CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, March 18, 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: 2480 086 3625
Personnel and Finance Committee met on 3/13
Safety and Public Works Committee at 7:00 PM - Meeting Access Code: 2480 2485 286 3746

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

1. **Call To Order**

2. **Roll Call**

   ___T. Stenglein ___G. Johnson ___J. Czeczok ___M. O'Day ___K. Stunek ___K. Terry ___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 Liquor License Transfer - Submitted by Mike Higgins for Notch 8, 1551 Northern Pacific Rd-- Contingent upon Proof of Ownership**

   E. **Minnesota Lawful Gambling Application Submitted by Lakes Area Habitat for Humanity for an Event to be held on May 5th, 2024 at 415 8th Ave NE**

   F. **Designate City Administrator Broyles as Responsible Authority as a part of the Data Practices Policy**

   G. **Authorize Public Utilities Director to execute Legal Services Agreement with SpencerFane**

6. **Council Committee Reports**

   A. **Safety & Public Works Committee**

      1. Authorize Bidding for Improvement 24-01 - 2024 Chip Sealing

      2. Approve Construction Cost Share Agreement with Crow Wing County for 2024 Pavement Markings

      3. Approve Additional Funds for 2022 Capital Transit Bus Purchase

      4. Discuss Construction Year for Improvement 24-05 - South Brainerd Alley Resurfacing Project

      5. Direction on Active Code Enforcement Cases

   B. **Personnel & Finance Committee**

      1. Approve Use of Public Safety Aid Package for Police and Fire Wellness Program

      2. Approval of Memorandum of Agreement regarding new Earned Sick and Safe Time Law

      3. Consider Public Utilities Work Group Recommendations

      4. Authorize Crow Wing Historical Society Donation Request

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)
      Parks & Rec- 1 term (Expire 2029)
      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)

   B. **Appoint Mary Koep to the KRLS Regional Board**

   C. **Final Reading - Proposed Ordinance 1565 - Administrative Subdivisions**

8. **New Business**

   A. **Approve Memorandum of Understanding with City of Baxter - Pretreatment Delegation**

   B. **Public Hearing And Adopt Resolution For Municipal Consent And Layout Approval For TH 371B/Willow Street Roundabout Project**

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**

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# / GL Distribution	Vendor / Description	GRANT	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
Vendor 2740 - AT&T MOBILITY:								
X02032024/FD								
81351	AT&T MOBILITY		01/25/2024	02/09/2024	420.53	0.00	Paid	Y
	ACCT 287312856222 FIRE DEPT PHONES		pziemer					02/09/2024
225-2220-43321	TELEPHONE				420.53			
X02032024/CDD								
81352	AT&T MOBILITY		01/25/2024	02/09/2024	149.34	0.00	Paid	Y
	ACCT 287292136423 COM DEV PHONES 12/2		pziemer					02/09/2024
101-2400-43321	TELEPHONE				149.34			
X02032024/HR								
81353	AT&T MOBILITY		01/25/2024	02/09/2024	49.78	0.00	Paid	Y
	ACCT 287292136423 HR PHONE 12/26-1/25		pziemer					02/09/2024
101-1400-43321	TELEPHONE				49.78			
X02032024/TRNST								
81354	AT&T MOBILITY		01/25/2024	02/09/2024	49.78	0.00	Paid	Y
	ACCT 287292136423 TRANSIT PHONE 12/26		pziemer					02/09/2024
203-9000-43321	TELEPHONE				49.78			
X02032024/ADMIN								
81355	AT&T MOBILITY		01/25/2024	02/09/2024	99.56	0.00	Paid	Y
	ACCT 287292136423 ADMIN PHONES 12/26-		pziemer					02/09/2024
101-1400-43321	TELEPHONE				99.56			
X02032024/ENG								
81356	AT&T MOBILITY		01/25/2024	02/09/2024	275.58	0.00	Paid	Y
	ACCT 287292136423 ENG DEPT PHONES 12/		pziemer					02/09/2024
101-1700-43321	TELEPHONE				275.58			
X02032024/IT								
81357	AT&T MOBILITY		01/25/2024	02/09/2024	119.56	0.00	Paid	Y
	IT CELL PHONES 12/26/23-1/25/24 ACCT		pziemer					02/09/2024
101-1800-43321	TELEPHONE				119.56			
X02032024/PARKS								
81358	AT&T MOBILITY		01/25/2024	02/09/2024	183.99	0.00	Paid	Y
	ACCT 287292136423 PARKS DEPT 12/26-1/		pziemer					02/09/2024
230-5200-43321	TELEPHONE				183.99			
X02032024/STRTS								
81359	AT&T MOBILITY		01/25/2024	02/09/2024	209.22	0.00	Paid	Y
	ACCT 287292136423 STREET DEPT 12/26-1		pziemer					02/09/2024
235-3100-43321	TELEPHONE				88.01			
237-3190-43321	TELEPHONE				121.21			
X02032024/PD								
81360	AT&T MOBILITY		01/25/2024	02/09/2024	2,124.70	0.00	Paid	Y
	ACCT 287287520356 POLICE DEPT 12/26-1		pziemer					02/09/2024
225-2120-43309	COMPUTER TECHNICAL SUPPORT				802.83			
225-2120-43321	TELEPHONE				1,321.87			

Inv Num / Inv Ref# / GL Distribution	Vendor / Description	GRANT	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
X02032024/AIR								
81361	AT&T MOBILITY		01/25/2024	02/09/2024	235.90	0.00	Paid	Y
	ACCT 287291178494 AIRPORT PHONE SERV		pziemer					02/09/2024
260-9020-43321		TELEPHONE			235.90			
		Total for vendor 2740 - AT&T MOBILITY:			3,917.94	0.00		
Vendor 0206 - BRAINERD HOUSING AUTHORITY:								
1/11/24								
81417	BRAINERD HOUSING AUTHORITY		01/11/2024	02/16/2024	2,282.79	0.00	Paid	Y
	SMALL CITIES SE BRAINERD 4TH QTR 2023		pziemer					02/16/2024
202-6323-43300		SE BRD - ADMINISTRATIVE EXPENSE			2,282.79			
		Total for vendor 0206 - BRAINERD HOUSING AUTHORITY:			2,282.79	0.00		
Vendor 0079 - BRAINERD LICENSE OFFICE:								
2/20/24								
81511	BRAINERD LICENSE OFFICE		02/23/2024	02/23/2024	21.25	0.00	Paid	Y
	RENEW FORD F250 VIN#3104		pziemer					02/23/2024
235-3100-43430		MISCELLANEOUS			21.25			
		Total for vendor 0079 - BRAINERD LICENSE OFFICE:			21.25	0.00		
Vendor 0125 - CONSOLIDATED TELEPHONE CO:								
21343268/IT								
81463	CONSOLIDATED TELEPHONE CO		02/12/2024	02/16/2024	592.50	0.00	Paid	Y
	IT PHONES/INTERNET 2/12/24-3/11/24		pziemer					02/16/2024
101-1800-43321		TELEPHONE			592.50			
21343268/CH								
81464	CONSOLIDATED TELEPHONE CO		02/12/2024	02/16/2024	54.14	0.00	Paid	Y
	2/12/24-3/11/24 CITY HALL PHONES		pziemer					02/16/2024
101-1940-43321		TELEPHONE			54.14			
21343268/PD								
81465	CONSOLIDATED TELEPHONE CO		02/12/2024	02/16/2024	115.46	0.00	Paid	Y
	2/12/24-3/11/24 POLICE DEPT PHONES		pziemer					02/16/2024
225-2120-43321		TELEPHONE			96.71			
225-2120-43309		COMPUTER TECHNICAL SUPPORT			18.75			
21343268/FD								
81466	CONSOLIDATED TELEPHONE CO		02/12/2024	02/16/2024	68.75	0.00	Paid	Y
	2/12/24-3/11/24 FIRE DEPT PHONES		pziemer					02/16/2024
225-2220-43321		TELEPHONE			68.75			
21343268/STRTS								
81467	CONSOLIDATED TELEPHONE CO		02/12/2024	02/16/2024	19.75	0.00	Paid	Y
	2/12/24-3/11/24 STREET DEPT PHONE		pziemer					02/16/2024
235-3100-43321		TELEPHONE			19.75			

Inv Num / Inv Ref# / GL Distribution	Vendor / Description	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
21343268/PARKS							
81469	CONSOLIDATED TELEPHONE CO	02/12/2024	02/16/2024	(20.49)	0.00	Paid	Y
	2/12/24-3/11/24 PARKS CREDIT	pziemer					02/16/2024
230-5200-43321	TELEPHONE			(20.49)			
21332438							
81471	CONSOLIDATED TELEPHONE CO	02/12/2024	02/16/2024	686.98	0.00	Paid	Y
	2/12/24-3/11/24 AIRPORT PHONE SERVICE	pziemer					02/16/2024
260-9020-43321	TELEPHONE			686.98			
	Total for vendor 0125 - CONSOLIDATED TELEPHONE CO:			1,517.09	0.00		
Vendor 4267 - RINKER MATERIALS:							
27929374							
81367	RINKER MATERIALS	12/01/2023	02/09/2024	10,327.68	0.00	Paid	Y
	4TH ST WASHOUT	pziemer					12/31/2023
401-9030-45530-23:12	CAPITAL-PYMTS TO CONTRACTS			10,327.68			
27945292							
81368	RINKER MATERIALS	12/01/2023	02/09/2024	8,486.50	0.00	Paid	Y
	4TH ST WASHOUT	pziemer					12/31/2023
401-9030-45530-23:12	CAPITAL-PYMTS TO CONTRACTS			8,486.50			
	Total for vendor 4267 - RINKER MATERIALS:			18,814.18	0.00		
Vendor MISC - TOWER MOTORS:							
2024 APPLICATION FEE							
81517	TOWER MOTORS	02/21/2024	02/21/2024	50.00	0.00	Paid	Y
	REFUND DUE TO APPLICATION DENIAL	pziemer					02/21/2024
101-0000-32182	USED CAR DEALER LICENSE			50.00			
	Total for vendor MISC - TOWER MOTORS:			50.00	0.00		

Inv Num / Inv Ref# / GL Distribution	Vendor / Description / GRANT	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
# of Invoices: 22	# Due: 0	Totals:		26,623.74	0.00		
# of Credit Memos: 1	# Due: 0	Totals:		(20.49)	0.00		
Net of Invoices and Credit Memos:				26,603.25	0.00		

--- TOTALS BY GL DISTRIBUTION ---

101-0000-32182	USED CAR DEALER LICENSE	50.00
101-1400-43321	TELEPHONE	149.34
101-1700-43321	TELEPHONE	275.58
101-1800-43321	TELEPHONE	712.06
101-1940-43321	TELEPHONE	54.14
101-2400-43321	TELEPHONE	149.34
202-6323-43300	ADMINISTRATIVE EXPENSE	2,282.79
203-9000-43321	TELEPHONE	49.78
225-2120-43309	COMPUTER TECHNICAL SUPPORT	821.58
225-2120-43321	TELEPHONE	1,418.58
225-2220-43321	TELEPHONE	489.28
230-5200-43321	TELEPHONE	163.50
235-3100-43321	TELEPHONE	107.76
235-3100-43430	MISCELLANEOUS	21.25
237-3190-43321	TELEPHONE	121.21
260-9020-43321	TELEPHONE	922.88
401-9030-45530-23:12	CAPITAL-PYMTS TO CONTRACTS	18,814.18

Inv Num / Inv Ref# / GL Distribution	Vendor / Description / GRANT	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			1,390.46	0.00		
	202 - SCDP GRANTS			2,282.79	0.00		
	203 - TRANSIT FUND			49.78	0.00		
	225 - PUBLIC SAFETY FUND			2,729.44	0.00		
	230 - PARK & RECREATION FUND			163.50	0.00		
	235 - STREET & SEWER FUND			129.01	0.00		
	237 - SANITARY SEWER FUND			121.21	0.00		
	260 - AIRPORT FUND			922.88	0.00		
	401 - CONSTRUCTION FUND			18,814.18	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			50.00	0.00		
	1400 - ADMINISTRATION			149.34	0.00		
	1700 - ENGINEERING			275.58	0.00		
	1800 - IT/GIS			712.06	0.00		
	1940 - CITY HALL			54.14	0.00		
	2120 - POLICE DEPARTMENT			2,240.16	0.00		
	2220 - FIRE DEPARTMENT			489.28	0.00		
	2400 - COMMUNITY DEVL/INSPECTION			149.34	0.00		
	3100 - S & S MAINTENANCE			129.01	0.00		
	3190 - SANITARY SEWER EXPENSE			121.21	0.00		
	5200 - PARK MAIN/ADMINISTRATION			163.50	0.00		
	6323 - SE BRAINERD SCDP GRANT			2,282.79	0.00		
	9000 - TRANSIT FUND			49.78	0.00		
	9020 - AIRPORT M & O			922.88	0.00		
	9030 - CONSTRUCTION PROJ-MISC			18,814.18	0.00		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
Vendor 0011 - ACE HARDWARE:								
322489/1								
81769	ACE HARDWARE		03/06/2024	03/20/2024	10.14	10.14	Open	N
	DRILL BIT/FASTENERS		pziemer					03/20/2024
	225-2220-42221	R&M BUILDING			10.14			
322447/1								
81798	ACE HARDWARE		03/05/2024	03/20/2024	37.77	37.77	Open	N
	HOSE/WIRE/WINDEX		pziemer					03/20/2024
	225-2220-42210	OPERATING SUPPLIES			37.77			
322435/1								
81802	ACE HARDWARE		03/04/2024	03/20/2024	0.89	0.89	Open	N
	SWEEPER 111 WATER LEVEL TUBING		pziemer					03/20/2024
	235-3100-42220	REPAIR & MAINT			0.89			
322464/1								
81909	ACE HARDWARE		03/05/2024	03/20/2024	15.29	15.29	Open	N
	PAINTBRUSH		pziemer					03/20/2024
	230-5200-42220	REPAIR & MAINT			15.29			
		Total for vendor 0011 - ACE HARDWARE:			64.09	64.09		
Vendor 2902 - ADVANCE AUTO PARTS:								
6574407127507								
82014	ADVANCE AUTO PARTS		03/11/2024	03/20/2024	13.12	13.12	Open	N
	SWEEPER 118 OIL FILTER		pziemer					03/20/2024
	235-3100-42220	REPAIR & MAINT			13.12			
		Total for vendor 2902 - ADVANCE AUTO PARTS:			13.12	13.12		
Vendor 2846 - AMERICAN WELDING-GAS INC:								
0009954616								
81793	AMERICAN WELDING-GAS INC		02/29/2024	03/20/2024	80.56	80.56	Open	N
	WELDING GAS CYLINDER RENTAL		pziemer					03/20/2024
	235-3100-43410	RENTAL EXPENSE			80.56			
		Total for vendor 2846 - AMERICAN WELDING-GAS INC:			80.56	80.56		
Vendor 0039 - ARAMARK UNIFORM SERVICES:								
2530245931								
81774	ARAMARK UNIFORM SERVICES		02/29/2024	03/20/2024	83.75	83.75	Open	N
	RUGS AND OVERALLS		pziemer					03/20/2024
	235-3100-43430	MISCELLANEOUS			83.75			
2530248478								
81816	ARAMARK UNIFORM SERVICES		03/07/2024	03/20/2024	59.47	59.47	Open	N
	RUGS AND OVERALLS		pziemer					03/20/2024
	235-3100-43430	MISCELLANEOUS			59.47			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	Total for vendor 0039 - ARAMARK UNIFORM SERVICES:			143.22	143.22		
Vendor 4273 - ATLAS ABSTRACT & TITLE, INC:							
I-61870							
81779	ATLAS ABSTRACT & TITLE, INC	02/20/2024	03/20/2024	3,250.00	3,250.00	Open	N
	23:13 ABSTRACTING/EXAM QTY 11	pziemer					03/20/2024
	401-9030-43300-23:13 PROFESSIONAL SERVICES			3,250.00			
	Total for vendor 4273 - ATLAS ABSTRACT & TITLE, INC:			3,250.00	3,250.00		
Vendor 0049 - AUTO VALUE - WEST:							
17355827							
82018	AUTO VALUE - WEST	03/13/2024	03/20/2024	72.39	72.39	Open	N
	SWEEPER ROLLER CHAIN	pziemer					03/20/2024
	235-3100-42220 REPAIR & MAINT			72.39			
	Total for vendor 0049 - AUTO VALUE - WEST:			72.39	72.39		
Vendor 0745 - BATTERIES PLUS:							
P71077372							
82027	BATTERIES PLUS	03/12/2024	03/20/2024	144.68	144.68	Open	N
	BATTERIES	pziemer					03/20/2024
	225-2120-42210 OPERATING SUPPLIES			144.68			
	Total for vendor 0745 - BATTERIES PLUS:			144.68	144.68		
Vendor 3120 - BOLTON & MENK:							
0331084							
81860	BOLTON & MENK	02/29/2024	03/20/2024	1,016.00	1,016.00	Open	N
	LAUREL STREET BRIDGE REHAB	pziemer					03/20/2024
	Total for vendor 3120 - BOLTON & MENK:			1,016.00	1,016.00		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:							
3/12/24							
82012	BRAINERD PUBLIC UTILITIES	03/12/2024	03/20/2024	21,278.77	21,278.77	Open	N
	REMIT LOST THRU 3/12/24	pziemer					03/20/2024
	251-9360-43467 REMIT LOCAL SALES TAX COLLECT			21,278.77			
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:			21,278.77	21,278.77		
Vendor 4275 - BROYLES, NICK:							
3/4/24							
81792	BROYLES, NICK	03/04/2024	03/20/2024	787.92	787.92	Open	N
	REIMB. MILEAGE -CITY ADMIN INTERVIEW	pziemer					03/20/2024
	101-9200-43438 MISC SPECIAL PROJECTS			787.92			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	Total for vendor 4275 - BROYLES, NICK:			787.92	787.92		
Vendor 4209 - CALLTOWER:							
201851380							
81767	CALLTOWER	03/01/2024	03/20/2024	359.97	359.97	Open	N
	CALLTOWER 3/1/24-3/31/24	pziemer					03/20/2024
	101-1800-43321 TELEPHONE			359.97			
	Total for vendor 4209 - CALLTOWER:			359.97	359.97		
Vendor 0102 - CANON FINANCIAL SERVICE:							
32120699							
81777	CANON FINANCIAL SERVICE	02/22/2024	03/20/2024	77.97	77.97	Open	N
	3/1/24-3/31/24 LIB COPIER CONTRACT	pziemer					03/20/2024
	211-5505-43430 MISC - COPY MACHINE PYMTS			77.97			
32118186							
81778	CANON FINANCIAL SERVICE	02/21/2024	03/20/2024	19.73	19.73	Open	N
	3/1/24-3/31/24 LIB COPIER CONTRACT	pziemer					03/20/2024
	211-5505-43430 MISC - COPY MACHINE PYMTS			19.73			
	Total for vendor 0102 - CANON FINANCIAL SERVICE:			97.70	97.70		
Vendor 4030 - CARR'S TREE SERVICE INC:							
50514							
81789	CARR'S TREE SERVICE INC	02/26/2024	03/20/2024	3,250.00	3,250.00	Open	N
	816 N 10TH ST - TREE REMOVAL	pziemer					03/20/2024
	400-9050-45530 CAPITAL - OTHER			3,250.00			
	Total for vendor 4030 - CARR'S TREE SERVICE INC:			3,250.00	3,250.00		
Vendor 0307 - CENTERPOINT ENERGY:							
92166-0/FEB24/FD							
81831	CENTERPOINT ENERGY	02/23/2024	03/20/2024	1,020.15	1,020.15	Open	N
	1/13/24-2/15/24 FIRE DEPT UTILITIES	pziemer					03/20/2024
	225-2220-43380 UTILITIES			619.06			
	225-2220-43380 UTILITIES			401.09			
92166-0/FEB24/CH							
81832	CENTERPOINT ENERGY	02/23/2024	03/20/2024	1,523.79	1,523.79	Open	N
	1/13/24-2/15/24 CITY HALL/ANNEX	pziemer					03/20/2024
	101-1940-43380 UTILITIES			956.80			
	101-1940-43380 UTILITIES			566.99			
92166-0/FEB24/STRTS							
81833	CENTERPOINT ENERGY	02/23/2024	03/20/2024	804.23	804.23	Open	N
	1/13/24-2/15/24 STREET DEPT UTILITIES	pziemer					03/20/2024
	235-3100-43380 UTILITIES			804.23			

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92166-0/FEB24/PARKS								
81834	CENTERPOINT ENERGY		02/23/2024	03/20/2024	833.76	833.76	Open	N
	1/13/24-2/15/24 PARKS DEPT UTILITIES		pziemer					03/20/2024
	230-5200-43380	UTILITIES			804.23			
	230-5200-43380	UTILITIES			29.53			
92166-0/FEB24/LIB								
81835	CENTERPOINT ENERGY		02/23/2024	03/20/2024	1,277.86	1,277.86	Open	N
	1/13/24-2/15/24 LIBRARY UTILITIES		pziemer					03/20/2024
	211-5500-43380	UTILITIES			1,277.86			
92166-0/FEB24/PD								
81836	CENTERPOINT ENERGY		02/23/2024	03/20/2024	123.16	123.16	Open	N
	1/13/24-2/15/24 POLICE DEPT UTILITIES		pziemer					03/20/2024
	225-2120-43380	UTILITIES			123.16			
	Total for vendor 0307 - CENTERPOINT ENERGY:				5,582.95	5,582.95		
Vendor 1333 - CHAMBERLAIN OIL COMPANY:								
464742-00								
81788	CHAMBERLAIN OIL COMPANY		02/28/2024	03/20/2024	(74.20)	(74.20)	Open	N
	BRAKE FLUID/BREAK CLEANER EXCHANGE		pziemer					03/20/2024
	235-3100-42220	REPAIR & MAINT			(74.20)			
	Total for vendor 1333 - CHAMBERLAIN OIL COMPANY:				(74.20)	(74.20)		
Vendor 1513 - CITY OF BAXTER:								
2024-031								
81796	CITY OF BAXTER		02/27/2024	03/20/2024	287.70	287.70	Open	N
	CITATION BOOKS		pziemer					03/20/2024
	225-2120-42210	OPERATING SUPPLIES			287.70			
	Total for vendor 1513 - CITY OF BAXTER:				287.70	287.70		
Vendor 0122 - COMMUNITY ACTION:								
MAR 2024								
81875	COMMUNITY ACTION		03/11/2024	03/20/2024	8,054.38	8,054.38	Open	N
	MAR 24 LEVY PAYMENT		pziemer					03/20/2024
	101-9200-43460	REMIT COMMUNITY ACTION LEVY			8,054.38			
	Total for vendor 0122 - COMMUNITY ACTION:				8,054.38	8,054.38		
Vendor 0125 - CONSOLIDATED TELEPHONE CO:								
21353867/IT								
82028	CONSOLIDATED TELEPHONE CO		03/12/2024	03/20/2024	472.10	472.10	Open	N
	3/12/24-4/11/24 IT PHONES/INTERNET		pziemer					03/20/2024
	101-1800-43321	TELEPHONE			472.10			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
21353867/CH								
82029	CONSOLIDATED TELEPHONE CO		03/12/2024	03/20/2024	248.78	248.78	Open	N
	3/12/24-4/11/24 CITY HALL PHONES/INTE		pziemer					03/20/2024
	101-1940-43321	TELEPHONE			248.78			
21353867/PD								
82030	CONSOLIDATED TELEPHONE CO		03/12/2024	03/20/2024	146.17	146.17	Open	N
	3/12/24-4/11/24 POLICE DEPT PHONES IN		pziemer					03/20/2024
	225-2120-43321	TELEPHONE			85.83			
	225-2120-43309	COMPUTER TECHNICAL SUPPORT			60.34			
21353867/FD								
82031	CONSOLIDATED TELEPHONE CO		03/12/2024	03/20/2024	110.34	110.34	Open	N
	3/12/24-4/11/24 FIRE DEPT PHONES		pziemer					03/20/2024
	225-2220-43321	TELEPHONE			110.34			
21353867/STRTS								
82032	CONSOLIDATED TELEPHONE CO		03/12/2024	03/20/2024	125.73	125.73	Open	N
	3/12/24-4/11/24 PW GARAGE PHONE/INTE		pziemer					03/20/2024
	235-3100-43321	TELEPHONE			62.87			
	230-5200-43321	TELEPHONE			62.86			
21353867/AIR								
82033	CONSOLIDATED TELEPHONE CO		03/12/2024	03/20/2024	120.31	120.31	Open	N
	3/12/24-4/11/24 AIRPORT SPECIAL CIRC		pziemer					03/20/2024
	260-9020-43321	TELEPHONE			120.31			
	Total for vendor 0125 - CONSOLIDATED TELEPHONE CO:				1,223.43	1,223.43		
Vendor 0135 - CWC TREASURER:								
6919/CH								
81851	CWC TREASURER		03/01/2024	03/20/2024	7,975.00	7,975.00	Open	N
	MAR 2024 CITY HALL SHARED SERVICES		pziemer					03/20/2024
	101-9200-43300	PROFESSIONAL SERVICES			7,975.00			
6919/LIB								
81852	CWC TREASURER		03/01/2024	03/20/2024	675.00	675.00	Open	N
	MAR 2024 LIBRARY SHARED SERVICES		pziemer					03/20/2024
	211-5500-43300	PROFESSIONAL SERVICES			675.00			
	Total for vendor 0135 - CWC TREASURER:				8,650.00	8,650.00		
Vendor 3438 - DAHLHEIMER BEVERAGE:								
2126565								
81776	DAHLHEIMER BEVERAGE		03/01/2024	03/20/2024	37.90	37.90	Open	N
	JANITORIAL SUPPLIES		pziemer					03/20/2024
	211-5500-42220	REPAIR & MAINT			37.90			
	Total for vendor 3438 - DAHLHEIMER BEVERAGE:				37.90	37.90		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
Vendor 2898 - DIGITAL HORIZONS:								
3196								
82034	DIGITAL HORIZONS		03/14/2024	03/20/2024	170.30	170.30	Open	N
	ADD AUDIO CONNECTION AT FRONT DESK		pziemer					03/20/2024
	211-5500-45500	CAPITAL OUTLAY			170.30			
	Total for vendor 2898 - DIGITAL HORIZONS:				170.30	170.30		
Vendor 3574 - ESO SOLUTIONS, INC.:								
ESO-132563								
81766	ESO SOLUTIONS, INC.		02/04/2024	03/20/2024	4,429.28	4,429.28	Open	N
	SOFTWARE 3/5/24-3/4/25		pziemer					03/20/2024
	225-0000-15510	PREPAID OTHER			738.21			
	225-2220-43309	COMPUTER TECHNICAL SUPPORT			3,691.07			
	Total for vendor 3574 - ESO SOLUTIONS, INC.:				4,429.28	4,429.28		
Vendor 1815 - F.I.R.E. CROSSLAKE:								
6722								
81799	F.I.R.E. CROSSLAKE		02/26/2024	03/20/2024	550.00	550.00	Open	N
	NFPA 1031 INSPECTOR 1 CLASS R.LEE		pziemer					03/20/2024
	225-2225-43330	PROFESSIONAL DEVELOPMENT			550.00			
6724								
81878	F.I.R.E. CROSSLAKE		03/11/2024	03/20/2024	1,800.00	1,800.00	Open	N
	LIVE BURN TRAINING		pziemer					03/20/2024
	225-2220-43330	PROFESSIONAL DEVELOPMENT			1,800.00			
	Total for vendor 1815 - F.I.R.E. CROSSLAKE:				2,350.00	2,350.00		
Vendor 4154 - FLAHERTY & HOOD, P.A.:								
20923								
81819	FLAHERTY & HOOD, P.A.		03/10/2024	03/20/2024	750.00	750.00	Open	N
	LABOR AND CONSULT SERVICES		pziemer					03/20/2024
	101-9200-43300	PROFESSIONAL SERVICES			750.00			
	Total for vendor 4154 - FLAHERTY & HOOD, P.A.:				750.00	750.00		
Vendor 3402 - FLEETPRIDE:								
115159958								
81817	FLEETPRIDE		03/08/2024	03/20/2024	153.48	153.48	Open	N
	TRUCK 109 BRAKE AND SLACK ADJUSTER		pziemer					03/20/2024
	235-3125-42220	REPAIR & MAINT			153.48			
115302991								
82024	FLEETPRIDE		03/14/2024	03/20/2024	302.44	302.44	Open	N
	TRUCK 109 BRAKE SHOES AND OIL BATH K		pziemer					03/20/2024
	235-3125-42220	REPAIR & MAINT			302.44			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	Total for vendor 3402 - FLEETPRIDE:			455.92	455.92		
Vendor 0071 - FORUM COMMUNICATIONS COMPANY:							
295518-1							
81770	FORUM COMMUNICATIONS COMPANY	01/30/2024	03/20/2024	378.25	378.25	Open	N
	RFP: TRANSIT OPERATIONS	pziemer					03/20/2024
	203-9000-43350 PRINTING/LEGAL PUBLICATION			378.25			
294421-1							
81771	FORUM COMMUNICATIONS COMPANY	01/26/2024	03/20/2024	242.74	242.74	Open	N
	NOTICE: SCDP FUNDS RELEASE	pziemer					03/20/2024
	275-6550-43430 MISCELLANEOUS			242.74			
MP3161230224							
81861	FORUM COMMUNICATIONS COMPANY	02/29/2024	03/20/2024	595.50	595.50	Open	N
	FEB 2024 JOB POSTING -ASST. PLANNER	pziemer					03/20/2024
	101-2400-43350 PRINTING/LEGAL PUBLICATION			595.50			
	Total for vendor 0071 - FORUM COMMUNICATIONS COMPANY:			1,216.49	1,216.49		
Vendor 2377 - GRANITE ELECTRONICS:							
2241908							
81902	GRANITE ELECTRONICS	03/04/2024	03/20/2024	135.00	135.00	Open	N
	SQD 432 RADIO REPAIR	pziemer					03/20/2024
	225-2120-42221 SQUAD CAR REPAIR SUPPLIES			135.00			
	Total for vendor 2377 - GRANITE ELECTRONICS:			135.00	135.00		
Vendor 4278 - GREEN PRO SOLUTIONS:							
24338							
82015	GREEN PRO SOLUTIONS	03/12/2024	03/20/2024	2,156.30	2,156.30	Open	N
	SALT NEUTRALIZER CONCENTRATE	pziemer					03/20/2024
	235-3125-42220 REPAIR & MAINT			2,156.30			
	Total for vendor 4278 - GREEN PRO SOLUTIONS:			2,156.30	2,156.30		
Vendor 3011 - GUARDIAN PEST CONTROL INC:							
2546716							
81800	GUARDIAN PEST CONTROL INC	02/02/2024	03/20/2024	62.00	62.00	Open	N
	PEST CONTROL	pziemer					03/20/2024
	225-2220-42221 R&M BUILDING			62.00			
	Total for vendor 3011 - GUARDIAN PEST CONTROL INC:			62.00	62.00		
Vendor 4240 - HAYES, COLEMAN:							
3/7/24							
82023	HAYES, COLEMAN	03/07/2024	03/20/2024	167.50	167.50	Open	N
	REIMB MILEAGE - VEHICLE INSPECTION CI	pziemer					03/20/2024

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	235-3100-43330	PROFESSIONAL DEVELOPMENT		167.50			
	Total for vendor 4240 - HAYES, COLEMAN:			167.50	167.50		
Vendor 0200 - HEARTLAND ANIMAL RESCUE:							
FEB 2024							
81880	HEARTLAND ANIMAL RESCUE	02/29/2024	03/20/2024	3,858.33	3,858.33	Open	N
	FEB 24 ADMIN/BOARDING	pziemer					03/20/2024
	225-2700-43430	MISCELLANEOUS		1,939.00			
	225-2700-43300	PROFESSIONAL SERVICES		1,919.33			
	Total for vendor 0200 - HEARTLAND ANIMAL RESCUE:			3,858.33	3,858.33		
Vendor 0209 - HEARTLAND TIRE INC.:							
3047480							
81772	HEARTLAND TIRE INC.	02/29/2024	03/20/2024	1,289.83	1,289.83	Open	N
	2014 IMPALA REPAIRS	pziemer					03/20/2024
	101-2400-42220	REPAIR & MAINT		1,289.83			
	Total for vendor 0209 - HEARTLAND TIRE INC.:			1,289.83	1,289.83		
Vendor 0201 - HEARTLAND TIRE SERVICE INC:							
15025898							
82025	HEARTLAND TIRE SERVICE INC	03/14/2024	03/20/2024	1,319.62	1,319.62	Open	N
	TRUCK 109 TIRE REPLACEMENT	pziemer					03/20/2024
	235-3125-42220	REPAIR & MAINT		1,319.62			
	Total for vendor 0201 - HEARTLAND TIRE SERVICE INC:			1,319.62	1,319.62		
Vendor 0203 - HOLDEN ELECTRIC:							
75287							
81913	HOLDEN ELECTRIC	03/12/2024	03/20/2024	1,495.00	1,495.00	Open	N
	ELECTRICAL FOR BATHROOM - PW GARAGE	pziemer					03/20/2024
	400-2001-45530	PYMTS TO CONTRACTORS		1,495.00			
	Total for vendor 0203 - HOLDEN ELECTRIC:			1,495.00	1,495.00		
Vendor 4233 - HOST, JORDAN:							
3/1/24							
81821	HOST, JORDAN	03/01/2024	03/20/2024	184.16	184.16	Open	N
	DRE SCHOOL REIMBURSEMENTS	pziemer					03/20/2024
	225-2120-43330	PROFESSIONAL DEVELOPMENT		184.16			
	Total for vendor 4233 - HOST, JORDAN:			184.16	184.16		
Vendor MISC - JR BADGES:							

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20337								
81773	JR BADGES		02/26/2024	03/20/2024	269.00	269.00	Open	N
	POLICE BADGE STICKERS		pziemer					03/20/2024
	225-2120-43305	CRIME PREVENTION PROGRAM			269.00			
		Total for vendor MISC - JR BADGES:			269.00	269.00		
Vendor 4268 - KALIS, RANDY:								
2/29/24								
81857	KALIS, RANDY		02/29/2024	03/20/2024	475.62	475.62	Open	N
	REIMBURSE HOTEL FOR TRAINING		pziemer					03/20/2024
	225-2220-43330	PROFESSIONAL DEVELOPMENT			475.62			
		Total for vendor 4268 - KALIS, RANDY:			475.62	475.62		
Vendor 0313 - LAKES AREA SENIOR CENTER:								
MAR 2024								
81876	LAKES AREA SENIOR CENTER		03/11/2024	03/20/2024	8,054.38	8,054.38	Open	N
	MAR 24 LEVY PAYMENT		pziemer					03/20/2024
	101-9200-43461	REMIT SENIOR CITIZEN LEVY			8,054.38			
		Total for vendor 0313 - LAKES AREA SENIOR CENTER:			8,054.38	8,054.38		
Vendor 0227 - LAKES PRINTING:								
00220407								
81811	LAKES PRINTING		02/22/2024	03/20/2024	175.65	175.65	Open	N
	FD ANNUAL REPORT		pziemer					03/20/2024
	225-2220-43350	PRINTING/LEGAL PUBLICATION			175.65			
00220468								
81824	LAKES PRINTING		02/28/2024	03/20/2024	88.80	88.80	Open	N
	BUSINESS CARDS - H.BLANK		pziemer					03/20/2024
	230-5200-42200	OFFICE SUPPLIES			88.80			
00220452/COM DEV								
81825	LAKES PRINTING		02/27/2024	03/20/2024	75.55	75.55	Open	N
	BUSINESS CARDS J.KRAMVIK		pziemer					03/20/2024
	101-2400-43350	PRINTING/LEGAL PUBLICATION			75.55			
00220452/ADM								
81826	LAKES PRINTING		02/27/2024	03/20/2024	75.55	75.55	Open	N
	BUSINESS CARDS N.BROYLES		pziemer					03/20/2024
	101-1400-43430	MISCELLANEOUS			75.55			
		Total for vendor 0227 - LAKES PRINTING:			415.55	415.55		
Vendor 1956 - LANDSBURG LANDSCAPE NURSERY INC:								

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23274								
81827	LANDSBURG LANDSCAPE NURSERY INC		02/27/2024	03/20/2024	2,469.72	2,469.72	Open	N
	DEPOSIT - 2024 DOWNTOWN PLANTINGS		pziemer					03/20/2024
	401-1003-43430	MISCELLANEOUS			2,469.72			
	Total for vendor 1956 - LANDSBURG LANDSCAPE NURSERY INC:				2,469.72	2,469.72		
Vendor 0232 - LEAGUE MN CITIES INS TRUS:								
10002612/2ND 2024								
81803	LEAGUE MN CITIES INS TRUS		03/04/2024	03/20/2024	86,350.50	86,350.50	Open	N
	2ND QTR 2024 WORK COMP PREMIUM		pziemer					03/20/2024
	280-0000-41150	WORKERS COMP			72,212.25			
	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 0233 - LEAGUE OF MN CITIES:								
401931								
82016	LEAGUE OF MN CITIES		03/13/2024	03/20/2024	399.00	399.00	Open	N
	2024 MCMA CONFERENCE N.BROYLES		pziemer					03/20/2024
	101-1400-43330	PROFESSIONAL DEVELOPMENT			399.00			
	Total for vendor 0233 - LEAGUE OF MN CITIES:				399.00	399.00		
Vendor 0619 - LEAGUE OF MN CITIES:								
401672								
81881	LEAGUE OF MN CITIES		03/11/2024	03/20/2024	340.00	340.00	Open	N
	2024 LMC ANNUAL CONFERENCE - N.BROYLE		pziemer					03/20/2024
	101-1400-43330	PROFESSIONAL DEVELOPMENT			340.00			
	Total for vendor 0619 - LEAGUE OF MN CITIES:				340.00	340.00		
Vendor 0237 - LOCATORS - SUPPLIES INC:								
0312720-IN								
82026	LOCATORS - SUPPLIES INC		03/13/2024	03/20/2024	384.10	384.10	Open	N
	SEWER LOCATING FLAGS		pziemer					03/20/2024
	237-3190-42220	REPAIR & MAINT			384.10			
	Total for vendor 0237 - LOCATORS - SUPPLIES INC:				384.10	384.10		
Vendor 0239 - MACQUEEN EQUIPMENT INC:								
P55950								
81787	MACQUEEN EQUIPMENT INC		02/28/2024	03/20/2024	255.70	255.70	Open	N
	SWEEPER 118 DIRT SHOE AND SCRAPER		pziemer					03/20/2024
	235-3100-42220	REPAIR & MAINT			255.70			
	Total for vendor 0239 - MACQUEEN EQUIPMENT INC:				255.70	255.70		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
Vendor 3611 - MCMA:							
2024 - BROYLES							
82013	MCMA	03/13/2024	03/20/2024	181.15	181.15	Open	N
	5/1/23-4/30/24 ANNUAL MEMBERSHIP	pziemer					03/20/2024
	101-1400-43433 DUES & SUBSCRIPTIONS			181.15			
	Total for vendor 3611 - MCMA:			181.15	181.15		
Vendor 0247 - MED COMPASS INC:							
44954							
81812	MED COMPASS INC	02/26/2024	03/20/2024	157.00	157.00	Open	N
	QTY 1 FITNESS R.FINDLAY	pziemer					03/20/2024
	225-2220-43300 PROFESSIONAL SERVICES			157.00			
45022							
81813	MED COMPASS INC	03/07/2024	03/20/2024	117.00	117.00	Open	N
	QTY 1 FITNESS R.KALLIS	pziemer					03/20/2024
	225-2220-43300 PROFESSIONAL SERVICES			117.00			
45062							
81814	MED COMPASS INC	02/26/2024	03/20/2024	3,488.00	3,488.00	Open	N
	QTY 34 FITNESS TESTS	pziemer					03/20/2024
	225-2220-43300 PROFESSIONAL SERVICES			3,488.00			
	Total for vendor 0247 - MED COMPASS INC:			3,762.00	3,762.00		
Vendor 0889 - MENARDS - BAXTER:							
15682							
81853	MENARDS - BAXTER	02/27/2024	03/20/2024	160.88	160.88	Open	N
	VINLY PLANK, PAIL, TUBE	pziemer					03/20/2024
	230-5200-42220 REPAIR & MAINT			160.88			
	Total for vendor 0889 - MENARDS - BAXTER:			160.88	160.88		
Vendor 0669 - MICKEY'S PIZZA - J&T FOOD SERVICE:							
548391							
81829	MICKEY'S PIZZA - J&T FOOD SERVICE	03/05/2024	03/20/2024	271.05	271.05	Open	N
	BOX LUNCHES -ELECTIONS	pziemer					03/20/2024
	101-1410-43430 MISCELLANEOUS			271.05			
	Total for vendor 0669 - MICKEY'S PIZZA - J&T FOOD SERVICE:			271.05	271.05		
Vendor 3394 - MIDWEST MACHINERY CO:							
9942813							
81910	MIDWEST MACHINERY CO	03/07/2024	03/20/2024	1,072.25	1,072.25	Open	N
	FILTERS/BLADES - SUMMER EQUIP MAINT.	pziemer					03/20/2024
	230-5200-42220 REPAIR & MAINT			1,072.25			
	Total for vendor 3394 - MIDWEST MACHINERY CO:			1,072.25	1,072.25		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
Vendor 0926 - MINNESOTA T'S:								
E 57033								
81786	MINNESOTA T'S		02/29/2024	03/20/2024	30.00	30.00	Open	N
	CUSTOM EMBROIDERY		pziemer					03/20/2024
	225-2220-41113	UNIFORM ALLOWANCE			30.00			
		Total for vendor 0926 - MINNESOTA T'S:			30.00	30.00		
Vendor 0445 - MN FIRE SERVICE CERTIFICATION BOARD:								
12274								
81801	MN FIRE SERVICE CERTIFICATION BOARD		02/27/2024	03/20/2024	126.00	126.00	Open	N
	INST. 1 CERT. EXAM - K.GRIMSBY		pziemer					03/20/2024
	225-2220-43330	PROFESSIONAL DEVELOPMENT			126.00			
		Total for vendor 0445 - MN FIRE SERVICE CERTIFICATION BOARD:			126.00	126.00		
Vendor 3168 - MOTORS-N-MORE:								
30421								
81822	MOTORS-N-MORE		03/05/2024	03/20/2024	1,315.42	1,315.42	Open	N
	SQUAD 430 ENGINE MOUNT		pziemer					03/20/2024
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			1,315.42			
30447								
81903	MOTORS-N-MORE		03/08/2024	03/20/2024	23.00	23.00	Open	N
	SQD 443 OIL CHANGE		pziemer					03/20/2024
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			23.00			
		Total for vendor 3168 - MOTORS-N-MORE:			1,338.42	1,338.42		
Vendor 4274 - MUNIPLATFORM:								
1763								
81768	MUNIPLATFORM		01/01/2024	03/20/2024	750.00	750.00	Open	N
	GO BONDS 2023A MARKETING		pziemer					03/20/2024
	401-9030-43300-21:12	PROFESSIONAL SERVICES			315.00			
	401-0000-14100	DUE FROM COMPONENT UNIT - WATER			165.00			
	401-0000-14100	DUE FROM COMPONENT UNIT - SEWER			270.00			
		Total for vendor 4274 - MUNIPLATFORM:			750.00	750.00		
Vendor 0469 - MUSCO SPORTS LIGHTING:								
421242								
81848	MUSCO SPORTS LIGHTING		03/06/2024	03/20/2024	1,500.00	1,500.00	Open	N
	MEMORIAL - LIGHTS		pziemer					03/20/2024
	230-5200-42220	REPAIR & MAINT			1,500.00			
		Total for vendor 0469 - MUSCO SPORTS LIGHTING:			1,500.00	1,500.00		
Vendor 0273 - NAPA AUTO PARTS:								

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
688035								
82017	NAPA AUTO PARTS		03/13/2024	03/20/2024	530.00	530.00	Open	N
	IMPACT WRENCH REPLACEMENT		pziemer					03/20/2024
	235-3100-42240	SMALL TOOLS			530.00			
	Total for vendor 0273 - NAPA AUTO PARTS:				530.00	530.00		
Vendor 3018 - NORTH COUNTRY JANITORIAL & SUPPLY I:								
FEB 24/PD								
81871	NORTH COUNTRY JANITORIAL & SUPPLY I		03/06/2024	03/20/2024	1,000.00	1,000.00	Open	N
	FEB 24 POLICE DEPT JANITORIAL		pziemer					03/20/2024
	225-2120-43300	PROFESSIONAL SERVICES			1,000.00			
FEB 24/CITY HALL								
81872	NORTH COUNTRY JANITORIAL & SUPPLY I		03/06/2024	03/20/2024	985.00	985.00	Open	N
	FEB 24 CITY HALL JANITORIAL		pziemer					03/20/2024
	101-1940-42220	REPAIR & MAINT			985.00			
FEB 24/FD								
81873	NORTH COUNTRY JANITORIAL & SUPPLY I		03/06/2024	03/20/2024	350.00	350.00	Open	N
	FEB 24 FIRE DEPT JANITORIAL		pziemer					03/20/2024
	225-2220-43300	PROFESSIONAL SERVICES			350.00			
FEB 24/GARAGE								
81874	NORTH COUNTRY JANITORIAL & SUPPLY I		03/06/2024	03/20/2024	350.00	350.00	Open	N
	FEB 24 PUBLIC WORKS JANITORIAL		pziemer					03/20/2024
	235-3100-43300	PROFESSIONAL SERVICES			175.00			
	230-5200-43300	PROFESSIONAL SERVICES			175.00			
	Total for vendor 3018 - NORTH COUNTRY JANITORIAL & SUPPLY I:				2,685.00	2,685.00		
Vendor 1153 - NORTHLAND ARBORETUM:								
MAR 2024								
81877	NORTHLAND ARBORETUM		03/11/2024	03/20/2024	8,054.38	8,054.38	Open	N
	MAR 24 LEVY PAYMENT		pziemer					03/20/2024
	101-9200-43462	REMIT ARBORETUM LEVY			8,054.38			
	Total for vendor 1153 - NORTHLAND ARBORETUM:				8,054.38	8,054.38		
Vendor 0284 - OFFICE SHOP:								
1139041-0								
81790	OFFICE SHOP		02/28/2024	03/20/2024	28.58	28.58	Open	N
	ELECTION SUPPLIES		pziemer					03/20/2024
	101-1410-43430	MISCELLANEOUS			28.58			
1139041-1								
81791	OFFICE SHOP		02/29/2024	03/20/2024	31.19	31.19	Open	N
	OFFICE SUPPLIES		pziemer					03/20/2024
	101-1940-42200	OFFICE SUPPLIES			31.19			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
C1139174-1								
81820	OFFICE SHOP		03/08/2024	03/20/2024	(29.79)	(29.79)	Open	N
	CREDIT - RETURN LABELS		pziemer					03/20/2024
	101-1940-42200	OFFICE SUPPLIES			(29.79)			
1139174-0								
81830	OFFICE SHOP		03/04/2024	03/20/2024	39.66	39.66	Open	N
	LABELS		pziemer					03/20/2024
	101-1940-42200	OFFICE SUPPLIES			39.66			
1139174-1								
81858	OFFICE SHOP		03/06/2024	03/20/2024	29.79	29.79	Open	N
	LABELS FOR LABEL PRINTER		pziemer					03/20/2024
	101-1940-42200	OFFICE SUPPLIES			29.79			
1139366-0								
81859	OFFICE SHOP		03/07/2024	03/20/2024	27.98	27.98	Open	N
	LABELS FOR LABEL PRINTER		pziemer					03/20/2024
	101-1940-42200	OFFICE SUPPLIES			27.98			
	Total for vendor 0284 - OFFICE SHOP:				127.41	127.41		
Vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:								
1647-257937								
81904	O'REILLY AUTOMOTIVE STORES INC.		03/07/2024	03/20/2024	33.47	33.47	Open	N
	SQD 430 HEADLIGHT		pziemer					03/20/2024
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			33.47			
	Total for vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:				33.47	33.47		
Vendor 4246 - OVERHAUL MOBILE SANDBLASTING:								
1056								
81912	OVERHAUL MOBILE SANDBLASTING		03/11/2024	03/20/2024	1,033.80	1,033.80	Open	N
	LUM RESTROOM GRAFFITI		pziemer					03/20/2024
	230-5200-42220	REPAIR & MAINT			1,033.80			
	Total for vendor 4246 - OVERHAUL MOBILE SANDBLASTING:				1,033.80	1,033.80		
Vendor 3336 - PAPER STORM:								
25237								
81815	PAPER STORM		03/01/2024	03/20/2024	286.00	286.00	Open	N
	DOCUMENT DESTRUCTION -CITY HALL		pziemer					03/20/2024
	101-9200-43430	MISCELLANEOUS			286.00			
	Total for vendor 3336 - PAPER STORM:				286.00	286.00		
Vendor 0561 - PEOPLES SECURITY:								

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
246788								
81879	PEOPLES SECURITY		02/29/2024	03/20/2024	23.99	23.99	Open	N
	MAR 24 MONTHLY MONITORING		pziemer					03/20/2024
	211-5500-42220	REPAIR & MAINT			23.99			
	Total for vendor 0561 - PEOPLES SECURITY:				23.99	23.99		
Vendor 0521 - PITNEY BOWES INC:								
3106568725								
81883	PITNEY BOWES INC		03/11/2024	03/20/2024	398.82	398.82	Open	N
	1/30/24-4/29/24 POSTAGE MACHINE		pziemer					03/20/2024
	101-1940-43331	LEASE PAYMENTS			398.82			
	Total for vendor 0521 - PITNEY BOWES INC:				398.82	398.82		
Vendor 2487 - RAILROAD MANAGEMENT COMPANY:								
500076								
81849	RAILROAD MANAGEMENT COMPANY		03/11/2024	03/20/2024	379.14	379.14	Open	N
	LIC# 302985 6/2/24-6/1/25		pziemer					03/20/2024
	238-3160-43430	MISCELLANEOUS			379.14			
500077								
81850	RAILROAD MANAGEMENT COMPANY		02/27/2024	03/20/2024	379.14	379.14	Open	N
	LIC# 302986 6/2/24-6/1/25		pziemer					03/20/2024
	238-3160-43430	MISCELLANEOUS			379.14			
	Total for vendor 2487 - RAILROAD MANAGEMENT COMPANY:				758.28	758.28		
Vendor 4185 - SRF CONSULTING GROUP:								
16811.00-7								
82011	SRF CONSULTING GROUP		02/29/2024	03/20/2024	8,921.88	8,921.88	Open	N
	TH 210 WATERMAIN & SAN/SWR RELOCATION		pziemer					03/20/2024
	401-9030-43300-23:05	PROFESSIONAL SERVICES			8,921.88			
	Total for vendor 4185 - SRF CONSULTING GROUP:				8,921.88	8,921.88		
Vendor 0402 - STAR TRIBUNE:								
100479676-2/3 & 2/10								
81862	STAR TRIBUNE		02/29/2024	03/20/2024	1,456.00	1,456.00	Open	N
	NOTICE OF PROPOSALS - TRANSIT RFB		pziemer					03/20/2024
	203-9000-43350	PRINTING/LEGAL PUBLICATION			1,456.00			
	Total for vendor 0402 - STAR TRIBUNE:				1,456.00	1,456.00		
Vendor 0322 - STREICHERS PROF EQUIP:								
I1684599								
81797	STREICHERS PROF EQUIP		02/26/2024	03/20/2024	82.98	82.98	Open	N
	715 UNIFORM PANTS		pziemer					03/20/2024

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	225-2120-41113	UNIFORM ALLOWANCE			82.98			
I1685794								
81905	STREICHERS PROF EQUIP		03/04/2024	03/20/2024	189.99	189.99	Open	N
	725 UNIFORM BOOTS		pziemer					03/20/2024
	225-2120-41113	UNIFORM ALLOWANCE			189.99			
I1686557								
81906	STREICHERS PROF EQUIP		03/07/2024	03/20/2024	155.97	155.97	Open	N
	727 EXTERNAL VEST CARRIER		pziemer					03/20/2024
	225-2120-41113	UNIFORM ALLOWANCE			155.97			
I1686342								
81907	STREICHERS PROF EQUIP		03/06/2024	03/20/2024	152.97	152.97	Open	N
	724 UNIFORM PANTS		pziemer					03/20/2024
	225-2120-41113	UNIFORM ALLOWANCE			152.97			
	Total for vendor 0322 - STREICHERS PROF EQUIP:				581.91	581.91		
Vendor 0325 - THELEN HTG & RFG CO:								
35889								
81908	THELEN HTG & RFG CO		03/06/2024	03/20/2024	155.00	155.00	Open	N
	HVAC REPAIR		pziemer					03/20/2024
	225-2120-42220	REPAIR & MAINT			155.00			
	Total for vendor 0325 - THELEN HTG & RFG CO:				155.00	155.00		
Vendor 1438 - TIM THOMPSON PLUMBING LLC:								
2517								
81911	TIM THOMPSON PLUMBING LLC		03/07/2024	03/20/2024	18,890.00	18,890.00	Open	N
	ADD BATHROOM TO PW GARAGE		pziemer					03/20/2024
	400-2001-45530	PYMTS TO CONTRACTORS			18,890.00			
	Total for vendor 1438 - TIM THOMPSON PLUMBING LLC:				18,890.00	18,890.00		
Vendor 0145 - TREAS, FIRE RELIEF ASSOC:								
3/14/24								
82021	TREAS, FIRE RELIEF ASSOC		03/14/2024	03/20/2024	3,000.00	3,000.00	Open	N
	REMIT FF SBR REIMBURSEMENT		pziemer					03/20/2024
	225-2225-43473	REMIT STATE FIRE AID			3,000.00			
	Total for vendor 0145 - TREAS, FIRE RELIEF ASSOC:				3,000.00	3,000.00		
Vendor 3468 - TRI-STATE BOBCAT:								
P13125								
81828	TRI-STATE BOBCAT		03/01/2024	03/20/2024	492.37	492.37	Open	N
	FENDER/TOOLBOX		pziemer					03/20/2024
	235-3100-42220	REPAIR & MAINT			492.37			
	Total for vendor 3468 - TRI-STATE BOBCAT:				492.37	492.37		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
Vendor 3686 - UHL COMPANY INC:								
75005								
81775	UHL COMPANY INC		03/01/2024	03/20/2024	360.00	360.00	Open	N
	ANNUAL ALARM MONITORING 3/1/24-2/28/2		pziemer					03/20/2024
	101-1940-42220	REPAIR & MAINT			360.00			
	Total for vendor 3686 - UHL COMPANY INC:				360.00	360.00		
Vendor 1095 - VIKING ELECTRIC SUPPLY:								
S007771409.001								
81854	VIKING ELECTRIC SUPPLY		02/21/2024	03/20/2024	306.66	306.66	Open	N
	KWP VANDALISM REPAIRS		pziemer					03/20/2024
	230-5200-42220	REPAIR & MAINT			306.66			
	Total for vendor 1095 - VIKING ELECTRIC SUPPLY:				306.66	306.66		
Vendor 0344 - WASTE PARTNERS INC:								
42X01432								
81780	WASTE PARTNERS INC		02/29/2024	03/20/2024	204.75	204.75	Open	N
	FEB 2024 WASTE REMOVAL		pziemer					03/20/2024
	401-1003-43300	PROFESSIONAL SERVICES			204.75			
42X01430								
81781	WASTE PARTNERS INC		02/29/2024	03/20/2024	117.00	117.00	Open	N
	FEB 2024 FIRE DEPT WASTE REMOVAL		pziemer					03/20/2024
	225-2220-43380	UTILITIES			117.00			
42X01435								
81782	WASTE PARTNERS INC		02/29/2024	03/20/2024	462.15	462.15	Open	N
	FEB 24 PARKS WASTE REMOVAL		pziemer					03/20/2024
	230-5200-43380	UTILITIES			462.15			
42X01433								
81783	WASTE PARTNERS INC		02/29/2024	03/20/2024	146.00	146.00	Open	N
	FEB 24 POLICE DEPT WASTE REMOVAL		pziemer					03/20/2024
	225-2120-43380	UTILITIES			146.00			
42X01429								
81784	WASTE PARTNERS INC		02/29/2024	03/20/2024	117.00	117.00	Open	N
	FEB 24 STREETS DEPT WASTE REMOVAL		pziemer					03/20/2024
	235-3100-43380	UTILITIES			58.50			
	230-5200-43380	UTILITIES			58.50			
42X01434								
81785	WASTE PARTNERS INC		02/29/2024	03/20/2024	64.35	64.35	Open	N
	FEB 24 WASTE OIL REMOVAL		pziemer					03/20/2024
	227-3230-43428	USED OIL RECYCLING EXPENSE			64.35			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
42X00522								
81823	WASTE PARTNERS INC		02/29/2024	03/20/2024	116.83	116.83	Open	N
	FEB 24 LIBRARY WASTE REMOVAL		pziemer					03/20/2024
	211-5500-43380	UTILITIES			116.83			
	Total for vendor 0344 - WASTE PARTNERS INC:				1,228.08	1,228.08		
Vendor 3199 - WEX BANK:								
95451239/ADMIN								
81863	WEX BANK		02/29/2024	03/20/2024	(61.47)	(61.47)	Open	N
	FEB 2024 WEX EDGE REBATE		pziemer					03/20/2024
	101-0000-36299	MISCELLANEOUS REVENUE (NONTAX)			(61.47)			
95451239/COMDEV								
81864*	WEX BANK		02/29/2024	03/20/2024	222.10	222.10	Open	N
	FEB 24 COM DEV FUEL		pziemer					03/20/2024
	101-2400-42212	MOTOR FUELS			210.66			
	101-2400-42220	REPAIR & MAINT			12.00			
	101-2400-42212	MOTOR FUELS			(0.56)			
95451239/ENG								
81865*	WEX BANK		02/29/2024	03/20/2024	19.61	19.61	Open	N
	FEB 24 ENG FUEL		pziemer					03/20/2024
	401-9030-42212	MOTOR FUELS			19.95			
	401-9030-42212	MOTOR FUELS			(0.34)			
95451239/FIRE								
81866	WEX BANK		02/29/2024	03/20/2024	856.41	856.41	Open	N
	FEB 24 FIRE DEPT FUEL		pziemer					03/20/2024
	225-2220-42212	MOTOR FUELS			856.41			
95451239/PARKS								
81867	WEX BANK		02/29/2024	03/20/2024	767.65	767.65	Open	N
	FEB 24 PARKS FUEL		pziemer					03/20/2024
	230-5200-42212	MOTOR FUELS			767.65			
95451239/POLICE								
81868*	WEX BANK		02/29/2024	03/20/2024	4,222.76	4,222.76	Open	N
	FEB 24 POLICE DEPT FUEL		pziemer					03/20/2024
	225-2120-42212	MOTOR FUELS			4,292.56			
	225-2120-42212	MOTOR FUELS			(69.80)			
95451239/STRTS								
81869	WEX BANK		02/29/2024	03/20/2024	1,885.69	1,885.69	Open	N
	FEB 24 STREET DEPT FUEL		pziemer					03/20/2024
	235-3100-42212	MOTOR FUELS			1,885.69			
95451239/TRANSIT								
81870*	WEX BANK		02/29/2024	03/20/2024	6,216.79	6,216.79	Open	N
	FEB 24 TRANSIT FUEL		pziemer					03/20/2024
	203-9000-42212	MOTOR FUELS			6,236.91			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	203-9000-42212	MOTOR FUELS			(20.12)			
		Total for vendor 3199 - WEX BANK:			14,129.54	14,129.54		
Vendor 3899 - WEX HEALTH INC:								
0001918018-IN								
81818	WEX HEALTH INC		02/29/2024	03/20/2024	42.50	42.50	Open	N
	FEB 24 COBRA		pziemer					03/20/2024
	101-9200-43300	PROFESSIONAL SERVICES			42.50			
		Total for vendor 3899 - WEX HEALTH INC:			42.50	42.50		
Vendor 0346 - WIDSETH SMITH NOLTING:								
229117								
81855	WIDSETH SMITH NOLTING		02/23/2024	03/20/2024	135.00	135.00	Open	N
	23:10 LUM PARK CAMPGROUND THRU 2/9/24		pziemer					03/20/2024
	229-0000-43300-23:10	PROFESSIONAL SERVICES			135.00			
229116								
81856	WIDSETH SMITH NOLTING		02/23/2024	03/20/2024	564.99	564.99	Open	N
	JAYCEES PARK THRU 2/9/24		pziemer					03/20/2024
	229-0000-43300-23:09	PROFESSIONAL SERVICES			564.99			
		Total for vendor 0346 - WIDSETH SMITH NOLTING:			699.99	699.99		
Vendor 1712 - WSB & ASSOCIATES:								
R-022575-000-10								
81794	WSB & ASSOCIATES		03/03/2024	03/20/2024	3,044.25	3,044.25	Open	N
	MSP RIVERBANK RESTORATION JAN 2024		pziemer					03/20/2024
	401-9030-43300-21:16	PROFESSIONAL SERVICES			3,044.25			
		Total for vendor 1712 - WSB & ASSOCIATES:			3,044.25	3,044.25		
Vendor 0354 - ZIEGLER, INC:								
IN001383369								
81882	ZIEGLER, INC		02/29/2024	03/20/2024	133,391.00	133,391.00	Open	N
	2023 BACKHOE H8T03859		pziemer					03/20/2024
	400-9050-45530	CAPITAL - OTHER			133,391.00			
IN001395802								
82019	ZIEGLER, INC		03/09/2024	03/20/2024	7.70	7.70	Open	N
	SWEEPER CHAIN LUBRICANT		pziemer					03/20/2024
	235-3100-42220	REPAIR & MAINT			7.70			
		Total for vendor 0354 - ZIEGLER, INC:			133,398.70	133,398.70		

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

Vendor 3698 - AMAZON:

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: CITY HALL								
2/2/24 - 3								
81734	AMAZON		02/02/2024	03/20/2024	347.33	347.33	Open	N
	AWS JAN 2024		pziemer					03/20/2024
	101-1800-43309	COMPUTER SUPPORT			347.33			
1/29/24								
81741	AMAZON		01/29/2024	03/20/2024	41.98	41.98	Open	N
	RETRTACTABLE ID BADGE REELS		pziemer					03/20/2024
	101-1940-42200	OFFICE SUPPLIES			41.98			
		Total for vendor 3698 - AMAZON:			389.31	389.31		
Vendor MISC - COCO MOON:								
1/29/24								
81739	COCO MOON		01/29/2024	03/20/2024	31.20	31.20	Open	N
	COFFEE - CITY ADMIN INTERVIEWS		pziemer					03/20/2024
	101-9200-43438	MISC SPECIAL PROJECTS			31.20			
		Total for vendor MISC - COCO MOON:			31.20	31.20		
Vendor 4191 - CROWNE PLAZA:								
2/14/24								
81732	CROWNE PLAZA		02/15/2024	03/20/2024	167.54	167.54	Open	N
	HOTEL FOR TRAINING - B. BOSER		pziemer					03/20/2024
	101-1400-43330	PROFESSIONAL DEVELOPMENT			167.54			
2/15/24								
81733	CROWNE PLAZA		02/15/2024	03/20/2024	167.54	167.54	Open	N
	HOTEL FOR TRIANING -K.SCHUBERT		pziemer					03/20/2024
	101-1400-43330	PROFESSIONAL DEVELOPMENT			167.54			
		Total for vendor 4191 - CROWNE PLAZA:			335.08	335.08		
Vendor 0133 - CWC RECORDER:								
2/8/24								
81727	CWC RECORDER		02/08/2024	03/20/2024	10.00	10.00	Open	N
	1-DAY WEB SUBSCRIPTION		pziemer					03/20/2024
	101-2400-43433	DUES & SUBSCRIPTIONS			10.00			
		Total for vendor 0133 - CWC RECORDER:			10.00	10.00		
Vendor 4087 - DOUBLETREE BY HILTON:								
2/2/24								
81751	DOUBLETREE BY HILTON		02/02/2024	03/20/2024	160.58	160.58	Open	N
	HOTEL STAY FOR TRAINING -J.FLADUNG		pziemer					03/20/2024
	101-1700-43330	PROFESSIONAL DEVELOPMENT			160.58			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: CITY HALL							
2/2/24 - 2							
81752	DOUBLETREE BY HILTON	02/02/2024	03/20/2024	481.74	481.74	Open	N
	HOTEL STAY FOR TRAINING J.DEHN	pziemer					03/20/2024
	101-1700-43330 PROFESSIONAL DEVELOPMENT			481.74			
	Total for vendor 4087 - DOUBLETREE BY HILTON:			642.32	642.32		
Vendor 3989 - GODADDY.COM:							
2/12/24							
81750	GODADDY.COM	02/12/2024	03/20/2024	199.98	199.98	Open	N
	SSL CERTIFICATE RENEWAL REMOTE/VPN	pziemer					03/20/2024
	101-1800-43309 COMPUTER SUPPORT			199.98			
	Total for vendor 3989 - GODADDY.COM:			199.98	199.98		
Vendor 4192 - MARRIOTT:							
2/13/24							
81757	MARRIOTT	02/13/2024	03/20/2024	149.44	149.44	Open	N
	HOTEL FOR TRAINING S.BESTUL	pziemer					03/20/2024
	101-2400-43330 PROFESSIONAL DEVELOPMENT			149.44			
	Total for vendor 4192 - MARRIOTT:			149.44	149.44		
Vendor 0669 - MICKEY'S PIZZA - J&T FOOD SERVICE:							
1/29/24							
81740	MICKEY'S PIZZA - J&T FOOD SERVICE	01/29/2024	03/20/2024	167.44	167.44	Open	N
	CITY ADMIN INTERVIEW LUNCHES	pziemer					03/20/2024
	101-9200-43438 MISC SPECIAL PROJECTS			167.44			
	Total for vendor 0669 - MICKEY'S PIZZA - J&T FOOD SERVICE:			167.44	167.44		
Vendor MISC - NATIONAL NOTARY ASSOCIATION:							
1/30/24							
81756	NATIONAL NOTARY ASSOCIATION	01/30/2024	03/20/2024	49.62	49.62	Open	N
	NOTARY STAMP - P.ZIEMER	pziemer					03/20/2024
	101-1400-43433 DUES & SUBSCRIPTIONS			49.62			
	Total for vendor MISC - NATIONAL NOTARY ASSOCIATION:			49.62	49.62		
Vendor MISC - QUALITY INN:							
1/28/24							
82020	QUALITY INN	03/14/2024	03/20/2024	348.80	348.80	Open	N
	QTY 4 HOTEL ROOMS FOR CITY ADMIN INTE	pziemer					03/20/2024
	101-9200-43438 MISC SPECIAL PROJECTS			348.80			
	Total for vendor MISC - QUALITY INN:			348.80	348.80		

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
PCard: 2257 U.S. BANK Card Holder: CITY HALL								
Vendor MISC - THE WESTIN EDINA GALLERIA:								
2/2/24								
81735	THE WESTIN EDINA GALLERIA		02/02/2024	03/20/2024	445.88	445.88	Open	N
	HOTEL STAY FOR TRAINING -C.HILLMAN		pziemer					03/20/2024
	101-1400-43330	PROFESSIONAL DEVELOPMENT			445.88			
1/4/24								
81736	THE WESTIN EDINA GALLERIA		01/04/2024	03/20/2024	445.88	445.88	Open	N
	HOTEL STAY FOR TRAINING - J.KRAMVIK		pziemer					03/20/2024
	101-2400-43330	PROFESSIONAL DEVELOPMENT			445.88			
	Total for vendor MISC - THE WESTIN EDINA GALLERIA:				891.76	891.76		
Vendor 3028 - UNIVERSITY OF MINNESOTA:								
2/21/24								
81737	UNIVERSITY OF MINNESOTA		02/21/2024	03/20/2024	165.00	165.00	Open	N
	SWPPP RECERT - J.REED		pziemer					03/20/2024
	101-1700-43330	PROFESSIONAL DEVELOPMENT			165.00			
2/21/24 - 2								
81738	UNIVERSITY OF MINNESOTA		02/21/2024	03/20/2024	130.00	130.00	Open	N
	CONST. SITE MNGR RECERT - J.REED		pziemer					03/20/2024
	101-1700-43330	PROFESSIONAL DEVELOPMENT			130.00			
	Total for vendor 3028 - UNIVERSITY OF MINNESOTA:				295.00	295.00		
Vendor 3858 - ZOOM VIDEO COMMUNICATIONS:								
2/18/24								
81726	ZOOM VIDEO COMMUNICATIONS		02/18/2024	03/20/2024	31.98	31.98	Open	N
	ZOOM 2/18/24-3/17/24		pziemer					03/20/2024
	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					3,541.93	3,541.93		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: FIRE								
Vendor 3698 - AMAZON:								
2/15/24								
81762	AMAZON		02/15/2024	03/20/2024	109.27	109.27	Open	N
	CLEANING SUPPLIES		pziemer					03/20/2024
	225-2220-42210	OPERATING SUPPLIES			109.27			
2/8/24								
81764	AMAZON		02/08/2024	03/20/2024	62.79	62.79	Open	N
	TRASHCAN/SUCTION DEVICE		pziemer					03/20/2024
	225-2220-42200	OFFICE SUPPLIES			44.99			
	225-2220-42210	OPERATING SUPPLIES			17.80			
2/1/24								
81765	AMAZON		02/01/2024	03/20/2024	41.77	41.77	Open	N
	LOCKBOX/HDMI EXTENDER		pziemer					03/20/2024
	225-2220-42221	R&M BUILDING			23.79			
	225-2220-42200	OFFICE SUPPLIES			17.98			
		Total for vendor 3698 - AMAZON:			213.83	213.83		
Vendor 4027 - NORTHLAND FOOLS AERIAL OPS SCHOOL:								
1/25/24								
81763	NORTHLAND FOOLS AERIAL OPS SCHOOL		01/25/2024	03/20/2024	211.12	211.12	Open	N
	QTY 2 REGISTRATIONS		pziemer					03/20/2024
	225-2225-43330	PROFESSIONAL DEVELOPMENT			211.12			
	Total for vendor 4027 - NORTHLAND FOOLS AERIAL OPS SCHOOL:				211.12	211.12		
Vendor MISC - WITMER:								
2/7/24								
81761	WITMER		02/07/2024	03/20/2024	103.87	103.87	Open	N
	RADIO STRAP		pziemer					03/20/2024
	225-2220-41113	UNIFORM ALLOWANCE			103.87			
		Total for vendor MISC - WITMER:			103.87	103.87		
Total PCard: 2257 U.S. BANK Card Holder: FIRE					528.82	528.82		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: LIBRARY								
Vendor 3698 - AMAZON:								
2/6/24 - 2								
81744	AMAZON		02/06/2024	03/20/2024	238.30	238.30	Open	N
	VACUUM CLEANER		pziemer					03/20/2024
	211-5500-42220	REPAIR & MAINT			238.30			
1/18/24 - 2								
81745	AMAZON		01/18/2024	03/20/2024	46.57	46.57	Open	N
	WHITEBOARD/LABELS		pziemer					03/20/2024
	211-5500-42200	OFFICE SUPPLIES			46.57			
1/23/24 - 2								
81748	AMAZON		01/23/2024	03/20/2024	78.05	78.05	Open	N
	TAGBOARD, CLEANING SUPPLIES		pziemer					03/20/2024
	211-5501-43430	MISC - SPECIFIED DONATION USE			54.69			
	211-5500-42220	REPAIR & MAINT			23.36			
		Total for vendor 3698 - AMAZON:			362.92	362.92		
Vendor 3711 - COSTCO:								
1/30/24								
81747	COSTCO		01/30/2024	03/20/2024	(2.20)	(2.20)	Open	N
	REFUND SALES TAX ON PURCHASE		pziemer					03/20/2024
	211-5500-42220	REPAIR & MAINT			(2.20)			
		Total for vendor 3711 - COSTCO:			(2.20)	(2.20)		
Vendor MISC - MAILCHIMP:								
2/4/24								
81743	MAILCHIMP		02/04/2024	03/20/2024	45.00	45.00	Open	N
	EMAIL SUBSCRIPTION		pziemer					03/20/2024
	211-5503-43430	MISC - USE OF HOLDEN TRUST			45.00			
		Total for vendor MISC - MAILCHIMP:			45.00	45.00		
Vendor 2392 - MENARDS:								
2/1/24								
81742	MENARDS		02/01/2024	03/20/2024	40.89	40.89	Open	N
	POTTING SOIL/KEY TAGS		pziemer					03/20/2024
	211-5500-42220	REPAIR & MAINT			40.89			
1/25/24								
81746	MENARDS		01/25/2024	03/20/2024	81.39	81.39	Open	N
	SHOP VAC		pziemer					03/20/2024
	211-5500-42220	REPAIR & MAINT			81.39			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
PCard: 2257 U.S. BANK Card Holder: LIBRARY							
1/31/24							
81758	MENARDS	01/31/2024	03/20/2024	110.50	110.50	Open	N
	POTTING SOIL, PAD LOCK, CLAMPS, TIES	pziemer					03/20/2024
	211-5500-42220 REPAIR & MAINT			110.50			
	Total for vendor 2392 - MENARDS:			232.78	232.78		
Vendor 3943 - PLUNKETT'S PEST CONTROL:							
2/13/24							
81749	PLUNKETT'S PEST CONTROL	02/13/2024	03/20/2024	73.03	73.03	Open	N
	PEST CONTROL	pziemer					03/20/2024
	211-5500-42220 REPAIR & MAINT			73.03			
	Total for vendor 3943 - PLUNKETT'S PEST CONTROL:			73.03	73.03		
Total PCard: 2257 U.S. BANK Card Holder: LIBRARY				711.53	711.53		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
PCard: 2257 U.S. BANK Card Holder: PARKS							
Vendor 0006 - WALMART COMMUNITY/GECRB:							
2/8/24							
81725	WALMART COMMUNITY/GECRB	02/08/2024	03/20/2024	3.17	3.17	Open	N
	SOFTBALL PICTURES FOR TROPHIES	pziemer					03/20/2024
	230-5215-42210 OPERATING SUPPLIES			3.17			
	Total for vendor 0006 - WALMART COMMUNITY/GECRB:			3.17	3.17		
Total PCard: 2257 U.S. BANK Card Holder: PARKS				3.17	3.17		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: POLICE							
Vendor 2902 - ADVANCE AUTO PARTS:							
6574405126862							
81564	ADVANCE AUTO PARTS	02/20/2024	03/20/2024	29.94	29.94	Open	N
	SQD WIPER FLUID	pziemer					03/20/2024
	225-2120-42221 SQUAD CAR REPAIR SUPPLIES			29.94			
	Total for vendor 2902 - ADVANCE AUTO PARTS:			29.94	29.94		
Vendor 3698 - AMAZON:							
2/6/24							
81710	AMAZON	02/06/2024	03/20/2024	51.76	51.76	Open	N
	FLASH DRIVES	pziemer					03/20/2024
	225-2120-42210 OPERATING SUPPLIES			51.76			
2/12/24 - 2							
81717	AMAZON	02/12/2024	03/20/2024	58.86	58.86	Open	N
	FLASHDRIVES, LAPTOP CASE	pziemer					03/20/2024
	225-2120-42210 OPERATING SUPPLIES			25.88			
	225-2120-42200 OFFICE SUPPLIES			32.98			
	Total for vendor 3698 - AMAZON:			110.62	110.62		
Vendor 3420 - BCA :							
1/31/24							
81699	BCA	01/31/2024	03/20/2024	300.00	300.00	Open	N
	715 BCA DEATH AND MISSING PERSONS CO	pziemer					03/20/2024
	225-2120-43330 PROFESSIONAL DEVELOPMENT			300.00			
1/31/24 - 2							
81700	BCA	01/31/2024	03/20/2024	300.00	300.00	Open	N
	719: BCA DEATH AND MISSING PERSONS CO	pziemer					03/20/2024
	225-2120-43330 PROFESSIONAL DEVELOPMENT			300.00			
2/6/24							
81711	BCA	02/06/2024	03/20/2024	50.00	50.00	Open	N
	BCA MNJIS OPERATOR TRAINING -A.TIMMO	pziemer					03/20/2024
	225-2120-43330 PROFESSIONAL DEVELOPMENT			50.00			
2/6/24 - 2							
81712	BCA	02/06/2024	03/20/2024	(25.00)	(25.00)	Open	N
	BCA TAC WORKSHOP RETURN -A.TIMMONS	pziemer					03/20/2024
	225-2120-43330 PROFESSIONAL DEVELOPMENT			(25.00)			
	Total for vendor 3420 - BCA :			625.00	625.00		
Vendor 3898 - KOHL'S:							

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
PCard: 2257 U.S. BANK Card Holder: POLICE							
2/2/24							
81704	KOHL'S	02/02/2024	03/20/2024	84.99	84.99	Open	N
	703: INVESTIGATOR UNIFORM WEAR	pziemer					03/20/2024
	225-2120-41113 UNIFORM ALLOWANCE			84.99			
	Total for vendor 3898 - KOHL'S:			84.99	84.99		
Vendor 0233 - LEAGUE OF MN CITIES:							
2/5/24							
81707	LEAGUE OF MN CITIES	02/05/2024	03/20/2024	20.00	20.00	Open	N
	702 SAFETY AND LOSS CONTROL WORKSHOP	pziemer					03/20/2024
	225-2120-43330 PROFESSIONAL DEVELOPMENT			20.00			
	Total for vendor 0233 - LEAGUE OF MN CITIES:			20.00	20.00		
Vendor 4192 - MARRIOTT:							
2/15/24							
81720	MARRIOTT	02/15/2024	03/22/2024	235.66	235.66	Open	N
	715 BCA - ADVANCED FINANCIAL CRIMES -	pziemer					03/20/2024
	225-2120-43330 PROFESSIONAL DEVELOPMENT			235.66			
	Total for vendor 4192 - MARRIOTT:			235.66	235.66		
Vendor 2734 - MINNESOTA SHERIFF'S ASSOCIATION:							
2/16/24							
81721	MINNESOTA SHERIFF'S ASSOCIATION	02/16/2024	03/20/2024	90.00	90.00	Open	N
	702 EXTREME RISK PROTECTION ORDER TRA	pziemer					03/20/2024
	225-2120-43330 PROFESSIONAL DEVELOPMENT			90.00			
	Total for vendor 2734 - MINNESOTA SHERIFF'S ASSOCIATION:			90.00	90.00		
Vendor 1375 - MN CHIEFS OF POLICE ASSOC:							
1/26/24							
81753	MN CHIEFS OF POLICE ASSOC	01/26/2024	03/20/2024	477.00	477.00	Open	N
	2024 ANNUAL MEMBERSHIP	pziemer					03/20/2024
	225-2120-43433 DUES & SUBSCRIPTIONS			477.00			
	Total for vendor 1375 - MN CHIEFS OF POLICE ASSOC:			477.00	477.00		
Vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:							
2/5/24							
81708	O'REILLY AUTOMOTIVE STORES INC.	02/05/2024	03/20/2024	54.31	54.31	Open	N
	SQUAD CAR WASH SOAP	pziemer					03/20/2024
	225-2120-42221 SQUAD CAR REPAIR SUPPLIES			54.31			
	Total for vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:			54.31	54.31		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: POLICE							
Vendor MISC - PRICELINE:							
2/22/24							
81754	PRICELINE	02/22/2024	03/20/2024	352.29	352.29	Open	N
	719 BCA - CRIME SCENES - HOTEL	pziemer					03/20/2024
	225-2120-43330 PROFESSIONAL DEVELOPMENT			352.29			
	Total for vendor MISC - PRICELINE:			352.29	352.29		
Vendor 4198 - SOTA MIDWEST:							
2/1/24							
81705	SOTA MIDWEST	02/01/2024	03/20/2024	365.00	365.00	Open	N
	709 : SOTA CONFERENCE	pziemer					03/20/2024
	225-2131-43330 PROFESSIONAL DEVELOPMENT			365.00			
2/5/24							
81713	SOTA MIDWEST	02/05/2024	03/20/2024	365.00	365.00	Open	N
	721 - SOTA CONFERENCE	pziemer					03/20/2024
	225-2131-43330 PROFESSIONAL DEVELOPMENT			365.00			
1/31/24							
81731	SOTA MIDWEST	01/31/2024	03/20/2024	365.00	365.00	Open	N
	715 SOTA CONFERENCE	pziemer					03/20/2024
	225-2131-43330 PROFESSIONAL DEVELOPMENT			365.00			
	Total for vendor 4198 - SOTA MIDWEST:			1,095.00	1,095.00		
Vendor 3911 - STORM COMBATIVES TRAINING CONSULTAT:							
2/8/24							
81716	STORM COMBATIVES TRAINING CONSULTAT	02/08/2024	03/20/2024	299.00	299.00	Open	N
	UNDERCOVER SURVIVAL TRAINING	pziemer					03/20/2024
	225-2120-43330 PROFESSIONAL DEVELOPMENT			299.00			
	Total for vendor 3911 - STORM COMBATIVES TRAINING CONSULTAT:			299.00	299.00		
Vendor 0322 - STREICHERS PROF EQUIP:							
1/10/24							
81755	STREICHERS PROF EQUIP	01/20/2024	03/20/2024	129.18	129.18	Open	N
	720- UNIFORM PANTS	pziemer					03/20/2024
	225-2120-41113 UNIFORM ALLOWANCE			129.18			
	Total for vendor 0322 - STREICHERS PROF EQUIP:			129.18	129.18		
Vendor 3703 - TRANSUNION RISK:							
2/2/24							
81706	TRANSUNION RISK	02/02/2024	03/20/2024	75.00	75.00	Open	N
	INVESTIGATIONS & PARKING TICKET COLL	pziemer					03/20/2024

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: POLICE								
	225-2120-42210	OPERATING SUPPLIES			75.00			
	Total for vendor 3703 - TRANSUNION RISK:				75.00	75.00		
Vendor 1455 - USPCA REGION 12:								
1/29/24								
81698	USPCA REGION 12		01/29/2024	03/20/2024	50.00	50.00	Open	N
	718 - USPCA 2024 MEMBERSHIP		pziemer					03/20/2024
	225-2120-43433	DUES & SUBSCRIPTIONS			50.00			
	Total for vendor 1455 - USPCA REGION 12:				50.00	50.00		
Vendor 3697 - USPS:								
1/30/24								
81701	USPS		01/30/2024	03/20/2024	2.11	2.11	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			2.11			
1/31/24								
81702	USPS		01/31/2024	03/20/2024	11.31	11.31	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			11.31			
1/31/24 - 2								
81703	USPS		01/31/2024	03/20/2024	12.40	12.40	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			12.40			
2/5/24								
81709	USPS		02/05/2024	03/20/2024	6.60	6.60	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			6.60			
2/6/24								
81714	USPS		02/06/2024	03/20/2024	1.63	1.63	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			1.63			
2/7/24								
81715	USPS		02/07/2024	03/20/2024	10.10	10.10	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			10.10			
2/12/24								
81718	USPS		02/12/2024	03/20/2024	5.00	5.00	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			5.00			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: POLICE								
2/12/24 - 2								
81719	USPS		02/12/2024	03/20/2024	5.80	5.80	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			5.80			
2/22/24								
81723	USPS		02/22/2024	03/20/2024	5.80	5.80	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			5.80			
2/23/24								
81724	USPS		02/23/2024	03/20/2024	5.80	5.80	Open	N
	POSTAGE		pziemer					03/20/2024
	225-2120-43322	POSTAGE			5.80			
		Total for vendor 3697 - USPS:			66.55	66.55		
Vendor 3924 - VISTA PRINT:								
2/21/24								
81722	VISTA PRINT		02/21/2024	03/20/2024	25.48	25.48	Open	N
	701 - BUSINESS CARDS		pziemer					03/20/2024
	225-2120-42210	OPERATING SUPPLIES			25.48			
		Total for vendor 3924 - VISTA PRINT:			25.48	25.48		
Total PCard: 2257 U.S. BANK Card Holder: POLICE					3,820.02	3,820.02		

# of Invoices:	193	# Due: 193	Totals:	392,401.79	392,401.79
# of Credit Memos:	5	# Due: 5	Totals:	(192.66)	(192.66)
Net of Invoices and Credit Memos:				392,209.13	392,209.13

* 4 Net Invoices have Credits Totalling: (90.82)

--- TOTALS BY GL DISTRIBUTION ---

101-0000-36299	MISCELLANEOUS REVENUE (NONTAX)	(61.47)
101-1110-41150	WORKERS COMP	10.75
101-1400-43330	PROFESSIONAL DEVELOPMENT	1,519.96
101-1400-43430	MISCELLANEOUS	75.55
101-1400-43433	DUES & SUBSCRIPTIONS	230.77
101-1410-43430	MISCELLANEOUS	299.63
101-1700-43330	PROFESSIONAL DEVELOPMENT	937.32
101-1800-43309	COMPUTER SUPPORT	579.29
101-1800-43321	TELEPHONE	832.07
101-1940-42200	OFFICE SUPPLIES	140.81
101-1940-42220	REPAIR & MAINT	1,345.00
101-1940-43321	TELEPHONE	248.78
101-1940-43331	LEASE PAYMENTS	398.82
101-1940-43380	UTILITIES	1,523.79

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
101-2400-42212	MOTOR FUELS			210.10			
101-2400-42220	REPAIR & MAINT			1,301.83			
101-2400-43330	PROFESSIONAL DEVELOPMENT			595.32			
101-2400-43350	PRINTING/LEGAL PUBLICATION			671.05			
101-2400-43433	DUES & SUBSCRIPTIONS			10.00			
101-9200-43300	PROFESSIONAL SERVICES			8,767.50			
101-9200-43430	MISCELLANEOUS			286.00			
101-9200-43438	MISC SPECIAL PROJECTS			1,335.36			
101-9200-43460	REMIT COMMUNITY ACTION LEVY			8,054.38			
101-9200-43461	REMIT SENIOR CITIZEN LEVY			8,054.38			
101-9200-43462	REMIT ARBORETUM LEVY			8,054.38			
203-9000-42212	MOTOR FUELS			6,216.79			
203-9000-43350	PRINTING/LEGAL PUBLICATION			1,834.25			
211-5500-42200	OFFICE SUPPLIES			46.57			
211-5500-42220	REPAIR & MAINT			627.16			
211-5500-43300	PROFESSIONAL SERVICES			675.00			
211-5500-43380	UTILITIES			1,394.69			
211-5500-45500	CAPITAL OUTLAY			170.30			
211-5501-43430	MISC - SPECIFIED DONATION USE			54.69			
211-5503-43430	MISC - USE OF HOLDEN TRUST			45.00			
211-5505-43430	MISC - COPY MACHINE PYMTS			97.70			
225-0000-15510	PREPAID OTHER			738.21			
225-2120-41113	UNIFORM ALLOWANCE			796.08			
225-2120-42200	OFFICE SUPPLIES			32.98			
225-2120-42210	OPERATING SUPPLIES			610.50			
225-2120-42212	MOTOR FUELS			4,222.76			
225-2120-42220	REPAIR & MAINT			155.00			
225-2120-42221	SQUAD CAR REPAIR SUPPLIES			1,591.14			
225-2120-43300	PROFESSIONAL SERVICES			1,000.00			
225-2120-43305	CRIME PREVENTION PROGRAM			269.00			
225-2120-43309	COMPUTER TECHNICAL SUPPORT			60.34			
225-2120-43321	TELEPHONE			85.83			
225-2120-43322	POSTAGE			66.55			
225-2120-43330	PROFESSIONAL DEVELOPMENT			1,806.11			
225-2120-43380	UTILITIES			269.16			
225-2120-43433	DUES & SUBSCRIPTIONS			527.00			
225-2131-43330	PROFESSIONAL DEVELOPMENT			1,095.00			
225-2220-41113	UNIFORM ALLOWANCE			133.87			
225-2220-42200	OFFICE SUPPLIES			62.97			
225-2220-42210	OPERATING SUPPLIES			164.84			
225-2220-42212	MOTOR FUELS			856.41			
225-2220-42221	R&M BUILDING			95.93			
225-2220-43300	PROFESSIONAL SERVICES			4,112.00			
225-2220-43309	COMPUTER TECHNICAL SUPPORT			3,691.07			
225-2220-43321	TELEPHONE			110.34			
225-2220-43330	PROFESSIONAL DEVELOPMENT			2,401.62			
225-2220-43350	PRINTING/LEGAL PUBLICATION			175.65			
225-2220-43380	UTILITIES			1,137.15			
225-2225-41150	WORKERS COMP			14,127.50			
225-2225-43330	PROFESSIONAL DEVELOPMENT			761.12			
225-2225-43473	REMIT STATE FIRE AID			3,000.00			
225-2700-43300	PROFESSIONAL SERVICES			1,919.33			
225-2700-43430	MISCELLANEOUS			1,939.00			
227-3230-43428	USED OIL RECYCLING EXPENSE			64.35			
229-0000-43300-23:09	PROFESSIONAL SERVICES			564.99			
229-0000-43300-23:10	PROFESSIONAL SERVICES			135.00			
230-5200-42200	OFFICE SUPPLIES			88.80			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
230-5200-42212	MOTOR FUELS			767.65			
230-5200-42220	REPAIR & MAINT			4,088.88			
230-5200-43300	PROFESSIONAL SERVICES			175.00			
230-5200-43321	TELEPHONE			62.86			
230-5200-43380	UTILITIES			1,354.41			
230-5215-42210	OPERATING SUPPLIES			3.17			
235-3100-42212	MOTOR FUELS			1,885.69			
235-3100-42220	REPAIR & MAINT			767.97			
235-3100-42240	SMALL TOOLS			530.00			
235-3100-43300	PROFESSIONAL SERVICES			175.00			
235-3100-43321	TELEPHONE			62.87			
235-3100-43330	PROFESSIONAL DEVELOPMENT			167.50			
235-3100-43380	UTILITIES			862.73			
235-3100-43410	RENTAL EXPENSE			80.56			
235-3100-43430	MISCELLANEOUS			143.22			
235-3125-42220	REPAIR & MAINT			3,931.84			
237-3190-42220	REPAIR & MAINT			384.10			
238-3160-43430	MISCELLANEOUS			758.28			
251-9360-43467	REMIT LOCAL SALES TAX COLLECT			21,278.77			
260-9020-43321	TELEPHONE			120.31			
275-6550-43430	MISCELLANEOUS			242.74			
280-0000-41150	WORKERS COMP			72,212.25			
400-2001-45530	PYMTS TO CONTRACTORS			20,385.00			
400-9050-45530	CAPITAL - OTHER			136,641.00			
401-0000-14100	DUE FROM COMPONENT UNIT - WATER			435.00			
401-1003-43300	PROFESSIONAL SERVICES			204.75			
401-1003-43430	MISCELLANEOUS			2,469.72			
401-9030-42212	MOTOR FUELS			19.61			
401-9030-43300-21:12	PROFESSIONAL SERVICES			315.00			
401-9030-43300-21:16	PROFESSIONAL SERVICES			3,044.25			
401-9030-43300-23:05	PROFESSIONAL SERVICES			8,921.88			
401-9030-43300-23:13	PROFESSIONAL SERVICES			3,250.00			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			45,421.37	45,421.37		
	203 - TRANSIT FUND			8,051.04	8,051.04		
	211 - LIBRARY FUND			3,111.11	3,111.11		
	225 - PUBLIC SAFETY FUND			48,014.46	48,014.46		
	227 - RECYCLING FUND			64.35	64.35		
	229 - PANDEMIC GRANTS			699.99	699.99		
	230 - PARK & RECREATION FUND			6,540.77	6,540.77		
	235 - STREET & SEWER FUND			8,607.38	8,607.38		
	237 - SANITARY SEWER FUND			384.10	384.10		
	238 - STORM SEWER FUND			758.28	758.28		
	251 - LOCAL OPTION SALES TAX			21,278.77	21,278.77		
	260 - AIRPORT FUND			120.31	120.31		
	275 - LOCAL INCOME - SCDP			242.74	242.74		
	280 - PACKAGE INSURANCE FUND			72,212.25	72,212.25		
	400 - CAPITAL PROJECTS FUND			157,026.00	157,026.00		
	401 - CONSTRUCTION FUND			18,660.21	18,660.21		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			74,023.98	74,023.98		
	1003 - 10:03 DWNTWN MAIN CNTRACT			2,674.47	2,674.47		
	1110 - MAYOR & COUNCIL			10.75	10.75		
	1400 - ADMINISTRATION			1,826.28	1,826.28		
	1410 - ELECTIONS			299.63	299.63		
	1700 - ENGINEERING			937.32	937.32		
	1800 - IT/GIS			1,411.36	1,411.36		
	1940 - CITY HALL			3,657.20	3,657.20		
	2001 - STREET REMODEL/ADDITION			20,385.00	20,385.00		
	2120 - POLICE DEPARTMENT			11,492.45	11,492.45		
	2131 - TACTICAL TEAM			1,095.00	1,095.00		
	2220 - FIRE DEPARTMENT			12,941.85	12,941.85		
	2225 - PAID ON-CALL FIRE DEPT			17,888.62	17,888.62		
	2400 - COMMUNITY DEVL/INSPECTION			2,788.30	2,788.30		
	2700 - ANIMAL CONTROL			3,858.33	3,858.33		
	3100 - S & S MAINTENANCE			4,675.54	4,675.54		
	3125 - SNOW REMOVAL			3,931.84	3,931.84		
	3160 - STORM SEWER EXPENSE			758.28	758.28		
	3190 - SANITARY SEWER EXPENSE			384.10	384.10		
	3230 - RECYCLING EXPENSE			64.35	64.35		
	5200 - PARK MAIN/ADMINISTRATION			6,537.60	6,537.60		
	5215 - ADULT SOFTBALL			3.17	3.17		
	5500 - LIBRARY-BUDGETED			2,913.72	2,913.72		
	5501 - SPECIFIED DONATION USE			54.69	54.69		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
--- TOTALS BY DEPT/ACTIVITY ---							
	5503 - HOLDEN TRUST DONATION USE			45.00	45.00		
	5505 - TAXABLE FEES			97.70	97.70		
	6550 - LOCAL INCOME - SCDP			242.74	242.74		
	9000 - TRANSIT FUND			8,051.04	8,051.04		
	9020 - AIRPORT M & O			120.31	120.31		
	9030 - CONSTRUCTION PROJ-MISC			15,550.74	15,550.74		
	9050 - CAPITAL PROJECTS-MISC			136,641.00	136,641.00		
	9200 - CITY-WIDE			34,552.00	34,552.00		
	9360 - LOCAL OPTION SALES TAX			21,278.77	21,278.77		

Brainerd, MN
March 4th, 2024

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, Terry, and Bevans. Mayor Badeaux was noted as present.

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

Member O'Day asked to have the discussion from the special Public Utilities and Safety and Public Works Committee meeting about the South Brainerd Alley added to Unfinished Business.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF DISCUSSION OF THE SOUTH BRAINERD ALLEY ITEM TO UNFINISHED BUSINESS.

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

A. **Approval of Bills**
B. **Approval of Minutes**
C. **Department Activity Report**
D. **Approve Tobacco License Application Submitted by Vapor North New Location, 101 Washington Street - Contingent upon Approvals**
E. **Approve Tobacco License Application Submitted by The Parlor LLC, 714 Laurel St - Contingent upon Approval**
F. **Adopt Resolution Authorizing the City of Brainerd to Submit Information to the Minnesota Public Facilities Authority (MPFA) and to enter into a Grant Agreement with the MPFA**
G. **Approval of Revised Job Descriptions for Public Utility Department Water Crew Chief, Water Service worker, Water Plant Chief Operator, Water Plant Operator, and Wastewater Crew Chief classifications as presented.**
H. **Declare Youth Recreation Equipment as Surplus**

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

Council Committee Reports

Safety and Public Works Committee

Discuss Proposed Sidewalk on Willow Street (S. 6th to S. 7th)

Committee Chair O'Day stated that staff recommended sidewalk placement on the south side of the street. The committee is recommending that the sidewalk be placed on the north side as there is an electrical box that would have to be moved on the south side. The north side of the street has a pole that would need to be moved, but it would be much cheaper to do so than move an electrical box. The foot traffic to Speedway will benefit from the sidewalk.

Member Czeczok asked about the existing sidewalk and whether it would be replaced as a part of the project.

City Engineer/Public Works Director Dehn stated that the existing sidewalk is on the north side of the street, and it will be replaced with this project.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO PLACE SIDEWALK ON THE NORTH SIDE OF WILLOW STREET BETWEEN S. 6TH STREET AND S. 7TH STREET.

Direction on Active Code Enforcement Cases

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO OBTAIN AN ADMINISTRATIVE SEARCH WARRANT TO ABATE THE JUNK AND DEBRIS FOR THE PROPERTY AT 804 19TH ST SE.

Personnel and Finance Committee

Paid On-call Firefighter Hiring 2024

Committee Chair Johnson stated that this is the yearly hiring in anticipation of retirements to keep the number of Paid On-Call Firefighters at forty.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE ESTABLISHMENT OF A PAID ON-CALL FIREFIGHTER HIRING LIST AND TO AUTHORIZE THE HIRING OF UP TO 4 PAID ON-CALL FIREFIGHTERS.

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

Committee Chair Johnson stated that this request is for funds Kitchigami set up for the excess fund balance for capital projects.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE BRAINERD PUBLIC LIBRARY BOARD PROJECTS, REQUESTING $100,624 IN FUNDS FROM THE KITCHIGAMI REGIONAL LIBRARY RESERVE FUNDS DESIGNATED FOR THE BRAINERD PUBLIC LIBRARY.

Authorize the Use of the City of Brainerd Logo for Water Tower Committee Merchandise

Committee Chair Johnson stated that the Water Tower Committee wants to use the logo to put on merchandise to raise money.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE USE OF THE CITY LOGO BY THE WATER TOWER COMMITTEE TO ASSIST WITH SAVING THE HISTORIC WATER TOWER.

Member Czeczok asked whether the City Council should approve the items that the logo would be on.

Mayor Badeaux stated that as the liaison he would gladly vet the products.

Member Johnson stated that he'll support the motion, but he doesn't see why it couldn't be staff administratively approving the items.

MOVED AND SECONDED BY COUNCIL MEMBER CZECZOK AND JOHNSON, DULY CARRIED, TO AMEND THE MOTION TO INCLUDE COUNCIL REVIEW OF THE ITEMS.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE USE OF THE CITY LOGO BY THE WATER TOWER COMMITTEE TO ASSIST WITH SAVING THE HISTORIC WATER TOWER WITH COUNCIL REVIEW OF THE ITEMS TO BE PLACED ON THE CONSENT CALENDAR.

Fire Contract Formula for 2025 - Informational

Committee Chair Johnson stated that the Fire Advisory Board approved the formula, Brainerd's 2024 cost is $22,000.

Member Czeczok asked whether any of the members disagreed with the increase.

Member Terry stated that the members did not have a concern. The members were all impressed with Finance Director Hillman's clarity regarding the expenses.

Update on Public Utilities Director Hiring Process

Committee Chair Johnson stated that as of the Personnel and Finance Committee meeting the interviews were not complete.

HR Director Schubert stated that two additional applications had been received since interviews were conducted. The work group will meet and hope to give a recommendation at the March 18th meeting.

Member Czeczok stated that prior to the Personnel and Finance meeting, there was conversation about the interview process for the Public Utilities Director. Based on comments made, he reminded Council members to monitor themselves and their comments. There is no place for disparaging comments.

Approve Memorandum of Agreement between City and IBEW Local No. 31 Administrative Support Union setting the 2024 Wage for the Environmental Resources Technician Position

Committee Chair Johnson stated that this is the joint position with Baxter that the City has been trying to get the union to agree to. It's great to be able to begin the hiring process for this position.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE MOA BETWEEN THE CITY OF BRAINERD AND IBEW LOCAL NO. 31 ADMINISTRATIVE SUPPORT UNION SETTING THE 2024 WAGE FOR THE NEW ENVIRONMENTAL RESOURCES TECHNICIAN POSITION.

Unfinished Business

Call for Applicants – Informational:

Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – 2 terms (Expire 2026) 2 terms (Expire 2025)

Parks & Rec- 1 term (Expire 2029)
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)

Final Reading- Proposed Ordinance 1564- Replacement of City Code 700

City Engineer/Public Works Director Dehn stated that two definitions were added to the ordinance since the first reading for clarification. The definitions do not significantly affect the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1564 AND DISPENSE WITH THE ACTUAL READING.

Member Czeczok questioned the statement at the end of the summary ordinance, “notice is hereby given that a copy of the entire ordinance is available during City office hours or on the City’s website”, whether someone who comes in at the end of the day would be able to inspect the ordinance.

City Engineer/Public Works Director Dehn stated that staff would be available to do so no matter how late in the day a person came in to inspect the ordinance.

The Chair opened the public hearing at 7:47 p.m.

No one came forward.

The Chair closed the public hearing at 7:48 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON TO ADOPT ORDINANCE 1564 REPLACEMENT OF CITY CODE 700.

ORDINANCE 1564

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

Consider Postponing South Brainerd Alley Project (Added Item)

Member O’Day stated that at the joint meeting of the Public Utilities Commission and Safety and Public Works, the Public Utilities Committee had concerns about communication between staff, City Council, and the Commission. There was good discussion about concerns on both sides. From the Engineering perspective, cost savings are possible if the alley is done at the same time as the South Brainerd project. The Public Utilities Commission requested that the City Council delay the project for one year.

MOVED AND SECONDED BY COUNCIL MEMBERS O’DAY AND CZECZOK TO POSTPONE THE SOUTH BRAINERD ALLEY PROJECT UNTIL 2025.

Member Johnson stated that he would be voting no, as the information was not available publicly previous to the meeting. It was not a part of the agenda packet for tonight. The process for adding an item to the agenda should be followed.

Member O'Day stated that he understands Member Johnson's view. Both BPU and the City have put the project up for bid, the bids have not been returned yet. If bids were opened, the City could determine how much the project is going to cost.

Member Johnson stated that the Commission had time to include this item in the current Council Packet.

Member Czeczok clarified that the project plans are not complete, so the project has not yet gone out for bid. He would be glad to hear about this item at a later date, but he would ask that the City delays moving forward with the plans until this is decided.

Chair Bevans asked about the timeline of the project.

Member O'Day asked whether this would be reviewed previous to or after the bidding process.

City Engineer/Public Works Director Dehn stated that the project is still in the planning stage. It could be brought back to City Council after the plans are complete. The project could be brought back to the City Council prior to or after the bidding process depending on the City Council's preference.

Member O'Day withdrew his motion.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN TO BRING THE ALLEY PROJECT BACK TO THE CITY COUNCIL FOR DISCUSSION AND DELAY ANY FURTHER DEVELOPMENT OF THE PLANS AND SPECIFICATIONS UNTIL THE NEXT CITY COUNCIL MEETING.

Member O'Day stated that he would vote no, as he does not see the point in putting a stop to plans and specifications whether the project is done in 2024 or 2025. The more that the City knows the better in regard to deciding to delay the project.

Member Johnson stated that he agrees with Member O'Day, there is already momentum with the project.

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

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO BRING THE ITEM BACK FOR DISCUSSION AT THE NEXT CITY COUNCIL MEETING AND TO HAVE THE ENGINEERING DEPARTMENT CONTINUE TO DEVELOP PLANS AND SPECIFICATIONS IN THE MEANTIME.

New Business

Consider Conditional Use Permit for a Childcare Facility at 418 8th Ave NE

Community Development Director Kramvik gave an overview of the proposed conditional use permit.

Member Johnson stated that the approval will provide 16 childcare spots. The City can use every childcare spot it can get he is in favor of the CUP.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR A CHILDCARE FACILITY WITH TWO CLASSROOMS WITH A TOTAL OF 16 CHILDREN AT 418 8TH AVE NE WITH THE FOLLOWING CONDITIONS: 1) APPROVED INSPECTIONS AND REVIEWS BY THE FIRE MARSHAL AND BUILDING OFFICIAL PRIOR TO OPERATION. 2) THE 6-FOOT PRIVACY FENCE SLATS SHALL BE EARTH-TONE IN COLOR AND APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR.

Consider Conditional Use Permit Amendment for a 12-plex Apartment at PID 41040887

Community Development Director Kramvik gave an overview of the amendment to the project. The permit changes include a floor plan change and changes to the parking.

Member Johnson asked whether the 12-unit apartment, fitness center, and boarding house are on the same parcel. He asked whether changes to the fitness center and boarding house would need to go through the Planning Commission.

Community Development Director Kramvik stated that the other facilities are on separate parcels. The facilities would need to go through the Planning Commission if changes are to be made.

Member O'Day stated that he agrees with the comments made by Commissioner Duval at the Planning Commission meeting regarding setbacks.

Member Johnson asked to clarify the footprint of the building as he likes the rectangular building better than the spokes.

Community Development Director Kramvik stated that the setbacks were changed with the new plan as well as not reducing any of the trees proposed in the landscape plan. The new footprint of the building is the rectangular building.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT AMENDMENT FOR THE CONSTRUCTION OF A 12-UNIT MULTIFAMILY APARTMENT AT PID 41040887, WITH THE CONDITION THAT ANY ADDITIONAL LIGHTING CONFORMS TO THE OUTDOOR LIGHTING ORDINANCE.

First Reading - Proposed Ordinance 1565 - Administrative Subdivisions

Community Development Director Kramvik gave an overview of the ordinance. The objectives of the ordinance were to create better definitions for boundary line adjustment and lot consolidation, allow for the adjustment or consolidation of three properties rather than two to reduce the administrative burden on developers and builders, allow for the base lot subdivision of commercial buildings, and state a clear restriction on when the parcel can be administratively subdivided in the future.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO CONDUCT THE FIRST READING OF ORDINANCE 1565 AND DISPENSE WITH THE ACTUAL READING.

Consider Joint Workshop with Planning Commission for Short-Term Rental Ordinance

Community Development Director Kramvik stated that the Planning Commission reviewed the guidance by the City Council at their previous meeting. The Planning Commission requested a workshop with the City Council.

Member Stenglein stated that the Planning Commission, in watching the Council Meetings, has heard the hurdles for individual Council Members in order to pass an ordinance. She believes that a workshop would be valuable, and the matter of short-term rentals could be pinned up.

Member Czeczok asked whether holding a workshop would count as having been returned to the Planning Commission.

Community Development Director Kramvik stated that the public hearing legally needs to be conducted at the Planning Commission level. Additional public comments could be received at the City Council level.

Mayor Badeaux stated that if there are major concerns, Council Members could communicate with the Planning Commission.

Member O'Day stated that if a workshop is necessary to get through the issue and then the City Council doesn't have to deal with the issue again, he is in favor of having a workshop.

Chair Bevans stated that he will vote against holding a workshop.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND CZECZOK TO SCHEDULE A JOINT WORKSHOP WITH THE PLANNING COMMISSION ON MARCH 11TH AT 6:00 REGARDING SHORT-TERM RENTAL ORDINANCE.

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

Chair Bevans clarified that an interim use permit and rental license are required to run a short-term rental.

Public Forum

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

No one came forward.

The Chair closed the public forum at 8:17 p.m.

Staff Reports

Finance Director Hillman stated that the Presidential Nominating Primary election is on March 5th, precincts are open from 7:00 a.m. to 8:00 p.m.

Member Czeczok asked if there is a separate polling location for Ward 3 Precinct 3.

Finance Director Hillman stated that Ward 3 Precinct 3 is combined with Ward 3 Precinct 2 at Bethlehem Lutheran as there are only a few voters in Precinct 3.

HRA Director Charpentier stated that DW Jones will be requesting that the City of Brainerd be the applicant for the Work Force Housing Development Program on behalf of DW Jones at a future meeting.

City Engineer/Public Works Director Dehn stated that MnDOT has updated the City on the 2022 transit bus is expected to be built in 2024. The amount of the local share has increased, the item will come before the Council at the next meeting. Street Maintenance staff is assisting with the elections and the fence replacement at Mill Field. Spring street sweeping is expected to commence the week of March 11th which is a few weeks ahead of schedule.

Community Development Director Kramvik stated that the Planning Commission has started discussion on cannabis dispensaries.

Administrator Broyles stated that he has met some fantastic people in the last week. He is looking forward to meeting more people, building relationships, and serving the community.

Mayor's Report

Mayor Badeaux stated that as the liaison he was excited to have a lot of passionate people attend the last Park Board meeting. He thought people were polite and came forward with great ideas. He thanked the public for coming forward to a meeting, he does not recommend bringing business forward on social media.

Council Member Reports

Member Czezok stated that there has been a negative culture developed by the City Council. It is the duty of the elected officials to be responsible to the City, residents, and staff. Comments made that are duragatory in nature are not how all Members feel. He primarily is referencing the comments made about the Public Utilities Department. If the City Council cannot monitor ourselves and challenge each other to improve, the officials are not doing their jobs. He is challenging everyone to see that this behavior is ended.

Member Stenglein stated that Region 5 gave a "poop to power" presentation. There will be great things coming for the waste water treatment facility.

Member O'Day welcomed Administrator Broyles. He thanked those who attended the special meeting from the Public Utilities to help improve communication.

Member Johnson stated that the HRA Board met to determine budget priorities. The board is looking to acquire properties to rehab this year.

Member Terry stated that the Library Board revised their bylaws at its previous meeting to allow previous members of the Library Board to be Regional Board members. She will look to appoint a member to the board next meeting.

Member Stunek stated that a delegation of our Police Officers and Firefighters went down to the memorial for those lost in the line of duty in Burnsville. He thanked our members for attending the memorial.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT MN STATUTE 13D.05, SUBD.3(C) 3 TO DISCUSS THE PURCHASE OF THE ROBERTS PROPERTY.

The Chair adjourned to the closed session after a five-minute break at 8:33 p.m.

The Chair reconvened the meeting at 8:44 p.m.

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

The Chair adjourned the meeting at 8:44 p.m.

_____

Nicholas W. Broyles
City Administrator

BRAINERD POLICE DEPARTMENT

MONTHLY REPORT

BOOYAH AWARD

Officer Nick Karsnia is this month's Booyah winner! Sergeant Pallansch met with the father of a young child in the lobby of the police department. This father was tripping over his words, he was so excited to tell Pallansch about how Officer Karsnia stopped in at the martial arts studio to hang out with some kids after Officer Karsnia had cleared a call for service next door. This father went on and on about how proud he is to see such a young police officer with such amazing community service.

The father had shown Pallansch a photograph that he had taken of Officer Karsnia and his child. The father asked if the police department would use it on their Facebook page so others could see and hear about Officer Karsnia and his community service.

These simple contacts make such a HUGE difference in building community relationships.

Booyah!

BODY WORN CAMERA DATA REPORT

Month	Number of Videos	Hours of Video	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
February	1,509	299	522	354	12 Minutes	52

AXON Evidence.com

CONDUCT ON PREMISES ACTIVITY REPORT

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

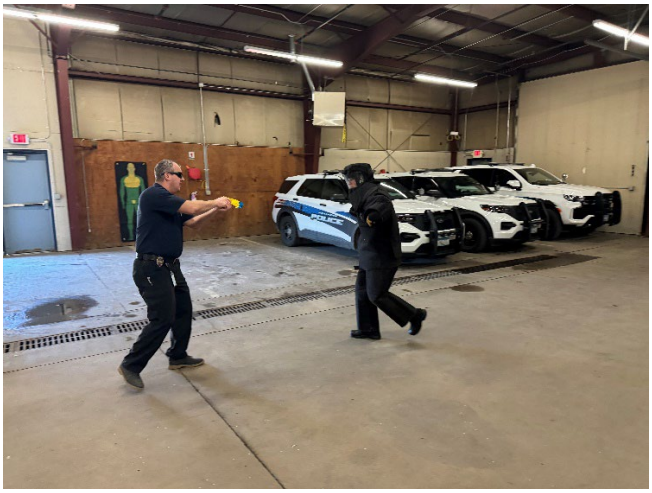
TRAINING & STAFF DEVELOPMENT

Crime Scene Course
Investigator Middleton attended a three-day course that taught crime scene processing skills to law enforcement officers. BCA Crime Scene Team members provided instruction on approaching the crime scene, forensic evidence identification, documentation, collection, and packaging of physical evidence. Instructional methodology included lecture and practical exercises with latent prints, trace, biological and firearms/toolmark evidence. There was instruction and hands on experience with digital evidence, scene diagramming, scene/evidence photography and preparation of crime scene search warrants. The third day included a mock crime scene processing exercise that allowed the students to apply the knowledge gained throughout the course.

Advanced Financial Crimes Investigation
Investigator Personius attend this course that outlined how to identify a wide variety of investigative techniques to employ in financial crimes investigations and employ deductive reasoning to develop a working theory of a crime, and an appropriate investigative strategy. Attendees also learned the use of Microsoft excel to organize, analyze, and present a large volume of investigative data, draft subpoenas, search warrants and other court orders to obtain information and preserve the integrity of an investigation.

De-escalation Training
Records Technicians Kim Marquart and Michelle Mendoza attended “Dealing with and Responding to Our Valued Members”. This presentation showed attendees how to plan to respond and exercise self- control in the most taxing times. This presentation is designed to respond to real-life scenarios using body language and empathy, which are critical points in a successful two-way communication encounter to stay safe and protect your job and brand.

Department Training
All Officers recertified in taser and chemical agent at this month’s department training.



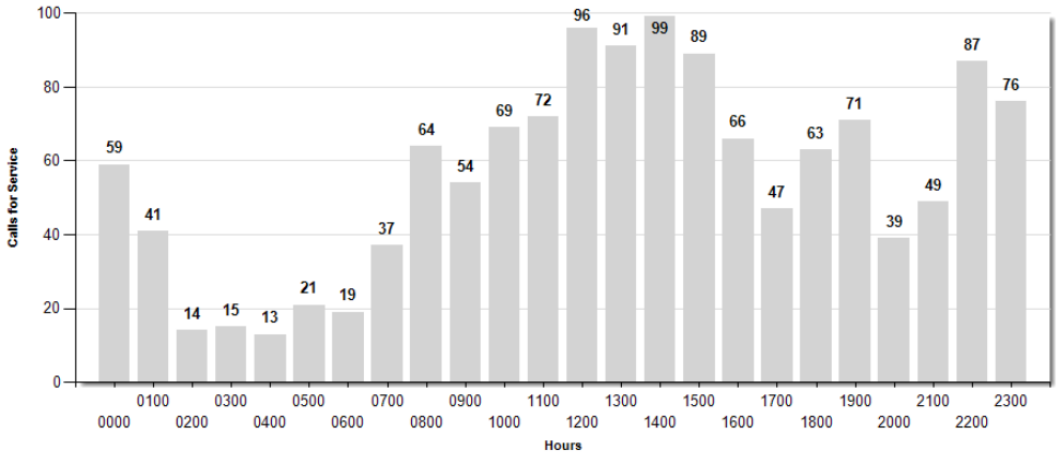
OVERALL CALLS FOR SERVICE

February	2024	2023
Number of Calls for Service	1,351	1,278

Calls for Service Hourly

2/1/2024 to 2/29/2024

Total Calls: 1408

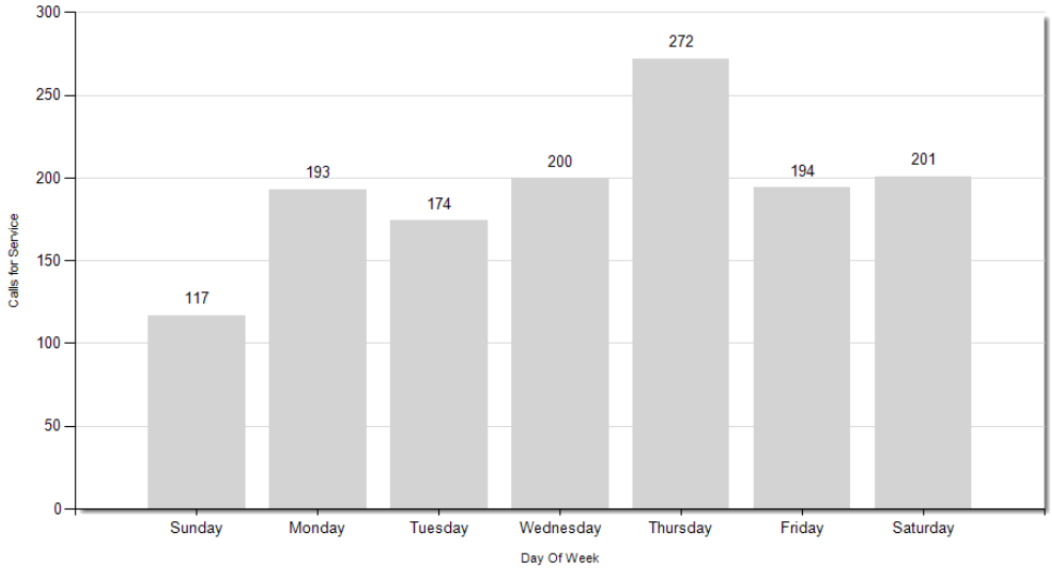


Calls for Service Day Of Week

Start Date: 2/1/2024

End Date: 2/29/2024

Total Calls: 1408



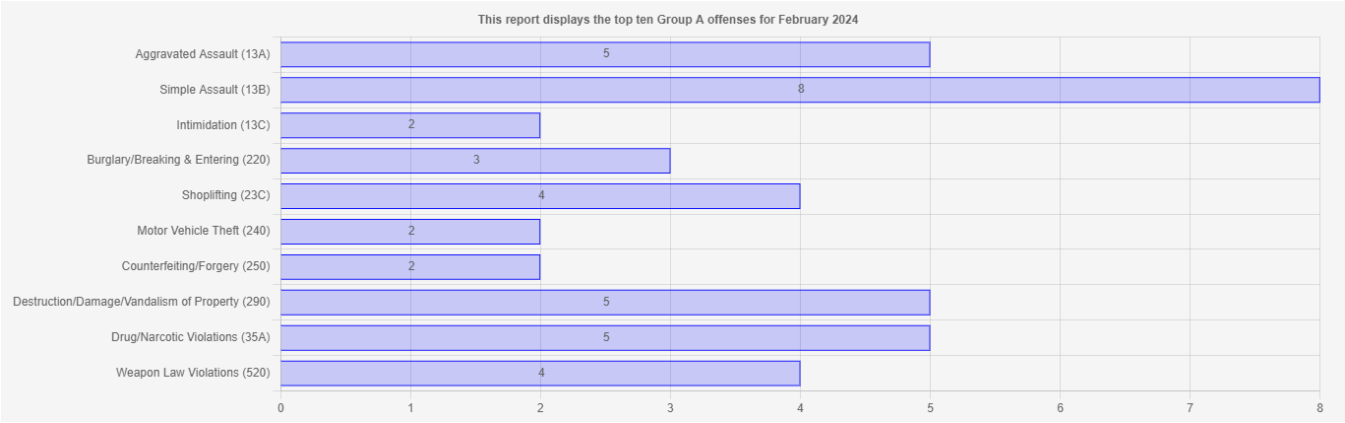
CRIME STATISTICS

Year to Date through Month	2024	2023
Group A Offenses Known or Reported to Police	110	214
Group A and B Arrests	116	125

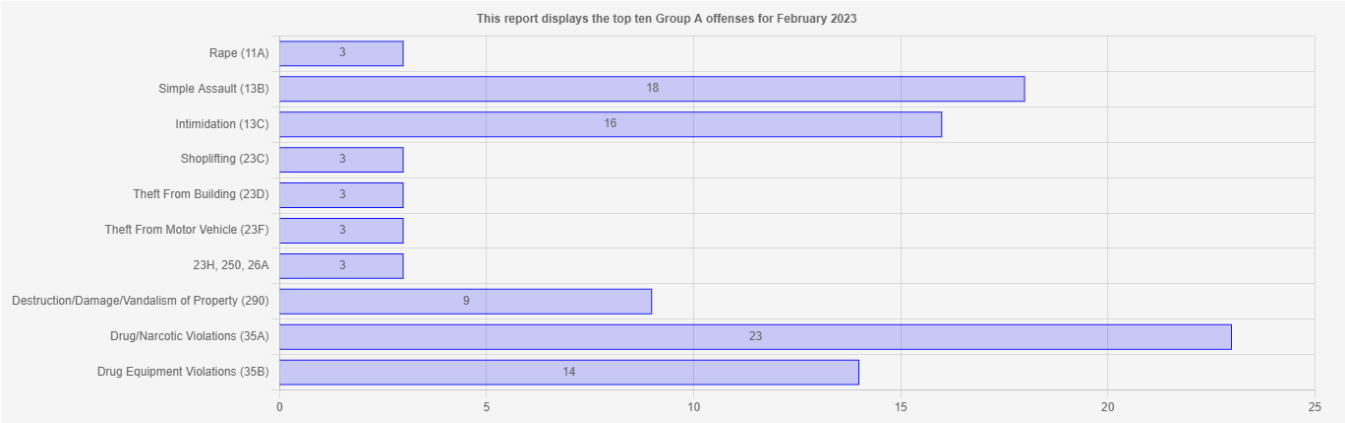
** Note: 2024 totals do not include case files that have not yet been coded.

TOP 10 GROUP A OFFENSES

February 2024

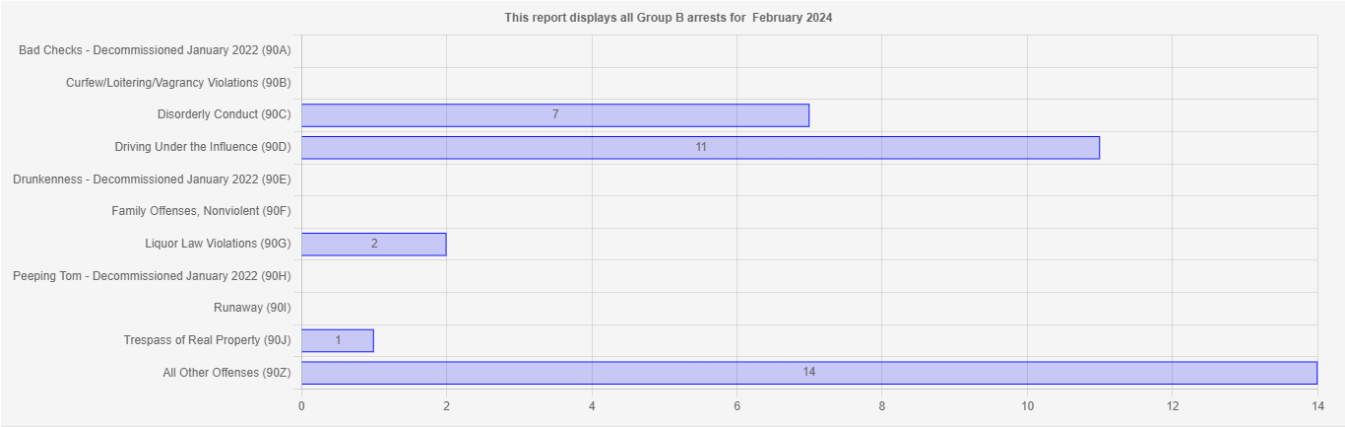


February 2023

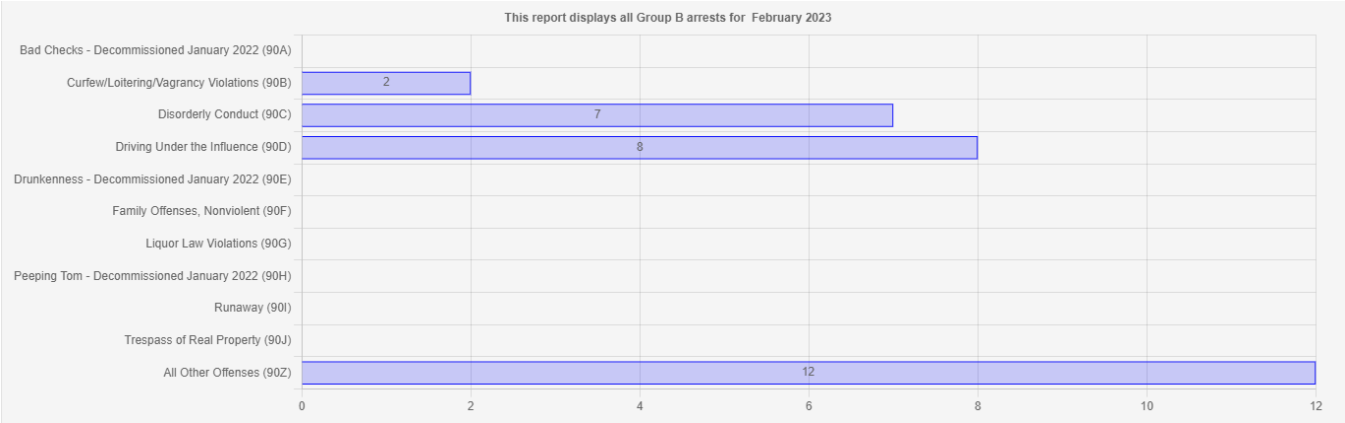


GROUP B ARREST DATA

February 2024



February 2023



CITATIONS, PARKING TICKETS, & WRITTEN WARNINGS

Month	2024	2023
Citations (Inc. Parking Tickets & Written Warnings)	167	238

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

0	Dismissed
16	Paid in Full
0	Partial Payments Received
20	No Payment Received

Revenue Recapture Receipts:

2023 Total:	$ 8,046.99
2024 To Date:	$ 2,158.78

COMMUNITY OUTREACH

Community Policing
Officer Karsnia at Team Ascension Martial Arts Studio recruiting future officers for a 2041 start date.

Reading with Cops
Officer Judd is continuing our monthly community outreach program reading to children at the Relationship Safety Alliance in Brainerd.

COMMUNITY DEVELOPMENT DEPARTMENT REPORT

James Kramvik, CDD **February 2024**

BUILDING PERMITS

The Community Development Department issued 61 building permits with a total project valuation of $1,599,405 in the month of February. Within the River-to-Rail Corridor, twelve (12) permits were issued. These improvements resulted in $3,937.22 being waived in permit fees.

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

Issued Permits for February 2024		
Type Of Permit	# Issued	Total Project Valuation
Commercial – Building – Remodel	2	$323,000
Commercial – Building – Roofing	1	$12,300
Commercial – Building – Windows/Doors	1	$13,500
Commercial – Mechanical – Remodel	4	$90,850
Commercial – Plumbing – Remodel	2	$33,000
Commercial – Plumbing – Water Heater	2	N/A
Engineering - Excavation	6	N/A
Residential – Building – New/Addition	3	$857,000
Residential – Building – Deck	1	$8,000
Residential – Building – Remodel	7	$244,300
Residential – Building – Siding	3	N/A
Residential – Building – Solar Panels	1	N/A
Residential – Building – Windows/Doors	2	N/A
Residential – HUD Home – Installation	2	N/A
Residential - Mechanical - Furnace/Boiler	5	N/A
Residential – Mechanical – New/Addition	3	N/A
Residential – Mechanical – Remodel	2	N/A
Residential – Plumbing – New/Addition	1	N/A

Residential – Plumbing – Remodel	4	N/A
Residential - Plumbing – Water Heater	4	N/A
Residential – Plumbing – Water Softener	1	N/A
Sign	4	$17,455

There were three (3) single-family home building permits in the month of February.

BUILDING INSPECTIONS

The Community Development Department conducted 81 building inspections in February.

CODE ENFORCEMENT

The Community Development Department conducted 23 code enforcement inspections in February resulting in violations across the following categories:

CODE ENFORCEMENT INSPECTIONS	
Junk and Debris	7
Unlicensed/Inoperable Vehicles	8
Tree Dead/Diseased	1
Animal Feces	1
Zoning Code Violation	1
Outdoor Storage	1
Exterior Structure	1
Garbage	1
Unsafe Structure	1
	Total = 23

**Note: With the adoption of Ordinance No. 1524 on April 4th, 2022, Community Development staff have moved to complaint driven enforcement only.*

Direction on Active Code Enforcement Cases

Staff executed one (1) administrative search warrant for abatement of properties in the month of February as directed by City Council for 1306 Oak Street.

Staff continue to send citations to the following properties as directed by City Council.

1) **823 Willow St** – Unlicensed Rental - Issuing $300 citation monthly for non-licensed rental. Requested legal action from City Attorney 9/6/23.
2) **303 J St NE** – Fence - Issuing a $300 citation each month until the non-permitted fence is corrected.
3) **1812 Oak St** – Unlicensed Rental – Issuing a $300 citation each month for non-licensed rental. Requested legal action from City Attorney 12/4/23.
4) **15284 Beaver Dam Rd** – Illegal discharge of sewage from pole building - Issuing a $100 citation each day for non-compliant septic. Requested legal action from City Attorney

9/18/23. The property manager applied for and received a rental license on 12/5/23 for the 5-bedroom house that a family was already living in.

5) **319 N 9th St** – Property Maintenance/ Roof – Issuing a $300 citation each month until roof is corrected.

RENTAL INSPECTIONS

The Community Development Department issued nine (9) rental licenses in the month of February.

The Housing Inspector has completed 36 rental property inspections in February.

CONTRACTOR REGISTRATION

The Community Development Department issued 19 contractor registrations in February.

PLANNING AND ZONING

Adult Use Cannabis

Minnesota is the 23rd state in the nation to legalize cannabis use for people 21 and older. The legislation creates the framework for adult-use cannabis in Minnesota and establishes a new Office of Cannabis Management, which will regulate cannabis (including for the adult-use market, the Medical Cannabis Program, and for lower-potency hemp edibles) and issue licenses and develop regulations outlining how and when businesses can participate in the industry.

Staff recently attended a cannabis roundtable discussion hosted by Swanson Haskamp Consulting. The purpose of the discussion was to receive an update on the Office of Cannabis Management, discuss how municipalities can regulate dispensaries, and hear from a current operator from another state.

The Planning Commission held initial discussions regarding the framework for a potential ordinance for cannabis dispensaries. A significant amount of the discussion centered around which zoning districts dispensaries should be allowed in and if there should be a distance requirement from treatment facilities, parks, or schools. Staff are currently researching other municipalities and will be presenting the findings at the next Planning Commission meeting along with a draft ordinance.

February Planning Commission Meeting Agenda Items

1) Update on Short-Term Rental Ordinance
2) Cannabis Dispensary Discussion and Draft Ordinance
3) Conditional Use Permit for a 12-plex – Creekside Community Development
4) Conditional Use Permit Amendment for a Boarding House - Creekside Community Development
5) Interim Use Permit for a Short-Term Rental – 714 7th St S

Tree Ordinance and Policy

Community Development Staff is drafting an updated tree ordinance and policy as directed by City Council. Language in the new ordinance will clearly state that the City is responsible for the removal of trees in the right-of-way. In addition to boulevard trees, staff will begin to work on an Emerald Ash Borer tree policy and draft language to require the diversification of trees based on the Tree Inventory collected by the City.

ECONOMIC DEVELOPMENT

Staff continues to meet and discuss options for the ISD 181 property that is located North of Buffalo Hills Park. There are approximately 20 acres of property available for development and is currently zoned Contemporary Neighborhood 2 District which allows for single family and multifamily housing. City Staff and the HRA are meeting with school district representatives to plan for the future of this property and achieve a common goal of residential infill development that will be beneficial for both parties.

PLANNING AND ZONING PROCESSES – CURRENT PROGRESS UPDATE

Address: 1202 6th St S

PZE Process: Conditional Use Permit **Date Issued:** 8/2/22

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

The applicant has completed the following steps:

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

Address: 1918 & 1911 Thiesse Dr.

PZE Process: Interim Use Permit **Date Issued:** 9/07/22

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

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

Address: PID 41040504
PZE Process: Conditional Use Permit **Date Issued:** 10/5/22
Project Description: The applicant proposed the construction of a 12-unit apartment complex.
Project Progress: The applicant has not begun construction. The applicant was approved for a Conditional Use Permit Amendment at the March 4th, 2024, City Council meeting.

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

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

Address: PID 41160504
PZE Process: Rezoning **Date Issued:** 1/11/23
Project Description: The purpose of this rezoning was to prepare this section of Parcel 41160504 for a consolidation with the contiguous parcel 41170515 which is also zoned Rural Living One (RL1) Zoning District.
Project Progress: The consolidation was completed and recorded with the County.

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

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

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

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

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

Address: 431 B St NE
PZE Process: Variance **Date Issued:** 5/3/22
Project Description: Requested a 7' corner yard setback for an accessory structure addition.
Project Progress: The applicant has not yet applied for a permit.
Address: 703 Oak St
PZE Process: Conditional Use Permit **Date Issued:** 6/8/23
Project Description: The operation of a Commercial Day Care Facility.
Project Progress: On August 22nd, 2023, Brainerd Family YMCA submitted a Commercial Building New/Addition permit for a $701,000 renovation in accordance with the conditions set in the Conditional Use Permit. This property is in the River-to-Rail area and qualified for a $150,000 reduction in the assessed valuation. The permit has been issued and is nearing completion.

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

Address: 219 W Laurel St
PZE Process: Variance **Date Issued**: 7/03/23
Project Description: A variance to allow a second accessory structure and to exceed the accessory structure square footage limit of 500 Sq Ft for the construction of a new 24' x 24' garage.
Project Progress: Upon passage of this variance the applicant submitted a permit to construct this accessory structure at the premises on September 1st, 2023. The project was completed and closed 12/15/23.

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

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

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

Address: 1202 6th St S
PZE Process: Variance **Date Issued:** 11/03/23
Project Description: Allowing the existing Ice producing machine at the premises to be 100% metal sided.
Project Progress: The City Council approved this at their 11/20/23 meeting. Staff will work with the applicant in the winter to produce a final landscape plan as required by the variance.

Address: 701 4th St SW
PZE Process: Interim Use Permit **Date Issued:** Denied
Project Description: The utilization of the property as a short-term rental.
Project Progress: The IUP application was denied at the January 2nd City Council meeting. The applicant has been approved for a rental license upon proof of a property manager residing withing 50 miles of the property.

Address: 100 Washington St.
PZE Process: Conditional Use Permit **Date Issued:** 1/2/2024
Project Description: The utilization of the property as an auto repair shop.
Project Progress: The applicant has applied for a sign permit. The Fire Marshal is working with the property owner and business to bring the building up to fire code.

Address: 524 N 8th St
PZE Process: Interim Use Permit **Date Issued:** 1/2/2024
Project Description: The utilization of the property as a short-term rental.
Project Progress: The applicant has obtained a rental license and is now allowed to operate a short-term rental at the subject property.

Address: 418 8th Ave NE
PZE Process: Conditional Use Permit **Date Issued:** 3/4/2024
Project Description: The utilization of the property as a commercial childcare facility with two Early Head Start Classrooms and a total enrollment of 16 children.
Project Progress: No current update.

Address: PID 41040887
PZE Process: Conditional Use Permit Amendment **Date Issued:** 3/4/2024
Project Description: The construction of a residential 12-unit multifamily apartment building consisting of two 2-bedroom units and ten studio apartment units.
Project Progress: No current update.

City of Brainerd
IT/GIS Department Monthly Report
February 2024

Projects

- Airport – City staff met with Crow Wing County leadership staff (2/5) to discuss Airport structure - essentially determined that Airport will remain under City IT for now.
- BCA security audit – continued work on final tasks include VPN and VLAN changes
- Planning for networking and security projects to be completed in 2024, vendor selection etc
- Continuing acquisition of dot gov domain (brainerdmn.gov) - may eventually replace ci.brainerd.mn.us

Software

- Implemented a 'system use notification' prompt for all police computers, BCA/CJIS requirement
- VPN (remote access) configuration changes
- Negotiated and finalized 5 year CTC agreement for telecommunications services
- Training of new staff on BS&A, CivicRec, and various other softwares used in their positions
- Continued implementation of IT asset tracking software and ticketing system

Hardware

- Various police squad issues – video, printing, connectivity, etc
- Police server room and IT office too warm, investigated, solved, plan for future maintenance

Other

- Technical support for numerous meetings – City Council, Park Board, Planning Comm, EDA, etc
- Staff added: City Administrator 2/26
- Staff departed: Interim City Administrator 2/28

Statistics

Website: total views 15,660 ↓ (22,144) users 5,252 ↓ (8,831).

Top pages: employment, parks, agendas, directory, transit

YouTube: City channel views 1,250 ↓ (1,741), hours watched 219.9 ↑ (165)

Facebook (city) : followers 3.1k, reach 109.4k ↑ (11.8K), interactions 552 ↑ (286)

Email: sent 7,634 ↓ or 263/day (8,605), received 30,573 ↓ or 1,054/day (33,733)

Cisco Secure Endpoint: files scanned 7.51M ↓ (7.73M) IPs scanned 825K ↓ (850K)

Telephone: total calls 7,815 ↓ (8,588)

Police 3,093 (40%), City Hall 2,607 (33%), Transit 1,798 (23%), Fire 278 (4%), Public Works 39 (0.5%)

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Approve Liquor License Transfer - Submitted by Mike Higgins for Notch 8, 1551 Northern Pacific Rd-- Contingent upon Proof of Ownership

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Finance

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE:
Notch 8, 1551 Northern Pacific Rd, is changing ownership and per the City Code, the City Council must approve changes regarding the liquor license. The purchase and transfer of the LLC is close to being completed by the two parties, and as a result, staff added a contingency to the motion in which proof of ownership is required before the approved transfer of the license.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION:
Motion to approve the change of ownership of Notch 8, contingent upon proof of ownership to staff.

FINANCIAL IMPACT: N/A

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Designate City Administrator Broyles as Responsible Authority as a part of the Data Practices Policy

AGENDA: Consent

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: The City Administrator is the Responsible Authority for the City's Data Practices Policy. Designation of a Responsible Authority, as well as other appropriate individuals, is needed to be in compliance with the Data Practices Act. The policy needs to be updated to designate Nick Broyles as Responsible Authority.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Update Exhibit A of the City of Brainerd's Data Practices Policy to name Nick Broyles, City Administrator, as the Responsible Authority.

FINANCIAL IMPACT:

Exhibit A

City of Brainerd Data Practices Contacts

Responsible Authority

Name: Nick Broyles, City Administrator

Address: 501 Laurel Street, Brainerd, MN 56401

Phone number: (218) 828-2307

Fax number: (218) 828-2316

Email address: nbroyles@ci.brainerd.mn.us

Data Practices Compliance Official

Name: Connie Hillman, Finance Director

Address: 501 Laurel Street, Brainerd, MN 56401

Phone number: (218) 828-2307

Fax number: (218) 828-2316

Email address: chillman@ci.brainerd.mn.us

Data Practices Designee – Law Enforcement

Name: John Davis, Police Chief

Address: 225 East River Road, Brainerd, MN 56401

Phone number: (218) 829-2805

Fax number: (218) 825-3489

Email address : john.davis@ci.brainerd.mn.us

Data Practices Designee – Non-Law Enforcement

Name: Kris Schubert, HR Director

Address: 501 Laurel Street, Brainerd, MN 56401

Phone number: (218) 828-2307

Fax number: (218) 828-2316

Email address: kschubert@ci.brainerd.mn.us

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Authorize Public Utilities Director to execute Legal Services Agreement with SpencerFane

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Administration

PRESENTER: N/A

ESTIMATED TIME (MIN):
N/A

SUMMARY OF ISSUE:
BPU has used outside counsel for specialized utility agreements in the City. BPU has worked with the same attorney, Ms. Kathleen Brennan for over two decades. Ms. Brennan has recently changed firms, moving to SpencerFane, a national firm with offices across the country, including Minneapolis, and has requested BPU to sign a Legal Services Agreement.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:
Per the City Charter, "City Attorney shall be the legal advisor of the Public Utilities Commission" and also provides that "the Council shall have the power to appoint and employ special counsel to assist the City Attorney in the performance of any of the City Attorney's duties....."

City Attorney Langel has reviewed the services agreement from Ms. Brennan, and has no objection to BPU using her specialized services.

Since BPU has used the same attorney for these specialized services for many years, the legal services agreement is more of a formality due to Ms. Brennan's move to a different firm.

RECOMMENDED ACTION/MOTION:
Authorization for the Public Utilities Director to execute the Legal Services Agreement to retain SpencerFane for specialized services as needed.

FINANCIAL IMPACT:

SpencerFane

Kaela Brennan
612-268-7064
kbrennan@spencerfane.com

File No. 5516408.0001

February 26, 2024

VIA E-MAIL
Todd Wicklund
Brainerd Public Utilities
8027 Highland Scenic Rd.
Brainerd, MN 56401
TWicklund@bpu.org

Re: Legal Representation

Dear Todd:

This letter confirms that Brainerd Public Utilities wishes to retain Spencer Fane LLP to assist with legal matters as general counsel that may arise from time to time as mutually agreed. We appreciate the confidence that Brainerd Public Utilities has shown in the firm.

Experience has demonstrated that a positive relationship with our clients is best achieved and maintained if there is a clear understanding concerning fees and expectations about the scope of work. We anticipate that Kaela Brennan will be the attorney primarily responsible for your legal representation. She shall involve other attorneys or professionals based on the nature of the work involved and the qualifications of the professional ,and she shall supervise those persons.

Our fees for legal services are customarily determined on the basis of an hourly rate for the services of the professional providing the service, including attorneys, paralegals, and legal assistants. The rate is determined by the firm's management, consistent with the experience, reputation, and abilities of the professionals performing the services. You will be charged $395 per hour for my services. Please note that other attorneys at our firm have higher or lower billable rates and that these attorneys may also perform work on your file. A copy of the schedule of the current standard hourly rates schedule for each of the firm's timekeepers is available upon request. We generally attempt to staff files to ensure excellent response times. We also strive to provide quality legal services in a cost-effective manner. The hourly rates are reviewed annually, and, if appropriate, are adjusted to reflect current levels of legal experience, reputation, ability, costs, and other factors.

We will keep accurate records of the time we devote to your work. Spencer Fane will send its billing statements to your designated e-mail address. Bills are itemized by date of work and provide a summary describing the work performed. If you have any questions about a bill, please contact me. We aim to resolve any billing concerns in a prompt and respectful manner. To aid this goal, you agree that if you ever have questions or concerns related to a bill you receive, you will promptly notify us in writing within thirty (30) days of an invoice's issued date. You agree to provide a detailed summary of each line item on the invoice that you disagree with and your reasons for the disagreement. After the thirty (30) days, if you have not objected in writing to us on a particular line item in good faith, you waive all defenses to payment and agree to pay the full invoiced amount of such item. If you do dispute a portion of an invoice, you agree to promptly pay all undisputed portions of the invoice. This process will aid us in responding to your concern promptly and accurately.

SpencerFane

Our bills are prepared monthly. All bills are due and payable upon receipt. We reserve the right to withdraw from the representation if our fees and costs are not paid in a timely fashion. In the unlikely event we must pursue collection of delinquent amounts from you, we reserve the right to pass along (and you hereby agree to pay) all expenses, including internal (Spencer Fane) and external (non-Spencer Fane) attorney time at the attorneys' then-current billable rate as well as any court cost or other expenses reasonably needed for the collection of any past due amounts.

Your privacy, our professional ethics, and the ability to provide you with exceptional services are very important to us. Spencer Fane's Standard Terms of Engagement for Legal Services are incorporated as part of this letter.

Finally, your signatures at the bottom of this letter confirm your acceptance and acknowledgment of this representation and that you and your company are responsible for all charges related to our representation. While I am happy to answer any questions you may have regarding this agreement, I also encourage you to seek independent legal counsel regarding this document since it is a legal contract.

Sincerely,
/s/ Kaela Brennan

Kaela Brennan

KB

I AGREE TO THE TERMS AS STATED OF REPRESENTATION. An electronic signature shall be as valid as an original.

Brainerd Public Utilities

Dated: February_____, 2024

By: _____

_____

Its: _____

SpencerFane

Standard Terms of Engagement for Legal Services

This statement sets forth the standard terms of our engagement as your lawyers.

The Scope of Our Work

You should have a clear understanding of the legal services we will provide. Any questions that you have should be dealt with promptly.

We will at all times act on your behalf to the best of our ability. Any expressions on our part concerning the outcome of your legal matters are expressions of our best professional judgment, but are not guarantees. Such opinions are necessarily limited to our knowledge of the facts and are based on the state of the law at the time they are expressed and should not be construed as a promise or guarantee.

It is our policy that, for conflict of interest purposes, the person or entity that we represent is the person or entity that is identified in our engagement letter and does not include any affiliates of such person or entity. For example, if you are a corporation or partnership, our representation does not extend to any parents, subsidiaries, employees, officers, directors, shareholders or partners of the corporation or partnership, or commonly owned corporations or partnerships. If you are a trade association, our representation does not extend to any members of the trade association, unless such members undertake individual arrangements with us. If you are an individual, our representation does not include your spouse, siblings, or other family members. In addition, the advice and communications which we render on your behalf are not intended to be disseminated to or relied upon by anyone else without our written consent.

It is also our policy that, for conflict of interest purposes, the attorney-client relationship will be considered terminated upon [our completion of the services that you have retained us to perform] or [our sending you over final statement or services rendered in the matter]. If you later retain us to perform further or additional services, our attorney-client relationship will be revived subject to these terms of engagement, as they may be supplemented at that time.

Who Will Provide the Legal Services

Customarily, each client of the firm is served by a principal attorney contact. The principal attorney should be someone in whom you have confidence and with whom you enjoy working. You are free to request a change of principal attorney at any time. Subject to the supervisory role of the principal attorney, your work or parts of it may be performed by other lawyers and legal assistants in the firm. Such delegation may be for the purpose of involving lawyers or legal assistants with particular skills or experience in a given area or for the purpose of providing services in the most efficient and timely basis.

Client Responsibilities

You agree to pay our statements for services and expenses as provided below. In addition, you agree to be candid and cooperative with us and keep us informed with complete and accurate factual information, documents, communications, and other material relevant to the subject matter of our representation or otherwise reasonably requested by us. You also agree to make any necessary business and strategy decisions in a timely manner.

Because we need to be able to contact you at all times regarding the representation, you agree to inform us, in writing, of any changes in your name, address, telephone number, contact person, email address, state of incorporation, and other relevant information regarding you or your business. Whenever we need instructions or authorization to proceed with legal work on your behalf, we will contact you at the most recent business address we have received. If you affiliate with, acquire, are acquired by, or merge with another client, you will provide us with sufficient notice to permit us to withdraw as your lawyers if we determine that such affiliation, acquisition, or merger creates a conflict of interest, or that it is not in the best interests of the firm to represent the new entity.

From time to time, either at the outset or during the course of our representation, we may express opinions or beliefs concerning the matter or various courses of action and the results that might be anticipated. Any such statement made by any lawyer of our firm is an expression of opinion only, based on information available to us at the time, and should not be construed by you as the promise or guarantee.

How Fees Will Be Set

Our fees for legal services are customarily determined on the basis of an hourly rate. Each of our lawyers and legal assistants has an hourly rate, as determined by the firm's management, consistent with the experience, reputation, and abilities of the lawyers and legal assistants performing the services. The hourly rates of each of our lawyers and legal assistants are reviewed annually, and, if appropriate, are adjusted to reflect current levels of legal experience, reputation, ability, costs, and other factors. We will keep accurate records of the time we devote to your work.

Occasionally we are requested to estimate the amount of fees and costs likely to be incurred in connection with a particular matter. When requested, we will attempt to furnish such an estimate, based upon our past experience and best professional judgment, but with an understanding that such an estimate is not a maximum or fixed-fee quotation and that fees and costs are not usually predictable. It is expressly understood that your obligation to pay our fees and costs is in no way contingent on the outcome of this matter.

For certain well-defined services (for example, a simple business incorporation), we may quote a flat fee and the scope of the services to be provided. It is our general policy not to accept representation on a flat-fee basis except in defined-service areas or pursuant to a special arrangement tailored to the needs of a particular client. Likewise, on rare occasions we may perform work on a contingency fee or other specially deferred fee relationship. In all such situations, the flat-fee or contingency fee arrangement will be expressed in a letter from us setting forth the terms and scope of the services to be provided, and your payment obligations.

Conflicts

We represent many other companies and individuals. It is possible that during the time that we are representing you, some of our present or future clients will have disputes or transactions with you. You agree that we may continue to represent, or may undertake in the future to represent, existing or new clients in any matter that is not substantially related to our work for you even if the interests of such clients in those other matters are directly adverse to your interests, including in litigation. We agree, however, that the above consent shall not apply in any instance where, as a result of our representation of you, we have obtained proprietary or other confidential information of a nonpublic nature that if known to such other client, could be used in any such other matter by such client to your material disadvantage. In similar engagement letters with many of our other clients, we have asked for similar agreements to preserve our ability to represent you.

In addition, you agree that we may disclose the fact of our representation of you, without disclosing the nature of such representation, to other current or future clients that may be adverse to you for the purpose of obtaining such other clients' consent to any conflict of interest that may be presented by our representation of you and such other client. We will not disclose to the other client any confidential information pertaining to our representation of you.

From time to time we may have discussions with other lawyers for the purpose of considering them joining our firm. During the course of those discussions it may be necessary to disclose your identity as a client or fee and billing information relating to our representation of you. Such disclosure shall be subject to the confidentiality rules in the applicable codes of professional conduct and our confidentiality agreement with such other lawyers. You agree that we may disclose such limited information for these purposes.

Representation of Lawyers

We sometimes represent lawyers and law firms, and we are sometimes represented by other lawyers and law firms in matters unrelated to our representation of you. Because we do not believe these representations will materially limit our responsibilities to you or will otherwise adversely affect our representation of you, we do not believe these representations present conflicts of interest, including where any such firm also represents a client whose interests are opposed to yours in either a litigation or transactional setting. If, however, you have any concerns about whether such a relationship exists between this firm and the law firm that represents a client whose interests are adverse to yours in

connection with this representation, please ask us whether there is any such relationship and we will attempt to address your concerns. Otherwise, you agree that we may represent or be represented by lawyers or law affirms that also represent clients whose interests are adverse to yours.

Out-of-Pocket Expenses

Although substantial expenses incurred on a client's behalf will be sent to the client for direct payment, we often incur and pay on behalf of our clients a variety of smaller out-of-pocket costs arising in connection with legal services. These include charges made by government agencies and service vendors. Some typical costs are certain telephone charges; express delivery charges; printing and reproduction costs; filing fees; and travel expenses. We also charge for computerized legal research either at a rate equal to that charged by our vendor or based upon negotiated volume discounts. We also charge for our actual costs paid to vendors for processing and storing data that must be collected, analyzed and sometimes produced as a part of our representation of a client in transactional, litigation or other matters. We incur outside costs as agents for our clients and incur internal expenses on behalf of our clients, who agree that these costs will be paid on a regular basis.

Billing Arrangements and Terms of Payment

We will bill you on a regular basis, normally monthly, for both fees and disbursements. You agree to make payment within thirty days of receiving our statement. We will give you prompt notice if your account becomes delinquent. If the delinquency continues and you do not arrange satisfactory payment terms, we may withdraw from the representation and may pursue collection of your account.

Retainer and Trust Deposits

New clients of the firm are commonly asked to deposit a retainer with the firm. Two types of retainers are used most frequently. A monthly retainer is an amount billed and paid apart from the usual invoices for services rendered. Part or all of the retainer then is credited to the next invoice. A second type of retainer is a long-term deposit. Unless otherwise agreed, this retainer deposit will be credited toward your unpaid invoices, if any, at the conclusion of services.

At the conclusion of our legal representation or at such time as the deposit is unnecessary or is appropriately reduced, the remaining balance or an appropriate part of it will be returned to you. If the retainer deposit proves insufficient to cover current expenses and fees on at least a two-month basis, it may have to be increased. Deposits which are received to cover specific items will be disbursed as provided in our agreement with you, and you will be notified from time to time of the amounts applied or withdrawn. Any amount remaining after disbursement will be returned to you. All trust deposits we receive from you will be placed in a trust account for your benefit. Unless special arrangements are made, interest earned on the trust account is paid to a charitable foundation established in accordance with court rules.

Federally Regulated Financial Institutions

If you are a federally regulated financial institution, our engagement, unless expressly described otherwise in the accompanying engagement letter, will be limited to assisting you with the structuring, negotiation, documenting and closing of your financing transactions, and conducting a legal review (the scope of which will be defined at the commencement of each separate transaction) of certain due diligence matters pertaining to each prospective borrower's business. In connection with the foregoing, we will also assist you with the federal regulatory aspects of your receipt of equity enhancements (*e.g.*, warrants and success fees) in connection with your financing transaction and the effect on, and applicability to, your financing transaction of federal margin stock laws and regulations; however, if we are not your counsel with respect to general corporate compliance matters, we will not otherwise undertake any responsibility for assuring that, with respect to any of the financing transactions, you will be complying with applicable state or federal laws and regulations because of your legal or regulatory status or because of the general nature of your business, including, without limitation, capital adequacy requirements, lending limits, restrictions on affiliate and insider transactions, rules regarding interlocking boards of directors, governmental reporting and licensing requirements, and federal, state or local tax matters. Of

course, you may limit or expand the scope of our representation from time to time, provided that any such expansion is agreed to by us.

Termination

You may terminate our representation at any time, with or without cause, by notifying us in writing. Your termination of our services will not affect your responsibility for payment of legal services rendered and out-of-pocket costs incurred before termination and in connection with an orderly transition of the matter.

We are subject to the codes of professional conduct for the jurisdictions in which we practice, which list several types of conduct or circumstances that require or allow us to withdraw from representing a client, including for example: conflict of interest with another client, misrepresentation or failure to disclose material facts, action contrary to our advice, and nonpayment of fees or costs. We try to identify in advance and discuss with our client any situation which may lead to our withdrawal and, if withdrawal ever becomes necessary, we shall provide the client written notice of our withdrawal.

If we terminate the engagement, we will take reasonable steps to protect your interests in the specified matter, and you agree to take all steps necessary to free us of any obligation to perform further, including executing any documents necessary to perfect our withdrawal. If permission for withdrawal is required by a court or other adjudicator, we will promptly request such permission, and you agree not to oppose our request.

At your request, documents and property will be returned to you *upon receipt of payment for outstanding fees and costs,* although we reserve the right to copy any documents we deem appropriate. Our files and documents pertaining to this matter will be retained by the firm. For various reasons, including the minimization of unnecessary storage expenses, and consistent with applicable professional conduct rules, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us without further notice to you.

Postengagement Matters

The client is engaging the firm to provide legal services in connection with a specific matter. After completion of the matter, changes may occur in the applicable laws or regulations that could impact the client's future rights and liabilities. Unless the client engages us after the completion of the matter to provide additional legal advice on issues arising from the matter, the firm has no continuing obligation to advise the company on such issues or on future legal developments, including monitoring renewal or notice dates or similar deadlines that may arise with respect to the matter.

Entire Agreement

The engagement letter and these Standard Terms of Representation constitute the entire understanding and agreement between you and this firm regarding our representation of you in this matter. Unless otherwise agreed, they superseded any prior understanding and agreements, written or oral, and any billing requirements, outside counsel guidelines, or letters submitted to us. If any provision of the engagement letter or these Standard Terms of Representation is held by a court or other arbitrator to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect. The engagement letter and these Standard Terms may be amended only by a written agreement between you and us. You should review this document carefully and contact us promptly with any questions. You should retain this document in your file.

Client Satisfaction

Our desire is to serve you and meet your legal needs. Client satisfaction is of utmost importance. You should feel free to discuss any aspect of our representation with the principal attorney or any other attorney with the firm. We welcome your input to ensure that our legal services meet your needs. We appreciate having the opportunity to be of service to you.

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Authorize Bidding for Improvement 24-01 - 2024 Chip Sealing

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Typically, staff aims to chip seal newly paved streets within 2-3 years of their construction. This helps protect the new pavement. Staff is planning to include the following streets in the 2024 Chip Sealing project:

- B Street
- NE 5th Avenue
- H Street
- NE 11th Avenue
- J Street
- P Street
- O Street
- NE 10th Avenue
- L Street

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The project estimate based on estimated quantities and previous construction contracts for like work is $147,721.20. We budgeted $150,000 for 2024 Chip Sealing in the 10-Year Capital Improvement Plan.

RECOMMENDED ACTION/MOTION: Staff recommends authorization to bid Improvement 24-01 - 2024 Chip Sealing project.

FINANCIAL IMPACT: N/A

Imp. 24-01 2024 Chip Seal Project - Engineer's Estimate						
Line	**Spec. No.**	**Item**	**Project Quantity**	**Unit**	**Unit Price**	**Estimated amount**
1	2021.501	MOBILIZATION	1	LS	$ 15,000.00	$ 15,000.00
2	2355.506	BITUMINOUS MATERIAL FOR FOG SEAL	4,823	GAL	$ 3.15	$ 15,192.45
3	2356.504	BITUMINOUS SEAL COAT	40,190	SY	$ 1.25	$ 50,237.50
4	2356.506	BITUMINOUS MATERIAL FOR SEAL COAT	14,065	GAL	$ 3.25	$ 45,711.25
5	2563.601	TRAFFIC CONTROL	1	LS	$ 10,000.00	$ 10,000.00
6	2582.503	4" SOLID LINE MULTI COMP	120	LF	$ 2.00	$ 240.00
7	2582.503	4" BROKEN LINE MULTI COMP	1,182	LF	$ 2.00	$ 2,364.00
8	2582.503	4" DBLE SOLID LINE MULTI COMP	260	LF	$ 4.00	$ 1,040.00
9	2582.518	PAVEMENT MESSAGE MULTI-COMPONENT	112	SF	$ 4.00	$ 448.00
10	2582.518	CROSSWALK MULTI COMP	1,872	SF	$ 4.00	$ 7,488.00
					TOTAL =	**$ 147,721.20**

Imp. 24-01 2024 Chip Seal Project - Segment Quantities

Segment	From	To	Area (Sq. Yds)	Bituminous Material for Fog Seal (Gal)	Bituminous Seal Coat (Sq Yd)	Bituminous Material for Seal Coat (Gal)	4" Solid Line Multi Comp (Lin Ft)	4" Broken Line Multi Comp (Lin Ft)	4" Dble Solid Line Multi Comp (Lin Ft)	Pavement Message Multi Comp (Sq Ft)	Crosswalk Multi Comp (Sq Ft)
B Street	Gillis Avenue	End of ROW	8430	1012	8430	2951		400			1062
NE 5th Avenue	Washington Street	D Street	3989	479	3989	1396		200	260	30	180
H Street	Mill Avenue	NE 13th Avenue	7004	840	7004	2451	120	582		82	630
NE 11th Avenue	H Street	J Street	3643	437	3643	1275					
J Street	Mill Avenue	NE 10th Avenue	3492	419	3492	1222					
J Street	NE 11th Avenue	NE 13th Avenue	2524	303	2524	883					
P Street	Mill Avenue	NE 10th Avenue	3904	468	3904	1366					
O Street	NE 9th Avenue	NE 12th Avenue	3605	433	3605	1262					
NE 10th Avenue	N Street	O Street	1301	156	1301	455					
NE 10th Avenue	P Street	Q Street	1301	156	1301	455					
L Street	Mill Avenue	NE 8th Avenue	997	120	997	349					
			Totals =	**4823**	**40190**	**14065**	**120**	**1182**	**260**	**112**	**1872**

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Approve Construction Cost Share Agreement with Crow Wing County for 2024 Pavement Markings

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Attached to this item is a proposed Construction Cost Share Agreement between the City of Brainerd and Crow Wing County. The agreement allows the City to have pavement markings painted as part of the County's larger pavement marking contract, thus providing some cost savings. The City reimburses the County for the City's portion of the pavement markings and 3% of the construction cost for administrative cost.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The estimated cost for the City's portion of the project is $27,436.84. Including the 3% contract administrative fee, the total City cost is estimated to be $28,259.95. Costs on pavement markings have risen significantly for the region in recent years. This is related to a reduction of contractor competition in the market. Staff budgeted $25,000 in the 10-Year Capital Improvement Plan. Costs for the project would be funded from Construction Fund 401.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the Construction Cost Share Agreement with Crow Wing County for 2024 Pavement Markings.

FINANCIAL IMPACT: N/A

CONSTRUCTION COST SHARE AGREEMENT
WITH THE CITY OF BRAINERD – PROJECT NO. CP 18-200-143
FOR ROADWAY PAVEMENT MARKINGS ON
VARIOUS CITY OF BRAINERD STREETS

This Agreement is made and entered into this day of _____, 2024, by and between the County of Crow Wing, State of Minnesota, a political subdivision of the State of Minnesota, 326 Laurel Street, Brainerd, Minnesota, 56401, hereinafter referred to as "County", and the City of Brainerd, 501 Laurel St., Brainerd, MN 56401 herein after referred to as the "City".

WITNESSETH

WHEREAS, the parties mutually agree that pavement markings desired by the City to be applied to various City streets have the potential to result in overall costs savings when combined with the County project which will provide for pavement markings to numerous county roadways, and

WHEREAS, the County has budgeted funds to complete the project; and,

WHEREAS, the Crow Wing County Highway Department has prepared plans and specifications for the project entitled 2024 PAVEMENT MARKINGS, which plans and specifications are on file in the office of the County Engineer;

NOW, THEREFORE, IT IS MUTUALLY STIPULATED AND AGREED:

I. PURPOSE

The parties have joined together for the purpose of applying pavement markings to numerous County roadways and City streets as described in the plans and specifications entitled 2024 PAVEMENT MARKINGS on file in the office of the Crow Wing County Highway Department (hereinafter referred to as the "Project").

II. Duties

A. Design and Construction

The County shall incorporate City provided quantities and maps into the overall bidding package for the Project unless otherwise stated in this agreement. A contract administration fee for the City roads, at a rate of three percent of the City's construction costs, shall be reimbursable from the City. The County shall do the calling for all bids and the acceptance of all bid proposals.

B. Inspection and Approval

The County and City shall each provide construction inspection and staking for their respective roadways for the Project and approval for acceptance of the work as it is completed. The City will ensure that City streets are swept and in a condition ready to receive pavement markings. The City will notify the County of any concerns that arise during or after the completion of the Project. Approval of the completed construction contract by the County shall be final, binding and conclusive upon the City as to the satisfactory completion of the construction.

III. COSTS

A. The contract costs of the work, or if the work is not contracted, the cost of all labor, materials, normal engineering costs and equipment rental required to complete the work, shall constitute the estimated

construction costs and shall be so referred to herein. Actual final construction costs may vary and those will be the actual costs for which the relevant parties will be responsible.

B. The estimated construction cost for the City portion of the Project is $27,436.84, as shown in Exhibit A. Participation in the construction costs is as follows:

1. The City shall pay one hundred percent (100%) of the cost of the pavement markings related to all City streets. The estimated cost to the City for these items is $27,436.84. When adding the three percent contract administration costs of $823.11, the total estimated cost to the City is $28,259.95.

2. The County shall pay for one hundred percent (100%) of the pavement markings related to the remaining County roadways and through agreements with other project partners.

C. The total estimated cost to the City is only an estimate and the City agrees to pay its share of actual costs incurred by the County in fulfilling this agreement.

D. After the award of the construction contract for the Project, the County shall update the City as to the current City construction costs. The City shall reimburse the County for its costs within 30 days of receipt of final project costs.

IV. TERM

This Agreement shall continue until terminated as provided hereinafter.

V. DISBURSEMENT OF FUNDS

All funds disbursed by the County or City pursuant to this Agreement shall be disbursed pursuant to law.

VI. CONTRACTS AND PURCHASES

All contracts let and purchases made pursuant to this Agreement shall be made by the County in conformity with State law.

VII. ACCOUNTABILITY

An accounting shall be made of all receipts and disbursements upon request by either party.

VIII. TERMINATION

This agreement shall terminate by either party only for breach of this Agreement or by mutual consent of the parties.

IX. NOTICE

For purposes of delivery of any notices hereunder, the notice shall be effective if delivered to the County Auditor of Crow Wing County, 326 Laurel Street, Brainerd, Minnesota, 56401, on behalf of the County, and City of Brainerd, 501 Laurel St., Brainerd, MN 56401 on behalf of the City.

XI. INDEMNIFICATION

The City and the County mutually agree to indemnify and hold harmless each other from any claims, losses, costs, expenses or damages resulting from the acts or omissions of the respective officers, agents, or employees relating to activities conducted by either party under this Agreement.

XII. ENTIRE AGREEMENT

It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and all negotiations between the parties relating to the subject matter hereof, as well as any previous agreement presently in effect between the parties to the subject matter hereof. Any alterations, variations, or modifications of the provisions of this Agreement shall be valid only when they have been reduced to writing and duly signed by the parties.

IN WITNESS WHEREOF, the parties of this Agreement have hereunto set their hands on the dates written below:

COUNTY OF CROW WING

By: _____
Robert Hall
Assistant County Engineer

Dated: _____

CITY OF BRAINERD

By: _____
Dave Badeaux
Mayor

Dated: _____

Exhibit A

2024 PAVEMENT MARKING ESTIMATE				
BRAINERD QUANTITIES - COUNTY PROJECT 18-200-143				
Description	**Unit**	**Price**	**Quantity**	**Amount**
24" SOLID LINE PAINT	L F	$2.25	1046	$2,353.50
PAVEMENT MESSAGE PAINT	S F	$2.70	5494	$14,833.80
4" SOLID LINE PAINT	L F	$0.07	80,056	$5,603.92
4" BROKEN LINE PAINT	L F	$0.07	12,810	$896.70
4" DOUBLE SOLID LINE PAINT	L F	$0.14	26,778	$3,748.92
				$27,436.84

Estimated Construction Cost	$ 27,436.84
Estimated Contract Admin. (3%)	$ 823.11
Total Estimated Cost	$ 28,259.95

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Approve Additional Funds for 2022 Capital Transit Bus Purchase

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 ordered a new Transit Bus in 2022 with the estimate of $117,555.00. It was resolved that the local share of the purchase would be 10% or $11,755.50, with the remaining 90% of the funds being provided by State/Federal grant funds.

Due to rising costs since 2022, the vendors have requested allowance to increase the costs for the buses. Staff was notified that the increases were approved by MnDOT, increasing the cost of the bus to $143,417.00. MnDOT has still committed to the 90/10 cost share split, increasing the local share to $14,341.70. An increase of $2,586.20 over the estimate in 2022.

Due to concerns regarding the financial stability of the system in 2022, staff carefully reviewed the build specifications for the bus and removed any unnecessary items to reduce costs as much as possible.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: There are three potential options regarding the increased cost.

1. Authorize the additional funds increasing the local share to $14,341.70.
2. Make changes to the order removing any optional equipment.
3. Cancel the order.

Staff recently completed a condition analysis of the current bus fleet. Of the 11 buses in service, 4 were rated as Poor condition. Due to the aging fleet and rising maintenance costs, staff is concerned about canceling the order as this would delay future replacements of the buses in poor condition. As mentioned, staff also removed much of the optional equipment for cost savings where able. With the changes to the Transit service, staff believes that we are able to accommodate the additional local share for the purchase.

RECOMMENDED ACTION/MOTION: Staff recommends approval of increasing the local share of the 2022 Transit bus purchase to $14,341.70.

FINANCIAL IMPACT: $2,586.20

RESOLUTION
52:22

TRANSIT CAPITAL BUS PURCHASE

WHEREAS, the City of Brainerd operates a transit system; and

WHEREAS, the City of Brainerd desires to purchase, through the State of Minnesota Cooperative Procurement Process, a vehicle to be used in the transit system; and

WHEREAS, the vehicle cost is allocated 10% local share and 90% State/Federal share of the "contract amount"; and

WHEREAS, the City of Brainerd staff has reviewed the vehicle options offered by approved multiple contracting vendors; and

WHEREAS, the staff recommends purchasing a vehicle from North Central Bus and Equipment Inc., for the reason of cost, fleet consistency and service availability;

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

the Brainerd City Council hereby authorizes the purchase of one new transit bus from North Central Bus Equipment Inc. in the approximate amount of $ 117,555.00.

Adopted this 19th day of December 2022

KELLY BEVANS
President of the Council

Approved this 19th day of December 2022

DAVE BADEAUX
Mayor

ATTEST:
JENNIFER BERGMAN
City Administrator

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Discuss Construction Year for Improvement 24-05 - South Brainerd Alley Resurfacing 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): 5 Minutes

SUMMARY OF ISSUE: On March 4th, the Safety & Public Works Committee and Public Utilities Commission held a joint meeting to discuss Improvement 24-05 - South Brainerd Alley Resurfacing Project. A copy of the memo provided to both groups is attached to this item.

There was discussion regarding the scope of the project, including some of the impacts that moving the project forward into construction in 2024 or 2025 would have. During that discussion, the PUC made a recommendation to the City Council to move the project to construction year 2025. Following that recommendation, the SPW Committee made a similar recommendation to the City Council.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: See attached memo. Staff has continued progressing the plans as directed by Council and requests direction on timing for bidding and construction.

RECOMMENDED ACTION/MOTION:
The Public Utilities Commission motioned to recommend to the City Council to delay construction until the 2025 construction season.

Staff is requesting direction from Council on the desired year for construction based on two options.
Option 1 includes bidding of project this spring for the 2024 construction season.
Option 2 would be to delay bidding and award of a contract until the 2025 construction season. Note: the Public Utilities Commission has motioned to recommend to the City Council delaying construction until the 2025 construction season.

FINANCIAL IMPACT: Unknown.

MEMO

TO: SAFETY AND PUBLIC WORKS COMMITTEE & PUBLIC UTILITIES COMMISSION

FROM: CITY ENGINEER/PUBLIC WORKS DIRECTOR JESSIE DEHN

DATE: MARCH 4, 2024

SUBJECT: IMPROVEMENT 24-05 – ALLEY BETWEEN S 6TH AND S 7TH STREETS (FROM PAUL ST. TO JOSEPH ST.)

Staff was made aware of the desire of the Public Utilities Commission to hold a joint meeting with the Safety and Public Works Committee to discuss Improvement 24-05. The agenda request details a desire to replace the watermain and private water service lines to the homes. The current scope of the project includes work within the right-of-way, including replacement of the watermain and water service lines from the watermain to the right-of-way, where a new curb stop would be installed. The recommendation included in the agenda request states that staff requests the Commission request the Council delay the project one year to further coordinate with customers on the project.

PROCESS TO DATE

During the Statute 429 process for the South Brainerd Reconstruction Project (Improvement 22-08), it was requested that staff reach out to the residents adjacent to the alley (subject of the memo) to inquire if there was interest in performing a resurfacing in conjunction with the nearby reconstruction. With similar contractors in the area, it is assumed that there would be cost savings to both the City and residents.

A couple weeks later, the residents had provided a petition, with a sufficient number of signatures, for a resurfacing of the alley. As this is an assessed project, State Statute 429 rules apply in this case. Staff discussed the matter with BPU on the watermain and if replacement was appropriate. It was confirmed that it would be desired to include replacement of the watermain with this project. After consulting with the City Attorney, it was decided to change the process to a Council-initiated assessment project. With the petition, the scope of work would be limited to what was included in the petition. Staff began the Statute 429 process as the Council-initiated project.

Staff prepared a Feasibility Report that was presented to the Council. This described the existing utility and pavement conditions and the proposed work to include replacement of the watermain and pavement. Sanitary sewer is deep in this area, making typical trench replacement nearly impossible within the existing right-of-way. The Council accepted the report and called for a public hearing on February 20th.

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

At the February 20th meeting, in response to a question from Alderman Czeczok, staff reported that an original estimate of $140,000 was provided for replacement in-kind of the watermain. However, after further discussions, BPU staff requested some additional work to address water services under structures, clean up at intersections, etc. Thus, the cost will likely be higher than the initial $140,000 estimate. Alderman Czeczok asked about the necessity of constructing this year with the petition. Staff reported that it would be up to the Council when they wanted to construct but would likely lose one of the benefits of cost, detailed earlier in this memo. Another question from Alderman Czeczok was if the alley was going to be torn back up in a couple years if a mandate to replace the service lines was implemented. Staff reported that the project would replace water service lines to the right-of-way, including a secondary line on 3 locations where obstructions are present, to provide for property owners to connect private service lines when ready, with minimal or no disruption to the new pavement in the alley. As part of the public hearing, one resident spoke and was wondering on the timing of the proposed project and would like to see the improved surface. Staff reported that the project is currently scoped for 2024, however an exact timeline would not be determined until a contractor was hired.

DISCUSSIONS WITH STAFF

Staff has met several times to discuss this project. During those discussions, BPU has requested to include water service line replacement from the right-of-way to the house as part of the alley project. Engineering staff expressed the concern that work beyond the right-of-way is difficult and requiring a considerable amount more process than what is available this spring. Process would include scoping locations, executing and recording temporary construction easements, and establishing policies and procedures for staff to follow regarding replacement of the private portion of the service lines. There would be a possibility to execute a separate contract to install the service lines (via directional bore or other method) and coordinate efforts through the two contractors. However, the concerns listed would need to be addressed ahead of the project.

During the latest coordination meeting, it was understood that the scope of the alley project could include the watermain and water service lines out to the right-of-way, thus providing a way to connect the private service lines at a future time without (or minimal) disturbance to the alley. This would allow for time to address the needs ahead of the private service line work. It was also discussed that City Engineering staff would be designing the alley project internally, as is typical for many of the City's reconstruction projects. Engineering was concerned with the staff time available to also design the added block of watermain replacement on Joseph Street. However, Engineering staff is able to also design this work to include with the alley project.

FACETS FOR CONSIDERATION

Special assessments are governed by Minnesota State Statute 429. The Statute lists a considerable amount of process and tasks that are required to assess private property owners in relation to an improvement project. The list of process and tasks are considerable and will not be listed in this memo. However, it is a process that is not taken lightly and cannot be bypassed, putting the City at risk for liability. In addition, the City has a Special Assessment Policy that outlines how the City assesses portions of improvement projects to the private properties and which portions are shared by the City. This is also a policy that needs to be strictly adhered to, otherwise putting the City at liability from previous and/or future assessments.

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

The current scope of the project includes pavement resurfacing, watermain replacement, and water service line replacement to the right-of-way. Per the assessment policy, the resurfacing cost would be shared 50/50 between the City and property owners. The costs for watermain and water service lines would be entirely borne by the City. This is also what was reflected in letters and notices sent to property owners, another requirement of Statute 429. The Agenda Request from the PUC meeting on February 27th implies that property owners would bear the private service line cost of $240,000, or an average of $7,500 per property. Staff is unable to include assessment costs that were not included in these notices or reflective of the current Special Assessment Policy.

Another consideration is the ability to perform work on a private service line. Staff is unaware of City policy that allows for replacement of private service lines, either by property owner cost or City cost. While the Department of Health has mandated that lead/galvanized service lines do eventually be replaced, the City's policy outlining the considerations and procedures to do so is not yet in place. The language in the policy should include how the City would apply the policy across all properties, so as the policy is not applied variably throughout. As the policy would refer to work within private property, it should also be reviewed by the City Attorney to ensure that all provisions follow what is allowed by law. This should also include how the service lines are connected into the home and to the meter. This is an additional consideration that needs to be included of how the City would apply a policy, even for those that choose not to allow City or the City's contractor staff into their private home.

For work beyond the right-of-way, the City would need to prepare, execute, and record temporary construction easements. The easements would include a legal description, exhibit, description of work, and timeframe. As most of these easements are needed for improvements to properties, they are typically provided at no cost, but this is not necessarily the case or guaranteed. Following execution, the City would have them approved by Council, then recorded with Crow Wing County as an official record on the property(ies).

Staff has recommended that the project be constructed in 2024, for one of the reasons stated earlier in this memo in regard to the cost savings anticipated. Another consideration for 2024 vs. 2025 is the amount of planned work in 2025. Currently, the Capital Improvement Plan (CIP) shows the following projects:

- Reconstruction on Beech Street and Oakridge Road, approximately 9 blocks.
- Resurfacing of S. 10th and Wright Streets, approximately 14 blocks. With funding received on TH 210, this may be rescoped as a reconstruction with full utility replacement. Staff is reviewing scope and costs and if funding will be available or sufficient.
- Resurfacing of South Brainerd including Ridge Drive, Ridge Court, Aspen Court, Carol Lane, Crestview Lane (Buffalo Hills to Pineview), Norway Court, Pineview Drive, Belle Rae Circle, Woodcrest Road, Graydon Avenue (Buffalo Hills to Woodcrest), approximately 24 blocks. BPU staff has indicated that they would like to replace watermain and services on this project. Staff is reviewing how and if this can be included in the scope of work.
- Resurfacing of Hawkins Drive, approximately 3 blocks. BPU staff has indicated that they would like to replace watermain and services on this project. Staff is reviewing how and if this can be included in the scope of work.
- Construction of a roundabout at the intersection of TH 371B/Willow Street. This project will be administered and inspected by SEH.

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

The CIP describes an incredibly large scope of work for the available Engineering staff. Approximately 50 blocks of either reconstruction or resurfacing work. This includes both for the design and construction administration/inspection. It is likely that some of this work will require the City to hire consulting engineering services to assist with design and/or construction administration. To delay the alley project to 2025, this would add on to a considerably large scope of work in that year. This would also likely require consulting engineering services to administer, at a significantly higher cost than administering with internal City Engineering staff.

For the reasons described in this memo, staff would recommend moving forward with constructing Improvement 24-05 in 2024, setting up water service lines at the right-of-way, and allowing for time to address the facets of replacement of private water service lines described herein. Should the Council elect to delay the project to 2025, staff would move forward with plans to appropriately administer the revised work scheduled for 2025.

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

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Direction on Active Code Enforcement Cases

AGENDA: SPW Committee

ACTION REQUESTED: Direction Requested

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:
Section 320 of the City Code dictates that violations of the City Code shall, after receiving a notice of violation, be issued up to three administration citations for non-compliance. Once three citations have been issued, the violation shall be brought before the Safety & Public Works Committee for review. The Committee shall then make a recommendation to the City Council as to how to proceed with enforcement of the violation. Staff is bringing one (1) property before the Committee for review. Staff is looking for direction from the Council as to how to proceed with the case.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:
Attached is the case file for:
1017 10th Ave NE

Section 320, action that could be taken against these properties include:
1) Continued administrative citations for an amount determined by the City Council
2) Abatement of the offense (depending on the type of offense)
3) Legal action (at the recommendation of the City Attorney depending on the type of the offense)
4) Cease corrective action

RECOMMENDED ACTION/MOTION:
Staff recommends obtaining an administrative search warrant to abate the junk and debris at 1017 10th Ave NE.

FINANCIAL IMPACT: N/A

MEMO

TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: March 18, 2024

RE: Recommendations for Active Code Enforcement Cases

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

- **1017 10th Ave NE**
  - Received one (1) Notice of Violation Letter (01/03/24) and three (3) Citations for Junk/Debris/Blight
    - First citation 02/09/24 – Third citation 03/07/24
    - $600 in open citations

Staff recommends obtaining an administrative search warrant to abate the junk and debris.

Running Summary of Actions Taken

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

915 Laurel Street – Administrative warrant received 5/30/23. Abated 6/9/23 - $1,925 in open fines to be assessed.

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

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

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

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

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

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

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

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

1306 Oak Street – Immediate $300 fine for garbage – received administrative warrant 8/14/23 to abate garbage. Abated 8/21/23.

1306 Oak Street – Received administrative warrant 8/14/23 to abate broken fence. Abated 8/21/23.

412 J St NE – Requested administrative warrant 8/18/23 to abate junk/debris. Abated 8/23/23.

1113 Rosewood St – Immediate $300 fine for garbage - requested administrative warrant 8/1; 8/28 to abate garbage. Abated 9/5/23.

609 11th Ave NE – Sent final 10-day letter to correct 8/22/23. Will obtain an administrative search warrant to abate after the deadline if no action. Requested warrant 9/12/23. Abated 10/2/23.

PID 41191502 – exterior structure - Issuing $300 citation each month thru 12/1/2023. $1,800 open citations. Recheck in May 2024.

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

1623 Emma St – Requested administrative search warrant to abate 9/6/23. Resident resolved-no abatement needed.

1005 3rd Ave NE– Requested administrative search warrant to abate 9/6/23. Abated 9/29/23.

915 Laurel St– Requested administrative search warrant to abate 9/6/23. Abated 9/26/23.

823 Willow St – Issuing $300 citation monthly for non-licensed rental. Requested legal action from City Attorney 9/6/23.

701 4th St SW– Issuing $300 citation monthly for non-licensed rental. Requested legal action from City Attorney 9/6/23. The property owner has submitted an application for a short-term rental to be heard at Planning Commission 12/20/23.

1424 8th St S – Requested administrative search warrant to abate 9/19/23. Property owners complied-no abatement needed.

15284 Beaver Dam Rd – Issuing $300 citations for non-licensed rental. Have been working with the tenants who signed a lease with the property owner. Property manager applied for and received a Rental License on 12/5/23.

303 J St NE – Issuing a $300 citation each month until the fence is corrected.
1306 Oak St – Repeat garbage issue. Obtained warrant 11/16/23 to abate the garbage.

1113 Rosewood St. – Repeat garbage issue. Obtained warrant 11/22/23 to abate the garbage.

319 9th St N. – Sent 10-day letter of abatement 11/21/23. Warrant was received due to non-compliance on 12/8/23. The vehicle was towed 12/11/23.

1306 Oak St – Repeat garbage issue. Obtained warrant 02/06/24 to abate the garbage.

804 19th St SE – Requested administrative warrant to abate junk and debris 3/5/24.

January 03, 2024

HUNTER, IVY RAE
6078 DONALD ST
BAXTER, MN 56425

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: 1017 10TH AVE NE
Real Estate Code: 41191194

Violation: Junk/Debris/Blight
IPMC308.1

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

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

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

Action should be taken on or before 01/17/2024

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

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

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

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

Respectfully,
By Order of:
THE CITY OF BRAINERD

01/03/2024 15:05

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

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN24-0001

Date of Violation: 03/07/2024 Parcel ID: 41191194

Violator(s): HUNTER, IVY RAE
6078 DONALD ST
BAXTER, MN 56425

Location/Address of Violation: **1017 10TH AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 308.1	Junk/Debris/Blight	$300.00

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

Citation Amount Due: $300.00 **Payment Due By: 30 Days from Date of Violation**

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

Re-inspection Date: 03/17/2024

For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so. An additional citation will be issued if the violation is not corrected by the re-inspection date.

Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429. Unpaid fines, including an administrative charge of $25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation.

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

Representative: Jason Stockinger, Building Inspector Date: 03/07/2024

Representative's Signature: (served via first class mail)

03/07/2024 09:24

Walmart
TANG
03/07/2024 09:24

03/07/2024 09:24

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Approve Use of Public Safety Aid Package for Police and Fire Wellness Program

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: John Davis, Police Chief, Tim Holmes, Fire Chief

DEPARTMENT: Police

PRESENTER: John Davis, Police Chief

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: The police and fire department have established a wellness program with Northern Pines Mental Health which would require officers and firefighters to attend an annual wellness visit commonly referred to as a "check up from the neck up". If needed, the program would also provide staff with up to five additional mental health appointments. The estimated annual cost for police and fire is $16,000 with the unknown variable being how many employees attend additional sessions. The first two years would primarily be funded by the remaining $34,000 of the Sourcewell wellness grant. Police and Fire are asking for a $60,000 allocation of the Public Safety Aid Package to fund years three through five. Currently, of the $642,357 aid package, $343,857 remains unallocated.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Policing and firefighting are inherently stressful professions, exposing officers and firefighters to traumatic incidents, high-pressure situations, and ongoing emotional strain. The mental health challenges faced by officers and firefighters are well-documented, with rates of depression, anxiety, PTSD, and suicide being disproportionately high compared to the general population. Routine mental health check-ins can identify and address potential issues before they escalate. By providing officers and firefighters with a safe space to discuss their experiences and emotions, we can intervene early and prevent more serious mental health crises. Supporting the mental health of our officers and firefighters is not only a matter of compassion but also a strategic investment in the effectiveness of our department. Officers who are mentally healthy and emotionally resilient are better able to perform their duties effectively, make sound decisions under pressure, and maintain positive relationships with the communities they serve.

RECOMMENDED ACTION/MOTION: Approval of police and fire mental health wellness program with a $60,000 allocation of public safety aid package to fund the program.

FINANCIAL IMPACT: $60,000 of Public Safety Aid Package

Employee Wellness Visits

1025.1 PURPOSE

The Brainerd Police Department is dedicated to the physical and mental health of its staff. By prioritizing physical and mental health, we aim to enhance their overall fitness levels, resilience, and ability to perform their duties effectively. A robust mental health component is essential to address the unique psychological challenges Brainerd Police Department staff face daily. Investing in the wellness of our staff not only improves their quality of life but also enhances their ability to serve and protect our community with dedication and professionalism.

1025.2 DEFINITIONS

Wellness Visit - A confidential one on one session with a mental health professional designed to discuss and provide tools to help manage areas of life such as mental health, physical fitness, nutrition, stress management, and sleep.

Approved Mental Health Professional - A licensed mental health provider who has been approved by the Brainerd Police Department and has established a current contract or working relationship with the department to provide annual wellness visits.

Privacy - The expectation of an individual that disclosure of personal information is confined to or intended only for the recipient of the information.

Confidentiality - A professional or ethical duty to refrain from disclosing information from or about a recipient of supported services, barring any exceptions recommended to be disclosed at the outset.

1025.3 WELLNESS VISITS

This confidential in-house program provides staff access to qualified mental health professionals specifically enlisted by the Brainerd Police Department to provide individualized assistance, under the following guidelines:

(a) The program is mandatory for licensed Peace Officers.

(b) The program is optional for full-time non-licensed employees.

(c) Licensed Peace Officers may complete their annual wellness visit in one of the following ways:

1. Meeting with an approved mental health professional.

2. Meeting with their own licensed mental health professional. The officer will provide the Deputy Chief of the Brainerd Police Department with an acknowledgment form signed by their licensed mental health professional confirming the session included the following:

(a) Risks to mental health for law enforcement and related professions, what to watch for in yourself and protective factors.

(b) Resiliency and stress reduction tips and techniques.

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(c) Trauma Informed Treatment.

(d) Information on depression, anxiety and Post Traumatic Stress.

(d) The cost of the annual wellness visit provided by the approved mental health professional, as defined in section 1025.2, will be paid for by the Brainerd Police Department.

(e) If needed or beneficial, licensed Peace Officers or full-time non licensed staff may request additional sessions. These additional sessions are not mandatory.

1. The Brainerd Police Department will pay for up to five additional sessions with an approved mental health professional, as defined in section 1025.2.

2. Employees are financially responsible for any sessions beyond the five sessions referred to in section 1. above.

(f) Wellness visits are intended to be scheduled during the employee's working hours. If a wellness visit needs to be completed outside of working hours the employee will be entitled to overtime compensation per their union contract.

(g) Wellness visits along with any additional sessions are confidential, private, and will be billed anonymously

(h) Any approved mental health professional providing wellness visits shall not perform fitness for duty evaluations.

(i) Approved mental health professionals shall be prohibited from sharing any information about officers, other than confirmation they attended their required wellness visit. Each employee will be protected under HIPPA through informed consent.

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901.00 WELLNESS VISITS

PURPOSE:

The Brainerd Fire Department is dedicated to the physical and mental health of its firefighters and staff. By prioritizing physical and mental health, we aim to enhance their overall fitness level, resilience, and ability to perform their duties effectively. A robust mental health component is essential to address the unique psychological challenges Brainerd Fire Department staff face daily. Investing in the wellness of our firefighters and staff not only improves their quality of life but also enhances their ability to serve and protect our community with dedication and professionalism.

DEFINITIONS:

Wellness Visit - A confidential one-on-one session with a mental health professional designed to discuss and provide tools to help manage areas of life such as mental health, physical fitness, nutrition, stress management, and sleep.

Approved Mental Health Professional - A licensed mental health provider who has been approved by the Brainerd Fire Department and has established a current contract or working relationship with the department to provide annual wellness visits.

Privacy - The expectation of an individual that disclosure of personal information is confined to or intended only for the recipient of the information.

Confidentiality - A professional or ethical duty to refrain from disclosing information from or about a recipient of supported services, barring any exceptions recommended to be disclosed at the outset.

WELLNESS VISITS:

This confidential in-house program provides firefighters and staff access to qualified mental health professionals specifically enlisted by the Brainerd Fire Department to provide individualized assistance, under the following guidelines:

A. The program is mandatory for all Firefighters.
B. The program is optional for full-time non-firefighting staff.
C. Firefighters may complete their annual wellness visit in one of the following ways:
    a. Meeting with an approved mental health professional.
    b. Meeting with their own licensed mental health professional. The firefighter will provide the Chief of the Brainerd Fire Department with an acknowledgment form signed by their licensed mental health professional confirming the session included the following:
        i. Risks to mental health for firefighting and related professions, what to watch for in yourself and protective factors.
        ii. Resiliency and stress reduction tips and techniques.
        iii. Trauma Informed Treatment.
        iv. Information on depression, anxiety, and Post Traumatic Stress.
D. The cost of the annual wellness visit provided by the approved mental health professional, as defined above, will be paid for by the Brainerd Fire Department.

E. If needed or beneficial, firefighters or non-firefighting staff may request additional sessions. These additional sessions are not mandatory.
    a. The Brainerd Fire Department will pay for up to five additional sessions with an approved mental health professional, as defined above.
    b. Employees are financially responsible for any sessions beyond the five sessions referred to above.
F. Wellness visits along with any additional sessions are confidential, private, and will be billed anonymously.
G. Any approved mental health professional providing wellness visits shall not perform fitness for duty evaluations.
H. Approved mental health professionals shall be prohibited from sharing any information about officers, other than confirmation they attended their required wellness visit. Each employee will be protected under HIPPA through informed consent.

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Approval of Memorandum of Agreement regarding new Earned Sick and Safe Time Law

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): 2 minutes

SUMMARY OF ISSUE: As discussed earlier this year, the new Earned Sick and Safe Time (ESST) Law was enacted during the 2023 MN Legislative Session and went into effect on January 1, 2024. Per State of MN guidance, all employers are required to have a policy in place regarding this new benefit which also required an update to our seven union contracts. Staff contacted our seven unions requesting a Memorandum of Agreement (MOA) regarding the new ESST Law. The MOA is required as ESST is a benefit and a term and condition of employment covered in each union's collective bargaining agreement.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Additional MOAs will be presented in the future for Council approval as signed by the other unions.

RECOMMENDED ACTION/MOTION: Motion to approve the attached ESST MOA with Law Enforcement Labor Services, Inc., Local #65, representing our Police Officers.

FINANCIAL IMPACT: N/A - We utilized existing sick leave accruals to satisfy the new ESST requirements.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") is entered into by and between the City of Brainerd ("Employer") and Law Enforcement Labor Services, Inc., Local #65 ("Union"). The Employer and the Union are hereinafter referred to collectively as the "Parties," and individually as a "Party."

Whereas, the Employer and Union are parties to a 1/1/2022 – 12/31/2024 collective bargaining agreement ("CBA"), which governs the terms and conditions of employment of the Employer's Police Officer employees; and

Whereas, it is the intent of the Parties to modify the terms of the CBA to comply with and address the requirements of the newly enacted Earn Sick and Safe Time ("ESST") law, upon its effective date of January 1, 2024, in accordance with Minnesota Statutes, sections 181.9445 to 181.9448 (as amended); and

Whereas, the Parties agree that the modified language satisfies the Employer's obligation to comply with the newly enacted ESST law, including, but not necessarily limited to, Minnesota Statutes, sections 181.9445 to 181.9448 (as amended) and that no separate ESST will be provided to employees whose employment is subject to the terms of the CBA.

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants and agreements contained in this MOA and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

1. **Updated CBA Language.** Effective January 1, 2024, Article XIV, Section 14.1 of the CBA shall be amended as follows:

14.1 All full-time employees shall be credited with eight (8) hours of sick leave each month up to a maximum of 96 hours per year. Included in this sick accrual shall be Earned Sick and Safe Time ("ESST") hours to equal at least one (1) hour of ESST leave for each thirty (30) hours worked, beginning on the commencement of employment and up to a maximum of 48 hours per year. Sick leave may be used for absences due to an illness of or injury to the employee, employee's child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent, for reasonable periods of time as the employee's attendance may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. Unused sick leave may accumulate up to nine hundred sixty (960) hours maximum. A physician's certificate may be required, if in the opinion of the Employer, it is deemed necessary. Eligibility for sick leave shall be credited from the original date of hire.

A. **Earned Sick and Safe Time**. Effective January 1, 2024, during any year, as defined in the City's Personnel Policies, each employee may use up to a total of forty-eight (48) hours of sick leave as Earned Sick and Safe Time ("ESST"), as defined in Minnesota Statutes, section 181.9445, subdivision 4 (as amended). If the need for use of ESST is foreseeable, employees must provide seven (7) days' advance notice of the employee's intent to use ESST. If the need for ESST is unforeseeable, employees must provide notice of the need for ESST as soon as practicable, as provided in the City's Personnel Policies. The City reserves the right to require reasonable documentation regarding the need for ESST, as permitted by applicable law, including Minnesota Statutes, section 181.9447 (as amended). The use of ESST is otherwise subject to applicable law, including, but not limited to Minnesota Statutes, section 181.9447 (as amended) and applicable City policy.

B. **Accrual of ESST.** Employees may carry over their ability to use sick leave as ESST to the following year, up to a total of eighty (80) hours, as may be available.

C. **Relationship Between Sick Leave and ESST.** It is the Parties' intention that the City satisfy the requirements of Minnesota laws governing ESST by allowing employees to use existing sick leave for the purposes of, and subject to, the laws governing ESST. The Parties agree that the City does not provide ESST in addition to paid sick leave. All accrued and unused sick leave hours, whether considered unused ESST or not, shall be paid upon separation in accordance with the terms of Article 19 of the collective bargaining agreement.

2. **Duration.** This MOA shall remain in effect until the successor collective bargaining agreement has been ratified by the Parties.

3. **No Past Precedent.** Nothing in this MOA shall be deemed to establish a past practice or precedent, or to alter any established past practice or precedent arising out of the CBA. Except with regard to the interpretation of this MOA, no Party may introduce this MOA in any proceeding as evidence of any past practice or precedent.

4. **Equal Drafting.** This MOA shall be construed to have been drafted equally by the Parties.

5. **Entire Agreement.** This MOA constitutes the entire agreement between the Parties relating to the subject matter herein. No Party has relied upon any oral statements or promises that are not set forth in this document. The terms of this MOA are contractual and supersede any and all prior agreements between the Parties relating to the subject matter of this MOA. No waiver or modification of any provision of this MOA is valid unless it is in writing and signed by all Parties.

Employer:
City Administrator

_____
Nicholas W. Broyles

Date:_____

For the Exclusive Representative:
Union Representative

_____
Sean McKnight

Date: 03-1302924

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Consider Public Utilities Work Group Recommendations

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources Director, Nick Broyles, City Adminstrator, Kara Terry, Councilmember

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: On January 2, 2024, the City Council accepted the resignation of Public Utilities Director Todd Wicklund to be effective May 3, 2024, and also re-established the 2023 Public Utilities Work Group to oversee the 2024 hiring process for our Public Utilities Director position. Twelve applicants applied for the Public Utilities Director position. Five applicants were invited to interview with three going through the interview process. At this time, the Work Group is not confident in selecting any of the interviewees to step into the Public Utilities Director position.

Attached is the Public Utilities Work Group's Report dated March 5, 2024, with the following recommendations for Council consideration:

1. Hire an Executive Search Consultant - Retain GMP Consultants for our Public Utilities Director search subject to the funding being approved by the Public Utilities Commission. GMP Consultant's proposal is attached.

2. Designate Patrick Wussow as our Interim Public Utilities Director. Attached is an Interim Public Utilities Director Employment Agreement for Mr. Wussow with the following terms:

- Duration = 4 – 6 months.
- Up to 30 hours on average per week.
- Hourly Pay = $100 per hour.
- Benefits = Employer Contribution of PERA of 7.5%
- Earned Sick and Safe Time (ESST) as required by law.
- Wussow will be compensated as the Interim Public Utilities Director when assisting the City in mediation with the IBEW Local No. 31 Public Utility Union.

Mr. Wussow has accepted serving as our Interim Public Utilities Director with the above terms.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff will request that the Public Utilities Commission, at its March 26th meeting, consider authorizing funds for the GMP Consultants Public Utilities Director search. The cost includes a professional fee of $15,000 plus reimbursement of additional expenses for advertising, mail announcements, consultant travel and background checks.

Please note that an email from Council member Czeczok is attached regarding this issue. For reference, also attached is an excerpt from our current Employee Policy Manual that addresses hiring including the creation of a Work Group when hiring for the Public Utilities Department Head position.

RECOMMENDED ACTION/MOTION: Motion to approve the Public Utilities Work Group recommendations as noted in its March 5, 2024, report including:

1. Retaining GMP Consultants for our Public Utilities Director search subject to the funding being approved by the Public Utilities Commission.
2. Approve the attached Interim Public Utilities Director Employment Agreement with Patrick Wussow subject to City Attorney Langel's review and approval.

FINANCIAL IMPACT: The consultant's executive search fee is estimated to be approximately $24,000. In addition, an estimated $3,500 per month savings will be experienced when utilizing the Interim Public Utilities Director versus paying Mr. Wicklund's wages and benefits.

Public Utilities Work Group Report - 3/5/24

Present: Council Member Kara Terry, BPU Commissioners Dolly Matten and Mark O'Day, City Administrator Nick Broyles, HR Director Kris Schubert and HR Assistant Brittney Boser.

The following is a report to the Personnel & Finance Committee regarding the Public Utilities Work Group meeting held on 3/5/24. The Personnel and Finance Committee will review this report at its 3/13/24 meeting.

1. **Interviews** – Twelve applicants applied for the Public Utilities Director position. Five applicants were invited to interview with three going through the interviewing process. At this time, the Work Group is not confident in selecting any of the interviewees to step into the Public Utilities Director position. Any of the three interviewees are welcome to apply for the position in the future.

2. **Hiring a consultant** – Due to the unsuccessful search, the Work Group recommends hiring a consultant to conduct a new hiring process. GMP Consulting who assisted the City in hiring City Administrator Broyles has been contacted. Funding for this search would be subject to the Public Utilities Commission's approval at their 3/26/24 meeting.

3. **Interim Public Utilities Director** – Staff contacted Patrick Wussow to serve as our Interim Public Utilities Director. The Work Group recommends that he serve as our Interim Public Utilities Director for 4-6 months while the consultant completes their search. A start date of April 15, 2024, is recommended as that was the tentative hire date noted on the initial Public Utilities Director hiring timeline. The wage and benefits that Mr. Wussow has requested is up to 30 hours on average per week at $100 per hour with the Employer's PERA contribution of 7.5%. ESST will be provided as required by law. Mr. Wussow requested this hourly wage to be comparable with other interim position payments in neighboring communities and since he is declining other city benefits during this employment.

The Personnel and Finance Committee's recommendations will be presented and considered at the March 18, 2024, Council meeting.

4. **Next Steps:**

   a. **P & F Committee – March 13th meeting: Receive and Consider the Work Group's recommendations:**

      - Retain GMP Consultants for our Public Utilities Director search subject to the funding being approved by the Public Utilities Commission. GMP Consultant's proposal is attached.

      - Designate Patrick Wussow as our Interim Public Utilities Director. Staff is preparing an employment agreement for the Interim position with the following terms:
        - Duration = 4 – 6 months.
        - Up to 30 hours on average per week
        - Hourly Pay = $100 per hour.
        - Benefits = Employer Contribution of PERA of 7.5%
        - Earned Sick and Safe Time (ESST) as required by law.
        - Wussow will be compensated as the Interim Public Utilities Director when assisting the City in mediation with the IBEW Local No. 31 Public Utility Union.

   b. **City Council – March 18th meeting** – Consider the Work Group and P & F Committee's recommendations from 4a.

   c. **Public Utilities Commission March 26th meeting** – Consider authorizing funds for the GMP Consulting Public Utilities Director search. The cost includes a professional fee of $15,000 plus reimbursement of additional expenses for advertising, mail announcements, consultant travel and background checks.

MARCH 2024

Public Utilities Director Recruitment Proposal

FOR CITY OF BRAINERD, MN

PRESENTED BY

Greg M. Prothman
President, GMP Consultants

GMP CONSULTANTS
Greg@gmphr.com
(206) 714-9499
www.gmphr.com

GMP CONSULTANTS

March 5, 2024

Ms. Kris Schubert
Human Resource Director
City of Brainerd
501 Laurel St.
Brainerd, MN 56401

Dear Ms. Schubert,

Thank you for the opportunity to provide a proposal to assist the City of Brainerd with the recruitment of its next Public Utilities Director. We are well positioned to assist the City as we are currently conducting or have just completed recruitments for:

- City of Blythe, CA - Public Works Director *(in progress)*
- City of Belgrade, MT - City Engineer *(in progress)*
- City of Kennewick, WA - Transportation Manager *(in progress)*
- City of Sedro Woolley – Senior Civil Engineer *(recently completed)*
- City of Sammamish – Deputy Public Works Director *(recently completed)*
- Woodinville Water District - General Manager *(recently completed)*
- Lake Whatcom Water & Sewer District - District Engineer *(recently completed)*
- Soos Creek Water & Sewer – Engineering Manager *(recently completed)*

If you have any questions or would like to discuss your specific needs, please do not hesitate to contact me at (206)714-9499 or greg@gmphr.com. I look forward to hearing from you and hope to have the opportunity to work together soon.

Sincerely,

Greg M. Prothman
President,
GMP Consultants LLC

ABOUT GMP CONSULTANTS

GMP Consultants is a public sector executive search firm with a collective 240 years of local government leadership experience with both regional and national relationships. GMP Consultants offer our clients experienced subject matter experts with a solid understanding of local government coupled with decades of experience. We have served in a wide range of executive positions, from city and county management to public works, management information systems, and finance.

Our Qualifications

Founded and led by Greg M. Prothman, formerly the CEO of Prothman, GMP consultants have worked on over 400 executives searches and over 80 public sector consulting projects. All our senior search consultants are active in both ICMA and local state level city management associations or in their respective professional associations.

Our Philosophy

Our business philosophy centers on the understanding that this is a "people" related industry. We have a reputation for providing superior service and building lasting relationships with both clients and candidates. We believe that attention to others' needs is the key to effective customer service.

Why Choose GMP?

What you get with GMP Consultants is personal service. You appreciate it when phone calls are returned, projects stay on schedule and your challenges are given thorough and creative thinking. While other companies may assign your business to lesser experienced staff, we offer exceptional service from senior-level consultants.

- **Service & Relationship** - Our consultants bring a reputation for providing outstanding service and building lasting relationships with both clients and candidates.

- **Customized Solutions** - We take the time to become familiar with your organization to ensure that we offer the best solution and not just a single service.

- **People First** - We work closely with you and your candidates through every stage of the recruitment process, creating a welcoming candidate experience and ensuring an effective recruitment outcome.

- **Team Approach** - Our entire consulting group works as a team to leverage their networks to assist with each assignment and give your challenges thorough and creative thinking.

PROJECT TEAM MEMBERS

Greg M. Prothman – President
Greg offers a unique combination of 20+ years of experience in various functions of government and 25 years of experience in public sector recruitment. Prior to forming GMP Consulting, Greg founded and was the driving force at Prothman Company as its CEO. Prior he was a partner at Waldron & Company. Early in his career Greg served as a police officer for the University of Washington and the City of Renton. He left police work after completing his Master's degree in Public Administration and accepted an administrative position for the City of Des Moines, WA. He was quickly promoted to Assistant City Manager and then City Manager. A Seattle native, Greg completed his BA at Western Washington University and his Master of Public Administration (MPA) degree from the University of Washington. Additionally, he completed the Senior Executives in State and Local Government program at Harvard University. Greg is a volunteer member of Seattle Mountain Rescue and a member of Crystal Mountain Ski Patrol.

Jeff Weldon - Lead Project Consultant
Jeff served 29 years in municipal management in Minnesota and South Dakota including city administrator for Redwood Falls, MN; and assistant city administrator for Apple Valley, MN as well as city manager for Brookings and Yankton, SD. Jeff was also an adjunct instructor at South Dakota State University in Public Administration and State and Local Government. Jeff currently serves local government managers in Minnesota and South Dakota with career and professional development as a Senior Advisor for the state associations. Jeff holds a Bachelor's Degree from Minnesota State University and a Master's Degree from Hamline University. He was active with the Coalition of Greater Minnesota Cities, Minnesota City/County Management Association, South Dakota Municipal League, and the International City Management Association (ICMA). Jeff is a strong advocate for community involvement and has been involved with his church, the United Way, Rotary and Lions clubs, and the Chamber of Commerce. Jeff and his wife, Tracie, have two grown children and five grandchildren. His hobbies and spare time activities include camping, boating, fishing, golf, travel, woodworking, pencil sketching and reading presidential biographies and Civil War history.

Sarah Marsh – Content Designer
Sarah brings a background across nonprofit, business, government, and education sectors. She holds an M.B.A in Organizational Behavior & Development from the University of Vermont. She also publishes in the field of American History and is the author of two books honored by the National Council for the Social Studies.

Kate Hansen – Project Manager
Kate is a certified Project Management Professional (PMP) with a background in business, nonprofit, and fire administration. She has served as a Public Records Officer as well as a political campaign manager, and brings a distinguishing blend of attention to detail, creativity, and critical thinking. Kate holds a B.A. in Theatre from Chapman University with an emphasis on stage management.

Brenda Gabbitas – Recruitment Coordinator
Brenda has over a decade of experience working with many communities around the globe in both public and private sectors. She leans on her experiences to build lasting relationships with everyone she works with while delivering unparalleled levels of service. Brenda holds a Bachelor's of Education in Early Childhood Development from Utah Valley University.

WORKPLAN & APPROACH

INFORMATION GATHERING & RECRUITMENT PROFILE DEVELOPMENT

Review and Finalize Search Process and Schedule
We meet with the City to review project needs, process, schedule, and identify the scope of the recruiting market. Our goal is to thoroughly understand your organization, current challenges, timeline, and preferred qualifications for this recruitment.

Develop, Review, and Approve a Detailed Recruitment Profile & Invitation
We create a custom recruitment profile highlighting the strengths of your job opportunity as well as your unique needs. If requested, we will assist in reviewing the position compensation and will make recommendations that are consistent with comparable agencies and the market. Examples of prior recruitment profiles are included in this proposal and typically feature:

- Why Apply?
- Community Profile
- The Organization & Position
- The Ideal Candidate / Education & Experience
- Challenges & Opportunities
- Compensation & Benefits
- Resources
- Your Social Media (if applicable)

STRATEGIC MARKETING

Targeted Recruitments - Having 20 plus years of designing and implementing national recruitments, GMP Consultants will create and conduct a nationwide recruitment and candidate generation process, employing recruitment strategies designed to encourage competitive applicants from diverse backgrounds and experiences. We have been successful in identifying a candidate pool that is racially, ethnically, and gender diverse. We will develop a national advertising strategy placing ads in websites, job boards, periodicals, and social media such as LinkedIn. Examples of job boards and websites includes:

- American Public Works Association
- American Water Works Association
- AWWA Minnesota Chapter
- Public Works Careers
- Minnesota Society of Professional Engineers
- APWA – Minnesota Chapter
- APWA – Illinois Chapter
- APWA – Wisconsin Chapter
- APWA – Iowa Chapter
- APWA Michigan Chapter
- League of Minnesota Cities
- Association of Minnesota Counties
- Minnesota Wastewater Operators Association
- Careers in Government
- GMP Website
- GMP LinkedIn

Development of Candidate Database for Direct Mail Invitations - We will mail approximately 500 to 800 letters of invitation to Utility Directors and City Engineers in the midwestern United States and emails to over 3,000 public works professionals across the United States.

CANDIDATE SCREENING AND SHORTLIST PRESENTATION

Candidate Application Materials - Candidates are asked to submit a cover letter, application, resume, answers to supplemental questions (designed to measure writing and thinking skills) and professional references.

Selection & Interview of Semifinalists - We review all candidate application materials and identify the most promising semifinalists. We conduct a one-hour interview with each semifinalist and provide written observations.

Search Work Session – We meet with you to review semifinalists. Prior to the meeting we send you each applicant's cover letter, resume, essay questions, the consultant semifinal interview notes, and candidate summary sheet. The City Administrator selects the finalist candidates and designs the final interviews.

FINAL INTERVIEWS & SELECTION

Design and Preparation of Final Interviews - We help you decide on the structure and schedule of the interviews, including the panel participants and facilitators. We tailor the process to fit your needs and prepare all the candidate materials for the interviews.

Reference & Background Checks - We conduct professional reference checks on each candidate, requesting the names of supervisors, subordinates, and peers. Background checks include Education Verification, Criminal History, Driving Record, and Sex Offender Check.

Candidate Travel - We help you identify which candidate travel expenses your organization wishes to cover and then work with the candidates to coordinate the most cost-effective travel arrangements.

Final Interviews & Selection - The City Administrator (and advisory panels if used) interview finalists. We facilitate a debrief with all panel participants. After the debrief, we facilitate the evaluation process, help the decision makers come to consensus, discuss next steps, and organize any additional candidate referencing or research.

Candidate Appointment - We facilitate potential contract elements with the City. Once your top candidate has been selected, we will assist as needed with the job offer, contract negotiations, and employment agreement.

RECRUITMENT SCHEDULE EXAMPLE

Recruitments take approximately 80 to 90 days to complete.

Kickoff Meeting		**Client & GMP:** Meet to discuss timeline & search process
Profile Development	Week 1-2	**GMP:** Meet with key stakeholders & create position profile
Advertising	Weeks 3 - 6	**GMP:** Post online ads; send direct mailing
First Review	Week 7 -8	**GMP:** Conduct preliminary interviews with most promising candidates
Work Session	Week 9	**GMP & Client:** Meet to review semifinalists and choose finalist candidates
Final Interview Preparation	Week 10-11	**GMP:** Conduct background & reference checks, complete final Interviews schedule, coordinate travel with candidates
Final Interviews	Week 11	**Client:** Hosts finalist interviews **Client:** Makes hiring selection

PROFESSIONAL REFERENCES

Woodinville Water & Sewer
Pamela Maloney, Board Chair
pmaloney@woodinvillewater.com
425 647 5061 *c*
General Manager (in progress)

Island County, WA *pop. 84,000*
Catherine Reid, HR Director
Creid@islandcountywa.gov
360-240-5584
County Administrator
Public Works Director (in progress)

City of Lakewood, WA *pop. 60,564*
John Caulfield, City Manager
jcaulfield@cityoflakewood.us
253-983-7703
City Manager

City of Belgrade, MT *pop. 11,075*
Neil Cardwell, City Manager
ncardwell@cityofbelgrade.net
406-388-3760
City Manager (2)
Human Resources Director

PROFESSIONAL FEE

The fee for conducting a Public Utilities Director recruitment is $15,000. The professional fee covers all consultant and staff time required to conduct the recruitment. Professional fees are billed in three equal installments: at the beginning, halfway, and upon completion of the final interviews. In addition to the professional fee, the City will be responsible for reimbursing expenses incurred on the City's behalf. Expenses include:

- Websites, job boards and other advertising (approx. $1,500 - 1,900 est.)
- Direct mail announcements (approx. $1,200 - 1,400 est.)
- Consultant travel: Mileage at IRS rate and $65 per hour
- Background checks (approx. $225 per candidate)

The City has the right to cancel the search at any time. The City's only responsibility would be the fees and expenses incurred prior to cancellation.

GUARANTEE & WARRANTY

Should the selected candidate leave the employment of the City within the first 12 months of appointment, we will conduct one additional recruitment for the cost of expenses only, if requested to do so within six months of the employee's departure. If the major elements of the process are followed and a candidate is not chosen, we will repeat the recruitment once with no additional professional fee, the only cost to you would be the expenses.

PUBLIC WORKS RECRUITMENT CLIENTS

City of Blythe, CA
Public Works Director *(in progress)*

City of Belgrade, MT
City Engineer *(in progress)*

City of Kennewick, WA
Transportation Manager *(in progress)*

City of Sedro Woolley
Senior Civil Engineer *(just completed)*

City of Sammamish
Deputy Public Works Dir. *(recently completed)*

Island County, WA
Public Works Dir. *(recently completed))*
Engineering Manager

Soos Creek Water & Sewer
Engineering Mgr. *(recently completed)*

City of Olympia, WA
Public Works Dir. *(recently completed)*

Woodinville Water & Sewer
General Manager *(recently completed)*

Bonner County, ID
Staff Engineer
City of Aberdeen, WA
Public Works Director
City of Arlington, WA
Utilities Manager
Public Works Director
City of Bainbridge Island, WA
Engineer
Project Manager
City of Battle Ground, WA
Public Works Director
City of Bellevue, WA
Assistant Director, Engineering
Utilities Deputy Director
City of Bellingham, WA
City Engineer
City of Bend, OR
Fleet Manager
City of Blaine, WA
Public Works Director
City of Bonney Lake, WA
Public Works Director
City of Bothell, WA
Public Works Director
City of Bozeman, MT
Public Works Director
City of Bremerton, WA
Public Works Director
City of Carnation, WA
Public Works Director
City of College Place, WA
Public Works Director
Environmental Systems Manager

City of DuPont, WA
Public Works Director
City of Edgewood, WA
Engineer
Public Works Director
City of Elma
Public Works Director
City of Ferndale, WA
Public Works Director
City of Fife, WA
Assistant Public Works Director
City of Gillette, WY
Public Works Director
City of Gunnison, CO
Public Works Director
Lake Whatcom Water & Sewer District, WA
General Manager
District Engineer
City of Kelso, WA
Public Works Director
City of Kemmerer, WY
Public Works Director
City of Kenmore, WA
City Engineer
City of Kent, WA
Deputy Dir Public Works
City of Kirkland, WA
Water Division Manager
Public Works Director
City of Lake Oswego, OR
Water Treatment Plant Manager
City of Leavenworth, WA
Public Works Director

City of Lewiston, ID
Public Works Director
City of Lynden, WA
Public Works Director
City of Lynnwood, WA
Public Works Director
City of Maple Valley, WA
Public Works Director/Community Development Director
City of Marysville, WA
Streets/Surface Water Manager
Engineering Services Manager
Public Works Director
City of Medina, WA
Public Works Director
City of Mountlake Terrace, WA
Public Works Director
City of Nampa, ID
City Engineer
City of Newcastle, WA
Public Works Director
City of Pasco, WA
Public Works Director
City of Port Angeles, WA
Public Works & Utilities Director
City Engineer
Light Operations Manager (Electric Utility Ops. Mgr.)
Public Works Director
City of Orting
Public Works Director
City of Richland, WA
Transportation Engineer
Public Works Director

City of Sammamish, WA
Senior Transportation Program Engineer
Project Engineer/Drainage
Senior Project Engineer
City of Sequim, WA
Public Works Director
City of Shelton, WA
Public Works Director
City of Shoreline, WA
Public Works Director
City Engineer
City of Snohomish, WA
City Engineer
Public Works Utilities Manager
City of Spokane Valley, WA
City Engineer
Public Works Director
City of Tacoma, WA
Public Works Director
City of Troutdale, OR
Public Works Director
City of Tukwila, WA
Public Works Director
City of Walla Walla, WA
Public Works Director
City of Warrenton, OR
Public Works Director
City of White Salmon, WA
Public Works Operations Manager
City of Woodburn, OR
Public Works Director
City of Woodland, WA
Public Works Director
Clark County, WA
Deputy Public Works Director
Chelan County PUD, WA
Procurement and Contracting Manager
Columbia County, WA
Public Works Director/County Engineer
Covington Water District, WA
Director of Utility Services
District Engineer
Assistant Water Resources Manager
Grant County, WA
Public Works Director
County Engineer
Gunnison County, CO
Asst. County Mgr. for Public Works
Island County, WA
Engineering Manager
Jefferson County, OR
Buildings and Grounds Director
Jefferson County, OR
Public Works Director
Jefferson County PUD No.1, WA
Electrical Engineer
Lake Cushman Maintenance Company, WA
General Manager
Lewis County, WA
Public Works Director/County Engineer
Mason County, WA
Public Works Director
Mason County PUD No.3, WA
Engineering Manager
Park City, UT
City Engineer
Pend Oreille County, WA
Public Works Director
San Juan County, WA
Public Works Director
Skagit County, WA
Assistant County Engineer
Public Works Director
Snohomish County, WA
Surface Water Management Utility Director
Clackamas River Water Dist. OR
General Manager
Cowlitz Sewer Operating Board,
Superintendent
Deschutes Valley Water Dist. OR
General Manager
Holmes Harbor Sewer District, WA
General Manager
Skagit County PUD#1, WA
General Manager
Snoqualmie Pass Utility District, WA
General Manager
Tualatin Valley Irrigation District, OR
District Manager
Tualatin Valley Water District, OR
Chief Executive Officer
Manchester Water District, WA
General Manager
Snohomish County PUD, WA
Assistant General Manager,
Pacific City Joint Water-Sanitary Authority, OR
Authority Manager
Sallal Water Association, WA
General Manager
Snohomish County PUD, WA
Assistant General Manager

WORK SAMPLES: POSITION PROFILE AND INVITATION TO APPLY LETTER

(Attached). Additional samples available at gmphr.com. Copyright © 2023 by GMP Consultants, . All rights reserved.

ENGINEERING MANAGER

SOOS CREEK WATER & SEWER DISTRICT

Why Apply?

This is an excellent opportunity for an experienced engineer to make a lasting impact on an organization. The Engineering Manager position is new and was created to provide strong technical leadership on several important district initiatives and priorities. This position will improve how the District leverages technology, establish a proactive asset management program, and work closely with the Operations team to identify effective solutions to improve their water and sewer systems. The family-oriented culture of SCWSD is one of the key factors in the District's success. This close-knit team takes pride in achieving their agency's mission to provide high-quality water and sewer services in an efficient and cost-effective manner.

GMP CONSULTANTS

THE COMMUNITY

Located 20 miles southeast of Seattle, the Soos Creek Water & Sewer District (SCWSD) serves more than 114,000 people within 35 square miles and provides services to unincorporated King County and the cities of Auburn, Black Diamond, Covington, Kent, Maple Valley, and Renton.

Historically known for its timber, coal, and railroad industries, this area of Southeast King County is now one of the fastest growing regions in Washington. These communities provide a country living alternative within reach of the larger metropolitan areas of Seattle, Bellevue, and Tacoma. Residents enjoy a close proximity to many corporate headquarters, including Microsoft, Google, Amazon, Boeing, Starbucks, and Costco.

SCWSD's headquarters is located in unincorporated King County just outside of Renton, a city popularly known for being home to the Seattle Seahawks training center and the state's only IKEA store. Renton hugs the south shoreline of the 22-mile long Lake Washington along the mouth of the Cedar River, providing waterfront views and an endless variety of water sports. This region also serves as a gateway to Mt. Rainier National Park, offering stunning views of the majestic mountain amid rolling hills.

Enjoying the best of both worlds, SCWSD residents enjoy a Pacific Northwest lifestyle with close access to both the I-5 and I-405 corridors, the Pacific Ocean, the waters of Puget Sound, and the Cascade Mountains. Seattle-Tacoma International Airport serves the region 11 miles away.

THE SOOS CREEK WATER & SEWER DISTRICT

Soos Creek Water & Sewer District (SCWSD) has served the residents of southeast King County since 1939. In 1987, SCWSD was formed as a municipal corporation after the merger of Water District 58 and Cascade Sewer District.

Today, SCWSD is one of the largest Special Purpose Districts in Washington State. The District's water service area covers approximately 16 square miles and serves more than 67,500 people in the cities of Renton, Kent, and unincorporated King County. SCWSD purchases its treated water supply from Seattle Public Utilities via a 60-year wholesale water supply contract. The sewer service area covers approximately 35 square miles and serves more than 114,000 people within portions of Kent, Renton, Covington, Black Diamond, Maple Valley and unincorporated King County. The sanitary sewer system conveys wastewater to King County's South Treatment plant in Renton for treatment and disposal.

SCWSD operates with a 2023 budget of $49.3 million and a team of 44 FTEs. Departments include Administration, Field Operations, Development, Information Technology, Customer Service/Utility Billing, Finance, and Human Resources. SCWSD is a collaborative workforce that works to meet the District's mission to provide reliable, high-quality water and sewer services in an efficient, cost effective manner.

The District is overseen by an elected five-member Board of Commissioners who reside within the District.

View job description here

THE ENGINEERING MANAGER

The position of Engineering Manager (EM) is new to the District and will be a member of the management team. They will directly oversee the Development Department which includes a lead, permit specialist, development coordinator, and a customer service representative. The EM reports to the General Manager but works closely with all other departments.

The EM directs and performs engineering and related functions in support of the District's operational and capital improvement initiatives. They are responsible for a variety of advanced technical and professional engineering tasks including planning, analysis, design, and management. The EM identifies, monitors, and manages capital and local improvement projects; reviews and administers contracts for professional services and construction; and coordinates engineering projects with state and local agencies. They oversee the development, revision and implementation of engineering standards.

THE IDEAL CANDIDATE

- A seasoned municipal water and/or sewer utility engineer with supervision experience and strong leadership skills.
- Project and consultant management experience.
- Comprehensive planning, project development and prioritization skills.
- Capital project and budgeting experience with revenues and expenses.
- Experienced in the full development and implementation of an Asset Management Program.
- An excellent communicator with strong verbal and presentation skills; able to share complex utility information in an understandable way to diverse audiences, including utility professionals, elected bodies, community leaders, and customers.
- Collaborative, and has a history of developing excellent relationships with other jurisdictions including cities, building departments, county, state and federal permitting officials, and other water/sewer district engineering personnel.
- Open, personable, communicative, and approachable to all levels of staff.
- "Hands-on" management style and willing to provide help wherever and whenever needed.
- Experienced in staff development and is a lifelong learner themselves.

EDUCATION & EXPERIENCE

- A bachelor's degree in civil engineering or related field. (Master's degree preferred.)
- Ten years of engineering and project management experience in public works with four years of supervisory experience.
- Or any equivalent combination of education and experience that provides the applicant with the knowledge, skills, and abilities required to perform the job.

Certifications / Licenses:

- WA Professional Engineer License.
- A valid Washington State Driver's License.

OPPORTUNITIES & CHALLENGES

1) SCSWD is a utility leader in the region and wants to maintain this status. Improving and leveraging technology will be an ever-present need and challenge.

2) Because the District is a great place to work, many of their staff are long-term and succession planning will be critical.

3) The District is committed to maintaining institutional knowledge and has started implementation of an Asset Management system and plan. The EM will be primarily responsible for bringing this plan to full implementation.

COMPENSATION & BENEFITS

SCWSD is offering a salary range of $139,620 to $190,992 for this position dependent upon experience and qualifications.

- Paid Medical, Vision, and Dental for you and your dependent(s)
- Paid Life, AD&D, and Long-Term Disability Insurance
- Voluntary insurance
- Washington State Retirement Plan
- Deferred Compensation Plan 457
- Health Reimbursement Account (HRA/VEBA)
- Flexible Spending Account (FSA)
- Continuing education and tuition reimbursement
- Employee assistance program
- Annual performance review
- 11 paid holidays
- 2 paid floating holidays per year (pro-rated based on date of hire)
- 12 days of paid vacation, increases with longevity
- 8 hours per calendar month of sick leave
- Up to 10 days of jury duty pay
- 3 days paid bereavement leave for a death in the immediate family

RESOURCES

Soos Creek Water & Sewer District

SCWSD Winter 2023 Newsletter

Renton Chamber of Commerce

Maple Valley Black Diamond Chamber of Commerce

TO APPLY

Apply Online: gmphr.com

First Review: September 10, 2023

More Info: Mark Bethune, GMP Consultants
mark@gmphr.com / (253) 405-3848

GMP CONSULTANTS

Dear Colleague,

GMP Consultants is assisting the **Lake Whatcom Water & Sewer District** in Bellingham, WA in finding a **District Engineer / Engineering Manager**. Perhaps this is the right time in your career to consider this exciting opportunity. If not, would you please pass this on to others who may be interested?

Thank you for your consideration and assistance.

Greg M. Prothman, GMP Consultants
greg@gmphr.com / 206-714-9499

WHY APPLY?

This is an excellent professional engineering opportunity for an experienced engineer interested in serving the uniquely beautiful and sensitive areas in and around Lake Whatcom, just outside of the popular community of Bellingham.

Lake Whatcom Water & Sewer District is a well-run and financially stable organization that is proactive about maintenance and improvement of its water and sewer systems, with several large projects planned and a solid system renewal program. Due to topography and proximity to pristine Lake Whatcom, this position provides unique and exciting engineering and construction management challenges. The organization is closely knit, collaborative, professional, and committed to its mission of service to its customers while protecting the environment.

gmphr.com

LAKE WHATCOM WATER & SEWER DISTRICT

While headquartered in the city of Bellingham, Washington, the District's service area surrounds Lake Whatcom to the east and includes the communities of Geneva, Sudden Valley, and the North Shore of Lake Whatcom. The District provides water service to approximately 3,760 residential customers and sewer service to approximately 4,100 residential customers. The District operates with a 2023-2024 biennial budget of $20.9 million, a team of 18.5 FTEs, and is governed by a five-member Board of Commissioners serving six-year terms.

THE DISTRICT ENGINEER / ENGINEERING MANAGER

Reporting to the General Manager, the District Engineer is responsible for managing and directing all engineering activities in the design and construction of District and developer-funded projects.

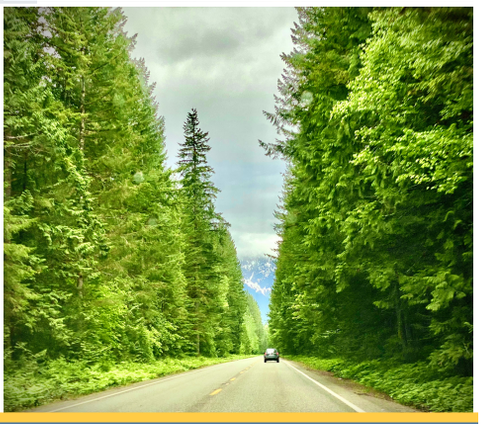
- Oversees and manages complex capital projects, engineering planning studies and engineering contracts including preparation of permits, design, and construction drawings and specifications; and is responsible for capital project construction inspection and asset management system development and maintenance.

- Responds to citizen concerns related to projects, permits, and other issues related to the District; assists the General Manager in the development and implementation of District policies and procedures; supervises the Engineering Department staff comprised of the Construction Engineer (a PE) and Engineering Technician/Safety Officer.

View position profile at gmphr.com

EDUCATION & EXPERIENCE

Five years of progressively responsible experience in engineering and project management in a public utility or water and sewer district, including three years of supervisory experience; and a bachelor's degree in civil engineering, construction management or related field. Or any equivalent combination of education and experience that provides the knowledge, skills and abilities required to perform the job.



LEARN MORE

Visit: **gmphr.com**

Salary Range: **$117,500-$148,700** annually DOQ

First Review Date: **July 16, 2023**

More Information: Dave Zabell, GMP Consultants
dzabell@gmphr.com / (509) 834-9343

GMP CONSULTANTS

INTERIM PUBLIC UTILITIES DIRECTOR
EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered into as March 18, 2024, by and between the **CITY OF BRAINERD, MINNESOTA**, a municipal corporation ("City") and Patrick Wussow ("Employee").

RECITALS

A. On January 2, 2024, the City Council accepted the resignation of Public Utilities Director Todd Wicklund effective at the close of business on May 3, 2024. The Council also re-established the 2023 Public Utilities Director Work Group to oversee the 2024 hiring process for our Public Utilities Director position.

B. On March 5, 2024, the Public Utilities Director Work Group determined it had an unsuccessful hiring search and recommended to the City Council to begin a new hiring search utilizing an Executive Search Consultant.

C. The City anticipates that it will take additional time beyond May 3, 2024, to secure the services of a new full-time Public Utilities Director.

D. Employee agrees to serve as Public Utilities Director for the City on a part-time, interim basis until a new Public Utilities Director begins work, on the terms and subject to the benefits, inducements, and conditions agreed to by the Parties, which have been negotiated and agreed to by the Parties for their mutual benefit.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement, the City and Employee agree as follows:

SECTION 1 - RECITALS

The Parties accept and acknowledge the recitals as part of this Agreement.

SECTION 2 - DUTIES

A. The City will employ Employee as Interim Public Utilities Director of the City effective April 15, 2024, to perform the functions, duties and powers of the position as established under the Charter and Minnesota law and under the ordinances of the City, and to perform such other duties and responsibilities as shall from time to time be duly assigned by the City Council and the Public Utilities Commission. Employee will faithfully and diligently perform all of the duties, responsibilities and powers so vested, delegated, or assigned, and shall obey all laws of the United States and of the State of Minnesota and all ordinances of the City. Except as provided herein, Employee will devote his work time to his duties and responsibilities to the City and will hold no other employment. Employee will not perform any services for any other entity or for any person, except a member of his family, and will not accept any remuneration therefor, without the prior approval of the City Council. Employee will not engage in any activities or conduct that is foreseeably likely to bring dishonor or disrepute to his position or to the City.

B. Employee will provide up to 30 hours on average of service to the City per work week. Employee shall be present during normal business hours as well as attend at least one City Council per month similar to all other city department heads and other evening meetings and weekend meetings as required by the City. Time spent attending evening and weekend meetings count towards the up to 30 hours on average hours per week requirement by this Agreement.

C. Employee will be compensated as the Interim Public Utilities Director when assisting the City in mediation with the IBEW Local No. 31 Public Utility Union. Said time will be counted towards the up to 30 hours on average work week.

SECTION 3 – TERM OF AGREEMENT

A. Employee will serve as the Interim Public Utilities Director for approximately four (4) to six (6) months until the earlier of: (1) the start of work of a Public Utilities Director approved by the City Council with a two-week training overlap with the new Director; or (2) the close of business on October 18, 2024, at which time this Agreement will automatically expire unless the parties agree, in writing, to extend this Agreement. The parties agree that this Agreement cannot be extended, modified, or renewed by conduct or by any means other than a written agreement signed by both parties.

B. Employee's tenure, service, and authority as Interim Public Utilities Director of the City shall be subject to termination at will by the City Council at any time.

C. Upon expiration or termination of this Agreement, neither Party will have any further claim against the other and the City's employment of Employee will automatically end, unless the Parties enter into a subsequent employment contract.

SECTION 4 – SALARY AND PENSION

A. During the term of this Agreement, the City will pay the Employee $100.00 per hour for said services as well as the required Public Employees Retirement Association (PERA) pension Employer contribution. In the event that this Agreement is terminated or expires during a pay period, the final salary payment to the Employee pursuant to this Agreement shall be prorated to reflect the number of hours during that period in which this Agreement was in effect.

B. Employee may choose to receive part of his salary in deferred compensation in accordance with applicable state and federal laws and applicable City policy.

C. Employee shall not be eligible for additional pay or benefits under the City's longevity program or other applicable City policies.

SECTION 5 – BENEFITS

A. The Interim Public Utilities Director position is not eligible for overtime pay, vacation or sick leave accruals, holiday or floating holiday pay, and/or health, life and long-term disability insurance coverage or premium payments including Opt-Out Payments.

B. The Interim Public Utilities Director position is eligible for Earned Sick and Safe Time (ESST) as required by MN law.

C. Employee shall not be entitled to any benefits contained in the City Personnel Policies, any previous contract, or any policy or practice generally applicable to other City employees that are not expressly identified herein.

SECTION 6 – OTHER TERMS OF EMPLOYMENT

A. Except as otherwise specifically provided in this Agreement, all provisions of the City ordinances and the City Personnel Policy generally applicable to supervisory/confidential City employees shall apply to Employee.

B. To the extent permitted by law, the City shall defend, indemnify, and hold harmless Employee against any and all civil claims, demands, suits, actions or proceedings of any kind or nature arising out of the performance by Employee of his duties and responsibilities as Public Utilities Director, except those arising out of malfeasance, willful neglect of duty, or bad faith. This indemnification shall not apply to any criminal proceedings.

C. The City will reimburse Employee for miscellaneous job-related expenses that Employee incurs from time to time in accordance with the City's practice and policy for expense reimbursement for supervisory/confidential employees.

D. It is understood that the position of Public Utilities Director requires attendance at evening meetings and occasionally at weekend meetings. It is further understood that the Public Utilities Director may need to be available to other City employees outside of the Employee's regularly scheduled up to 30 hours on average of service per week. Employee understands that additional compensation or compensatory time shall not be allowed for such additional expenditures of time. Employee may absent himself from the office to a reasonable extent in consideration of extraordinary time expenditures for evening and weekend meetings or duties required to be performed in excess of up to 30 hours on average in a workweek.

E. Nothing in this Agreement prevents, limits or otherwise interferes with the right of the City to terminate the services of Employee at any time, for any reason, subject only to the provisions of this Agreement and statutory requirements.

Furthermore, nothing in this Agreement prevents, limits or otherwise interferes with the right of Employee to resign at any time from his position with the City, subject only to the provisions of this Agreement.

SECTION 7 - GENERAL PROVISIONS

A. Whenever in this Agreement reference is made to any action of the City Council, such reference shall mean collective action in an official meeting, except insofar as such action is taken by ordinance or other form requiring the independent action of the Mayor, and unless the context clearly requires another meaning.

B. The City will make reasonable appropriations and will budget reasonable amounts, in accordance with law and with the City ordinances, for all benefits, payments and reimbursements to which Employee is entitled under this Agreement.

C. This Agreement shall constitute the entire agreement of Employee and the City, and shall supersede any prior agreements, understandings, or undertakings between them.

D. This Agreement shall be governed by and shall be construed in accordance with the laws of the State of Minnesota and Ordinances of the City.

E. This Agreement shall be binding upon and shall inure to the benefit of the heirs, executors, and administrators of Employee's estate.

F. If any section, provision, condition or term of this Agreement, or application thereof to any circumstance, shall be held to be invalid or unenforceable for any reason by any court of competent jurisdiction, the remaining portions or applications hereof as can be given effect without the invalid or unenforceable provision or application shall remain in full force and effect, and to this end the provisions of this Agreement are declared to be severable.

IN WITNESS WHEREOF, the City and Employee have approved and executed this Agreement in two (2) counterparts, this ____ day of March, 2024.

EMPLOYEE	**CITY OF BRAINERD**
_____	By:_____
PATRICK WUSSOW	**DAVE BADEAUX, MAYOR**

Adopted: January 2, 2024

Employee Policy Manual

City of Brainerd

For the purposes of this policy, “dangerous weapons” are defined to include all legal or illegal firearms, switchblade knives, or any other object that has been modified to serve as a weapon or that has the primary purpose of serving as a weapon.

- Exceptions to the dangerous weapons prohibition are as follows: Employees legally in possession of a firearm for which the employee holds a valid permit, if required, and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property, to the extent required by Minnesota Statutes, section 624.714 (as amended), or other applicable law.

- Possession or use of a dangerous weapon necessary for the performance of duties by sworn Police Department employees.

In addition, the City prohibits the discharge of firearms on City property, except as necessary for the performance of duties by sworn Police Department employees. Any employee in violation of this policy will be subject to disciplinary action, up to and including discharge.

This policy is administered and enforced by the Human Resources Department. Anyone with questions or concerns specific to this policy should contact the Human Resource Director.

ARTICLE 6. APPOINTMENTS AND PROMOTION

Section 6.01 Appointment Procedure

It is the intent of the City of Brainerd to recruit and select qualified candidates for available positions, as it deems necessary. The City is committed to recruitment and selection practices that are based on merit. The recruitment and selection processes will be conducted to ensure an open and competitive process. The City Administrator or a designee will oversee the hiring process for positions within the City. Human Resources staff are responsible for managing the recruitment and selection process including, but not limited to, obtaining authorization to hire, evaluating job descriptions, preparing vacancy announcements, scoring applications, conducting interviews, facilitating background checks, scheduling various assessments and medical examinations, scheduling interviews, and making and withdrawing job offers. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to city employment.

The selection process will be a cooperative effort between the City Administrator, HR Director and the hiring supervisor, subject to final hiring approval of the City Council. Any, all, or none of the candidates may be interviewed, as determined by the City at its sole discretion.

When hiring for BPU Department Heads, the City Council will establish a Work Group to oversee the hiring process and up to two representatives from the BPU Commission Personnel Committee will be included in said Work Group.

The process for hiring seasonal and temporary employees may be delegated to the appropriate supervisor with each hire subject to final City Council approval. Except where prohibited by law, seasonal and temporary employees may be terminated by the supervisor at any time, subject to City Council approval.

Every appointment to municipal service shall be recommended by the City Administrator or designee to the Personnel and Finance Committee and approved by the City Council. When required by law or by the City Administrator, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

For an existing position that becomes vacant and new positions approved as part of the budget, the City Administrator or designee shall inform the City Council of the vacancy to receive the City Council's authorization to begin recruitment and, when complete, to bring a hiring recommendation to the City Council for authorization to hire. Furthermore, when a position has already received approval from the City Council and an offer is made to a candidate who then declines, the Human Resource Director and the department head may use their judgment in reviewing the list of applicants or re-advertising for the same position.

The City Council may, from time to time, provide staff with hiring perimeters. To the extent that the City Council does so, and if said perimeters are followed, the Council may ratify the hiring of an individual after a conditional job offer has been given and the successful completion of pre-employment screening process has been completed.

Unless otherwise required by law or applicable collective bargaining agreement, in no event shall the hiring or continued employment of any person be considered a contractual relationship between the employee and the City. Further, unless otherwise provided, such relationship shall be defined as employment "at-will," which allows either party to dissolve the relationship at any time, for any legal reason or no reason at all. When required by law or requested by the applicable Department Head, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

From: Jeff Czeczok
To: Nick Broyles; Kris Schubert
Subject: Public Utility Director
Date: Thursday, March 14, 2024 2:31:30 PM

Greetings, Nick,
Please include the below message in the packet for Monday's CC meeting where it is most appropriate.

Thanks much, Jeff

The P&F Committee is recommending the CC approve the hiring of a consultant for the Public Utilities Director position and the expense will be the Public Utilities.
The City Council does not have the authority to direct the PUC to pay for this expense, the CC only approves the Brainerd Public Utilities budget.

This item should be the decision of the Commission at their meeting on March 26th and we should receive their recommendation at the CC meeting on April 1, 2024.

Additionally, the make-up of the interview group consists of only 2 members of the PUC , 3 city staff and one city council member all with voting privileges
as to whom will be recommended for hire.

The Public Utilities Director position is literally second on the city's employee hierarchy list and is essentially being hired for being the lead person
pertaining to the personnel at the BPU. There is also a recommendation to hire Patrick for the interim Public Utilities Director position and the pay is
$100.00 p/h and no mention was made to Patrick's pay as the interim City Administrator pay of $60.00 p/h.

How is it we are willing to hire a interim position that is considered to be of lower importance for over 66% higher pay?

This observation is absolutely nothing personal towards Patrick, only financial and reason.

Finally, the CC interviewed our City Administrator candidates and I don't understand why the PUC hasn't been charged with the responsibility of interviewing their new Public Utilities Director position.

The PUC members are the individuals who will be working most directly with the new person and should at the very least have the most say as to whom they would like to see hired for this position while still providing their recommendation to the City Council.

Thank you for your consideration on these important decisions.

Sincerely, Jeff

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Authorize Crow Wing Historical Society Donation Request

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE:
Please see the attached letter from the Crow Wing County Historical Society requesting a donation and additional information about the Historical Society. Donations by a city are generally prohibited unless the donation is specifically authorized by statute or charter.

Attached is information from the State Auditor's Office, the League of MN Cities and the State Revisor talking about donations by a city to a historical society could be considered a public purpose and an allowable expenditure of the city.

This donation wasn't specifically budgeted, but could be paid out of the Special Projects budget line item (2024 budget is $28,000) or the general unallocated account. The Special Projects budget line has historically been used for the CWC Historical Society donation, and the 4th of July fireworks contribution. For 2024, this budgeted line item was also used for expenditures for the City Administrator search; i.e., travel reimbursements for candidates, meal expenditures etc. The total spent in 2024 to date is a little less than $2,100.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:
An amount for a donation is not specified in the letter from the Historical Society. However, below is a short history of the City's past donations to the Historical Society:

2006 -$500; 2008 - $500; 2011 - $200; 2012 - $400; 2013 - $300; 2014 - $300; 2017 - $300; 2018 - $300; 2019 - $300; 2021 - $500; 2022 - $500; 2023 - $500.

The 2017 - 2023 were all paid out of Special Projects budget line item.

RECOMMENDED ACTION/MOTION:
Authorize a $500 donation to the Crow Wing County Historical Society to be paid out of the Special Projects budgeted line item.

FINANCIAL IMPACT:

CROW WING COUNTY
HISTORICAL SOCIETY
MUSEUM & LIBRARY - EST. 1927

Email:
history@crowwing.us

Website:
www.crowwinghistory.org

Street Address:
320 Laurel Street
Brainerd, MN 56401

Phone:
(218) 829-3268

March 6, 2024

Patrick Wussow, Interim City Administrator
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear City of Brainerd:

Supporting history supports our community.

Since 1927, the Crow Wing County Historical Society has been collecting, preserving, and sharing the history of Crow Wing County. Funding from local cities and townships is an important part of our annual budget. Your generous donations advance our mission and help us connect the people of today with the people of the past.

Local history provides us with a collective community identity and pride. It is incredibly relatable, relevant, and enriching. We are seeking donations to help maintain our assets at the Crow Wing County Fairgrounds. Each year, our staff and volunteers educate and entertain thousands of fair visitors with our historic buildings and items including:

- **Carbine Log House, built in Brainerd 1868.**
- **District 3 School House, South Long Lake, built 1887.**
- **Wohl House, built in Maple Grove Township 1906.**
- **Number 8 Locomotive used at the Northern Pacific Tie Plant.**
- **General Store featuring household, logging, and farming displays.**
- **Blacksmith Shop from Lake Edward Township 1910.**

Thank you for your time and consideration. The Crow Wing County Historical Society is a 501(c)(3) non-profit organization and affiliated with and approved by the Minnesota Historical Society.

Respectfully yours,

Hillary Swanson
Executive Director

RECEIVED
MAR 08 2024
CITY OF BRAINERD
ADMINISTRATION

Listed on the
National Register
of Historic Places

REBECCA OTTO
STATE AUDITOR

STATE OF MINNESOTA
OFFICE OF THE STATE AUDITOR

SUITE 500
525 PARK STREET
SAINT PAUL, MN 55103-2139

(651) 296-2551 (Voice)
(651) 296-4755 (Fax)
state.auditor@osa.state.mn.us (E-mail)
1-800-627-3529 (Relay Service)

Statement of Position
Public Expenditures: Donations and Dues

Public entities are often asked to give funds to support various groups and activities. While the causes may be worthwhile, public entities need to be cautious when making any financial commitments involving public funds.

In most circumstances, public entities have no authority to give away public funds as donations. Generally, in order to spend money, a public entity must have authority to do so. Authority for an expenditure may be specifically stated in a statute or charter, or it may be implied as necessary to do what an express power authorizes. In addition, the expenditure must be for a "public purpose."

Gifts/Donations to Private Individuals/Organizations

Following these general principles, donations to people, non-profits, charities, or other groups are not permitted unless they are based upon specific statutory or charter authority. For example, the Minnesota Attorney General's Office has issued opinions finding that cities have no authority to donate city funds to organizations such as the Red Cross or the Boy Scouts.[1] The assumption is that a gift of public funds to an individual or private entity serves a private rather than a public purpose.

Before a public entity makes a contribution, it is important for that entity to determine that it has specific authorization to make the expenditure. Here are some examples of specific, statutorily authorized appropriations:

- **Artistic Organizations.** A county, city or town may appropriate money to support artistic organizations.[2]
- **Historical Causes.** A town or city may appropriate annually a specified amount to a county historical society so long as the society is affiliated with, and approved by, the Minnesota Historical Society.[3] Cities have express authority to commemorate important and outstanding events in city history, and to appropriate money to collect, preserve and distribute its history data for future generations.[4] The Attorney General's Office recognizes that a city can advance money to a

[1] *See, for example,* Op. Att'y Gen. 59-A-3 (May 21, 1948).
[2] Minn. Stat. § 471.941.
[3] Minn. Stat. § 138.053.
[4] Minn. Stat. § 471.93.

Reviewed: December 2014 2007-1017
Revised: April 2014

This Statement of Position is not legal advice and is subject to revision.

An Equal Opportunity Employer

nonprofit to sponsor a centennial celebration.[5]

- **Prevention of Cruelty to Animals.** A county may appropriate money for maintenance and support of the local society for the prevention of cruelty to animals.[6]
- **Food Shelves.** Cities and counties may donate funds in the form of grants to food shelves providing food to the needy without charge.[7]
- **Senior/Youth Centers**. A county, city or town may appropriate money to support the facilities, programs, and services of a public or private, not-for-profit senior citizen center or youth center.[8]
- **Public Recreation Programs.** Counties, cities, towns and school districts may spend funds to operate programs of public recreation, recreational facilities, and playgrounds.[9] These programs may be conducted independently or with any nonprofit organization.
- **Promotion.** A city or urban town may appropriate up to $50,000 annually to an incorporated development society or organization of this State, for promoting, advertising, improving, or developing the economic and agricultural resources of the city or urban town.[10] A city may appropriate money to advertise the city and its resources and advantages.[11] Similarly, a county may appropriate funds to a similar entity for promoting, advertising, improving or developing the economic and agricultural resources of the county.[12] The county statute does not contain an annual spending limit.
- **Employee Recognition.** Towns may spend funds to recognize volunteers, service efforts, and retiring town officers.[13] Counties and cities may spend funds for preventive health and employee recognition services.[14]
- **Community Celebrations.** Towns may spend funds to host or support a community celebration.[15] Cities or towns may spend funds on Memorial Day observances,[16] and may appropriate money for county or district fairs,[17] centennial and historical celebrations.[18] Statutory cities may spend funds to provide free musical entertainment.[19] The authority to purchase fireworks seems to be implied.[20]

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[5] *See* Op. Att'y Gen. 59a-3 (Jan. 18, 1968) (citing Minn. Stat. § 471.93).
[6] Minn. Stat. § 343.11.
[7] Minn. Stat. § 465.039.
[8] Minn. Stat. § 471.935.
[9] *See generally,* Minn. Stat. §§ 471.15 to .1911. Minn. Stat. Minn. Stat. § 469.189., and 471.16, subd. 1.
[10] Minn. Stat, § 469.191. In addition, Economic Development Authorities (EDAs) have authority to conduct activities advancing the city and its economic development, and to carry out other public relations activities to promote the city and its economic development. *See generally,* Minn. Stat. §§ 469.090-.1081 and Minn. Stat. § 469.1082 (county EDAs).
[11] Minn. Stat. § 375.83.
[12] Minn. Stat. § 469.189.
[13] Minn. Stat. § 365.10, subd. 12 (but electors must approve).
[14] Minn. Stat. § 15.46.
[15] Minn. Stat. § 365.10, subd. 12 (but electors must approve).
[16] Minn. Stat. § 465.50.
[17] Minn. Stat. § 38.12.
[18] Minn. Stat. § 471.93.
[19] Minn. Stat. § 412.221, subd. 15.
[20] Minn. Stat. § 624.22, subd. 1(a) (2) (A municipality may stage a fireworks display after obtaining a permit).

As an alternative to a donation, a public entity may enter into a contract with an organization to accomplish tasks that the entity is authorized to perform by statute or charter. For example, a city could not give money to the Boy Scouts for a recycling program, but the city could enter a contract with the Boy Scouts to do part of its recycling program. The amount of money paid to the Boy Scouts must be related to the value of the services they provide to the city.

Memberships and Dues

There is no general authorization for cities to join "private" organizations; but there may be specific statutory or charter authority to join specific organizations. For example, cities and urban towns in Minnesota may pay dues to become members of the League of Minnesota Cities.[21]

Similarly, cities, counties, and towns may appropriate money for membership in county, regional, state, and national associations of a civic, educational, or governmental nature. These associations must have as their purpose the betterment and improvement of municipal governmental operations.[22] This authorization also allows public entities to participate in the meetings and activities of these associations.

A school board may authorize and pay for the membership of the school district or of any district representative designated by the board in those local economic development associations or other community or civic organizations that the board deems appropriate.[23]

The Attorney General's Office has determined that local units of government may *not* pay dues to a local chamber of commerce[24]. However, because cities and urban towns may appropriate up to $50,000 to an incorporated development society or organization for promotional activities, a city or urban town could contribute to a local chamber of commerce for one of the purposes authorized by statute, such as promoting the city or urban town.[25] Counties have similar authority but do not have the $50,000 monetary cap.[26] The use of public funds would be limited to statutorily authorized activities. As a result, the OSA recommends that counties, cities, and urban towns create and maintain documentation that shows the funds have been given for specific statutory purposes.[27]

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[21] Minn. Stat. § 465.58.
[22] Minn. Stat. § 471.96.
[23] Minn. Stat. § 123B.02, subd. 24.
[24] *See* Attorney General Letter dated June 27, 1997 (attached).
[25] Minn. Stat. § 469.191. An EDA has broader authority to join an official, industrial, commercial or trade association, or other organization concerned with one of the EDA's authorized purposes.
[26] Minn. Stat. § 375.83.
[27] Documentation includes, but is not limited, to minutes, resolutions and contracts.

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

GOVERNMENT SERVICES SECTION
525 PARK STREET
SUITE 200
ST. PAUL, MN 55103-2106
TELEPHONE: (612) 297-2040

June 27, 1997

Hans B. Borstad
Staples City Attorney
208 North Fourth Street
Staples, MN 56479

Re: Staples Chamber of Commerce Membership

Dear Mr. Borstad:

I am in receipt of your letter asking whether the City of Staples is authorized to pay membership dues to the Staples Chamber of Commerce. After reviewing prior opinions of the Attorney General on this issue as well as the relevant Minnesota statutes, it is my opinion that, while the City of Staples would be authorized by statute to appropriate up to $50,000 annually to the Staples Chamber of Commerce in certain circumstances, the City would not be permitted to contribute this money in the form of membership dues absent specific authority to do so in the City Charter.

It is well settled in this state that a municipal corporation has only such powers as are expressly conferred upon it by statute or its charter, or necessarily implied therefrom. It has no inherent power. Borgelt v. City of Minneapolis, 271 Minn. 249, 135 N.W.2d 438 (1965); see generally 13A Dunnell, Minn. Digest 2d Municipal Corporations § 3.01a (3rd Ed. 1981). This longstanding principle was relied upon by our office in Op. Atty. Gen. 63-b-1, May 11, 1944, which concluded that the City of New Ulm, a home rule charter city, was without authority, under state law or local charter provision, to subscribe and pay for one or more memberships in a civic and commerce association which was a reorganization of a businessmen's association. Similarily, in Op. Atty. Gen. 218r, February 24, 1949 (1950 Attorney General Report No. 103), we concluded that the Village of Buffalo (now a statutory city) could not join or pay dues to a local chamber of commerce since no such power was conferred upon it by statute. In connection with this issue, your letter refers to three statutes as potential sources of authorization to take the action you describe.

Minn. Stat. § 469.189 (1944), authorizes the governing body of certain cities to appropriate money to advertise the municipality, its resources and advantages. This Office has taken the position that there is a distinction between statutory authorization to appropriate and use money for a purpose, and authorization to contribute money to a body generally committed to advancing a purpose. See, e.g., Op. Atty. Gen. 59a3, January 15, 1959, wherein we determined that statutory authority for a city to "appropriate money" for purposes of historical preservation and observances permitted the city to contract with the county historical society for specific services, but not to donate funds to the society to expend in its own discretion. For the

same reasons, we conclude that section 469.189 (1996) does not authorize the city to donate funds or purchase a "membership" in the local chamber of commerce.

Minn. Stat. § 469.191 (1996) provides:

> A home rule or statutory city or town described in section 368.01, subdivision 1 or 1a, may appropriate not more than $50,000 annually out of the general revenue fund of the jurisdiction to be paid to any incorporated development society or organization of this state for promoting, advertising, improving, or developing the economic and agricultural resources of the city or town.

It is our understanding that this section was first enacted in 1989 primarily to allow small rural towns to participate in an organization called the Minnesota Initiative Fund, an organization which received grants from the McKnight Foundation matching certain contributions from towns and cities. However, contemporaneous legislative history indicates an understanding by the legislature that this law would also allow a city or town to contribute up to $50,000 annually to a local chamber of commerce. This seems to be a reasonable interpretation of the language of Minn. Stat. § 469.191, and it is my opinion that this provision would authorize the City of Staples to contribute up to $50,000 annually to the Staples Chamber of Commerce.

Authority to contribute does not necessarily permit membership, however. In general, it has been our view that authority of local units of government are not authorized to form or join "private" organizations absent specific statutory authority. See, e.g., Op. Atty. Gen. 92a-30, January 29, 1986; 733, July 29, 1988. For example, Minn. Stat. § 144.581 (1996), which is mentioned in those opinions, authorizes hospital authorities to join and sponsor memberships in certain organizations.

In addition, the Legislature has addressed the authority of municipalities to provide for municipal membership in certain local, state and national associations. In addition, cities are expressly authorized by Minn. Stat. § 465.58 (1996) to pay annual dues in the League of Minnesota Cities and the expenses of delegates attending the meetings thereof. Neither of these sections would apply to your situation, however.

A broader grant of authority is found in Minn. Stat. § 471.96, subd. 1 (1996), which provides as follows:

> The governing bodies of cities, counties, and towns are hereby authorized to appropriate necessary funds to provide membership of their respective municipal corporations or political subdivisions respectively in county, regional, state, and national associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal

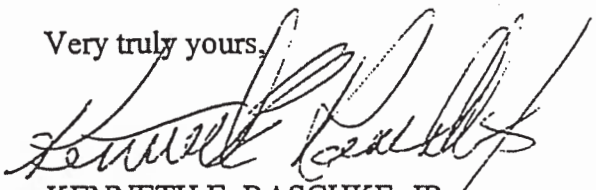
> governmental operations. Cities, counties, and towns are also authorized to participate through duly designated representatives in the meetings and activities of such associations, and the governing bodies of cities, counties and towns respectively are authorized to appropriate necessary funds to defray the actual and necessary expenses of such representatives in connection therewith. For purposes of this section, the governing body of a town is the town board.

From our understanding of the nature of such organizations, it does not appear that chambers of commerce can be characterized as "associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal government operations" within the purview of this statute, even though their interests may include such objectives.

Subdivision 2 goes on to provide that the statute does not affect "any statutory, charter or common law power of cities" to provide for membership and participation in state and national associations. I am aware of no general statutory or common law power on the part of cities to provide for membership.

For the foregoing reasons, we conclude that the city lacks statutory authority to purchase membership in the local chamber of commerce. While it is possible that such authority might be contained in the City's Charter, your letter does not refer to any such charter provision, and we do not ordinarily undertake in our opinions to construe provisions of local charters. See Op. Atty. Gen. 629a, May 9, 1975.

Very truly yours,



KENNETH E. RASCHKE, JR.
Assistant Attorney General

(612) 297-1141

KER:lt
AG:25442 v1

LEAGUE of MINNESOTA CITIES

Public Purpose Expenditures

INFORMATION MEMO

Published: June 15, 2023

This content conveys general information. Do not use it as a substitute for legal advice. Any attorney general opinions cited are available from League of Minnesota Cities Research staff.

Criteria for valid public expenditures

For an expenditure of public funds to qualify as a lawful expenditure, it must have:

- A public purpose.
- Specific or implied authority for the expenditure must arise out of a statute or from the city's charter. Specific authority usually is clear. In contrast, whether a statute or charter provision implicitly provides authority for an expenditure often becomes subject to interpretation.

The Minnesota Constitution allows taxation to further a public purpose, but generally prohibits local laws to tax for a private purpose (Minn. Const. art. X, § 1). It also generally prohibits cities from donating money or loaning the credit of the state to aid an individual, association, or corporation (Minn. Const. art. XI, § 2). This does not mean that a city can never contribute to an association or a corporation, but that in order to do so the expenditure must further a public purpose and must be authorized by a statute or charter (Minn. Const. art. XII, § 1). Statutory examples are detailed in following sections.

Since a public expenditure must always further a public purpose, analysis of what qualifies as a "public purpose" becomes crucial.

The meaning of "public purpose" is constantly evolving. The Minnesota Supreme Court has followed a liberal approach, generally finding a "public purpose" when the activity in question meets all the following criteria:

- The activity will benefit the community as a body.
- The activity directly relates to functions of government.
- The activity does not have, as its primary objective, the benefit of a private interest (*Visina v. Freeman*, 89 N.W.2d 635 (Minn. 1958)).

An incidental benefit to a private interest does not, per se, deprive the spending activity of its public nature if the primary purpose of the expenditure is public (*R.E. Short Co. v. City of Minneapolis*, 269 N.W.2d 331 (Minn. 1978)).

Also, activities that promote the following objectives for the benefit of all the city's residents further a public purpose:

- Public health
- Safety

Centennial and historical celebrations

All statutory cities and second, third, or fourth class home rule charter cities may appropriate money to commemorate the anniversary of any important and outstanding event in the city's history (Minn. Stat. § 471.93; Minn. Stat. § 410.01). This authority allows cities to spend money on:

- Collecting data and material about the history of the city.
- Preserving, storing, and housing data and material about the history of the city.
- Printing, publishing, distributing, and exhibiting data and material about the history of the city.
- Preserving historic data for future generations.

While this statute does not specifically authorize city centennial celebrations, they might be considered a commemoration of the anniversary of an important event in the city's history.

Any city may annually appropriate, from its general fund, an amount not to exceed .02418% of estimated market value, derived from ad valorem taxes on property or other revenues, to the historical society of its respective city, town, or county to further the promotion of historical work and to aid in defraying the expenses of carrying on the society's historical work. However, the city may only appropriate these funds to a historical society affiliated with and approved by the Minnesota Historical Society (Minn. Stat. § 138.053).

Community centers

Any city may appropriate money to support the facilities, programs, and services of a public or private nonprofit senior citizen or youth center (Minn. Stat. § 471.935). No specific authority expressly allows cities to finance other community centers, but many cities have done so through the state recreation statutes (Minn. Stat. §§ 471.15-.191).

View the Office of the State Auditor letter on *Expenditure of Public Funds to Schools and Senior Programs* (pdf)

Decorations

Statutory cities may spend money on decorations, signs, plaques, and attached accessories for public streets, buildings, and parks (Minn. Stat. § 412.221, subd. 34). Cities should use caution to ensure that decorations, such as those for the Christmas holidays, are not primarily religious in nature.

Donations

To appropriate or give away public funds as donations to any person, corporation, or private institution the expenditure must further a public purpose and must be authorized by a statute or charter. There is no broad authority for donations, but some statutes allow specific support for certain organizations and causes. For example, the law permitting donations to an incorporated developmental society and various statutory economic development tools permitting contributions toward development and redevelopment.

Cities may also accept gifts of real or personal property, including money, and use them in accordance with the terms prescribed by the donor (Minn. Stat. § 465.03; Minn. Stat. § 465.04). However, a city may not accept or use gifts for religious or sectarian purposes.

A resolution accepting the gift and the donor's terms must receive an affirmative vote of two-thirds of the members of the council.

View *Accepting Donations* model resolution (doc)

Nonprofit organizations in general

The attorney general and the state auditor, over the years, have considered the question of whether cities can donate public funds to various groups. Public expenditures to the following groups or organizations do not have statutory authority and are invalid:

- Supporting the Boy Scouts (A.G. Op. 59-a-3 (May 21, 1948)).
- Sponsoring a local bowling team (A.G. Op. 218-r (Aug. 15, 1951)).
- Sponsoring a local kittenball team (like softball) (A.G. Op. 59-a-22 (Aug. 7, 1951)).
- Helping the American Legion build a Legion Hall (A.G. Op. 476-b-2 (Apr. 20, 1944)).
- Supporting the Red Cross (A.G. Op. 218-r (Feb. 10, 1942)).
- Supporting a campaign to stop expansion of a neighboring city airport (A.G. Op. 476-b-2 (Apr. 29, 1954)).
- Supporting schools (Office of the State Auditor letter on *Expenditure of Public Funds to Schools and Senior Programs* (pdf).

Cities have other options to support nonprofits. For example, the city could use its contracting power to indirectly support nonprofits, such as contracting with a club to spend a Saturday cleaning up public grounds in exchange for money. Also, if a city maintains a fund created from gambling proceeds, those proceeds may be used for many types of charitable contributions that further a lawful purpose (Minn. Stat. § 349.213 (f)(2)).

Artistic organizations

Cities may appropriate money to support artistic organizations. The governing body may divide the appropriation among multiple artistic organizations in proportions determined by the governing body (Minn. Stat. § 471.941).

An association, corporation, or other group that provides an opportunity for people to participate in the creation, performance, or appreciation of artistic activities qualifies as an "artistic organization." The statute provides examples of "artistic activities" that cities can support, but this is not an exclusive list.

Community food shelves

Any city may appropriate an amount to provide grants to nonprofit organizations that operate community food shelves and provide food to the needy without charge (Minn. Stat. § 465.039).

Prevention of cruelty to animals

If a city has a society for the prevention of cruelty to animals (SPCA), it may appropriate monies, not otherwise appropriated, for the maintenance and support of that SPCA "in the transaction of the work for which they are organized" (Minn. Stat. § 343.11).

However, no part of such an appropriation may go to pay the salary of any officer of the society.

138.053 COUNTY HISTORICAL SOCIETY; TAX LEVY; CITIES OR TOWNS.

The governing body of any home rule charter or statutory city or town may annually appropriate from its general fund an amount not to exceed 0.02418 percent of estimated market value, derived from ad valorem taxes on property or other revenues, to be paid to the historical society of its respective city, town, or county to be used for the promotion of historical work and to aid in defraying the expenses of carrying on the historical work in the city, town, or county. No city or town may appropriate any funds for the benefit of any historical society unless the society is affiliated with and approved by the Minnesota Historical Society.

History: *1963 c 129 s 1; 1973 c 123 art 5 s 7; 1973 c 773 s 1; 1983 c 315 s 1; 1988 c 719 art 5 s 84; 1989 c 277 art 4 s 11; 1994 c 505 art 3 s 4; 2008 c 158 s 1; 2013 c 143 art 14 s 16; 1Sp2019 c 6 art 4 s 3*

2024 Estimated Market Value:
$1,183,737,800 * .02418% = $286,227

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Final Reading - Proposed Ordinance 1565 - Administrative Subdivisions

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:
Administrative subdivisions constitute property line adjustments that do not need recommendation and approval by the Planning Commission and the City Council. Administrative subdivisions can be boundary line adjustments, lot consolidations, lot splits, or base lot subdivisions. The City of Brainerd Subdivision Ordinance currently allows for the creation or adjustment of no more than two lots.

Engineering firms and surveyors have a difficult time interpreting the current ordinance, specifically regarding lot consolidations and boundary line adjustments. In addition to amending the definitions of allowable administrative subdivisions, staff recommends adding a restriction on when parcels are allowed to apply for another administrative subdivision. The following are staff objectives for the proposed ordinance:

1. Create better definitions for boundary line adjustment and lot consolidation.
2. Allow for the adjustment or consolidation of three properties rather than two to reduce the administrative burden on developers and builders.
3. Allow for the base lot subdivision of commercial buildings.
4. State a clear restriction on when the parcel can be administratively subdivided in the future.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:
The City Council conducted the first reading of Proposed Ordinance 1565 at the March 4th meeting.

A public hearing was conducted at the February 21st Planning Commission meeting to consider Proposed Ordinance 1565 and no one from the public spoke. Commissioner Duval, seconded by Commissioner Grunenwald, motioned to recommend approval of the Administrative Subdivision Ordinance as proposed. The motion was approved unanimously.

RECOMMENDED ACTION/MOTION:

1. Motion to conduct the final reading of Proposed Ordinance 1565 and to dispense with the actual reading.

    Note: A vote to dispense with the actual reading of the ordinance must be unanimous.

2. Motion to adopt Proposed Ordinance 1565.

FINANCIAL IMPACT: N/A

ORDINANCE
NO. 1565

AN ORDINANCE AMENDING SECTION 500-6 OF THE SUBDIVISION ORDINANCE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Administrative Subdivisions - Section 500-6-1 Qualification is hereby amended as indicated, with deleted language struck out and new language underlined:

500-6-1: Qualification

The following shall be considered an administrative subdivision:

A. Boundary Line Adjustment. ~~Divisions of land where the division is to permit the adding of a parcel of land to an abutting lot or the combination of recorded lots to form no more than two (2) lots.~~ An exchange of land between no more than three (3) adjacent lots that does not create an additional parcel. Newly created lots shall conform to the design and performance standards of the Brainerd Subdivision and Zoning Ordinances.

B. Lot consolidation. The elimination of boundary lines between no more than three (3) adjacent lots under common ownership, for the purpose of development and/or construction that would otherwise be placed across a boundary line or result in inconsistency with applicable current regulations such as, but not limited to water supply, sewage disposal, building code requirements, minimum lot size requirements, critical area buffer requirements, zoning setback requirements or shoreline setback requirements. Newly created lots shall conform to the design and performance standards of the Brainerd Subdivision and Zoning Ordinances.

C. Property Split. The simple division of a single parcel, tract or lot to create no more than two (2) lots and the newly created property line will not cause the remaining portion of the lot or any structure to be in violation with this Ordinance or the Brainerd Zoning Ordinance.

D. Base Lot Subdivision. In the case of a request to divide a base lot upon which a two family dwelling, townhouse, ~~or a~~ quadraminium, or commercial building, which is a part of a recorded plat where the division is to permit individual private ownership of a single dwelling unit or a single commercial unit within such a structure and the newly created property lines will not cause any of the unit lots or the structure to be in violation of this Ordinance, the Brainerd Zoning Ordinance, or the International Building Code (IBC).

SECTION TWO: Section 500-6-6 Restrictions and Limitations is hereby added to Section 500-6 Administrative Subdivisions with the following language underlined:

500-6-6: Restrictions and Limitations

A. Administrative subdivisions shall not be permitted on any parcel previously approved for an administrative subdivision for a period of five (5) years. Prior to the five (5) year expiration, a property owner who wishes to further adjust, consolidate, or split at lot shall meet the requirements of Section 500-4 Preliminary Plat and Section 500-5 Final Plat.

SECTION THREE: 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: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

NOTICE OF HEARING

The City of Brainerd Planning Commission will be conducting a public hearing to consider a proposed ordinance amending Section 500-6 Administrative Subdivisions of the Brainerd Subdivision Ordinance. The proposed ordinance will create better definitions for boundary line adjustment and lot consolidation, allow for the adjustment or consolidation of three properties rather than two, allow for the base lot subdivision of commercial buildings, state a clear restriction on when the parcel can be administratively subdivided in the future.

A Public Hearing to consider this ordinance will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, February 21st, 2024, in the City Council Chambers at 501 Laurel St., Brainerd, MN 56401.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 8th day of February, 2024

James L. Kramvik
Community Development Director

Publication Date: February 10, 2024

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Approve Memorandum of Understanding with City of Baxter - Pretreatment Delegation

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director, Todd Wicklund, Public Utilities Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director, Todd Wicklund, Public Utilities Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: Attached is a letter from MPCA to the City of Baxter regarding the MPCA's request that the City of Brainerd implement a delegated pretreatment program. The MPCA is requesting that the cities enter into an agreement that specifies the rules, roles, and responsibilities for each community to continue to meet State and Federal requirements.

The pretreatment program is related to requirements of significant industrial users (SIU's) and industrial users in both cities. Industrial users have requirements to provide any necessary pretreatment of industrial wastes before they are discharged into the wastewater collection system. The MOU is intended to ensure that industrial users in both cities are treated equally, and are held to ensure that they continue to meet requirements outlined in State rules and Brainerd's NPDES permit. The MOU also outlines requirements for the City of Baxter to implement and remedial actions that can be taken if Baxter fails to meet those requirements.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: A draft Memorandum of Understanding is attached to this item that reflects the work done by both staffs as well as attorneys for both cities. The MPCA has also reviewed and commented on the proposed MOU. It is requested by the MPCA that the MOU be implemented no later than March 29, 2024. The proposed MOU will be on the Baxter City Council agenda for their meeting on March 19th.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the attached proposed Memorandum of Understanding with the City of Baxter in regard to Pretreatment Delegation.

FINANCIAL IMPACT: N/A

MINNESOTA POLLUTION CONTROL AGENCY

Duluth Office | 525 Lake Avenue South | Suite 400 | Duluth, MN 55802 | 218-723-4660

800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

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.

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:jls

cc: The Honorable Dave Badeaux, City of Brainerd
Patrick Wussow, City of Brainerd
Todd Wicklund, Brainerd Public Utilities
Charlie Gammon, Brainerd Public Utilities

MEMORANDUM OF UNDERSTANDING
PRETREATMENT DELEGATION

This Memorandum of Understanding ("**MOU**"), dated as March 19, 2024 (the "**Effective Date**") is entered in to by the City of Baxter, a Minnesota municipal corporation("**Baxter**"), and the City of Brainerd and its Public Utilities Commission ("**BPU**"), a Minnesota municipal corporation (collectively, "**Brainerd**"). Brainerd and Baxter are collectively referred to as the "**Parties**" or individually referred to as a "**Party**" to this Agreement.

RECITALS

A. The Minnesota Pollution Control Agency ("**MPCA**") has issued Brainerd NPDES/SDS Permit No. MN0049328 (the "**NPDES Permit**") to operate the wastewater treatment plant located at 8027 Highland Scenic Road, Baxter, MN (the "**WWTP**") which serves the sanitary sewage treatment needs of the greater Brainerd/Baxter community. The parties' rights with respect to the WWTP are governed by a Sewer Use and Capacity Agreement dated November 27, 2007 (the "**Agreement**"). Under the Agreement, each Party is responsible for permitting the discharges of users within its jurisdiction according to its sewer use ordinance.

B. Based on the WWTP's increased capacity and the Parties flow volumes, MPCA is delegating its pretreatment authority to Brainerd in the NPDES Permit. This MOU addresses how the Parties will fulfill the requirements of that delegation, consistent with the terms of the Agreement.

C. The Parties agree that the intent and goal of this MOU is to treat all industrial users of the WWTP similarly irrespective of the jurisdiction in which they are located.

AGREEMENT

1. Within thirty-(30) days of the Effective Date, Baxter will adopt and enforce an amended sewer use ordinance as set forth in **Exhibit A** that includes pollutant specific limits no less stringent than those in Brainerd's sewer use ordinance and an analogous comprehensive pretreatment program consistent with 40 C.F.R. §403.8 and Minn. Rule Ch. 7049.

2. Each time that Brainerd proposes to revise its sewer use ordinance, it will provide the proposed revised version to Baxter, together with the reasons for the proposed changes. If the proposed revision is required by the NPDES Permit or applicable state or federal law or regulations governing the WWTP or the Parties discharges or is needed to comply with any of the same, Baxter shall promptly, and not later than ninety (90) days from receipt of the draft from Brainerd, adopt an analogous revision to its sewer use ordinance. If the proposed revision is desired by Brainerd but not needed to comply with its Permit or otherwise legally required, the Parties will discuss the proposed revision and Baxter will decide whether to implement it.

3. Baxter will ensure that all industrial users within its city limits are subject to a pretreatment program consistent with 40 C.F.R. § 403.8 and Minn. Rule Ch. 7049. Specifically, Baxter will perform all duties necessary to implement and enforce its sewer use ordinance against industrial users in its jurisdiction. Any Industrial user owning contiguous property located in both Brainerd and Baxter, will be subject to Brainerd's jurisdiction and its pretreatment ordinance irrespective of which city its

discharge point is located. If Baxter does not enforce any applicable Delegated Pretreatment Program requirements of 40 C.F.R. §403.8, Minn. Rule Ch. 7049 or the NPDES Permit within a reasonable time, Brainerd may do so directly within Baxter's jurisdictional boundary. Prior to Brainerd enforcing any Delegated Pretreatment Program requirements in the City of Baxter, BPU shall make a written request to Baxter to enforce the requirement and allow Baxter thirty (30) days following such notice to do so.

4. Baxter will (1) perform wastewater discharge surveys on significant industrial users within its jurisdiction annually and when changes occur; (2) issue permits to all industrial users required to obtain a permit; (3) conduct inspections of industrial user facilities; (4) conduct sampling and analysis of industrial users as needed to monitor or verify compliance; (5) perform enforcement activities as appropriate; and (6) undertake other technical and administrative duties needed to implement and enforce an effective pretreatment program that is at least as stringent as Brainerd's program.

5. Baxter will maintain current information on industrial users in its jurisdiction and provide Brainerd with a list of industrial users in Baxter annually no later than January 31st of each year for the prior calendar year. For Significant Industrial Users ("SIUs") and Industrial Users subject to Categorical Pretreatment Limits ("CIUs") (both as defined in Minn. Rule Ch. 7049) that discharge to the Baxter sewer collection system, Baxter will (a) identify whether any and which such users in the report were added to or subtracted from the prior year's list, (b) provide the monitoring data on these users, (c) identify the dates of the annual inspection and confirmatory sampling event for these users, and (d) include a brief description of any enforcement action taken against any such SIU or CIU in the prior calendar year.

6. As to industrial users within its city limits, Baxter will require any new user, any user increasing its discharge (obtaining a building permit) or user changing its discharge to complete an industrial user survey questionnaire. If Brainerd requests such a survey of any industrial user within Baxter, Baxter will require the user to provide the same and Baxter will share it with Brainerd.

7. Baxter will continue to issue permits to all industrial users in its jurisdiction required to be permitted under its sewer use ordinance and applicable state and federal pretreatment regulations. Significant industrial user permits will contain appropriate effluent limits, monitoring and reporting requirements, a specified term, and applicable penalties for violations. Baxter will provide Brainerd with a draft of any proposed permit for a significant industrial user for Brainerd's comments and suggested revisions. The Parties will adopt a uniform industrial user permit template for use by both jurisdictions.

8. At Brainerd's request, Baxter will provide BPU with access to all relevant records relating to any industrial user discharging to Baxter's wastewater collection system.

9. Upon prior written notice to Baxter, BPU may inspect or sample any industrial user facility discharging to Baxter's wastewater collection system so long as Baxter may be present during the inspection/sampling event.

10. Brainerd may take emergency action, if necessary, in its reasonable belief, to stop or prevent any industrial discharge within the City of Baxter which presents or is highly likely to present, an imminent danger to human health or the environment or which causes or is highly likely to cause interference, pass through, violation of the NPDES Permit or of any applicable Delegated Pretreatment Program

requirements, or contamination of WWTP sludge. Brainerd will notify Baxter of its intent to take emergency action.

11. The notice, indemnification, dispute resolution and cost sharing provisions of the Agreement shall apply to this MOU as though incorporated herein. Consistent with the cost sharing provisions of the agreement, the parties also agree that each Party shall bear sole responsibility for any fines or penalties as a result of that Party's individual actions or failure to act with respect to its violation of applicable Delegated Pretreatment Program requirements.

12. If any provision of this MOU is held invalid or unenforceable, the remaining provisions shall be binding on the Parties unless the unenforceable provision would cause the MOU to fail in its essential purpose.

13. This MOU is to be read with the Agreement and the two shall represent the entire Agreement of the Parties concerning the WWTP (known as the Expanded WWTP in the Agreement). This MOU may be amended only by a written agreement signed by the Parties.

14. Neither Party shall assign or transfer this Agreement without the prior consent of the other.

IN WITNESS WHEREOF, the parties below represent hereby that they have been duly authorized to sign this Agreement by their respective councils.

CITY OF BRAINERD:

Dated: _____

By: _____

SEAL

In Witness thereof this _day of_____, 2024.

_____
(Notary Public)

CITY OF BRAINERD:

Dated:_____

By: _____

BRAINERD PUBLIC UTILITIES:

Dated: _____

By: _____

SEAL

In Witness thereof this _day of_____ 2024.

_____
(Notary Public)

CITY OF BAXTER:

Dated: _____

By: _____
Darrell Olson, Mayor

CITY OF BAXTER:

Dated:_____

By_____
Kelly Steele, Assistant City Administrator/City Clerk

SEAL

In Witness thereof this _day of_____ 2024.

_____
(Notary Public)

City Council
Agenda Request

MEETING DATE: March 18, 2024

TITLE OF ITEM: Public Hearing And Adopt Resolution For Municipal Consent And Layout Approval For TH 371B/Willow Street Roundabout Project

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 10 Minutes

SUMMARY OF ISSUE: MnDOT is requesting holding a Public Hearing and approving a Resolution for municipal consent and layout approval for the TH 371B/Willow Street Roundabout Project (SAP 108-070-001 / SP 1814-10).

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

RECOMMENDED ACTION/MOTION: 1. Staff recommends the City Council holds a Public Hearing for public comment on the final proposed layout.
2. Adopt a Resolution for municipal consent and layout approval for the TH 371B/Wiilow Street Roundabout Project

FINANCIAL IMPACT: N/A

MEMO

TO: BRAINERD CITY COUNCIL

FROM: CITY ENGINEER/PUBLIC WORKS DIRECTOR JESSIE DEHN

DATE: MARCH 18th, 2024

SUBJECT: MUNICIPAL CONSENT AND LAYOUT APPROVAL OF TH 371B/WILLOW STREET ROUNDABOUT PROJECT (SP 1814-10)

City staff, SEH, and MnDOT have coordinated with each other on development of a conceptual layout for construction of a proposed roundabout at the intersection of Highway 371 Business (S. 6th Street) and Willow Street. As a reminder, the City was awarded $750,000 in Highway Safety Improvement Program (HSIP) grant funding to construct a roundabout at this intersection. It is intended that the project would be constructed in 2025 to have the intersection available for the additional traffic expected during the TH 210/Washington Street Reconstruction Project in 2026-2027.

Included in the construction of the project would be some additional sidewalk enhancements, watermain relocation, and aesthetic and lighting improvements. The City is also planning to include reconstruction of Willow Street from S. 6th Street to S. 7th Street. Reconstruction would include utility replacement (watermain and sanitary sewer), new pavement, curb, and sidewalk. Although the City has been the lead for the project to date, MnDOT is requesting receiving City approval of the proposed layout by Resolution of the City Council.

City staff, SEH, and MnDOT has made significant efforts to engage with the public, key stakeholders, and the City Council leading up to this request to help achieve project support and input. This includes multiple stakeholder meetings, open house, direct discussions, and inclusion of the City Council representatives assigned to the Project Management Team (PMT).

Included with this memorandum are several documents relating to the municipal consent process. These documents include a letter of formal request of municipal consent, applicable State Statutes, project cost estimate, proposed layout, and resolutions for the city to utilize for offering municipal consent. The final layout provides the basis for the project as it highlights the general concept for the project by identifying all key features.

State Statutes required the following:

- City to schedule a public hearing within 15 days of receiving the final layout. The public hearing was scheduled at the 2/5/2024 City Council meeting to be held 3/18/2024.

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

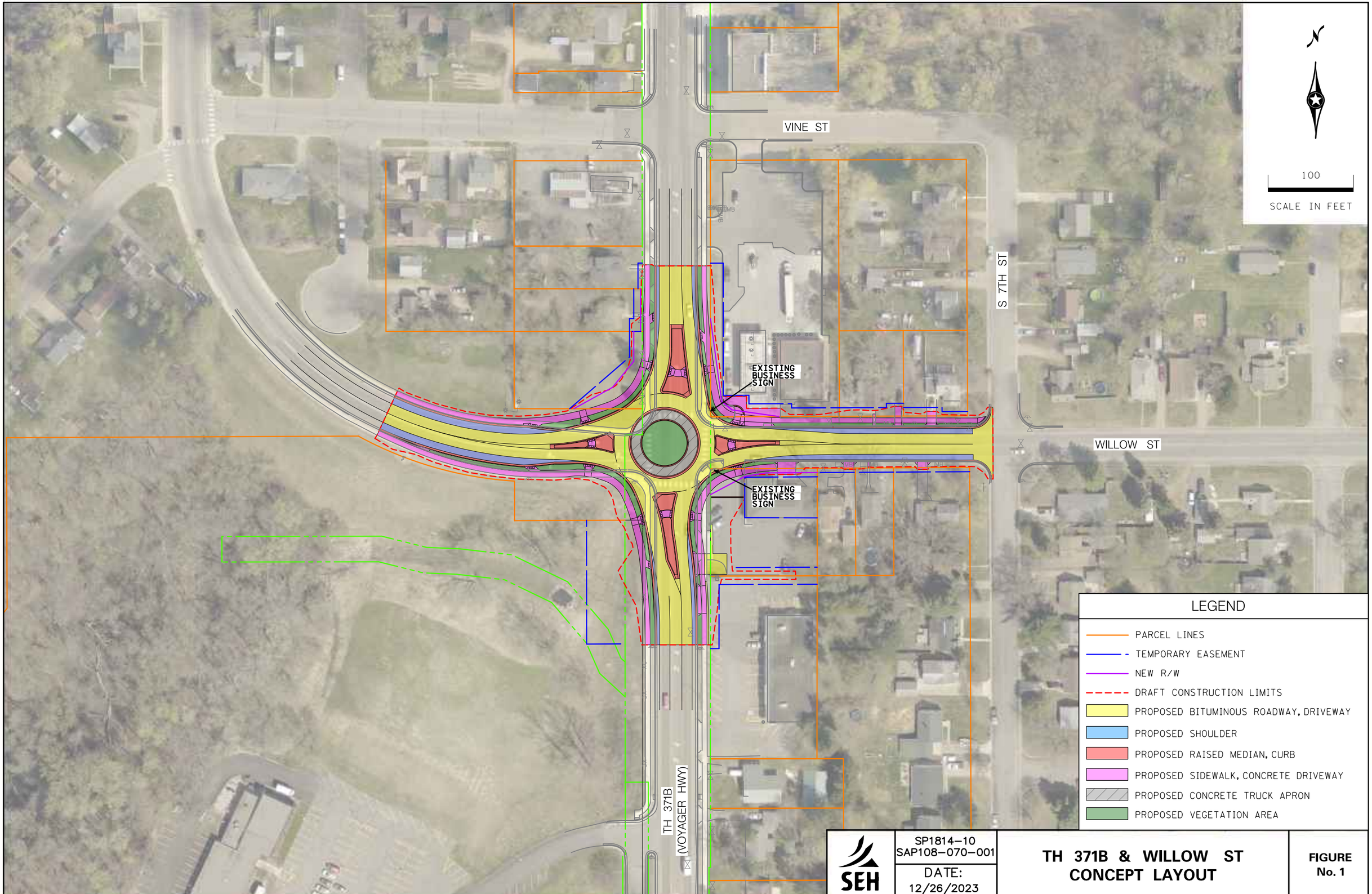
- Conduct a public hearing within 60 days of receiving the final layout (by 03/31/2024). The public hearing is being held at this 3/18/2024 City Council meeting.

State Statutes will require the following:

- Approve or disapprove the layout by resolution within 90 days of the public hearing (by 4/30/2024).

The preliminary cost estimate shows an estimated total city cost of $1,214,713.31 for construction and engineering costs. This does not include costs for right-of-way acquisition, which as a City-led project, are responsibilities of the City. City costs are proposed to be shared with participation from Brainerd Public Utilities and Municipal State Aid. Again, the City has received $750,000 of HSIP grant funding towards the construction costs of the project.

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



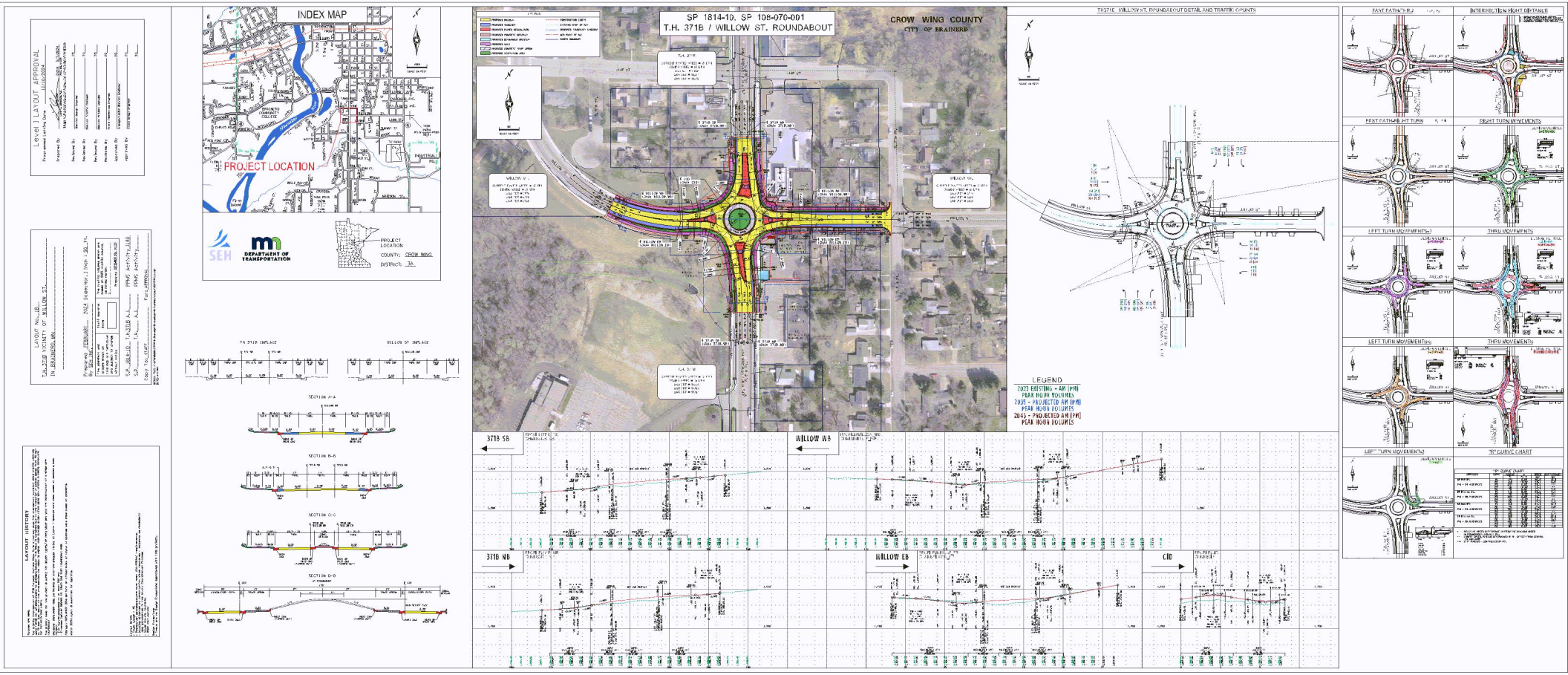
SEH

SP1814-10
SAP108-070-001

DATE:
12/26/2023

TH 371B & WILLOW ST CONCEPT LAYOUT

FIGURE No. 1


INDEX MAP
PROJECT LOCATION
SEH
DEPARTMENT OF TRANSPORTATION
PROJECT LOCATION
COUNTY: CROW WING
DISTRICT: 3A
SP 1814-10, SP 108-070-001
T.H. 371B / WILLOW ST. ROUNDABOUT
CROW WING COUNTY
CITY OF BRAINERD
T.H. 371B / WILLOW ST. ROUNDABOUT DETAIL AND TRAFFIC COUNTS
LEGEND
2023 EXISTING - AM (PM) PEAK HOUR VOLUMES
2035 - PROJECTED AM (PM) PEAK HOUR VOLUMES
2045 - PROJECTED AM (PM) PEAK HOUR VOLUMES
FAST PATH-THRU
INTERSECTION SIGHT DISTANCE
FAST PATH-RIGHT TURN
RIGHT TURN MOVEMENTS
LEFT TURN MOVEMENTS
THRU MOVEMENTS
LEFT TURN MOVEMENTS
THRU MOVEMENTS
LEFT TURN MOVEMENTS
"R" CURVE CHART
371B SB
WILLOW WB
371B NB
WILLOW EB
CID
LAYOUT HISTORY

TH371B (VOYAGER HWY) / WILLOW ST: 30% COST ESTIMATE

ITEM DESCRIPTION	UNITS	UNIT COST	TOTAL ESTIMATED QUANTITY	S.P. 1814-10		CITY OF BRAINERD SAP 108-070-001	
				EST. QUANT.	EST. COST	EST. QUANT.	EST. COST
AS BUILT	LUMP SUM	$ 6,000.00	1		$ -	1	$ 6,000.00
MOBILIZATION	LUMP SUM	$ 83,000.00	1	0.49	$ 40,670.00	0.51	$ 42,330.00
MAINT AND RESTORATION OF HAUL ROADS	LUMP SUM	$ 1,000.00	1	1	$ 1,000.00		$ -
CLEARING	EACH	$ 600.00	6	2	$ 1,200.00	4	$ 2,400.00
GRUBBING	EACH	$ 600.00	6	2	$ 1,200.00	4	$ 2,400.00
REMOVE DRAINAGE STRUCTURE	EACH	$ 810.00	8	4	$ 3,240.00	4	$ 3,240.00
SALVAGE COMMERCIAL SIGN	EACH	$ 10,000.00	2	2	$ 20,000.00		$ -
SAWING CONCRETE PAVEMENT (FULL DEPTH)	LIN FT	$ 5.30	194	119	$ 630.70	75	$ 397.50
SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LIN FT	$ 2.00	381	181	$ 362.00	200	$ 400.00
REMOVE SEWER PIPE (STORM)	LIN FT	$ 22.00	800	456	$ 10,032.00	344	$ 7,568.00
REMOVE CURB AND GUTTER	LIN FT	$ 5.90	2122	884	$ 5,215.60	1238	$ 7,304.20
REMOVE FENCE	LIN FT	$ 4.40	80	80	$ 352.00		$ -
SALVAGE CHAIN LINK FENCE	LIN FT	$ 26.00	150	150	$ 3,900.00		$ -
REMOVE CONCRETE DRIVEWAY PAVEMENT	SQ YD	$ 15.00	330	138	$ 2,070.00	192	$ 2,880.00
REMOVE BITUMINOUS DRIVEWAY PAVEMENT	SQ YD	$ 6.70	356	133	$ 891.10	223	$ 1,494.10
REMOVE BITUMINOUS PAVEMENT	SQ YD	$ 5.80	5417	2619	$ 15,190.20	2798	$ 16,228.40
REMOVE CONCRETE WALK	SQ FT	$ 1.80	9145	4870	$ 8,766.00	4275	$ 7,695.00
RELOCATE COMMERCIAL SIGN	EACH	$ 10,000.00	2	2	$ 20,000.00	0	$ -
EXCAVATION - COMMON	CU YD	$ 9.00	6787	3268	$ 29,407.58	3520	$ 31,678.17
SELECT GRANULAR EMBANKMENT (CV)	CU YD	$ 20.00	2879	1386	$ 27,724.32	1493	$ 29,864.94
COMMON EMBANKMENT (CV)	CU YD	$ 12.00	4525	2178	$ 26,140.07	2347	$ 28,158.37
AGGREGATE BASE (CV) CLASS 6	CU YD	$ 39.00	1645	792	$ 30,892.81	853	$ 33,278.07
CONCRETE PAVEMENT 8.0"	SQ YD	$ 81.00	257	257	$ 20,817.00	0	$ -
DRILL AND GROUT REINF BAR (EPOXY COATED)	EACH	$ 17.00	200	96	$ 1,632.00	104	$ 1,768.00
TYPE SP 9.5 WEARING COURSE MIXTURE (3,C)	TON	$ 82.00	1080	502	$ 41,182.22	578	$ 47,396.00
TYPE SP 12.5 NON WEARING COURSE MIXTURE (3,B)	TON	$ 78.00	540	251	$ 19,586.67	289	$ 22,542.00
4" PERF TP PIPE DRAIN	LIN FT	$ 13.00	1000	1000	$ 13,000.00		$ -
12" RC PIPE SEWER DESIGN 3006 CLASS III	LIN FT	$ 75.00	546	166	$ 12,450.00	380	$ 28,500.00
15" RC PIPE SEWER DESIGN 3006 CLASS III	LIN FT	$ 82.00	134	0	$ -	134	$ 10,988.00

TH371B (VOYAGER HWY) / WILLOW ST: 30% COST ESTIMATE

ITEM DESCRIPTION	UNITS	UNIT COST	TOTAL ESTIMATED QUANTITY	S.P. 1814-10		CITY OF BRAINERD SAP 108-070-001	
				EST. QUANT.	EST. COST	EST. QUANT.	EST. COST
18" RC PIPE SEWER DESIGN 3006 CLASS III	LIN FT	$ 90.00	47	47	$ 4,230.00	0	$ -
24" RC PIPE SEWER DESIGN 3006 CLASS III	LIN FT	$ 120.00	140	140	$ 16,800.00	0	$ -
CONNECT TO EXISTING STORM SEWER	EACH	$ 1,500.00	4	4	$ 6,000.00		$ -
CASTING ASSEMBLY	EACH	$ 1,100.00	19	8	$ 8,800.00	11	$ 12,100.00
CONSTRUCT DRAINAGE STRUCTURE DESIGN H	LIN FT	$ 630.00	32	12	$ 7,560.00	20	$ 12,600.00
CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020	LIN FT	$ 750.00	55	25	$ 18,750.00	30	$ 22,500.00
4" CONCRETE WALK	SQ FT	$ 7.70	4803	0	$ -	4803	$ 36,983.10
6" CONCRETE WALK	SQ FT	$ 12.60	5970	4515	$ 56,889.00	1455	$ 18,333.00
CONCRETE CURB RAMP WALK	SQ FT	$ 12.60	1569	840	$ 10,584.00	729	$ 9,185.40
CONCRETE CURB AND GUTTER DESIGN B424	LIN FT	$ 30.00	569	234	$ 7,020.00	335	$ 10,050.00
CONCRETE CURB AND GUTTER DESIGN B612	LIN FT	$ 32.00	459	178	$ 5,696.00	281	$ 8,992.00
CONCRETE CURB AND GUTTER DESIGN B618	LIN FT	$ 28.00	438	0	$ -	438	$ 12,264.00
CONCRETE CURB AND GUTTER DESIGN B624	LIN FT	$ 32.00	1030	706	$ 22,592.00	324	$ 10,368.00
CONCRETE CURB AND GUTTER DESIGN R424	LIN FT	$ 36.00	251	251	$ 9,036.00	0	$ -
CONCRETE CURB DESIGN V6	LIN FT	$ 70.00	53	21	$ 1,470.00	32	$ 2,240.00
CONCRETE MEDIAN	SQ YD	$ 84.00	360	242	$ 20,328.00	118	$ 9,912.00
6" CONCRETE DRIVEWAY PAVEMENT	SQ YD	$ 92.00	102	24	$ 2,208.00	78	$ 7,176.00
8" CONCRETE DRIVEWAY PAVEMENT	SQ YD	$ 110.00	245	86	$ 9,460.00	159	$ 17,490.00
CONCRETE SILL	LIN FT	$ 13.00	894	613	$ 7,969.00	281	$ 3,653.00
TRUNCATED DOMES	SQ FT	$ 60.00	364	176	$ 10,560.00	188	$ 11,280.00
RELOCATE MAIL BOX	EACH	$ 150.00	5		$ -	5	$ 750.00
INSTALL CHAIN LINK FENCE	LIN FT	$ 40.00	150	150	$ 6,000.00		$ -
TRAFFIC CONTROL	LUMP SUM	$ 14,000.00	1	0.49	$ 6,860.00	0.51	$ 7,140.00
ALTERNATE PEDESTRIAN ROUTE	LUMP SUM	$ 4,000.00	1	1	$ 4,000.00		$ -
CLEAN ROOT CUTTING	LIN FT	$ 6.70	40	0	$ -	40	$ 268.00
STABILIZED CONSTRUCTION EXIT	LUMP SUM	$ 5,000.00	1		$ -		$ -
EROSION CONTROL SUPERVISOR	LUMP SUM	$ 5,000.00	1		$ -		$ -
STORM DRAIN INLET PROTECTION	EACH	$ 220.00	13	5	$ 1,100.00	8	$ 1,760.00
SILT FENCE, TYPE HI	LIN FT	$ 3.40	480	190	$ 646.00	290	$ 986.00
SEDIMENT CONTROL LOG TYPE COMPOST	LIN FT	$ 3.70	24	24	$ 88.80	0	$ -
			SANITARY			**$**	**50,000.00**

TH371B (VOYAGER HWY) / WILLOW ST: 30% COST ESTIMATE

ITEM DESCRIPTION	UNITS	UNIT COST	TOTAL ESTIMATED QUANTITY	S.P. 1814-10		CITY OF BRAINERD SAP 108-070-001	
				EST. QUANT.	EST. COST	EST. QUANT.	EST. COST
WATER						$	50,000.00
TURF ESTABLISHMENT				$	25,000.00	$	25,000.00
LIGHTING				$	200,000.00	$	200,000.00
SIGNING				$	20,000.00	$	20,000.00
STRIPING				$	5,000.00	$	5,000.00
CONSTRUCTION COST SUBTOTAL				$	852,199.07	$	900,541.25
CONTINGENCY (5%)				$	42,609.95	$	45,027.06
TOTAL CONSTRUCTION COST				$	894,809.02	$	945,568.31
DESIGN ENGINEERING				$	193,500.00	$	193,500.00
CONSTRUCTION ENGINEERING / CONTRACT ADMINISTRATION (ASSUMES 8% CONSTRUCTION COST)				$	71,585.00	$	75,645.00
RIGHT OF WAY AND TEMPORARY EASEMENT (TBD)				$	-	$	-
GRAND TOTAL				$	1,159,894.02	$	1,214,713.31

161.162 DEFINITIONS.

Subdivision 1. **Applicability.** The terms in sections 161.162 to 161.167 have the meanings given them in this section and section 160.02.

Subd. 2. **Final layout.** (a) "Final layout" means geometric layouts and supplemental drawings that show the location, character, dimensions, access, and explanatory information about the highway construction or improvement work being proposed. "Final layout" includes, where applicable, traffic lanes, shoulders, trails, intersections, signals, bridges, approximate right-of-way limits, existing ground line and proposed grade line of the highway, turn lanes, access points and closures, sidewalks, proposed design speed, noise walls, transit considerations, auxiliary lanes, interchange locations, interchange types, sensitive areas, existing right-of-way, traffic volume and turning movements, location of stormwater drainage, location of municipal utilities, project schedule and estimated cost, and the name of the project manager.

(b) "Final layout" does not include a cost participation agreement. For purposes of this subdivision "cost participation agreement" means a document signed by the commissioner and the governing body of a municipality that states the costs of a highway construction project that will be paid by the municipality.

Subd. 3. **Final construction plan.** "Final construction plan" means the set of technical drawings for the construction or improvement of a trunk highway provided to contractors for bids.

Subd. 4. **Governing body.** "Governing body" means the elected council of a municipality.

Subd. 5. **Municipality.** "Municipality" means a statutory or home rule charter city.

History: *2001 c 191 s 3; 2002 c 364 s 3*

161.163 HIGHWAY PROJECT REVIEW.

Subdivision 1. **Projects requiring review.** Sections 161.162 to 161.167 apply only to projects that alter access, increase or reduce highway traffic capacity, or require acquisition of permanent rights-of-way.

Subd. 2. **Traffic safety measures.** Nothing contained in sections 161.162 to 161.167 limits the power of the commissioner to regulate traffic or install traffic-control devices or other safety measures on trunk highways located within municipalities regardless of their impact on access or traffic capacity or on the need for additional right-of-way.

Subd. 3. **Construction program.** Nothing contained in sections 161.162 to 161.167 limits the commissioner's discretion to determine priority and programming of trunk highway projects.

History: *2001 c 191 s 4*

161.164 FINAL LAYOUT APPROVAL PROCESS.

Subdivision 1. **Submission of final layout.** Before proceeding with the construction, reconstruction, or improvement of any route on the trunk highway system lying within any municipality, the commissioner shall submit to its governing body a final layout and project report covering the purpose, route location, and proposed design of the highway. The final layout must be submitted as part of a report containing any supporting data that the commissioner deems helpful to the governing body in reviewing the final layout submitted. The supporting data must include a good-faith cost estimate of all the costs in which the governing body is expected to participate. The final layout must be submitted before final decisions are reached so that meaningful early input can be obtained from the municipality.

Subd. 2. **Governing body action.** (a) Within 15 days of receiving a final layout from the commissioner, the governing body shall schedule a public hearing on the final layout. The governing body shall, within 60 days of receiving a final layout from the commissioner, conduct a public hearing at which the Department of Transportation shall present the final layout for the project. The governing body shall give at least 30 days' notice of the public hearing.

(b) Within 90 days from the date of the public hearing, the governing body shall approve or disapprove the final layout in writing, as follows:

(1) If the governing body approves the final layout or does not disapprove the final layout in writing within 90 days, in which case the final layout is deemed to be approved, the commissioner may continue the project development.

(2) If the final construction plans contain changes in access, traffic capacity, or acquisition of permanent right-of-way from the final layout approved by the governing body, the commissioner shall resubmit the portion of the final construction plans where changes were made to the governing body. The governing body must approve or disapprove the changes, in writing, within 60 days from the date the commissioner submits them.

(3) If the governing body disapproves the final layout, the commissioner may make modifications requested by the municipality, decide not to proceed with the project, or refer the final layout to an appeal board. The appeal board shall consist of one member appointed by the commissioner, one member appointed by the governing body, and a third member agreed upon by both the commissioner and the governing body. If the commissioner and the governing body cannot agree upon the third member, the chief justice of the supreme court shall appoint a third member within 14 days of the request of the commissioner to appoint the third member.

Subd. 3. **Appeal board.** Within 30 days after referral of the final layout, the appeal board shall hold a hearing at which the commissioner and the governing body may present the case for or against approval of the final layout referred. Not later than 60 days after the hearing, the appeal board shall recommend approval, recommend approval with modifications, or recommend disapproval of the final layout, making additional recommendations consistent with state and federal requirements as it deems appropriate. It shall submit a written report containing its findings and recommendations to the commissioner and the governing body.

History: *2001 c 191 s 5*

161.165 COMMISSIONER ACTION; INTERSTATE HIGHWAYS.

Subdivision 1. **Applicability.** This section applies to interstate highways.

Subd. 2. **Action on approved final layout.** (a) If the appeal board recommends approval of the final layout or does not submit its findings and recommendations within 60 days of the hearing, in which case the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project.

(b) If the final construction plans change access, traffic capacity, or acquisition of permanent right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 3. **Action on final layout approved with changes.** (a) If, within 60 days, the appeal board recommends approval of the final layout with modifications, the commissioner may:

(1) prepare final construction plans with the recommended modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare final construction plans substantially similar to the final layout referred to the appeal board, and proceed with the project. The commissioner shall, before proceeding with the project, file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 4. **Action on disapproved final layout.** (a) If, within 60 days, the appeal board recommends disapproval of the final layout, the commissioner may either:

(1) decide not to proceed with the project; or

(2) prepare final construction plans substantially similar to the final layout referred to the appeal board, notify the governing body and the appeal board, and proceed with the project. Before proceeding with the project, the commissioner shall file a written report with the governing body and the appeal board stating fully the reasons for doing so.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 5. **Final construction plans issued.** The commissioner shall send a complete set of final construction plans to the municipality at least 45 days before the bid opening for informational purposes.

History: *2001 c 191 s 6*

161.166 COMMISSIONER ACTION; OTHER HIGHWAYS.

Subdivision 1. **Applicability.** This section applies to trunk highways that are not interstate highways.

Subd. 2. **Action on approved final layout.** If the appeal board recommends approval of the final layout or does not submit its findings or recommendations within 60 days of the hearing, in which case the final layout is deemed approved, the commissioner may prepare substantially similar final construction plans and proceed with the project. If the final construction plans change access or traffic capacity or require additional acquisition of right-of-way from the final layout approved by the appeal board, the commissioner shall submit the portion of the final construction plan that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 3. **Action on final layout approved with changes.** (a) If the appeal board approves the final layout with modifications, the commissioner may:

(1) prepare final construction plans including the modifications, notify the governing body, and proceed with the project;

(2) decide not to proceed with the project; or

(3) prepare a new final layout and resubmit it to the governing body for approval or disapproval under section 161.164, subdivision 2.

(b) If the final construction plans contain changes in access or traffic capacity or require additional acquisition of permanent right-of-way from the final layout reviewed by the appeal board or the governing body, the commissioner shall resubmit the portion of the final construction plans that shows the changes, to the governing body for its approval or disapproval under section 161.164, subdivision 2.

Subd. 4. **Action on disapproved final layout.** If the appeal board disapproves the final layout, the commissioner may:

(1) decide not to proceed with the project; or

(2) prepare a new final layout and submit it to the governing body for approval or disapproval under section 161.164, subdivision 2.

Subd. 5. **Final construction plans issued.** The commissioner shall send a complete set of final construction plans to the municipality at least 45 days before the bid opening for informational purposes.

History: *2001 c 191 s 7; 2020 c 83 art 1 s 51*

161.167 REIMBURSEMENT OF EXPENSES.

Members of the appeal board shall submit to the commissioner an itemized list of the expenses incurred in disposing of matters presented to them. The appeal board members shall be reimbursed for all reasonable expenses incurred by them in the performance of their duties. The commissioner shall pay these costs out of the trunk highway fund.

History: *2001 c 191 s 8*

Municipal Consent

Contact

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Municipal Consent Risk Management

Submittal Letter and Attachments

- Submittal Letter/Template
- MN Statutes 161.162 – 161.167
- Example: Cost Estimate / City Costs
- Example: City Resolution for Municipal Consent
- Example: City Resolution Waiving Municipal Consent

Legal Basis

The Minnesota municipal consent statutes were revised in the 2001 legislative session.

State Municipal Consent Statutes

Definitions	MN Statute 161.162
Highway Project Review	MN Statute 161.163
Final Layout Approval Process	MN Statute 161.164
Commissioner Action; Interstate Highways	MN Statute 161.165
Commissioner Action; Other Highways	MN Statute 161.166
Reimbursement of Expenses (for Appeal Board Members)	MN Statute 161.167

Threshold Criteria

Municipal consent should only be requested from a city if it is required.

When Required

Municipal approval is required for any trunk highway project that results in any of the following within a municipality:

- Alters access,
- Increases or reduces traffic capacity, or
- Requires acquisition of permanent right of way.

Increasing or reducing **traffic capacity** means increasing or reducing the number of through lanes. For example, adding an auxiliary lane is not a change in capacity.

Acquisition of **permanent right of way** includes acquisition of **permanent easements** (e.g., drainage easements).

Exceptions

Municipal consent is not required for maintenance activities or for the following:

- HOV Lanes / Dynamic shoulders (MN Statute 160.93, Subd. 3)
- Traffic safety measures (MN Statute 161.163, Subd. 2)

HOV Lanes / Dynamic Shoulder Lanes (MN Statute 160.93, Subd. 3)
Municipal consent is not required (regardless of impacts to access, capacity, or right of way) for the construction and/or designation of lanes on trunk highways for use as either:

- High-Occupancy Vehicle Lanes (e.g., MnPASS), or
- Dynamic Shoulder Lanes,

Traffic safety measures (MN Statute 161.163, Subd. 2)
Municipal consent is not required (regardless of impacts to access, capacity, or right of way) for projects needed for any of the following:

- Regulate traffic, or
- Install traffic control devices, or
- Other safety measures

The term “other safety measures” refers to traffic safety measures. The addition of a turn lane, for example, is a traffic safety measure; the replacement of a structurally-deficient or fracture-critical bridge is not.

Below are examples of traffic safety exceptions:

Safety Improvements for Pedestrian/ADA Facilities

Municipal consent is not required for projects in which the only trigger for municipal consent is the acquisition of minor amounts of right of way needed for safety improvements required to comply with ADA and to further MnDOT’s goal of providing safe, accessible pedestrian facilities.

The Americans with Disabilities Act (ADA) is a federal act that requires MnDOT to provide accessible pedestrian facilities. MnDOT projects often include improvements to comply with ADA and to help reach MnDOT’s goal of providing safe and accessible pedestrian facilities.

NOTE: The Minnesota statutory definition of “pedestrian” includes any person in a wheelchair. (See Minnesota Statute 169.011, Subd.53 and Subd. 93).

Acquisition of permanent right of way is one of the statutory triggers for obtaining municipal consent, and minor amounts of right of way are sometimes needed for safe and accessible pedestrian facilities. However, Minnesota Statute 161.163, Subd. 2 includes a traffic safety exception to the municipal consent requirement. Improvements needed to provide safe, accessible pedestrian facilities are traffic safety measures, and thus are safety exceptions to municipal consent. These safety improvements include curb ramps, accessible sidewalks and ramps, pedestrian refuge areas, areas for safe pedestrian movement, and pedestrian-operated warning devices.

Roundabouts

Roundabouts are used for traffic regulation and as a safety measure, and thus are **exceptions** that do not require municipal consent even if they require acquisition of permanent right of way.

Roles and Procedures

Municipal consent should only be requested from a city if it is required. (See Threshold Criteria above).

Sometimes a city may choose to waive municipal consent on a specific project. In that case the city council must pass a resolution clearly identifying the project and waiving its right to municipal consent for that project. However, the typical municipal consent process is as outlined below.

Procedure (for obtaining municipal consent)

1. Mn/DOT (District) submits to the city the final layout with a letter requesting city approval. The letter includes a good faith cost estimate of the city's share of the project's cost and the following (either in the letter or in an attached report):
    - project purpose
    - route location
    - short description of the proposed design of the highway
    - any additional supporting data

2. City schedules and holds public hearing (within 60 days of submittal).
   City must schedule within 15 days of receiving Mn/DOT's request for approval and must give 30 days public notice.

3. City passes resolution approving / disapproving (within 90 days of public hearing).
   After 90 from the date of the public hearing, if the city has not passed a resolution disapproving the layout, the layout is deemed approved.

4. If city disapproves, Mn/DOT decides whether to:

    a. Meet city's condition(s), assuming city approved with conditions:
       Mn/DOT writes city a letter indicating this and attaches revised layout with change(s). This ends the MC process.

    b. Go to the appeal process.

    c. Stop the project (do not build the project, or scale project down so that municipal consent is no longer required).

5. If in the final plan Mn/DOT alters access, capacity or R/W, Mn/DOT must re-submit changed portion of plan for city's approval. (The city is not required to hold another public hearing and has 60 days to approve or disapprove).

City Approval

The city can approve either by a formal approval resolution (see generic resolution in Appendix), or by not passing a resolution disapproving the layout within 90 days of the public hearing.

The city's review – with regards to layout approval – is limited to the project elements in the final layout that are within the boundaries of that city. A city cannot impose a condition on its approval that is outside of the city's boundaries.

The process allows the city one opportunity to exercise approval or disapproval of the final layout (unless Mn/DOT alters the plan with regards to access, capacity, or right-of-way). Once a city approves the layout, it cannot rescind its approval later. If a city disapproves with conditions, and if Mn/DOT agrees to meet those conditions – and notifies the city in writing (including copy of revised layout) – then municipal consent has been obtained.

The municipal consent statute applies to changes on "any route on the trunk highway system lying within any municipality." If a T.H. borders a city and no section of the T.H. is completely within the city limits, municipal consent is still required for any of the designated changes (access, capacity, or right of way) that do occur within that city. However, if the changes triggering the municipal consent process are on the other side of the T.H. – and thus outside the city's limits – then municipal consent is not required from that city and is not requested from that city.

City Disapproval

If a city disapproves the final layout, Mn/DOT can stop the project (or scale it back so that municipal consent is no longer required), or Mn/DOT can take the project to the appeal process.

If the city disapproves – but includes condition(s) for approval, Mn/DOT has the above options plus the option of meeting the city's condition(s), and thus obtaining the city's approval. To do this, Mn/DOT sends the city a letter to that effect with the layout attached (revised to show the change(s)). This completes the municipal consent process; Mn/DOT then has the city's approval. (Sending the letter and revised layout is NOT a resubmittal for further consideration by the city).

Appeal Process

The appeal process is the same for interstate and non-interstate projects. However, the Mn/DOT Commissioner is not bound by the recommendations of the appeal board with respect to interstate highways.

If Mn/DOT decides to go to the appeal process, the first step is to establish an Appeal Board of three members: one member appointed by the Commissioner, one member appointed by the City Council, and a third member agreed upon by both the Commissioner and the City Council. (If a third member cannot be agreed upon, the Commissioner refers the selection to the chief justice of the Supreme Court, who then has 14 days to appoint the third member).

After the appeal board is established, the Commissioner refers the final layout to the Appeal Board. The Appeal Board then has 30 days to hold a hearing at which the Commissioner and the City Council may present their cases for or against approval of the layout. Within 60 days after the hearing, the Appeal Board must make its recommendation regarding the final layout. The recommendation can be for:

- approval, or
- approval with modifications, or
- disapproval.

The board can also make additional recommendations consistent with state and federal requirements as it deems appropriate. The board must submit a written report with its findings and recommendations to the Commissioner and the City Council.

Mn/DOT Public Involvement

Glossary

Municipality: A statutory or home rule charter city.

Municipal Consent: A municipality's approval of Mn/DOT's final layout for a project on a Trunk Highway when such approval is required by State Statute – see *Threshold Criteria* above. (Approval is by a resolution passed by the elected council of the municipality – the City Council).

Appendix

Municipal Consent Process & Timeline

Sample City Resolution

Municipal Consent Process & Timeline

Mn/DOT / HPDP

Basic Process

1. Mn/DOT submits the final layout to the City with a letter requesting City approval of the layout.

2. The City holds public hearing within 60 days of Mn/DOT's submittal **60 days**
and gives a 30-day (minimum) public notice of the hearing.
Mn/DOT presents the layout at the public hearing

3. The City Council passes a resolution approving / disapproving the layout
(within 90 days of public hearing).
If after 90 days from the public hearing the City has not passed a **90 days**
resolution disapproving the layout, the layout is deemed approved

4. If the City approves, Mn/DOT can proceed with the project.

5. If the City disapproves, Mn/DOT's options are:
   - Make the changes requested by the City (if any)
   - Refer the layout to an Appeal Board
   - Stop the project
   - Modify the project so municipal consent is not required
   - Prepare a new final layout and start the MC process over from beginning

Before Appeal: Total Maximum time = <u>150 days</u>

Appeal Process

1. Mn/DOT notifies the City that it is appealing.

2. An Appeal Board of three persons is established:
   - Mn/DOT appoints a member **Undefined time to**
   - The City appoints a member **establish appeal board**
   - Third member selected by mutual agreement between the City & Mn/DOT.
     If they cannot agree, Mn/DOT requests the MN Chief Justice to select.
     The Chief Justice appoints third member within 14 days of Mn/DOT's request. **14 days**

3. Mn/DOT refers the final layout to the Appeal Board. **Undefined time**

4. The Appeal Board holds a hearing (within 30 days of receiving final layout from Mn/DOT).
The City and Mn/DOT each present their case **30 days**

5. The Appeal Board makes its recommendation (within 60 days of the hearing): **60 days**
   - Approval, or
   - Approval with modifications, or
   - Disapproval of the final layout

Maximum for Appeal Process = <u>104 days +</u>
(plus time to establish appeal board, etc.)

6. If the Board approves, Mn/DOT can proceed with the project.

7. If the Board disapproves, or approves with modifications, Mn/DOT's options are:
   - Make recommended modifications (if any), and proceed with the project
   - Stop the project
   - Modify the project so municipal consent is not required
   - Prepare a new final layout and start the MC process over from beginning
   - <u>If it is an Interstate Highway project</u>, Mn/DOT may proceed with the project using the layout that was not approved (and sends a report to the City and the Appeal Board stating the reasons for doing so).

<u>TOTAL Possible Time = 254 days +</u>

NOTE: If final construction plans contain changes to access, capacity, or right of way from the layout approved by the City, Mn/DOT resubmits the changed portion of the plans to the City for approval. (City has 60 days to approve). This holds whether municipal consent was obtained through the basic MC process or through the appeal process.

Sample City Resolution

RESOLUTION NO. _____

Resolution for Layout Approval

At a Meeting of the City Council of the City of_____, held on the___day of_____, 20__, the following Resolution was offered by_____and seconded by _____to wit:

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project XXXX.XX on Trunk Highway XX, from_____to_____within the City of_____for _____improvements; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167: and

WHEREAS, said final layout is on file in the District X Minnesota Department of Transportation office, CITY, Minnesota, being marked as Layout No. XXXX, S.P. XXXX-XX, from R.P. XX+xxx to XX+xxx.

NOW, THEREFORE, BE IT RESOLVED that said final layout for the improvement of said Trunk Highway within the corporate limits be and is hereby approved.

Upon the call of the roll the following Council Members voted in favor of the Resolution:

The following Council Members voted against its adoption:

ATTEST:

Mayor_____ Dated_____, 20__

State of Minnesota
County of _____
City of _____

I do hereby certify that the foregoing Resolution is a true and correct copy of a resolution presented to and adopted by the Council of the City of_____, Minnesota at a duly authorized meeting thereof held on the_____day of_____, 20 , as shown by the minutes of said meeting in my possession.

(SEAL)_____
City Clerk

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **Brainerd Dispatch** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(701) 241-5509**.

Notice ID: lYvmFMnvp5ArEIo4oW4n | **Proof Updated: Feb. 06, 2024 at 01:46pm CST**
Notice Name: NOH MuniConsent Willow (JD)

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

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tgage@ci.brainerd.mn.us	
(218) 828-2307	

Columns Wide: 1

Ad Class: Legals

Total Column Inches: 2.47

Number of Lines: 25

02/10/2024: General Public Notice	29.94

Subtotal	$29.94
Tax	$0.00
Processing Fee	$2.99
Total	**$32.93**

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:
Notice is hereby given that the City Council of Brainerd, Minnesota, will meet in the Council Chambers of the City Hall at 7:30 p.m. on March 18, 2024 to hear public comment on the proposed final layout for TH 371B/Willow Street Roundabout Project (S.P. 1814-10) in regard to the municipal consent process. The proposed final layout shall be made available electronically or in-person by request at City Hall.
Such persons as desire to be heard with reference to the proposed final layout will be heard at this meeting.
Any individual needing special accommodations please call 218-828-2307.
Dated: February 5, 2024
Jessie Dehn, P.E.
City Engineer/Public Works Director
(Feb. 10, 2024)

R E S O L U T I O N
NO. _____

RESOLUTION FOR LAYOUT APPROVAL

At a Meeting of the City Council of the City of Brainerd, held on the 18th day of March, 2024, the following Resolution was offered by _____and seconded by _____ to wit:

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project 1814-10 at the intersection of Trunk Highway 371 Business and Willow Street within the City of Brainerd for intersection improvements; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167: and

WHEREAS, said final layout is on file in the District 3 Minnesota Department of Transportation office, Baxter, Minnesota, being marked as Layout No. 1B, S.P. 1814-10.

NOW, THEREFORE, BE IT RESOLVED that said final layout for the improvement of said Trunk Highway within the corporate limits be and is hereby approved.

Adopted this 18th day of March 2024

_____
KELLY BEVANS
President of the Council

Approved this 18th day of March 2024

_____
DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

R E S O L U T I O N
NO. _____

RESOLUTION FOR WAIVER OF MUNICIPAL CONSENT

At a Meeting of the City Council of the City of Brainerd, held on the 18th day of March, 2024, the following Resolution was offered by _____and seconded by _____ to wit:

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project 1814-10 at the intersection of Trunk Highway 371 Business and Willow Street within the City of Brainerd for intersection improvements; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167: and

WHEREAS, said final layout is on file in the District 3 Minnesota Department of Transportation office, Baxter, Minnesota, being marked as Layout No. 1B, S.P. 1814-10.

NOW, THEREFORE, BE IT RESOLVED that the City Council waives the municipal consent approval action, described in Minnesota Statutes 161.162 to 161.167, of the final layout for SP 1814-10 for the improvement of said Trunk Highway 371 Business within the corporate limits.

Adopted this 18th day of March 2024

_____
KELLY BEVANS
President of the Council

Approved this 18th day of March 2024

_____
DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator