



CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, July 1, 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: 2490 419 2509

Personnel and Finance Committee was held the Wednesday 6/26 at 11:00 am

Safety and Public Works Committee at 7:00 PM - Meeting Access Code: 2488 657 2579

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

1. **Call To Order**

2. **Roll Call**

___J. Czezczok ___M. O'Day ___K. Stunek ___K. Terry___T. Stenglein ___G. Johnson ___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. **Minnesota Lawful Gambling Application For Exempt Permit-Submitted By MN Deer Hunters Association Brainerd Chapter For An Event To Be Held On September 6th, 2024 at The Brainerd Curling Club, 2000 SE 13th St, Brainerd**

E. **Approve Temporary Liquor Licenses Submitted by Lakes Area Music Festival for Events on July 23, 26, & 31 and August 2, 10, 14, & 17 at the Gichi-Ziibi Center, 702 S 5th St**

F. **Authorize Hiring of 2024 Summer Temporary Employee**

- G. **Approve Memorandum of Agreement between the City of Brainerd and Teamsters General Local Union No. 346 (Lieutenant and Sergeants) Union regarding Juneteenth 2024**

6. **Council Committee Reports**

A. **Safety & Public Works Committee**

1. Consider Ordinance Pertaining to Homeless Encampments and Structures
2. Direct Additional Police Enforcement for Parks After-Hours
3. Approve Bid - Imp 24-03 2024 Large Patching Project
4. Information on Locations of Annexation Requirement for Water/Sewer Connection
5. Direction on Active Code Enforcement Cases
6. Notification of CRP Grant Award for TH 210/Lum Park Pedestrian Bridge

B. **Personnel & Finance Committee**

1. League of MN Cities Insurance Trust (LMCIT) Premium Renewal March 2024-February 2025
2. Accept Retirement of Street Maintenance I Michael Jensen
3. Request Authorization to Backfill Police Officer Position
4. Consider Central Business District Incentive Policy
5. Discuss Use of Vacant Building Registration Fees
6. Approve Draft Policy on Requests for City-owned Parcels
7. Consider Amending Number of Temporary Licenses or Authorize Refund of Fee

7. **Unfinished Business**

A. **Call for Applicants**

Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – 2 terms (Expire 2026) 2 terms (Expire 2025)
Park Board - 1 term (Expire 2026)
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. **Consider Interim Use Permit for Outdoor Storage as a Principal Use at 1918 Thiesse Dr**
- C. Final Reading and Public Hearing - Proposed Ordinance 1569 - Vacant Building Registry Ordinance
- 8. **New Business**
 - A. **Consider Conditional Use Permit for the Expansion of Two Additional Early Childhood Education Classrooms at TCCAP, 2410 Oak St.**
- 9. **Public Forum**

Time allocated for citizens to bring matters not on the agenda to the attention of the Council -
Time limits may be imposed
- 10. **Staff Reports**

(Verbal: Any Updates since Packet)
- 11. **Mayor's Report**
- 12. **Council Member Reports**
- 13. **Adjourn**

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

MISSION

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

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 0011 - ACE HARDWARE:							
324968/1 83308	ACE HARDWARE ENGINEERING TRUCK TOPPER WEATHER STRIP 235-3100-42220	06/20/2024 pziemer REPAIR & MAINT	07/03/2024	8.99 8.99	8.99	Open	N 07/03/2024
325032/1 83320	ACE HARDWARE ENGINEERING TRUCK TOPPER SWAP SUPPLIES 235-3100-42220	06/21/2024 pziemer REPAIR & MAINT	07/03/2024	40.46 40.46	40.46	Open	N 07/03/2024
325054/1 83324	ACE HARDWARE SQUEEGE FOR SQUAD WASH 225-2120-42221	06/23/2024 pziemer SQUAD CAR REPAIR SUPPLIES	07/03/2024	6.29 6.29	6.29	Open	N 07/03/2024
324857/1 83345	ACE HARDWARE CHAINSAW OIL 230-5200-42220	06/17/2024 pziemer REPAIR & MAINT	07/03/2024	30.12 30.12	30.12	Open	N 07/03/2024
324816/1 83347	ACE HARDWARE DAWN DISH SOAP - FORM RELEASE 235-3170-42210	06/14/2024 pziemer OPERATING SUPPLIES	07/03/2024	4.49 4.49	4.49	Open	N 07/03/2024
325125/1 83363	ACE HARDWARE FORM RELEASE AND HI VIS GLOVES 235-3170-42210	06/25/2024 pziemer OPERATING SUPPLIES	07/03/2024	22.48 22.48	22.48	Open	N 07/03/2024
325112/1 83364	ACE HARDWARE TOILET BOWL CLEANER 225-2220-42210	06/25/2024 pziemer OPERATING SUPPLIES	07/03/2024	8.98 8.98	8.98	Open	N 07/03/2024
324826/1 83376	ACE HARDWARE AUTO ADHESIVE, FASTENERS 225-2220-42210	06/14/2024 pziemer OPERATING SUPPLIES	07/03/2024	41.34 41.34	41.34	Open	N 07/03/2024
325154/1 83384	ACE HARDWARE YELLOW STRIPING PAINT & APPLICATOR 235-3170-42210	06/26/2024 pziemer OPERATING SUPPLIES	07/03/2024	34.16 34.16	34.16	Open	N 07/03/2024
Total for vendor 0011 - ACE HARDWARE:				197.31	197.31		

Vendor 2902 - ADVANCE AUTO PARTS:

06/27/2024 01:38 PM

User: pziemer

DB: Brainerd

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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
6574417321157 83312	ADVANCE AUTO PARTS ENGINEERING TRUCK BUTT TERMINAL 235-3100-42220	06/21/2024 pziemer	07/03/2024	33.58 33.58	33.58	Open	N 07/03/2024
6574416585415 83339	ADVANCE AUTO PARTS SWEEPER 111 OIL FILTERS 235-3100-42220	06/13/2024 pziemer	07/03/2024	39.36 39.36	39.36	Open	N 07/03/2024
6574417221111 83353	ADVANCE AUTO PARTS TIRE DEPTH GUAGE 235-3100-42220	06/20/2024 pziemer	07/03/2024	13.57 13.57	13.57	Open	N 07/03/2024
Total for vendor 2902 - ADVANCE AUTO PARTS:				86.51	86.51		

Vendor 3859 - ASL INTERPRETING SERVICES INC:

INV-00325-A

83325	ASL INTERPRETING SERVICES INC INTERPRETING SERVICES 225-2120-43300	06/20/2024 pziemer	07/03/2024	132.65 132.65	132.65	Open	N 07/03/2024
Total for vendor 3859 - ASL INTERPRETING SERVICES INC:				132.65	132.65		

Vendor 3966 - BLUE SKY TRANSIT:

53124

83350	BLUE SKY TRANSIT MAY 2024 THIRD PARTY SERVICES 203-9000-43401	06/01/2024 pziemer	07/03/2024	104,968.33 15,845.31	104,968.33	Open	N 07/03/2024
	203-9000-43440	VEHICLE REPAIRS TRANSIT SERVICE CONTRACT PY		89,123.02			
Total for vendor 3966 - BLUE SKY TRANSIT:				104,968.33	104,968.33		

Vendor 3120 - BOLTON & MENK:

0337076

83367	BOLTON & MENK 24:06 LAUREL ST BRIDGE REHAB 401-9030-43300-24:06	06/01/2024 pziemer	07/03/2024	7,713.00 7,713.00	7,713.00	Open	N 07/03/2024
		PROFESSIONAL SERVICES					

0337723

83368	BOLTON & MENK 23:12 4TH ST SW STORMWATER OUTFALL 401-9030-43300-23:12	06/01/2024 pziemer	07/03/2024	216.50 216.50	216.50	Open	N 07/03/2024
		PROFESSIONAL SERVICES					
Total for vendor 3120 - BOLTON & MENK:				7,929.50	7,929.50		

Vendor 0078 - BRAINERD LAKES AREA DEV C:

06/27/2024 01:38 PM

User: pziemer

DB: Brainerd

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JUNE 2024							
83377	BRAINERD LAKES AREA DEV C JUN 24 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300	06/01/2024 pziemer	07/03/2024	3,000.00 3,000.00	3,000.00	Open	N 07/03/2024
	Total for vendor 0078 - BRAINERD LAKES AREA DEV C:			3,000.00	3,000.00		
Vendor 0296 - BRAINERD PUBLIC UTILITIES:							
6/17/24							
83344	BRAINERD PUBLIC UTILITIES REMIT MAY 24 COBRA 101-0000-20850	06/17/2024 pziemer	07/03/2024	75.55 75.55	75.55	Open	N 07/03/2024
	DUE TO COMPONENT UNIT			75.55			
MAY 24/STRTS							
83386	BRAINERD PUBLIC UTILITIES 4/24/24-5/24/24 STREET DEPT UTILITIES 235-3100-43381 230-5200-43381	06/24/2024 pziemer	07/03/2024	23,968.58 23,299.61 668.97	23,968.58	Open	N 07/03/2024
	BPU UTILITIES						
	BPU UTILITIES						
MAY 24/PD							
83387	BRAINERD PUBLIC UTILITIES 4/24/24-5/24/24 POLICE DEPT UTILITIES 225-2120-43381	06/24/2024 pziemer	07/03/2024	4,139.73 4,139.73	4,139.73	Open	N 07/03/2024
	BPU UTILITIES						
MAY 24/FD							
83388	BRAINERD PUBLIC UTILITIES 4/24/24-5/24/24 FIRE DEPT UTILITIES 225-2220-43381	06/24/2024 pziemer	07/03/2024	1,611.41 1,611.41	1,611.41	Open	N 07/03/2024
	BPU UTILITIES						
MAY 24/LIB							
83389	BRAINERD PUBLIC UTILITIES 4/24/24-5/24/24 LIBRARY UTILITIES 211-5500-43381	06/24/2024 pziemer	07/03/2024	1,574.84 1,574.84	1,574.84	Open	N 07/03/2024
	BPU UTILITIES						
MAY 24/PARKS							
83390	BRAINERD PUBLIC UTILITIES 4/24/24-5/24/24 PARKS UTILITIES 230-5200-43381 230-5280-43380	06/26/2024 pziemer	07/03/2024	7,524.82 7,088.37 436.45	7,524.82	Open	N 07/03/2024
	BPU UTILITIES						
	UTILITIES						
MAY 24/CITY							
83393	BRAINERD PUBLIC UTILITIES 4/24/24-5/24/24 CITY UTILITIES 101-1940-43381 101-9200-43381 236-3180-43381 401-1003-43380	06/24/2024 pziemer	07/03/2024	2,133.84 1,905.04 139.50 37.50 51.80	2,133.84	Open	N 07/03/2024
	Total for vendor 0296 - BRAINERD PUBLIC UTILITIES:			41,028.77	41,028.77		

Vendor 0102 - CANON FINANCIAL SERVICE:

06/27/2024 01:38 PM

User: pziemer

DB: Brainerd

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33237371 83313	CANON FINANCIAL SERVICE 7/1/24-7/31/24 FD COPIER CONTRACT 225-2220-43331	06/23/2024 pziemer	07/03/2024	80.69 80.69	80.69	Open	N 07/03/2024
	LEASED PAYMENTS			80.69			
	Total for vendor 0102 - CANON FINANCIAL SERVICE:			80.69	80.69		
Vendor 0119 - CLAREY'S SAFETY EQUIPMENT:							
211813 83369	CLAREY'S SAFETY EQUIPMENT MILWAUKEE BATTERY	06/12/2024 pziemer	07/03/2024	614.82	614.82	Open	N 07/03/2024
211912 83370	CLAREY'S SAFETY EQUIPMENT CALIBRATION GAS 225-2220-42210	06/18/2024 pziemer	07/03/2024	325.12 325.12	325.12	Open	N 07/03/2024
	OPERATING SUPPLIES			325.12			
	Total for vendor 0119 - CLAREY'S SAFETY EQUIPMENT:			939.94	939.94		
Vendor 4303 - CLIMATE MAKERS:							
12289 83354	CLIMATE MAKERS AC REPLACEMENT - LIBRARY 211-5500-45500	06/19/2024 pziemer	07/03/2024	75,000.00 75,000.00	75,000.00	Open	N 07/03/2024
	CAPITAL OUTLAY			75,000.00			
	Total for vendor 4303 - CLIMATE MAKERS:			75,000.00	75,000.00		
Vendor 4269 - COLUMN SOFTWARE:							
425BB603-0039 83321	COLUMN SOFTWARE NOH: ORD 1569 VACANT BUILDINGS 101-2400-43350	06/10/2024 pziemer	07/03/2024	35.75 35.75	35.75	Open	N 07/03/2024
	PRINTING/LEGAL PUBLICATION			35.75			
	Total for vendor 4269 - COLUMN SOFTWARE:			35.75	35.75		
Vendor 0134 - CWC SANITARY LANDFILL:							
200526 83343	CWC SANITARY LANDFILL DUMPED COUCH DISPOSAL 235-3100-42220	06/17/2024 pziemer	07/03/2024	14.00 14.00	14.00	Open	N 07/03/2024
	REPAIR & MAINT			14.00			
198968 83397	CWC SANITARY LANDFILL DISPOSAL OF DUMPED MATTRESS/TIRES/DE 235-3100-42220	06/01/2024 pziemer	07/03/2024	88.00 88.00	88.00	Open	N 07/03/2024
	REPAIR & MAINT			88.00			
	Total for vendor 0134 - CWC SANITARY LANDFILL:			102.00	102.00		

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Vendor 3438 - DAHLHEIMER BEVERAGE:							
2180642 83395	DAHLHEIMER BEVERAGE CONCESSIONS - POPCORN 230-5204-42210	06/01/2024 pziemer	07/03/2024	114.50	114.50	Open	N 07/03/2024
	OPERATING SUPPLIES			114.50			
	Total for vendor 3438 - DAHLHEIMER BEVERAGE:			114.50	114.50		
Vendor 1381 - DECHANTAL EXCAVATING LLC:							
21:12 - FINAL 83400	DECHANTAL EXCAVATING LLC 21:12 N. BRD RECONSTRUCTION FINAL 401-9030-45530-21:12	06/11/2024 pziemer	07/03/2024	208,488.50	208,488.50	Open	N 07/03/2024
	CAPITAL-PYMTS TO CONTRACTS			208,488.50			
22:08 - PAY REQ 3 83401	DECHANTAL EXCAVATING LLC 22:08 S. BRD RECONSTRUCTION PAY REQ 401-9030-45530-22:08	06/21/2024 pziemer	07/03/2024	451,002.81	451,002.81	Open	N 07/03/2024
	CAPITAL-PYMTS TO CONTRACTS			451,002.81			
	Total for vendor 1381 - DECHANTAL EXCAVATING LLC:			659,491.31	659,491.31		
Vendor 0440 - DESTINATION DOWNTOWN BRAINERD COALI:							
JUNE 2024 83378	DESTINATION DOWNTOWN BRAINERD COALI JUN 24 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300	06/01/2024 pziemer	07/03/2024	833.34	833.34	Open	N 07/03/2024
	PROFESSIONAL SERVICES			833.34			
	Total for vendor 0440 - DESTINATION DOWNTOWN BRAINERD COALI:			833.34	833.34		
Vendor MISC - DISCOVER RESTITUTION:							
CS2024-05-29-037 83356	DISCOVER RESTITUTION 24007217 ADMIN SUBPOENA 225-2120-42210	06/14/2024 pziemer	07/03/2024	22.00	22.00	Open	N 07/03/2024
	OPERATING SUPPLIES			22.00			
	Total for vendor MISC - DISCOVER RESTITUTION:			22.00	22.00		
Vendor 1286 - EAST SIDE OIL COMPANY:							
R111863 83355	EAST SIDE OIL COMPANY WASTE OIL FILTERS 227-3230-43428	06/19/2024 pziemer	07/03/2024	150.00	150.00	Open	N 07/03/2024
	USED OIL RECYCLING EXPENSE			150.00			
	Total for vendor 1286 - EAST SIDE OIL COMPANY:			150.00	150.00		
Vendor 3402 - FLEETPRIDE:							

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User: pziemer

DB: Brainerd

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116909554 83337	FLEETPRIDE BUS 201 REPAIRS 203-9000-42220	06/01/2024 pziemer	07/03/2024	21.59 21.59	21.59	Open	N 07/03/2024
	REPAIR & MAINT						
116910001 83338	FLEETPRIDE BUS 201 REPAIRS 203-9000-42220	06/01/2024 pziemer	07/03/2024	9.56 9.56	9.56	Open	N 07/03/2024
	REPAIR & MAINT			9.56			
	Total for vendor 3402 - FLEETPRIDE:			31.15	31.15		
Vendor 0209 - HEARTLAND TIRE INC.:							
3049954 83326	HEARTLAND TIRE INC. SQD 432 TIRE REPAIR 225-2120-42221	06/24/2024 pziemer	07/03/2024	30.00 30.00	30.00	Open	N 07/03/2024
	SQUAD CAR REPAIR SUPPLIES			30.00			
	Total for vendor 0209 - HEARTLAND TIRE INC.:			30.00	30.00		
Vendor 3795 - INDEPENDENT TESTING TECHNOLOGIES:							
43980 83352	INDEPENDENT TESTING TECHNOLOGIES 22:08 PROF. SVCS 401-9030-43300-22:08	06/15/2024 pziemer	07/03/2024	2,295.00 2,295.00	2,295.00	Open	N 07/03/2024
	PROFESSIONAL SERVICES			2,295.00			
	Total for vendor 3795 - INDEPENDENT TESTING TECHNOLOGIES:			2,295.00	2,295.00		
Vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:							
IN4565005 83309	INNOVATIVE OFFICE SOLUTIONS LLC FILE FOLDERS 225-2120-42200	06/17/2024 pziemer	07/03/2024	20.09 20.09	20.09	Open	N 07/03/2024
	OFFICE SUPPLIES			20.09			
	Total for vendor 3202 - INNOVATIVE OFFICE SOLUTIONS LLC:			20.09	20.09		
Vendor 3488 - JEFFERSON FIRE & SAFETY:							
IN315635 83365	JEFFERSON FIRE & SAFETY TIC CHARGER 225-2220-42220	06/13/2024 pziemer	07/03/2024	52.58 52.58	52.58	Open	N 07/03/2024
	REPAIR & MAINT			52.58			
	Total for vendor 3488 - JEFFERSON FIRE & SAFETY:			52.58	52.58		
Vendor 0220 - KENNEDY & GRAVEN:							
182037 83394	KENNEDY & GRAVEN SALE OF INDUSTRIAL PARK LOTS P&D	06/18/2024 pziemer	07/03/2024	1,518.00	1,518.00	Open	N 07/03/2024

Inv Num Inv Ref#	Vendor Description	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnalized Post Date
	GL Distribution						
	295-0000-20600			1,518.00			
	DEPOSITS PAYABLE						
	Total for vendor 0220 - KENNEDY & GRAVEN:			1,518.00	1,518.00		
Vendor 3545 - KITCHIGAMI REGIONAL LIBRARY - CC:							
6/12/24							
83396	KITCHIGAMI REGIONAL LIBRARY - CC	06/12/2024	07/03/2024	569.10	569.10	Open	N
	REMIT LIB CC CHARGES THRU 6/12/24	pziemer					07/03/2024
	211-0000-20800			569.10			
	DUE TO OTHER GOVT UNITS						
	Total for vendor 3545 - KITCHIGAMI REGIONAL LIBRARY - CC:			569.10	569.10		
Vendor MISC - KUHN, DALE P & DEBRA L RESP:							
00046465							
83385	KUHN, DALE P & DEBRA L RESP	06/26/2024	07/03/2024	50.00	50.00	Open	N
	BD Payment Refund	pziemer					07/03/2024
	101-2400-32270			50.00			
	Rental License Fee						
	Total for vendor MISC - KUHN, DALE P & DEBRA L RESP:			50.00	50.00		
Vendor 0223 - L & M STEEL:							
040965							
83391	L & M STEEL	06/26/2024	07/03/2024	12.35	12.35	Open	N
	STEEL FOR MOWER REPAIR	pziemer					07/03/2024
	235-3100-42220			12.35			
	REPAIR & MAINT						
	Total for vendor 0223 - L & M STEEL:			12.35	12.35		
Vendor 3469 - LAKES AREA MAT SERVICE INC:							
20240604 #520							
83372	LAKES AREA MAT SERVICE INC	06/04/2024	07/03/2024	44.40	44.40	Open	N
	POLICE DEPT FLOOR MATS	pziemer					07/03/2024
	225-2120-43300			44.40			
	PROFESSIONAL SERVICES						
20240618 #520							
83373	LAKES AREA MAT SERVICE INC	06/18/2024	07/03/2024	44.40	44.40	Open	N
	POLICE DEPT FLOOR MATS	pziemer					07/03/2024
	225-2120-43330			44.40			
	PROFESSIONAL DEVELOPMENT						
20240604 #522							
83374	LAKES AREA MAT SERVICE INC	06/04/2024	07/03/2024	45.60	45.60	Open	N
	CITY HALL FLOOR MATS	pziemer					07/03/2024
	101-1940-43410			45.60			
	RENTAL EXPENSE						
20240618 #522							
83375	LAKES AREA MAT SERVICE INC	06/18/2024	07/03/2024	45.60	45.60	Open	N
	CITY HALL FLOOR MATS	pziemer					07/03/2024
	101-1940-43410			45.60			
	RENTAL EXPENSE						
	Total for vendor 3469 - LAKES AREA MAT SERVICE INC:			180.00	180.00		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
Vendor 3627 - LAKES AREA WILDLIFE CONTROL:							
JUNE 2024							
83382	LAKES AREA WILDLIFE CONTROL	06/26/2024	07/03/2024	3,168.00	3,168.00	Open	N
	JUN 24 ANIMAL CONTROL CONTRACT	pziemer					07/03/2024
	225-2700-43300	PROFESSIONAL SERVICES		3,168.00			
	Total for vendor 3627 - LAKES AREA WILDLIFE CONTROL:			3,168.00	3,168.00		
Vendor 0232 - LEAGUE MN CITIES INS TRUS:							
9043							
83314	LEAGUE MN CITIES INS TRUS	06/21/2024	07/03/2024	1,000.00	1,000.00	Open	N
	LMC CA 356315 SNOW PLOW VS VEHICLE	pziemer					07/03/2024
	280-9700-43470	UNINSURED LOSSES		1,000.00			
	Total for vendor 0232 - LEAGUE MN CITIES INS TRUS:			1,000.00	1,000.00		
Vendor 4141 - LIND MASONRY AND CONSTRUCTION:							
0000055							
83322	LIND MASONRY AND CONSTRUCTION	06/25/2024	07/03/2024	8,525.00	8,525.00	Open	N
	DISC GOLF X18 PADS, X18 TEE BASKETS	pziemer					07/03/2024
	400-9050-45530	CAPITAL - OTHER		8,525.00			
	Total for vendor 4141 - LIND MASONRY AND CONSTRUCTION:			8,525.00	8,525.00		
Vendor 0237 - LOCATORS - SUPPLIES INC:							
0314829-IN							
83348	LOCATORS - SUPPLIES INC	06/13/2024	07/03/2024	69.98	69.98	Open	N
	EAR PLUGS	pziemer					07/03/2024
	235-3100-42220	REPAIR & MAINT		69.98			
	Total for vendor 0237 - LOCATORS - SUPPLIES INC:			69.98	69.98		
Vendor 0239 - MACQUEEN EQUIPMENT INC:							
P58391							
83351	MACQUEEN EQUIPMENT INC	06/17/2024	07/03/2024	1,650.56	1,650.56	Open	N
	SWEEPER 118 BRAKE CALIPER	pziemer					07/03/2024
	235-3100-42220	REPAIR & MAINT		1,650.56			
	Total for vendor 0239 - MACQUEEN EQUIPMENT INC:			1,650.56	1,650.56		
Vendor 1753 - MARCO:							
INV12640733							
83316	MARCO	06/21/2024	07/03/2024	2,575.50	2,575.50	Open	N
	MICROSOFT 365 5/16/24-6/15/24	pziemer					07/03/2024
	101-1800-43309	COMPUTER SUPPORT		2,351.50			
	260-9020-43309	COMPUTER SUPPORT		224.00			

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INV12632853 83317	MARCO UNIFY IT 6/19/24-7/18/24 101-1800-43309 260-9020-43309	06/19/2024 pziemer	07/03/2024	1,218.36 1,111.82 106.54	1,218.36	Open	N 07/03/2024
	COMPUTER SUPPORT			106.54			
	COMPUTER SUPPORT			106.54			
	Total for vendor 1753 - MARCO:			3,793.86	3,793.86		
Vendor 0889 - MENARDS - BAXTER:							
22504 83366	MENARDS - BAXTER WEDGE ANCHORS 230-5200-42220	06/07/2024 pziemer	07/03/2024	11.00 11.00	11.00	Open	N 07/03/2024
	REPAIR & MAINT			11.00			
	Total for vendor 0889 - MENARDS - BAXTER:			11.00	11.00		
Vendor 4293 - MIKES MILLERS ROOFING AND SIDING:							
42157 83402	MIKES MILLERS ROOFING AND SIDING INSTALL GUTTERS GREGORY PARK PAVILLI 400-9050-45530	06/13/2024 pziemer	07/03/2024	1,860.00 1,860.00	1,860.00	Open	N 07/03/2024
	CAPITAL - OTHER			1,860.00			
	Total for vendor 4293 - MIKES MILLERS ROOFING AND SIDING:			1,860.00	1,860.00		
Vendor 4260 - MNL:							
21:16 PAYREQ 2 FINAL 83323	MNL 21:16 MSP RIVERBANK RESTORATION FINAL 401-9030-45530-21:16	06/13/2024 pziemer	07/03/2024	121,321.00 121,321.00	121,321.00	Open	N 07/03/2024
	CAPITAL-PYMTS TO CONTRACTS			121,321.00			
	Total for vendor 4260 - MNL:			121,321.00	121,321.00		
Vendor 1021 - MOTOROLA:							
8281915414 83327	MOTOROLA SQD CAMERA BODY MICROPHONES X3 225-2120-42221	06/15/2024 pziemer	07/03/2024	45.00 45.00	45.00	Open	N 07/03/2024
	SQUAD CAR REPAIR SUPPLIES			45.00			
	Total for vendor 1021 - MOTOROLA:			45.00	45.00		
Vendor 3168 - MOTORS-N-MORE:							
30599 83328	MOTORS-N-MORE SQD 436 - BRAKES AND OIL CHANGE 225-2120-42221	06/14/2024 pziemer	07/03/2024	346.00 346.00	346.00	Open	N 07/03/2024
	SQUAD CAR REPAIR SUPPLIES			346.00			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
30600 83329	MOTORS-N-MORE SQD 412 - OIL CHANGE 225-2120-42221	06/14/2024 pziemer	07/03/2024	23.00	23.00	Open	N 07/03/2024
	SQUAD CAR REPAIR SUPPLIES			23.00			
30619 83330	MOTORS-N-MORE SQD 430 - COLLANT AND OIL CHANGE 225-2120-42221	06/24/2024 pziemer	07/03/2024	98.16	98.16	Open	N 07/03/2024
	SQUAD CAR REPAIR SUPPLIES			98.16			
30621 83331	MOTORS-N-MORE SQD 404 - OIL CHANGE 225-2120-42221	06/24/2024 pziemer	07/03/2024	23.00	23.00	Open	N 07/03/2024
	SQUAD CAR REPAIR SUPPLIES			23.00			
30626 83392	MOTORS-N-MORE SQD 442 OIL CHANGE 225-2120-42221	06/26/2024 pziemer	07/03/2024	23.00	23.00	Open	N 07/03/2024
	SQUAD CAR REPAIR SUPPLIES			23.00			
Total for vendor 3168 - MOTORS-N-MORE:				513.16	513.16		

Vendor 0273 - NAPA AUTO PARTS:

713374 83340	NAPA AUTO PARTS TRUCK 121 RUNNING BOARDS 235-3100-42220	06/11/2024 pziemer	07/03/2024	574.00	574.00	Open	N 07/03/2024
	REPAIR & MAINT			574.00			
714084 83349	NAPA AUTO PARTS FLOOR DRY 237-3190-42220	06/13/2024 pziemer	07/03/2024	700.50	700.50	Open	N 07/03/2024
	REPAIR & MAINT			700.50			
Total for vendor 0273 - NAPA AUTO PARTS:				1,274.50	1,274.50		

Vendor 0736 - NORTHLAND FIRE PROTECTION:

58595 83346	NORTHLAND FIRE PROTECTION PD ANNUAL SPRINKLER INSPECTION 225-2120-43300	06/14/2024 pziemer	07/03/2024	270.00	270.00	Open	N 07/03/2024
	PROFESSIONAL SERVICES			270.00			
58687 83383	NORTHLAND FIRE PROTECTION SERVICE/RECERT FIRE EXTINGUISHERS 235-3100-42220	06/21/2024 pziemer	07/03/2024	986.85	986.85	Open	N 07/03/2024
	REPAIR & MAINT			986.85			
Total for vendor 0736 - NORTHLAND FIRE PROTECTION:				1,256.85	1,256.85		

Vendor MISC - OLD NATIONAL BANK:

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6/17/24 83332	OLD NATIONAL BANK 24007911 ADMIN SUBPOENA 225-2120-42210	06/17/2024 pziemer	07/03/2024	21.70 21.70	21.70	Open	N 07/03/2024
	OPERATING SUPPLIES			21.70			
	Total for vendor MISC - OLD NATIONAL BANK:			21.70	21.70		

Vendor 0291 - PIKE PLUMBING AND HEATING:

87445 83371	PIKE PLUMBING AND HEATING LUM PARK ANNUAL BACKFLOW TESTING 230-5200-42220	06/11/2024 pziemer	07/03/2024	115.00 115.00	115.00	Open	N 07/03/2024
	REPAIR & MAINT			115.00			
	Total for vendor 0291 - PIKE PLUMBING AND HEATING:			115.00	115.00		

Vendor 3413 - RATWIK, ROSZAK AND MALONEY:

MAY 2024 83399	RATWIK, ROSZAK AND MALONEY MAY 24 RETAINER/SPECIAL SERVICES	06/01/2024 pziemer	07/03/2024	14,082.44	14,082.44	Open	N 07/03/2024
	101-1610-43301	CITY ATTORNEY		4,568.45			
	101-0000-14100	DUE FROM COMPONENT UNIT		391.00			
	101-1610-43301	CITY ATTORNEY		4,361.56			
	101-0000-14100	DUE FROM COMPONENT UNIT		3,309.32			
	101-2400-43405	NUISANCES		721.11			
	101-1610-43301	CITY ATTORNEY		731.00			
	Total for vendor 3413 - RATWIK, ROSZAK AND MALONEY:			14,082.44	14,082.44		

Vendor 3612 - SEVERSON PORTER LAW:

JUNE 2024 83381	SEVERSON PORTER LAW JUNE 2024 PROSECUTION AGREEMENT	06/26/2024 pziemer	07/03/2024	18,883.33	18,883.33	Open	N 07/03/2024
	225-2127-43310	MISDEMEANOR PROSECUTOR		18,883.33			
	Total for vendor 3612 - SEVERSON PORTER LAW:			18,883.33	18,883.33		

Vendor 0314 - SHANNON'S AUTO BODY:

40402 83333	SHANNON'S AUTO BODY SQD 412 REPAIRS	06/12/2024 pziemer	07/03/2024	5,305.66	5,305.66	Open	N 07/03/2024
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		5,305.66			
	Total for vendor 0314 - SHANNON'S AUTO BODY:			5,305.66	5,305.66		

Vendor 0317 - SHORT ELLIOTT HENDRICKSON:

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467887 83341	SHORT ELLIOTT HENDRICKSON 21-15 BUFFALO HILLS GULLY 401-9030-43300-21:15 Total for vendor 0317 - SHORT ELLIOTT HENDRICKSON:	06/10/2024 pziemer PROFESSIONAL SERVICES	07/03/2024	16,674.90 16,674.90 16,674.90	16,674.90 16,674.90	Open	N 07/03/2024
Vendor 2589 - STAPLES ADVANTAGE:							
6004336309 83334	STAPLES ADVANTAGE FILE FOLDERS, PEN HOLDER 225-2120-42200 Total for vendor 2589 - STAPLES ADVANTAGE:	06/08/2024 pziemer OFFICE SUPPLIES	07/03/2024	55.49 55.49 55.49	55.49 55.49	Open	N 07/03/2024
Vendor 0322 - STREICHERS PROF EQUIP:							
I1704502 83310	STREICHERS PROF EQUIP 701 UNIFORM NAMEPLATE 225-2120-41113 Total for vendor 0322 - STREICHERS PROF EQUIP:	06/14/2024 pziemer UNIFORM ALLOWANCE	07/03/2024	67.95 67.95 67.95	67.95 67.95	Open	N 07/03/2024
Vendor 3838 - SWANSON HASKAMP CONSULTING:							
JUNE 2024 83379	SWANSON HASKAMP CONSULTING JUN 24 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300 Total for vendor 3838 - SWANSON HASKAMP CONSULTING:	06/01/2024 pziemer PROFESSIONAL SERVICES	07/03/2024	2,916.67 2,916.67 2,916.67	2,916.67 2,916.67	Open	N 07/03/2024
Vendor 4304 - TACMED SOLUTIONS:							
SO166554 83335	TACMED SOLUTIONS TRT MED KITS 225-2131-42210 Total for vendor 4304 - TACMED SOLUTIONS:	06/14/2024 pziemer OPERATING SUPPLIES	07/03/2024	270.84 270.84 270.84	270.84 270.84	Open	N 07/03/2024
Vendor 0339 - UPPER LAKES FOODS INC:							
473405-00 83307	UPPER LAKES FOODS INC CONCESSIONS - BURGERS, CHIPS, CHEESE 230-5204-42210 Total for vendor 0339 - UPPER LAKES FOODS INC:	06/18/2024 pziemer OPERATING SUPPLIES	07/03/2024	603.25 603.25 603.25	603.25 603.25	Open	N 07/03/2024

Vendor 0039 - VESTIS:

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
2530286716 83315	VESTIS RUGS AND OVERALLS 235-3100-43430	06/20/2024 pziemer	07/03/2024	86.63	86.63	Open	N 07/03/2024
	MISCELLANEOUS			86.63			
2530284189 83342	VESTIS RUGS AND OVERALLS 235-3100-43430	06/13/2024 pziemer	07/03/2024	59.47	59.47	Open	N 07/03/2024
	MISCELLANEOUS			59.47			
	Total for vendor 0039 - VESTIS:			146.10	146.10		
Vendor 2939 - VIKING COCA COLA BOTTLING CO:							
3411921 83398	VIKING COCA COLA BOTTLING CO CONCESSIONS - BEVERAGES 230-5204-42210	06/19/2024 pziemer	07/03/2024	346.00	346.00	Open	N 07/03/2024
	OPERATING SUPPLIES			346.00			
	Total for vendor 2939 - VIKING COCA COLA BOTTLING CO:			346.00	346.00		
Vendor 0087 - VISIT BRAINERD:							
JUNE 2024 83380	VISIT BRAINERD JUN 24 ECONOMIC DEVELOPMENT CONSULTING 295-6510-43300	06/01/2024 pziemer	07/03/2024	3,333.34	3,333.34	Open	N 07/03/2024
	PROFESSIONAL SERVICES			3,333.34			
	Total for vendor 0087 - VISIT BRAINERD:			3,333.34	3,333.34		
Vendor 0888 - WEST BRAINERD AUTO SERVICE:							
050084 83311	WEST BRAINERD AUTO SERVICE TOW-MOVE VEHICLE OUT OF CONSTRUCTION 401-9030-43430-23:16	06/20/2024 pziemer	07/03/2024	75.00	75.00	Open	N 07/03/2024
	MISCELLANEOUS			75.00			
049975 83336	WEST BRAINERD AUTO SERVICE TOW: DWI ICR 24008825 224-2150-42210	06/22/2024 pziemer	07/03/2024	45.00	45.00	Open	N 07/03/2024
	OPERATING SUPPLIES			45.00			
	Total for vendor 0888 - WEST BRAINERD AUTO SERVICE:			120.00	120.00		
Vendor 0354 - ZIEGLER, INC:							
IN001528604 83319	ZIEGLER, INC LOADER 115 WINDSHIELD WIPER MOTOR 235-3100-42220	06/22/2024 pziemer	07/03/2024	480.92	480.92	Open	N 07/03/2024
	REPAIR & MAINT			480.92			
	Total for vendor 0354 - ZIEGLER, INC:			480.92	480.92		

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	GL Distribution						
# of Invoices:	89	# Due:	89	Totals:	1,106,783.37		1,106,783.37
# of Credit Memos:	0	# Due:	0	Totals:	0.00		0.00
Net of Invoices and Credit Memos:					1,106,783.37		1,106,783.37
--- TOTALS BY GL DISTRIBUTION ---							
101-0000-14100	DUE FROM COMPONENT UNIT			3,700.32			
101-0000-20850	DUE TO COMPONENT UNIT			75.55			
101-1610-43301	CITY ATTORNEY			9,661.01			
101-1800-43309	COMPUTER SUPPORT			3,463.32			
101-1940-43381	BPU UTILITIES			1,905.04			
101-1940-43410	RENTAL EXPENSE			91.20			
101-2400-32270	Rental License Fee			50.00			
101-2400-43350	PRINTING/LEGAL PUBLICATION			35.75			
101-2400-43405	NUISANCES			721.11			
101-9200-43381	BPU UTILITIES			139.50			
203-9000-42220	REPAIR & MAINT			31.15			
203-9000-43401	VEHICLE REPAIRS			15,845.31			
203-9000-43440	TRANSIT SERVICE CONTRACT PY			89,123.02			
211-0000-20800	DUE TO OTHER GOVT UNITS			569.10			
211-5500-43381	BPU UTILITIES			1,574.84			
211-5500-45500	CAPITAL OUTLAY			75,000.00			
224-2150-42210	OPERATING SUPPLIES			45.00			
225-2120-41113	UNIFORM ALLOWANCE			67.95			
225-2120-42200	OFFICE SUPPLIES			75.58			
225-2120-42210	OPERATING SUPPLIES			43.70			
225-2120-42221	SQUAD CAR REPAIR SUPPLIES			5,900.11			
225-2120-43300	PROFESSIONAL SERVICES			447.05			
225-2120-43330	PROFESSIONAL DEVELOPMENT			44.40			
225-2120-43381	BPU UTILITIES			4,139.73			
225-2127-43310	MISDEMEANOR PROSECUTOR			18,883.33			
225-2131-42210	OPERATING SUPPLIES			270.84			
225-2220-42210	OPERATING SUPPLIES			375.44			
225-2220-42220	REPAIR & MAINT			52.58			
225-2220-43331	LEASED PAYMENTS			80.69			
225-2220-43381	BPU UTILITIES			1,611.41			
225-2700-43300	PROFESSIONAL SERVICES			3,168.00			
227-3230-43428	USED OIL RECYCLING EXPENSE			150.00			
230-5200-42220	REPAIR & MAINT			156.12			
230-5200-43381	BPU UTILITIES			7,757.34			
230-5204-42210	OPERATING SUPPLIES			1,063.75			
230-5280-43380	UTILITIES			436.45			
235-3100-42220	REPAIR & MAINT			4,012.62			
235-3100-43381	BPU UTILITIES			23,299.61			
235-3100-43430	MISCELLANEOUS			146.10			
235-3170-42210	OPERATING SUPPLIES			61.13			
236-3180-43381	BPU UTILITIES			37.50			
237-3190-42220	REPAIR & MAINT			700.50			
260-9020-43309	COMPUTER SUPPORT			330.54			
280-9700-43470	UNINSURED LOSSES			1,000.00			
295-0000-20600	DEPOSITS PAYABLE			1,518.00			
295-6510-43300	PROFESSIONAL SERVICES			10,083.35			
400-9050-45530	CAPITAL - OTHER			10,385.00			
401-1003-43380	UTILITIES			51.80			
401-9030-43300-21:15	PROFESSIONAL SERVICES			16,674.90			

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	GL Distribution						
	401-9030-43300-22:08	PROFESSIONAL SERVICES		2,295.00			
	401-9030-43300-23:12	PROFESSIONAL SERVICES		216.50			
	401-9030-43300-24:06	PROFESSIONAL SERVICES		7,713.00			
	401-9030-43430-23:16	MISCELLANEOUS		75.00			
	401-9030-45530-21:12	CAPITAL-PYMTS TO CONTRACTS		208,488.50			
	401-9030-45530-21:16	CAPITAL-PYMTS TO CONTRACTS		121,321.00			
	401-9030-45530-22:08	CAPITAL-PYMTS TO CONTRACTS		451,002.81			

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--- TOTALS BY FUND ---							
	101 - GENERAL FUND			19,842.80	19,842.80		
	203 - TRANSIT FUND			104,999.48	104,999.48		
	211 - LIBRARY FUND			77,143.94	77,143.94		
	224 - DUI FORFEITURE			45.00	45.00		
	225 - PUBLIC SAFETY FUND			35,160.81	35,160.81		
	227 - RECYCLING FUND			150.00	150.00		
	230 - PARK & RECREATION FUND			9,413.66	9,413.66		
	235 - STREET & SEWER FUND			27,519.46	27,519.46		
	236 - PARKING LOT FUND			37.50	37.50		
	237 - SANITARY SEWER FUND			700.50	700.50		
	260 - AIRPORT FUND			330.54	330.54		
	280 - PACKAGE INSURANCE FUND			1,000.00	1,000.00		
	295 - EDA FUND			11,601.35	11,601.35		
	400 - CAPITAL PROJECTS FUND			10,385.00	10,385.00		
	401 - CONSTRUCTION FUND			807,838.51	807,838.51		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			5,862.97	5,862.97		
	1003 - 10:03 DWNTWN MAIN CNTRACT			51.80	51.80		
	1610 - LEGAL-CIVIL ATTORNEY			9,661.01	9,661.01		
	1800 - IT/GIS			3,463.32	3,463.32		
	1940 - CITY HALL			1,996.24	1,996.24		
	2120 - POLICE DEPARTMENT			10,718.52	10,718.52		
	2127 - MISDEMEANOR PROSECUTOR			18,883.33	18,883.33		
	2131 - TACTICAL TEAM			270.84	270.84		
	2150 - DUI FORFEITURE			45.00	45.00		
	2220 - FIRE DEPARTMENT			2,120.12	2,120.12		
	2400 - COMMUNITY DEVL/INSPECTION			806.86	806.86		
	2700 - ANIMAL CONTROL			3,168.00	3,168.00		
	3100 - S & S MAINTENANCE			27,458.33	27,458.33		
	3170 - TRAFFIC CONTROL			61.13	61.13		
	3180 - PARKING LOTS EXPENSE			37.50	37.50		
	3190 - SANITARY SEWER EXPENSE			700.50	700.50		
	3230 - RECYCLING EXPENSE			150.00	150.00		
	5200 - PARK MAIN/ADMINISTRATION			7,913.46	7,913.46		
	5204 - CONCESSIONS			1,063.75	1,063.75		
	5280 - CAMPGROUND			436.45	436.45		
	5500 - LIBRARY-BUDGETED			76,574.84	76,574.84		
	6510 - ECONOMIC DEVELOPMENT AUTH			10,083.35	10,083.35		
	9000 - TRANSIT FUND			104,999.48	104,999.48		
	9020 - AIRPORT M & O			330.54	330.54		
	9030 - CONSTRUCTION PROJ-MISC			807,786.71	807,786.71		

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
--- TOTALS BY DEPT/ACTIVITY ---							
	9050 - CAPITAL PROJECTS-MISC			10,385.00	10,385.00		
	9200 - CITY-WIDE			139.50	139.50		
	9700 - PACKAGE INSURANCE			1,000.00	1,000.00		

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

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

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

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND STENGLEIN, DULY CARRIED, TO APPROVE THE AGENDA.

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

- A. Approval of Bills
- B. Approval of Minutes
- C. Department Activity Report
- D. Approve New On-Sale and Sunday Sale Liquor Application Submitted by Blue Oyster LLC, Blue Oyster, 612 Front St - Contingent upon approvals
- E. Approve Temporary On-Sale Liquor License Submitted by Brainerd Jaycees for an Event to be held at Lyman P. White Park on August 7, 2024
- F. Approve Event/Street Closure Application - 4th of July Parade

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

Council Committee Reports

Personnel and Finance Committee

Consider Request from the Employee Wellness Committee for the Employee Appreciation Event

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO CLOSE CITY OFFICES FROM 11:30 AM TO 1:30 PM ON SEPTEMBER 19TH FOR THE EMPLOYEE APPRECIATION EVENT AT MEMORIAL PARK.

Authorize the Fire Department to Order a Fire Truck Chassis

Committee Chair Johnson stated that the Fire Truck is in the capital plan for 2025. Due to the process to acquire a truck, the Fire Department is requesting to authorize a down payment for the Chassis.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO AUTHORIZE THE FIRE DEPARTMENT TO ORDER A FIRE TRUCK CHASSIS, FUNDING TO COME FROM THE FIRE CAPITAL ACCOUNT.

Request Guidance on Requests for Sale of City-Owned Parcels

Committee Chair Johnson stated that there are so many variables as to who the purchaser may be that the committee thought this would be the best process.

Member O'Day asked about the EDA properties.

Committee Chair Johnson stated that since those are actively marketed, this does not apply to those lots.

Member Czczok asked whether this should be a policy.

Committee Chair Johnson stated that it could be a policy.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO HIRE AN APPRAISER TO COMPLETE AN APPRAISAL ON THE PROPERTY APPROXIMATELY \$500-\$2,000 DEPENDENT ON THE SIZE AND CHARACTERISTICS RETURN TO THE COUNCIL FOR DIRECTION ON WHAT TO OFFER TO THE PARTY. IF ACCEPTABLE, RETURN TO THE COUNCIL FOR APPROVAL; FURTHER TO DIRECT STAFF TO DRAFT A POLICY.

Authorize Hiring Brenda Hrtanek as Part-time Administrative Specialist

Committee Chair Johnson stated that the position is being funded with budgetary savings by not filling the Assistant Planner position.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE HIRING OF BRENDA HRTANEK AS OUR PART-TIME ADMINISTRATIVE SPECIALIST EFFECTIVE JUNE 18, 2024, AT STEP 1 OF THE ADMINISTRATIVE SPECIALIST WAGE GRID (\$24.70 PER HOUR).

Approval of Memorandum of Agreement for Juneteenth

Committee Chair Johnson stated that the MOA states that the union will trade one floating holiday in order for Juneteenth to be a paid holiday.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE ATTACHED JUNETEENTH MOA WITH THE UNITED STEEL WORKERS UNION REPRESENTING OUR HYDRO FACILITY EMPLOYEE.

Consider Memorandum of Agreement with IBEW Administrative Support Union for the Transit Operations Specialist Position

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO APPROVE THE MOA WITH THE IBEW ADMINISTRATIVE SUPPORT UNION AS PRESENTED SETTING THE 2024-2026 WAGE FOR THE TRANSIT OPERATIONS SPECIALIST POSITION; TO AUTHORIZE STAFF TO BEGIN THE HIRING PROCESS WITH AN ESTIMATED DATE OF HIRE AROUND SEPTEMBER 23, 2024; TO AUTHORIZE STAFF TO HIRE A TEMPORARY PART-TIME EMPLOYEE TO ASSIST THE TRANSIT DIVISION WHILE THE TRANSIT OPERATIONS SPECIALIST POSITION HIRING PROCESS IS CONDUCTED; FURTHER, TO UTILIZE THE TRANSIT OPERATIONS SPECIALIST WAGE GRID WHEN HIRING THE PART-TIME POSITION.

Consider Approval of Separation Agreement

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE SEPARATION AGREEMENT BETWEEN THE CITY OF BRAINERD, RONALD MYERS, JR., AND LAW ENFORCEMENT LABOR SERVICES AS PRESENTED.

Discussion of Request from Habitat for Use of Statewide Affordable Housing Aid (SAHA)

Committee Chair Johnson stated that Habitat for Humanity approached the City for using the funding, it is a great proposal, but the committee felt that since the dollars are public dollars it would be appropriate to advertise.

Member Czczok asked about a deadline.

Community Development Director Kramvik stated that staff will set a deadline for about one month to receive proposals.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TERRY, DULY CARRIED, TO ADVERTISE PUBLICLY THE AVAILABLE FUNDS AND CONSIDER OPTIONS AT A FUTURE MEETING.

Consider Setting Workshop for 2025 Capital Planning

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO SCHEDULE A BUDGET WORKSHOP FOR JUNE 26TH, AT 6:00 P.M. TO DISCUSS 2024 CAPITAL.

Safety and Public Works Committee

Approve Change Order and Final Pay Request - Imp 21-12 North Brainerd Reconstruction

Committee Chair O'Day stated that the change order is \$5,170, this still brings the total for the project to less than the original bid by \$56,654.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND STENGLEIN, DULY CARRIED, TO APPROVE THE REQUESTED CHANGE ORDER AND FINAL PAY REQUEST FOR IMPROVEMENT 21-12 - NORTH BRAINERD RECONSTRUCTION.

Award Bid - Imp 23-11 - O Street Outfall Repair

Committee Chair O'Day stated that the bid includes the outfall on O and the street repair will be completed. The City budgets \$50,000 for outfall repairs each year.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO AWARD BASE BID PLUS ALTERNATE TO DECHANTAL EXCAVATING IN THE AMOUNT OF \$62,866.

Adopt Resolution - 2025 Transit Operating and Capital Grant

Committee Chair O'Day stated that the transit operations are highly subsidized by the State. The state will be funding 95% of the transit operations in 2025..

Member Czczok stated that this agreement enables the City to have a transit service. If the City wants to aid the community, this grant is a must. He appreciates that this money is available.

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

RESOLUTION 28:24

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

Direction on Active Code Enforcement Cases

Committee Chair O'Day stated that the recommendation for 523 Grove Street was changed by staff as the owner reached out to renew the building permit and is working to complete the structure they were being cited for.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO FOLLOW STAFF RECOMMENDATIONS FOR ACTION ON PROPERTIES: 1306 QUINCE ST, 918 4TH AVE NE, 620 2ND AVE NE, 401 HOLLY ST, AND 523 GROVE ST.

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)

Park Board – 1 term (Expire 2026)

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)

Final Reading - Proposed Ordinance 1566 – Trees- and Consider Tree Policy

Community Development Director Kramvik gave an overview of the ordinance and policy. Every untreated ash tree is expected to die within 7 years.

Member Czczok asked about disposal of the ash trees and who the City's tree inspector is.

Community Development Director Kramvik stated the trees would be chipped and kept locally. He and Street Foreman Middagh are certified tree inspectors.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND TERRY, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE 1566 AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 7:53 p.m.

No one came forward.

The Chair closed the public hearing at 7:54 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS TERRY AND STENGLEIN TO ADOPT ORDINANCE 1566.

ORDINANCE 1566

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

Member Johnson stated that he is willing to serve on the tree committee.

Mayor Badeaux stated that four years sounds like a great term.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO UPDATE THE TREE POLICY.

Final Readings - Proposed Ordinances 1567 & 1568 - Cannabis and Off-Sale Liquor

Community Development Director Kramvik gave an overview of ordinance 1567.

Member Johnson stated that the off-sale liquor portion of this ordinance affects Mill Avenue Liquor. He asked whether the store could continue operating as a liquor store if someone else purchases it.

Community Development Director Kramvik stated that, yes, as long as it is not vacant for more than a year it can continue to be used as a liquor store. As a liquor store, the footprint needs to remain the same.

Member Czezok asked whether the City is required to have a dispensary in the City of Brainerd. He asked if there is a time limit for the County to regulate dispensaries.

Community Development Director Kramvik stated that based on population, the City is required to have two dispensaries. The County does not have a timeline to address cannabis. He stated that as early as January 1st, 2025 dispensaries could begin sales of cannabis. The City would need to have an ordinance in place prior to that date.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND O'DAY, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1567 AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 8:01 p.m.

No one came forward.

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ADOPT ORDINANCE 1567.

ORDINANCE 1567

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

Community Development Director Kramvik gave an overview of ordinance 1568.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND JOHNSON, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1568 AND DISPENSE WITH THE ACTUAL READING.

The Chair opened the public hearing at 8:04 p.m.

No one came forward.

The Chair closed the public hearing at 8:05 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND JOHNSON TO ADOPT ORDINANCE 1568.

ORDINANCE 1568

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

Discuss Strike Contingency Plan Executive Summary

Administrator Broyles gave an overview of the executive plan that is not specific to any bargaining unit.

Member Czczok thanked Administrator Broyles for his leadership and Staff's dedication to the committee. It has been quite a learning experience.

Direction Requested on 15106 Riverside Drive

City Engineer/Public Works Director Dehn stated that staff received a request to get an update on the property. The property is connected to City water and sewer and is paying 200% utility fees. Staff is requesting guidance on the property.

Chair Bevans stated that minutes from the early 2000s that a property must annex prior to hooking up to utility. He asked if this situation creates a conflict if it stays connected and is not yet annexed and how long orderly annexation takes.

Attorney Langel recognized the inconsistency of this property. The City is moving toward orderly annexation. Therefore, the property could stay connected until annexation is decided upon. The length of time it takes for orderly annexation is determined by the two entities trying to agree to orderly annexation. Once the parties have agreed upon the annexation, it goes to the State.

Member Czczok asked about the connection charge. If the City proceeds with orderly annexation there would be SAC/WAC and connection fee charge is not indicated. Every property that has annexed up to this point has paid both fees. He would like the Council to wait for orderly annexation to determine the connection charge. If orderly annexation does not happen, the Council could establish a charge.

City Engineer/Public Works Director Dehn stated that the fee could be established at the Council's discretion.

Member O'Day stated that he agrees with Member Czeczok for the fee for connection.

Chair Bevans stated that he does not like that the property is connected without a connection fee being collected. He thinks the property should pay the connection charge that everyone else paid.

Member Johnson stated that he agrees with the motion that they should charge the SAC/WAC, and annex, but he thinks that the connection charge should be discharged today.

Member O'Day asked whether the property was annexed prior to the orderly annexation, would they be able to forgo the connection charge.

Attorney Langel stated that it would be cleaner if the amount to connect was expressly dealt with in the motion. It is odd to require the property to be annexed, pay these fees, and that the City is not going to tell the property owner the end fee until maybe sometime later, maybe. As a property owner, they are looking for certainty.

Member Czeczok clarified his motion to charge \$11,300 for the connection fee.

Member Johnson asked about the fee being closer to \$19,000.

City Engineer/Public Works Director Dehn stated that with the assessed interest over ten years the total would be closer to the number Member Johnson recalls. The last fee charged in 2010 was \$11,300. He asked whether Staff could assess the amount to the property at the interest rate of the current construction project.

Member Czeczok clarified his motion that the fee could be assessed to the property.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STENGLEIN, DULY CARRIED, TO SEND A LETTER TO THE PROPERTY OWNER AT 15106 RIVERSIDE DRIVE INFORMING THEM THAT THEY ARE REQUIRED TO ANNEX INTO THE CITY LIMITS TO REMAIN CONNECTED TO THE CITY'S WATER. THEY WOULD HAVE 30 DAYS TO PROVIDE A PETITION TO ANNEX TO STAFF THAT COULD BE PRESENTED TO THE COUNCIL, PAY THE \$3,300 IN SAC/WAC FEES, AND \$11,300 FOR THE CONNECTION FEE WHICH COULD BE ASSESSED OVER A PERIOD OF TEN YEARS WITH INTEREST. IF NO PETITION IS RECEIVED, THE WATER METER WOULD BE REMOVED.

New Business

First Reading- Proposed Ordinance 1569- Vacant Building Registry

Community Development Director Kramvik gave an overview of the ordinance.

Member Czeczok pointed out an error to correct for the final reading.

Member Johnson asked for a ballpark for how many vacant buildings there are in the City. He also asked if Staff has considered what the money would be utilized for. He would like to talk further about the use of funds.

Community Development Director Kramvik stated that he discussed with the Building Official, the number of vacant buildings is close to twenty. Staff could also coordinate with Public

Utilities to determine buildings without utilities that have property maintenance issues. No recommendations have been made regarding the use of funds.

Member Czeczok asked whether there is leeway for the properties. He asked whether there would be an appeal process.

Community Development Director Kramvik stated that if the property is on the registry, the owner is most likely not communicating with staff or making any attempts to improve the property. He believes that Staff and Council will be open to working with property owners in order to improve these properties.

Member Stenglein stated that the goal of the ordinance is not to have money coming in. Properties should be fixed up.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND CZECZOK, DULY CARRIED, TO CONDUCT THE FIRST READING OF PROPOSED ORDINANCE 1569 AND DISPENSE WITH THE ACTUAL READING.

Update on Orderly Annexation Discussions

City Engineer/Public Works Director Dehn stated that initial conversations have taken place with Crow Wing County. Using the City's existing water and sewer infrastructure as a basis for draft municipal boundary. The next steps would be to identify specific parcels, tax revenue, and maintenance.

Chair Bevans asked Staff to also bring back the areas that have previously been determined that it would be required to annex prior to connecting to utilities. There are a couple of spots in the City where he is thinking, Wonderland Park and Easy Street as examples.

Member Czeczok asked for clarification on utility connection requirements.

Chair Bevans stated that there are places in the City where it would be required. Not necessarily that all connected would be required to annex.

Member Johnson pointed out that Mill Park is still listed as park land on the map.

Public Forum

The Chair opened the public forum at 8:33 p.m.

No one came forward.

The Chair closed the public forum at 8:34 p.m.

Staff Reports

Finance Director Hillman stated that the 2023 Audit will be presented at the first meeting in August. The audit will be submitted by the June 30th deadline.

Community Development Director Kramvik stated staff will complete the sound study for the interim use permit in the Industrial Park prior to the next meeting. The EDA approved a façade improvement grant in the amount of \$20,000 for 2024. The EDA has also recommended an expansion to the River to Rails Incentive District.

Interim Public Utilities Director Wussow thanked Administrator Broyles for inviting him to the WJJY Community Connection radio show.

Administrator Broyles stated that GMP has completed its first round of vetting for the Public Utilities Director position, the workgroup will meet to discuss which names to advance. He also stated that he is looking forward to getting formal feedback from the City Council during his six-month review.

Mayor Report

Mayor Badeaux stated that in 2024 it is more complicated to be hooked up to water than to marijuana. He read the proclamation for the Brainerd Garden Club's 100-year anniversary on June 19th. He stated that volunteers are needed for the 4th of July, contact Brainerd Community Action.

Council Member Reports

Member Terry stated that there is a presentation for First Responders, Law Enforcement, and Veterans to be held at the Gichi-ziibi Center on September 19th. The event will be free, but you must register for tickets. Information can be found on the Sheriff's Facebook page.

Member Czczok asked to clarify the Purchase Agreement for VCV, how does this affect the timeline for the interim use permit.

Community Development Director Kramvik stated that the EDA was waiting on the VCV to submit the necessary documents to BPU prior to approving the PDA amendment. Once those documents are received, the EDA could schedule a special meeting.

Chair Bevans gave a shoutout to the Arts in the Park Event that takes place in Gregory Park on June 29th.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND CZECZOK, DULY CARRIED, TO ADJOURN TO THE CLOSED LABOR NEGOTIATION STRATEGY SESSION PURSUANT TO MN STATUTES, 13D.03, SUBD 1(B) TO PREPARE FOR NEGOTIATIONS WITH IBEW 31 (PUBLIC UTILITIES), TEAMSTERS, AND LELS UNIONS.

Chair Bevans adjourned the meeting to the closed session after a five-minute break.

The Council took a five-minute break and went into close session at 8:50 p.m.

The Chair reconvened the meeting at 9:27 p.m.

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

The Chair adjourned the meeting at 9:27 p.m.

HR DIRECTOR REPORT



In this report:

- Health Insurance for 2025
- Union Negotiations
- Performance Evaluation Work Group
- Public Utilities Director
- Personnel
- Wellness Committee

Health Insurance for 2025

On June 26th, our mid-year review meeting was held with our Health Insurance Broker and representatives from the Better Health Collective (formerly known as Sourcwell). We were informed that our claims ratio is currently around 110% with numbers still coming in for May and June. Our 2025 health insurance renewal will be received on August 22nd. We will also need to conduct our 2025 open enrollment period earlier than usual since we will be transitioning to Blue Cross Blue Shield in 2025.

Union Negotiations

Juneteenth 2024 will be a paid holiday for Department Heads and Non-Union Supervisors as well as employees covered by the IBEW Administrative Support, Teamsters and United Steel Workers Union contracts. During negotiations, the IUOE Street and Parks Division Unions decided that Juneteenth would be an unpaid holiday for their employees. We were not able to reach a settlement regarding Juneteenth with the IBEW Public Utility Union or the LELS (Police Officers) Unions.

Streets, Parks and Public Utility employees were allowed to utilize their paid leave for Juneteenth as city business was not allowed to occur by state law. This issue will be discussed with the LELS Union when negotiations resume.

Mayor Badeaux, Council member Johnson and myself presented our wage proposal to the IBEW Public Utility union membership on June 13th. We have not received notification when negotiations/mediation will continue.

Performance Evaluation Work Group

The Performance Evaluation Work Group has not met since our initial meeting at the end of April due to other pressing issues. We plan to start meeting again on July 2nd to continue the review of our current Performance Evaluation Process as well as the forms currently used. As stated in the May HR Director's Report, the Work Group has determined that any formal adjustments to our process will not be implemented until after the 2023-2024 Performance Evaluations are completed. This decision was made due to the fact that we are halfway through the current Eval timeframe, and employees should be working on both the quarterly talks and frameworks at this time.

Public Utilities Director

GMP Consultants received 12 applications for our Public Utilities Director position. Mr. Weldon from GMP met with the Public Utility Director Work Group on June 20th to review the candidates. Four individuals were selected to proceed to the interview process and interviews will be held on July 10th. Also on that day, Interim Public Utilities Director Wussow will organize a tour of our Public Utilities Department facilities for the candidates. One candidate is from out-of-state; therefore, the Work Group decided to assist with travel and one night of lodging expense for the candidates.

Personnel

New Hires/Promotions for City/BPU/HRA:
Brenda Hrtanek - PT Admin Specialist (6/18)

Farewell to:
Michael Jensen - Maintenance I (7/12)

Current Job Opportunities:

Paid on-call Firefighter - Job Posting will be reopened July 1st and run through August 30th.

Environmental Resources Tech. - Interviews scheduled for June 28th.

Part-Time/Internships/Seasonal Positions:

Temporary Part-time Transit Administrative Specialist - Going through background process.

Parks Weekend Custodial Worker - Accepting applications until filled.

Wellness Committee

Our May Wellness Event was a "Walk in the Park" on May 29 at Kiwanis Park. We had a great turnout and all were able to enjoy the beautiful weather!

On June 6th we celebrated Donut Day and the Wellness Committee provided all Departments with donuts from the Senior Center! A huge thank you to Officer Jay Personius for coordinating the event.

Our July Wellness Event will be "Planning for Retirement... It's a BIG DILL!" presentation by MSRS Representative Scott Elwood on July 11th. He will be going over our Health Care Savings and Deferred Compensation Plans during his presentation. He has also offered to host one-on-one meetings throughout the day so employees are able to go over their own information and ask any questions they may have.



Brainerd Fire Department Monthly Report

June 2024

June has been a very wet and busy month for the Brainerd Fire Department. Despite the challenging weather conditions, our department has maintained high levels of activity and readiness.

ACTIVITIES

United Way's Llama Llama Read-O-Rama was a great event we had a crew attend. They brought a truck for Touch a Truck and read a book to the kids. This event helps promote literacy and community interaction.

Another crew participated in this fun-filled event at Mills Honda Family Fun Night, engaging with families and children, and showcasing our equipment and services.

Our team also visited St. Andrew's church for their kid's camp, providing a wet and entertaining experience for the children.

The Brainerd Fire Department is always proud to support the Flag Day ceremony at the Crow Wing County All Veterans Memorial.



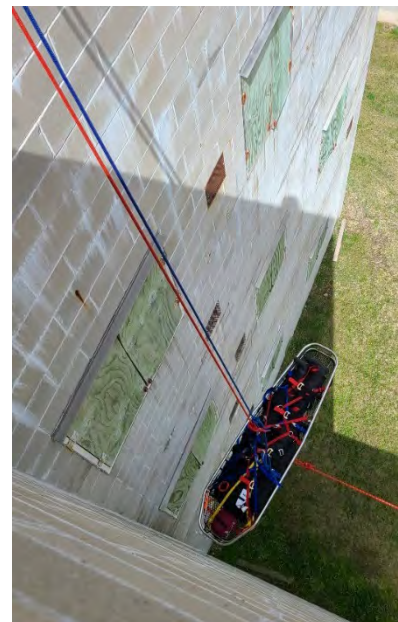
TRAINING

Although our training schedule is typically lighter in the summer, we still conducted several critical training sessions:

The Department participated in hands-on auto extrication exercises, enhancing our skills in safely and efficiently removing trapped individuals from vehicles.



Technical Rope Rescue training at Camp Ripley. This training session focused on advanced rope rescue techniques, essential for high-angle rescues and other complex scenarios.



A special thanks to Crow Wing Recycling for their support. They graciously allowed us to use their facility and provided several vehicles for our auto extrication training. This partnership enhances our practical training experience, ensuring our department is well-prepared for real-world emergencies.



EMERGENCY RESPONSE AND ASSISTANCE

Chief Holmes played an important role this month by assisting Crow Wing County Emergency Management in their Emergency Operations Center (EOC) they opened at the Crosslake Fire Department. His expertise was helpful in responding to the tornadoes that impacted the northern part of the county.



FIRE MARSHALL ACTIVITIES

Fire Marshal/ Deputy Chief Cox had an exceptionally busy month with a significant number of inspections. Collaborating closely with the State Inspector, several thorough inspections were conducted, ensuring compliance and safety across various establishments.

An update on the Paid On-call hiring process: After conducting 4 interviews for the open POC positions we are trying to fill; we are going to open the hiring process again. We will keep the current four on the list and reinterview them with the second group. They won't have to retest; we will just re-interview them.

We will reopen the applications on July 1st and keep it open till August 30th. We will do another test on Sept. 14th, 2024. This is the lowest number of applicants we have had, and we don't want to hire someone just to hire someone, we need the right person here.

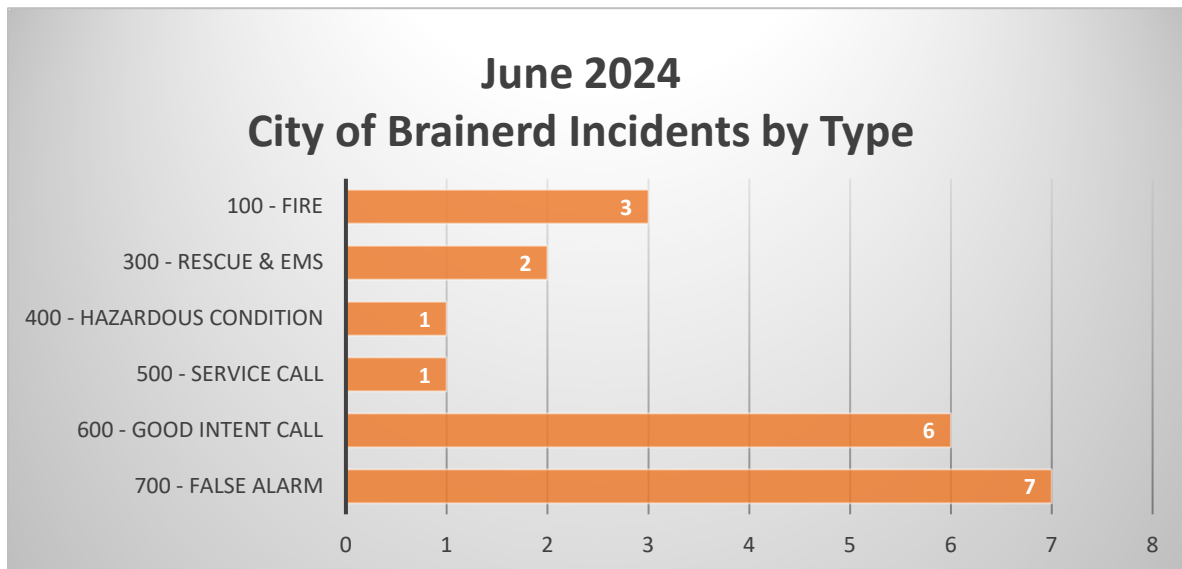


Brainerd Fire Department Monthly Report

June 2024

INSPECTIONS	
Fire Alarm	26
Hood Suppression	12
Special Suppression	2
Commercial Kitchen Exhaust	20
Fire Pump	5
5 Year Sprinkler	3
Sprinkler System	22
Paint/Spray Booth Suppression	1
Private Fire Hydrants	2

BRAINERD FIRE COVERAGE AREA INCIDENT REPORT	
Type of NFIRS Incident (National Fire Incident Reporting System)	Coverage Area Total Incidents (Includes City of Brainerd)
Fire	8
Rescue & Emergency Medical Service	3
Hazardous Condition	3
Service Calls	3
Good Intent Call	10
Alarm Activation	15
TOTAL	42



Interim Public Utilities Director

Attended Economic Development Authority (EDA) meeting June 6, 2024 (at request of Community Development Director) and City Council meeting on June 3rd and 17th. VCV land purchased was discussed at the EDA meeting. I understand the Interim use permit for VCV will be discussed at the City Council level in July.

Roberts Property update – Three separate phone calls with Mr. Roberts. No legal description has been received from Roberts for the private sewer line on the land BPU has proposed purchasing. June 17th I was informed that their attorney will be contacting Joe Langel by the end of the day June 18th. I will follow up after the June 19th holiday.

Attended joint meeting between Parks and BPU. Following up with Rotary and reviewing their master plan and discussions on next steps. Staff will review plans and costs.

Insurance comments from presenter is raising concerns at the Park Commission. The City's insurance is through the League of MN Cities. City's IT and Police have been included in discussions to make sure equipment meets minimum standards for security purposes and it is capable to tie into existing PD system. Discussed requirements with AEP related to adding additional solar projects.

I attended portions of the MNSERB conference held in Baxter at Arrow wood and the MMUA Legislative update also in Baxter. Working on clarifying completed performance evaluations. Other priorities have moved this project back, I have met with almost all employees.

Working on reviewing VCV Crypto mining permits, ownership, development plans and answering questions from attorney's, residents, and staff. Only recently confirmed new company is licensed to conduct business in Minnesota. Staff is reviewing recently received plans for necessary equipment to start building. VCV has asked staff to price and then secure necessary items like transformers. After price and equipment availability is finalized, the list will be shared with new Ancheng. Payment will be required before we proceed with purchasing.

Brainerd Public Utilities Finance Manager

Financial Reports January, see attached. Feb – May financial statements have been delayed with the preparation of the audit, and strike force work, Feb – May financial statements should be available at the next commission meeting. Attached cash basis budget information is included(Available on BPU Website). Relating to last month's audit discussion, the finance committee approved the audit after seeing the final documents. Water Treatment Facility Reclamation and Backwash Project Meetings have occurred with Bolton & Menk (BMI) and on-going funding discussions related to the project and financing with the state. The project is progressing on schedule. In conjunction with the discussions with BMI bonding and capital planning conversations have begun with the city finance department. Wellhead Protection Plan The final meeting for the plan was held on April 25.

The plan has been submitted for the 60-day public comment period. As of the writing of this report, no comments have been received. Angie Smith and Morgan Salo, of BMI will present the report during the meeting. Credit Card Transaction Fees This project is ongoing. As we prepare our quotes and receive additional information it is noted that the quotes received are not comparable or would provide the same level of service we receive presently i.e. if we change providers our customers are unable to see their usage online. Staff are considering the options received and will be working with the finance committee when information is available. Look to schedule a meeting the month of July. Streetlighting Project Work has begun on the streetlighting cost analysis project and determinations related to streetlight billing. Current project phase is collecting information and determining cost options for personnel and truck use rates by hour for use by Utility Financial Solutions. Staff will have recommendations on updated rates and costing when the Streetlight Cost study is completed. Status is paused as the 210 project lighting requirements are worked through and awaiting solution options to be included in the study. Water/Wastewater Cost Studies The cost studies for water/wastewater have begun and are in the process of collecting data for Utility Financial Solutions. Crypto Mining Customers At the May 28, meeting Commissioner Johnson asked for the opportunity cost of crypto mining operations not reaching the 15 MW. For a 31-day month the revenue lost is approx. \$43,000 with current rates and assumptions of 15MWh. If assumptions grew to 25MWh the forgone revenue would equate to approx. \$71,400.

Brainerd Public Utilities Operations Managers Updates

Rotary Park Solar Joint Meeting: Additional conversations and discussions are ongoing with Rotarians and the desired location and needs for the park. The joint park meeting had requested numbers and data for the park for the June 25th meeting, the numbers, data and needs are not available for the time of this report. Ongoing conversations have been occurring with the Rotarians and BPU is awaiting results of an updated solar model from the consultant who presented at the joint meeting. Water Tower Maintenance (State Hospital): The State Hospital water tower went back into service on June 14th after inspection and cleaning. The final report will be available for commission upon completion. South 7th Reconstruction Project South 7th reconstruction project continues to go well despite all the rainfall. Two water service lines were found to be leaking on the 700 block of South 7th. These leaks were on the customer's side. Both services are scheduled to be repaired by private contractor. Lead Copper Rule Update as of 6-14-2024 Completed Inventory Status: Not Done / Not Done (Red) – 128 BPU Not Done / Customer Done (Yellow) – 304 BPU Done / Customer Not Done (Blue) – 876 Done / Done (Green) – 3658 Materials of Completed: Lead: BPU- 0 Customer- 0 Galvanized Requiring Replacement: BPU- 66 Customer- 775 Non-Lead: BPU- 4463 Customer- 3177 Unknown: BPU- 6 Customer- 11 Electric Department Maintenance: A switch pole was installed on the

558 distribution circuit to allow load transferring from nearby 548 circuit, ensuring balancing for overall system loading without service interruptions to customers. 2024 Pole Inspection Report Line crews finished the remaining “priority” pole change outs from results of the Star Energy pole audit 2024. And continue to work on “reject” pole change outs and line maintenance.

Mutual Aid: 4 linemen (2 crews) responded to Crow Wing Power’s (CWP) mutual aid request to assist in outage restorations on 6-13- 2024. CWP had over 4,000 meters out in this storm. BPU reported no outages during this event. OUTAGE REPORT May 2024

Location	Date	Meter s	Time	Cause	Solution
100 block Kingwood	8-May	1	63 min	Bad secondary connectors	Replaced with new connectors
Mckay Rd.	16-May	6	7 min	scheduled, pole change out (rotten pole)	Installed new pole
cr 117 and 45 intersection	17-May	0	N/A	truck hit overhead BPU fiber line (box in the air)	Replaced 200' new fiber
400 block S 5th	26-May	1	41 min	trans. Low voltage on one leg.	Installed new transformer on 3 phase bank
200 block S 10th	30-May	1	13 min	Bad secondary connectors	Installed new connector

Brainerd Public Utilities Wastewater Managers Report

June 25, 2024 Lift stations Ongoing maintenance of wet wells, backup floats and generator testing, for the 17 lift stations. Replaced Controller at SW6th Lift station and returned Baxter’s spare controller. Wastewater treatment plant On-call operator tested Wastewater Treatment Facility and lift stations SCADA alarms. Equipment maintenance is ongoing. Biosolids Suspended land application of biosolids due to weather. Lab Received MPCA Wastewater Compliance Evaluation Inspection and MPCA staff has determined that all corrective actions have been completed. Sent May Electronic Daily Monitoring Report. Sampled influent and effluent for copper twice and sent to Minnesota Valley Testing Lab. On going Mercury Minimization Plan, Copper Minimization Plan. Ongoing delegation with Brainerd Significant Industrial Users and Categorical Industrial Users. Drinking Water Collected MDHs 15 required drinking water samples throughout the Brainerd distribution system for coliform and e-coli. Continue on-site testing for Total Chlorine, Free Chlorine, Phosphate, as required. Sampled 12 coliform and e-coli at the water plant in addition to the standard testing on-site of the Total Chlorine, Free Chlorine, Phosphate. Sampled St. Hospital water tower for coliform and e-coli, and Total Chlorine.

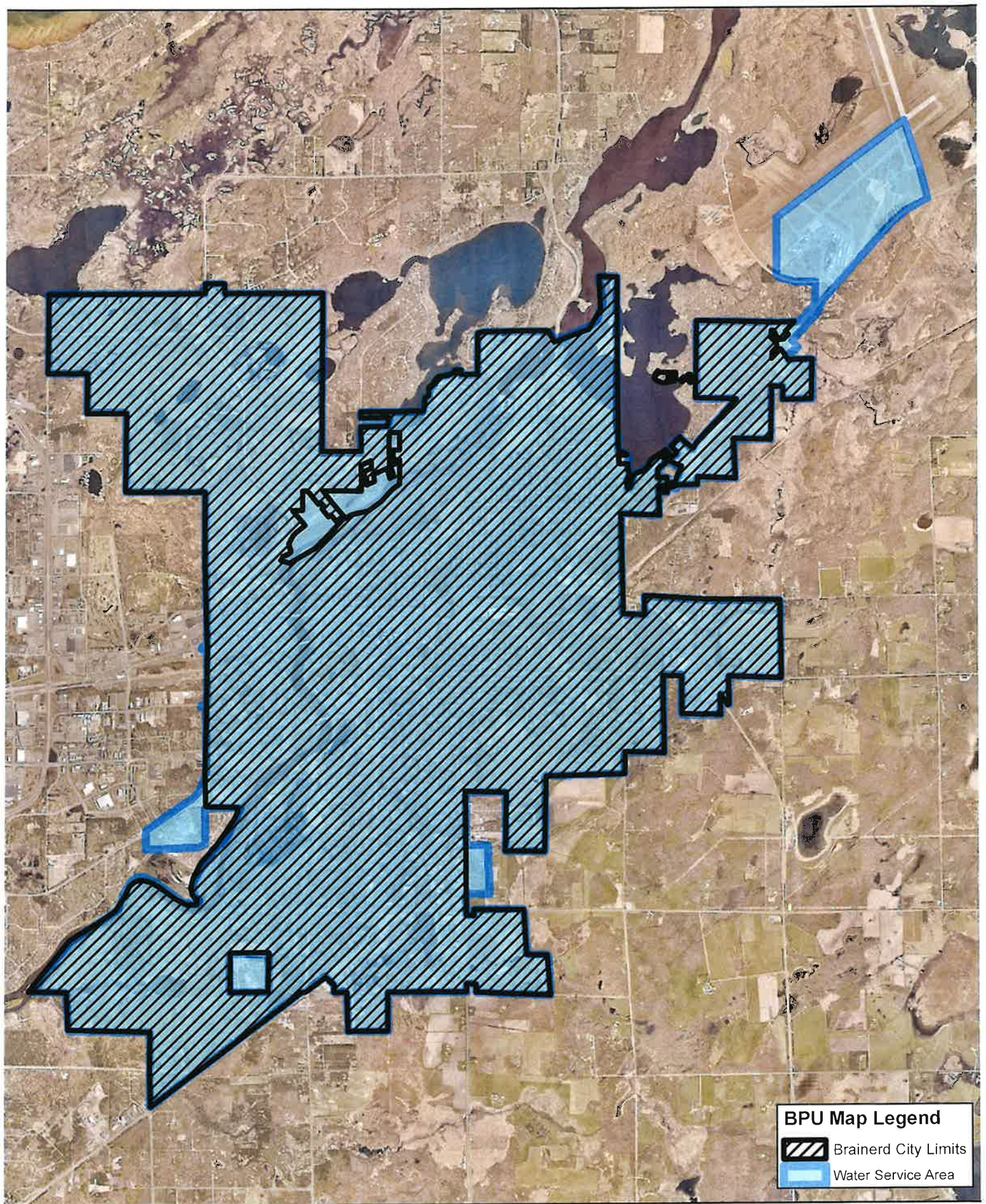
Responded to 3 residential drinking water concerns. Flushed `hydrants on 2400 block of Hillcrest Drive, 1300 block of 11th Ave NE. Distributed 60 scheduled Lead and Copper bottles to residents in the program. Bottles were delivered to RMB Laboratory on May 24th and 30th. Water plant and wastewater operators toured Mystic Lake and Blaine water plants on June 21st . River crossing Finalizing landscaping on the Baxter side and completing the road project on the Brainerd side of the Mississippi River. Generators Test ran Evergreen Lift, Main Lift, SW6th Lift, portable 25KW, 150KW, 45KW and both plant

generators. Added fuel where needed. Personal Brad Knapp and Eric Klein attended two-day Lab school in Duluth. 2 callouts. June 4th for security door, June 5th for 3 lift stations without power, pumped down 10th&0 street lift station with portable 25kw due to high wet well level.

Brainerd Public Utilities Water Production Department

Water Pumping Statistics Water pumped to North distribution system was 34.041 MG for an average of 1.098 MGD. Water pumped to South distribution system was 5.757 MG for an average of 0.186 MGD. Chemical usage averages for the month: 2.3 gallons of fluoride per day, 6.93 gallons of caustic soda per day, 3.96 gallons of orthophosphate per day, 18.94 pounds of chlorine per day. Went through 5 filter backwash events while using an average of 0.539 MG for each event.

Baxter Public Works Notification from Baxter Public Works on June 11, 2024 that a 2nd procedure for a well rehabilitation was underway and they needed to supply their water demand with the interconnect. Wells Water levels and pumping performance staying stable during weekly evaluation events. Flow meters for wells 4 and 6 are currently out of order. Efforts are being made by the manufacturer to come up with a solution. Had a visit from Flow Control Automation representatives to look at well and filtration plant piping in order to be able to give us a quote for flow meter replacement. Project for well automatic start and stop was initiated through the efforts of Brent Yaunick, BPU Maintenance Electrician, and InControl SCADA integrator. The system they created works great. Filtration Plant Operating efficiently; all controls and valve operators functioning properly. BPU staff worked on telephone alarm notifications for emergency conditions that may occur in the filtration plant. Booster Pump Stations Riverside booster station and Lum Park booster station continue to operate effectively. Frequent chlorine concentration analysis shows the liquid chlorine injection pumps are functioning well. Variable frequency drives for pumps 2 and 3 were replaced with new units by Quality Flow Systems. Bolton and Menk consulting for Water Plant Operations and Maintenance Manual Follow-up visit from Bolton and Menk staff to clarify backwash procedure guidelines are proper and accurate. We were given a rough draft of the document, and it looks good, just needs a few edits. 2.0 MG Ground Storage Reservoir Construction Project punch list items Magney construction staff made a visit to work on the rainwater ponding areas of the roof. They cut shallow channels in the surface to drain the water to the gutter collection areas. Filtration Plant Tour Had a tour of the filtration plant with a handful of people from the Productive Alternatives company on June 4, 2024. Water Plant Operation Operations of the water plant have moved to automated operations allowing staff to convert to day operation similar to the rest of BPU. June 17th and 18th operations cut the 11-7 shift overnight, Wednesday June 19th allowed rotational rounds, with day operation 7 to 3:30 after the 19th. I want to commend staff on their assistance in this transition.



BPU Map Legend

	Brainerd City Limits
	Water Service Area

BRAINERD PUBLIC UTILITIES

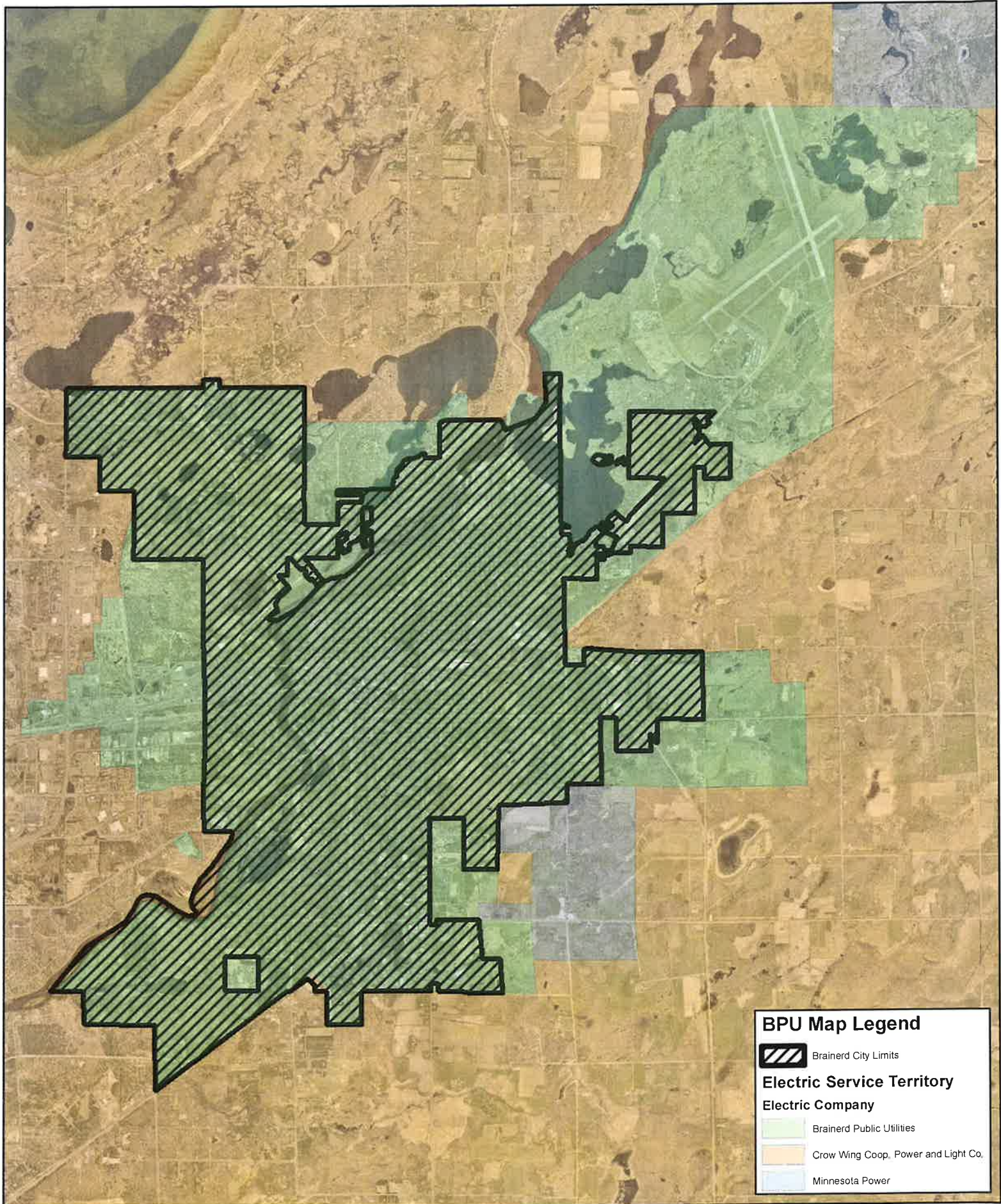
CITY LIMITS AND WATER SERVICE TERRITORY MAP

This map is intended for reference purposes only and is not a legally recorded map nor survey. Brainerd Public Utilities shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.

0 1,500 3,000 6,000 Feet

Date: 5/21/2024





BPU Map Legend

 Brainerd City Limits

Electric Service Territory

Electric Company

 Brainerd Public Utilities

 Crow Wing Coop. Power and Light Co.

 Minnesota Power



**BRAINERD PUBLIC UTILITIES
CITY LIMITS AND ELECTRIC SERVICE TERRITORY MAP**

This map is intended for reference purposes only and is not a legally recorded map nor survey. Brainerd Public Utilities shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.

0 1,500 3,000 6,000 Feet

Date: 5/21/2024



Recreation Report

Special Events

2024 Kids Fishing Clinic Event Summary

Event Title: 2024 Kids Fishing Clinic

Date of Event: June 8th, 2024

Location: Lum Park, Brainerd, MN

Organizers: City of Brainerd Parks and Recreation



Summary

The 2024 Kids Fishing Clinic in Brainerd, MN, was a delightful community event aimed at bringing families together for an educational and fun day of fishing. The clinic's primary goal was to create memorable experiences for children and adults, fostering a sense of community spirit and togetherness.

Key Highlights

1. Educational Stations:

Children rotated through six different educational stations, participating in activities led by volunteers from the DNR, Crow Wing County Sheriff's Office, and Brainerd Muskies. They learned about boat safety, fish identification, and how to use a fishing rod.

2. Fishing Contest:

Kids participated in a one-hour fishing contest with rods and tackle provided for those who needed them. Volunteers and parents assisted, measuring and recording the length of each catch. Prizes were awarded based on age groups.

3. Community Engagement:

The event served as a platform for neighbors and friends to socialize and strengthen community bonds, promoting interaction and collaboration among residents.

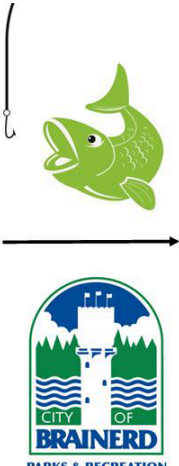
4. Refreshments:

Attendees enjoyed a free lunch between stations and the fishing contest, featuring hot dogs, chips, and bottled water.

Attendance

- **Children:** 64
- **Adults:** Approximately 40-50 (exact count not recorded)
- **Volunteers:** Around 20, from the DNR, Crow Wing County Sheriff’s Office, and Brainerd Muskies.

Agenda

Schedule			Learning Stations	
Time	Event		#	Station Event Presenter
9:00-9:30	Check In		1	Education Station DNR
9:30-9:45	Welcome/ Directions/Station Assignments		2	Minnow Races Brainerd Muskies Inc.
9:45-11:30	Learning stations		3	Boating Safety Crow Wing County Sheriff's Department—Boat and Water
11:30-12:00	Lunch		4	Live Fish Display DNR Fisheries: David Lockwood
12:00-1:00	Fishing Contest		5	Wheel of Fish Brainerd Muskies Inc.
1:00-1:30	Prizes and Participation Bags		6	Reel Race Brainerd Muskies Inc.

The event included station rotations, the fishing contest, and lunch, fostering a structured yet fun-filled day for all participants.

Challenges Faced

1. **Grill Issues:**
The grill was only hot in one corner, delaying the cooking process. Future events may need a different grill to ensure efficiency.
2. **Station Timing:**
Some stations moved faster than others, causing a few volunteers to move kids along prematurely. Timing adjustments and clearer instructions for volunteers are recommended.

Recommendations for Future Events

1. **Increased Frequency:**
Consider hosting more fishing clinics throughout the summer.
2. **New Competitions:**
 - **Biggest Catch:** Prizes for the largest fish caught.
 - **Most Fish Caught:** Recognition for the child catching the most fish.
 - **Casting Accuracy:** Contest for casting closest to a target.
3. **Interactive Workshops:**
 - **Environmental Conservation:** Teach kids about preserving aquatic ecosystems.

- **DIY Lure Making:** Provide materials for creating fishing lures.
 - **Fishing Simulator:** Use digital tools to teach casting and reeling techniques.
 - **Fish Cleaning Station:** Educate kids on fish anatomy and proper cleaning techniques.
 - **Fishing License Information:** Inform families about obtaining fishing licenses and following regulations.
4. **Themed Activities:**
- **Nature Scavenger Hunt:** Search for fishing and nature-related items.
 - **Fish Art Station:** Craft area for creating fish-themed art projects.
5. **Engaging Contests:**
- **Best Fishing Outfit:** Prizes for the most creative fishing-themed outfits.
 - **Fishing Trivia Quiz:** Trivia game about fishing, aquatic life, and conservation with prizes for correct answers.

Additional Notes

1. **Food Purchased:**
 - 120 Hot Dogs/Buns, 150 Water bottles, 125 bags of chips, Ketchup, Relish, Mustard.
2. **Weather Considerations:**
 - Attendance varies based on weather conditions.
3. **Equipment Needs:**
 - Bring a speaker for announcing station changes.
4. **Future Bookings:**
 - Reserve Pavilion 1, and possibly Pavilion 2, in January 2025.

Submitted By: Haley Blank – Recreation Specialist

Date Submitted: 06/20/2024

Adult Sports

Softball - Registration Update as of 06/20/2024

- MS1: 8 out of 12 Teams
- MS2: 11 out of 12 Teams
- Women's: 11 out of 12 Teams
- Upper Coed: 4 out of 6 Teams
- Lower Coed: 6 out of 6 Teams

Pickleball - Registration Update as of 06/20/2024

- Tuesday Competitive League: 9 out of 10 Teams
- Tuesday Just for Fun League: 9 out of 10 Teams
- Thursday Competitive League: 10 out of 10 Teams
- Thursday Just for Fun League: 8 out of 10 Teams

Banner Program

The Banner Program launched on April 11th, 2024, and has maintained its structure, offering participants \$150 per banner. As of May 22nd, 2024, we have successfully collected \$1,825. Looking ahead to the 2025 cycle, I anticipate making updates to enhance the program.

Staff has identified opportunities to expand the Banner Program significantly for the summer of 2025. Here are some strategies we plan to implement:

- **Define Your Audience:** Tailor the program to target specific demographics, businesses, and niche markets to maximize engagement and support.
- **Create a Compelling Value Proposition:** Clearly communicate the benefits of banner sponsorship, including increased visibility, community support, and alignment with environmental and community enhancement efforts.
- **Design an Engaging Donation Page:** Develop a dedicated online platform where potential sponsors can learn about the program, view banner examples, and easily contribute to our parks' improvement.
- **Target Potential Sponsors:** Reach out to local businesses, community organizations, and individuals who are likely to support our parks through banner sponsorship. Emphasize the mutual benefits of visibility and community involvement.
- **Utilize Local Media and PR:** Leverage local newspapers, radio stations, and community websites to amplify awareness of the Banner Program. Highlight success stories and showcase sponsors' contributions.
- **Engage with Social Media:** Utilize social media platforms to promote the Banner Program, featuring visually compelling banner displays and spotlighting sponsors. Encourage followers to participate and donate.
- **Offer Recognition and Exposure:** Acknowledge sponsors through signage at banner locations, mentions in newsletters, social media posts, and special recognition at park events.
- **Provide Clear Donation Options:** Simplify the donation process with transparent contribution levels and associated benefits (e.g., banner size, display duration) through an intuitive online donation platform.

We look forward to enhancing our Banner Program and fostering greater community involvement and support for our parks. Together, we can create lasting impacts and enrich our local environment for everyone to enjoy.

Rent.Fun (Kayak and Paddle Board rental at Lum Park)

Kayak and Paddle Board Rentals are Now Open!

We're excited to announce that kayak and paddle board rentals are officially available! Since June 16th, we've already had five rentals, with an average charge of \$21.43 each. Stay tuned as we will be launching our advertising campaign soon to promote this exciting new activity. Potential promotional/ campaign ideas :

Sunrise/Sunset Paddles:

- Organize early morning or late evening paddling discounts to promote to experience the beauty of the sunrise or sunset on the water.

Social Media Campaign:

- Create dedicated posts on Facebook, Instagram, and Twitter announcing the availability of kayak and paddle board rentals at Lum Park.
- Use high-quality images and videos of people enjoying the water activities to capture attention.
- Include hashtags such as #LumParkKayakRentals, #PaddleBoardBrainerd, and #ExploreBrainerd.

Local Community Outreach:

- Partner with local businesses, community centers, and tourist information centers to distribute flyers or posters promoting the rentals.

Online Listings and Directories:

- Ensure that Lum Park's kayak and paddle board rentals are listed on popular online directories like Yelp, TripAdvisor, and local tourism websites.
- Encourage satisfied customers to leave positive reviews to boost visibility.



Miscellaneous

- Staffing:
 - Umpires -7 Hired.
 - Concession stand Workers -4 Hired
 - Intern- Jack Hughes- Starting May 30th

Parks Maintenance Report

- Spraying for bees misc.
- Working on tournament fields at Bane and Jaycees
- Working on Disc Golf Course at Memorial
- Put together and installed basketball goals
- Moved shed and porta-potty to Gustafson
- Moved trees from Lyman
- Picked up trees from Landsburg and Heartland
- Agg to Jaycees and clay
- Checked scoreboards and replaced bulbs on scoreboard
- Prepped center court at Gregory
- Repaired ruts in Lum campground
- Prepped beach house for fishing clinic
- Fixed breaker in campground
- Had backflow preventer tested (yearly)
- Repaired faucet and soap dispenser at Gregory
- Fixing vandalism at Lyman
- Getting keys made for YMCA and BBBA
- Repairing bat holders BHP
- Raised bases on ball fields at Jaycees
- Installed dog waste signs at Rotary and Buffalo Trails
- Removed weeds from downtown planters
- Lights removed from pine tree at Gregory
- Spraying for weeds
- Fixed hydraulic problems on garbage truck

- Replaced belt on J/D mower. Drive belt for blades
- Fixed tire on truck and mower
- Prepped skidsteer for trade-in assessment
- Moved shed and installed lock box for Ski Loons
- Ordered boxes for disc golf course at Memorial
- Paint supplies for karate group at College Dr bridge
- Staked up a few trees
- Replaced vandalized soup dispensers at Gregory and Kiwanis
- Landscaped and planted hazard area at Kiwanis
- Hung restroom sign at Gregory
- Cleaned out new cold storage building
- Working on lighting at LPW vandalized lenses
- Cleaned up & removed broken basketball goal at Memorial
- Installed benches on pier at Lum
- Moved AED to softball field concessions
- Cleaned out shed at Memorial
- Cleaned and painted fountain up and running
- Replaced fountain pump and filled with water
- Cleaned fountain and repaired nozzle
- Repaired mower tire
- Fixed belt on mower. Drive belt for grass collection system
- Returned memorial tree to Landsburg
- Scoreboard controller, bee spray to BHP garage
- Put in pitching rubber on field #2 at BHP
- Picked up trimmer for downtown maintenance
- Getting barricades/cones for fishing clinic
- Picnic tables to beach house area
- Getting more keys for BBBA
- Getting fishing equipment moved for fishing clinic
- Welded bracket for mowing attachment
- New employee training completed for temps
- Blew off Miracle Field
- Watering flowers downtown
- Hung Public Works Maintenance Facility sign
- Cut tree off trail on Boom Lake
- Prepping disc golf course
- Put together all disc buckets and drilled valve boxes
- Locate meet at Memorial
- Fixed toilet at Bane
- Removed graffiti on pier
- Worked on volleyball court nets up
- Cleaned up and put away fishing clinic stuff

Parks Projects Report

Parks ARPA Projects

The project has been awarded. Staff will be scheduling a preconstruction meeting with DeChantal Excavating to discuss project details including proposed schedule. It is expected that work will take place through summer and fall 2024.

Buster Park Pavilion

Foundations have been poured and are ready. Staff will be assembling the pavilion when time allows.

Memorial Park Disc Golf Course

The City has received the signs and baskets for the new course. Staff has selected a concrete flatwork contractor to pour the tee pads and basket post foundations and that work should be complete by the time of the meeting. Maintenance staff will finish cleanup and seeding ahead of the disc golf association targeted July grand opening date.

Building Demolitions

Staff will be completing seeding at the Lum Park building site over the next several days. The demo at Jaycees will be discussed further at the July Park Board meeting.

Gregory Park Warming House/Pavilion Gutter Replacement

This work is complete.

Buffalo Hills Park Playground Replacement

Staff has began discussions with the Lions Club regarding the playground replacement details. Further meetings are planned to refine details. The project is now planned for 2025.

Memorial Park Rink Lights Automatic Timer

Staff has received the timer. We are working with Holden for installation.

Lum Park Pavilion Rehabilitations

Pavilion #2 improvement work was awarded to Hy-Tec Construction. Staff will coordinate with the contractor to avoid reservation conflicts for the work to occur. This work is expected to occur in 2024.

Streets Maintenance Report

Maintenance Tasks Completed Month Prior

- Sewer inspection on various streets
- Continued jetting and camera of sewer main lines in Northeast Brainerd.
- Marking utility locates
- Repair of mowing equipment
- Repair of street sweeper
- Assisted with minor repairs of Transit buses as time is available
- Patching on various streets
- Hauling gravel to northeast alleys for rebuilding surfaces and approaches
- Continued grading in gravel alleys as moisture allows
- Continued weekly downtown street sweeping
- Assisted for traffic control for weed spraying for all roundabouts
- Provided traffic control materials for events
- Began downtown painting of crosswalks
- Continued College Drive bridge graffiti coverup
- Addressed dead tree in alley right-of-way in NE Brainerd
- Assisted with painted curb and signage on SW 8th Street
- Outfitted new vehicles for Engineering staff

- Reviewed sewer backup complaint in NE Brainerd
- Performed requested patching in NW Brainerd
- Reviewed Street Maintenance I position posting
- Prepped old vehicles for return to Enterprise

Engineering Report

South Brainerd Reconstruction Project

Paving has been completed on the northern phase of the project and the streets have been open to traffic. Traffic control materials have been moved to the southern phase of the project. Doucette's have completed the remaining restoration work on the northern phase including hydroseeding and tree planting. New street lighting has been installed on these streets as well. Watermain and sanitary sewer main and service replacement has been completed on Todd Street and has begun on the southern phase streets north of Wright Street. Storm sewer, grading and base will occur on Todd Street before new curb will follow. Work on the southern phase is likely to occur over the remaining portion of the summer.

S. 6th/Willow Roundabout Project

Staff will likely begin the right-of-way discussions with property owners and SEH shortly. Formal design of the project continues based on the approved layout from the Council and MnDOT.

SW 4th Street Storm Outfall Project

The contractor has completed the permanent repairs on this project, including seeding and tree planting. Staff has reviewed and accepted the final project and will be requesting final pay request acceptance from the Council at the next meeting.

Buffalo Hills Gully Remediation Project

The project is mainly complete with the completion of final grading and hydroseeding/erosion blanket placement. Trees will be planted shortly following. Based on the timing for live stakes, this work will likely not be able to occur until next spring.

Other Activities

- Participated in weekly check-in meetings for TH 371B/Willow Street Roundabout Project
- Coordinated with contractor on Parks ARPA project
- Reviewed upcoming event applications
- Participated in MnMUTCD re-write committees
- Reviewed change order request for North Brainerd Reconstruction project
- Presented to Baxter City Council regarding Transit
- Met with MnDOT to discuss bridge lighting on TH 210 project
- Discussion of Engineering RFP for Lowell SRTS, sent out to consultants
- Discussed tree removal in Lum Park with USFWS
- Discussed with Just For Krypto to discuss stormwater permit questions and requirements
- Discussed details of security camera layout for Kiwanis Park and College Drive bridge
- Reviewed proposals for disc golf tee boxes and basket holes for Memorial Park
- Investigated utility policies outside city limits
- Reviewed 60% plans for TH 371B/Willow Street Roundabout project
- Drafted municipal boundary for discussion with Crow Wing County staff

- Discussed TH 210 Reconstruction funding with BPU and Finance staff
- Interview with LPTV regarding reconstruction project
- Walkthrough with contractor on Buffalo Hills Gully to discuss final steps before final grading
- Collected coordination efforts for state reconstruction projects for EDA meeting
- Reviewed Transit operating budget for 2025
- Reviewed final details for Lum Park SPRA project
- Field meeting with owner and contractors to discuss water service replacement for Silver Maple buildings on 28th Street
- Discussed needed annex building repairs with contractor and City staff
- Met with James K regarding compilation of partners for TH 210 outreach group
- Met with Widseth to discuss PD Exterior improvements plan design
- Interviews for Environmental Resources Technician position
- Requested title commitments for parcels adjacent to TH 371B/Willow Street Roundabout project
- Prepared application for eCRV number for Snodeos deed
- Researched history of Transit percentage agreements for Baxter
- Met with Paradigm Auto to discuss requirements for surfacing at U-Haul storage
- Reviewed seeding proposal from contractors on Buffalo Hills Gully project
- Assisted with event application for 4th of July parade event
- Reviewed scope of work and estimates for Lum Park Pavilion #1
- Sent violation letter for grass clippings on S. 9th Street
- Reviewed stop sign request for N. 7th/Grove intersection
- Began preparation of final report for LCCMR grant
- Prepared cost of damages for graffiti on College Drive bridge
- Addressed vegetation overgrowth area by Oak/28th Street
- Prepared requirement for annexation letter to 15106 Riverside Drive
- Prepared memo and documents for 2025 Capital Budget workshop

Transit Report

Activities

- 3PC has hired a new on-site manager, Shawn Williams. He has been doing well in his first few weeks getting acclimated to the position.
- Coleman (Streets Mechanic) assisted with repair of a couple buses.
- Maintenance issues continue to occur. Staff is meeting with the new manager regularly to address these issues. 3PC is making efforts to address the issues and is working on getting them caught up.
- MnDOT Operating and Capital Vehicle Grant solicitation has been completed and submitted.
- MnDOT is currently working with staff to complete a maintenance audit of the bus fleet.
- Both CWC and Baxter have approved the new Transit agreements.
- Hired a temporary position to fill in duties for the Transit Specialist
- Ridership Reporting for April 2024
 - Year To Date
 - 2023 = 19,143

- 2024 = 11,764 (-7,379, -38.5%)
- Brainerd Only
 - 2023 = 13,150
 - 2024 = 8,892 (-4,258, -32.4%)
- Baxter Only
 - 2023 = 1,802
 - 2024 = 2,048 (+246, +13.7%)
- Crow Wing County Only
 - 2023 = 3,706
 - 2024 = 625 (-3,081, -83.1%)
- April 2024 vs. March 2024
 - March 2024 = 2,664 (21 operating days)
 - Brainerd-origin = 2,051
 - Baxter-origin = 487
 - CWC = 126
 - April 2024 = 3,100 (+436) (22 operating days)
 - Brainerd-origin = 2,362 (+311)
 - Baxter-origin = 565 (+78)
 - CWC = 173 (+47)
 - 436 New Customers in April



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Authorize Hiring of 2024 Summer Temporary Employee

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	Trista Sypnieski	Umpire	\$32.00	\$32.00/Game

Submitted for Consideration for the July 1, 2024 Council Meeting

* Returning Employee



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Approve Memorandum of Agreement between the City of Brainerd and Teamsters General Local Union No. 346 (Lieutenant and Sergeants) Union regarding Juneteenth 2024

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Kris Schubert, Human Resources
Director

DEPARTMENT: Administration

PRESENTER: Kris Schubert, Human Resources
Director

ESTIMATED TIME (MIN): n/a- consent

SUMMARY OF ISSUE: Attached is an MOA with the Teamsters General Local No. 346 Union representing our Lieutenant and Sergeants regarding Juneteenth 2024. A similar MOA was approved previously with two other unions. Juneteenth 2024 will be unpaid for the other unions that did not approve the MOA.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: In May 2023, the Minnesota Legislature enacted legislation making June 19th (Juneteenth) a state holiday. Due to the short notice, the City agreed that June 19, 2023, would be a paid holiday and that we would negotiate the pay for the Juneteenth holiday going forward. Staff provided a Memorandum of Agreement (MOA) addressing Juneteenth to all of our unions that have not settled how to pay Juneteenth this year switching Juneteenth for one of the floating holidays. The unions had the option to sign the MOA or have Juneteenth be an unpaid holiday as State law does not require that the holiday be paid.

RECOMMENDED ACTION/MOTION: Motion to approve the MOA with the Teamsters General Local No. 346 Union representing our Lieutenant and Sergeants regarding Juneteenth 2024 as presented.

FINANCIAL IMPACT: N/A - the MOA states that the union will trade one floating holiday for Juneteenth to be paid.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") is hereby entered into between the City of Brainerd ("City") and Teamsters General Local Union No. 346 (Lieutenant and Sergeants) Union ("Union"). The City and the Union are hereinafter referred to collectively as the "parties," and individually as a "party."

WHEREAS, the City and the Union are parties to a collective bargaining agreement ("CBA"), governed by the Minnesota Public Employment Labor Relations Act ("as amended"); and

WHEREAS, Article 11 of the CBA identifies holidays for employees represented by the Union; and

WHEREAS, in May 2023, the Minnesota Legislature enacted legislation making June 19th (Juneteenth) a state holiday.

NOW, THEREFORE, for the reasons stated, the City and the Union agree as follows:

1. Juneteenth shall be a recognized as a paid holiday on June 19, 2024, in exchange for one floating holiday, for purposes of the CBA.
2. Any employee who has taken both of their floating holidays in 2024, prior to the adoption of this MOA, will be required to switch one of their floating holidays to either vacation or comp time taken and the employee's vacation, holiday, and leave balances will be updated accordingly.
3. Complete Agreement. The terms of this MOA are contractual and supersede all prior agreements between the parties relating to the subject matter of this MOA. No waiver or modification of any provision of this MOA is valid unless it is in writing and signed by all parties.
4. This MOA is non-precedential. This MOA shall not constitute a binding precedent or past practice or be used in any way to interpret the CBA or seek similar benefits in the future for any employee. This MOA shall not be used as evidence in any proceeding.
5. Equal Drafting. This MOA shall be construed to have been drafted equally by the parties.

Dated: 6-26-2024



Union Business Agent

Dated: _____

City Administrator



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Consider Ordinance Pertaining to Homeless Encampments and Structures

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:

The Community Development Department and Police Department receive calls each year from concerned residents regarding homeless encampments and structures. Last year, there were issues around downtown Brainerd and the Police Department assisted the property owner in removing the structures. The first objective of the Police Department is to attempt to work with individuals experiencing homelessness. The Police Department has a community resources officer that works with an individual to figure out their needs and helps find a shelter/ bed for them to reside in. In last year's downtown issue, one of the individuals was receptive to help, and the other was not. The property owner then had to place a no trespassing sign in order for the Police Department to intervene with the uncooperative individual. The Zoning Code prohibits a cellar, garage, tent, travel trailer, motor home, or fish house from being used as a dwelling unit. A zoning violation or citation can be sent to a property owner if they are in violation of this section of code. However, the Zoning Code only applies to private property and not the right of way or public property.

The primary area with homeless encampments in the City is the area west of Evergreen Landing. In a typical year, there are three to five separate encampments with a total of 10 to 20 individuals. Staff has attached pictures to this agenda request that show the encampments. There is a public health and safety concern as there are no garbage receptacles or bathroom facilities at this location. Also, the Police Department and Fire Department receive calls regarding disturbances and fires at this location. In addition, the City also receives frequent calls from concerned residents regarding individuals living in campers in the road-right-of-way.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

This issue is not unique to Brainerd, as cities across the country have many individuals experiencing homelessness. The first objective of the Police Department is always to attempt to help the individual experiencing homelessness. The community resources officer, in conjunction with our local non-profits, have been successful in many instances in helping individuals. However, for many different reasons, there are individuals that will not and do not want to accept help. Our current City Code has no provision that makes it illegal to camp on public property. The park curfew only allows an officer to

issue a citation.

Staff would like the Safety and Public Works Committee to discuss this issue. In order for the Police Department to enforce illegal structures or encampments, an Ordinance would need to be drafted that prohibits living in vehicles or structures on public property and makes the violation a misdemeanor. Staff has attached a sample ordinance from Rochester for review.

RECOMMENDED ACTION/MOTION:

Staff would like the Safety and Public Works committee to discuss this issue and give direction to staff.

FINANCIAL IMPACT: N/A

ORDINANCE NO. 4528

AN ORDINANCE CREATING AND ENACTING CHAPTER 8-15 OF TITLE 8 OF THE ROCHESTER CODE OF ORDINANCES RELATING TO THE ESTABLISHMENT OF PROHIBITED CAMPING ON CITY PROPERTY AND CITY RIGHT-OF-WAY.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 8-15 of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

8-15. CAMPING ON CITY PROPERTY AND CITY RIGHT-OF-WAY

Sec. 8-15-1 – Statement of legislative purpose and intent.

(a) Settlements of unhoused individuals (also known as “encampments”) in public spaces is a growing social, public safety, and environmental concern faced by cities of all sizes, including Rochester. The dynamics of homelessness, both short and longer term, are extremely complex, reflecting a wide range of contributing factors. It is recognized that, like many Cities, Rochester’s housing stock and price dynamics can create an affordability challenge, causing unstable housing for some.

(b) Historically, in Rochester and elsewhere, encampments have attracted and involved people experiencing significant addiction and mental health challenges, as well as individuals who seek to take advantage of those staying in encampments. Among other problems, encampments tend to result in accumulation of garbage and human waste, which creates a health hazard and can contaminate the ground and water. Other typical hazards include drug paraphernalia (e.g., needles) and unchecked fires associated with cooking, often involving explosive fuels. Encampments are also prone to a heightened physical safety and property risk for those in the encampments as well as those who may be present in the same area. Encampments also tend to cause damage or disruption to the soil and forested areas.

(c) Many in the community, including public and private entities, have responded to the needs of those experiencing housing instability, providing significant levels of resources and services. This includes current access to a daytime facility (8 a.m. – 8 p.m.) that provides access to shelter, food, medical services, laundry, and other vital services, as well as overnight shelter options at multiple facilities, supported by tremendous volunteer efforts.

(d) In addition to the City's efforts to connect unhoused individuals with resources and services, the City also has an obligation to make best efforts to provide a safe and clean environment for other members of the community who want or need to use public spaces. Access to parks, trails, schools, green spaces, public transportation, and the protection of public utilities and infrastructure is a community good for all.

(e) While many unhoused individuals are able to exist in a space that does not cause public disruption, it is also true that many encampments do create significant harms, for both the unhoused individuals as well as members of the public attempting to use the same spaces. Law enforcement personnel, who have had primary responsibility for responding to encampment areas, need to be supported with effective tools to address these complex situations. Encampments and unsheltered individuals who create the most social harm cannot be ignored or just moved from one space to the next.

Sec. 8-15-2 – Definitions.

The following words, terms, and phrases shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

City refers to the City of Rochester, Minnesota

Camp means to set up, or to remain in or at a campsite.

Campsite means any place where any tent, lean-to, shack, or other structure, any vehicle or part thereof, or any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained for the purpose of establishing or maintaining a temporary place to live.

Overnight shelter refers to overnight shelter services, including but not limited to The Rochester Community Warming Center, Dorothy Day Hospitality House, and Salvation Army (when operating an overnight service.)

Sec. 8-15-3 – Prohibition.

- a. No person may camp in or upon any City land or right-of-way, unless otherwise specifically authorized, subject to the enforcement requirements in paragraph 8-15-4 below.
- b. Any camping or campsite materials or personal property associated with a camping area that is in violation of this ordinance may be removed or cleaned

up by the City or its designated contractors. The City will continue to utilize encampment protocols that will provide notice (verbal or in writing), and a reasonable period of time (generally a maximum of 48 hours) for persons to access available services and seek shelter options.

Sec. 8-15-4 – Criminal Penalty.

- a. Any violation of this section is deemed a misdemeanor, as defined in Minnesota Statute §609.02, subd. 3, currently a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.
- b. No person may be prosecuted under this chapter unless:
 1. The person has been informed of the various charitable and social services available to the person, including shelter options as well as daytime services; and
 2. The person has been warned that their conduct is a violation of this section, subject to criminal prosecution. An individual who has been warned and then relocates to another space that a reasonable person would understand is also covered by this section is not entitled to a new warning; and
 3. During “nighttime” hours (8 p.m. to 8 a.m.) law enforcement personnel have confirmed that some form of overnight shelter is available to the person, and documented the same. A person who has been trespassed from otherwise available shelter services will be deemed as having shelter services available to them.

Sec. 8-15-5 – Prioritization of enforcement

- a. Recognizing that enforcement resources are insufficient to cover all included spaces at all times, prioritization will be given to the following spaces:
 1. In, or within 100 feet of, a City Park.
 2. Within 250 feet of a preschool, kindergarten, elementary or secondary school, or a licensed childcare center.
 3. The area of the sidewalk corridor on City sidewalks, including bus shelters, intended for pedestrian travel or access to public transit.

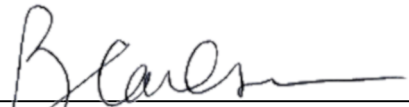
4. Upon or within 250 feet of a lot or parcel containing an electric utility substation or electric power generation facility.
5. Upon or within 250 feet of a lot or parcel containing a water utility pumping facility or water storage facility.
6. Areas posted as no-trespassing by authorized City personnel.

Section 2. This ordinance shall be effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 18th DAY OF March, 2024.

ATTEST:


CITY CLERK


PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS 19th DAY OF March, 2024.




MAYOR OF SAID CITY









City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Direct Additional Police Enforcement for Parks After-Hours

AGENDA: SPW Committee

ACTION REQUESTED: Direction Requested

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

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

SUMMARY OF ISSUE: During the Park Board meeting on June 25th, several Park Board members had reported having received reports of issues at various parks during after-hours periods. With the uptick in vandalism and trespassing in 2024, there is concern regarding the continued violations of park hours.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The Brainerd Police Department has assisted with checking parks restrooms at the end of the day before locking them up for the night. They have also been very supportive in the continued efforts against vandalism throughout the city, parks included. Staff is requesting this direction from Council for two objectives:

1. Awareness of the continued issues that are occurring in the City's parks.
2. Providing Council support on addressing the Park Board's concerns regarding these issues.

RECOMMENDED ACTION/MOTION: Staff recommends Council support to direct Police staff to continue additional parks after-hours enforcement.

FINANCIAL IMPACT: N/A



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Approve Bid - Imp 24-03 2024 Large Patching Project

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: Staff requested proposals from vendors for the City's annual Large Patching project. The project includes several patches on Northtown Street and Clara Street. The City has budgeted \$50,000 for this project in 2024.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Attached are the two bids received for this work. The low bid provided was from Anderson Brothers in the amount of \$47,950. Staff would also recommend that additional patching work be completed on SW 4th Street with any remaining funds available.

RECOMMENDED ACTION/MOTION: Staff recommends award of the Large Patching project to Anderson Brothers in the amount of \$47,950, and further authorize staff to work with Anderson Brothers to complete additional patching on SW 4th Street to not exceed the total budgeted amount of \$50,000.

FINANCIAL IMPACT: \$47,950



Proposal

Anderson Brothers Construction Company
11325 Hwy 210 E.
Brainerd, Minnesota 56401
(218) 829-1768 / (218) 829-7607 Fax

Proposal Submitted To City Of Brainerd		Phone 218-513-0173	Date June 17, 2024
Street		Job Name Asphalt Patching	
City, State and Zip Brainerd Mn		Job Location Northtown-Warrior & 2829-2833 Clara St	
Attn:	Job Phone	Mail To	

We hereby submit specifications and estimates for:

Note. Northtown Patch- 1387Sy. We will dig out 4" and regrade then pave back in two 2" lifts.

Then The two patches on Clara St 305Sy we will dig out 4" and regrade then put back in in two 2".

Note: ½ the total quote is due prior to construction.

**All materials and workmanship shall conform to the Department of Transportation Specifications for Highway Construction.*

**A land use or alteration permit may be required through your local County or Municipal Planning and Zoning office. All required permits and associated fee's are the sole responsibility of the private property owner.*

(a) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THE IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTION. (b) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIALS FOR THE IMPROVEMENT WHO GAVE YOU TIMELY NOTICE.

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Fouty Seven Thousand Nine Hundred Fifty Dollars

_____ dollars (\$ 47,950)

Payment due upon completion. Subject to credit approval.

Past due accounts are subject to a service charge of 1-1/2% per month (18% per annum.)

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature

Doug Tulenchik
Doug Tulenchik, Project Manager

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

Signature

Date of Acceptance: _____

Note: This proposal may be withdrawn by us if not accepted within 30 days

Quote for Brainerd 2024 Patching

06/13/2024 3:57PM Page 1

KNIFE RIVER CORPORATION - NC

4787 Shadow Wood Drive NE

Sauk Rapids, MN 56379

Phone: (320) 251-9472

Fax: (320) 258-2940

Bond:

Sales Tax:

Bid Date:

Quote To: James Fladung

City of Brainerd

501 Laurel Street

Brainerd MN 56401

Phone: (218) 513-0173

Fax:

Email: jfladung@ci.brainerd.mn.us

Quote is valid for 15 days.

Item	Description	Quantity	Unit	Unit Price	Extension
10	Remove and Replace Bit Patches 3.5"	12,481.000	SF	3.250	40,563.25
20	Remove and Replace Bit Patches 2.0"	2,831.000	SF	3.100	8,776.10
Total Quote: \$					49,339.35

Inclusions/Exclusions:

NOTES:

1. All items tied, unless approved by Estimator.
2. Quote is valid for 15 days.
3. Mix to be a MnDOT SPWEA240BR
4. Work to be done in the 2024 season.
5. 3.5" Remove and Replace Bit on Northtown and 2.0" Remove and Replace on Clara Street.

PAYMENT TERMS:

1. To accept this proposal, sign and return a copy to Knife River Corp.
2. A valid credit account with Knife River Corp. is required before work will be scheduled.
3. No retainage is provided for in this quotation or per owner as required in plans and spec's. Any deducts due to material deficiencies must be in writing and Knife River Corp. notified prior to the invoice being due.
4. All work becomes due and payable within 30 days of the invoice. Balances beyond 30 days are subject to finance charges in accordance with the credit agreement.

ACCEPTANCE:

All material is guaranteed to be as specified. All work will be completed in a workmanlike manner according to standard practices.

Your signature indicates you agree to the prices, specifications and conditions as stated. It gives us authorization to do the work specified and payment will be made as outlined above.

Signature: _____

Signature: Adam J. Surma

Printed Name: _____

Printed Name: Adam J. Surma

Title: _____

Title: Estimator/Project Manager

Firm: _____

Firm: Knife River Corporation - North Central

Date: _____

Date: 6-13-24

Patch	SIZE SQ FT	SIZE SQ YD
Northtown Street - Between Beaver Dam Rd and Warrior Ave	12481	1387
2829 Clara Street	2688	299
2833 Clara Street	143	16
Totals	15312	1702

3.5" Bit

>2.0" Bit



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Information on Locations of Annexation Requirement for Water/Sewer Connection

AGENDA: SPW Committee

ACTION REQUESTED: Information Only

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

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

SUMMARY OF ISSUE: At the June 17th Council meeting, Council requested a list of areas where the City has requirements of annexation before a connection to City water/sewer can be made. Staff has attached documents that illustrate the clarification that we feel the Council is requesting.

1. First is a resolution detailing the projects that have a Connection Charge. The resolution is not the original one but representative of the 4 projects that have associated Connection Charges, Riverside Drive, Beaver Dam Road, Wonderland Park Road, and Oak Street.
2. Second is the policy that was adopted in 2003. This has been referenced recently in Council meetings in regard to the discussions on Riverside Drive. The policy does not reference specific projects but is rather general in nature and applies to any connection to utilities for properties outside city limits. The key portion of the policy related to annexation requirements is as follows, "A property owner who receives municipal utilities, must sign an agreement that a petition for annexation into the City for the property will be submitted as soon as practicable, pursuant to the appropriate statute, or risk disconnection of service." One challenge with this requirement is the ability for some to annex if they are not adjoining the existing municipal boundary.
3. Third is the current Street and Sewer Assessment Policy. With specific attention to section 2, Assessable Improvements, under "Pursuant to Council Action - Properties not Abutting the City Corporate Boundaries", it states that the City will not install municipal utilities until those properties are annexed, then those costs for installation are then assessed to the properties accordingly. The policy references the previous practice of imposing the Connection Charges on properties not within city limits once they make connection to the municipal utility system or divide the property.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: Per the attachments, there were 4 projects where a Connection Charge was established for those who elected to connect to the city water and sewer system. However, per the question from the Council, the policy adopted in 2003 clarifies that those making the connection are required to sign an agreement to petition for annexation into the City. However, as a clarification, the statement in the policy regarding the annexation requirement is general in nature and appears to apply to any connection for properties outside the current city limits and not

limited to those 4 projects that have established Connection Charges.

It would be staff's recommendation that these requirements would be more appropriately reflected in City Code as part of Section 700 - Water System. BPU is also looking at proposing updates to the Water System code. This would be something that City staff would look to have addressed as part of this process, including revision of the Sewer System code to coincide.

RECOMMENDED ACTION/MOTION: Information Only.

FINANCIAL IMPACT: N/A

RESOLUTION
NO. 86:06

RESOLUTION ESTABLISHING CONNECTION CHARGES

WHEREAS, the City Council has adopted a policy related to special assessments and connection charges for properties not in the City of Brainerd that decide to annex and connect to utilities and,

WHEREAS, the policy states that the Council will review and adjust Connection Charges annually and set by Resolution; and,

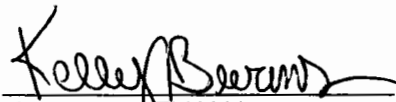
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BRAINERD, MINNESOTA:

1. That the Connection Charge for the Riverside Drive Improvement project (01-13) and the Beaver Dam Road Improvement project (05-18) is \$13,389.37.

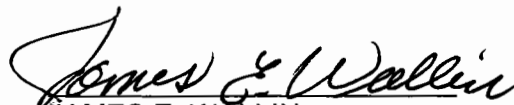
2. That the Connection Charge for the Wonderland Park Road Improvement project (03-04) is \$16,995.04.

3. That the Connection Charge for the second phase of the Oak Street project (04-02) is \$7,226.10.

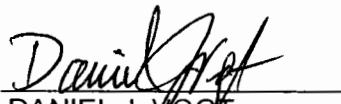
Adopted this 4th day of December, 2006.


KELLY J. BEVANS
President of the Council

Approved this 5th day of December, 2006.


JAMES E. WALLIN
Mayor

ATTEST:


DANIEL J. VOGT
City Administrator

CITY OF BRAINERD POLICY

CONSTRUCTION OF UTILITY IMPROVEMENTS

Pursuant to Petition - Properties Abutting the City

The City of Brainerd will, from time to time, construct municipal utility improvements outside of its corporate boundaries to areas that are abutting the City but haven't been annexed. In general, the City will provide such utilities to property requesting the improvements pursuant to a valid petition with the provision that all of the property benefiting from said improvements will be annexed into the City within one (1) year of the date of the utility petition and further, that upon annexation such property will be appropriately assessed for the costs of constructing such improvements. In addition, the City will require property owners to connect to the utility systems within three (3) years of availability of service provided that the property owner can show proof that the existing private septic system satisfactorily passes a Certificate of Compliance Inspection as set forth in Minnesota Rule Chapter 7080. In the event the existing private system is, at the time of initial or subsequent inspection a failing system, or becomes an imminent threat to the public health or safety as defined by Minnesota Rule 7080, the Brainerd Public Utilities Commission, pursuant to City Code Section 700.05, Subd 5., shall serve upon such owner or occupant ten days' notice in writing specifying the time when such municipal sewer connection or connections must be made and completed. No repairs or improvements may be made to existing wells and/or individual septic systems on property having access to municipal utility systems.

Prior to the construction of such utility improvements, the City must conduct a public hearing so that the affected property owners may have an opportunity to speak regarding the proposed project. The hearing, notices and procedures shall conform to the provisions of Minnesota Statutes, Chapter 429. Subsequent to the public hearing, the Council may, by a majority vote of those present, authorize the construction of the project.

Pursuant to Council Action - Properties Not Abutting the City

The City Council may, at its discretion, authorize the construction of utility improvements outside its corporate boundaries and not abutting the City by a majority vote of the Council. In order to pay for such costs, the Council hereby establishes a Water Connection Charge (WCC) and a Sewer Connection Charge (SCC). This charge, as initially set by Council Resolution, represents the average costs of constructing such utility improvements and is payable immediately upon connection to the system.

It shall be the policy of the City that developed properties must connect to the municipal utility systems within three (3) years of availability of service provided that the existing private septic system satisfactorily passes a Certificate of Compliance Inspection as set forth in Minnesota Rule Chapter 7080. In the event the existing private system is, at the time of initial or subsequent inspection a failing system, or becomes an imminent threat to the public health or safety as defined by Minnesota Rule 7080, the Brainerd Public Utilities Commission, pursuant to City Code Section 700.05, Subd.5, shall serve upon such owner or occupant ten days' notice in writing specifying the time when such sewer connection or connections must be made and completed. No repairs or improvements may be made to existing wells and/or individual septic systems on property having access to a municipal utility system.

The Water Connection Charge (WCC) and Sewer Connection Charge (SCC) set by City Council Resolution will remain in effect until repealed by the Council. Said Resolution may be adjusted periodically by the City Council.

A property owner who receives municipal utilities, must sign an agreement that a petition for annexation into the City for the property will be submitted as soon as practicable, pursuant to the appropriate statute, or risk disconnection of service.

6/2/03

Assessment/Connection Policy - Approved.

10/2/03
MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP TO ADOPT THE ASSESSMENT/CONNECTION POLICY AS PRESENTED.

The Chair clarified the policy is for properties abutting municipal utilities and within the City, and for properties abutting municipal utilities and not currently within and/or abutting the City.

Alderman Olson noted the •2/3 vote of the Council• line has been deleted from the policy presented at tonight's meeting. He questioned why this was taken out of the policy as the Charter states utility improvements must be approved by a 2/3 vote of the Council.

City Administrator Vogt stated he has contacted Mr. Dave Kennedy, Kennedy & Bubul, who said the 2/3 majority is not required by Statute and that the City Charter would still need to be followed.

Alderman Fisher made reference to the inspection of septic systems as it refers in the policy to a •failing• system. She questioned if this is for a •failing• or a •non-compliant• system.

City Administrator Vogt noted the wording was taken from the existing Ordinance. The Chair asked if adding •non-compliant• in the wording would be acceptable.

Alderman Koep stated this becomes more burdensome for the property owners.

MOVED BY ALDERMEN FISHER TO AMEND THE WORDING AND ADD •NON-COMPLIANT• TO THE WORDING IN THE POLICY.

Motion failed for lack of a second.

Alderman Olson reiterated he would not support this policy unless the •2/3 Council vote• is included.

Alderman Olson stated he prepared a draft policy regarding Riverside Drive improvements with the assistance of City Attorney Fitzpatrick.

Members Koep, Nesheim, Scheeler, Bevans, Fisher and Dehen voted •aye•. Member Olson voted •nay•. The Chair declared the motion carried.

City of Brainerd, Minnesota Street and Sewer Assessment Policy

1. Introduction

Special assessments are a charge imposed on properties for an improvement that benefits the owners of that selected property. The authority to use special assessments originates in the state constitution which allows the state legislature to give cities and other local government units the authority “to levy and collect assessments for local improvements upon property benefitted hereby”. The legislature designates that authority to cities in Minnesota Statutes Chapter 429.

A charter city (in which Brainerd is) may choose to use either Chapter 429 or provisions of the charter to assess for local improvements, however, even the state law requires that charter cities follow state law in certain steps of the proceedings.

Special Assessments have three distinct characteristics:

- They are a levy the City uses to finance, or partially finance, a public improvement program.
- The city levies the charge only against those parcels of property that receive some special benefit from the program.
- The amount of the charge bears a direct relationship to value of the benefits the property receives.

The City of Brainerd, Minnesota finds it beneficial to fund portions or all the 5-year street and sewer capital plan using special assessments. Special assessment proceedings will follow the procedures as outlined in Minnesota Statute 429 and any modifications thereto.

2. Assessable Improvements

How Much is Being Assessed?

Developer New Construction

On projects where utilities and roadways are being constructed for the first time, the developer is responsible for installing the watermain, sanitary sewer, grading, surfacing, storm sewers, and any other incidental features it sees fit. The city requires developers to construct all facilities to city standards and be approved by the City engineering department. While it is ultimately up to the developer to decide how the development costs incurred are recouped, the developer will typically split these costs to the number of parcels developed and recoup its cost through the sale price of the lots.

Petitioned New Construction

On projects where the city is petitioned to install the new improvements, the entire project cost being constructed is assessed to the abutting properties, as either by a per lot basis or by a front-foot basis.

Petitioned or Council Authorized Reconstruction of Resurfacing

Whether the city acts upon its own authority to make an improvement or it is petitioned by property owners, the city assesses one-half (1/2) of the cost of the reconstruction or resurfacing improvement including construction and engineering of the said improvement on a front-foot or per lot basis. The other one-half (1/2) of the resurfacing or reconstruction cost is paid by the city. If utilities such as sanitary sewer, water mains, or storm sewers are being reconstructed along with the project, the cost of this work is not assessed, but rather is covered through user fees and rates set by council or public utilities commission. If a project consisting of overlaying a street is proposed, the entire project cost is assessed to abutting properties. The City does not typically assess for new sidewalks, but may from time to time, assess for the entire costs of repairs thereto.

Pursuant to Petition – Properties Abutting the City but outside City Corporate Boundaries

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

Pursuant to Council Action – Properties not Abutting the City Corporate Boundaries

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

In prior years, the City Council authorized the construction of utility improvements outside its corporate boundaries and not abutting the city. To pay for such costs, the council established a Water Connection Charge (WCC) and Sewer Connection Charge (SCC). This charge, as initially set by council resolution, represents the average costs of constructing such utility improvements and is payable immediately upon connection to the system. This charge is enacted if the property owner elects to divide the property in which assessments were imposed and deferred. If a lot is split and the owner elects to connect to sewer and water, the WCC and SCC are charged to the property owner, with the balance of the deferred assessment remaining on the other parcel created from the split.

The WCC and SCC set by council resolution will remain in effect until repealed by the council. Said resolution may be adjusted periodically by the city council.

3. Initiation of an Improvement

By Petition from Property Owners

Per Minnesota Statute 429, if the council chooses to proceed with an improvement based on a petition, it must have the signatures of at least 35 percent in frontage of the property bordering the proposed improvements. If the council relies upon a petition as its basis for proceeding, it cannot make substantial change the improvement from what is asked for in the petition. The council must pass a resolution determining whether the petition is legally sufficient or not.

By Council Action

Per City of Brainerd Charter Section 92, in the first instance in which the council desires to levy a special assessment for an improvement, it shall require a two-thirds (2/3) vote of the members elect except in the case of sidewalks, in which a majority is sufficient.

4. Proceedings

Minnesota Statute 429

The City of Brainerd has elected to utilize Minnesota Statute 429 for its assessment proceedings, as amended and incorporated by reference into this policy.

Interest Rates

The council determines the interest rate on the special assessments, along with any other repayment provisions. The interest rate is typically set by ensuring a reasonable relationship between the assessments interest rate and the bond interest rate if the city issued bonds for the project. If the city finances the project with funds on hand, the council will look at the interest rate the city would otherwise have earned on the funds.

5. Payments

Once the assessments have been adopted, property owners originally have numerous options for repayment:

1. Pay the total amount of the assessment within 30 days after the council adopts the assessment rolls. This this situation, the city cannot charge interest; or
2. Pay the assessments in annual installments (with interest) under the terms set by the council; or
3. Pay the entire amount at any time after the 30 days, but before any certification to the county auditor. The property owner pays only the amount of interest accrued as of the date of payment; or
4. At any time after certification to the County Auditor, the property owner may still pay the entire remaining unpaid amount to the County Treasurer. However, the property owner must pay the entire remaining unpaid amount of the assessment before November 15 of any year and must also pay all interest accrued until the end of that calendar year.

6. Deferments

The City Council has adopted policy which allows for assessment deferments for elderly person and for all other persons who fall within the economic hardship criteria. A deferred assessment is not forgiven but is postponed until such time that the property owner either elects to resume making the annual installments as certified, no longer meets the economic hardship criteria, or sells the property. Persons interested in deferring assessments must apply each year to have the following year assessment installment deferred. After 10 years, no further applications are necessary, and the deferred installments will remain permanently deferred without accrual of additional interest, until such time that the deferred assessment is voluntarily paid of the property is sold. The most current deferment criteria passed by council resolution can be requested from the City Clerk and a copy provided to the requestor.

7. Other Frequently Asked Questions

Will Improvements Affect my Property Taxes?

While it is well documented within the real estate industry that streets and utilities that are in poor condition decrease the marketability and sale prices of homes, improvements to the streets and utilities do not automatically increase the taxes on the property. Property market valuations, as determined by the County Assessor, are based on the recent sale prices of comparable properties within the neighborhood. Following improvements to streets and utilities, the marketability of properties tends to increase, and the properties can demand a higher sale price. As years pass and the history of sale prices in the neighborhood show increases, the County Assessor will adjust the market valuation of properties to more closely reflect the price the property would sell for. If the market valuations in the neighborhood are increasing at a faster rate than the City, County, and School District averages, the property taxes will tend to increase over time.

Why is There a Difference Between my Front Footage and Assessable Footage?

If you live on a corner lot, your property is subject to assessments for improvements on both streets. The City Council has adopted a side-yard deduction assessment policy to help reduce the burden for the owners of corner lots or reconstruction or resurfacing projects. Your side-yard is defined as the side of your lot with the most street frontage. Improvements made to your side-yard street result in the city paying for the cost of one-half of your side-yard footage and the property owner being assessed for one-half (1/2) of the side-yard footage. The most common assessment notices for side-yard street improvements will list the front-footage as 140 feet and the assessable front-footage as 70 feet.



City Council Agenda Request

MEETING DATE: July 1, 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 three (3) properties before the Committee for review. Staff is looking for direction from the Council as to how to proceed with the cases.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Attached are the case files for:

319 9th St N - junk/ debris and grass

401 4th Ave NE - junk/ debris and unlicensed vehicle

408 2nd Ave NE - weeds

Section 320, action that could be taken against this property include:

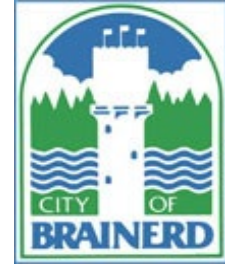
- 1) Continued administrative citations for an amount determined by the City Council
- 2) Abatement of the offense (depending on the type of offense)
- 3) Legal action (at the recommendation of the City Attorney depending on the type of the offense)
- 4) Cease corrective action

RECOMMENDED ACTION/MOTION:

See memo

FINANCIAL IMPACT: N/A

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: July 1st, 2024

RE: Recommendations for Active Code Enforcement Cases

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

- **319 9th St N – (repeat offender)**
 - Received one (1) Notice of Violation Letter (06/11/24) for Junk/Debris/Blight
 - Received one (1) Notice of Violation Letter (06/05/24) and two (2) Citations for Grass and Weeds (repeat from last year)
 - First citation 06/05/24 – Third citation 6/24/24
 - \$300 in open citations

Staff recommends abatement of the junk and debris and grass as this property contains potential hazardous materials from a fire.

- **401 4th Ave NE**
 - Received one (1) Notice of Violation Letter (05/20/24) and three (3) Citations for Junk/Debris/Blight
 - First citation 06/04/24 – Third citation 06/24/24
 - \$600 in open citations
 - Received one (1) Notice of Violation Letter (05/20/24) and three (3) Citations for Unlicensed/Inoperable Vehicle
 - First citation 06/04/24 – Third citation 06/24/24
 - \$600 in open citations

Staff recommends obtaining a search warrant to abate the junk/ debris and the unlicensed vehicle.

- **408 2nd Ave NE – Issues with Japanese Knotweed**
 - Received one (1) Immediate \$300 Citation for Grass and Weeds (repeat from last year) 05/14/24
 - Abated 05/21/24
 - \$400 in open citations
 - Received one (1) Immediate \$300 Citation for Grass and Weeds (repeat from last year) 06/13/24
 - Abated 06/24/24

- \$300 in open citations (+\$100 abatement invoice pending)

Staff recommends obtaining a search warrant to abate/ spray the noxious weed.

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 for junk/debris 5/7/2024 prior to administrative warrant. Owner complied prior to abatement. No action taken.

1119 13th St SE – Final 10-day letter sent to property owner 5/7/2024 for unlicensed/inoperable vehicles. Property owner paid the fines and will have everything cleaned up by June 1st. Reinspection scheduled for June 3rd.

813 Holly St. – Final 10-day letter sent to the property owner for animal feces 5/7/2024 – no action needed, as owner complied and cleaned up. Another nuisance letter went out 5/16/2024 with action needed again to clean up dog feces. Owner was told to they need to address the issue every two days.

1306 Quince St – Sent 10-day final letter 6/18; will request an administrative warrant to abate.

918 4th Ave NE – Sent letter of monthly citations 6/18 until resolved.

620 2nd Ave NE - Sent 10-day final letter 6/18; will request an administrative warrant to abate.

401 Holly – Requested administrative warrant to abate the outdoor storage issue 6/18.

523 Grove St – Spoke to homeowner – submitting a remodel permit. Reinspection September 1st.

June 05, 2024

WEISS, RICHARD A
319 9TH ST N
BRAINERD, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: 319 9TH ST N
Real Estate Code: 41241208

Violation: Grass & Weeds
IPMC302.4

Description: Premises and exterior property shall be maintained free from weeds and plant growth in excess of 6". Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with section 108.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing therein, and the costs of such removal shall be paid by the owner or agent responsible for the property.

This is the only notice you will receive this growing season. Additional violations this growing season will result in an administrative citation and possible abatement.

Corrective action is required; five (5) days are allowed from the date of this letter.

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

Action should be taken on or before 06/10/2024

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

EN24-0243

Date of Violation: 06/24/2024

Parcel ID: 41241208

Violator(s): WEISS, RICHARD A
319 9TH ST N
BRAINERD, MN 56401

Location/Address of Violation: **319 9TH ST N**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 302.4	Grass & Weeds	\$200.00

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: \$200.00

Payment Due By: 30 Days from Date of Violation

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

Re-inspection Date: 07/04/2024

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: 06/24/2024

Representative's Signature:

(served via first class mail)



June 11, 2024

WEISS, RICHARD A
319 9TH ST N
BRainerd, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: 319 9TH ST N
Real Estate Code: 41241208

Violation: Junk/Debris/Blight
IPMC308.1

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

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

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

Action should be taken on or before 06/25/2024

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



May 20, 2024

SHAW, CHAD JOSEPH
401 4TH AVE NE
BRainerd, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: 401 4TH AVE NE
Real Estate Code: 41191606

Violation: Junk/Debris/Blight
IPMC308.1

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

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

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

Action should be taken on or before 06/03/2024

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

EN24-0190

Date of Violation: 06/24/2024

Parcel ID: 41191606

Violator(s): SHAW, CHAD JOSEPH
401 4TH AVE NE
BRainerd, MN 56401

Location/Address of Violation: **401 4TH AVE NE**

VIOLATION

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

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

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

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

Re-inspection Date: 07/04/2024

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: 06/24/2024

Representative's Signature: 

(served via first class mail)



May 20, 2024

SHAW, CHAD JOSEPH
401 4TH AVE NE
BRainerd, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: 401 4TH AVE NE
Real Estate Code: 41191606

Violation: Unlicensed/Inoperable Vehicle
IPMC302.8

Description: Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

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

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

Action should be taken on or before 06/03/2024

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

EN24-0190

Date of Violation: 06/24/2024

Parcel ID: 41191606

Violator(s): SHAW, CHAD JOSEPH
401 4TH AVE NE
BRainerd, MN 56401

Location/Address of Violation: **401 4TH AVE NE**

VIOLATION

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

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

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

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

Re-inspection Date: 07/04/2024

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: 06/24/2024

Representative's Signature: 

(served via first class mail)





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

EN24-0169

Date of Violation: 05/14/2024

Parcel ID: 41191616

Violator(s): VEITH, STEVEN H
9797 LEGIONVILLE RD
BRainerd, MN 56401-

Location/Address of Violation: **408 2ND AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 302.4	Grass & Weeds	\$300.00

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

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Re-inspection Date: 05/24/2024

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Representative: Jason Stockinger, Building Inspector

Date: 05/14/2024

Representative's Signature:

(served via first class mail)





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

EN24-0277

Date of Violation: 06/13/2024

Parcel ID: 41191616

Violator(s): VEITH, STEVEN H
9797 LEGIONVILLE RD
BRainerd, MN 56401-

Location/Address of Violation: **408 2ND AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
IPMC 302.4	Grass & Weeds	\$300.00

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

Citation Amount Due: \$300.00

Payment Due By: 30 Days from Date of Violation

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

Re-inspection Date: 06/23/2024

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.

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Representative: Jason Stockinger, Building Inspector

Date: 06/13/2024

Representative's Signature: 

(served via first class mail)







City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Notification of CRP Grant Award for TH 210/Lum Park Pedestrian Bridge

AGENDA: SPW Committee

ACTION REQUESTED: Information Only

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

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

SUMMARY OF ISSUE: Staff was notified last Tuesday that our grant application for the TH 210/Lum Park Pedestrian Bridge project was successful. We had requested \$1.5 million in CRP (Carbon Reduction Program) grant funding. We were awarded \$1.25 million in FY 2025 and \$86,000 in FY 2026, totaling \$1,336,000. The award letter is attached to this item. The grant award is contingent that we are able to encumber the funds (award a project) by the end of FY 2025. If we are unable to meet this deadline, the funds would be turned back to the ATP.

As a reminder, according to the Feasibility Report completed by SRF in 2023, construction of the bridge was estimated at approximately \$4.5 million, with aesthetics ranging from \$200,000 to \$400,000, utility work estimated at \$185,000. Using these items, total construction only estimated close to \$5 million. Design engineering, material testing, and other "soft costs" on a federally-funded project, estimated at 20% of the total project cost. Overall project cost coming to approximately \$6 million.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: As has been mentioned previously, the construction would be state aid eligible. Considering the current state of the state aid balance, more work is needed to fund the project. MnDNR has been an avid supporter of the project and has implied that they would potentially be interested in participating in funding a portion of the project if they have funding available. Staff will reach out to MnDNR staff to inquire what the ability from them would be. Staff will also continue to work with Finance and the Council on direction for funding as the next few weeks come.

With the federal grant, the federal process is typically longer and more difficult to navigate. With the deadline to encumber the funds, staff will need a decision from Council whether to begin moving forward with the project shortly.

RECOMMENDED ACTION/MOTION: Information only at this time.

FINANCIAL IMPACT: N/A

June 25, 2024

Mr. Nick Broyles
Brainerd City Administrator
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mr. Broyles:

Congratulations, we are pleased to inform you that your Carbon Reduction Program (CRP) application for the construction of a pedestrian bridge and trail access to Lum Park at Minnesota State Highway 210 in Brainerd was selected for funding by the Central Minnesota Area Transportation Partnership (ATP) on June 20, 2024.

A total of \$4.42 million in federal CRP funds was made available to the central Minnesota region for State fiscal years 2025 (\$2.19 million) and 2026 (\$2.23 million). Your project was awarded \$1.25 million in federal funds for FY 2025 and \$86,000 in federal funds for FY 2026, contingent upon your ability to deliver the project and encumber funding in FY 2025. Failure to meet this schedule will result in rescission of this award as these are specialized funds to the ATP and must be spent. Please note that federal funding for your project is capped and that you will be responsible for the local matching funds and any additional costs that may be necessary to complete the project as proposed in your application.

Before starting work on your project, the project must first be programmed into the State Transportation Improvement Program (STIP), and you must obtain a project number. Please apply for a state aid project number as soon as possible to meet the July 8 deadline using the link [Project delivery - State Aid - MnDOT](#) so your project can be entered into the 2025-2028 STIP. Then go to "County or city online project request" link on the right side of the webpage.

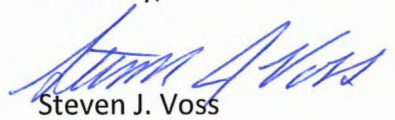
Note, inclusion in the STIP does not determine project eligibility; you must secure federal authorization. Do not expend any funds or proceed with any phase of your project that you wish to be reimbursed for until you have been notified the project is authorized and an executed agreement is in place between the project sponsor and the Minnesota Department of Transportation (MnDOT).

Mr. Nick Broyles
Brainerd City Administrator
City of Brainerd
Page 2
June 25, 2024

District 3 State Aid can assist you with this and provide you with specific guidance on managing your CRP project and negotiating the federal process for reimbursement. Locally, you can contact District 3 State Aid Engineer Angie Tomovic at 218/232-8981 or andjela.tomovic@state.mn.us, or District State Aid Assistant Brett Stark at 218/828-5708 or brett.stark@state.mn.us for assistance.

Again, congratulations on a successful application.

Sincerely,



Steven J. Voss
District Planning Director

cc: Jessie Dehn, Public Works Director, City of Brainerd, 501 Laurel Street, Brainerd, MN 56401
Angie Tomovic, MnDOT District 3, 3725-12th Street North, St. Cloud, MN 56303
Brett Stark, MnDOT District 3, 7694 Industrial Park Road, Baxter, MN 56425
Jeff Lenz, MnDOT District 3, 7694 Industrial Park Road, Baxter, MN 56425



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: League of MN Cities Insurance Trust (LMCIT) Premium Renewal March 2024-February 2025

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): 10 Minutes

SUMMARY OF ISSUE:

Ms. Kelly Masche and Mr. Nate Oland will be joining the meeting to present the 2024-2025 property insurance renewal information. Information is attached for your review.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

The City's insurance policy did not lapse, we have had continuous insurance coverage. More time was needed to assemble the renewal information.

The Council budgeted \$195,163 for the City for the 10 months in 2024. This was a budgeted 3.2% increase. The actual increase for the City portion of the premiums is 5.5%, and an 8.1% overall increase in the policy.

RECOMMENDED ACTION/MOTION:

Approve the insurance renewal from LMCIT for the period of March 1, 2024-February 28, 2025

FINANCIAL IMPACT:



**COMMERCIAL INSURANCE PACKAGE
PREPARED FOR:**

**City of Brainerd
Brainerd Public Utilities
Brainerd-Crow Wing County Transit**

Prepared by: Nate Oland and Kelly Masche

***WEIZENEGGER
ENGEL INSURANCE***

15616 Edgewood Drive, Suite 200, Baxter MN 56425 | PH: 888-829-4721



June 20, 2024

Brainerd City Council
City of Brainerd
Brainerd Public Utilities
501 Laurel Street
Brainerd MN 56401

RE: LMCIT Insurance Renewal

Dear Council Members,

Enclosed is the City of Brainerd's renewal premium summary, along with a comparative premium breakdown for each department.

The premium is based on the policy term 03/01/2024 – 03/01/2025 and the comparison is an annualized premium, from 03/01/2024 – 03/01/2028. The overall premium is up 8% from the expiring term; Please keep in mind that the League of Minnesota Cities does not make premium adjustments for mid-term changes

Please take note of the 2023-2024 LMC rate and coverage changes

Please reach out if you have any questions or concerns.

Regards,

A handwritten signature in black ink, appearing to read 'Nathan S Oland', followed by a long horizontal line.

Nathan S Oland, AIC, LUTCF
O: 218-829-4721
C: 507-363-6344
E: NSOLAND@WE-INS.COM

A handwritten signature in blue ink, appearing to read 'Kelly Masche'.

Kelly Masche, CIC, AIS, ACS, AINS
O: 218-454-4243
C: 507-213-9000
E: KJMASCHE@WE-INS.COM

PREMIUM SUMMARY

CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES & BRAINERD & CROW WING PUBLIC TRANSIT

- All Departments Combined -

League of Minnesota Cities Insurance Trust

March 1, 2024 to March 1, 2025

COVERAGE	RENEWAL PREMIUM 2023-2024	RENEWAL PREMIUM 2024-2025
Building & Contents	\$228,739	\$259,832
Equipment - Mobile Property	\$12,501	\$14,226
Municipal Liability	\$135,429	\$132,471
Public Officials E&O	Included	Included
Automobile	\$55,282	\$62,569
Blanket Employee Bond	\$2,235	\$2,238
Equipment Breakdown	\$19,522	\$21,846
Open Meeting Law	Included	Included
Cyber - 1st party coverage	\$6,552	\$4,368
TOTAL ANNUAL PREMIUM	\$460,260	\$497,550

Renewal Summary

CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES & BRAINERD & CROW WING PUBLIC TRANSIT League of Minnesota Cities Insurance Trust March 1, 2024 to March 1, 2025

2020 LMCIT P&C dividend paid \$25,941.
2021 LMCIT P&C dividend paid \$70,549.
2022 LMCIT P&C dividend paid \$48,959.
2023 LMCIT P&C dividend paid \$14,534

Unscheduled equipment rating basis increased by:	\$45,311
BPU unscheduled equipment rating basis increased by:	\$37,372

Overall autos decreased by 5
BPU overall autos increased by 8

Overall property limits were increased by \$1,363,408
BPU overall property limits were increased by \$25,923,316

Cyber First Party Liability decreased from \$500,000 to \$250,000
Cybersecurity awareness training must be completed annually
to be eligible for higher limits

Cyber and bond premiums have been allocated by
department employee count

Municipal Liability premium down due to
Rate decrease, decrease in expenditures and sewer connections

Deductibles:
Property: \$5,000
Mobile Property: \$5,000
First Party Cyber: \$500
Municipal Liability: \$5,000
Auto Liability: \$1,000
UM/UIM: \$1,000
Auto Physical Damage: \$1,000

Property Coverage Summary

CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES &
BRAINERD & CROW WING PUBLIC TRANSIT
League of Minnesota Cities Insurance Trust
March 1, 2024 to March 1, 2025

Coverage Form: Special Causes of Loss

Reproduction Cost Coverage is provided for the following locations

- Location 1 - City Hall
- Location 2 - City Hall Annex
- Location 3 - Laurel & civic Lights/Welcome sign
- Location 4 - Historic Water Tower
- Location 47 – Public Library

Properties Deleted:

- Loc #28, Lum Park - Warehouse/Office/Shop
- Loc #29 Lum Park - Restroom/showers
- Loc #33 Lum Park - Lum Park - Cold Storage

Vacant Properties:

- City Hall Annex

Property Deductible: \$5,000

		<u>Deductible</u>
<u>CRIME</u> : Limit per Occurrence	\$250,000	\$500 per occurrence
Fraudulent Instruction Loss sublimit	\$50,000	
<u>BOND</u> : Limit per Occurrence	\$1,000,000	\$1,000 per occurrence
<u>PETROFUND</u> : Aggregate	\$250,000	N/A
<u>EQUIPMENT BREAKDOWN</u> :	\$100,000,000	\$1,000 per accident

ADDITIONAL PROPERTY COVERAGE

**CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES &
BRAINERD & CROW WING PUBLIC TRANSIT
League of Minnesota Cities Insurance Trust
March 1, 2024 to March 1, 2025**

1. Loss of Revenue, Extra Expense and Expediting Expense	\$5,000,000 Per Occurrence
2. Demolition & Debris Removal (Direct Damage to Property)	25% of the Estimated Replacement Cost of the Covered Property
(No Direct Damage to Property)	\$50,000 Per Occurrence
3. Leasehold Interest	\$500,000 Per Location
4. Accounts Receivable	\$500,000 Per Location
5. Valuable Papers and Records	\$500,000 Per Location
6. Utility Services	\$100,000 Per Occurrence
7. Green Building Expenses	1% of Contract Cost, but not to exceed \$100,000 Per Location
8. Asbestos Cleanup and Removal	\$250,000 Per Location
9. Pollutant Cleanup and Removal	\$250,000 Per Location
10. Errors	\$500,000 Per Occurrence
11. Rental Reimbursement	\$250,000 Annual Aggregate
12. Arson Reward	\$5,000 Per Fire Loss
13. Extraordinary Expense	\$250,000 Annual Aggregate
Water & Supplemental Flood Coverage	\$500,000 Per Occurrence
	\$500,000 Annual Aggregate

MUNICIPAL LIABILITY COVERAGE

**CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES &
BRAINERD & CROW WING PUBLIC TRANSIT
League of Minnesota Cities Insurance Trust
March 1, 2024 to March 1, 2025**

COVERAGE WRITTEN ON:

Claims Made Form

LIMITS OF LIABILITY:

Per Occurrence Limit	\$2,000,000	
Products Limit	\$3,000,000	Annual Aggregate
Failure to Supply Claim Limit	\$3,000,000	Annual Aggregate
EMF Claim Limit (electromagnetic fields)	\$3,000,000	Annual Aggregate
Medical & Related Expense Limit	Not Covered	
Limited Contamination Liability	\$3,000,000	Per Sudden Occ.
Outside Organization Claim Limit	\$100,000	Annual Aggregate
System Security Breach	\$3,000,000	Annual Aggregate
Land Use & Special Risk Litigation	\$1,000,000	Annual Aggregate
Sexual Abuse Claim	\$3,000,000	Annual Aggregate
Wildfire Claim	\$3,000,000	Annual Aggregate
Data Security Breach liability	\$2,000,000	occurrence
PCI Fines, penalties, assessments sublimit	\$250,000	part of occurrence

Municipal Liability Deductible:

\$1,000

MISC. COVERAGE:

Errors & Omissions (incl. Airport)	Included - no exclusion
Defense Cost Reimbursement Expense	\$50,000 Annual Aggregate Per City Official \$250,000 Annual Aggregate

MUNICIPAL AUTOMOBILE COVERAGE

CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES &
BRAINERD & CROW WING PUBLIC TRANSIT
League of Minnesota Cities Insurance Trust
March 1, 2024 to March 1, 2025

Automobile Liability	\$2,000,000 Per Occurrence
Basic Economic Loss Benefits	MN Statutory PIP
Uninsured & Underinsured Motorist	\$200,000 Per Occurrence
Automobile Physical Damage	Actual Cash Value (unless endorsed)
Hired & Non-Owned Automobile	\$2,000,000
Scheduled Non-Owned auto Liability	10 City admin employees
Automobile Deductible:	\$1,000

ADDITIONAL CONSIDERATIONS

CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES &
BRAINERD & CROW WING PUBLIC TRANSIT
League of Minnesota Cities Insurance Trust
March 1, 2024 to March 1, 2025

Excess Liability Quote:	
\$1,000,000 Excess Liability \$41,532.	
The City of Brainerd has elected to not waive the statutory limits, therefore the cities liability is limited by the MN statue to no more than \$500,000 per claimant and \$1.5 million per occurrence for tort liability claims. The trusts excess liability policy would extend coverage for non-tort liability claims that would exceed this amount.	
MN Statue reference:	
https://www.revisor.mn.gov/statutes/cite/466.04	

PREMIUM SUMMARY COMPARISON

**CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES
CROW WING PUBLIC TRANSIT**

**League of Minnesota Cities Insurance Trust
March 1, 2024 to March 1, 2025**

Dept.	2023	2024	2023	2024	2023	2024	2023	2024	2023	2024
	Property	Property	Unscheduled Equipment	Unscheduled Equipment	Scheduled Equipment	Scheduled Equipment	Municipal Liability	Municipal Liability	Open MTG Law	Open MTG Law
City	\$24,918.00	\$28,412.00	\$47.00	\$52.00	\$0.00	\$0.00	\$20,999.56	\$22,087.40	\$0.00	\$0.00
Str/Swr	\$4,836.00	\$5,330.00	\$4,738.00	\$5,261.00	\$0.00	\$278.00	\$12,449.05	\$11,139.94	\$0.00	\$0.00
Police	\$4,760.00	\$5,008.00	\$845.00	\$938.00	\$0.00	\$0.00	\$58,297.05	\$64,771.13	\$0.00	\$0.00
Fire	\$4,974.00	\$5,236.00	\$939.00	\$1,042.00	\$0.00	\$0.00	\$1,615.29	\$1,541.69	\$0.00	\$0.00
Library	\$9,995.00	\$8,970.00	\$0.00	\$0.00	\$0.00	\$0.00	\$134.13	\$121.56	\$0.00	\$0.00
Park	\$21,881.00	\$21,215.00	\$282.00	\$313.00	\$0.00	\$0.00	\$2,331.67	\$2,192.37	\$0.00	\$0.00
EDA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$136.78	\$116.44	\$0.00	\$0.00
Airport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00	\$500.00	\$0.00	\$0.00
SubT	\$71,364.00	\$74,171.00	\$6,851.00	\$7,606.00	\$0.00	\$278.00	\$96,463.53	\$102,470.53	\$0.00	\$0.00
Transit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,579.14	\$1,396.77	\$0.00	\$0.00
SubT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,579.14	\$1,396.77	\$0.00	\$0.00
BPU	\$157,375.00	\$185,661.00	\$5,650.00	\$6,274.00	\$0.00	\$68.00	\$37,386.33	\$28,603.70	\$0.00	\$0.00
SubT	\$157,375.00	\$185,661.00	\$5,650.00	\$6,274.00	\$0.00	\$68.00	\$37,386.33	\$28,603.70	\$0.00	\$0.00
TOTAL	\$228,739.00	\$259,832.00	\$12,501.00	\$13,880.00	\$0.00	\$346.00	\$135,429.00	\$132,471.00	\$0.00	\$0.00

Dept.	2023	2024	2023	2024	2023	2024	2023	2024	2023	2024
	Auto	Auto	HNO/Primary	HNO/Primary	Bond	Bond	Equipment Breakdown	Equipment Breakdown	1st Pary Cyber	1st Pary Cyber
City	\$1,725.00	\$1,591.00	\$116.00	\$129.88	\$335.25	\$369.91	\$1,366.54	\$1,302.68	\$982.80	\$721.99
Str/Swr	\$6,251.00	\$6,928.00	\$9.00	\$5.55	\$149.00	\$147.97	\$390.44	\$456.31	\$436.80	\$288.79
Police	\$26,435.00	\$28,750.00	\$9.00	\$22.91	\$577.38	\$610.36	\$390.44	\$401.51	\$1,692.60	\$1,191.27
Fire	\$6,549.00	\$7,674.00	\$9.00	\$2.08	\$55.88	\$55.49	\$390.44	\$386.30	\$163.80	\$108.30
Library	\$0.00	\$0.00	\$9.00	\$0.00	\$0.00	\$0.00	\$585.66	\$614.45	\$0.00	\$0.00
Park	\$2,416.00	\$2,774.00	\$9.00	\$4.86	\$130.38	\$129.47	\$585.66	\$629.31	\$382.20	\$252.69
EDA	\$0.00	\$0.00	\$9.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Airport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SubT	\$43,376.00	\$47,717.00	\$170.00	\$165.28	\$1,247.89	\$1,313.20	\$3,709.18	\$3,790.56	\$3,658.20	\$2,563.04
Transit	\$0.00	\$0.00	\$9.00	\$0.69	\$18.63	\$18.50	\$0.00	\$0.00	\$54.60	\$36.10
SubT	\$0.00	\$0.00	\$9.00	\$0.69	\$18.63	\$18.50	\$0.00	\$0.00	\$54.60	\$36.10
BPU	\$11,718.00	\$14,652.00	\$9.00	\$34.03	\$968.48	\$906.30	\$15,812.82	\$18,055.44	\$2,839.20	\$1,768.86
SubT	\$11,718.00	\$14,652.00	\$9.00	\$34.03	\$968.48	\$906.30	\$15,812.82	\$18,055.44	\$2,839.20	\$1,768.86
TOTAL	\$55,094.00	\$62,369.00	\$188.00	\$200.00	\$2,235.00	\$2,238.00	\$19,522.00	\$21,846.00	\$6,552.00	\$4,368.00

Dept.	2023	2024	Coverage	2023	2024				
	Premium	Premium	Property	\$228,739.00	\$259,832.00				
City	\$50,490.15	\$54,666.86	Unscheduled Equip	\$12,501.00	\$13,880.00				
Str/Swr	\$29,259.29	\$29,835.56	Scheduled Equip	\$0.00	\$346.00				
Police	\$93,006.47	\$101,693.18	Municipal liability	\$135,429.00	\$132,471.00				
Fire	\$14,696.41	\$16,045.86	Open MTG Law	\$0.00	\$0.00				
Library	\$10,723.79	\$9,706.01	Auto	\$55,094.00	\$62,369.00				
Park	\$28,017.91	\$27,510.70	HNO Auto	\$188.00	\$200.00				
EDA	\$145.78	\$116.44	Bond	\$2,235.00	\$2,238.00				
Airport	\$500.00	\$500.00	Equip Breakdown	\$19,522.00	\$21,846.00				
SubT	\$226,839.80	\$240,074.61	Cyber	\$6,552.00	\$4,368.00				
			Total	\$460,260.00	\$497,550.00				
Transit	\$1,661.37	\$1,452.06							
SubT	\$1,661.37	\$1,452.06							
BPU	\$231,758.83	\$256,023.33							
SubT	\$231,758.83	\$256,023.33							
TOTAL	\$460,260.00	\$497,550.00							

COVERAGE SUMMARY COMPARISON

CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES
CROW WING PUBLIC TRANSIT

League of Minnesota Cities Insurance Trust

Dept.	2023	2024	Difference	2023	2024	Difference	2023	2024	Difference
	Property Limits	Property Limits		Unscheduled	Unscheduled		Auto	Auto	
	BLDG - BPP - EQ. Breakdown	BLDG - BPP - EQ. Breakdown		Equipment	Equipment		# of Units	# of Units	
City	12,699,165	13,364,697	665,532	12,420	12,730	310	6	5	(1)
Str/Swr	4,300,946	4,681,406	380,460	1,253,572	1,284,911	31,339	17	17	-
Police	3,916,257	4,119,201	202,944	223,546	229,135	5,589	19	19	-
Fire	3,767,749	3,963,138	195,389	248,384	254,594	6,210	22	20	(2)
Library	5,964,987	6,303,825	338,838	-	-	-	-	-	-
Park	6,876,073	6,456,318	(419,755)	74,516	76,379	1,863	12	10	(2)
EDA	-	-	-	-	-	-	-	-	-
Airport	-	-	-	-	-	-	-	-	-
SubT	37,525,177	38,888,585	1,363,408	1,812,438	1,857,749	45,311	76	71	(5)
Transit	-	-	-	-	-		-	-	-
SubT	-	-	-	-	-		-	-	-
BPU	159,313,344	185,236,660	25,923,316	1,494,896	1,532,268	37,372	50	58	8
SubT	159,313,344	185,236,660	25,923,316	1,494,896	1,532,268	37,372	50	58	8
TOTAL	196,838,521	224,125,245	27,286,724	3,307,334	3,390,017	82,683	252	258	3

Weizenegger Engel

Kelly Masche

Re: City of Brainerd

This letter and the attached Municipal Electric Utility Property and Machinery Breakdown Coverage Options risk information memo provides a review of the various coverage options and replacement cost values and limits. Please deliver a copy of this letter to the utility manager.

Review of Electric Utility Locations/Municipal Property Coverage

Location description

Power plant location

The power plant location includes the values on the building, production equipment, substation equipment and the substation that is outside or near the power plant building. The covenant includes an endorsement that lists the property that is covered at the power plant location.

Substation location

The substation location includes the values of the substation that is away from the power plant location.

This utility has the following power plant and substation locations and limits of coverage;

Location	Address	Occupancy	Limit
75	1801 Mill Ave	Power Plant/Dam	\$50,352,708.
76	1801 Mill Ave	Transformer	\$297,352.
85	12034 Oakridge Rd	Substation	\$18,536,791.

Agreed amount endorsement

The utility has determined that they do need an agreed amount endorsement on the following equipment:

Location	Occupancy	Type of Covered Equipment	Limit
75	Power Plant/Dam	(5) Hydro Turbines	\$3,354,402 per Hydro Turbine.

LMCIT will repair and replace the equipment with used or new materials but in no event will LMCIT pay more than \$3,354,402. For any (1) Hydro Turbine. The specific limit does not apply.

As an example, if a fire damaged the building for \$500,000, LMCIT would pay up to \$750,000. The building is subject to the 150% specific property limit. However, if a fire damaged the equipment, LMCIT will not pay more than \$3,354,402, the agreed amount limits stated above. The specific limit does not apply.

Replacement cost coverage

The replacement cost coverage LMCIT provides for electric utilities differs from the coverage provided for other municipal property in an important way; the coverage for utility equipment allows for the use of used parts and materials to repair or replace damaged utility property, if used parts and materials of comparable kind and quality are available.

Replacement cost values

Estimating the replacement cost of electric utility equipment can be difficult. In most cases, we have requested the utilities to complete questionnaires on their equipment and have forwarded the information to various consulting engineers to determine the replacement cost values. Depending on the type of equipment, we may have used an internal replacement cost guideline as established by the consulting engineers. *Please review the replacement cost values on each location. If the utility feels that the values are inadequate, please contact LMCIT.*

Agreed amount values

Please review the equipment that has an agreed amount value and determine if the utility wants to amend the agreed amount values or make any other changes.

Review of Electric Utility Locations/Equipment Breakdown Coverage

LMCIT does not provide any Equipment Breakdown Coverage at the Power Plant/Dam (Location #77), Transformer (Location #78) or Substation (Location #87).

Please contact me if you have any questions.

Thank you,

Nate Brue

LMCIT Underwriter

2023-2024 Coverage Changes

The League of Minnesota Cities Insurance Trust understands the unique exposures faced by members and regularly develops new coverages to address their ever-changing needs. The following coverage changes apply to members whose property/casualty coverage renews on or after Nov. 15, 2023, and workers' compensation renewing on or after Jan. 1, 2024. Members are urged to examine the coverage document for actual wording. In all cases, those documents determine coverage, exclusions, and limitations.

[Access a glossary of Trust-related terms.](#)

Auto coverage

Pollutant cleanup

The auto liability coverage has been broadened to include costs members are legally obligated to pay to clean up pollutants that are suddenly and accidentally released as the result of the ownership, maintenance, or use of an auto. It is subject to a \$50,000 per occurrence sub-limit and \$100,000 annual aggregate limit.

Coverage for municipal cannabis sales

The Trust has defined two categories of cannabis products for purposes of coverage:

1. Low-potency edibles or infused drinks (cannabinoid products) sold at municipal liquor stores that are legal and authorized under state law. These products were legalized in Minnesota in 2022 with authority for municipalities to sell in 2023.
2. Other types of cannabis products that were legalized in 2023 and involve higher potencies and more ways to consume, such as inhalation.

The Trust will not exclude damages arising out the sale of low-potency cannabinoid products that fall within the requirements specified in [Minn. Stat. § 151.72, subd. 4, 5, and 5a](#). The Trust will, however, otherwise exclude damages relating to the sale of cannabis products. The Trust Board determined the exclusion was appropriate because of the uncertain status of cannabis products under federal law, which we will continue to monitor. In the meantime, the Trust is working to find a specialty insurer that can help members cover these kinds of activities.

Actual coverage changes are as follows.

Liability coverage — two new exclusions

The first liability exclusion is bodily injury, property damage, or personal injury arising out of a member's ownership, operation, or maintenance of any cannabis business, or the sale of cannabis products. This exclusion does not apply to low-potency edible cannabinoid products sold at municipal liquor stores.

The second liability exclusion is for those cases in which a member may be liable by reason of Minn. Stat. § 342.81 (relating to illegal sales) or any other law governing liability for the illegal sales of any cannabis products, including low potency. Coverage for the illegal sales of low-potency cannabis products will be moved to the Trust's liquor liability coverage, which is an optional coverage members can purchase.

Property coverage — one new exclusion

The property coverage will exclude cannabis products, except for low-potency edible cannabinoid products.

Liquor liability coverage — expanded coverage

The liquor liability coverage, which is an optional coverage available to members, will include sums a member is legally obligated to pay because of the illegal sale of low-potency edible cannabinoid products at or from a covered premises, as provided by Minn. Stat. § 342.81 or any other law governing liability for illegal sales.

Liability coverage

PFAS exclusion

There will be new, explicit wording to support the longstanding coverage intent of the pollution exclusions, which is that claims related to PFAS (Per and Polyfluoroalkyl Substances) are excluded from the property and liability coverages as pollutants. This change is not intended to further restrict coverage — it's a supporting clarification the insurance and reinsurance industry are adopting.

Professional medical services exclusion

Coverage will be clarified to better define which medical professionals are excluded from coverage. In addition to doctors of medicine, dentists, nurses, pharmacists, and psychologists, it will clarify this also includes doctors of osteopathic medicine, doctors of optometry, podiatrists, physician assistants, veterinarians, and dental therapists.

Property coverage

Water damage sub-limit for cyber claims

The property coverage has an exclusion for cyber claims caused by unauthorized intrusive codes or programming, such as hacking, ransomware, or a computer virus, but there's an exception to the exclusion for damages resulting from smoke, explosion, water damage, leakage, or discharge from fire extinguishing equipment. A new sub-limit in the amount of \$10 million will apply to property claims caused by a cyber event that results in water damage to members' property.

PFAS exclusion

There will be new, explicit wording to support the longstanding coverage intent of the pollution exclusions, which is that claims related to PFAS (Per and Polyfluoroalkyl Substances) are excluded from the property and liability coverages as pollutants. This change is not intended to further restrict coverage — it's a supporting clarification that the insurance and reinsurance industry are adopting.

Planters and ‘property in the open’ definition

Property-in-the-open, which captures types of property not in a building, such as benches, fences, and picnic tables, will be broadened to include planters.

Workers’ compensation coverage

Infectious disease testing limit

The infectious disease diagnostic testing limit will increase from \$5,000 to \$7,500 per incident. The coverage provides diagnostic testing for certain viral infections, such as human immunodeficiency virus (HIV) and meningitis, and other diagnostic costs that are not otherwise covered by workers’ compensation.

Optional coverages

Excess liability retro date wording

Members have the option to carry higher coverage limits than the basic limits automatically provided by the Trust for municipal liability, land use and special risk litigation, auto liability, and liquor liability. A slight wording change will be made to clarify under what circumstances the excess liability will respond.

Liquor liability

The liquor liability coverage, which is an optional coverage available to members, will include sums a member is legally obligated to pay because of the illegal sale of low-potency edible cannabinoid products at or from a covered premises, as provided by Minn. Stat. § 342.81 or any other law governing liability for illegal sales.

Your LMC Resource

Underwriters are available to assist with questions about coverages and more.

[Connect with Underwriters](#)

choose “Underwriting” under “Department”

Have ideas for enhanced coverage?

Do you have ideas to enhance the Trust’s coverages? We’d like to hear from you.

[Contact an Underwriter](#)

choose “Underwriting” under “Department”

2023-2024 Premium Rates

The League of Minnesota Cities Insurance Trust Board of Trustees evaluates loss projections every year to ensure premium rates are adequately set to respond to future claims. If estimates and members' losses are better than projected, the additional savings can be returned to members ([learn more about the dividend being returned for 2023](#)) or added to the Trust's fund balance for the purpose of saving money for members in other ways, such as the Trust retaining more risk.

The following provides information about premium rates going into effect for property/casualty coverages renewing on or after Nov. 15, 2023, and for workers' compensation coverages renewing on or after Jan. 1, 2024.

Property/casualty rates

What does property/casualty coverage include?

Coverage is tailored specifically for Minnesota cities and related entities like housing and redevelopment authorities, joint powers organizations, and other special districts and instrumentalities. It's broader than commercial policies and includes coverage for property losses, bond, comprehensive municipal liability, auto, cyber-related claims, liquor liability, and much more.

[Learn more about the types of entities that can participate in the Trust.](#)

How does the Trust set rates?

Rates are set at a level to generate enough premium to cover:

- Expected claim costs for the year based on actuaries' calculations.
- A contingency margin to protect the Trust and its members from the possibility that losses will be higher than expected.
- Projected administrative expenses.

What are property/casualty rates for 2024?

Rates will decrease by an average of 0.75%. The following list includes specific rate changes by coverage area.

- Liability rates will decrease by an average of 6%. That consists of:
 - A 10% decrease in employment liability rates.
 - A 15% decrease in sewer backup liability rates.
 - An 11% decrease in annual expenditure-based rates for cities.

- No rate changes for police liability, land use litigation, or annual expenditure-based rates for special purpose entities.
- Auto physical damage rates will increase 10%.
- Auto liability rates will increase 5%.
- Excess liability (optional coverage) rates will increase 3%.
- No rate changes for property or other coverages.

What about other variables?

Premiums will also be affected by factors such as a member's changes in expenditures, property values, payroll, experience ratings, and others. Contact the Trust's underwriting staff for questions about member-specific rates.

Connect with underwriters (choose "Underwriting" under "Department").

Why are rates changing?

The Trust works with an actuary to help project future claim costs, which in turn drives premium rates. Here's what is happening in the property/casualty program:

- There will be no rate change for property coverage, including mobile property, because projected loss costs are stable.
- The varying decreases in liability rates will better align projected liability premiums with actual loss costs.
- Auto rates are increasing because of increased loss patterns and, like the private market, inflationary pressure.
- The 3% rate increase for excess liability is due to increased rates from the Trust's reinsurer for that line of coverage.

Members can view their losses in the LMCIT Member Center. Contact Senior Business Analyst Lena Gould at lgould@lmc.org or (651) 281-1245 to learn more about Trust members' loss patterns as a whole.

Workers' compensation rates

What is workers' compensation coverage?

Workers' compensation provides coverage for members that have employees who are injured while in the course and scope of employment.

How does the Trust set rates?

Rates are set at a level to generate enough premium to cover:

- Expected claim costs for the year based on actuaries' calculations.
- A contingency margin to protect the Trust and its members from the possibility that losses will be higher than expected.
- Projected administrative expenses for the program.

What are the rate changes for 2024?

Rates will decrease by an average of 15%.

What about other variables?

Premiums will also be affected by factors like changes in a member's expenditures, payrolls, experience rating, and other exposure measures. Members and agents can contact their underwriter for member-specific details.

[Learn how experience ratings are used to adjust members' future premiums.](#)

[Connect with underwriters](#) (choose "Underwriting" under "Department").

Why are rates changing?

The primary reason for the 15% rate decrease is because the development on members' claim experience was favorable in 2022 and 2023, both on new claims received by the Trust and on case reserves for claims occurring prior to June 30, 2022.

In recent years the Trust has communicated with members about the impact of post-traumatic stress disorder (PTSD) claims for public safety on the Trust's workers' compensation program. Premium rate increases have been necessary because these claims became a significant portion of the Trust's costs claim patterns; however, both PTSD and non-PTSD claims have changed the course of future claim projections, at least for 2024.

Whether and how PTSD, other types of claims, or legislative changes will affect workers' compensation rates in the future is impossible to know with certainty. There's inherent unpredictability in managing risk and knowing the cost of future claims. The Trust evaluates claim patterns through data analyses and actuarial projections to set premium rates as responsibly as possible. The Trust also has programs, services, and staff available to help members control all types of claims — from back injuries to land use and everything in between.

[Learn more about the new public safety duty disability law](#) aimed at curbing the number of public safety employees leaving their professions because of mental injuries.

[Learn more about the Trust's loss control programs.](#)

Members can view their losses in the [LMCIT Member Center](#). Contact Senior Business Analyst Lena Gould at lgould@lmc.org or (651) 281-1245 to learn more about Trust members' loss patterns as a whole.

Are there any other changes we should be aware of?

Nonsmoker credit: There is a discount in the workers' compensation rate for firefighters and police officers if members can assert 90% of their departments are nonsmokers. The rate credit will decrease from 10% to 5% because a recent evaluation shows members with "nonsmoking" departments have worse claim experience than "smoking" departments. Because of this, the nonsmoking credit will be phased out and discontinued on Jan. 1, 2025.

Experience rating: A few minor, primarily technical changes will be made to the Trust's experience rating formula for 2024 to align with revised industry standards.

Learn more about experience rating or contact Underwriting Manager Liam Biever at lbiever@lmc.org or (651) 281-1212 to learn more about the specifics.

Your LMC Resource

Underwriters are available to assist with questions about coverages and more.

Connect with Underwriters

choose "Underwriting" under "Department"



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Accept Retirement of Street Maintenance I Michael Jensen

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

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE: Michael Jensen submitted his retirement notice on Friday, June 21, 2024.
Michael's last day of work will be Friday, July 12, 2024.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Motion to accept with regret the retirement of Street Maintenance I Michael Jensen effective July 12, 2024, and authorize his severance payout per the IUOE Local No. 49 Street Department Union Contract; further, to authorize Staff to begin the hiring process to backfill the Maintenance I position.

FINANCIAL IMPACT:

To: Jessie Dehn
City Engineer / Public Works Director
City of Brainerd Street Division

RECEIVED

JUN 20 2024

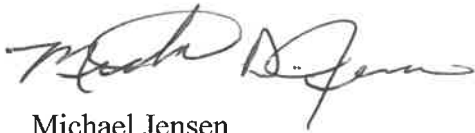
**CITY OF BRAINERD
ADMINISTRATION**

Date: June 21, 2024

Dear Mr. Jessie Dehn,

Please accept this letter of resignation from my full-time employment with the Public Works Department – Street Division in the City of Brainerd. I have enjoyed working in my position as a Maintenance I in the Street Division for over the past three and half years. I intend to work in my position for the next month until my last day on Friday, July 12, 2024. I will be retiring to enjoying my family, friends, and other outdoor activities for years to come.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Jensen", written in a cursive style.

Michael Jensen
Maintenance I



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Request Authorization to Backfill Police Officer Position

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

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

DEPARTMENT: HR

PRESENTER: Kris Schubert, Human Resources
Director, Tony Runde, Deputy Police Chief

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: On June 17th, the Council approved a Separation Agreement for a Police Officer. Staff requests authorization to begin the hiring process for that vacant Police Officer position. By filling the vacant position, we would return to 27 sworn officers on staff as budgeted.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

RECOMMENDED ACTION/MOTION: Motion to authorize staff to begin the hiring process for our vacant Police Officer position.

FINANCIAL IMPACT: By filling the vacancy, we would be returning to 27 sworn officers as budgeted.



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Consider Central Business District Incentive Policy

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: See attached memo

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

RECOMMENDED ACTION/MOTION:

Staff is seeking direction from the P&F Committee for a revised policy and resolution for the Central Business District Incentive Policy and have provided options below for the Committee to consider.

1. Recommend approval of the EDA proposed Central Business District Map with the same incentives as the River to Rail District.
2. Separate the map into zones and only waive SAC and WAC in the original River to Rail District.
3. Add or reduce the properties located in the Central Business District Map.

FINANCIAL IMPACT: River to Rail Project History:

Aug 2019 - 54 permits, \$708,353 Project Valuation, \$33,439 Fees Waived
2020 - 95 permits, \$2,836,123 Project Valuation, \$28,285 Fees Waived
2021 - 30 permits, \$113,220 Project Valuation, \$5,142 Fees Waived
2022 - 101 permits, \$2,353,763 Project Valuation, \$39,390 Fees Waived
2023 - 79 permits, \$3,533,900 Project Valuation, \$31,786 Fees Waived

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: July 1st, 2024

RE: Review Central Business District Incentive Policy

INTRODUCTION

The EDA held a workshop on June 28th, 2023, to discuss additional economic incentive programs for the City of Brainerd. Exploring additional incentive programs is a goal of the 2023-2024 framework plan for the EDA. At the workshop, BLAEDC provided a report on comments from their 2022 BR&E interviews and a few comments centered around providing incentives or programs for the businesses that are not located in the downtown area of Brainerd.

UTILITY INFRASTRUCTURE

The Community Development Director, Public Works Director, and Public Utilities Director discussed the Commercial Corridor District and the potential for mixed-use development. The CC District does not currently allow for mixed-use or residential development. However, there are numerous benefits for allowing mixed-use development in the CC District such as creating complete neighborhoods, expanding areas for residential development, and making redevelopment financially viable for a potential developer. The Washington Street reconstruction project will increase utility capacity in the CC District and future residential development will not have an impact on the new infrastructure. The Public Works Director and Public Utilities Director did not see any issue with extending the River to Rail District or to allow future residential development in this area as the River to Rail District forgives all SAC and WAC permit charges. The Planning Commission will consider mixed-use development in the CC District after conclusion of the short-term rental ordinance and cannabis dispensary ordinance.

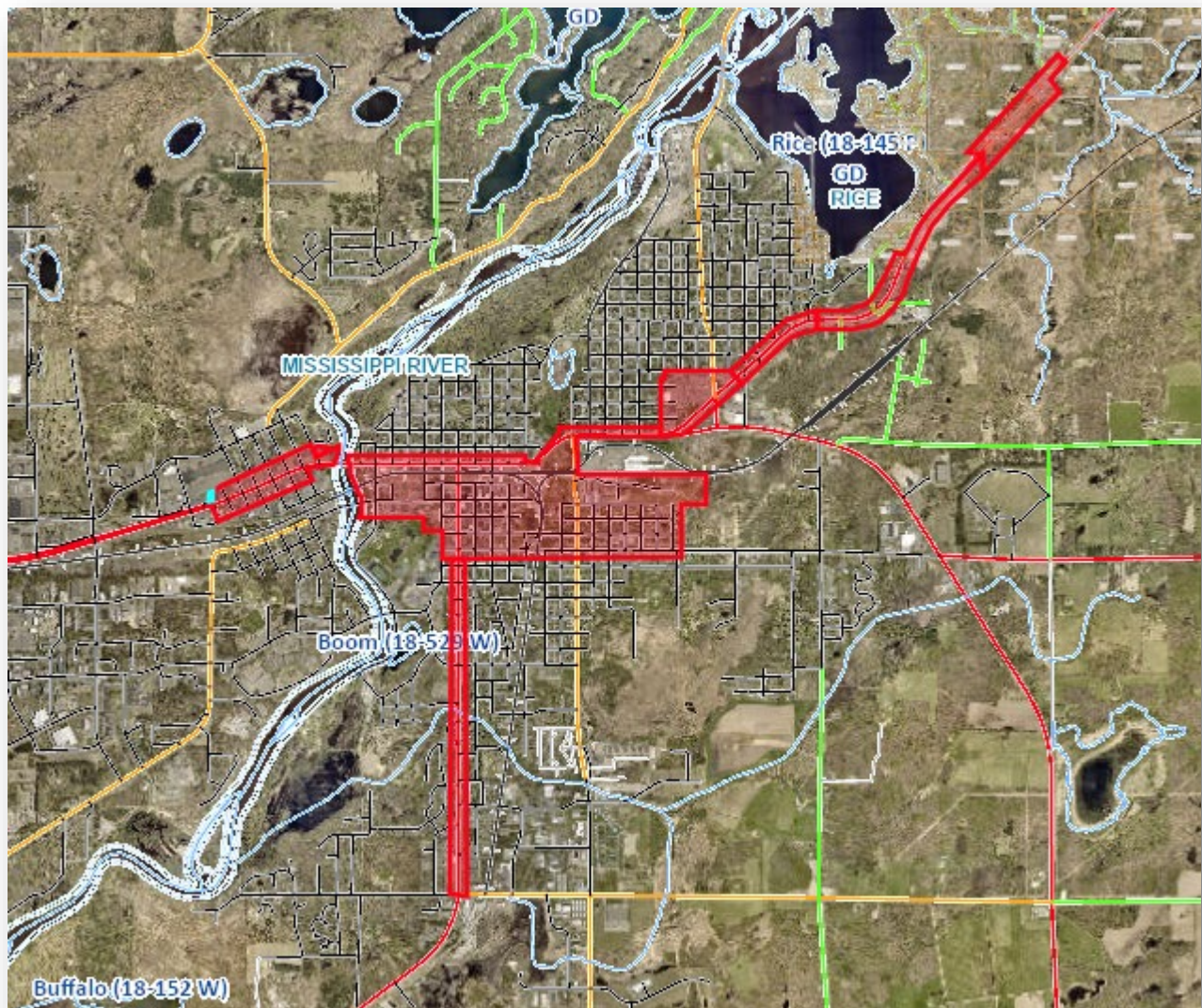
CENTRAL BUSINESS DISTRICT INCENTIVE POLICY

At the April 4th, 2024 EDA meeting, the Board discussed options to expand the incentive district further than what staff originally proposed. At the June 6th EDA meeting, the Board recommended the Central Business District Incentive Policy include all properties along Washington St/ Hwy 210 from the Eastern limits of the City to the Western limits of the City and South 6th Street to Buffalo Hills Ln East. The program would align with the original River to Rail District Incentive Policy which waives all SAC and WAC fees and would expire in 2029. In addition to the SAC and WAC fees the policy waives all building permit fees for projects with a valuation of \$150,000 or less.

BRAINERD PUBLIC UTILITIES COMMISSION MEETING

The Brainerd Public Utilities Commission reviewed the potential expansion of the River to Rail District and had concerns about forgiving SAC and WAC fees in such a large area. They stated that Brainerd has an aging infrastructure in which the fees could be utilized. Commission members are interested in forgiving SAC and WAC for select projects that are adding jobs or improving the local economy, but would like to review these on a case-by-case basis. The Commission decided to take no action and did not provide a recommendation to City Council. They are open to revisiting the idea and targeting smaller areas for redevelopment.

CENTRAL BUSINESS DISTRICT MAP



DISTRICT OPTIONS

Staff is seeking direction from the P&F Committee for a revised policy and resolution for the Central Business District Incentive Policy and have provided options below for the Committee to consider.

1. Recommend approval of the EDA proposed Central Business District Map with the same incentives as the River to Rail District.
2. Separate the map into zones and only waive SAC and WAC in the original River to Rail District.
3. Add or reduce the properties in the Central Business District Map.

City of Brainerd, Minnesota

River to Rail Initiative

Incentives Policy

1. Policy Introduction

The River to Rail initiative focuses on the area of Brainerd, Minnesota bound by the Mississippi River on the west, the Northern Pacific Center on the East, Oak Street on the south, and Washington Street on the north. In recent years, momentum to revitalize the core downtown of Brainerd has been building due to the hard work of several organizations including the City of Brainerd, the Brainerd HRA, the Brainerd Lakes Area Chamber of Commerce, the Brainerd Lakes Area Economic Development Corporation, Sourcewell, and the Region 5 Development Commission. While this momentum has been taking place, these organizations along with entrepreneurs and developers have been working together to create a shared vision for this core area of Brainerd now known as the River to Rail Initiative.

2. Policy Purpose and Need

Generally, the City of Brainerd City Council finds it necessary and advantageous to outline specific policy decisions it has made for the River to Rail corridor as it relates to potential development incentives that developers or entrepreneurs can tap into as resources to complete important projects within the River to Rail corridor. The incentives in this policy provide baseline guidance to staff, City Council members, developers, entrepreneurs, and economic development agencies about what options are available to promote development, re-development, and economic vibrancy to the corridor.

This policy is not intended to be an exhaustive list of all the City of Brainerd is willing to make available for potential investors within the corridor, nor is it meant to mean that the City will not consider these same incentives in other areas of the community, rather it is meant to be a trial run at an economic development policy that provides as a guiding document for potential investors that want to develop or re-develop areas within the corridor, and may be expanded in the future to include all of Brainerd upon success stories shared due to this policy.

3. Policy Statement

The following incentives, based upon City Council action, are available for use within the River to Rail corridor and may vary due to project construction costs as outlined further in this policy:

- Waiving of City Building Permit Fees (not including State of Minnesota surcharge). This does not waive the requirement to obtain a permit, but rather just the fee.
- Waiving of Sewer and Water Availability Charges (SAC and WAC)
- Tax-Increment Financing
- Tax Abatement
- Parking Assistance
- Land Acquisition

These listed incentives do not limit potential investors from tapping into other resources available within the community for financial assistance including the following list:

- City of Brainerd/Brainerd HRA Revolving Loan Fund
- Brainerd HRA Small Cities Development Program (SCDP) Grants
- Brainerd Lakes Area Economic Development Corporation Unified Fund Loans
- Brainerd Public Utilities Economic Development Electric Rate Reduction if applicable based on load capacity.
- Opportunity Zone Assistance
- New Market Tax Credits
- State and Federal Historic Tax Credits

Waiving of City Building Permit Fees

Generally, the Brainerd City Council has elected to waive City building permit and inspection fees for all construction projects less than \$150,000 in total construction costs. This does not waive the requirement to obtain a permit or the ability for investors that exceed this threshold the ability to see reduction or waiver of fees during the development or re-development negotiation process. This does not include a waiver of the State of Minnesota surcharge, which is a requirement of all building permits within the City.

Waiving of Sewer and Water Availability Charges (SAC and WAC)

The City of Brainerd City Council has elected to waive all sewer and water availability charges (SAC and WAC charges) within the River to Rail Corridor, as identified in the introduction.

Tax-Increment Financing (TIF)

Generally, tax-increment financing (TIF) is available for construction projects in excess of \$1,000,000 total construction costs, however, upon the proof of need shown by the investor that the development would not occur without the assistance of tax-increment financing, the Brainerd City Council is willing to negotiate the term and amount of increment with said investor. All tax-increment financing applications must be approved by the Brainerd City Council, upon completion of negotiations.

Tax Abatement

Tax abatement may be considered if tax increment financing is not an option because the project doesn't qualify under state law or the project is not in excess of \$1,000,000.

- Tax abatement will be considered on the new proposed value created, not the land or buildings' existing or "base" value (base being a definition related to tax increment financing).
- Tax abatement will be considered only if the County is requested to participate, although the city's provision of abatement is not contingent upon the County agreeing to participate.
- The Council will carefully deliberate abatement requests that ask for the maximum amount and term, only agreeing to provide abatements for the

maximum amount and term where the developer can support the request with evidence of special need, or the proposal is for a project that is a high priority for the Council.

- Although not required by State law, abatement projects will be required to meet the “but-for” test as defined in the Tax Increment Financing statute.

Parking Assistance

Generally, the Brainerd City Council is willing to negotiate parking needs of the proposed development to come to a mutually beneficial parking solution to serve both the new investment and other areas within the River to Rail corridor.

Land Acquisition

The Brainerd City Council continues to seek opportunities to acquire blighted property and make the property marketable for future investment including the razing of old structures, beautifying said property, or any other means to make property marketable and attractive to potential investors.

4. Policy Conclusion

It is the intent of this policy to assist investors and entrepreneurs to make small or large investments in the River to Rail corridor and to inform on the potential incentives available to promote incremental or large changes within this core area of Brainerd.

The incentives and funding mechanisms presented in this policy are all negotiable during the development agreement process, and the City of Brainerd City Council has indicated is not tied to any specific threshold of development for each incentive. This list is to provide for opportunities for incentives and is not intended to close the door on any development request or proposal.

Term

This policy shall be reviewed after a period of ten (10) years to evaluate its effectiveness. It shall be reviewed, amended, renewed, ore revoked after that review.

Adopted July 2, 2019

River to Rail Economic Incentive Policy



Organizations, local government, entrepreneurs and developers, working together have created a shared vision, now known as the Rail to River Initiative. The vision is to build on the current momentum to revitalize Brainerd's community district and create a strategic narrative that encourages planning and new private sector investment for the future. Individuals and businesses that choose to invest in this area may receive assistance with planning, financing, and securing permits.

River to Rail Economic Incentive Policy

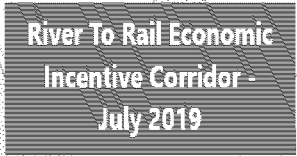
As of July 1, 2019, all City permit fees, plan review fees and any SAC and WAC fees for construction projects with a valuation less than \$150,000 will be waived.

- The State of Minnesota surcharge will continue to be applied to all projects located in the River to Rail Corridor.

Any property owner or contractor who fails to obtain a permit will be denied the economic incentive and be charged an investigative fee, which is equal to the original cost of the permit.

River to Rail Economic Incentive Corridor - (Map on other side)

The project area boundaries are as one-half block north of Washington street to one-half block south of Oak street; from the Mississippi River to 19th Street SE.





City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Discuss Use of Vacant Building Registration Fees

AGENDA: P&F Committee

ACTION REQUESTED: Discussion Item

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

City Council has conducted the first reading of Proposed Ordinance 1569; an ordinance pertaining to the creation of a Vacant Building Registry. Structures placed on the Vacant Building Registry are those that are vacant with significant property maintenance issues and violations. The proposed Ordinance would charge a fee of \$7,000 for properties placed on the registry, but it does give the property owner the ability to make corrections within six months and not incur the fee. If payment is not made to the City, the fee will be assessed to the property.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

City Council would like to consider creating a separate account for the use of the Vacant Building Registry fees. Staff does not anticipate collecting many fees within the first year of the program, but is anticipating quicker action from property owners to demolish, rehabilitate, or sell their properties. Fees may be collected in the future as properties go into tax forfeiture with this assessment applied to the property. The new property owner would be required to pay the fee upon closing and the fees generated could be placed into a specific account and funds could be directly used for purchasing and demolishing blighted properties.

RECOMMENDED ACTION/MOTION:

Direct staff to create a separate account for Vacant Building Registry fees contingent upon City Council approval of Proposed Ordinance 1569.

FINANCIAL IMPACT:



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Approve Draft Policy on Requests for City-owned Parcels

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, Public Works Director

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE: At the June 17th Council meeting, the City Council requested staff to draft a policy regarding handling requests for City-owned parcels. Attached is a draft policy for Council consideration.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS: The draft policy includes direction based on the discussion by Council that directs staff to obtain a property appraisal for requests and present that appraisal to the City Council for review. The City Council would then direct staff on a selling price to provide to the requester.

RECOMMENDED ACTION/MOTION: Staff recommends adoption of the attached policy on requests for City-owned parcels.

FINANCIAL IMPACT: N/A

CITY OF BRAINERD

POLICY ON REQUESTS FOR CITY-OWNED PARCELS

I. PURPOSE

To establish a standardized procedure for handling requests for city-owned properties, ensuring transparency, fairness, and the optimal use of City resources.

II. PROCEDURE

A. SUBMISSION OF REQUESTS

All requests for City-owned properties must be submitted to City Hall. The request must include:

- The name and contact information of the requester.
- The specific property being requested, including parcel number.
- The intended use of the property.
- Any other relevant information that supports the request.

B. INITIAL REVIEW

City staff will conduct an initial review of the request to ensure all necessary information is provided. Incomplete requests will be returned to the requester for additional information.

C. PROPERTY APPRAISAL

Upon determining that the request is complete, City staff will obtain an independent appraisal of the property. The appraisal must be conducted by a licensed and qualified appraiser to determine the fair market value of the property.

D. STAFF RECOMMENDATION

After the appraisal is obtained, City staff will review the request and prepare a recommendation. The recommendation will consider:

- The appraised value of the property.
- The intended use of the property and its alignment with city goals and plans.
- The potential benefits and impacts on the community.
- Any other relevant factors.

E. CITY COUNCIL REVIEW

City staff will present the request, appraisal, and recommendation to the City Council for consideration. The City Council will review all information and make a decision on a selling price to the requester based on the best interest of the city and its residents.

F. NOTIFICATION TO REQUESTER

City staff will present the City Council's selling price to the requester. If the selling price is acceptable, the sale of the property will be presented to the City Council for final approval, including any terms and conditions of the sale. If a counteroffer is received, staff will present the counteroffer to the City Council for review.

G. DOCUMENTATION AND RECORD-KEEPING

All documentation related to the request, including the appraisal, staff recommendation, and City Council decision, shall be maintained in the City's records in accordance with the city's record-keeping policies.



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Consider Amending Number of Temporary Licenses or Authorize Refund of Fee

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 Mintues

SUMMARY OF ISSUE:

Per City Code 1200.03 Subd. 6 Temporary Licenses: The fee for such a temporary on-sale license is \$135 per day and will not be issued for more than three (3) consecutive days; and no organization shall be granted more than six (6) temporary licenses per calendar year.

An organization in the City can have a temporary on-sale liquor license for a total of 18 days in a year.

According to State Statute 340A.410 Subd. 10: A municipality may not issue more than three 4 day; four three-day; six two day; or 12 one-day temporary licenses, in any combination not to exceed 12 days per year to any organization within a 12-month period.

Per the state, an organization can have a temporary on-sale liquor licenses for a total of 12 days in a year.

The City's current ordinance is more lenient than the state statute and therefore is out of compliance.

Lakes Area Music Festival submitted for seven (7) one-day temporary liquor licenses. The organization paid for all 7 days. Per City code, the fee can only be refunded if authorized by Council.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Options are:

1. Direct Staff to amend City Code 1200.03 Subd. 6 to match the state statue.
2. Direct Staff to amend City Code 1200.03 Subd. 6 per Council's direction to be more restrictive than state statute but yet to be in compliance.
3. If the Council does not want to allow more than six (6) licenses per year, authorize Staff to refund \$135 to Lakes Area Music Festival.

Lakes Area Music Fesitval's last event is 8/17. If we hold the first reading at the 7/15 meeting, the second reading, public hearing and adoption at the 8/5 meeting, and with the ordinance being effective

a week after publication, Staff feels that the 7th event could be covered with an ordinance amendment to match the state statute. Therefore, a refund will not need to be issued.

RECOMMENDED ACTION/MOTION: Direct Staff to amend City Code 1200.03 Subd. 6 to match the state statute allowing an organization to hold a temporary on-sale liquor license for 12 days within a 12-month period.

FINANCIAL IMPACT:



City Council Agenda Request

MEETING DATE: July 1, 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 people 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) Many are concerned about bitcoin and its 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 that causes blackouts and increases to 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.

City Council

The City Council considered the IUP request at the May 20th meeting and had concerns regarding the potential sound implications to neighboring residential properties. City Council took no action on the permit and directed staff to extend the 60-day review period and produce a sound study before making a final decision. At the June 3rd meeting, City Council approved the following items to be included in the report:

1. A report from VCV detailing expected decibel levels based on distance and time of year. Staff will review and comment on the report.
2. Case studies from other municipalities with crypto-mining facilities, preferably those with immersion technology.
3. Decibel readings at the Just for Krypto mining facility and accompanying observations of sound impact.
4. YouTube video with sound displaying the difference between open air mining and immersion mining.

EDA

The EDA held a special meeting on June 26th to consider a revised purchase and development agreement to extend the construction commencement deadline, revise the minimum improvements for 1918 Thiesse Drive, and noted the transfer of the outstanding membership interests of the Developer to Ancheng. The EDA motioned and approved staff to send a letter to VCV indicating they are in default of the PDA. The remedy to the default has not been determined at this time. The decision by the EDA should have no bearing on the decision of the IUP.

RECOMMENDED ACTION/MOTION:

The Planning Commission recommend denial of Interim Use Permit at 1918 Thiesse Dr.

Staff recommends approval of the Interim Use Permit with the following conditions:

1. The permit is contingent upon the Brainerd EDA approving the material change in the Construction Plans and extending the construction commencement deadline.
2. The permit shall expire after one year of beginning crypto-mining operations.
3. The applicant shall submit a hazardous waste plan approved by the Community Development Department, Engineering Department, and Fire Department.

4. The IUP is terminated upon operations discontinuing as a crypto mining facility.
5. Immersion mining is the only permissible crypto-mining allowed on the property.

FINANCIAL IMPACT: N/A

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: July 1st, 2024

RE: Sound Report for 1918 Thiesse Drive Crypto Mining Facility

INTRODUCTION

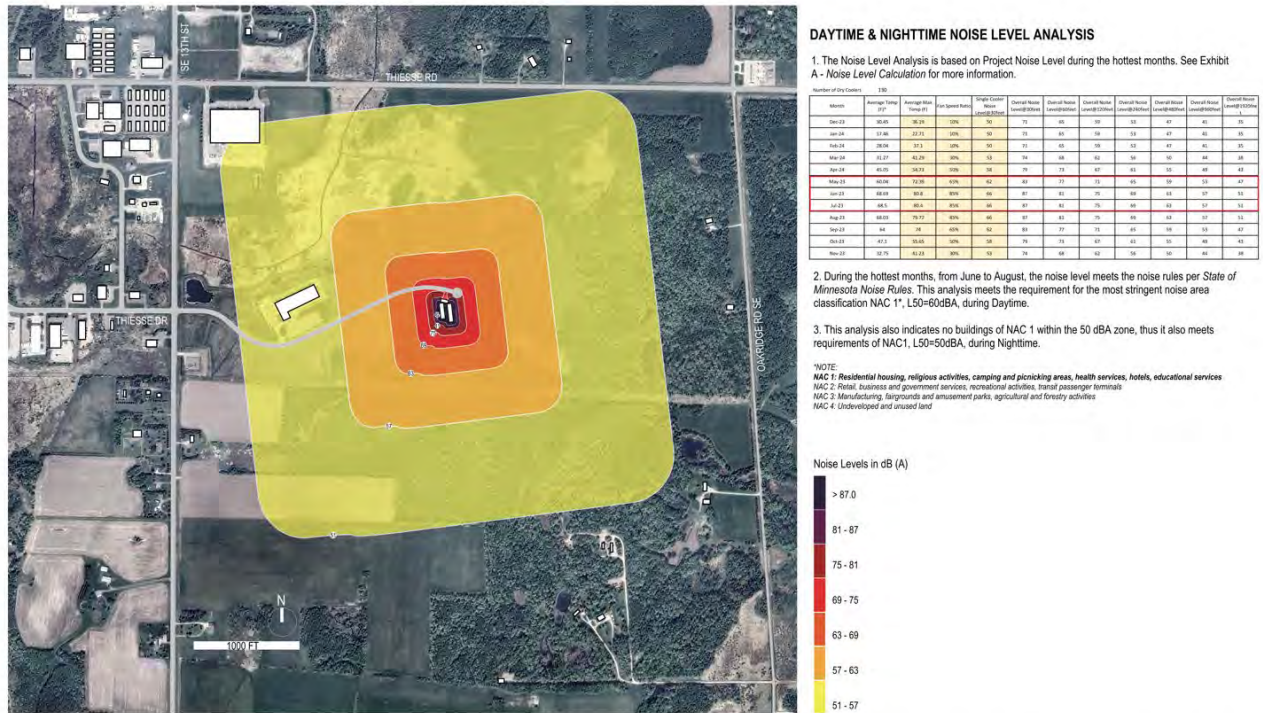
Jerry Tang has submitted a request on behalf of VCV Digital Infrastructure Minnesota, LLC for an Interim Use Permit for outdoor storage as a principal use to operate a crypto mining facility at 1918 Thiesse Dr. The Planning Commission held a public hearing and considered the IUP at the May 15th meeting and motioned to deny the permit. Commissioner Duval stated that decisions on this board are guided by the Comprehensive Plan and stated the application is inconsistent with the Comprehensive Plan in a number of areas. The Planning Commission voted 3-2 to recommend denial of the permit.

The City Council considered the IUP request at the May 20th meeting and had concerns regarding the potential sound implications to neighboring residential properties. City Council took no action on the permit and directed staff to extend the 60-day review period and produce a sound study before making a final decision. At the June 3rd meeting, City Council approved the following items to be included in the report:

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NOISE LEVEL ANALYSIS



BRAINERD INDUSTRIAL PARK CRYPTO SITE | NOISE LEVEL ANALYSIS | Toje

Staff Review

The full sound report from VCV is included as an attachment to the agenda request. Staff produced similar calculations when considering the summer months and the need for coolers to run close to full capacity. Staff reviewed the specifications for the cooling fans and used the calculations provided by the MPCA to determine decibel readings based on point source sound. Every time the sound source is double the sound increases by three decibels. When the distance is doubled from a point source, the sound level decreases six decibels. VCV has provided calculations that seem appropriate based on the time of season. Staff calculations were based on the coolers running at full capacity and the map depicted above shows those same calculations. The sound levels are within MPCA standards. However, there are many other factors that are not accounted for in this study that could increase or lower the decibel readings such as

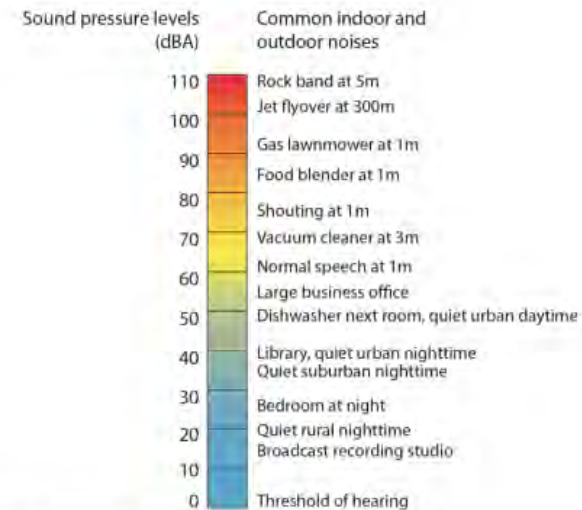


Figure 3. Decibel levels of common noise sources

vegetation, above or below average temperatures, humidity, air pressure, topography, and proximity of containers. Staff has found no information in the report to contradict the findings.

CASE STUDIES

CleanSpark - Norcross, Georgia – 5295 Brook Hollow Parkway, Norcross, GA, 30071

An 87,000-square-foot data center in Norcross was purchased and transformed into CleanSpark's second Bitcoin mining facility. Situated on over seven acres, the immersion-cooled site participates in Georgia's Flex REC program and is 100% net carbon-neutral. There are two large rooms that house 20 MW of single-phase immersion — about 4,300 machines. Liquid immersion cooling, where the Bitcoin mining machines are fully immersed in a specialized oil, has proven to significantly improve efficiency by reducing power consumption and extending the life of the machines — thereby maximizing financial gains.

Aerial Map



Staff Review

The Crypto Mining facility in Norcross, Georgia has many similarities to the proposed project in Brainerd. Both the Norcross site and proposed Brainerd site utilize immersion mining technology and operate with similar power needs. The Norcross facility is surrounded by multiple outdoor cooling towers and has numerous roof top cooling units used for cooling the building and the miners.

The sites differ in the fact that the immersion mining in Norcross is operated in two large rooms within a building while VCV proposes to mine in outdoor storage containers. However, the proposed VCV immersion mining project is still contained within a structure and the primary noise generated from the site will be from similar cooling fans. Also, the Norcross facility is much closer to residential housing compared to the rural agricultural land surrounding the proposed Brainerd facility.

Staff reached out to the Community Development Department in Norcross, Georgia as the facility is in operation. The Norcross Community Development Department was not aware of any major issues and was happy that a vacant building was repurposed for use. Staff did not find any negative news articles regarding the Norcross facility and one article mentions the sound reduction due to immersion mining. <https://www.axios.com/2022/11/07/looking-at-bitcoin-mining-under-the-surface#>. Many articles can be found on the internet regarding other mining facilities and the negative impact of open-air mining on surrounding properties.

Revolve Labs – Glencoe, MN

Revolve Labs facility, previously Bit49, which operates a computer server and bitcoin mining farm that runs various machinery. The machinery typically runs continuously 24 hours a day every day of the year including computer units and air conditioning units.

Staff Review

The Glencoe facility is very different from the proposed VCV facility. Staff spoke with the City Administrator of Glencoe to get an understanding of the issues facing the community, as this is a permitted use in the industrial district. In comparison to the proposed VCV site, the Revolve labs facility is smaller, utilizes outdoor mining equipment instead of immersion mining, and is near residential neighborhoods as opposed to agricultural land. Even though the two facilities differ greatly, the information gathered is useful in creating potential conditions for the VCV IUP. The neighborhood had many complaints about the noise generated from the crypto mining facility and brought the issue to the City. After the City contacted the MPCA, the MPCA indicated that the City is responsible for enforcing MPCA noise standards. As a result, the City asked Revolve labs to commission an engineered sound study. The sound study found that the crypto mining facility was in violation of the MPCA sound requirements at certain times of the day. The crypto facility is currently working with an engineering firm to install sound walls.

Aerial Map - Revolve Labs – Glencoe, MN



JUST FOR KRYPTO

Just for Krypto, located at 1640 Kitty Hawk Ct, is a 20-to-25-megawatt crypto mining facility that primarily utilize open air miners both indoors and outdoors. Staff conducted sound readings at 2:30 in the afternoon when the air temperature was 72 degrees, and the wind speed was 10 mph. The proposed VCV facility and Just for Krypto is not a perfect comparison because they use different mining technology. However, this report is meant to demonstrate sound impacts on neighboring properties.

Location 1: 30 ft from outdoor crypto mining containers along Wright Street – 75 decibels

Location 2: 1,000 ft away in the Wright Street Cul-de-sac – 55 to 60 decibels

Location 3: 2,500 ft away in Meadow View Manor – 50 decibels (only natural sounds are detectable)

Location 4: 1,300 ft away along 13th St SE – 65 decibels (only cars driving on 13th St SE were detectable)

Aerial Map – Just for Krypto



INTERIM USE PERMITS

The cooling fans running in the summer will produce a significant sound when standing next to them in the summertime months. However, based on the calculations and case studies staff believes the sound levels will be within MPCA guidelines. There are many variables that can slightly lower or increase sound levels and due to this staff is recommending that a one-year expiration date is placed as a condition on the IUP.

Property owners are entitled to an Interim Use Permit if they satisfy the conditions in the allowed use section and the rules and administration of the permit. In this instance, the applicant must satisfy Section [515-3-28 Outdoor Storage](#) and Section [515-5-3 Interim Use Permits](#) of the Zoning Code. In reviewing applications for interim 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.

Note: In the event of a denial, a reason must be given to the applicant that states they have not met a requirement of the allowed use section or the criteria for granting interim use permits. The reason must be stated as part of the motion.

Noise Level Calculaton

Test Conditions

Ambient noise: 46.3dB

Ambient temperature: 84°F

Test Location: Shenzhen City, China

Equipment in operation: 4 Fans Dry Cooler *1

Equipment operational state: Disabled automatic mode, manually controlled the system to run at full speed

Testing method: Using a decibel meter, at a height of 5 feet from the ground

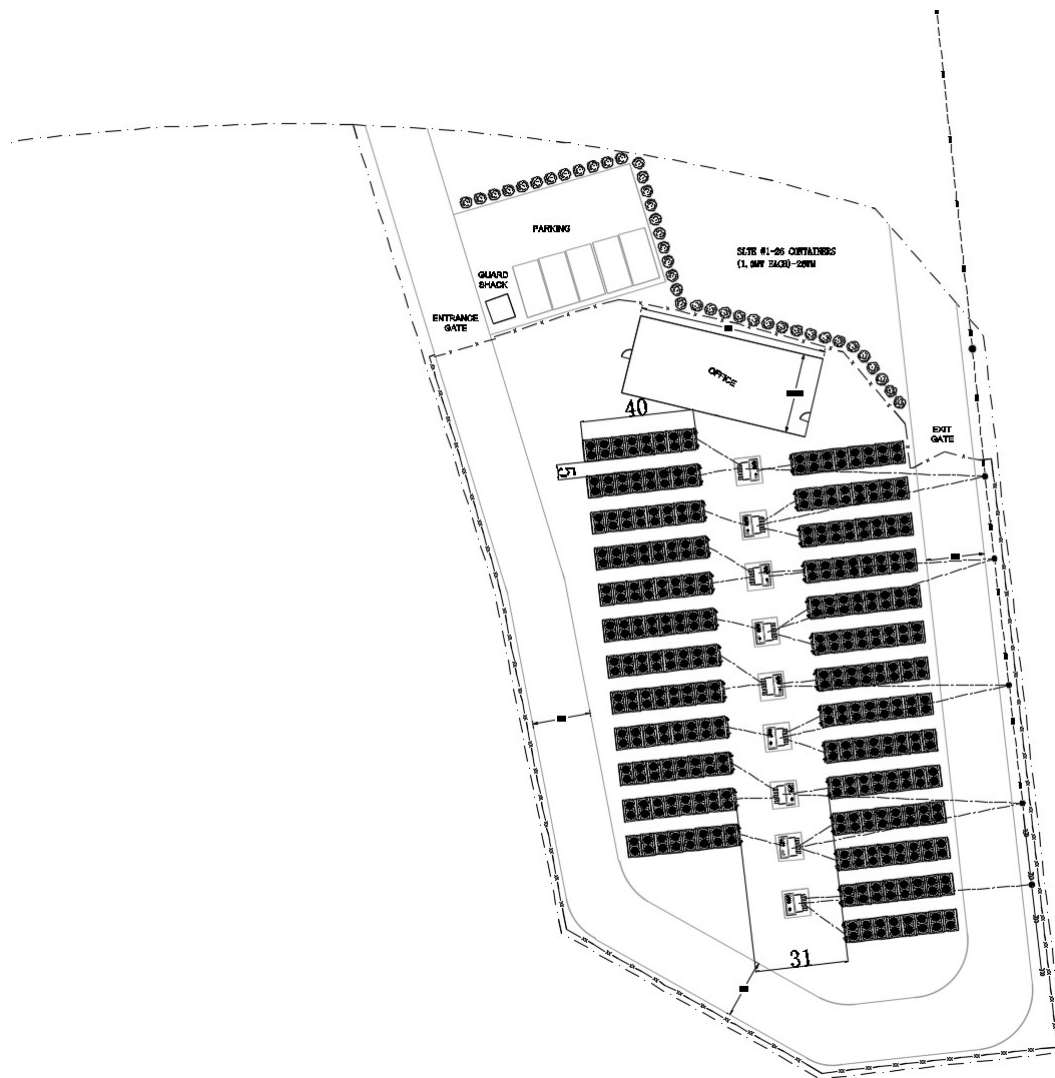
Test Result

Distance	Volume (dB)	
30 feet	67.6	

Note: The above data is an actual measurement result under specific conditions. Noise values are influenced by a variety of factors, including the state of the noise source, propagation path characteristics, characteristics of the receiving point, and environmental conditions.

Site design

- 26 sets of BC40-1MW container equipment
- Each group of dry coolers consists of 5 dry coolers, with a total of 26 groups of equipment and a total of 130 dry coolers.
- The noise level of each set of equipment is evaluated based on the above measured value, and the overall site noise level is calculated according to the noise attenuation model and equipment noise superposition.



Noise Calculation

The calculations are the overall noise levels at different distances, based on the Monthly Average Max Temperature in Brainerd in the past 12 months.

Temperature Reference:

<https://www.wunderground.com/history/monthly/us/mn/brainerd>

These calculations provide an approximation of the overall noise levels at different distances, assuming they are incoherent sources. In real-world scenarios, the actual combined noise level could be different due to factors such as the layout of the devices, the physical environment through which the noise travels, and potential phase differences between the devices. Therefore, these calculations should be considered as estimates under idealized or simplified conditions.

Number of Dry Coolers 130

Month	Average Temp (F)*	Average Max Temp (F)	Fan Speed Ratio	Single Cooler Noise Level@30feet	Overall Noise Level@30feet	Overall Noise Level@60feet	Overall Noise Level@120feet	Overall Noise Level@240feet	Overall Noise Level@480feet	Overall Noise Level@960feet	Overall Noise Level@1920feet
Dec-23	30.45	36.19	10%	50	71	65	59	53	47	41	35
Jan-24	17.46	22.71	10%	50	71	65	59	53	47	41	35
Feb-24	28.04	37.1	10%	50	71	65	59	53	47	41	35
Mar-24	31.27	41.29	30%	53	74	68	62	56	50	44	38
Apr-24	45.05	54.73	50%	58	79	73	67	61	55	49	43
May-23	60.04	72.39	65%	62	83	77	71	65	59	53	47
Jun-23	68.69	80.8	85%	66	87	81	75	69	63	57	51
Jul-23	68.5	80.4	85%	66	87	81	75	69	63	57	51
Aug-23	68.03	79.77	85%	66	87	81	75	69	63	57	51
Sep-23	64	74	65%	62	83	77	71	65	59	53	47
Oct-23	47.1	55.65	50%	58	79	73	67	61	55	49	43
Nov-23	32.75	41.23	30%	53	74	68	62	56	50	44	38

* The Average Temperature is for comparison only. The fan speed and noise calculation is based on the Average Max Temperature.

** The calculation does not take actual topography into consideration

- ✦ In many situations pertaining to noise control and monitoring, it is very useful to be able to add and subtract multiple sources of sound. This can be done with principles similar to how sound attenuation over distance is estimated.

A doubling of sound energy yields an increase of three decibels. For example, each generator at a factory produces sound that is measured at 70 decibels, so running one generator would create sound measured at 70 dBA, turning on a second generator would increase sound by 3 dBA to 73 dBA, and doubling again to four generators would increase sound levels to 76 dBA. Figure 7 illustrates this principle.

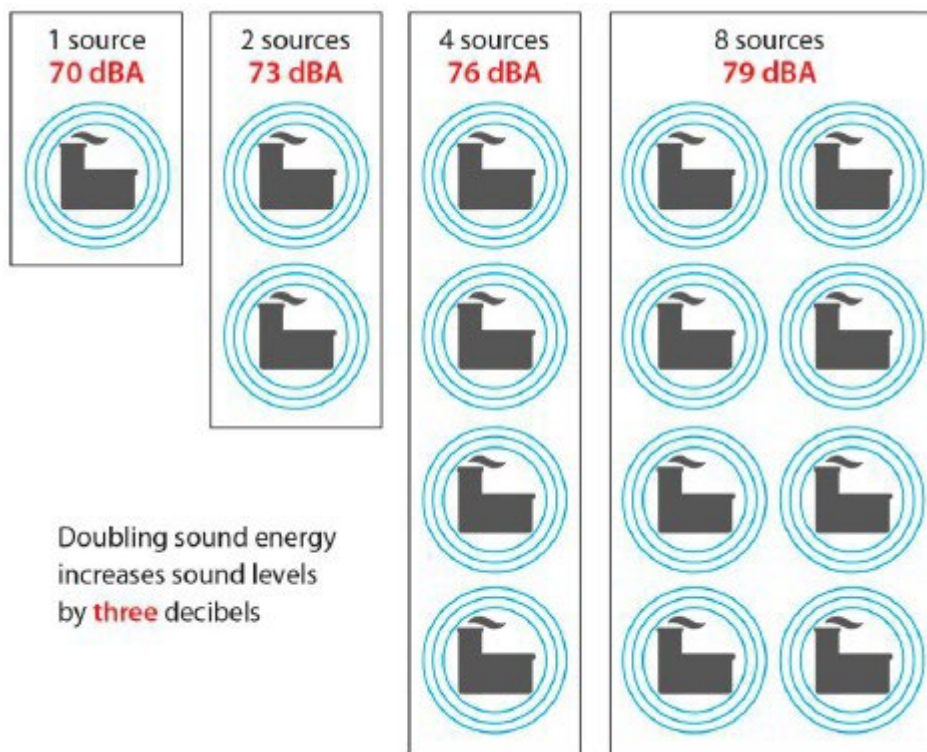


Figure 7. Addition and subtraction of decibel levels

- ✦ Over distance, sound *attenuates*, or is reduced in amplitude, and is perceived as becoming quieter. This occurs as the sound travels outward to an increasingly larger sphere or cylinder, and the energy per unit of area decreases. These basic principles allow us to make generalized assumptions about sound.

When the distance is doubled from a *line* source, the sound level decreases three decibels.

Example: If a sound level is: 70 decibels at 50 feet it will be
67 decibels at 100 feet, and
64 decibels at 200 feet

When the distance is doubled from a *point* source, the sound level decreases six decibels (Figure 6).

Example: If a sound level is: 70 decibels at 50 feet it will be
64 decibels at 100 feet, and
58 decibels at 200 feet

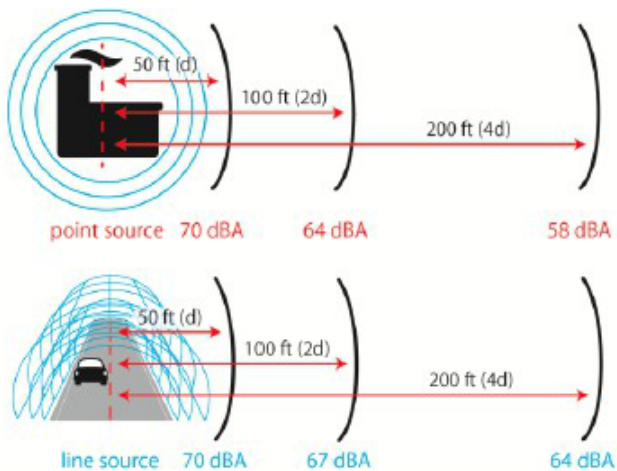
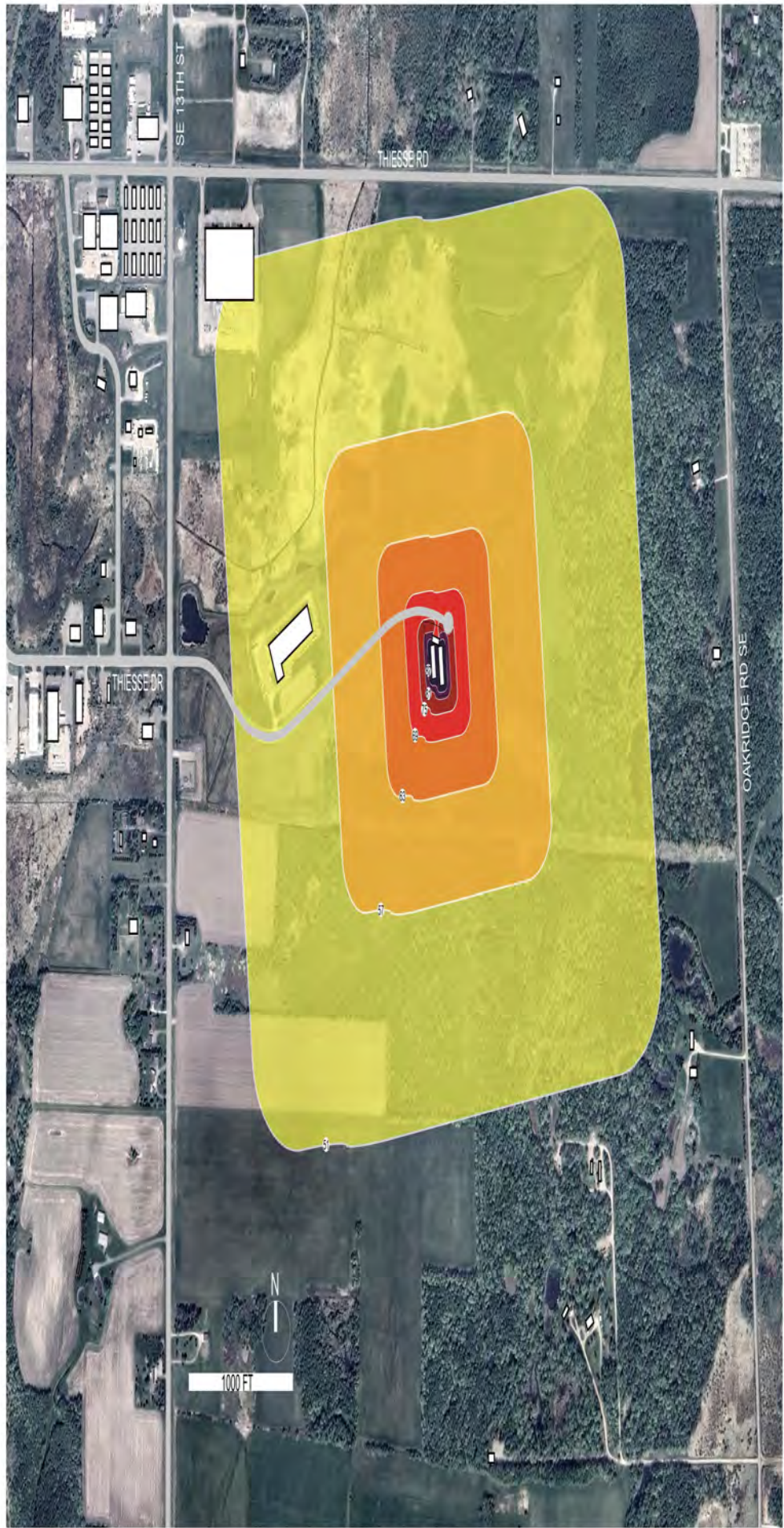


Figure 6. Distance attenuation of noise levels from a point source (top) and a line source (bottom)



DAYTIME & NIGHTTIME NOISE LEVEL ANALYSIS

1. The Noise Level Analysis is based on Project Noise Level during the hottest months. See Exhibit A - Noise Level Calculation for more information.

Number of Dry Coolers 130

Month	Average Temp (F)*	Average Max Temp (F)	Fan Speed Ratio	Single Cooler Noise Level@32feet	Overall Noise Level@30feet	Overall Noise Level@60feet	Overall Noise Level@120feet	Overall Noise Level@240feet	Overall Noise Level@480feet	Overall Noise Level@960feet	Overall Noise Level@1920feet
Dec-23	30.45	36.19	10%	50	71	65	59	53	47	41	35
Jan-24	17.46	22.71	10%	50	71	65	59	53	47	41	35
Feb-24	28.04	37.1	10%	50	71	65	59	53	47	41	35
Mar-24	31.27	41.29	30%	53	74	68	62	56	50	44	38
Apr-24	45.05	54.73	50%	58	79	73	67	61	55	49	43
May-23	60.04	72.39	65%	62	83	77	71	65	59	53	47
Jun-23	68.69	80.6	85%	66	87	81	75	69	63	57	51
Jul-23	68.5	80.4	85%	66	87	81	75	69	63	57	51
Aug-23	68.03	79.77	85%	66	87	81	75	69	63	57	51
Sep-23	64	74	65%	62	83	77	71	65	59	53	47
Oct-23	47.1	55.65	50%	58	79	73	67	61	55	49	43
Nov-23	32.75	41.23	30%	53	74	68	62	56	50	44	38

2. During the hottest months, from June to August, the noise level meets the noise rules per State of Minnesota Noise Rules. This analysis meets the requirement for the most stringent noise area classification NAC 1*, L50=60dBA, during Daytime.

3. This analysis also indicates no buildings of NAC 1 within the 50 dBA zone, thus it also meets requirements of NAC1, L50=50dBA, during Nighttime.

*NOTE:

NAC 1: Residential housing, religious activities, camping and picnicking areas, health services, hotels, educational services

NAC 2: Retail, business and government services, recreational activities, transit passenger terminals

NAC 3: Manufacturing, fairgrounds and amusement parks, agricultural and forestry activities

NAC 4: Undeveloped and unused land

Noise Levels in dB (A)





Date 14th of June 2024

Recommendation Letter: Immersion Cooling in Data Centers

To Whom It May Concern,

Bentaus Energy is pleased to provide our full support and expertise for the implementation of Immersion Cooling Systems in data centers. As a leading authority in both traditional and high-performance computing (HPC) data centers, including those focused on Bitcoin and AI, we can confidently assert that well-executed immersion cooling significantly reduces noise pollution. Numerous global scientific papers support this claim, which is why industry giants like 3M, Microsoft, HPE, Nvidia, and Google are shifting towards immersion and hydro cooling solutions over traditional air cooling.

Our extensive experience has shown that immersion cooling systems not only lower noise levels but also enhance overall efficiency. At Bentaus Energy, we have been proactive in educating data center operators and local municipalities on leveraging these systems to foster a symbiotic relationship between increasing data center demand and community well-being.

Choosing Immersion or Hydro Cooling is a commendable step towards achieving a quieter, more efficient, and community-friendly data center environment.

About Bentaus Energy

At Bentaus Energy, we are passionate about driving positive change through advanced energy solutions. We specialize in Solar Infrastructure, Decarbonization, Direct Air Capture (DAC), Energy Procurement, and Energy Orchestration, focusing on creating sustainable and efficient energy systems.

Our vision includes building the Energy Parks of tomorrow, where high-powered computing (HPC) sectors, including Bitcoin and AI, can operate sustainably and efficiently. We are committed to providing the necessary power in an environmentally conscious manner that benefits the entire community.

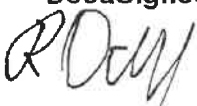


For more information, please visit our website at
<https://bentausenergy.com>.

Sincerely,

Robert Davidoff
CEO and Chief Engineer
Bentaus Energy

6/17/2024

DocuSigned by:

D62BFFD74E4C497...



June 3, 2024

Dear Harvey,

Thank you for reaching out and discussing our experience with immersion cooling. The primary reason we switched to immersion, and soon to hydro, is due to three benefits:

- Reduced noise level.
- Improved electrical efficiency
- Improved hash rate

The sound benefits of immersion cooling from an operational perspective are enormous. The miners generate no noise at all. The high-pitched whine familiar to miners and their neighbors doesn't exist because all the fans are removed. We have 3 MW working now, and if you walk 50 feet away from the container, there is no noticeable noise being generated at all.

The only noise generated through immersion cooling is the that of the pumps moving cooling fluid from the tanks to the cooling system. It is a great system for industrial and commercial zoning, because the noise being generated is the same as cooling towers and other cooling systems. Inside the containers you can hold a conversation at normal volume without any issues.

I would strongly suggest that you use some YouTube videos of immersion cooling to demonstrate how quite they operate.

I hope this is useful, let me know if you need anything else.

Sincerely,

Richard R. Dwyer

Richard R. Dwyer
CEO



Richard Margerison
1102 E 4th St Taylor, TX 76574
rick@rosseau.io
214-727-8646
6/16/2024

To whom it may concern

Subject: Advocacy for Liquid Cooling in Cryptocurrency Mining

I hope this letter finds you well. I am writing to express my strong advocacy for the adoption of liquid cooling systems over traditional air cooling methods in cryptocurrency mining operations. As the leader of [OCP Immersion Requirements](#) and the [CTO of Rosseau Immersion](#), I hope this letter of recommendation is well received.

Firstly, liquid cooling systems provide significantly better thermal management. Cryptocurrency mining rigs generate substantial heat due to the intensive computational processes involved. Air cooling often struggles to dissipate this heat efficiently, leading to increased temperatures, reduced hardware lifespan, and higher risks of overheating. In contrast, liquid cooling systems are far more effective at transferring heat away from critical components, maintaining optimal operating temperatures, and enhancing the overall performance and reliability of mining equipment.

Secondly, liquid cooling is markedly more energy efficient. Air cooling systems require powerful fans and additional air conditioning to manage the heat generated by mining rigs, which leads to higher energy consumption and increased operational costs. Liquid cooling, on the other hand, can achieve superior cooling performance with less energy, contributing to substantial cost savings and a smaller carbon footprint. This energy efficiency aligns with the growing emphasis on sustainability and environmental responsibility within the cryptocurrency community.

Moreover, liquid cooling systems are quieter than their air-cooling counterparts. The noise generated by high-speed fans in air-cooled systems can be disruptive, particularly in large-scale mining operations. Liquid cooling operates more silently, creating a more comfortable and conducive working environment for operators and minimizing noise pollution in surrounding areas.

Additionally, liquid cooling offers greater flexibility and scalability. As the cryptocurrency mining landscape evolves, the ability to adapt and scale operations efficiently is crucial. Liquid cooling systems can be customized and expanded with relative ease, accommodating varying mining rig configurations and future technological advancements. This adaptability ensures that mining operations remain competitive and capable of leveraging new opportunities in the ever-changing market.

In conclusion, transitioning to liquid cooling systems for cryptocurrency mining presents a compelling case for improved thermal management, energy efficiency, noise reduction, and operational flexibility. The initial investment in liquid cooling infrastructure is offset by the long-term benefits of reduced energy costs, enhanced hardware longevity, and a more sustainable mining operation. I strongly urge you to consider the adoption of liquid cooling solutions to optimize your mining operations and contribute to a more efficient and environmentally responsible industry.

Sincerely,

Rick Margerison



June 17, 2024

Subject: Experience in Noise Reduction with Immersion Cooling

Dear Harvey,

I am writing to share some insights and our experiences with immersion cooling, particularly its impact on noise reduction in the mining industry.

As NVIDIA's CEO Jensen Huang aptly put it, "This is the future." Immersion cooling holds significant promise for both HPC and the mining industry.

At FogHashing, we have extensive experience in the immersion cooling industry. With nearly 100MW of deployments under our belt, we have observed that the noise produced by immersion cooling is remarkably low.

1. ****Noise Reduction****: Immersion cooling systems are quieter than traditional air-cooled systems due to the absence of high-speed fans and the use of liquid for cooling.
2. ****Innovative Noise Control Algorithm****: FogHashing's algorithm enables exterior fans to run at full speed only during the hottest months, while running at low speed or off for the rest of the year, reducing noise.
3. ****Comparative Noise Levels****: Immersion cooling reduces noise levels by 50% compared to air cooling, creating a more pleasant environment.

We would like to invite you to visit our upcoming 5MW facility in Texas for an on-site inspection. It is worth noting that more mining operations in Texas are adopting immersion or hydro cooling solutions, such as Riot's upcoming 1GW immersion-cooled facility.

We believe this visit or additional information will provide valuable insights into immersion cooling's effectiveness in noise reduction and operational efficiency.

Looking forward to your response and the opportunity to collaborate further.

Best regards,

[Paul Jin Li]

[CEO]

MEMORANDUM

TO: Mark Larson
City of Glencoe - City Administrator

FROM: Graham Johnson (Lic. MN, IA, SD), PTOE, RSP1)

DATE: May 9, 2024

RE: Glencoe, MN Noise Monitoring Part 2
SEH No. GLENC 178839

This memorandum documents the methodology and results of the environmental noise measurements conducted in the City of Glencoe, Minnesota. The measurements were conducted near the Revolve Labs facility, previously Bit49, which operates a computer server and bitcoin mining farm that runs various machinery. The machinery typically runs continuously 24-hours a day every day of the year, including computer units and air conditioning units.

Three noise measurement locations were chosen based on input from the City of Glencoe. **Figure 1** shows the location of the three noise measurements in relation to the Revolve Labs facility.

Figure 1 Project Location & Monitor Sites



Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 10650 Red Circle Drive, Suite 500, Minnetonka, MN 55343-9229

952.912.2600 | 800.734.6757 | 888.908.8166 fax | sehinc.com

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

Description of Noise

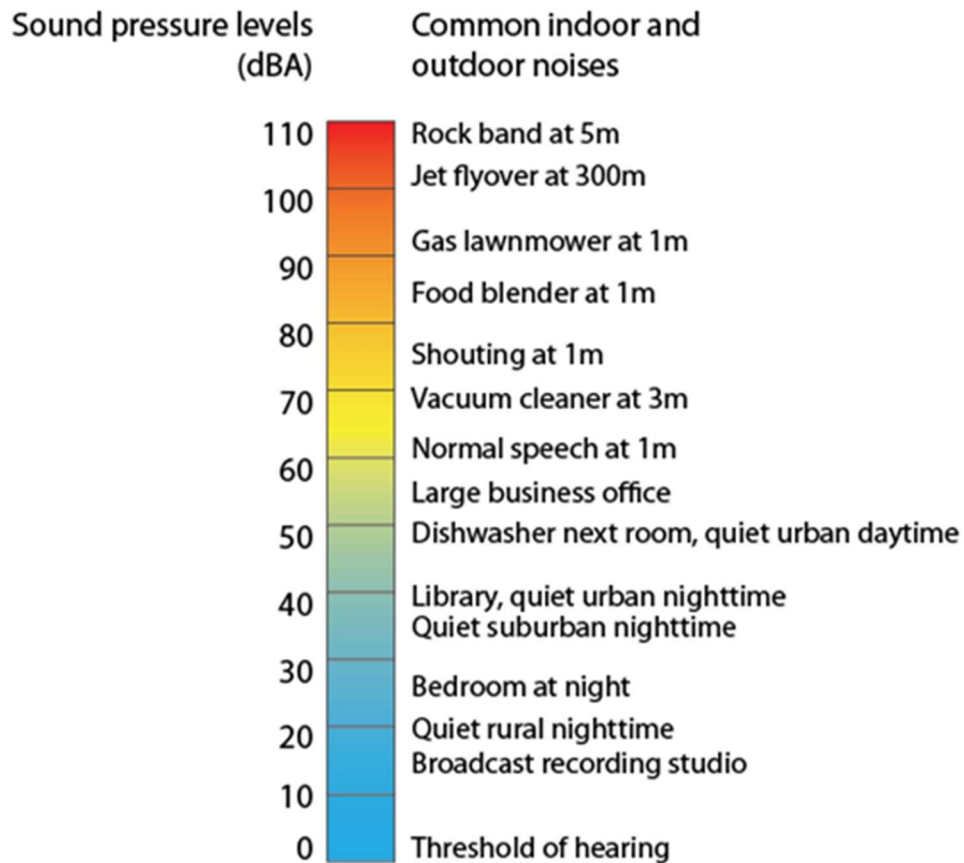
Noise is defined as any unwanted sound. Sound is the result of vibrations in the air that travel as a sound wave at different frequencies and produce a sound pressure level (SPL). A sound level meter measures sound electronically and combines all the frequencies of sound into one overall level that is expressed in terms of a decibel (dB).

Environmental noise is often measured and described in terms of A-weighted decibels (dBA). The A-weighting is a filtering system that helps to present information about sound in a way that is similar to the way the human ear works. Therefore, the sound pressure levels are commonly denoted as dBA.

Loudness, in distinction to sound level, refers to how people subjectively perceive a sound. This can vary from person to person, but most people perceive relative loudness between sound levels similarly. The human ear can barely perceive a 3 dBA increase, but a 5 dBA increase is readily noticeable and seems as if the sound is about one and a half times as loud. A 10 dBA increase is perceived to be twice as loud to most people.

Figure 2 shows the decibel levels of some common noise sources.

Figure 2 Decibel Levels of Common Noise Sources



Source: "A Guide to Noise Control in Minnesota"
Minnesota Pollution Control Agency, <http://www.pca.state.mn.us>

Minnesota State Noise Standards

Noise standards for the State of Minnesota have been established as part of State Statutes Chapter 7030. Separate noise level standards have been established for different Noise Area Classifications (NAC) to ensure different land uses can be accounted for. The NAC can be summarized into 3 basic categories: residential, commercial, and industrial. **Table 1** shows the MN State Noise Standards.

The two noise level standards are described in 7030.0040, L_{10} and L_{50} sound levels.

- L_{10} denotes the sound level (dBA) which is exceeded 10 percent of the time during the measurement.
 - This is the sound level exceeded for 6-minutes each hour.
- L_{50} denotes the sound level (dBA) which is exceeded 50 percent of the time during the measurement.
 - This is the median sound level which is exceeded for 30-minutes each hour.

The more the L_{10} and L_{50} noise levels differ from each other shows the variability of the sound levels, indicating there are spikes in noise levels above the constant background noise. When the L_{10} and L_{50} levels are similar to each other, this shows less variability in the noise levels and can indicate more constant or consistent noise levels.

The Revolve Labs machinery continually operates 24-hours a day every day of the year. In previous noise monitoring for this area, only daytime readings were measure. This study will include both daytime and nighttime readings.

Table 1 Minnesota State Noise Standards

Noise Area Classification (NAC)	General Land Use Type	Sound Level (dBA)			
		Day (7:00a.m. to 10:00p.m.)		Night (10:00p.m. to 7:00a.m.)	
		L_{10}	L_{50}	L_{10}	L_{50}
1	Residential	65	60	55	50
2	Commercial	70	65	70	65
3	Industrial	80	75	80	75

Noise Measurements

On April 24th, 2024, noise measurements were conducted during two separate time periods at the three site locations. During each separate time period, each site included one monitoring session with the Revolve Labs facility in operation and another with the facility completely turned off (no machines running); a total of 6 measurements were taken during the daytime and 6 during the nighttime hours. The weather conditions were optimal for noise measurements, a clear day with low humidity and low winds (see attached monitoring data sheets).

The sound level meter device used is a Larson Davis System 831, which complies with the American Standards Institute (ANSI) S1.4-1983 as required in the Minnesota State Statute. The device is tested and calibrated by the manufacturer once a year; the device is also field calibrated and checked before each use. The last laboratory calibration occurred in March 2024, and the unit was field calibrated the morning of the readings.

The following list gives a description of each site location, see **Figure 1** for location. The attached appendix includes site photos and more detailed results from the noise measurements.

- Site 1: Northside of 11th Street, behind the residential property at 1121 Armstrong Avenue.
- Site 2: Southside of 11th Street, adjacent to the Seneca Food dormitories.
 - This site is zoned for General Industrial uses; however, the parcel adjacent to Revolve Labs includes seasonal dormitories that function as residential units for portions of the year. For this reason, the NAC was considered a residential land use for purposes of this noise level review.
- Site #3: Eastside of Armstrong Avenue, on the residential property at 105 9th Street.

The Revolve Labs facility and machinery was shut down during the daytime and nighttime monitoring sessions to get an ambient reading of the surrounding environment. The machinery was turned off from approximately 10:30 AM to 12:00 PM (noon) on April 24th, 2024, and again from 10:00 PM to 11:15 PM. All three sites were monitored first with the machinery turned off, then after the machines were turned on and running, all three sites were monitored again.

Traffic volumes along 11th Street and Armstrong Avenue were collected for each monitoring session to ensure the vehicle noise did not overly skew the readings. While there is fluctuation in the volumes for each session, the change in volume would not be expected to impact the results in a significant manner over the duration of each monitoring session. However, the number of vehicles utilizing the loading dock along Armstrong Avenue was considered during each monitoring session so that similar usage was captured for each monitoring session at Site #3.

Daytime Monitoring Session:

During the daytime monitoring sessions, no significant abnormal noise generating operations were observed that may potentially increase noise levels. The surrounding industrial facilities all seemed to be under normal operating conditions and no trains were observed on the nearby train tracks. The loading dock adjacent to Site #3, along Armstrong Avenue, had 3 or 4 trucks using the dock during each session.

Table 2 shows the results of the Daytime (7:00 AM to 10:00 PM) Noise Measurements.

Table 2 Field Noise Measurement – Daytime 2024 Data Results

Site	Description of Site (NAC)	Monitor ID #	Machinery Operating (Yes/No)	Daytime Standards L ₁₀ / L ₅₀	Noise Measurements April 24 th , 2024		Above State Standard	Total Vehicles
					L ₁₀	L ₅₀		
#1	Residential NAC #1	#2	No	65 / 60	60.2	48.9	No	16
		#6	<u>Yes</u>	65 / 60	63.6	60.2	Yes	31
#2	Residential NAC #1**	#4	No	65 / 60	50.5	43.0	No	24
		#5	<u>Yes</u>	65 / 60	60.9	59.7	No	20
#3	Residential NAC #1	#1	No	65 / 60	72.1	61.0	Yes	23
		#7	<u>Yes</u>	65 / 60	70.5	63.7	Yes	26

Note: **Site #2 is zoned for Industrial use, NAC #3, but was considered NAC #1 due to the residential dormitories on the parcel.

Based on the daytime field measurements, when the machines are operational, the daytime noise levels at two of the three sites exceed the standards set by the MPCA for daytime hours between 7 AM and

10 PM. The change in decibel levels for each site is described below; note that decibels are measured logarithmically, so a 10 dBA increase equates to approximately twice as loud as the original source:

- Site 1 has an L₁₀/L₅₀ decibel change of 3.4 dBA and 11.3 dBA, respectively.
 - A **3.4 dBA** increase equates to approximately 25% louder for the L₁₀ level.
 - A **11.3 dBA** increase equates to approximately 2.2-times louder for the L₅₀ level.
 - Compared to 2023 data, noise levels have decreased by 1.5 dBA and 3.4 dBA, respectively. In addition, the ambient noise levels have increased.
 - Comparing the noise levels to the MPCA Daytime Standards, the L₁₀ is below the criteria and the L₅₀ is just over the criteria.
 - While just over the threshold, this site is considered to be impacted.
- Site 2 has an L₁₀/L₅₀ decibel change of 10.4 dBA and 16.7 dBA, respectively.
 - A **10.4 dBA** increase equates to approximately 2-times louder for the L₁₀ level.
 - A **16.7 dBA** increase equates to over 3-times louder for the L₅₀ level.
 - Compared to 2023 data, noise levels have significantly decreased at this site, with an approximate 10 dBA reduction when the machinery is operating.
 - Comparing the noise levels to the MPCA Daytime Standards, both the L₁₀ and L₅₀ levels are below the criteria.
- Site 3 has an L₁₀/L₅₀ decibel change of -1.6 dBA and 2.7 dBA, respectively.
 - A **1.6 dBA** decrease equates to approximately 10% reduction for the L₁₀ level.
 - A **2.7 dBA** increase equates to approximately 20% louder for the L₅₀ level.
 - This is a new site and thus no 2023 data to compare.
 - Comparing the noise levels to the MPCA Daytime Standards, both the L₁₀ and L₅₀ levels exceed the criteria.
 - Comparing the levels with the machine on or off shows the L₁₀ was lower and the L₅₀ higher with the machines operating. This indicates that while the median level did increase, the machinery is not the dominant noise source for this site.

Nighttime Monitoring Session:

Previous noise monitoring of the area has only been conducted during daytime hours; this is the first-time readings have been taken in the nighttime period between 10:00 PM and 7:00 AM.

During the nighttime monitoring sessions, no significant abnormal noise generating operations were observed that may potentially increase noise levels. The surrounding industrial facilities all seemed to be under normal operating conditions and no trains were observed on the nearby train tracks. There were limited vehicles during the nighttime readings, and no vehicles using the loading dock along Armstrong Avenue.

Table 3 shows the results of the Nighttime (10:00 PM to 7:00 AM) Noise Measurements.

Table 3 Field Noise Measurement – Nighttime 2024 Data Results

Site	Description of Site (NAC)	Monitor ID #	Machinery Operating (Yes/No)	Daytime Standards L ₁₀ / L ₅₀	Noise Measurements April 24 th , 2024		Above State Standard	Total Vehicles
					L ₁₀	L ₅₀		
#1	Residential NAC #1	#9	No	55 / 50	47.4	39.5	No	6
		#12	<u>Yes</u>	55 / 50	60.0	59.0	<u>Yes</u>	2
#2	Residential NAC #1**	#10	No	55 / 50	48.9	38.5	No	2
		#11	<u>Yes</u>	55 / 50	62.6	61.7	<u>Yes</u>	0
#3	Residential NAC #1	#8	No	55 / 50	47.2	39.3	No	7
		#13	<u>Yes</u>	55 / 50	52.5	51.1	<u>Yes</u>	3

Note: **Site #2 is zoned for Industrial use, NAC #3, but was considered NAC #1 due to the residential dormitories on the parcel.

Based on the nighttime field measurements, when the machines are not operating all noise levels are well below the nighttime standards. The difference in levels between the L₁₀ and L₅₀ ranges between approximately 8.0 to 10.0 dBA under these conditions, indicating a fluctuating noise environment.

When the machines are operational, the nighttime noise levels at all three sites exceed the standards set by the MPCA for nighttime hours between 10 PM and 7 AM. The difference in levels between the L₁₀ and L₅₀ ranges between 1.0 and 1.5 dBA, indicating a relatively consistent noise level. The change in decibel levels for each site is described below; note that decibels are measured logarithmically, so a 10 dBA increase equates to approximately twice as loud as the original source:

- Site 1 has an L₁₀/L₅₀ decibel change of 12.6 dBA and 19.5 dBA, respectively.
 - A **12.6 dBA** increase equates to approximately 2.4-times louder for the L₁₀ level.
 - A **19.5 dBA** increase equates to approximately 3.9-times louder for the L₅₀ level.
 - Compared to the MPCA Nighttime Standards, both the L₁₀ and L₅₀ are above standards.
- Site 2 has an L₁₀/L₅₀ decibel change of 13.7 dBA and 23.2 dBA, respectively.
 - A **13.7 dBA** increase equates to approximately 2.6-times louder for the L₁₀ level.
 - A **23.2 dBA** increase equates to approximately 5-times louder for the L₅₀ level.
 - Compared to the MPCA Nighttime Standards, both the L₁₀ and L₅₀ are above standards.
- Site 3 has an L₁₀/L₅₀ decibel change of 5.3 dBA and 11.8 dBA, respectively.
 - A **5.3 dBA** increase equates to approximately 45% louder for the L₁₀ level.
 - A **11.8 dBA** increase equates to approximately 2.3-times louder for the L₅₀ level.
 - Comparing to the MPCA Nighttime Standards, the L₁₀ is below the criteria and the L₅₀ is just over the criteria.

Sites #1 and #2 are impacted by the continuous running of the machinery at Revolve Labs, both sites are within 300-feet of the general area of the Revolve Labs site. The noise levels have been reduced by noise mitigation measures put in place by Revolve Labs, with Daytime Standards only exceeded by 0.2 decibels for the L₅₀ at Site #1. Nighttime Standards are significantly lower for residential land uses, and thus both Sites #1 and #2 have noise levels that exceed standards.

Site #3 is a new location for noise readings. The site is located over 600-feet from the general area of the Revolve Labs site. During the daytime, the noise standards are exceeded with or without the machinery running, indicating the machinery is not the dominate noise source in the daytime. During the nighttime, the machinery does result in the L₅₀ standard being exceeded by 1.1 dBA.

Previous Readings

On May 25th, 2023, noise monitoring sessions were conducted for the City of Glencoe by SEH Inc. Sites #1 and #2 were monitored with the machinery on and off to compare the change in noise levels. The results of the noise readings from that day are included in **Table 4**.

Table 4 Field Noise Measurement - 2023 Data

Site	Description of Site (NAC)	Machinery Operating (Yes/No)	Daytime Standards L ₁₀ / L ₅₀	Noise Measurements May 25 th , 2023		Above State Standard
				L ₁₀	L ₅₀	
#1	Residential NAC #1	No	65 / 60	56.5	49.8	No
		<u>Yes</u>	65 / 60	<u>65.1</u>	<u>63.6</u>	<u>Yes</u>
#2	Residential NAC #1	No	65 / 60	55.6	48.6	No
		<u>Yes</u>	65 / 60	<u>70.8</u>	<u>69.8</u>	<u>Yes</u>

On October 6th, 2022, two noise monitoring sessions were conducted by the City of Glencoe police department at Site #1. Reviewing historical weather data, the temperature was around 55 degrees that day; however, the winds were very high, blowing between 15 to 20 mph with gusts over 30 mph. While the conditions were not ideal, the monitoring was done for two 1-hour sessions near the same location as Site 1. The results of the noise readings from that day are included in **Table 5**.

Table 5 Field Noise Measurement - 2022 Data

Site	Description of Site (NAC)	Machinery Operating (Yes/No)	Daytime Standards L ₁₀ / L ₅₀	Noise Measurements October 6 th , 2022		Above State Standard
				L ₁₀	L ₅₀	
#1	Residential NAC #1	<u>Yes</u>	65 / 60	<u>71.0</u>	<u>62.8</u>	<u>Yes</u>
		<u>Yes</u>	65 / 60	<u>65.8</u>	<u>62.9</u>	<u>Yes</u>

Summary

With the Revolve Labs machinery running, there is a clear increase in the ambient noise levels surrounding the facility that ranges from an approximate 1.6 dBA reduction to a 16.7 dBA increase during the daytime hours, and a 5.3 dBA increase to a 23.2 dBA increase during the nighttime hours when the ambient levels are lower.

Reviewing the historical daytime noise levels, the noise mitigation measures that Revolve Labs has implemented since the previous May 2023 readings have had a positive impact on noise levels when compared to the MPCA Daytime Standards. These mitigation measures have shown a significant

decrease in the overall noise levels being produced on the parcel. However, the MPCA Nighttime Standards are significantly lower for residential land uses, and the noise levels generated by the machinery results in noise levels exceeding the nighttime standards.

Sites #1 and #2 should be monitored again if additional noise mitigation measures are implemented on the parcel, additional noise monitoring could be completed to assess the impact on the noise levels, particularly for the nighttime levels.

Site #3 was impacted in both the daytime and nighttime readings. The Daytime Standards are exceeded with or without the Revolve Labs machinery operating, therefore, the machinery is not the dominant noise source for this location. During the nighttime readings, when the ambient noise levels are low, the machinery does increase levels with the L_{50} exceeding the standards.

If noise mitigation measures are implemented on the Revolve Labs parcel to reduce levels at the two other sites, it is highly likely noise levels would be reduced at Site #3 to below all thresholds during the nighttime hours. Therefore, this site is not necessary to be monitored with future monitoring projects for the Revolve Labs site.

gtj

Noise Measurement Data Sheets

c: Mark Ostlund – Huemoeller, Gontarek & Cheskis, PLC
Dave Meyer – Glencoe Light and Power
Cody Nelson – Revolve Labs
Justin Black – SEH
Brody Bratsch – SEH

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NOISE MONITORING DATA SHEET:

SITE #1

Monitor ID#

Daytime

Nighttime

Machine Off: #2

#9

Machine On: #6

#12

PERSONEL

Blake Andert, SEH

Date:

4/24/2024

EQUIPMENT

Instrument: LD 831

Serial #: 4132

Lab Calibration: March 2024

Field Calibration: 4/24/24 10:27 AM

WEATHER

Temperature: 41 to 57 degrees

Clouds: sunny, light clouds

Wind Speed: 5 to 8 mph

Source: field observations

SITE/LOCATION

North side of 11th Street, adjacent to 1121 Armstrong Ave.

44.770128 -94.161887

Monitor ID:	Start	End	Duration	Machine?	L ₁₀	L ₅₀	L _{eq}
2	10:04 AM	10:23 AM	0:18 min	Off	60.2	48.9	56.6
6	11:35 AM	12:00 PM	0:24 min	On	63.6	60.2	63.7
9	9:25 PM	9:50 PM	0:25 min	Off	47.4	39.5	49.0
12	10:48 PM	11:12 PM	0:24 min	On	60.0	59.0	59.2

RECORDED RESULTS

See output sheet from LD 831: #2, #6, #9, #12

TRAFFIC DATA

11th Street Data during monitor session.

Monitor ID#	Cars	Medium	Heavy	Total
2	13	3	0	16
6	24	4	3	31
9	6	0	0	6
12	2	0	0	2

NOTES:

Monitoring ID #2 was cut short due to an attempt to pause meter, but was accidentally stopped. Monitor ID #3 was run for remaining time but was ultimately not utilized; same results as #2.

PHOTOS



NOISE MONITORING DATA SHEET:

SITE #2

Monitor ID#

Daytime

Nighttime

Machine Off: #4

#10

Machine On: #5

#11

PERSONEL

Blake Andert, SEH

Date:

4/24/2024

EQUIPMENT

Instrument: LD 831

Serial #: 4132

Lab Calibration: March 2024

Field Calibration: 4/24/24 10:27 AM

WEATHER

Temperature: 41 to 57 degrees

Clouds: sunny, light clouds

Wind Speed: 5 to 8 mph

Source: field observations

SITE/LOCATION

South side of 11th Street, adjacent to Seneca Dormatory.

44.769740 -94.163358

Monitor ID:	Start	End	Duration	Machine?	L ₁₀	L ₅₀	L _{eq}
4	10:32 AM	10:56 AM	0:24 min	Off	50.5	43.0	48.2
5	11:01 AM	11:30 AM	0:28 min	On	60.9	59.7	59.9
10	9:53 PM	10:15 PM	0:21 min	Off	48.9	38.5	45.0
11	10:20 PM	10:45 PM	0:25 min	On	62.6	61.7	61.6

RECORDED RESULTS

See output sheet from LD 831: #4, #5, #10, #11

TRAFFIC DATA

11th Street Data during monitor session.

NOTES:

n/a

Monitor ID#	Cars	Medium	Heavy	Total
4	19	2	3	24
5	18	1	1	20
10	2	0	0	2
11	0	0	0	0

PHOTOS



NOISE MONITORING DATA SHEET:

SITE #3

Monitor ID#

Daytime

Nighttime

Machine Off: #1

#8

Machine On: #7

#13

PERSONEL

Blake Andert, SEH

Date:

4/24/2024

EQUIPMENT

Instrument: LD 831

Serial #: 4132

Lab Calibration: March 2024

Field Calibration: 4/24/24 10:27 AM

WEATHER

Temperature: 41 to 57 degrees

Clouds: sunny, light clouds

Wind Speed: 5 to 8 mph

Source: field observations

SITE/LOCATION

East side of Armstrong Avenue, adjacent to 105 9th Street.

44.7684163 -94.1609980

Monitor ID:	Start	End	Duration	Machine?	L ₁₀	L ₅₀	L _{eq}
1	9:35 AM	10:00 AM	0:25 min	Off	72.1	61.0	70.0
7	12:06 PM	12:34 PM	0:27 min	On	70.5	63.7	66.7
8	8:57 PM	9:22 PM	0:25 min	Off	47.2	39.3	52.3
13	11:14 PM	11:40 PM	0:25 min	On	52.5	51.1	52.6

RECORDED RESULTS

See output sheet from LD 831: #1, #7, #8, #13

TRAFFIC DATA

11th Street Data during monitor session.

Monitor ID#	Cars	Medium	Heavy	Total
1	13	1	9	23
7	19	1	6	26
8	7	0	0	7
13	3	0	0	3

NOTES:

#1 - 4-trucks used dock, at least 1 idling.
#7 - 3-trucks used dock, at least 1 idling.
#8 & #13 - No trucks at dock.

PHOTOS



Summary

File Name on Meter	831_Data.001.s	SITE #3 MONITOR #01
File Name on PC	831_0004132-20240424 093504-831_Data.001.lbin	
Serial Number	0004132	
Model	Model 831	
Firmware Version	2.403	
User	B. Andert	
Location	Glencoe, MN	
Job Description	Bit49/Revolve Labs Noise Study	
Note		

SITE #3
MONITOR #01

Measurement

Description	
Start	2024-04-24 09:35:04
Stop	2024-04-24 10:00:05
Duration	00:25:01.1
Run Time	00:25:01.1
Pause	00:00:00.0

**NOISE METER WAS SET TO
PACIFIC DAYLIGHT STANDARD
TIME (PDT); 2-HOURS SHOULD**

**NOISE METER WAS SET TO
PACIFIC DAYLIGHT STANDARD
TIME (PDT); 2-HOURS SHOULD**

Pre-Calibration	2024-04-24 09:27:46
Post-Calibration	None
Calibration Deviation	---

Overall Settings

RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.5 dB		
	A	C	Z
Under Range Peak	78.1	75.1	80.1 dB
Under Range Limit	26.1	27.1	34.1 dB
Noise Floor	16.6	17.7	24.0 dB

Instrument Identification

Results

L _{Aeq}	70.0 dB		
L _A E	101.8 dB		
E _A	1.668 mPa²h		
LZ _{pk} (max)	2024-04-24 09:52:35		104.3 dB
L _A S _{max}	2024-04-24 09:52:37		87.8 dB
L _A S _{min}	2024-04-24 09:37:52		44.3 dB
SEA	-99.9 dB		

	Exceedance Counts	Duration
LAS > 65.0 dB	20	522.4 s
LAS > 85.0 dB	1	6.0 s
LZpk > 135.0 dB	0	0.0 s
LZpk > 137.0 dB	0	0.0 s
LZpk > 140.0 dB	0	0.0 s

LCeq	75.4 dB
LAeq	70.0 dB
LCeq - LAeq	5.4 dB
LAlaq	71.4 dB
LAeq	70.0 dB
LAlaq - LAeq	1.4 dB

A			C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
	70.0		75.4		77.8	
	87.8	2024/04/24 9:52:37	91.9	2024/04/24 9:52:36	92.2	2024/04/24 9:52:36
	88.9	2024/04/24 9:41:57	93.3	2024/04/24 9:52:34	93.7	2024/04/24 9:52:34
	91.1	2024/04/24 9:41:57	94.3	2024/04/24 9:52:34	95.7	2024/04/24 9:35:26
	44.3	2024/04/24 9:37:52	59.5	2024/04/24 9:39:09	63.2	2024/04/24 9:37:08
	43.6	2024/04/24 9:37:03	57.7	2024/04/24 9:39:09	61.4	2024/04/24 9:39:09
	44.2	2024/04/24 9:37:03	60.8	2024/04/24 9:39:09	63.8	2024/04/24 9:39:05
	103.0	2024/04/24 9:44:47	104.2	2024/04/24 9:52:36	104.3	2024/04/24 9:52:35

Overload Count	0
Overload Duration	0.0 s

Ln Percentiles

LA 5.00	79.0 dB
LA 10.00	72.1 dB
LA 33.30	64.0 dB
LA 50.00	61.0 dB
LA 66.60	60.4 dB
LA 90.00	49.4 dB

Summary				SITE #1 MONITOR #02
File Name on Meter	831_Data.002.s			
File Name on PC	831_0004132-20240424 100407-831_Data.002.ldbin			
Serial Number	0004132			
Model	Model 831			
Firmware Version	2.403			
User	B. Andert			
Location	Glencoe, MN			
Job Description	Bit49/Revolve Labs Noise Study			
Note				

Measurement			
Description			
Start	2024-04-24	10:04:07	
Stop	2024-04-24	10:23:06	
Duration		00:18:58.4	
Run Time		00:18:58.4	
Pause		00:00:00.0	
Pre-Calibration	2024-04-24	09:27:43	
Post-Calibration		None	
Calibration Deviation		---	

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.5 dB		
	A	C	Z
Under Range Peak	78.1	75.1	80.1 dB
Under Range Limit	26.1	27.1	34.1 dB
Noise Floor	16.6	17.7	24.0 dB
	First	Second	Third
Instrument Identification			

Results			
L _{Aeq}	56.6 dB		
L _A E	87.2 dB		
E _A	57.817 μPa²h		
L _{Zpk} (max)	2024-04-24	10:16:53	101.7 dB
L _A S _{max}	2024-04-24	10:04:32	72.0 dB
L _A S _{min}	2024-04-24	10:09:27	43.7 dB
SEA	-99.9 dB		
	Exceedance Counts		Duration
L _A S > 65.0 dB	9		55.6 s
L _A S > 85.0 dB	0		0.0 s
L _{Zpk} > 135.0 dB	0		0.0 s
L _{Zpk} > 137.0 dB	0		0.0 s
L _{Zpk} > 140.0 dB	0		0.0 s
L _{Ceq}	65.5 dB		
L _{Aeq}	56.6 dB		
L _{Ceq} - L _{Aeq}	8.9 dB		
L _A L _{eq}	59.1 dB		
L _{Aeq}	56.6 dB		
L _A L _{eq} - L _{Aeq}	2.5 dB		

	A		C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	56.6		65.5		76.9	
Ls(max)	72.0	2024/04/24 10:04:32	79.2	2024/04/24 10:10:01	93.6	2024/04/24 10:16:57
Lf(max)	75.4	2024/04/24 10:04:32	81.1	2024/04/24 10:10:01	98.0	2024/04/24 10:16:56
Li(max)	76.1	2024/04/24 10:04:31	83.5	2024/04/24 10:16:56	99.8	2024/04/24 10:16:53
Ls(min)	43.7	2024/04/24 10:09:27	58.0	2024/04/24 10:09:21	61.0	2024/04/24 10:09:25
Lf(min)	42.7	2024/04/24 10:09:30	55.8	2024/04/24 10:09:04	59.3	2024/04/24 10:09:29
Li(min)	43.6	2024/04/24 10:09:27	58.5	2024/04/24 10:09:55	61.9	2024/04/24 10:09:25
Lpk(max)	88.8	2024/04/24 10:11:01	92.0	2024/04/24 10:10:00	101.7	2024/04/24 10:16:53
Overload Count	0					
Overload Duration	0.0 s					

Ln Percentiles	
LA 5.00	63.8 dB
LA 10.00	60.2 dB
LA 33.30	51.1 dB
LA 50.00	48.9 dB
LA 66.60	47.7 dB
LA 90.00	46.2 dB

Summary			
File Name on Meter	831_Data.004.s		SITE #2 MONITOR #04
File Name on PC	831_0004132-20240424 103214-831_Data.004.ldbin		
Serial Number	0004132		
Model	Model 831		
Firmware Version	2.403		
User	B. Andert		
Location	Glencoe, MN		
Job Description	Bit49/Revolve Labs Noise Study		
Note			

Measurement			
Description			
Start	2024-04-24 10:32:14		
Stop	2024-04-24 10:56:20		
Duration	00:24:05.9		
Run Time	00:24:05.9		
Pause	00:00:00.0		
Pre-Calibration	2024-04-24 09:27:43		
Post-Calibration	None		
Calibration Deviation	---		

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.5 dB		
	A	C	Z
Under Range Peak	78.1	75.1	80.1 dB
Under Range Limit	26.1	27.1	34.1 dB
Noise Floor	16.6	17.7	24.0 dB
	First	Second	Third
Instrument Identification			

Results			
L _{Aeq}	48.2 dB		
L _{AE}	79.8 dB		
E _A	10.614 μPa²h		
L _{Zpk} (max)	2024-04-24 10:49:11	106.7 dB	
L _{AS} max	2024-04-24 10:40:40	64.1 dB	
L _{AS} min	2024-04-24 10:35:01	38.3 dB	
SEA	-99.9 dB		
	Exceedance Counts	Duration	
L _{AS} > 65.0 dB	0	0.0 s	
L _{AS} > 85.0 dB	0	0.0 s	
L _{Zpk} > 135.0 dB	0	0.0 s	
L _{Zpk} > 137.0 dB	0	0.0 s	
L _{Zpk} > 140.0 dB	0	0.0 s	
L _{Ceq}	62.3 dB		
L _{Aeq}	48.2 dB		
L _{Ceq} - L _{Aeq}	14.1 dB		
L _{Alaq}	50.6 dB		
L _{Aeq}	48.2 dB		
L _{Alaq} - L _{Aeq}	2.4 dB		

A			C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	48.2		62.3		75.9	
Ls(max)	64.1	2024/04/24 10:40:40	79.2	2024/04/24 10:40:43	95.3	2024/04/24 10:49:11
Lr(max)	65.4	2024/04/24 10:40:40	81.4	2024/04/24 10:40:42	101.6	2024/04/24 10:49:11
Li(max)	68.2	2024/04/24 10:39:33	84.1	2024/04/24 10:40:42	104.7	2024/04/24 10:49:11
Ls(min)	38.3	2024/04/24 10:35:01	52.7	2024/04/24 10:34:58	57.4	2024/04/24 10:35:47
Lr(min)	37.6	2024/04/24 10:38:48	50.7	2024/04/24 10:39:13	55.3	2024/04/24 10:43:38
Li(min)	38.0	2024/04/24 10:38:49	53.6	2024/04/24 10:34:58	58.8	2024/04/24 10:35:45
Lpk(max)	76.9	2024/04/24 10:33:35	90.7	2024/04/24 10:41:57	106.7	2024/04/24 10:49:11

Overload Count	0
Overload Duration	0.0 s

Ln Percentiles	
LA 5.00	53.5 dB
LA 10.00	50.5 dB
LA 33.30	44.6 dB
LA 50.00	43.0 dB
LA 66.60	41.6 dB
LA 90.00	39.9 dB

Summary			
File Name on Meter	831_Data.005.s		SITE #2 MONITOR #05
File Name on PC	831_0004132-20240424 110128-831_Data.005.ldbin		
Serial Number	0004132		
Model	Model 831		
Firmware Version	2.403		
User	B. Andert		
Location	Glencoe, MN		
Job Description	Bit49/Revolve Labs Noise Study		
Note			

Measurement			
Description			
Start	2024-04-24	11:01:28	
Stop	2024-04-24	11:30:14	
Duration		00:28:46.1	
Run Time		00:28:46.1	
Pause		00:00:00.0	
Pre-Calibration	2024-04-24	09:27:43	
Post-Calibration		None	
Calibration Deviation		---	

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.5 dB		
	A	C	Z
Under Range Peak	78.1	75.1	80.1 dB
Under Range Limit	26.1	27.1	34.1 dB
Noise Floor	16.6	17.7	24.0 dB
	First	Second	Third
Instrument Identification			

Results			
LAeq	59.9 dB		
LAE	92.3 dB		
EA	187.423 μPa²h		
LZpk (max)	2024-04-24 11:05:27	100.9 dB	
LASmax	2024-04-24 11:05:27	72.0 dB	
LASmin	2024-04-24 11:30:10	56.4 dB	
SEA	-99.9 dB		
	Exceedance Counts	Duration	
LAS > 65.0 dB	4	23.0 s	
LAS > 85.0 dB	0	0.0 s	
LZpk > 135.0 dB	0	0.0 s	
LZpk > 137.0 dB	0	0.0 s	
LZpk > 140.0 dB	0	0.0 s	
LCeq	72.3 dB		
LAeq	59.9 dB		
LCeq - LAeq	12.4 dB		
LALeq	60.6 dB		
LAeq	59.9 dB		
LALeq - LAeq	0.7 dB		

	A		C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	59.9		72.3		75.9	
Ls(max)	72.0	2024/04/24 11:05:27	79.6	2024/04/24 11:05:28	89.8	2024/04/24 11:05:28
Lr(max)	75.6	2024/04/24 11:05:27	81.1	2024/04/24 11:05:27	94.1	2024/04/24 11:05:27
Li(max)	76.8	2024/04/24 11:05:27	82.0	2024/04/24 11:05:27	97.0	2024/04/24 11:05:27
Ls(min)	56.4	2024/04/24 11:30:10	68.2	2024/04/24 11:07:34	70.0	2024/04/24 11:27:03
Lr(min)	55.1	2024/04/24 11:28:47	65.9	2024/04/24 11:01:39	68.1	2024/04/24 11:27:03
Li(min)	55.9	2024/04/24 11:30:09	67.8	2024/04/24 11:07:33	70.1	2024/04/24 11:27:03
Lpk(max)	88.3	2024/04/24 11:05:27	90.2	2024/04/24 11:05:27	100.9	2024/04/24 11:05:27

Overload Count	0
Overload Duration	0.0 s

Ln Percentiles	
LA 5.00	61.4 dB
LA 10.00	60.9 dB
LA 33.30	60.1 dB
LA 50.00	59.7 dB
LA 66.60	59.1 dB
LA 90.00	58.1 dB

Summary			
File Name on Meter	831_Data.006.s		SITE #1 MONITOR #06
File Name on PC	831_0004132-20240424 113557-831_Data.006.ldbin		
Serial Number	0004132		
Model	Model 831		
Firmware Version	2.403		
User	B. Andert		
Location	Glencoe, MN		
Job Description	Bit49/Revolve Labs Noise Study		
Note			

Measurement			
Description			
Start	2024-04-24 11:35:57		
Stop	2024-04-24 12:00:23		
Duration	00:24:25.2		
Run Time	00:24:25.2		
Pause	00:00:00.0		
Pre-Calibration	2024-04-24 09:27:43		
Post-Calibration	None		
Calibration Deviation	---		

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.5 dB		
	A	C	Z
Under Range Peak	78.1	75.1	80.1 dB
Under Range Limit	26.1	27.1	34.1 dB
Noise Floor	16.6	17.7	24.0 dB
	First	Second	Third
Instrument Identification			

Results			
L _{Aeq}	63.7 dB		
L _{AE}	95.4 dB		
E _A	381.640 μPa²h		
L _{Zpk} (max)	2024-04-24 11:56:48	107.9 dB	
L _{AS} max	2024-04-24 11:56:49	85.1 dB	
L _{AS} min	2024-04-24 11:47:58	57.6 dB	
SEA	-99.9 dB		
	Exceedance Counts	Duration	
L _{AS} > 65.0 dB	23	137.8 s	
L _{AS} > 85.0 dB	1	1.2 s	
L _{Zpk} > 135.0 dB	0	0.0 s	
L _{Zpk} > 137.0 dB	0	0.0 s	
L _{Zpk} > 140.0 dB	0	0.0 s	
L _{Ceq}	75.1 dB		
L _{Aeq}	63.7 dB		
L _{Ceq} - L _{Aeq}	11.4 dB		
L _{Aleq}	65.0 dB		
L _{Aeq}	63.7 dB		
L _{Aleq} - L _{Aeq}	1.3 dB		

A			C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	63.7		75.1		78.2	
Ls(max)	85.1	2024/04/24 11:56:49	96.4	2024/04/24 11:56:49	96.8	2024/04/24 11:56:49
Lr(max)	86.3	2024/04/24 11:56:49	99.6	2024/04/24 11:56:48	100.0	2024/04/24 11:56:48
Li(max)	87.5	2024/04/24 11:56:49	100.3	2024/04/24 11:56:48	100.7	2024/04/24 11:56:48
Ls(min)	57.6	2024/04/24 11:47:58	68.9	2024/04/24 11:43:00	70.4	2024/04/24 11:40:13
Lr(min)	56.7	2024/04/24 11:47:57	67.0	2024/04/24 11:39:40	69.1	2024/04/24 11:40:12
Li(min)	57.3	2024/04/24 11:37:39	69.1	2024/04/24 11:37:12	70.7	2024/04/24 11:40:12
Lpk(max)	97.6	2024/04/24 11:56:48	106.4	2024/04/24 11:56:48	107.9	2024/04/24 11:56:48

Overload Count	0
Overload Duration	0.0 s

Ln Percentiles	
LA 5.00	66.0 dB
LA 10.00	63.6 dB
LA 33.30	60.9 dB
LA 50.00	60.2 dB
LA 66.60	59.6 dB
LA 90.00	58.7 dB

Summary			
File Name on Meter	831_Data.007.s		SITE #3 MONITOR #07
File Name on PC	831_0004132-20240424 120640-831_Data.007.ldbin		
Serial Number	0004132		
Model	Model 831		
Firmware Version	2.403		
User	B. Andert		
Location	Glencoe, MN		
Job Description	Bit49/Revolve Labs Noise Study		
Note			

Measurement			
Description			
Start	2024-04-24	12:06:40	
Stop	2024-04-24	12:34:16	
Duration		00:27:35.5	
Run Time		00:27:35.5	
Pause		00:00:00.0	
Pre-Calibration	2024-04-24	09:27:43	
Post-Calibration		None	
Calibration Deviation		---	

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.5 dB		
	A	C	Z
Under Range Peak	78.1	75.1	80.1 dB
Under Range Limit	26.1	27.1	34.1 dB
Noise Floor	16.6	17.7	24.0 dB
	First	Second	Third
Instrument Identification			

Results			
L _{Aeq}	66.7 dB		
L _{AE}	98.9 dB		
E _A	860.372 μPa²h		
L _{Zpk} (max)	2024-04-24 12:34:02	104.7 dB	
L _{AS} max	2024-04-24 12:34:02	85.0 dB	
L _{AS} min	2024-04-24 12:21:17	61.7 dB	
SEA	-99.9 dB		
	Exceedance Counts	Duration	
L _{AS} > 65.0 dB	16	858.8 s	
L _{AS} > 85.0 dB	0	0.0 s	
L _{Zpk} > 135.0 dB	0	0.0 s	
L _{Zpk} > 137.0 dB	0	0.0 s	
L _{Zpk} > 140.0 dB	0	0.0 s	
L _{Ceq}	73.1 dB		
L _{Aeq}	66.7 dB		
L _{Ceq} - L _{Aeq}	6.4 dB		
L _{Alaq}	72.6 dB		
L _{Aeq}	66.7 dB		
L _{Alaq} - L _{Aeq}	5.9 dB		

A			C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	66.7		73.1		75.4	
Ls(max)	85.0	2024/04/24 12:34:02	83.9	2024/04/24 12:34:02	85.9	2024/04/24 12:27:51
Lr(max)	91.7	2024/04/24 12:34:02	90.3	2024/04/24 12:34:02	91.6	2024/04/24 12:34:02
Li(max)	94.2	2024/04/24 12:34:02	92.8	2024/04/24 12:34:02	94.0	2024/04/24 12:34:02
Ls(min)	61.7	2024/04/24 12:21:17	69.3	2024/04/24 12:31:04	70.5	2024/04/24 12:31:04
Lr(min)	59.1	2024/04/24 12:16:56	67.4	2024/04/24 12:28:43	68.8	2024/04/24 12:28:43
Li(min)	61.4	2024/04/24 12:21:16	69.6	2024/04/24 12:28:44	71.0	2024/04/24 12:28:52
Lpk(max)	104.8	2024/04/24 12:34:02	103.3	2024/04/24 12:34:02	104.7	2024/04/24 12:34:02

Overload Count	0
Overload Duration	0.0 s

Ln Percentiles	
LA 5.00	72.1 dB
LA 10.00	70.5 dB
LA 33.30	64.8 dB
LA 50.00	63.7 dB
LA 66.60	63.4 dB
LA 90.00	62.9 dB

Summary			
File Name on Meter	831_Data.008.s		SITE #3 MONITOR #08
File Name on PC	831_0004132-20240424 205705-831_Data.008.ldbin		
Serial Number	0004132		
Model	Model 831		
Firmware Version	2.403		
User	B. Andert		
Location	Glencoe, MN		
Job Description	Bit49/Revolve Labs Noise Study		
Note			

Measurement			
Description			
Start	2024-04-24 20:57:05		
Stop	2024-04-24 21:22:23		
Duration	00:25:18.1		
Run Time	00:25:18.1		
Pause	00:00:00.0		
Pre-Calibration	2024-04-24 20:54:06		
Post-Calibration	None		
Calibration Deviation	---		

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.3 dB		
	A	C	Z
Under Range Peak	77.9	74.9	79.9 dB
Under Range Limit	25.9	26.9	33.9 dB
Noise Floor	16.5	17.5	23.8 dB
	First	Second	Third
Instrument Identification			

Results			
L _{Aeq}	52.3 dB		
L _{AE}	84.1 dB		
E _A	28.646 μPa²h		
L _{Zpk} (max)	2024-04-24 21:02:34	101.1 dB	
L _{AS} max	2024-04-24 21:02:35	75.2 dB	
L _{AS} min	2024-04-24 21:20:40	33.0 dB	
SEA	-99.9 dB		
	Exceedance Counts	Duration	
L _{AS} > 65.0 dB	5	22.7 s	
L _{AS} > 85.0 dB	0	0.0 s	
L _{Zpk} > 135.0 dB	0	0.0 s	
L _{Zpk} > 137.0 dB	0	0.0 s	
L _{Zpk} > 140.0 dB	0	0.0 s	
L _{Ceq}	64.9 dB		
L _{Aeq}	52.3 dB		
L _{Ceq} - L _{Aeq}	12.6 dB		
L _{Alaq}	54.9 dB		
L _{Aeq}	52.3 dB		
L _{Alaq} - L _{Aeq}	2.6 dB		

	A		C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	52.3		64.9		67.4	
Ls(max)	75.2	2024/04/24 21:02:35	91.4	2024/04/24 21:02:35	91.7	2024/04/24 21:02:35
Lr(max)	77.6	2024/04/24 21:02:34	93.2	2024/04/24 21:02:35	93.6	2024/04/24 21:02:35
Li(max)	78.6	2024/04/24 21:02:34	95.6	2024/04/24 21:22:23	97.4	2024/04/24 21:22:23
Ls(min)	33.0	2024/04/24 21:20:40	48.3	2024/04/24 21:04:09	53.7	2024/04/24 21:21:05
Lr(min)	32.4	2024/04/24 21:09:09	46.1	2024/04/24 21:04:09	50.9	2024/04/24 21:21:03
Li(min)	32.6	2024/04/24 21:09:09	49.3	2024/04/24 21:00:44	55.3	2024/04/24 21:21:05
Lpk(max)	89.5	2024/04/24 20:57:48	100.5	2024/04/24 21:02:34	101.1	2024/04/24 21:02:34
Overload Count	0					
Overload Duration	0.0 s					

Ln Percentiles	
LA 5.00	55.4 dB
LA 10.00	47.2 dB
LA 33.30	41.1 dB
LA 50.00	39.3 dB
LA 66.60	38.0 dB
LA 90.00	35.7 dB

Summary			
File Name on Meter	831_Data.009.s		SITE #1 MONITOR #09
File Name on PC	831_0004132-20240424 212502-831_Data.009.ldbin		
Serial Number	0004132		
Model	Model 831		
Firmware Version	2.403		
User	B. Andert		
Location	Glencoe, MN		
Job Description	Bit49/Revolve Labs Noise Study		
Note			

Measurement			
Description			
Start	2024-04-24 21:25:02		
Stop	2024-04-24 21:50:03		
Duration	00:25:01.2		
Run Time	00:25:01.2		
Pause	00:00:00.0		
Pre-Calibration	2024-04-24 20:54:05		
Post-Calibration	None		
Calibration Deviation	---		

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.3 dB		
	A	C	Z
Under Range Peak	77.9	74.9	79.9 dB
Under Range Limit	25.9	26.9	33.9 dB
Noise Floor	16.5	17.5	23.8 dB
	First	Second	Third
Instrument Identification			

Results			
L _{Aeq}	49.0 dB		
L _{AE}	80.8 dB		
E _A	13.249 μPa²h		
L _{Zpk} (max)	2024-04-24 21:25:06	114.1 dB	
L _{AS} max	2024-04-24 21:25:06	69.6 dB	
L _{AS} min	2024-04-24 21:42:27	35.6 dB	
SEA	-99.9 dB		
	Exceedance Counts	Duration	
L _{AS} > 65.0 dB	6	15.0 s	
L _{AS} > 85.0 dB	0	0.0 s	
L _{Zpk} > 135.0 dB	0	0.0 s	
L _{Zpk} > 137.0 dB	0	0.0 s	
L _{Zpk} > 140.0 dB	0	0.0 s	
L _{Ceq}	64.1 dB		
L _{Aeq}	49.0 dB		
L _{Ceq} - L _{Aeq}	15.1 dB		
L _{Alaq}	55.6 dB		
L _{Aeq}	49.0 dB		
L _{Alaq} - L _{Aeq}	6.6 dB		

A			C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	49.0		64.1		75.0	
Ls(max)	69.6	2024/04/24 21:25:06	91.0	2024/04/24 21:25:06	92.8	2024/04/24 21:25:06
Lr(max)	77.9	2024/04/24 21:25:06	99.4	2024/04/24 21:25:06	100.5	2024/04/24 21:25:06
Li(max)	82.9	2024/04/24 21:25:06	104.2	2024/04/24 21:25:06	105.3	2024/04/24 21:25:06
Ls(min)	35.6	2024/04/24 21:42:27	49.5	2024/04/24 21:33:38	54.4	2024/04/24 21:33:34
Lr(min)	34.8	2024/04/24 21:42:29	47.2	2024/04/24 21:33:38	51.2	2024/04/24 21:42:30
Li(min)	35.3	2024/04/24 21:42:27	50.1	2024/04/24 21:33:34	56.1	2024/04/24 21:33:34
Lpk(max)	95.0	2024/04/24 21:25:06	113.1	2024/04/24 21:25:06	114.1	2024/04/24 21:25:06

Overload Count	0
Overload Duration	0.0 s

Ln Percentiles	
LA 5.00	52.5 dB
LA 10.00	47.4 dB
LA 33.30	40.9 dB
LA 50.00	39.5 dB
LA 66.60	38.5 dB
LA 90.00	37.4 dB

Summary			
File Name on Meter	831_Data.010.s		SITE #2 MONITOR #10
File Name on PC	831_0004132-20240424 215347-831_Data.010.ldbin		
Serial Number	0004132		
Model	Model 831		
Firmware Version	2.403		
User	B. Andert		
Location	Glencoe, MN		
Job Description	Bit49/Revolve Labs Noise Study		
Note			

Measurement			
Description			
Start	2024-04-24 21:53:47		
Stop	2024-04-24 22:15:01		
Duration	00:21:14.5		
Run Time	00:21:14.5		
Pause	00:00:00.0		
Pre-Calibration	2024-04-24 20:54:05		
Post-Calibration	None		
Calibration Deviation	---		

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.3 dB		
	A	C	Z
Under Range Peak	77.9	74.9	79.9 dB
Under Range Limit	25.9	26.9	33.9 dB
Noise Floor	16.5	17.5	23.8 dB
	First	Second	Third
Instrument Identification			

Results			
L _{Aeq}	45.0 dB		
L _{AE}	76.1 dB		
E _A	4.478 μPa²h		
L _{Zpk} (max)	2024-04-24 22:07:39	96.8 dB	
L _{AS} max	2024-04-24 22:07:40	59.1 dB	
L _{AS} min	2024-04-24 22:02:22	34.5 dB	
SEA	-99.9 dB		
	Exceedance Counts	Duration	
L _{AS} > 65.0 dB	0	0.0 s	
L _{AS} > 85.0 dB	0	0.0 s	
L _{Zpk} > 135.0 dB	0	0.0 s	
L _{Zpk} > 137.0 dB	0	0.0 s	
L _{Zpk} > 140.0 dB	0	0.0 s	
L _{Ceq}	56.1 dB		
L _{Aeq}	45.0 dB		
L _{Ceq} - L _{Aeq}	11.1 dB		
L _{Alaq}	48.4 dB		
L _{Aeq}	45.0 dB		
L _{Alaq} - L _{Aeq}	3.4 dB		

	A		C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	45.0		56.1		72.3	
Ls(max)	59.1	2024/04/24 22:07:40	68.7	2024/04/24 22:07:39	88.8	2024/04/24 22:07:39
Lr(max)	62.0	2024/04/24 22:07:40	73.0	2024/04/24 22:07:39	93.1	2024/04/24 22:07:39
Li(max)	67.7	2024/04/24 21:53:47	75.8	2024/04/24 21:53:47	95.4	2024/04/24 22:07:39
Ls(min)	34.5	2024/04/24 22:02:22	50.2	2024/04/24 21:55:42	56.2	2024/04/24 21:57:56
Lr(min)	34.0	2024/04/24 22:02:20	47.7	2024/04/24 22:02:15	52.5	2024/04/24 22:02:14
Li(min)	34.5	2024/04/24 21:59:51	50.0	2024/04/24 22:11:13	58.0	2024/04/24 21:57:58
Lpk(max)	82.2	2024/04/24 22:09:35	83.1	2024/04/24 22:07:38	96.8	2024/04/24 22:07:39

Overload Count	0
Overload Duration	0.0 s

Ln Percentiles	
LA 5.00	51.4 dB
LA 10.00	48.9 dB
LA 33.30	41.1 dB
LA 50.00	38.5 dB
LA 66.60	37.3 dB
LA 90.00	35.9 dB

Summary			
File Name on Meter	831_Data.011.s		SITE #2 MONITOR #11
File Name on PC	831_0004132-20240424 222020-831_Data.011.ldbin		
Serial Number	0004132		
Model	Model 831		
Firmware Version	2.403		
User	B. Andert		
Location	Glencoe, MN		
Job Description	Bit49/Revolve Labs Noise Study		
Note			

Measurement			
Description			
Start	2024-04-24 22:20:20		
Stop	2024-04-24 22:45:21		
Duration	00:25:00.7		
Run Time	00:25:00.7		
Pause	00:00:00.0		
Pre-Calibration	2024-04-24 20:54:05		
Post-Calibration	None		
Calibration Deviation	---		

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.3 dB		
	A	C	Z
Under Range Peak	77.9	74.9	79.9 dB
Under Range Limit	25.9	26.9	33.9 dB
Noise Floor	16.5	17.5	23.8 dB
	First	Second	Third
Instrument Identification			

Results

L _{Aeq}	61.6 dB					
L _{AE}	93.4 dB					
E _A	241.019 μPa²h					
L _{Zpk} (max)	2024-04-24 22:43:04	97.7 dB				
L _{AS} max	2024-04-24 22:41:28	64.6 dB				
L _{AS} min	2024-04-24 22:21:38	57.5 dB				
SEA	-99.9 dB					
	Exceedance Counts		Duration			
L _{AS} > 65.0 dB	0		0.0 s			
L _{AS} > 85.0 dB	0		0.0 s			
L _{Zpk} > 135.0 dB	0		0.0 s			
L _{Zpk} > 137.0 dB	0		0.0 s			
L _{Zpk} > 140.0 dB	0		0.0 s			
L _{Ceq}	71.8 dB					
L _{Aeq}	61.6 dB					
L _{Ceq} - L _{Aeq}	10.2 dB					
L _A leq	62.0 dB					
L _{Aeq}	61.6 dB					
L _A leq - L _{Aeq}	0.4 dB					
	A		C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	61.6		71.8		74.6	
Ls(max)	64.6	2024/04/24 22:41:28	78.1	2024/04/24 22:41:28	86.8	2024/04/24 22:43:04
Lr(max)	65.7	2024/04/24 22:41:28	80.1	2024/04/24 22:41:28	93.0	2024/04/24 22:43:04
Li(max)	66.1	2024/04/24 22:41:28	81.0	2024/04/24 22:41:28	95.4	2024/04/24 22:43:04
Ls(min)	57.5	2024/04/24 22:21:38	66.9	2024/04/24 22:20:43	68.8	2024/04/24 22:21:34
Lr(min)	56.8	2024/04/24 22:21:37	65.4	2024/04/24 22:20:28	67.0	2024/04/24 22:21:33
Li(min)	57.1	2024/04/24 22:21:37	66.8	2024/04/24 22:23:48	69.1	2024/04/24 22:21:33
Lpk(max)	81.7	2024/04/24 22:30:28	87.6	2024/04/24 22:41:28	97.7	2024/04/24 22:43:04
Overload Count	0					
Overload Duration	0.0 s					

Ln Percentiles	
LA 5.00	62.9 dB
LA 10.00	62.6 dB
LA 33.30	62.1 dB
LA 50.00	61.7 dB
LA 66.60	61.3 dB
LA 90.00	59.5 dB

Summary					SITE #1	
File Name on Meter	831_Data.012.s			MONITOR #12		
File Name on PC	831_0004132-20240424 224839-831_Data.012.ldbin					
Serial Number	0004132					
Model	Model 831					
Firmware Version	2.403					
User	B. Andert					
Location	Glencoe, MN					
Job Description	Bit49/Revolve Labs Noise Study					
Note						
Measurement						
Description						
Start	2024-04-24 22:48:39					
Stop	2024-04-24 23:12:40					
Duration	00:24:01.4					
Run Time	00:24:01.4					
Pause	00:00:00.0					
Pre-Calibration	2024-04-24 20:54:05					
Post-Calibration	None					
Calibration Deviation	---					
Overall Settings						
RMS Weight	A Weighting					
Peak Weight	Z Weighting					
Detector	Slow					
Preamplifier	PRM831					
Microphone Correction	Off					
Integration Method	Linear					
Gain	0.0 dB					
Overload	145.3 dB					
	A	C	Z			
Under Range Peak	77.9	74.9	79.9	dB		
Under Range Limit	25.9	26.9	33.9	dB		
Noise Floor	16.5	17.5	23.8	dB		
	First	Second	Third			
Instrument Identification						
Results						
LAeq	59.2 dB					
LAE	90.8 dB					
EA	133.212 μPa²h					
LZpk (max)	2024-04-24 22:48:39	99.5 dB				
LASmax	2024-04-24 23:00:26	67.0 dB				
LASmin	2024-04-24 22:54:06	57.2 dB				
SEA	-99.9 dB					
	Exceedance Counts	Duration				
LAS > 65.0 dB	1	3.9 s				
LAS > 85.0 dB	0	0.0 s				
LZpk > 135.0 dB	0	0.0 s				
LZpk > 137.0 dB	0	0.0 s				
LZpk > 140.0 dB	0	0.0 s				
LCeq	72.5 dB					
LAeq	59.2 dB					
LCeq - LAeq	13.3 dB					
LALeq	59.7 dB					
LALeq	59.2 dB					
LALeq - LAeq	0.5 dB					
	A		C		Z	
	dB		dB		dB	
	Time Stamp		Time Stamp		Time Stamp	
Leq	59.2		72.5		76.5	
Ls(max)	67.0 2024/04/24 23:00:26		79.7 2024/04/24 22:48:39		84.7 2024/04/24 23:03:22	
Lf(max)	68.8 2024/04/24 23:00:25		85.8 2024/04/24 22:48:39		89.4 2024/04/24 23:03:22	
Li(max)	69.6 2024/04/24 23:00:25		90.4 2024/04/24 22:48:39		92.3 2024/04/24 22:48:39	
Ls(min)	57.2 2024/04/24 22:54:06		69.2 2024/04/24 23:07:07		71.0 2024/04/24 23:12:15	
Lf(min)	56.4 2024/04/24 23:03:43		67.1 2024/04/24 22:49:44		69.0 2024/04/24 22:59:17	
Li(min)	56.7 2024/04/24 23:03:43		69.7 2024/04/24 23:07:07		71.3 2024/04/24 23:06:02	
Lpk(max)	80.8 2024/04/24 23:00:25		98.3 2024/04/24 22:48:39		99.5 2024/04/24 22:48:39	
Overload Count	0					
Overload Duration	0.0 s					
Ln Percentiles						
LA 5.00	60.3 dB					
LA 10.00	60.0 dB					
LA 33.30	59.3 dB					
LA 50.00	59.0 dB					
LA 66.60	58.7 dB					
LA 90.00	58.3 dB					

Summary			
File Name on Meter	831_Data.013.s		SITE #3 MONITOR #13
File Name on PC	831_0004132-20240424 231457-831_Data.013.ldbin		
Serial Number	0004132		
Model	Model 831		
Firmware Version	2.403		
User	B. Andert		
Location	Glencoe, MN		
Job Description	Bit49/Revolve Labs Noise Study		
Note			

Measurement			
Description			
Start	2024-04-24 23:14:57		
Stop	2024-04-24 23:40:48		
Duration	00:25:50.3		
Run Time	00:25:50.3		
Pause	00:00:00.0		
Pre-Calibration	2024-04-24 20:54:05		
Post-Calibration	None		
Calibration Deviation	---		

Overall Settings			
RMS Weight	A Weighting		
Peak Weight	Z Weighting		
Detector	Slow		
Preamplifier	PRM831		
Microphone Correction	Off		
Integration Method	Linear		
Gain	0.0 dB		
Overload	145.3 dB		
	A	C	Z
Under Range Peak	77.9	74.9	79.9 dB
Under Range Limit	25.9	26.9	33.9 dB
Noise Floor	16.5	17.5	23.8 dB
	First	Second	Third
Instrument Identification			

Results

LAeq	52.6 dB					
LAE	84.5 dB					
EA	31.345 μPa²h					
LZpk (max)	2024-04-24 23:40:04	96.6 dB				
LASmax	2024-04-24 23:21:46	69.6 dB				
LASmin	2024-04-24 23:33:12	49.0 dB				
SEA	-99.9 dB					
	Exceedance Counts	Duration				
LAS > 65.0 dB	3	11.7 s				
LAS > 85.0 dB	0	0.0 s				
LZpk > 135.0 dB	0	0.0 s				
LZpk > 137.0 dB	0	0.0 s				
LZpk > 140.0 dB	0	0.0 s				
LCeq	66.5 dB					
LAeq	52.6 dB					
LCeq - LAeq	13.9 dB					
LAlaq	53.8 dB					
LAeq	52.6 dB					
LAlaq - LAeq	1.2 dB					
	A		C		Z	
	dB	Time Stamp	dB	Time Stamp	dB	Time Stamp
Leq	52.6		66.5		68.4	
Ls(max)	69.6	2024/04/24 23:21:46	81.5	2024/04/24 23:21:46	81.8	2024/04/24 23:21:46
Lf(max)	71.5	2024/04/24 23:21:46	83.9	2024/04/24 23:21:46	84.7	2024/04/24 23:40:04
Li(max)	72.3	2024/04/24 23:21:46	85.0	2024/04/24 23:21:46	89.0	2024/04/24 23:40:04
Ls(min)	49.0	2024/04/24 23:33:12	63.0	2024/04/24 23:15:53	65.1	2024/04/24 23:33:17
Lf(min)	47.8	2024/04/24 23:33:16	60.9	2024/04/24 23:19:57	62.7	2024/04/24 23:36:38
Li(min)	48.2	2024/04/24 23:28:38	63.3	2024/04/24 23:15:53	65.4	2024/04/24 23:19:09
Lpk(max)	82.2	2024/04/24 23:30:20	94.0	2024/04/24 23:21:46	96.6	2024/04/24 23:40:04
Overload Count	0					
Overload Duration	0.0 s					

Ln Percentiles	
LA 5.00	53.3 dB
LA 10.00	52.5 dB
LA 33.30	51.5 dB
LA 50.00	51.1 dB
LA 66.60	50.7 dB
LA 90.00	50.0 dB

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)

917-558-3563

(Business)

jerry.tang@vcvdigital.com

(E-mail)

(Fax)

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.

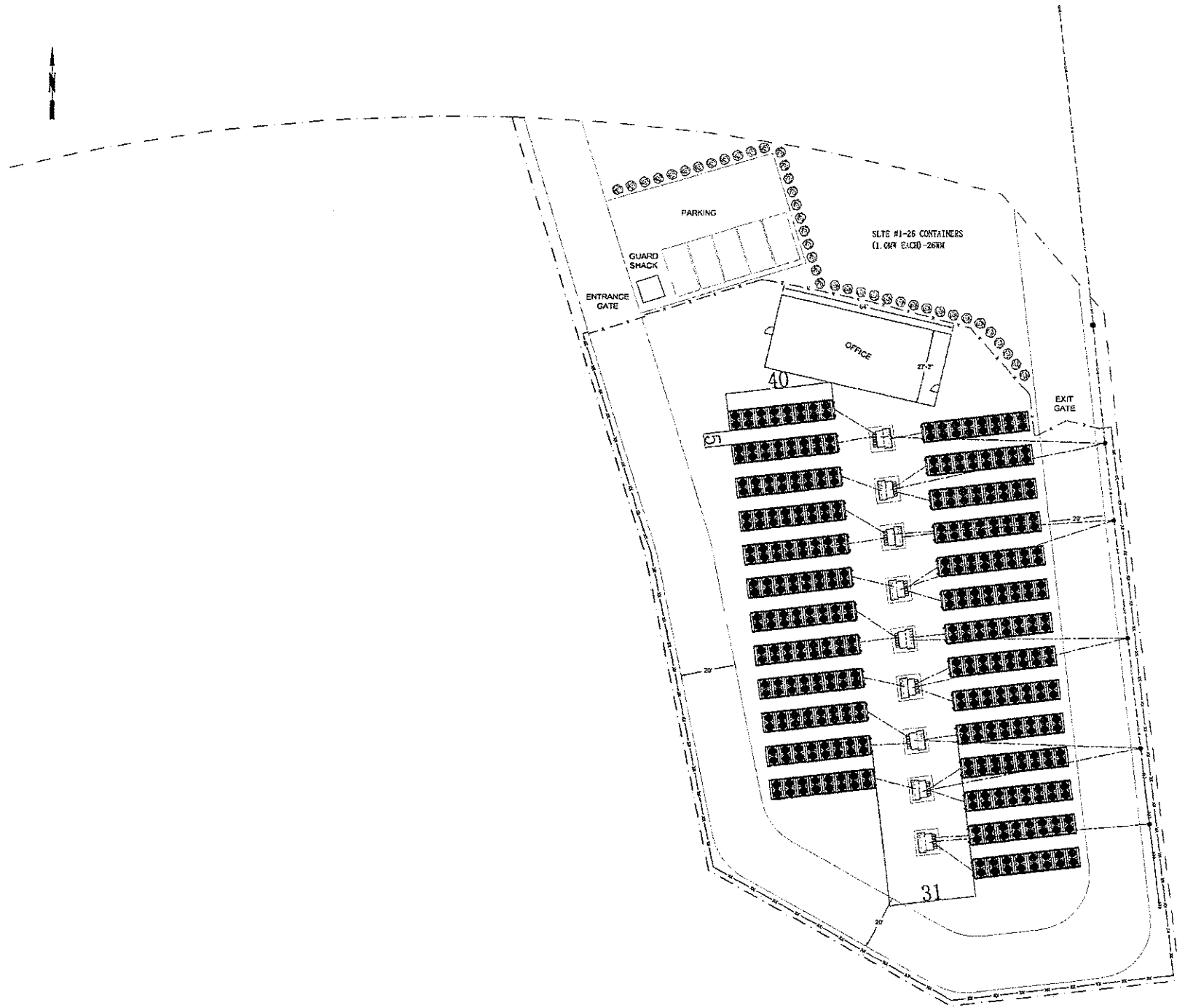
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 1st day of May, 2024



James Kramvik
Community Development Director

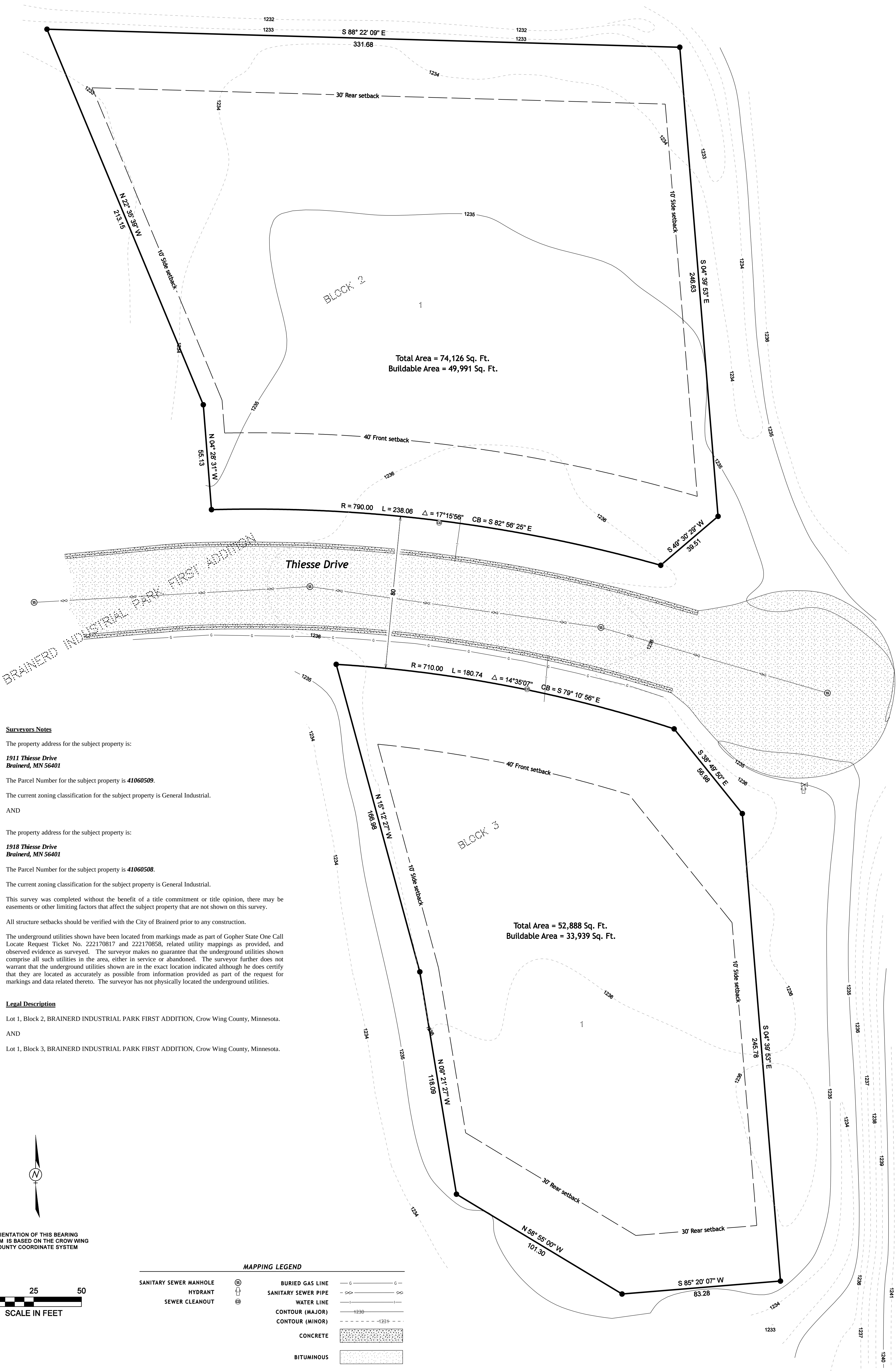
Publication Date: May 4th, 2024



NOTE:
1. THIS LAYOUT IS FOR CONCEPTUAL REVIEW ONLY. NOT INTENDED AS FINAL DESIGN.

- LEGEND:**
- 34.5 KV OH LINES
 - 2.5 MVA 32MVA 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

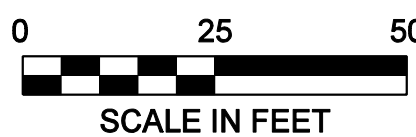
Lot 1, Block 2, BRAINERD INDUSTRIAL PARK FIRST ADDITION, Crow Wing County, Minnesota.

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	[Pattern]
		BITUMINOUS	[Pattern]

KLD
KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRainerd ST. CLOUD

1120 Industrial Park Road
Brainerd, MN 56401
218-628-5333
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

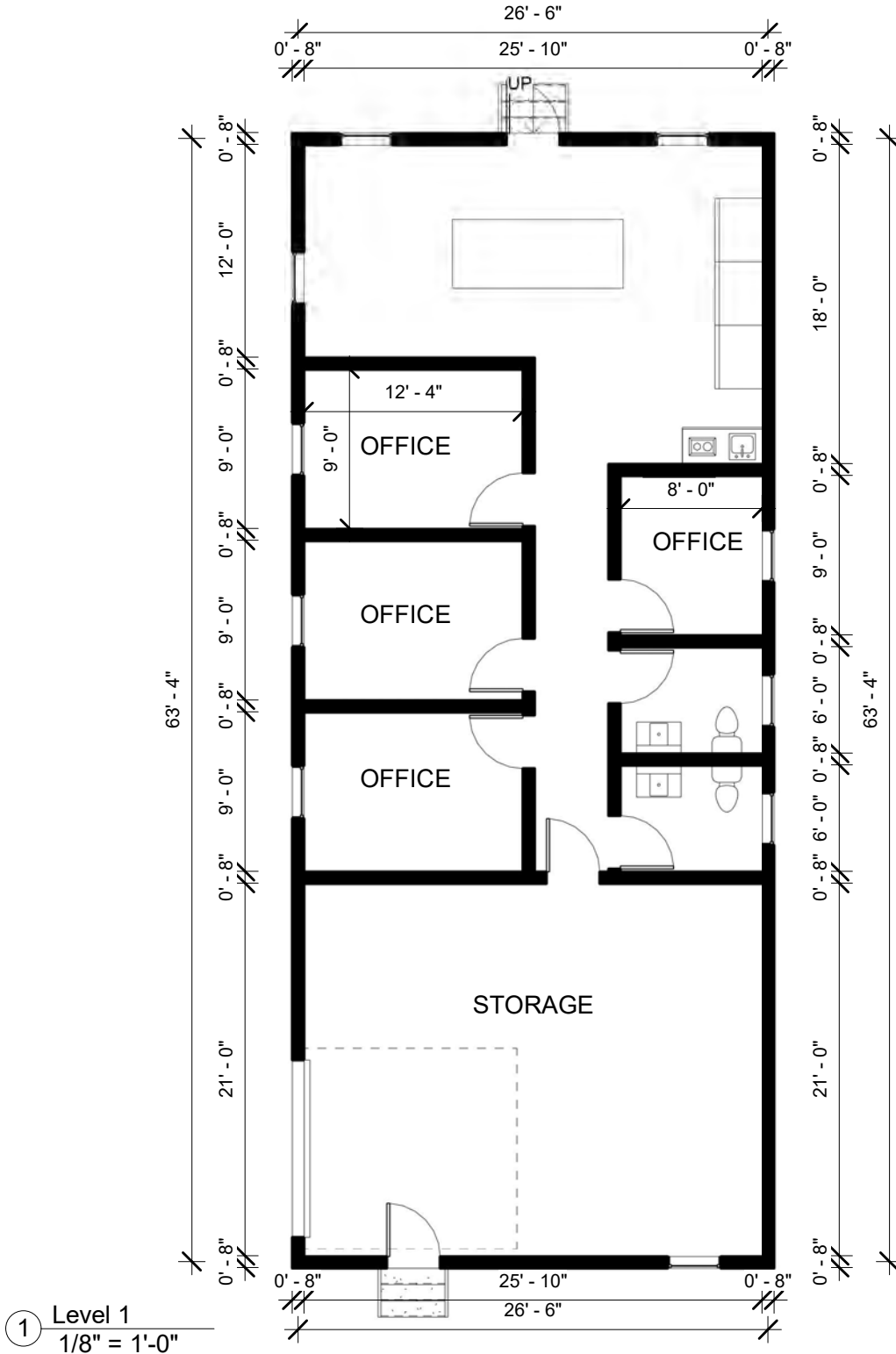
08/17/2022
Date

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



www.autodesk.com/revit

Owner

Design FLOOR PLAN

FLOOR PLAN

Project number 1

Date 23/8/2022

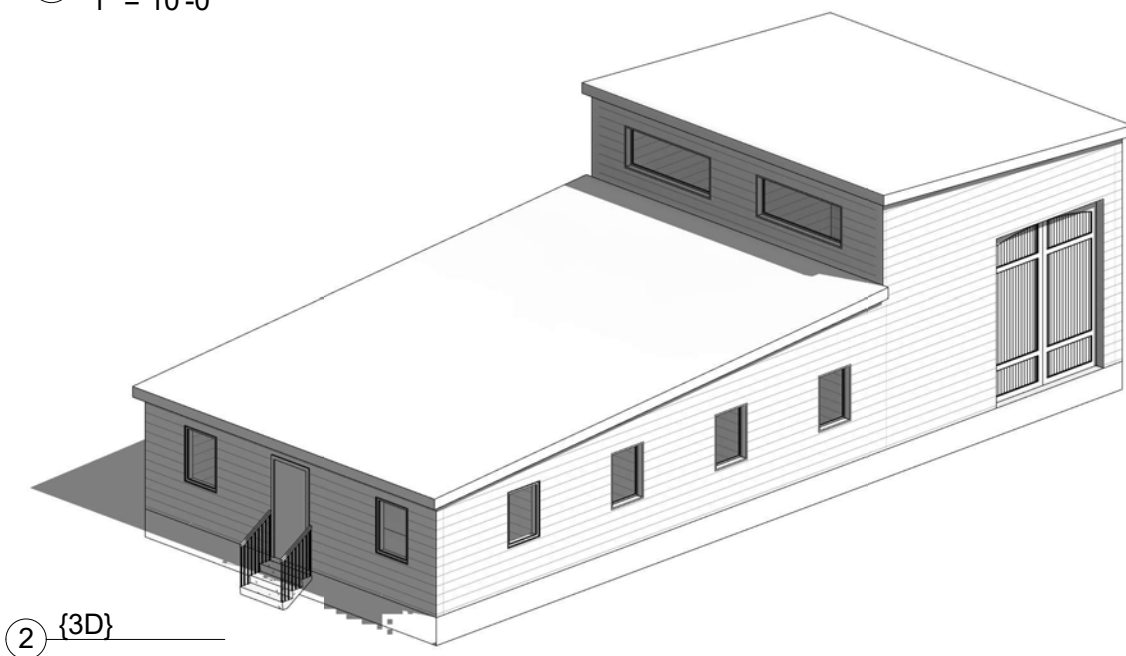
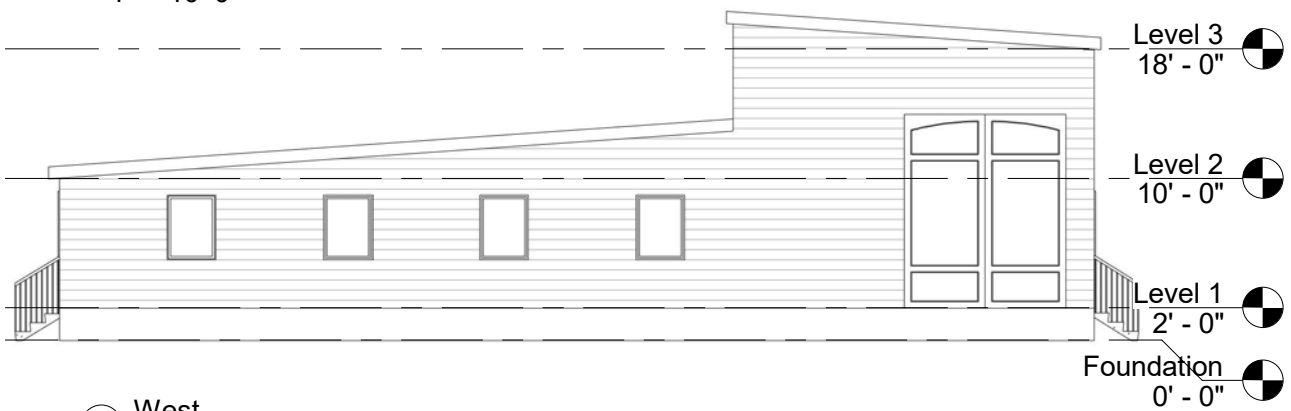
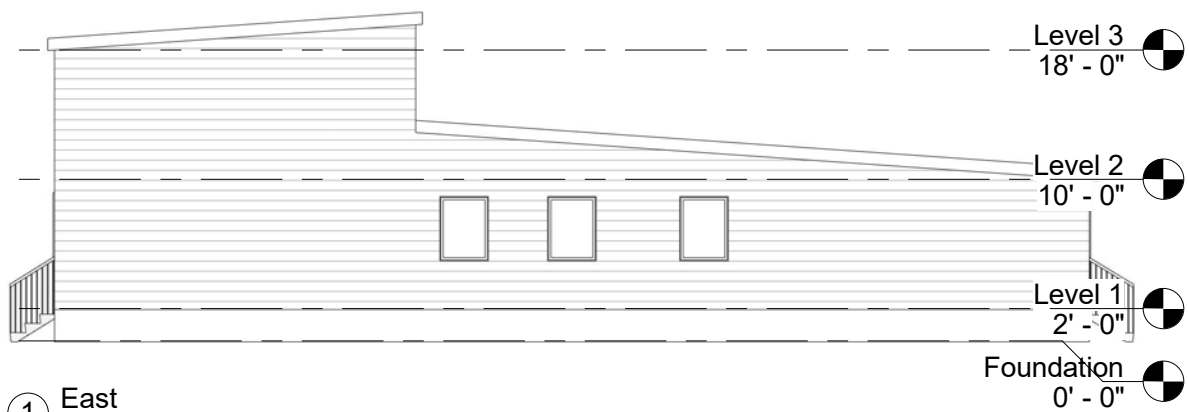
Drawn by MOHAMED

Checked by Checker

A101

Scale 1/8" = 1'-0"

23/08/2022 08:34:52



www.autodesk.com/revit

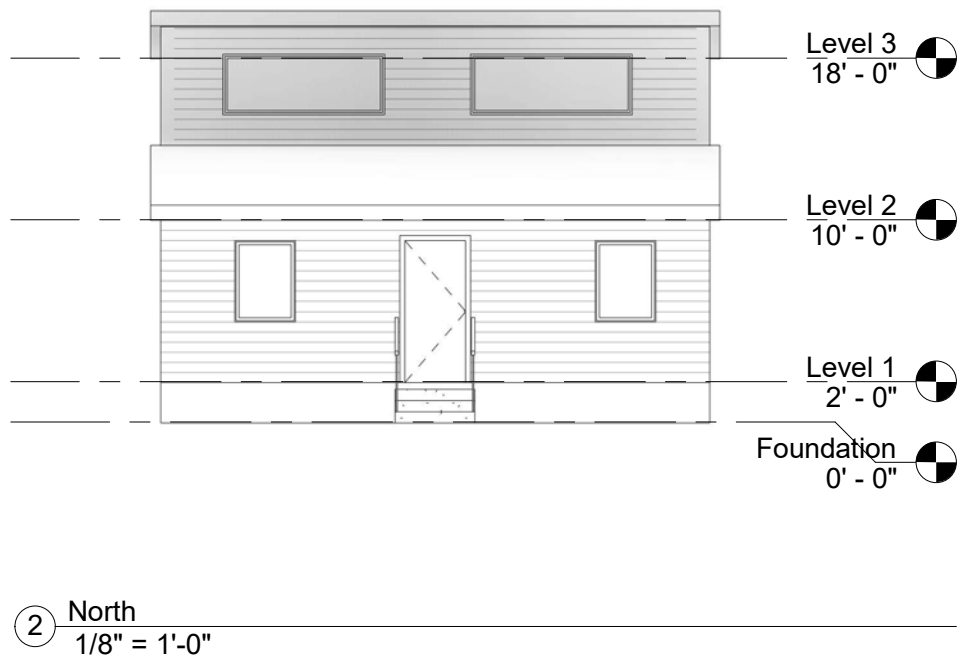
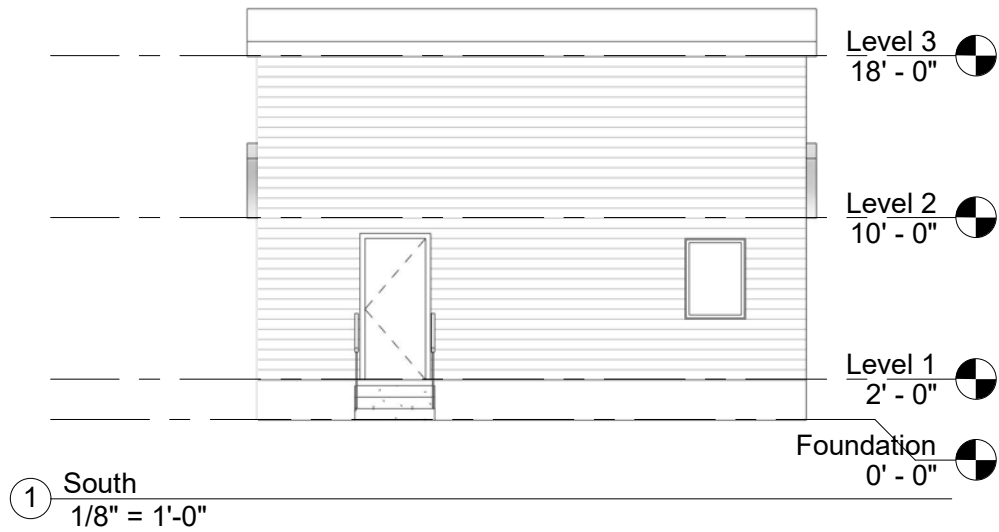
Owner

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

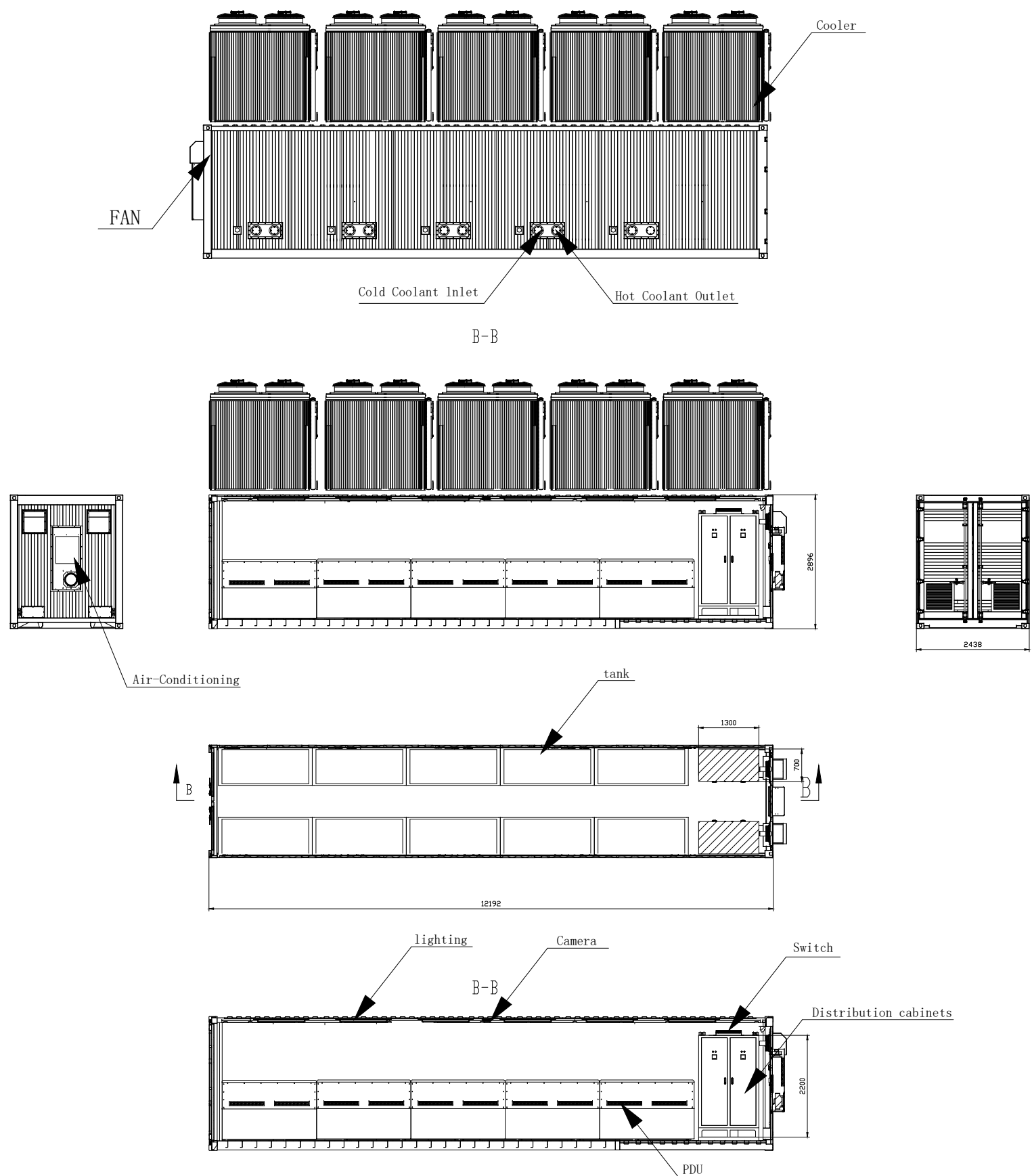
Owner

Design FLOOR PLAN

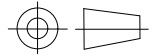
ELEVATIONS

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Date	23/8/2022	
Drawn by	Author	Scale 1/8" = 1'-0"
Checked by	Checker	

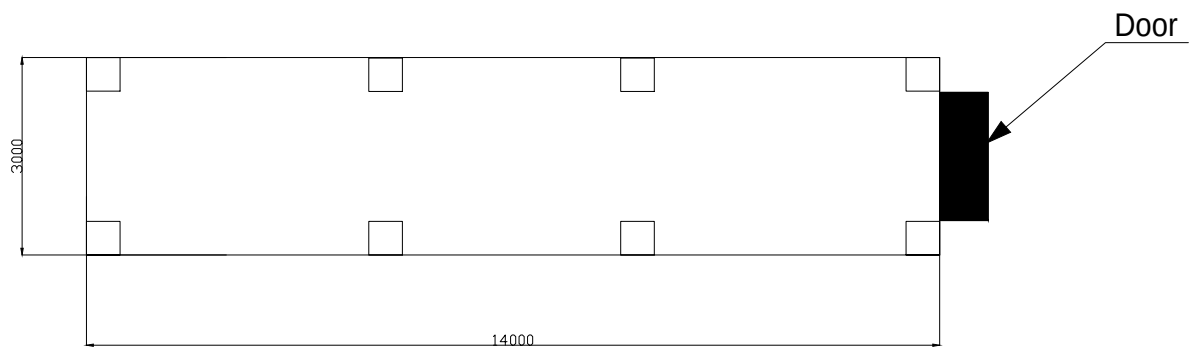
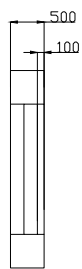
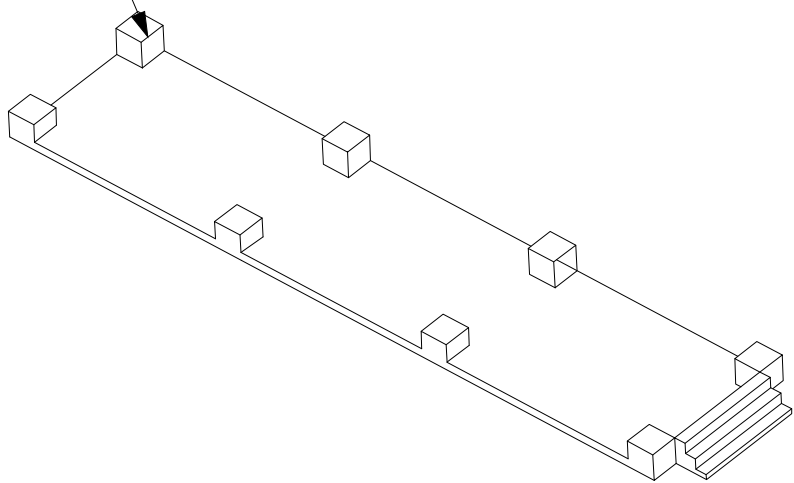
23/08/2022 08:34:57



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 Dry Cooler FHDC-200. The left view is a front elevation showing the V-shaped structure with two large cooling coils. Dimensions include a top width of 2220 mm, a base width of 2194 mm, and a total height of 2454.5 mm. The right view is a side elevation showing the profile of the unit. Dimensions include a top width of 2350 mm, a base width of 2150 mm, and a total height of 2454.5 mm. Other dimensions shown include 425 mm, 1117 mm, 1957 mm, 170 mm, 927 mm, 80 mm, 1830 mm, 260 mm, 275 mm, and 480 mm.			

- 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

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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: July 1, 2024

TITLE OF ITEM: Final Reading and Public Hearing - Proposed Ordinance 1569 - Vacant Building Registry Ordinance

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:

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 promote 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.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

Staff received direction from City Council at the June 3rd meeting to proceed with the Vacant Building Registry Ordinance as proposed and to conduct the first reading at the next meeting. Staff modeled the proposed ordinance after the City of Minneapolis ordinance for vacant buildings, as Minneapolis has been successful in the reclamation of nuisance properties. Structures placed on the Vacant Building Registry are those that are vacant with significant property maintenance issues and violations. The proposed Ordinance would charge a fee of \$7,000 for properties placed on the registry, but it does give the property owner the ability to make corrections within six months and not incur the fee. If payment is not made to the City, the fee will be assessed to the property.

City Council conducted the first reading of Proposed Ordinance 1569 at the June 17th City Council meeting.

RECOMMENDED ACTION/MOTION:

1. Conduct the final reading of Proposed Ordinance 1569 and dispense with the actual reading.
Note: A vote to dispense with the actual reading of the ordinance must be unanimous.
2. Hold a public hearing
3. Approve Proposed Ordinance 1569; an ordinance pertaining to creating a Vacant Building Registry.

FINANCIAL IMPACT: N/A

**ORDINANCE
NO. 1569**

**AN ORDINANCE AMENDING SECTION 445 AND SECTION 1000 APPENDIX A FEE
SCHEDULE OF THE CITY CODE**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Purpose

The purpose of this ordinance is to enhance the livability and preserve the tax base and property values of buildings within the city, and the need to assure that buildings which are capable of rehabilitation are promptly rehabilitated and buildings which are not capable of rehabilitation be promptly demolished, the city hereby declares that it is the policy of the city to promote rehabilitation of vacant and unoccupied buildings, and to assure a prompt process for demolition of hazardous buildings through a procedure fixing appropriate responsibility in accordance with due process requirements.

SECTION TWO: Section 445 of the City Code is hereby amended as indicated, with the new language underlined:

445.09 Vacant Building Registration

Subd. 1 The owner of a building shall register the building with the Building Official within five (5) days after it becomes a vacant building. In this section, a "vacant building" is one that is:

- 1) Condemned; or
- 2) Unoccupied and unsecured for five (5) days or more; or
- 3) Unoccupied and secured by means other than those normally used in the design of the building for thirty (30) days or more; or
- 4) Unoccupied and has multiple housing maintenance, fire or building code violations existing for thirty (30) days or more; or
- 5) Unoccupied for a period of time over three hundred sixty-five (365) days and during which time an order has been issued to correct a nuisance condition; or
- 6) A vacant commercial or residential building or structure, which is unable to receive a certificate of occupancy due to expired permits, or demonstrated work stoppage of one hundred eighty (180) days or more as determined by the Building Official.

Subd. 2 The owner of a building or structure designated as vacant pursuant to this section may appeal such designation to the City Administrator or designated representative within twenty-one (21) days after receipt of the designation. The administrative hearing procedure shall follow the procedure pursuant to Section 320.19 of the City Code.

Subd. 3 The registration shall be submitted on forms provided by the Community Development Department and shall include the following information supplied by the owner:

- 1) A description of the premises;
- 2) The names and addresses of the owner or owners;

- 3) The names and addresses of all known lienholders and all other parties with an ownership interest in the building;
- 4) The period of time the building is expected to remain vacant; and a plan and timetable for returning the building to appropriate occupancy or for demolition of the building.
- 5) The owner shall submit a plan and timetable that must comply with the guidelines adopted by the Building Official. The guidelines are adopted for purposes of preventing nuisance conditions and maintaining compliance with this Code. These guidelines shall be made available to building owners. The plan shall be submitted at the time of registration, or within a reasonable period of time thereafter to be determined by the Building Official.

Subd. 4 The owner shall comply with all applicable laws and codes. The owner shall notify the Building Official of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the Building Official.

Subd. 5 The owner and the subsequent owners shall keep the building secured and safe and the building and grounds properly maintained until the rehabilitation or demolition has been completed.

Subd. 6 Failure of the owner or any subsequent owner to maintain the building and premises that result in abatement completed by the City shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by law.

Subd. 7 The new owner(s) shall register or re-register the vacant building with the Building Official within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the Building Official.

Subd. 8 The Building Official shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

Subd. 9 Vacant building fees:

- 1) The owner of a vacant building shall pay an annual fee as established pursuant to Section 1000 Appendix A Fee Schedule. The fee is imposed to recover all costs incurred by the city for monitoring and regulating vacant buildings, including nuisance abatement, enforcement and administrative costs. This fee may be waived or suspended for the current year as a term or condition of a written restoration agreement. This fee may be waived for the current year and previous years if the property is acquired by a government agency.
- 2) The first annual fee shall be paid no later than five (5) days after the building becomes vacant. Subsequent annual fees shall be due on the anniversary date of initial vacancy. The fees shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.
- 3) Unpaid fees shall be levied and collected as a special assessment against the property as provided for under Section 320.23. Upon transfer of ownership, the new owner(s) shall be responsible for all unpaid and subsequent annual fees.

Subd. 10 A building owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection for the purpose of enforcing and assuring compliance with the provisions of this chapter.

SECTION THREE: Section 1000 General Provisions Appendix A: Fee Schedule of the City Code is hereby amended as indicated, with the new language underlined:

Building Dept	Residential	Commercial
<u>Vacant Building Registry</u>	<u>\$7,000</u>	<u>\$7,000</u>

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 – _____

NOTICE OF HEARING

The City of Brainerd City Council will be conducting a public hearing to consider proposed Ordinance 1569, an ordinance amending Section 445 Vacant Dwellings and Buildings and Section 1000 Appendix A – Fee Schedule of the Brainerd City Code. The proposed ordinance will impose a \$7,000 fee for homes within the City of Brainerd that are vacant with significant property maintenance issues and violations. The proposed ordinance allows property owners to submit a restoration plan to the City to make corrections to avoid the fee.

A Public Hearing will be conducted by the City Council at 7:30 p.m. Monday, July 1, 2024, in City Hall Council Chambers, 501 Laurel Street, Brainerd.

The public is invited to attend the hearing to offer input regarding proposed Ordinance 1569. Any individual needing special accommodations please call (218) 828-2307.

Dated this 10th day of June 2024

Publication Date: June 12th, 2024



James L. Kramvik
Community Development Director



City Council Agenda Request

MEETING DATE: July 1, 2024

TITLE OF ITEM: Consider Conditional Use Permit for the Expansion of Two Additional Early Childhood Education Classrooms at TCCAP, 2410 Oak St.

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE:

Tri-County Community Action Partnership has submitted a request for a Conditional Use Permit to expand their child care facility by adding two additional classrooms at 2410 Oak St. Each classroom would be licensed for 8 children, ages 6 weeks – 3 years; each classroom would have 3 staff. The operating hours would be consistent with the Early Head Start classrooms (8:00am – 4:00pm, Monday-Thursday). There will be no exterior improvements or additions to the building.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:

As the Minnesota Department of Human Services regulates the operations of commercial childcare facilities and as TCCAP currently meets all the other requirements set by City Ordinance, staff recommends approval of the CUP amendment without any future occupancy limitations to the existing building related to the CUP.

The Planning Commission considered this request at their June 20th meeting and unanimously recommended approval of the CUP with the provision that future additional child occupancy will not require a CUP amendment.

Note: This was done previously at Trinity Lutheran as the Planning Commission and City Council determined the site could easily accommodate additional children. A CUP would still be required for any major renovations that expand the use of the building or additions to the building's footprint.

RECOMMENDED ACTION/MOTION:

Approve the conditional use permit at 2410 Oak St as requested with the provision that future additional child occupancy will not require a CUP amendment.

FINANCIAL IMPACT: N/A

MEMO



TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: June 20th, 2024

RE: Consider Conditional Use Permit for the Expansion of Two Additional Early Childhood Education Classrooms at TCCAP, 2410 Oak St.

REQUEST

PUBLIC HEARING. Conditional Use Permit to expand the use of the daycare facility by adding two additional classrooms.

Bill Mousseau, 501 Lemieur St., Little Falls on behalf of Tri-County Community Action Partnership has submitted a request for a Conditional Use Permit to expand the use by adding two additional classrooms at 2410 Oak St.

CONTEXT

Parcel Number: 41300905

Zoning District: Traditional Neighborhood 2 (TN-2) District

Property Area: Approximately 50,099 SQFT

Adjacent Uses:
North: Single Family Residential
East: Apartment 4 or more Units
South: Single Family Residential
West: Commercial Office Space

Adjacent Zoning:
North: TN-2 (Traditional Neighborhood 2) District
East: TN-2 (Traditional Neighborhood 2) District
South: CN-2 (Contemporary Neighborhood 2) District
West: TN-2 (Traditional Neighborhood 2) District

AERIAL MAP



FINDINGS OF FACT – CONDITIONAL USE PERMIT

1. The property at 2410 Oak Street Brainerd, MN 56401 is in a TN-2 (Traditional Neighborhood 2) District. Zoning Ordinance [515-3 Allowed Uses. Appendix A: Table of Uses](#) allows for the operation of commercial daycare facilities as a Conditional Use in the TN-2 District.
2. The request by the applicant is to convert existing office space into two new Early Head Start classrooms (infants/toddlers) at the TCCAP Head Start building. Each classroom would be licensed for 8 children, ages 6 weeks – 3 years; each classroom would have 3 staff. The operating hours would be consistent with the Early Head Start classrooms (8:00am – 4:00pm, Monday-Thursday). There will be no exterior improvements or additions to the building.
3. According to [Section 515-3-14 Commercial Day Care Facilities](#). Day care facilities shall be allowed as a principal use, provided that the day care facilities meet all the applicable provisions of this Section:
 - a. Lot Requirements and Setbacks. The proposed site for a childcare facility must have a minimum lot area as required by the applicable Base Zoning District in which it is located and as determined by the Minnesota Department of Health and Human Services. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and maintain the health, safety, and general welfare of the public. The day care facility must meet the minimum setback requirements of the respective Base Zoning District. The City Council may increase setback requirements if considered necessary to ensure compatibility.
 - i. *The TN-2 zoning district has a lot size minimum of 4,000 SF and the property size is 50,099 SF, which exceeds the minimum requirement. According to [Section 515-2-9](#) the side yard setback requirement for the TN-2 district is 5 ft and the rear yard setback requirement is 10 ft. The existing building meets the setback requirements of the TN-2 district. The added classrooms are converted office spaces, and the footprint of the building will not change.*
 - b. Sewer and Water. All day care facilities shall have access to municipal sewers and water or have adequate private sewers and water to protect the health and safety of all persons who occupy the facility.
 - i. *The parcel in question at 2410 Oak St. is connected to the city sewer and water.*
 - c. Screening. A day care facility shall provide screening along any shared property boundaries, regardless of adjacent use.
 - i. *Staff's interpretation of this requirement is for the screening of outdoor play equipment and uses. The existing playground is properly screened and is not expanding in size.*
 - d. Parking. There shall be off-street parking located separately from any outdoor play area and must comply with all applicable standards.
 - i. *The existing outdoor play area is separate from the parking lot. Additionally, the TN-2 zoning district does not have a minimum parking requirement for*

childcare facilities. The existing parking lot has 49 parking spaces for staff and parent drop-off and pickup and is sufficient for the facility.

- e. Loading. Off-street loading spaces must be provided.
 - i. *The existing parcel is set up with a loading zone that facilitates the drop-off and pickup of children on the south side of the building.*
 - f. Signage. All signing and informational or visual communication devices shall be in compliance with the provisions of Section [515-3-35] of this Ordinance.
 - i. *No signage is currently proposed in the plan documents submitted to the community development department at this time. Future signage requires a permit and will be in compliance with Section 515-3-35.*
 - g. Compliance with State Requirements. The building and operation shall be in full compliance with State of Minnesota, Department of Health and Human Services regulations and be licensed accordingly.
 - i. *The operation of a childcare facility regardless of location is dependent on the issuance of a certificate of occupancy which is not issued unless the business can demonstrate their adherence to all state Department of Health and Human Services standards. Thus, their licensing and compliance will be met before any operations occur at the proposed parcel.*
4. **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 Appendix A: Table of Uses.
 - i. *In accordance with the City of Brainerd Zoning Code Table of Uses a childcare care facility is a permitted conditional use for parcels in the TN-2 (Traditional Neighborhood 2) Zoning District.*
 - b. The proposed use meets the regulations and standards established in this Ordinance.
 - i. *The applicant does not propose an expansion to the building, playground, or parking lot. The current use is a childcare facility and meets the requirements according to Section 515-3-14.*
 - 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 childcare facility expansion at 2410 Oak will 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.
 - i. *The plans as presented demonstrate no changes to the orientation of the building or landscaping that would constitute the existing building failing to conform to the code as written. The TN-2 Zoning District is intended to*

provide for compact, pedestrian-oriented mix of residential and neighborhood-serving commercial uses.

- e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - i. *The submitted plans include no changes to the existing building's visual impression thus retaining its consistency with the Oak St. neighborhood.*
 - f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
 - i. *The attached 49 car parking lot and loading zone will accommodate the traffic presented by this use.*
 - g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the [Comprehensive Plan](#).
 - i. *Land Use - GOAL 3: Support and invest in the incremental enhancements of quality of life. Policy 2: Encourage and attract stores and services for the daily needs of our community.*
 - 1. *The City of Brainerd and the surrounding communities are in need of childcare. There is currently a childcare shortage in the region. The proposed childcare expansion to the building will add 16 available spots for children. Further, this childcare facility would add additional jobs to this community.*
 - ii. *Economic Development – GOAL 1 : Support infill and redevelopment throughout Brainerd as a strategic component of growth. Policy 1: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exists.*
 - 1. *This property is an existing fixture in its neighborhood that has access to all city utilities.*
 - iii. *Economic Development - GOAL 2: Support our workforce and help them thrive.*
 - 1. *The shortage of childcare in the region is a concern for businesses and the workforce in the region. This project by TCCAP addresses a major need in the community.*
5. **Section 515-2.B.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. Such conditions may include, but are not limited to, the following:
- a. Increasing the required lot size or yard setback dimension.
 - b. Limiting the height, size, or location of buildings.
 - c. Regulating ingress and egress to the property and the proposed structures thereon with particular references to vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fire or another catastrophe.
 - d. Regulating the street width.

- e. Increasing the number of required off-street parking spaces.
- f. Limiting the number, size, location, or lighting of signs.
- g. Requiring a berm, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
- h. Requiring dedication of some open or green space.
- i. Regulating the appearance of the facilities or site so that they are harmonious with the neighborhood and City.

As of this writing, no parties have contacted the Community Development Department for more information on the Conditional Use Permit application for the proposed commercial childcare facility at 2410 Oak St.

STAFF RECOMMENDATION

Option 1: Recommend approval of the CUP as presented.

Option 2: As the Minnesota Department of Human Services regulates the operations of commercial childcare facilities and as TCCAP currently meets all the other requirements set by City Ordinance, staff recommends approval of the CUP amendment without any future occupancy limitations to the existing building related to the CUP.

Note: Exterior improvements or additions may require a CUP amendment and final occupancy is set by the Fire Marshal.



Community Development Department

City Hall – 501 Laurel Street Brainerd, MN 56401

218-828-2307

www.ci.brainerd.mn.us

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☒ (\$500.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ (\$250.00)	☐ (\$400.00)

PROPERTY ADDRESS: 2410 Oak Street Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: Tri-County Community Action Partnership (Teresa Carter - Executive Director)

Street Address: 501 Lemieur Street City: Little Falls State: MN Zip Code 56345

Phone Number: (320) 632-3691 Fax: _____ E-mail: info@tccaction.com

Applicant Name: (If different than Property Owner) Bill Mousseau

Street Address: 501 Lemieur Street City: Little Falls State: MN Zip Code: 56345

Phone Number: (218) 640-9582 Fax: _____ E-mail: bill.mousseau@tccaction.com

Description of Request: _____

Request to convert office space into two new Early Head Start classrooms (infants/toddlers) at TCCAP Head Start building.

Each classroom would be licensed for 8 children, ages 6 weeks-3 years; each classroom would have 3 staff. Operating hours

would be consistent with current Early Head Start classrooms (8:00am-4:00pm, Monday-Thursday). TCCAP is proposing

these classroom additions due to our large waiting list for care. Classrooms will be inspected by Minnesota DHS Division

of Licensing prior to operating. There will be no exterior improvements or additions to the building.

Bill Mousseau
Property Owner Signature

Tri-County Community Action Partnership, Inc.

(Please print name)

Teresa Carter

Applicant Signature

Teresa Carter

(Please print name)

5/23/24
Date

5/21/24

Date

(OVER)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Bill Mousseau, 501 Lemieur St., Little Falls, has submitted an application for a Conditional Use Permit on behalf of Tri-County Community Action Partnership to expand the use by adding two additional classrooms at the child care facility at 2410 Oak St. The property included in this application is described as:

*Hollands Second Addition to the City of Brainerd
W. 134 FT. of N. ½ of Tract 17 Ex. Hwy 18
P.I.N. 41300905
Section 30 Township 45 Range 30*

The property is in TN-2 (Traditional Neighborhood 2) District, and Zoning Ordinance Section 515-3 (Allowed Uses) Appendix A: Table of Uses permits the operation of commercial child care facilities as a conditional use as regulated by Section 515-3-14 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. Thursday, June 20th, 2024 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Conditional Use Permit request.

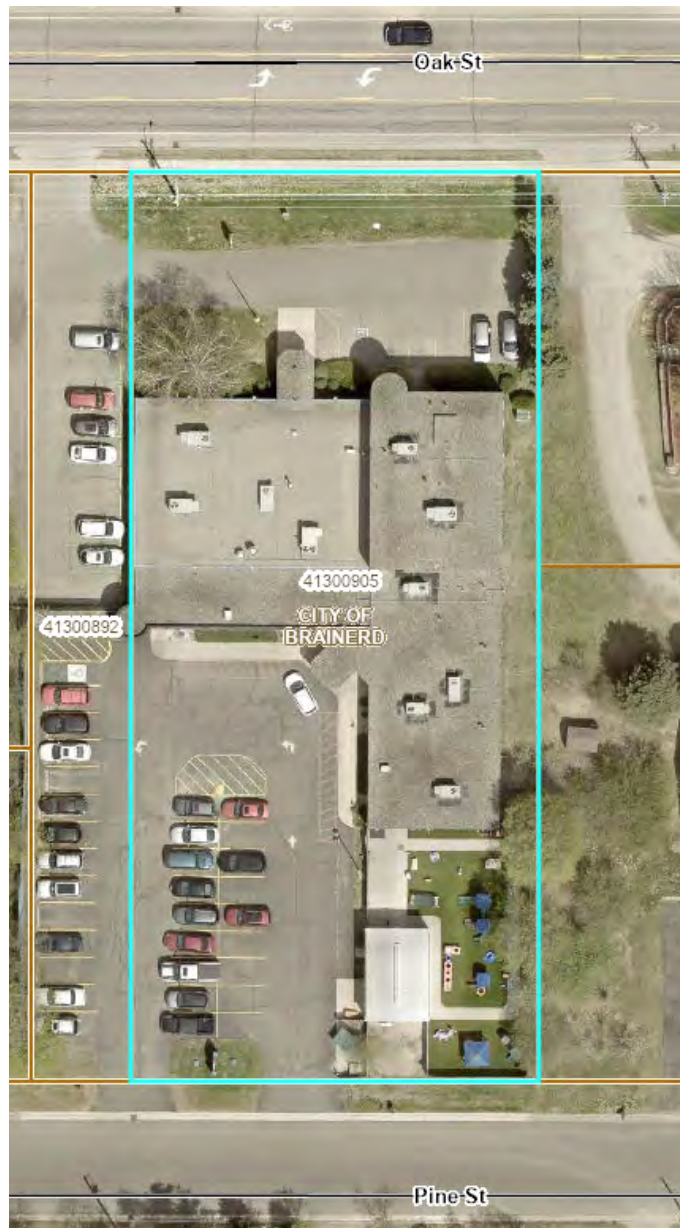
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 30 day of May, 2024



James Kramvik
Community Development Director

Publication Date: June 1, 2024



CODE REVIEW DATA

1. GENERAL INFORMATION

- A. PROJECT NAME: **TRI-COUNTY COMMUNITY ACTION PARTNERSHIP**
2410 EAST OAK STREET, BRAINERD, MN
- B. PROJECT LOCATION:
- C. PROJECT DESCRIPTION:
a. PROJECT CONSISTS OF THE REMODEL OF A PORTION OF THE BUSINESS/OFFICE AREAS OF THE EXISTING TRI-COUNTY COMMUNITY ACTION PARTNERSHIP BUILDING INTO CLASSROOM SPACES FOR 6 WEEK TO 3 YEAR OLDS. AREA OF WORK IS 759 SF. SCOPE OF PROJECT INVOLVES THE REMOVAL OF THREE OFFICES TO CREATE TWO NEW CLASSROOMS WITH PORTABLE SINKS AND ONE OFFICE. EXISTING TO REMAIN.
- D. GROSS BUILDING SIZE:

GROSS BUILDING AREAS

NAME	LEVEL	AREA
I-4	FIRST LEVEL	10,330 SF
B	FIRST LEVEL	1,347 SF
I-4	FIRST LEVEL	738 SF
B	SECOND LEVEL	2,441 SF
TOTAL		14,855 SF

2. APPLICABLE CODES

- A. MINNESOTA STATE BUILDING CODE 2020
- B. 2024 MINNESOTA ENERGY CODE W/ ASHRAE 90.1- 2024
- C. MINNESOTA ACCESSIBILITY CODE 2020
- D. MINNESOTA STATE FIRE CODE 2020
- E. MINNESOTA MECHANICAL AND FUEL GAS CODES 2020
- F. MINNESOTA STATE PLUMBING CODE 2020
- G. NATIONAL ELECTRICAL CODE 2020
- H. NFPA 72
- I. ZONING ORDINANCE - CITY OF BRAINERD 2015
- J. ARCHITECTURAL BARRIERS ACT (ABA) STANDARDS

3. USE AND OCCUPANCY CLASSIFICATION

(MN BC CHAPTER 3)

A. OCCUPANCY CLASSIFICATION (302-312, 508, 509):

VB

4. SPECIAL DETAILLED REQUIREMENTS

(IBC CHAPTER 4)

5. GENERAL BUILDING HEIGHTS AND AREAS

(IBC CHAPTER 5)

- A. BUILDING HEIGHT (GROUP 1-4 NON SEPARATED MIXED USE) **ALLOWABLE** **PROPOSED**
TABLE 503.3 **6F** **(EXISTING)**
TABLE 503.4 **2 STORIES** **(EXISTING)**
- B. BUILDING AREAS (GROUP 1-4 NON SEPARATED MIXED USE) **ALLOWABLE** **PROPOSED**
TOTAL AREA (EQUATION 5-2) $A_a = [A_1 + (N \times I)] \times S_a$ **62,640 SF** **(EXISTING)**
BUILDING AREA PER FLOOR (EQ. 5-2) $A_b = [A_1 + (N \times I)] \times S_b$ **31,320 SF** **(EXISTING)**
FRONTAGE INCREASE (EQ. 5-4) $I = [F / (P - 0.25)] \times W_{30}$ **48**
- C. INCIDENTAL ACCESSORY OCCUPANCIES (TABLE 509)
- FURNACE ROOM (>400,000 BTU) 1-HR or SPRINKLER
 - BOILER ROOMS (>15 PSI and 10 HP) 1-HR or SPRINKLER
 - REFRIGERANT MACHINERY ROOMS 1-HR or SPRINKLER
 - GROUP 3 LABS AND VOCATIONAL SHOPS 1-HR or SPRINKLER
 - WASTE COLLECTION ROOMS (>100 S.F.) 1-HR or SPRINKLER
 - STATIONARY BATTERY SYSTEMS 2-HR
 - ELEC. INSTALLATION / TRANSFORMERS 2-HR
- NOTE:
• INCIDENTAL USES SHALL NOT OCCUPY MORE THAN 10% OF THE BUILDING AREA OF THE STORY IN WHICH THEY ARE LOCATED.

6. TYPE OF CONSTRUCTION

(IBC CHAPTER 6)

- A. TYPE VB
- BUILDING ELEMENT (801) FIRE RESISTANCE
- PRIMARY STRUCTURAL FRAME 0 HR
 - EXTERIOR BEARING WALLS <10 FEET SEPARATION DISTANCE 0 HR
 - INTERIOR BEARING WALLS >10 FEET SEPARATION DISTANCE 0 HR
 - EXT. NON-BEARING WALLS / PARTITIONS <10 FEET SEPARATION DISTANCE 0 HR
 - INT. NON-BEARING WALLS / PARTITIONS >10 FEET SEPARATION DISTANCE 0 HR
 - FLOOR CONSTR. & SECONDARY MEMBERS 0 HR
 - ROOF CONSTR. & SECONDARY MEMBERS 0 HR

7. FIRE AND SMOKE PROTECTION FEATURES

(IBC CHAPTER 7)

- A. BUILDING ELEMENT FIRE RESISTANCE
- FIRE WALLS (TABLE 706.4, NOTE a) 2 HR
 - FIRE BARRIERS (707) 1 HR
 - EXIT STAIR / RAMP (1023.1) 1 HR
 - EXIT ACCESS STAIR / RAMP (713.4) SEE SECTION 10
 - INCIDENTAL USES (509) SEE SECTION 5
 - FIRE AREAS (707.3.10) 2 HR
 - SHAFT ENCLOSURES, <4 STORES (713.4) 1 HR
 - FIRE PARTITIONS (708) 0 HR
 - CORRIDOR WALLS (1020.1) 0 HR
 - ELEVATOR LOBBY (0006.2) N/A
 - SMOKE BARRIERS (709) 1 HR
 - SMOKE PARTITIONS (710) 0 HR

8. INTERIOR FINISHES

(IBC CHAPTER 8)

- A. GROUP I-4
- BUILDING ELEMENT FINISH CLASSIFICATION
- EXIT ENCLOSURE / EXIT PASSAGEWAYS (803.13) B
 - CORRIDORS, GROUP I-4 (803.13) B
 - ROOMS AND ENCLOSED SPACES (803.13) B
 - EXCEPTIONS: ADMINISTRATIVE SPACES, ROOMS W/O OCCUPANCIES UNDER 4, FLOOR FINISHES (804.4) CLASS II
- B. INTERIOR WALL AND CEILING FINISH MATERIALS
- CLASS A = 0.25 FLAME SPREAD INDEX; 0-450 SMOKE-DEVELOPED INDEX
- CLASS B = 25-75 FLAME SPREAD INDEX; 0-450 SMOKE-DEVELOPED INDEX
- CLASS C = 75-200 FLAME SPREAD INDEX; 0-450 SMOKE-DEVELOPED INDEX

9. FIRE PROTECTION SYSTEMS

(IBC CHAPTER 9)

- A. SPRINKLER SYSTEM (903) PROVIDED
- B. PORTABLE FIRE EXTINGUISHERS (906) REQUIRED LOCATIONS: FFC 906.1, EXC.)
- C. FIRE ALARM AND DETECTION (907) EXISTING TO REMAIN
- A MANUAL AND AUTOMATIC FIRE ALARM SYSTEM SHALL BE INSTALLED IN GROUP I-4 OCCUPANCIES
 - INITIATION OF THE FIRE ALARM SYSTEM SHALL BE BY MANUAL AND AUTOMATIC MEANS. APPROVED AUTOMATIC FIRE DETECTORS SHALL BE INSTALLED IN LAUNDRY AND SOILED LINEN ROOMS, BOILER AND FURNACE ROOMS, MECHANICAL AND ELECTRICAL ROOMS, SHOPS, LABORATORIES, KITCHENS, LOCKER ROOMS, CUSTODIAL CLOSETS, TRASH-COLLECTION ROOMS, STORAGE ROOMS, LOUNGES, GIFT SHOPS, AND SIMILAR AREAS. AUTOMATIC SMOKE DETECTORS SHALL BE PROVIDED IN CORRIDORS AND AREAS THAT ARE OPEN TO CORRIDORS.
 - ACTIVATION OF THE FIRE ALARM SYSTEM OR AUTOMATIC SPRINKLER SYSTEM SHALL INITIATE A GENERAL EVACUATION SIGNAL. IN ADDITION, ACTIVATION OF THE FIRE ALARM SYSTEM SHALL IMMEDIATELY TRANSMIT AN ALARM SIGNAL TO AN APPROVED CENTRAL STATION OR REMOTE STATION SERVICE.
- D. FIRE DEPARTMENT CONNECTIONS (912) REQUIREMENTS: BETWEEN 18" AND 48" ABOVE GRADE

10. MEANS OF EGRESS

(IBC CHAPTER 10)

- A. CALCULATED OCCUPANT LOAD (1004) *SEE OCCUPANT LOAD SCHEDULE

OCCUPANT LOAD SCHEDULE (AREA OF WORK)

ROOM NUMBER	ROOM NAME	OCCUPANCY	AREA	PROPOSED		EGRESS (INCHES)	
				DIVISOR	COUNT	MEN	WOMEN
101	HALLWAY	N/A	197.6 SF	0 SF			
102	6WK - 3 YR CLASSROOM	EDUCATION	302.6 SF	35 SF	8.6	0.29	0.29
103	6 WK - 3 YR CLASSROOM	EDUCATION	296.5 SF	35 SF	8.5	0.28	0.28
109	OFFICE	BUSINESS	95.2 SF	150 SF	0.6	0.02	0.02
FIRST LEVEL: 4				17.8	0.59	0.59	1.18
Grand total: 4				17.8	0.59	0.59	1.18

- B. MEANS OF EGRESS SIZING (1005) *SEE OCCUPANT LOAD SCHEDULE

- C. NUMBER OF EXITS / EXIT ACCESS (1006)
- D. EXIT / EXIT ACCESS CONFIGURATION (1007) SEPARATION:
- DOORS (1010)
 - SIZE (1010.1.1):
 - SWING (1010.1.2):
 - EDUCATION LOCKING (1010.1.4.4):
 - PANIC / FIRE EXIT HARDWARE (1010.1.10):

EXISTING TO REMAIN

MINIMUM 1/3 BUILDING DIAGONAL

32" MIN. CLEAR WIDTH / 48" MAX. DOOR LEAF

DIRECTION OF TRAVEL WHERE ≥ 50 OCCUPANTS

CLASSROOMS, OFFICES, AND OCCUPIED ROOMS

PERMITTED TO LOCK TO KEEP INTRUDERS FROM ENTERING ROOMS / SPACES WITH ≥ 50 OCCUPANTS.

ELECTRICAL ROOMS W/ EQUIP. ≥ 1,200A REQUIRED

ALLOWED WHERE ACCESSORY TO ONE ANOTHER, EXCEPT THROUGH KITCHENS, STORAGE ROOMS, ETC.

200' DISTANCE ON STAIRWAYS OR RAMPS SHALL BE INCLUDED

0 HR W/SPRINKLER SYSTEM BASED ON CAPACITY, 44"

24" AT MECH/ELEC EQUIPMENT

36" AT OCCUPANT LOADS < 50

44" WHERE NOT LISTED ABOVE

1-4 OCCUPANCY SPRINKLED = 20 FEET

11. ACCESSIBILITY

(IBC CHAPTER 11 / ANSI A117.1-2009)

- A. EXEMPT SPACES (1103.2):
- B. CONNECTED SPACES (1104.3):
- C. TOILET AND BATHING FACILITIES (1109.2):
- D. DRINKING FOUNTAINS (1109.5):
- E. STORAGE (1109.9):
- F. SIGNAGE (1110):

EQUIPMENT SPACES

ACCESSIBLE SPACES SHALL BE CONNECTED BY AN ACCESSIBLE ROUTE

EXISTING FACILITIES TO REMAIN.

EXISTING FACILITIES TO REMAIN.

≥ 5% OF STORAGE ELEMENTS (CABINETS, COAT HOOKS, ETC.) IN EACH AREA SHALL BE ACCESSIBLE

REQUIRED; SHALL COMPLY WITH ICC A117.1

12. PLUMBING FIXTURES COUNT*

(IBC CHAPTER 29)

- A. SERVICE SINK
- B. DRINKING FOUNTAIN

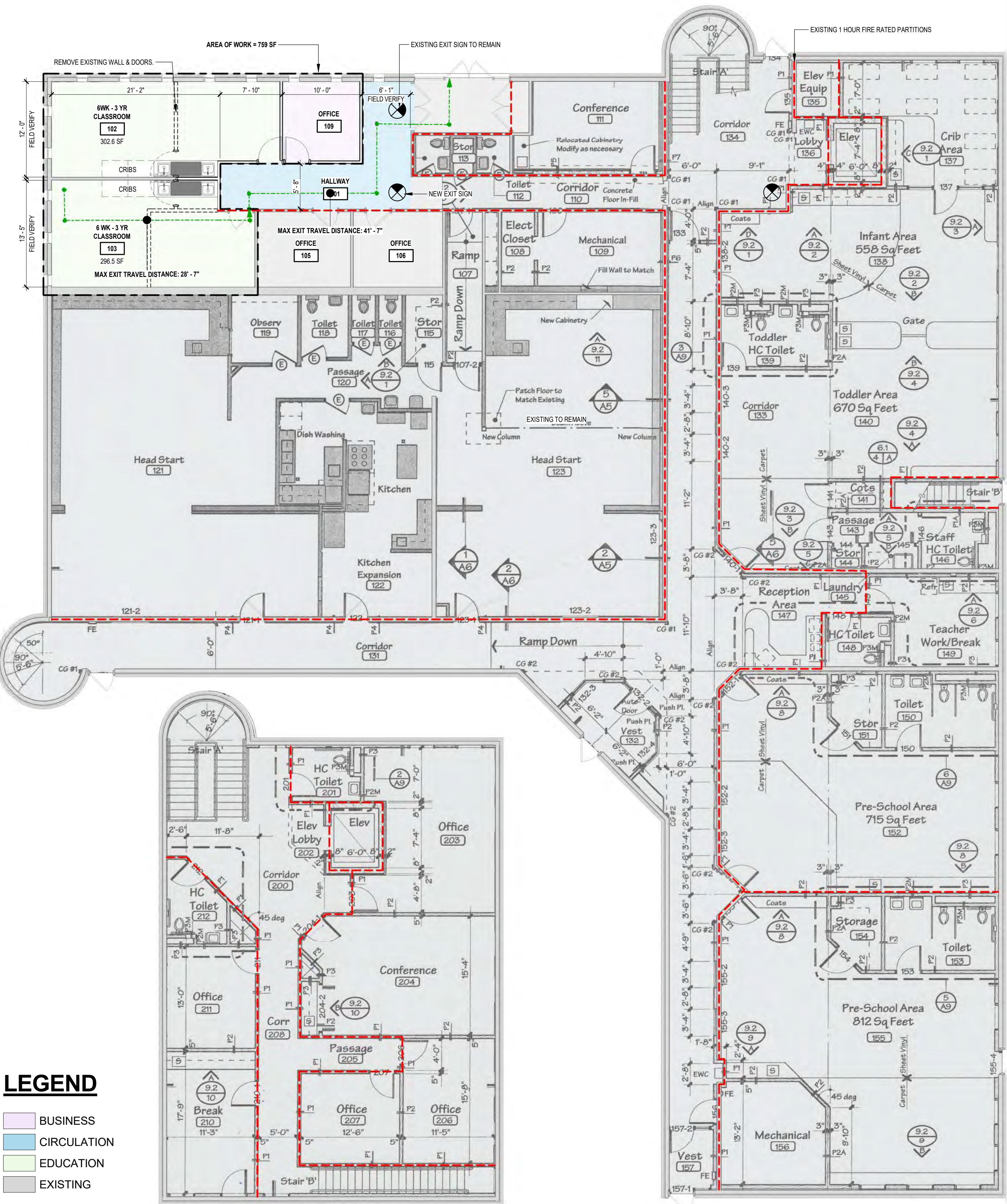
REQUIRED EXISTING TO REMAIN

PROVIDED EXISTING TO REMAIN

	2000 CODE REVIEW			2024 CODE REVIEW			PLUMBING FIXTURES	
	AREA	DIVISOR	# OF OCC.	AREA	DIVISOR	# OF OCC.	WC	LAV.
NURSERIES/DAY CARE	5,111	35	146	5,870	35	168	11.2	11.2
CRIB ROOM	230	35	6	210	35	6	0.4	0.4
OFFICE AREA	2,412	100	25	1,653	150	11	0.2	0.3
MECH. EQUIPMENT	415	300	2	415	300	2	0.1	0.1
CONFERENCE/BREAK ROOM	688	15	46	688	15	46	1.8	1.1
KITCHEN AREA	307	200	2	307	200	2	0.3	0.0
STORAGE	299	300	1	299	300	1	0.0	0.0
			228			235	13.9	13.1
							15	15

LEGEND

- BUSINESS
- CIRCULATION
- EDUCATION
- EXISTING

2 SECOND LEVEL FLOOR PLAN
1/8" = 1'-0"1 FIRST LEVEL FLOOR PLAN
1/8" = 1'-0"

HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

Ashley Martel
ASHLEY MARTEL
2024-05-06
LCE 55646

BY

REVISIONS DESCRIPTION

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TCCAP CLASSROOM REMODEL
TRI-COUNTY COMMUNITY ACTION PARTNERSHIP
BRAINERD, MN

SHEET NO.

LS1.00

CODE REVIEW DATA

JOB NUMBER: 2024-10762

DRAWN BY: AGM

CHECKED BY:

SCALE: AS NOTED

DATE: 2024-05-06

DATE: 2024-05-06

DATE: 2024-05-06

DATE: 2024-05-06

DATE: 2024-05-06

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May 17, 2024,

RE: TCCAP Classroom Remodel
Tri-County Community Action Partnership
Brainerd, MN
Widseth Project No. 2024-10762

SUBJECT: ADDENDUM #1

Total Number of Pages including Drawings: 2

Reference made to Drawings shall be used as a guide only. Contractor(s) shall determine for themselves the work affected by Addendum items.

The following items shall become a part of the drawings and specifications and shall supersede any conflicting provisions of these Documents:

DRAWINGS:

SHEET LS1.10 CODE REVIEW DATA

1. Adjusted graphic to show existing firewall location to end prior to where new construction begins, as it is no longer required under current code.
2. Added door schedule for reuse of existing doors and hardware at new locations.

This addendum was prepared under the direct supervision of Project Architect, Ashley Martel

CODE REVIEW DATA

1. GENERAL INFORMATION

- A. PROJECT NAME: **TRI-COUNTY COMMUNITY ACTION PARTNERSHIP**
2410 EAST OAK STREET, BRAINERD, MN
- B. PROJECT LOCATION:
- C. PROJECT DESCRIPTION:
a. PROJECT CONSISTS OF THE REMODEL OF A PORTION OF THE BUSINESS/OFFICE AREAS OF THE EXISTING TRI-COUNTY COMMUNITY ACTION PARTNERSHIP BUILDING INTO CLASSROOM SPACES FOR 6 WEEK TO 3 YEAR OLDS. AREA OF WORK IS 759 SF. SCOPE OF PROJECT INVOLVES THE REMOVAL OF THREE OFFICES TO CREATE TWO NEW CLASSROOMS WITH PORTABLE SINKS AND ONE OFFICE. EXISTING TO REMAIN.
- D. GROSS BUILDING SIZE:

GROSS BUILDING AREAS		
NAME	LEVEL	AREA
I-4	FIRST LEVEL	10,330 SF
B	FIRST LEVEL	1,347 SF
I-4	FIRST LEVEL	738 SF
B	SECOND LEVEL	2,441 SF
TOTAL		14,855 SF

2. APPLICABLE CODES

- A. MINNESOTA STATE BUILDING CODE 2020
B. 2024 MINNESOTA ENERGY CODE W/ ASHRAE 90.1- 2024
C. MINNESOTA ACCESSIBILITY CODE 2020
D. MINNESOTA STATE FIRE CODE 2020
E. MINNESOTA MECHANICAL AND FUEL GAS CODES 2020
F. MINNESOTA STATE PLUMBING CODE 2020
G. NATIONAL ELECTRICAL CODE 2020
H. NFPA 72
I. ZONING ORDINANCE - CITY OF BRAINERD 2015
J. ARCHITECTURAL BARRIERS ACT (ABA) STANDARDS

3. USE AND OCCUPANCY CLASSIFICATION (MN BC CHAPTER 3)

- A. OCCUPANCY CLASSIFICATION: (302-312, 508, 509): **V-B**

4. SPECIAL DETAILLED REQUIREMENTS (IBC CHAPTER 4)

5. GENERAL BUILDING HEIGHTS AND AREAS (IBC CHAPTER 5)

- A. BUILDING HEIGHT (GROUP I-4 NON SEPARATED MIXED USE) **ALLOWABLE** **PROPOSED**
TABLE 503.3 **60'** **(EXISTING)**
TABLE 503.4 **2 STORIES** **(EXISTING)**
- B. BUILDING AREAS (GROUP I-4 NON SEPARATED MIXED USE)
TOTAL AREA (EQUATION 5-2) $A_a = [A_1 + (N_S \times I_f)] \times S_a$
BUILDING: $27,000 + (9,000 \times .48) \times 2 =$ **62,640 SF** **(EXISTING)**
AREA PER FLOOR (EQ. 5-2) $A_b = [A_1 + (N_S \times I_f)] \times 1 =$ **31,320 SF** **(EXISTING)**
FRONTAGE INCREASE (EQ. 5-4) $I_f = [F / (P - 0.25)] \times W/30$
BUILDING: $[(380 \times 520) - 0.25] / 30 \times 30 =$ **.48**
- C. INCIDENTAL ACCESSORY OCCUPANCIES (TABLE 509)
• FURNACE ROOM (>400,000 BTU) 1-HR or SPRINKLER
• BOILER ROOMS (>15 PSI and 10 HP) 1-HR or SPRINKLER
• REFRIGERANT MACHINERY ROOMS 1-HR or SPRINKLER
• GROUP 3 LABS AND VOCATIONAL SHOPS 1-HR or SPRINKLER
• WASTE COLLECTION ROOMS (>100 S.F.) 1-HR or SPRINKLER
• STATIONARY BATTERY SYSTEMS 2-HR
• ELEC. INSTALLATION / TRANSFORMERS 2-HR
- NOTE:
• INCIDENTAL USES SHALL NOT OCCUPY MORE THAN 10% OF THE BUILDING AREA OF THE STORY IN WHICH THEY ARE LOCATED.

6. TYPE OF CONSTRUCTION (IBC CHAPTER 6)

- A. TYPE **V-B**
BUILDING ELEMENT (601) **FIRE RESISTANCE**
• PRIMARY STRUCTURAL FRAME 0 HR
• EXTERIOR BEARING WALLS 0 HR
• EXTERIOR BEARING WALLS 0 HR
• INTERIOR BEARING WALLS 0 HR
• EXT. NON-BEARING WALLS / PARTITIONS 0 HR
• INT. NON-BEARING WALLS / PARTITIONS 0 HR
• FLOOR CONSTR. & SECONDARY MEMBERS 0 HR
• ROOF CONSTR. & SECONDARY MEMBERS 0 HR

7. FIRE AND SMOKE PROTECTION FEATURES (IBC CHAPTER 7)

- A. BUILDING ELEMENT **FIRE RESISTANCE**
• FIRE WALLS (TABLE 706.4, note a) 2 HR
• FIRE BARRIERS (707) 1 HR
• EXIT STAIR / RAMP (1023.1) 1 HR
• EXIT ACCESS STAIR / RAMP (713.4) SEE SECTION 10
• INCIDENTAL USES (509) SEE SECTION 5
• FIRE AREAS (707.3.10) 2 HR
• SHAFT ENCLOSURES, <4 STORES (713.4) 1 HR
• FIRE PARTITIONS (708) 0 HR
• CORRIDOR WALLS (1020.1) 0 HR
• ELEVATOR LOBBY (5006.2) 0 HR
• SMOKE BARRIERS (709) 1 HR
• SMOKE PARTITIONS (710) 0 HR

8. INTERIOR FINISHES (IBC CHAPTER 8)

- A. GROUP **I-4**
BUILDING ELEMENT **FINISH CLASSIFICATION**
• EXISTING ENCLOSURE / EXIT PASSAGEWAYS (803.13) **B**
• CORRIDORS, GROUP **I-4** (803.13) **B**
• ROOMS AND ENCLOSED SPACES (803.13) **B**
• EXCEPTIONS: **C**
• ADMINISTRATIVE SPACES
• ROOMS W/OCCUPANCIES UNDER 4
• FLOOR FINISHES (804.4) **CLASS II**
- B. INTERIOR WALL AND CEILING FINISH MATERIALS
CLASS A = 0-25 FLAME SPREAD INDEX; 0-450 SMOKE-DEVELOPED INDEX
CLASS B = 26-75 FLAME SPREAD INDEX; 0-450 SMOKE-DEVELOPED INDEX
CLASS C = 76-200 FLAME SPREAD INDEX; 0-450 SMOKE-DEVELOPED INDEX

9. FIRE PROTECTION SYSTEMS (IBC CHAPTER 9)

- A. SPRINKLER SYSTEM (903) **PROVIDED**
- B. PORTABLE FIRE EXTINGUISHERS (906)
• REQUIRED LOCATIONS: IFC 906.1, ETC.)
- C. FIRE ALARM AND DETECTION (907)
• A MANUAL AND AUTOMATIC FIRE ALARM SYSTEM SHALL BE INSTALLED IN GROUP I-4 OCCUPANCIES
• INITIATION OF THE FIRE ALARM SYSTEM SHALL BE BY MANUAL AND AUTOMATIC MEANS. APPROVED AUTOMATIC FIRE DETECTORS SHALL BE INSTALLED IN LAUNDRY AND SOILED LINEN ROOMS, BOILER AND FURNACE ROOMS, MECHANICAL AND ELECTRICAL ROOMS, SHOPS, LABORATORIES, KITCHENS, LOCKER ROOMS, CUSTODIAL CLOSETS, TRASH-COLLECTION ROOMS, STORAGE ROOMS, LOUNGES, GIFT SHOPS, AND SIMILAR AREAS. AUTOMATIC SMOKE DETECTORS SHALL BE PROVIDED IN CORRIDORS AND AREAS THAT ARE OPEN TO CORRIDORS.
• ACTIVATION OF THE FIRE ALARM SYSTEM OR AUTOMATIC SPRINKLER SYSTEM SHALL INITIATE A GENERAL EVACUATION SIGNAL. IN ADDITION, ACTIVATION OF THE FIRE ALARM SYSTEM SHALL IMMEDIATELY TRANSMIT AN ALARM SIGNAL TO AN APPROVED CENTRAL STATION OR REMOTE STATION SERVICE.
- D. FIRE DEPARTMENT CONNECTIONS (912)
• REQUIREMENTS: BETWEEN 18" AND 48" ABOVE GRADE

10. MEANS OF EGRESS (IBC CHAPTER 10)

- A. CALCULATED OCCUPANT LOAD (1004)
*SEE OCCUPANT LOAD SCHEDULE

OCCUPANT LOAD SCHEDULE (AREA OF WORK)											
ROOM NUMBER	ROOM NAME	OCCUPANCY	AREA	PROPOSED		MEN	WOMEN	LAV.	EGRESS (INCHES)		
				DIVISOR	COUNT				2 EXITS 14'-10"		
FIRST LEVEL											
101	HALLWAY	N/A	197.6 SF	0 SF							
102	6WK - 3 YR CLASSROOM	EDUCATION	302.6 SF	35 SF	8.6	0.29	0.29	0.58	1.7	No	
103	6 WK - 3 YR CLASSROOM	EDUCATION	296.5 SF	35 SF	8.5	0.28	0.28	0.56	1.7	2.5 No	
109	OFFICE	BUSINESS	95.2 SF	150 SF	0.6	0.02	0.02	0.04	0.1	0.2 No	
FIRST LEVEL: 4					17.8	0.59	0.59	1.18	3.6	5.3	
Grand total: 4					17.8	0.59	0.59	1.18	3.6	5.3	

- B. MEANS OF EGRESS SIZING (1005)
*SEE OCCUPANT LOAD SCHEDULE

- C. NUMBER OF EXITS / EXIT ACCESS (1006)
D. EXIT / EXIT ACCESS CONFIGURATION (1007)
SEPARATION:
F. DOORS (1010)
• SIZE (1010.1.1):
• SWING (1010.1.2):
• EDUCATION LOCKING (1010.1.4.4):
• PANIC / FIRE EXIT HARDWARE (1010.1.10):

- J. EXIT SIGNS (1013)
K. EXIT ACCESS (1016)
L. EXIT ACCESS TRAVEL DISTANCE (1017)
• DISTANCE (1017.2):
• EXIT ACCESS STAIRWAYS (1017.3.1):
M. CORRIDORS (1020)
• FIRE RESISTANCE (1020.1):
• WIDTH (1020.2):
N. DEAD ENDS (1020.4)

11. ACCESSIBILITY (IBC CHAPTER 11 / ANSI A117.1-2009)

- A. EXEMPT SPACES (1103.2):
B. CONNECTED SPACES (1104.3):
C. TOILET AND BATHING FACILITIES (1109.2):
D. DRINKING FOUNTAINS (1109.5):
E. STORAGE (1109.9):
F. SIGNAGE (1110):

12. PLUMBING FIXTURES COUNT* (IBC CHAPTER 29)
*SEE OCCUPANCY LOAD SCHEDULE (AREA OF WORK)

	2000 CODE REVIEW				2024 CODE REVIEW				PLUMBING FIXTURES	
	AREA	DIVISOR	# OF OCC.		AREA	DIVISOR	# OF OCC.		WC	LAV.
NURSERIES/DAY CARE	5,111	35	146		5,870	35	168		11.2	11.2
CRIB ROOM	230	35	6		210	35	6		0.4	0.4
OFFICE AREA	2,412	100	25		1,653	150	11		0.2	0.3
MECH. EQUIPMENT	415	300	2		415	300	2		0.1	0.1
CONFERENCE/BREAK ROOM	688	15	46		688	15	46		1.8	1.1
KITCHEN AREA	307	200	2		307	200	2		0.3	0.0
STORAGE	299	300	1		299	300	1		0.0	0.0
			228				235		13.9	13.1
									15	15

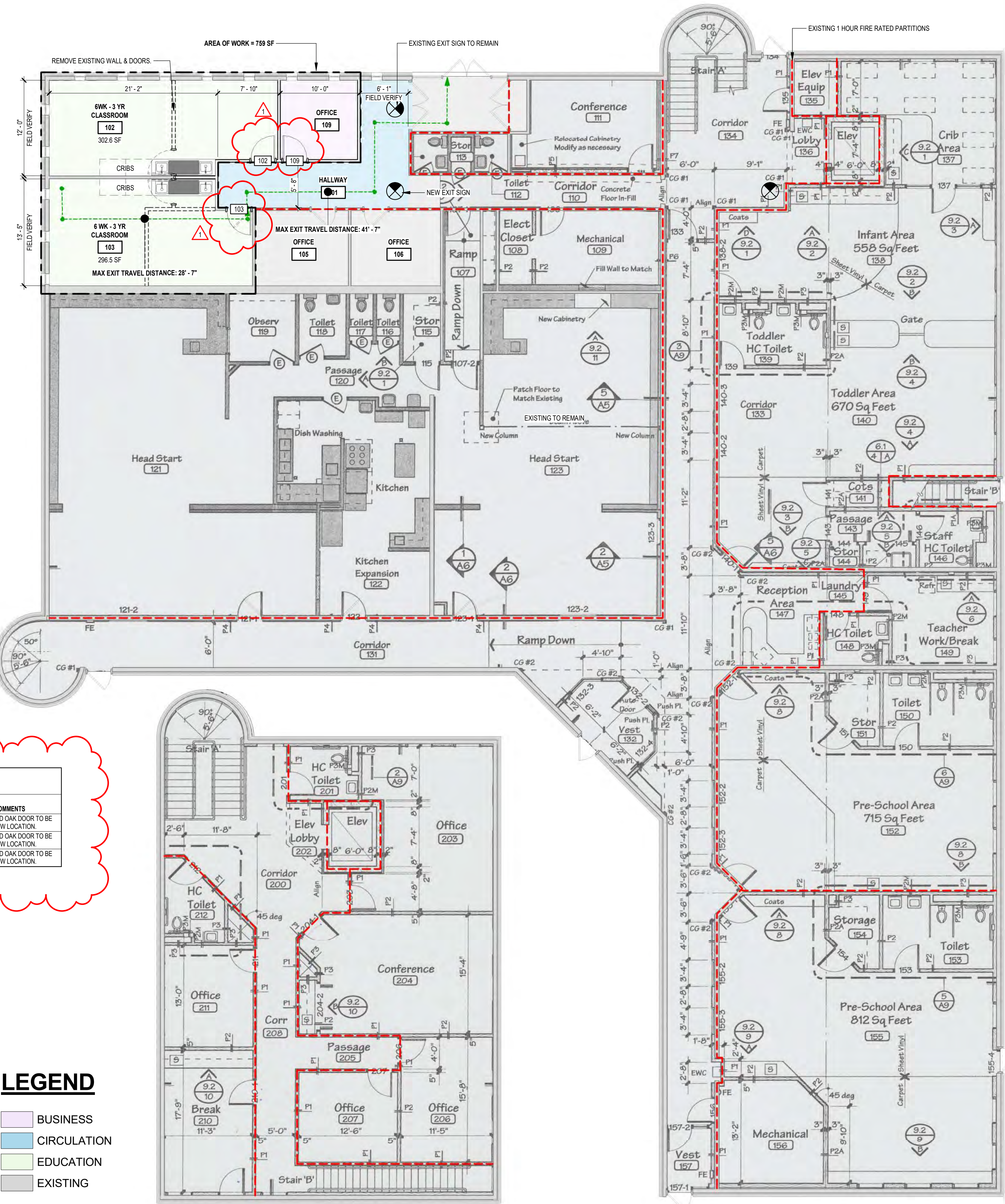
DOOR SCHEDULE											
DOOR #	ROOM #	ROOM NAME	HARDWARE GROUP	WIDTH	HEIGHT	THICKNESS	MATERIAL	FINISH	DOOR FRAME MATERIAL	FINISH	COMMENTS
102	102	6WK - 3 YR CLASSROOM	EXISTING*	3'-0"	7'-0"	1 3/4"	WD	STAIN	HM	PAINT	EXISTING SOLID OAK DOOR TO BE REUSED AT NEW LOCATION.
103	103	6WK - 3 YR CLASSROOM	EXISTING*	3'-0"	7'-0"	1 3/4"	WD	STAIN	HM	PAINT	EXISTING SOLID OAK DOOR TO BE REUSED AT NEW LOCATION.
109	109	OFFICE	EXISTING*	3'-0"	7'-0"	1 3/4"	WD	STAIN	HM	PAINT	EXISTING SOLID OAK DOOR TO BE REUSED AT NEW LOCATION.

* EXISTING CORBIN RUSSWIN LEVER DOOR HARDWARE THAT ALWAYS ALLOWS EGRESS FROM THE INTERIOR TO BE REUSED.



LEGEND

- BUSINESS
CIRCULATION
EDUCATION
EXISTING



2 SECOND LEVEL FLOOR PLAN
1/8" = 1'-0"

1 FIRST LEVEL FLOOR PLAN
1/8" = 1'-0"