CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, November 20, 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:2493 648 9588
Personnel and Finance Committee at 7:15 PM - Meeting Access Code: 2483 724 6773
Safety and Public Works Committee at 7:00 PM - Meeting Access Code:2481 057 1192

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

1. **Call To Order**

2. **Roll Call**

   ___K. Stunek ___K. Terry ___T. Stenglein ___G. Johnson ___J. Czeczok ___M. O'Day ___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**

   E. **Approve Second Hand Auto License for East Side Auto and Repair, 413 Washington Street- Contingent upon Approvals**

6. **Presentations**

   A. **Northland Arboretum Annual Presentation**

7. **Council Committee Reports**

A. **Personnel & Finance Committee**

1. Review Draft Resolution and Ordinance for Revised Fee Schedule
2. Approve the Promotion of Allyson Timmons to Police Records Management Lead
3. Accept the Resignation of Street Maintenance I Taylor Lokhorst
4. Authority to Enter into Consulting Agreement with Hildi, Inc. for Actuarial Services to Comply with Government Accounting Standards Board (GASB) 74/75 Relating to Other Post Employement Benefits (OPEBs)
5. Authorization to Enter into Agreement with CliftonLarsonAllen (CLA) for 2023 Audit Services
6. Discussion of 2024 Capital Expenditures

B. **Safety & Public Works Committee**

1. Adopt Resolution of Support - TH 210/Lum Park Pedestrian Bridge - TA Grant
2. Adopt Resolution of Support - TH 210/Lum Park Pedestrian Bridge - AT Grant
3. Award Contract for Imp 21-15 - Buffalo Hills Gully Remediation Project
4. Discuss Possible Sidewalk/Trail on Beech Street Reconstruction
5. Approve Proposal for 2024 Downtown Landscaping Services
6. 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)
Public Utilities- 1 term (Expire 2026)
TAC-- 1 term (Expire 2023)
Mayor Recommended: (terms to expire on 9/7 of said year)
EDA- 1 term (Expire 2026)
Council President Recommended: (terms expire on 12/31 of said year)
Parking Commission-- 1 term (Expire 2026)

B. **Adopt Resolution Establishing Sanitary and Storm Sewer Rates for 2024 and 2025**

C. **Update on City Administrator Search Process**

D. **Discussion of County's Response to not Tax Brainerd Residents for their Airport Contribution**

9. **New Business**

   A. **Consider Variance and Conditional Use Permit Amendment at 1202 S 6th St.**

   B. **Adopt Resolution - Receive Feasibility Report and Call for Public Hearing - Improvement 22-08 - South Brainerd Reconstruction Project**

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**

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 / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
Vendor 2740 - AT&T MOBILITY:							
X10032023/FD							
79606	AT&T MOBILITY	09/25/2023	10/11/2023	344.07	0.00	Paid	Y
	ACCT 287312856222 FIRE DEPT PHONES	pziemer					10/11/2023
	225-2220-43321 TELEPHONE			344.07			
X10032023/ADM							
79607	AT&T MOBILITY	09/25/2023	10/11/2023	99.32	0.00	Paid	Y
	ACCT 287292136423 ADMIN PHONES	pziemer					10/11/2023
	101-1400-43321 TELEPHONE			99.32			
X10032023/CD							
79608	AT&T MOBILITY	09/25/2023	10/11/2023	148.98	0.00	Paid	Y
	ACCT 287292136423 COM DEV PHONES	pziemer					10/11/2023
	101-2400-43321 TELEPHONE			148.98			
X10032023/ENG							
79609	AT&T MOBILITY	09/25/2023	10/11/2023	275.10	0.00	Paid	Y
	ACCT 287292136423 ENG PHONES	pziemer					10/11/2023
	101-1700-43321 TELEPHONE			275.10			
X10032023/HR							
79610	AT&T MOBILITY	09/25/2023	10/11/2023	49.66	0.00	Paid	Y
	ACCT 287292136423 HR PHONES	pziemer					10/11/2023
	101-1400-43321 TELEPHONE			49.66			
X10032023/IT							
79611	AT&T MOBILITY	09/25/2023	10/11/2023	175.78	0.00	Paid	Y
	AT&T IT DEVICES ACCT 287292136423 8/	pziemer					10/11/2023
	101-1800-43321 TELEPHONE			175.78			
X10032023/PKS							
79612	AT&T MOBILITY	09/25/2023	10/11/2023	250.21	0.00	Paid	Y
	ACCT 287292136423 PARKS DEPT PHONES	pziemer					10/11/2023
	230-5200-43321 TELEPHONE			250.21			
X10032023/STRTS							
79613	AT&T MOBILITY	09/25/2023	10/11/2023	208.98	0.00	Paid	Y
	ACCT 287292136423 STREETS PHONES	pziemer					10/11/2023
	235-3100-43321 TELEPHONE			87.89			
	237-3190-43321 TELEPHONE			121.09			
X10032023/TRANSIT							
79614	AT&T MOBILITY	09/25/2023	10/11/2023	49.66	0.00	Paid	Y
	ACCT 287292136423 TRANSIT PHONES	pziemer					10/11/2023
	203-9000-43321 TELEPHONE			49.66			
X10032023/POLICE							
79621	AT&T MOBILITY	09/25/2023	10/11/2023	2,022.95	0.00	Paid	Y
	ACCT 287287520356 COMP SUPPORT/PHONES	pziemer					10/11/2023
	225-2120-43309 COMPUTER TECHNICAL SUPPORT			749.79			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	225-2120-43321	TELEPHONE			1,273.16			
X10032023/AIRPORT								
79701	AT&T MOBILITY		10/01/2023	10/11/2023	235.78	0.00	Paid	Y
	CRASH PHONE SERVICE		pziemer					10/11/2023
	260-9020-43321	TELEPHONE			235.78			
		Total for vendor 2740 - AT&T MOBILITY:			3,860.49	0.00		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:								
AIRPORT/SEPT 23								
79702	BRAINERD PUBLIC UTILITIES		10/01/2023	10/11/2023	12,400.76	0.00	Paid	Y
	8/17/23-9/17/23 AIRPORT UTILITIES		pziemer					10/11/2023
	260-9020-43380	UTILITIES			12,400.76			
SEPT 23/CITY								
79772	BRAINERD PUBLIC UTILITIES		10/01/2023	10/18/2023	2,491.17	0.00	Paid	Y
	8/24/23-9/24/23 CITY UTILITIES		pziemer					10/18/2023
	101-1940-43381	BPU UTILITIES			2,114.84			
	101-1940-43381	BPU UTILITIES			153.82			
	101-9200-43381	BPU UTILITIES			61.15			
	101-9200-43381	BPU UTILITIES			74.31			
	236-3180-43381	BPU UTILITIES			36.00			
	401-1003-43380	UTILITIES			51.05			
SEPT 23/STREETS								
79773	BRAINERD PUBLIC UTILITIES		10/01/2023	10/18/2023	23,940.85	0.00	Paid	Y
	8/24/23-9/24/23 STREETS UTILITIES		pziemer					10/18/2023
	235-3100-43381	BPU UTILITIES			23,940.85			
SEPT 23/PARKS								
79774	BRAINERD PUBLIC UTILITIES		10/01/2023	10/18/2023	14,125.53	0.00	Paid	Y
	8/24/23-9/24/23 PARKS UTILITIES		pziemer					10/18/2023
	230-5200-43381	BPU UTILITIES			600.08			
	230-5200-43381	BPU UTILITIES			12,878.78			
	230-5280-43380	UTILITIES			426.46			
	230-5280-43380	UTILITIES			41.55			
	230-5280-43380	UTILITIES			178.66			
SEPT 23/PD								
79775	BRAINERD PUBLIC UTILITIES		10/01/2023	10/18/2023	4,046.65	0.00	Paid	Y
	8/24/23-9/24/23 POLICE DEPT UTILITIES		pziemer					10/18/2023
	225-2120-43381	BPU UTILITIES			4,046.65			
SEPT 23/FD								
79776	BRAINERD PUBLIC UTILITIES		10/01/2023	10/18/2023	2,082.40	0.00	Paid	Y
	8/24/23-9/24/23 FIRE DEPT UTILITIES		pziemer					10/18/2023
	225-2120-43381	BPU UTILITIES			2,082.40			
SEPT 23/LIB								
79777	BRAINERD PUBLIC UTILITIES		10/01/2023	10/18/2023	2,409.11	0.00	Paid	Y
	8/24/23-9/24/23 LIBRARY UTILITIES		pziemer					10/18/2023

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	211-5500-43381	BPU UTILITIES			2,409.11			
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:				61,496.47	0.00		
Vendor 0307 - CENTERPOINT ENERGY:								
92166-0/SEPT23/CH								
79615	CENTERPOINT ENERGY		09/25/2023	10/11/2023	166.15	0.00	Paid	Y
	8/17/23-9/15/23 CITY HALL UTILITIES		pziemer					10/11/2023
	101-1940-43380	UTILITIES			140.15			
	101-1940-43380	UTILITIES			26.00			
92166-0/SEPT23/STRTS								
79616	CENTERPOINT ENERGY		09/25/2023	10/11/2023	36.44	0.00	Paid	Y
	8/17/23-9/15/23 STREET DEPT UTILITIES		pziemer					10/11/2023
	235-3100-43380	UTILITIES			36.44			
92166-0/SEPT23/PKS								
79617	CENTERPOINT ENERGY		09/25/2023	10/11/2023	62.44	0.00	Paid	Y
	8/17/23-9/15/23 PARKS UTILITIES		pziemer					10/11/2023
	230-5200-43380	UTILITIES			62.44			
92166-0/SEPT23/FD								
79618	CENTERPOINT ENERGY		09/25/2023	10/11/2023	58.35	0.00	Paid	Y
	8/17/23-9/15/23 FIRE DEPT UTILITIES		pziemer					10/11/2023
	225-2220-43380	UTILITIES			29.95			
	225-2220-43380	UTILITIES			28.40			
92166-0/SEPT23/PD								
79619	CENTERPOINT ENERGY		09/25/2023	10/11/2023	26.00	0.00	Paid	Y
	8/17/23-9/15/23 POLICE DEPT UTILITIES		pziemer					10/11/2023
	225-2120-43380	UTILITIES			26.00			
92166-0/SEPT23/LIB								
79620	CENTERPOINT ENERGY		09/25/2023	10/11/2023	68.57	0.00	Paid	Y
	8/17/23-9/15/23 LIBRARY UTILITIES		pziemer					10/11/2023
	211-5500-43380	UTILITIES			68.57			
	Total for vendor 0307 - CENTERPOINT ENERGY:				417.95	0.00		
Vendor 1343 - CHARTER COMMUNICATIONS:								
175587701092123								
79622	CHARTER COMMUNICATIONS		09/21/2023	10/11/2023	45.09	0.00	Paid	Y
	BUSINESS TV		pziemer					10/11/2023
	225-2120-43380	UTILITIES			45.09			
028009410122 3								
79823	CHARTER COMMUNICATIONS		10/12/2023	10/20/2023	109.98	0.00	Paid	Y
	REDUNDANT INTERNET 10/12/23-11/11/23		pziemer					10/20/2023
	101-1800-43321	TELEPHONE			109.98			
	Total for vendor 1343 - CHARTER COMMUNICATIONS:				155.07	0.00		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
Vendor 0125 - CONSOLIDATED TELEPHONE CO:							
21277103							
79771	CONSOLIDATED TELEPHONE CO	10/12/2023	10/18/2023	208.15	0.00	Paid	Y
	10/12/23-11/11/23 CAMPGROUND INTERNE	pziemer					10/18/2023
	230-5280-43321 TELEPHONE			208.15			
21273477							
79778	CONSOLIDATED TELEPHONE CO	10/12/2023	10/18/2023	686.61	0.00	Paid	Y
	10/12/23-11/11/23 AIRPORT PHONE SERV	pziemer					10/18/2023
	260-9020-43321 TELEPHONE			686.61			
21274310/IT							
79785	CONSOLIDATED TELEPHONE CO	10/12/2023	10/20/2023	592.50	0.00	Paid	Y
	IT PHONES/INTERNET 10/12-11/11/23	pziemer					10/20/2023
	101-1800-43321 TELEPHONE			592.50			
21274310/CH							
79786	CONSOLIDATED TELEPHONE CO	10/12/2023	10/20/2023	54.14	0.00	Paid	Y
	10/12-11/11 CITY HALL PHONES/INTERNE	pziemer					10/20/2023
	101-1940-43321 TELEPHONE			54.14			
21274310/PD							
79787	CONSOLIDATED TELEPHONE CO	10/12/2023	10/20/2023	115.07	0.00	Paid	Y
	10/12-11/11 POLICE DEPT PHONES/INTER	pziemer					10/20/2023
	225-2120-43321 TELEPHONE			96.32			
	225-2120-43309 COMPUTER TECHNICAL SUPPORT			18.75			
21274310/FD							
79788	CONSOLIDATED TELEPHONE CO	10/12/2023	10/20/2023	68.75	0.00	Paid	Y
	10/12-11/11 FIRE DEPT PHONES/INTERNE	pziemer					10/20/2023
	225-2220-43321 TELEPHONE			68.75			
21274310/STRTS							
79789	CONSOLIDATED TELEPHONE CO	10/12/2023	10/20/2023	19.75	0.00	Paid	Y
	10/12-11/11 STREETS INTERNET	pziemer					10/20/2023
	235-3100-43321 TELEPHONE			19.75			
21274310/AIR							
79790	CONSOLIDATED TELEPHONE CO	10/12/2023	10/20/2023	128.75	0.00	Paid	Y
	10/12-11/11 AIRPORT SPEC. CIRCUIT	pziemer					10/20/2023
	260-9020-43321 TELEPHONE			128.75			
21274310/PARKS							
79791	CONSOLIDATED TELEPHONE CO	10/12/2023	10/20/2023	49.57	0.00	Paid	Y
	10/12-11/11 PARKS PHONE/INTERNET	pziemer					10/20/2023
	230-5200-43321 TELEPHONE			49.57			
	Total for vendor 0125 - CONSOLIDATED TELEPHONE CO:			1,923.29	0.00		

Vendor 1381 - DECHANTAL EXCAVATING LLC:

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
IMP 22-10: PAY REQ 1								
79717	DECHANTAL EXCAVATING LLC		10/10/2023	10/30/2023	51,766.45	0.00	Paid	Y
	IMP 22-10 GRAYDON AVE STORM SEWER OU		pziemer					10/30/2023
	401-9030-45530-22:10	CAPITAL-PYMTS TO CONTRACTS			51,766.45			
	Total for vendor 1381 - DECHANTAL EXCAVATING LLC:				51,766.45	0.00		
Vendor 1859 - ENTERPRISE FM TRUST:								
FBN4855755/ENG								
79792	ENTERPRISE FM TRUST		10/04/2023	10/20/2023	931.28	0.00	Paid	Y
	OCT 23 ENG VEHICLE LEASES		pziemer					10/20/2023
	101-1700-43331	LEASE PAYMENTS			931.28			
FBN4855755/CD								
79793	ENTERPRISE FM TRUST		10/04/2023	10/20/2023	357.61	0.00	Paid	Y
	OCT 23 COM DEV VEHICLE LEASE		pziemer					10/20/2023
	101-2400-43331	LEASE EXPENSE			357.61			
FBN4855755/PD								
79794	ENTERPRISE FM TRUST		10/04/2023	10/20/2023	12,474.68	0.00	Paid	Y
	OCT 23 POLICE DEPT VEHICLE LEASES		pziemer					10/20/2023
	225-2120-43331	LEASED PAYMENTS			12,474.68			
FBN4855755/FD								
79795	ENTERPRISE FM TRUST		10/04/2023	10/20/2023	1,387.58	0.00	Paid	Y
	OCT 23 FIRE DEPT VEHICLE LEASE		pziemer					10/20/2023
	225-2220-43331	LEASED PAYMENTS			1,387.58			
FBN4855755/PARKS								
79796	ENTERPRISE FM TRUST		10/04/2023	10/20/2023	2,498.32	0.00	Paid	Y
	OCT 23 PARKS DEPT VEHICLE LEASES		pziemer					10/20/2023
	230-5200-43331	LEASE PAYMENTS			2,498.32			
FBN4855755/STRTS								
79797	ENTERPRISE FM TRUST		10/04/2023	10/20/2023	4,329.65	0.00	Paid	Y
	OCT 23 STREET DEPT VEHICLE LEASES		pziemer					10/20/2023
	235-3100-43331	LEASE PAYMENTS			3,703.64			
	237-3190-43331	LEASE PAYMENTS			626.01			
	Total for vendor 1859 - ENTERPRISE FM TRUST:				21,979.12	0.00		
Vendor 0346 - WIDSETH SMITH NOLTING:								
224899								
79674	WIDSETH SMITH NOLTING		09/01/2023	10/06/2023	525.00	0.00	Paid	Y
	23:10 LUM PARK WETLAND DELINEATION TI		pziemer					10/06/2023
	229-0000-43300-23:10	PROFESSIONAL SERVICES			525.00			
225537								
79675	WIDSETH SMITH NOLTING		09/01/2023	10/06/2023	1,165.00	0.00	Paid	Y
	23:09 JAYCEES PARK THRU 8/11/23		pziemer					10/06/2023

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	229-0000-43300-23:09 PROFESSIONAL SERVICES			1,165.00			
225539 79676	WIDSETH SMITH NOLTING 23:10 LUM PARK CAMPGROUND THRU 8/11/2 229-0000-43300-23:10 PROFESSIONAL SERVICES	09/01/2023 pziemer	10/06/2023	155.00 155.00	0.00	Paid	Y 10/06/2023
226120 79677	WIDSETH SMITH NOLTING 23:09 JAYCEES PARK THRU 9/8/23 229-0000-43300-23:09 PROFESSIONAL SERVICES	09/27/2023 pziemer	10/06/2023	3,921.92 3,921.92	0.00	Paid	Y 10/06/2023
226121 79678	WIDSETH SMITH NOLTING 23:08 LUM PARK BEACH THRU 9/8/23 229-0000-43300-23:08 PROFESSIONAL SERVICES	09/27/2023 pziemer	10/06/2023	1,593.02 1,593.02	0.00	Paid	Y 10/06/2023
226122 79679	WIDSETH SMITH NOLTING 23:10 LUM PARK CAMPGROUND THRU 9/8/2 229-0000-43300-23:10 PROFESSIONAL SERVICES	09/27/2023 pziemer	10/06/2023	1,170.25 1,170.25	0.00	Paid	Y 10/06/2023
224263 79680	WIDSETH SMITH NOLTING 23:09 JAYCEES PARK THRU 6/9/23 229-0000-43300-23:09 PROFESSIONAL SERVICES	09/01/2023 pziemer	10/06/2023	2,382.00 2,382.00	0.00	Paid	Y 10/06/2023
224264 79681	WIDSETH SMITH NOLTING 23:08 LUM PARK BEACH THRU 6/9/23 229-0000-43300-23:08 PROFESSIONAL SERVICES	09/01/2023 pziemer	10/06/2023	2,406.64 2,406.64	0.00	Paid	Y 10/06/2023
224265 79682	WIDSETH SMITH NOLTING 23:10 LUM PARK CAMPGROUND THRU 6/9/2 229-0000-43300-23:10 PROFESSIONAL SERVICES	09/01/2023 pziemer	10/06/2023	2,402.50 2,402.50	0.00	Paid	Y 10/06/2023
224266 79683	WIDSETH SMITH NOLTING 23:10 LUM PARK WETLAND DELINEATION 229-0000-43300-23:10 PROFESSIONAL SERVICES	09/01/2023 pziemer	10/06/2023	855.00 855.00	0.00	Paid	Y 10/06/2023
224896 79684	WIDSETH SMITH NOLTING 23:09 JAYCEES PARK THRU 7/14/23 229-0000-43300-23:09 PROFESSIONAL SERVICES	09/01/2023 pziemer	10/06/2023	812.50 812.50	0.00	Paid	Y 10/06/2023
224897 79685	WIDSETH SMITH NOLTING 23:08 LUM PARK BEACH THRU 7/14/23 229-0000-43300-23:08 PROFESSIONAL SERVICES	09/01/2023 pziemer	10/06/2023	2,956.06 2,956.06	0.00	Paid	Y 10/06/2023

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
224898							
79686	WIDSETH SMITH NOLTING	09/01/2023	10/06/2023	542.50	0.00	Paid	Y
	23:10 LUM PARK CAMPGROUND THRU 7/14/2	pziemer					10/06/2023
	229-0000-43300-23:10 PROFESSIONAL SERVICES			542.50			
225538							
79687	WIDSETH SMITH NOLTING	09/01/2023	10/06/2023	584.96	0.00	Paid	Y
	23:08 LUM PARK BEACH THRU 8/11/23	pziemer					10/06/2023
	229-0000-43300-23:08 PROFESSIONAL SERVICES			584.96			
	Total for vendor 0346 - WIDSETH SMITH NOLTING:			21,472.35	0.00		

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

# of Invoices:	56	# Due:	0	Totals:	163,071.19	0.00		
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00		
Net of Invoices and Credit Memos:					163,071.19	0.00		

--- TOTALS BY GL DISTRIBUTION ---

101-1400-43321	TELEPHONE	148.98
101-1700-43321	TELEPHONE	275.10
101-1700-43331	LEASE PAYMENTS	931.28
101-1800-43321	TELEPHONE	878.26
101-1940-43321	TELEPHONE	54.14
101-1940-43380	UTILITIES	166.15
101-1940-43381	BPU UTILITIES	2,268.66
101-2400-43321	TELEPHONE	148.98
101-2400-43331	LEASE EXPENSE	357.61
101-9200-43381	BPU UTILITIES	135.46
203-9000-43321	TELEPHONE	49.66
211-5500-43380	UTILITIES	68.57
211-5500-43381	BPU UTILITIES	2,409.11
225-2120-43309	COMPUTER TECHNICAL SUPPORT	768.54
225-2120-43321	TELEPHONE	1,369.48
225-2120-43331	LEASED PAYMENTS	12,474.68
225-2120-43380	UTILITIES	71.09
225-2120-43381	BPU UTILITIES	6,129.05
225-2220-43321	TELEPHONE	412.82
225-2220-43331	LEASED PAYMENTS	1,387.58
225-2220-43380	UTILITIES	58.35
229-0000-43300-23:08	PROFESSIONAL SERVICES	7,540.68
229-0000-43300-23:09	PROFESSIONAL SERVICES	8,281.42
229-0000-43300-23:10	PROFESSIONAL SERVICES	5,650.25
230-5200-43321	TELEPHONE	299.78
230-5200-43331	LEASE PAYMENTS	2,498.32
230-5200-43380	UTILITIES	62.44
230-5200-43381	BPU UTILITIES	13,478.86
230-5280-43321	TELEPHONE	208.15
230-5280-43380	UTILITIES	646.67
235-3100-43321	TELEPHONE	107.64
235-3100-43331	LEASE PAYMENTS	3,703.64
235-3100-43380	UTILITIES	36.44
235-3100-43381	BPU UTILITIES	23,940.85
236-3180-43381	BPU UTILITIES	36.00
237-3190-43321	TELEPHONE	121.09
237-3190-43331	LEASE PAYMENTS	626.01
260-9020-43321	TELEPHONE	1,051.14
260-9020-43380	UTILITIES	12,400.76
401-1003-43380	UTILITIES	51.05
401-9030-45530-22:10	CAPITAL-PYMTS TO CONTRACTS	51,766.45

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			5,364.62	0.00		
	203 - TRANSIT FUND			49.66	0.00		
	211 - LIBRARY FUND			2,477.68	0.00		
	225 - PUBLIC SAFETY FUND			22,671.59	0.00		
	229 - PANDEMIC GRANTS			21,472.35	0.00		
	230 - PARK & RECREATION FUND			17,194.22	0.00		
	235 - STREET & SEWER FUND			27,788.57	0.00		
	236 - PARKING LOT FUND			36.00	0.00		
	237 - SANITARY SEWER FUND			747.10	0.00		
	260 - AIRPORT FUND			13,451.90	0.00		
	401 - CONSTRUCTION FUND			51,817.50	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			21,472.35	0.00		
	1003 - 10:03 DWNTWN MAIN CNTRACT			51.05	0.00		
	1400 - ADMINISTRATION			148.98	0.00		
	1700 - ENGINEERING			1,206.38	0.00		
	1800 - IT/GIS			878.26	0.00		
	1940 - CITY HALL			2,488.95	0.00		
	2120 - POLICE DEPARTMENT			20,812.84	0.00		
	2220 - FIRE DEPARTMENT			1,858.75	0.00		
	2400 - COMMUNITY DEVL/INSPECTION			506.59	0.00		
	3100 - S & S MAINTENANCE			27,788.57	0.00		
	3180 - PARKING LOTS EXPENSE			36.00	0.00		
	3190 - SANITARY SEWER EXPENSE			747.10	0.00		
	5200 - PARK MAIN/ADMINISTRATION			16,339.40	0.00		
	5280 - CAMPGROUND			854.82	0.00		
	5500 - LIBRARY-BUDGETED			2,477.68	0.00		
	9000 - TRANSIT FUND			49.66	0.00		
	9020 - AIRPORT M & O			13,451.90	0.00		
	9030 - CONSTRUCTION PROJ-MISC			51,766.45	0.00		
	9200 - CITY-WIDE			135.46	0.00		

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 0011 - ACE HARDWARE:								
319696/1								
80146	ACE HARDWARE		11/03/2023	11/22/2023	16.64	16.64	Open	N
	FENCE REPAIR		pziemer					11/22/2023
	230-5200-42220	REPAIR & MAINT			16.64			
319762/1								
80162	ACE HARDWARE		11/08/2023	11/22/2023	14.38	14.38	Open	N
	CLEANING SUPPLIES		pziemer					11/22/2023
	230-5200-42220	REPAIR & MAINT			14.38			
319770/1								
80172	ACE HARDWARE		11/08/2023	11/22/2023	6.29	6.29	Open	N
	PICTURE HANGING HOOKS - OFFICER OF TI		pziemer					11/22/2023
	225-2120-42210	OPERATING SUPPLIES			6.29			
319936/1								
80250	ACE HARDWARE		11/15/2023	11/22/2023	21.56	21.56	Open	N
	ENDBOLTS		pziemer					11/22/2023
	230-5200-42220	REPAIR & MAINT			21.56			
		Total for vendor 0011 - ACE HARDWARE:			58.87	58.87		
Vendor 2846 - AMERICAN WELDING-GAS INC:								
09609489								
80169	AMERICAN WELDING-GAS INC		10/01/2023	11/22/2023	91.51	91.51	Open	N
	CYLINDER RENTALS		pziemer					11/22/2023
	235-3100-43410	RENTAL EXPENSE			91.51			
09642785								
80251	AMERICAN WELDING-GAS INC		10/09/2023	11/22/2023	155.13	155.13	Open	N
	OPEN HOUSE HELIUM - LESS SALES TAX		pziemer					11/22/2023
	225-2220-43430	MISCELLANEOUS			155.13			
		Total for vendor 2846 - AMERICAN WELDING-GAS INC:			246.64	246.64		
Vendor 0039 - ARAMARK UNIFORM SERVICES:								
2530205517								
80176	ARAMARK UNIFORM SERVICES		11/09/2023	11/22/2023	74.94	74.94	Open	N
	RUGS AND OVERALLS		pziemer					11/22/2023
	235-3100-43430	MISCELLANEOUS			74.94			
2530203126								
80201	ARAMARK UNIFORM SERVICES		11/02/2023	11/22/2023	51.65	51.65	Open	N
	RUGS AND OVERALLS		pziemer					11/22/2023
	235-3100-43430	MISCELLANEOUS			51.65			
		Total for vendor 0039 - ARAMARK UNIFORM SERVICES:			126.59	126.59		
Vendor 3343 - ARROW MANAGEMENT:								

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
32508								
80193	ARROW MANAGEMENT		11/08/2023	11/22/2023	4,375.00	4,375.00	Open	N
	QTY 10 NUISANCE ABATEMENTS TRASH/LEA		\pziemer					11/22/2023
	101-2400-43405	NUISANCES			500.00			
	101-2400-43405	NUISANCES			350.00			
	101-2400-43405	NUISANCES			775.00			
	101-2400-43405	NUISANCES			2,300.00			
	101-2400-43405	NUISANCES			75.00			
	101-2400-43405	NUISANCES			75.00			
	101-2400-43405	NUISANCES			75.00			
	101-2400-43405	NUISANCES			75.00			
	101-2400-43405	NUISANCES			75.00			
	101-2400-43405	NUISANCES			75.00			
	Total for vendor 3343 - ARROW MANAGEMENT:				4,375.00	4,375.00		
Vendor 0944 - ASPEN MILLS:								
323066								
80238	ASPEN MILLS		11/13/2023	11/22/2023	66.66	66.66	Open	N
	UNIFORM PANTS		pziemer					11/22/2023
	225-2220-41113	UNIFORM ALLOWANCE			66.66			
	Total for vendor 0944 - ASPEN MILLS:				66.66	66.66		
Vendor 2838 - AXON ENTERPRISE, INC.:								
INUS200935								
80173	AXON ENTERPRISE, INC.		11/04/2023	11/22/2023	261.60	261.60	Open	N
	TASER BATTERY PACKS		pziemer					11/22/2023
	225-2120-42210	OPERATING SUPPLIES			261.60			
	Total for vendor 2838 - AXON ENTERPRISE, INC.:				261.60	261.60		
Vendor 0319 - BAKER TILLY MUNICIPAL ADVISORS, LLC:								
BTMA22772								
80216	BAKER TILLY MUNICIPAL ADVISORS, LLC		11/14/2023	11/22/2023	35,050.61	35,050.61	Open	N
	SERIES 2023A GENERAL OBLIGATION BONDS		pziemer					11/22/2023
	401-9030-43300-21:12	PROFESSIONAL SERVICES - BAKER TILLY			14,721.26			
	101-0000-14100	DFCU - 2023A BAKER TILLY - WATER			7,711.13			
	101-0000-14100	DFCU - 2023A BAKER TILLY - SEWER			12,618.22			
	Total for vendor 0319 - BAKER TILLY MUNICIPAL ADVISORS, LLC:				35,050.61	35,050.61		
Vendor 3966 - BLUE SKY TRANSIT:								
102023								
80170	BLUE SKY TRANSIT		10/31/2023	11/22/2023	117,942.08	117,942.08	Open	N
	OCT 2023 THIRD PARTY SERVICES		pziemer					11/22/2023
	203-9000-42212	MOTOR FUELS			3,990.12			
	203-9000-43401	VEHICLE REPAIRS			22,953.16			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	203-9000-43440	TRANSIT SERVICE CONTRACT PY			90,998.80			
	Total for vendor 3966 - BLUE SKY TRANSIT:				117,942.08	117,942.08		
Vendor 3120 - BOLTON & MENK:								
0323580								
80192	BOLTON & MENK		10/27/2023	11/22/2023	13,989.50	13,989.50	Open	N
	23:12 BRD/4TH ST SW STORMWATER OUTFA		pziemer					11/22/2023
	401-9030-43300-23:12	PROFESSIONAL SERVICES			13,989.50			
	Total for vendor 3120 - BOLTON & MENK:				13,989.50	13,989.50		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:								
5/1/23 LOAN - PAY 1								
80215	BRAINERD PUBLIC UTILITIES		11/13/2023	11/22/2023	125,000.00	125,000.00	Open	N
	12/1/23 LOAN PAYMENT DUE		pziemer					11/22/2023
	101-9200-46601	PRINCIPAL PYMTS			107,411.00			
	101-9200-46611	INTEREST PAYMENTS			17,589.00			
11/14/23								
80248	BRAINERD PUBLIC UTILITIES		11/15/2023	11/22/2023	127,785.83	127,785.83	Open	N
	REMITTANCE OF LOST THRU 11/14/23		pziemer					11/22/2023
	251-9360-43467	REMIT LOCAL SALES TAX COLLECT			127,785.83			
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:				252,785.83	252,785.83		
Vendor 4209 - CALLTOWER:								
201695176								
80147	CALLTOWER		11/02/2023	11/22/2023	356.68	356.68	Open	N
	CALLTOWER 11/1/23-11/30/23		pziemer					11/22/2023
	101-1800-43321	TELEPHONE			356.68			
	Total for vendor 4209 - CALLTOWER:				356.68	356.68		
Vendor 0447 - CDW GOVERNMENT, INC:								
MVT70841								
80179	CDW GOVERNMENT, INC		11/01/2023	11/22/2023	222.63	222.63	Open	N
	SQUAD ROOM DELL MONITOR		pziemer					11/22/2023
	225-2120-42200	OFFICE SUPPLIES			222.63			
	Total for vendor 0447 - CDW GOVERNMENT, INC:				222.63	222.63		
Vendor 1333 - CHAMBERLAIN OIL COMPANY:								
455196-00								
80255	CHAMBERLAIN OIL COMPANY		11/15/2023	11/22/2023	154.96	154.96	Open	N
	SWEEPER GREASE		pziemer					11/22/2023
	235-3100-42220	REPAIR & MAINT			154.96			
	Total for vendor 1333 - CHAMBERLAIN OIL COMPANY:				154.96	154.96		

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Vendor 0122 - COMMUNITY ACTION:							
NOV 2023							
80237	COMMUNITY ACTION	11/14/2023	11/22/2023	7,819.75	7,819.75	Open	N
	REMIT NOV 23 LEVY PAYMENT	pziemer					11/22/2023
	101-9200-43460 REMIT COMMUNITY ACTION LEVY			7,819.75			
	Total for vendor 0122 - COMMUNITY ACTION:			7,819.75	7,819.75		
Vendor 0125 - CONSOLIDATED TELEPHONE CO:							
21296072/IT							
80182	CONSOLIDATED TELEPHONE CO	11/12/2023	11/22/2023	592.50	592.50	Open	N
	IT PHONES/INTERNET 11/23-12/11/23	pziemer					11/22/2023
	101-1800-43321 TELEPHONE			592.50			
21296072/CH							
80183	CONSOLIDATED TELEPHONE CO	11/12/2023	11/22/2023	54.14	54.14	Open	N
	11/12-12/11 CITY HALL PHONES/INTERNET	pziemer					11/22/2023
	101-1940-43321 TELEPHONE			54.14			
21296072/PD							
80184	CONSOLIDATED TELEPHONE CO	11/12/2023	11/22/2023	116.63	116.63	Open	N
	11/12-12/11 POLICE DEPT PHONES/INTERN	pziemer					11/22/2023
	225-2120-43321 TELEPHONE			97.88			
	225-2120-43309 COMPUTER TECHNICAL SUPPORT			18.75			
21296072/FD							
80185	CONSOLIDATED TELEPHONE CO	11/12/2023	11/22/2023	68.75	68.75	Open	N
	11/12-12/11 FIRE DEPT PHONES/INTERNET	pziemer					11/22/2023
	225-2220-43321 TELEPHONE			68.75			
21296072/STRTS							
80186	CONSOLIDATED TELEPHONE CO	11/12/2023	11/22/2023	19.75	19.75	Open	N
	11/12-12/11 STREETS PHONE/INTERNET	pziemer					11/22/2023
	235-3100-43321 TELEPHONE			19.75			
21296072/AIR							
80187	CONSOLIDATED TELEPHONE CO	11/12/2023	11/20/2023	128.75	128.75	Open	N
	11/12-12/11 AIRPORT INTERNET/PHONES	pziemer					11/22/2023
	260-9020-43321 TELEPHONE			128.75			
21296072/PARKS							
80188	CONSOLIDATED TELEPHONE CO	11/12/2023	11/22/2023	49.57	49.57	Open	N
	11/12-12/11 PARKS SECURITY	pziemer					11/22/2023
	230-5200-43321 TELEPHONE			49.57			
21288076							
80212	CONSOLIDATED TELEPHONE CO	11/12/2023	11/22/2023	686.23	686.23	Open	N
	11/12-11/11 PHONE SERVICE & RENTAL	pziemer					11/22/2023
	260-9020-43321 TELEPHONE			686.23			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
21290503								
80214	CONSOLIDATED TELEPHONE CO		11/12/2023	11/22/2023	208.15	208.15	Open	N
	11/12-12/11 CAMPGROUND WIFI		pziemer					11/22/2023
	230-5280-43321	TELEPHONE			208.15			
	Total for vendor 0125 - CONSOLIDATED TELEPHONE CO:				1,924.47	1,924.47		
Vendor MISC - COONAN, BRIAN P & CARLA R:								
00044869								
80174	COONAN, BRIAN P & CARLA R		11/13/2023	11/22/2023	120.00	120.00	Open	N
	BD Payment Refund		pziemer					11/22/2023
	101-2400-32230	Plumbing New/Addition Fee			120.00			
	Total for vendor MISC - COONAN, BRIAN P & CARLA R:				120.00	120.00		
Vendor 0136 - CWC ATTORNEY:								
ICR 21017495								
80177	CWC ATTORNEY		11/13/2023	11/22/2023	400.00	400.00	Open	N
	ICR 21017495		pziemer					11/22/2023
	223-0000-22800	OTHER LIABILITIES			400.00			
	Total for vendor 0136 - CWC ATTORNEY:				400.00	400.00		
Vendor 0132 - CWC HIGHWAY DEPT:								
6499								
80202	CWC HIGHWAY DEPT		11/01/2023	11/22/2023	3,169.90	3,169.90	Open	N
	OCT 2023 TRANSIT FUEL		pziemer					11/22/2023
	203-9000-42212	MOTOR FUELS			2,881.73			
	203-9000-42212	MOTOR FUELS			288.17			
	Total for vendor 0132 - CWC HIGHWAY DEPT:				3,169.90	3,169.90		
Vendor 0133 - CWC RECORDER:								
2024 DEFERMENTS								
80161	CWC RECORDER		11/07/2023	11/22/2023	184.00	184.00	Open	N
	PAY YEAR 2024 DEFERMENTS		pziemer					11/22/2023
	101-9200-43350	LEGAL PUBLICATIONS			184.00			
	Total for vendor 0133 - CWC RECORDER:				184.00	184.00		
Vendor 3438 - DAHLHEIMER BEVERAGE:								
2042304								
80171	DAHLHEIMER BEVERAGE		11/10/2023	11/22/2023	143.75	143.75	Open	N
	JANITORIAL SUPPLIES		pziemer					11/22/2023
	211-5500-42220	REPAIR & MAINT			143.75			
	Total for vendor 3438 - DAHLHEIMER BEVERAGE:				143.75	143.75		

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Vendor 3566 - DATA PRACTICES OFFICE:							
00000768624							
80252	DATA PRACTICES OFFICE	10/26/2023	11/22/2023	80.00	80.00	Open	N
	DATA ACCESS POLICIES & PROCEDURE	pziemer					11/22/2023
	225-2220-43330 PROFESSIONAL DEVELOPMENT			80.00			
	Total for vendor 3566 - DATA PRACTICES OFFICE:			80.00	80.00		
Vendor 4193 - DEFI TRAINING:							
QSVRFMRAV9M8T							
80256	DEFI TRAINING	11/14/2023	11/22/2023	600.00	600.00	Open	N
	719 - DATA EXPLOITATION TRAINING	pziemer					11/22/2023
	225-2120-43330 PROFESSIONAL DEVELOPMENT			600.00			
	Total for vendor 4193 - DEFI TRAINING:			600.00	600.00		
Vendor 0162 - DIAMOND VOGEL PAINT:							
813166952							
80254	DIAMOND VOGEL PAINT	10/04/2023	11/22/2023	1,770.00	1,770.00	Open	N
	WHITE TRAFFIC PAINT	pziemer					11/22/2023
	235-3170-42210 OPERATING SUPPLIES			1,770.00			
	Total for vendor 0162 - DIAMOND VOGEL PAINT:			1,770.00	1,770.00		
Vendor 1859 - ENTERPRISE FM TRUST:							
FBN4885061/ENG							
80219	ENTERPRISE FM TRUST	11/04/2023	11/22/2023	931.28	931.28	Open	N
	NOV 23 ENG DEPT VEHICLE LEASES	pziemer					11/22/2023
	101-1700-43331 LEASE PAYMENTS			931.28			
FBN4885061/CD							
80220	ENTERPRISE FM TRUST	11/04/2023	11/22/2023	357.61	357.61	Open	N
	NOV 23 COM DEV VEHICLE LEASE	pziemer					11/22/2023
	101-2400-43331 LEASE EXPENSE			357.61			
FBN4885061/PD							
80221	ENTERPRISE FM TRUST	11/04/2023	11/22/2023	11,659.67	11,659.67	Open	N
	NOV 23 POLICE DEPT VEHICLE LEASES	pziemer					11/22/2023
	225-2120-43331 LEASED PAYMENTS			11,659.67			
FBN4885061/FD							
80222	ENTERPRISE FM TRUST	11/04/2023	11/22/2023	1,308.68	1,308.68	Open	N
	NOV 23 FIRE DEPT VEHICLE LEASES	pziemer					11/22/2023
	225-2220-43331 LEASED PAYMENTS			1,308.68			
FBN4885061/PARKS							
80223	ENTERPRISE FM TRUST	11/04/2023	11/22/2023	2,498.32	2,498.32	Open	N
	NOV 23 PARKS DEPT VEHICLE LEASES	pziemer					11/22/2023
	230-5200-43331 LEASE PAYMENTS			2,498.32			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
FBN4885061								
80224	ENTERPRISE FM TRUST		11/04/2023	11/22/2023	4,329.65	4,329.65	Open	N
	NOV 23 STREET DEPT VEHICLE LEASES		pziemer					11/22/2023
	235-3100-43331	LEASE PAYMENTS			3,703.64			
	237-3190-43331	LEASE PAYMENTS			626.01			
	Total for vendor 1859 - ENTERPRISE FM TRUST:				21,085.21	21,085.21		
Vendor 1815 - F.I.R.E. CROSSLAKE:								
6502								
80131	F.I.R.E. CROSSLAKE		10/30/2023	11/22/2023	3,000.00	3,000.00	Open	N
	FFI_II POC X2		pziemer					11/22/2023
	225-2220-43330	PROFESSIONAL DEVELOPMENT			3,000.00			
	Total for vendor 1815 - F.I.R.E. CROSSLAKE:				3,000.00	3,000.00		
Vendor 3480 - FALLS FLAG SOURCE:								
25926								
80199	FALLS FLAG SOURCE		11/07/2023	11/22/2023	240.00	240.00	Open	N
	FLAGS - FIRE DEPT		pziemer					11/22/2023
	225-2220-42210	OPERATING SUPPLIES			240.00			
	Total for vendor 3480 - FALLS FLAG SOURCE:				240.00	240.00		
Vendor 0170 - FASTENAL COMPANY:								
MNBAX264469								
80153	FASTENAL COMPANY		10/27/2023	11/22/2023	41.86	41.86	Open	N
	CABLE TIES - PARKS		pziemer					11/22/2023
	230-5200-42220	REPAIR & MAINT			41.86			
	Total for vendor 0170 - FASTENAL COMPANY:				41.86	41.86		
Vendor 0071 - FORUM COMMUNICATIONS COMPANY:								
269475-1								
80138	FORUM COMMUNICATIONS COMPANY		10/17/2023	11/22/2023	61.28	61.28	Open	N
	NOH: ORD 1560 - TOBACCO BACKGROUND CH		pziemer					11/22/2023
	101-9200-43350	LEGAL PUBLICATIONS			61.28			
269481-1								
80139	FORUM COMMUNICATIONS COMPANY		10/17/2023	11/22/2023	705.38	705.38	Open	N
	NOH: ORD 1559 - OFF STREET PARKING		pziemer					11/22/2023
	101-2400-43350	PRINTING/LEGAL PUBLICATION			705.38			
269032-1								
80140	FORUM COMMUNICATIONS COMPANY		10/16/2023	11/22/2023	18.86	18.86	Open	N
	NOTICE: TAC MTG		pziemer					11/22/2023
	203-9000-43350	PRINTING/LEGAL PUBLICATION			18.86			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
265360-1								
80141	FORUM COMMUNICATIONS COMPANY		10/03/2023	11/22/2023	217.99	217.99	Open	N
	ORD 1556: MICROMOBILITY		pziemer					11/22/2023
	101-9200-43350	LEGAL PUBLICATIONS			217.99			
265045-1								
80142	FORUM COMMUNICATIONS COMPANY		10/02/2023	11/22/2023	45.96	45.96	Open	N
	NOH: PROP ORD AMEND OFF STRT PARKING		pziemer					11/22/2023
	101-2400-43350	PRINTING/LEGAL PUBLICATION			45.96			
265347-1								
80143	FORUM COMMUNICATIONS COMPANY		10/03/2023	11/22/2023	44.77	44.77	Open	N
	ORD 1558: AMEND LICENSE BOARD		pziemer					11/22/2023
	101-2400-43350	PRINTING/LEGAL PUBLICATION			44.77			
265335-1								
80144	FORUM COMMUNICATIONS COMPANY		10/03/2023	11/22/2023	51.85	51.85	Open	N
	ORD 1557: AMEND PAYMENT OF FEES		pziemer					11/22/2023
	101-2400-43350	PRINTING/LEGAL PUBLICATION			51.85			
266395-1								
80145	FORUM COMMUNICATIONS COMPANY		10/05/2023	11/22/2023	49.49	49.49	Open	N
	NOH: SHORT TERM RENTAL 701 SW 4TH ST		pziemer					11/22/2023
	101-2400-43350	PRINTING/LEGAL PUBLICATION			49.49			
MP3161231023								
80148	FORUM COMMUNICATIONS COMPANY		10/31/2023	11/22/2023	559.50	559.50	Open	N
	OCT 23 JOB POSTING PW ADMIN		pziemer					11/22/2023
	101-1700-43350	PRINTING/LEGAL PUBLICATION			559.50			
271851								
80149	FORUM COMMUNICATIONS COMPANY		10/28/2023	11/22/2023	117.83	117.83	Open	N
	RFB: MSP RIVERBANK RESTORATION		pziemer					11/22/2023
	401-9030-43350-21:16	LEGAL PUBLICATIONS			117.83			
	Total for vendor 0071 - FORUM COMMUNICATIONS COMPANY:				1,872.91	1,872.91		
Vendor 3213 - GRAINGER:								
9858105167								
80225	GRAINGER		10/03/2023	11/22/2023	216.44	216.44	Open	N
	SHOCK ABSORBING LANYARDS - PARKS		pziemer					11/22/2023
	230-5200-42220	REPAIR & MAINT			216.44			
	Total for vendor 3213 - GRAINGER:				216.44	216.44		
Vendor 0200 - HEARTLAND ANIMAL RESCUE:								
OCT 2023								
80137	HEARTLAND ANIMAL RESCUE		10/30/2023	11/22/2023	2,436.33	2,436.33	Open	N
	OCT 23 BOARDING/ADMIN		pziemer					11/22/2023
	225-2700-43430	MISCELLANEOUS			517.00			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	225-2700-43300	PROFESSIONAL SERVICES		1,919.33			
	Total for vendor 0200 - HEARTLAND ANIMAL RESCUE:			2,436.33	2,436.33		
Vendor 0203 - HOLDEN ELECTRIC:							
73776							
80181	HOLDEN ELECTRIC	11/08/2023	11/22/2023	380.13	380.13	Open	N
	REPAIR UNDERGROUND TO RINK LIGHTS	pziemer					11/22/2023
	230-5200-42220	REPAIR & MAINT		380.13			
	Total for vendor 0203 - HOLDEN ELECTRIC:			380.13	380.13		
Vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:							
IN4381302							
80226	INNOVATIVE OFFICE SOLUTIONS LLC	11/14/2023	11/22/2023	60.21	60.21	Open	N
	PAPER, POST ITS, INDEX	pziemer					11/22/2023
	225-2220-42200	OFFICE SUPPLIES		60.21			
	Total for vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:			60.21	60.21		
Vendor 3488 - JEFFERSON FIRE & SAFETY:							
PB001502							
80168	JEFFERSON FIRE & SAFETY	11/07/2023	11/22/2023	15,341.44	15,341.44	Open	N
	TURNOUT GEAR X4	pziemer					11/22/2023
	225-2220-42250	PERSONAL PROTECTIVE GEAR		15,341.44			
	Total for vendor 3488 - JEFFERSON FIRE & SAFETY:			15,341.44	15,341.44		
Vendor 3993 - JENSEN, MICHAEL:							
11/13/23							
80209	JENSEN, MICHAEL	11/13/2023	11/22/2023	111.50	111.50	Open	N
	2023 BOOT REIMBURSEMENT	pziemer					11/22/2023
	235-3100-42220	REPAIR & MAINT		111.50			
	Total for vendor 3993 - JENSEN, MICHAEL:			111.50	111.50		
Vendor 1336 - KOERING, JOE:							
11/8/23							
80136	KOERING, JOE	11/08/2023	11/22/2023	108.69	108.69	Open	N
	2023 BOOT REIMB. 50%	pziemer					11/22/2023
	230-5200-42210	OPERATING SUPPLIES		108.69			
	Total for vendor 1336 - KOERING, JOE:			108.69	108.69		
Vendor 0313 - LAKES AREA SENIOR CENTER:							
NOV 2023							
80217	LAKES AREA SENIOR CENTER	11/14/2023	11/22/2023	7,819.75	7,819.75	Open	N
	NOV 23 LEVY PAYMENT	pziemer					11/22/2023

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	101-9200-43461	REMIT SENIOR CITIZEN LEVY			7,819.75			
	Total for vendor 0313 - LAKES AREA SENIOR CENTER:				7,819.75	7,819.75		
Vendor 0232 - LEAGUE MN CITIES INS TRUS:								
CP 234098								
80236	LEAGUE MN CITIES INS TRUS		10/13/2023	11/22/2023	125,000.00	125,000.00	Open	N
	LMCIT CLAIM CP 234098		pziemer					11/22/2023
	101-9200-46601	PRINCIPAL PYMTS			125,000.00			
40001339/4TH 2023								
80249	LEAGUE MN CITIES INS TRUS		11/15/2023	11/22/2023	55,446.30	55,446.30	Open	N
	PROP/CASUALTY 4TH INSTALLMENT 2023		pziemer					11/22/2023
	101-1400-43361	INS - GENERAL LIABILITY			628.40			
	101-1700-43361	INS - GENERAL LIABILITY			292.98			
	101-1700-43363	INS - AUTO			171.25			
	101-1800-43361	INS - GENERAL LIABILITY			224.86			
	101-1940-43361	INS - GENERAL LIABILITY			19.75			
	101-2400-43361	INS - GENERAL LIABILITY			453.78			
	101-2400-43363	INS - AUTO			219.25			
	101-9200-43361	INS - GENERAL LIABILITY			3,959.50			
	101-9200-43362	INS - PROPERTY			6,229.50			
	101-9200-43363	INS - AUTO			69.75			
	101-9200-43365	INS - OTHER			352.82			
	203-9000-43361	INS - GENERAL LIABILITY			408.44			
	203-9000-43363	INS - AUTO			2.25			
	203-9000-43365	INS - OTHER			4.66			
	225-2120-43361	INS - GENERAL LIABILITY			14,997.41			
	225-2120-43362	INS - PROPERTY			1,190.00			
	225-2120-43363	INS - AUTO			6,611.00			
	225-2120-43365	INS - OTHER			453.21			
	225-2220-43361	INS - GENERAL LIABILITY			444.77			
	225-2220-43362	INS - PROPERTY			1,243.50			
	225-2220-43363	INS - AUTO			1,639.50			
	225-2220-43365	INS - OTHER			346.33			
	235-3100-43361	INS - GENERAL LIABILITY			2,254.76			
	235-3100-43362	INS - PROPERTY			846.25			
	235-3100-43363	INS - AUTO			1,095.50			
	235-3100-43365	INS - OTHER			923.50			
	230-5200-43361	INS - GENERAL LIABILITY			678.47			
	230-5200-43362	INS - PROPERTY			5,405.25			
	230-5200-43363	INS - AUTO			606.25			
	230-5200-43365	INS - OTHER			249.51			
	211-5500-43361	INS - GENERAL LIABILITY			35.78			
	211-5500-43362	INS - PROPERTY			885.75			
	211-5500-43365	INS - OTHER			146.42			
	237-3190-43361	INS - GENERAL LIABILITY			644.25			
	237-3190-43362	INS - PROPERTY			241.75			
	237-3190-43363	INS - AUTO			313.00			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	237-3190-43365	INS - OTHER			263.75			
	238-3160-43361	INS - GENERAL LIABILITY			322.25			
	238-3160-43362	INS - PROPERTY			121.00			
	238-3160-43363	INS - AUTO			156.50			
	238-3160-43365	INS - OTHER			132.00			
	295-6510-43361	INS - GENERAL LIABILITY			36.45			
	260-9020-43361	INS - GENERAL LIABILITY			125.00			
	Total for vendor 0232 - LEAGUE MN CITIES INS TRUS:				180,446.30	180,446.30		
Vendor 0239 - MACQUEEN EQUIPMENT INC:								
P21831								
80132	MACQUEEN EQUIPMENT INC		11/06/2023	11/22/2023	350.31	350.31	Open	N
	MSA GI SPEC KIT		pziemer					11/22/2023
	225-2220-42210	OPERATING SUPPLIES			350.31			
	Total for vendor 0239 - MACQUEEN EQUIPMENT INC:				350.31	350.31		
Vendor 1753 - MARCO:								
INV11843678								
80189	MARCO		11/10/2023	11/22/2023	12,329.26	12,329.26	Open	N
	CISCO SMARTNET 1/31/24-1/30/25		pziemer					11/22/2023
	101-1800-43309	COMPUTER SUPPORT			12,329.26			
	Total for vendor 1753 - MARCO:				12,329.26	12,329.26		
Vendor 0243 - MARCO FINANCING:								
515182699								
80194	MARCO FINANCING		11/07/2023	11/22/2023	1,224.81	1,224.81	Open	N
	COPIER LEASE CH 2ND FLOOR - 12/1/23-1		pziemer					11/22/2023
	101-1800-43331	LEASE PAYMENTS			408.27			
	101-0000-15510	PREPAID OTHER			816.54			
515182434								
80205	MARCO FINANCING		11/01/2023	11/22/2023	836.31	836.31	Open	N
	PD COPIER LEASE 11/1/23-12/1/23		pziemer					11/22/2023
	225-2120-43331	LEASED PAYMENTS			836.31			
	Total for vendor 0243 - MARCO FINANCING:				2,061.12	2,061.12		
Vendor 0889 - MENARDS - BAXTER:								
08479								
80190	MENARDS - BAXTER		11/07/2023	11/22/2023	103.96	103.96	Open	N
	HOCKEY RINK REPAIR SUPPLIES		pziemer					11/22/2023
	230-5200-42220	REPAIR & MAINT			103.96			
	Total for vendor 0889 - MENARDS - BAXTER:				103.96	103.96		
Vendor 3657 - MINNESOTA PAVING & MATERIALS:								

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
1801286								
80180	MINNESOTA PAVING & MATERIALS		10/31/2023	11/22/2023	6,905.25	6,905.25	Open	N
	2023 COLD MIX - QTY 41.85 TON		pziemer					11/22/2023
	235-3100-42220	REPAIR & MAINT			6,905.25			
	Total for vendor 3657 - MINNESOTA PAVING & MATERIALS:				6,905.25	6,905.25		
Vendor 0586 - MN STATE TREASURER:								
ICR 21017495								
80178	MN STATE TREASURER		11/13/2023	11/22/2023	200.00	200.00	Open	N
	ICR 21017495		pziemer					11/22/2023
	223-0000-22800	OTHER LIABILITIES			200.00			
	Total for vendor 0586 - MN STATE TREASURER:				200.00	200.00		
Vendor 3992 - MOMENTUM TRUCK GROUP:								
R500006535.01								
80134	MOMENTUM TRUCK GROUP		11/02/2023	11/22/2023	530.35	530.35	Open	N
	T1 OIL CHANGE		pziemer					11/22/2023
	225-2220-42220	REPAIR & MAINT			530.35			
R500006530.01								
80135	MOMENTUM TRUCK GROUP		11/01/2023	11/22/2023	929.75	929.75	Open	N
	T20 OIL CHANGE, REPAIR		pziemer					11/22/2023
	225-2220-42220	REPAIR & MAINT			929.75			
R500006205:01								
80166	MOMENTUM TRUCK GROUP		10/20/2023	11/22/2023	24,326.16	24,326.16	Open	N
	ENGINE 23 REPAIRS (INS)		pziemer					11/22/2023
	225-2220-42220	REPAIR & MAINT			24,326.16			
R500006538:01								
80200	MOMENTUM TRUCK GROUP		11/13/2023	11/22/2023	8,404.40	8,404.40	Open	N
	E3 OIL CHANGE, REPAIRS		pziemer					11/22/2023
	225-2220-42220	REPAIR & MAINT			8,404.40			
	Total for vendor 3992 - MOMENTUM TRUCK GROUP:				34,190.66	34,190.66		
Vendor 1021 - MOTOROLA:								
8281756203								
80211	MOTOROLA		11/12/2023	11/22/2023	24,042.24	24,042.24	Open	N
	QTY 4 800MHZ RADIOS		pziemer					11/22/2023
	400-9050-45530	CAPITAL - OTHER			24,042.24			
	Total for vendor 1021 - MOTOROLA:				24,042.24	24,042.24		
Vendor 3168 - MOTORS-N-MORE:								

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29135								
80155	MOTORS-N-MORE		10/31/2023	11/22/2023	23.00	23.00	Open	N
	SQD 436 - OIL CHANGE		pziemer					11/22/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			23.00			
29427								
80156	MOTORS-N-MORE		10/31/2023	11/22/2023	23.00	23.00	Open	N
	SQD 436 - FRONT BRAKE PADS		pziemer					11/22/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			23.00			
29534								
80157	MOTORS-N-MORE		10/31/2023	11/22/2023	23.00	23.00	Open	N
	SQD 435 - OIL CHANGE		pziemer					11/22/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			23.00			
30210								
80158	MOTORS-N-MORE		11/06/2023	11/22/2023	23.00	23.00	Open	N
	SQD 402 - OIL CHANGE		pziemer					11/22/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			23.00			
30214								
80206	MOTORS-N-MORE		11/08/2023	11/22/2023	74.45	74.45	Open	N
	SQD 437 - OIL CHANGE AND REPAIR BUMPE		pziemer					11/22/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			74.45			
30216								
80207	MOTORS-N-MORE		11/08/2023	11/22/2023	23.00	23.00	Open	N
	SQD 434 - OIL CHANGE		pziemer					11/22/2023
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			23.00			
	Total for vendor 3168 - MOTORS-N-MORE:				189.45	189.45		
Vendor 0273 - NAPA AUTO PARTS:								
655137								
80133	NAPA AUTO PARTS		11/03/2023	11/22/2023	54.63	54.63	Open	N
	DIESEL FUEL ADDITIVE		pziemer					11/22/2023
	225-2220-42210	OPERATING SUPPLIES			54.63			
654726								
80163	NAPA AUTO PARTS		11/02/2023	11/22/2023	183.90	183.90	Open	N
	TRUCK 160 MUD FLAPS		pziemer					11/22/2023
	237-3190-42220	REPAIR & MAINT			183.90			
	Total for vendor 0273 - NAPA AUTO PARTS:				238.53	238.53		
Vendor 3018 - NORTH COUNTRY JANITORIAL & SUPPLY I:								
OCT 2023/CITY HALL								
80195	NORTH COUNTRY JANITORIAL & SUPPLY I		11/01/2023	11/22/2023	985.00	985.00	Open	N
	OCT 23 CITY HALL JANITORIAL		pziemer					11/22/2023
	101-1940-43300	PROFESSIONAL SERVICES			985.00			

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OCT 2023/FIRE DEPT							
80196	NORTH COUNTRY JANITORIAL & SUPPLY I	11/01/2023	11/22/2023	350.00	350.00	Open	N
	OCT 23 FIRE DEPT JANITORIAL	pziemer					11/22/2023
	225-2220-43300 PROFESSIONAL SERVICES			350.00			
OCT 2023/STREET							
80197	NORTH COUNTRY JANITORIAL & SUPPLY I	11/01/2023	11/22/2023	175.00	175.00	Open	N
	OCT 23 STREET DEPT JANITORIAL	pziemer					11/22/2023
	235-3100-43300 PROFESSIONAL SERVICES			175.00			
OCT 2023/PARKS							
80198	NORTH COUNTRY JANITORIAL & SUPPLY I	11/01/2023	11/22/2023	175.00	175.00	Open	N
	OCT 23 PARKS DEPT JANITORIAL	pziemer					11/22/2023
	230-5200-43300 PROFESSIONAL SERVICES			175.00			
OCT 2023/POLICE							
80210	NORTH COUNTRY JANITORIAL & SUPPLY I	11/01/2023	11/22/2023	1,000.00	1,000.00	Open	N
	OCT 23 POLICE DEPT JANITORIAL	pziemer					11/22/2023
	225-2120-43300 PROFESSIONAL SERVICES			1,000.00			
	Total for vendor 3018 - NORTH COUNTRY JANITORIAL & SUPPLY I:			2,685.00	2,685.00		
Vendor 1153 - NORTHLAND ARBORETUM:							
NOV 2023							
80218	NORTHLAND ARBORETUM	11/14/2023	11/22/2023	7,819.75	7,819.75	Open	N
	NOV 23 LEVY PAYMENT	pziemer					11/22/2023
	101-9200-43462 REMIT ARBORETUM LEVY			7,819.75			
	Total for vendor 1153 - NORTHLAND ARBORETUM:			7,819.75	7,819.75		
Vendor 0736 - NORTHLAND FIRE PROTECTION:							
55937							
80165	NORTHLAND FIRE PROTECTION	11/03/2023	11/22/2023	781.00	781.00	Open	N
	ANNUAL FIRE ALARM INSPECTIONS - GARAG	pziemer					11/22/2023
	235-3100-42220 REPAIR & MAINT			390.50			
	230-5200-42220 REPAIR & MAINT			390.50			
55929							
80213	NORTHLAND FIRE PROTECTION	11/03/2023	11/22/2023	820.00	820.00	Open	N
	5-YEAR INTERNAL PIPE INSPECTION	pziemer					11/22/2023
	211-5500-42220 REPAIR & MAINT			820.00			
	Total for vendor 0736 - NORTHLAND FIRE PROTECTION:			1,601.00	1,601.00		
Vendor 0284 - OFFICE SHOP:							
1134674-0							
80240	OFFICE SHOP	11/13/2023	11/22/2023	16.99	16.99	Open	N
	POST ITS - TAPE	pziemer					11/22/2023
	101-1940-42200 OFFICE SUPPLIES			16.99			

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1134674-1							
80241	OFFICE SHOP	11/14/2023	11/22/2023	5.30	5.30	Open	N
	CALENDAR - REFILL	pziemer					11/22/2023
	101-1940-42200 OFFICE SUPPLIES			5.30			
	Total for vendor 0284 - OFFICE SHOP:			22.29	22.29		
Vendor 4246 - OVERHAUL MOBILE SANDBLASTING:							
1045							
80253	OVERHAUL MOBILE SANDBLASTING	11/14/2023	11/22/2023	900.80	900.80	Open	N
	SANDBLAS GRAFFITI OFF BANE PARK DUGOU	pziemer					11/22/2023
	230-5200-42220 REPAIR & MAINT			900.80			
	Total for vendor 4246 - OVERHAUL MOBILE SANDBLASTING:			900.80	900.80		
Vendor 3260 - PERSONIUS, JAY:							
11/6/23							
80159	PERSONIUS, JAY	11/06/2023	11/22/2023	26.00	26.00	Open	N
	REIMB EXP - TRAINING BASIC FINANCIAL	pziemer					11/22/2023
	225-2120-43330 PROFESSIONAL DEVELOPMENT			26.00			
	Total for vendor 3260 - PERSONIUS, JAY:			26.00	26.00		
Vendor 4245 - SOUND CONNECTION INC:							
2635							
80235	SOUND CONNECTION INC	11/13/2023	11/22/2023	392.70	392.70	Open	N
	UTV - INSTALL EMERGENCY RADIO	pziemer					11/22/2023
	225-2220-42220 REPAIR & MAINT			392.70			
	Total for vendor 4245 - SOUND CONNECTION INC:			392.70	392.70		
Vendor 4185 - SRF CONSULTING GROUP:							
16359.00-8							
80154	SRF CONSULTING GROUP	10/31/2023	11/22/2023	521.00	521.00	Open	N
	23:06 TH 210 LUM PARK PED BRIDGE	pziemer					11/22/2023
	229-9030-43300-23:06 PROFESSIONAL SERVICES			521.00			
16811.00-3							
80164	SRF CONSULTING GROUP	10/31/2023	11/22/2023	5,427.40	5,427.40	Open	N
	23:05 TH 210 WATERMAIN & SANITARY SEW	pziemer					11/22/2023
	401-9030-43300-23:05 PROFESSIONAL SERVICES			5,427.40			
	Total for vendor 4185 - SRF CONSULTING GROUP:			5,948.40	5,948.40		
Vendor 0322 - STREICHERS PROF EQUIP:							
I1664572							
80239	STREICHERS PROF EQUIP	11/08/2023	11/22/2023	175.98	175.98	Open	N
	701 - UNIFORM SHIRT	pziemer					11/22/2023

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	225-2120-41113	UNIFORM ALLOWANCE			175.98			
	Total for vendor 0322 - STREICHERS PROF EQUIP:				175.98	175.98		
Vendor 0334 - U.S. BANK:								
7124910								
80234	U.S. BANK		11/08/2023	11/22/2023	850.00	850.00	Open	N
	MN GO BONDS 2023A		pziemer					11/22/2023
	Total for vendor 0334 - U.S. BANK:				850.00	850.00		
Vendor 2661 - UTILITY FINANCIAL SOLUTIONS, LLC:								
12804UFS								
80203	UTILITY FINANCIAL SOLUTIONS, LLC		11/08/2023	11/22/2023	1,938.75	1,938.75	Open	N
	2023 STORMWATER STUDY PROGRESS BILLI		pziemer					11/22/2023
	238-3160-43300	PROFESSIONAL SERVICES			1,938.75			
21686UFS								
80204	UTILITY FINANCIAL SOLUTIONS, LLC		11/08/2023	11/22/2023	1,811.25	1,811.25	Open	N
	2023 WASTEWATER STUDY PROGRESS BILLI		pziemer					11/22/2023
	237-3190-43300	PROFESSIONAL SERVICES			1,811.25			
	Total for vendor 2661 - UTILITY FINANCIAL SOLUTIONS, LLC:				3,750.00	3,750.00		
Vendor 0087 - VISIT BRAINERD:								
SEPT 2023								
80257	VISIT BRAINERD		11/16/2023	11/22/2023	3,445.33	3,445.33	Open	N
	REMIT SEPT 2023 LODGING TAX		pziemer					11/22/2023
	101-9200-43340	LODGING TAX REMIT/PR			3,445.33			
	Total for vendor 0087 - VISIT BRAINERD:				3,445.33	3,445.33		
Vendor 0344 - WASTE PARTNERS INC:								
3AX00860								
80208	WASTE PARTNERS INC		10/31/2023	11/22/2023	100.14	100.14	Open	N
	OCT 23 LIBRARY WASTE REMOVAL		pziemer					11/22/2023
	211-5500-43380	UTILITIES			100.14			
	Total for vendor 0344 - WASTE PARTNERS INC:				100.14	100.14		
Vendor 0888 - WEST BRAINERD AUTO SERVICE:								
043532								
80160	WEST BRAINERD AUTO SERVICE		11/03/2023	11/22/2023	116.50	116.50	Open	N
	TOW: ASSAULT - ICR 23014756		pziemer					11/22/2023
	225-2120-42210	OPERATING SUPPLIES			116.50			
	Total for vendor 0888 - WEST BRAINERD AUTO SERVICE:				116.50	116.50		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
Vendor 3199 - WEX BANK:								
92818162/COM DEV								
80227	WEX BANK		10/31/2023	11/22/2023	165.92	165.92	Open	N
	OCT 23 COM DEV FUEL		pziemer					11/22/2023
	101-2400-42212	MOTOR FUELS			165.92			
92818162/ENG								
80228*	WEX BANK		10/31/2023	11/22/2023	114.42	114.42	Open	N
	OCT 23 ENG DEPT FUEL		pziemer					11/22/2023
	401-9030-42212	MOTOR FUELS			116.05			
	401-9030-42212	MOTOR FUELS			(1.63)			
92818162/FIRE								
80229	WEX BANK		10/31/2023	11/22/2023	1,804.88	1,804.88	Open	N
	OCT 23 FIRE DEPT FUEL		pziemer					11/22/2023
	225-2220-42212	MOTOR FUELS			1,804.88			
92818162/PARKS								
80230	WEX BANK		10/31/2023	11/22/2023	1,593.95	1,593.95	Open	N
	OCT 23 PARKS DEPT FUEL		pziemer					11/22/2023
	230-5200-42212	MOTOR FUELS			1,593.95			
92818162/POLICE								
80231*	WEX BANK		10/31/2023	11/22/2023	4,654.27	4,654.27	Open	N
	OCT 23 POLICE DEPT FUEL		pziemer					11/22/2023
	225-2120-42212	MOTOR FUELS			4,716.48			
	225-2120-42212	MOTOR FUELS			(62.21)			
92818162/STRTS								
80232	WEX BANK		10/31/2023	11/22/2023	3,590.87	3,590.87	Open	N
	OCT 23 STREET DEPT FUEL		pziemer					11/22/2023
	235-3100-42212	MOTOR FUELS			3,161.87			
	237-3190-42212	MOTOR FUELS			429.00			
92818162/ADMIN								
80233	WEX BANK		10/31/2023	11/22/2023	(37.84)	(37.84)	Open	N
	OCT 23 WEX EDGE REBATE		pziemer					11/22/2023
	101-0000-36299	MISCELLANEOUS REVENUE (NONTAX)			(37.84)			
		Total for vendor 3199 - WEX BANK:			11,886.47	11,886.47		
Vendor 0346 - WIDSETH SMITH NOLTING:								
226945								
80150	WIDSETH SMITH NOLTING		10/31/2023	11/22/2023	2,805.50	2,805.50	Open	N
	23:10 LUM PARK CAMPGROUND		pziemer					11/22/2023
	229-0000-43300-23:10	PROFESSIONAL SERVICES			2,805.50			
226943								
80151	WIDSETH SMITH NOLTING		10/31/2023	11/22/2023	2,862.37	2,862.37	Open	N
	23:09 JAYCEES PARK		pziemer					11/22/2023
	229-0000-43300-23:09	PROFESSIONAL SERVICES			2,862.37			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
226944								
80152	WIDSETH SMITH NOLTING		10/31/2023	11/22/2023	4,094.41	4,094.41	Open	N
	23:08 LUM PARK BEACH		pziemer					11/22/2023
	229-0000-43300-23:08	PROFESSIONAL SERVICES			4,094.41			
	Total for vendor 0346 - WIDSETH SMITH NOLTING:				9,762.28	9,762.28		
Vendor 1159 - WINNERS TROPHY:								
13003								
80191	WINNERS TROPHY		11/04/2023	11/22/2023	55.00	55.00	Open	N
	TOWER AWARD E.KRAEMER		pziemer					11/22/2023
	101-9200-43430	MISCELLANEOUS			55.00			
	Total for vendor 1159 - WINNERS TROPHY:				55.00	55.00		
Vendor 1712 - WSB & ASSOCIATES:								
R-022575-000-6								
80167	WSB & ASSOCIATES		11/06/2023	11/22/2023	8,825.75	8,825.75	Open	N
	21:16 MSP RIVERBANK RESTORATION		pziemer					11/22/2023
	401-9030-43300-21:16	PROFESSIONAL SERVICES			8,825.75			
	Total for vendor 1712 - WSB & ASSOCIATES:				8,825.75	8,825.75		

# of Invoices:	119	# Due: 119	Totals:	814,022.30	814,022.30
# of Credit Memos:	1	# Due: 1	Totals:	(37.84)	(37.84)
Net of Invoices and Credit Memos:				813,984.46	813,984.46

* 2 Net Invoices have Credits Totalling: (63.84)

--- TOTALS BY GL DISTRIBUTION ---

101-0000-14100	DFCU - 2023A BAKER TILLY - WATER	20,329.35
101-0000-15510	PREPAID OTHER	816.54
101-0000-36299	MISCELLANEOUS REVENUE (NONTAX)	(37.84)
101-1400-43361	INS - GENERAL LIABILITY	628.40
101-1700-43331	LEASE PAYMENTS	931.28
101-1700-43350	PRINTING/LEGAL PUBLICATION	559.50
101-1700-43361	INS - GENERAL LIABILITY	292.98
101-1700-43363	INS - AUTO	171.25
101-1800-43309	COMPUTER SUPPORT	12,329.26
101-1800-43321	TELEPHONE	949.18
101-1800-43331	LEASE PAYMENTS	408.27
101-1800-43361	INS - GENERAL LIABILITY	224.86
101-1940-42200	OFFICE SUPPLIES	22.29
101-1940-43300	PROFESSIONAL SERVICES	985.00
101-1940-43321	TELEPHONE	54.14
101-1940-43361	INS - GENERAL LIABILITY	19.75
101-2400-32230	Plumbing New/Addition Fee	120.00
101-2400-42212	MOTOR FUELS	165.92
101-2400-43331	LEASE EXPENSE	357.61
101-2400-43350	PRINTING/LEGAL PUBLICATION	897.45

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	101-2400-43361	INS - GENERAL LIABILITY			453.78			
	101-2400-43363	INS - AUTO			219.25			
	101-2400-43405	NUISANCES			4,375.00			
	101-9200-43340	LODGING TAX REMIT/PR			3,445.33			
	101-9200-43350	LEGAL PUBLICATIONS			463.27			
	101-9200-43361	INS - GENERAL LIABILITY			3,959.50			
	101-9200-43362	INS - PROPERTY			6,229.50			
	101-9200-43363	INS - AUTO			69.75			
	101-9200-43365	INS - OTHER			352.82			
	101-9200-43430	MISCELLANEOUS			55.00			
	101-9200-43460	REMIT COMMUNITY ACTION LEVY			7,819.75			
	101-9200-43461	REMIT SENIOR CITIZEN LEVY			7,819.75			
	101-9200-43462	REMIT ARBORETUM LEVY			7,819.75			
	101-9200-46601	PRINCIPAL PYMTS			232,411.00			
	101-9200-46611	INTEREST PAYMENTS			17,589.00			
	203-9000-42212	MOTOR FUELS			7,160.02			
	203-9000-43350	PRINTING/LEGAL PUBLICATION			18.86			
	203-9000-43361	INS - GENERAL LIABILITY			408.44			
	203-9000-43363	INS - AUTO			2.25			
	203-9000-43365	INS - OTHER			4.66			
	203-9000-43401	VEHICLE REPAIRS			22,953.16			
	203-9000-43440	TRANSIT SERVICE CONTRACT PY			90,998.80			
	211-5500-42220	REPAIR & MAINT			963.75			
	211-5500-43361	INS - GENERAL LIABILITY			35.78			
	211-5500-43362	INS - PROPERTY			885.75			
	211-5500-43365	INS - OTHER			146.42			
	211-5500-43380	UTILITIES			100.14			
	223-0000-22800	OTHER LIABILITIES			600.00			
	225-2120-41113	UNIFORM ALLOWANCE			175.98			
	225-2120-42200	OFFICE SUPPLIES			222.63			
	225-2120-42210	OPERATING SUPPLIES			384.39			
	225-2120-42212	MOTOR FUELS			4,654.27			
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			189.45			
	225-2120-43300	PROFESSIONAL SERVICES			1,000.00			
	225-2120-43309	COMPUTER TECHNICAL SUPPORT			18.75			
	225-2120-43321	TELEPHONE			97.88			
	225-2120-43330	PROFESSIONAL DEVELOPMENT			626.00			
	225-2120-43331	LEASED PAYMENTS			12,495.98			
	225-2120-43361	INS - GENERAL LIABILITY			14,997.41			
	225-2120-43362	INS - PROPERTY			1,190.00			
	225-2120-43363	INS - AUTO			6,611.00			
	225-2120-43365	INS - OTHER			453.21			
	225-2220-41113	UNIFORM ALLOWANCE			66.66			
	225-2220-42200	OFFICE SUPPLIES			60.21			
	225-2220-42210	OPERATING SUPPLIES			644.94			
	225-2220-42212	MOTOR FUELS			1,804.88			
	225-2220-42220	REPAIR & MAINT			34,583.36			
	225-2220-42250	PERSONAL PROTECTIVE GEAR			15,341.44			
	225-2220-43300	PROFESSIONAL SERVICES			350.00			
	225-2220-43321	TELEPHONE			68.75			
	225-2220-43330	PROFESSIONAL DEVELOPMENT			3,080.00			
	225-2220-43331	LEASED PAYMENTS			1,308.68			
	225-2220-43361	INS - GENERAL LIABILITY			444.77			
	225-2220-43362	INS - PROPERTY			1,243.50			
	225-2220-43363	INS - AUTO			1,639.50			
	225-2220-43365	INS - OTHER			346.33			
	225-2220-43430	MISCELLANEOUS			155.13			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	225-2700-43300	PROFESSIONAL SERVICES		1,919.33			
	225-2700-43430	MISCELLANEOUS		517.00			
	229-0000-43300-23:08	PROFESSIONAL SERVICES		4,094.41			
	229-0000-43300-23:09	PROFESSIONAL SERVICES		2,862.37			
	229-0000-43300-23:10	PROFESSIONAL SERVICES		2,805.50			
	229-9030-43300-23:06	PROFESSIONAL SERVICES		521.00			
	230-5200-42210	OPERATING SUPPLIES		108.69			
	230-5200-42212	MOTOR FUELS		1,593.95			
	230-5200-42220	REPAIR & MAINT		2,086.27			
	230-5200-43300	PROFESSIONAL SERVICES		175.00			
	230-5200-43321	TELEPHONE		49.57			
	230-5200-43331	LEASE PAYMENTS		2,498.32			
	230-5200-43361	INS - GENERAL LIABILITY		678.47			
	230-5200-43362	INS - PROPERTY		5,405.25			
	230-5200-43363	INS - AUTO		606.25			
	230-5200-43365	INS - OTHER		249.51			
	230-5280-43321	TELEPHONE		208.15			
	235-3100-42212	MOTOR FUELS		3,161.87			
	235-3100-42220	REPAIR & MAINT		7,562.21			
	235-3100-43300	PROFESSIONAL SERVICES		175.00			
	235-3100-43321	TELEPHONE		19.75			
	235-3100-43331	LEASE PAYMENTS		3,703.64			
	235-3100-43361	INS - GENERAL LIABILITY		2,254.76			
	235-3100-43362	INS - PROPERTY		846.25			
	235-3100-43363	INS - AUTO		1,095.50			
	235-3100-43365	INS - OTHER		923.50			
	235-3100-43410	RENTAL EXPENSE		91.51			
	235-3100-43430	MISCELLANEOUS		126.59			
	235-3170-42210	OPERATING SUPPLIES		1,770.00			
	237-3190-42212	MOTOR FUELS		429.00			
	237-3190-42220	REPAIR & MAINT		183.90			
	237-3190-43300	PROFESSIONAL SERVICES		1,811.25			
	237-3190-43331	LEASE PAYMENTS		626.01			
	237-3190-43361	INS - GENERAL LIABILITY		644.25			
	237-3190-43362	INS - PROPERTY		241.75			
	237-3190-43363	INS - AUTO		313.00			
	237-3190-43365	INS - OTHER		263.75			
	238-3160-43300	PROFESSIONAL SERVICES		1,938.75			
	238-3160-43361	INS - GENERAL LIABILITY		322.25			
	238-3160-43362	INS - PROPERTY		121.00			
	238-3160-43363	INS - AUTO		156.50			
	238-3160-43365	INS - OTHER		132.00			
	251-9360-43467	REMIT LOCAL SALES TAX COLLECT		127,785.83			
	260-9020-43321	TELEPHONE		814.98			
	260-9020-43361	INS - GENERAL LIABILITY		125.00			
	295-6510-43361	INS - GENERAL LIABILITY		36.45			
	400-9050-45530	CAPITAL - OTHER		24,042.24			
	401-9030-42212	MOTOR FUELS		114.42			
	401-9030-43300-21:12	PROFESSIONAL SERVICES - BAKER TILLY		14,721.26			
	401-9030-43300-21:16	PROFESSIONAL SERVICES		8,825.75			
	401-9030-43300-23:05	PROFESSIONAL SERVICES		5,427.40			
	401-9030-43300-23:12	PROFESSIONAL SERVICES		13,989.50			
	401-9030-43350-21:16	LEGAL PUBLICATIONS		117.83			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			333,307.64	333,307.64		
	203 - TRANSIT FUND			121,546.19	121,546.19		
	211 - LIBRARY FUND			2,131.84	2,131.84		
	223 - DRUG FORFEITURE			600.00	600.00		
	225 - PUBLIC SAFETY FUND			106,691.43	106,691.43		
	229 - PANDEMIC GRANTS			10,283.28	10,283.28		
	230 - PARK & RECREATION FUND			13,659.43	13,659.43		
	235 - STREET & SEWER FUND			21,730.58	21,730.58		
	237 - SANITARY SEWER FUND			4,512.91	4,512.91		
	238 - STORM SEWER FUND			2,670.50	2,670.50		
	251 - LOCAL OPTION SALES TAX			127,785.83	127,785.83		
	260 - AIRPORT FUND			939.98	939.98		
	295 - EDA FUND			36.45	36.45		
	400 - CAPITAL PROJECTS FUND			24,042.24	24,042.24		
	401 - CONSTRUCTION FUND			43,196.16	43,196.16		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			31,470.33	31,470.33		
	1400 - ADMINISTRATION			628.40	628.40		
	1700 - ENGINEERING			1,955.01	1,955.01		
	1800 - IT/GIS			13,911.57	13,911.57		
	1940 - CITY HALL			1,081.18	1,081.18		
	2120 - POLICE DEPARTMENT			43,116.95	43,116.95		
	2220 - FIRE DEPARTMENT			61,138.15	61,138.15		
	2400 - COMMUNITY DEVL/INSPECTION			6,589.01	6,589.01		
	2700 - ANIMAL CONTROL			2,436.33	2,436.33		
	3100 - S & S MAINTENANCE			19,960.58	19,960.58		
	3160 - STORM SEWER EXPENSE			2,670.50	2,670.50		
	3170 - TRAFFIC CONTROL			1,770.00	1,770.00		
	3190 - SANITARY SEWER EXPENSE			4,512.91	4,512.91		
	5200 - PARK MAIN/ADMINISTRATION			13,451.28	13,451.28		
	5280 - CAMPGROUND			208.15	208.15		
	5500 - LIBRARY-BUDGETED			2,131.84	2,131.84		
	6510 - ECONOMIC DEVELOPMENT AUTH			36.45	36.45		
	9000 - TRANSIT FUND			121,546.19	121,546.19		
	9020 - AIRPORT M & O			939.98	939.98		
	9030 - CONSTRUCTION PROJ-MISC			43,717.16	43,717.16		
	9050 - CAPITAL PROJECTS-MISC			24,042.24	24,042.24		
	9200 - CITY-WIDE			288,034.42	288,034.42		
	9360 - LOCAL OPTION SALES TAX			127,785.83	127,785.83		

Brainerd, MN
November 6th, 2023

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: O'Day, Stunek, Stenglein, Johnson, Czeczok, 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 STUNEK, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF AN EVENT APPLICATION FOR THE COMMUNITY THANKSGIVING ADDED TO SAFETY AND PUBLIC WORKS.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK TO APPROVE THE CONSENT CALENDAR.

A. **Approval of Bills**
B. **Approval of Minutes**
   a. **Regular City Council Minutes October 16th, 2023**
   b. **Special Meeting Minutes October 23rd, 2023**
C. **Approval of Licenses**
D. **Department Activity Report**
E. **Minnesota Lawful Gambling Application- Exempt Permit Submitted by the Blue Line Boosters Association for an Event to be held on January 24th, at Essentia Health Sports Center 502 Jackson Street**
F. **Accept the Retirement of Hydro Operator/Mechanic Bradley Holtz**
G. **Approve Reclassification of Ryan Miller to Lineworker effective September 27, 2023, at Step 4 ($46.37 per hour)**
H. **Approval of Transfers of Funds**

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

Council Committee Reports

Personnel and Finance Committee

Discussion on Sanitary & Storm Sewer Rates

Committee Chair Johnson stated that the recommendation was to establish rates for 5 years, the committee felt that was too long.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO REQUEST THAT STAFF RECOMMEND THE RATES FOR TWO YEARS AND THEN REVIEW AFTER THAT.

Approve Plans and Authorize Bidding – Police Department HVAC Replacement

Committee Chair Johnson stated that the Committee recommends using the rest of the $64,397 of unencumbered ARPA funds and $20,203 capital dollars to fund the rest of the cost of the project.

Member Czeczok asked how this was going to be funded previous to finding out the actual cost.

Finance Director Hillman stated that $140,000 was allocated from ARPA dollars and the rest would have been a Capital expense.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE PLANS AND AUTHORIZING BIDDING FOR THE POLICE DEPARTMENT HVAC REPLACEMENT PROJECT.

Discuss Amending Sections 1010 Licensing Fees, 1015 Permit Procedures and Fees, 1130 Building Related Trades, and Rental License Fees.

Committee Chair Johnson stated that staff put in a lot of time reviewing the fees of area communities.

Chair Bevans stated that Mike Duval sent an e-mail to Council regarding the rental fee.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO DRAFT AN ORDINANCE AND RESOLUTION FOR P&F TO REVIEW AT THE NOVEMBER 20TH CITY COUNCIL MEETING.

Approve Promotion of Electric Distribution Supervisor Mitch Lachelt at Step 6 effective November 7, 2023, as Recommended by the Public Utilities Commission

Committee Chair Johnson stated that per the union contract Mr. Lachelt had $6,000 in mandatory standby pay as a Lineworker. With this initial step placement, it does include the standby pay he would have earned as a Lineworker.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO INCLUDE SCHEDULED STANDBY PAY AS REQUIRED BY THE UNION CONTRACT INTO CONSIDERATION FOR INITIAL STEP PLACEMENTS FOR PROMOTED EMPLOYEES TO EXEMPT SUPERVISORY POSITIONS; TO APPROVE A CONDITIONAL JOB OFFER TO MITCH LACHELT FOR THE ELECTRIC DISTRIBUTION SUPERVISOR POSITION AT STEP 6 ($55.41 PER HOUR) WITH HIS PROMOTION BEING EFFECTIVE NOVEMBER 7, 2023; AND TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE LINEWORKER POSITION.

Accept Retirement of Administrative Specialist II Elaine Kraemer

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT THE RETIREMENT OF ADMINISTRATIVE SPECIALIST II ELAINE KRAEMER EFFECTIVE DECEMBER 15, 2023, AND TO AUTHORIZE MS. KRAEMER'S SEVERANCE PAY PER CITY POLICY AND THE IBEW ADMINISTRATIVE SUPPORT UNION CONTRACT; FURTHER, TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS TO BACKFILL THE ADMINISTRATIVE SPECIALIST II – FIRE POSITION.

Approve Recreation Specialist Hiring Process as Recommended by the Park Board

Committee Chair Johnson stated that the Park Board recommended hiring a Recreation Specialist as opposed to a Recreation Coordinator.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE UPDATED RECREATION SPECIALIST JOB DESCRIPTION AND TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS FOR A RECREATION SPECIALIST AS RECOMMENDED BY THE PARK BOARD.

Approve Interim City Administrator Agreement for Patrick Wussow

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE AN INTERIM CITY ADMINISTRATOR EMPLOYMENT AGREEMENT WITH PATRICK WUSSOW EFFECTIVE NOVEMBER 1, 2023, WITH THE GENERAL TERMS AS PRESENTED; FURTHER, TO AUTHORIZE MAYOR BADEAUX TO SIGN THE AGREEMENT.

Approve GMP Consultants to Conduct the City Administrator Executive Search

Committee Chair Johnson stated that the cost is eligible for a 50% reimbursement up to a maximum of $10,000 through Sourcewell.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT GMP CONSULTANTS CITY ADMINISTRATOR EXECUTIVE SEARCH PROPOSAL IN THE AMOUNT OF $16,500.

Approve Library Capital Projects and Request Funds from Kitchigami Regional Library (KRL) Reserve Fund

Committee Chair Johnson stated that the Library plans to do three projects to add up to the $5,000 threshold.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE APPROVAL OF THE BRAINERD PUBLIC LIBRARY BOARD PROJECTS, REQUESTING $5,463 IN FUNDS FROM THE KITCHIGAMI REGIONAL LIBRARY RESERVE FUNDS DESIGNATED FOR THE BRAINERD PUBLIC LIBRARY.

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Approval of Deferment of Assessments

Committee Chair Johnson stated all of these applicants have previously been approved to have assessment costs deferred.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR DEFERMENT OF ASSESSMENTS PAYABLE IN 2024 FOR APPLICANTS AT PID'S 41191220, 41300682, AND 41250875.

Discussion of the 2024 Debt Levy

Committee Chair Johnson stated that Finance Director Hillman has run the numbers and the debt levy got more expensive than originally was thought. They will continue to work to find ways to reduce the final levy.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RECOMMEND THAT THE 2024 PROPOSED DEBT LEVY BE $1,002,476.

Authorize Submission of State of Minnesota - Office of the Attorney General Nonprofit/Charity Complaint Form

Member Czeczok asked if there was any liable risk to the City by submitting the form.

Attorney Langel stated that it's just a form that the City is submitting, the Attorney General's office can choose to pursue the matter or not.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO SUBMIT THE ATTORNEY GENERAL NONPROFIT/CHARITY COMPLAINT FORM TO THE STATE OF MINNESOTA.

Safety and Public Works Committee

Approve Final Pay Request - Improvement 22-06 Harrison Safe Routes to School

Committee Chair O'Day stated that there is turf establishment prompting the final pay. The previously requested trees are included with this final pay application.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE FINAL PAY REQUEST FOR IMPROVEMENT 22-06 HARRISON SAFE ROUTES TO SCHOOL IN THE AMOUNT OF $4,913.33.

Approve Final Pay Request - Improvement 23-01 2023 Chip Sealing Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE FINAL PAY REQUEST FOR IMPROVEMENT 23-01 2023 CHIP SEALING PROJECT IN THE AMOUNT OF $135,046.65.

Approve Final Pay Request - Improvement 23-03 Large Patching Project

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE FINAL PAY REQUEST FOR IMPROVEMENT 23-03 LARGE PATCHING PROJECT IN THE AMOUNT OF $49,023.

Approve Change Order #1 and Partial Payment #1 - Lum Park SPRA

Committee Chair O'Day stated that the change order was for ADA compliance. The partial payment of $262,973.11 for the project with final payment in the spring when turf is established.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE CHANGE ORDER #1 IN THE AMOUNT OF $3,077.52 AND AUTHORIZE A TOTAL REVISED CONTRACT AMOUNT OF $262,973.11.

Approve Parking Change on S. 8th and S. 9th Streets

Committee Chair O'Day stated that with the change of the school to the Administrative building the restrictions are not needed for buses.

Mayor Badeaux stated that he is disappointed that there are no preschool classes at Washington any longer.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE REMOVING THE PARKING RESTRICTIONS ON SOUTH 8TH STREET AND SOUTH 9TH STREET BETWEEN PINE STREET AND OAK STREET, ADJACENT TO THE WASHINGTON EDUCATION SERVICES BUILDING.

Authorize Application for Lowell Safe Routes to School Grant

Committee Chair O'Day stated the application will be submitted with bump outs, median, and other improvements. This can be scaled back, if necessary, based on the amount of funding the City is awarded.

Member Johnson stated that he has seen a huge difference in reducing traffic speeds with the completion of the Harrison project. Lowell School will benefit from the medians as well as all of the improvements that were made with the Harrison project.

Mayor Badeaux would like to make sure that the bump outs are aligned properly with the street. He wants to make sure that this does not create additional problems during the winter for homeowners.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO AUTHORIZE APPLICATION FOR THE SAFE ROUTES TO SCHOOL GRANT FOR LOWELL ELEMENTARY UNDER THE GENERAL SCOPE OF OPTION 3 DESCRIBED.

Approve Braun Intertec Agreement - Downtown Cable Load Testing

Committee Chair O'Day stated that the cables that the holiday lights are being hung need to be load tested to make sure that they're safe and will support the decorations for the season.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE BRAUN INTERTEC PROPOSAL TO PERFORM LOAD TESTING ON THE DOWNTOWN CABLES.

Approve Termination of Crow Wing County Fuel Sales Agreement

Committee Chair O'Day stated that it was estimated that Transit would save about $.25 per gallon with this program. Actual savings were about $.10 per gallon and there's only one convenient station to fill at, which led to the termination of the agreement.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO TERMINATE THE CROW WING COUNTY FUEL SALES AGREEMENT AND MOVING TRANSIT TO USING WEX CARDS FOR FUELING.

Approve Draft Transit Cooperative Agreements with Crow Wing County and Baxter

Committee Chair O'Day stated that these agreements will align with the third-party contract. The contributions and agreement will be reviewed annually.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE AGREEMENTS AS PRESENTED.

Approve 2024 Capital Bus Purchase

Member Johnson asked about the necessity of the bus.

Committee Chair O'Day stated that this bus will likely not come until 2026. With the constant repair of our current buses, we may need a new bus by then. If there is no need for a new bus when the time comes closer, the City is not under any contract to follow through.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE APPLICATION FOR THE MNDOT 2024 CAPITAL BUS VEHICLE REPLACEMENT GRANT.

Approve Transit Operating Policy Updates

Committee Chair O'Day stated that these updates are recommendations by MnDOT.

Member Czeczok pointed out that the last four items have been recommendations by the TAC committee.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE UPDATING THE ADVANCE NOTICE AND SUBSCRIPTION TRIP / STANDING ORDER TRANSIT OPERATING POLICIES.

Approve Event/Street Closure Application- Community Thanksgiving (added item)

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR COMMUNITY THANKSGIVING.

Unfinished Business

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – 2 terms (Expire 2026) 2 terms (Expire 2025)
Library Board- 1 term (Expire 2025)
Rental Dwelling License Board of Appeals – 5 terms (Expire 2025)
TAC—1 term (Expires 2023)
Mayor Recommended: (terms to expire on 9/7 of said year)
EDA—1 term (Expires 2026)
Council President Recommended: (terms to expire 12/31 of said year)
Parking Commission—1 term (Expire 2026)

Accept Committee Resignations

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT PATRICK WUSSOW'S RESIGNATION FROM THE PUBLIC UTILITIES COMMISSION.

Review Contested Nuisance Assessments

Community Development Director Kramvik stated that staff reviewed the contested assessments from the last meeting. Staff recommend waiving nuisances for three of the contested assessments as the nuisances were resolved before they were abated, and these were the first nuisances on the properties. The two properties not recommended by staff to waive have had historical issues and were both abated.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO WAIVE THE NUISANCE ASSESSMENTS FOR PROPERTIES 41360561, 41301028, AND 41191157 WHILE MAINTAINING NUISANCE ASSESSMENTS AT 41241526 AND 51250666.

New Business

Request to Begin Eminent Domain Process

Member O'Day asked whether these parcels had homes on them.

Interim City Administrator Wussow stated that these properties do not have homes on them. The Public Utility Commission is not interested in the homes, and this has caused a hold-up in the plans to acquire the land previously.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY, DULY CARRIED, TO BEGIN EMINENT DOMAIN PROCESS RELATED TO THE ACQUISITION OF PIDS 41361080 AND 41361081 FOR THE PURPOSE OF A FUTURE WELLFIELD AND WELLHEAD PROTECTION.

Designate Interim City Administrator Wussow as Responsible Authority as a part of the Data Practices Policy

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO DESIGNATE INTERIM CITY ADMINISTRATOR WUSSOW AS THE RESPONSIBLE AUTHORITY AS A PART OF THE DATA PRACTICES POLICY.

Request Workshop to Discuss Street and Public Utility Infrastructure for Upcoming Projects

Member Czeczok stated that the Public Utility Commission requested that the Council set a workshop to reconsider some of the future projects.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK, DULY CARRIED, TO SCHEDULE A WORKSHOP TO DISCUSS STREET AND PUBLIC UTILITY INFRASTRUCTURE FOR UPCOMING PROJECTS ON JANUARY 22, 2024, AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS.

Public Forum

The Chair opened the public forum at 8:11 p.m.

Mike Murphy, 8371 Greenwood Rd, stated that the slow response for getting to the SW 4th street project after he had contacted the staff cost the City more time and money. He stated that he was given no information during or at the end of the project. He regrets to inform the City Council that the bank has not been restored to its former glory. He just paid for new street cover and now there is damage to the street.

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

Staff Reports

Community Development Director Kramvik stated that at the Planning Commission meeting the commission will conduct a public hearing on the Short-Term Rental Ordinance.

City Engineer/Public Works Director Dehn stated that the Highway 25 detour may be lifted by the end of the week. The South Brainerd Project will be holding an informational meeting on Tuesday, November 7th at 6:00 p.m. to discuss the project.

City Administrator Bergman thanked the City Council for allowing her to serve the City of Brainerd as the City Administrator for the last four years. She has really enjoyed her position and has been amazed at all of the things accomplished during her time here. She also thanked the staff for their dedication to the City of Brainerd. The City is so fortunate to have the leadership team and employees that serve the City. Finally, she hopes that the work done in the last four years has made an impact on residents lives. She will be working for the State of Minnesota in Housing.

Council Member Reports

Member Johnson stated that concerned citizens would like the Planning Commission to review where dispensaries could be located in the City. The citizen may or may not want a dispensary near their house.

Member O'Day thanked Administrator Bergman for her work with the City. He is sad to see her go but looks forward to working with her again in her new role.

Member Stenglein thanked Administrator Bergman for putting up with Council Members, stating that Council is not always the easiest to work with. She salutes her poise and appreciates all of the work that she has done.

Member Czeczok sang "I'm so glad we had this time together". He thanked Jennifer for all of her input and advice and her arguments. As many times as they have disagreed he feels they always came to a good understanding of each other.

Chair Bevans thanked the Legion for their work on the Community Thanksgiving. He welcomed Interim City Administrator Wussow. Finally, he stated that he has worked with every City Administrator the City has ever had. Administrator Bergman ranks up there with the best of them. He stated she has been a fantastic asset to citizens and the City Council and has led the staff through a lot of trials and tribulations. He is excited to flood her office with requests from the City of Brainerd for housing needs.

Adjourn To Closed Session Pursuant to MN Statutes, 13d.03, Subd. 1(B) To Prepare For Negotiations With The IBEW Local No 31 And IUOE No. 49 Unions.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTES, 13D.03, SUBD. 1(B) TO PREPARE FOR NEGOTIATIONS WITH THE IBEW LOCAL NO 31 AND IUOE NO. 49 UNIONS.

The Chair adjourned the meeting to the closed session at 8:21 p.m.

Council took a five minute break prior to the closed session.

The Chair reconvened the meeting at 8:49 p.m.

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

_____

Patrick Wussow
Interim City Administrator

Brainerd Contractor License List

11/15/2023

HESS CONSTRUCTION LLC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
8913 83RD AVE SW	General Commerical	Active		12/31/2023	2023-0013	12/31/2023

Total Licensees **1**

Population: All Records

Licensee.DateRegistered Between 11/2/2023 12:00:00 AM AND 11/15/2023 12:00:00 AM

BRAINERD POLICE DEPARTMENT

MONTHLY REPORT

BESTUL'S BOOYAH AWARD

Officers received a report of an unconscious male party behind the wheel of a vehicle and the reporting party was unsure if he was breathing. Officer Peters responded promptly and determined the male party was possibly under the influence of a controlled substance and needing immediate medical attention. Officer Peters utilized his medical knowledge to assist in breathing for the subject and the administration of NARCAN. The male party was transported to the emergency room, where Officer Peters then investigated a controlled substance DWI Investigation. Great work Nate, Booyah!!

STAFFING & ASSIGNMENTS

Retirement
After 28 years of service to the Brainerd Police Department, Administrative Supervisor Julie McCollough retired. Julie's last day in the office was October 13th. Julie was hired by the Brainerd Police Department in 1995. We wish her the best in her retirement.

Promotion
Miranda Halverson was promoted to Police Administrative Supervisor on October 16th. Miranda was hired by the Brainerd Police Department as a Community Service Officer in 2015. She moved to the Records Department in 2017 and was promoted to Records Lead in 2021. Miranda has been with the police department for over eight years and is looking forward to many more years.

TRAINING & STAFF DEVELOPMENT

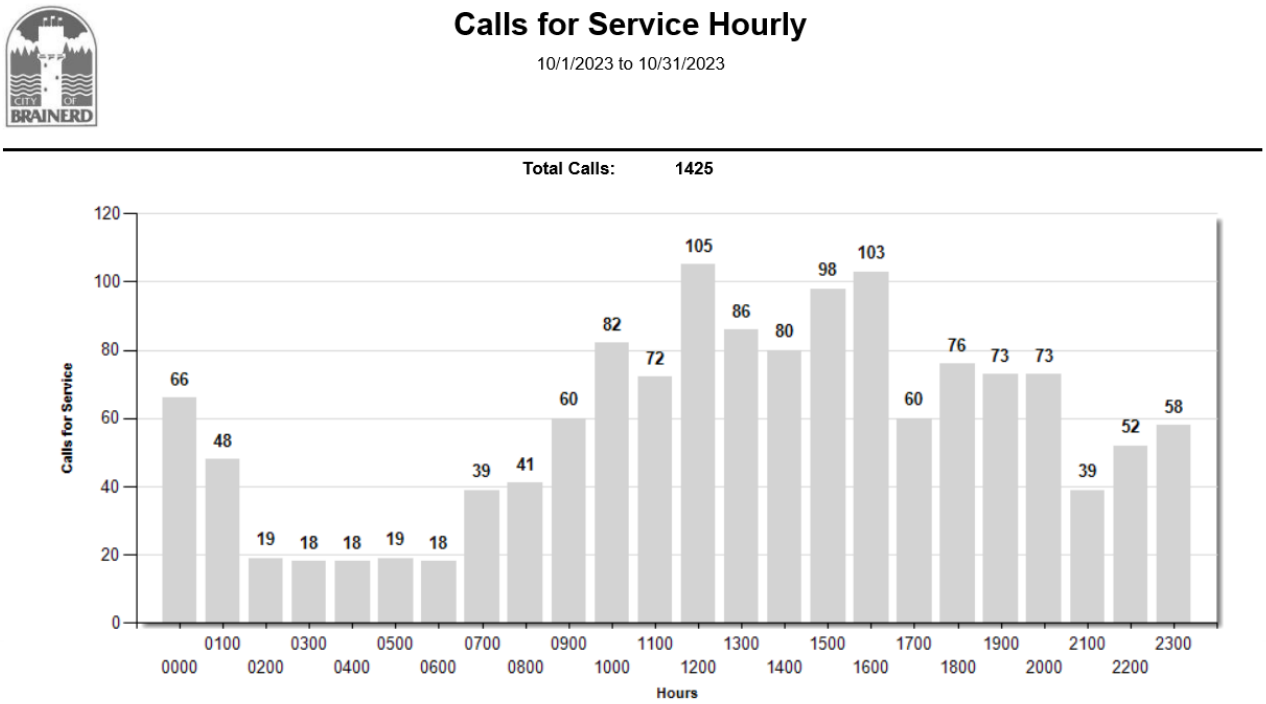
Reporting Writing: 5 Key Elements of a Professional Police Report
Officer E. Gleason attended an online seminar highlighting the key elements of a professional police report. This course discussed the “do’s and don’ts” of a professional police report and focused on the five key elements that make the difference between a good report and a professionally sound report that will hold up in court. Course topics include, setting the scene: begin with the end in mind, no stone left unturned: how to document everything, clear and concise: the language you use, writing for the defense, DOJ and possible civil lawsuits, describe the “superman doll” – how to avoid sanitizing the report.

MN Crisis Intervention Team Training
Officer E. Gleason, Sergeant Reed, and Sergeant Rosier attended the MN Crisis Intervention Team training hosted by the Crow Wing County Sheriff’s Office. This 40-hour course covered informative facts on mental health disorders, wellness, de-escalation, bias and cultural awareness, suicide awareness, ASD, PTSD, and role play with professional actors.

Department Training
Department training this month included scenario base de-escalation tactics, along with a presentation from the BCA Use of Force Investigative Team.

OVERALL CALLS FOR SERVICE

Month	2023	2022
Number of Calls for Service	1,403	1,408

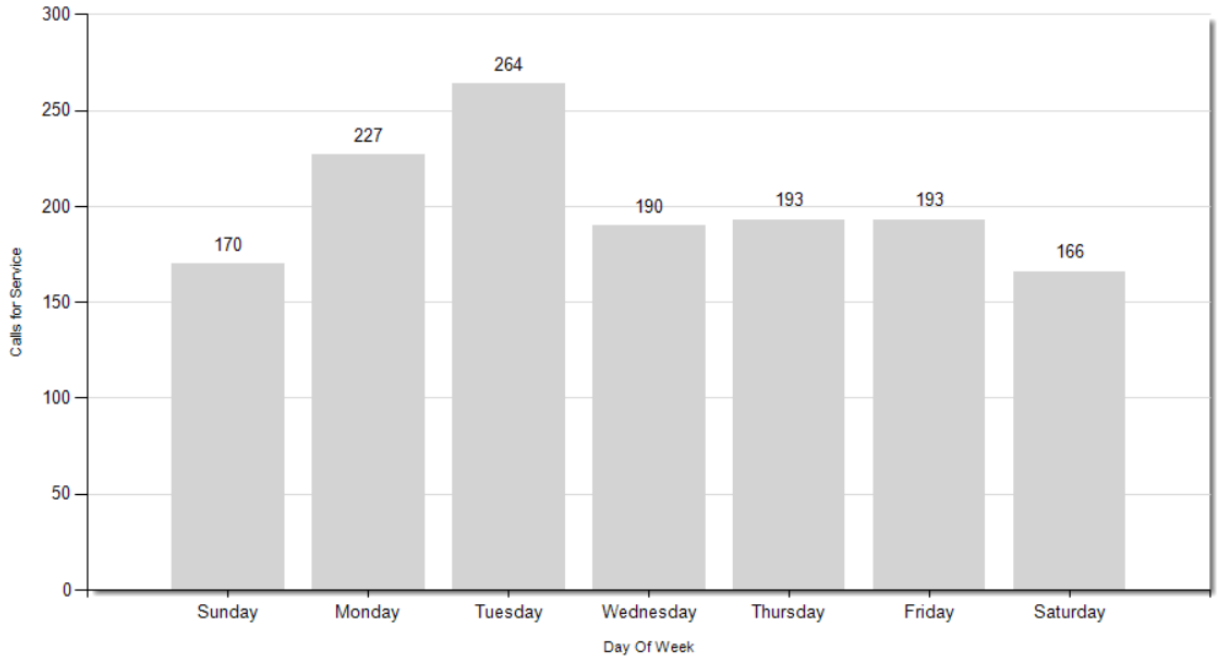


Calls for Service Day Of Week

Start Date: 10/1/2023

End Date: 10/31/2023

Total Calls: 1425



CONDUCT ON PREMISES ACTIVITY REPORT

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

BODY WORN CAMERA DATA REPORT

Month	Number of Videos	Hours of Video	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
October	1,887	452	789	428	14.35 Minutes	61

AXON Evidence.com

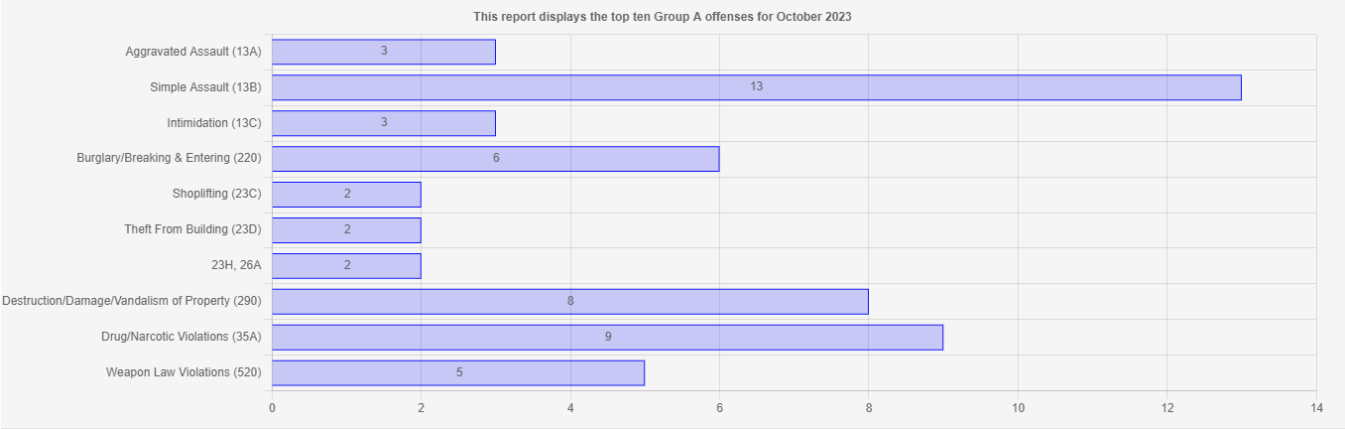
CRIME STATISTICS

Year to Date through Month	2023	2022
Group A Offenses Known or Reported to Police	975	1264
Group A and B Arrests	665	715

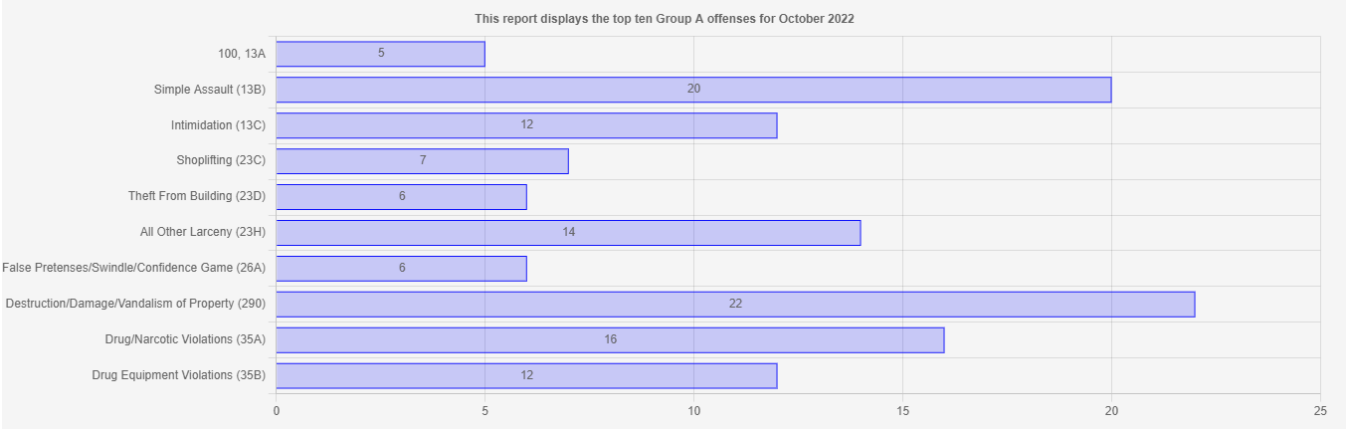
** Note: 2023 totals do not include case files that have not yet been coded.

TOP 10 GROUP A OFFENSES

October 2023

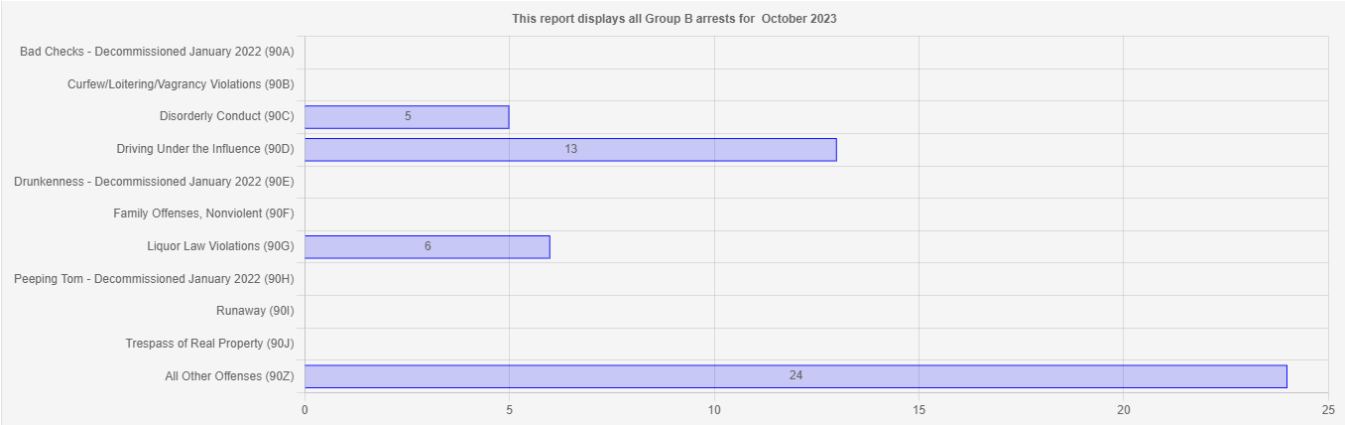


October 2022

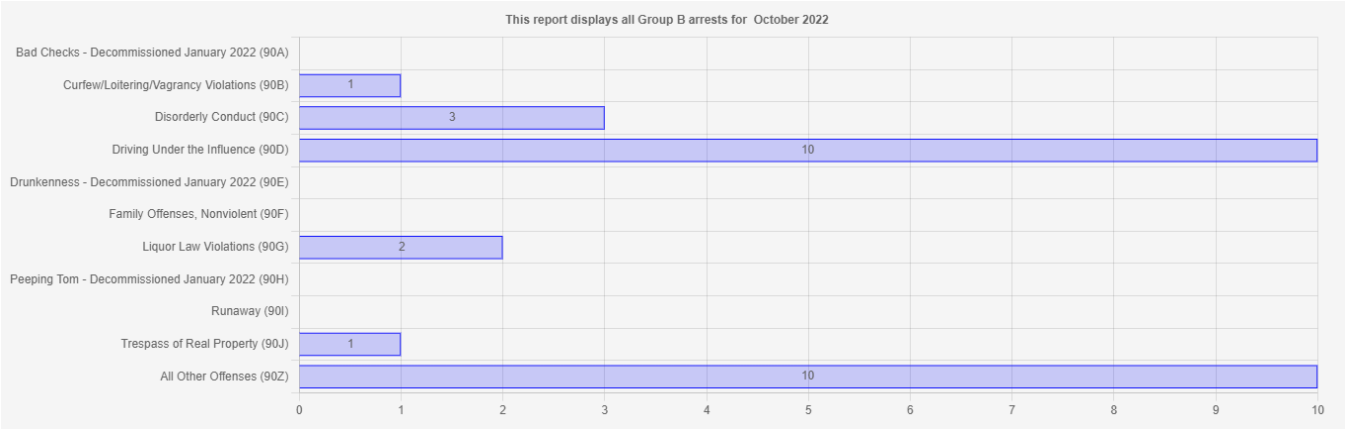


GROUP B ARREST DATA

October 2023



October 2022



CITATIONS, PARKING TICKETS, & WRITTEN WARNINGS

Month	2023	2022
Citations (Inc. Parking Tickets & Written Warnings)	146	147

36 parking tickets were issued in the month of October, with the following dispositions.

1	Dismissed
23	Paid in Full
0	Partial Payments Received
12	No Payment Received

Revenue Recapture Receipts:

2022 Total:	$ 5,688.23
2023 To Date:	$7,946.99

COMMUNITY OUTREACH

Halloween Safety Event
The police department brought back the Halloween Safety Event where children came though the police department garage and trick-or-treated through different stations with Officers, office staff, volunteers from the Lakes Area Law Enforcement Association and Safety Pup. We had over 300 trick-or-treaters. This event is sponsored by the National Child Safety Council, the Brainerd Patrolman's Association, and the Lakes Area Law Enforcement Association.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT

James Kramvik, CDD **October 2023**

BUILDING PERMITS

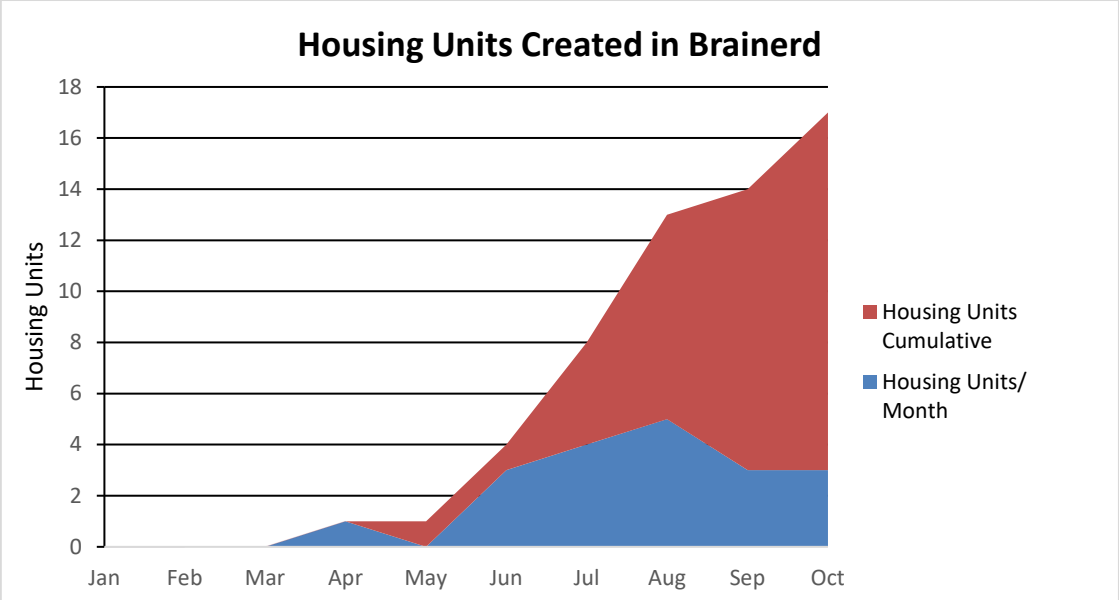
The Community Development Department issued 93 building permits with a total project valuation of $1,355,548 in the month of October. Within the River-to-Rail Corridor, eleven (11) permits were issued. These improvements resulted in $2,419.22 being waived in permit fees.

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

Issued Permits for September 2023		
Type Of Permit	# Issued	Total Project Valuation
Commercial – Building – Demolition	1	$200,0000
Commercial – Building – Remodel	1	$125,000
Commercial – Building – Roofing	2	$66,293
Commercial – Mechanical – Remodel	1	$82,700
Commercial – Plumbing – Water Heater	1	$15,000
Engineering – Excavation	4	N/A
Fence	1	N/A
Residential – Building – Deck	3	$37,300
Residential – Building – New/Addition	3	$700,000
Residential – Building – Remodel	5	$61,846
Residential – Building – Roofing	30	N/A
Residential – Building – Roofing+Garage	1	N/A
Residential – Building – Siding	3	N/A
Residential – Building – Windows/Doors	6	$26,634
Residential – HUD HOME – Installation	1	N/A
Residential – Mechanical – Air Conditioner	1	N/A
Residential - Mechanical - Furnace/Boiler	8	N/A
Residential – Mechanical – Furnace+AC	1	N/A

Residential - Mechanical - New/Addition	5	N/A
Residential - Plumbing – New/Addition	3	N/A
Residential - Plumbing – Remodel	1	N/A
Residential - Plumbing – Water Heater	5	N/A
Sign	4	$40,775
Temporary Sign	1	N/A

Three (3) single-family homes received building permits in the month of October with a total construction valuation of $700,000. This brings the total units of housing constructed in the City in the 2023 calendar year to seventeen (17).



BUILDING INSPECTIONS

The Community Development Department conducted 208 building inspections in October which brings the total to 1,712 for 2023.

CODE ENFORCEMENT

The Community Development Department conducted 98 code enforcement inspections in September resulting in violations across the following categories:

CODE ENFORCEMENT INSPECTIONS	
Accessory Structure Material	1
Damaged Roof	1
Exterior Structure	6
Garbage	1
Graffiti	2
Fence Repair	1
Grass & Weeds	29
Junk and Debris	29

Tree Diseased Dead Hazardous	1
Unlicensed/Inoperable Vehicles	11
Zoning Code Violation	16
	Total = 98

The additional 98 inspections performed in October brings the total code enforcement inspections performed in 2023 to 1,244.

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

RENTAL INSPECTIONS

The Community Development Department issued eight (8) rental licenses in the month of October which brings the total number of rental units issued for the 2023-2024 renewal period to 2,580.

The Housing Inspector has completed 367 rental property inspections in 872 individual units in 2023.

CONTRACTOR LICENSING

The City approved seven (7) contractor licenses in October which brings the total number to 244 for 2023.

PLANNING AND ZONING

Administrative Subdivisions

Staff presented a revised list of priorities for new ordinance amendments for consideration by the planning commission. The highest priority currently listed and recommended by staff is amending the administrative subdivision ordinance to allow for the subdivision of three properties instead of two. The state currently allows municipalities to administratively subdivide up to five parcels without platting. The amendment to the subdivision ordinance would also put time constraints on when the parcel could be subdivided in the future and create better definitions for the types of administrative subdivisions allowed. Staff have heard complaints from engineering and surveying firms about interpretation of the existing administrative subdivision ordinance.

Short-Term Rental Ordinance
The Planning Commission just completed its review of the new proposed short-term rental ordinance and held a public hearing at the last regularly scheduled meeting on November 15th. After receiving testimony from the public, the Commission decided to recommend an extension of time for when existing short-term rentals must comply with the new ordinance. The first reading of the proposed short-term rental ordinance will occur at the December 4th City Council meeting.

ECONOMIC DEVELOPMENT

Staff continue to meet with representatives of the proposed Country Manor Senior Living Facility in anticipation of a potential Spring 2024 construction start date. Staff anticipates the final PUD to be reviewed by the Planning Commission at the December 20th meeting. Staff have been working with Country Manor to finalize all aspects of the development agreement which include a turn lane on Beaver Dam Road as well as utility infrastructure. In addition to the zoning processes, staff have begun to prepare the necessary documentation to initiate the statutory process of tax abatement for Country Manor. City Council approved staff to begin the statutory process for 45% tax abatement for 10 years at the February 7th, 2022 City Council meeting.

PLANNING AND ZONING PROCESSES – PROGRESS UPDATE

Address: 1202 6th St S
PZE Process: Conditional Use Permit **Date Issued:** 8/2/22
Project Description: Demolish restaurant and install a self-serve ice machine. A conditional use permit was needed for a building under 1,000 SQFT.

The applicant has completed the following steps:

- Demolished existing restaurant.
- Cleared the lot of impermeable surfaces.
- Built foundation and installed the self-service Ice Machine.
- Several items are required before certificate of occupancy.
- This permit is being amended at the Planning Commission on November 16, 2023, and will be passed on to Council following this meeting. The amendment will be to add landscaped area to the site plan.

Address: 2501 Greenwood St
PZE Process: Conditional Use Permit **Date Issued:** 8/2/22
Project Description: The purchase of Evangelical Lutheran Good Samaritan's parcel 41010613 to operate a residential addiction recovery facility with outpatient services.
Project Progress: A remodel permit was issued on 6/14/2023 for a $150,000 renovation of the property to meet functional needs.

Address: 804 Oak St.
PZE Process: Variance **Date Issued:** 9/9/22
Project Description: A variance from the rear yard setback requirement was submitted to facilitate:

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

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

Address: 1918 & 1911 Thiesse Dr.
PZE Process: Interim Use Permit **Date Issued:** 9/07/22
Project Description: The operation of a cryptocurrency mining facility, specifically for outdoor storage as a principal use.
Project Progress: No construction has begun at the property and building plans have not been submitted. VCV submitted alternate plans for the construction of a building and was approved by the EDA for the proposed design alteration. VCV will no longer make use of the Interim Use Permit unless a change of scope is approved by the EDA.

Address: 515 9th St S
PZE Process: Variance **Date Issued:** 9/07/22
Project Description: Requests a lot line setback adjustment from 5’ to 2’6” to facilitate the construction of a duplex.
Project Progress: The proposed structure was constructed and passed all inspections.

Address: 324 Woodland Hills Ln
PZE Process: Variance **Date Issued:** 9/08/22
Project Description: Requested the variance to allow the:

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

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

Address: 3231 Oak St
PZE Process: Variance **Date Issued:** 9/07/22
Project Description: Boundary line adjustment with recorded easement to access the rear property. Eliminated the flag lot and created an easement.
Project Progress: The boundary line adjustment has been recorded with the County.

Address: PID 41040504
PZE Process: Conditional Use Permit **Date Issued:** 10/5/22
Project Description: The applicant proposed the construction of a 12-unit apartment complex.
Project Progress: The applicant has not begun construction.

Address: PID 41040501
PZE Process: Conditional Use Permit **Date Issued:** 10/5/22
Project Description: The construction of a health club and boarding house.
Project Progress: The applicant has not begun construction.

Address: 1005 6th St S
PZE Process: Interim use Permit **Date Issued:** 12/5/22
Project Description: Applicant requested permission for one short-term rental.
Project Progress: This property currently operates as a short-term rental in the City.

Address: 15770 Dellwood Dr
PZE Process: Conditional Use Permit **Date Issued:** 1/9/23
Project Description: Application to allow for the construction of mini-storage units on the premises.
Project Progress: The applicant has applied for a building permit, but the permit has not yet been issued.

Address: PID 41160504
PZE Process: Rezoning **Date Issued:** 1/11/23
Project Description: The purpose of this rezoning was to prepare this section of Parcel 41160504 for a consolidation with the contiguous parcel 41170515 which is also zoned Rural Living One (RL-1) Zoning District.
Project Progress: The consolidation was completed and recorded with the County.

Address: PID 41040504
PZE Process: Final Plat **Date Issued:** 1/12/23
Project Description: The consolidation of 11 parcels to accommodate the space needed for the 12-unit apartment complex described in the Conditional Use Permit PZ22-0032
Project Progress: The plat has been recorded with Crow Wing County.

Address: 2307 Crestview Ln
PZE Process: Conditional Use Permit **Date Issued:** 3/1/23
Project Description: The applicant proposed a 5-unit apartment complex which received considerable opposition from the neighborhood.
Project Progress: Upon denial of the conditional use permit by the City Council, the applicant redesigned the site plan and submitted a 4-unit complex as a permitted use on the parcel. The permit for this project was issued on 8/08/23 and is currently under construction.

Address: 1021 Madison St
PZE Process: Conditional Use Permit **Date Issued:** 3/30/23
Project Description: The operation of a recycling facility in the General Industrial District.
Project Progress: The property continues to operate as a recycling facility and is working with the fire department on the conditions added to the permit.

Address: 2424 Business 371
PZE Process: Variance **Date Issued:** 5/18/23
Project Description: The variance requested was to exceed the 12' height limit on signs in the PSP zoning district by 3'.
Project Progress: Upon passage, a permit was filed and issued. The sign has been installed and finaled on 11/7/23.

Address: 3 Washington St NE
PZE Process: Variance **Date Issued:** 6/2/23
Project Description: Construction of a new Dunkin Donuts:
The first variance request is to allow their main entrance to face the rear yard of the property. Section 515-2-14.C requires the principal façade to front onto an avenue/street for properties in the CC District. The second variance request is to allow a 27'1" principal building front yard setback, a 24' side yard corner setback, and a 66'7" rear yard setback.
Project Progress: The applicant has submitted preliminary applications to be reviewed.

Address: 431 B St NE
PZE Process: Variance **Date Issued:** 5/3/22
Project Description: Requested a 7' corner yard setback for an accessory structure addition.
Project Progress: The applicant is planning for fall construction but has not yet applied for a permit.

Address: 703 Oak St
PZE Process: Conditional Use Permit **Date Issued:** 6/8/23
Project Description: The operation of a Commercial Day Care Facility.
Project Progress: On August 22nd, 2023, Brainerd Family YMCA submitted a Commercial Building New/Addition permit for a $701,000 renovation in accordance with the conditions set in the Conditional Use Permit. This property is in the River-to-Rail area and qualified for a $150,000 reduction in the assessed valuation. The permit has been issued and the project is underway.

Address: 515 9th St. S
PZE Process: Interim Use Permit **Date Issued**: 6/22/23
Project Description: The operation of a short-term rental in one unit of the duplex at 515 9th St S.
Project Progress: This permit was denied by the Council in August and currently no alternative uses other than long-term housing has been proposed by the applicant.

Address: 219 W Laurel St
PZE Process: Variance **Date Issued**: 7/03/23
Project Description: A variance to allow a second accessory structure and to exceed the accessory structure square footage limit of 500 Sq Ft for the construction of a new 24' x 24' garage.
Project Progress: Upon passage of this variance the applicant submitted a permit to construct this accessory structure at the premises on September 1st, 2023. A permit has been issued and the project is currently underway.

Address: 203 Hawkins Dr
PZE Process: Interim Use Permit **Date Issued**: 7/20/23
Project Description: The utilization of the property as a short-term rental.
Project Progress: The IUP was approved by the Council on August 21st, the applicants have resumed operation of the short-term rental at the premises.

Address: 11617 Andrew St.
PZE Process: Variance **Date Issued**: 7/31/23
Project Description: A variance to allow the construction of a 6000 SQFT accessory structure, which exceeds the allowed 500 SQFT in the General Commercial Zoning District. The structure will serve as the classroom facility for the American Institute of Nondestructive Testing.
Project Progress: The commercial building permit was issued on 8/31/2023 and has begun construction.

Address: 502 Juniper St
PZE Process: Interim Use Permit **Date Issued**: 10/2/23
Project Description: The utilization of the property as a short-term rental.
Project Progress: The IUP was approved by the Council on October 2nd, the applicants have resumed operation of the short-term rental at the premises.

City of Brainerd
IT/GIS Department Monthly Report
October 2023

Projects

- Airport new ARFF building, significant network administration to extend city and airport networks to new building, WiFi access points, cell signal booster equipment, fire alarm and paging systems, door access control, building hvac controls.
- BCA security audit – working on final tasks include VPN and VLAN changes

Software

- New Cisco Umbrella client installation
- City website design meetings complete, final approval, go live early Nov.
- Exploring options for tracking information requests – in house solution vs commercial software, other?
- Continued implementation of IT asset tracking software and ticketing system

Hardware

- Public works cameras and software configured – anticipated install late Nov
- Airport Firstnet (AT&T) cell boosters installed
- Airport access control (doors) - beginning installation and configuration
- Airport security cameras - configuration
- Continued migration of virtual servers to newer physical host, gradually eliminating dated hardware
- Various police squad issues – video, printing, connectivity, etc.

Other

- Technical support for numerous meetings – City Council, Park Board, Planning Comm, EDA, etc.
- Staff added: none
- Staff departed: Recreation Coordinator, Police Administration Supervisor, Admin Spec – Public Works

Statistics – October 2023

Email: sent 8,328 or 324/day (down from 9,739), received 37,463 or 1,153/day (up from 34,594)

Cisco Secure Endpoint: 8.44M files scanned (up from 6.9M), 783K IPs scanned (up from 718K)

YouTube – City channel views 1,569 (up from 810), 189.5 hours watched (up from 105.7)

Facebook – Sept reach 49,568 (down from 68,993 in August)

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Approve Second Hand Auto License for East Side Auto and Repair, 413 Washington Street- Contingent upon Approvals

AGENDA:

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Administration

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE:

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION:

FINANCIAL IMPACT:

Presented By:
Trevor Pumnea

2023

NORTHLAND ARBORETUM

City of Brainerd Presentation

Our Pillars

How we stand

01 Education

From Nature Camp to workshops, we provide a wide range of immersive experiences in nature for all ages.

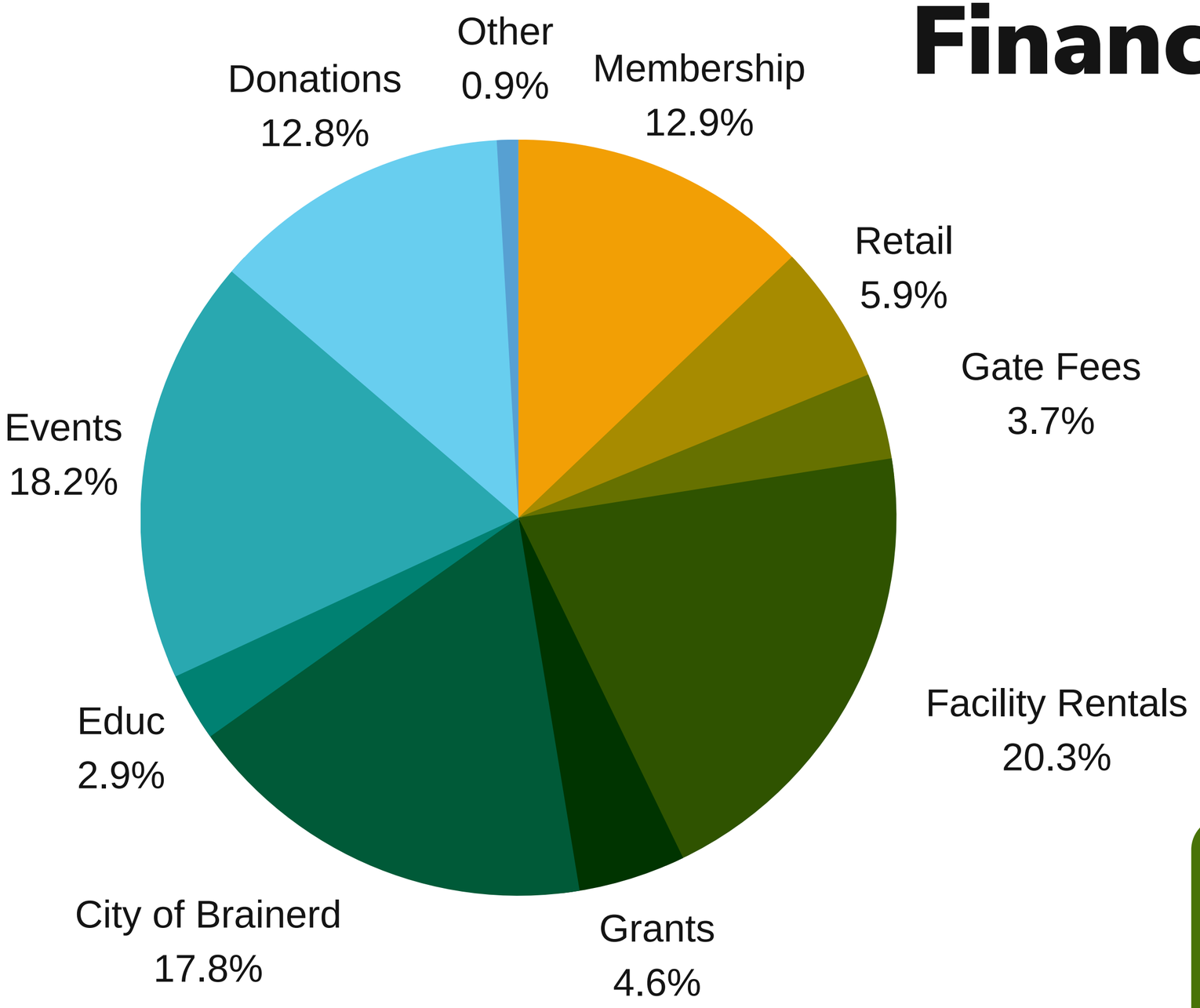
02 Recreation

Our 413 acres is conveniently located and the perfect way to escape from the hustle of our expanding town. A 12-mile trail system provides physical wellness any time of the year.

03 Conservation

Diverse habitats provide a safe haven for countless species of wildlife and plants. They provide opportunities for research, restoration, and respite for visitors.

Financial Dashboard



2023 Revenue Review

$469,441

2023 Expenses

$449,406

FY 2023 Net Income

$20,035

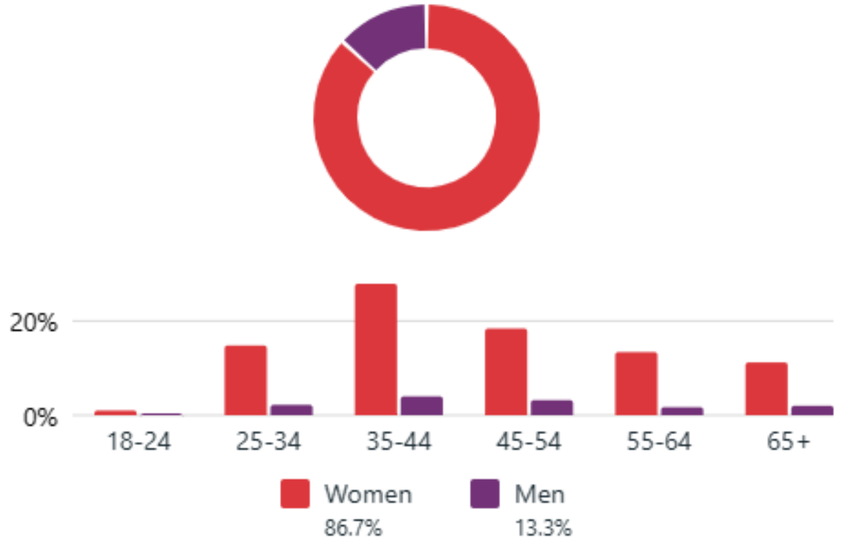
Who are our Followers?

Where are they From?

Facebook followers

4,761

Age & gender



Top cities

Brainerd, MN 22.3%

Baxter, MN 10.5%

Nisswa, MN 2.8%

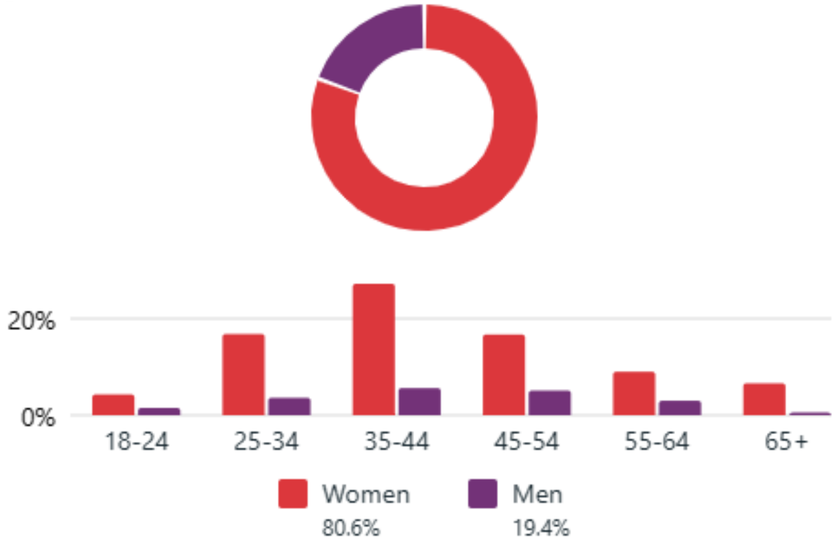
Little Falls, MN 2.5%

Pequot Lakes, MN 2.5%

Instagram followers

581

Age & gender



Top cities

Brainerd, MN 22.5%

Baxter, MN 11.2%

East Gull Lake, MN 5.7%

Nisswa, MN 5.7%

Breezy Point, MN 4%

Special Projects at the Arb

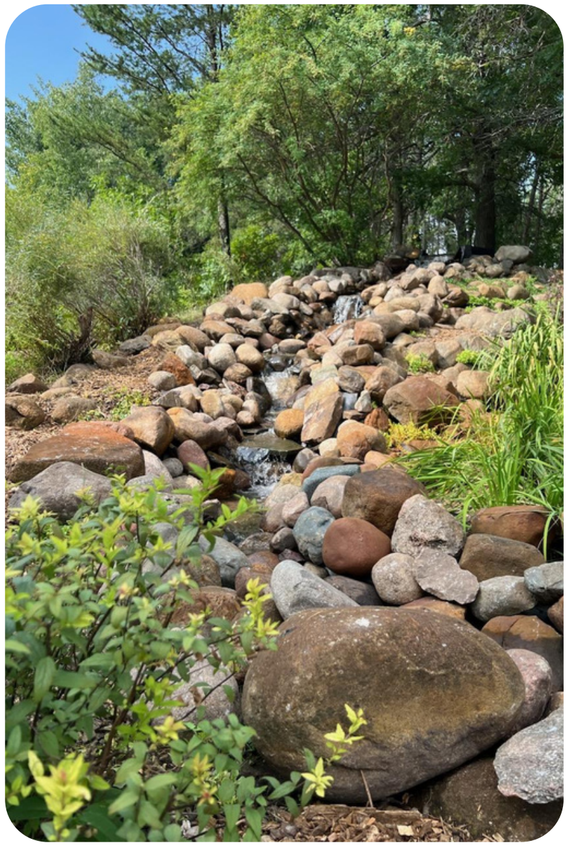
Grounds Improvements

Nature Playscape

A special thank you to the Sports Boosters and everyone who GAVE TO THE MAX last year. The Sports Boosters granted $10,000 and the Board Challenge managed to match those funds.

Special Projects at the Arb

Grounds Improvements

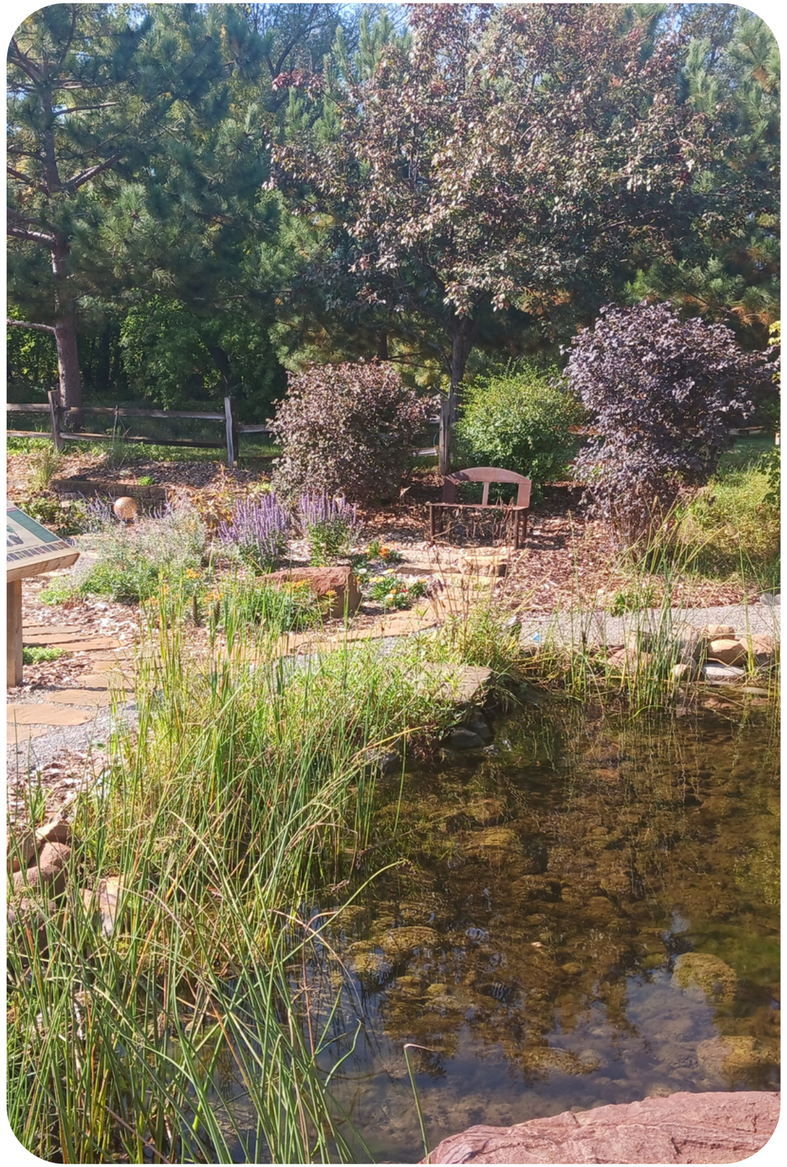


Memorial Garden

Our Memorial Garden got a facelift with garden improvements, fountain feature, and a waterfall. Thanks to another talented group of Master Gardeners lead by Pauline Condon!

Special Projects at the Arb

Grounds Improvements



Rain Garden

Our Rain Garden went through a full revitalization with garden improvements, irrigation and well renovation, improved fountain feature, and a waterfall. Thanks, Angela Busch, Bryan Pike, and all of the Master Gardeners who also worked on this project!

Special Projects at the Arb

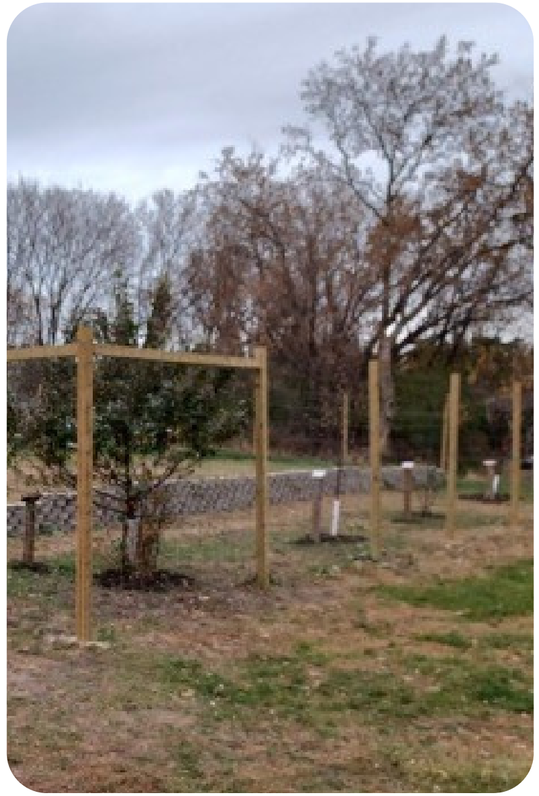
Grounds Improvements

Sign Renovation

Interpretive signs and wayfinding throughout the Arb will promote education and enhance navigatability of the property.

G101 and Orchard Expansion

Expanded irrigation to promote greater harvests for Crow Wing County residents.



Trail Improvements

New fencing and lighting around the Monet Pond provide a safe route for visitors with all levels of mobility.

Nature Education

Connecting to Nature

- "No Break from Nature" Camps
- Nature Knapsacks
- Field Trips
- Monthly Workshops and Classes (TBD)
- Citizen Science Opportunities
- Interpretive Signs (NEW!)
- Nature-oriented Book Club

Sourcewell

Crow Wing energized

MidMinnesota Federal Credit Union

CLC Central Lakes College

University of Minnesota Extension Master Gardener Program

Minnesota Master Naturalist

WonderTrek Children's Museum

Minnesota GreenCorps

THANK YOU

We are not the Arb without our members.

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Review Draft Ordinance for Revised Fee Schedule

AGENDA: P&F Committee

ACTION REQUESTED: Direction Requested

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:
City Council reviewed and amended City Code Sections 1010 Licensing Fees and 1015 Permit Procedures and Fees in 2019 as part of Ordinance 1492. Rental license fees were last reviewed and changed in 2010 as part of Resolution No. 45:10 which increased the rental license fee to $32 per rental dwelling unit.

Staff summarized the process regarding how other cites update their fee schedule each year at the last P&F Committee meeting on November 6th. Most cities in our surrounding area update their fee schedules by resolution, so staff recommended drafting an ordinance and resolution for P&F to review at the November 20th City Council meeting. Upon notice by the landlord group and additional research, the League of Minnesota Cities recommend adopting the fee schedule by ordinance for legality purposes. The League's recommendation is to create a fee schedule appendix in the ordinance, so all fees are listed in one location. Staff believes that this will function well in the future and has prepared a draft ordinance for review that references all fees to Appendix A: Fee Schedule. The fee schedule indicates changes or additions in red and with a strike through.

Staff attended the most recent landlord meeting to discuss the possibility of rental fee increases and the reasoning for a sliding fee schedule for multifamily properties. The Housing Inspector spends a considerable amount of time inspecting single-family homes compared to multi-family units. Multi-family units are all in one location, typically have one-level units comprised of one building, and have a property manager on site to remedy issues. Staff recommends a rental fee discount for multi-family buildings because of the time spent on the property inspecting. Staff have attached letters from the landlord group that explain concerns about the rate increase.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:
Staff thoroughly reviewed neighboring municipalities' fee schedules and processes and made the following determinations for Brainerd:
1) Rental license fees are significantly lower.
2) Zoning and subdivision fees are significantly lower.
3) Building permits for single inspections such as windows, solar panels, and commercial furnaces are

higher.
4) Park dedication and SAC and WAC are significantly lower.
5) Brainerd should no longer license amusement machines, circuses, dances, musical machines, roller rinks, theatres, and wrestling and boxing matches. A permit should be created for the fire department to inspect properties holding large events.
6) Food trucks should have both a daily and yearly payment option.
7) Contractor licenses should be changed to contractor registration, no longer require City Council approval, and no longer require a $5,000 surety bond.
8) Bee and chicken permits should have a higher initial fee and a lower renewal fee.
9) Business licensing fees are in line with surrounding municipalities.

Staff recommends the following fee schedule changes:
1) Rental license fee increases from $32 per unit to $50 per unit (1-5 unit structure) $45 per unit (6-12 unit structure) $40 per unit (12+ unit structure)
2) Residential CUP, IUP, variance, and rezoning increase from $250 to $350.
3) Commercial CUP, IUP, variance, and rezoning increase from $400 to $500.
4) Fence permit increase from $35 to $50.
5) Administrative zoning permit from $0 to $35.
6) Solar panels and window replacement changes from a valuation fee to a set fee of $80.
7) Commercial mechanical fees for furnaces, boilers, and A/C units change from a valuation fee to $75.
8) A certificate of occupancy commercial inspection is added in the amount of $75.
9) Food truck permits have an optional $50 per day fee.
10) The fire department is still reviewing the permitted event definition and fees.
11) All event and entertainment fees have been removed.
12) Chicken and bee permits have a higher initial cost of $60 and then are reduced to $20 for annual renewals.
13) SAC, WAC, and Park Dedication Fees will be reviewed at a later time and will be presented to the Park Board and BPU Commission.

RECOMMENDED ACTION/MOTION: Staff recommend P&F Committee review the proposed ordinance, direct staff to make any changes, and bring the proposed ordinance back to the next City Council meeting as a first reading.

FINANCIAL IMPACT:
The proposed rental fee increase will increase the rental fees collected from $82,000 to $118,000.
The building permit fees collected will be reduced by approximately $3,000 as a result of changing to set fees for some permit types.

O R D I N A N C E
NO. 15XX

AN ORDINANCE AMENDING SECTIONS 1010 LICENSING FEES, 1015 PERMIT PROCEDURES AND FEES, 703 SEWER AVAILABILITY CHARGE, 706 WATER AVAILABILITY CHARGE, 425 RENTAL HOUSING CODE, 1100 AMUSEMENTS, 1105 PUBLIC WESTLING, BOXING MATCHES, AND PUBLIC DANCES, 1130 BUILDING AND RELATED TRADES, AND 1000 GENERAL PROVISIONS

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 1010.01 Fees Set – Licensing Fees of the City Code is hereby removed in its entirety and replaced with the following new language underlined:

1010.01 Fees Set. The fees for the various licenses required by this code are set forth in Section 1000 Appendix A: Fee Schedule.

SECTION TWO: Section 1015.09 of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

1015.09 Permit Fees. The fees and charges for the various permits required by this Code ~~are set forth in this Subsection~~ are set for in Section 1000 Appendix A: Fee Schedule.

SECTION THREE: Section 1015.11 Building Permits is hereby removed in its entirety and replaced by the following new language underlined:

1015.11 Building Permit, Miscellaneous Permit, and Plumbing Permit Fees. Subdivision 1. Building Permits, Plan Review Fees, Miscellaneous Permit Fees, Plumbing Permit Fees. Building permits, plan review, miscellaneous permits, and plumbing permit fees are set forth in Section 1000 Appendix A: Fee Schedule.

SECTION FOUR: Section 1015.13 Miscellaneous Permit Fees and 1015.17 Plumbing Fees of the City Code is hereby removed in its entirety.

SECTION FIVE: Section Zoning and Subdivision Fees is hereby removed in its entirety and replaced by the following new language underlined:

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).
Subdivision 2. Zoning and Subdivision Fees are set forth in Section 1000 Appendix A: Fee Schedule.
Subdivision 3. Park Dedication Fees. 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

SECTION SIX: Section 703.02 Subd.1.c Sewer Availability Charge (SAC) Payment Required of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

c) ~~Change by Resolution: Any change in the City sewer availability charge as hereinafter set forth shall be by Council resolution.~~ Sewer Availability Charge shall be set forth in Section 1000 Appendix A: Fee Schedule.

SECTION SIX: Section 706.02 Subd.1.c Water Availability Charge (WAC) Payment Required of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

c) ~~Change by Resolution: Any change in the City water availability charge as hereinafter set forth shall be by Council Resolution.~~ Water Availability Charge shall be set forth in Section 1000 Appendix A: Fee Schedule.

SECTION SEVEN: Section 425 Rental Housing of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

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~~ Section 1000 Appendix A: Fee Schedule.

425.3009 License Fees. (a) An annual license fee shall be assessed on all rental dwelling units. The license fee shall be included with the initial application or renewal statement. Such fee shall be set ~~by resolution of the City Council~~ forth in Section 1000 Appendix A: Fee Schedule. There shall be no fee for a change in ownership. An increase in the number of licensed dwelling units during the license year shall require an amended license application and the payment of an additional license fee to cover the additional units.

425.3010 Reinspection Fee. (a) There shall be no fee charged for an initial inspection and for the re-inspection. If a third inspection is needed for compliance an additional fee will be charged according to ~~City Council resolution~~ Section 1000 Appendix A: Fee Schedule.

SECTION EIGHT: Section 1100 Amusements of the City Code is hereby removed in its entirety:

SECTION NINE: Section 1005 Public Wrestling, Boxing Matches, and Public Dances of the City Code is hereby amended as indicated, with deleted language struck out and new language underlined:

Section 1105 – ~~Public Wrestling, Boxing Matches, and Public Dances~~ Permitted Events

1105.03 ~~Public Dance~~ Permitted Event Defined. ~~A public dance shall mean any dance wherein the public may participate, whether or not a charge for admission for dancing is made.~~

1105.05 Permit. Subdivision 1. Application. Any person desiring a permit to hold~~, give, or conduct public wrestling or boxing match, or a public dance~~ a permitted event shall make application therefore by filing with the City Clerk-Treasurer a verified application three days

prior to the date of the ~~dance~~ event setting forth the same and address for the person, persons, committee, or organization who are to give, hold, and conduct the same and the time and place where such ~~public wrestling or boxing match, or public dance is~~ event is to be held. Further, the application shall also show that the applicant is an adult person of good moral character and reputation in the community in which he resides and that the applicant has not been convicted of a felony, gross misdemeanor, or crime involving moral turpitude or violation of this Ordinance.

~~Subd. 2. Affidavits to Accompany. Every dance permit application shall also be accompanied by the affidavits of two freeholders in the City to the effect that they have read the application as signed by the applicant and that all the statements made therein are true to their own personal knowledge.~~

Subd. 3. Conditions of Premises. No person shall be issued or renewed for an event ~~any public dance hall, public wrestling, or boxing match facility,~~ which is not properly ventilated and equipped with necessary toilets, washrooms, and lighting facilities not to any place likely to become a public nuisance or detrimental to public morals.

1105.07 License Fee. The license fee for a ~~public wrestling or boxing match event, and for public dances is set forth in Chapter X~~ permitted event shall be set forth by Section 1000 Appendix A: Fee Schedule.

1105.09 ~~Restrictions~~ Review. Subdivision 1. ~~The person to whom such permit is issued shall have one adult person present at every public dance, wrestling, or boxing match, during all times such dance, wrestling, or boxing match is being held, for the purpose of maintaining order~~ The event shall be reviewed by the Community Development Department, Engineering Department, Police Department, and Fire Department.

~~Subd. 2. Hours for Dances. No public dance shall be held or conducted between the hours of 1:00 a.m. and 8:00 a.m. of any day, provided that no public dance shall be held or conducted on Sunday prior to 12:00 noon.~~

1105.13 Exceptions. ~~This Section shall not be applicable to any public wrestling or boxing matches by the A.A.U. association, YMCA association, Minnesota State High School League Athletic Association, and the Golden Glove association~~ Nothing contained in this Section shall prevent unlicensed events by religious and educational non-profit associations or corporations within the confines of a church or religious education edifice or within a public-school building, where the presentation is sponsored by religious, educational, or non-profit groups.

SECTION TEN: Section 1130 Building and Related Trades is hereby amended as indicated, with deleted language struck out and new language underlined:

1130.05 License. Subdivision 1. Applications. Applications for a license shall be made to the City Clerk-Treasurer and such license shall be granted upon proof of the applicant's qualification therefore and ~~upon filing a bond in the amount of $5,000 conditioned~~ upon compliance with the provisions of this Code and the filing of certificates evidencing the holding of public liability insurance in the limits of $100,000 per person, $300,000 per accident or bodily injury, and $50.000 for property damages and certificates of worker's compensation insurance as required by law.

SECTION ELEVEN: Section 1000 General Provisions is hereby amended by adding Exhibit A: Section 1000 Appendix A in its entirety.

SECTION TWELVE: 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: _____
PATRICK WUSSOW
Interim City Administrator

Published: One Time – _____

EXHIBIT A

Building Dept	Residential	Commercial
Building Permit Fee	Valuation (refer to Building Permit fee table)	Valuation (refer to Building Permit fee table)
Plan Review Fee	65% of Building Permit Fee	65% of Building Permit Fee
State Surcharge	.0005 x Valuation/ $.50 minimum	Refer to Building Permit fee table
Decks	Valuation (refer to Building Permit fee table)	N/A
Accessory Structure	Valuation (refer to Building Permit fee table)	Valuation (refer to Building Permit fee table)
Re-Roofing per structure	$70 + $1 State Surcharge	Valuation (refer to Building Permit fee table)
Re-Siding per structure	$70 + $1 State Surcharge	Valuation (refer to Building Permit fee table)
Solar PV Panels	$80 + $1 State Surcharge	Valuation (refer to Building Permit fee table)
Weatherization	Valuation (refer to Building Permit fee table)	Valuation (refer to Building Permit fee table)
Windows/Doors Replacement	~~Valuation (refer to Building Permit fee table)~~ $80 + $1 State Surcharge	Valuation (refer to Building Permit fee table)
Manufactured (HUD) Installation	$250 + $1 State Surcharge	N/A
Modular/Manufactured Home Foundation	Valuation (refer to Building Permit fee table)	N/A
Mechanical-New	$120 + $1 State Surcharge	Valuation (refer to Building Permit fee table)
Mechanical-Remodel	~~$120 + $1 State Surcharge~~ $80 + $1 State Surcharge	Valuation (refer to Building Permit fee table)
Furnace/Boiler/AC/Fireplace	$40 + $1 State Surcharge	$75 + $1 State Surcharge
Garage Heater	$40 + $1 State Surcharge	$75 + $1 State Surcharge
Roof Top Unit	N/A	$150 + $1 State Surcharge
Plumbing-New	$120 + $1 State Surcharge	Valuation (refer to Building Permit fee table)
Plumbing-Remodel	~~$120 + $1 State Surcharge~~ $80 + $1 State Surcharge	Valuation (refer to Building Permit fee table)
Water Heater Replacement	$40 + $1 State Surcharge	$75 + $1 State Surcharge
Water Softener	$40 + $1 State Surcharge	N/A
Contractor License	$50 (exempt for State Licensed BC)	$50
SAC Fee (Sewer Access Charge)	$1,900 / New Home	$1,900 / E.R.C.
WAC Fee (Water Access Charge)	$1,400 / New Home	$1,400 / E.R.C.
Re-Inspection Fee	$70 per inspection	$70 per inspection
E911 Addressing Fee	$75	N/A
Certificate of Occupancy Inspection	N/A	$75 per inspection
Demolition	~~$35~~ $50	Valuation (refer to Building Permit fee table)
Planning & Zoning Dept	**Residential**	**Commercial**
Fence	~~$35~~ $50	~~$35~~ $50
Sign – Permanent	N/A	Valuation (refer to Building Permit fee table) $35 minimum
Sign – Temporary(portable)	N/A	~~$50/month~~ $35/3 months
Conditional Use Permit	~~$250~~ $350	~~$400~~ $500 + $500 Escrow
Interim Use Permit	~~$250~~ $350	$500 + $500 Escrow
Variance Permit	~~$250~~ $350	~~$400~~ $500 + $500 Escrow
Rezoning Permit	~~$300~~ $350	$500
Administrative Subdivision (property split, consolidation, or boundary line adjustment)	$100	$100
~~Minor Subdivision~~	~~$200 + $30/lot~~	~~$350 + $50/lot~~
Administrative Zoning Permit	~~$0~~ $35	~~$0~~ $35
Bee Keeping Permit	~~$40~~ $60 initially/$20 annual renewal	N/A
Chicken/Duck Permit	~~$40~~ $60 initially/$20 annual renewal	N/A
Food Truck Permit	N/A	$300 annually + $50 Parks or $50 day
Preliminary Plat/Final Plat	$500 + $30 per lot + $1,000 Escrow	$600 + $50 per lot + $1,000 Escrow

EXHIBIT A

Planned Unit Development (PUD)	~~$250~~ $350 + $1,000 Escrow	~~$400~~ $500 + $1,000 Escrow
Temporary Seasonal Sales	N/A	$25/short term or $150/long term
Zoning Compliance Letter	$40	$40
Zoning Text Amendment	$250	$400
Park Dedication	$500/single dwelling per buildable lot $500/double or multi dwelling per unit	$1,000 per acre or 5% of the fair market value of the subdivision as set forth by valuation fee schedule, whichever is greater.
Public Right-of-Way Entranceway Sign	$500	N/A
Special Meeting	$200	$400
Comprehensive Plan & Zoning Appeals	$100	N/A
Rental Housing	Annual Fee June 1st – May 31st	
Per Unit Annually	~~$32~~	
1-5 Units Annually	$50 per unit	
6-12 Units	$45 per unit	
13+ Units	$40 per unit	
Registration Late Fee (July 1-31) (August 1st - property placarded as non-licensed rental)	~~$25 per unit~~ Double the per unit fee	
Operating without a Designated Agent in 50-mile radius	$100 per unit per month	
Operating without Valid Rental License	$250 per unit per month	
Tenant Complaint based inspection	$100 each complaint	
Engineering Dept	Residential	Commercial
Sewer Tap Fee	$40	$70
Excavation Fee	$45	$70
Curb Cut	$35	$35
Billboards	N/A	$75
Street Vacation	$150	$150
~~Septic Permit~~	~~$35~~	
Business Licensing	Annual Fees Unless Indicated Otherwise	
Adult Establishment	$3,000 + investigative fee	
Filling Station & Bulk Plant	$100 per dispensing location or per bulk plant	
Pawnbroker	$150	
Peddler, Solicitor, or Transient Merchant	$200	
Secondhand Automobile	$50 per lot	
Secondhand Goods Dealer	$500 Class A / $300 Class B	
Liquor/Tobacco	Annual Fees Unless Indicated Otherwise July 1st – June 30th	
Brewery, Taproom	$500 + initial investigative fee (if applicable)	
Growler	$300 (must be State licensed Brewery or Taproom)	
Investigative Fee – New Applicants	$100	
Club On-Sale & Sunday Liquor	$300 / 200 or less members + investigative fee + Sunday (if applicable) $500 / 201 or more members + investigative fee + Sunday (if applicable)	
Distillery – Cocktail Room	$300 Off Sale Distillery Spirits + investigative fee + Sunday (if applicable) $500 Cocktail Room + investigative fee + Sunday (if applicable)	
Off-Sale Beer	$25 + investigative fee (if applicable)	
Off-Sale Liquor	$200 + investigative fee (if applicable)	

EXHIBIT A

On-Sale Beer/Wine	$200 Beer License $200 Wine License + investigative fee + Sunday (if applicable)
On-Sale & Sunday Liquor	$3,300 Class 1 Bar $2,700 Class 2 Restaurant $3,000 Class 3 Bowling Center/Hotel + investigative fee + Sunday (if applicable)
On-Sale Liquor – Sunday	$150
Temporary On-Sale Beer	$20 per day
Temporary On-Sale Liquor	$135 per day
Tobacco	$75
Transportation	Annual Fees Unless Indicated Otherwise
Garbage Hauler	$50 per unit & $25 per scooter
Taxicab	$40 per unit
Junk Dealers	$50
Vending Vehicles	$75
Auto Salvage	$25
Events/Entertainment	Annual Fees Unless Indicated Otherwise
~~Amusement Device~~	~~$15 per device + $15 per location~~
~~Music (Mechanical Amusement Devices)~~	~~$15 per machine + $15 per location~~
~~Boxing or Public Wrestling~~	~~$25~~
~~Circus~~	~~$25~~
~~Dance (Public)~~	~~$20 per event or $200 year~~
~~Roller Skating Rink~~	~~$25~~
~~Theater~~	~~$25~~
Miscellaneous	Annual Fees Unless Indicated Otherwise
Dog License/Annual	$20 $15/spayed or neutered
Replacement of Dog Tag	$2.50
Impound Fees for Dogs or Cats	$25 + additional sum equal to the cost to the City for feeding/housing in a kennel
Kennel License	$35
Assessment Search Fee	$10
NSF (non-sufficient funds) Check Fee	$20

Red indicates changes or additions

Service	Date fee established City of Brainerd	Brainerd - Residential	Brainerd - Commercial	Baxter - Residential	Baxter - Commercial	Crow Wing County	Alexandria-Residential	Alexandria-Commercial	Fergus Falls-Residential	Fergus Falls-Commercial	Bemidji-Residential	Bemidji-Commercial
BUILDING												
Building Permit Fee-**Total Valuation $1-$500**	3/16/2015	$30	$40	$23			$23.50		N/A		$23.50	
Building Permit Fee-**Total Valuation $1-$1,000**	3/16/2015	$1-$500 see above; $501-$2,000 see below		N/A			N/A		$34		N/A	
Building Permit Fee-**Total Valuation $501-$2,000**	3/16/2015	$30 for first $500 + $2 for each addt'l $100 or fraction thereof, to and including $2,000	$40 for first $500 + $3.25 for each addt'l $100 or fraction thereof, to and including $2,000	$23.50 for first $500 + $3.05 for each addt'l $100 or fraction thereof, to and including $2,000			$23.50 for first $500 + $3.05 for each addt'l $100 or fraction thereof, to and including $2,000		N/A		$23.50 for first $500 + $3.05 for each addt'l $100 or fraction thereof, to and including $2,000	
Building Permit Fee-**Total Valuation $1,000-$25,000**	3/16/2015	$1,000-$2,000 see above; $2,001-$25,000 see below		N/A			N/A		$34 for first $1,000 + $8.25 for each addt'l $1,000 or fraction thereof, to and		N/A	
Building Permit Fee-**Total Valuation $2,001-$25,000**	3/16/2015	$60 for first $2,000 + $9.50 for each addt'l $1,000 or fraction thereof, to and including $25,000	$88.75 for first $2,000 + $14.75 for each addt'l $1,000 or fraction thereof, to and including $25,000	$69.25 for first $2,000 + $14 for each addt'l $1,000 or fraction thereof, to and including $25,000			$69.25 for first $2,000 + $14 for each addt'l $1,000 or fraction thereof, to and including $25,000		N/A		$69.25 for first $2,000 + $14 for each addt'l $1,000 or fraction thereof, to and including $25,000	
Building Permit Fee-**Total Valuation $25,001-$50,000**	3/16/2015	$278.50 for first $25,000 + $6.50 for each addt'l $1,000 or fraction thereof, to and including $50,000	$428 for first $25,000 + $10.75 for each addt'l $1,000 or fraction thereof, to and including $50,000	$391.75 for first $25,000 + $10.10 for each addt'l $1,000 or fraction thereof, to and including $50,000			$391.75 for first $25,000 + $10.10 for each addt'l $1,000 or fraction thereof, to and including $50,000		$232 for first $25,000 + $6.50 for each addt'l $1,000 or fraction thereof, to and including $50,000		$391.75 for first $25,000 + $10.10 for each addt'l $1,000 or fraction thereof, to and including $50,000	
Building Permit Fee-**Total Valuation $50,001-$100,000**	3/16/2015	$441 for first $50,000 + $5 for each addt'l $1,000 or fraction thereof, to and including $100,000	$696.75 for first $50,000 + $7.50 for each addt'l $1,000 or fraction thereof, to and including $100,000	$643.75 for first $50,000 + $7 for each addt'l $1,000 or fraction thereof, to and including $100,000			$643.75 for first $50,000 + $7 for each addt'l $1,000 or fraction thereof, to and including $100,000		$397 for first $50,000 + $4.40 for each addt'l $1,000 or fraction thereof, to and including $100,000		$643.75 for first $50,000 + $7 for each addt'l $1,000 or fraction thereof, to and including $100,000	
Building Permit Fee-**Total Valuation $100,000 and up**	3/16/2015	$691 for first $100,000 + $4.50 for each addt'l $1,000 or fraction thereof	See below	See below			See below		$617 for first $100,000 plus $3.85 each addt'l $1,000 or fraction thereof		See below	
Building Permit Fee-**Total Valuation $100,000 - $500,000**	3/16/2015	End of schedule	$1,071.75 for first $100,000 + $6 for each addt'l $1,000 or fraction thereof, to and including $500,000	$993.75 for first $100,000 + $5.60 for each addt'l $1,000 or fraction thereof, to and including $500,000			$993.75 for first $100,000 + $5.60 for each addt'l $1,000 or fraction thereof, to and including $500,000		See above		$993.75 for first $100,000 + $5.60 for each addt'l $1,000 or fraction thereof, to and including $500,000	

Building Permit Fee-**Total Valuation $500,001 - $1,000,000**	3/16/2015	See above	$3,471.75 for first $500,000 + $5 for each addt'l $1,000 or fraction thereof, to and including $1,000,000	$3,233.75 for first $500,000 + $4.75 for each addt'l $1,000 or fraction thereof, to and including $1,000,000		$3,233.75 for first $500,000 + $4.75 for each addt'l $1,000 or fraction thereof, to and including $1,000,000		See above		$3,233.75 for first $500,000 + $4.75 for each addt'l $1,000 or fraction thereof, to and including $1,000,000	
Building Permit Fee-**Total Valuation $1,000,000 and up**	3/16/2015	See above	$5,971.75 for first $1,000,000 + $4 for each addt'l $1,000 or fraction thereof	$5,608.75 for first $1,000,000 + $3.15 for each addt'l $1,000 or fraction thereof		$5,608.75 for first $1,000,000 + $3.15 for each addt'l $1,000 or fraction thereof		See above		$5,608.75 for first $1,000,000 + $3.15 for each addt'l $1,000 or fraction thereof	
Plan Review Fee	3/16/2015	65% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee	65% of Building Permit Fee	50% of the Building Permit Fee/1 to 2 family dwellings	65% of Building Permit Fee	65% of Building Permit Fee	Equal to 25% of the attributable building permit fee	65% of Building Permit Fee	32.5% of applicable building permit fee (minimum $150)
State Surcharge	3/16/2015	$1,000,000 or less .0005 x Valuation - $.50 minimum	$1,000,000 or less=.0005 x Valuation - $0.50 minimum: $1,000,000 or $2,000,000=$500 + .0004 X (valuation - $1,000,000): $2,000,000 to $3,000,000=$900 +.0003 x (valuation - $2,000,000) :$3,000,000 to $4,000,000= $1,200 + .0002 x (valuation - $3,000,000): $4,000,000 to $5,000,000=$1,400 + .0001 x (valuation - $4,000,000) :Greater than $5,000,000=$1,500 + .00005 x (valuation - $5,000,000)	$1,000,000 or less=.0005 x Valuation: $1,000,000 or $2,000,000=$500 + .0004 X (valuation between $1M-$2M): $2,000,000 to $3,000,000=$900 + .0003 x (valuation between $2M-$3M):$3,000,000 to $4,000,000= $1,200 + .0002 x (valuation between $3M-$4M): $4,000,000 to $5,000,000=$1,400 + .0001 x (valuation between $4M-$5M):Greater than $5,000,000=$1,500 + .00005 x (valuation exceeding $5M)		Valuation x .0005		Valuation x .0005		Valuation < $1 Mil. = 1/2 mil or .0005 x project amount	
Mechanical Permit Fee	3/16/2015	$120/$1 (individual element (i.e. furnace, A/C, Ductwork) - $40/$1 ea. Or a maximum of $120/$1	Valuation and/or $120/$1 (individual element (i.e. furnace, A/C, Ductwork) - $40/$1 ea. Or a maximum of $120/$1	$120 + $1 state surcharge for New Single Family home. $80 plus $1 state surcharge for alteration or repair	1.5% of contracted price + state surcharge. Minimum $150		$24/per unit	$0-$2,000=$40 $2,001-$3,000=$45 $3,001-$4,000=$55 $4,001-$5,000=$65 $5,001-$6,000=$75 $6,001-$7,000=$85 $7,001-$8,000=$95 $8,001-$9,000=$105 $9,001-$10,000=$115 $10,001-$11,000=$125 $11,001-$12,000=$135 $12,001-$13,000=$145 $13,001-$14,000=$155 $14,001-$15,000=$165 $15,001-$16,000=$175 $16,001-$100,000;add $10 per $1,000 Over $100,000=add $5 per $1,000	$1-$500=$15 $501-$1,000=$35: $1,001-$10,000=$35 for the first $1,000 plus $6.50 for each additional $1,000 or fraction thereof, up to and including $10,000:$10,001-$50,000 $93.50 for the first $10,000 plus $4 for each addt'l $1,000 or fraction thereof, up to and including $50,000:$50,001-$100,000=$253.50 for the first $50,000 plus $2.50 for each addt'l $1,000 or fraction thereof up to and including $100,000:$100,000 and up=$378.50 for the first $100,000 plus $1.35 for each addt'l $1,000 or fraction thereof		Same as Building Permits	
Fireplace Replacement	3/16/2015	$40 + $1 State Surcharge	Valuation and/or $120/$1 (individual element (i.e. furnace, A/C, Ductwork) - $40/$1 ea. Or a maximum of $120/$1	$40	Valuation-see 1997 UBC				N/A		N/A	
Furnace Replacement or Air Conditioning Unit		See Mechanical Permit Fee		$40 plus $1 state surcharge	N/A							
Garage Heater		See Mechanical Permit Fee		$40 plus $1 state surcharge	N/A							
Roof Top Units		See Mechanical Permit Fee			$150/unit							
Door and/or Window	3/16/2015	Based on Valuation		$8.50 per $1,000 valuation ($40 minimum)			See Building Permit		See building permit		See building permit	
Decks	3/16/2015	Based on Valuation	N/A	$8.50 per $1,000 valuation			See Building Permit		See building permit		See building permit	

Retaining Wall				Over 4' - $8.50 per $1,000 valuation								
Plumbing Permit Fee	3/16/2015	$120/$1 (based on a three-count permit (underground/ DWV/final) - $40/$1 ea. Or a maximum of $120/$1	Valuation and/or $120/$1 (based on a three-count permit (underground/DWV/final) - $40/$1 ea. Or a maximum of $120/$1	$11 + $8 per fixture/$40 minimum			$0-$2,000=$40 $2,001-$3,000=$45 $3,001-$4,000=$55 $4,001-$5,000=$65 $5,001-$6,000=$75 $6,001-$7,000=$85 $7,001-$8,000=$95 $8,001-$9,000=$105 $9,001-$10,000=$115 $10,001-$11,000=$125 $11,001-$12,000=$135 $12,001-$13,000=$145 $13,001-$14,000=$155 $14,001-$15,000=$165 $15,001-$16,000=$175 $16,001-$100,000;add $10 per $1,000 Over $100,000=add $5 per $1,000		Base Inspection $65 First 4 fixtures $31.50 Each addt'l $4.60		See Building Permit Fees	
Water Heater Replacement	3/16/2015	$40 + $1 State Surcharge	Based on Valuation/$40 Minimum	$40	$75		$24	See Plumbing Permit Fees	$65			
SAC Fee (Sewer Access Charge)	Fee established 12/19/2005; last reviewed and approved 3/16/2015	$1,900.00 / New Home	$1,900.00 / E.R.C.	$3,000/ new	$3,400 /per equivalent unit							
WAC (Water Access Charge)	Fee established 12/19/2005; last reviewed and approved 3/16/2015	$1,400.00 / New Home	$1,400.00 / E.R.C.	$2,800/new home	$3,100 / per equivalent unit							
Sewer Tap Fee	3/16/2015	$40	$70	$40	hourly rate + $40				$40			
Excavation Fee	3/16/2015	$45	$70	$45	hourly rate + $45				$70 plus restoration deposit			
Mobile Home Installation	4/1/2019	$250		N/A					N/A			
Modular/Manufactured Home Foundation	3/16/2015	Based on Valuation	N/A	N/A					N/A			
Re-Inspection Fee	3/16/2015	$70 per Inspection		$75	$75				$65			
Re-Roof only	3/16/2015	$70 + $1 State Surcharge	Based on Valuation	$70.00	Based on valuation-see building permit fees	$75	$39/residential	See Building Permit Fees	$95			
Siding Permit	3/16/2015	$70 + $1 State Surcharge	Based on Valuation	$75	Based on valuation-see building permit fees	N/A	$39/residential	See Building Permit Fees	See Building Permit Fees			
Fence (under 6 feet)	3/16/2015	$35	$35	$35	N/A	N/A	N/A					
Demolition Fee	3/16/2015	$35	Based on Valuation	$40	$150	N/A	$39		$50	$100	$50	$100
Sign Permit	3/16/2015	Valuation/$35 Minimum		$40	Based on valuation-see building permit fees	N/A	N/A		$50/review fee + size fee: 0-25 sq.ft.= $15:26-50 sq.ft.=$20:51-100 sq.ft.=$25: 101+sq.ft.=$25 plus $.20 per sq.ft.			
Curb Cut	3/16/2015	$35		N/A		N/A	N/A					

Pipe Diameter inches	Flow gpm at minimum slope	AWWA Meter Size With Comparable Flow	AWWA Rated Capacity (GPM)	Proposed Sewer Connection Fee
4 inch (Minimum allowed)	78		N/A	$ 1,830
6 inch	176	2.0 inch	160	$ 10,350
8 inch	313	3.0 inch	320	$ 14,640
10 inch	490	4.0 inch	500	$ 18,300
12 inch	705			$ 21,960
15 inch and larger	1,102	6.0 inch	1,000	$ 25,880

Meter Size	AWWA Rated Capacity (GPM)	HE Ratio	Connection Fee (lesser of 2 x sq root ratio or HE Ratio)
5/8 x 3/4 inch S	20	1.00	$845
3/4 inch Full	30	1.50	$1,268
1 inch	50	2.50	$2,113
1.5 inch	100	5.00	$3,780
2.0 inch	160	8.00	$4,780
3.0 inch	320	16.00	$6,760
4.0 inch	500	25.00	$8,450
6.0 inch & Larger	1,000	50.00	$11,950

Contractor License Fee	3/16/2015	No Fee - must be State of MN licensed	$50 - must provide bond	No fee listed but contractor MUST register with the City of Baxter		N/A	N/A				
Mechanical License Fee (Heating, A/C, Ventilation)	3/16/2015	$50 - must have Bond				N/A	N/A		Class A: $125 Class B: $40		
Plumber License Fee	3/16/2015	$50 - must have Bond				N/A	N/A			$95	
PLANNING											
Conditional Use Permit	3/16/2015	$250	$400 + $500 Escrow	$450	$600 + $500 Escrow OR For Planned Unit Development $450 + $1,000 escrow	$500	$250		$350	$650	$500 + $500 Escrow
Administrative SubDivision		$100		$200+$30 /additional lot + $500 Min Escrow	$350+$50 /additional lot +$1,000 min escrow		NA	NA	NA	NA	$400 + $25/lot	$400 + $25/lot
Park Dedication Fee				10% land or $1,800 per unit	5% land or cash (total sq ft x 5% x $5/sq ft						$20,000 per acre - Single Family = $800 per lot (creation of up to 3 lots)	$50,000 per acre
Fence (over 6 feet)	3/16/2015	$35	$35	(6' or less) $35 (Over 7') $8.50 per $1,000 valuation	$8.50 per $1,000 valuation	N/A	$25				$25	$25
Food Trucks	4/1/2019	$300		$300/mobile vending		(Transient Merchant) $150			N/A			
Chicken Permit	4/17/2017	$40		$60 initially / $30 annual		N/A	N/A		$20/two years		$50.00 Animal permit	
Beekeeping Permit	4/17/2017	$40		N/A		N/A	N/A		N/A			
Interim Use Permit				$450	$600 + $500 Escrow				$350.00	$350.00	$500 +$500 Escrow	
Sign - Permanent	3/16/2015	Valuation/$35 Minimum		$8.50 per $1,000 valuation	$8.50 per $1,000 valuation	N/A	$75 + (0-25 sq.ft. $15: 25-50 sq.ft.$20: 51-100 sq.ft. $25: 101+ sq.ft. $25 + .20 sq.ft)		$100		$200 - $300	
Sign - Temporary	3/16/2015	$50 per month		$45		N/A	$20		$50 + (0-25 sq.ft. $15: 25-50 sq.ft.$20: 51-100 sq.ft. $25: 101+ sq.ft. $25 + .20 sq.ft)			
Street and Alley Vacation	4/1/2019	$150 (Recording fee is $46 + 2 hours of staff time)		$150 + $500 Escrow		N/A	$100					
Variance	3/16/2015	$250	$400 + $500 Escrow	$350	$600 + $500 Escrow	$500	$250		$350	$650	$500 + $500 Escrow	
Zone Change	3/16/2015	$300	$500	$400	$600	N/A	$250		$700			
Zoning Text Amendment	3/16/2015	$250	$400	$400	$600 + $500 Escrow	N/A	$250		$700		$550	
Zoning Letter		$40		$40		N/A	N/A		$50.00		$25	

Preliminary Plat Filing Fee	3/16/2015	$500 + $30 per lot + $1,000 Escrow	$600 + $50 per lot + $1,000 Escrow	(3 lots or less)$300 + $30 per lot + $1,000 Escrow (Over 4 lots)$500 + $30 per lot + $1,000 Escrow	$600 + $50 per lot + $1,000 Escrow	$500 + $25 per parcel	$350 + $10/per lot		$500 + $30/per lot	$600 + $50/per lot	less than 20 acres =$1200 + $25/lot, greater than 20 acres = $1800 + $25/lot
Final Plat	3/16/2015	Included with Preliminary Plat		Included with Preliminary Plat		$500 + $25 per parcel + $100 Surveyor Review Fee	Included with Preliminary Plat				Included with Preliminary Plat
Swimming Pools	?	$50/pools over 24" deep or over 5,000 gallons		$35		N/A	N/A		N/A		N/A
E911 Addressing Fee	4/1/2019	$75: Sign $25 + 1 hr.staff time		$75/address		$75	N/A		N/A		$50
RENTALS											
First Time Rental Registration Fee		N/A		N/A		N/A	N/A				$500
Failure to License Rental		See Unlicensed Dwelling Fee							See Unlicensed Dwelling Ree		$500
Failure to Transfer Rental		N/A							N/A		$100
Rental Appeal		N/A									$200 ea
Complaint Based Inspection									$50 per unit		$100 ea
Rental License Fee	3/16/2015	$32 per unit plus late fee per schedule		$50 ($40 unit single family/townhouse) $12 per unit for apartments + $20 common area fee)		N/A	$20/unit seven or less-$15/unit eight or more		$120/single family home-$140/duplex-Apartments 3-9 units $200 + $20 per unit: 10-20 units $250 + $20 per unit: 21+ units $300 + $20 per unit		$100/ one unit:$125/two unit: Apartments 3-12 units $150: 13-24 units $200: 25 + units $300
Unlicensed Dwelling Fee	4/17/2022	PER UNIT $25 - June 2 - July 1. Property will be placarded after July 1st as a nonlicensed rental		N/A		N/A			Citable Offense		$100
Late Rental Registration		See Unlicensed Dwelling Fee					After Jan. 1st, triple the per year fee		$50 per unit		
Rental Re-Inspection Fee	9/21/2010	$25 per license		N/A		N/A			$50 per unit		
Change of Ownership (rental) fee	4/17/2022	No fee		N/A		N/A			N/A		
Rental License Re-Instatement Fee	4/1/2019	$32 per unit		N/A		N/A			$250 per unit		

Rentals	Baxter	Alexandria	Fergus Falls*	Bemidji	Detroit Lakes	Duluth	Grand Rapids	Moorhead
First Time Rental Fee - one unit	-	-	$ 120.00	$ 550.00	-	See below	$400+$100 (first year fee)	-
First Time Rental Fee - two units	-	-	$ 140.00	$ 600.00	-	See below	$400+$150 (first year fee)	-
First Time Rental Fee - 3-6 units	-	-	-	$ 650.00	-	See below	$400+$200 (first year fee)	-
First Time Rental Fee - 3-9 units	-	-	$200+$20 per unit	-	-	-	-	-
First Time Rental Fee - 10-20 units	-	-	$250+$20 per unit	-	-	-	-	-
First Time Rental Fee - 21+ units	-	-	$300+$20 per unit	-	-	-	-	-
First Time Rental Fee - 7-10 units	-	-	-	$ 750.00	-	See below	$400+$300 (first year fee)	-
First Time Rental Fee - 11-12 units	-	-	-	$ 810.00	-	See below	$400+$360 (first year fee)	-
First Time Rental Fee - 13-24 units	-	-	-	$ 950.00	-	See below	$400+$500 (first year fee)	-
First Time Rental Fee - 25+ units	-	-	-	$ 1,150.00	-	See below	$400+$700 (first year fee)	-
		-						
Owner Occupied	-	-	-	-	-	-	-	$ 85.00
1-7 units each - annually	-	$ 25.00	-	-	-	-	-	-
8+ on same site each - annually	-	$ 20.00	-	-	-	-	-	-
Single Family - annually	$ 40.00	-	$ 20.00	$ 100.00	$ 60.00	$320 annually+$40 per bedroom	$ 100.00	$ 150.00
Duplex - annually	$ 80.00	-	$ 20.00	$ 150.00	$ 75.00	$320 annually+$40 per bedroom	$ 150.00	-
Triplex - annually	$ 120.00	-	$ 20.00	-	-	-	-	-
2-4 units - annually	-	-	-	-	-	-	-	$ 190.00
5-10 units - annually	-	-	-	-	-	-	-	$ 230.00
11-15 units - annually	-	-	-	-	-	-	-	$ 275.00
16-30 units - annually	-	-	-	-	-	-	-	$ 285.00
31-45 units - annually	-	-	-	-	-	-	-	$ 350.00
46-59 units - annually	-	-	-	-	-	-	-	$ 400.00
60+ - annually	-	-	-	-	-	-	-	$ 500.00
3-6 units per bldg - annually	$12 per unit+$20 for common areas	-	-	$ 200.00	$45 + $15 each unit	$320 annually+$40 each unit	$ 200.00	-
7-10 units per bldg - annually	$12 per unit+$20 for common areas	-	-	$ 300.00	$45 + $15 each unit	$320 annually+$40 each unit	$ 300.00	-
11-12 units per bldg - annually	$12 per unit+$20 for common areas	-	-	$ 360.00	$45 + $15 each unit	$320 annually+$40 each unit	$ 360.00	-
13-24 units per bldg - annually	$12 per unit+$20 for common areas	-	-	$ 500.00	$45 + $15 each unit	$320 annually+$40 each unit	$ 500.00	-
25+ units per bldg - annually	$12 per unit+$20 for common areas	-	-	$ 700.00	$45 + $15 each unit	$320 annually+$40 each unit	$ 700.00	-
			*opt out feature					

November 15, 2023

Subject: Request to Reconsider Rental Registration Fee Increase

Dear Council Member's,

We are writing to express our concerns regarding the proposed increase in rental registration fees within our city. As a responsible and engaged member of our city, I understand the importance of adequate funding for essential services and infrastructure development. However, I believe that the proposed increase in rental registration fees may have unintended consequences that could negatively impact both landlords and tenants alike.

Firstly, an abrupt increase in rental registration fees could place an undue financial burden on landlords, especially those with smaller properties or those who are already struggling to maintain affordable housing options. Many landlords operate on thin profit margins, and an increase in fees may lead to an increase in rental prices, thereby affecting the affordability of housing for our residents.

Additionally, the proposed fee hike may discourage property owners from maintaining or investing in their rental properties. This could result in a decline in the overall quality of rental housing in our community, affecting the livability and attractiveness of our city. It is crucial to strike a balance between generating revenue for the city and ensuring that property owners are incentivized to provide safe and well-maintained housing for our residents.

Perhaps we could explore more gradual and phased approach to any fee increases. It would be beneficial to engage in a dialogue with landlords and other stakeholders to find solutions that are fair and sustainable for all parties involved.

In conclusion, we urge you to reconsider the proposed increase in rental registration fees. We believe that a more collaborative and thoughtful approach can help us achieve our shared goals of a vibrant and thriving city without placing undue financial strain on landlords and tenants.

Thank you for your time and consideration of this matter. We look forward to hearing about the decisions made by the City Council and appreciate your dedication to the well-being of our community.

Sincerely,

The Brainerd Rental Property Owner’s and Manager’s Group

Additional comments, concerns, and questions:

“I understand a bump but that is a large percentage at one time. They are not hurting the landlords as much as the tenants. My two cents :) “ – City of Brainerd Rental Property Owner

City of Brainerd Rental Property Owner:

“I am sure the Handbook on the League of Minnesota Cities was consulted regarding licensing fees. But to review best practices, I cite from their handbook, chapter 10 on Licensing.

The shortcut version is:
1. Fee increases should be made by ordinance change, not by resolution Ch 10, p. 10
2. "Cities should not view municipal licensing as a significant source of revenue" Ch 10, p. 12
3. Fees should cover administrative costs: issuing license, inspection & other directly related cost for enforcement (excess is considered unauthorized taxation) Ch 10, p.12

I'll attach the chapter and highlight the sections that seem to have application to the current licensing matter.
I started to paste the supporting passages below, only to realize that attaching the document itself is more helpful. I left them, but they need not be included in any packet info, since they come from the Handbook itself.”

From *Handbook for Minnesota Cities* from the League of Minnesota Cities, Chapter 10, page 10-13 on City Licensing:

Section A on Constitutionality and Reasonableness of Licensing Fees:

The terms and conditions set forth in licensing ordinances, like other regulatory ordinances, must be reasonable in their terms and conditions and cannot place unnecessary, unreasonable, or oppressive restrictions that conflict with the state or federal constitution. This represents a question of fact in every case.

From *Handbook for Minnesota Cities* from the League of Minnesota Cities, Chapter 10, page 22 on City Licensing:

Cities have an important interest in ensuring that rental housing does not endanger the health or safety of tenants and the community as a whole. Cities may adopt an ordinance requiring landlords to obtain licenses for rental properties. Some of the goals of a rental housing licensing program include:

• Addressing life, safety, general welfare, and health issues. • Providing minimum standards for safe housing conditions related to safe living conditions such as cooking,

heating, light, and ventilation. • Providing minimum standards for building maintenance. • Preventing blight due to dilapidated or substandard rental housing stock.

Inspections of rental housing represent a common, but often controversial, condition for issuing or renewing rental licenses. If the owner or tenant refuses to consent to the inspection, then a city can pursue an administrative warrant based on reasonableness and a balancing of "the need to search against the invasion which the search entails." The Minnesota Supreme Court has found that, to obtain these warrants, a city need not prove individualized suspicion of a code violation where the warrant issued by a district court satisfies an ordinance containing reasonable standards. Cities should work closely with a city attorney to ensure the reasonableness of all components of a particular rental ordinance.

“I think keeping it at 32 is perfect that’s just my
Opinion we are much smaller than a lot of places in the cities figured I’d mention thanks!
“ – City of Brainerd Rental Property Owner

- If other cities fees were lower would we have lowered our fees? – City of Brainerd Rental Property Owner

- What is the city using these $118k in funds for?– City of Brainerd Rental Property Owner

- penalize the bad landlords instead of all landlords. – City of Brainerd Rental Property Owner

- how will you calculate an owner that owns four 4 plexus or someone that has a 4 plex, 8 plex, six plex, etc.– City of Brainerd Rental Property Owner

LEAGUE of MINNESOTA CITIES

HANDBOOK FOR MINNESOTA CITIES

Chapter 10
City Licensing

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LEAGUE of MINNESOTA CITIES

HANDBOOK FOR MINNESOTA CITIES

Chapter 10
City Licensing

Understand the basic concepts in licensing such as city authority, constitutional issues, pre-emption, and fees. Learn about licensed activities such as liquor, animals, peddlers, businesses, telecommunications and more.

RELEVANT LINKS:

I. Licensing generally

A license represents a regulatory device that ensures compliance with established rules and regulations that govern a specific occupation, profession, commercial trade, or other activity. A license does not represent a contract between a regulating entity and individuals or corporations. Rather, it allows the license holder to do something that the license holder could not do without the license.

A. State laws applicable to city licensing

1. Proof of workers' compensation coverage

Minn. Stat. § 176.182.

A city cannot issue a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with state law workers' compensation insurance coverage requirements. This includes requiring every applicant for a city license provide the name of the insurance company, the policy number, and the dates of coverage or a permit to self-insure.

2. State tax clearance required

Minn. Stat. § 270C.72, subd. 4.

Cities also must require applicants for any city-issued license to provide their Social Security number or individual taxpayer identification number and Minnesota business identification number on all license applications.

Minn. Stat. § 270C.72, subd. 2(c).

Under state law, "license" includes any permit, registration, certification, or other form of approval authorized by statute or rule that a city issues as a condition of either doing business or conducting a trade, profession, or occupation in Minnesota.

Minn. Stat. § 270C.72, subd. 1.

A city must revoke and may not issue, transfer, or renew, any license for the conduct of a profession, occupation, trade, or business, if the Minnesota Department of Revenue notifies the city that the applicant either owes the state at least $500 in delinquent taxes, penalties, or interest or has not filed returns.

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RELEVANT LINKS:

Before requiring a city to revoke a license, the Minnesota Department of Revenue must send notice to the applicant of its intent to require revocation of the license and of the applicant's right to a hearing held by the department. A city must revoke a license within 30 days after receiving notice from the department. A city that receives notice from the Department of Revenue may only issue, transfer, renew, or decide to not revoke the applicant's license, *if* the Department of Revenue issues a tax clearance certificate and the department or the applicant forwards a copy of the clearance to the authority.

Department of Revenue Steps for submitting Annual License Information.

Upon request, a city must provide the Department of Revenue with a list of all license applicants, including the name, address, business name and address, Social Security number, and business identification number of each applicant. The department may request a list of license applicants only once each calendar year. The Department of Revenue requests the information on an annual basis by December 31 on its annual license document.

B. State laws pre-empting or limiting city licensing

Vill. of Brooklyn Center v. Rippen, 255 Minn. 334, 96 N.W.2d 585 (1959). *Minnetonka Elec. Co. v. Vill. of Golden Valley*, 273 Minn. 301, 141 N.W.2d 138 (1966).

Minn. Stat. § 412.221.

Municipal regulatory powers come from either a statute or, in the case of charter cities, from a city's charter. As a result, a city may license a business or activity, either (1) when expressly allowed to do so by state statute; or (2) when implied by statute, such as when a license is necessary for a city to perform its general statutory powers (like preventing public nuisance or protecting the general welfare). This means cities may license certain businesses and activities peculiarly local in nature and not pre-empted by the state. Keep in mind that licenses are simply one way a city may regulate a given activity. A license provides the licensee a special privilege not accorded to others and which the licensee would not enjoy otherwise.

Minnetonka Elc Co. v. Vill. of Golden Valley, 273 Minn. 301, 141 N.W.2d 138 (1966). *City of Birchwood Vill. v. Simes*, 576 N.W.2d 458 (Minn. Ct. App. 1998). *Mangold Midwest Co. v. Vill. of Richfield*, 274 Minn. 347, 143 N.W.2d 813 (1966). But cf. *State v. Kuhlman,* 729 N.W.2d 577 (Minn. 2007).

Municipalities often regulate activities that are also subject to state regulations. If state law, however, so fully regulates a particular field of business or activity, that no room for local regulation exists, then the state law pre-empts local regulations (this is known as "field preemption"). For example, the courts have found that the state legislation establishing a conservation district that regulated docks and boat sizes fully occupied that field of legislation, leaving no room for local regulation.

RELEVANT LINKS:

State v. Westrum, 380 N.W.2d 187 (Minn. Ct. App. 1986). *Eureka Twp. V. Petter,* A17-0020 (Minn. Ct. App. Sept. 5, 2017) (unpublished decision).

Courts generally consider four factors when considering pre-emption: (1) the subject matter regulated; (2) whether the subject matter is so fully covered by state law that it has become solely a matter of state concern; (3) whether any partial legislation on the subject matter demonstrates an intent to treat the subject matter as being solely a state concern; and (4) whether the nature of the subject matter is such that local regulation will have an adverse effect on the general state population. If pre-emption does not apply, then cities can adopt local regulations that may differ from state law, so long as the local regulation complements or furthers state law (provided no direct conflict exists between the state regulations and the local ordinance).

Finally, cities cannot license where the state has expressly pre-empted local licensing authority. For example, a city may not license attorneys, doctors, or engineers.

1. Plumbers

Minn. Stat. § 326B.44.
Minn. Stat. § 326B.475.

State licensing laws specifically prohibit local licensing of plumbing contractors (except for those cities that licensed plumbers before state licensing commenced).

Minn. Stat. § 326B.43.
Minn. Stat. § 326B.46.
Minn. Stat. § 326B.805.

Minn. Stat. § 326B.46, subd. 1.

However, cities with systems of water works or sewage may, by ordinance, adopt local regulations providing for plumbing permits, approval of plans and specifications and inspections on plumbing. With some limited exceptions, state law requires plumbers to have some level of state licensure and state bonding. A state plumber license is not required for workers who install building sewer or water service and who have completed state-prescribed pipe laying training. Also, under certain conditions as prescribed by the law, a state plumber license is not required for individuals servicing or installing a commercial chemical dispensing system or servicing or replacing a commercial dishwashing machine, including connecting a commercial chemical dispensing system or commercial dishwashing machine to a water line or drain line.

Minnesota Department of Labor & Industry Website.

Plumbing Plan Review Agreements from Department of Labor & Industry.

Minnesota's Department of Labor & Industry (DLI) reviews proposed plumbing projects to ensure compliance with the Minnesota Plumbing Code. Cities may enter into agreements with the state to perform plumbing plan and specification reviews. Cities of the first class have their own plumbing programs. A number of other cities have plan review agreements with DLI and take responsibility for plan review on most plumbing projects. However, some projects in cities of the first class and cities with plan review agreements still require state review by the DLI. These projects include:

RELEVANT LINKS:

- Hospitals, nursing homes, supervised living facilities, free-standing outpatient surgical centers, correctional facilities, boarding care homes, or residential hospices, and similar state-licensed facilities.
- Public buildings owned and paid for by the state or a state agency regardless of cost, and school district building projects or charter school building projects regardless of cost.
- Projects of a special nature, including dialysis facilities and other projects for which a department plan review is requested by either the municipality or the state.

2. Building movers

Minn. Stat. § 221.81, subd. 1(a).

Building movers include people, corporations, or other entities that raise, support off the foundation, and move buildings on and over public streets and highways.

Minn. Stat. § 221.81, subd. 3b.

Building movers do not include people who move manufactured homes or modular homes, farmers moving their own farm buildings, or people moving buildings less than 16 feet wide by 20 feet long. A building mover may not move a building on or across a street or highway without first obtaining a permit from the proper road authority.

Minn. Stat. § 221.81, subd. 3c.

Minn. Stat. § 160.02, subd. 25.

A city, as a road authority, must not issue a permit to move a building unless the applicant has a current state-issued license. A city, outside of its capacity as the controlling road authority, may not require a license, bond, cash deposit or additional insurance to move buildings, other than the license and insurance coverage required by the Commissioner of Transportation.

Minn. Stat. § 221.81, subd. 3c.

In its capacity as a road authority, however, a city may charge a fee for services performed and may, by ordinance, require a permit which reasonably regulates the hours, routing, movement, parking, or speed limit for a building mover operating on streets or highways under its jurisdiction. A building mover must comply with the State Building Code as well.

Minn. Stat. § 221.031, subd. 6.

Building movers must comply with state law, displaying the mover's name, address, and U.S. Department of Transportation number on the power unit of a vehicle used to move buildings and on buildings being moved.

RELEVANT LINKS:

3. Food manufacturer, processor, or distributor and dairy plants

Minn. Stat. § 28A.04.

Minn. Stat. § 28A.06.

Minn. Stat. § 28A.0753.

The state licenses food manufacturers, processors, distributors, sellers, and handlers, as well as food storage facilities. Cities generally may not license these entities or activities. Local ordinances regulating where a manufacturer, processor, or distributor locates its plant do apply. State law also governs all delivery equipment a food manufacturer, processor, or distributor uses and exempts local licensing. Delivery equipment approved by the state must carry a state-issued certificate of approval at all times.

4. Alarm & communications services

Minn. Stat. § 326B.34.

State law prohibits a city from requiring a licensed power limited technician, technology system contractor, or individual employed by a technology system contractor from obtaining any authorization, permit, franchise, or license from, or pay any fee, franchise tax, or other assessment to, a city as a condition for performing any work within the scope of a state license. State law does not prohibit a unit of local government from charging a franchise fee to the operator of a cable communications company.

C. Inspections

1. Water softener installers

Minn. Stat. § 326B.44.

A city may pass an ordinance establishing regulations, reasonable standards, and inspections for persons engaged in the business of installing water softeners. This applies in limited situations and only to those companies or individuals not licensed as a contractor by the Minnesota Commissioner of Labor and Industry.

2. Hospitals and other health care facilities

Minn. Stat. § 144.653, subd. 2.

The commissioner of health may enter into agreements with cities for locally employed inspectors to perform the inspection of hospitals and other health care facilities.

3. Limited school inspections

Minn. Stat. § 299F.47 subd. 4.

If a city had already inspected public school buildings and charter schools between January 1, 1987, and January 1, 1990, then that city can continue to provide those inspections. In all other instances, the state fire marshal performs these inspections.

RELEVANT LINKS:

4. Electrical inspection

Minn. Stat. § 326B.36.

A city may pass an ordinance providing for electrical inspections that mirror the statutorily required electrical inspection in state law. A city shall not require any individual, partnership, corporation, or other business association, holding a license from the Commissioner of Administration, to pay any license or registration fee.

A city may, by ordinance, require each individual, partnership, corporation, or other business association doing electrical work within the city to have on file, with the city, a copy of the current license issued by the commissioner.

II. City authority to license

A city's authority to license comes from either a specific grant of authority from the legislature or from its authority to provide for its general health, safety, and welfare.

When a city official proposes local licensing of any activity or occupation, a city first must determine whether the state already licenses that activity and, if so, whether the law forbids or allows a local license.

Minn. Stat. § 412.221, subd. 32.

City of St. Paul v. Dalsin, 245 Minn. 325, 71 N.W.2d 855 (1955). *State v. United Parking Stations*, 235, Minn. 147, 50 N.W.2d 50 (1951).

If not specifically allowed by state statute, local licensing authority may arise out of either a city's right to exercise its police power to protect and promote the public welfare or a city's general welfare clause. The Supreme Court has cited the general welfare clause as adequate authority for many licensing ordinances.

Home rule charters generally include similar specific and general welfare authority to license and regulate businesses or other activities.

Minn. Stat. § 412.221, subds. 19, 20, 21, 25, 27, 30.
Minn. Stat. § 28A.065 (carnivals, circus & fairs).

Minn. Stat. § 330.025 (auctioneers).
Minn. Stat. § 325F.742 (precious metal dealers).
Minn. Stat. § 412.221, subds. 19 (transient commerce), 20 (taxis, haulers, and car rentals), 21(animals), 25 (amusements), 27(dances), 30 (restaurants).
Minn. Stat. § 28A.065 (carnivals, circus & fairs).

State law provides specific statutory authority to license many different businesses or activities, including:

- auctioneers,
- transient merchants and dealers,
- hawkers,
- peddlers,
- solicitors and canvassers,
- baggage wagons,
- dray drivers, taxicabs,
- automobile rental agencies,
- liveries,
- riding academies,

RELEVANT LINKS:

- circuses,
- theatrical performances,
- amusements or shows of any kind,
- keeping of billiard tables,
- bowling alleys,
- devices commonly used for gambling purposes,
- public dances and dance halls,
- restaurants and public eating houses (except for restaurant or delicatessen in a grocery store)
- precious metal dealers.

Some cities also license emergency wrecker services, nuisance wildlife removal businesses, rental housing, and coin-operated devices (vending machines). Section III of this chapter discusses, in more detail, some of the more commonly city-licensed businesses.

A. Constitutionality and reasonableness

9 McQuillin Mun. Corp. § 26:6 (3d ed.).
6A McQuillin Mun. Corp. § 24:9 (3d ed.).
City of St. Paul v. Dalsin, 245 Minn. 325, 71 N.W.2d 855 (1955).

Ukkonen v. Gustafson, 309 Minn. 260, 244 N.W.2d 139 (1976).

The terms and conditions set forth in licensing ordinances, like other regulatory ordinances, must be reasonable in their terms and conditions and cannot place unnecessary, unreasonable, or oppressive restrictions that conflict with the state or federal constitution. This represents a question of fact in every case.

Courts presume municipal ordinances constitutional, placing the burden of proving them unconstitutional on the party challenging the ordinance.

Licensing ordinances that have survived challenges have included terms that set forth, among other things, the:

- method of applying for the license;
- license term;
- qualifications of the license applicant;
- bond and insurance requirements;
- reasons for denial,
- revocation, and suspension of a license;
- transferability of the license.

Licensing ordinances should address procedural issues—such as who investigates the applicant; who decides whether the applicant is qualified; and what procedural rights an applicant has in case of a denial, suspension, or revocation.

RELEVANT LINKS:

Vill. of Schaumberg v. C.B.E., 444 U.S. 620, 100 S. Ct. 826 (1980).

Working America, Inc. v. City of Bloomington, 142 F.Supp.3d 823 (D.Minn. 2015).

Courts, rarely deem licensing ordinances unconstitutional. However, the licensing of solicitors has spurred constitutional concerns and various courts have found several city-licensing provisions unconstitutional for unlawfully restricting solicitors' rights of free speech. Courts recognize solicitation as a form of expression entitled to the same constitutional protections as traditional speech. Ordinances that treat individuals differently depending on the function or purpose of their speech have been found to be unconstitutional. As a result, cities should take special care and should consult their city attorney in drafting ordinances that restrict solicitors.

B. Licenses as a regulatory device

City of St. Paul v. Dalsin, 245 Minn. 325, 71 N.W.2d 855 (1955).

As stated above, licensing represents a means of regulation. The power to regulate includes authority to provide standards for a certain business or activity, and to attach requirements for meeting those standards.

Sverkerson v. City of Minneapolis, 204 Minn. 388, 283 N.W. 555 (1939) (required proof of insurance).

Even if the enabling statute or charter does not so provide, a city can require a reasonable bond to ensure compliance with standards and to protect the city. Furthermore, a licensing ordinance may require an applicant to furnish liability insurance as a condition of a license.

State v. United Parking Stations, Inc., 235 Minn. 147, 50 N.W.2d 50 (1951). Minn. Stat. § 87A.08 (shooting ranges).

In limited situations, cities regulate certain business or activities to prevent nuisances from arising. For instance, state law specifically allows cities, by ordinance, to regulate the days and hours of shooting range operations.

C. Discrimination against applicants

U.S. Const. art. IV, § 2. *Working America, Inc. v. City of Bloomington*, 142 F.Supp.3d 823 (D.Minn. 2015).

Courts have found some city ordinances that discriminate between categories of applicants (by either refusing to grant licenses to one set of applicants and not the other, or by granting similar licenses on different terms) unconstitutional.

U.S. Const. Amend. XIV, § 1. *Kalra v. State of Minnesota,* 580 F. Supp. 971 (D. Minn. 1983).

Courts have ruled that non-citizens fall within the protection of the equal protection and due process clauses and, as a result, cities may not adopt an ordinance that denies a license based on non-U.S. citizenship.

Requiring applicants for a liquor license to be state residents is unsettled law. Adding additional eligibility criteria for liquor licenses, beyond what state law requires, may be questionable and should be avoided. Because of the complexities in licensing requirements, cities should consult their city attorney.

RELEVANT LINKS:

LMC Chart, *Fees Set by Ordinance or Resolution*.
Minn. Stat. § 340A.408.
Minn. Stat. § 340A.26.
Minn. Stat. § 340A.28.
Minn. Stat. § 28A.09.
Minn. Stat. § 624.20, subd. 1(d).
Minn. Stat. § 458A.
Minn. Stat. § 473.448.
Minn. Stat. § 103I.111.

Barron v. City of Minneapolis, 212 Minn. 566, 4 N.W.2d 622 (1942).

D. License fees

Cities can require fees for administering licenses. Statutes granting authority to issue licenses often do not specify maximum fees; however, in a few cases, statutes either set maximum fees for city licenses or prohibit fees all together. For instance, state law sets maximum fees for off-sale liquor licenses, and it requires that a retail on-sale intoxicating license fee cover only the costs of issuing, inspecting, and other directly related costs for enforcement. These liquor fee requirements apply to more than just retail sale of liquor and include, for example, small brewers, brewer taprooms, and micro-distilleries. Limits on license fee for certain vending machines also may apply, depending on what is being sold and the types of inspections required. Such fees must be based on the city's costs involved in administering the license program and not on the value of the items sold. As another example, state law limits the amount charged for license fees that municipalities may impose when permitting the sale and storage of legal fireworks.

Complete prohibitions on cities charging license fees also exist in state law. Some include prohibitions on charging license fees on certain transit commissions and licensed well contractors.

LMC Chart, *Fees Set by Ordinance or Resolution*.
See Section II.D.1. below.

Most license fees should be set by ordinance and not resolution. Although cities find fixing license fees by resolution more convenient, a court may not find fixing fees in such a manner valid, except, of course, in those rare instances when the enabling state statute allows fee setting by resolution. LMC has prepared an informational table which lists when the law allows fee setting by resolution, when a public hearing or individual notice is required, and those instances when state law limits the fee amount.

Orr v. City of Rochester, 193 Minn. 371, 258 N.W. 569 (1935).

When setting fees, cities should consider a number of things. First, cities should not view municipal licensing as a significant source of revenue. License fees must approximate the direct and indirect costs associated with issuing the license and policing the licensed activities. License fees that significantly exceed these costs are considered unauthorized taxes.

This means a license fee may not be so high as to be prohibitive or produce any substantial revenue beyond the actual cost to issue the license and to supervise, inspect, and regulate the licensed business.

Minneapolis St. Ry. Co. v. City of Minneapolis, 236 Minn. 109, 52 N.W.2d 120 (1952). *Crescent Oil Co. v. City of Minneapolis,* 177 Minn. 539, 225 N.W. 904 (1929).

Unless otherwise specified by state law, the amount of a license fee largely lies within the discretion of the city council. A court will not presume a particular license fee exceeds the amount a city may legally charge. One who claims a fee unreasonable must produce evidence supporting this contention.

RELEVANT LINKS:

Lyons v. City of Minneapolis, 241 Minn. 439, 63 N.W.2d 585 (1954). *State ex rel. Remick v. Clousing*, 205 Minn. 296, 285 N.W. 711 (1939).

Without any evidence to that effect, a court will seldom substitute its judgment for that of a local council to declare a license or ordinance unreasonable because of the fee charged for the license.

Crescent Oil Co. v. City of Minneapolis, 177 Minn. 539, 225 N.W. 904 (1929). *Ramaley v. City of St. Paul*, 226 Minn. 406, 33 N.W.2d 19 (1948).

Second, the fee amount should sufficiently reimburse a city for all expenses related to license regulations but should not cover other unrelated expenses. For example, in setting the fee for a gas station, a city may not recoup, through the license fee, the cost of extra police protection needed for occasional crime epidemics involving gasoline stations. In other words, a city may not recover expenses it incurs merely because of the nature of having the business located in its city. License fees that yield incidental revenue beyond the expense of providing services generally are not objectionable.

Barron v. City of Minneapolis, 212 Minn. 566, 4 N.W.2d 622 (1942). *City of St. Paul v. Traeger*, 25 Minn. 248 (1878).

Last, cities should know that courts likely would invalidate an ordinance that requires a license for a non-nuisance-prone activity, if the fee exceeds the cost of issuing the license and the ordinance does not either require inspection of the business or impose other cost generating regulations concerning it. Because a license enables cities to enforce regulations, licensing ordinances should contain standards to guide the conduct of the licensed business or activity.

Cities must set their license fees based on their particular situation and not based solely on what fees have been found to be reasonable in other cities. The reasonableness of a fee amount must take into consideration factors specific to the business or activity, such as the kind of business, the degree of inspection and regulation of that business or activity and the value of the dollar at the time other similar fees were set—all of which vary greatly from one city to another. Basing a fee solely on what other cities charge has not withstood challenge.

1. Fix license fees by ordinance

Most cities fix license fees in the licensing ordinance. Although fixing license fees by resolution would eliminate the necessity of amending the ordinance and publishing it every time a city changes the fee, this procedure probably is invalid, unless the enabling authority for the license permits the use of a resolution (which is rare).

Handbook, *Meetings Motions Resolutions and Ordinances*. LMC Chart, *Fees Set by Ordinance or Resolution*.

Some cities adopt a fee schedule to set or change licensing and other regulatory fees. The fee schedule lists each fee charged by a city for each type of license. Cities usually include the fee schedule as an appendix to a city's ordinance book. Fee schedules take the place of listing individual dollar amounts in each separate licensing or regulatory section of the ordinance book.

RELEVANT LINKS:

By using a fee schedule, a city can revise all its fees at once in a single ordinance revision, rather than revising many separate ordinance provisions. The schedule also generally makes it easier to handle publishing concerns. Cities should use caution with fee schedules because they can blur the distinctions between different types of licensing fees. State statute may impose unique notice or hearing provisions regarding a change in licensing fees. In other instances, State statutes may prescribe dollar limitations on certain fees. Cities must heed these requirements in changing their fees even when using a blanket fee schedule.

2. Pro rata fees

Moore v. City of St. Paul, 48 Minn. 331, 51 N.W. 219 (1892).
City of Duluth v. Rosenblum, 180 Minn. 352, 230 N.W. 830 (1930).
Village of Minneota v. Martin, 124 Minn. 498, 145 N.W. 383 (1914).

If a license fee covers more than the cost of just issuing the license, a city should provide for a pro rata fee for those who get licenses during the year (assuming all licenses for the activity expire the same day). Failure to do so may make the ordinance void for discrimination against the short-term licensee. This does not apply where the license fee covers only the cost of issuing the license.

Keep in mind that a court may find, as reasonable, a high "per diem" fee even when the fee amounts to more than the proportionate amount of the corresponding annual fee.

3. Installment payments

A.G. Op. 125a-66 (Aug. 12, 2003).

A.G. Op. 218g-6 (May 11, 1943).
A.G. Op. 218g-6 (Apr. 21, 1951).
A.G. Op. 218g (Nov. 15, 1965).

Except for a very few large fees, most cities require payment of the entire license fee before issuing a license. Generally, city councils view installment payments as unwise since this type of payment instills less financial burden on licensees, which may decrease motivation to comply with laws and city ordinances. Also, installment payments often result in granting licenses to less stable or financially responsible people. However, the attorney general has ruled on several occasions that the council may permit payment of liquor license fees in installments. Three criteria must exist to make the installment payment of license fees permissible:

- First, the ordinance should provide for installment payment.
- Second, the payment of each installment should come due before the beginning of the period to which it relates. For example, if the council allows payment of license fees on a quarterly basis and the license year begins January 1, the second quarter fee should be due before April 1. The ordinance should provide that if a business does not pay any installment, a city will revoke the license.

RELEVANT LINKS:

- Third, the licensee should bear responsibility for the full year's license fee upon receiving the license, whether or not the business continues to operate. A city may seek to recover the unpaid installments as they fall due even though the business ceases operation. To minimize problems, the ordinance should contain an express provision to this effect.

4. Refunds

Minneapolis Brewing Co. v. Bagley, 142 Minn. 16, 170 N.W. 704 (1919).
Mediterranean Inc. v. City of Bloomington, 299 N.W.2d 742 (Minn. 1980).

A business or activity cannot recover a license fee it voluntarily paid unless a statute or charter authorizes recovery. Cities should work with their city attorney to determine if a refund of a license fee is authorized. Generally, a business owner has no right to a refund of a pro rata portion of the license fee when the licensee sells a business during the period of the license.

5. Notice of fee increase

Minn. Stat. § 340A.408, subd. 3a.
Minn. Stat. § 471.707.

Whether a city needs to give notice of a license fee increase depends on the type of license in question. For instance, cities may increase fees for liquor licenses and vending machines only after notice and a hearing. Existing licensees must receive a mailed notice at least 30 days before the hearing on the proposed change. These provisions supersede any charter provisions.

Minn. Stat. § 415.19.

In addition to notice of fee increase by ordinance, state law requires cities to also notify applicants applying for a license or a license renewal of the availability of ordinance notification. The ordinance notification law requires a city that sends out information via email to allow businesses to sign up for email notification of proposed ordinances, which includes notification from a city of the ordinance at least 10 days before the initial hearing on the proposed ordinance. If a city does not send out information via email, it must post the notification of the proposed ordinance in the same location as it pots other public notices.

E. Issuing licenses

The council's authority to grant or refuse a license varies with the nature of the business or activity. At one end of the spectrum are licenses that will be issued to anyone that applies as long as the applicant pays the required fee and meets the other conditions specified by the ordinance.

When the applicant complies with the requirements, a city must issue the license, such as a dog license.

RELEVANT LINKS:

State ex rel. Howie v. Common Council of Northfield, 94 Minn. 81, 101 N.W. 1063 (1904). *State ex rel. Gopher Sales Co. v. City of Austin*, 246 Minn. 514, 75 N.W.2d 780 (1956).

On the other end of the spectrum lies licenses for those types of businesses or activities that present such potential abuses that a city may prohibit them altogether or, in lieu of the prohibition, may decide to limit their number or impose qualifications.

When the council imposes such a limit, the council cannot grant licenses to all qualified applicants.

Polman v. City of Royalton, 311 Minn. 555, 249 N.W.2d 466 (1977). *Wajda v. City of Minneapolis*, 310 Minn. 339, 246 N.W.2d 455 (1976). *See also, Anton's Inc. v. City of Minneapolis,* 375 N.W.2d 504 (Minn. Ct. App. 1985).

When dealing with licenses available only in a limited quantity, the burden rests with the unsuccessful applicant to show that council's action in granting the license to the successful applicant constituted a clear abuse of discretion. In light of the council's broad discretion in licensing cases, courts do not often overturn a council's denial of these types of licenses.

1. Discretion in administering licenses

After adopting a licensing ordinance, a council's continued role in the licensing process depends on the amount of discretion involved in granting the license. In the case of the keeping of animals, for example, issuing a license may represent a purely ministerial act. In such a case, issuing a license to keep an animal can fall within duties of a clerk or an administrative officer. The person applying for an animal license, however, should have the opportunity to appeal a denial. This chance to appeal protects the denied applicant's due-process rights.

State ex rel. Labovich v. Redington, 119 Minn. 402, 138 N.W. 430 (1912).

In other instances, such as licensing liquor sales, dance halls, theaters or activities that have the potential to cause problems, discretion becomes an essential part of license administration. Making an administrative official, rather than the council, responsible for licensing in these instances not only seems impractical, but it may also be illegal.

State v. Brattrud, 210 Minn. 714, 297 N.W. 713 (1941).

The duty of the mayor and clerk of statutory cities to attach their signatures to licenses represents a ministerial function, not a discretionary one. They may not refuse to sign unless they consider the license illegal.

2. Issuing licenses to councilmembers

Minn. Stat. § 471.87. Minn. Stat. § 471.88.

With some specific exceptions, no councilmember may have a direct financial interest in a contract with a city. This, however, does not apply to the granting of licenses—at least where the licensee does not need to furnish a bond—because a license constitutes a privilege, not a contract.

RELEVANT LINKS:

A.G. Op. 90-A (Aug. 15, 1934).
LMC information memo, *Official Conflict of Interest.*
Handbook, *Elected Officials and Council Structure and Role.*

In instances other than contracts, councilmembers who have a personal interest in a matter before the council, such as a license application, should disqualify themselves from participating in the discussion or from voting on the matter.

This may include situations when a councilmember holds a license, and the council is considering disciplinary action against a license holder of a similar license or is considering the granting of a similar license. The councilmember could have a sufficient personal interest in the outcome and not want to participate in the matter.

Typically, this potential competitive interest likely would not result in a legal conflict of interest; however, the interested councilmember may prefer to avoid the possibility of criticism by removing themself from the disciplinary proceedings and abstaining from the vote.

3. Number of licenses

Troje v. City Council of City of Hastings, 310 Minn. 183, 245 N.W.2d 596 (1976). *Minneapolis Taxi Owners Coalition, Inc. v. City of Minneapolis,* 572 F.3d 502 (8th Cir. 2009).

Just as cities have discretion in setting higher license fees for businesses and activities that require a higher level of investigation and inspections, cities also have the power to limit the number of licenses issued for a particular type of business or activity, if the business or activity may create a nuisance that threatens the public welfare. For example, a city may choose to award only one license for garbage collection if it finds it in the public interest to do so.

Cities should use caution in restricting licenses since courts will closely scrutinize such limitations. Indeed, anti-trust problems also may arise if the number of licenses unreasonably restricts trade.

4. Extending licenses beyond council term

In general, the council may grant a license extending for a limited amount of time beyond the term of office of some of the current council members. It is common practice to have all licenses expire at the same time, usually without regard to the remaining portion of the term of councilmembers. In the absence of a special charter provision, a statute, or an ordinance restriction, no legal barrier to this practice exists.

5. Right to renewal

State v. Havorka, 100 Minn. 249, 110 N.W. 870 (1907). *Paron v. City of Shakopee*, 226 Minn. 222, 32 N.W.2d 603 (1948). *Ukkonen v. Gustafson*, 309 Minn. 260, 244 N.W.2d 139 (1976).

When a license comes up for renewal, the licensee sits in the same position as any other applicant, unless a statute or charter provides otherwise. At the end of a license period, the licensee has no vested right in the license. The courts, however, will review the non-renewal of an existing license with increased scrutiny, similar to a revocation.

RELEVANT LINKS:

Tamarac Inn, Inc. v. City of Long Lake, 310 N.W.2d 474 (Minn. 1981).

A city may deny the renewal of a business license if the licensee fails to comply with the ordinance and even, in some instances, for other reasons not specifically addressed in the licensing ordinance, so long as those reasons are not unnecessary, unreasonable, or oppressive to the licensee's business or licensed activities. A city always should give the licensee notice of the alleged violations of the licensing ordinance and the reason for the denial.

6. Refusal to issue license

Refusing a license also involves the exercise of reasonable discretion. A city council is not required to issue a license to every applicant.

Working America, Inc. v. City of Bloomington, 142 F.Supp.3d 823 (D.Minn. 2015).

An ordinance, however, cannot authorize the council to discriminate between applicants either by granting a license to one and refusing a license to another without good reason, or to prohibit the business altogether by refusing to issue any licenses.

State ex rel. Minces v. Schoenig, 72 Minn. 528, 75 N.W. 711 (1898). But cf. *State ex rel. Gopher Sales Co. v. City of Austin*, 246 Minn. 514, 75 N.W.2d 780 (1956).

If an applicant has a history of dishonesty, or habitually resorts to fraudulent tricks and devices in conducting sales, a city council may refuse to issue a license. If a city council, however, arbitrarily refuses to grant a license to one type of citizen group and not another, or to prohibit the business altogether, the aggrieved party would have a legal remedy.

7. Grounds for denying a license

Wajda v. City of Minneapolis, 310 Minn. 339, 246 N.W.2d 455 (1976).

Before denying a license, city officials should make findings justifying the denial and support the denial with evidence. When a city exercises discretion and acts in a quasi-judicial capacity, the courts will not overturn a city's denial of a license when a city has provided a clear record supported by evidence justifying its actions.

Without clear findings of fact in the record, licensees have a better chance at claiming a city violated constitutional provisions, exceeded its statutory authority, made its decision based on an unlawful procedure, acted arbitrarily or capriciously, made an error of law, or lacked substantial evidence in view of the entire record submitted. However, proof in the record of one or more of the following common reasons often justify denial of a license:

- The applicant does not comply with (valid) prerequisites and conditions in the ordinance.

RELEVANT LINKS:

In Re Walker's License, 210 Minn. 337, 300 N.W. 800 (1941). *Peterson v. Minneapolis City Council,* 274 N.W.2d. 918 (Minn. 1979).

State ex rel. Labovich v. Redington, 119 Minn. 402, 138 N.W. 430 (1912). *Franklin Theater Corp. v. City of Minneapolis*, 293 Minn. 519, 198 N.W.2d 558 (1972). *State v. Scatena,* 84 Minn. 281, 87 N.W. 764 (1901).

- The applicant is not of "good moral character," and the license is for a profession or occupation that affects the public health, safety, morals, or general welfare. The ordinance does not need to define "good moral character," or phrases like "professional misconduct." However, a city cannot disqualify a person from a licensed occupation because of a prior conviction of a crime (unless the crime directly relates to the occupation for which the person is seeking the license).
- The granting a license would threaten the safety, health, morals, and welfare of the public.
- The applicant made material misrepresentations in the application.

8. Power to suspend or revoke licenses

Minn. Stat. § 340A.415.

Most state laws granting particular licensing authority say nothing about suspension or revocation.

State ex rel. Peterson v. City of Alexandria, 210 Minn. 260, 297 N.W. 723 (1941). *Standard Oil Co. v. City of Minneapolis*, 163 Minn. 418, 204 N.W. 165 (1925).

Sabes v. City of Minneapolis, 265 Minn. 166, 120 N.W.2d 871 (1963).

An exception is the Intoxicating Liquor Act, which authorizes revocation or suspension for violation of any statute or ordinance relating to the sale of intoxicating liquor. Even where the statute or charter is silent with reference to revocations, the power to revoke is implied.

The same holds true for suspensions. Because suspension represents a less drastic penalty than revocation, the council probably has power to provide for suspensions whenever it has power to revoke. Suspension may occur without subsequent revocation.

City of Mankato v. Mahoney, 542 N.W.2d 689 (Minn. Ct. App. 1996).

E.T.O., Inc. v. Town of Marion, 375 N.W.2d 815 (1985). *Warsett v. City of Crystal,* 310 Minn. 325, 246 N.W.2d 182 (1976). A.G. Op. 218-G-14 (Oct. 21, 1941). A.G. Op. 218-G-14 (April 8, 1940).

The power to revoke or suspend is not absolute. A city must exercise honest and reasonable discretion and cannot act in an arbitrary or capricious manner. In addition, the law or ordinance must state the grounds for suspension or revocation and must reasonably relate to the public health, safety, morals, or welfare. Loss of the qualifications necessary to receive the license justifies revocation, as well as proof that misrepresentations on the application acted as the basis for establishing the necessary qualifications in the first place. Violation of any reasonable regulations related to the licensed business or activity also can result in revocation or suspension.

In some instances, unprofessional or dishonorable conduct may lead to suspension or revocation when the dishonesty or unprofessionalism relates to the licensed business. The attorney general found that willful misconduct of a law substantiating a license revocation or suspension need not result in an actual conviction; rather, proof of intentionally or knowingly engaging in the misconduct suffices. Best practice requires cities to work closely with the city attorney when dealing with revocation or suspension of a license.

RELEVANT LINKS:

a. Due process procedures for denying, revoking, or suspending licenses

Klingner v. City of Braham, 130 F. Supp. 2d 1068 (D. Minn. 2001). A.G. Op. 218-G-14 (April 8, 1940).

Federal courts are divided on whether licensees deserve due process in licensing. In the Eighth Circuit (the federal court to which Minnesota looks for guidance), due process applies if licensees can show either a property or deeply rooted fundamental interest in the renewal, transfer, or grant of the license.

Greater Duluth COACT v. City of Duluth, 701 F. Supp. 1452 (D. Minn. 1988).

If a property interest or fundamental interest exists in the grant, renewal, or transfer of the license, then cities must provide the licensee with sufficient due process. To meet constitutional requirements of providing due process when acting on license applications, suspensions or revocations, a city should provide:

Sabes v. City of Minneapolis, 265 Minn. 166, 120 N.W.2d 871 (1963). *State v. City of Duluth*, 125 Minn. 425, 147 N.W. 820 (1914). *Greater Duluth COACT v. City of Duluth*, 701 F. Supp. 1452 (D. Minn. 1988). *Trumbull Div., Owens-Corning Fiberglass Corp. v. City of Minneapolis,* 445 F. Supp. 911, 917 (D. Minn. 1978). *In re License of West Side Pawn,* 587 N.W.2d 521 (Minn. Ct. App. 1998).

- A notice that specifies the time and place of the hearing, a statement of the charges, the facts supporting the grounds for the charges, and the applicant's right to be present and represented by counsel.
- A notice that the council will consider revocation due to the conduct and operation of the licensee's business does not suffice, unless the licensee receiving that notice had previous actual knowledge of the charges, the charges were proven, and the licensee had ample opportunity to be heard. A city still needs to reference the reason for the revocation or denial. To satisfy the due process notice standards, the notice must be mailed first class, addressed to the licensee, state the alleged ordinance violations, and inform the addressee that the council will consider suspending the license at an upcoming meeting.

Hymanson and Lucky Lanes Inc. v. City of St. Paul, 329 N.W.2d 324 (Minn. 1983).

- A hearing before the council or other licensing body. The council may, but need not, appoint a hearing examiner. The hearing should include a presentation of evidence to support the charges. The licensee should then have ample opportunity to refute the charges, to plead for retention of the license, or to justify the actions for which a city is seeking suspension or revocation. The council need not follow formal rules of evidence at the hearing, but the licensee should have ample opportunity to present a defense, including the following:
    - The right to cross-examine the witnesses who testify against the applicant or licensee.
    - The right to produce witnesses on their behalf.
    - A full consideration and a fair determination according to the evidence of the controversy.
    - A record or transcript of the hearing.

If the council finds a revocation or suspension necessary, it should adopt a resolution revoking or suspending the license as of a specified date.

RELEVANT LINKS:

The resolution need not recite the charges in the revocation or suspension. The council should send the licensee notice of the revocation, along with its findings or reasons for action. The licensee should receive this notice even if the licensee had attended the meeting where the council made its decision.

Flame Bar v. City of Minneapolis, 295 N.W.2d 586 (Minn. 1980).

A licensee may appeal a denial, revocation, or suspension to the court within the statutory time limit for appeal.

Minn. Stat. § 340A.415. Minn. Stat. ch. 14. CUP *Foods, Inc. v. City of Minneapolis*, 633 N.W.2d 557 (Minn. Ct. App. 2001).

In an appeal, a court reviews the record kept by the municipal body. Accordingly, a city should thoroughly document and state, in detail, the reasons for the council's actions. The Administrative Procedures Act does not require transcribing notes unless someone requests them for purposes of rehearing or court review. A tape recording suitable for transcription should suffice.

Micius v. St. Paul City Council, 524 N.W.2d 521 (Minn. Ct. App. 1994).

When the issuing or the denial of a license involves discretion, or when a license has been suspended or revoked following a quasi-judicial hearing, the applicant or licensee can appeal via a writ of certiorari filed with the court of appeals. Again, the courts will not substitute their judgment for that of a city unless the court deems a city acted in an arbitrary or capricious manner. Generally, when a city clearly documents its reasons for its actions and cites specific evidence supporting those findings, the reviewing court will uphold a city's decision.

b. Necessary revocation

Minn. Stat. § 340A.415.

Except when a statute or ordinance provides otherwise, revocation for particular violations or other cause is discretionary, not mandatory.

If the council believes a particular revocation does not further a public interest, it may keep the license in force. The council may, by ordinance, provide for mandatory revocations (even if state law does not require it) if a city provides notice and a hearing. However, councils may find it difficult to administer automatic revocations for certain acts. In some cases, state law requires mandatory revocation for failure to conform to specific parts of the liquor or beer laws.

III. Licensed activities

The following subsections represent a selection of commonly licensed activities in cities. This list does not represent all the activities a city may license. Any city with questions about licensing an activity not covered in this Handbook should contact its city attorney. In addition, LMC maintains files of sample ordinances and other information that might be of assistance.

RELEVANT LINKS:

A. Rental housing

Camara v. Municipal Court of San Francisco, 387 U.S. 523 (U.S. 1967). *Rozman v. City of Columbia Heights,* 268 F.3d 588 (8th Cir. 2001). *Stewart v. City of Red Wing,* 554 F. Supp. 2d 924 (D. Minn. 2008).

McCaughtry v. City of Red Wing, 808 N.W.2d 331 (Minn. 2011), remanded to *McCaughtry v. City of Red Wing*, 816 N.W. 2d 816 (Minn. Ct. App. 2012), affirmed at *McCaughtry v. City of Red Wing*, 831 N.W.2d 518 (Minn. 2013).

City of Golden Valley v. Wiebesick, 899 N.W.2d 152 (Minn. 2017).

Cities have an important interest in ensuring that rental housing does not endanger the health or safety of tenants and the community as a whole. Cities may adopt an ordinance requiring landlords to obtain licenses for rental properties. Some of the goals of a rental housing licensing program include:

- Addressing life, safety, general welfare, and health issues.
- Providing minimum standards for safe housing conditions related to safe living conditions such as cooking, heating, light, and ventilation.
- Providing minimum standards for building maintenance.
- Preventing blight due to dilapidated or substandard rental housing stock.

Inspections of rental housing represent a common, but often controversial, condition for issuing or renewing rental licenses. If the owner or tenant refuses to consent to the inspection, then a city can pursue an administrative warrant based on reasonableness and a balancing of "the need to search against the invasion which the search entails." The Minnesota Supreme Court has found that, to obtain these warrants, a city need not prove individualized suspicion of a code violation where the warrant issued by a district court satisfies an ordinance containing reasonable standards. Cities should work closely with a city attorney to ensure the reasonableness of all components of a particular rental ordinance.

B. Liquor

Dakota Liquor, Inc. v. City of Prior Lake, A08-1783 (Minn. Ct. App. July 28, 2009)(unpublished decision).

LMC information memo, *Liquor Licensing and Regulation.*

In Minnesota, unlike most other states, state law generally gives cities the authority to issue retail liquor licenses. Cities may further limit the sale of intoxicating liquor but must do so in a local ordinance that a city consistently applies. State law lists many different types of liquor licenses, including new niche and specialty liquor licenses. LMC publishes an information memo that discusses liquor licensing and regulation of liquor sales by cities in detail.

C. Solid-waste collection

Minn. Stat. § 115A.93. Troje v. City Council of Hastings, 310 Minn.183, 245 N.W.2d 596 (1976).

A person, or entity, may not operate a business to collect mixed municipal solid waste without a license from the city where the solid waste is collected. The local licensing entity shall submit a list of licensed collectors to the Pollution Control Agency.

RELEVANT LINKS:

A licensing authority shall require licensees to impose charges for collection of mixed municipal solid waste that increase with the volume or weight of the waste collected and must prohibit mixed municipal solid waste collectors from imposing a greater charge on residents who recycle than on residents who do not.

D. Animals

Minn. Stat. § 412.221, subd. 21.
LMC information memo: *Animal Regulation in Cities.*

State law allows city councils, by ordinance, to regulate the keeping of animals; to restrain their running at large; to authorize their impounding and sale or summary destruction; to establish pounds; and to license and regulate riding academies. While this probably does not authorize a complete prohibition against keeping animals within the city limits, it does permit reasonable regulations preventing a public nuisance.

For example, cities may prohibit farm animals from certain zoning districts within the city. Because of the many considerations going into regulation of animals, cities should work with their city attorneys, as well as consult state law and rules before adopting a comprehensive animal control ordinance.

1. Regulated exotic animals

Minn. Stat. § 346.155.

Eureka Twp. V. Petter, A17-0020 (Minn. Ct. App. Sept. 5, 2017) (unpublished decision).

State law regulates the purchase, possession, breeding, and sale of large cats, bears, and nonhuman primates. A regulated animal includes any hybrid or cross between an animal listed above and a domestic animal, and offspring from all subsequent generations of those crosses or hybrids. Cities may adopt exotic animal ordinances so long as the ordinance does not conflict with any state law, which means the ordinance cannot forbid what the statute expressly permits.

Cities should work with their city attorneys when drafting exotic animal ordinances since any number of state laws could conflict, including, but likely not limited to, fur farming for agricultural purposes and game and fish laws.

Every person that possesses one or more of these regulated animals must be licensed by the USDA and must notify, in writing, the local animal control authority using a registration form prepared by the Minnesota Animal Control Association and approved by the Board of Animal health. The local animal control authority can perform an initial site inspection and additional site inspection as the licensee acquires another regulated animal. However, state law sets a maximum amount the local animal control authority can charge for these site inspections. State law also criminalizes negligent failure to control a regulated animal or keep it properly confined if the animal causes harm to another person.

RELEVANT LINKS:

2. Dogs and cats

This section refers specifically to dogs because most cities regulate them by licensure, but a city may apply the same regulatory measures to other animals—such as cats. The League has sample ordinances regulating many different types of animals.

a. Dogs on restaurant patios

Minn. Stat. § 157.175.

A statutory or charter city may adopt an ordinance permitting local restaurants to allow dogs to join people on restaurant patios. Cities may charge reasonable fees to cover the cost of issuing such permits and regulating the activity. The ordinance must, at a minimum, contain the following provisions:

- A requirement that participating establishments apply for and receive a permit from the city before allowing patrons' dogs on their premises.
- Regulations and limitations as the local government deems necessary to protect the health, safety, and welfare of the public.
- A definition of "designated outdoor area" that is consistent with applicable rules adopted by the Department of Health.

The ordinance must not:

- Prohibit a food and beverage establishment from banning dogs.
- Limit the right of a person with disabilities to access places of public accommodation while accompanied by a service animal.

Before passing ordinances related to animals, cities may hold public hearings to gather feedback, public comment, and background information.

b. Dangerous dogs

Minn. Stat. § 347.542.

State law prohibits dog ownership by those who previously violated laws governing dangerous dogs or other laws related to animals.

Minn. Stat. §§ 347.50 to 347.56.
Minn. Stat. § 609.226.
Minn. Stat. §§ 347.40-.56.
Hannan v. City of Minneapolis, 623 N.W. 2d 281 (Minn. Ct. App. 2001).

In addition, state law expressly grants cities authority to regulate potentially dangerous dogs, but specifically prohibits ordinances that deal with specific breeds of dogs.

RELEVANT LINKS:

Minn. Stat. § 347.565.

Minn. Stat. § 347.50.
LMC information memo: *Animal Regulation in Cities.*

Sawh v. Lino Lakes, 823 N.W.2d 627 (Minn. 2012).

Minn. Stat. § 412.221, subd. 21.

LMC information memo, *Data Practices: Analyze, Classify and Respond.*

Animal control authorities or local law enforcement agencies authorities must enforce the dangerous and potentially dangerous dog laws regardless of whether a city has adopted a local ordinance on the issue. An "animal control authority" is defined as "an agency of the state, county, municipality, or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction."

While the law is not clear on a city's role in enforcing the dangerous and potentially dangerous dog provisions, if a city does not have an animal control operation or law enforcement agency, it seems that if the city already regulates animals, it likely would also have some level of responsibility for enforcing the dangerous and potentially dangerous laws. Cities also must include procedures for enforcing a local ordinance, including due process procedures. Due process simply means the city gives the owner notice and a chance to be heard before the city takes action.

3. Animal licensing generally

As stated above, cities may adopt ordinances to license dogs and regulate their keeping. The license fee must be reasonable, but substantial enough to cover regulatory costs. Cities usually license dogs once they reach a certain age, usually three to six months old.

Whether or not an animal owner may keep an animal on the owner's property without a license fee or payment of the license fee depends on the ordinance. Most ordinances require licenses no matter where the animal is kept.

In almost all cases, the city clerk has the duty to collect license fees; keep a list of dogs, cats, and owners; and issue license tags. Some cities, however, give these duties to the city police.

License data generally represents public data under the Minnesota Government Data Practices Act (MGDPA). Because the MGDPA does not specifically classify pet licensing data as "not public", the data is presumed public. A city appointed "responsible authority" cannot ask about the proposed use of requested data and cannot withhold data based on knowledge or suspicion of a proposed use.

As a result, no legal basis exists for withholding the data. It is entirely appropriate for the responsible authority to provide a license applicant with a Tennessen warning that informs the applicant of the public nature of the data and the possibility of disclosure upon request, along with the city's reason for collecting the data.

RELEVANT LINKS:

Minn. Stat. § 412.221, subd. 21.
Minn. Stat. ch. 347.
Minn. Stat. § 347.22.

LMC information memo: *Animal Regulation in Cities.*

Cities may, by ordinance, prevent animals from running at large. Usually, such a prohibition includes a licensing requirement that finances enforcement.

Cities also may impound and destroy animals found running at large if this violates the local animal ordinance. Again, cities should work with city attorneys and consult state law and rules for the detailed procedures and considerations involved in impounding or destroying animals.

E. Peddlers and transient merchants

Minn. Stat. § 412.221, subd. 19.
Minn. Stat. § 329.11.
Minn. Stat. § 329.15.
Minn. Stat. § 437.02.
Reed v. Town of Gilbert, 135 S.Ct. 2218, 2227 (2015).
Working America, Inc. v. City of Bloomington, 142 F.Supp.3d 823 (D.Minn. 2015).
LMC information memo, *Regulating Peddlers, Solicitors and Transient Merchants.*

Both statutory cities and counties have the legal authority to license and regulate transient merchants (including hawkers), peddlers, and solicitors, but must do so within the confines of state and federal constitutions. Home rule charter cities also have express authority to regulate such activities and the charters frequently reflect this authority. Because of First Amendment issues, cities should regulate solicitors, peddlers, and transient merchants cautiously and get city attorneys involved in the drafting of ordinances that establish a licensing scheme for peddlers, transient merchants, and solicitors. Solicitation represents a form of expression entitled to the same constitutional protections as traditional speech.

Hynes v. Mayor and Council of Borough of Oradell, 425 U.S. 610 (1976).

A city's ordinance must not treat individuals differently depending on the function or purpose of their speech.

Working America, Inc. v. City of Bloomington, 142 F.Supp.3d 823 (D.Minn. 2015).

Not only are cities prohibited from regulating charitable and religious solicitors because of First Amendment rights of free speech and freedom of religion, cities must be careful in regulating activities related to the exercise of constitutional rights when peddling, soliciting, and engaging in transient merchant sales.

The test focuses on whether the regulation turns on the message or purpose of the speech from the licensee (often this involves an analysis of whether the message or purpose has a component of advocacy).

If so, then a court likely would see regulation of this activity as regulating speech and would review with strict scrutiny, which means the court would only uphold the ordinance if the court finds the city interest in regulating the activity compelling (not just legitimate) and the court deems the city had no other alternatives.

Watchtower Bible & Tract Society of New York, Inc. v. Village of Stratton, 536 U.S. 150 (2002).

A U.S. Supreme Court decision prohibits cities from even registering those going from place to place to exercise their constitutional rights of free speech and freedom of religion.

RELEVANT LINKS:

Additionally, courts have invalidated time restrictions or curfews set forth in ordinances when the ordinance or cities, in practice, did not universally apply the same limits to all peddlers, solicitors, and transient merchants.

F. Utilities and telecommunications providers

Minn. Stat. § 237.162.
Minn. Stat. § 237.163.
Minn. Stat. § 216B.36 (public utilities).

U.S. West Communications Inc. v. City of Redwood Falls, 558 N.W. 2d 512 (Minn. Ct. App. 1997).
See LMC information memo, *Cell Towers, Small Cells and Distributed Antenna Systems*.
See LMC information memo, *Regulating City Rights of Way.*

Cities do not have the right to franchise telephone companies, although cities do have the right to franchise gas and electric franchises.

Under state law, cities also have the right to manage and recover actual expenses for the excavation, disruption, degradation, and management of the use of local rights-of-way by telecommunications service providers. However, federal regulations may limit this authority. Because of the complexity of this issue, cities wanting to regulate users of the public rights-of-way, should consult League publications and work with their city attorney to develop the appropriate ordinance provisions and cost recovery systems.

G. Wireless telecommunication towers and antennas

See LMC information memo, *Cell Towers, Small Cells and Distributed Antenna Systems.*

Within the confines of applicable federal and state law, cities also have some authority to regulate the siting of wireless telecommunications towers, antennas, and small cell equipment/distributed antenna systems (DAS). Implicit in the cities' rights to manage rights of way and exercise local land use authority, many cities adopt specific telecommunications ordinances or amend their rights-of-way ordinance to address the siting of telecommunication/personal communication structures and equipment.

However, state law specifically regulates the siting of small wireless facilities on city-owned structures in the rights-of-way ("collocating"), including limiting the amount cities can charge for rent and setting forth specific collocation permitting criteria. In addition, the Federal Communications Commission has place additional regulations on wireless telecommunication citing regulations.

Again, because of the complexity of this issue, cities wanting to regulate wireless companies or other users of the public rights of way should consult League publications and work with their city attorney to develop the appropriate ordinance provisions, agreements, and cost recovery systems.

RELEVANT LINKS:

H. Entertainments

Minn. Stat. § 412.221, subd. 27.

State law no longer requires a license and police protection for public dances. Cities still have the authority, however, to regulate public dances. Cities also may regulate other types of entertainment not otherwise subject to state licensing, such as bowling alleys, recreational rides, shooting ranges, and sliding hills.

I. Carnival, circus, or fair

Minn. Stat. § 28A.065.

Minn. Stat. § 437.07.

No person who obtains a state food handling license for a carnival, circus, or fair shall be required to obtain any additional license or permit from a city to engage in any aspect of food handling or to operate a restaurant. However, a city may require a carnival, circus, or fair to comply with any sanitation, public health, or zoning ordinance, or privilege license requirements when held within the city's jurisdiction.

No city council may permit or allow an itinerant carnival, street show, street fair, sideshow, circus, or any similar enterprise within one mile of the corporate limits of any city of the fourth class without having first obtained in writing the consent thereto from the council of that city of the fourth class.

J. Tobacco and related products

Minn. Stat. § 461.12, subd. 1.
Public Health Law Center at Mitchell Hamline School of Law Model Ordinance.

Cities may license and regulate all retailers that sell tobacco products, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products. If a city does not adopt its own tobacco licensing ordinance, then the county must do so.

1. Tobacco

Minn. Stat. § 297F.01, subd. 19.
Minn. Stat. § 461.12, subd. 1-2, 4-5.
Minn. Stat. § 461.18, subd. 1.
Minn. Stat. § 609.685, subd. 1.

State law specifically defines and lists out products that constitute "tobacco", tobacco related products, electronic delivery devices and nicotine and lobelia delivery products. Consult the statutory resources cited on the left when determining regulation of specific products.

See also, Public Health Law Center at Mitchell Hamline School of Law, Minnesota's Tobacco Modernization and Compliance Act of 2010 - Information Sheet.

The definition of tobacco excludes any tobacco product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and marketed and sold solely for such an approved purpose.

RELEVANT LINKS:

2. Promotional products

Minn. Stat. § 325F.77, subd. 4.

No person shall distribute smokeless tobacco products or cigarettes, cigars, pipe tobacco, or other tobacco products suitable for smoking as defined, except that tobacco stores may distribute single serving samples in the store.

3. Tobacco-related devices

Minn. Stat. § 609.685, subd. 1(b).

State law defines tobacco-related device to include cigarette papers or pipes for smoking or other devices intentionally designed or intended for use in a manner that enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. State law prohibits the sale or furnishing of pipes, cigarette papers, tobacco related devices, and tobacco to minors. Cities can provide for more stringent regulation of these types of sales.

4. Electronic delivery device

Minn. Stat. § 609.685, subd. 1(c).

An electronic delivery device means any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that a person can use to simulate smoking through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately.

Electronic delivery device does not include any product approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and marketed and sold for such an approved purpose. Selling "nicotine delivery products" to a minor constitutes a crime.

Minn. Stat. § 609.6855.

Nicotine delivery products include any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined by state law.

5. City ordinances licensing sale of tobacco and tobacco-related products

Minn. Stat. § 461.19. Public Health Law Center at Mitchell Hamline School of Law Model Ordinance.

Cities may regulate the sale of these new forms of tobacco the same way they have always regulated traditional cigarettes, cigars, snuff, and chew via a local licensing ordinance. A city wishing to adopt an ordinance licensing the sale of tobacco and tobacco-related devices must give general notice of the intent to adopt or amend a tobacco ordinance and must give retailers 30 days' written notice of the time, place, and subject matter of the meeting where the proposed ordinance or amendments are to be considered.

RELEVANT LINKS:

A tobacco licensing ordinance, whether adopted by the county or a city, must contain at least the following provisions:

Minn. Stat. § 461.12.

- Establish an administrative hearing system where an alleged violator has the right to be heard before a designated hearing officer or panel (which could be the city council) and where a fine, instead of a criminal penalty, could be imposed for violating the ordinance. State law establishes a schedule of fines.

Minn. Stat. § 461.18.

- Provide for and conduct at least one unannounced compliance check each year.
- Prohibit self-service (vending machines) sales of individual cigarette packages, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products, except in establishments that prohibit minors, and in establishments that derive at least 90 percent of their revenue from the sale of tobacco.

Public Health Law Center at Mitchell Hamline School of Law, Tobacco Control.

In addition to the required regulations noted above, cities may also regulate other aspects of tobacco retail sales. Some of these restrictions may include:

- Limiting the sale of flavored tobacco products.
- Raising minimum age of tobacco sales.
- Limiting the use of coupons or other discounts for tobacco products.
- Regulating the location, density, and type of tobacco retailers.
- Setting a minimum price and package size for tobacco products.
- Limit the use of samples.

More information on these optional restrictions can be found through the Public Health Law Center at Mitchell Hamline School.

Minn. Stat. § 461.12, subd. 1.

The ordinance may establish a licensing fee sufficient to cover the costs of enforcing the above provisions.

6. Hookah

Minn. Stat. § 461.19.

A hookah, also known as shisha and nargile, is a waterpipe used for smoking flavored tobacco. Shredded tobacco leaf flavored with molasses, honey or dried fruit commonly is used in the hookah waterpipe. It is unclear if the Clean Indoor Air Act covers hookah; however, many communities have chosen to regulate hookah under their tobacco regulations.

A city ordinance regulating sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia products may be more restrictive than state law.

RELEVANT LINKS:

K. Adult-Use Cannabis

2023 Minn. Laws ch. 63, art. 1.

See LMC FAQ: *Adult-Use Cannabis: What Cities Need to Know.*

In 2023, the Minnesota legislature passed a new law that legalized adult-use cannabis and established a regulatory framework for the cannabis industry. Since the enactment of the law, the League of Minnesota Cities has been researching and collecting information from state agencies and stakeholders to answer questions pertaining to the new law and its implication on municipalities.

Office of Cannabis Management webpage.

The new law establishes the Office of Cannabis Management (OCM) which is charged with enforcing an organized system of regulation, including licensing, for the cannabis industry and the hemp consumer industry. OCM licensing for the sale of cannabis is not expected until 2025.

2023 Minn. Laws ch. 63, art. 1, § 13(f).

A city may not require additional licenses other than the cannabis licenses issued by the OCM. However, the OCM will forward applications to cities for them to certify whether the proposed cannabis business complies with local zoning ordinance, and if applicable whether the proposed business complies with the state fire and building code. The OCM may not issue a license to a cannabis business that does not meet local zoning and land use laws.

2023 Minn. Laws ch. 63, art. 1, § 14, subd. 2(d).

In addition, upon receipt of an application for a cannabis license, the OCM will contact the city in which the business would be located and provide the city with 30 days in which to provide input on the application. This is the city's opportunity to provide the OCM with any additional information it believes is relevant to the OCM's decision on whether to issue a license, including but not limited to identifying concerns about the proposed location of a cannabis business, or sharing public information about the applicant.

2023 Minn. Laws ch. 63, art. 1, § 22, subd. 3.

Before a cannabis business begins making retail sales, it will be required to register with the city in which it is located. The city must issue a retail registration to a cannabis business when it has a valid license issued by the OCM, has paid the registration fee, is found to be in compliance with the requirements of the applicable state laws through a preliminary compliance check performed by the city, and is current on all property taxes and assessments at the location where the retail establishment is located.

The city may impose an initial retail fee of $500 or up to half of the amount of the applicable initial license fee charged by the OCM, whichever is less.

RELEVANT LINKS:

2023 Minn. Laws ch. 63, art. 1, § 22, subd. 2.

The city may also charge a renewal retail registration fee of $1,000 or up to half the amount of the applicable renewal license fee charged by the OCM, whichever is less.

2023 Minn. Laws ch. 63, art. 1, § 13 (i)-(j).

A city that issues cannabis retailer registrations may, by ordinance, limit the number of licensed cannabis retailers, cannabis mezzobusinesses with a retail operations endorsement, and cannabis microbusinesses with a retail operations endorsement to no fewer than one registration for every 12,500 residents. In addition, if a county has one active registration for every 12,500 residents, a city within the county is not obligated to register any additional cannabis businesses.

L. Edible Cannabinoid Products

2022 Minn. Laws ch. 98, art. 13, § 3-9 amending Minn. Stat. § 151.72.

See LMC FAQ: *Adult-Use Cannabis: What Cities Need to Know*.

2023 Minn. Laws ch. 63, art. 7 § 4.

Prior to the new Cannabis law, the Minnesota legislature passed a law that allows for the sale of certain edible and beverage products infused with tetrahydrocannabinol (THC). It appears cities may continue to license edible cannabinoid products until the OCM begins issuing licenses. Those businesses that sell edible cannabinoid products to consumers must register with the Minnesota Department of Health until the OCM is established. However, once OCM begins issuing lower-potency hemp edible retailer licenses, cities are likely preempted from continuing to issue their own licenses and would begin registering retailers through the city's cannabis retailer registration process.

2023 Minn. Laws ch. 63, art. 7 §151.72, subd. 3(f).

Further, until the OCM begins issuing licenses, the on-site consumption of edible cannabinoid products is limited to those businesses with an on-sale liquor license issued under Minnesota Statutes, Chapter 340A. Once OCM is set up, it will issue on-site consumption for cannabis license holders.

A city's authority to license comes from either a specific grant of authority from the Legislature or from its authority to provide for its general health, safety, and welfare. A city that chooses to license edible cannabinoid sellers should do so separately from tobacco regulations, as the products and the authority to regulate them are quite different. City regulations for cannabinoid products should include language that follows the unique requirements of the new law.

In setting licensing fees, cities should consider a number of things. First, cities should not view municipal licensing as a significant source of revenue. License fees must approximate the direct and indirect costs associated with issuing the license and policing the licensed activities. License fees that significantly exceed these costs are considered unauthorized taxes.

RELEVANT LINKS:

This means a license fee may not be so high as to be prohibitive or produce any substantial revenue beyond the actual cost to issue the license and to supervise, inspect, and regulate the licensed business.

M. Tear gas and electronic incapacitation devices

Minn. Stat. § 624.731, subd. 3.

Generally, those over 16 years of age may possess and use an authorized tear gas compound from an aerosol container to defend themselves or their property. A person over 18 years of age may possess and use an electronic incapacitation device to defend themselves or their property only if the electronic incapacitation device is labeled with or accompanied by clearly written instructions as to its use and the dangers involved in its use.

Minn. Stat. § 624.731, subd. 9.

Cities have the authority to license vendors of tear gas, tear gas compounds, authorized tear gas compounds, or electronic incapacitation devices within their respective jurisdictions; to impose a license fee therefor; to impose qualifications for obtaining a license or the duration of licenses; and to restrict the number of licenses the governing body will issue. The local governing body may establish the grounds, notice, and hearing procedures for revocation of licenses issued. The local governing body also may establish penalties for sale of tear gas, tear gas compounds, authorized tear gas compounds, or electronic incapacitation devices in violation of its licensing requirements.

N. Pawnbrokers

Minn. Stat. § 325J.02.
Minn. Stat. § 325J.13.

Cities may regulate pawn transactions and license pawnbrokers, but state law establishes minimum standards any ordinance or regulation must include. Municipalities may provide for more restrictive regulation on pawnbrokers or pawn transactions except that a city ordinance must mirror state law regarding:

- Requiring a pawnbroker to return pledged goods or pay for them upon payment in full, unless more than 60 days after the redemption date has passed or law enforcement has taken the goods into custody.
- Permitting a pawnshop to remove unredeemed pawned items from the pawnshop or approved storage place without selling the items, so long as the redemption period has expired.

Minn. Stat. § 325J.13.
Minn. Stat. § 325J.08 subds. 7, 10.

Additionally, local ordinances must allow pawnbrokers to:

- Return pawned goods to the borrower during the redemption period.
- Sell pledged goods or remove them from the pawnshop or other storage after the redemption period ends.

RELEVANT LINKS:

- Sell or remove purchased goods from the pawnshop or other storage 31 days after the purchase date if the pawnbroker buys goods other than through a pawn transaction.

Pawnbrokers in business when a municipality adopts an ordinance must apply for a license and pay the required fee within six months of adoption of the ordinance.

O. Secondhand goods dealers

Minn. Stat. § 412.221, subd. 32.
Minn. Stat. § 471.927.

Cities may, by ordinance, regulate and license dealers of secondhand goods for the general welfare of city residents. Counties also have the authority to regulate dealers of secondhand goods but may work in concert with cities on this subject.

P. Amusement machines

Minn. Stat. § 449.15.

A home rule charter or statutory city may impose, by ordinance, a license fee on pinball and video (known as "amusement machines" in state law) machines. The license fee, however, may not exceed the demonstrated and verifiable actual cost of issuing the license, or $15 per location plus $15 per machine.

Q. Tattoos or body art establishments

Minn. Stat. §§ 146B.01-146B.10.

State law governs establishments practicing tattooing or body art. All body art establishments (and body art technicians) must be licensed in each licensed area by the state department of public health.

As discussed below, if an establishment is licensed by a city it may qualify for an exemption from the state requirement and must apply for a waiver. The law defines tattooing and body art as follows:

Minn. Stat. § 146B.01, subd. 30.

"Tattooing means any method of placing indelible ink or other pigments into or under the skin or mucosa with needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa."

Minn. Stat. § 146B.01, subd. 18.
Minn. Stat. § 146B.01, subd. 4.

Tattooing includes "micropigmentation" or "cosmetic tattooing" (the use of tattoos for permanent makeup or to hide or neutralize skin discolorations). Body art or body art procedures means physical body adornment using, but not limited to, tattooing and body piercing. Body art does not include practices and procedures performed by a licensed medical or dental professional if the procedure falls within the professional's scope of practice.

RELEVANT LINKS:

In addition, the law regulates:

- "Tongue bifurcation," meaning the cutting of the tongue from the tip to the base, forking at the end.
- "Branding," meaning an indelible mark burned into the skin using instruments.

Cities should consult the statutes for detailed provisions on procedures and health standards. Some key items, however, include the following:

Minn. Stat. § 146B.08.

Establishments must meet all local and state health and safety codes for buildings and not constitute a public health nuisance. Establishments must maintain records on the licensure and training of employees and on clients serviced at the establishment. Establishments in private homes must be completely separate from living, eating, and bathroom areas in the home. The law also contains extensive procedures for the revocation of establishment licenses where violations have occurred. In addition, violations may be punished by a civil penalty not exceeding $10,000 that includes costs for investigation and prosecution of the violation.

1. Body art technicians

Minn. Stat. § 146B.03.

The state Department of Health exclusively licenses body art technicians. As such, cities are not allowed to license these activities. "Technician" or "body art technician" means any individual who is licensed under state law as a tattoo technician, body-piercing technician, or both. State law requires that no person may use the title of "tattooist," "tattoo artist," "tattoo technician," "body art practitioner," "body art technician," or other letters, words, or titles in connection with that person's name which in any way represents that the individual either engages in the practice of tattooing or has authorization to do so, unless the person is licensed and authorized to perform tattooing under state law or qualifies for one of the statutory exceptions.

2. City regulation of body art establishments

Minnesota Department of Public Health: Minnesota Body Art Regulation Brochure.

Cities that previously regulated body art establishments before 2011 may continue to do so, but local ordinances must be as strict as the state requirements. These requirements include inspections to ensure health and safety for the establishment and the equipment.

Minn. Stat. § 146B.09.

Body art establishments subject to city ordinances and that meet or exceed Department of Health requirements do not have to have a state license, but owners or operators of each establishment must apply for exemption from state licensure.

RELEVANT LINKS:

Additionally, state law on body art expressly states it does not preempt or supersede any municipal ordinance relating to land use, building and construction requirements, nuisance control, or the licensing of commercial enterprises in general.

Minn. Stat. § 146B.02, subd. 9.

Previously enacted city ordinances may contain stricter standards than the state law. In addition, those cities who has maintained its city ordinance may "limit the types of body art procedures that may be performed in body art establishments located within its jurisdiction."

R. Massage Parlors

Hearn v. City of Woodbury, No. A12-1714 (Minn. Ct. App. May 20, 2013) (unpublished decision).

In re Kim Yi's, LLC, No. A15-1672 (Minn. Ct. App. June 13, 2016)(unpublished decision).

State law does not license massage parlors. A city may regulate them by ordinance and require a license for health and safety reasons. A number of cities currently regulate massage parlors to address concerns related to sterile and sanitary conditions in these businesses. Generally, the license fees cover the costs of inspection and regulation. Although not published, the Minnesota Court of Appeals affirmed a denial of massage parlor licenses when based on other code violations, such as a citation for nudity and sexual contact, failure to conduct a background check on the new employee, and failure to comply with the business-records request.

1. Massage therapists in medical settings

Minn. Stat. § 471.709.

A city may not require a massage therapist to obtain a license or permit when the therapist works for, or is an employee of, a licensed medical professional or a licensed dental professional. A massage therapist is not limited to providing treatment to patients of the medical or dental professional.

S. Adult uses

See Handbook, *Comprehensive Planning Land Use and City Owned Land.*

Cities often use either licensing and/or zoning to regulate adult uses. Cities seek to regulate adult uses to minimize the negative secondary effects these businesses may cause. However, because of First Amendment concerns, the regulation of adult use businesses, such as strip clubs, can get legally complex.

City of Morrison v. Wheeler, 722 N.W.2d 329 (Minn. Ct. App. 2006).

Generally, cities adopt new ordinances or amend existing ordinances regulating adult uses to promote the health, human services, police protection, or public safety of their community. The U.S. Supreme Court frequently has recognized nude dancing as protected by the First Amendment.

RELEVANT LINKS:

City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986).

Young v. American Mini Theatres, Inc., 427 U.S. 50 (1976).

Nevertheless, the U.S. Supreme Court has recognized that local governments can use their zoning powers to limit the location of adult establishments so long as the motivation behind passing the ordinance was not regulation of the content itself; but rather, for example, the secondary effects. In these instances, the ordinance should promote a substantial governmental interest and allow reasonable alternative avenues for communication.

Minn. Stat. § 617.242. *Northshor Experience, Inc. v. City of Duluth,* 442 F.Supp. 2d 713 (D. Minn. 2006).

A state law, enacted in 2006, requires that anyone intending to open an adult use business provide 60 days advance-notice to the city where the business will locate. The law includes numerous other provisions focused on regulation of adult uses businesses. In 2006, the federal district court in Minnesota granted a preliminary injunction prohibiting the City of Duluth from enforcing the new law since the court found a strong likelihood of success on the licensee's claim that the state law violates the First Amendment. To date, neither a court nor the Legislature has resolved the constitutional questions regarding the state law on adult uses. As a result, cities probably should not rely on it as the sole mechanism for regulating adult entertainment establishments and, instead, should consider taking proactive measures by adopting local adult use regulations. Because of the common legal challenges to regulations on these types of businesses, a city should consult its city attorney when drafting any adult use ordinances.

T. Taxis & small vehicle passenger services

Minn. Stat. § 221.091, subd. 2. Minn. Stat. § 412.221, subd. 20.
Minn. Stat. § 221.021.
Minn. Stat. § 174.30, subd. 6(a).
Minn. Stat. § 169.011, subd. 27(3).

If a city licenses small vehicle passenger service (seven or fewer persons, including the driver, e.g., taxicabs, rideshares, pedicabs, or rickshaws) it must do so by ordinance and the ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections. A city may enforce the registration requirements in state law.

A statutory or home rule charter city that regulates, by ordinance, pedicabs, rickshaws, or other similar vehicles used for passenger service may permit authorized vehicles to be equipped with an electric motor that meets the requirements for an electric-assisted bicycle. However, a city cannot prohibit or deny the use of the public highways within its territorial boundaries by a carrier for transporting within its boundaries to destinations beyond a city's boundaries, or for transporting passengers from points beyond a city's boundaries to destinations within a city's boundaries, or for transporting passengers from points beyond a city's boundaries through a city to points beyond a city's boundaries when the carrier is operating pursuant to a certificate of registration issued under state law (or under a permit issued by the commissioner).

RELEVANT LINKS:

U. On-site sewage systems

Minn. Stat. § 326B.835.

A city may pass an ordinance requiring a license or certification from people who install on-site sewage treatment systems.

V. Mobile Salons

Minn. Stat. § 155A.29. Minn. Stat. § 155A.23. Minn. R. 2105.0395.

Although cities do not license mobile salons, mobile salons must comply with city ordinances that may otherwise apply to these mobile salons operating in a city. The Board of Cosmetologist Examiners has adopted rules governing the licensure, operation, and inspection of "Mobile Salons" which are operated in a mobile vehicle or mobile structure for exclusive use to offer personal services. The rules prohibit mobile salons from violating reasonable municipal restrictions on time and place of operation of a mobile salon within its jurisdiction, and also establish penalties, up to and including revocation of a license, for repeated violations of municipal laws.

The rules provide that mobile salons must comply with all city ordinances that may apply to mobile salons, including those ordinances that specifically regulate wastewater disposal, commercial motor vehicles, vehicle insurance, noise, signage, parking, commerce, and businesses generally.

IV. How this chapter applies to home rule charter cities

This chapter, except as otherwise noted or as the cited statutes may limit, generally applies to charter cities.

From: Michael Duval
To: Kelly Bevans; James Kramvik
Subject: Opposed to Rental License Fee Structure
Date: Monday, November 6, 2023 5:15:03 PM

Kelly, I'm out of town and cannot attend tonight's council meeting.

Not sure I'm a fan of the sliding scale rental license fee structure. Seems like the amount of work involved with each inspection is the same regardless of how many units are in the rental dwelling/structure if this is a fee for staff time model.

Either put everyone at the highest rate or the lowest rate proposed, otherwise little operators like me are subsidizing bigger ones.

Thanks for not supporting as proposed.

Mike Duval

"Truisms are true, hold onto that!"
- George Orwell, 1984

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Approve the Promotion of Allyson Timmons to Police Records Management Lead

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: On October 2nd, the City Council approved the promotion of Police Records Management Lead Miranda Halverson to Police Administrative Supervisor with an effective date of October 16th. Staff conducted an internal posting process to backfill the Records Lead position and one individual applied. Staff recommends promoting Allyson Timmons to the Police Records Management Lead position effective November 21, 2023. Allyson has been employed by the City since 2020 in a Police Records Management Technician position. Pursuant to the Employee Policy Manual, Allyson should be placed on Step 4 of the 2023 Police Records Management Lead wage grid ($27.72 per hour) for this promotion.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: With Allyson's promotion, Staff is requesting authorization to start the hiring process to backfill the Police Records Management Technician position. No changes are recommended to that job description at this time.

RECOMMENDED ACTION/MOTION: Motion to approve the promotion of Allyson Timmons to the Police Records Management Lead position effective November 21, 2023, at Step 4 ($27.72 per hour); further, to authorize Staff to begin the hiring process to backfill the Police Records Management Technician position.

FINANCIAL IMPACT: Both positions were included in the 2023 budget.

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Accept the Resignation of Street Maintenance I Taylor Lokhorst

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director, Kris Schubert, Human Resources Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: Taylor Lokhorst, Maintenance I in the Street Division of the Public Works Department, recently submitted his resignation with his last working day being December 5, 2023. Staff recommends that the Council accept Mr. Lokhorst's resignation and authorize Staff to begin the hiring process to backfill the position.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff reviewed the Maintenance I job description and felt that no changes were needed at this time.

RECOMMENDED ACTION/MOTION: Motion to accept Mr. Taylor Lokhorst's resignation effective December 5, 2023; further, to authorize Staff to begin the hiring process to backfill the Street Maintenance I position.

FINANCIAL IMPACT: The position is included in the 2023 budget.

11/16/2023

Dear Shawn Middagh,

Please accept this letter as formal notification that I am resigning from my position as a Maintenance One Laborer with the City of Brainerd. My last day will be Tuesday, December 5th 2023.

Thank you so much for the opportunity to work in this position for the past year. I've greatly enjoyed and appreciated the opportunities I've had in the street department. I've learned a lot about city sanitary systems, as well as snow removal.

During my last two weeks, I'll do everything possible to wrap up my duties and help train other team members if needed. Please let me know if there's anything else I can do to help during the transition.

I wish public works continued success, and I hope to stay in touch in the future.

Sincerely,

Taylor Lokhorst

RECEIVED
NOV 16 2023
CITY OF BRAINERD
ADMINISTRATION

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Authority to Enter into Consulting Agreement with Hildi, Inc. for Actuarial Services to Comply with Government Accounting Standards Board (GASB) 74/75 Relating to Other Post Employement Benefits (OPEBs)

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): 3 Mintues

SUMMARY OF ISSUE: GASB 74 requires governmental units to compute and record a liability for OPEB (Other Post Employment Benefits). The only OPEB liability the City has is an implicit rate liability from our health insurance. We have an implicit rate liability because we have retirees on our plan as required by law, and all employees pay a blended rate versus an age-banded rate for coverage. The City does not fund the liability because, in theory, we are paying higher rates now for health insurance. This accounting standard does not have any affect on the actual rates paid for health insurance. The study includes City, BPU, HRA and Airport employees, and the cost is allocated among all entities.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: To comply with the accounting standard, the City needs to have an actuarial study completed every 2 years with updates in the off years. The City has used Hildi, Inc since 2009.

Exhibit 1 of the attached proposed agreement, Hildi's cost for fiscal year 2024 is $3,300 plus $500 for exhibits (was $3,100 and $500 for exhibits for the 2022 study), and $1,000-$1,200 for 2025 (was $800-$1,000 for 2023).

RECOMMENDED ACTION/MOTION: Authorization of signatures on the agreement for consulting services with Hildi, Inc. for fiscal years 2024 and 2025 as presented.

FINANCIAL IMPACT: Will be included in the 2024 budgets.

AGREEMENT FOR CONSULTING SERVICES

This Agreement for Consulting Services ("Agreement") is entered into and dated October 18, 2023 by and between USI Consulting Group, Inc. (USICG - earlier as **Hildi Inc.**) USICG with offices located at 8000 Norman Center Drive, Suite 400, Bloomington, MN 55437 with headquarters at 95 Glastonbury Blvd., Suite 102, Glastonbury, CT 06033 (hereinafter referred to as the "Consultant") and City of Brainerd with offices located at 501 Laurel St., Brainerd, MN 56401 (hereinafter referred to as the "Company"). Company and Consultant are jointly referred to as the "parties."

IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, THE SUFFICIENCY OF WHICH IS HEREBY ACCEPTED, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Description of Services. Consultant will perform certain services for Company upon terms and conditions specified herein and as such services are more particularly described in Exhibit(s), which are attached hereto and incorporated by this reference.

2. Prices and Payment. Company agrees to pay Consultant the fees set forth in the applicable Exhibit(s). Consultant anticipates invoicing the Company monthly for services provided. Payment will be due in full within fifteen (15) days of receipt of Consultant's invoice. Company agrees to pay interest on all overdue amounts at a rate of twelve percent (12%) per annum or the rate allowed by law, which ever is less, plus costs of collection, court costs, and reasonable attorney fees on all such amounts.

3. Travel Expenses. Company agrees to reimburse Consultant for its reasonable and necessary out-of-pocket lodging, transportation, and food incurred at the Company's request. Consultant agrees to provide reasonable expense documentation. Whenever possible, Consultant agrees to take advantage of travel discounts. All air travel by Consultant shall be on major national or regional airlines, and Consultant and its representatives may keep their frequent flier miles earned for their personal usage.

4. Ownership of Work Product. Ownership of, and all rights in, the work product which is the subject matter of this Agreement (the "Work"), including trademarks, patents and copyrights applicable to same, shall belong exclusively to Company. The parties expressly agree to consider as a "work made for hire" any Work ordered or commissioned by the Company which qualifies as such under the United States copyright laws. To the extent that the Work cannot be a "work made for hire" or where necessary for any other reason, Consultant will provide Company with all such assignments of rights, covenants and other assistance which may be required for Company, through trademark, patent or copyright applications or otherwise, to obtain the full benefit of the rights provided for herein. If the Work contains materials previously developed or copyrighted by

Consultant or others, Consultant grants and agrees to grant to Company, or obtain for Company, an unrestricted, royalty-free license to use and copy such materials. Any license so granted or obtained shall include the right for Company to grant an unrestricted, royalty-free license to any affiliate of Company. Consultant is allowed to retain one copy of the Work for archival purposes. Consultant shall place a copyright notice on the Work at Company's request. The Work shall be considered "Information" under the Section entitled "Nondisclosure."

5. Nondisclosure. Any technical or business information, including, but not limited to, computer programs, files, specifications, drawings, sketches, models, samples, tools, cost data, customer information, financial data, business or marketing plans or other data, whether oral, written or otherwise ("Information"), furnished or disclosed to Consultant hereunder or in contemplation hereof, shall remain Company's property. No license, express or implied, under any trademark, patent or copyright is granted by Company to Consultant by virtue of such disclosure. All such information in written, graphic or other tangible form shall be returned to the Company immediately upon request and copies shall be returned to the Company or, at Company's option, certified by Consultant as having been located and destroyed. Consultant shall be allowed to retain one copy of the Information for archival purposes. Unless such Information was previously known to Consultant free of any obligation to keep it confidential, is lawfully obtained by Consultant from any source other than Company or has been or is subsequently made public by Company or a nonparty to this Agreement, is approved for release by written authorization of the Company, or is required by law to be disclosed in response to a valid order of a court of competent jurisdiction or authorized governmental agency, provided the Company receives adequate notice to allow it to request a protective order and the Consultant reasonably cooperates with the Company's efforts to receive a protective order, it shall be kept confidential by Consultant for the benefit of Company, shall be used only in performing under this Agreement and shall not be used for other purposes except upon such terms as may be agreed upon by Company in writing. Consultant shall take reasonable steps to protect such Information to a similar extent that Consultant protects its own Information.

6. Liability. Consultant shall indemnify Company and its affiliates against, and shall hold Company and its affiliates harmless from, any loss, damage, expense or liability that may in any way arise out of or result from the performance of Consultant hereunder and caused by or resulting from the gross negligence or intentional misconduct of Consultant, including but not limited to any knowing infringement, or claim of infringement, of any patent, trademark, copyright, trade secret or other proprietary right of a third party or of Consultant or anyone claiming through Consultant who may be eligible to terminate any assignment or transfer made hereunder pursuant to the terms of the copyright laws up to the amount paid by the Company to the Consultant under a given applicable Exhibit(s). Consultant shall defend or settle, at its own expense, any action or suit against Company or its affiliates for which it is responsible hereunder.

Company shall notify Consultant of any such claim, action or suit and shall reasonably cooperate with the Consultant (at Consultant's expense) to facilitate the defense of any such claim.

7. Limitation. In no event shall company or consultant be liable, one to the other, for indirect, special, incidental, or consequential damages arising out of or in connection with the furnishing, performance or use of any products or services provided pursuant to this agreement.

8. Limited Warranties. Consultant warrants and represents that it has full authority to enter into this Agreement and to consummate the transactions contemplated hereby and that this Agreement is not in conflict with any other agreement to which Consultant is a party or by which it may be bound.

   Consultant warrants and represents that Consultant has the proper skill, training and background so as to be able to perform in a competent and professional manner and that all work will be performed in accordance with professional standards in the industry and/or field.

9. Headings. Section headings used in this Agreement are for convenience only, have no legal significance, and in no way change the construction or meaning of the terms hereof.

10. Insurance. Upon request by Company, Consultant shall provide to Company, copies of certificates of insurance evidencing the workers compensation, general liability and automobile insurance coverage that Consultant has in effect and Consultant shall maintain such insurance in effect through the duration of the Agreement.

11. Amendment and Waiver. No provision of this Agreement may be modified, waived, terminated or amended except by a written instrument executed by the parties. No waiver of a material breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or other provisions hereof.

12. Relationship. The Consultant shall be and act as an independent contractor hereunder, and neither Consultant nor any employee, agent, associate, representative or subcontractor shall be deemed to be employees of the Company for any purpose whatsoever.

13. Force Majeure. Neither party will be liable for any failure or delay in performance due to any cause beyond its reasonable control, including, but not limited to acts of nature, strikes, fire, flood, explosion, riots, or wars, provided that personnel changes, including unanticipated employee departures, shall not be considered to be an event or condition of force majeure.

14. Notices. All notices and other communications required or permitted under this Agreement shall be in writing, and hand delivered or sent by registered or

certified mail, return-receipt requested, postage prepaid, or by overnight delivery service and shall be effective upon receipt at the following addresses or as either party shall have notified the other party:

If to Company: Ms. Jennifer Bergman
City Administrator
City of Brainerd
501 Laurel St.
Brainerd, MN 56401

If to Consultant: USI Consulting Group, Inc. (USICG- earlier as **Hildi Inc.**)
8000 Norman Center Drive
Suite 400
Bloomington, MN 55437
Attn: Jill Urdahl, FSA
Minnesota Practice Leader / Consulting Actuary

15. Assignment. Consultant shall not assign this Agreement or delegate the services to be performed hereunder, in whole or in part, or any of its rights, interest, or obligations hereunder without Company's express written consent.

16. Law Government. This Agreement shall be governed by the laws of the State of Minnesota, without regard to or application of conflicts of law rules or principles.

17. Taxes. Consultant shall assume full responsibility for the payment of all taxes imposed by any federal, state, local taxes or foreign taxing authority and all contributions imposed or required under unemployment insurance, social security and income tax laws, with respect to performance of services for Company hereunder.

18. Termination. Any Exhibit(s) to this Agreement may be terminated by either party upon thirty (30) days written notice to the other party. This Agreement may be terminated by either party upon ninety (90) days written notice to the other party. Company agrees to pay for all services provided by Consultant and related travel expenses incurred by Consultant through the date of termination of the Exhibit(s) and/or the Agreement as applicable.

19. Entire Agreement. This constitutes the entire agreement between the parties regarding the subject matter hereof. This Agreement shall be binding on the affiliates, administrators, executors, heirs, successors in interest, or assigns of Consultant.

IN WITNESS WHEREOF, authorized representatives of the Company and the Consultant have executed this Agreement in duplicate.

Company: City of Brainerd	**Consultant: USICG (earlier as Hildi Inc.)**
By:_____ (Authorized Signature)	By: Jill Urdahl (Authorized Signature)
Name:_____ (Print or Type)	Name: Jill Urdahl
Title:_____ (Print or Type)	Title: Minnesota Practice Leader / Consulting Actuary
Date:_____	Date: October 18, 2023

(Please Note: A signature is required on both page 5 and Exhibit 1. Thank you.)

Exhibit 1 to
AGREEMENT FOR CONSULTING SERVICES
Consultant and Rate Schedule

Consultant Representative's Name	Title	Effective Start Date	Expected End Date
USICG (**Hildi Inc.**) Actuaries and Consultants	Consulting Actuaries	January 1, 2024	December 31, 2025

Base Fees

The approximate budget for USICG (Hildi Inc.) consulting services is as follows:

	2024 Fiscal Year	2025 Fiscal Year
GASB 75	$3,300 plus $500 for exhibits	January 1, 2024 actuarial valuation to be used as the base results for this fiscal year. GASB 75 disclosures to be developed for the year ending December 31, 2025. Approximately $1,000 - $1,200
Optional: GASB 75/73/16 consulting review on the true-up benefit payment calculations. Each fiscal year it is possible for some additional fees to occur due to this request from the Company/Client on this important calculation.		

These Base Actuarial Fees include the following:

- An Actuarial Report including all information required by the GASB Statements. USICG (Hildi Inc.) will provide an electronic copy of the actuarial report. One to three hard copies of the report can be sent, too, if requested.
- A results meeting by conference call or video call to discuss the results.
- Teleconferencing with the actuaries on pending or anticipated issues which may affect the actuarial valuation/report. If any work is needed based on one of the outcomes of a teleconference, a fee will be agreed upon before any work is initiated.
- Periodic memos and telephone calls to provide updates on developments that may affect future actuarial reports.

All quotes assume the plan provisions and assumptions remain unchanged from the last actuarial valuation or year-end disclosure. Additional charges may occur if there is out of scope work due to an OPEB Trust, changes in funding or investment policy for the OPEBs, changes in plan provisions or assumptions, or changes in the GASB disclosure requirements.

SERVICES OR REQUIREMENTS:

The Agreement for Consulting Services is dated October 18, 2023.

Company: City of Brainerd

(Authorized Signature)

(Date)

Consultant: USICG (earlier as Hildi Inc.)

Jill Udahl

(Authorized Signature)

October 18, 2023

(Date)

(Please Note: A signature is required on both page 5 and Exhibit 1. Thank you.)

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Authorization to Enter into Agreement with CliftonLarsonAllen (CLA) for 2023 Audit Services

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 3 Minutes

SUMMARY OF ISSUE: Attached is the Statement of Work - Audit Services (the engagement letter) from CliftonLarsonAllen (CLA) for the 2023 audit services. The fee for the 2023 audit services is listed on page 11 of the document.

The 2023 base audit fee is $53,500 plus a 5% technology fee for a total cost of $56,175 and is a 4.9% increase over the 2022 audit fee ($53,550). There are additional costs for 2023 for the implementation of new risk auditing standards and for the new GASB 96 SBITA standard similar like there was in 2023 for the GASB 87 standard for leases. In speaking with CLA in regards to the additional fees, the minimum fee for the audit standards is $2,500 and since the City uses DebtBook to account for SBITA's the additional costs for GASB 96 should be minimized as well.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: 2017 Total Audit Fee $45,570
2018 Total Audit Fee $46,020
2019 Total Audit Fee $46,020 - Total billed and paid $45,294
2020 Total Audit Fee $47,500 - Total billed and paid $45,465
2021 Total Audit Fee $47,670
2022 Total Audit Fee $53,550 plus fees for GASB 87 implementation. The total billed and paid $60,889. The airport was responsible for 41% of the total amount paid based on revenues for 2022.

2023 Total Audit fee $56,175 plus fees for GASB 96 implementation and audit standards.

The airport share of audit costs prior to 2022 was about $5,000 -$10,000 a year. It was a larger share for 2022 because of the grant revenue received by the airport.

RECOMMENDED ACTION/MOTION: Authorize signature on the engagement letter with CLA for 2023 audit services.

FINANCIAL IMPACT: Will be included in the 2024 budget ($50,000 estimate).

CliftonLarsonAllen LLP
https://www.claconnect.com

Statement of Work - Audit Services

November 4, 2023

This document constitutes a statement of work ("SOW") under the master service agreement ("MSA") dated November 23, 2022, or superseding MSA, made by and between CliftonLarsonAllen LLP ("CLA," "we," "us," and "our") and City of Brainerd ("you," "your," or "the entity"). We are pleased to confirm our understanding of the terms and objectives of our engagement and the nature and limitations of the services CLA will provide for the entity as of and for the year ended December 31, 2023.

Mary Reedy is responsible for the performance of the audit engagement.

Scope of audit services
We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely present component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of City of Brainerd, and the related notes to the financial statements as of and for the year ended December 31, 2023.

The Governmental Accounting Standards Board (GASB) provides for certain required supplementary information (RSI) to accompany the entity's basic financial statements.

The RSI will be subjected to certain limited procedures, but will not be audited.

We will also evaluate and report on the presentation of the supplementary information other than RSI accompanying the financial statements in relation to the financial statements as a whole.

Nonaudit services
We will also provide the following nonaudit services:

- Preparation of your financial statements and the related notes.
- Preparation of the required supplementary information (RSI).
- Preparation of the supplementary information.
- Preparation of schedule of federal awards.
- Preparation of data collection form

Audit objectives

The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America (U.S. GAAP). Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

Our audit will be conducted in accordance with U.S. GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards require us to be independent of the entity and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. Our audit will include tests of your accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express opinions and render the required reports.

We will apply certain limited procedures to the RSI in accordance with U.S. GAAS. However, we will not express an opinion or provide any assurance on the RSI because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. We will also perform procedures to enable us to express an opinion on whether the supplementary information (as identified above) other than RSI accompanying the financial statements is fairly stated, in all material respects, in relation to the financial statements as a whole.

The objectives of our audit also include:

- Reporting on internal control over financial reporting and on compliance with the provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

- Reporting on internal control over compliance related to major programs and expressing an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Uniform Guidance.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over

compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We will issue written reports upon completion of our audit of your financial statements and compliance with requirements applicable to major programs.

Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph to our auditors' report, or if necessary, withdraw from the engagement. If our opinions on the financial statements or compliance are other than unmodified, we will discuss the reasons with you in advance. If circumstances occur related to the condition of your records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements or material noncompliance caused by error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements or an opinion on compliance, we retain the right to take any course of action permitted by professional standards, including declining to express opinions or issue reports, or withdrawing from the engagement.

As part of our audit, we will also perform the procedures and provide the report required by the Minnesota Legal Compliance Audit Guide for Political Subdivisions.

It is our understanding that our auditors' report will be included in your annual report which is comprised of the financial statements and that your annual report will be issued by June 30, 2024. Our responsibility for other information included in your annual report does not extend beyond the financial information identified in our opinion on the financial statements. We have no responsibility for determining whether such other information is properly stated and do not have an obligation to perform any procedures to corroborate other information contained in your annual report. We are required by professional standards to read the other information and consider whether a material inconsistency exists between the other information and the financial statements because the credibility of the financial statements and our auditors' report thereon may be undermined by material inconsistencies between the audited financial statements and other information. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Auditor responsibilities, procedures, and limitations

We will conduct our audit in accordance with U.S. GAAS, the standards for financial audits contained in *Government Auditing Standards*, and the Uniform Guidance.

Those standards require that we exercise professional judgment and maintain professional skepticism throughout the planning and performance of the audit. As part of our audit, we will:

- Identify and assess the risks of material misstatement of the financial statements and material noncompliance, whether due to fraud or error, design and perform audit procedures responsive to those

risks, and evaluate whether audit evidence obtained is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement or a material noncompliance resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

• Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

• Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the amounts and disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

• Conclude, based on our evaluation of audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the entity's ability to continue as a going concern for a reasonable period of time.

Although our audit planning has not been concluded and modifications may be made, we have identified the following significant risk(s) of material misstatement as part of our audit planning:

• Management override of internal controls

• Improper revenue recognition

There is an unavoidable risk, because of the inherent limitations of an audit, together with the inherent limitations of internal control, that some material misstatements or noncompliance may not be detected, even though the audit is properly planned and performed in accordance with U.S. GAAS, *Government Auditing Standards*, and the Uniform Guidance. Because we will not perform a detailed examination of all transactions, material misstatements, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity, may not be detected. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not require auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management and those charged with governance of any material errors, fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management and those charged with governance of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a single audit.

Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting fraud or errors that are material to the financial statements and to preventing and detecting misstatements resulting from noncompliance with provisions of laws, regulations, contracts, and grant agreements that have a material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify deficiencies, significant deficiencies, or material weaknesses in internal control. However, we will communicate to you in writing significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we identify during the audit that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the entity's compliance with the provisions of laws, regulations, contracts, and grant agreements that have a material effect on the financial statements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

We will include in our report on internal control over financial reporting and on compliance relevant information about any identified or suspected instances of fraud and any identified or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements that may have occurred that are required to be communicated under *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards that may have a direct and material effect on each of the entity's major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the "OMB Compliance Supplement" for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs. The purpose of these procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

We will evaluate the presentation of the schedule of expenditures of federal awards accompanying the financial statements in relation to the financial statements as a whole. We will make certain inquiries of management and evaluate the form, content, and methods of preparing the schedule to determine whether the information complies with U.S. GAAP and the Uniform Guidance, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We will compare and reconcile the schedule to the underlying accounting records

and other records used to prepare the financial statements or to the financial statements themselves.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Management responsibilities

Our audit will be conducted on the basis that you (management and, when appropriate, those charged with governance) acknowledge and understand that you have certain responsibilities that are fundamental to the conduct of an audit.

You are responsible for the preparation and fair presentation of the financial statements, RSI, and the schedule of expenditures of federal awards in accordance with U.S. GAAP. Management is also responsible for identifying all federal awards received, understanding and complying with the compliance requirements, and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with the requirements of the Uniform Guidance.

Management's responsibilities include the selection and application of accounting principles; recording and reflecting all transactions in the financial statements; determining the reasonableness of significant accounting estimates included in the financial statements; adjusting the financial statements to correct material misstatements; and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole. In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the entity's ability to continue as a going concern for 12 months beyond the financial statement date.

Management is responsible for compliance with applicable laws and regulations and the provisions of contracts and grant agreements, including compliance with federal statutes, regulations, and the terms and conditions of federal awards applicable to the entity's federal programs. Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are responsible for the design, implementation, and maintenance of effective internal control, including internal control over compliance, relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including evaluating and monitoring ongoing activities and safeguarding assets to help ensure that appropriate goals and objectives are met; and that there is reasonable assurance that government programs are administered in compliance with compliance requirements.

You are responsible for the design, implementation, and maintenance of internal controls to prevent and detect fraud; assessing the risk that the financial statements may be materially misstated as a result of fraud; and for informing us about all known or suspected fraud affecting the entity involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your

knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for implementing systems designed to achieve compliance with applicable laws and regulations and the provisions of contracts and grant agreements, including compliance with federal statutes, regulations, and the terms and conditions of federal awards applicable to the entity's federal programs; identifying and ensuring that the entity complies with applicable laws, regulations, contracts, and grant agreements, including compliance with federal statutes, regulations, and the terms and conditions of federal awards applicable to the entity's federal programs; and informing us of all instances of identified or suspected noncompliance whose effects on the financial statements should be considered.

You are responsible for taking timely and appropriate steps to remedy any fraud; noncompliance with provisions of laws, regulations, contracts, or grant agreements; or abuse that we may report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings; and to follow up and take prompt corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review.

You are responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, including amounts and disclosures, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters, and for the accuracy and completeness of that information (including information from within and outside of the general and subsidiary ledgers), and for ensuring management information and financial information is reliable and properly reported; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

You agree to inform us of events occurring or facts discovered subsequent to the date of the financial statements that may affect the financial statements.

You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon or make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed

to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

Management is responsible for the preparation and fair presentation of other supplementary information in accordance with U.S. GAAP. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. You agree to provide us written representations related to the presentation of the supplementary information.

Management is responsible for the preparation of other information included in your annual report. You agree to provide the final version of such information to us in a timely manner, and if possible, prior to the date of our auditors' report. If the other information included in your annual report will not be available until after the date of our auditors' report on the financial statements, you agree to provide written representations indicating that (1) the information is consistent with the financial statements, (2) the other information does not contain material misstatements, and (3) the final version of the documents will be provided to us when available, and prior to issuance of the annual report by the entity, so that we can complete the procedures required by professional standards. Management agrees to correct material inconsistencies that we may identify. You agree to include our auditors' report in any document containing financial statements that indicates that such financial statements have been audited by us.

Management is responsible for providing us with a written confirmation concerning representations made by you and your staff to us in connection with the audit and the presentation of the basic financial statements and RSI. During our engagement, we will request information and explanations from you regarding, among other matters, the entity's activities , internal control, future plans, specific transactions, and accounting systems and procedures. The procedures we will perform during our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the representations that we receive in the representation letter and otherwise from you. Accordingly, inaccurate, incomplete, or false representations could cause us to expend unnecessary effort or could cause a material fraud or error to go undetected by our procedures. In view of the foregoing, you agree that we shall not be responsible for any misstatements in the entity's financial statements that we may fail to detect as a result of misrepresentations made to us by you.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies to us of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the "Audit objectives" section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other engagements or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

Responsibilities and limitations related to nonaudit services
For all nonaudit services we may provide to you, management agrees to assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, and/or experience to understand and oversee the services; evaluate the adequacy and results of the services; and accept responsibility for the results of the services. Management is also responsible for ensuring that your data and records are complete and that you have received sufficient information to oversee the services.

Use of financial statements
Should you decide to include or incorporate by reference these financial statements and our auditors' report(s) thereon in a future private placement or other offering of equity or debt securities, you agree that we are under no obligation to re-issue our report or provide consent for the use of our report in such a registration or offering document. We will determine, at our sole discretion, whether we will re-issue our report or provide consent for the use of our report only after we have performed the procedures we consider necessary in the circumstances. If we decide to re-issue our report or consent to the use of our report, we will be required to perform certain procedures including, but not limited to, (a) reading other information incorporated by reference in the registration statement or other offering document and (b) subsequent event procedures. These procedures will be considered an engagement separate and distinct from our audit engagement, and we will bill you separately. If we decide to re-issue our report or consent to the use of our report, you agree that we will be included on each distribution of draft offering materials and we will receive a complete set of final documents. If we decide not to re-issue our report or decide to withhold our consent to the use of our report, you may be required to engage another firm to audit periods covered by our audit reports, and that firm will likely bill you for its services. While the successor auditor may request access to our workpapers for those periods, we are under no obligation to permit such access.

If the parties (i.e., you and CLA) agree that CLA will not be involved with your official statements related to municipal securities filings or other offering documents, we will require that any official statements or other offering documents issued by you with which we are not involved clearly indicate that CLA is not involved with the contents of such documents. Such disclosure should read as follows:

> CliftonLarsonAllen LLP, our independent auditor, has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. CliftonLarsonAllen LLP also has not performed any procedures relating to this offering document.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website or submitted on a regulator website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in those sites or to consider the consistency of other information in the electronic site with the original document.

We may issue preliminary draft financial statements to you for your review. Any preliminary draft financial statements should not be relied on or distributed.

Engagement administration and other matters

We understand that your employees will prepare all confirmations, account analyses, and audit schedules we request and will locate any documents or invoices selected by us for testing. A list of information we expect to need for our audit and the dates required will be provided in a separate communication.

At the conclusion of the engagement, we will complete the auditor sections of the electronic Data Collection Form SF-SAC and perform the steps to certify the Form SF-SAC and single audit reporting package. It is management's responsibility to complete the auditee sections of the Data Collection Form. We will create the single audit reporting package PDF file for submission; however, it is management's responsibility to review for completeness and accuracy and electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be electronically submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to the entity; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing confidential or sensitive information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the sole and exclusive property of CLA and constitutes confidential and proprietary information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to Minnesota Office of the State Auditor, or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of CLA personnel. Furthermore, upon request, we may provide copies or electronic versions of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of seven years after the report release date or for any additional period requested by the Minnesota Office of the State Auditor. If we are aware that a federal or state awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Professional standards require us to be independent with respect to you in the performance of these services. Any discussion that you have with our personnel regarding potential employment with you could impair our independence with respect to this engagement. Therefore, we request that you inform us prior to any such discussions so that we can implement appropriate safeguards to maintain our independence and objectivity. Further, any employment offers to any staff members working on this engagement without our prior knowledge may require substantial additional procedures to ensure our independence. You will be responsible for any additional costs incurred to perform these procedures.

Our audit engagement ends on delivery of our signed report. Any additional services that might be

requested will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific SOW for that service.

Government Auditing Standards require that we make our most recent external peer review report publicly available. The report is posted on our website at www.CLAconnect.com/Aboutus/.

Fees

Our professional fees are outlined in the table below:

Service	Fee
Financial Statement Audit	$53,500
Implementation of the New Risk Auditing Standards which includes an increase in information technology testing	SAS 143-145 $2.5k- 4k Minimum
SBITAs audit resource fee	$1,000
Additional audit testing for GASB 96 SBITAs (1-25 agreements)	$275 per hour

We will also bill for a technology and client support fee of five (5%) of all professional fees billed. Our fee is based on anticipated cooperation from your personnel and their assistance with locating requested documents and preparing requested schedules. If the requested items are not available on the dates required or are not accurate, the fees and expenses will likely be higher.

Professional fees will be billed as follows:

Progress bill to be mailed on	Amount to be billed
Upon execution of the SOW	One-third of our professional fees
Upon the commencement of substantive procedures	One-third of our professional fees
Issuance of draft report(s)	One-third of our professional fees

This estimate is based on anticipated cooperation from your personnel and their assistance with locating requested documents and preparing requested schedules. If the requested items are not available on the dates required or are not accurate, the fees and expenses will likely be higher. Our invoices, including applicable state and local taxes, will be rendered each month as work progresses and are payable on presentation.

Unexpected circumstances
We will advise you if unexpected circumstances require significant additional procedures resulting in a substantial increase in the fee estimate.

Changes in accounting and audit standards
Standard setters and regulators continue to evaluate and modify standards. Such changes may result in new or revised financial reporting and disclosure requirements or expand the nature, timing, and scope of the activities we are required to perform. To the extent that the amount of time required to provide the services described in the SOW increases due to such changes, our fee may need to be adjusted. We will discuss such circumstances with you prior to performing the additional work.

Agreement
We appreciate the opportunity to provide to you the services described in this SOW under the MSA and believe this SOW accurately summarizes the significant terms of our audit engagement. This SOW and the MSA constitute the entire agreement regarding these services and supersedes all prior agreements (whether oral or written), understandings, negotiations, and discussions between you and CLA related to audit services. If you have any questions, please let us know. Please sign, date, and return this SOW to us to indicate your acknowledgment and understanding of, and agreement with, the arrangements for our audit of your financial statements including the terms of our engagement and the parties' respective responsibilities.

Sincerely,

CliftonLarsonAllen LLP

Response:
This letter correctly sets forth the understanding of City of Brainerd.

CLA

ORG:

NAME: Mary Reedy

TITLE: Principal

SIGN: Mary Reedy

DATE: November 6, 2023

Client

ORG: City of Brainerd

NAME:

TITLE:

SIGN:

DATE:

ORG: City of Brainerd

NAME:

TITLE:

SIGN:

DATE:

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Discussion of 2024 Capital Expenditures

AGENDA: P&F Committee

ACTION REQUESTED: Discussion Item

SUBMITTED BY: Connie Hillman, Finance Director, Jessie Dehn, Public Works Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Mintues

SUMMARY OF ISSUE: Attached is the current budgeted 2024 capital expenditures compared to what was discussed in August. Things that have changed are:

- **Facilities**: Updated the Police HVAC as discussed at the 11/6/23 Council Meeting - using the current estimate and unencumbered ARPA dollars.
- **Community Development**: Delayed the comprehensive plan and scanner to 2025 to have the comprehensive plan to be 5 years from last completion and scanner can go another year.
- **Parks**: In August, the Park Board's request was $747,500, with $237,500 being 2024 expenditures and $510,000 set aside for future capital projects. The current request (Park Board's listing is also attached) is still $747,500, with $398,500 being 2024 expenditures and $349,000 set aside for future capital projects.
- **Streets:** Corrected how two of the items were listed. I had $20,000 listed as a Tire Roller when it should have been a Pressure Washer; and I had $5,000 listed as a Pressure Washer when it should have been Crack Filling Equipment.

The portion of the 30-year long term capital plan is just the current year budget and for the year 2024. The Park Board has been focusing on 2024 so future years have not been updated.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: To assist with long-term capital planning, the Park Board has requested Council clarification in regard to the west parking lot at Memorial Park that was purchased in 2020. When the Council formally dedicated Memorial Park, was it the intention of the Council that this parking lot be included in Memorial Park or that the Council wanted to manage and/or maintain this as a City parking lot and not necessarily for the park?

RECOMMENDED ACTION/MOTION: Review/discussion of the 2024 budgeted capital expenditures, and provide clarification for the Park Board in regards to the Memorial parking lot.

FINANCIAL IMPACT:

2024 Budgeted Capital Detail - Expenses

	2024 Preliminary (August)	2024 Current
Facilities		
Street Garage- Sign	$ 5,000	$ 5,000
Street Garage - Water/Sewer New Addition	20,000	20,000
Street Garage- Entrance - add'l funding	10,000	10,000
Police Station - Exterior Improvements (Study)	582,000	582,000
Police Station - HVAC	330,000	413,600
Police Station - HVAC - ARPA	(140,000)	(204,397)
Fire Facility Study Update	20,000	20,000
City Hall - General		
Office Furniture	10,000	10,000
Generator	-	-
Administration		
Scanner	2,000	2,000
IT/GIS		
Server Replacement	15,000	15,000
Firewall/Router	20,000	20,000
Network Switches	30,000	30,000
Software - Document Imaging - to Cloud	30,000	30,000
Police		
Leased Squad Car Build Ups	96,500	96,500
Officer Furniture	3,500	3,500
Squad Room Reconfiguration	80,000	80,000
Fire		
Radios and Pagers	20,000	20,000
Civil Defense		
Community Development		
Comprehensive Plan	25,000	-
Scanner	3,000	-
Parks		
Lease - 1/2 ton Extended Cab Truck	x	x
Lease - 1 ton Regular Cab Truck	x	x
Satellite Lifter	30,000	30,000
Tree Replacement	25,000	25,000
Picnic Table/Grilling Station/Trash Can Replacement	15,000	15,000
Park Weed and Feed Program	25,000	25,000
Bench Installation Program	5,000	5,000
Park ADA Upgrades	25,000	25,000
Park Sign Replacement	5,000	5,000
Security Cameras	6,500	6,500
Demo of Lum Park Offices	15,000	15,000
Jaycees Park North Pavilion/Playground Demo	5,000	5,000
Gustafson - Shed Demo	3,000	3,000
Memorial - Shed Demo	3,000	3,000
Bane Park - Garage Roof Replacement	10,000	10,000
Buffalo Hills - Playground Replacement	-	90,000
Gregory Park - Warming House/Pavilion Gutter Replacement	5,000	5,000
Memorial Park - Mills Field Fencing Relocate and Replace	-	50,000
Memorial Park - Automatic Light Timer on Rink Lights	-	3,000
Lum Park - Pavilions	60,000	60,000
Lum Park - Self Service Kayak Rental	-	18,000
Streets		
Tree Replacement	25,000	25,000
Loader/Backhoe Tractor	135,000	135,000
1 Ton Pickup Lease Buildup	11,000	11,000
Pressure Washer ***(was labeled Tire Roller in Aug. in error)***	20,000	20,000
Crack Filling Equipment ***(was labeled Pressure Washer in Aug. in error)***	5,000	5,000
Roundabout Wood Chips	12,500	12,500
Engineering		
Street Scan Implementation - Construction Fund	-	-
	$ 1,608,000	$ 1,760,203
Park Board Long-term Capital Asset Maintenance Request	*510,000*	*349,000*
Total Capital 2024	**$ 2,118,000**	**$ 2,109,203**

Park Board

2024 Proposed Capital Budget

Item	Cost
2% Capital Asset Long-Term Maintenance	
To Parks Capital Fund	$349,000
Equipment	
Perkins Satellite Lifter	$30,000
Annual Programs	
Trees Replacement	$25,000
Picnic Table/Grilling Station/Trash Can Replacement Program	$15,000
Park Weed and Feed Program	$25,000
Bench Installation Program	$5,000
Park ADA Upgrades	$25,000
Park Sign Replacements	$5,000
Parks Security Cameras	$6,500
Building Demolition	
Lum Park Maintenance Office/Shop Demo	$15,000
Jaycees Park North Pavilion/Playground Demo	$5,000
Gustafson Park Shed Demo	$3,000
Memorial Park Shed Demo	$3,000
Park Facility Rehabilitation	
Bane Park	
Garage Roof Replacement	$10,000
Buffalo Hills Park	
Playground Replacement	$90,000
Gregory Park	
Warming House/Pavilion Gutter Replacement	$5,000
Memorial Park	
Mills Field Fencing Relocate and Replace with Chain Link	$50,000
Lum Park	
Pavilion 1 Rehabilitation	$30,000
Pavilion 2 Rehabilitation	$30,000
Park Facility Enhancements	
Lum Park	
Self-Service Kayak Rental	$18,000
Memorial Park	
Automatic Light Timer on Rink Lights	$3,000
Total	**$747,500**

City of Brainerd
Capital Plan**: Summary**
2024-2053 - 30 Years

	2023	2024
Tax Levy: Current	$ 1,255,927	$ 1,255,927
Tax Levy: Add/Sub	307,332	318,349
Bonds	-	-
Other/Grants	78,000	-
Under budget	-	-
Sale of Assets	135,600	56,350
General Fund	(37,000)	(35,000)
Interest Earnings	418	1,893
Dedicated to Fire Buildings	65,000	65,000
Revenues	$ 1,805,277	$ 1,662,519
Vehicles	$ 126,000	$ 107,500
Equipment	347,100	525,000
Furniture & Fixtures	10,000	10,000
Buildings	50,000	947,203
Improvements	155,000	170,500
Transfers Out	188,251	-
Expenditures	$ 876,351	$ 1,760,203
Beginning Cash Balance	$ 2,289,160	$ 3,218,086
Annual Surplus (deficit)	928,926	(97,684)
Cash Balance	$ 3,218,086	$ 3,120,402
Savings (Water Tower)	112,306	112,306
Dedicated for Fire Buildings	195,000	260,000
Set Aside for Parks LT Cap Maint	-	349,000
Rollover of Budgeted Items **	554,661	554,661
	$ 2,356,119	$ 1,844,435

** Annex, trees, street plow, Kiwanis Park Project

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Adopt Resolution of Support - TH 210/Lum Park Pedestrian Bridge - TA Grant

AGENDA: SPW Committee

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: At the October 16th Council meeting, the City Council authorized staff to apply for Transportation Alternative (TA) grant funding for the TH 210/Lum Park Pedestrian Bridge project.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: As part of the grant application, staff is required to include two resolutions from the Council that the City will agree to act as the sponsoring agency for the grant funding and to maintain the facilities that receive grant funding. The grant application is due Friday, January 12, 2024.

RECOMMENDED ACTION/MOTION: Staff recommends adopting the attached resolutions agreeing to act as the sponsoring agency for the grant funding and to maintain the facilities receiving grant funding.

FINANCIAL IMPACT: N/A

R E S O L U T I O N
23:xx

RESOLUTION AGREEING TO MAINTAIN FACILITY

WHEREAS, the Federal Highway Administration (FHWA) requires that states agree to operate and maintain facilities constructed with federal transportation funds for the useful life of the improvement and not change the use of right of way or property ownership acquired without prior approval from the FHWA; and

WHEREAS, Transportation Alternatives projects receive federal funding; and

WHEREAS, the Minnesota Department of Transportation (MnDOT) has determined that for projects implemented with alternative funds, this requirement should be applied to the project proposer; and

WHEREAS, the City of Brainerd is the sponsoring agency for the transportation alternatives project identified as the TH 210/Lum Park Pedestrian Bridge and Cuyuna Lakes State Trail Project.

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

the sponsoring agency hereby agrees to assume full responsibility for the operation and maintenance of property and facilities related to the aforementioned transportation alternatives project.

Adopted this 20th day of November 2023

_____
KELLY BEVANS
President of the Council

Approved this 21st day of November 2023

_____
DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

R E S O L U T I O N
23:xx

SPONSORING AGENCY RESOLUTION

Be it resolved that the City of Brainerd agrees to act as sponsoring agency for the project identified as the TH 210/Lum Park Pedestrian Bridge and Cuyuna Lakes State Trail Project seeking Transportation Alternatives grant funding and has reviewed and approved the project as proposed. Sponsorship includes a willingness to secure and guarantee the local share of costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules, and regulations.

Be it further resolved that Jessie Dehn, City Engineer/Public Works Director is hereby authorized to act as agent on behalf of this sponsoring agency.

Adopted this 20th day of November 2023

_____
KELLY BEVANS
President of the Council

Approved this 21st day of November 2023

_____
DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Adopt Resolution of Support - TH 210/Lum Park Pedestrian Bridge - AT Grant

AGENDA: SPW Committee

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: At the October 2nd Council meeting, the City Council authorized SRF to apply for Active Transportation (AT) grant funding for the TH 210/Lum Park Pedestrian Bridge project on behalf of the City.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: As part of the grant application, it is required to include a resolution from the Council that the City supports the project and will fund the remaining project expenses not covered by the grant program. The grant application is due Friday, February 2, 2024.

RECOMMENDED ACTION/MOTION: Staff recommends adopting the attached resolution supporting the AT grant application.

FINANCIAL IMPACT: N/A

R E S O L U T I O N
23:xx

AUTHORIZING THE CITY TO FILE AN APPLICATION WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR 2023 ACTIVE TRANSPORTATION INFRASTRUCTURE GRANTS

WHEREAS: $13.2 million in Active Transportation (AT) funding is available, with a minimum of $50,000 and cap of $1,000,000 for each project; and

WHEREAS, AT funds can be used to reimburse construction costs on AT eligible items, and that construction costs above the AT infrastructure grant award will have alternate funding sources; and

WHEREAS, the project will provide for a safe, grade-separated pedestrian bridge crossing that removes TH 210 as a barrier by constructing Americans with Disabilities Act (ADA) compatible, multimodal infrastructure and improving access for users of all abilities; and

WHEREAS, the project will enhance the trail system connectivity in Brainerd by constructing a new trail bridge over TH 210 and a multiuse trail which will connect to existing local and state trails for the continued development of the area's trail systems and will provide safer access to parks and other recreational resources; and

WHEREAS, the project will support healthy and active lifestyle for local residents and visitors to the Brainerd Lakes Area, saving on healthcare costs to individuals, employers, insurance providers, and the State government; and

WHEREAS, the project is planned to be constructed in 2025 for an estimated construction cost of $4,500,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA, that the Brainerd City Council supports the construction of the project and agrees to maintain such improvements,

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Brainerd City Council supports the submittal of the AT application, and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Brainerd City Council will pay all costs associated with the project beyond the AT infrastructure grant award.

Adopted this 20th day of November 2023

_____
KELLY BEVANS
President of the Council

Approved this 21st day of November 2023

_____
DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Award Contract for Imp 21-15 - Buffalo Hills Gully Remediation Project

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Staff has received 12 bids for Improvement 21-15 - Buffalo Hills Gully Remediation Project.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The City received grant funds in the amount of $905,000 in BWSR Clean Water funding. The remaining project costs would be planned to be funded using Storm Water Utility funding. The project includes installation of concrete storm sewer pipe and backfilling 5 to 10 feet above the pipe to tie into the adjacent slopes. Also included is a stormwater BMP at the end of the new pipe to assist with stormwater treatment before exiting to the Little Buffalo Creek and further to the Mississippi River.

The apparent low bidder for the project is Tom's Backhoe with a low bid amount of $870,113.10. The Engineer's Estimate for this project was $1,300,550. The low bid is 33% above/below the estimate. Attached is the Qualifications Statement for Tom's Backhoe as well.

RECOMMENDED ACTION/MOTION: Staff is requesting discussion with the City Council before a recommendation of award for Imp 21-15 - Buffalo Hills Gully Remediation.

FINANCIAL IMPACT: Dependent on award.

100% DESIGN LEVEL

BUFFALO HILLS GULLY COST ESTIMATE

August 25, 2023

Prepared by HR Green

ITEM NO.	MN DOT NO.	ITEM	UNIT	ESTIMATED QUANTITY	UNIT COST	TOTAL
1	2101.501	Clearing	ACRE	4.4	$ 5,000	$21,850
2	2101.501	Grubbing	ACRE	4.4	$ 5,000	$21,850
3	2104.502	Remove Concrete Apron	EA	1	$ 410	$410
4	2104.502	Remove Metal Apron	EA	2	$ 230	$460
5	2104.607	Salvage Random Riprap	CY	20	$ 50	$1,000
6	2105.501	Common Excavation	CY	250	$ 10	$2,500
7	2106.507	Common Embankment (CV)	CY	3206	$ 15	$48,096
8	2118.507	Aggregate Class 5 (CV)	CY	107	$ 77	$8,213
9	2451.511	Fine Filter Aggregate	CY	494	$ 58	$28,648
10	2451.511	Coarse Filter Aggregate	CY	23	$ 65	$1,505
11	2501.502	48" RCP End Section	EA	1	$ 3,500	$3,500
12	2501.602	Pipe Ties - Flat Bar	EA	9	$ 400	$3,600
13	2503.503	48" RCP CL II	LF	1,382	$ 300	$414,600
14	2503.503	15" CMP	LF	23	$ 115	$2,691
15	2503.602	Connect to Existing Storm Sewer	EA	3	$ 1,500	$4,500
16	2506.502	Casting Assembly	EA	20	$ 1,000	$20,000
17	2511.501	72-4020	LF	119	$ 1,400	$166,040
18	2511.501	84-4020	LF	29	$ 1,800	$51,300
19	2511.501	96-4020	LF	12	$ 2,400	$27,600
20	2511.507	9" Crushed, Washed Limestone (Class III RipRap)	CY	71	$ 100	$7,083
21	2571.524	Deciduous Tree 6' Ht Cont	TREE	20	$ 500	$10,000
22	2573.503	Sediment Control Log Type Compost	LF	590	$ 4	$2,360
23	2573.503	Storm Drain Inlet Protection	EA	5	$ 200	$1,000
24	2573.503	Silt Fence Type HI	LF	1827	$ 6	$10,962
25	2574.507	Common Topsoil Borrow	CY	1361	$ 30	$40,833
26	2574.508	Fertilizer Type 4	LB	487	$ 2	$975
27	2575.501	Seeding (Planting Zone A)	ACRE	0.8	$ 300	$228
28	2575.501	Seeding (Planting Zone B)	ACRE	3.3	$ 300	$990
29	2575.502	MNDOT Seed Mix 36-711	LB	117.1	$ 30	$3,514
30	2575.502	MNDOT Seed Mix 33-361	LB	26.6	$ 32	$852
31	2575.504	Sodding Type Lawn	SY	1095	$ 9	$9,859
32	2575.505	Seeding	ACRE	4.1	$ 500	$2,030
33	2575.604	Rolled Erosion Prevention Category 25	SY	1536	$ 3	$4,607
34	2575.604	Rolled Erosion Prevention Category 45	SY	2457	$ 3	$7,371
35	2575.604	Rolled Erosion Prevention Category 47	SY	100	$ 6	$600
36	2577.502	Live Stakes	EA	1200	$ 9	$10,800
		Subtotal				$942,428
		Mobilization	LS	1	20%	$188,486
		Subtotal				$1,130,913
		Contingency			15%	$169,637
Opinion of Probable Cost						**$1,300,550**

HRGreen

Contract Buffalo Hills Gully Storm Sewer - Bid Abstract

Report Date	Contract Name	Contract Number	Local	Release Date	Bid opening
11/15/2023	Buffalo Hills Gully Storm Sewer	23-06	21-15	10/23/2023	11/15/2023, 10:00 AM

					Tom's Backhoe Service Inc.		TNT Aggregates, LLC		RL Larson Excavating, Inc.		Landwehr Construction, Inc.		Gladen Construction Inc		Williams Excavation		DeChantal Excavating LLC		Houle Excavating LLC		Shoreline Landscaping & Contracitng		J.R. Ferche, Inc.	
Line	Number	Description	Unit	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
1	2021.501	MOBILIZATION	LS	1	$30,000.00	$30,000.00	$77,483.25	$77,483.25	$113,000.00	$113,000.00	$95,000.00	$95,000.00	$36,500.00	$36,500.00	$110,000.00	$110,000.00	$240,000.00	$240,000.00	$50,000.00	$50,000.00	$83,460.00	$83,460.00	$84,000.00	$84,000.00
2	2101.505	CLEARING	ACRE	4.4	$4,000.00	$17,600.00	$4,000.00	$17,600.00	$4,500.00	$19,800.00	$4,717.00	$20,754.80	$4,250.00	$18,700.00	$4,000.00	$17,600.00	$8,900.00	$39,160.00	$10,000.00	$44,000.00	$15,430.00	$67,892.00	$20,000.00	$88,000.00
3	2101.505	GRUBBING	ACRE	4.4	$3,000.00	$13,200.00	$4,000.00	$17,600.00	$4,500.00	$19,800.00	$4,717.00	$20,754.80	$4,250.00	$18,700.00	$4,000.00	$17,600.00	$4,500.00	$19,800.00	$7,000.00	$30,800.00	$15,430.00	$67,892.00	$16,000.00	$70,400.00
4	2104.502	REMOVE CONCRETE APRON	EACH	1	$300.00	$300.00	$500.00	$500.00	$675.00	$675.00	$690.00	$690.00	$1,200.00	$1,200.00	$200.00	$200.00	$525.00	$525.00	$800.00	$800.00	$2,860.00	$2,860.00	$5,000.00	$5,000.00
5	2104.502	REMOVE METAL APRON	EACH	2	$150.00	$300.00	$250.00	$500.00	$400.00	$800.00	$160.00	$320.00	$225.00	$450.00	$150.00	$300.00	$175.00	$350.00	$500.00	$1,000.00	$813.00	$1,626.00	$450.00	$900.00
6	2104.607	SALVAGE RANDOM RIPRAP	C Y	20	$50.00	$1,000.00	$30.00	$600.00	$60.00	$1,200.00	$45.25	$905.00	$85.00	$1,700.00	$50.00	$1,000.00	$155.00	$3,100.00	$200.00	$4,000.00	$105.00	$2,100.00	$25.00	$500.00
7	2105.507	COMMON EXCAVATION	C Y	250	$10.00	$2,500.00	$10.00	$2,500.00	$54.25	$13,562.50	$18.70	$4,675.00	$28.00	$7,000.00	$13.00	$3,250.00	$12.50	$3,125.00	$10.00	$2,500.00	$25.00	$6,250.00	$75.00	$18,750.00
8	2106.507	COMMON EMBANKMENT (CV)	C Y	3,206	$18.00	$57,708.00	$25.00	$80,150.00	$41.50	$133,049.00	$44.00	$141,064.00	$51.75	$165,910.50	$30.00	$96,180.00	$29.50	$94,577.00	$29.00	$92,974.00	$25.00	$80,150.00	$42.00	$134,652.00
9	2118.507	AGGREGATE SURFACING (CV) CLASS 5	C Y	107	$50.00	$5,350.00	$57.00	$6,099.00	$54.75	$5,858.25	$46.50	$4,975.50	$50.00	$5,350.00	$45.00	$4,815.00	$42.00	$4,494.00	$40.00	$4,280.00	$90.00	$9,630.00	$90.00	$9,630.00
10	2451.507	FINE FILTER AGGREGATE (CV)	C Y	494	$35.00	$17,290.00	$30.00	$14,820.00	$0.01	$4.94	$35.00	$17,290.00	$52.00	$25,688.00	$32.00	$15,808.00	$76.00	$37,544.00	$60.00	$29,640.00	$90.00	$44,460.00	$120.00	$59,280.00
11	2451.507	COARSE FILTER AGGREGATE (CV)	C Y	23	$50.00	$1,150.00	$100.00	$2,300.00	$114.00	$2,622.00	$126.25	$2,903.75	$111.00	$2,553.00	$75.00	$1,725.00	$92.00	$2,116.00	$60.00	$1,380.00	$105.00	$2,415.00	$120.00	$2,760.00
12	2501.502	48" RC PIPE APRON	EACH	1	$3,600.00	$3,600.00	$4,000.00	$4,000.00	$3,600.00	$3,600.00	$3,718.00	$3,718.00	$3,540.00	$3,540.00	$3,000.00	$3,000.00	$3,900.00	$3,900.00	$5,000.00	$5,000.00	$3,863.00	$3,863.00	$9,000.00	$9,000.00
13	2501.602	PIPE TIES - FLAT BAR	EACH	9	$160.00	$1,440.00	$225.00	$2,025.00	$90.00	$810.00	$135.00	$1,215.00	$170.00	$1,530.00	$175.00	$1,575.00	$391.00	$3,519.00	$400.00	$3,600.00	$318.00	$2,862.00	$550.00	$4,950.00
14	2503.503	48" RC PIPE SEWER DES 3006	L F	1,382	$290.00	$400,780.00	$285.00	$393,870.00	$266.50	$368,303.00	$278.50	$384,887.00	$264.00	$364,848.00	$300.00	$414,600.00	$330.00	$456,060.00	$590.00	$815,380.00	$438.00	$605,316.00	$420.00	$580,440.00

					Tom's Backhoe Service Inc.		TNT Aggregates, LLC		RL Larson Excavating, Inc.		Landwehr Construction, Inc.		Gladen Construction Inc		Williams Excavation		DeChantal Excavating LLC		Houle Excavating LLC		Shoreline Landscaping & Contracitng		J.R. Ferche, Inc.	
Line	Number	Description	Unit	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
15	2502.503	15" CM PIPE DRAIN	L F	23	$50.00	$1,150.00	$90.00	$2,070.00	$71.75	$1,650.25	$93.00	$2,139.00	$82.00	$1,886.00	$145.00	$3,335.00	$53.00	$1,219.00	$100.00	$2,300.00	$181.00	$4,163.00	$215.00	$4,945.00
16	2503.602	CONNECT TO EXISTING STORM SEWER	EACH	3	$500.00	$1,500.00	$1,225.00	$3,675.00	$3,650.00	$10,950.00	$1,150.00	$3,450.00	$1,700.00	$5,100.00	$1,500.00	$4,500.00	$3,600.00	$10,800.00	$4,000.00	$12,000.00	$8,640.00	$25,920.00	$6,500.00	$19,500.00
17	2506.502	CASTING ASSEMBLY	EACH	20	$750.00	$15,000.00	$1,050.00	$21,000.00	$785.00	$15,700.00	$790.00	$15,800.00	$950.00	$19,000.00	$600.00	$12,000.00	$1,275.00	$25,500.00	$900.00	$18,000.00	$1,163.00	$23,260.00	$3,500.00	$70,000.00
18	2506.503	CONST DRAINAGE STRUCTURE DES 72-4020	L F	119	$755.00	$89,845.00	$1,055.00	$125,545.00	$1,040.50	$123,819.50	$1,075.00	$127,925.00	$1,475.00	$175,525.00	$1,500.00	$178,500.00	$1,327.00	$157,913.00	$1,500.00	$178,500.00	$2,432.00	$289,408.00	$4,200.00	$499,800.00
19	2506.503	CONST DRAINAGE STRUCTURE DES 84-4020	L F	29	$1,450.00	$42,050.00	$1,690.00	$49,010.00	$1,673.00	$48,517.00	$1,687.00	$48,923.00	$2,112.00	$61,248.00	$1,800.00	$52,200.00	$2,165.00	$62,785.00	$1,800.00	$52,200.00	$3,412.00	$98,948.00	$5,500.00	$159,500.00
20	2506.503	CONST DRAINAGE STRUCTURE DES 96-4020	L F	12	$1,600.00	$19,200.00	$1,640.00	$19,680.00	$1,681.00	$20,172.00	$1,840.00	$22,080.00	$1,940.00	$23,280.00	$2,200.00	$26,400.00	$2,390.00	$28,680.00	$2,900.00	$34,800.00	$3,595.00	$43,140.00	$5,900.00	$70,800.00
21	2511.507	RANDOM RIPRAP CLASS III	C Y	71	$200.00	$14,200.00	$135.00	$9,585.00	$127.00	$9,017.00	$167.00	$11,857.00	$118.00	$8,378.00	$240.00	$17,040.00	$161.00	$11,431.00	$250.00	$17,750.00	$115.00	$8,165.00	$300.00	$21,300.00
22	2571.524	DECIDUOUS TREE 6' HT CONT	TREE	20	$800.00	$16,000.00	$1,156.00	$23,120.00	$1,100.25	$22,005.00	$1,175.00	$23,500.00	$995.00	$19,900.00	$1,156.00	$23,120.00	$995.00	$19,900.00	$1,500.00	$30,000.00	$850.00	$17,000.00	$1,500.00	$30,000.00
23	2573.503	SEDIMENT CONTROL LOG TYPE COMPOST	L F	590	$3.00	$1,770.00	$5.25	$3,097.50	$5.55	$3,274.50	$5.90	$3,481.00	$5.00	$2,950.00	$5.00	$2,950.00	$5.00	$2,950.00	$5.00	$2,950.00	$6.00	$3,540.00	$6.20	$3,658.00
24	2573.502	STORM DRAIN INLET PROTECTION	EACH	5	$250.00	$1,250.00	$150.00	$750.00	$193.50	$967.50	$200.00	$1,000.00	$195.00	$975.00	$100.00	$500.00	$200.00	$1,000.00	$200.00	$1,000.00	$300.00	$1,500.00	$350.00	$1,750.00
25	2573.503	SILT FENCE, TYPE HI	L F	1,827	$4.00	$7,308.00	$4.50	$8,221.50	$3.35	$6,120.45	$3.55	$6,485.85	$3.00	$5,481.00	$4.50	$8,221.50	$3.00	$5,481.00	$4.00	$7,308.00	$4.00	$7,308.00	$5.00	$9,135.00
26	2574.507	COMMON TOPSOIL BORROW	C Y	1,361	$35.00	$47,635.00	$45.00	$61,245.00	$50.70	$69,002.70	$35.25	$47,975.25	$49.00	$66,689.00	$35.00	$47,635.00	$44.00	$59,884.00	$45.00	$61,245.00	$38.00	$51,718.00	$105.00	$142,905.00
27	2574.508	FERTILIZER TYPE 4	LB	487	$1.50	$730.50	$1.50	$730.50	$1.60	$779.20	$1.70	$827.90	$1.45	$706.15	$3.00	$1,461.00	$1.45	$706.15	$1.00	$487.00	$16.40	$7,986.80	$2.00	$974.00
28	2575.505	SEEDING	ACRE	0.8	$800.00	$640.00	$350.00	$280.00	$1,050.50	$840.40	$1,120.00	$896.00	$950.00	$760.00	$3,500.00	$2,800.00	$950.00	$760.00	$2,000.00	$1,600.00	$3,500.00	$2,800.00	$1,300.00	$1,040.00
29	2575.505	SEEDING	ACRE	3.3	$800.00	$2,640.00	$350.00	$1,155.00	$1,050.30	$3,465.99	$1,120.00	$3,696.00	$950.00	$3,135.00	$3,500.00	$11,550.00	$950.00	$3,135.00	$2,000.00	$6,600.00	$3,500.00	$11,550.00	$1,300.00	$4,290.00
30	2575.508	SEED MIXTURE 36-711	LB	117.1	$24.00	$2,810.40	$35.00	$4,098.50	$23.00	$2,693.30	$24.50	$2,868.95	$20.80	$2,435.68	$60.00	$7,026.00	$20.80	$2,435.68	$40.00	$4,684.00	$28.00	$3,278.80	$24.00	$2,810.40
31	2575.508	SEED MIXTURE 33-361	LB	26.6	$32.00	$851.20	$45.00	$1,197.00	$40.25	$1,070.65	$43.00	$1,143.80	$36.50	$970.90	$60.00	$1,596.00	$36.40	$968.24	$45.00	$1,197.00	$28.00	$744.80	$42.00	$1,117.20

					Tom's Backhoe Service Inc.		TNT Aggregates, LLC		RL Larson Excavating, Inc.		Landwehr Construction, Inc.		Gladen Construction Inc		Williams Excavation		DeChantal Excavating LLC		Houle Excavating LLC		Shoreline Landscaping & Contracitng		J.R. Ferche, Inc.	
Line	Number	Description	Unit	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
32	2575.504	SODDING TYPE LAWN	S Y	1,095	$7.00	$7,665.00	$12.00	$13,140.00	$17.70	$19,381.50	$18.90	$20,695.50	$16.00	$17,520.00	$20.00	$21,900.00	$16.00	$17,520.00	$15.00	$16,425.00	$8.60	$9,417.00	$23.00	$25,185.00
33	2575.505	SEEDING	ACRE	4.1	$500.00	$2,050.00	$350.00	$1,435.00	$1,050.30	$4,306.23	$1,120.30	$4,593.23	$950.00	$3,895.00	$3,500.00	$14,350.00	$950.00	$3,895.00	$1,000.00	$4,100.00	$3,500.00	$14,350.00	$1,300.00	$5,330.00
34	2575.604	ROLLED EROSION PREVENTION CATEGORY 25	S Y	1,536	$4.00	$6,144.00	$1.50	$2,304.00	$5.95	$9,139.20	$6.30	$9,676.80	$5.40	$8,294.40	$3.50	$5,376.00	$5.35	$8,217.60	$4.00	$6,144.00	$3.00	$4,608.00	$6.25	$9,600.00
35	2575.604	ROLLED EROSION PREVENTION CATEGORY 45	S Y	2,457	$8.00	$19,656.00	$3.75	$9,213.75	$6.10	$14,987.70	$6.50	$15,970.50	$5.50	$13,513.50	$8.00	$19,656.00	$5.50	$13,513.50	$6.00	$14,742.00	$10.00	$24,570.00	$6.60	$16,216.20
36	2575.604	ROLLED EROSION PREVENTION CATEGORY 47	S Y	100	$10.00	$1,000.00	$8.00	$800.00	$11.10	$1,110.00	$145.70	$14,570.00	$7.00	$700.00	$30.00	$3,000.00	$25.00	$2,500.00	$12.00	$1,200.00	$12.00	$1,200.00	$20.00	$2,000.00
37	2577.502	LIVE STAKES	EACH	1,200	$14.00	$16,800.00	$14.50	$17,400.00	$21.30	$25,560.00	$19.75	$23,700.00	$16.75	$20,100.00	$14.50	$17,400.00	$16.75	$20,100.00	$5.00	$6,000.00	$16.36	$19,632.00	$22.00	$26,400.00
				Total Uncategorized		$870,113.10		$998,800.00		$1,097,614.76		$1,112,407.63		$1,116,112.13		$1,170,169.50		$1,369,564.17		$1,566,586.00		$1,654,983.40		$2,196,517.80

I hereby certify that this is an exact reproduction of bids received.

License Number:

Signature:

Date:

ARTICLE 1—GENERAL INFORMATION

1.01 Provide contact information for the Business:

Legal Name of Business:	Tom's Backhoe Service Inc		
Corporate Office			
Name:	Thomas L. Thompson	Phone number:	218-820-7478
Title:	President	Email address:	tom@tomsbackhoe.net
Business address of corporate office:	323 woodland Hills Ln Brainerd MN 56401		
Local Office	Same as above		
Name:		Phone number:	
Title:		Email address:	
Business address of local office:			

1.02 Provide information on the Business's organizational structure:

Form of Business:	☐ Sole Proprietorship ☐ Partnership ☒ Corporation		
☐ Limited Liability Company ☐ Joint Venture comprised of the following companies:			
1. Thomas Thompson President Since 1983			
2.			
3.			
Provide a separate Qualification Statement for each Joint Venturer.			
Date Business was formed:	1983	State in which Business was formed:	MN
Is this Business authorized to operate in the Project location?	☒ Yes ☐ No ☐ Pending		

1.03 Identify all businesses that own Business in whole or in part (25% or greater), or that are wholly or partly (25% or greater) owned by Business:

Name of business:		Affiliation:	
Address:			
Name of business:		Affiliation:	
Address:			
Name of business:		Affiliation:	
Address:			

1.04 Provide information regarding the Business's officers, partners, and limits of authority.

Name:	Thomas Thompson	Title:	President
Authorized to sign contracts: ☒ Yes ☐ No		Limit of Authority:	$ 10090
Name:	Kathy Thompson	Title:	CFO
Authorized to sign contracts: ☐ Yes ☐ No		Limit of Authority:	$ 10090
Name:		Title:	
Authorized to sign contracts: ☐ Yes ☐ No		Limit of Authority:	$
Name:		Title:	

ARTICLE 8—CONSTRUCTION EXPERIENCE

8.01 Provide information that will identify the overall size and capacity of the Business.

Average number of current full-time employees:	10-12
Estimate of revenue for the current year:	7,000,000
Estimate of revenue for the previous year:	7,000,000

8.02 Provide information regarding the Business's previous contracting experience.

Years of experience with projects like the proposed project:	40		
As a general contractor:	40	As a joint venturer:	
Has Business, or a predecessor in interest, or an affiliate identified in Paragraph 1.03:			
Been disqualified as a bidder by any local, state, or federal agency within the last 5 years? ☐ Yes ☒ No			
Been barred from contracting by any local, state, or federal agency within the last 5 years? ☐ Yes ☒ No			
Been released from a bid in the past 5 years? ☐ Yes ☒ No			
Defaulted on a project or failed to complete any contract awarded to it? ☐ Yes ☒ No			
Refused to construct or refused to provide materials defined in the contract documents or in a change order? ☐ Yes ☒ No			
Been a party to any currently pending litigation or arbitration? ☐ Yes ☒ No			
Been a party to any previous litigation or arbitration arising out of contracts with cities or other government entities? ☒ Yes ☐ No over 5 years ago			
Have you initiated change orders (not at the Owner's request) on any projects in the last five years that were in excess of $10,000 or 5% of the original bid, whichever is lower? ☐ Yes ☒ No			
Have the Owners on any project in the last five years complained about the quality of work on your projects? ☐ Yes ☒ No			

Provide full details in a separate attachment if the response to any of these questions is Yes, including pleadings, arbitration demands, change orders, written complaints, etc. The City reserves the right to investigate current and previous project experience when evaluating the qualifications of contractors and to use information obtained in that investigation in determining whether a bidder is qualified.

8.03 List all projects currently under contract in Schedule A and provide indicated information.

8.04 List a minimum of three and a maximum of six projects completed in the last 5 years in Schedule B and provide indicated information to demonstrate the Business's experience with projects similar in type and cost of construction.

8.05 In Schedule C, provide information on key individuals whom Business intends to assign to the Project. Provide resumes for those individuals included in Schedule C. Key individuals include the Project Manager, Project Superintendent, Quality Manager, and Safety Manager. Resumes may be provided for Business's key leaders as well.

ARTICLE 9—REQUIRED ATTACHMENTS

9.01 Provide the following information with the Statement of Qualifications:

A. Attachments providing additional information as required by Paragraph 8.02.

B. Schedule A (Current Projects) as required by Paragraph 8.03.

C. Schedule B (Previous Experience with Similar Projects) as required by Paragraph 8.04.

D. Schedule C (Key Individuals) and resumes for the key individuals listed, as required by Paragraph 8.05.

E. Additional items as pertinent.

This Statement of Qualifications is offered by:

Business: Tom's BACKhoe Service Inc
(typed or printed name of organization)

By: [signature]
(individual's signature)

Name: Thomas Thompson
(typed or printed)

Title: President
(typed or printed)

Date: 11-15-23
(date signed)

(If Business is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest: [signature]
(individual's signature)

Name: Kathy Thompson
(typed or printed)

Title: CFO
(typed or printed)

Address for giving notices:
323 Woodland Hills LN
Brainerd MN 56401

Designated Representative:

Name: Tom Thompson
(typed or printed)

Title: President
(typed or printed)

Address:
323 Woodland Hills LN
Brainerd MN 56401

Phone: 218-820-7478

Email: tom@tomsbackhoe.net

Schedule A—Current Projects

Name of Organization	Tom's Backhoe Service Inc.				
Project Owner	City of Portland ND		Project Name	2021-1 Lift Station Improv	
General Description of Project	Liftstation Improv. Demo, Structural modifications, Install Pumps + misc				
Project Cost	516,370.00		Date Project	3-23-23	
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name	Tom Thompson	Terrell Thompson	Tom Thompson	Tom Thompson	
Reference Contact information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner	Sven Mickels	Mayor	City of Portland	701-788-2463	Portlandcity@midconetwork.com
Designer	Justin Hall	PE	Moore Engineering	701-499-5890	Justin.Hall@mooreengineering.com
Construction Manager	Tom Thompson	President	Toms Backhoe	218-820-7478	tom@tomsbackhoe.net

Project Owner	City of Brownsdale MN		Project Name	NW Liftstation Modifications Ph II Drywell Abandonment	
General Description of Project	Liftstation Improv. Drywell Abandonment				
Project Cost	323,489.00		Date Project	3-14-23	
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name	Tom Thompson	Terrell Thompson	Tom Thompson	Tom Thompson	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner	City Clerk	Mayor	City of Brownsdale	507-567-2177	N/A
Designer	Brian Johnson	PE	Jones, Haugh & Smith Inc	507-373-4896	brianj@jhseng.com
Construction Manager	Tom Thompson	President	Toms Backhoe	218-820-7478	tom@tomsbackhoe.net

Project Owner	City of Willmar MN		Project Name	TH 12 Lift Station Elimination Project	
General Description of Project	Lift Station, utilities street constr.				
Project Cost	2,664,319.00		Date Project	4-27-22	
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name	Tom Thompson	Terrell Thompson	Tom Thompson	Tom Thompson	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner	Leslie Valiant	City Clerk	City of Willmar	320-235-4913	N/A
Designer	Dylan Idso	City Engineer	Bolton Menk	320-231-3956	Dylan.Idso@bolton-menk.com
Construction Manager	Tom Thompson	President	toms Backhoe	218-820-7478	tom@tomsbackhoe.net

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Schedule B—Previous Experience with Similar Projects

Name of Organization					
Project Owner	MN DOT / City of Brainerd		Project Name	South 6th St. / 371 S. Business Reconstruction	
General Description of Project	Infrastructure Replacement				
Project Cost	6,000,000.00		Date Project	4/2018	
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name	Tom Thompson	Steve Merten	Tom Thompson	Tom Thompson	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner Tony Hughes	MN DOT	MN Constr.	MN DOT	218-828-5735	N/A
Designer Paul Sandy	DOT - Brainerd	City Engineer	City of Brnd	218-454-3411	N/A
Construction Manager	Tom Thompson	President	Toms Backhoe	218-820-7478	tom@tomsbackhoe.net

Project Owner	City of Brandon SD		Project Name	West Side Sanitary Sewer Ext.	
General Description of Project	Sanitary Sewer Extension Street project				
Project Cost	2,700,000.00		Date Project	3/2022	
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name	Tom Thompson	Terrell Thompson	Tom Thompson	Tom Thompson	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner	City Mayor Jim Heinitz	Mayor	City of Brandon	605-582-6575	N/A
Designer	Craig Lauritzen	Engineer	DGR Engineers	605-339-4157	craig.lauritzen@dgr.com
Construction Manager	Tom Thompson	President	Toms Backhoe	218-820-7487	tom@tomsbackhoe.net

Project Owner	City of Renner SD		Project Name	Sanitary Sewer System Improv	
General Description of Project	Sewer Improv, Sump pump Collection, + misc.				
Project Cost	2,000,000		Date Project	May 2021	
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name	Tom Thompson	Steve Merten	Tom Thompson	Tom Thompson	
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner	Roger Scheibe	Renner Sanitary Dist.	City of Renner	605-330-4189	N/A
Designer Trent Bruce - Scott Lavoy		Engineers	DGR Engineers	605-339-4157	N/A
Construction Manager	Tom Thompson	President	Toms Backhoe	218-820-7478	tom@tomsbackhoe.net

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Schedule B—Previous Experience with Similar Projects

Name of Organization					
Project Owner			Project Name		
General Description of Project					
Project Cost			Date Project		
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name					
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner					
Designer					
Construction Manager					

Project Owner			Project Name		
General Description of Project					
Project Cost			Date Project		
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name					
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner					
Designer					
Construction Manager					

Project Owner			Project Name		
General Description of Project					
Project Cost			Date Project		
Key Project Personnel	Project Manager	Project Superintendent	Safety Manager	Quality Control Manager	
Name					
Reference Contact Information (listing names indicates approval to contacting the names individuals as a reference)					
	Name	Title/Position	Organization	Telephone	Email
Owner					
Designer					
Construction Manager					

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Schedule C—Key Individuals

Project Manager			
Name of individual	Tom Thompson / owner		
Years of experience as project manager	40		
Years of experience with this organization	40		
Number of similar projects as project manager	5 per year		
Number of similar projects in other positions	5 per year		
Current Project Assignments	3		
Name of assignment President		Percent of time used for this project	Estimated project completion date
City of Portland ND		75%	Spring 2024
City of Willmar MN		75%	Spring 2024
City of Brownsdale MN		75%	Complete
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name	Justin Hall	Name	Dylan Idso
Title/Position	Engineer	Title/Position	Engineer
Organization	Moore Engineering	Organization	Bolton Menk
Telephone	701-499-5896	Telephone	320-231-3956
Email	Justin.Hall@mooreengineering.com	Email	Dylan.Idso@bolton-menk.com
Project	City of Portland	Project	City of Willmar
Candidate's role on project	Engineer	Candidate's role on project	Engineer

Project Superintendent			
Name of individual	Terrell Thompson		
Years of experience as project superintendent	10		
Years of experience with this organization	20		
Number of similar projects as project superintendent	3 per year		
Number of similar projects in other positions	3 per year		
Current Project Assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
City of Willmar		100	Spring 2024
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name	Dylan Idso	Name	
Title/Position	Engineer	Title/Position	
Organization	Bolton Menk	Organization	
Telephone	320-231-3956	Telephone	
Email	Dylan.Idso@bolton-menk.com	Email	
Project	City of Willmar	Project	
Candidate's role on project	Engineer	Candidate's role on project	

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Safety Manager			
Name of individual		Tom Thompson / Owner	
Years of experience as project manager			
Years of experience with this organization		Same as Manager info on page 1	
Number of similar projects as project manager			
Number of similar projects in other positions			
Current Project Assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name		Name	
Title/Position		Title/Position	
Organization		Organization	
Telephone		Telephone	
Email		Email	
Project		Project	
Candidate's role on project		Candidate's role on project	

Quality Control Manager			
Name of individual		Tom Thompson	
Years of experience as project superintendent			
Years of experience with this organization			
Number of similar projects as project superintendent		Same as Manager Info on page 1	
Number of similar projects in other positions			
Current Project Assignments			
Name of assignment		Percent of time used for this project	Estimated project completion date
Reference Contact Information (listing names indicates approval to contact named individuals as a reference)			
Name		Name	
Title/Position		Title/Position	
Organization		Organization	
Telephone		Telephone	
Email		Email	
Project		Project	
Candidate's role on project		Candidate's role on project	

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Business Record Details »

Minnesota Business Name
Tom's Backhoe Service, Inc.

Business Type
Business Corporation (Domestic)

File Number
12S-765

Filing Date
06/06/2003

Renewal Due Date
12/31/2024

Number of Shares
100,000

Chief Executive Officer
Thomas L Thompson
323 Woodland Hills Ln
Brainerd, MN 56401
USA

Comments
Holds AN-175767

MN Statute
302A

Home Jurisdiction
Minnesota

Status
Active / In Good Standing

Registered Office Address
323 Woodland Hills Ln
Brainerd, MN 56401
USA

Registered Agent(s)
(Optional) Currently No Agent

Principal Executive Office Address
323 Woodland Hills Ln
Brainerd, MN 56401
USA

Filing History

Filing History

Select the item(s) you would like to order: Order Selected Copies

	Filing Date	Filing	Effective Date
☐	06/06/2003	Original Filing - Business Corporation (Domestic) (Business Name: Tom's Backhoe Service, Inc.)	

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City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Discuss Possible Sidewalk/Trail on Beech Street Reconstruction

AGENDA: SPW Committee

ACTION REQUESTED: Discussion Item

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: Staff is requesting direction from the Council on Beech Street as part of the reconstruction project planned for 2024. Engineering staff is beginning the design process and needs clarification before continuing further. Currently, the street is roughly 42 feet in width with no sidewalks on either side. To save on construction and maintenance costs as well as traffic calming for residents, the street can be narrowed to the City standard residential width of 36 feet, which can accommodate two driving lanes and two parking lanes, similar to as it is today. With the narrowing, this would allow for space to accommodate a sidewalk or trail within the right-of-way, if the Council desires.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The Walkable Bikeable City Committee did not identify Beech Street as one to include sidewalk or trail. Oakridge is identified as an area with a Tier 1 Trail that would connect to a potential trail segment coming in from the south through Meadow View Manor over to 28th Street SE. However, with the project, there is an opportunity to include a walk or trail on Beech Street as part of the project to provide for an accessible off-street route for residents on Beech and Meadow View Manor up to the existing sidewalk on Oak Street.

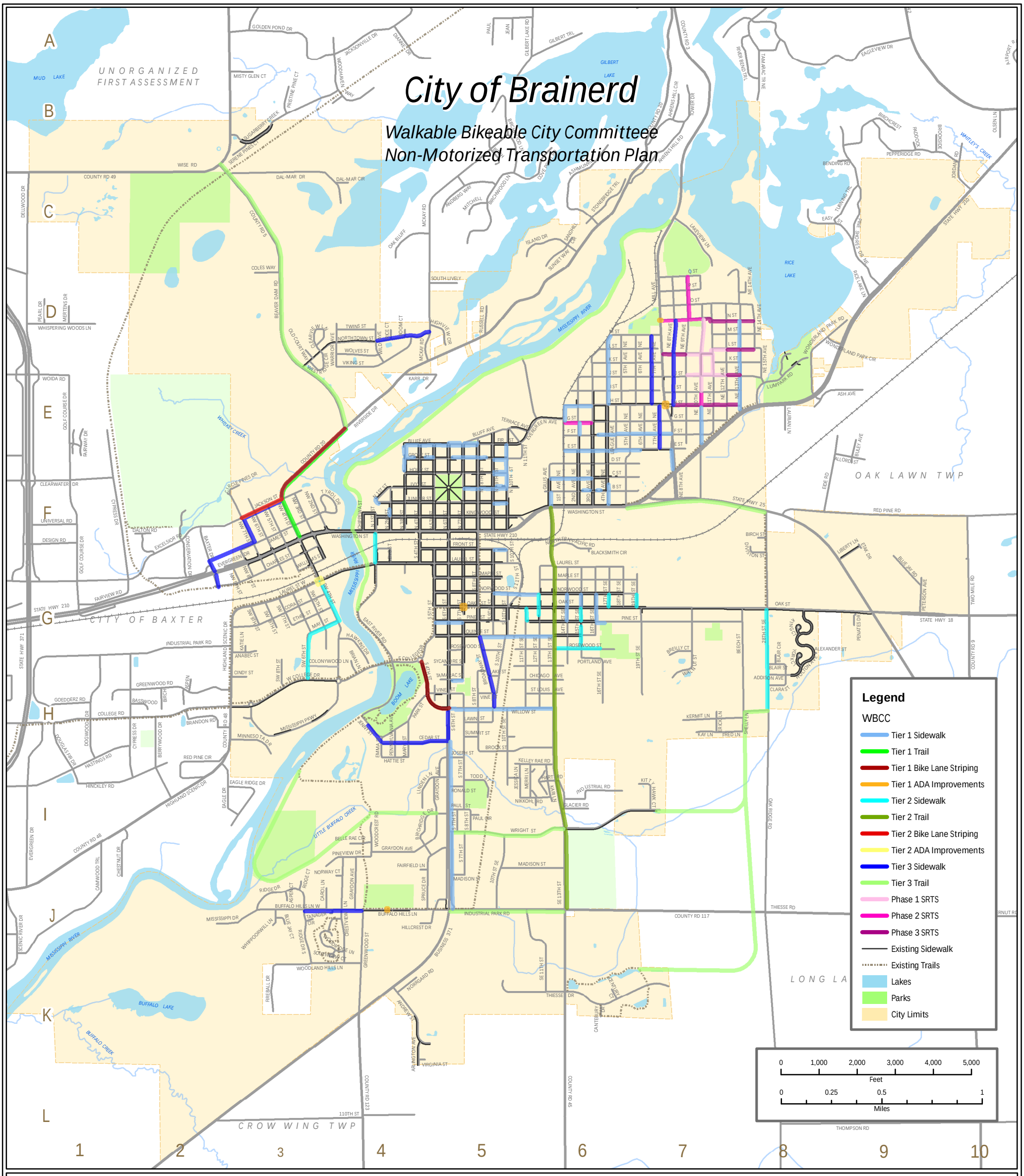
If the Council would like to include walk or trail, staff would recommend the west side of Beech Street. The mailboxes are located on the east side of the street as well as hydrants and other obstructions that need to be addressed. There are fewer obstructions on the west side. Although either side would likely be feasible. A 6-foot-wide sidewalk would be estimated at roughly $110,000, while an 8-foot-wide bituminous trail would be approximately $85,000.

RECOMMENDED ACTION/MOTION: Staff is requesting direction from the Council on whether to include sidewalk or trail in the design of Beech Street and if so, which side to locate.

FINANCIAL IMPACT: N/A

City of Brainerd

Walkable Bikeable City Committeee
Non-Motorized Transportation Plan



1st Ave NE	E6-F6	10th Ave NE	D7-F7	Bluff Ave	E4-E5	E St	E6-E7	Jordan Rd	B10-C10	Nikkohl Rd *	I5-I6	Stonebridge Ct	C6
1st St N	F5	10th St N	E5-F5	Breilly Ct	G7	East River Rd	F4-G4	Joseph St	H5	Norwood St	G5-G7	Stonebridge Trl	C6
2nd Ave NE	E6-F6	10th St S	F5, G5	Brian Ln	G4	Easy St	C8-C9	Juniper St	F4-F5	O St	D7-D8	Sugarberry Creek	B3-B4
2nd St N	F5	10th St SE	H5-I5	Broadway St	H5	Emma St	H4	K St	D6-D8	Oak Lawn	G9-G10	Summit St	H5, H5
2nd St NW	F3	11th Ave NE	D7-E7	Brook St	H5-H6	Erick Ln *	H7	Kari Ln *	H6-I6	Oak Ridge Rd	H8-L8	Sunset Way	C6
2nd St S	F4	11th St S	G5-G5	Boom Ct	D4	Etak Dr	F9	Katie Ln	G3	Oak St	G5-G9	Sycamore St	G5
3rd Ave NE	D6-F6	11th St SE	G5-K6	Buffalo Hills Ln E	J4-J5	Ethel St	G3-G4	Kay Ln *	H7	Old Court Way	D3	Tamarac St	H5
3rd St N	E4-F4	12th Ave NE	D7-E7	Buffalo Hills Ln W	J3-J4	Evergreen Ave	E5-E6	Kelley Rae Rd *	H5-H6	P St	D7	Tanager Cir	J3
3rd St NW	F3	12th St SE	F6-H6	Business 371	J5-L2	Evergreen Dr	F2-F3	Kermit Ln *	H7-H8	Park St	H4	Terrace Ave	E5
3rd St S	F4	13th Ave NE	D7-E8	C St	F6-F7	F St	E6-E7	King Ct	G8	Paul Cir / St	I5	Thiesse Dr	K5-K7
4th Ave NE	D6-F6	13th St SE	F6-J6	Cantebury Ct	K6	Fairfield Ln	I4	Kingwood St	F4-F5	Pennsylvania Ave	H4	Todd St	I5
4th St N	E4-F4	14th Ave NE	D8	Carol Ln	J3	Fir St	E5	Kitty Hawk Ct	I7	Peterson Ave	G9	Twins St	D4
4th St NW	F3	14th St SE	F6-G6	Cedar St	H4-H5	Fireball Dr	J3-K3	L St	D6-D8	Pine Shores Rd	B9-D9	Two Mile Rd	F10-I10
4th St SW	G3-H4	15th Ave NE	D8-E8	Century Ct	K6	Fred Ln *	H7-H8	Laurel St	F4-F6	Pine St	G5-G8	Tyrol Dr	F3-F4
5th Ave NE	D6-F6	15th St SE	F6-G6	Charles St	F3-G3	Front St	F4-F5	Laurel St W	F4-G3	Pineview Dr	I3-I4	Viking St	D4
5th St N	E5-F5	16th St SE	F6-G6	Chicago Ave	H5-H6	G St	E6-E7	Lake St	H5	Portland Ave	G5-G6	Vine St	H4-H5
5th St NW	F3	17th St SE	F6-G6	Chippewa St	F4	Gillis Ave	E6-F6	Lakeview Ln	C7	Q St	D7	Virgina St	K4
5th St S	F5-G5	18th St SE	F6-G6	Cindy St	H3	Glacier Rd *	I6	Lawn St	H5	Quince St	G5-G6	Walnut St	G7-H7
5th St SW	G3	19th St SE	G6-H6	Circle Pines Dr	F3	Graydon Ave	J4-H5	League Ave	E6	Red Pine Rd	F8-F10	Warrior Ave	D4
6th Ave NE	D7-E7	28th St SE	F8-H8	Clara St	H8	Greenwood St	J4-K4	Liberty Ln	F9	Rice Ct	D4	Washington St	F3-F4
6th St N	E5-F5			Clearview Ln	D3	Grove St	E4-E5	Linden Ln	E4-E5	Ridge Ct	J3	Washington St NE	F6-E8
6th St NW	F3	Addison Ave	H8	Coles Way *	D3	H St	E6-E8	Lum Park Rd	D8-E8	Ridge Dr	J3	Washington St W	F3-F4
6th St S	F5-J5	Alexander St	G8	College Dr E	G4-G5	Hattie St	H4	M St	D6-D8	Ridge Dr S	J3	Westridge Cir	D3
6th St SW	G3	Anabec St	G3	College Dr W	H3-G4	Hart Rd *	I6	Madison St	J5-I6	Riverside Dr	A7-F3	Whippoorwill Ln	J3
7th Ave Ne	D7-E7	Andrew St	K4	Colonywood Ln	G3-G4	Hawkins Dr	G4	Maple St	G5-G7	Robin Rd	F10-G10	Wild Ave	D4
7th St N	E5-F5	Arlington Ave	K4	Cora St	G3	Highland Scenic Dr	G3-J1	May St	G3-G4	Ronald St	I5	Williams St	F3
7th St NW	F3	Ashmun Rd	C6	County Hwy 45	F6-K6	Highview Cir	D5	Mary St	H4	Rosewood St	G5-G6	Willow St	H4-H6
7th St S	F5-J5	Aspen Ct	J3	County Rd 117	J5-J7	Hillcrest Dr	J4-J5	McKay Rd	D4	Russell Rd	D5	Wolves St	D4
7th St SW	G3	B St	F6-F7	County Rd 20	A7-F3	Holly St	F4-F5	Meadowlark Ln	F9-F10	Sandhill Ct / Cir	C6	Wonderland Park Cir	D8-D9
8th Ave NE	D7-F7	Beaver Dam Rd	B2-E4	County Rd 3	A7-F7	Holton Ave	G8-H8	Merri Ln *	H6-I6	Serene Pines Ct	B3	Wonderland Park Rd	E8-D9
8th St N	E5-F5	Beech St	G8-H8	County Rd 48	H3-1	I St	E6-E8	Mill Ave	C7-E7	Shelly Ln *	H8	Woodcrest Rd	I4
8th St NW	F3	Belle Rae Cir	I4	County Rd 49	A2-C2	Industrial Rd	I6	Minnesota Dr	H3	Southview Ct	J4	Woodland Hills Ln	J3-J4
8th St S	F5-H5	Birch St	F8	County Rd 5	B2-E4	Island Dr	C5-C6	Mississippi Pkwy	H3-H4	Spruce Dr	J4-I5	Woodridge Ln	J4
8th St SW	G3	Birchridge Dr	I4-I5	Crestview Ln	I4-J4	Ivy St	F4-F5	Mississippi Dr	J2-J3	St Louis Ave	H5-H6	Wright St	I5-I7
9th Ave NE	D7-E7	Blacksmith Cir	F6	Crow Wing Rd	G9-G10	J St	E6-E8	N St	D7-D8	State Ave	G10	York Ct	G8
9th St N	E5-F5	Blair Cir	G8	D St	E6-E7	Jackson St	F3	Norrgard Rd	K4	State Hwy 18	G9-G10		
9th St NW	F3-G3	Blair St	G8	Dal-Mar Cir	C4	James St	F3	Northern Pacific Rd	F6	State Hwy 210	B10-G1		
9th St S	F5-H5	Blue Jay Ct	J3	Dal-mar Dr	C3-C4	Jenny St	H4	Northtown St	D3-D4	State Hwy 25	F7-L10		
9th St SW	G3	Blue Jay Rd	F9-G9	Division St	F8	Jessica Ln *	H5-I5	Norway Ct	J4	State Hwy 371	A1-H1		

** Denotes Private Road*

Disclaimer: This map is intended for reference purposes only and is not a legally recorded map nor survey. The City of Brainerd shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statute 466.03 Subd 21.

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Approve Proposal for 2024 Downtown Landscaping Services

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: After the solicitation this previous spring, staff received a recommendation from a vendor that the City should solicit proposals for this landscaping work in the Fall prior to allow for landscapers to order the necessary plants from growers and suppliers. In response, staff sent out a request for proposals for the 2024 season to 9 nearby landscaping and floral vendors. The City received one proposal in response to the request for quotes for downtown landscaping plantings next spring.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The one proposal received was from Landsburg Landscape Nursery in the amount of $9,878.88. This is a 16.1% increase over the 2023 cost. In 2023, staff used $15,135.53 out of a $18,000 budget. Staff feels that we can accommodate the increase of $1,372.15 with increasing the downtown landscaping budget amount to $19,000 for 2024. The intention is the increase would cover the increased landscaping costs but also allow Public Works staff to continue improvements including new mulch, trimming, and other landscaping projects.

RECOMMENDED ACTION/MOTION: Staff is requesting approval of the Landsburg Landscape Nursery quote in the amount of $9,878.88.

FINANCIAL IMPACT: $9,878.88.

City of Brainerd

2024 Downtown Landscaping

Form of Proposal

Vendor Name: Landsburg Landscape Nursery

Description		Unit	Unit Price	Total
HANGING BASKETS (15)	15	EACH	$ 402.50	$ 6,037.50
LANDSCAPE URNS (18)	18	EACH	$ 213.41	$ 3,841.38
			TOTAL PROPOSAL	$ 9,878.88

This proposal dated this 1 day of November, 2023

Signed: Tracey Vlaminck Digitally signed by Tracey Vlaminck Date: 2023.11.01 12:23:50 -05'00'

Title: Production Manager

E-Mail Proposal

Page 179 of 245

TO: City of Brainerd Community Development Department
C/O Jessie Dehn
501 Laurel Street
Brainerd, MN 56401

FROM: Tracey Vlaminck, Landsburg Landscape Nursery
16460 State Hwy. 371, Brainerd, MN 56401
218-829-5519
tracey@landsburgnusery.com

DATE: 11/1/23

SUBJECT: **Plant and Labor Proposal For: City of Brainerd Hanging Baskets 2024**

Planting, material and in facility care for:

(15) 18" Hanging Fiber Baskets with Wire Hoop Hangers **$ 5250.00**

Depending on plant material and availability
Basket growing medium
Annual plants
Soil Moist (soil moisture retention product)
Slow Fertilizer
Labor for care of the plants until they leave LLN facility on/about May 20th, 2024
weather depending

Installation of 15 Hanging Baskets **$787.50**

Estimated installation labor including loading, delivery and machinery.

We Propose hereby to furnish material in accordance with the above specifications for the sum of: **$6037.50** not including tax

Final project shall be invoiced on a time and material basis

25% down payment with the balance due upon completion.
(Cash or Check – credit cards not accepted on contracted services)

Terms and Conditions

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be excluded only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workers Compensation Insurance.

Authorized Signature: _____ Date: _____

Acceptance of Proposal

The above prices, specifications and conditions of this proposal are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature_____ Date _____

Signature_____ Date _____

TO: City of Brainerd
Community Development Department
C/O Jessie Dehn
501 Laurel Street
Brainerd, MN 56401

FROM: Tracey Vlaminck, Landsburg Landscape Nursery
16460 State Hwy. 371, Brainerd, MN 56401
218-829-5519
tracey@landsburgnursery.com

DATE: 11/1/2023

SUBJECT: **Plant and Labor Proposal For: Downtown Planters (18 total)**

Provide the following annual flowers for Spring 2024

Plants

18 - 10" Canna dark leaf red	**$449.82**
36 - 4.5" Salvia coral color (alittle taller)	**$266.04**
36 - 4.5" Zinnia double mix colors	**$266.04**
36 - 4.5" Lantana red/orange/yellow	**$266.04**
36 - 4.5" Isotoma Beths blue	**$290.52**
36 - 4.5" Ipomea potato vine Marguarite	**$266.04**
Plant Total	**$ 1804.50**

Soil

9 bags of Fertilome Potting Soil 3 cubic foot	**$384.89**
Slow Release Fertilizer 5lbs	**$30.00**
Total Soil & Amendments	**$414.89**

Labor

Not to exceed a total of 15 hrs

Total Labor	**$1,621.95**

We Propose hereby to furnish material in accordance with the above specifications for the sum of: **$3,841.34** not including tax

25% down payment with the balance due upon completion.
(Cash or Check – credit cards not accepted on contracted services)

Terms and Conditions

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be excluded only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workers Compensation Insurance.

Authorized Signature: _____ Date: _____

Acceptance of Proposal

The above prices, specifications and conditions of this proposal are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature_____ Date _____

Signature_____ Date _____

Signature_____ Date _____

City Council
Agenda Request

MEETING DATE: November 20, 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 one (1) property before the Committee for review. Staff is looking for direction from the Council as to how to proceed with the case.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Attached is the case file for:
319 N 9th St.

Section 320, action that could be taken against these properties include:
1) Continued administrative citations for 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: Staff recommends sending a 10-day notice of abatement and obtaining a search warrant to abate the vehicle at 319 N 9th St.

FINANCIAL IMPACT: N/A

MEMO

TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: November 20, 2023

RE: Recommendations for Active Code Enforcement Cases

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

- **319 N 9th St.**
  - Received one (1) Notice of Violation Letter (10/5/23) and three (3) Citations for Unlicensed/Inoperable Vehicle
    - First citation 10/23/23 – Third citation 11/13/23
    - $600 in open citations

Staff recommends sending a 10-day notice of abatement and obtaining a search warrant to abate the vehicle at 319 N 9th St.

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. Last mowed on 9/26/2023.

1201 Norwood – Repeat grass issue – Immediate $300 fine and immediate abatement for long grass/weeds took place 6/2/23. Last mowed on 9/26/2023.

924 7th Ave NE – Repeat grass issue – Immediate $300 fine and immediate abatement for long grass/weeds took place 6/2/23. Last mowed on 9/26/2023.

408 2nd Ave NE – Repeat grass issue – Immediate $300 fine and immediate abatement for long grass/weeds took place 6/2/23. Last mowed on 9/26/2023.

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. Abated 8/21/23.

1306 Oak Street – Received administrative warrant 8/14/23 to abate broken fence. Abated 8/21/23.

412 J St NE – Requested administrative warrant 8/18/23 to abate junk/debris. Abated 8/23/23.

1113 Rosewood St – Immediate $300 fine for garbage - requested administrative warrant 8/1; 8/28 to abate garbage. Abated 9/5/23.

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. Requested warrant 9/12/23. Property was abated on 10/2/2023.

PID 41191502 – Issuing $300 citation each month through 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. Issue has been resolved.

1623 Emma St – Requested administrative search warrant to abate 9/6/23. Property owners resolved issues without abatement.

1005 3rd Ave NE– Requested administrative search warrant to abate 9/6/23. Property was abated on 9/26/2023.

915 Laurel St– Requested administrative search warrant to abate 9/6/23. Property was abated on 9/26/2023.

823 Willow St – Issuing $300 citation monthly for non-licensed rental. Requested legal action from City Attorney 9/6/23.

701 4th St SW– Issuing $300 citation monthly for non-licensed rental. Requested legal action from City Attorney 9/6/23. The property owner has submitted an application for a short-term rental.

1424 8th St S – Requested administrative search warrant to abate 9/19/23. Property was abated on 9/26/2023.

15284 Beaver Dam Rd – Issuing $300 citations for non-licensed rental. Have been working with the tenants who signed a lease with the property owner. Requested legal action from the City Attorney.

303 J St NE – Issuing a $300 citation each month until the fence is corrected.

October 05, 2023

WEISS, RICHARD A
319 9TH ST N
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: 319 9TH ST N
Real Estate Code: 41241208

Violation: Unlicensed/Inoperable Vehicle
IPMC302.8

Description: Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

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 10/19/2023

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

Ford
Minnesota.com
159 UGT
MAY
10,000 lakes
20
SE
10/04/2023 15:34

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

EN23-0539

Date of Violation: 11/13/2023 Parcel ID: 41241208

Violator(s): WEISS, RICHARD A
319 9TH ST N
BRAINERD, MN 56401

Location/Address of Violation: **319 9TH ST N**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 302.8	Unlicensed/Inoperable Vehicle	$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: 11/23/2023

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: 11/13/2023

Representative's Signature: (served via first class mail)

Ford
EXPLORE Minnesota.com
159 UGT
MAY
10,000 lakes
20
11/13/2023 09:20

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Adopt Resolution Establishing Sanitary and Storm Sewer Rates for 2024 and 2025

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: At the October 16th Council meeting, Dan Kasbohm with Utility Financial Solutions (UFS) presented the findings of their Financial Projection, Cost of Service, and Rate Design study for the Sanitary and Storm Sewer utilities. The study included the Capital Improvement costs in the recently adopted Capital Improvement Plan. Attached is a copy of the presentation that was provided at the previous meeting. The last time Sanitary and Storm Sewer rates were increased was 2019.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The recommendations for rate changes by UFS are included in the attached presentation. Staff received comments from the Council at the November 6th meeting regarding the recommendations. The comments received were to implement the recommended rate changes for Option Years 1 and 2 (2024 and 2025) and to re-visit the rates at that time for years moving forward. Attached are two resolutions establishing the rates for the Sanitary and Storm Sewer utilities for 2024 and 2025.

RECOMMENDED ACTION/MOTION: Staff recommends adoption of the two attached resolutions establishing the rates for the Sanitary and Storm Sewer utilities for 2024 and 2025.

FINANCIAL IMPACT: Estimated increase in utility revenue each year. 2.5% for Sanitary, 15% for Storm.

UTILITY FINANCIAL SOLUTIONS, LLC

City of Brainerd

Sanitary Department

Financial Projection, Cost of Service, and Rate Design Summary for 2024

Revised after meeting on 9/20/2023

Discussion

Financial Projection

- Meet revenue requirements
- Measure to key financial targets

Cost of Service

- Monthly meter charge
- Identify if one rate subsidizes another

Guidance from City Council

- 2024 revenue adjustment
- Rate component adjustments towards cost of service

Projection Assumptions

The following assumptions were used in sewer projections

Fiscal Year	General Inflation	Growth	Investment Income	Capital Improvement Total	Percent Plant Depreciated
2024	4.0%	0.0%	3.0%	$ 792,000	58%
2025	3.0%	0.0%	3.0%	431,142	57%
2026	3.0%	0.0%	3.0%	478,279	55%
2027	3.0%	0.0%	3.0%	399,385	53%
2028	3.0%	0.0%	3.0%	407,361	52%

Projection Assumptions

(2024 financials)

Description		Projected 2024
Revenue from Rates	**$**	**865,967**
Salaries and Benefits	$	175,741
Professional Services		20,851
Repairs and Maintenance		62,400
Insurance		5,709
Lease Payments		7,812
Materials and Supplies		9,273
Depreciation		500,968
Total Expenses	**$**	**784,121**
Operating Income (Loss)	**$**	**81,846**
Interest Income		31,367
Interest Expense (Bond Int. Exp)		(59,807)
Intergovernmental		272,249
Net Income	**$**	**325,654**

Description		Projected 2024
Cash Flow		
Net Income (Loss)	$	325,654
Depreciation Expense		500,968
Subtract Debt Principal		(250,800)
Add Bond Sale Proceeds		-
Estimated Annual Capital Additions		(792,000)
Net Cash From Operations	**$**	**(216,177)**
Beginning Cash Balance	$	1,045,557
Ending Cash Balance	**$**	**952,112**

Projection Summary

Projection with current rates

Fiscal Year	Projected Rate Adjustments	Monthly Impact for Avg. 5/8" Mtr	Debt Coverage Ratio	Projected Revenues	Projected Expenses	Projected Operating Income(Loss)	Optimal Operating Income	Projected Cash Balances	Recommended Minimum Cash Reserve
2024	0.0%	$ -	2.85	$ 865,967	$ 784,121	$ 81,846	$ 574,665	$ 952,112	$ 1,267,595
2025	0.0%	-	2.79	865,967	807,905	58,062	587,683	1,211,901	1,279,925
2026	0.0%	-	2.81	865,967	828,022	37,945	603,019	1,431,849	1,288,670
2027	0.0%	-	2.81	865,967	848,991	16,976	628,176	1,650,092	1,298,639
2028	0.0%	-	2.81	865,967	870,230	(4,263)	654,025	1,866,721	1,308,228

Projection with rate adjustments

Fiscal Year	Projected Rate Adjustments	Monthly Impact for Avg. 5/8" Mtr	Debt Coverage Ratio	Projected Revenues	Projected Expenses	Projected Operating Income(Loss)	Optimal Operating Income	Projected Cash Balances	Recommended Minimum Cash Reserve
2024	2.5%	$ 0.28	2.92	$ 887,616	$ 784,121	$ 103,495	$ 574,665	$ 973,761	$ 1,267,595
2025	2.5%	0.29	2.94	909,806	807,905	101,902	587,683	1,278,039	1,279,925
2026	2.5%	0.30	3.03	932,552	828,022	104,530	603,019	1,566,556	1,288,670
2027	2.5%	0.30	3.11	955,865	848,991	106,875	628,176	1,878,739	1,298,639
2028	2.5%	0.31	3.20	979,762	870,230	109,532	654,025	2,216,022	1,308,228

Determination of Financial Targets

(under current rates and current CIP)

Minimum Debt Coverage Target #1

Description		Projected 2024
Minimum Debt Coverage		
Add Net Income	$	325,654
Add Depreciation Expense		500,968
Add Interest Expense		59,807
Cash Available for Debt Service	$	886,430
Debt Principal and Interest	$	310,607
Projected Debt Coverage Ratio (Covenants)		**2.85**
Minimum Debt Coverage Ratio		n/a

Optimal Operating Income Target #3

Description		Projected 2024
Optimal Operating Income Determinants		
Net Book Value	$	11,383,097
Outstanding Principal on Debt		2,002,600
System Equity	**$**	**9,380,497**
Debt : Equity		18%
Optimal Operating Income		
Interest on Debt	$	59,807
System Equity		514,858
Optimal Operating Income	**$**	**574,665**
Projected Operating Income	$	81,846
Rate of Return in %		**5.0%**

Minimum Cash Reserve Target #2

Description	Allocation		Projected 2024
Minimum Cash Reserve Determinants			
Operation & Maintenance Less Depreciation Expense		$	283,152
Historical Rate Base			19,524,154
Current Portion of Debt Service Reserve			310,607
Five Year Capital Improvements - Net of bond proceeds			2,657,979
Percent Plant Depreciated			58%
Calculated Minimum Reserve Level			
Operation & Maintenance Less Depreciatior	12.3%	$	34,909
Historical Rate Base	2%		390,483
Current Portion of Debt Service Reserve	100%		310,607
Five Year Capital Improvements - Net of bor	20%		531,596
Recommended Minimum Cash Reserves		**$**	**1,267,595**
Projected Cash Reserves		$	952,112

UFS UTILITY FINANCIAL SOLUTIONS, LLC

Cost of Service

Objective One:

Equitably allocate revenue requirements among customer classes

- ✓ Identify potential cross-subsidization between rate classes
- ✓ Identify cross-subsidization between customers in class

Objective Two:

Define optimal rate structures

- ✓ Customer charge
- ✓ Distribution charge
- ✓ Power supply charge

Cost of Service Summary

Cost of service and revenue by customer group

Customer Meter Size	COS Readiness to Serve Charge	Number of Meters	Readiness to Serve COS	Projected 2024 Revenue	Variance to COS
5/8 & 3/4 meter	$ 15.28	4,482	$ 821,645	$ 313,982	162%
1" meter	20.37	180	43,960	27,162	62%
1.5" meter	30.56	91	33,276	19,503	71%
2" meter	40.74	104	50,968	43,422	17%
3" meter	61.11	22	15,950	15,205	5%
4" meter	81.48	10	10,185	13,852	-26%
6" meter	122.23	3	4,400	4,889	-10%
Total Readiness to Serve			$ 980,386	$ 438,015	124%

Percent change required to move current rates to cost of service for each customer rate class

COS Commodity	$/1,000 gallons	$/1,000 gallons	Commodity COS	Commodity COS	Variance to COS
Volume Charges	$ 1.00	324,286	**$ 323,392**	**$ 455,232**	-29%
Total COS			**$ 1,303,777**	**$ 893,247**	**46%**

Customer Charges (Base Charges)

Cost Component Recovery

Customer Meter Size	COS Readiness to Serve Charge	Current Monthly Charge	Variance to COS
5/8 & 3/4 meter	$ 15.28	$ 6.05	153%
1" meter	20.37	13.00	57%
1.5" meter	30.56	18.60	64%
2" meter	40.74	35.00	16%
3" meter	61.11	55.00	11%
4" meter	81.48	105.00	-22%
6" meter	122.23	140.00	-13%
Total Readiness to Serve			

Option to increase customer charges annually over next 3-5 years to meet cost of service.

Summary of Recommendations

Guidance from City Council

2024 Revenue rate adjustment options

1. Revenue neutral adjustment in 2024
2. Adjust monthly charges towards cost of service
3. Rate design will be developed using input from City Council

EXAMPLE RATE DESIGN

(five-year example adjustments)

Customer Meter Size	Current Charges	Option Year 1	Option Year 2	Option Year 3	Option Year 4	Option Year 5
5/8 & 3/4 meter	$ 6.05	**$ 6.55**	**$ 7.05**	**$ 7.55**	**$ 8.05**	**$ 8.55**
1" meter	13.00	**14.00**	**15.00**	**16.00**	**17.00**	**18.00**
1.5" meter	18.60	**19.85**	**21.10**	**22.35**	**23.60**	**24.85**
2" meter	35.00	**36.25**	**37.50**	**38.75**	**40.00**	**41.25**
3" meter	55.00	**56.25**	**57.50**	**58.75**	**60.00**	**61.25**
4" meter	105.00	**105.00**	**105.00**	**105.00**	**105.00**	**105.00**
6" meter	140.00	**140.00**	**140.00**	**140.00**	**140.00**	**140.00**
Total Meter Charges	$ 438,015	$ 469,260	$ 500,506	$ 531,751	$ 562,996	$ 594,242
Volume Charges	1.40	**1.37**	**1.34**	**1.31**	**1.29**	**1.26**
Total Commodity Charges	$ 427,952	$ 418,782	$ 409,737	$ 401,248	$ 393,327	$ 385,990
Total Revenue	**$ 865,967**	**$ 888,042**	**$ 910,243**	**$ 932,999**	**$ 956,324**	**$ 980,232**
Change in Revenue (%)		2.5%	2.5%	2.5%	2.5%	2.5%

EXAMPLE RATE DESIGN

(2024 example bill impact on ¾" and 1" meter customer)

Sanitary Meter 3/4"	Current Rates	Proposed Rates		
Ready to Serve	$ 6.05	$ 6.55		
Commodity Rate	$ 1.40	$ 1.37		
Usage Level in 1000 Gallons	**Current Revenue**	**Proposed Revenue**	**Dollar Impact**	**Percent Change**
2	$ 8.44	$ 8.89	$ 0.45	5.3%
3	$ 9.84	$ 10.26	0.42	4.3%
4	$ 11.24	$ 11.63	0.39	3.5%
5	$ 12.64	$ 13.00	0.36	2.8%
6	$ 14.04	$ 14.37	0.33	2.3%

Wastewater Meter 1"	Current Rates	Proposed Rates		
Ready to Serve	$ 13.00	$ 14.00		
Commodity Rate	$ 1.40	$ 1.37		
Usage Level in 1000 Gallons	**Current Rates**	**Proposed Rates**	**Dollar Impact**	**Percent Change**
6	$ 21.40	$ 22.22	$ 0.82	3.83%
9	$ 25.60	$ 26.33	0.73	2.85%
12	$ 29.80	$ 30.44	0.64	2.15%
15	$ 34.00	$ 34.55	0.55	1.62%
18	$ 38.20	$ 38.66	0.46	1.20%

UTILITY FINANCIAL SOLUTIONS, LLC

City of Brainerd

Storm Water Department

Financial Projection, Cost of Service, and Rate Design Summary for 2024

Projection Assumptions

The following assumptions were used in storm water projections

Fiscal Year	General Inflation	Growth	Investement Income	Capital Improvement Plan Total	CIP Contributed Funds	City Funded Capital	Percent Plant Depreciated
2024	4.0%	0.0%	3.0%	$1,700,000	$(905,000)	$ 795,000	45%
2025	3.0%	0.0%	3.0%	505,695	-	505,695	46%
2026	3.0%	0.0%	3.0%	96,481	-	96,481	48%
2027	3.0%	0.0%	3.0%	334,463	-	334,463	49%
2028	3.0%	0.0%	3.0%	463,870	-	463,870	51%

Projection Assumptions

(2024 financials)

Description		Projected 2024
Revenue from Rates	**$**	**480,516**
Salaries and Benefits	$	42,710
Professional Services		52,000
Repairs and Maintenance		72,800
Insurance		2,855
Miscellaneous		3,075
Depreciation		294,740
Total Expenses	**$**	**468,180**
Operating Income (Loss)	**$**	**12,337**
Interest Income		-
Interest Expense (Bond Int. Exp)		-
Net Income	**$**	**12,337**

Description		Projected 2024
Projected Cash Flow		
Net Income (Loss)	$	12,337
Depreciation Expense		294,740
Add Bond Sale Proceeds		-
Add Grant Proceeds		905,000
Estimated Capital Expense		(1,700,000)
Net Cash From Operations	**$**	**(487,923)**
Beginning Cash Balance	$	(408,283)
Ending Cash Balance	**$**	**(896,206)**

Projection Summary

(with optional rate adjustments and borrowing)

Projection with current rates

Fiscal Year	City Funded Capital	Projected Rate Adjustments	Projected $/REU Adjustment	Debt Coverage Ratio	Projected Revenues	Projected Expenses	Projected Operating Income(Loss)	Optimal Operating Income	Projected Cash Balances	Recommended Minimum Cash Reserve	Projected Borrowing (20yr @ 5%)
2024	$ 795,000	**0.0%**	$ -	n/a	$ 480,516	$ 468,180	$ 12,337	$ 464,385	$ (896,206)	$ 629,651	**$ -**
2025	505,695	**0.0%**	$ -	n/a	480,516	495,440	(14,923)	480,567	(1,100,028)	640,407	-
2026	96,481	**0.0%**	$ -	n/a	480,516	506,821	(26,304)	483,655	(899,994)	642,997	-
2027	334,463	**0.0%**	$ -	n/a	480,516	514,270	(33,754)	486,742	(705,481)	645,607	-
2028	463,870	**0.0%**	$ -	n/a	480,516	521,886	(41,369)	489,830	(516,653)	648,238	-

Projection with optional rate adjustments and borrowing

Fiscal Year	City Funded Capital	Projected Rate Adjustments	Projected $/REU Adjustment	Debt Coverage Ratio	Projected Revenues	Projected Expenses	Projected Operating Income(Loss)	Optimal Operating Income	Projected Cash Balances	Recommended Minimum Cash Reserve	Projected Borrowing (20yr @ 5%)
2024	$ 795,000	**0.0%**	$ -	12.28	$ 480,516	$ 468,180	$ 12,337	$ 431,013	$ 78,794	$ 454,651	**$ 1,000,000**
2025	505,695	**0.0%**	$ -	3.79	480,516	495,440	(14,923)	473,347	(202,906)	520,649	-
2026	96,481	**0.0%**	$ -	3.70	480,516	506,821	(26,304)	474,848	(83,116)	523,240	-
2027	334,463	**0.0%**	$ -	3.63	480,516	514,270	(33,754)	476,380	31,155	525,850	-
2028	463,870	**0.0%**	$ -	3.57	480,516	521,886	(41,369)	477,958	140,675	528,480	-

Projection Summary

(with optional rate adjustments and borrowing)

Projection optional rate adjustments and borrowing

Fiscal Year	City Funded Capital	Projected Rate Adjustments	Projected $/REU Adjustment	Debt Coverage Ratio	Projected Revenues	Projected Expenses	Projected Operating Income(Loss)	Optimal Operating Income	Projected Cash Balances	Recommended Minimum Cash Reserve	Projected Borrowing (20yr @ 5%)
2024	$ 795,000	**15.0%**	$ 0.60	15.17	$ 552,594	$ 468,180	$ 84,414	$ 431,013	$ 150,871	$ 454,651	**$ 1,000,000**
2025	505,695	**15.0%**	$ 0.69	5.75	635,483	495,440	140,043	473,347	26,300	520,649	-
2026	96,481	**5.0%**	$ 0.26	6.03	667,257	506,821	160,436	474,848	333,620	523,240	-
2027	334,463	**5.0%**	$ 0.28	6.49	700,620	514,270	186,349	476,380	678,003	525,850	-
2028	463,870	**5.0%**	$ 0.29	6.99	735,651	521,886	213,765	477,958	1,062,063	528,480	-

Determination of Financial Targets

(under current rates)

Minimum Debt Coverage Target #1

Description		Projected 2024
Minimum Debt Coverage		
Add Net Income	$	12,337
Add Depreciation Expense		294,740
Add Interest Expense		-
Cash Available for Debt Service	$	307,077
Debt Principal and Interest	$	-
Projected Debt Coverage Ratio (Covenants)		**n/a**
Minimum Debt Coverage Ratio		1.20

Optimal Operating Income Target #3

Description		Projected 2024
Optimal Operating Income Determinants		
System Net Book Value	$	7,955,579
System Equity	$	7,955,579
Optimal Operating Income Allocation		
System Equity		5.8%
Debt : Equity		0.0%
Optimal Operating Income		
System Equity		464,385
Optimal Operating Income	**$**	**464,385**
Projected Operating Income	$	12,337
Rate of Return in %		**5.8%**

Minimum Cash Reserve Target #2

Description	Allocation		Projected 2024
Minimum Cash Reserve Determinants			
Operation & Maintenance (*Less Depreciation Expense*)		$	173,440
Historical Rate Base			14,512,037
Current Portion of Debt Service			-
Five Year Capital Improvements - Net of bond proceeds			1,590,138
Percent plant Depreciated			45%
Minimum Cash Reserve Level			
Operation & Maintenance (Less Depreciation Expense)	12.3%	$	21,383
Historical Rate Base	2%		290,241
Current Portion of Debt Service	100%		-
Five Year Capital Improvements - Net of bond proceeds	20%		318,028
Recommended Minimum Cash Reserves		**$**	**629,651**
Projected Cash Reserves		$	(896,206)

UTILITY FINANCIAL SOLUTIONS, LLC

Cost of Service Summary

Cost of service and revenue by customer group

Customer Meter Size	COS per REU	Number of REU's	Readiness to Serve COS	Projected 2024 Revenue	Varience to COS
Single Family	$ 7.76	4,078	$ 379,890	$ 195,743	94%
Duplex Family	3.88	-	-	-	
Commercial	7.76	5,933	552,675	284,773	94%
Total			**$ 932,565**	**$ 480,516**	**94%**

Percent change required to move current rates to cost of service for each customer rate class

Customer Meter Size	COS Readiness to Serve Charge	Current Monthly Charge	Varience to COS
Single Family	$ 7.76	$ 4.00	94%
Duplex Family	3.88	2.00	94%
Commercial	7.76	4.00	94%
Total	**$ 932,565**	**$ 480,516**	**94%**

Summary of Recommendations

Guidance from City Council

2024 Revenue rate adjustment options

1. Rate design will be developed using input from City Council
2. Implement policy to retain or restrict $'s for unplanned CIP projects

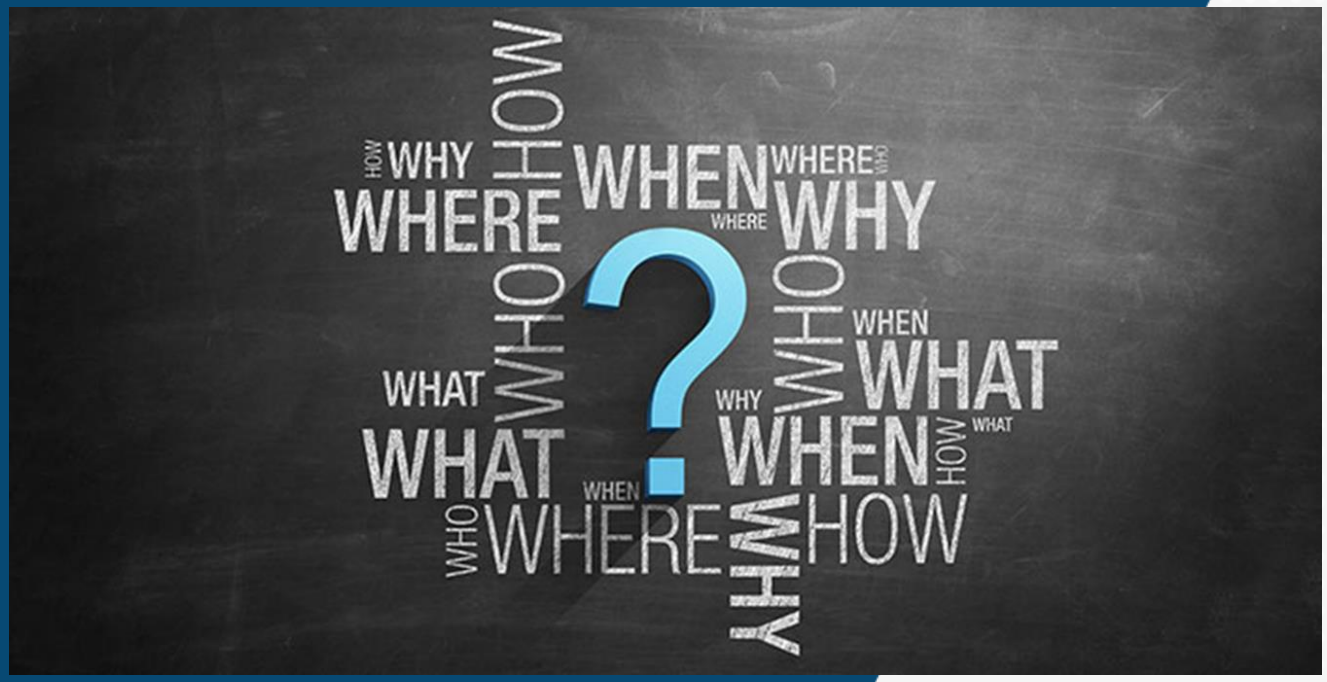
Potential to add a policy that restricts CIP dollars for projects that result in other department street projects?

EXAMPLE RATE DESIGN

Customer Meter Size	Current Monthly Charge	Example Year 1	Example Year 2	Example Year 3	Example Year 4	Example Year 5
Single Family	$ 4.00	**$ 4.60**	**$ 5.30**	**$ 5.55**	**$ 5.85**	**$ 6.15**
Duplex Family	2.00	**2.30**	**2.65**	**2.78**	**2.93**	**3.08**
Commercial	4.00	**4.60**	**5.30**	**5.55**	**5.85**	**6.15**
Total	**$ 480,516**	**$ 552,594**	**$ 636,684**	**$ 666,716**	**$ 702,755**	**$ 738,794**
Change (%)		**15%**	**15%**	**5%**	**5%**	**5%**
Single Family avg. $ change		**$ 0.60**	**$ 0.70**	**$ 0.25**	**$ 0.30**	**$ 0.30**

Questions?

UTILITY FINANCIAL SOLUTIONS, LLC



R E S O L U T I O N
23:XX

RESOLUTION ESTABLISHING SANITARY SEWER COLLECTION SYSTEM CHARGES

WHEREAS, the City Council has adopted Ordinance No. 1275 establishing a Sanitary Sewer Collection System Charge to provide for funds for the sanitary sewer collection system; and,

WHEREAS, the ordinances call for the sanitary sewer collection system charges to be established by Council Resolution.

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

That the Sanitary Sewer Collection System Charge contemplated by Ordinance No. 1275 shall be based on a metered water consumption of $1.37 per 1,000 gallons of water per month in 2024 and $1.34 per 1,000 gallons of water per month in 2025 plus a monthly customer charge based on the size of water meter serving the customer provided in the schedule below and shall take effect on January 1 of the given year:

2024 Meter Size	2024 Fixed Monthly Customer Charge
¾”	$6.55
1”	$14.00
1 ½”	$19.85
2”	$36.25
3”	$56.25
4”	$105.00
6”	$140.00

2025 Meter Size	2025 Fixed Monthly Customer Charge
¾”	$7.05
1”	$15.00
1 ½”	$21.10
2”	$37.50
3”	$57.50
4”	$105.00
6”	$140.00

Adopted this 20th day of November 2023

_____
KELLY BEVANS
President of the Council

Approved this 21st day of November 2023

_____
DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

R E S O L U T I O N
23:xx

RESOLUTION ESTABLISHING STORM SEWER COLLECTION SYSTEM CHARGES

WHEREAS, the City Council has adopted Ordinance No. 715 establishing a Municipal Storm Sewer Drainage System Utility Charge to provide funds for the municipal storm sewer utility system; and,

WHEREAS, the ordinances call for the municipal storm sewer utility system charges to be established by council resolution.

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

That the Municipal Storm Sewer Utility Charge contemplated by Ordinance No. 715 shall be based upon a Single Family Residential Fee according to the schedule below and shall take effect on January 1 of the given year:

Year	Fee
2024	$4.60
2025	$5.30

Adopted this 20th day of November 2023

_____
KELLY BEVANS
President of the Council

Approved this 21st day of November 2023

_____
DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Update on City Administrator Search Process

AGENDA: Main

ACTION REQUESTED: Discussion Item

SUBMITTED BY: Kris Schubert, Human Resources Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: On November 6th, the City Council retained GMP Consulting to conduct our City Administrator Executive Search. Attached is the tentative search schedule. We realize this is an ambitious schedule, but it is needed if we are hoping to have our new administrator on board around March 1st. Mr. Jeff Weldon is our Project Lead and has stated that we may need to be a little flexible in responding to things beyond our control which may require us to adjust things a day or two each way. Please note the following meetings:

1. Tuesday, January 16, 2024: Review semifinalists, choose finalist candidates & review final interview details. This date is also the regular council meeting; however, Staff's recommendation is to hold a separate work session starting at 5:30 pm to focus on this issue.

2. Monday, January 29, 2024: Conduct Interviews. More information will be shared from the consultant as the date gets closer and after the number of finalists are determined.

In addition, it would be helpful if the Council would designate a Council representative that Staff could contact if there are questions or concerns during the process and so the process isn't slowed down to wait for the next Council meeting.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Please note that the consultant has been hosting meetings the week of November 13th with Council members, Department Heads and the chairperson from several of our City committees. The purpose of these meetings is to better inform prospective candidates regarding the culture and needs of the community, the agency, and this position. GMP has also been designing a comprehensive profile for attracting candidates.

RECOMMENDED ACTION/MOTION: Recommended action is to schedule a Council Work Session for 5:30 pm on Tuesday, January 16, 2024, to choose City Administrator finalist candidates and determine final interview details; further, to appoint a Council member to assist with questions or concerns during the process if needed.

FINANCIAL IMPACT: N/A - the consultant's fee was already approved.

DRAFT

Please note this schedule contains timeline compressions that will be discussed at Kick-Off

GMP CONSULTANTS

Search Schedule

Revised: November 8, 2023

City of Brainerd
City Administrator

Task	Date	Action/Deliverables
Kickoff Meeting	11/13/23	**Client & GMP:** Meet to discuss timeline & search process
Profile Development	Week of 11/13 & 11/20	**GMP:** Meet with key stakeholders & create position profile
Profile Approval	By 11/24	**Client:** Approve position profile
Launch	Week of 11/27	**GMP:** Push position out to GMP website & network; submit online ads; send direct mailing
First Review	12/31/23	**GMP:** Screen applicants and select semifinalists
	Week of 1/1 & 1/8/24	**GMP:** Conduct interviews with most promising candidates
	Week of 1/8/24	**GMP:** Create Work Session deliverables
Work Session	1/12/24	**GMP:** Provide Work Session deliverables to client
	1/16/24	**GMP & Client:** Meet to review semifinalists, choose finalist candidates & review final interview details
Final Interview Preparation	Week of 1/15 & 1/22	**GMP:** Conduct background & reference checks, complete final interviews schedule, coordinate travel with candidates, coordinate with client on final interview details
Final Interviews	1/29/24	**Client:** Hosts finalist interviews **GMP:** Facilitate final interviews **GMP**: Facilitate debriefing **GMP** Facilitate selection process as needed **Client:** Makes hiring selection

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Discussion of County's Response to not Tax Brainerd Residents for their Airport Contribution

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Patrick Wussow, Interim City Adminstrator, Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Patrick Wussow, Interim City Adminstrator

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: At the October 2, 2023 Council meeting, Council directed staff to send a letter to Crow Wing County requesting that they do not tax Brainerd residents for their airport contribution. Attached is the response from the County.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The County is willing to increase their airport contribution, and the City will decrease its contribution by $9,420 for 2024. In essence, this would leave the city residents whole on the issue of being taxed twice.

RECOMMENDED ACTION/MOTION: Authorize Staff to respond to the County in agreement for 2024 which will result in the City's portion of the airport funding being $146,080.

FINANCIAL IMPACT:

CROW WING COUNTY
MINNESOTA

November 2, 2023

Brainerd City Council
501 Laurel Street
Brainerd, MN 56401

Dear City Councilors:

I am writing on behalf of the Crow Wing County Board of Commissioners to respond to the letter we received from Brainerd City Administrator, Jennifer Bergman, dated October 11, 2023, regarding funding for the Brainerd Lakes Area Regional Airport we jointly own and operate.

The request was for Brainerd city residents to be excluded from the County's levy for the Airport. We are unable to meet that requirement at this time as the airport levy is not a separate levy but is part of the county's general fund and is levied along with the other needs for county government. That said, we do understand your perspective on the issue and have some suggestions for alternative to meet the same need.

Right now, the city of Brainerd represents 6% of the total tax base of the county. Put another way, of every dollar someone pays to the County for county government operations, 6% of it is coming from taxpayers within the city limits of Brainerd. That means that of the $157,000 we levy for the Airport, $9,420 of that came from residents of Brainerd. While we cannot exclude them from our levy, we could agree to increasing our levy by that amount and let the City decrease their levy by that amount and, in essence, we would leave the city residents whole on the issue of being taxed twice.

The second alternative that we could suggest has more to do with the catchment area for taxation to fund an airport. The history is that this airport was, at one time, the Brainerd city airport. The County was approached and agreed to become a co-owner and it is reasonable to presume that this was done to expand the area of taxation to be broader than just the city of Brainerd. We think there is a reasonable argument to be made that the County's tax base is the more appropriate one to fund a regional airport than the city's tax base. As such, we are also willing to consider taking full ownership of the airport, which would allow the city to zero out its levy for the airport in its entirety.

To be clear, the county did not pay for the half ownership stake that we got from the City when we agreed to jointly own it and this is not an offer to pay anything for the equity today. As a practical matter, we do not believe the equity has real value in that it will never be sold. To that end, the offer would be to take ownership and responsibility for the entirety of the airport and the city could bow out of those.

The third alternative would be to try to use this occasion for a global agreement regarding the airport and funding for the County HRA's Housing Trust Fund. Currently, because the city has its own HRA, municipal consent is necessary to allow the county HRA's Housing Trust fund levy to apply within the city limits of Brainerd. The simple fact is that if there is no funding into the Trust Fund from Brainerd, the

County HRA cannot fund a project in Brainerd as we could not explain to someone in St. Mathias that they must fund a project in Brainerd if Brainerd does not want to fund it. We would be open to dialogue about that alternative as well.

I floated these ideas to City Administrator Bergman back in mid-October and we have not heard back so this letter is to put our position in writing. Please also understand that this is a time-limited offer. We need to hear back from the City by no later than November 20 as this is on the County Board's agenda for November 21. Please feel free to reach out to discuss any of the alternatives as you deem appropriate.

With best wishes,

Dr. Timothy J. Houle
County Administrator

Cc: Jennifer Bergman, Brainerd City Administrator

TJH/

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Consider Variance and Conditional Use Permit Amendment at 1202 S 6th St.

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:
Todd Sutton, 8415 Bent Creek Island Rd, Bismarck, ND 58503, has submitted a variance request to exceed the twenty-five percent (25%) maximum allowance for metal siding on the structure at 1202 6th St S. The structure, which is an automated ice and water vending machine, would be one hundred percent (100%) metal sided. Further, the applicant has proposed an amendment to the conditional use permit present at the property for the alteration of the site and landscape plan.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:
The Planning Commission considered this request at their regularly scheduled meeting on November 15th. The Commissioners provided the following comments:

Commission member Grunenwald has no issues with the building; it looks professional, and part of the new trend that is being seen with using flat metal siding.

Council liaison Stenglein had concerns about whether the variance meets one of the criteria, in which the plight is not created by the landowner. The applicant bought the structure from a company and put it on this piece of land and is now requesting a variance.

Commission member Yeager dislikes the approach to the project where the applicant obtains the permit and worries about items later without doing their due diligence. The applicant knew the siding was going to come up and now it is up to Brainerd to accommodate.

Commission member Duval believes the applicant could come back to staff with proposals to meet the conditions of the ordinance.

If the variance were to be approved, staff recommended the following conditions:
1) The newly proposed area for landscaping shall require one (1) shrub or two (2) perennials to be planted for every five (5) lineal feet and shall be two (2) feet to four
(4) feet in height.

2) The property shall be required to plant three (3) deciduous overstory trees in the newly proposed landscape area.
3) Staff must approve a final landscape plan before installation.
4) All advertisement signs shall be removed from the side metal paneling of the structure. Direction signs can remain.

The variance request was moved and seconded by Commissioners Duval and Gorham to recommend denial of the variance for 1202 S 6th Street based on the request does not meet the requirements for a practical difficulty. Upon roll call, Commissioners Duval, Gorham, Stenglein, and Yeager voted "aye". Commissioners Grunenwald and Norwood voted "nay". The Chair declared the motion carried.

The conditional use amendment request was moved and seconded by Commissioners Duval and Stenglein, duly carried, to recommend approval of the amendments to the conditional use permit as presented.

RECOMMENDED ACTION/MOTION:
1) Recommend denial of the variance for 1202 S 6th Street as it does not meet the requirements for a practical difficulty, due to the fact that the issue was created by the landowner.

2) Recommend approval of the amendments to the conditional use permit as presented.

FINANCIAL IMPACT: N/A

MEMO

TO: Planning Commission

FROM: Dylan Edwards, Assistant Planner
James Kramvik Community Development Director

DATE: November 15, 2023

RE: Variance Request for a Structure Utilizing All Metal Siding at 1202 6th St S and Amendment of the Conditional Use Permit.

REQUEST

PUBLIC HEARING. Variance at 1202 6th St S. for a principal structure in the TN-2 district to exceed the maximum allowable percental of metal siding.

Todd Sutton, 8415 Bent Creek Island Rd, Bismarck, ND 58503, has submitted a variance request to exceed the twenty-five percent (25%) maximum allowance for metal siding on the structure at 1202 6th St S. The structure, which is an automated ice and water vending machine, would be one hundred percent (100%) metal sided. Further, the applicant has proposed an amendment to the conditional use permit present at the property for the alteration of the site and landscape plan. The structure is currently in operation with an escrow that has been deposited at the city for the completion of the siding and landscaping.

CONTEXT

Parcel Number(s): 41040736

Zoning District: TN-2 (Traditional Neighborhood Two) District

Property Area: 15,055 SQFT

Adjacent Uses: North: Residential
East: Motor vehicle fuel sales/ Retail Establishment
South: Residential
West: Residential

Adjacent Zoning: North: TN-2 (Traditional Neighborhood 2) District
East: TN-2 (Traditional Neighborhood 2) District
South: TN-2 (Traditional Neighborhood 2) District
West: TN-1 (Traditional Neighborhood 1) District

AERIAL MAP

FINDINGS OF FACT: Variance

1. **1202 6th St S.** is located in a TN-2 (Traditional Neighborhood 2) District.

2. Section 515-4-2-D.4.a states that for structures in the TN-2 Zoning District "Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent."
    a. *The applicant is proposing the structure constructed under the conditional use permit PZ22-17 remain 100% metal sided.*
    b. *The applicant was aware at the time of initial application that this would be a requirement for the building and believed there would be no issues with compliance of the ordinance. After speaking with the manufacturer, the applicant became aware that screwing into the structure would void the warranty.*

3. Section 515-5-4.B.3, General Provisions and Evaluation Criteria. – Variances shall only be permitted:
    a. When they are in harmony with the general purposes and intent of the ordinance and:

i. The stated purpose of the ordinance Section 515-4-2-D.4.a. is that newly constructed buildings in the TN-2 District among other zoning districts reflect the character of surrounding structures.

1. *The surrounding structures to this building are sided in brick, vinyl, and other allowed materials under the cited ordinance. There are no buildings with fully metal facades in the vicinity of the structure.*
2. *The metal siding on the structure is different from the metal paneling traditionally used for industrial buildings and pole sheds as there are no visible fasteners or ridges.*

b. When the variances are consistent with the Comprehensive Plan.

i. Economic Development: Goal 1: "Support infill and redevelopment throughout Brainerd as a strategic component of growth." Policy 1: "Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists."

1. *This redevelopment project removed a blighted structure that was nearing condemnation as well as the removal of a blighted parking lot. The utility infrastructure present at the property allowed for the installation of the ice and water vending machine.*

ii. Land Use: Goal 3: "Support and invest in the incremental enhancements of quality of life." Policy 2: "Encourage and attract stores and services for the daily needs of our community."

1. *Ice distribution in the City of Brainerd has been an issue over the past year as one of the major suppliers stopped distributing in Brainerd. This project may attract more activity on the weekends in and around downtown Brainerd.*

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

i. *The process of siding this structure built for the purposes of creating and distributing ice could cause damage to the internal workings of the machine. This is not a cost-based practical difficulty, but a difficulty in complying with the current design standards for a pre-manufactured building.*

4. Section 515-5-4.B.4, Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.;

a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and

i. *The circumstance is not unique to the property but unique to the equipment allowed to be utilized at the property. This is not created by the landowner as this is the design of a patented ice machine operated by his business.*

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

i. *This variance, if granted, will not substantially alter the character of the locality as this building has a small footprint and low visibility from the right-of-way. Also, the existing metal paneling is not the type of paneling consistent with industrial uses.*

c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

i. *In this case, the practical difficulties are related to the construction of the ice machine and its internal workings and have nothing to do with additional costs.*

5. Section 515-5-4. B.5, The Commission may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

a. Staff recommends imposing additional conditions that will help the structure blend in with the characteristics of the local.

b. The newly proposed area for landscaping shall require one (1) shrub or two (2) perennials be planted for every five (5) lineal feet and shall be two (2) feet to four (4) feet in height.

c. The property shall be required to plant three (3) deciduous overstory trees in the newly proposed landscape area.

d. Staff must approve a final landscape plan before installation.

e. All advertisement signs shall be removed from the side metal paneling of the structure. Direction signs can remain.

At the time of this writing, no party had contacted the Community Development Department with questions regarding the proposed variance.

Findings of Fact: Amendment to Conditional Use Permit

1. Section 515-5-2.B.8: Amendments, details the process and procedure for amending a conditional use permit as follows: "Amendments. Any change involving structural alterations, enlargement, intensification of use, or similar change not specifically permitted by the Conditional Use Permit issued shall require an amended Conditional Use Permit and all procedures shall apply as if a new permit were being issued. The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the use, location, and conditions imposed by the City Council, time limits, review dates, and such other information as may be appropriate."

i. The change as proposed by the applicant is the removal of a portion of the existing parking lot and the addition of landscaping to provide an aesthetic enhancement to the site and integration of the property into the surrounding neighborhood. This differs from the submitted plans which included pavement over most of the premises. This amended plan would reduce the intensity of use at the property and add additional green space.

b. An amended Conditional Use Permit application shall be administered in a manner similar to that required for a new Conditional Use Permit, amended Conditional Use Permits shall include requests for changes in conditions, and as otherwise described in this Ordinance.
    i. *Staff have attached the original findings of fact for reference that were approved by City Council. Staff detailed the amendment to the conditional use permit in the above paragraph and the applicant has provided a new site plan.*

STAFF RECOMMENDATION

- The Community Development Department recommends approval of this variance request to allow the structure to be comprised of 100% metal siding which exceeds the 25% maximum allowance for metal siding per Section 515-4-2-D.4.a at 1202 6th St S.
- Staff recommends the following conditions be applied to the variance:
    - The newly proposed area for landscaping shall require one (1) shrub or two (2) perennials be planted for every five (5) lineal feet and shall be two (2) feet to four (4) feet in height.
    - The property shall be required to plant three (3) deciduous overstory trees in the newly proposed landscape area.
    - Staff must approve a final landscape plan before installation.
    - All advertisement signs shall be removed from the side metal paneling of the structure. Direction signs can remain.

- The Community Development Department recommends the approval of the amendment to the Conditional Use Permit at 1202 6th St S.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Todd Sutton, has submitted a variance request to exceed the twenty-five percent maximum allowance for metal siding for structures in the TN-2 (Traditional Neighborhood Two) zoning district for the structure located at 1202 6th St S, Brainerd, MN 56401. Further Mr. Sutton requests an amendment to the conditional use permit for this parcel to amend the submitted site plan. The property included in this application is described as:

LOTS 11 & 12 BLK 317
LOTS 9 & 10 BLK 317
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41240562
P.I.N. 41240563
Section 24, Township 45, Range 31

The property is zoned TN-2 (Traditional Neighborhood two) District. According to Section 515-4-2-D.4.a, for structures in the TN-2 Zoning District "Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent." The variance proposed would allow one-hundred (100) percent of the structure to be metal sided. In addition to this, a copy of the proposed site plan amendment is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, November 15, 2023, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the variance request and amendment to the conditional use permit.

Any individual needing special accommodation or requiring more information about this request, please call (218) 828-2307.

Dated this 1st day of November 2023

James L. Kramvik
Community Development Director

Publication Date: November 4th, 2023

Community Development Department
City Hall – 501 Laurel Street Brainerd, MN 56401
218-828-2307
www.cityofbrainerd.org

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ ($250.00)	☒ ($400.00 + $500.00 escrow deposit)
REZONING	☐ ($300.00)	☐ ($500.00)
VARIANCE	☐ ($250.00)	☒ ($400.00 + $500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ ($250.00)	☐ ($400.00)

PROPERTY ADDRESS: 1202 South 6th St.

LEGAL DESCRIPTION: Lot(s): 9-12 Block: 317 Addition: To the Town of Brainerd
(attach description if lengthy)

Property Owner Name: Todd + Gabrielle Sutton

Street Address: 8415 Bunt Creek Trail Rd City: Trommald State: MN Zip Code 56503

Phone Number: 701-580-5463 Fax: E-mail: TSutton17@gmail.com

Applicant Name: (If different than Property Owner)

Street Address: City: State: Zip Code:

Phone Number: Fax:

Description of Request: Filing for a Variance due to retrofitting the other shell of the Tire-Machine with screws into the sides + the front area. This building was built to be water tight and have no water penetrate through the other shell. I tried to get a wood shell built, but that no longer is available due to not being air/water tight.

Property Owner Signature — Date 10/27/2023

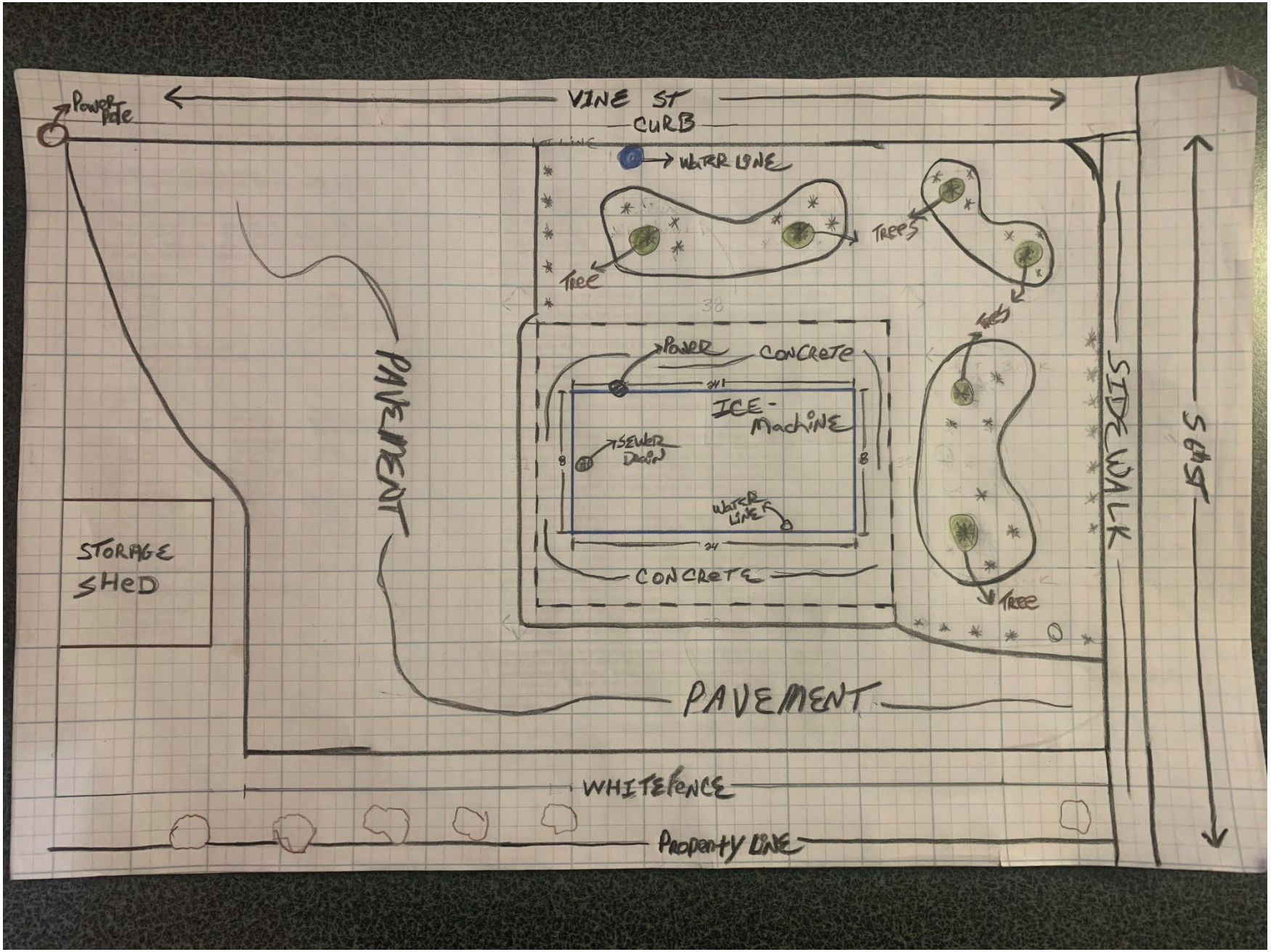
(Please print name) Todd C. Sutton

Applicant Signature — Date 10/27/23

(Please print name) Todd Sutton

(OVER)

RECEIVED
NOV 03 2023
CITY OF BRAINERD
ADMINISTRATION


Power Pole
VINE ST
CURB
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TREES
TREE
38
TREES
POWER
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34
ICE-MACHINE
SEWER DRAIN
8
8
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24
CONCRETE
TREE
PAVEMENT
SIDEWALK
S 6th ST
STORAGE SHED
PAVEMENT
WHITE FENCE
PROPERTY LINE

CERTIFICATION OF CONDITIONAL USE PERMIT

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss.
CITY OF BRAINERD)

A meeting of the City Council of the City of Brainerd, Minnesota, was duly held at the Brainerd City Hall Chambers on the 6th day of September, 2022.

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

Conditional Use Permit – Request from Todd Sutton, 8415 Bent Creek Island Rd., Bismarck, ND 58503 to Operate a Self-Service Ice/Water Vending Machine at 1202 6th Street South. The property is described as the following:

PID: 41240562
Town of Brainerd & First Addition to BRA Lots 11 & 12 BLK 317

Findings of Fact

1. **1202 6th St S.** is located in a TN-2 (Traditional Neighborhood 2) District. Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the operation of commercial/retail establishments in the TN-2 District as a permitted use.
2. Commercial buildings (principal structure) having less than 1,000 square feet of floor area may only be allowed upon approval of a Conditional Use Permit as regulated by Section 515-4-2.D Building Design Standards.
    a. *The proposed structure is 8.33' x 24' which totals approximately 200 SQFT of floor space. The interior space is for maintenance purposes only.*
3. Table 515-2-9.1. TN-2 Dimensional Standards – Density, Lot Size, Coverage and Height Standards
    a. Lot Size (minimum) – 4,000 SQFT
    b. Front Yard Setback – 0' – 20' if Commercial
    c. Side Yard Setback – 5'/10' corner
    d. Rear Yard Setback – 10'
        i. *The proposed structure will meet rear and side yard setbacks. The applicant proposes construction of the ice and water vending machine within the footprint of the existing building approximately 60' from the front property line. The existing building meets the current front yard setback requirement in the TN-2 District. The proposed structure should not exceed the 20' front yard setback maximum.*
4. 515-4-12.K Off-Street Parking (Number of Required Spaces) Retail Stores and Service Establishments. At least one (1) off-street parking space per 200 square feet of floor area.
    a. *The structure size is approximately 200 SQFT which requires (1) off-street parking space. The applicant is proposing (7) off-street parking spaces in the site plan.*
5. Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.
    a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on the Appendix A: Table of Uses.
        i. *Commercial/ retail establishments are a permitted use in the TN-2 District. The TN-2 Zoning District is intended to provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses.*
    b. The proposed use meets the regulations and standards established in this Ordinance.
        i. *There are no special standards associated with this use. This structure will be required to adhere to Zoning Code Section 515-4-2.D the commercial use design standards which limit metal panels to twenty-five percent of the exterior building. The applicant indicated that there is an exterior option that will meet the ordinance.*
    c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
        i. *The structure will not be dangerous, injurious, or noxious to the surrounding properties. The applicant stated that the mechanical processes are housed internally in the machine and would not create noise issues to surrounding properties.*
    d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
        i. *The applicant proposes to demolish the existing building and repair the parking lot. The site plan depicts a landscape buffer between curb cuts along South 6th Street and Vine St.*
        ii. *Per Section 515-4-10.3c A six (6) foot high fence or landscaped screen, providing eighty (80) percent year around opacity, shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Staff recommends installation of the required screening along the south property line. The west property line has an existing privacy fence.*

e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
    i. *The praposed use is consistent with the environment and the neighborhood as it is across the street from a motor vehicle fuel station and convenience store. South 6th St is a mix of commercial and residential uses.*

f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
    i. *The site plan provides abundant off-street parking for the proposed vending machine.*

g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
    i. **Economic Development Goal 1**: Support infill and redevelopment throughout Brainerd as a strategic component of growth.
        1. **Policy 1**: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists.

6. Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses.

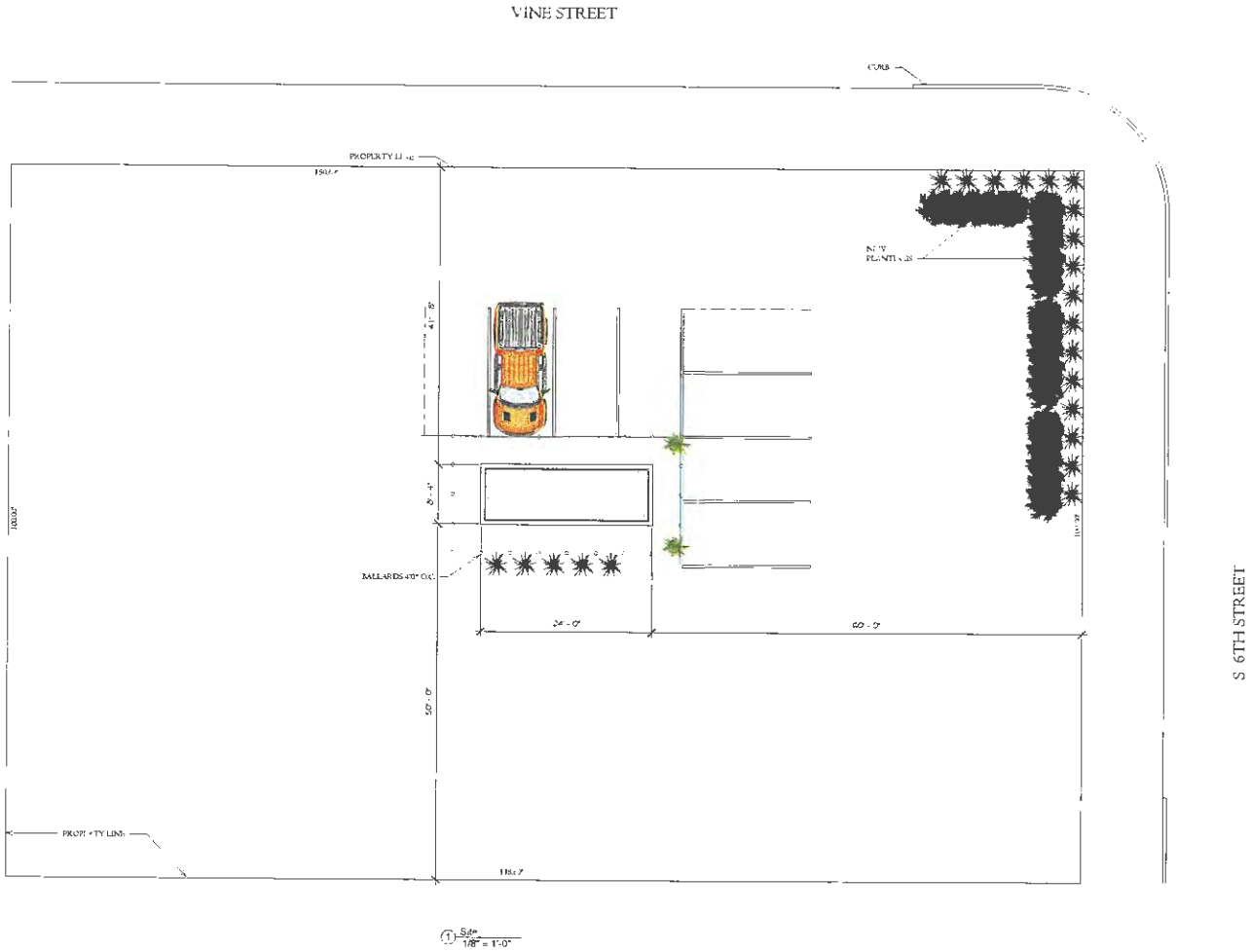
Conditions of Approval

The applicant must submit to staff the lighting (2700K lighting color or warmer) and fencing/screening plans that meet current residential standards.

Members Stunek, Johnson, Bieser, Stenglein, Erickson, O'Day and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

(S E A L)

JENNIFER BERGMAN
City Administrator



1 Site
1/8" = 1'-0"

RESIDENTIAL • URBAN • INTERIORS • PROJECT MANAGEMENT

R.L ZIMMERMAN

Drawn by: RLZ

Todd Sutton
Ice Vendor

client name

address

Document Date:
July 15th, 2022

rev. date remark

Site Plan

A1.1

City Council
Agenda Request

MEETING DATE: November 20, 2023

TITLE OF ITEM: Adopt Resolution - Receive Feasibility Report and Call for Public Hearing - Improvement 22-08 - South Brainerd Reconstruction Project

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

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 request is the feasibility report and a resolution in which receives the report and sets the public hearing for Improvement 22-08 - South Brainerd Reconstruction Project. An Informational Meeting for the project was held at City Hall on November 7th to meet with adjacent property owners and answer questions about the project.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff will walk through the feasibility report and respond to any questions that the City Council may have about the project at the meeting.

RECOMMENDED ACTION/MOTION: Staff recommends adopting the attached resolution receiving the feasibility report and setting the public hearing for Improvement 22-08 - South Brainerd Reconstruction Project on December 18th, 2023 at 7:30 PM.

FINANCIAL IMPACT: N/A

Mayor Badeaux
and Brainerd City Council Members

RE: City Improvement 22-08 – South Brainerd Reconstruction Project

South 7th Street – Tamarac Street to Pine Street
Tamarac Street – S 6th Street to S 7th Street
Sycamore Street – S 6th Street to S 7th Street
Rosewood Street – S 6th Street to S 7th Street
Vine Street – S 6th Street to S 7th Street
Todd Street – S 7th Street to Dead End
Paul Street – S 6th Street to S 8th Street
Paul Circle – S 8th to Cul-de-Sac
S 7th Street – Wright Street to Paul Street
S 8th Street – Wright Street to Paul Street
Madison Street – East Frontage Road (S 6th Street) to S 7th Street
S 7th Street – Madison Street to Wright Street

Dear Mayor Badeaux and City Council Members,

We are pleased to present this report for improvements as listed above. Generally, the improvements consist of approximately 18 blocks of full reconstruction of street surfaces, storm sewer replacement, sanitary sewer replacement, watermain replacement and upgrades, removal of existing concrete and bituminous surfacing, curb and gutter replacements, sidewalk and pedestrian ramp upgrades, restoration, and other miscellaneous incidental items.

Project Description and Existing Conditions

This project is a large-scale reconstruction project located in south Brainerd on streets that have fallen into general disrepair and have conditions that may not be acceptable for public use. There are also sanitary sewers along with watermains that have fallen into disrepair that need replacement. When streets and utilities come to this point, the

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

City has an obligation to repair or make repairs to these streets to make them safe and passable for the travelling public, along with ensuring the streets have proper drainage systems installed.

The City utilizes a pavement management system which scores pavement and curb conditions based on current deficiencies within the pavements. The equation utilizes measurements of different cracking, potholing, and other surface and subgrade deficiencies that lead to a street falling into dis-repair or an unacceptable condition. The score is from 0-4, zero means the road is completely impassable and a 4 means that a street is brand new or newly constructed. Below is a list of the streets planned for work this summer and their respective pavement and curb scores based on 2021 data. This data also has the last year a resurfacing was completed. Please note the scores read pavement score/curb score:

Street	Pavement and Curb Scores
South 7th Street (Tamarac to Rosewood)	Pavement 1.66/4.00, Curb 0.5/4.00 – Last Resurfaced in 1974 – Originally Constructed in 1951
South 7th Street (Rosewood to Pine)	Pavement 1.66/4.00, Curb 0.5/4.00 – Last Resurfaced in 1974 – Originally Constructed in 1924
Tamarac Street	Pavement 1.89/4.00, Curb 2.00/4.00 – Last Resurfaced in 1977 – Originally Constructed in 1967.
Sycamore Street	Pavement 1.76/4.00, Curb 2.50/4.00 – Last Resurfaced in 1968 – Originally Constructed in 1959.
Rosewood Street	Pavement 2.06/4.00, Curb 3.00/4.00 – Last Resurfaced in 1970, Originally Constructed in 1970
Vine Street	Pavement 3.52/4.00, Curb 3.00/4.00 – Last Resurfaced in 1998, Originally Constructed in 1970
Todd Street	Pavement 1.85/4.00, Curb 1.50/4.00 – Last Resurfaced in 1968, Originally Constructed in 1959
Paul Street	Pavement 2.00/4.00, Curb 3.00/4.00 – Last Resurfaced in 1980, Originally Constructed in 1969
Paul Circle	Pavement 1.95/4.00, Curb 3.00/4.00 – Last Resurfaced in 1987, Originally constructed in 1980
South 7th Street (Wright to Paul)	Pavement 1.98/4.00, Curb 2.50/4.00 – Last Resurfaced in 1980, Originally Constructed in 1970
South 8th Street	Pavement 2.39/4.00, Curb 3.00/4.00 – Last Resurfaced in 1987, Originally Constructed in 1969
Madison Street	Pavement 2.65/4.00, Curb 2.00/4.00 – Last Resurfaced in 1986, Originally Constructed in 1974
South 7th Street (Madison to Wright)	Pavement 2.65/4.00, Curb 2.00/4.00 – Last Resurfaced in 1980, Originally Constructed in 1970

During pavement evaluation processes, we look at specific types of pavement deficiencies to score the pavements and enter equations. We typically look at a localized 100-foot segment for scoring pavements that is most representative of the street. This does not mean that other areas of the street may be in worse or better condition during scoring. Staff looks at the entire street when identifying project limits and does not focus solely on scores.

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

There are also other needs when considering project limits such as underlying utility needs and needs for sidewalk inclusion that staff looks at when evaluating project termini.

All the streets listed above are at or have exceeded their planned life expectancy. All streets are seeing weathered surfaces, transverse and longitudinal cracking, alligator cracking, potholing, and other distresses that indicate the pavement needs reconstruction. Curb and gutter condition is deteriorating in locations. Underlying watermain needs were also taken into consideration with the help of Brainerd Public Utilities in identifying project limits based on location of watermains under the street surface. Storm sewers within the project limits have also deteriorated and have lost functionality with localized flooding during events occurring in areas, according to the city's H & H Report.

All the streets proposed for reconstruction are functionally classified as local streets. The future use and designation of these streets is not proposed or anticipated to change in future years and serve as local streets that bring traffic to collector or arterial streets through South Brainerd.

With the exceptions of the Madison Street and South 7th Street (Madison to Wright) segments, which generally sees higher amounts of traffic due to businesses and higher density residential properties in the area, all street segments generate local residential traffic. Higher traffic generation are due to businesses such as the Good Samaritan Society – Bethany Care Center and Brainerd South Apartments.

Proposed Project and Work Types

The intent of this section of the report is to give a broad overview of construction types for the project along with outlining the feasibility of the project.

Street reconstruction of this nature is highly intrusive. The underlying utility needs and current surface and curb and gutter ratings are driving most of the improvements.

Right-of-Way – The project is not anticipated to need any right-of-way acquisition. Most of the current rights-of-way on the project are 80-feet or more in width, in which allows the full reconstruction of the street, replacement of old utilities, concrete sidewalk replacement, and restoration without the need for additional temporary easements or permanent right-of-way.

Removals – Some of the streets in the project area have underlying concrete surfacing under them. This was the preferred construction when the roadways were originally constructed. This is being proposed to all be removed to

access underlying utilities. All curb and gutter are proposed for removal in the project limits, as all was part of the original construction. Sidewalks, driveways, alley crossings, and other pavements outside of the street are all being proposed for removal with the project, as street grades and utility re-alignments, along with the condition of these elements, make it necessary.

Proposed Typical Sections – The city is proposing to use its standard typical section. That is a 35-foot-wide street (32' bituminous surface with 3-feet of curb and gutter drivable surface). This section allows for two lanes of traffic (10 ½-feet wide) and two parking lanes (7-feet wide). The city is proposing its 7-ton residential design standard. With an assumed subgrade R-Value of 70, this equates to a typical section depth of 4 inches of aggregate base and 2 inches of bituminous asphalt.

Utilities – Full replacement and additions of existing watermain infrastructure within the project limits are proposed. Storm sewer main along with sanitary sewer main and service connections will be redone in northern limits of the proposed project. Sanitary castings are proposed to be replaced in all project areas. Water services to residences and businesses are proposed to be replaced with the project where watermain is being added or replaced.

Restoration – Boulevards will be restored with black dirt and seed in any disturbed area. Boulevard trees removed with construction will be replaced on a 1:1 basis. Existing landscaping, retaining walls, and other elements placed by property owners will be individually addressed with the project by city staff and the property owner. Sprinklers will need to be removed by the resident or business prior to construction and replaced once restoration has occurred.

Environmental Considerations and Erosion Control – Standard erosion control BMP's will be placed during construction. Storm sewer will be offline for most of the project, and the contractor will be responsible to ensure the sites are accessible to both vehicles and pedestrians throughout construction. Impervious surface areas are likely to remain equal to current impervious areas with the project construction. No protected or endangered species are anticipated to be affected by the proposed construction.

Project Estimated Costs

Below is a breakdown of estimated project costs for the project. Cost breakdowns of each specific roadway will be made available upon request. The totals outlined below reflect an estimated cost with 10% engineering costs included. The costs reflected in bids from contractors may vary from these costs based on workload, project site conditions, or other factors out of the city's control. The costs are based on historical values for each item of work and vary due to market conditions. Costs are broken down to roadway (street, curb and gutter, restoration, etc.),

storm sewer, sanitary sewer, watermain, assessable (based on a residential roadway design), and staff took the liberty to break out sub-cut costs and sidewalk costs to give an idea of the cost of those additional items that are necessary for the street construction:

North Brainerd Reconstruction Project	
Roadway	$2,168,471
Storm Sewer	$391,688
Sanitary Sewer	$551,704
BPU (Watermain)	$1,412,798
Sidewalk	$223,082
Assessable Costs (not included in total)	$1,025,990
Total Construction and Engineering	**$4,747,743**

The intended uses of these streets and this infrastructure is not anticipated to change over the life of these improvements. Feasibility analysis is completed during the survey, preliminary design, public meetings, and final design of the proposed improvements. Through this analysis, city staff have completed most of the plans and specifications that are explained and contained in this report. The streets proposed for reconstruction have exceeded their life expectancy. The City has an obligation to maintain these traffic corridors for pedestrians and vehicles. Underlying utilities proposed for replacement are undersized and in critical need of replacement. No right of way or expansion of existing streets is proposed, and environmental considerations have been addressed through design. The proposed project is feasible, cost effective, and necessary due to the elements outlined in this report and submitted to the Council as necessary according to Minnesota Statute 429.

Respectfully Submitted,

Jessie Dehn, P.E.
City Engineer/ Public Works Director
City of Brainerd

R E S O L U T I O N
23:xx

RESOLUTION RECEIVING REPORT
CALLING HEARING ON IMPROVEMENT

WHEREAS, a report has been prepared by the City Engineer with reference to the improvement of the following described improvements:

IMPROVEMENT 22-08 – SOUTH BRAINERD RECONSTRUCTION PROJECT

Street Reconstruction
South 7th Street – Tamarac Street to Pine Street
South 7th Street – Madison Street to Wright Street
South 7th Street – Wright Street to Paul Street
South 8th Street – Wright Street to Paul Street
Tamarac Street – South 6th Street to South 7th Street
Sycamore Street – South 6th Street to South 7th Street
Rosewood Street – South 6th Street to South 7th Street
Vine Street – South 6th Street to South 7th Street
Todd Street – South 7th Street to Dead End
Paul Street – South 6th Street to South 8th Street
Paul Circle – South 8th Street to Cul-de-Sac
Madison Street – East Frontage Road (South 6th Street) to South 7th Street

This report was received by the Council on the 20th day of November 2023.

WHEREAS, the statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof, and the area proposed to be assessed, and that a reasonable estimate of the total amount to be assessed, and a description of the methodology used to calculate individual assessments for affected parcels (the "Impact of Assessments") has been made available at the hearing, all in accordance with law; and

WHEREAS, this City Council has heretofore discussed and made determinations about the Impact of Assessments:

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

1. The Council will consider the above-described improvement in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvements pursuant to Minnesota Statute Chapter 429 at an estimated total cost of $4,747,743.

2. A public hearing shall be held on such proposed improvement on the 18th day of December 2023, in the Council Chambers of the Brainerd City Hall at 7:30 p.m. and the City Administrator shall give mailed and published notice of such hearing and improvement as required by law.

Adopted this 20th day of November 2023

_____
KELLY BEVANS
President of the Council

Approved this 21st day of November 2023

_____
DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

NOTICE OF HEARING ON IMPROVEMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota, will meet in the Council Chambers of the City Hall at 7:30 p.m. on December 18, 2023, to consider making the improvement as described below pursuant to Minnesota Statute Sections 429.011 to 429.111:

IMPROVEMENT 22-08

Street Reconstruction– Grading, Aggregate Base, Bituminous, Concrete Curb and Gutter, Storm Sewer, Watermain, and Incidentals

South 7th Street – Tamarac Street to Pine Street
South 7th Street – Madison Street to Wright Street
South 7th Street – Wright Street to Paul Street
South 8th Street – Wright Street to Paul Street
Tamarac Street – South 6th Street to South 7th Street
Sycamore Street – South 6th Street to South 7th Street
Rosewood Street – South 6th Street to South 7th Street
Vine Street – South 6th Street to South 7th Street
Todd Street – South 7th Street to Dead End
Paul Street – South 6th Street to South 8th Street
Paul Circle – South 8th Street to Cul-de-Sac
Madison Street – East Frontage Road (South 6th Street) to South 7th Street

The area proposed to be assessed is the property abutting said streets and alleys.

The estimated cost of such improvements is $4,747,743.

Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

Any individual needing special accommodations please call 828-2307.

Dated: November 20, 2023

Jessie Dehn, P.E.
City Engineer/Public Works Director

Publish Brainerd Dispatch November 22, 2023, and November 29, 2023