



CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Tuesday, September 5, 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:2490 570 4829

Personnel and Finance Committee at 7:00 PM - Meeting Access Code:2489 572 8684

Safety and Public Works Committee at 7:00 PM - Meeting Access Code:2493 284 2948

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

1. **Call To Order**

2. **Roll Call**

___M. O'Day ___K. Stunek ___K. Terry ___T. Stenglein ___G. Johnson ___J. Czezczok ___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. **Contractor Licenses**

D. **Department Activity Reports**

6. **Presentations**

7. **Council Committee Reports**

A. **Personnel & Finance Committee**

1. Approve Withdrawal of School Resource Officer Services Agreement with ISD 181

2. Accept Retirement of Police Administrative Supervisor Julie McCullough
3. Consider Voting Operations, Technology & Election Resources (VOTER) agreement with Crow Wing County
4. Discussion of Lakes Media Collaborative response for repayment

B. Safety & Public Works Committee

1. Approve Event/Street Closure Application - Fire Dept Open House
2. Approve Event/Street Closure Application - Armed Forces Tribute Event
3. Approve Final Pay Request - Imp 23-02 Crack Sealing
4. Review Request from BNSF for S. 4th Street Crossing Improvements
5. Authorize Staff to Apply for MnDNR ReLeaf Community Forestry Grant
6. Approve Change Order 4 for Imp 21-12 - North Brainerd Reconstruction
7. Discussion on Rental Dwelling License Board of Appeals
8. Direction on Active Code Enforcement Cases

8. Unfinished Business

A. Call for Applicants

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 2024)
TAC-- 1 term (Expire 2023)
Council President Recommended: (terms expire on 12/31 of said year)
Parking Commission-- 1 term (Expire 2026)

B. Final Reading - Proposed Ordinance 1555 - Amending Section 320 - Contesting Administrative Citations

9. New Business

A. First Reading - Proposed Ordinance 1556 - Creating Section 1350 of the City Code - Micromobility

B. First Reading - Proposed Ordinance 1557 - Amendment to Section 1015.07 of the City Code Pertaining to Payment of Fees

C. Adopt Updated Data Practices Policy

D. Set Budget Workshop for September 13th at 6:00 p.m. in the Council Chambers

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:**

1. **Employee Appreciation Event to be held on September 6, 2023 from 11:30 - 1:30 pm at Lum Park.**
2. **Council Work Session to be held September 11, 2023, at 6 pm for Flaherty & Hood's Classification and Compensation Study presentation.**

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"

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						
Vendor 0011 - ACE HARDWARE:							
317619/1							
78918	ACE HARDWARE	08/17/2023	09/06/2023	23.98	23.98	Open	N
	COMMAND STRIPS	pziemer					09/06/2023
235-3100-42210	OPERATING SUPPLIES			23.98			
317637/1							
78920	ACE HARDWARE	08/17/2023	09/06/2023	65.68	65.68	Open	N
	DECK SCREWS FOR TEMP MAILBOXES	pziemer					09/06/2023
238-3160-42220	REPAIR & MAINT			65.68			
317634/1							
78921	ACE HARDWARE	08/17/2023	09/06/2023	11.68	11.68	Open	N
	INSECT REPELLANT AND BLUE PEN	pziemer					09/06/2023
237-3190-42220	REPAIR & MAINT			11.68			
317668/1							
78926	ACE HARDWARE	08/18/2023	09/06/2023	17.99	17.99	Open	N
	D. BATTERIES FOR FLASHING BARRICADE	pziemer					09/06/2023
235-3170-42220	REPAIR & MAINT			17.99			
317727/1							
78942	ACE HARDWARE	08/22/2023	09/06/2023	1.30	1.30	Open	N
	PAINT MACHINE FASTENERS	pziemer					09/06/2023
235-3170-42220	REPAIR & MAINT			1.30			
317750/1							
78946	ACE HARDWARE	08/22/2023	09/06/2023	17.99	17.99	Open	N
	PAINT GUN EXTENSION	pziemer					09/06/2023
235-3170-42220	REPAIR & MAINT			17.99			
317624/1							
78952	ACE HARDWARE	08/17/2023	09/06/2023	7.16	7.16	Open	N
	NO TRESPASS SIGNS	pziemer					09/06/2023
225-2120-42210	OPERATING SUPPLIES			7.16			
317676/1							
78971	ACE HARDWARE	08/18/2023	09/06/2023	11.58	11.58	Open	N
	PAPER TOWELS	pziemer					09/06/2023
225-2220-42210	OPERATING SUPPLIES			11.58			
317609/1							
79090	ACE HARDWARE	08/17/2023	09/06/2023	17.94	17.94	Open	N
	LPW - CUT KEYS	pziemer					09/06/2023
230-5200-42220	REPAIR & MAINT			17.94			
317736/1							
79091	ACE HARDWARE	08/22/2023	09/06/2023	19.57	19.57	Open	N
	CAMPGROUND - BRASS SHUT OFF	pziemer					09/06/2023
230-5200-42220	REPAIR & MAINT			19.57			

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						
317765/1							
79092	ACE HARDWARE	08/23/2023	09/06/2023	17.93	17.93	Open	N
	BIT HOLDER/TAPE	pziemer					09/06/2023
230-5200-42220	REPAIR & MAINT			17.93			
317964/1							
79105	ACE HARDWARE	08/30/2023	09/06/2023	10.78	10.78	Open	N
	SOAP AND SPONGE	pziemer					09/06/2023
225-2120-42220	REPAIR & MAINT			10.78			
Total for vendor 0011 - ACE HARDWARE:				223.58	223.58		

Vendor 2902 - ADVANCE AUTO PARTS:

6574323420596							
78943	ADVANCE AUTO PARTS	08/22/2023	09/06/2023	2.91	2.91	Open	N
	HOSE CLAMP	pziemer					09/06/2023
237-3190-42220	REPAIR & MAINT			2.91			
6574323541654							
78949	ADVANCE AUTO PARTS	08/23/2023	09/06/2023	5.24	5.24	Open	N
	TRUCK 121 OIL FILTER	pziemer					09/06/2023
235-3100-42220	REPAIR & MAINT			5.24			
6574324087187							
79008	ADVANCE AUTO PARTS	08/28/2023	09/06/2023	159.86	159.86	Open	N
	TRUCK 159 WHEEL HUB AND BEARING ASSEM	pziemer					09/06/2023
235-3100-42220	REPAIR & MAINT			159.86			
Total for vendor 2902 - ADVANCE AUTO PARTS:				168.01	168.01		

Vendor 3523 - ALERT-ALL CORP:

223080337							
79035	ALERT-ALL CORP	08/24/2023	09/06/2023	200.00	200.00	Open	N
	OPEN HOUSE SUPPLIES	pziemer					09/06/2023
225-2220-43430	MISCELLANEOUS			200.00			
Total for vendor 3523 - ALERT-ALL CORP:				200.00	200.00		

Vendor 0041 - ANDERSON BROTHERS CONSTRU:

33082							
78933	ANDERSON BROTHERS CONSTRU	08/16/2023	09/06/2023	170.25	170.25	Open	N
	QTY 2.270 HOT MIX	pziemer					09/06/2023
235-3100-42220	REPAIR & MAINT			170.25			
33125							
78963	ANDERSON BROTHERS CONSTRU	08/18/2023	09/06/2023	154.50	154.50	Open	N
	QTY 2.060 HOT MIX	pziemer					09/06/2023
235-3100-42220	REPAIR & MAINT			154.50			

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	GL Distribution GRANT						
33126 78964	ANDERSON BROTHERS CONSTRU QTY 2.3 HOT MIX	08/18/2023 pziemer	09/06/2023	172.50	172.50	Open	N 09/06/2023
235-3100-42220	REPAIR & MAINT			172.50			
33138 78984	ANDERSON BROTHERS CONSTRU QTY 2.130 HOT MIX	08/21/2023 pziemer	09/06/2023	159.75	159.75	Open	N 09/06/2023
235-3100-42220	REPAIR & MAINT			159.75			
33195 79097	ANDERSON BROTHERS CONSTRU QTY 1.97 HOT MIX	08/25/2023 pziemer	09/06/2023	147.75	147.75	Open	N 09/06/2023
235-3100-42220	REPAIR & MAINT			147.75			
33196 79098	ANDERSON BROTHERS CONSTRU QTY 2.07 HOT MIX	08/25/2023 pziemer	09/06/2023	155.25	155.25	Open	N 09/06/2023
235-3100-42220	REPAIR & MAINT			155.25			
33197 79099	ANDERSON BROTHERS CONSTRU QTY 2.29 HOT MIX	08/25/2023 pziemer	09/06/2023	171.75	171.75	Open	N 09/06/2023
235-3100-42220	REPAIR & MAINT			171.75			
Total for vendor 0041 - ANDERSON BROTHERS CONSTRU:				1,131.75	1,131.75		

Vendor 0039 - ARAMARK UNIFORM SERVICES:

2530174144 78923	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS	08/17/2023 pziemer	09/06/2023	69.08	69.08	Open	N 09/06/2023
235-3100-43430	MISCELLANEOUS			69.08			
2530176640 78970	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS	08/24/2023 pziemer	09/06/2023	45.79	45.79	Open	N 09/06/2023
235-3100-43430	MISCELLANEOUS			45.79			
Total for vendor 0039 - ARAMARK UNIFORM SERVICES:				114.87	114.87		

Vendor 3343 - ARROW MANAGEMENT:

32187 78924	ARROW MANAGEMENT 1306 OAK ST - NUISANCE ABATEMENT	08/19/2023 pziemer	09/06/2023	675.00	675.00	Open	N 09/06/2023
101-2400-43405	NUISANCES			675.00			
32208 79003	ARROW MANAGEMENT QTY 4 PROP.- NUISANCE ABATEMENTS	08/26/2023 pziemer	09/06/2023	675.00	675.00	Open	N 09/06/2023
101-2400-43405	NUISANCES			675.00			
Total for vendor 3343 - ARROW MANAGEMENT:				1,350.00	1,350.00		

08/31/2023 02:35 PM

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EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

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BOTH OPEN AND PAID

Page: 4/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						
Vendor 3859 - ASL INTERPRETING SERVICES INC:							
INV-00227-A							
79004	ASL INTERPRETING SERVICES INC	08/25/2023	09/06/2023	208.75	208.75	Open	N
	INTERPRETING SERVICES	pziemer					09/06/2023
225-2120-43300	PROFESSIONAL SERVICES			208.75			
	Total for vendor 3859 - ASL INTERPRETING SERVICES INC:			208.75	208.75		
Vendor 2740 - AT&T MOBILITY:							
X09032023/FD							
79123	AT&T MOBILITY	08/25/2023	09/06/2023	344.07	344.07	Open	N
	ACCT 287312856222 FIRE DEPT PHONES	pziemer					09/06/2023
225-2220-43321	TELEPHONE			344.07			
X09032023/ADM							
79124	AT&T MOBILITY	08/25/2023	09/06/2023	99.32	99.32	Open	N
	ACCT 287292136423 ADMIN PHONES	pziemer					09/06/2023
101-1400-43321	TELEPHONE			99.32			
X09032023/CD							
79125	AT&T MOBILITY	08/25/2023	09/06/2023	148.98	148.98	Open	N
	ACCT 287292136423 COM DEV PHONES	pziemer					09/06/2023
101-2400-43321	TELEPHONE			148.98			
X09032023/ENG							
79126	AT&T MOBILITY	08/25/2023	09/06/2023	275.10	275.10	Open	N
	ACCT 287292136423 ENG PHONES	pziemer					09/06/2023
101-1700-43321	TELEPHONE			275.10			
X09032023/HR							
79127	AT&T MOBILITY	08/25/2023	09/06/2023	49.66	49.66	Open	N
	ACCT 287292136423 HR PHONES	pziemer					09/06/2023
101-1400-43321	TELEPHONE			49.66			
X09032023/IT							
79128	AT&T MOBILITY	08/25/2023	09/06/2023	175.78	175.78	Open	N
	ACCT 287292136423 IT PHONES	pziemer					09/06/2023
101-1800-43321	TELEPHONE			175.78			
X09032023/PARKS							
79129	AT&T MOBILITY	08/25/2023	09/06/2023	250.21	250.21	Open	N
	ACCT 287292136423 PARKS PHONES	pziemer					09/06/2023
230-5200-43321	TELEPHONE			250.21			
X09032023/STRTS							
79130	AT&T MOBILITY	08/25/2023	09/06/2023	208.98	208.98	Open	N
	ACCT 287292136423 STREET/SEWER PHONE	pziemer					09/06/2023
235-3100-43321	TELEPHONE			87.89			
237-3190-43321	TELEPHONE			121.09			

08/31/2023 02:35 PM

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Page: 5/34

Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	GL Distribution GRANT						
X09032023/TRANSIT							
79131	AT&T MOBILITY	08/25/2023	09/06/2023	49.66	49.66	Open	N
	ACCT 287292136423 TRANSIT PHONES	pziemer					09/06/2023
	203-9000-43321 TELEPHONE			49.66			
X09032023/POLICE							
79132	AT&T MOBILITY	08/25/2023	09/06/2023	2,000.71	2,000.71	Open	N
	ACCT 287287520356 COMPUTER SUPPORT/P	pziemer					09/06/2023
	225-2120-43309 COMPUTER TECHNICAL SUPPORT			727.55			
	225-2120-43321 TELEPHONE			1,273.16			
	Total for vendor 2740 - AT&T MOBILITY:			3,602.47	3,602.47		
Vendor 0078 - BRAINERD LAKES AREA DEV C:							
AUGUST 2023							
78981	BRAINERD LAKES AREA DEV C	08/25/2023	09/06/2023	2,916.67	2,916.67	Open	N
	AUG 23 ECONOMIC DEVELOPMENT CONSULTING	pziemer					09/06/2023
	295-6510-43300 PROFESSIONAL SERVICES			2,916.67			
	Total for vendor 0078 - BRAINERD LAKES AREA DEV C:			2,916.67	2,916.67		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:							
PUBLIC SURPLUS							
78940	BRAINERD PUBLIC UTILITIES	08/21/2023	09/06/2023	112.00	112.00	Open	N
	SALE OF CHAINSAWS - FUNDS RCVD BY CIP	pziemer					09/06/2023
	101-0000-20850 DUE TO COMPONENT UNIT			112.00			
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:			112.00	112.00		
Vendor 0098 - BRYAN ROCK PRODUCTS INC:							
60332							
78935	BRYAN ROCK PRODUCTS INC	08/15/2023	09/06/2023	4,112.73	4,112.73	Open	N
	RED BALL DIAMOND FIELD AGGREGATE	pziemer					09/06/2023
	230-5200-42221 R&M- MILLS FIELD			4,112.73			
	Total for vendor 0098 - BRYAN ROCK PRODUCTS INC:			4,112.73	4,112.73		
Vendor 0102 - CANON FINANCIAL SERVICE:							
31108252							
78969	CANON FINANCIAL SERVICE	08/23/2023	09/06/2023	80.69	80.69	Open	N
	FD COPIER 9/1/23-9/30/23	pziemer					09/06/2023
	225-2220-43331 LEASED PAYMENTS			80.69			
	Total for vendor 0102 - CANON FINANCIAL SERVICE:			80.69	80.69		
Vendor 0307 - CENTERPOINT ENERGY:							
92166-0/AUG23/STRTS							
79048	CENTERPOINT ENERGY	08/24/2023	09/06/2023	32.50	32.50	Open	N
	7/19/23-8/16/23 STREETS UTILITIES	pziemer					09/06/2023

08/31/2023 02:35 PM

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Page: 6/34

Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
GL Distribution 235-3100-43380	GRANT UTILITIES			32.50			
92166-0/AUG23/FD 79049	CENTERPOINT ENERGY 7/19/23-8/16/23 FIRE DEPT UTILITIES	08/24/2023 pziemer	09/06/2023	55.16	55.16	Open	N 09/06/2023
225-2220-43380 225-2220-43380	UTILITIES UTILITIES			27.58 27.58			
92166-0/AUG23/PD 79050	CENTERPOINT ENERGY 7/19/23-8/16/23 POLICE DEPT UTILITIES	08/24/2023 pziemer	09/06/2023	26.80	26.80	Open	N 09/06/2023
225-2120-43380	UTILITIES			26.80			
92166-0/AUG23/LIB 79051	CENTERPOINT ENERGY 7/19/23-8/16/23 LIBRARY UTILITIES	08/24/2023 pziemer	09/06/2023	70.03	70.03	Open	N 09/06/2023
211-5500-43380	UTILITIES			70.03			
92166-0/AUG23/PKS 79052	CENTERPOINT ENERGY 7/19/23-8/16/23 PARKS UTILITIES	08/24/2023 pziemer	09/06/2023	62.42	62.42	Open	N 09/06/2023
230-5200-43380	UTILITIES			62.42			
92166-0/AUG23/CH 79053	CENTERPOINT ENERGY 7/19/23-8/16/23 CITY HALL/ANNEX UTILITIES	08/24/2023 pziemer	09/06/2023	155.07	155.07	Open	N 09/06/2023
101-1940-43380 101-1940-43380	UTILITIES UTILITIES			129.07 26.00			
Total for vendor 0307 - CENTERPOINT ENERGY:				401.98	401.98		

Vendor 1343 - CHARTER COMMUNICATIONS:

0280094081223 78922	CHARTER COMMUNICATIONS REDUNDANT INTERNET 8/12/23-9/11/23	08/12/2023 pziemer	09/06/2023	109.98	109.98	Open	N 09/06/2023
101-1800-43321	TELEPHONE			109.98			
175587701082223 79038	CHARTER COMMUNICATIONS BUSINESS TV 8/30/23-9/29/23	08/22/2023 pziemer	09/06/2023	46.77	46.77	Open	N 09/06/2023
225-2120-43380	UTILITIES			46.77			
Total for vendor 1343 - CHARTER COMMUNICATIONS:				156.75	156.75		

Vendor 0119 - CLAREY'S SAFETY EQUIPMENT:

206980 78936	CLAREY'S SAFETY EQUIPMENT CALIBRATION GAS	08/15/2023 pziemer	09/06/2023	264.08	264.08	Open	N 09/06/2023
225-2220-42210	OPERATING SUPPLIES			264.08			
207139 78972	CLAREY'S SAFETY EQUIPMENT AIR COMPRESSOR SERVICE	08/23/2023 pziemer	09/06/2023	1,024.95	1,024.95	Open	N 09/06/2023

08/31/2023 02:35 PM

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Page: 7/34

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Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						
225-2220-43300	PROFESSIONAL SERVICES			1,024.95			
	Total for vendor 0119 - CLAREY'S SAFETY EQUIPMENT:			1,289.03	1,289.03		
Vendor 2905 - CLEAN PLUS INC:							
2308186							
78953	CLEAN PLUS INC	08/17/2023	09/06/2023	462.08	462.08	Open	N
	NITRILE GLOVES	pziemer					09/06/2023
225-2120-42209	SAFETY EQUIPMENT SUPPLIES			462.08			
	Total for vendor 2905 - CLEAN PLUS INC:			462.08	462.08		
Vendor 0900 - CUB FOODS - BRAINERD:							
TRX 46 - FD							
78948	CUB FOODS - BRAINERD	08/21/2023	09/06/2023	27.93	27.93	Open	N
	WELLNESS PROGRAM - BIOMETRIC EVENT S	pziemer					09/06/2023
278-6515-43430	MISCELLANEOUS			27.93			
TRX 79 - PD							
79100	CUB FOODS - BRAINERD	08/23/2023	09/06/2023	186.22	186.22	Open	N
	BAGS W/BADGES SUPPLIES - DRINKS & SN	pziemer					09/06/2023
225-2120-43305	CRIME PREVENTION PROGRAM			186.22			
	Total for vendor 0900 - CUB FOODS - BRAINERD:			214.15	214.15		
Vendor 1156 - CWC SHERIFF:							
TZD TRAILERS							
78937	CWC SHERIFF	08/21/2023	09/06/2023	1,441.98	1,441.98	Open	N
	LICENSE FEES FOR TZD TRAILERS	pziemer					09/06/2023
225-2120-43430	B-LAKEZ T MISCELLANEOUS			1,441.98			
	Total for vendor 1156 - CWC SHERIFF:			1,441.98	1,441.98		
Vendor 3438 - DAHLHEIMER BEVERAGE:							
1983484							
78913	DAHLHEIMER BEVERAGE	08/18/2023	09/06/2023	37.90	37.90	Open	N
	JANITORIAL SUPPLIES - LIBRARY	pziemer					09/06/2023
211-5500-43430	MISCELLANEOUS			37.90			
	Total for vendor 3438 - DAHLHEIMER BEVERAGE:			37.90	37.90		
Vendor MISC - DEB PRAZAK:							
TZD STICKER							
78939	DEB PRAZAK	08/21/2023	09/06/2023	208.00	208.00	Open	N
	REIMB TZD STICKER PURCHASES	pziemer					09/06/2023
225-2120-43430	B-LAKEZ T MISCELLANEOUS			208.00			
	Total for vendor MISC - DEB PRAZAK:			208.00	208.00		
Vendor 1381 - DECHANTAL EXCAVATING LLC:							

08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 8/34

Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
	GL Distribution GRANT						
4700							
78988	DECHANTAL EXCAVATING LLC	08/24/2023	09/06/2023	420.00	420.00	Open	N
	BLACK DIRT - PARKS	pziemer					09/06/2023
	230-5200-42220 REPAIR & MAINT			420.00			
4701							
79040	DECHANTAL EXCAVATING LLC	08/28/2023	09/06/2023	42,199.50	42,199.50	Open	N
	IMP 23-12: SW 4TH ST WASHOUT REPAIRS	pziemer					09/06/2023
	401-9030-45530-23:12 CAPITAL-PYMTS TO CONTRACTS			42,199.50			
IMP 21-12-PAY REQ 5							
79096	DECHANTAL EXCAVATING LLC	08/25/2023	09/06/2023	424,308.22	424,308.22	Open	N
	NORTH BRAINERD 21-12 PAY REQ 5	pziemer					09/06/2023
	401-9030-45530-21:12 CAPITAL-PYMTS TO CONTRACTS			424,308.22			
	Total for vendor 1381 - DECHANTAL EXCAVATING LLC:			466,927.72	466,927.72		
Vendor 1573 - DELL MARKETING LP:							
10692891730							
78929	DELL MARKETING LP	08/18/2023	09/06/2023	2,213.46	2,213.46	Open	N
	COMPUTER REPLACEMENT DELL OPTIPLEX 7	pziemer					09/06/2023
	101-1800-42220 REPAIR & MAINT			2,213.46			
	Total for vendor 1573 - DELL MARKETING LP:			2,213.46	2,213.46		
Vendor 0440 - DESTINATION DOWNTOWN BRAINERD COALI:							
AUGUST 2023							
78980	DESTINATION DOWNTOWN BRAINERD COALI	08/25/2023	09/06/2023	909.09	909.09	Open	N
	AUG 23 ECONOMIC DEVELOPMENT CONSULTING	pziemer					09/06/2023
	295-6510-43300 PROFESSIONAL SERVICES			909.09			
	Total for vendor 0440 - DESTINATION DOWNTOWN BRAINERD COALI:			909.09	909.09		
Vendor 2898 - DIGITAL HORIZONS:							
2849							
78944	DIGITAL HORIZONS	08/01/2023	09/06/2023	369.28	369.28	Open	N
	COUNCIL CHAMBERS - VIDEO EXTENDER REPAIR	pziemer					09/06/2023
	101-1800-42210 OPERATING SUPPLIES			369.28			
	Total for vendor 2898 - DIGITAL HORIZONS:			369.28	369.28		
Vendor 3080 - DOUCETTE'S LANDSCAPING & CONTRACTIN:							
10681							
78966	DOUCETTE'S LANDSCAPING & CONTRACTIN	08/18/2023	09/06/2023	3,200.00	3,200.00	Open	N
	INSTALL FLOAT SILT CURTAIN - SW 4TH ST	pziemer					09/06/2023
	401-9030-45530-23:12 CAPITAL-PYMTS TO CONTRACTS			3,200.00			
	Total for vendor 3080 - DOUCETTE'S LANDSCAPING & CONTRACTIN:			3,200.00	3,200.00		
Vendor 1286 - EAST SIDE OIL COMPANY:							

08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 9/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						
R106874							
79037	EAST SIDE OIL COMPANY	08/28/2023	09/06/2023	100.00	100.00	Open	N
	FILTERS	pziemer					09/06/2023
	227-3230-43428			100.00			
	USED OIL RECYCLING EXPENSE						
	Total for vendor 1286 - EAST SIDE OIL COMPANY:			100.00	100.00		

Vendor MISC - EZ HOME SOLUTIONS:

00044733							
79034	EZ HOME SOLUTIONS	08/29/2023	09/06/2023	100.00	100.00	Open	N
	BD Payment Refund	pziemer					09/06/2023
	101-2400-32210	Residential Bldg Permit Fee		95.00			
	101-0000-21800	Residential State Surcharge - Value		4.80			
	101-0000-36300	Residential State Surcharge - Value		0.20			
	Total for vendor MISC - EZ HOME SOLUTIONS:			100.00	100.00		

Vendor 0170 - FASTENAL COMPANY:

MNBAX262450							
79039	FASTENAL COMPANY	08/01/2023	09/06/2023	59.28	59.28	Open	N
	SAN/SWR SAFETY CONES	pziemer					09/06/2023
	237-3190-42220	REPAIR & MAINT		59.28			
	Total for vendor 0170 - FASTENAL COMPANY:			59.28	59.28		

Vendor 3493 - FIRE CATT, LLC:

12908							
79036	FIRE CATT, LLC	08/24/2023	09/06/2023	4,463.10	4,463.10	Open	N
	FIRE HOSE/GROUND LADDER TESTING	pziemer					09/06/2023
	225-2220-43300	PROFESSIONAL SERVICES		4,463.10			
	Total for vendor 3493 - FIRE CATT, LLC:			4,463.10	4,463.10		

Vendor 3402 - FLEETPRIDE:

110692072							
78950	FLEETPRIDE	08/24/2023	09/06/2023	47.67	47.67	Open	N
	SWEEPER 111 HOOD LATCH KIT	pziemer					09/06/2023
	235-3100-42220	REPAIR & MAINT		47.67			
110692118							
78951	FLEETPRIDE	08/24/2023	09/06/2023	31.30	31.30	Open	N
	TRUCK 106 GREASE ZIRK EXTENSIONS	pziemer					09/06/2023
	235-3125-42220	REPAIR & MAINT		31.30			
	Total for vendor 3402 - FLEETPRIDE:			78.97	78.97		

Vendor 0209 - HEARTLAND TIRE INC.:

08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 10/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						
3042684							
78954	HEARTLAND TIRE INC.	08/23/2023	09/06/2023	37.55	37.55	Open	N
	SQD 436 - TIRE REPAIR	pziemer					09/06/2023
	225-2120-42221			37.55			
	SQUAD CAR REPAIR SUPPLIES						
	Total for vendor 0209 - HEARTLAND TIRE INC.:			37.55	37.55		

Vendor 3050 - HILDI INC.:

15378							
79136	HILDI INC.	08/30/2023	09/06/2023	2,800.00	2,800.00	Open	N
	ACTUARIAL DISCLOSURES GASB 67 & 68 Bfpziemer						09/06/2023
	101-9200-43300			2,800.00			
	PROFESSIONAL SERVICES						
	Total for vendor 3050 - HILDI INC.:			2,800.00	2,800.00		

Vendor 0203 - HOLDEN ELECTRIC:

72604							
78967	HOLDEN ELECTRIC	08/21/2023	09/06/2023	136.00	136.00	Open	N
	SITE ONE BREAKER REPAIR	pziemer					09/06/2023
	Total for vendor 0203 - HOLDEN ELECTRIC:			136.00	136.00		

Vendor 3636 - HRGREEN:

165771							
78927	HRGREEN	08/17/2023	09/06/2023	47.75	47.75	Open	N
	BRD MN MS4 PROGRAM UPDATE	pziemer					09/06/2023
	401-9030-43300-21:11			47.75			
	PROFESSIONAL SERVICES						
165772							
78928	HRGREEN	08/17/2023	09/06/2023	8,221.00	8,221.00	Open	N
	BUFFALO HILLS GULLY THRU 7/31/23	pziemer					09/06/2023
	401-9030-43300-21:15			8,221.00			
	PROFESSIONAL SERVICES						
	Total for vendor 3636 - HRGREEN:			8,268.75	8,268.75		

Vendor 3795 - INDEPENDENT TESTING TECHNOLOGIES:

42822							
78941	INDEPENDENT TESTING TECHNOLOGIES	08/15/2023	09/06/2023	3,025.00	3,025.00	Open	N
	IMP 21-12 PROF. SERVICES	pziemer					09/06/2023
	401-9030-43300-21:12			3,025.00			
	PROFESSIONAL SERVICES						
	Total for vendor 3795 - INDEPENDENT TESTING TECHNOLOGIES:			3,025.00	3,025.00		

Vendor 4094 - JASON GROSS:

8/7/23							
79010	JASON GROSS	08/07/2023	09/06/2023	700.00	700.00	Open	N
	BAGS WITH BADGES SUPPLIES - 2 SETS Ofpziemer						09/06/2023
	225-2120-43305			700.00			
	CRIME PREVENTION PROGRAM						

08/31/2023 02:35 PM

User: pziemer

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 11/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						
Total for vendor 4094 - JASON GROSS:				700.00	700.00		
Vendor 3488 - JEFFERSON FIRE & SAFETY:							
IN305601							
78973	JEFFERSON FIRE & SAFETY	08/14/2023	09/06/2023	49.68	49.68	Open	N
	FLIR POGO PIN ASSEMBLY	pziemer					09/06/2023
225-2220-42210	OPERATING SUPPLIES			49.68			
Total for vendor 3488 - JEFFERSON FIRE & SAFETY:				49.68	49.68		
Vendor 1512 - KIRVIDA FIRE INC:							
11660							
78974	KIRVIDA FIRE INC	08/07/2023	09/06/2023	350.00	350.00	Open	N
	2023 ANNUAL PUMP TEST - TOWER 20	pziemer					09/06/2023
225-2220-43300	PROFESSIONAL SERVICES			350.00			
11659							
78975	KIRVIDA FIRE INC	08/07/2023	09/06/2023	350.00	350.00	Open	N
	2023 ANNUAL PUMP TEST - ENGINE 3	pziemer					09/06/2023
225-2220-43300	PROFESSIONAL SERVICES			350.00			
11658							
78976	KIRVIDA FIRE INC	08/07/2023	09/06/2023	350.00	350.00	Open	N
	2023 ANNUAL PUMP TEST - ENGINE 21	pziemer					09/06/2023
225-2220-43300	PROFESSIONAL SERVICES			350.00			
Total for vendor 1512 - KIRVIDA FIRE INC:				1,050.00	1,050.00		
Vendor 3545 - KITCHIGAMI REGIONAL LIBRARY - CC:							
8/8/23							
78914	KITCHIGAMI REGIONAL LIBRARY - CC	08/08/2023	09/06/2023	198.90	198.90	Open	N
	REMIT LIBRARY CC CHARGES THRU 8/8/23	pziemer					09/06/2023
211-0000-20800	DUE TO OTHER GOVT UNITS			198.90			
Total for vendor 3545 - KITCHIGAMI REGIONAL LIBRARY - CC:				198.90	198.90		
Vendor 3118 - KULZER, MICHAEL:							
8/21/23							
78955	KULZER, MICHAEL	08/21/2023	09/06/2023	179.96	179.96	Open	N
	REIMBUSE DUTY CLOTHING	pziemer					09/06/2023
225-2120-41113	UNIFORM ALLOWANCE			179.96			
Total for vendor 3118 - KULZER, MICHAEL:				179.96	179.96		
Vendor 3418 - LAKES AREA LOCK & DOOR HARDWARE, IN:							
13971							
78965	LAKES AREA LOCK & DOOR HARDWARE, IN	08/17/2023	09/06/2023	140.00	140.00	Open	N
	INSTALLED 1-TAIL PIECE	pziemer					09/06/2023

08/31/2023 02:35 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 12/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						
Total for vendor 3418 - LAKES AREA LOCK & DOOR HARDWARE, IN:				140.00	140.00		
Vendor 3469 - LAKES AREA MAT SERVICE INC:							
20230801 #522							
79042	LAKES AREA MAT SERVICE INC	08/01/2023	09/06/2023	44.08	44.08	Open	N
	CITY HALL FLOOR MATS	pziemer					09/06/2023
101-1940-43410	RENTAL EXPENSE			44.08			
20230815 #522							
79043	LAKES AREA MAT SERVICE INC	08/15/2023	09/06/2023	44.08	44.08	Open	N
	CITY HALL FLOOR MATS	pziemer					09/06/2023
101-1940-43410	RENTAL EXPENSE			44.08			
20230829 #522							
79044	LAKES AREA MAT SERVICE INC	08/29/2023	09/06/2023	44.08	44.08	Open	N
	CITY HALL FLOOR MATS	pziemer					09/06/2023
101-1940-43410	RENTAL EXPENSE			44.08			
20230801 #520							
79045	LAKES AREA MAT SERVICE INC	08/01/2023	09/06/2023	42.92	42.92	Open	N
	POLICE DEPT FLOOR MATS	pziemer					09/06/2023
225-2120-43300	PROFESSIONAL SERVICES			42.92			
20230815 #520							
79046	LAKES AREA MAT SERVICE INC	08/15/2023	09/06/2023	42.92	42.92	Open	N
	POLICE DEPT FLOOR MATS	pziemer					09/06/2023
225-2120-43300	PROFESSIONAL SERVICES			42.92			
20230829 #520							
79047	LAKES AREA MAT SERVICE INC	08/29/2023	09/06/2023	42.92	42.92	Open	N
	POLICE DEPT FLOOR MATS	pziemer					09/06/2023
225-2120-43300	PROFESSIONAL SERVICES			42.92			
Total for vendor 3469 - LAKES AREA MAT SERVICE INC:				261.00	261.00		
Vendor 3627 - LAKES AREA WILDLIFE CONTROL:							
AUGUST 2023							
78979	LAKES AREA WILDLIFE CONTROL	08/25/2023	09/06/2023	3,076.00	3,076.00	Open	N
	AUG 23 ANIMAL CONTROL CONTRACT	pziemer					09/06/2023
225-2700-43300	PROFESSIONAL SERVICES			3,076.00			
Total for vendor 3627 - LAKES AREA WILDLIFE CONTROL:				3,076.00	3,076.00		
Vendor 3430 - LARSON ELEVATOR COMPANY:							
LE17404001							
78915	LARSON ELEVATOR COMPANY	08/23/2023	09/06/2023	828.04	828.04	Open	N
	CH ELEVATOR REPAIRS-SERVICE CALL	pziemer					09/06/2023
101-1940-42220	REPAIR & MAINT			828.04			

08/31/2023 02:35 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 13/34

Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
	GL Distribution GRANT						
LE17424001							
78916	LARSON ELEVATOR COMPANY	08/23/2023	09/06/2023	5,919.00	5,919.00	Open	N
	ELEVATOR REPAIRS	pziemer					09/06/2023
101-1940-42220	REPAIR & MAINT			5,919.00			
	Total for vendor 3430 - LARSON ELEVATOR COMPANY:			6,747.04	6,747.04		
Vendor MISC - LEVEL CONTRACTING LLC:							
BFG23-0007							
78911	LEVEL CONTRACTING LLC	08/24/2023	09/06/2023	8,836.02	8,836.02	Open	N
	BD Bond Refund	pziemer					09/06/2023
101-0000-20600	BFG23-0007			8,836.02			
BFG23-0006							
78912	LEVEL CONTRACTING LLC	08/24/2023	09/06/2023	9,169.57	9,169.57	Open	N
	BD BOND REFUND	pziemer					09/06/2023
101-0000-20600	BFG23-0006 - P22-0241			9,169.57			
	Total for vendor MISC - LEVEL CONTRACTING LLC:			18,005.59	18,005.59		
Vendor 1753 - MARCO:							
INV11528479							
78934	MARCO	08/17/2023	09/06/2023	1,128.12	1,128.12	Open	N
	UNIFY IT 8/19/23-9/18/23	pziemer					09/06/2023
101-1800-43309	COMPUTER SUPPORT			1,128.12			
INV11539195							
78945	MARCO	08/21/2023	09/06/2023	2,568.00	2,568.00	Open	N
	MICROSOFT 365 7/16/23-8/15/23	pziemer					09/06/2023
101-1800-43309	COMPUTER SUPPORT			2,344.00			
260-9020-43309	COMPUTER SUPPORT			224.00			
	Total for vendor 1753 - MARCO:			3,696.12	3,696.12		
Vendor MISC - MATT MAIER:							
TZD 8/21/23							
78938	MATT MAIER	08/21/2023	09/06/2023	538.27	538.27	Open	N
	REIMBURSE TZD PURCHASES	pziemer					09/06/2023
225-2120-43430	B-LAKEZ T MISCELLANEOUS			538.27			
	Total for vendor MISC - MATT MAIER:			538.27	538.27		
Vendor 3942 - MOONLITE NURSERY LLC:							
8/24/23							
79109	MOONLITE NURSERY LLC	08/24/2023	09/06/2023	507.00	507.00	Open	N
	SOD - BALL FIELD MAINT.	pziemer					09/06/2023
230-5200-42221	R&M- MILLS FIELD			507.00			
	Total for vendor 3942 - MOONLITE NURSERY LLC:			507.00	507.00		

08/31/2023 02:35 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 14/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution GRANT							
Vendor 3168 - MOTORS-N-MORE:							
30062							
78956	MOTORS-N-MORE	08/22/2023	09/06/2023	23.00	23.00	Open	N
	SQD 430 OIL CHANGE	pziemer					09/06/2023
225-2120-42221	SQUAD CAR REPAIR SUPPLIES			23.00			
30069							
79005	MOTORS-N-MORE	08/25/2023	09/06/2023	521.60	521.60	Open	N
	SQD 428 - WHEEL BEARING & HUB	pziemer					09/06/2023
225-2120-42221	SQUAD CAR REPAIR SUPPLIES			521.60			
30079							
79101	MOTORS-N-MORE	08/30/2023	09/06/2023	23.00	23.00	Open	N
	SQD 411 - OIL CHANGE	pziemer					09/06/2023
225-2120-42221	SQUAD CAR REPAIR SUPPLIES			23.00			
30080							
79102	MOTORS-N-MORE	08/30/2023	09/06/2023	23.00	23.00	Open	N
	SQD 435 - OIL CHANGE	pziemer					09/06/2023
225-2120-42221	SQUAD CAR REPAIR SUPPLIES			23.00			
Total for vendor 3168 - MOTORS-N-MORE:				590.60	590.60		

Vendor 0798 - MR TIRE:

34308							
79107	MR TIRE	08/21/2023	09/06/2023	43.49	43.49	Open	N
	OIL CHANGE - PARKS TAHOE	pziemer					09/06/2023
230-5200-42220	REPAIR & MAINT			43.49			
34347							
79108	MR TIRE	08/21/2023	09/06/2023	93.58	93.58	Open	N
	TORO MOWER TIRE SERVICE	pziemer					09/06/2023
230-5200-42220	REPAIR & MAINT			93.58			
Total for vendor 0798 - MR TIRE:				137.07	137.07		

Vendor 0273 - NAPA AUTO PARTS:

636304							
79041	NAPA AUTO PARTS	08/29/2023	09/06/2023	5.86	5.86	Open	N
	WIPER BLADE	pziemer					09/06/2023
225-2220-42210	OPERATING SUPPLIES			5.86			
636758							
79134	NAPA AUTO PARTS	08/30/2023	09/06/2023	97.42	97.42	Open	N
	LONG HANDLES RATCHET	pziemer					09/06/2023
235-3100-42240	SMALL TOOLS			97.42			
Total for vendor 0273 - NAPA AUTO PARTS:				103.28	103.28		

Vendor 0736 - NORTHLAND FIRE PROTECTION:

08/31/2023 02:35 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 15/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						
55014							
78931	NORTHLAND FIRE PROTECTION	08/18/2023	09/06/2023	315.55	315.55	Open	N
	RECHARGE FIRE EXTING. - PD	pziemer					09/06/2023
225-2120-42209	SAFETY EQUIPMENT SUPPLIES			315.55			
	Total for vendor 0736 - NORTHLAND FIRE PROTECTION:			315.55	315.55		

Vendor 4035 - NORTHPOINT EMERGENCY TRAINING:

1052							
78977	NORTHPOINT EMERGENCY TRAINING	08/14/2023	09/06/2023	1,750.00	1,750.00	Open	N
	EMT INITIAL	pziemer					09/06/2023
225-2220-43330	PROFESSIONAL DEVELOPMENT			1,750.00			
	Total for vendor 4035 - NORTHPOINT EMERGENCY TRAINING:			1,750.00	1,750.00		

Vendor 2064 - NUSS TRUCK & EQUIPMENT:

PSO035149-1							
79087	NUSS TRUCK & EQUIPMENT	08/29/2023	09/06/2023	739.48	739.48	Open	N
	VAC TRUCK DEF LEVEL SENSOR	pziemer					09/06/2023
237-3190-42220	REPAIR & MAINT			739.48			
	Total for vendor 2064 - NUSS TRUCK & EQUIPMENT:			739.48	739.48		

Vendor 0284 - OFFICE SHOP:

1131385-0							
78962	OFFICE SHOP	08/22/2023	09/06/2023	107.14	107.14	Open	N
	COPY PAPER - CH	pziemer					09/06/2023
101-1940-42200	OFFICE SUPPLIES			107.14			
1131516-0							
78985	OFFICE SHOP	08/24/2023	09/06/2023	94.80	94.80	Open	N
	ENVELOPES - CH	pziemer					09/06/2023
101-1940-42200	OFFICE SUPPLIES			94.80			
1131516-1/ADM							
78986	OFFICE SHOP	08/25/2023	09/06/2023	47.40	47.40	Open	N
	ENVELOPES	pziemer					09/06/2023
101-1940-42200	OFFICE SUPPLIES			47.40			
1131516-1/HR							
78987	OFFICE SHOP	08/25/2023	09/06/2023	33.12	33.12	Open	N
	CERTIFICATE HOLDERS	pziemer					09/06/2023
278-6515-43430	MISCELLANEOUS			33.12			
	Total for vendor 0284 - OFFICE SHOP:			282.46	282.46		

Vendor 3336 - PAPER STORM:

23439							
79133	PAPER STORM	08/30/2023	09/06/2023	104.00	104.00	Open	N
	DOCUMENT DESTRUCTION	pziemer					09/06/2023

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						
225-2120-43300	PROFESSIONAL SERVICES			104.00			
	Total for vendor 3336 - PAPER STORM:			104.00	104.00		
Vendor 0561 - PEOPLES SECURITY:							
242256							
78968	PEOPLES SECURITY	08/21/2023	09/06/2023	5.60	5.60	Open	N
	SECURITY MONITORING - FINAL 8/1/23-8/pziemer						09/06/2023
230-5200-42210	OPERATING SUPPLIES			5.60			
	Total for vendor 0561 - PEOPLES SECURITY:			5.60	5.60		
Vendor 0291 - PIKE PLUMBING AND HEATING:							
85147							
78932	PIKE PLUMBING AND HEATING	08/16/2023	09/06/2023	383.61	383.61	Open	N
	STREET'S GARAGE - AC FROZE - REPAIR pziemer						09/06/2023
235-3100-42220	REPAIR & MAINT			383.61			
85269							
79135	PIKE PLUMBING AND HEATING	08/23/2023	09/06/2023	115.00	115.00	Open	N
	SPLASH PAD - ANNUAL BACKFLOW TESTING pziemer						09/06/2023
230-5200-42220	REPAIR & MAINT			115.00			
	Total for vendor 0291 - PIKE PLUMBING AND HEATING:			498.61	498.61		
Vendor 3612 - SEVERSON PORTER LAW:							
AUGUST 2023							
78978	SEVERSON PORTER LAW	08/25/2023	09/06/2023	18,333.33	18,333.33	Open	N
	AUG 23 PROSECUTION AGREEMENT pziemer						09/06/2023
225-2127-43310	MISDEMEANOR PROSECUTOR			18,333.33			
	Total for vendor 3612 - SEVERSON PORTER LAW:			18,333.33	18,333.33		
Vendor 0315 - SHERWIN WILLIAMS:							
8003-7							
78919	SHERWIN WILLIAMS	08/16/2023	09/06/2023	29.99	29.99	Open	N
	PAINT GUN TIP pziemer						09/06/2023
235-3100-42210	OPERATING SUPPLIES			29.99			
	Total for vendor 0315 - SHERWIN WILLIAMS:			29.99	29.99		
Vendor 0317 - SHORT ELLIOTT HENDRICKSON:							
451582							
78930	SHORT ELLIOTT HENDRICKSON	08/16/2023	09/06/2023	1,114.01	1,114.01	Open	N
	CLST CONST: W & NPC SEGMENTS pziemer						09/06/2023
401-1902-43300	PROFESSIONAL SERVICES			1,114.01			
	Total for vendor 0317 - SHORT ELLIOTT HENDRICKSON:			1,114.01	1,114.01		
Vendor 3138 - ST. LOUIS MRO INC.:							

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						
58959							
79009	ST. LOUIS MRO INC.	08/01/2023	09/06/2023	49.00	49.00	Open	N
	PRE-EMPTY CHECKS X2 PD &POC	pziemer					09/06/2023
	225-2220-43300	PROFESSIONAL SERVICES		24.50			
	225-2120-43300	PROFESSIONAL SERVICES		24.50			
	Total for vendor 3138 - ST. LOUIS MRO INC.:			49.00	49.00		

Vendor 0322 - STREICHERS PROF EQUIP:

CM296830							
78957	STREICHERS PROF EQUIP	08/01/2023	09/06/2023	(124.99)	(124.99)	Open	N
	728CW-CREDIT FOR RETURN FROM INITIAL	pziemer					09/06/2023
	225-2120-41113	UNIFORM ALLOWANCE		(124.99)			
CM296919							
78958	STREICHERS PROF EQUIP	08/09/2023	09/06/2023	(164.99)	(164.99)	Open	N
	727DS - CREDIT FOR RETURN OF UNIFORM	pziemer					09/06/2023
	225-2120-41113	UNIFORM ALLOWANCE		(164.99)			
CM296963							
78959	STREICHERS PROF EQUIP	08/15/2023	09/06/2023	(43.99)	(43.99)	Open	N
	728CW - CREDIT FOR RETURN FROM INITI	pziemer					09/06/2023
	225-2120-41113	UNIFORM ALLOWANCE		(43.99)			
CM296962							
78960	STREICHERS PROF EQUIP	08/15/2023	09/06/2023	(119.99)	(119.99)	Open	N
	728CW - CREDIT FOR RETURN FROM INITI	pziemer					09/06/2023
	225-2120-41113	UNIFORM ALLOWANCE		(119.99)			
I1650947							
78961	STREICHERS PROF EQUIP	08/21/2023	09/06/2023	189.98	189.98	Open	N
	727 - UNIFORM BOOTS	pziemer					09/06/2023
	225-2120-41113	UNIFORM ALLOWANCE		189.98			
I1646079							
79006	STREICHERS PROF EQUIP	08/01/2023	09/06/2023	8,550.00	8,550.00	Open	N
	BODY ARMOR VEST: 702TR, 729GL, 705PR,	pziemer					09/06/2023
	225-2120-41113	UNIFORM ALLOWANCE		8,550.00			
I1651294							
79007	STREICHERS PROF EQUIP	08/23/2023	09/06/2023	279.98	279.98	Open	N
	713 - UNIFORM BADGES	pziemer					09/06/2023
	225-2120-41113	UNIFORM ALLOWANCE		279.98			
I1651729							
79103	STREICHERS PROF EQUIP	08/25/2023	09/06/2023	132.98	132.98	Open	N
	728CW - INITIAL ISSUE	pziemer					09/06/2023
	225-2120-41113	UNIFORM ALLOWANCE		132.98			
I1651918							
79104	STREICHERS PROF EQUIP	08/28/2023	09/06/2023	1,563.00	1,563.00	Open	N
	728CW - INITIAL ISSUE	pziemer					09/06/2023
	225-2120-41113	UNIFORM ALLOWANCE		1,563.00			

08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 18/34

Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
	GL Distribution GRANT						
	Total for vendor 0322 - STREICHERS PROF EQUIP:			10,261.98	10,261.98		
Vendor 3838 - SWANSON HASKAMP CONSULTING:							
AUGUST 2023							
78983	SWANSON HASKAMP CONSULTING	08/25/2023	09/06/2023	2,916.67	2,916.67	Open	N
	AUG 23 ECONOMIC DEVELOPMENT CONSULTING	pziemer					09/06/2023
295-6510-43300	PROFESSIONAL SERVICES			2,916.67			
	Total for vendor 3838 - SWANSON HASKAMP CONSULTING:			2,916.67	2,916.67		
Vendor 2956 - ULINE:							
167581008							
78947	ULINE	08/23/2023	09/06/2023	125.73	125.73	Open	N
	PINK MARKING PAIN	pziemer					09/06/2023
238-3160-42220	REPAIR & MAINT			125.73			
	Total for vendor 2956 - ULINE:			125.73	125.73		
Vendor 0087 - VISIT BRAINERD:							
AUGUST 2023							
78982	VISIT BRAINERD	08/25/2023	09/06/2023	3,333.34	3,333.34	Open	N
	AUG 23 ECONOMIC DEVELOPMENT CONSULTING	pziemer					09/06/2023
295-6510-43300	PROFESSIONAL SERVICES			3,333.34			
	Total for vendor 0087 - VISIT BRAINERD:			3,333.34	3,333.34		
Vendor 0349 - W.W. THOMPSON CONCRETE:							
2308-659967							
78925	W.W. THOMPSON CONCRETE	08/18/2023	09/06/2023	62.70	62.70	Open	N
	STREET GARAGE - DRAIN REPAIR	pziemer					09/06/2023
235-3100-42220	REPAIR & MAINT			62.70			
	Total for vendor 0349 - W.W. THOMPSON CONCRETE:			62.70	62.70		
Vendor 0346 - WIDSETH SMITH NOLTING:							
225124							
79032	WIDSETH SMITH NOLTING	08/21/2023	09/06/2023	1,989.00	1,989.00	Open	N
	IMP 21-17 LUM PARK BOAT LAUNCH THRU	pziemer					09/06/2023
401-9030-43300-21:17	PROFESSIONAL SERVICES			1,989.00			
225333							
79033	WIDSETH SMITH NOLTING	08/22/2023	09/06/2023	3,106.75	3,106.75	Open	N
	BRAINERD POLICE DEPT -RTU REPLACEMENT	pziemer					09/06/2023
229-0000-43300-23:26	PROFESSIONAL SERVICES			3,106.75			
	Total for vendor 0346 - WIDSETH SMITH NOLTING:			5,095.75	5,095.75		
Vendor 1712 - WSB & ASSOCIATES:							

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						
R-020548-000-12							
78917	WSB & ASSOCIATES	08/22/2023	09/06/2023	8,233.23	8,233.23	Open	N
	HARRISON SRTS JUNE 2023	pziemer					09/06/2023
401-9030-43300-22:06	PROFESSIONAL SERVICES			8,233.23			
	Total for vendor 1712 - WSB & ASSOCIATES:			8,233.23	8,233.23		

Vendor 0354 - ZIEGLER, INC:

IN001140159							
79088	ZIEGLER, INC	08/30/2023	09/06/2023	2,456.65	2,456.65	Open	N
	GRADER 112 MOLD BOARD SHIMS	pziemer					09/06/2023
235-3100-42220	REPAIR & MAINT			2,456.65			
	Total for vendor 0354 - ZIEGLER, INC:			2,456.65	2,456.65		

PCard: 2257 U.S. BANK Card Holder: CITY HALL

Vendor 3698 - AMAZON:

8/2/23							
78994	AMAZON	08/02/2023	09/06/2023	328.98	328.98	Open	N
	JULY 23 AWS SERVICES	pziemer					09/06/2023
101-1800-43309	COMPUTER SUPPORT			328.98			
8/17/23							
78997	AMAZON	08/17/2023	09/06/2023	176.34	176.34	Open	N
	PICKLEBALLS	pziemer					09/06/2023
230-5200-43430	MISCELLANEOUS			176.34			
	Total for vendor 3698 - AMAZON:			505.32	505.32		

Vendor 0848 - BAUDVILLE:

8/15/23							
78995	BAUDVILLE	08/15/2023	09/06/2023	239.96	239.96	Open	N
	EMPLOYEE AWARDS	pziemer					09/06/2023
278-6515-43430	MISCELLANEOUS			239.96			
8/15/23 - 2							
79001	BAUDVILLE	08/15/2023	09/06/2023	171.17	171.17	Open	N
	EMPLOYEE SERVICE AWARDS	pziemer					09/06/2023
278-6515-43430	MISCELLANEOUS			171.17			
	Total for vendor 0848 - BAUDVILLE:			411.13	411.13		

Vendor 4191 - CROWNE PLAZA:

8/21/22							
79089	CROWNE PLAZA	08/21/2023	09/06/2023	726.59	726.59	Open	N
	MRPA CONF. - HOTEL STAY J.DEHN & T. pziemer						09/06/2023
230-5200-43330	PROFESSIONAL DEVELOPMENT			726.59			
	Total for vendor 4191 - CROWNE PLAZA:			726.59	726.59		

08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 20/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						

PCard: 2257 U.S. BANK Card Holder: CITY HALL

Vendor 0519 - MN GFOA:

7/31/23

78993	MN GFOA	08/01/2023	09/06/2023	250.00	250.00	Open	N
	2023 MNGFOA ANNUAL CONF - C.HILLMAN	pziemer					09/06/2023
101-1400-43330	PROFESSIONAL DEVELOPMENT			250.00			
	Total for vendor 0519 - MN GFOA:			250.00	250.00		

Vendor 3871 - MN STATE COLLEGES & UNIVERSITIES:

8/22/23

78991	MN STATE COLLEGES & UNIVERSITIES	08/22/2023	09/06/2023	120.00	120.00	Open	N
	EXCEL TRNG - N.TORRENCE	pziemer					09/06/2023
101-1400-43330	PROFESSIONAL DEVELOPMENT			120.00			
	Total for vendor 3871 - MN STATE COLLEGES & UNIVERSITIES:			120.00	120.00		

Vendor 2011 - MRPA:

8/21/23

78998	MRPA	08/21/2023	09/06/2023	445.00	445.00	Open	N
	MRPA CONF. REG. - T.HARRIS	pziemer					09/06/2023
230-5200-43330	PROFESSIONAL DEVELOPMENT			445.00			
8/21/23 - 2							
78999	MRPA	08/21/2023	09/06/2023	445.00	445.00	Open	N
	MRPA ANNUAL CONF. REG. - K.KAUFMAN	pziemer					09/06/2023
230-5200-43330	PROFESSIONAL DEVELOPMENT			445.00			
8/21/23 - 3							
79000	MRPA	08/21/2023	09/06/2023	455.00	455.00	Open	N
	MRPA ANNUAL CONF. REG. - J.DEHN	pziemer					09/06/2023
230-5200-43330	PROFESSIONAL DEVELOPMENT			455.00			
	Total for vendor 2011 - MRPA:			1,345.00	1,345.00		

Vendor 3858 - ZOOM VIDEO COMMUNICATIONS:

8/18/23

78989	ZOOM VIDEO COMMUNICATIONS	08/18/2023	09/06/2023	31.98	31.98	Open	N
	ZOOM 8/18/23-9/17/23	pziemer					09/06/2023
101-1800-43309	COMPUTER SUPPORT			31.98			
	Total for vendor 3858 - ZOOM VIDEO COMMUNICATIONS:			31.98	31.98		

Total PCard: 2257 U.S. BANK Card Holder: CITY HALL

3,390.02 3,390.02

08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 21/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						

PCard: 2257 U.S. BANK Card Holder: FIRE

Vendor 3877 - ALL HANDS FIRE EQUIPMENT:

8/14/23

79012	ALL HANDS FIRE EQUIPMENT	08/14/2023	09/06/2023	310.99	310.99	Open	N
	DIAMOND FIRE TOOTH TIGER SUPREME GRAI	pziemer					09/06/2023
225-2220-42210	OPERATING SUPPLIES			310.99			
	Total for vendor 3877 - ALL HANDS FIRE EQUIPMENT:			310.99	310.99		

Vendor 4229 - CASCADE FIRE EQUIPMENT:

8/7/2023

79015	CASCADE FIRE EQUIPMENT	08/07/2023	09/06/2023	230.00	230.00	Open	N
	LDH TURNTABLE	pziemer					09/06/2023
225-2220-42210	OPERATING SUPPLIES			230.00			
	Total for vendor 4229 - CASCADE FIRE EQUIPMENT:			230.00	230.00		

Vendor 3574 - ESO SOLUTIONS, INC.:

8/18/23

79014	ESO SOLUTIONS, INC.	08/18/2023	09/06/2023	277.07	277.07	Open	N
	FIRST ARRIVING BRIDGE	pziemer					09/06/2023
225-2220-43309	COMPUTER TECHNICAL SUPPORT			277.07			
	Total for vendor 3574 - ESO SOLUTIONS, INC.:			277.07	277.07		

Vendor 4228 - MILITAUR:

7/27/23

79011	MILITAUR	08/01/2023	09/06/2023	160.00	160.00	Open	N
	DOOR STOP SINGLES/STRAPS	pziemer					09/06/2023
225-2220-42210	OPERATING SUPPLIES			160.00			
	Total for vendor 4228 - MILITAUR:			160.00	160.00		

Vendor 0445 - MN FIRE SERVICE CERTIFICATION BOARD:

8/15/23

79013	MN FIRE SERVICE CERTIFICATION BOARD	08/15/2023	09/06/2023	420.00	420.00	Open	N
	FF RECERTIFICATIONS	pziemer					09/06/2023
225-2220-43330	PROFESSIONAL DEVELOPMENT			420.00			
	Total for vendor 0445 - MN FIRE SERVICE CERTIFICATION BOARD:			420.00	420.00		

Total PCard: 2257 U.S. BANK Card Holder: FIRE

1,398.06 1,398.06

08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 22/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						

PCard: 2257 U.S. BANK Card Holder: LIBRARY

Vendor 3698 - AMAZON:

8/18/23							
79116	AMAZON	08/18/2023	09/06/2023	36.25	36.25	Open	N
	ENVELOPES/HOOKS/LABELS	pziemer					09/06/2023
	211-5500-43322	POSTAGE		8.89			
	211-5500-43430	MISCELLANEOUS		27.36			
8/18/23 - 2							
79117	AMAZON	08/18/2023	09/06/2023	13.99	13.99	Open	N
	SD CARD READER	pziemer					09/06/2023
	211-5502-43430	TECHNOLOGY FUND EXPENDITURES		13.99			
		Total for vendor 3698 - AMAZON:		50.24	50.24		

Vendor MISC - CONSUMER REPORTS:

8/3/24							
79110	CONSUMER REPORTS	08/03/2023	09/06/2023	39.00	39.00	Open	N
	WEBISTE ANNUAL MEMBERSHIP	pziemer					09/06/2023
	211-5500-43430	MISCELLANEOUS		39.00			
		Total for vendor MISC - CONSUMER REPORTS:		39.00	39.00		

Vendor 0160 - DEMCO INC:

8/21/23							
79118	DEMCO INC	08/21/2023	09/06/2023	99.42	99.42	Open	N
	BOOK REPAIR GLUE/BOOKMARKS	pziemer					09/06/2023
	211-5501-43430	MISC - SPECIFIED DONATION USE		99.42			
		Total for vendor 0160 - DEMCO INC:		99.42	99.42		

Vendor MISC - MAILCHIMP:

8/4/23							
79111	MAILCHIMP	08/04/2023	09/06/2023	39.50	39.50	Open	N
	EMAIL SUBSCRIPTION SERVICES	pziemer					09/06/2023
	211-5500-43430	MISCELLANEOUS		39.50			
		Total for vendor MISC - MAILCHIMP:		39.50	39.50		

Vendor 4056 - MINNESOTA LIBRARY ASSOCIATION:

8/7/23							
79112	MINNESOTA LIBRARY ASSOCIATION	08/07/2023	09/06/2023	145.00	145.00	Open	N
	ANNUAL MEMBERSHIP L.HALL	pziemer					09/06/2023
	211-5503-43430	MISC - USE OF HOLDEN TRUST		145.00			
8/9/23							
79113	MINNESOTA LIBRARY ASSOCIATION	08/09/2023	09/06/2023	115.00	115.00	Open	N
	ANNUAL MEMBERSHIP MB.DURHAM	pziemer					09/06/2023

08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 23/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						

PCard: 2257 U.S. BANK Card Holder: LIBRARY

211-5503-43430	MISC - USE OF HOLDEN TRUST			115.00			
	Total for vendor 4056 - MINNESOTA LIBRARY ASSOCIATION:			260.00	260.00		

Vendor 3943 - PLUNKETT'S PEST CONTROL:

8/8/23

79121	PLUNKETT'S PEST CONTROL	08/08/2023	09/06/2023	69.55	69.55	Open	N
	PEST CONTROL	pziemer					09/06/2023
211-5500-42220	REPAIR & MAINT			69.55			

8/16/23

79122	PLUNKETT'S PEST CONTROL	08/16/2023	09/06/2023	73.03	73.03	Open	N
	PEST CONTROL	pziemer					09/06/2023
211-5500-43430	MISCELLANEOUS			73.03			
	Total for vendor 3943 - PLUNKETT'S PEST CONTROL:			142.58	142.58		

Vendor 3730 - TARGET:

8/23/23

79119	TARGET	08/23/2023	09/06/2023	(279.70)	(279.70)	Open	N
	CREDIT - RETURN VACUUM CLEANER	pziemer					09/06/2023
211-5500-42220	REPAIR & MAINT			(279.70)			

8/23/23 - 2

79120	TARGET	08/23/2023	09/06/2023	297.19	297.19	Open	N
	VACUUM CLEANER	pziemer					09/06/2023
211-5500-42220	REPAIR & MAINT			297.19			
	Total for vendor 3730 - TARGET:			17.49	17.49		

Vendor 3697 - USPS:

8/16/23

79115	USPS	08/16/2023	09/06/2023	117.00	117.00	Open	N
	STAMPS	pziemer					09/06/2023
211-5500-43322	POSTAGE			117.00			
	Total for vendor 3697 - USPS:			117.00	117.00		

Vendor 0006 - WALMART COMMUNITY/GECRB:

8/14/23

79114	WALMART COMMUNITY/GECRB	08/14/2023	09/06/2023	10.86	10.86	Open	N
	STAFF/VOLUNTEER WATER	pziemer					09/06/2023
211-5501-43430	MISC - SPECIFIED DONATION USE			10.86			
	Total for vendor 0006 - WALMART COMMUNITY/GECRB:			10.86	10.86		

Total PCard: 2257 U.S. BANK Card Holder: LIBRARY

776.09	776.09
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08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 24/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date

GL Distribution GRANT

PCard: 2257 U.S. BANK Card Holder: PARKS

Vendor 3711 - COSTCO:

8/23/23

79093

COSTCO

08/23/2023

09/06/2023

19.99

19.99

Open

N

PAPER TOWELS - CONCESSIONS

pziemer

09/06/2023

230-5204-42210

OPERATING SUPPLIES

19.99

8/21/23

79094

COSTCO

08/21/2023

09/06/2023

13.47

13.47

Open

N

HOT DOG BUNS - CONCESSIONS

pziemer

09/06/2023

230-5204-42210

OPERATING SUPPLIES

13.47

Total for vendor 3711 - COSTCO:

33.46

33.46

Vendor 3895 - DICK'S SPORTING GOODS:

8/10/23

79095

DICK'S SPORTING GOODS

08/10/2023

09/06/2023

610.00

610.00

Open

N

PICKLE BALL AWARDS

pziemer

09/06/2023

230-5200-42210

OPERATING SUPPLIES

610.00

Total for vendor 3895 - DICK'S SPORTING GOODS:

610.00

610.00

Vendor 0006 - WALMART COMMUNITY/GECRB:

7/24/23

79106

WALMART COMMUNITY/GECRB

08/01/2023

09/06/2023

39.76

39.76

Open

N

CONCESSIONS - MXD SNG MPK & MIXED

pziemer

09/06/2023

230-5200-42210

OPERATING SUPPLIES

39.76

Total for vendor 0006 - WALMART COMMUNITY/GECRB:

39.76

39.76

Total PCard: 2257 U.S. BANK Card Holder: PARKS

683.22

683.22

08/31/2023 02:35 PM

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DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 25/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						

PCard: 2257 U.S. BANK Card Holder: POLICE

Vendor 3698 - AMAZON:

7/28/23							
79058	AMAZON	08/01/2023	09/06/2023	77.52	77.52	Open	N
	QTY 4 MULTIMEDIA CARD READERS	pziemer					09/06/2023
225-2120-42210	OPERATING SUPPLIES			77.52			
	Total for vendor 3698 - AMAZON:			77.52	77.52		

Vendor 3731 - BACK DEFENSE SYSTEMS:

7/27/23							
79056	BACK DEFENSE SYSTEMS	08/01/2023	09/06/2023	94.49	94.49	Open	N
	716 - UNIFORM EXTERNAL VEST CARRIER	pziemer					09/06/2023
225-2120-41113	UNIFORM ALLOWANCE			94.49			
	Total for vendor 3731 - BACK DEFENSE SYSTEMS:			94.49	94.49		

Vendor 4103 - BIG JAY'S PIZZA ARCADE:

8/23/23							
79078	BIG JAY'S PIZZA ARCADE	08/23/2023	09/06/2023	120.00	120.00	Open	N
	BAGS WITH BADGES SUPPLIES (GIFT CARD	pziemer					09/06/2023
225-2120-43305	CRIME PREVENTION PROGRAM			120.00			
	Total for vendor 4103 - BIG JAY'S PIZZA ARCADE:			120.00	120.00		

Vendor 3700 - DOLLAR TREE:

8/24/23							
79083	DOLLAR TREE	08/24/2023	09/06/2023	3.50	3.50	Open	N
	BAGS WITH BADGES SUPPLIES (POSTERBOA	pziemer					09/06/2023
225-2120-43305	CRIME PREVENTION PROGRAM			3.50			
	Total for vendor 3700 - DOLLAR TREE:			3.50	3.50		

Vendor MISC - DQ GRILL & CHILL:

8/23/23							
79079	DQ GRILL & CHILL	08/23/2023	09/06/2023	120.00	120.00	Open	N
	BAGS WITH BADGES SUPPLIES (GIFT CARD	pziemer					09/06/2023
225-2120-43305	CRIME PREVENTION PROGRAM			120.00			
	Total for vendor MISC - DQ GRILL & CHILL:			120.00	120.00		

Vendor MISC - GOODY'S GOURMET TREATS:

8/23/23							
79080	GOODY'S GOURMET TREATS	08/23/2023	09/06/2023	60.00	60.00	Open	N
	BAGS WITH BADGES SUPPLIES (GIFT CARD	pziemer					09/06/2023
225-2120-43305	CRIME PREVENTION PROGRAM			60.00			
	Total for vendor MISC - GOODY'S GOURMET TREATS:			60.00	60.00		

08/31/2023 02:35 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

Page: 26/34

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						

PCard: 2257 U.S. BANK Card Holder: POLICE

Vendor MISC - LOCO ESPRESS, INC:

8/23/23							
79081	LOCO ESPRESS, INC	08/23/2023	09/06/2023	60.00	60.00	Open	N
	BAGS WITH BADGES SUPPLIES (GIFT CARD\$	pziemer					09/06/2023
225-2120-43305	CRIME PREVENTION PROGRAM			60.00			
	Total for vendor MISC - LOCO ESPRESS, INC:			60.00	60.00		

Vendor 4192 - MARRIOTT:

7/26/23							
79055	MARRIOTT	08/01/2023	09/06/2023	151.97	151.97	Open	N
	708 & 721 - TASER RECERT TRNG (HOTEL)	pziemer					09/06/2023
225-2120-43330	PROFESSIONAL DEVELOPMENT			151.97			
8/14/23							
79074	MARRIOTT	08/14/2023	09/06/2023	226.56	226.56	Open	N
	M. HALVERSON NIBRS TRNG (HOTEL)	pziemer					09/06/2023
225-2120-43330	PROFESSIONAL DEVELOPMENT			226.56			
	Total for vendor 4192 - MARRIOTT:			378.53	378.53		

Vendor MISC - MCDONALDS #17495:

8/23/23							
79082	MCDONALDS #17495	08/23/2023	09/06/2023	120.00	120.00	Open	N
	BAGS WITH BADGES SUPPLIES (GIFT CARD\$	pziemer					09/06/2023
225-2120-43305	CRIME PREVENTION PROGRAM			120.00			
	Total for vendor MISC - MCDONALDS #17495:			120.00	120.00		

Vendor 2734 - MINNESOTA SHERIFF'S ASSOCIATION:

8/16/23							
79072	MINNESOTA SHERIFF'S ASSOCIATION	08/16/2023	09/06/2023	175.00	175.00	Open	N
	703MK - MSA TRNG - ADVANCED GUN LAWS	pziemer					09/06/2023
225-2120-43330	PROFESSIONAL DEVELOPMENT			175.00			
	Total for vendor 2734 - MINNESOTA SHERIFF'S ASSOCIATION:			175.00	175.00		

Vendor 0260 - MN BUREAU OF CRIM APPREHENSION:

8/3/23							
79062	MN BUREAU OF CRIM APPREHENSION	08/03/2023	09/06/2023	300.00	300.00	Open	N
	712 - ICAC & HUMAN TRAFFICKING CONF.	pziemer					09/06/2023
225-2120-43330	PROFESSIONAL DEVELOPMENT			300.00			
8/11/23							
79071	MN BUREAU OF CRIM APPREHENSION	08/11/2023	09/06/2023	25.00	25.00	Open	N
	J.MCCULLOUGH - TAC WORKSHOP	pziemer					09/06/2023
225-2120-43330	PROFESSIONAL DEVELOPMENT			25.00			

08/31/2023 02:35 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 27/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						

PCard: 2257 U.S. BANK Card Holder: POLICE

Total for vendor 0260 - MN BUREAU OF CRIM APPREHENSION:

325.00

325.00

Vendor 0664 - MN POST BOARD:

7/27/23

79057

MN POST BOARD

08/01/2023

09/06/2023

91.94

91.94

Open

N

728CW - POST LICENSE

pziemer

09/06/2023

225-2120-43433

DUES & SUBSCRIPTIONS

91.94

Total for vendor 0664 - MN POST BOARD:

91.94

91.94

Vendor 4230 - OAKLEY:

8/8/23

79068

OAKLEY

08/08/2023

09/06/2023

145.43

145.43

Open

N

714 - EMPLOYEE REIMBURSEMENT FOR LOSS

pziemer

09/06/2023

225-2120-41113

UNIFORM ALLOWANCE

145.43

8/16/23

79073

OAKLEY

08/16/2023

09/06/2023

(10.62)

(10.62)

Open

N

CREDIT FOR SALES TAX CHARGED

pziemer

09/06/2023

225-2120-41113

UNIFORM ALLOWANCE

(10.62)

Total for vendor 4230 - OAKLEY:

134.81

134.81

Vendor 4231 - OPTICS PLANET:

8/3/23

79084

OPTICS PLANET

08/04/2023

09/06/2023

73.23

73.23

Open

N

715 - TRT HOLSTER

pziemer

09/06/2023

225-2131-42210

OPERATING SUPPLIES

73.23

8/4/23

79085

OPTICS PLANET

08/04/2023

09/06/2023

(5.35)

(5.35)

Open

N

CREDIT FOR SALES TAX ON PURCHASE

pziemer

09/06/2023

225-2131-42210

OPERATING SUPPLIES

(5.35)

Total for vendor 4231 - OPTICS PLANET:

67.88

67.88

Vendor 0497 - SIRCHIE FINGER PRINT LABORATORIES, :

8/17/23

79075

SIRCHIE FINGER PRINT LABORATORIES,

08/17/2023

09/06/2023

109.80

109.80

Open

N

EVIDENCE SUPPLIES

pziemer

09/06/2023

225-2120-42210

OPERATING SUPPLIES

109.80

Total for vendor 0497 - SIRCHIE FINGER PRINT LABORATORIES, :

109.80

109.80

Vendor 3911 - STORM COMBATIVES TRAINING CONSULTAT:

08/31/2023 02:35 PM

User: pziemer

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 28/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						

PCard: 2257 U.S. BANK Card Holder: POLICE

8/16/23

79086

STORM COMBATIVES TRAINING CONSULTAT 08/16/2023

09/06/2023

299.00

299.00

Open

N

727 - SRO USE OF FORCE UPDATE pziemer

09/06/2023

225-2120-43330 PROFESSIONAL DEVELOPMENT

299.00

Total for vendor 3911 - STORM COMBATIVES TRAINING CONSULTAT:

299.00

299.00

Vendor 3885 - THE UPS STORE:

7/31/23

79060

THE UPS STORE

08/01/2023

09/06/2023

12.97

12.97

Open

N

RETURN HOLSTER - POSTAGE pziemer

09/06/2023

225-2120-43322 POSTAGE

12.97

Total for vendor 3885 - THE UPS STORE:

12.97

12.97

Vendor 3703 - TRANSUNION RISK:

8/1/23

79061

TRANSUNION RISK

08/01/2023

09/06/2023

75.00

75.00

Open

N

INVESTIGATIONS & PARKING TKT COLLECTI pziemer

09/06/2023

225-2120-42210 OPERATING SUPPLIES

75.00

Total for vendor 3703 - TRANSUNION RISK:

75.00

75.00

Vendor 3697 - USPS:

7/25/23

79054

USPS

08/01/2023

09/06/2023

6.25

6.25

Open

N

POSTAGE

09/06/2023

225-2120-43322 POSTAGE

6.25

7/28/23

79059

USPS

08/01/2023

09/06/2023

1.59

1.59

Open

N

POSTAGE

09/06/2023

225-2120-43322 POSTAGE

1.59

8/3/23

79063

USPS

08/03/2023

09/06/2023

11.75

11.75

Open

N

POSTAGE

09/06/2023

225-2120-43322 POSTAGE

11.75

8/7/23

79064

USPS

08/07/2023

09/06/2023

4.85

4.85

Open

N

POSTAGE

09/06/2023

225-2120-43322 POSTAGE

4.85

8/9/23

79069

USPS

08/09/2023

09/06/2023

4.85

4.85

Open

N

POSTAGE

09/06/2023

225-2120-43322 POSTAGE

4.85

08/31/2023 02:35 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 29/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						
PCard: 2257 U.S. BANK Card Holder: POLICE							
8/10/23							
79070	USPS	08/10/2023	09/06/2023	13.75	13.75	Open	N
	POSTAGE	pziemer					09/06/2023
225-2120-43322	POSTAGE			13.75			
8/17/23							
79076	USPS	08/17/2023	09/06/2023	31.55	31.55	Open	N
	POSTAGE	pziemer					09/06/2023
225-2120-43322	POSTAGE			31.55			
8/21/23							
79077	USPS	08/21/2023	09/06/2023	15.95	15.95	Open	N
	POSTAGE	pziemer					09/06/2023
225-2120-43322	POSTAGE			15.95			
Total for vendor 3697 - USPS:				90.54	90.54		
Vendor 0006 - WALMART COMMUNITY/GECRB:							
8/7/23							
79065	WALMART COMMUNITY/GECRB	08/07/2023	09/06/2023	9.15	9.15	Open	N
	TACKLE BOXES/DRUG KITS	pziemer					09/06/2023
225-2120-42210	OPERATING SUPPLIES			9.15			
8/7/23 - 2							
79066	WALMART COMMUNITY/GECRB	08/07/2023	09/06/2023	(9.15)	(9.15)	Open	N
	CREDIT - RETURN DRUG KITS	pziemer					09/06/2023
225-2120-42210	OPERATING SUPPLIES			(9.15)			
8/7/23 - 3							
79067	WALMART COMMUNITY/GECRB	08/07/2023	09/06/2023	8.48	8.48	Open	N
	TACKLE BOXES/DRUG KITS	pziemer					09/06/2023
225-2120-42210	OPERATING SUPPLIES			8.48			
Total for vendor 0006 - WALMART COMMUNITY/GECRB:				8.48	8.48		
Total PCard: 2257 U.S. BANK Card Holder: POLICE				2,424.46	2,424.46		

08/31/2023 02:35 PM

User: pziemer

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 30/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						

PCard: 2257 U.S. BANK Card Holder: STREETS

Vendor 3719 - FLEET FARM:

8/14/23							
78996	FLEET FARM	08/14/2023	09/06/2023	106.51	106.51	Open	N
	PATCH TRAILER KEROSENE	pziemer					09/06/2023
235-3100-42220	REPAIR & MAINT			106.51			
	Total for vendor 3719 - FLEET FARM:			106.51	106.51		

Vendor 0931 - MN FALL EXPO:

7/27/23							
78992	MN FALL EXPO	08/01/2023	09/06/2023	210.00	210.00	Open	N
	LTAP FALL EXPO REGISTRATION S.MIDDAG	pziemer					09/06/2023
235-3100-43330	PROFESSIONAL DEVELOPMENT			210.00			
	Total for vendor 0931 - MN FALL EXPO:			210.00	210.00		

Vendor MISC - THE SMOKESTACK BBQ SUPPLY:

8/11/23							
78990	THE SMOKESTACK BBQ SUPPLY	08/11/2023	09/06/2023	61.96	61.96	Open	N
	BBQ SUPPLIES - EMPLOYEE APPRECIATION	pziemer					09/06/2023
278-6515-43430	MISCELLANEOUS			61.96			
8/10/23							
79002	THE SMOKESTACK BBQ SUPPLY	08/10/2023	09/06/2023	93.95	93.95	Open	N
	BBQ SUPPLIES - EMPLOYEE APPRECIATION	pziemer					09/06/2023
278-6515-43430	MISCELLANEOUS			93.95			
	Total for vendor MISC - THE SMOKESTACK BBQ SUPPLY:			155.91	155.91		

Total PCard: 2257 U.S. BANK Card Holder: STREETS

# of Invoices:	202	# Due:	202	Totals:	612,713.23	612,713.23
# of Credit Memos:	8	# Due:	8	Totals:	(758.78)	(758.78)
Net of Invoices and Credit Memos:					611,954.45	611,954.45

--- TOTALS BY GL DISTRIBUTION ---

101-0000-20600	BFG23-0007	18,005.59
101-0000-20850	DUE TO COMPONENT UNIT	112.00
101-0000-21800	Residential State Surcharge - Value	4.80
101-0000-36300	Residential State Surcharge - Value	0.20
101-1400-43321	TELEPHONE	148.98
101-1400-43330	PROFESSIONAL DEVELOPMENT	370.00
101-1700-43321	TELEPHONE	275.10
101-1800-42210	OPERATING SUPPLIES	369.28
101-1800-42220	REPAIR & MAINT	2,213.46
101-1800-43309	COMPUTER SUPPORT	3,833.08

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						
	101-1800-43321	TELEPHONE		285.76			
	101-1940-42200	OFFICE SUPPLIES		249.34			
	101-1940-42220	REPAIR & MAINT		6,747.04			
	101-1940-43380	UTILITIES		155.07			
	101-1940-43410	RENTAL EXPENSE		132.24			
	101-2400-32210	Residential Bldg Permit Fee		95.00			
	101-2400-43321	TELEPHONE		148.98			
	101-2400-43405	NUISANCES		1,350.00			
	101-9200-43300	PROFESSIONAL SERVICES		2,800.00			
	203-9000-43321	TELEPHONE		49.66			
	211-0000-20800	DUE TO OTHER GOVT UNITS		198.90			
	211-5500-42220	REPAIR & MAINT		87.04			
	211-5500-43322	POSTAGE		125.89			
	211-5500-43380	UTILITIES		70.03			
	211-5500-43430	MISCELLANEOUS		216.79			
	211-5501-43430	MISC - SPECIFIED DONATION USE		110.28			
	211-5502-43430	TECHNOLOGY FUND EXPENDITURES		13.99			
	211-5503-43430	MISC - USE OF HOLDEN TRUST		260.00			
	225-2120-41113	UNIFORM ALLOWANCE		10,671.24			
	225-2120-42209	SAFETY EQUIPMENT SUPPLIES		777.63			
	225-2120-42210	OPERATING SUPPLIES		277.96			
	225-2120-42220	REPAIR & MAINT		10.78			
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		628.15			
	225-2120-43300	PROFESSIONAL SERVICES		466.01			
	225-2120-43305	CRIME PREVENTION PROGRAM		1,369.72			
	225-2120-43309	COMPUTER TECHNICAL SUPPORT		727.55			
	225-2120-43321	TELEPHONE		1,273.16			
	225-2120-43322	POSTAGE		103.51			
	225-2120-43330	PROFESSIONAL DEVELOPMENT		1,177.53			
	225-2120-43380	UTILITIES		73.57			
	225-2120-43430	MISCELLANEOUS		2,188.25			
	225-2120-43433	DUES & SUBSCRIPTIONS		91.94			
	225-2127-43310	MISDEMEANOR PROSECUTOR		18,333.33			
	225-2131-42210	OPERATING SUPPLIES		67.88			
	225-2220-42210	OPERATING SUPPLIES		1,032.19			
	225-2220-43300	PROFESSIONAL SERVICES		6,562.55			
	225-2220-43309	COMPUTER TECHNICAL SUPPORT		277.07			
	225-2220-43321	TELEPHONE		344.07			
	225-2220-43330	PROFESSIONAL DEVELOPMENT		2,170.00			
	225-2220-43331	LEASED PAYMENTS		80.69			
	225-2220-43380	UTILITIES		55.16			
	225-2220-43430	MISCELLANEOUS		200.00			
	225-2700-43300	PROFESSIONAL SERVICES		3,076.00			
	227-3230-43428	USED OIL RECYCLING EXPENSE		100.00			
	229-0000-43300-23:26	PROFESSIONAL SERVICES		3,106.75			
	230-5200-42210	OPERATING SUPPLIES		655.36			
	230-5200-42220	REPAIR & MAINT		727.51			
	230-5200-42221	R&M- MILLS FIELD		4,619.73			
	230-5200-43321	TELEPHONE		250.21			
	230-5200-43330	PROFESSIONAL DEVELOPMENT		2,071.59			
	230-5200-43380	UTILITIES		62.42			
	230-5200-43430	MISCELLANEOUS		176.34			
	230-5204-42210	OPERATING SUPPLIES		33.46			
	235-3100-42210	OPERATING SUPPLIES		53.97			
	235-3100-42220	REPAIR & MAINT		4,353.99			
	235-3100-42240	SMALL TOOLS		97.42			
	235-3100-43321	TELEPHONE		87.89			

08/31/2023 02:35 PM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 32/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
GL Distribution	GRANT						
	235-3100-43330	PROFESSIONAL DEVELOPMENT		210.00			
	235-3100-43380	UTILITIES		32.50			
	235-3100-43430	MISCELLANEOUS		114.87			
	235-3125-42220	REPAIR & MAINT		31.30			
	235-3170-42220	REPAIR & MAINT		37.28			
	237-3190-42220	REPAIR & MAINT		813.35			
	237-3190-43321	TELEPHONE		121.09			
	238-3160-42220	REPAIR & MAINT		191.41			
	260-9020-43309	COMPUTER SUPPORT		224.00			
	278-6515-43430	MISCELLANEOUS		628.09			
	295-6510-43300	PROFESSIONAL SERVICES		10,075.77			
	401-1902-43300	PROFESSIONAL SERVICES		1,114.01			
	401-9030-43300-21:11	PROFESSIONAL SERVICES		47.75			
	401-9030-43300-21:12	PROFESSIONAL SERVICES		3,025.00			
	401-9030-43300-21:15	PROFESSIONAL SERVICES		8,221.00			
	401-9030-43300-21:17	PROFESSIONAL SERVICES		1,989.00			
	401-9030-43300-22:06	PROFESSIONAL SERVICES		8,233.23			
	401-9030-45530-21:12	CAPITAL-PYMTS TO CONTRACTS		424,308.22			
	401-9030-45530-23:12	CAPITAL-PYMTS TO CONTRACTS		45,399.50			

08/31/2023 02:35 PM

User: pziemer

DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 09/05/2023 - 09/05/2023

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Page: 33/34

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution GRANT						
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			37,295.92	37,295.92		
	203 - TRANSIT FUND			49.66	49.66		
	211 - LIBRARY FUND			1,082.92	1,082.92		
	225 - PUBLIC SAFETY FUND			52,035.94	52,035.94		
	227 - RECYCLING FUND			100.00	100.00		
	229 - PANDEMIC GRANTS			3,106.75	3,106.75		
	230 - PARK & RECREATION FUND			8,596.62	8,596.62		
	235 - STREET & SEWER FUND			5,019.22	5,019.22		
	237 - SANITARY SEWER FUND			934.44	934.44		
	238 - STORM SEWER FUND			191.41	191.41		
	260 - AIRPORT FUND			224.00	224.00		
	278 - HEALTHY EMPLOYEE INITIATIVE			628.09	628.09		
	295 - EDA FUND			10,075.77	10,075.77		
	401 - CONSTRUCTION FUND			492,337.71	492,337.71		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			21,428.24	21,428.24		
	1400 - ADMINISTRATION			518.98	518.98		
	1700 - ENGINEERING			275.10	275.10		
	1800 - IT/GIS			6,701.58	6,701.58		
	1902 - 19:02 CLST CONNECTION			1,114.01	1,114.01		
	1940 - CITY HALL			7,283.69	7,283.69		
	2120 - POLICE DEPARTMENT			19,837.00	19,837.00		
	2127 - MISDEMEANOR PROSECUTOR			18,333.33	18,333.33		
	2131 - TACTICAL TEAM			67.88	67.88		
	2220 - FIRE DEPARTMENT			10,721.73	10,721.73		
	2400 - COMMUNITY DEVL/INSPECTION			1,593.98	1,593.98		
	2700 - ANIMAL CONTROL			3,076.00	3,076.00		
	3100 - S & S MAINTENANCE			4,950.64	4,950.64		
	3125 - SNOW REMOVAL			31.30	31.30		
	3160 - STORM SEWER EXPENSE			191.41	191.41		
	3170 - TRAFFIC CONTROL			37.28	37.28		
	3190 - SANITARY SEWER EXPENSE			934.44	934.44		
	3230 - RECYCLING EXPENSE			100.00	100.00		
	5200 - PARK MAIN/ADMINISTRATION			8,563.16	8,563.16		
	5204 - CONCESSIONS			33.46	33.46		
	5500 - LIBRARY-BUDGETED			499.75	499.75		
	5501 - SPECIFIED DONATION USE			110.28	110.28		
	5502 - GENERAL DONATION USE			13.99	13.99		
	5503 - HOLDEN TRUST DONATION USE			260.00	260.00		
	6510 - ECONOMIC DEVELOPMENT AUTH			10,075.77	10,075.77		
	6515 - HEALTHY EMPLOYEE INITIATIVE			628.09	628.09		

08/31/2023 02:35 PM
User: pziemer
DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD
EXP CHECK RUN DATES 09/05/2023 - 09/05/2023
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution GRANT							
--- TOTALS BY DEPT/ACTIVITY ---							
	9000 - TRANSIT FUND			49.66	49.66		
	9020 - AIRPORT M & O			224.00	224.00		
	9030 - CONSTRUCTION PROJ-MISC			491,223.70	491,223.70		
	9200 - CITY-WIDE			2,800.00	2,800.00		

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, Stenglein, Johnson, and Bevans. Mayor Badeaux was noted as present. Member Terry was noted as absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO APPROVE THE AGENDA WITH THE REMOVAL OF ADOPTION OF CITY OF BRAINERD DATA PRACTICES POLICY ITEM.

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

- A. **Approval of Bills**
- B. **Approval of Minutes**
 - a. **Regular City Council Minutes August 7, 2023**
 - b. **Park Board Workshop Minutes July 31, 2023**
 - c. **Public Utilities Workshop Minutes July 31, 2023**
- C. **Approval of Licenses**
- D. **Department Activity Report**
- 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**

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

Presentations

Shane Riffle, CEO Brainerd YMCA, gave an overview of the monies raised and steps taken to break ground on the YMCA's new daycare facility. The YMCA has received \$1.2 million in funds. He thanked the City of Brainerd for their designation of DEED Mainstreet funds. The facility will serve 66 toddlers and infants.

Andrew Shipe, 711 N 8th St, Park Board Chair, gave an overview of the Capital Budget request by the Park Board. He thanked the Council for their feedback and working together with the Park Board. He thanked staff for their dedication to meeting two to three times a month.

Member Johnson asked about the specifics of the budget being presented.

Mr. Shipe stated that the full budget was in the packet.

Member Czeczok asked about items on the capital spreadsheet.

Mr. Shipe stated that the leaning tree at Gregory Park is an asset as it is a major draw to the park.

Member Johnson stated that he respects the 2% maintenance plan, but it needs to have specific items that it would be used for in the future. All other departments have to request trucks or large items to the Council.

Chair Bevans asked about the Gregory Park fountain.

Mr. Shipe stated that it is in the plan to save for the expense.

Council Committee Reports

Safety and Public Works Committee

Direction on Active Code Enforcement

Committee Chair O'Day gave an overview of the cases at 609 11th Ave Ne and PID 4191502. The issues at PID 41241233 and 301 9th St S have contacted staff and have begun to resolve the issues.

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

Approve Event/Street Closure Application- Touch a Truck and Flapjack Festival

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

Approve Event/Street Closure Application- Neighborhood Potluck

Committee Chair O'Day stated that he thinks it would be great if every neighborhood did a potluck.

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

Approve Event/Street Closure Application- First Lutheran Rally Day

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

Award Improvement 21-17- Lum Park Road SPRA Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECHOK, DULY CARRIED, TO AWARD IMPROVEMENT 21-17- LUM PARK ROAD SPRA PROJECT CONTRACT TO ANDERSON BROTHERS IN THE AMOUNT OF \$241,490.

Adopt Resolution for 2024 Transit Operating Grant

Committee Chair O'Day stated that this is the annual agreement with MnDOT stating that they will agree to providing 95% of operating costs and 90% of capital costs.

Mayor Badeaux asked whether there has been discussion about the future of transit. He knows that it is a vital service. However, there are buses driving around at any given time that are not full. He would like to see statistics on capacity vs. ridership. He wonders if there is a more efficient process.

Member Johnson stated that he has many unanswered questions for the TAC and Safety and Public Works Committee. When the program runs out of money, the Council will stop funding the program. It will not receive levy dollars.

Committee Chair O'Day stated that they are waiting on the 3rd party contractor proposals in 2024.

Chair Bevans stated that this discussion is about the agreement with MnDOT, what we do from there is on the City. The agreement needs to be signed with MnDOT and then the work must continue to resolve the issues that transit has.

Member Czczok stated that staff is working with a consultant to analyze the system. There is going to be a request for proposal (RFP) for transit services that will be reviewed by many next year. The proposal is a service contract. The previous RFP garnered two proposals one of which was an unresponsive company and our current service company that had provided all of the requirements. He felt that it was necessary to give discussion in favor of the decisions made by TAC as there had been discussion of the failures. He is in support of the resolution.

MOVED AND SECONDED BY MEMBERS O'DAY AND CZECZOK TO ADOPT RESOLUTION ENTERING INTO THE GRANT AGREEMENT WITH MNDOT FOR PROVIDING TRANSIT SERVICES.

RESOLUTION 32:23

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

Approve Sale of Single Axle Dump Truck

Committee Chair O'Day stated that "Cousin Eddie" has met its useful life.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN SELL THE SINGLE AXLE DUMP/PLOW TRUCK ON THE PUBLIC AUCTION SITE.

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

Discussion on Draft 2024-2033 Capital Improvement Plan

Committee Chair O'Day stated that the committee discussed the draft capital improvement plan. Each year, it is the goal to reconstruct 2 miles of road. The street scan will help to target the worst roads. They will ask BPU to produce an analysis of which pipes would need to be replaced sooner rather than later.

Member Johnson stated that he liked the current plan that was previously adopted. Any changes to the plan should be justified. The sanitary and storm enterprise funds are steady on

revenue, the expenditures should balance. The current document proposes dramatic increases and a \$3.5 million shortfall on just sanitary and storm funds. Financial solvency needs to be maintained with our future plan.

Adopt Resolution Declaring SW 4th Street Washout Emergency

Committee Chair O'Day stated that the washout on SW 4th Street is being declared an emergency as it has doubled in size in the last two weeks. The road was closed. Declaring it an emergency will allow the City to skip the competitive bidding process and be able to deal with the issue so that the road is not closed all winter.

MOVED AND SECONDED BY MEMBERS O'DAY AND STENGLEIN TO ADOPT RESOLUTION DECLARING SW 4TH STREET AN EMERGENCY.

RESOLUTION 33:23

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

Personnel and Finance Committee

Approve Conditional Job Offer for Daniel Loch for Finance Manager Position

Member Czczok asked whether there is cost savings with the delay in hiring.

Committee Chair Johnson stated that the budgeted amount was a department head salary, that was significantly higher, and budgeted for the entire year, there will be a cost savings.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, 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.

Consider Policy Manual Updated Regarding Reimbursement for City-Paid CDL Training/Testing

Committee Chair Johnson that Federal requirements have changed for obtaining a CDL. With this change to the policy, the City would pay for the training. If the employee leaves within three years they will need to pay the City back the amount.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE PROPOSED EMPLOYEE POLICY MANUAL AMENDMENT RELATIVE TO COMMERCIAL DRIVER'S LICENSE TRAINING.

Consider Update to City's Non-DOT Drug, Alcohol, and Cannabis Policy

Committee Chair Johnson stated that this policy change will ensure a cannabis free workplace.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, 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).

Consider Applying Double Fees to After the Fact Zoning and Subdivision Processes and Permits

Committee Chair Johnson stated that if the City finds a construction job without a permit, this will allow them to charge double the fee for work that is already completed as they did not follow the zoning process.

Member Czczok stated that he does not disagree. However, he requests that the ordinance include language to protect homeowners for not being aware of the need for the permit.

Member O'Day asked whether this would be continuous for each of their future infractions.

Committee Chair Johnson stated that it will be per infraction. Staff could also use this as a solution for short-term rentals that are out of compliance.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO 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.

Unfinished Business

Committee Appointments

Mayor Badeaux recommended Paul Sandy to the EDA.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPOINT PAUL SANDY TO THE EDA.

Mayor Badeaux recommended Mary Koep to the Kitchigami Regional Library Board, pending application.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO APPOINT MARY KOEP TO THE KITCHIGAMI REGIONAL LIBRARY BOARD CONTINGENT ON APPLICATION.

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)

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

Parking Commission—1 term (Expire 2026)

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

City Engineer/Public Works Director Dehn gave an overview of the ordinance.

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

Chair Bevans opened the public hearing at 8:22 p.m.

Shane Fitch, 15247 CR 25, stated that he believes the State has done a good job regarding the matter, restricting its use near minors. If using cannabis in a public area is such an issue, they Council should include all forms of smoking in the restriction and drinking in public. The police department has better things to do than chase around people smoking cannabis and give them citations. The opioid crisis is much more serious. He asked why he couldn't smoke a joint while he's fishing, and no one is around. The Council clearly does not represent all of Brainerd. If people are smoking around minors or under the influence while driving, he hopes that the police would respond, but the State has made cannabis legal, and they should be able to enjoy it after being discriminated against for so long.

David Kobs, 1315 L St, is a daily smoker of cannabis. He stated that if the Council believes now that cannabis is legal that it is all of a sudden going to be in the parks, it was already in the parks. He asked the Council to wait a year to see how the use of cannabis in public would affect the City.

Chris Smith, 601 3rd Ave NE, asked where the line of "public" is drawn in regard to campgrounds etc. He believes that if you're going to restrict cannabis, all smoking in public should be restricted.

Jamie Crowler, 219 S 6th St, stated that in a public place, he will not smoke near you out of respect. He understands that not everyone is like that, but he is tired of it just getting shut down right away. He referenced discussion at the workshop. He also thinks that the City should wait a year before acting to see what complaints there actually are.

Laurie Smith, 601 3rd Ave NE, stated that not everyone who smokes cannabis is looking to "get high". Some people smoke it to relieve mental health issues and to lessen pain from cancer. She would like to have the Council wait to impose restrictions to see if it is going to be an actual issue.

David Kobs, 1315 L St, stated that when it comes to cannabis people who smoke it are the experts compared to the Council. If they have questions, the Council should ask those that they serve.

Chair Bevans closed the public hearing at 8:42 p.m.

Mayor Badeaux thanked those who came forward to speak.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK TO ADOPT ORDINANCE 1554.

ORDINANCE 1554

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

Adopt Resolution for the Denial of Interim Use Permit for a Short-Term Rental at 515 S 9th Street

Community Development Director Kramvik gave a brief overview of the process to deny the interim use permit.

Member Czeczok asked whether additional reasons were necessary for the denial or whether the resolution was sufficient.

Community Development Director Kramvik stated that the resolution was sufficient in providing reasons for the denial of the Interim Use Permit.

Member Johnson stated that he appreciates the resolution being put together. He requests that in the future staff provide Council with a list of legal reasons the Council could use for denial.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY TO ADOPT RESOLUTION FOR THE DENIAL OF INTERIM USE PERMIT FOR A SHORT-TERM RENTAL AT 515 9TH ST.

RESOLUTION 34:23

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

New Business

Consider Variance Request for an Accessory Structure at 11617 Andrew St

Community Development Director Kramvik gave an overview of the variance request. The vote at Planning Commission was a 3-3 vote for approval.

Member Johnson asked about the building materials that the applicant could use for an accessory structure in the general commercial district.

Community Development Director Kramvik stated that not more than 25% of an accessory structure could be metal siding in the district.

Member Stenglein stated that at Planning Commission there was a lot of support for the business itself. She voted no at commission as a PUD is an option, which would give the City more control over the build.

Member O'Day asked how similar the building would look to those next to it. He also asked why he chose to have an accessory structure rather than adding onto the existing building.

Don Booth, 14634 Lynndale Ln, stated that the building will match the hotel that he is reconstructing. There are a lot of issues that are going to be very expensive, if a variance can be gotten to move the build along in a more financially smart way, he hopes that the Council would do that. Moving the business into town will bring more business, jobs, and housing to the area. Connecting the building to the other building could cause another \$100,000 or more to construct the addition.

Member Stunek stated that the pros of the project far outweigh the cons.

Member Czczok thanked the developer for his business plans and bringing the matter to Council. He supports the plans.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO APPROVE THE VARIANCE REQUEST BASED ON THE FINDINGS OF FACT FOR THE CONSTRUCTION OF THE ACCESSORY STRUCTURE AT 11617 ANDREW ST.

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

Consider Variance Request for Accessory Structure at 219 W. Laurel St

Community Development Director Kramvik gave an overview of the request.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK, DULY CARRIED, TO APPROVE BOTH VARIANCE REQUESTS AT 219 W LAUREL ST. BASED ON THE FINDINGS OF FACTS PRESENTED AND THE CRITERIA FOR APPROVAL.

Consider Interim Use Permit Request for a Short-Term Rental at 203 Hawkins Dr

Community Development Director Kramvik gave an overview of the request.

Member O'Day asked how much a short-term rental permit cost and how long are they issued for.

Community Development Director Kramvik stated that an interim use permit is \$250, it is valid until the property is sold to a different owner or expiration dates can be imposed. A rental license is \$32 per year.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO APPROVE THE INTERIM USE PERMIT FOR ONE SHORT-TERM RENTAL UNIT AT 203 HAWKINS DRIVE WITH CONDITIONS.

Member O'Day stated that this is a slippery slope if we just push this through. He believes that there are no real consequences for operating a short-term rental without a permit other than double fees, which would equate to 2 nights. He thinks the consequence should be one year without operation.

Mayor Badeaux stated that he is all over the place on short-term rentals, and believes that at some point, you are affecting the housing stock. He wants to see families moving to Brainerd buying good housing stock. He is satisfied with the fact that the owner was asked to blackout dates until a permit was granted and they did so. He believes that the Planning Commission needs to quickly consider short-term rentals.

Member Czczok stated that he agrees with Member O'Day and Mayor Badeaux. He appreciates the work by the Planning Commission and stated that the expiration date is the reason he is in favor of approving the permit.

Member Stenglein stated that the expiration date was the condition added by the Planning Commission. They will begin reviewing short-term rentals at their next meeting.

Member Johnson asked what happens to the properties that have an interim use permit to operate a short-term rental without an end date if the City decides it doesn't want short-term rentals in the City.

Community Development Director Kramvik stated that our zoning code does allow for removing interim use permits if the code was to be amended.

Member Johnson stated that he tends to agree that everyone who broke the rule should be treated the same. He appreciates that short-term rentals are going to be pursued by the Planning Commission, he would prefer the end date to be 2024, and likes that it also includes the payment of lodging tax in the conditions it would be an easy way to revoke the permit if they miss a payment.

Member Bevans stated that the Council tends to discuss expansion of issues. The issue is one house, one permit, with these conditions, yes or no. He is in favor of fixing the short-term rental ordinance, but that is not the issue tonight.

Member Czczok stated that he is in favor of this motion as it lasts a year and a half.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON, DULY CARRIED, TO AMEND THE MOTION TO CHANGE THE EXPIRATION FROM DECEMBER 31, 2025, TO DECEMBER 31, 2024.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO APPROVE 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 LODGING 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, 2024.

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

First Reading - Proposed Ordinance 1555 – Amending Section 320- Contesting Administrative Citations

Community Development Director gave a brief overview of the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1555- AMENDING SECTION 320- CONTESTING ADMINISTRATIVE CITATIONS AND DISPENSE WITH THE ACTUAL READING.

Set Date for Council Workshop for Classification and Compensation Study Presentation

August 21st, 2023

HR Director Schubert stated that the staff is hoping that the presentation will be ready by September 11th. Staff will also hold a Union Negotiation Strategy closed session at the August 28th Council Workshop.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO SET A COUNCIL WORKSHOP TO REVIEW THE CLASSIFICATION AND COMPENSATION STUDY PRESENTATION ON SEPTEMBER 11TH, 2023, AT 6:00 P.M. IN THE COUNCIL CHAMBERS.

Public Forum

The Chair opened the public forum at 9:42 p.m.

Andrew Shipe, 711 N 8th St, stated that he appreciates all of the work done by staff on the boil water advisory. However, he would appreciate clearer communications in the future on all matters.

The Chair closed the public forum at 9:43 p.m.

Staff Reports

Community Development Director Kramvik stated that the Planning Commission will hold a public hearing for the parking ordinance at the next planning commission meeting and begin to review the short-term rental ordinance. Community Development Department has begun to add property updates to the staff report.

City Engineer/Public Works Director Dehn stated that the final easement for Buffalo Hills Gully Project has been received, working with Bolton & Menk to have the project go out for bid. The SW 4th project has had measures to prevent further erosion of the bank. Because of the SW 4th project, the e-bike ordinance was not ready.

Police Chief Davis stated that "Bags with Badges" 2nd annual event is August 24th at the NP Center. He invited Council and Staff to stop by to say hello. It's a great opportunity for youth to spend time with public safety staff.

City Administrator Bergman thanked all of the Council Members, BPU Commission, and Staff for all of their help with the water distribution. Senator Klobuchar visited the Water Tower on August 21st. Finally, the Employee Appreciation Event is happening on September 6th, from 11:30-1:30 pm the Wellness Committee has requested that Council Members help serve part of the meal.

Mayor's Report

Mayor Badeaux stated that Senator Amy Klobuchar's visit was because she has submitted the Water Tower to receive federal funding in 2024. It was a great visit with her, he thanked her for her support on the project and other projects in the area. Shep's Elbow Convention is August 25th and 26th, there are over 22,000 members of the Loyal Order of the Elbow. Finally, he stated that in reading through the code for rental licenses, it states that "staff shall recommend revocation of rental licenses". He is disappointed that this is not on the agenda to revoke the rental license for the property from last meeting.

Council Member Reports

Member Stunek stated that the ribbon cutting for the fire station at the airport took place. Get out there for a tour.

Member Johnson stated that he appreciates all of the work that staff from the City and BPU have done with the boil order. He received an e-mail from a constituent about the boil order and would like concerns from the boil order addressed previous to or at the next Council meeting.

Member O'Day stated that when handing out water Saturday it was really fun to see all of the City departments represented overall the event was positive.

Member Stenglein stated that Senator Klobuchar said that when the Water Tower was done, she'd go up in the Tower. She attended the water distribution on Monday, she was very surprised at the reaction of residents. She had envisioned much more frustration.

Member Czczok stated that a water boil order isn't as bad as everyone is thinking, it's when the water is shut off that there are major concerns. He was disappointed in the Public Utilities Workshop about the issue related to copper in the water. It is happening because of the filtration of iron and manganese which corrodes copper. Our copper concentration is in violation in certain areas, the City is going to have to chlorinate the water in the future.

Adjourn

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

The Chair adjourned the meeting at 9:29 p.m.

Jennifer Bergman
City Administrator

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

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

Also noted as present were Administrator Bergman, Finance Director Hillman, and HR Director Schubert, City Engineer/Public Works Director Dehn, Community Development Director Kramvik, Chief Holmes, Chief Davis, and IT/GIS Director Strong.

2024 Budget and Levy Presentation and Discussion

Finance Director Hillman explained that a city must adopt a budget for at least the General Fund but is not required to adopt a budget for all funds and outlined how a city develops a budget. The discussion of the workshop focuses on the Working Funds (General, Public Safety, Parks, and Streets), debt and capital which are the funds the City needs to levy for operations.

Finance Director Hillman stated that the preliminary levy must be set by September 30th, 2023, with the final levy being set by December 31st, 2023. Finance Director Hillman gave an overview of the proposed budget and levy. The current proposed levy for the 2024 budget is 7.99% increase over 2023 to balance the budget (subject to change based on the compensation study). The projected budget levy is \$6,958,238 (subject to change). Ms. Hillman highlighted the various revenue and expense categories, as well as the capital and debt needs for 2024, explaining the assumptions used in the budget and reasons for the changes between the proposed 2024 budget and the 2023 budget. The Personnel and Finance Chair, Council President, and City Administrator did not recommend increases to the Library or Airport levies as requested.

Member O'Day asked about the number of funds, how many of the funds are not being used.

Finance Director Hillman stated that the other funds where a budget is not officially adopted are for a specific purpose.

Member Terry asked about additional funds from the legislature for Law Enforcement.

Finance Director Hillman stated that the City will receive approximately \$642,000 for this purpose, she recommends that the City designate the funding to larger projects as they have done with ARPA. At this time there are no requirements for reporting, but there may be in the future.

Chair Bevans asked about the Compensation Study Presentation effect on the budget.

Finance Director Hillman stated that there are a lot of moving parts with the compensation study. She recommended a special meeting or workshop after the presentation in order to certify the preliminary levy on time.

Chair Bevans stated that he would like to see a special workshop on the 13th of September in order to have discussion previous to the 2nd meeting in September.

Chair Bevans closed the work session.

Closed Union Negotiation Strategy Session Pursuant to MN Statute 13D.03, Subd.1(b) to Prepare for Negotiations with the IBEW Local No. 31 Unions

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ENTER INTO CLOSED SESSION FOR UNION NEGOTIATION STRATEGY SESSION PURSUANT TO MN STATUTE 13D.03, SUBD.1(B) TO PREPARE FOR NEGOTIATIONS WITH THE IBEW LOCAL NO. 31 UNIONS.

Council took a five-minute break.

Council went into closed session at 6:35 p.m.

Adjourn

The Chair adjourned the meeting at 7:55 p.m.

Jennifer Bergman
City Administrator

CALLAHAN CONCRETE & MASONRY,

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
6924 HOLMES AVE	Masonry	Active			2023-0010	12/31/2023

LAKE SHORE HEATING AND COOLI

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
7908 COUNTY 78	Mechanical	Active	MB776638	01/19/2025	2023-0069	12/31/2023

Total Licensees	2
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Population: All Records
Licensee.DateRegistered Between 8/18/2023 12:00:00 AM AND 8/31/2023 12:00:00 AM



Brainerd Fire Department Monthly Report

August 2023

ACTIVITIES AND PUBLIC EDUCATION

In August we participated in the North Brainerd National Night Out and Baxter Night to Unite. It was a great opportunity to see the community come out and support each other and their public safety partners.



We were honored to be part of the BIR Lucas Oil Nationals Opening Ceremony. We also provided fire safety and live fire extinguisher training to the staff at Culver's.



We tested 12,410 feet of hose and 224 feet of ground ladders, along with Fire Pumps, Aerial Apparatus and the SCBA Compressor. All are in good working condition.

Paid on-Call Firefighters provided event fire coverage for the Baja Races at the Crow Wing County Fair. The Relief Association would like to thank everyone for their support at their Brat Stand.





Brainerd Fire Department Monthly Report

August 2023

INSPECTIONS	
Fire Alarm	55
Fire Pump	1
Hood Suppression	48
Knox Box Install Inspection	2
Paint / Spray Booth Suppression	1
Safety Inspection	1
Special Suppression	2
Sprinkler System	43

BRAINERD FIRE COVERAGE AREA INCIDENT REPORT	
Type of NFIRS Incident (National Fire Incident Reporting System)	Coverage Area Total Incidents (Includes City of Brainerd)
Fire	3
Rescue & Emergency Medical Service	5
Hazardous Condition	4
Service Calls	5
Good Intent Call	9
Alarm Activation	19
Severe Weather	0
TOTAL	45
Type of NFIRS Incident (National Fire Incident Reporting System)	City of Brainerd Total Incidents
Fire	1
Rescue & Emergency Medical Service	2
Hazardous Condition	2
Service Calls	2
Good Intent Call	5
Alarm Activation	7
Severe Weather	0
TOTAL	19

CROW WING COUNTY ALERT



The City of Brainerd and Crow Wing County want to be sure you are aware of emergencies as they happen. **Everbridge** enables critical information, such as snow removal, severe weather and unexpected road closures to be sent in a time-

sensitive message by phone, email address, text messages and more. You create and control your profile and have the ability to make changes or delete your account at any time. Sign up at <https://member.everbridge.net/index/892807736729514#/signup>. Contact the Crow Wing County Emergency Management Director at 218-825-3443 with any questions.



HR DIRECTOR REPORT

In this report:

- Classification and Compensation Study
- Union Negotiations
- Wellness Committee
- Personnel
- Employment Law Policies
- Employee Appreciation Event

Classification and Compensation Study

A Council Workshop has been scheduled for September 11th for Flaherty & Hood to present their report and implementation recommendations.

Union Negotiations

We have three union contracts that will expire December 31, 2023. We have received two Notices of Intent to Negotiate at this time. The other union has inquired about the status of our Class/Comp Study so we can begin negotiations with that group as well. Negotiations with the IBEW Administrative Support and Public Utility Unions have been tentatively scheduled for October 9th and 10th.

Wellness Committee

2023 Biometric screening took place on Wednesday, August 23rd from 7am – 12:30pm. We had 29 employees take part in this opportunity and each of them earned themselves 50 Wellness points.

We will be partnering with both the City of Baxter and the Better Health Collective again this year for our annual Flu Shot Clinic. Like last year, we will be offering two options with one being morning and one being afternoon to help accommodate all employees. Baxter will host their clinic on Tuesday, September 19th from 3pm – 4:30pm at the Baxter City Hall and Brainerd will hold ours on Wednesday, September 20th from 8am – 9:30am in the City Hall Council Chambers. Information on this was sent out via email. If you would like to sign up but are having trouble with the provided link, please contact the HR Department.

Personnel

New Hires/Promotions for City/BPU/HRA:

None since our last report

Farewell to:

Numerous summer interns and temporary staff

Current Job Opportunities:

Full-time

Police Officer – A candidate was given a conditional job offer and is in the final stages of his pre-employment testing.

Finance Manager - The Council approved a conditional job offer for Daniel Lock with a tentative start date of October 30th. Mr. Lock is completing his pre-employment testing.

Part-time/Internships/Seasonal Positions:

Community Service Officer - A conditional job offer was extended and the individual is completing their pre-employment testing.

Employment Law Policies

An updated Drug and Alcohol Policy for non-commercial drivers was approved by the Council on August 21st.

Federal law was changed in 2022 requiring that anyone wanting a Commercial Driver's License be trained by an official certified trainer. Since this program is quite costly, on August 21st the Council approved a policy for a tiered reimbursement if the City pays for this training if the employee would leave within three years of the city-paid training.

With the plethora of employment law changes enacted by the 2023 MN Legislative session, our City Attorney is reviewing our Employee Policy Manual to incorporate the required changes. The recent policy changes approved by the Council will be incorporated then as well. In the meantime, HR Staff has participated in multiple League of MN Cities trainings addressing the law changes.

Employee Appreciation Event

Our 2023 Employee Appreciation Event will be held on September 6th at Lum Park. We have received 115 RSVP's so far. We had 85 employees attend last year, an increase of 30 employees this year! The Wellness Committee asked if Council would assist in serving drinks and desserts at the event.



CITY ENGINEER/PUBLIC WORKS DIRECTOR REPORT SEPTEMBER 5, 2023 CITY COUNCIL MEETING

Recreation Report

Adult Sports

- Adult Summer Softball
 - Summer Women's, Lower Men's, & Coed concluded.
 - MS1 championship will take place on August 23





- Summer Pickleball
 - Summer Tuesdays and Thursdays concluded – a lot of positive feedback!
 - A total of 31 teams this summer between the two days!



- Fall Pickleball (starts this week August 22 and August 24)
 - Current #s as of August 17:
 - Tuesdays “Just for Fun”: 6
 - Tuesdays “Competitive”: 4
 - Thursdays “Just for Fun”: 6
 - Thursdays “Competitive”: 3
- Fall Kickball/Softball
 - Fall Kickball has 8 teams, started on August 21st
 - MS2 Fall has 8 teams starts tonight, August 22nd
 - Coed Fall has 9 teams, starts on August 24th
 - MS1 Fall has 4 teams, starts on August 30th

- End of Summer “I love the 90s” Tournaments
 - Pickleball Doubles: 6 (Saturday)
 - Coed Adult Softball: 3 (Saturday)
 - Grass Coed 4s Volleyball: 4 (Sunday)
-

Parks Maintenance Report

- Retrieved garbage can from River at Lyman P. White Park
- Spraying Bee’s nest
- Painted bollards at shop
- Installed picnic tables at Rotary Park
- Prepped for Tournaments
- Removed host site trees
- Trimmed trees at North town
- Moved freezer for concessions
- Whipped S 6th bluds (East side also)
- Watering trees and flowers
- Weeded flower beds N 6th/ Washington
- Spraying herbicide
- Hooked up compressor and air lines to shop
- Hung retractable and manual air hose reels
- Salvaged ceiling fan old shop to new
- Smashed rain gutters Kiwanis Park
- Vandalized Soap dispensers Kiwanis Park
- Bee’s at campground and Buster Dog Park
- Moved first aid kit to new shop
- Moved lock out tag out station to new shop
- Watering trees, flowers and grass at LPW
- Prepping for national night out
- Cleaning side – walks
- Ground and filled stump on 10th / H St
- Hung first aid and lock – out tag out
- Deep cleaned Gregory Park Restrooms
- Extra trash cans to Gregory Park for National Night out
- Removed sign from LPW
- Marking and repairing Buffalo Hills softball fields
- Landscaped Gregory Park Entrance
- Pulled problem shrub at Tennis Courts
- Removed old drinking fountain
- Put in water hook up for grass at Gregory Park
- Removed graffiti from Gregory restroom.
- Fixed a leak at Lum restroom.
- Trimming trees and shrubs downtown
- Replaced water hose at LPW and moved sign
- Hauling class #5 to Buffalo Hills Park

- Planted grass and covered with straw
- Watering LPW and Gregory grass and Gregory Trees
- Fixed timer on Gregory Tennis Courts
- Fixed sprinkler at LPW
- Removed hazard branches at Buffalo Hills
- Blew out grandstands at Mills Field
- Fabricating old gates for Gregory
- Moving cabinets and counter tops from old shop
- Watering downtown
- Remove 2 heaters from old shop
- Removed overhead hoist from old shop
- Moved furniture from shop to city hall
- Met with a court surfacing specialist
- Took out hazard fencing from Kiwanis
- Fixed broken dead bolt at LPW
- Fixed Lum Showers
- Vandalism at Kiwanis – door handle and electrical box fixed
- Pressure washed grand stand bleachers
- Cutting lines at BBF
- Made LPW keys for City Hall
- Mowing and garbage runs daily
- Bought another 53 yards of lime
- Fixed Sod cutter
- Finished gate fabrication for Gregory
- Hung towel dispenser
- Watering grass, flowers, trees
- Assisting landscaper at LPW

Streets Maintenance Report

Maintenance Tasks Completed Month Prior

- Sewer inspection and cleaning
- Jetting sewer lines, including
- Marking utility locates
- Continued pothole patching
- Street sweeping as staff and weather allows
- Assisted with moving boulders in Jaycees and Gregory parks
- Painting crosswalks in the downtown and other areas
- Grading alleys after rain events when conditions are appropriate
- Installed traffic control for special event closures
- Repairing and patching sink holes at catch basins
- Receiving winter salt deliveries and blending salt/sand mix at maintenance facility
- Assisted with traffic control and materials for Lum Park boat launch replacement
- Cleanup tasks at the Public Works Maintenance Facility

Engineering Report

North Brainerd Reconstruction Project

Phases 1 and 2 have been completed. Punchlist items and restoration remain to be completed. Phase 3 is nearing completion with pavement anticipated to be placed prior to the Council meeting on the 5th. Final stabilization is part of the discussion at the Council meeting. Staff will be providing Council direction to the contractor regarding seeding and stabilization of Phase 3 for the next week. Staff will be compiling a punch list for the contractor of remaining items required to be addressed.

TH 25 Bridge Replacement over BNSF Railway

The contractor is continuing with bridge rail work and street construction in the approaches. It would be expected to see bridge work and street construction take place over the next few weeks. The closure and detour is likely to remain in place until the fall.

Graydon Avenue Outfall Repair Project

Council awarded the repair project to DeChantal Excavating. The contractor is planning on completing this work when their schedule allows in September.

Harrison Elementary Safe Routes to School Project

The contractor has completed the work on this project including recently placing the new RRFB signage that arrived earlier than anticipated. Staff will be coordinating with WSB and the contractor on any punch list items that remain.

S. 6th/Willow Roundabout Project

Staff has had a kick-off meeting with SEH to talk about the beginning facets of the project and begin coordination moving forward. SEH is beginning their preliminary investigation through record drawings and on-site surveying to determine the impacts to the adjacent areas. The City will continue to coordinate and direct SEH through regular PMT meetings with Council.

SW 4th Street Storm Outfall Project

In working with DeChantal Excavating, the City was able to complete a temporary correction to the washout to protect the potential of washing out of the infrastructure at SW 4th Street. The temporary fix consisted of a temporary storm pipe, outlet protection, and bringing in new fill with poly cover to stabilize the slope. We are currently coordinating with Bolton & Menk on a set of design sheets to work directly with Contractors on pricing and timing. We are also coordinating with the MnDNR and US Army Corps of Engineers to get approval before moving forward on the project. It is anticipated that we will be able to begin a permanent corrective project within the next couple weeks.

Buffalo Hills Gully Remediation Project

Staff has received all of the necessary signed easements from adjacent property owners needed to construct the project. We have also been able to review the plans and have a set of 100% final plans prepared. We have been coordinating with Crow Wing SWCD, MN BWSR, MnDNR, and the USACE regarding any plan reviews and permitting requirements needed for the project. Once cleared, staff will be bringing the easements and plans to Council with a request to advertise the plans for bids. It is anticipated that work would begin this winter with completion in the spring of 2024.

Other Activities

- Reviewed Erosion and Sediment Control plan for proposed developments
- Sent notices out for leaves and grass clippings thrown into the streets

- Sent notices out for grease line issues
- Kick-off meeting with SRF for TH 210 Utility Replacement project.
- Participated in MnDOT PROTECT Subgroup.
- Reviewed final documentation and began completion of final report for MN Historical Society regarding the Historic Water Tower project.
- Researched 3rd/Juniper stop sign request and installation from 2009.
- Participated in walkthrough with Widseth for the Police HVAC project.
- Preparation of Cannabis ordinance.
- Preparation of proposed Micromobility ordinance after meeting and discussing with stakeholders.
- Provided historical blueprints to Library.
- Researched potential sources of water contamination, specifically looking closely at North Brainerd project.
- Continued follow up with Contractor at Lyman P. White Park project for punchlist items.
- Preparation and review of 10-Year Capital Improvement Plan.
- Participated in tour and interviews with Consulting Realtors for development opportunities.
- Coordinated with MnDNR regarding needs for the Lum Park boat launch repair.
- Addressed claims for damages on North Brainerd project.
- Site visits and solicitation of SW 4th washout repairs with various contractors.
- Prepared and reviewed recommended 2024 operating budgets for PW Department.
- Reviewed complaint regarding curb in Rice Court.
- Attended presentation on MnDNR ReLeaf and Community Forest Management grant programs.
- Participated in Hydrodam Functional Exercise simulating possible disaster scenario at dam.
- Provided discussion and tour to Senator Klobuchar at Historic Water Tower.
- Discussed possible parking lot expansion with property owner at Triangle Drive-In.

Transit Report

Activities

- The call answered percentages have improved and are now over 93% in the last couple weeks.
- Phone answering and Maintenance continue to be top priorities for 3PC.
- Continued additional training being provided to the dispatchers as issues arise and training opportunities are presented.
- Staff has been assisting with training of the newly hired 3PC on-site manager.
- Researched Transit Cooperative agreements with CWC, Baxter and Pine River.
- Prepared updated MOU's for Productive Alternatives and St. Francis Catholic School
- Continued work on monthly reporting and reviewing 3PC invoices.
- Continued participation with AECOM's service, financial and technology planning analysis. We are expecting that they will have a report and recommendations by spring of 2024.
- Preparation of documentation required for the 2024 OTAT solicitation for grant funding.
- Participated in MnDOT's Comprehensive Review (Audit) of the Transit program.
- Addressed requests for information on changes by CWC Board and legislators.
- Reviewing reports of accidents, damage, or injuries on buses.
- Reviewing complaints of Transit 3PC (drivers, dispatch, etc.) and forwarding them to 3PC supervisors.

- Ridership Reporting for July 2023
 - Overall Transit Program
 - Year To Date
 - 1/1/22-7/31/22 = 30,888
 - 1/1/23-7/31/23 = 30,744 (-144)
 - July Only
 - July 2022 = 3,836
 - July 2023 = 3,424 (-412)
 - Brainerd Transit
 - Both Inside City Limits and Outside City Limits
 - July 2022 = 2,698
 - July 2023 = 2,536 (-162)
 - Likely reasons for declines in July
 - Loss of Pine River effective 7/14
 - Brainerd fare increase from \$1.25 (2022) to \$2.25 (2023)
 - Issues with call answered percentages



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Approve Withdrawal of School Resource Officer Services Agreement with ISD 181

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: John Davis, Police Chief

DEPARTMENT: Police

PRESENTER: John Davis, Police Chief

ESTIMATED TIME (MIN): 10 minutes

SUMMARY OF ISSUE: Staff is requesting council approval to withdrawal from the School Resource Officer (SRO) contract with the Brainerd School District. The agreement is to provide one SRO on a full-time basis and provide additional services outside of regular school hours. The contract is in effect until June 30, 2025. The school district was to pay the City of Brainerd \$91,788.00 (2023/2024 school year) and \$96,644.00 (2024/2025).

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: A new law which went into effect on August 1st places restrictions on an officer's ability to use force towards a student in instances where an officer would normally have had the lawful authority to do so. This restriction only applies to officers working as agents of the school district. An officer would be considered an agent if there was an agreement to provide SRO services, or potentially if an officer's work assignment provided similar services within a school. Officers would only be able to use reasonable force "when it is necessary to prevent bodily harm or death to the student or another." The most frequent instances where an officer uses force are situations where minimal force is used to restrict an individual's movement to stop or prevent criminal activity versus the less frequent use of force to defend against bodily harm. The inability to prevent or deescalate a situation with minimal force could lead to the incident escalating to the point of crimes being committed, injuries occurring, and now the need to use a higher level of force for defense. An officer's ability to properly intercede would be diminished when a student is engaging in disorderly conduct, fleeing from illegal activity, physically damaging property, etc. Officers would for the first time now be accountable for two differing use of force standards without the needed clarity of the law to make a split-second decision in circumstances that are tense, uncertain, and rapidly evolving. The opinion of Attorney Langel and the League of MN Cities is there would be an increase in potential liability if SROs continued to function within a school. The police department expects to still receive a significant number of calls for service from the high school. The police department would designate an officer to be a school response officer to address calls for service from the high school and attempt to remain near the school campuses to enable rapid responses.

RECOMMENDED ACTION/MOTION: Approve staff to work with Attorney Langel in withdrawing from the School Resource Officer Services Agreement with ISD 181

FINANCIAL IMPACT: \$91,788.00 (2023/2024 school year)

SCHOOL RESOURCE OFFICER SERVICES AGREEMENT

This School Resource Officer Services Agreement ("Agreement") is entered into by and between Independent School District No. 181, Brainerd Public Schools ("District") and the City of Brainerd ("City"). The District and the City are collectively referred to herein as the "Parties," and individually as a "Party."

WHEREAS, the Parties desire to maintain a cooperative and coordinated approach to deterring and addressing criminal activity on school property and at District-sponsored events and activities;

WHEREAS, Minnesota Statutes, section 126C.44 authorizes the District to contract with the City to have peace officers provide school resource services; and

WHEREAS, Minnesota Statutes, section 126C.44 further authorizes the District to levy for an appropriate portion of the costs the City incurs in paying wages, providing benefits, and providing transportation for peace officers who are assigned to perform school resource officer duties in the District;

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises contained in this Agreement and other valuable consideration, the sufficiency and receipt of which is acknowledged, the Parties agree as follows:

1. **Term and Termination.** This Agreement is for a term beginning on July 1, 2023, and ending on June 30, 2025. Either Party may terminate this Agreement, with or without cause, by delivering to the other Party a written notice of termination not less than ninety (90) days prior to the date of termination of this Agreement. All payments due under this Agreement shall be prorated in the event of such termination.
2. **Definitions.** The following definitions apply to this Agreement:
 - a. **"Additional services"** mean services that a peace officer provides, at the District's request, outside the regular hours of school resource officer ("SRO") service that are described in the third numbered paragraph of this Agreement. By way of example, but without limitation, a SRO performs additional services if, at the written request of a school administrator or District administrator, the SRO attends a school board meeting, an extracurricular activity, or a community function that is held in the evening.
 - b. **"Exigent circumstances"** mean circumstances under which the courts permit police officers to execute a warrantless search or seizure; circumstances under which a reasonable police officer would believe that a person presents an immediate and substantial risk of harm to self or others; circumstances under which urgent action is reasonably necessary in order to prevent the destruction of evidence of a serious crime; and circumstances in which a police officer is in hot

pursuit of a suspect who is believed to have committed, or to have attempted to commit, a serious crime and is in the process of fleeing.

- c. **“School resource officer” or “SRO”** means a licensed peace officer who is employed by the City and is assigned by the City to provide SRO duties and/or additional services pursuant to this Agreement.
- d. **“SRO duties”** are the following law enforcement duties performed by the SRO, as assigned by the City:
 - protecting persons who are present on school property or at a school sponsored event or activity;
 - protecting real and personal property;
 - deterring truancy;
 - serving as a role model for students, parents, and community members;
 - conferring with students, parents, and community members for the purpose of deterring or addressing criminal behavior on school property or at a school sponsored event or activity;
 - advising on security vulnerabilities in the District’s schools;
 - visiting and inspecting high delinquency areas on school property;
 - being present and visible on school property;
 - deterring all forms of criminal activity on school property and at school sponsored events and activities;
 - serving as a resource for school officials regarding the prevention of criminal activity on school property and at school sponsored events and activities;
 - serving as a mentor and resource for students;
 - giving presentations to students and staff that are designed to promote safety or to deter, decrease, or otherwise address drug use or other potential criminal activity by students during school hours;
 - investigating and otherwise addressing criminal activity that has occurred, is alleged to have occurred, may have occurred, or is expected to occur on school property or at a school sponsored event or activity;
 - recovering stolen property;
 - enforcing all criminal laws on school property and at school sponsored events and activities;
 - apprehending criminals and suspected criminals;
 - responding to emergencies including, but not limited to, medical emergencies and situations involving a threat of violence or harm to property or to any person who is on school property or is at a school sponsored event or activity;
 - attending trainings provided by the District;
 - meeting and collaborating with school administrators and District administrators to develop and work toward mutually agreed upon goals; and
 - other tasks as assigned by the Brainerd Police Department.

4. **Base Payment.** The District will pay the City for all SRO services, excluding additional services, as follows:
 - a. **2023-2024 School Year.** The District will pay the City a total of \$91,788. This amount will be paid in two equal installments on December 15, 2023 and June 15, 2024.
 - b. **2024-2025 School Year.** The District will pay the City a total of \$96,664. This amount will be paid in two equal installments on December 15, 2024, and June 15, 2025.
5. **Invoice for Additional Services.** The District's Superintendent, Lead Principals, or Activities Director may request in writing that the City assign one or more peace officers to provide "additional services" as defined in this Agreement. The City will make reasonable efforts to accommodate such requests. When the City assigns an officer to provide additional services, the District will be responsible for paying the officer's wages for the hours worked while providing additional services, any resulting overtime costs, a prorated portion of the officer's benefits for the hours worked while providing additional services, and the officer's transportation costs directly associated with providing additional services. The City will submit an itemized invoice to the District describing the additional services that were provided, the location where the additional services were provided, and the costs the City incurred in providing the additional services.
6. **District Responsibilities.** In addition to making the payments described in this Agreement, the District will provide office space for the SRO in the Brainerd High School. At a minimum, the office space will be furnished with a desk, two or more chairs, and landline telephone. The office will be enclosed, provided with electricity and access to the internet and telephone service, lighted, and climate controlled in the same manner as the other rooms in the Brainerd High School. The SRO will have access to the office during the normal business hours of the Brainerd High School. In the event that the SRO requires access to the office when the Brainerd High School is not open, the City may contact Reid Thiesse, Director of Buildings and Grounds, who shall make arrangements to allow the SRO to access the office. The SRO may print materials and make photocopies at the school where the SRO is stationed if the materials and photocopies relate to SRO duties. Individual schools may elect to provide additional resources, such as a two-way radio, to the SRO. School administrators and District administrators will provide guidance and assistance to each SRO as needed.
7. **Relationship of the Parties.** Nothing in this Agreement may be construed to create a partnership or joint venture between the District and the City. Neither party has any authority or power to take any unilateral action that could legally bind the other party. For purposes of the Minnesota Government Data Practices Act, each party is considered to be an independent contractor relative to the other party. The parties understand and agree that this Agreement does not create any rights or obligations beyond those expressly contained herein, including, but not limited to, any rights or obligations to any third party.

All SRO duties shall be performed in accordance with applicable City, Brainerd Police Department, and District policies and procedures.

- e. **“School day”** means a day on which school is in session for in-person instruction, hybrid instruction, or distance learning, including any make-up days that are scheduled because school was canceled for any reason. School days are identified on the District calendar, which is published on the District’s website. Days on which students attend summer school are not school days.
 - f. **“School property”** means any property owned, leased, or controlled by the District where an elementary school, middle school, secondary school, secondary vocational center, alternative learning program, or other school providing educational services is located or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided.
3. **Assignment of School Resource Officer.** The City will assign one full-time licensed peace officer to perform SRO duties on a full-time basis. SRO services will be provided during each school day. The SRO will provide SRO services at all school property within the City and will be primarily assigned to Brainerd High School.
- a. **Base Services.** The SRO provided by the City will carry out SRO duties for eight (8) hours each school day beginning on the first day of the regular school year through the last day of the regular school year, except for any days in which students are not in attendance due to a school closure or distance learning, for up to one hundred seventy-one (171) days per school year.
 - b. **Absences.** If the regular SRO is absent for more than 10 consecutive school days, the City will undertake reasonable efforts to assign another licensed peace officer to serve as a temporary replacement and perform the regular SRO’s duties during any additional absences.
 - c. **Vehicles, Equipment, and Training.** The City is responsible for providing the SRO with a vehicle and all necessary law enforcement equipment, including any necessary electronic devices. The City is also responsible for providing training and education to all peace officers who are assigned to provide services pursuant to this Agreement.
 - d. **Objections to Personnel.** The City will undertake reasonable efforts to assign peace officers who are acceptable to the District, and will provide the District with an opportunity to provide input before a new SRO is assigned to the District. The District will notify the City’s Chief of Police of any concerns related to the performance of the SRO. Any request for reassignment of the SRO that is based on work-related concerns must be made in writing to the Chief of Police. The City will have thirty (30) calendar days to demonstrate to the District’s satisfaction that the concern has been addressed in accordance with applicable collective bargaining agreements, City policies, and practices.

8. **SRO Employment Status.** At all times and for all purpose, the City is and will remain the exclusive employer of all peace officers who perform services pursuant to this Agreement. No SRO may be considered to be an official, employee, agent, educational service provider, or representative of the District, and neither party may make any representation to the contrary. The City maintains full control over the peace officers it employs and is solely responsible for all employment and administrative functions related its employees, including, but not limited to, supervision and evaluation, payroll and deductions, maintenance of all required insurance (e.g. workers' compensation insurance, unemployment insurance, liability insurance), and any labor disputes or grievances.
9. **Liability and Indemnification.** Each party is solely responsible for the act(s) and omission(s) of its own officers, employees, officials, agents, and representatives. To the extent permitted by law, each party agrees to indemnify the other party from any and all damages, liability, judgments, claims, expenses, attorney fees, and costs resulting from any act or omission of any of its officers, employees, officials, agents, or representatives. Each party's liability, if any, is limited under Minnesota Statutes Chapter 466, and nothing this Agreement may be deemed to constitute a waiver of those limits.
10. **Prohibited Actions.** In the absence of exigent circumstances, a peace officer who is employed by the City may not interview a student on school property about criminal activity or potential criminal activity unless: (a) the officer is conducting a maltreatment of minor investigation; (b) the crime has occurred, is alleged to have occurred, may have occurred, is occurring, or is reasonably expected to occur in the near future on school property or at a school sponsored event or activity; or (c) the officer has obtained prior written permission from the building principal and from the student's parent or guardian or the student, if the student is eighteen (18) years of age or older. In addition, the parties understand and agree that a peace officer, including any SRO assigned pursuant to this Agreement, may not participate in recommending or determining student discipline or in investigating incidents of student discipline which do not involve potential criminal activity.
11. **Execution of Arrest Warrants.** When executing an arrest warrant for a student on school property, a peace officer must make reasonable efforts to protect other students and staff members who are present and to avoid undue embarrassment to the student who is being arrested. This paragraph is not intended to prevent an officer from taking immediate action to arrest a student who is fleeing or who presents an imminent and substantial risk of harm to self, others, or property.
12. **Notices.** The District must provide all official notices under this Agreement by electronic mail or U.S. Mail addressed to the City's Chief of Police, John Davis, at john.davis@ci.brainerd.mn.us or at 225 E River Road, Brainerd, MN 56401. The City must provide all official notices under this Agreement by electronic mail or U.S. Mail addressed to the District's Superintendent, Heidi Hahn, at heidi.hahn@isd181.org or Washington Educational Services Building, 804 Oak St., Brainerd, MN 56401. Either party may designate a different addressee or address at any time by giving written notice

to the other party. Notice that is delivered by mail is effective upon mailing. Notice that is delivered by email is effective upon transmission.

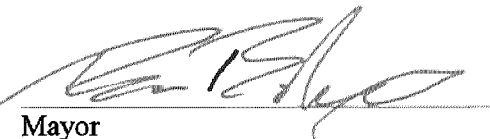
13. **Data Practices.** All government data that are collected, created, received, or maintained as a result of this Agreement will be handled in accordance with all applicable federal and state laws, including, but not limited to, the Minnesota Government Data Practices Act ("MGDPA"). The parties recognize that educational data maintained by the District are protected under the MGDPA and under and the Family Educational Rights Privacy Act ("FERPA"), including its implementing regulations at 34 C.F.R. part 99. The parties acknowledge that unless a statutory exception applies, the District may not disclose private educational data to a SRO without the written consent of the student's parent or guardian (or the written consent of the student if the student is eighteen years of age or older); a lawfully issued subpoena; or a court order. Nothing in this Agreement may be construed to modify the responsibilities of either party under the MGDPA or the District's responsibilities under FERPA.
14. **Background Checks.** The City must conduct, or have conducted, a criminal background check on all peace officers who provide any service pursuant to this Agreement. The background check must be completed before the peace officer provides any service pursuant to this Agreement.
15. **No Unlawful Discrimination.** The District and the City each agree to provide equal employment opportunities to all employees and applicants for employment in accordance with all applicable federal, state, and local laws. No person may be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program, service, or activity based on race, color, religion, age, sex, disability, marital status, sexual preference, public assistance status, creed, or national origin. In addition, the District and the City each specifically agree not to discriminate unlawfully against any student in any program, service, activity, or decision based on race, color, religion, age, sex, disability, marital status, sexual preference, public assistance status, creed, or national origin.
16. **Waiver and Enforcement.** The failure to insist on compliance with any term, covenant, or condition contained in this Agreement must not be deemed to be a waiver of that term, covenant, or condition, nor will any waiver or relinquishment of any right or power contained in this Agreement at any time be deemed to be a waiver or relinquishment of any right or power at any other time. Each party is be responsible for its own costs, expenses, and any attorneys' fees associated with this Agreement and any related matters, including enforcement of this Agreement.
17. **Equal Drafting.** In the event that either party asserts that a provision of this Agreement is ambiguous, this Agreement must be construed to have been drafted equally by the Parties.
18. **Choice of Law, Forum and Severability.** This Agreement is governed by the laws of the State of Minnesota, without regard to its conflict of laws provisions. The parties

agree that the Minnesota state and federal courts will have exclusive jurisdiction over any dispute arising out of this Agreement. If a court determines that any part of this Agreement is unlawful or unenforceable, the remaining portions of the Agreement will remain in full force and effect.

19. **Entire Agreement, Changes, and Effect.** This Agreement constitutes the entire agreement between the District and the City regarding the matters contained herein. This Agreement supersedes any inconsistent statements or promises made by either party. This Agreement also supersedes and terminates any prior or existing agreements or contracts regarding the same or any similar subject matter. Neither party has relied upon any statements, promises, agreements, or representations that are not stated in this Agreement. No changes to this Agreement are valid unless they are in writing and signed by both parties. A copy of this Agreement has the same legal effect as the original.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the dates recorded by their signature. By signing below, each party specifically acknowledges that it has read this Agreement and that it understands and voluntarily agrees to be legally bound by all terms of the Agreement.

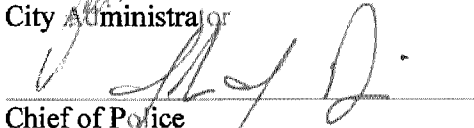
CITY OF BRAINERD


Mayor

6/5/23
Date

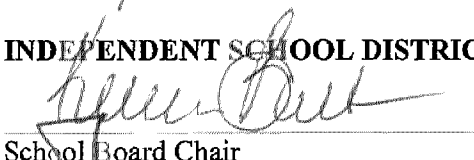

City Administrator

6/6/23
Date


Chief of Police

6/6/23
Date

INDEPENDENT SCHOOL DISTRICT NO. 181


School Board Chair

6/12/23
Date


School Board Clerk

6/12/23
Date

SCHOOL PUPILS: DISCIPLINE: Laws of Minnesota 2023 ch. 55, art. 2, § 36 and art. 12, § 4 do not limit the types of reasonable force that may be used by school staff and school resource officers to prevent bodily harm or death. Minn. Stat. §§ 121A.58; 121A.582.



The Office of
Minnesota Attorney General Keith Ellison
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August 22, 2023

Willie L. Jett, II
Commissioner
Minnesota Department of Education
400 NE Stinson Boulevard
Minneapolis, Minnesota 55413

Re: Recent Amendments to Student Discipline Laws

Dear Commissioner Jett:

Thank you for your letter of August 18, 2023, which seeks clarity regarding recent amendments to student discipline laws, Minnesota Statutes sections 121A.58 and 121A.582. *See* Act of May 24, 2023, ch. 55, Art. 2, § 36; Art. 12, § 4 (hereinafter, the Amendment). Pursuant to Minnesota Statutes section 8.07, I issue this opinion to offer binding guidance on the issue you have raised.

BACKGROUND

Relevant to your inquiry, the Amendment revises Minnesota Statutes section 121A.58 to include a definition of “prone restraint” and to specify that school employees and agents generally:¹ (1) “shall not use prone restraint” on pupils; and (2) “shall not inflict any form of physical holding that restricts or impairs a pupil’s ability to breathe; restricts or impairs a pupil’s ability to communicate distress; places pressure or weight on a pupil’s head, throat, neck, chest, lungs, sternum, diaphragm, back or abdomen; or results in straddling a pupil’s torso” (i.e., compressive restraint techniques). *Id.* at Art. 2, § 36.

The Amendment also revises Minnesota Statutes section 121A.582 to provide that: (1) teachers and principals may use reasonable force “to correct or restrain a student to prevent imminent bodily harm or death to the student or another”; and (2) other school employees, agents,

¹ Neither the relevant statutes nor the Amendment defines “agents” of the school district. In the absence of a definition provided by the Legislature, Minnesota courts would likely apply “its ordinary legal meaning, which is one who has the authority to act on another’s behalf.” *Hogan v. Brass*, 957 N.W.2d 106, 109 (Minn. Ct. App. 2021) (using that definition of “agent” to interpret chapter 317 of Minnesota law). Whether an individual has authority to act on behalf of the school district depends on facts specific to each circumstance.

and bus drivers may use reasonable force “to restrain a student to prevent bodily harm or death to the student or another.” *Id.* at Art. 12, § 4.

QUESTION PRESENTED

You have expressed uncertainty regarding whether the Amendment categorically prohibits prone restraint and compressive restraint techniques in all scenarios. In particular, you ask: “whether the new language in Minnesota Statutes, section 121A.58, subdivision 3 and its reference to Minnesota Statutes, section 121A.582, acts as an exception to the general prohibition on prone restraints and other types of physical holds, thereby allowing the use of these practices when doing so would ‘prevent imminent bodily harm or death to the student or to another.’”

SUMMARY OF CONCLUSION

The Amendment does not limit the types of reasonable force that may be used by school staff and agents to prevent bodily harm or death.² The test for reasonable force remains unchanged, and is highly fact-specific.

ANALYSIS

Three things support this conclusion. First, the Amendment adds a new sentence to Minnesota Statutes section 121A.58, subdivision 3: “Nothing in this section or section 125A.0941 precludes the use of reasonable force under section 125A.582.” *Id.* at Art. 2, § 36.³ By this language, the Legislature expressed its clear intent to not limit the use of reasonable force when faced with the threat of bodily harm or death. *See, e.g., Houck v. Houck*, 979 N.W.2d 907, 911 (Minn. Ct. App. 2022) (interpreting a “nothing in this section” provision as unambiguous and “susceptible to only one reasonable interpretation”).

Second, Minnesota Statutes section 121A.582 states that: “Any right or defense under this section is supplementary to those specified in section 121A.58[.]” Minn. Stat. § 121A.582, subd. 4. This further evinces the Legislature’s view that the use of reasonable force authorized in Minnesota Statutes section 121A.582 is separate and distinct from the conduct prohibited by Minnesota Statutes section 121A.58. *See, e.g., Christensen v. State Dep’t of Conservation, Game and Fish*, 175 N.W.2d 433, 434 (Minn. 1970) (noting that provisions of an act that are supplementary to each other are construed together so as not to defeat rights); *Merriam Webster’s Collegiate Dictionary* (11th ed.) (defining “supplementary” to mean “additional”).

² Teachers and principals may use these restraints only when a threat of bodily harm or death is *imminent*. *See* Act of May 24, 2023, ch. 55, Art. 2, § 36. However, the word “imminent” is not included in subdivision 1(b), which relates to a broader set of individuals, including school employees, bus drivers, and other “agent(s) of the district.”

³ Minnesota Statutes sections 125A.0941-.0942 restrict the actions that may be taken toward students with disabilities. It explicitly allows the use of reasonable force under section 121A.582. Minn. Stat. § 125A.0942, subd. 6(b).

Third, and relatedly, even without those clear indications of intent from the Legislature, the usual canons of statutory construction support the same result. Section 121A.582 specifically governs responses to threats of violence, and therefore controls over the more general statute about acceptable punishments. *See* Minn. Stat. § 645.26, subd. 1 (stating that when a conflict exists between two statutory provisions, the specific provision “shall prevail and shall be construed as an exception to the general provision”); *accord Connexus Energy v. Commissioner of Revenue*, 868 N.W.2d 234, 242 (Minn. 2015). Furthermore, had the Legislature intended to exclude prone restraint and compressive restraint techniques from the reasonable force permitted under Minnesota Statutes section 121A.582, it would have clearly said so. *See In re E.M.B.*, 987 N.W.2d 597, 601 (Minn. Ct. App. 2023) (reiterating that courts cannot add words or meaning to a statute that the Legislature intentionally or inadvertently omitted).

Accordingly, the Legislature did not change the types of reasonable force that school staff and agents are authorized to use in responding to a situation involving a threat of bodily harm or death. Of course, what force is “reasonable” is not defined in law and is determined on a case-by-case basis. *See Moses v. Minneapolis Pub. Schs.*, No. C4-98-1073, 1998 WL 846546, at *3 (Minn. Ct. App. Dec. 8, 1998) (“[T]he question of whether the school employees’ acts were a reasonable use of force is a fact issue to be answered by the jury.”); *cf. Bond by and through Bond v. Indep. Sch. Dist. #191*, No. A21-0688, 2022 WL 92661, at *5 (Minn. Ct. App. Jan. 10, 2022) (declining to apply official immunity where school dean used force explicitly defined as prohibited in school restraint training). In addition, the level of threat posed by a particular student or situation can change rapidly, and any assessment of what use of force was reasonable must take that into account.

In a recent meeting with representatives of your staff, the Minnesota Chiefs of Police Association, the League of Minnesota Cities, and the Minnesota Police and Peace Officers Association, participants raised other important questions about the standards applicable to school resource officers or other contracted peace officers at school events. Those questions are beyond the scope of your August 18 request and more appropriately directed at the Legislature.

Sincerely,



KEITH ELLISON
Attorney General

Cc: Jeff Potts, Executive Director
Minnesota Chiefs of Police Association
Imran Ali, counsel for MPPOA
Patricia Beety, General Counsel
League of Minnesota Cities

Subject: Statutory changes regarding use of force by school resource officers and other officers working in school settings.

Principal Issues: Use of force by SROs and other officers who are agents of a school district; limitations on circumstances allowing the use of force toward students; use of prone and compressive restraint toward students.

Date Issued: August 28, 2023

Prepared By: League of Minnesota Cities Insurance Trust

Executive summary:

As a result of recent changes to Minnesota law, and an interpretation of these changes by the Minnesota Attorney General:

- School Resource Officers (SROs) and officers contracted to work in a school district (contracted officers) may only use reasonable force toward a student when necessary to prevent bodily harm or death to the student or another.
- SROs and contracted officers are legally permitted to use prone and compressive restraint toward a student, but only when necessary to prevent bodily harm or death to the student or another.

Introduction:

Minnesota Statutes chapter 121A governs student rights, responsibilities, and behavior. In 2023, lawmakers included two provisions in the education bill that amended this chapter to limit the use of force toward students by SROs and contracted officers. PATROL published a Special Update discussing the amendments and their effects on August 9, 2023. On August 22, the Minnesota Attorney General issued an opinion covering some of these same topics and arriving at

different conclusions than the Special Update.¹ Under Minnesota law, opinions of the Attorney General “upon any question arising under the laws relating to public schools... shall be decisive until the question involved shall be decided otherwise by a court of competent jurisdiction.”² The Attorney General’s Opinion has the force of law until a court declares otherwise.³ Accordingly, the August 9 PATROL Special Update is withdrawn. It is replaced with this one, which considers the effects of both the Attorney General’s opinion and the statutory amendments that the opinion did not address.

Who is covered by these new limitations?

The new limitations on the use of force apply to, among others, agents of a school district. The recent changes to section 121A.58 clarify that the term “agent” includes SROs, security personnel, and officers who are “contracted with a district.”

A prudent interpretation of these amendments is that sections 121A.58 and 121A.582 now apply to all peace officers who work as SROs, to those who work under the somewhat related title of school liaison officer, and likely to those who provide police or security services within the school environment under a contract with a school district. Arguably, section 121A.58, subdivision 2a could be read as applying only to

¹ *Laws of Minnesota 2023 ch. 55, art. 2, § 36 and art. 12, § 4 do not limit the types of reasonable force that may be used by school staff and school resource officers to prevent bodily harm or death. Minn. Stat. §§ 121A.58; 121A.582. Op. Att’y Gen. (August 22, 2022) (hereinafter, “AGO Opinion”), https://www.ag.state.mn.us/Office/Communications/2023/docs/Opinion_SchoolDiscipline.pdf.*

² Minn. Stat. § 8.07 (2022); see also *City of Brainerd v. Brainerd Invs. P’ship*, 812 N.W.2d 885, 891 (Minn. Ct. App. 2012), *aff’d sub nom. City of Brainerd v. Brainerd Invs. P’ship*, 827 N.W.2d 752 (Minn. 2013) (“For example, Minn. Stat. § 8.07 (2010) grants attorney general’s opinions the force of law regarding the regulation of certain school matters.”).

³ *Id.*

SROs and contracted officers who would, because of contract language or other factors, meet the legal test for being “agents” of a school district.⁴ But subdivision 2a is written in a way that appears to categorize all SROs and contracted officers as “agents” of a school district—the subdivision governs those who are an “employee or agent of a district, *including* a school resource officer, security personnel, or police officer contracted with a district . . .” (emphasis added.) The word “including,” according to the Minnesota Supreme Court, means “to contain as part of the whole.”⁵ “Consequently, the word is used to suggest that what follows is a partial and not exhaustive list of the content to which it refers.”⁶ Read thusly, SROs, security personnel, and contracted officers are among the class of “agents” to whom the statutory amendments apply. This reading also avoids an unreasonable result. The purpose of these amendments could be virtually nullified if municipalities were able to place SROs beyond the statutory limitations on using force by merely avoiding contract language or circumstances indicating an agency relationship between SROs and school districts.

For law enforcement personnel, this means that officers with different assignments will face different standards for the use of force during interactions with students. SROs are likely to know they are SROs and thus governed by the statutory changes. But what does it mean to be “contracted” with a school district and therefore to be considered an agent? If a school district has contracted with a law enforcement agency or with individual officers to provide extra patrol, general security, or to be on hand for specific events, these officers would likely come under the new restrictions on the use of force.

Next, agencies should have their legal advisors review any agreements with school districts promptly. It is important to clarify that your agency is contracting to provide services through the presence of SROs or other officers on campus, not that your agency is agreeing more generally to

have all officers work cooperatively with the school district. Care should be taken to ensure that contracts cannot be construed as making all officers agents of the school district.

Finally, it does not appear that these new limitations apply to SROs and officers working in private (nonpublic) schools. This is because sections 121A.58 and 121A.582 apply to “agent[s] of a district,” which means a “school district.”⁷ That said, there may be situations where it is not immediately clear if a school is private or part of a district. Consult your agency’s legal advisor if there is any doubt about whether these new limitations apply in a particular school setting.

Occasions for using force:

Section 121A.582, subdivision 1(b) regulates the use of force toward students by school employees and agents of a school district. Before the recent amendments, this law permitted the use of reasonable force to “restrain a student or to prevent bodily harm or death to another.”⁸ Notably, the word “or” has been stricken from the operative language. The effect of this change is significant. Following the amendments, subdivision 1(b) permits school employees and agents to use reasonable force only “when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or to another.”⁹

⁴ See *Hogan v. Brass*, 957 N.W.2d 106, 109 (Minn. Ct. App. 2021) (The ordinary legal meaning of “agent” is “one who has the authority to act on another’s behalf.”).

⁵ *In re H.B.*, 986 N.W.2d 158, 168 (Minn. 2022), *reh’g denied* (Dec. 12, 2022) (internal citation omitted).

⁶ *Id.*

⁷ 2023 Minn. Laws Ch. 55, Art. 2, sec. 36 (codified at Minn. Stat. § 121A.58); Minn. Stat. §§ 121A.582, 120A.05, subd. 8. Moreover, statutes applicable to nonpublic schools generally refer to them specifically. See, e.g., Minn. Stat. §§ 123B.86 (equal treatment in transporting students); 171.321, subd. 4(d) (qualifications for bus drivers, referring to “a school district, nonpublic school, or private contractor shall”); 120A.22, subd. 7 (compulsory instruction, stating “a district, a charter school, or a nonpublic school that receives services”). The provisions of sections 121A.58 and 121A.582 that bring peace officers within their ambit contain no reference to nonpublic schools.

⁸ 2023 Minn. Laws Chap. 55, Art. 12, sec. 4 (codified at Minn. Stat. § 121A.582, subd. 1(b) (emphasis added)).

⁹ *Id.*

In other words, the authority to use force for the sole purpose of restraining a student has been removed from the law. Going forward, reasonable force may only be used in situations where it is necessary to prevent bodily harm or death to the student or another.¹⁰ Thus, force cannot be used where the only justification is to control the behavior of a student who is damaging property, causing a disturbance, or is acting out in a way that does not pose a threat of death or bodily harm.

As a result of the amendments, SROs and contracted officers are not permitted to use force for the purpose of arresting students for nonthreatening offenses. Section 121A.582, as amended, prohibits these officers from using any type or degree of force to *restrain* students except when necessary to prevent death or bodily harm, regardless of the offense level. This should not, however, stop SROs from taking students into custody when the arrest itself is a necessary act of restraint to prevent bodily harm or death. Unlike teachers and principals, SROs and contracted officers are not limited to only using force in situations where the threat of bodily harm or death is imminent.¹¹ The analysis for SROs in school settings should instead be similar to the one required under Rule 6.01 of the Minnesota Rules of Criminal Procedure, which permits officers to take someone into custody for a witnessed misdemeanor when necessary to prevent bodily harm to the accused or another.¹² As in cases involving Rule 6.01, facts showing that a threat of bodily harm is ongoing should suffice to support an arrest. Officers may draw reasonable inferences about the risks of bodily harm based on the totality

of the circumstances, including people's behavior in the immediate past, their present emotional state, and any other factors indicating that the situation is volatile.¹³

Restricted methods of restraint:

Section 121A.58 prohibits SROs and contracted officers from using prone or compressive restraint techniques toward a student. The Attorney General has issued binding guidance to the effect that section 121A.582 creates an exception to this prohibition for situations where the use of reasonable force is necessary to prevent bodily harm or death.¹⁴ Taking that guidance together with the plain language of section 121A.582 results in straightforward guidelines for SROs and contracted officers when responding to pupils:

- Reasonable force may only be used toward students when necessary to prevent bodily harm or death.
- When reasonable force is authorized, prone and compressive restraint may also be used so long as they are reasonable under the circumstances.

The reverse is also true: when the situation does not involve a threat of death or bodily harm, officers may not use prone restraint, compressive restraint, or any other form of force toward a student.

Given that the authority to use reasonable force, prone restraint, and compressive restraint all arise from circumstances involving a threat of bodily harm or death, it is unclear why the Legislature provided detailed definitions of prone and compressive restraint. At the very least, the existence of these definitions may signal an

¹⁰ The Attorney General did not provide guidance on how the amendments to section 121A.582 apply to SROs and officers contracted to work in schools where the situation does not involve a threat of bodily harm or death. However, the plain language of this law prohibits the use of force except as necessary to prevent death or bodily harm.

¹¹ Compare Minn. Stat. § 121A.582 subd. 1(a), as amended (teachers and principals may use reasonable force “to prevent imminent bodily harm or death. . .”) with *id.* subd. 1(b) (employees and agents may use reasonable force when necessary “to prevent bodily harm or death. . .”). Black’s Law Dictionary (11th ed. 2019) defines “imminent” as “threatening to occur immediately; dangerously impending” and “[a]bout to take place.”

¹² Minn. R. Crim. P. 6.01(a)(1).

¹³ See *State v. Mikkalson*, No. A07-2339, 2008 WL 5215866, at *5 (Minn. Ct. App. Dec. 16, 2008) (holding that arrest for a witnessed misdemeanor to prevent bodily harm was authorized under Rule 6.01 because the “[a]ppellant had just been in a fight and appeared to be injured. It would have been reasonable for the officers to have believed that another fight could ensue after they left, making the arrest necessary to prevent bodily harm. . . .”)

¹⁴ AGO Opinion.

increased sensitivity about the use of these techniques toward students. The statutory definition of prone restraint is likely broader than many officers might imagine from their training in defensive tactics. The statutory definition consists of merely “placing a child in a face-down position”—it does not require holding or maintaining the person in that position.¹⁵ Thus, using a takedown technique that culminates with a pupil’s chest against the ground could constitute prone restraint, even if the officer intends for the subject to be “prone” only momentarily.

“Compressive restraint” is shorthand for other methods of restraint covered by section 121A.58, subd. 2a(b), which provides as follows:

An employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, shall not inflict any form of physical holding that restricts or impairs a pupil’s ability to breathe; restricts or impairs a pupil’s ability to communicate distress; places pressure or weight on a pupil’s head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil’s torso.¹⁶

Application scenarios:

1. Officer Josh is an SRO. A student is causing a disturbance in the lunchroom by screaming and throwing food trays on the floor. Because this behavior does not involve a risk of bodily harm or death, Officer Josh may not use force to control the student’s behavior, or use force to arrest the student for the commission of an offense, even if it appears likely that the offense will continue.
2. Officer Londa is an SRO. A student, Lynn, became extremely upset after an argument with a peer and began attacking windows and glass inside the school building with a metal bar. It reasonably appears to Officer Londa

that the act of breaking glass, and the presence of broken glass, is placing Lynn and others in the building at risk of bodily harm. Officer Londa may use reasonable force if necessary to restrain Lynn to prevent bodily harm.

3. Deputy Fran is assigned to regular patrol duties and is dispatched to the high school. The principal complains that a student, Charlotte, got in a conflict with a teacher and is presently in a hallway kicking locker doors and bending them. Deputy Fran is not an SRO or under a contract to work in the school and is therefore not subject to the new restrictions on the use of force. Accordingly, Deputy Fran may use reasonably necessary force to make an arrest or carry out other duties imposed by law when intervening in the situation.
4. Officer Christy is an SRO. A large adolescent student, Henry, is punching a smaller student, Bailey. Officer Christy may lawfully use reasonable force if necessary to restrain Henry to stop him from harming Bailey. Because Officer Christy is authorized to use force, she is permitted to utilize prone or compressive restraint with Henry if reasonably necessary under the circumstances.

Next, assume that once Henry is separated from Bailey, he screams at Bailey that the fight isn’t over, tries to pull away from the officer and go toward Bailey, and continues to display a high level of emotional agitation. Officer Christy would be authorized to take Henry into custody. This is because Officer Christy has witnessed what is at least a misdemeanor-level assault and the circumstances demonstrate that custody is necessary to prevent bodily harm.

5. Deputy Jamie is providing extra security at a football game under a contract with the school district. A 911 caller reports that a person with a gun is threatening others in the parking lot of the school where the game is occurring. Deputy Jamie responds and conducts a high-risk stop of the person who was reported to have a gun, ordering the

¹⁵ 2023 Minn. Laws Ch. 55, Art. 2, sec. 36.

¹⁶ *Id.*

person to lie face-down on the ground. It does not matter if this person is a student or not. This is because the use of prone restraint would likely be deemed reasonably necessary in the situation, as a means of safely gaining control over someone reportedly threatening others with a gun.

for off-duty employment arrangements with school districts, since these may very well result in conclusions that the officers are serving as agents of the district.

6. Student Quinn returned to the school building after being expelled for disciplinary reasons. The principal orders Quinn to leave and not return until the expulsion is over. Quinn refuses to depart. The principal calls SRO Madison and, with Madison present, repeats the order to leave. SRO Madison emphasizes to Quinn that he will be arrested for trespassing unless he leaves at once. Quinn still refuses to depart. Technically, SRO Madison may place Quinn under arrest for trespassing. But legally, SRO Madison is only permitted to use force toward students in situations where it is necessary to prevent bodily harm or death. It follows that Madison may not use force to overcome any non-dangerous resistance to the arrest. Because handcuffing is a form of restraint, Madison may not handcuff Quinn to effect the arrest. In other words, unless Quinn voluntarily complies, Madison would need to call another officer, who is not an SRO, to handle the arrest.

Training and deployment issues:

These new limitations are apt to require some substantial rethinking of how SROs and other officers who would be deemed agents of a school district will intervene in situations involving students. Using force in circumstances that do not present a threat of death or bodily harm is no longer an option. Persuasion and de-escalation skills will be at a premium. Agencies and officers may wish to consult with other professionals, such as special education and mental health personnel, who are trained in nonforceful intervention. Officers may also wish to consult with school staff on how they will work together to manage disruptive but non-dangerous behaviors without force.

Agencies and officers should also consider what kinds of safeguards and training to have in place



MINNESOTA CHIEFS OF POLICE ASSOCIATION

DEDICATED TO THE IDEALS OF PROFESSIONAL POLICING

803 Old Highway 8 NW * Suite 1 | New Brighton, MN 55112 | 651.457.0677 * 800.377.4058 | www.mnchiefs.org

Minnesota Chiefs of Police Association (MCPA)

Executive Director Jeff Potts

jeff@mnchiefs.org

FOR IMMEDIATE RELEASE: MCPA STILL SEEKING CLARITY FOLLOWING ATTORNEY GENERAL'S OPINION REGARDING NEW LAW IMPACTING SCHOOL RESOURCE OFFICERS

August 23, 2023

On behalf of the Minnesota Chiefs of Police Association, Executive Director Jeff Potts expresses the association's concerns about a lack of clarity in the new law impacting School Resource Officers (SRO) despite an opinion by the Minnesota Attorney General (AG).

Potts said the Attorney General's opinion, issued on August 22, does resolve some issues with the new law but does not address many of the common scenarios faced by SROs in schools across Minnesota.

"Our number one priority continues to be keeping students and staff members inside schools across our state safe," Potts said. "Although we are grateful for the Attorney General's expertise and thoughtful opinion, we still aren't confident that can be accomplished with the new law."

On August 14, 2023, the Minnesota Chiefs of Police Association contacted elected state officials to seek guidance related to the new laws impacting School Resource Officers (SROs) and Officers hired as agents of a school district; Mn Stat. 121.58 and 121A.582. Our association requested that the Mn Department of Education (MDE) ask the Mn Attorney General for an opinion to offer binding guidance on how the new law impacts the use of force exercised by SROs and school agents. On August 18, 2023, the MDE asked the Attorney General for clarity regarding the recent amendments to student discipline laws. The Attorney General connected with police chiefs impacted by this question and asked for input before issuing the Attorney General's guidance.

The MDE asked the Attorney General if the new language acts as an exception to the general prohibition on prone restraints and other types of physical holds, thereby allowing the use of these practices when doing so would prevent imminent bodily harm or death to the student or another. In summary, The Attorney General stated that the statute amendment does not limit the types of reasonable force that school staff and agents may use to prevent bodily harm or death. We appreciate that the Attorney General provided binding guidance on this question and provided SROs and school agents clarity on this change to the law. However, the AG Opinion did not address other questions submitted by the MCPA.

In response to the outreach from the AG's Office, the MCPA asked the Attorney General to clarify several additional questions, including what is acceptable under the new law in situations that do not present a threat of bodily harm or death but are clearly violations of State law. The Attorney General's Opinion did not answer or address these questions. However, the AG Opinion acknowledged that other important questions were raised about the standards applicable to SROs or other contracted peace officers at school events. He said those questions are beyond the scope of the August 18 request and more appropriately directed at the legislature.

In some situations, an SRO responds to a student acting unruly and committing crimes such as damage to property, trespassing, or disorderly conduct. If an SRO is involved in these situations, what authority does an SRO have to intervene and stop the criminal behavior? The Attorney General indicated these are important questions but directed us to the legislature. Had the MCPA and other stakeholders been included in the original legislative process, these present questions could have been discussed, and a consensus could have been reached. Unfortunately, those impacted by these changes have been excluded from the process, and schools are now vulnerable. All of the questions presented by the MCPA need to be answered in order to provide the appropriate clarity and guidance to SROs and school agents.

Students, Teachers, School Administrators and Staff, and parents all deserve clarity on the expectations of what force SROs and agents can use to keep schools and school events safe. We want to avoid any impacts on school and student safety due to the lack of clarity of the law and important unanswered questions. This lack of clarity has created enough concern that some Chiefs are now having to carefully determine the risk both SROs and students may be put in under this new law. Agencies will need to weigh all of their options, the information we have received from the Attorney General, and what is best for everyone involved.

ABOUT THE MCPA

The Minnesota Chiefs of Police Association is a professional member organization representing approximately 1000 current and retired law enforcement and public safety leaders. Together, we bring the highest quality police services and leadership to the people of Minnesota



Dear Members:

This communication is a continuation from [our initial member communication on August 16, 2023 regarding new laws pertaining to school resource officers.](#)

Yesterday Minnesota's Attorney General issued an opinion on the new SRO law language ([which can be read here](#)), essentially saying that the law could only be changed due to an act of the state legislature (which begins in February 2024, if no special legislative session is called by the Governor in the meantime, which is highly unlikely). The new law is ambiguous and unclear. We know the vagueness and uncertainty of the law is a result of having no law enforcement stakeholders providing input into this important legislation.

The ability of an SRO or contracted police officer to intervene in other instances where a crime is being committed on school grounds or at school events is limited as they cannot physically engage a student unless there is threat of bodily harm or death. This potentially creates difficult situations for officers in these positions because they would have limited ability to properly intercede in the event a student is physically damaging school property, fleeing from an illegal situation, engaging in disorderly conduct, etc., which goes against their training.

The unintended consequences of this new law limit the lawful authority of SROs to keep children safe at school and those contracted with school districts to provide safety to the students and staff. SROs are counted on to support students and staff safety and must have a clear understanding and meaningful procedures and training in place before the implementation of any law. As we know, training is essential to protect all and to ensure the SRO is complying the state and local laws and the Minnesota POST Board.

With the school year fast approaching and with some extracurricular activities occurring this week, it is important to advise our members about the increased liability, both criminally and civilly, with this law and how it runs contrary to Minnesota Statutes 609.06.

Our members are advised to proceed with caution as a school resource officer or contracted officer with a school district.

We encourage police departments, school administrators, and their counsel, to consider options that keep SROs in schools with their established law enforcement trainings and rules. This will best maintain school safety and assist in clarification of proper procedures. One option could be to forgo formal SRO contracts and simply allow law enforcement access to schools, so the new SRO requirements would not apply. Members may also consider requiring the school district to agree in a contract that it would defend and indemnify your agency and officers in the event of a civil suit for the use of a prone or passive restraint or taking someone to the ground.

Our team continues to work hard and be a voice for our members. Please be safe!

Sincerely,

Imran S. Ali, General Counsel, MPPOA
Brian Peters, Executive Director, MPPOA



MPIA
Minnesota Police Insurance Agency

    	 Gerae Christensen Insurance Agent 651-793-2304	 Andy Melcher Insurance Agent 651-793-2305	    
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For a free no obligation quote on your auto, home, cabin, valuables, boat,
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City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Accept Retirement of Police Administrative Supervisor Julie McCullough

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, John Davis, Police Chief

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director, John Davis, Police Chief

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: After 28 years of service, Police Administrative Supervisor Julie McCullough has announced her retirement. Ms. McCullough's last day in the office will be October 13, 2023, and she has requested to utilize accrued vacation to remain on payroll through November.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: With Ms. McCullough's retirement, Staff requests to begin the promotional process to backfill this position.

RECOMMENDED ACTION/MOTION: Motion to accept with regret Police Administrative Supervisor Julie McCullough's retirement effective November 30, 2023, and to authorize severance pay per City policy; further, to authorize staff to begin the promotional process to backfill the position.

FINANCIAL IMPACT: This position is included in the 2023 budget. Since Staff has requested that this be a promotional process, there will not be advertising costs.



www.ci.brainerd.mn.us

August 25, 2023

John Davis, Police Chief
Brainerd Police Department
225 East River Rd
Brainerd, MN 56401

This letter is to inform you that after much consideration I have decided to retire from my position as Police Administrative Supervisor for the Brainerd Police Department. My last day in the office will be October 13, 2023; however, respectfully ask that I be permitted to use my accrued vacation time to remain on the payroll through November.

While I have truly enjoyed working for the City of Brainerd Police Department and sincerely appreciate the professional opportunities I have been given throughout the years, I am looking forward to this new chapter in my life.

If I can be of any assistance during this transition, please let me know. I would be glad to help in any way that I can.

Sincerely,

Julie McCullough
Police Administrative Supervisor
Brainerd Police Department
225 East River Road
Brainerd, MN 56401
218-829-2805

cc: Kristy Schubert, HR Director
City of Brainerd



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Consider Voting Operations, Technology & Election Resources (VOTER) agreement with Crow Wing County

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: As part of the 2023 legislative session, \$1.25 million annual appropriation was approved for the statewide Voting Operations, Technology & Election Resources (VOTER) account. These funds are a dedicated stream of funding for election administration at the county and municipal level. The attached letter from Deborah Erickson explains how the funding is allocated. To summarize, Crow Wing County is estimated to receive an annual allocation of \$15,600 a year. 75% of the funds (\$11,700) can be retained by the County since the County administers absentee voting for all precincts. The other 25% of the annual allocation (\$3,900) would need to be distributed to municipalities within the county based on voter counts, unless there is an agreement between the County and the municipality for another arrangement. I reached out to the County and the letter should have read the average annual allocation per municipality would be \$77, not per precinct.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The annual allocation rolls over from year to year, meaning all of the allocation does not need to be spent in the year received and a municipality can build up the funds.

CWC absorbs all of the cost associated with the purchasing of the election equipment as well as all of the maintenance costs of the equipment. The County pays for all of the costs of programming, ballots, election day supplies and materials, and provides the required training to election judges. Due to the amount of the annual allocation (\$15,600) the County is requesting Brainerd to enter into an agreement with CWC to allow them to retain the full annual appropriation for election administration expenses. The agreement also states that if the CWC's VOTER account ever exceeds \$50,000, the agreement between CWC and the City would be revisited for potential allocation distribution.

The City budgets \$35,000 to administer the election to pay election judge wages and additional supplies (i.e. additional signage for voting locations and meals for the judges the day of the election etc.). With the annual allocation estimated to be around \$77, so roughly \$154 per election cycle, and with all of the work the the County does for the City to be able to administer the election, Staff recommends the City enters into the agreement for CWC to retain the full \$15,600 VOTER annual allocation. Staff is very grateful for all that the County staff does for elections. Not all counties do what CWC does, and it is truly invaluable.

RECOMMENDED ACTION/MOTION: Authorize appropriate signatures on the State of Minnesota Voting Operations, Technology & Election Resources (VOTER) Account County - Municipality Agreement for Crow Wing County to retain the full VOTER annual appropriation until the County's annual funding allocation ever exceeds \$50,000.

FINANCIAL IMPACT:

August 24, 2023

TO: CITY AND TOWN CLERKS

Enclosed you will find an agreement regarding the Voting Operations, Technology & Election Resources (VOTER) account that I had referenced in my video update of July 19th. As a reminder, during this past legislative session, a \$1.25 million annual appropriation was approved for the statewide VOTER account. These funds are a dedicated stream of state funding for election administration at the county and municipal level. The legislation requires that 20% of the funds are allocated equally to all 87 counties (about \$2,873 per county) and the remaining 80% is allocated based on proportion of registered voters. Crow Wing County has about 46,000 registered voters and our total appropriation for the VOTER account funds is \$15,600.59 annually.

The legislation requires the county and municipalities to agree on how those funds should be distributed or sets a default formula that 50% is for county use, 25% is allocated for each unit administering absentee voting, and 25% is allocated to each municipality based on proportion of registered voters. As Crow Wing conducts all absentee voting for all precincts, the county would automatically retain 75% of the funds and \$3,900 would be available to be allocated to the municipalities based on voter counts – which equates to an average amount of \$76.89 per precinct.

Currently, Crow Wing County absorbs all costs associated with equipment purchase and maintenance, as well as all costs for programming, ballots, materials and supplies. As such, and given the limited amount of VOTER funds allocated, we are requesting the municipalities to enter into an agreement which would allow the county to retain the full \$15,600.59 annual appropriation to be used for election administration expenses. If the county's annual appropriation from the VOTER account would ever surpass \$50,000 this agreement would be revisited for potential allocation distribution.

Please review the attached agreement with your council or board and once approved and signed, please return to my attention. We will return a fully completed copy for your records once the county board has approved the agreements.

If you have any questions, please feel free to contact me.

Sincerely yours,

DEBORAH A. ERICKSON
Administrative Services Director

Deborah A. Erickson
Administrative Services Director
326 Laurel Street
Brainerd, MN 56401

Office: (218) 824-1049
Mobile: (218) 831-4037
Fax: (218) 824-1046
www.crowwing.us

**STATE OF MINNESOTA
VOTING OPERATIONS, TECHNOLOGY & ELECTION RESOURCES (VOTER) ACCOUNT
COUNTY – MUNICIPALITY AGREEMENT**

This Agreement (hereinafter “Agreement”) is made between Crow Wing County ("County"), and City of Brainerd (“Municipality”).

Recitals

1. Under Minnesota Laws 2023, Chapter 62, Article 4, section 6, the Voting Operations, Technology, and Election Resources (VOTER) Account was established requiring the Office of the Secretary of State, hereinafter the OSS, to distribute funds to each county as prescribed.
2. Total allocation to County is approximately \$15,600 annually.
3. Upon receipt of funds, County and Municipality must agree on a distribution plan for allocating funds from the account which must be used for expenditures directly related to election administration.
4. County is responsible for elections within its county and Municipality operates polling places within its jurisdiction.
5. County is responsible for all costs associated with administering absentee and mail balloting for all precincts in County.
6. County is responsible for all costs associated with procurement and maintenance of all election equipment utilized by all polling places in County.

Agreement

1. Effectiveness of Agreement

- 1.1. **Effective date.** August 30, 2023, or the date all required signatures have been affixed to the agreement by County and Municipality, whichever is later and shall continue until annual funding allocated to County exceeds \$50,000.

2. Allocation of VOTER Account Funds

- 2.1. **Allocation determination.** The Municipality agrees to receive no direct allocation under this agreement. The Municipality’s default allocation amount as provided by the OSS will instead be retained by the County for qualifying expenditures of the County and the Municipality as referenced in this Agreement.

5. Signatures and Certification

County and Municipality certify that the appropriate person(s) have executed the Agreement on behalf of County and Municipality as required by applicable resolutions or ordinances.

CROW WING COUNTY

By: _____
Deborah A. Erickson,
Administrative Services Director

Date: _____

CITY OF BRAINERD

By: _____

By: _____

Date: _____



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Discussion of Lakes Media Collaborative response for repayment

AGENDA: P&F Committee

ACTION REQUESTED: Discussion Item

SUBMITTED BY: Connie Hillman, Finance Director,
Shawn Strong, IT/GIS Director

DEPARTMENT: Finance

PRESENTER: Jennifer Bergman, City Administrator,
Connie Hillman, Finance Director, Shawn Strong,
IT/GIS Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: At the May 1, 2023 Council meeting, the Council reviewed the response from Lakes Media Collaborative's (LAKES) attorney. The agenda request from that meeting, which includes the letter, as well as the Council minutes regarding this item are attached.

The letter from LAKES states that LAKES disputes that it owes the City any amount of money or has any other outstanding obligations to the City because LAKES satisfied all obligations it had with the City. The letter also states that the City has no claim to any of LAKES fund balance because it handled its finances satisfactory and prudently as a 501(c)(3) nonprofit organization and that the City always paid LAKES after all services had been rendered in the prior year and did not pay for services yet to be provided.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff did research. At the 1/16/2001 council meeting there was discussion about using the franchise fee to broadcast council meetings. At the 5/7/2001 meeting there was a motion by Council to authorize the purchase of equipment for televising meetings from budgeted special projects funds.

During the 2/7/2005 Council meeting Lakes Media made a presentation to the Council. At the meeting, the motion was to refer the funding request to the P&F Committee at the 2/22/2005 meeting. The information that was in the packet from Lakes Media as well as the minutes are attached. The motion from that meeting was that the Council supported the project but could not fund it at that time with franchise fees as the fees had been dedicated to other expenditures in 2005. It is stated in the minutes as well as the information provided in the packet that Lakes Media was hoping to start in June 2005. At the 3/21/2005 meeting, Lakes Media requested \$21,120 and the request was approved to be paid from general fund reserves. Information from the meeting is attached.

At the 4/4/2005 meeting a resolution was adopted to amend the cable television franchise fee from 3% to 5% effective 1/1/2006, and a motion to dedicate 3/5 of the 5% fee to Lakes Media beginning in 2006. The funding to Lakes Media was changed to 50% of the franchise fee collected at the 3/2/2009 meeting, a portion of the information as well as the minutes are attached.

Staff has included a list of payments made to Lakes Media which shows that payments were made each year by the first meeting in April, not after services were rendered as stated in the reply from Lakes Media. The franchise fee is received by Charter and CTC by March 1st for the fees collected in the prior year. The revenue is booked as a receivable at the end of the year. The amount collected by March 1st from Charter and CTC was used to determine the payment to Lakes Media in that year. The attachment shows the annual payments made to Lakes Media and how that payment was determined. The payment made 4/3/2019 was for Lakes Media's 2019 operations even though broadcasts ended weeks later.

It should be noted that no actual contract was ever known to exist between Lakes Media and the City, only Council actions, even though reference is made to a contract in the 3/2/2009 minutes. The frequency and reliability of meeting broadcasts had been decreasing for years but around May 2019, the demolition for the remodel of the High School removed the physical connection coming from City Hall and all meeting broadcasts through Lakes Media ended at that point. Streaming via YouTube, WebEx, etc then began in November 2019 from the county board room. Cable broadcast began again through CLC in July 2022.

RECOMMENDED ACTION/MOTION: Staff is looking for direction on the next step.

FINANCIAL IMPACT:

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE APPOINTMENT OF MR. TODD WICKLUND TO THE PUBLIC UTILITIES DIRECTOR POSITION EFFECTIVE MAY 2, 2023, AT HIS CURRENT WAGE AND TO CONTINUE HIS FULLY PAID HEALTH INSURANCE; APPROVE THE ELIMINATION OF THE BPU SUPERINTENDENT AND FINANCE DIRECTOR/SECRETARY POSITIONS EFFECTIVE IMMEDIATELY; APPROVE THE CREATION OF A NEW BPU FINANCE MANAGER POSITION OR APPROPRIATE TITLE SUBJECT TO JOB TITLE AND COMPENSATION INFORMATION FROM FLAHERTY & HOOD; FURTHER, TO AUTHORIZE INITIATION OF THE HIRING PROCESS.

Discussion on 2024 Capital Equipment and Facilities Budget

Committee Chair Johnson stated there have been multiple things moved around within the plan. He asked the Council to review the Capital Plan and contact Finance Director Hillman with questions.

Discussion on Response from Lakes Area Media Collaborative (LAMC)

Committee Chair Johnson stated that staff will review the information provided by LAMC again and Council will determine action at a future meeting.

Discussion on Right of Way Tree Removal

Committee Chair Johnson stated that the Committee felt it was most prudent to go with option 3 and push the removal of trees to 2024 to ensure that there was money available to remove trees.

Member O'Day asked whether the committee spoke about the trees that staff could take care of this year without affecting the budget.

Member Johnson stated that if there is something that needs to be removed this year it can be, but the committee wanted to make sure it was included in the budget for next year.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO BUDGET FOR REMOVAL OF RIGHT-OF-WAY TREES IN 2024.

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

Safety and Public Works Committee

Consider Light Pole Height in the General Commercial Zoning District

Committee Chair O'Day stated that this change allows for pole height in General Commercial Zoning districts to have a range of 13-20 feet if conditions are met.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE PROPOSED ORDINANCE, AMENDING SECTION 515-4-8 OUTDOOR LIGHTING WITH ONE CHANGE BY LEAVING THE GENERAL COMMERCIAL (GC) DISTRICT IN 2.D AND RECOMMEND STAFF TO BRING THIS PROPOSED ORDINANCE TO THE NEXT CITY COUNCIL MEETING AS A FIRST READING.

Approve Potential Alternative Closure Routes- CLC 5K Mental Health Awareness

Run

May 1st, 2023



Brainerd City Council Agenda Request

MEETING DATE: May 1, 2023

TITLE OF ITEM: Discussion of Response from Lakes Media Collaborative

AGENDA: P&F Committee

ACTION REQUESTED: Direction Requested

SUBMITTED BY: Jennifer Bergman

DEPARTMENT: Administration

PRESENTER: Jennifer Bergman

ESTIMATED TIME (MIN): 5 minutes

SUMMARY OF ISSUE:

The City finally received a response from Lakes Media Collaborative's (LMC) attorney regarding the request for the funds to be returned from LMC to the City of Brainerd – see attached. According to their attorney, LMC has "rendered all services promised to the City...."

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

As you recall, the City terminated their relationship with LMC and the last payment to LMC was made in 2020 with 2019 franchise fee dollars. However, the work done by LMC for many years leading up to the end of the agreement was minimal and unreliable. In 2019 the building projects at the High School removed the connection coming from City Hall and physically ended the ability to broadcast City meetings. A new agreement was established with Central Lakes College to provide similar service and uses the same portion of franchise fee dollars. New equipment and software were procured, connections established, and to-date the new arrangement has been providing a significantly better product for the community.

RECOMMENDED ACTION/MOTION:

Staff is looking for direction on next steps.

FINANCIAL IMPACT:

Is there a cost associated with this request: Click to enter text

What is the total cost, with tax and shipping: Click to enter text

Is this budgeted? (Please Explain) Click to enter text



Lathrop GPM LLP
lathropgpm.com

80 South Eighth St.
500 IDS Center
Minneapolis, MN 55402
Main: 612.632.3000

David C. Archer
Attorney
david.archer@lathropgpm.com
612.632.3304

April 4, 2023

VIA EMAIL – jjl@ratwiklaw.com

Joseph J. Langel
Ratwik, Roszak & Maloney, P.A.
730 Second Avenue S., Suite 300
Minneapolis, MN 55402

Re: Lakes Media Collaborative, Inc. – City of Brainerd

Dear Mr. Langel:

Lathrop GPM represents Lakes Media Collaborative, Inc. (“Lakes Media”) in connection with its dispute with the City of Brainerd (the “City”). We have reviewed your correspondence to Lakes Media, including the most recent letter dated March 27, 2023, which demands the “return of funds provided to LAKES.” We note that your letters do not identify any sound legal basis in support of the City’s demand, and Lakes Media affirmatively disputes that it owes the City any amount or has any other outstanding obligations to the City.

As you know, for more than 15 years, Lakes Media provided consistent and reliable broadcasting and other media services to the City and to other customers in the region. During this time, Lakes Media provided staff at each council meeting to record and broadcast meetings, resulting in the production of hundreds of hours of programming—covering every City Council meeting through 2019—for the benefit of members of the City and its constituents. Consistent with its commitments, Lakes Media completely satisfied all obligations it had to the City—as archival footage, among other sources, can confirm. Accordingly, the City’s allegation that the Council provided funding for services that were not rendered is completely without merit.

Equally meritless is the City’s claim that it is entitled to any fund balances maintained by Lakes Media. As a 501(c)(3) nonprofit corporation, Lakes Media rendered all services promised to the City while also taking care to manage its finances prudently, pursuant to its statutory and fiduciary obligations. Among other reasons why the City’s position is mistaken, the City always paid Lakes Media *after* all services had been rendered in the prior year and did not pay for services yet to be provided. As a result, there is simply no legal basis for the City to now demand payment for any reason, let alone because “a large fund balance remains [in Lakes Media’s account].”

April 4, 2023
Page 2

Although the City terminated its relationship with Lakes Media, the organization remains committed to advancing its educational and public service mission in the broader Brainerd area community. We thus respectfully request that you withdraw your demand.

Should you have a need to further discuss this matter, please let me know.

Sincerely,

/s/ David C. Archer
David C. Archer

CC: David Henschke, Executive Director, Lakes Media Collaborative, Inc.

61504880v1

City Engineer's Report.

City Engineer Hulsether stated he has nothing to report.

City Planner's Report.

City Planner Ostgarden stated he has nothing to report.

Police Chief's Report.

Police Chief Bolduc stated the first five day blood drive for the City of Brainerd will be the battle of the badges between the Police Department and the Fire Department from February 28 to March 4. He encouraged citizens to come to the Armory to donate blood.

Finance Director's Report.

Finance Director Goble stated the Council has received the January 2005 report in their packet and she will be providing a more detailed budget to actual report on a quarterly basis. She stated she is also pleased to announce that the City's 2003 audit has received the Certificate of Achievement for Excellence in Financial Reporting for the 11th year in a row.

Fire Chief's Report.

Fire Chief Underhill stated they want the public to get out and donate blood and hopes people take time to do this.

Council Committee Reports.

Personnel and Finance Committee.

Public, Educational, and Governmental Channel Programming Expansion – Informational and Motion Supporting Project.

Alderman O'Day stated the information received from the LAKES Media Collaborative in the packet is in depth on what is being requested. He stated they are looking at using the City's franchise fees and approaching Baxter about their franchise fees to offer more programming. He stated their current budget is \$70-80,000 but they will be coming back with a smaller version and are looking to start in June. He stated the City doesn't have anything budgeted at this time for this project therefore they are waiting until March 7 to find a way to finance this.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, RESOLVING THE COUNCIL'S SUPPORT OF THIS PROJECT.

Alderman Koep stated she would like to make sure what plans are being made to make this truly inclusive. She stated there are always people in a community who are always in the news. She stated she doesn't want this to be something just for units of government as this can give everyone the opportunity to voice their concerns. She stated she will not support using public

money for something that isn't all inclusive.

Alderman Olson stated this is a worthwhile program and franchise fees are to be used for things like this. He stated this year the City will be using the revenues from franchise fees to offset other expenses. He suggested that they get private funding to help and would like to look at the budget to "scrape up" some funds for them. He stated the City can't fund it now, but the Committee is supportive.

2005 Budget Amendment – Amend Account #101-49200-5510 (Land Capital) in the Amount of \$210,850 for the Ahlm Property Payment – Approved.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, TO APPROVE THE 2005 BUDGET AMENDMENT TO ACCOUNT #101-49200-5510 (LAND CAPITAL) IN THE AMOUNT OF \$210,850 FOR THE AHLM PROPERTY PAYMENT.

Deferment of Assessment - Resolution No. 06:05 Adopted.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER TO ADOPT RESOLUTION NO. 06:04 RAISING THE PROPERTY MARKET VALUATION IN RESOLUTION NO. 25:99 FROM \$60,000 TO \$100,000.

Resolution No. 06:05

Upon roll call all members voted "aye". The Chair declared the motion carried.

Increase CSO's Duties to Include Seeking out Nuisance Properties – Tabled to March 21, 2005.

Alderman O'Day stated this was tabled to March 21, 2005.

Appointment of Park/Arena Maintenance Position – Mr. Jason Lyons - \$17.23/hour per Union Contract – Approved.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, TO CONCUR WITH THE PARK BOARD AND APPROVE THE APPOINTMENT OF MR. JASON LYONS TO THE POSITION OF PARK/ARENA MAINTENANCE EFFECTIVE FEBRUARY 23, 2005 AT A RATE OF \$17.23/HOUR.

2006 Fire Contract Calculations – Approve Presentation of Scenario Two.

Alderman O'Day stated the Personnel and Finance Committee had a special meeting on February 8 to discuss this. He stated in the Agenda packet was information from other cities on their contract calculations. He stated those other cities do not take out tax exempt property or disqualify it from total market value. He continued that the Committee has agreed that when staff meets with the Fire Advisory Board, they will address scenario two in which they take the tax exempt value and include it in total market value. He stated this is a reduction for the City of Brainerd.

Summary of Proposal to Brainerd City Council For the LAKES Media Collaborative

Who: LAKES Media Collaborative

What: LAKES is a 501c3 focused on enhancing community communications and learning opportunities for all ages by coordinating resources from a number of area partners.

Why: To improve communications within (*or with*) our community. Imagine the possibilities that the city will have with this visually powerful media to inform citizens and get them involved.

Where: LAKES studios will primarily be located in the Brainerd High School.

When: LAKES target date - June 2005 (within 90 days of when funding is available).

How: LAKES is dependent on coordinating with key partners that can contribute a share of the resources needed to build quality communications in our community.

- ◆ College and School Systems
 - Use of existing production equipment and technology
 - Access to studio, office and production facilities
 - Opportunity to work with teachers, staff and students
- ◆ Cities and Counties
 - Strong local communications is key to a healthy community
 - Community TV is a high municipal priority in many Minnesota cities
 - Franchise fees collected from municipal Cable TV providers are most often the primary funding source for community TV
- ◆ Existing Media Providers
 - Provide expertise and resources for quality programming
 - Mentor students to help build career skills
 - LAKES will be coordination point for all 3 Cable TV providers
- ◆ Community Members –
 - Give local people and organizations an effective media to tell their stories
 - Offer opportunities to work side by side with students as citizens perform, produce and promote local programs
 - Evaluate current programming and share input for future programs

Use of Funds: Regarding the use of funds, we have researched similar community TV operations and we anticipate our cost structures as follows:

- Production and Operation Cost - 65%
- Maintenance and Repairs - 20%
- Supplies and Consumables - 15%

Conclusion: The LAKES Media Collaborative is built on an integral contribution from each partner. The franchise fees are a key element in the success of building **Quality Community Television** for our citizens.

LAKES Media Collaborative Proposal

This proposal is to establish a 501c3 non-profit collaborative in the Brainerd Lakes Area that coordinates public access television along with other media communication formats in the lakes area. LAKES is an acronym for Lakes Area Keeping Education Strong and our primary focus is to further the educational opportunities for viewers and production staff of all ages. The collaboration will be between formal educational institutions like school districts, colleges and universities, the media that already exists in the area, and a wide variety of non-profit, for-profit and public sector organizations.

Public Access Community Television has been an important tool in many communities through out our country. Our federal government established laws that require cable TV providers to offer at least one "PEG" channel in areas were they offer cable TV services. PEG is an acronym for Public Access, Education, and Government related programming. As program offerings increase, Cable providers often separate out more channels for each of the areas. Currently in the Brainerd Lakes Area, Charter Communications offers Channel 15 for Education and Channel 8 for Public Access and Government programming.

Keys to Success

- Provide value to our customer by producing and delivering interesting, thought-provoking or entertaining programs and content.
- Build a true collaboration between education and the public, private and non-profits sectors.
- Develop a funding model that is sustainable and fiscally responsible.
- Maintain our Focus on Educating students of all ages to produce, perform and promote quality programming.

During initial discussions with many individual and organizations in our area, there has been strong interest in this concept. As we have listened to our community the following benefits have been identified.

1. Coverage of more local events

- Citizens of all ages enjoy seeing their family, friends and familiar faces on programs and especially enjoy more local interest stories.
- Many local events could be captured like festivals, symposiums, parades, community activities, government meetings, church programs,...

2. Give local people and organizations an effective media to tell their stories.

- Public-access television offers a wonderful opportunity for education of residents, cable coverage of government meetings, and programming of academic, artistic and athletic events from school districts, private schools, colleges and universities.
- Residents can exchange information on many topics including health care, the environment, public safety, consumer topics, and child care, as well as governmental issues.

3. Enhance Lakes Area Economic Development

- This is a Healthy Technology Community initiative that can enhance economic development through more accessible communications, networking and infrastructure for non-profits, private and public sector organizations.
- With new fiber telecommunications technology, we can help schools, businesses and others explore new innovative ways to educate and communicate in the Brainerd Lakes Area.

4. **Provide Cost-Effective and More Efficient Services**

- The Brainerd Lakes Area is about to have multiple providers of cable TV services so having one collaborative that would coordinate all the Public Access, Education and Government programming can bring real efficiencies. Costs and therefore subscriber rates can be kept lower by allowing the cable providers to focus on their core competence - delivering video signals to their customers...not producing content.

5. **Provide great learning opportunities for students of all ages.**

- Community members will have new opportunities to work side by side with students. Whether you're learning by viewing some of our programming or become active in producing, performing or promoting the programs we produce, there is a lot of information and knowledge to be shared or skills to be developed.

In an article viewed on the Indianapolis Community TV web site, it was said “ **Public access television is TV for and by the community. Local. Independent. Non-discriminatory. Open. The New Town Square.**”

The principal players include Jerry Walseth who has been working with community leaders to develop a vision for stronger community communications. Steve Augustinack would provide technology and organizational leadership and Dave Henschke who has built an outstanding TV Production program that we plan to expand as we develop the LAKES Media Collaborative.

The financial plan will build sustainability by working closely with local government to establish consistent funding set forth by the FCC. We will also work with local organizations on membership and sponsorship programs as well as grant and fundraising activities. By working closely with and leveraging the resources of ISD181, CLC, and other organizations we expect keep our initial budget needs low. In future years we plan to expand the budget as driven by the needs and opportunities that present themselves.

Investing in LAKES Media Collaborative is investing in our Community. Specifically, the community will receive a more powerful visual medium to help us better understand what our city needs to share with us. TV programs that help “tell the story” as neighborhood associations or city officials want to communicate their vision. Think about the ways we might promote economic development and public safety or get the public excited about what’s happening in our community.

Many communities through out Minnesota have established Community TV programs and use the franchise fees that are outlined in the FCC Public Access guidelines. Our local cities currently collect a portion of the allowed franchise fees permitted by Federal law. We are requesting that the city either 1) reallocate the existing portion of the franchise fees or 2) collect the remaining portion of the franchise fees for support of our LAKES Media Community TV initiative.

Many people in the Brainerd Lakes area that have heard about LAKES have expressed a strong interest in viewing or producing programs on Community TV. So in cooperation with our Chamber, Community Action, and others we are planning a Community TV Visioning Session in March that will help gather input and further refine our vision.

LAKES vision of managing public access TV in the Brainerd Lakes Area is one of accountability, high utilization and quality through community outreach and support services for nonprofit organizations, long-term viability, and fiscal responsibility.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, TO PLACE THE NET CASH REMAINING TO THE CITY IN THE AMOUNT OF \$20,031 IN GENERAL FUND RESERVES.

Funding Request from LAKES Media Collaborative for Public, Educational, Government Channel Programming Extension – Approved.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, TO APPROVE THE FUNDING REQUEST FROM LAKES MEDIA COLLABORATIVE IN THE AMOUNT OF \$21,120 WITH FUNDS COMING FROM THE GENERAL FUND RESERVES TO BE PLACED IN THE GENERAL UNALLOCATED MISCELLANEOUS ACCOUNT AS A BUDGET AMENDMENT.

Alderman O'Day stated it is not in the budget this year to take the funding from the franchise fees.

Alderman Koep asked what the franchise fees are being used for this year. City Administrator Vogt stated the amount received in franchise fees (\$51,342.17) was placed into the general fund and there are expenses that will be using that.

Alderman Koep asked what will be received in franchise fees with the two new franchises. City Administrator Vogt stated it will be approximately the same depending on the fees of the two new franchises since the franchise fee is based on sales.

Alderman Koep asked if this funding request is a one year commitment. Alderman O'Day stated it is one year and noted that Baxter is committing their 3% franchise fee and are looking at raising their franchise fees. He stated the increase in franchise fees will be on the April 4, 2005 Personnel and Finance Committee agenda.

Alderman Olson stated this funding will not hurt the overall finances of the City and this is a worthwhile programming. He stated LAKES Media Collaborative will make a request from the Council next year.

Request for SCORE Funding for Neighborhood Cleanup – Approved.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER TO APPROVE FUNDING FOR A NEIGHBORHOOD CLEAN-UP DAY OF UP TO \$3,000 FOR BOTH THE NORTHEAST BRAINERD RESIDENTS ASSOCIATION AND THE BRAINERD NORTHSIDE NEIGHBORHOOD ASSOCIATION WITH FUNDS COMING FROM THE RECYCLING FUND.

Members Fisher, Koep, O'Day, Olson, Nesheim, and Bevans voted "aye". No member voted "nay". Member Goedker abstained. The Chair declared the motion carried.

Assessments on State Hospital Land – Held over.

Alderman O'Day stated this will be carried over to the April 4, 2005 meeting.

LAKES Media Collaborative Budget Proposal Summary

Thank you again for unanimously passing the resolution of support for our Community TV Collaborative and supporting the vision that better communication builds a stronger community. Per the council's request, we are providing the following information:

Background Information

Researching Community TV organizations throughout Minnesota, communities of similar size typically have operating budgets ranging from \$70,000 – \$180,000. When we look at combined capital/operating budgets, the costs range from \$140,000-\$250,000. Given the tremendous contribution of capital equipment, studio and office facilities, and staff from our Brainerd School and Central Lakes College systems, we believe we can startup Community TV for an operating budget of \$80,000 per year.

Budget Plans

2005 (July 1, 2005 – December 31, 2005)		Initially Only A Half Year	\$40,000
Cable TV Franchise Fees			\$32,000
<i>Currently Brainerd represents two-thirds of the Cable TV subscribers. We are asking Brainerd to contribute \$21,120.</i>			
<i>Currently Baxter represents one-third of the Cable TV subscribers. We are asking Baxter to contribute \$10,880.</i>			
Private Organizations			\$8,000
<i>We are pursuing a number of different funding sources and to date have a few organizations that are working up their chain of command. We hear from many that they would find it easier to donate if they know that LAKES Collaborative has a sustainable source of funding in place.</i>			
2006 (Jan 1, 2006 – December 31, 2006)			\$80,000
Cable TV Franchise Fees			\$72,000
<i>We are asking Brainerd and Baxter to each direct 3% of the Cable Franchise Fees. This 3% currently equates to approx \$72,000 per year.</i>			
<i>(Baxter has passed a resolution adjusting the Cable Franchise Fees to 5% beginning in 2006. After initial discussions with city administration and staff, a proposal would direct 3% to the LAKES Media Collaborative and retain 2% to address their needs.)</i>			
Private Organizations			\$8,000
<i>We hope to establish some ongoing funding or matching donations.</i>			

4.1 Franchise Fee. Grantee shall pay to the Franchising Authority a franchise fee equal to three percent (3%) of Gross Revenues received by the Grantee from Basic, expanded Basic and Premium Cable Services. The franchise fee shall be calculated on a calendar year basis and shall be paid to the Franchising Authority by March 1 of the following year, along with a report showing the basis for the calculation of the franchise fee and other information as the Franchising Authority deems appropriate. The Franchising Authority may audit the Grantee's accounting records upon reasonable notice and require other information as it deems appropriate to verify franchise fees.

The Franchising Authority retains authority to adjust the Franchise Fees (not to exceed 5% of gross revenues) by City Council resolution. Such adjustment will be for the following calendar year. In order for such action to be effective, the Franchising Authority must submit the adopted resolution to the Grantee sixty (60) days prior to the end of the previous calendar year.

RESOLUTION NO. 04-9/2-1

SAMPLE/BAXTER

A RESOLUTION TO AMEND CABLE TV FRANCHISE FEE

WHEREAS, on May 16, 1994 the City of Baxter and Bresnan Communications Co. (now Charter) entered into a franchise agreement, as set forth in Baxter City Ordinance No. 19.2, authorizing Bresnan to provide cable television services within the City of Baxter;

WHEREAS, Section 4.1 of said ordinance set the franchise fee at 3% of gross revenues;

WHEREAS, the same Section 4.1 permits the City to modify the franchise fee upon 60 day notice as long as said fee is no larger than those set for other cable providers.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City of Baxter, Minnesota, as follows:

The franchise fee described above shall be 5% of gross revenues starting on January 1, 2005 and the City Administrator is directed to mail a copy of this resolution to Charter Communication immediately.

Adopted by the Baxter City Council this 21st day of September, 2004.

CITY OF BAXTER, MINNESOTA

By _____
Its Mayor

ATTEST:

City Clerk

CARRIED, TO DIRECT STAFF TO REVIEW THE GENERAL SIGN PERMIT FEES AND BRING IT BACK TO THE COMMITTEE FOR A RECOMMENDATION.

Road Maintained by City below 5th and Quince Streets Intersection – Direct Staff.

Alderman Nesheim stated there is a road below the 5th and Quince Streets Intersection that the City has maintained. She stated a property owner has blocked the road eliminating access to other property owners.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND GOEDKER, DULY CARRIED, TO REFER THIS ISSUE TO CITY ATTORNEY FITZPATRICK AND STAFF TO RESOLVE THE ISSUE.

Personnel and Finance Committee.

Cable TV Franchise Fee Increase – Resolution No. 18:05 Adopted.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER TO ADOPT RESOLUTION NO. 18:05 AMENDING CABLE TELEVISION FRANCHISE FEES INCREASING THEM FROM 3% TO 5% EFFECTIVE 01/01/2006.

Resolution No. 18:05

Upon roll call, members Goedker, Fisher, Koep, O'Day, Olson, Nesheim, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY ALDERMEN O'DAY AND OLSON, DULY CARRIED, TO DEDICATE 3/5 OF THE 5% FRANCHISE FEE TO LAKES MEDIA COLLABORATIVE BEGINNING IN 2006.

Police Department Budget Amendment – Approved.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, TO INCREASE THE POLICE DEPARTMENT BUDGET FOR CLEANING SERVICES IN THE AMOUNT OF \$12,480 WITH THE FUNDS COMING FROM REDUCTIONS IN PERA IN THE AMOUNT OF \$3,869, FICA IN THE AMOUNT OF \$4,340, AND SEVERANCE IN THE AMOUNT OF \$6,125; FURTHER, THE REMAINING \$1,829 TO BE PLACED INTO GENERAL UNALLOCATED.

Fund Transfer for Debt Service Levy – Approved.

MOVED AND SECONDED BY ALDERMEN O'DAY AND FISHER, DULY CARRIED, TO APPROVE A TRANSFER OF \$50,000 FROM THE SAC FUND AND \$50,000 FROM THE WAC FUND TO SINKING FUND 306 FOR THE RIVERSIDE DRIVE PROJECT.

Alderman Koep stated she has a concern because the recommendation passed a month ago regarding further extension of utilities on Riverside Drive, the cost of the project was approximately \$215,000 project. She stated they were told the SAC and WAC charges would cover it and asked where the remaining funds will come from. Alderman O'Day stated there will be more money coming into the SAC and WAC funds.

City Engineer's Report.

City Engineer Hulsether stated nothing to report.

City Planner's Report.

City Planner Ostgarden stated nothing to report.

Fire Chief's Report.

Fire Chief Underhill stated nothing in addition to his written report.

Park Director's Report.

Park Director Mooney stated nothing in addition to his written report.

Personnel and Finance Committee.

Sentence to Serve (STS) Program – Make Synopsis of Report Available to City Staff in Order to Allow Staff to Present Ideas on how the Program can be Used – Approved.

Chair Koep stated that the concern surrounding the STS program involves the necessary supervision of the participants, and that the County itself may be cutting down on the STS program because of funding the extra staff needed for supervision.

MOVED AND SECONDED BY ALDERMEN KOEP AND NELSON FISHER, DULY CARRIED, TO MAKE THE SYNOPSIS REPORT REGARDING THE "SENTENCE TO SERVE" PROGRAM AVAILABLE TO ALL CITY STAFF IN ORDER TO SOLICIT IDEAS ON HOW THIS PROGRAM COULD BE UTILIZED.

Federal Stimulus Funding Projects – Informational.

Chair Koep stated that several staff were involved in a webinar put on by the League of MN Cities this week and did not seem to find a great deal of financial help coming forward, although a package dealing with energy efficiencies may be an effective route to apply for. She noted that the Police Department and Public Utilities Department will be looking into funding. She further stated that there had been a list of items previously submitted from Mr. Glen Nygaard; however, at this time none seem to be the right items to move forward at this time with the possible exception of wind turbine research for our area. Chair Koep stated that Alderman Nelson Fisher will be working with PUC on this issue.

Franchise Fees – Lakes Media Collaborative – Approve Contract on Franchise Fee with at 50/50 Split between the City and Collaborative – Approved.

Chair Koep stated that 3/5 of the franchise fees have been going to the Collaborative. She stated that the franchise fees recently received amount to \$108,561.70 as compared to around \$87,000 received last year and that Committee suggested a split of 50/50, which would give both the City and the Collaborative more money.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO APPROVE A CONTRACT WITH LAKES MEDIA COLLABORATIVE WITH A 50/50 SPLIT ON FRANCHISE FEES.

Alderman Olson asked if the City has received the Franchise Fee yet for 2008.

City Administrator Vogt stated that the payments had been received, and confirmed that the agreement involves this received amount, which is for 2008.

Alderman Cumberland stated that there are other communities on the Lakes Collaborative, and that there had been discussion of charging a fee to put programs on the air. She asked if this has been discussed.

Chair Koep stated that it is something to be considered.

Alderman Bevans stated that Baxter is recognized as well as "products and services" that may be from other communities.

Community Education – Park Programs – Status Report – Informational.

Chair Koep stated that Committee had asked member Nelson Fisher if there is an advantage, financially, in collaborating between Parks programs and Community Education/School programs. She stated that this is already being explored, and that although there is not a savings in the short-term period, the ideas will continue to be explored.

Policy – Funding Requests from Governmental Agencies – Approved.

Chair Koep stated that the concern, brought up by Brainerd citizen Jeff Czczok, is that by the time the public knows of a request for funding from governmental agencies, the application has already been completed so there is not a chance for public input. She read the policy which was amended in Committee:

Policy regarding Funding Requests from Governmental Agencies:

Requests for funding of any kind from any governmental agency including federal, state or local unit of government by any elected official or staff member of the City of Brainerd shall be allowed to occur only after specific authority has been granted by a majority vote of the City Council. If the application form is available at the time of request, it shall be included with the information provide to the Council.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS TO APPROVE THE POLICY FOR FUNDING REQUESTS FROM GOVERNMENTAL AGENCIES AS PRESENTED.

Alderman Nesheim stated that sometimes there is a time factor that this will not work in favor of.

Members Bevans, Nelson Fisher, Cumberland, Koep, Olson and Goedker voted "aye." Member Nesheim voted "nay." The Chair declared the motion carried.

Business Subsidies – Policy Review – Held Over.



www.ci.brainerd.mn.us

Mayor

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Fax (218) 828-2316

City Administrator

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Fax (218) 828-2316
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Civil Attorney

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Criminal Attorney

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Fax (218) 825-8922

City Engineer

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Fax (218) 828-2316
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Chief of Police

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Fax (218) 825-3489

Fire Chief

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City Planner

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mostgarden@ci.brainerd.mn.us

Director of Parks & Recreation

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(218) 829-8726 · fax (218) 829-4703
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(218) 829-2193 · fax (218) 829-2308
email@bpu.org

Equal Opportunity Employer

MEMO

TO: Mayor and Council

FROM: City Administrator Dan Vogt

DATE: February 26, 2009

SUBJECT: Franchise Fees – Lakes Media Collaborative

Attached you will find various items related to the Franchise Fees related to the Lakes Media Collaborative. This item has been placed on the agenda of the Personnel and Finance Committee meeting to be held on Monday, March 2, 2009.

Documents include the minutes and resolution adopted as a result of Council action taken in 2005 at which time the Collaborative was established. I have also included information provided directly by the Collaborative which provides you a detailed overview of their organization.

As a result of the Council action taken in 2005, the Collaborative received the following allocations from the City of Brainerd:

2005	\$21,120.00
2006	\$55,660.21
2007	\$52,022.80
2008	\$52,473.70

Please contact me if you have any questions.

/djv

Enc.

3-2-09
P.F.
#4



LAKES

Media Collaborative

Lakes Media Collaborative is a 501 c3 non-profit collaborative in the Brainerd Lakes Area that coordinates public access television along with other media communications formats in the lakes area. LAKES is an acronym for Lakes Area keeping Education Strong and our primary focus is to further the educational opportunities for viewers and production staff of all ages. The collaboration is between formal educational institutions like school districts, colleges and universities, the media that already exists in the area, and a wide variety of non-profit, for-profit and public sector organizations.

Public Access Community Television has been an important tool in many communities through out our country. Our federal government established laws that require cable TV providers to offer at least one "PEG" channel in areas where they offer cable TV services. PEG is an acronym for Public Access, Education, and Government related programming.

Many communities through-out Minnesota have established Community TV programs and use the franchise fees that are outlined in the FCC Public Access guidelines. These franchise fees are in actuality a "user fee" paid by local subscribers of cable television service. Our local cities of Brainerd and Baxter currently collect the allowed franchise fees of 5% permitted by Federal law. Lakes Media Collaborative receives 3% of these monies. Our financial plan builds sustainability by working closely with local governments to establish consistent funding set forth by the FCC. We also work with local organizations on membership and sponsorship programs as well as grant and fundraising activities. By working closely with and leveraging the resources of ISD 181, and other organizations we are able to maximize the dollars of our budget. In future years we hope to expand the budget as driven by the needs and opportunities that present themselves.

Lakes Media Collaborative is managed by a board of community members: Jill Carlson-Ferrie, Nancy Cross, Kenn Dols, Sara Dunlap, Chris Ford, Ruth Gmeinder, Dan Hegstad, Andy Smith, with Todd Lyscio from ISD 181 as the current chair. Dave Henschke, instructor of the Television Production program at Brainerd Senior High School, serves as the Executive Director/General Manager of the organization. Currently there is one other full time employee, Steve Augustinack and three part time employees: Shelly Novotny, Tony Augustinack, and Cameron Pedersen.

Keys to Success

- Provide value to our customer by producing and delivering interesting, thought-provoking or entertaining programs and content
- Build a true collaboration between education and the public, private and non-profit sectors.
- Develop a funding model that is sustainable and fiscally responsible.
- Maintain our Focus on Educating students of all ages to produce, perform and promote quality programming.

LAKES

Media Collaborative

As we have listened to our community, the following benefits have been identified.

1. Coverage of more local events

- Citizens of all ages enjoy seeing their family, friends and familiar faces on programs and especially enjoy more local interest stories.
- Many local events are captured, like festivals, symposiums, parades, community activities, government meetings, church programs, . . .

2. Gives local people and organizations an effective media to tell their stories

- Public-access television offers a wonderful opportunity for education of residents through cable coverage of government meetings, and programming of academic, artistic and athletic events from school districts, private schools, colleges and universities.
- Residents can exchange information on many topics including health care, the environment, public safety, politics, consumer topics, and child care, as well as governmental issues.

3. Enhances Lakes Area Economic Development

- This is a Healthy Technology Community initiative that can enhance economic development through more accessible communications, networking and infrastructure for non-profits, private and public sector organizations.
- With new fiber telecommunications technology, we can help schools, businesses and others explore new innovative ways to educate and communicate in the Brainerd Lakes Area.

4. Provides Cost-Effective and More Efficient Services

- The Brainerd Lakes Area has multiple providers of cable TV services so having one collaborative coordinates all the Public Access, Education and Government programming and brings real efficiencies. Costs and therefore subscriber rates can be kept lower by allowing the cable providers to focus on their core competence – delivering video signals to their customers. . .not producing content.

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- Community members have new opportunities to work side by side with students. Whether they're learning by viewing some of our programming or become active in producing, performing or promoting the programs we produce, there is a lot of information and knowledge to be shared or skills to be developed.

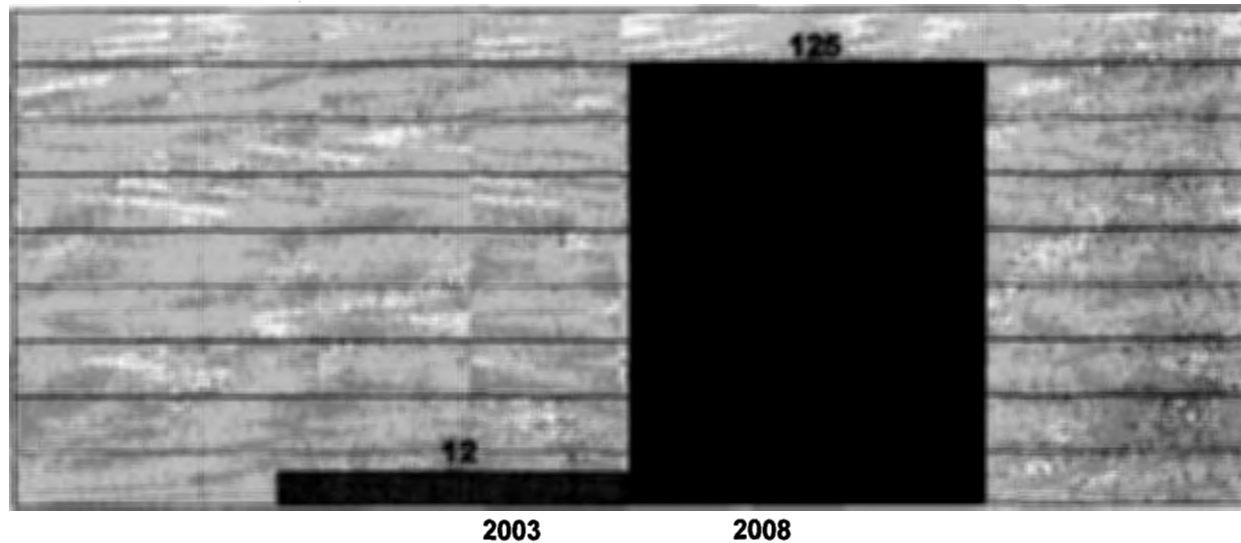
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LAKES Media Collaborative 2008 Report of Progress

This report provides a brief overview of the progress LAKES Collaborative has made since its inception.

From the beginning, LAKES Media Collaborative has significantly enhanced the number of programs that are produced or organized for airing on local access channels 8 and 15. For example, in 2003, channel 8 provided viewers with the Brainerd City Council Meeting, 5 church services and an occasional tape dropped off for a public access airing. In 2008, we produced or aired over 80 programs of fresh content ranging a wide variety of areas...

Comparison of the Number of Programs Produced / Aired



LAKES Media Produced/Aired Programming in 2008

(Does not include hours of programs that are repeated)

LAKES

Media Collaborative

Government - In Action (733 hours)

- Brainerd City Council Mtgs
- Brainerd City-Personnel and Finance Committee
- Brainerd City-Planning and Zoning Commission
- Brainerd City-Safety and Public Works Committee
- Breezy Point City Council
- ISD181 Facilities Committee
- ISD181 Finance Committee
- ISD181 Legislative Committee
- ISD181 Long Range Planning Committee
- ISD181 Curriculum Committee
- ISD181 School Board Mtgs
- Pequot Lakes School Board
- ** MN Legislature Coverage (8am-5pm - Mon-Fri - Feb-May)

New and Public Affairs Total (77 hours)

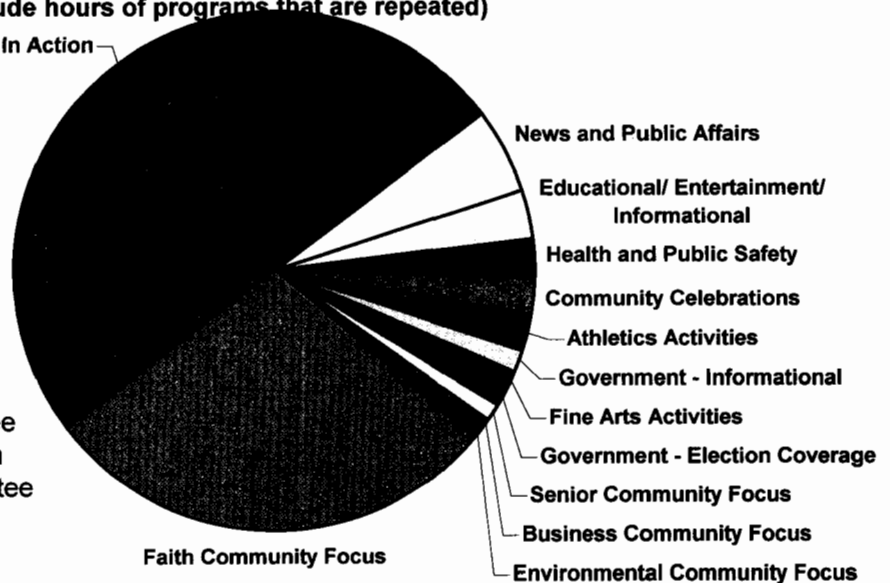
- Community Corner
- Splash
- CLC Update
- Four Winds
- Rosenmeier Forums
- Minnesota Oomph Conference
- Initiative Foundations Annexation Forum

Health and Public Safety (37 hours)

- Central Lakes Medical Center Health
- Health Matters (Crow Wing County Public Health)
- Heartbeat - St. Josephs Medical Center
- Identity Theft
- Meth - A Hometown Reality
- MN ICE Conference (Meth and other Substance Abuse)
- Substance Abuse Programs
- Weighty Issues - St Joes Bariatric Program

Community Celebration (33 hours)

- 4th of July Coverage
- BHS Baccalaureate Ceremony
- BHS Coronation Ceremony
- BHS Graduation Ceremony
- BHS Hall of Fame
- BHS Senior Recognition
- Chamber Welcome Center Celebration
- CLC Graduation Ceremony
- CLC Heavy Equipment Grand Opening Celebration
- CLC Music Grand Opening Celebration
- Community Homecoming Coverage
- Nisswa Legion Memorial Day Celebration
- Paul Bunyan Trail Bridge Ceremonies



Faith Community (418 hours)

- Adventures in Christianity
- Bethlehem Lutheran Church
- Christ Lutheran Church
- Faith Community News
- First Lutheran Church
- Immanuel Lutheran Church
- Lutheran Church of the Cross
- South Long Lake Lutheran Church
- Trinity Lutheran Church

Educational/ Entertainment/ Informational (48 hours)

- A Spotlight on Literacy
- Baxter School Various Programs
- BHS Registration Information
- BHS Veteran's Day Program
- BHS Warrior Update
- Celebrating Dreams Concert
- Forestview School Various Programs
- Garfield School Various Programs
- Governor's Fishing Opener
- Lowell School Various Programs
- Miss Brainerd Scholarship Pageant
- Miss Nisswa Scholarship Pageant
- Ninth Grade Campus Various Programs
- Out and About with Jenny Holmes
- Potpourri (Short informational/educ.segments)
- Riverside School Various Programs
- St Francis School Various Programs
- Student Driven Education

Athletics Activities (31 hours)

- BHS Basketball
- BHS Football
- BHS Graduation Ceremony
- BHS One Act Play
- Sports Boosters

Government - Informational (20 hours)

- 181 Insights
- 181 Intouch
- County Line
- Eggs and Issues
- Focus on Government
- Focus on Law Enforcement
- ISD181 Referendum Decisions Info Sessions
- Updates from the Capital - John Ward
- Updates from the Capital - Senate Republicans

Senior Community (16 hours)

- Senior Moments
- Medicare Part D Information Sessions
- RSVP Appreciation Celebration
- Volunteer Connections

Business Community (13 hours)

- Bridges Academy Career Awareness
- BLA Housing Study
- BLADC Annual Meeting
- Manufacturing Roundtable
- Positioning Business in Changing Times
- Regional Planning Session
- Roundtable with Razidlo
- Tim Pawlenty Visits
- Workman's Compensation

Fine Arts Activities (19 hours)

- Heartland Symphony
- BHS Band
- BHS Choir
- BHS Fine Arts Banquet
- BHS Orchestra

Government - Election (18 hours)

- Breezy Point Candidates Forum - Chamber
- Candidate 12A Forum
- Candidate 12B Forum
- City County Candidates - Little Theatre
- County Candidate Forum - Chamber
- Crosby Ironton Levy Information
- Live Results on Election Night
- Peanuts and Politics
- Pequot Lakes School Board Candidates
- Pequot Lakes Candidates - Chamber

Environmental Community (8 hours)

- Arboretum Mtgs and Programs
- DNR Environmental Forums
- TNC - Prescribed Burn, Woodlands

**LAKES Media Collaborative
2008 Budget Summary**

2008 Funding or Revenue -					Actual
Franchise Fees					
			Brainerd City Franchise Fees		\$52,474
			Baxter City Franchise Fees		\$35,945
			Sponsorships/Donations/Production Projects		\$4,334
				Total Revenue	\$92,753
In-Kind Goods and Services (provided by ISD 181)					
			Studio		
			Equipment		
			Utilities		
			Misc Goods and Services		
2008 Expenses					Actual
			Dedicated Personnel Costs		\$69,380
			Payroll Expenses		\$3,398
			Equipment repair/update		\$5,756
			Production Supplies		\$2,902
			Office Supplies		\$235
			Dues/Memberships		\$596
			501c3 Administrative Costs		\$1,000
			Contribution to Contingency Fund		\$9,486
				Total Expenses	\$92,753
Addendum					
			Both Charter and CTC each provided Lakes Media with a "one time"		
			payment of \$12,000 for the expressed purpose of building and upgrading		
			infrastructure (ie. Headend equipment, fiber connection costs)		

Lakes Media Collborative Inc. Payment History

<u>Year of Payment</u>	<u>Amount paid</u>	
2005	\$ 21,120	3/21/05 Meeting. At 4/5/05 meeting dedicated 3/5 of franchise fee to go to LAMC starting in 2006
2006	55,660	3/5th of fee collected for 2005, received in 2006
2007	52,023	3/5th of fee collected for 2006, received in 2007
2008	52,474	3/5th of fee collected for 2007, received in 2008
2009	54,281	3/2/09 motion to pay LAMC 50% of the fee. Paid 50% of the fees collected for 2008, received in 2009 (\$108,561.70)
2010	56,941	50% of fee collected for 2009, received in 2010 (\$113,882.86)
2011	59,494	50% of fee collected for 2010, received in 2011 (\$118,987.24)
2012	59,326	50% of fee collected for 2011, received in 2012 (\$118,651.60)
2013	59,399	50% of fee collected for 2012, received in 2013 (\$118,797.77)
2014	62,062	50% of fee collected for 2013, received in 2014 (\$124,124.55)
2015	62,959	50% of fee collected for 2014, received in 2015 (\$125,917.07)
2016	64,325	50% of fee collected for 2015, received in 2016 (\$128,649.61)
2017	66,721	50% of fee collected for 2016, received in 2017 (\$133,441.08)
2018	65,990	50% of fee collected for 2017, received in 2018 (\$131,979.07)
2019	66,318	50% of fee collected for 2018, received in 2019 (\$132,635.14)
2020	-	
2021	-	
2022	-	
	<u>\$ 859,090</u>	



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Approve Event/Street Closure Application - Fire Dept Open House

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 annual Brainerd Fire Department Open House to be held on October 12, 2023 from 5 p.m. to 7 p.m. on East River Road.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The event consists of fire prevention, fire apparatus, and emergency provider displays. The applicant has requested closure of East River Road between the Fire Department and Police Department from 4 p.m. to 8 p.m. for the event. The applicant intends to use the electrical outlets from the fire department. There will be no amplified sound. Restrooms in the fire department will be provided for attendees. Waste Partners is contracted for waste removal.

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 23, 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: Brainerd Fire Department Open House

Organizer Information

Organizer's Name: Tim Holmes
Organizer's Address: 23 Laurel Street
Event Contact Person: Tim Holmes
Event Contact Daytime Phone: 218-828-2312
Event Contact E-mail Address: tholmes@ci.brainerd.mn.us
Contact Name/Number Day of Event: Tim Holmes - 218-828-2312
For Profit/Nonprofit Status (type): _____

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
October 12	5:00 pm	7:00 pm	23 Laurel Street

☐ 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:

Fire prevention, fire apparatus, and emergency provider displays

Site Information

Electrical usage

☒ Yes

☐ No

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

On-Scene

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:

Trash Receptacle Disposal

☒ Yes

☐ No

Company contracted for trash receptacle disposal: Waste Partners

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):

East River Road between Front and Laurel Street

Date and time for beginning of street closures: **October 12 at 4 pm**

Date and time for reopening of streets: **October 12 at 8 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.

No residential or businesses located in the closed street area.

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

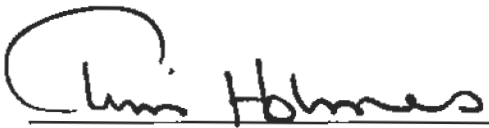
The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and 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.

A handwritten signature in black ink, appearing to read "Tim Holmes", written over a horizontal line.

Signature of Applicant

Tim Holmes

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				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				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				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				Issued by the Police Department after complete submission of application.
Alcohol Use Permit				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	8/29 JD	See condition 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

Applicant 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):



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Approve Event/Street Closure Application - Armed Forces Tribute Event

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 Armed Forces Tribute Event to be held on Friday, September 15, 2023 from 1 p.m. to 2:15 p.m. on S. 4th Street.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The applicant is requesting closure of the parking spaces on the west side S. 4th Street adjacent to the Crow Wing County parking lot. They are intending to have a hot air balloon in the parking lot during the event. The event will also occur at the All Veterans Memorial adjacent to the Historic Courthouse.

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

FINANCIAL IMPACT: N/A



RECEIVED

AUG 25 2023

CITY OF BRAINERD
ADMINISTRATION

Date of Application: 8-25-23

Event applications that do not include a street closure must be submitted to the Parks & Recreation Department at 1619 Washington Street NE, Brainerd, MN 56401 or parks@ci.brainerd.mn.us at least 14 calendar days prior to the event. Applications that include a street closure must be submitted to the Engineering Department at 501 Laurel Street, Brainerd, MN 56401 or engineer@ci.brainerd.mn.us at least 30 calendar days prior to the event and will require City Council approval.

Type of event: ☐ Event – City Parking Lot
☐ Event with Street Closure

☐ Event – City Park
☒ Other

Name of event:

Armed Forces Tribute Event
Parking on S. 4th
Street off E. side Civic Jail
next to Civic parking lot
2-3 Front
all of
vet space
all to
upload
100

Organizer Information

Organizer's Name:

Tammy Ebertowski

Organizer's Address:

UFW 309 S. 6th Street Brainerd, MN
56401

Event Contact Person:

Tammy Ebertowski

Event Contact Daytime Phone:

218-838-1057

Event Contact E-mail Address:

tammy.ebertowski@gmail.com

Contact Name/Number Day of Event:

Tammy Ebertowski

For Profit/Nonprofit Status (type):

Non Profit

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
9-15-23	1PM	3:15pm	At Veterans memorial over E. Side of Jail

☐ Recurring event (requires only one application submittal per year.) Indicate all event dates and times above.

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:

Site Information

Electrical usage

☐

Yes

☒

No

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

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:

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 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):

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.

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities		
City Administration		
Engineering Department	8/30 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 or Parks & Recreation Director

Date

Approval Conditions

Request traffic control materials one week prior to the event at 218-513-4412.

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):

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			N/A	Contact the Parks & Recreation Department for information/procedure.
Fire/EMS/Police support			N/A	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			N/A	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			N/A	All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).
Insurance Certificate			N/A	May be required before issuing a permit.
Sign/banner Permits			N/A	Contact the Planning Department for information/procedure.
Parade Permit			N/A	Issued by the Police Department after complete submission of application.
Alcohol Use Permit			N/A	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

mainly request
for parking on
S. 4th
get to cwc
parking lot E. side
of jail 2 cwc
facilities is assisting
with parking lot



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Approve Final Pay Request - Imp 23-02 Crack Sealing

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 item is the final pay request for the 2023 Crack Sealing project. The total amount of crack sealing was slightly above the originally planned quantity. Generally, the contractors have continued until they have utilized all of the crack sealing material that has been purchased. Considering the costs of the crack sealing this year, staff directed the contractor to not continue and utilize the remaining material.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The total payment request is for \$25,200. The original awarded bid was \$24,767.90. Adding the separately purchased crack sealing material (\$10,012.50), the total cost of the project would be \$35,212.50. The budgeted amount of the project was \$25,000 and funds for the project are planned to come from the Construction Fund 401.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the final pay request for Imp 23-02 Crack Sealing in the amount of \$25,200.

FINANCIAL IMPACT: \$25,200.

Contract Number: 23-05
Pay Request Number: 1

Project Number	Project Description
23-02	2023 Crack Sealing Project

Contractor: Northwest Asphalt & Maintenance 11560 190th St NE Thief River Falls, MN 56701	Vendor Number: N/A Up To Date: 08/24/2023
---	--

Contract Amount		Funds Encumbered	
Original Contract	\$24,767.90	Original	\$24,767.90
Contract Changes	\$0.00	Additional	N/A
Revised Contract	\$24,767.90	Total	\$24,767.90

Work Certified To Date	
Base Bid Items	\$25,200.00
Contract Changes	\$0.00
Material On Hand	\$0.00
Total	\$25,200.00

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$25,200.00	\$25,200.00	\$0.00	\$0.00	\$25,200.00	\$25,200.00
Percent Retained: 0%			Percent Complete: 101.74%		

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By Jessie Dehn

City Engineer

Date

Approved By Northwest Asphalt & Maintenance

Jared D. Peterson

Contractor

8-24-2023

Date

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2023-08-24	\$25,200.00	\$0.00	\$25,200.00

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
2023 Crack Sealing		\$25,200.00	\$0.00	\$0.00	\$25,200.00	\$25,200.00

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
City of Brainerd	Local-City of Brainerd	\$25,200.00	\$24,767.90	\$24,767.90	\$25,200.00

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2021.501	MOBILIZATION	LS	\$1,000.00	1	1	\$1,000.00	1	\$1,000.00
Base Bid	2	2331.603	CRACK SEALING	L F	\$0.58	39255	40000	\$23,200.00	40000	\$23,200.00
Base Bid	3	2563.601	TRAFFIC CONTROL	LS	\$1,000.00	1	1	\$1,000.00	1	\$1,000.00
Base Bid Totals:								\$25,200.00		\$25,200.00

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
23-02		\$25,200.00	\$25,200.00

Contract Change Item Status										
Project	CC	Line/Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Contract Change Totals:								\$0.00		\$0.00

Contract Change Totals			
Number	Description	Effective Date	Amount

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

Contract Total				\$25,200.00		
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City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Review Request from BNSF for S. 4th Street Crossing Improvements

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 is an e-mail from BNSF requesting City partnership on a crossing improvement project at the S. 4th Street railroad crossing. They state that the crossings are generally the responsibility of the roadway authority. However, in staff's opinion, this has not been the typical practice in other places.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: BNSF is requesting that the City partner in the improvement in the following means:

1. \$1,000 per linear foot, estimated 104 linear foot = \$104,000. (BNSF estimates this as half of the cost)
2. City provides traffic control and patching of the asphalt roadway on the approaches.

One option the Council could consider to regard this request as an "exchange" for some other items the City has requested partnership in the past. Some of those items have been:

- Purchasing the railroad property between 11th and 13th Streets
- Possible new crossing for a potential Laurel Street extension
- Sidewalk crossing on 13th Street
- Chain link fence replacement adjacent to Washington Street.

If the Council is interested in this, staff would request a formal estimate from BNSF to include in the 2024 capital budget.

RECOMMENDED ACTION/MOTION: Staff is requesting Council direction on a response to BNSF's request for participation in the S. 4th Street railroad crossing improvements.

FINANCIAL IMPACT: Unknown at this time.

From: [Daniella N. Almanza](#)
To: [Jessie Dehn](#); [James Fladung](#)
Cc: [Fiorini, Alexander James](#)
Subject: DOT# 076259K 4th Street, Brainerd, MN Crossing Replacement
Date: Thursday, August 17, 2023 8:52:16 AM

Some people who received this message don't often get email from dnalmanza@transystems.com. [Learn why this is important](#)

Good morning Jessie and James,

BNSF inspectors have identified DOT# 076259K on 4th Street in Brainerd, MN as a candidate for replacement in 2024. Although public roadway crossings are generally the responsibility of the road authority, BNSF is willing to partner with the City of Portland to replace the aforementioned crossing in budget year 2024. With this, BNSF would respectfully ask the City to contribute \$1,000/LF (roughly half the cost) as well as provide traffic control and any asphalt patchwork that may be necessary on the roadway approaches. The crossing is 104 feet long.

BNSF certainly hopes we can work together with the City of Brainerd to ensure rail crossings are renewed and continue to be safe for the travelling public. If the City is agreeable to the above contribution, I can work to generate a formal estimate and agreement to be presented to the City. Please respond at your earliest convenience to identify if we can continue to move this project coordination forward.

Thank you for your time and I look forward to working with you on this project!

Thanks,



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Authorize Staff to Apply for MnDNR ReLeaf Community Forestry Grant

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

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

PRESENTER: Jessie Dehn, Public Works Director, James Kramvik, Community Development Director **ESTIMATED TIME (MIN):** 5 Minutes

SUMMARY OF ISSUE: MnDNR is currently accepting applications for their 2023 ReLeaf Community Forestry grant program. The program is aimed to enhance community forest health by planting, maintenance, restoration, and other avenues. Applications are being accepted until September 18th with a maximum request of \$500,000, no match is required.

The City completed a tree inventory of all right-of-way trees and park trees over the last two years as part of an EAB grant awarded to Brainerd. The next step is revising the current tree ordinance and policy to reflect the information gathered from the tree inventory and adopting a plan to create resiliency in Brainerd's urban forest specifically from the potential spread of Emerald Ash Borer and other tree diseases.

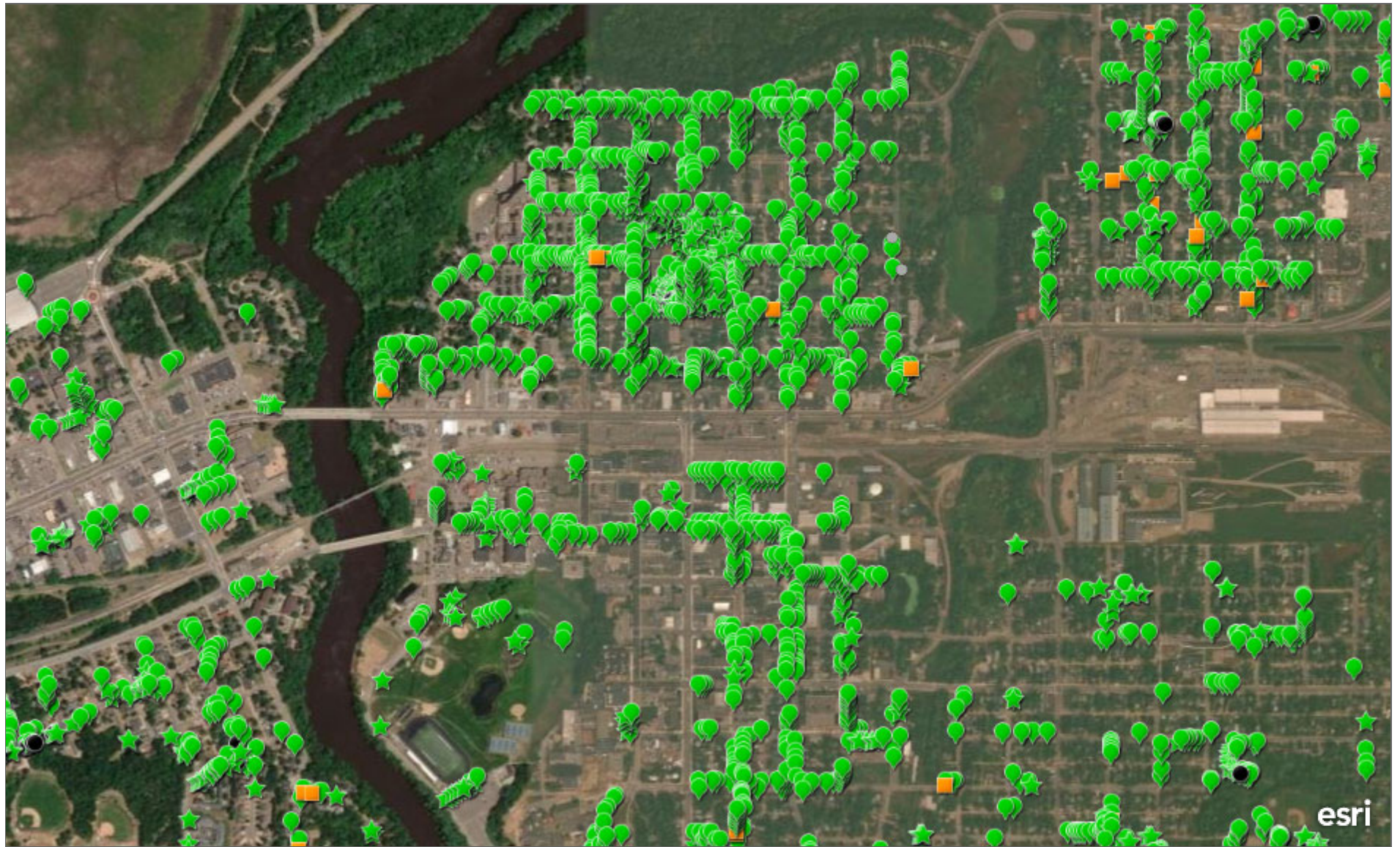
ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff has discussed the grant program, both the application requirements and the reporting requirements should we be awarded funds. We feel that we could apply for approximately \$60,000 in grant funds to accomplish the following goals:

1. Develop a revised Tree Ordinance - Hire a consultant to complete this work.
2. Clean up the Tree Inventory
3. Plant new trees in select areas - Staff recommends College Drive, possibly North 8th median, part of Kingwood St, part of Oak St, East side of Downtown
4. Tree Inspector Training - James Kramvik and Dylan Edwards are currently certified, possibly have Shawn Middagh certified also
5. Removal and Replacement of Poor Condition Ash Trees as part of the EAB management plan

RECOMMENDED ACTION/MOTION: Staff is requesting authorization to apply for the MnDNR ReLeaf Community Forestry grant program for approximately \$60,000.

FINANCIAL IMPACT: N/A

Brainerd Tree Inventory



Street Tree Inventory is a configuration of Collector for ArcGIS that can be used by public works field staff to inventory street trees planted within the public right of way or actively managed by their organization.

0.2mi

Maxar



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Approve Change Order 4 for Imp 21-12 - North Brainerd Reconstruction

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: Attached to this item is a proposed change order for granular borrow which was needed on Phase 3. This is similar to a previous change order that was brought forward in early June regarding the necessary material needed to rebuild the road in Phase 1 due to thicker than anticipated concrete under the existing roadway. It was found that there was similarly thicker concrete on Phase 3, requiring additional material to build the road to the necessary grade.

In addition, staff has prepared a memo regarding turf establishment on the project options moving forward on Phase 3.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: See attached memo.

RECOMMENDED ACTION/MOTION: Staff recommends approval of Change Order 4 in the amount of \$9,991.80 and direction on how to proceed with seeding on Phase 3.

FINANCIAL IMPACT: \$9,991.80, potentially additional dependent on direction from Council.



MEMO

TO: BRAINERD CITY COUNCIL

FROM: CITY ENGINEER/PUBLIC WORKS DIRECTOR JESSIE DEHN

DATE: SEPTEMBER 5, 2023

SUBJECT: TURF ESTABLISHMENT ON IMP 21-12 – NORTH BRAINERD RECONSTRUCTION

The 2023 construction year has encountered weather and a drought that, while advantageous for construction progress, has proved to be challenging for establishing turf on this project and others in the area. The Contractor has in their scope of work to re-establish turf grass following the completion of each phase of work. This is also a requirement of their NPDES Construction Stormwater Permit that the area be stabilized following completion of construction activities to prevent soil erosion from leaving the construction project.

The standard construction practice on urban projects is to complete placing permanent seeding and hydromulch on the project. In areas where seed fails to germinate or establish, staff follows up with the Contractor to return and correct the issue until they achieve the desired result of turf grass establishment. During this project, the Contractor has placed seed on Phases 1 and 2 at the completion of the work in these areas. Unfortunately, the continued drought has proven to be adverse to grass growth. Thus, much of Phases 1 and 2 have failed to establish the required level of turf grass that is acceptable. Staff has already been making the Contractor aware of the expectation that they will need to remedy this and take corrective actions before there is acceptance. However, the weather patterns have continued to be hot and dry. Thus, it would be unlikely that corrective actions done at this time would likely also fail. With the inability for grass to establish, it has led to weeds overtaking the disturbed areas. This is also something that staff has directed to the Contractor that the issue of the weeds will need to be remedied before acceptance.

Moving into Phase 3, the Contractor is wrapping up their final operations with paving, likely occurring on September 1st. This will likely lead to the Contractor needing to stabilize the disturbed soil as part of their permit requirements. With the continued drought and the forecast continuing to show severely dry conditions with lack of forecasted rain, staff is requesting Council direction on how to handle the stabilization of Phase 3. Some of the options with pros and cons are as follows:

1. Continue to place permanent seed and hope that the weather patterns change to provide regular rainfalls which would likely lead to successful establishment. If the seed fails, the Contractor would need to return and address the failures, similarly to Phases 1 and 2. This would be the most cost-effective option.

Jessie Dehn, P.E.
City Engineer/Public Works Director
City of Brainerd, MN
Page 142 of 202

2. Execute a Change Order to include direction of the Contractor to perform watering after placing the permanent seeding, roughly every other day. Based on the attached proposal from the Contractor, we estimate this would take roughly 3 weeks of watering, amounting to roughly \$10,000 for Phase 3 only. Likely over \$30,000 for all three phases. One issue is that the truck-mounted sprayer does not soak into the topsoil as effectively as a lawn sprinkler and may risk washing out the seed.
3. Direct the Contractor to place temporary seed on Phase 3. This would stabilize the area, mainly with annual grasses, but would need to be re-planted with permanent seed at a future time when conditions are better for planting grass. As the annual grasses would likely grow quickly, this would likely force out and prevent weeds from establishing in these areas. There is a current item in the bid in the event this is necessary so no Change Order would be required.

After discussing this with the turf establishment Subcontractor to gather their input and recommendation, they were also concerned with the long-range forecast and lack of anticipated rain. Their opinion is after mid-September, it is difficult to establish final turf before the weather cools and the area begins to experience freezing overnight temperatures. With the forecasted weather and conditions unlikely to improve before that time, their recommendation would be to temporarily seed the area and return next spring to re-plant the permanent grass seeding.

When staff considered the options, forecasted weather, and the recommendation of the Contractor, staff is also recommending placement of the temporary grass seed on Phase 3 with the expectation that the Contractor will need to return when weather conditions improve, likely next spring to make corrections on Phases 1 and 2 as well as re-planting Phase 3.



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP/SAP(s)		MN Project No.:	N/A	Change Order No.	4
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Project Location	Juniper Street - N 2nd Street to N 10th Street, N 3rd Street - Washington Street to Holly Street, N 6th Street - Washington Street to Juniper Street, N 7th Street - Kingwood Street to Holly Street		
Local Agency	City of Brainerd	Local Project No.	21-12
Contractor	DeChantal Excavating LLC	Contract No.	2022-03
Address/City/State/Zip	P O Box 315 / Brainerd / MN / 56401		
Total Change Order Amount \$		\$9,991.80	

This change order is for the additional borrow material that was needed to be brought in for Phase 3 of the project.

Estimate Of Cost: (Include any increases or decreases in contract items, any negotiated or force account items.)

Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
2105.507	COMMON BORROW (LV)	C Y	\$21.35	468	\$9,991.80
Net Change this Change Order					\$9,991.80

Due to this change, the contract time: (check one)

☒ (X) Is NOT changed	☐ () May be revised as provided in MnDOT Specification 1806
Number of Working Days Affected by this Contract Change:	Number of Calendar Days Affected by this Contract Change:

Approved by City Engineer/Public Works Director: _____ Date: _____

Print Name: Jessie Dehn

Approved by Contractor:  Date: 8-30-23

Print Name: DeChantal Excavating LLC

DOUCETTE'S LANDSCAPING &
CONTRACTING
19043 213TH ST
LITTLE FALLS MN 56345

BID

DATE	ESTIMATE #
8/21/2023	7556
dlc@douceland.com	

NAME / ADDRESS
DECHANTAL EXCAVATING, LLC PO BOX 315 BRAINERD MN 56401

THIS BID DOES NOT INCLUDE ANY
MAINTENANCE ON BID ITEMS.
DOES NOT INCLUDE TOPSOIL OR PLACEMENT
OF TOPSOIL.

BID DATE	PROJECT NO.	ROAD NUMBER	COUNTY, CITY	OWNER
8/21/2023	21-12	JUNIPER, 3RD, 6TH, 7TH	BRAINERD	BRAINERD

ITEM NO.	ITEM DESC. & UNITS	ITEM QTY	UNIT PRICE	TOTAL
WATER	WATERING SEEDED AREAS, PER MGAL	1	87.25	87.25
TOTAL				\$87.25

ACCEPTED BY
SIGNATURE _____

SIGNATURE, DLC

[Signature]
DeChantal 8.93
10% 95.98



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Discussion on Rental Dwelling License Board of Appeals

AGENDA: SPW 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:

Staff would like the Safety and Public Works Committee to hold a discussion on the appeal process for the denial or revocation of rental licenses. If a dwelling or dwelling unit(s) fails to meet the licensing standards set forth in Section 425.36 and if the Designated City Official determines either are in “noncompliance” the following actions will take place:

- (1) A correction notice shall be in writing, sent first class mail or an emailed form to the owner/designated agent on the license.
- (2) Notice shall state reasons for noncompliance.
- (3) Notice shall indicate the time period that the licensee will have to correct items of noncompliance
 - a. Thirty (30) calendar days is the standard time period for corrections
 - b. Any items affecting health, life or safety shall have five (5) calendar days for correction
- (4) Designated City Official may grant the licensee an extension of time with due notice

The City Council may (per sub section (a) of 425.3012) above deny or revoke the license unless the owner appeals the determination within fifteen (15) business days after the date of the notice, in the manner provided in Section 425.3014.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

If the owner appeals within fifteen business days, The Rental Dwelling License Board of Appeals shall render its recommendation in writing within twenty (20) days after the close of the hearing. The recommendation shall determine whether the dwelling or dwelling units therein, meets the standards of Section 425 and shall specify the basis of determination.

The Board is advisory to the City Council. They shall have the authority to hear and recommend action on all appeals from the Designated City Official to deny or revoke a rental dwelling license.

The Rental Dwelling License Board of Appeals does not currently have an active member which would

effect the appeal process outlined in Section 425. Staff recommends that the Safety and Public Works Committee become the Rental Dwelling License Board of Appeals.

RECOMMENDED ACTION/MOTION:

Direct staff to draft an ordinance to make the Safety and Public Works Committee the Rental License Board of Appeals and bring the ordinance as a first reading to the next City Council meeting.

FINANCIAL IMPACT: N/A



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Direction on Active Code Enforcement Cases

AGENDA: SPW 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:

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 five (5) 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:

1623 Emma St.
1005 3rd Ave NE
915 Laurel St
823 Willow St
701 4th St SW

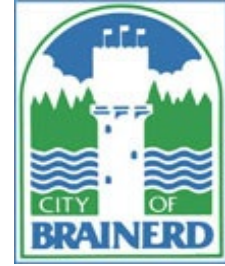
Section 320, action that could be taken against these properties include:

- 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: September 5, 2023

RE: Recommendations for Active Code Enforcement Cases

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

- **1623 Emma St**
 - Received one (1) Notice of Violation Letter (07/20/23) and three (3) Citations for Junk/Debris/Blight
 - First citation 8/4/23 – Third citation 08/24/23
 - \$600 in open citations

Staff recommends obtaining a search warrant and abating the junk and debris.

- **1005 3rd Ave NE**
 - Received one (1) Notice of Violation Letter (5/22/23) and three (3) Citations for Zoning Code Violation – Outdoor Storage
 - First citation 6/23/23 – Third citation 08/29/23
 - \$600 in open citations

Staff recommends obtaining a search warrant and abating all violations of outdoor storage.

- **915 Laurel St. – ongoing issue – repeat offender**
 - Received one (1) Notice of Violation Letter (8/15/23) and one (1) Citation (8/30/23) for Junk/Debris/Blight
 - \$300 in open citations

Staff recommends obtaining a search warrant and abating the junk and debris.

- **823 Willow St.**
 - Received one (1) Notice of Violation Letter (8/01/23) and two (2) Citations for Unlicensed Rental
 - First citation 8/14/23 – Second citation 08/24/23

Staff recommends a \$300 citation every month while not in compliance and recommend legal action from the City Attorney.

- **701 4th St SW**
 - Received one (1) Letter of Short-Term Rental requirements (8-09-23), one (1) Notice of Violation Letter (8/22/23) and one (1) Citation (8/22/23) for Unlicensed Rental

Staff recommends a \$300 citation every month while not in compliance and recommend legal action from the City Attorney.

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; 8/28 to abate garbage.

609 11th Ave NE – Sent final 10-day letter to correct 8/22/23. Will obtain an administrative search warrant to abate after the deadline if no action.

PID 41191502 – Issuing \$300 citation each month thru 12/1/2023.

PID 41241233 and 301 9th St S – Sent 10-day letters to correct 8/22/23. Will work on abatement after that deadline if no action has been taken.

July 20, 2023

ZONTELLI, LUKE R & SMUDE, ELLIE N
1623 EMMA 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: 1623 EMMA ST
Real Estate Code: 41360561

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 08/03/2023

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

EN23-0386

Date of Violation: 08/24/2023

Parcel ID: 41360561

Violator(s): ZONTELLI, LUKE R & SMUDE, ELLIE N
1623 EMMA ST
BRainerd, MN 56401

Location/Address of Violation: **1623 EMMA ST**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 308.1	Junk/Debris/Blight	\$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: 09/03/2023

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: 08/24/2023

Representative's Signature: 

(served via first class mail)





May 22, 2023

O'CONNOR, JESSE
1005 3RD 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: 1005 3RD AVE NE
Real Estate Code: 41190952

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 06/21/2023

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

EN23-0239



Date of Violation: 07/13/2023

Parcel ID: 41190952

Violator(s): O'CONNOR, JESSE
1005 3RD AVE NE
BRAINERD, MN 56401

Location/Address of Violation: **1005 3RD 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: 07/31/2023

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.





August 15, 2023

WETHERELL, RICHARD B
616 NORWOOD 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: 915 LAUREL ST
Real Estate Code: 41241526

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 08/29/2023

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

EN23-0457

Date of Violation: 08/30/2023

Parcel ID: 41241526

Violator(s): WETHERELL, RICHARD B
616 NORWOOD ST
BRainerd, MN 56401

Location/Address of Violation: **915 LAUREL ST**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 308.1	Junk/Debris/Blight	\$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: 09/09/2023

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: 08/30/2023

Representative's Signature:

(served via first class mail)

August 1, 2023

PETERSEN, TROY
1106 BROADWAY ST
BRainerd, MN 56401

RE: **2023 Rental Housing Registration – No Response!!
IMPENDING ADMINISTRATIVE CITATION(S)**

Dear Property Owner(s):

This is the **FINAL notice** sent to property owners who have either not responded to previous registration letters mailed during this licensing period or failed to provide a completed application and/or submit the correct registration fee. The property described below has been identified as a potential unregistered rental dwelling, which would be a violation of the Brainerd City Code 425.

PROPERTY ADDRESS: 823 WILLOW ST
RE CODE: 09117006001X009

LEGAL DESC: 09117 - CHIPPAWA ADDITION TO THE CITY OF BRAINERD

This letter is being sent to you as a cautionary reminder. If this property is a rental dwelling(s), I would advise you to keep it in good standing by securing a rental housing license for your property immediately. **If this property is not a rental: Please return the enclosed application completed including the declaration of non-rental section so that staff may remove the subject property from the contact list. A Minnesota tax ID and/or Social Security number is not required if not a rental.** The rental housing license fee is now **\$57 PER UNIT**.

Failure to respond to this final notice will result in the issuance of citation(s). The FIRST \$100 Administrative Citation will be issued on August 10th if no response is received, \$200 Administrative Citation 10 days later, \$300 Administrative Citation after another 10 days. Also, a Notice of Code Violation Placard will be posted on the dwelling.

Reference: City Code Article III, 425.3001 Rental License Required. No person shall allow to be occupied, or let to another for occupancy, any dwelling unit unless the owner has first obtained in license.

<http://www.ci.brainerd.mn.us/DocumentCenter/View/89/Section-425---Rental-Housing-Maintenance-Code-PDF>.

Please contact me at 218-828-2307 if you have questions regarding this matter.

Respectfully,

CITY OF BRAINERD

Jason Stockinger,
Building/Housing Inspector

Enclosures



This citation charges you with one or more violations of the
Housing Maintenance Code, Ordinance No. 1304

Administrative Citation

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Department of Building Safety – 218-828-2307

Violator(s): PETERSEN, TROY A Date of Violation: 08/14/2023

Mailing Address: 1106 BROADWAY ST Parcel ID: 41251054
BRainerd, MN 56401

Location/Address of Violation: **823 WILLOW ST**

VIOLATION

Section	Subdivision, Chapter or Article	Description	Fine
425	3001	License Required	\$100.00

425.3001 License Required. No person shall allow to be occupied, or let to another for occupancy, any dwelling unit unless the owner has first obtained a license under the terms of this article. NOTE: Any "Lease to Own" or "Rent to Own" type arrangement is still a rental and must be registered as such until such time as the rental dwelling purchase transaction is recorded. NOTE: Any "Contract for Deed" not properly recorded with the county as required by Minnesota State Statute 507.235 shall be considered a rental and subject to Section 425.

Citation Amount Due: \$100.00

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: 08/24/2023

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 may 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: Darrin Deseth, Building Official

Date: 08/14/2023

Representative's Signature:

(served via first class mail)



This citation charges you with one or more violations of the
Housing Maintenance Code, Ordinance No. 1304

Administrative Citation

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Department of Building Safety – 218-828-2307

Violator(s): PETERSEN, TROY A Date of Violation: 08/24/2023

Mailing Address: 1106 BROADWAY ST Parcel ID: 41251054
BRainerd, MN 56401

Location/Address of Violation: **823 WILLOW ST**

VIOLATION

Section	Subdivision, Chapter or Article	Description	Fine
425	3001	License Required	\$200.00

425.3001 License Required. No person shall allow to be occupied, or let to another for occupancy, any dwelling unit unless the owner has first obtained a license under the terms of this article. NOTE: Any "Lease to Own" or "Rent to Own" type arrangement is still a rental and must be registered as such until such time as the rental dwelling purchase transaction is recorded. NOTE: Any "Contract for Deed" not properly recorded with the county as required by Minnesota State Statute 507.235 shall be considered a rental and subject to Section 425.

Citation Amount Due: \$200.00

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: 09/03/2023

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 may 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.

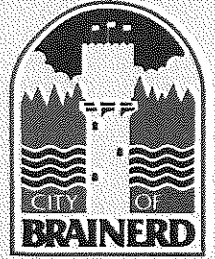
Representative: Darrin Deseth, Building Official

Date: 08/24/2023

Representative's Signature:

(served via first class mail)

701 SW 4th St



www.ci.brainerd.mn.us

August 8, 2023

Norbert Tambe Ebai
701 SW 4th St
Brainerd, MN 56401

RE: **701 4th St SW., Brainerd MN**

Dear Property Owner,

It has been brought to our attention that the above-mentioned property is being advertised as a short-term (AirBNB) rental. There are City of Brainerd requirements for owning and operating a rental property, and some additional stipulations if the rental is short-term.

You may not be aware of Brainerd Zoning Code 515-3-34, which states all short-term rentals must comply with several minimum standards. One of those include applying for and receiving an Interim Use Permit. I have included a copy of the code, along with the application packet.

This application must be submitted within 10-days and any future short-term reservations must be ceased immediately until compliance is met.

Please give us a call at (218) 828-2307 if you have any questions.

Sincerely,

James Kramvik
CITY OF BRAINERD
Community Development Director

August 22, 2023

EBAI, NORBERT TAMBE
701 SW 4TH ST
BRAINERD, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Property Address: 701 4TH ST SW

Real Estate Code: 41090554

Violation: Zoning Code Violation 515-3-34 & Rental Code Violation 425.3001 & 425.3011

Short-Term Rental

Any short-term rental must comply with the following minimum standards:

- 1) The permit holder (owner) of a short-term rental must apply for and receive an Interim Use Permit.
- 2) 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 Marshall.

425.3001 License Required. No person shall allow to be occupied, or let to another for occupancy, any dwelling unit unless the owner has first obtained a license under the terms of this article. Unlicensed rental dwellings or dwelling unit(s) will be fined per City Council Resolution.

When a licensee has failed to comply with the correction notice and a citation has been issued, the tenant shall be notified:

- (1) Notice shall be mailed to the tenant
- (2) Notice shall indicate what action is required
- (3) Notice shall state time period for items to be corrected
- (4) Notice shall state if noncompliance items are not corrected, it shall be recommended to City Council to deny or revoke the current license
- (5) If license is denied or revoked a placard will be placed on dwelling and/or dwelling unit(s) to vacate the unit(s).

The property must apply for a rental license and set up a rental inspection. Short-term rental reservations must be cancelled until the property has received a valid rental license from the City of Brainerd. A fully complete application for an interim use permit for a short-term rental must be submitted to the Community Development Department. Upon submittal of the IUP, all future reservation dates must be blocked out for reservations.

Corrective action is required; 7 days are allowed from the date of this letter. If corrective action is not made by 8/29/2023 it will be recommended to City Council that any future rental licenses be denied.

Action should be taken on or before 08/29/2023

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 Community Development Director James Kramvik at 218/454-3408 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD



This citation charges you with one or more violations of the
Zoning Code

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Community Development Department – 218/828-2307

EN23-0472

Date of Violation: 08/22/2023

Parcel ID: 41090554

Violator(s): EBAI, NORBERT TAMBE
701 SW 4TH ST
BRainerd, MN 56401

Location/Address of Violation: **701 4TH ST SW**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
515-3-34 425.3001 & 425.3011	Zoning Code Violation Rental Code Violation	\$100.00

Citation Amount Due: \$100.00

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 Community Development Department, City Hall - 501 Laurel Street; Brainerd, MN
56401.

Re-inspection Date: 08/29/2023

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: James Kramvik, Community Development Director

Date: 08/22/2023

Representative's Signature:

(served via first class mail)



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Final 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 first reading of proposed Ordinance 1555 was conducted by the City Council on August 21st. The current ordinance regarding contesting administrative citations 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:

1) Motion to conduct the final reading of Proposed Ordinance 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.

2) Hold a public hearing on Proposed Ordinance 1555.

3) Motion to adopt Proposed Ordinance 1555.

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 – _____

NOTICE OF HEARING

The City of Brainerd City Council will be conducting a public hearing to consider proposed Ordinance 1555, an ordinance amending Section 320 of the Brainerd City Code relating to administrative citations. The proposed ordinance would require residents to correct all zoning issues within 10 days except for accessory structures. The proposed ordinance would also make City Council the authority to hear, review, and make a determination for all administrative citation appeals.

A Public Hearing will be conducted by the City Council at 7:30 p.m. Tuesday, September 5, 2023, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding proposed Ordinance 1555. Any individual needing special accommodations please call (218) 828-2307.

Dated this 21st day of August 2023

Publication Date: August 23rd, 2023



James L. Kramvik
Community Development Director



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: First Reading - Proposed Ordinance 1556 - Creating Section 1350 of the City Code - Micromobility

AGENDA: Main

ACTION REQUESTED: Ordinance

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

PRESENTER: Jessie Dehn, Public Works Director **ESTIMATED TIME (MIN):** 5 Minutes

SUMMARY OF ISSUE: Attached to this item is Proposed Ordinance 1556, an ordinance creating Section 1350 of the City Code regulating the use of various forms of micromobility. Also attached are City Code Sections 915 and 1335 for reference. Micromobility is a relatively newer technology that continues to grow in popularity. Micromobility is a term that refers to transportation using lightweight vehicles such as bicycles or scooters, especially electric ones. Electric-assist bicycles, scooters, skateboards, and segways are all examples of forms of micromobility. Staff met with stakeholders to gather additional input on potential regulations on use that could be presented to the Council. Staff also received feedback from the City Council in early August and received direction on preparing a proposed ordinance to be presented.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: See attached proposed ordinance. If City Council would like to see changes to the proposed ordinance, staff can make corrections prior to the final reading and public hearing on the proposed ordinance.

RECOMMENDED ACTION/MOTION:

1. Motion to conduct the first reading of Proposed Ordinance 1556, an ordinance creating Section 1350 of the City Code
* Note: a vote to dispense with the actual reading of the ordinance must be unanimous.
2. Call for a Public Hearing at the September 18, 2023 Council Meeting.

FINANCIAL IMPACT: N/A

**ORDINANCE
NO. 1556**

AN ORDINANCE CREATING SECTION 1350 MICROMOBILITY 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 operation of various forms of personal mobility devices, also known as forms of micromobility, in the public right-of-way and other public places within the City of Brainerd.

The City wishes to be proactive in protecting public safety by enacting regulations that will reduce risks to the public with the interactions of these forms of micromobility with pedestrians and motor vehicles.

SECTION 2. ADDITION TO THE CITY CODE.

SECTION 1350 – MICROMOBILITY

1350.01 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) Bicycle has the meaning specified in Minn. Stat. § 169.011.
- b) Central Business District is defined as the area bounded by Front Street on the north, the west side of South 8th Street on the east, Maple Street on the south, and east side of South 6th Street on the west.
- c) Electric-assisted bicycle has the meaning specified in Minn. Stat. § 169.011.
- d) Electric skates are defined as a personal mobility device based on roller skates or inline skates, controlled by a remote control for speed control and braking.
- e) Electric-assisted skateboard is defined as a personal mobility device based on a skateboard, sometimes controlled by a remote control or shifting body weight forward or backward for speed control and braking.
- f) Electric personal assistive mobility device has the meaning specified in Minn. Stat. § 169.011.
- g) Motorized bicycle has the meaning specified in Minn. Stat. § 169.011.

h) Motorized foot scooter has the meaning specified in Minn. Stat. § 169.011.

i) Pedestrian has the meaning specified in Minn. Stat. § 169.011.

1350.02 Operation.

a) Electric personal assistive mobility devices

a. An electric personal assistive mobility device may be operated on a bicycle trail.

b. No person may operate an electric personal assistive mobility device on a roadway, sidewalk, or bicycle trail at a rate of speed that is not reasonable and prudent under the conditions. Every person operating an electric personal assistive mobility device on a roadway, sidewalk, or bicycle trail is responsible for becoming and remaining aware of the actual and potential hazards then existing on the roadway or sidewalk and must use due care in operating the device.

c. An electric personal assistive mobility device may not be operated at any time while carrying more than one person.

d. A person operating an electric personal assistive mobility device on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating an electric personal assistive mobility device on a bicycle trail must yield the right-of-way to bicycles at all times.

b) Electric-assisted bicycles

a. A person may operate an electric-assisted bicycle in the same manner as provided for operation of other bicycles, as described in City Code Section 1335 – Bicycles.

c) Motorized bicycles

a. No person shall operate a motorized bicycle upon a sidewalk at any time, except when such operation is necessary for the most direct access to a roadway from a driveway, alley or building.

b. No person shall operate a motorized bicycle upon a multi-use or bicycle trail at any time, except when such operation is necessary for the most direct access to a roadway from a driveway, alley or building.

d) Motorized foot scooters

a. A person may operate a motorized foot scooter in the same manner as provided for operation of bicycles, as described in City Code Section 1335 – Bicycles, except in respect to those provisions relating expressly to motorized foot scooters as follows.

b. No person may operate a motorized foot scooter upon a sidewalk, except when necessary to enter or leave adjacent property.

- c. No person may operate a motorized foot scooter that is carrying any person other than the operator.

e) Electric skates and electric-assisted skateboards

- a. A person may operate electric skates and electric-assisted skateboards in the same manner as provided for operation of inline skates, roller skates, rollerskis, and skateboards, as described in City Code Section 915, except in respect to those provisions relating expressly to electric skates and electric-assisted skateboards as follows.
- b. No person may operate electric skates or electric-assisted skateboards on a roadway, sidewalk, or bicycle trail in a manner or at a rate of speed that is not reasonable and prudent under the conditions. Every person operating electric skates or electric-assisted skateboards on a roadway, sidewalk, or bicycle trail is responsible for becoming and remaining aware of the actual and potential hazards then existing on the roadway or sidewalk and must use due care in operating the device.
- c. A person operating electric skates or electric-assisted skateboards on a sidewalk must yield the right-of-way to pedestrians at all times.

1350.03 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

Section 915 – Inline Skates, Roller Skate, Rollerskis, and Skateboards

915.01 Purpose. Subdivision 1. The purpose of Section 915 is to protect the public health and safety arising out of the use of inline skates, roller skates, rollerskis, and skateboards within the City of Brainerd. The City Council finds there are certain public streets, alleys, and public property wherein the operation and use of these devices create a potential danger to either the user of such devices or the general public.

915.03 Definitions. For purposes of this Chapter, the terms defined in this Section shall have the meanings indicated.

Subd. 1. Roller devices shall mean any of the following devices:

- A) Inline Skates/Roller Skates. A wheeled device which is attached to a shoe or designed to be attached to a shoe and which is designed to transport a rider.
- B) Rollerskis. A pair of skis, platformed with wheels attached and which is intended to simulate skiing.
- C) Skateboards. A wheeled, non motorized device which is not secured to the rider's feet or shoes and which is designed to transport a rider.

915.05 Prohibited Acts. Subdivision 1. It shall be unlawful for any persons to ride or propel themselves upon inline skates, roller skates, rollerskis, or skateboards in any of the following areas of the City of Brainerd:

- A) Any parking lot owned by the City, County, State, or Federal Governments.
- B) Any privately owned parking lot without the written permission of the owner.
- C) Any public tennis court.
- D) Any alley or sidewalk adjacent to a street located within the following limits: Oak Street to Washington Street; and, South 5th Street to South 9th Street with the exception of the sidewalk adjacent to the east side of South 8th Street.

(Amended Ord. 1251 – 2005)

- E) No roller device shall be operated on any street within the City while being pushed, pulled or in any way propelled by the following means: any motorized vehicle, a person on a bicycle, or an animal.

- F) Persons operating roller devices upon public streets shall not ride more than two abreast.
- G) All roller devices must be operated as close as practical to the right hand curb or edge of the street.
- H) No person, while operating a roller device on a public street shall cause any object to be pushed, passed or thrown between two or more operators of roller devices.
- I) No person shall operate a roller device in a manner likely to endanger any other person or property.
- J) Any City-owned public park except in designated areas.

(Amended Ord. 1251 – 2005)

915.07 Penalty for Violation. Penalty for Violation. Any person who is found to be in violation of any provision of Section 915 of the Brainerd City Code, shall be guilty of a petty misdemeanor and punished accordingly, including payment of all appropriate costs as prescribed by State Statute.

(Amended Ord. 1049 – 1998)

(Added Ord. 1040 – 1997)

Section 1335 – Bicycles

1335.01 General Rule. Subdivision 1. Definition. For the purpose of this Section, the term “bicycle” includes any device propelled by human power upon which any person may ride, having two tandem wheels, and any device generally recognized as a bicycle even though equipped with two front or two rear wheels or a single wheel.

1335.03 Subdivision 1. State Traffic Regulations Every person operating a bicycle within the City shall adhere to the traffic regulations applicable to bicycles in Minnesota Statutes Chapter 169.

Subd. 2. Prohibited Activity on Pedestrian Pathways and Bikeways.

- (1) No person shall operate a bicycle on any pathway posted or otherwise designated for pedestrians only; and no person shall walk, jog or run on any pathway posted or otherwise designated for bicycles only.
- (2) Any person violating this Section shall be guilty of a petty misdemeanor.

Subd. 3. Bicycles on Sidewalks.

- (1) Pursuant to Minnesota Statute Section 169.222, Subdivision 4(d), and unless otherwise posted, persons may ride a bicycle upon a sidewalk in the City of Brainerd but must yield right-of-way to any pedestrian on the walk. Yielding the right-of-way shall mean leaving the sidewalk if necessary.
- (2) Any person violating this sub-section shall be guilty of a petty misdemeanor.

Subd. 4. Bicycles in the Central Business District

- (1) Bicycles on sidewalks in the Central Business District, bounded by Front Street on the north, the west side of South 8th Street on the east, Maple Street on the south, and east side of South 6th Street on the west, shall be walked by the operator.
- (2) Any person violating this sub-section shall be guilty of a petty misdemeanor.

(Amended Ord. 1392 – 2012)



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: First Reading - Proposed Ordinance 1557 - Amendment to Section 1015.07 of the City Code Pertaining to Payment of Fees

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:

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 construction or operations.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Staff recommends the following as an amendment to Section 1015.07 Subd.2 of the City Code pertaining to Double Fees.

"If a person undertakes any action for which an approval or permit from the City is required without having secured the necessary approval or permit prior to or on the date of commencement of such action, said person shall pay a double fee for the approval or permit and is subject to the penalty provisions of this Code."

RECOMMENDED ACTION/MOTION: Motion to conduct the first reading of Proposed Ordinance 1557, an Ordinance Amending Section 1015.07 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: Additional revenue collected from after-the-fact zoning and subdivision processes and permits.

**ORDINANCE
NO. 1557**

AN ORDINANCE AMENDING SECTION 1015.07 – PAYMENT OF FEES

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 1015.07 Subd.2 of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

Subdivision 2. Double Fees. If a person ~~begins work of any kind~~ undertakes any action for which an approval or permit from the City is required without having secured the necessary approval or permit ~~therefore, either previous prior~~ to or on the date of commencement of such work action, ~~he shall, when subsequently securing the permit, pay both the fee provided for the permit said person shall pay a double fee for the approval or permit and an inspection fee equal to the fee provided for the permit~~ and is subject to the penalty provisions of this Code.

SECTION TWO: 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 – _____

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)



City Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Adopt Updated Data Practices Policy

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jennifer Bergman, City
Administrator

DEPARTMENT: Administration

PRESENTER: Jennifer Bergman, City Administrator **ESTIMATED TIME (MIN):** 5 Minutes

SUMMARY OF ISSUE: The Minnesota Government Data Practices 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.

This policy was on the August 21st meeting; however, Council Member Czeczok requested that we include some additional language specific to costs for preparing requested data and place this on the September 5 City Council agenda. The changes to the policy included in the August 21st packet are in red.

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: N/A

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. If the amount of copies exceeds 100 paper copies, the City of Brainerd will charge the actual costs for collection excluding the time to redact private information. If the request is for fewer pages, but still over 100 pages, the City of Brainerd will prorate the amount.

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 the amount of copies exceeds 100 paper copies, the City of Brainerd will charge the actual costs for collection excluding the time to redact private information. If the request is for fewer pages, the City of Brainerd will prorate the amount.

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 Council Agenda Request

MEETING DATE: September 5, 2023

TITLE OF ITEM: Set Budget Workshop for September 13th at 6:00 p.m. in the Council Chambers

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: September 13th was an option for a budget workshop to be held after the wage comp study presentation by Flaherty & Hood on September 11th. The 13th was presented as an option to possibly be ready to adopt the preliminary levy at the regular scheduled council meeting on September 18th. Another option was presented as well, but the general consensus was to have a workshop on the 13th at 6:00 pm.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff is concerned with the turn around of the presentation by Flaherty and Hood on the 11th, a workshop on the 13th, and then to have a proposed preliminary levy ready to go in the council packet on the 14th for the meeting on the 18th. There would not be a packet that could go out ahead of time for the workshop on the 13th either. However, Staff will do their best. If the Council doesn't have the workshop on the 13th, a special council meeting may be needed to set the preliminary levy.

The House Capital Investment Committee will be at CLC the night of the 13th as well at 7:00 pm. Therefore, it would be recommended to start the budget workshop at 5 or 5:30 rather than 6.

RECOMMENDED ACTION/MOTION: Discussion of the date and time for a budget workshop; further to set a date and time the workshop to discuss the 2024 preliminary levy in the Council Chambers.

FINANCIAL IMPACT: