\$38,495	\$315,545	\$53,893	\$91,139	\$76,990	\$750,000	HSIP Grant Award, Includes Willow Street Reconstruction from from 6th to 7th
2025		Beech/Oakridge Reconstruction Project	\$2,223,925	\$108,089	\$345,413	\$489,691	\$377,249	\$364,556	\$538,927	\$0	Beech Street (Oak to Oakridge), Oakridge Street (Beech to 28th)
2025		S. 10th/Wright Resurfacing Project	\$383,070	\$0	\$191,535	\$191,535	\$0	\$0	\$0	\$0	S. 10th Street (Wright to Industrial Park), Wright Street (6th to 13th)
2025		Dal-Mar Resurfacing Project	\$113,612	\$56,806	\$56,806	\$0	\$0	\$0	\$0	\$0	Dal-Mar Drive from end of curb to dead end
2025		S. 11th Street Resurfacing Project	\$327,986	\$163,993	\$163,993	\$0	\$0	\$0	\$0	\$0	S. 11th Street (Industrial Park to Thiesse)
2025		2025 Storm Sewer Outfall Replacement Project	\$50,000	\$0	\$0	\$0	\$0	\$50,000	\$0	\$0	
		TOTAL 2025	\$4,703,154	\$607,388	\$796,241	\$996,771	\$431,142	\$505,695	\$615,917	\$750,000	

YEAR	PROJ. NO.	PROJECT DESCRIPTION	TOTAL	CONSTRUCTION FUND	SPECIAL ASSESSMENTS	MUNICIPAL STATE AID	SANITARY SEWER FUND	STORM WATER UTILITY	WATER FUND (BPU)	OTHER SOURCES	COMMENTS
2026	26-01	2026 Seal Coat	\$160,000	\$160,000	\$0	\$0	\$0	\$0	\$0	\$0	
2026	26-02	2026 Crack Sealing	\$37,500	\$37,500	\$0	\$0	\$0	\$0	\$0	\$0	
2026	26-03	2026 Street Patching	\$55,000	\$55,000	\$0	\$0	\$0	\$0	\$0	\$0	
2026	26-04	2026 Street Striping	\$26,000	\$26,000	\$0	\$0	\$0	\$0	\$0	\$0	
2026		TH 210/Washington Street Reconstruction Project (MnDOT)	\$3,351,000	\$0	\$0	\$2,710,000	\$66,000	\$0	\$575,000	\$0	
2026		Southeast Brainerd Reconstruction Project	\$3,966,742	\$1,197,839	\$687,132	\$0	\$632,162	\$232,405	\$1,217,206	\$0	Maple Street (17th to 19th), Norwood Street (17th to 19th), 18th Street SE (Oak to Laurel), 19th Street SE (Oak to Laurel), Pine Street (15th to Walnut)
2026		Pine Street Resurfacing Project	\$43,398	\$21,699	\$21,699	\$0	\$0	\$0	\$0	\$0	Pine Street (14th to 15th)
2026		2026 Sanitary Sewer Lining Project	\$250,000	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	
2026		2026 Storm Sewer Outfall Replacement Project	\$50,000	\$0	\$0	\$0	\$0	\$50,000	\$0	\$0	
		TOTAL 2026	\$7,939,640	\$1,498,037	\$708,831	\$2,710,000	\$948,162	\$282,405	\$1,792,206	\$0	
2027	27-01	2027 Seal Coat	\$170,000	\$170,000	\$0	\$0	\$0	\$0	\$0	\$0	
2027	27-02	2027 Crack Sealing	\$40,000	\$40,000	\$0	\$0	\$0	\$0	\$0	\$0	
2027	27-03	2027 Street Patching	\$60,000	\$60,000	\$0	\$0	\$0	\$0	\$0	\$0	
2027	27-04	2027 Street Striping	\$27,000	\$27,000	\$0	\$0	\$0	\$0	\$0	\$0	
2027		TH 210/Washington Street Reconstruction Project (MnDOT)	\$3,351,000	\$0	\$0	\$2,710,000	\$66,000	\$0	\$575,000	\$0	
2027		Southeast Brainerd Reconstruction Project	\$3,772,168	\$1,047,253	\$600,750	\$0	\$448,560	\$474,105	\$1,201,500	\$0	Quince Street (6th to 15th), 11th Street SE (Quince to Oak), 12th Street SE (Quince to Oak), 14th Street SE (Quince to Oak)
2027		2027 Sanitary Sewer Lining Project	\$250,000	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	
2027		2027 Storm Sewer Outfall Replacement Project	\$50,000	\$0	\$0	\$0	\$0	\$50,000	\$0	\$0	
		TOTAL 2027	\$7,720,168	\$1,344,253	\$600,750	\$2,710,000	\$764,560	\$524,105	\$1,776,500	\$0	

YEAR	PROJ. NO.	PROJECT DESCRIPTION	TOTAL	CONSTRUCTION FUND	SPECIAL ASSESSMENTS	MUNICIPAL STATE AID	SANITARY SEWER FUND	STORM WATER UTILITY	WATER FUND (BPU)	OTHER SOURCES	COMMENTS
2028	28-01	2028 Seal Coat	\$170,000	\$170,000	\$0	\$0	\$0	\$0	\$0	\$0	
2028	28-02	2028 Crack Sealing	\$40,000	\$40,000	\$0	\$0	\$0	\$0	\$0	\$0	
2028	28-03	2028 Street Patching	\$60,000	\$60,000	\$0	\$0	\$0	\$0	\$0	\$0	
2028	28-04	2028 Street Striping	\$27,000	\$27,000	\$0	\$0	\$0	\$0	\$0	\$0	
2028		Northeast Brainerd Reconstruction Project	\$3,570,597	\$904,242	\$592,339	\$0	\$543,318	\$386,870	\$1,143,828	\$0	14th Avenue NE (L to O), 15th Avenue NE (Lum Park Rd to L), J Street NE (13th to 15th), K Street NE (13th to 15th), L Street NE (11th to 14th), M Street NE (11th to 14th)
2028		2028 Storm Sewer Outfall Replacement Project	\$50,000	\$0	\$0	\$0	\$0	\$50,000	\$0	\$0	
		TOTAL 2027	\$3,917,597	\$1,201,242	\$592,339	\$0	\$543,318	\$436,870	\$1,143,828	\$0	
		TOTALS 2024-2028	\$30,338,511	\$6,183,886	\$3,691,138	\$6,481,782	\$3,479,181	\$2,393,075	\$6,628,450	\$1,481,000	
		% PARTICIPATION	100.0%	20.4%	12.2%	21.4%	11.5%	7.9%	21.9%	4.9%	

YEAR	PROJ. NO.	PROJECT DESCRIPTION	TOTAL	CONSTRUCTION FUND	SPECIAL ASSESSMENTS	MUNICIPAL STATE AID	SANITARY SEWER FUND	STORM WATER UTILITY	WATER FUND (BPU)	OTHER SOURCES	COMMENTS
2029	29-01	2029 Seal Coat	\$180,000	\$180,000	\$0	\$0	\$0	\$0	\$0	\$0	
2029	29-02	2029 Crack Sealing	\$42,500	\$42,500	\$0	\$0	\$0	\$0	\$0	\$0	
2029	29-03	2029 Street Patching	\$65,000	\$65,000	\$0	\$0	\$0	\$0	\$0	\$0	
2029	29-04	2029 Street Striping	\$28,000	\$28,000	\$0	\$0	\$0	\$0	\$0	\$0	
2029		2029 Street Scanning	\$35,000	\$35,000	\$0	\$0	\$0	\$0	\$0	\$0	
2029		Oak Street Reconstruction	\$2,989,961	\$0	\$591,235	\$703,852	\$55,182	\$56,308	\$1,583,384	\$0	Oak Street (16th St SE to TH 18/25)
2029		Northeast Brainerd Resurfacing Project	\$433,447	\$216,724	\$216,724	\$0	\$0	\$0	\$0	\$0	C Street NE (1st to 3rd), D Street NE (Gillis to 3rd), F Street NE (1st to 3rd), G Street NE (1st to 3rd)
2029		Laurel Street Resurfacing Project	\$266,344	\$133,172	\$133,172	\$0	\$0	\$0	\$0	\$0	Laurel Street (SW 4th St to S 6th St)
2029		2029 Sanitary Sewer Lining Project	\$250,000	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	
		TOTAL 2029	\$4,290,253	\$700,396	\$941,131	\$703,852	\$305,182	\$56,308	\$1,583,384	\$0	

YEAR	PROJ. NO.	PROJECT DESCRIPTION	TOTAL	CONSTRUCTION FUND	SPECIAL ASSESSMENTS	MUNICIPAL STATE AID	SANITARY SEWER FUND	STORM WATER UTILITY	WATER FUND (BPU)	OTHER SOURCES	COMMENTS
2030	30-01	2030 Seal Coat	\$180,000	\$180,000	\$0	\$0	\$0	\$0	\$0	\$0	
2030	30-02	2030 Crack Sealing	\$42,500	\$42,500	\$0	\$0	\$0	\$0	\$0	\$0	
2030	30-03	2030 Street Patching	\$65,000	\$65,000	\$0	\$0	\$0	\$0	\$0	\$0	
2030	30-04	2030 Street Striping	\$28,000	\$28,000	\$0	\$0	\$0	\$0	\$0	\$0	
2030		Southeast Brainerd Reconstruction Project	\$4,057,847	\$1,037,263	\$595,019	\$0	\$833,027	\$402,499	\$1,190,038	\$0	Maple Street (13th to 17th), Norwood Street (13th to 17th), 14th Street SE (Oak to Laurel), 15th Street SE (Maple to Laurel), 16th Street SE (Norwood to Laurel)
2030		15th Street SE Resurfacing Project	\$77,094	\$38,547	\$38,547	\$0	\$0	\$0	\$0	\$0	
2030		Wright/Thiesse Extensions Resurfacing Project	\$698,529	\$349,264	\$349,264	\$0	\$0	\$0	\$0	\$0	Wright Street (13th to End), Thiesse Drive (West End to East End)
		TOTAL 2030	\$5,148,970	\$1,740,574	\$982,830	\$0	\$833,027	\$402,499	\$1,190,038	\$0	
2031	31-01	2031 Seal Coat	\$190,000	\$190,000	\$0	\$0	\$0	\$0	\$0	\$0	
2031	31-02	2031 Crack Sealing	\$45,000	\$45,000	\$0	\$0	\$0	\$0	\$0	\$0	
2031	31-03	2031 Street Patching	\$70,000	\$70,000	\$0	\$0	\$0	\$0	\$0	\$0	
2031	31-04	2031 Street Striping	\$29,000	\$29,000	\$0	\$0	\$0	\$0	\$0	\$0	
2031		South Brainerd Reconstruction Project	\$6,798,905	\$1,608,688	\$1,040,434	\$0	\$1,343,425	\$718,462	\$2,087,897	\$0	Ridge Court, Ridge Drive, Aspen Court, Carol Lane, Crestview Lane (Buffalo Hills to Pineview), Norway Court, Pineview Drive, Belle Rae Circle, Woodcrest Road, Graydon Avenue (Buffalo Hills to Woodcrest)
2031		2031 Sanitary Sewer Lining Project	\$250,000	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	
		TOTAL 2031	\$7,382,905	\$1,942,688	\$1,040,434	\$0	\$1,593,425	\$718,462	\$2,087,897	\$0	

YEAR	PROJ. NO.	PROJECT DESCRIPTION	TOTAL	CONSTRUCTION FUND	SPECIAL ASSESSMENTS	MUNICIPAL STATE AID	SANITARY SEWER FUND	STORM WATER UTILITY	WATER FUND (BPU)	OTHER SOURCES	COMMENTS
2032	32-01	2032 Seal Coat	\$190,000	\$190,000	\$0	\$0	\$0	\$0	\$0	\$0	
2032	32-02	2032 Crack Sealing	\$45,000	\$45,000	\$0	\$0	\$0	\$0	\$0	\$0	
2032	32-03	2032 Street Patching	\$70,000	\$70,000	\$0	\$0	\$0	\$0	\$0	\$0	
2032	32-04	2032 Street Striping	\$29,000	\$29,000	\$0	\$0	\$0	\$0	\$0	\$0	
2032		Southeast Brainerd Reconstruction Project	\$3,999,796	\$1,194,794	\$685,386	\$0	\$495,246	\$209,380	\$1,414,990	\$0	11th Street SE (Willow to Quince), 12th Street SE (Willow to Quince), Rosewood Street (11th to 15th), 14th Street SE (Rosewood to Quince)
2032		South Brainerd Sanitary Sewer Rehabilitation Project	\$1,500,000	\$0	\$0	\$0	\$1,500,000	\$0	\$0	\$0	
2032		2032 Sanitary Sewer Lining Project	\$250,000	\$0	\$0	\$0	\$250,000	\$0	\$0	\$0	
		TOTAL 2032	\$6,083,796	\$1,528,794	\$685,386	\$0	\$2,245,246	\$209,380	\$1,414,990	\$0	
2033	33-01	2033 Seal Coat	\$200,000	\$200,000	\$0	\$0	\$0	\$0	\$0	\$0	
2033	33-02	2033 Crack Sealing	\$47,500	\$47,500	\$0	\$0	\$0	\$0	\$0	\$0	
2033	33-03	2033 Street Patching	\$75,000	\$75,000	\$0	\$0	\$0	\$0	\$0	\$0	
2033	33-04	2033 Street Striping	\$30,000	\$30,000	\$0	\$0	\$0	\$0	\$0	\$0	
2033		Oak Street/TH 18/TH 25 Roundabout Project	\$1,075,000	\$0	\$0	\$1,000,000	\$0	\$0	\$75,000	\$0	
2033		South Brainerd Reconstruction Project	\$6,624,508	\$1,649,061	\$1,087,953	\$0	\$1,070,887	\$640,703	\$2,175,905	\$0	Spruce Drive, Birchridge Drive, Linden Lane, Graydon Avenue (Woodcrest to S. 6th)
		TOTAL 2033	\$8,052,008	\$2,001,561	\$1,087,953	\$1,000,000	\$1,070,887	\$640,703	\$2,250,905	\$0	
		TOTALS 2029-2033	\$30,957,931	\$7,914,013	\$4,737,733	\$1,703,852	\$6,047,766	\$2,027,353	\$8,527,214	\$0	
		% PARTICIPATION	100.0%	25.6%	15.3%	5.5%	19.5%	6.6%	27.5%	0.0%	

		TOTALS 2024-2033	\$61,296,443	\$14,097,899	\$8,428,871	\$8,185,633	\$9,526,948	\$4,420,428	\$15,155,664	\$1,481,000	
		% PARTICIPATION	100.0%	23.0%	13.8%	13.4%	15.5%	7.2%	24.7%	2.4%	



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Adopt Resolution Declaring SW 4th Street Washout Emergency

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: Staff has attached a resolution for the Council's review that declares the washout adjacent to SW 4th Street to be an emergency and authorizing staff to bypass the typically-required processes of Competitive Bidding Law.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Due to the continued and rapid deterioration of the slope failure adjacent to SW 4th Street, staff is performing work with contractors to temporarily place measures to prevent the washout from continuing into SW 4th Street and compromising the street infrastructure, including underground utilities. After the temporary measures are in place, staff would like to coordinate with Bolton & Menk to work directly with a contractor to construct a permanent fix before the end of the fall season when conditions are no longer favorable.

There is also concern about how long the temporary measures will be effective. However, it is difficult to know as it is based on a number of factors including rainfall events. Currently, staff is optimistic that by not requiring competitive bidding, the plans can be ready and a construction contract executed in about 2 weeks. To go the route of competitive bidding, there will likely be an additional 4 weeks of design and bidding time required before a contract can be executed, placing the start of construction into early October rather than early September, shortening the window available for work to occur this fall.

RECOMMENDED ACTION/MOTION: Staff recommends adoption of the attached resolution declaring the SW 4th Street washout as an emergency.

FINANCIAL IMPACT: N/A

RESOLUTION
NO. _____

WHEREAS, there exists a washout adjacent to SW 4th Street between May Street and Ethel Street between the street and the Mississippi River; and

WHEREAS, the washout, caused by failures of the storm sewer structures and outfall, has quickly progressed and expanded over the course of the last week; and

WHEREAS, based on the size and characteristics of the washout and its proximity to SW 4th Street, it is determined that the street infrastructure including pavement, curb, watermain, storm sewer, sanitary sewer, and adjacent natural gas main are in immediate danger of damage; and

WHEREAS, State Statute 365.37 Subd 4. Special emergency exception. allows that if a special emergency comes up, a contract may be let without notice or competitive bidding; and

WHEREAS, a special emergency is a situation requiring immediate action essential to the health, safety, or welfare of the town; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA:

the City Council of the City of Brainerd does hereby resolve that a special emergency exists at the washout adjacent to SW 4th Street between May Street and Ethel Street and further resolves to authorize the City Engineer to enter into a construction contract without the notice or competitive bidding typically required under Competitive Bidding Law.

Adopted this 17th day of August 2023

KELLY BEVANS
President of the Council

Adopted this 17th day of August 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Approve Conditional Job Offer for Daniel Loch for Finance Manager Position

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, Todd Wicklund, Public Utilities Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: A new Finance Manager position was created during the recent Public Utilities Department reorganization. We advertised the job opening with three individuals applying and all three applicants were interviewed. Staff offered the position to Daniel Loch. During the job offer negotiation process, Mr. Loch requested Step 5 of the Finance Manager Wage Grid. In reviewing Mr. Loch's qualifications, he does meet the criteria for Step 5 placement; however, per Council guidance, any initial step placement over Step 4 must be approved by Council. If approved by Council, Mr. Loch is tentatively scheduled to begin employment on October 30, 2023, due to previously-scheduled work and personal commitments.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: In addition, Mr. Loch also requested an accelerated vacation accrual schedule. At its 8/21/23 meeting, the Personnel & Finance Committee discussed this as part of its Organizational Chart discussion and recommended that Municipal Utility Division Managers have the same benefit package as Department Heads; further, that Staff update the Employee Policy Manual to clarify this benefit change. Included on tonight's consent calendar is an amendment to the Employee Policy Manual clarifying the benefit package for the Municipal Utility Division Managers. This benefit change meets Mr. Loch's vacation accrual request.

RECOMMENDED ACTION/MOTION: Motion to approve a conditional job offer for Mr. Daniel Loch for the Finance Manager position subject to successful completion of the pre-employment hiring process; further, that Mr. Loch's initial step placement be Step 5 of the Finance Manager Wage Grid (\$47.54 per hour) with an October 30, 2023 tentative start date.

FINANCIAL IMPACT: The Finance Manager position was included in the 2023 BPU Department's budget.



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Consider Employee Policy Manual Update regarding Reimbursement for City-Paid CDL Training/Testing

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources Director

ESTIMATED TIME (MIN): 3 Minutes

SUMMARY OF ISSUE: Effective February 1, 2022, a new federal law took effect that requires anyone seeking a new or upgrades their Commercial Driver's License (CDL) to be trained by a "certified" trainer. This new law impacts many new employees that need a CDL for both the public and private sectors. Currently the cost for that weeklong in-person training can run between \$4,000 to \$6,000 per student and the closest training areas are in Hinkley or Wadena. This law affects several of our positions including our snowplow drivers, lineworkers, park maintenance, and public utilities staff. Attracting individuals that already have a CDL has been challenging. As an option, we have allowed individuals to obtain their CDL after their hire. Currently we have two new employees that need this training. Attached is an Employee Policy Manual amendment to help the city recover its expense if a new employee would leave within three years of obtaining their CDL (this timeframe matches our current tuition reimbursement policy). Staff is recommending approval of the attached Employee Policy Manual amendment. After the policy is approved by Council, we will inform the applicable unions of this policy as well as new employees when hired.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Our City Attorney is currently reviewing our entire Employee Policy Manual since there were multiple employment law changes enacted during the 2023 MN Legislative Session. Once all of those changes have been finalized and approved by the Council, an updated version of our Employee Policy Manual will be distributed to Staff at that time.

RECOMMENDED ACTION/MOTION: Motion to approve the proposed Employee Policy Manual amendment relative to Commercial Driver's License training.

FINANCIAL IMPACT: N/A

Section 21.03 Commercial Driver's License Training

The City may disburse tuition payments on behalf of an employee who is required to hold a Commercial Driver's License ("CDL") for CDL training from an approved CDL training provider. These disbursements shall be regulated by the below requirements. Training for which the employee receives another source of funding, such as a grant or scholarship, will not be eligible for disbursement.

1. **Pre-Approval.** Prior to starting a CDL training from an approved CDL training provider, and in any event no later than 30 days before said training shall occur, the employee must obtain written approval from the employee's Department Head and the City Administrator that the CDL training is job related, that the training is with an approved CDL training provider, and that the request would benefit the City. Specifically, the training must satisfy training requirements for entry-level drivers under 49 C.F.R. §§ 380.600 – 380.609, including Behind-the-Wheel training curricula. The training must be related to the employee's current assignment or has the potential for promotional opportunities for the employee. The Department Head must verify that the Department budget will cover this expense before recommending approval to the City Administrator. Each approval shall be limited to a single CDL training program. Enrollment in a multiple-year program, or approval of disbursement for any portion of such training does not guarantee that funding will be available in subsequent years or that the City will approve any future program, even if related to one that was approved in the past. An employee who is requesting disbursement for CDL training must have been an employee of the City for at least 30 days before the scheduled course is scheduled to begin.
2. **Payment.** After approval of the course or program for which a tuition disbursement is sought, the City agrees to directly pay the approved CDL training provider, on behalf of the employee. Payment to the CDL training provider will be based on budgeted funds available for the current fiscal year and the number of employees with identical tuition disbursement agreements. The City will pay the training provider per training program as long as the invoice is submitted within the enrollment date determined by the CDL training provider. The City will only make payments to the CDL training providers towards the tuition for the CDL training for which tuition disbursement is sought. The City shall not be obligated to pay any amount towards non-tuition expenses, such as fees and expenses for books, technology fees, or other non-tuition amounts.
3. **Disbursement Agreement.** The employee must enroll in and complete the pre-approved CDL training and incur tuition expenses during their enrollment in order for funds to be disbursed under this Agreement. The City is not obligated to pay any amount under this Agreement, and any such obligation shall cease, if the employee does not complete the training, receives a failing grade, attends a non-approved CDL training provider, attends CDL training for which approval has not been received, resigns or abandons their employment with the City, or is terminated from their employment.
4. **Work Hours.** Pay for attending training shall follow IRS training requirements or the applicable collective bargaining agreement, whichever is greater. Employees shall have the opportunity to utilize comp time in lieu of overtime for said work hours. The CDL program must not disrupt or interfere with the normal Departmental operations.

5. Repayment Obligation.

- a. The employee shall repay, within twelve months of the disbursement of the amount, any amount disbursed for tuition for any course or program:
 - i. for which the employee does not complete the course work;
 - ii. in which the employee receives an incomplete or failing grade;
 - iii. that is from an unaccredited institution;
 - iv. that has not been approved by the City; or
 - v. that is not required for licensure.
 - b. Continued Employment. The employee must remain with the City of Brainerd following completion of the CDL training for which the City provided disbursement pursuant to this policy, or else return to the City the expense amount(s) disbursed pursuant to this policy. If the employee voluntarily terminates employment with the City after receiving disbursement pursuant to this policy, the employee must repay the disbursed tuition immediately according to the following schedule:
 - i. Up to 1 year after receiving disbursement – 100% of the tuition disbursement
 - ii. 1 year but less than 2 years after receiving disbursement – 66% of tuition disbursement
 - iii. 2 years but less than 3 years after receiving disbursement – 33% of tuition disbursement
 - iv. 3 years or longer after receiving disbursement – 0% of tuition disbursement
 - c. If the employee fails to repay any obligation owed hereunder within the time frame for repayment set forth herein, the City shall be permitted to collect any unpaid amounts, in any manner permitted by law. The employee shall be liable for any and all costs, including reasonable attorneys' fees, incurred by the City in instituting any action to recover the amount due.
 - d. The employee understands and agrees to these repayment obligations. _____ (Initialed by employee)
6. Funding Procedure. Subject to paragraph 5, above, and approval by the City Administrator, the City will disburse tuition for employees for approved training expenses that have been approved by the City Administrator. All disbursements shall be subject to applicable IRS regulations. The scope, terms and conditions of disbursement shall be defined and interpreted by the City Administrator. Disbursement is further limited based on availability of budgeted funds. Disbursements are on a first come, first served basis and shall not exceed the department budget. In the event a department receives disbursement requests that exceed its budget allocation for education disbursement, the Department Head and City Administrator shall have the discretion to apportion the available funds, including the discretion to refuse disbursement.
7. The Human Resource Director will develop and maintain forms for requesting approval of class eligibility prior to registration and forms requesting disbursement.



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Consider Update to City's Non-DOT Drug, Alcohol and Cannabis Policy

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 3 Minutes

SUMMARY OF ISSUE: With the recent legalization of marijuana for recreational use, we need to update our Drug and Alcohol Testing Policy for Non-Commercial Drivers (Non-DOT Policy). Attached is the updated policy following the League of MN Cities policy template. Also attached is a red-lined version with all of the changes to our current policy noted. Please note that this updated policy will be shared with all of our unions prior to it being distributed to our staff.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Motion to approve the updated City of Brainerd Drug, Alcohol, and Cannabis Testing and Drug Free Workplace Act Policy for Non-Commercial Drivers (Non-DOT Policy).

FINANCIAL IMPACT: n/a

**CITY OF BRAINERD/~~BRAINERD PUBLIC UTILITIES~~
DRUG, ~~AND~~ ALCOHOL, AND CANNABIS TESTING AND
DRUG FREE WORKPLACE ACT POLICY FOR
NON-COMMERCIAL DRIVERS
(*NON-DOT POLICY*)**

PURPOSE AND OBJECTIVES

The City of Brainerd/~~Brainerd Public Utilities~~ (“City”) has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City of Brainerd does not intend to intrude into the private lives of its employees, but strongly believes that a drug, ~~and~~ alcohol and cannabis--free workplace is in the best interest of employees and the public alike. Alcohol, ~~and~~ drug, and cannabis abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers’ compensation claims, higher insurance rates, and an increase in theft of city property. The City of Brainerd’s Drug, ~~and~~ Alcohol, and Cannabis Testing Non-DOT policy has been established for the purpose of providing a safe workplace for all.

City employees and applicants required to hold a commercial driver’s license by the United States Department of Transportation (“DOT”) for their job will be tested under the City’s Policy on Controlled Substance and Alcohol Testing for Commercial Drivers (the “DOT Policy”). All other employees and job applicants offered employment with the city must undergo testing as described by this policy.

To ensure the policy is clearly communicated to all employees and applicants to whom offers of employment have been made, and to comply with state law, employees and applicants are required to review this policy and sign the “policy acknowledgement.” A job applicant will also acknowledge in this form that he/she understands that passing the drug test is a requirement of the job.

PERSONS SUBJECT TO TESTING & CIRCUMSTANCES UNDER WHICH TESTING MAY BE REQUIRED

Under this policy, the City may test any applicant to whom an offer of employment has been made, ~~and~~ may test any employee for alcohol and/or ~~controlled substance~~drugs, including cannabis, under any of the following circumstances with a properly accredited or licensed testing laboratory, in accordance with Minn. Stat. § 181.953, subd. 1:

Pre-Employment Testing. Every job applicant offered employment with the city receives the offer conditioned upon successful completion of a drug test, and/or an alcohol or cannabis test, if applicable, among other conditions. The city will not request or require a job applicant to undergo cannabis testing related to “lawful consumable products” pursuant to Minn. Stat. § 181.938, including alcohol, cannabis, lower-potency

City of Brainerd/~~BPU~~ Non-DOT Drug, ~~&~~ Alcohol, and Cannabis Policy

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hemp edibles, and hemp-derived consumer products, except with respect to the categories of positions listed in the definition of “Drug” or if otherwise required by state or federal law. -If the job offer is withdrawn based on drug test results, the city will inform the applicant of the reasons for the withdrawal. A failure of the drug or other applicable test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant’s provisional employment has begun. A negative or positive dilute test result (following a second collection), which has been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant. ***Note: The Minnesota Drug and Alcohol Testing in the Workplace Act (DATWA) does not bar termination for reasons other than a positive test result. See Belde v. Ferguson Enters., 460 F.3d 976 (8th Cir. Minn. 2006). Thus, the City of Brainerd may terminate or withdraw an offer based on an adulterated sample.***

Temporary and seasonal employees are not subject to this policy with the exception of those designated by the hiring department as safety-sensitive positions.

Reasonable Suspicion Testing. Consistent with Minn. Stat. § 181.951, subd. 53, employees will be subject to alcohol and /or drug testing, including cannabis ~~controlled substance~~ testing, when reasonable suspicion exists to believe that the employee:

- Is under the influence of alcohol, drugs or cannabis ~~or a controlled substance~~; or
- Has violated written work rules prohibiting the use, possession, sale or transfer of drugs, or alcohol, or while cannabis, while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or
- Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury and where said injury to the employee or other employee requires hospitalization, or where said injury arises out of the employee’s operation of machinery, equipment, or vehicles and the employee is charged with a crime or issued a citation relating to such operation; or;
- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident and the accident results in injury requiring hospitalization, charges or the issuances of a citation against the employee, or disabling damage to the machinery, equipment, or vehicle being operated. that involved bodily injury requiring hospitalization or received a citation charged with a crime or a citation for a moving traffic violation arising from an accident which results in bodily injury or disabling damage to a motor vehicle.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol, ~~or a controlled substance~~ drugs or cannabis or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other

circumstances that would cause a reasonable employer to believe that a violation of the city's policies concerning alcohol, ~~or~~ drugs or cannabis may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood ~~sample, and~~ sample and will forward the sample to an approved laboratory for testing.

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all City employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Treatment Program Testing. In accordance with Minn. Stat. § 181.951, subd. 6., the City may request or require an employee to undergo drug, ~~and~~ alcohol or cannabis testing, if the employee has been referred by the City for chemical dependency treatment or evaluation, or is participating in a chemical dependency treatment program under an employee benefit plan. In such a case, the employee may be requested or required to undergo drug or alcohol testing, including cannabis testing, without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

Routine Physical Examination. The City may request or require an employee to undergo drug and/or alcohol testing – but not cannabis testing, except for the categories of positions listed for which cannabis is considered a drug or unless otherwise required by state or federal law – as part of a routine physical examination. The City, in accordance with Minn. Stat. § 181.951, subd. 3, will request or require this type of testing no more than once annually, and the employee will be provided with at least two weeks' written notice that the test will be required as part of the physical examination. †

Random Testing. In accordance with Minn. Stat. § 181.951, subd. 4, the City may require an employee to submit to random drug, alcohol, and cannabis testing if the employee is in a safety-sensitive position.

Right of Refusal. Employees and job applicants have the right to refuse to submit to an alcohol, ~~or~~ drug, or cannabis test under this policy. However, such a refusal will subject an employee to immediate termination.

If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn.

Any intentional act or omission by the employee or applicant that prevents the

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completion of the testing process constitutes a refusal to test.

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug, ~~and/or~~ alcohol or cannabis test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

Refusal on Religious Grounds

An employee or job applicant who, on religious grounds, refuses to undergo drug and/or alcohol testing, including cannabis testing, of a blood sample will not be considered to have refused testing, unless the employee or job applicant also refuses to undergo drug, ~~or~~ alcohol, or cannabis testing of a urine sample.

Cost of Required Testing. The City will pay for the cost of all drug, ~~and~~ alcohol or cannabis testing, requested or required of all job applicants and employees, ~~with the~~ exception ~~of~~ confirmatory retests. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory retests.

PROHIBITION AGAINST ~~DRUGS~~ ~~CONTROLLED SUBSTANCE~~ AND ALCOHOL

Use and Possession of Alcohol or Drug(s). Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, including cannabis, or drug paraphernalia while on duty; is on City premises; while operating any City vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter ~~drug~~ ~~controlled substance~~ used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing cannabinoids, or pills) on the worksite by a person working as an employee at the City or while “on call” and subject to return to work. Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. Likewise, the fact that cannabis may be lawfully purchased and consumed does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use.— There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites, except as required by law. Applicants and employees are still subject to being tested under our drug, ~~and~~ alcohol and cannabis testing policy. ~~And~~

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Employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

While Impaired of Alcohol, ~~or Drug(s)~~ or Cannabis. Employees are prohibited from being under the influence of alcohol or drugs, including cannabis, or having a detectable amount of an illegal drug in the blood or urine when reporting for work; while on duty; while on the City's premises; while operating any city vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter controlled substance used as intended by the manufacturer.

Driving While Impaired. A conviction of driving while impaired in a City-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting city business, may result in discipline, up to and including discharge.

Criminal Controlled Substance Convictions. Any employee convicted of any criminal drug statute must notify his or her supervisor and the City's Human Resources Director in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a ~~controlled substance~~drug-related conviction, the City will take appropriate personnel action against the employee up to and including discharge, or require the employee to satisfactorily participate in drugs ~~controlled substance~~-abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment. In accordance with the Federal Drug-Free Workplace Act of 1988, if the City is receiving federal grants or contracts of over \$25,000, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful ~~Controlled Substance~~Drugs. Employees taking a lawful ~~controlled substance~~drug, including prescription and over-the-counter ~~controlled substances~~drugs or cannabis, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee's responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

REVIEW AND NOTIFICATION OF TEST RESULTS

Notification of Negative Test Results. In the case of job applicants and in accordance with Minn. Stat. § 181.953, Human Resources will notify a job applicant of a

negative drug result within three days of receipt of result by the City, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result. A “Negative Test Results Notification” form will be sent to the job applicant, and the job applicant may request a copy of the test result report from Human Resources.

In the case of current employees and in accordance with Minn. Stat. § 181.953, Human Resources will notify the employee of a negative drug and/or alcohol result within three days of receipt of result by the city. A “Negative Test Results Notification” form will be sent to the employee, and he or she may request a copy of the test result report from Human Resources.

Notification of Positive Test Results. In the event of a confirmed positive blood or urine, alcohol, ~~and/or drug~~, or cannabis test result, the city will notify the employee of a ~~negative-positive drug and/or alcohol~~ result within three days of receipt of the result. Human Resources will send to the employee or job applicant a “Positive Test Results Notification” letter containing further instructions. The employee or job applicant may contact Human Resources to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the City within three working days of the confirmatory test result.

- **Right to Provide Information After Receiving Test Results.** Within three working days after notice of a positive ~~controlled substance or drug~~, alcohol, or cannabis test result on a confirmatory test, the employee or job applicant may submit information to the City to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that explains the positive test result, (such as medications the employee is taking), the City will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.
- **Right to Confirmatory Retest.** A job applicant or employee may request a confirmatory retest of the original sample at the job applicant’s or employee’s own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the City in writing of the job applicant’s or employee’s intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the City will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples testing positive for a period of six months. The

confirmatory retest will use the same ~~controlled-substance~~drug and/or alcohol threshold detection levels as used in the original confirmatory test.

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the City's job offer will be reinstated and the City will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the City will reimburse the employee for the actual cost of the confirmatory retest.

- **Access to Reports.** In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.

Dilute Specimens. A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.

CONSEQUENCES FOR EMPLOYEES ENGAGING IN PROHIBITED CONDUCT

Job Applicants. The City's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test.

Employees.

- **No Adverse Action Without Confirmatory Test.** The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- **Suspension Pending Test Result.** The City may temporarily suspend a tested employee with or without pay, or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the City believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The employee will be asked to return home, and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.
- **Discipline and Discharge.**
 - ***Confirmatory Positive Test Result.*** The City will not discharge an

employee for a first confirmatory positive test unless the following conditions have been met:

1) The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and

(2) The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

➤ **Other Misconduct.** Nothing in this policy limits the right of the City to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other city personnel policies.

- **Emergency Call Back to Work Provisions.** If an employee is called out for a City emergency and he or she reports to work and is suspected of being under the influence of drugs, ~~or~~ alcohol, or cannabis he or she will not be subject to the testing procedures of this policy, but may be subject to discipline and will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made. It is the sole responsibility of the employee who is under the influence of alcohol, ~~and/or~~ drugs or cannabis and who is called out for a City emergency, to notify his or her supervisor of this information and advise if he or she is unable to respond to the emergency call back.

NON-DISCRIMINATION

The City of Brainerd policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., ch. 363, disability does not include conditions resulting from alcohol or other drug or cannabis abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property of the safety of individuals.

Furthermore, the City will not retaliate against any employee for asserting his or her rights under this policy.

CITY'S EMPLOYEE ASSISTANCE PROGRAM

The City has in place a formal employee assistance program (EAP) to assist employees in addressing serious personal or work-related problems at any time. The City's EAP provides confidential, cost-free, short-term counseling to employees and their families. Employees who may have an alcohol, cannabis, or other drug abuse problem are encouraged to seek assistance before a problem affects their employment status. Employee assistance program services are available by contacting HealthPartners EAP, 8170 33rd Ave S., Bloomington, MN 55425, or telephone at (866-326-7194).

POLICY CONTACT FOR ADDITIONAL INFORMATION

If you have any questions about this policy or the City's drugs, ~~and~~ alcohol and cannabis testing procedures, you may contact your immediate supervisor, Human Resources, or the City Administrator ~~or BPU Superintendent~~ to obtain additional information.

By this policy, the City of Brainerd has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a drug-free workplace. Each City employee will receive a copy of this policy and will be required to read it.

DEFINITIONS

"Alcohol" means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl, or isopropyl alcohol. The term includes but is not limited to beer, wine, spirits, and medications such as cough syrup that contain alcohol.

"Alcohol use or usage" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

"Applicant" means a person applying for a job with the City.

"Cannabis" means cannabis and its metabolites, including cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

"Cannabis Testing" means analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd. 1, for the purpose of measuring their presence or absence of cannabis in the sample tested.

“City” means the City of Brainerd/~~Brainerd Public Utilities.~~

“City premises” means, but is not limited to, all City job sites and work areas. For the purposes of this policy, city premises also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment of the City.

“City vehicle” means any vehicle which employees are authorized to use solely for City business when used at any time; or any vehicle owned or leased by the City when used for City business.

“Collection site” means a place designated by the City where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, and/or blood to be analyzed for the presence of ~~controlled substances~~drugs and alcohol.

“Confirmatory test” means a ~~controlled substance~~drug, or alcohol or cannabis test on a sample to substantiate the results of a prior ~~controlled substance~~drug, or alcohol or cannabis on the same sample, and that uses a method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

“Drug” ~~includes any~~ has the same meaning as “controlled substance” defined in Minn. Stat. § 152.01, subd. 4, and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4. Cannabis and its metabolites are considered a “drug” for positions in the following categories, regardless of the kind of testing involved: safety sensitive positions; peace officer positions; firefighter positions; positions requiring face-to-face care, training, education, supervision, counseling or medical assistance to children, vulnerable adults or patients receiving treatment, examination or emergency care for a medical, psychiatric or mental condition; positions requiring a commercial driver’s license or requiring the employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing; positions funded by a federal grant; or other positions for which state or federal law requires testing of a job applicant or employee.

“Drug and alcohol testing,” “drug or alcohol testing,” and “drug or alcohol test” mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested. “Drug and alcohol testing,” “drug or alcohol testing,” and “drug or alcohol test” do not include cannabis or cannabis testing, unless stated otherwise.

“Drug paraphernalia” has the meaning set forth in Minn. Stat. § 152.01, subd. 18.

“Employee” means a person who performs services for compensation for the City and

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includes independent contractors except where specifically noted in this policy.

“Initial screening test” means a drug and/or alcohol test that uses a method of analysis under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

“Job applicant” means a person who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing drug testing.

“Positive test result” means a finding of the presence of alcohol, ~~illegal~~ drugs, cannabis or their metabolites that exceeds the cutoff levels established by the City. Minimum threshold detection levels are subject to change as determined in the City’s sole discretion.

“Random selection basis” means a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (2) does not give an employer discretion to waive the selection of any employee selected under the mechanism.

“Reasonable suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

“Safety-sensitive position” means a job, including any supervisory or management position, in which an impairment caused by drug, ~~or~~ alcohol, and/or cannabis usage would threaten the health or safety of any person.

“Under the influence” means (1) the employee tests positive for alcohol, ~~or~~ drugs, or cannabis or (2) the employee’s actions, appearance, speech, and/or bodily odors reasonably cause the City to conclude that the employee is impaired because of illegal drug use or alcohol use.

Reviewed and adopted by the City Council

Date: ~~11/02/2015~~08/21/2023

ACKNOWLEDGMENT

I hereby acknowledge receipt of the City of Brainerd's Drug, ~~and~~ Alcohol, and Cannabis Testing and Drug Free Workplace Act Policy for Non-Commercial Drivers (non-DOT) Policy.

Employee Signature

Date

Employee Printed Name

Department

**CITY OF BRAINERD
DRUG, ALCOHOL, AND CANNABIS TESTING AND
DRUG FREE WORKPLACE ACT POLICY FOR
NON-COMMERCIAL DRIVERS
(NON-DOT POLICY)**

PURPOSE AND OBJECTIVES

The City of Brainerd has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City of Brainerd does not intend to intrude into the private lives of its employees, but strongly believes that a drug, alcohol and cannabis-free workplace is in the best interest of employees and the public alike. Alcohol, drug, and cannabis abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The City of Brainerd's Drug, Alcohol, and Cannabis Testing Non-DOT policy has been established for the purpose of providing a safe workplace for all.

City employees and applicants required to hold a commercial driver's license by the United States Department of Transportation ("DOT") for their job will be tested under the City's Policy on Controlled Substance and Alcohol Testing for Commercial Drivers (the "DOT Policy"). All other employees and job applicants offered employment with the city must undergo testing as described by this policy.

To ensure the policy is clearly communicated to all employees and applicants to whom offers of employment have been made, and to comply with state law, employees and applicants are required to review this policy and sign the "policy acknowledgement." A job applicant will also acknowledge in this form that he/she understands that passing the drug test is a requirement of the job.

PERSONS SUBJECT TO TESTING & CIRCUMSTANCES UNDER WHICH TESTING MAY BE REQUIRED

Under this policy, the City may test any applicant to whom an offer of employment has been made and may test any employee for alcohol and/or drugs, including cannabis, under any of the following circumstances with a properly accredited or licensed testing laboratory, in accordance with Minn. Stat. § 181.953, subd. 1:

Pre-Employment Testing. Every job applicant offered employment with the city receives the offer conditioned upon successful completion of a drug test, and/or an alcohol or cannabis test, if applicable, among other conditions. The city will not request or require a job applicant to undergo cannabis testing related to "lawful consumable products" pursuant to Minn. Stat. § 181.938, including alcohol, cannabis, lower-potency hemp edibles, and hemp-derived consumer products, except with respect to the

categories of positions listed in the definition of “Drug” or if otherwise required by state or federal law. If the job offer is withdrawn based on drug test results, the city will inform the applicant of the reasons for the withdrawal. A failure of the drug or other applicable test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant’s provisional employment has begun. A negative or positive dilute test result (following a second collection), which has been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant. ***Note: The Minnesota Drug and Alcohol Testing in the Workplace Act (DATWA) does not bar termination for reasons other than a positive test result. See Belde v. Ferguson Enters., 460 F.3d 976 (8th Cir. Minn. 2006). Thus, the City of Brainerd may terminate or withdraw an offer based on an adulterated sample.***

Temporary and seasonal employees are not subject to this policy with the exception of those designated by the hiring department as safety-sensitive positions.

Reasonable Suspicion Testing. Consistent with Minn. Stat. § 181.951, subd. 5, employees will be subject to alcohol and/or drug testing, including cannabis testing, when reasonable suspicion exists to believe that the employee:

- Is under the influence of alcohol, drugs or cannabis; or
- Has violated written work rules prohibiting the use, possession, sale or transfer of drugs, alcohol, or cannabis, while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or
- Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury and where said injury to the employee or other employee requires hospitalization, or where said injury arises out of the employee’s operation of machinery, equipment, or vehicles and the employee is charged with a crime or issued a citation relating to such operation; or
- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident and the accident results in injury requiring hospitalization, charges or the issuance of a citation against the employee, or disabling damage to the machinery, equipment, or vehicle being operated.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol, drugs or cannabis or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city’s policies concerning alcohol, drugs or cannabis may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee

will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood sample and will forward the sample to an approved laboratory for testing.

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all City employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify Human Resources of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Treatment Program Testing. In accordance with Minn. Stat. § 181.951, subd. 6., the City may request or require an employee to undergo drug, alcohol or cannabis testing, if the employee has been referred by the City for chemical dependency treatment or evaluation, or is participating in a chemical dependency treatment program under an employee benefit plan. In such a case, the employee may be requested or required to undergo drug or alcohol testing, including cannabis testing, without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

Routine Physical Examination. The City may request or require an employee to undergo drug and/or alcohol testing – but not cannabis testing, except for the categories of positions listed for which cannabis is considered a drug or unless otherwise required by state or federal law – as part of a routine physical examination. The City, in accordance with Minn. Stat. § 181.951, subd. 3, will request or require this type of testing no more than once annually, and the employee will be provided with at least two weeks' written notice that the test will be required as part of the physical examination.

Random Testing. In accordance with Minn. Stat. § 181.951, subd. 4, the City may require an employee to submit to random drug, alcohol, and cannabis testing if the employee is in a safety-sensitive position.

Right of Refusal. Employees and job applicants have the right to refuse to submit to an alcohol, drug, or cannabis test under this policy. However, such a refusal will subject an employee to immediate termination.

If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn.

Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug, alcohol or cannabis test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

Refusal on Religious Grounds

An employee or job applicant who, on religious grounds, refuses to undergo drug and/or alcohol testing, including cannabis testing, of a blood sample will not be considered to have refused testing, unless the employee or job applicant also refuses to undergo drug, alcohol, or cannabis testing of a urine sample.

Cost of Required Testing. The City will pay for the cost of all drug, alcohol or cannabis testing, requested or required of all job applicants and employees, except confirmatory retests. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory retests.

PROHIBITION AGAINST DRUGS AND ALCOHOL

Use and Possession of Alcohol or Drug(s). Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, including cannabis, or drug paraphernalia while on duty; is on City premises; while operating any City vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter drugs used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing cannabinoids, or pills) on the worksite by a person working as an employee at the City or while “on call” and subject to return to work. Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. Likewise, the fact that cannabis may be lawfully purchased and consumed does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites, except as required by law. Applicants and employees are still subject to being tested under our drug, alcohol and cannabis testing policy.

Employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

While Impaired of Alcohol, Drugs or Cannabis. Employees are prohibited from being under the influence of alcohol or drugs, including cannabis, or having a detectable amount of an illegal drug in the blood or urine when reporting for work; while on duty;

while on the City's premises; while operating any city vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter controlled substance used as intended by the manufacturer.

Driving While Impaired. A conviction of driving while impaired in a City-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting city business, may result in discipline, up to and including discharge.

Criminal Controlled Substance Convictions. Any employee convicted of any criminal drug statute must notify his or her supervisor and the City's Human Resources Director in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a drug-related conviction, the City will take appropriate personnel action against the employee up to and including discharge or require the employee to satisfactorily participate in drug abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment. In accordance with the Federal Drug-Free Workplace Act of 1988, if the City is receiving federal grants or contracts of over \$25,000, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful Drugs. Employees taking a lawful drug, including prescription and over-the-counter drugs or cannabis, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee's responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

REVIEW AND NOTIFICATION OF TEST RESULTS

Notification of Negative Test Results. In the case of job applicants and in accordance with Minn. Stat. § 181.953, Human Resources will notify a job applicant of a negative drug result within three days of receipt of result by the City, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result. A "Negative Test Results Notification" form will be sent to the job applicant, and the job applicant may request a copy of the test result report from Human Resources.

In the case of current employees and in accordance with Minn. Stat. § 181.953, Human Resources will notify the employee of a negative drug and/or alcohol result within three days of receipt of result by the city. A "Negative Test Results Notification" form will be sent to the employee, and he or she may request a copy of the test result report from Human Resources.

Notification of Positive Test Results. In the event of a confirmed positive blood or urine, alcohol, drug, or cannabis test result, the city will notify the employee of a positive result within three days of receipt of the result. Human Resources will send to the employee or job applicant a “Positive Test Results Notification” letter containing further instructions. The employee or job applicant may contact Human Resources to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the City within three working days of the confirmatory test result.

- **Right to Provide Information After Receiving Test Results.** Within three working days after notice of a positive drug, alcohol, or cannabis test result on a confirmatory test, the employee or job applicant may submit information to the City to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that explains the positive test result, (such as medications the employee is taking), the City will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.
- **Right to Confirmatory Retest.** A job applicant or employee may request a confirmatory retest of the original sample at the job applicant’s or employee’s own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the City in writing of the job applicant’s or employee’s intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the City will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples testing positive for a period of six months. The confirmatory retest will use the same drug and/or alcohol threshold detection levels as used in the original confirmatory test.

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the City’s job offer will be reinstated and the City will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the City will reimburse the employee for the actual cost of the confirmatory retest.

- **Access to Reports.** In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.

Dilute Specimens. A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.

CONSEQUENCES FOR EMPLOYEES ENGAGING IN PROHIBITED CONDUCT

Job Applicants. The City's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test.

Employees.

- **No Adverse Action Without Confirmatory Test.** The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- **Suspension Pending Test Result.** The City may temporarily suspend a tested employee with or without pay, or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the City believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The employee will be asked to return home, and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.
- **Discipline and Discharge.**
 - ***Confirmatory Positive Test Result.*** The City will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:
 - 1) The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the

diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and

2) The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

➤ **Other Misconduct.** Nothing in this policy limits the right of the City to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other city personnel policies.

- **Emergency Call Back to Work Provisions.** If an employee is called out for a City emergency and he or she reports to work and is suspected of being under the influence of drugs, alcohol, or cannabis he or she will not be subject to the testing procedures of this policy, but may be subject to discipline and will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made. It is the sole responsibility of the employee who is under the influence of alcohol, drugs or cannabis and who is called out for a City emergency, to notify his or her supervisor of this information and advise if he or she is unable to respond to the emergency call back.

NON-DISCRIMINATION

The City of Brainerd policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., ch. 363, disability does not include conditions resulting from alcohol or other drug or cannabis abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property or the safety of individuals.

Furthermore, the City will not retaliate against any employee for asserting his or her rights under this policy.

CITY'S EMPLOYEE ASSISTANCE PROGRAM

The City has in place a formal employee assistance program (EAP) to assist employees in addressing serious personal or work-related problems at any time. The City's EAP provides confidential, cost-free, short-term counseling to employees and their families. Employees who may have an alcohol, cannabis, or other drug abuse problem are encouraged to seek assistance before a problem affects their employment status. Employee assistance program services are available by contacting HealthPartners EAP, 8170 33rd Ave S., Bloomington, MN 55425, or telephone at (866-326-7194).

POLICY CONTACT FOR ADDITIONAL INFORMATION

If you have any questions about this policy or the City's drugs, alcohol and cannabis testing procedures, you may contact your immediate supervisor, Human Resources, or the City Administrator to obtain additional information.

By this policy, the City of Brainerd has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a drug-free workplace. Each City employee will receive a copy of this policy and will be required to read it.

DEFINITIONS

"Alcohol" means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl, or isopropyl alcohol. The term includes but is not limited to beer, wine, spirits, and medications such as cough syrup that contain alcohol.

"Alcohol use or usage" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

"Applicant" means a person applying for a job with the City.

"Cannabis" means cannabis and its metabolites, including cannabis flower, cannabis products, lower-potency hemp edibles, and hemp-derived consumer products.

"Cannabis Testing" means analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd. 1, for the purpose of measuring their presence or absence of cannabis in the sample tested.

"City" means the City of Brainerd.

"City premises" means, but is not limited to, all City job sites and work areas. For the purposes of this policy, city premises also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment of the City.

"City vehicle" means any vehicle which employees are authorized to use solely for City business when used at any time; or any vehicle owned or leased by the City when used for City business.

"Collection site" means a place designated by the City where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, and/or blood to be analyzed for the presence of drugs and alcohol.

“Confirmatory test” means a drug, alcohol or cannabis test on a sample to substantiate the results of a prior drug, alcohol test or cannabis on the same sample, and that uses a method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

“Drug” includes any “controlled substance” defined in Minn. Stat. § 152.01, subd. 4, and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4. Cannabis and its metabolites are considered a “drug” for positions in the following categories, regardless of the kind of testing involved: safety sensitive positions; peace officer positions; firefighter positions; positions requiring face-to-face care, training, education, supervision, counseling or medical assistance to children, vulnerable adults or patients receiving treatment, examination or emergency care for a medical, psychiatric or mental condition; positions requiring a commercial driver’s license or requiring the employee to operate a motor vehicle for which state or federal law requires drug or alcohol testing; positions funded by a federal grant; or other positions for which state or federal law requires testing of a job applicant or employee.

“Drug and alcohol testing,” “drug or alcohol testing,” and “drug or alcohol test” mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested. “Drug and alcohol testing,” “drug or alcohol testing,” and “drug or alcohol test” do not include cannabis or cannabis testing, unless stated otherwise.

“Drug paraphernalia” has the meaning set forth in Minn. Stat. § 152.01, subd. 18.

“Employee” means a person who performs services for compensation for the City and includes independent contractors except where specifically noted in this policy.

“Initial screening test” means a drug and/or alcohol test that uses a method of analysis under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

“Job applicant” means a person who applies to become an employee of the City and includes a person who has received a job offer made contingent on the person passing drug testing.

“Positive test result” means a finding of the presence of alcohol, drugs, cannabis or their metabolites that exceeds the cutoff levels established by the City. Minimum threshold detection levels are subject to change as determined in the City’s sole discretion.

“Random selection basis” means a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (2) does not give an employer discretion to waive the selection of any employee selected under the mechanism.

“Reasonable suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

“Safety-sensitive position” means a job, including any supervisory or management position, in which an impairment caused by drug, alcohol, and/or cannabis usage would threaten the health or safety of any person.

“Under the influence” means (1) the employee tests positive for alcohol, drugs, or cannabis or (2) the employee’s actions, appearance, speech, and/or bodily odors reasonably cause the City to conclude that the employee is impaired because of illegal drug use or alcohol use.

Reviewed and adopted by the City Council
Date: 08/21/2023

ACKNOWLEDGMENT

I hereby acknowledge receipt of the City of Brainerd's Drug, Alcohol, and Cannabis Testing and Drug Free Workplace Act Policy for Non-Commercial Drivers (non-DOT) Policy.

Employee Signature

Date

Employee Printed Name

Department



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Consider Applying Double Fees to After the Fact Zoning and Subdivision Processes and Permits

AGENDA: P&F Committee

ACTION REQUESTED: Direction Requested

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE: Each year, the Community Development Department encounters new structures or businesses that did not contact the department before they began construction or opened their business. The City Code and State Building Code allow for building permits to collect double fees if a person begins work of any kind for which a permit from the City is required without having secured the necessary permit. However, the City Code does not contain the same language for-after-the-fact zoning fees such as variances, conditional uses, and interim uses. Many other municipalities in Minnesota charge a double fee as a penalty for not contacting the zoning authority before beginning operations. Typically, a structure can remain and a business can continue to operate if they submit the proper applications in a timely manner, if the use is permitted in the district, and it is not a danger to the public or environment.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff recommends the following as an amendment to Section 1015.15 of the City Code pertaining to Zoning and Subdivision Fees.

"If a person begins work of any kind, opens a new business, or expands/changes an existing use for which a zoning or subdivision process or permit from the City is required without having secured the necessary approval therefore, either previous to or on the date of commencement of such work or use, shall pay a double fee for the zoning or subdivision process or permit."

RECOMMENDED ACTION/MOTION: Direct staff to draft an ordinance amending Section 1015.15 of the City Code pertaining to collecting double fees for after the fact zoning and subdivision processes and permits and present it as a first reading at the next City Council meeting.

FINANCIAL IMPACT: Additional revenue collected from after the fact zoning and subdivision processes and permits.

1015.15 Zoning and Subdivision Fees: Special Provisions. Subdivision 1. Scope and Application. This Subsection applies to applications for the platting or replatting of land, variances from platting regulations and park dedication fees made pursuant to Sections 500 of this Code, and to applications for Zoning District changes, Zoning Code text amendments, conditional use permits, and variances, made pursuant to the Zoning Code (Appendix 1 of this Code).

<u>Subject</u>	<u>Fee</u>
Conditional Use Permit	\$250.00 residential, \$400 commercial + \$500 escrow deposit
Rezoning	\$300.00 residential, \$500 commercial
Variance	\$250.00 residential, \$400 commercial + \$500 escrow deposit
Interim Use Permit	\$250.00 residential, \$500 commercial + \$500 escrow deposit
Zoning Text Amendment	\$250 residential, \$400 commercial
Planned Unit Development	CUP fee + \$1,000 escrow deposit
Comprehensive Plan & Zoning Appeals	\$100
Permanent Sign	Based on valuation – minimum \$35
Temporary Sign	\$50/mo
Fence	\$35
Zoning Compliance Letter	\$40
Plat Filing	
Preliminary Plat	\$500 + \$30/lot residential + \$1,000 escrow deposit, \$600 + \$50/lot commercial + \$1,000 escrow deposit
Final Plat	included with Preliminary Plat
Minor Subdivision	\$200 + \$30/lot residential, \$350 + \$50/lot commercial
Lot Split	\$100
Special Meeting	\$200/meeting residential, \$400/meeting commercial
Park Dedication	
Single dwelling	\$500.00 per buildable lot
Double or multiple dwellings	\$500.00 per unit (including PUD's)
Commercial/Industrial/Business	\$1,000 per acre or 5% of the fair market value of the subdivision as set forth below, whichever calculation creates the greatest amount of funds.

If any of the fees set forth herein above are determined by any Court to be invalid for any reason whatsoever, the park dedication fee shall be the fair market value of the land to be subdivided. For the purposes of this section, "fair market value" means a price that a willing buyer would pay

and a willing seller would accept for the property at the time of acceptance of the final plat including but not limited to zoning, public and subdivider improvements or other factors as determined by the County Assessor but excluding any buildings or structures located thereon.

(Revised Ord. 1157 – 2002, Ord. 1365 – 2010, Ord. 1429 – 2015)

1015.17 Plumbing Fees.

<u>Subject</u>	<u>Fee</u>
Plumbing Permit (Residential)	\$120.00
Plumbing Permit (Commercial)	based on valuation
Sewer Tap Permit	\$ 40.00 residential, \$ 70.00 commercial
Septic Permit	\$ 35.00

(Revised Ord. 833 – 1985, Ord. 957 – 1993, Ord. 1157 – 2002, Ord. 1221 – 2004, Ord. 1431 – 2015)



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Final Reading - Proposed Ordinance 1554 - Creating Chapter 16 and Section 1600 of the City Code - Use of Cannabis in Public Places

AGENDA: Main

ACTION REQUESTED: Ordinance

SUBMITTED BY: Jessie Dehn, Public Works Director **DEPARTMENT:** Public Works

PRESENTER: Jessie Dehn, Public Works Director **ESTIMATED TIME (MIN):** 15 Minutes

SUMMARY OF ISSUE: Effective August 1st, 2023, possession of cannabis will be legalized and decriminalized. Beginning August 1st, the City may adopt an ordinance establishing a petty misdemeanor offense for a person unlawfully using cannabis flower, cannabis products, and lower-potency hemp edibles in a public place. This has led to other communities beginning to research and implement local ordinances restricting use in public places.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The City Council and Park Board held a Joint Workshop to discuss the use of cannabis in public places. Through that discussion, it was determined that the City Council would like to see a proposed ordinance restricting the smoking of cannabis in public places.

A copy of the proposed Ordinance is included in this packet.

RECOMMENDED ACTION/MOTION:

1. Motion to conduct the final reading of Proposed Ordinance 1554, an ordinance creating Chapter 16 and Section 1600 of the City Code and dispense with the actual reading. (Note: a vote to dispense with the actual reading of the ordinance must be unanimous.)
2. Hold a Public Hearing on Proposed Ordinance 1554.
3. Motion to adopt Proposed Ordinance 1554, an ordinance creating Chapter 16 and Section 1600 of the City Code.

FINANCIAL IMPACT: N/A

NOTICE OF HEARING

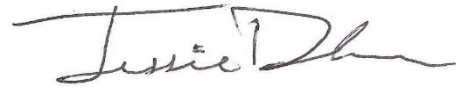
The City of Brainerd City Council will be conducting a public hearing to consider Proposed Ordinance No. 1554. The purpose of this ordinance amendment is to create Chapter 16 Sale and Use of Cannabis and Section 1600 Use of Cannabis in Public Places in the Brainerd City Code. The proposed ordinance would restrict the smoking of cannabis flower, and other forms of cannabis products in various public places.

A Public Hearing will be conducted by the City Council at 7:30 p.m. Monday, August 21st, 2023, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding Proposed Ordinance No. 1554. Any individual needing special accommodations please call (218) 828-2307.

Dated this 8th day of August, 2023

Publication Date: August 12th, 2023

A handwritten signature in dark ink, appearing to read "Jessie Dehn", written over a horizontal line.

Jessie Dehn, P.E.
City Engineer/Public Works Director

**ORDINANCE
NO. 1554**

**AN ORDINANCE CREATING CHAPTER 16 SALE AND USE OF CANNABIS AND SECTION
1600 USE OF CANNABIS IN PUBLIC PLACES IN THE CITY CODE**

THE CITY COUNCIL FOR THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: PURPOSE.

1.1 Statement of Purpose and Intent.

This Ordinance is adopted by the City of Brainerd City Council for the purpose of protecting public health and safety by regulating the use of Cannabis and cannabis derived products in public places and places of public accommodation within the City of Brainerd.

By enacting 2023 Session Law, Chapter 63, H. F. No. 100 [hereinafter referred to “State Legislation”], the Minnesota Legislature passed the adult-use cannabis bill. Under that bill, the adult use, possession and personal growing of cannabis became legal August 1, 2023.

State legislation authorizes adoption of a local ordinance establishing a petty misdemeanor offense for public use of cannabis. See State Legislation Article 4, Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statute.

The City wishes to be proactive in protecting public health and safety by enacting regulations that will mitigate threats presented to the public by the public use of cannabis.

The City of Brainerd (hereinafter “the City”) recognizes the risks that unintended access and use of cannabis products present to the health, welfare, and safety of youth in the City.

1.2 Statutory Authority

This Ordinance is enacted pursuant to 2023 Session Law, Chapter 63, H. F. No. 100 [hereinafter referred to “State Legislation”]; State Legislation Article 1, Sec. 1 Minn. Stat. 342.01; State Legislation Article 1, Sec. 9 Minn. Stat. 342.09 Subd. 1(b) or successor statute; State Legislation Sec. 9 Minn. Stat. 342.09, Subd. 1 (b)(9) or successor statute; State Legislation Minn. Stat. 342.09 Subd.1(a)(7) or successor statute; and State Legislation Article 4, Sec. 19 Minn. Stat. 152.0263, Subd. 5, or successor statute.

SECTION 2. ADDITION TO THE CITY CODE.

CHAPTER 16 – SALE AND USE OF CANNABIS

SECTION 1600 – USE OF CANNABIS IN PUBLIC PLACES

1600.01 Definitions. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and

phrases, when used in this ordinance, shall have the meanings ascribed to them except where the context clearly indicates a different meaning.

- a) Adult-use cannabis flower. “Adult-use cannabis flower” means cannabis flower that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.
- b) Adult-use cannabis products. “Adult-use cannabis products” means a cannabis product that is approved for sale by the office or is substantially similar to a product approved by the office. Adult-use cannabis product includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.
- c) Cannabis flower. “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.
- d) Cannabis product. “Cannabis product” means any of the following:
 - (1) cannabis concentrate;
 - (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; or
 - (3) any other product that contains cannabis concentrate.
- e) Hemp derived consumer products.
 - (1) “Hemp derived consumer products” means a product intended for human or animal consumption, does not contain cannabis flower or cannabis concentrate, and:
 - i. contains or consists of hemp plant parts; or
 - ii. contains hemp concentrate or artificially derived cannabinoids in combination with other ingredients.
 - (2) Hemp-derived consumer products does not include artificially derived cannabinoids, lower-potency hemp edibles, hemp-derived topical products, hemp fiber products, or hemp grain.
- f) Lower-potency hemp edible. A “lower-potency hemp edible” means any product that:
 - (1) is intended to be eaten or consumed as a beverage by humans;
 - (2) contains hemp concentrate or an artificially derived cannabinoid; in combination with food ingredients;
 - (3) is not a drug;
 - (4) consists of servings that contain no more than five milligrams of delta-9 tetrahydrocannabinol, 25 milligrams of cannabidiol, 25 milligrams of cannabigerol, or any combination of those cannabinoids that does not exceed the identified amounts;
 - (5) does not contain more than a combined total of 0.5 milligrams of all other cannabinoids per serving;
 - (6) does not contain an artificially derived cannabinoid other than delta-9 tetrahydrocannabinol;
 - (7) does not contain a cannabinoid derived from cannabis plants or cannabis flower; and

- (8) is a type of product approved for sale by the office or is substantially similar to a product approved by the office, including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods.
- g) Public place. A “public place”, means a public park or trail, public street or sidewalk, any enclosed, indoor area used by the general public, including, but not limited to, theaters, restaurants, bars, food establishments, places licensed to sell intoxicating liquor, wine, or malt beverages, retail businesses, gyms, common areas in buildings, public shopping areas, auditoriums, arenas, or other places of public accommodation.
- h) Place of public accommodation. “Place of public accommodation” means a business, refreshment, entertainment, recreation, or transportation facility of any kind, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.”
- i) Exceptions to public place or place of public accommodation. “A public place” or “a place of public accommodation” does not include the following:
 - (1) a private residence, including the individual’s curtilage or yard.
 - (2) a private property, not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or
 - (3) on the premises of an establishment or event licensed to permit on-site consumption.
- j) Smoking. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products. Smoking includes carrying or using an activated electronic delivery device for human consumption through inhalation of aerosol or vapor from the product.

1600.02 Prohibited Acts.

Subd. 1 No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use cannabis flower and adult use cannabis products. See State Legislation Article 4, Sec. 19, Minn. Stat. 152.0263, Subd. 5, or successor statute.

Subd. 2 No person shall vaporize or smoke cannabis flower, cannabis products, artificially derived cannabinoids, or hemp-derived consumer products in any location where the smoke, aerosol, or vapor would be inhaled by a minor. See State Legislation Article 1, Sec. 9 Minn. Stat. 342.09, Subd. 1(b)(9) or successor statute.

1600.03 Penalty. Violation of this Section is a petty misdemeanor as defined by Minnesota law.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this ____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this ____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Publication date: _____, 2023



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Adopt Resolution for Denial of the Interim Use Permit for a Short-Term Rental at 515 S 9th St.

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE: City Council considered the request by Stangler Properties LLC for an interim use permit for the operation of one short-term-rental unit at 515 S 9th St. at the August 7th, 2023 City Council meeting. A motion was moved and seconded by Council Members O'Day and Johnson to deny the interim use permit for one short-term rental at 515 S 9th St. due to the use of DEED Mainstreet funds for a short-term rental and actively running a short-term rental without an interim use permit as a violation of the zoning code. The motion to deny the interim use permit was approved by a 6-1 vote.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: City Council must adopt a resolution with findings that support the denial of the interim use permit in accordance with Zoning Code Section 515-5-2.B.6.a-g.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the resolution with findings to deny the interim use permit for one short-term rental at 515 S 9th St.

FINANCIAL IMPACT: N/A

RESOLUTION

No. ____:23

RESOLUTION DENYING INTERIM USE PERMIT

WHEREAS, Stangler Properties LLC applied for an interim use permit to operate a short-term-rental for one unit at 515 S 9th St. (PID 41240988); and

WHEREAS, the property is zoned TN-2, Traditional Neighborhood 2; and

WHEREAS, adjacent zoning is TN-2 – Traditional Neighborhood 2; and

WHEREAS, an interim use permit is required for a short-term-rental; and

WHEREAS, the Planning Commission recommended approval of the interim use permit with conditions; and

WHEREAS, Zoning Code section 515-5-3.B.2 states that 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 515-5-2 of this Ordinance.

WHEREAS, Zoning Code section 515-5-2.B.6.a-g provides that the 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.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA:

1. Consistent with section 515-5-2, the Council approves the following findings:
 - a. "The proposed use meets the regulations and standards established in this Ordinance."
 - i. *The applicant and use were in violation of section 515-3-34.A.2 which states the permit holder (owner) of a short-term rental must apply for and receive an Interim Use Permit.*
 1. *The applicant was actively operating a short-term-rental prior to applying for a permit, and continued to advertise for reservations after applying despite not having an interim use permit.*
 - b. "The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan." Only applications that "serve, in a general way the needs of the citizens" shall be considered.
 - i. *The EDA awarded DEED Mainstreet Grant funds to 515 S 9th St. for the primary purpose of increasing housing in the City. Operating a short-term rental does not further the goal of increasing housing.*
2. For the stated reasons, the application for an interim use permit for the operation of one short-term-rental at 515 S 9th St. is denied.

Approved this 21st day of August 2023.

Adopted this 22nd day of August 2023.

Kelly Bevans, Council President

Dave Badeaux, Mayor

ATTEST: _____
Jennifer Bergman, City Administrator



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Consider Variance Request for an Accessory Structure at 11617 Andrew St.

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

Applicant BOOKU, LLC has submitted a variance request for the construction of an accessory structure to be used as a vocational training facility on the site of its offices and student housing for The American Institute of Nondestructive Testing at 11617 Andrew St. The property is zoned General Commercial (GC) District. The proposed accessory structure would exceed the maximum square footage of accessory structures allowed in the GC Zoning District, which is 500 SQFT. The applicant is proposing a 60'x100' accessory structure with a 6,000 SQFT area to house the vocational training facility currently operating at a separate location in Baxter, MN.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The Planning Commission considered this request at their regularly scheduled meeting on August 16th. There was concern from the Commission that this request did not meet one of the requirements for the granting of a variance, which states "Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance." Commissioner Duval stated that a PUD is an option for the applicant as well as attaching the proposed structure to the existing building.

A motion was moved and seconded by Commissioners Duval and Stenglein to recommend denial of the variance request for constructing an accessory structure at 11617 Andrew St, based on the request does not meet the criteria shown in Section 515-5-4. Upon roll call, the vote was 3-3 and the Chair declared a tie vote, in which the motion failed.

RECOMMENDED ACTION/MOTION:

The Community Development Department recommend the approval of this variance request based on the findings of fact for the construction of the accessory structure at 11617 Andrew St in the location presented by the applicant.

FINANCIAL IMPACT: N/A

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director
Dylan Edwards, Assistant Planner

DATE: August 16, 2023

RE: Variance Request for an Accessory Structure at 11617 Andrew St.

REQUEST

PUBLIC HEARING. Variance for an Accessory Structure

Applicant BOOKU, LLC has submitted a variance request for the construction of an accessory structure to be used as a vocational training facility on the site of its offices and student housing for The American Institute of Nondestructive Testing at 11617 Andrew St.

The proposed accessory structure would exceed the maximum allowed square footage of accessory structures on the property.

CONTEXT

Parcel Number(s): 41010592 & 41010591

Property Area: 1.26 Acres

Adjacent Uses: North: Accounting Firm Offices
East: Attached Multi-family Dwelling
South: Storage Unit Facility
West: Auto Dealer

Adjacent Zoning: North: RI-1 (Rural Living One) Zoning District
East: GC (General Commercial) Zoning District
South: Crow Wing County Jurisdiction
West: Crow Wing County Jurisdiction

AERIAL MAP



FINDINGS OF FACT

1. 11617 Andrew St. Brainerd, MN 56401 is in a General Commercial (GC) Zoning District.
 - a. [Per Appendix A: Table of Uses](#), Business or trade schools when conducted entirely within a building is a permitted use in the GC District.
 - b. *The premises currently consists of the main offices for the business and accommodations for guests/students of the American Institute of Nondestructive Testing.*
2. [Section 515-2-13.C Table 1](#) states that for Accessory Structures in the General Commercial Zoning District the maximum size is 500 SQFT.
 - a. *The applicant is proposing a 60'x100' accessory structure with a 6,000 SQFT area to house the vocational training facility currently operating at a separate location in Baxter, MN. The proposed size exceeds the allowed accessory structure square footage in the GC Zoning District.*
3. Section 515-2-13.C Table 1 states that the location of the accessory structure must be in the rear 50% of the lot and have 0-foot rear and side yard setbacks.

- a. *The proposed accessory structure is located in the rear yard with a 22' setback from the rear property line and a 60' plus setback from the side yard (corner) property line.*
4. The City Engineer reviewed the plans and had no additional comments. Perimeter control will be required as part of the building permit.
5. The Fire Chief indicated that they would need to install a fire alarm system. A fire alarm system is required for an occupancy of 50 or more.
6. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance and
 - i. The purpose of the GC District is to allow more intensive commercial uses that require the primary street network for access and circulation.
 1. *The general purpose of allowing one accessory structure with a 500 SQFT maximum size is to not allow for the construction of large storage and warehousing facilities along the main Corridors of Brainerd, State Highway 210, State Highway 25, and Business 371. The GC District is meant for commercial uses instead warehousing and distribution.*
 2. *The proposed use of the accessory structure would be for a trade school which is a permitted use in the GC District. The trade school building would be accessory to the approximate 19,000 SQFT existing building that is used for offices and accommodations.*
 - b. When the variances are consistent with the Comprehensive Plan.
 - i. *Land Use, Goal 2 "Through thoughtful planning, maintain the unique identity of the city and all the appropriate land uses that support it." Policy 3 "Promote reinvestment in the city's main highway corridors and downtown."*
 1. *The applicant's construction of this accessory structure is the second stage in a multi-year plan to create a vocational training facility that includes administrative offices, housing, and a classroom building all on one site in the City of Brainerd.*
 - ii. *Economic Development, Goal 1: "Support infill and redevelopment throughout Brainerd as a strategic component of growth." Policy 1: "Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists."*
 1. *The applicant is redeveloping an area at the periphery of Brainerd where infrastructure is present, but density is low, and utilization can increase. Allowing this accessory structure with an area greater than the 500 Sq Ft maximum for this zoning district facilitates an*

expansion of the redevelopment taking place at 11617 Andrew St over the preceding years.

- iii. *Economic Development, Goal 3: "Help local businesses grow and attract new businesses in our neighborhoods, along our main corridors, and in our downtown." Policy 1: "Support current businesses through a variety of programs, resources, and offerings."*

- 1. *The construction of this accessory structure will move a segment of this existing vocational training center into our community from a neighboring municipality. This project represents the applicant's multiyear commitment to bring this facility and educational resource to the City of Brainerd and expanding it through the redevelopment of a once blighted property.*

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

- i. *The accessory structure must exceed 500 SQFT in size to properly operate as a nondestructive testing school.*
 - ii. *Staff had conversations with the applicant about connecting the proposed accessory structure to the existing building to create one large structure which would not have required a variance. The applicant was advised against connecting the two buildings because of the need to tie into an aging foundation.*

- 7. [Section 515-5-4.B.4.](#) Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance;

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

- i. *The presence of wetlands and lack of utilities makes it difficult to place the structure south of the existing building on a separate lot. The proposed location is ideal for construction of the 6,000 SQFT training facility.*

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

- i. *The construction of this accessory structure will maintain cohesive harmony with the existing primary structure on this premises and will be similar to other neighboring properties based on exterior materials and building size.*

- c. 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.

- i. *Wetlands and lack of utilities constitute a practical difficulty.*

- 8. Section 515-5-4. B.5, The Board may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

a. Staff does not recommend imposing any additional conditions.

At the time of this writing, no party had contacted the Community Development Department with questions regarding the proposed project.

STAFF RECOMMENDATION

The Community Development Department recommend the approval of this Variance request for the construction of the accessory structure at 11617 Andrew St in the location presented by the applicant.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that BOOKU, LLC has submitted a variance request for the construction of an accessory structure to be used as a vocational training facility on the site of its offices and student housing for The American Institute of Nondestructive Testing at 11617 Andrew St. The property included in this application is described as:

Lot 01, Block 01 of the NORRGARD ADDITION to the CITY OF BRAINERD

P.I.N. 41010592

Section 1, Township 44, Range 31

The property is zoned GC (General Commercial) Zoning District. According to Zoning Code Table 515-2-13.1 GC Dimensional Standards – Density, Lot Size, Coverage and Height Standards, properties located in the GC District are allowed one accessory building with a maximum of 500 square feet. This property has no accessory structures, and the property owner is requesting to construct a 6,000 SQFT accessory structure which would exceed the maximum allowed square footage of accessory structures in the GC District. The purpose of this variance request is to provide an onsite educational space for The American Institute of Nondestructive Testing. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, August 16th, 2023, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 1st day of August 2023



James L. Kramvik
Community Development Director

Publication Date: August 5th, 2023



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☒ (\$400.00 + \$500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ (\$250.00)	☐ (\$400.00)

PROPERTY ADDRESS: 11617 Andrew St - Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: Booku, LLC Don Booth - Nelson Kurilla

Street Address: 11617 Andrew St City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-428-5633 Fax: _____ E-mail: donkbooth@yahoo.com

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: _____

See Attached

Don Kurilla

Property Owner Signature

7-27-2023

Date

(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)

Description of Request

I am requesting a variance for construction of a new building on our property located at 11617 Andrew Street, Brainerd, MN 56401

My company, The American Institute of Nondestructive Testing has located our offices and student housing at this address located in what was once a defunct hotel. We purchased the hotel in 2020 and have invested over \$200,000 in renovations in the past two years to make this property functional for our business and an asset to the Brainerd community.

Now we would like to move our vocational training facility from Baxter to this location to create the first of its kind "All in one" vocational training facility offering student housing along with an onsite training facility.

We attract students from major corporations around the world, including Lockheed Martin, Blue Origin, Northrup Grumman, General Electric, among many others. In August we have several people flying from Norway to our little town to acquire the training they need in Digital Radiographic Testing.

When we build the new facility on the property, we will also be completing the final step in remodeling the existing building by adding new siding that will match the new building construction.

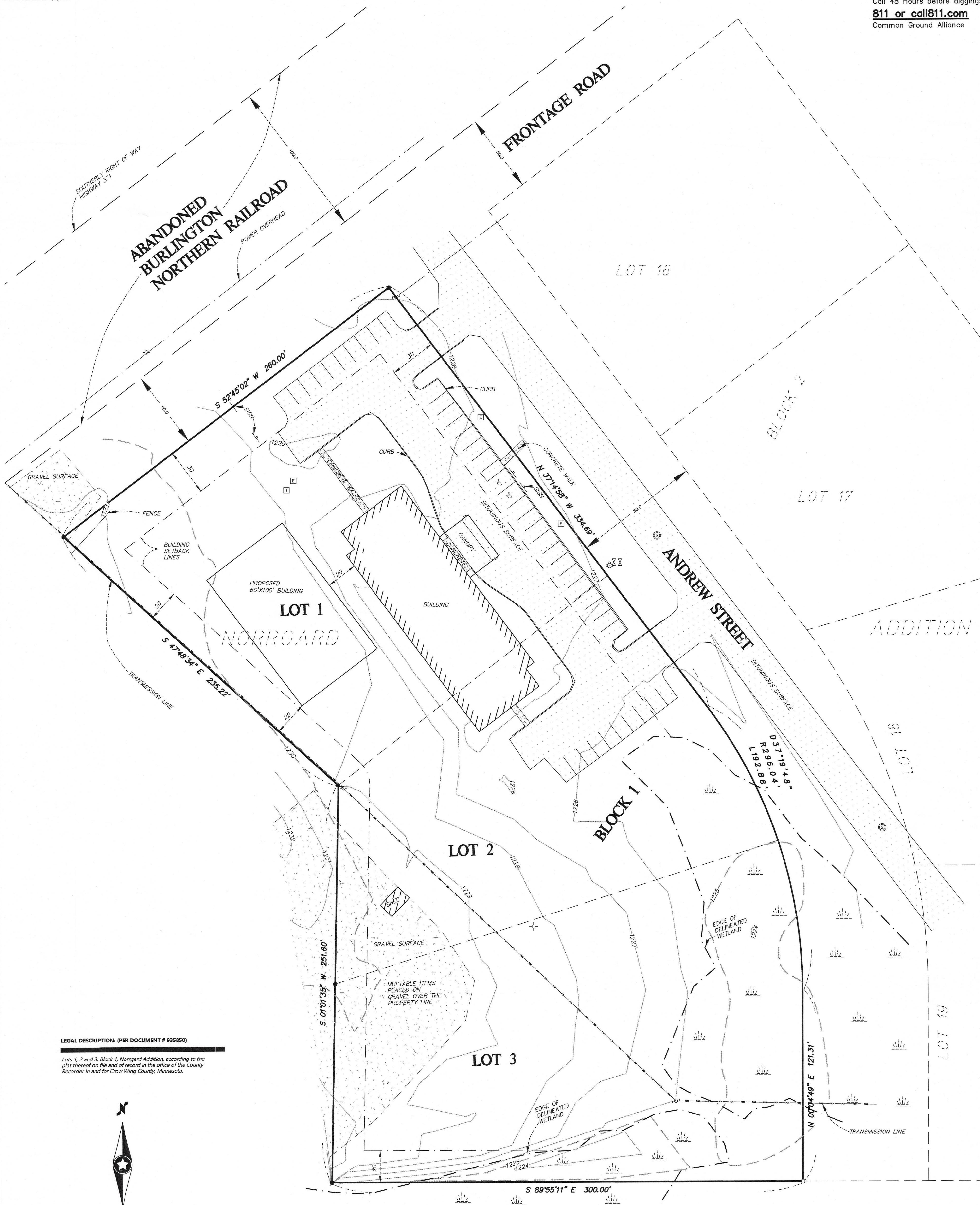
Although the buildings would not be attached, the new building would absolutely be an integral part of the offices and student housing building and business operations.

In closing, I ask that you provide us with this variance. My business and this building will be an asset to the community by creating even more jobs as we grow and revitalize this area of the community.

Regards,

Donald Booth CEO

A handwritten signature in black ink, appearing to read 'Donald Booth', with a long horizontal flourish extending to the right.



LEGAL DESCRIPTION: (PER DOCUMENT # 935850)

Lots 1, 2 and 3, Block 1, Norrgard Addition, according to the plat thereof on file and of record in the office of the County Recorder in and for Crow Wing County, Minnesota.



GENERAL NOTES

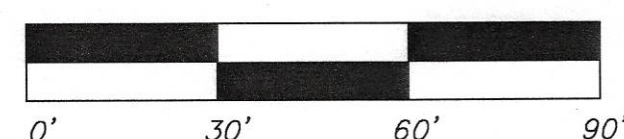
- No search for easements or restrictions, recorded or unrecorded, was made by the Surveyor.
- Bearings shown are based upon the Crow Wing County Coordinate System.
- The underground utilities shown have been located from field survey information. The surveyor makes no guarantees that the utilities shown comprise all such utilities in the area, either in service or abandoned.
- Total area of subject property: 146,618 Sq. Ft. / 3.37 Acres.
- The contours shown here on are based on NAVD 88.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed LAND SURVEYOR under the laws of the State of Minnesota.

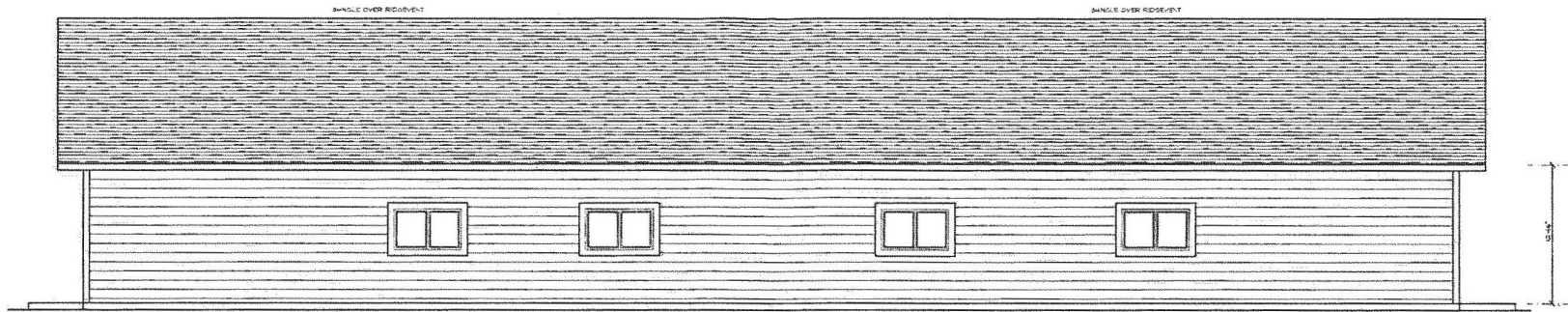
Paul Herkenhoff
Date: 5/30/23 License No. 45875

LEGEND

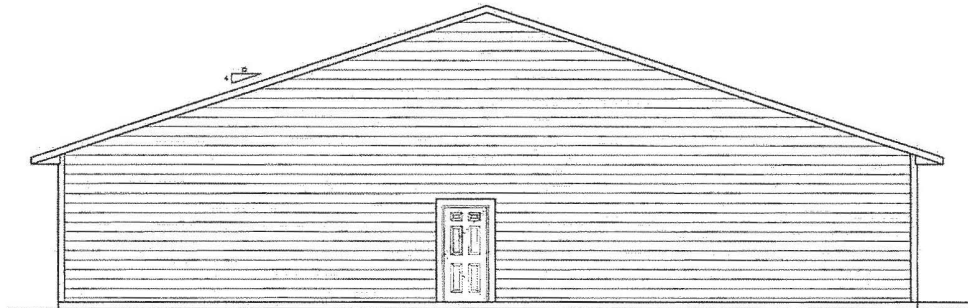
- DENOTES WET LAND NOT-DELINEATED
- DENOTES POWER POLE
- DENOTES FOUND MONUMENT
- DENOTES SET 1/2"x14" IRON PIPE WITH CAP # 50319
- DENOTES ELECTRIC BOX
- DENOTES TELEPHONE BOX
- ⊙ DENOTES SANITARY MANHOLE
- ⋈ DENOTES GATE VALVE
- ⊕ DENOTES HYDRANT



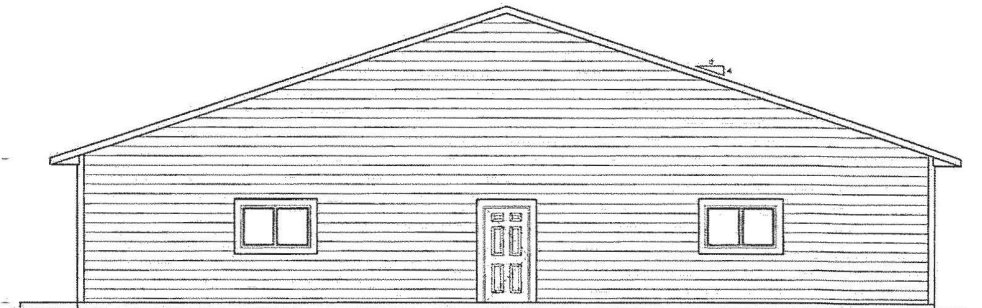
EXISTING IMPERVIOUS CALCULATIONS			
EXISTING	IMPERVIOUS AREA (SQ. FT.)	GROSS AREA (SQ. FT.)	PERCENT IMPERVIOUS
BUILDINGS	8,377	146,618	5.71%
BITUMINOUS	19,436	146,618	13.26%
GRAVEL	10,533	146,618	7.18%
CONCRETE	363	146,618	0.25%
TOTAL	38,709	146,618	26.40%



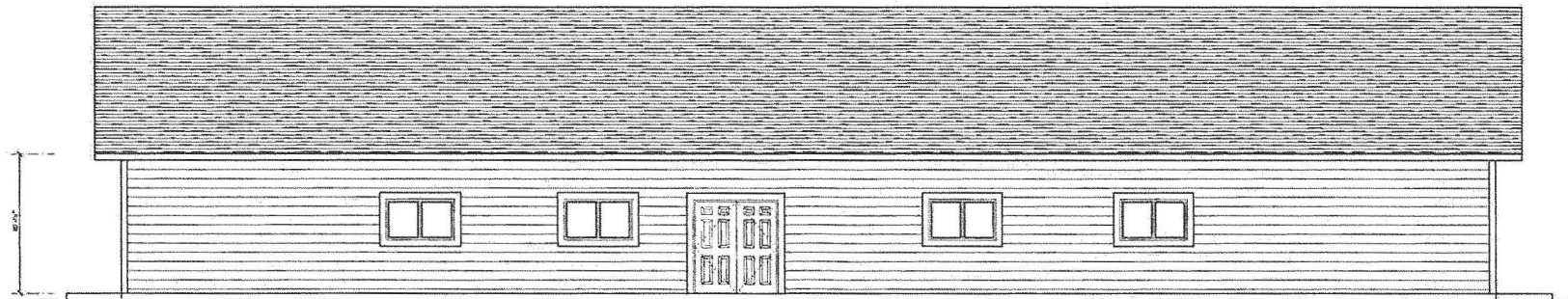
SOUTH ELEVATION
SCALE: 1/4"=1'-0"



EAST ELEVATION
SCALE: 1/4"=1'-0"



WEST / ROADSIDE ELEVATION
SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4"=1'-0"

I HERESTY CERTIFY THE PLAN, SPECIFICATIONS OR
REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT
UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert W. Ready
ROBERT W. READY, AIA REG. NO.: 11383

DATE: JULY 11, 2023

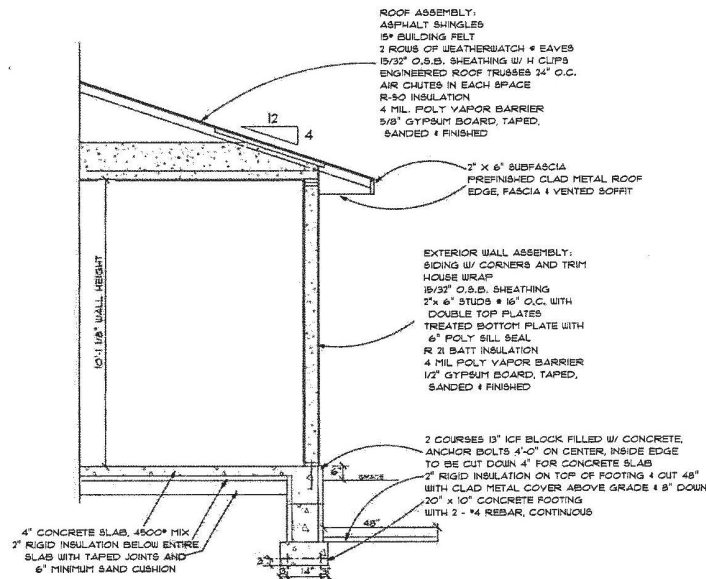
P.F.S. DESIGN LLC
218-821-0630

PROJECT FOR:
BOOKW LLC

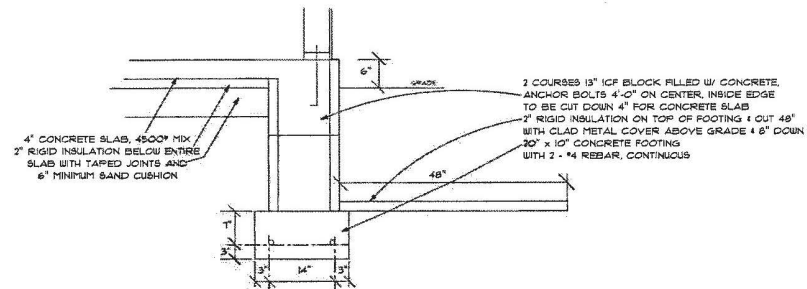
DATE:
JUNE 1, 2023

REVISED JUNE 21, 2023
REVISION: 11.11.2023

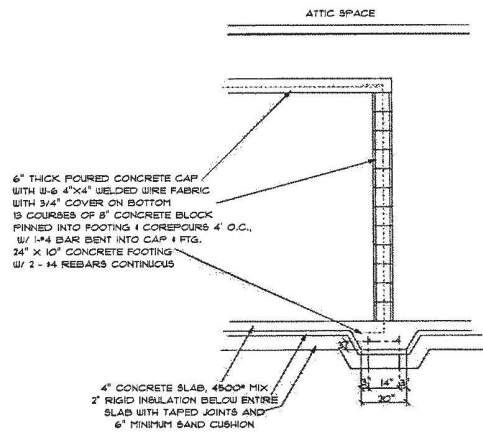
PAGE NO.
1 of 5



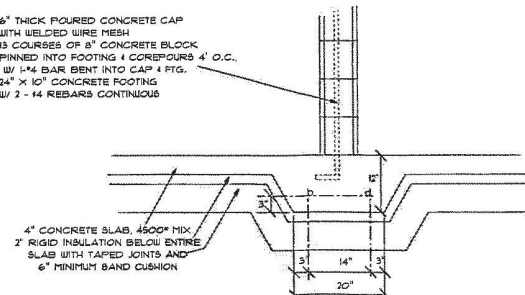
WALL SECTION "A"
 SCALE: 1/2"=1'-0"



DETAIL "A"
 SCALE: 1"=1'-0"



WALL SECTION "B"
 SCALE: 1/2"=1'-0"



DETAIL "B"
 SCALE: 1"=1'-0"

NOTE:
 ALL DIMENSIONS ARE TO FACE OF STUD
 UNLESS OTHERWISE NOTED.
 2 - 2" X 10" HEADERS OVER ALL EXTERIOR
 OPENINGS UNLESS OTHERWISE NOTED.
 DOUBLE TRIMMERS ON OPENINGS WIDER
 THAN 5 FEET.
 EXTERIOR DOORS BY THERMA-TRU OR
 EQUAL. WINDOWS ARE MARVIN INTEGRITY,
 WITH ALL FALL PROTECTION REQUIREMENTS.
 VERIFY ALL SIZES AND ROUGH OPENINGS
 WITH OWNER AND MANUFACTURER. ANY
 WINDOW WITHIN 8' OF THE FLOOR IS TO BE
 TEMPERED. WINDOW HEADER HEIGHT
 TO BE 6'-9 1/8" UNLESS NOTED. VERIFY
 EXTERIOR DOOR ROUGH OPENING HEIGHTS.

VERIFY ALL TRUSSES, BEAMS AND
 MICROLAM WITH TRUSS MANUFACTURER.
 INSULATE AROUND ALL BATHROOMS
 AND BEDROOMS.

MEETING OF ENERGY CODE REQUIREMENTS
 TO BE THE RESPONSIBILITY OF CONTRACTOR.
 THIS PLAN WAS DESIGNED TO COMPLY WITH
 2020 MINN STATE BUILDING CODE AT THE TIME
 AND FOR THE LOCATION THEY WERE DRAWN.
 CHECK WITH YOUR CONTRACTOR
 REGARDING LOCAL CODES THAT MAY VARY.
 THE OWNER AND CONTRACTOR ASSUME THE
 RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

I HEREBY CERTIFY THE PLAN, SPECIFICATIONS OR
 REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
 SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT
 UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert W. Ready
 ROBERT W. READY, AIA REG. NO.: 11383

DATE: JULY 17, 2023

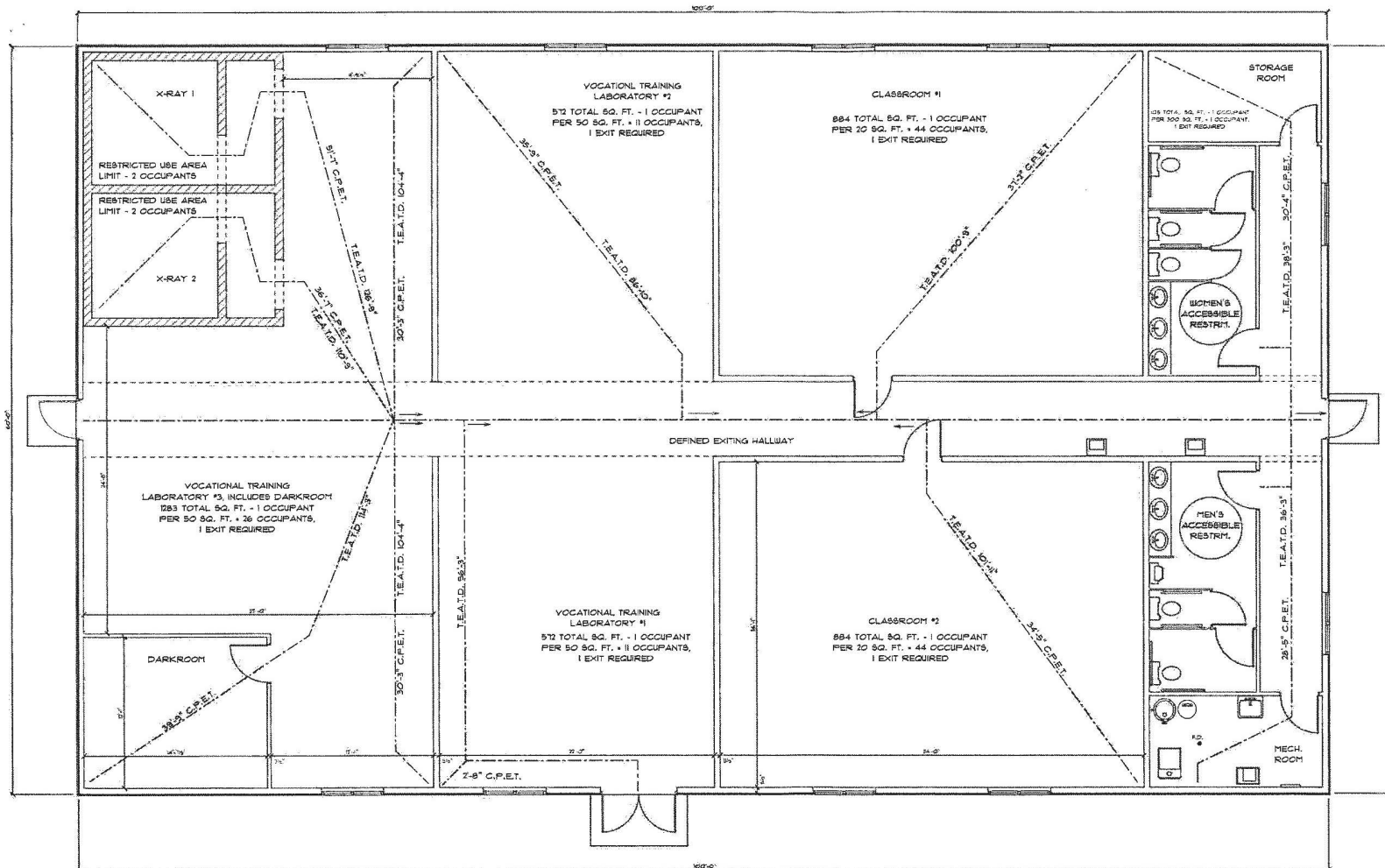
P.F.S. DESIGN LLC
 218-821-0630

PROJECT FOR: BOOKU LLC

DATE: MAY 23, 2023

REVISED MAY 26, 2023
 REVISED JUNE 1, 2023
 REVISED JUNE 27, 2023
 REVISED JULY 11, 2023

PAGE NO. 4 of 5



NOTE:
ALL DIMENSIONS ARE TO FACE OF STUD UNLESS OTHERWISE NOTED.
2 - 2" X 10" HEADERS OVER ALL EXTERIOR OPENINGS UNLESS OTHERWISE NOTED.
DOUBLE TRIMMERS ON OPENINGS UNDER THAN 5 FEET.
EXTERIOR DOORS BY THERMA-TRU OR EQUAL. WINDOWS ARE MARVIN INTEGRITY, WITH ALL FALL PROTECTION REQUIREMENTS. VERIFY ALL SIZES AND ROUGH OPENINGS WITH OWNER AND MANUFACTURER. ANY WINDOW WITHIN 18" OF THE FLOOR IS TO BE TEMPERED. WINDOW HEADER HEIGHT TO BE 6'-8 1/8" UNLESS NOTED. VERIFY EXTERIOR DOOR ROUGH OPENING HEIGHTS. VERIFY ALL TRUSSES, BEAMS AND MICROLAMS WITH TRUSS MANUFACTURER. INSULATE AROUND ALL BATHROOMS AND BEDROOMS.
MEETING OF ENERGY CODE REQUIREMENTS TO BE THE RESPONSIBILITY OF CONTRACTOR. THIS PLAN WAS DESIGNED TO COMPLY WITH 2020 FRI STATE BUILDING CODE AT THE TIME AND FOR THE LOCATION THEY WERE DRAIN. CHECK WITH YOUR CONTRACTOR REGARDING LOCAL CODES THAT MAY VARY. THE OWNER AND CONTRACTOR ASSUME THE RESPONSIBILITY TO COMPLY WITH LOCAL CODES.

MAIN LEVEL EXITING PLAN

SCALE: 1/4"=1'-0"

C.P.E.T. - COMMON PATH OF EXIT TRAVEL, MAXIMUM ALLOWED IS 15'-0"

T.E.A.T.D. - TOTAL EXIT ACCESS TRAVEL DISTANCE, MAXIMUM ALLOWED IS 200'-0"

I HEREBY CERTIFY THE PLAN, SPECIFICATIONS OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Robert W. Ready
ROBERT W. READY, AIA REG. NO. 11383
DATE: JULY 11, 2023

P.F.S. DESIGN LLC

218-821-0630

PROJECT FOR: BOOKW LLC

DATE: MAY 23, 2023

REVISED MAY 26, 2023

REVISED JUNE 1, 2023

REVISED JUNE 21, 2023

REVISED JULY 11, 2023

PAGE NO. 5 OF 5

M.W. Hostetler, Inc.

Structural Engineer

5709 Lake Rose Drive
Minnetonka, MN 55345
(952) 500-2897
markhost@comcast.net

7/5/2023

Mr. Robert Ready
Ready Architectural Associates, Inc.
readyarch@aol.com

RE: BookU LLC, Brainerd, MN

Dear Mr. Ready:

I have reviewed the drawings for the new BookU building in Brainerd, MN.

The lid over the x-ray booths is a 6" solid slab reinforced with W6-4"x4" welded wire fabric with $\frac{3}{4}$ " cover on the bottom.

The drawings are structurally satisfactory.

Truly Yours,

Mark Hostetler, PE, SE, PEng

I hereby certify that this plan, specification,
or report was prepared by me or under my direct
supervision and that I am a duly Registered Professional
Engineer under the laws of the State of Minnesota.



Mark Hostetler

Date 7-5-2023

Reg. No 19906

Code Review
BookU
Brainerd, MN
7-16-23

Applicable Codes:

2020 MN State Building Code
2020 MN Accessibility Code
2020 MN Commercial Energy Code
2020 MN State Plumbing Code
2015 MN State Mechanical & Fuel Gas Code
2020 National Electrical Code
2020 MN State Fire code

Scope of Work:

Work consists of a new building to be used as an education facility. The public restrooms will be constructed to comply with the MN Accessibility Code.

Occupancy Group(s):

Group E: Educational Classroom and Occupational Training Facilities

Building Type: VB (Non-Sprinkled)

Allowable Building Area:

Group E: 9,500 S.F. (6,000 S.F. actual)

Design Occupant Load:

Group E = Classrooms @ 20 Net S.F per Occupant
Occupational Training Areas @ 50 Net SF per Occupant
Storerooms @ 300 SF per Occupant
Total Occupants as shown on Sheet 3 of 5 = 141

Automatic Fire Sprinklers:

Automatic Fire Sprinklers are required in Group E Occupancies only if the occupied space exceeds 12,000 SF, or if the actual occupancy load equals or exceeds 300. No Automatic Fire Sprinkler is required since neither threshold is met or exceeded.

Code Review
BookU
Brainerd, MN
7-16-23

Exit Egress: Two exit doors required for 1-500 Occupants; Three (3) provided.

Egress Width Required: (Occupancy inches per occupant); $(141)(.2)=28.2$ inches)(0.2 required. 136 inches provided.

Common Path of Egress Travel: 75 feet allowed (51'-9" feet actual maximum in X-Ray #1).

Total Egress Travel Distance: 200 feet allowed without an automatic fire sprinkler (126'-9" feet actual maximum from X-Ray #1)

Accessibility: An accessible route must be provided to the building and to spaces within the building. All building entrances and exits and interior spaces must meet accessibility design standards.

Plumbing Fixtures:

For Group E Occupancies, the ratio of WC's and Lav's is 1/50 of each sex. 141 total occupants = 72 occupants of each sex. 2 WC's and 2 Lav's are required for each sex. 3 WC and 3 Lav's are provided for each sex.

Drinking Fountains = $1/100 \text{ Occ} = 2 \text{ Drinking Fountains Req.}; 2 \text{ Provided}$

Prepared By:

Robert W. Ready, AIA, CSI, LEED AP
President



Ready Architectural Associates, Inc.
5420 James Ave. S.
Minneapolis, MN 55419

MN Arch. Reg. # 11383



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Consider Variance Request for an Accessory Structure at 219 W. Laurel St.

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

William Simon has submitted two variance requests for the construction of a 24' x 24' garage at a four-unit residential apartment at 219 W Laurel St. The proposed garage would exceed the total number of allowed accessory structures and the maximum allowed square footage of accessory structures on the property. This property is located in the Town Center (TC) District, which allows for one accessory structure not to exceed 500 SQFT. The applicant is proposing a 24' x 24' garage which adds another 576 Sq. Ft. to the existing 484 Sq. Ft. of accessory structure present on the property.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The Planning Commission considered this request at their regularly scheduled meeting on August 16th. A motion was moved and seconded by Commissioners Gorham and Duval, duly carried, to recommend approval of the variance requests for constructing an accessory structure at 219 W Laurel St., based on the findings of fact presented and the request meeting the criteria for approval. The motion was unanimously approved.

RECOMMENDED ACTION/MOTION:

Recommend approval of both variance requests at 219 W Laurel St. based on the findings of facts presented and the request meeting the criteria for approval.

FINANCIAL IMPACT: N/A

MEMO



TO: Planning Commission

FROM: James Kramvik Community Development Director
Dylan Edwards, Assistant Planner

DATE: August 16, 2023

RE: Variance Request for an Accessory Structure at 219 W. Laurel St.

REQUEST

PUBLIC HEARING. Variance for an Accessory Structure

William Simon has submitted two variance requests for the construction of a 24' x 24' garage at a four-unit residential apartment at 219 W Laurel St. The proposed garage would exceed the total number of allowed accessory structures and the maximum allowed square footage of accessory structures on the property.

CONTEXT

Parcel Number(s): 41040736

Zoning District: Town Center (TC) District
Shoreland Overlay District

Property Area: 0.31 Acres

Adjacent Uses: North: Automotive Repair
East: Attached Multi-family Dwelling
South: Attached Multi-family Dwelling
West: Attached Multi-family Dwelling

Adjacent Zoning: North: TC (Town Center) Zoning District
East: TC (Town Center) Zoning District
South: TC (Town Center) Zoning District
West: TC (Town Center) Zoning District

AERIAL MAP



FINDINGS OF FACT

1. 219 W. Laurel St. Brainerd, MN 56401 is in the (TC) Town Center Zoning District.
2. This property is located in the Shoreland Overlay District as it is within 500 feet of the Mississippi River. It is not considered a riparian lot because it is not adjacent to a water body.
 - a. *The local DNR Hydrologist was notified of the variance request and had no issues.*
 - b. *City Engineer Dehn reviewed the site and had no concerns with the request as the existing surface is Class 5. Perimeter control will be required and noted in the Engineering review of the building permit.*
3. [Section 515-2-11.C Table 1](#) states that for accessory structures in the Town Center Zoning District the Maximum size is 500 Sq. Ft. and the maximum number of these structures is one.
 - a. *The applicant is proposing a 24'x24' garage which adds another 576 Sq. Ft. to the existing 484 Sq. Ft. of accessory structure present at the property.*

- b. The additional garage will also result with two accessory structures on the premises which exceeds the one accessory structure allowed in the TC District.*
4. The proposed garage location meets all setbacks as required in Table 515-2-11.1. TC Dimensional Standards – Density, Lot Size, Coverage and Height Standards.
 - a. The side yard and rear yard setback in the TC District is 0 feet. The proposed rear yard setback for the garage is 5 feet and the side yard setback is greater than 15 feet.*
5. [Section 515-5-4.B.3](#), General Provisions and Evaluation Criteria. – Variances shall only be permitted:
 - a. When they are in harmony with the general purposes and intent of the ordinance and
 - i. The general purpose of the (TC) District is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as multi-family dwelling units.
 - 1. The Zoning Code allows for one accessory structure with a maximum size of 500 SQFT in the (TC) District because it supports the fact that this district should primarily have retail, service, and office buildings as opposed to storage buildings. New residential units should consider underground/ first story tuck under parking for harmony with the general purpose of the district.*
 - 2. According to [Section 515-4-2.B.6a](#) each dwelling unit shall include, at a minimum, a one (1) enclosed garage stall, that shall have a minimum dimension of 12 feet by 20 feet and each dwelling unit without a basement shall include at a minimum, a one (1) stall 16' x 20' foot garage. The addition of the proposed garage would provide each dwelling unit on the property one garage space, which would bring the property in greater conformity with Section 515-4-2.*
 - b. When the variances are consistent with the Comprehensive Plan.
 - i. Land Use - Goal 3: Support and invest in the incremental enhancements of quality of life. Policy 3 - Ensure a wide range of housing types for all income levels.
 - 1. By constructing a second two stall garage on this property, each dwelling unit would have its own garage space which would enhance this property and the quality of life for the residents living in the apartment units.*
 - ii. Housing - Goal One: Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences. Policy 3 - Rehabilitate and/or replace substandard housing with units that are decent, safe, healthy, affordable, and of appropriate size to meet the city's current and future housing needs.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that William Simon has submitted two variance requests for the construction of a 24' x 24' garage at a four-unit residential apartment at 219 W Laurel St. The proposed garage would exceed the total number of allowed accessory structures and the maximum allowed square footage of accessory structures on the property. The property included in this application is described as:

W. 2/3 OF LOTS 7 AND 8 BLOCK 19 AND THE ADJACENT E. 1/2 OF VACATED THIRD STREET.

WEST BRAINERD

P.I.N. 41040736

Section 4, Township 133, Range 28

The property is zoned TC (Town Center) District. According to Zoning Code Table 515-2-11.1. TC Dimensional Standards – Density, Lot Size, Coverage and Height Standards, properties located in the TC District are allowed one accessory building with a maximum of 500 square feet. This property has an existing two stall garage, and the property owner is requesting to construct an additional 24' x 24' two stall garage which would exceed the maximum allowed accessory structures and the maximum allowed square footage of accessory structures in the TC District. The purpose of this variance request is to provide a garage stall to each apartment unit. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, August 16, 2023, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance requests.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 2nd day of July 2023



James L. Kramvik
Community Development Director

Publication Date: August 5th, 2023



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☒ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ (\$250.00)	☐ (\$400.00)

PROPERTY ADDRESS: 219 West Laurel st.

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: William Simon

Street Address: 9613 Leisure Ln. City: Brainerd State: MN Zip Code: 56401

Phone Number: 218-820-6098 Fax: _____ E-mail: _____

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: Construct a 24' x 24' garage.

William Simon

Property Owner Signature

7-3-23

Date

William Simon
(Please print name)

William Simon

Applicant Signature

7-3-23

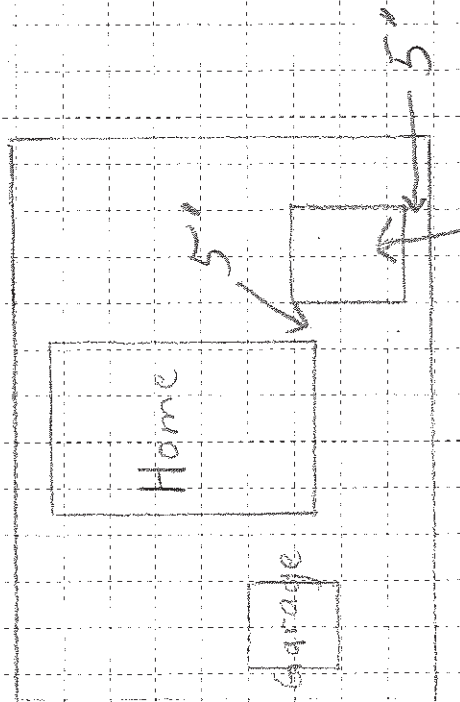
Date

William Simon

(Please print name)

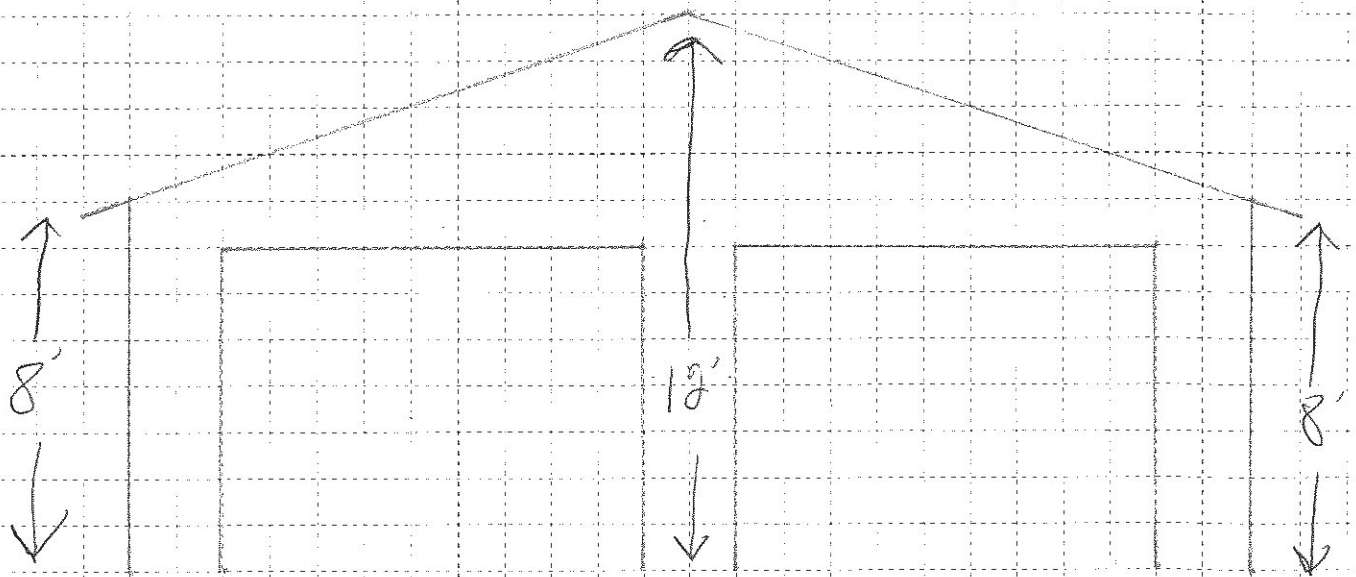
(OVER)

W Laurel St.



Proposed 24' x 24'
garage

One square = 1/4"
Scale: 1/4" = ____ Feet



9' x 7' garage doors

219 W. Laurel St.
vinyl siding
tan siding
brown shingles

One square = 1/4"
Scale: 1/4" = 1 Feet



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Consider Interim Use Permit Request for a Short-Term Rental at 203 Hawkins Dr.

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

Mr. Safaie and Ms. Derasmo have applied with accompanying documents for a short-term rental at 203 Hawkins Dr. Brainerd, MN 56401. Staff periodically reviews short-term rental listings on the internet and discovered this property was operating without a rental license and interim use permit. Staff reached out to the property owners and required them to immediately obtain a rental license and inspection and apply for an interim use permit for a short-term rental. The rental license has been issued and the property has been inspected by both the Housing Inspector and Fire Marshal. Staff requested that the property owner block out all remaining scheduling dates until a determination has been made for the requested interim use permit for a short-term rental.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The Planning Commission considered this request at their regularly scheduled meeting on August 16th and heard public testimony, specifically regarding the number of vehicles parked in the right-of-way at times. A motion was moved and seconded by Commissioners Norwood and Stenglein, duly carried, to recommend approval of the interim use permit for a short-term rental at 203 Hawkins Drive, with the conditions listed, adding the condition of a two vehicle limit for on street parking and adding a December 31st, 2025 expiration date. The motion was unanimously approved.

RECOMMENDED ACTION/MOTION:

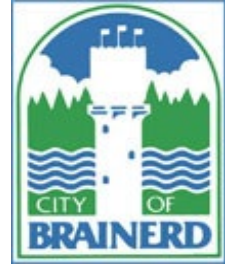
Recommend approval of the Interim Use Permit for one short-term rental unit at 203 Hawkins Dr. Brainerd, MN 56401 with the following conditions:

- 1) The applicant includes a limit on pets that conforms to City Code, "No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd."
- 2) The applicant restricts the quiet hours after 10:00 PM in accordance with City Ordinances.
- 3) The Applicant clearly defines an occupancy limit for the property not to exceed 8 guests or number set by the Building Official.
- 4) The short-term rental is not allowed to park more than two vehicles on the street.

- 5) Submittal of the local option sales tax form to the Finance Department.
- 6) Upon sale or transfer of the property, the Interim Use Permit for a short-term rental at 203 Hawkins Dr. Brainerd, MN 56401 is no longer valid.
- 7) The Interim Use Permit shall expire December 31st, 2025.

FINANCIAL IMPACT: N/A

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director
Dylan Edwards, Assistant Planner

DATE: August 16, 2023

RE: Consider Interim Use Permit for Short-Term Rental – 203 Hawkins Dr.

REQUEST

PUBLIC HEARING. Interim Use Permit for a Short-Term Rental

APPLICANT: Bobby Safaie and Alexandra Derasmo

Mr. Safaie and Ms. Derasmo have applied with accompanying documents for one short-term rental at 203 Hawkins Dr. Brainerd, MN 56401.

Staff periodically reviews short-term rental listings on the internet and discovered this property was operating without a rental license and interim use permit. Staff reached out to the property owners and required them to immediately obtain a rental license and inspection and apply for an interim use permit for a short-term rental. The rental license has been issued and the property has been inspected by both the Housing Inspector and Fire Marshal. Staff requested that the property owner block out all remaining scheduling dates until a determination has been made for the requested interim use permit for the short-term rental.

CONTEXT

Parcel Numbers: 41090584

Zoning District: Contemporary Neighborhood-Two (CN-2) District

Property Area: 28,123 SQFT

Adjacent Uses: North: Residential – Single Family Dwelling
East: Mississippi River
South: College – Central Lakes College
West: Multi-Family Residential (Rentals)

Adjacent Zoning: North: Contemporary Neighborhood-Two (CN-2) District
East: Mississippi River
South: Public-Semi-Public (PSP) District
West: Contemporary Neighborhood-Two (CN-2) District

AERIAL MAP



FINDINGS OF FACT

1. 203 Hawkins Dr. Brainerd, MN 56401 is located in a CN-2 (Contemporary Neighborhood-Two) District. The CN-2 District allows short-term rentals as an Interim Use according to Zoning Code [Appendix A: Table of Uses](#).
2. Short-term rentals must comply with the following minimum standards as required by the [Section 515-3-34](#) of the Zoning Code:
 - a. The maximum rental period shall not be more than 28 consecutive nights.
 - i. *The applicants' proposal will not exceed 28 consecutive nights for a rental period.*
 - b. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
 - i. *The applicant has applied for the Interim Use Permit for the operation of a short-term rental.*

- c. The application for an interim use permit shall include:
 - i. The number of bedrooms with dimensions and all other sleeping accommodations
 - 1. *The proposed short rental unit is 2,079 SQFT. in size and has three bedrooms.*
 - 2. *The dimensions of each of these respective bedrooms are 17' x 21', 12' x 16', and 12' x 12.'*
 - ii. The number of off-street parking spaces available to guests.
 - 1. *There are four off street parking space allocated to guests, two in the driveway and two in the street loaded garage.*
 - iii. All accessory structures and outdoor recreational features available for guest use
 - 1. *The only accessory structure available for guest usage is the attached garage and the dock installed on the Mississippi River.*
 - iv. A pet, garbage, and noise policy.
 - 1. *There are no listed prohibitions of pets in their submitted policies noted as, "House Rules".*
 - 2. *Garbage and recycling bins for use are located at the front of the property and picked up on Wednesdays. They are only to be placed at the front of the property Tuesday night per the policy.*
 - 3. *There is a rule imposing quiet hours after 11:00 PM.*
 - v. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
 - 1. *The housing inspector will confirm this upon inspection of the rental unit.*
- d. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
 - i. Contact Information. The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will be always accessible to the public on the City of Brainerd website.
 - 1. *Mr. Safaie and Ms. Derasmo have retained the services of Tom Jacobson as the responsible party for this rental units as he resides within 50 miles of the premises.*
 - ii. Occupancy. The maximum number of guests allowed at the property.
 - 1. *The posted rules for the short-term rental do not state a guest maximum but do prohibit parties.*
 - iii. Vehicles. The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle

or trailer shall be parked on a street more than forty-eight (48) continuous hours.

1. *The rules state that there is parking available in the driveway and on the cul-de-sac adjacent on which the property lies. This would include recreational vehicles or trailers.*

iv. Garbage. Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.

1. *The weekly garbage schedule is provided for renters on Wednesdays per the provided rules.*

v. Noise. No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person.

1. *The short-term rental rules impose quiet hours after 11:00pm. The "House Rules" must be changed to align with Brainerd City Code.*

vi. Pets. No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

1. *The rental rules do not state any prohibitions regarding pets. The rules must state that no more than a combination of four cats or dogs can be on the property at any one time.*

e. The occupancy of a short-term rental shall be limited to no more than 3 people per bedroom or the occupancy set by the Building Official.

i. *According to [Section 404.4.1 of the Property Maintenance Code](#), every bedroom shall contain not less than 70 square feet (6.5 m2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) of floor area for each occupant thereof, whichever is less.*

ii. *There is no proposed limit on guests to the property.*

iii. *Bedroom one is 357 SQFT which exceeds the 150 SQFT requirement to room three guests.*

iv. *Bedroom two is 192 SQFT which exceeds the 150 SQFT requirement to room three guests.*

v. *Bedroom three is 144 SQFT which exceeds the 100 SQFT requirement to room 2 guests.*

vi. *Total occupancy of the short-term rental is 8 guests.*

- f. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.
 - i. *The rooms used for sleeping have egress windows and smoke detectors that comply with the Minnesota State Building Code and were inspected by the Housing Inspector and Fire Marshal.*
- The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).
 - ii. *The short-term rental is connected to the city sewer and water system. The building plans show a full bathroom with a toilet, tub/shower, and sink.*
- g. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.
 - i. *The applicant is not proposing occupancy by use of recreational vehicles, tents, accessory structures, or fish houses. However, their policies for the property do not explicitly prohibit them.*
- h. The permit holder shall keep a report, detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.
- i. A short-term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.
 - i. *The premises has been inspected by the Housing Inspector and Fire Marshal.*
- j. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
 - i. *Staff recommend that the following conditions be applied to the Interim Use Permit to conform to the requirements for Short Term Rentals as an Allowed Use:*
 1. *The Applicant explicitly defines a limit on pets that conforms to the limits stated in the Allowed Uses Section, "No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd."*
 2. *The Applicant restricts the quiet hours to 10:00 PM to 7:00 AM in accordance with City Ordinances*

3. *The Applicant clearly defines an occupancy limit for the property conforming to the Property Maintenance Code.*
 4. *The Applicant restricts other occupancy by recreational vehicles, tents, accessory structures, or fish houses.*
- k. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
 - l. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.
 - i. *The application for short-term rentals includes an application for local sales tax that must be submitted to the City's Finance Department. It is the owner's responsibility to contact the MN Department of Health.*

As of this writing, one party has contacted the Community Development Department regarding the Interim Use Permit. The resident was concerned about the increased traffic and traffic speeds.

STAFF RECOMMENDATION

Staff recommends approval of the Interim Use Permit for one short term rental unit at 203 Hawkins Dr. Brainerd, MN 56401 with the following conditions:

- 1) The applicant includes a limit on pets that conforms to City Code, "No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd."
- 2) The applicant restricts the quiet hours after 10:00 PM accordance with City Ordinances.
- 3) The Applicant clearly defines an occupancy limit for the property not to exceed 8 guests or number set by the Building Official.
- 4) Submittal of the local option sales tax form to the Finance Department.
- 5) Upon sale or transfer of the property, the Interim Use Permit for a short-term rental at 203 Hawkins Dr. Brainerd, MN 56401 is no longer valid.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Bobby Safaie and Alexandra Derasmo have submitted an Interim Use Permit to operate a short-term rental at 203 Hawkins Dr. Brainerd, MN 56401. The property included in this application is described as:

LOT 12 BLOCK 1, EXCEPT THE NW'LY 22.0 FT THEREOF. & ALSO INCLUDING THE FOLLOWING PART; PART OF GOV. LOT 2 LYING E'LY OF HAWKINS DR, S' LY OF LOT 12 BLK 1 BONNY WOODE ADD, & N'LY OF W. COLLEGE DRIVE.

BONNY WOODE ADDITION TO THE CITY OF BRAINERD

P.I.N. 41090584

Section 09, Township 133, Range 28

The property is zoned CN-2 (Contemporary Neighborhood-Two) District. [Appendix A: Table of Uses](#) of the Zoning Code requires an Interim Use Permit for the operation of a short-term rental in a CN-2 District as regulated by Section 515-3-34 Short-Term Rentals. Information on the proposed short-term rental is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, August 16, 2023, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 2nd day of August 2023



James L. Kramvik
Community Development Director

Publication Date: August 5th, 2023



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

INTERIM USE PERMIT for SHORT-TERM RENTAL

Application Form (residential - \$250.00 / commercial - \$500.00 + \$500.00 escrow deposit)

(This form must be filled out completely before your application will be accepted)

Property Address for this Interim Use Permit: 203 Hawkins Dr, Brainerd MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow Short term rental

_____ at the property address listed above until the date of _____

Legal Description (attach, if lengthy): Lot _____ Block _____ Addition _____

Property Owner: Bobby Safaire & Alexandra Derasmo

Address: 203 Hawkins Dr Brainerd MN 56401
(Street) (City) (State) (Zip)

Contact Information #: 561-564-7513
(Home)

(Business)
allied0215@icloud.com
(E-mail)

Applicant: (if different than Property Owner) _____

Address: _____
(Street) (City) (State) (Zip)

Contact Information #: _____
(Home) (Business)
(Fax) (E-mail)

Contact Person: (if different than Property Owner) _____

Address: _____
(Street) (City) (State) (Zip)

Contact Information #: _____
(Home) (Business)
(Fax) (E-mail)

This Interim Use Permit may be approved if sufficient facts are presented at the Planning Commission and City Council meetings to support a finding that all of the attached criteria for granting an Interim Use Permit have been met.

Obtaining this Interim Use Permit does not absolve the applicant from obtaining all other applicable permits, such as Building Permits, MnDOT access permits, etc.

I (We) certify that I (we) have submitted all the required information to apply for an Interim Use Permit and that the information is factual.

Signed by:

Bobby Safeire
(Property Owner)

Date: 7/3/23

Bobby Safeire

(Property Owner-Please print Name)

AD

(Applicant-If different than owner)

Date: 7/3/23

Alexandra Derasmo

(Applicant - Please print name)

Interim Use Permit Supporting Information

The City Council may approve an Interim Use Permit if all of the "Criteria for Review of Interim Use Permits" are met. In order to facilitate review of this application for an Interim Use Permit, the applicant must address each of the "Criteria", referred to in Section 515-5-3 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The Planning Commission and the City Council shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 515-5-2 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
 - (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
 - (c) 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.
 - (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con't)

GENERAL HOUSE INFO

- There are NO SECURITY CAMERAS inside the home - only the outside of the home. Please do NOT touch them they are for protection of guests and the home. You will be charged a **fee of \$200** if they are tampered with.
- CTC Internet is provided, login credentials are all over the house.
- A whole house water filtering system is installed making the water soft when showering, and safe to drink from either the fridge door or the faucet. More information available upon request.
- The backyard is very steep so please be careful and watch your step at all times. We do provide tea-lighting outside please turn on so you can see when enjoying the backyard and don't forget to turn off when finished.
- The dock is very steep as well please watch your step and pay attention at all times when on the dock. We do have a rope you can grab onto to go up and down the stairs. Please don't leave any trash on the dock or outside AREAS.....**Be VERY careful during the winter months the dock / everything can be very slippery and iced over.**
- We provide a propane and charcoal grill. PLEASE clean up after you use the grills. Don't leave any utensils or anything outside. Also stay far away from the home when using the charcoal grill as you see the whole house is made out of cedar wood. Please dispose of the ashes after use. We do have propane tanks filled for your use during your stay. If some feel empty more are located in the garage.
- Garbage pick up: Tuesday Nights pickup Wednesday mornings. Please when leaving for your stay all trash is taken out. The garbage cans are located out front of the house.
- Please do **NOT** move our furniture - if moved and not put back the way you arrived you will be charged a \$100 fee. Also please **DO NOT take anything From the home including towels / washcloths. We keep tight inventory and you will be charged for missing items.**
- We do provide a few paper towels, coffee pods / filters and toilet paper to get your trip started.
- If there is anything broken during your stay please contact me immediately so I can fix it or help with anything. If something needs fixing or cant find something please contact me so I can help you have an amazing stay!!!

House Rules

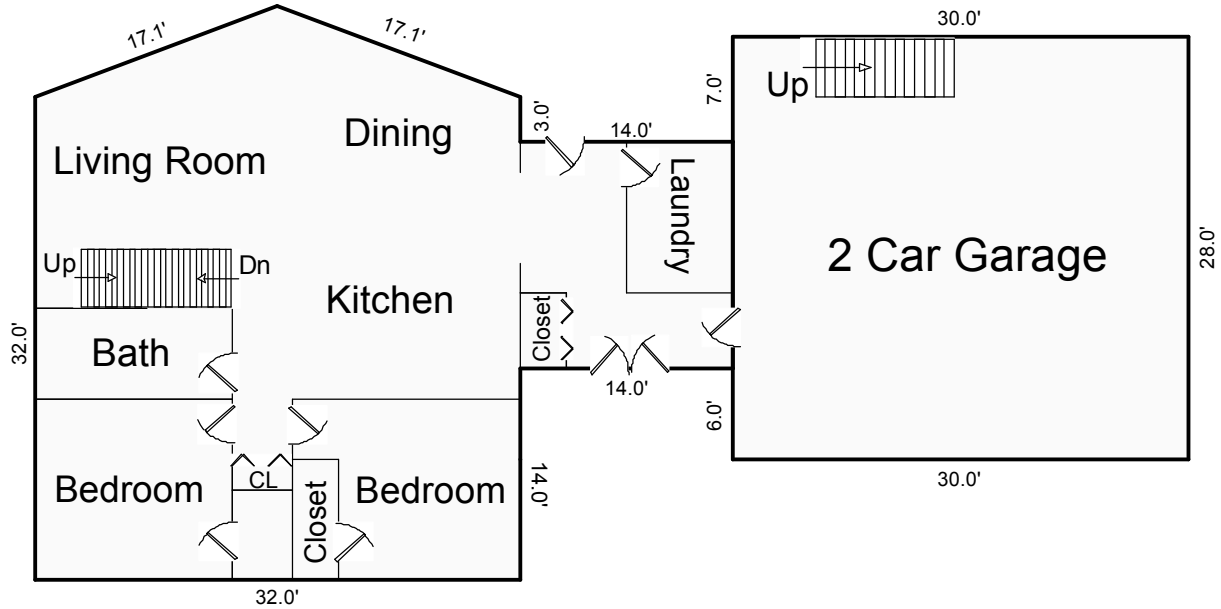
A friendly reminder of the house rules

- Check out time is at 10am
- Furniture is NOT to be moved
- Please ensure all trash is removed prior to check-out
- NO smoking or tobacco in the house
- Strictly NO parties are allowed
- Please respect our neighbors
- Please be quiet outside after 11pm
- Parking is available on the driveway and cul de sac
- NO shoes on the carpeted areas
- Families live on this block please be careful when driving on our street
- Please leave the place like you found it

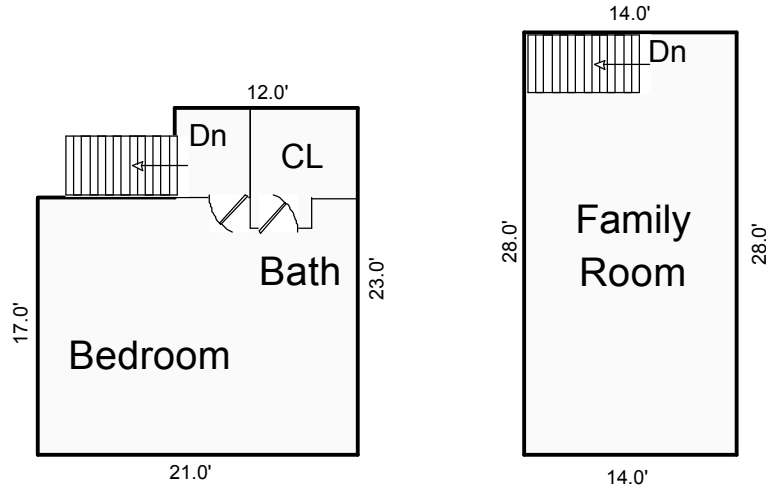
We hope you enjoy your stay!

Thank you!

Main Level



Upper Level





Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: First Reading - Proposed Ordinance 1555 - Amending Section 320 - Contesting Administrative Citations

AGENDA: Main

ACTION REQUESTED: Ordinance

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

The City Council directed staff to bring proposed Ordinance 1555 pertaining to contesting administrative citations as a first reading to the next City Council meeting. The current ordinance requires the City Council to periodically approve a list of lawyers, from which the City Administrator will select a Hearing Officer to hear and determine a matter for which the hearing is requested. The cost of the hearing shall be borne solely by the non-prevailing party. The City shall provide an estimate of the cost of the hearing at the time of the request for hearing. The City Council has the authority to reduce the non-prevailing party's costs where that party can demonstrate indigency by clear and convincing.

The Hearing Officer has the authority to determine that a violation did or did not occur, to dismiss a citation or impose the scheduled fine or to reduce, stay or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Proposed Ordinance 1555 would make the City Council the Authority to review contested nuisance citations rather than a third party attorney. Staff recommends the proposed ordinance amendment for consistency with our current review processes for nuisance assessments and zoning appeals. Also, the City Council review would incur no legal fees and the proposed process would have a more efficient timeline to resolve the contested issue.

After a full review of Section 320, staff also recommends changing the correction time for violations of the Zoning Code to 10 days. Violations of the Zoning Code currently allow residents 30 days to correct the issue, with the exception of signs and off-street parking. In many instances, 30 days have been too long for property owners to take corrective action pertaining to items in the Zoning Code.

RECOMMENDED ACTION/MOTION:

Motion to conduct the first reading of Proposed Ordinance No. 1555, an Ordinance Amending Section 320 of the City Code and to dispense with the actual reading.

*Note: a vote to dispense with the actual reading of the Ordinance must be unanimous.

FINANCIAL IMPACT: N/A

**ORDINANCE
NO. 1555**

AN ORDINANCE AMENDING SECTION 320 – ADMINISTRATIVE CITATIONS

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 320.09 of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

Section 320.09 Order to Correct; Administrative Citations. Upon the reasonable belief that an administrative offense has occurred, the City officials listed in Section 320.05 shall serve on the violator an order to correct the violation. If compliance is not achieved within the timeline prescribed in the order to correct the violation, the official is authorized to issue an administrative citation. Violations relating to property maintenance and Zoning Code violations related to accessory structures and violations of the Zoning Code, with the exclusion of violations relating to signs and off-street parking, shall be corrected within thirty (30) days of the date of the order to correct. All other violations of the Code shall be corrected within ten (10) days of the date of the order to correct.

An administrative citation shall be presented in person or by first class mail to the person responsible for the violation. Service shall be deemed complete upon depositing the citation in the U.S. Mail, properly addressed to the last known address of the person to be served and postage prepaid. The citation shall state the following: date, time and nature of the offense, citing the relevant portion of the City Code that was allegedly violated, the amount of the scheduled civil fine, and the manner for paying the fine, a statement that the City Code violation and the amount of the administrative civil penalty may be contested to be heard before an independent hearing officer the Board of Administrative Citation Appeals by notifying the City Administrator or designated representative in writing within 10 days of the date of the citation, and a statement that failure to pay the administrative civil penalty may result in it being assessed against the property as provided in Minnesota Statutes Chapter 429. If the tenth day is a Saturday, Sunday, or holiday, the appeal period shall extend to the next business day.

SECTION TWO: Section 320.19 of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

Section 320.19 Administrative Hearing Procedures.

~~Subd 1. Hearing Officers. The City Council will periodically approve a list of lawyers, from which the City Administrator will select a Hearing Officer to hear and determine a matter for which the hearing is requested. The person who has requested the hearing has the right to request, no later than 15 days before the date of the hearing, that the assigned Hearing Officer be removed from the case. One such request for each case will be granted by the City Administrator. A subsequent request must be directed to the assigned Hearing Officer who will decide whether the Hearing Officer can fairly and objectively review the case. If such a finding is made, the Hearing Officer shall remove himself or herself from the case, and the City Administrator shall assign another Hearing Officer. The Hearing Officer is not a judicial officer, but is a public officer as defined by Minnesota Statutes, Section 609.415. The Hearing Officer shall not be a current or former employee of the City of Brainerd.~~

Subd 1. Board of Administrative Citation Appeals. The City Council shall serve as the Board of Administrative Citation Appeals.

Subd 2. The Board of Administrative Citation Appeals shall act upon all administrative citation appeals and it shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with enforcing the Ordinance.

~~Subd 2.~~ Subd 3. Notice of Hearing. Notice of the hearing must be served in person or by first class mail to the person responsible for the violation no less than 20-10 days in advance of the scheduled hearing, unless a shorter time is accepted by both parties. Service shall be deemed complete upon depositing the Notice of Hearing in the U.S. Mail, properly addressed to last known address of the person to be served and postage prepaid.

~~Subd 3. Payment for Cost of Hearing. The cost of the hearing shall be borne solely by the non-prevailing party. The City shall provide an estimate of the cost of the hearing at the time of the request for hearing. The City Council has the authority to reduce the non-prevailing party's costs where that party can demonstrate indigency by clear and convincing evidence. Proof of indigency can be demonstrated by the party's receipt of means tested governmental benefits or a demonstrated lack of assets or current income. Such proof shall be presented to the City Council for determination subsequent to the hearing. However, the Hearing Officer at the time of the hearing shall make specific findings as to whether or not the party is indigent with said findings presented to the City Council. In all cases, where the party requesting the hearing is unable to attend and fails to request a continuance of the hearing at least 48 hours in advance of the scheduled hearing, all costs incurred by the City attributable to the hearing shall be charged to the requesting party.~~

Subd 4. Hearing Procedures. At the hearing, the parties shall have the opportunity to present testimony and question any witnesses, but strict rules of evidence shall not apply. The ~~Hearing Officer Board~~ shall record the hearing and receive testimony and exhibits and the full record of the hearing shall be kept. ~~The Hearing Officer shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent people in the conduct of their affairs.~~

Subd 5. Authority of ~~Hearing Officer~~ the Board of Administrative Citation Appeals. The ~~Hearing Officer Board~~ has the authority to determine that a violation did or did not occur, to dismiss a citation or impose the scheduled fine or to reduce, stay or waive a scheduled fine either unconditionally or upon compliance with appropriate conditions. When imposing a penalty for a violation, the ~~hearing officer Board~~ may consider any or all of the following:

- 1) The duration of the violation;
- 2) The frequency or recurrence of the violation;
- 3) The seriousness of the violation;
- 4) The history of the violation;
- 5) The violator's conduct after issuance of the notice of hearing;
- 6) The good faith effort of the violator to comply;
- 7) The economic impact of the penalty on the violator;
- 8) The impact of the violation upon the community;
- 9) Any other factors appropriate to a just result.

~~Subd 6. Fines for Continuing Violations. The Hearing Officer may exercise discretion to impose a fine for more than one day of a continuing violation but only on a finding that the~~

~~violation caused a serious threat of harm to the public health, safety, or welfare, or the accused intentionally and unreasonably refused to comply with the Code requirement. The Hearing Officer's decision and supporting reasons for continuing violations must be in writing.~~

Subd 7. Decision of the ~~Hearing Officer~~ Board of Administrative Citation Appeals. The ~~Hearing Officer~~ Board shall issue a decision at the hearing after receiving testimony from all parties and shall serve a copy of such order upon the appellant or petitioner by mail. in writing to both parties within 10 days of the hearing. ~~The reasons for the Board's decision shall be stated in the order.~~ Any fines or penalties imposed must be paid no later than 30 days of the date of the ~~Hearing Officer's Board's~~ order. If the fine is not paid, the City may assess the civil penalty against the owner's property pursuant to Minnesota Statutes Chapter 429. ~~If the Hearing Officer determines that no violation occurred, the City may not proceed with criminal prosecution for the same act or conduct.~~ The decision of the Hearing Officer Board is final and may only be appealed to the Minnesota Court of Appeals by petitioning for a writ of certiorari pursuant to Minnesota Statute Section 606.01.

SECTION THREE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2023

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2023

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Adopt City of Brainerd Data Practices Policy

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Jennifer Bergman, City
Adminstrator

DEPARTMENT: Administration

PRESENTER: Jennifer Bergman, City Adminstrator **ESTIMATED TIME (MIN):** 5 Minutes

SUMMARY OF ISSUE: The Minnesota Government Data Practics Act (MGDPA) requires us to adopt two policies regarding access to government data: one policy must explain the rights of the public and the other must explain the rights of data subjects. The City of Brainerd's Data Practices Policy was last updated in 2015. Staff have spent the past several weeks updating this policy to ensure we are in compliance with the MGDPA. While working with attorneys from the League of Minnesota Cities during our lawsuit, they reviewed our policy, educated us on the data practices law and referred us to the model policies available through the Minnesota Department of Administration's Data Practices Office. Attached is the updated City of Brainerd Data Practices Policy. We have combined the two policies into one to simplify the process and have everything in one place. This meets the requirements of the MGDPA. Since we significantly changed the policy, it was almost impossible to make a redlined version; therefore, the original policy has been attached. The majority of the information in the new policy is taken directly from model policies. This policy must be updated by August 1st every year.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The MGDPA is a series of state laws that attempts to balance the public's right to know what its government is doing, the right to privacy, and the government's need to function responsibly and efficiently. All cities must comply with the MGDPA. The MGDPA regulates how cities manage government data. Government data is defined as "all data collected, created, received, maintained, or disseminated" by a covered governmental entity "regardless of physical form, storage media, or conditions of use."

RECOMMENDED ACTION/MOTION: Adopt the City of Brainerd Data Practices Policy

FINANCIAL IMPACT:

CITY OF BRAINERD DATA PRACTICES POLICY

What is the Minnesota Government Data Practices Act?

The Minnesota Government Data Practices Act (referenced as the Act for the rest of this document) is a state law that establishes a classification system for documents gathered by governmental entities. Under the Act, all records collected and maintained by the city are considered public unless otherwise classified by a state or federal law.

This document has been prepared to help the public understand the procedures that govern a request for data from the city. The city recognizes its obligation to provide information or a response regarding the information to anyone who requests it. The city also acknowledges the need to remain open and accountable to the public in the maintenance of its records while protecting the privacy rights of individuals and continuing the efficient operation of city government.

Who is the Responsible Authority for the City of Brainerd?

The City of Brainerd has appointed the City Administrator as the person who is the Responsible Authority for compliance with the Act. Questions regarding access to documents should be directed to the appropriate individual listed in the Data Practices Contacts Exhibit A.

What is the Data Practices Policy for the Public

What is Your Right to See Public Data

The Government Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public unless a state or federal law says the data are not public. Government data means all recorded information a government entity has, including paper, email, flash drives, CDs, DVDs, photographs, etc.

The law also says that the City of Brainerd must keep all government data in a way that makes it easy for you to access public data. You have the right to look at (inspect), free of charge, all public data that we keep. You also have the right to get copies of public data. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

How to Request Public Data

You can ask to look at (inspect) data at our offices or ask for copies of public data that we keep. Make your written request for data to the appropriate individual listed in the Data Practices Contacts Exhibit A. You may make your written request in person, by mail, fax or email using the Data Request Form Exhibit B.

If you do not use the data request form, your request should:

- Say that you are making a request for public data under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.

You are not required to identify yourself or explain the reason for your data request. However, you may need to provide us with some personal information for practical reasons (for example: if you want us to mail copies to you, you need to provide us with an address or P.O Box). If we do not understand your request and have no way to contact you, we cannot respond to your request.

How We Will Respond to Your Data Request

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but we are not allowed to give it to you, we will tell you as soon as reasonably possible and identify the law that prevents us from providing the data.
- If we have the data, and the data are public, we will respond to your request appropriately and promptly, within a reasonable amount of time by doing one of the following:
 - Arrange a date, time, and place for you to inspect the data at our offices. We will provide notice to you about our requirement to prepay for copies; or
 - You may choose to pick up your copies, or we will mail or email them to you. We will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in that format and we can reasonably make a copy.
 - Response time may be impacted by the size and/or complexity of your request, and also by the number of requests you make in a given period of time.
 - Following our response, if you do not make arrangements within 10 business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

How do Request Summary Data

Summary data are statistical records or reports created by removing identifying information about individuals from entirely private or confidential data. We will prepare summary data if you make your request in writing and pre-pay/pay for the cost of creating the data.

You may use the Data Request Form Exhibit B to request summary data. We will respond to your request within ten business days with the data or details of when the data will be ready and how much we will charge you.

Copy Costs – When You Request Public Data

Minnesota Statutes, section 13.03, subdivision 3(c) allows us to charge for copies.

- You must pay for the copies before we will give them to you.
- We do not charge for copies if the cost is less than \$5.00.
- Multiple requests made within the same 3 business-day period will be treated as a single request for the purposes of calculating the total copy costs.
- If possible, and upon request, we will provide you with an estimation of the total cost of supplying copies.

For 100 or fewer paper copies – 25 cents per page

100 or fewer pages of black and white, letter or legal-size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

Most other types of copies – actual cost

The charge for most other types of copies, when a charge is not set by statute or rule, is the actual cost of searching for and retrieving the data, and making the copies or electronically sending the data.

In determining the actual cost of making copies, we include employee time, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs (if any). If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

If, based on your request, we find it necessary for a higher-paid employee to search for and retrieve the data, we will calculate search and retrieval charges at the higher salary/wage.

Data Practices Policy – Data About You and Your Rights as a Data Subject

What is a Data Subject?

When government has information recorded in any form (paper, hard drive, voicemail, video, email, etc.), that information is called “government data” under the Government Data Practices Act (Minnesota Statutes, Chapter 13). When we can identify you in government data, you are the “data subject” of that data. The Data Practices Act gives you, as a data subject, certain rights. This policy explains your rights as a data subject, and tells you how to request data about you, your minor child, or someone for whom you are the legal guardian.

When The City of Brainerd Has Data About You

The City of Brainerd has data on many people. We can collect and keep data about you only when we have a legal purpose to have the data. The City of Brainerd must also keep all government data in a way that makes it easy for you to access data about you.

Government data about an individual have one of three “classifications.” These classifications determine who is legally allowed to see the data. Data about you are classified by state law as public, private, or confidential. Here are some examples.

Public Data

The Data Practices Act presumes that all government data are public unless a state or federal law says that the data are not public. We must give public data to anyone who asks. It does not matter who is asking for the data or why the person wants the data.

Private Data

We cannot give private data to the general public. We can share your private data with you, with someone who has your permission, with our government entity staff whose job requires or permits them to see the data, and with others as permitted by law or court order.

Confidential Data

Confidential data have the most protection. Neither the public nor you can access confidential data even when the confidential data are about you. We can share confidential data about you with our government entity staff who have a work assignment to see the data, and to others as permitted by law or court order.

What Are Your Rights Under the Government Data Practices Act

As a data subject, you have the following rights:

Access to Your Data

You have the right to look at (inspect), free of charge, public and private data that we keep about you. You also have the right to get copies of public and private data about you. The Data Practices Act allows us to charge for copies. You have the right to look at data, free of charge, before deciding to request copies.

Also, if you ask, we will tell you whether we keep data about you and whether the data are public, private, or confidential.

As a parent, you have the right to look at and get copies of public and private data about your minor children (under the age of 18). As a legally appointed guardian, you have the right to look at and get copies of public and private data about an individual for whom you are appointed guardian.

Minors have the right to ask us not to give data about them to their parent or guardian. If you are a minor, we will tell you that you have this right. We will ask you to put your request in writing (Exhibit E) and to include the reasons that we should deny your parents access to the data. We will make the final decision about your request based on your best interests.

When We Collect Data From You

When we ask you to provide data about yourself that are not public, we must give you a notice called a Tennessean warning. The notice controls what we do with the data that we collect from you. Usually, we can use and release the data only in the ways described in the notice.

We will ask for your written permission if we need to use or release private data about you in a different way, or if you ask us to release the data to another person. This permission is called informed consent.

If you want us to release data to another person, you must use the consent form we provide (Exhibit F).

Protecting Your Data

The Data Practices Act requires us to protect your data. We have established appropriate safeguards to ensure that your data are safe.

In the unfortunate event that we determine a security breach has occurred and an unauthorized person has gained access to your data, we will notify you as required by law.

When Your Data are Inaccurate or Incomplete

You have the right to challenge the accuracy and/or completeness of public and private data about you. You also have the right to appeal our decision. If you are a minor, your parent or guardian has the right to challenge data about you.

How to Make a Request for Your Data

You can ask to look at (inspect) data at our offices or ask for copies of data that we have about you, your minor child, or an individual for whom you have been appointed legal guardian.

Make your written request for data to the appropriate individual listed in the Data Practices Contacts Exhibit A. You may make your written request in person, by mail, fax or email.

We recommend using the sample **Data Request Form – Data Subjects Exhibit C**. If you do not choose to use the data request form, your request should:

- Say that you are making a request as a data subject, for data about you (or your child, or person for whom you are the legal guardian), under the Government Data Practices Act (Minnesota Statutes, Chapter 13).
- Include whether you would like to inspect the data, have copies of the data, or both.
- Provide a clear description of the data you would like to inspect or have copied.

- Provide proof that you are the data subject or data subject's parent/legal guardian.

We require proof of your identity before we can respond to your request for data. If you are requesting data about your minor child, you must show proof that you are the minor's parent. If you are a legal guardian, you must show legal documentation of your guardianship. Please see the Standards for Verifying Identity Exhibit D. If you do not provide proof that you are the data subject, we cannot respond to your request.

How We Respond to a Data Request

Upon receiving your request, we will review it.

- We may ask you to clarify what data you are requesting.
- We will ask you to confirm your identity as the data subject.
- If we do not have the data, we will notify you in writing within 10 business days.
- If we have the data, but the data are confidential or not public data about someone else, we will notify you within 10 business days and identify the law that prevents us from providing the data.
- If we have the data, and the data are public or private about you, we will respond to your request by doing one of the following:
 - Arrange a date, time, and place to inspect data in our office, ensuring you have a meaningful opportunity to inspect data within 10 business days of your request at no charge.
 - Tell you how much the copies cost, and then provide you with copies of the data within 10 business days and upon payment of charges for the copies. You may choose to pick up your copies or have us mail or email them to you. We will provide electronic copies (such as email or CD-ROM) upon request, if we keep the data in electronic format and we can reasonably make a copy.
 - We will provide notice to you about our requirements to prepay for copies.
 - Following our response, if you do not make arrangements within 10 business days to inspect the data or pay for the copies, we will conclude that you no longer want the data and will consider your request closed.
- After we have provided you with your requested data, we do not have to show you the same data again for 6 months unless there is a dispute about the data, or we collect or create new data about you.

If you do not understand some of the data (technical terminology, abbreviations, or acronyms), please tell the person who provided the data to you. We will give you an explanation if you ask.

The Data Practices Act does not require us to create or collect new data in response to a data request, or to provide data in a specific form or arrangement if we do not keep the data in that form or arrangement. For example, if the data you request are on paper only, we are not required to create electronic documents to respond to your request. If we agree to create data in response to your request, we will work with you on the details of your request, including cost and response time.

In addition, we are not required to respond to questions that are not about your data requests, or that are not requests for government data.

Copy Costs – Data Subjects

Minnesota Statutes, section 13.04, subdivision 3 allows us to charge for copies.

- You must pay for the copies before we will give them to you.
- We do not charge for copies if the cost is less than \$5.00.

Actual Cost of Making the Copies

We will charge the actual cost of making copies for data about you. In determining the actual cost, we include the employee-time to create and send the copies, the cost of the materials onto which we are copying the data (paper, CD, DVD, etc.), and mailing costs such as postage (if any).

If your request is for copies of data that we cannot copy ourselves, such as photographs, we will charge you the actual cost we must pay an outside vendor for the copies.

Exhibit A

City of Brainerd Data Practices Contacts

Responsible Authority

Name: Jennifer Bergman, City Administrator
Address: 501 Laurel Street, Brainerd, MN 56401
Phone number: (218) 828-2307
Fax number: (218) 828-2316
Email address: jbergman@ci.brainerd.mn.us

Data Practices Compliance Official

Name: Connie Hillman, Finance Director
Address: 501 Laurel Street, Brainerd, MN 56401
Phone number: (218) 828-2307
Fax number: (218) 828-2316
Email address: chillman@ci.brainerd.mn.us

Data Practices Designee – Law Enforcement

Name: John Davis, Police Chief
Address: 225 East River Road, Brainerd, MN 56401
Phone number: (218) 829-2805
Fax number: (218) 825-3489
Email address : john.davis@ci.brainerd.mn.us

Data Practices Designee – Non-Law Enforcement

Name: Kris Schubert, HR Director
Address: 501 Laurel Street, Brainerd, MN 56401
Phone number: (218) 828-2307
Fax number: (218) 828-2316
Email address: kschubert@ci.brainerd.mn.us

Exhibit B

City of Brainerd Data Request Form – Requesting Public Data

Request Date: _____

The data I am requesting:

Describe the data you are requesting as specifically as possible.

I am requesting access to data in the following way:

- ☐ Inspection
- ☐ Copies
- ☐ Both Inspection and Copies

Note: Inspection is free but the City of Brainerd charges for copies when the cost is over \$5.00.

Contact information (optional)*

Name: _____

Address: _____

Phone number: _____

Email address: _____

We will respond to your request as soon as reasonably possible.

* You do not have to provide any contact information. However, if you want us to mail/email you copies of data, we will need some type of contact information. We also need contact information if we do not understand your request. We will not work on your request until we can clarify it with you.

Police Records: Drop the form off at 225 East River Road, Brainerd, MN, 56401, fax to (218) 825-3489 or email to police@ci.brainerd.mn.us.

All other requests: Drop the form off at 501 Laurel Street, Brainerd, MN, 56401, fax to (218) 828-2316 or email to inforequest@ci.brainerd.mn.us.

Exhibit C

City of Brainerd Data Request Form – Data Subject

Request Date: _____

Contact Information:

Data Subject Name: _____

Parent/Guardian Name *(if applicable)*: _____

Address: _____

Phone Number: _____ Email: _____

The data I am requesting:

Describe the data you are requesting as specifically as possible.

I am requesting access to data in the following way:

- ☐ Inspection
- ☐ Copies
- ☐ Both Inspection and Copies

Note: Inspection is free but the City of Brainerd charges for copies when the cost is over \$5.00. **We will respond to your request within 10 Business Days.**

Police Records: Drop the form off at 225 East River Road, Brainerd, MN, 56401, fax to (218) 825-3489 or email to police@ci.brainerd.mn.us.

All other requests: Drop the form off at 501 Laurel Street, Brainerd, MN, 56401, fax to (218) 828-2316 or mail to inforequest@ci.brainerd.mn.us.

To Be Completed by Staff Member Responding to Data Request:

How Identity was Confirmed: _____

Date: _____

Staff Name: _____

Exhibit D

City of Brainerd Standards for Verifying Identity

The following constitute proof of identity:

- An **adult** individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- A **minor** individual must provide a valid photo ID, such as
 - a driver's license
 - a state-issued ID (including a school/student ID)
 - a tribal ID
 - a military ID
 - a passport
 - the foreign equivalent of any of the above
- The **parent or guardian of a minor** must provide a valid photo ID and either
 - a certified copy of the minor's birth certificate or
 - a certified copy of documents that establish the parent or guardian's relationship to the child, such as
 - a court order relating to divorce, separation, custody, foster care
 - a foster care contract
 - an affidavit of parentage
- The **legal guardian** for an individual must provide a valid photo ID and a certified copy of appropriate documentation of formal or informal appointment as guardian, such as
 - court order(s)
 - valid power of attorney
- A person **authorized by court** order must provide a valid photo ID and
 - The court order that identifies:
 - Persons authorized to access the individual's private data, and
 - The scope of the access
- A person authorized to access private data of a **deceased person** must provide a valid photo ID and
 - Documents establishing the relationship to the deceased, which may include:
 - Court-issued document appointing personal representative of the estate
 - Birth certificate to prove parental relationship
 - Marriage certificate to prove spousal relationship
 - Death certificate/notice of death
- Authorized representatives (such as **attorneys** and **insurers**) must provide
 - The name of the data subject
 - A description of the data they are authorizing access
 - The name of the person or entity being authorized to receive the private data
 - Data subject's notarized signature

Note: Individuals who do not inspect data or pick up copies of data in person may be required to provide either notarized or certified copies of the documents that are required or an affidavit of ID.

Exhibit E

City of Brainerd Notice to Persons Under 18

Some of the information you are asked to provide is classified as private under State law. You have the right to request that some or all of the information not be given to one or both of your parents/legal guardians. Please complete the form below if you wish to have information withheld.

Your request does not automatically mean that the information will be withheld. State law requires the City of Brainerd to determine if honoring the request would be in your best interest. The City of Brainerd is required to consider:

- Whether you are of sufficient age and maturity to explain the reasons and understand the consequences;
- Whether denying access may protect you from physical or emotional harm;
- Whether there are reasonable grounds to support your reasons; and
- Whether the data concerns medical, dental, or other health service provided under Minnesota Statutes Sections § 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize your health.

Notice given to: _____

Date: _____

By: _____

Title: _____

REQUEST TO WITHHOLD INFORMATION

I request that the following information:

Be withheld from: _____

For these reasons:

Printed Name: _____

Signature: _____

Date: _____

Exhibit F

City of Brainerd Consent to Release Private Data

Request Date: _____

If you want the City of Brainerd to release private data about you, your minor child, or individual under guardianship to an outside entity or person, the city needs written permission (informed consent) from to you authorize that release. This form can be used to provide informed consent for the City of Brainerd to release private data to another entity or person.

If you have a question about anything about this consent, or would like more explanation before you sign it, please contact the appropriate individual listed in the Data Practices Contacts Exhibit A.

Explanation of your rights and permission to release private data:

I, _____, give my permission for the City of Brainerd to release data about
(Name of Individual Data Subject)

☐ myself

☐ my minor child or individual under guardianship: _____
(Name of Minor Child or Individual under Guardianship)

to _____ as described in this consent form.
(Name of Entity or Person Receiving the Data)

The specific data I want the City of Brainerd to release include:

Describe the data you are requesting to be released as specifically as possible.

I want the City of Brainerd to release the data in the following way:

Explain how you want the data to be provided to the person or organization and provide necessary contact information for doing so (for example, mailing address or, email address).

Consent to Release Private Data Page 1 of 2

I understand that:

- I do not have to allow the City of Brainerd to share my information; I have asked them to do so.
- Although the data are classified as private at the City of Brainerd, the classification/treatment of the data at the entity/person the data is being released to may not be the same.
- The City of Brainerd will not be able to control what happens to my information once it has been released to the person or entity named above.
- Signing this consent is completely voluntary.

Printed Name of data subject, parent, or legal guardian: _____

Signature: _____ Date: _____

Verification of Identity:

The City of Brainerd needs to verify that you are a person who has the right to authorize the release of this data. One way to do this is to provide a notarized signature using the section below. Please refer to the City of Brainerd Standards for Verifying Identity Exhibit D for additional information and documents required to support verification of identity.

STATE OF _____)

COUNTY OF _____)

Signed or attested before me on _____, by _____.

(Signature of Notary Public)

SEAL:

My Commission Expires: _____

For City of Brainerd internal use only:

If this form does not include a notarized signature, complete the following:

How Identity was Verified: _____

By (staff name): _____ Date: _____

Consent to Release Private Data Page 2 of 2

CITY OF BRAINERD DATA PRACTICES POLICY

- I. Introduction.** This Policy is adopted to comply with the requirements of the Minnesota Government Data Practices Act (the “Act”), specifically Minnesota Statutes Section 13.03, subd. 2 and 13.05, subds. 5 and 8. Where the Policy is silent, the provisions of the Act shall apply.
- II. Responsible Authority.** The City has appointed City Administrator Jim Thoreen, as the person who is the Responsible Authority for compliance with the Act.
- III. Access to Public Data.** All information maintained by the City is presumed to be public unless there is a specific statutory designation that gives it a different classification.
 - A. People entitled to Access.** Any person has the right to inspect and copy public data. The person also has the right to have an explanation of the meaning of the data. The person does not need to state his or her name or give the reason for the request.
 - B. Form of Request.** The request for public data may be verbal or written. A request for information relating to litigation will be referred to the City Attorney.
 - C. Time Limits.** Requests will be received and processed during normal business hours. If requests cannot be processed or copies cannot be made immediately at the time of the request, the request will be completed within a reasonable time in accordance with state law.
 - D. Fees.** Fees may be charged only if the requesting person asks for a copy or electronic transmittal of the data. Fees will be charged according to the City’s fee schedule (Exhibit A). The fee may not include time necessary to separate public from nonpublic data.

The Responsible Authority may also charge an additional fee if the copies have commercial value and are a substantial and discrete portion of a formula, compilation, program, process, or system developed with significant expenditure of public funds. This additional fee must relate to the actual development costs of the information.
- IV. Access to Data on Individuals.** Information about individuals is classified by law as public, private, or confidential.

A. People Entitled to Access.

1. *Public* information about an individual may be disclosed to anyone.
2. *Private* information about an individual may be disclosed to:
 - The individual, but only once every six months, unless a dispute has arisen or additional data has been collected.
 - A person who has been given access by the express written consent of the data subject.
 - People who are authorized access by the federal, state, or local law or court order.
 - People about whom the individual was advised at the time the data was collected. The identity of those people must be part of the *Tennessee* warning.
 - People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access to said information.
3. *Confidential* information may **not** be disclosed to the subject of the data, but may be disclosed to:
 - People who are authorized access by federal, state or local law or court order.
 - People within the City staff, the City Council, and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access to said information.

B. Form of Request. Any individual may request verbally or in writing whether the City has stored data about that individual and whether the data is classified as public, private, or confidential.

All requests for private or confidential information must be in writing. An Information Disclosure Request, attached as Exhibit B, must be completed. The Responsible Authority or Designee must complete the relevant portions of the form. The Responsible Authority or Designee may waive the use of this form if there is other documentation of the requesting party's identity, the information requested, and the City's response. A

request for information relating to litigation will be referred to the City Attorney.

- C. Identification of Requesting Party.** The Responsible Authority or Designee must verify the identity of the requesting party as a person entitled to access. This can be done through personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in City records, or other reasonable means.
- D. Time Limits.** Requests will be received and processed during normal business hours. If the requesting party is the subject of the data, the response must be immediate, if possible, or within 10 working days if an immediate response is not possible. If the requesting party is not the subject of the data, the response must be immediate, if possible, or as soon as reasonably possible.
- E. Fees.** Fees will be charged in accordance with the fee schedule attached as Exhibit A.
- F. Summary Data.** Summary data is statistical records and reports derived from data on individuals but which does not identify an individual by name or any other private or confidential data. Unless classified by other statute or federal law, summary data is public. The Responsible Authority or Designee will prepare summary data upon request, if the request is in writing and the requesting party pays for the cost of preparation. The Responsible Authority or Designee must notify the requester of the anticipated time schedule and the reasons for the delay.
- G. Juvenile Records.** The following applies to *private* (not confidential) data about people under the age of 18.

 - 1. Parental Access.** In addition to the people listed above who may have access to private data, a parent may have access to private information about a juvenile subject. "Parent" means the parent or legal guardian of a juvenile data subject, or individual acting as a parent or legal guardian in the absence of a parent or legal guardian. The parent is presumed to have this right unless the Responsible Authority or Designee has been given evidence that there is a state law, court order, or other legally binding document that prohibits this right.
 - 2. Notice to Juvenile.** Before requesting private data from juveniles, City personnel must notify the juveniles that they may request that the information not be given to their parent(s).

3. Denial of Parental Access. The Responsible Authority or Designee may deny parental access to private data when the juvenile requests this denial and the Responsible Authority or Designee determines that withholding the data would be in the best interest of the juvenile. The request from the juvenile must be in writing stating the reasons for the request. In determining the best interest of the juvenile, the Responsible Authority or Designee will consider:

- Whether the juvenile is of sufficient age and maturity to explain the reasons and understand the consequences;
- Whether denying access may protect the juvenile from physical or emotional harm;
- Whether there is reasonable grounds to support the juvenile's reasons; and
- Whether the data concerns medical, dental, or other health services provided under Minnesota Statutes Sections 144.341 to 144.347. If so, the data may be released only if failure to inform the parent would seriously jeopardize the health of the minor.
- The Responsible Authority or Designee may also deny parental access without a request from the juvenile under Minnesota Statutes Section 144.335.

V. Denial of Access. If the Responsible Authority or Designee determines that the requested data is not accessible to the requesting party, the Responsible Authority or Designee must inform the requesting party verbally at the time of the request or in writing as soon after that as possible. When informing the requesting party, the Responsible Authority or Designee must cite the particular statute, temporary classification or federal law that forms the legal authority for the denial. The Responsible Authority or Designee must place an oral denial in writing upon request. This must also include the specific legal authority for the denial.

VI. Collection of Data on Individuals. The collection and storage of information about individuals will be limited to that necessary for the administration and management of programs specifically authorized by the state legislature, city council, or federal government.

When an individual is asked to supply private or confidential information about himself or herself, the City employee requesting the information must give the individual a *Tennessee* warning. This warning must contain the following:

- the purpose and intended use of the requested data;
- whether the individual may refuse or is legally required to supply the requested data;
- any known consequences from supplying or refusing to supply the information; and;
- the identity of other persons or entities authorized by state or federal law to receive the data.

A *Tennessee* warning is not required when an individual is requested to supply investigative data to a law enforcement officer.

A *Tennessee* warning is not required when an employee is requested to supply data to his/her employer and the data requested falls within the employee's scope of employment.

VII. Challenge to Data Accuracy. An individual who is the subject of public or private data may contest the accuracy or completeness of that data maintained by the City. The individual must notify the City's Responsible Authority in writing describing the nature of the disagreement. Within 30 days, the Responsible Authority or Designee must respond in writing to the individual as to his/her determination. The determination must be that the data was inaccurate, incomplete, accurate, and/or complete. If inaccurate or incomplete, the Responsible Authority must correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual.

An individual who is dissatisfied with the Responsible Authority's determination may appeal to the Commissioner of the Minnesota Department of Administration, using the contested case procedures under Minnesota Statutes Chapter 14. The Responsible Authority will correct any data if so ordered by the Commissioner.

VIII. Data Protection

A. Accuracy and Currency of Data

1. All employees will be requested to provide updated personal information to the appropriate supervisor, which is necessary for tax, insurance, emergency notifications, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.

2. All records must be disposed of according to the City's General Records Retention Schedule.

B. Data Safeguards

1. Private and confidential information will be stored in files or databases that are not accessible to individuals who do not have authorized access and which will be secured during hours when the offices are closed.
2. Only those employees whose job responsibilities/descriptions require them to have access will be allowed access to files and records that contain private and confidential information. These employees will be instructed to:
 - not discuss, disclose or otherwise release private or confidential data to City employees whose job responsibilities do not require access to the data;
 - not leave private or confidential data where non-authorized individuals might see it; and
 - shred private or confidential data before discarding, or dispose through confidential waste incineration.
3. When a contract with an outside party requires access to private or confidential information, the contracting party will be required to use and disseminate the information consistent with the Act.
4. Unauthorized use or disclosure of private or confidential material may result in disciplinary action up to and including termination.

Adopted: 8/7/2000

Amended: 8/15/2005, 4/17/2006, 9/8/2015

Exhibit A

Fee Schedule

Person Requesting Copy	Fees
Subject of data	Limited to the actual cost of making, certifying and compiling copies only No costs for searching for and retrieving documents
For any other person who is not the subject of data, requesting 10 or fewer pages of documents that are letter or legal size and black and white, there will be no charge. For that person requesting 11 or more pages there will be a .25 (tax included) charge <u>per page</u> .	Less than 10 pages = no charge 11 or more pages = .25 per page (.23 + .02 tax)
Any other person, who is not the subject of data requesting more than 100 pages, or odd sized or color copies	Actual cost of searching for and retrieving documents, discs, tapes, etc, including cost of employee time, and for making, certifying, compiling (and electronically transmitting) No costs for separating public from non-public data

Exhibit B

CITY OF BRAINERD INFORMATION DISCLOSURE REQUEST

Completed by Requester

Requester Name (Last, First, MI):

Date of Request:

Street Address:

Phone Number:

City, State, Zip Code:

Signature:

Description of the Information Requested: (attach additional sheets if necessary)

Completed by Department

Department Name: _____

Handled by: _____

Information Classified As:

Action:

☐ Public ☐ Non-Public
☐ Private ☐ Confidential
☐ Protected Non-Public

☐ Approved
☐ Approved in Part (explain below)
☐ Denied (explain below)

Remarks or Basis for Denial Including Statute Section:

Charges

Identity Verified for Private Information:

☐ None
☐ Photocopy/Electronic Transmission (scanning)
☐ Special Rate (attach explanation)
☐ Staff Time ☐ Rate
☐ Other (attach explanation)
☐ Total Charges

☐ Identification: Drivers License, State ID, etc
☐ Comparison with Signature on File
☐ Personal Knowledge
☐ Other

Authorized Signature: _____

Date: _____



Agenda Request

MEETING DATE: August 21, 2023

TITLE OF ITEM: Set Date for Council Workshop for Classification and Compensation Study Presentation

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 1 minute

SUMMARY OF ISSUE: We are wrapping up our Classification and Compensation Study. Staff requests to schedule a Council Workshop for September 11, 2023, at 6 pm to receive Flaherty & Hood's Classification and Compensation Study Report and to discuss implementation options.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Motion to schedule a Council Workshop for September 11, 2023, at 6 pm to receive Flaherty & Hood's Classification and Compensation Study Report and to discuss implementation options.

FINANCIAL IMPACT: