



CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Tuesday, February 17, 2026 @ 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: 2489 335 2325

Personnel and Finance Committee held: 2nd Floor Conference Room at 7:00 PM

Safety and Public Works Committee held: Council Chambers at 7:15 PM

Per MN Statutes 13D.02 Subd 1 Council Members may participate by interactive technology.

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

1. **Call To Order**

2. **Roll Call**

___T. Erickson ___K. Bevans ___J. Czczok ___G. Johnson ___K. Stunek ___K.
Yeager ___M. O'Day ___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**

(Available upon request in the City Administrator's Office)

B. **Approval of Minutes**

C. **Department Activity Reports**

D. **MN Lawful Gambling Application- Exempt Permit**

E. **Temporary On-Sale Liquor License - Sports Boosters**

F. **Temporary On-Sale Liquor License - Jackpine**

G. **Policy Update - Data Practices Exhibit A**

- H. **Resignation - Community Service Officer Jude Gregersen**
- I. **Resolution- Designating Gustafson Park as Park Land**
- J. **Resolution - Public Disclosure Exception D. Gorham**
- K. **Stormwater Management Maintenance Agreement - Voyageur Heights**
- L. **Surplus Holiday Decor for Auction**
- 6. **Public Forum**
Time allocated for citizens to bring matters not on the agenda to the attention of the Council -
Time limits may be imposed
- 7. **Council Committee Reports**
 - A. **Personnel & Finance Committee**
 - 1. Revised Job Description - Hiring of two Water Serviceworkers
 - 2. Baker Tilly Proposal - Community Pool Funding
 - 3. Resolution - Official Intent to Reimburse Expenditures - TH210/Washington Street Project
 - 4. Resolution - Official Intent to Reimburse Expenditures - Fire Station 1 Remodel
 - 5. Resolution- Official Intent to Reimburse Expenditures - Main Lift Station Reconstruction
 - B. **Safety & Public Works Committee**
 - 1. Authorize Solicitation - Imp 26-01 - 2026 Chip Seal Project
 - 2. Authorize Solicitation - Imp 26-04 - CIPP Lining Project
 - 3. Update on Ronald/Joseph/Alley Resurfacing and Lead Service Line Replacements
 - 4. Direction on Active Code Enforcement
- 8. **Unfinished Business**
 - A. **Call for Applicants**
 - Mayor Recommended:** (terms to expire on 12/31 of said year)
Charter Commission – **2 terms** (Expire 2029) **2 terms** (Expire 2026)
Economic Development Authority-- **1 term** (Expire 2028) **1 term** (Expire 2031)
Library Board-- **1 term** (Expire 2027)
Park Board-- **1 term** (Expire 2029)
Public Utilities Commission—**1 term** (Expire 2028) **1 term** (Expire 2030)
Transportation Advisory Committee- **1 term** (Expire 2026) **2 terms** (Expire 2027)
Council President Recommended: (terms expire on 12/31 of said year)
Airport Commission -- **1 term** (Expire 2028)
Planning Commission-- **1 term** (Expire 2028)

- B. **Resolution - Orderly Annexation Agreement (Added Attachments)**
- 9. **New Business**
 - A. **Resolution - Convey Property to Brainerd EDA (Added Attachments)**
 - B. **Priorities for Federal House Appropriations — Fiscal Year 2027**
- 10. **Presentations**
 - A. **Bolton and Menk - Brainerd Wastewater Treatment Facility (WWTF) Plan**
- 11. **Staff Reports**
(Verbal: Any Updates since Packet)
- 12. **Mayor's Report**
- 13. **Council Member Reports**
- 14. **Adjourn**
- 15. **Council Communications**

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"

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 O'Day.

Upon roll call the following Members were noted as present: Erickson, Bevans, Czeczok, Johnson, Stunek, Yeager, and O'Day. Mayor Badeaux was also noted as present.

Chair O'Day led the Pledge of Allegiance to the flag.

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

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

Approval of Bills

Approved as on file in the Administrator's Office.

Approval of Minutes

Approved January 20, 2026, minutes as presented.

Department Activity Reports

Approved reports as presented.

Temporary Liquor License- Lakes Area Habitat for Humanity

Approved Temporary Liquor License Submitted by Lakes Area Habitat for Humanity for an Event to be held on April 10, 2026, at 602 S 5th St.

Temporary Liquor License - Sports Boosters

Approved Temporary Liquor License Submitted by Brainerd Area Hockey Association for an Event to be held on April 18, 2026, at 502 Jackson Street.

Event Application- Annual CLC 5k

Approved as presented.

Annual Review and Approval of Investment Policy

Approved as presented.

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

Public Forum

The Chair opened the public forum at 7:31 p.m.

No one came forward.

The chair closed the public forum at 7:32 p.m.

Council Committee Reports

Safety and Public Works Committee

Proud FFA Community Signs

Committee Chair Erickson stated that the FFA Alumni requested the "Proud FFA Community" signs to be placed on specific Brainerd population signs. Staff is also requested to remove the heart safe community signs due to their condition.

Member Johnson questioned why not S 6th Street coming into the City.

City Engineer Dehn stated that the organization has a total of six signs that they are requesting be placed. They are working with other jurisdictions to put them onto other locations coming into town.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO APPROVE INSTALLATION OF THE "PROUD FFA COMMUNITY" SIGNS ON THE BRAINERD POPULATION SIGN MOUNTS, FURTHER TO REMOVE THE "HEART SAFE COMMUNITY" SIGNS FROM THE ASSEMBLIES ON HIGHWAY 210.

CSAH 48/Cora Street Stormwater Discussion

Committee Chair Erickson stated that the committee recommended a stormwater study to determine the next steps for the City to resolve Mr. Bollig's concerns.

Member Johnson asked whether the City of Brainerd was bearing the entire cost of the study.

Committee Chair Erickson stated that Crow Wing County, City of Baxter, and adjacent properties declined to participate in the cost.

Member Bevans stated that he will support a study being done after 30 years of dumping water into people's property. He is disappointed that with two engineers on staff that we cannot figure out the issue ourselves.

Chair O'Day asked if the study shows need for repair whether it would solve just the current issues or solve other problems in the future. He asked which funds would be utilized for the study.

City Engineer Dehn stated that the study would determine the outcome. The study is directed specifically to these few properties. Staff assumes that the stormwater fund would fund the study, but Council can determine which fund would be utilized.

Finance Director Hillman stated that the stormwater fund is at a negative cash balance and negative unrestricted fund balance. The City is also doing a rate study.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK TO AWARD STORMWATER ENGINEERING STUDY PROPOSAL TO HR GREEN IN THE AMOUNT OF \$33,510.

Upon roll call, Council Members Erickson, Bevans, Czeczok, Johnson, and Stunek voted "aye". Members Yeager and O'Day voted "nay". The Chair declared the motion carried.

Design Services Contract and Selection of a General Contractor for Fire Station Renovation Project

Committee Chair Erickson stated that the Fire Department worked together with Widseth to complete the initial planning and design phases for the 2026 fire station renovation. Widseth has successfully established a comprehensive scope of work, project schedule, and preliminary budget. To advance the project, Widseth has submitted a Design Services proposal. This next phase encompasses Design Development, the preparation of Construction Documents, bidding facilitation, and Construction Administration to ensure project oversight through completion.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO APPROVE A DESIGN SERVICES CONTRACT WITH WIDSETH IN THE

AMOUNT OF \$380,000 AND TO SELECT NOR-SON CONSTRUCTION AS THE GENERAL CONTRACTOR FOR THE FIRE STATION RENOVATION.

Solicitation - Pool Engineering Services Letters of Interest (LOI) and Statement of Qualifications (SOQ)

Committee Chair stated that the City is not obligated to utilize the pool for request for proposals. This process will create efficiencies for the City.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO AUTHORIZE THE SOLICITATION OF POOL ENGINEERING SERVICES LETTERS OF INTEREST (LOI) AND STATEMENT OF QUALIFICATIONS (SOQ) TO CONSULTANTS AND PROVIDE A RECOMMENDATION TO THE CITY COUNCIL, PUBLIC UTILITIES COMMISSION, AND PARK BOARD RELATED TO THE MULTI-AWARD, ON-CALL CONSULTANT POOL.

Oversizing and Extension of Watermain Infrastructure and the Oversizing of the Sanitary Sewer Lift Station and Mains - Voyageur Heights Apartments

Committee Chair Erickson stated that staff have been working with the developers of this project to extend utilities to serve a proposed multi-building apartment complex. Staff have recommended upsizing utilities beyond the needs of the development to account for potential future growth. He stated that the sewer access charges (SAC) and water access charges (WAC) that would be collected from this project will more than cover the cost of the extension and oversizing as proposed.

Member Johnson stated that he supports the project. He also stated that this gives a good real world example of why he opposed transferring the WAC funds out of the City's funds to the Public Utility funds. If the Council had the access to the WAC funds they could designate the funds to this specific project. Now the City is in a situation where the funds are coming in but may be given away and spent on something else. Council should have a say on what the money is being spent on so that they can ensure that there is money for specific projects. He believes that the City should control the City funds and City fees and we shouldn't be transferring them to other commissions. The water access charges funds should be brought back to the City.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO APPROVE THE OVERSIZING PLAN FOR THE VOYAGEUR HEIGHTS PROJECT, INCLUDING THE UPSIZING OF THE WATERMAIN, GRAVITY SANITARY SEWER, AND LIFT STATION/FORCEMAIN INFRASTRUCTURE AS DESCRIBED. STAFF FURTHER RECOMMENDS APPROVAL OF THE USE OF WATER ACCESS CHARGES (WAC) COLLECTED FOR THE PROJECT TO FUND THE WATERMAIN UPSIZING AND APPROVE THE USE OF SANITARY AVAILABILITY CHARGES (SAC) TO FUND THE OVERSIZING OF THE LIFT STATION, FORCEMAIN, AND GRAVITY SANITARY MAIN.

Unfinished Business

Committee Recommendation- Mayor

Mayor Badeaux recommended Mary Koep to the Transportation Advisory Committee.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO APPOINT MARY KOEP TO THE TRANSPORTATION ADVISORY COMMITTEE.

Call for Applicants – Informational:

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

Charter Commission – 2 terms (Expire 2029) 2 terms (Expire 2026)

Economic Development Authority-- 1 term (Expire 2028) 1 term (Expire 2031)

Library Board-- 1 term (Expire 2027)

Park Board-- 1 term (Expire 2029)

Public Utilities Commission—1 term (Expire 2028) 1 term (Expire 2030)

Transportation Advisory Committee- 1 term (Expire 2026) 2 terms (Expire 2027)

Council President Recommended: (terms expire on 12/31 of said year)

Airport Commission -- 1 term (Expire 2028)

Planning Commission-- 1 term (Expire 2028)

Water Tower Committee—2 terms

Development Agreement - Voyageur Heights

Community Development Director Kramvik gave an overview of the development agreement that has been extensively reviewed by staff, attorneys, and the developer.

Member Czczok asked for clarification on Planning commission comments.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND YEAGER, DULY CARRIED, TO APPROVE THE DEVELOPMENT AGREEMENT AS PRESENTED CONTINGENT UPON FINAL APPROVAL OF THE REZONING REQUEST, FINAL PLAT, AND THE PUD FINAL PLAN FOR THE SUBJECT PROPERTY.

Ordinance 1596 - Rezoning, Final Plat, and Planned Unit Development (PUD) Final Plan - Voyageur Heights

Community Development Director Kramvik gave an overview of the rezoning, final plat, and PUD.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND YEAGER, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1596 AMENDING THE ZONING MAP AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND YEAGER TO ADOPT ORDINANCE 1596, FINAL PLAT, AND PUD FINAL PLAN FOR VOYAGEUR HEIGHTS AS PRESENTED.

ORDINANCE 1596

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

Gustafson Park Development

Community Development Director Kramvik stated that Widseth submitted a quote for \$8,800 to re-plat and that the Park Board recommended that the City Council designate Gustafson Park as a City Park with a 3-1 vote.

Member Czczok asked about a third option to do nothing and leave the property as greenspace. In the future when the backstops have met their usable life, they would just be removed and not replaced. The Park Board then would not need to invest any more into the land and it can continue to be a neighborhood amenity. He stated that he is against any action to develop the property.

Member Bevans asked the Mayor for clarification on the dedication of the park.

Mayor Badeaux stated that the Park Board does not decide what is park land and what isn't, the City Council does. The City Council previously decided to not designate Gustafson Park as a park. If the City Council designates this as a park, it will then be under the purview of the Park Board.

Member Johnson stated that the Park Board originally wanted to see what it would take to develop the property. The City has provided that information and heard from the community and he will agree with the Park Board's recommendation to designate Gustafson as park land.

Chair O'Day stated that he didn't realize that the park is as important to the neighborhood as it is. When a neighborhood speaks, the City Council should listen. He doesn't want Asher to be mad at him.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO BRING FORTH A FUTURE RESOLUTION DESIGNATING GUSTAFSON PARK AS A CITY PARK AND TO NOT CONTINUE FURTHER DISCUSSIONS REGARDING DEVELOPMENT.

Data Request Results – Crow Wing County Point in Time

Administrator Broyles gave an overview of the data request results. The County submits all of the data to HUD. The data has been submitted to HUD, but has not been posted. He will follow up with Crow Wing County Administrator Erickson.

Member Czeczok stated that there has been a significant decrease in the data from 2024 to 2025.

Staff Reports

City Engineer Dehn stated that MnDOT has received and opened bids for the Highway 210 Project. The apparent low bidder RL Larson Excavating. Staff will be working to determine schedules.

Member Czeczok asked the amount of the bids.

Public Utilities Director Sandy stated that the dollar amount is \$45,943,492.

Community Development Director Kramvik stated that the Chamber held two Washington Street Construction meetings last week. The EDA has budgeted \$30,000 over the next two years to contribute to the Chamber to assist with mitigating the impact of the construction for affected businesses. Notices have been sent regarding orderly annexation of Riverside Drive. He will be presenting at the County Board workshop the morning of February 17th. City Council will consider the joint resolution on February 17th, and the County Board will consider it at their February 24th meeting.

Public Utilities Director Sandy stated that the electric utility has achieved a platinum status through the American Public Power Association. This designation is the second highest achievement. He gave a shoutout to the electric team for earning the designation. He has been assured that the division is in pursuit of diamond status at the next review.

Council Member Reports

Member Stunek stated that he is happy to be back and thanked everyone for their understanding and patience.

Member Czeczok stated that when anyone hears something about a staff member and it's not been confirmed, he suggested that you get a hold of the staff member to ask what is going on. It really helps a lot. He thanked Chief Davis for his press release and the conversation in relation to it. He welcomed Member Stunek back.

Member Yeager stated that the early morning flight at the airport will be starting again in March. He thanked Mr. Planzer for all of his work that he has done for the Airport in his time here. The new Airport Director's contract has been approved and signed. Ms. Roach will begin at the end of February.

Member Johnson stated that the groundhog saw his shadow.

Chair O'Day welcomed Member Stunek back.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO ADJOURN TO CLOSED SESSION PURSUANT TO MN STATUTE 13D.05, SUBD. 2B FOR PRELIMINARY CONSIDERATION OF ALLEGATIONS OR CHARGES AGAINST AN EMPLOYEE.

The Chair adjourned the meeting to closed session at at 8:06 p.m.

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

The Council went into closed session at 8:15 p.m.

The Chair reconvened the meeting at 8:33 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND JOHNSON, DULY CARRIED, TO TERMINATE THE EMPLOYEE DISCUSSED AND TO DIRECT ADMINISTRATOR BROYLES TO SEND A LETTER INFORMING THEM.

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

The Chair adjourned the meeting at 8:33 p.m.

Nicholas W. Broyles
City Administrator



BRAINERD POLICE DEPARTMENT MONTHLY REPORT



BOOYAH AWARD

This month's Booyah winner is Officer Travis Gleason.



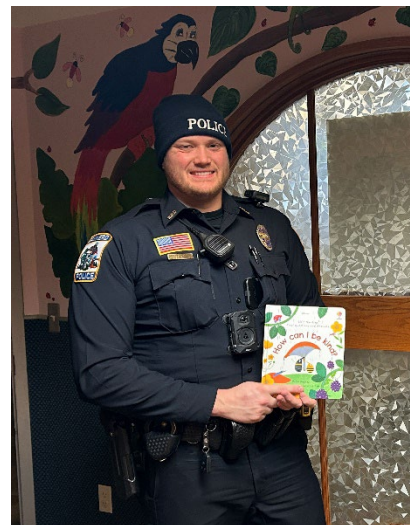
Travis saw a vehicle with its lights on parked in front of a residence known for criminal activity. Travis then viewed the vehicle from a different angle and recognized it resembled a vehicle previously reported stolen from Pine River. Gleason drove closer to the vehicle and confirmed the license plate matched the reported stolen and Travis also observed the vehicle was occupied.

Travis pulled up to the front of the vehicle and did a high-risk stop. The vehicle quickly reversed and fled from Travis. Travis appropriately didn't pursue and clearly articulated in his report the specific steps he took, illustrating his actions didn't involve pursuing.

Gleason interviewed the occupants of the residence and was able to identify the individuals in the vehicle. The vehicle ended up being abandoned and the R/O was able to get his vehicle back.

Great observation skills, tactics, decision making, report writing, and investigative follow up.

COMMUNITY OUTREACH



We continue our monthly community outreach program reading to children at the Relationship Safety Alliance in Brainerd. The Brainerd Police Department reads to children at the shelter while their mothers are attending other programming.

STAFFING & ASSIGNMENTS



New Community Service Officer
Caleb Wahlstrom

Caleb is in his second year in the law enforcement program at Central Lakes College. After college, Caleb would like to work as a conservation officer. For hobbies, Caleb enjoys sports and being outdoors.



New Community Service Officer
Kieran Groetsch

Kieran is in his second year in the law enforcement program at Central Lakes College. Kieran also works as a security officer at CLC. After college, Kieran hopes to gain employment in law enforcement in the Brainerd Lakes Area.



New Police Records Technician
Brandi Westom

Brandi grew up in Brainerd. Brandi enjoys spending time with her family, playing softball, snowmobiling, fishing, and reading.

BODY WORN CAMERA DATA REPORT

Month	Number of Videos	Hours of Video	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
January	1,832	413	719	402	13.53 Minutes	59



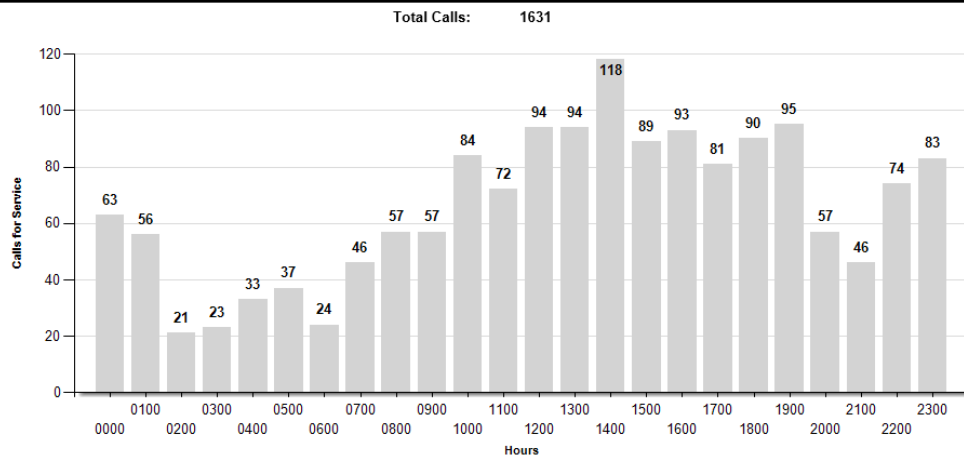
OVERALL CALLS FOR SERVICE

January	2026	2025
Number of Calls for Service	1,587	1,486



Calls for Service Hourly

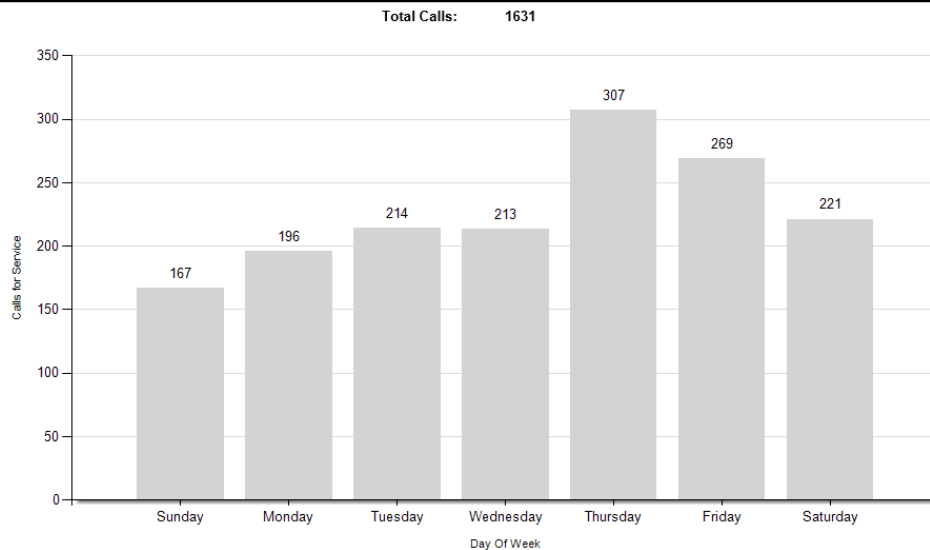
1/1/2026 to 1/31/2026



Calls for Service Day Of Week

Start Date: 1/1/2026

End Date: 1/31/2026



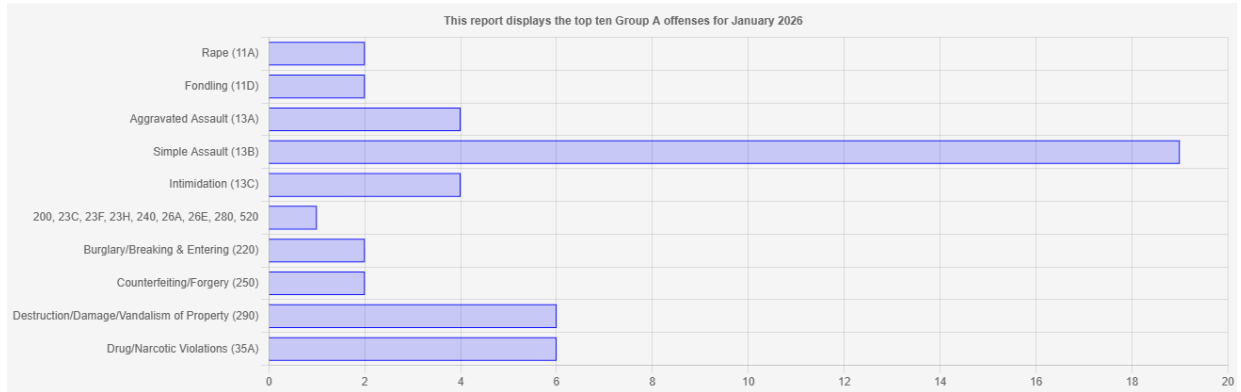
CRIME STATISTICS

Year to Date through Month	2026	2025
Group A Offenses Known or Reported to Police	53	63
Group A and B Arrests	56	61

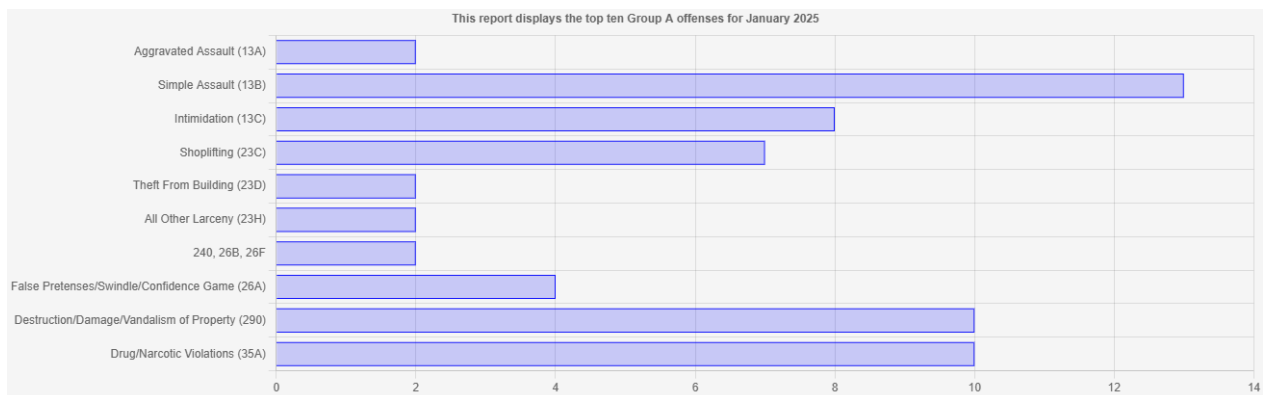
**** Note: 2026 totals do not include case files that have not yet been coded.**

TOP 10 GROUP A OFFENSES

January 2026

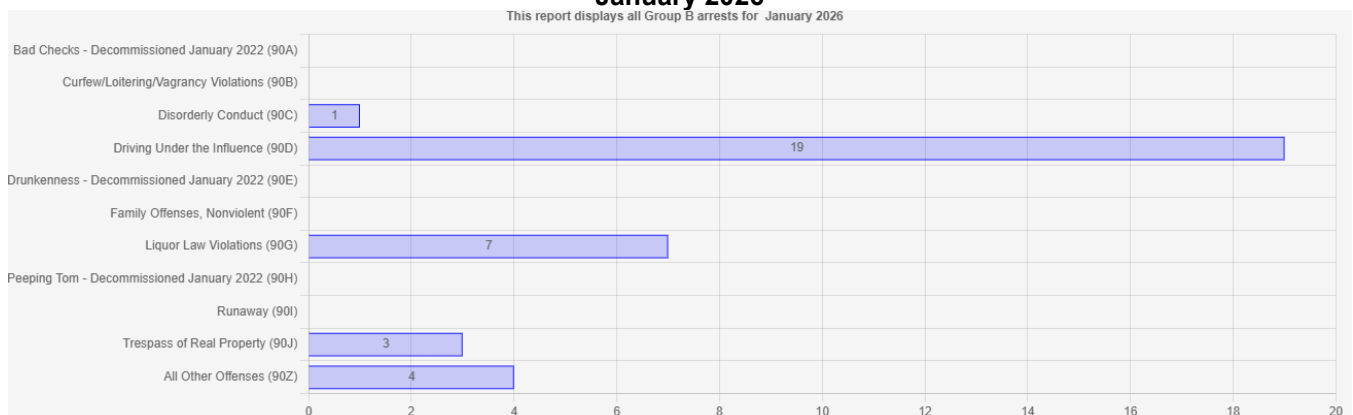


January 2025

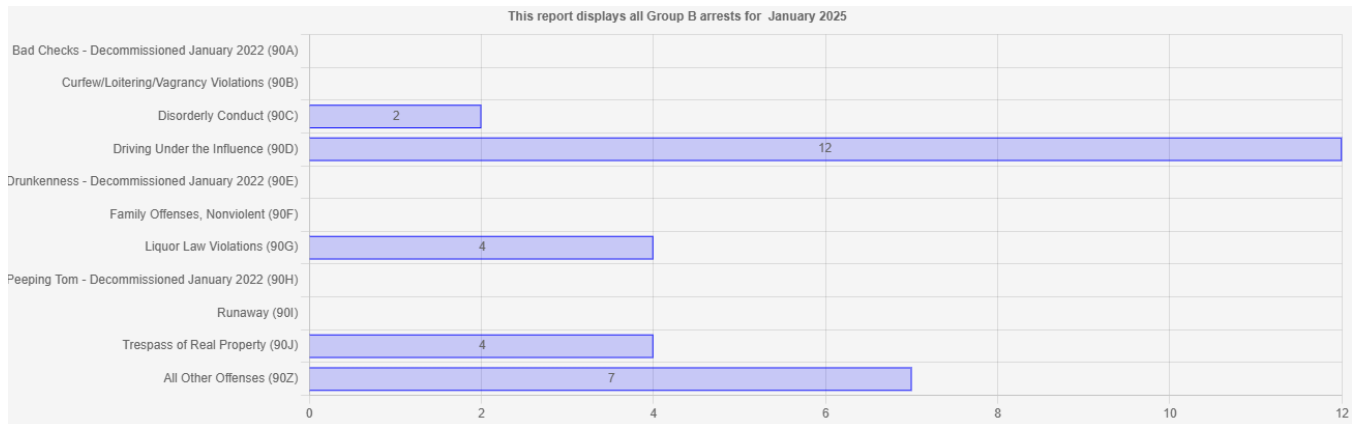


GROUP B ARREST DATA

January 2026



January 2025



CITATIONS, PARKING TICKETS, & WRITTEN WARNINGS

January	2026	2025
Citations (Inc. Parking Tickets & Written Warnings)	143	220

35 parking tickets were issued in the month of January, with the following dispositions.

0	Dismissed
7	Paid in Full
1	Partial Payments Received
27	No Payment Received

Revenue Recapture Receipts:

2025 Total:	\$5,714.63
2026 To Date:	\$150.00

CONDUCT ON PREMISES ACTIVITY REPORT

ICR	Date Reported	Title	Address
26000241	01/05/2026	Conduct on Premises	1204 Campus Dr W Apt 31



City of Brainerd

Technology Department Monthly Report

January 2026

Projects

- Supporting the City of Baxter during their IT staff turnover
- Fiber loop connections throughout town – primarily lift stations and electric infrastructure
- Replacing hardware at existing connected sites to modernize/standardize communications
- Various technology projects underway at BPU – hardware, software, security upgrades
- GIS improvements – primarily online applications and field data collection
- Initial steps taken to create a Cyber Response Plan, collaborating with LMC
- Revisiting options for a technology help desk ticketing solution

Hardware/Software

- City cell phone replacements underway, no cost
- Purchasing city wide (minus BPU) computer replacements, delivered in January (capital)
- Purchased city network firewall and switch replacements (capital)
- Network switch additions and replacements for BPU OT network
- Intune – finalizing implementation to manage devices, security, and patches
- Planning for WiFi hardware replacement in most city buildings by April (before current renewal)

Other

- Staff attended various technology training opportunities
- Staff additions: HR Assistant, PD Records Mgmt Tech, PT Transit Operations Specialist
- Staff departures: HR Director, two CSOs

Statistics

Telephone: total calls 7335

Police 2775, City Hall 2452, Transit 1819, Fire 253, Public Works 36

Website: total views 8735, users 3216

Top 5 pages: main, agendas & minutes, parks-recreation, search, transit

Email: sent 8662, received 37,346

YouTube: City channel views 849, hours watched 172.6, subscribers +5

Facebook (city): followers 4262, interactions 2465

Cisco Secure Endpoint: files scanned 15.9M IPs scanned 1.1M



COMMUNITY DEVELOPMENT DEPARTMENT REPORT

James Kramvik, CDD

January 2026



BUILDING PERMITS

The Community Development Department issued 38 building permits with a total project valuation of \$1,005,356 in the month of January. Within the Central Business District (prev. River to Rail), 9 permits were issued. These improvements resulted in \$2,416 being waived in permit fees.

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

Issued Permits for January 2026		
Type Of Permit	# Issued	Total Project Valuation
Commercial – Building – Remodel	4	\$929,056
Commercial – Mechanical – Furnace/Boiler	1	N/A
Commercial – Mechanical – Remodel	2	\$12,500
Commercial – Mechanical – Roof Top Unit	1	N/A
Commercial – Plumbing - Remodel	1	\$10,000
Engineering – Excavation	4	N/A
Residential – Building – Remodel	2	\$12,000
Residential – Building – Siding	1	N/A
Residential – Building – Windows/Doors	5	N/A
Residential – Mechanical – Furnace/Boiler	5	N/A
Residential – Mechanical – New/Addition	4	N/A
Residential – Mechanical – Remodel	1	N/A
Residential – Plumbing – Remodel	2	N/A
Residential – Plumbing – Water Heater	2	N/A
Sign	2	\$41,800
Temporary Sign	1	N/A

There was no single-family home permits issued in the month of January.

BUILDING INSPECTIONS

The Community Development Department conducted 142 building inspections and re-inspections in January.

CODE ENFORCEMENT

The Community Development Department conducted 130 code enforcement inspections and re-inspections in January resulting in violations across the following categories:

CODE ENFORCEMENT INSPECTIONS	
Nuisance on a Public Sidewalk	28
Junk/Debris/Blight	1
Zoning Code Violation	4
Unlicensed/Inoperable Vehicle	1
Premises Identification	1
Exterior Structure	1
Total = 36	

**Note: With the adoption of Ordinance No. 1524 on April 4th, 2022, Community Development staff have moved to complaint driven enforcement only, except for a change with Ordinance No. 1586 on July 7th, 2025 of monitoring properties along major throughfares, and near City Parks.*

Direction on Active Code Enforcement Cases

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

- 1) **823 Willow St** – Unlicensed Rental - Issuing \$300 citation monthly for non-licensed rental. Legal action from the City Attorney is taking place. City Council motion 2/3/2025 to \$100 per day citation.
- 2) **319 N 9th St** – Property Maintenance/ Roof – Issuing a \$300 citation each month until roof is corrected. Building Official has issued a report 11/3/25 for City Council action to take place.
- 3) **PID 41191502** – Exterior Structure – Issuing a \$300 citation each month until corrected.
- 4) **401 Holly St** – Fence – Issuing a \$300 citation each month until corrected.
- 5) **113 Washington St NE** – Multiple persons residing in a commercial business – Issuing \$100 per day until corrected.
- 6) **320 4th St N** – Fence w/out Permit and constructed incorrectly impeding on neighbor's home without permission. \$300 citation every 10 days until corrected.

VACANT BUILDING REGISTRY

Properties that have completed necessary repairs and improvements

1216 6th St S – Owner Repaired Roof – Removed from list

1623 9th Ave NE – Remodel Permit Issued – Work in Progress – Removed from list

1812 Oak St – Roof Damage. Roof permits were obtained and completed. Removed from list

508 9th St N – Roof Damage and Grass. Property has been purchased – Removed from list

715 7th Ave NE – Grass and Structural Issues – Structures have been demolished – vacant lot
1626 Oak Street – Siding completed
1201 L St NE – New owner – applied for remodeling permit
1022 13th Ave NE – New owner – obtained remodeling permits

Properties that have registered/applied for permits

1521 Norwood St – Fire Damage – No action 2025. Added new citation 10/7/25.
1889 Graydon Ave – Open Excavation – Added new citation 10/7/2025. Building Official was at the property when the owner showed up. They had a conversation, and owner obtained a foundation permit. Direction was given on the process going forward.

Current Vacant Building Registry Properties

912 6th Ave NE – Returned in Mail – Posted to Door. Added new citation 10/7/2025.
1119 13th St SE – Roof Damage – no response. Added new citation 10/7/2025
319 9th St N – Fire Damage – No response. Building Official processed case file and legal action is being taken with the City Attorney. Council adopted Res No. 78:25 declaring hazardous structure.
224 5th St N – Fire Damage. No action 2025. Added new citation 10/7/25.
408 2nd Ave NE – Vacant Building – No Response. No action 2025. Added new citation 10/7/25.

RENTAL LICENSES & INSPECTIONS

The Community Development Department issued 4 new rental licenses in the month of January.

The Housing Inspector completed 30 rental property inspections and re-inspections in January.

CONTRACTOR REGISTRATION

The Community Development Department issued 34 contractor registrations in January for calendar year 2026.

STAFF TRAININGS AND CERTIFICATIONS 2026

Darrin Deseth (Building Official)

January 12-January 16, 2026 International Code Council (ICC) 10K Annual Institute for Building Officials

Jason Stockinger (Building Inspector)

January 12-January 16, 2026 International Code Council (ICC) 10K Annual Institute for Building Officials

PLANNING AND ZONING

January 21st Planning Commission Agenda:

- 1) Review Comprehensive Plan Update Proposals
- 2) Conditional Use Permit Request - Dermatology Clinic - 1410 & 1424 Thiesse Drive



- 3) Variance Request from Rear Yard Setback Requirements - 2602 11th St SE

Ordinance Itinerary Planning Commission:

- 1) **Section 530 – Shoreland Management Regulations** - The City of Brainerd's existing Shoreland Management Ordinance was last approved by the DNR on 7/25/2003. Current zoning districts do not match/align with the zoning districts identified in the City's Shoreland Management Ordinance. (In Progress – 75% Complete – Negotiating Lot Size, Width, and Impervious Surface with DNR)
- 2) **Comprehensive Plan Update** - The City should consider reviewing the comprehensive plan every five years to ensure all of the goals and objectives listed in the plan are still relevant for the City of Brainerd. (The Planning Commission will review proposals at the February 18th meeting)



ECONOMIC DEVELOPMENT

Sign Grant and Façade Grant

The EDA directed staff to request the City update its sign ordinance to enhance aesthetics and prohibit banner signs prior to consideration of a matching sign grant. The City has updated its sign regulations and staff presented a sign grant and façade grant at the December 4th EDA meeting. The EDA approved \$25,000 for façade improvements along Washington Street and \$15,000 to improve signage throughout the City. The EDA will consider a contract with BLAEDC to administer the grant program at the March 5th meeting.

Washington Street Mitigation Plan

A business meeting was held at the Chamber which allowed businesses an opportunity to review the plan and provide input. Mr. Kilian also noted that he has been working on additional funding sources and should be able to match what the Brainerd EDA is budgeting. The Brainerd EDA approved \$20,000 in the budget to go towards the mitigation plan and will consider distribution of the funds at the March 5th meeting.

Dermatology Clinic Development

The City received a formal Letter of Intent (LOI) from River Birch Investments, LLC, which is partnered with Central Minnesota Dermatology, an existing local dermatology business. They are interested in the \$1/acre incentive program which would allow them to build and develop a new dermatology clinic in the Thiesse Drive Industrial Park on Lots 1 and 2 of Block 5 with a potential expansion of the business on Lot 3 Block 5. The proposed dermatology clinic would combine 1410 & 1424 Thiesse Drive to construct an approximate 8,000 square foot two-story medical building (4,000 sq ft each level) as well as adequate parking for employees and patients. City Council will

consider conveying the property to the EDA at their February 17th meeting. If conveyed, the EDA will consider entering into a purchase and development agreement with the developer at the March 5th meeting. The developer would like to begin construction on the dermatology clinic this spring.

PLANNING AND ZONING PROCESSES – CURRENT PROGRESS UPDATE

Address: 9040 Country Manor Way **IN PROGRESS**
PZE Process: PUD Amendment **Date Issued:** 02/03/2025
Project Description: Amending the original planned unit development plans
Project Progress: In progress – building permits issued and work has started.

Address: 324 5th St S **IN PROGRESS**
PZE Process: Conditional Use Permit & Variance **Date Issued:** 03/03/2025
Project Description: Adding two (2) residential apartment units on the second floor and variance from the landscaping requirements.
Project Progress: Applicant is working with the building official on the permit requirements. No permits have been applied for yet. Applicant requested and received a 90-day extension. DUE 6/01/2026.

Address: 1511 Northern Pacific Rd **IN PROGRESS**
PZE Process: Conditional Use Permit **Date Issued:** 04/21/2025
Project Description: For the Construction of a Church to Hold Services at the 1481 location
Project Progress: Approved – in the design and permitting process. Building permit remodel application has been submitted.

Address: 1919 S 6th St **COMPLETED**
PZE Process: Conditional Use Permit **Date Issued:** 04/21/2025
Project Description: For the Expansion of Adult Day Care Services
Project Progress: Approved – building permit issued for the remodel.

Address: 714 7th St S **COMPLETED**
PZE Process: Interim Use Permit Renewal **Date Issued:** 04/21/2025
Project Description: To continue Operating a Short-Term Rental
Project Progress: Approved and completed.

Address: 2517 Greenwood St **IN PROGRESS**
PZE Process: Variance **Date Issued:** 06/02/2025
Project Description: To allow for the construction of an accessory building off Greenwood Street in the front yard
Project Progress: Approved – building permit for the garage has been issued.

Address: 525 Washington St **COMPLETED**
PZE Process: Variance **Date Issued:** 07/07/2025
Project Description: To allow for a non-screened parking lot and reduced setbacks

Project Progress: Project is in progress. Building permits have been issued.

Address: 1123 15th Ave NE

COMPLETED

PZE Process: Interim Use Permit Renewal

Date Issued: 07/21/2025

Project Description: To continue Operating a Short-Term Rental

Project Progress: Approved and completed.

Address: PID 41040783

IN PROGRESS

PZE Process: Conditional Use Permit

Date Issued: 08/04/2025

Project Description: To allow for the construction of a fellowship hall

Project Progress: Approved – applicant will apply for the building permit.

Address: 14721 Riverside Dr

COMPLETED

PZE Process: Variance

Date Issued: 08/04/2025

Project Description: To allow for the construction of a 6' high wood privacy fence in the front yard

Project Progress: Approved – applicant has received a fence permit and is working with CWC on the approved placement on Riverside Drive.

Address: 23 Laurel St

IN PROGRESS

PZE Process: Conditional Use Permit & Variance

Date Issued: 08/04/2025

Project Description: To allow for the construction of an addition to the Fire Hall for bluff setbacks and impervious surface requirements

Project Progress: Approved – applicant will apply for the necessary building permits.

Address: 722 Mississippi Dr

IN PROGRESS

PZE Process: Variance

Date Issued: 09/02/2025

Project Description: To allow for the placement of a garden shed in the front yard

Project Progress: Approved – applicant has received the necessary permit.

Address: 703 7th St N

IN PROGRESS

PZE Process: Variance

Date Issued: 09/02/2025

Project Description: To expand a non-conforming side yard setback to allow for the construction of a vertical addition to the home as proposed.

Project Progress: Approved – the applicant's contractor has applied for the necessary building permits, and the project is in construction.

Address: Parcel #4124152

IN PROGRESS

PZE Process: Variance and IUP

Date Issued: 10/20/2025

Project Description: To allow for a cannabis microbusiness to operate as an accessory use in a current greenhouse and a variance from the allowed 8' fence height to 10' as required by the OCM

Project Progress: Approved and in progress

Address: 3424 Oak St

IN PROGRESS

PZE Process: Rezoning from CN-2 to GC

Date Issued: 10/20/2025

Project Description: To rezone from CN-2 to GC to allow for an Office building at 3424 Oak Street and amend the future land use map

Project Progress: Approved – the applicant will work towards a building plan

Address: 1005 S 6th St

COMPLETED

PZE Process: Interim Use Permit Renewal

Date Issued: 12/01/2025

Project Description: To continue Operating a Short-Term Rental

Project Progress: Approved and completed.

Address: 712 6th St N

COMPLETED

PZE Process: Interim Use Permit Renewal

Date Issued: 12/01/2025

Project Description: To continue Operating a Short-Term Rental

Project Progress: Approved and completed.

Address: 9995 Island Dr

COMPLETED

PZE Process: Interim Use Permit Renewal

Date Issued: 12/01/2025

Project Description: To continue Operating a Short-Term Rental

Project Progress: Approved and completed.

Address: PID 41290683

IN PROGRESS

PZE Process: Rezoning from CN-2 to GC, CUP

Date Issued: 12/15/2025

Project Description: To rezone from CN-2 to GC to allow for the construction and operation of an animal clinic

Project Progress: Approved – the applicant is working towards the building permits.

Address: 908 Ivy Street

COMPLETED

PZE Process: Conditional Use Permit Amendment

Date Issued: 01/06/2026

Project Description: To amend the current CUP to allow for a third garage stall on the rectory

Project Progress: Approved and completed.

Address: PID 41020691 AND 41020682 Voyageur Heights **IN PROGRESS**

PZE Process: Preliminary Plat Amendment, Developmental Stage PUD Amendment

Date Issued: 01/06/2026

Project Description: To amend the plat due to the EAW review and DWSMA

Project Progress: Approved and project in progress.

Address: PID 41020691 AND 41020682 Voyageur Heights **IN PROGRESS**

PZE Process: Rezoning, Final Plat, and PUD Final Plat

Date Issued: 02/03/2026

Project Description: Rezone and approve final plat and PUD for 176-unit apartment complex

Project Progress: Approved and project in progress.

MEMORANDUM

TO: Mayor Badeaux and City Councilmembers
FROM: Nick Broyles, City Administrator
DATE: 17 February 2026
SUBJ: City Administrator Report

In addition to routine administrative matters and in preparation of topics and business action items on the Council's work sessions and meeting agendas, the following is a summary of tasks and activities the City Administrator's office has been working on since the last report of 20 January 2026.

Community Engagement

21 Jan: Joint charter/PUC meeting; planning commission meeting
22 Jan: Staff visit w/HRA personnel
23 Jan: Hydro dam/HR discussion w/staff
26 Jan: Codification 'next steps' meeting w/ALP; staff meeting to provide personnel updates; review of Kuepers development agreement
27 Jan: Monthly PUC meeting; department head meeting; park board meeting
28 Jan: Recurring meeting w/CWC administrator; staff visit w/BPU water/wastewater personnel; HRA board meeting; 210/Washington St. mitigation plan hosted by the COC
29 Jan: Development meeting w/community development director; discuss a development agreement w/local business
2 Feb: Meeting re: 805 Laurel St.; city council meeting
3 Feb: Ongoing personnel discussion for plan moving forward
4 Feb: Staff visit w/police department; meeting w/citizen to discuss CSAH 48 stormwater easement
5-6 Feb: Annual Ehlers public finance conference in Edina w/community development director
9 Feb: Meet and greet w/IUOE in advance of contract negotiations; community focus radio show w/WJJY (210/Washington St.); meeting w/chair of P&F re: personnel/organizational discussions
10 Feb: Department head meeting
11 Feb: Staff visit w/BPU front office personnel; sourcewell HR network meeting; fire department project kickoff meeting; staff discussion of potential annex use
12 Feb: Exploratory meeting w/BlockchAIn re: data center; joint wastewater management board meeting
13 Feb: Loonfest 2026 discussion
16 Feb: YMCA board meeting

Charter Update

The next charter commission meeting is 19 Feb at 5p, and it will be a joint meeting with the public utilities commission. Goal is to receive a vote from the charter commission for potential advancement to the city council.

Finance

- **Audit:** Staff is beginning to prepare for the audit. Auditors are scheduled to be onsite at city hall the weeks of 27 Apr and 11 May. They will be on site at the utility the week of 2 Mar.
- **Election:** 2026 is an election year with the primary on 11 Aug and the general election on 10 Nov. Staff has reached out to secure the polling locations and have begun the recruiting process for election judges.

Human Resources

- **Airport Pay Equity:** The HR department worked with airport staff to prepare the airport pay equity report. The airport commission approved the data provided and HR finalized and

submitted the report. We are happy to report that the results came back, and the airport is compliant.

- **Staffing Update:** HR onboarded 9 employees in the month of January.

Public Works/Utilities/Parks/Transit

Engineering

- Hwy 210/Washington Street project: RL Larson was low bidder, MnDOT working on contract award. Public meetings to discuss access/detours expected in March prior to anticipated start of construction around mid-to-late April.
- SE Brainerd Reconstruction: Continued coordination with Centerpoint (replacement/relocation of 16" gas main) and plan development. Anticipated completion in late March.

Streets

- Clearing brush and trees over sanitary interceptor line near Evergreen.
- Monitoring stormwater catch basins for drainage concerns during melting.
- Patching crews to start work in areas where needed.
- Repairing street sweeper and performing maintenance work on snow removal equipment.

Recreation

- Skating party was held on Saturday, 7 Feb at Bane Park (changed venue) from 1-4p. Location changed because of lack of ice at Memorial Park.
- Will be opening summer league registrations over the next month.

Parks

- Priority of downtown snow removal and preparing ice hockey and pleasure rinks.
- Working to maintain rinks, however warm temperatures may end usable rinks shortly.
- Clearing trees at Jaycee Park.

Fire

Following the approval of the design/construction services contract with Widseth, and the selection of Nor-Son Construction as general contractor, the fire station renovation project is officially underway. The kickoff meeting was held on 11 Feb and Nor-Son expects to deliver a project cost and schedule by early March. Currently, staff is attending weekly design meetings, and on-site soil testing was successfully completed last week. The department remains highly enthusiastic as the project moves into this active phase.

Technology

Set-up on city-wide computer replacements has begun with rollout beginning at the end of February and extending into March. As part of the city security software posture change, the new endpoint protection has been pushed out to all devices and is being monitored. The SIEM (security information and event management) change is still in progress.

The entire city network infrastructure (firewalls, switches, etc.) is also being replaced. Set-up and configuration are underway now with staging and deployment likely in early March. Research continues to be done on the best option to move away from VMware (server virtualization) as their licensing costs have skyrocketed recently after being acquired by Broadcom. Planning stage underway for additional network integration of the public utility network and additional GIS collaboration later this year. City staff have been supporting Baxter during their IT staff turnover - additional requests have come in requiring a few additional hours of effort, which will be billed as agreed.

Suspense Tracker

Subject	Start Date	Department	Notes	Due Date	% Complete	Status
Stormwater Retention Pond-1001 Anabec St-Bollig	9/15/2025	Public Works	1/13/26: Tim, CC Engineer called Mike (PW Director) to discuss the drainage concerns on Bollig's property. If drainage study is requested by council, CC would be asked to assist with cost (30% per maintenance agreement), Tim plans to discuss with commissioner. 1/13/26: Mr. Bollig called to ask the size of Storm drain of SW 6th Street and Cora Street. Mike will research and respond by 1/20. 1/16/26: Mike sent Mr. Bollig the answer: a. SW 6th street -Various sizes: South of 701 SW 6th Street = 30 inches, Between 701 SW 6th Street and intersection with May Street = 24 inches, North of May Street = 15 inches b. Cora Street -Various sizes: West of SW 9th Street = 27 inches, Between SW 9th and SW 8th Streets = 18 inches, East of SW 8th Street = 12 inches 2/9: Contract for Stormwater Study awarded to HR Green. Contract has been revised and agreed upon. Work is expected to occur over the spring with presentation to CC in roughly May.	2/17/2026	25%	In Progress

Transit Business Model	10/6/2025	Public Works	11/20/25: Public Works is waiting for more information from various department to finish the Business Model. 11/24/25: (staff meeting) – Financial numbers are complete. Take Aways: 1. Add following items to budget: OT, Training, Bus Storage and Drug Testing. 2. Develop Bus Driver schedule to determine OT hours. 3. Build model for Bus Drivers with no OT. 12/18/25: Staff met with HR to confirm the Job Descriptions. HR will review and finalize the descriptions and points; then forward points to Finance. 12/22/25: HR will post opening of part-time person. This person started 1/2/26.	2/25/2026	25%	In Progress
Kuepers Development	9/17/2025	Community Dev	12/1 – City Council reviewed EAW and held public meeting 12/15 – City Council to review EAW findings and will make declaration 12/17 – Planning Commission recommended approval of the preliminary plat and PUD 2/2/26 – City Council rezoned the parcels, approved final plat, and PUD. 2/17/26 – City Council to consider Stormwater Management Maintenance Agreement	2/28/2026	75%	In Progress

Shoreland Ordinance		Community Dev	9/17 - Planning Commission to review preliminary language 10/15 - Planning Commission reviewed language and directed staff to work with the DNR on four outstanding items. Staff is currently negotiating with the DNR for smaller lot sizes, widths, and increased impervious surface amounts in the Shoreland District. Staff is currently analyzing lot sizes, lot widths, and impervious surface amounts for existing parcels in the Shoreland District. 1/21 - Planning Commission will perform final review of shoreland ordinance and negotiated items. 2/18/26 - Staff meeting with DNR to perform final review of shoreland ordinance 3/18/26 - Planning Commission to hold public hearing and consider shoreland ordinance	3/31/2026	75%	In Progress
SAHA Funds		Community Dev	1/20 - City Council authorized staff to advertise proposal for available SAHA funds 2/20 - Final submittal deadline to apply for SAHA funds 3/2 - City Council will determine distribution of SAHA funds		50%	In Progress
Annex Improvements	12/8/2025	Public Works	HyTec has started the rehabilitation work in the Annex. Electrical is mostly done. Floor tile (potentially asbestos) is being tested ahead of 2nd floor subfloor repairs. Fire alarm system and windows remain to be completed.	6/30/2026	10%	In Progress
Improvement 23-12 Beech		Public Works	Construction- 1st lift was completed for winter	11/1/2026	50%	In Progress

Improvement 17-12 Wright	Public Works	Construction- 1st lift was completed for the winter.	11/1/2026	50%	In Progress
Improvement 23-14 Hawkins	Public Works	Construction is complete on the Hawkins portion. The remainder of the construction on Ronald & Joseph will take place in 2026.	11/1/2026	50%	In Progress
BlockMetrix- Site Control	Community Dev	Purchase and Development Agreement- needs to be executed by BM Power Agreement- needs to be executed by BM Building Permits- have been applied for EDA will direct staff on next steps regarding the PDA at the June 5th meeting 6/6 - EDA took no action at the June 5th meeting 6/24 - Power Agreement is currently being reviewed by staff and will be reviewed by the PUC 7/2 - Power Agreement has been forwarded to Blockmetrix for review 7/30 - Staff set up a virtual meeting with Blockmetrix - Blockmetrix did not attend - stated that an issue came up 8/15 - Staff virtually met with Blockmetrix - Staff have not received a response 9/11 - Staff will virtually meet with Blockmetrix Staff is waiting on a response from Blockmetrix. 10/28 - BPU Commission considered redlined changes from Blockmetrix at the October meeting and recommended no changes. Blockmetrix stated without the redlined changes the project was not viable. 3/5 - Staff will present the EDA with options at the March EDA meeting as VCV is currently in violation of the Development Agreement.		50%	In Progress

Riverside Drive Orderly Annexation	Community Dev	10/13 - City has completed the final document for the proposed orderly annexation agreement 10/30 - City staff met with the County to discuss the agreement 12/29 - Completed legal descriptions (in review) Staff plans to call for a public hearing at the 1/20 City Council meeting 2/17 - Public Hearing and CC consideration of Resolution to adopt Orderly Annexation Agreement with CWC. 2/24 - CWC Board to consider joint resolution	60%	In Progress
Transit- Baxter Fares	Public Works	11/25/25: Mike emailed Brad ridership numbers and PP presentation. 12/1/25: Nick emailed Brad if Baxter is willing to adjust their rates to match Brainerd's rates? 12/1/25: Brad responded: "The City of Baxter is currently reviewing the ridership and revenue/expense data to determine any adjustments to its rates. The City bases its rates on the revenues derived from the program/service and does not subsidize the cost of this service through the use of its levy or other city funds." 12/1/25: Brad asked for the financial numbers from 2024 & 2025. 12/3/25: Mike emailed Brad, numbers will be sent by 12/5 12/5/25: Mike emailed Brad financial numbers for 2024 and YTD 2025. 12/19/25: Brainerd is waiting a response from Baxter to present to Baxter Council Transit Rates.	75%	In Progress

Charter Discussions		Administration	Staff has been meeting weekly since 11/10 regarding the City of Brainerd Charter 1/21- Charter Commission & PUC met in a joint meeting. Commissioners will continue to review the draft language and provide comments to staff by 1/29. Next meeting: February 19th at 5:00 pm		15%	In Progress
Airport Resolution		Administration	12/8/2025 Council discussed the Airport at its special meeting 2/23/2026 Airport Manager starts in position		25%	In Progress
Comprehensive Plan Update	12/17/2025	Community Dev	12/17 - Planning Commission recommended approval of the RFP for consulting services 1/5 - City Council authorized staff to send an RFP for consulting services. 1/7 - Staff sent RFP notice to the paper 2/6 - Staff received three proposal to update the comp plan 2/18 - Planning Commission will review the proposals and make a recommendation to City Council 3/2 - City Council will make a final determination based on the recommendation from Planning Commission	12/31/2026	25%	In Progress
Codification		Administration	Initial talks have taken place. Obtained a proposal from American Legal Publishing for Council's consideration at the 1/20 meeting. 1/20 Council approved the proposal from American Legal Publishing for codifications services up to \$30,000 Staff is executing the agreement with ALP.		0%	Not Started

2027 Budget	1/1/2026	Finance		12/31/2026	0%	Not Started
805 Laurel		HRA	Developer is working on financing		10%	Waiting
Pedestrian Bridge		Public Works	Staff is pursuing funding opportunities including State Bonding		25%	Waiting
Water Reclamation and Backwash Project		Public Utilities	Staff is pursuing funding opportunities including State Bonding Awarded \$5 million in special appropriations. Project bids were rejected at the November commission and December council meeting. Bolton and Menk are suggesting we pursue construction manager at risk (CMAR) to oversee the project and value engineer the project to create a guaranteed maximum price. The process for CMAR has been initiated in the May and June Commission meetings and Bolton & Menk has prepared draft requests for		25%	Waiting

Hydrodam	Public Utilities	Barr Engineering and staff continue work related to procurement of one generator at the hydro facility. Barr recently found from multiple suppliers that the project type with the submersible generators are no longer in production or have been paused. In Barr's preliminary research the eliminated line of turbine was anticipated to be the most economical for the utility. Barr continues to evaluate options, for the generation at the hydro facility. The newest challenges are evaluating civil work and costs that would be incurred for installation of any new generators. The most recent option considered is a stream diver generator installed vertically in the pit or in the tail race. No estimates have been provided at this time as Barr continues to estimate the additional costs. Site visit by Senator and Representative Heintzeman on November 25th.	25%	Waiting
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Fire Station #1 Renovation	Fire	12/12/2025 Heard back from Danielson and county is in agreeance to let BFD temporarily utilize the storage shed at no charge. Will work through insurance and agreement with county. 12/15/2025 Continuing to work with Widseth on design. 1/5/2026 From BPU, no current programs or rebates for solar for this project. 1/6/2026 Meetings with Widseth, Door hardware/ access and initial demo planning. IT included in door and access meeting. 1/26/2026 Interviewed two firms to select a General Contractor for the fire station renovation. 2/2/2026 City Council approved Design/Construction Services with Widseth and Nor-son Constructions as GC. 2/11/2026 Kickoff meeting with Widseth and Nor-son Construction	10%	In Progress
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Sale of Industrial Properties	Community Dev	6/5 - River Birch Investments submitted a letter of intent to purchase three industrial park lots at \$1 per acre EDA was in favor of the project and directed staff to begin negotiations on a purchase and development agreement 6/16 - City Council directed staff to begin negotiations on a purchase and development agreement and were generally in favor of the project 7/21 - City Council passed ordinance to allow clinics in the industrial district 9/4 - EDA reviewed language and provided direction for a purchase and development agreement with River Birch Investments 2/17/26 - City Council to consider resolution conveying subject property to EDA 3/5/26 - EDA to hold public hearing and consider PDA and conveying property to developer	25%	In Progress
Massage Therapy ordinance	Police	12/1/25 - Council direction to proceed with ordinance creation. 12/10/25 - Lt. Kulzer and Inv. Palcher attended the Minnesota BCA Internet Crimes against Children and Human trafficking conference. Illicit massage therapy and human/employment trafficking discussed as a nationwide problem. 12/11/25 - Lt. Kulzer discussed with assistant county attorney, who specializes in sex crimes the potential passage of a ordinance, which she supports as a tool to combat sex trafficking. 12/29/25 - Lt. Kulzer met with local owner/operator and discussed what elements should be included in an ordinance.	40%	In Progress

Complete 2026					
Gustafson Park Development	PW/CDD	12/8 - City Council directed staff to bring a preliminary plan to the Park Board for a formalized recommendation and receive a quote from a surveying company to replat the property (1/27) 12/17 - Staff received estimate to replat Gustafson Park 1/20/2026 Council voted to bring forth a resolution to dedicate Gustafson Park as a park and discontinue talks about development.		100%	Complete
Misdemeanor	Administration	Agreement with Severson Porter (12/1)	1/31/2026	100%	Complete



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: MN Lawful Gambling Application- Exempt Permit

AGENDA:

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Administration

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Approve MN Lawful Gambling Application for Exempt Permit submitted by Lakes Area Heros for an Event to be held on April 26, 2026 at 1511 Northern Pacific Road

FINANCIAL IMPACT



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Temporary On-Sale Liquor License - Sports Boosters

AGENDA:

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Administration

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Approve Temporary On-Sale Liquor License submitted by the Brainerd Sports Boosters for an event to be held on April 18, 2026, at the Essentia Health Sports Center, 502 Jackson St

FINANCIAL IMPACT



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Temporary On-Sale Liquor License - Jackpine

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Administration

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Approve Temporary On-Sale Liquor License Application submitted by Jackpine Brewery for an Event to be held on March 20 and 21, 2026, at Essentia Health Sports Center, 502 Jackson St.

FINANCIAL IMPACT



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Policy Update - Data Practices Exhibit A

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Administration

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

With the promotion of Brittney Kummet to the HR Director position, the Data Practices policy Exhibit A needs to be updated to designate her as the "Data Practices Designee- Non Law Enforcement" for the City. HR Director Schubert was previously the designee.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Move to Designate HR Director Kummet as Data Practices Designee - Non-Law Enforcement

FINANCIAL IMPACT

Exhibit A

City of Brainerd Data Practices Contacts

Responsible Authority

Name: Nick Broyles, City Administrator
Address: 501 Laurel Street, Brainerd, MN 56401
Phone number: (218) 828-2307
Fax number: (218) 828-2316
Email address: nbroyles@ci.brainerd.mn.us

Data Practices Compliance Official

Name: Connie Hillman, Finance Director
Address: 501 Laurel Street, Brainerd, MN 56401
Phone number: (218) 828-2307
Fax number: (218) 828-2316
Email address: chillman@ci.brainerd.mn.us

Data Practices Designee – Law Enforcement

Name: John Davis, Police Chief
Address: 225 East River Road, Brainerd, MN 56401
Phone number: (218) 829-2805
Fax number: (218) 825-3489
Email address : john.davis@ci.brainerd.mn.us

Data Practices Designee – Non-Law Enforcement

Name: Brittney Kummet, HR Director
Address: 501 Laurel Street, Brainerd, MN 56401
Phone number: (218) 828-2307
Fax number: (218) 828-2316
Email address: bkummet@ci.brainerd.mn.us



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Resignation - Community Service Officer Jude Gregersen

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: John Davis, Police Chief, Brittney Kummet, HR Director

DEPARTMENT: HR

PRESENTER: Brittney Kummet, HR Director

ESTIMATED TIME (MIN): n/a - consent calendar

SUMMARY OF ISSUE

On January 29, 2026, Community Service Officer Jude Gregersen submitted his letter of resignation. Jude Gregersen's last working day will be was Thursday, February 5, 2026.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Accept the resignation of Community Service Officer Jude Gregersen effective Thursday, February 5, 2026.

FINANCIAL IMPACT



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Resolution- Designating Gustafson Park as Park Land

AGENDA: Consent

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Jessie Dehn, City Engineer

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, City Engineer

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

Based on the Council action taken regarding Gustafson Park at the 2/2 meeting, staff is recommending Council adopt a resolution that formally dedicates Gustafson Park as park land under supervision of the Park Board.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Chapter Seven of the City Charter assigns control and supervision of all parks as the City Council by proper resolution designate.

RECOMMENDED ACTION/MOTION

Motion to adopt resolution designating Gustafson Park as City park land.

FINANCIAL IMPACT

N/A

R E S O L U T I O N
NO. _____

WHEREAS, the City of Brainerd City Charter designates control of all parks within the City to the Park and Recreation Board; and

WHEREAS, the City Council shall by proper resolution designate City property as park land; and

WHEREAS, the following lands have been operated and maintained as public park land:

- Gustafson Park – 9th Avenue NE and N Street NE; and

WHEREAS, the above-named park is contained within the following parcel:

- 41190520; and

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

the City Council of the City of Brainerd does hereby designate as park parcels PID 41190520 to be known as Gustafson Park, thus under the control and supervision of the Parks and Recreation Board.

Adopted this 17th day of February 2026

MIKE O'DAY
President of the Council

Adopted this 18th day of February 2026

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Resolution - Public Disclosure Exception D. Gorham

AGENDA: Consent

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Eric Charpentier

DEPARTMENT: Administration

PRESENTER: Eric Charpentier

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

Mr. Gorham, an appointed member of the Planning Commission, has applied for assistance through the Small Cities Development Program (SCDP) for an owner-occupied rehabilitation loan. The Brainerd Housing and Redevelopment Authority (HRA) administers this grant program on behalf of the City of Brainerd. Because the applicant serves on a City commission, the Minnesota Department of Employment and Economic Development (MN DEED) has requested that the City Council issue a public disclosure acknowledging his application and noting a potential conflict of interest. City Attorney Langel has provided a letter confirming that no statutory conflict exists under Minnesota Statute 471.87.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Move to Adopt Resolution Acknowledging the conflict disclosure and confirms Don Gorham's non-involvement in SCDP decisions.

FINANCIAL IMPACT

MEMORANDUM

TO: City of Brainerd City Council

FROM: Brit Thompson, Rehab Administrative Specialist

Brainerd Housing and Redevelopment Authority

DATE: February 16, 2026

RE: Public Disclosure and Approval – Conflict of Interest Exception

Applicant: Don Gorham

Program: Small Cities Development Program (SCDP) – Owner-Occupied Rehabilitation

Purpose

The purpose of this memorandum is to provide formal public disclosure of a potential conflict of interest involving **Mr. Don Gorham** and to request City Council acknowledgment and approval of the disclosure and related documentation required by the Minnesota Department of Employment and Economic Development (DEED) for participation in the Small Cities Development Program (SCDP).

Background

Mr. Don Gorham has applied for assistance under the SCDP Owner-Occupied Rehabilitation Program, which is administered by the Brainerd Housing and Redevelopment Authority (HRA) on behalf of the City of Brainerd. Mr. Gorham currently serves as a member of the Brainerd Planning Commission and is therefore considered an appointed official of a unit of local government participating in the SCDP.

Under federal regulations (24 CFR 570.611), this circumstance constitutes a **potential conflict of interest**, requiring public disclosure and approval, along with supporting documentation, before DEED may grant an exception and allow the application to proceed.

Conflict of Interest Determination

The following determinations have been made and documented:

- Mr. Gorham **does not serve on the Brainerd City Council**.
- Mr. Gorham **has not participated** in any decision-making, voting, approval, or administration of the SCDP grant or individual applications.

- Mr. Gorham **does not serve on the Brainerd HRA Board** and has no role in program oversight.
- Mr. Gorham **does not have access to non-public or inside information** related to the SCDP program.
- Mr. Gorham's only potential financial interest is as an applicant receiving rehabilitation assistance for his personal residence.

These findings are documented in the completed Conflict of Interest Worksheet and the Conflict Description Memorandum prepared for DEED review

Public Disclosure Requirement

DEED has requested formal evidence that the potential conflict of interest has been **publicly disclosed** to the governing body of the City of Brainerd. This memorandum serves as the basis for that disclosure and is intended to be acknowledged in the official City Council meeting minutes. Draft or approved minutes will be forwarded to DEED as required.

Requested City Council Action

City Council is requested to take the following actions:

1. **Acknowledge and accept the public disclosure** of the potential conflict of interest involving Mr. Don Gorham.
 2. **Confirm that Mr. Gorham has not exercised and will not exercise any decision-making authority** related to the SCDP grant or his application.
 3. **Authorize the submission of the City Council meeting minutes** (draft or approved) to DEED as evidence of public disclosure.
 4. **Support the request for a conflict of interest exception** to allow DEED to approve Mr. Gorham's participation in the SCDP Owner-Occupied Rehabilitation Program.
-

Next Steps

Upon City Council acknowledgment and inclusion of this action in the meeting minutes, the Brainerd HRA will submit the required documentation to DEED for final approval, as outlined by Amy Wyatt, Small Cities Grant Specialist.

RESOLUTION

Xx:26

A RESOLUTION ACKNOWLEDGING PUBLIC DISCLOSURE AND SUPPORTING A CONFLICT OF INTEREST EXCEPTION FOR PARTICIPATION IN THE SMALL CITIES DEVELOPMENT PROGRAM (SCDP)

WHEREAS, the City of Brainerd participates in the Minnesota Department of Employment and Economic Development (DEED) Small Cities Development Program (SCDP), which is administered locally by the Brainerd Housing and Redevelopment Authority (HRA); and

WHEREAS, Don Gorham has applied for assistance under the SCDP Owner-Occupied Rehabilitation Program; and

WHEREAS, Don Gorham serves as a member of the Brainerd Planning Commission and is therefore an appointed official of a unit of local government participating in the SCDP program; and

WHEREAS, federal regulations at 24 CFR 570.611 require public disclosure and governing body acknowledgment of any potential conflict of interest prior to DEED granting an exception; and

WHEREAS, Don Gorham does not serve on the Brainerd City Council, does not serve on the Brainerd Housing and Redevelopment Authority Board, has not participated and will not participate in SCDP decision-making, and does not have access to non-public or inside information related to the program; and

WHEREAS, the only potential financial interest is as an applicant for rehabilitation assistance for his personal residence; and

WHEREAS, DEED has requested evidence of public disclosure and City Council acknowledgment as part of the conflict of interest exception process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brainerd that:

1. The City Council acknowledges and accepts the public disclosure of the potential conflict of interest involving Don Gorham in connection with his SCDP application.
2. The City Council confirms that Don Gorham has not exercised and will not exercise any functions or responsibilities related to the administration, review, approval, or oversight of the SCDP grant or his individual application.
3. The City Council supports the request for a conflict of interest exception to allow DEED to approve participation in the SCDP program.

4. The City Council authorizes submission of City Council meeting minutes, whether draft or approved, to DEED as evidence of public disclosure and acknowledgment.

Adopted this 17th day of February 2026

MIKE O'DAY
President of the Council

Approved this 18th day of February 2026

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Joseph J. Langel
Direct Phone: (612) 225-6837
jjl@ratwiklaw.com



February 4, 2026

Amy Wyatt
Department of Employment and Economic Development
Great Northern Building
180 East Fifth Street, Suite 1200
St. Paul, MN 55101

RE: *Conflict of Interest Determination – Brainerd HRA*
Our File No. 4034-0001

Dear Ms. Wyatt:

I am the City Attorney for the Brainerd. This firm also represents the Brainerd Housing and Redevelopment Authority. I am writing to address whether a conflict of interest exists with respect to Don Gorham's application for a Small Cities Development Program grant. Mr. Gorham is an appointed member of the Brainerd Planning Commission.

I see no conflict of interest. Requests for grants from DEED are drafted by the HRA and authorized by the City Council. After grant funds are received from DEED, individual applications for those funds are processed by the HRA. Mr. Gorham holds no position with either the Council or the HRA. The Planning Commission deals with zoning issues and has no authority over grant funds. *See, generally, Minn. Stat. §§ 462.354-.3597.* As a member of the Planning Commission, Mr. Gorham does not review, approve or recommend SCDP grants or grant applications in any capacity. He has no more authority than any member of the public. Because he is not "authorized to take part in any manner in making any" grant agreements in his official capacity as a Planning Commission member, there is no statutory conflict under Minn. Stat. § 471.87.

Let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Langel', is written over the typed name 'Joseph J. Langel'.

c: Eric Charpentier, Brainerd HRA
RRM: 596325

Over 35 Years of Service

CONFLICT OF INTEREST WORKSHEET

Date: Feb 4, 2026

Grantee Name: City of Brainerd

Grant #: CDAP-23-0018-O-FY24

Is the individual currently or within the last 12 months an employee, agent, consultant, officer, elected official, or appointed official of the State of Minnesota, unit of local government, designated public agencies, or subrecipient that are receiving assistance for the SCDP program? ☒ Yes ☐ No

Does the individual seeking to participate in the SCDP program have an interest in any contract/agreement, subcontract or the proceeds there under for themselves, their family, or those with whom they have business ties? ☐ Yes ☒ No

If one or both questions are answered with a yes, the unit of local government must provide the following to the DEED Small Cities Unit in order to determine if the household may participate in the SCDP program.

- Document describing the nature of the conflict.
- Assurance that there has been a public disclosure of the conflict.
- Describe how the public disclosure was made.
 - A copy of the approved meeting minutes that details the disclosure should be provided.
- An opinion from the attorney for the local unit of government that the interest for which the exception is sought would not violate State or local law.

Answer the following questions:

1. Has or does this individual exercise any functions with respect to the SCDP grant? Describe. *The applicant does not. A more detailed explanation is outlined in the attached Memo.*
2. Does this individual participate in any decision-making process? If yes, if they voted on a SCDP measure they are ineligible to participate under the program in this grant. If they have not yet voted, they must officially announce that they remove themselves from the decision-making process. *The applicant does not.*
3. Is this individual in a position to gain inside information? *The applicant is not.*
4. Does this individual have, or will have, the opportunity to obtain a financial interest or benefit from the activity? *The applicant will only benefit from the rehab performed on his personal home.*

=====

The following will be completed by DEED Small Cities Unit

Based on all the information gathered and the answers to questions above, I recommend:

☐ approval of the request for an exception to the conflict of interest rules.

☐ denial of the request for an exception to the conflict of interest rules.

DEED Small Cities Representative

Date



324 East River Road
Brainerd, MN 56401

Phone: 218/828-3705
Fax: 218/828-8817

CONFLICT of INTEREST INTERVIEW FORM

Small Cities Development Program

Interest of Members of City: No member of the governing body, officer, employee or agent of the City who exercises any function or responsibilities in connection with carrying out of the project or program to which this proposal pertains, shall have any personal interest, financial or otherwise, direct or indirect, in the property or the loan agreement.

Are you or have you been in one of the following positions, during the last 12 months:

- ✓ Employee _____
- ✓ Consultant _____
- ✓ Officer _____
- ✓ Elected official _____
- ✓ Appointed official X

Provide the name of the organization you had a position with:

State: MA

Name of Agency: BRainerd PLANNING COMMISSION

Local government/its agents: _____

Name and Position: DON GORHAM - MEMBER

Managing/Consulting Agency: _____

Name and Position: _____

Are you and/or have you any family members with a business relationship with any of the above named businesses or persons? _____

If yes, describe: _____

Note: If a conflict exists, it may be possible for the grantee and its agents to request an exception of the conflict from the funding agency.

Signature of Applicant: _____

Date: 1/20/26





City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Stormwater Management Maintenance Agreement - Voyageur Heights

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, City Engineer

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, City Engineer

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

Attached is a Stormwater Management Maintenance Agreement for the private stormwater Best Management Practice (BMP) to be included with the Voyageur Heights development. The BMP includes the infiltration basin included in Outlot C to the south of the development area.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

The agreement lays out the requirements of the developer and owner for inspection and maintenance of the stormwater BMP following completion of construction. The agreement also includes recourse if maintenance is not completed within a reasonable timeframe. Inspection and maintenance tasks are requirements of the City's SWPPP program and MS4 permit. The agreement has been reviewed by City staff, City Attorney, and Keupers Construction.

RECOMMENDED ACTION/MOTION

Motion to approve the attached Stormwater Management Maintenance Agreement for the Voyageur Heights development.

FINANCIAL IMPACT

N/A

[Space reserved for recording data.]

**STORMWATER MANAGEMENT AND MAINTENANCE/
BEST MANAGEMENT PRACTICE (BMP) FACILITIES AGREEMENT**

THIS AGREEMENT, made and entered into this 12th day of February, 2026, by and between Voyageur Heights Apartments of Brainerd, LLLP, hereinafter called the “Developer”, and the City of Brainerd, Minnesota, hereinafter called the “City”.

WHEREAS, the Developer is the owner of certain real property described as follows (the “Property”):

Outlot A and Outlot C, Voyageur Heights, Crow Wing County, Minnesota

WHEREAS, the Property is part of a larger platted development known as Voyageur Heights (the “Development”), and Developer is proceeding to build on and develop the Development; and

WHEREAS, the Developer’s site plan/subdivision plan:

Plan A: The Final Plat of Voyageur Heights

Plan B: Permit Approval Plans for Site Improvements for Voyageur Heights prepared by Westwood dated 02/06/2026, originally dated 08/29/2025, revised 10/09/25, 01/05/2026, 01/22/26 and 02/04/2026, as revised.

and all other documents related thereto, hereinafter called the “Plans”, which are expressly made a part hereof and have been approved by the City, provide for the detention/retention of surface water/stormwater within the confines of the Development; and

WHEREAS, the City and the Developer, its successors and assigns, including any homeowners association, agree that the health, safety, and welfare of the residents of the City require that a private stormwater pond and related stormwater management and best management practice (“BMP”) facilities serving the Development and located on portions of Outlot A and Outlot C as shown on the Plans (the “Stormwater Pond”) be constructed and maintained on the Property; and

WHEREAS, the City requires that the Stormwater Pond as shown on the Plans be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowners association.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Stormwater Pond shall be constructed by the Developer, its successors and assigns, in accordance with the plans and specifications identified in the Plans ("the Project").
2. Upon completion of the Project, the Developer shall provide an attachment to this Agreement, the required Stormwater Maintenance Plan, as-built drawings, and certification that the Stormwater Pond has been properly constructed in accordance with the approved Plans.
3. The Developer, its successors and assigns, including any homeowners' associations, shall adequately maintain the Stormwater Pond in accordance with the Stormwater Maintenance Plan. This includes all pipes, channels, and other conveyances built to convey stormwater to the Stormwater Pond, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as maintaining the Stormwater Pond in good working condition so that it performs its intended design functions.
4. The Developer, its successors and assigns, shall inspect the Stormwater Pond on a routine basis, at a minimum annually, and shall be responsible for the payment of any associated costs. The purpose of the inspection is to assure safe and proper functioning of the Stormwater Pond. The inspection shall cover the entire Stormwater Pond, including facilities, berms, outlet structures, pond areas, access roads and buffers. Deficiencies shall be noted in the inspection report. A storage treatment basin will be considered inadequate if it is not compliant with all applicable requirements of the City of Brainerd Stormwater Design Manual, applicable stormwater City ordinances, and City's MS4 permit, as in effect at the time of inspection.
5. The Developer, its successors and assigns, shall be responsible for improving, modifying, installing new or replacement structural stormwater BMPs associated with the Stormwater Pond in the event such facilities are found to no longer be effective in meeting applicable treatment requirements or required performance standards.
6. When a new drainage control facility associated with the Stormwater Pond is installed, the Developer shall maintain records of the installation and of all maintenance and repairs. All records shall be retained by the Developer or subsequent owner for at least ten years. These records shall be submitted to the City of Brainerd's Engineering Department upon request and shall be made available during inspection of the Stormwater Pond and at other reasonable times upon request by the City Engineer.
7. The following operational maintenance activities shall be performed on the Stormwater Pond and any associated permitted systems on a regular basis or as needed:
 - a. Sweeping of sediment from parking lots draining to the Stormwater Pond;
 - b. Removal of trash and debris,

- c. Inspection of inlets and outlets,
 - d. Removal of sediments when the storage volume or conveyance capacity of the stormwater management system is reduced below design levels,
 - e. Confirmation that systems designed for infiltration draw down within 48 hours, as required by design, and
 - f. Stabilization and restoration of eroded areas.
8. Specific operational maintenance activities are required, depending on the type of permitted system associated with the Stormwater Pond, in addition to the practices listed in subsection (7), above:
- a. Retention, swale and underdrain systems shall include provisions for:
 - i. Mowing and removal of grass clippings, and
 - ii. Aeration, tilling, or replacement of topsoil as needed to restore the percolation capacity of the system. If tilling or replacement of the topsoil is utilized, vegetation must be established on the disturbed surfaces.
 - b. Exfiltration systems shall include provisions for removal of sediment and debris from pretreatment or sediment collection systems.
 - c. Wet detention systems shall include provisions for operational maintenance of the littoral zone. Replanting shall be required if the percentage of vegetative cover falls below the permitted level. It is recommended that native vegetation be maintained in littoral zone as part of the system's operational maintenance plan. Undesirable species such as cattail and exotic plants should be controlled if they become a nuisance.
 - d. Dry detention systems shall include provisions for mowing and removal of grass clippings.
9. The Developer, its successors and assigns, hereby grants permission to the City, its authorized agents and employees, to enter upon the Property at reasonable times upon reasonable notice, except in the event of an emergency, to inspect the Stormwater Pond whenever the City deems reasonably necessary. The City shall provide the Developer, its successors and assigns, copies of the inspection findings and a written directive identifying any required corrective actions. The City shall use reasonable efforts to minimize disturbance to the use and enjoyment of the Property while conducting such inspections.
10. In the event the Developer, its successors and assigns, fails to maintain the Stormwater Pond in good working condition acceptable to the City, and such failure continues for 30 days after the City gives the Developer written notice specifying such deficiencies, or such longer period of time as may be reasonably required to cure such default provided Developer commences efforts to cure the default within 14 days and is proceeding with diligence to cure such default, the City may enter upon the Property and take whatever steps reasonably necessary, including excavation and the storage of materials and equipment, to correct deficiencies identified in the inspection report. The City may charge the actual and reasonable costs incurred by the City, including assessing such costs that remain unpaid to the property taxes of the Developer, its successors and assigns. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land other than the Developer's "Property" as defined above. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the City. In addition, Developer, its successors and assigns, agrees that it

is, and will be, solely responsible to address complaints and legal claims brought by any third party with regard to the maintenance and operation and the consequences thereof from the Stormwater Pond. The Developer, its successors and assigns, expressly agrees to defend and hold the City harmless from any such third-party claim, except where due to the negligence or intentional act of the City.

11. The Developer, its successors and assigns, will perform the work necessary to keep the Stormwater Pond in good working order as appropriate. In the event a maintenance schedule for the Stormwater Pond (including sediment removal) is outlined on the approved Plans, the schedule will be followed and will comply with all applicable federal, state, and local regulations relating to the disposal of removed material.
12. **In the event the City, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Developer, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof, for all actual costs incurred by the City hereunder.**
13. Except as expressly provided herein, this Agreement imposes no obligation of any kind whatsoever on the City, and the Developer agrees to hold the City harmless from any liability in the event the Stormwater Pond fails to operate properly, except to the extent caused by the negligence or intentional misconduct of the City.
14. This Agreement shall be recorded among the land records of Crow Wing County, Minnesota and shall constitute a covenant running with the Property, and shall be binding on the Developer, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner's association, provided, however, that a transferor owner of the Property shall remain liable only for obligations that first arose prior to the date of transfer and were required to be performed prior to such transfer.
15. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Signatures transmitted by electronic means or in portable document format (PDF) shall be deemed effective for all purposes.

This instrument drafted by:

City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Voyageur Heights Apartments of Brainerd, LLLP

By: Voyageur Heights Apartments of Brainerd, LLC,
Its General Partner

By: _____
Steven D. Kuepers, Chief Manager

STATE OF MINNESOTA)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on ____ day of February, 2026, by Steven D. Kuepers, the Chief Manager of Voyageur Heights Apartments of Brainerd, LLC, the general partner of Voyageur Heights Apartments of Brainerd, LLLP, on behalf of the limited liability limited partnership.

Notary Public

CITY OF BRAINERD, MINNESOTA

(SEAL)

By _____
Its Mayor

By _____
Its City Administrator

STATE OF MINNESOTA)
) SS.
COUNTY OF CROW WING)

The foregoing instrument was acknowledged before me this ____ day of February, 2026, by Dave Badeaux and Nicholas W. Broyles, the Mayor and City Administrator, respectively, of the City of Brainerd, Minnesota, on behalf of the City.

Notary Public



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Surplus Holiday Decor for Auction

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, City Engineer

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, City Engineer

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE

In accordance with the State of Minnesota requirements governing the disposal of public assets, staff has conducted a review of the identified items that are no longer in use, have exceeded their useful life, or have been replaced through capital purchase. These items are considered surplus to the operational needs of the utility and the City.

State statutes require governing body approval prior to the disposal of surplus property through auction or other approved methods. Declaring the listed items as surplus ensures compliance with state law and allows staff to proceed with the sale, recapturing value where possible and reducing storage and maintenance costs.

Staff is requesting to surplus the following holiday decor that is no longer used and sell at auction:

- 40 - 42" wreaths for attachment to poles
- 8 - 44" wreaths to hang from wire
- 4 - 48" wreaths to hang from wire

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Authorize disposal of surplus items as required by state statute.

FINANCIAL IMPACT

Unknown











City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Revised Job Description - Hiring of two Water Serviceworkers

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Brittney Kummet, HR Director,
Paul Sandy, Public Utilities Director

DEPARTMENT: HR

PRESENTER: Brittney Kummet, HR Director, Paul
Sandy, Public Utilities Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE

Following the retirement of a previous Water Crew Chief, staff requested time to evaluate the organizational structure and operational needs of the division. After a thorough review, staff recommended through the budgeting process with the Public Utilities Commission that, instead of backfilling the Water Crew Chief position, the City hires two Water Serviceworkers. This adjustment will allow the division to operate with two, two-person crews, all reporting to a single Water Crew Chief. This structure is expected to improve efficiency, enhance coordination, and better meet the division's service demands.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Motion to approve the updated job description and authorize staff to begin the hiring process for two Water Serviceworker positions.

FINANCIAL IMPACT

The two Water Serviceworker positions were included in the 2026 budget that was approved by City Council.



Water Serviceworker

Department: Public Utilities

FLSA Status: Non-Exempt

General Definition of Work

Performs responsible skilled trades work installing and maintaining the utility's water distribution system including water lines, hydrants, meters and related work as apparent or assigned. Work is performed under the moderate supervision of the Water Crew Chief.

Qualification Requirement

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

Essential Functions

- Installs and maintains watermains, fire hydrants, services, valves, meters and other related water distribution components; may operate heavy machinery necessary for installation and maintenance work. Oversees water system work performed by contractors.
- Locates and repairs leaks, low pressure, and other trouble reports in the water distribution system.
- Maintains vehicles, equipment and shop areas.
- Participation in the on-call rotation is required; Willingness to accept call out/call back for outages and emergency repairs is essential. Call out/call back can be declined for good cause only.
- Prepares and maintains records of work performed.
- Maintains state certifications for operations by attending training seminars.
- Assists other Public Utilities service crews as needed and in emergencies.
- Performs related tasks as required.

Knowledge, Skills and Abilities

- Thorough knowledge of the techniques, materials and equipment used in the construction, maintenance and repair of water lines and related equipment;
- General knowledge of the rules and regulations governing equipment operations and utility repair work performed in or on public roads and right-of-ways.
- Knowledge of the methods, practices and tools of the plumbing and pipe fitting trades.
- Knowledge of chemicals used for water treatment and disinfection.
- Thorough knowledge of the hazards connected with water system maintenance and the necessary safety precautions to comply with Public Utilities and OSHA safety requirements.
- General knowledge of, and the ability to operate, equipment used in the water distribution system. May include meters, gauges, and underground locators.
- Ability to read and interpret documents such as Public Utilities safety rules, operating and maintenance instructions, procedure manuals, and policies.
- Working knowledge of computers and related Public Utilities software and communication system.

Water Serviceworker

Page 2

Knowledge, Skills and Abilities (Cont.)

- Ability to listen and speak effectively; follow oral and written instructions.
- Ability to establish and maintain effective working relationships with coworkers and supervisors; responds to inquiries when in the field in a prompt and professional manner regarding questions, concerns, and problems that arise.
- Ability to deal with angry and hostile customers in water turnoff situations.

Education, Experience and Special Requirements:

- High School Diploma or general education degree (GED).
- Possession of a MDH Class D Water Operators Certificate or ability to obtain within eighteen (18) months of hire.
- Minnesota Class A Commercial Driver's License with air brake endorsement or ability to obtain within one year of hire.

The following are highly desirable qualifications when hiring:

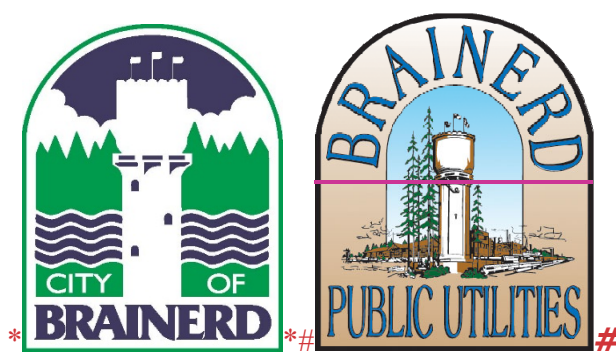
- Possession of a MDH Class C Water Operators Certificate or higher.
- Must have a minimum of two (2) years technical training and/or applicable job experience in the operation and maintenance of a water utility system.
- Graduation from Technical/Community College training program with specialized training in water operations.

Physical Requirements

This is heavy work requiring the exertion of up to 100 pounds of force rarely – not daily, up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects; work regularly requires speaking or hearing, using hands to finger, handle or feel, stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling and lifting, frequently requires standing, walking, climbing or balancing and repetitive motions and occasionally requires sitting and tasting or smelling; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and night vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work regularly requires exposure to outdoor weather conditions and sometimes exposed to extreme weather temperatures including wind chill, frequently requires exposure to wet, humid conditions (non-weather), working near moving mechanical parts and exposure to fumes or airborne particles and occasionally requires working in high, precarious places, exposure to toxic or caustic chemicals, and exposure to the risk of electrical shock; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic). The worker may be exposed to bloodborne pathogens and may be required to wear specialized personal protective gear.

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

Last Revised: February 4, 2026



Water Serviceworker

Department: Public Utilities

FLSA Status: Non-Exempt

General Definition of Work

Performs responsible skilled trades work installing and maintaining the utility's water distribution system including water lines, hydrants, meters and related work as apparent or assigned. Work is performed under the moderate supervision of the Water Crew Chief.

Qualification Requirement

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

Essential Functions

- Installs and maintains watermains, fire hydrants, services, valves, meters and other related water distribution components; may operate heavy machinery necessary for installation and maintenance work. Oversees water system work performed by contractors.
- Locates and repairs leaks, low pressure, and other trouble reports in the water distribution system.
- Maintains vehicles, equipment and shop areas.
- Participation in the on-call rotation is required; Willingness to accept call out/call back for outages and emergency repairs is essential. Call out/call back can be declined for good cause only.
- Prepares and maintains records of work performed.
- Maintains state certifications for operations by attending training seminars.
- Assists other Public Utilities service crews as needed and in emergencies.
- Performs related tasks as required.

Knowledge, Skills and Abilities

- Thorough knowledge of the techniques, materials and equipment used in the construction, maintenance and repair of water lines and related equipment;
- ~~#General knowledge of the layout of the existing distribution network and Public Utilities service territory.#~~
- General knowledge of the rules and regulations governing equipment operations and utility repair work performed in or on public roads and right-of-ways.
- Knowledge of the methods, practices and tools of the plumbing and pipe fitting trades.
- Knowledge of chemicals used for water treatment and disinfection.
- Thorough knowledge of the hazards connected with water system maintenance and the necessary safety precautions to comply with Public Utilities and OSHA safety requirements.
- General knowledge of, and the ability to operate, equipment used in the water distribution system. May include meters, gauges, and underground locators.

- Ability to read and interpret documents such as Public Utilities safety rules, operating and maintenance instructions, procedure manuals, and policies.
- Working knowledge of computers and related Public Utilities software and communication system.

Water Serviceworker

Page 2

Knowledge, Skills and Abilities (Cont.)

- Ability to listen and speak effectively; follow oral and written instructions.
- Ability to establish and maintain effective working relationships with coworkers and supervisors; responds to inquiries when in the field in a prompt and professional manner regarding questions, concerns, and problems that arise.
- Ability to deal with angry and hostile customers in water turnoff situations.

Education, Experience and Special Requirements:

- High School Diploma or general education degree (GED).
- ~~#Must have a minimum of two (2) years technical training and/or applicable job experience in the operation and maintenance of a water utility system.#~~
- Possession of a MDH Class D Water Operators Certificate or ability to obtain within eighteen (18) months of hire.
- Minnesota Class A Commercial Driver's License with air brake endorsement or ability to obtain within one year of hire.

The following are highly desirable qualifications when hiring:

- Possession of a MDH Class C Water Operators Certificate or higher.
- ~~*Must have a minimum of two (2) years technical training and/or applicable job experience in the operation and maintenance of a water utility system.*~~
- Graduation from Technical/Community College training program with specialized training in water operations.

Physical Requirements

This is heavy work requiring the exertion of up to 100 pounds of force rarely – not daily, up to 50 pounds of force frequently, and/or up to 20 pounds of force constantly to move objects; work regularly requires speaking or hearing, using hands to finger, handle or feel, stooping, kneeling, crouching or crawling, reaching with hands and arms, pushing or pulling and lifting, frequently requires standing, walking, climbing or balancing and repetitive motions and occasionally requires sitting and tasting or smelling; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and night vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, assembly or fabrication of parts within arm's length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work regularly requires exposure to outdoor weather conditions and sometimes exposed to extreme weather temperatures including wind chill, frequently requires exposure to wet, humid conditions (non-weather), working near moving mechanical parts and exposure to fumes or airborne particles and occasionally requires working in high, precarious places, exposure to toxic or caustic chemicals, and exposure to the risk of electrical shock; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic). The worker may be exposed to bloodborne pathogens and may be required to wear specialized personal protective gear.

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

| Last Revised: February *4*8, 202#46#



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Baker Tilly Proposal - Community Pool Funding

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

At the January 20th council meeting, Council directed staff to work with Baker Tilly to find funding options to build a community pool at the YMCA facility. Attached is a proposed scope of service for Baker Tilly to perform the service. The fee is \$5,000.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

If the debt for the pool were issued in 2026, this fee would not be charged. Per Mr. Riffle, the Y hopes to have the project shovel ready by the end of 2026. Staff is working with our municipal advisor and bond council on potentially two different bond issues in 2026. One bond issue this spring to fund the construction projects from 2025 that were not part of the 2025 fall issue, the fire station remodel, and the City's share of the highway 210 project; and then another issue in the fall to fund the 2026 construction projects. Staff will work with Baker Tilly and bond council to see if the pool funding should/could be incorporated into the fall issue as well, once Council approves the proposal for funding.

RECOMMENDED ACTION/MOTION

Motion to authorize Staff to enter into agreement with Baker Tilly to perform a financial analysis for the proposed YMCA community pool; further, the funding to come from the \$28,000 special projects budgeted line item.

FINANCIAL IMPACT

RE: Financing Analysis for Proposed YMCA Community Pool (the Project)

DATE: February 5, 2026

This Scope Appendix is attached by reference to the above-named engagement letter (the Engagement Letter) between City of Brainerd, Minnesota (the City) and Baker Tilly Advisory Group, LP (BTAG) and relates to services to be provided by Baker Tilly Municipal Advisors, LLC (BTMA), collectively (Baker Tilly).

SCOPE OF WORK

Baker Tilly agrees to furnish and perform the following services.

A. Debt Issuance Options

1. Review and determine the bonding authority (per Minnesota Statutes) available to finance the Project.
2. Research tax-exempt vs. taxable status of project. Consult with City's bond counsel as needed.
3. Prepare a narrative summary:
 - a) Provide a detailed description of each bonding authority, including required actions, i.e. public hearing, Council action, referendum requirements, etc;
 - b) Detail the statutory requirements, limitations or tests;
 - c) Provide an estimated timeline for each bonding authority; and,
 - d) Summary of considerations.
4. Meet with client to discuss findings and observations.

TIMELINE

Completion of the above services is anticipated within 10 days following receipt of the signed scope of services.

COMPENSATION AND INVOICING

The fee to provide services identified in this scope is \$5,000.

BILLING PROCEDURES

The account balance will be due and payable upon completion.

Nonattest Services

As part of this engagement, we will perform certain nonattest services. For purposes of the Engagement Letter and this Scope Appendix, nonattest services include services that the *Government Auditing Standards* refers to as nonaudit services.

We will not perform any management functions or make management decisions on your behalf with respect to any nonattest services we provide.

In connection with our performance of any nonattest services, you agree that you will:

- > Continue to make all management decisions and perform all management functions, including approving all journal entries and general ledger classifications when they are submitted to you.



- > Designate an employee with suitable skill, knowledge, and/or experience, preferably within senior management, to oversee the services we perform.
- > Evaluate the adequacy and results of the nonattest services we perform.
- > Accept responsibility for the results of our nonattest services.
- > Establish and maintain internal controls, including monitoring ongoing activities related to the nonattest function.

Conflicts of Interest

Attachment A to the Engagement Letter contains important disclosure information that is applicable to this Scope Appendix.

We are unaware of any additional conflicts of interest related to this Scope Appendix that exist at this time.

Termination

This Scope Appendix will terminate according to the terms of the Engagement Letter.

If this Scope Appendix is acceptable, please sign below and return one copy to us for our files. We look forward to working with you on this important project.

Sincerely,

BAKER TILLY ADVISORY GROUP, LP

Signature Section:

The services and terms as set forth in this Scope Appendix are agreed to on behalf of the Client by:

Name: _____

Title: _____

Date: _____





City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Resolution - Official Intent to Reimburse Expenditures - TH210/Washington Street Project

AGENDA: P&F Committee

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

Once the bid is officially awarded, the City will have 30 days to pay MnDOT for 95% of the bid award associated with the water and sanitary portion of the project. The City will need to issue bonds to pay for its share of the Highway 210 project. In order for the City to be able to reimburse itself with bond proceeds, the City needs to declare an official intent to do so. A proposed resolution is attached.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

The amount in the resolution is 100% of the estimated amount of the project, not the 95% that will be payable in 2026. If we need to bond for the remaining 5% in 2027 or 2028, the declared intent for reimbursement will be complete.

RECOMMENDED ACTION/MOTION

Motion to adopt the attached resolution declaring the official intent of the City of Brainerd to reimburse certain expenditures from the proceeds of tax-exempt bonds or other obligations to be issued by the City for the TH210/Washington Street project.

FINANCIAL IMPACT

**RESOLUTION
XX:26**

**DECLARING THE OFFICIAL INTENT OF THE CITY OF BRAINERD,
MINNESOTA TO REIMBURSE CERTAIN EXPENDITURES FROM THE
PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS TO BE
ISSUED BY THE CITY**

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the "Reimbursement Regulations") providing that proceeds of tax-exempt obligations used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, the City of Brainerd, Minnesota (the "City") expects to incur certain expenditures that may be financed temporarily from sources other than tax-exempt bonds and other obligations, and reimbursed from the proceeds of tax-exempt obligations; and

WHEREAS, the City has determined to make this declaration of official intent (the "Declaration") to reimburse certain costs from proceeds of tax-exempt bonds or other obligations in accordance with the Reimbursement Regulations; and

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

1. The City proposes to undertake the reconstruction of TH 210/Washington Street along with the State of Minnesota (the "Project").

2. The City reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of tax-exempt bonds or other obligations in an estimated maximum principal amount of \$5,500,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds or other obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.

3. This Declaration has been made not later than sixty (60) days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of tax-exempt bonds or other obligations, except for the following expenditures: (a) costs of issuance of bonds or other obligations; (b) costs in an amount not in excess of \$100,000 or five percent (5%) of the proceeds of an issue of bonds or other obligations; or (c) "preliminary expenditures" up to an amount not in excess of twenty percent (20%) of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, soil testing, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof.

5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

Adopted this 17th day of February 2026

MIKE O'DAY
President of the Council

Approved this 18th day of February 2026

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Resolution - Official Intent to Reimburse Expenditures - Fire Station 1 Remodel

AGENDA: P&F Committee

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

The City will need to issue bonds to pay for the Fire Station 1 remodel project. In order for the City to be able to reimburse itself with bond proceeds, the City needs to declare an official intent to do so. A proposed resolution is attached.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Motion to adopt the attached resolution declaring the official intent of the City of Brainerd to reimburse certain expenditures from proceeds of tax-exempt bonds or other obligations to be issued by the City for the Fire Station 1 remodel project.

FINANCIAL IMPACT

**RESOLUTION
XX:26**

**DECLARING THE OFFICIAL INTENT OF THE CITY OF BRAINERD,
MINNESOTA TO REIMBURSE CERTAIN EXPENDITURES FROM THE
PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS TO BE
ISSUED BY THE CITY**

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the "Reimbursement Regulations") providing that proceeds of tax-exempt obligations used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, the City of Brainerd, Minnesota (the "City") expects to incur certain expenditures that may be financed temporarily from sources other than tax-exempt bonds and other obligations, and reimbursed from the proceeds of tax-exempt obligations; and

WHEREAS, the City has determined to make this declaration of official intent (the "Declaration") to reimburse certain costs from proceeds of tax-exempt bonds or other obligations in accordance with the Reimbursement Regulations; and

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

1. The City proposes to undertake the remodel of Fire Station 1 (the "Project").
2. The City reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of tax-exempt bonds or other obligations in an estimated maximum principal amount of \$5,500,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds or other obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.
3. This Declaration has been made not later than sixty (60) days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of tax-exempt bonds or other obligations, except for the following expenditures: (a) costs of issuance of bonds or other obligations; (b) costs in an amount not in excess of \$100,000 or five percent (5%) of the proceeds of an issue of bonds or other obligations; or (c) "preliminary expenditures" up to an amount not in excess of twenty percent (20%) of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, soil testing, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.
4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof.
5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

Adopted this 17th day of February 2026

MIKE O'DAY
President of the Council

Approved this 18th day of February 2026

DAVE BADEAUX
Mayor

ATTEST:

NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Resolution- Official Intent to Reimburse Expenditures - Main Lift Station Reconstruction

AGENDA: P&F Committee

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Connie Hillman, Finance Director,
Danny Loch, Finance Manager

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

The City will need to issue bonds or secure a PFA loan to pay for the Main Lift Station Construction. In order for the City to be able to reimburse itself with bond proceeds or other debt obligations, the City needs to declare an official intent to do so. A proposed resolution is attached.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Motion to adopt the attached resolution declaring the official intent of the City of Brainerd to reimburse certain expenditures from the proceeds of tax-exempt bonds or other obligations to be issued by the City for the Main Lift Reconstruction project.

FINANCIAL IMPACT

**RESOLUTION
XX:26**

**DECLARING THE OFFICIAL INTENT OF THE CITY OF BRAINERD,
MINNESOTA TO REIMBURSE CERTAIN EXPENDITURES FROM THE
PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS TO BE
ISSUED BY THE CITY**

WHEREAS, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the "Reimbursement Regulations") providing that proceeds of tax-exempt obligations used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

WHEREAS, the City of Brainerd, Minnesota (the "City") expects to incur certain expenditures that may be financed temporarily from sources other than tax-exempt bonds and other obligations, and reimbursed from the proceeds of tax-exempt obligations; and

WHEREAS, the City has determined to make this declaration of official intent (the "Declaration") to reimburse certain costs from proceeds of tax-exempt bonds or other obligations in accordance with the Reimbursement Regulations; and

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

1. The City proposes to undertake the Main Lift Station Reconstruction (the "Project").
2. The City reasonably expects to reimburse the expenditures made for certain costs of the Project from the proceeds of tax-exempt bonds or other obligations in an estimated maximum principal amount of \$7,500,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds or other obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.
3. This Declaration has been made not later than sixty (60) days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of tax-exempt bonds or other obligations, except for the following expenditures: (a) costs of issuance of bonds or other obligations; (b) costs in an amount not in excess of \$100,000 or five percent (5%) of the proceeds of an issue of bonds or other obligations; or (c) "preliminary expenditures" up to an amount not in excess of twenty percent (20%) of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the project for which the preliminary expenditures were incurred. The term "preliminary expenditures" includes architectural, engineering, surveying, soil testing, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.
4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof.
5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

Adopted this 17th day of February 2026

MIKE O'DAY
President of the Council

Approved this 18th day of February 2026

DAVE BADEAUX
Mayor

ATTEST:

NICHOLAS W. BROYLES
City Administrator



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Authorize Solicitation - Imp 26-01 - 2026 Chip Seal Project

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, City Engineer

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, City Engineer

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE

Staff is requesting authorization to advertise for bids for improvement 26-01: 2026 chip seal project. The project includes streets recently surfaced in 2023 and 2024, as follows:

North Brainerd (2023)

- Juniper Street
- N. 3rd Street
- N. 6th Street
- N. 7th Street

South Brainerd (2024)

- S. 7th Street
- Tamarac Street
- Sycamore Street
- Rosewood Street
- Vine Street
- Todd Street
- Paul Street
- Paul Circle
- S. 8th Street
- Madison Street

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

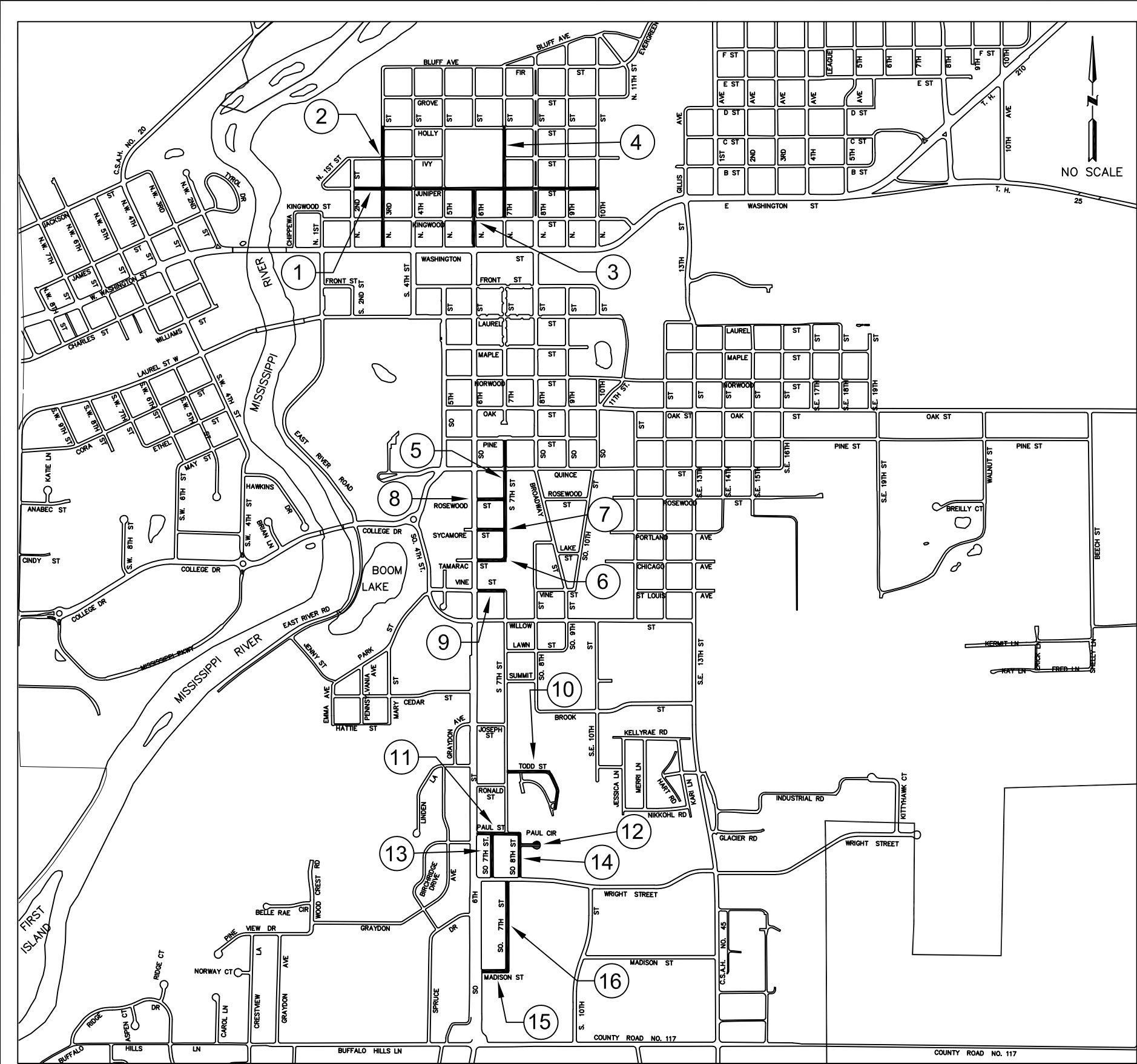
Including a 10% contingency, staff is estimating \$182,110 for the project. The capital plan has \$195,000 budgeted for this project.

RECOMMENDED ACTION/MOTION

Motion to authorize solicitation for bids for Improvement 26-01: 2026 chip seal project.

FINANCIAL IMPACT

N/A



CITY OF BRAINERD, MINNESOTA

DEPARTMENT OF ENGINEERING

CONSTRUCTION PLAN FOR: IMPROVEMENT PROJECT 26-01 2026 CHIP SEAL PROJECT

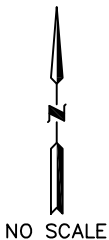
PROJECT LOCATION AREAS

- 1: N. Juniper Street - (2nd St to 10th St)
- 2: N. 3rd Street - (Washington St to Holly St)
- 3: N. 6th Street - (Washington St to Juniper St)
- 4: N. 7th Street - (Kingwood St to Holly St)
- 5: S. 7th Street - (Tamarac St to Pine St)
- 6: Tamarac Street - (S. 6th St to S. 7th St)
- 7: Sycamore Street- (S. 6th St to S. 7th St)
- 8: Rosewood Street - (S. 6th St to S. 7th St)
- 9: Vine Street - (S. 6th St to S. 7th St)
- 10: Todd Street - (S. 7th St east 1100.00 feet to end of Todd St)
- 11: Paul Street - (S. 6th St to S. 8th St)
- 12: Paul Circle - (S. 8th St east 350.00 feet to end of cul-de-sac)
- 13: S. 7th Street - (Wright St to Paul St)
- 14: S. 8th Street - (Wright St to Paul St))
- 15: Madison Street - (East Frontage Road. to S. 7th St)
- 16: S. 7th Street - (Madison St to Wright St)

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	ESTIMATED QUANTITIES
3	PROJECT STREET LOCATIONS

*ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND ORDINANCES
WILL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

NOTE: MATERIALS STORAGE IS AVAILABLE ON CITY PROPERTY.



REV.	DATE	DESCRIPTION	SHEETS REVISED



City of Brainerd
Engineering Department
501 Laurel Street
Brainerd, MN 56401

I hereby certify that this plan, specification, or report was
prepared by me or under my direct supervision and that I
am a duly licensed professional engineer under the laws of the
state of Minnesota.

JESSIE DEHN, P.E. Date 02/01/26
License No. 57747

NOT TO SCALE

NO.	SHEET INDEX
1	TITLE SHEET
2	ESTIMATED QUANTITIES
3	PROJECT LOCATIONS

SHEET
1 OF 3



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Authorize Solicitation - Imp 26-04 - CIPP Lining Project

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Jessie Dehn, City Engineer

DEPARTMENT: Public Works

PRESENTER: Jessie Dehn, City Engineer

ESTIMATED TIME (MIN): 2 Minutes

SUMMARY OF ISSUE

Staff is recommending council authorize solicitation of improvement 26-04: 2026 CIPP lining project. The project includes lining of sanitary sewer main in north Brainerd between N. 5th and N. 7th Streets and between Washington and Juniper Streets. The areas planned for lining include sanitary mains constructed in 1905 and are generally inaccessible for open trench replacement.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Including a 10% contingency, the estimate for the work planned is \$97,471. The budget amount for the project is \$100,000. Staff is further recommending a bid alternate for sanitary manhole lining in these areas. The manholes are equally aged as the mains and access is difficult. There would be efficiencies to complete this work while the lining contractor is accessing the manholes to do the lining on the mains. We are estimating this alternate would be \$6,000. However, staff would recommend that we receive proposals before deciding to include it with the project. Due to the lower estimated amount, staff is planning for a direct solicitation to CIPP lining contractors, rather than a sealed bid process. This will be a more cost-efficient option compared to the sealed bid process.

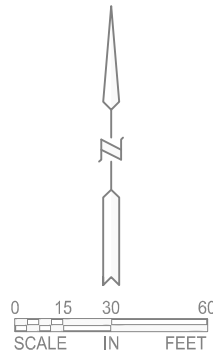
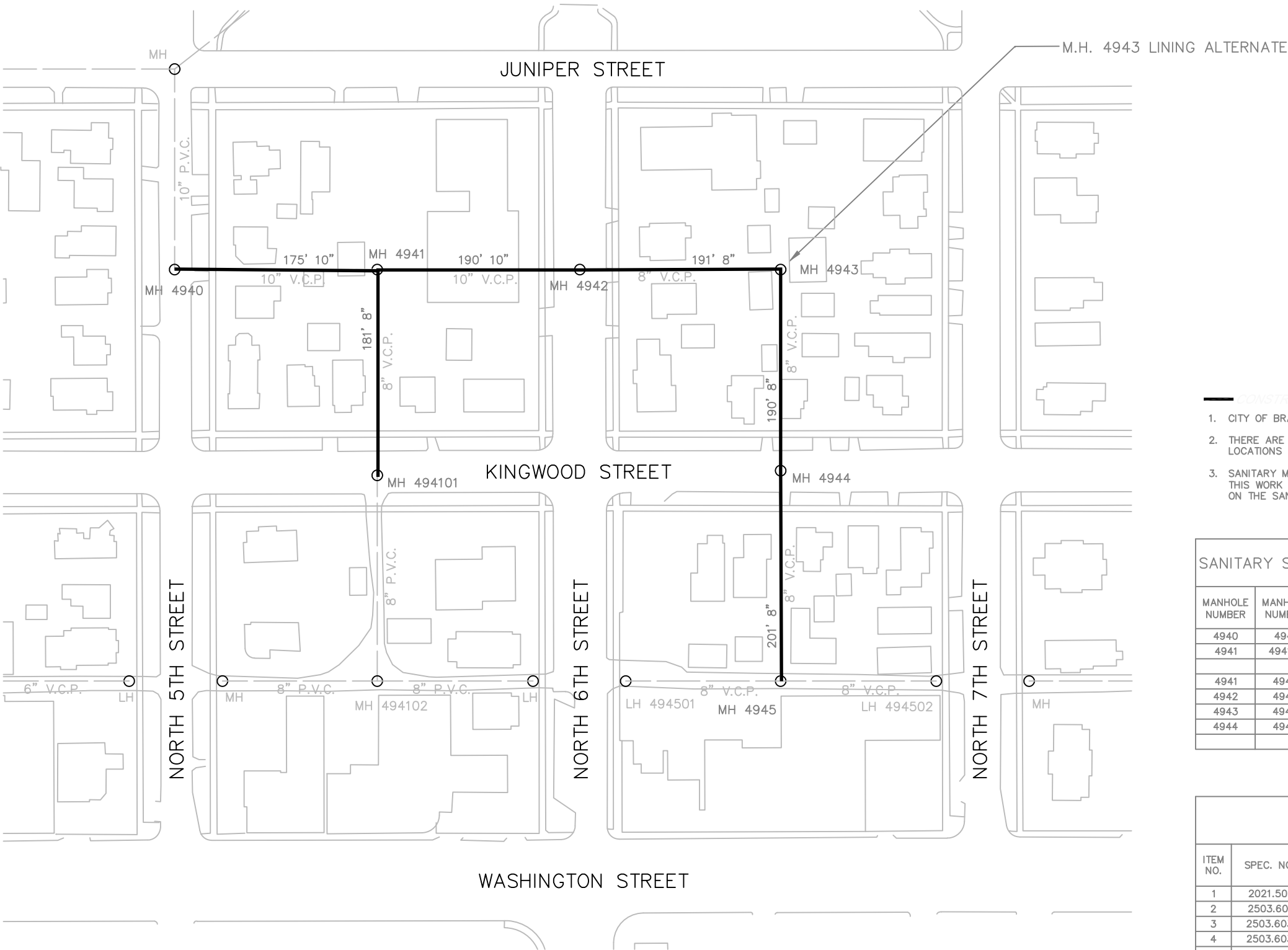
RECOMMENDED ACTION/MOTION

Motion to authorize solicitation of Improvement 26-04: 2026 CIPP lining project.

FINANCIAL IMPACT

N/A

NORTH BRAINERD SANITARY SEWER LINING



CONSTRUCTION NOTES

- 1. CITY OF BRAINERD STREET DEPT. WILL CLEAN SANITARY SEWER MAINS PRIOR TO LINING.
- 2. THERE ARE APPROXIMATELY 20 SANITARY SEWER SERVICES ON THIS PROJECT. LOCATIONS WILL NEED TO BE FIELD VERIFIED.
- 3. SANITARY MANHOLE/DRAINAGE STRUCTURE LINING IS TO BE BID AS A ALTERNATE. IF THIS WORK IS DONE THE CITY WILL INSTALL NEW ADJUSTING RINGS AND A NEW CASTING ON THE SANITARY MANHOLE.

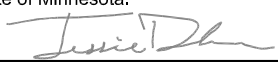
SANITARY SEWER CIPP LINING TABLE					SANITARY SEWER M.H. LINING TABLE ALTERNATE		
MANHOLE NUMBER	MANHOLE NUMBER	PIPE DIAMETER	PIPE MATERIAL	PIPE LENGTH	MANHOLE NUMBER	MANHOLE MATERIAL	MANHOLE HEIGHT
4940	4941	10"	V.C.P.	175'	4943	BRICK	12'
4941	494101	8"	V.C.P.	181'			
4941	4942	10"	V.C.P.	190'			
4942	4943	8"	V.C.P.	191'			
4943	4944	8"	V.C.P.	190'			
4944	4945	8"	V.C.P.	201'			

ESTIMATED QUANTITIES				
ITEM NO.	SPEC. NO.	DESCRIPTION	UNIT	TOTAL ESTIMATED QUANTITY
1	2021.501	MOBILIZATION	LUMP SUM	1
2	2503.601	TEMPORARY BYPASS PUMPING	LUMP SUM	1
3	2503.603	LINING SEWER PIPE 8" (CIPP)	LIN FT	763
4	2503.603	LINING SEWER PIPE 10" (CIPP)	LIN FT	365
5	2506.603	DRAINAGE STRUCTURE LINER (ALTERNATE)	LIN FT	12

REV. #	DATE	



CITY OF BRAINERD
ENGINEERING DEPARTMENT
501 LAUREL STREET
BRAINERD, MN 56401

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the state of Minnesota.

JESSIE DEHN, P.E. Date 02/01/26
License No. 57747

NORTH BRAINERD SANITARY SEWER LINING
CITY IMPROVEMENT NUMBER 26-04
PLAN VIEW
SHEET 01 OF 01



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Update on Ronald/Joseph/Alley Resurfacing and Lead Service Line Replacements

AGENDA: SPW Committee

ACTION REQUESTED: Information Only

SUBMITTED BY: Paul Sandy, Public Utilities Director **DEPARTMENT:** Public Works

PRESENTER: Paul Sandy, Public Utilities Director, Jessie Dehn, City Engineer **ESTIMATED TIME (MIN):** 10 Minutes

SUMMARY OF ISSUE

At the request of Councilman Czczok, staff has prepared an update on the reconstruction project for the alley between S 6th Street and S 7th Street, from Paul Street to Joseph Street, with a specific focus on lead service line replacements associated with the planned reconstruction.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Staff received an inquiry from a resident, through Councilman Czczok, regarding the inclusion of lead service line replacements as part of the alley improvement project scheduled for construction in 2026.

Lead and galvanized water service line replacements have been discussed in connection with this project since its inception, including at the time staff received a petition from property owners requesting alley resurfacing. The City's lead and galvanized water service line replacement program is funded through the Minnesota Department of Health (MDH) and administered by the Minnesota Public Facilities Authority (PFA).

Brainerd Public Utilities has completed a citywide inventory of galvanized water service lines. Following completion of the inventory, staff applied for placement on the Project Priority List (PPL) through MDH in order to secure funding for service line replacements at no cost to property owners or the City. In late 2025, the City was notified by MDH and the PFA that it had placed on the Intended Use Plan (IUP) in the amount of \$2,625,000.

At the time the City received notification of funding availability for lead and galvanized service line replacements, the alley project had already been awarded to J & J Excavating, with construction planned for 2026. Moore Engineering's original scope of services also included resurfacing of Hawkins Drive, which was completed in 2025. Construction of the alley improvements was deferred to 2026 due to Joseph Street serving as the designated detour route during construction of the roundabout at the intersection of South 6th Street and Willow Street.

When the design and construction engineering services contract was awarded to Moore Engineering, the galvanized water service line replacement component was intentionally excluded from the scope of

work. At that time, funding for service line replacements had not yet been secured, and therefore was not incorporated into the project.

This discussion about lead and galvanized water service line replacement was reaffirmed at the March 17, 2025, City Council meeting.

Although the agenda materials did not explicitly outline private service line replacement, the Feasibility Report referenced “service lines,” which is typical terminology and generally refers to the public portion of the water service line extending to the curb stop or right-of-way. During Council consideration of the item, Alderman Czczok inquired about notification to affected property owners and whether funding was available for replacement of private service lines. At that time, Public Utilities Director Chris Evans stated that property owners had been notified; however, the City did not have funding available to replace private service lines. He further indicated that property owners would have the opportunity to replace their service lines at their own expense, and that any future reimbursement would not be retroactive.

For reference, this discussion begins at approximately the 50:00 mark of the March 17, 2025 City Council meeting recording, available on the City’s YouTube channel.

Following the inquiry from Councilman Czczok, staff discussed the potential replacement of galvanized water service lines on the private (property owner) side of the curb stop at its coordination meeting on February 5, 2026. Given that funding is now available for service line replacements, staff contacted Bolton & Menk—currently under contract for two separate galvanized water service line replacement projects in Southeast and Northeast Brainerd—to determine whether a third project could be initiated in conjunction with the alley reconstruction project.

Based on those discussions, staff has been coordinating with Bolton & Menk on a proposal for professional services to implement a third galvanized water service line replacement project. This project would replace the 13 known galvanized water service lines located within the alley project area and would be coordinated with the planned alley reconstruction and watermain work.

The proposal for services will be presented to the Public Utilities Commission (PUC) at its February meeting for review and consideration. If approved, this would allow the City to proceed with all three planned galvanized water service line replacement projects. Staff is confident that the \$2,625,000 currently identified on the Intended Use Plan (IUP) will be sufficient to fund all three projects.

To maintain the construction schedule, the alley galvanized water service replacement project is proposed to be submitted to the Minnesota Department of Health (MDH) under its “No Plan Submittal” guidance. This approach is intended to expedite the approval process so that contracts are in place prior to J & J Excavating beginning the alley reconstruction.

The project will likely be divided into two quote packages: one for the north block and one for the south block service line replacements. Each package will include all MDH-required provisions applicable to the other two planned service line replacement projects to ensure compliance with funding requirements. Contractors would submit quotes for each individual property replacement, which would then be reviewed by the engineering team and approved prior to proceeding with each service line

replacement. This structure is intended to streamline coordination between contractors and maintain project efficiency.

From a logistical and coordination standpoint, it would be most beneficial for J & J Excavating to complete both the alley reconstruction and the associated service line replacements. Staff has initiated discussions with J & J Excavating to gauge their interest in performing this additional work, contingent upon Commission approval in February. Bolton and Menk is also in discussions with other contractors that performed a project similar to this in Crosby in 2025. If the proposal for services is approved by the Commission, quote packages will be completed and submitted to MDH for certification by March 31, 2026. The City could then solicit the packages after certification to ensure we have a contractor under contract prior to the start of construction on the alley project.

With the anticipated February review by the Public Utilities Commission of Bolton & Menk's proposal for professional services related to the galvanized water service line replacement project in conjunction with the alley reconstruction, staff is providing this update to the City Council to ensure awareness of the coordination efforts and discussions that have been occurring behind the scenes to facilitate implementation of this project.

Staff will be present at the Council meeting to address any questions or provide additional information as requested by the City Council.

RECOMMENDED ACTION/MOTION

No action required, informational only. The proposal for services will be on the February PUC agenda for consideration.

FINANCIAL IMPACT

Staff has reviewed the full scope of work for all three galvanized water service line replacement projects and has determined that the available funding is expected to be sufficient to complete all three projects, if approved.



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Direction on Active Code Enforcement

AGENDA: SPW Committee

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 Minutes

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 administrative 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 violations. Staff is bringing one (1) property before the Committee for review. Staff is looking for direction from the Council as to how to proceed with the case.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Attached is the case file for:
611 4th Ave NE

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

- 1) Continue 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 offense)
- 4) Cease corrective action

RECOMMENDED ACTION/MOTION

Staff recommend a monthly \$300 citation and to pursue legal action with the City Attorney.

FINANCIAL IMPACT

N/A

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: February 17th, 2026

RE: Recommendation for Active Code Enforcement Case

Staff recommend the following action for the active code enforcement case brought before the City Council:

- **611 4th Ave NE**
 - Received one (1) Possible Rental Letter 09/09/25 – No Response from Property Owner
 - PD was called to the property 12/28/25 RE: poor living conditions in basement. This is not a licensed rental.
 - First Citation 01/07/26 Staff applied a placard to the residence– Third Citation 01/30/2026 The placard has been removed.
 - PD was called to the property 01/28/26 RE: disturbance. People are still residing in the basement.
 - \$600 in open citations

Staff recommend a monthly \$300 citation and to pursue legal action with the City Attorney.

Running Summary of Actions Taken

- 1) **823 Willow St** – Unlicensed Rental - Issuing \$300 citation monthly for non-licensed rental. Forwarded all documentation to City Attorney to pursue legal action. City Council motion 2/3/2025 to \$100 per day citation.
- 2) **319 N 9th St** – Property Maintenance/ Roof – Issuing a \$300 citation each month until roof is corrected. Forwarded all documentation to City Attorney to pursue legal action.
- 3) **PID 41191502** – Exterior Structure – Issuing a \$300 citation each month until corrected.
- 4) **401 Holly St** – Fence – Issuing a \$300 citation each month until corrected.
- 5) **113 Washington St NE** – Residing in a commercial business – Issuing \$100 per day until corrected. Forwarded all documentation to City Attorney to pursue legal action.
- 6) **320 4th St N** - \$300 citation every 10 days until fence is corrected.



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

EN26-0015

Date of Violation: 01/07/2026

Parcel ID: 41191522

Violator(s): ERLANDSON, DAVID L & ANNETTE F
8776 DAL MAR RD
BRainerd, MN 56401

Location/Address of Violation: **611 4TH AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
Rental Code 425 Article 3001	Rental Code Violation	\$100.00

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

Citation Amount Due: \$100.00

Payment Due By: 30 Days from Date of Violation

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

Re-inspection Date: 01/17/2026

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: 01/07/2026

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

EN26-0015

Date of Violation: 01/20/2026

Parcel ID: 41191522

Violator(s): ERLANDSON, DAVID L & ANNETTE F
8776 DAL MAR RD
BRAINERD, MN 56401

Location/Address of Violation: **611 4TH AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
Rental Code 425 Article 3001	Rental Code Violation	\$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: 01/30/2026

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: 01/20/2026

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

EN26-0015

Date of Violation: 01/30/2026

Parcel ID: 41191522

Violator(s): ERLANDSON, DAVID L & ANNETTE F
8776 DAL MAR RD
BRainerd, MN 56401

Location/Address of Violation: **611 4TH AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
Rental Code 425 Article 3001	Rental Code Violation	\$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: 02/09/2026

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: 01/30/2026

Representative's Signature:

(served via first class mail)



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Resolution - Orderly Annexation Agreement (Added Attachments)

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: James Kramvik, Community Development Director, Jessie Dehn, City Engineer

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director, Jessie Dehn, City Engineer

ESTIMATED TIME (MIN): 30 min

SUMMARY OF ISSUE

City Council directed staff to work with Crow Wing County staff to draft an orderly annexation agreement (OAA) for Riverside Drive due to the City installation of municipal utilities along Riverside Drive in 2003. Staff have prepared an orderly annexation agreement that was reviewed by City and County staff along with attorneys representing both the City and County.

At the January 20th City Council meeting, Council directed staff to call for a public hearing at the February 17th City Council meeting concerning the orderly annexation agreement area. Staff mailed a notice of hearing to all property owners in the orderly annexation area based on the mailing addresses provided in the Crow Wing County GIS database. In addition, staff posted the notice of intent to designate an orderly annexation area in the Brainerd Dispatch on January 31st pursuant to MN Statute Section 414.0325.

The Crow Wing County Board will consider the joint resolution at their February 24th meeting.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

See Memo

RECOMMENDED ACTION/MOTION

1. Motion to hold a public hearing.
2. Motion to approve the attached joint resolution, the Orderly Annexation Agreement, as presented.

FINANCIAL IMPACT

N/A

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Community Development Director
Jessie Dehn, City Engineer

DATE: February 17th, 2026

RE: Orderly Annexation Agreement

INTRODUCTION

City Council directed staff to work with Crow Wing County staff to draft an orderly annexation agreement (OAA) for Riverside Drive due to the City installation of municipal utilities along Riverside Drive in 2003. Staff have prepared an orderly annexation agreement that was reviewed by City and County staff along with attorneys representing both the City and County. Attached is a joint resolution that would need to be approved by the City Council and County Board. The following is a summary of the orderly annexation agreement:

- 1) The orderly annexation agreement designates an area for orderly annexation, and the map is attached as Exhibit A.
- 2) To annex any area in the OAA, the City shall pass a resolution based on the criteria set forth in the joint resolution.
 - a. Property Owner Initiated Annexation. Each separately defined "Parcel" (which has its own separate PID as shown in Crow Wing County land records) within the OAA shall become eligible for annexation by property owner petition if the Parcel abuts the City's municipal boundary line.
 - b. City Initiated Annexation. At any time, the City may initiate annexation of a Parcel or Parcels within the OAA that have "Public Infrastructure" or for the purpose of extending "Public Infrastructure" (defined as streets, sanitary sewer, water, etc.). As required under paragraph 9 hereof, City initiated annexation shall make Public Infrastructure available within 150 feet of all annexed Parcels within two years of the date the annexation is approved by the Municipal Boundary Adjustment Unit of the MN Office of Administrative Hearings (MBAU). As required under paragraph 9 hereof, City initiated annexation shall make Public Infrastructure available within 150 feet of all annexed Parcels within two years of the date the annexation is approved by MBAU.
 - c. City Initiated Island Annexation. The County and City acknowledge there are existing pockets of the County which are surrounded by the City and Mississippi River or Gilbert Lake ("Islands"). Islands shall be annexed only by City initiation. The City may determine that it is both in the best interest of the Islands and the rest of the County

that the Island or Islands become part of the surrounding City in order to consolidate boundaries and enhance services. Annexation of Islands is subject to the following:

- i. The City may, but shall not be obligated to, make public infrastructure available within two years to all Parcels annexed by City Initiated Island Annexation.

If approved, staff would draft a resolution that would immediately annex properties that are surrounded by the City boundary line or properties adjacent to existing municipal utilities. The City could not initiate the annexation of Ashmun Road by resolution until the City is prepared for an improvement project that would provide municipal utilities to the properties.

If annexed, a property in the proposed Orderly Annexation Area would not need to immediately connect to municipal services unless the septic system is non-compliant. Connections to the public water and sanitary sewer facilities may be delayed for a period of three years if the existing sewer system is compliant with all current State, County and City regulations as evidenced by the property owner providing to the City proof of compliance from the County. Connection can be further delayed if the sewer system is re-certified every three years from the original date of certification.

A public hearing by the City or County is not required to approve the attached orderly annexation agreement. However, City Council has moved to conduct a public hearing at the February 17th meeting and send notice to the affected property owners. Notice of the proposed OAA was published in the Brainerd Dispatch on Saturday, January 31st, 2026.

ORDERLY ANNEXATION AREA

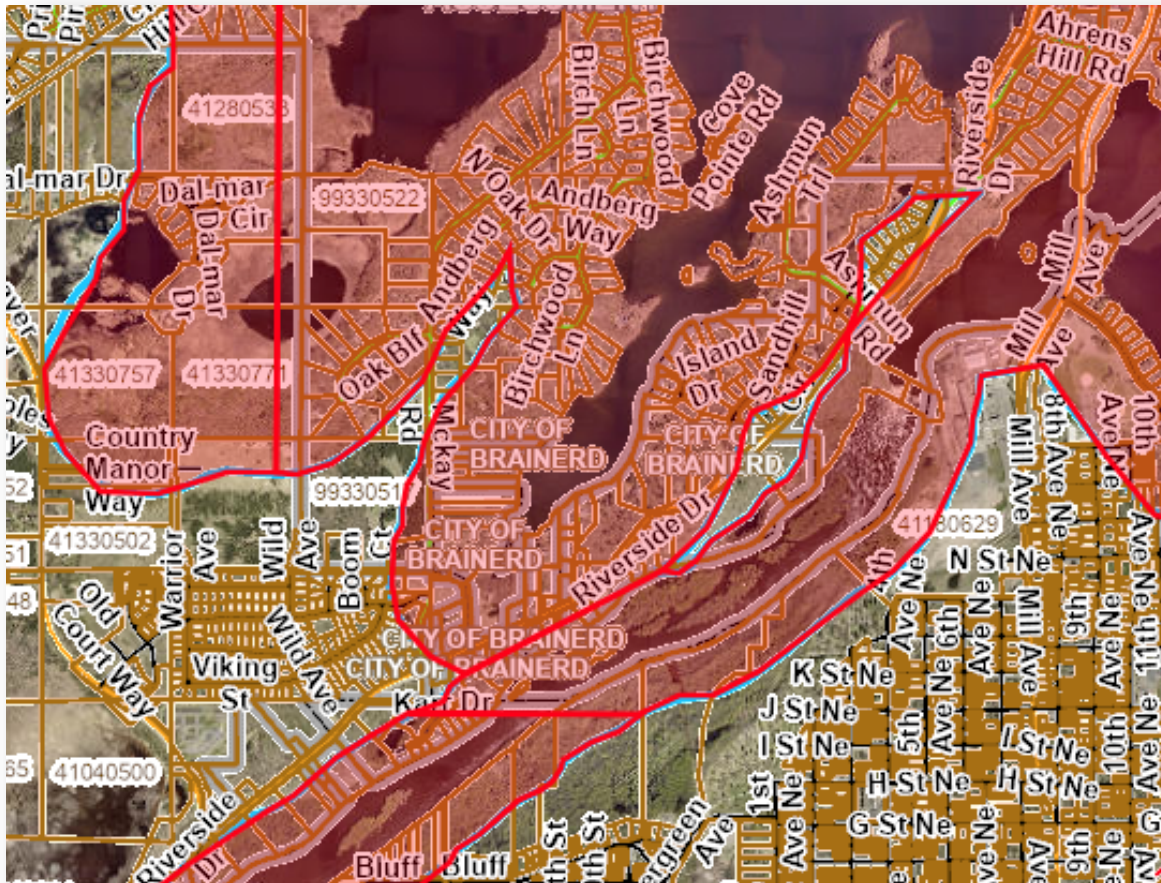
The Orderly Annexation Area was discussed at multiple meetings between City and County staff. The following rationale was used to create the area:

- 1) Municipal Utilities – The City initiated an infrastructure improvement project along Riverside Drive in 2003 providing sewer and water to adjacent properties. At the time, properties along Riverside Drive could annex into the City, pay a connection charge, and connect to municipal services. The City also passed a policy stating that properties with failing septic systems shall be annexed and connect to municipal utilities. This policy was reviewed by the City Attorney but is no longer enforceable.
- 2) Municipal Boundary Line Consistency – The municipal boundary line along Riverside Drive has many existing pockets of County surrounded by the City. The OAA states that the City may determine that it is both in the best interest of the Islands and the rest of the County that the Island or Islands become part of the surrounding City in order to consolidate boundaries and enhance services.
- 3) Environmental Considerations – City and County staff acknowledge that most of the Orderly Annexation Area is in the Mississippi Shoreland District or Gilbert Lake Shoreland District. Connection to existing or new municipal utilities would benefit the environment.
- 4) Ashmun Road – The City currently has municipal utilities on Ashmun Road to provide services to Old Stonebridge Trail. Ashmun Road would not be annexed into Brainerd until the City is prepared to provide municipal services within two years of the date of

annexation. The City currently has a joint agreement with the County to provide services on Ashmun Road such as snow plowing and patching.

- 5) Public Rights of Way – The City would take over ownership and maintenance of the public rights of way within the Orderly Annexation Area with the exception of Riverside Drive (currently County Road 20). County Road 20 would remain within County jurisdiction. Staff would be re-evaluating the existing Cross-Jurisdictional Road Maintenance Agreement to ensure the agreement is current based on the changes of jurisdiction.

SHORELAND OVERLAY DISTRICT MAP



UTILITY CONNECTION CONSIDERATIONS

As referenced above, with completion of the installation of water and sewer utilities on Riverside Drive, the Council established a connection charge for those that were, at the time, outside city limits and wished to annex and connect to the municipal utility services. Those connection charges have been locked in at the original assessment amount plus ten years of accrued interest, for a total of \$17,287.87. SAC and WAC fees are also charged for new established connections.

Council has allowed for total connection costs (connection charge plus SAC/WAC) to be assessed to a property over a 10-year period and including interest charges over the term. This has typically been handled on a case-by-case basis. Council may continue this practice as requests come to review

on a case-by-case basis, whether or not to allow for the costs to be assessed over a 10-year period. Other options the Council could consider would be to establish a policy for staff to administratively approve residents under this OAA to have the costs assessed over a 10-year term and develop the necessary agreements to come before the Council for final approval.

Section 700 (Sewer Code) covers Compelling Connection for the sanitary sewer and covers requirements for those with available sewer to connect. As previously referenced, residents with a compliant septic system are allowed to remain on the septic system until inspections determine that the system is no longer in compliance. At that time, a connection to the accessible sanitary sewer is required within 12 months.

In general practice, residents connect to both water and sewer at the same time. One main reason is that sewer billing is based on water meter usage. However, Section 705 (Water Code) is out-of-date and lacks necessary revisions. Staff have been working on these revisions for a couple years. The revisions would include provisions for requiring connection for accessible water at the time of connection to municipal sewer. Without these revisions yet adopted, the City cannot require those with a well to connect to municipal water. According to the requirements in Section 700, those residents would require a meter to be installed on the on-site water supply (well) to appropriately bill for sanitary usage. However, the original Riverside Drive connection charge did not separate water and sewer connection amounts. So, if properties were to annex into the City and connect only to the sewer system, Council would need to determine an appropriate sewer-only connection charge.

It would be in the City's interest for those on municipal sewer to connect to water as well as there is a risk of issues from potential water contaminants present in untreated wells entering the wastewater treatment facility versus treated municipal water. Further, it would be recommended that the resident connect to both at the same time to take advantage of the excavating contractor/plumber having to essentially do similar work twice. Again, at this time, there is no requirement that the incoming annexed properties would have to connect to water services specifically but would be strongly recommended.

**A JOINT RESOLUTION
PROVIDING FOR THE ORDERLY ANNEXATION
OF CERTAIN AREAS WITHIN CROW WING COUNTY
TO THE CITY OF BRAINERD
PURSUANT TO MINNESOTA STATUTES § 414.0325**

Crow Wing County Resolution No. _____

City of Brainerd Resolution No. _____

WHEREAS, Crow Wing County, Minnesota (hereinafter the "County") and the City of Brainerd located in Crow Wing County, Minnesota (hereinafter the "City") designate for orderly annexation the land designated in Exhibit A and legally described in Exhibit B located within Unorganized First Assessment District of the County; and

WHEREAS, The Crow Wing County Board has jurisdiction over the Unorganized First Assessment District.

WHEREAS, the County and City agree as to the orderly annexation of the unincorporated land described; that both believe it will be to their benefit and to the benefit of their respective residents; and

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure whereby the County and City may agree on a process of orderly annexation of a designated area; and

WHEREAS, on January 31st, 2026, a Notice of Intent to designate an area of property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes § 414.0325, subd. 1b; and

WHEREAS, the City and the County have agreed to work cooperatively to accomplish the orderly annexation of the areas designated herein as legally described in Exhibit B; and

WHEREAS, the City and the County desire to set out the terms and conditions that will govern the Orderly Annexation Agreement.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Brainerd and the Board of Crow Wing County as follows:

1. **Recitals.** The Recitals set forth above are incorporated herein and made part of this Joint Resolution.
2. **Designated Land.** This Joint Resolution is intended to establish an Orderly Annexation Agreement between the County and the City (hereinafter "Agreement"). The Orderly Annexation Area consists of the land designated in Exhibit A and legally described in Exhibit B (hereinafter "OAA"), which Exhibits are incorporated herein and made part of this Joint

Resolution. This Joint Resolution provides for the terms and conditions applicable to the orderly annexation of said land in the OAA.

3. Municipal Boundary Adjustment Unit of the Minnesota Office of Administrative Hearings.

Upon approval by the County and the City, this Joint Resolution shall confer jurisdiction upon the Municipal Boundary Adjustment Unit, or its designated successor (hereinafter "MBAU") so as to accomplish said orderly annexations in accordance with the terms of this Joint Resolution.

3.1. Review and Comment by the MBAU. The County and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation and that no consideration by the MBAU is necessary for individual annexations which occur in accordance with this Agreement. MBAU may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of this Joint Resolution.

3.2. No Alteration of Boundaries. The County and City mutually agree and state that no alterations by the MBAU of the stated boundaries of the area designated for orderly annexation are appropriate.

4. Annexation Eligibility. All property within the OAA is eligible for annexation at any time by the City or a property owner so long as the annexation will not create an island of County property surrounded by City property.

4.1. Property Owner Initiated Annexation. Each separately defined "Parcel" (which has its own separate PID as shown in Crow Wing County land records) within the OAA shall become eligible for annexation by property owner petition if the Parcel abuts the City's municipal boundary line.

4.2. City Initiated Annexation. At any time, the City may initiate annexation of a Parcel or Parcels within the OAA that have "Public Infrastructure" or for the purpose of extending "Public Infrastructure" (defined to mean streets, sanitary sewer, water, etc.).

- As required under paragraph 9 hereof, City initiated annexation shall make Public Infrastructure available within 150 feet of all annexed Parcels within two years of the date the annexation is approved by MBAU.

4.3. City Initiated Island Annexation. The County and City acknowledge there are existing pockets of the County which are surrounded by the City and the Mississippi River or Gilbert Lake ("Islands"). Islands shall be annexed only by City initiation. The City may determine that it is both in the best interest of the Islands and the rest of the County that the Island or Islands become part of the surrounding City in order to consolidate boundaries and enhance services. Annexation of Islands is subject to the following:

- The City may, but shall not be obligated to, make public infrastructure available within two years to all Parcels annexed by City Initiated Island Annexation.

4.4. Resolution of City to Annex Areas. To annex any area in the OAA as set forth above, the City shall pass a resolution. The resolution adopted by the City Council pertaining to the annexation in the OAA shall state:

- No action by the County or consideration by the chief administrative law judge or its successor is required to effectuate the annexation; and

- The chief administrative law judge or its successor may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution.
5. **Annexation Outside of the OAA.** The County and City acknowledge property owners have a right to request annexation of property abutting the City outside of the OAA. Nothing in this Agreement shall prohibit a property owner or the County from requesting the City annex Parcels located outside the OAA. The City shall have sole discretion as to whether to proceed with a request to annex property outside the OAA.
 6. **County / City Property Taxes.**
 - 6.1. *Current Year Property Taxes.* Property taxes payable on the annexed land shall continue to be paid to the County for the year in which the annexation becomes effective.
 - 6.2. *Future Year Property Taxes.* If the annexation becomes effective on or before August 1st of a levy year, the City will levy on the Area beginning with that same levy year. If the annexation becomes effective after August 1st of a levy year, the County will continue to levy on the Area for that levy year, and the City shall not levy on the Area until the following levy year.
 7. **Connection to Sanitary Sewer and Water.** Connections shall be made to the public water and sanitary sewer facilities within one year of such facilities becoming available, unless the City Public Works Director or City Engineer determines that an extension of time is appropriate due to site conditions. Connections to the public water and sanitary sewer facilities may be delayed for a period of three years if the existing sewer system is compliant with all current State, County and City regulations as evidenced by the property owner providing to the City proof of compliance from the County. Connection can be further delayed if the sewer system is re-certified every three years from the original date of certification. If the sewer system is not compliant or if the property owner fails to recertify the system prior to the expiration of the three-year period, connection to the public facilities shall be made immediately.
 8. **Special Assessments for Municipal Utilities.** Once an area has been annexed, reconstruction of the street and extension of sanitary sewer, storm sewer, and watermain will be completed at the City's discretion. City initiated annexation shall make Public Infrastructure available to all annexed Parcels within two years of the date the annexation is approved by MBAU. The costs to construct the facilities will be specially assessed against benefiting properties pursuant to Minnesota Statute chapter 429, City Code and Policy.
 9. **Utilities in County Roads.** At such time as the City may desire to locate Public Infrastructure or municipal utilities in or under County roads, rights-of-way, or easements in the OAA, the City shall first annex such roads, rights-of-way, or easements. The County and City acknowledge if property on only one side of a street is being annexed, it may not be possible for the City to annex the entire right-of-way if the property lines are to the center of a street. In this case, the City will take over such road(s) as a City street pursuant to Minn. Stat. § 164.14, and the parties agree that a City takeover of such road(s) is an equitable

division of costs. In such event, the County will allow the City to locate municipal utilities in County owned property, easements, and roadways within the OAA, subject to reasonable regulation by the County.

10. Street Maintenance and Reconstruction within the Orderly Annexation Area. The County and City have an existing street and road maintenance agreement known as the "Cross-Jurisdictional Road Maintenance Agreement between Crow Wing County and City of Brainerd". The County and City intend to revise or negotiate a new road maintenance agreement to address maintenance and replacement responsibilities for all streets and roads where the County and City exchange maintenance responsibilities. Until such time as a revised or new road maintenance agreement is reached, this paragraph shall regulate the maintenance, replacement, and cost sharing responsibilities for the County and City for streets, roadways, and facilities within the OAA, including Ashmun Road, McKay Road, Karr Drive, River Arches, and Russell Road.

10.1. Road Maintenance Prior to Annexation. The County shall continue its normal maintenance of existing County roads, bridges, drainage facilities, and street signage for any roads and facilities located within the OAA until the property adjacent to or surrounding such roads and facilities is annexed by the City and approved by MBAU. Maintenance of infrastructure within the OAA by the County shall be consistent with other standard maintenance practices employed by the County elsewhere.

- No Assumption of Public Improvements Payment Obligations. The County may assess, levy, finance, or otherwise incur debt attributable to road maintenance and reconstruction prior to annexation; however, the County shall be solely responsible for bearing the costs associated with repaying any debt or financing unless a previous agreement is reached between the County and City and except as follows: If improvements to infrastructure regarding public roads, including but not limited to paving, ditching, drainage, mill and overlay, and culverts ("Public Improvements") are required on Ashmun Road, McKay Road, Russell Road, and/or the paved portions of Karr Drive and River Arches, for which the County wishes to be reimbursed, and the City consents in writing to such Public Improvement, the cost of said Public Improvement shall be amortized in equal annual payments over a 10 year life beginning on the date of project acceptance by the County or six months from the start date of the Public Improvement project, whichever is less. For Public Improvements agreed to in writing by the City, the City shall be responsible for assuming the balance of the amortized cost as of the date the annexation is approved by MBAU. If only a portion of the street is annexed, the City shall be responsible for a proportional share of the amortized cost based on the frontage of the street annexed. Other than Public Improvements agreed to in writing by the City, the City does not assume any liability or responsibility for the payment of any obligations issued to finance public improvements constructed by the County or for which special assessments were levied by the County. In the event the City annexes land under this Agreement upon which outstanding special assessments levied by the County remain at the time of annexation,

the City shall forward to the County upon receipt all special assessment payments the City receives as a result of special assessments levied by the County. Nothing in this paragraph shall prohibit the County and City from entering into an alternative cost sharing agreement for specific Public Improvement projects.

- Public Improvement Cost Reimbursement. The County shall not undertake any street, roadway, facility, or other public improvements within the OAA for which it wishes to receive reimbursement without obtaining a written agreement with the City. Proposed projects for which the County wishes to receive reimbursement following annexation will be reviewed by the County and City on a case-by-case basis. The County and City anticipate establishing an average life for the proposed improvements (e.g. 20 years) and applying a depreciating scale for the improvement over the anticipated life. The individual written agreements will identify the total cost of the improvement, anticipated life of the improvement, and the City responsibility for reimbursement to the County based on the actual date of annexation and approval by MBAU.

10.2. Road Maintenance Following Annexation. The City shall assume maintenance responsibilities of all roads, except County Road 20 (Riverside Drive), bridges, drainage facilities and street signage for any roads and facilities located within the OAA once the property adjacent to or surrounding such roads and facilities is annexed by the City and approved by MBAU (the Annexed Roads), or according to the Cross-Jurisdictional Road Maintenance Agreement as previously referenced. The entire Annexed Roads (i.e. both sides of the road) shall be maintained by the City where the City has annexed property abutting one side of the road. Maintenance includes snow plowing with sanding/salting, crack sealing, asphalt patching, shouldering, tree and brush cleanup, control and removal, beaver control, roadside mowing and weed control including spraying of noxious weeds within the road right-of-way, upon customer request, right-of-way enforcement pertaining to objects placed within the clear zone or road right-of-way not including any legal action taken against or proposed on behalf of the road authority, replacement of existing signage, road sweeping, pavement markings, existing culvert repairs, replacement and cleaning, emergency situations that pose a danger to public safety, minor washouts requiring less than 20 cubic yards of material to repair, and any other type of normal road maintenance. The length of road subject to this paragraph shall be limited to the length of road directly abutting the property annexed under this Agreement.

10.3. Road Maintenance Agreements. Nothing in this Agreement shall prohibit the County and City from entering into agreements related to street maintenance and reconstruction responsibilities.

10.4. Use of County Roads. For all properties annexed under this Agreement, the City shall require its developer's agreements to address:

- Construction Traffic. During development (including construction) all construction traffic shall use State Trunk Highways, Crow Wing County Highways or City streets.

County roads be used only when no State Trunk Highway, Crow Wing County Highway or City streets are available.

- Road Improvements. All roadways abutting or serving new developments be improved by the developer and/or property owner from the access of the development to the nearest County, City, or State road, subject to State law.
- Clean Up and Damage. A requirement that the developer keep the streets clean and assume full financial responsibility for any damage which may occur to public streets, utility systems, and other public property damage occurring as a result of construction activities.

10.5. Undue Burden on County Roads. The County and City recognize that there may be instances where it is appropriate for the City to assume responsibility to maintain additional portions of County roads because City development imposes an undue burden on County roads that serve the annexed property. The County and City agree that in those instances the existing Cross-Jurisdictional Road Maintenance Agreement between Crow Wing County and City of Brainerd, or subsequent agreement, will be amended or a separate standalone agreement will be negotiated to address those situations.

11. Disputes and Remedies. The County and City agree as follows:

- 11.1. Negotiation. When a disagreement over interpretation of any provision of this Joint Resolution shall arise, the respective County and City will direct staff members as they deem appropriate to meet at least once at a mutually convenient time and place to attempt to resolve the dispute through negotiation.
- 11.2. Adjudication. When the parties to this Joint Resolution are unable to resolve disputes, claims or counterclaims, or are unable to negotiate an interpretation of any provision of this Joint Resolution, either party may seek relief through initiation of an action in a court of competent jurisdiction. In addition to the remedies provided for in this Joint Resolution and any other available remedies at law or equity, in the case of a violation, default or breach of any provision of this Joint Resolution, the non-violating, non-defaulting, or non-breaching party may bring an action for specific performance to compel the performance of this Joint Resolution in accordance with its terms.

12. Legal Description. The County and City agree that in the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit B, in the judgment of the Minnesota Office of Administrative Hearings, that the City and County shall make such corrections and file any additional documentation, including a new Exhibit B replacing and making the corrections requested or required by the Minnesota Office of Administrative Hearings as necessary to make effective the annexation the Subject Area in accordance with the terms of this Joint Resolution.

13. Termination. This Joint Resolution terminates when all of the Orderly Annexation Area has been annexed into the City or 50 years has passed since the execution of this Agreement, whichever is longer.

- 14. Severability.** The provisions of this Joint Resolution are severable. If any provision herein is, for any reason, held by a court of competent jurisdiction to be invalid, contrary to law, or unenforceable, such decision shall not affect the remaining provisions of this Joint Resolution.
- 15. Amendments.** Any amendment to this Joint Resolution shall be adopted pursuant to the process and laws governing and applied to the adoption of this Joint Resolution. This Joint Resolution may not be unilaterally amended by action of the governing body of either the County or the City. Amendment of this Joint Resolution will require approval of each governing body.
- 16. Costs Associated with the Orderly Annexation Agreement.** Each party shall pay its own costs incurred in the negotiation, development, and implementation of this Agreement.
- 17. Headings.** Headings are included solely for the purpose of reference. The language in a heading shall not be interpreted as a substantive provision of this Joint Resolution.
- 18. Effective Date.** This Joint Resolution and Agreement shall be effective upon adoption by the governing bodies of the County and City and approval by the MBAU. This Joint Resolution shall be filed by the City with the MBAU after adoption by the parties.

Adopted by affirmative vote of the members of the _____ Crow Wing County Board of Commissioners this _____ day of _____ 2026.

ATTEST:

By: _____
ROSEMARY FRANZEN
Chair of the Board

By: _____
DEBORAH A. ERICKSON
County Administrator

Adopted by affirmative vote of the City Council of Brainerd, this _____ day of _____ 2026.

MIKE O'DAY
President of the Council

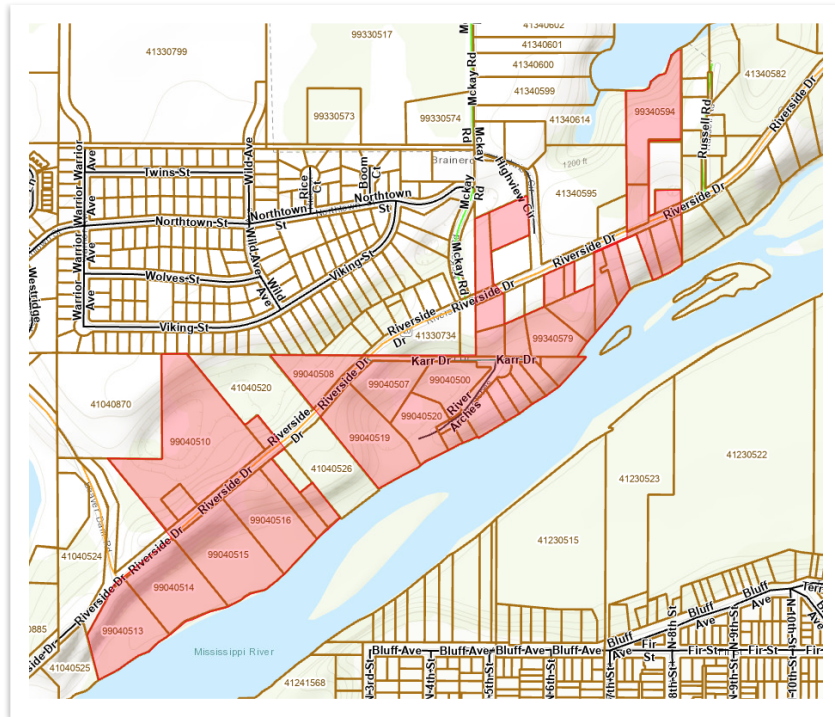
Approved this ____ day of _____ 2026

DAVE BADEAUX
Mayor

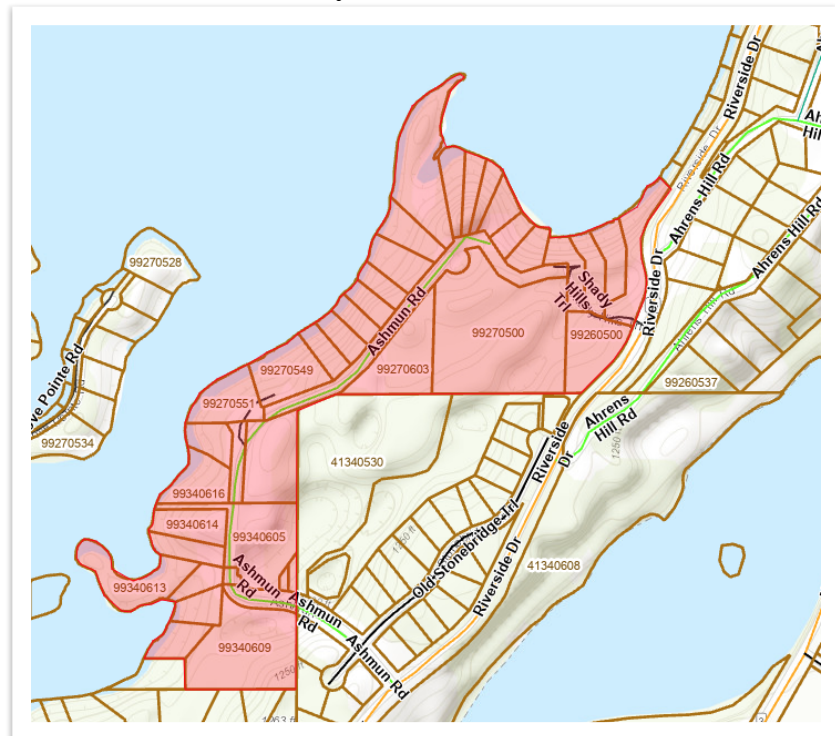
ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

EXHIBIT A - MAP OF PROPERTY

Orderly Annexation Area 1



Orderly Annexation Area 2



Orderly Annexation Area

11

Parcels

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY

99040513

That part of Lot 20, and the vacated old C.S.A.H. No. 20, RIVER HEIGHTS, according to the record plat thereof described as follows: Commencing at the point on the west line of said RIVER HEIGHTS which is the northeast corner of Government Lot 5 Section 4, Township 133 North, Range 28 West, Crow Wing County, Minnesota; thence South 00 degrees 20 minutes 00 seconds East, assumed bearing, along the East line of said Government Lot 5, and along said west line of RIVER HEIGHTS, 741.98 feet; thence North 55 degrees 55 minutes 41 seconds East 287.60 feet to the point of beginning of the tract to be described; thence North 14 degrees 48 minutes 50 seconds West 326.97 feet to the southerly right-of-way line of C.S.A.H. No. 20 as constructed in 1978 and now maintained; thence North 47 degrees 01 minutes 00 seconds East along said southerly right-of-way line to the northeasterly line of said Lot 20; thence South 39 degrees 13 minutes 00 seconds East 409 feet, more or less, along said northeasterly line of Lot 20, to the shore of the Mississippi River; thence southwesterly along said shore to its intersection with the line that bears South 14 degrees 48 minutes 50 seconds East from the point of beginning; thence North 14 degrees 48 minutes 50 seconds West 8 feet, more or less, to the point of beginning. Subject to easements, reservations, and restrictions of record if any together with all hereditaments and appurtenances.

99040515 and 99040514

River Heights, Lots 18, 19, and 20 and all that part of Lot 21 lying S'ly of new C.S.A Highway #20 and all the adjacent vacated portion of old C.S.A Highway #20.

99040516

Lot Seventeen (17), River Heights, except that part thereof described as follows: Commencing at the northeasterly corner of said Lot Seventeen (17), the point of beginning of the tract herein excepted; thence southwesterly along the northwesterly line of said Lot Seventeen (17) a distance of 100 feet; thence southeasterly along a line running parallel with the northeasterly line of said Lot Seventeen (17) to the southeasterly line of said Lot Seventeen (17); thence northeasterly along the southeasterly line of said Lot Seventeen (17) to the southeasterly corner of said lot; thence northwesterly along the northeasterly line of said Lot Seventeen (17) to the point of beginning and there terminating, all subject to easements, reservations and restrictions of record, if any.

99040518 and 99040517

Lot Sixteen (16), River Heights,
AND

That part of Lot Seventeen (17), River Heights, described as follows: Commencing at the Northeasterly corner of said Lot Seventeen (17), the point of beginning of the tract herein conveyed; thence Southwesterly along the Northwesterly line of said Lot Seventeen (17) a distance of 100 feet; thence Southeasterly along a line running parallel with the Northeasterly line of said Lot Seventeen (17) to the Southeasterly line of said Lot Seventeen (17); thence Northeasterly along the Southeasterly line of said Lot Seventeen (17) to the Southeasterly

corner of said lot; thence Northwesterly along the Northeasterly line of said Lot Seventeen (17) to the point of beginning and there terminating.

99040519

Lots 12, 13, and 14, River Heights, together with all that part of Outlot B, said River Heights, which lies Southwesterly of the following described line: beginning at a point on the northwesterly line of said Outlot B, distant 174.2 feet northeasterly from the most westerly corner of said Outlot B, as measured along the northwesterly line thereof; thence southeasterly to the southeasterly line of said Outlot B, along a line, which if extended, would intersect the most northerly corner of Lot 12 of said River Heights, Crow Wing County, Minnesota.

AND

That portion of vacated Karr Drive in the plat of River Heights which lies westerly of the northerly extension of the east line of Lot 12 of said plat and extending to the south line of the county highway.

99040507

That part of Outlot B, River Heights, described as follows: Commencing at the most Westerly corner of said Outlot B; thence North 40 degrees 47 minutes 00 seconds East, assumed bearing, 174.20 feet along the Northwesterly line of said Outlot B to the point of beginning of the tract to be described; thence South 43 degrees 50 minutes 19 seconds East 360.00 feet along a line which, if extended, would intersect the most Northerly corner of Lot Twelve (12) of said River Heights; thence North 33 degrees 17 minutes 44 seconds East 473.36 feet to the Southerly line of Karr Drive in said plat of River Heights; thence North 89 degrees 20 minutes 30 seconds West 360.00 feet along said Southerly line of Karr Drive to said Northwesterly line of Outlot B; thence South 46 degrees 48 minutes 00 seconds West 204.71 feet, more or less, along said Northwesterly line of Outlot B to the point of beginning, Crow Wing County, Minnesota.

99040520

Lots Ten (10) and Eleven (11), River Heights

AND

That part of Outlot B, River Heights, described as follows: Commencing at the most Westerly corner of said Outlot B; thence North 40 degrees 47 minutes 00 seconds East, assumed bearings 174.20 feet along the Northwesterly line of said Outlot B; thence South 43 degrees 50 minutes 19 seconds East 360.00 feet along a line which, if extended, would intersect the most Northerly corner of Lot 12 of said River Heights, to the point of beginning of the tract to be described; thence continuing South 43 degrees 50 minutes 19 seconds East 163.59 feet; thence North 61 degrees 20 minutes 00 seconds East 300.00 feet; thence North 31 degrees 08 minutes 00 seconds West 120.00 feet; thence North 69 degrees 26 minutes 48 seconds West 197.12 feet; thence South 33 degrees 17 minutes 44 seconds West 236.68 feet to the point of beginning together with that portion of vacated Karr Drive which lies Westerly of the Northerly extension of the East line of Lot 10 of said Plat, and extending to South line of the County Highway.

99040500

Outlot A, REPLAT OF PART OF RIVER HEIGHTS, Crow Wing County, Minnesota.

AND

Outlot B, RIVER HEIGHTS, Crow Wing County, Minnesota,

Except that portion shown in *Document No. 357954* described as: That part of Outlot B, RIVER HEIGHTS, described as follows: Commencing at the most Westerly corner of said Outlot B; thence North 40 degrees 47 minutes 00 seconds East, assumed bearing, 174.20 feet along the Northwesternly line of said Outlot B; thence South 43 degrees 50 minutes 19 seconds East 360.00 feet along a line, which, if extended, would intersect the most Northerly corner of Lot Twelve (12) of said RIVER HEIGHTS, to the point of beginning of the tract to be described; thence continuing South 43 degrees 50 minutes 19 seconds East 163.59 feet; thence North 61 degrees 20 minutes 00 seconds East 300.00 feet; thence North 31 degrees 08 minutes 00 seconds West 120.00 feet; thence North 69 degrees 26 minutes 48 seconds West 197.12 feet; thence South 33 degrees 17 minutes 44 seconds West 236.68 feet to the point of beginning.

Also Except that portion shown in *Book 171 of Mortgages, Page 318* described as: That part of Outlot B, RIVER HEIGHTS, which lies Southwesterly of the following described line: Beginning at a point on the Northwesternly line of said Outlot B distant 174.2 feet Northeasterly from the most Westerly corner of said Outlot B, as measured along the Northwesternly line thereof; thence Southwesterly to the Southeasterly line of said Outlot B, along a line which, if extended, would intersect the most Northerly corner of Lot 12 of said RIVER HEIGHTS.

Also Except that portion shown in *Book 356 of Deeds, Page 209* described as: That part of Outlot B, RIVER HEIGHTS, described as follows: Commencing at the most Westerly corner of said Outlot B; thence North 40 degrees 47 minutes 00 seconds East, assumed bearing 174.20 feet along the Northwesternly line of said Outlot B to the point of beginning of the tract to be described; thence South 43 degrees 50 minutes 19 seconds East 360.00 feet along a line which, if extended, would intersect the most Northerly corner of Lot 12 of said River Heights; thence North 33 degrees 17 minutes 44 seconds East 473.36 feet to the Southerly line of Karr Drive in said Plat of RIVER HEIGHTS; thence North 89 degrees 20 minutes 30 seconds West 360.00 feet along said Southerly line of Karr Drive to said Northwesternly line of Outlot B; thence South 46 degrees 48 minutes 00 seconds West 204.71 feet, more or less, along said Northwesternly line of Outlot B to the point of beginning.

Also Except that portion contained in the REPLAT OF RIVER HEIGHTS.

EXHIBIT A

Lot One (1), Block One (1) and Outlot B, Replat of Part of River Heights; and Lots 7, 8 and 9, River Heights, Crow Wing County, Minnesota

99040521 and 99040522 and 99030534

Lot One (1), Block One (1) and Outlot B, Replat of Part of River Heights; and Lots 7, 8, and 9, River Heights, Crow Wing County, Minnesota.

99340586 and 99340580

That part of Outlot B, Scenic Acres, lying Westerly of the following described line: Commencing at the Southeast corner of Lot 2, Block 1, Scenic Acres; thence South 66 degrees 27 minutes 40 seconds West 136.88 feet along the Southerly line of said Lot 2 to the point of beginning of the line to be described; thence South 9 degrees 3 minutes 15 seconds East 267.52 feet to a point on the South line of Outlot B and said line there ending.

AND

That part of Outlot B, Scenic Acres, lying Northeasterly of the following described line: Beginning at the Southeast corner of Lot 2, Block 1, Scenic Acres; thence South 50 degrees 23 minutes 12 seconds East 340 feet more or less to the shoreline of the Mississippi River and said line there ending.

AND

The West 183.47 feet of that part of Government Lot 5 Section 34, Township 134, Range 28, lying South of CSAH #20, except the following described tract: That part of Government Lot 5, Section 34, Township 134, Range 28, described as follow, to-wit: Commencing at the Southwest corner of said Government Lot 5, thence North along the West line of said Government Lot 5 a distance of 154.49 feet to the point of beginning; thence continuing North along said West line a distance of 169.52 feet to its intersection with the Southerly right-of-way line of CSAH No. 20, thence North 66 degrees 27 minutes 40 seconds East a distance of 200.12 feet along said right of way line to the Northwest corner of Lot 1, Block 1, Scenic Acres, thence South along the West line of said Lot a distance of 200 feet to the Southwest corner thereof, thence Southwesterly in a straight line to the point of beginning.

99340587

That part of Government Lot 5, Section 34, Township 134, Range 28, described as follows: Commencing at the Southwest corner of said Government Lot 5; thence North along the West line of said Government Lot 5 a distance of 154.49 feet to the point of beginning; thence continuing North along said West line a distance of 169.52 feet to its intersection with the Southerly right of way line of C.S.A.H #20; thence North 66 degrees 27 minutes 40 seconds East a distance of 200.12 feet along said right of way line to the Northwest corner of Lot 1, Block 1, Scenic Acres; thence South along the West line of said Lot a distance of 200 feet to the Southwest corner thereof; thence Southwesterly in a straight line to the point of beginning.

99340578

Lot Three (3), Block One (1), Scenic Acres.

99340579

THAT PART OF OUTLOT B OF THE RECORDED PLAT OF SCENIC ACRES, CROW WING COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 2, BLOCK 1 OF SAID PLAT OF SCENIC ACRES; THENCE SOUTH 66 DEGREES 27 MINUTES 40 SECONDS WEST 136.88 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 2; THENCE SOUTH 09 DEGREES 03 MINUTES 15 SECONDS EAST 267.52 FEET TO A POINT ON THE SOUTH LINE OF SAID OUTLOT B; THENCE SOUTH 89 DEGREES 37 MINUTES 24 SECONDS EAST APPROXIMATELY 285 FEET TO THE MISSISSIPPI RIVER; THENCE NORTHEASTERLY ALONG THE MISSISSIPPI RIVER

APPROXIMATELY 130 FEET TO A POINT WHICH BEARS SOUTH 50 DEGREES 23 MINUTES 12 SECONDS EAST FROM THE POINT OF BEGINNING, THENCE NORTH 50 DEGREES 23 MINUTES 12 SECONDS WEST APPROXIMATELY 340 FEET TO THE POINT OF BEGINNING, AND AN UNDIVIDED ½ INTEREST IN OUTLOT A, SCENIC ACRES, TOGETHER WITH A 20 FEET WIDE ROAD EASEMENT DESCRIBED AS FOLLOWS; BEGINNING AT A POINT ON THE SOUTH LINE OF OUTLOT A OF SAID PLAT OF SCENIC ACRES DISTANT 162.43 FEET SOUTH 66 DEGREES 27 MINUTES 40 SECONDS WEST FROM THE NORTHEAST CORNER OF OUTLOT B OF SAID PLAT; THENCE SOUTH 04 DEGREES 06 MINUTES WEST 201.88 FEET TO THE NORTHEASTERLY LINE OF THE ABOVE DESCRIBED TRACT; THENCE NORTH 50 DEGREES 23 MINUTES 12 SECONDS WEST ALONG THE NORTHEASTERLY LINE OF THE ABOVE DESCRIBED TRACT 24.61 FEET; THENCE NORTH 04 DEGREES 06 MINUTES EAST 177.12 FEET TO THE SOUTH LINE OF OUTLOT A OF SAID PLAT; THENCE NORTH 66 DEGREES 27 MINUTES 40 SECONDS EAST ALONG THE SOUTH LINE OF SAID OUTLOT A 22.58 FEET TO THE POINT OF BEGINNING.

99340588

That part of Government Lot Five (5), Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as follows: Commencing at the iron monument at the Southwest corner of said Government Lot 5; thence North 00 degrees 22 minutes 32 seconds West, assumed bearing, 323.80 feet along the west line of said Government Lot 5 to an iron monument on the southerly right-of-way line of CSAH 20; thence North 66 degrees 03 minutes 00 seconds East 873.27 feet along said southerly right-of-way line to an iron monument, the point of beginning of the tract to be described; thence reversing South 66 degrees 03 minutes 00 seconds West 53.77 feet along said southerly right-of-way line to an iron monument; thence South 00 degrees 30 minutes 00 seconds East 464 feet, more or less, to the shore of the Mississippi River; thence northeasterly along said shore to its intersection with the line that bears South 15 degrees 46 minutes 00 seconds East from the point of beginning; thence North 15 degrees 46 minutes 00 seconds West 337 feet, more or less to the point of beginning; EXCEPT; That part of Government Lot Five (5), Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as follows: Commencing at the iron monument at the Southwest corner of said Government Lot 5; thence North 00 degrees 22 minutes 32 seconds West, assumed bearing, 323.80 feet along the West line of said Government Lot 5 to an iron monument on the Southerly right of way line of CSAH 20; thence North 66 degrees 03 minutes 00 seconds East 873.27 feet along said Southerly right of way line to an iron monument thence South 15 degrees 46 minutes 00 seconds East 105.57 feet, to the point of beginning of the tract to be described; thence South 63 degrees 11 minutes 30 seconds West 45.60 feet; thence South 15 degrees 46 minutes 00 seconds East 30.00 feet; thence North 63 degrees 11 minutes 30 seconds East 45.00 feet; thence North 15 degrees 46 minutes 00 seconds West 30.00 feet to the point of beginning.

99340589

That part of Government Lot 5, Section 34, Township 134 North, Range 28 West, Crow Wing County, Minnesota, described as follows, Commencing at the iron monument at the Southwest corner of said Government Lot 5; thence North 00 degree 22 minutes 62 seconds West, assumed bearing, 323.80 feet along the West line of said Government Lot 5 to an iron monument on the Southerly right of way line of CSAH 20; thence North 66 degrees 03 minutes

00 seconds West 974.30 feet along said Southerly right of way line to an iron monument, the point of beginning of the tract to be described; thence reversing South 66 degrees 03 minutes 00 seconds West 101.03 feet along said Southerly right of way line to an iron monument; thence South 15 degrees 46 minutes 00 seconds East 337 feet, more or less, to the shore of the Mississippi River; thence Northeasterly along said shore to its intersection with the line that bears South 15 degrees 46 minutes 00 seconds East from the point of beginning; thence North 15 degrees 46 minutes 00 seconds West 310 feet, more or less, along the Northeasterly line of the tract deeded to Crawford by the deed recorded in *Book 271 of Deeds, page 192*, in the Crow Wing County Recorder's Office, to the point of beginning. Subject to easements, reservations, or restrictions of record, if any.

AND

DRAINFIELD DESCRIPTION

That part of Government Lot 5, Section 34, Township 134 North, Range 28 West, Crow Wing County, Minnesota, described as follows: Commencing at the iron monument at the Southwest corner of said Government Lot 5; thence North 00 degree 22 minutes 32 seconds West, assumed bearing, 323.80 feet along the West line of said Government Lot 5 to an iron monument on the Southerly right of way line of CSAH 20; thence North 66 degrees 03 minutes 00 seconds East 873.27 feet along said Southerly right of way line to an iron monument; thence South 15 degrees 46 minutes 00 seconds East 105.57 feet, to the point of beginning of the tract to be described; thence South 63 degrees 11 minutes 30 seconds West 45.00 feet; thence South 15 degrees 46 minutes 00 seconds East 30.00 feet; thence North 63 degrees 11 minutes 30 seconds East 45.00 feet; thence North 15 degrees 46 minutes 00 seconds West 30.00 feet to the point of beginning.

99340590

That part of Government Lot Five (5), Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as follows: From the Southwest corner of Lot 5 run North 0 degrees 30 minutes West 323.8 feet to the South line of Highway; thence North 66 degrees 03 minutes East 974.3 feet; thence South 15 degrees 46 minutes East 300 feet to the River; thence North 54 degrees 29 minutes East 236.6 feet along the River; thence North 15 degrees 46 minutes West 252 feet to the point on the South line of Highway, which is the point of beginning of the land herein described; thence South 66 degrees 01 minutes West 90.9 feet along the Northerly line of said tract to a point which is 90 feet measured at right angles from the Easterly line of said tract; thence South 20 degrees 02 minutes East 300 feet, more or less, to the shore of the Mississippi River; thence Northeasterly along said shore to the Easterly line of said tract; thence North 15 degrees 46 minutes West 300 feet, more or less, along said Easterly line to the place of beginning.

99340591

That part of Government Lot 5, Section 34, Township 134, Range 28, described as follows to-wit: Commencing at a point on the West line of said Lot 5, which is 323.8 feet North of the Southwest corner of said Lot 5, and on the South side of the Scenic Highway; thence North 66 degrees 03 minutes East 1199 feet along the Scenic Highway; thence South 15 degrees 46 minutes East 252 feet; more or less, to the shore of the Mississippi River, the place of beginning; thence North 15 degrees 46 minutes West 252 feet to the Scenic Highway; thence North 66 degrees 03 minutes East 150 feet along said Scenic Highway; thence South 15

degrees 46 minutes East 250 feet, more or less, to the shore of Mississippi River; thence Southwesterly along said shore to the place of beginning, according to the U.S. Government Survey thereof on file and of record in the office of the County Recorder in and for Crow Wing County, Minnesota.

AND ALSO:

That part of Government Lot 4, Section 34, Township 134, Range 28 described as follows: Commencing at a point on the West line of Government Lot 5, Section 34, Township 134, Range 28, which is 323.8 feet North of the Southwest corner of said Lot 5 and on the South side of the Scenic Highway; thence North 66 degrees 03 minutes East 1349 feet along said Scenic Highway; thence South 15 degrees 46 minutes East to the West line of Government Lot 4, the point of beginning of the tract herein described; thence continuing South 15 degrees 46 minutes East to the Mississippi River; thence Southwesterly along the shore of the river to the West line of said Lot 4 to the point of beginning. Together with an easement for ingress and egress over and across the existing asphalt driveway which encroaches from the West a distance of 5.6 feet onto those premises described in that certain deed recorded in *Book 206 of Deeds, page 286*.

99340592

That part of Government Lot 4, Section 34, Township 134, Range 28, described as follows: Commencing at the southwest corner of Section 34; thence North 0 degrees 30 minutes West 323.8 feet along the West line of Section 34 to the Southerly line of the public highway; thence North 66 degrees 03 minutes East 1459 feet along said highway to the point of beginning; thence South 35 degrees 00 minutes East 270.4 feet to the shore of the Mississippi River; thence North 57 degrees 36 minutes East 99.04 feet along said shore; thence North 35 degrees 00 minutes West 260.1 feet to the Souther line of said public highway; thence South 63 degrees 30 minutes West 100.05 feet along said highway to the point of beginning (PID NO. 41340575)

AND

That part of Government Lots 4 and 5, Section 34, Township 134, Range 28, described as follows: Commencing at a point on the West line of said Lot 5 which is 323.8 feet North of the Southwest corner of said Lot 5 and on the South side of the Scenic Highway; thence North 66 degrees 03 minutes East 1349 feet along said Scenic Highway; thence South 15 degrees 46 minutes East 250 feet, more or less to the shore of the Mississippi River, the place of beginning; thence North 15 degrees 46 minutes West 250 feet, more or less, to the edge of the Scenic Highway; thence North 66 degrees 03 minutes East 110 feet along said Scenic Highway; thence South 35 degrees 0 minutes East 250 feet, more or less, to the Mississippi River; thence Southwesterly along the river shore to the place of beginning. (PID No. 99340592)

99040512

Parcel A: That part of Lot 28, Plat of River Heights, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said Lot 28; thence northeasterly along the north right of way line of County Highway a distance of 100 feet to the point of beginning; thence northwesterly parallel with the west line of said Lot 28 a distance of 175 feet; thence northeasterly parallel with the north right of way line of said County Highway a distance of 100 feet; thence southeasterly parallel with the west line of said Lot 28, 175 feet to the County Highway right of way; thence southwesterly along the north line of the County Highway right of way 100 to the place of beginning.

AND

That part of Lot 28, Plat of River Heights, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said Lot 28; thence northeasterly along the north right of way line of County Highway a distance of 200 feet to the point of beginning; thence northwesterly parallel with the west line of said Lot 28 a distance of 175 feet; thence northeasterly parallel with the north right of way line of said County Highway a distance of 50 feet; thence southeasterly parallel with the west line of said Lot 28, 175 feet to the County Highway right of way; thence southwesterly along the north line of the County Highway right of way 50 feet to the place of beginning.

Parcel B: That part of Lot 28, Plat of River Heights, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said Lot 28; thence northeasterly along the south easterly line of said Lot 28 a distance of 250 feet to the point of beginning; thence northwesterly parallel with the westerly line of said Lot 28 a distance of 175 feet; thence northeasterly parallel with the southeasterly line of said Lot 28, a distance of 16.09 feet; thence Southeasterly parallel with the westerly line of said Lot 28 a distance of 175 feet to the southeasterly line of said Lot 28; thence southwesterly 16.09 feet along said southeasterly line to the point of beginning.

AND

That part of Lot 28, Plat of River Heights, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said Lot 28; thence northeasterly along the southeasterly line of said Lot 28, a distance of 100 feet to the point of beginning; thence northwesterly parallel with the westerly line of said Lot 28 a distance of 175 feet; thence southwesterly parallel with the southeasterly line of said Lot 28, a distance of 4.97 feet; thence southeasterly parallel with the westerly line of said Lot 28, a distance of 175.00 feet to the southeasterly line of said Lot 28; thence northeasterly along said southeasterly line of Lot 28 a distance of 4.97 feet to the point of beginning.

99040510

Lot 27, River Heights, according to the plat thereof on file and of record in the office of the Crow Wing County Recorder.

AND

Lot 28, River Heights, according to the plat thereof on file and of record in the office of the Crow Wing County Recorder, Except the East 100 feet of the West 200 feet of the South 175 feet of Lot 28; and Except that part of Lot 28 described as follows: Commencing at the Southwest corner of Lot 28; thence Northeasterly along the North right of way line of the County Highway a distance of 200 feet to the point of beginning; thence Northwesterly parallel with the West line of Lot 28 a distance of 175 feet; thence Northeasterly parallel with the North right of way line of said County Highway a distance of 50 feet; thence Southeasterly parallel with the West line of Lot 28 175 feet to the County Highway right of way; thence Southwesterly along the North line of the County Highway 50 feet to the point of beginning and also except that part of Lot 28 described as follows: Commencing at the Southwest corner of said Lot 28; thence Northeasterly along the Southeasterly line of said Lot 28 a distance of 100 feet to the point of beginning of the tract of land to be described; thence Northwesterly parallel with the Westerly line of said Lot 28 a distance of 175 feet; thence Southwesterly parallel with the Southeasterly line of said Lot 28 a distance of 4.97 feet; thence Southeasterly parallel with the Westerly line of said Lot 28 a distance of 175 feet to the Southeasterly line of said Lot 28; thence Northeasterly along said

Southeasterly line of Lot 28 a distance of 4.97 feet to the point of beginning. And also except that part of Lot 28 described as follows: Commencing at the Southwest corner of said Lot 28; thence Northeasterly along the Southeasterly line of said Lot 28 a distance of 250 feet to the point of beginning of the tract to be described; thence Northwesterly parallel with the Westerly line of said Lot 28 a distance of 175 feet; thence Northeasterly parallel with the Southeasterly line of said Lot 28 a distance of 16.09 feet; thence Southeasterly parallel with the Westerly line of said Lot 28 a distance 175 feet to the Southeasterly line of said Lot 28; thence Southwesterly 16.09 feet along said Southeasterly line to the point of beginning.

AND

Lot 29, River Heights, according to the plat thereof on file and of record in the office of the Crow Wing County Recorder

99340501

That part of Government Lot 5, Section 34, Township 134, Range 28, described as follows: Beginning at a point where the West line of said Government Lot 5 intersects the centerline of the road known as "Scenic Drive" or "Scenic River Road"; thence North 0 degrees 30 minutes West, assumed bearing, along said West line of said Government Lot 5, a distance of 508.80 feet; thence North 66 degrees 03 minutes East a distance of 99.70 feet; thence South 2 degrees 57 minutes East a distance of 500.00 feet, to the point of intersection with the centerline of said "Scenic Drive"; thence South 66 degrees 03 minutes West, along the centerline of said "Scenic Drive" a distance of 123.00 feet to the point of beginning.

99040509

That part of Lot Thirty (30), River Heights, described as follows: Beginning at the Southwest corner of said Lot Thirty (30); thence 200 feet Northerly along the West line of said lot; thence 100 feet Easterly on a course parallel to the South line of said lot; thence 200 feet Southerly to the Northerly line of the county highway; thence Westerly along said Northerly line to the point of beginning.

99330515

That part of the Southeast quarter of the Southeast quarter, Section 33, Township 134, Range 28, Crow Wing County, Minnesota, described as follows: Commencing at the Southeast corner of the said Southeast quarter of the Southeast quarter; thence North 0 degrees 18 minutes West 396.5 feet along the East line of the said Southeast quarter of the Southeast quarter to the North right of way line of the County Highway; thence South 66 degrees 22 minutes West 435.9 feet along the said right of way to the place of beginning; thence North 24 degrees 30 minutes West 150 feet; thence South 64 degrees 38 minutes West 106.8 feet; thence South 27 degrees 06 minutes East 150.14 feet to the North right of way line of the County Highway; thence North 64 degrees 38 minutes East 100 feet along the said right of way line to the place of beginning. And that part of the Southeast quarter of the Southeast quarter, Section 33, Township 134, Range 28, Crow Wing County, Minnesota, described as follows: Commencing at the Southeast corner of the said Southeast quarter of the Southeast quarter; thence North 0 degrees 18 minutes West 396.5 feet along the East line of the said Southeast quarter of the Southeast quarter to the North right of way line of the County Highway; thence South 66 degrees 22 minutes West 435.9 feet along the said right of way line; thence North 24 degrees 30 minutes West 150 feet to the place of beginning; thence North 24 degrees 30 minutes West 50.01 feet;

thence South 64 degrees 38 minutes West 109.07 feet; thence South 27 degrees 06 minutes East 50.02 feet; thence North 64 degrees 38 minutes East 106.08 feet to the point of beginning.

99340593

The South 200 feet of the West 140 feet of the East 350 feet of all that part of Government Lot 5, Section 34, Township 134, Range 28, lying Northerly of the centerline of the road known as Scenic Drive or Scenic Road. Said 200 feet created by a line drawn 200 feet North and parallel with said centerline of the road known as Scenic Drive or Scenic Road.

AND

That part of the Government Lot 5, Section 34, Township 134, Range 28, described as follows: Commencing at the point where the centerline of the road known as "Scenic Drive" intersects with the West line of the East 350.00 feet of said Government Lot 5; thence North 0 degrees 07 minutes West, assumed bearing, along said West line of the East 350.00 feet a distance of 200.00 feet to an iron monument being the point of beginning; thence North 66 degrees 03 minutes East, parallel with the centerline of said "Scenic Drive", a distance of 153.05 feet to an iron monument on the West line of the East 210.00 feet of said Government Lot 5; thence North 0 degrees 07 minutes West along said West line of the East 210.00 feet a distance of 38.16 feet; thence South 89 degrees 53 minutes West a distance of 140.00 feet to a point on said West line of the East 350.00 feet; thence South 0 degrees 07 minutes East along said West line of the East 350.00 feet a distance of 100.00 feet to the point of beginning.

99340594

TRACT 1

The East 350 feet of the Northwest Quarter Southwest Quarter (NW1/4SW1/4) Section Thirty-four (34), Township One Hundred Thirty-four (134) North, Range Twenty-eight (28) West lying South of Gilbert Lake, EXCEPT the South 20 feet of the East 210 feet of said Northwest Quarter Southwest Quarter (NW1/4SW1/4) Section Thirty-four (34), Township One Hundred Thirty-four (134) North, Range Twenty-eight (28) West.

BUT ALSO CONVEYING

TRACT 2

The East 350 feet of Government Lot Five (5), Section 34, Township 134 North, Range 28 West.

EXCEPT

That part of Government Lot 5 lying South and East of the centerline of Scenic River Road, also known as CSAH 20,

AND ALSO EXCEPT

That part of the East 210 feet of Government Lot Five (5), Section Thirty-four (34), Township One Hundred Thirty-four (134) North, Range Twenty-eight (28) West Crow Wing County, Minnesota described as follows: Beginning at the Northeast corner of said Government Lot Five (5); thence South 00 degrees 16 minutes 37 seconds East, bearing based on Crow Wing County Coordinate Database NAD 83/94, 280.48 feet along the East line of said Government

Lot Five (5) to the Northeast corner of the tract deeded to Crow Wing County by the deed recorded as *document number 643034* in the Crow Wing County Recorders Office; thence South 89 degrees 41 minutes 33 seconds West 170.00 feet along the North line of said Crow Wing County Tract to the Northwest corner of said Crow Wing County tract also being on the West line of the East 170.00 feet of said Government Lot Five (5); thence South 00 degrees 16 minutes 37 seconds East 187 feet, more or less, along said West line of the East 170 feet of Government Lot Five (5) to the centerline of CSAH 20; thence Southwesterly 44 feet, more or less, along said centerline of CSAH 20 its intersection with the West line of said East 210 feet of Government Lot Five (5); thence North 00 degrees 16 minutes 37 seconds West 485 feet, more or less, along said West line of the East 210 feet of Government Lot Five (5) to the North line of said Government Lot Five (5); thence Easterly 210 feet, more or less, along said North line of Government Lot Five (5) to the point of beginning.

AND ALSO EXCEPT

That part of Government Lot Five (5), Section Thirty-four (34), Township One Hundred Thirty-four (134) North, Range Twenty-eight (28) West, described as follows:

Commencing at the point where the center line of the road known as "Scenic Drive" and/or "Riverside Drive" intersects the West line of the East 350.00 feet of said Government Lot Five (5); thence North 0 degrees 07 minutes West, assumed bearing, along said West line of the East 350.00 feet a distance of 200.00 feet to an iron monument being the point of beginning; thence North 66 degrees 03 minutes East, parallel with the center line of said "Scenic Drive" and/or "Riverside Drive", a distance of 153.05 feet to an iron monument on the West line of the East 210 feet of said Government Lot Five (5); thence North 0 degrees 07 minutes West along said West line of the East 210.00 feet a distance of 38.16 feet; thence South 89 degrees 53 minutes West a distance of 140.00 feet to a point on said West line of the East 350.00 feet; thence South 0 degrees 07 minutes East along said West line of the East 350.00 feet a distance of 100.00 feet to the point of beginning.

AND ALSO EXCEPT

The South 200 feet of the following described tract (measured along the West line of said tract), to-wit: The West 140 feet of the East 350 feet of Lot Five (5) which lies North and West of the center line of the road known as "Scenic Drive" or "Scenic Road", all in Section Thirty-four (34), Township One Hundred Thirty-four (134) North, Range Twenty-eight (28) West.

99340595

That part of the East 210 feet of Government Lot 5, Section 34, Township 134, Range 28, Crow Wing County, Minnesota described as follows: Beginning at the northeast corner of said Government Lot 5; thence South 00 degrees 16 minutes 37 seconds East bearing based on Crow Wing County Coordinate Database NAD 83/94, 280.48 feet along the east line of said Government Lot 5 to the northeast corner of the tract deeded to Crow Wing County by the deed recorded as *document number 643034* in the Crow Wing County Recorder's Office; thence South 89 degrees 41 minutes 33 seconds West 170.00 feet along the north line of said Crow Wing County tract to the northwest corner of said Crow Wing County tract also being on the west line of the East 170.00 feet of said Government Lot 5; thence South 00 degrees 16 minutes 37 seconds East 187 feet, more or less, along said west line of the East 170 feet of Government Lot 5 to the centerline of CSAH 20; thence southwesterly 44 feet, more or less,

along said centerline of CSAH 20 to its intersection with the west line of said East 210 feet of Government Lot 5; thence North 00 degrees 16 minutes 37 seconds West 485 feet, more or less, along said west line of the East 210 feet of Government Lot 5 to the north line of said Government Lot 5; thence easterly 210 feet, more or less, along said north line of Government Lot 5 to the point of beginning.

AND

The South 35 feet of the East 210 feet of the Northwest Quarter of the Southwest Quarter, Section 34, Township 134, Range 28, Crow Wing County, Minnesota.

99030533

The East 50 feet of Lots One (1), Two (2), Three (3) and Four (4), Block Sixty-six (66), Town of Brainerd & 1st Addition to Brainerd, Crow Wing County, Minnesota

99030532

Lot Three (3), Block One (1), Replat of Part of River Heights

99030530

Re-plat of part of River Heights, Section 3, Township 133, Range 28, Lot Five (5), Block One (1), Crow Wing County, Minnesota, Unorganized/1st Assessment

99030531

Lot 4, Block 1, Replat of part of River Heights

99040524

Lot 1, River Heights, Crow Wing, Minnesota

99340608 and 99340609

PARCEL 1:

The North 100 feet of the East 544 feet of Government Lot 2, Section 34, Township 134, Range 28.

PARCEL 2:

All that part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4), Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as follows: Commencing at the Northeast corner of said Section Thirty-four (34); thence South 89 degrees 25 minutes 45 seconds West, assumed bearing, 1613.00 feet along the North line of said Section 34; thence South 3 degrees 26 minutes 02 seconds West 920.76 feet; thence South 3 degrees 22 minutes 26 seconds West 10.49 feet; thence continue South 3 degrees 22 minutes 26 seconds West 192.17 feet to the point of beginning of the tract to be described; thence North 3 degrees 22 minutes 26 seconds East 192.17 feet; thence Southeasterly 187.76 feet along a non-tangential curve, concave to the Northeast, having a radius of 160.81 feet, a central angle of 66 degrees 53 minutes 51 seconds and a chord bearing of South 53 degrees 34 minutes 17 seconds East and a chord of 177.27 feet; thence South 87 degrees 01 minutes 14 seconds East tangent to the last described curve, 132.23 feet; thence Easterly 91.02 feet along a tangential curve, concave to the South, having a radius of 308.10 feet and a central angle of 16 degrees 55 minutes 36 seconds to the East line of said Northwest Quarter of the Northeast

Quarter; thence South 0 degrees 05 minutes 58 seconds West 268.57 feet along said East line to the Southeast corner of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 39 minutes 24 seconds West 544.02 feet along the South line of said Northwest Quarter of the Northeast Quarter to the West line of the East 544 feet of said Northwest Quarter of the Northeast Quarter; thence North 0 degrees 05 minutes 58 seconds East 50.00 feet along said West line to the North line of the South 50 feet of said Northwest Quarter of the Northeast Quarter; thence South 89 degrees 39 minutes 24 seconds West 183 feet, more or less, along said North line to the shore of Gilbert Lake; thence Northeasterly along said shore to an intersection with a line which bears North 84 degrees 51 minutes 39 seconds West from the point of beginning; thence South 84 degrees 51 minutes 39 seconds East 211 feet, more or less, to the point of beginning.

Together with an easement for the driveway road as said road exists along and across the easterly line of the following description: Beginning at the concrete monument located at the northeast corner of Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), then proceed west along said section line for a distance of 1613 feet to a point marked by an iron pipe driven into the ground; thence South 3 degrees 22 minutes 21 seconds West 918 feet to a point marked by an iron pipe driven into the ground which is the place of beginning; thence South 69 degrees 48 minutes West 226.95 feet, more or less to the shore of Gilbert Lake; thence South 09 degrees 59 minutes 30 seconds West 106.05 feet along said shore; thence South 84 degrees 55 minutes 20 seconds East 220.55 feet; thence North 03 degrees 18 minutes 45 seconds East 202.66 feet to the point of beginning.

99340611

That part of the Tract deed to Endres by the deed recorded in *Book 172 of Deeds, page 82*, described as follows: Beginning at the concrete monument located at the northeast corner of Section 34, Township 134, Range 28, then proceed West along said section line for a distance of 1613 feet to a point marked by an iron pipe driven into the ground; thence South 3 degrees 22 minutes 21 seconds West 918 feet (Deed: South 3 degrees 50 minutes West 918 feet) to a point marked by an iron pipe driven into the ground which is the place of beginning; thence South 69 degrees 48 minutes West 226.95 feet more or less to the shore of Gilbert Lake; thence South 9 degrees 59 minutes 30 seconds West 106.05 feet along said shore; thence South 84 degrees 55 minutes 20 seconds East 220.55 feet; thence North 3 degrees 18 minutes 45 seconds East 202.66 feet to the point of beginning.

99340504

That part of the NW1/4NE1/4 of Section 34, Township 134, Range 28, described as follows: Commencing at the NE corner of said Section 34; thence W 1,613.00 feet along the N line of said Section 34 to an iron pipe monument; thence S 3°50'W; 37.02 feet to the place of beginning; thence S 3°50'W 100.98 feet to an iron pipe monument, the NE corner of the tract deeded to First Federal Savings and Loan Association of Brainerd, and recorded in *Book 160 of Deeds, page 159*; thence N 8°11'W along the N line of said First Federal Savings and Loan Association tract to the shore of Gilbert Lake; thence northerly along said shore to a point N 78°11'W of the place of beginning; thence S 78°11' E to the place of beginning together with an easement for ingress and egress over the present road. Together with all that part of the island in Gilbert Lake, which lies in the NW1/4NE1/4 of Section 34, Township 134N, Range 28W. Subject to any reservations or restrictions or record, if any.

99340613

That part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4), Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as follows: Beginning at the Northeast corner of said Section Thirty-four (34), thence 1613.00 feet West on the North section line of said Section Thirty-four (34), to an iron pipe monument, thence delta angle 86 degrees 10 minutes to the left of said Section line, southwesterly 838.00 feet to the point of beginning where there is located an iron pipe monument, thence continuing along the same described line Southwesterly 80.0 feet along the West right of way limits of the present travelled road to an iron monument, thence on a line, delta angle 65 degrees 58 minutes right Southwesterly to the point of intersection with the North and South quarter line of said Section Thirty-four (34), the property involved is bounded on the easterly side by the first above described line from point of beginning whose length is 80.0 feet and on the Southerly side by the second above described line and on the Northerly side by a line beginning at the point of beginning, thence delta angle 97 degrees 59 minutes to the right Northwesterly to the point of intersection with said North and South quarter line of said Section Thirty-four (34), and on the West side by that part of said North and South quarter line between the above described points of intersection except all that part of an island in Gilbert Lake located in the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4), Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28); Also except the following described portion: That part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4), Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as follows: Beginning at the Northeasterly corner of the tract of land conveyed to George R. Bedard and James Geary which deed is recorded in *Book 163 of Deeds, page 389*, thence North 78 degrees 11 minutes West 111.4 feet along the Northerly line of said Bedard - Geary tract, thence South 44 degrees 14 minutes West 204.7 feet to the shore of Gilbert Lake, thence South 44 degrees 46 minutes East 48.3 feet along said shore to the Southerly line of said Bedard - Geary tract, thence North 69 degrees 48 minutes East 226.1 feet along Southerly line to the Southeasterly corner of said Bedard - Geary tract, thence North 3 degrees 50 minutes East 80 feet to the place of beginning.

Together with an easement across the northerly Twenty (20) feet of said exception tract for access to the tract hereby conveyed.

99340612

That part of the NW1/4NE1/4, Section 34, Township 134, Range 28, described as follows: Beginning at the Northeasterly corner of the tract of land conveyed to George R. Bedard and James Geary which deed is recorded in *Book 163 of Deeds, Page 389*; thence North 78 degrees 11 minutes West 111.4 feet along Northerly line of said Bedard - Geary tract; thence South 44 degrees 14 minutes West 204.7 feet to the shore of Gilbert Lake; thence South 44 degrees 46 minutes East 48.3 feet along said shore to the Southerly line of said Bedard - Geary tract; thence North 69 degrees 48 minutes East 226.1 feet along said Southerly line to the Southeasterly corner of said Bedard - Geary tract; thence North 3 degrees 50 minutes East 80 feet to the place of beginning.

99340614

That part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as

follows: Commencing at the Northeast corner of said Section 34, thence South 89 degrees 55 minutes 41 seconds West, assumed bearing, 1613.00 feet along the North line of said Section 34; thence South 3 degrees 22 minutes 21 seconds West 554.85 feet to a point on the South line of the North 553.84 feet of said NW1/4NE1/4, the place of beginning; thence South 3 degrees 22 minutes 21 seconds West 184.11 feet to the Northeasterly corner of the tract deeded to Lakewood Evangelical Free Church of Brainerd, Minnesota, by the Deed recorded in *Book 201 of Deeds, page 540*; thence North 78 degrees 11 minutes West 353.44 feet along the Northerly line of said tract to the shore of Gilbert Lake; thence North 22 degrees 18 minutes 13 seconds East 120.0 feet along said shore to a point on the South line of the North 553.84 feet of said NW1/4of NE1/4; thence North 89 degrees 55 minutes 41 seconds East 311.24 feet along said South line of the North 553.84 feet to the place of beginning, Crow Wing County, Minnesota.

A.P.N.970341200C00009

99340616

That part of the Northwest Quarter of the Northeast Quarter, Section 34, Township 134, Range 28, Crow Wing County, Minnesota, described as follows: Commencing at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence South along the east line of said Northwest Quarter of the Northeast Quarter 525.4 feet; thence West 667 feet to the shore of Gilbert Lake, being the point of beginning; thence East for a distance of 340 feet to the roadway running northerly and southerly through said Northwest Quarter of the Northeast Quarter; thence northerly along said roadway for a distance of 400 feet; thence west to the shore of Gilbert Lake; thence southerly along the shore of Gilbert Lake to the point of beginning.

99340649

That part of the following described property per *Document No. 0801568*:

Part of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4), Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as follows, to-wit: Commencing at the northeast corner of said NW1/4NE1/4; thence south along the east line of said NW1/4NE1/4, for a distance of 525.4 feet; thence west 667 feet to the shore of Gilbert Lake, being the point of beginning of the land herein conveyed; thence east for a distance of 340 feet to the roadway running northerly and southerly through said NW1/4NE1/4; thence northerly along said roadway for a distance of 400 feet; thence west to the shore of Gilbert Lake; thence southerly along the shore of Gilbert Lake to the point of beginning.

Lying northerly of the following described line:

Commencing at the northeast corner of said NW1/4NE1/4; thence south along the east line of said NW1/4NE1/4, for a distance of 525.4 feet; thence west 667 feet to the shore of Gilbert Lake; thence east for a distance of 340 feet to the roadway running northerly and southerly through said NW1/4NE1/4; thence northerly along said roadway for a distance of 166.48 feet to the point of beginning; thence deflect to the left 60 degrees 52 minutes 15 seconds and run northwesterly 133.06 feet; thence deflect to the left 9 degrees 30 minutes 46 seconds and run northwesterly 70 feet more or less, to the shore of Gilbert Lake and there terminating.

Together with an easement as recorded in an Easement Agreement recorded with the Crow Wing County Recorder as *Document No. A923243*, and legally described as follows:

An access easement over and across that part of Lot 1, Shady Hills Replat, and Lot 1, Crow Wing County Highway Right-of-Way Plat No. 1 described as follows: Beginning at the southwest corner of said Lot 1, County Right-of-Way Plat No. 1; thence South 89 degrees 26 minutes 08 seconds West 89.03 feet along the South line of said Lot 1, Shady Hills Replat, thence North 27 degrees 21 minutes 05 seconds East 23.00 feet; thence North 89 degrees 28 minutes 05 seconds East 88.63 feet; thence South 83 degrees 33 minutes 49 seconds East 30.95 feet; thence South 57 degrees 52 minutes 47 seconds East 30.56 feet to the south line of said Lot 1, Crow Wing County Highway Right-of-Way Plat No.1; thence South 89 degrees 26 minutes 08 seconds West 88.90 feet to the point of beginning.

99270551

All of Lot One (1), Block One (1), Shady Hills Replat, and part of vacated public road, plat of Shady Hills, designated as Parcel Lot 1 of Crow Wing County Highway Right of Way Plat No. 1, revised by Certificate of Correction Recorded February 21, 1984, and its addendum Recorded December 21, 1987, Crow Wing County, Minnesota.

99270548 and 99270549 (99270550 was combined with 99270549)

Lots Two (2), Three (3), and (4), Block One (1), Shady Hills Replat

99270547

Lot 5, Block 1, Shady Hills Replat, Crow Wing County, Minnesota

99270546 and 99270604

Lot 6, Block 1, Shady Hills Replat and Outlot B, Shady Hills, except the parts of said outlots included in the Shady Hills Replat, Crow Wing County, Minnesota

99270545 and 99270544 and 99270543 and 99270603

Lots 7, 8 and 9, Block 1, Shady Hills Replat, Crow Wing County, Minnesota.

And

Outlot C, Shady Hills, except the parts of said outlots included in the Shady Hills Replat, Crow Wing County, Minnesota.

99270542

Lot Ten (10), Block One (1), SHADY HILLS REPLAT. Crow Wing County, Minnesota

99270541

Lot 11, Block 1, Shady Hills Replat.

99270540

Lot Twelve (12), Block One (1), Shady Hills Replat

99270611

Lot 15, Block 1, Shady Hills

99270610

Lot 16, Block 1, Shady Hills

99270609

Lot 17, Block 1, Shady Hills

99270607 (combined with 99270608)

Lots 18 and 19, Block 1, Shady Hills

99270606

Lot Twenty (20), Shady Hills

99270605

Lot 21, Shady Hills, according to the plat thereof on file and of record in the office of the County Recorder. Crow Wing County, Minnesota.

99270500

Outlot D, Shady Hills, except that part included in the Shady Hills Replat, Crow Wing County, Minnesota.

99340605

EXHIBIT A

That part of the Northwest Quarter of the Northeast Quarter, Section 34, Township 134 North, Range 28, Crow Wing County, Minnesota, described as follows: Beginning at the Southeast corner of Outlot B, Shady Hills, thence South 00 degrees 02 minutes 06 seconds West, 435.73 feet, assumed bearing along the West line of Stonebridge, to the Northerly right of way line of Ashmun Road per *Book 333 of Deeds, page 677*, said corner also being the Southwest corner of Outlot A, said plat Stonebridge; thence Northwesterly along said Northerly right of way and along the Northerly right of way of Ashmun Road per *Document No. 329595*, along a non-tangential curve concave to the Southwest having a radius of 408.10 feet, a central angle of 12 degrees 11 minutes 48 seconds for an arc length of 86.87 feet, the chord of said curve bears North 81 degrees 31 minutes 49 seconds West; thence North 87 degrees 37 minutes 43 seconds West, 132.23 feet, along said Northerly right of way per *Document No. 329595*; thence Northwesterly along said right of way, along a tangential curve concave to the Northeast having a radius of 60.18 feet, a central angle of 90 degrees 50 minutes 20 seconds for an arc length of 95.42 feet; thence North 86 degrees 47 minutes 23 seconds West, 17.00 feet to the East line of the right of way of Ashmun Road per *Document No. 329564*; thence North 03 degrees 12 minutes 37 seconds East, 39.67 feet; along said Easterly right of way line; thence South 89 degrees 25 minutes 45 seconds West, 67.29 feet to the Southeast corner of the tract of land described in *Book 208 of Deeds, page 56*; thence North 03 degrees 21 minutes 18 seconds East 285.09 feet, along the East line of the tract of land described in *Book 208 of Deeds, page 56* and along the East line of the tract of land described in *Book 208 of Deeds, page 363* to the Northeast corner of said tract of land described in *Book 208 of Deeds, page 363*; thence Westerly along the North line of said tract of land described in *Book 208 of Deeds, page 363*, a distance of 347 feet more or less to the shore of Gilbert Lake; thence Northerly along said shore

to the South line of the North 525.40 feet of said Northwest Quarter of the Northeast Quarter; thence Easterly, 677 feet more or less, along said South line to the point of beginning.

EXCEPT that part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 134 North, Range 28 West, Crow Wing County, Minnesota, that lies northerly of the northerly right of way line of Ashmun Road as described in *Doc. No. 329595* and easterly of the following described line: Commencing at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 05 minutes 58 seconds West, assumed bearing, 762.94 feet along the east line of said Northwest quarter of the Northeast Quarter to the point of beginning; thence South 35 degrees 31 minutes 45 seconds West 149.28 feet; thence South 00 degrees 05 minutes 58 seconds West 65.96 feet, more or less, to said northerly right of way line of Ashmun Road and said line there terminating.

EXCEPT

That part of the East 43.00 feet of the Northwest Quarter of the Northeast Quarter of Section 34, Township 134 North, Range 28 West, Crow Wing County, Minnesota that lies northerly of the northerly right-of-way line of Ashmun Road as described in *Document No. 329595* and southerly of the following described line:

Commencing at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 05 minutes 58 seconds West, assumed bearing, 762.94 feet along the east line of said Northwest Quarter of the Northeast Quarter to the point of beginning of the line to be described; thence South 35 degrees 31 minutes 45 seconds West 74.18 feet to the west line of the East 43.00 feet thereof and said line there terminating.

99260558

That part of Government Lot 5, Section 26, Township 134 North, Range 28 West, Crow Wing County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 26; thence North 01 degrees 16 minutes 30 seconds East, bearings are based on the North American Datum of 1983, along the west line of said Section 26, a distance of 398.37 feet to the point of beginning of the tract to be described; hence South 88 degrees 43 minutes 30 seconds East, a distance of 84.07 feet to the east line of the West 84.07 feet of said Government Lot 5; thence North 01 degrees 16 minutes 30 seconds East along said east line, a distance of 245.82 feet; thence North 40 degrees 38 minutes 57 seconds West, a distance of 63.34 feet; thence North 28 degrees 46 minutes 42 seconds West, a distance of 82 feet, more or less, to the shoreline of Gilbert Lake; thence westerly along said shoreline to the intersection with said west line of said Section 26; thence South 01 degrees 16 minutes 30 seconds West along said west line, a distance of 364 feet, more or less, to the point of beginning.

AND ALSO Lot 22, SHADY HILLS, according to the recorded plat thereof, Crow Wing County, Minnesota.

The above described parcels are to be permanently attached to each other.

Along with and subject to a 20.00 foot easement for ingress and egress purposes over, under and across that part of said Government Lot 5, the centerline of said easement is described as follows:

Commencing at the southwest corner of said Section 26; thence North 89 degrees 40 minutes 02 seconds East, bearings are based on the North American Datum of 1983, along the south line of said Section 26, a distance of 86.18 feet to the westerly right-of-way line of County State Aid Highway 20; thence North 44 degrees 39 minutes 17 seconds East along said right-of-way, a distance of 193.76 feet; thence northeasterly 176.30 feet along right-of-way on a tangential curve concave to the northwest, said curve having a radius of 423.58 feet and a central angle of 23 degrees 50 minutes 50 seconds; thence North 20 degrees 49 minutes 58 seconds East along said right-of-way, tangential to the last described curve, a distance of 84.74 feet to the point of beginning of the centerline to be described; thence 72.55 feet westerly along a non-tangential curve concave to the south, said curve having a radius of 130.00 feet, a central angle of 31 degrees 58 minutes 24 seconds, a chord length of 71.61 feet and a chord bearing of North 83 degrees 33 minutes 57 seconds West; thence South 80 degrees 26 minutes 51 seconds West, tangential to the last described curve, a distance of 56.16 feet; thence 122.26 feet northwesterly along a tangential curve concave to the north, said curve having a radius of 130.00 feet and a central angle of 53 degrees 53 minutes 00 seconds; thence North 45 degrees 40 minutes 10 seconds West, tangential to the last described curve, a distance of 72.39 feet and said centerline there terminates.

The sidelines of said easement are to be prolonged or shortened to terminate on the south line of the drainage easement as described in *Document Number 0794076*, and the westerly right-of-way line of County State Aid Highway Number 20.

99260502

Tract B: That part of Government Lot 5, Section 26, Township 134 North, Range 28 West, Crow Wing County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 26: thence North 01 degrees 16 minutes 30 seconds East, bearings are based on the North American Datum of 1983, along the west line of said Section 26, a distance of 398.37 feet; thence South 88 degrees 43 minutes 30 seconds East, a distance of 84.07 feet to the east line of the West 84.07 feet of said Government Lot 5, said point hereinafter referred to as "Point A"; thence North 01 degrees 16 minutes 30 seconds East along said east line, a distance of 245.82 feet; thence North 40 degrees 38 minutes 57 seconds West, a distance of 63.34 feet to the point of beginning of the tract to be described; thence reversing course South 40 degrees 38 minutes 57 seconds East, a distance of 63.34 feet to the intersection with said east line of the West 84.07 feet of said Government Lot 5; thence South 01 degrees 16 minutes 30 seconds West, along said east line, a distance of 245.82 feet to said "Point A"; thence South 88 degrees 43 minutes 30 seconds East, a distance of 34.30 feet; thence southeasterly 70.40 feet along a non-tangential curve concave to the northeast to the intersection with the east line of West 184.07 feet of said Government Lot 5, said curve having a central angle of 33 degrees 36 minutes 44 seconds, a radius of 120.00 feet and a chord bearing of South 69 degrees 57 minutes 30 seconds East; thence North 01 degrees 16 minutes 30 seconds East along said east line, a distance of 268.97 feet; thence North 28 degrees 46 minutes 42 seconds West, a distance of 167 feet, more or less, to the shoreline of Gilbert Lake; thence southwesterly along said shoreline to the intersection with a line that bears North 28 degrees 46 minutes 42 seconds West from the point of beginning; thence South 28 degrees 46 minutes 42 seconds East, a distance of 82 feet, more or less, to the point of beginning.

Along with and subject to a 20.00 foot easement for ingress and egress purposes over, under and across that part of said Government Lot 5, the centerline of said easement is described as follows: Commencing at the southwest corner of said Section 26; thence North 89 degrees 40 minutes 02 seconds East, bearings are based on the North American Datum of 1983, along the south line of said Section 26, a distance of 86.18 feet to the westerly right-of-way line of County State Aid Highway 20; thence North 44 degrees 39 minutes 17 seconds East along said right-of-way, a distance of 193.76 feet; thence northeasterly 176.30 feet along said right-of-way on a tangential curve concave to the northwest, said curve having a radius of 423.58 feet and a central angle of 23 degrees 50 minutes 50 seconds; thence North 20 degrees 49 minutes 58 seconds East along said right-of-way, tangential to the last described curve, a distance of 84.74 feet to the point of beginning of the centerline to be described; thence 72.55 feet westerly along a non-tangential curve concave to the south, said curve having a radius of 130.00 feet, a central angle of 31 degrees 58 minutes 24 seconds, a chord length of 71.61 feet and a chord bearing of North 83 degrees 33 minutes 57 seconds West; thence South 80 degrees 26 minutes 51 seconds West, tangential to the last described curve, a distance of 56.16 feet; thence 122.26 feet northwesterly along a tangential curve concave to the north, said curve having a radius of 130.00 feet and a central angle of 53 degrees 53 minutes 00 seconds; thence North 45 degrees 40 minutes 10 seconds West, tangential to the last described curve, a distance of 72.39 feet and said centerline there terminates.

The sidelines of said easement are to be prolonged or shortened to terminate on the south line of the drainage easement as described in *Document Number 0794076*, and the westerly right-of-way line of County State Aid Highway Number 20.

ALSO along with an easement for ingress and egress purposes over and across that part of said Government Lot 5 described as follows:

Commencing at the Southwest corner of said Section 26; thence North 1 degree 16 minutes 30 seconds East, bearings are based on the North American Datum of 1983, along the West line of said Section 26, a distance of 450.41 feet to the point of beginning; thence South 88 degrees 43 minutes 30 seconds East, a distance of 72.81 feet; thence North 50 degrees 33 minutes 43 seconds West, a distance of 67.16 feet; thence North 1 degree 16 minutes 30 seconds East parallel to the West line of said Section 26, a distance of 100.21 feet; thence North 88 degrees 43 minutes 30 seconds West, a distance of 20.00 feet to the West line of said Section 26; thence South 1 degree 16 minutes 30 seconds West along said West line, a distance of 141.71 feet to the point of beginning.

AND ALSO along with a 20.00 foot easement for ingress and egress purposes over, under and across part of said Government Lot 5, the centerline of said easement is described as follows:

Commencing at the southwest corner of said Section 26; thence North 01 degree 16 minutes 30 seconds East, bearings are based on the North American Datum of 1983, along the west line of said Section 26, a distance of 592.12 feet to the north line of a drainage easement recorded as *Document Number 0794076* and on file in the Office of the County Recorder, Crow Wing County, Minnesota; thence South 88 degrees 43 minutes 30 seconds East along the north line of said drainage easement, a distance of 10.00 feet to the point of beginning of the centerline to be described; thence North 01 degree 16 minutes 30 seconds East, parallel with the west line of said Section 26, a distance of 26.54 feet; thence North 85 degrees 44 minutes 35 seconds East,

a distance of 74.42 feet to the east line of the West 84.07 feet of said Government Lot 5, and said centerline there terminates.

The sidelines of said easement are to be prolonged or shortened to terminate on the east line of the West 84.07 feet of said Government Lot 5 and the north line of drainage easement as described in *Document Number 0794076*.

99260503

That part of Government Lot 5, Section 26, Township 134 North, Range 28 West, Crow Wing County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 26; thence North 01 degrees 16 minutes 30 seconds East, bearings are based on the North American Datum of 1983, along the west line of said Section 26, a distance of 398.37 feet; thence South 88 degrees 43 minutes 30 seconds East, a distance of 118.37 feet; thence southeasterly 70.40 feet along a non-tangential curve concave to the northeast to the intersection with the east line of West 184.07 feet of said Government Lot 5, said curve having a central angle of 33 degrees 36 minutes 44 seconds, a radius of 120.00 feet and a chord bearing of South 69 degrees 57 minutes 30 seconds East; thence North 01 degrees 16 minutes 30 seconds East along said east line, a distance of 268.97 feet to the point of beginning; thence reversing course South 01 degrees 16 minutes 30 seconds West, a distance of 207.91 feet; thence North 64 degrees 11 minutes 01 seconds East, a distance of 112.32 feet to the intersection with the east line of the West 284.07 feet of said Government Lot 5; thence North 01 degrees 16 minutes 30 seconds East along said east line, a distance of 223.95 feet; thence North 14 degrees 26 minutes 42 seconds West, a distance of 158 feet, more or less, to the shoreline of Gilbert Lake; thence southwesterly along said shoreline to the intersection with a line that bears North 28 degrees 46 minutes 42 seconds West from the point of beginning; thence South 28 degrees 46 minutes 42 seconds East, a distance of 167 feet, more or less, to the point of beginning. Along with a 20.00 foot easement for ingress and egress purposes over under, under and across part of said Government Lot 5, the centerline of said easement is described as follows: Commencing at the southwest corner of said Section 26; thence North 89 degrees 40 minutes 02 seconds East, bearings are based on the North American Datum of 1983, along the south line of said Section 26, a distance of 86.18 feet to the westerly right-of-way line of County State Aid Highway Number 20; thence North 44 degrees 39 minutes 17 seconds East along said right-of-way, a distance of 193.76 feet; thence 176.30 feet northeasterly along said right-of-way on a tangential curve concave to the northwest, said curve having a radius of 423.58 feet and a central angle of 23 degrees 50 minutes 50 seconds; thence North 20 degrees 49 minutes 58 seconds East along said right-of-way, tangential to the last described curve, a distance of 190.63 feet; thence 124.48 feet northerly along said right-of-way on a tangential curve concave to the west, said curve having a radius of 214.27 feet and a central angle of 33 degrees 17 minutes 09 seconds; thence North 12 degrees 27 minutes 42 seconds West along said right-of-way, tangential to the last described curve, a distance of 30.77 feet to the point of beginning of the centerline to be described; thence 101.59 feet northwesterly along a non-tangential curve concave to the southwest, said curve having a radius of 110.00 feet, a central angle of 52 degrees 55 minutes 00 seconds, a chord length of 98.02 feet and a chord bearing of North 64 degrees 27 minutes 10 seconds West to the intersection with the east line of the West 284.07 feet of said Government Lot 5, and said centerline there terminates.

The sidelines of said easement are to be prolonged or shortened to terminate on the east line of the West 284.07 feet of said Government Lot 4, and the westerly right-of-way line of said County State Aid Highway Number 20.

99260501

That part of Government Lot 5, Section 26, Township 134 North, Range 28 West, Crow Wing County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 26; thence North 01 degrees 16 minutes 30 seconds East, bearings are based on the North American Datum of 1983, along the west line of said Section 26, a distance of 398.37 feet; thence South 88 degrees 43 minutes 30 seconds East, a distance of 118.37; thence southeasterly 70.40 feet along a non-tangential curve concave to the Northeast to the intersection with the east line of West 184.07 feet of said Government Lot 5, said curve having a central angle of 33 degrees 36 minutes 44 seconds, a radius of 120.00 feet and a chord bearing of South 69 degrees 57 minutes 30 seconds East; thence South 01 degrees 16 minutes 30 seconds West, along said east line a distance of 10.01 feet to the point of beginning; thence reversing course North 01 degrees 16 minutes 30 seconds East, along said east line, a distance of 71.06 feet; thence North 64 degrees 11 minutes 01 seconds East, a distance of 112.32 feet to the intersection with the east line of the West 284.07 feet of said Government Lot 5; thence North 01 degrees 16 minutes 30 seconds East, along said East line, a distance of 223.95 feet; thence North 14 degrees 26 minutes 42 seconds West, a distance of 158 feet, more or less, to the southeasterly shoreline of Gilbert lake; thence northeasterly along said southeasterly shoreline to the intersection with the southerly line of Lot 1, Block 1, AHRENS HILL; thence South 43 degrees 35 minutes 28 seconds East, along said south line, a distance of 56 feet, more or less, to the westerly right of way line of County State Aid Highway Number 20; thence southerly along said westerly right of way line to the intersection with a line which bears; South 75 degrees 32 minutes 46 seconds East from the point of beginning; thence North 75 degrees 32 minutes 46 seconds West, a distance of 144.77 feet, hereinafter referred to as "Line A", to the point of beginning.

Along with and subject to a 33.00-foot easement for ingress and egress, the centerline of said easement being said "Line A". The sidelines of said easement are to be prolonged or shortened to terminate on said westerly right of way line of County State Aid Highway Number 20 and the east line of the West 184.07 feet of said Government Lot 5.

Subject to a drainage and utility easement as described in *Document Number 0784076*, as on file in the Office of the Country Recorder, Crow Wing County, Minnesota.

Said panel contains 74,240 square feet, more or less and is subject to all restrictions, reservations and easements of record, if any.

99260500

The Land is described as follows:

All that part of Government Lot 5, Section 26, Township 134, Range 28, Crow Wing County, Minnesota, which lies southerly of Lot 1, Block 1, Ahren's Hill and westerly of County State Aid Highway No. 20; EXCEPT That part of Government Lot 5, Section 26, Township 134, Range 28, described as follows: Commencing at the southwest corner of said Section 26; thence North 01 degree 16 minutes 30 seconds East, bearings are based on the North American Datum of 1983, along the West line of said Section 26, a distance of 398.37 feet; thence South 88 degrees 43 minutes 30 seconds East, a distance of 118.37 feet; thence southeasterly 70.40 feet along a non-tangential curve concave to the northeast to the intersection with the East line of the West 184.07 feet of said Government Lot 5, said curve having a central angle of 33 degrees 36 minutes 44 seconds, a radius of 120.00 feet and a chord bearing of South 69 degrees 57 minutes 30 seconds East; thence North 01 degree 16 minutes 30 seconds East along said East line, a distance of 268.97 feet to the point of beginning; thence reversing course South 01 degree 16 minutes 30 seconds West, a distance of 207.91 feet; thence North 64 degrees 11

minutes 01 second East, a distance of 112.32 feet to the intersection with the East line of the West 284.07 feet of said Government Lot 5; thence North 01 degree 16 minutes 30 seconds East along said East line, a distance of 223.95 feet; thence North 14 degrees 26 minutes 42 seconds West, a distance of 158 feet, more or less, to the shoreline of Gilbert Lake; thence southwesterly along said shoreline to the intersection with a line that bears North 28 degrees 46 minutes 42 seconds West from the point of beginning; thence South 28 degrees 46 minutes 42 seconds East, a distance of 167 feet, more or less, to the point of beginning;

AND EXCEPT

That part of Government Lot 5, Section 26, Township 134, Range 28, described as follows: Commencing at the Southwest corner of said Section 26; thence North 01 degree 16 minutes 30 seconds East, bearings are based on the North American Datum 1983, along the West line of said Section 26, a distance of 398.37 feet; thence South 88 degrees 43 minutes 30 seconds East, a distance of 84.07 feet to the East line of the West 84.07 feet of said Government Lot 5, said point hereinafter referred to as "Point A", thence North 01 degree 16 minutes 30 seconds East along said East line, a distance of 245.82 feet; thence North 40 degrees 38 minutes 57 seconds West, a distance of 63.34 feet to the point of beginning of the tract to be described; thence reversing course South 40 degrees 38 minutes 57 seconds East, a distance of 63.34 feet to the intersection with said East line of the West 84.07 feet of said Government Lot 5; thence South 01 degree 16 minutes 30 seconds West, along said East line, a distance of 245.82 feet to said "Point A", thence South 88 degrees 43 minutes 30 seconds East a distance of 34.30 feet; thence southeasterly 70.40 feet along a non-tangential curve concave to the northeast to the intersection with the East line of West 184.07 feet of said Government Lot 5, said curve having a central angle of 33 degrees 36 minutes 44 seconds, a radius of 120.00 feet and a chord bearing of South 69 degrees 57 minutes 30 seconds East; thence North 01 degree 16 minutes 30 seconds East along said East line, a distance of 268.97 feet; thence North 28 degrees 46 minutes 42 seconds West, a distance of 167 feet, more or less, to the shoreline of Gilbert Lake; thence southwesterly along said shoreline to the intersection with a line that bears North 28 degrees 46 minutes 42 seconds West from the point of beginning; thence South 28 degrees 46 minutes 42 seconds East, a distance of 82 feet, more or less, to the point of beginning;

AND EXCEPT

That part of Government Lot 5, Section 26, Township 134, Range 28, described as follows: Commencing at the southwest corner of said Section 26; thence North 01 degree 16 minutes 30 seconds East, bearings are based on the North American Datum of 1983, along the West line of said Section 26, a distance of 398.37 feet to the point of beginning of the tract to be described; thence South 88 degrees 43 minutes 30 seconds East, a distance of 84.07 feet to the East line of the West 84.07 feet of said Government Lot 5; thence North 01 degree 16 minutes 30 seconds East along said East line, a distance of 245.82 feet; thence North 40 degrees 38 minutes 57 seconds West, a distance of 63.34 feet; thence North 28 degrees 46 minutes 42 seconds West, a distance of 82 feet, more or less, to the shoreline of Gilbert Lake; thence westerly along said shoreline to the intersection with said West line of said Section 26; thence South 01 degree 16 minutes 30 seconds West along said West line, a distance of 364 feet, more or less, to the point of beginning;

AND EXCEPT

That part of Government Lot 5, Section 26, Township 134, Range 28, described as follows: Commencing at the southwest corner of said Section 26; thence North 01 degree 16 minutes 30 seconds East, bearings are based on the North American Datum of 1983; along the Westline of said Section 26, distance of 398.37 feet; thence South 88 degrees 43 minutes 30 seconds East, a distance of 118.37 feet; thence southeasterly 70.40 feet along a non-tangential curve concave to the Northeast to the intersection with the East line of the West 184.07 feet of said Government Lot 5, said curve having a central angle of 33 degrees 36 minutes 44 seconds, a radius of 120.00 feet and a chord bearing of South 69 degrees 57 minutes 30 seconds East; thence South 01 degree 16 minutes 30 seconds West, along said East line a distance of 10.01 feet to the point of beginning; thence reversing course North 01 degree 16 minutes 30 seconds East along said East line, a distance of 71.06 feet; thence North 64 degrees 11 minutes 01 seconds East, a distance of 112.32 feet to the intersection with the East line of the West 284.07 feet of said Government Lot 5; thence North 01 degree 16 minutes 30 seconds East, along said East line, a distance of 223.95 feet; thence North 14 degrees 26 minutes 42 seconds West, a distance of 158 feet, more or less, to the southeasterly shoreline of Gilbert Lake; thence northeasterly along said southeasterly shoreline to the intersection with the southerly line of Lot 1, Block 1, Ahren's Hill; thence South 42 degrees 35 minutes 28 seconds East, along said South line, a distance of 56 feet, more or less, to the westerly right-of-way line of County State Aid Highway No. 20; thence southerly along said westerly right-of-way line to the intersection with a line which bears South 75 degrees 32 minutes 46 seconds East from the point of beginning; thence North 75 degrees 32 minutes 46 seconds West, a distance of 144.77 feet, hereinafter referred to as "Line A", to the point of beginning.

99340500

That part of Government Lot Five (5), Section Thirty-four (34), Township One Hundred Thirty four (134), Range Twenty-eight (28), described as follows: Commencing at a point where the west line of said Government Lot 5 intersects the center line of the road known as "Scenic Drive" or "Scenic River Road", thence North 66 degrees 03 minutes East, assumed bearing, along the center line of said "Scenic Drive" or "Scenic River Road", a distance of 423.00 feet, to the point of intersection with the centerline of the County Road known as "McKay Road", thence North 2 degrees 57 minutes West, along the center line of said "McKay Road" a distance of 375.00 feet to the point of beginning, thence continuing North 2 degrees 57 minutes West, along the center line of said "McKay Road", a distance of 125.00 feet, thence South 66 degrees 03 minutes West a distance of 300.00 feet, thence South 2 degrees 57 minutes East a distance of 125.00 feet, thence North 66 degrees 03 minutes East a distance of 300.00 feet to the point of beginning.

AND

That part of Government Lot Five (5), Section Thirty-four (34), Township One Hundred Thirty-four (134), Range Twenty-eight (28), described as follows: Commencing at a point where the west line of said Government Lot 5 intersects the centerline of the road known as "Scenic Drive" or "Scenic River Road", thence North 66 degrees 03 minutes East assumed bearing, along the centerline of said "Scenic Drive" or "Scenic River Road" a distance of 423.00 feet, to the point of intersection with the centerline of the County Road known as "McKay Road", thence North 2 degrees 57 minutes West along the centerline of said "McKay Road" a distance of 250.00 feet to the point of beginning, thence continuing North 2 degrees 57 minutes West, along the centerline of said "McKay Road" a distance of 125.00 feet, thence South 66 degrees 03 minutes West a distance of 300.00 feet, thence South 2 degrees 57 minutes East a distance of 125.00

feet, thence North 66 degrees 03 minutes East a distance of 300.00 feet to the point of beginning.

9934P001

OUTLOT A SCENIC ACRES

99040508

Lot # 31, River Heights

99340607

That part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 134 North, Range 28 West, Crow Wing County, Minnesota that lies northerly of the northerly right-of-way line of Ashmun Road as described in *Document No. 329595* and easterly of the following described line:

Commencing at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 05 minutes 58 seconds West, assumed bearing, 762.94 feet along the east line of said Northwest Quarter of the Northeast Quarter to the point of beginning of the line to be described; thence South 35 degrees 31 minutes 45 seconds West 149.28 feet; thence South 00 degree 05 minutes 58 seconds West 66.96 feet, more or less to said northerly right-of-way line of Ashmun Road and said line there terminating.

99340606

That part of the East 43.00 feet of the Northwest Quarter of the Northeast Quarter of Section 34, Township 134 North, Range 28 West, Crow Wing County, Minnesota that lies northerly of the northerly right-of way line of Ashmun Road as described in *Document No. 329595* and southerly of the following described line:

Commencing at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence South 00 degrees 05 minutes 58 seconds West, assumed bearing, 762.94 feet along the east line of said Northwest Quarter of the Northeast Quarter to the point of beginning of the line to be described; thence South 35 degrees 31 minutes 45 seconds West 74.18 feet to the west line of the East 43.00 feet thereof and said line there terminating.

99340615

That part of fractional NW1/4 of NE1/4 lying South of the North 525.4 feet of the NW1/4 – NE1/4 and North and East of the following described lines: Beginning at an iron pipe on the East line of the NW1/4 – NE1/4 that is 400 feet North of the Southeast corner thereof then South 89 degrees 27 minutes West 160 feet to a North iron pipe then Northwesterly 188.2 feet more or less in a straight line to the Southeasterly corner of the parcel conveyed to R.E. Simmons, said point being 1616 feet West and South 3 degrees 50 minutes West 918 feet from the Northeast corner of Section 34 then North 3 degrees 0 minutes East 365.09 feet to a point that is 553.84 feet South of the North Line of Section 34 then – West parallel with the North line of Section 34, 410 feet more or less to the waters edge of Gilbert Lake and there ending. Subject to restrictions and easements of record. Section 34, Township 134, Range 28

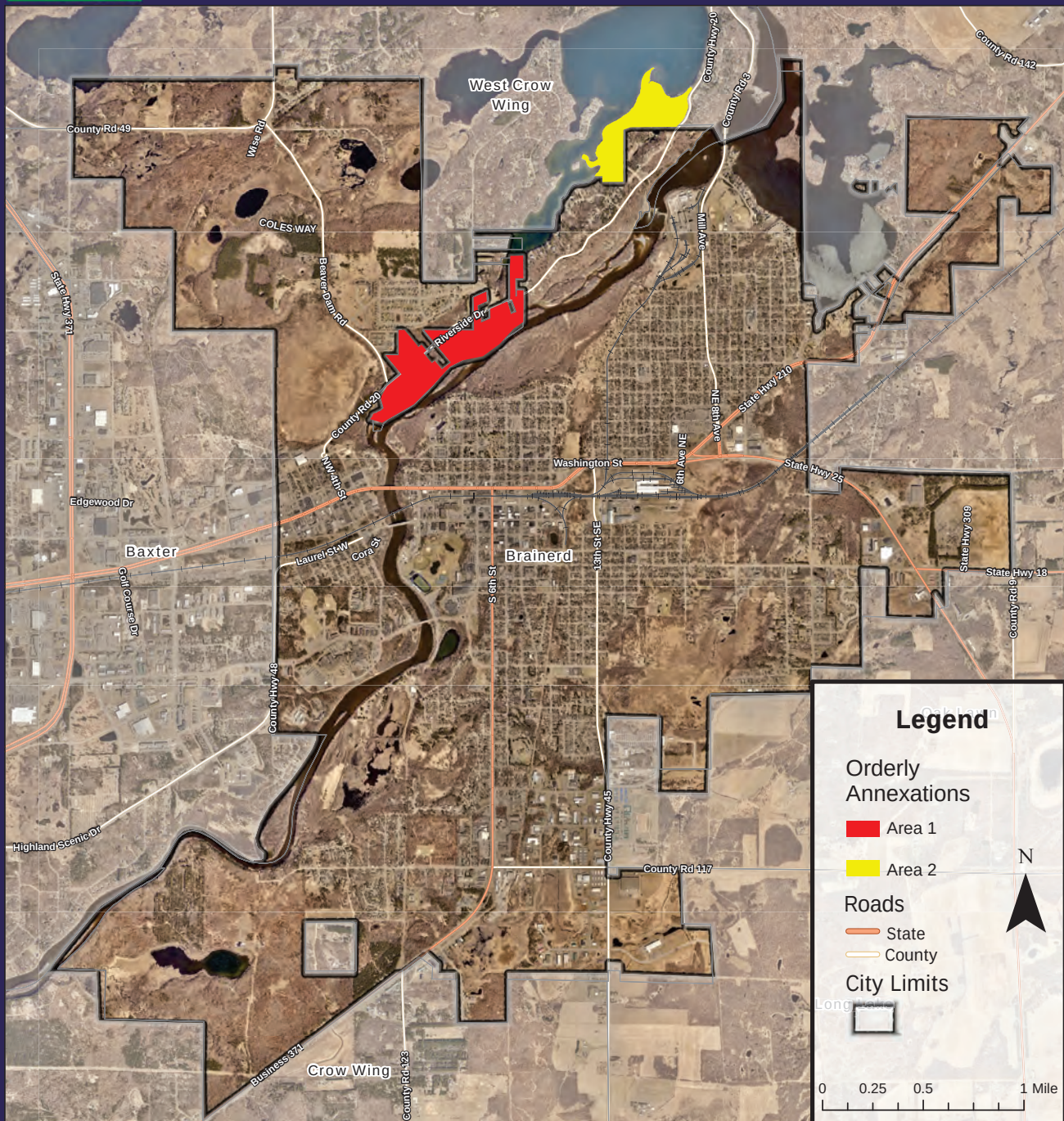
99340610

The North 100 feet of Government Lot Two (2), except the East 544 feet thereof; and the South 50 feet of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$), except the East 544 thereof, all in Section Thirty-Four (34), Township One Hundred Thirty-Four (134), Range Twenty-Eight (28).



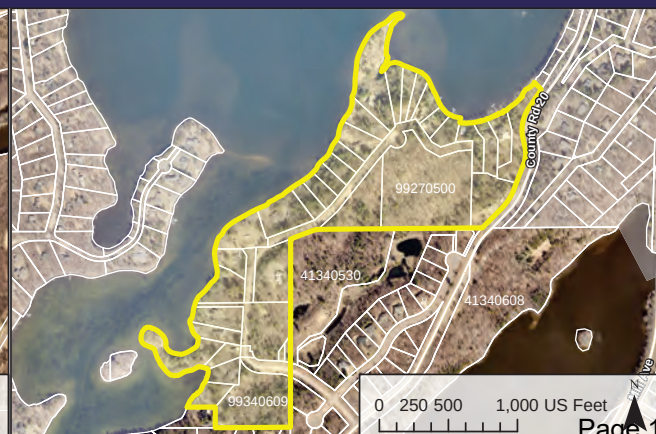
City of Brainerd

Proposed Orderly Annexations



Orderly Annexation Area 1

Orderly Annexation Area 2



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Pursuant to Minnesota Statutes Section 414.0325 (Orderly Annexation in Designated Unincorporated Area), the City of Brainerd and Crow Wing County are considering an orderly annexation agreement that would designate an area for potential annexation of properties from Unorganized First Assessment District into the municipal boundaries of the City of Brainerd. The proposed orderly annexation area is described as follows:

Properties near or adjacent to Riverside Drive from Beaver Dam Road to slightly past Shady Hills Trail. The orderly annexation area includes properties adjacent to or have access from Riverside Drive, Highview Circle, Karr Drive, River Arches, and Ashmun Road. Refer to the attached map (Exhibit A) for a complete description of the Orderly Annexation Area.

City Council will be holding a Public Hearing on Tuesday, February 17th, 2026, at 7:30 pm to consider a joint resolution/orderly annexation agreement between the City of Brainerd and Crow Wing County.

Please feel free to contact the Community Development Department at (218) 828- 2307 if you have any questions regarding this matter.

James D. Krummick

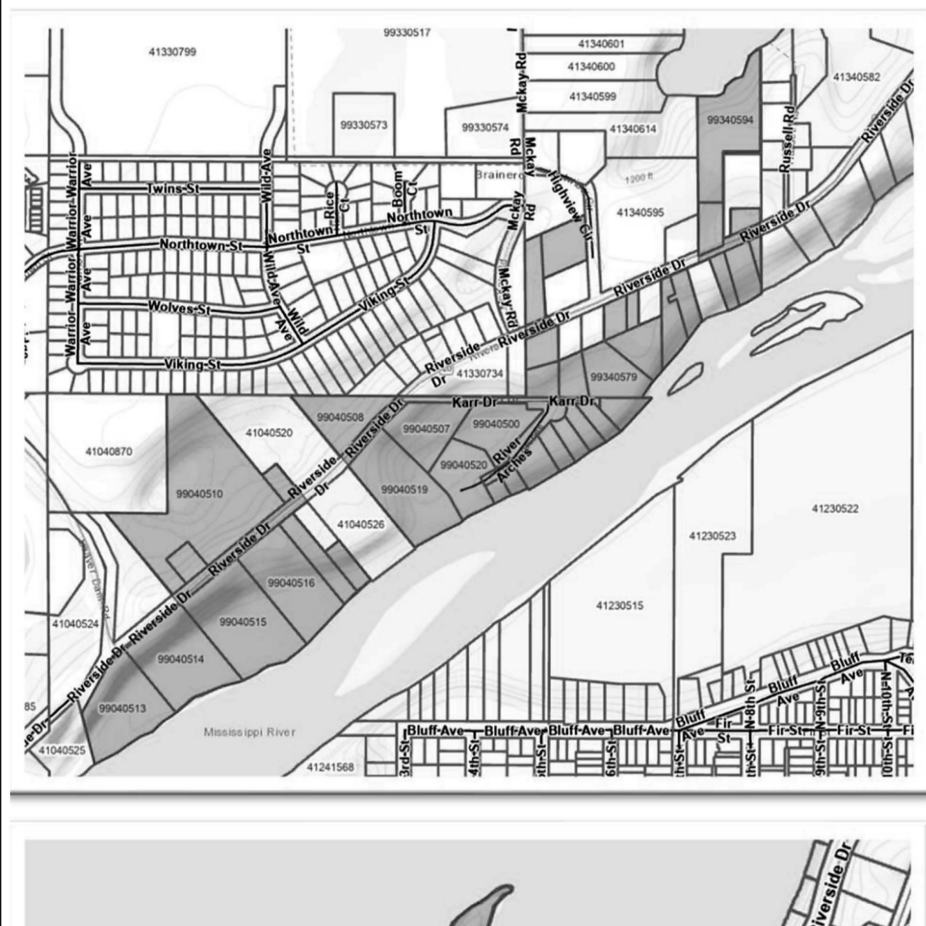
Sincerely,
James L. Kramvik
Community Development Director

Enclosure

Dated this 28th day of January, 2026

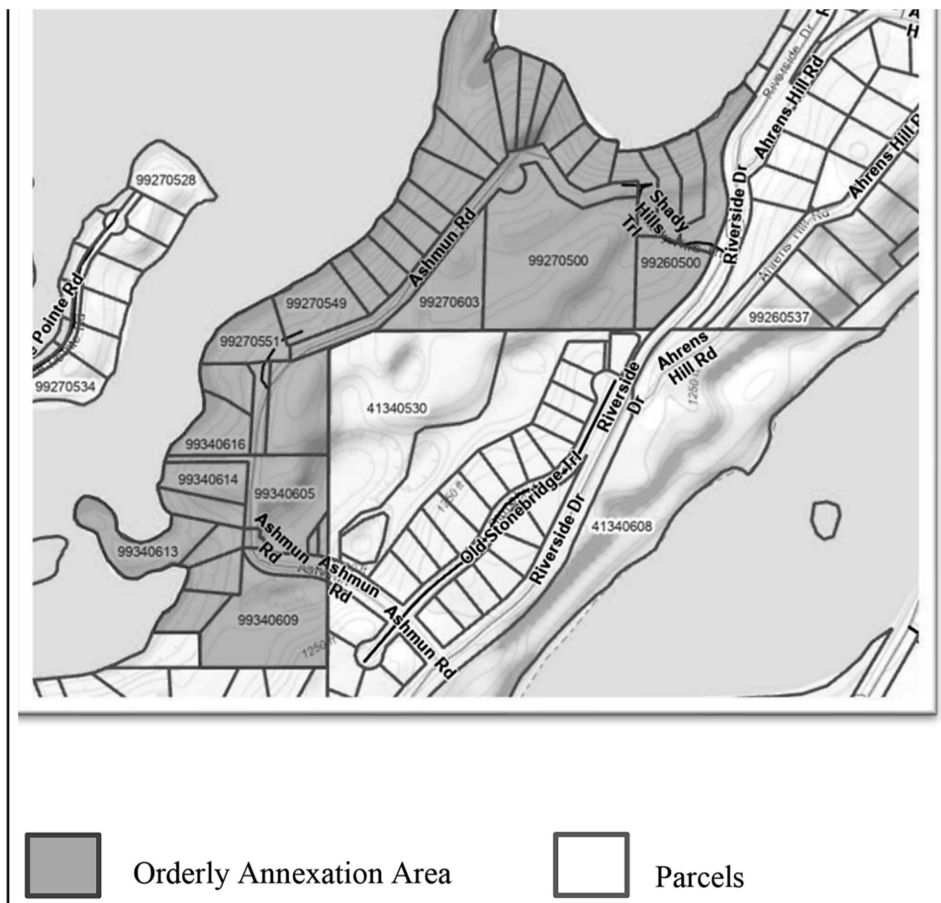
Publication Date: January 31st, 2026

EXHIBIT A



Expected print dimensions of advertisement:
Width: 4.97 in., Height: 13.22 in.

Newspaper page size: Width: 10.06 in., Height: 20.00 in.
Publisher may wrap or break notice between pages.



From: [James Kramvik](#)
To: [Ginny Knudson](#)
Cc: [David Rhoda](#); [Jared Bartel](#); lanemimmack@gmail.com; [Chad Knudson](#); [Stephanie Bestul](#); [Toni Gage](#); [Nick Broyles](#); [Jessie Dehn](#); [Joseph J. Langel <jjl@ratwiklaw.com>](mailto:Joseph.J.Langel@ratwiklaw.com); [Chris Pence](#)
Subject: RE: Orderly Annexation--Riverside Drive/Ashmun Road
Date: Tuesday, February 17, 2026 10:58:06 AM
Attachments: [RES - Orderly Annexation Agreement.pdf](#)
[image002.png](#)
[image003.png](#)

Hi Ginny,

Thank you for reaching out to the City. I have bcc'd my response along with your e-mail to all City Council members. I have attached the orderly annexation agreement as a PDF document for your review. The complete agenda item can be found at the following link on the City's website:

<https://brainerdmn.portal.civicclerk.com/event/1414/files/report/2567>

The orderly annexation agreement, which is the joint resolution, designates an area for orderly annexation, and the map is attached as Exhibit A. The agreement does not immediately annex properties into the City.

The agreement has been reviewed by both the City and County attorneys. If agreed upon, the City could may annex by resolution, subject to the agreement and based on the following criteria:

1. Owner petition
2. City Initiated Island Annexation – Properties or pockets surrounded by municipal boundaries and a body of water.
3. City Initiated – Properties that are currently available to connect to municipal utilities or those that the City will provide utilities to within 2 years of annexing.

Ashmun Road, where your property is located, could not be immediately annexed after approval of the OAA and would continue be under jurisdiction of First Assessment District/ Crow Wing County until annexed. The City must provide utilities to Ashmun Road or Shady Hills Trail within two years prior to annexing. I cannot speculate when a utility project may happen in this location, but it would most likely be several years as the City has already planned for future projects in the coming years. By designating Ashmun Road, the City could begin capital planning. Area 1 and one property of area 2 along Riverside Drive would be subject to annexation into the City by City Council resolution, based on the terms of the agreement if the joint agreement is passed.

City staff believe the subject area is or is about to become urban or suburban in character because of the improvement project in 2003 that provided municipal utilities to this area. Municipal utilities are currently adjacent to properties along Riverside Drive just before Shaddy Hills Trail and were partially installed on Ashmun Road to provide utility services to Old Stonebridge Trail.

Karr Drive and River Arches are currently surrounded by municipal boundaries and County and City staff believe it is in the best interest for the area to be annexed and for the City to provide those services. The City currently plows and maintains Ashmun Road as part of a joint maintenance agreement. The County

is responsible for improvement projects on Ashmun Road. The City currently provides services in the area for Highview Circle, Russel Road, and Island Drive as they are City streets.

The environment was considered when creating the orderly annexation area map as most properties are in a shoreland overlay district. If municipal utilities are present, it is better for the environment for properties to connect. This past year, a property owner had a major septic failure and was in need of an emergency utility connection.

If annexed, a property in the proposed Orderly Annexation Area would not need to immediately connect to municipal services unless the septic system is non-compliant. Connections to the public water and sanitary sewer facilities may be delayed for a period of three years if the existing sewer system is compliant with all current State, County and City regulations as evidenced by the property owner providing to the City proof of compliance from the County. Connection can be further delayed if the sewer system is re-certified every three years from the original date of certification.

Please let me know if you have any further questions.

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: Ginny Knudson <vjknudson@brainerdlaw.com>
Sent: Monday, February 16, 2026 12:38 PM
To: James Kramvik <jkramvik@ci.brainerd.mn.us>
Cc: David Rhoda <drhoda16@gmail.com>; Jared Bartel <jwbartel@gmail.com>;
lanemimmack@gmail.com; Chad Knudson <chadwrdcsd@gmail.com>
Subject: Orderly Annexation--Riverside Drive/Ashmun Road

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

Dear James,

My husband and I own property at 15977 Ashmun Trail.

Has an orderly annexation agreement been drafted? Would you please send all of us on this email a copy of any and all drafts that have been created?

Also, have the city and county considered the following factors and what are the conclusions and findings of that analysis:

- (1) the subject area is now or is about to become urban or suburban in character and that the annexing municipality is capable of providing the services required by the area within a

reasonable time; or

(2) that the existing township form of government is not adequate to protect the public health, safety, and welfare; or

(3) that annexation would be in the best interests of the subject area.

Until the City and County provide this explanation of how this annexation is in the best interest of the property owners and we are able to review any proposed agreement, my husband and I object to the proposed annexation. We are unable to attend the City Council meeting on February 17 and ask that this email be made part of the record for the meeting.

Ginny Knudson

Borden, Steinbauer, Krueger & Knudson, P.A.

302 South Sixth Street

P.O. Box 411

Brainerd, MN 56401

218-829-1451 (main) 218-829-2946 (fax)

www.brainerdlaw.com



This communication, including any attachments, is from a law firm. It is intended by the sender and proper recipients to be confidential, intended only for the proper recipient or recipients, and may contain private information or information protected by legal or other privilege. If this communication is not intended for you, then you are notified that any review or use of the communication is strictly prohibited. If you receive this message in error and/or you are not the intended recipient, then please notify the sender by reply or telephone 218-829-1451. Receipt by anyone other than as intended by the proper recipient is not a waiver of any privilege, including the attorney/client or work product privilege.

LEAP Email Reference [F:f20f0782-7317-46f8-8a51-86e44de1aece][M:6ac542f3-83bc-4f34-9f39-c92e8c40797c][O:53664b47-6d7b-4e15-bb4c-7be8185962ef] (Please do not delete)

From: [James Kramvik](#)
Cc: [Joseph J. Langel <jjl@ratwiklaw.com>](#); [Toni Gage](#); [Stephanie Bestul](#); [Nick Broyles](#); [Jessie Dehn](#); [Paul Sandy BPU](#)
Subject: FW: Petition for Riverside Annexation
Date: Tuesday, February 17, 2026 9:57:21 AM
Attachments: [image001.png](#)
[Riverside Annexation Petition.pdf](#)

Hi All,

I have bcc'd City Council to this e-mail. Attached is a petition regarding the proposed orderly annexation agreement.

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: Bookkeeping Solutions <bookkeepingandbillingsolutions@gmail.com>
Sent: Tuesday, February 17, 2026 6:45 AM
To: James Kramvik <jkramvik@ci.brainerd.mn.us>
Subject: Petition for Riverside Annexation

You don't often get email from bookkeepingandbillingsolutions@gmail.com. [Learn why this is important](#)

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

Good morning!

I hope you had a wonderful long weekend!

Attached is the petition for the council meeting today.

Please let me know if you need anything from us.

Thank you so much for your help and answering ALL of our calls!

Have a great day!

Chanda De Villiers
952.237.9471

To:

City of Brainerd Council
501 Laurel Street
Brainerd, MN 56401

Cc:

Crow Wing County Board
Municipal Boundary Adjustment Unit, Office of Administrative Hearings
Town Clerk of Affected Township

Subject: Petition Opposing Proposed Annexation of Riverside Drive Properties

We, the undersigned residents and property owners, respectfully submit this petition in opposition to the proposed annexation of properties along **Riverside Drive** into the City of Brainerd, Minnesota.

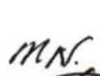
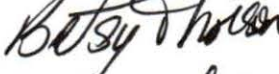
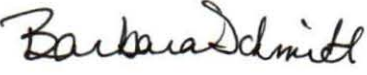
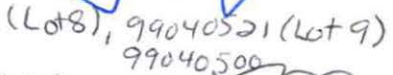
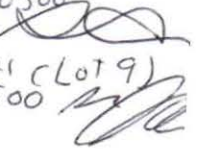
Reasons for Opposition

Residents and property owners in the proposed annexation area oppose this action for the following reasons:

- **Increased Taxes:** Annexation often results in a change to the city's tax rate and assessments. Many residents are concerned that being classified within the City's urban service tax district — rather than a rural service district — will increase their tax burden without proportional benefit. [\(Citizen Portal\)](#)
- **Mandatory Utility Hookups:** Annexation can trigger requirements to connect to city water/sewer systems, potentially at high cost to property owners. [\(Citizen Portal\)](#)
- **Local Governance & Representation:** Residents in unincorporated areas currently participate in township governance; annexation could reduce their influence over local land use and services.
- **Service Level Concerns:** Some residents feel current township services (e.g., road maintenance, emergency response) adequately meet their needs and annexation may not yield better services.
- **Property Rights:** There are concerns that annexation interferes with long-standing property rights and plans for land use that reflect rural character.

Signature Table

Name Property Address Signature

1. Chanda DeVilliers 14970 River Arches Brand, mn 
2. Robert DeVilliers 14974 River Arches Brand, mn 
3. Debra Carson 14904 River Arches Brainerd MN 
4. THOMAS D. CARSON 14904 RIVER ARCHES, BRAINERD MN 
5. Betsy Thorson 14986 River Arches Brainerd MN 
6. Richard Schmidt 9567 Karr Drive, Brainerd, MN 56401 
7. Barbara Schmidt 9567 Karr Drive Brainerd MN 
8. Patrick Sprenger 15100 Riverside Dr Brainerd MN 
9. Doretha Sprenger 15100 Riverside Dr Brainerd
10. Stefany Carvalho 14964 River Arches, Brainerd, MN 
11. Matthew Achen 14964 River Arches, Brainerd, MN 
12. Jesse Hopkins 14998 Riverside Dr. Brainerd, MN. 
13. Stefany Carvalho 99030534 (Property ID), 99040522 (Lot 8), 99040521 (Lot 9) 
14. Matthew Achen 99030534 (Lot 1 Block 1, property), 99040522 (Lot 8), 99040521 (Lot 9) 
- 15.
- 16.
- 17.
- 18.
- 19.
- 20.
- 21.

Signature Table

Name Property Address Signature

1. GLEN E. MILENDER 15098 RIVERSIDE DRIVE *Glen E. Milender*
2. Bruce A. Smith 15090 Riverside Dr *Bruce Smith*
3. Diane Smith 15090 Riverside Dr. *Diane Smith*
4. Denise Deladi-Baker 15062 Riverside Dr *Denise Deladi-Baker*
5. GRANT BAKER 15062 Riverside Dr *Grant Baker*
6. Robert Johnson 15151 Highview Cir. *Robert Johnson*
7. Ruth Johnson 15151 Highview Cir *Ruth Johnson*
8. Dustin Nelson 15112 Riverside Dr. *D. Nelson*
9. GINA NELSON 15112 Riverside Dr. *Gina Nelson*
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.
- 16.
- 17.
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- 19.
- 20.
- 21.

Name Property Address Signature

22. Rachel Kohn, 14948 Riverside Dr, Brainerd

Rachel M Kohn
Riverside Dr

23. RUSSELL KOHN 14948 RIVERSIDE DR. Brainerd

24.

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40.

From: [James Kramvik](#)
To: [Toni Gage](#); [Stephanie Bestul](#)
Cc: [Jessie Dehn](#); [Paul Sandy BPU](#); [Nick Broyles](#)
Subject: FW: Letter from Ashmun Road
Date: Tuesday, February 17, 2026 12:56:32 PM
Attachments: [Letter_Proposed Annexation of Ashmun Road 2.13.2026.pdf](#)
[image001.png](#)

Hi Toni,

This was sent to all Council members ahead of tonight's meeting.

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: Lane Mimmack <lanemimmack@gmail.com>
Sent: Tuesday, February 17, 2026 12:09 PM
To: James Kramvik <jkramvik@ci.brainerd.mn.us>
Cc: Dave Badeaux <dbadeaux@ci.brainerd.mn.us>; Tad Erickson <terickson@ci.brainerd.mn.us>; Kevin Stunek <kstunek@ci.brainerd.mn.us>; Kelly Bevans <kbevans@ci.brainerd.mn.us>; Kevin Yeager <kyeager@ci.brainerd.mn.us>; Jeff Czczok <jzczok@ci.brainerd.mn.us>; Mike ODay <moday@ci.brainerd.mn.us>; Gabe Johnson <gjohnson@ci.brainerd.mn.us>; Nick Broyles <nbroyles@ci.brainerd.mn.us>
Subject: Letter from Ashmun Road

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

Dear James Kramvik and fellow City of Brainerd Officers,

Attached is a letter that Ashmun Road residents sent to CWC Commissioner Rosemary Franzen regarding the inclusion of Ashmun Road in the proposed orderly annexation discussions. She asked that we send it to you all as well in preparation for the meeting this evening.

Respectfully,

Lane and Michelle Mimmack - 15999 Ashmun Trail Brainerd, MN 56401
David and Julie Rhoda - 15969 Ashmun Trail Brainerd, MN 56401
Jared and Annette Bartel - 16127 Ashmun Road Brainerd, MN 56401
John and Carna Linn - 16177 Ashmun Road Brainerd, MN 56401

Ken and Joan Mimmack - 15857 Ashmun Road Brainerd, MN 56401

Tim and Cassie Spitzley - 15889 Ashmun Road Brainerd, MN 56401

Greg and Brenda Simmons - 15883 Ashmun Road Brainerd, MN 56401

Bob and Ronette Lyczewski - 15867 Ashmun Road Brainerd, MN 56401

To: Commissioner Rosemary Franzen
From: Residents and Property Owners of Ashmun Road
Date: February 13, 2026

Dear Commissioner Franzen,

We, the undersigned residents and property owners of Ashmun Road, respectfully submit this letter to formally express our opposition to the proposed annexation of our neighborhood into the City of Brainerd for the purpose of extending city municipal boundaries and services.

Our opposition is based on the following concerns:

1. Zoning and Taxation Concerns

We are not interested in becoming subject to city zoning regulations and taxation. Annexation would likely result in:

- Increased property taxes
- Additional municipal assessments and fees
- Changes to zoning classifications
- Smaller allowable lot sizes
- Increased density and development standards inconsistent with our current rural/residential character

Many residents chose to live on Ashmun Road specifically to remain outside city jurisdiction and maintain larger lot sizes, lower density, and county-level governance. Annexation would fundamentally alter the character and long-term stability of our neighborhood.

2. Not Included in the 10-Year Plan

The proposed annexation of Ashmun Road was not identified in the City's adopted 10-year development or infrastructure plan from what we understand. This raises concerns to why Ashmun Road is included in the proposed annexation area and not at some point in the future when it is actually part of the City's 10-year development plan. The absence of this proposal from the long-term planning framework raises concerns regarding transparency, planning consistency, and prioritization of municipal resources.

3. Lack of Cost Disclosure

To date, no detailed cost analysis or formal proposal outlining the financial impact of annexation has been presented to the affected property owners. This includes, but is not limited to:

- Connection fees
- Infrastructure installation costs
- Assessment fees

- Ongoing service charges
- Property tax implications

Without a clear and complete disclosure of costs, residents cannot make an informed decision.

4. **Financial Liability Concerns**

Approving annexation without defined financial terms may expose property owners to unknown and potentially significant financial obligations. We are concerned that agreeing to annexation without a formal, itemized cost proposal may result in liabilities we did not knowingly accept or approve. For example, not only will residents be financially responsible for hook-up costs, most if not all resident properties will require sewer lift stations based on where the residences are located on the properties.

5. **Lack of Informed Consent**

Responsible governance requires transparency and full disclosure prior to requesting consent. At this time, sufficient information has not been provided to justify moving forward with annexation of Ashmun Road as part of this proposal.

For these reasons, we respectfully request that the inclusion of Ashmun Road in the proposed orderly annexation area be postponed or withdrawn unless and until:

- A detailed written cost proposal is provided to all affected property owners;
- The proposal is evaluated in the context of the City's adopted long-term planning documents; and
- Residents are given adequate opportunity to review, ask questions, and provide informed input.

We value responsible development and cooperative relationships with the City; however, we cannot support annexation under the current circumstances. We ask that you please vote "no" on the proposed orderly annexation of the properties on Ashmun Road.

Respectfully,

Lane and Michelle Mimmack - 15999 Ashmun Trail Brainerd, MN 56401

David and Julie Rhoda - 15969 Ashmun Trail Brainerd, MN 56401

Jared and Annette Bartel - 16127 Ashmun Road Brainerd, MN 56401

John and Carna Linn - 16177 Ashmun Road Brainerd, MN 56401

Ken and Joan Mimmack - 15857 Ashmun Road Brainerd, MN 56401

Tim and Cassie Spitzley - 15889 Ashmun Road Brainerd, MN 56401

Greg and Brenda Simmons - 15883 Ashmun Road Brainerd, MN 56401

Bob and Ronnette Lyczewski - 15867 Ashmun Road Brainerd, MN 56401

From: [James Kramvik](#)
To: [Kelly Bevans](#)
Cc: [Nick Broyles](#); [Toni Gage](#); [Stephanie Bestul](#); [Jessie Dehn](#); [Paul Sandy BPU](#)
Subject: RE: Letter from Ashmun Road
Date: Tuesday, February 17, 2026 2:47:43 PM
Attachments: [RES - Orderly Annexation Agreement.pdf](#)
[image001.png](#)

Hi Kelly,

Thank you for the question. I have bcc'd the rest of City Council. You are correct, the agreement that is before council tonight only establishes the area and the parameters to annex. City Council would have to pass a subsequent resolution, after a Municipal Boundary Line Judge certifies the joint resolution, in order to annex any property into the City of Brainerd.

If the joint resolution is passed, staff would seek Council direction and recommend annexation of Area 1 and one property of Area 2 that is already connected to municipal utilities. All properties in Area 1 are either surrounded by a municipal border and/ or have the ability to connect to services. Ashmun Road could not be annexed until the City is ready to provide municipal utilities within 2 years. Most properties on Ashmun Road are not currently within city limits. Utilities are partially installed in Ashmun Road to provide services to Old Stonebridge. The City has a shared maintenance agreement with the County to provide plowing and patching for Ashmun Road as we currently maintain other City streets in the area. The County is still responsible for improvement projects. If the joint resolution passes, Ashmun Road would still be jurisdiction of the County until the City annexes the area pursuant to the agreement.

The following are conditions for annexation per the agreement:

1. Property Owner Initiated Annexation. Each separately defined "Parcel" (which has its own separate PID as shown in Crow Wing County land records) within the OAA shall become eligible for annexation by property owner petition if the Parcel abuts the City's municipal boundary line.
2. At any time, the City may initiate annexation of a Parcel or Parcels within the OAA that have "Public Infrastructure" or for the purpose of extending "Public Infrastructure" (defined to mean streets, sanitary sewer, water, etc.).
 - a. As required under paragraph 9 hereof, City initiated annexation shall make Public Infrastructure available within 150 feet of all annexed Parcels within two years of the date the annexation is approved by MBAU.
3. City Initiated Island Annexation. The County and City acknowledge there are existing pockets of the County which are surrounded by the City and the Mississippi River or Gilbert Lake ("Islands"). Islands shall be annexed only by City initiation. The City may determine that it is both in the best interest of the Islands and the rest of the County that the Island or Islands become part of the surrounding City in order to consolidate boundaries and enhance services. Annexation of Islands is subject to the following:
 - a. The City may, but shall not be obligated to, make public infrastructure available within two years to all Parcels annexed by City Initiated Island Annexation.

Note: Properties with available utilities would not need to connect if their septic is certified every three years by an inspector. Properties would be required to connect once the septic system fails provided

utilities are available.

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 Bevens <kbevans@ci.brainerd.mn.us>
Sent: Tuesday, February 17, 2026 2:22 PM
To: James Kramvik <jkramvik@ci.brainerd.mn.us>
Subject: Fw: Letter from Ashmun Road

James

Regarding the orderly annexation agreement on tonight's agenda:

To clarify: The proposed agreement doesn't automatically annex anyone, does it? My reading is it sets the parameters as to who/how an annexation will happen under certain conditions. Am I correct? If I'm correct, please clarify those conditions. Also, would property owners meeting these conditions then be subject to forced annexation under this agreement?

-The attached letter of objection. Aren't most (all?) of these folks already in the City of Brainerd?

Thank You

Kelly

From: Lane Mimmack <lanemimmack@gmail.com>
Sent: Tuesday, February 17, 2026 12:09 PM
To: James Kramvik <jkramvik@ci.brainerd.mn.us>
Cc: Dave Badeaux <dbadeaux@ci.brainerd.mn.us>; Tad Erickson <terickson@ci.brainerd.mn.us>; Kevin Stunek <kstunek@ci.brainerd.mn.us>; Kelly Bevens <kbevans@ci.brainerd.mn.us>; Kevin Yeager <kyeager@ci.brainerd.mn.us>; Jeff Czezczok <jczeczok@ci.brainerd.mn.us>; Mike ODay <moday@ci.brainerd.mn.us>; Gabe Johnson <gjohnson@ci.brainerd.mn.us>; Nick Broyles <nbroyles@ci.brainerd.mn.us>
Subject: Letter from Ashmun Road

You don't often get email from lanemimmack@gmail.com. [Learn why this is important](#)

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

Dear James Kramvik and fellow City of Brainerd Officers,

Attached is a letter that Ashmun Road residents sent to CWC Commissioner Rosemary Franzen regarding the inclusion of Ashmun Road in the proposed orderly annexation discussions. She asked that we send it to you all as well in preparation for the meeting this evening.

Respectfully,

Lane and Michelle Mimmack - 15999 Ashmun Trail Brainerd, MN 56401

David and Julie Rhoda - 15969 Ashmun Trail Brainerd, MN 56401

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Tim and Cassie Spitzley - 15889 Ashmun Road Brainerd, MN 56401

Greg and Brenda Simmons - 15883 Ashmun Road Brainerd, MN 56401

Bob and Ronette Lyczewski - 15867 Ashmun Road Brainerd, MN 56401



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Resolution - Convey Property to Brainerd EDA (Added Attachments)

AGENDA: Main

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE

The City received a formal Letter of Intent (LOI) from River Birch Investments, LLC, which is partnered with Central Minnesota Dermatology, an existing local dermatology business. They are interested in the \$1/acre incentive program which would allow them to build and develop a new dermatology clinic in the Thiesse Drive Industrial Park on Lots 1 and 2 of Block 5 with a potential expansion of the business on Lot 3 Block 5.

The proposed dermatology clinic would combine Lots 1 and 2 to construct an approximate 8,000 square foot two-story medical building (4,000 sq ft each level) as well as adequate parking for employees and patients. The applicant would like the option to develop Lot 3 at a later date to expand future services to their patients. As stated by the developer, the building could be potentially expanded for Central Minnesota Dermatology services or to lease to another business that is complementary in nature. The developer has submitted an application for public financing and a \$10,000 escrow to pay for the City's administrative costs.

In addition, the developer has applied for a Conditional Use Permit to exceed the off-street parking maximum space requirement. The CUP request will be considered at the February 18th Planning Commission meeting. Any proposed off-street parking facility exceeding the maximum parking space calculation may only be allowed to exceed the maximum number of spaces if the building has more than one level and upon approval of a Conditional Use Permit.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTSThe purpose of this agenda item is for the City Council to adopt the attached resolution which conveys the Development Property to the Brainerd EDA by quit claim deed for conveyance to the Developer, subject to the successful negotiation and execution of the Purchase and Development Agreement (PDA).

At their September 4th meeting, the EDA discussed provisions of the PDA as the developer is requesting a \$1.00 per acre purchase price, which is considered a business subsidy. The EDA may attach economic and employment conditions to the Purchase and Development agreement as a result of the business

subsidy request. The following summarizes the requirements of the PDA that will be presented to the Brainerd EDA on March 5th:

- The Developer will determine if the Option Property will be improved within five (5) years of the Certificate of Occupancy being issued for the Developer Improvements and shall notify the City of its intentions. If the Developer plans to improve the Option Property, then a formal Addendum to this Purchase and Development Agreement shall be made and entered into by the City and Developer.
- The Developer must continue operation of the Minimum Improvements as a “Qualified Facility” for at least five years after the Benefit Date. For the purposes of this Section, the term Qualified Facility means an office and medical office for a Developer’s business.
- Job and Wage Goals. The “Benefit Date” of the assistance provided in this Agreement is the earlier of the date of issuance of completion of the Minimum Improvements or the date the Minimum Improvements are occupied by Developer or a tenant of Developer. By or before the “Compliance Date”, defined as the date five years after the Benefit Date, the Developer shall cause to be retained at least 21 full-time equivalent jobs permanent to the Development Property, and shall cause to be created at least one (1) full-time equivalent job permanent to the Development Property.
- The Developer is required to pay the City's Broker fee of 6.5% of the appraised market value.

RECOMMENDED ACTION/MOTION

Motion to Adopt Resolution Conveying - Lots 1 and 2 of Block 5 Thiesse Dr, Industrial Park 1st Addition to the EDA

FINANCIAL IMPACT

N/A

CITY OF BRAINERD, MINNESOTA

R E S O L U T I O N

NO. _____

**RESOLUTION AUTHORIZING CONVEYANCE OF CITY PROPERTY TO THE
BRAINERD ECONOMIC DEVELOPMENT AUTHORITY**

BE IT RESOLVED by the City Council of the City of Brainerd, Minnesota (the "City") as follows:

Section 1. Recitals.

1.01. The City has previously established Development District No. 2 (the "District"), consisting primarily of real property located within the City's industrial park, pursuant to Minnesota Statutes, Sections 469.124 to 469.134, as amended (the "City Development Act").

1.02. The City transferred the control and administration of the District to the Brainerd Economic Development Authority (the "Authority").

1.03. To facilitate the economic development of certain property to be included in the District, the Authority proposes to enter into a purchase and development contract (the "Contract") between the Authority River Birch Investments LLC, a Minnesota limited liability company, or an affiliate, successor, or assign (collectively, the "Developer"), under which among other things the Authority will convey certain property within the District described in EXHIBIT A attached hereto (the "Development Property") to the Developer.

1.04. The City currently owns the Development Property.

1.05. The City is authorized to convey real property pursuant to Minnesota Statutes, Section 465.035, as amended, to any governmental subdivision of the State of Minnesota (the "State") for a nominal consideration, or pursuant to Minnesota Statutes, Section 471.64, as amended, to any other political subdivision of the State.

1.06. The Authority is a political subdivision of the State pursuant to Minnesota Statutes, Section 469.091, subdivision 2, as amended.

1.07. The City finds and determines that conveyance of the Development Property to the Authority for reconveyance by the Authority to the Developer is for a public purpose under the City Development Act and is in the public interest because it will further the objectives of the District.

Section 2. Authorization.

2.01. The City Council approves the conveyance of the Development Property to the Authority by quit claim deed for reconveyance to the Developer, subject to the successful negotiation and execution of the Contract by the Authority and Developer and satisfaction of the requirements of Minnesota Statutes, Section 469.105, as amended.

2.02. The City Council authorizes and directs City staff and officials to execute the deeds and related documents necessary to facilitate the transaction referenced herein and contemplated herein, with all such actions to be in accordance with the terms and conditions set forth in this resolution.

2.02. City staff and officials are authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this resolution.

Adopted this 17th day of February, 2026.

MIKE O'DAY
President of the Council

Approved this 18th day of February, 2026.

DAVE BADEAUX
Mayor

ATTEST:

NICHOLAS W. BROYLES
City Administrator

EXHIBIT A
DEVELOPMENT PROPERTY

Lots 1 and 2, Block 5; all in Brainerd Industrial Park 1st Addition, Crow Wing County, Minnesota

June 2, 2025

Jennifer Haskamp
Kamp Real Estate & Development
jhaskamp@kamp-mn.com

Dear Jennifer,

I am excited to present on behalf of River Birch Investments, LLC this letter of intent to purchase lots in the Thiesse Industrial Park utilizing the \$1 / Acre Land Credit Program. River Birch Investments is interested in purchasing Lots 1, 2 and 3 of Block 5. Ideally, we could combine Lots 1 and 2 to construct an approximately 8000 square foot two-story medical building (approximately 4000 sq ft each level) as well as adequate parking for employees and patients. I am the physician owner of Central Minnesota Dermatology and intend to lease this medical campus as soon as it is available for occupancy.

Ideally, we would like to include Lot 3 in the purchase to give us an opportunity to expand in the future. Central Minnesota Dermatology has grown considerably, both in the medical and cosmetic services offered, and I would like to have the adjacent lot available to construct another building, if feasible. The building could be potentially for expanded Central Minnesota Dermatology services or to lease to another business that is complementary in nature. I have no way of predicting the future, so the request for Lot 3 would be to allow for future development, but not require it, in the event it isn't financially feasible for River Birch Investments to construct another building.

I respectfully request approval to move forward with applying for the Land Credit Program. I understand that the lots I am requesting to purchase are currently zoned for industrial use. If approval is granted to apply for the Program, I would also like to request permission to use the lots for medical services, either through re-zoning or a Conditional Use Permit.

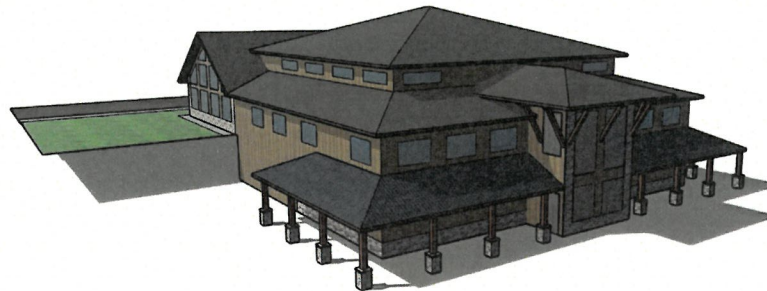
We are eager to partner with the Brainerd EDA to develop land in the Thiesse Industrial Park. I feel this would benefit not only my ability to provide services to patients living in the Brainerd Lakes Area, but all Brainerd residents.

Sincerely,



Kristina M. Britton, MD

Cc: James Kramvik, Community Development Director



**CMD Preliminary Set
1.2.2026**

**1424 Thiesse Drive
Brainerd, MN 56401**



KEYSTONE
DESIGN BUILD, INC.
320.253.3301

CMD
**CENTRAL MINNESOTA
DERMATOLOGY**

CLIENT

ISSUE
1.12.2026
RE-ISSUE

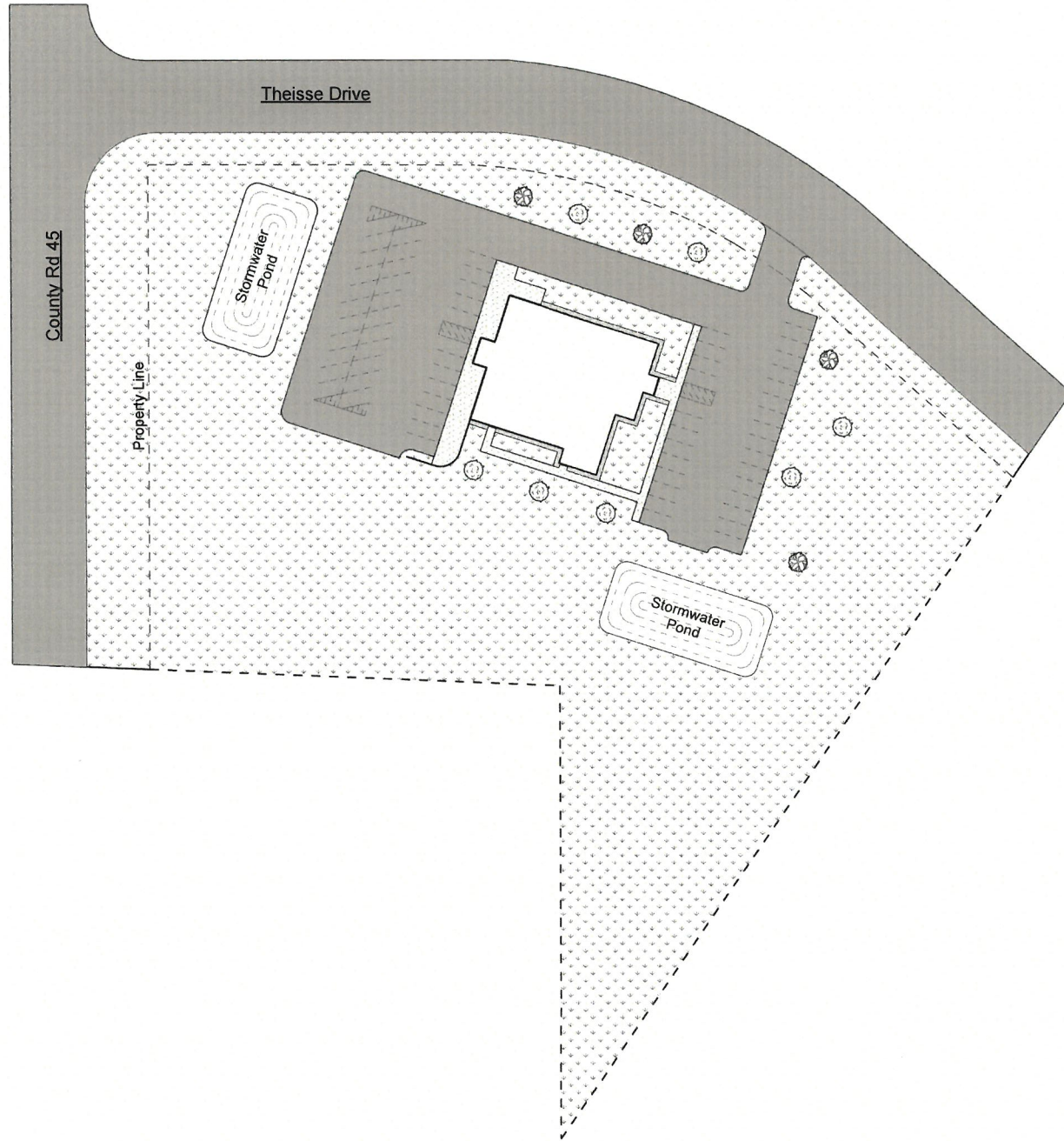
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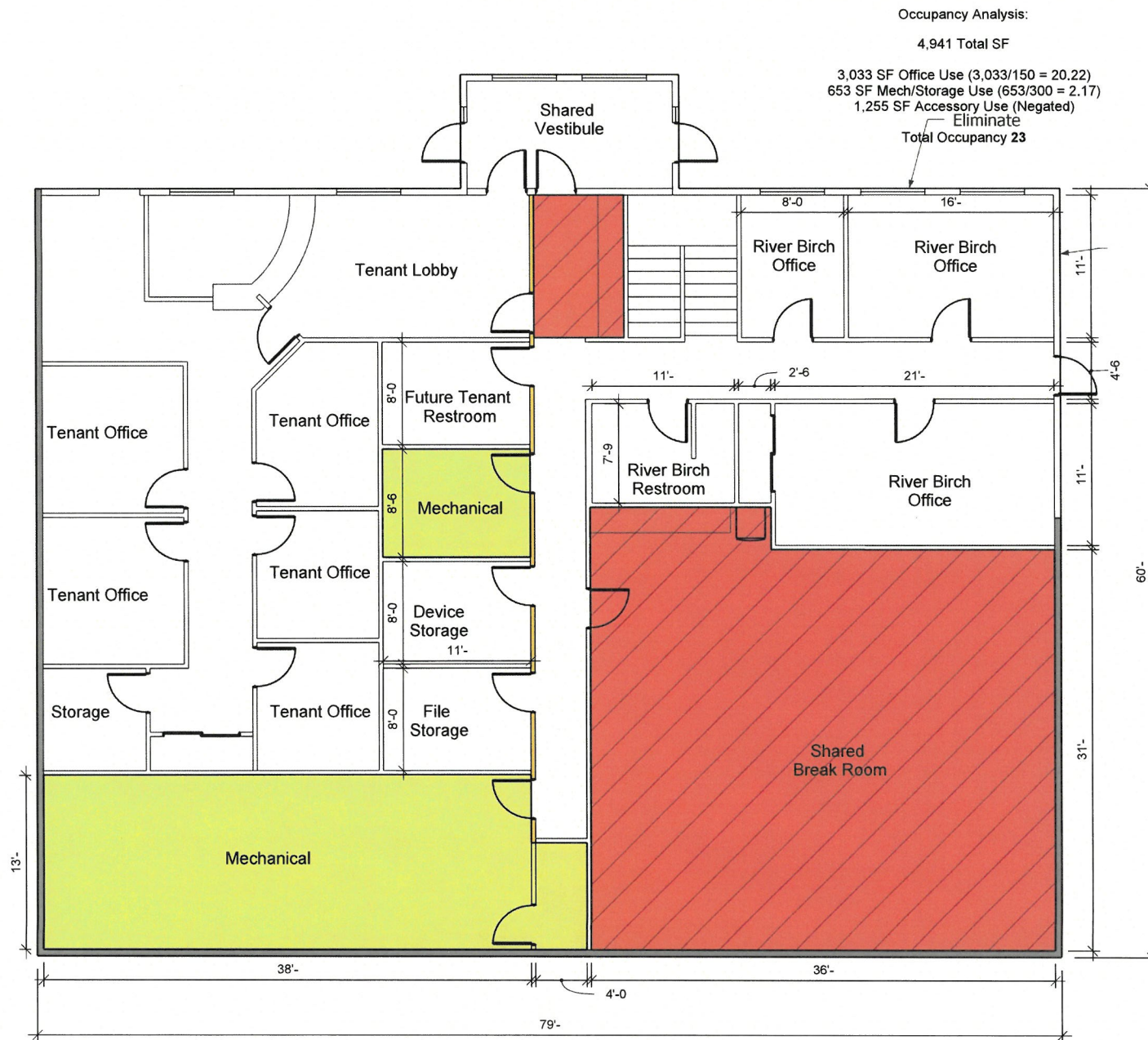
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KEYSTONE
DESIGN BUILD, INC.

CLIENT
CENTRAL MINNESOTA
DERMATOLOGY

CLIENT

ISSUE
1.12.2026
RE-ISSUE

PROJECT NO.

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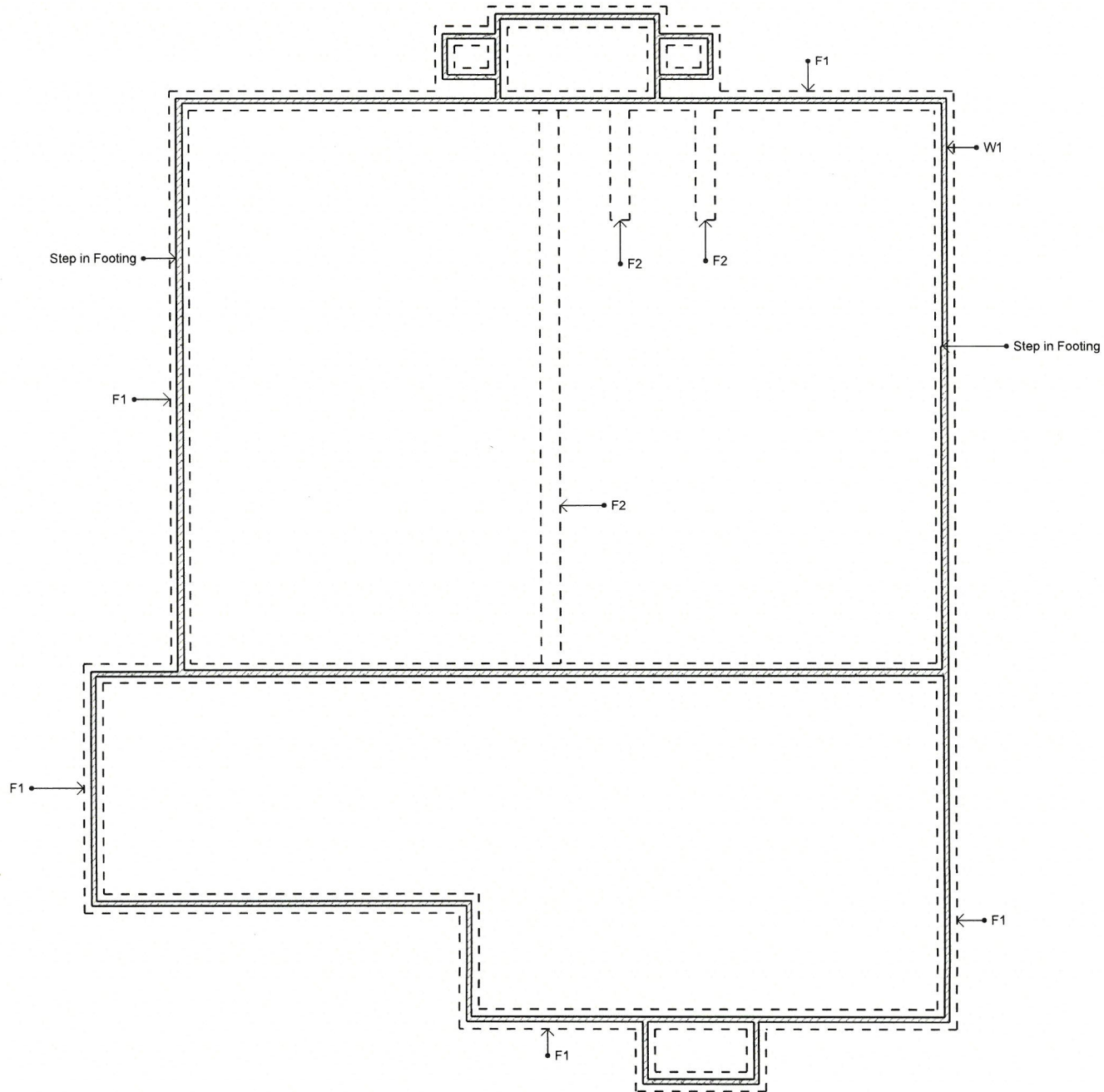
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Floor Plan
Lower Level

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04

Footing Schedule				
Mark	Width	Length	Depth	Reinf.
F1	2'-0"	Cont.	1'-0"	(2) #5 Cont.
F2	2'-0"	Cont.	1'-0"	(2) #5 Cont.

Foundation Schedule				
Mark	Width	Length	Hor. Reinf.	Vert. Reinf.
W1	8"	Cont.	#5 @ 18" O.C.	#5 @18" O.C.



KEYSTONE
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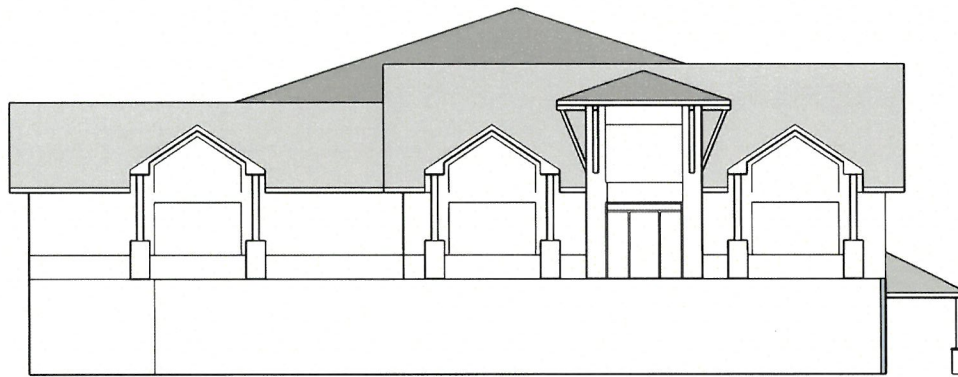
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RE-ISSUE

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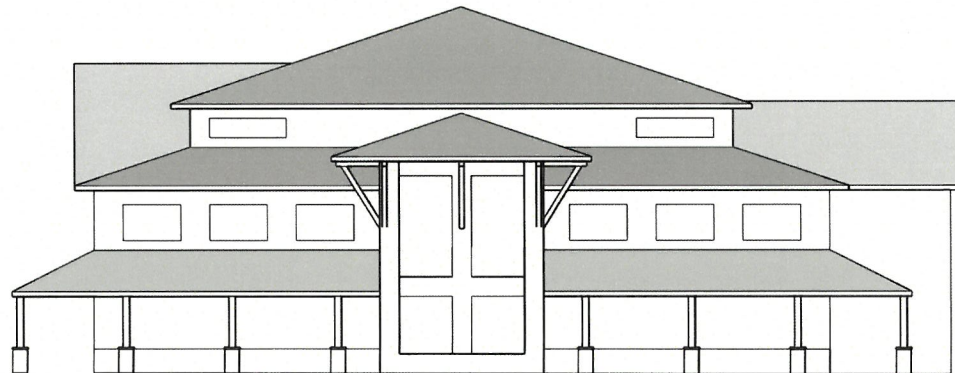
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Front Elevation



Rear Elevation



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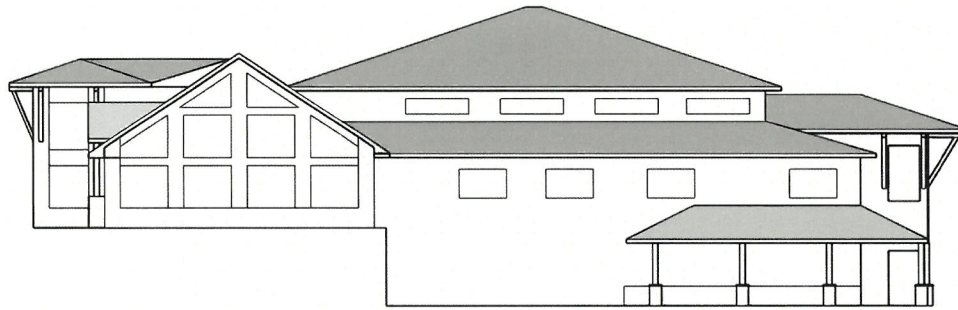
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RE-ISSUE

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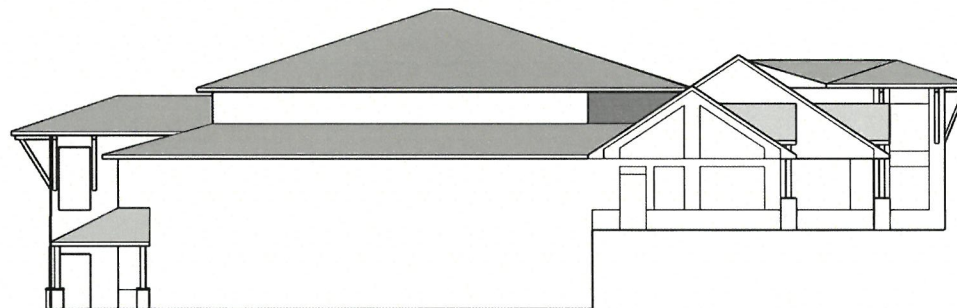
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Floor Plan
Lower Level

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06



Side Elevation 1



Side Elevation 2



KEYSTONE
DESIGN BUILD, INC.

GMD
CENTRAL MINNESOTA
DERMATOLOGY

CLIENT

ISSUE
1.12.2026
RE-ISSUE

PROJECT NO.
PROJECT
CMD

DRAWN BY
SK
DESCRIPTION
Floor Plan
Lower Level



07

From: [James Kramvik](#)
To: [Jeff Czeczok](#); [Nick Broyles](#)
Cc: [Connie Hillman](#); [Toni Gage](#); [Stephanie Bestul](#)
Subject: RE: Development Agreement question
Date: Tuesday, February 17, 2026 2:00:45 PM
Attachments: [image001.png](#)

Hi Jeff,

Thank you for the question. I have bcc'd City Council to this e-mail. Full Time Equivalent Employees refers to either full-time positions or specialists/ employees that work part time and together equals one full time employee. They do have staff that are equivalent to .5 or .7 full time employees. They would be required to maintain their numbers for 5 years. This proposed subsidy is primarily regarding business retention and expansion of the tax base as the developer is currently leasing a building in Brainerd. The developer is proposing a larger building and asking to hold rights to an adjacent property to expand in the future. The developer can commit to creating 1 FTE at this time but do have plans to expand in the future.

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: Jeff Czeczok <jczeczok@ci.brainerd.mn.us>
Sent: Tuesday, February 17, 2026 6:36 AM
To: Nick Broyles <nbroyles@ci.brainerd.mn.us>
Cc: James Kramvik <jkramvik@ci.brainerd.mn.us>; Connie Hillman <chillman@ci.brainerd.mn.us>
Subject: Development Agreement question

Greetings, Nick,

Just looking for an explanation related to the wording in the DA specific to the Full Time Equivalent Employees, that the wording of a requirement of retaining 21 FTE and creating 1 FTE doesn't make sense. Does this mean the business is required to retain, or employ 21 FT employees within 5 years and only create one FT position in the same five years?
If I could get further clarification that would be great.

{By or before the " Compliance Date", defined as the date five years after the Benefit Date, the Developer shall cause to be retained at least 21 full- time equivalent jobs permanent to the Development Property, and shall cause to be created at least one (1) full- time equivalent job permanent to the Development Property.}

Thanks, Jeff



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM: Priorities for Federal House Appropriations — Fiscal Year 2027

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Administration

PRESENTER: Nick Broyles, City Administrator, Paul Sandy, Public Utilities Director

ESTIMATED TIME (MIN): 10 Minutes

SUMMARY OF ISSUE

Staff has received notification that Congressman Pete Stauber's office is accepting Community Project Funding (CPF) requests for Fiscal Year 2027. The deadline for project submittals is March 7, 2026.

In Fiscal Year 2026, Congressman Stauber selected 15 projects for Community Project Funding consideration, and all 15 projects were ultimately signed into law. While the official House rules and guidance for Fiscal Year 2027 have not yet been published, the information received to date indicates that the 2027 requirements are expected to be substantially similar to those utilized for the 2026 funding cycle.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Staff discussed upcoming capital funding priorities at the Department Head meeting held on February 10, 2026. That same day, staff also coordinated with representatives from the City of Baxter regarding funding needs associated with implementation of the Wastewater Treatment Facility (WWTF) Facility Plan, specifically in advance of the presentation to be delivered tonight by Bolton & Menk.

Bolton & Menk presented the final WWTF Facility Plan to the Joint Wastewater Management Board on February 12, 2026. The Facility Plan outlines recommended improvements to address aging infrastructure, regulatory requirements, and operational limitations at the WWTF. As part of continued coordination between the partner cities, Bolton & Menk is attending both the Brainerd and Baxter City Council meetings on February 17, 2026 to provide each Council with an overview of the Facility Plan findings and the proposed project schedule moving forward.

Based on the conclusions of the Facility Plan, the most immediate capital need is related to biosolids treatment and handling. Current biosolids processes present limitations with respect to treatment efficiency, storage capacity, and compliance with land application requirements. The recommended Phase 1 improvements include incorporation of a mechanical dewatering process into the biosolids treatment system to address these limitations. Phase 1 also includes pretreatment improvements and

ancillary facility upgrades necessary to support the new systems and improve overall plant reliability and performance.

The estimated total cost for the Phase 1 improvements is projected to range from \$38 million to \$48 million. This estimate includes engineering design, construction, and contingency costs.

In conjunction with the Facility Plan presentations to the Joint Wastewater Management Board and both City Councils, the Brainerd Public Utilities Commission (PUC) will consider a resolution at its February meeting to approve the Facility Plan. Prior to action on that resolution, the PUC will hold the required public hearing on the Facility Plan. If approved, the resolution would authorize submission of the Facility Plan to the Minnesota Pollution Control Agency (MPCA) for review and approval, which is a necessary step prior to project implementation and financing.

As part of ongoing discussions with the City of Baxter, staff has coordinated a joint approach to pursuing federal Community Project Funding through Congressman Stauber's office. The Baxter City Council is expected to review a similar request at its February 17 work session to authorize participation in a joint funding application with the City of Brainerd for the Phase 1 improvements. Additional detail regarding the proposed improvements and funding strategy will be provided by Bolton & Menk during their presentation this evening.

To support this coordinated effort, staff is requesting that the City Council designate the WWTF Phase 1 improvements as the City's 2027 Community Project Funding priority in the amount of \$10 million, approximately 25% of the total project costs. This request would be submitted jointly with the City of Baxter and is intended to offset a portion of the Phase 1 project costs and reduce the overall financial impact on the wastewater utility and ratepayers.

Bolton & Menk has committed to preparing the Community Project Funding application to Congressman Stauber's office under their existing contract for development of the Facility Plan. In addition, they will provide supporting materials, exhibits, and informational handouts to assist in clearly communicating the scope, need, and benefits of the proposed WWTF improvements.

Staff will be available at the meeting to answer any questions from the Council.

RECOMMENDED ACTION/MOTION

Staff recommends that the City Council authorize submission of a Community Project Funding request to Congressman Stauber's office for the Phase 1 WWTF improvements. The request would include funding for pretreatment upgrades, biosolids process improvements, and ancillary facility enhancements, with a total requested amount of \$10 million.

FINANCIAL IMPACT

The total estimated cost for the Phase 1 WWTF improvements ranges from \$38 million to \$48 million. The requested \$10 million represents approximately 25% of the total project cost and is intended to reduce the financial impact on other funding sources for both the Utility and the City of Baxter.



City Council Agenda Request

MEETING DATE: February 17, 2026

TITLE OF ITEM:

Bolton and Menk - Brainerd Wastewater Treatment Facility (WWTF) Plan

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Paul Sandy, Public Utilities

DEPARTMENT: Public Utilities

Director, Danny Loch, Finance Manager, Morgan Salo

PRESENTER: Paul Sandy, Public Utilities Director,
Morgan Salo

ESTIMATED TIME (MIN): 20

SUMMARY OF ISSUE

Representatives from Bolton & Menk will attend the city council meeting to provide an in-depth update on the ongoing work of the Joint Wastewater Management Board (JWMB) and its comprehensive review of the Brainerd Wastewater Treatment Facility (WWTF). The presentation will walk council members through an overview of the existing facility, long-term capacity needs including current design flows and loading conditions, regulatory considerations, as well as the treatment processes used for both liquid and solid waste streams.

In addition, Bolton & Menk will outline and evaluate potential alternatives for liquid stream treatment and biosolids management, highlighting the benefits, challenges, and long-term implications of each option. The presentation will conclude with a cost comparison of the alternatives and a set of recommendations aimed at ensuring the WWTF continues to reliably serve the community's needs for the next 25-years.

At its meeting on February 12, 2026, the JWMB reviewed a presentation similar to the one being shared with the city council this evening. Since 2024, the JWMB has been working closely with Bolton & Menk to evaluate and develop upgrade alternatives for the Brainerd WWTF. This work is being carried out through the preparation of a comprehensive facility plan, which documents existing conditions, evaluates potential improvement options, and identifies recommended upgrades.

The facility plan is a required step in the process and must be submitted to the Minnesota Pollution Control Agency (MPCA) for review and approval before the city can advance funding opportunities through the MPCA and the Minnesota Public Facilities Authority.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

The presentation will summarize the planning process, key findings, and high-level recommendations to

inform future policy, budgeting, and capital planning discussions. The BPUC will consider formal approval of the facility plan and hold the required public hearing at the next regularly scheduled BPUC meeting at 9:00am on February 24, 2026. Upon completion of the public hearing, the commission will consider a resolution in which approves the facility plan and allows staff to submit the facility plan to the MPCA for review. Approval will enable timely submission of the facility plan to the MPCA prior to the March 6, 2026 deadline.

RECOMMENDED ACTION/MOTION

Presentation only. No formal action required. The facility plan presentation, public hearing, and resolution authorizing submission to the MPCA will be under consideration at the regularly scheduled BPUC meeting at 9:00am on February 24, 2026.

FINANCIAL IMPACT

The presentation will summarize financial impacts due to the recommended alternatives within the facility plan.



Brainerd, Minnesota Wastewater Treatment Facility Plan

February 12, 2026

Joint Wastewater Board Presentation

by Morgan Salo, P.E.



Today's Topics

- Facility Summary
- Design Flows and Loadings
- Current Treatment Process (liquids and solids)
- Liquid Stream Treatment Alternatives
- Biosolids Alternatives
- Recommendations and Cost Opinion



Facility Summary, Background, Purpose

- Class A facility originally construction in 1982
- Major upgrade completed in 2009
- 20-year asset inventory completed in 2024/2025
 - Biosolids improvements are high priority
 - Liquid treatment changes needed with more stringent limits
- Address biosolids storage capacity
- Address future Limits for Total Nitrogen and Phosphorus as drivers for treatment improvements
- Continue to support community growth for the next 25-years

Flows and Loadings

Table 2.20: Current and Proposed design Flow and Load Summary for Mechanical Treatment

Parameter	Current	Proposed 2050 Design Criteria
Population	24,103	32,932
Design Flow (MGD)		
Average Dry Weather (ADW)	1.62	2.39
Average Annual (AA)	1.94	2.77
Average Wet Weather (AWW)	2.13	3.06
Peak Flow (PH)	3.32	4.04
Peak Hourly Wet Weather (PHWW)	4.71	6.54
Peak Instantaneous Wet Weather (PIWW)	5.89	8.24
Design Load (lb/d)		
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) ⁽¹⁾	3,357	4,446 - 5,000
Total Suspended Solids (TSS)	4,716	6,455
Total Phosphorus (TP)	97.0	132
Total Nitrogen (TN) or Total Kjeldahl Nitrogen (TKN)	661	988

(1) The projected BOD₅ loading is 4,446 lb/d. The design loading to meet future limits is 5,000 lb/d based on BOD:N ratios further discussed in the alternatives section.



Current Liquid Treatment Process

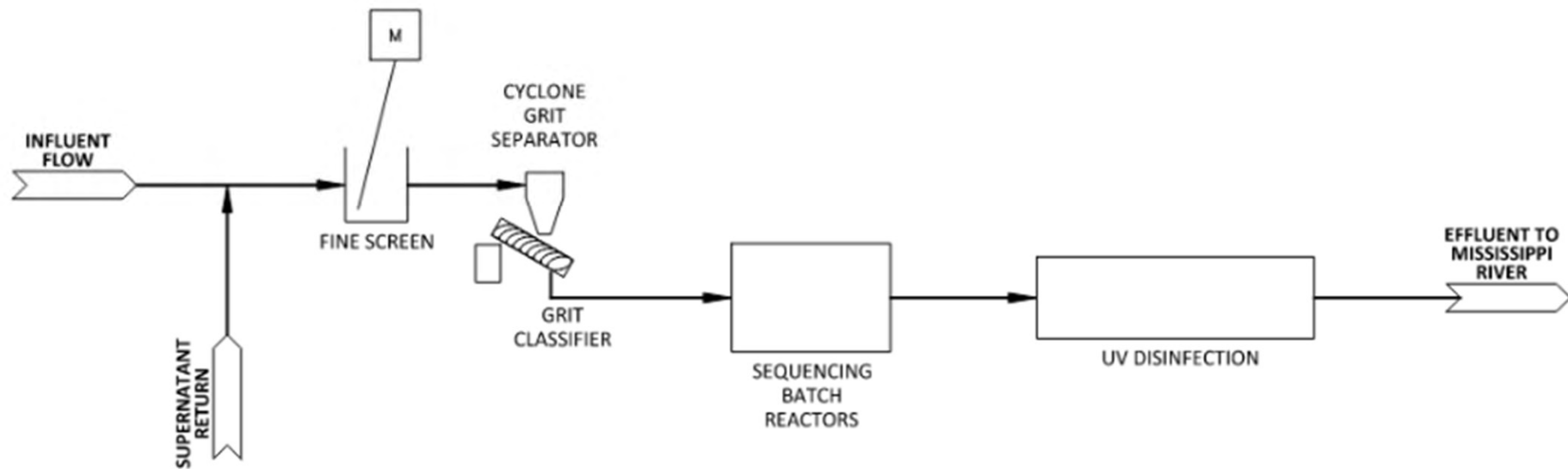
Sequencing Batch Reactors

WWTF FACILITY PLAN

BRAINERD PUBLIC UTILITIES

Figure 1: LIQUID PHASE BLOCK FLOW DIAGRAM

NOVEMBER 2025

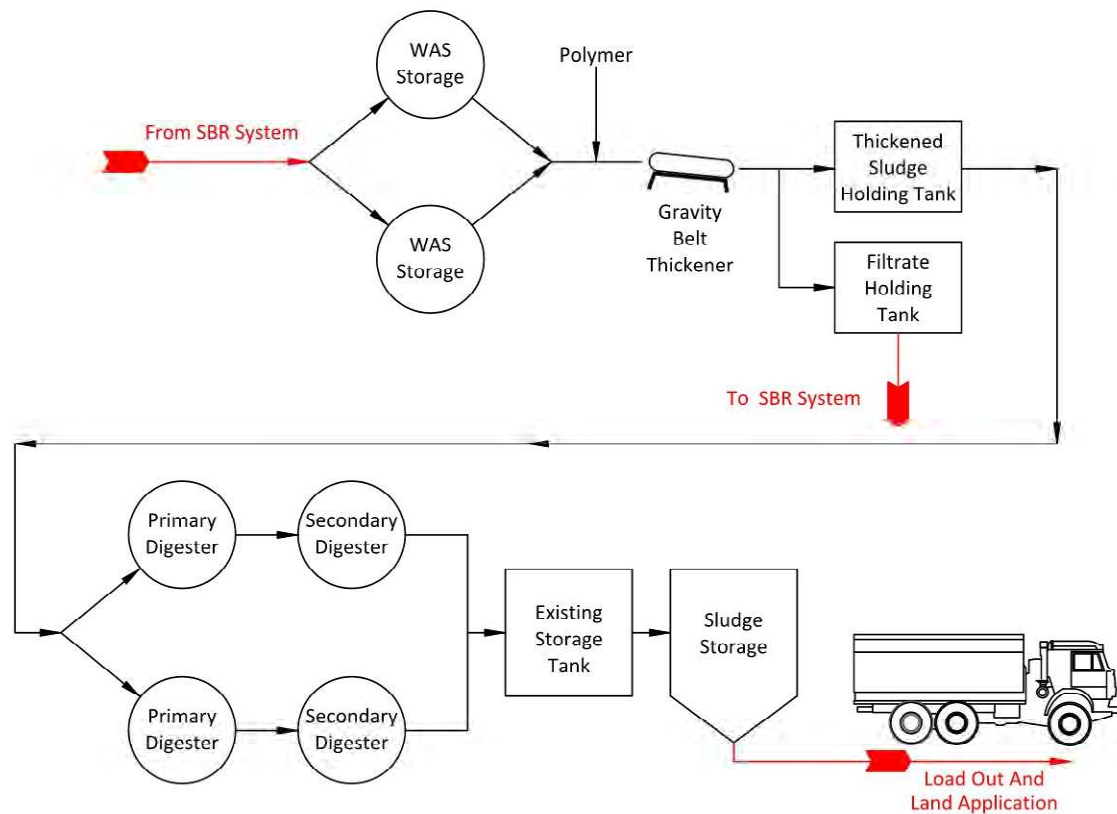


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Current Solids Process

- Waste Activated Sludge (WAS) Holding
- Gravity Belt Thickener
- Thickened Sludge Holding Tank
- Filtrate Holding Tank
- Anaerobic Digestion
- Biosolids Storage
- Sludge Loadout and Hauling



Facility Needs

- Primary Need: Biosolids Treatment
 - MPCA requires 180 days of storage
 - BPU had less than 180 days from 2014 – 2019, 2022
 - Currently at or below 180 days of available storage
 - The facility land applies the biosolids for disposal
 - Current solids production makes land application difficult
 - Weather can greatly affect the ability to land apply
- Current liquids treatment process not set up for treating future limits
 - Future liquids treatment improvements required to meet TN of 10 mg/L and TP of 1 mg/L
- System improvements to maintain facility operation



Liquid Stream Treatment Analysis

GOALS

- Biological Treatment and Nutrient Removal (future limits)
- Solids Removal (TSS, bacteria, and other solids)

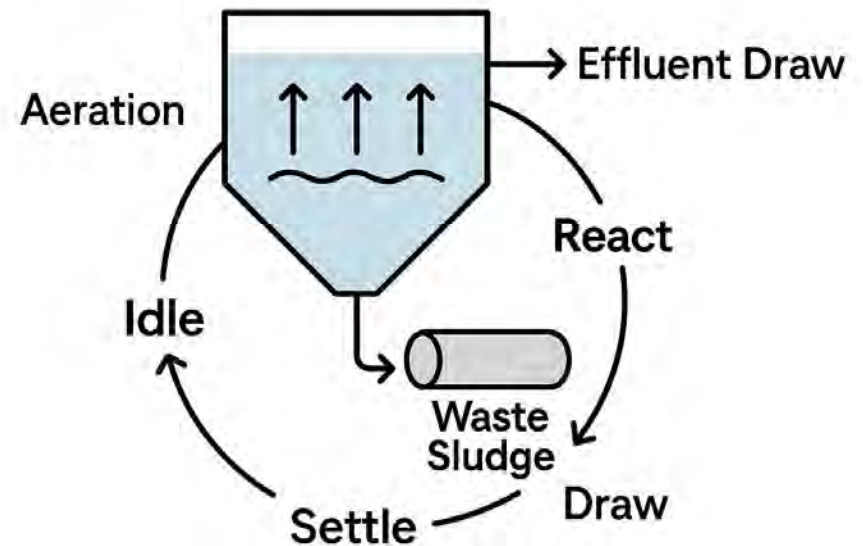
Treatment Alternatives Evaluated

- Sequencing Batch Reactor (SBR) – existing
- Activated Sludge – Traditional Biological Nutrient Removal (AS-BNR)
- Integrated Fixed – Film Activated Sludge (IFAS)
- Membrane Bioreactor (MBR)
- Biologically Aerated Filters (BAF)

Sequencing Batch Reactor

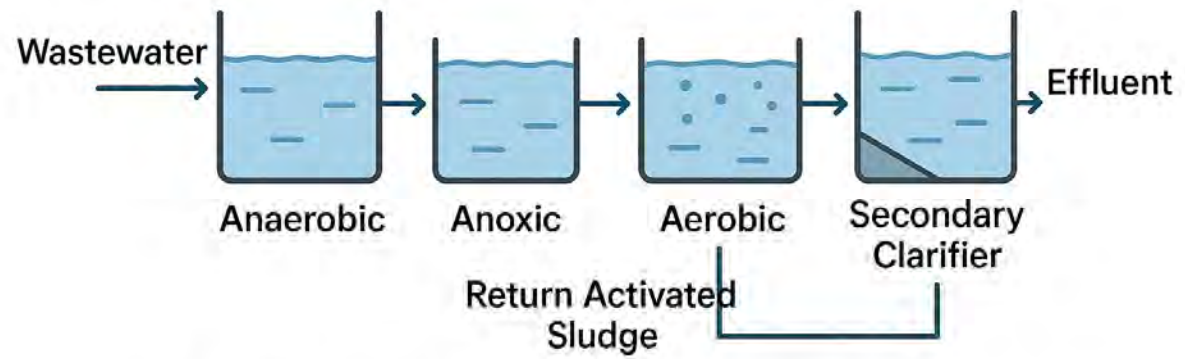
- Treats wastewater in batches (fill, react decant/draw, Idle)
- Used for both biological removal and solid removal in one process
- Treatment meets current NPDES Limits may not meet future limits
- Not suited for large variations in flow and pollutant loadings
- Current operation has inefficiencies for nitrification and phosphorus removal
- Blowers provide oxygen during the reaction cycle (large energy demand)
- Limited operational control and flexibility and equipment options

Sequencing Batch Reactor



Activated Sludge - BNR

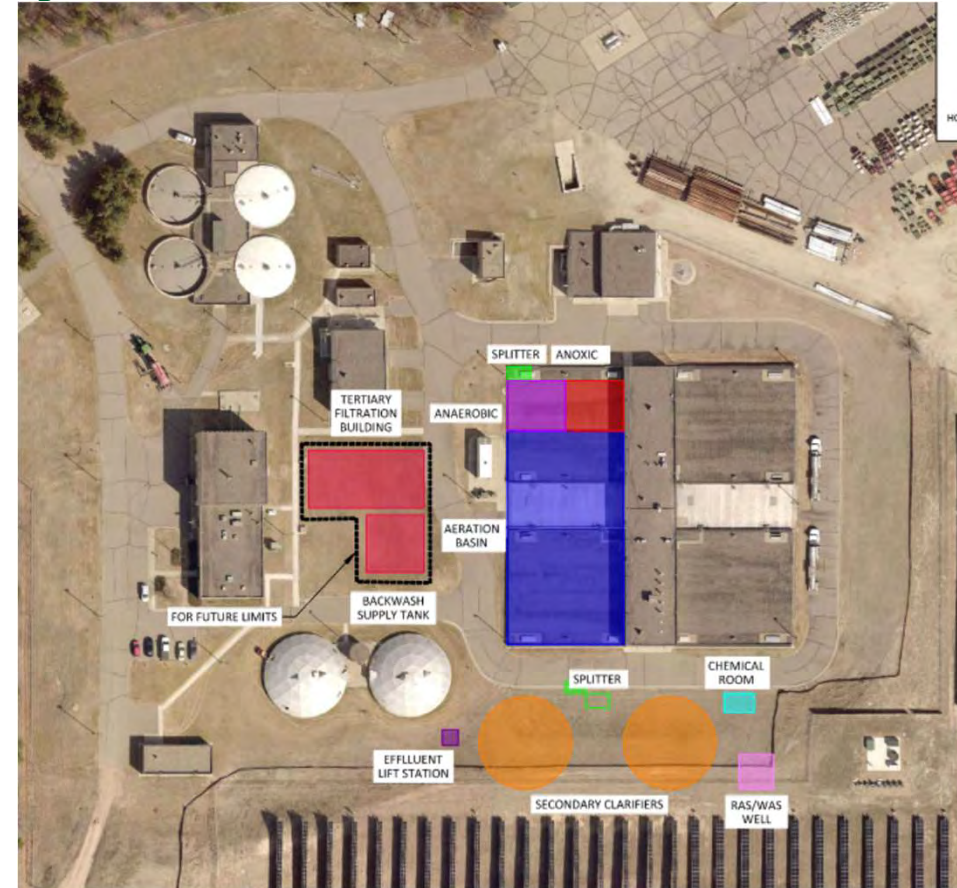
- Treats biological components in a series of process tanks
 - Anoxic, Anaerobic, Aerobic
- Secondary Clarifiers for solids removals is highly effective
- Allows for easy addition of tertiary filtration (required for TN and TP removal)
- Most common process – operational familiarity and flexibility
- Biology can be monitored and controlled
- Designed to meet current and future limits
- Can be retrofitted into existing footprint of SBR tanks
- Not limited to proprietary equipment



Modified UCT Activated Sludge Process

Liquid Treatment Summary

- SBR's will require significant modifications to meet future TN and TP limits
 - Restraints with proprietary equipment
 - Operation is not flexible to meet limits
- Conversion to Activated Sludge
 - Limit driven
 - Optimize to meet future limits
 - Operator friendly



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Biosolids Treatment Options

- Alternative 1 – Keep existing plus Additional Sludge Storage
- Alternative 2 – Dewatering
- Future Phases – Heat Drying and Thermal Destruction

Biosolids Land Application

- Facility has one 5,000-gallon truck to haul biosolids
- On average, 950 truck trips to dispose of biosolids
- Land application sites are approximately 10-15 miles away equating to 24,000 miles traveled per year
 - 1,300 approved acres with MPCA and landowners
 - Annual average application to 300 – 400 acres (2025 = 616 acres)
- Approximately 3 BPU employees required for 7-8 months to dispose of biosolids
- If weather is unseasonably wet, land application must be delayed, and facility may not have storage volume available

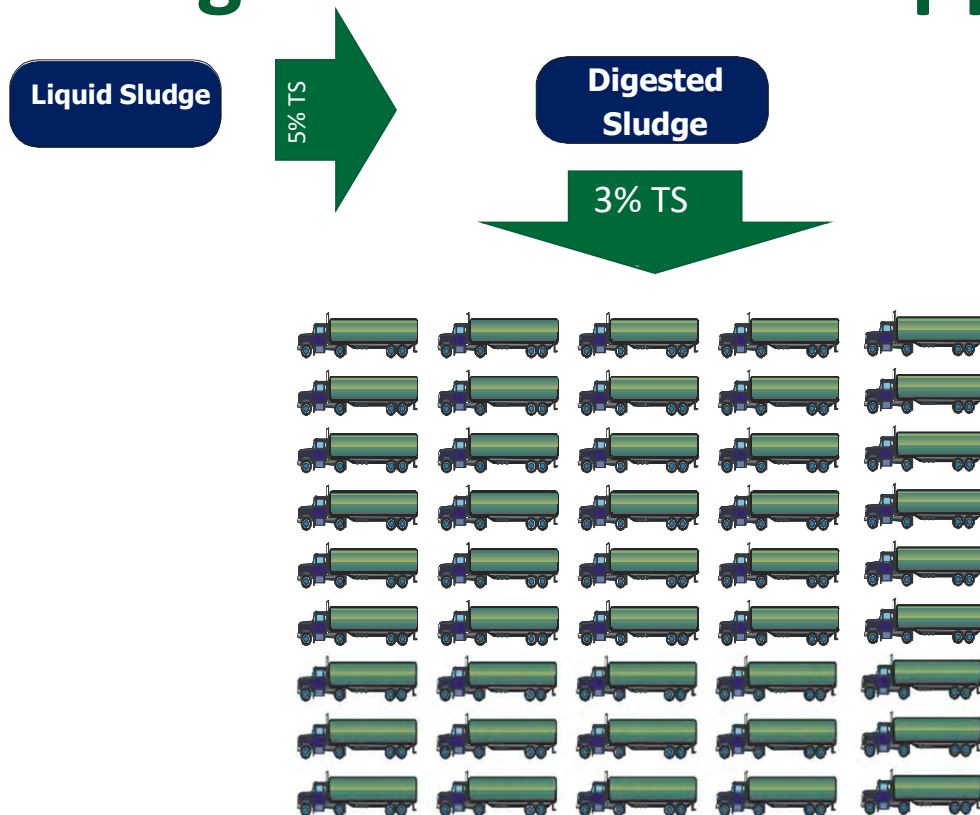


Alternative 1 – Additional Sludge Storage

- Continue with the current biosolids treatment process
- Construct additional 1.75 MG above-grade storage for the treated biosolids
- Purchase additional tanker truck for hauling biosolids
- Requires at least 3 full time staff for land application
- Land application is only alternative for disposal
- Will need to rehab the digesters and replace gas burning equipment



Impact of Digestion on Land Application

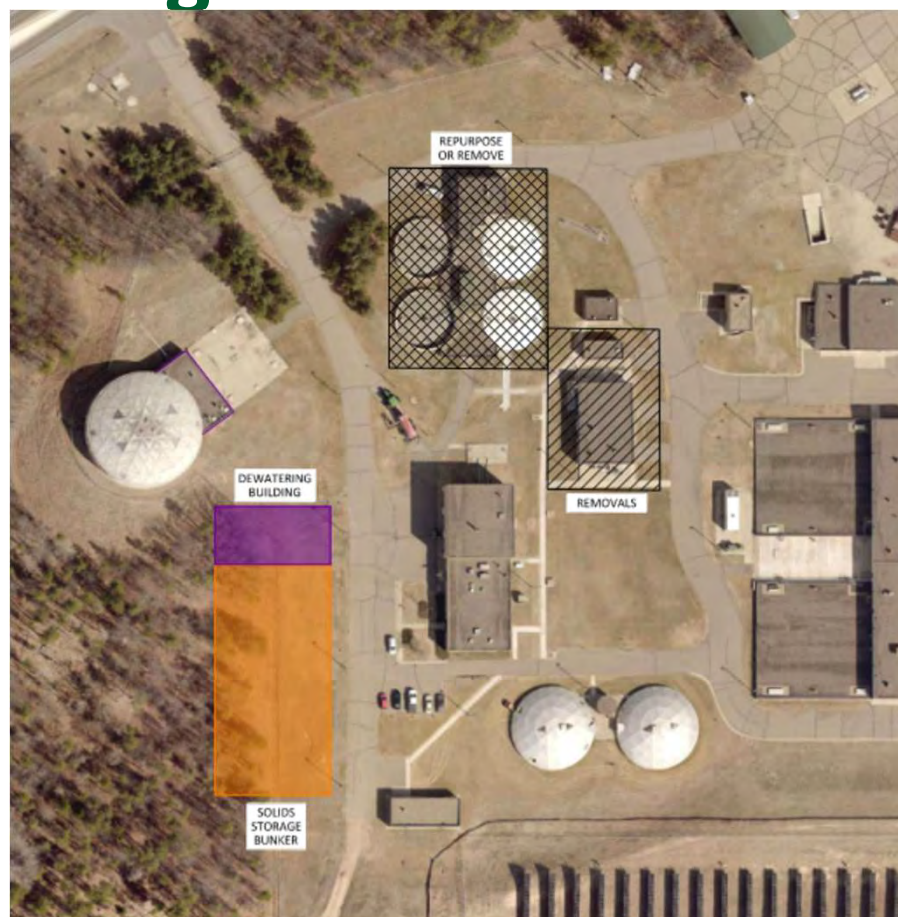


**1315 trips and about 33,000 annual miles
of transport required for disposal**



Alternative 2 – Dewatering

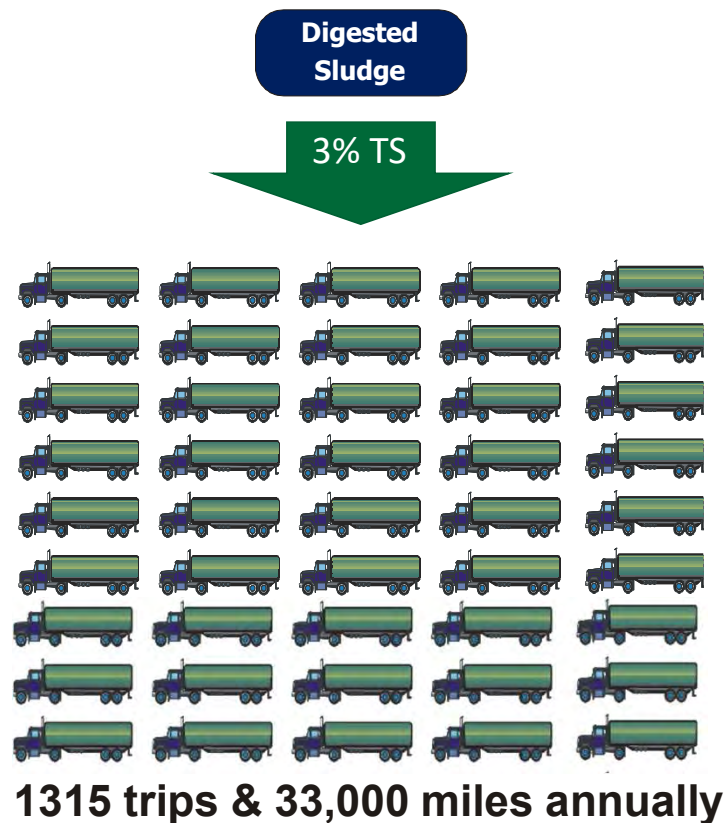
- Decommission current process including anaerobic digesters
- Construct new dewatering equipment (screw press or centrifuge)
 - Goal is to dewater to ~20% solids
- Convert current sludge storage to aerobic storage
- Construct new cake storage system
 - Flexible options
- Set-up for future drying
- Creates opportunity for land application or landfill of dewatered solids



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Impact of Dewatering on Land Application

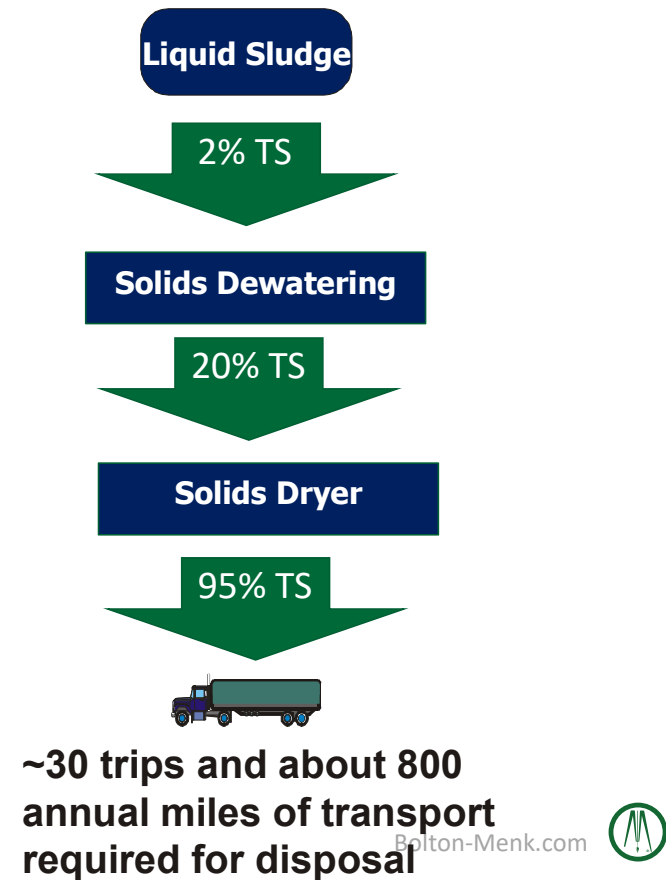
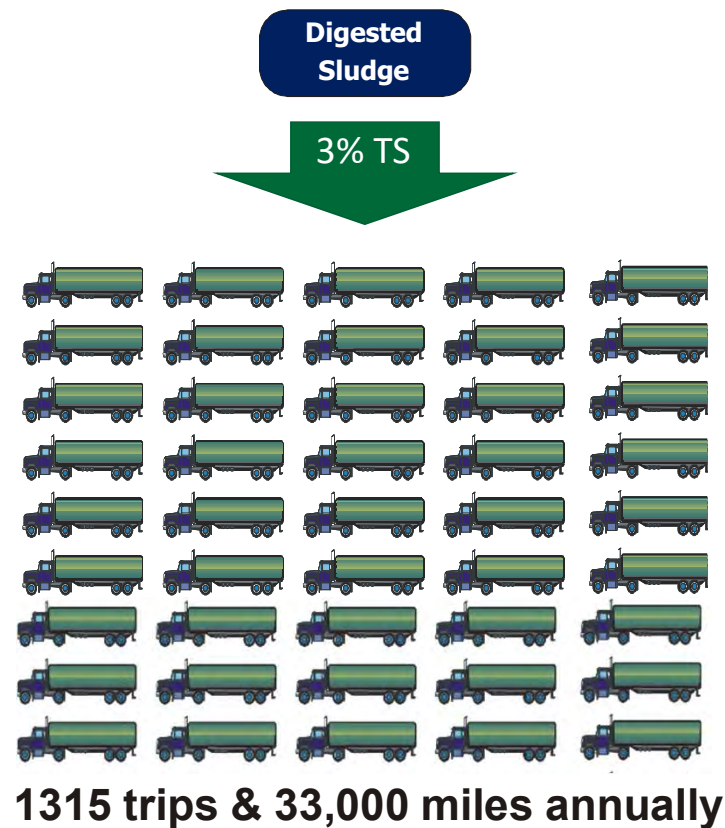


Future Biosolids Treatment – Heat Drying

- Class A product
- Dryer system follows the biosolids dewatering system of centrifuge, screw press, or belt filter press
- Construction of a new biosolids handling building required
- Dryer would operate 40 hours a week, 50 weeks a year (tentative)
- Class A product simplifies final disposal and can also be land applied with fewer restrictions
 - Driver for heat drying is when land application becomes more stringent or not available on current sites
- Can be added onto phase 1 biosolids system
- Set up for future thermal destruction



Impact of Drying on Land Application



Recommendations

Phased Approach Recommended

1. New Biosolids Treatment Process – Dewatering and Facility/System maintenance
2. Rehabilitation and modifications of liquid stream treatment to Activated Sludge:
 - Comply with future phosphorus limit
 - Comply with future nitrogen limit
 - Simplify treatment and update existing infrastructure
 - Flexible and expandable
 - Best opportunity for grants
3. Add Heat drying to biosolids process

Cost Opinions

Liquid Option	Total Project Cost	Current Total annual O&M Cost	Future Total annual O&M Cost
SBR Improvements	\$50 - \$70M	\$5.2M	\$5.6M
Activated Sludge	\$70 - \$90M	\$0	\$5.6M

1. Both options include tertiary filtration
2. Projections show an increase of approximately \$400,000 of O&M for future improvements

Biosolids Option	Total Project Cost	Current Total annual O&M	Future totalannual O&M Cost
Expand Existing	\$30 - \$38M	\$5.2M	\$5.3M
Dewatering	\$25 - \$32M	\$0	\$5.2M
Heat Drying	\$25 - \$30M	\$0	\$5.6M
Thermal Destruction (PFAS)	\$35 - \$48M	\$0	\$5.6M

1. Projections a slight increase of \$100,000 in O&M to maintain operations and no change in O&M for conversion to dewatering
2. Heat drying and thermal destruction costs are additive since they are additional processes not replacing something else



Cost Opinions for Phased Improvements

Capital Costs for Recommended Improvements			
Phase 1 Improvements		Phase 2 Improvements	
Item	Budget	Item	Budget
Pretreatment Improvements	\$5,110,000	General Conditions	\$4,850,000
Contingency (20%)	\$1,025,000	Secondary Treatment Improvements	\$48,350,000
Engineering & Permitting	\$1,225,000		
Biosolids Improvements - Dewatering	\$17,175,000		
Contingency (20%)	\$3,425,000		
Engineering & Permitting	\$4,125,000	Subtotal	\$53,200,000
Ancillary Facility Improvements	\$5,925,000	Contingency (20%)	\$10,650,000
Contingency (20%)	\$1,200,000	Total Construction Cost	\$63,850,000
Engineering & Permitting	\$1,450,000	Engineering & Permitting	\$12,750,000
Total Project Cost	\$40,660,000	Total Project Cost	\$76,600,000
Cost Range	\$38-48M	Cost Range	\$70-90M



Rate Impact for WWTF Improvements Only

Project User Rate Impacts for WWTF Improvements			
Item	Existing Budget	Proposed Phase 1 Improvements	Proposed Phase 2 Improvements
Annual Costs			
Capital Improvements (1)	\$0	\$2,705,993	\$5,097,861
Annual O&M	\$5,176,820	\$5,710,000	\$6,180,000
Existing Debt Service (3)	\$2,100,000	\$2,100,000	\$2,325,500
Total Annual Costs	\$7,276,820	\$10,515,993	\$13,603,361
Equivalent Dwelling Units (EDU)			
Brainerd Residential	4,863	4,863	4,863
Brainerd Commercial/Industrial/Institutional	4,724	4,724	4,724
City of Baxter	7,379	7,379	7,379
Total EDU	16,966	16,966	16,966
WWTF Improvement Cost per EDU (\$/month) (2)	\$35.74	\$51.65	\$66.82
Estimated City of Baxter Cost (\$/month)	\$263,741	\$381,142	\$493,041
(1) Capital Cost Annualized with a 20 year loan at 3% interest.			
(2) detailed EDU breakdown in Appendix			
(3) Assumes the yearly payment required for a 20-year loan from the phase 1 improvements in addition to existing debt service. Actual debt service should be evaluated at the time of phase 2 improvements			

Funding Sources

- Clean Water Revolving Fund (CWRF)
 - Low interest loans at 20 or 30 years
 - 1% to 3% interest rate is typical
- Point Source Implementation Grant (PSIG)
 - 80% on eligible portions up to \$12,000,000
- Wastewater Infrastructure Funding (WIF)
 - Income based grants to reduce project costs to community
 - Cap of \$9 million
- City Bonding and Capital/State Bonding Request
- Assessment
- Federal Earmark from Representatives (House and Senate)



Next Steps/Schedule

- Facility Plan Submittal – March 2026
 - Public Hearing – February 24, 2026 at BPU Commission
 - Commission Approval via Resolution to Adopt Facility Plan
 - Submit to MPCA by March 6, 2026 (includes updated PPL application)
- Facility Plan Approval by MPCA – June 2026
- Preliminary Engineering for Phase 1 Biosolids: June 2026 – January 2027
 - Option for CMAR
- Final Design: February 2027 – December 2027
- Bid & Start Construction for Phase 1: Winter 2027/2028
- 20 – 30 Month Construction Schedule for Phase 1 (biosolids)
- Continue to monitor future limits and develop decision matrix for when to switch to Activated Sludge



Questions/Discussion

Brainerd, Minnesota

2026 Wastewater Treatment Facility Plan

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