



CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, February 5, 2024 @ 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: 2498 306 2196

Personnel and Finance Committee was held on 1/31

Safety and Public Works Committee at 7:00 PM - Meeting Access Code: 2487 080 2815

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

1. **Call To Order**

2. **Roll Call**

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

3. **Pledge of Allegiance**

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

5. **Consent Calendar**

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

A. **Approval of Bills**

B. **Approval of Minutes**

C. **Department Activity Reports**

D. **Approve Temporary On-Sale Liquor License Application for Jackpine Brewery for an Event to be held at Essentia Health Sports Center, 502 Jackson Street, on March 22 & 23, 2024--
Contingent upon approvals**

E. **Approve Temporary On-Sale Liquor License Application Submitted by the Brainerd Sports Boosters for an Event to be held on April 20, 2024 at the Essentia Health Sports Center, 502 Jackson St**

- F. **Minnesota Lawful Gambling Application to Conduct Excluded Bingo- Submitted by the Knights of Columbus for an Event to be held at St. Francis Catholic Church, 404 9th St, on April 7 and 21, 2024**
 - G. **Minnesota Lawful Gambling Application- Submitted by Central Lakes College Foundation for an Event to be held at CLC, 501 W College Dr, on May 1, 2024**
 - H. **Minnesota Lawful Gambling Application to Conduct Excluded Bingo - Submitted by St. Andrew's Catholic Church for Bingo Events to be held at St. Andrew's Church, 1108 Willow St, March 16, 2024 and November 16, 2024.**
 - I. **CC's Bar - Approve Change of Ownership and Expanded Premises**
 - J. **Resolution Adopting Policies and Plans for Small Communities Development Program (SCDP) Grant No. CDAP-23-0018-O-FY24**
6. **Council Committee Reports**
- A. **Personnel & Finance Committee**
 - 1. Approve Quote for Public Works Maintenance Facility Gate Operator
 - 2. Accept the Resignation of Water Plant Relief Operator Tanner Josephson
 - 3. Ratify the Hiring of Police Records Management Technician Michelle Mendoza
 - 4. Approval of the City Administrator Employment Contract
 - 5. Adopt a Resolution Setting 2024 Wages for Non-Union Exempt Employees
 - 6. Annual Review and Approval of Investment Policy
 - B. **Safety & Public Works Committee**
 - 1. Consider Approval of Risky Business Tobacco License
 - 2. Approve Event/Street Closure Application - CLC 5K Mental Health Awareness Run
 - 3. Adopt Resolution of Support for LCCMR Grant Application and Authorize Staff to Apply For LCCMR Grant Funding - TH 210/Lum Park Pedestrian Bridge
 - 4. Approve Final Layout for TH 371B/Willow Street Roundabout
 - 5. Authorize Staff to Request LPP Funds for TH 371B/Willow Street Roundabout Project
 - 6. Approve Brainerd Restoration Downtown Welcome Bench
7. **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)

HRA 1 term (Expire 2029)

Parks & Rec- 1 term (Expire 2029)

Public Utilities- 1 term (Expire 2026)

TAC- 3 terms (Expire 2026)

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) 1 term (Expire 2028)

Planning- 2 terms (Expire 2027)

8. **New Business**

A. **First Reading – Proposed Ordinance 1564 – Replacement of City Code 700**

B. **First Reading - Proposed Ordinance 1565 - Short-Term Rentals**

9. **Public Forum**

Time allocated for citizens to bring matters not on the agenda to the attention of the Council -
Time limits may be imposed

10. **Staff Reports**

(Verbal: Any Updates since Packet)

11. **Mayor's Report**

12. **Council Member Reports**

13. **Adjourn**

A. **Adjourn to Closed Labor Negotiation Strategy Session pursuant to MN Statutes, 13D.03, Subd 1(b) to prepare for Negotiations with the IBEW Local No. 31 and IUOE Local No. 49 Unions**

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 4263 - A-1 TESTING - JEFF SILKER:							
3238 81107	A-1 TESTING - JEFF SILKER TESTING -LUM PARK BLDG DEMO 400-9050-45530	01/18/2024 pziemer	02/07/2024	585.00	585.00	Open	N 02/07/2024
	CAPITAL - OTHER			585.00			
	Total for vendor 4263 - A-1 TESTING - JEFF SILKER:			585.00	585.00		
Vendor 0011 - ACE HARDWARE:							
321317/1 81059	ACE HARDWARE CHAINSAW CHAPS/HELMET - L.SCHLEGEL 235-3100-42220	01/16/2024 pziemer	02/07/2024	222.28	222.28	Open	N 02/07/2024
	REPAIR & MAINT			222.28			
321316/1 81060	ACE HARDWARE TRUCK 107 FIBERGLASS SANDING HARDWARE 237-3190-42220	01/16/2024 pziemer	02/07/2024	29.95	29.95	Open	N 02/07/2024
	REPAIR & MAINT			29.95			
321322/1 81062	ACE HARDWARE TRUCK 107 SANDING DISK/DUST MASK 237-3190-42220	01/16/2024 pziemer	02/07/2024	65.65	65.65	Open	N 02/07/2024
	REPAIR & MAINT			65.65			
321320/1 81063	ACE HARDWARE CHAINSAW BAR OIL 235-3100-42220	01/16/2024 pziemer	02/07/2024	21.99	21.99	Open	N 02/07/2024
	REPAIR & MAINT			21.99			
321336/1 81069	ACE HARDWARE ORBITAL SANDER 237-3190-42220	01/16/2024 pziemer	02/07/2024	64.99	64.99	Open	N 02/07/2024
	REPAIR & MAINT			64.99			
321367/1 81076	ACE HARDWARE PROPANE TORCH 237-3190-42220	01/17/2024 pziemer	02/07/2024	62.99	62.99	Open	N 02/07/2024
	REPAIR & MAINT			62.99			
321382/1 81103	ACE HARDWARE CHAINSAW HELMET REPLACEMENT B.ANDERS 235-3100-42220	01/18/2024 pziemer	02/07/2024	88.99	88.99	Open	N 02/07/2024
	REPAIR & MAINT			88.99			
321439/1 81118	ACE HARDWARE VAC TRUCK DEBRIS BODY CLEANOUT HARDW 237-3190-42220	01/22/2024 pziemer	02/07/2024	53.47	53.47	Open	N 02/07/2024
	REPAIR & MAINT			53.47			

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
321454/1 81123	ACE HARDWARE STORAGE BOXES 235-3100-42200	01/22/2024 pziemer	02/07/2024	22.25	22.25	Open	N 02/07/2024
	OFFICE SUPPLIES			22.25			
321465/1 81129	ACE HARDWARE BRUSHING BLADE FOR WEED WHIP 235-3100-42220	01/23/2024 pziemer	02/07/2024	24.99	24.99	Open	N 02/07/2024
	REPAIR & MAINT			24.99			
321469/1 81130	ACE HARDWARE CHAINSAW GLOVES 235-3100-42220	01/23/2024 pziemer	02/07/2024	25.99	25.99	Open	N 02/07/2024
	REPAIR & MAINT			25.99			
321604/1 81270	ACE HARDWARE CHAINSAW HELMET REPAIR, CARB, HANDGUARD 235-3100-42220	01/26/2024 pziemer	02/07/2024	136.73	136.73	Open	N 02/07/2024
	REPAIR & MAINT			136.73			
321554/1 81309	ACE HARDWARE DUCT TAPE 225-2120-42220	01/25/2024 pziemer	02/07/2024	8.99	8.99	Open	N 02/07/2024
	REPAIR & MAINT			8.99			
321699/1 81318	ACE HARDWARE STREET GARAGE HVAC FILTERS 235-3100-42220	01/31/2024 pziemer	02/07/2024	54.52	54.52	Open	N 02/07/2024
	REPAIR & MAINT			54.52			
321666/1 81319	ACE HARDWARE RECYCLE FIELD LIGHTS 230-5200-42220	01/30/2024 pziemer	02/07/2024	7.50	7.50	Open	N 02/07/2024
	REPAIR & MAINT			7.50			
321678/1 81320	ACE HARDWARE LIGHT SWITCH 230-5200-42220	01/30/2024 pziemer	02/07/2024	13.48	13.48	Open	N 02/07/2024
	REPAIR & MAINT			13.48			
321727/1 81340	ACE HARDWARE BRUSH LOPPER 235-3100-42220	02/01/2024 pziemer	02/07/2024	44.99	44.99	Open	N 02/07/2024
	REPAIR & MAINT			44.99			
Total for vendor 0011 - ACE HARDWARE:				949.75	949.75		

Vendor 2902 - ADVANCE AUTO PARTS:

6574401281287

81054	ADVANCE AUTO PARTS WHITE PAINT AND FIBERGLASS SPREADER	01/12/2024 pziemer	02/07/2024	59.45	59.45	Open	N 02/07/2024
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	GL Distribution						
	237-3190-42220	REPAIR & MAINT		59.45			
6574401625786 81055	ADVANCE AUTO PARTS	01/16/2024	02/07/2024	22.72	22.72	Open	N
	FIBERGLASS RESIN AND MAT	pziemer					02/07/2024
	237-3190-42220	REPAIR & MAINT		22.72			
6574401942401 81112	ADVANCE AUTO PARTS	01/19/2024	02/07/2024	60.88	60.88	Open	N
	VAC TRUCK FUEL FILTER	pziemer					02/07/2024
	237-3190-42220	REPAIR & MAINT		60.88			
6574401825864 81113	ADVANCE AUTO PARTS	01/18/2024	02/07/2024	38.49	38.49	Open	N
	VAC TRUCK FUEL/WATER SEPERATOR	pziemer					02/07/2024
	237-3190-42220	REPAIR & MAINT		38.49			
Total for vendor 2902 - ADVANCE AUTO PARTS:				181.54	181.54		

Vendor 0039 - ARAMARK UNIFORM SERVICES:

2530228419 81053	ARAMARK UNIFORM SERVICES	01/11/2024	02/07/2024	51.65	51.65	Open	N
	RUGS AND OVERALLS	pziemer					02/07/2024
	235-3100-43430	MISCELLANEOUS		51.65			
2530230928 81101	ARAMARK UNIFORM SERVICES	01/18/2024	02/07/2024	74.94	74.94	Open	N
	RUGS AND OVERALLS	pziemer					02/07/2024
	235-3100-43430	MISCELLANEOUS		74.94			
2530233427 81157	ARAMARK UNIFORM SERVICES	01/25/2024	02/07/2024	51.65	51.65	Open	N
	RUGS AND OVERALLS	pziemer					02/07/2024
	235-3100-43430	MISCELLANEOUS		51.65			
Total for vendor 0039 - ARAMARK UNIFORM SERVICES:				178.24	178.24		

Vendor 3343 - ARROW MANAGEMENT:

32741 81080	ARROW MANAGEMENT	12/01/2023	02/07/2024	845.00	845.00	Open	N
	ABATEMENTS: 1306 OAK, 1715 S 6TH, 111	pziemer					12/31/2023
	101-2400-43405	NUISANCES		845.00			
32793 81087	ARROW MANAGEMENT	01/18/2024	02/07/2024	625.00	625.00	Open	N
	ABATEMENTS: 823 WILLOW	pziemer					02/07/2024
	101-2400-43405	NUISANCES		625.00			
Total for vendor 3343 - ARROW MANAGEMENT:				1,470.00	1,470.00		

Vendor 3859 - ASL INTERPRETING SERVICES INC:

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INV-00274-A 81132	ASL INTERPRETING SERVICES INC ASL INTERPRETING SERVICES 225-2120-43300 PROFESSIONAL SERVICES Total for vendor 3859 - ASL INTERPRETING SERVICES INC:	01/22/2024 pziemer	02/07/2024	4.88 4.88 4.88	4.88 4.88	Open	N 02/07/2024
Vendor 4179 - ASSET PANDA LLC:							
INV00002695 81106	ASSET PANDA LLC ASSET PANDA 2/29/24-2/28/25 101-1800-43309 COMPUTER SUPPORT 101-0000-15510 PREPAID OTHER Total for vendor 4179 - ASSET PANDA LLC:	01/22/2024 pziemer	02/07/2024	2,957.13 2,464.27 492.86 2,957.13	2,957.13	Open	N 02/07/2024
Vendor 2838 - AXON ENTERPRISE, INC.:							
INUS222330 81304	AXON ENTERPRISE, INC. TASER BATTERY/TRNG CARTRIDGE X50 225-2120-43330 PROFESSIONAL DEVELOPMENT 225-2120-42210 OPERATING SUPPLIES Total for vendor 2838 - AXON ENTERPRISE, INC.:	01/24/2024 pziemer	02/07/2024	2,339.40 2,165.00 174.40 2,339.40	2,339.40	Open	N 02/07/2024
Vendor 0745 - BATTERIES PLUS:							
P69549256 81083	BATTERIES PLUS BATTERIES 225-2120-42210 OPERATING SUPPLIES Total for vendor 0745 - BATTERIES PLUS:	01/16/2024 pziemer	02/07/2024	45.73 45.73 45.73	45.73	Open	N 02/07/2024
Vendor 2068 - BAXTER POLICE DEPARTMENT:							
1ST QTR 24 TZD 81160	BAXTER POLICE DEPARTMENT REMIT 1ST QTR 2024 TZD 225-0000-20800 DUE TO OTHER GOVT UNITS Total for vendor 2068 - BAXTER POLICE DEPARTMENT:	01/26/2024 pziemer	02/07/2024	604.42 604.42 604.42	604.42	Open	N 02/07/2024
Vendor 3966 - BLUE SKY TRANSIT:							
122023 81135	BLUE SKY TRANSIT DEC 2023 THIRD PARTY SERVICES 203-9000-42212 MOTOR FUELS 203-9000-43401 VEHICLE REPAIRS	12/31/2023 pziemer	02/07/2024	90,255.10 1,423.59 3,887.57	90,255.10	Open	N 12/31/2023

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	203-9000-43440	TRANSIT SERVICE CONTRACT PY		84,943.94			
	Total for vendor 3966 - BLUE SKY TRANSIT:			90,255.10	90,255.10		
Vendor 3906 - BRAINERD FAMILY YMCA:							
164							
81156	BRAINERD FAMILY YMCA	01/24/2024	02/07/2024	800.00	800.00	Open	N
	WARMING HOUSE SET UP FOR SEASON	pziemer					02/07/2024
	230-5220-42210	OPERATING SUPPLIES		800.00			
	Total for vendor 3906 - BRAINERD FAMILY YMCA:			800.00	800.00		
Vendor 0206 - BRAINERD HOUSING AUTHORITY:							
12/31/23							
81114	BRAINERD HOUSING AUTHORITY	12/31/2023	02/07/2024	5,447.50	5,447.50	Open	N
	426 B ST: ABATEMENT & DEMO	pziemer					12/31/2023
	217-6600-43300	PROFESSIONAL SERVICES		5,447.50			
2023 WELLNESS							
81314	BRAINERD HOUSING AUTHORITY	01/24/2024	02/07/2024	2,500.00	2,500.00	Open	N
	REMIT 2023 WELLNESS INCENTIVES HRA	pziemer					02/07/2024
	278-6515-43430	MISCELLANEOUS		2,500.00			
	Total for vendor 0206 - BRAINERD HOUSING AUTHORITY:			7,947.50	7,947.50		
Vendor 0077 - BRAINERD HYDRAULICS/AIR:							
30597							
81074	BRAINERD HYDRAULICS/AIR	01/17/2024	02/07/2024	33.98	33.98	Open	N
	TRUCK 109 SANDER MOTOR FITTINGS	pziemer					02/07/2024
	235-3125-42220	REPAIR & MAINT		33.98			
	Total for vendor 0077 - BRAINERD HYDRAULICS/AIR:			33.98	33.98		
Vendor 0110 - BRAINERD LAKES AREA CHAMBERS OF COM:							
53588							
81158	BRAINERD LAKES AREA CHAMBERS OF COM	01/15/2024	02/07/2024	265.00	265.00	Open	N
	2024 SERVICES RENDERED	pziemer					02/07/2024
	245-1310-43430	MISCELLANEOUS		265.00			
	Total for vendor 0110 - BRAINERD LAKES AREA CHAMBERS OF COM:			265.00	265.00		
Vendor 0078 - BRAINERD LAKES AREA DEV C:							
JAN 2024							
81065	BRAINERD LAKES AREA DEV C	01/18/2024	02/07/2024	3,000.00	3,000.00	Open	N
	JAN 2024 ECONOMIC DEVELOPMENT CONSULT	pziemer					02/07/2024
	295-6510-43300	PROFESSIONAL SERVICES		3,000.00			
	Total for vendor 0078 - BRAINERD LAKES AREA DEV C:			3,000.00	3,000.00		

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Vendor 0079 - BRAINERD LICENSE OFFICE:							
2024 -CITY HALL							
81265	BRAINERD LICENSE OFFICE	01/25/2024	02/07/2024	63.75	63.75	Open	N
	2024 TABS - CITY HALL VEHICLES X3	pziemer					02/07/2024
	101-1940-43430	MISCELLANEOUS		21.25			
	101-2400-43430	MISCELLANEOUS		21.25			
	101-2400-43430	MISCELLANEOUS		21.25			
2024 TABS - ENG							
81266	BRAINERD LICENSE OFFICE	01/25/2024	02/07/2024	63.75	63.75	Open	N
	2024 TABS - ENG VEHICLES X3	pziemer					02/07/2024
	101-1700-43430	MISCELLANEOUS		63.75			
2024 TABS - STREETS							
81267	BRAINERD LICENSE OFFICE	01/25/2024	02/07/2024	360.25	360.25	Open	N
	2024 TAB STREETS DEPT X 16	pziemer					02/07/2024
	235-3100-43430	MISCELLANEOUS		296.50			
	237-3190-43430	MISCELLANEOUS		63.75			
2024 TABS - PARKS							
81271	BRAINERD LICENSE OFFICE	01/25/2024	02/07/2024	170.00	170.00	Open	N
	2024 TAB RENEWALS X8	pziemer					02/07/2024
	230-5200-43430	MISCELLANEOUS		170.00			
SQD 403 -2024							
81344	BRAINERD LICENSE OFFICE	02/01/2024	02/07/2024	16.25	16.25	Open	N
	SQD 403 - 2024 TAB RENEWAL	pziemer					02/07/2024
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		16.25			
SQD 404 - 2024							
81345	BRAINERD LICENSE OFFICE	02/01/2024	02/07/2024	16.25	16.25	Open	N
	SQD 404 2024 TAB RENEWAL	pziemer					02/07/2024
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		16.25			
SQD 405 - 2024							
81346	BRAINERD LICENSE OFFICE	02/01/2024	02/07/2024	16.25	16.25	Open	N
	SQD 406 - 2024 TAB RENEWAL	pziemer					02/07/2024
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		16.25			
	Total for vendor 0079 - BRAINERD LICENSE OFFICE:			706.50	706.50		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:							
INV22299							
81088	BRAINERD PUBLIC UTILITIES	01/16/2024	02/07/2024	62.49	62.49	Open	N
	DEC 2023 LNL SUPPLIES	pziemer					02/07/2024
	278-6515-43430	MISCELLANEOUS		62.49			
JAN 24 COBRA							
81128	BRAINERD PUBLIC UTILITIES	01/23/2024	02/07/2024	80.05	80.05	Open	N
	REMIT JAN 2024 COBRA	pziemer					02/07/2024
	101-0000-14100	DUE FROM COMPONENT UNIT		80.05			

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JAN 24 SPECIAL							
81159	BRAINERD PUBLIC UTILITIES	01/24/2024	02/07/2024	41.53	41.53	Open	N
	REMIT JAN 2024 TAX SETTLEMENT	pziemer					02/07/2024
	101-0000-20850 DUE TO COMPONENT UNIT			41.53			
2023 WELLNESS							
81341	BRAINERD PUBLIC UTILITIES	01/31/2024	02/07/2024	3,205.00	3,205.00	Open	N
	REMIT 2023 WELLNESS INCENTIVES	pziemer					02/07/2024
	278-6515-43430 MISCELLANEOUS			3,205.00			
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:			3,389.07	3,389.07		
Vendor 0929 - BRAUN INTERTEC CORP:							
B373224							
81073	BRAUN INTERTEC CORP	01/16/2024	02/07/2024	6,419.00	6,419.00	Open	N
	BRAINERD CABLE TESTING	pziemer					02/07/2024
	229-0000-43300 PROFESSIONAL SERVICES			6,419.00			
B374349							
81153	BRAUN INTERTEC CORP	01/25/2024	02/07/2024	8,620.00	8,620.00	Open	N
	23:13 WILLOW/S 6TH ROUNDABOUT	pziemer					02/07/2024
	401-9030-43300-23:13 PROFESSIONAL SERVICES			8,620.00			
	Total for vendor 0929 - BRAUN INTERTEC CORP:			15,039.00	15,039.00		
Vendor 3598 - BS&A SOFTWARE:							
151441							
81116	BS&A SOFTWARE	01/22/2024	02/07/2024	22,641.00	22,641.00	Open	N
	BS&A SOFTWARE SUPPORT 2/1/24-2/1/25	pziemer					02/07/2024
	101-1800-43309 COMPUTER SUPPORT			116.00			
	101-1800-43309 COMPUTER SUPPORT			20,647.92			
	101-0000-15500 PREPAID EXPENSE			1,877.08			
	Total for vendor 3598 - BS&A SOFTWARE:			22,641.00	22,641.00		
Vendor 0102 - CANON FINANCIAL SERVICE:							
31945816							
81127	CANON FINANCIAL SERVICE	01/22/2024	02/07/2024	80.69	80.69	Open	N
	FD COPIER CONTRACT 2/1/24-2/29/24	pziemer					02/07/2024
	225-2220-43331 LEASED PAYMENTS			80.69			
31945364							
81310	CANON FINANCIAL SERVICE	01/22/2024	02/07/2024	77.97	77.97	Open	N
	2/1/24-2/29/24 LIB COPIER	pziemer					02/07/2024
	211-5505-43430 MISC - COPY MACHINE PYMTS			77.97			
31935470							
81311	CANON FINANCIAL SERVICE	01/21/2024	02/07/2024	19.73	19.73	Open	N
	2/1/24-2/29/24 LIB COPIER CONTRACT	pziemer					02/07/2024

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	211-5505-43430	MISC - COPY MACHINE PYMTS		19.73			
	Total for vendor 0102 - CANON FINANCIAL SERVICE:			178.39	178.39		

Vendor 0307 - CENTERPOINT ENERGY:

92166-0/JAN24/ENG

81254	CENTERPOINT ENERGY	01/23/2024	02/07/2024	2,285.50	2,285.50	Open	N 02/07/2024
	12/14/23-1/12/24 CITY UTILITIES	pziemer					
	101-1940-43380	UTILITIES		716.54			
	235-3100-43380	UTILITIES		582.14			
	230-5200-43380	UTILITIES		582.13			
	101-1940-43380	UTILITIES		404.69			

92166-0/JAN24/FD

81255	CENTERPOINT ENERGY	01/23/2024	02/07/2024	692.58	692.58	Open	N 02/07/2024
	12/14/23-1/12/24 FIRE DEPT UTILITIES	pziemer					
	225-2220-43380	UTILITIES		426.85			
	225-2220-43380	UTILITIES		265.73			

92166-0/JAN24/PD

81256	CENTERPOINT ENERGY	01/23/2024	02/07/2024	56.12	56.12	Open	N 02/07/2024
	12/14/23-1/12/24 POLICE DEPT UTILITIES	pziemer					
	225-2120-43380	UTILITIES		56.12			

92166-0/JAN24/LIB

81257	CENTERPOINT ENERGY	01/23/2024	02/07/2024	925.38	925.38	Open	N 02/07/2024
	12/14/23-1/12/24 LIB UTILITIES	pziemer					
	211-5500-43380	UTILITIES		925.38			

92166-0/JAN24/PARKS

81258	CENTERPOINT ENERGY	01/23/2024	02/07/2024	29.64	29.64	Open	N 02/07/2024
	12/14/23-1/12/24 PARKS UTILITIES	pziemer					
	230-5200-43380	UTILITIES		29.64			
	Total for vendor 0307 - CENTERPOINT ENERGY:			3,989.22	3,989.22		

Vendor 1333 - CHAMBERLAIN OIL COMPANY:

460335-00

81104	CHAMBERLAIN OIL COMPANY	01/17/2024	02/07/2024	536.63	536.63	Open	N 02/07/2024
	DEF AND WINDSHIELD WASHER FLUID	pziemer					
	235-3125-42220	REPAIR & MAINT		536.63			
	Total for vendor 1333 - CHAMBERLAIN OIL COMPANY:			536.63	536.63		

Vendor 1343 - CHARTER COMMUNICATIONS:

175587701012124

81305	CHARTER COMMUNICATIONS	01/21/2024	02/07/2024	46.77	46.77	Open	N 02/07/2024
	BUSINESS TV 1/30/24-2/29/24	pziemer					
	225-2120-43380	UTILITIES		46.77			
	Total for vendor 1343 - CHARTER COMMUNICATIONS:			46.77	46.77		

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Vendor 0119 - CLAREY'S SAFETY EQUIPMENT:							
209519 81259	CLAREY'S SAFETY EQUIPMENT RAE SENSOR MODULE LEL 225-2220-42210	01/24/2024 pziemer	02/07/2024	285.63	285.63	Open	N 02/07/2024
	OPERATING SUPPLIES			285.63			
	Total for vendor 0119 - CLAREY'S SAFETY EQUIPMENT:			285.63	285.63		
Vendor 2069 - CROSBY POLICE DEPARTMENT:							
1ST QTR 24 TZD 81161	CROSBY POLICE DEPARTMENT REMIT 1ST QTR 2024 TZD 225-0000-20800	01/26/2024 pziemer	02/07/2024	1,014.73	1,014.73	Open	N 02/07/2024
	DUE TO OTHER GOVT UNITS			1,014.73			
	Total for vendor 2069 - CROSBY POLICE DEPARTMENT:			1,014.73	1,014.73		
Vendor 2075 - CROSSLAKE POLICE DEPARTMENT:							
1ST QTR 24 TZD 81162	CROSSLAKE POLICE DEPARTMENT REMIT 1ST QTR 2024 TZD 225-0000-20800	01/26/2024 pziemer	02/07/2024	816.38	816.38	Open	N 02/07/2024
	DUE TO OTHER GOVT UNITS			816.38			
	Total for vendor 2075 - CROSSLAKE POLICE DEPARTMENT:			816.38	816.38		
Vendor 0900 - CUB FOODS - BRAINERD:							
TRX: 023913 81260	CUB FOODS - BRAINERD CITY ADMIN INTERVIEW SUPPLIES 101-9200-43438	01/26/2024 pziemer	02/07/2024	21.98	21.98	Open	N 02/07/2024
	MISC SPECIAL PROJECTS			21.98			
	Total for vendor 0900 - CUB FOODS - BRAINERD:			21.98	21.98		
Vendor 0136 - CWC ATTORNEY:							
ICR 22014468 81098	CWC ATTORNEY ICR 22014468 223-0000-22800	01/18/2024 pziemer	02/07/2024	151.40	151.40	Open	N 02/07/2024
	OTHER LIABILITIES			151.40			
	Total for vendor 0136 - CWC ATTORNEY:			151.40	151.40		
Vendor 0133 - CWC RECORDER:							
24-351 81142	CWC RECORDER DOC# 992851 - CUP -100 WASHINGTON ST 101-2400-43350	01/16/2024 pziemer	02/07/2024	46.00	46.00	Open	N 02/07/2024
	PRINTING/LEGAL PUBLICATION			46.00			

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24-656 81263	CWC RECORDER DOC 993155 INTERIM USE -524 N 8TH ST pziemer 101-2400-43350 PRINTING/LEGAL PUBLICATION	01/25/2024	02/07/2024	46.00 46.00	46.00	Open	N 02/07/2024
	Total for vendor 0133 - CWC RECORDER:			92.00	92.00		
Vendor 0134 - CWC SANITARY LANDFILL:							
196267 81331	CWC SANITARY LANDFILL BUSTER PARK SHELTER DEBRIS 400-9050-45530 CAPITAL - OTHER	01/29/2024 pziemer	02/07/2024	48.00 48.00	48.00	Open	N 02/07/2024
196254 81332	CWC SANITARY LANDFILL BUSTER SHELTER DEBRIS 400-9050-45530 CAPITAL - OTHER	01/29/2024 pziemer	02/07/2024	48.00 48.00	48.00	Open	N 02/07/2024
	Total for vendor 0134 - CWC SANITARY LANDFILL:			96.00	96.00		
Vendor 1156 - CWC SHERIFF:							
1ST QTR 24 TZD 81163	CWC SHERIFF REMIT 1ST QTR 2024 TZD 225-0000-20800 DUE TO OTHER GOVT UNITS	01/26/2024 pziemer	02/07/2024	1,073.17 1,073.17	1,073.17	Open	N 02/07/2024
	Total for vendor 1156 - CWC SHERIFF:			1,073.17	1,073.17		
Vendor 3438 - DAHLHEIMER BEVERAGE:							
2096425 81125	DAHLHEIMER BEVERAGE JANITORIAL SUPPLIES 211-5500-42220 REPAIR & MAINT	01/19/2024 pziemer	02/07/2024	62.40 62.40	62.40	Open	N 02/07/2024
	Total for vendor 3438 - DAHLHEIMER BEVERAGE:			62.40	62.40		
Vendor 3566 - DATA PRACTICES OFFICE:							
768620 81317	DATA PRACTICES OFFICE DATA ACCESS POLICIES/PROCEDURES - C.f.pziemer 101-1400-43330 PROFESSIONAL DEVELOPMENT	12/01/2023 pziemer	02/07/2024	80.00 80.00	80.00	Open	N 12/31/2023
	Total for vendor 3566 - DATA PRACTICES OFFICE:			80.00	80.00		
Vendor 3582 - DESETH, DARRIN:							
1/17 & 1/18 81261	DESETH, DARRIN JAN 17 & 18 CONTINUING EDUCATION MILEpziemer	01/29/2024	02/07/2024	184.32	184.32	Open	N 02/07/2024

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	101-2400-43330	PROFESSIONAL DEVELOPMENT		184.32			
1/25/24 81262	DESETH, DARRIN 1/25 CONTINUING EDUCATION - MILEAGE pziemer 101-2400-43330	01/25/2024	02/07/2024	158.12	158.12	Open	N 02/07/2024
	PROFESSIONAL DEVELOPMENT			158.12			
	Total for vendor 3582 - DESETH, DARRIN:			342.44	342.44		
Vendor 0440 - DESTINATION DOWNTOWN BRAINERD COALI:							
JAN 2024 81066	DESTINATION DOWNTOWN BRAINERD COALI JAN 2024 ECONOMIC DEVELOPMENT CONSULT pziemer 295-6510-43300	01/18/2024	02/07/2024	833.34	833.34	Open	N 02/07/2024
	PROFESSIONAL SERVICES			833.34			
	Total for vendor 0440 - DESTINATION DOWNTOWN BRAINERD COALI:			833.34	833.34		
Vendor 2898 - DIGITAL HORIZONS:							
3111 81126	DIGITAL HORIZONS LIB. AUDIO SYSTEMS UPDATE - FINAL pziemer 211-5500-45500	01/18/2024	02/07/2024	509.60	509.60	Open	N 02/07/2024
	CAPITAL OUTLAY			509.60			
	Total for vendor 2898 - DIGITAL HORIZONS:			509.60	509.60		
Vendor 0921 - DONDELINGER'S:							
147066 81268	DONDELINGER'S C2 - OIL CHANGE pziemer 225-2220-42220	01/23/2024	02/07/2024	92.77	92.77	Open	N 02/07/2024
	REPAIR & MAINT			92.77			
	Total for vendor 0921 - DONDELINGER'S:			92.77	92.77		
Vendor 1856 - EMERGENCY AUTOMOTIVE TECHNOLOGIES, :							
DL110123-20 81349	EMERGENCY AUTOMOTIVE TECHNOLOGIES, DOCKING STATION/CASE pziemer 400-9050-45530	01/23/2024	02/07/2024	712.60	712.60	Open	N 12/31/2023
	CAPITAL - OTHER			712.60			
	Total for vendor 1856 - EMERGENCY AUTOMOTIVE TECHNOLOGIES, :			712.60	712.60		
Vendor 0008 - GENERATOR POWER SYSTEMS:							
26970 81084	GENERATOR POWER SYSTEMS GENERATOR MAINTENANCE pziemer 225-2120-42220	01/12/2024	02/07/2024	157.95	157.95	Open	N 02/07/2024
	REPAIR & MAINT			157.95			
	Total for vendor 0008 - GENERATOR POWER SYSTEMS:			157.95	157.95		

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Vendor 4262 - GMP CONSULTANTS LLC:							
23-371 81056	GMP CONSULTANTS LLC CITY ADMIN SEARCH 101-9200-43300	01/15/2024 pziemer	02/07/2024	9,222.63	9,222.63	Open	N 12/31/2023
	PROFESSIONAL SERVICES			9,222.63			
23-348 81313	GMP CONSULTANTS LLC CITY ADMIN SEARCH INV #1 101-9200-43300	12/01/2023 pziemer	02/07/2024	5,500.00	5,500.00	Open	N 12/31/2023
	PROFESSIONAL SERVICES			5,500.00			
Total for vendor 4262 - GMP CONSULTANTS LLC:				14,722.63	14,722.63		

Vendor 1589 - HOTSY MINNESOTA:

19603 81061	HOTSY MINNESOTA WASHBAY SOAP 235-3100-42220	01/12/2024 pziemer	02/07/2024	371.30	371.30	Open	N 02/07/2024
	REPAIR & MAINT			371.30			
Total for vendor 1589 - HOTSY MINNESOTA:				371.30	371.30		

Vendor 3795 - INDEPENDENT TESTING TECHNOLOGIES:

43559 81097	INDEPENDENT TESTING TECHNOLOGIES 21:15 BUFFALO HILLS GULLY TESTING 401-9030-43300-21:15	01/15/2024 pziemer	02/07/2024	625.00	625.00	Open	N 02/07/2024
	PROFESSIONAL SERVICES			625.00			
Total for vendor 3795 - INDEPENDENT TESTING TECHNOLOGIES:				625.00	625.00		

Vendor 0770 - INITIATIVE FOUNDATION:

13435 81272	INITIATIVE FOUNDATION 2024 ENDOWMENT 295-6510-43435	01/29/2024 pziemer	02/07/2024	5,350.00	5,350.00	Open	N 02/07/2024
	BOOKS/PAMPHLETS/DUES			5,350.00			
Total for vendor 0770 - INITIATIVE FOUNDATION:				5,350.00	5,350.00		

Vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:

IN4448310 81306	INNOVATIVE OFFICE SOLUTIONS LLC TONER 225-2120-42200	01/30/2024 pziemer	02/07/2024	70.93	70.93	Open	N 02/07/2024
	OFFICE SUPPLIES			70.93			
Total for vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:				70.93	70.93		

Vendor 2791 - INTEGRITY EMPLOYEE BENEFITS, LLC:

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
BC215 1/8/24 81077	INTEGRITY EMPLOYEE BENEFITS, LLC BENEFITS CONNECT 1/1/23-12/31/23 101-1400-43309 260-9020-43430 101-0000-14100 101-0000-14100 Total for vendor 2791 - INTEGRITY EMPLOYEE BENEFITS, LLC:	01/17/2024 pziemer	02/07/2024	2,712.60 1,306.80 138.60 950.40 316.80 2,712.60	2,712.60 2,712.60	Open	N 02/07/2024
Vendor MISC - JACOB LEE AHLSTROM:							
1/31/24 81335	JACOB LEE AHLSTROM REFUND OVERPAYMENT ICR 24000762 225-2120-35102 Total for vendor MISC - JACOB LEE AHLSTROM:	01/31/2024 pziemer	02/07/2024	25.00 25.00 25.00	25.00 25.00	Open	N 02/07/2024
Vendor 0220 - KENNEDY & GRAVEN:							
179357 81334	KENNEDY & GRAVEN SALE OF INDUSTRIAL PARK LOTS/COUNTRY 295-0000-20600 Total for vendor 0220 - KENNEDY & GRAVEN:	01/18/2024 pziemer	02/07/2024	1,047.30 1,047.30 1,047.30	1,047.30 1,047.30	Open	N 02/07/2024
Vendor 3545 - KITCHIGAMI REGIONAL LIBRARY - CC:							
12/12/23 81152	KITCHIGAMI REGIONAL LIBRARY - CC REMIT LIB CC CHARGES THRU 12/12/23 211-0000-20800 Total for vendor 3545 - KITCHIGAMI REGIONAL LIBRARY - CC:	12/31/2023 pziemer	02/07/2024	174.80 174.80 174.80	174.80 174.80	Open	N 12/31/2023
Vendor 3469 - LAKES AREA MAT SERVICE INC:							
20240130 #522 81323	LAKES AREA MAT SERVICE INC CITY HALL FLOOR MATS 101-1940-43410 Total for vendor 3469 - LAKES AREA MAT SERVICE INC:	01/30/2024 pziemer	02/07/2024	44.08 44.08 44.08	44.08 44.08	Open	N 02/07/2024
20240102 #522 81324	LAKES AREA MAT SERVICE INC CITY HALL FLOOR MATS 101-1940-43410 Total for vendor 3469 - LAKES AREA MAT SERVICE INC:	01/02/2024 pziemer	02/07/2024	44.08 44.08 44.08	44.08 44.08	Open	N 02/07/2024
20240116 #522 81325	LAKES AREA MAT SERVICE INC CITY HALL FLOOR MATS Total for vendor 3469 - LAKES AREA MAT SERVICE INC:	01/16/2024 pziemer	02/07/2024	44.08 44.08 44.08	44.08 44.08	Open	N 02/07/2024

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	101-1940-43410	RENTAL EXPENSE		44.08			
20240102 #520 81326	LAKES AREA MAT SERVICE INC POLICE DEPT FLOOR MATS 225-2120-43300	01/02/2024 pziemer	02/07/2024	42.92	42.92	Open	N 02/07/2024
		PROFESSIONAL SERVICES		42.92			
20240130 #520 81327	LAKES AREA MAT SERVICE INC POLICE DEPT FLOOR MATS 225-2120-43330	01/30/2024 pziemer	02/07/2024	42.92	42.92	Open	N 02/07/2024
		PROFESSIONAL DEVELOPMENT		42.92			
20240116 #520 81328	LAKES AREA MAT SERVICE INC POLICE DEPT FLOOR MATS 225-2120-43300	01/16/2024 pziemer	02/07/2024	42.92	42.92	Open	N 02/07/2024
		PROFESSIONAL SERVICES		42.92			
	Total for vendor 3469 - LAKES AREA MAT SERVICE INC:			261.00	261.00		
Vendor 3627 - LAKES AREA WILDLIFE CONTROL:							
JAN 2024 81071	LAKES AREA WILDLIFE CONTROL JAN 2024 ANIMAL CONTROL CONTRACT 225-2700-43300	01/16/2024 pziemer	02/07/2024	3,168.00	3,168.00	Open	N 02/07/2024
		PROFESSIONAL SERVICES		3,168.00			
	Total for vendor 3627 - LAKES AREA WILDLIFE CONTROL:			3,168.00	3,168.00		
Vendor 0227 - LAKES PRINTING:							
00219792 81315	LAKES PRINTING GREATER MN TRANSPORTATION BOOKS 101-1700-43350	01/16/2024 pziemer	02/07/2024	1,633.65	1,633.65	Open	N 02/07/2024
		PRINTING/LEGAL PUBLICATION		1,633.65			
	Total for vendor 0227 - LAKES PRINTING:			1,633.65	1,633.65		
Vendor 4197 - LEADSONLINE LC:							
409516 81133	LEADSONLINE LC 3/15/24-3/14/25 LEADS ONLINE ANNUAL 225-2120-43309	01/19/2024 pziemer	02/07/2024	2,873.00	2,873.00	Open	N 02/07/2024
		COMPUTER TECHNICAL SUPPORT		2,274.46			
		PREPAID OTHER		598.54			
	Total for vendor 4197 - LEADSONLINE LC:			2,873.00	2,873.00		
Vendor 0232 - LEAGUE MN CITIES INS TRUS:							
10002612/1ST 2024 81064	LEAGUE MN CITIES INS TRUS 1ST QTR 2024 WORK COMP PREMIUM 280-0000-41150	01/11/2024 pziemer	02/07/2024	86,350.50	86,350.50	Open	N 02/07/2024
		WORKERS COMP		72,212.25			

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	GL Distribution						
	101-1110-41150	WORKERS COMP		10.75			
	225-2225-41150	WORKERS COMP		14,127.50			
	Total for vendor 0232 - LEAGUE MN CITIES INS TRUS:			86,350.50	86,350.50		

Vendor 0235 - LITTLE FALLS MACHINE INC:

370152							
81078	LITTLE FALLS MACHINE INC	01/10/2024	02/07/2024	905.99	905.99	Open	N
	TRUCK 109 SPINNER	pziemer					02/07/2024
	235-3125-42220	TRUCK 109 SANDER MOTOR AND SPREADER FIN		905.99			
	Total for vendor 0235 - LITTLE FALLS MACHINE INC:			905.99	905.99		

Vendor 1753 - MARCO:

INV12075991							
81111	MARCO	01/19/2024	02/07/2024	1,218.36	1,218.36	Open	N
	UNIFY IT 1/19/24-2/18/24	pziemer					02/07/2024
	101-1800-43309	COMPUTER SUPPORT		1,111.82			
	260-9020-43309	COMPUTER SUPPORT		106.54			
INV12078192							
81131	MARCO	01/19/2024	02/07/2024	2,568.00	2,568.00	Open	N
	MICROSOFT 365 12/16/23-1/15/24	pziemer					02/07/2024
	101-1800-43309	COMPUTER SUPPORT		2,344.00			
	260-9020-43309	COMPUTER SUPPORT		224.00			
INV12113035							
81347	MARCO	01/30/2024	02/07/2024	8,483.00	8,483.00	Open	N
	2/1/24-1/31/25 AMP FOR ENDPOINTS	pziemer					02/07/2024
	101-1800-43309	COMPUTER SUPPORT		7,776.08			
	101-0000-15510	PREPAID OTHER		706.92			
	Total for vendor 1753 - MARCO:			12,269.36	12,269.36		

Vendor MISC - MATTHEW HILL:

MILEAGE -INTERVIEW							
81316	MATTHEW HILL	01/31/2024	02/07/2024	80.40	80.40	Open	N
	REIMBURSE MILEAGE 1/28-1/29	pziemer					02/07/2024
	101-9200-43438	MISC SPECIAL PROJECTS		80.40			
	Total for vendor MISC - MATTHEW HILL:			80.40	80.40		

Vendor MISC - MATTHEW SKARET:

1/29/24							
81348	MATTHEW SKARET	02/01/2024	02/07/2024	324.28	324.28	Open	N
	REIMBURSE EXPENSE - CITY ADMIN INTER\pziemer						02/07/2024
	101-9200-43438	MISC SPECIAL PROJECTS		324.28			
	Total for vendor MISC - MATTHEW SKARET:			324.28	324.28		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
Vendor MISC - MD INVESTMENTS LLC:							
BFG23-0010 81046	MD INVESTMENTS LLC BD Bond Refund 101-0000-20600	01/16/2024 pziemer	02/07/2024	500.00	500.00	Open	N 02/07/2024
	BFG23-0010			500.00			
BFG23-0011 81047	MD INVESTMENTS LLC BD Bond Refund 101-0000-20600	01/16/2024 pziemer	02/07/2024	500.00	500.00	Open	N 02/07/2024
	BFG23-0011			500.00			
Total for vendor MISC - MD INVESTMENTS LLC:				1,000.00	1,000.00		
Vendor 0889 - MENARDS - BAXTER:							
12558 81096	MENARDS - BAXTER PENCILS, HOOKS, TAPE, SUPPLIES 230-5200-42220	01/11/2024 pziemer	02/07/2024	68.76	68.76	Open	N 02/07/2024
	REPAIR & MAINT			68.76			
12473 81141	MENARDS - BAXTER QTY 12 BOGGAN 48" - MAYOR SLEDDING Hlpziemer 245-1310-43430	01/10/2024 pziemer	02/07/2024	95.88	95.88	Open	N 02/07/2024
	MISCELLANEOUS			95.88			
13256 81154	MENARDS - BAXTER SHELVING - SHOP 230-5200-42220	01/22/2024 pziemer	02/07/2024	337.06	337.06	Open	N 02/07/2024
	REPAIR & MAINT			337.06			
13775 81333	MENARDS - BAXTER LED LIGHTS/SUPPLIES - PARKS SHOP 230-5200-42220	01/30/2024 pziemer	02/07/2024	195.27	195.27	Open	N 02/07/2024
	REPAIR & MAINT			195.27			
Total for vendor 0889 - MENARDS - BAXTER:				696.97	696.97		
Vendor 1142 - MN PUBLIC TRANSIT ASSOC:							
2405 81155	MN PUBLIC TRANSIT ASSOC 2024 OPERATOR DUES MPTA 203-9000-43433	01/24/2024 pziemer	02/07/2024	855.00	855.00	Open	N 02/07/2024
	DUES & SUBSCRIPTIONS			855.00			
Total for vendor 1142 - MN PUBLIC TRANSIT ASSOC:				855.00	855.00		
Vendor 0586 - MN STATE TREASURER:							
ICR 22014468 81099	MN STATE TREASURER ICR 22014468 223-0000-22800	01/18/2024 pziemer	02/07/2024	75.70	75.70	Open	N 02/07/2024
	OTHER LIABILITIES			75.70			

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Total for vendor 0586 - MN STATE TREASURER:				75.70	75.70		
Vendor 2908 - MN-LEAP:							
2024: AT 81081	MN-LEAP 2024 DUES: A.TIMMONS 225-2120-43433	01/17/2024 pziemer	02/07/2024	50.00	50.00	Open	N 02/07/2024
	DUES & SUBSCRIPTIONS			50.00			
2024: MH 81082	MN-LEAP 2024 DUES: M.HALVERSON 225-2120-43433	01/17/2024 pziemer	02/07/2024	50.00	50.00	Open	N 02/07/2024
	DUES & SUBSCRIPTIONS			50.00			
Total for vendor 2908 - MN-LEAP:				100.00	100.00		
Vendor 3168 - MOTORS-N-MORE:							
30353 81143	MOTORS-N-MORE SQD 432 - OIL CHANGE, TIRE ROTATE 225-2120-42221	01/23/2024 pziemer	02/07/2024	77.16	77.16	Open	N 02/07/2024
	SQUAD CAR REPAIR SUPPLIES			77.16			
30355 81144	MOTORS-N-MORE SQD 430 - OIL CHANGE, TIRE ROTATE 225-2120-42221	01/23/2024 pziemer	02/07/2024	53.45	53.45	Open	N 02/07/2024
	SQUAD CAR REPAIR SUPPLIES			53.45			
30376 81336	MOTORS-N-MORE SQUAD 437 OIL CHANGE/TIRE ROTATION 225-2120-42221	01/30/2024 pziemer	02/07/2024	53.45	53.45	Open	N 02/07/2024
	SQUAD CAR REPAIR SUPPLIES			53.45			
30375 81337	MOTORS-N-MORE SQD 405 OIL CHANGE/TIRE ROTATION 225-2120-42221	01/30/2024 pziemer	02/07/2024	53.45	53.45	Open	N 02/07/2024
	SQUAD CAR REPAIR SUPPLIES			53.45			
30378 81338	MOTORS-N-MORE SQUAD 436 OIL CHANGE/TIRE ROTATION 225-2120-42221	01/30/2024 pziemer	02/07/2024	53.45	53.45	Open	N 02/07/2024
	SQUAD CAR REPAIR SUPPLIES			53.45			
Total for vendor 3168 - MOTORS-N-MORE:				290.96	290.96		
Vendor 0273 - NAPA AUTO PARTS:							
673538 81075	NAPA AUTO PARTS FILTER WRENCH 235-3100-42240	01/16/2024 pziemer	02/07/2024	68.21	68.21	Open	N 02/07/2024
	SMALL TOOLS			68.21			

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674209 81105	NAPA AUTO PARTS VACTOR FUEL FILTER 237-3190-42220	01/18/2024 pziemer	02/07/2024	58.26	58.26	Open	N 02/07/2024
	REPAIR & MAINT			58.26			
674521 81110	NAPA AUTO PARTS FILTER WRENCH AND DIE GRINDER 235-3100-42240	01/19/2024 pziemer	02/07/2024	290.00	290.00	Open	N 02/07/2024
	SMALL TOOLS			290.00			
674943 81115	NAPA AUTO PARTS TRUCK 160 OIL FILTER 235-3100-42220	01/22/2024 pziemer	02/07/2024	12.00	12.00	Open	N 02/07/2024
	REPAIR & MAINT			12.00			
672437 81120	NAPA AUTO PARTS FLOOR DRY 225-2220-42210	01/11/2024 pziemer	02/07/2024	93.40	93.40	Open	N 02/07/2024
	OPERATING SUPPLIES			93.40			
672616 81121	NAPA AUTO PARTS 22-INCH EXACT FIT BEAM 225-2220-42210	01/12/2024 pziemer	02/07/2024	23.90	23.90	Open	N 02/07/2024
	OPERATING SUPPLIES			23.90			
674466 81122	NAPA AUTO PARTS OIL FILTERS - T1, T4, S2, T3 PUMPS 225-2220-42220	01/19/2024 pziemer	02/07/2024	51.79	51.79	Open	N 02/07/2024
	REPAIR & MAINT			51.79			
676379 81312	NAPA AUTO PARTS DIGITAL AIR PRESSURE GUAGE 235-3100-42240	01/26/2024 pziemer	02/07/2024	91.99	91.99	Open	N 02/07/2024
	SMALL TOOLS			91.99			
674524 81322	NAPA AUTO PARTS VACTOR TORQUE WRENCH AND 12 LB SLEDGE 237-3190-42220	01/19/2024 pziemer	02/07/2024	324.00	324.00	Open	N 02/07/2024
	REPAIR & MAINT			324.00			
Total for vendor 0273 - NAPA AUTO PARTS:				1,013.55	1,013.55		

Vendor 0427 - NISSWA POLICE DEPT:

1ST QTR 24 TZD

81164	NISSWA POLICE DEPT REMIT 1ST QTR 2024 TZD 225-0000-20800	01/26/2024 pziemer	02/07/2024	916.18	916.18	Open	N 02/07/2024
	DUE TO OTHER GOVT UNITS			916.18			
Total for vendor 0427 - NISSWA POLICE DEPT:				916.18	916.18		

Vendor 0736 - NORTHLAND FIRE PROTECTION:

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
56689 81079	NORTHLAND FIRE PROTECTION RECHARGE FIRE EXTINGUISHERS 225-2120-42209	01/05/2024 pziemer	02/07/2024	285.20	285.20	Open	N 02/07/2024
	SAFETY EQUIPMENT SUPPLIES			285.20			
	Total for vendor 0736 - NORTHLAND FIRE PROTECTION:			285.20	285.20		

Vendor 0284 - OFFICE SHOP:

C1117447-2 81139	OFFICE SHOP CREDIT - RETURN PENS 101-1940-42200	01/23/2024 pziemer	02/07/2024	(14.81)	(14.81)	Open	N 02/07/2024
	OFFICE SUPPLIES			(14.81)			
330221-0 81264	OFFICE SHOP LIBRARY COPIER CONTRACT 211-5505-43430	01/25/2024 pziemer	02/07/2024	115.25	115.25	Open	N 02/07/2024
	MISC - COPY MACHINE PYMTS			115.25			
1137943-1 81329	OFFICE SHOP POST ITS -TRANSIT 203-9000-42200	01/31/2024 pziemer	02/07/2024	4.27	4.27	Open	N 02/07/2024
	OFFICE SUPPLIES			4.27			
1137942-1 81330	OFFICE SHOP SOAP, WHITE OUT, TAPE CH 101-1940-42200	01/31/2024 pziemer	02/07/2024	23.82	23.82	Open	N 02/07/2024
	OFFICE SUPPLIES			23.82			
1137942-0 81343	OFFICE SHOP MARKERS, NOTEPADS 101-1940-42200	01/30/2024 pziemer	02/07/2024	14.22	14.22	Open	N 02/07/2024
	OFFICE SUPPLIES			14.22			
	Total for vendor 0284 - OFFICE SHOP:			142.75	142.75		

Vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:

1647-247315 81085	O'REILLY AUTOMOTIVE STORES INC. SQUAD 430 - LIGHT BULB 225-2120-42221	01/11/2024 pziemer	02/07/2024	50.60	50.60	Open	N 02/07/2024
	SQUAD CAR REPAIR SUPPLIES			50.60			
1647-248109 81086	O'REILLY AUTOMOTIVE STORES INC. SQUAD 430 - LIGHT BULB 225-2120-42221	01/16/2024 pziemer	02/07/2024	7.99	7.99	Open	N 02/07/2024
	SQUAD CAR REPAIR SUPPLIES			7.99			
1647-248220 81137	O'REILLY AUTOMOTIVE STORES INC. SHOP - ANTIGEL 230-5200-42220	01/16/2024 pziemer	02/07/2024	29.98	29.98	Open	N 02/07/2024
	REPAIR & MAINT			29.98			

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	Total for vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:			88.57	88.57		
Vendor MISC - OXSOME WEB SERVICES:							
1/19/24 81100	OXSOME WEB SERVICES REFUND DUPLICATE PAYMENT 101-0000-22801	01/19/2024 pziemer Refund: MR Unapplied Payments	02/07/2024	9.73 9.73	9.73	Open	N 02/07/2024
	Total for vendor MISC - OXSOME WEB SERVICES:			9.73	9.73		
Vendor 2073 - PEQUOT LAKES POLICE DEPARTMENT:							
1ST QTR 24 TZD 81165	PEQUOT LAKES POLICE DEPARTMENT REMIT 2ST QTR 2024 TZD 225-0000-20800	01/26/2024 pziemer DUE TO OTHER GOVT UNITS	02/07/2024	894.39 894.39	894.39	Open	N 02/07/2024
	Total for vendor 2073 - PEQUOT LAKES POLICE DEPARTMENT:			894.39	894.39		
Vendor 4169 - PERFECTION DOCK AND LIFT:							
606 81321	PERFECTION DOCK AND LIFT 2023 DOCK INSTALL/REMOVAL 230-5200-43300	12/19/2023 pziemer PROFESSIONAL SERVICES	02/07/2024	1,150.00 1,150.00	1,150.00	Open	N 12/31/2023
	Total for vendor 4169 - PERFECTION DOCK AND LIFT:			1,150.00	1,150.00		
Vendor 2487 - RAILROAD MANAGEMENT COMPANY:							
496719 81119	RAILROAD MANAGEMENT COMPANY LIC#302048 4/16/24-4/15/25 238-3160-43430	01/22/2024 pziemer MISCELLANEOUS	02/07/2024	800.00 800.00	800.00	Open	N 02/07/2024
	Total for vendor 2487 - RAILROAD MANAGEMENT COMPANY:			800.00	800.00		
Vendor 3413 - RATWIK, ROSZAK AND MALONEY:							
DEC 2023 81342	RATWIK, ROSZAK AND MALONEY DEC 2023 RETAINER/SPECIAL SERVICES 101-1610-43301 101-0000-14100 101-0000-14100 101-1610-43301 101-0000-14100 295-6510-43300	01/01/2024 pziemer CITY ATTORNEY DUE FROM COMPONENT UNIT DUE FROM COMPONENT UNIT CITY ATTORNEY DUE FROM COMPONENT UNIT PROFESSIONAL SERVICES	02/07/2024	8,801.06 4,845.70 103.13 16.50 1,878.73 1,274.50 682.50	8,801.06	Open	N 02/07/2024
	Total for vendor 3413 - RATWIK, ROSZAK AND MALONEY:			8,801.06	8,801.06		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 4173 - ROB MUELLER ELECTRIC:							
1182CM 81108	ROB MUELLER ELECTRIC REPAIR 2 LIGHT FIXTURES - STREETS GAR 235-3100-42220	01/19/2024 pziemer	02/07/2024	497.68 497.68	497.68	Open	N 02/07/2024
1183CM 81109	ROB MUELLER ELECTRIC STREET GARAGE LIGHT REPLACEMENT 235-3100-42220 230-5200-42220	01/19/2024 pziemer	02/07/2024	4,950.00 2,475.00 2,475.00	4,950.00	Open	N 02/07/2024
Total for vendor 4173 - ROB MUELLER ELECTRIC:				5,447.68	5,447.68		
Vendor 3612 - SEVERSON PORTER LAW:							
JAN 2024 81070	SEVERSON PORTER LAW JAN 24 PROSECUTION AGREEMENT 225-2127-43310	01/16/2024 pziemer	02/07/2024	18,883.33 18,883.33	18,883.33	Open	N 02/07/2024
Total for vendor 3612 - SEVERSON PORTER LAW:				18,883.33	18,883.33		
Vendor 0314 - SHANNON'S AUTO BODY:							
39233 81117	SHANNON'S AUTO BODY SQD 435 - ACCIDENT REPAIRS 2023 225-2120-42221	12/31/2023 pziemer	02/07/2024	17,269.28 17,269.28	17,269.28	Open	N 12/31/2023
Total for vendor 0314 - SHANNON'S AUTO BODY:				17,269.28	17,269.28		
Vendor 0317 - SHORT ELLIOTT HENDRICKSON:							
459640 81072	SHORT ELLIOTT HENDRICKSON 21:15 BUFFALO HILLS GULLY 401-9030-43300-21:15	01/09/2024 pziemer	02/07/2024	21,838.90 21,838.90	21,838.90	Open	N 12/31/2023
460826 81136	SHORT ELLIOTT HENDRICKSON 23:13 WILLOW/S 6TH ROUNDABOUT DEC 23 401-9030-43300-23:13	01/23/2024 pziemer	02/07/2024	28,071.66 28,071.66	28,071.66	Open	N 12/31/2023
Total for vendor 0317 - SHORT ELLIOTT HENDRICKSON:				49,910.56	49,910.56		
Vendor 3138 - ST. LOUIS MRO INC.:							
60362 81138	ST. LOUIS MRO INC. QTY 2 PRE-EMPTY BACKGROUNDS 230-5200-43300	01/01/2024 pziemer	02/07/2024	49.00 24.50	49.00	Open	N 12/31/2023

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	225-2220-43300	PROFESSIONAL SERVICES		24.50			
	Total for vendor 3138 - ST. LOUIS MRO INC.:			49.00	49.00		
Vendor 2589 - STAPLES ADVANTAGE:							
3557453912							
81307	STAPLES ADVANTAGE	01/20/2024	02/07/2024	72.44	72.44	Open	N
	TONER	pziemer					02/07/2024
	225-2120-42200	OFFICE SUPPLIES		72.44			
	Total for vendor 2589 - STAPLES ADVANTAGE:			72.44	72.44		
Vendor 0322 - STREICHERS PROF EQUIP:							
I1676972							
81134	STREICHERS PROF EQUIP	01/17/2024	02/07/2024	69.99	69.99	Open	N
	726 CARGO PANTS	pziemer					02/07/2024
	225-2120-41113	UNIFORM ALLOWANCE		69.99			
I1678399							
81308	STREICHERS PROF EQUIP	01/24/2024	02/07/2024	54.96	54.96	Open	N
	710 & 702 UNIFORM NAMETAGS	pziemer					02/07/2024
	225-2120-41113	UNIFORM ALLOWANCE		54.96			
	Total for vendor 0322 - STREICHERS PROF EQUIP:			124.95	124.95		
Vendor 0841 - SUPERIOR DIVING REPAIR, INC.:							
7942							
81269	SUPERIOR DIVING REPAIR, INC.	01/16/2024	02/07/2024	115.00	115.00	Open	N
	RESCUE SUIT REPAIRS	pziemer					02/07/2024
	225-2220-42220	REPAIR & MAINT		115.00			
	Total for vendor 0841 - SUPERIOR DIVING REPAIR, INC.:			115.00	115.00		
Vendor 3838 - SWANSON HASKAMP CONSULTING:							
JAN 2024							
81068	SWANSON HASKAMP CONSULTING	01/18/2024	02/07/2024	2,916.67	2,916.67	Open	N
	JAN 2024 ECONOMIC DEVELOPMENT CONSULTING	pziemer					02/07/2024
	295-6510-43300	PROFESSIONAL SERVICES		2,916.67			
	Total for vendor 3838 - SWANSON HASKAMP CONSULTING:			2,916.67	2,916.67		
Vendor 2661 - UTILITY FINANCIAL SOLUTIONS, LLC:							
33308UFS							
81057	UTILITY FINANCIAL SOLUTIONS, LLC	01/13/2024	02/07/2024	710.00	710.00	Open	N
	2023 WASTEWATER STUDY - FINAL BILLING	pziemer					02/07/2024
	237-3190-43300	PROFESSIONAL SERVICES		710.00			

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43522UFS 81058	UTILITY FINANCIAL SOLUTIONS, LLC 2023 FP & RATE STUDY 237-3190-43300	01/13/2024 pziemer	02/07/2024	1,201.25	1,201.25	Open	N 02/07/2024
	PROFESSIONAL SERVICES			1,201.25			
	Total for vendor 2661 - UTILITY FINANCIAL SOLUTIONS, LLC:			1,911.25	1,911.25		

Vendor 0087 - VISIT BRAINERD:

JAN 2024 81067	VISIT BRAINERD JAN 2024 ECONOMIC DEVELOPMENT CONSULT 295-6510-43300	01/18/2024 pziemer	02/07/2024	3,333.34	3,333.34	Open	N 02/07/2024
	PROFESSIONAL SERVICES			3,333.34			
	Total for vendor 0087 - VISIT BRAINERD:			3,333.34	3,333.34		

Vendor 0888 - WEST BRAINERD AUTO SERVICE:

043734 81339	WEST BRAINERD AUTO SERVICE TOW: DWI 24001274 225-2120-42210	01/31/2024 pziemer	02/07/2024	40.00	40.00	Open	N 02/07/2024
	OPERATING SUPPLIES			40.00			
	Total for vendor 0888 - WEST BRAINERD AUTO SERVICE:			40.00	40.00		

Vendor 1159 - WINNERS TROPHY:

13105 81140	WINNERS TROPHY NAMEPLATE - PLANNING COMMISSION 101-2400-43430	01/18/2024 pziemer	02/07/2024	30.00	30.00	Open	N 02/07/2024
	MISCELLANEOUS			30.00			
	Total for vendor 1159 - WINNERS TROPHY:			30.00	30.00		

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Vendor 3698 - AMAZON:

1/3/24 81199	AMAZON AWS DEC 2023 101-1800-43309	01/03/2024 pziemer	02/07/2024	347.83	347.83	Open	N 12/31/2023
	COMPUTER SUPPORT			347.83			
1/9/24 81210	AMAZON PLASTIC KEY TAGS 230-5200-42220	01/09/2024 pziemer	02/07/2024	26.46	26.46	Open	N 02/07/2024
	REPAIR & MAINT			26.46			
1/3/24 - 2 81211	AMAZON SNOW SHOVELS - PARKS 230-5200-42220	01/03/2024 pziemer	02/07/2024	305.45	305.45	Open	N 02/07/2024
	REPAIR & MAINT			305.45			

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Total for vendor 3698 - AMAZON:	679.74	679.74
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Vendor 0900 - CUB FOODS - BRAINERD:

1/10/24 81216	CUB FOODS - BRAINERD JAN 24 LNL - WATER 278-6515-43430	01/10/2024 pziemer	02/07/2024	8.98	8.98	Open	N 02/07/2024
	MISCELLANEOUS			8.98			
	Total for vendor 0900 - CUB FOODS - BRAINERD:			8.98	8.98		

Vendor 0133 - CWC RECORDER:

1/22/24 81207	CWC RECORDER NOTARY REGISTRATION - PZIEMER 101-1400-43433	01/22/2024 pziemer	02/07/2024	20.00	20.00	Open	N 02/07/2024
	DUES & SUBSCRIPTIONS			20.00			
	Total for vendor 0133 - CWC RECORDER:			20.00	20.00		

Vendor 0838 - EHLERS & ASSOCIATES:

1/4/24 81201	EHLERS & ASSOCIATES 24 EHLER'S SEMINAR REG. C.HILLMAN 101-1400-43330	01/04/2024 pziemer	02/07/2024	350.00	350.00	Open	N 02/07/2024
	PROFESSIONAL DEVELOPMENT			350.00			
1/4/24 - 2 81202	EHLERS & ASSOCIATES 24 EHLER'S CONF. REG. J.KRAMVIK 101-2400-43330	01/04/2024 pziemer	02/07/2024	350.00	350.00	Open	N 02/07/2024
	PROFESSIONAL DEVELOPMENT			350.00			
	Total for vendor 0838 - EHLERS & ASSOCIATES:			700.00	700.00		

Vendor 3983 - EMBASSY SUITES:

1/17/24 81200	EMBASSY SUITES HOTEL FOR TRAINING D.DESETH 101-2400-43330	01/17/2024 pziemer	02/07/2024	147.74	147.74	Open	N 02/07/2024
	PROFESSIONAL DEVELOPMENT			147.74			
	Total for vendor 3983 - EMBASSY SUITES:			147.74	147.74		

Vendor 3925 - HAMPTON BY HILTON:

12/31/23 81204	HAMPTON BY HILTON HOTEL GIS CONFERENCE - SSTRONG 101-1800-43330	12/31/2023 pziemer	02/07/2024	311.70	311.70	Open	N 12/31/2023
	PROFESSIONAL DEVELOPMENT			311.70			
	Total for vendor 3925 - HAMPTON BY HILTON:			311.70	311.70		

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BOTH OPEN AND PAID

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
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PCard: 2257 U.S. BANK Card Holder: CITY HALL

Vendor 2130 - INTERNATIONAL CODE COUNCIL INC:

1/4/24 81215	INTERNATIONAL CODE COUNCIL INC BLDG CODE BOOKS 101-2400-43435	01/04/2024 pziemer	02/07/2024	102.75	102.75	Open	N 02/07/2024
	BOOKS & PAMPHLETS			102.75			
	Total for vendor 2130 - INTERNATIONAL CODE COUNCIL INC:			102.75	102.75		

Vendor 1289 - INT'L CODE COUNCIL:

1/4/24 81203	INT'L CODE COUNCIL COM DEV - TRAININGS X3 101-2400-43330	01/04/2024 pziemer	02/07/2024	1,260.00	1,260.00	Open	N 02/07/2024
	PROFESSIONAL DEVELOPMENT			1,260.00			
	Total for vendor 1289 - INT'L CODE COUNCIL:			1,260.00	1,260.00		

Vendor 3065 - JIMMY JOHN'S #989:

1/11/24 81206	JIMMY JOHN'S #989 JAN 2024 LNL MEAL 278-6515-43430	01/11/2024 pziemer	02/07/2024	605.08	605.08	Open	N 02/07/2024
	MISCELLANEOUS			605.08			
	Total for vendor 3065 - JIMMY JOHN'S #989:			605.08	605.08		

Vendor 2011 - MRPA:

1/24/24 81208	MRPA 2024 MRPA MEMBERSHIP - J.DEHN 230-5200-43433	01/24/2024 pziemer	02/07/2024	310.00	310.00	Open	N 02/07/2024
	DUES & SUBSCRIPTIONS			310.00			
01/24/24 81209	MRPA 2024 MRPA MEMBERSHIP T.HARRIS 230-5200-43433	01/24/2024 pziemer	02/07/2024	310.00	310.00	Open	N 02/07/2024
	DUES & SUBSCRIPTIONS			310.00			
	Total for vendor 2011 - MRPA:			620.00	620.00		

Vendor 3211 - NATIONAL PELRA ADMIN OFFICE:

1/10/24 81205	NATIONAL PELRA ADMIN OFFICE 2024 MPELRA WINTER CONF K. SCHUBERT 101-1400-43330	01/10/2024 pziemer	02/07/2024	100.00	100.00	Open	N 02/07/2024
	PROFESSIONAL DEVELOPMENT			100.00			
1/10/24 - 2 81217	NATIONAL PELRA ADMIN OFFICE 2024 MEMBERSHIP - B.BOSER	01/10/2024 pziemer	02/07/2024	175.00	175.00	Open	N 02/07/2024

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	101-1400-43433	DUES & SUBSCRIPTIONS		175.00			
1/10/24 - 3							
81218	NATIONAL PELRA ADMIN OFFICE	01/10/2024	02/07/2024	100.00	100.00	Open	N
	2024 MPELRA WINTER CONF. REG. B.BOSIpziemer						02/07/2024
	101-1400-43330	PROFESSIONAL DEVELOPMENT		100.00			
	Total for vendor 3211 - NATIONAL PELRA ADMIN OFFICE:			375.00	375.00		

Vendor 3858 - ZOOM VIDEO COMMUNICATIONS:

1/18/24							
81198	ZOOM VIDEO COMMUNICATIONS	01/18/2024	02/07/2024	31.98	31.98	Open	N
	ZOOM 1/18/24-2/17/24	pziemer					02/07/2024
	101-1800-43309	COMPUTER SUPPORT		31.98			
	Total for vendor 3858 - ZOOM VIDEO COMMUNICATIONS:			31.98	31.98		

Total PCard: 2257 U.S. BANK Card Holder: CITY HALL	4,862.97	4,862.97
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Inv Ref#	Description	Entered By					Post Date

GL Distribution

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

Vendor 3698 - AMAZON:

1/9/24 - 2							
81212	AMAZON	01/09/2024	02/07/2024	37.12	37.12	Open	N
	FUSES, HOSE, TIRE CHUCK	pziemer					02/07/2024
	225-2220-42210	OPERATING SUPPLIES		37.12			
		Total for vendor 3698 - AMAZON:		37.12	37.12		

Vendor 0150 - SOURCEWELL:

1/23/24							
81213	SOURCEWELL	01/23/2024	02/07/2024	20.00	20.00	Open	N
	GRANT WRITING CLASS	pziemer					02/07/2024
	225-2220-43330	PROFESSIONAL DEVELOPMENT		20.00			
		Total for vendor 0150 - SOURCEWELL:		20.00	20.00		

Total PCard: 2257 U.S. BANK Card Holder: FIRE				57.12	57.12		
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PCard: 2257 U.S. BANK Card Holder: LIBRARY

Vendor 0533 - ALLEGRA:

1/8/24 81233	ALLEGRA LIBRARY NEW HOURS HANDOUT 211-5503-43430	01/08/2024 pziemer	02/07/2024	198.89	198.89	Open	N 02/07/2024
	MISC - USE OF HOLDEN TRUST			198.89			
	Total for vendor 0533 - ALLEGRA:			198.89	198.89		

Vendor 3698 - AMAZON:

1/9/24 - 3 81234	AMAZON NOTEBOOKS, FOLDERS, PLANNER 211-5500-42200	01/09/2024 pziemer	02/07/2024	42.94	42.94	Open	N 02/07/2024
	OFFICE SUPPLIES			42.94			
1/9/24 - 4 81237	AMAZON FILTERS/MAILING LABELS 211-5500-42220	01/09/2024 pziemer	02/07/2024	40.97	40.97	Open	N 02/07/2024
	REPAIR & MAINT			18.88			
	LIBRARY MATERIALS			22.09			
1/23/24 81238	AMAZON DISINFECTANT 211-5500-42220	01/23/2024 pziemer	02/07/2024	24.90	24.90	Open	N 02/07/2024
	REPAIR & MAINT			24.90			
12/29/23 81240	AMAZON PENCIL SHARPENER, SIGN HOLDERS 211-5500-42240	12/29/2023 pziemer	02/07/2024	56.98	56.98	Open	N 02/07/2024
	LIBRARY MATERIALS			56.98			
	Total for vendor 3698 - AMAZON:			165.79	165.79		

Vendor 0160 - DEMCO INC:

1/19/24 81236	DEMCO INC DISPLAY RACKS - BOOK POCKETS 211-5500-42240	01/19/2024 pziemer	02/07/2024	138.75	138.75	Open	N 02/07/2024
	LIBRARY MATERIALS			104.55			
	MISC - SPECIFIED DONATION USE			34.20			
	Total for vendor 0160 - DEMCO INC:			138.75	138.75		

Vendor MISC - MAILCHIMP:

1/4/24 81241	MAILCHIMP EMAIL SUBSCRIPTION SERVICE 211-5503-43430	01/04/2024 pziemer	02/07/2024	45.00	45.00	Open	N 02/07/2024
	MISC - USE OF HOLDEN TRUST			45.00			

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						

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

Total for vendor MISC - MAILCHIMP:	45.00	45.00					
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Vendor 4264 - ST IMAGING:

1/20/24							
81235	ST IMAGING	01/18/2024	02/07/2024	193.96	193.96	Open	N
	MICROFILM SCANNER PARTS	pziemer					02/07/2024
	211-5503-43430	MISC - USE OF HOLDEN TRUST		193.96			
	Total for vendor 4264 - ST IMAGING:			193.96	193.96		

Vendor 3730 - TARGET:

1/5/24							
81232	TARGET	01/05/2024	02/07/2024	28.52	28.52	Open	N
	OFFICE/CLEANING SUPPLIES	pziemer					02/07/2024
	211-5500-42200	OFFICE SUPPLIES		28.52			
	Total for vendor 3730 - TARGET:			28.52	28.52		

Vendor 4265 - TRAFFIC SIGN.COM:

1/22/24							
81239	TRAFFIC SIGN.COM	01/22/2024	02/07/2024	55.99	55.99	Open	N
	LIBRARY PARKING SIGNS	pziemer					02/07/2024
	211-5500-42220	REPAIR & MAINT		55.99			
	Total for vendor 4265 - TRAFFIC SIGN.COM:			55.99	55.99		

Total PCard: 2257 U.S. BANK Card Holder: LIBRARY	826.90	826.90					
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PCard: 2257 U.S. BANK Card Holder: PARKS

Vendor 4266 - DK HARDWARE:

1/11/23 81244	DK HARDWARE KEY BLANKS 230-5200-42220	01/11/2024 pziemer	02/07/2024	52.20	52.20	Open	N 02/07/2024
	REPAIR & MAINT			52.20			
	Total for vendor 4266 - DK HARDWARE:			52.20	52.20		

Vendor 3719 - FLEET FARM:

1/5/24 - 2 81242	FLEET FARM SAFETY GEAR - PARKS 230-5200-42210	01/05/2024 pziemer	02/07/2024	69.99	69.99	Open	N 02/07/2024
	OPERATING SUPPLIES			69.99			
	Total for vendor 3719 - FLEET FARM:			69.99	69.99		

Vendor 3879 - HARBOR FREIGHT TOOLS:

12/26/23 81243	HARBOR FREIGHT TOOLS STORAGE RACK 230-5200-42220	12/26/2023 pziemer	02/07/2024	159.99	159.99	Open	N 12/31/2023
	REPAIR & MAINT			159.99			
	Total for vendor 3879 - HARBOR FREIGHT TOOLS:			159.99	159.99		

Vendor 2011 - MRPA:

1/24/24 - 2 81245	MRPA 2024 MRPA MEMBERSHIP - H.BLANK 230-5200-43433	01/24/2024 pziemer	02/07/2024	310.00	310.00	Open	N 02/07/2024
	DUES & SUBSCRIPTIONS			310.00			
	Total for vendor 2011 - MRPA:			310.00	310.00		

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

592.18	592.18
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PCard: 2257 U.S. BANK Card Holder: POLICE

Vendor 2902 - ADVANCE AUTO PARTS:

1/19/24 81303	ADVANCE AUTO PARTS	01/19/2024	02/07/2024	74.98	74.98	Open	N 02/07/2024
	SQUAD CLEANING SUPPLIES	pziemer					
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		74.98			
	Total for vendor 2902 - ADVANCE AUTO PARTS:			74.98	74.98		

Vendor 3698 - AMAZON:

1/2/24 - 2 81286	AMAZON	01/02/2024	02/07/2024	106.93	106.93	Open	N 02/07/2024
	FLASH DRIVES	pziemer					
	225-2120-42210	OPERATING SUPPLIES		106.93			
1/17/24 81298	AMAZON	01/17/2024	02/07/2024	16.99	16.99	Open	N 02/07/2024
	TIMMON'S NOTARY STAMP	pziemer					
	225-2120-42210	OPERATING SUPPLIES		16.99			
1/17/24 - 2 81299	AMAZON	01/17/2024	02/07/2024	19.99	19.99	Open	N 02/07/2024
	TIMMON'S NOTARY BOOK	pziemer					
	225-2120-42210	OPERATING SUPPLIES		19.99			
1/17/24 - 3 81300	AMAZON	01/17/2024	02/07/2024	40.42	40.42	Open	N 02/07/2024
	TISSUE/NOTEBOOK	pziemer					
	225-2120-42220	REPAIR & MAINT		30.48			
	225-2120-42200	OFFICE SUPPLIES		9.94			
	Total for vendor 3698 - AMAZON:			184.33	184.33		

Vendor 3701 - BCA CJTE UNIT:

1/9/24 81292	BCA CJTE UNIT	01/09/2024	02/07/2024	50.00	50.00	Open	N 02/07/2024
	NIBRS TRAINING A.KORTE	pziemer					
	225-2120-43330	PROFESSIONAL DEVELOPMENT		50.00			
1/12/24 81297	BCA CJTE UNIT	01/12/2024	02/07/2024	500.00	500.00	Open	N 02/07/2024
	719 CRIME SCENE COURSE & SEARCH WARRANT	pziemer					
	225-2120-43330	PROFESSIONAL DEVELOPMENT		500.00			
	Total for vendor 3701 - BCA CJTE UNIT:			550.00	550.00		

Vendor 0719 - INT'L ASSOC OF CHIEF OF POLICE:

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1/11/24 81295	INT'L ASSOC OF CHIEF OF POLICE 2024 MEMBERSHIP DUES 225-2120-43433	01/11/2024 pziemer	02/07/2024	190.00	190.00	Open	N 02/07/2024
	DUES & SUBSCRIPTIONS			190.00			
	Total for vendor 0719 - INT'L ASSOC OF CHIEF OF POLICE:			190.00	190.00		

Vendor 0233 - LEAGUE OF MN CITIES:

1/11/24 81296	LEAGUE OF MN CITIES 701 SAFETY AND LOSS CONTROL WORKSHOP 225-2120-43330	01/11/2024 pziemer	02/07/2024	20.00	20.00	Open	N 02/07/2024
	PROFESSIONAL DEVELOPMENT			20.00			
	Total for vendor 0233 - LEAGUE OF MN CITIES:			20.00	20.00		

Vendor 0497 - SIRCHIE FINGER PRINT LABORATORIES, :

1/17/24 81280	SIRCHIE FINGER PRINT LABORATORIES, EVIDENCE SUPPLIES 225-2120-42210	01/17/2024 pziemer	02/07/2024	76.12	76.12	Open	N 02/07/2024
	OPERATING SUPPLIES			76.12			
	Total for vendor 0497 - SIRCHIE FINGER PRINT LABORATORIES, :			76.12	76.12		

Vendor 4152 - SKD TACTICAL:

12/28/23 81283	SKD TACTICAL CREDIT - RETURN 715 TRT EQUIPMENT 225-2131-42210	12/28/2023 pziemer	02/07/2024	(87.45)	(87.45)	Open	N 12/31/2023
	OPERATING SUPPLIES			(87.45)			
	Total for vendor 4152 - SKD TACTICAL:			(87.45)	(87.45)		

Vendor 3703 - TRANSUNION RISK:

1/3/24 81288	TRANSUNION RISK INVESTIGATIONS & PARKING TICKET COLLE 225-2120-42210	01/03/2024 pziemer	02/07/2024	75.00	75.00	Open	N 02/07/2024
	OPERATING SUPPLIES			75.00			
	Total for vendor 3703 - TRANSUNION RISK:			75.00	75.00		

Vendor 1455 - USPCA REGION 12:

1/20/24 81302	USPCA REGION 12 707 2024 K9 MEMBERSHIP 225-2128-43430	01/20/2024 pziemer	02/07/2024	50.00	50.00	Open	N 02/07/2024
	MISC - K9 PROGRAM			50.00			
	Total for vendor 1455 - USPCA REGION 12:			50.00	50.00		

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PCard: 2257 U.S. BANK Card Holder: POLICE							
Vendor 3697 - USPS:							
1/18/24 81281	USPS POSTAGE 225-2120-43322	01/18/2024 pziemer	02/07/2024	4.85	4.85	Open	N 02/07/2024
	POSTAGE			4.85			
1/18/24 - 2 81282	USPS POSTAGE 225-2120-43322	01/18/2024 pziemer	02/07/2024	132.00	132.00	Open	N 02/07/2024
	POSTAGE			132.00			
12/29/23 81284	USPS POSTAGE 225-2120-43322	12/29/2023 pziemer	02/07/2024	4.85	4.85	Open	N 12/31/2023
	POSTAGE			4.85			
12/29/23 - 2 81285	USPS POSTAGE 225-2120-43322	12/29/2023 pziemer	02/07/2024	6.25	6.25	Open	N 12/31/2023
	POSTAGE			6.25			
1/2/24 81287	USPS POSTAGE 225-2120-43322	01/02/2024 pziemer	02/07/2024	24.39	24.39	Open	N 02/07/2024
	POSTAGE			24.39			
1/4/24 81289	USPS POSTAGE 225-2120-43322	01/04/2024 pziemer	02/07/2024	1.59	1.59	Open	N 02/07/2024
	POSTAGE			1.59			
1/5/24 81290	USPS FLASH DRIVES 225-2120-42210	01/05/2024 pziemer	02/07/2024	69.73	69.73	Open	N 02/07/2024
	OPERATING SUPPLIES			69.73			
1/5/24 - 2 81291	USPS POSTAGE 225-2120-43322	01/05/2024 pziemer	02/07/2024	5.50	5.50	Open	N 02/07/2024
	POSTAGE			5.50			
1/9/24 81293	USPS POSTAGE 225-2120-43322	01/09/2024 pziemer	02/07/2024	30.10	30.10	Open	N 02/07/2024
	POSTAGE			30.10			
1/10/24 81294	USPS POSTAGE	01/10/2024 pziemer	02/07/2024	11.75	11.75	Open	N 02/07/2024

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
PCard: 2257 U.S. BANK Card Holder: POLICE							
	225-2120-43322	POSTAGE		11.75			
1/17/24							
81301	USPS	01/17/2024	02/07/2024	5.50	5.50	Open	N
	POSTAGE	pziemer					02/07/2024
	225-2120-43322	POSTAGE		5.50			
	Total for vendor 3697 - USPS:			296.51	296.51		
Total PCard: 2257 U.S. BANK Card Holder: POLICE				1,429.49	1,429.49		

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
PCard: 2257 U.S. BANK Card Holder: STREETS							
Vendor 3719 - FLEET FARM:							
1/16/24							
81196	FLEET FARM	01/16/2024	02/07/2024	419.98	419.98	Open	N
	JACKET/BIBS - L.SCHEGEL	pziemer					02/07/2024
	235-3100-43430	MISCELLANEOUS		419.98			
12/28/23							
81214	FLEET FARM	12/28/2023	02/07/2024	106.21	106.21	Open	N
	PATCH TRAILER KEROSENE	pziemer					12/31/2023
	235-3100-42220	REPAIR & MAINT		106.21			
	Total for vendor 3719 - FLEET FARM:			526.19	526.19		
Vendor 4235 - INDUSTRIAL LUBRICANT COMPANY:							
1/2/24							
81350	INDUSTRIAL LUBRICANT COMPANY	01/02/2024	02/07/2024	205.77	205.77	Open	N
	INDUSTRIAL LUBRICANT	pziemer					02/07/2024
	235-3100-42220	REPAIR & MAINT		205.77			
	Total for vendor 4235 - INDUSTRIAL LUBRICANT COMPANY:			205.77	205.77		
Vendor 2282 - MN DEPARTMENT OF NATURAL RESOURCES:							
1/5/24							
81197	MN DEPARTMENT OF NATURAL RESOURCES	01/05/2024	02/07/2024	50.00	50.00	Open	N
	TREE INSPECTOR CLASS	pziemer					02/07/2024
	235-3100-43330	PROFESSIONAL DEVELOPMENT		50.00			
	Total for vendor 2282 - MN DEPARTMENT OF NATURAL RESOURCES:			50.00	50.00		
Total PCard: 2257 U.S. BANK Card Holder: STREETS				781.96	781.96		
# of Invoices: 224 # Due: 224 Totals:				423,328.82	423,328.82		
# of Credit Memos: 2 # Due: 2 Totals:				(102.26)	(102.26)		
Net of Invoices and Credit Memos:				423,226.56	423,226.56		
--- TOTALS BY GL DISTRIBUTION ---							
101-0000-14100		DUE FROM COMPONENT UNIT		2,741.38			
101-0000-15500		PREPAID EXPENSE		1,877.08			
101-0000-15510		PREPAID OTHER		1,199.78			
101-0000-20600		BFG23-0010		1,000.00			
101-0000-20850		DUE TO COMPONENT UNIT		41.53			
101-0000-22801		Refund: MR Unapplied Payments		9.73			
101-1110-41150		WORKERS COMP		10.75			
101-1400-43309		COMPUTER TECHNICAL SUPPORT		1,306.80			
101-1400-43330		PROFESSIONAL DEVELOPMENT		630.00			

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 02/05/2024 - 02/05/2024

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
101-1400-43433	DUES & SUBSCRIPTIONS			195.00			
101-1610-43301	CITY ATTORNEY			6,724.43			
101-1700-43350	PRINTING/LEGAL PUBLICATION			1,633.65			
101-1700-43430	MISCELLANEOUS			63.75			
101-1800-43309	COMPUTER SUPPORT			34,839.90			
101-1800-43330	PROFESSIONAL DEVELOPMENT			311.70			
101-1940-42200	OFFICE SUPPLIES			23.23			
101-1940-43380	UTILITIES			1,121.23			
101-1940-43410	RENTAL EXPENSE			132.24			
101-1940-43430	MISCELLANEOUS			21.25			
101-2400-43330	PROFESSIONAL DEVELOPMENT			2,100.18			
101-2400-43350	PRINTING/LEGAL PUBLICATION			92.00			
101-2400-43405	NUISANCES			1,470.00			
101-2400-43430	MISCELLANEOUS			72.50			
101-2400-43435	BOOKS & PAMPHLETS			102.75			
101-9200-43300	PROFESSIONAL SERVICES			14,722.63			
101-9200-43438	MISC SPECIAL PROJECTS			426.66			
203-9000-42200	OFFICE SUPPLIES			4.27			
203-9000-42212	MOTOR FUELS			1,423.59			
203-9000-43401	VEHICLE REPAIRS			3,887.57			
203-9000-43433	DUES & SUBSCRIPTIONS			855.00			
203-9000-43440	TRANSIT SERVICE CONTRACT PY			84,943.94			
211-0000-20800	DUE TO OTHER GOVT UNITS			174.80			
211-5500-42200	OFFICE SUPPLIES			71.46			
211-5500-42220	REPAIR & MAINT			162.17			
211-5500-42240	LIBRARY MATERIALS			183.62			
211-5500-43380	UTILITIES			925.38			
211-5500-45500	CAPITAL OUTLAY			509.60			
211-5501-43430	MISC - SPECIFIED DONATION USE			34.20			
211-5503-43430	MISC - USE OF HOLDEN TRUST			437.85			
211-5505-43430	MISC - COPY MACHINE PYMTS			212.95			
217-6600-43300	PROFESSIONAL SERVICES			5,447.50			
223-0000-22800	OTHER LIABILITIES			227.10			
225-0000-15510	PREPAID OTHER			598.54			
225-0000-20800	DUE TO OTHER GOVT UNITS			5,319.27			
225-2120-35102	PARKING FINES			25.00			
225-2120-41113	UNIFORM ALLOWANCE			124.95			
225-2120-42200	OFFICE SUPPLIES			153.31			
225-2120-42209	SAFETY EQUIPMENT SUPPLIES			285.20			
225-2120-42210	OPERATING SUPPLIES			624.89			
225-2120-42220	REPAIR & MAINT			197.42			
225-2120-42221	SQUAD CAR REPAIR SUPPLIES			17,742.56			
225-2120-43300	PROFESSIONAL SERVICES			90.72			
225-2120-43309	COMPUTER TECHNICAL SUPPORT			2,274.46			
225-2120-43322	POSTAGE			226.78			
225-2120-43330	PROFESSIONAL DEVELOPMENT			2,777.92			
225-2120-43380	UTILITIES			102.89			
225-2120-43433	DUES & SUBSCRIPTIONS			290.00			
225-2127-43310	MISDEMEANOR PROSECUTOR			18,883.33			
225-2128-43430	MISC - K9 PROGRAM			50.00			
225-2131-42210	OPERATING SUPPLIES			(87.45)			
225-2220-42210	OPERATING SUPPLIES			440.05			
225-2220-42220	REPAIR & MAINT			259.56			
225-2220-43300	PROFESSIONAL SERVICES			24.50			
225-2220-43330	PROFESSIONAL DEVELOPMENT			20.00			
225-2220-43331	LEASED PAYMENTS			80.69			
225-2220-43380	UTILITIES			692.58			

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	225-2225-41150	WORKERS COMP		14,127.50			
	225-2700-43300	PROFESSIONAL SERVICES		3,168.00			
	229-0000-43300	PROFESSIONAL SERVICES		6,419.00			
	230-5200-42210	OPERATING SUPPLIES		69.99			
	230-5200-42220	REPAIR & MAINT		3,671.15			
	230-5200-43300	PROFESSIONAL SERVICES		1,174.50			
	230-5200-43380	UTILITIES		611.77			
	230-5200-43430	MISCELLANEOUS		170.00			
	230-5200-43433	DUES & SUBSCRIPTIONS		930.00			
	230-5220-42210	OPERATING SUPPLIES		800.00			
	235-3100-42200	OFFICE SUPPLIES		22.25			
	235-3100-42220	REPAIR & MAINT		4,288.44			
	235-3100-42240	SMALL TOOLS		450.20			
	235-3100-43330	PROFESSIONAL DEVELOPMENT		50.00			
	235-3100-43380	UTILITIES		582.14			
	235-3100-43430	MISCELLANEOUS		894.72			
	235-3125-42220	REPAIR & MAINT		1,476.60			
	237-3190-42220	REPAIR & MAINT		840.85			
	237-3190-43300	PROFESSIONAL SERVICES		1,911.25			
	237-3190-43430	MISCELLANEOUS		63.75			
	238-3160-43430	MISCELLANEOUS		800.00			
	245-1310-43430	MISCELLANEOUS		360.88			
	260-9020-43309	COMPUTER SUPPORT		330.54			
	260-9020-43430	MISCELLANEOUS		138.60			
	278-6515-43430	MISCELLANEOUS		6,381.55			
	280-0000-41150	WORKERS COMP		72,212.25			
	295-0000-20600	DEPOSITS PAYABLE		1,047.30			
	295-6510-43300	PROFESSIONAL SERVICES		10,765.85			
	295-6510-43435	BOOKS/PAMPHLETS/DUES		5,350.00			
	400-9050-45530	CAPITAL - OTHER		1,393.60			
	401-9030-43300-21:15	PROFESSIONAL SERVICES		22,463.90			
	401-9030-43300-23:13	PROFESSIONAL SERVICES		36,691.66			

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			72,870.15	72,870.15		
	203 - TRANSIT FUND			91,114.37	91,114.37		
	211 - LIBRARY FUND			2,712.03	2,712.03		
	217 - CITY ECON DEVEL FUND			5,447.50	5,447.50		
	223 - DRUG FORFEITURE			227.10	227.10		
	225 - PUBLIC SAFETY FUND			68,492.67	68,492.67		
	229 - PANDEMIC GRANTS			6,419.00	6,419.00		
	230 - PARK & RECREATION FUND			7,427.41	7,427.41		
	235 - STREET & SEWER FUND			7,764.35	7,764.35		
	237 - SANITARY SEWER FUND			2,815.85	2,815.85		
	238 - STORM SEWER FUND			800.00	800.00		
	245 - CONTINGENCY FUND			360.88	360.88		
	260 - AIRPORT FUND			469.14	469.14		
	278 - HEALTHY EMPLOYE INITIATIVE			6,381.55	6,381.55		
	280 - PACKAGE INSURANCE FUND			72,212.25	72,212.25		
	295 - EDA FUND			17,163.15	17,163.15		
	400 - CAPITAL PROJECTS FUND			1,393.60	1,393.60		
	401 - CONSTRUCTION FUND			59,155.56	59,155.56		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			92,867.76	92,867.76		
	1110 - MAYOR & COUNCIL			10.75	10.75		
	1310 - CONTINGENCY FUND			360.88	360.88		
	1400 - ADMINISTRATION			2,131.80	2,131.80		
	1610 - LEGAL-CIVIL ATTORNEY			6,724.43	6,724.43		
	1700 - ENGINEERING			1,697.40	1,697.40		
	1800 - IT/GIS			35,151.60	35,151.60		
	1940 - CITY HALL			1,297.95	1,297.95		
	2120 - POLICE DEPARTMENT			24,916.10	24,916.10		
	2127 - MISDEMEANOR PROSECUTOR			18,883.33	18,883.33		
	2128 - K-9 PROGRAM			50.00	50.00		
	2131 - TACTICAL TEAM			(87.45)	(87.45)		
	2220 - FIRE DEPARTMENT			1,517.38	1,517.38		
	2225 - PAID ON-CALL FIRE DEPT			14,127.50	14,127.50		
	2400 - COMMUNITY DEVL/INSPECTION			3,837.43	3,837.43		
	2700 - ANIMAL CONTROL			3,168.00	3,168.00		
	3100 - S & S MAINTENANCE			6,287.75	6,287.75		
	3125 - SNOW REMOVAL			1,476.60	1,476.60		
	3160 - STORM SEWER EXPENSE			800.00	800.00		
	3190 - SANITARY SEWER EXPENSE			2,815.85	2,815.85		
	5200 - PARK MAIN/ADMINISTRATION			6,627.41	6,627.41		
	5220 - OUTDOOR RINKS			800.00	800.00		

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DB: Brainerd

INVOICE REGISTER REPORT FOR CITY OF BRAINERD
EXP CHECK RUN DATES 02/05/2024 - 02/05/2024
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
--- TOTALS BY DEPT/ACTIVITY ---							
	5500 - LIBRARY-BUDGETED			1,852.23	1,852.23		
	5501 - SPECIFIED DONATION USE			34.20	34.20		
	5503 - HOLDEN TRUST DONATION USE			437.85	437.85		
	5505 - TAXABLE FEES			212.95	212.95		
	6510 - ECONOMIC DEVELOPMENT AUTH			16,115.85	16,115.85		
	6515 - HEALTHY EMPLOYE INITIATIVE			6,381.55	6,381.55		
	6600 - CITY ECON DEVELOP FUND			5,447.50	5,447.50		
	9000 - TRANSIT FUND			91,114.37	91,114.37		
	9020 - AIRPORT M & O			469.14	469.14		
	9030 - CONSTRUCTION PROJ-MISC			59,155.56	59,155.56		
	9050 - CAPITAL PROJECTS-MISC			1,393.60	1,393.60		
	9200 - CITY-WIDE			15,149.29	15,149.29		

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

Upon roll call, the following members were noted as present: Terry, Stenglein, Johnson, Czczok, O'Day, Stunek, and Bevans. Mayor Badeaux was also noted as present. Public Utilities commissioners noted as present: Angland, O'Day, and Matten.

Staff present were BPU Operations Manager Hawkinson, Finance Director Hillman, City Engineer/Public Works Director Dehn, Interim City Administrator Wussow, HR Director Schubert, BPU Finance Manager Loch, Public Utilities Director Wicklund, and WWTP Supervisor Gammon.

Public Utilities Succession Planning

Interim City Administrator Wussow stated that the red lined version of the proposed job description for the Public Utilities Director with a title change to Assistant City Administrator was included in the packet. Utilizing the market study and the current Public Utilities Director wage, staff is recommending a 10% increase to the proposed wage. He stated that the City Administrator is the lead staff person for the entire City. The proposed position description as Assistant Administrator reflects that.

Public Utilities Commission Chair Matten stated that when the work group met in March of 2023 the intention was not to update the job title to Assistant City Administrator. The proposed job description and title creates confusion for the Commission and the leadership that they hold.

Council Member Czczok asked whether the work group would be utilized for the hiring for this position.

Interim City Administrator Wussow that the personnel policy identifies that there will be a work group to fill this position.

Public Utilities Director Wicklund asked why the work done by the work group nine months ago is now insufficient. He gave an overview of the documents he submitted for the meeting. He stated that there are several big issues that are facing the Utility and City as whole in the coming years that will require someone with advanced knowledge. He would implore the Council to think about why there are changes being made to the position right now.

City Council Chair Bevans clarified Public Utilities Director Wicklund's points for simplicity. There is concern about the timing of the update to the position, the title, pay for the position, and communication between the Council and Public Utilities Commission.

Interim City Administrator Wussow stated that the title change would reflect the Council directive of the position reporting to the City Administrator.

Council Member Czczok stated that he viewed the Personnel and Finance Committee meeting from the last meeting. He stated that the conversation was concerning. According to the job description, the City Administrator is the supervisor of the Public Utilities Director for personnel issues. However, the Public Utilities Commission gives guidance on the operations. He asked whether the changing of the name was going to interfere with operations. **When it**

comes to personnel policy, would the Public Utilities Director be under the supervision of the City Administrator when it comes to performance and discipline. Which would imply the Director isn't following the direction of the Commission. Is there a scenario where the City Administrator would need to instruct the Public Utilities Director on operations contrary to the Commission.

Public Utilities Commissioner O'Day stated that the work group that was formed in 2023 approved the current job title for uniformity and consistency. The Charter changed only the personnel duties of the Commission. To answer Council Member Czczok's questions, yes, the Commission gives guidance on operations only and there is confusion with the proposed title change.

Council Member Czczok stated that he believes the answer Public Utilities Commissioner O'Day gave is correct. If there is no disagreement with the answer, he will take the answer as fact. The current title of the position describes the position he believes the title should be maintained.

Council Member Johnson stated that he supports the recommendation by Interim City Administrator Wussow as he has a unique position having been on the Commission previous to and after the Charter change as well as having been the City Administrator previous to and after the Charter change.

Council Member Terry stated that she does not support the title change of the position having been a part of the work group.

Council Member O'Day stated that he doesn't care one way or another what the position is called, but he is aware that it may cause an issue as far as hiring. If the position title is going to cause friction, then keep it the same.

Council Member Stunek stated that the Council generally listens to the findings of a work group. This is a great example of a work group done internally. What is the point of forming work groups if the Council does not listen to them. He would leave the position alone and move on.

Public Utilities Chair Matten stated that the issue is more than the title, there are job description changes. She pointed specifically to bullet point two of the essential functions. The job description was developed following the personnel guidelines. The job description as proposed says that the City Administrator is in charge of operations, which contradicts the Charter. Communication needs to be improved. She would suggest that the work group meet again.

Interim City Administrator Wussow stated that the timeline would require that the job description be approved at the next City Council meeting on January 16th. Referring to the current job description, the general definition of work states "Work is performed under the supervision of the City Administrator with oversight and guidance from the Brainerd Public Utilities Commission."

Council Member Johnson stated that the opportune time to review the job description is now since the job will be open. It was not perfect nine months ago, the proposed description isn't perfect either, but maybe the work group can meet to improve upon it. The Charter clearly lays out that the City Council does all of the hiring and terms of employment. The Public Utilities Commission can hate the description all they want. However, the Council is friendly and takes input from the commission.

Mayor Badeaux stated that the only time things get contentious is when the timeline is short. He greatly dislikes short timelines as people think that things are going on without the

public being aware to push something through. Now is the appropriate time to review the job description.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND CZECZOK TO APPROVE THE EXISTING TITLE; FURTHER TO HAVE THE WORK GROUP GET TOGETHER TO REVIEW THE JOB DESCRIPTION FOR THE PUBLIC UTILITIES DIRECTOR.

Council Members Terry, Stenglein, Czeczok, O'Day, Stunek, and Bevans voted "aye". Council Member Johnson voted "nay". The Chair declared the motion carried. The work group will meet at 12:30 p.m. on January 9th.

Discuss Roles and Responsibilities of City Council and City of Brainerd Public Utilities Commission

The City Council and Commission felt that this was addressed throughout the discussion of the previous item.

Discuss Coordination of Future Street Improvement Projects

City Engineer/Public Works Director Dehn gave an overview of the memo that was included in the packet. Staff from Engineering and Public Utilities meet bi-weekly to coordinate projects to improve communication. The capital plan was developed from conversations with BPU and utilizing the previous capital plan. The priority of the projects was determined in large part with finances in mind. The State Aid funds are still advanced.

Council Chair Bevans asked Commission Chair Matten what staff can do to better coordinate future street improvements.

Commission Chair Matten stated that the Commission was not aware that there was coordination happening between the City and BPU staff. Communication needs to continue to improve.

Council Member Czeczok stated that he appreciates the memo put together. However, any projects that the underground be evaluated with each project regardless of the financial factors. The MnDOT mandated projects put the state aid account back 10 years. If something were to happen to a sanitary sewer line, the City and Utility could incur large fines.

Council Member O'Day stated that the capital plan would prioritize the utilities if there was more knowledge about the structures and conditions of the utilities.

Adjourn

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

The Chair adjourned the meeting at 7:07 p.m.

Pursuant to due call and notice thereof, the special meeting of the Brainerd City Council was called to order at 5:30 P.M. by Council President Bevans.

Upon roll call, the following members were noted as present: Stenglein, Johnson, Czczok, O'Day, Stunek, and Bevans. Mayor Badeaux was also noted as present. Member Terry was present online but did not participate in the meeting.

Staff present were HR Director Schubert, Interim City Administrator Wussow, and Finance Director Hillman. The consultants Mr. Matt Fulton was present and Mr. Jeff Weldon, was online.

City Administrator Hiring Process

Mr. Weldon stated that there were 23 applicants for the position. The consultants interviewed 10 to present to the City Council. There are 7 candidates that are recommended to final interviews. The Council can choose the number of candidates they would like to interview. Candidate J has withdrawn from the process. Candidate A requested a higher starting salary of \$170,000 and there may not be much negotiation with this applicant, they are extremely qualified. The adjustment that the City Council previously made helped the pool of candidates significantly. Candidate G would like the Council to discuss travel expenses as they live in Washington State.

Member Czczok asked about the process for the consultant to interview the candidates preliminarily.

Mr. Weldon stated the interviews were conducted via Microsoft Teams.

Member Terry submitted her preferences in writing C, E, G, H, I.

Member Stenglein stated her preferences G,H,I.

Member Stunek stated his preferences C, E, H, I. If Candidate G could be interviewed via zoom, he would include them.

Member Johnson stated his preference C, E, G, H.

Member O'Day stated his preference C, E, H, I. If Candidate G could be interviewed via zoom, he would include them.

Member Czczok stated his preference C, H, I, E.

Mr. Weldon stated that the virtual option could be accommodated, however, the process would need to be modified significantly.

Member Stenglein stated that the process isn't just about the candidate selling themselves to us, it's also about selling Brainerd to them. She wouldn't want to miss out on a great candidate just because the City is not willing to pay for a flight. Even if they are hired, if they don't know what Brainerd is, which isn't a good place to start with a City Administrator. She supports the investment to support the candidate with airfare.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON TO PAY AIRFARE FOR APPLICANT G, MILEAGE AND HOTEL FOR ALL CANDIDATES OUT OF THE SPECIAL PROJECTS BUDGET LINE ITEM.

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

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECHOK, DULY CARRIED, TO INTERVIEW CANDIDATES C, E, G, H, AND I.

Interim City Administrator Wussow reminded Council of the Meet and Greet on January 28th. Member Stunek and his wife are charged with greeting all of the candidates and their spouses. He gave an overview of the interview day, January 29th, process.

Mr. Fulton suggested that during the reception ask the candidates a question on the fly. The tactic has a multitude of benefits.

Mr. Weldon asked about interview questions that the City Council would like to include.

Chair Bevans requested that the candidates be asked what their vision is of longevity.

Member Stenglein asked about the expectations of the Council for the interview day.

Interim City Administrator Wussow stated that the Council is expected at noon. He explained the route that the tour will cover.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ADJOURN THE MEETING TO THE REGULAR COUNCIL MEETING.

The Chair adjourned the meeting at 6:06 p.m.

Patrick Wussow
Interim City Administrator

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

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

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

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE CONSENT CALENDAR WITH THE REMOVAL OF THE MINUTES FROM THE JOINT SPECIAL MEETING HELD ON JANUARY 8TH, 2024.

- A. Approval of Bills
- B. Approval of Minutes
 - a. Regular City Council Minutes January 2, 2024
- C. Department Activity Report
- D. Adopt Resolution Accepting 4th Quarter Donations
- E. Approve 2024 Budgeted Transfers
- F. Ratify Hiring of Temporary Warming House Attendant Employees

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

Approval of Minutes from the Joint Special Meeting on January 8th, 2024

Member Czeczok stated that on the minutes from January 8th, he asked a very important question regarding the discipline of the Public Utilities Director being carried out by the City Administrator. He asked the staff to review the minutes.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO HAVE STAFF REVIEW THE MINUTES FOR THE JOINT SPECIAL MEETING.

Council Committee Reports

Safety and Public Works Committee

Approve Event/Street Closure Application - March for Life

Committee Chair O'Day stated that the march will take place on S 6th Street from Oak to Laurel. The closure will be one lane as the march progresses.

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

Approve Plans & Specifications and Authorize Bidding - Historic Water Tower Phase 2

Committee Chair O'Day stated that the proposed items were removed from phase 1 due to the expense. This includes the stairs, windows, and electrical heat taping.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE PLANS AND AUTHORIZE BIDDING OF THE HISTORIC WATER TOWER PHASE 2.

Authorize Staff to Apply for Minnesota Historical Society Grant for Historic Water Tower Phase 3

Committee Chair O'Day stated that the reason the City is opting to not apply for the grant is that the money would have to be spent in 2024 which is not budgeted. The maximum that the City would receive would be about \$300,000 with a match. Staff and the Committee will continue to look for other opportunities.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECHOK, DULY CARRIED, TO NOT APPLY FOR THE GRANT APPLICATION.

Award Engineering Proposal for Laurel Street Bridge Repair

Committee Chair O'Day stated that the washout was caused by the drainage on the bridge. This is for the engineering; the construction will be an additional cost.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECHOK, DULY CARRIED, TO APPROVE THE PROPOSAL FROM BOLTON & MENK IN THE AMOUNT OF \$40,238.

Adopt Resolution Requesting Advance Municipal State Aid Funds for 2024 Projects

Committee Chair O'Day stated that the \$25,000,000 grant allocated by the Federal government for the Highway 210 reconstruction will allow for use of Municipal State Aid funds for other projects like the Willow Street roundabout and the engineering for Highway 210.

RESOLUTION 04:24

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECHOK TO ADOPT RESOLUTION REQUESTING ADVANCE MUNICIPAL STATE AID CONSTRUCTION FUNDS.

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

Direction on Active Code Enforcement Cases

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

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATIONS FOR 508 N 9TH STREET AND 1023 S 6TH STREET.

Personnel and Finance Committee

Approve Public Utilities Director Succession Planning Recommendations

Committee Chair Johnson stated that the work group was able to meet and give recommendations.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE REVISED PUBLIC UTILITIES DIRECTOR JOB DESCRIPTION AND MODIFIED HIRING TIMELINE AS RECOMMENDED BY THE WORK GROUP.

Committee Chair Johnson stated that there was a split recommendation from the work group, \$151,000 was the other recommendation. The committee settled on a \$140,000 compromise.

Member Czczok asked how many members were present and voted in favor of the wage.

Committee Chair Johnson stated that three members were present, and all voted in favor of the recommendation.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO MODIFY THE 2024 PUBLIC UTILITIES DIRECTOR STEP 6 WAGE TO \$140,000 AND APPROVE THE 2024 PUBLIC UTILITIES DIRECTOR WAGE GRID.

Committee Chair Johnson stated that Member Terry and Commissioner Matten would be on the work group.

Member Czczok asked what time the committee met.

Committee Chair Johnson stated that it met at noon.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RE-ESTABLISH THE WORK GROUP THAT WAS ORIGINALLY FORMED IN 2023 FOR THE 2024 PUBLIC UTILITIES DIRECTOR HIRING PROCESS.

Ratify the Hiring of Street Maintenance I Louis Schlegel

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF LOUIS SCHLEGL FOR THE STREET MAINTENANCE I POSITION EFFECTIVE JANUARY 12, 2024; FURTHER THAT HE BE PLACED ON STEP 1 OF THE MAINTENANCE I WAGE GRID (\$22.28 PER HOUR).

Ratify the Hiring of Administrative Specialist II - Fire Department Kaitlyn Yutrzenka

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF KAITLYN YUTRZENKA FOR THE ADMINISTRATIVE SPECIALIST II- FIRE POSITION EFFECTIVE JANUARY 16, 2024; FURTHER, THAT SHE BE PLACED ON STEP 1 OF THE ADMINISTRATIVE II WAGE GRID (\$24.10).

Approval of Pay Equity Compliance Recommendations

Committee Chair Johnson stated that these changes should be enough to get the City into compliance with State pay equity law.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION APPROVING DECEMBER 31, 2023, WAGE ADJUSTMENTS FOR THE FINANCE DIRECTOR, HR DIRECTOR, POLICE ADMINISTRATIVE SUPERVISOR, TRANSIT COORDINATOR, AND RECREATION COORDINATOR AS RECOMMENDED.

RESOLUTION 05:24

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE PAY EQUITY IMPLEMENTATION REPORT AS PRESENTED.

Adopt Corrected General Fund 2024 Budget

Committee Chair Johnson stated that the General Fund budget was adopted without the levy and the repayment of the loans to the LMCIT and BPU for the lawsuit settlement included.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ADOPT 2024 GENERAL FUND BUDGET AS AMENDED.

Review of 2024 Workers Comp Premium

Committee Chair Johnson stated that the committee reviewed the premiums.

Unfinished Business

Commission Appointments

Mayor Badeaux recommended Tad Johnson to the Public Utilities Commission

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO APPOINT TAD JOHNSON TO THE PUBLIC UTILITIES COMMISSION.

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)

HRA 1 term (Expire 2029)

Parks & Rec- 1 term (Expire 2029)

Public Utilities- 1 term (Expire 2026)

TAC- 3 terms (Expire 2025)

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) 1 term (Expire 2028)

Planning- 2 terms (Expire 2027)

Hold Public Hearing and Adopt Resolution Relating to the Crow Wing County Housing Trust Fund

Interim City Administrator Wussow stated that the Trust Fund is designed to assist with funding to improve housing throughout Crow Wing County. The City has not previously levied

for the fund. There are numerous projects that could be funded within the City limits. The City is opting to contribute in order for properties in the City to be eligible to access the funding. The levy would be .194% on the County's levy.

Member Johnson asked about the City's ability to rescind the funding in the future if it chose to.

Interim City Administrator Wussow stated that the City does have the authority to rescind the resolution.

Member Czczok thanked staff for considering his text amendment to the resolution.

The Chair opened the public hearing at 7:50 p.m.

No one came forward.

The Chair closed the public hearing at 7:51 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON TO ADOPT RESOLUTION GRANTING MUNICIPAL CONSENT TO CONTRIBUTE TO THE CROW WING COUNTY HOUSING TRUST FUND.

RESOLUTION 06:24

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

Consider Country Manor Planned Unit Development Final Plan, Conditional Use Permit for a Physical Therapy Office, and Development Agreement.

Community Development Director Kramvik gave an overview of the project. The Planning Commission did not recommend any conditions for the construction and development stages.

Member Czczok asked whether this is the maximum time extension.

Community Development Director Kramvik stated that the extension is at the discretion of the City Council. This length of time seemed appropriate.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO APPROVE THE PLANNED UNIT DEVELOPMENT FINAL PLAN SUBJECT TO THE FINDINGS OF FACT WITH THE CONDITION OF AN APPROVED AND EXECUTED DEVELOPMENT AGREEMENT.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO APPROVE THE DEVELOPMENT AGREEMENT.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT SUBJECT TO THE FINDINGS OF FACT FOR A PHYSICAL/OCCUPATIONAL THERAPY CLINIC WITH THE FOLLOWING CONDITIONS: APPROVAL OF THE PUD FINAL PLAN. THE CUP SHALL BE NULL AND VOID AND EXPIRE IF THE APPLICANT FAILS TO UTILIZE THE CONDITIONAL USE PERMIT OR FAILS TO FULFILL ALL REQUIRED CONDITIONS WITHIN THREE YEARS FROM THE DATE OF ITS AUTHORIZATION.

Adopt Resolution for a One-Year Extension to Commence Construction of the Country Manor Planned Unit Development

Member Czczok asked what the estimated time is to construct the facility.

Brian Kelm, 520 1st St NE, Sartell, Health Care Continuums, stated that the timeline is 18 to 24 months.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON TO ADOPT RESOLUTION FOR A ONE-YEAR EXTENSION TO COMMENCE CONSTRUCTION OF THE COUNTRY MANOR PUD.

RESOLUTION 07:24

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

Conduct Public Hearing on Tax Abatement for Foundation for Health Care Continuums; and Adopt Resolution Granting a Property Tax Abatement for Certain Property in the City and Approving a Tax Abatement Agreement with the Foundation for Health Care Continuums

Finance Director Hillman stated that in 2022 the City Council passed a conception to approve sharing up to 45% annual tax abatement revenue for a period of 10 years for a total tax abatement amount of \$853,158. The current proposed agreement is the same terms.

Mikaela Huot, Baker Tilly, stated that the tax abatement is based on the incremental taxes that would be generated by the project. The estimated taxable value that the County has provided is \$21.9 million which includes the residential units and daycare facilities values.

Member Czczok asked when the abatement would begin.

Ms. Huot stated that depending on when the construction starts the first tax abatement payment would be in 2027 or 2028.

The Chair opened the public hearing at 8:02 p.m.

No one came forward.

The Chair closed the public hearing at 8:03 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY TO ADOPT RESOLUTION GRANTING A PROPERTY TAX ABATEMENT FOR CERTAIN PROPERTY IN THE CITY AND APPROVE A TAX ABATEMENT AGREEMENT WITH THE FOUNDATION FOR HEALTH CARE CONTINUUMS.

RESOLUTION 08:24

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

Adopt Resolution Denying Interim Use Permit for a Short-Term Rental at 701 SW 4th St.

Community Development Director Kramvik gave an overview of the denial of the interim use permit.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK TO ADOPT RESOLUTION WITH FINDINGS TO DENY THE INTERIM USE PERMIT FOR ONE SHORT-TERM RENTAL AT 701 SW 4TH STREET.

RESOLUTION 09:24

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

New Business

Public Hearing and Adopt Resolution Ordering Improvement and Accepting Bid - Improvement 22-08 - South Brainerd Reconstruction

City Engineer/Public Works Director stated that there were nine bids for this project. The low bidder is 17.6% below the estimate which was determined as appropriate. The assessment rate will reduce from \$80 to about \$60 with the low bid.

The Chair opened the public hearing at 8:07 p.m.

Dave Runberg, 1004 S 7th St, asked how much the bid would change the assessment. He stated that the garbage trucks go back and forth on the street causing damage to the street. When the new street is in place, he would like to see changes to the garbage haulers routes.

Leonard Skillings, 920 S 7th St, asked what happens with the boulevard. It's about time for the project.

The Chair closed the public hearing at 8:11 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND O'DAY TO ADOPT RESOLUTION ORDERING IMPROVEMENT, ACCEPTING THE BIDS, AND AWARDING THE CONTRACT TO DECHANTAL EXCAVATING LLC IN THE TOTAL CONTRACT AMOUNT OF \$3,557,789 AND AUTHORIZE PROPER SIGNATURES ON THE AGREEMENT DOCUMENT.

RESOLUTION 10:24

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

Adopt Resolution Receiving Feasibility Report and Call Public Hearing - Improvement 24-05 - South Brainerd Alley Resurfacing Project

City Engineer/Public Works Director Dehn stated that property owners between Paul and Joseph street petitioned for resurfacing of the alley. The water main will be replaced, not the services or sanitary as the project area is constricted.

Member Czeczok asked for the age and condition of the lines with the feasibility report.

City Engineer/Public Works Director Dehn stated that this will be included.

Member Johnson asked for the project to go before the Public Utilities Commission as the commission controls operations for the Public Utilities.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON TO ADOPT RESOLUTION RECEIVING THE FEASIBILITY REPORT AND SETTING THE PUBLIC HEARING FOR IMPROVEMENT 24-05- SOUTH BRAINERD ALLEY RESURFACING PROJECT ON TUESDAY, FEBRUARY 20TH, 2024 AT 7:30 P.M.

RESOLUTION 11:24

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

Public Forum

The Chair opened the public forum at 8:16 p.m.

Dave Runberg, 1004 S 7th St, stated that there are emergency routes for snow removal. There has been nothing done to remove the cars during this years snow events. He asked when the chlorination will be taken out of the City water, you can taste and smell it and his skin is very dry.

Leonard Skillings, 920 S 7th St, stated that there are motorbikes riding on public sidewalks. There is no enforcement.

The Chair closed the public forum at 8:19 p.m.

Staff Reports

City Engineer/Public Works Director Dehn stated that the Governor released his bonding bill recommendations, none of the City's projects were included.

Community Development Director Kramvik stated that the Planning Commission will hold a public hearing at its next meeting for the Short-Term Rental ordinance.

Interim City Administrator Wussow thanked the City Council for their work to move the City Administrator hiring forward.

Mayor's Report

Mayor Badeaux stated that he enjoyed Senator Klobuchar's visit for an update on Highway 210. He thanked City Engineer Dehn for his presentation. It is not every day that \$25 million dollars from the Federal government is allocated for a project. He got a text message about the Ice Fishing Extravaganza being cancelled, which at this time is false information. He hopes that next time its done more in humor.

Council Member Reports

Member Johnson stated that the Personnel and Finance Committee stated that the committee will meet again on January 31st at 11:00 a.m. to discuss the agenda. A recommendation will be made about the appeals made by staff.

Member Stenglein stated that she is learning a lot at the landlord meetings, CLC is looking for 200 beds for students in the fall. She will be attending the Planning Commission and Brainerd Unified Fund meetings on Wednesday, January 17th.

Member Czeczok stated that the Personnel and Finance Committee is a standing committee, their meetings need to be publicly noticed in the same way that any other meeting is noticed.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK, DULY CARRIED, TO ADJOURN TO CITY ADMINISTRATOR MEET AND GREET ON SUNDAY, JANUARY 28TH AT NOTCH 8, 1511 NORTHERN PACIFIC RD, 6:30 P.M. AND THE CITY ADMINISTRATOR INTERVIEWS ON JANUARY 29TH TO BE HELD ALL DAY AT CITY HALL.

The Chair adjourned the meeting at 8:26 p.m.

Patrick Wussow
Interim City Administrator

Pursuant to due call and notice thereof, the adjourned meeting of the Brainerd City Council was called to order at 12:00 p.m. by Council President Bevans.

Upon roll call, the following members were noted as present: Terry, Stenglein, Johnson, Czczok, O'Day, Stunek, and Bevans. Mayor Badeaux was noted as present. Also present, Consultant Jeff Wheldon, Interim City Administrator Wussow, HR Director Schubert, Finance Director Hillman, and Theresa Bourke from the Brainerd Dispatch.

City Administrator Interviews.

Five candidates were interviewed for the City Administrator position. The candidates were Patrick Dames, Darren Groth, Nick Broyles, Matthew Skaret, and Matthew Hill.

The Council took a one-hour break.

The Council reconvened at 6:00 p.m.

Member Stunek ranked Matthew Hill and Nick Broyles.

Member Terry ranked Nick Broyles and Matthew Hill.

Member Johnson ranked Nick Broyles and Patrick Dame.

Chair Bevans ranked Matthew Hill and Nick Broyles.

Member Czczok ranked Nick Broyles and Patrick Dame.

Member O'Day ranked Nick Broyles and Patrick Dame.

Member Stenglein ranked Nick Broyles and Darren Groth.

Mayor Badeaux ranked Nick Broyles and Darren Groth.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK, DULY CARRIED, TO OFFER THE CITY ADMINISTRATOR POSITION FIRST TO MR. BROYLES WITH MR. HILL AS SECOND CHOICE.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ASSIGN MEMBERS O'DAY, JOHNSON, AND BEVANS TO MEET TO NEGOTIATE THE OFFER.

Adjournment.

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

Chair Bevans adjourned the meeting at 6:20 p.m.

January 29, 2024

Patrick Wussow
Interim City Administrator



CITY ENGINEER/PUBLIC WORKS DIRECTOR REPORT FEBRUARY 5, 2024 CITY COUNCIL MEETING

Recreation Report

Recreation Specialist Hiring Update

- Haley Blank began on January 17th!
 - Haley grew up in Sauk Centre.
 - Was previously employed at an assisted living facility working as a Life Enrichment Director!
 - Haley has a husky named Kai and two cats named Loki and Kat!
 - Haley enjoys doing anything artsy and her favorites are drawing with pens and painting.
 - She enjoys many outside activities such as camping, hiking, swimming, traveling, paddle boarding, hammocking, geocaching, and road trips!

Winter Activities/Sports

- Youth Pond Hockey
 - Registration for youth pond hockey is up from 2023.
 - Penguins = 20 Registrants, up 4 from 2023.
 - Polar Bears = 22 Registrants, up 6 from 2023.
 - Planning for two teams each
 - Equipment pick-up was on January 10th from 4 p.m. to 6 p.m.
- Adult Pond Hockey
 - Registration for adult pond hockey is 7 teams, down 1 from 2023.
- Warming House Attendants
 - We have hired 8 attendants for the warming houses this winter.
 - Warming houses were opened on Saturday, January 13th. This was considerably later than normal due to weather.

Special Events

- Skating Party
 - Sunday, February 11th from 1 p.m. to 4 p.m.
 - Determine Gregory or alternative park
 - Vendors
 - Salvation Army: Hot chocolate
 - Wendys: Chili (TBD In contact with)
 - Last Turn Saloon: Hotdogs (TBD In contact with)
 - Music: Bluetooth Speaker
 - Events:
 - 1:00 - 4:00 Music, Hot Chocolate
 - 1:30 Red Light Green Light Game
 - 2:30 Freeze Skate
 - 3:30 Reverse Frozen Tag (TBD)
 - TBD: Curling Activity
 - Bringing to the board to discuss 1/18

Parks Maintenance Report

- Clear branches at Kiwanis Park
- Repaired Buffalo Hills Park sign
- Prep for the hayrides at Buffalo Hills Park
- Getting garage door fixed at new edition
- Trimming along the river between Kiwanis and Buster Parks
- Ice rink flooding daily
- Repaired ice edger
- Picked up after the hayride event
- Shaved bumps off the Gregory Park rink and blew off
- Chipping brush
- Finished updating screw rack
- Garbage runs at Buster Park
- Replacing burned security bulbs at Bane and Lum Parks
- Removed pavilion light fixtures due to Kiwanis Park vandalism
- Built power tool organizer
- Removed downtown wreaths and swags
- Plowing trails, sidewalks, and parking
- Received estimates for plumbing work
- Built shelves for shop
- Welded casters on racks for mobility
- Repaired and mounted bench grinder
- Prepping for rinks to open, getting nets and boards on
- Filled Big Sev sled shed with sleds (dozen)
- Distributed skate helpers to all rinks
- Hung OSHA signage in shop at all power equipment locations
- Assisted in asbestos testing in the old shop
- Toilets cleaned and stocked, paper and soap
- Heaters hung up and benches moved out (arranged)
- Lights set up at Gregory Park rink
- Cameras repositioned at Gregory and Memorial Parks
- Picked up equipment
- Dressing wheel for grinder
- Built enclosure around air compressor at shop

Parks Projects Report

Parks ARPA Projects

Staff is presenting the estimates to the Park Board. Once approved, staff will be advertising the projects for bid. It is expected that work will take place through spring and summer 2024.

Buster Park Pavilion

The pavilion is now in fabrication. It will take several weeks to fabricate before it can be installed. Staff will be waiting until spring for installation.

Memorial Park Disc Golf Course

The disc golf group has completed staking out locations for tees and baskets. They are proposing variable basket locations that they would rotate throughout the season. There would be some additional costs to this beyond what was originally expected. They are also looking for better sign options than what is provided by Innova (disc golf vendor). With the additional costs for their request, they are committing to cover costs beyond the budget that the City has provided.

Building Demolitions

Staff received quotes for the Lum Park Maintenance Office/Shop building demolition. It is likely that this demo work will be completed after utilities can be disconnected. Staff is reviewing if maintenance staff can self-perform the demolitions of the sheds at Gustafson and Memorial. This would provide some capital fund savings. The demo at Jaycees needs to be quoted yet.

Self-Service Kayak Rental

Staff had a kick-off meeting with Rent.Fun on Friday, January 19th. Staff will be bringing an item to the next Park Board meeting to determine details such as rates, memberships, etc. This is planned to be in place for the 2024 summer season.

Streets Maintenance Report

Maintenance Tasks Completed Month Prior

- Sewer inspection on various streets
- Marking utility locates
- Couple snow clearing events
- Salt/sand spreading after icing
- Continued brushing and tree trimming in alleys throughout the city, streets next
- Receiving quotes for capital equipment
- Replacing miscellaneous street signage
- Repairing sewer vac truck
- Getting quotes on sanitary manhole rehab in alley between S. 6th and S. 7th Streets

Engineering Report

North Brainerd Reconstruction Project

Most of the construction on the project is completed. Final turf establishment will be addressed in spring 2024.

S. 6th/Willow Roundabout Project

Staff has prepared a final version of the layout of the roundabout. We met with PMT Members, Councilmembers Terry and Czezok, to discuss the layout. They were supportive of recommending the layout be presented to the full Council for review and approval. With Council approval, the project would enter the design and right-of-way acquisition phase.

SW 4th Street Storm Outfall Project

The contractor has completed the permanent repairs on this project, including seeding and tree planting. Staff will monitor the site for stability until final turf establishment can be evaluated in Spring 2024.

Buffalo Hills Gully Remediation Project

The Contractor has done grading throughout the gully and placed 5 sections of storm sewer pipe. At this time

due to the weather, work is suspended until weather and temperatures are appropriate to continue. Completion will occur in the spring of 2024.

Other Activities

- Reviewed bids for South Brainerd Reconstruction project
- Began contract work with DeChantal for South Brainerd Reconstruction
- Reached out to utilities regarding the upcoming South Brainerd reconstruction
- Prepared Feasibility Report for resurfacing alley between S. 6th and S. 7th Streets
- Sent letters for Public Hearing on resurfacing alley between S. 6th and S. 7th Streets
- Reviewed quantities and change order requests for Buffalo Hills Gully Remediation project
- Reviewed and commented on draft alignment for watermain replacement on TH 210 Reconstruction
- Participated in weekly check-in meetings for TH 371B/Willow Street Roundabout Project
- Met with SRF regarding funding opportunities for the TH 210/Lum Park Pedestrian Bridge project
- Prepared Parks ARPA project cost estimates
- Continued work on design of Beech Street Reconstruction project
- Continued work on design of Evergreen project
- Discussed continued coordination of sanitary sewer service locating with new excavations
- Presented TH 210/Washington Street Reconstruction project to Senator Klobuchar and staff
- Attended pavement condition software demo
- Hosted TH 371B/Willow Street Roundabout Stakeholder Meeting
- Hosted TH 210/Lum Park Pedestrian Bridge Public Open House
- Met with Brainerd Restoration to discuss design of downtown welcome bench
- Interviewed with Lakeland PBS on the South Brainerd Reconstruction project
- Met with resident adjacent to TH 371B/Willow Street Roundabout project to discuss concerns
- Provided an on-site visit for vendor reviewing for bids on the Water Tower Phase II project
- Attended annual CEAM Conference in Bloomington
- Reviewed and commented on ICE Report for the TH 371B/Willow Street Roundabout project
- Filled out vacant property questionnaires for Annex and Lum Park buildings
- Researched ownership of street lighting at County Road intersections
- Prepared funding request from MnDNR for CLST West Segment
- Prepared resolution for MSAS advance funding requests
- Reviewed stormwater fee charges for property on Washington Street
- Discussed scope of TH 25 upcoming resurfacing project with MnDOT staff
- Prepared draft policy for Surplus Equipment for future presentation to the Council
- Prepared and submitted TA grant application for TH 210/Lum Park Pedestrian Bridge
- Submitted AT grant application for TH 210/Lum Park Pedestrian Bridge
- Prepared and submitted SRTS grant application for Lowell Elementary Safe Routes project
- Participated in City Administrator interviews
- Reviewed new proposed Sewer ordinance
- Requested letters of support for TH 210/Lum Park Pedestrian Bridge from CLTA, MnDOT, MnDNR and MN GRRT.
- Reviewed build specs for Public Works lease vehicle replacements
- Requested title searches on properties adjacent to TH 371B/Willow Street Roundabout project

Transit Report

Activities

- Working on revisions to the RFP and getting to MnDOT for review
- Verified December ridership data and billing
- Accident damages are being fixed
- Met with Spare (software company), demo next week and getting pricing
- Ticket sales and invoicing – will be working with Kathy on this soon
- Received project notice that were approved to get a bus from the order in 2023
- Having continued issues with the diesel buses, maintenance needed regularly
- Operations manager put in resignation, effective last Friday
- Dispatcher resigning as of 2/9
- Brought in ticketing agent from Billings, MT to train in over next few days to assist with 3PC management until a replacement is in place
- Need to update all policies and procedures based on August audit, next TAC meeting
- The call answered percentages continue to average in the high 90%, which is well above the expected rate of 85% answered.
- Ridership Reporting for December 2023
 - Year To Date
 - 2022 = 53,300
 - 2023 = 45,541 (-7,759, -14.6%)
 - Brainerd Only
 - 2022 = 35,173
 - 2023 = 31,863 (-3,310, -9.4%)
 - Baxter Only
 - 2022 = 7,044
 - 2023 = 5,694 (-1,350, -19.2%)
 - Crow Wing County Only
 - 2022 = 9,743
 - 2023 = 7,374 (-2,369, -24.3%)
 - December Only
 - December 2022 = 4,249
 - December 2023 = 2,693 (-1,556)
 - November 2023 vs. December 2023
 - November 2023 = 2,715 (20 operating days)
 - Brainerd-origin = 2,039
 - Baxter-origin = 514
 - CWC = 162
 - December 2023 = 2,693 (-22) (20 operating days)
 - Brainerd-origin = 2,056 (+17)
 - Baxter-origin = 506 (-8)
 - CWC = 131 (-31) (*service changes effective 9/11*)
 - 25 New Customers in December

- Likely reasons for declines in December 2023 vs. 2022
 - Loss of Pine River effective 7/14
 - Brainerd fare increase from \$1.25 (2022) to \$2.25 (June 2023) to \$3.00 (8/21/23)
 - Baxter fare increase from \$2.25 (2022) to \$7.00 (2023)
 - Crow Wing County service changes and fare increase effective September 11, 2023
- Summary of 2023
 - Inflation continued to prove challenging as many costs continue to remain high for fuels, oils, repairs, etc. It is likely that many of these costs will remain higher moving forward.
 - Pine River discontinued their service in July.
 - Crow Wing County reduced their service to twice-daily rides from Pequot Lakes and Crosby and included a fare increase at the same time.
 - Baxter increased fares and Brainerd increased fares twice.
 - Ridership did have significant decreases, but this should be expected with the changes that occurred throughout the system between service reductions and fare increases.
 - The first roughly half of the year was difficult for Blue Sky Transit's operations. We were seeing significant issues with call answer percentages, preventative maintenance, staff issues, and others. They hired an on-site manager at the start of August. Since that time, their operations significantly improved in all aspects. Call answered percentages went into the high 90's, all vehicles were receiving on-time preventative maintenance, and staff issues were being addressed swiftly and effectively.
 - Combining all the factors that went into the year, it was an overall successful year. We went from a projected \$60,000+ budget shortfall to a nearly \$30,000 surplus. Service changes, increased fares, and improved operations all likely contributed as significant factors in the turnaround.



Brainerd Fire Department Monthly Report

January 2024

ACTIVITIES AND PUBLIC EDUCATION

This January, we have responded to a near record number of incidents, underscoring the commitment of our firefighters to respond promptly and effectively to emergencies in our community. We are delighted to welcome Kaitlyn Yutrzenka as our new Fire Administrative Specialist. Kaitlyn brings experience and enthusiasm to our team.

At our annual fire department dinner held at the Brainerd American Legion, we paid honor to our newest retirees, Joe Rubado (26 years of service), Todd Johnson (19 years of service), and Jeremy Powell (13 years of service). It was a memorable evening filled with gratitude and camaraderie.



Todd Johnson and Chief Tim Holmes



Joe Rubado and Chief Tim Holmes



Jeremy Powell and Chief Tim Holmes

Congratulations to Nick Haglin for being named the 2023 Firefighter of the Year. Nick's dedication and excellent service to the community is truly commendable.



Nick Haglin and Chief Tim Holmes



Lee Anderson and wife Lisa Anderson



Jackson Holmes and mom Jenny Holmes

Additionally, we conducted a ceremonial badge pinning of our two newest firefighters Lee Anderson and Jackson Holmes, a milestone in their journey with the Brainerd Fire Department.



Brainerd Fire Department Monthly Report

January 2024

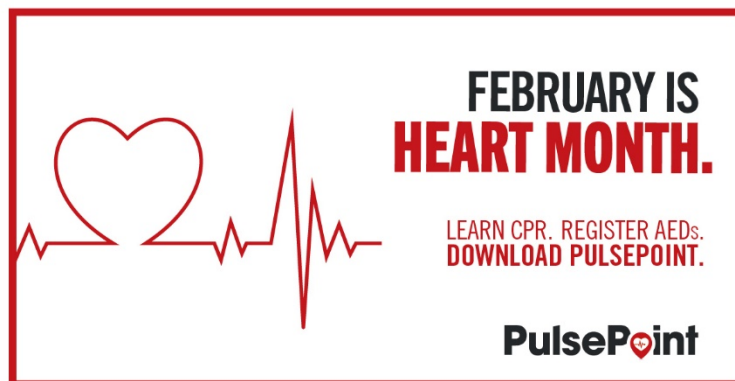
TRAINING

In addition to our operational endeavors, January provided several excellent training opportunities for our team.

We focused on enhancing our technical rescue skills, including training sessions on hauling systems, ropes, and knots, ensuring our firefighters are well-equipped for various rescue scenarios. Emphasis was also placed on patient packaging techniques, crucial for ensuring the safety and well-being of individuals during rescue operations.



Another focus was our pump operations. Focusing on pumping, drafting, and water shuttles. Enhancing these skills is ongoing to insure all our firefighters are confident and skilled in operating our apparatus.



Reminder that February is Heart Month, and we want to encourage everyone to learn CPR and download the PulsePoint app.



Brainerd Fire Department Monthly Report

January 2024

INSPECTIONS	
Fire Alarm	30
Fire Pump	2
Knox Box Inspection	3
Paint/Spray Booth Suppression	1
Hood Suppression	16
Commercial Kitchen Exhaust	15
Special Suppression	2
5 Year Sprinkler	4
Sprinkler System	15

BRAINERD FIRE COVERAGE AREA INCIDENT REPORT	
Type of NFIRS Incident (National Fire Incident Reporting System)	Coverage Area Total Incidents (Includes City of Brainerd)
Fire	6
Rescue & Emergency Medical Service	9
Hazardous Condition	5
Service Calls	7
Good Intent Call	13
Alarm Activation	11
TOTAL	51
Type of NFIRS Incident (National Fire Incident Reporting System)	City of Brainerd Total Incidents
Fire	3
Rescue & Emergency Medical Service	3
Hazardous Condition	2
Service Calls	4
Good Intent Call	6
Alarm Activation	8
TOTAL	26

EMERGENCY NOTIFICATIONS



EVERBRIDGE enables critical information to be sent to residents of Crow Wing County by phones, text, and email. Use the QR Code or sign up at:

<https://member.everbridge.net/index/892807736729514#/signup>





HR DIRECTOR REPORT

In this report:

- Pay Equity Report
- Union Negotiations
- Employee Policy Manual (EPM) Update
- Personnel
- Wellness Committee
- Safety Training

Personnel

New Hires/Promotions for City/BPU/HRA:

Kaitlyn Yutzenka - Admin Specialist/Fire (1/16)
Michelle Mendoza - Police Records Management Tech (1/16)
Louis Schlegel - Maintenance I Street & Sewer Division (1/12)
Kaitlyn Rhoda - HRA Rental Assistance Specialist (1/29)
Janet Wedan - HRA Procurement and Contract Specialist (2/1)

Farewell to:

Jessica Mulroy - HRA Administrative Specialist (1/11)
Tanner Josephson - Water Plant Relief Operator (1/30)

Current Job Opportunities:

Assistant Planner - Readvertising Position and accepting applications through February 21, 2024.

Public Utilities Director - First review will be on February 12, 2024.

Journey Electrical Lineworker - Planning to have interviews mid February.

City Administrator - Five candidates were interviewed by both Department Heads and Council on January 29, 2024. A job offer was extended.

There are currently 8 City/HRA/Airport employees with Family & Medical Leave Act (FMLA) issues. 6 of those cases are for intermittent leave when needed.

Pay Equity Update

On January 2, 2024, the City Council approved the updated job classification points as recommended by Flaherty & Hood. On January 16, 2024, the City Council approved wage adjustments effective 12/31/23 for five non-union female positions to help achieve pay equity compliance. After making those adjustments and based on preliminary review of our data utilizing the State's software, it appears that the City of Brainerd will now be in compliance.

Our Pay Equity Report was submitted to the State on 1/26/24 and we are awaiting official notification from the State if we are in compliance.

Union Negotiations

IUOE Street Division union members did not approve the tentative agreement terms when a vote occurred on December 27th. Another negotiation session will be held on February 1, 2024.

Mediation has been scheduled for the IBEW Public Utility and Administrative Support Unions for February 8 and 9, 2024. Proposed 2023 wages were presented to the IBEW Union for our four new positions. The IBEW Union has not accepted those wages at this time and we cannot start advertising to fill those positions until an agreement is reached.

EPM Update

On January 2, 2024, the City Council approved our updated Employee Policy Manual that was modified to include new laws enacted during the 2023 MN Legislative session. One of those laws was the new ESST law that requires employees that work at least 80 hours per year to receive at least one hour of sick leave for every 30 hours worked up to a maximum of 48 hours for 2024. HR, IT, Finance/Payroll staff and our employment attorney worked diligently to create a new policy and to modify our payroll systems to comply with this new law. The EPM will be distributed to employees this week and they have 10 days to review and acknowledge receipt of the document.

Wellness Committee

The Wellness Committee held a Lunch 'N Learn on January 11, 2024, and featured a presentation regarding our online Wellness Program platform. Please note that the City receives an annual grant from The Better Health Collective (Sourcewell) based on our wellness participation. This event helped educate our employees about our online wellness program and will hopefully increase our participation levels too.

Safety Training

The Public Utilities Commission agreed to close the Public Utility's office on February 13, 2024 from 9:30 am - 2:30 pm to allow their staff to attend training related to safety and performance as well as de-escalation when talking with customers.

The Commission also invited staff from other departments to attend. Since the trainer will only be in MN that day, we are limited on venues to accommodate our employees. We are planning to conduct the training at the Greater Lakes Association of REALTORS facility located in Baxter as it can accommodate 100 individuals.



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: CC's Bar - Approve Change of Ownership and Expanded Premises

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Finance

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE:

CC's Bar, 121 NE Washington Street, has added an individual as a co-owner and also has expanded their operations into the former Esser's Liquor location. Per the City Charter, the City needs to approve these changes and Staff has informed the state.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION:

Motion to approve change of ownership of CC's Bar and expanded premises.

FINANCIAL IMPACT:



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Resolution Adopting Policies and Plans for Small Communities Development Program (SCDP) Grant No. CDAP-23-0018-O-FY24

AGENDA: Consent

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE: Attached is a resolution adopting the following 6 policies/plans for the SCDP grant:

1. The Use of Force Policy as currently in the Brainerd Police Department Policy Manual
2. The Drug-Free Workplace/Alcohol Abuse Policy as currently in the Employee Policy Manual
3. Fair Housing Plan
4. A Residential Anti-Displacement Plan
5. A Section 3 Plan
6. Program Income Reuse Policy

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The above plans and policies are needed for the SCDP Southeast Brainerd grant. Rather than adopting each policy separately, we are proposing the attached resolution for the grant.

RECOMMENDED ACTION/MOTION: Adopt the attached resolution adopting the polices and plans needed for the Southeast Brainerd grant.

FINANCIAL IMPACT:

R E S O L U T I O N
NO. xx:24

SCDP POLICIES FOR GRANT AGREEMENT NO. CDAP – 23–0018–O–FY24

WHEREAS, the City of Brainerd has applied for funding to assist in the renovation of its Southeast area; and

WHEREAS, application was made to the State of Minnesota, Department of Employment and Economic Development, Business & Community Development Division; and

WHEREAS, after due process, a grant was awarded in the sum of \$575,000, which are federal funds appropriated to the State of Minnesota under the Small Cities Development Grant Program (SCDP); and

WHEREAS, as part of the grant agreement, certain conditions are placed on said grant which are required to be met by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brainerd, Minnesota, as follows:

1. That the City of Brainerd has adopted a “Use of Force” policy which will remain in effect throughout the term of this grant. Said policy is contained in the Brainerd Police Department Manual Policy 300 and an excerpt is attached.
2. That a drug free workplace policy has been adopted and will continue in force throughout the term of the grant and is included as Section 23 in the Employee Policy Manual and an excerpt is attached. The City will provide a drug free workplace through notification as well as a drug free workplace awareness program pursuant to policy.
3. That a Fair Housing Policy has been adopted and will continue in force throughout the term of the grant. The City will work to further fair housing opportunities in its programs and to administer housing programs in a way that all residents of similar incomes have equal access to programs.
4. That grant documentation shall include a displacement minimization plan attached to this resolution in conformance with regulations at 570.606 (b) of Section 104 (d) of the Housing & Community Development Act of 1974, as amended.
5. The City of Brainerd and HRA has the attached Section 3 Plan to comply with

HUD’s requirement to ensure that when employment or contracting opportunities are available on HUD funded projects, preference is given to low and very low-income persons for the SE Grant.

- 6. The City of Brainerd adopts the attached SCDP Program Income Reuse Policy as attached for grant agreement No. CDAP-23-0018-O-FY24.
- 7. That the City will comply with any and all other special conditions which are included in the grant agreement No. CDAP-23-0018-O-FY24.

Adopted this 5th day of February 2024

KELLY BEVANS
President of the Council

Approved this 6th day of February 2024

DAVE BADEAUX
Mayor

ATTEST: _____
Patrick Wussow
Interim City Administrator

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Minn. Stat. § 626.8452).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Bodily harm - Physical pain or injury.

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or great bodily harm.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Great bodily harm - Bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

Use of Force

The Brainerd Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (Minn. Stat. § 626.8452; Minn. Stat. § 626.8475).

300.2.2 ADDITIONAL REQUIREMENTS

An officer reporting a use of force by another law enforcement officer or member pursuant to this policy shall also make the report in writing to the Chief of Police within 24 hours (Minn. Stat. § 626.8475).

300.2.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

Use of Force

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use reasonable force (Minn. Stat. § 609.06 and Minn. Stat. § 629.33):

- (a) In effecting a lawful arrest.
- (b) In the execution of a legal process.
- (c) In enforcing an order of the court.
- (d) In executing any other duty imposed by law.
- (e) In preventing the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime.
- (f) In restraining a person with a mental illness or a person with a developmental disability from self-injury or injury to another.
- (g) In self-defense or defense of another.

An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness (Minn. Stat. § 626.8452).
- (j) Seriousness of the suspected offense or reason for contact with the individual.

Use of Force

- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Brainerd Police Department for this specific purpose.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

Brainerd Police Department

Policy Manual

Use of Force

300.3.6 STATE RESTRICTIONS ON THE USE OF OTHER RESTRAINTS

Officers may not use any of the following restraints unless the use of deadly force is authorized (Minn. Stat. § 609.06; Minn. Stat. § 609.066):

- (a) A chokehold. For purposes of this policy, a chokehold only refers to the method of applying sufficient pressure to an individual to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air.
 1. If applied, a chokehold is subject to the same guidelines and requirements as a carotid control hold.
- (b) Tying all of an individual's limbs together behind the person's back to render the person immobile.
- (c) Securing an individual in any way that results in transporting the person face down in a vehicle.

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary (Minn. Stat. § 609.066):

- (a) To protect the officer or another from death or great bodily harm.
- (b) To effect the arrest or capture, or prevent the escape, of an individual whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person unless immediately apprehended.

In both scenarios, the use of deadly force is only authorized provided that the threat (Minn. Stat. § 609.066):

- Can be articulated with specificity.
- Is reasonably likely to occur absent action by the officer.
- Must be addressed through the use of deadly force without unreasonable delay.

An officer shall not use deadly force against an individual based on the danger the individual poses to self unless the use of deadly force is justified (Minn. Stat. § 609.066).

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

Use of Force

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the Conducted Energy Device (CED) or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 STATE REPORTING REQUIREMENTS

The Chief of Police shall provide for the filing of a report with the Bureau of Criminal Apprehension (BCA) on a monthly basis and in the form required by BCA (Minn. Stat. § 626.5534).

There may be additional reporting requirements regarding misconduct (see the Standards of Conduct Policy) (Minn. Stat. § 626.8457).

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury

Use of Force

or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (d) Identify any witnesses not already included in related reports.
- (e) Review all related reports.

Use of Force

- (f) If a supervisor is made aware of a potential civil litigation allegation, he/she will immediately notify the Chief or their designee.

300.7.1 PATROL SERGEANT RESPONSIBILITY

The Patrol Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive training on this policy, including the learning objectives as provided by POST, at least annually (Minn. Stat. § 626.8452, Subd. 3).

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.8.1 PROHIBITED TRAINING

Warrior-style training, as defined in Minn. Stat. § 626.8434, whether provided directly by the Department or through a third party, is prohibited (Minn. Stat. § 626.8434).

300.9 POLICY REVIEW

The Chief of Police or the authorized designee should annually review and update this policy to reflect developing practices and procedures.

City of Brainerd
Small Cities Development Program (SCDP)
Prohibition of Excessive Force Policy

The City of Brainerd prohibits the use excessive force by law enforcement agencies within its jurisdiction against individuals engaged in nonviolent civil rights demonstrations.

The City of Brainerd also will enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction.

Mayor

City Administrator

Date

Date

ARTICLE 23. DRUG-FREE WORKPLACE/ALCOHOL ABUSE POLICIES

Section 23.01 Drug-Free Workplace/Alcohol Abuse

It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 (as amended) and other applicable law. This requires employees abstain from using alcoholic beverages, mood-altering drugs, and drugs that adversely impact performance, prior to the start of their workday, during the work period, during lunch and other work breaks. Any violation of this policy shall result in disciplinary action, up to and including discharge.

- A. The use of alcohol and the illegal use of drugs by an employee on duty can result in a dangerous work environment by negatively affecting job performance and the ability to function safely at work.
- B. The unlawful manufacture, distribution, transfer, possession, or use of drugs while on duty is strictly prohibited. Any such use may justify immediate discharge regardless of job performance.
- C. Intoxication, possession, and unauthorized use of alcohol while on duty is also prohibited and may justify immediate dismissal regardless of job performance.
- D. Tolerance may be shown to an employee expressing a desire and willingness to receive treatment for their drug or alcohol use.
- E. Human Resources will provide any employee, upon request, information regarding alcohol abuse and drug dependency as well as information on available treatment programs.
- F. Confidentiality will be maintained, to the extent permitted by the Minnesota Government Data Practices Act and other applicable laws.
- G. It is the responsibility of the employee to correct his or her unsatisfactory behavior or job performance resulting from drug or alcohol use.
- H. The Human Resource Director must be notified by the employee no later than five (5) calendar days following any criminal drug statute or alcohol related conviction for a violation occurring in the workplace or any arrest or conviction of any criminal drug or alcohol offense.

- I. Violations of this policy may constitute cause for discipline, up to and including discharge. Each situation will be evaluated on a case-by-case basis depending on the severity and circumstances involved.

The City recognizes drug and alcohol abuse as potential health, safety and security problems. Employees needing help in dealing with drug and alcohol problems are encouraged to make use of the medical resources available through their health insurance plans.

Section 23.02 Drug & Alcohol Testing

The City has adopted Drug and Alcohol Testing Policies, separate from the Employee Policy Manual, covering employees required to hold a commercial driver's license (CDL) or a non-commercial driver's license (non-CDL) to perform their job duties and other employees. All employees are required to sign a document that states that they have received a copy of the policy. Each employee must review the document and abide by its provisions. Copies can be obtained from the City Administrator's office and the Human Resource Director's office.

Section 23.03 Drug-Free Awareness Program

To assist employees in understanding the perils of drug and alcohol abuse, the City has established a Drug-Free Awareness Program. This drug and alcohol policy constitutes the City's drug-free awareness program and fulfills the notification requirements of the federal Drug-Free Workplace Act of 1988 (as amended). The City will use this program as an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The program will inform employees of the dangers of drug and alcohol abuse, explain the City's Drug and Alcohol Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees in the City. Nothing set forth in this policy is intended to conflict with state law.

An employee convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action and/or required to complete successfully an appropriate rehabilitation program at the employee's own expense unless provided to the employee through insurance coverage. The City, in its sole discretion, shall determine what disciplinary action is appropriate.

Section 23.04 Tobacco Use

A. PURPOSE

The City has established this policy regulating tobacco use in City-owned buildings and vehicles:

1. To comply with the Minnesota Clean Air act.
2. To respond to the increasing evidence that tobacco use creates a danger to the health of persons who use tobacco as well as persons who are present in a smoke-filled environment.
3. To promote a safe and healthy environment for staff and citizens and to set an example to the community in limiting tobacco use.

B. STATEMENT OF POLICY

1. All City-owned buildings and vehicles shall be tobacco-free which includes smoking, as defined by Minnesota Statutes, ARTICLE 144.413, as amended, the use of tobacco products and electronic cigarettes, as defined in Minnesota Statutes, 609.685, as amended. Park shelters are exempt from this policy to the extent provided by applicable law.
2. Tobacco use is prohibited within all City-owned buildings, this includes employee workstations, employee break areas, reception areas, storage areas, hallways, meeting rooms and all other areas inside buildings not specifically mentioned herein.
3. Within City-owned vehicles, smoking and other tobacco use is prohibited by any and all occupants.
4. All individuals on City premises share in the responsibility for adhering to and enforcing this policy. The responsibility for compliance is shared by employees, Supervisors, and the general public.
5. Employees hosting visitors are expected to inform them of the City's tobacco free policy.
6. Information on approved smoking cessation programs is available to City staff by the Human Resource Director.
7. Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy may result in discipline, up to and including immediate termination, if the violation is committed by an employee, or may result in the individual being asked to leave the City's premises, if the violation is committed by a member of the public.

Certification for
a Drug-Free Workplace

U.S. Department of Housing
and Urban Development

Applicant Name

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here [] if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.
Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Form with fields: Name of Authorized Official, Title, Signature, Date

X

City of Brainerd
Small Cities Development Program
Fair Housing Policy

Fair-Housing/Equal Opportunity

It is the policy of the City of Brainerd to work to further fair housing opportunities in its programs and to administer housing programs in a way that all residents of similar incomes have equal access to programs regardless of race, color, creed, assistance, disability, sexual orientation, or familial status.

No person or business will be denied services, contracts for project services, or access to program information and materials due to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or familial status. There will be no discrimination of persons in the administration of the Rehabilitation Program.

The grantee will complete a specific and unique fair housing activity every fiscal year until the end of the grant.

It is the policy of the City of Brainerd that marketing efforts will be such that no potentially eligible applicants or providers of services are excluded from participation. Affirmative marketing will include efforts to reach people who have traditionally not participated in similar programs or have not been aware of available assistance. This includes, but is not limited to, single heads of households, people of color, or people with disabilities.

Approved this _____ day of _____, _____ .

Mayor, City of Brainerd

President of the Council

City Administrator

Residential Anti-displacement and Relocation Assistance Plan
under Section 104(d) of the Housing and Community Development Act of 1974, as Amended

Small Cities Development Program
State of Minnesota

The City of Brainerd anticipates participating in the Minnesota Small Cities Development Program. Through this participation, Owner Occupied and Single Family Rental Rehab will occur. The consequence of the proposed activities is that the potential for displacement exists, although it is not anticipated. The purpose of the Residential Antidisplacement and Relocation Assistance Plan is to describe the steps the City of Brainerd shall take to mitigate the adverse effects of displacement on low and moderate-income persons.

I. The City of Brainerd will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to use other than as low/moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR, Part 570.606 and 24 CFR, Part 42. All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the City of Brainerd to provide funds for an activity that will directly result in such demolition or conversion, the City of Brainerd will make public and submit to the Minnesota Department of Employment and Economic Development the following information in writing:

- A. A description of the proposed assisted activity;
- B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activities;
- C. A time schedule for the commencement and completion of the demolition or conversions;
- D. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the City of Brainerd will identify the general location on an area map and the approximate number of dwelling units by size and provide information identifying the specific location and number of dwelling units by size shall be submitted and disclosed to the public as soon as possible;
- E. The source of funding and a time schedule for the provision of replacement dwelling units;
- F. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy;
- G. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of low and moderate-income households in the jurisdiction.

The City of Brainerd may request the Minnesota Department of Employment and Economic Development to recommend that the U. S. Department of Housing and Urban Development approve an exception to required replacement housing if there is an adequate local supply of vacant low/moderate-income dwelling units in standard condition. Exceptions will be reviewed on a case-by-case basis as described in 24 CFR, Part 570.488(c)(1)(B).

II. The City of Brainerd will provide relocation assistance, as described in 24 CFR, Part 570.488(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low/moderate-income dwelling unit to another use in connection with an assisted activity.

III. Consistent with the goals and objectives of activities assisted under the Act, the City of Brainerd will take the following steps to minimize the displacement of persons from their homes:

1. Coordinate rehab to keep disruption to a minimum.
2. Provide temporary housing if needed.

IV. Definitions for the purposes of this plan are as follows:

A “**low/moderate-income dwelling unit**” is a unit with a market rent, including utility costs, that does not exceed the applicable fair market rent for existing housing and moderate rehabilitation, as established under the HUD Section 8 existing housing program. A “vacant occupiable dwelling unit” is a vacant unit that is in standard condition; or in substandard but suitable for rehabilitation condition; or in dilapidated condition and occupied less than three months from the date of the grantee agreement.

An “**Occupiable Dwelling Unit**” is a unit that is in standard condition or has been raised to a standard condition from a substandard condition, suitable for rehabilitation.

A “**Standard Condition**” dwelling unit is a unit which meets HUD Section 8 Housing Quality Standards (HQS) with no major defects in the structure and only minor maintenance is required. Such a dwelling will have the following characteristics: reliable roofs, sound foundations; adequate and stable floors, walls and ceilings; surfaces and woodwork that are not seriously damaged nor have paint deterioration; sound windows and doors; adequate heating, plumbing, and electrical systems adequate insulation; and adequate water and sewer systems, and not overcrowded (defined as more than one person per room).

A “**Substandard Condition**” dwelling unit is a unit if it does not meet HUD Section 8 Housing Quality Standards (HQS) which includes lacking the following: complete plumbing, complete kitchen facilities, efficient and environmentally sound sewage removal and water supply, and heating source. In addition, the dwelling may be overcrowded defined as more than one person per room).

A “**Substandard but Suitable for Rehabilitation Condition**” dwelling unit, at a minimum, is a dwelling unit that does not meet Housing Quality Standards (HQS) with some of the same features as a “substandard condition” dwelling unit. This unit is likely to have deferred maintenance and may have some structural damage such as a leaking roof, deteriorated interior surfaces, and inadequate insulation.

A “**substandard but suitable**” dwelling unit, however, has basic infrastructure (including systems for clean water and adequate waste disposal) that allows for economically and physically feasible improvements and upon completion of rehabilitation meets the definition of a “Standard” dwelling unit.

Mayor

City Administrator

Date

Date

City of Brainerd Small Cities Development Program Grant Section 3 Plan

The City of Brainerd, in conjunction with Small Cities Development Program (SCDP) Grant CDAP-23-0018-O-FY24, has the following plan to direct employment and other economic opportunities generated by U.S. Department of Housing and Urban Development (HUD) financial assistance for housing and community development programs, to the greatest extent feasible, towards low- and very low-income persons, particularly those who are recipients of government assistance for housing.

This plan outlines how the City of Brainerd and its subrecipients, contractors and subcontractors will comply with HUD's Section 3 requirements, as applicable, in implementing the City of Brainerd's SCDP grant. To the greatest extent feasible, funded project work will be directed towards low- and very low-income persons and to Section 3 businesses. In addition, to the greatest extent feasible, work will also be directed towards women- or minority-owned businesses. Being a Section 3 business or a woman- or minority-owned business is not required; however, preference is given to those businesses.

A business may be considered a Section 3 business if they meet one or more of the following criteria:

1. At least 51% of the business is owned and controlled by low- or very low-income persons; or
2. At least 51% of the business is owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing; or
3. Over 75% of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers

Businesses may demonstrate Section 3 business eligibility by submitting the Section 3 and Women- or Minority-Owned Business Certification form. This form may also be used to demonstrate a business is a women- or minority-owned business. City of Brainerd will require all contractors and subcontractor to complete and submit the Section 3 and Women- or Minority-Owned Business Certification form prior to the start of the project. The City of Brainerd will attempt to recruit Section 3, women- or minority-owned businesses, or low- or very low-income workers through:

- Utilizing the Brainerd HRA lobby to post job opportunities (at least 7 calendar days) and have applications available for those applicants that are interested in applying. (Submit application to the Brainerd HRA Office)
- Using the contractor's lobby of business (at least 7 calendar days) to hand out and/or hang the section 3 brochure. (Submit proof of posting)
- Post information regarding section 3 to a business website (for at least 7 calendar days) or social media platform. (Submit proof of posting)

Mayor

City Administrator

Date

Date

City of Brainerd
Small Cities Development Program (SCDP)
Income Reuse Plan

All income and repayments received through the Small Cities Development Program (SCDP) loans will be used for further rehabilitation activities and will be consistent with the application for funds and the Contract Agreement. If income received exceeds \$35,000 in any given federal fiscal year (Oct. 1 – Sept. 30), the funds will follow federal policies (similar to original grant) regarding federal objectives, tiered environmental reviews, lead base paint, and federal labor standards. If income received is below the \$35,000 threshold, it will still be used for rehabilitation activities, but following federal policies is not required.

A SCDP Post Closeout Program Income Report will be accurately completed and submitted to the Minnesota Department of Employment and Economic Development (DEED) by October 15 each year.

Mayor, City of

City Administrator, City of

Date

Date



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Approve Quote for Public Works Maintenance Facility Gate Operator

AGENDA: P&F 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 budgeted \$20,000 towards the replacement of the gate and installation of a gate operator (opener) at the Public Works Maintenance Facility. The budget was based on quotes received in 2023 with allowance for a slight increase in costs for 2024. Staff requested the vendors quote the work for installation in 2024 and received two quotes. Those quotes are attached.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The low quote for the installation was from Elite Fence for \$22,275. Adding sufficient opener remotes for each equipment (\$400) and including the electrical work needed to install the wire loops for vehicle detection, the total cost for the gate and operator would total \$31,075. The increase is mainly due to increased cost of the operator and higher than expected electrical costs. Staff has been able to find savings in other capital purchases that could be used to offset the cost overrun.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the quote from Elite Fence for the amount of \$22,275.

FINANCIAL IMPACT: \$31,075

BID



Elite Fence & Deck

15532 Dellwood Dr.
Brainerd, MN 56401

Bid Number: 2433

Customer

Name City of Brainerd Street and Sewer Dept.
 Address Revised
 City _____ State MN Zip _____
 Date 1/18/2024

Quantity	Description	Unit Price	Total	Taxed
1	Furnish and install one Liftmaster INSL24UL operator system to include one operator, one keypad pedestal 6ft one keypad, operator heater, thru beam photo eyes and two safety edges.	\$10150.00	\$10150.00	☐
16	Visor remotes	\$25.00	\$400.00	☐
1	Furnish and install one 6 5/8" x 4 ft bollard for keypad protection	\$525.00	\$525.00	☐
1	Furnish one exit loop and two safety loops.	\$1475.00	\$1475.00	☐
	Note all conduit, wire, wire connections and loop install to be provided by others.			☐
	Option For IHSL24UL Heavy duty operator ADD	\$750.00		☐
				☐
				☐
	Bid is valid for 30 days			☐
Sub Total			\$12550.00	
State Sales Tax				
Shipping/Handling				
Final Total			\$12550.00	

Thank you for your business



ELITE
FENCE & DECK
218-825-0712
BRAINERD, MN

Bid Number: 2434

Name City of Brainerd Street and Sewer Dept.
Address Revised
City _____ State MN Zip _____
Date 1/18/2024

Jessie Dehn

From: Shawn Middagh
Sent: Wednesday, January 24, 2024 11:38 AM
To: Jessie Dehn
Subject: FW: Gate BPU estimate

Shawn Middagh

City of Brainerd Street and Sewer Foreman

C-218-513-4412

O-218-828-2313

From: Mitchell Lachelt <MLachelt@bpu.org>
Sent: Wednesday, January 24, 2024 11:22 AM
To: Shawn Middagh <smiddagh@ci.brainerd.mn.us>
Subject: Re: Gate

You don't often get email from mlachelt@bpu.org. [Learn why this is important](#)

*** **Warning:** External sender, use extreme caution with attachments and links ***

Good morning, I figured rough cost of time and material for the gate power source to your facility to be \$1600 let me know if you need anything else !

Mitch Lachelt

Electric Distribution Supervisor

218-825-3228 | Direct

218-838-1435 | Cell

Rob Mueller Electric
12477 Three Mile Rd
Brainerd, MN 56401 US
2188217185
muellerelectricusa@gmail.com



Estimate

ADDRESS
Shawn
Brainerd Street Dept.
724 Thiesse Dr
Brainerd, Mn 56401

ESTIMATE # 1071
DATE 01/26/2024
EXPIRATION DATE 02/26/2024

ACTIVITY		AMOUNT
Services		6,800.00
* Build and provide 3 - 6x10 loops for gate system		
* Install loops into driveway once tar is removed		
* Install conduit and wire for gate equipment		
* BPU to set meter base for electrical panel at the end of driveway		
* Street department to cut and remove asphalt for electrical and loop installation		
* Patching of tar done by others		
* Concrete pad for equipment done by others		
SUBTOTAL		6,800.00
TAX		0.00
TOTAL		\$6,800.00

Thank You for the opportunity to BID your project!

Accepted By

Accepted Date

BARNUM

Companies, Inc.
Phone (651) 982-1552
Fax (651) 982-1562

23950 Lake Blvd N.
Forest Lake, MN 55025
Dillon@BarnumGS.com

Date: January 18, 2024 (Rev. 1-22-24)

Proposal To: Oberg Fence **Attn:** John B.

Job Name: City of Brainerd (Updated) **Location:** Brainerd, MN

We would be pleased to provide and install the following:

Quantity	Item Description
1)	LiftMaster, model INSL24UL, battery backup, heavy duty, gear reduced, industrial, harsh environment slide gate operator, 115/230 Volt, 1 Phase Only
1)	Heater for cold weather operation
1)	Gate safety reverse edge for rear of gate only per UL325
1)	LiftMaster, LMTBUL thru-scan photo-eye with protective hoods per UL325
1)	Radio receiver (built in) with coaxial antenna kit
16)	Single button hand held transmitters
1)	Vehicle detection loop for free exit
1)	Vehicle loop detector
1)	Pedestal, dual height, 42" and 84", single post
1)	Keyless entry, wired, stand alone, 1000 code, model Advantage DK, AAS
1)	12" footing with 1" conduit stub-out
1)	Fire Dept. emergency access box (Knox/Dama) per 2018 International Fire Code Appendix "D" D103.5

Job Total: \$16,512.00

Options (while on site):

1. One Vehicle detection loop for outside obstruction **Add per loop: \$1,385.00**
2. Single button handheld transmitters are **\$39.00** plus tax, transmitters are not subject to the 3% discount.

Notes:

1. All electrical power and control conduits and wires (except loops) by others.
2. All access controls not listed above are by others.
3. Two 3" operator posts in concrete footings are required and is by Fence Company.
4. Emergency responder requirements are not known and are subject to change.
5. Quote includes electrical permit fees **required** for all class 2 electrical circuits such as the circuits controlling the gate operators included in this quote, all per MN state electrical code.
6. All work is quoted to be done in two trips (Install, start-up and walk through), pricing is subject to change if additional trips are needed.

All quotations are subject to change after 30 days. Sales and/or Use Tax, and Freight are subject to change.

Accepted by: _____

Date: _____



OBERG FENCE CO.

P.O. Box 118

Deerwood, MN 56444

Sales@obergfence.com

www.obergfence.com

218-534-3118

218-534-3119 fax

Date: January 25, 2024

Name: City of Brainerd

Attn: Shawn

Address: Impound Lot

Phone Number:

Fax Number:

E-mail:

Description: Removal of existing sliding gate and install (1) new 30' sliding cantilever gate along with (1) new 4' walk gate in existing fenceline.

If permits or private locates needed, home owner/contractor is responsible. All brushing & removal of brush must be done prior to installation by owner. All electrical to any operated gate openers to be supplied by customer. Layout/staking by customer.

Certificate of insurance is available upon request. All site preparation including grading, clearing, brushing, mowing, debris removal or disposal shall be by others. Signature on proposal indicates agreement with Oberg terms and conditions provided. Signed proposal and P.O. or 1/2 down are necessary to begin the scheduling process, balance is due upon completion. We will furnish material and labor in accordance with the above description for the sum of:

\$ 8,920.00

Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Owner to carry fire, tornado, and all other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Salesman Signature: _____ This proposal may be withdrawn if not accepted in 7 days.

Acceptance of Proposal: Signature: _____ Date: _____

You are authorized to do the work as specified. Payment will be made as outlined above.

This proposal may be withdrawn if not accepted within 7 days. Changes to above description must be executed with a written change order, and will become an extra charge over the above price. We are fully insured; also bonding is available if required at an additional cost.



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Accept the Resignation of Water Plant Relief Operator Tanner Josephson

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

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

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Tanner Josephson, Water Plant Relief Operator in the Public Utilities Department, recently submitted his resignation with his last working day being January 30, 2024. Staff recommends that we do not backfill this position at this time to allow Staff and the Brainerd Public Utilities Commission to continue discussions regarding automation of the Water Plant. The Public Utilities Commission, at its January 30th meeting, discussed this and recommended that the Council accept Mr. Josephson's resignation with regret.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Motion to accept Mr. Tanner Josephson's resignation with regret effective January 30, 2024.

FINANCIAL IMPACT: n/a

As of 1/10/2024. I'm turning in my notice to Brainerd
Public Utilities. My last day of employment will be
1/30/2024. Thank you for the opportunity for working here.

Tanner

Tan Josephsa

1/9/24

received
1/9/24



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Ratify the Hiring of Police Records Management Technician Michelle Mendoza

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

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: We received 33 applications for the Police Records Management Tech position with 11 candidates interviewed. Staff offered the position to Michelle Mendoza who started with us on January 16, 2024, at Step 1 of the 2023 Police Records Management Tech wage grid (\$22.28 per hour).

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Ratify the hiring of Michelle Mendoza for the Police Records Management Technician position effective January 16, 2024; further, that she be placed on Step 1 of the Police Records Management Technician wage grid (\$22.28 per hour).

FINANCIAL IMPACT: This position was included in the 2024 budget.



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Approval of the City Administrator Employment Contract

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: Mr. Jeff Weldon, GMP Consulting, informed the Council on January 16th, that 23 individuals applied for our City Administrator position. At that meeting, the Council selected five finalists with interviews held on January 29th. The Council offered the position to Nick Broyles. Mr. Broyles and the Council's Negotiating Team have agreed to the terms for Mr. Broyles employment and Staff is currently preparing Mr. Broyle's employment contract. We are hoping to present a signed contract by Mr. Broyles and as approved by our City Attorney at the February 5, 2024, Council meeting.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Provided a signed agreement is presented at 2/5/24 meeting, the recommended action is a motion to approve Mr. Broyle's City Administrator Employment Contract and authorize the Mayor to sign said agreement.

FINANCIAL IMPACT: Since the terms were just finalized, the financial impact was not available in time for Council packet distribution. More information will be presented at the Council meeting.



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Adopt a Resolution Setting 2024 Wages for Non-Union Exempt Employees

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, Patrick Wussow, Interim City
Administrator

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director, Patrick Wussow, Interim City
Administrator

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: In 2023, Flaherty & Hood (FH) conducted a Classification and Compensation Study for the City. The results of the study were recently finalized with FH recommending a new 2023 wage grid for our staff to address market as well as internal and MN pay equity compliance issues. Staff then applied a 2.5% Across the Board (ABI) increase to that grid for January 1, 2024 wages to be consistent with settled union contracts for 2024.

Staff presented this information to the Personnel and Finance Committee at its meeting held January 31, 2024 and recommended that Council adopt a resolution setting the 2024 Wages for our non-union employees that includes the City Administrator, Department Heads, Municipal Utility Division Managers and Non-Union Supervisors. To be consistent with current union negotiations, Staff also recommended authorization for lump sum payments that would equal a 2.5% ABI for the five employees in this group that will have their 12/31/23 wage frozen until the wage grid catches up to their current wage.

Attached is a summary of the proposed wages, step placement and lump sum payments. Please note the wages noted for the City Administrator and Public Utilities Director positions are the increased wage recently approved by the Council while advertising for those positions. Staff is currently working with our City Attorney to create a wage resolution since we have not offered lump sum payments in the past; further, Staff plans to present the resolution at the February 5th Council meeting for consideration.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff had presented the proposed wages and step placement to the non-union employees on December 29, 2023, and noted that if an employee wanted, they could appeal their wage and/or step placement to the P & F Committee during its January 10, 2024, meeting. The P & F Committee heard appeals from four non-union employees. At the January 31, 2024, P & F Committee, Staff provided the Committee with the attached summary of the appeals with Staff's recommendations.

The Committee agreed with Staff's recommendations for the Operations Manager, Finance Manager and Electric Distribution Supervisor positions. Staff had recommended adjusting the initial step placement for both the Police Chief and Deputy Police Chief positions. The reason being those two positions already have an adopted wage resolution for 2024, Resolution No. 72:21, that was considered separately from the rest of the group to help maintain a supervisory wage gap within the Police Department after union contract settlements. Staff's recommendation was that both the Police Chief and Deputy Police Chief's initial step placement be advanced by an additional step so those individuals received at least the same pay as established by Resolution No. 72:21 specifically when they advance a step on their 2024 employment anniversary date of 6/3/24. The Committee agreed with the recommendation for the Deputy Police Chief; however, the Committee recommended that the Police Chief's wage be increased to match the Public Utilities Director wage as approved by the Council on January 16th which had been increased when advertising for that job opening. Please note that FH had originally recommended the same wage for those two positions.

After reviewing the Committee's recommendation closer, it was determined the Police Chief's initial step placement still needs an additional step so his 6/3/24 wage will be at least the same amount as established by Resolution No. 72:21. The Police Chief's recommended wage was adjusted in the attachments to reflect the Committee's recommendation with this additional step placement.

RECOMMENDED ACTION/MOTION: Adopt a resolution establishing the wages, step placement and lump sum payments effective January 1, 2024, for our non-union exempt employees consisting of the City Administrator, Department Heads, Municipal Utility Division Managers and Non-Union Supervisors.

FINANCIAL IMPACT: These wage adjustments were included in the 2024 budget.

Department Heads, Division Managers, & Non-Union Supervisors
Wages recommended by the P & F Committee on 1/31/24

1/1/2024

2.50%

	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>	<i>Step 6</i>	<i>Step 7</i>	<i>Step 8</i>
Recreation Specialist								
1/1/2024	30.36	31.51	32.67	33.83	34.98	36.14	39.03	40.48
Recreation Coordinator								
1/1/2024	35.14	36.48	37.82	39.16	40.50	41.83	45.18	46.85
Business Office Supervisor; Police Administrative Supervisor								
1/1/2024	37.32	38.74	40.16	41.58	43.00	44.43	47.98	49.76
Transit Coordinator								
1/1/2024	38.62	40.10	41.57	43.04	44.51	45.98	49.66	51.50
Assistant City Engineer; City Building Official; Fire Marshal/Deputy Chief								
1/1/2024	42.82	44.45	46.09	47.72	49.35	50.98	55.06	57.10
IT Supervisor								
1/1/2024	44.32	46.01	47.70	49.39	51.08	52.76	56.99	59.10
Community Development Director; Deputy Police Chief; Electric Distribution Supervisor								
1/1/2024	45.87	47.62	49.37	51.12	52.86	54.61	58.98	61.16
Finance Manager; Water/Wastewater Manager								
1/1/2024	47.48	49.29	51.10	52.90	54.71	56.52	61.04	63.30
Finance Director/Deputy City Clerk; Fire Chief; HR Director; IT/GIS Director; Operations Manager								
1/1/2024	49.14	51.01	52.88	54.76	56.63	58.50	63.18	65.52
Police Chief; Public Utilities Director								
1/1/2024	56.54	58.69	60.85	63.00	65.15	67.31	72.69	75.38
City Engineer/Public Works Director								
1/1/2024	52.64	54.65	56.65	58.66	60.66	62.67	67.68	70.19
City Administrator								
1/1/2024	62.98	65.38	67.78	70.18	72.58	74.98	80.98	83.98

Non-Union Step Placement as of 1/1/2024

<u>Position</u>	<u>Employee</u>	<u>Step</u>
Recreation Specialist	Haley Blank	2
Business Office Supervisor	Jana Pernula	6
Police Administrative Supervisor	Miranda Halverson	1
Transit Coordinator	Crystal Gauthier	2
Assistant City Engineer	James Fladung	2
City Building Official	Darrin Deseth	2
Fire Marshal/Deputy Chief	David Cox	4
IT Supervisor	Aaron Andersen	6
Community Development Director	James Kramvik	2
Deputy Police Chief	Anthony Runde	3
Electric Distribution Supervisor	Mitchell Lachelt	6
Finance Manager	Daniel Loch	2
Water/Wastewater Manager	Charlie Gammon	7
Finance Director/Deputy City Clerk	Connie Hillman	5
Fire Chief	Timothy Holmes	5
HR Director	Kristy Schubert	2
IT/GIS Director	Shawn Strong	4
Operations Manager	Trent Hawkinson	7
Police Chief	John Davis	2
Public Utilities Director	Todd Wicklund	7
City Engineer/Public Works Director	Jessie Dehn	2
City Administrator	Vacant	
Recreation Coordinator	Vacant	

Position	Name	Current 12/31/23 Hourly Rate	FH Step Placement - 12/31/23	FH Proposed Wage 12/31/23	Grid 1/1/2024 Wage	Is Employee Frozen?	Hourly Wage 1/1/24	Lump Sum Pmt - Up to a 2.5% increase of Current Wage
PUBLIC UTILITIES DIRECTOR	WICKLUND, TODD	79.85	7	70.92	72.69	Yes	79.85	4,152
WATER/WW MANAGER	GAMMON, CHARLES	59.64	7	59.56	61.04	No	61.04	189
OPERATIONS MANGER	HAWKINSON, TRENTON	71.87	7	61.64	63.18	Yes	71.87	3,737
ELECTRIC DISTRIBUTION	LACHELT, MITCH	55.41	6	53.28	54.61	Yes	55.41	2,881
BUSINESS OFFICE	PERNULA, JANA	45.40	6	43.34	44.43	Yes	45.40	2,361

2024 Wage Appeal Summary/Staff Recommendations

On January 10th, the P & F Committee heard appeals from four non-union exempt employees that were either a Department Head, Municipal Utility Division Manager, or a non-union supervisor. The following summarizes each appeal as well as Staff's recommendation to address their appeal:

1. Operations Manager Trent Hawkinson:

2023 Wage Grid:

Operations Manager								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2023	55.29	58.05	60.82	63.57	66.34	69.11	71.87	74.63

12/31/23 Current Wage = \$71.87 (Step 7)

2024 Wage Grid Proposal:

Finance Director/Deputy City Clerk; Fire Chief; HR Director; IT/GIS Director; Operations Manager								
12/31/2023	47.94	49.77	51.59	53.42	55.25	57.07	61.64	63.92
1/1/2024	49.14	51.01	52.88	54.76	56.63	58.50	63.18	65.52

Proposed 1/1/24 Step Placement: Step 7 - \$63.18 per hour. NOTE: His wage would be frozen at his 12/31/23 wage of \$71.87 per hour until the wage grid catches up. A Lump Sum payment would be made to equal the 2.5% ABI.

Appeal Summary:

Mr. Hawkinson appealed the Operations Manager wage based on information he presented from the 2023 APPA Public Salary Survey and the MMUA Salary Survey. Mr. Hawkinson provided a comparison schedule for his current/proposed wage compared to the survey data. Mr. Hawkinson also inquired how his 1/1/24 step placement would be affected if he received an exceeds performance rating for his 2022-2023 review.

Staff's recommendation:

1. Staff respects Mr. Hawkinson's appeal and appreciates the information provided; however, the entire organization and internal equity also needs to be considered. With that in mind, staff does not recommend an adjustment for the 2024 Operations Manager wage grid.
2. To address Mr. Hawkinson's question regarding his step placement if he would receive an exceeds performance rating for his 2022-2023 review, Staff feels he would be placed on Step 8 of the 2024 Wage grid. That determination was made as employees were placed on the 2023 Flaherty & Hood wage grid based on their 12/31/23 wage. If an employee receives an exceeds rating for their 2022-2023 review, the step advancement would pertain to their next year's step placement (in this case his 2024 step placement). The following excerpt from our Employee Policy Manual was taken into consideration to address that question:

"In order to advance to Step 8, an employee must be on Step 7 and obtain another "exceeds expectations" with two prior "achieves expectations" on their annual performance evaluation for their currently-held position in any given three-year cycle."

At this time, HR has not received Mr. Hawkinson's 2022-2023 performance review; therefore, his recommended 2024 Step placement is Step 7 of the 2024 wage grid.

2. Finance Manager Danny Loch:

2023 Wage Grid:

Finance Manager								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2023	39.62	41.60	43.58	45.56	47.54	49.52	51.50	53.48

12/31/23 Current Wage = \$47.54 (Step 5)

2024 Wage Grid Proposal:

Finance Manager; Water/Wastewater Manager								
12/31/2023	46.32	48.09	49.85	51.61	53.38	55.14	59.56	61.76
1/1/2024	47.48	49.29	51.10	52.90	54.71	56.52	61.04	63.30

Proposed 1/1/24 Step Placement: \$49.29 (Step 2)

Appeal Summary:

Mr. Loch's appeal was regarding his Step placement on the new grid. Mr. Loch noted that when he was hired, he was told that he was receiving Step 5 which was considered the market rate for the 2023 grid. Mr. Loch requested that he also be placed on Step 5 of the 2024 grid.

Staff's recommendation:

Staff recommends that he be placed on Step 2 of the 2024 Finance Manager Wage Grid as of 1/1/24 to be consistent with initial step placement for our other employees. That recommendation is based on Mr. Loch's initial placement on Step 2 for the 2023 FH wage grid since that was the closest step to his current wage that is equal to or exceeding his 12/31/23 wage.

Please note that pursuant to our Employee Policy Manual, Mr. Loch will advance to Step 3 on October 30, 2024 (his employment anniversary date) assuming he continues to achieve performance expectations.

3. Police Chief John Davis:

2023 Wage Grid:

Police Chief	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2022	47.09	49.44	51.79	54.14	56.50	58.86	61.21	63.56
1/1/2023	49.25	51.72	54.18	56.64	59.10	61.56	64.03	66.49
1/1/2024	51.48	54.05	56.62	59.19	61.77	64.35	66.92	69.49

12/31/23 Wage: Step 3 - \$54.18

1/1/24 Wage: Step 3 - \$56.62 (using above grid/adopted 2024 wage resolution)

6/3/24 Wage: Step 4 - \$59.19 (using above grid/adopted 2024 wage resolution)

2024 Wage Grid Proposal:

Police Chief; Public Utilities Director								
12/31/2023	49.62	51.51	53.40	55.29	57.18	59.07	63.80	66.16
1/1/2024	50.86	52.80	54.74	56.67	58.61	60.55	65.39	67.81

1/1/24 Wage: Step 4 - \$56.67

6/3/24 Wage: Step 5 - \$58.61

Appeal Summary:

Chief Davis noted that the City typically utilizes different market comparables for our police unions (because of interest arbitration considerations). Chief Davis stated that in December 2021, the City Council adopted a separate wage resolution for the Police Chief position for a market adjustment to maintain a supervisory gap between management and the union positions. Chief Davis felt the new wage grid essentially reverses that corrective action and requested that either he remain on the previously approved 2024 wage grid or advance an additional step on the proposed 2024 wage grid to eliminate a pay cut in 2024.

Staff's recommendation:

1. Realizing that Police Chief Davis and Deputy Police Chief Runde are the only non-union employees with a set 2024 wage via a previously adopted wage resolution, Staff recommends that Chief Davis utilize our 2024 wage grid; however, that his 1/1/24 placement be modified to Step 5 - \$58.61 per hour (he was originally placed on Step 4) and that he advance to Step 6 - \$60.55 per hour on 6/3/24 assuming he continues to achieve performance expectations.
2. Since the Deputy Police Chief has same issue – Staff also recommends to apply this same logic and modify Deputy Chief's Runde's 1/1/24 step placement to Step 3 - \$49.37 per hour. He will advance to Step 4 on 6/3/24 assuming he continues to achieve performance expectations.
3. It should be noted that the Public Utilities Director 2024 wage was modified on 1/16/24.

4. Electric Distribution Supervisor Mitch Lachelt:

2023 Wage Grid:

Electric Distribution Supervisor								
	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2023	\$44.75	\$46.89	\$49.02	\$51.15	\$53.28	\$55.41	\$57.54	\$59.67

12/31/23 Wage: Step 6 - \$55.41 per hour

2024 Wage Grid Proposal:

Community Development Director; Deputy Police Chief; Electric Distribution Supervisor								
12/31/2023	44.75	46.46	48.16	49.87	51.57	53.28	57.54	59.67
1/1/2024	45.87	47.62	49.37	51.12	52.86	54.61	58.98	61.16

Proposed 1/1/24 Step Placement: Step 6 - \$54.61 per hour. NOTE: His wage would be frozen at his 12/31/23 wage of \$55.41 until the wage grid catches up. A Lump Sum payment would be made to equal the 2.5% ABI.

Appeal Summary:

Mr. Lachelt stated he was promoted to the Electric Distribution Supervisor position on November 7, 2023. Mr. Lachelt noted he took a cut in pay to accept the position when factoring in overtime and other additional pay. Mr. Lachelt voiced concern about accepting the position just a few months ago and now his wage is being frozen.

Staff's recommendation:

In reviewing Mr. Lachelt's appeal, Staff noted that when Mr. Lachelt was promoted to the position, he received an additional step placement at that time taking into consideration his scheduled standby pay to help address the wage loss issue.

Staff respects Mr. Lachelt's appeal; however, the entire organization and internal equity also needs to be considered. With that in mind, staff does not recommend an adjustment for the 2024 Electric Distribution Supervisor wage grid.



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Annual Review and Approval of Investment Policy

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): 2 Minutes

SUMMARY OF ISSUE:

Per the City's investment policy, it is to be reviewed annually at the first regular meeting in February. The only changes Staff is recommending is updating the title from Secretary of Brainerd Public Utilities Commission to Finance Manager/Secretary of Brainerd Public Utilities Commission and the signature block from City Administrator Bergman to Interim City Administrator Wussow.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION:

FINANCIAL IMPACT:

Approve the policy as presented.

CITY OF BRAINERD INVESTMENT POLICY

This policy covers all monies of the City of Brainerd and includes deposits and investments of funds deposited in interest bearing accounts.

It is a common occurrence for the City of Brainerd to have cash balances in various fund accounts which, though allocated for a specific purpose, are temporarily not needed. It is the policy of the City that any fund with a cash balance which will remain unexpended for a reasonable period of time, shall be invested in a manner as outlined below.

The investment policy of the City of Brainerd encompasses the following principles:

1. Safety of principal
2. Chief Investment Officer
3. Consultants
4. Collateralization
5. Authorized investments
6. Prohibited investments
7. Maximum investment
8. Pooling of investments
9. Liquidity
10. Maximum interest earnings

SAFETY OF PRINCIPAL

Safety of principal is the first priority in investing City funds. The City invests only in those investment instruments authorized by Statute, Minnesota Statutes Chapters 118A and as amended set forth the authorized investments for a municipality. Depositories as designated shall have insurance through the FDIC (Federal Insurance). To ensure safety, it is the policy of the City that when considering an investment, all depositories under consideration be cross-checked against existing investments to make certain that funds in excess of insurance limits are not made in the same institution unless collateralized as outlined below.

CHIEF INVESTMENT OFFICER

The chief investment officer will be the City Administrator/Clerk-Treasurer, who will assure compliance with this policy and further develop and maintain adequate controls, procedures and methods assuring safe and accurate accounting on a day-to-day basis, with the approval of the Personnel and Finance Committee of the Brainerd City Council. The day-to-day investment activities are handled by the City Finance Director and Finance Manager/Secretary of the Brainerd Public Utilities Commission in accordance of this Policy. The City Administrator/Clerk-Treasurer will provide the Personnel and Finance Committee, on a regular basis, all and any information requested by the Committee. The Chairman of the Committee will, in turn, keep the elected officials fully apprised of any problems, changes or irregularities which may occur to assure proper handling of City funds.

CONSULTANTS

The retention of consultants, agreements with money managers, etc., will not be authorized without express consent of the Council after recommendation by the Personnel and Finance Committee and the City Administrator/Clerk-Treasurer.

COLLATERALIZATION

In accordance with Minn. Stat. 118A the total amount of the collateral computed at its market value shall be at least ten percent more than the amount on deposit at the close of the financial institution's bank day, except that where the collateral is irrevocable standby letters of credit issued by Federal Home Loan Banks, the amount of collateral shall be at least equal to the amount on deposit at the close of the financial institution's banking day.

Collateralization will be required on the following types of investments:

- (1) Certificates of Deposit
- (2) Demand Deposits

Collateral is limited to securities allowable pursuant to Minn. Stat. 118A.03.

For cash deposits on hand, collateralization shall be in the form of specific securities with an active secondary market for the City held by an independent third party as detailed in statute 118A.06. The only exceptions are Federal Depository Insurance Corporation (FDIC).

AUTHORIZED INVESTMENTS

The City of Brainerd will only invest in securities authorized by Minnesota Statute 118A.04 and 118A.05.

Examples of authorized investments are as follows:

1. Savings/demand deposits
2. Certificates of Deposit (CD's)
3. U.S. Treasury obligations
4. U.S. Agency Securities such as:
 - a. Federal Home Loan Bank System (FHLB)
 - b. Federal Home Loan Mortgage Corporation (FHLMC)
 - c. Federal Farm Credit Bureau (FFCB)
 - d. Federal National Mortgage Association (FNMA)
5. Municipal Securities. The statute allows the City to invest in municipal securities of state or local government agencies with taxing power and a rating of "A" or better by a national bond rating agency.

MAXIMUM INVESTMENT

It is the policy of the City to determine its cash balance on a daily basis for the purpose of investing excess funds.

POOLING OF INVESTMENTS

For the purpose of making the maximum amount of funds available for investment, the cash for all City funds is pooled in an investment account. Interest earnings are allocated among the various funds based upon their semi-annual average cash balance.

LIQUIDITY

The purpose of having part of the City's investment portfolio in very liquid funds is to ensure that funds will be available should unexpected large bills be presented for payment.

MAXIMUM INTEREST EARNINGS

After the liquidity needs and scheduled maturity needs are satisfied, the balance of the funds available for investment are placed with institutions that offer the greatest safety and highest rate of return consistent with the maturities as determined by the City. Quotations or telephone bids are normally taken for all investments, whether they are short term or long term. This alleviates the problem of whom to place the investment with.

ANNUAL REVIEW

It shall be the practice of the City Council to review and approve the investment policy each year on the first regular meeting of February.

Reviewed and Approved this 5th ~~6th~~ day of February, 202~~4~~3.

PATRICK WUSSOW ~~JENNIFER BERGMAN~~
Interim City Administrator



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Consider Approval of Risky Business Tobacco License

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: John Davis, Police Chief

DEPARTMENT: Police

PRESENTER: John Davis, Police Chief

ESTIMATED TIME (MIN): 5 minutes

SUMMARY OF ISSUE: On December 4th, 2023, council denied a tobacco license submitted by Suzanne Milton on behalf of Limos Etc., DBA Risky Business. Jeremy Ryder, CEO of Limo's Etc. has now submitted a tobacco license application for Risky Business. Staff is seeking direction from the council on whether to issue the tobacco license.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The basis for the previous denial was a result of the following:

1. Lack of workers' compensation insurance.
2. Fraudulent information provided on the application.
3. The manager of the store, Ronald Beattie, was convicted of a sales tax violation which stemmed from un-taxed tobacco sales at Risky Business.

Regarding items 1 and 2, Ryder has provided and staff has confirmed an active workers' compensation policy which has been in effect since April 2023. At the time of the initial application, Risky Business did have a current insurance policy, and it is believed they erred by listing a previous policy on their application and this fraudulent information wasn't intended to be deceitful.

Regarding item 3, Ronald Beattie has since resigned as manager of Risky Business and Jeremy Ryder is on file with the MN Secretary of State as the CEO of Limos Etc. Chief Davis had been assured by Mr. Ryder that Ronald Beattie is no longer involved in the operations of the business. Since January 1, 2024, when their tobacco license expired, the Brainerd Police Department has conducted a tobacco compliance check and monitored the activities of the business. Chief Davis believes since January 1st Risky Business has halted sales of Tobacco and Tobacco Related Products and Ronald Beattie hasn't been at the business on a regular basis, indicating he may no longer be involved in the daily operations.

RECOMMENDED ACTION/MOTION: Approve the issuance of a tobacco license to Limos Etc., DBA Risky Business, contingent on a successful fire inspection.

or

Deny the issuance of a tobacco license to Limos Etc., DBA as Risky Business.

FINANCIAL IMPACT: none

**CITY OF BRAINERD APPLICATION FOR LICENSE TO SELL TOBACCO, TOBACCO PRODUCTS, OR TOBACCO
RELATED DEVICES**

Falsifying answers to the following questions will result in denial of the application. If the applicant is a partnership, one partner shall execute the application on behalf of all members of the partnership. If the applicant is a corporation, a corporate office with authority to do so shall execute the application on behalf of the corporation.

Please print

Applicant Legal Name (Individual, Partner, Officer of Corporation) JEREMY RYDER

Date of Birth 6/9/1976

Please list all other names you are or have been known by, to include birth name, previous married names, alias names, and nicknames: _____

Applicant Corporation Name LIMOS ETC. INC

Doing Business As RISKY BUSINESS NOVELTIES & VIDEOS

Business Address 326 WASHINGTON STREET, BRAINERD MN 56401

Business Phone Number 218-829-9361

Home Address 13138 Norway Dr Baxter, Mn 56425

Previous Address 16788 Rowe Rd Ironton, Mn 56455



\$75 Tobacco License

AUTHORIZATION AND RELEASE

The undersigned, having filed an application with the City of Brainerd, realizing that the City has need to investigate the background and history of the applicant in order to better evaluate his or her application, does hereby authorize and request every law enforcement official and every other person, firm, officer, corporation, association, organization, or institution having control of any documents, records and other information pertaining to me to furnish the original or copies of any such documents, records and other, to the city or any of its representatives, and to permit said City or any of its representatives to inspect and make copies of any such documents, records, and other information. I further authorize any such person to answer any inquiries concerning the undersigned which may be submitted to them by the City or its authorized representative. I fully understand that the information so obtained by the City may be used by it in its evaluation of my application.

I hereby release and exonerate any person who shall comply with the authorization and request made herein from any and all liability of every nature and kind growing out of and in any way pertaining to the furnishing or inspection of such documents, records, and other information.

Applicant Signature _____

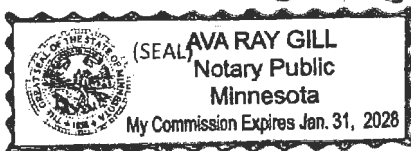
Date 1/17/2024

On 1/17/24

(date)

(name of applicant) Jeremy Ryder

personally appeared before me to be the signer of this document.



Ava Ray Gill
Signature of Notary Public
State of MN County of Crow Wing
My Commission Expires JAN 31 2024

This is to certify that the applicant hasn't been convicted within the past five years of a Federal, State or Local law, ordinance/code provision, or other regulation relating to licensed products, except as hereinafter stated:

Chief of Police Signature _____ Date _____

Fire Chief Signature _____ Date _____

Council Approval Date _____ License Number _____

RECEIVED

JAN 18 2024

**CITY OF BRAINERD
ADMINISTRATION**

License Application to Make Retail Sales of Cigarette and Other Tobacco Products

To be completed by applicant when applying for a license with a city or county.

Print or type	Applicant's Minnesota tax ID number 2894285		The Minnesota tax ID must be issued in the same legal name of the licensee below.		FOR MUNICIPAL USE ONLY	
					License number	
					Period covered	
					Date of issuance	
Business information	Cigarettes/tobacco products will be sold (a separate license is required for each location or vending machine):					
	☒ Over counter ☐ Through vending machine ☐ Both					
	Licensee's legal name LIMOS ETC INC				Federal employer ID number (FEIN) 46-1501275	
	Business trade name (doing business as) RISKY BUSINESS NOVELTIES & VIDEOS				Daytime phone 218-829-9361	
	Complete address of business location (permit location)				Other phone number	
	326 WASHINGTON ST		County CROW WING			
	City BRAINERD	State MN	Zip code 56401	Fax number		
	Mailing address (if different than business address)				Email address JRYDER18@HOTMAIL.COM	
	City BRAINERD		State MN		Zip code	
	Type of legal organization (check one): ☐ Sole proprietor ☐ Partnership ☐ Other (describe) _____ ☒ Minnesota corporation: Enter date of incorporation 12/4/2012 ☐ Out-of-state corporation: State of incorporation _____ Are you registered to do business in Minnesota? ☒ Yes ☐ No					
Corporate officers or partners (attach a list if necessary)						
Name JEREMY RYDER		Title CEO				
Address 326 WASHINGTON ST		City BRAINERD		State MN	Zip code 56401	
Name		Title				
Address		City		State	Zip code	
Statement of understanding	As a licensed tobacco products or cigarette retailer, I understand that:					
	1. I can purchase cigarettes only from a Minnesota distributor or subjobber who holds a license with the Minnesota Department of Revenue.					
	2. I must obtain a tobacco products distributor license if I purchase untaxed tobacco products from an out-of-state company.					
	3. I may not sell cigarettes affixed with Minnesota Native American stamps unless my retail business is located on a reservation that has a tax agreement with the State of Minnesota.					
	4. I may not purchase from or exchange cigarettes or tobacco products with another retailer.					
	5. I must keep complete and legible cigarette and tobacco products invoices on the licensed premises, or make invoices available within one hour of request, for at least one year after the date of the purchase.					
	6. I know that the Minnesota Department of Revenue and/or law enforcement may conduct cigarette and tobacco inspections of the premises, including inspections of inventory, invoices and licenses, and I understand that a refusal to allow an inspection is grounds for revocation of my license.					
	7. I know that failure to comply with all requirements can result in criminal penalties, including the loss of cigarettes and tobacco products.					
Sign here	Licensee signature		Title CEO	Print name Jeremy Ryder	Date 1/17/2024	Daytime phone 218-839-0439
	Licensing agent's signature		Title	Print name	Date	Daytime phone

License applicant: Submit this form to the licensing authority along with the license application.**Licensing authority:** Mail or fax a copy of approved form to:
Minnesota Revenue, Mail Station 3331, St. Paul, MN 55146-3331.



CITY OF BRAINERD

AUTHORIZATION & RELEASE

The undersigned, having filed an application with the City of Brainerd realizing that the City has need to investigate the background and history of the applicant in order to better evaluate his or her application, does hereby authorize and request every law enforcement official and every other person, firm, officer, corporation, association, organization or institution having control of any documents, records or other information pertaining to me to furnish the original or copies of any such documents, records and other information to the City or any of its representatives and to permit said City or any of its representatives to inspect and make copies of any such documents, records and other information. I further authorize any such persons to answer any inquiries, questions or interrogatories concerning the undersigned which may be submitted to them by the City or its authorized representative. I fully understand that the information so obtained by the City may be used by it in its evaluation of my application.

I hereby release and exonerate any person who shall comply with the authorization and request made herein from any and all liability of every nature and kind growing out of and in any way pertaining to the furnishing or inspection of such documents, records and other information.

Please complete the following information:

Full Name (please print): JEREMY VICTOR RYDER
First Middle Last

Date of Birth: 6/9/1976

Please list all other names you are or have been known by, to include maiden name, previous married names, alias names, and nicknames: _____

Address:	<u>13138 NORWAY DR</u>	<u>BAXTER</u>	<u>MN</u>	<u>56425</u>
	Street Address	City	State	Zip
Previous Address:	<u>16788 ROWE RD</u>	<u>IRONTON</u>	<u>MN</u>	<u>56455</u>
	Street Address	City	State	Zip

[Signature]
SIGNATURE OF APPLICANT

1/17/2024
DATE

State of MN

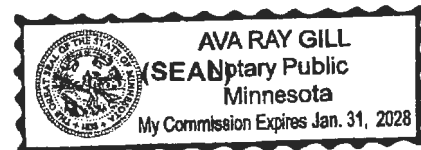
County of Crow Wing

On 1/17/24 Jeremy Ryder personally appeared before me to be the signer of
Date Full Legal Name of Applicant

this document.

[Signature]
Signature of Notary Public

Jan. 31 2028
My Commission Expires



Certificate of Compliance Minnesota Workers' Compensation Law

PRINT IN INK or TYPE.

Minnesota Statutes, Section 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business or engage in any activity in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minnesota Statutes, Chapter 176. The required workers' compensation insurance information is the name of the insurance company, the policy number, and the dates of coverage, or the permit to self-insure. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

BUSINESS NAME (Individual name only if no company name used)		LICENSE OR PERMIT NO (if applicable)	
LIMOS ETC INC			
DBA (doing business as name) (if applicable)			
RISKY BUSINESS NOVELTIES & VIDEOS			
BUSINESS ADDRESS (PO Box must include street address)	CITY	STATE	ZIP CODE
326 WASHINGTON ST	BRAINERD	MN	56401

YOUR LICENSE OR CERTIFICATE WILL NOT BE ISSUED WITHOUT THE FOLLOWING INFORMATION. You must complete number 1, 2 or 3 below.

NUMBER 1 COMPLETE THIS PORTION IF YOU ARE INSURED:

INSURANCE COMPANY NAME (not the insurance agent)		
EMC INSURANCE		
WORKERS' COMPENSATION INSURANCE POLICY NO.	EFFECTIVE DATE	EXPIRATION DATE
4H92173	04/06/2023	04/06/2024

NUMBER 2 COMPLETE THIS PORTION IF SELF-INSURED:

☐ I have attached a copy of the permit to self-insure.

NUMBER 3 COMPLETE THIS PORTION IF EXEMPT:

I am not required to have workers' compensation insurance coverage because:

- ☐ I have no employees.
- ☐ I have employees but they are not covered by the workers' compensation law. (See Minn. Stat. § 176.041 for a list of excluded employees.) Explain why your employees are not covered: _____
- ☐ Other: _____

ALL APPLICANTS COMPLETE THIS PORTION:

I certify that the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify that I am authorized to sign on behalf of the business.

APPLICANT SIGNATURE (mandatory)	TITLE	DATE
	CEO	01/17/2024

NOTE: If your Workers' Compensation policy is cancelled within the license or permit period, you must notify the agency who issued the license or permit by resubmitting this form.

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

CITY OF BRAINERD

FORM SP:C1 - TAX CLEARANCE INFORMATION

Pursuant to Minnesota Statute 270.72 Tax Clearance: Issuance of Licenses. The licensing authority is require to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the social security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we are required to advise you of the following regarding the use of this information:

1. This information may be used to deny the issuance, renewal or transfer of your license in the event you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest:
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement the Department of Revenue may supply this information to the Internal Revenue Services :
3. Failure to supply this information may jeopardize or delay the processing of your licensing insurance or renewal application.

Please supply the following information and return along with your application to the agency issuing this license. Do not return to the Department of Revenue.

LICENSE BEING APPLIED FOR OR RENEWED: **TOBACCO**

LICENSING AUTHORITY: City of Brainerd

LICENSE RENEWAL DATE:

PERSONAL INFORMATION (if applicable):

Applicant's Name _____

Applicant's Address _____

City _____ State _____ Zip Code _____

Social Security Number _____

BUSINESS INFORMATION (If applicable):

Business Name LIMOS ETC INC

Business Address 326 WASHINGTON ST

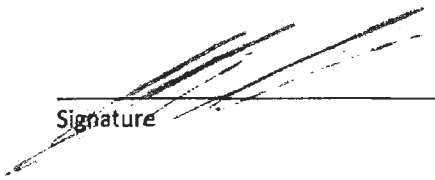
BRAINERD _____ **MN** _____ **56401**

City _____ State _____ Zip Code _____

Minnesota Tax Identification Number 2894285

Federal Tax Identification Number 46-1501275

If Minnesota Tax Identification number is not required, please explain on the reverse side.


Signature

CEO

Position(Officer, Partner, Individual, Etc.)

Office of the Minnesota Secretary of State
Minnesota Business Corporation/Annual Renewal
Minnesota Statutes, Section 5.34



Annual Renewal Year: 2024

Annual Renewal Filing Date: 1/16/2024

Corporation Name: Limos, Etc. Inc.

Original Filing Number: 630614800024

Home Jurisdiction: Minnesota

Filing Party Information:

Party Type:	Name:	Address:
Chief Executive Officer	JEREMY RYDER	326 WASHINGTON ST BRAINERD MN 56401 3343
Mailing Address		11610 Andrew St Brainerd Minnesota 56401
Principal Executive Office Address		326 WASHINGTON ST BRAINERD MN 56401 3343
Registered Office Address		260 BLACKSMITH CIRCLE BRAINERD MN 56401



Work Item 1448643800028
Original File Number 630614800024

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
FILED
01/16/2024 11:59 PM

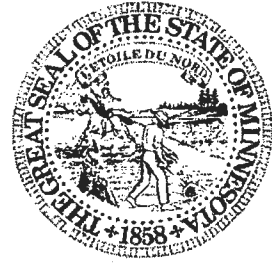
A handwritten signature in black ink that reads "Steve Simon".

Steve Simon
Secretary of State

Office of the Minnesota Secretary of State

Certificate of Assumed Name

Minnesota Statutes, Chapter 333



The filing of an assumed name does not provide a user with exclusive rights to that name. The filing is required for consumer protection in order to enable customers to be able to identify the true owner of a business.

ASSUMED NAME: **RISKY BUSINESS NOVELTIES & VIDEOS**

PRINCIPAL PLACE OF BUSINESS: **326 WASHINGTON ST BRAINERD MN 56401 USA**

NAMEHOLDER(S):

Name:

LIMOS ETC INC

Address:

**326 WASHINGTON ST BRAINERD MN 56401
USA**

If you submit an attachment, it will be incorporated into this document. If the attachment conflicts with the information specifically set forth in this document, this document supersedes the data referenced in the attachment.

By typing my name, I, the undersigned, certify that I am signing this document as the person whose signature is required, or as agent of the person(s) whose signature would be required who has authorized me to sign this document on his/her behalf, or in both capacities. I further certify that I have completed all required fields, and that the information in this document is true and correct and in compliance with the applicable chapter of Minnesota Statutes. I understand that by signing this document I am subject to the penalties of perjury as set forth in Section 609.48 as if I had signed this document under oath.

SIGNED BY: **JEREMY RYDER**

MAILING ADDRESS: **None Provided**

EMAIL FOR OFFICIAL NOTICES: **None Provided**



Work Item 1448646400023
Original File Number 1448646400023

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
FILED
01/16/2024 11:59 PM

Steve Simon

Steve Simon
Secretary of State

**MINUTES OF ANNUAL MEETING OF THE
SHAREHOLDERS & BOARD OF DIRECTORS
OF
LIMOS ETC., INC.**

A meeting of the Shareholders and Board of Directors of the above-named corporation was held on May 12, 2023

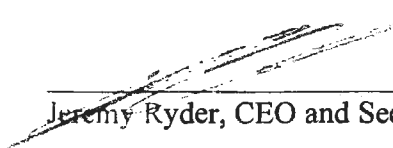
Quorum. A quorum was declared present based on the presence of the following shareholders, directors and officers:

- Jeremy Ryder

The following corporate actions were taken by appropriate motions duly made, seconded, and adopted by unanimous vote.

1. Approval of Jeremy Ryder as Chief Executive Officer, Treasurer and Secretary of the Company.
2. Approval of Suzanne Milton as Tobacco operations officer to perform the duties and prepare the paperwork necessary for the Company to hold a tobacco license and sell nicotine and THC products as they become eligible to be sold.
3. Discussion of potential Subcontractor Growth Incentive phantom stock awards to be issued to Suzanne Milton in the event the licensure and other procedures required to sell THC products becomes burdensome. No new shares issued, and discussion tabled until next annual meeting.
4. Approval of the estimated company valuation of \$600,000 to be used for estimating the payout in the event of sale or exchange of shares of the Company for the Limos Etc. Inc. Subcontractor Growth Incentive phantom stock plan agreement dated May 10, 2019.
5. Approval of 1,000 additional common shares issued to Jeremy Ryder as a stock dividend as of July 1, 2023.
6. Approval to have B. Johnson & Assoc., Ltd. to continue to provide bookkeeping and tax services.
7. Approval of Corporate Actions: The actions and undertakings of the directors, officers, employees, and agents of the corporation were approved with respect to:
 - All actions subsequent to the last meeting of the Board of Directors and Shareholders.
 - Transactions between the corporation and its shareholders and officers

There being no further business, the meeting was duly adjourned.



Jeremy Ryder, CEO and Secretary

Ron Beattie

Manager of Risky Business

14241 Inglewood Drive

Baxter, MN 56425

Risky Business Novelties and Videos Inc.

326 Washington Street

Brainerd, MN 56401

December 21, 2023

Today I share the difficult decision to resign from my role as the manager of Risky Business effective immediately December 21, 2023.

The decision to move on was not an easy one, but I believe it will be the best decision for me at this time. I look forward to the next transition to be positive and productive as possible for the store Risky Business and wish the team and my replacement nothing but success.

Please feel to contact me with any further questions.

Thank you in advance.

A handwritten signature in black ink, appearing to read 'Ron Beattie', with a long horizontal line extending to the right.

Ron Beattie



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Approve Event/Street Closure Application - CLC 5K Mental Health Awareness Run

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

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

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

SUMMARY OF ISSUE: Attached to this request is an event application for the CLC Mental Health Awareness 5K Run, to be held on Saturday, April 27, 2024 from 9:00 a.m. – 11 a.m.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The event is a 5K run starting at CLC and utilizing Mississippi Parkway, College Drive, and East River Road. A map is included in the packet. The applicant is requesting closure of Mississippi Parkway and East River Road, and requesting a lane closure on College Drive from Mississippi Parkway to East River Road. There are signs planned along the route and warning signs for drivers adjacent to the route. The event organizer met with the Police Department regarding the route.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the event/street closure application under the following conditions:

1. Event organizer provide a Certificate of Insurance to City Hall prior to the event.
2. Request traffic control materials one week prior to the event.
3. Signs are removed after the event is complete.

FINANCIAL IMPACT: N/A



SPECIAL EVENT APPLICATION

Date of Application: 01/16/2024

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

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

Name of event: CLC 5K Mental Health Awareness run

Organizer Information

Organizer's Name: Central Lakes College
Organizer's Address: 501 W College Dr Brainerd, MN 56401
Event Contact Person: Troy Schreifels
Event Contact Daytime Phone: 218 820 3003
Event Contact E-mail Address: troy.schreifels@clcmn.edu
Contact Name/Number Day of Event: Troy Schrefels/April 27th, 2024
For Profit/Nonprofit Status (type): for profit

Applicant information (if different from the event organizer):

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

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
04/27/2924	0900	1100	CLC/College Dr/Mississippi parkway/East River RD

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

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

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

Description of Activities

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

5K run will start on CLC campus and east on Mississippi Parkway, to College Dr, East to East River RD and Noth up East River RD/ runners will be on the sidewalk, not the road

Met w/BPD regarding the route

Site Information

Electrical usage

☐

Yes

☒

No

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

Amplified Sound

☐

Yes

☒

No

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

Restrooms provided

☐

Yes

☒

No

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

Company contracted for restrooms: _____

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

Signs, banners, and/or posters/flyers

☐

Yes

☐

No

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

BPD sign-slow down runners/event in progress, other signs and markers

Trash Receptacle Disposal

☐

Yes

☒

No

Company contracted for trash receptacle disposal: _____

Additional Event Information

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

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

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

Street Closure Request Information

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

requesting road closure for 2 hrs Mississippi parkway/partial closure

to College dr from parkway to east river rd to occur at the roundabout at SW4th and college dr/met with BPD-same as previous year

Date and time for beginning of street closures: 04/27/2024 0845 hours

Date and time for reopening of streets: 04/27/2024 1100 hours

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

NA

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

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

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

Hold Harmless Agreement and Insurance Information

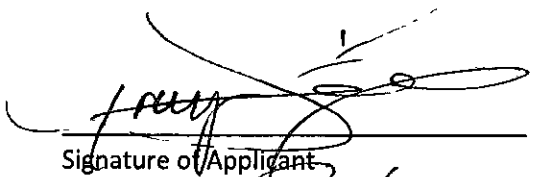
The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and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

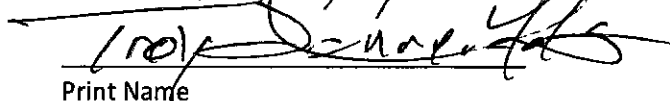
The City, at its discretion, may require the Applicant to obtain liability insurance for any event. If liability insurance is required, the following requirements apply:

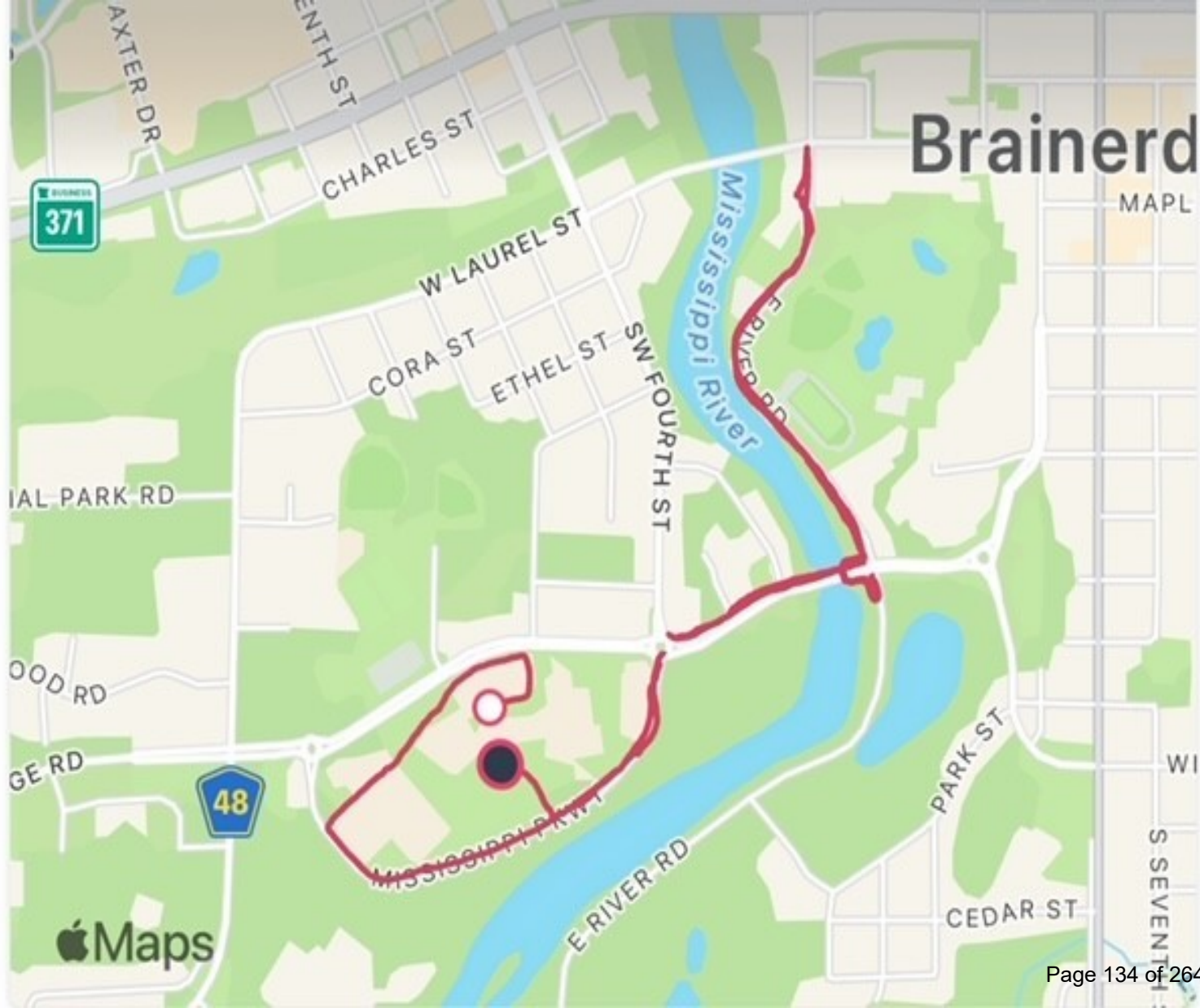
- Minimum of \$1,000,000 in commercial general liability insurance.
- Applicant's insurance shall be primary.
- Insurance shall cover liability for injury death and property damage including coverage for alcohol related claims if alcohol will be served.
- The insurance policy must be issued by an insurance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

Signature of Event Applicant

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


Signature of Applicant


Print Name





City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Adopt Resolution of Support for LCCMR Grant Application and Authorize Staff to Apply For LCCMR Grant Funding - TH 210/Lum Park Pedestrian Bridge

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: The solicitation period is open for the LCCMR grant program. The grant program is funded through the ENRTF fund (lottery proceeds). Staff is requesting authorization for SRF to prepare application for the grant program for the TH 210/Lum Park Pedestrian Bridge project on behalf of the City. This is the same program that was received for construction of Lyman P. White Park. MnDNR staff recommended that this project would be a good candidate for the grant program and have provided their support for the project throughout the development process.

Including the grant assistance received from LMC, there is available budget in the contract with SRF to complete this work. Applications are due on March 27, 2024.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The grant does not have a maximum request amount. However, there is a required 25% non-ENRTF match. Staff is recommending applying for \$3.75 million towards the bridge construction. If the City is awarded the grant, the local responsibility would be \$1.25 million of the expected \$5 million construction cost. This does not include engineering, design, right-of-way, etc. Should the City receive other grants that have been applied for this project (AT, TA), those could be utilized towards the match requirement.

RECOMMENDED ACTION/MOTION: Staff recommends adoption of the attached resolution authorizing application for the LCCMR grant program and further authorizing SRF to prepare the application on the City's behalf.

FINANCIAL IMPACT: \$10,000 (estimated)

RESOLUTION
NO. _____

AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES (LCCMR) FOR 2025 ENVIRONMENT AND NATURAL RESOURCES TRUST FUND (ENRTF) PROPOSAL

WHEREAS, The City of Brainerd seeks \$3.75 million to construct a new pedestrian bridge and trail access to Lum Park at TH 210 in Brainerd in 2026. The new grade-separated multi-use trail facility will increase multimodal usage, safely connect the trail networks, and enhance accessibility for all users.

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

That the Brainerd City Council supports the above referenced project and authorizes the submittal of a proposal for funding of this project on behalf of the City of Brainerd to the Legislative-Citizen Commission on Minnesota Resources (LCCMR) in response to the 2025 Environmental and Natural Resources Trust Fund (ENRTF) Request for Proposal; and

BE IT FURTHER RESOLVED, That, if funding is awarded, the City of Brainerd agrees to accept the award and may enter into an agreement with the state of Minnesota for the above referenced project. The City of Brainerd will comply with all applicable laws, environmental requirements, and regulations and any additional conditions stated in the grant agreement and the approved LCCMR work plan; and

BE IT FURTHER RESOLVED, That City of Brainerd understands that grants from the ENRTF are generally paid out on a reimbursement basis. The City of Brainerd has the financial capability to pay for project expenses prior to seeking reimbursement; and

BE IT FURTHER RESOLVED, That Brainerd City Council certifies none of the current principals of Brainerd City Council have been convicted of a felony financial crime in the last ten years. For this purpose, a principal is defined as a public official, a board member, or staff that would have the authority to access or determine the use of ENRTF funds, if awarded; and

BE IT FURTHER RESOLVED, That the City of Brainerd has the financial capability to meet the match requirements and ensure adequate construction, operation, and maintenance of the project once completed; and

BE IT FURTHER RESOLVED, That City Engineer/Public Works Director/City of Brainerd is hereby authorized to execute such agreements and work plans as necessary and Jessie Dehn, P.E. is authorized to implement the project on behalf of the Brainerd City Council.

Adopted this ____ day of _____, 2024

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2024

DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

TH 210 / Lum Park Trail Bridge Study

Cuyuna Lakes State Trail over TH 210

Final Report



Prepared for:



BRAINERD
MINNESOTA
A City for All Seasons

Prepared by:



Date: April 2023

SRF No. 16359.00

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Chapter 1 Executive Summary

This report identifies, describes, and provides concept-level recommendations and construction cost estimates for further planning efforts to design and construct the Trunk Highway (Hwy) 210 / Lum Park Pedestrian Bridge project. With a population of over 14,000 residents, the City is home to several parks, local trails and surrounding regional and state trail systems. Various efforts are advancing that will expand the trail systems throughout the surrounding area. This study identifies a grade-separated multi-use trail facility that safely connects the trail networks and enhances accessibility for users of all abilities based on the evaluation of key design factors.

Trail improvements are planned as part of larger projects along highways 25 and 210 near the proposed bridge site. The City desires to connect these improvements and Lum Park with an at-grade trail along NE 10th Avenue and Hwy 210 to a new bridge over Hwy 210 at Lum Park. Recommendations are included that locate and define both the at-grade trails and the bridge structure. Recommendations for the bridge consider the need for private land acquisitions south of the highway and planned improvements within Lum Park coming in 2023 and as part of the on-going master planning effort.

Multiple iterations of early bridge concepts were developed and shared with the project management team (PMT) members. The preferred alternative detailed in this study is a multi-use trail bridge with approach ramps that parallel Hwy 210 consisting of a mix of short abutments, precast beam spans and cast-in-place concrete slabs. The bridge main span is a 210-foot-long prefabricated steel truss which can be assembled on site then erected during a brief closure of the highway with minimal disruption to traffic. Bridge aesthetic recommendations are included which are influenced by MnDOT's Hwy 210 aesthetic recommendations and existing Lum Park structures. Artistic renderings are included with this study to help facilitate aesthetic reviews and public engagement.

Construction funding has not yet been secured for the bridge. The City would like to secure funding in time to construct the bridge in 2026 in collaboration with MnDOT's Hwy 210 construction. A section of this report is dedicated to reviewing funding opportunities and identifying programs that may be most successful for funding applications based on the project's scale. If funding can be secured, MnDOT is supportive of incorporating the bridge into the 2026 project if the schedule allows. However, the project can advance as a standalone effort if funding is secured for a later construction date. A schedule and outline of next steps is provided as information for planning of the next design phases in preparation for a fully authorized construction project.

Chapter 2 Study Introduction & Purpose

2.1 Study Introduction

The goal of the Trunk Highway (Hwy) 210 / Lum Park Pedestrian Bridge Study is to identify, describe, and provide concept-level documentation and estimates of construction costs for future funding opportunities. This study documents issues to be further addressed in the detailed design and construction of a new grade-separated multi-use trail crossing of Hwy 210. Trail system connectivity will be enhanced by constructing a new trail bridge over Hwy 210. The study identifies opportunities in response to the desires of the City of Brainerd (City) and local and state trail users for the continued development of the area's trail systems and access to parks and other recreational resources.

With a population of over 14,000 residents, the City is home to several parks, local trails and surrounding regional and state trail systems. Area trails include the Paul Bunyan (PBST) and Cuyuna Lakes (CLST) State Trails operated by the Minnesota Department of Natural Resources (MnDNR) and the Buffalo Hills Trail (BHT) operated by the City. The CLST segment nearest the project site extends from NE 5th Avenue to Lum Park Road located along the north side of Hwy 210. Various efforts are advancing that will improve and expand the trail systems throughout the City and surrounding area, including:

- 28th Street to NE 10th Avenue trail segment (MnDOT Hwy 25, 2023)
- CLST Mississippi Northwoods trail segment (Cuyuna Lakes Trail Assoc.)
- NE 10th Avenue trail segment between Hwy 25 and Hwy 210 (City)
- Hwy 210 Reconstruction (MnDOT 2026)

2.2 Study Purpose

The purpose of this study is to perform a feasibility analysis of pedestrian crossing options at Hwy 210. The study will identify a grade-separated multi-use trail facility that safely connects the local and state trail networks and enhances accessibility for users of all abilities. This study will consider factors such as:

- Crossing Location
- Schematic Design Alternatives
- Connectivity to Modes of Transportation
- Estimated Construction Costs

Study considerations were evaluated against the following criteria to generate project recommendations:

- Estimated Construction Costs
- Maintenance of Traffic in Construction
- Lum Park Master Planning
- Local and Regional Trail Network Connectivity

Chapter 3 Site & Transportation Connections

3.1 Lum Park Access

The City's Lum Park is located just to the northeast of the intersection of Lum Park Road and Hwy 210. [Appendix A1](#) includes information related to the current land use within the park. Changes will be occurring within the park that the bridge should consider and which the bridge will influence.

Construction for a park improvement project is scheduled for the summer/fall of 2023. A draft of the planned improvements is shown in [Appendix A2](#) and includes a new trail extending into the park from the Lum Park Road/Hwy 210 intersection. The appendix figure indicates the new trail to be located along Lum Park Road. However, options are being explored which could route the trail from the intersection on a more direct path to the existing maintenance shop which is the planned location for a future trailhead.

The City is also in the initial stages of a park master planning effort to expand existing and incorporate new amenities. Bridge alternatives evaluated in this report have considered how the proposed structure could impact the master planning effort and future park enhancements. This coordination should remain active in future bridge design development phases to ensure the bridge fits well within the desired land use of the park as the planning effort is developed. A draft of an early concept of the park master planning effort is included in [Appendix A3](#).

Access to the City's park webpage is available here: [Lum Park Link](#)

3.2 State Trail Network

The Minnesota Department of Natural Resources (MnDNR) owns and operates the Cuyuna Lakes State Trail (CLST) which includes a paved eight-mile trail running from Crosby to Riverton, inside the Cuyuna Country State Recreation Area. Plans have been in development by the Cuyuna Lakes Trail Association (CLTA) to expand the reach of the trail into the City of Brainerd with a connection to Lum Park. This study considered the MnDNR's 2004 master plan and current CLTA planning efforts in evaluating options which could connect to a future expansion of the state trail system. Additionally, this study considered the potential for the MnDNR to be a possible funding partner for the construction of the bridge and for the bridge to possibly be incorporated into an expanded state trail system under the MnDNR's ownership.

Access to the MnDNR and CLTA webpages is available at the following locations:

- [MnDNR - Cuyuna Lakes State Trail Link](#)

- [Cuyuna Lakes Trail Association Link](#)

3.3 Regional & Local Trail Network

Existing trail systems are in place at or near the proposed bridge site. The City's Bicycles Corridor Map identifies the following facilities:

- J Street NE to Lum Park Road
- NE 8th Avenue to Hwy 25 to Oak Street/Hwy 18
- Cuyuna Lakes State Trail (existing) along Hwy 210 from 5th Avenue NE to Lum Park Road
- Cuyuna Lakes State Trail (planned) along Hwy 210 to the west of 5th Avenue NE and to the east of Lum Park Road.

Some of these facilities will be improved as part of upcoming MnDOT construction projects. In 2023, MnDOT will improve the Hwy 25 corridor and provide new or improved trail accommodations. Additionally, in 2026 MnDOT will improve the Hwy 210 corridor through the proposed bridge site which will include an expansion and reconstruction of the CLST segment within the City as far east as Lum Park Road.

The need for snowmobile accommodations on the proposed trail and bridge segments was evaluated. Currently there are no state snowmobile trails associated with the site and local clubs which operate in the area have not requested accommodations on the bridge. It is understood that if a snowmobile crossing at or near the site of the bridge were desired in the future, a safe, at-grade trail crossing location can be established. Thus, the bridge does not need to include accommodations for geometry and loading criteria specific to snowmobiles or snow grooming equipment.

Chapter 4 Proposed Geometry

4.1 Preferred Alignment

From south-to-north, the proposed geometry consists of various segments as described in the following sections.

4.1.1 At-Grade Trails

At-grade trail segments occur in various sections of the project and consist of a 10-foot-wide bituminous trail segment with 3-foot turf shoulders, unless located immediately at the back of a roadway curb.

On NE 10th Avenue from Hwy 25 to Hwy 210

Segment will connect into MnDOT's 2023 improvements at Hwy 25 and extend north along the east side of 10th Avenue to connect to MnDOT's 2026 improvements at Hwy 210. The section will provide a 6-foot-wide turf boulevard, 10-foot trail and 3-foot shoulder within the City ROW. The boulevard can be utilized to relocate overhead power poles if pole relocation is necessary.

South Side Hwy 210 from NE 10th Avenue to NE 13th Avenue

Segment will connect into MnDOT's 2026 improvements at Hwy 210 and 10th Avenue and extend northeast along the south side of the highway to approximately 13th Avenue. The section will provide a 6-foot-wide minimum turf boulevard, 10-foot trail and 3-foot shoulder within the MnDOT ROW.

South Side Hwy 210 from NE 13th Avenue to South Bridge Approach

Segment transitions further to the south to accommodate the existing drainage ditch and stream. It is anticipated a reinforced concrete pipe (RCP) or small precast box culvert (PBC) can be used to allow the trail to cross over the active drainageway. Once across the drainageway, the trail continues at-grade a short distance to the beginning of the south bridge approach. This segment is primarily located outside the ROW and on to privately owned land from which land acquisition will be required.

North Bridge Approach to Lum Park Trail Connection

North of Hwy 210, a short trail section will be constructed to connect the north bridge approach ramp to the Lum Park trail facility to be built in 2023. This trail segment is located entirely within Lum Park.

4.1.2 Bridge Approach Ramps & Main Span

Two approach ramps are necessary north and south of the main bridge span over Hwy 210. Proposed ramps provide a 5% maximum profile grade for ADA compliance. Although a maximum grade of 8.33% is allowable, it requires landings and is more difficult for some users to navigate by walking and biking. Approach ramps can be constructed with various structure types including, embanked fill sections, retained fill (retaining walls) and bridge spans of various structure types. Selection of the appropriate approach ramp type is based on multiple factors including geometric configuration, site constraints and environmental, utility and other impacts.

South Bridge Approach Ramp

The south bridge approach is primarily at straight ramp with a 20-foot horizontal curve located near the connection to the main span over the highway. This segment is located outside the ROW and within privately owned land. Additionally, the western portion of the ramp is located within a mapped wetland. To minimize property and environmental impacts, embanked fill sections will be minimized, and much of the structure will consist of bridge spans. The straight segment will be constructed with precast concrete beams (PCB) which provide for long spans and fewer piers which is expected to reduce cost. The horizontal curve will be a short cast-in-place (CIP) concrete slab spanning between adjacent piers.

North Bridge Approach Ramp

The north bridge approach consists of a straight ramp with a 20-foot horizontal curve located close to the main span over the highway and a 40-foot horizontal curve located near the at-grade trail connection. This segment is located entirely within Lum Park and does not impact a known wetland. However, the alignment parallels Hwy 210 and an existing overhead powerline in addition to crossing over buried wet utilities. See [Chapter 5](#) for information related to utility impacts.

Due to the proximity of the highway and utilities, use of embanked fill sections will be limited, and much of the structure will consist of bridge spans. The straight segment will be constructed with precast concrete beams (PCB) which provide for long spans and fewer piers. The horizontal curve near the main span (west) will be a short cast-in-place (CIP) concrete slab spanning between adjacent piers. The horizontal curve near the at-grade connection (east) may be a minor fill section with a short parapet abutment and retaining walls to minimize the bridge length.

4.1.3 Bridge Main Span over Hwy 210

Primary considerations for the bridge main span include horizontal and vertical clearances and Hwy 210 user safety. The left turn movement from eastbound Hwy

210 to Lum Park Road will remain open, thus the separated roadway and median condition will remain in place. Locating a bridge pier within the median is not desirable as it would be considered a hazard within the roadway clear zone and conflict with sightlines causing safety concerns. For these reasons, options that can clear span the highway are preferred.

South of the highway is an open ditch and north of the highway is an overhead powerline. There are limited single-span structure types available that can span the ditch and highway and limit utility impacts. The most suited for this condition is a prefabricated steel truss which is commonly used to accommodate grade-separated multi-use trail facilities. This study evaluated a 210-foot-long prefabricated steel truss main span with a minor skew to the highway. The truss would be supported by two primary piers that would also support the CIP concrete approach spans.

4.2 Alignments Not Advanced for Comparison

4.2.1 South Approach Ramp & Alignments

Additional alternatives were considered for the south and north bridge approach ramp configurations. These alternatives were not advanced for differing reasons. Other south approach alternatives included trail alignments shifted further to the south, which provided more screening between the trail and highway and located the trail in a more natural setting. However, all of these alternatives resulted in greater private land impacts, and some included greater wetland impacts.



Fig. 4.2.1: Example of Alternate South Bridge Approach Considered

4.2.2 North Approach Ramp & Alignments

Various north approach alternatives were considered which utilized land within the park in different ways. While all options involved park impacts, the recommended alternative was found to best suit the City's goals to limit impacts to existing park land and uses, accommodate future park expansion and provide screening between the highway and the park.



Fig. 4.2.2: Example of Alternate North Bridge Approach Considered

Chapter 5 Utilities

5.1 Existing Utilities

A preliminary investigation into existing utilities has been completed. Continuation of this utility investigation will be required in the preliminary design phase of the project as potential impacts become better defined. The options presented in this report will require varying amounts of adjustment/relocation of the utilities for the design and construction of a pedestrian facility.

Utilities included within the project area were contacted through Gopher State One Call (GSOC). Requests for as-built plans and mapping were made on ticket numbers 230340448, 230340449 and 230340450. Utility companies contacted by GSOC include:

Table 5.1 Utility Identification

Utility Name	Utility Abbreviation	Facility	Notes
Brainerd Public Utilities	BRAINL01	Electric (E) & Water (W)	Mapping Provided
Brainerd Utility Street Sewer	BRAINL04	Sewer (S) Storm Sewer (SS)	Mapping Provided
CenterPoint Energy	MINGAS04	Gas (G)	Mapping Provided
CenturyLink	CTLMN01	Telephone (TEL)	Clear, No Conflict
Charter Communications	CHARTR12	Television (TV) & Fiber Optic (FO)	Clear, No Conflict
Consolidated Communications	ENVTEL01	Telephone (TEL) / Fiber Optic (FO)	Mapping Provided
Consolidated Telephone	ENVTEL01	Telephone (TEL) / Fiber Optic (FO)	Mapping Provided
MnDOT	MNSDOT01	Fiber Optic (FO)	Mapping Provided
Xcel Energy	XCEL01	Electric (E)	Mapping Provided

Source: Gopher State One Call Ticket Nos. 230340448, 230340449 & 230340450

Additional mapping information along TH 210 was provided by MnDOT related to SP 1805-80, TH 210/Washington Street Final Design.

Refer to [Appendix D](#) for a map detailing existing utility facilities in the project vicinity.

5.1.1 Utility Impact Summary

Brainerd Public Utilities (BPU)

An existing overhead power distribution line runs parallel along the north side of Hwy 210. The design team met with BPU staff on March 9, 2023, to discuss impacts. Meeting minutes are available upon request. BPU noted the facility is permitted by MnDOT for the location at Lum Park. Existing poles range from 40-feet to 45-feet long and can be extended up to a maximum of 55-feet. Pole replacement for a raised facility is preferred, however a buried facility is feasible if necessary.

Final clearances from the permanent structure are 10-foot (OSHA min.) with up to 25-feet preferred by BPU. It was noted that a fiber optic line may be added to the facility as early as 2023. The design team noted that the top of the deck/pedestrian surface would be approximately 21-feet above existing grade. With a 10-foot clearance to the overhead power facility at 31-feet minimum, it was noted that a pole raise at the site appears feasible to accommodate the bridge. During construction, the contractor may request short outages of the facility as power can be routed differently with existing infrastructure. No temporary poles or facility relocation appear to be necessary.

South of the highway, a buried power service line extends to an existing billboard. The billboard is expected to be impacted and removed for construction of the bridge. BPU noted that the service line may be abandoned when no longer required for the billboard.

BPU also operates a watermain that crosses the highway and enters Lum Park. The proposed north bridge approach spans over the existing watermain. To protect the facility during construction and operation of the bridge, the design should plan to encase in a steel pipe the segment of watermain running below the bridge.

City of Brainerd

A storm sewer system runs through Lum Park which conveys drainage collected in a ditch along the south side of the highway between a private driveway and Laurian Lane to the open channel stream which outlets into Rice Lake north of the park. The north bridge approach crosses the existing storm sewer system and is expected to conflict with the existing facility. The storm sewer should be modified north of the highway to route storm water below a bridge span between piers so as not to be located below the north abutment or retaining walls.

Consolidated Communications/Telephone

Buried fiber optic and communications lines are located parallel to and just south of the highway within MnDOT's ROW. These facilities will need to be located and

protected during bridge construction. Minor relocation may be required to adjust the lines for the pier foundation which will support the main bridge span.

Chapter 6 Property Identification & Acquisition

Properties included within and adjacent to the project area which may be directly or indirectly impacted by the construction of the crossing and temporary facilities have been identified. The impacted parcels within the vicinity of the project are listed below:

Table 6.1 Property Identification

Parcel No.	Parcel ID	Owner
1	41191867	STRAKA FAMILY TRUST

Source: Crow Wing County GIS Public Map Service

Parcel 1 will be impacted by the south bridge approach. Although MnDOT has 30-feet to 50-feet between the highway facility and their ROW boundary, much of that space is allocated to storm water drainage and stream conveyance. Thus, private land acquisitions will be required at parcel 1 for the operation and maintenance of the bridge (permanent) and construction access, staging and material laydown areas (temporary).

All other lands required for the trail and bridge are under the ownership of the City or MnDOT, including:

1. City ROW
 - a. Trail along NE 10th Avenue
 - b. North Bridge Approach in Lum Park
2. MnDOT ROW
 - a. Trail from NE 10th Avenue to Parcel 1 along Hwy 210
 - b. Bridge Main Span

Refer to [Appendix C](#) for a map detailing property identification for parcels listed above.

Chapter 7 Bridge Aesthetics

Crossing Hwy 210, the proposed pedestrian bridge will be a prominent civic design feature that could influence the overall character of the corridor and serve as a unique landmark and entrance to the community. The initial sketch options for the aesthetic character of the bridge strive to create a structure that fits sensitively within its surroundings while also complementing the distinct architectural identity found within Lum Park. Just north of the proposed bridge is the original stone masonry park entrance. Although it currently no longer serves as the park entrance, there is interest in re-establishing the original structure as a new trail entrance to the park.



Fig. 7.1: Original Lum Park Stone Entrance Monument

The primary bridge features that influence the appearance are the span types, pier supports, retaining walls, railings, and any potential lighting. As part of this report, three concepts illustrating different bridge structural detailing are presented for initial consideration.

Lum Park Characteristics w/ Unpainted Truss & Railing: Shown in [Appendix G](#), Figure 1 of 4. This option incorporates fieldstone concrete formliners and natural stone architectural color systems into the piers. All steel is unpainted weathering steel which is the preferred system on bridges designed by the MnDNR. This system requires no maintenance of paint systems.

Lum Park Characteristics w/ Unpainted Truss & Painted Railing: Shown in [Appendix G](#), Figure 2 of 4. This option incorporates fieldstone concrete formliners and natural stone architectural color systems. The steel truss main span is unpainted

weathering steel. The ornamental metal railing system is painted black which is consistent with railing systems proposed as part of the MnDOT Hwy 210 Improvements project. This system requires occasional maintenance of paint systems on the railings only.

Lum Park Characteristics w/ Painted Truss & Railing: Shown in [Appendix G](#), Figure 3 of 4. This option incorporates fieldstone concrete formliners and natural stone architectural color systems. The steel truss main span and the ornamental metal railing system is shown as painted black which is consistent with railing systems proposed as part of the MnDOT Hwy 210 Improvements project. Alternatives that paint the truss a separate color from the railing system are common which can help distinguish the truss from the railing, producing a more dominant visual element. The paint systems on both elements will require occasional maintenance.

The concept sketches illustrate three unique approaches intended to facilitate further discussion and consideration of the desired structural type and other aesthetic aspects of the bridge and immediate surroundings. The concepts with painted systems consider information from the Representative Examples of Proposed Aesthetic Elements for MnDOT's TH 210 Improvements project (See [Appendix G](#), Figure 4 of 4).

Undoubtedly, local stakeholders and the greater community will have an interest in the visual quality of the structure. Further input from stakeholders will help ensure that it will be an attractive and distinctive civic landmark that reflects community values.

Project partners will influence the bridge aesthetics as well. Since the bridge is within MnDOT's Hwy 210 corridor, aesthetics should follow guidelines outlined in MnDOT's Aesthetic Guidelines for Bridge Design. Recommendations are provided on best practices to implement context sensitive design into bridge aesthetics. On MnDOT-led projects it has become common practice to invest additional funds for special aesthetic treatments above the cost of a conventional bridge. Additional funding varies by aesthetic levels as follows for practical maximums, up to 15% for Level A, 10% for Level B and 5% for Level C. The ownership and maintenance of the bridge and its aesthetic accommodations will be part of the MnDOT cooperative construction agreement with the lead local agency.

MnDNR bridge aesthetic practices should be considered if the MnDNR is a funding partner or is anticipated to own the bridge as part of an expanded Cuyuna Lakes State Trail system after construction. Items that are typically excluded from MnDNR bridges can be incorporated into bridge designs but will require an ownership and maintenance (O&M) agreement with local agencies for the cost participation necessary to construct and maintain the additional systems. Typical MnDNR bridge aesthetic practice is outlined below:

- Can incorporate architectural concrete textures and color systems into substructures and retaining walls. Use of anti-graffiti coatings has become less common, but may be incorporated.
- Ornamental metal railings are preferred. Standard railings and fence systems may be considered.
- Steel truss superstructures, girders and railing systems are not painted to reduce maintenance. Typically use unpainted MnDOT Spec. 3309, Type C weathering steel.
- Bridge lighting for pedestrians and structure aesthetics are not included.
- Signage for a road crossing may include “brown” MnDOT signs on the bridges that identify the bridge as part of a state trail system (example: Cuyuna Lakes State Trail). MnDNR does not typically permit the installation of “non-state trail” signs on State trail bridges.

Chapter 8 NEPA & Environmental Impacts

8.1 National Environmental Policy Act (NEPA)

Transportation projects funded using federal dollars require the preparation of a federal National Environmental Policy Act (NEPA) document. The type of NEPA document is determined by the magnitude of environmental impacts or level of controversy. Trail projects commonly meet Categorical Exclusion criteria (the lowest level of NEPA review) because these types of projects do not normally have significant effects on the human environment. Projects involving work on a Trunk Highway (TH) system require that documentation be prepared in accordance with Minnesota department of Transportation (MnDOT) Transportation Project Development Process (TPDP), as would be the case if the project was connected or phased with MnDOT's planned TH 210/Washington Street Reconstruction project. Conversely, federally funded projects not impacting the trunk highway system (e.g., standalone projects) would be reviewed under MnDOT's State Aid for Local Transportation program. The two programs are similar; however, the TPDP program requires a greater level of agency coordination and documentation. At a minimum, documentation includes the evaluation of project effects to protected species, cultural resources, wetlands, floodplains, farmland, and other subject areas. The specific environmental document prepared is subject to coordination with MnDOT.

Independent of a funding source, the project is required to comply with state environmental review requirements. An Environmental Assessment Worksheet (EAW) may be required to determine if an Environmental Impact Statement (EIS) is required. Mandatory and discretionary EAW thresholds are outlined in Minnesota Administrative Rule 4410. Connected or phased actions and their associated environmental impacts would need to be evaluated together with the impacts of the trail project. Based on a limited review of the project and potential impacts, it does not appear that a standalone project is likely to meet mandatory or discretionary EAW thresholds. This assumption should be reevaluated as part of preliminary design or if the project is connected to MnDOT's planned TH 210 project.

8.2 Wetlands

The proposed trail will cross a watercourse and wetland areas which are regulated by the federal Clean Water Act (CWA) and the Minnesota Wetland Conservation Act (WCA). The watercourse parallels the south side of TH 210 between 13th Avenue NE and 14th Avenue NE and crosses under TH 210 just east of 14th Avenue NE. A large wetland complex consisting of wooded and shrub swamp areas is south of TH



Fig. 8.2: Image of NWI Wetland Finder (MnDNR ArcGIS)

8.2.1 Delineations

CWA and WCA rules require watercourse and wetland boundaries to be accurately identified and mapped if a project may result in impacts to the resources. SRF recommends a Level 2 field wetland delineation be completed in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, the Northcentral and Northeast Regional Supplement to the Corps of Engineers Wetland Delineation Manual, and WCA standards to determine and map the resource boundaries. Results of Level 2 field wetland delineation are summarized in a wetland delineation report, provided to the WCA Local Government Unit (LGU) (Crow Wing County), members of the Technical Evaluation Panel (TEP), and the U.S. Army Corps of Engineers (USACE) for review and approval. Approvals are valid for five years.

8.2.2 Impacts & Permitting

The project is expected to impact the watercourse and wetland areas; therefore, federal and state review and approval of the impacts will be required prior to project construction. A single WCA/USACE Joint Application Form is used to request the

permit and approval. The Joint Application Form requires the applicant to consider ways to avoid or minimize impacts to water resources, such as relocating or realigning the proposed project, constructing bridges and/or boardwalks, narrowing the project footprint, et cetera. Once all feasible and practicable avoidance and minimization measures have been implemented, any remaining impacts must be mitigated. Wetland replacement in this part of the state is typically one wetland mitigation credit per one acre of wetland impact, provided the replacement is in the same bank service area as the impact. MnDOT has their own wetland mitigation banks that are used to replace impacts associated with Trunk Highway projects; MnDOT may allow their credits to be used for the trail impacts if it is connected to the planned TH 210 project. However, if MnDOT does not allow use of their credits or the trail project is standalone, credits can instead be reserved and later purchased from private wetland mitigation banks.

Linear transportation projects involving less than significant wetland impacts are commonly authorized under the federal Section 404 Transportation Regional General Permit and state WCA Notice of Decision. Depending on the extent of impact or type of aquatic resource impacted, the project may also require a Section 401 Individual Water Quality Certification through the Minnesota Pollution Control Agency. This is a separate application and process completed in tandem with the USACE/WCA permitting process. All permits and approvals must be complete and mitigation credits purchased/debited prior to the start of project construction.

Refer to [Appendix E](#) for an estimation potential wetland impacts.

Chapter 9 Recommendations & Construction Costs

9.1 At-Grade Trail Recommendations

At-grade trail will be used at three locations:

- Along NE 10th Avenue (Approx. 1,300-feet)
- Along Hwy 210 to connect to the south bridge approach (Approx. 2,000-feet)
- To connect the north bridge approach into the 2023 Lum Park trail system (Approx. 200-feet)

We recommend these trails consist of an aggregate base section, bituminous pavement trail surface and have 3-foot clear zones and turf shoulders where room permits. Trails south of Hwy 210 will be primarily behind roadway curb lines. Where feasible, a 6-foot turf boulevard should be established between the curb and trail section.



Fig. 9.1: Example of Trail Separated from Curb Line with Turf Boulevard

The segment of trail along Hwy 210 will pass through mapped wetlands and cross a small stream. Hydraulic design should be completed in future design stages to accurately size the drainage structure necessary to maintain sufficient conveyance. This study assumes a 6'x4' precast box culvert will be sufficient based on assumptions from the existing structure just downstream which conveys the stream across the highway. Fill should be limited within the wetland boundaries to establish the trail profile and to minimize impacts.

9.2 Bridge Approach Ramp Recommendations

The north and south approach ramps are similar and will consist of:

- Straight precast beam spans
- Curved cast-in-place span slabs for small radius (20-foot) horizontal curves near the main span piers
- Short concrete parapet-style abutments and intermediate piers
- Curved embanked fill supporting trail on grade (north only)

The approaches should be designed to be ADA compliant. This study assumes ramps of 5% maximum profile grade with handrails will be used. Steeper grades with landings are allowable, but not preferred for bike facilities. Additionally, grades flatter than 5% would not require handrails, but does increase the length of the ramps needed. Design exceptions or a variance to bike standards will need to be approved to address substandard horizontal curves within the approach ramp sections. Embanked fill should be minimized where wetland and utility impacts will result.



Fig. 9.2-1: Example of Bridge Approach Ramp w/ Multiple Bridge Spans to Short Abutment



Fig. 9.2-2: Example of CIP Concrete Slab Span w/ Short Radius Horizontal Curve

9.3 Bridge Main Span over Hwy 210 Recommendations

The bridge's main span is recommended to be designed with a 210-foot-long prefabricated steel truss with a concrete deck. This superstructure type is highly efficient for long clear spans, can be assembled near grade on site and lifted as a single unit and set in-place with an overnight closure to the highway. The concrete deck is cast after the truss has been erected with deck forming included with the truss. This minimizes the work needed to be completed over active traffic and limits the duration of any lane or highway closures.

The truss and main span piers will be designed to accommodate the minimum geometric design criteria set by MnDOT, including:

- 17'-4" minimum vertical clearance
- Piers outside the roadway clear zone

If piers cannot be set outside the horizontal clear zone, piers will be designed for heavy construction to comply with MnDOT's pier protection policy.



Fig. 9.3: Example of Prefabricated Steel Truss Main Span over Highway

Refer to [Appendix F](#) for additional conceptual bridge information.

9.4 Bridge Aesthetic Recommendations

The following is a summary of the aesthetic recommendations for the bridge. Costs for these systems are included in the study as separate allowances, except for the metal railing which is a required safety element of the bridge. Final aesthetics will be selected based on available funding, input from future public engagement and agreements with MnDOT and MnDNR. Given the bridge's location within the City and its inherent ability to become a recognizable community landmark, we recommend Level B aesthetics to be appropriate with a 5-10% additional funding allotment for the inclusion of bridge aesthetics be considered.

Concrete Textures: Combine the use of smooth surfaces, reveals and architectural concrete texture (Fieldstone).

Concrete Colors: Utilize special surface finish where applicable and architectural concrete color systems with anti-graffiti coating where architectural concrete texture is applied.

Metal Railings: Use a 4'-6" minimum bike railings throughout the system, except where 6'-0" minimum protective screening is required over the highway. Railings can be similar to MnDOT standard ornamental metal railing systems with vertical pickets. Pickets may be as per the standard details or like the aesthetic references and examples set forth by the Hwy 210 project. It is anticipated that railings will be painted or powder coated but may consist of unpainted weathering steel if a lower cost maintenance option is preferred.

Steel Truss: The truss system will be a weathering steel system which can remain unpainted or be painted if desired.

Lighting: Pedestrian level lighting on the bridge deck is recommended if funding allows, but not a safety requirement. Additional structure lighting may be added to highlight the key elements of the bridge and assist with establishing the structure as a landmark and community gateway.

9.5 Construction Cost Estimate

A conceptual construction cost estimate was developed for the recommended bridge project. The cost estimate is based on assumed estimated quantities and square foot areas and is reflected in 2023 dollars based on recent MnDOT Average Bid Price information and other similar project examples and cost reference points.

9.5.1 Construction Cost Estimate Summary:

\$500,000	At-grade trails and stream crossing
\$4,000,000	Bridge approach ramps and main span

9.5.2 Bridge Aesthetic Costs:

The recommended Level B aesthetic funding allotment range is approximately \$200,000 (min.) to \$400,000 (max.). Aesthetic allowances may range up to:

- \$25,000 for concrete textures, color systems & anti-graffiti coating
- \$100,000 for customized ornamental metal railing
- \$200,000 for pedestrian-level lighting
- \$100,000 for structure accent lighting

9.5.3 Existing Utility Costs:

Utility allowances for existing facility relocations/modifications may range up to:

- \$115,000 for watermain casing and/or modification
- \$70,000 for storm sewer modification
- \$0 no cost is anticipated for overhead power modification (by permit)

9.5.4 Other Cost Considerations:

The following items are not considered in the construction cost estimate above:

- Parcel 1 Acquisitions (permanent & temporary): Right-of-way costs are to be negotiated with the property owner.

- Design Engineering: Typical range for a federal aid project is 10% to 12% of the estimated construction costs.
- Construction Administration & Material Testing: Typical range for a federal aid project is 8% to 10% of the estimated construction costs.
- Contingency: City can elect to apply a standard contingency value given the concept level of design associated with this report.
- Inflation (material & labor): The rate of inflation may be assumed to increase by approximately 4% annually.

Chapter 10 Grants & Funding Opportunities

This report includes a review and summary of potential funding opportunities for the TH 210 Pedestrian Bridge project. The opportunities outlined in this chapter are a mix of federal and state funds available through the Infrastructure Investment and Jobs Act (IIJA), aka Bipartisan Infrastructure Law (BIL) or through the Minnesota Department of Natural Resources (MnDNR).

10.1 Project Background

The City of Brainerd along with project partners MnDNR and MnDOT envision a new pedestrian trail and bridge access to Lum Park at Highway (TH) 210 in Brainerd, MN. The project will assist with the expansion of the Cuyuna Lakes State Trail (CLST) which has an existing segment at the edge of Lum Park that will be reconstructed and expanded as part of the Minnesota Department of Transportation's (MnDOT) planned TH 210 reconstruction project in 2026.

The expansion of trail facilities in the area will increase the current number of users as more communities, destinations, and resources are connected. The project will support these initiatives by investigating options for a safe, grade-separated pedestrian crossing that removes TH 210 as a barrier. The new crossing will accommodate pedestrians and bicyclists of all abilities.

10.2 Available Grant Programs

The availability of funding for trail projects is an important topic for most local governments including the City of Brainerd. If funding is not available, there could be impacts to the timeline for construction of the project. For this reason, it is important for the City to consider external funding sources, such as available grant opportunities, when possible.

Below is a list of identified funding opportunities that may assist the TH 210 Pedestrian Bridge project.

- MnDOT Active Transportation (AT) Infrastructure Program
- MnDOT Greater Minnesota Transportation Alternatives (TA) Solicitation
- Carbon Reduction Program (CRP) Funding
- MnDNR Federal Recreational Trail Program (RTP)
- MnDNR Regional Trail Grant (RTG) Program
- MnDNR Local Trail Connections (LTC) Program

- LCCMR Environment and Natural Resources Trust Fund (ENRTF)
- Rebuilding American Infrastructure with Sustainability and Equity (RAISE)

10.2.1 MnDOT Active Transportation (AT) Infrastructure Program

The Minnesota Active Transportation (AT) Infrastructure Program provides grant funding for the construction of pedestrian and bicycle infrastructure projects through the state general funds. The program was established by the Minnesota Legislature in 2017 and is administered by MnDOT State Aid. The program first received funding in the 2021 state legislative session through which \$1.5 million for non-infrastructure activities and \$3.5 million for capital infrastructure improvements were granted in 2022-23. AT infrastructure grant funds cannot be used on impacts to trunk highways or trunk highway right-of-way without an explicit letter of support from the MnDOT district engineer. More information about the upcoming rounds of this program is currently pending.

10.2.2 MnDOT Greater Minnesota Transportation Alternatives (TA) Solicitation

The Transportation Alternatives (TA) Solicitation is a competitive grant opportunity for local communities and regional agencies across greater Minnesota to fund projects for pedestrian and bicycle facilities, historic preservation, Safe Routes to School and more. This is an annual program that administers federal TA funds through MnDOT. In 2022, \$12.5 million was available for projects undergoing construction in FY 2027. The program requires a local match of 20 percent.

10.2.3 Carbon Reduction Program (CRP) Funding

The Carbon Reduction Program (CRP) is a new program created by the IIJA. The purpose of the program is to reduce carbon dioxide (CO₂) emissions from on-road highway sources. Funding is provided for alternative forms of transportation projects of on-road and off-road trail amenities for people, bicyclists, and other nonmotorized users. In Minnesota small urban MPOs and ATPs have been delegated the responsibility of distributing CRP funds for projects within their regions. To apply for funding, please submit a project application to the applicable Metropolitan Planning Organization (MPO) or Area Transportation Partnership (ATP) by the due date. This may vary based on MPO or ATP. FY 2023 funds must be obligated in the applicable 2023-2026 TIP and 2023-2026 STIP no later than June 7, 2023. FY 2024 funds must be obligated in the applicable TIP and STIP no later than June 7, 2024.

10.2.4 Federal Recreational Trail Program

The MnDNR Federal Recreational Trail Program (RTP) funds the maintenance and development of motorized, non-motorized, and diversified trails. Funding comes

from revenue received by the Federal Highway Trust Fund. Grants are awarded for nearly any trail related project, including purchasing of trail maintenance equipment, that is solely located within the state of Minnesota. Grant application materials for FY 2024 are projected to be available on the DNR website in Mid-December 2023.

10.2.5 Regional Trail Grant Program

The funding for MnDNR Regional Trail Grant Program is intended to accelerate the development of long-distance recreational trails that are destinations, in essence to create significant new recreation trails. The primary purpose of this program is to promote the development of regionally significant trails that are developed by local units of government outside of the seven-county metropolitan area and act as counterparts and/or compliments of the state trail system. Historically, priority has been given to projects that can demonstrate significant length, high-expected use, significant resource quality and attractiveness. Along with the construction of trails on public lands, this program also funds the construction or restoration of trail bridges. Grant application materials for FY 2024 are projected to be available on the DNR website in December 2023.

10.2.6 Local Trail Connections Program

The funding for MnDNR Local Trail Connections Program is intended to accelerate local trail connections to planned and existing state trails and other public facilities, not to create significant new recreation trails. Its primary purpose is to complete connections between where people live (e.g., residential areas within cities, entire communities) and significant public resources (e.g., historical areas, open space, parks and/or other trails). Along with the construction of trails on public lands, this program also funds the construction or restoration of trail bridges. Grant application materials for FY 2024 are projected to be available on the DNR website in December 2023.

10.2.7 Legislative-Citizen Commission on Minnesota Resources (LCCMR)

The Legislative-Citizen Commission on Minnesota Resources (LCCMR) makes funding recommendations to the Minnesota Legislature for special environment and natural resources projects, primarily from the Environment and Natural Resources Trust Fund (ENRTF). The RFP is open to everyone with innovative ideas for environment and natural resources projects that could provide multiple ecological and other public benefits. The funding recommendations go before the Minnesota House and Senate in the form of a bill, and upon passage the bill goes to the Governor to be signed into law. Funding becomes available to projects beginning July 1 of the next fiscal year.

10.2.8 Rebuilding American Infrastructure with Sustainability and Equity (RAISE)

RAISE grants, formerly known as BUILD or TIGER grants, provide competitive grants to state, local, and tribal governments, transit agencies, MPOs, and other public entities. Eligible projects include highway, bridge, or other multimodal/active transportation projects, intermodal projects, and passenger and freight rail projects. For a project to compete well it must provide significant local or regional impact, bring significant benefits to underserved communities such as Areas of Persistent Poverty (APP) and/or Historically Disadvantaged Communities (HDC), encourage partnership, demonstrate strength in selection criteria, project readiness, and present a clear story. RAISE grants dedicated planning and capital dollars, totaling \$135 million and \$2.17 billion respectively in FY 23. Capital awards have a maximum award of \$25 million and will provide for up to 100 percent of the total eligible costs of the project in rural communities. The program is offered on an annual schedule and follows a timeline from November to February. RAISE grants are also extremely competitive and require a benefit-cost analysis. From 2014-2022, 633 out of 6,334 applications submitted (10 percent) were awarded funding. The average award was \$17.15 million for the 123 awarded capital projects in 2022.

10.3 Summary and Eligibility

The project was analyzed for potential funding to pursue from several federal and state sources. Table 1 lists the funding program, source, maximum request, local match required, date of next available funding program, cost to prepare, and if the projects are a strong candidate for a particular program.

Upon analyzing the various sources of funding, Transportation Alternative Solicitation is a good fit for this project. However, a funding gap may still remain to fund the project completely as the maximum funds available under the TA program are capped at \$1 million. While the project will be eligible to apply under a bigger federal program like RAISE, its competitiveness will be dependent on multiple other factors such as benefits to underserved communities, alignment with USDOT goals and RAISE merit criteria (safety, environmental sustainability, quality of life, mobility, partnership, etc.), project readiness, and benefit-cost ratio (which would require further assessment). A combination of other funding options available through MnDOT and MnDNR should be pursued keeping in mind the timing of availability of funds.

Table 10.3-1. Funding Opportunity Summary

Funding Program	Funding Source	Max Request	Local Match	Availability of Funds	Cost to Prepare	Strong Candidate?
Active Transportation Infrastructure grant	MnDOT	\$500,000	0%	TBD	\$5,000	Yes
Transportation Alternatives (TA) Solicitation	MnDOT	\$1,000,000	20%	2028	\$5,000	Yes
Carbon Reduction Program Funding	MnDOT	Variable	20%	Variable	TBD	This is a new program under the IJJA. As MnDOT releases list of awarded projects for FY 2022, it will give a better sense of project competitiveness under this program.
Federal Recreational Trail Program	MnDNR	\$200,000	25%	2025-26	\$5,000	Yes, however, these are smaller awards and will not bridge the current funding gap by itself.
Regional Trail Grant Program	MnDNR	\$300,000	25%	2024-2026	\$5,000	Yes, however, these are smaller awards and will not bridge the current funding gap by itself.
Local Trail Connections Program	MnDNR	\$250,000	25%	2024-2026	\$5,000	Yes, however, these are smaller awards and will not bridge the current funding gap by itself.
Environment and Natural Resources Trust Fund	LCCMR	None	0%	2025	TBD	
RAISE	USDOT	\$25,000,000	0%	2026	\$45,000	Need more data to establish competitiveness. Project is NOT located in an APP/HDC designated census tract but is adjacent to it.

Chapter 11 Agency & Other Coordination

11.1 Public Agency Coordination

A summary of the agency coordination conducted as part of the study is recorded below. Members of the Project Management Team (PMT) include the City of Brainerd (staff and Council members) and SRF Consulting Group.

- PMT Meetings 1-3: Jan. 23, Mar. 21 & Apr. 18 (2023)
- March 16, 2023 MnDNR Coordination
- March 30, 2023 MnDNR Engineering Meeting
- April 25, 2023 City Park Board Meeting
- May 2 or 16, 2023 City Council Meeting

11.2 Other Coordination

Brainerd Public Utilities (BPU) Early Utility Impact Coordination Meeting

- March 9, 2023

Chapter 12 Project Schedule

12.1 Planning

The City intends to use the recommendations and outcomes of this study to identify funding opportunities and partners to secure sufficient funding for the construction of the trail bridge. Grant applications are anticipated to be prepared and submitted in 2023. Grant awards may be announced between 2023-2024 depending on the funding program. It is anticipated that the earliest grant funding could be secured with an executed award agreement may be in 2024.

During this timeframe, the City may initiate the early stages of agency agreements and private land acquisitions in preparation for secured funding. If federal funding is secured, all private land agreements will be subject to the federal right-of-way process and Right-of-Way Certification. This process is typically formally initiated after 30% design and the approval of the environmental process/NEPA documentation.

The City is actively engaged in MnDOT's Hwy 210 improvements project and a participant in the project's project management team (PMT) meetings. Early coordination with MnDOT staff on how the bridge project may be incorporated into the larger MnDOT project should remain on-going. MnDOT is aware of the desire to potentially construct the bridge project with the highway improvements in 2026 if bridge funding can be secured and the construction schedule can be maintained.

Finally, the recommendations found in this study may require minor updates as the City further defines the planned Lum Park improvements. The final design for the proposed 2023 Lum Park Improvements project and Lum Park Master Planning efforts have not been finalized prior to the completion of this study.

12.2 Preliminary and Final Design

The City of Brainerd will coordinate future design phases which are anticipated to include preliminary and final engineering. The bridge project will impact MnDOT's ROW. As a result, the MnDOT Bridge Office has the right of first refusal with respect to the bridge design. They may elect to complete some or all of the bridge design in-house depending on the availability of staff to deliver on the required design schedule. If the Bridge Office declines some or all of the design, it is anticipated the City will contract with a consultant to complete the design.

The project delivery and construction phases are to be coordinated with the MnDOT Hwy 210 Improvements project if the bridge construction is to be incorporated or tied to the MnDOT project. The following is a summary of

anticipated next steps for design and construction. Design phases may be advanced ahead of project funding. However, project authorization and final approvals will require funding to be secured. The actual project timeline will be subject to funding source requirements and coordination with MnDOT's design schedule in anticipation of construction starting in 2026.

Anticipated Future Design Phases:

- 2023 Grant Applications
- 2024 Grant Funding/Partners Secured
- 3 – 6 Months: Preliminary Trail & Bridge Design (2024)
 - Geotechnical & Environmental Investigation
 - Public Engagement
 - Approved Geometric Layout
 - Env. Doc./NEPA Process
- 9 – 18 Months: Final Civil & Bridge Design (2024 – early 2026)
 - ROW / Utilities / Permits / Project Authorization
- 2026 Start Construction

Chapter 13 Appendix

Appendix A1: Lum Park Map

Appendix A2: Draft Lum Park 2023 Improvements Concept

Appendix A3: Draft Lum Park Master Planning Concept

Appendix A4: Existing Site Photos

Appendix B: Preferred Trail & Bridge Alignments

Appendix C: Right-of-Way Property Impacts

Appendix D: Existing Utilities

Appendix E: Wetland Impacts

Appendix F: Proposed Bridge Details

Appendix G: Bridge Aesthetic Concepts

Appendix A1

Lum Park Map



Lum Park

1619 NE Washington Street



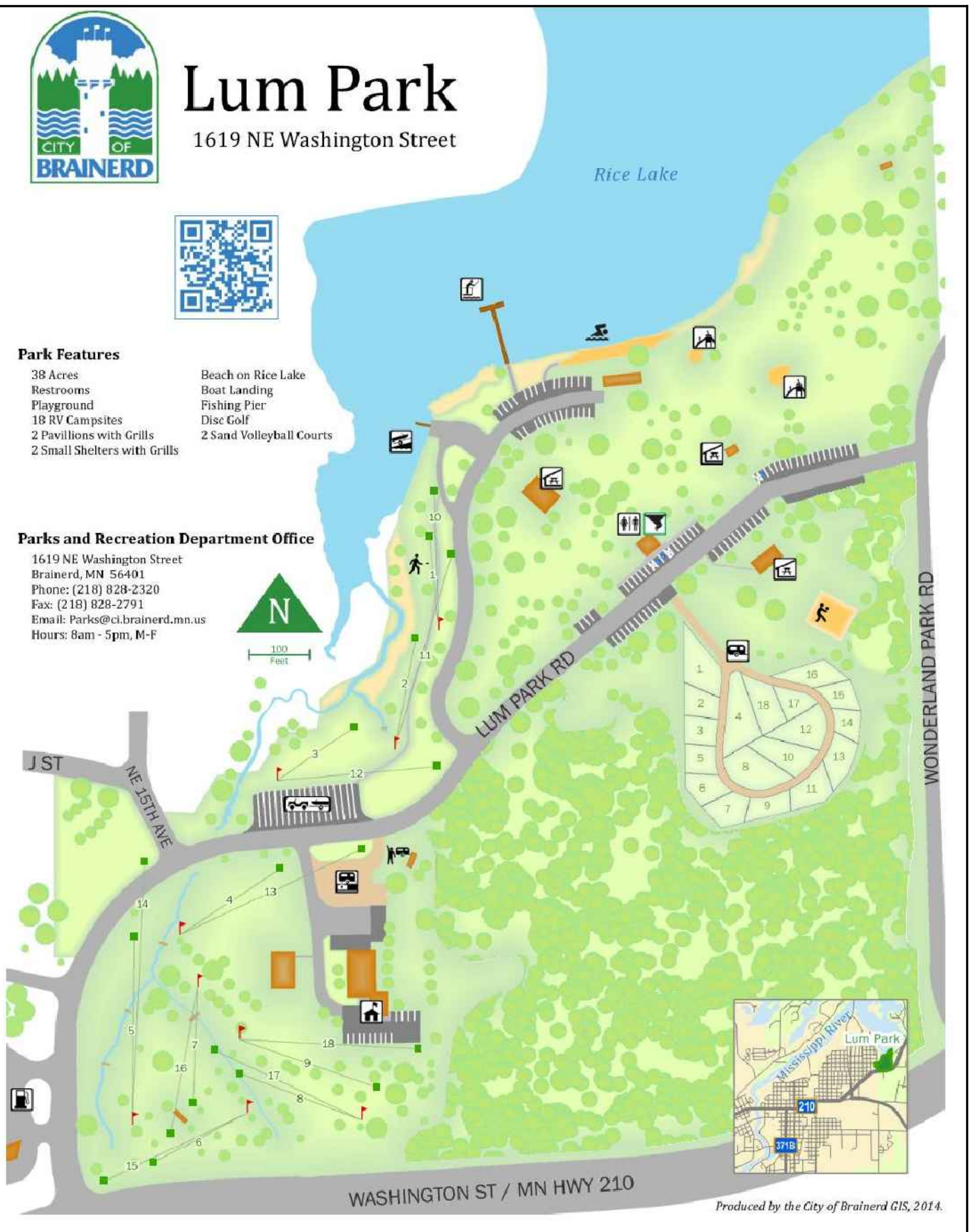
Park Features

38 Acres
Restrooms
Playground
18 RV Campsites
2 Pavilions with Grills
2 Small Shelters with Grills

Beach on Rice Lake
Boat Landing
Fishing Pier
Disc Golf
2 Sand Volleyball Courts

Parks and Recreation Department Office

1619 NE Washington Street
Brainerd, MN 56401
Phone: (218) 828-2320
Fax: (218) 828-2791
Email: Parks@ci.brainerd.mn.us
Hours: 8am - 5pm, M-F



Produced by the City of Brainerd GIS, 2014.



Lum Park Map

TH 210 / Lum Park Pedestrian Bridge Study
for City of Brainerd, in Crow Wing County, Minnesota

Figure A1

Appendix A2

Draft Lum Park 2023 Improvements Concept



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

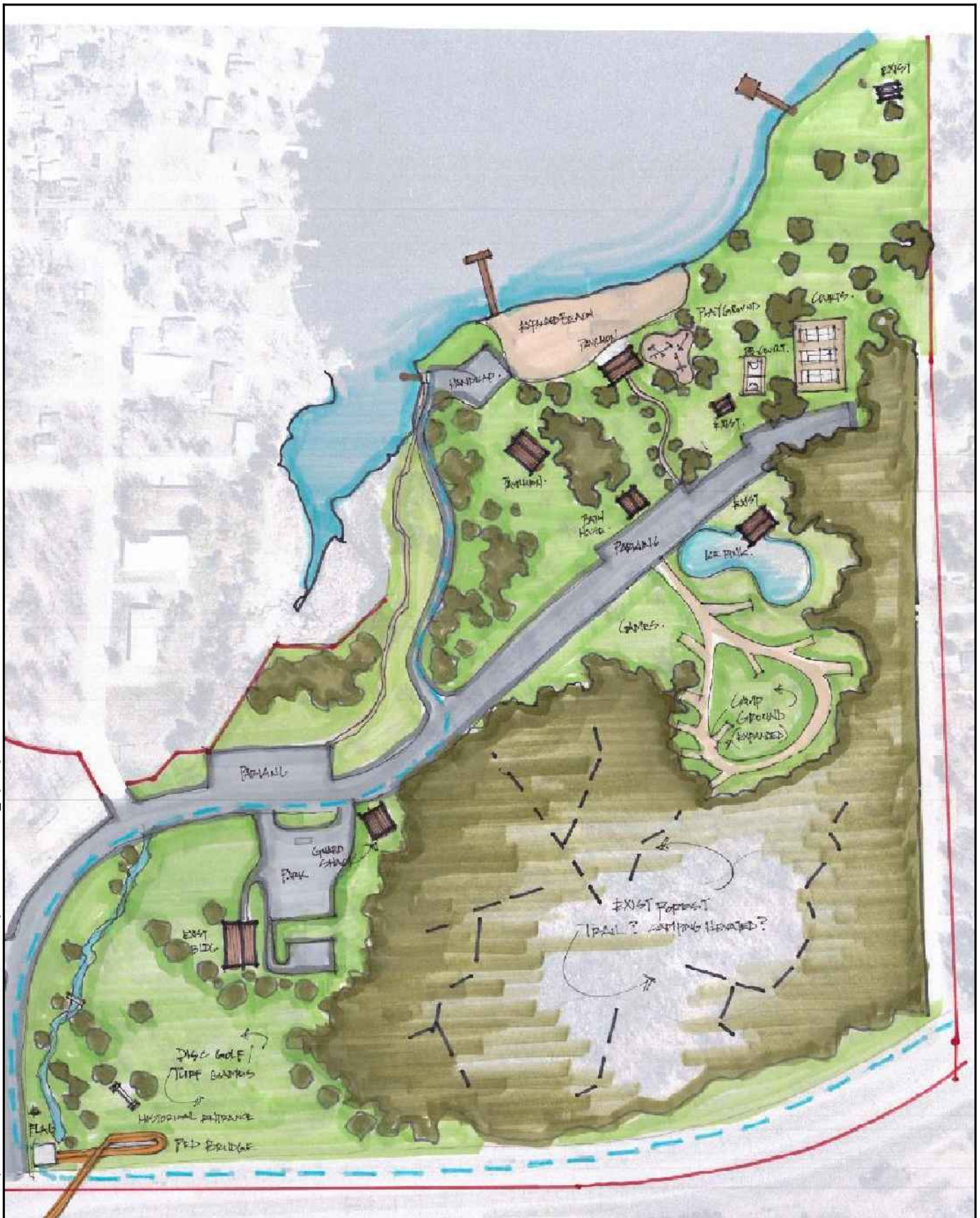
Lum Park Trail Alternative

Date: 4/7/2023 Time: 10:32:03 AM



Appendix A3

Draft Lum Park Master Planning Concept



Draft Lum Park Master Planning Concept

TH 210 / Lum Park Pedestrian Bridge Study
for City of Brainerd, in Crow Wing County, Minnesota

Figure A3

Appendix A4

Existing Site Photos



ORIGINAL STONE MASONRY ENTRANCE TO LUM PARK



VIEW LOOKING SOUTH FROM LUM PARK ROAD AT INTERSECTION WITH HIGHWAY 210

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VIEW OF BILLBOARD AND MAINTENANCE ROAD ALONG SOUTH SIDE OF HIGHWAY 210



VIEW LOOKING EAST ALONG HIGHWAY 210 FROM MEDIAN WEST OF LUM PARK ROAD

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VIEW OF OVERHEAD POWER ALONG NORTH SIDE OF HIGHWAY 210 FROM NORTH SHOULDER LOOKING EAST



VIEW OF OVERHEAD POWER ALONG NORTH SIDE OF HIGHWAY 210 AND SOUTH SIDE OF LUM PARK

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VIEW LOOKING WESTBOUND ALONG HIGHWAY 210 FROM MEDIAN EAST OF LUM PARK ROAD



VIEW LOOKING NORTHWEST AT LUM PARK FROM MEDIAN OF HIGHWAY 210 FROM LAURIAN LANE

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VIEW LOOKING WEST ALONG HIGHWAY 210 FROM MEDIAN AT LAURIAN LANE



VIEW LOOKING NORTHWEST AT LUM PARK FROM MEDIAN OF HIGHWAY 210 FROM LAURIAN LANE

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Appendix B

Preferred Trail & Bridge Alignments

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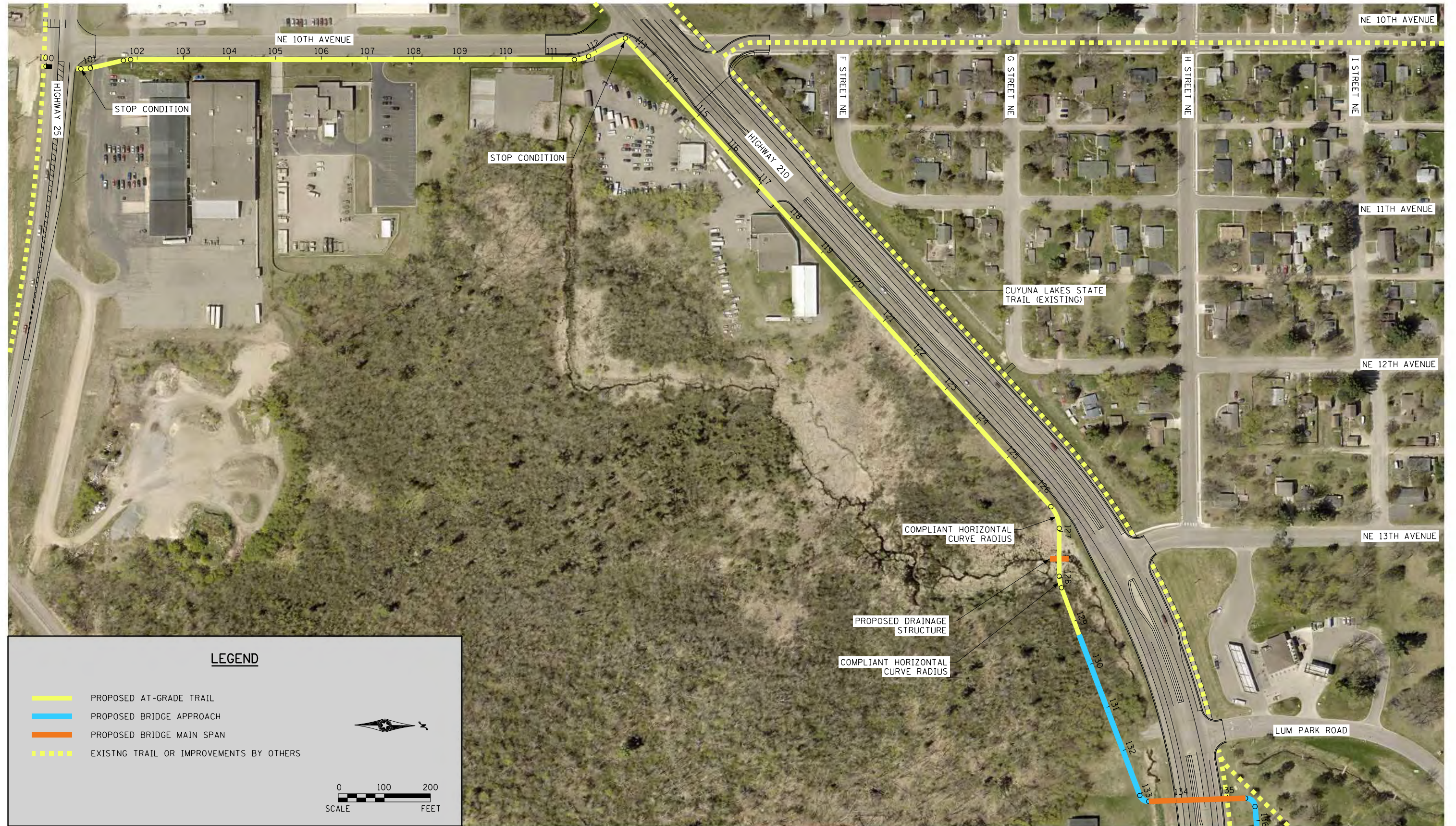
Job #16359
4/26/2023

Preferred Trail & Bridge Alignment

TH 210 / Lum Park Pedestrian Bridge Study
for City of Brainerd, in Crow Wing County, Minnesota

Figure B
1 of 3

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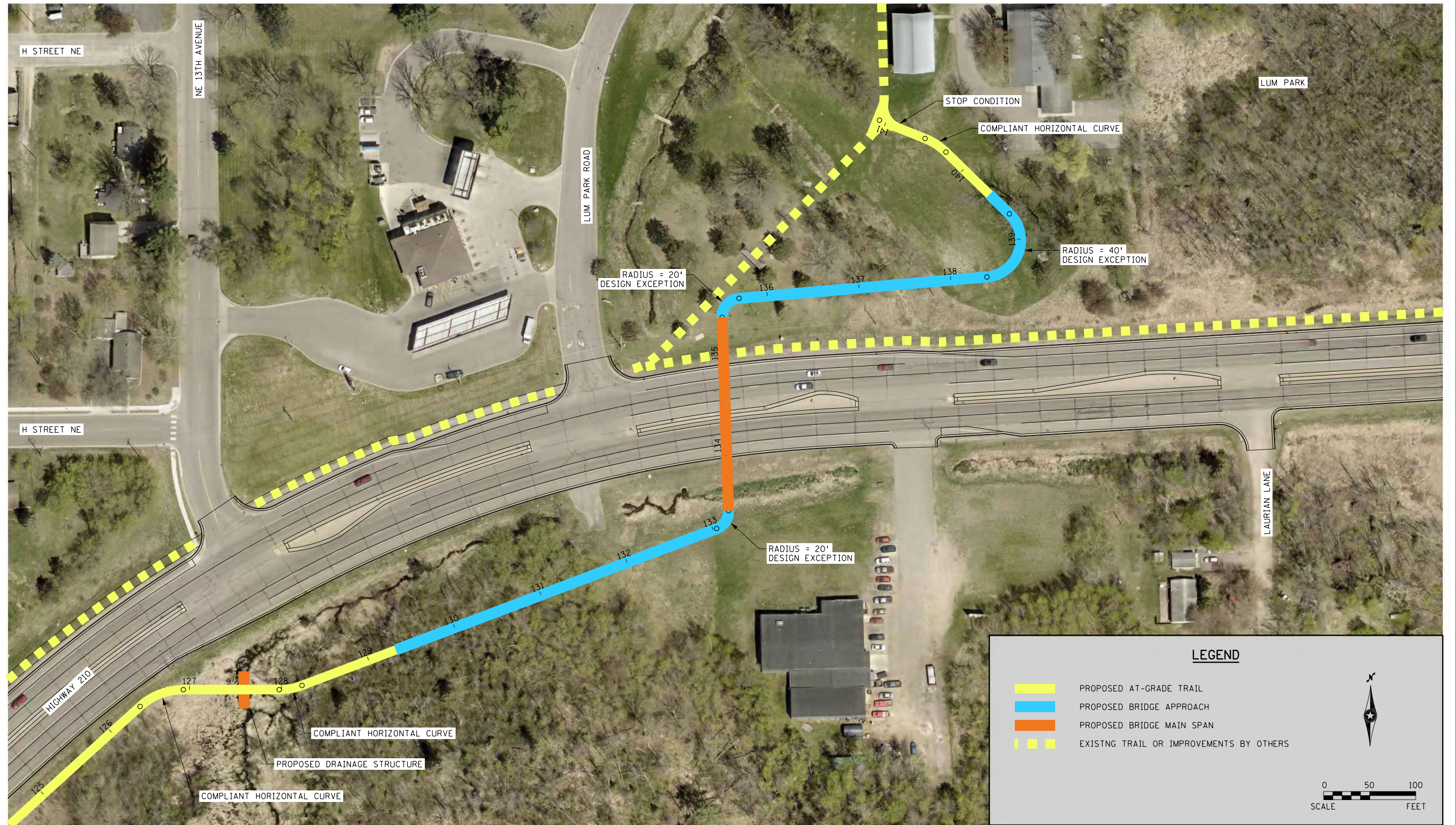


Job #16359
4/26/2023

Preferred Trail & Bridge Alignment - At-Grade Trail Detail
for City of Brainerd, in Crow Wing County, Minnesota
Location of Project

Figure B
2 of 3

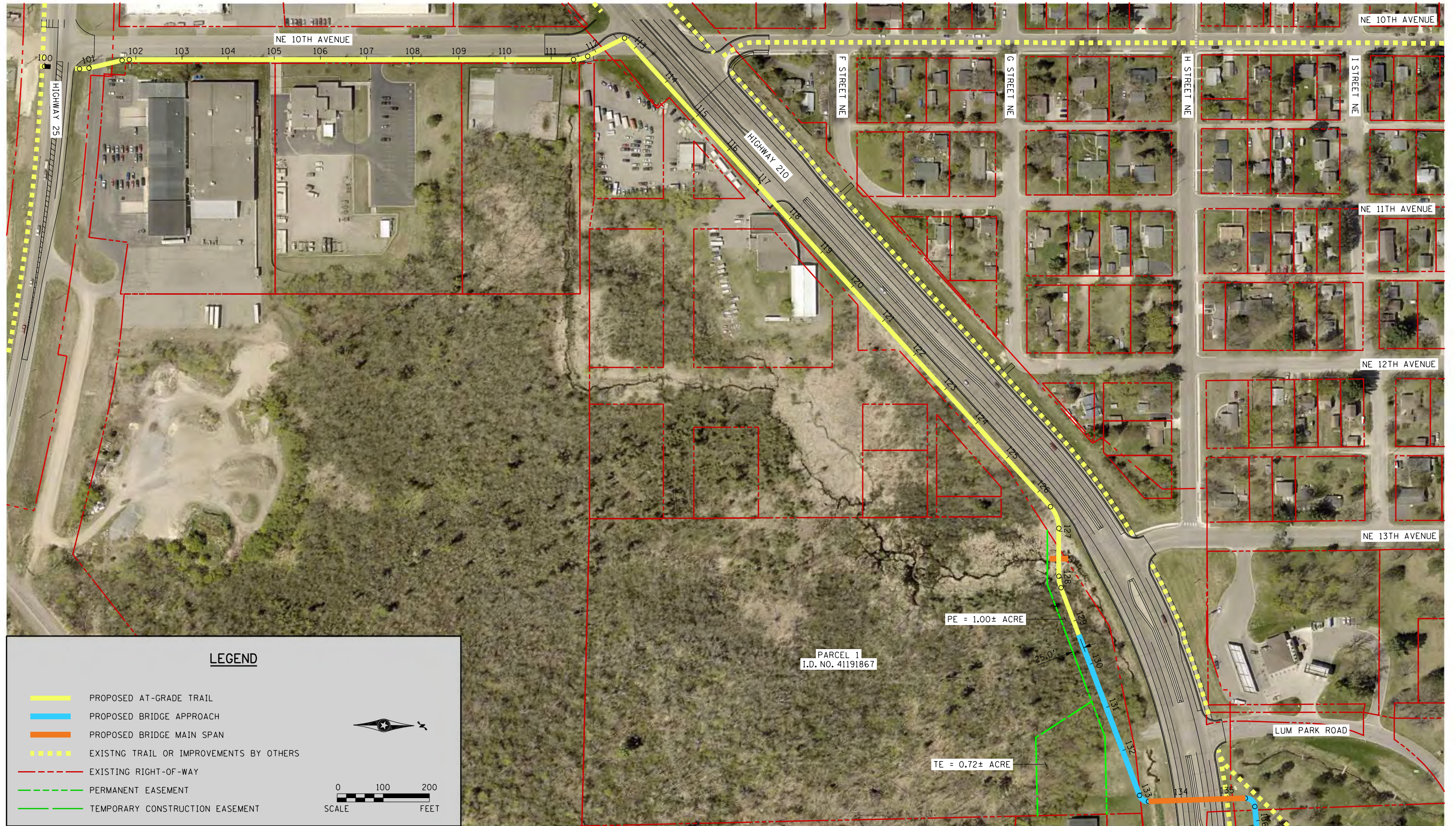
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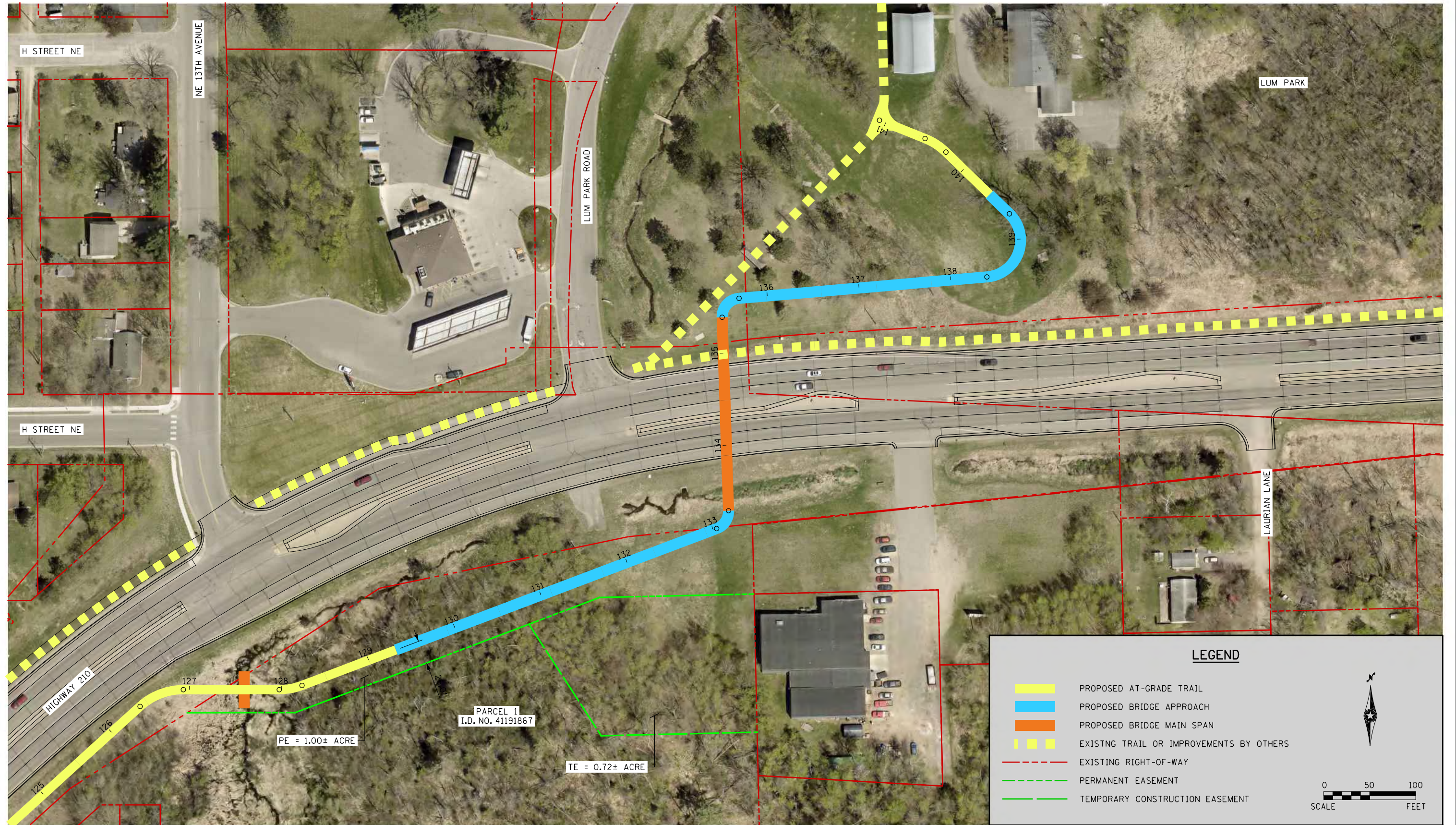
Appendix C

Right-of-Way & Property Impacts

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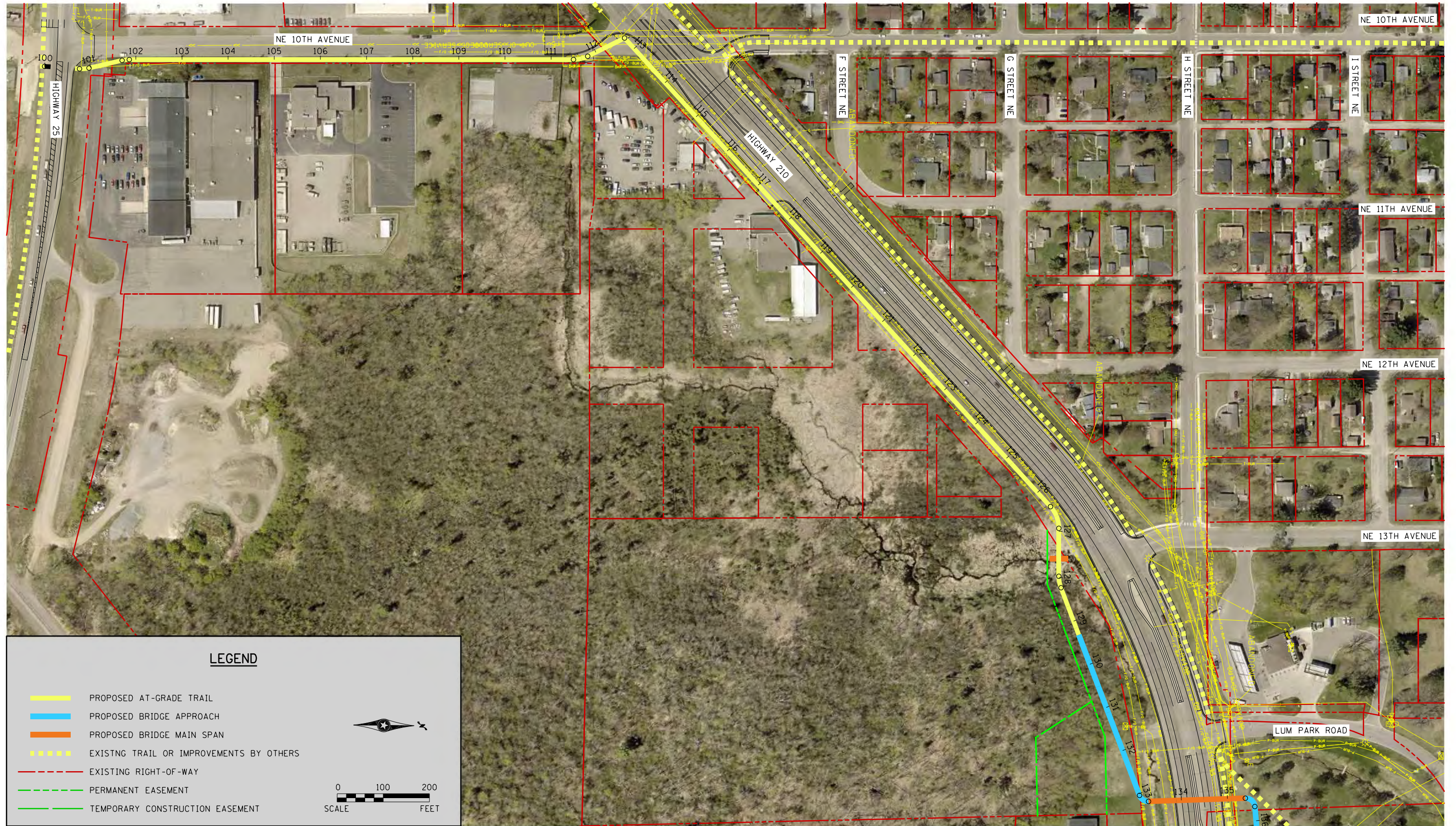
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Appendix D

Existing Utilities

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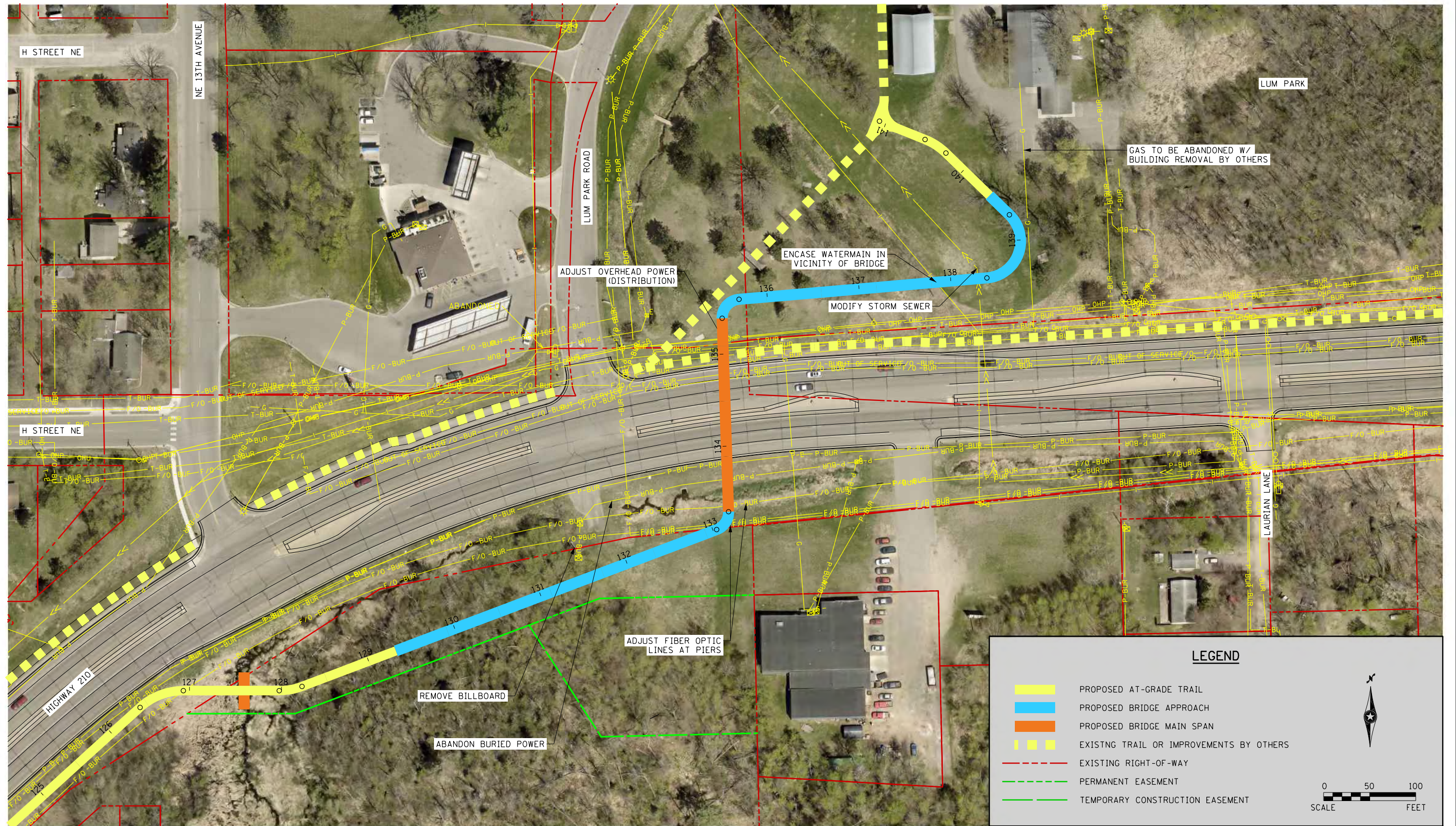


Job #16359
4/26/2023

Existing Utilities - At-Grade Trail Detail
for City of Brainerd, in Crow Wing County, Minnesota
Location of Project

Figure D
1 of 2

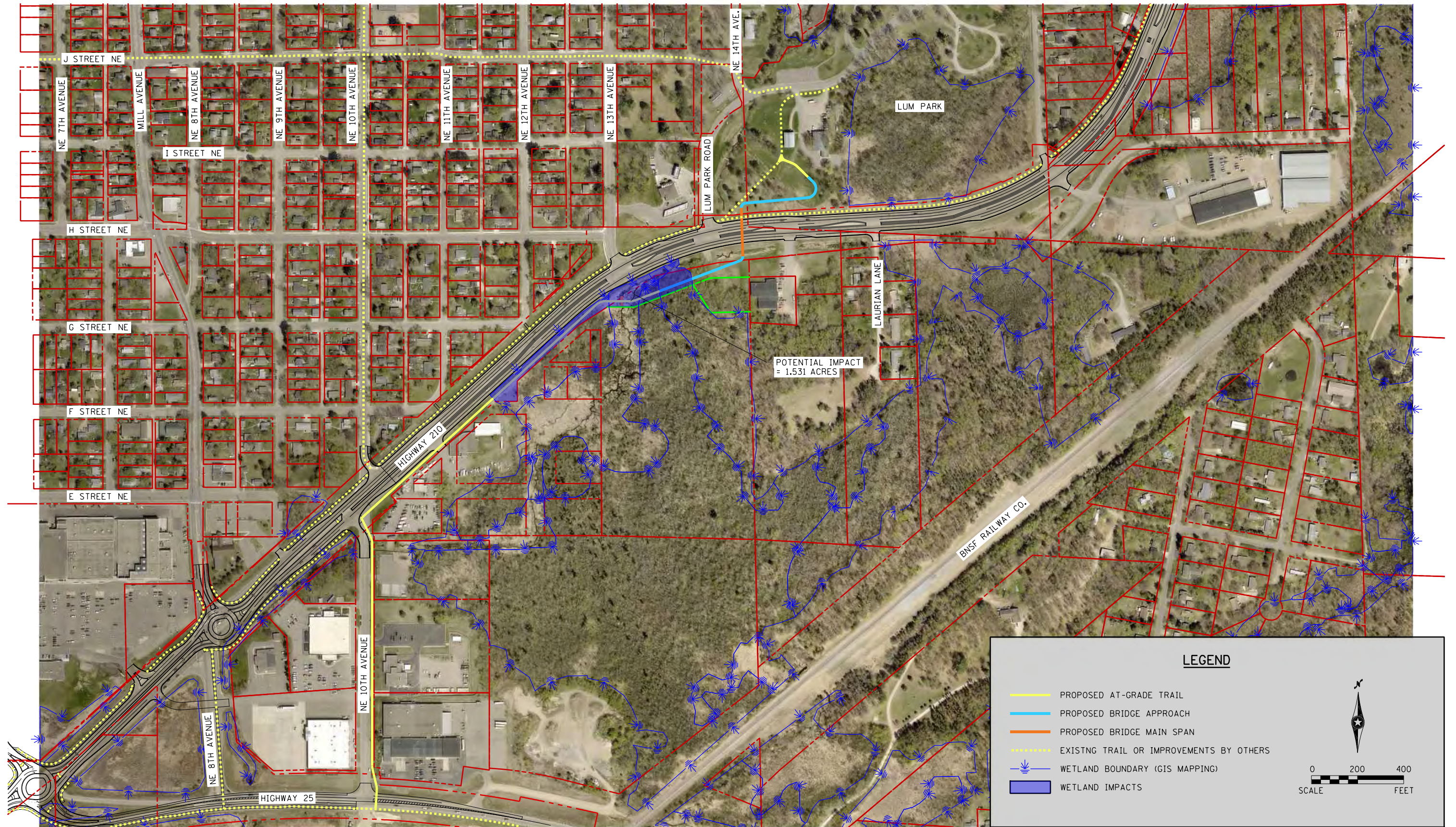
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Appendix E

Wetland Impacts

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Wetland Impacts

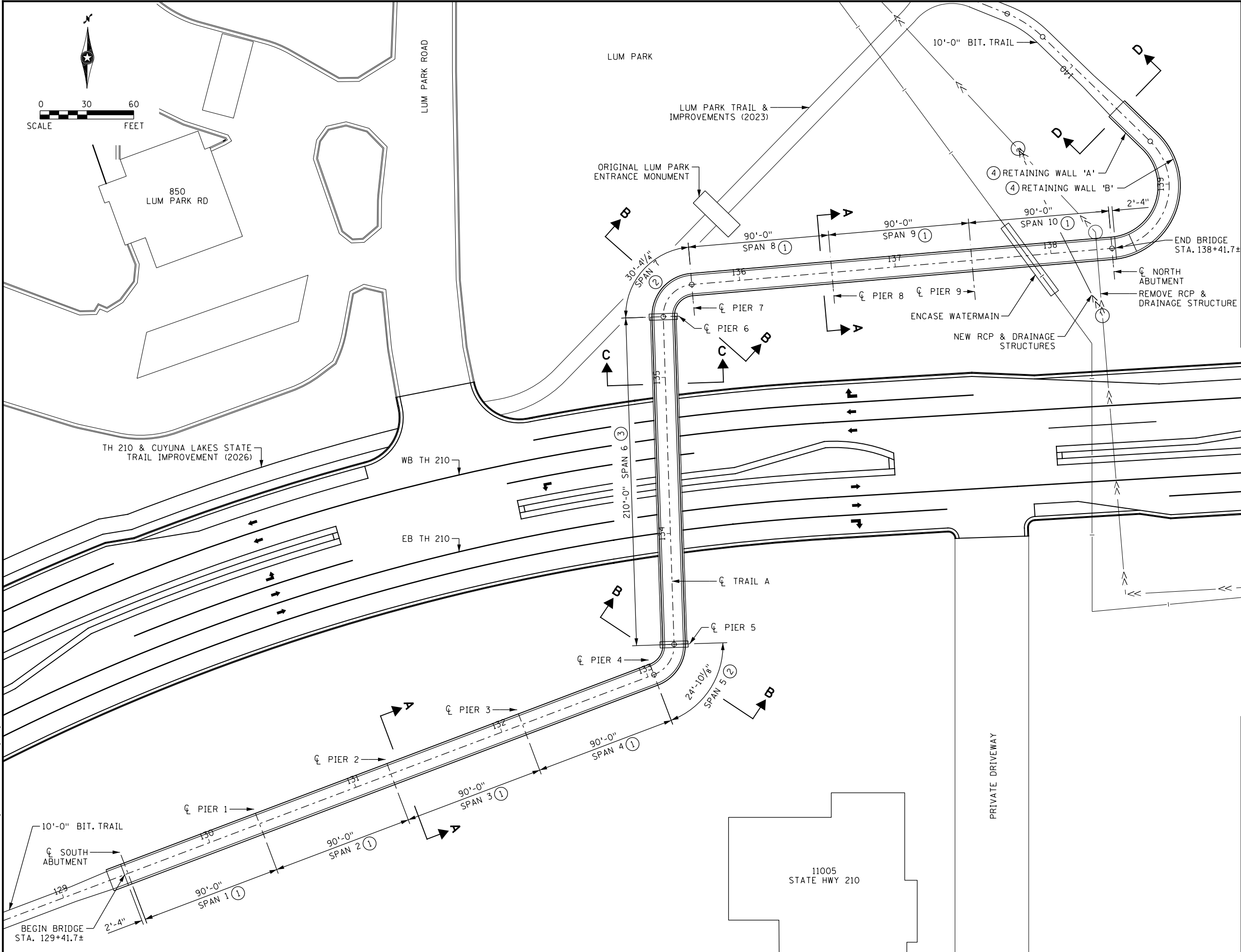
TH 210 / Lum Park Pedestrian Bridge Study
for City of Brainerd, in Crow Wing County, Minnesota

Job #16359
4/26/2023

Figure E

Appendix F

Proposed Bridge Details



MINNESOTA PROJECT NO. TBD

DESIGN DATA

DESIGNED IN ACCORDANCE WITH 2020 AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS

2009 AASHTO LRFD GUIDE SPECIFICATIONS FOR THE DESIGN OF PEDESTRIAN BRIDGES AND CURRENT INTERIMS

90 PSF OR H10 TRUCK LIVE LOAD

MATERIAL DESIGN PROPERTIES

MATERIAL DESIGN PROPERTIES:

REINFORCED CONCRETE:

f'c = 4 KSI CONCRETE

fy = 60 KSI PLAIN AND EPOXY COATED BARS

n = 8 FOR REINFORCEMENT

PRESTRESSED CONCRETE:

f'c = 9.5 KSI CONCRETE (MAX.)

fpu = 300 KSI LOW RELAXATION STRANDS

n = 1 FOR PRETENSIONING STRANDS

0.72 fpu FOR INITIAL PRESTRESS

STRUCTURAL STEEL (PAINTED):

Fy = 36 KSI STRUCTURAL STEEL SPEC. 3306

Fy = 50 KSI STRUCTURAL STEEL SPEC. 3309

TUBING TYPE A (RAILING) STRUC. STEEL SPEC. 3361

TUBING TYPE C (TRUSS) STRUC. STEEL SPEC. 3361

DESIGN SPEED:

OVER = 20 MPH

UNDER = 50 MPH

APPROXIMATE DECK AREA = 13,050± SQUARE FEET

- NOTES:
- SEE APPENDIX FIGURE D FOR ADDITIONAL EXISTING UTILITY INFORMATION.
- ①

PRECAST CONCRETE BEAMS WITH CONCRETE DECK. SEE SECTION A-A.
- ②

CAST-IN-PLACE CONCRETE SLAB SPAN. SEE SECTION B-B.
- ③

PREFABRICATED STEEL TRUSS WITH CONCRETE DECK. SEE SECTION C-C.
- ④

CAST-IN-PLACE CONCRETE CANTILEVER RETAINING WALL. SEE SECTION D-D.

CITY OF BRAINERD

CONCEPT PLAN
BRIDGE NO. 18TBD

MULTI-USE TRAIL OVER TH 210
0.50 MI. NE. OF JCT. OF NE 10TH AVE. & TH 210
IN THE CITY OF BRAINERD

7 - 90'-0" PRESTRESSED CONC. BEAM SPANS,
2 - VAR. CAST-IN-PLACE CONC. SIMPLE SLAB SPANS
& 1 - 210'-0" STEEL LOW TRUSS SPAN

12'-0" TRAIL, 5.0±-DEG. SKEW, TWO CONCRETE CURBS
& ORNAMENTAL METAL RAILING

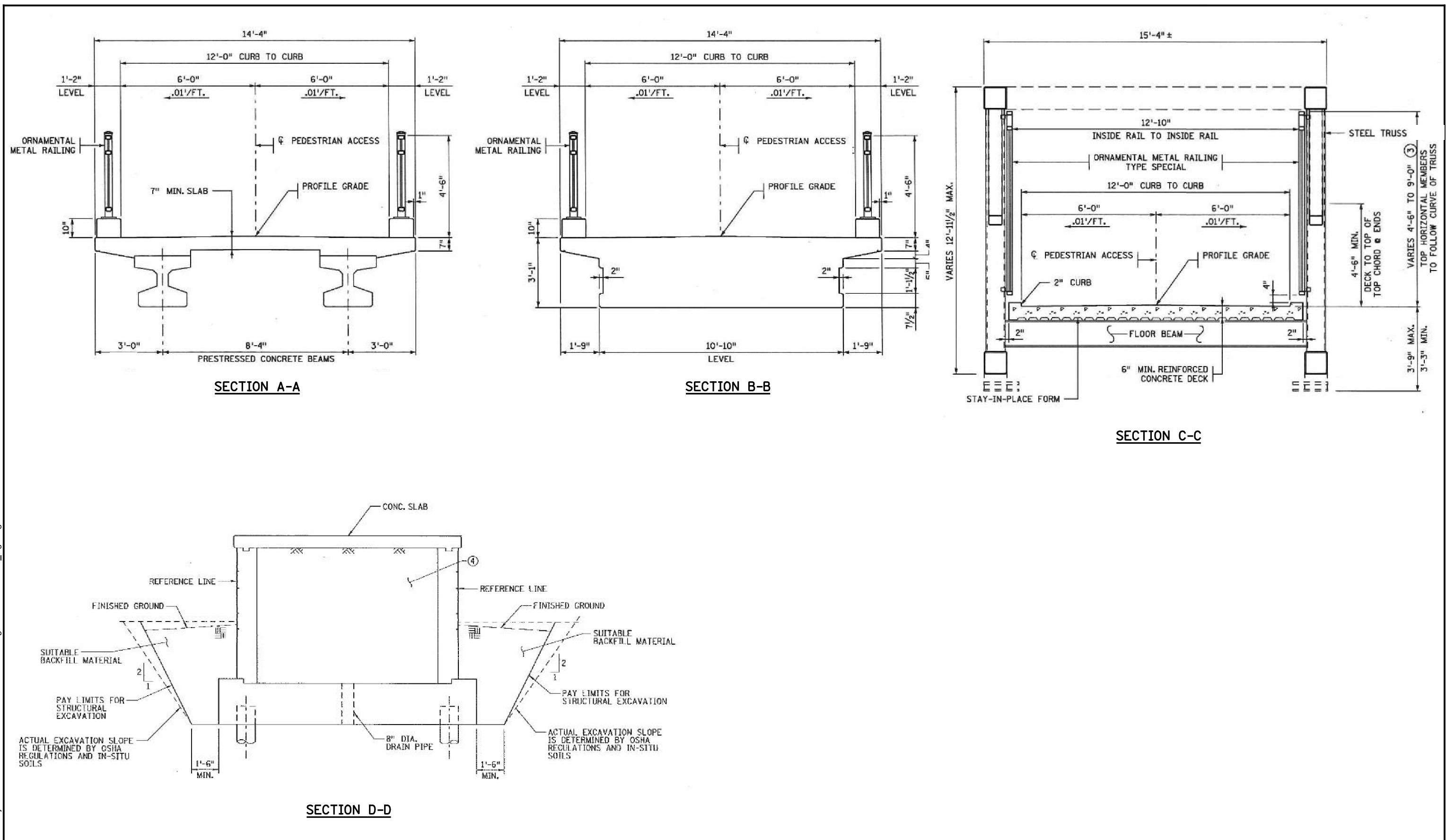
GENERAL PLAN

BRIDGE I.D. NO. 109 & 501 (APPROACH SPANS)
BRIDGE I.D. NO. 302 (MAIN SPAN)

SEC. 19 T 45 N R 30 W
CITY OF BRAINERD CROW WING COUNTY

MnDOT REVIEW UNIT: TBD	JOB NO. TBD	STATE PROJ. NO. TBD	STATE AID PROJ. NO. TBD	DES: TBD	DR: TBD	Comm. No. 16359	SHEET B1	Bridge No. 18TBD
				CHK: TBD	CHK: TBD			

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Bridge Transverse Sections

TH 210 / Lum Park Pedestrian Bridge Study
for City of Brainerd, in Crow Wing County, Minnesota

Job #16359
4/18/2023

Figure F
2 of 2

Appendix G

Bridge Aesthetic Concepts

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Job #16359
4/25/2023

Bridge Aesthetics - Lum Park Characteristics w/ Unpainted Truss & Railing

TH 210 / Lum Park Pedestrian Bridge Study
for City of Brainerd, in Crow Wing County, Minnesota

Figure G
1 of 4

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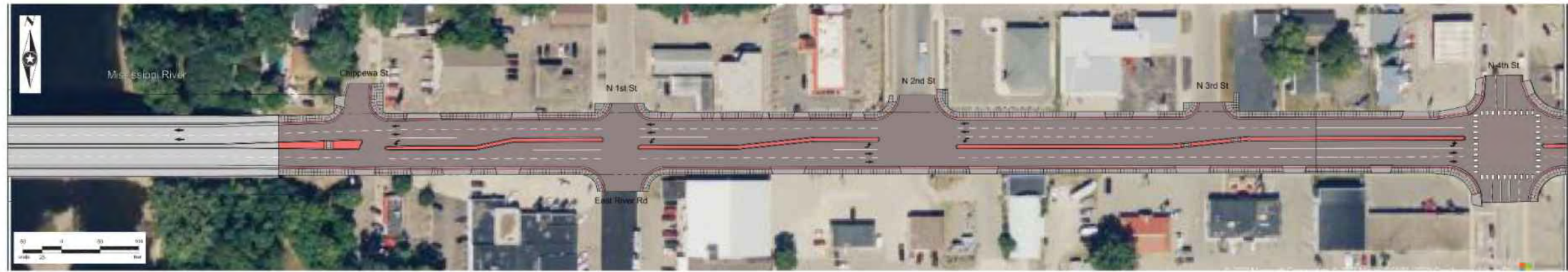
Job #16359
4/25/2023

Bridge Aesthetics - Lum Park Characteristics w/ Painted Truss & Railing

TH 210 / Lum Park Pedestrian Bridge Study
for City of Brainerd, in Crow Wing County, Minnesota

Figure G
3 of 4

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Proposed aesthetic plan



Concrete Barrier between sidewalk and traffic lanes on river bridge



Concrete barrier between sidewalk and traffic lanes on river bridge with tube railing



Proposed integral colored concrete in medians



Proposed integral colored concrete along sidewalk



Proposed lighting



Street trees in select locations



Parking lot fence



Proposed pedestrian crossings

Representative Examples of Proposed Aesthetic Elements

8.24.22



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Approve Final Layout for TH 371B/Willow Street Roundabout

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

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

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

SUMMARY OF ISSUE: Staff has been coordinating with SEH and MnDOT on development of a concept layout for the proposed roundabout at the intersection of TH 371B (S. 6th Street) and Willow Street. Through the development process, staff has had meetings with stakeholders, including adjacent businesses and nearby trucking companies, as well as a Public Open House to collect comments, input, and feedback from the public on the project. Staff has also been meeting individually with Speedway staff and Hanneken Insurance directly to discuss the project further as they are immediately impacted by any changes proposed in the project. Generally, comments have been supportive of the project as an improvement to a dangerous intersection. Some comments received have been regarding roundabouts vs. signals, accesses, and others. The attached layout is a result of comments received from the public and MnDOT.

Staff has also met with the Council PMT members to discuss the project and inform them of the comments and progress made thus far. They have provided their recommendation to present this to the full Council for their review. With Council approval, staff would have the layout sent to MnDOT for their approval. After approved by all parties, the project would move into the design and right-of-way acquisition phases.

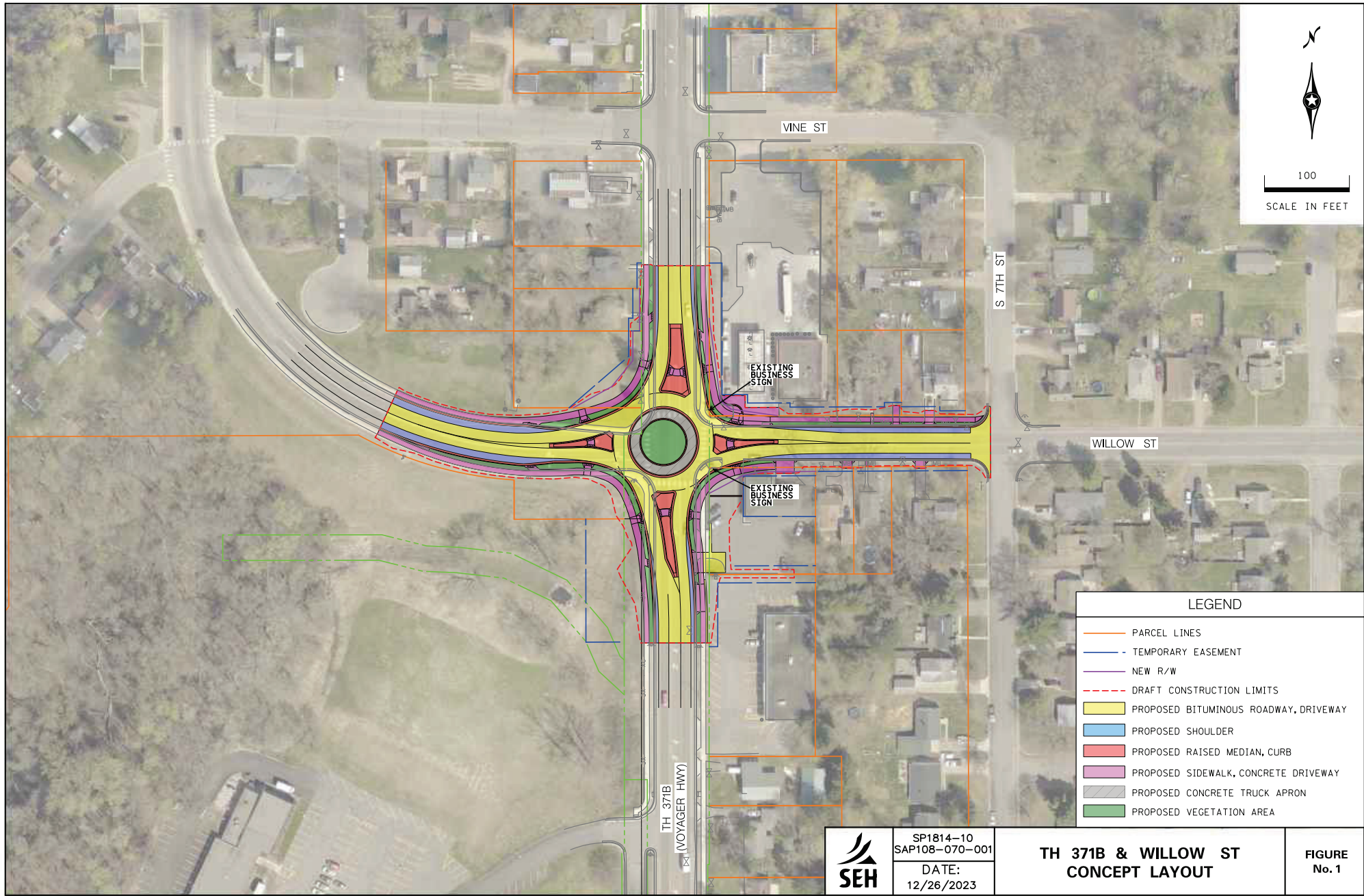
ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: As the project has been a City-led project, we are able to continue on the timeline for a potential 2025 construction. Per MnDOT's cost participation policy, there are a couple important items for the Council to be aware of before moving forward.

- First, as a City-led project, the City would be responsible for right-of-way costs. Staff and SEH have worked to limit these impacts to the greatest extent practicable while meeting MnDOT requirements. One main item to note that part of the right-of-way process will include the need to relocate the signage for Speedway and Hanneken, which would be City costs. Similar to the construction costs, right-of-way acquisition costs are a State-Aid eligible expense.
- Second, it has been discussed that the intersection would be a roughly 50/50 split in construction costs between City and MnDOT. However, roundabouts do not follow this formula. The roundabout leg costs are attributed to the appropriate agency. The inside circle and lane around the inside circle are MnDOT costs only and are not shared by the City. This will reduce

our overall construction cost responsibility on the project. The actual construction cost split of the roundabout would likely be closer to more like 60/40. Attached to this item is an exhibit that visually shows the split of responsibility for roundabouts.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the final layout as presented and authorizes staff to proceed with design and right-of-way acquisition.

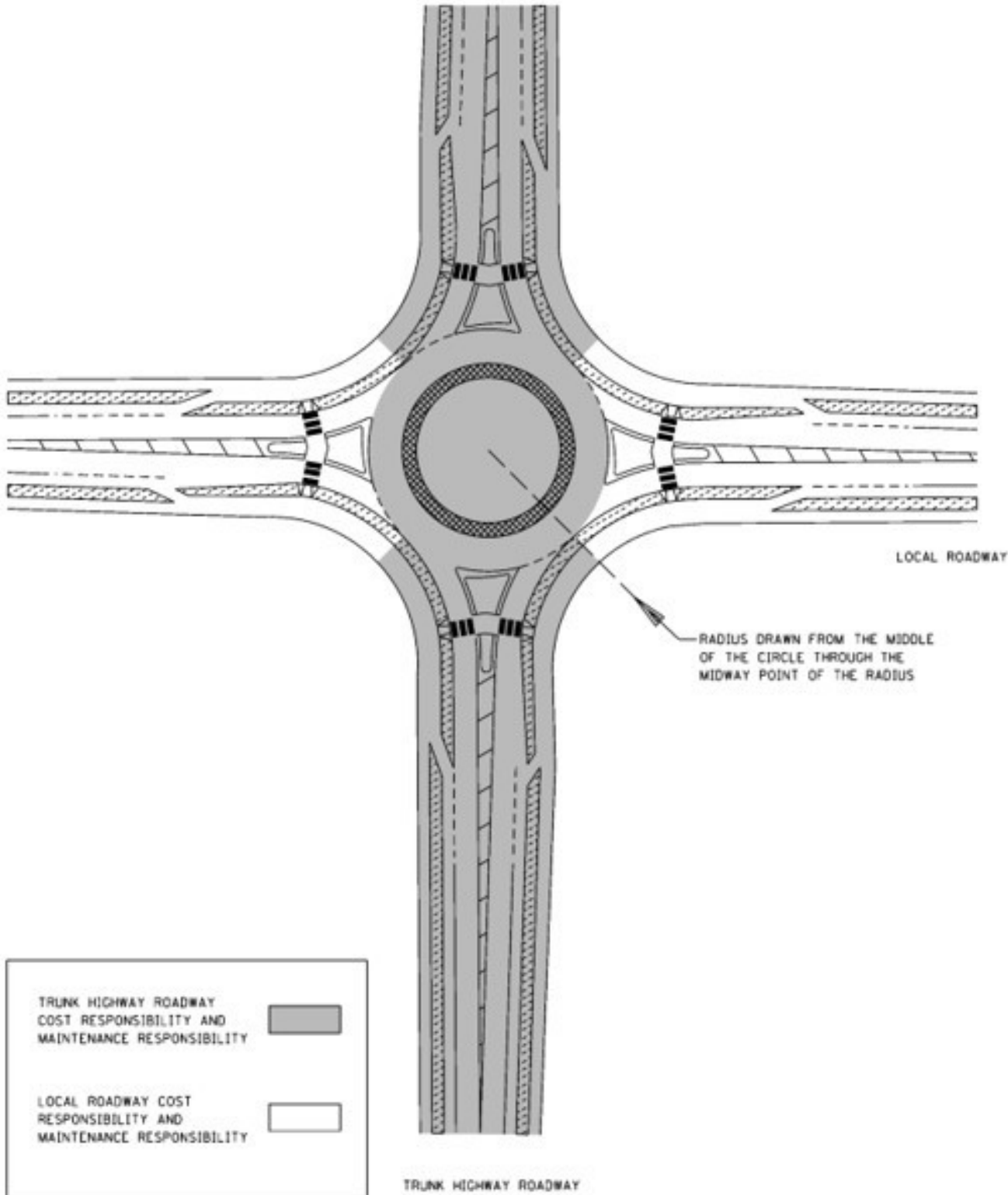
FINANCIAL IMPACT: N/A



	SP1814-10 SAP108-070-001	TH 371B & WILLOW ST CONCEPT LAYOUT	FIGURE No. 1
	DATE: 12/26/2023		

Appendix A: Diagram of Cost and Maintenance Responsibilities at Roundabouts

APPENDIX A





City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Authorize Staff to Request LPP Funds for TH 371B/Willow Street Roundabout 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: The City has received HSIP funding towards the local share of construction costs of the TH 371B/Willow Street Roundabout project. However, MnDOT has not been able to identify funding for their share of the construction costs. There is a program that MnDOT administers that allows local agencies to request that funds from the program be allocated to a locally-led project on the State Highway. The Local Partnership Program (LPP) allows for local agencies to make improvements to state highways that have local importance. If approved, the funds would be used to cover MnDOT construction costs for the project.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The LPP program is funds that are provided to each MnDOT district and the district reviews requests before deciding where those funds would be allocated. As this is MnDOT funds that are allocated to MnDOT costs, this isn't a grant program that the City would have access to. However, the City would need to request that the funds be allocated to this project. If the project does not receive LPP funding, it would be likely that MnDOT would not be able to identify the necessary construction funding for the project in 2025.

Staff, SEH, and MnDOT are currently estimating that the MnDOT share of the construction costs would be \$1.5 million. Thus, staff is requesting approval to request allocation of \$1.5 million of LPP funding towards the project. A more specific estimate would be developed once a final layout is approved and preliminary quantities can be determined.

RECOMMENDED ACTION/MOTION: Staff recommends authorization to request \$1.5 million in LPP funds for the TH 371B/Willow Street Roundabout Project.

FINANCIAL IMPACT: N/A

January 22, 2024

LUKE WEHSELER
LOCAL PARTNERSHIP PROGRAM (LPP) COORDINATOR
MNDOT DISTRICT 3
7694 INDUSTRIAL PARK ROAD
BAXTER, MN 56425

RE: TH 371B/WILLOW STREET ROUNDABOUT PROJECT
REQUEST FOR LOCAL PARTNERSHIP PROGRAM (LPP) FUNDING

Dear Mr. Wehseler,

The City of Brainerd would like to request \$1.5 million in Local Partnership Program (LPP) funding for the TH 371B/Willow Street Roundabout Project. This was a project that, with the support of Kenneth Hansen, District 3 Traffic Engineer, the City applied for and was granted \$750,000 in HSIP funding to reconfigure the intersection into a roundabout. The intersection has experienced a significant number of crashes within the last 5-year period. According to the recently completed ICE report on the intersection, there have been a total of 36 crashes from 2018-2022. Two of which were Severity A crashes, and most crashes are typically right-angle crashes. The intersection was recently reconstructed in 2018, however the intersection control was left as it was prior to the project as a two-way minor stop-controlled intersection. However, the current configuration does continue to be a barrier for vehicles utilizing the local system and for pedestrians and bicyclists attempting to cross the intersection. One of the Severity A crashes was a vehicle versus bicyclist crash. This intersection continues to be a concern for City staff, elected officials, and residents that utilize or travel through the area. The goal of the project will be to greatly improve safety for the traffic passing through the intersection as well as provide a significant improvement for the ability of non-motorized users to navigate around the intersection.

This project has been City-led to date with the intention of construction in 2025. The intent is to have the roundabout completed ahead of the TH 210 Reconstruction project in 2026 and 2027, which will result in significant increases in diverted traffic from the construction area. City staff and MnDOT staff have been in close coordination on the development of the Level 1 Concept, partnering with SEH as the consulting engineer performing the preliminary engineering on the project. The team has also directly engaged stakeholders, such as adjacent businesses and trucking companies, as well as held a Public Open House to gather public comments and input during the development of the concept drawings. The latest layout is attached to this letter. It is intended that, with Council and MnDOT approval of the final layout, the project will continue forward with design and right-of-

Jessie Dehn, P.E.
City Engineer/Public Works Director
City of Brainerd, MN
Page 210 of 264

way acquisition to occur throughout the majority of 2024. Again, the final goal of a late 2024 letting for 2025 construction.

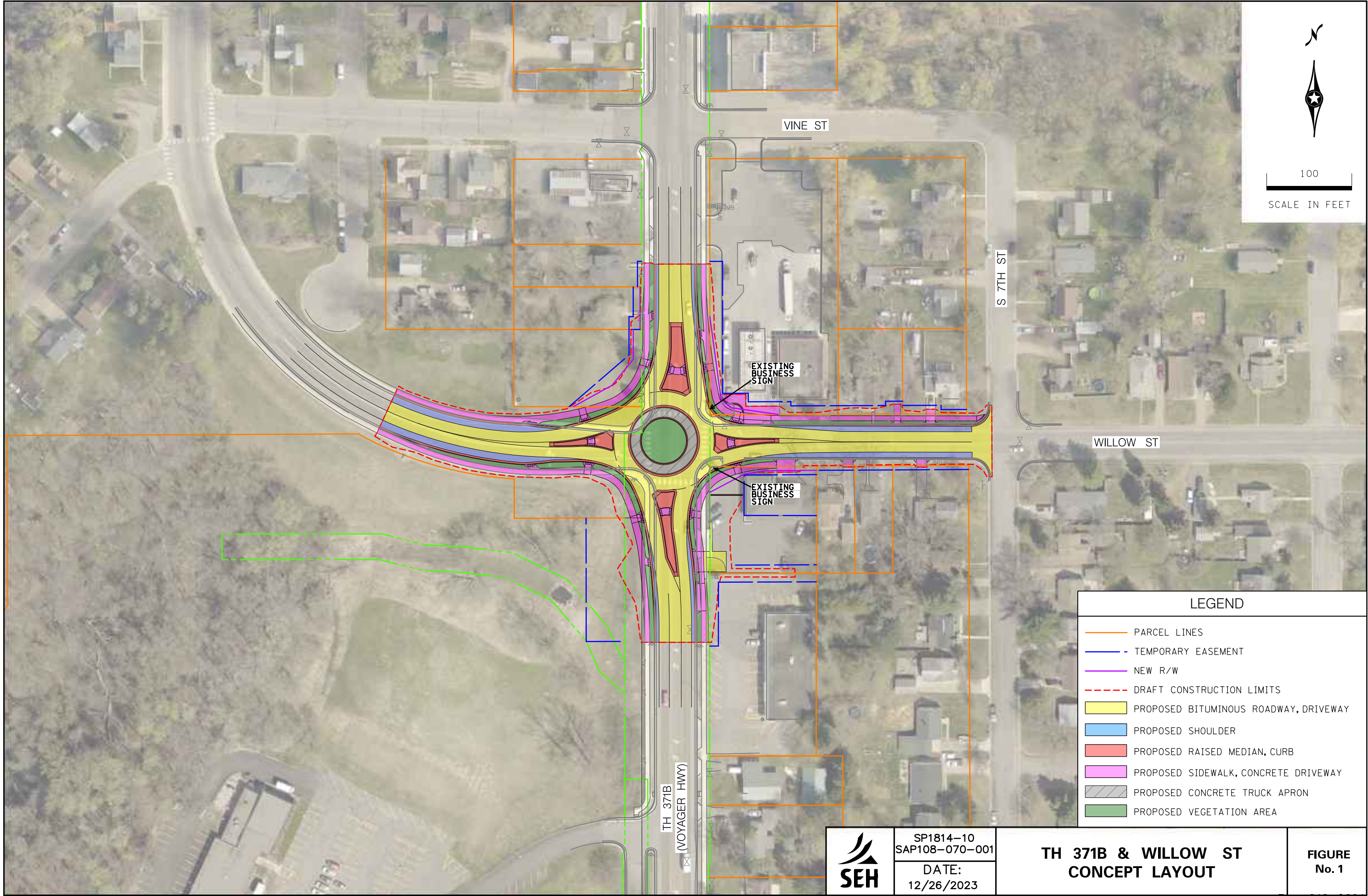
The City is requesting MnDOT allocate LPP funds for the project to assist with District 3 obtaining construction funding for MnDOT's share of the project. Currently, staff is anticipating that construction costs for the project would be approximately \$2.5 million, with \$1.5 million estimated as being MnDOT's portion. The City has secured the HSIP grant funding to assist with the local share of the funding, estimated at \$1 million. MnDOT did not have this project programmed in the STIP, thus no construction funding has been identified for MnDOT's portion of the project. It is important that MnDOT District 3 is able to secure the requested \$1.5 million in funding to allow for the project to continue towards construction in 2025. As mentioned, during reconstruction of TH 210 in 2026 and 2027, the concerns (and likely number of crashes) for this intersection will likely increase due to the influx of traffic avoiding the TH 210 project. Thank you for considering this project for LPP funding.

Sincerely,



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

Attachment: TH 371B/Willow Street Roundabout Layout





City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: Approve Brainerd Restoration Downtown Welcome Bench

AGENDA:

ACTION REQUESTED: Approve/Deny Motion

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

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

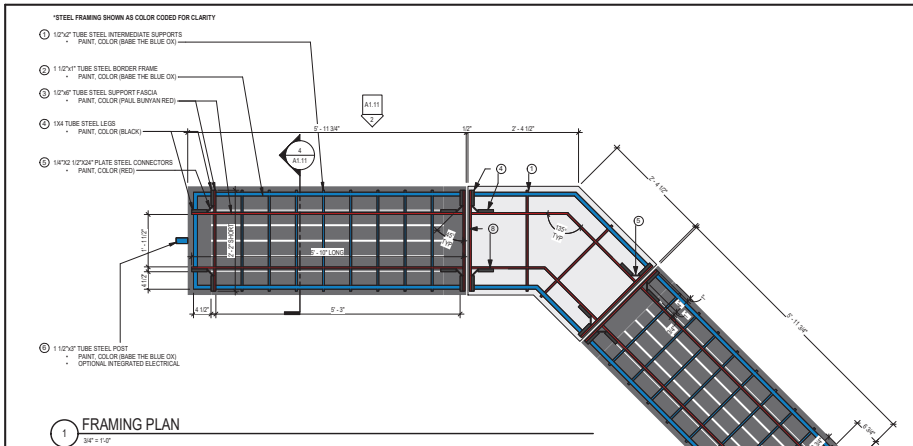
SUMMARY OF ISSUE: Staff is bringing an updated bench concept that was introduced to the Council on May 15th, 2023. Brainerd Restoration is requesting to install an outdoor bench and seating installation in one of the planter areas in downtown. At the meeting, the Council was supportive of the project concept and requested to see updated drawings once they were prepared. The updated drawings are attached to this item.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Brainerd Restoration and Hy-Tec are looking to team up with the CLC Welding class to fabricate the benches. The project would remove the plantings, tree, and mulch, replace with a paved concrete surface and install the new bench seating. It is intended that the installation would be ADA accessible. In addition, they are proposing a sign that would include decorative metal inserts. This sign could be sponsored by downtown businesses or other uses to promote downtown and local culture. Materials would include composite for the table tops and seating and painted steel for the framing and seat legs.

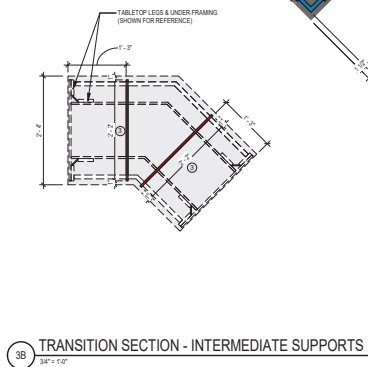
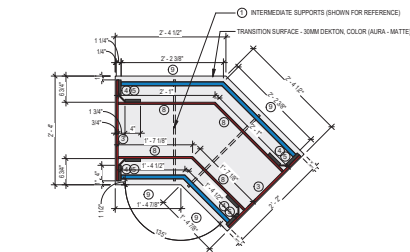
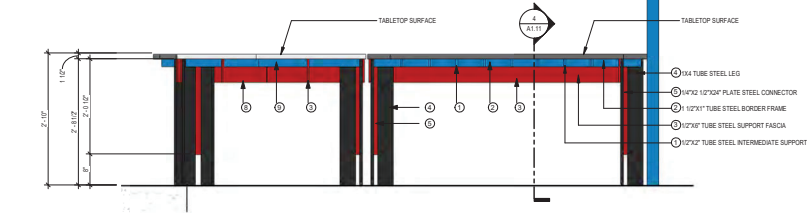
Currently, the drawings show the installation in the southeast corner of S. 7th and Laurel Streets. However, a final location is being discussed to ensure the installation would be in the most appropriate location. If approved, staff would coordinate with Brainerd Restoration on the timeline for installation, anticipated to occur late spring 2024.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the drawings and approve installation of the welcome bench.

FINANCIAL IMPACT: N/A

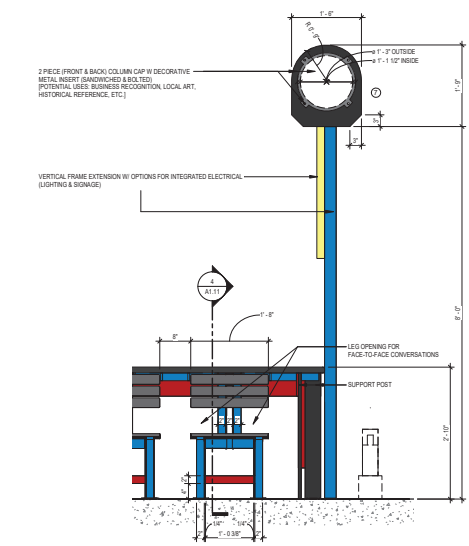
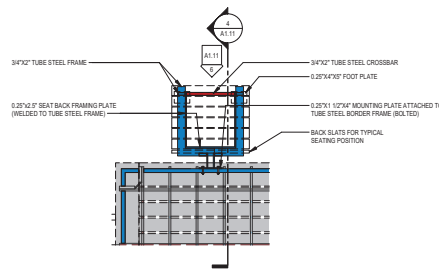
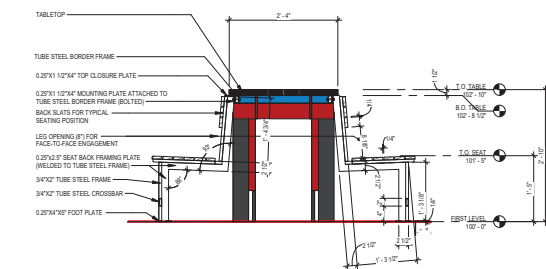


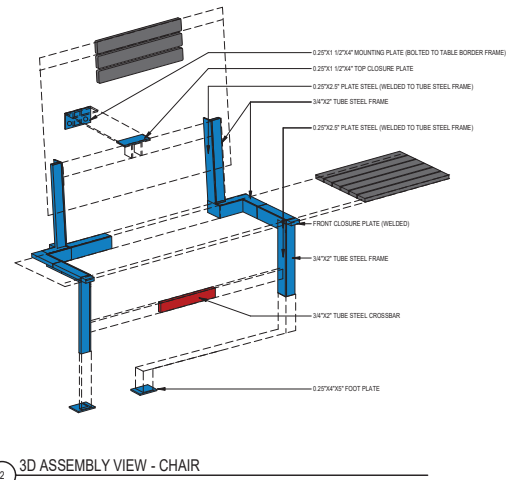
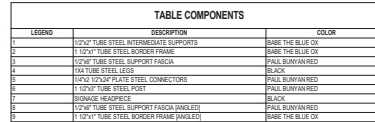
LEGEND	DESCRIPTION	COLOR
1	1/2"x2" TUBE STEEL INTERMEDIATE SUPPORTS	BASE THE BLUE OR
2	1 1/2"x1" TUBE STEEL BORDER FRAME	BASE THE BLUE OR
3	1/2"x2" TUBE STEEL SUPPORT FASCIA	PAUL BLU/MAN RED
4	1/4" TUBE STEEL LEGS	BLACK
5	1/4"x2 1/2"x2" PLATE STEEL CONNECTORS	PAUL BLU/MAN RED
6	1 1/2"x2" TUBE STEEL POST	PAUL BLU/MAN RED
7	SUPPORT HEADPOST	BLACK
8	1/2"x2" TUBE STEEL SUPPORT FASCIA ANGLES	PAUL BLU/MAN RED
9	1 1/2"x2" TUBE STEEL BORDER FRAME ANGLES	BASE THE BLUE OR



*STEEL FRAMING SHOWN AS COLOR CODED FOR CLARITY

- ALL STEEL TO BE PAINTED
- HOLLOW TUBE STEEL VERTICALS FOR INTEGRATION W/ ELECTRICAL
- TABLETOP FINISH SURFACE TO BE TREE COMPOSITE
- SEATING SLATS TO BE TREE COMPOSITE







City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: First Reading – Proposed Ordinance 1564 – Replacement of City Code 700

AGENDA: Main

ACTION REQUESTED: Ordinance

SUBMITTED BY: Jessie Dehn, Public Works Director, **DEPARTMENT:** Public Works
Todd Wicklund, Public Utilities Director

PRESENTER: Jessie Dehn, Public Works Director, **ESTIMATED TIME (MIN):** 5 Minutes
Todd Wicklund, Public Utilities Director

SUMMARY OF ISSUE: Attached to this item is Proposed Ordinance 1564, which replaces Section 700 of the City Code related to the Sewer System. The ordinance is aimed to bring the City in compliance with requirements related to a delegated pretreatment program. Included in this item is a letter from the MPCA to the City of Baxter that also expresses that Brainerd and Baxter are required to develop an intermunicipal agreement that identifies roles and responsibilities for each community.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Based on the timelines included in the letter, it would be required that the proposed Code replacement be in place by mid-March 2024. Staff intends to hold a public hearing prior to the 2nd Reading at the March 4th Council Meeting. Due to its length and the amount of changes throughout, staff is recommending a summary ordinance which would require unanimous adoption by the City Council.

RECOMMENDED ACTION/MOTION:

1. Motion to conduct the first reading of Proposed Ordinance 1564, an ordinance replacing Section 700 of the City Code
* Note: a vote to dispense with the actual reading of the ordinance must be unanimous.
2. Call for a Public Hearing at the March 4, 2024 Council Meeting

FINANCIAL IMPACT: N/A

January 4, 2024

Bradley Chapulis, Administrator
City of Baxter
13190 Memorywood Dr
Baxter, MN 56425

RE: Proposed Brainerd NPDES/SDS Permit Pretreatment Delegation
Permit No. MN0049328
Brainerd, Crow Wing County, Minnesota

Dear Bradley Chapulis:

The Minnesota Pollution Control Agency (MPCA) has reviewed your public notice comments on the draft National Pollutant Discharge Elimination System/State Discharge System (NPDES/SDS) proposed pretreatment delegation for the Brainerd Permit No. MN0049328, which were submitted to the MPCA on December 15, 2023. The following are responses to your comments in the order in which they appear in your letter.

In response to the comments received, the MPCA has the following remarks:

Based on State and Federal rule the MPCA is required to request that the City of Brainerd implement a delegated pretreatment program. Please see Minn. R. 7049.0800.

Brainerd and Baxter have a wastewater capacity agreement that was development and enacted in 2007, but this agreement does not include how industrial users and pretreatment requirements shall be managed. An intermunicipal agreement or multijurisdictional agreement between Brainerd and Baxter needs to be developed identifying the specific roles and responsibilities for each community which reflect the requirements for Minn. R. 7049.0820 and 7049.0830.

The MPCA is requesting that this agreement be completed and submitted to the MPCA no later than March 29, 2024.

Thank you for taking the opportunity to provide input into the permitting process. The MPCA intends to final issue the proposed pretreatment delegation for NPDES/SDS Permit No MN0049328 once this agreement is in place. The goal will be to final issue the pretreatment delegation in April 2024.

Bradley Chapulis

Page 2

January 4, 2024

If you have any questions regarding any of the terms and conditions of the final permit, please contact me at 218-302-6640 or by email at jaramie.logelin@state.mn.us.

Sincerely,

Jaramie Logelin

This document has been electronically signed.

Jaramie Logelin
State Pretreatment Coordinator
Municipal Division

JL:jljs

cc: The Honorable Dave Badeaux, City of Brainerd
Patrick Wussow, City of Brainerd
Todd Wicklund, Brainerd Public Utilities
Charlie Gammon, Brainerd Public Utilities

**ORDINANCE
NO. 1564**

**A SUMMARY ORDINANCE REPLACING SECTION 700 OF THE CITY CODE
CONCERNING THE SEWER SYSTEM**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose and Findings.

Section 700 is being replaced to enable the City to comply with all state and federal laws, including, but not limited to, Clean Water Act section 1251 and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations Part 403 and Minnesota Rules Part 7049.0890. Brainerd Public Utilities (BPU), a department of the City of Brainerd is required to have a Delegated Pretreatment Program in accordance with federal law since the capacity of the City's wastewater treatment plant of six million gallons per day is greater than the minimum threshold requirement of five million gallons per day.

BPU is the governmental entity that has control authority and responsibility to implement specific pretreatment standards for a specific industrial user. BPU is the control authority for purposes of preventing interference or pass-through and for implementing all local pretreatment prohibitions, limitations, or requirements required by Chapter VII.

SECTION TWO: Repeal and Replacement

1. Notice is hereby given that on February 5, 2024 and March 4, 2024 the City Council conducted the required readings of this Ordinance and the revisions contained in Chapter 700 consistent with the City Charter.

2. Notice is hereby given that this Ordinance repeals and replaces in its entirety Chapter 700 – Sewer System.

3. Further, given the length of the revisions associated with the full replacement of Chapter 700, this summary ordinance has been prepared for publication and is approved by the City Council as authorized by State law.

4. Notice is hereby given that a printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours or on the City's website.

SECTION FOUR: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2024

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2024

DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

Published: One Time – _____

CHAPTER VII

PUBLIC UTILITIES

Section 700 – Sewer System

700.01

General Provisions. Subdivision 1. Purpose. This Section sets forth uniform requirements for discharges into the City's wastewater disposal system and enables the City to comply with all state and federal laws, including, but not limited to, Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403 and Minnesota Rules Part 7049.0890. This Section also establishes the determination and levying of charges of all users discharging thereto.

The objectives of this Section are:

- a) to prevent or control the introduction of pollutants into the wastewater disposal system which will interfere or are incompatible with the operation of the system or the use or disposal of the sludge; prevent the pass-through of pollutants through a POTWBPU's plant without adequate treatment; prevent interference with a POTWBPU's physical plant; collection system; physical, chemical, or biological processes; personnel; or disposal of residuals
- b) to establish the authority to determine and levy user charges that are necessary for the efficient, economic and safe operation of the City's wastewater disposal system for the protection of the health, safety and general welfare of the public; and
- c) to establish a system of regulation and charges which will provide effective operation of the City's wastewater disposal system in compliance with applicable standards and regulations of the Minnesota Pollution Control Agency and the United States Environmental Protection Agency.

700.03 Definitions. Subdivision 1. For the purpose of this Section, the following words, terms and abbreviations have the meaning given them.

Subd. 2. Act. The Clean Water Act (33 U.S.C. 1251 et seq., as amended).

Subd. 3. Biochemical Oxygen Demand (BOD) - (1) the quantity of oxygen used in the biochemical oxidation of organic matter in a specified time, at a specified temperature, and under specified conditions; (2) a standard test used in assessing wastewater strength.

Subd. 4. Brainerd Public Utilities Commission (BPUC) – the Public Utilities Commission of the City of Brainerd.

Subd. 5. Capital Costs. All costs and expenses incurred in planning, designing, financing, and constructing wastewater collection, conveyance, and treatment works.

Subd. 6. City. City of Brainerd, Minnesota.

Subd. 7. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, sometimes called the house connection or service connection.

Subd. 8. Chemical Oxygen Demand (COD). A measure of the oxygen equivalent of that portion of organic matter that is susceptible to oxidation by a strong chemical oxidant, using EPA approved laboratory procedures.

Subd. 9. Combined Sewer. A sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

Subd.10. Commercial. All users of the system classified as industrial users in the Standard Industrial Classification Manual, 1972, U.S. Office of Management and Budget, as amended and supplemented under Divisions A, B, D, E, and I, but who are excluded from such definition for the purposes of this Section because they discharge primarily segregated domestic wastes, or wastes from sanitary conveniences; the classification shall not include such exempt users who are otherwise classified in this Section as domestic users, government users, or industrial users.

Subd. 11. Contract User. Any users who have a special contract or agreement with the City which allows discharge of wastes into the City's sewer system.

Subd. 12. Control Authority. Refers to BPUC who is the governmental entity that has authority and responsibility to implement specific pretreatment standards for a specific industrial user.

A. BPUC is the control authority for purposes of preventing interference or pass-through and for implementing all local pretreatment prohibitions, limitations, or requirements, including limitations required by this chapter; and

B. for the purpose of regulating industrial users subject to the national categorical pretreatment standards, BPUC is the receiving POTW authority if ~~the receiving POTW authority~~ BPUC has been delegated pretreatment authority under parts 7049.0800 to 7049.1020. If BPUC has not been delegated authority under parts 7049.0800 to 7049.1020, the agency is the control authority for the purpose of implementing national categorical pretreatment standards. BPUC remains the control authority for item A

Subd. 12. Construction. Any one or more of the following: preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of water works, or the inspection or supervision of any of the foregoing items.

Subd.13. Debt Retirement Costs. The combined principal and interest payments necessary to pay bonded indebtedness.

Subd. 14. Domestic User. Those establishments of which its relaxed occupants, if any, are usually considered a domestic service and whose discharge consists solely of sanitary wastes.

Subd.15. Domestic Wastewater. Wastewater derived principally from a dwelling due to domestic activities. It may or may not contain groundwater, surface water, or storm water.

Subd.16. Flow. The quantity of sewage expressed in gallons or cubic feet per 24 hours.

Subd. 17. Garbage. Solid wastes resulting from the domestic and commercial preparation, cooling, and dispensing of food, and from the handling, storage or sale of meat, fish, fowl, fruit, vegetables, condemned food.

Subd.18. General Municipal User. Any user discharging sewage to the general municipal flow other than industrial users, municipalities, and other contract users. This category of user includes as dories, domestic users, commercial users, institutional users, governmental users, which are not contract users.

Subd.19. Government User. Those establishments who function is the administration and execution of government programs as well as the offices of executives, legislative bodies, and agencies which provide general support services for government.

Subd. 20. Grantee. Any municipality which has been awarded a grant for construction of a treatment works: in this instance, the City.

Subd. 21. Industrial Wastewater. The liquid waste resulting from the pros employed in industrial, manufacturing, trade or business establishments as distinct from domestic wastes. Any waste that is transported by a liquid waste hauler and disposed into public sewers is industrial waste. Any leachate or contaminated ground water disposed into public sewers is industrial waste.

Subd. 22. Infiltration. The water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Subd. 23. Infiltration /Inflow. The total quantity of water from both infiltration and inflow without distinguishing the source.

Subd. 24. Inflow. The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard, and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers anal combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage: inflow does not include, and is distinguished from, infiltrations.

Subd. 25. Interceptor Sewer. A sewer whose primary purpose is to transport or convey wastewaters from collector sewers to a treatment facility.

Subd. 26. Interference. The inhibition or disruption of the (City's) wastewater disposal system processes or operations which causes or significantly contributes to a violation of any

requirement of the (City's) NPDES or State Disposal System Permit. ~~This~~ ~~teams~~ includes prevention of sewage sludge use or disposal by the City in accordance with published regulations providing guidelines under Section 405 of the Act (33 U.S.C. 1251 et seq.) or any regulations developed pursuant to the Solid Waste Disposal Act, the Clean Air act, the Toxic Substances Control Act, or more stringent state criteria applicable to the method of disposal or use employed by the City. This includes a cause of a violation, including an increase in the magnitude or duration of a violation, of any permit or rule controlling, prohibiting, or limiting the release of pollutants from the POTW-BPU's plant into the environment.

Subd. 27. Institutional User. Those establishments engaged in activities of a noneconomic nature, frequently being the performance of services for the general public (health, education, social), and not classified as a governmental or commercial user in this Section.

Subd. 28. Leachate. Wastewater resulting from the percolation of rain water and/or internal liquids through the deposited material in a solid waste disposal facility.

Subd. 29. Liquid Waste Hauler. Any person who transports waste for the purpose of discharge into public sewers.

Subd. 30. Load. Quantities of sewer characteristics such as BOD, SS, and other constituents as expressed in milligrams per liter (mg/l) or pounds per 24 hours (lbs./24 hours).

Subd. 31. Local Charge. A treatment charge assessed by the City to liquid waste haulers based on waste volume and strength.

Subd. 32. Monitoring. The measurement, sometimes continuous, of water quality.

Subd. 33. National Pollution Discharge Elimination System Permit or NPDES Permit. The system for issuing, conditioning, and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans by the Administrator of the Environmental Protection Agency pursuant to Section 402 and 405 of the Federal Water Pollution Control Act Amendment 1972.

Subd. 34. Natural Outlet. Any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Subd. 35. Noncontact Cooling Water. Water used for cooling purposes that does not contact raw materials, work pieces or a finished product. Noncontact cooling water discharged to public sewers is industrial waste.

Subd. 36. Operation and Maintenance Costs (O & M Costs). The expenses related to the costs of the operation, maintenance, replacement, and administration of the total treatment works or system.

Subd. 37. Pass-through. A discharge of sewer pollutants that flows from the City's treatment plant into the receiving stream in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the plant's NPDES/SDS permit, including an increase in the magnitude or duration of a violation.

Subd. 38. Person. Any individual, firm, company, association, society, corporation, municipal corporation, government unit, or group.

Subd. 39. pH. This shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .

Subd. 40. Pretreatment. The application of physical, chemical and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a wastewater prior to discharging such wastewater into the publicly-owned wastewater treatment system.

Subd. 41. Pretreatment Solids. Any materials that are formed, concentrated, or removed by pretreatment performed by any person.

Subd. 42. Process Water. Any water used in the manufacturing, preparation production of goods, materials, or food. Process water is an industrial waste.

Subd. 43. Public Sewer. Any sewer owned or operated by a unit or agency of government.

Subd. 44. Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Subd. 45. Sanitary Sewer. A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants, and institutions.

Subd. 46. Sanitary Wastes. The liquid and water-carried wastes discharged from sanitary plumbing facilities.

Subd. 47. Sewage or Wastewater. The water-carried waste products from residences, public buildings, institutions, industrial establishments, or other buildings including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and storm and surface water as may be present

Subd. 48. Sewage Collection. Each, and all, of the common lateral sewers within a publicly-owned treatment system which are primarily installed to receive waste waters directly from facilities which convey waste water from individual structures or from private property, and which include service connection "Y" fittings designed for connection with those facilities. The facilities which convey waste water from individual structures, from private property to the public lateral sewer, or its equivalent, are specifically excluded from the definition, with the exception of pumping units, and pressurized lines, for individual structures or groups of structures when such units are cost effective and are owned and maintained by the grantee.

Subd. 49. Sewer. A pipe or conduit for carrying sewage, industrial waste, or other waste liquids.

Subd. 50. Sewer System or Sewerage System. Pipe lines or conduits, pumping stations, force mains, and all other devices and appliances appurtenant thereto, used for collecting or conducting sewage, industrial wastes, or other wastes to a point of ultimate disposal.

Subd. 51. Shall is mandatory, May is permissive.

Subd. 52. Significant Industrial User. Any industrial user of the City's Wastewater Treatment System whose flow (1) exceeds 25,000 gallons or more per average work day; (2) has exceeded five percent of the flow or load carried by the City's Wastewater Treatment System during any day in the past year; (3)

An industrial user that is subject to national categorical pretreatment standards shall also be considered a significant industrial user by any POTW authority that operates a federal delegated pretreatment program approved under parts 7049.0800 to 7049.1020, except as provided in item 4. has in its waste a toxic pollutant, in toxic amounts, as defined by standards issued and effective under Section 307 (a) of the Federal Water Pollution Control Act (Pub.L. 92500) or as defined by Minnesota statutes and rules; (4) The POTW-BPU may determine that an industrial user subject to national categorical pretreatment standards is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day of total categorical wastewater, excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard, and the industrial user

(a)

prior to the control authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

(b)

annually submits the certification statement required in Code of Federal Regulations, title 40, section 403.12(q), together with any additional information necessary to support the certification statement; and

(c)

never discharges any untreated concentrated wastewater.

(5) has significant impact, either individually or in combination with other contributing industries, on the City's Wastewater Treatment System of the quality of its effluent; (5) has significant impact on the quality of sludge produced by the Wastewater Disposal System, or; (6) has a significant impact on air emission of the Wastewater Disposal System; (7) - is designated by the agency or the receiving POTW authority-BPU as significant on the basis that it has reasonable potential to impact the receiving POTW-BPU's plant, or violate required pretreatment standards; or

Subd. 54. Significant noncompliance. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- A. chronic violations of wastewater discharge limits, defined in this part as those in which 66 percent or more of all of the measurements taken during a six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement;
- B. technical review criteria (TRC) violations, defined in this part as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of a numeric pretreatment standard or requirement multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- C. any other violation of a pretreatment standard or requirement that ~~the POTW-~~BPU determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW-BPU personnel or the general public;
- D. any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in ~~the receiving POTW-~~authority'sBPU's exercise of its emergency authority to halt or prevent such a discharge;
- E. failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. failure to accurately report noncompliance; or
- H. any other violation or group of violations, which may include a violation of best management practices, that ~~the POTW authority-~~BPU determines will adversely affect the operation or implementation of the local pretreatment program.

Subd. 53. Slug. Any discharge of water, warm or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration, qualities, or flows during the normal operation.

Subd. 54. Storm Sewer (sometimes tamed "storm drain"). A sewer which carries storm and surface water and drainage but excludes sewage and industrial wastes, other than unpolluted cooling or process water.

Subd. 55. Superintendent Public Utilities Director. The Superintendent Public Utilities Director of the wastewater disposal system of this City or the person's duly authorized representative.

Subd. 56. Total Kjeldahl Nitrogen (TKN). A measure of total organic and ammonia nitrogen, using EPA approved laboratory procedures.

Subd. 57. Total Suspended Solids (TSS). The residue material from a wastewater sample after filtration, using EPA approved laboratory procedures.

Subd. 58. Treatment Works/Wastewater Disposal System. Any devices and systems for the storage, went, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes used to implement Section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the useful life of the works. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alteration hereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application; or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Subd. 59. User. Any person, firm, corporation, or other entity, whether municipal or otherwise, discharging sewage into the disposal system.

Subd. 60. Useful Life. Estimated period during which a treatment works will be operated.

Subd. 61. User Charge. A charge levied on users of a treatment works, or that portion of the ad valorem taxes paid by a user, for the user's proportionate share of the cost operation and maintenance (including replacement) of such works.

(Amended Ord. 837 – 1985, Ord. 1046 - 1998)

700.05 Use of Public Sewers. Subdivision 1. General Sewer Use Regulations. The public sewer of the City are governed by the provision of this Section.

Subd. 2. Discharge. It is unlawful to discharge to any natural outlet within the City Limits or City jurisdiction any sewage or other pollutant waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Section.

Subd. 3. Cesspools, Private Systems. It shall be unlawful to either construct, maintain, use or permit to be used any cesspool, privy, or privy vault on any part of any lot or parcel of land in the City abutting a public sanitary sewer with which a sewer connection may be made, if said structure on parcel of land is within 500 feet of said public sanitary sewer.

(Amended Ord. 1046 – 1998, Ord. 1115 – 2001)

Subd. 4. Water Service Terminated. Whenever any privy, privy vault, or cesspool is either erected, constructed or used, contrary to the provisions of this Section on any premises in the City, the water supply from the City waterworks, thereto, shall be terminated and shall remain cut off until the BPUC is satisfied that such violation of this Section has ceased and until the expense of turning off and turning on the water has been paid together with whatever fine for violation of this Section may be assessed.

Subd. 5. Compelling Connection. Whenever there is a public sewer in the public highways or grounds upon which abuts any part of any lot or parcel of land in the City within the distances prescribed in Section 700.05, Subd. 3, the owner or occupant of such parcel of land shall connect said premises with said public sewer by a sufficient sanitary sewer within 12 months (1 year) of the availability of the public sewer. Connection shall not be required within 12 months (1 year) if the owner or occupant can show evidence of a Certificate of Compliance that the existing private system satisfactorily passes a compliance inspection as set forth in Minnesota Rule Chapter 7080. Inspections are hereby required every three (3) years. In the event the existing private system is, at the time of initial or any subsequent inspection a failing system, or becomes an imminent threat to the public health or safety as defined by Minnesota Rule 7080, the BPUC shall serve upon such owner or occupant ten days' notice in writing specifying the time when such sewer connection or connections must be made and completed and if the said owner or occupant neglects to complete the same within the time specified, in addition to the penalties imposed for a violation of any provision of this Section, the BPUC may cause it to be done and shall either recover the whole amount of the expense thereof by an action against the owner, in the name of the City, before any court jurisdiction thereof, or assess the same against said premises pursuant to law.

(Amended Ord. 1046 – 1998, Ord. 1115 – 2001, Ord. 1197 – 2003)

Subd. 6. Preliminary Treatment. Where preliminary treatment facilities are required or provided for any wastes, they shall be maintained continuously in effective operation by the sewer user at its expense. Failure to do so shall void the right of sewerage system use and the BPUC reserves the right to discontinue service.

Subd. 7. Control Manholes. The BPUC may as a condition of providing sewer service require a control manhole built on the building sewer at owner's expense to facilitate observation, sampling, inspection, and measurement of wastes. Such manhole when required shall be accessible, safely located, and built in accordance with City standards for sewer manholes. The necessity of a control manhole will be based on sewage volume, whether it is a processing waste, or an industrial waste and whether the waste requires control within the operation to meet acceptable conditions for discharge to the sewage system.

Subd. 8. Special Agreements. Nothing within this Sewer Section shall be interpreted to require the service of sewage wastes at published sewer rates when such waste may impair the system or cause a higher than normal expense in operation of the sewerage system. Nor shall the Sewer Section be interpreted to prohibit the handling of deleterious wastes, requirements for pretreatment, or sewer service rates higher than published rate on an agreement basis. Such agreements may be approved by the BPUC after considering the problems in handling, the effect on the sewerage system and the cost of handling the waste. Special agreements are not allowed which would (1) cause the violation of the existing NPDES permit or State Disposal System

permit and (2) allow any user subject to National Categorical Pretreatment Standards to circumvent their requirements.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

Subd. 9. Entry on Premises. Duly authorized City and BPUC employees bearing proper identification shall, at reasonable times, be permitted to enter upon properties served by sanitary sewers for the purpose of inspection, measurement, sampling and testing in connection with operation of the sewer system.

Subd. 10. Contractors' Responsibility. Contractors employed on City contracts, plumbers, and other persons engaged in construction or maintenance activity where there is connection to or danger of damage to the sewer system shall exercise particular care to protect the sewer system, and shall at all times protect, keep foreign materials out, and accomplish construction or connections, in a neat and workmanlike manner. Failure to do so shall be a violation of this Section and shall not stop the City from correcting the damage or removing the foreign material, if necessary on an overtime basis, and collecting the costs therefore. For other than immediate necessary repair or removal a five-day written notice shall be deemed adequate notice to the party to repair damage, correct faulty construction or remove material from the sewerage system.

Subd. 11. Storm Water Connections. Roof, ground water, or surface drain connections to the City's sanitary sewer system is prohibited.

Subd. 12. Entrance into Manholes. Entrance into sewer manholes or opening the same for any purpose whatever except by duly authorized City or BPUC employees or their agents is prohibited.

700.07 Prohibitions and Limitation. Subdivision 1. General Discharge Prohibitions. No user shall discharge or cause to be discharged, directly or indirectly, any of the substances described in this Subsection or that cause pass-through or interference into the wastewater disposal system or to any public sewer.

Subd. 2. Explosive Gases. Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause pass through or interference, fire or explosion or be injurious in any other way to the wastewater disposal system or to the operation of the system. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system or at any point in the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

Subd. 3. Grease, Garbage, Etc. Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood,

plastic, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

Subd. 4. Hazardous Fluids. Any wastewater having a pH less than 5.0 or higher than 10.0 or having any other corrosive property capable to causing damage or hazard to structures, equipment, and personnel of the wastewater disposal system.

Subd. 5. Toxic Pollutants. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants or inhibit or disrupt any wastewater treatment process, constitutes a hazard to humans or animals, or create a toxic effect in the receiving waters of the wastewater disposal system. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

Subd. 6. Noxious Fluids. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewer for their maintenance and repair.

Subd. 7. Dyes, Etc. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

Subd. 8. Other Violations. Any wastewater which creates conditions at or near the wastewater disposal system which violate any statute or any rule, regulation or section of any public agency or state or federal regulator body.

Subd. 9. Heated Wastewater. Any wastewater having a temperature greater than 150 degrees F. (65.6 degrees C.), or causing, individually or in combination with other wastewater, the influent at the wastewater treatment plant to have a temperature exceeding 104 degrees F. (40 degrees C.) or having heat in amounts which will inhibit biological activity in the Treatment Works resulting in interference.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

Subd. 10. Slug Loads. Any slug load, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge of such volume or strength as to cause inhibition or disruption in the wastewater disposal system. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentrations, quantities, or flow of the user during normal operation.

Subd. 11. Unpolluted Water. Any unpolluted water, including but not limited, to noncontact cooling water, unpolluted storm or groundwater.

Subd. 12. Excess Grease and Oil. Any wastewater containing fats, wax, grease, or oils of animal or vegetable origin whether emulsified or not, in excess of +150 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees F. and 150 degrees F. (0 degrees C. and 65.6 degrees C.); and any wastewater containing oil and grease concentration of mineral origin of greater than +100 mg/l, whether emulsified or not.

Subd. 13. Inert Suspended Solids. Wastewater containing inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in such quantities that they would cause disruption with the wastewater disposal system.

Subd. 14. Other Prohibited Substances. No user shall discharge to any public sewer any discharge which causes interference, as defined, with the wastewater disposal system. Pollutants in the effluent from an industrial user shall not be considered to cause interference where the industrial user is in compliance with specific prohibitions or standards developed by Federal, State, or Local governments. Where the industrial user is in compliance with such specific prohibitions or standards and pollutants in the effluent from the industrial user's facility nevertheless are determined to have caused or significantly contributed to a violation of any requirement of the City's NPDES or State Disposal System Permit, and are likely to cause such a violation in the future, the BPUC must take appropriate action to develop and enforce specific effluent limits for that industrial user to ensure renewed and continued compliance with the City's NPDES or State Disposal System Permit.

Subd. 15. Strong Acid or Plating Solutions. Any water or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

Subd. 16. Phenols. Any water or wastes containing phenols or other taste or odor producing substances which constitute a nuisance or hazard to the structures, equipment, or personnel of the sewage works, or which interfere with the treatment required to meet the requirements of the State and Federal government and any other public agency with proper authority to regulate the discharge from the sewage treatment plan.

Subd. 17. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration that they are in non-compliance with regulations issued by the appropriate authority having control over their use or which have caused or may cause damage or hazards to the treatment works or personnel operating it.

Subd. 18. Water Insoluble Oils. Any water insoluble oils, including but not limited to, fuel oil, nonbiodegradable cutting oil, lubricating oil, hydraulic oil, mineral oil and motor oil.

Subd. 19. Medical Wastes. Whole, ground or shredded glassware, needles and other sharps, plastic and textile objects from hospitals, physician and dentist offices, clinics, veterinary facilities, other health care facilities, mortuaries, blood banks, laboratories of any kind and food preparation facilities.

Subd. 20. Infectious Wastes. Wastes, other than domestic wastes, that are infectious except as provided for in an acceptable infectious waste management plan submitted to Minnesota Department of Health or Minnesota Pollution Control Agency pursuant to Minnesota Statute 116.75-116.83.

Subd. 21. Foam Producing. Any material containing foam or foam producing substances in sufficient quantities to cause a public nuisance, operational problems in public sewers or cause interference or pass-through.

Subd. 22. Pretreatment Solids. Any pretreatment solids from an industrial pretreatment system except as provided in Section 700.13.

Subd. 23. Outside of City Wastes. Any wastes generated outside the City Limits, unless prior approval has been obtained from the [SuperintendentPublic Utilities Director](#).

Subd. 24. Hazardous Wastes. Any hazardous wastes, as defined by Minnesota Statutes, Section 116.06 Subdivision 13 and Minnesota Rules Chapter 7045, unless prior approval has been obtained from the [SuperintendentPublic Utilities Director](#) -and such discharge does not constitute a violation of Local, State or Federal law.

Subd. 25. Food Processing Wastes. Garbage, discarded material and grease from nondomestic sources which results from the handling, processing, storage, preparation, serving and consumption of food, when the effect of such disposal into public sewers is the avoidance of site solid waste disposal; provided, however, that this Section does not prohibit sink-fed garbage disposal units used for incidental food waste disposal.

[Subd. 26. Oils. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.](#)

[Subd. 27. Toxic Gases. Pollutants that result in the presence of toxic gases, vapors, or fumes within a POTW-BPU's plant in a quantity that may cause acute worker health and safety problems](#)

700.09 Limitation on Wastewater Strength. Subdivision 1. National Categorical Pretreatment Standards. National categorical pretreatment standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this Section.

Subd. 2. State Requirements. State requirement and limitations on discharges shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable Section of this Code.

Subd. 3. City's Right of Revision. The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives stated in Subsection 700.01 of this Section.

Subd. 4. Dilution. No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained herein, contained in the national categorical pretreatment standards, or contained in any state requirements.

Subd. 5. Supplemental Limitations. The BPUC may impose additional specific limitations on any wastewater that is to be discharged into the City's wastewater disposal system.

Subd. 6. Specific Local Discharge Limitations. No person, except as authorized pursuant to a compliance schedule in a permit, shall discharge or cause or allow to be discharged into public sewers any waste that causes the total facility discharge to exceed the following concentration limitations and mass loading limitations:

<u>Pollutant</u>	<u>Per Load Grab Sample mg/L</u>	<u>Month Avg. mg/L</u>	<u>Max for Any One Day – mg/L</u>	<u>Cumulative Mass Discharge lbs/Semi-annual</u>
Cadmium (Cd)	0.26	0.26	0.69	-
Chromium, Total (Cr)	1.71	1.71	2.77	-
Copper (Cu)	2.07	2.07	3.38	-
Cyanide, Total (Cn)	0.65	0.65	1.20	-
Lead (Pb)	0.40	0.40	0.69	-
Nickel (Ni)	1.00	1.00	1.75	50
Zinc (Zn)	1.49	1.49	2.61	-
<u>Industrial User</u>				
BOD	-	210	-	-
TSS	-	235	-	-
<u>Liquid Waste Haulers</u>				
BOD & TSS	10,000	-	-	-

Semi-annual mass loading periods will be from May 1 to October 31 and November 1 to April 30.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

700.11 Accidental Discharges. Each user shall provide protection from accidental discharge or prohibition materials or other substances regulated by this Section. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or users own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the [SuperintendentPublic Utilities Director](#) for review and shall be approved by the [SuperintendentPublic Utilities Director](#) before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Section. Users shall notify the [SuperintendentPublic Utilities Director](#) immediately upon having a slug of accidental discharge of substances or wastewater in violation of this Section in order to enable counter measures to be taken by the [SuperintendentPublic Utilities Director](#) to minimize damage to the wastewater disposal system and the receiving water. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the BPUC on account thereof under any state or federal law. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a slug or accidental discharge. Employers shall insure that all employees who may cause or discover such a discharge are advised of the emergency notification procedure.

700.13 Pretreatment Requirements. Subdivision 1. General Pretreatment Requirements. Users shall provide necessary wastewater treatment as required to comply with this Section and shall achieve compliance with all national categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the [SuperintendentPublic Utilities Director](#) for review, and shall be acceptable to the [SuperintendentPublic Utilities Director](#) before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the [SuperintendentPublic Utilities Director](#) under the provisions of this Section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the [SuperintendentPublic Utilities Director](#) prior to the user's initiation of the changes.

Subd. 2. Records. All records relating to compliance with pretreatment standards shall be made available by the [SuperintendentPublic Utilities Director](#) to Officials of the EPA or MPCA upon request.

Subd. 3. User Reports. Any user subject to a national categorical pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of commencement of a new discharge to the wastewater disposal system, shall submit to the [SuperintendentPublic Utilities Director](#) during the months of June and December, unless required more frequently in the pretreatment standard or by the [SuperintendentPublic Utilities Director](#), a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Subsection 700.15, Subdivision 2 or 700.21 of this Section. The [SuperintendentPublic Utilities Director](#) may agree to alter the months during which the above reports are to be submitted. Refer also to the self-monitoring reports required in Subsection 700.21.

Subd. 4. Trap and Separator Installations. Oil, grease, sand, and flammable waste traps shall be installed for the proper discharge of wastewater containing excessive amounts of oil, grease, sand, or flammable liquids when required by the Minnesota Plumbing Code, Minnesota Rules Chapter 4715, or where the [SuperintendentPublic Utilities Director](#) determines such traps are necessary. All separators and traps shall be designed and installed to meet the minimum required specifications provided in Minnesota Rules 4715. Notwithstanding the provisions of Minnesota Rules 4715, the [SuperintendentPublic Utilities Director](#) may require traps and separators of sufficient size and capacity to meet the requirements of these rules. The distance between the inlet and outlet of the separator or trap must be sufficient to allow gravity separation of pretreatment solids. To prevent overloading, flow control baffles and any necessary inlet flow control fitting shall be provided. Each separator or trap shall be installed to be readily accessible for removal of cover, servicing, and maintenance. If installed substantially below grade, safe access shall be provided. Separators and traps shall be maintained in efficient operating condition by periodic removal of any accumulated pretreatment solids. Floating materials shall be removed when the accumulation is within two inches of the outlet. Settled solids shall be removed when the solids reach 75 percent of the trap or separator capacity.

Subd. 5. Sludge Generated. Sludges, floats, skimmings, and similar material, generated by an industrial or commercial pretreatment system shall not be placed into the City's wastewater

disposal system. Such sludges shall be contained, transported, and disposed of in accordance with all Federal, State, and Local regulations.

700.15 Wastewater Discharge Permits. Subdivision 1. Mandatory Permits. All industries proposing to connect or to commence a new discharge or having commenced a new discharge to the wastewater disposal system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater disposal system if the discharge would result in the industry being classified as a significant industrial user. No industrial user requiring a permit shall discharge into public sewers until the industrial user has been issued a permit. Issuance of an industrial discharge permit shall not relieve the industrial user from any obligation to obtain any hazardous waste license required by other authorities or to comply with any other Local, State, or Federal requirements regarding waste disposal.

Subd. 2. Permit Application. Users required to obtain a wastewater discharge permit shall complete and file with the SuperintendentPublic Utilities Director, an application in the form prescribed by the SuperintendentPublic Utilities Director, and accompanied by the applicable fee set by the BPUC. Proposed new users shall apply at least 180 days prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- a) Name, address, location (if different from the address);
- b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- b)c) North American Industry Classification System (NAICS) code
- e)d) Wastewater constituents and characteristics including but not limited to those governed by Subsection 700.07 and 700.09 as determined by a reliable analytical laboratory sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the act and contained in 40 CFR, Part 136, as amended;
- d)e) Time and duration of discharge;
- e)f) Average daily and 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- f)g) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- g)h) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged, including sludges, floats, skimmings, etc.;
- h)i) Where known, the nature and concentration of any pollutants in the discharge which are limited by the City, State, or National categorical pretreatment standards, and (for an existing discharge) a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and additional pretreatment is

required for the user to meet applicable pretreatment standards. If additional operation and maintenance and pretreatment will be required, a proposed schedule by which the changes will be completed shall be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standard. No increment shall exceed nine months in length, and progress reports concerning each increment shall be submitted within 14 days following each increment date;

- ~~h)~~ j) Each product produced by type, amount, and rate of production;
- ~~j)~~ k) Type and amount of raw materials processed (average and maximum per day);
- ~~k)~~ l) Number of full and part time employees, and hours of work; and
- ~~l)~~ m) Any other information as may be deemed by the [SuperintendentPublic Utilities Director](#) to be necessary to evaluate the permit application.

Subd. 3. Issuance of Industrial Discharge Permit. Within 90 calendar days, after receipt of a completed permit application from an industrial user, the [SuperintendentPublic Utilities Director](#) shall, upon a determination that the applicant is capable of compliance with permit conditions and these rules, issue an industrial discharge permit subject to applicable terms and conditions. Industrial discharge permit duration shall be established by the [SuperintendentPublic Utilities Director](#). Permits shall be issued in one of the following forms:

- a) A standard permit will be issued to an industrial user with a direct discharge connection to a public sewer;
- b) A liquid waste hauler permit will be issued to an industrial user who transports and discharges industrial waste to public sewers; and
- c) A special discharge permit will be issued to an industrial user who discharges leachate, groundwater or other waste to public sewers, for which a standard form is not applicable.

Subd. 4. Permit Conditions. Wastewater discharge permits shall be subject to all provisions of this Section and all other applicable regulations, user charges and fees established by the BPUC. Permits ~~may~~ shall contain the following, as applicable:

- a) Payment of annual permit fees.
- b) Payment of strength charge as required by the BPUC's strength charge system, Subsection 700.27.
- c) Payment of load charges as required for liquid waste haulers, Subsection 700.19.

- d) Limits on the average and maximum wastewater constituents and characteristics;
- e) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- f) Requirements for installation and maintenance of inspection and sampling facilities;
- g) Requirements for installation, operation and maintenance of pretreatment facilities;
- h) Specifications for monitoring programs which may include sampling locations, frequency and method sampling, number, types and standards for tests and reporting schedule;
- i) Compliance schedules for the installation of technology required to meet required pretreatment standards and requirements;
- j) Requirements for submission and technical reports or discharge reports;
- k) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the SuperintendentPublic Utilities DirectorPublic Utilities Director, but in no case less than three years, and affording SuperintendentPublic Utilities Director access thereto;
- l) Requirements for notification to and acceptance by the SuperintendentPublic Utilities Director of any new introduction of wastewater constituents or of any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- m) Requirements for notification of slug or accidental discharges as provided in Subsection 700.11 of this Section, and reporting of permit violations;
- n) Requirements for disposal of sludges, floats, skimmers, and similar materials; and
- o) Other conditions as deemed appropriate by the SuperintendentPublic Utilities Director to ensure compliance with this Section.

Subd. 5. Permit Duration. Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit the terms and conditions of the permit may be subject to modification by the SuperintendentPublic Utilities Director during the term of the permit as limitations or requirements as identified in Subsection 700.07 and 700.09 are modified or other just cause exists. The user shall be informed of any proposed changes in his the permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Subd. 6. Permit Modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by Subsection 700.15, Subdivision 2, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater discharge permit shall submit to the [SuperintendentPublic Utilities Director](#) within 180 days after the promulgation of an applicable national categorical pretreatment standard the information required by paragraph (h) of Subsection 700.15, Subdivision 2. If the information previously submitted in an application is still current and adequate, only a letter from the user certifying such is required.

Subd. 7. Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the [SuperintendentPublic Utilities Director](#). Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

700.17 Confidential Information. Subdivision 1. Data Available to Public. Information and data on a user obtained from applications, permits, monitoring programs and inspections shall be available to the public or other government agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the [SuperintendentPublic Utilities Director](#) that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

Subd. 2. Procedure. When requested by the person furnishing a report, and until such time as the information is determined not to be confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Section, the NPDES permit, State Disposal System permit and the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the permit furnished the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the [SuperintendentPublic Utilities Director](#) as confidential, shall not be transmitted to any governmental agency or to the general public by the [SuperintendentPublic Utilities Director](#) until and unless a ten day notification is given to the user.

Subd. 3. State Law. Data referred to in this Subsection shall be stored and released by the City only in accordance with the provisions of State law regarding data privacy.

700.19 Special Programs and Requirements. Subdivision 1. Liquid Waste Hauler Requirements.

- a) Application. Any person seeking to transport and subsequently discharge industrial waste into the public sewers of the BPUC shall file a written application to discharge with the [SuperintendentPublic Utilities Director](#). This application shall include information about the nature and source of the wastewater as defined in Subdivision 2 of Subsection 700.15. The application shall be made on a form established by the [SuperintendentPublic](#)

[Utilities Director](#) and shall be accompanied by a required application processing fee.

- b) Each application to discharge shall include a detailed analysis of the typical wastewater characteristics including priority pollutants, COD, TSS, TKN and pH. A form establishing the required sample analysis shall be obtained from the [SuperintendentPublic Utilities Director](#). An estimate of discharge volume and frequency shall also be included.
- c) Approval or Denial. Upon receipt of a complete application for discharge, the [SuperintendentPublic Utilities Director](#) shall evaluate the application and issue an approval or denial. The [SuperintendentPublic Utilities Director](#) shall:
 - 1) Within 30 days, issue a written approval for discharges that will not exceed 6 months in duration; or
 - 2) within 90 days, issue an industrial discharge permit for discharges that will exceed 6 months in duration; or
 - 3) deny the request for discharging into the BPUC public sewers and state the reasons for denial.

The burden of proof for reasons of denial shall not rest on the [SuperintendentPublic Utilities Director](#) and the [SuperintendentPublic Utilities Director](#) reserves the right to be arbitrary in what would be the best interest of the BPUC.

- d) Conditions of Discharge. Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the act, and any other requirements set for by the [SuperintendentPublic Utilities Director](#). The conditions of discharge will include designation of where discharge can occur, when discharge can occur and the rate of discharge.
- e) Monitoring and Reporting. Requirements for ongoing monitoring and reporting of the discharge characteristics shall be designated in the written approval or permit. In addition to these requirements, representative samples shall be collected from every load and turned over to the BPUC. A minimum of one sample per month will be randomly selected for analysis. It is the responsibility of the liquid waste hauler to arrange for and pay for the required sample analysis. Monthly self-monitoring reports shall be submitted indicating the sample analysis and the volume discharged.
- f) Right of Recession. The [SuperintendentPublic Utilities Director](#) may issue an order to deny discharge at any time after discharge has commenced if it is determined that the discharge is causing disruption to the BPUC's treatment plant operations. Such an order shall in effect cancel any previous approval or permit issued to the discharger.

- g) Fees. In addition to applicable application and annual permit fees, liquid waste haulers shall pay load charges to the BPUC. The method of determining load charges shall be established by the [SuperintendentPublic Utilities Director](#) and shall be based on volume, strength and appropriate administration costs for record keeping and monitoring of the discharger.

Persons subject to a load charge shall pay the full amount within 30 days after the billing date. Delinquency in regard to payment of load charges shall be grounds for denial of discharge.

Application processing fees, load charge rates and strength charges shall be established annually by the BPUC.

Subd. 2. Leachate and Contaminated Groundwater Discharge Requirements.

- a) Application. Any person seeking to transport and subsequently discharge leachate or contaminated groundwater waste into the public sewers of the BPUC shall file a written application to discharge with the [SuperintendentPublic Utilities Director](#). This application shall include information about the nature and source of the wastewater as defined in Subdivision 2 of Subsection 700.15. The application shall be made on a form established by the [SuperintendentPublic Utilities Director](#) and shall be accompanied by a required application processing fee.
- b) Sample requirements. Each application to discharge shall include a detailed analysis of the typical wastewater characteristics including priority pollutants, COD, TSS, TKN and pH. A form establishing the required sample analysis shall be obtained from the [SuperintendentPublic Utilities Director](#). An estimate of discharge volume and frequency shall also be included.
- c) Approval or denial. Upon receipt of a complete application for discharge, the [SuperintendentPublic Utilities Director](#) shall evaluate the application and issue an approval or denial. The [SuperintendentPublic Utilities Director](#) shall:
- 1) Within 30 days issue a written approval for discharges that will not exceed 6 months in duration; or
 - 2) Within 90 days issue an industrial discharge permit for discharges that will exceed 6 months in duration; or
 - 3) Deny the request for discharging into the BPUC public sewers and state the reasons for denial.

The burden of proof for reasons of denial shall not rest on the [SuperintendentPublic Utilities Director](#) and the [SuperintendentPublic Utilities Director](#) reserves the right to be arbitrary in what would be the best interest of the BPUC.

- d) Conditions of Discharge. Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit,

any other applicable provisions of these rules, applicable pretreatment standards under the act, and any other requirements set forth by the [SuperintendentPublic Utilities Director](#). The conditions of discharge will include designation of here discharge can occur, when discharge can occur and the rate of discharge.

- e) **Monitoring and Reporting.** Requirements for ongoing monitoring and reporting of the discharge characteristics shall be designated in the written approval or permit. In addition to these requirements, representative samples shall be collected from every load and turned over to the BPUC. A minimum of one sample per monthly will be randomly selected for analysis. It is the responsibility of the liquid waste hauler to arrange for and pay for the required sample analysis. Monthly self-monitoring reports shall be submitted indicating the sample analysis and the volume discharged.
- f) **Right of Recession.** The [SuperintendentPublic Utilities Director](#) may issue an order to deny discharge at any time after discharge has commenced if it is determined that the discharge is causing disruption to the BPUC's treatment plant operations. Such an order shall in effect cancel any previous approval or permit issued to the discharger.
- g) **Fees.** In addition to applicable application and annual permit fees, liquid waste haulers shall pay load charges to the BPUC. The method of determining load charges shall be established by the [SuperintendentPublic Utilities Director](#) and shall be based on volume, strength, and appropriate administration costs for record keeping and monitoring of the discharger.

Persons subject to a load charge shall pay the full amount within 30 days after the billing date. Delinquency in regard to payment of load charges shall be grounds for denial of discharge.

Application processing fees and load charge rates and strength charges will be established annually by the BPUC.

Subd. 3. Septage Hauler Requirements.

- a) **Application.** Any person seeking to transport and subsequently discharge septage into the public sewers of the BPUC shall file a written application to discharge with the [SuperintendentPublic Utilities Director](#). This application shall include information about the nature and source of the wastewater as defined in Subdivision 2 of Subsection 700.15. The application shall be made on a form established by the [SuperintendentPublic Utilities Director](#) and shall be accompanied by a required application processing fee.
- b) **Sample Requirements.** Each application to discharge shall include a detailed analysis of the typical wastewater characteristics including priority pollutants, COD, TSS, TIQV and pH. A form establishing the required sample analysis shall be obtained from the [SuperintendentPublic Utilities Director](#). An estimate of discharge volume and frequency shall also be included.

- c) Approval or Denial. Upon receipt of a complete application for discharge, the [SuperintendentPublic Utilities Director](#) shall evaluate the application and issue an approval or denial. The [SuperintendentPublic Utilities Director](#) shall:

- 1) Within 30 days issue a written approval for discharges that will not exceed 6 months in duration; or
- 2) Within 90 days issue an industrial discharge permit for discharges that will exceed 6 months in duration; or
- 3) Deny the request for discharging into the BPUC public sewers and state the reasons for denial.

The burden of proof for reasons of denial shall not rest on the [SuperintendentPublic Utilities Director](#) and the [SuperintendentPublic Utilities Director](#) reserves the right to be arbitrary in what would be the best interest of the BPUC.

- d) Conditions of Discharge. Any person who has obtained a written approval or permit shall discharge in accordance with the terms of that approval or permit, any other applicable provisions of these rules, applicable pretreatment standards under the act, and any other requirements set forth by the [SuperintendentPublic Utilities Director](#). The conditions of discharge will include designation of where discharge can occur, when discharge can occur and the rate of discharge.
- e) Monitoring and Reporting. Requirements for ongoing monitoring and reporting of the discharge characteristics shall be designated in the written approval or permit. In addition to these requirements, representative samples shall be collected from every load and turned over to the BPUC. A minimum of one sample per monthly will be randomly selected for analysis. It is the responsibility of the liquid waste hauler to arrange for and pay for the required sample analysis. Monthly self-monitoring reports shall be submitted indicating the sample analysis and the volume discharged.
- f) Right of Recession. The [SuperintendentPublic Utilities Director](#) may issue an order to deny discharge at any time after discharge has commenced if it is determined that the discharge is causing disruption to the BPUC's treatment plant operations. Such an order shall in effect cancel any previous approval or permit issued to the discharger.
- g) Fees. In addition to applicable application and annual permit fees, liquid waste haulers shall pay load charges to the BPUC. The method of determining load charges shall be established by the [SuperintendentPublic Utilities Director](#) and shall be based on volume, strength and appropriate administration costs for record keeping and monitoring of the discharger.

Persons subject to a load charge shall pay the full amount within 30 days after the billing date. Delinquency in regard to payment of load charges shall be

grounds for denial of discharge.

Application processing fees and load charge rates and strength charges will be established annually by the BPUC.

700.21 Industrial Wastewater Monitoring and Reporting. Subdivision 1. General Requirements. Permittees, and non-permitted industrial users specified by the SuperintendentPublic Utilities Director, shall monitor industrial waste discharges into public sewers. Such monitoring shall accurately characterize the discharge and shall be performed in accordance with all applicable provisions of these rules and any permit issued thereunder. Such monitoring information shall be submitted to the SuperintendentPublic Utilities Director in a self-monitoring report. At a minimum, a summary report shall be prepared quarterly and submitted to the SuperintendentPublic Utilities Director.

Subd. 2. Monitoring Point. Each permittee shall have an approved monitoring point provided at the permittee's expense. Liquid waste haulers and specific industrial users, may be exempted by permit from portions of this Section. An approved monitoring point shall meet the following criteria:

- a) The wastewater flow is visible and accessible for inspection and monitoring purposes;
- b) Adequate safeguards are in place to protect BPUC personnel ~~from~~ accident or injury;
- c) The wastewater flow has appropriate velocity and is well mixed to yield representative samples;
- d) The wastewater flow at the monitoring point conveys all of the permittee's industrial waste.
- e) the monitoring point is large enough or space is provided nearby to allow for monitoring equipment placement; and
- f) the total wastewater flow of the permitted facility, if exceeding 25,000 gallons per day, can be measured using an open channel or other acceptable measuring device.

All permittees shall have an approved monitoring point within 12 months of the effective date of this Section. Design plans for constructing a monitoring point shall be submitted to the SuperintendentPublic Utilities Director for approval 60 calendar days prior to any constructions necessary to meet the criteria specified in this Section. All new installations shall be in accordance with provisions of the Minnesota Plumbing Code.

Each permittee is responsible for all maintenance on the approved monitoring point, including routine cleaning.

Subd. 3. Representative Sampling. Representative samples shall be collected by permittees at an approved monitoring point. Sampling shall be conducted on a normal operating

day and in accordance with standard monitoring techniques described herein. The samples shall accurately characterize the discharge, taking into account batch discharges, daily production variations, downtime, cleanup, and other operating conditions. Each permittee shall accurately determine wastewater flow volumes during periods of sample collection. Flow proportional compositing may be required. Samples shall be collected in a well-mixed region of the wastewater. In order to avoid collecting nonrepresentative amounts of sediment or floating material, the intake of the sampling device shall be placed appropriately. When using an automatic sampler, the intake line velocity shall be sufficient to ensure representative sampling of suspended solids. The minimum intake velocity should be two feet per second the minimum automatic sampler intake line inside diameter shall be one-fourth inch. When, feasible, the automatic sampler intake shall be downstream of the primary flow device.

Subd. 4. Grab and Composite Samples. Samples shall be collected as specified in the permit or as determined by the [SuperintendentPublic Utilities Director](#). Grab and/or composite samples may be required. A series of at least four grab samples is required when analyzing wastewater for pH, grease and oil, cyanide, volatile organics, total phenols, and sulfides. For other parameters, grab samples may be required when the wastewater flow is not continuous or when necessary to determine the instantaneous wastewater characteristics. Grab samples [shall can](#) be taken manually ~~or automatically~~. Composite samples are formed by combining discrete samples collected either manually or by an automatic sampler. Each discrete sample shall have a minimum volume of at least 100 milliliters. Discrete samples can be composited using any of the following methods: (1) equal time intervals and equal volume samples; (2) equal time intervals and unequal volume samples; or (3) unequal time intervals and equal volume samples. Flow proportional composite sampling is the designated method for sample collection for industrial permit holders. Equal time/equal volume composition may only be utilized if the hourly waste flow volumes are nearly constant during the sampling period.

Subd. 5. Sample Handling Procedures. All samples shall be contained, preserved and held in accordance with Code of Federal Regulations, Part 136. The sample temperature shall be maintained at 4° Celsius, if necessary, from the time of collection until sample analysis is performed. When applicable, additional preservation shall be performed upon sample collection.

Subd. 6. Test Procedures for Analysis of Pollutants. All measurements, tests, and analysis of the characteristics of the industrial wastewaters shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. The permittee or the contracted monitoring service and/or commercial analytical laboratory shall document analytical procedures including, but not limited to, the quality control and, if applicable, chain of custody procedures conducted on each sample. The [SuperintendentPublic Utilities Director](#) may require that any sample analysis data submitted to fulfill requirements of these rules or any permit issued thereunder be obtained from a laboratory appropriately certified by the Minnesota Department of Health.

Subd. 7. Wastewater Flow Measuring. Wastewater volumes discharged by permittees to public sewers shall be accurately determined during sampling periods using metered water supply or wastewater flow measuring devices or both. Metered water supply may be used to determine reporting period discharge volumes if the [SuperintendentPublic Utilities Director](#) determine that operating day losses can be accounted for. Operating day losses include, but are not limited to, lawn sprinkling, loss to product, or evaporation. Water meters used for wastewater discharge volume determinations shall be maintained in good operating condition. The

[SuperintendentPublic Utilities Director](#) may require outside calibration of such meters. In the event that the [SuperintendentPublic Utilities Director](#) determines that operating day losses cannot be accounting for, or that the hourly water meter volumes do not correlate with the monitoring point hourly volumes, continuous flow measuring of industrial waste discharges to public sewers shall be required. All continuous flow measuring installations shall meet the following requirements:

- a) Primary flow devices including, but not limited to, weirs and flumes, shall be installed such that proper hydraulic conditions exist. Factors used to determine the type, size, and location of a primary flow device include:
 - 1) Flow rate and velocity;
 - 2) Pipe configuration and slope;
 - 3) Turbulence;
 - 4) Presence of nearby tributary flows;
 - 5) Solids concentration; and
 - 6) Other factors.

The primary flow device shall accommodate the maximum expected flow.
The primary flow device shall be properly leveled and sealed.

- b) The flow level sensing device shall be installed at a proper distance upstream of the primary flow device and in a location where excessive turbulence is not created.
- c) All continuous flow measuring installations shall include a continuous recording device.
- d) All continuous flow measuring installations shall be maintained in good operating condition. Records of all maintenance conducted on flow measuring installations shall be kept. Maintenance includes, but is not limited to, the removal of sediment from upstream and downstream of the primary device, and the calibration of the flow meter.

Subd. 8. Inspections: Access. The [SuperintendentPublic Utilities Director](#) shall inspect the facilities of any user to ascertain whether the purpose of this Section is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the [SuperintendentPublic Utilities Director](#) ready access at all reasonable ~~tunes-times~~ to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The [SuperintendentPublic Utilities Director](#), MPCA and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that upon presentation of suitable identification, the [SuperintendentPublic Utilities Director](#), MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Subd. 9. Confidential Information. Information received from a user shall be treated as public unless requested by the user in accordance with Subsection 700.17, and in any event in accordance with applicable law.

Subd. 10. Self-Monitoring Reports. Permittees shall submit complete and accurate self-monitoring reports to the [SuperintendentPublic Utilities Director](#) at a frequency stated in the permit. Permittees shall use report forms provided by the [SuperintendentPublic Utilities Director](#). Self-monitoring reports may require the permittee to disclose the following information for each reporting period:

- a) General facility data;
- b) Operational data;
- c) Source and volume of all water supplies;
- d) Volumes of water used or lost;
- e) Use and volume of wastewater discharged to public sewers;
- f) Analytical results from wastewater monitoring;
- g) Description of sampling and analytical methods; and
- h) Other information as is relevant to determining compliance with these rules.

The frequency of routine reporting shall be based on the reporting schedule included in the individual permit. The minimum reporting frequency shall be quarterly. Industrial waste discharges subject to a strength charge or a cumulative annual metal limit shall report monthly. Liquid waste haulers shall report monthly. Refer to Subsection 700.27 for additional sampling and reporting requirements.

The [SuperintendentPublic Utilities Director](#) may modify the above reporting schedule for any permittee based on the permittee's industrial waste characteristics or any other relevant consideration.

Permittees subject to categorical pretreatment standards shall submit self-monitoring reports and other required reports to the BPUC in accordance with the general ~~pent~~ regulations established under the act and any requirement of a categorical pretreatment standard.

Permittees shall submit complete self-monitoring reports to the [SuperintendentPublic Utilities Director](#) such that the [SuperintendentPublic Utilities Director](#) has received such reports on or before the 30th calendar day of the month following the end of each applicable reporting period.

700.23 Enforcement. Subdivision 1. Slug or Accidental Discharges. The [SuperintendentPublic Utilities Director](#) may suspend the wastewater treatment service of a user or a wastewater discharge permit or either of them, (after informal notice to the discharger) when such suspension is necessary in the opinion of the [SuperintendentPublic Utilities Director](#), in order to stop an actual or threatened discharge which presents or may present an imminent or

substantial endangerment to the health or welfare of persons, to the environment, or to the wastewater disposal system, or would cause the city to violate any condition of its NPDES or State Disposal System Permit.

Subd. 2. Compliance. Any user notified of a suspension of the wastewater treatment service or the wastewater disposal permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the [SuperintendentPublic Utilities Director](#) shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The [SuperintendentPublic Utilities Director](#) shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the [SuperintendentPublic Utilities Director](#) within 15 days of the date of occurrence.

Subd. 3. Revocation of Permit. In accordance with the procedures of Subsection 700.23, the [SuperintendentPublic Utilities Director](#) may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of his discharge; which fails to report significant changes in wastewater constituents or characteristics; which refuses reasonable access to the user's premises for the purpose of inspection or monitoring; or which is in violation of conditions of its permit, this Section, or applicable State and Federal regulations.

Subd. 4. Notification of Violation. Whenever the [SuperintendentPublic Utilities Director](#) finds that any person has violated or is violating this Section, a wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the [SuperintendentPublic Utilities Director](#) may serve upon such a person a written notice stating the nature of the violation. Within 30 days of the date of the notice, unless a shorter time is necessary due to the nature of the violation, a plan for the satisfactory correction thereof shall be submitted to the BPUC by the user.

Subd. 5. Show Cause Hearing; Notice of Hearing. If the violation is not corrected by timely compliance, the [SuperintendentPublic Utilities Director](#) may order any user which causes or allows an unauthorized discharge to show cause before the BPUC why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by BPUC regarding the violation, the reason why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the BPUC why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least twenty days before the hearing. Service may be made on any agent or officer of a corporation.

Subd. 6. Hearing Officials. The BPUC may itself conduct the hearing and take the evidence, or may designate any of its members or employees of the BPUC to:

- a) issue in the name of the BPUC notices of hearings requesting the attendance and testimony of witnesses and the protection of evidence relevant to any matter involved in such hearings;
- b) take the evidence; and

- c) transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the BPUC for action thereon.

Subd. 7. Transcripts. At any hearing held pursuant to this Subsection, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

Subd. 8. Issuance of Orders. After the BPUC has reviewed the evidence, it may issue an order to the user responsible for the discharge directed that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Subd. 9. Legal Action. If any person discharges sewage, industrial wastes or other -wastes into the City's wastewater disposal system contrary to the provisions of this Section, Federal or State pretreatment requirements or any order of the BPUC, the City may commence an action for appropriate legal or equitable relief.

Subd. 10. Annual Publication. A list of the users significantly violating applicable pretreatment requirements or national categorical pretreatment standards during the 12 previous months shall be annually published by the City in a local newspaper. The notification shall also summarize any enforcement actions taken against the user during the same 12 months. For the purposes of this provision, significant violations are those violations which remain uncorrected 45 days after notification of noncompliance, which are part of a pattern of noncompliance over a twelve month period, or which involve a failure to accurately report noncompliance.

Subd. 11. Requests for Interpretation of Ruling. Any interested party shall have the right to request in writing an interpretation or ruling on any matter covered by this Subsection and shall be entitled to a written reply from the City.

Subd. 12. Appeal to City Council. Any decision of the [SuperintendentPublic Utilities Director](#) in the enforcement of this Section may be appealed to the City Council by filing a written petition with the City Administrator within 30 days of the [SuperintendentPublic Utilities Director](#)'s ruling. The petition shall specify in detail the matter or matters involved and every ground or basis on which objections are made. The petition shall show the names, addresses and telephone numbers of all objectors and their attorney at law or spokesman. The filing of a petition shall stay all proceedings unless the [SuperintendentPublic Utilities Director](#) shall file within 72 hours after the filing of a petition a certificate stating that a stay would cause peril to life or property of specifying other good reason.

Subd. 13. Hearing. The City Council shall decide the appeal within a reasonable time and notify the attorney or spokesman. The minutes of the Council shall constitute the official record of the petition, hearing, and decision. Any party desiring a transcript of the proceedings shall furnish a qualified court reporter at their own expense.

700.25 Civil Damages, False Information, Tampering, and Penalties. Subdivision 1. Civil Damages. Any user violating any of the provisions of this Section or who has a discharge which causes a deposit, obstruction, damage, or other impairment to the City's wastewater disposal system shall be

liable to the City for any expense, loss, or damage caused by the violation or discharge. The SuperintendentPublic Utilities Director may add to the user's charges and fees the cost assessed for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs is a violation of this Section. BPUC shall have authority to seek injunctive relief for noncompliance with required pretreatment standards and requirements by industrial users. POTW-authorities-BPUC shall also have authority to seek or assess civil or criminal penalties of at least \$1,000 a day for each violation by industrial users of required pretreatment standards and requirements;

Subd. 2. Falsifying and Tampering. No person shall knowingly make a false statement, representation or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Section or tamper or render inaccurate any monitoring device required under this Section.

Subd. 3. Penalties. Any person violating any of the provisions of this Section is guilty of a misdemeanor.

Subd. 4. Fines. The BPUC may also establish fines for any person violating the local limits established in Subsection 700.09. The BPUC shall annually review and establish the amount of the fines. Fines shall be considered punitive to encourage compliance and will not be based on actual damages. Fines shall be assessed for a violation upon the recommendation of the SuperintendentPublic Utilities Director and confirmation by the BPUC.

700.27 Determination and Levying of User Charges. Subdivision 1. Charge Levied. For the purpose of providing funds to meet the costs of operating the City's sewer collection and conveyance system and wastewater treatment plant and the facilities connected therewith, and the payment of capital charges represented by bond, certificates of indebtedness, or otherwise, which may be issued to finance the cost of additional treatment facilities, and the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building, or premises having any connection with the City's public sewer system, or otherwise discharging sewage, industrial wastes, water, or other liquids directly or indirectly into the public sewer system of the City, a sewer rental charge as hereinafter provided.

Subd. 2. Basis of Charge. The sewer rental to be so charged against any property within the city of the general municipal user category shall be based upon the quantity of water used at each lot, parcel of land, building, or premises as the water is measured by the water meter or meters there in use. Industrial or other users which discharge flows with concentration in BOD, SS, or other components that affect the treatment process and costs shall be charged a sewer rental which appropriately covers such additional costs.

Subd. 3. Discharge of Non-City Water into System. In the event any lot, parcel of land, building, or premises discharging sanitary sewage, industrial wastes, water, or other liquids into the sanitary sewer system of the City either directly or indirectly, is supplied in whole or in part with water not obtained from the City, the owner or occupant of such property shall cause to be installed, necessary metering equipment as approved by the SuperintendentPublic Utilities Director to measure the quantity of water pumped or used and the sewer rental charge shall be based on the quantity of water so measured. Whenever the owner, lessee, or occupant fails to install such metering equipment, or where it is not practicable to measure the water consumed on

any premises by a meter or meters, the [SuperintendentPublic Utilities Director](#) shall cause to be determined in such manner and by such methods as may be practicable, considered conditions and attendant circumstances in each case, the estimated volume of water from private sources which discharge into the sanitary sewer system, and such estimate shall be used in lieu of the meter volume of water from private sources to determine the sewage rental charge thereon and therefore.

Subd. 4. Unit Costs. The BPUC shall annually determine and fix the unit costs for use of the sewer system on the basis of flow (including Infiltration/Inflow) BOD, SS and any other pollutant, taking into consideration the cost of treatment of such sewage, and may increase or decrease such unit cost as often and in such amounts as may reasonably be required to accomplish the purpose of this Section.

Subd. 5. Billings. The [SuperintendentPublic Utilities Director](#) shall compute the amount due for sewer user charges and render a statement thereof, at periodic intervals, as directed by the BPUC to the owner or occupant of any premises using the facilities. All amounts due thereunder shall be payable at the office of the secretary of the BPUC of the City or other designated locations.

Subd. 6. Audits. The BPUC shall once each year provide an internal audit report that will address specific areas of concern including the need to generate sufficient revenue through user charges to cover total O & M costs, the necessity of maintaining a proportionate system of user charges pursuant to 40 CFR 35 935 13 (b) and the need to review the replacement account to determine its proper level of funding.

Subd. 7. Service Outside City: Charges and Control. Property outside the City Limits which is served by and uses the sanitary sewer system shall pay the same amount of sewer rental as prescribed in the above unit costs for [properlyproperty](#) inside the City Limits. Additional costs may be applied for providing such service to properties outside the City Limits if such extra costs are specifically related to serving those properties. Charges for sewer service to property outside the City Limits, which is served by a collection system maintained by another governmental subdivision shall be the subject of agreements between the City and such other governmental subdivision, such agreement to be approved by the BPUC and the City Council.

a) If another municipality, or User located within another municipality, contributes wastewater to the POTWBPU plant, the Public Utilities Director shall enter into an intermunicipal agreement with the contributing municipality.

b) Prior to entering into an agreement required by paragraph a, above, the Public Utilities Director shall request the following information from the contributing municipality:

(1) A description of the quality and volume of wastewater discharged to the POTW-BPU plant by the contributing municipality;

(2) An inventory of all Users located within the contributing municipality that are discharging to the POTWBPU's plant; and

(3) Such other information as the Public Utilities Director may deem necessary.

c) An intermunicipal agreement, as required by paragraph a, above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Brainerd's ordinance or Local Limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by BPUC staff ; and which of these activities will be conducted jointly by the contributing municipality and BPUC;

(4) A requirement for the contributing municipality to provide the Public Utilities Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to ~~the~~ POTWBPU's system;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring BPUC staff access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Public Utilities Director; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement

Subd. 8. **Water Bills: Sewer Service Charges.** The amounts due to the BPUC for sewer rental charge will be computed in accordance with the provisions of this Section and statements will be rendered at the same time and on the same bill with the City water statement. If a property supplies its own water, a bill will be rendered for sewer services only.

Subd. 9. **Certification of Unpaid Charges.** Nothing in this Section shall be held or construed as in any way stopping or interfering with the City's right to levy as taxes against any premises affected, any delinquent or past-due sewer rental charges. Each and every sewer rental charge levied by and pursuant to this Section is hereby made a lien upon the lot, land, or premises served, and all such charges which are on October 15 of each year past-due and delinquent, shall be certified to the County Auditor as taxes on the real estate in the manner

Subd. 10. Civil Action. Any charges levied by and pursuant to this Section, not paid and becoming delinquent may be recovered from the occupant of the premises served in a civil action by the City in any court of competent jurisdiction, if the City elects to do so.

Subd. 11. Deposit of Funds. The monies received from the rates and charges herein established shall be deposited in the sewage disposal fund of the BPUC and in accordance with any bond resolution or amendment directing their payment.

Subd. 12. Allocation of Costs. The cost to be recovered pursuant to this Section and the unit cost to be fixed by the BPUC shall be determined and allocated in each of the following categories:

- a) Category "A". Operation and Maintenance of City's Wastewater Collection, Conveyance, and Treatment Facilities. This category includes the cost of administration, operation, maintenance and replacement for the City's wastewater collection, conveyance, and treatment facilities, including sludge disposal costs, and including an amount for replacement costs of equipment and real property which shall be segregated in a separate fund. Replacement costs are expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- b) Category "B". Industrial Pretreatment Charge. An industrial pretreatment charge is imposed upon all industrial units subject to national or local industrial pretreatment requirements. The industrial pretreatment charge shall be the amount necessary to recover administrative costs associated with permitting and monitoring the discharge of industrial wastewater into the City's wastewater disposal system. The BPUC may adopt charges and fees in this category which may include:
 - 1) Fees for reimbursement of costs of setting up and operating the City's pretreatment program;
 - 2) Fee for monitoring, inspections, and surveillance procedures;
 - 3) Fees for reviewing accidental discharge procedures and construction;
 - 4) Fees for reviewing permit applications;
 - 5) Fees for filing appeals;
 - 6) Other fees as the BPUC may deem necessary to carry out the requirements contained herein.
- c) Category "C". Connection Charge. A connection charge is imposed upon all users in an amount necessary to recover administrative and sewer billing costs. The connection charge shall be levied on each user on an equal basis

and shall be a charge imposed in addition to the Category 'A' and Category 'B' charges. Allocation of costs to be recovered by the connection charge shall be determined by the BPUC and may include those costs attributable to wastewater collection and treatment but not directly related to unit charges for flow, BOD, and SS.

Subd. 13. Industrial Users Charge. The Category "A" industrial user charges for administration, operation, maintenance, and replacement of the wastewater collection conveyance, and treatment facilities shall be determined as follows:

- a) Unit costs for flow, BOD, and SS shall be calculated by apportioning each category cost to flow, BOD, and SS, and then dividing each cost so apportioned by the total estimated flow, BOD, and SS to be received at the wastewater treatment plant in that year.
- b) Industrial user charges shall be the sum of the procedures obtained by multiplying the unit costs as determined above by the user's actual flow, BOD, and SS during the billing period. However, in no case shall the charge be less than that determined by applying the prevailing domestic flow rate charge to the user's actual flow. In addition to the charges provided for herein, the BPUC may impose a surcharge on any industrial user pursuant to the requirements herein before or based on some other pollutant loading factor which requires special treatment at the wastewater treatment plant.
- c) Industrial sewer service charges will include user charges and may also include the annual interest and principal costs necessary to retire any bonds issued to pay for construction with such debt retirement costs to be determined and allocated in same manner as described for annual operating costs herein before.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

Subd. 14. Measurements of Strength and Volume. When required by the [SuperintendentPublic Utilities Director](#), each industrial user shall install suitable measuring, sampling, and analyzing devices in compliance with the sewer use code, as required hereinbefore. The [SuperintendentPublic Utilities Director](#) shall not require installation of such devices where the industrial user has concentrations of BOD, and suspended solids no greater than the concentrations of such constituents in the general municipal flow and a satisfactory method and access exist for sampling and determining the total daily sewage flow. In such cases, the charges to those industrial users shall be based on the flow rate as determined and on BOD, and SS loads equal to the average load of the general municipal flow. Each industrial user required by the [SuperintendentPublic Utilities Director](#) to install and maintain sewerage monitoring facilities shall submit to the [SuperintendentPublic Utilities Director](#) a monthly report of daily flow, BOD, and SS, on a form approved by the [SuperintendentPublic Utilities Director](#). This report shall be used for billing purposes and shall be submitted prior to the 15th day of the subsequent month. The [SuperintendentPublic Utilities Director](#) shall have the right to periodically or continuously inspect the monitoring facilities, to measure, sample, and analyze the user's flow and to analyze the samples obtained by the industrial user. In the event of any discrepancy between the flows or loads determined by the [SuperintendentPublic Utilities Director](#) and the industrial user, the values determined by the [SuperintendentPublic Utilities Director](#)

[Director](#) shall be used for billing purposes. All measurements, tests, and analysis of the characteristics of sewage concentration shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste Water", published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at said manhole. In the event that no special manhole is available, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. A 24-hour composite sample of the sewage shall be taken by the [SuperintendentPublic Utilities Director](#) at least once each year on those customers being assessed a surcharge for the purpose of verifying sample results.

Subd. 15. Charges for Non-Industrial Users. The Category "A" charge for general users for this Section shall be determined as follows: unit costs for flow, BOD, SS shall be calculated by apportioning the total annual cost of Category A to Flow, BOD, and SS. The general users charge shall be the sum of the products obtained by multiplying the unit costs as determined above by the flow, BOD, and SS loadings of 1000 gallons of domestic wastes. The charges to domestic users shall be the product of the unit cost obtained in accordance with paragraph one above and the quantity of water used by such user as measured by the City water meter on the premises. The charges to commercial users with BOD and SS concentrations equal to or less than domestic wastes shall be the product of the unit cost obtained in accordance with paragraph one above and the quantity of water used by such user as measured by the City water meter on the premises. The charges to institutional users with BOD and SS concentrations equal to or less than domestic wastes shall be the product of the unit cost obtained in accordance with paragraph one above and the quantity of water used by such user as measured by the City water meter on the premises. The charges to governmental users with BOD and SS concentrations equal to or less than domestic wastes shall be the product of the unit cost obtained as described above and the quantity of water used by such user as measured by the water meter on the premises. In the event a general municipal user is not supplied with City water or the water so used is not measured, the user charge shall be fixed and determined by the [SuperintendentPublic Utilities Director](#) in such methods as it may find just, equitable, and practicable. In the event sewer service is disconnected by the City during any quarter for any reason, the sewer service charge shall be reduced proportionately in the same manner that water service rates are reduced. If a substantial portion of the water utilized by any user is not discharged into the sewer system, the volume of such water shall be deducted in computing the sewer use charge provided a separate meter is installed to measure such volume. The user desiring to install such separate meter shall make application and payment for the meter to the [SuperintendentPublic Utilities Director](#) -and engage, at its own expense, a plumber to effect the necessary piping changes and install the couplings so the meter can be set. Non-industrial sewer service charges will include user charges and may also include the annual interest and principal cost necessary to retire any bonds issued to pay for construction with such debt retirement costs to be determined and allocated in the same manner described for annual operating costs hereinbefore.

(Amended Ord. 837 – 1985, Ord. 1046 – 1998)

Subd. 16. Control Structure. When required by the [SuperintendentPublic Utilities Director](#) -the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. The structures and equipment when required shall be constructed at the owner's expense in accordance with plans approved by the [SuperintendentPublic Utilities Director](#) -and shall be maintained by the owner so as to be safe and accessible at all times. Refer to Subdivision 2 of

700.21 for specific requirements for a control structure (monitoring point).

Subd. 17. Measurement, Tests, Standard. All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this Section shall be determined in accordance with 40 CFR 136 (Guidelines Establishing Test Procedures for Analysis of Pollutants); the latest edition of Standard Methods for the Examination of Water and Wastewater, and shall be determined at the control structure provided, or upon suitable samples taken at said control structure in the event that no special stricture has been required, the control structure shall be construed to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards of life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24hour composite of ail outfalls whereas pHs are determined from periodic grab samples.)

Subd. 18. Other Test. The [SuperintendentPublic Utilities Director](#) -may conduct such tests as are necessary to enforce this regulation, and employees of the BPUC may enter upon any property for the purpose of taking samples, obtaining information or conducting surveys or investigations relating to such enforcement. Entry shall be made during operating hours unless circumstances require otherwise. In all cases where tests are conducted by the [SuperintendentPublic Utilities Director](#) -for the purposes of checking to determine if a previously found violation of this Section has been corrected, the cost of such tests shall be charged to the user or added to the user's sewer charges. In those cases where the [SuperintendentPublic Utilities Director](#) -determines that the nature or volume of a particular user's sewage required more frequent than normal testing, the [SuperintendentPublic Utilities Director](#) -may charge such user for the tests, after giving the user ten days written notice of its intention to do so, and the cost thereof shall be added to the user's sewer charge. In any case where industrial wastes are discharged to a public sewer, the [SuperintendentPublic Utilities Director](#) -may require the user at its own expense to test the discharge on a regular basis and to report the test results to the [SuperintendentPublic Utilities Director](#) -within a reasonable time. All such tests shall be as ordered by the [SuperintendentPublic Utilities Director](#) -and shall be conducted by qualified personnel in accordance with the standards set out in this Section. Refer to Subsection 700.21 for the specific requirements for sampling and testing for industries with discharge permits.

(Amended Ord. 1046 – 1998)



City Council Agenda Request

MEETING DATE: February 5, 2024

TITLE OF ITEM: First Reading - Proposed Ordinance 1565 - Short-Term Rentals

AGENDA: Main

ACTION REQUESTED: Ordinance

SUBMITTED BY: James Kramvik, Community
Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community
Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

The City Council reviewed the proposed short-term rental ordinance at their regularly scheduled December 4th meeting. After discussion, the City Council directed the ordinance back to the Planning Commission for review. Specific items that the Council directed the Commission to review include the following:

- 1) Exemption of the Main Street District to allow for the revitalization of historic buildings. Short-term rentals may add additional tourism to this district and provide the necessary funding for revitalization. A short-term rental building could operate similar to a downtown hotel.
- 2) Should existing short-term rental operators be exempt from the cap because of their prior investment?
- 3) Should all owners/ companies be allowed to own three short-term rentals?

After consideration of comments from the City Council, the Commission directed staff to draft a revised ordinance that would "grandfather" existing short-term rental properties from the proposed caps in the new ordinance. However, existing short-term rentals should be subject to the renewal process that all new applicants are required to adhere to in the proposed ordinance.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The Commission stated that they are open to future review of the ordinance and the maximum number of short-term rentals allowed in the community. The ordinance as proposed will allow the Commission and Council to review the effects of short-term rentals on the community's long-term housing stock and any adverse effects on neighboring properties.

Commissioner Duval recommended a slight modification to the proposed ordinance language at the January 17th Planning Commission meeting. The following were Commissioner Duval's recommendations:

All short-term rentals operating "under an existing interim use permit issued" prior to the effective date

of these standards shall be compliant with this section by December 31, 2024. All previously issued Interim Use Permits for short-term rentals shall expire December 31, 2024.

All short-term rental properties "legally" operating prior to the effective date of these standards are exempt from Paragraph D of this section, Municipal Caps.

The motion was moved and seconded by Commissioners Duval and Grunenwald, duly carried, to recommend approval of the short-term rental ordinance as presented with the proposed modified language. The motion was approved unanimously.

RECOMMENDED ACTION/MOTION: Motion to conduct the first reading of Proposed Ordinance 1561 and to dispense with the actual reading.

* Note: a vote to dispense with the actual reading of the ordinance must be unanimous.

FINANCIAL IMPACT: N/A

**ORDINANCE
NO. 1561**

AN ORDINANCE AMENDING SECTION 515-3-34 OF THE ZONING CODE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 515-3-34 is hereby amended by adding and striking the following:

515-3-34 Short-Term Rentals

A. Definitions: For the purposes of this article, the following definitions apply:

1. Accessory Home Share (AHS): A rental where the property owner is a permanent resident of the homesteaded unit and is present on the premises during the rental period.
2. Accessory Vacation Dwelling Units, Limited (ADVUL): A rental where the property owner permanently resides at the homesteaded unit but does not need to be present during the rental period.
3. Vacation Dwelling Unit (VDU): A rental where the property owner is not a permanent resident of the unit, and the entire unit is rented without the property owner present during the rental period.

B. Short-term rentals are subject to the following length of stay and total number of annual rental days:

1. Accessory Home Share (AHS): May allow a maximum of four (4) guests to stay on the premises a total of one (1) to twenty-eight (28) days.
2. Accessory Vacation Dwelling Units, Limited (ADVUL): May allow a maximum number of guests as determined by Section 515-3-34-C.4 to stay on the premises a total of two (2) to seven (7) consecutive nights. ADVUL's may not be operated more than twenty-one (21) rental days per calendar year.
3. Vacation Dwelling Units (VDU): May allow a maximum number of guests as determined by Section 515-3-34-C.4 to stay on the premises a total of one (1) to twenty-eight (28) days.

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

A. _____

1. ~~The maximum rental period shall not be more than 28 consecutive nights.~~

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

a. _____ The duration of the first Interim Use Permit granted to an applicant for a short-term rental at a premises shall be twelve (12) months.

2.b. _____ Renewal for an Interim Use Permit for an existing short-term rental at a premises shall be granted for a duration not to exceed twenty-four (24) months.

3.2. _____ The application for an Interim Use Permit shall include:

- a. The number of bedrooms with dimensions and all other sleeping accommodations.
- b. The number of off-street parking spaces available to guests.

- c. All accessory structures and outdoor recreational features available for guest use.
- d. A pet, garbage, noise, and parking policy.
- e. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.

4.3.____ A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:

- a. **Contact Information.** The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will be accessible to the public at all times on the City of Brainerd website.
- b. **Occupancy.** The maximum number of guests allowed on the property.
- c. **Vehicles.** The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street for a period of time in excess of forty-eight (48) continuous hours.
- d. **Garbage.** Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.
- e. **Noise.** No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in the any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person.
- f. **Pets.** No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

5.4.____ The occupancy of a short-term rental shall be limited to not more than 3 people per bedroom or the occupancy set by the Building Official, whichever is less.

6.5.____ Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the building department, whichever is stricter.

7.6.____ The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).

8.7.____ Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.

9.8.____ The permit holder shall keep a report, detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest

reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.

9. A short-term rental shall be a licensed rental unit by the city and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.
10. The owner or property manager shall reside within 50 miles of the property. An emergency contact does not constitute a property manager. A property manager shall be a relative or compensated individual or company.
- ~~10.~~11. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
- ~~11.~~12. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
13. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.

D. Municipal Caps and Restrictions:

1. Property owners, individuals, or companies are limited to the operation of one (1) VDU upon approval of an Interim Use Permit in the City at any given time.
2. There are to be no more than twenty (20) operational VDU's at any given time in the City and is granted on a first-come first-serve basis.
 - a. There shall be no more than ten (10) total VDU's permitted in the Traditional Neighborhood Zoning Districts.
 - I. Only one (1) VDU may be located on any platted block and shall not abut another property approved for a short-term rental.
 - b. There shall be no more than ten (10) total VDU's permitted in the Contemporary Neighborhood Zoning Districts.
 - I. Only one (1) VDU may be located on an platted block and shall not abut another property approved for a short-term rental.
3. No multi-family dwelling unit may contain more than one (1) short-term rental of any type at any given time.

E. Ownership, Applications, and Renewals:

1. Any property owner may utilize their permanent residence as an AHS or ADVUL upon the receipt of a rental housing license and the approval of an Interim Use Permit.
 - a. A designated city official shall create a waiting list which will be posted on the City of Brainerd website with a recorded date and time of an interested applicant if the City has approved the maximum allotment of VDU's in the City or a zoning district.
 - I. Applicants on the waiting list shall be contacted and given ten (10) days to submit a complete application and provide payment for their Interim Use Permit.
 - b. All short-term rentals applying for renewal will be given preference over new applicants if they are compliant with the rental code, are without outstanding violations of the Code, and are not on a required management plan. The property

must have an approved Interim Use Permit by City Council prior to expiration of their existing permit.

I. Upon expiration of the Interim Use Permit, the property owner can no longer operate a short-term rental at the premises and will be required to reapply as a new applicant.

F. Previously Issued Permits and Operating Short-Term Rentals:

1. All short-term rentals operating under an existing interim use permit issued prior to the effective date of these standards shall be compliant with this section by December 31, 2024. All previously issued Interim Use Permits for short-term rentals shall expire December 31, 2024.

a. All short-term rental properties legally operating prior to the effective date of these standards are exempt from Paragraph D of this section, Municipal Caps.

SECTION TWO: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2024

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2024

DAVE BADEAUX
Mayor

ATTEST: _____
PATRICK WUSSOW
Interim City Administrator

Published: One Time – _____

NOTICE OF HEARING

Notice is hereby given that the City of Brainerd Planning Commission will be conducting a public hearing to consider a proposed ordinance amending Section 515-3-34 of the Brainerd Zoning Code relating to short-term rentals. The proposed ordinance would define short term rentals into three different classifications, Accessory Home Share, Accessory Vacation Dwelling Units, Limited, and Vacation Dwelling Units and regulate the rental duration of each category. Additionally, the proposed ordinance will set the expiration of interim use permits issued for short term rentals and institute limitations on the number allowed in the City of Brainerd to 20 total units. As proposed, individuals and companies cannot own more than one short-term rental and no more than one short-term rental unit can be in a multifamily building.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, January 17, 2024, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding the proposed ordinance. Any individuals needing special accommodations please call (218) 828-2307.

Dated this 26th day of December 2023

Publication Date: January 3rd, 2024



James L. Kramvik
Community Development Director