



CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, May 20, 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: 2483 647 6365

Personnel and Finance Committee was held 5/15

Safety and Public Works Committee at 6:45 PM - Meeting Access Code: 2486 973 1271

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

1. **Call To Order**

2. **Roll Call**

___G. Johnson ___J. Czeczok ___M. O'Day ___K. Stunek ___K. Terry___T. Stenglein ___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 MN Lawful Gambling Application Submitted by Central Lakes College Foundation
for an Event to be held on December 28, 2024 at 501 W College Dr**

E. **Authorize Hiring of 2024 Summer Temporary Employees**

F. **Approve Event/Street Closure Application - StreetFest**

G. **Approve Event/Street Closure - Play-N-Trade Grand Opening**

H. **Event Application - Westgate Mall Carnival**

6. **Presentations**

A. **Public Hearing - Annual MS4 Meeting**

7. **Council Committee Reports**

A. **Personnel & Finance Committee**

1. Approve Revised IBEW Local No. 31 (Administrative Support) Union Job Descriptions as presented.
2. Approve the Promotion of Stephanie Bestul to Zoning Specialist/Permit Technician
3. Consider Joint Powers Agreement with Baxter on Shared Environmental Resources Technician Position
4. Approve 2024-2026 Contract Terms and Wage Resolution with IUOE Local No. 49 (Parks Division) Union
5. Authorize Sale of Community Development Department Jeep
6. Consider Cannabis License Number and Registration Fees
7. Consider Request From Brainerd Community Action for Independence Day Fireworks Donation

B. **Safety & Public Works Committee**

1. Approve Contract Amendment - SEH - Buffalo Hills Gully
2. Approve Memorandum of Understandings with Crow Wing County - Road Maintenance Agreements
3. Authorize Bidding - O Street Outfall Replacement
4. Approve Transit Operating Policy Updates
5. Approve Transit Procurement Policy
6. Award Transit Operating Contract - 2024-2027
7. Direct Staff to Draft a Vacant Building Registry Ordinance
8. Direction on Active Code Enforcement Cases

8. **Unfinished Business**

A. **Call for Applicants**

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

Charter Commission – 2 terms (Expire 2026) 2 terms (Expire 2025)
Transportation Advisory Committee- 2 terms (Expire 2026)
Mayor Recommended: (terms to expire on 9/7 of said year)
Economic Development Authority- 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. **Update on the Conversations with Crow Wing County on the Ownership of the Airport**

9. **New Business**

A. **Consider Interim Use Permit for Outdoor Storage as a Principal Use at 1918 Thiesse Dr**

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

C. **First Reading- Proposed Ordinance 1566 - Trees**

10. **Public Forum**

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

11. **Staff Reports**

(Verbal: Any Updates since Packet)

12. **Mayor's Report**

13. **Council Member Reports**

14. **Adjourn**

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

MISSION

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

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 04/01/2024 - 04/30/2024

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 2740 - AT&T MOBILITY:							
X04032024/FD 82241	AT&T MOBILITY ACCT 287312856222 FIRE DEPT PHONES 225-2220-43321	03/25/2024 pziemer	04/11/2024	344.07 344.07	0.00	Paid	Y 04/11/2024
X04032024/PD 82242	AT&T MOBILITY ACCT 287287520356 POLICE DEPT PHONES 225-2120-43309 225-2120-43321	03/25/2024 pziemer COMPUTER TECHNICAL SUPPORT TELEPHONE	04/11/2024	2,124.70 802.83 1,321.87	0.00	Paid	Y 04/11/2024
X04032024/ADM 82243	AT&T MOBILITY ACCT 287292136423 ADMIN 2/26-3/25 101-1400-43321	03/25/2024 pziemer TELEPHONE	04/11/2024	99.56 99.56	0.00	Paid	Y 04/11/2024
X04032024/COMDEV 82244	AT&T MOBILITY ACCT 287292136423 COM DEV 2/26-3/25 101-2400-43321	03/25/2024 pziemer TELEPHONE	04/11/2024	149.34 149.34	0.00	Paid	Y 04/11/2024
X04032024/ENG 82245	AT&T MOBILITY ACCT 287292136423 ENG DEPT 2/26-3/25 101-1700-43321	03/25/2024 pziemer TELEPHONE	04/11/2024	275.58 275.58	0.00	Paid	Y 04/11/2024
X04032024/HR 82246	AT&T MOBILITY ACCT 287292136423 HR DEPT 2/26-3/25 101-1400-43321	03/25/2024 pziemer TELEPHONE	04/11/2024	49.78 49.78	0.00	Paid	Y 04/11/2024
X04032024/IT 82247	AT&T MOBILITY ATT IT DEPT ACCT 287292136423 2/26-3/25 101-1800-43321	03/25/2024 pziemer TELEPHONE	04/11/2024	119.56 119.56	0.00	Paid	Y 04/11/2024
X04032024/PARKS 82248	AT&T MOBILITY ACCT 287292136423 PARKS DEPT 2/26-3/25 230-5200-43321	03/25/2024 pziemer TELEPHONE	04/11/2024	183.99 183.99	0.00	Paid	Y 04/11/2024
X04032024/STRTS 82249	AT&T MOBILITY ACCT 287292136423 STREETS 2/26-3/25 235-3100-43321 237-3190-43321	03/25/2024 pziemer TELEPHONE TELEPHONE	04/11/2024	209.22 88.01 121.21	0.00	Paid	Y 04/11/2024
X04032024/TRNST 82250	AT&T MOBILITY ACCT 287292136423 TRANSIT PHONES	03/25/2024 pziemer	04/11/2024	49.78	0.00	Paid	Y 04/11/2024

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	203-9000-43321	TELEPHONE		49.78			
	Total for vendor 2740 - AT&T MOBILITY:			3,605.58	0.00		
Vendor 2684 - BRAINERD PARKS & RECREATION:							
4/22/24							
82487	BRAINERD PARKS & RECREATION	04/22/2024	04/24/2024	900.00	0.00	Paid	Y
	EARLY BIRD TOURNAMENT CASH PRIZES	pziemer					04/24/2024
	230-5215-42210	OPERATING SUPPLIES		900.00			
	Total for vendor 2684 - BRAINERD PARKS & RECREATION:			900.00	0.00		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:							
MAR 24/CITY							
82466	BRAINERD PUBLIC UTILITIES	04/01/2024	04/24/2024	1,951.73	0.00	Paid	Y
	2/24/24-3/24/24 CITY UTILITIES	pziemer					04/24/2024
	101-1940-43381	BPU UTILITIES		1,719.75			
	101-9200-43381	BPU UTILITIES		143.58			
	236-3180-43381	BPU UTILITIES		37.50			
	401-1003-43380	UTILITIES		50.90			
MAR 24/STRTS							
82467	BRAINERD PUBLIC UTILITIES	04/01/2024	04/24/2024	24,280.67	0.00	Paid	Y
	2/24/24-3/24/24 STREET DEPT UTILITIES	pziemer					04/24/2024
	235-3100-43381	BPU UTILITIES		23,544.63			
	230-5200-43381	BPU UTILITIES		736.04			
MAR 24/PD							
82468	BRAINERD PUBLIC UTILITIES	04/01/2024	04/24/2024	4,952.49	0.00	Paid	Y
	2/24/24-3/24/24 POLICE DEPT UTILITIES	pziemer					04/24/2024
	225-2120-43381	BPU UTILITIES		4,952.49			
MAR 24/FD							
82469	BRAINERD PUBLIC UTILITIES	04/01/2024	04/24/2024	2,233.94	0.00	Paid	Y
	2/24/24-3/24/24 FIRE DEPT UTILITIES	pziemer					04/24/2024
	225-2220-43381	BPU UTILITIES		2,233.94			
MAR 24/LIB							
82470	BRAINERD PUBLIC UTILITIES	04/01/2024	04/24/2024	1,480.38	0.00	Paid	Y
	2/24/24-3/24/24 LIB UTILITIES	pziemer					04/24/2024
	211-5500-43381	BPU UTILITIES		1,480.38			
MAR 24/PARKS							
82471	BRAINERD PUBLIC UTILITIES	04/01/2024	04/24/2024	2,962.23	0.00	Paid	Y
	2/24/24-3/24/24 PARKS UTILITIES	pziemer					04/24/2024
	230-5200-43381	BPU UTILITIES		2,854.06			
	230-5200-43381	BPU UTILITIES		108.17			
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:			37,861.44	0.00		

Vendor 0307 - CENTERPOINT ENERGY:

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
92166-0/MAR24/CH							
82235	CENTERPOINT ENERGY	03/25/2024	04/11/2024	815.68	0.00	Paid	Y
	2/16/24-3/15/24 CITY HALL/ANNEX UTILITIES	pziemer					04/11/2024
	101-1940-43380 UTILITIES			514.17			
	101-1940-43380 UTILITIES			301.51			
92166-0/MAR24/STRTS							
82236	CENTERPOINT ENERGY	03/25/2024	04/11/2024	459.28	0.00	Paid	Y
	2/16/24-3/15/24 STREETS UTILITIES	pziemer					04/11/2024
	235-3100-43380 UTILITIES			459.28			
92166-0/MAR24/PARKS							
82237	CENTERPOINT ENERGY	03/25/2024	04/11/2024	459.29	0.00	Paid	Y
	2/16/24-3/15/24 PARKS UTILITIES	pziemer					04/11/2024
	230-5200-43380 UTILITIES			459.29			
92166-0/MAR24/FD							
82238	CENTERPOINT ENERGY	03/25/2024	04/11/2024	506.08	0.00	Paid	Y
	2/16/24-3/15/24 FIRE DEPT UTILITIES	pziemer					04/11/2024
	225-2220-43380 UTILITIES			276.97			
	225-2220-43380 UTILITIES			229.11			
92166-0/MAR24/PD							
82239	CENTERPOINT ENERGY	03/25/2024	04/11/2024	46.58	0.00	Paid	Y
	2/16/24-3/15/24 POLICE DEPT UTILITIES	pziemer					04/11/2024
	225-2120-43380 UTILITIES			46.58			
62166-0/MAR24/LIB							
82240	CENTERPOINT ENERGY	03/25/2024	04/11/2024	732.27	0.00	Paid	Y
	2/16/24-3/15/24 LIBRARY UTILITIES	pziemer					04/11/2024
	211-5500-43380 UTILITIES			732.27			
	Total for vendor 0307 - CENTERPOINT ENERGY:			3,019.18	0.00		
Vendor 1343 - CHARTER COMMUNICATIONS:							
0280094041224							
82478	CHARTER COMMUNICATIONS	04/12/2024	04/24/2024	114.98	0.00	Paid	Y
	REDUNDANT INTERNET 4/12/24-5/11/24	pziemer					04/24/2024
	101-1800-43321 TELEPHONE			114.98			
	Total for vendor 1343 - CHARTER COMMUNICATIONS:			114.98	0.00		
Vendor 0125 - CONSOLIDATED TELEPHONE CO:							
21372316/IT							
82413	CONSOLIDATED TELEPHONE CO	04/12/2024	04/19/2024	540.99	0.00	Paid	Y
	PHONE/INTERNET IT DEPT 4/12/24-5/11/24	pziemer					04/19/2024
	101-1800-43321 TELEPHONE			540.99			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
21372316/CH 82414	CONSOLIDATED TELEPHONE CO 4/12/24-5/11/24 CITY HALL PHONES/INT 101-1940-43321	04/12/2024 pziemer	04/19/2024	53.94 53.94	0.00	Paid	Y 04/19/2024
21372316/PD 82415	CONSOLIDATED TELEPHONE CO 4/12/24-5/11/24 POLICE DEPT PHONE/INT 225-2120-43321 225-2120-43309	04/12/2024 pziemer	04/19/2024	145.74 95.74 50.00	0.00	Paid	Y 04/19/2024
21372316/FD 82416	CONSOLIDATED TELEPHONE CO 4/12/24-5/11/24 FIRE DEPT PHONE/INT 225-2220-43321	04/12/2024 pziemer	04/19/2024	100.00 100.00	0.00	Paid	Y 04/19/2024
21372316/AIR 82417	CONSOLIDATED TELEPHONE CO 4/12/24-5/11/24 AIRPORT SPECIAL CIRC 260-9020-43321	04/12/2024 pziemer	04/19/2024	141.62 141.62	0.00	Paid	Y 04/19/2024
21372316/STRTS 82418	CONSOLIDATED TELEPHONE CO 4/12/24-5/11/24 STREET DEPT PHONE/INT 235-3100-43321	04/12/2024 pziemer	04/19/2024	115.38 115.38	0.00	Paid	Y 04/19/2024
Total for vendor 0125 - CONSOLIDATED TELEPHONE CO:				1,097.67	0.00		

Vendor 1859 - ENTERPRISE FM TRUST:

FBN5006708/ENG 82402	ENTERPRISE FM TRUST APRIL 24 ENG VEHICLE LEASES 101-1700-43331	04/03/2024 pziemer	04/19/2024	931.28 931.28	0.00	Paid	Y 04/19/2024
FBN5006708/FD 82403	ENTERPRISE FM TRUST APRIL 24 FIRE DEPT VEHICLE LEASES 225-2220-43331	04/03/2024 pziemer	04/19/2024	1,349.58 1,349.58	0.00	Paid	Y 04/19/2024
FBN5006708/PD 82404	ENTERPRISE FM TRUST APRIL 24 POLICE DEPT VEHICLE LEASE & 225-2120-43331	04/03/2024 pziemer	04/19/2024	(4,137.55) (4,137.55)	0.00	Paid	Y 04/19/2024
FBN5006708/PKS 82405	ENTERPRISE FM TRUST APRIL 24 PARKS DEPT VEHICLE LEASES 230-5200-43331	04/03/2024 pziemer	04/19/2024	2,208.35 2,208.35	0.00	Paid	Y 04/19/2024

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FBN5006708/STRT							
82406	ENTERPRISE FM TRUST	04/03/2024	04/19/2024	4,238.13	0.00	Paid	Y
	APRIL 24 STREET DEPT VEHICLE LEASES pziemer						04/19/2024
	235-3100-43331 LEASE PAYMENTS			3,612.12			
	237-3190-43331 LEASE PAYMENTS			626.01			
FBN5006708/CDD							
82410	ENTERPRISE FM TRUST	04/03/2024	04/19/2024	357.61	0.00	Paid	Y
	APRIL 24 COM DEV VEHICLE LEASES pziemer						04/19/2024
	101-2400-43331 LEASE EXPENSE			357.61			
	Total for vendor 1859 - ENTERPRISE FM TRUST:			4,947.40	0.00		
Vendor 4195 - FIFTH ASSET, INC:							
DB2003842							
82411	FIFTH ASSET, INC	04/01/2024	04/19/2024	15,000.00	0.00	Paid	Y
	DEBTBOOK SOFTWARE 2/27/24-2/26/25 pziemer						04/19/2024
	101-0000-15510 PREPAID OTHER			1,250.00			
	101-1400-43309 COMPUTER TECHNICAL SUPPORT			6,250.00			
	260-0000-15500 PREPAID EXPENSE			1,250.00			
	260-9020-43309 COMPUTER SUPPORT			6,250.00			
	Total for vendor 4195 - FIFTH ASSET, INC:			15,000.00	0.00		
Vendor 0232 - LEAGUE MN CITIES INS TRUS:							
40001339/1ST 2024							
82429	LEAGUE MN CITIES INS TRUS	04/19/2024	04/19/2024	124,392.00	0.00	Paid	Y
	PROP/CASUALTY INS - 1ST INSTALLMENT pziemer						04/19/2024
	101-9200-43361 INS - GENERAL LIABILITY			124,392.00			
	Total for vendor 0232 - LEAGUE MN CITIES INS TRUS:			124,392.00	0.00		

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
# of Invoices:	37	# Due:	0	Totals:	195,075.80	0.00	
# of Credit Memos:	1	# Due:	0	Totals:	(4,137.55)	0.00	
Net of Invoices and Credit Memos:				190,938.25	0.00		

--- TOTALS BY GL DISTRIBUTION ---

101-0000-15510	PREPAID OTHER	1,250.00
101-1400-43309	COMPUTER TECHNICAL SUPPORT	6,250.00
101-1400-43321	TELEPHONE	149.34
101-1700-43321	TELEPHONE	275.58
101-1700-43331	LEASE PAYMENTS	931.28
101-1800-43321	TELEPHONE	775.53
101-1940-43321	TELEPHONE	53.94
101-1940-43380	UTILITIES	815.68
101-1940-43381	BPU UTILITIES	1,719.75
101-2400-43321	TELEPHONE	149.34
101-2400-43331	LEASE EXPENSE	357.61
101-9200-43361	INS - GENERAL LIABILITY	124,392.00
101-9200-43381	BPU UTILITIES	143.58
203-9000-43321	TELEPHONE	49.78
211-5500-43380	UTILITIES	732.27
211-5500-43381	BPU UTILITIES	1,480.38
225-2120-43309	COMPUTER TECHNICAL SUPPORT	852.83
225-2120-43321	TELEPHONE	1,417.61
225-2120-43331	LEASED PAYMENTS	(4,137.55)
225-2120-43380	UTILITIES	46.58
225-2120-43381	BPU UTILITIES	4,952.49
225-2220-43321	TELEPHONE	444.07
225-2220-43331	LEASED PAYMENTS	1,349.58
225-2220-43380	UTILITIES	506.08
225-2220-43381	BPU UTILITIES	2,233.94
230-5200-43321	TELEPHONE	183.99
230-5200-43331	LEASE PAYMENTS	2,208.35
230-5200-43380	UTILITIES	459.29
230-5200-43381	BPU UTILITIES	3,698.27
230-5215-42210	OPERATING SUPPLIES	900.00
235-3100-43321	TELEPHONE	203.39
235-3100-43331	LEASE PAYMENTS	3,612.12
235-3100-43380	UTILITIES	459.28
235-3100-43381	BPU UTILITIES	23,544.63
236-3180-43381	BPU UTILITIES	37.50
237-3190-43321	TELEPHONE	121.21
237-3190-43331	LEASE PAYMENTS	626.01
260-0000-15500	PREPAID EXPENSE	1,250.00
260-9020-43309	COMPUTER SUPPORT	6,250.00
260-9020-43321	TELEPHONE	141.62
401-1003-43380	UTILITIES	50.90

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Inv Ref#	Description	Entered By					Post Date
GL Distribution							
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			137,263.63	0.00		
	203 - TRANSIT FUND			49.78	0.00		
	211 - LIBRARY FUND			2,212.65	0.00		
	225 - PUBLIC SAFETY FUND			7,665.63	0.00		
	230 - PARK & RECREATION FUND			7,449.90	0.00		
	235 - STREET & SEWER FUND			27,819.42	0.00		
	236 - PARKING LOT FUND			37.50	0.00		
	237 - SANITARY SEWER FUND			747.22	0.00		
	260 - AIRPORT FUND			7,641.62	0.00		
	401 - CONSTRUCTION FUND			50.90	0.00		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			2,500.00	0.00		
	1003 - 10:03 DWNTWN MAIN CNTRACT			50.90	0.00		
	1400 - ADMINISTRATION			6,399.34	0.00		
	1700 - ENGINEERING			1,206.86	0.00		
	1800 - IT/GIS			775.53	0.00		
	1940 - CITY HALL			2,589.37	0.00		
	2120 - POLICE DEPARTMENT			3,131.96	0.00		
	2220 - FIRE DEPARTMENT			4,533.67	0.00		
	2400 - COMMUNITY DEVL/INSPECTION			506.95	0.00		
	3100 - S & S MAINTENANCE			27,819.42	0.00		
	3180 - PARKING LOTS EXPENSE			37.50	0.00		
	3190 - SANITARY SEWER EXPENSE			747.22	0.00		
	5200 - PARK MAIN/ADMINISTRATION			6,549.90	0.00		
	5215 - ADULT SOFTBALL			900.00	0.00		
	5500 - LIBRARY-BUDGETED			2,212.65	0.00		
	9000 - TRANSIT FUND			49.78	0.00		
	9020 - AIRPORT M & O			6,391.62	0.00		
	9200 - CITY-WIDE			124,535.58	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:							
323737/1 82755	ACE HARDWARE EXTENSION CORD SUPPLIES 225-2220-42210	05/03/2024 pziemer OPERATING SUPPLIES	05/22/2024	26.96 26.96	26.96	Open	N 05/22/2024
323683/1 82758	ACE HARDWARE WASP SPRAY/BREAKER VACUUM 230-5280-42220	05/02/2024 pziemer REPAIR & MAINT	05/22/2024	43.96 43.96	43.96	Open	N 05/22/2024
323791/1 82782	ACE HARDWARE VAC TRUCK SPRING CLIPS 237-3190-42220	05/07/2024 pziemer REPAIR & MAINT	05/22/2024	57.56 57.56	57.56	Open	N 05/22/2024
323719/1 82786	ACE HARDWARE MARKING FLAGS FOR LOCATES 230-5200-42220	05/03/2024 pziemer REPAIR & MAINT	05/22/2024	26.98 26.98	26.98	Open	N 05/22/2024
323555/1 82787	ACE HARDWARE BANE IRRIGATION 230-5200-42220	04/26/2024 pziemer REPAIR & MAINT	05/22/2024	1.52 1.52	1.52	Open	N 05/22/2024
323855/1 82793	ACE HARDWARE DAL MAR MAILBOX REPAIR 235-3125-42220	05/08/2024 pziemer REPAIR & MAINT	05/22/2024	42.28 42.28	42.28	Open	N 05/22/2024
323699/1 82794	ACE HARDWARE SOAP 225-2120-42210	05/02/2024 pziemer OPERATING SUPPLIES	05/22/2024	13.47 13.47	13.47	Open	N 05/22/2024
Total for vendor 0011 - ACE HARDWARE:				212.73	212.73		
Vendor 2902 - ADVANCE AUTO PARTS:							
6574412829404 82772	ADVANCE AUTO PARTS TAP SOCKET SET 235-3100-42220	05/07/2024 pziemer REPAIR & MAINT	05/22/2024	50.13 50.13	50.13	Open	N 05/22/2024
6574413029476 82807	ADVANCE AUTO PARTS VACTOR BUTT TERMINAL FOR LIGHT BAR 237-3190-42220	05/09/2024 pziemer REPAIR & MAINT	05/22/2024	16.79 16.79	16.79	Open	N 05/22/2024

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6574413184463 82811	ADVANCE AUTO PARTS VAC TRUCK STROBE HARDWARE 237-3190-42220	05/10/2024 pziemer	05/22/2024	43.01 43.01	43.01	Open	N 05/22/2024
	REPAIR & MAINT						
6574413584576 82843	ADVANCE AUTO PARTS TRAFFIC CONTROL TRAILER WHEEL JACK 235-3170-42220	05/14/2024 pziemer	05/22/2024	71.99 71.99	71.99	Open	N 05/22/2024
	REPAIR & MAINT						
	Total for vendor 2902 - ADVANCE AUTO PARTS:			181.92	181.92		
Vendor 2846 - AMERICAN WELDING-GAS INC:							
0010088676 82761	AMERICAN WELDING-GAS INC WELDING CYLINDER RENTAL 235-3100-43410	04/30/2024 pziemer	05/22/2024	82.70 82.70	82.70	Open	N 05/22/2024
	RENTAL EXPENSE						
	Total for vendor 2846 - AMERICAN WELDING-GAS INC:			82.70	82.70		
Vendor 4295 - BOARD OF AELSLAGID:							
4/20/24 82757	BOARD OF AELSLAGID ENG. LICENSE FEE - J.FLADUNG 101-1700-43300	04/10/2024 pziemer	05/22/2024	120.00 120.00	120.00	Open	N 05/22/2024
	PROFESSIONAL SERVICES						
	Total for vendor 4295 - BOARD OF AELSLAGID:			120.00	120.00		
Vendor 3120 - BOLTON & MENK:							
0335191 82823	BOLTON & MENK LAUREL ST BRIDGE REHAB 401-9030-43300-24:06	04/30/2024 pziemer	05/22/2024	1,396.50 1,396.50	1,396.50	Open	N 05/22/2024
	PROFESSIONAL SERVICES						
	Total for vendor 3120 - BOLTON & MENK:			1,396.50	1,396.50		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:							
5/14/24 82838	BRAINERD PUBLIC UTILITIES REMITTANCE OF LOCAL SALES TAX THRU 5/pziemer 251-9360-43467	05/14/2024 pziemer	05/22/2024	108,066.87 108,066.87	108,066.87	Open	N 05/22/2024
	REMIT LOCAL SALES TAX COLLECT						
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:			108,066.87	108,066.87		
Vendor 3541 - BRAINERD ROTARY:							
12412 82839	BRAINERD ROTARY 2ND QTR DUES & NEW MEMBER - N.BROYLE	05/14/2024 pziemer	05/22/2024	223.00	223.00	Open	N 05/22/2024

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	101-1400-43433	DUES & SUBSCRIPTIONS		223.00			
	Total for vendor 3541 - BRAINERD ROTARY:			223.00	223.00		
Vendor 0098 - BRYAN ROCK PRODUCTS INC:							
63637 82760	BRYAN ROCK PRODUCTS INC	04/30/2024	05/22/2024	3,122.50	3,122.50	Open	N 05/22/2024
	RED BALL DIAMOND FIELD AGGREGATE	pziemer					
	230-5200-42221	R&M- MILLS FIELD		3,122.50			
	Total for vendor 0098 - BRYAN ROCK PRODUCTS INC:			3,122.50	3,122.50		
Vendor 4209 - CALLTOWER:							
201932649 82777	CALLTOWER	05/01/2024	05/22/2024	359.52	359.52	Open	N 05/22/2024
	CALLTOWER 5/1/24-5/31/24	pziemer					
	101-1800-43321	TELEPHONE		359.52			
	Total for vendor 4209 - CALLTOWER:			359.52	359.52		
Vendor 0447 - CDW GOVERNMENT, INC:							
RB89427 82822	CDW GOVERNMENT, INC	05/02/2024	05/22/2024	4,533.25	4,533.25	Open	N 05/22/2024
	CISCO MERAKI LICENSING 5/1/24-4/30/25	pziemer					
	101-1800-43309	COMPUTER SUPPORT		3,022.17			
	101-0000-15510	PREPAID OTHER		1,511.08			
	Total for vendor 0447 - CDW GOVERNMENT, INC:			4,533.25	4,533.25		
Vendor 0122 - COMMUNITY ACTION:							
MAY 24 82812	COMMUNITY ACTION	05/10/2024	05/22/2024	8,054.38	8,054.38	Open	N 05/22/2024
	MAY 24 LAVY PAYMENT	pziemer					
	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:							
21389654 82825	CONSOLIDATED TELEPHONE CO	05/12/2024	05/22/2024	335.92	335.92	Open	N 05/22/2024
	CAMPGROUND 4/24-6/11/24 (INCLUDES PAID)	pziemer					
	230-5280-43321	TELEPHONE		335.92			
21385609/IT 82826	CONSOLIDATED TELEPHONE CO	05/12/2024	05/22/2024	541.00	541.00	Open	N 05/22/2024
	5/11/24-6/11/24 IT PHONES/INTERNET	pziemer					
	101-1800-43321	TELEPHONE		541.00			

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21385609/CH 82827	CONSOLIDATED TELEPHONE CO 5/11/24-6/11/24 CITY HALL PHONE/INTE 101-1940-43321	05/12/2024 pziemer	05/22/2024	53.94 53.94	53.94	Open	N 05/22/2024
21385609/PD 82828	CONSOLIDATED TELEPHONE CO 5/11/24-6/11/24 POLICE DEPT PHONE/INTE 225-2120-43321 225-2120-43309	05/12/2024 pziemer	05/22/2024	144.25 94.25 50.00	144.25	Open	N 05/22/2024
21385609/FD 82829	CONSOLIDATED TELEPHONE CO 5/11/24-6/11/24 FIRE DEPT PHONE/INTE 225-2220-43321	05/12/2024 pziemer	05/22/2024	100.00 100.00	100.00	Open	N 05/22/2024
21385609/PW 82830	CONSOLIDATED TELEPHONE CO 5/11/24-6/11/24 PUBLIC WORKS GARAGE 235-3100-43321 230-5200-43321	05/12/2024 pziemer	05/22/2024	115.37 57.69 57.68	115.37	Open	N 05/22/2024
21385609/AIRPORT 82831	CONSOLIDATED TELEPHONE CO 5/11/24-6/11/24 AIRPORT INTERNE/CIRC 260-9020-43321	05/12/2024 pziemer	05/22/2024	141.63 141.63	141.63	Open	N 05/22/2024
21377643 82832	CONSOLIDATED TELEPHONE CO AIRPORT PHONE SERVICE AND RENTAL 260-9020-43321	05/12/2024 pziemer	05/22/2024	525.70 525.70	525.70	Open	N 05/22/2024
Total for vendor 0125 - CONSOLIDATED TELEPHONE CO:				1,957.81	1,957.81		
Vendor 0133 - CWC RECORDER:							
24-3650 82799	CWC RECORDER X5 CUP AND 1 VARIANCE 101-2400-43350	05/02/2024 pziemer	05/22/2024	276.00 276.00	276.00	Open	N 05/22/2024
Total for vendor 0133 - CWC RECORDER:				276.00	276.00		
Vendor 0135 - CWC TREASURER:							
7048/CH 82800	CWC TREASURER MAY 24 CITY HALL SHARED SERVICES 101-9200-43300	05/01/2024 pziemer	05/22/2024	7,975.00 7,975.00	7,975.00	Open	N 05/22/2024

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7048/LIB 82801	CWC TREASURER MAY 24 SHARED SERVICES - LIB 211-5500-43300	05/01/2024 pziemer	05/22/2024	675.00 675.00	675.00	Open	N 05/22/2024
	PROFESSIONAL SERVICES			675.00			
	Total for vendor 0135 - CWC TREASURER:			8,650.00	8,650.00		
Vendor 3438 - DAHLHEIMER BEVERAGE:							
2181348 82841	DAHLHEIMER BEVERAGE CONCESSIONS AND SUPPLIES 230-5204-42210	05/10/2024 pziemer	05/22/2024	159.20 159.20	159.20	Open	N 05/22/2024
	OPERATING SUPPLIES			159.20			
	Total for vendor 3438 - DAHLHEIMER BEVERAGE:			159.20	159.20		
Vendor 2804 - DH ATHLETICS LLC:							
1034 82788	DH ATHLETICS LLC FIELD MOUND CLAY 230-5200-42221	05/07/2024 pziemer	05/22/2024	2,325.00 2,325.00	2,325.00	Open	N 05/22/2024
	R&M- MILLS FIELD			2,325.00			
	Total for vendor 2804 - DH ATHLETICS LLC:			2,325.00	2,325.00		
Vendor 3353 - DTM FLEET SERVICE:							
1876 82820	DTM FLEET SERVICE SQD 410 NEW BUILD 400-9050-45530	04/01/2024 pziemer	05/22/2024	7,607.43 7,607.43	7,607.43	Open	N 05/22/2024
	CAPITAL - OTHER			7,607.43			
	Total for vendor 3353 - DTM FLEET SERVICE:			7,607.43	7,607.43		
Vendor 1286 - EAST SIDE OIL COMPANY:							
R110982 82762	EAST SIDE OIL COMPANY SFIL FILTERS 227-3230-43428	05/01/2024 pziemer	05/22/2024	50.00 50.00	50.00	Open	N 05/22/2024
	USED OIL RECYCLING EXPENSE			50.00			
	Total for vendor 1286 - EAST SIDE OIL COMPANY:			50.00	50.00		
Vendor 3392 - ELITE FENCE & DECK LLC:							
3256 82845	ELITE FENCE & DECK LLC PW GARAGE FENCE/GATE INSTALL 400-2001-45530	05/16/2024 pziemer	05/22/2024	22,150.00 22,150.00	22,150.00	Open	N 05/22/2024
	PYMTS TO CONTRACTORS			22,150.00			
	Total for vendor 3392 - ELITE FENCE & DECK LLC:			22,150.00	22,150.00		
Vendor 3402 - FLEETPRIDE:							

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116707051 82808	FLEETPRIDE VACTOR LIGHT BAR 237-3190-42220	05/09/2024 pziemer REPAIR & MAINT	05/22/2024	389.08 389.08	389.08	Open	N 05/22/2024
116730913 82810	FLEETPRIDE VAC TRUCK FRONT STROBE LIGHT 237-3190-42220	05/09/2024 pziemer REPAIR & MAINT	05/22/2024	101.30 101.30	101.30	Open	N 05/22/2024
116771578 82819	FLEETPRIDE VAC TRUCK DIRECTIONAL LIGHT 237-3190-42220	05/10/2024 pziemer REPAIR & MAINT	05/22/2024	101.30 101.30	101.30	Open	N 05/22/2024
Total for vendor 3402 - FLEETPRIDE:				591.68	591.68		

Vendor 0356 - HIRSHFIELD'S DECORATING:

09328640 82785	HIRSHFIELD'S DECORATING PAINT - MILLS FIELD GARAGE 230-5200-42221	05/06/2024 pziemer R&M- MILLS FIELD	05/22/2024	206.94 206.94	206.94	Open	N 05/22/2024
Total for vendor 0356 - HIRSHFIELD'S DECORATING:				206.94	206.94		

Vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:

IN4535545 82835	INNOVATIVE OFFICE SOLUTIONS LLC RECORDS PRINTER TONER 225-2120-42200	05/09/2024 pziemer OFFICE SUPPLIES	05/22/2024	73.89 73.89	73.89	Open	N 05/22/2024
Total for vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:				73.89	73.89		

Vendor 3488 - JEFFERSON FIRE & SAFETY:

IN314281 82753	JEFFERSON FIRE & SAFETY SMOKE FLUID 225-2220-43330	05/01/2024 pziemer PROFESSIONAL DEVELOPMENT	05/22/2024	604.58 604.58	604.58	Open	N 05/22/2024
IN314110 82754	JEFFERSON FIRE & SAFETY BLACKOUT SMOKE MACHINE 225-2220-43330	04/26/2024 pziemer PROFESSIONAL DEVELOPMENT	05/22/2024	2,461.90 2,461.90	2,461.90	Open	N 05/22/2024
Total for vendor 3488 - JEFFERSON FIRE & SAFETY:				3,066.48	3,066.48		

Vendor 3960 - KNOWBE4 INC:

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INV323841 82756	KNOWBE4 INC KNOWBE4 SECURITY TRAINING 7/29/24-7/31/24 101-1800-43309 101-0000-15510 260-9020-43309 260-0000-15500	05/01/2024 pziemer	05/22/2024	2,376.00 903.38 1,264.72 86.62 121.28	2,376.00	Open	N 05/22/2024
Total for vendor 3960 - KNOWBE4 INC:				2,376.00	2,376.00		
Vendor 0313 - LAKES AREA SENIOR CENTER:							
MAY 2024 82813	LAKES AREA SENIOR CENTER MAY 24 LEVY PAYMENT 101-9200-43461	05/10/2024 pziemer	05/22/2024	8,054.38 8,054.38	8,054.38	Open	N 05/22/2024
Total for vendor 0313 - LAKES AREA SENIOR CENTER:				8,054.38	8,054.38		
Vendor 3430 - LARSON ELEVATOR COMPANY:							
LE17787001 82837	LARSON ELEVATOR COMPANY CH ELEVATOR DOOR REPAIRS 101-1940-42220	05/14/2024 pziemer	05/22/2024	384.00 384.00	384.00	Open	N 05/22/2024
Total for vendor 3430 - LARSON ELEVATOR COMPANY:				384.00	384.00		
Vendor 0232 - LEAGUE MN CITIES INS TRUS:							
40001339/2ND 2024 82751	LEAGUE MN CITIES INS TRUS PROP/CASUALTY INS. 2ND INSTALLMENT 2/24 101-9200-43361	05/06/2024 pziemer	05/22/2024	124,386.00 124,386.00	124,386.00	Open	N 05/22/2024
Total for vendor 0232 - LEAGUE MN CITIES INS TRUS:				124,386.00	124,386.00		
Vendor 4141 - LIND MASONRY AND CONSTRUCTION:							
0000045 82815	LIND MASONRY AND CONSTRUCTION BUSTER PARK PAVILLIONS & SIGN REPLACEMENT 400-9050-45530 400-9050-45530	05/02/2024 pziemer	05/22/2024	3,200.00 2,500.00 700.00	3,200.00	Open	N 05/22/2024
Total for vendor 4141 - LIND MASONRY AND CONSTRUCTION:				3,200.00	3,200.00		
Vendor 0237 - LOCATORS - SUPPLIES INC:							
0313814-IN 82775	LOCATORS - SUPPLIES INC SAFETY GLASSES	05/02/2024 pziemer	05/22/2024	116.90	116.90	Open	N 05/22/2024

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
	235-3100-42220	REPAIR & MAINT		116.90			
0314143-IN 82847	LOCATORS - SUPPLIES INC GREEN SEWER MARKING PAINT AND NITRILE 237-3190-42220	05/15/2024 pziemer	05/22/2024	505.15 505.15	505.15	Open	N 05/22/2024
	Total for vendor 0237 - LOCATORS - SUPPLIES INC:			622.05	622.05		
Vendor 0239 - MACQUEEN EQUIPMENT INC:							
P57560 82776	MACQUEEN EQUIPMENT INC SWEEPER 118 SIDE ARM LINK 235-3100-42220	05/02/2024 pziemer	05/22/2024	718.20 718.20	718.20	Open	N 05/22/2024
P57687 82805	MACQUEEN EQUIPMENT INC SWEEPER 118 DRIVE MOTOR SEAL KIT 235-3100-42220	05/08/2024 pziemer	05/22/2024	398.38 398.38	398.38	Open	N 05/22/2024
	Total for vendor 0239 - MACQUEEN EQUIPMENT INC:			1,116.58	1,116.58		
Vendor 0243 - MARCO FINANCING:							
528841315 82824	MARCO FINANCING COPIER LEASE CITY HALL 2ND FL - 6/1/ 101-1800-43331	05/13/2024 pziemer	05/22/2024	1,100.58 1,100.58	1,100.58	Open	N 05/22/2024
	Total for vendor 0243 - MARCO FINANCING:			1,100.58	1,100.58		
Vendor 3473 - MIDLAND DOOR SOLUTIONS:							
11499 82834	MIDLAND DOOR SOLUTIONS HGR 008 - WALK THRU DOOR 260-9020-45590	04/23/2024 pziemer	05/22/2024	1,622.79 1,622.79	1,622.79	Open	N 05/22/2024
	Total for vendor 3473 - MIDLAND DOOR SOLUTIONS:			1,622.79	1,622.79		
Vendor 3947 - MIDWEST OVERHEAD CRANE:							
150799 82818	MIDWEST OVERHEAD CRANE CRANE INSPECTION - LESS SALES TAX - 235-3100-42220	05/13/2024 pziemer	05/22/2024	504.08 504.08	504.08	Open	N 05/22/2024
	Total for vendor 3947 - MIDWEST OVERHEAD CRANE:			504.08	504.08		
Vendor 0147 - MINNESOTA SOFTBALL:							

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7771 82752	MINNESOTA SOFTBALL SOFTBALL TEAM REGISTRATIONS 230-5215-42210	05/03/2024 pziemer	05/22/2024	1,000.00	1,000.00	Open	N 05/22/2024
	OPERATING SUPPLIES			1,000.00			
	Total for vendor 0147 - MINNESOTA SOFTBALL:			1,000.00	1,000.00		

Vendor 1617 - MN MUNICIPAL UTILITIES ASSN:

63746 82774	MN MUNICIPAL UTILITIES ASSN PRE-EMPTY TESTING - STREETS 235-3100-43430	04/17/2024 pziemer	05/22/2024	41.25	41.25	Open	N 05/22/2024
	MISCELLANEOUS			41.25			
	Total for vendor 1617 - MN MUNICIPAL UTILITIES ASSN:			41.25	41.25		

Vendor 3168 - MOTORS-N-MORE:

30545 82795	MOTORS-N-MORE SQD 430 OIL CHANGE 225-2120-42221	05/07/2024 pziemer	05/22/2024	23.00	23.00	Open	N 05/22/2024
	SQUAD CAR REPAIR SUPPLIES			23.00			
30547 82836	MOTORS-N-MORE SQD 437 OIL CHANGE 225-2120-42221	05/07/2024 pziemer	05/22/2024	23.00	23.00	Open	N 05/22/2024
	SQUAD CAR REPAIR SUPPLIES			23.00			
	Total for vendor 3168 - MOTORS-N-MORE:			46.00	46.00		

Vendor 1449 - M-R SIGN CO., INC.:

223838 82784	M-R SIGN CO., INC. LARGE ARROW SIGN 235-3170-42210	05/02/2024 pziemer	05/22/2024	90.11	90.11	Open	N 05/22/2024
	OPERATING SUPPLIES			90.11			
	Total for vendor 1449 - M-R SIGN CO., INC.:			90.11	90.11		

Vendor 0798 - MR TIRE:

37059 82783	MR TIRE TUBES FOR EXMARK MOWER 230-5200-42220	05/02/2024 pziemer	05/22/2024	51.98	51.98	Open	N 05/22/2024
	REPAIR & MAINT			51.98			
	Total for vendor 0798 - MR TIRE:			51.98	51.98		

Vendor 0273 - NAPA AUTO PARTS:

702981 82779	NAPA AUTO PARTS VAC TRUCK REFLECTORS (MNDOT REQUIRED)pziemer	05/08/2024	05/22/2024	8.00	8.00	Open	N 05/22/2024
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Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	GL Distribution						
	237-3190-42220	REPAIR & MAINT		8.00			
703280 82809	NAPA AUTO PARTS	05/09/2024	05/22/2024	122.98	122.98	Open	N
	VAC TRUCK LIGHTBAR BASE AND WIRE	pziemer					05/22/2024
	237-3190-42220	REPAIR & MAINT		122.98			
704573 82833	NAPA AUTO PARTS	05/14/2024	05/22/2024	150.18	150.18	Open	N
	OLD TRUCK 160 BATTERY	pziemer					05/22/2024
	235-3100-42220	REPAIR & MAINT		150.18			
704574 82842	NAPA AUTO PARTS	05/14/2024	05/22/2024	3.21	3.21	Open	N
	WIRE ADAPTORS FOR VAC TRUCK	pziemer					05/22/2024
	237-3190-42220	REPAIR & MAINT		3.21			
Total for vendor 0273 - NAPA AUTO PARTS:				284.37	284.37		

Vendor 3018 - NORTH COUNTRY JANITORIAL & SUPPLY I:

APR 24/PD 82789	NORTH COUNTRY JANITORIAL & SUPPLY I	05/06/2024	05/22/2024	1,000.00	1,000.00	Open	N
	APR 24 POLICE DEPT JANITORIAL	pziemer					05/22/2024
	225-2120-43300	PROFESSIONAL SERVICES		1,000.00			
APR 24/CH 82790	NORTH COUNTRY JANITORIAL & SUPPLY I	05/06/2024	05/22/2024	985.00	985.00	Open	N
	APR 24 CITY HALL JANITORIAL	pziemer					05/22/2024
	101-1940-43300	PROFESSIONAL SERVICES		985.00			
APR 24/FD 82791	NORTH COUNTRY JANITORIAL & SUPPLY I	05/06/2024	05/22/2024	350.00	350.00	Open	N
	APR 24 FIRE DEPT JANITORIAL	pziemer					05/22/2024
	225-2220-43300	PROFESSIONAL SERVICES		350.00			
APR 24/PW GARAGE 82792	NORTH COUNTRY JANITORIAL & SUPPLY I	05/06/2024	05/22/2024	350.00	350.00	Open	N
	APR 24 PUBLIC WORKS GARAGE	pziemer					05/22/2024
	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:

MAY 2024 82814	NORTHLAND ARBORETUM	05/10/2024	05/22/2024	8,054.38	8,054.38	Open	N
	MAY 2024 LEVY PAYMENT	pziemer					05/22/2024
	101-9200-43462	REMIT ARBORETUM LEVY		8,054.38			
Total for vendor 1153 - NORTHLAND ARBORETUM:				8,054.38	8,054.38		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 0736 - NORTHLAND FIRE PROTECTION:							
58076 82802	NORTHLAND FIRE PROTECTION RECHARGE FIRE EXTINGUISHERS 225-2120-42209	04/30/2024 pziemer	05/22/2024	173.20	173.20	Open	N 05/22/2024
	SAFETY EQUIPMENT SUPPLIES			173.20			
	Total for vendor 0736 - NORTHLAND FIRE PROTECTION:			173.20	173.20		
Vendor 0284 - OFFICE SHOP:							
1141737-0 82821	OFFICE SHOP DIVIDERS FOR BINDERS 101-1940-42200	05/10/2024 pziemer	05/22/2024	11.40	11.40	Open	N 05/22/2024
	OFFICE SUPPLIES			11.40			
	Total for vendor 0284 - OFFICE SHOP:			11.40	11.40		
Vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:							
1647-269379 82796	O'REILLY AUTOMOTIVE STORES INC. SQD 428 MIRROR WELD 225-2120-42221	05/03/2024 pziemer	05/22/2024	6.99	6.99	Open	N 05/22/2024
	SQUAD CAR REPAIR SUPPLIES			6.99			
	Total for vendor 2137 - O'REILLY AUTOMOTIVE STORES INC.:			6.99	6.99		
Vendor 0561 - PEOPLES SECURITY:							
248505 82750	PEOPLES SECURITY CUST # 05098 SECURITY MONITORING 211-5500-42220	04/30/2024 pziemer	05/22/2024	23.99	23.99	Open	N 05/22/2024
	REPAIR & MAINT			23.99			
	Total for vendor 0561 - PEOPLES SECURITY:			23.99	23.99		
Vendor 0360 - PREFERRED PUMP:							
55046671-00 82798	PREFERRED PUMP COUPLERS 237-3190-42220	04/29/2024 pziemer	05/22/2024	168.94	168.94	Open	N 05/22/2024
	REPAIR & MAINT			168.94			
	Total for vendor 0360 - PREFERRED PUMP:			168.94	168.94		
Vendor 4173 - ROB MUELLER ELECTRIC:							
1268CM 82844	ROB MUELLER ELECTRIC WIRING FOR PW GARAGE GATE 400-2001-45530	05/15/2024 pziemer	05/22/2024	6,800.00	6,800.00	Open	N 05/22/2024
	PYMTS TO CONTRACTORS			6,800.00			
	Total for vendor 4173 - ROB MUELLER ELECTRIC:			6,800.00	6,800.00		

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Vendor 0314 - SHANNON'S AUTO BODY:							
40202 82817	SHANNON'S AUTO BODY SQD 412 REPAIRS 225-2120-42221	05/01/2024 pziemer	05/22/2024	3,406.00	3,406.00	Open	N 05/22/2024
	SQUAD CAR REPAIR SUPPLIES			3,406.00			
	Total for vendor 0314 - SHANNON'S AUTO BODY:			3,406.00	3,406.00		
Vendor 0317 - SHORT ELLIOTT HENDRICKSON:							
466342 82803	SHORT ELLIOTT HENDRICKSON 21:15 BUFFALO HILLS GULLY 401-9030-43300-21:15	05/07/2024 pziemer	05/22/2024	15,874.00	15,874.00	Open	N 05/22/2024
	PROFESSIONAL SERVICES			15,874.00			
	Total for vendor 0317 - SHORT ELLIOTT HENDRICKSON:			15,874.00	15,874.00		
Vendor 4185 - SRF CONSULTING GROUP:							
16811.00-9 82804	SRF CONSULTING GROUP TH210 WATERMAIN/SANSWR RELOCATION 401-9030-43300-23:05	04/30/2024 pziemer	05/22/2024	2,171.47	2,171.47	Open	N 05/22/2024
	PROFESSIONAL SERVICES			2,171.47			
	Total for vendor 4185 - SRF CONSULTING GROUP:			2,171.47	2,171.47		
Vendor 0322 - STREICHERS PROF EQUIP:							
CM299412 82797	STREICHERS PROF EQUIP CREDIT - 723 UNIFORM GLOVES RETURNED 225-2120-41113	04/26/2024 pziemer	05/22/2024	(47.99)	(47.99)	Open	N 05/22/2024
	UNIFORM ALLOWANCE			(47.99)			
I1697729 82840	STREICHERS PROF EQUIP 701 UNIFORM PANTS 225-2120-41113	05/06/2024 pziemer	05/22/2024	102.98	102.98	Open	N 05/22/2024
	UNIFORM ALLOWANCE			102.98			
	Total for vendor 0322 - STREICHERS PROF EQUIP:			54.99	54.99		
Vendor 0039 - VESTIS:							
2530268788 82759	VESTIS RUGS AND OVERALLS 235-3100-43430	05/02/2024 pziemer	05/22/2024	59.47	59.47	Open	N 05/22/2024
	MISCELLANEOUS			59.47			
2530271659 82816	VESTIS RUGS AND OVERALLS 235-3100-43430	05/09/2024 pziemer	05/22/2024	83.75	83.75	Open	N 05/22/2024
	MISCELLANEOUS			83.75			
	Total for vendor 0039 - VESTIS:			143.22	143.22		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
Vendor 0344 - WASTE PARTNERS INC:							
44X00273 82780	WASTE PARTNERS INC APRIL 24 LIBRARY WASTE REMOVAL 211-5500-43380	04/30/2024 pziemer	05/22/2024	116.83	116.83	Open	N 05/22/2024
	UTILITIES			116.83			
	Total for vendor 0344 - WASTE PARTNERS INC:			116.83	116.83		
Vendor 3199 - WEX BANK:							
96736601/ADM 82741	WEX BANK APR 2024 ADMIN FUEL 101-1940-42212	04/30/2024 pziemer	05/22/2024	39.30	39.30	Open	N 05/22/2024
	MOTOR FUELS			39.30			
96736601/CDD 82742	WEX BANK APR 2024 COM DEV FUEL/CAR WASH 101-2400-42212 101-2400-42220	04/30/2024 pziemer	05/22/2024	139.24	139.24	Open	N 05/22/2024
	MOTOR FUELS			133.24			
	REPAIR & MAINT			6.00			
96736601/ENG 82743*	WEX BANK APR 2024 ENG DEPT FUEL 401-9030-42212 401-9030-42212	04/30/2024 pziemer	05/22/2024	117.23	117.23	Open	N 05/22/2024
	MOTOR FUELS			119.00			
	MOTOR FUELS			(1.77)			
96736601/FD 82744	WEX BANK APR 2024 FIRE DEPT FUEL 225-2220-42212	04/30/2024 pziemer	05/22/2024	1,367.68	1,367.68	Open	N 05/22/2024
	MOTOR FUELS			1,367.68			
96736601/PARKS 82745*	WEX BANK APR 2024 PARKS DEPT FUEL 230-5200-42212 230-5200-42212	04/30/2024 pziemer	05/22/2024	1,143.11	1,143.11	Open	N 05/22/2024
	MOTOR FUELS			1,143.99			
	MOTOR FUELS			(0.88)			
96736601/PD 82746*	WEX BANK APR 2024 POLICE DEPT FUEL 225-2120-42212 225-2120-42212	04/30/2024 pziemer	05/22/2024	6,196.05	6,196.05	Open	N 05/22/2024
	MOTOR FUELS			6,284.12			
	MOTOR FUELS			(88.07)			
96736601/STRTS 82747	WEX BANK APR 2024 STREET DEPT FUEL 237-3190-42212 235-3100-42212	04/30/2024 pziemer	05/22/2024	4,237.50	4,237.50	Open	N 05/22/2024
	MOTOR FUELS			693.61			
	MOTOR FUELS			3,543.89			

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Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnalized
Inv Ref#	Description	Entered By					Post Date
GL Distribution							
96736601/TRANSIT							
82748*	WEX BANK	04/30/2024	05/22/2024	6,587.52	6,587.52	Open	N
	APR 2024 TRANSIT FUEL	pziemer					05/22/2024
	203-9000-42212	MOTOR FUELS		6,608.76			
	203-9000-42212	MOTOR FUELS		(21.24)			
96736601/REBATE							
82749	WEX BANK	04/30/2024	05/22/2024	(46.78)	(46.78)	Open	N
	APR 2024 WEX EDGE REBATE	pziemer					05/22/2024
	101-0000-36299	MISCELLANEOUS REVENUE (NONTAX)		(46.78)			
	Total for vendor 3199 - WEX BANK:			19,780.85	19,780.85		
Vendor 3899 - WEX HEALTH INC:							
0001953475-IN							
82773	WEX HEALTH INC	04/30/2024	05/22/2024	42.50	42.50	Open	N
	APRIL 2024 WEX HEALTH	pziemer					05/22/2024
	101-9200-43300	PROFESSIONAL SERVICES		42.50			
	Total for vendor 3899 - WEX HEALTH INC:			42.50	42.50		
Vendor 4296 - WHITE CAP L.P.:							
50026382672							
82806	WHITE CAP L.P.	04/24/2024	05/22/2024	489.32	489.32	Open	N
	GRASS SEED	pziemer					05/22/2024
	230-5200-42220	REPAIR & MAINT		489.32			
	Total for vendor 4296 - WHITE CAP L.P.:			489.32	489.32		
Vendor 0354 - ZIEGLER, INC:							
IN001463841							
82781	ZIEGLER, INC	05/01/2024	05/22/2024	35.44	35.44	Open	N
	SWEEPER 118 DRIVE MOTOR GASKET	pziemer					05/22/2024
	235-3100-42220	REPAIR & MAINT		35.44			
IN001481552							
82846	ZIEGLER, INC	05/15/2024	05/22/2024	45.72	45.72	Open	N
	CLEAR SAFETY GLASSES	pziemer					05/22/2024
	235-3100-42220	REPAIR & MAINT		45.72			
	Total for vendor 0354 - ZIEGLER, INC:			81.16	81.16		
# of Invoices:		95	# Due: 95	Totals:	378,526.98	378,526.98	
# of Credit Memos:		2	# Due: 2	Totals:	(94.77)	(94.77)	
Net of Invoices and Credit Memos:					378,432.21	378,432.21	
* 4 Net Invoices have Credits Totalling:					(111.96)		

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

--- TOTALS BY GL DISTRIBUTION ---

101-0000-15510	PREPAID OTHER	2,775.80
101-0000-36299	MISCELLANEOUS REVENUE (NONTAX)	(46.78)
101-1400-43433	DUES & SUBSCRIPTIONS	223.00
101-1700-43300	PROFESSIONAL SERVICES	120.00
101-1800-43309	COMPUTER SUPPORT	3,925.55
101-1800-43321	TELEPHONE	900.52
101-1800-43331	LEASE PAYMENTS	1,100.58
101-1940-42200	OFFICE SUPPLIES	11.40
101-1940-42212	MOTOR FUELS	39.30
101-1940-42220	REPAIR & MAINT	384.00
101-1940-43300	PROFESSIONAL SERVICES	985.00
101-1940-43321	TELEPHONE	53.94
101-2400-42212	MOTOR FUELS	133.24
101-2400-42220	REPAIR & MAINT	6.00
101-2400-43350	PRINTING/LEGAL PUBLICATION	276.00
101-9200-43300	PROFESSIONAL SERVICES	8,017.50
101-9200-43361	INS - GENERAL LIABILITY	124,386.00
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	6,587.52
211-5500-42220	REPAIR & MAINT	23.99
211-5500-43300	PROFESSIONAL SERVICES	675.00
211-5500-43380	UTILITIES	116.83
225-2120-41113	UNIFORM ALLOWANCE	54.99
225-2120-42200	OFFICE SUPPLIES	73.89
225-2120-42209	SAFETY EQUIPMENT SUPPLIES	173.20
225-2120-42210	OPERATING SUPPLIES	13.47
225-2120-42212	MOTOR FUELS	6,196.05
225-2120-42221	SQUAD CAR REPAIR SUPPLIES	3,458.99
225-2120-43300	PROFESSIONAL SERVICES	1,000.00
225-2120-43309	COMPUTER TECHNICAL SUPPORT	50.00
225-2120-43321	TELEPHONE	94.25
225-2220-42210	OPERATING SUPPLIES	26.96
225-2220-42212	MOTOR FUELS	1,367.68
225-2220-43300	PROFESSIONAL SERVICES	350.00
225-2220-43321	TELEPHONE	100.00
225-2220-43330	PROFESSIONAL DEVELOPMENT	3,066.48
227-3230-43428	USED OIL RECYCLING EXPENSE	50.00
230-5200-42212	MOTOR FUELS	1,143.11
230-5200-42220	REPAIR & MAINT	569.80
230-5200-42221	R&M- MILLS FIELD	5,654.44
230-5200-43300	PROFESSIONAL SERVICES	175.00
230-5200-43321	TELEPHONE	57.68
230-5204-42210	OPERATING SUPPLIES	159.20
230-5215-42210	OPERATING SUPPLIES	1,000.00
230-5280-42220	REPAIR & MAINT	43.96
230-5280-43321	TELEPHONE	335.92
235-3100-42212	MOTOR FUELS	3,543.89
235-3100-42220	REPAIR & MAINT	2,019.03
235-3100-43300	PROFESSIONAL SERVICES	175.00
235-3100-43321	TELEPHONE	57.69
235-3100-43410	RENTAL EXPENSE	82.70
235-3100-43430	MISCELLANEOUS	184.47

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	235-3125-42220	REPAIR & MAINT		42.28			
	235-3170-42210	OPERATING SUPPLIES		90.11			
	235-3170-42220	REPAIR & MAINT		71.99			
	237-3190-42212	MOTOR FUELS		693.61			
	237-3190-42220	REPAIR & MAINT		1,517.32			
	251-9360-43467	REMIT LOCAL SALES TAX COLLECT		108,066.87			
	260-0000-15500	PREPAID EXPENSE		121.28			
	260-9020-43309	COMPUTER SUPPORT		86.62			
	260-9020-43321	TELEPHONE		667.33			
	260-9020-45590	HANGAR IMPROVEMENTS (HANGAR ESCROW USE)		1,622.79			
	400-2001-45530	PYMTS TO CONTRACTORS		28,950.00			
	400-9050-45530	CAPITAL - OTHER		10,807.43			
	401-9030-42212	MOTOR FUELS		117.23			
	401-9030-43300-21:15	PROFESSIONAL SERVICES		15,874.00			
	401-9030-43300-23:05	PROFESSIONAL SERVICES		2,171.47			
	401-9030-43300-24:06	PROFESSIONAL SERVICES		1,396.50			

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Inv Ref#	Description	Entered By					Post Date
GL Distribution							
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			167,454.19	167,454.19		
	203 - TRANSIT FUND			6,587.52	6,587.52		
	211 - LIBRARY FUND			815.82	815.82		
	225 - PUBLIC SAFETY FUND			16,025.96	16,025.96		
	227 - RECYCLING FUND			50.00	50.00		
	230 - PARK & RECREATION FUND			9,139.11	9,139.11		
	235 - STREET & SEWER FUND			6,267.16	6,267.16		
	237 - SANITARY SEWER FUND			2,210.93	2,210.93		
	251 - LOCAL OPTION SALES TAX			108,066.87	108,066.87		
	260 - AIRPORT FUND			2,498.02	2,498.02		
	400 - CAPITAL PROJECTS FUND			39,757.43	39,757.43		
	401 - CONSTRUCTION FUND			19,559.20	19,559.20		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			2,850.30	2,850.30		
	1400 - ADMINISTRATION			223.00	223.00		
	1700 - ENGINEERING			120.00	120.00		
	1800 - IT/GIS			5,926.65	5,926.65		
	1940 - CITY HALL			1,473.64	1,473.64		
	2001 - STREET REMODEL/ADDITION			28,950.00	28,950.00		
	2120 - POLICE DEPARTMENT			11,114.84	11,114.84		
	2220 - FIRE DEPARTMENT			4,911.12	4,911.12		
	2400 - COMMUNITY DEVL/INSPECTION			415.24	415.24		
	3100 - S & S MAINTENANCE			6,062.78	6,062.78		
	3125 - SNOW REMOVAL			42.28	42.28		
	3170 - TRAFFIC CONTROL			162.10	162.10		
	3190 - SANITARY SEWER EXPENSE			2,210.93	2,210.93		
	3230 - RECYCLING EXPENSE			50.00	50.00		
	5200 - PARK MAIN/ADMINISTRATION			7,600.03	7,600.03		
	5204 - CONCESSIONS			159.20	159.20		
	5215 - ADULT SOFTBALL			1,000.00	1,000.00		
	5280 - CAMPGROUND			379.88	379.88		
	5500 - LIBRARY-BUDGETED			815.82	815.82		
	9000 - TRANSIT FUND			6,587.52	6,587.52		
	9020 - AIRPORT M & O			2,376.74	2,376.74		
	9030 - CONSTRUCTION PROJ-MISC			19,559.20	19,559.20		
	9050 - CAPITAL PROJECTS-MISC			10,807.43	10,807.43		
	9200 - CITY-WIDE			156,566.64	156,566.64		
	9360 - LOCAL OPTION SALES TAX			108,066.87	108,066.87		

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: Johnson, Czeczok, O'Day, Stunek, Terry, and Bevans. Mayor Badeaux was noted as present. Member Stenglein was noted as absent.

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

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF DISCUSSION ON THE OWNERSHIP OF THE BRAINERD LAKES REGIONAL AIRPORT.

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

- A. Approval of Bills
- B. Approval of Minutes
- C. Department Activity Report
- D. Adopt Resolution- Approving MN Lawful Gambling Premise Permit Submitted by BPOE Elks #615 to Conduct Gambling at Last Turn Saloon 214 S 8th St
- E. Adopt Resolution- Approving MN Lawful Gambling Premise Permit Submitted by American Legion Post #255 to Conduct Gambling at Sage on Laurel, 606 Laurel St
- F. Approve MN Lawful Gambling Application to Conduct Off-Site Gambling Submitted by The Brainerd American Legion Post #255 for an Event to be held on July 26 & 27 at the Mills Parking Lot
- G. Approve Temporary On-Sale License Submitted by the Brainerd Jaycees for an Event to be held on July 26 & 27 at the Mills Parking Lot
- H. Authorize Hiring 2024 Summer Temporary Employees

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

Council Committee Reports

Personnel and Finance Committee

Authorize the Fire Department to Apply for Sourcewell Community Match Funds

Committee Chair Johnson stated that the grant is a matching grant that the Fire Department will use to purchase PPE. The matching funds will come out of the 2024 budget for PPE.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE FIRE DEPARTMENT TO APPLY FOR SOURCEWELL COMMUNITY MATCH FUNDING AND TO AUTHORIZE APPROPRIATE SIGNATURES.

Consider Memorandum of Agreement (MOA) with IBEW Administrative Support Union for Zoning Specialist/Permit Tech Position

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE MOA WITH THE IBEW LOCAL NO. 31 ADMINISTRATIVE SUPPORT UNION AS PRESENTED SETTING THE 2024-2026 WAGE FOR THE ZONING SPECIALIST/PERMIT TECHNICIAN POSITION; FURTHER, TO AUTHORIZE AN INTERNAL ONLY JOB POSTING TO FILL THE ZONING SPECIALIST/PERMIT TECHNICIAN POSITION.

Safety and Public Works Committee

Event/Parking Lot Closure Application - Tour of Lakes

Event/Street Closure Application - Memorial Day Parade

Event/Alley Closure Application - Shep's Elbow Convention

Event/Parking Lot Closure Application - DANGIE 5K

Event/Street Closure Application - Corpus Christi Processional

Event/Street Closure Application - First Lutheran Church Summer Picnic

Event/Parking Lot Closure Application - GnarBQ

Committee Chair O'Day stated that for simplicity he would like to make one motion for all of the event applications. All of the events except one are annual events.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECHOK, DULY CARRIED, TO APPROVE ALL EVENT APPLICATIONS WITH THE CONDITIONS LISTED IN THE APPLICATIONS.

Review Classification of Non-Conservation Tax Forfeit Parcel

Committee Chair O'Day stated that the lot is in Brainerd Oaks, outlot E, the plan is to develop to the west parcel, outlot F. Outlot E will be used as an access point for outlot F.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECHOK, DULY CARRIED, TO CONCUR WITH THE NON-CONSERVATION STATUS OF THE PARCEL 41290605 AS DESCRIBED SO THAT IT MAY BE SOLD TO THE HRA.

Award Bid - Contract Towing

Committee Chair O'Day stated that the committee did not make a motion in committee. Full City Council input is desired.

Chair Bevans stated that it seems both companies could do the job and the pricing is competitive. He would support the local business, there have been financial questions with the other company, and the last time the contract was approved he received many e-mails from the owner of Collin's Brothers personally chastising him for his vote.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECHOK AND O'DAY TO AWARD THE CONTRACT TOWING SERVICES FOR THE 2024-2026 PERIOD TO WEST BRAINERD AUTO.

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

Discuss Rectangular Rapid-Flashing Beacons (RRFB) at 371B/Willow Street Roundabout

Committee Chair O'Day stated that the four RRFB's around the roundabout would cost about \$60,000. This agreement is a cost share with MnDOT. The City will take over maintenance after construction.

Mayor Badeaux asked if the City is under any obligation to keep them if they fail in the future.

City Engineer/Public Works Director Dehn stated that it would be at the discretion of the City whether to transition to static signage or not.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO APPROVE THE INSTALLATION OF RRFB'S AT THE PROPOSED ROUNDABOUT AT S. 6TH STREET AND WILLOW STREET AND TO DEVELOP AND AGREEMENT WITH MNDOT FOR THE CONSTRUCTION AND MAINTENANCE OF THE INSTALLATIONS.

Authorize Grant Application - TH 210/Lum Park Pedestrian Bridge

Committee Chair O'Day stated that the City has not been awarded a grant for the bridge yet. The City would be applying for \$1.5 million.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AUTHORIZE APPLICATION TO THE CRP GRANT PROGRAM FOR THE TH 210/LUM PARK PEDESTRIAN BRIDGE PROJECT.

Discussion on 2003 Riverside Drive Infrastructure Project and Annexation Requirements

Committee Chair O'Day stated that in committee they felt that City Staff should start discussion with County Staff regarding orderly annexation. They did not include a reduction in the amount in their motion.

Chair Bevans questioned the need for the motion as a point of order.

Committee Chair O'Day clarified that it would be to discuss with the County.

Member Czczok clarified that it would be to authorize staff to have discussions with the County about orderly annexation.

Committee Chair O'Day stated that the 2003 Council "extended the utilities to Canada" and hoped that the homeowners along the improvement would hookup to utilities.

City Engineer/Public Works Director Dehn stated that there are about 30 properties outside of the City yet to connect, this does not include the properties that have deferred assessments within the City.

Committee Chair O'Day stated that there are many houses that need to connect and be annexed. The last property owners to pay the connection cost were charged \$11,300.

Member Czczok stated that the amount was left out to give Staff time to speak with the County about the process.

Chair Bevans stated that there are not any petitions for annexation at this point. Determining the amount for a connection charge is moot until there is a petition to annex.

Committee Chair O'Day stated that the forcible annexation law has changed since the project and connection conditions were originally put in place. The City has less power to forcibly require properties to annex in order to connect to utilities. If an orderly annexation agreement is made with the County, it could be a more cohesive process.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO DISCUSS POTENTIAL ORDERLY ANNEXATION WITH CROW WING COUNTY STAFF.

Discuss 15106 Riverside Drive Connection Charge

Committee Chair O'Day stated that the committee heard from the contractor, homeowner, and Mr. Ryan from Lakes Area Heroes advocating for the connection fee be dropped. Pending an annexation agreement there isn't an answer on how much the connection charge would be yet.

Member Czeczok stated that the contractor spoke at committee, there were troubling details given by him. The Council wants to trust staff, however, there were two very different stories on the situation. Since hearing the 2010 assessments were \$11,300, he is hesitant to charge the previous amount given that he thought would be fair. There is a level of miscommunication, he was fully prepared to reduce the amount the property owner is charged based on this information.

Chair Bevans questioned how cost could even be discussed if no one is requesting to annex. As long as the property owner would be paying a fair amount to connect and annex compared to the other properties that have already done so or have petitioned to be an exception and paid double fees, he would be favorable to a lesser amount. He stated that if the property is not annexed and there is no utilities agreement the City cannot enforce proper use of the utility.

City Engineer/Public Works Director Dehn stated that Staff will need a month to have discussions with the County.

Review Proposed Tree Ordinance and Policy

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO BRING BACK THE ORDINANCE AT THE NEXT COUNCIL MEETING; FURTHER, TO REVISIT FUNDING FOR THE TREE INJECTIONS IN THE PARKS UP TO \$6,000 TO COME FROM A DIFFERENT FUND.

Discuss Buffalo Hills Park Land Swap Proposal

Committee Chair O'Day stated that there have been discussions with the Park Board and developers about the 20-acre parcel that the school district owns. This is the first proposal that the City has had from a developer regarding this land. There are utilities nearby. This is being proposed as a land swap between the district, developer, and the City.

Member Czeczok stated that the developer needs the assurance prior to proceeding with the purchase from the school district.

Chair Bevans stated that he has heard many times “Brainerd is difficult to work with”, he commended staff for changing this perception as it is now a “let’s see if this could work” when considering projects.

MOVED AND SECONDED BY COUNCIL MEMBERS O’DAY AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO WORK WITH THE DEVELOPER AND ISD 181 FOR THE CONVEYANCE OF THE PROPERTY AND PROPOSED LAND SWAP OF BUFFALO HILLS PARK.

Direction on Active Code Enforcement Cases

MOVED AND SECONDED BY COUNCIL MEMBERS O’DAY AND CZECZOK, DULY CARRIED, TO ISSUE A 10-DAY ORDER TO CORRECT LETTER AND OBTAINING A SEARCH WARRANT TO ABATE THE NUISANCES AT 1119 13TH ST SE AND 1424 8TH ST SOUTH.

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)

Transportation Advisory Committee- 2 terms (Expire 2025)

Mayor Recommended: (terms to expire on 9/7 of said year)

Economic Development Authority- 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)

Discussion on the Ownership of the Brainerd Lakes Regional Airport

Interim Public Utilities Director Wussow apologized that there wasn’t anything put together with the transition. Staff provided a draft of the meeting where the City and County discussed what the work done by the City with HR, IT, and Finance and the adjustments that the County would need to make to accommodate the acquisition.

Member Czeczok stated that the direction given was to discuss with the County to look at the possibilities of having the County take over the airport. As the County was indicating that they were willing to take ownership. The levy would then be spread across the entire County. In the report, there are no pros of having the County take over the Airport. A shared services agreement could be negotiated. He gave a review of the points made by the staff’s memo. He has talked to County Administrator Houle a couple of times and has not indicated that there are hangups on the County side. The County is offering a once in a lifetime opportunity to spread the taxes and projects evenly. He stated that it appears that Staff went in looking for opportunity more so a rebuttal. He will speak for Mr. Houle stating that City Staff were not willing to take the initiative to move forward and do as Council asked them to do.

Chair Bevans stated that he may have to take part of the blame in the issue with everything that has been going on since this subject came about. He would like Administrator Broyles to take over the task of finding out where the County and City believe the deal could go.

Member Czeczok stated that the motion was not clear in the minutes which said “explore the possibilities”, if you listened to what he said “have the County take over the levy”. It was more specific than what the minutes stated this is what the Council wanted to have done.

New Business

Consider Conditional Use Permit and Variance Request for a Multi-Family Apartment Building at 1111 Oak Street

Community Development Director Kramvik gave an overview of the permit.

City Engineer/Public Works Director Dehn stated there is concern over safety regarding planting trees in the boulevard as it is very narrow.

Member Czeczok stated that he was disheartened that Planning Commission included the tree requirement. He is glad that staff is recommending no trees.

Member O'Day asked about the façade.

Community Development Director Kramvik stated that the plan does meet the requirement for the ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMITS AND VARIANCE REQUEST AT 1111 OAK STREET WITH THE CONDITION THAT THE OWNER REMOVE COMMERCIAL SIGNAGE.

Consider Variance Request for a Street Loaded Driveway at 1101 Pine Street

Community Development Director Kramvik gave an overview of the variance. The zoning code includes language for alley loading driveways. This is an application to have the driveway connect to Pine Street.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND CZECZOK, DULY CARRIED, TO APPROVE THE VARIANCE REQUEST TO CONSTRUCT A 12' WIDE CONCRETE DRIVEWAY OFF PINE STREET IN THE PROPOSED LOCATION.

Consider Entering into a Brokerage Agreement for Sale or Lease of the Annex Building

Community Development Director Kramvik gave an overview of the agreement. There has been interest in the purchase of the annex.

Member Czeczok asked whether the City would be the manager of the building if it is leased.

Community Development Director Kramvik stated that some improvements would be included in the lease agreement.

Chair Bevans stated that the economics of the building does cause it to be difficult to maintain. The Annex is a part of Brainerd history, and it is sad to think about selling.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO AUTHORIZE THE EDA TO ENTER INTO A BROKERAGE AGREEMENT FOR SALE OR LEASE OF THE ANNEX BUILDING WITH KAMP REAL ESTATE AND DEVELOPMENT.

Public Forum

The Chair opened the public forum at 8:20 p.m.

No one came forward.

The Chair closed the public forum at 8:21 p.m.

Staff Reports

Police Chief Davis stated that since the warming shelter closed on April 21st the Police Department has been monitoring the development of a homeless encampment taking place in a wooded area adjacent to the river landing off of Evergreen Avenue. Recently there have been two significant incidents at the site, both incidents are under investigation. The homeless encampment is not unique to the City of Brainerd. The City of Baxter and Crow Wing County are seeing similar developments. There has been a work group formed with various community entities to identify barriers to permanent housing and what resources are available and how to direct the resources.

Member Terry stated that she sits on that group through her work with Community Services. She can provide updates to Council as well.

Member Czeczok asked whether there was a similar group of people last fall, that may have been asked to leave.

Police Chief Davis stated that there were individuals in the same area last summer into the fall leading into the opening of the warming shelter. There is a parcel of tax forfeit land and due to the land use ordinance through Crow Wing County restricting how long someone can be on the property, they were asked to leave. The Brainerd Police Department was not a part of the removal last fall.

City Engineer/Public Works Director Dehn stated that the Park Board will be awarding the Parks ARPA projects at a special meeting on May 7th. The Transportation Advisory Committee will meet to review the proposal from Blue Sky for the transit contract on May 9th, this item will be presented to the Council on May 20th.

Community Development Director Kramvik stated that VCV has submitted an interim use application for a variation to their plan for outdoor storage. The Planning Commission will also be discussing cannabis, short-term rentals, and garage requirements at the next meeting on May 15th. Staff will bring a vacant building registry ordinance to the next Council meeting.

HR Director Schubert stated that she was contacted by the League of Minnesota Cities HR Staff about pending additional ESST legislation. The original legislation went into effect on January 1st and had to be negotiated with each of the unions. There is legislation to expand the provisions to include all sick leave. Currently ESST is limited to 48 hours in 2024 and 80 hours in 2025. One of the provisions would apply to full sick leave cap, which is currently 960 hours. Staff is recommending that the City Council authorize City Administrator Broyles to contact legislators to inform them that the City of Brainerd does not support any changes to the ESST law at this time.

Administrator Broyles attended the Minnesota County and City Managers conference. It was a great opportunity to make connections though he wasn't able to attend a majority of the conference.

Council Member Reports

Member Czczok stated that he is extremely happy that Interim Public Utilities Director is in the room. It was brought up at the Public Utilities Commission meeting that the Council approved the Eight05 Laurel project and sacrificed \$257,000 of SAC & WAC fees. These fees are being forgiven with various projects in the City. Chair Matten asked how the Commission could communicate with the City Council that it's a concern that fees are being forgiven when these fees are hard to make up. The Council needs to be cognizant of this. The Utilities Commission does a great job of keeping rates low but this makes it difficult to maintain rates.

Interim Public Utilities Director Wussow stated that it was specifically the topic of making sure that the utility is acknowledged for the credits earned and given out.

Mayor Badeaux stated that this is a part of the River to Rails initiative that was discussed and decided on in 2017. The Utilities would have been a part of the conversation at the time.

Member Czczok stated that at the last EDA meeting there was discussion about making every area in town similar to the River to Rails area. By charging fees is how things are paid for. Would the projects that have had fees forgiven still happen if these fees weren't forgiven.

Adjourn

Adjourn to Closed Labor Negotiation Strategy Session with the Public Utilities Commission pursuant to MN Statutes, 13D.03, Subd 1(b) to prepare for Negotiations with the IBEW 31 Brainerd Public Utilities Union and IUOE 49 Parks Maintenance Union

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY, DULY CARRIED, TO ADJOURN TO CLOSED SESSION WITH PUBLIC UTILITIES COMMISSION PURSUANT TO MN STATUTES, 13D.03, SUBD 1(B) TO PREPARE FOR NEGOTIATIONS WITH THE IBEW 31 BRAINERD PUBLIC UTILITIES UNION AND IUOE 49 PARKS MAINTENANCE UNION.

The Chair adjourned the meeting after a five-minute break at 8:34 p.m.

The Chair reconvened the meeting at 9:22 p.m.

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

Nicholas W. Broyles
City Administrator



BRAINERD POLICE DEPARTMENT MONTHLY REPORT



BOOYAH AWARD



Records Technician Cheryl Jensen was April's Booyah winner.

Submitted by Sergeant Dooley

Over 16 months after starting treatment for breast cancer, my wife Melissa had her final dose of chemotherapy scheduled on 4/23/24. One of the best surprises we got that morning was during our drive to the hospital. Many friends and family knew it was a big day and were sending her texts and Facebook words of encouragement, but Melissa paused and just looked at her phone when she saw what Cheryl had written on her timeline. The post read "Records Crew rooting for you!" and had photos of our six records staff wearing matching "FIGHT" shirts with pink breast cancer ribbons that they ordered for this special day. You nailed it!

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
April	1,862	359	626	344	11.56 Minutes	62



CONDUCT ON PREMISES ACTIVITY REPORT

ICR	Date Reported	Title	Address
24005096	04/14/24	Conduct on Premises	1517 Norwood St

TRAINING & STAFF DEVELOPMENT**Open Meeting Law & Data Practices**

Records Lead, Allyson Timmons and Records Technician, Kim Marquart, attended the Open Meeting Law and Data Practices training. This is a specialized training course on both practical and legal considerations of open meeting law and data practices. Participants gained an understanding of these very complicated laws, learn how to access appropriate tools, and leave with practical knowledge for working within the laws' parameters.

Less Lethal Impact Munition Instructor Course

Officer Larson and Sergeant Dooley attended the instructor-level training on the topic of Less Lethal Impact Munitions. Students gained detailed knowledge on the selection, preparation, deployment, storage and legal ramifications of Less Lethal Munitions. In particular, the students gained specific information in Defense Technology Less Lethal products, along with the skills necessary to return to their agency and conduct in-service training.

OC Aerosol Instructor Course

Officer Judd attended the OC Aerosol Instructor Course. Students gained detailed information involved in the use of all types and forms of Oleoresin Capsicum aerosol projectors. This course covered all aspects involved in the selection, preparation, deployment, storage, and legal ramifications regarding the use of all OC products. The students also acquired specific information in Defense Technology® OC products, including all formulations, blends and spray patterns, along with the skills necessary to return to their agency and conduct in-service training.

BCA TAC Workshop

Police Administrative Supervisor, Miranda Halverson attended the BCA TAC Workshop. This course is designed for new and existing Terminal Agency Coordinators (TAC) as a summary of the duties and responsibilities a TAC has regarding BCA MNJIS and FBI NCIC access. By the conclusion of this class, students had the knowledge and skill set for performing TAC functions at their agency.

BCA MNJIS Operator Training

Records Lead, Allyson Timmons attended the BCA MNJIS Operator Training. This course combines the MNJIS Basic Operator course with additional specialized training. This course is designed for operators who run queries and/or enter records into the Minnesota and NCIC hot files. Students gained additional knowledge of the hot file process through entering, querying, modifying, supplementing, and cancelling a variety of records.

BCA Death and Missing Persons Investigative Conference

This conference discussed the complex nature of death and missing persons investigations and the most effective investigative tools and techniques for case management, as well as identifying specific action plans to improve law enforcement's response to these cases. Participants gained knowledge that will assist them in their missing persons and death investigations. Case studies were presented by Medical Examiners, Investigators and also specialties within the BCA.

Midwest Special Operations Training Association (MN SOTA) Conference

Sergeant Joel Reed and Investigator Jay Personius attended the MN SOTA conference in St. Cloud, participating in sessions on hostage rescue lessons learned and officer involved shooting with lessons learned, and a hands-on driving course of armored vehicles.

Chief's Conference

Chief Davis attended the Minnesota Chiefs of Police Association's premiere annual professional development opportunity, featuring the nation's leading speakers and law enforcement experts.

BCA Investigative Certificate

Investigator Personius successfully completed all seven requirements to receive the BCA Investigative Certificate. This certification course provides investigative training and resources to law enforcement partners throughout the state of Minnesota who are responsible for investigating criminal cases.

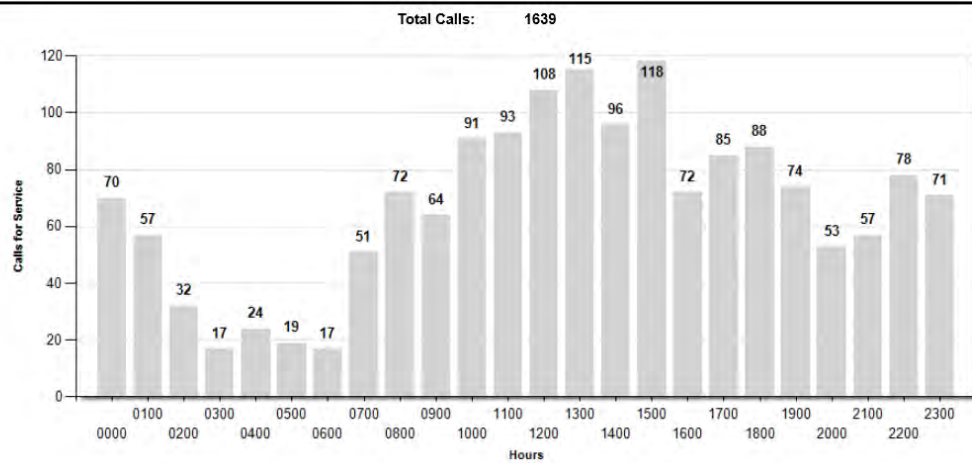
OVERALL CALLS FOR SERVICE

April	2024	2023
Number of Calls for Service	1,622	1,320



Calls for Service Hourly

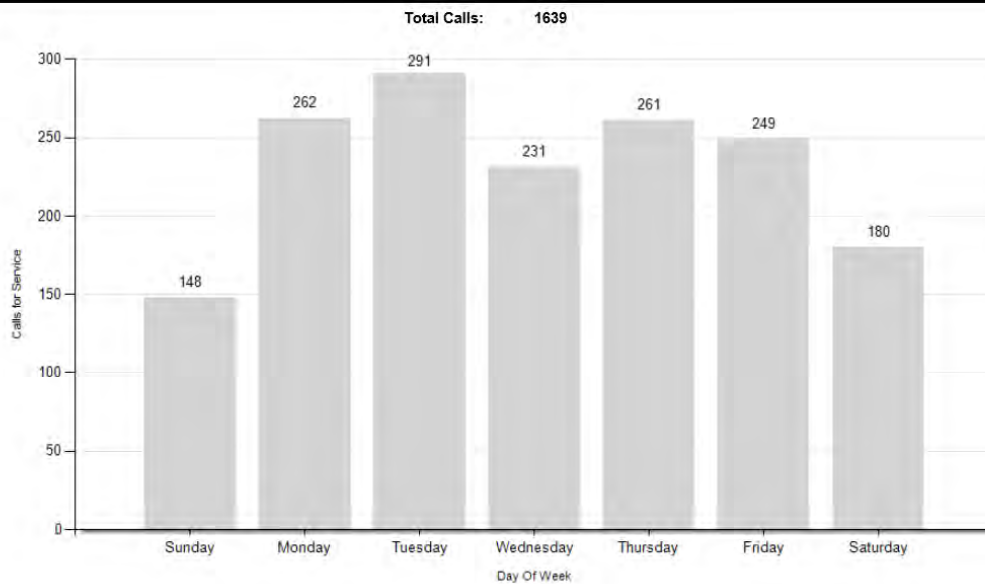
4/1/2024 to 4/30/2024



Calls for Service Day Of Week

Start Date: 4/1/2024

End Date: 4/30/2024



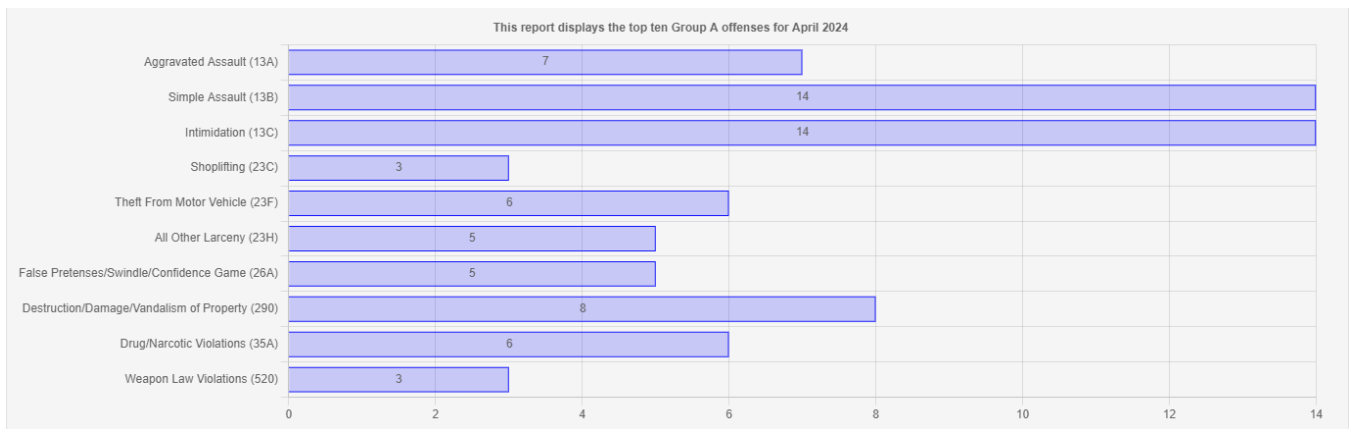
CRIME STATISTICS

Year to Date through Month	2024	2023
Group A Offenses Known or Reported to Police	276	428
Group A and B Arrests	245	257

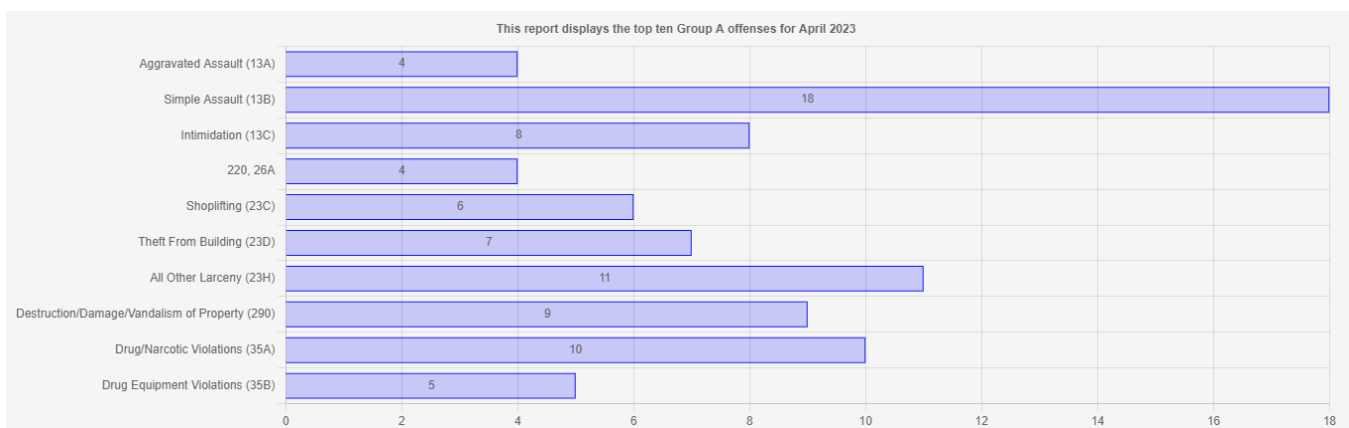
**** Note: 2024 totals do not include case files that have not yet been coded.**

TOP 10 GROUP A OFFENSES

April 2024

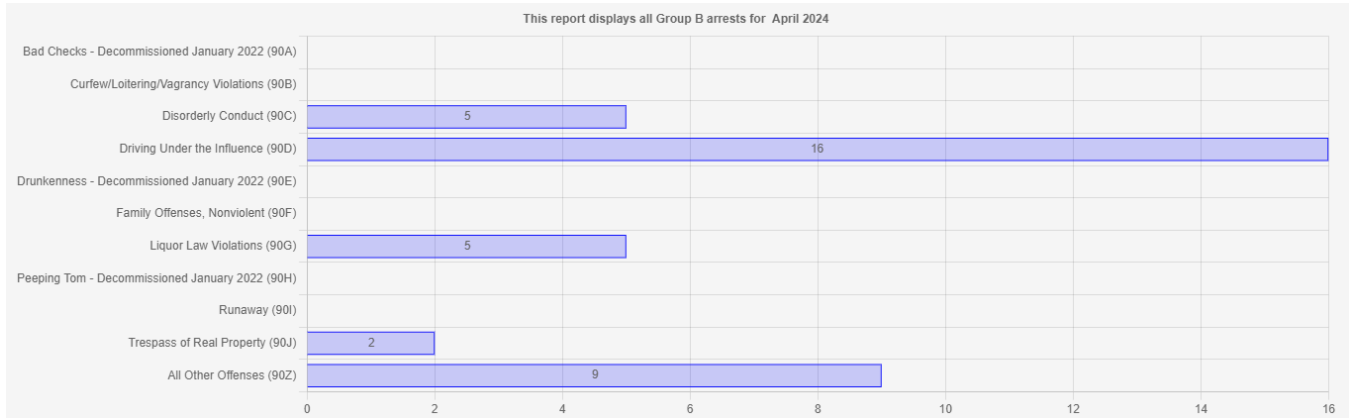


April 2023

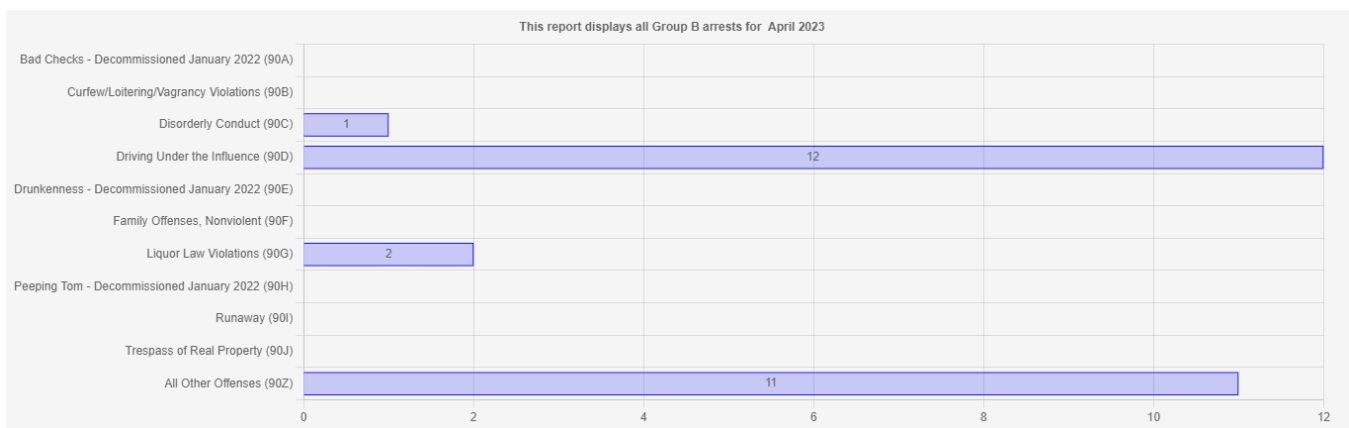


GROUP B ARREST DATA

April 2024



April 2023



CITATIONS, PARKING TICKETS, & WRITTEN WARNINGS

Month	2024	2023
Citations (Inc. Parking Tickets & Written Warnings)	248	127

89 parking tickets were issued in the month of April, with the following dispositions.

5	Dismissed
52	Paid in Full
0	Partial Payments Received
32	No Payment Received

Revenue Recapture Receipts:

2023 Total:	\$ 8,046.99
2024 To Date:	\$5,451.78

COMMUNITY OUTREACH

Police Department Tours

Officer Rachel Boggs, along with Safety Pup gave a tour of the police department meeting room, garage, and squad cars to about 30 Discovery Woods Kindergartener's. Children received police hats, badges and a variety of handouts.

**Community Outreach**

Lieutenant Kulzer, Officer Walkowiak, and Safety Pup had the chance to interact with children at a local daycare.





BRAINERD PUBLIC UTILITIES

8027 Highland Scenic Rd • P.O. Box 373 • Brainerd, Minnesota 56401

Business Office: 218.829.8726 ■ **Repair Service:** 218.829.2193

www.bpu.org

Memorandum

To: Brainerd City Council

From: Patrick Wussow, Interim Public Utilities Director

Date: May 14, 2024

Re: Brainerd Public Utilities Monthly Update

Attached is the first monthly staff report for Brainerd Public Utilities. The information used to generate this report is primarily taken directly from the April BPU commission packet. Yes, these reports are available to the public through the Utilities Web site.

The product we provide will improve as we receive comments from the City Council letting me know what they want to see in our report. This month I am providing results we submitted to the Federal Emergency Response Committee (FERC) on the total production of electricity at the Hydro facility. Please note the low numbers during a couple of summer months. Those were a direct result of the 2023 drought.

Annual Generation Statement for FERC 2533 Hydro Electric Project Brainerd Public Utilities

2023 Gross Generation

Month Hydro Generation KWH

January	1,897,400	July	282,000
February	1,781,600	August	449,000
March	2,001,600	September	87,000
April	863,400	October	1,057,000
May	296,400	November	959,000
June	828,000	December	936,000
		Total	11,438,400

Water/Wastewater Manager

Wastewater Treatment Facility/Lift Station Report

Lift Stations

Pump 3 at Evergreen Lift failed (Short to ground) Replaced with spare pump. Pump sent to Quality Flow for repair estimate. Station maintenance is ongoing for the 17 lift stations.

Wastewater Treatment Facility (WWTF)

Received new Kaeser air compressors for Sequential Batch Reactors (SBR). We will install the compressor and plan startup with Kaeser Company so the warranty will be validated. On-call operators tested WWTF and Lift station SCADA alarms. Equipment maintenance is ongoing.

Biosolids

Preparing for spring biosolids season. Semis, trailers, tractor, and applicator trailer are ready. Collecting soil samples from fields that will be expiring this cropping year. Sampled both Storage Tanks and sent samples to Minnesota Valley Testing Lab (MVTL). Started Hauling for land application 4/24/2024.

Lab

Sent Electronic Daily Monitoring Report (eDMR) in.

Received Proficiency Test kit that is due by May 18, 2024. Sampled 4 days for WET Testing.

4- Copper and 1-PFAS Samples sent to Minnesota Valley Testing Lab (MVTL).

On going Mercury Minimization Plan, Copper Minimization Plan, PFOS/PFAS sites identification.

Delegation updates with Brainerd Significant Industrial Users (SIU) and Categorical Industrial Users (CIU), meetings occurred as it relates to future mandates.

Drinking Water

Collected Minnesota Department of Health (MDH) 15 required drinking water samples throughout the distribution system for coliform and e-coli. Collected an additional 15 coliform and e-coli samples from the drinking water plant. Performed iron and manganese testing on all filters in the water plant for March and April to further along the reclamation tank project. Responded to 13 residential drinking water concerns about Chlorine/Copper, taste/smell. Brings total to 97 since September 2023. Flushed Hydrants: Bowling Alley, Greenwood, and #347. Checked total and free chlorine at MNDNR Fisheries after de-chlorination equipment. (.05 total and free- good.) Preparing for Minnesota Department of Health (MDH) 60 Lead/Copper sites sampling. (due end of June).

River crossing

On going with tree planting.

Generators

Test ran Evergreen Lift, Main Lift, SW 6th Lift, Portable 25 KW, 150 KW, 45 KW and both plant generators.

Personnel

2 call outs on April 7 for power bumps. 1600 hrs. and 1730 hrs.

Training: Type IV Biosolids Land Application basic course. Jason Gage attended.

Water/Wastewater Manager Water Production Department Report

March 2024 Water Pumping Statistics

Water pumped to North distribution system was 26.022 MG for an average of 0.839 MGD. Water pumped to South distribution system was 4.413 MG for an average of 0.143 MGD. Chemical usage averages for the month: 1.55 gallons of fluoride per day, 9.13 gallons of caustic soda per day, 9.82 pounds of chlorine per day. Went through 2 filter backwash events while using 0.598 MG for each event.

Well 8 Rehabilitation

Their well service finished rehabilitation and re-installed the pump and motor for well 8.

Water Treatment Facility Operation and Maintenance manual

Ongoing project working with Bolton and Menk staff to provide them with accurate information related to operations of the Water Treatment Facility. They had one site visit and do not expect to have any others when quote had 4.

Wells

Water levels and pumping performance staying stable during weekly evaluation events.

Filtration Plant

Operating efficiently; all controls and valve operators functioning properly. Went through daily iron and manganese testing throughout the plant in the month of March. Results were consistently >95% removal of raw water iron and manganese concentration.

Corrosion Control

Installed new chemical feed pumps for feeding orthophosphate solution to the water distribution system and put them in service on 4/16/2024.

Booster Pump Stations

Riverside booster station and Lum Park booster station continue to operate effectively. A New chemical feed pump was installed at Riverside; chemical feed pump at Lum Park functioning well. Riverside booster station variable frequency drive for pump 1 failed and was replaced on 4/12/2024.

Generators

Test ran on the Riverside booster station, Lum Park booster station, and Water Plant emergency generator.

Security System Improvements

Working with contractor on logistics for installation of new alarm system, access card readers at entrance doors and cameras around water treatment facilities. Project is approximately 90% finished.

Operation Managers Report

South Brainerd reconstruction projects

Water main construction has been completed from Tamarac Street to Sycamore Street. Lighting conduit infrastructure is underway at several locations inside the project limits. Three phase electrical primary underground relocation will start the first week in May on Tamarac St.

St Joe substation upgrades

Testing has been completed on the control house. Testing has been completed on the 7500kVa transformer. We started adding load this week.

LCRR Inventory update

We are down to 2,600 customer service lines. Over halfway there! We have 890 left on the BPU side. These will more than likely need excavation work to be identified.

Generation

Hydro Plant water flows have been averaging 3000 cfs. Generators 1 and 2 are running 24hrs a day.

Update on the WWTP Solar project. Final punch list items will be completed by ISI in May. After this completion we will be able to finish our CUP with Baxter.

OUTAGES						
Location	2024	Meters Out	DURATION	CAUSE		Solution
1600 block NE	1-Apr	4	26 min	Squirrel		Install rodent Protection
500 block SE	7-Apr	438	1h 39 min	Storm 4-7-24 broken insulators caused pole to catch fire		Create Outage to replace glass and x-amrs safely
McKay Rd.	17-Apr	1	43 min	tree on line		splice OH primary line
Oak Bluff	17-Apr	11	47 min	Trans hit by car		Replace transformer
1300 Block S 6th	17-Apr	2	1h 3 min	Maintenance		Pole change out
800 block 11th ave	22-Apr	1	6 min	Old connectors / bad		replace with new connectors
2000 block S 6th	23-Apr	1	7 min	UNKNOWN possible customer issue		refused transformer fuse



City of Brainerd
IT/GIS Department Monthly Report
April 2024

Projects

- Planning for networking and security projects to be completed in 2024 – vendor selection, scope, etc
- Initial stages of establishing a system to inventory off-network websites and resources used by staff
- BCA security audit – continued work on final tasks including VPN and VLAN changes

Software

- Customizing Police department SharePoint site
- SBITA (GASB96) research of software agreements
- VPN (remote access) configuration changes, security improvements
- Setup and configuration of GIS software (DiamondMaps) for Streets and Sewer editing in the field
- Continued implementation of IT asset tracking software and ticketing system

Hardware

- Various police squad support – replacements, video, printing, connectivity, etc
- Researching and demoing security cameras platforms for remote locations (city parks, etc)

Other

- Interviewed GIS Intern candidates job offer accepted, begins 5/20
- Technical support for numerous meetings – City Council, Park Board, Planning Comm, EDA, etc
- Staff added: none
- Staff departed: none

Statistics

Website: total views 23,004↑ (19,746) users 9,568↑ (7,293)

Top 5 pages: parks, directory, employment, construction projects, agendas-minutes

YouTube: City channel views 1,850↑ (1,291), hours watched 200.2↑ (160.5), subscribers +4

Facebook (city): followers 3,288, reach 27.2k↓ (93.2k), interactions 306↓ (1.4k), posts 26

Email: sent 8,778↑ or 292/day (7,726), received 34,229↑ or 1,141/day (30,806)

Cisco Secure Endpoint: files scanned 7.95M↓ (8.29M) IPs scanned 849K= (849K)

Telephone: total calls 8,763↑ (8,096)

Police 3,350 (38%), City Hall 3,124 (36%), Transit 1,972 (22%), Fire 265 (3%), Public Works 52 (0.5%)



COMMUNITY DEVELOPMENT DEPARTMENT REPORT

James Kramvik, CDD

April 2024



BUILDING PERMITS

The Community Development Department issued 94 building permits with a total project valuation of \$1,292,180 in the month of April. Within the River-to-Rail Corridor, four (4) permits were issued. These improvements resulted in \$527 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 April 2024		
Type Of Permit	# Issued	Total Project Valuation
Commercial – Building – Demo	1	\$30,000
Commercial – Building – New/Addition	1	\$500,000
Commercial – Mechanical – Air Conditioner	2	N/A
Commercial – Mechanical – Remodel	1	\$1,000
Commercial – Plumbing – New/Addition	1	\$73,000
Commercial – Plumbing – Remodel	2	\$22,500
Commercial – Plumbing – Water Heater	1	N/A
Engineering – Excavation	10	N/A
Fence	12	N/A
Residential – Building – Deck	3	\$20,725
Residential – Building – New/Addition	2	\$600,000
Residential – Building – Remodel	5	\$38,000
Residential – Building – Roofing	17	N/A
Residential – Building – Roofing+Garage	2	N/A
Residential – Building – Siding	4	N/A
Residential – Building – Windows/Doors	2	N/A
Residential – Engineering – Sewer/Water Repair	3	N/A
Residential - Mechanical - Furnace/Boiler	7	N/A

Residential – Mechanical – Furnace+AC	5	N/A
Residential – Plumbing – Remodel	2	N/A
Residential - Plumbing – Water Heater	10	N/A
Sign	1	\$6,955

There were two (2) single-family home building permits in the month of April.

BUILDING INSPECTIONS

The Community Development Department conducted 133 building inspections in April.

CODE ENFORCEMENT

The Community Development Department conducted 43 code enforcement inspections in April resulting in violations across the following categories:

CODE ENFORCEMENT INSPECTIONS	
Junk and Debris	21
Unlicensed/Inoperable Vehicles	5
Zoning Code Violation	4
Animal Feces	1
Unsafe Structure	3
Exterior Structure	6
Premise Identification	1
Garbage	1
Damage Roof	1
Total = 43	

**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 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. This rental license will expire 5/31/24 and will not be renewed.

- 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 255 rental licenses in the month of April. The annual licensing period is June 1 – May 31st.

The Housing Inspector completed 41 rental property inspections in April.

CONTRACTOR REGISTRATION

The Community Development Department issued seven (7) contractor registrations in April.

PLANNING AND ZONING

Adult Use Cannabis

The Planning Commission held a public hearing for the proposed cannabis ordinance at their May 15th meeting. The proposed ordinance would regulate the time, manner, and place that such facilities would be allowed to operate. As proposed, new commercial dispensaries would be allowed in commercial zoning districts and would be required to be located at least 100 feet from a school, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field. A Conditional Use Permit would be required for new dispensaries within 300 feet of the same facilities. As proposed, the growing and manufacturing of cannabis products would be allowed in the General Industrial Zoning District by a

Conditional Use Permit. The Commission also recommended that off-sale liquor be removed from the Traditional Neighborhood 2 (TN-2) District to align with the sale of adult use cannabis.



The Commission unanimously recommended approval of the ordinance. The City Council will conduct the first reading of the proposed ordinance on June 3rd to coincide with a City Code ordinance that would regulate the number allowed in the City and the registration fees collected.

Garage Requirement

The Planning Commission is considering amending the zoning code section related to garage requirements for one-to-four-unit residential structures. The Zoning Code requires garages and storage space for residential buildings with one to four units in all residential zoning districts. The garage requirement was discussed at great length during the Zoning Code update that was completed in 2022. Commission members voiced concerns about the outdoor storage of lawn

mowers, tools, snow blowers, toys, etc. and the increasing problem in the City. After consideration at the May 15th Planning Commission meeting, the Commission directed staff to remove the garage requirement for two-to-four-unit buildings and provide an option for single-family homes. Single-family homes would be required to either have a garage or 10x12 shed. The Commission directed staff to bring a proposed ordinance back to the next meeting.

ECONOMIC DEVELOPMENT

VCV - Crypto Mining Purchase and Development Agreement

VCV will request an amendment to the purchase and development agreement at the June 6th EDA meeting for the following items:

1. An extension to complete the minimum required improvements.
2. An amendment to the minimum required improvements. (Construction Plans)
3. A transfer to an alternative LLC.

EDA Website

The EDA website is now live with the email address of brainerdeda.com.

The website provides information on the community, careers, and the role of the EDA. In addition, the website also highlights potential business and development incentives and City of Brainerd properties that are available for purchase and development.

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 41040887 620 3rd St NW

PZE Process: Conditional Use Permit **Date Issued:** 10/5/22

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

Project Progress: The applicant has not begun construction.

Address: PID 41040888 610 3rd St NW

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. The property was sold and the new owner submitted a building permit application on 4/23/24.

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 Nor-Son has been selected for the project. Demo and building permits have been issued and construction is underway.

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 within 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: The Conditional Use Permit was approved by the City Council at the April 1st, 2024 meeting. A fence permit was applied for and issued.

Address: PID 41040887 620 3rd St NW

PZE Process: Conditional Use Permit Amendment **Amendment Approved:** 3/4/24

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 41040888 610 3rd St NW

PZE Process: Conditional Use Permit Amendment **Amendment Approved:** 4/1/24

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. The applicant was approved for a Conditional Use Permit amendment at the April 1st, 2024 City Council meeting.

Address: PID 41040889 580 3rd St NW

PZE Process: Conditional Use Permit **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: The Conditional Use Permit was approved by the City Council at the April 1st, 2024 meeting.

Address: 714 7th St S

PZE Process: Interim Use Permit for a Short-Term Rental **Date Issued:** 4/1/24

Project Description: The utilization of the property as a short-term rental.

Project Progress: The applicant has obtained a rental license but will need to confirm a local agent/contact prior to the issuance of the IUP.



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Authorize Hiring of 2024 Summer Temporary Employees

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): n/a

SUMMARY OF ISSUE: Attached is a listing of 2024 temporary employees that have currently received a conditional job offer and have successfully completed their background checks.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Pursuant to MN Statute, seasonal assignments are limited to 67 working days per calendar year or 100 working days per calendar year if the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment.

RECOMMENDED ACTION/MOTION: Motion to authorize the hiring of the 2024 temporary employees as presented on the attached listing.

FINANCIAL IMPACT: The positions are included in the 2024 budget.

2024 Summer Temporary Employees

	<u>Name</u>	<u>Job Title</u>	<u>Hourly Rate</u>	<u>Budgeted Wage</u>
1	Nicholas Carvelli	BPU Electric Intern	\$20.00	\$17.00 - \$20.00
2	Jack Anderson	BPU Electric Intern	\$20.00	\$17.00 - \$20.00
3	Harper Westgaard	BPU Water Distribution Intern	\$20.00	\$18.00 - \$20.00
4	Chris Gratke	BPU Business Office Intern	\$20.00	\$20.00
5	Isabel Skiba	Streets Seasonal Laborer	\$16.00	\$14.00 - \$16.00
6	Joe Vreeland *	Umpire	\$32.00	\$32.00/Game
7	Mia Ziemer *	Concessions	\$15.00	\$14.00 - \$16.00

Submitted for Consideration for the May 20, 2024 Council Meeting

* Returning Employee



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Approve Event/Street Closure Application - StreetFest

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

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

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

SUMMARY OF ISSUE: Attached to this request is the event and street closure application for the annual Street Fest, to be held from Saturday, July 27th at 12 p.m. to Sunday, July 29th at 12 a.m. The event consists of ribfest, games, activities, vendor market, and music.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: This event is same as in years past. Power is provide by the Jaycees. They have professional sound equipment. The applicant has indicated that Nelson Sanitation will provide additional restrooms. They have contracted with Waste Partners for trash receptacles. The Jaycees intend on placing small banners, flyers on event corners, etc. before and during the event. They have requested the closure of Front Street between S. 6th Street and S. 8th Street and the Front Street parking lot on both days. The parking lot would be reopened after 4 p.m. on Sunday, July 29th. They will also be utilizing the Mills Parking Lot. Sidewalks will remain open to the event.

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

FINANCIAL IMPACT: N/A



SPECIAL EVENT APPLICATION

Date of Application: 4-23-24

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

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

Name of event: Street Fest

Organizer Information

Organizer's Name: Brainerd Jaycees, Inc.
Organizer's Address: Po Box 384, Brainerd, MN
Event Contact Person: Matt Rhoda
Event Contact Daytime Phone: 218-537-0147
Event Contact E-mail Address: brdstreetfest@gmail.com
Contact Name/Number Day of Event: Matt Rhoda / 218-537-0147
For Profit/Nonprofit Status (type): Non-Profit

Applicant information (if different from the event organizer):

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

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
7/27	7am	12am	Mills Lot and Front St ^{Parking} lot
7/26	12pm	12am	Mills Lot and Front St 6 th -8 th
7/27	6am	12am	Mills Lot and Front St 6 th -8 th
7/27	6am	4pm	Front St Parking Lot

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

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

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

Description of Activities

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

Ribfest, games, activities, vendor market, and music

Site Information

Electrical usage



Yes



No

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

Powered by Jaycees

Amplified Sound



Yes



No

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

Professional sound equipment by silent Partners Production

Restrooms provided



Yes



No

If yes, how many 15+ (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: Nelson Sanitation

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

Signs, banners, and/or posters/flyers



Yes



No

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

Small banners, flyers on event corners, permits

Trash Receptacle Disposal



Yes



No

Company contracted for trash receptacle disposal: Waste Partners

Additional Event Information

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

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

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

Street Closure Request Information

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

Front street between 6th st and 7th st with a portion
between 7th st and 8th st.

Date and time for beginning of street closures: Saturday 6am

Date and time for reopening of streets: Saturday 12am

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

Sidewalks will remain open during the event.

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

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

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

Hold Harmless Agreement and Insurance Information

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

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

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

Signature of Event Applicant

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

Matt Rhoda
Signature of Applicant

Matt Rhoda
Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

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

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	_____	<u>No comments</u>
City Administration	_____	<u>No comments</u>
Engineering Department	<u>5/14 JD</u>	<u>See conditions below</u>
Fire Department	<u>TH</u>	<u>See conditions below</u>
Fire Support/EMS	_____	<u>No comments</u>
Parks Department	_____	<u>No comments</u>
Planning Department	_____	<u>No comments</u>
Police Department	<u>5/14 JD</u>	<u>See conditions below</u>

Event Application Approval

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

City Administrator

Date

Approval Conditions

Request traffic control materials one week prior to event. Request can be made at 218-513-4412
If more than 1,000 people attending in a controlled access area, provide trained crowd managers
for the event.

Remove signs/banners following the event.

Hire 2 officers for security from 8 p.m. until 12 a.m.

Provide Certificate of Insurance to City Hall prior to event.

Certification of Street Closure Approval

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



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Approve Event/Street Closure - Play-N-Trade Grand Opening

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

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

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

SUMMARY OF ISSUE: Attached to this item is the Event/Street Closure Application for the Play N Trade Grand Opening event to be held on Saturday, June 8th from 10 a.m. to 8 p.m. The event will be held on S. 10th Street between Front and Laurel Streets and includes 1-2 food trucks and local business booths.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The event organizer will be providing restrooms using the store and posters and flyers would be posted in the store as well as other local businesses. The closure is intended to only extend from Front Street to the alley, which would only impact Play N Trade and no other businesses.

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

FINANCIAL IMPACT: N/A



SPECIAL EVENT APPLICATION

Date of Application: 4/4/24

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

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

Name of event: Play N Trade Grand Opening

Organizer Information

Organizer's Name: Jesse Huber & Cassandra Pratt
Organizer's Address: 208 S 10th St Brainerd MN
Event Contact Person: Jesse or Cassy
Event Contact Daytime Phone: 218-454-7529
Event Contact E-mail Address: playntrade.mn@gmail.com
Contact Name/Number Day of Event: 218-454-7529 / Jesse or Cassy
For Profit/Nonprofit Status (type): Profit

Applicant information (if different from the event organizer):

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

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) -- see locations listed below
5/8/24	10 am	8 pm	208 S 4th St From Bergas to Laurel St

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

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

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

Description of Activities

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

A Grand Opening for the community to explore the new downtown location inside the building, 1 to 2 food trucks parked on the closed street outside the store, on the corner lot next to the building we'll have a space for local businesses wanting to participate to set up booths with their own merchandise (etc.)

Site Information

Electrical usage

☐

Yes

☒

No

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

Amplified Sound

☐

Yes

☒

No

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

Restrooms provided

☒

Yes

☐

No

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

Company contracted for restrooms:

Restroom in store

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

Signs, banners, and/or posters/flyers

☒

Yes

☐

No

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

Posters & Flyers up in Play N Trade and local businesses

Trash Receptacle Disposal

☒

Yes

☐

No

Company contracted for trash receptacle disposal: Waste Partners

Additional Event Information

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

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

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

Street Closure Request Information

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

Just before the curve where Front St turns into
S 10th St ending on the corner Play N Trade sets on

Date and time for beginning of street closures: _____

Date and time for reopening of streets: _____

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

It should not block any business but Play N Trade. The
resident who lives above Play N Trade has a parking
space in the alley that will not be closed off

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

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

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

Hold Harmless Agreement and Insurance Information

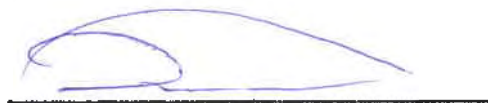
The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and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

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

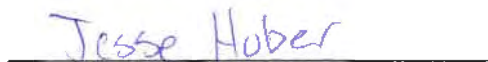
- Minimum of \$1,000,000 in commercial general liability insurance.
- Applicant's insurance shall be primary.
- Insurance shall cover liability for injury death and property damage including coverage for alcohol related claims if alcohol will be served.
- The insurance policy must be issued by an insurance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

Signature of Event Applicant

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



Signature of Applicant



Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

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

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	_____	No comments _____
City Administration	_____	No comments _____
Engineering Department	_____	See conditions below _____
Fire Department	_____	No comments _____
Fire Support/EMS	_____	No comments _____
Parks Department	_____	No comments _____
Planning Department	_____	No comments _____
Police Department	_____	No comments _____

Event Application Approval

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

City Administrator

Date

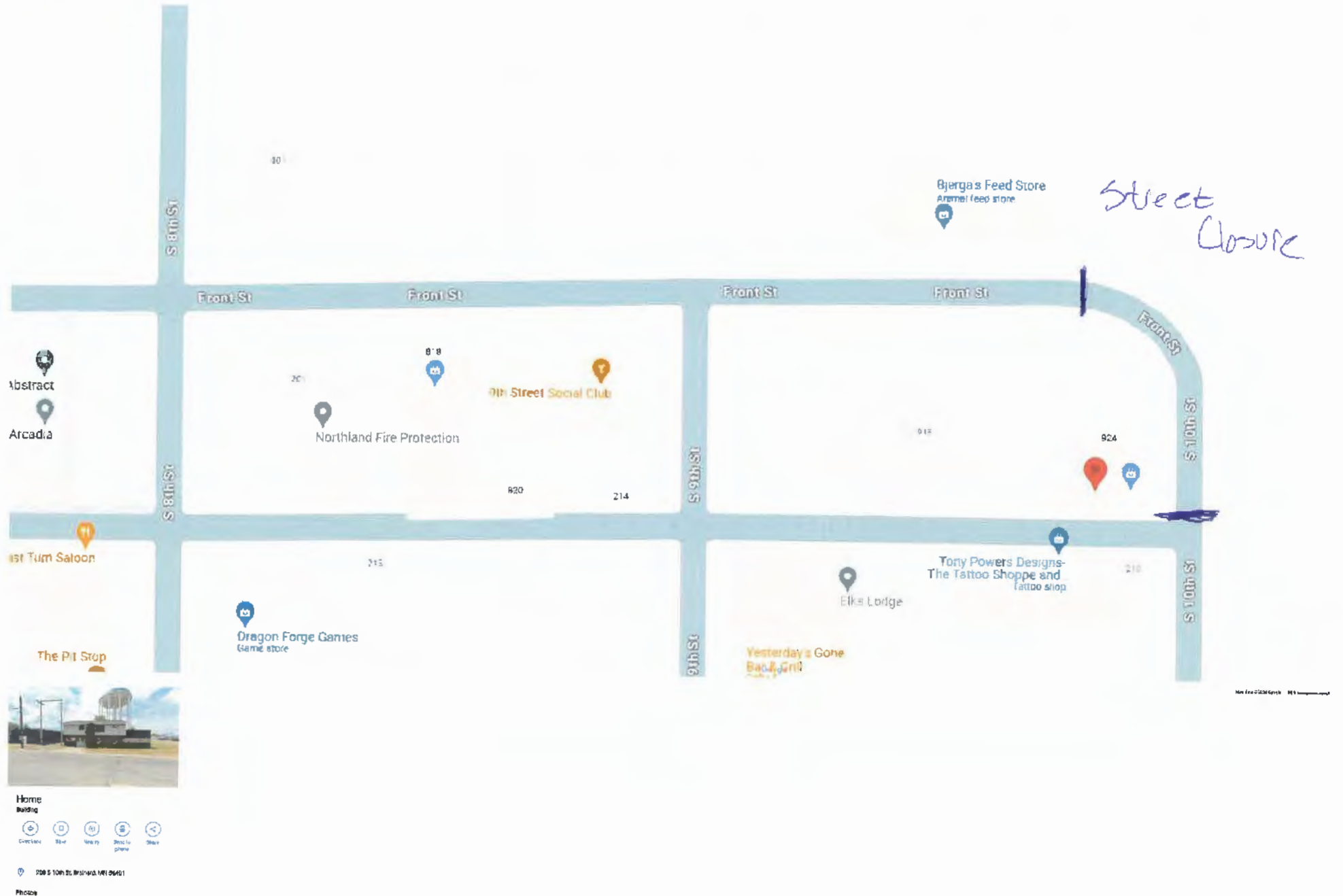
Approval Conditions

Request traffic control materials one week prior to event. Traffic control materials
can be requested at 218-513-4412.

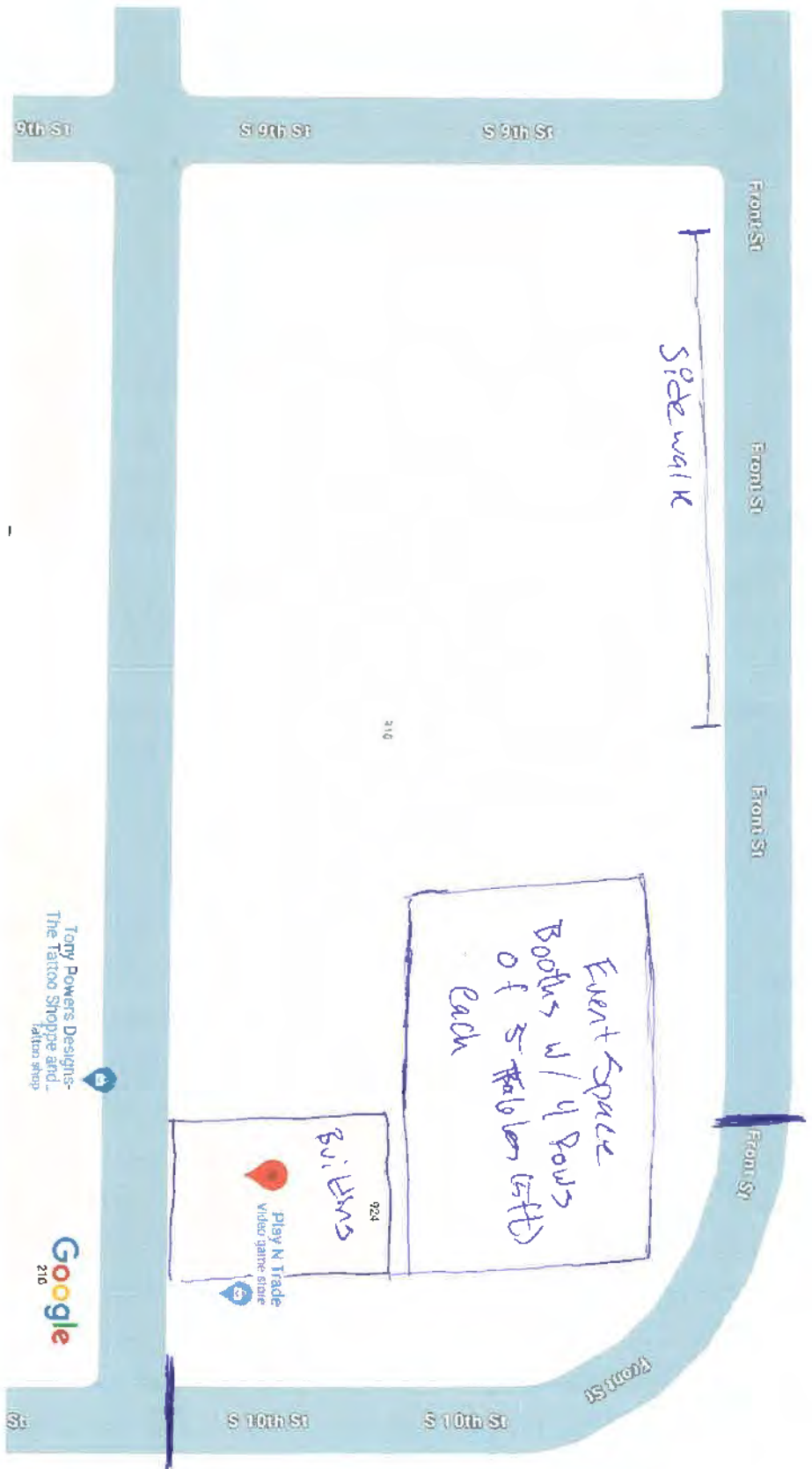
Provide a Certificate of Insurance to City Hall prior to the event.

Certification of Street Closure Approval

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



Event Space Set Up





City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Event Application - Westgate Mall Carnival

AGENDA: Consent

ACTION REQUESTED: Information Only

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

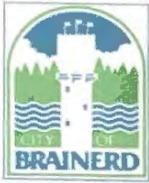
PRESENTER: Jessie Dehn, Public Works Director **ESTIMATED TIME (MIN):**

SUMMARY OF ISSUE: Attached to this item is the event application for a parking lot carnival in the Westgate Mall parking lot. The carnival would be held on Thursday, June 13th through Sunday, June 16th. The carnival would include rides, games and carnival foods.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: On Thursday and Friday, the carnival would be open from 4 p.m. to 9 p.m. On Saturday, the carnival would be open from 11 a.m. to 9 p.m. On Sunday, the hours would be 11 a.m. to 8 p.m. The applicant has indicated that no animals or alcohol sales would be included in the carnival. The event would be contained within the Westgate Mall parking lot so no Council approval is needed for this application. The applicant has been directed to apply for a permit through the Fire Department.

RECOMMENDED ACTION/MOTION: Information Only.

FINANCIAL IMPACT: N/A



SPECIAL EVENT APPLICATION

Date of Application: 5-13-24

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

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

Name of event: _____

Organizer Information

Organizer's Name: Gopher State Expositions Inc.
Organizer's Address: 4286 42nd St SE St. Cloud, MN 56304
Event Contact Person: Randy Forcier
Event Contact Daytime Phone: 612-802-0224
Event Contact E-mail Address: GopherStEx@901.com
Contact Name/Number Day of Event: Randy Forcier 612-802-0224 ^{OR} Bruce Riddle
763-482-1447
For Profit/Nonprofit Status (type): For Profit

Applicant information (if different from the event organizer):

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

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
June 13	4pm	9pm	other - Westgate
June 14	4pm	9pm	mall
June 15	11 AM	9pm	" "
June 16	11 AM	8pm	" "

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

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

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

Description of Activities

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

Parking Lot Carnival - Rides, Games of Skill,
Carnival Foods.
" NO ANIMALS "
" NO ALCOHOL SALES "

Site Information

Electrical usage



Yes



No

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

Generator

Amplified Sound



Yes



No

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

Sound system with XM radio
under 80 db

Restrooms provided



Yes



No

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

Company contracted for restrooms: Wruck

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

Signs, banners, and/or posters/flyers



Yes



No

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

Trash Receptacle Disposal



Yes



No

Company contracted for trash receptacle disposal: Wruck

Additional Event Information

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

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

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

Street Closure Request Information

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

No street Closures

Date and time for beginning of street closures: _____

Date and time for reopening of streets: _____

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

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

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

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

Hold Harmless Agreement and Insurance Information

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

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

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

Signature of Event Applicant

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

Randy Forcier

Signature of Applicant

Randy Forcier

Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

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

For Official Use Only

Department Sign-offs Required

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

Event Application Approval

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

City Administrator or Parks & Recreation Director

Date

Approval Conditions

Certification of Street Closure Approval

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

Client#: 143

GOPHEEXP

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/13/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Haas & Wilkerson Insurance 4300 Shawnee Mission Parkway Fairway, KS 66205 913 432-4400		CONTACT NAME: Tasha Avery PHONE (A/C, No, Ext): 913 432-4400 FAX (A/C, No): E-MAIL ADDRESS: tasha.avery@hwins.com	
		INSURER(S) AFFORDING COVERAGE INSURER A : ACE American Insurance Company (CHUBB)	NAIC # 22667
INSURED Gopher State Expositions Inc Box 785 St Cloud, MN 56302		INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

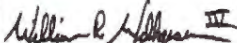
INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC OTHER:			G46702578	04/01/2024	04/01/2025	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$Excluded PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COM/OP AGG \$2,000,000 \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ EACH OCCURRENCE \$ AGGREGATE \$ \$ PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ Y ☒ N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Additional insured: City of Brainerd, MN

CERTIFICATE HOLDER

CANCELLATION

City of Brainerd, MN 1619 Washington Street NE Brainerd, MN 56401	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Public Hearing - Annual MS4 Meeting

AGENDA: Main

ACTION REQUESTED: Information Only

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

PRESENTER: Jessie Dehn, Public Works Director **ESTIMATED TIME (MIN):** 10 Minutes

SUMMARY OF ISSUE: Staff will have a short presentation on the City's MS4 Permit.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: After the presentation, a public hearing should be held.

RECOMMENDED ACTION/MOTION: Staff recommends holding a public hearing to receive public comment on the City's MS4 Permit.

FINANCIAL IMPACT: N/A

2023 Annual Storm Water Public Meeting

May 20, 2024

Jessie Dehn, P.E. – City Engineer/Public Works Director
James Fladung, P.E. – Assistant City Engineer



1

Purpose of the Meeting

- To educate the public on the importance of storm water management
- Give an overview of the City of Brainerd's storm sewer system
- To give an update on the status of compliance with the Municipal Separate Storm Sewer System (MS4) Permit conditions
- Allow the public to comment on the SWPPP (Stormwater Pollution Prevention Plan) or implementation procedures



2

MS4 (Municipal Separate Storm Sewer System) Permit

- Issued Every 5 years by MPCA (Minnesota Pollution Control Agency) to City's/Townships with over 5,000 population.
- Permit regulates the discharge of stormwater into waters of the state.
- Requires that the permittee implement a SWPPP (stormwater pollution prevention plan).
- Requires that the permittee implement minimum control measures and standard operating procedures to reduce stormwater pollutants entering the MS4.



3

Storm Water Pollution Prevention Plan (SWPPP)

- City developed a SWPPP to address six minimum control measures set by MPCA
 - Public Education & Outreach
 - Public Participation & Involvement
 - Illicit Discharge Detection & Elimination
 - Construction Site Runoff Controls
 - Post-Construction Storm Water Management
 - Pollution Prevention/Good Housekeeping
- Goal of the SWPPP is to create Best Management Practices (BMP's) which will reduce or eliminate sediment and other pollutants from our lakes, rivers, and wetlands



Minnesota Pollution
Control Agency



4

Storm Sewer System Overview

- Total Pipe in System
 - 303,600 LF (57.5 Miles) – Ranging in Size from 8" to 60"
 - Most is Reinforced Concrete Pipe
- Structures
 - 2,556 Catch Basin Structures
 - 580 Storm Manholes
- Outfalls
 - 84 Storm Sewer Outfalls (generally to Mississippi River, Little Buffalo Creek, or lowlands)
- Other Stormwater Structures
 - 44 Wet Detention Ponds - Used for treatment of stormwater before discharge
 - 32 Private Infiltration or Detention Ponds - Required per Section 725 City Code
 - 22 Rain Gardens – Used for sediment/phosphorus removal from run-off



5

Storm Sewer Fund

- Upgrades to City of Brainerd storm sewer system are made through the Storm Sewer Fund
- Residential Properties are all charged 1 REU
- 1 Residential Equivalency Unit (REU)= \$4.60 (2024), \$5.30 (2025)
- Commercial/Industrial Properties Fees are based on 1 REU per 1/12 Acre of Impervious surface, or 12 REU's per Acre.
- Total Current REU's:
 - 4,112 Residential
 - 5,791 Commercial/Industrial



6

MS4 Accomplishments in the Past Year

- Inspected 45 outfalls
 - Required to inspect 20% of total/year
- Inspected 9 ponds
 - Required to inspect 20% of total/year
- Inspected 14 Stockpiles
 - Required to inspect 4 times/year
- Inspected 22 Rain Gardens
 - Required to inspect 4 times/year
- Performed Maintenance as needed



7

MS4 Special Projects

- Buffalo Hills Gully Remediation Project
 - Design Complete and Bidding
 - Some work completed in Late Fall 2023
- SW 4th Street Outfall Repair
 - Emergency repair on washout of storm sewer outfall on SW 4th Street.
 - Significant sediment washing into the Mississippi River and near compromising of the roadway infrastructure in SW 4th Street.
- Graydon Street Outfall Repair
 - Repair of failed storm sewer outfall adjacent to Graydon Avenue
- Utilized Sewer Vac Truck to Clean Out Rain Gardens



8

Future Considerations

- **Shared MS4 Inspector Position**
 - Cities of Brainerd and Baxter have been developing details for a shared MS4 inspector position that would be shared between the two cities.
 - With the requirements of the new permit and upcoming TMDL reporting requirements, additional staff is required to ensure that the City stays compliant with the MS4 permit.
 - Position and agreement details presented to Council at May 20th meeting.
- **TMDL – Mississippi River Brainerd**
 - Next Permit Cycle
 - City of Brainerd will be responsible for a portion of a Total Suspended Solid (TSS) Total Maximum Daily Load (TMDL) on the Mississippi River.
 - This means the City will need to track TSS reduction and report these figures to the MPCA to meet the City's target reduction.



9

What are the Impacts on You?

- **Property Owners**
 - Do not blow or dump grass clippings or leaves into the streets or alleys.
 - Prevent and/or report illicit discharges into stormwater, drainage ways, and other waters.
 - Voluntary use of phosphorous-free lawn fertilizers.
 - Proper disposal of household hazardous wastes.
 - Prevent litter from trash cans or dumpsters.
 - Ask Public Works staff about stormwater issues.



10

What are the Impacts on You?

- **Developers/Contractors**

- Implement BMPs and inspections to comply with the NPDES permit.
- Develop a project specific erosion and sediment control (ESC) plan.
- Proper management of construction site wastes and debris, such as concrete truck washout, building waste, garbage, etc.
- Implement Temporary BMPs for Runoff Control and Erosion Control, including but not limited to the following: Rock Entrance to site, Erosion Control Blankets or Stabilization Mats, Sediment Basins, Biorolls, Sediment Barriers, Silt Fence, Silt Curtains, Check Dams, and Inlet Protection.
- Implement Permanent BMPs for Runoff Control and Erosion Control, including but not limited to the following: Riprap Inlets/Outlets, Check Dams, Dikes, Sediment Basins/Ponds, and Turf Establishment.



11

Poor Practice Examples

- Grass clippings blown into the street; stormwater intake will take clippings to the river.



12

Poor Practice Examples

- No erosion control measures will likely lead to soil washing into the drainage way in the back or into the curb.



13

Good Practice Examples

- Good hydro-seeding example.



14

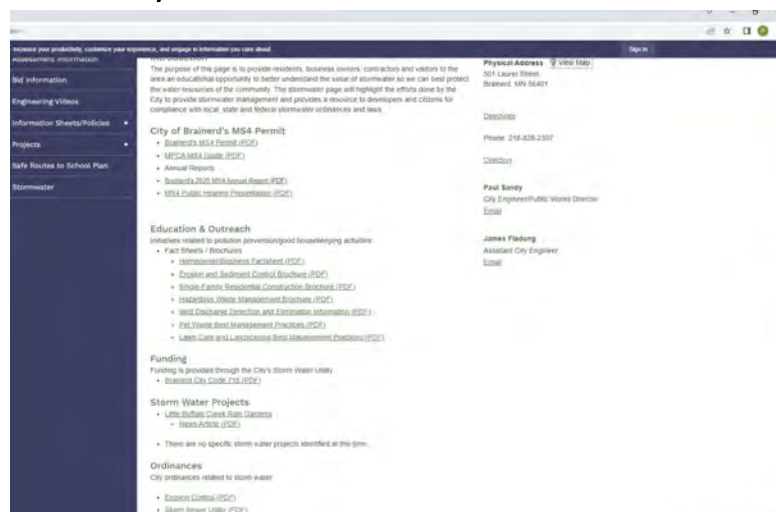
Good Practice Examples

- Perimeter controls around the entire site to prevent runoff.



15

Visit the City of Brainerd's Stormwater Page...



16

Questions??

- Information is posted on the City's website
- Contact staff if there are concerns or questions
 - Phone: (218) 828-2307

Jessie Dehn, P.E.
City Engineer/Public Works Director
JDehn@ci.brainerd.mn.us

James Fladung, P.E.
Assistant City Engineer
JFladung@ci.brainerd.mn.us

THANK YOU!!!





City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Approve Revised IBEW Local No. 31 (Administrative Support) Union Job Descriptions as presented.

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: Job descriptions for the International Brotherhood of Electrical Workers (IBEW) Local 31 Administrative Support Union were updated as a result of our recent compensation and classification study. It was noted that following the study, job descriptions would be reviewed and updated since most had not been since 2018. Attached are redlined and final versions of the updated job descriptions for the Council's review and consideration.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: HR Staff had provided each job description to the applicable Department Head for initial review. Following the initial review, the redlined versions were sent to employees for any additional comments they wanted to provide before the final review was completed by HR Staff.

RECOMMENDED ACTION/MOTION: Motion to approve the updated attached job descriptions as presented.

FINANCIAL IMPACT: n/a



Administrative Specialist – Public WorksGlobal

Department: Public WorksGlobal
Status: Non-Exempt

FLSA

General Definition of Work

This position is accountable for performing a variety of customer support services including responding to customer questions, processing customer transactions and performing administrative support for the department. The position serves as the central point of contact for customer questions and as such requires a high degree of resourcefulness to effectively respond to a wide variety of information requests. Work is performed under the limited supervision of the assigned department supervisor.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Department's initial point of contact for public during regular business hours; provides general information and direction; handles inquiries and complaints from the public in person or by telephone; directs public to the appropriate personnel when needed; process incoming calls, email, and mail.
- Administrative accountabilities involve providing support services for department personnel including performing routine office tasks utilizing word processing, data entry and transcription; prepares correspondence, reports, forms and spreadsheets; verifies statistical and other records for accuracy and completeness.
- Operates standard office equipment, department-required software, and a multi-line telephone system; troubleshoots office equipment problems and initiate maintenance calls to IT and/or vendors.
- Performs payment reconciliation and transaction processing; receipts and prepares deposits for department revenues.
- Prepares meeting minutes, agendas and related documents, etc. where a knowledge of format and presentation is necessary; answers routine correspondence independently; posts agendas and minutes on the city's website.
- Maintains department files and records and in compliance with the City's records retention program.
- Maintains office supply inventory and orders as needed.
- Assists the public with the completion of standardized records or documents.

~~• Regular attendance.~~

~~Performs various other tasks and duties as assigned.~~

- Performs the day-to-day duties for the Public Works Department Office operation.
- Oversees the campground operation including reservations and cancellations, revenue, guest inquiries and the campground host.
- Processes accounts receivable, accounts payable, payroll, and other financial data; assigns appropriate cost codes to invoices; posts to statistical and other financial records; assists with the collection of delinquent accounts.
- Assists in preparation of assessment rolls, notices and related documents.
- Prepares and maintains a variety of office files, accounts and other records; verifies statistical and other records for accuracy and completeness; maintains sensitive and restricted information on the computer system.
- Verifies identification, process and notarize documentation for department's temporary employees and volunteers.
- Updates parkUpdates Park and campground cancellation line and web page on a daily basis; maintain public portal for online registrations.
- Maintains written departmental procedures, policies, and reference information; creates brochures, flyers and forms.

- Attends Park Board and Transportation Advisory Committee meetings for minute preparation.
- Serves as primary for counting daily bus revenue.

Administrative Specialist – Public Works

Page 2

- Regular attendance.
- Performs various other tasks and duties as assigned.

Knowledge, Skills and Abilities

- General knowledge with the ability to interpret and apply department-specialized programs, policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Logical thinker with ability to solve practical problems, applying common sense to interpret and independently carry out detailed instructions in various forms.
- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.
- Ability to attend limited evening meetings as assigned.

Education and Experience

- High school diploma or GED.
- Two years experience in administrative support and office operations. Secondary education coursework in business can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience.
- Possess Notary Public license or ability to obtain within two months of hire.
- Previous minute taking and/or department related experience is desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May–September 613, 20242



Administrative Specialist – Public Works

Department: Public Works

FLSA Status: Non-Exempt

General Definition of Work

This position is accountable for performing a variety of customer support services including responding to customer questions, processing customer transactions and performing administrative support for the department. The position serves as the central point of contact for customer questions and as such requires a high degree of resourcefulness to effectively respond to a wide variety of information requests. Work is performed under the limited supervision of the assigned department supervisor.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Department's initial point of contact for public during regular business hours; provides general information and direction; handles inquiries and complaints from the public in person or by telephone; directs public to the appropriate personnel when needed; process incoming calls, email, and mail.
- Administrative accountabilities involve providing support services for department personnel including performing routine office tasks utilizing word processing, data entry and transcription; prepares correspondence, reports, forms and spreadsheets; verifies statistical and other records for accuracy and completeness.
- Operates standard office equipment, department-required software, and a multi-line telephone system; troubleshoots office equipment problems and initiate maintenance calls to IT and/or vendors.
- Performs payment reconciliation and transaction processing; receipts and prepares deposits for department revenues.
- Prepares meeting minutes, agendas and related documents, etc. where a knowledge of format and presentation is necessary; answers routine correspondence independently; posts agendas and minutes on the city's website.
- Maintains department files and records and in compliance with the City's records retention program.
- Maintains office supply inventory and orders as needed.
- Assists the public with the completion of standardized records or documents.
- Performs the day-to-day duties for the Public Works Department Office operation.
- Oversees the campground operation including reservations and cancellations, revenue, guest inquiries and the campground host.
- Processes accounts receivable, accounts payable, payroll, and other financial data; assigns appropriate cost codes to invoices; posts to statistical and other financial records; assists with the collection of delinquent accounts.
- Assists in preparation of assessment rolls, notices and related documents.
- Prepares and maintains a variety of office files, accounts and other records; verifies statistical and other records for accuracy and completeness; maintains sensitive and restricted information on the computer system.
- Verifies identification, process and notarize documentation for department's temporary employees and volunteers.
- Updates Park and campground cancellation line and web page on a daily basis; maintain public portal for online registrations.
- Maintains written departmental procedures, policies, and reference information; creates brochures, flyers and forms.
- Attends Park Board and Transportation Advisory Committee meetings for minute preparation.
- Serves as primary for counting daily bus revenue.

Administrative Specialist – Public Works

Page 2

- Regular attendance.
- Performs various other tasks and duties as assigned.

Knowledge, Skills and Abilities

- General knowledge with the ability to interpret and apply department-specialized programs, policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Logical thinker with ability to solve practical problems, applying common sense to interpret and independently carry out detailed instructions in various forms.
- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.
- Ability to attend limited evening meetings as assigned.

Education and Experience

- High school diploma or GED.
- Two years' experience in administrative support and office operations. Secondary education coursework in business can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience.
- Possess Notary Public license or ability to obtain within two months of hire.
- Previous minute taking and/or department related experience is desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 6, 2024



Administrative Specialist – Community Development2 – Global

Department: Community Development Global

FLSA Status: Non-Exempt

General Definition of Work

Performs a variety of customer support services including technically-specialized clerical work while providing general administrative support functions for the department. —Work is performed under the limited supervision of the assigned department supervisor Building Official and Community Development Director.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Department's initial point of contact for public during regular business hours; provides general information and direction; handles inquiries and complaints from the public in person or by telephone; directs public to the appropriate personnel when needed; processes incoming calls, email, and mail.
- Performs the day-to-day duties for the Community Development Department Office operation.
- Provides information to the public regarding City and Building Codes and Ordinances, department-issued permits and the application process and procedures.
- Assists public in completing applications and other forms; reviews applications; accepts construction plans and plan documents for permit processing.
- Issues permits which require inter-departmental review or services of Building Inspectors; processes and issues building, plumbing, mechanical, demolition and other related permits. Calculates fees based on established fee schedule and monitors approval of plans by other regulatory agencies.
- Performs contractor licensing services including adherence to City Code and insurance and bonding requirements. Reviews state license compliance of building contractors, remodelers, roofers and all special skill contractors as required by the MN Department of Labor & Industry. Prepares and processes contractor licenses.
- Reviews rental housing license application for zoning and code compliance, processes rental housing licenses, prepares mailings and maintains records related to rental housing licenses.
- ~~Department's initial point of contact for public during regular business hours; provides general information and direction; handles inquiries and complaints from the public in person or by telephone; directs public to the appropriate personnel when needed; processes incoming calls, email, and mail.~~
- Administrative accountabilities involve providing support services for department personnel including performing routine office tasks utilizing word processing and data entry; prepares correspondence, reports, forms and spreadsheets including quarterly and annual reports; verifies statistical and other records for accuracy and completeness; maintains sensitive and restricted information on the computer system.
- Has the primary responsibility of establishing, maintaining, and documenting electronic (scanning) and physical filing and storage of official and department-required documents in compliance with the City's Records Retention Policy.
- Operates standard office equipment, department-required software, and a multi-line telephone system; troubleshoots office equipment problems and initiate maintenance calls to IT and/or vendors.
- Maintains written departmental procedures, policies, and reference information; creates brochures, flyers and forms.
- Performs payment reconciliation and transaction processing; receipts and prepares deposits for department revenues.
- Maintains office supply inventory and orders as needed.
- Assists the public with the completion of standardized records or documents.
- Regular attendance.
-

- Performs various other tasks and duties as assigned.

Additional Duties for Community Development Department:

- Performs the day-to-day duties for the Community Development Department Office operation.
 - Provides information to the public regarding City and Building Codes and Ordinances, department-issued permits and the application process and procedures.
 - Assists public in completing applications and other forms; reviews applications; accepts construction plans and plan documents for permit processing.
 - Issues permits which require inter-departmental review or services of Building Inspectors; processes and issues building, plumbing, mechanical, demolition and other related permits. Calculates fees based on established fee schedule and monitors approval of plans by other regulatory agencies.
 - Performs contractor licensing services including adherence to City Code and insurance and bonding requirements. Reviews state license compliance of building contractors, remodelers, roofers and all special skill contractors as required by the MN Department of Labor & Industry. Prepares and processes contractor licenses.
- Reviews rental housing license application for zoning and code compliance, processes rental housing licenses, prepares mailings and maintains records related to rental housing licenses.

Global Administrative Specialist – Community Development –2 Job Description

Page 2

Additional Duties for Fire Department:

- Performs the day-to-day duties for the Fire Department Office operation; assists the public with City and Fire Code inquiries and permits; assists staff with processing fire inspection reports, property activity/pre-incident plans and Tier II reports.
- Processes accounts receivable, accounts payable, payroll, and other financial data; assigns appropriate cost codes to invoices; posts to statistical and other financial records; assists with processing budget information.
- Enters and maintains department data in accordance with National Fire Incident Reporting System (NFIRS), Insurance Services Office (ISO) and OSHA standards and as needed by the Brainerd Fire Relief Association.
- Assists with the Emergency Operations Center (EOC) functions and communicates over radio system when needed; observes emergency and non-emergency calls for documentation needs and to contact resources to aid in emergency situations;
- Assists in the hiring process for Paid On-call Firefighters; maintains Firefighter training records; processes certification level renewals; verifies identification, process and notarize documentation for department's part-time employees and volunteers.
- Attends Fire Advisory Board and Department Safety Committee meetings and prepares meeting minutes; prepares agendas and related documents, etc. where a knowledge of format and presentation is necessary; answers routine correspondence independently; posts agendas and minutes on the city's website; updates the department's website.
- Assists with research and preparation of grant applications to include narrative writing, processing and the administration of grants received.
- Process MN DNR burning permits and stays current with burning restrictions.
- Maintains department Safety Data Sheets (SDS) for fire stations.
- Assists in documenting equipment and apparatus inventory, repairs and fixed asset data.
- Assists in the coordination of the annual open house, scheduling public education events and ordering of educational materials.
- Coordinates the department training room schedule and department historical data including department items and photos.
- Assists in the general maintenance of the fire stations including the training room, offices and restrooms.
- Handles a wide variety of data, some of which may be classified as non-public or confidential; information may contain violent, graphic or sensitive content.

Knowledge, Skills and Abilities

- General knowledge with the ability to interpret and apply department-specialized programs, policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Ability to read maps, blueprints, building plans and to interpret utility location drawings and legal descriptions of real estate.
- Logical thinker with ability to solve practical problems, applying common sense to interpret and independently carry out detailed instructions in various forms.

- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.

Education and Experience

- High school diploma or GED.
- Coursework in business, Administrative Specialist or related field.
- Two years experience in administrative support and office operations. Secondary education coursework in office practices can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience as determined by management.
- Complete department required training within required timeframes.
- Notary Public license, ICC Permit Technician Certification, and previous minute taking and/or department-related experience are desirable.

Global Administrative Specialist 2 Job Description Page 3

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: MayJanuary 615, 202419



Administrative Specialist – Community Development

Department: Community Development

FLSA Status: Non-Exempt

General Definition of Work

Performs a variety of customer support services including technically-specialized clerical work while providing general administrative support functions for the department. Work is performed under the limited supervision of the Building Official and Community Development Director.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Department's initial point of contact for public during regular business hours; provides general information and direction; handles inquiries and complaints from the public in person or by telephone; directs public to the appropriate personnel when needed; processes incoming calls, email, and mail.
- Performs the day-to-day duties for the Community Development Department Office operation.
- Provides information to the public regarding City and Building Codes and Ordinances, department-issued permits and the application process and procedures.
- Assists public in completing applications and other forms; reviews applications; accepts construction plans and plan documents for permit processing.
- Issues permits which require inter-departmental review or services of Building Inspectors; processes and issues building, plumbing, mechanical, demolition and other related permits. Calculates fees based on established fee schedule and monitors approval of plans by other regulatory agencies.
- Performs contractor licensing services including adherence to City Code and insurance and bonding requirements. Reviews state license compliance of building contractors, remodelers, roofers and all special skill contractors as required by the MN Department of Labor & Industry. Prepares and processes contractor licenses.
- Reviews rental housing license application for zoning and code compliance, processes rental housing licenses, prepares mailings and maintains records related to rental housing licenses.
- Administrative accountabilities involve providing support services for department personnel including performing routine office tasks utilizing word processing and data entry; prepares correspondence, reports, forms and spreadsheets including quarterly and annual reports; verifies statistical and other records for accuracy and completeness; maintains sensitive and restricted information on the computer system.
- Has the primary responsibility of establishing, maintaining, and documenting electronic (scanning) and physical filing and storage of official and department-required documents in compliance with the City's Records Retention Policy.
- Operates standard office equipment, department-required software, and a multi-line telephone system; troubleshoots office equipment problems and initiate maintenance calls to IT and/or vendors.
- Maintains written departmental procedures, policies, and reference information; creates brochures, flyers and forms.
- Performs payment reconciliation and transaction processing; receipts and prepares deposits for department revenues.
- Maintains office supply inventory and orders as needed.
- Assists the public with the completion of standardized records or documents.
- Regular attendance.
- Performs various other tasks and duties as assigned.

Knowledge, Skills and Abilities

- General knowledge with the ability to interpret and apply department-specialized programs, policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Ability to read maps, blueprints, building plans and to interpret utility location drawings and legal descriptions of real estate.
- Logical thinker with ability to solve practical problems, applying common sense to interpret and independently carry out detailed instructions in various forms.
- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.

Education and Experience

- High school diploma or GED.
- Coursework in business, Administrative Specialist or related field.
- Two years experience in administrative support and office operations. Secondary education coursework in office practices can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience as determined by management.
- Complete department required training within required timeframes.
- Notary Public license, ICC Permit Technician Certification, and previous minute taking and/or department-related experience are desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

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Last Revised: May 6, 2024



Administrative Specialist – Fire 2 – Global

Department: Fire Global

FLSA Status: Non-Exempt

General Definition of Work

Performs a variety of customer support services including technically-specialized clerical work while providing general administrative support functions for the department. Work is performed under the limited supervision of the assigned department supervisor Fire Chief.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Performs the day-to-day duties for the Fire Department Office operation; assists the public with City and Fire Code inquiries and permits; assists staff with processing fire inspection reports, property activity/pre-incident plans and Tier II reports.
- Processes accounts receivable, accounts payable, payroll, and other financial data; assigns appropriate cost codes to invoices; posts to statistical and other financial records; assists with processing budget information.
- Enters and maintains department data in accordance with National Fire Incident Reporting System (NFIRS), Insurance Services Office (ISO) and OSHA standards and as needed by the Brainerd Fire Relief Association.
- Assists with the Emergency Operations Center (EOC) functions and communicates over radio system when needed; observes emergency and non-emergency calls for documentation needs and to contact resources to aid in emergency situations;
- Assists in the hiring process for Paid On-call Firefighters; maintains Firefighter training records; processes certification level renewals; verifies identification, process and notarize documentation for department's part-time employees and volunteers.
- Attends Fire Advisory Board and Department Safety Committee meetings and prepares meeting minutes; prepares agendas and related documents, etc. where a knowledge of format and presentation is necessary; answers routine correspondence independently; posts agendas and minutes on the city's website; updates the department's website.
- Assists with research and preparation of grant applications to include narrative writing, processing and the administration of grants received.
- Process MN DNR burning permits and stays current with burning restrictions.
- Maintains department Safety Data Sheets (SDS) for fire stations.
- Assists in documenting equipment and apparatus inventory, repairs and fixed asset data.
- Assists in the coordination of the annual open house, scheduling public education events and ordering of educational materials.
- Coordinates the department training room schedule and department historical data including department items and photos.
- Assists in the general maintenance of the fire stations including the training room, offices and restrooms.
- Handles a wide variety of data, some of which may be classified as non-public or confidential; information may contain violent, graphic or sensitive content.
- Department's initial point of contact for public during regular business hours; provides general information and direction; handles inquiries and complaints from the public in person or by telephone; directs public to the appropriate personnel when needed; processes incoming calls, email, and mail.
- Administrative accountabilities involve providing support services for department personnel including performing routine office tasks utilizing word processing and data entry; prepares correspondence, reports, forms and spreadsheets including quarterly and annual reports; verifies statistical and other records for accuracy and completeness; maintains sensitive and restricted information on the computer system.
- Has the primary responsibility of establishing, maintaining, and documenting electronic (scanning) and physical filing and storage of official and department-required documents in compliance with the City's Records Retention Policy.

Administrative Specialist - Fire

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- Operates standard office equipment, department-required software, and a multi-line telephone system; troubleshoots office equipment problems and initiate maintenance calls to IT and/or vendors.
- Maintains written departmental procedures, policies, and reference information; creates brochures, flyers and forms.
- Performs payment reconciliation and transaction processing; receipts and prepares deposits for department revenues.
- Maintains office supply inventory and orders as needed.
- Assists the public with the completion of standardized records or documents.
- Regular attendance
- Performs various other tasks and duties as assigned.
- _____
- Regular attendance.
- Performs various other tasks and duties as assigned.

Additional Duties for Community Development Department:

- _____ Performs the day-to-day duties for the Community Development Department Office operation.
- _____ Provides information to the public regarding City and Building Codes and Ordinances, department-issued permits and the application process and procedures.
- _____ Assists public in completing applications and other forms; reviews applications; accepts construction plans and plan documents for permit processing.
- _____ Issues permits which require inter-departmental review or services of Building Inspectors; processes and issues building, plumbing, mechanical, demolition and other related permits. Calculates fees based on established fee schedule and monitors approval of plans by other regulatory agencies.
- _____ Performs contractor licensing services including adherence to City Code and insurance and bonding requirements. Reviews state license compliance of building contractors, remodelers, roofers and all special skill contractors as required by the MN Department of Labor & Industry. Prepares and processes contractor licenses.
- _____ Reviews rental housing license application for zoning and code compliance, processes rental housing licenses, prepares mailings and maintains records related to rental housing licenses.

Global Administrative Specialist 2 Job Description

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Additional Duties for Fire Department:

- _____ Performs the day-to-day duties for the Fire Department Office operation; assists the public with City and Fire Code inquiries and permits; assists staff with processing fire inspection reports, property activity/pre-incident plans and Tier II reports.
- _____ Processes accounts receivable, accounts payable, payroll, and other financial data; assigns appropriate cost codes to invoices; posts to statistical and other financial records; assists with processing budget information.
- _____ Enters and maintains department data in accordance with National Fire Incident Reporting System (NFIRS), Insurance Services Office (ISO) and OSHA standards and as needed by the Brainerd Fire Relief Association.
- _____ Assists with the Emergency Operations Center (EOC) functions and communicates over radio system when needed; observes emergency and non-emergency calls for documentation needs and to contact resources to aid in emergency situations;
- _____ Assists in the hiring process for Paid On-call Firefighters; maintains Firefighter training records; processes certification level renewals; verifies identification, process and notarize documentation for department's part-time employees and volunteers.
- _____ Attends Fire Advisory Board and Department Safety Committee meetings and prepares meeting minutes; prepares agendas and related documents, etc. where a knowledge of format and presentation is necessary; answers routine correspondence independently; posts agendas and minutes on the city's website; updates the department's website.
- _____ Assists with research and preparation of grant applications to include narrative writing, processing and the administration of grants received.
- _____ Process MN DNR burning permits and stays current with burning restrictions.
- _____ Maintains department Safety Data Sheets (SDS) for fire stations.
- _____ Assists in documenting equipment and apparatus inventory, repairs and fixed asset data.
- _____ Assists in the coordination of the annual open house, scheduling public education events and ordering of educational materials.
- _____ Coordinates the department training room schedule and department historical data including department items and photos.
- _____ Assists in the general maintenance of the fire stations including the training room, offices and restrooms.

- ~~Handles a wide variety of data, some of which may be classified as non-public or confidential; information may contain violent, graphic or sensitive content.~~

Knowledge, Skills and Abilities

- General knowledge with the ability to interpret and apply department-specialized programs, policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Ability to read maps, blueprints, building plans and to interpret utility location drawings and legal descriptions of real estate.
- Logical thinker with ability to solve practical problems, applying common sense to interpret and independently carry out detailed instructions in various forms.
- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.

Education and Experience

- High school diploma or GED.
- Coursework in business, Administrative Specialist or related field.
- Two years experience in administrative support and office operations. Secondary education coursework in office practices can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience as determined by management.
- Complete department required training within required timeframes.
- Notary Public license, ICC Permit Technician Certification, and previous minute taking and/or department-related experience are desirable.

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Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: ~~May January 615~~, 202419



Administrative Specialist – Fire

Department: Fire

FLSA Status: Non-Exempt

General Definition of Work

Performs a variety of customer support services including technically specialized clerical work while providing general administrative support functions for the department. Work is performed under the limited supervision of the Fire Chief.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Performs the day-to-day duties for the Fire Department Office operation; assists the public with City and Fire Code inquiries and permits; assists staff with processing fire inspection reports, property activity/pre-incident plans and Tier II reports.
- Processes accounts receivable, accounts payable, payroll, and other financial data; assigns appropriate cost codes to invoices; posts to statistical and other financial records; assists with processing budget information.
- Enters and maintains department data in accordance with National Fire Incident Reporting System (NFIRS), Insurance Services Office (ISO) and OSHA standards and as needed by the Brainerd Fire Relief Association.
- Assists with the Emergency Operations Center (EOC) functions and communicates over radio system when needed; observes emergency and non-emergency calls for documentation needs and to contact resources to aid in emergency situations;
- Assists in the hiring process for Paid On-call Firefighters; maintains Firefighter training records; processes certification level renewals; verifies identification, process and notarize documentation for department's part-time employees and volunteers.
- Attends Fire Advisory Board and Department Safety Committee meetings and prepares meeting minutes; prepares agendas and related documents, etc. where a knowledge of format and presentation is necessary; answers routine correspondence independently; posts agendas and minutes on the city's website; updates the department's website.
- Assists with research and preparation of grant applications to include narrative writing, processing and the administration of grants received.
- Process MN DNR burning permits and stays current with burning restrictions.
- Maintains department Safety Data Sheets (SDS) for fire stations.
- Assists in documenting equipment and apparatus inventory, repairs and fixed asset data.
- Assists in the coordination of the annual open house, scheduling public education events and ordering of educational materials.
- Coordinates the department training room schedule and department historical data including department items and photos.
- Assists in the general maintenance of the fire stations including the training room, offices and restrooms.
- Handles a wide variety of data, some of which may be classified as non-public or confidential; information may contain violent, graphic or sensitive content.
- Department's initial point of contact for public during regular business hours; provides general information and direction; handles inquiries and complaints from the public in person or by telephone; directs public to the appropriate personnel when needed; processes incoming calls, email, and mail.
- Administrative accountabilities involve providing support services for department personnel including performing routine office tasks utilizing word processing and data entry; prepares correspondence, reports, forms and spreadsheets including quarterly and annual reports; verifies statistical and other records for accuracy and completeness; maintains sensitive and restricted information on the computer system.
- Has the primary responsibility of establishing, maintaining, and documenting electronic (scanning) and physical filing and storage of official and department-required documents in compliance with the City's Records Retention Policy.

- Operates standard office equipment, department-required software, and a multi-line telephone system; troubleshoots office equipment problems and initiate maintenance calls to IT and/or vendors.
- Maintains written departmental procedures, policies, and reference information; creates brochures, flyers and forms.
- Performs payment reconciliation and transaction processing; receipts and prepares deposits for department revenues.
- Maintains office supply inventory and orders as needed.
- Assists the public with the completion of standardized records or documents.
- Regular attendance
- Performs various other tasks and duties as assigned.

Knowledge, Skills and Abilities

- General knowledge with the ability to interpret and apply department-specialized programs, policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Ability to read maps, blueprints, building plans and to interpret utility location drawings and legal descriptions of real estate.
- Logical thinker with ability to solve practical problems, applying common sense to interpret and independently carry out detailed instructions in various forms.
- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.

Education and Experience

- High school diploma or GED.
- Coursework in business, Administrative Specialist or related field.
- Two years experience in administrative support and office operations. Secondary education coursework in office practices can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience as determined by management.
- Complete department required training within required timeframes.
- Notary Public license, ICC Permit Technician Certification, and previous minute taking and/or department-related experience are desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 6, 2024



Building Inspector

Department: Engineering/Building SafetyCommunity Development
Status: Non-Exempt

FLSA

General Definition of Work

Performs skilled plan review and inspection work to ensure compliance with Minnesota State building codes, locally adopted ordinances, the Brainerd City Code, and related work as apparent or assigned. The scope of work includes residential, commercial, industrial facilities and other structures. Work is performed under the limited supervision of the Building Official.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude employee from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Conducts plan reviews and building inspections including mechanical, plumbing, and/or combination inspections for code compliance of new and existing structures and properties.
- Issues building permits; calculates building permit fees and state surcharges.
- Inspects all phases of public and private construction to ensure the construction and improvements are in compliance with the plans, specifications, codes and local regulations; issues correction notices or approvals as required.
- ~~Maintains records of inspection activities and permits issued.~~
- Assists and advises contractors, property owners, and others regarding pertinent codes and regulations; consults with supervisor on procedures to be followed in cases that are not clearly covered in the codes.
- ~~Answers inquiries from contractors and residents concerning work in progress or subject to bid and questions related to codes and regulations.~~
- Performs routine rental unit inspections to determine compliance with the Rental Housing Code, Property Maintenance Code, Zoning Code and other applicable laws and ordinances.
- Performs follow-up inspections and correspondence to ensure landlords have corrected all code violations.
- Responds to complaints reported to the Department, assists in the prosecution of violators of regulations.
- Investigates complaints and make routine inspections to determine compliance with Zoning Code and other applicable laws and ordinances; and assists in the prosecution of violators of regulations.
- Issues written orders for correction of violations with a date for completion.
- Issues citations for non-compliance, gathers evidence of violation and provides charging information for the City Prosecuting Attorney.
- Appear in court as necessary.
- Maintains complete accurate records of work performed; completes related reports.
- Performs other duties when assigned or when necessary.

Knowledge, Skills and Abilities

- Considerable knowledge of all types of building construction materials and methods, and stages of construction when possible violations and defects may be most easily observed and corrected.
- Considerable knowledge of building, plumbing, and mechanical codes and related regulations.
- Considerable skill in reading and interpreting construction drawing, plans, and specifications.
- Working ability to perform required mathematical computations.

Building Inspector

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Knowledge, Skills and Abilities (Cont.)

- Considerable ability to prepare, organize and maintain inspection field and office data, reports and systems.
- Working ability to effectively communicate complex technical information, orally and in writing, to permit applicants, property owners, and other government agency representatives.
- Considerable ability to establish and maintain effective working relationships with permit applicants, property owners, tenants, the general public, elected officials, coworkers, and supervisors.
- Considerable ability to move about on construction sites.
- Considerable ability to read reports, correspondence, computer screens, and other documents.
- Working knowledge of the Zoning Ordinance and other related ordinances.
- Good negotiation, problem solving and communication skills.
- Ability to enforce codes and regulations firmly, tactfully and impartially in a courteous and non-judgmental manner.
- Working knowledge of computer operations, software and applications used in the assigned department.
- Ability to establish effective relationships with persons of diverse cultural and ethnic backgrounds.
- Able to work with minimal supervision.
- Able to work flexible hours including overtime.

Education, Experience & Special Requirements

Minimum Qualifications:

1. High School Diploma or general education degree (GED);
2. Valid Driver's License;
3. Two (2) years of education and/or experience in a skilled construction trade, construction design, construction supervision, or building and/or housing inspection;
4. MN Building Official-Limited Certification or the ability to obtain within eighteen (18) months of hire; and
5. Minnesota Special Class Boilers License or ability to obtain within two (2) years of hire.

Desired Qualifications:

- Certified by the International Code Council (ICC) as a building inspector and/or plans examiner.
- Possess MN Building Official Certification.
- Municipal inspection or plans examiner experience.
- Post-secondary education in building technology and/or construction related field.
- Bachelor's Degree in Engineering, Architecture, Construction Management or related field.

Physical Requirements

This work requires the regular exertion of up to 25 pounds of force and occasional exertion of up to 50 pounds of force; work frequently speaking or hearing, using hands to finger, handle or feel and reaching with hands and arms and occasionally requires standing, walking, sitting, climbing or balancing, stooping, kneeling, crouching or crawling, tasting or smelling, pushing or pulling, lifting and repetitive motions; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires wet, humid conditions (non-weather), working near moving mechanical parts, working in high, precarious places, exposure to fumes or airborne particles, exposure to outdoor weather conditions and exposure to the risk of electrical shock; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: **May-January 64, 2024**



Building Inspector

Department: Community Development

FLSA Status: Non-Exempt

General Definition of Work

Performs skilled plan review and inspection work to ensure compliance with Minnesota State building codes, locally adopted ordinances, the Brainerd City Code, and related work as apparent or assigned. The scope of work includes residential, commercial, industrial facilities and other structures. Work is performed under the limited supervision of the Building Official.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude employee from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Conducts plan reviews and building inspections including mechanical, plumbing, and/or combination inspections for code compliance of new and existing structures and properties.
- Issues building permits; calculates building permit fees and state surcharges.
- Inspects all phases of public and private construction to ensure the construction and improvements are in compliance with the plans, specifications, codes and local regulations; issues correction notices or approvals as required.
- Assists and advises contractors, property owners, and others regarding pertinent codes and regulations; consults with supervisor on procedures to be followed in cases that are not clearly covered in the codes.
- Performs routine rental unit inspections to determine compliance with the Rental Housing Code, Property Maintenance Code, Zoning Code and other applicable laws and ordinances.
- Performs follow-up inspections and correspondence to ensure landlords have corrected all code violations.
- Responds to complaints reported to the Department, assists in the prosecution of violators of regulations.
- Investigates complaints and make routine inspections to determine compliance with Zoning Code and other applicable laws and ordinances; and assists in the prosecution of violators of regulations.
- Issues written orders for correction of violations with a date for completion.
- Issues citations for non-compliance, gathers evidence of violation and provides charging information for the City Prosecuting Attorney.
- Appear in court as necessary.
- Maintains complete accurate records of work performed; completes related reports.
- Performs other duties when assigned or when necessary.

Knowledge, Skills and Abilities

- Considerable knowledge of all types of building construction materials and methods, and stages of construction when possible violations and defects may be most easily observed and corrected.
- Considerable knowledge of building, plumbing, and mechanical codes and related regulations.
- Considerable skill in reading and interpreting construction drawing, plans, and specifications.
- Working ability to perform required mathematical computations.

Building Inspector

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Knowledge, Skills and Abilities (Cont.)

- Considerable ability to prepare, organize and maintain inspection field and office data, reports and systems.
- Working ability to effectively communicate complex technical information, orally and in writing, to permit applicants, property owners, and other government agency representatives.
- Considerable ability to establish and maintain effective working relationships with permit applicants, property owners, tenants, the general public, elected officials, coworkers, and supervisors.
- Considerable ability to move about on construction sites.
- Considerable ability to read reports, correspondence, computer screens, and other documents.
- Working knowledge of the Zoning Ordinance and other related ordinances.
- Good negotiation, problem solving and communication skills.
- Ability to enforce codes and regulations firmly, tactfully and impartially in a courteous and non-judgmental manner.
- Working knowledge of computer operations, software and applications used in the assigned department.
- Ability to establish effective relationships with persons of diverse cultural and ethnic backgrounds.
- Able to work with minimal supervision.
- Able to work flexible hours including overtime.

Education, Experience & Special Requirements

Minimum Qualifications:

1. High School Diploma or general education degree (GED);
2. Valid Driver's License;
3. Two (2) years of education and/or experience in a skilled construction trade, construction design, construction supervision, or building and/or housing inspection;
4. MN Building Official-Limited Certification or the ability to obtain within eighteen (18) months of hire; and
5. Minnesota Special Class Boilers License or ability to obtain within two (2) years of hire.

Desired Qualifications:

- Certified by the International Code Council (ICC) as a building inspector and/or plans examiner.
- Possess MN Building Official Certification.
- Municipal inspection or plans examiner experience.
- Post-secondary education in building technology and/or construction related field.
- Bachelor's Degree in Engineering, Architecture, Construction Management or related field.

Physical Requirements

This work requires the regular exertion of up to 25 pounds of force and occasional exertion of up to 50 pounds of force; work frequently speaking or hearing, using hands to finger, handle or feel and reaching with hands and arms and occasionally requires standing, walking, sitting, climbing or balancing, stooping, kneeling, crouching or crawling, tasting or smelling, pushing or pulling, lifting and repetitive motions; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires wet, humid conditions (non-weather), working near moving mechanical parts, working in high, precarious places, exposure to fumes or airborne particles, exposure to outdoor weather conditions and exposure to the risk of electrical shock; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 6, 2024



Engineering Tech

Department: Public WorksEngineering
Exempt

FLSA Status: Non-

General Definition of Work

Performs intermediate skilled technical work performing field and office engineering work, surveying project sites, performing research, drawing plans and preparing maps, operating survey and automated drafting equipment, preparing and maintaining records, files and reports, and related work as apparent or assigned. Work is performed under the limited supervision of the Assistant City Engineer.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions

Essential Functions

- Assists in developing and prepping engineering plans and specifications.
- Assists in developing, preparing and/or reviewing and updating the sanitary sewer, water, storm drainage and street system maps, database and comprehensive plans.
- Assists with maintaining and preserving public works records; drafts as-built records of projects; documents changes for the operation and maintenance programs.
- Performs inspection of the installation of streets, sewers, water mains, sidewalks, and other public improvement projects; maintains construction diaries, item record accounts, and material testing results; prepares documentation of quantities for partial and final payments.
- Operates survey equipment including total station, GPS, etc.; performs construction survey staking.
- Drafts and calculates field notes to document quantities, alignment, grade and locations according to project plans.
- Surveys project sites; obtains and analyzes topographical details of sites.
- Researches records, maps and other information to obtain typical engineering data such as location of sewer stubs, water mains, hydrants, property special assessments, etc.
- Drafts detailed dimensional drawings such as street, water, sewer, drainage and other utility plans, systems and projects.
- Calculates dimensions, profile specifications and material quantities such as pipe, concrete, and asphalt.
- Performs office-related functions including preparing correspondence, maps, presentation materials, brochures, field notes, printing materials, answering phones and responding to inquiries from contractors, developers, property owners, staff and the general public; prepares and maintains records, files and reports as required.
- Serves as a drafter; makes final sketch of proposed drawing; reviews and verifies dimensions and materials to be used.
- Draws charts for statistical data representation; draws finished designs from sketches.
- Uses computer assisted drafting (AutoCAD) equipment and software.
- Must be willing to work flexible hours including overtime when project inspections are needed.
- Perform related task as assigned.

Engineering Tech

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Knowledge, Skills and Abilities

- General knowledge of surveying and civil engineering principles, procedures and techniques;
- General knowledge of engineering maps and records;
- General knowledge of city, state and federal policies, laws and regulations;
- Ability to interpret operating, maintenance, technical and procedure manuals and engineering plans and specifications;
- Ability to prepare, organize and maintain engineering field and office data, reports and systems;
- Ability to communicate effectively, both orally and in writing;
- Ability to understand and carry out written and oral instructions;
- Ability to follow oral and written instructions; ability to work independently with minimal supervision to complete daily activities according to work schedules.
- Skill in operating necessary tools and equipment such as total station equipment, GPS, personal computer and word processing, spreadsheet, database, GIS and CAD software and standard drafting tools;
- Ability to establish and maintain effective working relationships with co-workers, supervisors, other departments, vendors, contractors, and the general public.

Education, Experience and Special Requirements

- High school diploma or GED.
- Associates/Technical degree with coursework in civil engineering, engineering technology, or related field and two years' experience performing surveying and/or engineering, or equivalent combination of education and experience.
- Possession of a valid MN driver's license prior to employment.
- Possession of MN Department of Transportation Engineering Technician certifications as required by the Department or ability to obtain within two years of hire.
- Municipal experience as well as AutoCAD Civil 3D training and/or experience is highly desired.

Physical Requirements

This work requires the occasional exertion of up to 50 pounds of force; work regularly requires standing, walking and using hands to finger, handle or feel, frequently requires sitting, speaking or hearing, reaching with hands and arms and repetitive motions and occasionally requires climbing or balancing, stooping, kneeling, crouching or crawling, tasting or smelling, pushing or pulling and lifting; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work frequently requires exposure to outdoor weather conditions and occasionally requires working near moving mechanical parts, working in high, precarious places, exposure to fumes or airborne particles, exposure to the risk of electrical shock and exposure to vibration; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: ~~May~~ ~~October 61~~, 2024²



Engineering Tech

Department: Public Works

FLSA Status: Non-Exempt

General Definition of Work

Performs intermediate skilled technical work performing field and office engineering work, surveying project sites, performing research, drawing plans and preparing maps, operating survey and automated drafting equipment, preparing and maintaining records, files and reports, and related work as apparent or assigned. Work is performed under the limited supervision of the Assistant City Engineer.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions

Essential Functions

- Assists in developing and prepping engineering plans and specifications.
- Assists in developing, preparing and/or reviewing and updating the sanitary sewer, water, storm drainage and street system maps, database and comprehensive plans.
- Assists with maintaining and preserving public works records; drafts as-built records of projects; documents changes for the operation and maintenance programs.
- Performs inspection of the installation of streets, sewers, water mains, sidewalks, and other public improvement projects; maintains construction diaries, item record accounts, and material testing results; prepares documentation of quantities for partial and final payments.
- Operates survey equipment including total station, GPS, etc.; performs construction survey staking.
- Drafts and calculates field notes to document quantities, alignment, grade and locations according to project plans.
- Surveys project sites; obtains and analyzes topographical details of sites.
- Researches records, maps and other information to obtain typical engineering data such as location of sewer stubs, water mains, hydrants, property special assessments, etc.
- Drafts detailed dimensional drawings such as street, water, sewer, drainage and other utility plans, systems and projects.
- Calculates dimensions, profile specifications and material quantities such as pipe, concrete, and asphalt.
- Performs office-related functions including preparing correspondence, maps, presentation materials, brochures, field notes, printing materials, answering phones and responding to inquiries from contractors, developers, property owners, staff and the general public; prepares and maintains records, files and reports as required.
- Serves as a drafter; makes final sketch of proposed drawing; reviews and verifies dimensions and materials to be used.
- Draws charts for statistical data representation; draws finished designs from sketches.
- Uses computer assisted drafting (AutoCAD) equipment and software.
- Must be willing to work flexible hours including overtime when project inspections are needed.
- Perform related task as assigned.

Engineering Tech

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Knowledge, Skills and Abilities

- General knowledge of surveying and civil engineering principles, procedures and techniques;
- General knowledge of engineering maps and records;
- General knowledge of city, state and federal policies, laws and regulations;
- Ability to interpret operating, maintenance, technical and procedure manuals and engineering plans and specifications;
- Ability to prepare, organize and maintain engineering field and office data, reports and systems;
- Ability to communicate effectively, both orally and in writing;
- Ability to understand and carry out written and oral instructions;
- Ability to follow oral and written instructions; ability to work independently with minimal supervision to complete daily activities according to work schedules.
- Skill in operating necessary tools and equipment such as total station equipment, GPS, personal computer and word processing, spreadsheet, database, GIS and CAD software and standard drafting tools;
- Ability to establish and maintain effective working relationships with co-workers, supervisors, other departments, vendors, contractors, and the general public.

Education, Experience and Special Requirements

- High school diploma or GED.
- Associates/Technical degree with coursework in civil engineering, engineering technology, or related field and two years' experience performing surveying and/or engineering, or equivalent combination of education and experience.
- Possession of a valid MN driver's license prior to employment.
- Possession of MN Department of Transportation Engineering Technician certifications as required by the Department or ability to obtain within two years of hire.
- Municipal experience as well as AutoCAD Civil 3D training and/or experience is highly desired.

Physical Requirements

This work requires the occasional exertion of up to 50 pounds of force; work regularly requires standing, walking and using hands to finger, handle or feel, frequently requires sitting, speaking or hearing, reaching with hands and arms and repetitive motions and occasionally requires climbing or balancing, stooping, kneeling, crouching or crawling, tasting or smelling, pushing or pulling and lifting; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work frequently requires exposure to outdoor weather conditions and occasionally requires working near moving mechanical parts, working in high, precarious places, exposure to fumes or airborne particles, exposure to the risk of electrical shock and exposure to vibration; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 6, 2024



Human Resources Assistant

Department: Administration/Human Resources

— FLSA

Status: Non-Exempt

General Definition of Work

This position provides support to the Human Resources Department. Some of the main duties may include aiding in the recruitment and selection process; responding to inquiries including preparation of applicable forms and/or reports; maintaining information on employee performance management activities; assisting with the administration of workers compensation and numerous HR programs; providing benefit information to new and existing employees; utilizing the NEOGOV software system; maintaining records and files both manually and electronically for the Human Resources office while maintaining secure and private/confidential information; and performs other duties as assigned.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Serves as a central point of contact for internal and external customers for routine human resource matters relating to employment, compensation, benefits and personnel administration; Performs customer service by providing information and answering inquiries both in person and over the telephone/email.
- Supports and coordinates the recruitment and interview process for all City Departments and the BPU and Brainerd HRA vacancies including preparing job descriptions and job announcements; preparing, organizing, and scheduling interviews, tests and screenings; and prepares conditional job offers.
- Administers the recruitment and hiring process for seasonal positions from posting of vacancy through on-boarding.
- Performs administrative support for the department; Develops multi-media communication materials to address and support human resource programs, including employee communications, press releases, program announcements, technical guides, presentations, and other forms of communications as needed to support human resource programs and organizational initiatives.
- Prepares new-employee files and ensures completion of the New Hire Checklist. Processes hiring paperwork for all new employees with follow up for missing items.
- Assists with the preparation and distribution of information to all employees during the annual benefits enrollment process. Advises employees on the completion of forms and required information.
- Maintains human resources software (i.e. NeoGov and BS&A) by adding and updating employees to the system and documenting applicable changes in status; Updates and maintains the Human Resources page on the city's web site and SharePoint intranet site.
- Maintains the personnel file system including updating and scanning employee/human resources records.
- Prepares, compiles and tracks Family/Medical Leaves.
- Administers the worker's compensation process including first report of injury forms, claim tracking, OSHA 300A annual report.
- Schedules drug and alcohol testing programs including pre-employment, random, reasonable suspicion and follow up testing. Maintains required files.
- Facilitates the completion of employee forms and subsequently administers the completion of annual hearing and driver's license checks.
- Prepares paperwork for employees that resign, retire or are terminated.

Essential Functions (cont.)

- Tracks performance evaluations for all departments.
- Responds and prepares employment and wage verifications, salary surveys and other data requests.
- Researches and prepares data for labor relation negotiations, arbitrations, etc.
- Conducts human resource related analysis including research and preparation of related reports.
- Records investigatory and other meeting minutes for the Human Resources Director.
- Provide assistance to the City's Wellness Committee and with special projects as assigned.
- Performs other duties as assigned or apparent.

Knowledge, Skills and Abilities

- Knowledge of State and Federal employment law and the principles of human resource management to ensure compliance.
- Maintains confidentiality and security of all personnel data, documents and files.
- Ability to function well in a high-paced and at times stressful environment; Must be able to utilize work time properly and productively with excellent time management skills with a proven ability to meet deadlines.
- Strong organizational skills with the ability to handle detail to accurately record documents, publications, and various records for official purposes and follow through in the completion of projects.
- Ability to plan and perform duties with only general minimum supervision.
- General knowledge of, and experience with, modern office practices and procedures; Ability to operate standard office equipment with the ability to type and enter data accurately and at a reasonable rate of speed.
- Strong numerical analysis skills including the ability to develop complex spreadsheet applications, develop formulas and perform complex computations.
- Ability to establish and maintain effective working relationships with citizens, city personnel, other agencies, and the general public. Has strong interpersonal, oral and written communications skills while remaining calm, courteous, and professional under difficult, sensitive, stressful, or hostile situations.
- Strong critical thinking and problem-solving skills including the ability to read and interpret personnel policies, statutes, regulations and labor contracts.

Education, Experience and Special Requirements

- Associate's Degree in Human Resources or related field or human resource certificate from Society of Human Resources Management (SHRM) or similar human resources or education organization.
- Two years of human resources experience.
- Equivalent combination of education and experience as determined by management may be considered.
- Complete and maintain Criminal Justice Information System (CJIS) Security and Awareness Training.
- Advanced proficiency using Microsoft Word, Excel, Outlook and PowerPoint.
- Public Sector HR experience and a Bachelor's Degree in HR or related field are preferred.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting, speaking or hearing, using hands to finger, handle or feel and repetitive motions, frequently requires reaching with hands and arms and occasionally requires standing, walking, climbing or balancing, stooping, kneeling, crouching or crawling, pushing or pulling and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.



Human Resources Assistant

Department: Human Resources

FLSA Status: Non-Exempt

General Definition of Work

This position provides support to the Human Resources Department. Some of the main duties may include aiding in the recruitment and selection process; responding to inquiries including preparation of applicable forms and/or reports; maintaining information on employee performance management activities; assisting with the administration of workers compensation and numerous HR programs; providing benefit information to new and existing employees; utilizing the NEOGOV software system; maintaining records and files both manually and electronically for the Human Resources office while maintaining secure and private/confidential information; and performs other duties as assigned.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Serves as a central point of contact for internal and external customers for routine human resource matters relating to employment, compensation, benefits and personnel administration; Performs customer service by providing information and answering inquiries both in person and over the telephone/email.
- Supports and coordinates the recruitment and interview process for all City Departments and the Brainerd HRA vacancies including preparing job descriptions and job announcements; preparing, organizing, and scheduling interviews, tests and screenings; and prepares conditional job offers.
- Administers the recruitment and hiring process for seasonal positions from posting of vacancy through on-boarding.
- Performs administrative support for the department; Develops multi-media communication materials to address and support human resource programs, including employee communications, press releases, program announcements, technical guides, presentations, and other forms of communications as needed to support human resource programs and organizational initiatives.
- Prepares new-employee files and ensures completion of the New Hire Checklist. Processes hiring paperwork for all new employees with follow up for missing items.
- Assists with the preparation and distribution of information to all employees during the annual benefits enrollment process. Advises employees on the completion of forms and required information.
- Maintains human resources software (i.e. NeoGov and BS&A) by adding and updating employees to the system and documenting applicable changes in status; Updates and maintains the Human Resources page on the city's web site and SharePoint site.
- Maintains the personnel file system including updating and scanning employee/human resources records.
- Prepares, compiles and tracks Family/Medical Leaves.
- Administers the worker's compensation process including first report of injury forms, claim tracking, OSHA 300A annual report.
- Schedules drug and alcohol testing programs including pre-employment, random, reasonable suspicion and follow up testing. Maintains required files.
- Facilitates the completion of employee forms and administers the completion of annual driver's license checks.
- Prepares paperwork for employees that resign, retire or are terminated.

Human Resources Assistant

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Essential Functions (cont.)

- Tracks performance evaluations for all departments.
- Responds and prepares employment and wage verifications, salary surveys and other data requests.
- Researches and prepares data for labor relation negotiations, arbitrations, etc.
- Conducts human resource related analysis including research and preparation of related reports.
- Records investigatory and other meeting minutes for the Human Resources Director.
- Provide assistance to the City's Wellness Committee and with special projects as assigned.
- Performs other duties as assigned or apparent.

Knowledge, Skills and Abilities

- Knowledge of State and Federal employment law and the principles of human resource management to ensure compliance.
- Maintains confidentiality and security of all personnel data, documents and files.
- Ability to function well in a high-paced and at times stressful environment; Must be able to utilize work time properly and productively with excellent time management skills with a proven ability to meet deadlines.
- Strong organizational skills with the ability to handle detail to accurately record documents, publications, and various records for official purposes and follow through in the completion of projects.
- Ability to plan and perform duties with only general minimum supervision.
- General knowledge of, and experience with, modern office practices and procedures; Ability to operate standard office equipment with the ability to type and enter data accurately and at a reasonable rate of speed.
- Strong numerical analysis skills including the ability to develop complex spreadsheet applications, develop formulas and perform complex computations.
- Ability to establish and maintain effective working relationships with citizens, city personnel, other agencies, and the general public. Has strong interpersonal, oral and written communications skills while remaining calm, courteous, and professional under difficult, sensitive, stressful, or hostile situations.
- Strong critical thinking and problem-solving skills including the ability to read and interpret personnel policies, statutes, regulations and labor contracts.

Education, Experience and Special Requirements

- Associate's Degree in Human Resources or related field or human resource certificate from Society of Human Resources Management (SHRM) or similar human resources or education organization.
- Two years of human resources experience.
- Equivalent combination of education and experience as determined by management may be considered.
- Complete and maintain Criminal Justice Information System (CJIS) Security and Awareness Training.
- Advanced proficiency using Microsoft Word, Excel, Outlook and PowerPoint.
- Public Sector HR experience and a Bachelor's Degree in HR or related field are preferred.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting, speaking or hearing, using hands to finger, handle or feel and repetitive motions, frequently requires reaching with hands and arms and occasionally requires standing, walking, climbing or balancing, stooping, kneeling, crouching or crawling, pushing or pulling and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 6, 2024



Police Records Management Technician

Department: Police

FLSA Status: Non-Exempt

General Definition of Work

This is a union position that performs a variety of intermediate to skilled administrative support services in the operation of the Police Department's Records Unit. Work is performed under the general supervision of the Police Records Management Lead and Police Administrative Supervisor. Performs other duties as apparent or assigned.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Initial point of contact for customer service during regular business hours; prioritizes and filters incoming calls; directs public to appropriate personnel, department, or resource; provides general information and direction; Maintains visitor logs and meeting room schedule.
- Prepares, edits, and proofreads a variety of documents including memos, letters and other documents specific to the department. Transcribes verbatim recordings which may contain violent, graphic, and/or sensitive content.
- Enters and/or verifies data for accuracy, completeness, and appearance; Assigns Uniform Crime Coding for data entry, retrieval and dissemination; Finalizes incident reports with status, date and disposition. Compiles and processes case files for prosecution and dissemination to other agencies, ensuring all necessary components are present and accurately completed. Monitors ongoing case status and ensures that files are processed in accordance with established levels of priority.
- Receives and processes a variety of applications and permits; receives and disseminates department correspondence; Receives, processes and logs court notifications and cancellations; Receipts incoming funds and prepares cash deposits of department specific funds; may participate in collection of unpaid parking fines.
- Enters and verifies NCIC (National Crime Information Center) "hot file" records. Compiles data for background checks for various licensure, employment, and permits, including retrieval and dissemination of Criminal History data in accordance with BCA policy.
- Receives and responds to information requests, retrieving and disseminating data in accordance with federal and state data privacy laws and policies. Redaction of video that may contain violent, graphic, and/or sensitive content.
- ~~May assist sworn officers with gender or youth sensitive situations or functions in the office.~~
- Receives, logs, maintains, and releases a wide variety of property & evidence.
- May assist in technical training for other records staff.
- Performs other duties as apparent or assigned.

Police Records Management Technician

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Knowledge, Skills and Abilities

- The position objectives are met through the knowledge, ability to interpret, and application of specialized policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints with required skills to deal with diverse individuals;
- General knowledge of law enforcement records processing practices and procedures, Uniform Crime Reporting, forms, and terminology;
- General knowledge of city, department and law enforcement related programs, policies, and procedures;
- Possess strong organizational and time management skills, with the ability to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency with a high level of attention to detail combined with the ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws;
- Knowledge of, and experience with, modern office practices and procedures, and ability to operate standard office equipment with the ability to type and enter data accurately and at a reasonable rate of speed, multi-line phone system, and software, including specialized law enforcement systems;
- Ability to communicate effectively, both orally and in writing; and to deal courteously and tactfully with the public, co-workers, and external agencies and departments and has considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation, and arithmetic;
- Ability to establish and maintain effective working relationships with citizens, city personnel, other agencies, and the general public. Has strong interpersonal, oral, and written communications skills while remaining calm, courteous, and professional under difficult, sensitive, stressful, or hostile situations.

Education, Experience and Special Requirements

- High school diploma or GED equivalent.
- Two years of related experience as determined by management. Secondary education coursework in office practices or law enforcement can substitute for up to one-half of the experience required.
- Satisfactory completion of Department of Public Safety background examination including fingerprint background check.
- Completes and maintains department required training and certifications within required time frames.
- Notary Public Certification, including E-Notarization Authority, may be required.
- Previous law enforcement records management and transcription experience is desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting, using hands to finger, handle or feel and repetitive motions, frequently requires speaking or hearing and reaching with hands and arms and occasionally requires standing, walking, ~~climbing or balancing~~, stooping, kneeling, crouching ~~or crawling~~, pushing or pulling and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, assembly or fabrication of parts within arm's length, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: ~~May-November 630~~, 202418



Police Records Management Technician

Department: Police

FLSA Status: Non-Exempt

General Definition of Work

This is a union position that performs a variety of intermediate to skilled administrative support services in the operation of the Police Department's Records Unit. Work is performed under the general supervision of the Police Records Management Lead and Police Administrative Supervisor. Performs other duties as apparent or assigned.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Initial point of contact for customer service during regular business hours; prioritizes and filters incoming calls; directs public to appropriate personnel, department, or resource; provides general information and direction; Maintains visitor logs and meeting room schedule.
- Prepares, edits, and proofreads a variety of documents including memos, letters and other documents specific to the department. Transcribes verbatim recordings which may contain violent, graphic, and/or sensitive content.
- Enters and/or verifies data for accuracy, completeness, and appearance; Assigns Uniform Crime Coding for data entry, retrieval and dissemination; Finalizes incident reports with status, date and disposition. Compiles and processes case files for prosecution and dissemination to other agencies, ensuring all necessary components are present and accurately completed. Monitors ongoing case status and ensures that files are processed in accordance with established levels of priority.
- Receives and processes a variety of applications and permits; receives and disseminates department correspondence; Receives, processes and logs court notifications and cancellations; Receipts incoming funds and prepares cash deposits of department specific funds; may participate in collection of unpaid parking fines.
- Enters and verifies NCIC (National Crime Information Center) "hot file" records. Compiles data for background checks for various licensure, employment, and permits, including retrieval and dissemination of Criminal History data in accordance with BCA policy.
- Receives and responds to information requests, retrieving and disseminating data in accordance with federal and state data privacy laws and policies. Redaction of video that may contain violent, graphic, and/or sensitive content.
- Receives, logs, maintains, and releases a wide variety of property & evidence.
- May assist in technical training for other records staff.
- Performs other duties as apparent or assigned.

Police Records Management Technician

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Knowledge, Skills and Abilities

- The position objectives are met through the knowledge, ability to interpret, and application of specialized policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints with required skills to deal with diverse individuals;
- General knowledge of law enforcement records processing practices and procedures, Uniform Crime Reporting, forms, and terminology;
- General knowledge of city, department and law enforcement related programs, policies, and procedures;
- Possess strong organizational and time management skills, with the ability to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency with a high level of attention to detail combined with the ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws;
- Knowledge of, and experience with, modern office practices and procedures, and ability to operate standard office equipment with the ability to type and enter data accurately and at a reasonable rate of speed, multi-line phone system, and software, including specialized law enforcement systems;
- Ability to communicate effectively, both orally and in writing; and to deal courteously and tactfully with the public, co-workers, and external agencies and departments and has considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation, and arithmetic;
- Ability to establish and maintain effective working relationships with citizens, city personnel, other agencies, and the general public. Has strong interpersonal, oral, and written communications skills while remaining calm, courteous, and professional under difficult, sensitive, stressful, or hostile situations.

Education, Experience and Special Requirements

- High school diploma or GED equivalent.
- Two years of related experience as determined by management. Secondary education coursework in office practices or law enforcement can substitute for up to one-half of the experience required.
- Satisfactory completion of Department of Public Safety background examination including fingerprint background check.
- Completes and maintains department required training and certifications within required time frames.
- Notary Public Certification, including E-Notarization Authority, may be required.
- Previous law enforcement records management and transcription experience is desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting, using hands to finger, handle or feel and repetitive motions, frequently requires speaking or hearing and reaching with hands and arms and occasionally requires standing, walking, , stooping, kneeling, crouching, pushing or pulling and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, assembly or fabrication of parts within arm's length, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 6, 2024



Police Records Management Lead

Department: Police

FLSA Status: Non-Exempt

General Definition of Work

This union position performs responsible supervisory work to ensure continuous and effective daily operation of the records unit and takes a lead role in all activities relating to that unit. Work is performed independently with guidance from the Police Administrative Supervisor, Police Chief, and/or Deputy Chief of Police. Supervision is exercised over assigned personnel. Performs other duties as apparent or assigned.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Maintains an overall understanding of the day-to-day demands that are placed on the records unit and routinely performs the essential functions of a Records Management Technician.
- Serves as Primary Evidence Technician for intake and maintenance of departmental evidence while handling items that can be sensitive or hazardous in nature and require safe precautions.
- Plans, directs and supervises records staff including overseeing the work schedule and approves leave requests for the records unit; Coordinates records staff assignments, including front desk coverage; Monitors ongoing case status; and reviews incoming files and transcription and assigns level of priority for processing; Provides direction and assistance to all records staff as needed.
- Assists with staff training, performance evaluation, and coaching; May recommend formal discipline of records staff to supervisors; identifies areas where cross-training is necessary to ensure adequate coverage of job duties.
- Primary backup for the Police Administrative Supervisor by performing department payroll and accounting functions and other related administrative functions as apparent or assigned; Serves as a notary public.
- Serves as Assistant Terminal Agency Coordinator (TAC) for the agency, which includes direct participation and responsibilities associated with the monthly validation of NCIC hot files.
- Serves as Alternate Reporting Agency Contact (RAC), overseeing Uniform Crime Reporting classification coding and assisting with the research and resolution of errors.
- Assists with establishing and communicating internal policy and procedures relating to the records unit.
- Maintains confidentiality in accordance with Minnesota Data Practices and office policies and procedures.
- Participates in evaluating and making recommendations for software enhancements.
- Assists with resolving issues with Master Name Indexes within the county-wide records keeping system through research of duplications and errors, working with the Police Administrative Supervisor as needed to resolve issues.
- Performs related functions as apparent or assigned.

Knowledge, Skills and Abilities

- The position objectives are met through the knowledge, ability to interpret, and application of specialized policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints with required leadership skills to deal with diverse individuals;
- Thorough knowledge of law enforcement records processing practices and procedures, Uniform Crime Reporting, forms, and terminology;
- General knowledge of city, department and law enforcement related programs, policies, and procedures;
- Possess strong organizational and time management skills, with the ability to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency with a high level of attention to detail combined with the ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws;
- General knowledge of, and experience with, modern office practices and procedures, and ability to operate standard office equipment with the ability to type and enter data accurately and at a reasonable rate of speed, multi-line phone system, and software, including specialized law enforcement systems;
- Ability to communicate effectively, both orally and in writing; and to deal courteously and tactfully with the public, co-workers, and external agencies and departments and has considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation, and arithmetic;
- Ability to establish and maintain effective working relationships with citizens, city personnel, other agencies, and the general public. Has strong interpersonal, oral, and written communications skills while remaining calm, courteous, and professional under difficult, sensitive, stressful, or hostile situations.

Education, Experience and Special Requirements

- High school diploma or equivalent.
- Three (3) years law enforcement records management and transcription experience.
- Completes and maintains department required training and certifications within required time frames.
- Notary Public Certification, including E-Notarization Authority, is required or ability to obtain within six months of hire.
- Satisfactory completion of Department of Public Safety background examination including fingerprint background check.
- Supervisory experience, especially in a law enforcement environment, is desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting, speaking or hearing, using hands to finger, handle or feel and repetitive motions, frequently requires reaching with hands and arms and occasionally requires standing, walking, climbing or balancing, stooping, kneeling, crouching or crawling, pushing or pulling and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: ~~May~~November ~~6~~30, 20~~24~~18



Police Records Management Lead

Department: Police

FLSA Status: Non-Exempt

General Definition of Work

This union position performs responsible supervisory work to ensure continuous and effective daily operation of the records unit and takes a lead role in all activities relating to that unit. Work is performed independently with guidance from the Police Administrative Supervisor, Police Chief, and/or Deputy Chief of Police. Supervision is exercised over assigned personnel. Performs other duties as apparent or assigned.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Maintains an overall understanding of the day-to-day demands that are placed on the records unit and routinely performs the essential functions of a Records Management Technician.
- Serves as Primary Evidence Technician for intake and maintenance of departmental evidence while handling items that can be sensitive or hazardous in nature and require safe precautions.
- Plans, directs and supervises records staff including overseeing the work schedule and approves leave requests for the records unit; Coordinates records staff assignments, including front desk coverage; Monitors ongoing case status; and reviews incoming files and transcription and assigns level of priority for processing; Provides direction and assistance to all records staff as needed.
- Assists with staff training, performance evaluation, and coaching; May recommend formal discipline of records staff to supervisors; identifies areas where cross-training is necessary to ensure adequate coverage of job duties.
- Primary backup for the Police Administrative Supervisor by performing department payroll and accounting functions and other related administrative functions as apparent or assigned; Serves as a notary public.
- Serves as Assistant Terminal Agency Coordinator (TAC) for the agency, which includes direct participation and responsibilities associated with the monthly validation of NCIC hot files.
- Serves as Alternate Reporting Agency Contact (RAC), overseeing Uniform Crime Reporting classification coding and assisting with the research and resolution of errors.
- Assists with establishing and communicating internal policy and procedures relating to the records unit.
- Maintains confidentiality in accordance with Minnesota Data Practices and office policies and procedures.
- Participates in evaluating and making recommendations for software enhancements.
- Assists with resolving issues with Master Name Indexes within the county-wide records keeping system through research of duplications and errors, working with the Police Administrative Supervisor as needed to resolve issues.
- Performs related functions as apparent or assigned.

Knowledge, Skills and Abilities

- The position objectives are met through the knowledge, ability to interpret, and application of specialized policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints with required leadership skills to deal with diverse individuals;
- Thorough knowledge of law enforcement records processing practices and procedures, Uniform Crime Reporting, forms, and terminology;
- General knowledge of city, department and law enforcement related programs, policies, and procedures;
- Possess strong organizational and time management skills, with the ability to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency with a high level of attention to detail combined with the ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws;
- General knowledge of, and experience with, modern office practices and procedures, and ability to operate standard office equipment with the ability to type and enter data accurately and at a reasonable rate of speed, multi-line phone system, and software, including specialized law enforcement systems;
- Ability to communicate effectively, both orally and in writing; and to deal courteously and tactfully with the public, co-workers, and external agencies and departments and has considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation, and arithmetic;
- Ability to establish and maintain effective working relationships with citizens, city personnel, other agencies, and the general public. Has strong interpersonal, oral, and written communications skills while remaining calm, courteous, and professional under difficult, sensitive, stressful, or hostile situations.

Education, Experience and Special Requirements

- High school diploma or equivalent.
- Three (3) years law enforcement records management and transcription experience.
- Completes and maintains department required training and certifications within required time frames.
- Notary Public Certification, including E-Notarization Authority, is required or ability to obtain within six months of hire.
- Satisfactory completion of Department of Public Safety background examination including fingerprint background check.
- Supervisory experience, especially in a law enforcement environment, is desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires sitting, speaking or hearing, using hands to finger, handle or feel and repetitive motions, frequently requires reaching with hands and arms and occasionally requires standing, walking, climbing or balancing, stooping, kneeling, crouching or crawling, pushing or pulling and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 6, 2024



Senior Engineering Tech / Project Coordinator

Department: Public WorksEngineering
Exempt

FLSA Status: Non-

General Definition of Work

Performs intermediate skilled technical work assisting in the planning, reviewing, coordinating, implementing, inspecting projects, and enforcing code with regard to the City Engineering's public works projects. This position works with the Assistant City Engineer to define, establish, and attain the overall standards, policies, and goals and objectives of the project area for the City and perform diversified technical and management services related to the management and consistency of assigned improvement projects. This position performs under the limited supervision of the Assistant City Engineer at a senior level in the assigned areas and is the lead on projects including research as well as mentoring interns.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions

Essential Functions

- Works independently under the general direction of the Assistant City Engineer and has the primary responsibility of managing assigned City Improvement projects including reviewing plans, administering permits, coordinating contractors, and supervising seasonal engineering interns.
- Ensures projects meet the specifications and requirements of the permit and project, inspect activities of contractors and ensure they restore the site to City standards, and complete any map/record drawing updates as necessary.
- Develops, recommends, and manages projects, strategies, standards, and procedures consistent with organizational priorities. Additional responsibilities include project review and timeline coordination, as well as assisting with the administrative management of City Improvement projects.
- Administers operating rules and procedures under management guidance, performs advanced troubleshooting or analysis, and frequently interacts to provide detailed procedural explanations or technical responses.
- Uses AutoCAD Civil 3D software to produce construction drawings, compute alignments and grades, quantities, and other information necessary for a comprehensive set of plans for the construction of streets, utilities, water resources or other engineering related projects.
- Performs construction observation on all types of City Improvement projects to ensure that construction is consistent with specifications, special provisions, and plans;
- Performs or coordinates testing on materials used in construction projects, construction procedures, and oversees tests performed by contractors for conformance to specifications.
- Ensures construction is completed in accordance with construction documents, ~~to provide a good finished product.~~
- Assists in the inspection and enforcement of the City's erosion and sediment control ordinance and permitting process. Works with property owners, developers, and contractors on erosion and sediment control.
- Coordinates and performs construction staking needs.
- Collects and analyzes technical data for City Improvement projects; Reviews plans for needed easements, right of way, and governmental jurisdiction permits and indicates this to the engineer for appropriate action; Reviews private development plans for conformance with City standards as well as other regulatory agencies.
- Acts as liaison to contractors and the public to provide information and solve problems; Communicates with property owners about construction projects and keeps them informed of the status of the project, including project explanations, answering questions about schedule and the impact to property; Coordinates projects with other City departments and government agencies.
- Takes necessary measurements and maintains complete records for accurate as-built drawings and records; Maintains complete daily and weekly work records and prepares monthly estimates of quantities for contractor payments; Proficient in using a spreadsheet program to keep project records and payment vouchers; Develops project assessment proposals and documents for public hearings, including computation and distribution of special assessment costs; Assists in the writing of complex documents, such as bid documents and specifications; Manages City infrastructure record drawings; Maintains City construction details and CAD standards.
- Must be willing to work flexible hours including overtime when project inspections are needed.

- Perform related task as assigned.

Senior Engineering Tech/Project Coordinator

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Knowledge, Skills and Abilities

- Applies knowledge of the principles, practices, methods, techniques, State statutes, rules, regulations and directives, tools and equipment used in technical engineering work in office and field, including drafting, cartography, engineering calculations, surveying and inspection work; as well as expertise, methodology, and techniques involved in the program coordination.
- Knowledge of public works, engineering principles, and construction activities; Must be detailed and possess strong technical skills.
- Utilize customer service skills so that people who contact the City with concerns in the areas of construction, plan review and other engineering items feel the City has provided an adequate response to their issue and addressed their issue to the greatest practical extent.
- Knowledge of Microsoft Office programs and other computer applications including GIS and CAD; Skill in the use of GPS equipment and robotic total station equipment.
- Knowledge of ordinances, regulations, and regulatory agencies dealing with erosion control practices
- Ability to work cooperatively and establish good relations with all internal and external customers; Ability to deal effectively and tactfully with property owners, contractors, engineers, and the general public; Skill set should include success working with and through people in establishing goals, objectives and action plans to produce expected results.
- Demonstrated ability to develop and deliver effective operational programs.
- Has excellent organizational, technology, and customer service skills; Ability to solve problems and troubleshoot technical issues; Able to simultaneously manage multiple projects and deadlines and coordinate department-wide projects, delegating when necessary.
- Demonstrates, by example, the highest standards of conduct, performance, integrity and public service; Ability and desire to project a professional image through knowledge of job, positive attitude, and accurate and timely completion of work.
- Maintains mental capacity which permits making sound decisions and using good judgment, and demonstrating critical thinking capabilities.
- Ability to effectively communicate both orally and in written format to communicate ideas, explanations and recommendations clearly using tact, sensitivity and understanding of diverse audiences to build trusting and cooperative relationships.
- Ability to act without supervision and to exercise appropriate independent judgment.
- Ability to enforce policies and regulations firmly, tactfully, and impartially.
- Demonstrates, by example, the highest standards of conduct, performance, integrity and public service.
- Able to initiate change and to implement new processes with the ability to motivate and provide leadership in area of expertise.

Education, Experience and Special Requirements

- High school diploma or GED.
- Associates/Technical degree with coursework in civil engineering, engineering technology, or related field and five years' experience performing surveying and/or engineering, or equivalent combination of education and experience.
- Possession of a valid MN driver's license prior to employment.
- Computer skills in a windows environment including the use of the Microsoft Office suite of programs, GIS and proficiency in AutoCAD computer aided design software, AutoCAD Civil 3D is preferred.
- Must hold a Minnesota Department of Transportation certification for erosion control, grading & base, bituminous, and concrete or have the ability to obtain within 1 year
- Municipal Engineering experience is desired.

Physical Requirements

This work requires the frequently exertion of up to 25 pounds of force and the occasional exertion of up to 50 pounds of force; work regularly requires using hands to finger, handle or feel, frequently requires standing, walking, sitting, speaking or hearing and reaching with hands and arms and occasionally requires stooping, kneeling, crouching or crawling, tasting or smelling, pushing or pulling, lifting and repetitive motions; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work frequently requires exposure to outdoor weather conditions and occasionally requires working near moving mechanical parts, working in high, precarious places, exposure to fumes or airborne particles, exposure to extreme heat (non-weather), exposure to the risk of electrical shock and exposure to vibration; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.



Senior Engineering Tech / Project Coordinator

Department: Public Works

FLSA Status: Non-Exempt

General Definition of Work

Performs intermediate skilled technical work assisting in the planning, reviewing, coordinating, implementing, inspecting projects, and enforcing code with regard to the City Engineering's public works projects. This position works with the Assistant City Engineer to define, establish, and attain the overall standards, policies, and goals and objectives of the project area for the City and perform diversified technical and management services related to the management and consistency of assigned improvement projects. This position performs under the limited supervision of the Assistant City Engineer at a senior level in the assigned areas and is the lead on projects including research as well as mentoring interns.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions

Essential Functions

- Works independently under the general direction of the Assistant City Engineer and has the primary responsibility of managing assigned City Improvement projects including reviewing plans, administering permits, coordinating contractors, and supervising seasonal engineering interns.
- Ensures projects meet the specifications and requirements of the permit and project, inspect activities of contractors and ensure they restore the site to City standards, and complete any map/record drawing updates as necessary.
- Develops, recommends, and manages projects, strategies, standards, and procedures consistent with organizational priorities. Additional responsibilities include project review and timeline coordination, as well as assisting with the administrative management of City Improvement projects.
- Administers operating rules and procedures under management guidance, performs advanced troubleshooting or analysis, and frequently interacts to provide detailed procedural explanations or technical responses.
- Uses AutoCAD Civil 3D software to produce construction drawings, compute alignments and grades, quantities, and other information necessary for a comprehensive set of plans for the construction of streets, utilities, water resources or other engineering related projects.
- Performs construction observation on all types of City Improvement projects to ensure that construction is consistent with specifications, special provisions, and plans;
- Performs or coordinates testing on materials used in construction projects, construction procedures, and oversees tests performed by contractors for conformance to specifications.
- Ensures construction is completed in accordance with construction documents.
- Assists in the inspection and enforcement of the City's erosion and sediment control ordinance and permitting process. Works with property owners, developers, and contractors on erosion and sediment control.
- Coordinates and performs construction staking needs.
- Collects and analyzes technical data for City Improvement projects; Reviews plans for needed easements, right of way, and governmental jurisdiction permits and indicates this to the engineer for appropriate action; Reviews private development plans for conformance with City standards as well as other regulatory agencies.
- Acts as liaison to contractors and the public to provide information and solve problems; Communicates with property owners about construction projects and keeps them informed of the status of the project, including project explanations, answering questions about schedule and the impact to property; Coordinates projects with other City departments and government agencies.
- Takes necessary measurements and maintains complete records for accurate as-built drawings and records; Maintains complete daily and weekly work records and prepares monthly estimates of quantities for contractor payments; Proficient in using a spreadsheet program to keep project records and payment vouchers; Develops project assessment proposals and documents for public hearings, including computation and distribution of special assessment costs; Assists in the writing of complex documents, such as bid documents and specifications; Manages City infrastructure record drawings; Maintains City construction details and CAD standards.
- Must be willing to work flexible hours including overtime when project inspections are needed.
- Perform related task as assigned.

Senior Engineering Tech/Project Coordinator

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Knowledge, Skills and Abilities

- Applies knowledge of the principles, practices, methods, techniques, State statutes, rules, regulations and directives, tools and equipment used in technical engineering work in office and field, including drafting, cartography, engineering calculations, surveying and inspection work; as well as expertise, methodology, and techniques involved in the program coordination.
- Knowledge of public works, engineering principles, and construction activities; Must be detailed and possess strong technical skills.
- Utilize customer service skills so that people who contact the City with concerns in the areas of construction, plan review and other engineering items feel the City has provided an adequate response to their issue and addressed their issue to the greatest practical extent.
- Knowledge of Microsoft Office programs and other computer applications including GIS and CAD; Skill in the use of GPS equipment and robotic total station equipment.
- Knowledge of ordinances, regulations, and regulatory agencies dealing with erosion control practices
- Ability to work cooperatively and establish good relations with all internal and external customers; Ability to deal effectively and tactfully with property owners, contractors, engineers, and the general public; Skill set should include success working with and through people in establishing goals, objectives and action plans to produce expected results.
- Demonstrated ability to develop and deliver effective operational programs.
- Has excellent organizational, technology, and customer service skills; Ability to solve problems and troubleshoot technical issues; Able to simultaneously manage multiple projects and deadlines and coordinate department-wide projects, delegating when necessary.
- Demonstrates, by example, the highest standards of conduct, performance, integrity and public service; Ability and desire to project a professional image through knowledge of job, positive attitude, and accurate and timely completion of work.
- Maintains mental capacity which permits making sound decisions and using good judgment, and demonstrating critical thinking capabilities.
- Ability to effectively communicate both orally and in written format to communicate ideas, explanations and recommendations clearly using tact, sensitivity and understanding of diverse audiences to build trusting and cooperative relationships.
- Ability to act without supervision and to exercise appropriate independent judgment.
- Ability to enforce policies and regulations firmly, tactfully, and impartially.
- Demonstrates, by example, the highest standards of conduct, performance, integrity and public service.
- Able to initiate change and to implement new processes with the ability to motivate and provide leadership in area of expertise.

Education, Experience and Special Requirements

- High school diploma or GED.
- Associates/Technical degree with coursework in civil engineering, engineering technology, or related field and five years' experience performing surveying and/or engineering, or equivalent combination of education and experience.
- Possession of a valid MN driver's license prior to employment.
- Computer skills in a windows environment including the use of the Microsoft Office suite of programs, GIS and proficiency in AutoCAD computer aided design software, AutoCAD Civil 3D is preferred.
- Must hold a Minnesota Department of Transportation certification for erosion control, grading & base, bituminous, and concrete or have the ability to obtain within 1 year
- Municipal Engineering experience is desired.

Physical Requirements

This work requires the frequently exertion of up to 25 pounds of force and the occasional exertion of up to 50 pounds of force; work regularly requires using hands to finger, handle or feel, frequently requires standing, walking, sitting, speaking or hearing and reaching with hands and arms and occasionally requires stooping, kneeling, crouching or crawling, tasting or smelling, pushing or pulling, lifting and repetitive motions; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work frequently requires exposure to outdoor weather conditions and occasionally requires working near moving mechanical parts, working in high, precarious places, exposure to fumes or airborne particles, exposure to extreme heat (non-weather), exposure to the risk of electrical shock and exposure to vibration; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.



Administrative Specialist-2 – Payroll/~~Human Resources~~

Department: ~~Administration~~/Finance
Exempt

_____ FLSA Status: Non-

General Definition of Work

This position prepares and processes City's bi-weekly payroll; maintenance of payroll/benefit transactions and records; assists with the implementation and communication of employee benefits plans; and supports the Human Resource Division by completing other duties as assigned. The nature of this work demands a very high level of accuracy. Works under general direction of the Finance Director and under the technical direction of the HR Director (or Department)Coordinator.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Prepares and processes the City's bi-weekly payroll and monthly Mayor, Council and Paid-on Call Firefighter payroll including the addition of new employees and all payroll changes entered into the payroll system; maintains the confidentiality of the data and associated information.
- Reviews activity in biweekly payroll for accuracy and compliance with internal policies, labor contracts, pay schedules, legal and contractual requirements, and approved accounting standards.
- Prepares bi-weekly, monthly, quarterly and year-end payroll reports for various agencies and all supporting documentation as required including tax withholding, unemployment, W2's, Affordable Care Act required filings, and the annual PERA Exclusion Report.
- Process vendor payments and prepares data for the electronic transfer of direct deposits, federal and state tax deposits, PERA, and numerous payroll deductions; generates accounts receivable statements for applicable component units related to benefit and payroll administration.
- Assists with the annual open enrollment process; communicates to and follows up with employees to complete election process.
- ~~Prepares and ensures~~ Verifies proper completion of paperwork and enters employee benefit elections into payroll~~new and annual open enrollment employee paperwork and/or forms~~; scans and maintains payroll files in accordance with City's Records Retention Policy.
- Keeps updated on payroll and HR laws by reviewing PERA, IRS and Social Security Administration bulletins and be the point person for payroll questions and/or issues.
- Maintains employee leave benefit records and accruals as assigned including compliance with FMLA and the Affordable Care Act employer directives. This includes but is not limited to tracking/monitoring employee hours and eligibility status; ~~notifying supervisors of employee eligibility status; preparing forms and reports, etc.~~
- ~~Assists with the completion and maintenance of federally-mandated First Reports of Injury and OSHA 300 logs.~~
- Monitors worker compensation wage loss reimbursements received and calculates employee payroll checks while on worker's compensation.
- ~~Monitors employees' PERA coverage eligibility and deferred compensation programs.~~
- ~~Schedules random drug and alcohol tests as directed. Maintain testing records/results as required by law.~~
- ~~Calculates final compensation and benefit payments due to terminating employees including, but not limited to vacation, severance, compensatory time, sick leave and other compensation, as applicable.~~

- Updates the Human Resource/Job Postings page on the city's website, Intranet and online benefit enrollment system.
- Assists with Wellness Program initiatives and online platform administration.

Administrative Specialist 2 – Payroll/Human Resources

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- ~~Completes mandatory surveys and other human resource related surveys, as directed.~~
- Prepares and maintains various schedules utilizing spreadsheet and database programs.
- Provides front counter and customer service backup coverage as needed.
- Attendance is an essential function of this position.
- Performs various tasks as assigned.

Administrative Specialist – Payroll

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Knowledge, Skills and Abilities

- General knowledge of applicable accounting and payroll laws, regulations, policies, practices, procedures and guides.
- General knowledge of human resources and employee benefits principles, concepts and practices.
- Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Ability to think logically, understand city's policies and procedures, and an aptitude for math to provide the ability to compile, review, and tabulate financial data.
- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, forms and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.

Education, Experience & Special Requirements

Minimum Qualifications:

- High school diploma or GED.
- Coursework in business, accounting, HR, Administrative Specialist or related field;
- Two years of responsible payroll, HR, and/or accounting experience. Secondary education coursework in office practices can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience as determined by management.

Desired training and experience includes experience and/or knowledge of Governmental Accounting; Bachelor's Degree in Business, Accounting, HR or related field; ~~PHR or SHRM HR Certification~~; experience with a computerized financial system; and knowledge of **BS&A INCODE** Software.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines

and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: ~~May~~January ~~15~~14, 20~~21~~19



Administrative Specialist – Payroll

Department: Finance

FLSA Status: Non-Exempt

General Definition of Work

This position prepares and processes City's bi-weekly payroll; maintenance of payroll/benefit transactions and records; assists with the implementation and communication of employee benefits plans; and supports the Human Resource Division by completing other duties as assigned. The nature of this work demands a very high level of accuracy. Works under general direction of the Finance Director and under the technical direction of the HR Director (or Department).

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Prepares and processes the City's bi-weekly payroll and monthly Mayor, Council and Paid-on Call Firefighter payroll including the addition of new employees and all payroll changes entered into the payroll system; maintains the confidentiality of the data and associated information.
- Reviews activity in biweekly payroll for accuracy and compliance with internal policies, labor contracts, pay schedules, legal and contractual requirements, and approved accounting standards.
- Prepares bi-weekly, monthly, quarterly and year-end payroll reports for various agencies and all supporting documentation as required including tax withholding, unemployment, W2's, Affordable Care Act required filings, and the annual PERA Exclusion Report.
- Process vendor payments and prepares data for the electronic transfer of direct deposits, federal and state tax deposits, PERA, and numerous payroll deductions; generates accounts receivable statements for applicable component units related to benefit and payroll administration.
- Assists with the annual open enrollment process; communicates to and follows up with employees to complete election process.
- Verifies proper completion of paperwork and enters employee benefit elections into payroll; scans and maintains payroll files in accordance with City's Records Retention Policy.
- Keeps updated on payroll and HR laws by reviewing PERA, IRS and Social Security Administration bulletins and be the point person for payroll questions and/or issues.
- Maintains employee leave benefit records and accruals as assigned including compliance with FMLA and the Affordable Care Act employer directives. This includes but is not limited to tracking/monitoring employee hours and eligibility status.
- Monitors worker compensation wage loss reimbursements received and calculates employee payroll checks while on worker's compensation.
- Monitors employees' PERA coverage eligibility and deferred compensation programs.
- Calculates final compensation and benefit payments due to terminating employees including, but not limited to vacation, severance, compensatory time, sick leave and other compensation, as applicable.
- Prepares and maintains various schedules utilizing spreadsheet and database programs.
- Provides front counter and customer service backup coverage as needed.
- Attendance is an essential function of this position.
- Performs various tasks as assigned.

Administrative Specialist – Payroll

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Knowledge, Skills and Abilities

- General knowledge of applicable accounting and payroll laws, regulations, policies, practices, procedures and guides.
- General knowledge of human resources and employee benefits principles, concepts and practices.
- Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Ability to think logically, understand city's policies and procedures, and an aptitude for math to provide the ability to compile, review, and tabulate financial data.
- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, forms and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.

Education, Experience & Special Requirements

Minimum Qualifications:

- High school diploma or GED.
- Coursework in business, accounting, HR, Administrative Specialist or related field;
- Two years of responsible payroll, HR, and/or accounting experience. Secondary education coursework in office practices can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience as determined by management.

Desired training and experience includes experience and/or knowledge of Governmental Accounting; Bachelor's Degree in Business, Accounting, HR or related field; experience with a computerized financial system; and knowledge of BS&A Software.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 14, 2024



Accounts Payable/Administrative Specialist – Accounts Payable

Department: ~~Administration~~/Finance

FLSA Status: Non-Exempt

General Definition of Work

The ~~Accounts Payable~~/Administrative Specialist – Accounts Payable job classification is a union position that performs routine to skilled financial, receptionist, and administrative support to the ~~Administration~~/Finance Department. Under general direction of the Finance Director, performs assessment, special assessment, and property tax activities and offers financial-administrative support to ~~several city~~ departments ~~and divisions in City Hall~~. Primary duties are accounts payable, accounts receivable, and municipal licensing activities. Performs other duties as apparent or assigned. The nature of this work demands a very high level of accuracy.

~~Position will be cross-trained in all administrative areas of City Hall, a primary function is to assist other departments and divisions in a backup and project-based capacity including building inspections, finance, administration, transit and community development.~~

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Responsible for accounts payable activities for all city departments including receipt of invoices; verifying correct vendor accounts and GL accounts; preparing and processing checks, and EFT's/bank drafts.
- Files sales and use tax reports monthly and files tax refunds.
- Audits and processes credit card bills.
- Reconciles monthly bank statements.
- Oversees bad debt collections and the assessment processes for improvements.
- Reconciles, tracks and is responsible for special assessment searches and payments.
- Compiles/maintains listing for vendors subject to Form 1099 reporting; prepares 1099 Forms.
- Performs accounts receivable activities including various billings, receipting of payments, reconcile daily cash receipts, and prepare bank deposit; ~~assists with monthly bank reconciliation.~~
- Performs general ~~and special~~ accounting/tracking projects as assigned by Finance Director.
- Assists with budgeting and preparing work papers for the annual audit.
- Prepares and maintains various schedules utilizing spreadsheet and database programs.
- Verifies and prepares customer deposits, account credits, and unclaimed money reports.

- ~~Maintains capital asset records. Maintains City's fixed asset system (record purchases, disposals, transfers); perform periodic inventories of fixed assets in each department; prepare year-end financial work papers for fixed assets.~~
- Performs municipal licensing and related duties in adherence to City Code and/or State regulations.
- ~~Administers the City Parking Lot rental program.~~
- Assists Transit Department with daily bus revenue collections/documentation.
- Oversees vehicle registrations and files.
- Provides front counter and customer service coverage as needed.
- Performs various tasks as assigned.

Accounts Payables/Administrative Specialist - Accounts Payable

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Knowledge, Skills and Abilities

- Working knowledge of City's policies and procedures, including safety practices and procedures.
- Demonstrates organizational and time management skills, with the ability to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency and to able to work with minimal direct supervision.
- Require the ability to think logically, understand accounting practices and procedures, and an aptitude for math to provide the ability to compile, review, and tabulate financial data.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- ~~Outstanding communication and interpersonal skills and a commitment to customer service in dealing with issues and handling complaints. Ability to deal with complaints from angry customers both in person and on the phone. Possesses the ability to effectively gather and present information as well as respond to questions and resolve complaints from the general public, all departments, government officials, and public agencies in a courteous manner.~~
- Require knowledge and understanding of City accounting systems and practices.
- Proficient in the use of PC's and relevant software packages including MS Office specifically Word and Excel, knowledge of basic office equipment, as well as accounting and clerical procedures; accurately managing files and records; possess ability to create spreadsheets, compose correspondence, reports, and documents.

Education, Experience & Special Requirements

Minimum Qualifications:

- Two-year Associates degree with an accounting or related emphasis;
- ~~Two~~ three years of responsible accounting experience or equivalent combination of education and experience;
- Excellent computer and technology skills, specifically Word and Excel; and
- Valid driver's license

Desired Training and Experience:

- Experience and/or knowledge of Governmental Accounting;
- Bachelor's Degree in Accounting or related field; and
- Experience with a computerized financial system; knowledge of BS&AINCODE Software.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: ~~May~~January ~~14~~¹, 20~~24~~¹⁸



Administrative Specialist – Accounts Payable

Department: Finance

FLSA Status: Non-Exempt

General Definition of Work

The Administrative Specialist – Accounts Payable job classification is a union position that performs routine to skilled financial, receptionist, and administrative support to the Finance Department. Under general direction of the Finance Director, performs assessment, special assessment, and property tax activities and offers financial support to city departments. Primary duties are accounts payable, accounts receivable, and municipal licensing activities. Performs other duties as apparent or assigned. The nature of this work demands a very high level of accuracy.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Responsible for accounts payable activities for all city departments including receipt of invoices; verifying correct vendor accounts and GL accounts; preparing and processing checks, and EFT's/bank drafts.
- Files sales and use tax reports monthly and files tax refunds.
- Audits and processes credit card bills.
- Reconciles monthly bank statements.
- Oversees bad debt collections and the assessment processes for improvements.
- Reconciles, tracks and is responsible for special assessment searches and payments.
- Compiles/maintains listing for vendors subject to Form 1099 reporting; prepares 1099 Forms.
- Performs accounts receivable activities including various billings, receipting of payments, reconcile daily cash receipts, and prepare bank deposit.
- Performs general accounting projects as assigned by Finance Director.
- Assists with budgeting and preparing work papers for the annual audit.
- Prepares and maintains various schedules utilizing spreadsheet and database programs.
- Verifies and prepares customer deposits, account credits, and unclaimed money reports.
- Maintains capital asset records.
- Performs municipal licensing and related duties in adherence to City Code and/or State regulations.
- Assists Transit Department with daily bus revenue collections/documentation.
- Oversees vehicle registrations and files.
- Provides front counter and customer service coverage as needed.
- Performs various tasks as assigned.

Administrative Specialist - Accounts Payable

Page 2

Knowledge, Skills and Abilities

- Working knowledge of City's policies and procedures, including safety practices and procedures.
- Demonstrates organizational and time management skills, with the ability to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency and to able to work with minimal direct supervision.
- Require the ability to think logically, understand accounting practices and procedures, and an aptitude for math to provide the ability to compile, review, and tabulate financial data.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Require knowledge and understanding of City accounting systems and practices.
- Proficient in the use of PC's and relevant software packages including MS Office specifically Word and Excel, knowledge of basic office equipment, as well as accounting and clerical procedures; accurately managing files and records; possess ability to create spreadsheets, compose correspondence, reports, and documents.

Education, Experience & Special Requirements

Minimum Qualifications:

- Two-year Associates degree with an accounting or related emphasis;
- Two years of responsible accounting experience or equivalent combination of education and experience;
- Excellent computer and technology skills, specifically Word and Excel; and
- Valid driver's license

Desired Training and Experience:

- Experience and/or knowledge of Governmental Accounting;
- Bachelor's Degree in Accounting or related field; and
- Experience with a computerized financial system; knowledge of BS&A Software.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 14, 2024



Administrative Specialist — FinanceGlobal

Department: FinanceGlobal
Exempt

FLSA Status: Non-

General Definition of Work

This position is accountable for performing a variety of customer support services including responding to customer questions, processing customer transactions and performing administrative support for the department. The position serves as the central point of contact for customer questions and as such requires a high degree of resourcefulness to effectively respond to a wide variety of information requests. Work is performed under the limited supervision of the ~~assigned department supervisor~~ Finance Director.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Department's initial point of contact for public during regular business hours; provides general information and direction; handles inquiries and complaints from the public in person or by telephone; directs public to the appropriate personnel when needed; process incoming calls, email, and mail.
- Administrative accountabilities involve providing support services for department personnel including performing routine office tasks utilizing word processing, data entry and transcription; prepares correspondence, reports, forms and spreadsheets; verifies statistical and other records for accuracy and completeness.
- Operates standard office equipment, department-required software, and a multi-line telephone system; troubleshoots office equipment problems and initiate maintenance calls to IT and/or vendors.
- Performs payment reconciliation and transaction processing; receipts and prepares deposits for department revenues.
- Prepares meeting minutes, agendas and related documents, etc. where a knowledge of format and presentation is necessary; answers routine correspondence independently; posts agendas and minutes on the city's website.
- Maintains department files and records and in compliance with the City's records retention program.
- Maintains office supply inventory and orders as needed.
- Assists the public with the completion of standardized records or documents.
- ~~Regular attendance.~~
- Performs various other tasks and duties as assigned.

Additional Duties for Administration/Finance Department:

- Serves as the primary receptionist and performs administrative duties for the Administration, Finance and HR Departments.
- Attends City Council, Charter Commission and EDA meetings for minute preparation. Council meetings are held during evening hours a minimum of two times a month. The Charter Commission meets as needed and meetings are usually held in the evenings as well.
- Maintains permanent Ordinance, Resolution and City Council minutes and records; Maintains and updates the City Code.
- Coordinates the publication of required legal notices ~~for meetings and ordinances for all departments~~; Provides meeting attendee notification and coordination as needed by Department, Council and committees; Conducts follow-up activities of Council action.
- Has the primary responsibility of establishing, maintaining, and documenting electronic (scanning) and physical filing and storage of official and department-required city documents in compliance with the City's Records Retention Policy.
- Assists the City Administrator, Department Heads, Mayor and Council members with correspondence and projects as directed, reviewing content, formatting and distribution for the desired outcome.
- Processes information requests.
- ~~Coordinates and Assists with City election duties.~~
- provides administrative and clerical support for the elections process.
- Assigns election judges ensuring proper party balance.

- Recruit's elections judges and ensures proper training is completed.
- Serves as the City's primary point of contact for election questions.
- Serves as backup for preparing city deposit and counting daily bus revenue.
- Performs various other tasks and duties as assigned.

Additional Duties for Public Works Department:

- ~~• Performs the day-to-day duties for the Public Works Department Office operation.~~
- ~~• Oversees the campground operation including reservations and cancellations, revenue, guest inquiries and the campground host.~~
- ~~• Processes accounts receivable, accounts payable, payroll, and other financial data; assigns appropriate cost codes to invoices; posts to statistical and other financial records; assists with the collection of delinquent accounts.~~
- ~~• Assists in preparation of assessment rolls, notices and related documents.~~
- ~~• Prepares and maintains a variety of office files, accounts and other records; verifies statistical and other records for accuracy and completeness; maintains sensitive and restricted information on the computer system.~~
- ~~• Verifies identification, process and notarize documentation for department's temporary employees and volunteers.~~
- ~~• Updates park and campground cancellation line and web page on a daily basis; maintain public portal for online registrations.~~
- ~~• Maintains written departmental procedures, policies, and reference information; creates brochures, flyers and forms.~~
- ~~• Attends Park Board and Transportation Advisory Committee meetings for minute preparation.~~
- ~~• Serves as primary for counting daily bus revenue.~~

Knowledge, Skills and Abilities

- General knowledge with the ability to interpret and apply department-specialized programs, policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Logical thinker with ability to solve practical problems, applying common sense to interpret and independently carry out detailed instructions in various forms.
- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.
- Ability to attend limited evening meetings as assigned.

Education and Experience

- High school diploma or GED.
- Two years experience in administrative support and office operations. Secondary education coursework in business can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience.
- Possess Notary Public license or ability to obtain within two months of hire.
- Previous minute taking and/or department related experience is desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.



Administrative Specialist – Finance

Department: Finance

FLSA Status: Non-Exempt

General Definition of Work

This position is accountable for performing a variety of customer support services including responding to customer questions, processing customer transactions and performing administrative support for the department. The position serves as the central point of contact for customer questions and as such requires a high degree of resourcefulness to effectively respond to a wide variety of information requests. Work is performed under the limited supervision of the Finance Director.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Department's initial point of contact for public during regular business hours; provides general information and direction; handles inquiries and complaints from the public in person or by telephone; directs public to the appropriate personnel when needed; process incoming calls, email, and mail.
- Administrative accountabilities involve providing support services for department personnel including performing routine office tasks utilizing word processing, data entry and transcription; prepares correspondence, reports, forms and spreadsheets; verifies statistical and other records for accuracy and completeness.
- Operates standard office equipment, department-required software, and a multi-line telephone system; troubleshoots office equipment problems and initiate maintenance calls to IT and/or vendors.
- Performs payment reconciliation and transaction processing; receipts and prepares deposits for department revenues.
- Prepares meeting minutes, agendas and related documents, etc. where a knowledge of format and presentation is necessary; answers routine correspondence independently; posts agendas and minutes on the city's website.
- Maintains department files and records and in compliance with the City's records retention program.
- Maintains office supply inventory and orders as needed.
- Assists the public with the completion of standardized records or documents.
- Performs various other tasks and duties as assigned.
- Serves as the primary receptionist and performs administrative duties for the Administration, Finance and HR Departments.
- Attends City Council, Charter Commission and EDA meetings for minute preparation. Council meetings are held during evening hours a minimum of two times a month. The Charter Commission meets as needed and meetings are usually held in the evenings as well.
- Maintains permanent Ordinance, Resolution and City Council minutes and records; Maintains and updates the City Code.
- Coordinates the publication of required legal notices for all departments; Provides meeting attendee notification and coordination as needed by Department, Council and committees; Conducts follow-up activities of Council action.
- Has the primary responsibility of establishing, maintaining, and documenting electronic (scanning) and physical filing and storage of official and department-required city documents in compliance with the City's Records Retention Policy.
- Assists the City Administrator, Department Heads, Mayor and Council members with correspondence and projects as directed, reviewing content, formatting and distribution for the desired outcome.
- Processes information requests.
- Coordinates and provides administrative and clerical support for the elections process.
- Assigns election judges ensuring proper party balance.
- Recruit's elections judges and ensures proper training is completed.
- Serves as the City's primary point of contact for election questions.
- Serves as backup for preparing city deposit and counting daily bus revenue.
- Performs various other tasks and duties as assigned.

Knowledge, Skills and Abilities

- General knowledge with the ability to interpret and apply department-specialized programs, policies, procedures, statutes, regulations, and records relating to the office. Accepts responsibility, takes initiative, and works independently or as part of a team to accomplish tasks, often under strict time constraints.
- Logical thinker with ability to solve practical problems, applying common sense to interpret and independently carry out detailed instructions in various forms.
- Demonstrates strong organizational and time management skills with attention to detail. Must be able to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to communicate courteously and tactfully, both orally and in writing, by representing the City in a positive and professional manner at all times with an internal/external customer-driven attitude; Provides friendly, courteous responses to coworkers, the public, external agencies, associates, and vendors. Remains calm and professional under difficult, sensitive, stressful / hostile situations; or when dealing with diverse individuals.
- Ability to maintain a high level of confidentiality regarding sensitive information and compliance with data practice laws.
- Ability to operate standard office equipment including, but not limited to, computer and department-required software, multi-line telephone system, and scanner/copy machine.
- Ability to create spreadsheets, compose correspondence, reports, and documents by typing and entering data accurately and at a reasonable rate of speed; accurately manages department files and records.
- Considerable knowledge of English vocabulary, spelling, grammar, sentence structure, punctuation and arithmetic.
- Ability to attend limited evening meetings as assigned.

Education and Experience

- High school diploma or GED.
- Two years experience in administrative support and office operations. Secondary education coursework in business can substitute for up to one-half of the experience required.
- Equivalent combination of education and experience.
- Possess Notary Public license or ability to obtain within two months of hire.
- Previous minute taking and/or department related experience is desirable.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: May 14, 2024



Information Technology Specialist

Department: ~~Administration~~/IT/GIS
Exempt

FLSA Status: Non-

General Definition of Work

Performs ~~_intermediate~~highly skilled technical work providing technical support, administers enterprise applications, ~~_installing~~ and ~~maintains~~repairing hardware and software, ~~maintains~~ing files, troubleshooting complex hardware and software issues.- Performs other duties as apparent or assigned. Work is performed under the limited supervision of the IT-/GIS ~~Director~~Coordinator.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.- Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Resolves IT issues by troubleshooting software, hardware, and network issues.
- Provides training and technical support in the operation of computers, operating systems, software, copiers, ~~fax machines~~, telephones, mobile devices, printers and related equipment.
- Provides end user support and problem resolution via telephone, e-mail, and other vehicles of communication.
- Installs, maintains, upgrades and documents computer hardware, operating systems, software, telephones, mobile devices, printers and related equipment.
- Conducts ~~advanced~~basic maintenance and diagnosis of computer, network, and telephone infrastructure and associated hardware and software.
- Diagnoses, researches, tracks and resolves issues with computer hardware, operating systems, software, telephones, mobile devices, printers, and related equipment.
- Monitors and maintains network security; ~~virus~~malware protection, software and OS patching.
- Manages compliance~~Complies~~ with FBI/BCA Criminal Justice Information Services (CJIS) requirements.
- Serves as the Local Agency Security Officer (LASO) for the Police Department.
- Manages police video including squad car systems and body worn cameras.
- ~~Writes documentation, training materials and scripts.~~
- Evaluates and recommends purchase of hardware, software, communications and related items.
- Manages inventory of technology assets - PC's~~computers~~, software, printers, telephones, mobile devices, etc~~and related equipment~~.
- Creates and maintains documentation, training materials, and how-to instructions.
- ~~Provide one-to-one, end-user support and problem resolution via telephone, e-mail, and other vehicles of communication.~~
- ~~Resolve IT issues by troubleshooting software, hardware, and network issues.~~
- Designs, develops, implements and maintains ~~internet~~websites and web based applications.
- Perform related tasks as assigned.

Knowledge, Skills and Abilities

- The ability to work in a team-oriented, collaborative environment with a strong customer service orientation is mandatory for this role. Excellent attention to detail.
- Aptitude for staying current with new technology trends and comfort with continuous change.
- Demonstrated knowledge of networking protocols, active directory, and group policy, and multifactor authentication.

Information Technology Specialist

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Knowledge, Skills and Abilities (Cont.)

- ~~Excellent attention to detail.~~
- Knowledge of hardware including computersPC's, servers, firewalls, routers, switches, printers, IP telephones, and mobile devices.
- Knowledge of software including Microsoft Office, endpoint securityantivirus, business applications, document imaging, websites, cloud based platforms, virtualization platforms, etc.

Information Technology Specialist

Page 2

Knowledge, Skills and Abilities (Cont.)

- Knowledge of networks including security, user accounts, email systems, intranet applications, etc.
- Ability to solve problems and troubleshoot simple to advanced~~moderate~~ technical issues.
- Demonstrates, by example, the highest standard of conduct, performance, integrity and public service.
- Ability and desire to project a professional image through knowledge of job, positive attitude, and accurate and timely completion of work.
- Maintains mental capacity which permits making sound decisions and using good judgment in a confident manner, and demonstrating critical thinking intellectual capabilities.
- Ability to establish and maintain effective working relationships within all levels of the organization; excellent verbal and written communication skills.
- Demonstrated success working with and through people in establishing goals, objectives and action plans to produce expected results.
- Ability to act with minimal supervision and to exercise appropriate independent judgment
- Ability to establish and maintain effective working relationships with associates, vendors and the general public.

Education, Experience and Special Requirements

- Associates/Technical degree or higher with coursework in computer science, information technology or related field and considerable computer support experience, or equivalent combination of education and experience.
- Valid driver's license
- Satisfactory completion of ~~FBI/MN BCA Department of Public Safety~~ background examination including national fingerprint ~~-based background-criminal history record~~ check.
- Complete~~Achieve~~ and maintain Criminal Justice Information System (CJIS) Security and Awareness ~~Training~~ Privacy: Security Role, Level 4.

Physical Requirements

This work requires the occasional exertion of up to 50 pounds of force; work regularly requires sitting, speaking or hearing and using hands to finger, handle or feel, frequently requires standing, walking and repetitive motions and occasionally requires stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling and lifting; work requires close vision, ability to adjust focus, depth perception and color perception; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing

is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires working near moving mechanical parts, exposure to outdoor weather conditions and exposure to the risk of electrical shock; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: ~~April~~January 8¹, 20~~24~~18



Information Technology Specialist

Department: IT/GIS

FLSA Status: Non-Exempt

General Definition of Work

Performs highly skilled technical work providing technical support, administers enterprise applications, installs and maintains hardware and software, maintains files, troubleshoots complex hardware and software issues. Performs other duties as apparent or assigned. Work is performed under the limited supervision of the IT/GIS Director.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Resolves IT issues by troubleshooting software, hardware, and network issues.
- Provides training and technical support in the operation of computers, operating systems, software, copiers, telephones, mobile devices, printers and related equipment.
- Provides end user support and problem resolution via telephone, e-mail, and other vehicles of communication.
- Installs, maintains, upgrades and documents computer hardware, operating systems, software, telephones, mobile devices, printers and related equipment.
- Conducts advanced maintenance and diagnosis of computer, network, and telephone infrastructure and associated hardware and software.
- Diagnoses, researches, tracks and resolves issues with computer hardware, operating systems, software, telephones, mobile devices, printers, and related equipment.
- Monitors and maintains network security; malware protection, software and OS patching.
- Manages compliance with FBI/BCA Criminal Justice Information Services (CJIS) requirements.
- Serves as the Local Agency Security Officer (LASO) for the Police Department.
- Manages police video including squad car systems and body worn cameras.
- Evaluates and recommends purchase of hardware, software, communications and related items.
- Manages inventory of technology assets - computers, software, printers, telephones, mobile devices, etc.
- Creates and maintains documentation, training materials, and how-to instructions.
- Designs, develops, implements and maintains websites and web based applications.
- Perform related tasks as assigned.

Knowledge, Skills and Abilities

- The ability to work in a team-oriented, collaborative environment with a strong customer service orientation is mandatory for this role. Excellent attention to detail.
- Aptitude for staying current with new technology trends and comfort with continuous change.
- Knowledge of networking protocols, active directory, group policy, and multifactor authentication.

Information Technology Specialist

Page 2

Knowledge, Skills and Abilities (Cont.)

- Knowledge of hardware including computers, servers, firewalls, routers, switches, printers, telephones, and mobile devices.
- Knowledge of software including Microsoft Office, endpoint security, business applications, document imaging, websites, cloud based platforms, virtualization platforms, etc.
- Knowledge of networks including security, user accounts, email systems, intranet applications, etc.
- Ability to solve problems and troubleshoot simple to advanced technical issues.
- Demonstrates, by example, the highest standard of conduct, performance, integrity and public service.
- Ability and desire to project a professional image through knowledge of job, positive attitude, and accurate and timely completion of work.
- Maintains mental capacity which permits making sound decisions and using good judgment in a confident manner, and demonstrating critical thinking intellectual capabilities.
- Ability to establish and maintain effective working relationships within all levels of the organization; excellent verbal and written communication skills.
- Demonstrated success working with and through people in establishing goals, objectives and action plans to produce expected results.
- Ability to act with minimal supervision and to exercise appropriate independent judgment.
- Ability to establish and maintain effective working relationships with associates, vendors and the general public.

Education, Experience and Special Requirements

- Associates/Technical degree or higher with coursework in computer science, information technology or related field and considerable computer support experience, or equivalent combination of education and experience.
- Valid driver's license
- Satisfactory completion of FBI/MN BCA background examination including national fingerprint-based criminal history record check.
- Achieve and maintain Criminal Justice Information System (CJIS) Security and Privacy: Security Role.

Physical Requirements

This work requires the occasional exertion of up to 50 pounds of force; work regularly requires sitting, speaking or hearing and using hands to finger, handle or feel, frequently requires standing, walking and repetitive motions and occasionally requires stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling and lifting; work requires close vision, ability to adjust focus, depth perception and color perception; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires working near moving mechanical parts, exposure to outdoor weather conditions and exposure to the risk of electrical shock; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: April 8, 2024



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Approve the Promotion of Stephanie Bestul to Zoning Specialist/Permit Technician

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director, James Kramvik, Community Development
Director

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director, James Kramvik, Community Development
Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: On May 6th, the City Council reestablished the Zoning Specialist/Permit Technician position and authorized staff to begin the internal hiring process and one individual applied. Staff recommends promoting Stephanie Bestul to the Zoning Specialist/Permit Technician position effective May 21, 2024. Stephanie has been employed by the City since 2017 and currently serves in our Administrative Specialist - Community Development position. Pursuant to the Employee Policy Manual, Stephanie should be placed on Step 4 of the 2024 Zoning Specialist/Permit Technician wage grid (\$31.58 per hour) for this promotion.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: With Stephanie's promotion, Staff is requesting authorization to start the hiring process for a part-time administrative support employee. The rationale for creating this part-time position is that the vacant Assistant Planner position previously served as the Community Development Department's primary backup and we are losing that backup if we are only filling one position. Attached is an abbreviated job description/job posting describing the new part-time position. This part-time position will work up to 67 days per year and will help cover vacations in the Community Development Department and may also float to other departments as needed and available. The pay for this part-time position will be based on the Administrative Specialist-Community Development/Finance/Public Works wage grid; further, this part-time person will not be eligible for benefits except as required by law.

RECOMMENDED ACTION/MOTION: 1. Motion to approve the promotion of Stephanie Bestul to the Zoning Specialist/Permit Technician position effective May 21, 2024, at Step 4 (\$31.58 per hour);
2. Authorize Staff to start the hiring process for a part-time administrative support employee that will work up to 67 working days per year.

FINANCIAL IMPACT: Finance Director Hillman has estimated that the 2024 budgetary savings is approximately \$75,000-\$80,000 assuming the City does not backfill the Assistant Planner position,

promotes Administrative Specialist to the Zoning Specialist/Permit Tech position effective 5/1/24, and if a part-time employee is hired to fill in when needed.

Part-Time Administrative Specialist



NATURE OF WORK:

The City of Brainerd is currently accepting applications for a Part-time Administrative Specialist. This is a non-union position and will report to the HR Director for scheduling purposes and to address any employment concerns or questions. Primary duties are providing administrative assistance including courteous customer service for different departments throughout the City.

EXAMPLES OF WORK:

- Initial point-of-contact for public for various departments
- Provides customers with general information and direction
- Assists with administrative tasks in the assigned department
- Customer service in-person and via telephone and email
- Sends and receives business correspondence
- Performs word processing and data entry
- Copies-edits professional documents
- Maintains computer and physical file systems
- Performs other duties as assigned

MINIMUM REQUIREMENTS:

- High school diploma or GED.
- Two years' experience in administrative support and office operations. Secondary education coursework in business can substitute for up to one-half of the experience required.
- Physical ability for bending and lifting.
- One year or more of public contact or customer service experience.

DESIRED QUALIFICATIONS:

- Previous Public Sector Administrative Support experience.

TERMS OF EMPLOYMENT: Starting salary is DOQ. This is a Part-time, non-union position with a flexible schedule and will work up to 67 working days per calendar year. General office hours are Monday – Friday, 7:30 am to 4:30 pm, with no overtime.



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Consider Joint Powers Agreement with Baxter on Shared Environmental Resources Technician Position

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

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

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources Director, Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: On March 4, 2024, the Council approved a Memorandum of Agreement with the IBEW Administrative Support Union setting the 2024 wage for the new Environmental Resources Technician position. This will be a shared position with the City of Baxter. Attached is a Joint Powers Agreement (JPA) for the position between the Cities of Brainerd and Baxter. This document has been reviewed by staff and the attorneys from both cities who are recommending approval to both Councils.

The framework of the agreement states that the position will be funded equally (50/50) through 2026. At this time, Staff will track hours for the position with the goal to spend equal hours in each community during the agreement.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff is requesting authorization from the City Council to begin advertising the position. Since Baxter is supportive of the JPA, we are planning to start the advertisement process upon Brainerd City Council approval and the position will not be filled until the JPA is officially approved by the City of Baxter.

RECOMMENDED ACTION/MOTION:

1. Approve the Joint Powers Agreement between the City of Brainerd and City of Baxter for the Shared Position of Environmental Resources Technician.
2. Authorize advertisement for the Environmental Resources Technician position.

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

JOINT POWERS AGREEMENT BETWEEN THE CITY OF BRAINERD AND THE CITY OF BAXTER FOR SHARED POSITION OF ENVIRONMENTAL RESOURCES TECHNICIAN

This Agreement is entered into by and between the City of Brainerd and City of Baxter, both Minnesota municipal corporations, pursuant to Minn. Stat. § 471.59.

1. Purpose. Both Cities desire to retain the services of an Environmental Resources Technician, but neither City has sufficient need for a full-time position. The purpose of this Agreement is to set forth an arrangement for sharing an Environmental Resources Technician who will be employed by the City of Brainerd.
2. Term. The term of this Agreement shall commence on _____, 2024 and shall be re-evaluated by the parties in three years. After re-evaluation by the parties and any necessary revisions to the Agreement, this Agreement shall auto-renew in increments of one year, subject to the termination provision in Paragraph 8.
3. Position. The Environmental Resources Technician shall be employed by the City of Brainerd in its Public Works Department. The job description is attached as Exhibit A. The services provided to Baxter by the Technician shall be consistent with the job description. Any change to the job description must be mutually agreed to by the parties. The position shall be located at Brainerd City Hall except to the extent necessary for the Technician to be in Baxter to provide services to that city.
4. Shared Costs. Shared costs include the following: salary and benefits, insurance, vehicle lease payments, cell phone, laptop/tablet in addition to a desk computer, training and certifications, professional development and association membership. The parties shall split the shared costs equally.
5. Responsibility of City as Employer. As the employer of the Environmental Resources Technician, Brainerd is solely responsible for all employment payments and benefits, including but not limited to worker's comp claims and Earned Sick and Safe Time.
6. Payment for Environmental Resources Technician Services. In consideration for the services rendered under this Agreement, payments from the City of Baxter to the City of Brainerd shall be made quarterly.
7. Data. The Cities agree to abide by the Minnesota Government Data Practices Act and all other applicable state and federal laws, rules and regulations relating to data practices, data privacy and confidentiality.

Baxter agrees to provide Brainerd with all such information, data and authorizations Brainerd requires in order to provide services pursuant to this Agreement. Baxter agrees that it will be solely responsible for responding to data practices requests for Baxter data in the possession of Brainerd pursuant to this Agreement.

8. Miscellaneous Provisions.

- a. Compliance with Laws and Standards. The Cities of Brainerd and Baxter agree to abide by all Federal, State or local laws, statutes, ordinances, rules and regulations now in effect or hereafter adopted pertaining to this Agreement or to the facilities, programs and staff for which the parties are responsible.
- b. Liability and Indemnification. Each party to the Agreement shall be liable for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other party, its officers, employees or agents. To the extent allowed by law, each party hereby agrees to defend and indemnify the other, its officers and employees against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees which the other, its officers and employees may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of the party, its agents, servants or employees, in the execution, performance, or failure to adequately perform its obligations pursuant to the Agreement.

It is understood and agreed that liability arising from the parties acts or omissions is governed by the provisions of the Municipal Tort Claims Act, Minn. Stat. Chapter 466, and other applicable laws.

- c. Amendments. Any alterations, variations or modifications of the provisions of this Agreement shall be valid only when reduced to writing, approved by the parties' Council, and signed by authorized representatives.
- d. Termination. This Agreement may be terminated by either city upon 180 days' written notice of one party to the other.
- e. Disposition of Property. Upon termination of this Agreement, any property acquired as a result of activities undertaken pursuant to this Agreement and any surplus moneys shall be returned to the City of Brainerd.
- f. Relationship of the Parties. Nothing contained in this Agreement is intended or shall be construed in any manner as creating or establishing a partnership, joint venture, or agency relationship between the parties. Nothing contained in this Agreement shall be construed to create the relationship of employer and employee between the parties and their employees.

- g. Notice. All notices and communications required by this Agreement shall be given in writing, by certified mail, as follows:

To Baxter: Brad Chapulis
City Administrator
13190 Memorywood Drive
Baxter, MN 56425

To Brainerd: Nick Broyles
City Administrator
501 Laurel Street
Brainerd, MN 56401

- h. Counterparts. The Agreement may be signed in one or more counterparts, each of which shall constitute an original and all of which, taken together, shall constitute one and the same agreement.
- i. Assignment. This Agreement may not be assigned by either party without the written consent of the other party.
- j. Records: Availability and Retention: The books, records, documents and accounting procedures of either city relevant to this Agreement are subject to examination by the other city and either the legislative or state auditor as appropriate, pursuant to Minn. Stat. Section 16C.05 subd. 5. City of Brainerd agrees to maintain these records for a period of six years from the date of termination of this Agreement.

[Remainder of Page Intentionally Left Blank]

City of Brainerd

Dave Badeaux, Mayor

Dated: _____

Attest:

Nicholas W. Broyles
City Administrator

City of Baxter

Darrel Olson, Mayor

Dated: _____

Attest:

Kelly Steele, City Clerk / Asst. City Administrator



Environmental Resources Technician

Department: Public Works

FLSA Status: Non-Exempt

General Definition of Work

Performs intermediate skilled technical work performing administrative, enforcement, and technical duties in association with the Cities' MS4 program, Storm Water Pollution Prevention Plan (SWPPP), Sanitary Sewer Collection, Tree Policy, and associated City Codes for the Cities of Brainerd and Baxter. Performs work under the general and technical guidance of the City Engineer/Public Works Director and Assistant City Engineer.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Implements the current National Pollutant Discharge Elimination System (NPDES) storm water permits and current Municipal Separate Storm Sewer System (MS4) permits for the Cities of Brainerd and Baxter.
- Assists in the development of ordinances, policies, and specifications as they relate to the Cities' environmental protection goals.
- Updates and maintains Stormwater webpages for Brainerd and Baxter.
- Assists, plans, implements, and evaluates the operation and maintenance schedules for all storm water facilities, either personally, or through assigned staff or outside vendors.
- Responsible for compliance efforts of the NPDES Phase 2 Stormwater General Permit. Maintains Stormwater Management Plan and provides State agencies, City employees and the public with plan information as requested.
- Develops, implements, and presents public education and public participation programs relative to the protection of the environment.
- Assists in the oversight and implementation of the spill response plan.
- Responds to customer service inquiries related to protection of the environment.
- Maintains files, records, and other databases; and operates various office equipment.
- Inspects construction activities, including grading, storm water ponds and sewers, erosion control measures, and related construction projects to ensure that work is in compliance with applicable local, State and Federal storm water regulations, laws, codes, policies, permits, and specifications.
- Inspects erosion issues throughout Brainerd and Baxter as needed.
- Enforces compliance as needed and/or prescribed.
- Issues Notice and Orders and provides recommendations for Administrative Penalties as needed to compel compliance with environmental protection regulations.
- Assists other City departments with compliance issues as needed.
- Reviews plans, including grading, storm water retention ponds and sewers, erosion control measures, and related construction projects to ensure that work is in compliance with applicable local, State and Federal storm water regulations, laws, codes, policies, and specifications.
- Responsible for reviewing and administering Land Disturbance Permits.
- Assists with monitoring and managing storm water maintenance activities.
- Attendance during regularly scheduled work hours and outside regular hours as necessary.
- Performs related tasks as necessary.

Environmental Resources Technician

Page 2

Knowledge, Skills and Abilities

- General knowledge of municipal utility infrastructure, construction methods, project inspection techniques, maps, easement documents, and construction documents.
- General knowledge of environmental principles, practices, and programs.
- General knowledge of local, State and Federal storm water regulations, laws, and regulations.
- Ability to create and maintain logs/records and conduct inventories.
- Ability to deal effectively with the public, citizens, contractors, developers, co-workers, and others with courtesy and discretion.
- Ability to remain professional and respectful when dealing with difficult and uncooperative individuals.
- Ability to communicate effectively both verbally and in writing.
- Ability to follow oral and written instructions; ability to work independently with minimal supervision to complete daily activities according to work schedules.
- Ability to establish and maintain effective working relationships with co-workers, supervisors, other departments, vendors, contractors, and the general public.
- Skill in operating necessary tools and equipment such as GIS and CAD software, personal computer and word processing, spreadsheet, and database tools.

Education, Experience and Special Requirements

Minimum Qualifications

- High school diploma or GED.
- Associates/Technical degree with coursework in Engineering, Natural Resources, Environmental Studies, Water Resources, or related field.
- Possession of a valid MN driver's license prior to employment.
- Possession of an Erosion/Sediment Control Specialist certification by the University of Minnesota or the ability to obtain certification within one year of employment.

Desirable Qualifications

- Two years' municipal experience in surface water/stormwater management, environmental issues, and other related work.
- Experience dealing directly with the public while enforcing compliance with State and local laws.
- Experience with GIS software.
- Possession of a Regulatory Enforcement certification by the University of Minnesota.

Physical Requirements

This work requires the occasional exertion of up to 50 pounds of force; work regularly requires standing, walking and using hands to finger, handle or feel, frequently requires sitting, speaking or hearing, reaching with hands and arms and repetitive motions and occasionally requires climbing or balancing, stooping, kneeling, crouching or crawling, tasting or smelling, pushing or pulling and lifting; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work frequently requires exposure to outdoor weather conditions and occasionally requires working near moving mechanical parts, working in high, precarious places, exposure to fumes or airborne particles, exposure to the risk of electrical shock and exposure to vibration; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: December 5, 2022



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Approve 2024-2026 Contract Terms and Wage Resolution with IUOE Local No. 49 (Parks Division) Union

AGENDA: P&F Committee

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Kris Schubert, Human Resources Director, Nick Broyles, City Administrator

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources Director, Nick Broyles, City Administrator

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: The City has reached a Tentative Agreement (TA) with the IUOE Local No. 49 Union representing the Parks Division employees for the 2024-2026 Union Contract. The attached summary includes the items agreed by the City and Union during negotiations. The contract includes the below Across the Board Increases (ABI) for the 2024-2026 contract.

1/1/2024	7/1/2024	1/1/2025	7/1/2025	1/1/2026
2.5%	2.25%	3.75%	2.75%	3.00%

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: 1. Motion to approve the attached 2024-2026 Tentative Agreement Summary between the City and IUOE Local No. 49 Union representing the Parks Division employees; and
2. Adopt the attached resolution setting the IUOE Local No. 49 Parks Division wages for 2024-2026.

FINANCIAL IMPACT: The 2024 wage adjustments are included in the City's 2024 budget.

City of Brainerd – IUOE Local #49 (Parks) Union
Tentative Agreement Terms
May 2, 2024

The following is the tentative agreement package terms reached between the City of Brainerd and the IUOE Local #49 (Parks) Union during 2024-2026 contract negotiations. This package is for Union and City Council consideration/approval:

1. Article VIII. Holidays

Section 1. The following holidays, or days observed as such, shall be considered as paid holidays for all Employees covered by this Agreement:

New Year's Day	Veteran's Day	Thanksgiving Day
President's Day	Independence Day	Friday after Thanksgiving
Memorial Day	Labor Day	Christmas Day
Martin Luther King Day	2 Floating Holidays	Juneteenth (Unpaid)

2. Article IX. Hours of Work – Conditions

Section 3. Work performed on the following holidays or days observed as such if no one from the crew is scheduled to work on the actual holiday, shall be compensated for at one and one-half (1 1/2) times the hourly rate: Martin Luther King Day, President's Day, Juneteenth, Veterans Day, the day after Thanksgiving and two (2) floating holidays (if called back to work on a floating holiday).

3. ARTICLE XI. Wages.

<u>1/1/2024</u>	<u>7/1/2024</u>	<u>1/1/2025</u>	<u>7/1/2025</u>	<u>1/1/2026</u>
2.5%	2.25%	3.75%	2.75%	3.0%

*** Note: wage adjustment is retro to 1/1/2024 and any reference to Legacy in the Union Contract will be redlined and removed***

Section 6. When the Park Maintenance Foreman for the Park Division is absent for an entire day or more, the Public Works Director or designee, may appoint an employee as acting supervisor. ~~If the acting Supervisor has elected the "legacy option" pursuant to Section 2 of this Article, the acting Supervisor will receive 90% of the Park Maintenance Foreman's base wage rate while actually working as the Acting Foreman. If the acting Supervisor elected or was placed on the wage grid noted in Section 1 of this Article, the acting Supervisor will be paid at the lowest Park Foreman wage step included on Exhibit A that is at least a 3% higher than the wage paid to the employee on the employee's current step on the wage grid for the employee's regular classification. will receive same step at the higher classification that they are currently placed pursuant to the wage grid attached to the Agreement as Appendix A. As an example, if the employee is currently placed on Step 5 in his or her position, he or she will receive the Step 5 wage for the higher classification while actually working at the higher classification.~~

Section 7. When Park Maintenance employees are assigned ~~the Operator of Maintenance II Vehicles or Equipment~~ as a Snow Plow Operator, said assigned Park Division employee will receive a shift differential of \$2.50 per hour while actually operating the snow plow. ~~(Maintenance II) rate as noted in Article XI of the Street and Sewer Division Union Contract.~~ The assignment shall be by seniority and qualifications.

4. ARTICLE XII. Hospitalization.

Section 1. The Park Maintenance employees will participate in the Operating Engineers Local #49 Health and Welfare Fund as long as those individuals are members of Local #49. Effective January 1, ~~2023~~2024, through December 31, 2026, Local #49 Health and Welfare fund premiums shall be paid by the City of Brainerd at the rate of 100% (one-hundred percent), as long as the premium does not cost the City of Brainerd more money than the City is paying for its base health insurance plan premium for other union non-supervisory City employees.

Should the city's contribution to hospitalization increase, the Park Maintenance employees will receive that increase. The city contribution amount will not fall below the capped dollar amount of ~~\$1420.00~~ \$1475.00 per month. If the bargaining unit wants to return to the City of Brainerd's health insurance plan, they may do so after the contract expires at the cost and percentage as the other City employees.

5. ARTICLE XV. Central Pension Fund

An employee's annual CPF contributions cannot exceed Ten Thousand Dollars (\$10,000.00) in a year to comply with limitations set forth under Minnesota Statue §356.24, subd. 1(10) as amended in 2005. ~~Effective February 13, 2023, the employee's contribution amount will increase by \$.05 to \$1.45 per hour.~~ Effective January 1, 2024, the employee's contribution amount will increase by \$.10 to \$1.55 per hour. **Effective July 1, 2024, the employee's contribution amount will increase by \$0.15 to \$1.70 per hour. Effective January 1, 2025, the employee's contribution amount will increase by \$0.10 to \$1.80 per hour. Effective July 1, 2025, the employee's contribution amount will increase by \$0.10 to \$1.90 per hour. Effective January 1, 2026, the employee's contribution amount will increase by \$0.10 to \$2.00 per hour.**

6. Length of Contract.

January 1, 2024 to December 31, 2026 (Three-year Duration).

7. Clarification regarding an Exceeds Rating on an Employee's 2022-2023 Annual Performance Review:

One Time Preservation of "Exceeds" Rating for Qualifying Employees

The parties agreed to a new wage grid for the 2024-2026 Agreement. Due to the realignment of the wage grid, some employees were placed on a lower step on the 2024 wage grid than they had been placed on the previous wage grid. In order to preserve those employees' possibility for advancement to Step 7 on the Wage Grid, employees who were placed on Step 4 or higher on the Wage grid on the 2023 Agreement and who received an "exceeds expectations" rating on their 2022-2023 annual performance evaluation ("Eligible Employees") will have the opportunity to use their 2022-2023 annual performance

evaluation rating for purposes of advancement to Step 7 on the Wage grid in accordance with the following conditions:

1. The Eligible Employee may utilize his or her 2022-2023 performance evaluation in place of any “meets expectations” rating on any performance evaluation during the three-year period prior to the date that the Eligible Employee is otherwise first eligible to advance to Step 7 on the Wage Grid; and
2. The Eligible Employee remains continuously employed by the City from January 1, 2024, until the date that the Eligible Employee is first eligible to advance to Step 7 on the Wage Grid; and
3. The Eligible Employee does not receive a “does not meet expectations” rating on any annual performance review in the three-year period before the Eligible Employee would otherwise be eligible for advancement to Step 7 in the Wage Grid.

This is a one-time opportunity to allow the Eligible Employees to preserve an “exceeds expectation rating” earned on the 2022-2023 performance review. It does not apply to any rating on any other performance review and does not apply to any employees other than the Eligible Employees. Each Eligible Employee may only use the 2022-2023 performance rating preserved by this clause for purposes of their first advancement to Step 7 on the Wage Grid. The 2022-2023 performance rating shall not apply toward any advancement to Step 8 on the Wage Grid.

RESOLUTION

No. :24

BE IT RESOLVED by the Council of the City of Brainerd to set the hourly wages for City employees who are members of the IUOE Local #49 (Parks) Union as provided in its 2024-2026 Union Contract as described below.

Below is the eight-step wage grid referenced above, and incorporated in Article XI, Section 1, as approved by the Council:

	<i>Step 1</i>	<i>Step 2</i>	<i>Step 3</i>	<i>Step 4</i>	<i>Step 5</i>	<i>Step 6</i>	<i>Step 7</i>	<i>Step 8</i>
Parks Maintenance								
1/1/2024	25.56	26.53	27.51	28.48	29.46	30.43	32.86	34.08
7/1/2024	26.14	27.13	28.13	29.12	30.12	31.11	33.60	34.85
1/1/2025	27.12	28.15	29.18	30.21	31.25	32.28	34.86	36.16
7/1/2025	27.87	28.92	29.98	31.04	32.11	33.17	35.82	37.15
1/1/2026	28.71	29.79	30.88	31.97	33.07	34.17	36.89	38.26
Parks Foreman								
1/1/2024	31.42	32.62	33.81	35.01	36.21	37.41	40.40	41.89
7/1/2024	32.13	33.35	34.57	35.80	37.02	38.25	41.31	42.83
1/1/2025	33.33	34.60	35.87	37.14	38.41	39.68	42.86	44.44
7/1/2025	34.25	35.55	36.86	38.16	39.47	40.77	44.04	45.66
1/1/2026	35.28	36.62	37.97	39.30	40.65	41.99	45.36	47.03

Adopted this ____ day of May, 2024.

KELLY BEVANS
President of the Council

Approved this ____ day of May, 2024.

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Authorize Sale of Community Development Department Jeep

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director, Connie Hillman, Finance Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE:

The 2014 Jeep Compass used by the Community Development department was replaced with a lease vehicle last month. Staff is seeking authorization to sell the 2014 Jeep Compass using Enterprise Fleet services.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION:

Authorize the sale of the 2014 Jeep Compass using Enterprise Fleet services.

FINANCIAL IMPACT:



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Consider Cannabis License Number and Registration Fees

AGENDA: P&F Committee

ACTION REQUESTED: Direction Requested

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

A city is required to issue a retail registration to a cannabis microbusiness with a retail operations endorsement, a cannabis mezzobusiness with a retail operations endorsement, a cannabis retailer, a medical cannabis retailer, or a lower-potency hemp edible retailer that:

- 1) Has a valid license issued by the OCM.
- 2) Has paid the registration fee.
- 3) Is found to be in compliance with the requirements of the applicable state laws through a preliminary compliance check performed by the city.
- 4) Is current on all property taxes and assessments at the location where the retail establishment is located.

A city may impose an initial retail fee of \$500 or up to half the amount of the applicable initial license fee charged by the OCM, whichever is less. The city may also charge a renewal retail registration fee of \$1,000 or up to half the amount of the applicable renewal license fee charged by the OCM, whichever is less.

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

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Staff would like the P&F Committee to consider the following ordinance registration requirements:

- 1) Should the City charge a registration fee and what amount?
- 2) Should the City limit the number of retail businesses by ordinance? (The City is required to allow 2)
- 3) Should the City register a retail business if Crow Wing County has one active registration for every

12,500 residents? (The County is required to allow 6)

The Planning Commission is considering a Zoning Ordinance at the May 15th meeting that regulates the time, manner, and place that cannabis businesses are allowed to operate.

RECOMMENDED ACTION/MOTION:

Consider the ordinance registration requirements and direct staff to draft an ordinance

FINANCIAL IMPACT: N/A



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Consider Request From Brainerd Community Action for Independence Day Fireworks Donation

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 Dave Badeaux, Executive Director of Brainerd Community Action. Mr. Badeaux also noted in his email for the request that BCA's costs have risen yet again. However, BCA continues to ask for the same \$8,000 contribution from the two cities (Brainerd and Baxter) and BCA will offset the additional costs.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Historically we have used the speical projects budget lint item for the fireworks donation. Below is a history of the donations made for the cause:

2016 through 2023 - \$8.000
2015 - \$7,500
2014 - \$8,500
2013 - \$8,000
2011 and 2012 - \$5,000
2010 - \$0

There was \$28,000 budgeted for special projects in 2024. As of May 16, 2024, \$3,924 has been spent, leaving a budget balance of \$24,076.

RECOMMENDED ACTION/MOTION:

Approve the request from Brainerd Community Action for a donation for Independence Day fireworks in the amount of \$8,000. to be paid from the special projects budgeted line item.

FINANCIAL IMPACT:



May 14, 2024

Dear City Officials,

Each year Brainerd Community Action hosts numerous annual events that attract thousands of people into The Brainerd Lakes Area and throughout our communities. We are in the midst of our planning season and continuing to prepare for the 2024 Fourth of July firework display. However, we wanted to reach out to you for your next year's budgeting process.

What we learned over the last few years is that the firework portion of the day is the most important part of our local celebration, and we aim to continue to bring a world class show to all those who are able to view. Continuing to shoot from a centralized location and doing so with the goal of shooting as high as possible has proven very popular with both cities and has allowed people to view the show from a wider area than in years past. Because of this Brainerd Community Action will be using this as a basis for our event and putting an extra emphasis on making sure this portion of the day is top tier.

What we ask of both our cities, Brainerd and Baxter, is that they continue to support the fireworks portion of this important event for our area.

Brainerd Community Action will continue to evaluate how we can best present this patriotic moment for our community, and as always, our goal will be to provide a celebration that is both appropriate for and worthy of the title of Minnesota's 4th of July Capital right here in the Brainerd Lakes.

Thank you for your continued community support.

A handwritten signature in blue ink, appearing to read "Dave Badeaux", is written over a light blue circular stamp.

Dave Badeaux
Executive Director
Brainerd Community Action



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Approve Contract Amendment - SEH - Buffalo Hills Gully

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE: Staff is requesting approval of a contract amendment for SEH for anticipated additional hours needed for construction observation for Improvement 21-15 - Buffalo Hills Gully Remediation. SEH made some assumptions on the amount of staff hours needed for construction observation and administration for the project when providing their proposal in March 2023. The construction phase of the project is progressing longer than originally anticipated. Part of this is due to the contractor completing some of the work prior to winter and resuming work this spring.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: As the project is nearing completion, SEH is nearing the amount of hours included in the original agreement. After reviewing the remaining work with SEH and the approximate effort needed to observe the project, SEH has provided a contract amendment request in the amount of \$7,825. This should accommodate construction observation more on a part-time basis with timely, quality site visits as final establishment items are completed. Adding the amendment to the original contract amount of \$64,130, this would amend the contract to a total of \$71,955.

The amount of Engineering cost would be applicable towards the City's required 25% match. Of the original \$975,000 grant, the required match would be \$243,750. \$905,000 would be eligible towards construction. Including the HR Green design contract for \$125,000, this would total \$196,955 in Engineering costs towards the project.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the contract amendment from SEH in the amount of \$7,825.

FINANCIAL IMPACT: \$7,825.



Building a Better World
for All of Us®

May 15, 2024

RE: Amendment for Construction Services
Brainerd, Minnesota
Buffalo Hills Gully Restoration

Mr. Jessie Dehn, PE
City Engineer
City of Brainerd
501 Laurel Street
Brainerd, Minnesota 56401

Dear Jessie:

The City of Brainerd requested construction administration services including project management, construction observation, construction staking, final project review, and record drawings for the Buffalo Hills Gully Restoration project. Short Elliott Hendrickson Inc. (SEH®) was contracted to perform these services with work starting in December 2023.

The construction phase of the project is taking longer than originally estimated resulting in additional time needed to be spent providing our contracted services. We are asking for an additional \$7,825.00 to be able to continue to provide high quality construction services. The original contract amount was \$64,130.00, with this proposed amendment of \$7,825.00 will bring the revised total to \$71,955.00. Amendment details are set forth in the attached Change of Scope Authorization No. 1.

Please contact me if you have any questions about this amendment to successfully complete this project for you. Thank you again for the opportunity to work with the City of Brainerd!

At your service,

Jeff Evens,
Project Construction Leader, Mgr
SHORT ELLIOTT HENDRICKSON INC.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 416 South 6th Street, Suite 101, Brainerd, MN 56401-3540
SEH is 100% employee-owned | sehinc.com | 218.855.1700 | 800.734.6757 | 888.908.8166 fax



Building a Better World
for All of Us®

Change of Scope Authorization No. 1

Date: May 15, 2024

Original Contract Date: November 30, 2023

To: Mr. Jessie Dehn
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Original Contract Amount: \$ 64,130.00

Current Request Amount: \$ 7,825.00

Total Contract Amount: \$ 71,955.00

Project Name: Buffalo Hills Gully Restoration

SEH Project No.: 176228

This document briefly outlines the change of scope and fee for the proposed additional work you have requested. All terms and conditions set forth in the original agreement shall apply to this additional work. The work in question will proceed upon receipt of your written authorization, provided by your signature on this form.

Change of Scope:

The construction phase of the project is taking longer than originally estimated resulting in additional time needed to be spent providing our contracted services.
Services including project management, construction observation, construction staking, final project review, project close out, and record drawings.

Compensation:

The services described above will be provided on an (Hourly) basis upon your authorization. The estimated additional fees for these services are estimated to be **\$7,825.00**.

Short Elliott Hendrickson, Inc.

Approved by: _____ Date: _____
Printed Name:

CLIENT AUTHORIZATION

The above work items and price are satisfactory, and SEH is hereby authorized to proceed:

Signature/Title: _____ Date: _____
Printed Name:

This Change of Scope Authorization shall constitute the project agreement for this work.



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Approve Memorandum of Understandings with Crow Wing County - Road Maintenance Agreements

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

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

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

SUMMARY OF ISSUE: Attached to this item are two Memorandums of Understanding between Crow Wing County and the City of Brainerd. Both are related to shared maintenance responsibilities. The first is related to street maintenance activities on Sugarberry Creek Road, Serene Pine Court, McKay Road, and Ashmun Road. Historically, the City and County have shared in maintenance responsibilities for efficiency as there are adjacent streets within each jurisdiction. Sugarberry Creek Road, Serene Pine Court, and a segment of McKay Road are within the City's jurisdiction while Ashmun Road is under the County's maintenance jurisdiction (First Assessment District). The second agreement identifies maintenance activities within a shared stormwater pond in southwest Brainerd adjacent to CSAH 48 (Highland Scenic) and Anabec Street. The County has historically maintained this pond by performing clean up and sediment removal activities. A majority of the contributing area to this pond comes from the City of Brainerd.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Neither of these shared maintenance activities have been described formally in an agreement. These two agreements describe each agencies' responsibilities towards the maintenance activities of the streets and stormwater pond and any potential costs associated with maintenance activities. City and County staff would coordinate if planned maintenance activities are needed to appropriately plan and budget. Both agreements would continue until May 2028.

RECOMMENDED ACTION/MOTION: Staff recommends approval of both Memorandums of Understanding between Crow Wing County and the City of Brainerd for cross-jurisdictional maintenance.

FINANCIAL IMPACT: N/A

**CROSS-JURISDICTIONAL ROAD MAINTENANCE AGREEMENT
BETWEEN CROW WING COUNTY AND CITY OF BRAINERD**

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

WHEREAS, the Crow Wing County Board of Commissioners acts as the Township Board for the Unorganized First Assessment District in Crow Wing County; and

WHEREAS, Crow Wing is responsible for performing road maintenance operations in the Unorganized First Assessment District in Crow Wing County; and

WHEREAS, Crow Wing and Brainerd have exchanged road maintenance operations for a long period of time with no formal agreement in place; and

WHEREAS, Crow Wing performs exclusive roadway maintenance operations on Sugarberry Creek Road, Serene Pine Court, and McKay Road in the City of Brainerd and in the Unorganized First Assessment District in Crow Wing County; and

WHEREAS, Brainerd performs exclusive roadway maintenance operations on Ashmun Road within the shared boundaries of the City of Brainerd and of the Unorganized First Assessment District in Crow Wing County; and

WHEREAS, Crow Wing and Brainerd wish to mutually agree on the cross-jurisdictional maintenance of Sugarberry Creek Road, Serene Pine Court, McKay Road, and Ashmun Road.

NOW THEREFORE, in consideration of the mutual promises and agreements contained herein, Crow Wing and Brainerd agree to the following:

1. MAINTENANCE

Crow Wing will be responsible for performing road maintenance operations on Sugarberry Creek Road, Serene Pine Court, and McKay Road located in the City of Brainerd and in the Unorganized First Assessment District in Crow Wing County. Brainerd will be responsible for the road maintenance operations on Ashmun Road in the shared boundaries of the City of Brainerd and of the Unorganized First Assessment District in Crow Wing County. Road maintenance shall include but not be limited to: snow plowing with sanding/salting; crack sealing; asphalt patching; shouldering; tree and brush cleanup, control and removal; beaver control; roadside mowing and weed control including spraying of noxious weeds within the road right-of-way; upon customer request, right-of-way enforcement pertaining to objects placed within the clear zone or road right-of-way not including any legal action taken against or proposed on behalf of the road authority; replacement of existing signage; road sweeping; pavement markings; existing culvert repairs, replacement and cleaning; emergency situations that pose a danger to public safety; minor washouts requiring less than 20 cubic yards of material to repair; and any other type of normal road maintenance.

2. COSTS

Neither party shall invoice the other for operations performed under this Agreement. It is agreed that the duties listed above are an even exchange of road maintenance operations by both entities.

If damages occur to Sugarberry Creek Road, Serene Pine Court, and/or McKay Road as a result of Crow Wing's road maintenance operations, then Crow Wing shall be responsible for repairing those damages at no cost to Brainerd.

If damages occur to Ashmun Road as a result of Brainerd's road maintenance operations, then Brainerd shall be responsible for repairing those damages at no cost to Crow Wing.

3. EXCLUSIONS

Maintenance does not include engineered construction or road reconstruction/resurfacing that would be performed as part of an approved 5-year capital improvement plan by the road authority. Maintenance does not include storm/sanitary sewer/drainage structures or devices.

4. TERM

This Agreement shall remain in effect until May 1, 2028. At that time the terms of this Agreement will be reviewed and, if necessary, modified to suit the current conditions.

5. TERMINATION

Either party may terminate this Agreement by providing a 30-day written notice to the other party.

6. NOTICE

For purposes of delivery of any notices hereunder, the notice shall be effective if delivered to the Crow Wing County Engineer, 16589 County Road 142, Brainerd, Minnesota 56401, on behalf of the Unorganized First Assessment District, Crow Wing County, and to the City of Brainerd City Engineer, 501 Laurel Street, Brainerd, Minnesota 56401.

7. INDEMNIFICATION

To the extent allowed by law, Crow Wing and Brainerd mutually agree to indemnify and hold each other harmless 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.

Each party shall obtain and keep in full force and effect at its own cost and expense for the duration of this Agreement insurance coverage with limits no lower than those set forth in Minnesota Statutes § 466.04 or as may be amended. Adequate or otherwise required insurance coverage obtained through the Minnesota Counties Intergovernmental Trust,

Minnesota Association of Townships Insurance Trust, or League of Minnesota Cities Insurance Trust satisfies the insurance requirements of this section.

8. 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.

9. PURPOSE

The purpose of this Agreement is to establish a clear set of responsibilities and expectations with respect to the future road maintenance operations performed by the parties on Sugarberry Creek Road, Serene Pine Court, McKay Road and Ashmun Road in the City of Brainerd and in the Unorganized First Assessment District in Crow Wing County.

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

COUNTY OF CROW WING

CITY OF BRAINERD

By: _____
Timothy Bray, P.E.
Crow Wing County Engineer

By: _____
Dave Badeaux
City of Brainerd Mayor

Date: _____

Date: _____

APPROVED AS TO FORM AND EXECUTION:

By: _____
Stephanie Shook
Assistant Crow Wing County Attorney

By: _____
Nick Broyles
City Administrator

Date: _____

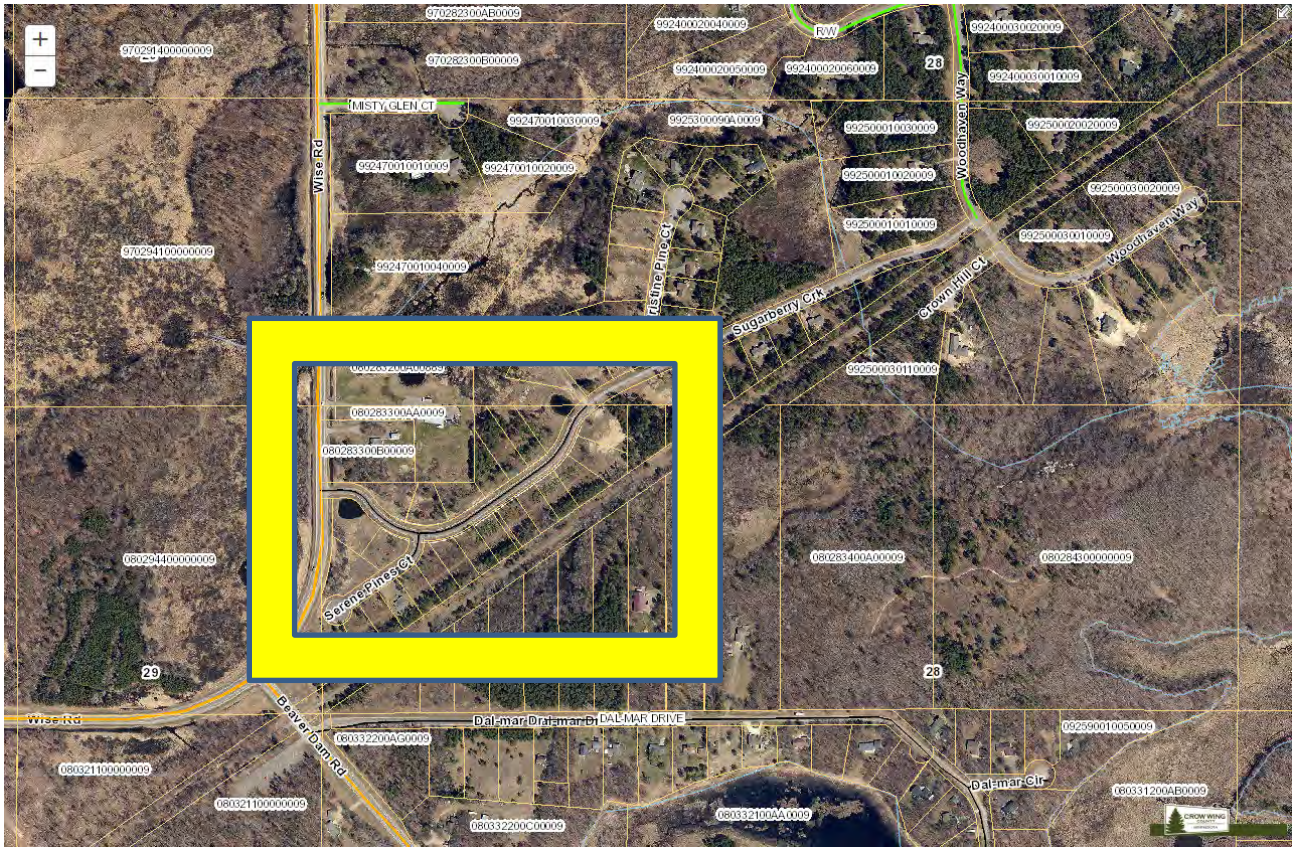
Date: _____

Jurisdictional Mileage

Road	Total Road Mileage	City of Brainerd	Crow Wing County (FAD)
Ashmun Road	.59 miles	.11 miles	.48 miles
Sugarberry Creek	.62 miles	.256 miles	.355 miles
Serene Pine Court	.09 miles	.09 miles	0 miles
McKay Road	1.32 miles	.19 miles	1.13 miles

Mileage swap

City of Brainerd - .48 miles for County
Crow Wing County - .54 miles for City of Brainerd







CROSS-JURISTICTIONAL MAINTENANCE AGREEMENT
BETWEEN CROW WING COUNTY AND CITY OF BRAINERD

This Agreement is made and entered into this day of May 1, 2024, by and between the County of Crow Wing, a political subdivision of the State of Minnesota, 326 Laurel Street, Brainerd, Minnesota, 56401, hereinafter referred to as "Crow Wing", and the City of Brainerd, a municipal corporation of the State of Minnesota, 501 Laurel Street, Brainerd, Minnesota 56401, hereinafter referred to as "Brainerd".

WHEREAS, Crow Wing and Brainerd both contribute stormwater from area public roads to a stormwater pond located at CSAH 48 (Highland Scenic Road/Highland Scenic Dr. S.) and Anabec Street in the City of Brainerd (see map, Exhibit A), hereinafter referred to as "the stormwater pond"; and,

WHEREAS, Crow Wing has performed stormwater pond maintenance operations at the stormwater pond for a long period of time with no formal agreement in place; and,

WHEREAS, Crow Wing and Brainerd wish to establish a clear set of responsibilities and expectations with respect to maintenance operations of the stormwater pond and to formalize the long-standing unwritten agreement between Crow Wing and Brainerd.

NOW THEREFORE Crow Wing and Brainerd agree to the following:

1. MAINTENANCE

Crow Wing will be responsible for ensuring periodic maintenance is performed on the stormwater pond. Maintenance shall include:

- sediment removal;
- weed/brush control;
- right of way/easement enforcement;
- signage;
- cleaning/trash removal;
- emergency situations that pose a danger to public safety, storm sewer/drainage structures or devices;
- washouts;
- and any other type of normal stormwater pond maintenance.

2. COSTS

Crow Wing will be responsible for 30% of the costs and Brainerd will be responsible for 70% of the costs. This calculation was determined by the percentage of stormwater entering the pond from each entity. Materials and services shall be invoiced by Crow Wing to Brainerd for services provided in accordance with this agreement.

3. EXCLUSIONS

Maintenance does not include engineered construction or road reconstruction.

4. TERMINATION

Neither entity may terminate this agreement unless mutually agreed upon in writing and approved by both the Crow Wing County Board of Commissioners and the City of Brainerd City Council.

5. NOTICE

For purposes of delivery of any notices hereunder, the notice shall be effective if delivered to the Crow Wing County Engineer, 16589 County Road 142, Brainerd, Minnesota, 56401, on behalf of Crow Wing County, and the City of Brainerd City Engineer, 501 Laurel Street, Brainerd, Minnesota 56401.

6. INDEMNIFICATION

To the extent allowed by law, Crow Wing and Brainerd mutually agree to indemnify and hold each other harmless 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.

Each party shall obtain and keep in full force and effect at its own cost and expense for the duration of this Agreement insurance coverage with limits no lower than those set forth in Minnesota Statutes § 466.04 or as may be amended. Adequate or otherwise required insurance coverage obtained through the Minnesota Counties Intergovernmental Trust, Minnesota Association of Townships Insurance Trust, or League of Minnesota Cities Insurance Trust satisfies the insurance requirements of this section.

7. 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.

8. MODIFICATION OF AGREEMENT

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 that regard, the parties shall review the terms of this Agreement no later than May 1, 2028, and, if necessary, modify the terms of the Agreement to suit the then current conditions.

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

COUNTY OF CROW WING

By: _____

Timothy Bray, P.E.
Crow Wing County Engineer

Date: _____

CITY OF BRAINERD

By: _____

Dave Badeaux
City of Brainerd Mayor

By: _____

Nick Broyles
City Administrator

Date: _____

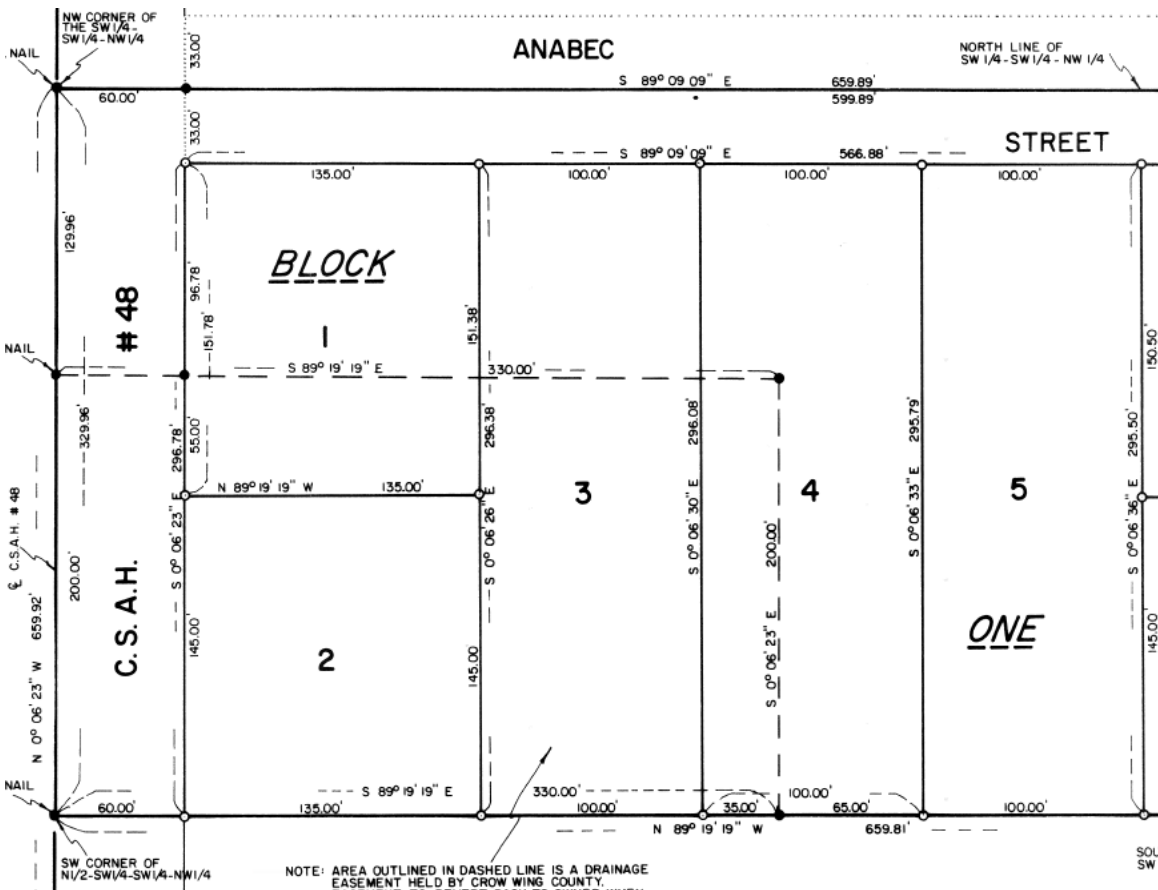
ATTEST:

APPROVED:

By: _____

Stephanie Shook
Asst. Crow Wing County Attorney

Date: _____





City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Authorize Bidding - O Street Outfall Replacement

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

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

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

SUMMARY OF ISSUE: Staff is requesting authorization to bid the O Street Outfall Repair project as presented in this item. This project was included in the 2024 Capital plan with a budgeted amount of \$50,000. After surveying the area and reviewing the issue, it appears that the extent of repairs needed is more than what was originally planned. Attached are photos that staff has taken to illustrate the issues that are occurring. Roughly 40 feet behind the curb, the existing steel storm pipe has completely collapsed leaving approximately 175 feet of collapsing trench. At the end of the pipe, the outfall is eroding the adjacent bank due to the bend in the drainage way.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: After review, staff has prepared a repair and rehabilitation plan to address the issues in this area. This area is also an area that experiences regular street flooding as there is a large area that drains to a single catch basin. The draft plans include installation of a 2nd catch basin, replacement of the collapsed storm pipe, and extension of the end of the outfall to address the issue with the bend. Attached are the plan sheet and the Engineer's Estimate for the work. As shown, the estimate is currently \$68,552, which is over the original budgeted amount.

Staff would recommend bidding the project as drawn to receive actual bid numbers. From there, staff can review and provide recommendations for the Council. Some options may include award as drawn to address the issues as existing, remove the catch basin addition in the street, or wait until 2025 and budget additional dollars.

RECOMMENDED ACTION/MOTION: Staff is requesting authorization to bid the O Street Outfall Replacement project as presented.

FINANCIAL IMPACT: N/A









Contract O Street Outfall Reconstruction - Engineer's Estimate

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total
1	2021.501	MOBILIZATION	LS	1	\$3,500.00	\$3,500.00
2	2101.505	CLEARING	ACRE	0.17	\$500.00	\$85.00
3	2101.505	GRUBBING	ACRE	0.17	\$500.00	\$85.00
4	2104.502	REMOVE PIPE APRON	EACH	1	\$500.00	\$500.00
5	2104.502	REMOVE MANHOLE OR CATCH BASIN	EACH	1	\$500.00	\$500.00
6	2104.503	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	L F	62	\$7.50	\$465.00
7	2104.503	REMOVE SEWER PIPE (STORM)	L F	165	\$10.00	\$1,650.00
8	2104.503	REMOVE CURB AND GUTTER	L F	30	\$10.00	\$300.00
9	2104.504	REMOVE CONCRETE SLAB	S Y	5	\$100.00	\$500.00
10	2104.504	REMOVE BITUMINOUS PAVEMENT	S Y	56	\$7.00	\$392.00
11	2105.504	GEOTEXTILE FABRIC TYPE 5	S Y	56	\$5.00	\$280.00
12	2105.607	SELECT GRANULAR BORROW (CV)	C Y	189	\$25.00	\$4,725.00
13	2211.509	AGGREGATE BASE CLASS 5	TON	11	\$20.00	\$220.00
14	2360.509	TYPE SP 9.5 WEARING COURSE MIXTURE (2,C)	TON	7	\$120.00	\$840.00
15	2501.502	24" RC PIPE APRON	EACH	1	\$1,750.00	\$1,750.00
16	2503.503	15" RC PIPE SEWER DESIGN 3006 CLASS III	L F	8	\$75.00	\$600.00
17	2503.503	24" RC PIPE SEWER DESIGN 3006 CLASS III	L F	190	\$100.00	\$19,000.00
18	2501.602	PRECAST HEADWALLS	EACH	1	\$2,500.00	\$2,500.00
19	2506.502	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020	EACH	3	\$5,000.00	\$15,000.00
20	2506.602	CONNECT INTO EXISTING STORM SEWER	EACH	1	\$1,000.00	\$1,000.00
21	2506.602	CONCRETE COLLAR	EACH	1	\$250.00	\$250.00
22	2511.504	GEOTEXTILE FILTER TYPE 7	S Y	60	\$20.00	\$1,200.00
23	2511.507	RANDOM RIPRAP CLASS III	C Y	25	\$100.00	\$2,500.00
24	2531.503	CONCRETE CURB AND GUTTER DESIGN B618	L F	30	\$20.00	\$600.00
25	2563.601	TRAFFIC CONTROL	LS	1	\$250.00	\$250.00
26	2573.502	STORM DRAIN INLET PROTECTION	EACH	5	\$150.00	\$750.00
27	2574.507	COMMON TOPSOIL BORROW (CV)	C Y	137	\$30.00	\$4,110.00

Line	Number	Description	Unit	Quantity	Estimated Price	Estimated Total
28	2575.501	TURF ESTABLISHMENT	LS	1	\$5,000.00	\$5,000.00
				Total Uncategorized		\$68,552.00



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Approve Transit Operating Policy Updates

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: In 2024, MnDOT completed a Comprehensive Review (audit) of the Transit program and operations. Staff have received and evaluated the findings from the report. Several compliance findings and recommended changes were noted in the report.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff is requesting approval to implement updates to Transit Operating Policies highlighted in the audit, which include the following:
Recommended Changes

1. Policy 2.4.6 No Show Policy - verbiage changes from “will be suspended” to “subject to suspension”. This will allow staff to determine what is sufficient regarding the specific no-show infractions.
2. Policy 2.3.5 Packages – increasing bag limit from 4 to 6. The current limit is restrictive and could affect ridership negatively.

Compliance Findings

1. Policy 2.2.9 Group Travel – finding suggests charter service. Staff recommends merging verbiage “When scheduling service for more than 1 person, the dispatcher must be given the status of each passenger, i.e., wheelchair or ambulatory. This information is vital for vehicle capacity purposes” into Policy 2.2.1 Trip Reservation Procedures and removing Policy 2.2.9 Group Travel from policies.
2. Policy 2.3.3 Use of Wheelchair Lift and Securements – findings noted our policy currently states “powered chair will be loaded on the lift with the weight closest to the bus” needs to be changed to allow passengers the decision to board the lift facing the vehicle or facing away from the vehicle. Simply removing that limiting sentence will meet compliance review requirements.
3. Policies 2.4.1 - 2.4.4.1 Passenger Conduct and Responsibilities – findings advised policy revisions to simplify language. Staff recommends consolidating these policies into Policy 2.4 Passenger Conduct and Responsibility to state “Service may be denied for individual/s exhibiting behavior that is violent, illegal, or seriously disruptive to the transportation service or when behavior poses a direct safety threat to others.” This will provide Transit staff with more flexibility to

address individual incidents and to cover a larger spectrum of issues that may not be covered under our current policies.

The TAC Committee reviewed these policy updates and voted unanimously to recommend the changes to the City Council.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the recommended changes to the Transit Operating Policies.

FINANCIAL IMPACT: N/A



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Approve Transit Procurement Policy

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 an updated Procurement Policy for the Brainerd & Crow Wing Public Transit System. The policy is a requirement from FTA that states that we must have a written procurement policy that complies with all federal rules and regulations, such as Buy America, DBE, etc. Staff has reviewed the attached policy and recommends its approval.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: As stated, this is a requirement from the FTA. Staff has received an extension from MnDOT to have this policy reviewed by TAC and the City Council before the deadline of June 1st. The TAC Committee voted unanimously to recommend City Council approval.

RECOMMENDED ACTION/MOTION: Staff recommends approval of the attached Procurement Policy.

FINANCIAL IMPACT: N/A

**BRAINERD & CROW WING PUBLIC TRANSIT SYSTEM
PROCUREMENT POLICY**

MAY 20, 2024

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1. INTRODUCTION

1.1. Purpose

This policy establishes guidelines and minimum standards that Brainerd & Crow Wing Public Transit System will use in the management of its third-party contracts. This manual is intended to ensure that Brainerd & Crow Wing Public Transit System complies with Federal Transit Administration (FTA) and the Minnesota Department of Transportation's standards to ensure full and open competition and equitable treatment of all potential sources for all purchases made with funding derived from the Federal, state, and local governments. In all purchasing activity, the goal of Brainerd & Crow Wing Public Transit System is to ensure maximum open and free competition consistent with:

- FTA Circular 4220.1F "Third Party Contracting Guidance" or latest version thereof;
- FTA Circular 4220.1F "FTA Best Practices Procurement and Lessons Learned Manual"
- 2 CFR § 200.318 – 200.327

The goal of this procurement policy is to provide an atmosphere in which all procurement transactions will be conducted in a manner providing full and open competition while preventing the use of state or federal funds for unallowable costs, as discussed in 2 C.F.R. 200 and other applicable regulations. Brainerd & Crow Wing Public Transit System outlines the local restrictions and guidance on unallowable costs within the Financial Policy.

When Brainerd & Crow Wing Public Transit System undertakes any purchase utilizing FTA funds, this policy shall supersede any existing purchasing policy. When any conflict exists between this policy and the existing policies of the Brainerd & Crow Wing Public Transit System, the procedures in this policy shall prevail. If any employee of Brainerd & Crow Wing Public Transit System determines that a conflict exists between these policies and state or local law, Brainerd & Crow Wing Public Transit System shall contact MnDOT and communicate the conflict.

1.2. Third Party Contracting Capacity

FTA regulations (2 CFR § 200.319(c) and FTA Circular 4220.1F, Chapter III, § 3a) require Brainerd & Crow Wing Public Transit System to have written procurement procedures. This policy is designed to meet FTA and MnDOT's requirements in this regard.

1.3. Procurement Planning

Planning is Brainerd & Crow Wing Public Transit System first step in the procurement process. It is the process of deciding what to buy, when, and from what sources. In order to plan effectively, Brainerd & Crow Wing Public Transit System must have the internal organizational capability with the proper checks and balances to facilitate the procurement process with the highest degree of integrity. This includes having trained, experienced contract personnel that have the authority to contractually bind the agency. Furthermore, Brainerd & Crow Wing Public Transit System uses Federal funds in support of their procurement actions and must ensure that contract personnel are fully knowledgeable of the numerous laws and regulations that apply to funded procurements. Brainerd & Crow Wing Public Transit System invests the time and resources to establish standards of conduct, organize effectively, and develop short- and long-range plans will avoid last minute, emergency or ill-planned procurements, which are contrary to open, efficient and effective procurements. FTA C. 4220.1F Best Practices.

1.4. Policy Review and Amendment

Once per year the TRANSIT DIRECTOR, OPERATIONS MANAGER, HUMAN RESOURCES, ***other important organizational figures***, and any employees the TRANSIT DIRECTOR requests to be present, shall meet and review this policy for revisions or updates that need to be made. The Board/Governing Body will be notified of changes to this policy at their next regularly scheduled meeting and at that time, adopt any revisions or updates to the Policy.

If any changes or revisions are adopted to this policy, Brainerd & Crow Wing Public Transit System will upload the updated policy to BlackCat with an indication of the date when the changes were made.

2. CODE OF ETHICS AND CONFLICT OF INTEREST POLICY

2.1. Purpose

Federal grant management rules (2 CFR § 200.318(c)(1)) require each recipient to maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. This policy must address:

- Personal conflicts of interest
- Gifts; and
- Violations.

2.2. Applicability

No employee, officer or agent may participate in the selection, award, or administration of a contract supported by a Federal award if they have a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. 2 C.F.R. 200.318(c)(1).

2.3. Gifts/Gratuities

No officer, employee, agent, or board member of Brainerd & Crow Wing Public Transit System, may solicit or accept gratuities, gifts, favors, or anything of monetary value from contractors or parties to subcontracts. 2 C.F.R. 200.318(c)(1).

2.4. Employee Conflicts of Interest

2.4.1. Conflicts of Interest

It shall be a breach of ethical standards for any Brainerd & Crow Wing Public Transit System listed employee or member to participate directly or indirectly in a procurement when the employee or member knows:

- The employee or any member of the employee's immediate family, board member, officer, agent, his or her partner, has a financial interest pertaining to the procurement;
- A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
- Any other person, business or organization with whom the employee or any member of employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement. 2 C.F.R. 200.318(c)(1); FTA C. 4220.1F, Chpt. III(1)(a).

2.4.2. Discovery of Actual or Potential Conflict of Interest (Disqualification and Waiver)

Regardless of the organizational structure Brainerd & Crow Wing Public Transit System establishes for its procurement activities, a strong need for autonomy or independence of the procurement function from internal customers. It is very important that all procurement responsibilities are carried out without undue influence by the agency's internal customers and users of the goods and services procured. While the degree of autonomy and organizational reporting relationships will vary with the size of the organization and its established policies, autonomy enables procurement personnel to give unbiased consideration to procurement principles and requirements, as well as to the schedule, budget, functional and other requirements of the internal customers. The procurement personnel must be free from undue influence or pressure in the award and administration of contracts. (See 2 C.F.R. § 200.318 *General procurement standards*; FTA Circular 4220.1F, Chapter III, paragraph 3 – *Third Party Contracting Capacity*; and FTA Best Practices 2.2)

Remedies. FTA expects the recipient to analyze each planned acquisition in order to identify and evaluate potential organizational conflicts of interest as early in the acquisition process as possible, and avoid, neutralize, or mitigate potential conflicts before contract award. FTA C. 4220.1F, Chpt. VI(2)(h).

Upon discovery of an actual or potential conflict of interest, an employee participating directly or indirectly in a procurement shall:

- Promptly file a written statement of disqualification with the Procurement Officer; and
- Withdraw from further participation in the procurement.

The employee may, at the same time, request from the Procurement Officer, an advisory opinion as to what further participation, if any, the employee may have in the procurement. It shall be at the sole discretion of the Procurement Officer to determine if the employee may have any further participation

in the procurement and, if so, the extent to which the employee may participate. Any employee who fails to comply with the provisions of this paragraph may be subject to disciplinary action.

2.4.3. Employee Disclosure Requirements

A Brainerd & Crow Wing Public Transit System employee, who has reason to believe that they or their immediate family have an interest that may be affected by their official acts or actions as a Brainerd & Crow Wing Public Transit System employee or by the official acts or actions of Brainerd & Crow Wing Public Transit System, shall disclose the precise nature and value of such interest in a written disclosure statement to the Procurement Officer. The employee's disclosure statement will be reviewed by the Procurement Officer and the Procurement Officer will respond to the employee in writing with an opinion as to the propriety of said interest.

In the event that the Procurement Officer has reason to believe that they or their immediate family has an interest that may be affected by their official acts or actions as a Brainerd & Crow Wing Public Transit System employee or by the official acts or actions of Brainerd & Crow Wing Public Transit System, they shall disclose the precise nature and value of such interest in a written disclosure statement to the Transit Director.

2.4.4. Confidential Information

A Brainerd & Crow Wing Public Transit System employee may not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, confidential information acquired by virtue of their position or employment with Brainerd & Crow Wing Public Transit System. 2 C.F.R. 200.303(e).

2.5. Organizational Conflicts of Interest

The Procurement Officer and technical personnel are encouraged to closely scrutinize all situations that appear to have the potential for an organizational conflict of interest.

Organizational conflicts of interest may result in bias and potentially provide an unfair competitive advantage to a potential offeror. An organizational conflict of interest occurs due to the type of work to be performed under a third-party contract, or because of other activities or relationships such as:

- A contractor who is unable, or potentially unable, to render impartial assistance or advice to the Subrecipient;
- A contractor's whose objectivity in performing contract work is or might be impaired;
- A contractor who has an unfair competitive advantage; or
- An organization that has a parent, affiliate, subsidiary or similar organizational relationship with Brainerd & Crow Wing Public Transit System.

Bias arises when a contractor is placed in a situation where there may be an incentive to distort advice or decisions. Whenever a contract is awarded that involves the rendering of advice, the question must always be asked as to whether the potential for a conflict of interest exists for the contractor rendering the advice. Brainerd & Crow Wing Public Transit System will utilize a "Conflict of Interest Disclosure Statement," in its solicitation when contracting for services of this nature. 2 C.F.R. 200.318(c)(2); 2 C.F.R. 200.319(b).

2.6. Penalties

For violation of any provision of this Code of Ethics or Conflict of Interest, the Brainerd & Crow Wing Public Transit System may avail itself of every remedy in law or equity, to enact penalties to the employee, up to and including dismissal.

Civil/Criminal Penalties Additionally, violation of the Ethics Policy or a provision thereof may subject the Employee to criminal or civil penalties under State or Federal law.

3. Brainerd & Crow Wing Public Transit System RESPONSIBILITIES

3.1. Third-Party Contracting Capacity

Brainerd & Crow Wing Public Transit System must maintain adequate technical capacity to carry out its FTA and State assisted projects and comply with Federal and State rules. Brainerd & Crow Wing Public Transit System's third party contracting capability must be adequate to undertake its procurements effectively and efficiently in compliance with applicable Federal, state, and local requirements. FTA C. 4220.1F, Chpt. 3(3).

3.2. Contract Administration System

Brainerd & Crow Wing Public Transit System must maintain a contract administration system to ensure that it and its third-party contractors comply with the terms, conditions, and specifications of their contracts or purchase orders and applicable Federal, state and local requirements. See Section 6 of this policy for a full discussion of contract administration. FTA C. 4220.1F, Chpt. 3(3).

3.2.1. Adequate Third-Party Contract Provisions

Brainerd & Crow Wing Public Transit System must include provisions in all of its third-party contracts that are adequate to form a sound and complete agreement. Provisions identified in the solicitation must carry over into the contract. FTA C. 4220.1F, Chpt. 3(3)(b).

3.2.2. Revenue Contracts

Brainerd & Crow Wing Public Transit System may enter into a revenue contract with a third-party to generate revenues in connection with a transit related activity, or to create business opportunities utilizing an FTA or State funded asset. Any such said contract opportunity will follow an open and competitive selection procedures and principles outlined herein. FTA C. 4220.1F, Chpt. 2(b)(4).

3.2.3. Record Keeping

Brainerd & Crow Wing Public Transit System must prepare and maintain adequate and readily accessible project performance and financial records, covering procurement transactions as well as other aspects of project implementation. Brainerd & Crow Wing Public Transit System must maintain these records in the event of litigation or in other limited circumstances, until six years (in accordance with MN State Record Retention requirements) after Brainerd & Crow Wing Public Transit System and any contractors or subcontractors have made final payment and all other pending matters are closed. Specific record keeping requirements include:

- (a) Written Record of Procurement History – Brainerd & Crow Wing Public Transit System must maintain and make available to MnDOT and FTA written records detailing the history of each procurement. For all procurements above the micro-purchase level Brainerd & Crow Wing Public Transit System must maintain records relating to:
 - (1) Procurement Method – Brainerd & Crow Wing Public Transit System must provide its rationale for the method of procurement it used for each contract, including a sole source justification for any acquisition that does not qualify as competitive;
 - (2) Contract Type – Brainerd & Crow Wing Public Transit System must state the reasons for selecting the contract type it used;
 - (3) Contractor Selection – Brainerd & Crow Wing Public Transit System must state its reasons for contractor selection or rejection;

- (4) Contractor Responsibility – Brainerd & Crow Wing Public Transit System must provide a written determination of responsibility for the successful contractor;
- (5) Cost or Price – Brainerd & Crow Wing Public Transit System must evaluate and state its justification for the contract cost or price; and
- (6) Reasonable Documentation – Brainerd & Crow Wing Public Transit System must retain documentation commensurate with the size and complexity of the procurement.
- (7) Vendor Verification – Brainerd & Crow Wing Public Transit System must include verification of acceptance with a selected vendor/supplier/manufacture through the Federal System of Award Management (SAM) for each project and associated project file.

- (b) Access to Records – Brainerd & Crow Wing Public Transit System must provide FTA and MnDOT officials, Minnesota Department of Management and Budget, the State Auditor, or any of their representatives, access to and the right to examine and inspect all records, documents, and papers, including contracts, related to any FTA project financed with Federal assistance.

2 C.F.R. 200.334.

3.3. Determination of Needs

Brainerd & Crow Wing Public Transit System must maintain and follow adequate procedures for determining the types and amounts of products and services it needs to acquire. Brainerd & Crow Wing Public Transit System shall comply with the following requirements when determining the types and amounts of products and services it needs to acquire:

3.3.1. Eligibility

All products and services to be acquired with FTA or State funds must be eligible under the Federal or State law authorizing the FTA or State assistance award and any regulations thereunder. All products and services to be acquired with FTA or State funds must also be eligible for support within the scope of the underlying grant or cooperative agreement from which the FTA or State assistance to be used is derived. FTA C. 4220.1F, Chpt. IV(1)(a).

3.3.2. Necessity

Brainerd & Crow Wing Public Transit System shall adhere to the following standards for avoiding the purchase of duplicative and/or unnecessary products and services it does not need. FTA C. 4220.1F, Chpt. IV(1)(b).

3.3.2.1. Unnecessary Reserves

Brainerd & Crow Wing Public Transit System shall limit the acquisition of Federally or State-assisted property, goods, and services to the amount it needs to support its operations. FTA C. 4220.1F, Chpt. IV(1)(b)(1).

3.3.2.2. Acquisition for Assignment Purposes

Brainerd & Crow Wing Public Transit System shall contract only for its current and reasonably expected public transportation needs and shall not add quantities or options to third-party contracts solely to permit assignment to another party at a later date. These limits on assignments, however, do not

preclude joint procurements that are entered into simultaneously by two or more parties to obtain advantages unavailable for smaller procurements. FTA C. 4220.1F, Chpt. IV(1)(b)(2).

- (a) General Prohibition – Brainerd & Crow Wing Public Transit System may contract only for its current and reasonably expected public transportation needs and may not add quantities or options to third-party contracts solely to permit assignment to another party at a later date.
- (b) Exceptions – These limits on assignments, however, do not preclude:
 - (1) Joint Procurements – Brainerd & Crow Wing Public Transit System and one or more other FTA recipients may enter into a single procurement at the same time to obtain advantages unavailable for smaller procurements.
 - (2) Participation in MnDOT Sponsored Vehicle Procurements – Brainerd & Crow Wing Public Transit System may enter into contracts developed by the State of Minnesota to acquire vehicles. See Section 4.3 of this policy for a full discussion of state government purchasing schedules and contracts.
- (c) Procurement Size – For every procurement, Brainerd & Crow Wing Public Transit System shall consider whether to consolidate or break out the procurement to obtain the most economical purchase. Absent efforts to foster greater opportunities for Disadvantaged Business Enterprises (DBEs), small and minority firms and women’s business enterprises, Brainerd & Crow Wing Public Transit System shall not split a larger procurement merely to gain the advantage of micro-purchase or small purchase procedures.
- (d) Options – Brainerd & Crow Wing Public Transit System shall justify, as needed, all option quantities included in every solicitation and contract. An option is a unilateral right in a contract by which, for a specified time, Brainerd & Crow Wing Public Transit System may acquire additional equipment, supplies, or services than originally procured. An option may also extend the term of the contract.
- (e) Lease Versus Purchase – Brainerd & Crow Wing Public Transit System shall review lease versus purchase alternatives for acquiring property and shall prepare or obtain an analysis to determine the most economical alternative. If Brainerd & Crow Wing Public Transit System chooses to lease an asset then it must prepare a written comparison of the cost of leasing the asset compared with the cost of purchasing or constructing the asset.
- (f) Lease of Rolling Stock – For rolling stock and related equipment, the Fixing America’s Surface Transportation (FAST) Act requires Brainerd & Crow Wing Public Transit System to submit a report to MnDOT, on behalf of FTA, within three years of executing a rolling stock lease that includes: (1) An evaluation of the overall costs and benefits of leasing rolling stock; and (2) A comparison of the expected short-term and long-term maintenance costs under a lease versus maintenance costs when buying rolling stock.

- (g) Specifications – Brainerd & Crow Wing Public Transit System's procurement specifications shall clearly describe the products or services to be procured and shall state how the proposals will be evaluated. Brainerd & Crow Wing Public Transit System's procurement specifications shall not be exclusionary, discriminatory, unreasonably restrictive, or otherwise in violation of Federal or Minnesota laws or regulations.

3.4. Contractor Responsibilities

Brainerd & Crow Wing Public Transit System, in awarding contracts financed in whole or in part with FTA financial assistance, shall follow guidance in this section to evaluate contractor capabilities to perform the contract.

In addition to the Federal rules (2 CFR § 200.318(h)) that require contract awards be made only to responsible contractors, Federal law at 49 U.S.C. § 5325(j) and State Law (CXXXXXX) limits third-party contractor awards to those contractors capable of successfully performing under the terms and conditions of the proposed contract. Before selecting a contractor for award, Brainerd & Crow Wing Public Transit System must consider such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

3.4.1. Debarment and Suspension

Debarment and suspension regulations and guidance include the following provisions.

3.4.1.1. DOT Debarment and Suspension Regulations

U.S. Department of Transportation (DOT) regulations apply to each third-party contract at any tier of \$25,000 or more, to each third party contract at any tier for a federally required audit (irrespective of the contract amount), and to each third party contract at any tier that must be approved by an FTA official irrespective of the contract amount (2 C.F.R.1200). Brainerd & Crow Wing Public Transit System shall apply DOT's debarment and suspension requirements to itself and each third-party contractor at every tier to the extent required by DOT's regulations that incorporate the requirements of the Office of Management and Budget (OMB), "Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)" (2 C.F.R. 180).

3.4.1.2. System for Award Management

Brainerd & Crow Wing Public Transit System will search and ensure that every offeror considered appears as a registered vendor within the results of a SAM.gov search and print the screen with the results of the search to be included in the procurement file. It is the policy of Brainerd & Crow Wing Public Transit System to verify that the prospective third-party vendor is not listed as a debarred contractor on SAM.

3.4.2. Lobbying Certification and Disclosure

If a third-party contract will exceed \$100,000, before awarding the contract, Brainerd & Crow Wing Public Transit System will obtain a signed lobbying certification, and if applicable, a lobbying disclosure from a prospective third party contractor (see DOT regulations, "New Restrictions on Lobbying," 49 CFR Part 20, modified as necessary by 31 U.S.C. Section 1352).

3.4.3. Required Contract Clauses

In addition to the requirements outlined above, there are various required clauses that may apply to Brainerd & Crow Wing Public Transit System's third-party contracts, depending upon the type of procurement and the anticipated dollar value of said contract. It is the responsibility of Brainerd & Crow Wing Public Transit System to assess each procurement and determine the applicable FTA third party terms and conditions that should be included in the solicitation and contract documents. Coordination with MnDOT on the appropriate clauses will be completed. These clauses may include:

- All FTA Assisted Third Party Contracts and Subcontracts:
 - No Federal government obligation to third-parties
 - False or fraudulent statements or claims
 - Access to records
 - Federal changes
 - Civil rights
 - Incorporation of FTA terms
 - Energy conservation
 - Safe operation of motor vehicles
 - Prohibition on certain telecommunications and video surveillance services or equipment
- Contracts Exceeding \$10,000:
 - Termination provisions
- Contracts Exceeding \$25,000:
 - Debarment and suspension
 - Notice regarding disputes, breaches, defaults, and litigation
- Contracts Exceeding \$100,000:
 - Byrd Anti-Lobbying Amendment
- Contracts Exceeding \$150,000:
 - Clean Air Act
 - Federal Water Pollution Control Act
 - Build America, Buy America ("BABA") & Buy America ("BA") (procurements involving iron, steel, manufactured products, and constructions materials)
- Contracts Exceeding the Simplified Acquisition Threshold:
 - Legal remedies for violation or breach
- Contracts for Construction:
 - Davis-Bacon Act
 - Copeland Anti-Kickback Act
 - Contract Work Hours and Safety Standards Act
 - Seismic safety
 - Veterans hiring preference
 - Bonding
- Contracts for Transit Operations:
 - School bus restrictions
 - Charter bus restrictions
 - Transit employee protective arrangements
 - Substance abuse requirements
- Miscellaneous:
 - Conformance with Intelligent Transportation Systems (ITS) national architecture

- o Cargo preference
 - o Fly America
 - o Patent rights
 - o Rights in data and copyrights
 - o Procurement of recovered materials
- Rolling Stock Certifications:
 - o Bus testing
 - o Transit Vehicle Manufacturer (TVM) compliance with DBE requirements
 - o Pre-Award Buy America Certification
 - o Pre-Award Purchaser's Requirements
 - o Pre-Award Federal Motor Vehicle Safety Standards (FMVSS) Certification
 - o Post-Delivery Buy America Certification
 - o Post-Delivery Purchaser's Requirements
 - o Post-Delivery FMVSS Certification

FTA C. 4220.1F, Matrix D; *see also* FTA Master Agreement.

3.5. Bonding

Some procurements may necessitate Brainerd & Crow Wing Public Transit System to require the vendor to submit a bid bond, performance bond, or payment bond (typically construction projects).

3.5.1. Thresholds

3.5.2. For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, when bonding is required, MnDOT may accept the bonding policy and requirements of the Subrecipient provided that MnDOT has made a determination that the Federal interest is adequately protected. Acceptable Sureties

Federal rules for non-governmental recipients requires the non-governmental recipient to obtain construction bonds from companies holding certificates of authority as acceptable sureties under Department of the Treasury regulations, "Surety Companies Doing Business with the United States," (31 CFR Part 223). For a current list of approved sureties, see Department of the Treasury's Listing of Approved Sureties (Department Circular 570). As FTA encourages governmental recipient to require similarly acceptable sureties, it shall be the policy of Brainerd & Crow Wing Public Transit System to such accept sureties.

3.6. Preference for U.S. Property—Buy America

Any contract exceeding \$150,000 entered into by Brainerd & Crow Wing Public Transit System with FTA assistance requires that all iron, steel, manufactured products (including rolling stock), and construction materials used are produced or manufactured in the United States, unless FTA has granted a waiver authorized by Buy America regulations. FTA cautions that its Buy America regulations are complex and different from the Federal "Buy American Act" regulations in FAR Subparts 25.1 and 25.2. FTA C. 4220.1F, Chpt. IV(2)(c)(5).

Brainerd & Crow Wing Public Transit System will, to the great practical extent consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States of America, even when Buy America and other regulations do not apply. 2 C.F.R. § 200.322

3.7. Accessibility

Facilities to be used in public transportation service must comply with 42 U.S.C. Sections 12101 *et seq.* and DOT regulations, “Transportation Services for Individuals with Disabilities (ADA),” 49 CFR § 37; and Joint ATBCB/DOT regulations, “Americans with Disabilities (ADA) Accessibility Specifications for Transportation Vehicles,” 36 CFR § 1192 and 49 CFR § 38. Notably, DOT incorporated by reference the ATBCB’s “Americans with Disabilities Act Accessibility Guidelines” (ADAAG), revised July 2004, which include accessibility guidelines for buildings and facilities, and are incorporated into Appendix A to 49 CFR Part 37. DOT also added specific provisions to Appendix A modifying the ADAAG, with the result that buildings and facilities must comply with both the ADAAG and amendments thereto in Appendix A to 49 CFR Part 37.

4. SOURCES OF ACQUISITIONS

4.1. Force Account

Force account means use of Brainerd & Crow Wing Public Transit System's own labor forces and equipment to undertake a project (typically construction, renovation, or repair). The use of force account labor is a project management function, rather than a procurement and contract administration function, except in the general sense of the Subrecipient’s ability to perform work with its own forces rather than contracting with another entity to acquire the property or services it needs, and the cost implications of the recipient’s decision. Brainerd & Crow Wing Public Transit System does not charge force account labor to its FTA grants. FTA C. 4220.1F, Chpt. V(1).

4.2. Joint Procurements

Brainerd & Crow Wing Public Transit System may participate in joint procurements whereby Brainerd & Crow Wing Public Transit System and one or more other entities agree from the outset to use a single solicitation document and enter into a single contract with a vendor for delivery of products or services. The following requirements apply to Brainerd & Crow Wing Public Transit System’s participation in joint procurements:

- Solicitation documents may not be drafted for the purpose of accommodating the needs of other parties that may later want to participate in the benefits of the contract.
- Brainerd & Crow Wing Public Transit System is responsible for ensuring that the joint procurement solicitation and contract complies with all Federal and State requirements and that the solicitation document and contract includes all required clauses and certifications.

FTA C. 4220.1F, Chpt. V(3).

4.3. State or Local Government Purchasing Schedules or Purchasing Contracts

4.3.1. Definition

FTA uses the term “state or local government purchasing schedule” to mean an arrangement that a State or local government has established with several vendors in which those vendors agree to provide

essentially an option to the State or local government, and its subordinate government entities, to acquire specific property or services in the future at established prices. These arrangements are somewhat similar to the General Services Administration's (GSA) Cooperative Purchasing Program available for Federal Government use. (FTA C. 4220.1F Chpt I 5.cc.)

4.3.2. Small Quantity Conditions for Rolling Stock

To the extent practicable, Brainerd & Crow Wing Public Transit System will use the innovative procurement tools authorized under section 3019 of the FAST Act. If Brainerd & Crow Wing Public Transit System conducts a stand-alone procurement (i.e., not part of a state contract or joint/cooperative procurement) for fewer than five buses, it must prepare a written justification for not using an authorized "innovative procurement tool" pursuant to 49 USC § 5339(a)(10)(B).

4.3.3. Applicability of Federal Provisions

When obtaining property or services in this manner, Brainerd & Crow Wing Public Transit System must ensure all Federal requirements, required clauses, and certifications (including Buy America) are properly followed and included, whether in the master intergovernmental contract or in the recipient's purchase document. While MnDOT takes all precautions to ensure that such provisions are in the original solicitation and contract documents, it is ultimately Brainerd & Crow Wing Public Transit System's responsibility to ensure such documents and certifications are obtained. Solicitation of these vendors is conducted in the same manner as any other procurement.

If such requirements, clauses, and certifications were not included in the original purchase solicitation and contracts, Brainerd & Crow Wing Public Transit System may request the vendor to append the required Federal clauses in the purchase order or other document that effects the Brainerd & Crow Wing Public Transit System's procurement. When this method is used, Brainerd & Crow Wing Public Transit System shall obtain Buy America certification before entering into the purchase order. This method cannot be used to circumvent FTA's Buy America requirements.

4.3.4. Existing Contracts

Brainerd & Crow Wing Public Transit System may use existing contract rights as an acquisition source. An "existing contract" means a contract that, when formed, was intended to be limited to the original parties thereto. FTA C. 4220.1F, Chpt. V(7).

4.3.4.1. Permissible Actions

Within the conditions set forth below, Brainerd & Crow Wing Public Transit System may use existing contract rights held by another recipient of FTA assistance:

- (a) Exercise of Options – Brainerd & Crow Wing Public Transit System may use contract options held by another recipient of FTA assistance with the following limitations:
 - (1) Consistency with the Underlying Contract – Brainerd & Crow Wing Public Transit System must ensure that the terms and conditions of the option it seeks to exercise are substantially similar to the terms and conditions of the option as stated in the original contract at the time it was awarded.

- (2) Price – Brainerd & Crow Wing Public Transit System may not exercise an option unless it has determined that the option price is better than prices available in the open market, or that when it intends to exercise the option, the option is more advantageous.
- (3) Awards Treated as Sole Source Procurements – The following actions constitute sole source awards:
 - i. Failure to Evaluate Options Before Awarding the Underlying Contract – If a contract has one or more options and those options were not evaluated as part of the original contract award, exercising those options after contract award will result in a sole source award.
 - ii. Negotiating a Lower Option Price – Exercising an option after Brainerd & Crow Wing Public Transit System has negotiated a lower or higher price will also result in a sole source award unless that price can be reasonably determined from the terms of the original contract, or that price results from Federal actions that can be reliably measured.
- (b) Assignment of Contract Rights (“Piggybacking”) – If Brainerd & Crow Wing Public Transit System finds that it has inadvertently acquired contract rights in excess of its needs, it may assign those contract rights to another MnDOT subrecipient if the original contract contains an assignability provision that permits the assignment of all or a portion of the specified deliverables under the terms originally advertised, competed, evaluated, and awarded, or contains other appropriate assignment provisions. Brainerd & Crow Wing Public Transit System may use contractual rights through assignment from another recipient of FTA assistance after first determining the contract price remains fair and reasonable, and the contract provisions are adequate for compliance with all Federal requirements. Brainerd & Crow Wing Public Transit System need not perform a second price analysis if a price analysis was performed for the original contract; however, Brainerd & Crow Wing Public Transit System must determine whether the contract price or prices originally established are still fair and reasonable before using those rights. Brainerd & Crow Wing Public Transit System shall be responsible for ensuring the contractor’s compliance with FTA’s Buy America requirements and execution of all the required pre-award and post-delivery Buy America review certifications. Before proceeding with the assignment, however, Brainerd & Crow Wing Public Transit System shall review the original contract to be sure that the quantities the assigning recipient acquired, coupled with the quantities that Brainerd & Crow Wing Public Transit System seeks, do not exceed the amounts available under the assigning recipient’s contract.

4.3.4.2. Impermissible Actions

Brainerd & Crow Wing Public Transit System may not use Federal assistance to finance:

- (a) Improper Contract Expansion – A contract has been improperly expanded when it includes a larger scope, greater quantities, or options beyond the recipient’s reasonably anticipated needs. A contract has also been improperly expanded when excess capacity has been added primarily to permit assignment of those contract rights to another entity.

- (b) Cardinal Changes – A significant change in contract work that causes a major deviation from the original purpose of the work or the intended method of achievement, or causes a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that described in the original contract, is a cardinal change or “tag-on”. A change within the scope of the contract is not a cardinal change or “tag-on”.

5. PROCEDURES FOR OPEN MARKET PROCUREMENTS

5.1. Solicitation of Competitive Price Quotes, Bids or Proposals

Compliance with the solicitation procedures described in Section 5.4 below will fulfill FTA requirements for “full and open competition.” 2 C.F.R. 200.319(a).

5.2. Solicitation Requirements and Restrictions

Every procurement solicitation that Brainerd & Crow Wing Public Transit System issues above the micro-purchase level (currently established in Federal guidance at \$10,000), must include the following information and be advertised in a manner that ensures adequate and open competition. 2 C.F.R. 200.319(d).

5.2.1. Description of the Property or Services

The solicitation and the contract awarded thereunder must include a clear and accurate description of Brainerd & Crow Wing Public Transit System's technical requirements for the products or services to be acquired in a manner that provides for full and open competition. 2 C.F.R. 200.319(d)(1).

5.2.1.1. Descriptive Elements

Brainerd & Crow Wing Public Transit System will prepare descriptions of property, goods, or service in terms of functions to be performed or level of performance required, including the range of acceptable characteristics or minimum acceptable standards. Detailed product specifications should be avoided if at all possible; however, there is no prohibition against their use when appropriate. 2 C.F.R. 200.319(d)(1).

5.2.1.2. Quantities

Additional quantities or options above Brainerd & Crow Wing Public Transit System's needs at the time of acquisition may not be added to contracts solely to allow assignment of those quantities or options at a later date. FTA C. 4220.1F, Chpt. IV(1)(b).

5.2.1.3. Brand Name or Equal

When it is impractical or uneconomical to provide a clear and accurate description of the technical requirements of the property to be acquired, a “brand name or equal” description may be used to define the performance or other salient characteristics of a specific type of property. The salient characteristics of the named brand that bidders or offerors must provide must be identified. 2 C.F.R. 200.319(b)(6).

5.2.1.4. Prohibited Practices

Solicitations with requirements that contain features that unduly restrict competition may not be used. Brainerd & Crow Wing Public Transit System shall not:

- Impose unreasonable business requirements for bidders or offerors.
- Impose unnecessary experience requirements for bidders and offerors.
- Use prequalification procedures that conflict with the prequalification standards described in Section 5.3.
- Make a noncompetitive award to any person or firm on a retainer contract with Brainerd & Crow Wing Public Transit System if that award is not for the property or services specified for delivery under the retainer contract.
- Impose unreasonable restrictive bonding requirements on bidders and offerors in excess of FTA and state requirements.
- Specify only a “brand name” product without allowing offers of an “equal” product, or allowing an “equal” product without listing the salient characteristics that the “equal” product must meet to be acceptable for award.
- Specify in-state or local geographical preferences or evaluating bids or proposals in light of in-state or local geographic preferences, even if those preferences are imposed by State or local laws or regulations. The only exception expressly mandated or encouraged by Federal law that may be applicable to Brainerd & Crow Wing Public Transit System is the procurement of Architectural and Engineering (A&E) Services. Geographic location may be a selection criterion in the procurement of A&E services if an appropriate number of qualified firms are eligible to compete for the contract in view of the nature and size of the project.
- Engage in practices that result in organizational conflicts of interest. An organizational conflict of interest occurs when any of the following circumstances arise:
 - Lack of Impartiality or Impaired Objectivity – When the bidder or offeror is unable, or potentially unable, to provide impartial and objective assistance or advice to Brainerd & Crow Wing Public Transit System Transit due to other activities, relationships, contracts, or circumstances.
 - Unequal Access to Information – When the bidder or offeror has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract.
 - Biased Ground Rules – When during the conduct of an earlier procurement, the bidder or offeror has established the ground rules for a future procurement by developing specifications, evaluation factors, or similar documents.
- Support or acquiesce in noncompetitive pricing practices between firms or between affiliated companies.
- Take any arbitrary action in the procurement process.

2 C.F.R. 200.319.

5.2.2. Evaluation Factors.

All solicitations shall identify all factors to be used in evaluating bids or proposals. At the discretion of Procurement Officer, the relative order of importance and/or weights shall be communicated to prospective offerors. FTA C. 4220.1F, Chpt. VI2.c.1. and 2.

5.2.3. Permissible Contract Types

Brainerd & Crow Wing Public Transit System shall state the type of contract that will be awarded in all solicitation documents. The following types of contracts will typically be executed with the successful vendor:

5.2.3.1. Firm Fixed Price

A firm fixed price contract includes a price that remains fixed irrespective of the contractor's cost experience in performing the contract. A firm fixed price contract may include an economic price adjustment provision, incentives, or both.

5.2.3.2. Cost Reimbursement

A cost-reimbursement contract provides for payment of the contractor's allowable incurred costs, to the extent prescribed in the contract. Allowable costs may include incentives if the recipient believes they can prove helpful. Cost-reimbursement contracts are suitable for use only when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed price contract.

5.2.4. Prohibitive or Restricted Contract Types

The following contract types are prohibited or restricted:

5.2.4.1. Cost Plus Percentage of Cost

Cost plus Percentage of Cost type contracts are prohibited.

5.2.4.2. Time and Materials

Time and Materials type contracts may be used only after a written determination is made that no other contract type is suitable. In addition, the contract between Brainerd & Crow Wing Public Transit System and the Contractor must specify a ceiling price that the Contractor may not exceed except at its own risk.

5.2.5. Other Federal Requirements Affecting the Property or Services to be Acquired

The solicitation and resulting contract must identify those Federal requirements that will affect contract scope and performance.

5.2.6. Other Federal Requirements Affecting the Bidder or Offeror and the Contractor

The solicitation and resulting contract must identify all Federal requirements that a bidder or offeror must fulfill before and during contract performance.

5.2.7. Reservation of Right to Award to Other Than the Low Bidder or Offeror

The solicitation must specifically reserve Brainerd & Crow Wing Public Transit System right to award a contract to other than the low bidder or offeror. If the solicitation documents do not specify this right, Brainerd & Crow Wing Public Transit System will be obligated to award the contract to the low bidder.

5.2.8. Reservation of Right to Reject All Bids or Offers

The solicitation must specifically reserve Brainerd & Crow Wing Public Transit System's right to reject all bids or offers.

5.3. Methods of Procurement

Brainerd & Crow Wing Public Transit System shall use competitive procedure(s) appropriate for the acquisition undertaken. The procedures used must comply with Minnesota and local law as well as with Federal requirements. Federal restrictions vary with the type of procurement method used. The following guidance is based on the requirements of 2 CFR § 200.318 – 200.326, supplemented by FTA and State policies that address the needs of FTA recipients.

5.3.1. Informal Procurements: Micro Purchases

5.3.1.1. Definition

Per 2 C.F.R. 200.320, micro-purchases are those purchases of products and services that cost \$10,000 or less (or current threshold established by Federal Acquisition Regulations (FAR)); for purposes of this policy, Brainerd & Crow Wing Public Transit System will use \$10,000 as the threshold for relatively simple purchases as a means to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost.

5.3.1.2. Approval Authority

Micro-purchases must be approved in writing by one of the following Brainerd & Crow Wing Public Transit System employees:

- Procurement Director
- Transit Director

5.3.1.3. Competition

Brainerd & Crow Wing Public Transit System may acquire products and services valued at less than (Micro Purchase Limit) without obtaining competitive quotations. Micro-purchases should be distributed equitably among qualified suppliers.

Micro purchases are exempt from FTA's Buy America requirements. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding \$2,000, even though the recipient uses micro-purchase procurement procedures. 2 C.F.R. 200.320(a)(1)(ii).

5.3.1.4. Prohibited Divisions

The size or dollar value of procurements may not be divided or reduced merely to come within the micro purchase limit. The only allowable exception to this restriction is for the express purpose of fostering greater participation of DBEs, small and minority firms and women's business enterprises in Brainerd & Crow Wing Public Transit System's Federally assisted procurements. FTA C. 4220.1F, Chpt. IV(3)(a)(2)(b).

5.3.1.5. Documentation

Every micro-purchase must be accompanied by a written determination that the price is fair and reasonable and a description of how that determination was made. FTA C. 4220.1F, Chpt. IV(3)(a)(2)(c).

5.3.2. Informal Procurements: Small Purchases

5.3.2.1. Definition

FTA defines small purchases as those purchases of products and services, including construction services, that cost greater than \$10,000 but not more than \$250,000. For purposes of this policy, Brainerd & Crow Wing Public Transit System will consider small purchase those that cost greater than \$10,000 but not more than \$250,000.

5.3.2.2. Approval Authority

Small purchases must be approved in writing by one of the following Brainerd & Crow Wing Public Transit System employees:

- Transit Director
- Chief Executive Officer
- Governing Board
- Other identified per local decision

5.3.2.3. Required Competition

Price or rate quotations must be obtained from an adequate number of qualified sources. It is the responsibility of Brainerd & Crow Wing Public Transit System to ensure that an adequate number of quotations, bids, or proposals are received. 2 C.F.R. 200.320(2)(i).

5.3.2.4. Prohibited Divisions

The size or dollar value of procurements may not be divided or reduced merely to come within the small purchase limit. The only allowable exception to this restriction is for the express purpose of fostering greater participation of DBEs, small and minority firms and women's business enterprises in Brainerd & Crow Wing Public Transit System's Federally assisted procurements. FTA C. 4220.1F, Chpt. IV(3)(b)(2)(b).

5.3.2.5. Documentation

Every small purchase must be documented in the grantee's written procurement history file. The level of documentation is stipulated in Section 6.6.1. 2 C.F.R. 200.334.

For small purchases, price quotations may be oral or written.

5.3.2.6. Special Considerations

Brainerd & Crow Wing Public Transit System reserves the right to use formal purchase methods, even if small purchase thresholds are met, if the Procurement Officer believes it is in the best interests of the Brainerd & Crow Wing Public Transit System to do so.

5.3.3. Formal Procurements

5.3.3.1. Definition

Formal purchases are those purchases of products and services that cost greater than the current Federal threshold of \$250,000. For purposes of this policy, Brainerd & Crow Wing Public Transit System will use formal procedures for all purchases over \$250,000. 2 C.F.R. 200.320(b); FTA C. 4220.1F.

5.3.3.2. Approval Authority

Large purchases must be approved in writing by the following Brainerd & Crow Wing Public Transit System employees or officials:

- Transit Director
- Governing Board
- Other local identified officials

No further delegation of approval authority for large purchases may be made.

5.3.3.3. Procurement Methods

There are two primary methods of procurement for large purchases of products and services:

- Sealed Bid method (IFB); and
- Competitive Proposal (RFP) method.

5.3.3.4. Required Competition

Formal bids and competitive proposals must be publicly advertised. 2 C.F.R. 200.320(b).

For formal purchases by the sealed bid method of procurement, two or more responsible bidders must be willing and able to compete effectively for the business. 2 C.F.R. 200.320(b)(1)(i)(B).

For formal purchases by the competitive proposal method of procurement, two or more offerors must be willing and able to submit an offer or proposal. 2 C.F.R. 200.320(b)(2).

5.3.3.5. Required Documentation

Every formal purchase must, at a minimum, be supported by a written independent cost estimate, formal bids or proposals, a written cost or price analysis as appropriate, a written justification and detailed rationale for contractor selection (including application of evaluation criteria) and a written determination of the responsibility of the contractor. Additional documentation requirements are dependent upon the formal procurement method that is utilized to make the purchase. 2 C.F.R. 200.320; 2 C.F.R. 200.324(a).

5.3.3.6. Procedural Methods for Sealed Bids

The sealed bid method of procurement is a formal method in which bids are publicly solicited and a firm fixed price contract is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the Invitation for Bids (IFB), is lowest in price. The IFB document contains technical specifications for the product or service to be purchased, a description of the procedures for submitting a bid, and the forms on which bids must be submitted. 2 C.F.R. 200.320(b)(1).

- (a) When Appropriate – The sealed bid method of procurement is the preferred method for acquiring products and services that, including construction services, cost greater than simplified threshold or Small Purchase threshold. The sealed bid method of procurement may also be used for small purchases if it is determined to be appropriate. The sealed bid method of procurement is appropriate if the following conditions apply:

- (1) Precise Specifications – A complete, adequate, precise, and realistic specification or purchase description is available.
- (2) Adequate Sources – Two or more responsible bidders are willing and able to compete effectively for the business.
- (3) Fixed Price Contract – The procurement generally lends itself to a firm fixed price contract.
- (4) Price Determinative – The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken. Apart from responsibility determinations, contractor selection may not be determined on the basis of other factors whose costs cannot be measured at the time of award.
- (5) Discussions Unnecessary – Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract will be made based on price and price-related factors alone.

FTA C. 4220.1F, Chpt. IV(3)(c)(1).

(b) Requirements for Sealed Bids – The following requirements apply to the sealed bid method of procurement:

- (1) Publicity – The Invitation for Bids must be publicly advertised.
 - i. The Procurement Officer shall ensure that sufficient time is allowed to prepare bids before the date of bid opening.
 - ii. Notice of bidding opportunities may be provided in other ways in addition, but not as a substitute, to a published notice. The methods may include, but not necessarily be limited to:
 - a. Direct notice, based on compiled vendor lists or from pre-qualification list, sent to prospective offerors; or
 - b. Use of advertisement by electronic means.
- (2) Adequate Sources – Bids must be solicited from an adequate number of known suppliers.
- (3) Adequate Specifications – The Invitation for Bids, including any specifications and pertinent attachments, must describe the property or services sought in sufficient detail that a prospective bidder will be able to submit a proper bid.
- (4) Sufficient Time – Bidders must be allowed sufficient time to prepare bids before the date of bid opening.
- (5) Public Opening – All bids must be publicly opened at the time and place prescribed in the Invitation for Bids.
- (6) Fixed Price Contract – A firm fixed price contract must be awarded in writing to the lowest responsive and responsible bidder unless the Invitation for Bids specifically allowed for award of a fixed price incentive contract or the inclusion of an economic price adjustment provision.
- (7) Rejection of Bids – Any or all bids may be rejected if there is a sound, documented business reason.

FTA C. 4220.1F, Chpt. IV(3)(c)(2).

5.3.3.7. Competitive Proposals

The competitive proposal method of procurement is a formal method in which written proposals are publicly solicited and a contract is awarded to the responsible offeror whose proposal, taking into consideration price and other factors, is considered to be the most advantageous to Brainerd & Crow Wing Public Transit System or that is considered to be the “best value” to Brainerd & Crow Wing Public Transit System. The vehicle through which proposals are solicited is Request for Proposals (RFP). The RFP document contains technical specifications for the product or service to be purchased, a description of the procedures for submitting a proposal and the forms on which proposals must be submitted, if applicable. FTA C. 4220.1F, Chpt. IV(3)(d).

- (a) When Appropriate – The competitive proposal method of procurement is appropriate for the acquisition of products and services that cost greater than (Small Purchase Limit) when the nature of the procurement does not lend itself to sealed bidding and Brainerd & Crow Wing Public Transit System expects that more than one source will be willing and able to submit a proposal. The competitive proposal method of procurement may also be used for small purchases if it is determined to be appropriate. The competitive proposal method of procurement may not be used for the procurement of construction services. The competitive proposal method of procurement is appropriate when any of the following circumstances are present:

- (1) Type of Specifications – The products or services to be acquired are described in a performance or functional specification, or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing contract award on factors other than price alone are present.
- (2) Uncertain Number of Sources – Uncertainty about whether more than one bid will be submitted in response to an Invitation for Bids.
- (3) Price Alone Not Determinative – Due to the nature of the procurement, contract award need not be based exclusively on price or price-related factors.
- (4) Discussions Expected – Separate discussions with individual offerors are expected to be necessary after they have submitted their proposals.

FTA C. 4220.1F, Chpt. IV(3)(d)(1).

- (b) Requirements for Competitive Proposals – The following requirements apply to the competitive proposal method of procurement:

- (1) Publicity – The Request for Proposals must be publicly advertised.
- (2) Evaluation Factors – All evaluation factors and their relative importance must be specified in the solicitation, but numerical or percentage ratings or weights need not be disclosed.
- (3) Adequate Sources – Proposals must be solicited from an adequate number of qualified sources.
- (4) Evaluation Method – A specific method must be established and used to conduct technical evaluations of the proposals received and to determine the most qualified offeror.

- (5) Price and Other Factors – An award must be made to the responsible offeror whose proposal is most advantageous to Brainerd & Crow Wing Public Transit System or that represents the “best value” to Brainerd & Crow Wing Public Transit System with price and other factors considered.
- (6) Best Value – Brainerd & Crow Wing Public Transit System may award a contract to the offeror whose proposal provides the greatest value to Brainerd & Crow Wing Public Transit System. To do so, the solicitation must inform potential offerors that the award will be made on a “best value” basis and identify what factors will form the basis for award. Brainerd & Crow Wing Public Transit System must base its determination of which proposal represents the “best value” on an analysis of the tradeoff of qualitative technical factors and price or cost factors.

FTA C. 4220.1F, Chpt. IV(3)(d)(2).

5.3.3.8. Two-Step Procurements

Brainerd & Crow Wing Public Transit System may use two-step procurement procedures in both sealed bid and competitive proposal procurements, provided the opportunity for full and open competition is retained. FTA C. 4220.1F, Chpt. IV(3)(e).

Review of Technical Qualifications and Approach – The first step is a review of the prospective contractors’ technical approach to Brainerd & Crow Wing Public Transit System’s request and their technical qualifications to carry out that approach followed by the establishment of a competitive range consisting of prospective contractors that demonstrate a technically satisfactory approach and have satisfactory qualifications. FTA C. 4220.1F, Chpt. IV(3)(e)(1).

Review of Bids and Proposals Submitted by Qualified Prospective Contractors – The second step consists of soliciting and reviewing complete bids or proposals, including price, submitted by each prospective contractor determined to be qualified. Absent exceptional circumstances, bids or proposals must be solicited from at least three qualified prospective contractors. FTA C. 4220.1F, Chpt. IV(3)(e)(2).

5.3.3.9. Architectural and Engineering (A&E) Services and Other Services

FTA’s enabling legislation at 49 U.S.C. § 5325(b)(1) requires the use of the qualifications-based procurement procedures contained in the “Brooks Act,” 40 U.S.C. § 1101 through 1104, to acquire A&E services. FTA C. 4220.1F, Chpt. IV(3)(f).

- (a) Qualifications-Based Procurement Procedures Required – Brainerd & Crow Wing Public Transit System must use qualifications-based procurement procedures to acquire architectural and engineering (A&E) services as well as certain other services that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property. In addition to A&E services, other services that must be procured by qualifications-based procurement procedures include:

- Program management;
- Construction management;
- Feasibility studies;
- Preliminary engineering;

- Design, architectural, engineering;
- Surveying, mapping; and
- Other related services.

The nature of the work to be performed and its relationship to construction, not the nature of the prospective contractor, determine whether qualifications-based procurement procedures may be used. FTA C. 4220.1F, Chpt. IV(3)(f)(1).

- (b) Qualifications-Based Procurement Procedures Prohibited – Unless FTA determines otherwise in writing, qualifications-based procurement procedures may not be used to acquire other types of services if those services are not directly in support of, directly connected to, directly related to, or do not lead to construction, alteration, or repair of real property. Qualifications-based procurement procedures may not be used for actual construction, alteration or repair to real property. FTA C. 4220.1F, Chpt. IV(3)(f)(2).
- (c) Qualifications-Based Procurement Procedures – The following procedures apply to qualifications-based procurements:
- (1) Qualifications – Unlike other two-step procurement procedures in which price is an evaluation factor, an offeror's qualifications are evaluated to determine contract award.
 - (2) Price – Price is excluded as an evaluation factor.
 - (3) Most Qualified – Price negotiations are first conducted with only the most qualified offeror.
 - (4) Next Most Qualified - Only after failing to agree on a fair and reasonable price may negotiations be conducted with the next most qualified offeror. Then, if necessary, negotiations with successive offerors in descending order may be conducted until contract award can be made to the offeror whose price the recipient believes is fair and reasonable.

FTA C. 4220.1F, Chpt. IV(3)(f)(3).

5.4. Noncompetitive Procurements

Normally, Brainerd & Crow Wing Public Transit System must provide for full and open competition when soliciting bids or proposals. Federal regulations at 2 C.F.R. 200.320(f)(1) – (4), however, acknowledges that under certain circumstances, a recipient may conduct procurements without providing for full and open competition.

5.4.1. When Appropriate

Noncompetitive procurement procedures may only be used when the procurement is inappropriate for small purchase procedures, sealed bids, or competitive proposals, and at least one of the following circumstances are present:

5.4.1.1. Competition Adequacy

After soliciting several sources and receiving an inadequate response, Brainerd & Crow Wing Public Transit System shall review its specifications to determine if they are unduly restrictive or if changes can be made to encourage submission of more price quotes, bids or proposals. If Brainerd & Crow Wing Public Transit System determines that the specifications are not unduly

restrictive and changes cannot be made to encourage greater competition, Brainerd & Crow Wing Public Transit System may determine the original competition adequate and complete the purchase from among the sources that submitted a price quote, bid or proposal. A cost analysis must be performed in lieu of a price analysis when this situation occurs. FTA C. 4220.1F, Chpt. IV(3)(i)(1)(a).

5.4.1.2. Sole Source

When Brainerd & Crow Wing Public Transit System requires products or services available from only one responsible source, and no other products or services will satisfy its requirements, Brainerd & Crow Wing Public Transit System may make a sole source award. In addition, when Brainerd & Crow Wing Public Transit System requires an existing contractor to make a change to its contract that is beyond the scope of that contract, Brainerd & Crow Wing Public Transit System will consider the change a sole source award that must be justified. Sole source awards are only appropriate when one of the following conditions apply:

- (a) Unique Capability or Availability – The products or services are available from only one source if one of the conditions described below is present:
 - (1) Unique or Innovative Concept – The offeror demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to Brainerd & Crow Wing Public Transit System only from one source and has not in the past been available to Brainerd & Crow Wing Public Transit System from another source.
 - (2) Patents or Restricted Data Rights – Patent or data rights restrictions preclude competition.
 - (3) Substantial Duplication Costs – In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.
 - (4) Unacceptable Delay – In the case of a follow-on contract for the continued development or production of a highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling Brainerd & Crow Wing Public Transit System's needs.

FTA C. 4220.1F, Chpt. IV(3)(i)(1)(b)(1).

- (b) Single Bid or Proposal – Upon receiving a single bid or proposal in response to a solicitation, Brainerd & Crow Wing Public Transit System should determine if competition was adequate. This should include a review of the specifications for undue restrictiveness and might include a survey of potential sources that chose not to submit a bid or proposal.
 - (1) Adequate Competition – Competition is adequate when the reasons for a single response were caused by conditions beyond Brainerd & Crow Wing Public Transit System's control.

- (2) Inadequate Competition – Competition is inadequate when the reasons for a single response were caused by conditions within Brainerd & Crow Wing Public Transit System's control.

FTA C. 4220.1F, Chpt. IV(3)(i)(1)(b)(2).

- (c) Unusual and Compelling Urgency – Brainerd & Crow Wing Public Transit System may limit the number of sources from which it solicits bids or proposals when Brainerd & Crow Wing Public Transit System has such an unusual and urgent need for the products or services that Brainerd & Crow Wing Public Transit System would be seriously injured unless it were permitted to limit the solicitation. Brainerd & Crow Wing Public Transit System may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the products or services. FTA C. 4220.1F, Chpt. IV(3)(i)(1)(c).

- (d) Authorized by MnDOT – Brainerd & Crow Wing Public Transit System may request permission from MnDOT to allow it to use noncompetitive proposals for a particular procurement. FTA C. 4220.1F, Chpt. IV(3)(i)(1)(e).

- (e) When Prohibited – Less than full and open competition is not justified based on:

- (1) Failure to Plan – Brainerd & Crow Wing Public Transit System's lack of advance planning, resulting in limited competition, is not justification for a sole source or single bid award.
- (2) Limited Availability of Federal Assistance – Concerns about the amount of Federal assistance available to support the procurement.

FTA C. 4220.1F, Chpt. IV(3)(i)(2).

- (f) Procurement Procedures – The following requirements apply when Brainerd & Crow Wing Public Transit System completes a procurement utilizing less than full and open competition:

- (1) Potential Sources – Brainerd & Crow Wing Public Transit System must solicit offers from as many potential sources as is practicable under the circumstances.
- (2) Sole Source Justification – Brainerd & Crow Wing Public Transit System must justify all sole source procurements in writing. Sole source procurement justifications must describe the reasons for why a sole source procurement is appropriate, state which of the authorized justifications listed in Section 5.6.1.2 are applicable, include a cost analysis and be signed by the Procurement Officer. If Brainerd & Crow Wing Public Transit System decides to solicit an offer from only one source, Brainerd & Crow Wing Public Transit System must justify its decision in writing. The written justification must include the same elements as a sole source justification except that it must state which of the authorized justifications listed in Section 5.6.1.2 are applicable to the sole source purchase.
- (3) Cost Analysis – Brainerd & Crow Wing Public Transit System must prepare or obtain a cost analysis verifying the proposed cost data, the projections of the data, and the evaluation of the costs and profits. A price analysis shall not be adequate to justify a sole source purchase.

FTA C. 4220.1F, Chpt. IV(3)(i)(3).

- (g) Exception for Procurement Activities Using Non-FTA Funds – When it is determined by the Procurement Coordinator or appropriate Director to be in the best interest of Brainerd & Crow Wing Public Transit System, noncompetitive procurement procedures may be utilized to acquire professional or other transportation-related services that do not involve the use of FTA or State financial assistance. Any such determination must be requested and authorized in writing by MnDOT.

5.5. Evaluation Requirements

The following standards shall apply to all evaluations of bids or proposals conducted by Brainerd & Crow Wing Public Transit System.

5.5.1. General

When evaluating bids or proposals received in response to a solicitation, Brainerd & Crow Wing Public Transit System shall consider all evaluation factors specified in the solicitation documents and shall evaluate the bids or offers proposals only on the evaluation factors included in those solicitation documents. Brainerd & Crow Wing Public Transit System may not modify its evaluation factors after bids or proposals have been received without re-opening the solicitation. FTA C. 4220.1F, Chpt. IV(7).

5.5.2. Options

The following standards shall apply when awarding contracts that include options:

5.5.2.1. Evaluation Required

In general, Brainerd & Crow Wing Public Transit System must evaluate bids or offers for any option quantities or periods contained in a solicitation if it intends to exercise those options after the contract is awarded. For formal procurements, the use of a team to conduct the evaluation will be used.

5.5.2.2. Evaluation Not Required

Brainerd & Crow Wing Public Transit System need not evaluate bids or offers for any option quantities when Brainerd & Crow Wing Public Transit System does not intend to exercise those options after the contract is awarded or if it determines that evaluation would not otherwise be in its best interests.

FTA C. 4220.1F, Chpt. IV(7)(b).

5.6. Contract Award Requirements

The following standards shall apply to all contract award decisions made by Brainerd & Crow Wing Public Transit System:

5.6.1. Award to Other Than the Lowest Bidder or Offeror

Brainerd & Crow Wing Public Transit System may award a contract to other than the lowest bidder if the award furthers an objective consistent with the purposes of 49 U.S.C. Chapter 53, including improved long-term operating efficiency and lower long-term costs. Brainerd & Crow Wing Public Transit System may also award a contract to other than the offeror whose price proposal is lowest, when stated in the evaluation factors of the solicitation. In both cases, Brainerd & Crow Wing Public Transit System must

include a statement in its solicitation document reserving the right to award the contract to other than the low bidder or offeror. FTA C. 4220.1F, Chpt. IV(8)(a).

5.6.1.1. Award Only to a Responsible Bidder or Offeror

Brainerd & Crow Wing Public Transit System may only award contracts to responsible contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract and who demonstrate that its proposed subcontractors also qualify as responsible. Brainerd & Crow Wing Public Transit System must consider such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources when making a determination of contractor responsibility. Brainerd & Crow Wing Public Transit System must also ensure that the contractor is not listed as a debarred or suspended contractor on the System for Award Management (SAM), which is maintained by the General Services Administration (GSA), at the time of contract award. Entities that are listed as debarred or suspended contractors on SAM may not be determined to be responsible contractors by Brainerd & Crow Wing Public Transit System. For every procurement action above the micro-purchase level, Brainerd & Crow Wing Public Transit System must make a written determination of the responsibility of the contractor and include such determination in the applicable contract file (See Section 3.6).

To designate a prospective contractor “responsible” as required by 49 U.S.C. § 5325, Brainerd & Crow Wing Public Transit System, at a minimum, must determine and ensure that the prospective contractor satisfies the criteria of Integrity and Ethics, Debarment and Suspension, Affirmative Action and DBE, Public Policy, Administrative and Technical Capacity, Licensing and Taxes, Financial Resources, Production Capability, Timeliness, and Performance Record. FTA C. 4220.1F, Chpt. IV(8)(b).

5.6.1.2. Rejection of Bids and Proposals

Brainerd & Crow Wing Public Transit System may reject all bids or proposals submitted in response to an Invitation for Bids or Request for Proposals. Brainerd & Crow Wing Public Transit System must include a statement in its solicitation document reserving the right to reject all bids or proposals.

- (a) Extent and Limits of Contract Award – The selection of a contractor to participate in one aspect of a project does not, by itself, constitute a sole source selection of the contractor’s wholly owned affiliates to perform other work in connection with the project.

FTA C. 4220.1F, Chpt. IV(8)(c).

5.6.2. Affirmative Action and DBE

Is in compliance with the Common Grant Rules’ affirmative action and FTA’s Disadvantaged Business Enterprise requirements, including completing an ICE and Scope of Work for any federally or state funded projects over \$5,000. 2 C.F.R. 200.321.

5.7. Independent Cost Estimate and Cost and Price Analysis

5.7.1. Independent Cost Estimate

For every solicitation above the micro-purchase threshold, Brainerd & Crow Wing Public Transit System shall make a written independent estimate of cost prior to receiving price quotes, bids or proposals. FTA C. 4220.1F, Best Practices 4.6.1.

5.7.2. Cost or Price Analysis

Brainerd & Crow Wing Public Transit System shall perform a cost or price analysis in connection with every procurement over \$250,000, and ensure a Cost Analysis for all sole source and contract modifications. 2 C.F.R. 200.324(a); FTA C. 4220.1F, Chpt. IV(6).

5.7.2.1. Price Analysis

If Brainerd & Crow Wing Public Transit System determines that competition was adequate, a written price analysis, rather than a cost analysis, is required to determine the reasonableness of the proposed contract price. 2 C.F.R. 200.324(a); FTA C. 4220.1F, Chpt. IV(6).

5.7.2.2. Cost Analysis

Brainerd & Crow Wing Public Transit System must perform or obtain a cost analysis when:

- (a) A price analysis will not provide sufficient information to determine the reasonableness of the contract cost.
- (b) When the offeror submits elements of the estimated cost.
- (c) When only a sole source is available, even if the procurement is a contract modification.
- (d) In the event of a change order.

2 C.F.R. 200.324(a); FTA C. 4220.1F, Chpt. IV(6)(a).

6. CONTRACT ADMINISTRATION REQUIREMENTS AND CONSIDERATIONS

6.1. Brainerd & Crow Wing Public Transit System Staff Responsibilities

Prior to execution of third party contracts, Brainerd & Crow Wing Public Transit System shall designate a Project Manager to serve as Brainerd & Crow Wing Public Transit System's principal contact with the contractor and as the primary administrator of the contract. The designated Project Manager for each contract shall have responsibility for directing and overseeing the work performed by the contractor; reviewing and approving deliverables and invoices from the contractor; determining percentage of contract completion for progress payments (if applicable); making recommendations on the exercise of contract options (if applicable); recommending contract changes; preparing justifications for contract changes; performing independent cost estimates and cost or price analyses for contract changes; making recommendations on approval or rejection of subcontractors; assisting with the resolution of contract disputes; making recommendations on contract termination or other contractor disciplinary actions; maintaining complete contract files; and other contract administration duties that may be necessary.

6.2. Administrative Restrictions on the Acquisition of Property and Services

The following Federal laws and regulations impose administrative requirements, many of which will affect specific third-party procurements.

6.2.1. Legal Eligibility

The property or services acquired must be eligible for support under the scope or restrictions accompanying the Federal statute or State laws authorizing the Federal and/or State assistance to be used. FTA C. 4220.1F, Chpt. IV(1)(a).

6.2.2. Period of Performance

Brainerd & Crow Wing Public Transit System will use sound business judgment and be judicious in establishing and extending a contract's period of performance. FTA C. 4220.1F, Chpt. IV(b)(3).

6.2.2.1. General Standards

The period of performance generally should not exceed the time necessary to accomplish the purpose of the contract. Brainerd & Crow Wing Public Transit System will also consider competition, pricing, fairness, and public perception. Brainerd & Crow Wing Public Transit System's procurement files will document its rationale for determining the performance period designated for each contract. FTA C. 4220.1F, Chpt. IV(b)(3)(a).

6.2.2.2. Time Extensions

Consistent with the general tone of FTA Circular 4220.1F, contract time extensions shall be considered in light of whether they are permissible changes or impermissible cardinal changes. Once Brainerd & Crow Wing Public Transit System awards a third-party contract, an extension of the contract term length that amounts to a cardinal change will require a sole source justification. FTA C. 4220.1F, Chpt. IV(b)(3)(c).

6.2.2.3. Authority to Extend

The Transit Director has the sole authority to approve and execute contract modifications. The Procurement Officer for the contract shall recommend all contract time; prior to making a

recommendation for a contract time extension. The Procurement Officer shall prepare a written justification and cost analysis for the contract time extension and shall negotiate the appropriate contract modification with the contractor.

6.3. Federal Cost Principles

Federal rules require project costs to conform to applicable Federal cost principles for allowable costs. In general, costs must be necessary and reasonable, allocable to the project, authorized or not prohibited by Federal or State law or regulation, and must comply with Federal cost principles applicable to the recipient. FTA C. 4220.1F, Chpt. IV(b)(4).

OMB guidance for grants and agreements, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR § 200, applies to project costs incurred Brainerd & Crow Wing Public Transit System.

6.4. Payment Provisions

Brainerd & Crow Wing Public Transit System will follow the provisions of this section when using Federal or State funds to support its third party contracts. FTA C. 4220.1F, Chpt. IV(b)(5).

6.4.1. Financial Support for the Project

Costs may only be incurred by Brainerd & Crow Wing Public Transit System if MnDOT or FTA has awarded a financial assistance contract to Brainerd & Crow Wing Public Transit System.

6.4.1.1. Progress Payments

Progress payments are payments for contract work that has not been completed. Brainerd & Crow Wing Public Transit System may use MnDOT assistance to support progress payments provided the recipient obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested. FTA C. 4220.1F, Chpt. IV(b)(5)(c).

6.4.1.2. Adequate Security for Progress Payments

Adequate security for progress payments may include taking title or obtaining a letter of credit or taking equivalent measures to protect the recipient's financial interest in the progress payment. Adequate security should reflect the practical realities of different procurement scenarios and factual circumstances. Brainerd & Crow Wing Public Transit System should always consider the costs associated with providing security (for example, the recipient may need to acquire bonds or letters of credit in the commercial marketplace) and the impact of those costs on the contract price, as well as the consequences of incomplete performance. FTA C. 4220.1F, Chpt. IV(b)(5)(c)(1).

6.4.1.3. Adequate Documentation

Sufficient documentation is required to demonstrate completion of the amount of work for which progress payments are made. FTA C. 4220.1F, Chpt. IV(b)(5)(c)(2).

6.4.1.4. Percentage of Completion Method

Federal rules require that any progress payments for construction contracts be made on a percentage of completion method described therein. Brainerd & Crow Wing Public Transit System, however, may not make progress payments for other than construction contracts based on this percentage method. FTA C. 4220.1F, Chpt. IV(b)(5)(c)(3).

6.5. Protections Against Performance Difficulties

Brainerd & Crow Wing Public Transit System shall include provisions in its third-party contracts that will reduce potential problems that might occur during contract performance, as follows:

6.5.1. Changes

Brainerd & Crow Wing Public Transit System shall include provisions that address changes and changed conditions in all third-party contracts except for routine supply contracts. FTA C. 4220.1F, Chpt. IV(b)(6)(a).

6.5.2. Remedies

Brainerd & Crow Wing Public Transit System shall include provisions that address remedies in its third-party contracts. Provisions related to remedies may include provisions for:

6.5.2.1. Liquidated Damages

Brainerd & Crow Wing Public Transit System may use liquidated damages if Brainerd & Crow Wing Public Transit System reasonably expects to suffer damages through delayed contract completion, or if weight requirements are exceeded, and the extent or amount of such damages are uncertain and would be difficult or impossible to determine. Rate and measurement standards must be calculated to reasonably reflect Brainerd & Crow Wing Public Transit System's costs should the standards not be met and must be specified in the solicitation and contract. The assessment for damages may be established at a specific rate per day for each day beyond the contract's delivery date or performance period. A measurement other than a day or another period of time, however, may be established if that measurement is appropriate, such as weight requirements in a rolling stock purchase. The contract file must include a record of the calculation and rationale for the amount of damages established. Any liquidated damages recovered must be credited to the transit system account. FTA C. 4220.1F, Chpt. IV(b)(6)(b)(1).

6.5.2.2. Violation or Breach

Third party contracts exceeding \$250,000 must include administrative, contractual, or legal remedies for violations or breach of the contract by the third-party contractor. FTA C. 4220.1F, Chpt. IV(b)(6)(b)(2).

6.5.2.3. Suspension of Work

Brainerd & Crow Wing Public Transit System may include provisions pertaining to suspension of work in its third-party contracts. FTA C. 4220.1F, Chpt. IV(b)(6)(b)(3).

6.5.2.4. Termination

Termination for cause and termination for convenience provisions must be included in third party contracts exceeding \$10,000. FTA C. 4220.1F, Chpt. IV(b)(6)(b)(4).

6.6. Contents of Complete Contract Files

The following documents shall comprise the contents of a complete contract file for procurements above the micro-purchase level:

6.6.1. Written Record of Procurement History

Brainerd & Crow Wing Public Transit System shall maintain written records detailing the history of the procurement, including records relating to:

6.6.1.1. Procurement Method

Brainerd & Crow Wing Public Transit System must provide its rationale for the method of procurement it used for each contract, including a sole source justification for any acquisition that does not qualify as competitive. FTA C. 4220.1F, Chpt. III(3)(d)(1)(a).

6.6.1.2. Contract Type

Brainerd & Crow Wing Public Transit System must state the reasons for selecting the contract type it used. FTA C. 4220.1F, Chpt. III(3)(d)(1)(b).

6.6.1.3. Contractor Selection

Brainerd & Crow Wing Public Transit System must state its reasons for contractor selection or rejection, including written justification and evaluation documents. FTA C. 4220.1F, Chpt. III(3)(d)(1)(c).

6.6.1.4. Contractor Responsibility

Brainerd & Crow Wing Public Transit System must provide a written determination of responsibility for the successful contractor. FTA C. 4220.1F, Chpt. III(3)(d)(1)(c).

6.6.1.5. Cost or Price

Brainerd & Crow Wing Public Transit System must evaluate and state its justification for the contract cost or price, including the independent cost estimate and cost or price analysis. FTA C. 4220.1F, Chpt. III(3)(d)(1)(d).

6.6.1.6. Reasonable Documentation

Brainerd & Crow Wing Public Transit System must retain documentation commensurate with the size and complexity of the procurement, including documents related to solicitation, receipt, and evaluation of offers, and contract award, negotiation and execution. FTA C. 4220.1F, Chpt. III(3)(d)(1)(e).

6.7. Contract Administration and Close-Out Documents

Brainerd & Crow Wing Public Transit System shall maintain written records detailing the performance and close-out of the contract, including records relating to:

6.7.1. Contract Deliverables

Brainerd & Crow Wing Public Transit System must maintain copies of all contract deliverables and records relating to approval, rejection and requested modifications of contract deliverables. FTA C. 4220.1F, Chpt. III(3)(d).

6.7.2. Contract Changes

Brainerd & Crow Wing Public Transit System must maintain copies of all contract modifications, including documentation related to the determination of need, written justification and rationale, cost analysis, negotiation, and execution. FTA C. 4220.1F, Chpt. III(3)(d).

6.7.3. Contract Payments

Brainerd & Crow Wing Public Transit System must retain documentation of invoices, approval of payments, requests for modifications to invoices, determination of percentage of contract completion for partial payments (if applicable), and ownership of title to partial work products. FTA C. 4220.1F, Chpt. III(3)(d).

6.7.4. Contract Close-Out

Brainerd & Crow Wing Public Transit System must retain documentation related to contractor performance and evaluation, approval of final deliverables and payments, transfer of title to complete work products to Brainerd & Crow Wing Public Transit System, and contract audit and final reconciliation. FTA C. 4220.1F, Chpt. III(3)(d).

6.8. Protest Procedures

See 2 C.F.R. 200.318(k); FTA C. 4220.1F, Best Practices 4.9.

6.8.1. Statement of Policy

Brainerd & Crow Wing Public Transit System is responsible for resolving all contractual and administrative issues, including protests of evaluations and contract awards, arising out of its third-party procurements using good administrative practices and sound business judgment. FTA C. 4220.1F, Chpt. VII.

In general, MnDOT will not substitute its judgment for that of Brainerd & Crow Wing Public Transit System unless the matter is primarily a federal concern. Nevertheless, MnDOT and FTA can become involved in Brainerd & Crow Wing Public Transit System's administrative decisions when a Brainerd & Crow Wing Public Transit System protest decision is appealed to MnDOT.

Brainerd & Crow Wing Public Transit System's procedure for addressing third party procurement protests is described in Paragraph 6.9.2 below. Brainerd & Crow Wing Public Transit System shall insert its protest procedure in all solicitation documents for products and services having an estimated value of \$100,000 or greater.

6.8.2. Brainerd & Crow Wing Public Transit System Staff Responsibilities

The following staff responsibilities shall be assigned in all protests:

- Procurement Officer – Responsibilities include: ensuring that the Brainerd & Crow Wing Public Transit System Protest Procedure is included in all solicitation documents; and providing information to and assisting the legal counsel with the resolution of protests.

- Transit Director and Governing Board – Responsibilities include reviewing all procurement protests; and advising and assisting the Subrecipient as needed with the resolution of all procurement protests.

FTA C. 4220.1F, Chpt. VII(1)(a).

6.8.3. Solicitation Provision

Brainerd & Crow Wing Public Transit System shall insert the following provision in all solicitation documents:

6.8.3.1. Pre-Proposal Protests

All protests concerning solicitation specifications, criteria and/or procedures shall be submitted in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail) to the Procurement Officer as specified below not later than ten (10) business days prior to the deadline for submission of bids/proposals.

The Procurement Officer may, within his or her discretion, postpone the deadline for submission of bids/proposals, but in any case, shall provide a written response to all protests not later than five (5) business days prior to the deadline for submission of bids/proposals. If the deadline for submission of bids/proposals is postponed by the Procurement Officer as the result of a protest the postponement will be announced through an addendum to the solicitation.

The decision by the Procurement Officer shall be the final agency decision on the matter but shall be subject to judicial review as set forth by FTA below.

6.8.3.2. Pre-Award Protests

With respect to protests made after the deadline for submission of bids/proposals but before contract award by Brainerd & Crow Wing Public Transit System, protests shall be limited to those protests alleging a violation of Federal or State law, a challenge to the bids/proposals evaluation and award process, Brainerd & Crow Wing Public Transit System's failure to have or follow its protest procedures or its failure to review a complaint or protest. Such protests shall be submitted in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail) to the Procurement Officer as specified below not later than five (5) business days after the Recommendation for Contract Award announcement by Brainerd & Crow Wing Public Transit System.

The Procurement Officer may, within his or her discretion, postpone the award of the contract, but in any case, shall provide a written response to all protests not later than three (3) business days prior to the date that Brainerd & Crow Wing Public Transit System shall announce the contract award.

The decision by the Procurement Officer shall be the final agency decision on the matter but shall be subject to judicial review as set forth or review by MnDOT as specified below.

6.8.4. Requirements for Protests

All protests must be submitted to Brainerd & Crow Wing Public Transit System in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail), with sufficient documentation, evidence and legal authority to demonstrate that the Protestor is

entitled to the relief requested. The protest must be certified as being true and correct to the best knowledge and information of the Protestor, and be signed by the Protestor. The protest must also include a mailing address to which a response should be sent.

Protests received after the deadlines for receipt of protests specified above are subject to denial without any requirement for review or action by Brainerd & Crow Wing Public Transit System.

All protests must be directed in writing (defined as being sent or received via letter or facsimile on official firm/agency letterhead or by electronic mail) to the Procurement Officer at the address shown in the solicitation documents.

6.8.5. Protest Response

The Procurement Officer shall issue written responses to all protests received by the required protest response dates. All protest responses shall be transmitted by first-class U.S. Postal Service to the address indicated in the protest letter.

For convenience, Brainerd & Crow Wing Public Transit System will also send a copy of the response to a protest to the Protester by facsimile and/or electronic mail if a facsimile number and/or electronic mail address are indicated in the protest letter. The protest response transmitted by U.S. Postal Service shall be the official Brainerd & Crow Wing Public Transit System response to the protest and Brainerd & Crow Wing Public Transit System will not be responsible for the failure of the Protester to receive the protest response by either facsimile or electronic mail.

6.8.6. Review of Protests by MnDOT

All protests or complaints involving contracts financed with state or Federal assistance shall be disclosed to MnDOT and will keep FTA informed about the status of any such protest or complaint. Brainerd & Crow Wing Public Transit System shall disclose all information about any third party procurement protest to MnDOT upon request. Protesters shall exhaust all administrative remedies with Brainerd & Crow Wing Public Transit System prior to pursuing protests with MnDOT. MnDOT limits its reviews of protests to: a grantee's failure to have or follow its protest procedures; a grantee's failure to review a complaint or protest when presented an opportunity to do so; or violations of Federal law or regulation. Appeals to MnDOT must be received within five (5) working days of the date the Protester has received actual or constructive notice of Brainerd & Crow Wing Public Transit System final decision or within five (5) working days of the date the Protester has identified other grounds for appeal to MnDOT.



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Award Transit Operating Contract - 2024-2027

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: With the expiration of the current transit operating contract on June 30, 2024, staff has issued a Request for Proposals for the next 3-year term for the transit operating contract. The Request for Proposals was advertised from early February and proposals accepted until April 19, 2024. While staff received inquiries from multiple vendors, the City received one proposal from Blue Sky Transit. Due to the size and length of the documents, staff is including links below to the City's Request for Proposals and the proposal received by Blue Sky Transit.

[Brainerd and Crow Wing County Service Operation RFP](#)

[Blue Sky Transit Proposal](#)

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Staff has reviewed the proposal for completeness and details of the proposal. Attached are the scoring evaluation sheets from staff and TAC Chair Stenberg for the Blue Sky Transit proposal. The proposal includes nearly all of the same provisions as the proposal that was provided in 2021. Some of the main concerns that staff has with the proposal are as follows:

- Full-time on-site management has been an issue throughout a majority of the previous contract. This proposal does not specifically address how these issues will be corrected. It is referenced that the current Transit Manager, Kay Stuart, would be tasked with hiring a new Transit Manager. Turnover is likely a contributing factor to operational issues that have been found throughout the previous contract.
- The Maintenance program is vague on the specifics of the program and how it will be managed. The proposal copies and pastes the PM schedules for the buses and the requirements of the bus cleaning. However, this has been an ongoing issue throughout a majority of the previous contract. This proposal does not address how this will be addressed or improved. Through software tracking? Who is in charge of auditing "repeat" repairs? This was a significant area of needed improvement from MnDOT's audit.
- The Training program in the proposal lacks specifics on the operations of the transit program. The program lays out the "generic" training program for all employees and more position specific trainings. There is little discussion about who is responsible for training employees on

the details of the transit program. For example, there is little discussion of the responsibilities of who will train dispatchers on RouteMatch software, how to enter data correctly, and responsible for follow up and correction when necessary. Similarly for Pre-Trip/Post-Trip inspections and other facets of the program. City staff has had to assist in this effort due to the significant turnover during the previous contract and this proposal does not address this sufficiently of how it would be corrected moving forward.

Staff has concerns about areas of non-performance in the previous contract and the proposer's plan to address this should they be awarded the next contract. Issues of non-performance are not limited to this last contract. Staff encountered issues of non-performance in previous contracts with other contractors as well. Due to this, staff revised Section 3.3 NON-PERFORMANCE in the Request for Proposals. In this section, staff more specifically addressed typical areas of non-performance and damages should they continue. The amounts are derived from approximate cost of staff time, loss of potential revenue, or other metric. However, with these revisions, this will require a considerable amount of detailed documentation from staff to ensure that these provisions are enforceable.

Staff has included concerns regarding Blue Sky Transit operations in the previous contract and the proposal lacking direction of how this addresses those concerns. However, there have been sections of time when Blue Sky Transit operations were going well and they were meeting most of the metrics of the contract. With the non-performance provisions and review of the proposal, staff would be amenable to award of the contract to Blue Sky Transit for the 2024-2027 contract period.

The TAC Committee reviewed the proposal at their meeting on May 9th. The TAC Committee voted to recommend to the City Council award of the contract to Blue Sky Transit with 3 votes in the affirmative, 1 abstention, and 1 member absent.

RECOMMENDED ACTION/MOTION: Staff recommends award of the 2024-2027 Transit Operating Contract to Blue Sky Transit.

FINANCIAL IMPACT: \$1,025,366 (Year 1)

Brainerd & Crow Wing Public Transit *Operations and Maintenance*

RFP Evaluation Scoring Sheet

Evaluation Factor	Points	Blue Earth Blue Sky/Blue Sky Transit (Jefferson Lines)			
Technical / Operations (40%)					
<i>Listed in order of importance</i>					
1. Qualifications/Experience (25%)	10	5			
2. Personnel Plan (25%)	10	5			
3. Proposed Management and Operations Plan (25%)	10	5			
4. Proposed Maintenance and Equipment Plan (25%)	10	5			
Subtotal – Technical / Operations	40	20			
Proposed Personnel (20%)					
<i>Listed in order of importance</i>					
Qualifications and Experience of proposed General Manager (20%)	4	2			
Proposal to comply with Labor Requirements and proposed Wage and Benefit Plan (20%)	4	2			
Qualifications and Experience of proposed Maintenance Manager and/or Plan (20%)	4	2			
Qualifications and Experience of proposed Operations Manager (20%)	4	2			
Recruiting, hiring, training, and retraining program for Drivers and Dispatchers (20%)	4	2			
Subtotal – Personnel	20	10			
Performance / Financial (20%)					
<i>Listed in order of importance</i>					
Applicability of Past Performance References (20%)	4	2			
Credit References & Financial Ability (20%)	4	2			
Responsiveness of Proposer in addressing and correcting problems (20%)	4	2			
Management Staff's ability to meet the expectations and needs of the transit agency (20%)	4	2			
Proposer's Customer Service (20%)	4	2			
Subtotal – Performance / Financial	20	10			
Management Plan (20%)					
Ability to Conform to Management Plan (35%)	7	3.5			
Interviews with proposed management staff (35%)	7	3.5			

Brainerd & Crow Wing Public Transit *Operations and Maintenance*

Financial Worksheet & Financial Proposal - Budget (30%)	6	3			
Subtotal – Management Plan	20	10			
TOTAL – All Evaluation Points	100	50			

Reviewer Name: Douglas Stenberg
D. Stenberg

Title: Chair

Brainerd & Crow Wing Public Transit *Operations and Maintenance*

Reviewer Notes

Use this sheet to record any notes while you read and evaluate proposals. All notes become part of the procurement history file.

Brainerd & Crow Wing Public Transit Operations and Maintenance

RFP Evaluation Scoring Sheet

Evaluation Factor	Points	Blue Earth Blue Sky/Blue Sky Transit (Jefferson Lines)			
Technical / Operations (40%)					
<i>Listed in order of importance</i>					
1. Qualifications/Experience (25%)	10	4			
2. Personnel Plan (25%)	10	3			
3. Proposed Management and Operations Plan (25%)	10	2			
4. Proposed Maintenance and Equipment Plan (25%)	10	1			
Subtotal – Technical / Operations	40	10			
Proposed Personnel (20%)					
<i>Listed in order of importance</i>					
Qualifications and Experience of proposed General Manager (20%)	4	1			
Proposal to comply with Labor Requirements and proposed Wage and Benefit Plan (20%)	4	3			
Qualifications and Experience of proposed Maintenance Manager and/or Plan (20%)	4	1			
Qualifications and Experience of proposed Operations Manager (20%)	4	1			
Recruiting, hiring, training, and retraining program for Drivers and Dispatchers (20%)	4	1			
Subtotal – Personnel	20	7			
Performance / Financial (20%)					
<i>Listed in order of importance</i>					
Applicability of Past Performance References (20%)	4	2			
Credit References & Financial Ability (20%)	4	2			
Responsiveness of Proposer in addressing and correcting problems (20%)	4	1			
Management Staff's ability to meet the expectations and needs of the transit agency (20%)	4	1			
Proposer's Customer Service (20%)	4	1			
Subtotal – Performance / Financial	20	7			
Management Plan (20%)					
Ability to Conform to Management Plan (35%)	7	2			
Interviews with proposed management staff (35%)	7	1			

Brainerd & Crow Wing Public Transit *Operations and Maintenance*

Financial Worksheet & Financial Proposal - Budget (30%)	6	3			
Subtotal – Management Plan	20	6			
TOTAL – All Evaluation Points	100	30			

Reviewer Name: Crystal Gauthier

Title: City of Brainerd & Crow Wing County Transit Coordinator

Brainerd & Crow Wing Public Transit *Operations and Maintenance*

Reviewer Notes

Use this sheet to record any notes while you read and evaluate proposals. All notes become part of the procurement history file.

Brainerd & Crow Wing Public Transit *Operations and Maintenance*

RFP Evaluation Scoring Sheet

Evaluation Factor	Points	Blue Earth Blue Sky/Blue Sky Transit (Jefferson Lines)			
Technical / Operations (40%)					
<i>Listed in order of importance</i>					
1. Qualifications/Experience (25%)	10	5	Meets requirements		
2. Personnel Plan (25%)	10	3	Current lack of appropriate staff and proposal indicates an intent of hiring a manager with award		
3. Proposed Management and Operations Plan (25%)	10	3	Previous operations have not followed requirements		
4. Proposed Maintenance and Equipment Plan (25%)	10	2	Proposal lacks clarity on plan. Copies PM requirements. No mention of how this will be tracked. Previous operations have significantly been lacking in this area.		
Subtotal – Technical / Operations	40	13			
Proposed Personnel (20%)					
<i>Listed in order of importance</i>					
Qualifications and Experience of proposed General Manager (20%)	4	1	CEO and Sales Manager are both experienced however, both are not involved in operations.		
Proposal to comply with Labor Requirements and proposed Wage and Benefit Plan (20%)	4	2	Meets requirements.		
Qualifications and Experience of proposed Maintenance Manager and/or Plan (20%)	4	1	Similar to previous comments. Previous operations have lacked in PM and other maintenance activities.		
Qualifications and Experience of proposed Operations Manager (20%)	4	1	Currently staffing a “temporary” manager that is not full time intending to hire the replacement. Little experience with this operation.		
Recruiting, hiring, training, and retraining program for Drivers and Dispatchers (20%)	4	2	Meets requirements		
Subtotal – Personnel	20	7			

Brainerd & Crow Wing Public Transit *Operations and Maintenance*

Performance / Financial (20%)					
<i>Listed in order of importance</i>					
Applicability of Past Performance References (20%)	4	2	Meets requirements		
Credit References & Financial Ability (20%)	4	2	Meets requirements		
Responsiveness of Proposer in addressing and correcting problems (20%)	4	1	Previous operations have lacked in responsiveness. Specifically, examples include accident reporting and maintenance. Not well addressed how the new contract would be improved.		
Management Staff's ability to meet the expectations and needs of the transit agency (20%)	4	1	Significant number of turnover in the manager position throughout the previous contract. Not addressed how this will be better in the next.		
Proposer's Customer Service (20%)	4	2	Meets requirements. Have had isolated issues that the contractor has addressed.		
Subtotal – Performance / Financial	20	8			
Management Plan (20%)					
Ability to Conform to Management Plan (35%)	7	2	Much of this proposal is the same as the previous proposal from this contractor. However, the operations feel short of the commitments and requirements detailed in the Management Plan. This proposal lacks clarity how this would be addressed in the next contract.		
Interviews with proposed management staff (35%)	7	3	Meets requirements		
Financial Worksheet & Financial Proposal - Budget (30%)	6	3	Meets requirements		
Subtotal – Management Plan	20	8			
TOTAL – All Evaluation Points	100	36			

Reviewer Name: Jessie Dehn, P.E.

Title: City Engineer/Public Works Director



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Direct Staff to Draft a Vacant Building Registry Ordinance

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): 10 min

SUMMARY OF ISSUE:

Brainerd's 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. The past few years have seen an increase in the number of dwellings abandoned and neglected due to property maintenance issues or fire damage. The City currently relies on property maintenance codes from resident complaints to address vacant properties. Many of the buildings do not meet the standard of condemnation and removal, as the problems are repairable with the work of a residential building contractor. It is in the City's best interest with the housing shortage to find a solution to rehabilitate these properties.

Staff have reached out to the City of Minneapolis and spoke with administrative staff regarding their Vacant Building Registry program. The program has been successful in expediting sales and rehabilitating properties. The City could partner with the HRA in working with property owners to either correct the issues through rehab grants or facilitate a sale for demolition.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Minneapolis Vacant Building Registration (VBR) program

Owners of vacant properties must register and pay an annual fee.

The fee is due:

- 1) At the time of registration.*
- 2) Each year on the anniversary date of when we find the building vacant.*
- 3) We could adjust the fee annually.*
- 4) The fee helps cover some of the City's costs related to properties that are not maintained.*

We may require properties with one or more of these conditions to register as vacant:

- 1) Condemned requiring a code compliance inspection*
- 2) Unoccupied:*
 - a. And unsecured for five days or more*

- b. Secured by means other than those normally used in the design of the building for 30 days or more*
- c. With many housing maintenance, fire or building code violations for 30 days or more*
- d. More than 365 days with an order issued to correct a nuisance condition*

City law allows any building to be boarded for 60 days without penalty:

Within 60 days of boarding, the owner must either:

- 1) Remove the boards*
- 2) Get a building permit to rehab the building*
- 3) If the owner does not do either in 60 days, the City may place the building on the Vacant Building Registration list*

Restoration agreements

The City wants to encourage owners to restore buildings that qualify for the VBR program. To do this, we can create a restoration agreement with the owner. This is an option if:

- 1) The property has been in the VBR program for less than three months, or*
- 2) It has been less than three months since the property's anniversary date in the program*

Waiving VBR fee

We will waive the fee for six months for property owners who are:

- 1) Rehabilitating the property*
- 2) Meeting other conditions in a restoration agreement*

Fee Schedule

The City of Minneapolis currently charges property owners \$7,228.70 for the vacant building registry. However, they were considering raising the fee to \$2,000 per month, which equates to \$24,000 per year.

RECOMMENDED ACTION/MOTION: Direct staff to draft a Vacant Building Registry Ordinance

FINANCIAL IMPACT: N/A



City Council Agenda Request

MEETING DATE: May 20, 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:

813 Holly St - Excessive animal feces in yard and open garbage container

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

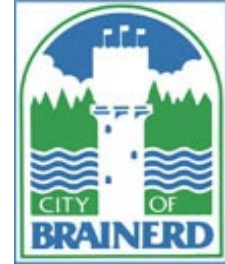
- 1) Continued administrative citations for an amount determined by the City Council
- 2) Abatement of the offense (depending on the type of offense)
- 3) Legal action (at the recommendation of the City Attorney depending on the type of the offense)
- 4) Cease corrective action

RECOMMENDED ACTION/MOTION:

Staff recommends issuing an order to correct letter and obtaining a search warrant to abate the nuisance at 813 Holly St.

FINANCIAL IMPACT: N/A

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: May 20th, 2024

RE: Recommendations for Active Code Enforcement Cases

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

- **813 Holly St. (repeat offender)**
 - Received one (1) Notice of Violation Letter (04/30/24) and one (1) Citation for Animal Feces
 - First citation 05/06/24
 - \$100 in open citations
 - File sent to attorney in 2023 with a final 10-day letter to property owner. Owner finally complied.

Staff recommends issuing an order to correct letter and obtaining a search warrant to abate the nuisance at 813 Holly St.

Running Summary of Actions Taken

1005 3rd Ave NE – Administrative warrant received, and property was abated 5/4/23 - junk and debris - \$825 in open fines 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 – Obtained administrative warrant and abated junk/debris 3/21/2024.

1017 10th Ave NE – Obtained administrative warrant and abated junk/debris 3/22/2024.

1420 Quince St – Administrative warrant to abate junk/debris received 5/6/2024.

1424 8th St S – Final 10-day letter sent to property owner 5/7/2024 prior to administrative warrant.

April 30, 2024

BROBERG, TANICIA L
813 HOLLY ST
BRainerd, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: 813 HOLLY ST
Real Estate Code: 41240873

Violation: Animal Feces

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

Action should be taken on or before 04/30/2024

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





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

EN24-0152

Date of Violation: 05/06/2024

Parcel ID: 41240873

Violator(s): BROBERG, TANICIA L
813 HOLLY ST
BRainerd, MN 56401

Location/Address of Violation: **813 HOLLY ST**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
	Animal Feces	\$100.00

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: \$100.00

Payment Due By: 30 Days from Date of Violation

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

Re-inspection Date: 05/16/2024

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: 05/06/2024

Representative's Signature: 

(served via first class mail)







City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Update on the Conversations with Crow Wing County on the Ownership of the Airport

AGENDA: Main

ACTION REQUESTED: Discussion Item

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Administration

PRESENTER: Nick Broyles, City Administrator

ESTIMATED TIME (MIN): 10

SUMMARY OF ISSUE: Attached is background information regarding airport administration and ownership. Brainerd's current levy for the airport in 2024 is \$146,080. Correspondence and meetings occurred between both city and county staff members from October 2023 through present. The Council suggested that the decreased levy would work for 2024, but also directed staff to consider the implications for the City if the County completely took over the airport. The Council also considered the City giving municipal consent for the County to tax Brainerd residents for the Housing Trust Fund. Motion moved and seconded on Nov 20, 2023 to direct staff to confer with the county on the possibilities for ownership of the airport and municipal consent for the Housing Trust Fund.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The attached PowerPoint presentation is an integration of comments from County Administration, Airport Director, Finance, IT, and HR. A brief history is provided, followed by financial outlay trends since 1985. City Administrator Bergman submitted a letter to County Administrator Houle on Oct 11, 2023, and Administrator Houle responded via letter on Nov 2, 2023. Regarding ownership of the airport, Director Wright advocates maintaining joint county/city ownership of the airport and the drafting of an Airport Business Plan to be reviewed semi-annually by the Airport Commission. Finance Director Hillman recommends the airport become an exclusively county function as it serves a greater area than just the City of Brainerd. However, if it remains in joint ownership, staff must work to address challenges for both parties. IT Director Strong suggests the airport needs additional resources to address underlying issues and outdated network infrastructure. Current City Staff have limited capacity beyond what is currently required in the shared services agreement. Lastly, HR recommends that if airport employees continue to operate on the city's network, and if the city continues to process their payroll, that they become city employees as suggested by county staff at the joint meeting. Furthermore, HR suggests that airport employees be subject to city personnel policies and the City Administrator would negotiate the union contract.

RECOMMENDED ACTION/MOTION: First, if the Council wants the county to assume full ownership, direct Staff to establish a working group with County Staff to develop potential courses of action. Second, if the Council wants to retain the status quo of joint ownership, direct staff to develop courses of action to streamline administration and address items presented above.

FINANCIAL IMPACT: Unknown at this time.



Brainerd Lakes Regional Airport

TIM HOULE, CROW WING COUNTY ADMINISTRATOR

NICK BROYLES, BRAINERD CITY ADMINISTRATOR

STEVEN WRIGHT, AIRPORT DIRECTOR

20 MAY 2024

HISTORY - ORDINANCES

433 - Agreement for Land / Construction / Operations (1945)

- Chapter 303 Section 20, and Section 1 Subdivision 6
- City shall pay 50% of total contributions

463 - Creates Joint Zoning Board: Powers and Duties (1950)

- Board repealed by Ordinance 767

671 - Amended Ordinance 433 Section 1 Subdivisions 3, 6, 7

HISTORY - ORDINANCES

805 - Amended Ordinance 671 Section 1 Subdivision 3

- Changed number of Commission members

856 - Amended Ordinance 671 Section 1 Subdivision 3, and Section 2

900 - Amended Section 305 Regarding Boards and Commissions

- Contributions to capital costs to be 50/50

HISTORY – MINUTES / MOTIONS

07Apr58 - City \$5,500 Contribution with County Match

10Apr84 - County Submitted \$2,500 more than City

- Legal services; amount changed to \$1,500

Effective 2024 Levy

- Both parties agreed for County to (+) levy and City to (-) levy so residents not double taxed

HISTORICAL CITY CONTRIBUTIONS

1985-1994	\$18k - \$89k		
1995-2004	\$93k - \$134k		
2005-2014	\$137k - \$155.5k		
2015-2023	\$155.5k steady	2024	\$146,080

ADMINISTRATOR HOULE'S RESPONSE LETTER – 02Nov23

Response to Administrator Bergman's Letter of 11Oct23

Option 1

- City represents 6% of County tax base
- Of every \$1 spent for County services, 6% coming from City taxpayers
- County levies \$157,000 for airport; \$9,420 from City taxpayers
- County agreed to (+) levy by \$9,420; City the converse

ADMINISTRATOR HOULE'S RESPONSE LETTER

Option 2

- County was approached and agreed to co-ownership to expand tax base
- County tax base more appropriate to fund the airport than the city's
- County willing to take full ownership of the airport
- Thus, allowing City to zero out its airport levy
- No money changes hands
- County takes ownership and responsibility for entirety of the airport

ADMINISTRATOR HOULE'S RESPONSE LETTER

Option 3

- Global agreement regarding airport and funding for County HRA housing trust fund
- City has its own HRA; City consent needed for County to impose housing trust fund levy on City residents
- No funding into the trust fund from City
- Difficult to defend to non-City residents
- County is open to dialogue on this

20Nov23 CITY COUNCIL

County Agrees to Increase their Contribution

City will Decrease by \$9,420 for 2024

Authorized Staff to Respond to Administrator Houle's Letter of
02Nov23

COUNCILMAN CZECZOK

17Nov23 Email

- Proposed decreasing scale if County assumes full ownership
- Pay back County over 30 years as follows
 - Years 1-5 County and City each receive 50%
 - Years 6-10 County 55% - City 45%
 - Years 11-15 County 60% - City 40%
 - Years 16-20 County 70% - City 30%
 - Years 21-30 County 90% - City 10%
 - Thereafter City ceases to receive assets

STAFF COMMENTS

Airport Director

Finance

Information Technology

Human Resources

Joint Administrators' Recommendation

AIRPORT DIRECTOR

Current Structure and Operations

The joint-ownership was a cutting-edge structure after World War II to establish safe air transportation for all, including those in the Brainerd Lakes Region. Federal and state funding began to pour into the national air transportation system. Regional centers across the state quickly adopted the joint-ownership structure so cities and counties could focus on other pressing issues. BRD quickly transitioned into a community gate fostering economic, personal, and recreational opportunities. Both the City of Brainerd and Crow Wing County have contributed to the success and well-being of the airport over time. The joint-ordinance is clear that the city serves as the fiscal agent. What is not documented well is the fact the county has backed the bonds necessary for airport development and raised capital so the airport could continue to support the maintenance and operations without having to annually borrow development funds. Most of the airport development funds come through federal and state aeronautical grant programs. Tax levy has been necessary at the outstate Minnesota airports. A query of the other regional centers of Minnesota finds that the average tax levy spent on regional airports is around \$600,000 compared to the approximately \$300,000 contributions of the city and county. The Brainerd Lakes Regional Airport has been an efficient asset posting economic impacts of approximately \$34,000,000 per year to the local, state, and national economies. There are about 80 based aircraft with twice-daily air service connecting through the Twin Cities.

AIRPORT DIRECTOR

Concerns

Federal, state, and regional rules and expectations play into the decisions that are being made. The Airport continues to grow into a regional asset. Data gathered through airport business planning initiatives indicate growth for the City of Brainerd and Crow Wing County. That is placing a demand and pressure on the airport to seek additional air service and invest in services that accommodate larger aircraft that will take our passengers directly to markets such as Orlando, Las Vegas, Phoenix, Denver, or Salt Lake City. The biggest issue facing our community right now is the lack of morning flights and later night arrivals on Delta Air Lines.

AIRPORT DIRECTOR

Recommendation

It's encouraged that City Council, City Staff, Crow Wing County Board, Crow Wing County Staff, review and participate in the drafting of the Airport Business Plan document that continues to be revised by the Airport Commission twice per year. The next presentation of the content will be during the June 2024 Commission meeting in preparation of the 2025 Preliminary Budget. If I could recommend, it would be to keep the joint-ownership structure or identify ways to expand the regional significance of the Airport to parties outside Crow Wing County boundaries. Brainerd and International Falls are the two remaining commercial service airports yet to reorganize as an airport authority. Duluth, Thief River Falls, Bemidji, Hibbing, Minneapolis/St. Paul, and most recently, St. Cloud are all organized under an airport authority. Rochester remains under Mayo ownership with use by the public through agreements with the City of Rochester.

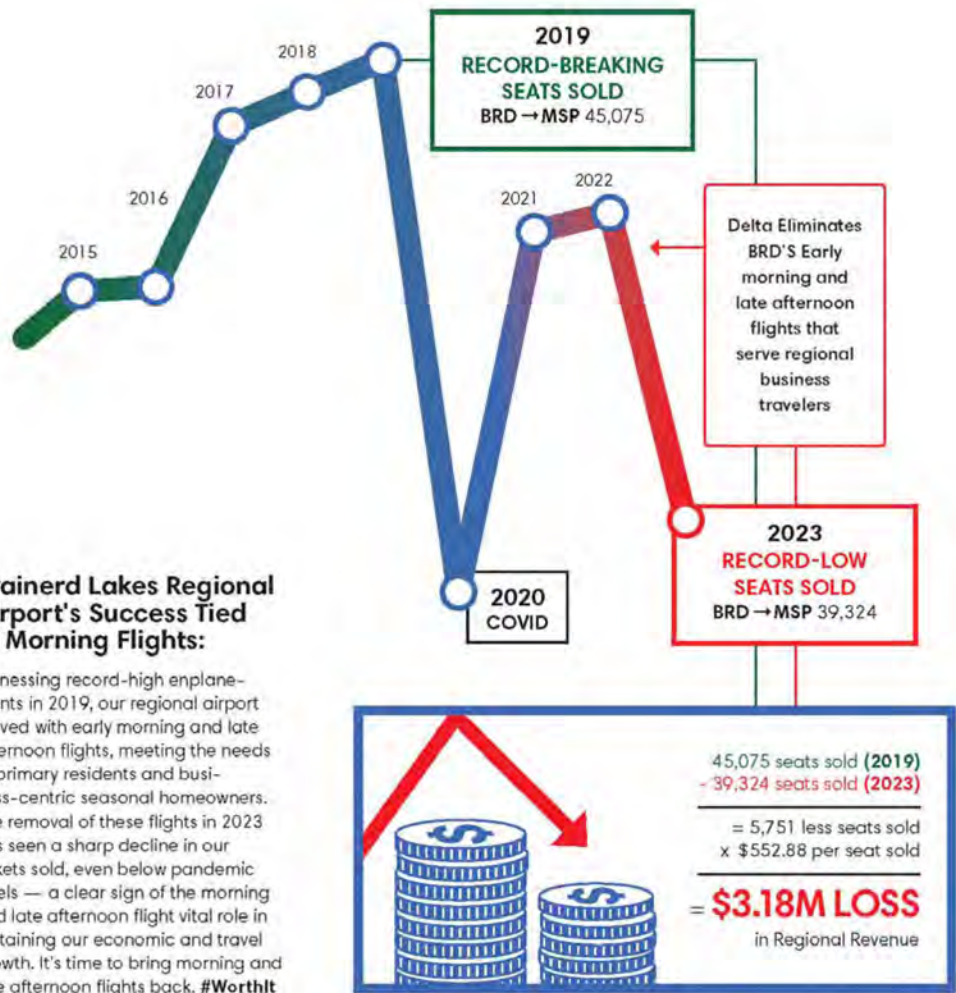


Brainerd Lakes Regional Airport

Annual Enplanements 1983 - 2023



THE TRUE COST OF DELTA ELIMINATING OUR EARLY MORNING AND LATE AFTERNOON FLIGHTS



Brainerd Lakes Regional Airport's Success Tied to Morning Flights:

Witnessing record-high enplane-ments in 2019, our regional airport thrived with early morning and late afternoon flights, meeting the needs of primary residents and busi-ness-centric seasonal homeowners. The removal of these flights in 2023 has seen a sharp decline in our tickets sold, even below pandemic levels — a clear sign of the morning and late afternoon flight vital role in sustaining our economic and travel growth. It's time to bring morning and late afternoon flights back. **#WorthIt**

*Economic Impact of Small Community Airports, December 2018, Regional Air Service Alliance (RASA)

OUR BUSINESS FLIGHTS VANISHED. SO DID OUR REGIONAL REVENUE.

A Critical Update from Brainerd Lakes Regional Airport: Addressing the Needs of Our Most Frequent Flyers

In 2019, Brainerd Lakes Regional Airport (BRD) was a vital travel hub for '10x customers'—individuals who used our services 10 or more times in a year. We proudly catered to 510 such power users. Fast forward to 2023, and the landscape has shifted dra-matically. Our count of 10x customers has dropped to 256, a change directly linked to the absence of morning and late afternoon flights that are crucial for these frequent flyers. The impact of this shift extends beyond our local community. Following the COVID-19 pandemic and the 2020 Minneapolis riots, a significant number of Twin Cities executives and business staff relocated to our primary service area. These individuals, now integral

to our local economy, often operate remotely, relying on BRD for essential travel to Minneapolis and beyond. The current flight schedule limitations are not just an inconvenience; they're a barrier to business and economic growth. Morning and late afternoon flights are vital for these relocated professionals and our local business owners, enabling efficient travel and productivity. We urge Delta to recognize the evol-ing needs of our region and reinstate these crucial flight times. By doing so, BRD can better serve its diverse community, support regional eco-nomic development, and reinstate our position as a central hub for business travel.



510 people who visited BRD 10x or more (2019)
- 256 people who visited BRD 10x or more (2023)
AT LEAST 2,540 lost visits to BRD, lost revenue to BRD businesses

How has the population changed in Minnesota?



FINANCE

Current Structure and Operations

- City performs the payroll, benefit administration, accounts payable, and financial reporting functions (monthly and annually) for the airport.
- City reports 100% of the airport activity in its ACFR with a footnote of the agreement that the airport is 50/50 owned with the County.
- Airport has their own workers' comp and general liability insurance policy.
- City maintains two different funds for the airport, general operations and capital projects. All airport operations are accounted for in these two funds.

FINANCE

Concerns

- None of the finance department's time is coded to the airport. It would be difficult to track time to be charged to the airport for things like payroll and financial as it is co-mingled with other departments. However, it is more than \$1,500 a year that the county contributes for legal duties. Current arrangement is that the city provides financial duties to the airport and the county is to provide legal services. The additional contribution is to pay for outside legal advice.
- There is not a service level agreement with the airport for the finance function like there is with IT. Should there be? The airport pays for a portion of the audit fee. The airport receives a significant amount of federal dollars that triggers a single audit.
- Airport employees' W2s and all payroll related functions are reported with the city's federal identification number – the same as all City employees other than BPU. Yet, airport employees are not considered city or county employees.
- Could there be a cost savings and/or benefit for the airport to be covered under the City/BPU policies for workers' comp and general liability policies?
- If there is a change to the airport structure/ownership, the airport is accounted for separately from other city operations.
- Disconnect between airport and city finance. Need additional training on deadlines of finance and the airport for the departments to work better.

FINANCE

Recommendation

- Airport serves a larger region than just the City of Brainerd, therefore, it makes sense for it to be a County function.
- If ownership structure remains as status quo, there are things that need to be addressed on both sides.

INFORMATION TECHNOLOGY

Current Structure and Operations

The city IT department currently consists of 2 people with approximately 80 network users spread across 6 different locations plus field/mobile work and remote work. IT staff staggers time-off to ensure someone is usually available during regular business hours, but the IT/GIS Director is essentially on call 24/7/365. City IT has the capacity to provide the airport staff (7 users) with secure and reliable use of the city network including typical support and troubleshooting.

Concerns

The airport currently needs various complex projects completed that will require hundreds of hours of labor and significant costs to prevent further network outages. The airport network itself (not the city network) is running on ancient hardware and the configuration is unknown meaning support options are limited and most hardware needs to be replaced as soon as possible. The current situation puts numerous tenants, governmental agencies, and travelers at risk of losing all forms of connectivity potentially for days or even weeks if/when something fails as before.

INFORMATION TECHNOLOGY

Recommendation

The airport needs additional resources to address the underlying issues of their outdated network infrastructure. City IT does not have the capacity to offer much beyond the services stated in the shared services agreement which includes network management and routine support. The large projects will have to be outsourced to either private technology companies or if airport ownership changes, could be done under County IT staff – either way, funds need to be arranged to cover the costs.

HUMAN RESOURCES

Current Structure and Operations

- Airport staff consists of the Airport Manager, Deputy Director, Executive Assistant, four full-time ARFF Maintenance Staff, and a part-time custodian.
- Airport employees are overseen by the Airport Commission.
- Airport has its own personnel policy; therefore, airport staff do not follow the city's employee policy manual and employment-related policies.
- Executive Director, on behalf of the Airport Commission, negotiates the IUOE airport ARFF union contract.
- Executive Director and airport employees request assistance from city HR staff when needed regarding union contract interpretation, employment law and policy related questions, and onboarding new employees.
- HR Director prepares and submits the airport's pay equity report as required by state law (this is a separate report from the city).
- Airport staff utilize the city's technology system after their system crashed in 2022.
- Airport maintenance staff are included in the city's CDL drug testing program.

HUMAN RESOURCES

Concerns

Airport staff are not city employees. If there was an employment related issue, i.e. a technology policy violation, airport staff are not accountable under city policies and the city council/city staff cannot impose discipline if warranted.

Recommendation

If airport employees continue on the city's technology network, and if the city continues to process payroll for airport staff, I recommend all airport employees become city employees as suggested by county staff during the joint city/county staff meeting. The airport staff would then be subject to the city's personnel policies and the city administrator would negotiate the union contract.

JOINT ADMINISTRATORS' RECOMMENDATION

- If Council is interested in changing airport ownership, County and City staffs jointly recommend forming a work group to present options moving forward
- If no interest exists for ownership changes, staff recommends exploring this topic no further
- How would you like us to proceed?

10/4/2023

Crow Wing County Board of Commissioners
326 Laurel Street
Brainerd, MN 56401

Crow Wing County Board of Commissioners,

This letter is on behalf of the Brainerd City Council who at its meeting held on October 2nd, 2023, discussed the funding allocation between the City and the County for the Brainerd Lakes Regional Airport.

A motion was unanimously passed by all present Council Members to request a letter be sent to Crow Wing County on the issue. The City's request is that the City of Brainerd taxpayer's be removed from the County share of airport funding as they are already taxed on the City's share of the levy.

As there are a number of Commissioners who represent citizens of Brainerd, we hope that the Board wants to look out for the best interest of their constituents that pay taxes in the City of Brainerd and Crow Wing County.

Sincerely,



Jennifer Bergman
City Administrator
City of Brainerd



November 2, 2023

Brainerd City Council
501 Laurel Street
Brainerd, MN 56401

Dear City Councilors:

I am writing on behalf of the Crow Wing County Board of Commissioners to respond to the letter we received from Brainerd City Administrator, Jennifer Bergman, dated October 11, 2023, regarding funding for the Brainerd Lakes Area Regional Airport we jointly own and operate.

The request was for Brainerd city residents to be excluded from the County's levy for the Airport. We are unable to meet that requirement at this time as the airport levy is not a separate levy but is part of the county's general fund and is levied along with the other needs for county government. That said, we do understand your perspective on the issue and have some suggestions for alternative to meet the same need.

Right now, the city of Brainerd represents 6% of the total tax base of the county. Put another way, of every dollar someone pays to the County for county government operations, 6% of it is coming from taxpayers within the city limits of Brainerd. That means that of the \$157,000 we levy for the Airport, \$9,420 of that came from residents of Brainerd. While we cannot exclude them from our levy, we could agree to increasing our levy by that amount and let the City decrease their levy by that amount and, in essence, we would leave the city residents whole on the issue of being taxed twice.

The second alternative that we could suggest has more to do with the catchment area for taxation to fund an airport. The history is that this airport was, at one time, the Brainerd city airport. The County was approached and agreed to become a co-owner and it is reasonable to presume that this was done to expand the area of taxation to be broader than just the city of Brainerd. We think there is a reasonable argument to be made that the County's tax base is the more appropriate one to fund a regional airport than the city's tax base. As such, we are also willing to consider taking full ownership of the airport, which would allow the city to zero out its levy for the airport in its entirety.

To be clear, the county did not pay for the half ownership stake that we got from the City when we agreed to jointly own it and this is not an offer to pay anything for the equity today. As a practical matter, we do not believe the equity has real value in that it will never be sold. To that end, the offer would be to take ownership and responsibility for the entirety of the airport and the city could bow out of those.

The third alternative would be to try to use this occasion for a global agreement regarding the airport and funding for the County HRA's Housing Trust Fund. Currently, because the city has its own HRA, municipal consent is necessary to allow the county HRA's Housing Trust fund levy to apply within the city limits of Brainerd. The simple fact is that if there is no funding into the Trust Fund from Brainerd, the

Our Vision: Being Minnesota's favorite place.

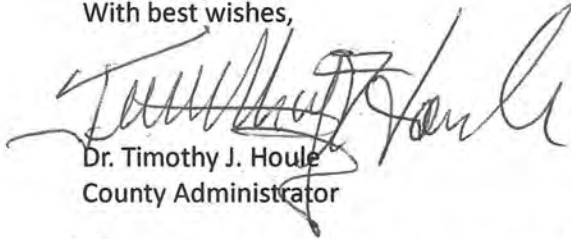
Our Mission: Serve well. Deliver value. Drive results.

Our Values: Be responsible. Treat people right. Build a better future.

County HRA cannot fund a project in Brainerd as we could not explain to someone in St. Mathias that they must fund a project in Brainerd if Brainerd does not want to fund it. We would be open to dialogue about that alternative as well.

I floated these ideas to City Administrator Bergman back in mid-October and we have not heard back so this letter is to put our position in writing. Please also understand that this is a time-limited offer. We need to hear back from the City by no later than November 20 as this is on the County Board's agenda for November 21. Please feel free to reach out to discuss any of the alternatives as you deem appropriate.

With best wishes,

A handwritten signature in dark ink, appearing to read "Timothy J. Houle", written over the printed name and title.

Dr. Timothy J. Houle
County Administrator

Cc: Jennifer Bergman, Brainerd City Administrator

TJH/

Toni Gage

From: Patrick Wussow
Sent: Friday, November 17, 2023 1:49 PM
To: Connie Hillman
Cc: Toni Gage
Subject: RE: Airport Funding and Assets

Thank you

-----Original Message-----

From: Connie Hillman <chillman@ci.brainerd.mn.us>
Sent: Friday, November 17, 2023 1:48 PM
To: Patrick Wussow <pwussow@ci.brainerd.mn.us>
Cc: Toni Gage <tgage@ci.brainerd.mn.us>
Subject: RE: Airport Funding and Assets

And of course I forgot to mention that Toni would be included on the message as well so that if a copy of the information would be needed at the meeting can be provided.

Connie

Email correspondence to and from the City of Brainerd government offices is subject to the Minnesota Government Data Practices Act and may be disclosed to third parties.

-----Original Message-----

From: Connie Hillman
Sent: Friday, November 17, 2023 1:45 PM
To: Patrick Wussow <pwussow@ci.brainerd.mn.us>
Cc: Toni Gage <tgage@ci.brainerd.mn.us>
Subject: RE: Airport Funding and Assets

I can definitely send it out.

We blind copy all council members so that if someone replies all, the reply doesn't go to all council members and there is not a serial meeting. We also let the Council know that all members have been blind copied on the email. So I would forward the message to you, BCC City council.

My concern.....The City reports 100% of the airport's operations in its ACFR, and have a note of how the airport contributions are accounted for.

Connie

Email correspondence to and from the City of Brainerd government offices is subject to the Minnesota Government Data Practices Act and may be disclosed to third parties.

-----Original Message-----

From: Patrick Wussow <pwussow@ci.brainerd.mn.us>
Sent: Friday, November 17, 2023 1:28 PM

To: Jeff V. Czczok <bubbajustice@charter.net>
Cc: Connie Hillman <chillman@ci.brainerd.mn.us>; Jeff Czczok <jcczczok@ci.brainerd.mn.us>; Toni Gage <tgage@ci.brainerd.mn.us>
Subject: RE: Airport Funding and Assets

Connie

Toni left at 12:30 and won't be back until next week. Can you send this on to Council? Please review with me the process as Jennifer mentioned something to me on how she did it and I want to make sure I am following Brainerd's process.

Thank you
Patrick

-----Original Message-----

From: Jeff V. Czczok <bubbajustice@charter.net>
Sent: Friday, November 17, 2023 12:29 PM
To: Patrick Wussow <pwussow@ci.brainerd.mn.us>
Cc: Connie Hillman <chillman@ci.brainerd.mn.us>; Jeff Czczok <jcczczok@ci.brainerd.mn.us>; Toni Gage <tgage@ci.brainerd.mn.us>
Subject: Airport Funding and Assets

[You don't often get email from bubbajustice@charter.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Greetings, Patrick, please provide this email to the entire Council and Mayor prior to Monday's CC meeting. I revisited Tim after you and I spoke and all is good.

Here's an idea I would appreciate the council to consider.

I'm proposing a decreasing scale related to airport assets if CWC were to take full ownership of the Brainerd Lakes Regional Airport.

If CWC were to take over the entire funding of the airport thus eliminating the City's financial management and the \$155,500 (current) annual contribution, the city could enter into an agreement with CWC if they are enriched over a 30 year period as follows:

1 to 5 years, CWC and City each receive 50%

6 to 10 years, City 45% and CWC 55%

10 to 15 years, City 40% and CWC 60%

15 to 20 years, City 30% and CWC 70%

20 to 30 years, City 10% and CWC 90%

After 30 years, City no longer splits any assets or is entitled to any part of an enrichment the County might receive.

Both parties would agree that this would only take effect if the BLRA no longer operated or if it were relocated so this would not include the BLRA auctioning off old runway lights or revenue they might receive from a forest harvest, etc.

Obviously throughout this entire period and beyond the City will no longer be contributing anything financially and the savings to the Brainerd taxpayers in the first 5 years (at current contribution) is:
\$777,500.

Spread over 30 years, this would equal a lower tax burden to Brainerd taxpayers of: \$4,665,000 .

Additionally, Brainerd continues to benefit from the BLRA being in our backyard and the entire funding of the airport is spread across the entire county, making the share equal to all the tax payers of CWC.

A regional airport such as the BLRA at times does require the owners to bond for large projects such as runway improvements and hangers and this has, in the past been levied at a 50 - 50 ratio and it has also been where Brainerd has been included in CWC's half as well, much like the annual contribution.

If ever there were a large project needed, there would no longer be a need to specifically levy Brainerd taxpayers for said large project to pay back a bond.

I've briefly discussed this with Administrator Houle and he indicated the proposal had merit, so if the Council were to approve of this preliminary proposal on 11/20/2023, the County Board could perhaps consider it during their meeting on 11/21/2023.

I would hope the entire Council and Mayor would consider this a once in a generational opportunity and take advantage of providing our citizens as much tax relief as we possibly can.

Please let me know if you have any likes or dislikes.

Thanks much, Jeff

218-828-8476

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND O'DAY TO ADOPT RESOLUTION SETTING THE STORM SEWER RATES FOR 2024 AND 2025.

RESOLUTION 51:23

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

Update on City Administrator Search Process

HR Director Schubert stated that the timeline for the hiring is ambitious but is needed if the new City Administrator is to be on board by March 1st. She pointed out the specials meetings that will need to be scheduled to choose candidates and conduct interviews.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO SCHEDULE A SPECIAL MEETING FOR JANUARY 16TH AT 5:30 P.M. IN CITY COUNCIL CHAMBERS TO SELECT CANDIDATES FOR THE CITY ADMINISTRATOR POSITION AND A SPECIAL MEETING ON JANUARY 29TH ALL DAY IN CITY COUNCIL CHAMBERS TO CONDUCT INTERVIEWS FOR THE CITY ADMINISTRATOR POSITION.

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

Interim City Administrator Wussow stated that staff followed up with the County Board. The recommendation is to reduce the City's levy by \$9,420.

Member Czczok stated that he likes the idea, it is not exactly what he was thinking but would like to see it move forward. He mentioned the memo that he distributed about the County taking over control of the airport.

Member Johnson stated that the initial motion for a decrease in the City's levy and increase to the County will work for this year. He would like more information on what it looks like for the City if the County were to take over the airport. He is not prepared to discuss that matter tonight. He would also like to see the City give municipal consent for the City to contribute to the Housing Trust Fund.

Member O'Day stated that he agrees with the statements of Council Member Johnson. He would like more information on having the County take on the airport. He also agrees that municipal consent for the Housing Trust Fund is in the City's best interest as a community with the largest aging housing stock it would be helpful to be able to use some of those dollars.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO AGREE TO REDUCING THE CITY'S LEVY BY \$9,420 AND ALLOW THE COUNTY TO INCREASE THEIR LEVY BY THE SAME AMOUNT.

Interim City Administrator Wussow stated that the County Administrator and other Administrators will be meeting on the 7th of December regarding the Housing Trust Fund.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO DIRECT STAFF TO CONFER WITH THE COUNTY ON THE POSSIBILITIES FOR OWNERSHIP OF THE AIRPORT AND MUNICIPAL CONSENT FOR THE HOUSING TRUST FUND.

New Business

November 20th, 2023



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: Consider Interim Use Permit for Outdoor Storage as a Principal Use at 1918 Thiesse Dr

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 10 min

SUMMARY OF ISSUE:

Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an Interim Use Permit for outdoor storage as a principal use to operate a crypto mining facility at 1918 Thiesse Dr. The applicant is proposing a change from the original IUP. The original site plan contained 12 containers and 12 cooling towers that were 20 feet in length. The new proposed site plan includes 26 containers that house the data machines with attached cooling towers. The new containers are 40 feet in length.

The applicant was originally approved for an IUP in October 2022. However, the minimum improvements were not started within one year, so the IUP has expired. The building, parking area, fencing, landscaping, and overall layout have not changed.

The data mining machines will utilize immersion technology that reduces all noise from the mining machines. The cooling fans will emit sound at varying levels throughout the year. The decibel level of one cooling unit running at full capacity is 71 dB(A) per specifications provided by the applicant.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The Planning Commission considered this at the May 15th Planning Commission meeting and the applicant, public, and Planning Commission provided the following comments:

Applicant Representatives

The applicants conducted a test in the lab and the cooler produced 72 to 73 decibel levels of noise at 30 ft. It is calculated at a total of 130 dry coolers on the site and at a distance of 2,000 ft., the noise level would be around 53 decibels running at max power. Considering the weather conditions in Minnesota, they do not believe it will ever hit that level. In the winter, the dry coolers would most likely not be operating. In the spring, they would be running at approximately 20 to 30 percent power. Only in the hottest days of summer will it be running at the highest speed, but they do not believe it will ever go to the full speed of the dry coolers. The immersion system is the quietest mining system and does not use water.

Public Comments

- 1) A lot of us are concerned about the noise. When you look this up online in cities across the U.S., once these facilities go in, you see an outpouring of residents complaining about the noise and it is affecting their health.
- 2) We are concerned about bitcoin and the environmental effects. It uses more electricity than most nations. It emits 86 megatons of carbon as the electricity comes from coal.
- 3) The biggest concern is the health of the community and how the constant noise can affect the heart and blood pressure, as studies have shown. Is it possible to have a noise barrier around the facility to keep the noise out?
- 4) Studies have shown that it drives out animals; many local residents are hunters. It also drives out songbirds. Can an environmental study be completed to see the impact?
- 5) Using this much electricity, is there going to be an issue to cause blackouts and increase the consumers' bill.

Planning Commission

Commissioner Duval asked Public Utilities Director Wussow about the reliability of power and where they stand in the order of power delivery. The contract signed with VCV directly identifies that they have an interruptible service. Last year, JFK (Just for Kix) was asked not to operate at certain times.

Commissioner Gorham asked Public Utilities Director Wussow if BPU had invested in infrastructure for these projects. VCV and JFK are responsible for all upgrades to the system per the agreement.

Commissioner Duval asked the applicant how many full-time jobs would be provided by the project that we are discussing. The applicant states the construction will utilize local contractors for the installation. When both sites are fully operational in the long term, there will be about 16 full-time employees.

Commissioner Perterson asked the applicant if they have any other sites like this in the country. The applicant stated that VCV developed a 40 megawatt site in Spartanburg, South Carolina. However, that mine is an open air system. VCV has not yet done an immersion project. Immersion is a popular choice, but a lot more expensive. In the long run, it has proven to be more efficient and quieter.

Commissioner Duval stated that decisions on this board are guided by the Comprehensive Plan. He said this application is inconsistent with our Comprehensive Plan in a number of areas. It does have to do with the number of jobs and the power demand that compromises our future in creating housing. The following items are not supported by the Comprehensive Plan:

- 1) Economic Development Goal 3: Attract new businesses best suited for the community's assets, increasing local employment options and building the City's tax base. (This facility only provides 16 new jobs)
- 2) Housing Goal 1: Ensure an adequate supply of quality and affordable housing units for current and future residents. (Energy use may affect future housing. This amount of energy could power 2,600 homes).
- 3) Facilities Goal 3: Steer city development to energy and resource conservation by promoting renewable energy sources, protecting our water supply, and leveraging the hydroelectric dam. (This energy will be on our ledger in the future when we are asked about carbon neutrality in the future).

Commissioner Stenglein asked Staff if there would be an expiration date on this permit with the requirement that they would have to reapply. Staff indicated because it is an Interim Use Permit, an expiration date could be an added condition.

The Planning Commission did have a general concern about the potential sound implications.

These comments are a brief summary of the meeting and the full Planning Commission meeting can be viewed at <https://www.youtube.com/watch?v=efxF3N0Ngzc>

The Planning Commission considered this request at their May 15th Planning Commission meeting and motioned to deny the Interim Use Permit for Outdoor Storage as a Principal Use at 1918 Thiesse Dr. The Planning Commission voted 3-2 to deny the permit.

RECOMMENDED ACTION/MOTION: The Planning Commission recommend denial of Interim Use Permit at 1918 Thiesse Dr.

FINANCIAL IMPACT: N/A

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: May 15th, 2024

RE: Interim Use Permit – 1918 Thiesse Dr.

REQUEST

PUBLIC HEARING. Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an **Interim Use Permit** for outdoor storage as a principal use to operate a crypto mining facility at 1918 Thiesse Dr.

APPLICANT: VCV Digital Infrastructure Minnesota, LLC

CONTEXT

Parcel Number: 41060508
Zoning District: GI (General Industrial) District
Property Area: 1.21 Acres

Adjacent Uses: North: Proposed Crypto Mining Facility
East: Undeveloped Wetland & Agricultural
South: Industrial Park Retention Area
West: Industrial/ Vacant Undeveloped

Adjacent Zoning: North: GI (General Industrial) District
East: Crow Wing County – Rural Residential 2.5
South: GI (General Industrial) District
West: GI (General Industrial) District

AERIAL MAP



FINDINGS OF FACT

1. 1918 Thiesse Drive is located in a GI (General Industrial) District. Zoning Ordinance [Section 515-3 \(Allowed Uses\) Appendix A: Table of Uses](#) permits the operation of outdoor storage as a primary use as an interim use in the GI District as long as it meets the criteria outlined in [Section 515-3-28.C](#) regulating outdoor storage. The applicant proposes operating a crypto mining facility with 26 containers to house the data mining machines and coolers. The primary use of this site is outdoor storage as any subsequent buildings are accessory to the outdoor crypto mining operation. The site would also have an office and guard shack.
2. The applicant was originally approved for an IUP in October of 2022. However, the minimum improvements were not started within one year so the IUP has expired.
3. The applicant is proposing a change from the original IUP. The original site plan contained 12 containers and 12 cooling towers that were 20 feet in length. The new proposed site plan includes 26 containers that house the data machines and colling towers and are 40 feet in length. The building, parking area, fencing, landscaping, and overall layout have not changed.
4. (Outdoor Storage) Non-Residential Zoning Districts.

- a. All exterior storage shall be fully screened so as not to be visible from abutting properties and rights-of-way. All outdoor storage shall follow the standards as established [Section 515-4-10. G.](#) for screening of Parking Lots.
 - i. *The applicant is proposing an 8-foot-tall chain link fence with privacy slats and barb wire around the property. Privacy slats will be installed on the north side of the fence to screen the outdoor storage from the road. The remainder of the property is screened from outdoor storage with natural vegetation and will not be seen from adjacent properties. [Section 515-4-11.F.4](#) states that Non-residential fences up to eight and one half (8 ½) feet in height are permitted. Such fences in a front yard must be ninety (90) percent open. The proposed fence must be fully screened and therefore must be setback 40 feet from the front property line as regulated by [Section 515-2-16.C](#) General Industrial Zoning District Dimensional Standards.*
 - ii. *Section 515-4-10.G Parking Lot Screening requires that one (1) shrub shall be planted for every five (5) lineal feet of parking lot perimeter that is adjacent to a public street. The applicant has proposed installing a row of shrubs on the north side of the fence to meet this ordinance.*
 - b. Screening shall be required except for the following:
 - i. Merchandise being displayed for sale in accordance with zoning district requirements.
 - ii. Materials and equipment currently being used for landscaping or construction on the premises (within a period of one (1) year).
 1. *This property is not exempt from screening requirements.*
 - c. The storage area does not take up parking space or loading space as required for conformity to this Ordinance.
 - i. *The applicant has proposed 5 parking spaces for this facility and a large driveway circling the outdoor storage facility property. No storage is proposed in the parking or loading space.*
 - d. The storage area is fenced and secured.
 - i. *This site will be fully fenced by an 8-foot-tall chain link fence with barbwire.*
 - e. The storage area is paved or surfaced to control dust and erosion.
 - i. *The driveway and parking area will be paved with asphalt.*
 - f. All parking, loading and truck staging activities shall occur on site. On-street parking and loading associated with the use is prohibited.
 - i. *This facility has a large driveway where all unloading will occur.*
 - g. Noises emanating from the use are in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota Regulations MPC 7030.
 - i. *This will be part of the building review process. The cooling towers will help reduce noise levels produced by the crypto mining machines and cannot exceed MPCA standards.*
5. [Section 515-5-3.C.a](#) states that an Interim Use shall comply with the following standards:
 - a. Meets the standards of a Conditional Use Permit set forth in [Section \[515-5-2\]](#) of this Ordinance.
 6. [Criteria for Granting Conditional Use Permits](#). In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and

the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.

- a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on the Appendix A: Table of Uses.
 - i. *The purpose of the GI Zoning District is to provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of activity, requires isolation from residential and commercial uses. The proposed property is surrounded by industrial/ undeveloped land. Crypto mining with data storage containers and cooling towers is considered outdoor storage as a principal use and is allowed as an interim use in the GI District.*
- b. The proposed use meets the regulations and standards established in this Ordinance.
 - i. *Special standards for outdoor storage have been reviewed in section 2 of the Findings of Facts.*
- c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - i. *The proposed use will not be dangerous, injurious, or noxious to adjacent properties or persons.*
- d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - i. *The proposed crypto mining facility will be fully screened from the road with a chain link fence with privacy slats. The fence will have a row of shrubs planted along the roadside of the fence.*
- e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - i. *Chain link fences with barb wire are consistent with other GI District zoned properties including FedEx which is in the same industrial park.*
- f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 1. *The proposed crypto mining facility is the last property in the industrial park and will have no effect on any residential neighborhoods. All surrounding property is zoned for Industrial Uses or agriculture.*
- g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
 1. **Goal 1 of Chapter 5** of the Comprehensive plan which states, "Support infill and redevelopment throughout Brainerd as a strategic component of growth."
 - a. **Policy 1 under Goal 1** states, "Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists."

7. Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses.

As of this writing, no party has contacted the Community Development Department about the Interim Use Permit application.

STAFF RECOMMENDATION

Staff recommends approval of the Interim Use Permit for outdoor storage as a principal use for a crypto mining facility with the following conditions:

1. The Brainerd EDA approves the material change in the Construction Plans and extends the construction commencement deadline.
2. The guard shack is moved behind the front yard structure setback.

Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218/828-2307

www.ci.brainerd.mn.us

INTERIM USE PERMIT

Application Form (residential - \$350.00 / commercial - \$500.00 +\$500.00 escrow deposit) (This form must be filled out completely before your application will be accepted)

Property Address for this *Interim Use Permit*: 1918 Thiesse Dr, Brainerd, MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow cryptocurrency mining

_____ at the property address listed above until the date of _____

Legal Description (attach, if lengthy): Lot 1 Block 3 Addition Brainerd Industrial Park
First Addition, Crow Wing County, Minnesota

Property Owner: VCV Digital Infrastructure Minnesota, LLC

Address: 1540 Broadway, Suite 1010, New York, NY 10036

(Street)

(City)

(State)

(Zip)

Contact Information #: _____
(Home)

(Home)

917-558-3563

(Business)

jerry.tang@vcvdigital.com

(E-mail)

Applicant:(if different than Property Owner)_____

Address:

(Street)

(City)

(State)

(Zip)

Contact Information #:

(Home)

(Business)

(Fax)

(E-mail)

Contact Person: (if different than Property Owner)

Address:

(Street)

(City)

(State)

(Zip)

Contact Information #:

(Home)

(Business)

(Fax)

(E-mail)

This Interim Use Permit may be approved if sufficient facts are presented at the Planning Commission and City Council meetings to support a finding that all of the attached criteria for granting an Interim Use Permit have been met.

Obtaining this *Interim Use Permit* does not absolve the applicant from obtaining all other applicable permits, such as Building Permits, MnDOT access permits, etc.

I (We) certify that I (we) have submitted all the required information to apply for an Interim Use Permit and that the information is factual.

Signed by: Yuan Tang  Digitally signed by Yuan Tang
Date: 2024.04.30 18:19:11 -04'00' Date: 4.30.2024
(Property Owner)

Jerry Tang
(Property Owner-Please print Name)

(Applicant-If different than owner) Date: _____

(Applicant - Please print name)

Interim Use Permit Supporting Information

The City Council may approve an Interim Use Permit if all of the “Criteria for Review of Interim Use Permits” are met. In order to facilitate review of this application for an *Interim Use Permit*, the applicant must address each of the “Criteria”, referred to in Section 515-5-3 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced in Section 515-5-3 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
- (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
 - (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con’t)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an Interim Use Permit for outdoor storage as a principal use at 1918 Thiesse Dr for a crypto mining facility. The property included in this application is described as:

*LOT 1 BLOCK 3
BRAINERD INDUSTRIAL PARK FIRST ADDITION
P.I.N. 41060508
Section 6, Township 44, Range 30*

The property is zoned GI (General Industrial) District, and Zoning Ordinance *Section 515-3 (Allowed Uses) Appendix A: Table of Uses* permits outdoor storage as a principal use as an Interim Use as regulated by Section 515-3-28 of the Brainerd Zoning Ordinance. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, May 15, 2024 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

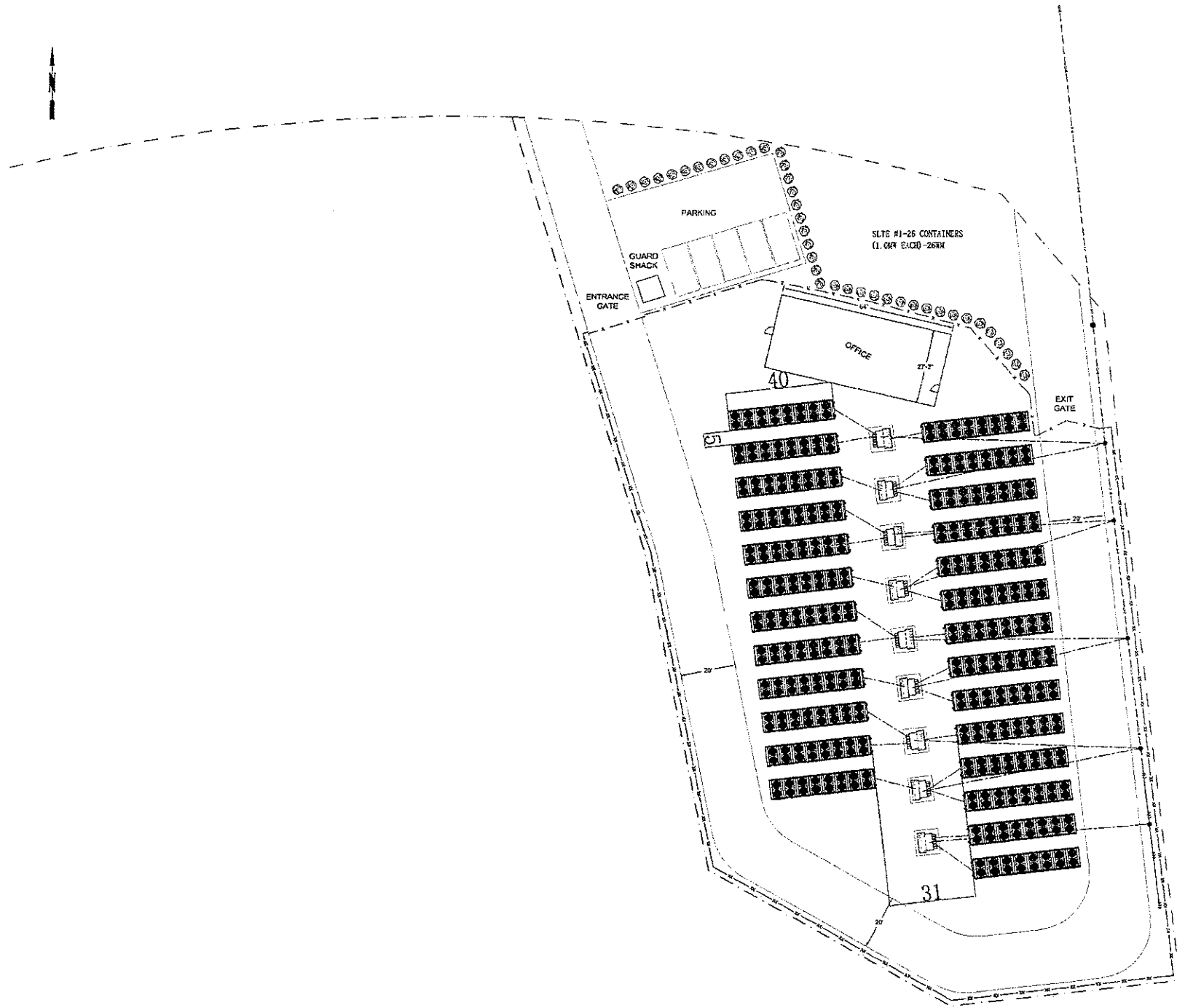
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 1st day of May, 2024



James Kramvik
Community Development Director

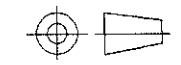
Publication Date: May 4th, 2024

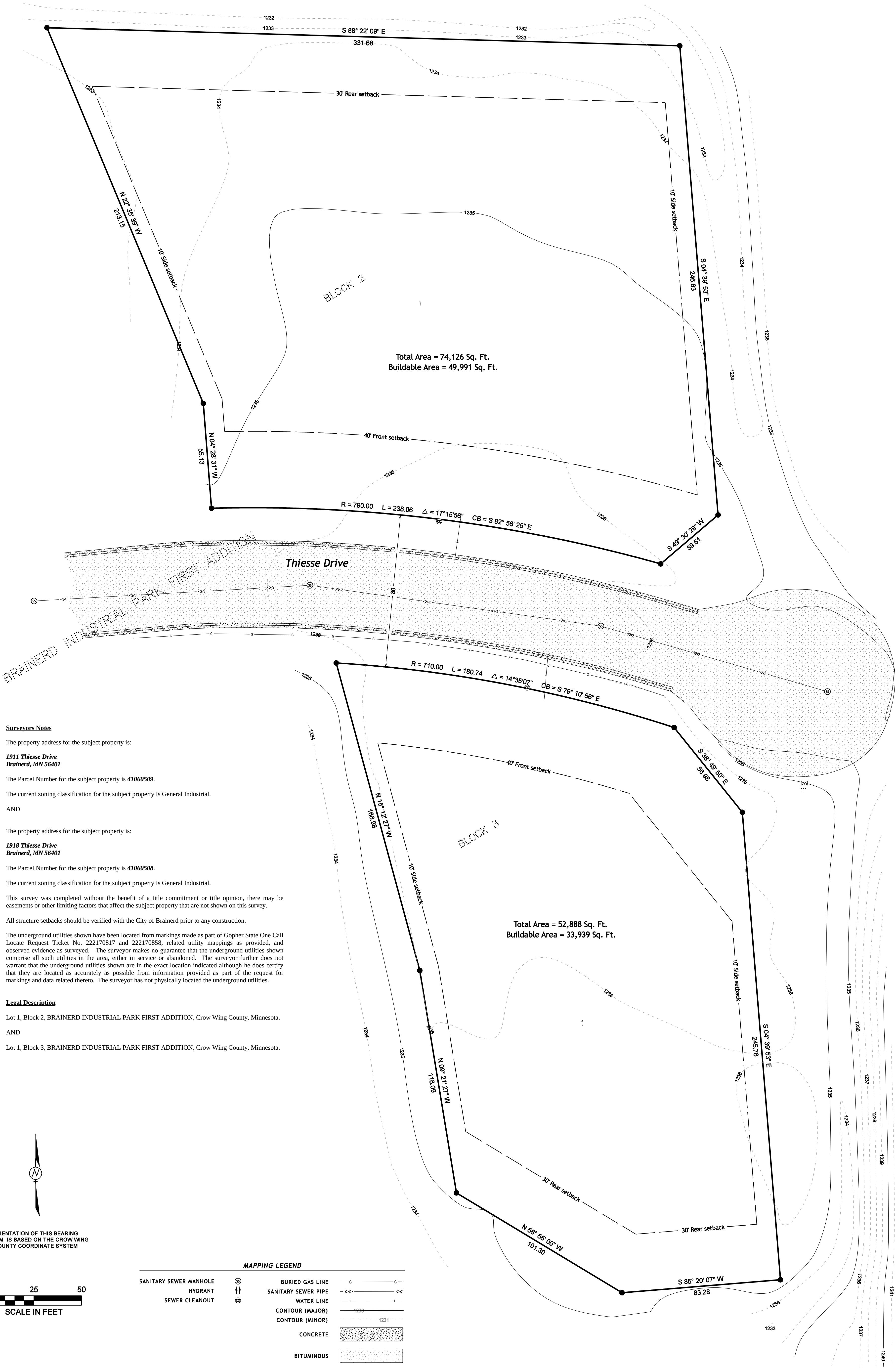


NOTE:
1. THIS LAYOUT IS FOR CONCEPTUAL REVIEW ONLY. NOT INTENDED AS FINAL DESIGN.

- LEGEND:**
- 34.5 KV OH LINES
 - 2.5 MVA 3.2MVA TRANSFORMER
 - PROPERTY LINES
 - x --- 8' PRIVACY FENCE
 - 8' CHAIN LINK FENCE W/ BARBED WIRE
 - UG ELECTRICAL LINES
 - ACCESS ROADS
 - DOWN GUY
 - ⊙ SHRUBS

TITLE:				
DESIGNED BY:	Jack	DATE:	QTY:	DWG No:
TECHNICALIZED BY:		DATE:	SIZE: A4	
CHECKED BY:	Derek	DATE:	WEIGHT:	
APPROVED BY:		DATE:		
SHEET 1 OF 1 SHEET				





Surveyors Notes

The property address for the subject property is:

**1911 Thiesse Drive
Brainerd, MN 56401**

The Parcel Number for the subject property is **41060509**.

The current zoning classification for the subject property is General Industrial.

AND

The property address for the subject property is:

**1918 Thiesse Drive
Brainerd, MN 56401**

The Parcel Number for the subject property is **41060508**.

The current zoning classification for the subject property is General Industrial.

This survey was completed without the benefit of a title commitment or title opinion, there may be easements or other limiting factors that affect the subject property that are not shown on this survey.

All structure setbacks should be verified with the City of Brainerd prior to any construction.

The underground utilities shown have been located from markings made as part of Gopher State One Call Locate Request Ticket No. 222170817 and 222170858, related utility mappings as provided, and observed evidence as surveyed. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information provided as part of the request for markings and data related thereto. The surveyor has not physically located the underground utilities.

Legal Description

Lot 1, Block 2, BRAINERD INDUSTRIAL PARK FIRST ADDITION, Crow Wing County, Minnesota.

AND

Lot 1, Block 3, BRAINERD INDUSTRIAL PARK FIRST ADDITION, Crow Wing County, Minnesota.



ORIENTATION OF THIS BEARING
SYSTEM IS BASED ON THE CROW WING
COUNTY COORDINATE SYSTEM



SCALE IN FEET

MAPPING LEGEND

SANITARY SEWER MANHOLE	⊙	BURIED GAS LINE	— G —
HYDRANT	⊕	SANITARY SEWER PIPE	— S —
SEWER CLEANOUT	⊙	WATER LINE	— W —
		CONTOUR (MAJOR)	— 1230 —
		CONTOUR (MINOR)	— 1231 —
		CONCRETE	▨
		BITUMINOUS	▩

KLD
KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRainerd ST. CLOUD

1120 Industrial Park Road
Brainerd, MN 56401
218-626-5333
13 North 11th Avenue
St. Cloud, MN 56303
320-259-1286

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY REGISTERED LAND SURVEYOR
UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: *James Kramer*
James Kramer, MN License No. 23668

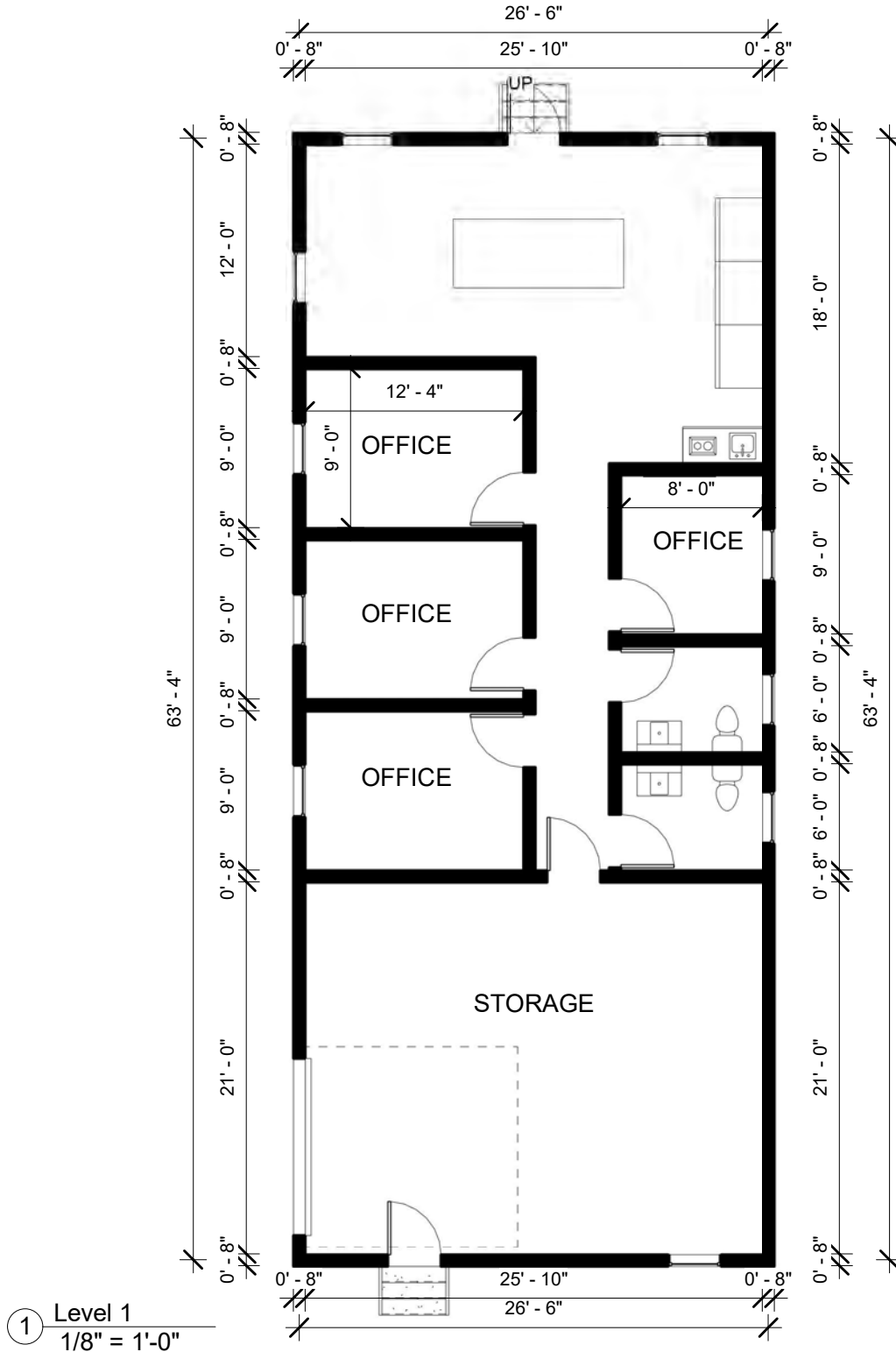
08/17/2022
Date

PROJECT NO. SUMME2201

CERTIFICATE OF SURVEY
Topographic and Property Boundary Survey

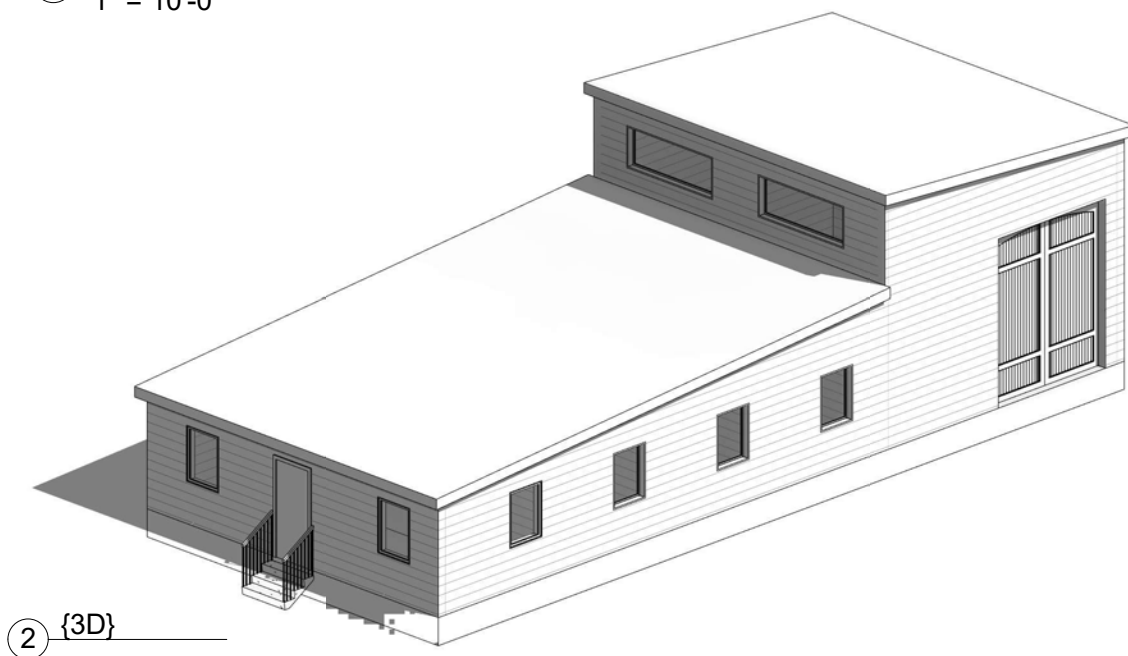
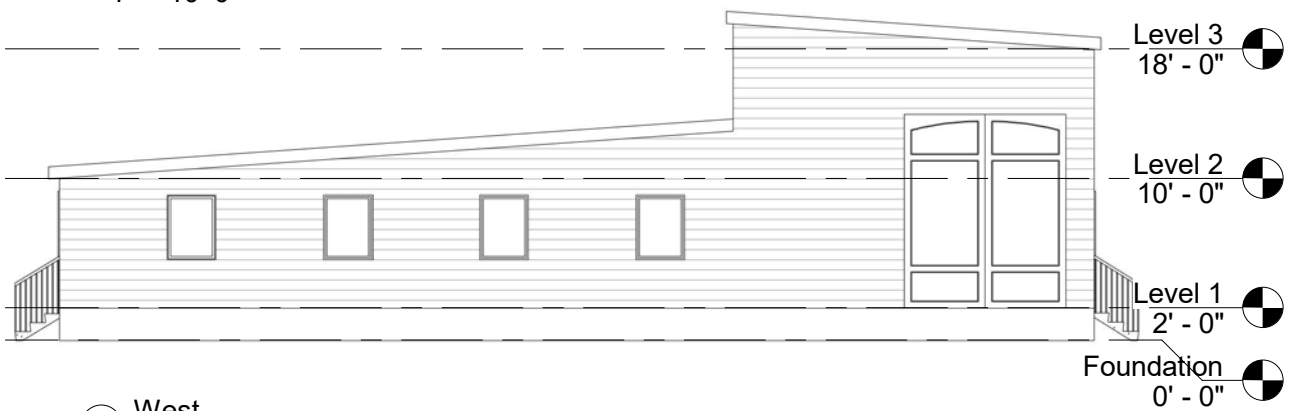
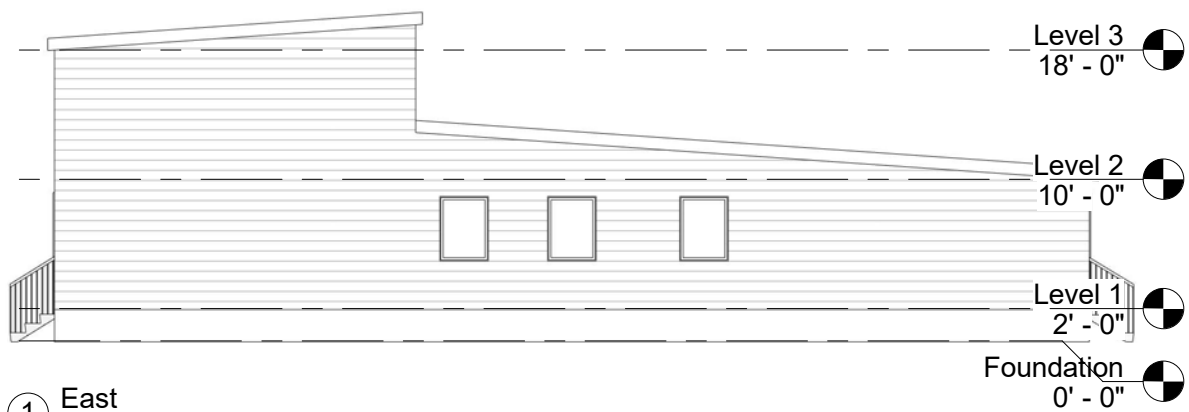
Summey Engineering Associates, PLLC
Section 06, Township 44 North, Range 30 West
Crow Wing County, Minnesota

Sheet No. 1 of 1



 AUTODESK	Owner	FLOOR PLAN		
	Design FLOOR PLAN	Project number	1	
Date		23/8/2022	A101	
Drawn by		MOHAMED		
Checked by		Checker	Scale	1/8" = 1'-0"
www.autodesk.com/revit				

23/08/2022 08:34:52



www.autodesk.com/revit

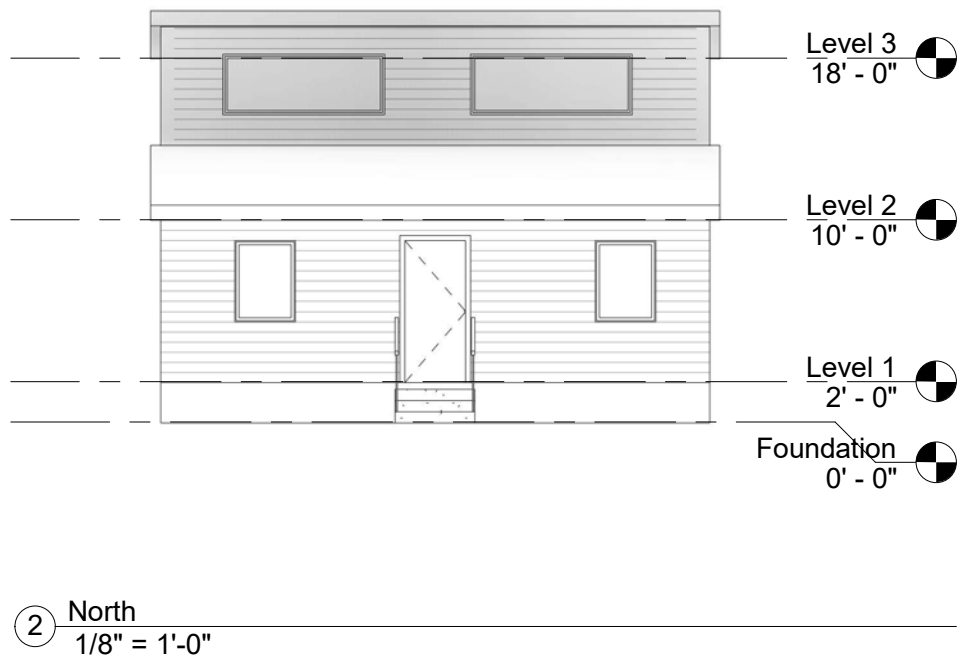
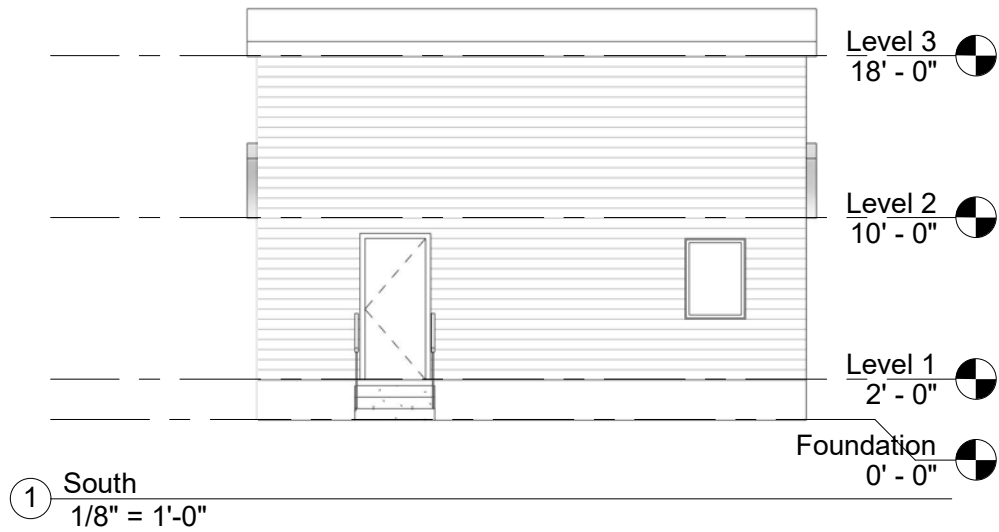
Owner

Design FLOOR PLAN

ELEVATIONS & 3D VIEW

Project number	1	A102
Date	23/8/2022	
Drawn by	Author	Scale 1" = 10'-0"
Checked by	Checker	

23/08/2022 08:34:55



www.autodesk.com/revit

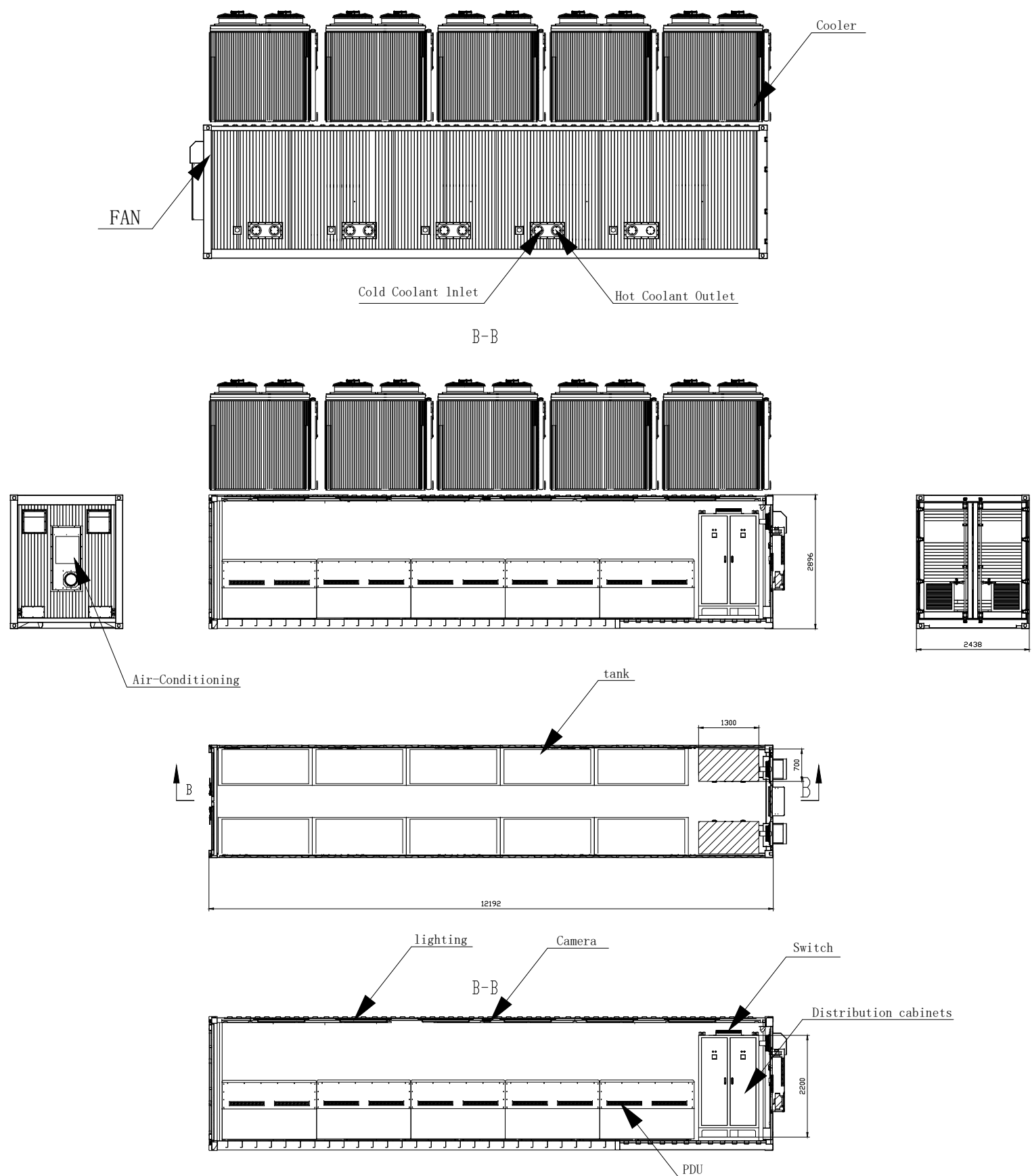
Owner

Design FLOOR PLAN

ELEVATIONS

Project number	1	A104
Date	23/8/2022	
Drawn by	Author	Scale 1/8" = 1'-0"
Checked by	Checker	

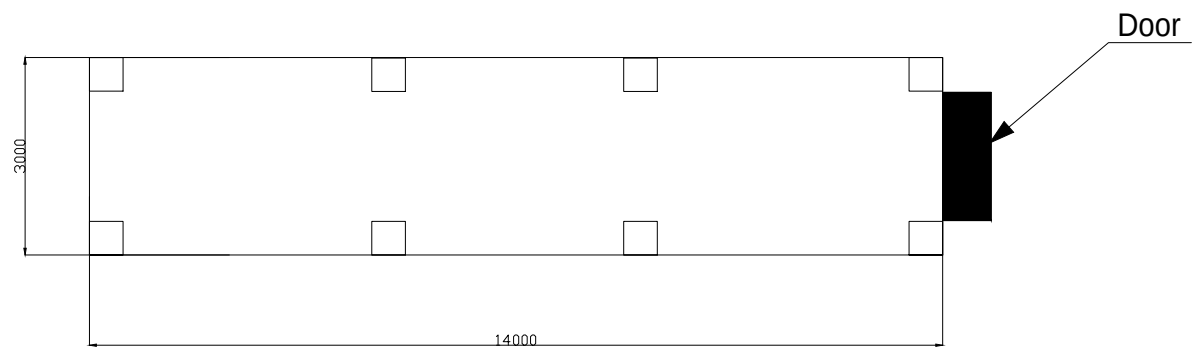
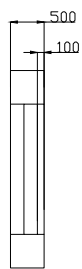
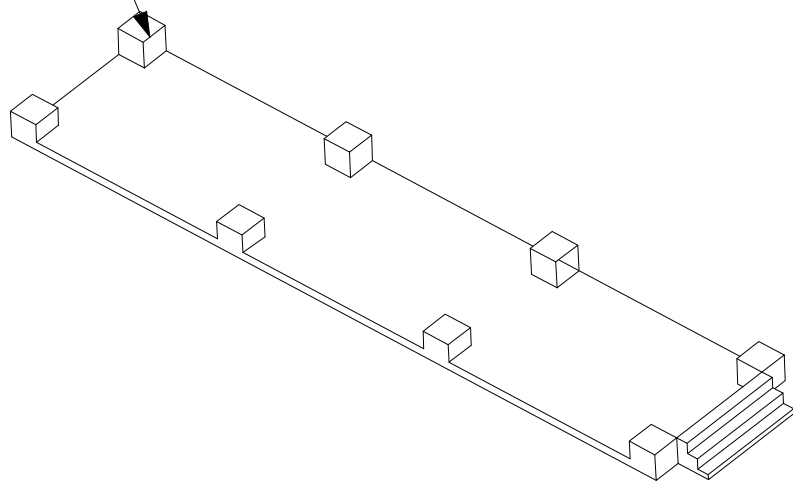
23/08/2022 08:34:57



Net weight of the container: 12T
 Operating weight of the container: 30T
 Net weight of 200kW air cooler:1.3T
 Operating weight of 200kW air cooler:2.0T
 Operating weight per set of air coolers (5 units):10T
 Overall net weight: 18.5T
 Overall operating weight:40T

TITLE:				
DESIGNED BY:	Jack	DATE:	QTY:	DWG No:
TECHNICALIZED BY:		DATE:	SIZE: A4	
CHECKED BY:	Derek	DATE:	WEIGHT:	
APPROVED BY:		DATE:		
SHEET 1 OF 1 SHEET				

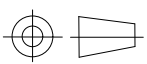
Load 5.5t

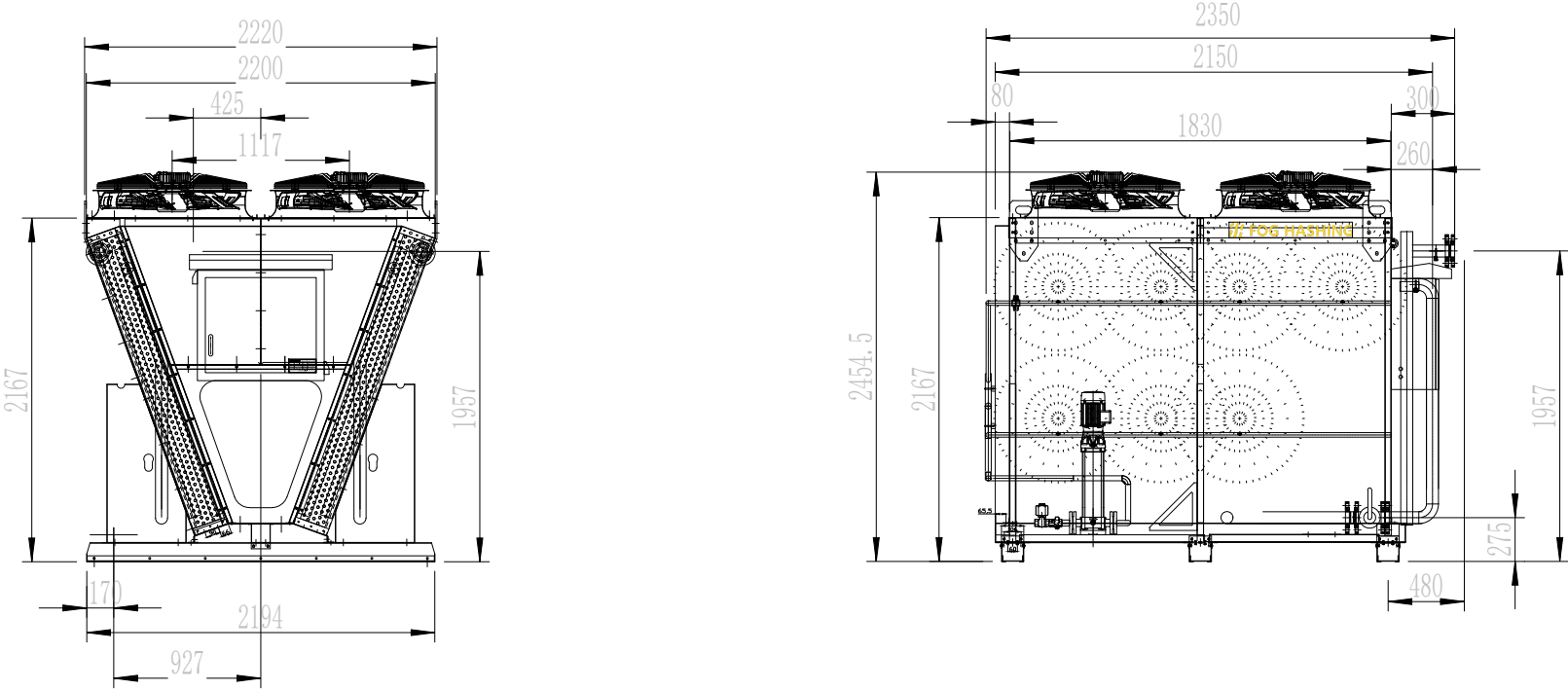


Foundation bearing requirements:
Container:5.5T*8

Note:

1. Ensure the foundation is capable of supporting the weight of both the container and the dry cooler adequately.
2. The foundation design can be adapted based on the conditions of the site.

TITLE:				
DESIGNED BY:	Jack	DATE:	QTY:	DWG No:
TECHNICALIZED BY:		DATE:	SIZE: A4	
CHECKED BY:	Derek	DATE:	WEIGHT:	
APPROVED BY:		DATE:		
SHEET 1 OF 1 SHEET				

Dry Cooler Spec			
Model	FHDC-200	Ambient Temperature	30.0°C
Oil Cooling Capacity	200 kW	Inlet/Outlet Temperature Max	60/45°C
Dimensions	L-2350 * W-2235 * H-2450	Weight	1330kg
Inlet/Outlet Pipelines	DN50	Noise	71 dB(A)
Dry Cooler type	V-shape	Pre-cooling Spray System	Mist spray
Fan Spec			
Power supply	350V-480VAC- 3P - 50/60HZ	Type Fans	EC
Fan diameter	900 mm	Number of Fans	4
Control mode	Intelligent speed adjustment	Total Fan PowerMax	8040 W
Oil Pump Spec			
Power supply	350V-480V AC-3Phase-50/60HZ	Pump power	5.5kW
Number of pump	2	Pump Circulation Volume	28m³/h
Installation method	Integrated into the dry cooler		
Outline diagram			
 The technical drawing consists of two views of the FHDC-200 Dry Cooler. The left view is a front elevation showing the V-shaped structure with two large cooling coils. Dimensions include a top width of 2220mm, a base width of 2194mm, and a total height of 2454.5mm. The right view is a side elevation showing the profile of the unit. Dimensions include a top width of 2350mm, a base width of 2150mm, and a total height of 2454.5mm. Other dimensions shown include 425mm, 1117mm, 170mm, 927mm, 1957mm, 1830mm, 260mm, 275mm, and 480mm.			

Note:

- The pre-cooling spray system reduces the temperature of the air entering the dry cooler to improve its performance at high temperatures. Only used in extreme high temperature weather conditions. The user can activate or deactivate the system as needed. Use requires ensuring a reliable water supply, checking the spray heads regularly and preventing clogging.
- The final parameters may have some changes, and the final shipping parameters shall prevail.





Opposition to Interim Use Permit for VCV Digital

Andrew Shipe <andrew.shipe@gmail.com>

Mon 5/20/2024 5:29 PM

To: Kelly Bevans <kbevans@ci.brainerd.mn.us>

Hi Kelly,

I wanted to share my opposition to the proposed IUP for VCV Digital. I reviewed the documents submitted to the Planning Commission and it seems like VCV is trying to do the bare minimum in setting up their facility at the expense of the residents of Brainerd.

For example, VCV doesn't provide any information about fire suppression at the facility. The amount of power used by the facility increases the risk of either heat or a spark causing an accidental ignition. If there is a fire, burning computer equipment creates toxic fumes that would endanger residents all over the city depending on the wind's direction.

Further, given the volatile nature of cryptocurrency, what if VCV goes out of business and abandons the facility? The city would be on the hook to properly recycle a tremendous amount of computer equipment that would be out of date and have little to no resale value.

While the proposal seems to meet the defined definition of outdoor storage I hope you and the council view this IUP as a new use of this category and reject the IUP until the Planning Commission and council can work to update the category to consider this type of facility and it having more impact than a traditional outdoor storage use.

- Andrew Shipe

1918 Thiesse Drive Concerns

Megan Thiesse <mthiesse1@gmail.com>

Mon 5/20/2024 1:46 PM

To: Dave Badeaux <dbadeaux@ci.brainerd.mn.us>; Kelly Bevans <kbevans@ci.brainerd.mn.us>; Kevin Stunek <kstunek@ci.brainerd.mn.us>; Jeff Czczok <jzczok@ci.brainerd.mn.us>; Tiffany Stenglein <tstenglein@ci.brainerd.mn.us>; Mike ODay <moday@ci.brainerd.mn.us>; Gabe Johnson <gjohnson@ci.brainerd.mn.us>; James Kramvik <jkramvik@ci.brainerd.mn.us>; Kara Terry <kterry@ci.brainerd.mn.us>
Cc: gtbone69@gmail.com <gtbone69@gmail.com>; sarahtc80@gmail.com <sarahtc80@gmail.com>

1 attachments (307 KB)

Gmail - FogHashing BC40.pdf;

Some people who received this message don't often get email from mthiesse1@gmail.com. [Learn why this is important](#)

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

Dear Brainerd City Council Members,

I would like to bring to your attention some information regarding the IUP for 1918 Thiesse Dr. In my review of the documents for this proposal I noticed that the images provided by VCV Digital are the same as those used on FogHashings website [Fog Hashing | Liquid Cooling Expert for Next-Gen Computing](#), they are a top manufacturer of these particular mining machines. I reached out to this manufacturer to ask for the decibel level of the unit, including the cooling fan for the 40 foot unit, that email is attached.

I have included the resources I have used to extrapolate the sound production to the 26 proposed units and extenuated the sound to the distance of my home. Please remember these are lab value numbers and exact calculations should be done by a professional to take into consideration the many environmental impacts to how sound travels.

At 60.4 db at 50m extrapolated to 26 machines the decibel level calculates to 74.8db at 50m

[Decibel Calculator - dB Calculator - Addition and Subtraction of dB Values \(noisemeters.com\)](#)

Attenuating the 74.8db to 770m (2526ft) the sound would be 51.05db

[Distance Attenuation Calculator \(omnicalculator.com\)](#)

These are the low end calculations based on the manufacturer, when attenuated to 1 mile the sound produced is still 44.6db.

I bring this to your attention as I have small children whose bedrooms face this proposed facility. My sister who lives next door also has two small children whose bedrooms will also face this facility. Most outside walls and windows only provide 10db of sound reduction, though there are some that can provide more, which would leave a constant sound of about 40db in their room. Per the World Health Organization Factsheet [Noise \(who.int\)](#), the WHO recommends less than 30db in bedrooms during the night for a sleep of good quality and less than 35db in classrooms to allow good teaching and learning conditions. There is evidence that chronic noise exposure in early childhood harms cognitive performance, impairs well-being and motivation, and increases blood pressure and stress hormone production. As stated in the research article **Health Effects of Noise Exposure in Children** by Stansfeld and Clark "Some of these effects such as raised blood pressure and cognitive impairments may have implications for adult health as well." I have included the link to the peer reviewed research article which highlights the impact sound has on children and their development. <https://rdcu.be/dluiW>

Below I will provide a few more links to peer reviewed and published research articles concerning the effects of noise on the cardiovascular system, animals, birds and insects, and plant life.

https://www.researchgate.net/profile/Victor-Nna/publication/314947286_The_Possible_Mechanisms_through_Which_Dietary_Protein_Increases_Renal_Blood_Flow_and_Glomerular_Filtration_Rate/links/5c2de1c792851c22a35718e1/The-Possible-Mechanisms-through-Which-Dietary-Protein-Increases-Renal-Blood-Flow-and-Glomerular-Filtration-Rate.pdf

<https://onlinelibrary.wiley.com/doi/10.1111/j.1461-0248.2011.01664.x>

<https://doi.org/10.1098/rspb.2020.0176>

<https://www.jsr.org/hs/index.php/path/article/view/1352/622>

The final linked article is one that was reviewed by the White House which quantifies the environmental and health costs of cryptomining. Per the article "Results indicate that in 2018, each \$1 of Bitcoin value created was responsible for \$0.49 in health and climate damages in the US and \$0.37 in China."

<https://doi.org/10.1016/j.erss.2019.101281>

Thank you for your time and consideration.

Megan Bock

11633 Oakridge Rd.



FogHashing BC40

4 messages

Business Development <bd@foghashing.io>

Thu, May 16, 2024 at 1:22 AM

To: Megan Thiesse <mthiesse1@gmail.com>

Cc: JQ <gaojianqi@foghashing.io>, Ritchie <ritchie@foghashing.io>, Derek <derek@foghashing.io>

Hi Megan,

Thank you for your trust in Fog Hashing. This project is led by JQ from Fog Hashing. He will communicate with you in detail next.

JQ, please follow up.

Best Regards,

Fog Hashing Pte. Ltd.

Liquid Cooling Solutions for Next-Gen Computing

[Website](#) | [Twitter](#) | [YouTube](#) | [Telegram](#) | [WhatsApp](#) | [Email](#)

From: "Megan Thiesse" <mthiesse1@gmail.com>

Date: Thu, May 16, 2024, 09:29

Subject: Sound level

To: <bd@foghashing.io>

Can you tell me the operating decibel level of the entire BC40 unit including the cooling fan? Sound is a concern in the proposed area this will be placed.

Thank you for your time!

Megan Thiesse <mthiesse1@gmail.com>

Fri, May 17, 2024 at 12:07 AM

To: Business Development <bd@foghashing.io>

Cc: JQ <gaojianqi@foghashing.io>, Ritchie <ritchie@foghashing.io>, Derek <derek@foghashing.io>

Thank you for your prompt response. I will await detail from JQ.

We can discuss any questions you may have and look forward to hearing from you!

Best Regards!

JQ Gao

Key Account Manager | Fog Hashing Pte. Ltd.

Expert on Liquid Cooling for Crypto Mining

Mobile/WhatsApp: +86 15229240884

Email: JQ@foghashing.io



Website | Twitter | YouTube | Telegram

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message. We do not guarantee the security of this e-mail. Please ensure that this e-mail and any attachments are free from viruses before opening them.

From: "Megan Thiesse" <mthiesse1@gmail.com>

Date: Fri, May 17, 2024, 13:08

Subject: Re: FogHashing BC40

To: "Business Development" <bd@foghashing.io>

Cc: "JQ" <gaojianqi@foghashing.io>, "Ritchie" <ritchie@foghashing.io>, "Derek" <derek@foghashing.io>

[Quoted text hidden]

Megan Thiesse <mthiesse1@gmail.com>

To: saraht@bakersalescompany.com

Fri, May 17, 2024 at 8:47 AM

Sent from my iPhone

Begin forwarded message:

From: JQ <gaojianqi@foghashing.io>

Date: May 17, 2024 at 4:21:37 AM CDT

To: Megan Thiesse <mthiesse1@gmail.com>

Cc: Business Development <bd@foghashing.io>, Ritchie <ritchie@foghashing.io>, Derek <derek@foghashing.io>

Subject: Re: FogHashing BC40

Hi Megan,

Thank you for your interest in our products.

For your reference, here are the tested noise levels of the BC40.

<image.png>

By the way, do you have any more information on this project. For example where is the project located, what stage is it at now, and what are the noise requirements for the project?

We can discuss any questions you may have and look forward to hearing from you!

Best Regards!

JQ Gao

Key Account Manager | Fog Hashing Pte. Ltd.

Expert on Liquid Cooling for Crypto Mining

Mobile/WhatsApp: +86 15229240884

Email: JQ@foghashing.io

<boxcnr0ECcKpbk7mOaWNyJB3KVd.png>

Website | Twitter | YouTube | Telegram

<boxcn28aStbFGFqwMk2pquYuxgh.png>

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[Quoted text hidden]

RE: Interim Permit 1918 Thiesse Dr

James Kramvik <jkramvik@ci.brainerd.mn.us>

Mon 5/20/2024 1:55 PM

To: Kelly Bevans <kbevans@ci.brainerd.mn.us>

Cc: Nick Broyles <nbroyles@ci.brainerd.mn.us>; Toni Gage <tgage@ci.brainerd.mn.us>; Shawn Strong <sstrong@ci.brainerd.mn.us>; Joe Langel (jll@ratwiklaw.com) <jll@ratwiklaw.com>; Patrick Wussow BPU <pwussow@bpu.org>

1 attachments (613 KB)

1918 Thiesse Drive Map.pdf

Hi Kelly,

I have bcc'd the rest of City Council to make them aware of the questions and map. I have attached two maps as PDF documents, and they will be made available for tonight's meeting.

The first map displays a zoomed in aerial photo of the industrial park that is outlined in red. The individual property, 1918 Thiesse Dr, is also outlined in red with the outdoor storage area shaded in red. The outdoor storage area is clearly not abutting by definition as it is not next to, nor does it share a common boundary. Also, properties with outdoor storage can abut properties zoned residential. The outdoor storage area itself cannot abut a residentially zoned property.

Rules and Definition of Abut – Zoning Code

Abut (includes abuts and abutting). To be next to, or to share a common boundary. "Abutting" includes across a street. "Abutting" does not include properties that touch only corner to corner.

515-3-28 Outdoor Storage

The storage area shall not abut property zoned for residential, rural, or business use, including land in a neighboring township or city. "Abutting" includes across a street. "Abutting" does not include properties that touch only corner to corner.

The second map shows the nearest surrounding residential houses highlighted in red.

Question 2

The parameters for the permit are the finding of facts which are included in the agenda. Does the facility meet the findings of facts? Staff recommended approval based on the findings and parameters. Mike Duval of the planning commission stated that it was inconsistent with the comprehensive plan and stated reasons. Staff stated a reason it was consistent with the comprehensive plan. This Interim Use Permit is for Outdoor Storage, it is not for crypto mining. Just For Krypto, an operational crypto mining facility, has a primary structure on site and half of their mining is completed indoors. The question is, does the proposed use have an impact on the surrounding property more than if it were contained in a building? The proposed facility requires screening from the street because of outdoor storage. VCV has proposed immersion technology which means the data processors are fully enclosed and in a liquid which has no impact on the surrounding properties. The cooling fans or air conditions are the concern for noise. The cooling fans are no different in sound, possibly quieter, than the blowers from the Just From Crypto building. Just for Krypto is also operating similar portable units at the site and is currently using 22 MW of energy, which is similar to what VCV is proposing for 1918 Thiesse Drive. Just for Krypto and VCV are currently under contract for a maximum of 25 MW.

Also, this property was sold, zoned, and developed for industrial use. In the event of a denial, a case should also be made that this particular use, especially related to outdoor storage, is louder than other permitted manufacturing facilities such as Lexington. The proposed facility can produce sound consistent with other permitted industrial uses which are typically louder than residential and commercial uses. Again, Interim Use Permits can have time limits to reevaluate, and conditions can be added to the permit.

Regards,

James Kramvik

James Kramvik | Community Development Director
City of Brainerd | 501 Laurel Street Brainerd MN 56401
218-454-3408 | jkramvik@ci.brainerd.mn.us

From: Kelly Bevans <kbevans@ci.brainerd.mn.us>**Sent:** Saturday, May 18, 2024 8:44 AM**To:** James Kramvik <jkramvik@ci.brainerd.mn.us>**Subject:** Re: Interim Permit 1918 Thiesse Dr

James

Thanks for your response. 2 Questions

#1 Your map is great, how come the property in question isn't identified? Can you please do so for the Council meeting. I think to expand the map would be helpful as well, then we can see where everybody is.

#2 Attorney Langel mentions in an Email that, just like a Conditional Use Permit, if the parameters set forth by the City are met the permit must be granted. Please show us those parameters as they apply to this issue. To me, this seems to be the 'crux' of the

matter. Also, aren't there time limits on an IUP? And, can't we add condition, such as sound deadening trees, shrubs, etc.?

Thank You (Monday night is OK)

Kelly

Email correspondence to and from the City of Brainerd government offices is subject to the Minnesota Government Data Practices Act and may be disclosed to third parties.

From: James Kramvik <jkramvik@ci.brainerd.mn.us>

Sent: Friday, May 17, 2024 6:22 PM

Cc: Toni Gage <tgage@ci.brainerd.mn.us>; Nick Broyles <nbroyles@ci.brainerd.mn.us>; Sarah Thiesse <saraht@bakersalescompany.com>

Subject: RE: Interim Permit 1918 Thiesse Dr

Hi All,

I have bcc'd the mayor and city council, so they are aware of the response. The email and response will also be provided to members of the Council at the next meeting. I can certainly answer any other questions prior to City Council on Monday.



The picture above references the City Zoning Districts. The land to the east in Crow Wing County was rezoned as Rural Residential 2.5. The Rural Residential 2.5 District in the County allows for residential use, while also allowing for farm buildings, farmland, livestock, feedlots, forest land for harvest. Staff included the County property east of the proposed project to give the Planning Commission and City Council a bigger picture of surrounding lands as it can be taken into consideration of Interim Use Permits. Staff made the correction regarding the zoning change at the Planning Commission meeting. However, the use of the land near the proposed project is agricultural, wetlands, or undeveloped as stated in the Findings. All residential homes are approximately a half a mile away.

The purpose of the GI Zoning District is to provide for the establishment of heavy industry and manufacturing development and use which because of the nature of the product or character of activity, requires isolation from residential and commercial uses. The purpose of a zoning district is a guiding document especially for consideration when rezoning properties. This land was sold and developed at great cost by the City of Brainerd for an industrial park because it was near the existing industrial park and is isolated from residential uses. For instance, a new industrial park should probably not be placed near a County housing development with multiple one-acre lots. However, if a General Industrial property is located next to a residential home the landowner is still entitled to the same review process as every other Industrial property owner. That being said, City Council can consider adverse impacts to residents or businesses when considering Interim or Conditional Use Permits.

515-3-28 Outdoor Storage

The storage area shall not abut property zoned for residential, rural, or business use, including land in a neighboring township or city. "Abutting" includes across a street. "Abutting" does not include properties that touch only corner to corner.

This ordinance section does apply to both City property and neighboring townships and cities. However, the property in question does not directly abut the County property as the Industrial Park was set up with common land and buffers. There is a 100' buffer of GI District property between the County property line and 1918 Thiesse Dr. The ordinance also states that the outdoor storage area shall not abut property zoned for residential, it does not indicate properties with outdoor storage cannot abut property zoned for residential.

City Council can consider if the proposed project is dangerous, injurious, or noxious to any other property or persons as part of the Interim Use Permit review. The Interim Use Permit application is for Outdoor Storage as a Principle Use as Cryptomining is considered manufacturing which is an allowed use in the GI District. Interim Use Permits do allow for City Council to add conditions to mitigate impacts to neighboring properties or apply an expiration date to the permit.

Regards,

James Kramvik



James Kramvik | Community Development Director
City of Brainerd | 501 Laurel Street Brainerd MN 56401
218-454-3408 | jkramvik@ci.brainerd.mn.us

From: Sarah Thiesse <sarhtc80@gmail.com>

Sent: Thursday, May 16, 2024 10:14 PM

To: Dave Badeaux <dbadeaux@ci.brainerd.mn.us>; Kelly Bevans <kbevans@ci.brainerd.mn.us>; Kevin Stunek <kstunek@ci.brainerd.mn.us>; Jeff Czczok <jzczok@ci.brainerd.mn.us>; Tiffany Stenglein <tstenglein@ci.brainerd.mn.us>; Mike ODay <moday@ci.brainerd.mn.us>; Gabe Johnson <gjohnson@ci.brainerd.mn.us>; James Kramvik <jkramvik@ci.brainerd.mn.us>; Kara Terry <kterry@ci.brainerd.mn.us>

Cc: gtbone69@gmail.com; Megan Thiesse <mthiesse1@gmail.com>

Subject: Interim Permit 1918 Thiesse Dr

You don't often get email from sarhtc80@gmail.com. [Learn why this is important](#)

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

Greetings Council Members,

I'm guessing that by now you've all been brought up to speed on the events of Wednesday's meeting and the concerns that were expressed by myself and others pertaining to the interim use permit for 1918 Thiesse Dr.

In light of that meeting there are a few documents I'd like to bring to your attention.

Attached is the page from the county board of commissioners meeting minutes from 12/12/2023 with the properties highlighted that surround the proposed site and their re-zoning.

The second document is the city ordinance for outdoor storage with the section highlighted about abutting properties zoning. Not only is an abutting property zoned residential but it is also part of a neighboring township. If building permits were denied based on this zoning not the tax classification then the tax classification for property abutting the proposed site should not be taken in to account.

The third document is page 24 from the document provided for the planning meeting from 5.15.2024. Highlighted are sections pertaining to the zoning as well as a portion that states that due to the nature of the product it requires isolation from residential and commercial uses.

This document incorrectly states that it is surrounded by industrial/undeveloped land. The Eastern border is not and never was commercial/heavy industrial. Prior to December of 2023 it was mistakenly, without knowledge or consent of the land owner zoned Commercial/Light industrial. This mistake was corrected for all parcels listed on the first attachment and Re-zoned as Rural Residential 2.5.

Isn't it accurate to say that this property abuts residential property in the neighboring township of Long Lake, which would mean that outdoor storage would not be permitted on this parcel as defined by the Chapter 515 zoning?

I appreciate your time and consideration.

Thanks,

Sarah Thiesse

Petition regarding 1918 Thiesse Dr.

Sarah Thiesse <sarahtc80@gmail.com>

Mon 5/20/2024 12:08 PM

To: Dave Badeaux <dbadeaux@ci.brainerd.mn.us>; Kelly Bevans <kbevans@ci.brainerd.mn.us>; Kevin Stunek <kstunek@ci.brainerd.mn.us>; Jeff Czczok <jzczok@ci.brainerd.mn.us>; Tiffany Stenglein <tstenglein@ci.brainerd.mn.us>; Mike ODay <moday@ci.brainerd.mn.us>; Gabe Johnson <gjohnson@ci.brainerd.mn.us>; James Kramvik <jkramvik@ci.brainerd.mn.us>; Kara Terry <kterry@ci.brainerd.mn.us>
Cc: Megan Thiesse <mthiesse1@gmail.com>; gtbone69@gmail.com <gtbone69@gmail.com>

1 attachments (28 KB)

Delay Request .pdf;

Some people who received this message don't often get email from sarahtc80@gmail.com. [Learn why this is important](#)

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

Good Morning City Council Members & Staff,

Attached is a petition to request a delay of the vote on the interim use permit for 1918 Thiesse Drive that is signed by 39 people in the community surrounding the proposed site of operation.

All but a few of the signed parties live within 1 mile of the proposed Crypto Mining Operation. The reasons for the request are outlined in the attached document.

We would like to point out the fact that while today we are discussing 1918 Thiesse Drive and the potential impacts from that one site.

We would ask that you look farther down the road on this project as 1911 Thiesse Drive has not been factored in whatsoever and is a larger parcel.

It is our understanding that this particular type of business is contingent on continued growth. Meaning in order to remain in business, expansion is necessary.

The size and volume of this operation would increase repeatedly. What then would the decibel level that reaches neighboring homes be?

The comment from the applicant at the zoning meeting was they "think" the decibel level will be 50 db at 2000 feet. We are to the understanding that one cannot use simple math to calculate the exact decibel range. There are many environmental factors that would need to be applied for accuracy. The statement that the sound would travel upward because that is the direction of the fan is not factual.

Sound does not only travel in the direction it is pointed. We would also point out that there is evidence to prove that fans are actually louder at low speeds. We would like to see some facts from an expert that is impartial and not hired by the applicant.

We would ask if consideration of the other businesses in the industrial park have been factored in here. Fed Ex is only .3 miles from 1918 Thiesse Drive.

What is the decibel level that will reach them? How will that affect their employees?

There are still vacant parcels in that industrial park. How will that affect your ability to sell those parcels? How can one expect another business to want to set up shop in an area where they would be subjecting their employees to high decibel levels?

Our main concerns are about how this will directly affect our children, families and neighbors surrounding the area of operation. The noise, our health, environmental factors and also our property values which have proven to drastically decline in areas near crypto mining facilities.

However, upon looking into this for those reasons we also cannot disregard the other issues that affect the larger picture surrounding these types of operations.

Below are a few links to articles that spell out some of the larger issues:

<https://www.nytimes.com/2024/05/13/us/bitcoin-mine-biden-ban.html>

<https://www.cbsnews.com/news/bitcoin-noise-arkansas-right-to-mine-bill/>

<https://www.whitehouse.gov/ostp/news-updates/2022/09/08/fact-sheet-climate-and-energy-implications-of-crypto-assets-in-the-united-states/>

Across the country dozens of cities are adjusting laws, adding conditions to mitigate the noise, and even relocating these facilities based on complaints and lawsuits from surrounding residents and towns.

We would think that for the welfare of all parties involved, taking the time to assess what the actual decibel levels will be and researching what kind of sound barriers would be most effective is in everyone's best interest. We can understand that the noise

pollution and direct impacts on the residents were not previously a consideration because it was not brought to attention as this is a relatively new industry.

Please take caution of the fact that the use of Just for Krypto as an example would not be accurate as the miner machines are located in a building and the size of the operation is much smaller.

A professional would need to compare the plans of both to determine the relative sound comparison. However, it's a good starting point though.

We urge you to please consider a delay to vote on this for 60 days in the interest of uncovering some facts and researching the best way to move forward for all parties involved.

We tried to compile all thoughts from this community into one email as to not overload you with many emails.

Those concerns were narrowed down to the main points regarding the complaints that are aligned with the interim use permit and how it affects the direct neighboring residents.

We appreciate your time and consideration.

Respectfully Submitted By,

Sarah Thiesse

5/20/2024

Brainerd City Council Members and Staff,

We would like to formally request that the council delay the vote for the interim use permit at 1918 Thiesse Drive Brainerd, MN 56401 for the 60 days allowable by law.

The purpose of this request is for the following reasons:

There is no definitive proof regarding what the actual decibel level that would reach neighboring homes would be.

We would request that a similar operation be found to be used as a reference to more accurately determine the realistic noise levels, environmental and health impacts surrounding the operation.

We would like to request that the city research reasonable conditions to mitigate anticipated adverse impacts associated with the proposed use to protect the nearby properties. We would request that the research includes the anticipated noise pollution, health and environmental factors.

Energy consumption is a concern for many. However, our main concern is the direct impact on the surrounding residential communities and how it will affect our health, welfare, and quality of life.

We feel that 11 days notice to gather information regarding this new permit request was not enough time. We request more time be allowed to gather and present information as this project may not be in the best interest of the city of Brainerd.

We appreciate your time and consideration.

Respectfully submitted,

Sarah Thiesse
Glynis Thiesse
Alvina Thiesse
Bryan and Robin Thiesse
Megan & Tyler Bock
Clayton Thiesse
Shirley Thiesse
Craig and Glenda Kunde
Kelsey Kunde
Loretta Wulf
Heather Larson

Gary and Karren Thiesse
Nolan and Jessica Faber
Merle Faber
Mike and Carrie Brown
Torrey and Alissa Boser
Bridget Busacker
Wesley and Carol Urdahl
Bradley Gorrion
Marie Dosh
Sharon Magnan
Janine Russell

Doug and Marilyn Varin
Riley Bastian
Amanda Krebsbach
Jayme Pickar
Stacy Konen
Doug and Vicki Kruse
Cory Kruse
BriAnna Kruse

May 17, 2024

Dear Council Member:

I and many residents in the vicinity of the Brainerd Industrial Park just became aware of the fact that the Investment Company VCV owns land in the industrial park and plans to build a large crypto mining facility there.

We are very concerned about the level of sound, the human health risks and the environmental impact to soil, water, air, animals and birds in the area of an installation that requires extreme amounts of electricity and cooling resources.

I am very much opposed to the building of this facility since it will also negatively affect our property values and the desirability of this area for potential new residential growth...and also, some businesses!

Please also consider that recently President Biden (Federal Government) just shut-down a crypto mining facility in Cheyenne, WY and explained it was for security reasons because it was near a military base. (New York Times – May 13, 2024...also printed in “The Hill”). Camp Ripley is a significant military installation.

Thank you for your consideration,

Loretta Wulf
11365 County Road 45
Brainerd, MN 56401

City council meeting regarding IUP application by VCV Digital

Glynis Thiesse <gtbone69@gmail.com>

Thu 5/16/2024 5:48 PM

To: Kelly Bevans <kbevans@ci.brainerd.mn.us>

[You don't often get email from gtbone69@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Hello Kelly,

My name is Glynis Thiesse. I am the daughter of Harold and Alvina Thiesse, who owned the industrial park land in south Brainerd prior to selling it to the city to bring in industry and jobs for the community. My mom, Alvina, received a letter from James Kramvik regarding the Planning Commission meeting scheduled May 15th to discuss outdoor storage for a crypto mining operation. I shared this letter with family members because my mom was the only one who received this letter. I'm grateful she received it so we could attend the meeting and express concerns regarding pollution, especially noise pollution to those of us living in the area. We were pleased that the Planning Commission voted to deny the application for an IUP to VCV Digital. However, I understand that the city council is the authority that decides, so I am asking for you to please vote to deny. I watched the EDA meeting dated December 9, 2021. At that time, there was much less information available about crypto mining as China banned it only 5 months prior, in July 2021. The B&D Solutions wanted to have 12 storage containers 20 feet in length for their crypto mining. Now they are applying for a IUP for 26 containers 40 feet in length for their computers to run 24 hours a day to mine crypto, which will only benefit their investors. Brainerd Public Utilities will profit; however, this comes with significant energy use, and I don't think it is consistent with the city's Comprehensive Plan. The goal is to work toward becoming carbon neutral not increase energy usage. It would seem like receiving payment to allow a company to increase pollution. Mr. Duval was very astute in describing his opinion at the Planning Commission meeting. The amount of energy that will be used goes in the wrong direction of becoming carbon neutral, with only very few jobs offered does not seem like a benefit to the community. Mr. Duval verbalized that the amount of energy used will be "on our ledger" showing increase in carbon emissions, going against the goal to be carbon neutral. My impression is that he is genuinely concerned about our community rather than the amount of money this company estimates it may be offering to have their operation in Brainerd. No amount of money is worth the negative impacts crypto mining has had on communities throughout the country. Another major concern is the noise this will generate to those of us who live in the area. There are many articles that document the negative impact, including health issues, from noise produced by crypto mining on communities throughout the country. This information was not as plentiful in December 2021 when that EDA meeting occurred. We now have research and much information about how crypto mining affects the environment and communities. I am asking you to please read about this before you vote on this at the city council meeting. Additionally, it is my understanding that in 2023, the area surrounding the industrial park where VCV Digital wants to operate, is now zoned Residential 2.5. I am hoping you can help keep our quality of life peaceful and in turn healthy. Thank you for reading this and helping our community.

Respectfully,

Glynis Thiesse

property owned 11374 County Road 45 Brainerd

gtbone69@gmail.com

218-851-3140



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: First Reading - Proposed Ordinance 1565 - Short Term Rentals

AGENDA: Main

ACTION REQUESTED: Ordinance

SUBMITTED BY: James Kramvik, Community
Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community
Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

Upon discovering several Short-Term Rental properties in the City of Brainerd operating without a valid Interim-Use Permit, staff worked with existing operators to bring their properties into compliance with the Zoning Code. In addition to working with property owners to bring their short-term rentals into compliance, staff received direction from the Planning Commission to discuss further regulations or capping the number of short-term rentals allowed in the City. The concern with short-term rentals is the potential loss of long-term workforce housing, in which the City is experiencing a shortage. The subtraction of long-term housing is a concern in relation to Brainerd's Comprehensive Plan and has an impact on future economic development of the community.

The City Council conducted the second reading of Proposed Ordinance 1561 regarding short-term rentals at their regularly scheduled February 20th meeting. The motion to approve the ordinance as proposed failed by a 4 to 3 vote. After discussion and comments by City Council, Council Member Czczok motioned to recommend that we keep the requirement to renew at the end of the year, remove the cap with no limitation to the number owned by an individual, and to send it back to the Planning Commission. The motion was approved by a 5 to 1 vote.

At the February 21st Planning Commission meeting, the Commission considered the recommendation provided by the City Council and discussed ideas to address concerns. The ideas were not voted on, but the Commission did have a consensus about potential changes. After discussion, the Commission directed staff to ask the City Council for a joint workshop to address the final concerns of the ordinance in order to formulate a consensus about the language and requirements for short-term rentals. The City Council denied that request at the March 4th meeting. After consultation with the City Attorney, the Planning Commission still has direction from City Council to proceed with revising the proposed short-term rental ordinance with the recommended changes.

The Planning Commission considered changes to the proposed ordinance at their April 17th meeting, directed staff to make those changes, and requested the ordinance be brought back to the next meeting to conduct a public hearing.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

CHANGES TO THE PROPOSED ORDINANCE

1. Removal of the cap that limits an individual property owner from operating no more than one VDU in the City.
2. Increased the cap from 20 VDU short-term rentals to 40 VDU short-term rentals allowed in the City, while restricting 20 to the Main Street District and 20 to the Town Center District.
3. Allow up to two short-term rental units in 4+ unit buildings.
4. Removed the “grandfather clause”.

The Planning Commission considered the Proposed Ordinance at their May 15th meeting and unanimously recommended approval.

RECOMMENDED ACTION/MOTION:

Conduct the first reading of Proposed Ordinance 1565 and dispense with the actual reading.

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

FINANCIAL IMPACT: N/A

**ORDINANCE
NO. 1565**

AN ORDINANCE AMENDING SECTION 515-3-34 OF THE ZONING CODE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose

1. The purpose and intent of this ordinance is to regulate short-term rental properties within the City of Brainerd.
2. This ordinance is intended to cap the number of permitted short-term rentals to ensure an adequate supply of workforce housing in Brainerd and to distribute short-term rentals throughout the City.

SECTION TWO: Section 515-3-34 is hereby amended by adding and striking the following:

515-3-34 Short-Term Rentals

A. Definitions: For the purposes of this article, the following definitions apply:

1. Accessory Home Share (AHS): A rental where the property owner is a permanent resident of the homesteaded unit and is present on the premises during the rental period.
2. Accessory Vacation Dwelling Units, Limited (ADVUL): A rental where the property owner permanently resides at the homesteaded unit but does not need to be present during the rental period.
3. Vacation Dwelling Unit (VDU): A rental where the property owner is not a permanent resident of the unit, and the entire unit is rented without the property owner present during the rental period.

B. Short-term rentals are subject to the following length of stay and total number of annual rental days:

1. Accessory Home Share (AHS): May allow a maximum of four (4) guests to stay on the premises a total of one (1) to twenty-eight (28) days.
2. Accessory Vacation Dwelling Units, Limited (ADVUL): May allow a maximum number of guests as determined by Section 515-3-34-C.4 to stay on the premises a total of two (2) to seven (7) consecutive nights. ADVUL's may not be operated more than twenty-one (21) rental days per calendar year.
3. Vacation Dwelling Units (VDU): May allow a maximum number of guests as determined by Section 515-3-34-C.4 to stay on the premises a total of one (1) to twenty-eight (28) days.

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

~~A.~~ _____

~~1.~~ The maximum rental period shall not be more than 28 consecutive nights.

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

a. The duration of the first Interim Use Permit granted to an applicant for a short-term rental at a premises shall be twelve (12) months.

~~2.~~b. Renewal for an Interim Use Permit for an existing short-term rental at a premises shall be granted for a duration not to exceed twenty-four (24) months.

~~3.~~2. The application for an Interim Use Permit shall include:

- a. The number of bedrooms with dimensions and all other sleeping accommodations.
- b. The number of off-street parking spaces available to guests.
- c. All accessory structures and outdoor recreational features available for guest use.
- d. A pet, garbage, noise, and parking policy.
- e. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.

~~4.~~3. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:

- a. **Contact Information.** The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will be accessible to the public at all times on the City of Brainerd website.
- b. **Occupancy.** The maximum number of guests allowed on the property.
- c. **Vehicles.** The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street for a period of time in excess of forty-eight (48) continuous hours.
- d. **Garbage.** Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.
- e. **Noise.** No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in the any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person.
- f. **Pets.** No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

~~5.~~4. The occupancy of a short-term rental shall be limited to not more than 3 people per bedroom or the occupancy set by the Building Official, whichever is less.

~~6.~~5. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the building department, whichever is stricter.

~~7.6.~~ The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).

~~8.7.~~ Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.

~~9.8.~~ The permit holder shall keep a report, detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.

9. A short-term rental shall be a licensed rental unit by the city and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.

10. The owner or property manager shall reside within 50 miles of the property. An emergency contact does not constitute a property manager. A property manager shall be a relative or compensated individual or company.

~~10.11.~~ The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.

~~11.12.~~ A permit holder must post their rental license permit number on all print, poster, or web advertisements.

13. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.

14. All short-term rentals operating prior to the effective date of these standards shall be compliant with this section by December 31, 2025. All previously issued Interim Use Permits for short-term rentals shall expire December 31, 2025.

D. Ownership, Limitations, and Municipal Caps:

1. Any property owner may utilize their permanent residence as an AHS or ADVUL upon the receipt of a rental housing license and the approval of an Interim Use Permit.

2. There are to be no more than forty (40) operational VDU's at any given time in the City and is granted on a first-come first-serve basis.

a. There shall be no more than twenty (20) VDU's at any given time in the Town Center and Main Street District and in all other zoning districts there shall be no more than ten (10) total VDU's permitted at any given time.

l. Only one (1) building with a permitted VDU may be located on any platted block and shall not abut another property approved for a short-term rental.

b. A designated city official shall create a waiting list which will be posted on the City of Brainerd website with a recorded date and time of an interested applicant if the City has approved the maximum allotment of VDU's in the City or a zoning district.

l. Applicants on the waiting list shall be contacted and given ten (10) days to submit a complete application and provide payment for their Interim Use Permit.

c. All short-term rentals applying for renewal will be given preference over new applicants if they are compliant with the rental code, are without outstanding violations of the Code, and are not on a required management plan. The property must have an approved Interim Use Permit by City Council prior to expiration of their existing permit.

I. Upon expiration of the Interim Use Permit, the property owner can no longer operate a short-term rental at the premises and will be required to reapply as a new applicant.

3. All multi-family dwellings with (3 units) or less shall contain no more than (1) short-term rental of any type at any given time.

4. No multi-family dwellings (4+ units) may contain more than two (2) short-term rentals of any type at any given time.

1. _____

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

Notice is hereby given that the City of Brainerd Planning Commission will be conducting a public hearing to consider a proposed ordinance amending Section 515-3-34 of the Brainerd Zoning Code relating to short-term rentals. The proposed ordinance would define short term rentals into three different classifications, Accessory Home Share, Accessory Vacation Dwelling Units, Limited, and Vacation Dwelling Units and regulate the rental duration of each category. Additionally, the proposed ordinance will set the expiration of interim use permits issued for short term rentals and institute limitations on the number allowed in the City of Brainerd. As proposed, no more than two short-term rental units can be in a multifamily building.

A Public Hearing will be conducted by the Planning Commission at 6:00 p.m. Wednesday, May 15, 2024, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding the proposed ordinance. Any individuals needing special accommodations please call (218) 828-2307.

Dated this 1st day of May 2024

Publication Date: May 4th, 2024



James L. Kramvik
Community Development Director



City Council Agenda Request

MEETING DATE: May 20, 2024

TITLE OF ITEM: First Reading- Proposed Ordinance 1566 - Trees

AGENDA: Main

ACTION REQUESTED: Ordinance

SUBMITTED BY: James Kramvik, Community
Development Director

DEPARTMENT: Administration

PRESENTER: James Kramvik, Community
Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

Emerald Ash Borer was recently discovered along 13th Street SE in Brainerd as part of a routine inspection by the Minnesota Department of Agriculture. Detection of EAB was also discovered recently in both Cass and Morrison counties. The insect larvae kill ash trees by tunneling under the bark and feeding on the part of the tree that moves nutrients up and down the trunk. EAB affects all varieties of native ash trees and typically kills a tree in about four years. All untreated ash trees in Brainerd are expected to die within 7 to 10 years.

Staff presented a draft ordinance and policy at the May 6th SPW Committee. The proposed policy addresses the City's plan for removal and injection of ash trees. The tree ordinance and policy were revised to make it clear that the City is responsible for right-of-way trees.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The City Council considered the proposed tree policy and ordinance and directed staff to bring them back to the next meeting to conduct the first reading. The City Council did not recommend any changes. Staff included the policy for informational purposes. Staff recommends that the policy should be approved at the same meeting as the proposed ordinance.

RECOMMENDED ACTION/MOTION:

Conduct the first reading of proposed ordinance 1566 pertaining to tree disease control and dispense with the actual reading.

Note: A unanimous vote is required to dispense with the actual reading of the ordinance.

FINANCIAL IMPACT:

The financial impact of the City's budget was considered at a previous meeting and \$5,000 was included in the 2024 budget for right-of-way trees that needed to be privately contracted for removal. Staff is considering an increased budget in 2025 to begin removal of additional ash trees. Staff will also present, at the next meeting, a budget alternative for injection costs rather than it being taken from the Park's tree budget.

**ORDINANCE
NO. 1566**

**AN ORDINANCE AMENDING SECTION 1400 – TREE DISEASE CONTROL - OF THE CITY
CODE**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 1400.03 is hereby amended as indicated, with deleted language struck out and new language underlined:

CHAPTER XIV

VEGETATION AND GREEN SPACE

Section 1400 – Tree Disease Control

1400.01 Declaration of Policy. The City Council has determined that the health of the shade trees within the Municipal Limits are threatened by shade tree diseases. It has further determined that the loss of shade trees, growing upon public and private property, would impair the safety, good order, general welfare, and convenience of the public. It is the intention of the Council to control and prevent the spread of these diseases. This Section is enacted for that purpose and to conform to the policies and procedures embodied in Minnesota Statutes, Sections 18.023 and rules promulgated thereunder.

1400.03 Definitions. Subdivision 1. For purposes of this Section, the terms defined in this Subsection have the meaning given them.

Subd. 2. "Shade Trees" means oak, elm, and all other deciduous trees in the City.

Subd. 3. "Tree Disease" means Dutch elm disease caused by *Ceratocystis ulmi* or oak with oak wilt disease caused by *Ceratocystis fagacearum*, and any biotic (caused by living organisms) and abiotic (caused or induced by non-living agents) disorders on other deciduous trees.

Subd. 4. "Tree Insects" means infestation of insects deemed to be harmful to immediate trees and surrounding trees which require removal.

Subd. 5. "Conifer Insect and Diseases" means infestations of insects that are injurious to the life of conifer trees.

Subd. 6. "Commissioner" means the Commissioner of the ~~State Department of Agriculture~~ Minnesota Department of Natural Resources.

Subd. 7. "Tree Committee" means the seven-member committee appointed by the Mayor.

Subd. 8. "Tree Inspector" or "Inspector" means a person having the necessary qualifications to conduct a shade tree program and who is certified by the Commissioner.

Subd. 9. "Disease Control Area" means the entire City except those areas annually designated by the Tree Inspector as "no control zones" pursuant to State law.

Subd. 10. "Tree Control Program" or "Program" means a program developed by the City to combat tree diseases in accordance with rules promulgated by the Commissioner.

1400.05 Tree Inspector. Subdivision 1. Position Created. The powers and duties of the City Tree Inspector as set forth in this Section are hereby conferred upon the Director of the Community Development Department. The Director may designate a member of the staff to perform the duties of the Tree Inspector.

(Amended Ord. 1514 – 2021)

Subd. 2. Duties of Tree Inspector. It is the duty of the Tree Inspector to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of tree diseases.

1400.07 Tree Disease Program. It is the intention of the City Council of the City to conduct a program of tree control pursuant to the authority granted by the Minnesota Statute 18.023, as amended. This program is directed specifically at the control and elimination of tree diseases and is undertaken at the recommendation of the Commissioner, and in conformance with rules promulgated by the Commissioner. The Tree Inspector shall act as coordinator between the Commissioner ~~of Agriculture~~ and the Council in the conduct of this program.

1400.09 Tree Disease and Nuisances. Subdivision 1. Nuisances Declared. The following things are public nuisances whenever they may be found within the City:

a) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *Ceratocystus Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh) or *Hylurgopinus Rufipes* (March).

b) Any dead elm tree or part thereof, including limbs, branches, stumps, firewood, or other elm materials from which the bark has not been removed or burned or sprayed with an effective elm bark beetle insecticide.

c) Any living or standing northern red oak, northern pine oak, black oak, scarlet oak, or part thereof, infected to any degree with oak wilt disease.

d) Any living or standing Green Ash, White Ash, or Black Ash, or part thereof, infected to any degree with (EAB) Emerald Ash Borer that has not been chemically treated by a licensed arborist.

e) Cotton bearing trees now growing and under 12 inches in trunk diameter shall, in the City Tree Inspector's opinion constitute a public nuisance, the Tree Inspector shall notify, in writing, the owner of the premises where such nuisance is located.

~~d)~~ f) Any tree or shrub which, in the opinion of the Tree Inspector or such other person as designated by him/her has become or threatens to become a hazard because of weakened conditions due to insects, diseases, or other detrimental conditions so as to adversely affect the public safety, whether such tree or

shrub shall be on public or private property.

Subd. 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in Subdivision 1 to remain on any premises owned or controlled by him within the City. Such nuisances may be abated in the manner prescribed by this Section.

1400.11 Inspection and Investigation. Subdivision 1. Annual Inspection. The Tree Inspector shall inspect all premises and places within the controlled area as often as practicable to determine whether any condition described in Section 1400.09, exists thereon. The Inspector shall investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles, emerald ash borer, oak wilt disease, and any other insect or conifer disease.

Subd. 2. Entry on Private Premises. The Tree Inspector or his/her duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this Section. Such inspections shall be preceded by a legal notice published once annually in the City's legal newspaper informing all property owners within the City to destroy and dispose of tree materials declared a nuisance by Subsection 1400.09.

Subd. 3. Diagnosis. The Tree Inspector shall identify diseased trees according to generally accepted field diagnostic procedures. There are various field symptoms that can be detected by observation. ~~Confirmation of field diagnosis, when ordered by the Tree Inspector, shall be completed by a tree disease laboratory approved by the Commissioner at no cost to the property owner.~~

1400.13 Abatement of Tree Disease Nuisances. In abating the nuisances defined in this Section, the Tree Inspector shall cause the infected tree or wood to be removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of disease. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and procedures established by the Commissioner.

1400.15 Procedure for Removal of Infected Trees and Wood. Subdivision 1. Findings. When the Tree Inspector finds it necessary to order the removal of a tree(s) or shrubs upon private property as authorized in Section 1400.13 herein, he shall serve a written order to correct the dangerous condition upon the owner, occupant, or other person responsible for its existence.

a) Method of Service. The order required herein shall be served in one of the following ways:

- 1) By making personal delivery of the order to the person responsible;
- 2) By sending certified mail the order to the property owner subject to a 20-day time limit for removal from the date of the letter;
- 3) By leaving the order with some person of suitable age and discretion upon the premise;
- 4) By affixing a copy of the order to the door at the entrance of the premises in violation;
- 5) By publishing a copy of the order in a local paper once a week for two successive weeks.

b) After the expiration of the time limit by the notice, the City may abate the nuisance and the costs will be assessed against the property as provided in Subdivision 3.

c) Trees in paragraphs (a) and (b) above shall be considered "high risks trees" as defined in the Minnesota Department of ~~Agriculture~~ Natural Resources Rules and Regulations, ~~effective 8/14/78.~~

d) Any tree or shrub determined to be a public nuisance may be ordered removed and disposed of, and if on private property, the City may enter upon such property to remove and dispose of such tree (s) or shrub(s) and assess the costs thereof against such property as a special assessment as provided in Subdivision 3.

Subd. 2. Records. The Tree Inspector shall keep a record of the costs of abatements ordered under the Subsection and shall report annually to the City Council and certify the description of the land, lots, parcels involved, and the amount chargeable to each.

Subd. 3. Notice; Hearing. The City Council shall publish notice of its intention to meet to consider the adoption of a special assessment roll in accordance with the report provided by the Tree Inspector. The notice shall be mailed to affected property owners and published once no less than one week prior to such meeting. The notice shall state the time and place of the meeting, the properties affected, action proposed, the estimated cost of the abatement and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the proposed assessments. The Council shall thereafter adopt a resolution confirming the original resolution with such modification as it considers for the levy of special assessments.

Subd. 4. Assessment. Following the public hearing provided for in Subdivision 3 the Council may spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with current taxes.

1400.17 Tree Inspector Program. The Tree Inspector shall conduct the tree disease control program in accordance with the rules and regulations of the commissioner adopted herein.

1400.19 Transporting ~~Elm-Hardwood~~ Wood-~~Prohibited~~. It is unlawful for any person to transport ~~elm~~ hardwood firewood out of Minnesota quarantined counties unless it is MDA certified firewood. It is illegal to move uncertified elm, oak, or ash with wood with bark intact into or within the City disease control area unless going to a designated legal sanitation or utilization site.

1400.21 Interference Prohibited. It is unlawful for any person to prevent, delay, or interfere with the Inspector or his agents while they are engaged in the performance of duties imposed by this Section.

1400.23 Special Rules. Notwithstanding the provisions of this Section, the stockpiling of bark bearing elm wood or ash wood within the City limits shall be permitted during the period from September 15 through April 1 of any given year. Any such wood not utilized by April 1 of any year must then be removed and disposed of as provided by this Section and the regulations adopted by reference herein.

(Added Ord. 950 – 1993)

SECTION TWO: Section 1405.09 is hereby amended as indicated, with deleted language struck out and new language underlined:

1405.09 Varieties. No tree shall be planted within the limits of any right-of-way except for trees purchased from a licensed nursery. Right-of-way tree planting shall include a variety of tree species. ~~the following species: Mancana Ash (Fraxinus mandshurica), Korean Mountain Ash (Sorbus alnifolia), Kentucky Coffeetree (Gymnocladus dioica — male only), Accolade Elm (Ulmus x Accolade), Cathedral Elm (Ulmus x Cathedral), Discovery Elm (Ulmus davidiana var. japonica), Jacan Elm (Ulmus davidiana var. japonica Jacan), Princeton Elm (Ulmus americana Princeton), Butternut Hickory (Carya cordiformis), Red Maple (Acer rubrum), Sugar Maple (Acer saccharum), Hackberry (Celtis occidentalis), Thornless Honeylocust (Gleditsia triacanthos var. inermis — male only), Iron Wood (Ostrya virginiana), American Linden (Tilia Americana), Little Leaf Linden (Tilia cordata), Redmond Linden (Tilia x euchlora Redmond), Glenleven Linden (Tilia cordata Glenleven), Glenleven Linden (Tilia x flavenscens Glenleven), River Birch (Betula nigra), Bicolor Oak (Quercus bicolor), Bur Oak (Quercus macrocarpa), White Oak (Quercus alba), Northern Pin Oak (Quercus ellipsoidalis), Northern Red Oak (Quercus Rubra) — must be resistant oak varieties, Ohio Buckeye (Aesculus glabra), Greenspire Linden (Tilia cordata Greenspire).~~

The following tree species are allowed: Lindens, Maple, Elm, Hackberry, Honeylocust, Buckeye, Japanese Tree Lilac, Kentucky Coffeetree, Mountain Ash, Ironwood, Black Walnut, Bur and White Oak, Gingko Biloba, Northern Catalpa, Birch, Crabapple, Serviceberry.

Species not listed above shall be considered if the City of Brainerd determines that the planting would enhance the beauty of the area in question or would be appropriate under the circumstances.

SECTION TWO: Section 1405.11 is hereby amended as indicated, with deleted language struck out and new language underlined:

Subd. 3. Spacing. Trees in the right-of-way shall have the following planting distances: ~~There shall be a distance of not less than thirty (30) feet between trees without prior approval of the City of Brainerd.~~

a) There shall be a distance of not less than thirty (30) feet between trees without prior approval of the City of Brainerd.

b) There shall be a minimum of ten (10) feet from a driveway, thirty (30) feet from an intersection, and twenty-five (25) feet from a street sign.

c) There shall be a minimum of twenty (20) feet from light poles.

d) There shall be a minimum of ten (10) feet from a fire hydrant.

Subd. 6. Trimming. The City Tree Inspector shall have the authority to require trees ~~within a street right-of-way or~~ overhanging any street or right-of-way to be pruned so that the branches shall not obstruct the light from any street lamp, traffic sign, or traffic control device, interfere with any utility line or obstruct the view of any street intersection and so that there shall be a clear space of ten (10) feet above the surface of the sidewalk or fourteen (14) feet above the surface

of the street. ~~All tree pruning shall be done in a manner consistent with approved practices; specifically branches should be cut flush to the stem or point of intersection with another branch with the stub being left. Severe tree topping which destroys the normal shape of the tree shall not be practiced except in instances where required such as emergency cleanup following a storm or when utility or other obstruction prevents normal pruning practice.~~ The City Tree Inspector may require the trimming of such trees within the City of Brainerd and may cause the abutting property owner to pay the expense of such work.

The City of Brainerd shall have the authority to direct and require the trimming of such trees and may cause the same to be trimmed by employees of the City of Brainerd without cost to the abutting property owner.

SECTION TWO: Section 1405.13 is hereby amended as indicated, with deleted language struck out:

~~1405.13 — Diseased Trees. The City Tree Inspector shall have the authority to require the destruction or cause to be destroyed any tree or trees within the limits of City of Brainerd right-of-way or private real property that have been found to be infected by disease or infected by injurious insects when destruction is necessary for the protection of other trees. No action to remove diseased or infested trees shall be taken until positive diagnosis of the disease has been made and the notification procedure identified in Section 1400.15 is followed.~~

SECTION THREE: Section 1410 – Cotton Bearing Trees - is hereby removed in its entirety:

SECTION FOUR: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2024

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2024

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

City of Brainerd, Minnesota

2024 Tree Policy

1. **Introduction**

The city of Brainerd, Minnesota finds that it is in the best interest of the residents to adopt a tree policy in which outlines roles and responsibilities for basic tree maintenance such as trimming, pruning, and removal of dead or diseased trees. Trees are part of the natural life support system that supports native species, sustains air and water resources, and contributes to health and quality of life. Trees bring natural elements and wildlife habitats into urban surroundings that increase the quality of life for Brainerd residents. Trees also have direct and indirect economic value by lowering home air-conditioning costs, reduced heating costs due to windbreaks, and increased property values. For these reasons, the city of Brainerd finds it necessary to provide guidelines in which the City and constituents shall follow to protect the City's natural resources.

2. **Planting of Trees on Private Property or City Right-of-Way**

Property owners have the right and discretion to plant trees upon their private property. Varieties of trees allowed to be planted can be found in Section 1405.09 of the Brainerd City Code. However, species not listed will be considered if the City determines that the planting would enhance the beauty of the area in question or would be appropriate under the circumstances. Planting of trees within City right-of-way is also allowed at the abutting property owners discretion, upon notice by the abutting property owner to the City Engineering Department and Tree Inspector unless the planting violates one of the following criteria:

- 1) The planting is in the right-of-way between the curb and the sidewalk and the distance between the curb and the sidewalk is less than six (6) feet.
- 2) The tree is less than six (6) feet in height above the ground.
- 3) The spacing between other adjacent trees is less than 30 feet.
- 4) The street right-of-way is less than 60 feet.

The same varieties as are allowed by City Code pertain to plantings within the right-of-way.

The City reserves the right to remove any improvement of the property owner who has planted any tree within the right-of-way if it interferes with public works improvements or maintenance activities. If trees are planted between the curb and sidewalk, the property owner shall ensure the tree is centered within the space. If a tree is planted where no sidewalk exists, the property owner shall ensure that the tree is planted as so to accommodate any future street or sidewalk improvement, as deemed appropriate by the City Engineering Department.

3. **Replacement of Trees after Public Improvement Projects**

The City will replace trees within the right-of-way at a ratio of one-to-one (1:1) after the completion of a public works project in which trees were removed as part of the project.

Typically, the City requests the property owner to choose between three to four varieties of trees that are readily available for the Contractor to install. This cost is included as part of the contract to complete the public improvement.

4. **Trimming or Pruning of Trees**

The City Tree Inspector has the authority to require trees [or branches](#) within a street right-of-way to be pruned or trimmed so that the branches do not obstruct street lights, traffic signs or devices, street intersection site lines or utility lines. The expense of such work ~~shall~~[may](#) be the responsibility of the abutting property owner.

The City of Brainerd has the authority to trim trees within the street right-of-way at its discretion. Generally, trimming practices follow the diagram attached to this policy, except in special circumstances the pruning and trimming may need to be more or less than what is identified in the diagram at the discretion of Street Department staff. Trimming of trees is necessary to provide for protection of public works equipment. Tree trimming and pruning work within the right-of-way will be done at the City's expense.

~~The City will post notice to the abutting property owners of the trees to be trimmed one (1) day in advance by use of a door hangar.~~ Trimming of trees within the street right-of-way typically occurs in the spring and fall and is dependent on weather conditions.

5. **Disease and Pests**

The City of Brainerd has elected to adopt and enforce an ordinance to control and prevent the spread of plant pests and diseases and may, at its discretion, pass a specific levy to fund the program. The specific ordinance of reference can be found in Section 1400 – Tree Disease Control of the Brainerd City Code. The City Tree Inspector is the person having the necessary qualifications to conduct and enforce the diseased shade tree program on private property and the right-of-way.

6. **Dead Trees**

The City of Brainerd has elected to adopt an ordinance to control and prevent the presence of dead trees. The specific ordinance of reference can be found in Section 1400 – Tree Disease Control and Section 1405 – Trees, Turf Grass, Weeds, Ornamental Grass, Evergreens, Shrubs, Native or Non-Native Plants and Natural Areas in the Right-Of-Way. The City Tree Inspector is the person having the necessary qualifications to conduct and enforce a program to ensure the removal of dead trees from private property and the right-of-way.

7. **Cotton Bearing Trees**

The City of Brainerd has elected to adopt an ordinance to control and prevent the presence of cotton bearing trees within the City. The specific ordinance of reference can be found in Section 1410 – Cotton Bearing Trees. The City Tree Inspector is the person having the necessary qualifications to conduct and enforce a program to ensure the removal of cotton bearing trees from private property and the right-of-way.

8. Ash Trees – Emerald Ash Borer

The Minnesota Department of Agriculture confirmed emerald ash borer in Crow Wing County after larvae were found in the City of Brainerd, samples were collected and federal identification confirmed the samples as emerald ash borer. All varieties of Ash trees will be affected in the City and as a result the following policy has been adopted:

1) Public Improvement Projects

- a) All Ash trees within the right-of-way of a public improvement project shall be removed as part of the project. The City will replace the trees at a ratio of one-to-one (1:1) after completion of a public works project.

2) Boulevard Ash Trees

- a) The City will begin to remove up to 10% of public Ash trees each year beginning with poor and fair quality trees and trees near known infestations. The removal shall include the complete removal of the tree, stump and ground restoration. All costs will be borne by the City of Brainerd.
- b) The City will remove any boulevard Ash tree, at citizen request, that is in a state of decline.
- c) Trees removed from the boulevard will be replaced if requested by a resident on a first come first served basis as funds allow. New tree plantings will be done with species diversity in mind.

3) City Park Ash Trees

- a) Remove all Ash trees under a 10" diameter.
- b) Remove all Ash trees that are competing with other trees, buildings, or infrastructure.
- c) Remove all Ash trees that show more than 30% canopy decline.
- d) All other Ash trees with high shade value shall be considered for pesticide trunk injections at a two (2) year interval.
- e) Ash trees in wooded areas will be left alone – unless by a bike path or structure and may cause harm if it falls. If it is an early EAB infestation we will be removing infested trees as needed to slow the spread to the community.
- f) In maintained areas, Ash trees will be replaced with a new tree species.

4) Kiwanis Park Ash Trees

- a) Remove all Ash trees that meet the removal criteria listed in the above City park Ash tree removal policy.
- b) Provide pesticide trunk injections at a two (2) year interval for all remaining Ash trees in maintained areas of the park.

8.9. Diseased/Dead/Cotton Bearing Trees – Responsibility of the Tree Inspector

The City Tree Inspector has the responsibility to enforce the ordinances and this policy by entering onto the premises, investigating and inspecting, diagnosing, and ordering abatement of the diseased, dead, or nuisance trees in accordance with current technical procedures established by the Commissioner of Agriculture.

When the City Tree Inspector finds it necessary to order removal of a tree because of disease, death, or nuisance, on private property ~~or within the right-of-way~~, a written order

to correct the dangerous condition will be served upon the owner, occupant, or other person responsible for its existence. The order served will be in one of the following ways:

- 1) Making a personal delivery of the order to the person responsible, or;
- 2) Sending certified mail the order to the property owner subject to a 20 day time limit for the removal from the date of the letter, or;
- 3) By leaving the order with some person of suitable age and discretion upon the premise, or;
- 4) By affixing a copy of the order to the door at the entrance of the premises in violation, or;
- 5) By publishing a copy of the order in a local newspaper once a week for two successive weeks.

Upon receiving of the order, the person responsible for the nuisance will have a 20-day time limit to remove the diseased, dead, or nuisance tree from the date of the original order. However, discretion by the Tree Inspector will be used if time limit extensions are requested or required by the responsible person.

9.10. Diseased/Dead/Cotton Bearing Trees – Responsibility of the Property Owner

Upon order to remove a diseased, dead, or cotton bearing tree by the Tree Inspector, the responsible party has 20 days to remove the nuisance tree from private property ~~or the public right-of-way~~. Discretion of the Tree Inspector will be used in cases where the property owner has requested a time extension for removal and the tree does not pose a threat to human life, health, or safety.

~~Upon expiration of the 20-day time, the City may abate the nuisance tree if it lies within the right-of-way, with the costs of such removal being assessed to the abutting property owner.~~

If the nuisance tree lies upon private property and the 20-day time limit expires, the City will ask for permission to enter upon the private property to abate the nuisance tree. If permission is not granted, the City will seek an administrative warrant to enter upon the property to abate the nuisance tree, with the costs of such removal being assessed to the property owner.

11. Diseased/Dead/Cotton Bearing Trees – Responsibility of the City

The City will conduct routine inspections for diseased, dead, or cotton bearing trees within the right of way. When the City Tree Inspector finds it necessary to order removal of a tree because of disease, death, or nuisance, within the right-of-way, a notice will be sent to the Public Works Department to schedule removal of the tree. Removal of a tree within the right-of-way will be done at the City's expense.

10.12. Life, Health, and Safety Issues on Private Property or within the Public Right-of-Way

If ~~a tree or its tree~~ limbs are a danger to the life, health, and safety of the public, the Tree Inspector shall order the tree be pruned, ~~or~~ trimmed, ~~or removed~~ immediately. If the public safety issue is not abated immediately, the City will act to abate the nuisance

condition, with the costs of such being assessed to the abutting property owner [for private property trees](#).

If a danger to the life, health, and safety of the public exists on private property, as deemed by the Tree Inspector, the Tree Inspector will serve notice upon responsible party to abate the hazardous condition within the 20-day time limit. If such condition is not abated, the City will ask for permission to enter upon the private property to abate the nuisance tree. If permission is not granted, the City will seek an administrative warrant to enter upon the property to abate the hazardous condition, with the costs of such removal being assessed to the property owner.

~~14.~~13. Storm and Natural Disaster Clean-Up

The City finds it necessary to provide for clean-up of debris, limbs, and trees after storm events, and thus has adopted this policy as it relates to clean-up of debris after a naturally occurring storm or disaster.

Upon the conclusion of the storm event, City forces will be deployed to remove any debris from the streets within the City. This work consists of the cutting of the tree off at the curb line, removal of branches and debris from the street, and street sweeping of any miscellaneous debris. The City is responsible for removal of all trees and debris from the street surface, and the adjoining property owner is responsible for the remainder of the tree lying within the street boulevard. This policy is adopted to ensure that all streets are opened and clear of debris in the shortest time frame possible to ensure emergency vehicles can access all areas of the City effectively.