

CITY COUNCIL AGENDA

Brainerd, Minnesota

June 20, 2016

7:30 P.M.

Brainerd City Hall

Council Chambers

_____ G. Johnson
_____ C. Borkenhagen
_____ S. Hilgart
_____ M. Koep
_____ D. Pritschet
_____ K. Bevans
_____ G. Scheeler
_____ Mayor Menk

- 1. Call to Order**
- 2. Roll Call**
- 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 adopt by ROLL CALL VOTE.**
 - A. Approval of the Minutes of the Regular Meeting held on June 06, 2016, as distributed**
 - B. Approval of Licenses – (See Attachments)**
 1. Contractor's Licenses – 1 – New
 2. Contractor's Licenses – 4 – Renewals
 3. Second Hand Automobile License – 1 – New:
Josh Imgrund dba Imgrund Motors, 303 W Washington Street, Brainerd
(Contingent Upon Police, Fire and Planning Department Approval):
 - C. Department Activity Reports – (See Attachments)**
 1. Mayor
 2. Police Chief
 3. Finance Director

- D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by The Mission Township Fire Fighters Relief Association for a Raffle to be held on August 13, 2016 at the Eagles Club, 124 Front Street, Brainerd – Approval of**
- E. Application and Permit for 1-4 Day Temporary On-Sale Liquor License – Submitted by the Brainerd Jaycees for an Event to be held on July 9th and 10th at Memorial Park near Softball Fields – Approval of**
- F. Police Department – Adopt Resolution Approving Bomb Disposal Unit Joint Powers Agreement between the State of MN, Crow Wing County and the City of Brainerd for the period of July 1, 2016 – June 30, 2018 and Authorize Proper Signatures – (See Attachments)**

6. Presentation: Nancy Williams, Kids Day Follow-up

7. Council Committee Reports

A. Personnel and Finance Committee Report

1. Approval of Bills, Transfers & Payments to Contractors

General Fund to Public Safety Fund	\$425,000
General Fund to Park Fund	\$80,000
General Fund to Street & Sewer Fund	\$70,000
General Fund to Airport Fund	<u>\$12,960</u>
	\$587,960

Contractor	IMP #	Project	Amount	Total Retained
Asphalt Preservation Co	16-03	2016 Chip Seal-Final	\$131,270.50	\$0
Braun Intertec	14-08	13 th Street SE	\$2,762.00	\$0
Tom's Backhoe	14-15	Airport Util. Extension	\$842,075.00	\$68,468.35

2. 2017 Budget Discussion

3. Election Judge Pay Discussion

B. Safety and Public Works Committee Report

1. Out-of-State Travel Request

2. Improvement 16-03 – 2016 Chip Seal – Final Payment

3. Improvement 14-15 – Airport Utility Extension – Requested Work

4. 2017 Construction Update

8. Unfinished Business

A. Public Hearing – Final Reading of Proposed Ordinance No. 1452 – An Ordinance Amending City Code Section 421 – Uniform Fire Code – City Administrator Thoreen Recommends Dispensing with the Actual Reading:

- 1) Hold Public Hearing
- 2) Hold Final Reading – ***Voice Vote***
- 3) Adopt Ordinance – ***Roll Call Vote***

B. Animal Control and Licensing:

- 1) Modify Service Agreement with H.A.R.T. – ***Voice Vote***
- 2) First Reading – Proposed Ordinance No. 1453 – An Ordinance Amending Brainerd City Code Section 900 – Animal Control – ***Voice Vote***
- 3) First Reading – Proposed Ordinance No. 1454 – An Ordinance Amending Brainerd City Code Section 1010 – Licensing Fees – ***Voice Vote***

C. First Reading – Proposed Ordinance No. 1455 – An Ordinance Deleting Section 820 re Public Phone Booths – City Administrator Thoreen Recommends Dispensing with the Actual Reading – Voice Vote

D. Splash Pad Development Procedure – Voice Vote

E. Call for Applicants – Informational:

(Application Information at www.ci.brainerd.mn.us/boards/)

Cable TV Advisory Committee – 1 Term to expire 12/31/2016

Rental Dwelling Board of Appeals – 1 “Tenant Representative” term to expire 12/31/2016

Ad Hoc Walkable Bikeable City Committee

9. New Business

A. Sale of 2016A & 2016B Bonds

1. **Adopt Resolution Awarding Sale of GO Utility Revenue Bonds, Series 2016A – Roll Call Vote**
2. **Adopt a Resolution Awarding the Sale of GO Equipment Certificates of Indebtedness, Series 2016B – Roll Call Vote**

10. Planning Commission

A. Variance Application – Submitted by David Hill, 1020 Ivy Street to Construct a 560 Sq. Ft. Dwelling on a Conforming Lot on which Minimum Allowed Dwelling Size is 750 Sq. Ft. – Voice Vote

- B. Variance Applications – Submitted by John and Jennifer Berg, 15340 Russell Road – To Construct a Metal Panel Sided Accessory Building with a Ribbed Metal Roof – Voice Vote**
- C. Rezoning – Request Submitted by Benjamin Larson for 814 Front Street from a B-3 (Central Business) District to a B-4 (General Commercial) District – Voice Vote**
- 11. Public Forum: Time allocated for citizens to bring matters not on the agenda to the attention of the Council – Time limits may be imposed.**
- 12. Staff Reports – Written**
(Verbal: Any Updates since Packet)
- 13. Council Member Reports**
- 14. Adjourn**

NOTE: Safety and Public Works Committee will meet at 7:00 P.M.
Personnel and Finance Committee will meet at 6:45 P.M.

**ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307.
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"***

7:15 P.M. – Showcasing Brainerd: Visit Brainerd

The Chair welcomed Mr. Richard Polipnick, Executive Director of Visit Brainerd, (www.visitbrainerd.com) who discussed the history and purpose of “Visit Brainerd” which focuses on marketing the Brainerd Lakes Area in lodging, events and tourism. He stated that social media marketing has been a priority lately and that each month an “area event” meeting is hosted at a local venue. Partnerships have been recently made with the Brainerd Lakes Area Chamber, Cuyuna Chamber, Nisswa Chamber and Whitefish Area Lodging Association and a bus tour of the Lakes area recently took place with over 40 attendees. He discussed the many other groups Visit Brainerd works with locally and answered questions of the Council. The Chair thanked him for his presentation.

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 Scheeler.

Upon roll call, the following members were noticed present: Johnson, Borkenhagen, Hilgart, Koep, Pritschet, Bevans and Scheeler. Mayor Menk was also noted as present.

The Chair opened the meeting with the Pledge of Allegiance to the Flag.

Mayor Menk called for a moment of silence to honor those who took place in the D Day exercise 72 years ago today.

City Administrator Thoreen reported that late this afternoon an offer was received from Mr. Dave Pueringer to purchase all the unsold tax forfeited lots in the Brainerd Oaks Subdivision.

The Chair requested that this item be added to the agenda as part of item 9A: New Business.

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET, DULY CARRIED, TO ADD THE ITEM “DAVID PUERINGER AND DOUG JUNKER PURCHASE AGREEMENT – BRAINERD OAKS SUBDIVISION” TO ITEM 9A: NEW BUSINESS: CONSIDER OFFER ON 3 TAX FORFEITED DEVELOPMENTS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO ADOPT THE CONSENT CALENDAR AS PRESENTED.

A. Approval of the Minutes of the Regular Meeting held on May 16, 2016 and the Special Meeting held on May 23, 2016, as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor’s Licenses – 1 – New

2. Contractor's Licenses – 3 – Renewals
3. Bulk Plant License – 1 – Renewal
4. Growler License – 1 – Renewal
5. Filling Station Licenses – 9 – Renewals
6. Off-Sale Beer – 5 – Renewals
7. On-Sale Beer License – 2 – Renewals
8. On-Sale Wine License – 2 – Renewals
9. On-Sale Liquor License – 8 – Renewals
10. Club On-Sale Licenses – 3 Renewals
11. Off-Sale Liquor Licenses – 5 – Renewals
12. Taproom License – 1 – Renewal

License Renewals Contingent Upon Inspection by the Fire Department – Approved:

1. On-Sale Liquor – 2 – Renewals
2. Club On-Sale – 1 – Renewal

C. Department Activity Reports – Approved

1. Mayor
2. Fire Chief
3. Park Director
4. City Administrator – Citizen Facility Committee Update

D. Minnesota Lawful Gambling – Application for Exempt Permit – Submitted by The Mission Township Fire Fighters Relieve Association for a Raffle to be held on August 13, 2016 at the Eagles Club, 124 Front Street – Approved

Upon roll call, Members Johnson, Borkenhagen, Hilgart, Koep, Pritschet, Bevans and Scheeler voted “aye.” No member voted “nay.” The Chair declared the motion carried.

Presentations:

Center Point Energy Community Partnership Grant Check to Fire Chief Holmes:

The Chair recognized Scott Hangge, CenterPoint Energy, who presented a check in the amount of \$2,500 to Fire Chief Holmes for the purchase of Rescue Equipment for Confined Spaces.

Resolution No. 24:16 Adopted – Honoring the 50th Anniversary of the Brainerd HRA:

Following an informational presentation from Brainerd HRA Vice Chair Dale Parks relating to the purpose of and 50-year history of the HRA, City Administrator Thoreen read a resolution declaring June 6, 2016 as Brainerd HRA Day. The resolution asked for celebration as a community for the many success stories which have touched thousands of lives during this half century.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT RESOLUTION NO. 24:16 – HONORING THE 50TH ANNIVERSARY OF THE BRAINERD HRA.

RESOLUTION NO. 24:16

Upon roll call, Members Johnson, Borkenhagen, Hilgart, Koep, Pritschet, Bevans and Scheeler voted “aye.” No member voted “nay.” The Chair declared the motion carried and the resolution adopted.

Brainerd History Week Proclamation:

Mayor Menk presented a proclamation declaring June 14-19th of 2016 as History Week with many activities taking place throughout the City of Brainerd. (www.ci.brainerd.mn.us)

Council Committee Reports

Safety and Public Works Committee Report:

Business 371 Reconstruction Update – Accept and Acknowledge Letting Date being pushed Back to the Fall of 2017 when Staff will Produce a List of Recommended Projects – Approved

City Engineer Hulsether reported that MNDot has approached the City to consider pushing the letting date on the Business 371 reconstruction to the fall of 2017.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT AND ACKNOWLEDGE THE BUSINESS 371 PROJECT LETTING DATE BEING PUSHED BACK TO THE FALL OF 2017 WHEN STAFF WILL BRING FORTH A LIST OF PROJECTS RECOMMENDED FOR ADVANCEMENT IN THE 2017 SCHEDULE.

IMP 16-06 – Washington Street Sanitary Sewer Update – Follow Staff Recommendation to Abandon Sewer Main in Washington Street and to Redirect 4 Services to the Rear of the Buildings at a Total Cost of Approximately \$110,000 to be paid from the Sanitary Sewer Fund – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO ACCEPT STAFF RECOMMENDATION TO ABANDON THE SEWER MAIN IN WASHINGTON STREET AND REDIRECT 4 SERVICES TO THE REAR OF THE BUILDINGS FOR IMPROVEMENT 16-06 – WASHINGTON STREET SANITARY SEWER – FOR A TOTAL COST OF APPROXIMATELY \$110,000 TO BE PAID FROM THE SANITARY SEWER FUND.

IMP 15-06 – Lum Park Raingarden Quote for Concrete Work – Accept Quote from Anderson Brothers in the amount of \$5,887.96 to be reimbursed from the Crow Wing County Soil and Water Conservation District Grant with an Expected Completion Date of July 1, 2016 – Approved

Per Agenda request, as part of a Crow Wing County Soil and Water Conservation District Grant, rain gardens were installed at Gregory and Lum Parks. Concrete work still needs to be completed at the Lum Park location with costs to be reimbursed by the grant.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE QUOTE FROM ANDERSON BROTHERS FOR THE CONCRETE WORK AND PLACEMENT OF THE RAIN GARDEN AT LUM PARK FOR A TOTAL COST OF \$5,887.96 TO BE REIMBURSED FROM THE CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT GRANT WITH AN EXPECTED COMPLETION DATE OF JULY 1, 2016.

IMP 16-07 – Utility Extension Feasibility Report – Informational

Committee Chair Bevans reported that the report has not been completed.

Airport Utility Extension Connection Procedures – Informational

Committee Chair Bevans reported that policies and procedures continue to be discussed with no finalization at this time.

Transit Policy Amendments – Approved

A policy with changes highlighted was included in the Packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ADOPT THE “CITY OF BRAINERD – CROW WING COUNTY AND CITY OF PINE RIVER PUBLIC TRANSIT OPERATING POLICY” AS AMENDED.

City Code Section 820 relating to Public Phone Booths – Direct Staff to Prepare an Ordinance Amending the Brainerd City Code to Delete Section – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DIRECT STAFF TO PREPARE AN ORDINANCE AMENDING THE BRAINERD CITY CODE BY DELETING SECTION 820 RELATING TO PUBLIC PHONE BOOTHS.

Bicycle Safety – Authorize up to \$500 from the Traffic Control Budget to Paint Sharrows on Signed Bicycle Lanes throughout City – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE UP TO \$500 FROM THE TRAFFIC CONTROL BUDGET TO PAINT SHARROWS (SHARED LANE MARKING) ON SIGNED BIKE LANES THROUGHOUT THE CITY FOR IMPROVED SAFETY.

Event Application – Jaycees Streetfest – July 29-30, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE EVENT APPLICATION AS SUBMITTED BY THE BRAINERD JAYCEES FOR THE JAYCEES STREETFEST TO BE HELD ON JULY 29-30, 2016 IN DOWNTOWN BRAINERD.

Personnel and Finance Committee Report

Approval of Bills, Transfers & Payments to Contractors – Approved

Sanitary Sewer Fund to #401 for 2015 Completed Projects	\$51,724
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Storm Sewer Fund to #401 for 2015 Completed Projects

\$34,857

Contractor	IMP #	Project	Amount	Total Retained
S.E.H.	14-15	Airport Utility Extension	\$64,194.04	\$0
Hy-Tec Construction	n/a	Memorial Park Restrooms	\$77,041.73	\$0
Northwoods Lndscp	10-03	Downtown Maintenance	\$2,375.00	\$0

Fire Department:

Accept with Regret the Resignation of Paid On-Call Firefighter Tengwall, Effective June 30, 2016 and Authorize Conditional Paid On-Call Firefighter Hiring Offers to Erik Flowers, Nick Haglin and Steve Isle, Subject to Successful Completion of Pre-Employment Physical, Drug, Psychological and Background Checks – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF POC FIREFIGHTER TENGWALL EFFECTIVE JUNE 30, 2016.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE CONDITIONAL OFFERS TO MR. ERIK FLOWERS, MR. NICK HAGLIN AND MR. STEVE ISLE FOR THE POSITION OF PAID ON-CALL FIREFIGHTERS SUBJECT TO SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT PHYSICAL, DRUG, PSYCHOLOGICAL AND BACKGROUND CHECKS.

Police Department:

Accept with Regret the Retirement of Sergeant Joy Larson Effective July 5, 2016 and Request the Police and Fire Civil Service Commission to Establish a New Sergeant Eligibility List for a Recommendation to Promote a Police Officer to Sergeant at the August 1, 2016 City Council Meeting – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RETIREMENT OF SERGEANT JOY LARSON EFFECTIVE JULY 5, 2016 AND TO REQUEST THE CITY'S POLICE AND FIRE CIVIL SERVICE COMMISSION TO ESTABLISH A NEW SERGEANT ELIGIBILITY LIST FOR A RECOMMENDATION TO PROMOTE A POLICE OFFICER TO SERGEANT AT THE AUGUST 1, 2016 CITY COUNCIL MEETING.

Request the Police and Fire Civil Service Commission to Certify the Next Three Candidates and Authorize a Conditional Job Offer to the Next Available Police Officer Candidate with a Tentative Starting Date of July 25, 2016 Pending Successful Completion of Pre-Employment Physical, Drug, Psychological and Background Checks – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO REQUEST THE CITY'S POLICE AND FIRE CIVIL SERVICE COMMISSION TO CERTIFY THE NEXT THREE CANDIDATES AND TO AUTHORIZE A CONDITIONAL JOB OFFER TO BE MADE TO THE NEXT AVAILABLE POLICE OFFICER CANDIDATE WITH A TENTATIVE STARTING DATE OF JULY 25, 2016 PENDING SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT PHYSICAL, DRUG, PSYCHOLOGICAL AND BACKGROUND CHECKS.

Downtown Brainerd SCDP Environmental Review – Accept and Authorize Proper Signatures on the Required Certificate of Categorical Exclusion/Environmental Activities and Release of Funds and Certification for SCDP Funded Project CDAO-15-0038-O-FY16 – Approved

Per Agenda Request, the City of Brainerd has been awarded \$650,105 from MN DEED for rehabilitation of Brainerd properties. The Brainerd HRA will administer the program. Prior to being awarded the funds, DEED requires an “Environmental Review” which allows the HRA to allocate time and other upfront work.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE AND SIGN THE CITY OF BRAINERD DOWNTOWN REHABILITATION GRANT CERTIFICATE OF CATEGORICAL EXCLUSION/ENVIRONMENTAL ACTIVITIES FOR SCDP FUNDED PROJECT NO. CDAO-15-0038-O-FY16.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE AND SIGN THE REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION FOR SCDP FUNDED PROJECT NO. CDAO-15-0038-O-FY16.

Administrative Specialist/Administration Department Position – Authorize Backfilling Position as soon as possible and Authorize the Funds to Conduct the Hiring Process – Approve the “Global Administrative Specialist” and the “Supplemental Administrative Specialist/Administration Department” Job Descriptions as Presented – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE BACKFILLING THE ADMINISTRATIVE SPECIALIST/ADMINISTRATION DEPARTMENT POSITION AS SOON AS POSSIBLE; FURTHER, TO AUTHORIZE THE NECESSARY FUNDS TO CONDUCT THE HIRING PROCESS.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE “GLOBAL ADMINISTRATIVE SPECIALIST” AND THE “SUPPLEMENTAL ADMINISTRATIVE SPECIALIST/ADMINISTRATION DEPARTMENT” JOB DESCRIPTIONS AS PRESENTED.

Police Department – Authorize the Sale of Decommissioned Squad Car Unit #414 – Utilizing the Public Surplus Auction Website – Approved

This item was added to the agenda.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE SALE OF DECOMMISSIONED POLICE SQUAD CAR #414 UTILIZING THE PUBLIC SURPLUS AUCTION WEBSITE.

Unfinished Business

Public Hearing – Final Reading of Proposed Ordinance No. 1450 – Providing for the Annexation of Certain Properties Located in Oak Lawn Township, Crow Wing County, to the City of Brainerd, Crow Wing County, Pursuant to Minnesota Statute 414.033 – Robert and Andrea Marohn – Approved

The Chair opened the Public Hearing at 8:04 P.M.

The Chair recognized Ms. Sharon Pike, Jordan Road, Oak Lawn Township Supervisor, who commented on annexation procedures.

The Chair closed the Public Hearing at 8:05 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1450 – PROVIDING FOR THE ANNEXATION OF CERTAIN PROPERTIES LOCATED IN OAK LAWN TOWNSHIP, CROW WING COUNTY, TO THE CITY OF BRAINERD, CROW WING COUNTY, PURSUANT TO MINNESOTA STATUTE 414.033.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT ORDINANCE NO. 1450 – PROVIDING FOR THE ANNEXATION OF CERTAIN PROPERTIES LOCATED IN OAK LAWN TOWNSHIP, CROW WING COUNTY, TO THE CITY OF BRAINERD, CROW WING COUNTY, PURSUANT TO MINNESOTA STATUTE 414.033.

ORDINANCE NO. 1450

Upon roll call, Members Johnson, Borkenhagen, Hilgart, Koep, Pritschet, Bevans and Scheeler voted “aye.” No member voted “nay.” The Chair declared the motion carried and the ordinance adopted.

First Reading of Proposed Ordinance No. 1452 – An Ordinance Amending the Brainerd City Code Section 421 relating to Uniform Fire Code – City Administrator Thoreen Recommends Dispensing with the Actual Reading – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1452 – AN ORDINANCE AMENDING THE BRAINERD CITY CODE SECTION 421 RELATING TO UNIFORM FIRE CODE, FURTHER TO DISPENSE WITH THE ACTUAL READING.

Call for Applicants – Informational:

(Application Information at www.ci.brainerd.mn.us/boards/)

Cable TV Advisory Committee – 1 Term to expire 12/31/2016

Rental Dwelling Board of Appeals – 1 “Tenant Representative” term to expire 12/31/2016

Ad Hoc Walkable Bikeable City Committee

New Business

Consider Offer on 3 Tax Forfeited Developments and Consider Purchase Agreement received on June 6, 2016 from David Pueringer & Doug Junker – Authorize Staff to Inform the Crow Wing County HRA that the City Trusts them to Negotiate the Sale of Brainerd Oaks, Serene Pines and Dal Mar Estates including the Vetting of Interested Purchasers and Considering the Best Interest of the City with the understanding that the City is Willing to Write Down Special Assessments on the Project but not Willing to Write Down SAC and WAC or Park Dedication Fees – Approved

Council President Scheeler turned the gavel over to Council Vice President Pritschet based on his own conflict of interest on this issue.

City Administrator Thoreen brought the Council's attention to the new information presented to the Council this evening relating to a proposal from David Pueringer & Doug Junker to purchase all the unsold tax forfeited lots in the Brainerd Oaks Subdivision.

Council discussion was held.

The Chair recognized the following citizens who spoke to the issue:

Mr. Dave Pueringer, 616 ½ Front Street, Brainerd, who discussed his offer in the amount of \$239,445 which, as he stated, asks for no forgiveness of SAC and WAC fees, agrees to Park Dedication fees and offers zero liability for the City.

City Attorney Quiring reminded the Council that the City is not in the position to be weighing offers based on land prices, offers, etc.

MOVED AND SECONDED BY ALDERMAN KOEP AND HILGART TO HOLD A SPECIAL MEETING TO FURTHER DISCUSS THE OFFERS.

Alderman Koep withdrew her motion .

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BORKENHAGEN THAT THE CITY INFORM THE CROW WING COUNTY HRA THAT THE CITY TRUSTS THEM TO NEGOTIATE THE SALE OF BRAINERD OAKS, SERENE PINES AND DAL MAR ESTATES INCLUDING VETTING THE INTERESTED PURCHASERS AND CONSIDERING THE BEST INTEREST OF THE CITY WITH THE UNDERSTANDING THAT THE CITY IS WILLING TO WRITE DOWN SPECIAL ASSESSMENTS ON THE PROJECT BUT NOT WILLING TO WRITE DOWN SAC AND WAC OR PARK DEDICATION FEES.

Members Johnson, Borkenhagen, Pritschet and Bevans voted "aye." Members Hilgart and Koep voted "nay." Member Scheeler abstained. The Chair declared the motion carried.

Public Forum

The Chair recognized Mr. Jeff Czczok, 511 "D" Street, Brainerd, who addressed the Council about data practices, open meeting law and transparency in relation to all items relating to agenda items being provided to the public. He distributed examples of emails illustrating examples.

The Chair recognized Mr. Dale Carter, 15111 Beaver Dam Road, who asked what the City was going to do for him based on his development on Dal Mar Road which he's paying special assessments on in light of the recent tax forfeited property development offers and consideration.

Staff Reports – Written

(Verbal: Any Updates since Packet)

City Administrator Thoreen reported he will be at the LMC Conference next week.

City Engineer Hulsether reported that Assistant City Engineer Paul Sandy passed his Professional Engineering exam.

Council Member Johnson discussed the maintenance of the roundabout landscaping which has been added to the Park Department's workload which should be considered at budget time.

Council Member Koep reminded the public of history week activities, stating that a history walk has been added for 6:00 P.M. to the Flag Day opening ceremony on the 14th which begins at 4:00 P.M. at the All-Veterans Memorial. Reservations for the history walk can be called in to the library or city hall.

Mayor Menk stated that he typed 130 years in his report instead of 125 for the history of the Salvation Army in Brainerd, and that he'll be leading the kiddie parade for History Week. He also briefly reported on a very informal meeting that was held with the City of Baxter.

Adjourn

The Chair adjourned the meeting at 9:20 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING

June 20, 2016

(1 New, 4 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
LARSON PLUMBING & HEATING OF AITKIN 37615 430TH PLACE AITKIN, MN 56431 16-0177	(218) 927-4911	PLUM	11/1/2016	12/31/2016	PC702463
ACME TUCKPOINTING & RESTORATION 842 VANDALIA STREET ST. PAUL, MN 55114 16-0178 (New)	(612) 623-8018	GENL	5/1/2017	12/31/2016	
ANTONSEN EXCAVATING INC 17633 STATE HWY 6 DEERWOOD, MN 56444 16-0179	(218) 534-3355	EXCA	3/22/2017	12/31/2016	
UP NORTH FIREPLACE GALLERY 29707 394TH PLACE AITKIN, MN 56431 16-0180	(218) 454-1040	MECH	3/1/2017	2/10/2018	MB646415
KOSEC CONSTRUCTION LLC 7094 320TH STREET CUSHING, MN 56443 16-0181	(218) 838-7602	EXCA	9/24/2016	12/31/2016	



www.ci.brainerd.mn.us

MAYOR'S REPORT TO COUNCIL

June 20, 2016

The last two weeks have been very eventful. On the 8th I attended a meeting dealing with downtown parking. Nothing was decided but we will meet again when more detailed information is available about the number of off street spots, financials and the real needs.

On the 14th I attempted to milk a cow (I got 1 ounce in thirty seconds) for National Dairy month out at Culvers and was beaten by a girl and a minister. I protested because they had a black and white cow while I grew up with brown and white cows. My protest did not work. I guess there is a reason why I do not milk cows for a living. A good time was had by all. By the way my grandson from Mississippi got 2nd place in the custard eating contest. National Dairy month is a great event and I hope to see more of you participating next year.

That same afternoon I was one of several individuals interviewed by Pam Louwagie from the StarTribune who is doing a story on out state cities and towns. I was asked questions pertaining to the effects that the bypass and the current changes in retail have on businesses. I was able to report that for the first five years after the bypass I personally had increases. I realize not everyone was as fortunate. Pam was in town for several days and her article will be printed in several weeks.

On the 16th I led the children's parade thru downtown dressed as Paul Bunyan. There were about 80 children taking part and the weather cooperated by not raining on our parade; my thanks to Nancy from Fancy Pants Chocolates for organizing the parade and providing treats for the children. We did not have anyone on a bicycle but hopefully next year we will see a number.

That afternoon I attended the celebration of the 125th year that the Salvation Army has been serving our community. The Fire department had the antique fire truck there and it was a great hit with the children.

In the evening I was able to attend the 50th Anniversary of the Brainerd HRA hosted at the SEH Building. What a positive asset that the HRA has been for the city.

On Thursday night I will be attending the Historic Brainerd Facebook Group get together at the NP Center.

In closing I wish to thank all of those that helped plan and execute a great Brainerd History Week and the Brainerd Dispatch for their coverage. This event is growing every year, may next year's be even bigger.

Mayor Ed Menk

**BRainerd POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council

FROM: Police Chief Corky McQuiston 

DATE: 06-15-16

RE: Monthly Report



www.ci.brainerd.mn.us

On May 23rd, we were proud to hear from the BCA MNJIS (Minnesota Justice Information Services) Assistant Director notifying us that Brainerd Police Administrative Supervisor Julie McCullough was being recognized for outstanding service as our Terminal Agency Coordinator. Julie was featured in their summer newsletter. A copy of that article is included below.

Julie McCullough, Brainerd Police Department



How long have you been the TAC at your agency?

I have been the TAC at the Brainerd Police Department for 10 years.

How do you ensure your staff is current on BCA/FBI matters?

I think there are two basic components to ensuring that staff is current on BCA/FBI matters. First of all, I have to stay current on these matters. Second is communication. The TAC is the liaison between the agency and the BCA, so information is disseminated to me. It is my responsibility to ensure that relevant information is passed on to the appropriate staff members.

Briefly share a success story of how a BCA product assisted your agency.

The CJIS LaunchPad Website has been an ideal tool for me as the TAC. A great deal of information is available on the website and it provides easy access to online training and certifications from any computer. My new favorite

BCA product is the Summary Reports in the Supplemental Reporting System – especially the Incident at a Glance feature, which is a great time saver when working on error reports.

What advice do you have for new TACs?

There are so many resources available and most are just a computer click or phone call away. To get started, review the TAC Responsibilities Handbook, find out who your auditor is, introduce yourself, and keep their number handy (along with the number for the BCA Service Desk). Become familiar with the LaunchPad Website and take advantage of the training and documents that are offered there.

Pay attention to eBlasts, read the quarterly *MNJIS Connection* newsletters, attend a TAC Workshop yearly, and attend the BCA Criminal Justice Information User Conferences. They will prepare you for what is coming.

Stay organized. Have a checklist for things to do as employees come and go to ensure proper training and certifications are maintained and that users are disabled when they leave employment or should no longer have access.

The BCA thanks Julie for her many years of outstanding service as a TAC.

On Saturday, May 14th, we participated along with the Baxter Police Department and Brainerd Parks & Rec in the annual Brainerd Lakes Bike Safety Clinic hosted by Essentia Health St. Joseph's Medical Center in the lower parking lot of the Brainerd High School.



Pictured above is one of our newer Community Service Officers, Travis Hanson. A special thank-you to the Lakes Area Law Enforcement Association for donating funding to give away two bicycles from a drawing participants at the bike clinic entered. Participation in the event was down from 110 in 2015, to 64 for this year. Unseasonably cold weather was attributed to the lower turn out.

During May you probably noticed an increased number of squad cars in the area as our High-Visibility TZD saturation patrols focused on Seat Belt Enforcement. We targeted Highways 210 and 371 locally with officers from multiple jurisdictions and utilized our message trailer as a deterrent component to the saturations—with the message "**Click-it or Ticket, Buckle-up**" displayed. 106 vehicles were stopped and 36 citations for no seat belt were issued. Unbelted motorists unfortunately continue to make up over 70% of the fatalities in crashes in our state.

In May three of our Clerical/Records staff personnel attended a free 3-hour training at the NJPA Facility in Staples. The training was entitled: **Handling the Difficult Customer/Resident: Cities & Counties Professional Development**. This was intended to help employees develop the mindset, skills, and behaviors to foster a positive and professional relationship with the people we serve.

In May, we completed two consecutive days of training at Camp Ripley. We utilized several areas of the facility including three different firing ranges, and the CACTF (Combined Arms Collective Training Facility). We completed one of two annual firearms qualifications, and also conducted our annual physical fitness testing of staff while we were there. One of the key training accomplishments was to spend a significant amount of time on Response to Active Shooter scenarios.



Doing this we started with deliberate walk-thru formations and responses, and then sped it up to a real-time response with officers entering the simulated "Government Building" of the CACTF. We built this up to multiple response teams and included an "active shooter," suspect discharging pistol blanks to help the officers adjust their search and response to an active shooting incident and create more realism. The staff from Raytheon Intelligence and Information Systems that operates the CACTF in Camp Ripley provided us with a video recording of our drills so we can debrief after the training and evaluate our response and effectiveness.

Officers were split into two groups to make the most of our time at the facility. Half were practicing High Risk Traffic Stop/Arrests, while the other half was conducting the Response to Active Shooter building drills.



Notable Police Activity in May:

At about 10:00 am on Saturday, May 7th, we recovered the body of 23-year-old missing Brainerd man Brandon Rich that we had been searching for since he was reporting missing on May 5th.

The body was located completely submerged in slightly over six feet of water about 100 feet from shore. Brainerd Police were alerted to the park area after wet clothing was found near a park building. The clothing was later positively identified as belonging to Brandon Rich. K-9 Search and Rescue teams from Central Lakes Search and Rescue and North Star Search and Rescue were instrumental in assisting authorities in locating Rich. Staff from the Crow Wing County Sheriff's Department provided the watercraft and operators to help in the search and recovery.

Rich's body was transported to the Ramsey County Medical Examiner for an autopsy and his death was determined to be caused by Fresh Water Drowning, with the manner ruled as a Probable Accident.

At about 3:15 pm on Thursday, May 5th, Brainerd Police responded to report of an assault that had just occurred at a residence in the 300 block of Gillis Avenue NE. Police learned that a 30-year-old Brainerd man had just returned home and upon entering his residence, was confronted by male party inside of the home. The man was assaulted by the suspect who he recognized as an acquaintance from a few years ago. The victim grabbed his dog and fled the home.

When officers checked the home, they found the residence full of smoke. Brainerd Fire personnel responded and quickly extinguished the fire. Further investigation revealed the home owner most likely came home interrupting a burglary in progress, and the suspect most likely set the fire after the victim fled.

38-year-old Enoch Harrison Stapleton III was identified as a suspect and shortly before 6 pm, on Sunday May 8th, Stapleton was arrested by the Onamia Police Department. Law Enforcement had received a tip that Stapleton was in that area.

Shortly after 10 pm, on Tuesday May 10th, police officers received a report from a Brainerd resident who was knocked down by a bear while the man was walking his dog. The man reported he was in the area of the 1900 block of Graydon when he observed the bear and it charged at him, knocking him to the ground. The reporting party was able to run to a nearby home and the bear ran off. He sustained some minor injuries from being knocked down and did seek medical attention for them. Officers searched the area and were unable to locate the bear.

CSO Resignation

On May 20th, Community Service Officer Taylor Halverson submitted a letter of resignation. Taylor has accepted employment in the Crow Wing County Jail and also as a Police Officer for the City of Lakeshore. Taylor will be greatly missed, and we wish him the best in these career advancements.

Attempt to Secure Drone Project Funding

Some of you may have been aware of the Drone Project Funding attempt that was going to be submitted by the Baxter Police Department to the NJPA Innovative Funding Program in May. One of the Baxter Police Sergeant's had quarterbacked the project with extensive research and planning. Ultimately the Baxter Police did not receive the necessary authorization in a tie vote from the Baxter City Council to approve applying for the funding.

Both the Fire Chief and myself were prepared to approach our City Council for support to participate in the project had they received approval. The application would have been to secure funding for the devices, develop Use and Operational Policies and Guidelines, and secure training to maintain the necessary legal and safe operating requirements, clearly defining acceptable utilization.

Both Fire Chief Holmes and I agreed that **Unmanned Aerial Vehicles (UAV)** have great potential in the areas of Fire Services and Public Safety. We are hopeful that other opportunities will occur in the future.

For future City Council awareness and consideration regarding UAV projects we wanted to still point out the following brief overviews on our support of this and how UAVs can bring a new level of safety, options, and enhancements to police and fire services.

In applications for **law enforcement**, police would be able to quickly cover broad and inaccessible areas during searches for missing, lost, or wanted dangerous persons. UAVs would also bring enhancements to crime scene processing for documentation and evidence identification. Crowd management and monitoring during large events like the 4th of July, would also improve our strategies, response, and deployment of resources.

Utilizing UAVs for **fire services** will bring enhancements while conducting search and rescue operations, fire ground operations, and fire scene documentation. UAVs will allow for quick deployment when minutes count. The UAVs will be another tool fire services would use to bring safety to fire & rescue scenes; including structure fires, wildland fires, and water related rescues. The use of this technology is just another way each of our departments are offering even better customer service to the communities we serve.

Conduct on Premises Activity Report for May

ICR	Date Reported	Title	Address	Summary Contains
16005878	05/04/16	Conduct on Premises	305 1 st Avenue NE	Conduct on Premises Notice
16005996	05/06/16	Conduct on Premises	722 W College Drive	2nd Instance of Disorderly Use-- Requested Written Management Plan
16006014	05/07/16	Conduct on Premises	217 SW 4 th Street	2nd Instance of Disorderly Use-- Requested Written Management Plan.
16006687	05/20/16	Conduct on Premises	612 Norwood Street	Conduct on Premises. Notice sent.

Monthly Police Activity

May	2016	2015
Calls	1556	1562
Citations (Inc. Parking)	215	215
Part I and Part II Crimes Reported	360 **	285

** Note: This does not include files that have not yet been coded

73 parking tickets were issued in the month of May with the following dispositions:

5	Dismissed
1	Business Validations
41	Paid in Full
1	Partial Payments Received
25	No Payment Received

Revenue Recapture Receipts:

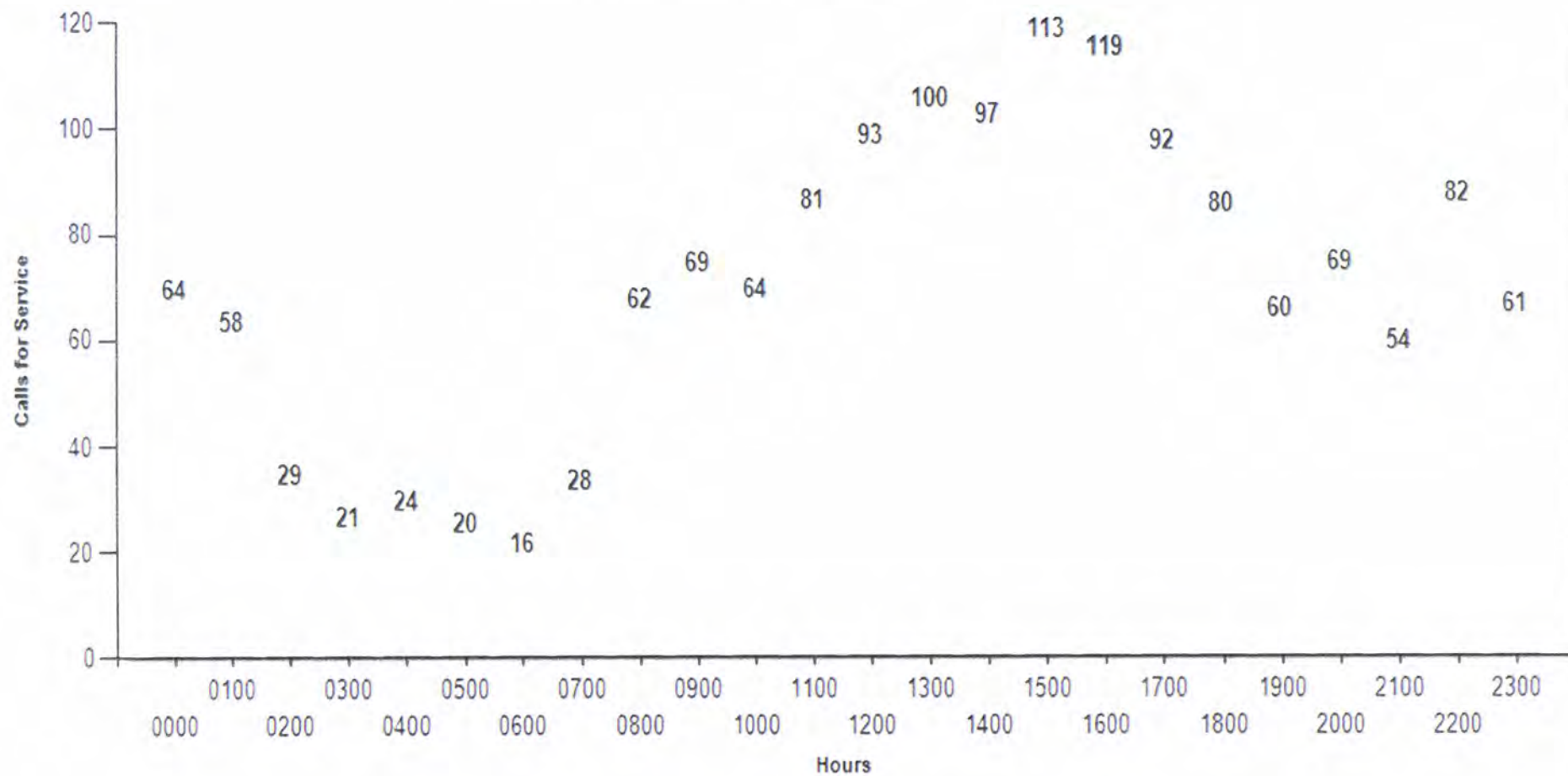
To Date: \$ 26,670.46
In 2016: \$ 3,528.65



Calls for Service Hourly

5/1/2016 to 5/31/2016

Total Calls: 1603





Brainerd City Council Agenda Request

#5F

Agenda Item #

Requested Meeting Date: June 20th, 2016

Title of Item: Homeland Security JPA Renewal for Bomb Team

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 1 MINUTE
Summary of Issue: Our existing Joint Powers Agreement with the State of Minnesota Homeland Security and Emergency Management Office is expiring. We are requesting authorization to extend the agreement, noting they have authorized an increase in reimbursement for the officers wages for their response to incidents.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Adopt the attached resolution authorizing the renewal of the Brainerd-Crow Wing County Bomb Team JPA and the authorizing signatures of the Mayor, City Administrator and Police Chief.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u> This allows us to receive reimbursement for the officers wages when responding to bomb team incidents.	

RESOLUTION NO. _____

**RESOLUTION APPROVING STATE OF MINNESOTA HOMELAND SECURITY
JOINT POWERS AGREEMENT
WITH THE CITY OF BRAINERD ON BEHALF OF ITS POLICE DEPARTMENT**

WHEREAS, the City of Brainerd and Crow Wing County have jointly formed the Brainerd-Crow Wing County Bomb Disposal Unit; and

WHEREAS, the Bomb Disposal Unit is a Commissioner-approved unit consisting of persons who are trained and equipped to dispose of and/or neutralize bombs or other similar hazardous explosives; and

WHEREAS, the Bomb Disposal Unit provides bomb squad services outside of its geographic jurisdiction; and

WHEREAS, the Bomb Disposal Unit is allowed to invoice the State of Minnesota for expenses incurred while providing said services outside its geographic jurisdiction; and

WHEREAS, the State has set a flat fee of \$175 per hour for said services; and

WHEREAS, the Brainerd-Crow Wing County Bomb Disposal Unit is interested in renewing the Joint Powers Agreement with the State of Minnesota for reimbursement of state-approved bomb squad unit expenses from July 1, 2016, through June 30, 2017 of no more than \$25,000, and an additional \$25,000 from July 1, 2017, through June 30, 2018, for call response, pursuant to agreement.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Brainerd approves the Joint Powers Agreement between the State of Minnesota, Crow Wing County and the City of Brainerd to provide state-approved bomb squad unit's expense reimbursement as per Minnesota Statute 471.59 and 299C.063.

BE IT FURTHER RESOLVED the Mayor, City Administrator, and Police Chief are authorized to sign said Agreement.

Adopted this ____ day of _____, 2016

GARY SCHEELER
President of the Council

Approved this ____ day of _____, 2016

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREN
City Administrator

Joint Powers Agreement

Amendment 1

SWIFT Contract Number: 100358
SWIFT Purchase Order Number: 3000036407

JPA Start Date:	<u>07/01/2015</u>	Total JPA Amount:	<u>\$69,000.00</u>
Original JPA Expiration Date:	<u>06/30/2016</u>	Original JPA:	<u>\$19,000.00</u>
Current JPA Expiration Date:	<u>06/30/2016</u>	Previous Amendment(s) Total:	<u>\$ 0.00</u>
Requested JPA Expiration Date:	<u>06/30/2018</u>	This Amendment:	<u>\$50,000.00</u>

This Amendment is by and between the State of Minnesota, acting through its Commissioner of Public Safety on behalf of the Homeland Security and Emergency Management division ("State"), and the Brainerd-Crow Wing County Bomb Disposal Unit, a collaborative and joint effort of the County of Crow Wing and the City of Brainerd, 304 Laurel Street, Brainerd, MN 56401 ("Governmental Unit").

Recitals

1. The State has an Agreement with the Governmental Unit, identified as SWIFT contract number 100358 ("Original Agreement") for the Governmental Unit, which has a commissioner-approved bomb disposal unit, to provide bomb disposal services for municipalities outside the jurisdiction of the County of Crow Wing and/or City of Brainerd but within the State of Minnesota.
2. The parties mutually agree to extend the expiration date in order to allow and provide for additional bomb disposal unit services.
3. The State and the Governmental Unit are willing to amend the Original Agreement as stated below.

Agreement Amendment

In this Amendment, changes to pre-existing Agreement language will use ~~strike-through~~ for deletions and underlining for insertions.

REVISION 1. Clause 1, **Term of Agreement**, is amended as follows:

1 Term of Agreement

- 1.1 **Effective Date.** July 1, 2015, or the date the State obtains all required signatures under Minnesota Statutes § 16C.05, subdivision 2, whichever is later.
- 1.2 **Expiration Date.** ~~June 30, 2016~~ June 30, 2018, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

REVISION 2. Clause 3, **Payment**, is amended as follows:

3 Payment

- 3.1 The State shall reimburse the Governmental Unit up to but not exceeding Nineteen Thousand and 00/100 Dollars (\$19,000.00) for the period commencing July 1, 2015 and ending June 30, 2016, Twenty Five Thousand and 00/100 Dollars (\$25,000.00) for the period commencing July 1, 2016 and ending June 30, 2017, and Twenty Five Thousand and 00/100 Dollars (\$25,000.00) for the period commencing July 1, 2017 and ending June 30, 2018 for Governmental Unit's bomb disposal unit responding to calls specified in Clause 2.2 of this Agreement and in accordance with the following:
 - a) Reimbursement is based on a flat fee of One Hundred Seventy Five and 00/100 Dollars (\$175.00) per hour inclusive of all services and reimbursable expenses.
 - b) Funds not reimbursed by the State to the Governmental Unit for services rendered during each annual period, e.g. July 1, 2015 through June 30, 2016, during this Agreement will be cancelled and not carried forward to the next twelve month period.
- 3.2 **Total Obligation.** The total reimbursable obligation of the State to the Governmental Unit for all services under this Agreement shall not exceed ~~Nineteen Thousand and 00/100 Dollars (\$19,000.00)~~ Sixty Nine Thousand and 00/100 Dollars (\$69,000.00).
- 3.3 **Invoices.** The State will promptly reimburse the Governmental Unit after the Governmental Unit presents an itemized invoice for services actually performed and the State's Authorized Representative accepts the invoices services. Invoices shall be submitted by the Governmental Unit according to the following schedule:
 - No later than October 15, 2015 for services rendered during July 1, 2015 through September 30, 2015
 - No later than January 15, 2016 for services rendered during October 1, 2015 through December 31, 2015
 - No later than April 15, 2016 for services rendered during January 1, 2016 through March 31, 2016

- No later than July 15, 2016 for services rendered during April 1, 2016 through June 30, 2016
- No later than October 15, 2016 for services rendered during July 1, 2016 through September 30, 2016
- No later than January 15, 2017 for services rendered during October 1, 2016 through December 31, 2016
- No later than April 15, 2017 for services rendered during January 1, 2017 through March 31, 2017
- No later than July 15, 2017 for services rendered during April 1, 2017 through June 30, 2017
- No later than October 15, 2017 for services rendered during July 1, 2017 through September 30, 2017
- No later than January 15, 2018 for services rendered during October 1, 2017 through December 31, 2017
- No later than April 15, 2018 for services rendered during January 1, 2018 through March 31, 2018
- No later than July 15, 2018 for services rendered during April 1, 2018 through June 30, 2018

The Original Agreement and any previous amendments are incorporated into this amendment by reference; and except as amended herein, the terms and conditions of the Original Agreement and all previous amendments remain in full force and effect.

1 BRAINERD-CROW WING COUNTY BOMB DISPOSAL, a collaborative and joint initiative of the COUNTY OF CROW WING and the CITY OF BRAINERD

By: Todd O. Dahl

Title: Sheriff

Date: 6/9/18

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

2 STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minnesota Statutes §§ 16A.15 and 16C.05.

By: _____

Date: _____

SWIFT PO Number: 3000036407

3 STATE OF MINNESOTA; DEPARTMENT OF PUBLIC SAFETY

Individual certifies the applicable provisions of Minnesota Statutes § 16C.08, subdivisions 2 and 3, are reaffirmed.

By: _____

(with delegated authority)

Title: _____

Date: _____

4 COMMISSIONER OF ADMINISTRATION

As delegated to Materials Management Division

By: _____

Date: _____

**CITY OF BRAINERD
PERSONNEL AND FINANCE COMMITTEE
AGENDA**

June 20, 2016
City Hall Conference Room
6:45 P.M.

1. Approval of Bills, Transfers & Payments to Contractors

General Fund to Public Safety Fund	\$425,000
General Fund to Park Fund	\$80,000
General Fund to Street & Sewer Fund	\$70,000
General Fund to Airport Fund	<u>\$12,960</u>
	\$587,960

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
Asphalt Preservation Co	16-03	2016 Chip Seal-Final	\$131,270.50	\$0
Braun Intertec	14-08	13 th Street SE	\$2,762.00	\$0
Tom's Backhoe	14-15	Airport Util. Extension	\$842,075.00	\$68,468.35

2. 2017 Budget Discussion

3. Election Judge Pay Discussion

PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0071	FORUM COMMUNICATIONS CO					
		I-1724950	101-49200-3350	LEGAL PUBLICA ORD 1451 - SUNDAY GROWLER SALE	072166	37.32
		I-1724950	101-41910-3350	PRINTING/LEGA NOH - ROUNDHOUSE BREWERY PATIO	072166	40.43
01-0086	CITY OF BRAINERD					
		I-TRANSFERS 6/16	101-49300-7720	TRANSFERS OUT TRANSFERS 6/16 PUBLIC SAFETY	072174	425,000.00
		I-TRANSFERS 6/16	101-49300-7720	TRANSFERS OUT TRANSFERS 6/16 PARKS	072174	80,000.00
		I-TRANSFERS 6/16	101-49300-7720	TRANSFERS OUT TRANSFERS 6/16 S&S	072174	70,000.00
		I-TRANSFERS 6/16	101-49300-7720	TRANSFERS OUT TRANSFERS 6/16 AIRPORT	072174	12,960.00
01-0125	CONSOLIDATED TELEPHONE					
		I-20346507	101-41800-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	152.69
		I-20346507	101-41800-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	190.87
		I-20346507	101-41800-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	38.17
		I-20346507	101-41400-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	6.11
		I-20346507	101-41700-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	4.99
		I-20346507	101-41800-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	0.06
		I-20346507	101-42400-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	6.58
		I-20346507	101-41910-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	5.78
		I-20346507	101-41940-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	26.40
		I-20346507	101-41940-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	52.80
		I-20346507	101-41800-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	168.75
01-0204	HOLLCO INC					
		I-12320061/MAY 16	101-42400-2212	MOTOR FUELS FUEL MAY 2016	072192	175.42
		I-12320061/MAY 16	101-41940-2212	MOTOR FUELS FUEL MAY 2016	072192	42.80
01-0215	JANITORIAL SERVICES OF					
		I-7267	101-41940-3300	PROFESSIONAL MAY CLEANING SERVICES	072194	589.70
01-0229	CLIFTONLARSONALLEN LLP					
		I-1288982	101-49200-3300	PROFESSIONAL 2ND HALF AUDIT 2015	072175	10,500.00
01-0232	LEAGUE MN CITIES INS TR					
		I-32245	101-41110-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	14.53
		I-32245	101-41400-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	668.60
		I-32245	101-41700-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	389.61
		I-32245	101-41800-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	124.42
		I-32245	101-41910-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	116.16
		I-32245	101-42400-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	289.82
01-0243	MARCO FINANCING					
		I-306441668	101-41800-3331	LEASE PAYMENT JUNE COPIER LEASE	072202	726.06
01-0284	OFFICE SHOP					
		I-1005985-0	101-41800-2200	OFFICE SUPPLI MELAMINE BOARD	072213	45.00
		I-1006275-0	101-41400-2200	OFFICE SUPPLI 3 BOXES WINDOW ENVELOPES	072213	68.37
		I-1006275-1	101-41400-2200	OFFICE SUPPLI 1 BOX WINDOW ENVELOPES	072213	22.79
		I-1006792-0	101-41400-2200	OFFICE SUPPLI PACKAGE OF LEGAL PADS	072213	7.59

PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0284	OFFICE SHOP			continued		
		I-1006793-0	101-41400-2200	OFFICE SUPPLI 5 REPORT COVERS	072213	20.75
		I-1006946-0	101-41400-2200	OFFICE SUPPLI CALC PAPER, PENS, LABELS	072213	46.47
01-0296	BRAINERD PUBLIC UTILITI					
		I-MAY 2016	101-41940-3381	BPU UTILITIES 4/22/16-5/23/16 UTILITIES	072168	2,725.10
		I-MAY 2016	101-49200-3381	BPU UTILITIES 4/22/16-5/23/16 UTILITIES	072168	271.78
01-0344	WASTE PARTNERS INC					
		I-65X00914	101-41940-3300	PROFESSIONAL GARBAGE MAY 2016	072233	70.24
01-0415	CAUGHEY, TIM					
		I-REIM JUNE 2016	101-42400-3430	MISCELLANEOUS NW CHAPTER MEETING DUES	072171	20.00
01-1	MISCELLANEOUS VENDOR					
	JOHN CONNELLY	I-JUN 2016	101-32270	RENTAL HOUSIN REFUND OVERPAYMENT RENTAL LIC	072195	32.00
01-1573	DELL MARKETING LP					
		I-XJXJ5X2P5	101-41700-2210	OPERATING SUP WIRELESS MOUSE - ENG LAPTOP	072181	29.99
		I-XJXJ725N1	101-41700-2210	OPERATING SUP ENG LAPTOP BAG	072181	55.03
01-1859	ENTERPRISE FM TRUST					
		I-FBN3023956	101-41940-3331	LEASE PAYMENT 6/1/16-6/30/16 FUSION LEASE	072184	312.37
01-1991	ARVIDSON, CHUCK					
		I-REIM JUNE 2016	101-42400-2210	OPERATING SUP REIM FOR EAR PLUG PURCHASE	072160	17.25
01-2005	T-MOBILE					
		I-JUNE 2016	101-41940-3321	TELEPHONE MAY CHG FOR GPS SATELLITE	072224	33.85
01-2220	CITIES DIGITAL					
		I-38259	101-42400-3309	COMPUTER TECH LASERFICHE ADDT'L USER FEE	072173	203.50
01-2915	MINNESOTA ELEVATOR INC					
		I-664633	101-41940-3300	PROFESSIONAL ELEV SERV AGREEMENT	072208	290.58
01-2924	VERIZON WIRELESS					
		I-9765921215	101-41940-3321	TELEPHONE GPS SATELLITE ACCESS 5/24-6/23	072230	35.01
01-3413	RATWIK, ROSZAK AND MALO					
		I-58715	101-41610-3301	CITY ATTORNEY MAY 2016 SERVICES	072217	942.50
		I-MAY 2016	101-41610-3301	CITY ATTORNEY MAY 2016 RETAINER	072217	3,823.91
		I-MAY 2016	101-14100	DUE FROM COMP BPU MAY 2016 ATTORNEY	072217	101.50
		I-MAY 2016	101-14100	DUE FROM COMP HRA MAY 2016 ATTORNEY	072217	14.50
			FUND	101 GENERAL FUND	TOTAL:	611,518.15

PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 203 TRANSIT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0069	BRAINERD BUS LINES INC					
		I-11605	203-49000-2212	MOTOR FUELS MAY SERVICE	072165	5,517.20
		I-11605	203-49000-3401	VEHICLE REPAI MAY SERVICE	072165	2,392.24
		I-11605	203-49000-3440	TRANSIT SERVI MAY SERVICE	072165	52,319.06
01-0071	FORUM COMMUNICATIONS CO					
		I-1724950	203-49000-3350	PRINTING/LEGA NOTICE - TAC MEETING 5/19/16	072166	21.77
01-0125	CONSOLIDATED TELEPHONE					
		I-20346507	203-49000-3321	TELEPHONE 6/12-7/11 PHONE/INTERNET	072177	23.56
01-0232	LEAGUE MN CITIES INS TR					
		I-32245	203-49000-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	101.87
01-0244	MARTIN COMMUNICATIONS I					
		I-104611	203-49000-3321	TELEPHONE MICROPHONES	072203	78.50
01-0284	OFFICE SHOP					
		I-1006365-0	203-49000-2200	OFFICE SUPPLI NOTE PAPER, AIR DUSTER, SURGE	072213	86.22
		I-1006365-1	203-49000-2200	OFFICE SUPPLI WALL RACK	072213	99.87
			FUND	203 TRANSIT FUND	TOTAL:	60,640.29

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PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 211 LIBRARY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0296	BRAINERD PUBLIC UTILITI					
		I-MAY 2016	211-45500-3381	BPU UTILITIES 4/22/16-5/23/16 UTILITIES	072168	2,739.57
				FUND 211 LIBRARY FUND	TOTAL:	2,739.57

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PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 223 DRUG FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0888	WEST BRAINERD AUTO SERV					
		I-25751	223-42140-2210	OPERATING EXP TOW: ICR 16007516	072235	45.00
				FUND 223 DRUG FORFEITURE	TOTAL:	45.00

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FUND : 224 DUI FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0888	WEST BRAINERD AUTO SERV					
		I-27770	224-42150-2210	OPERATING EXP TOW: ICR 16007261	072235	45.00
		I-27952	224-42150-2210	OPERATING EXP TOW: ICR 16007736	072235	45.00
				FUND 224 DUI FORFEITURE	TOTAL:	90.00

PACKET: 03725 06/20/16 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-237167	225-42220-2210	OPERATING SUP CLAMP HOSES, BRUSH DECK SCRUB	072155	14.63
		I-237195	225-42220-2210	OPERATING SUP FASTENERS, HOLDER, BIT INSERT	072155	12.61
01-0049	AUTO VALUE - WEST					
		C-17116919	225-42220-2210	OPERATING SUP CARGO NET CREDIT	072162	64.99-
		I-17118057	225-42220-2210	OPERATING SUP L2 HEATER HOSE, KENDALL 30W, M	072162	13.43
		I-17121522	225-42220-2210	OPERATING SUP HALOGEN BEAM	072162	10.99
		I-17127650	225-42220-2210	OPERATING SUP HOVERCRAFT LOOM/CLIP ACCESSORY	072162	22.12
		I-17137897	225-42220-2210	OPERATING SUP E1 HALOGEN	072162	9.99
		I-17137900	225-42220-2210	OPERATING SUP TRAILER LANYARD	072162	4.99
		I-17143748	225-42220-2210	OPERATING SUP GENERATOR HEATER HOSE, ANTIFRE	072162	67.23
01-0071	FORUM COMMUNICATIONS CO					
		I-1725188	225-42120-3350	PRINTING/LEGA BIKE SALE AD	072166	70.92
01-0101	CAMP RIPLEY MESS FUND					
		I-16-014	225-42120-3330	PROFESSIONAL RANGE, TRAINING, AREA & QTRS F	072170	1,166.00
01-0125	CONSOLIDATED TELEPHONE					
		I-20346507	225-42120-3309	COMPUTER TECH 6/12-7/11 INTERNET	072177	26.25
		I-20346507	225-42120-3321	TELEPHONE 6/12-7/11 PHONE	072177	138.06
		I-20346507	225-42220-3321	TELEPHONE 6/12-7/11 PHONE	072177	28.55
01-0199	HANNAHS, DONALD C. JR.					
		I-JUNE 2016	225-42700-3300	PROFESSIONAL JUNE 2016	072189	1,360.60
01-0200	HEARTLAND ANIMAL RESCUE					
		I-MAY 2016	225-42700-3300	PROFESSIONAL MAY 2016 MONTHLY FEE	072190	1,698.75
		I-MAY 2016	225-42700-3430	MISCELLANEOUS MAY 2016 BOARDING	072190	1,129.00
01-0204	HOLLCO INC					
		I-12320052/MAY 16	225-42220-2212	MOTOR FUELS FUEL MAY 2016	072192	434.00
01-0232	LEAGUE MN CITIES INS TR					
		I-32245	225-42120-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	18,112.46
		I-32245	225-42220-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	2,515.64
		I-32245	225-42225-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	10,443.27
01-0243	MARCO FINANCING					
		I-306446709	225-42120-3331	LEASED PAYMEN QRTLY COPIER LEASE 7/1-10/1	072202	711.39
01-0244	MARTIN COMMUNICATIONS I					
		I-44941	225-42120-2220	REPAIR & MAIN PORTABLE RADIO REPAIR	072203	233.33
01-0260	MN BUREAU OF CRIM APPRE					
		I-25610-042016MPC	225-42120-3330	PROFESSIONAL 714 - MISSING PERSON CONF	072209	150.00
		I-25610-042116DIC	225-42120-3330	PROFESSIONAL 714 - DEATH INVESTIGATION CONF	072209	125.00

PACKET: 03725 06/20/16 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0273	NAPA AUTO PARTS					
		I-970521	225-42220-2210	OPERATING SUP L2 GREASE & WINDSHIELD WASH	072211	20.44
01-0296	BRAINERD PUBLIC UTILITI					
		I-MAY 2016	225-42120-3381	BPU UTILITIES 4/22/16-5/23/16 UTILITIES	072168	2,127.05
		I-MAY 2016	225-42220-3381	BPU UTILITIES 4/22/16-5/23/16 UTILITIES	072168	2,051.29
01-0322	STREICHERS PROF EQUIP					
		I-I1212415	225-42120-1113	UNIFORM ALLOW 776AS - UNIFORM BOOTS & PANTS	072223	214.98
		I-I1212843	225-42120-1113	UNIFORM ALLOW 776AS - UNIFORM BOOTS	072223	139.99
01-0344	WASTE PARTNERS INC					
		I-65X00913	225-42220-3430	MISCELLANEOUS GARBAGE SERVICE MAY 2016	072233	81.90
		I-65X01208	225-42120-3430	MISCELLANEOUS GARBAGE SERVICE 05/2016	072233	91.23
01-0745	BATTERIES PLUS					
		I-035-309527	225-42120-2210	OPERATING SUP 24-AA & 24-AAA BATTERIES	072164	10.56
01-0814	TASER INTERNATIONAL INC					
		I-SI1440217	225-42120-1114	DUTY ACCESSOR TASER	072225	945.93
01-0900	CUB FOODS - BRAINERD					
		I-06132016	225-42220-2210	OPERATING SUP TOLIET PAPER	072179	13.99
01-1343	CHARTER COMMUNICATIONS					
		I-JUNE 2016	225-42120-3380	UTILITIES BUSINESS TV	072172	28.37
01-1753	MARCO					
		I-INV3382984	225-42120-3309	COMPUTER TECH PRINTER MAINT CONTRACT 6/4-7/3	072201	38.02
		I-INV3383453	225-42120-3309	COMPUTER TECH PHONE SYSTEM SUPPORT	072201	120.00
01-1859	ENTERPRISE FM TRUST					
		I-FBN3023956	225-42220-3331	LEASED PAYMEN 6/1/16-6/30/16 UTILITY INTERCE	072184	482.31
		I-FBN3023956	225-42220-3331	LEASED PAYMEN UTILITY INTERCEPTOR REG FEE	072184	2,069.75
01-2177	HOLIDAY CREDIT OFFICE					
		C-MAY 2016	225-42120-2212	MOTOR FUELS CREDITS/REBATES MAY 2016	072191	262.61-
		C-MAY 2016	225-42220-2212	MOTOR FUELS CREDITS/REBATES MAY 2016	072191	18.38-
		I-MAY 16 FD	225-42220-2212	MOTOR FUELS FUEL MAY 2016	072191	189.22
		I-MAY 16 PD	225-42120-2212	MOTOR FUELS MAY 2016 FUEL	072191	2,656.93
01-2589	STAPLES ADVANTAGE					
		I-3304813459	225-42120-2200	OFFICE SUPPLI KEYBOARD & INDEX TABS	072222	27.75
		I-3304813460	225-42120-2200	OFFICE SUPPLI MOBILE COMPUTER PAPER	072222	28.04
01-2620	PERSONNEL EVALUATION IN					
		I-18804	225-42120-3300	PROFESSIONAL PROFILE - POTENTIAL NEW HIRE	072215	20.00
01-2637	GARTNER REFRIGERATION C					

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VENDOR SET: 01
FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2637	GARTNER REFRIGERATION C	continued				
		I-61932	225-42120-2220	REPAIR & MAIN HVAC SERVICE/REPAIR	072187	2,758.00
01-2924	VERIZON WIRELESS					
		I-9766507136	225-42120-3309	COMPUTER TECH COMP SUPPORT 5/5-6/4	072230	525.15
01-3168	MOTORS-N-MORE					
		I-24327	225-42120-2221	SQUAD CAR REP SQD 415 - OIL CHANGE & AC SERV	072210	84.95
		I-24338	225-42120-2221	SQUAD CAR REP SQD 418 - OIL CHANGE	072210	23.00
		I-24349	225-42120-2221	SQUAD CAR REP SQD 424 - OIL CHANGE	072210	23.00
01-3199	FLEET ONE LLC					
		I-MAY 16 FD	225-42220-2212	MOTOR FUELS FUEL MAY 2016	072186	84.07
		I-MAY 16 PD	225-42120-2212	MOTOR FUELS MAY 2016 FUEL	072186	584.40
01-3202	INNOVATIVE OFFICE SOLUT					
		I-1214867	225-42220-2200	OFFICE SUPPLI COPY PAPER, TONER	072193	73.98
		I-IN1203439	225-42120-2200	OFFICE SUPPLI PENS, INDEX PAGES, & DUST OFF	072193	18.42
01-3379	YARDCREATIONS LLC					
		I-3091	225-42120-3300	PROFESSIONAL IRRIGATION START UP	072237	149.00
01-3383	MILLS INDOOR SHOOTING A					
		I-7872	225-42120-3330	PROFESSIONAL RANGE TIME	072207	50.00
		I-7873	225-42131-2210	OPERATING SUP TRT HANDGUN RAIL	072207	279.98
01-3432	THE TEEHIVE					
		I-329659	225-42130-3430	MISCELLANEOUS TZD AWARD SHIRTS - GRANT 44838	072226	499.00
				FUND 225 PUBLIC SAFETY FUND	TOTAL:	54,663.93

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FUND : 227 RECYCLING FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0278	NISSWA SANITATION					
		I-JUNE 2016	227-43230-3300	PROFESSIONAL JUNE 2016 RECYCLING PAYMENT	072212	1,578.36
01-0343	WASTE MANAGEMENT					
		I-JUNE 2016	227-43230-3300	PROFESSIONAL JUNE 2016 RECYCLING PAYMENT	072232	1,187.81
01-0344	WASTE PARTNERS INC					
		I-65X00916	227-43230-3428	USED OIL RECY WASTE OIL REMOVAL MAY 2016	072233	54.99
		I-JUNE 2016	227-43230-3300	PROFESSIONAL JUNE 2016 RECYCLING PAYMENT	072233	1,464.82
01-1286	EAST SIDE OIL COMPANY					
		I-R62400	227-43230-3428	USED OIL RECY 6/1/16 FILTER & ANTIFREEZE REC	072183	75.00
01-3159	AAA DISPOSAL					
		I-JUNE 2016	227-43230-3300	PROFESSIONAL JUNE 2016 RECYCLING PAYMENT	072154	84.91
01-3485	UNITED STATES TREASURY					
		I-JUNE 2016	227-43230-3300	PROFESSIONAL JUNE 2016 RECYCLING PAYMENT	072229	1,350.77
				FUND 227 RECYCLING FUND	TOTAL:	5,796.66

PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 230 PARK & RECREATION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0027	WEX BANK	I-45622148	230-45200-2212	MOTOR FUELS FUEL MAY 2016	000000	240.98
01-0170	FASTENAL COMPANY	I-MNBAX196506	230-45200-2220	REPAIR & MAIN CLAMPS FOR FLAGS	072185	153.75
01-0232	LEAGUE MN CITIES INS TR	I-32245	230-45200-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	5,075.60
01-0260	MN BUREAU OF CRIM APPRE	I-6141601	230-45202-2210	OPERATING SUP BACKGROUND CHECKS	072209	15.00
		I-6141601	230-45226-2210	OPERATING SUP BACKGROUND CHECKS	072209	75.00
		I-6141601	230-45204-2210	OPERATING SUP BACKGROUND CHECKS	072209	60.00
		I-6141601	230-45228-2210	OPERATING SUP BACKGROUND CHECKS	072209	45.00
		I-6141601	230-45208-2210	OPERATING SUP BACKGROUND CHECKS	072209	15.00
		I-6141601	230-45200-2210	OPERATING SUP BACKGROUND CHECKS	072209	15.00
		I-6141601	230-45203-2210	OPERATING SUP BACKGROUND CHECKS	072209	15.00
01-0296	BRAINERD PUBLIC UTILITI	I-MAY 2016	230-45200-3381	BPU UTILITIES 4/22/16-5/23/16 UTILITIES	072168	6,431.99
		I-MAY 2016	230-45280-3380	UTILITIES 4/22/16-5/23/16 UTILITIES	072168	177.99
01-0387	REGION 5A	I-6141602	230-22800	OTHER LIABILI TOURNAMENT GATE REC 6/6-6/9	072218	4,947.00
01-1347	TV SERVICE CENTER	I-75628	230-45200-2220	REPAIR & MAIN SCOREBOARD CABLES	072228	36.00
01-1449	M-R SIGN CO., INC.	I-190688	230-45200-2220	REPAIR & MAIN PARKING SIGNAGE	072199	136.20
01-1859	ENTERPRISE FM TRUST	I-FBN3023956	230-45200-3331	LEASE PAYMENT 6/1/16-6/30/16 EQUINOX LEASE	072184	392.03
01-2177	HOLIDAY CREDIT OFFICE	C-MAY 2016	230-45200-2212	MOTOR FUELS CREDITS/REBATES MAY 2016	072191	37.49-
		I-MAY 16 PK	230-45200-2212	MOTOR FUELS FUEL MAY 2016	072191	365.52
01-2846	AMERICAN WELDING-GAS IN	I-4043865	230-45200-2220	REPAIR & MAIN WELDING MATERIALS	072157	41.54
01-3016	PATTERSON MEDICAL SUPPL	I-42085766	230-45208-2210	OPERATING SUP FIRST AID KIT SUPPLIES	072204	205.00
		I-42085766	230-45215-2210	OPERATING SUP FIRST AID KIT SUPPLIES	072204	68.50
01-3199	FLEET ONE LLC	I-MAY 16 PK	230-45200-2212	MOTOR FUELS FUEL MAY 2016	072186	55.01
01-3414	COILS FLAGS - FLAGPOLES					

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FUND : 230 PARK & RECREATION FUND

FUND	230	PARK & RECREATION FUND	TOTAL:	18,721.62
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VENDOR SET: 01

FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-236624	235-43100-2220	REPAIR & MAIN FASTENERS	072155	3.40
		I-237411	235-43100-2220	REPAIR & MAIN WOOD SCREWS	072155	15.28
01-0039	AMERIPRIDE LINEN SERVIC					
		I-2200788940	235-43100-3430	MISCELLANEOUS COVERALLS & MAT SERVICE	072158	88.98
		I-2200791449	235-43100-3430	MISCELLANEOUS COVERALLS & MAT SERVICE	072158	78.53
01-0041	ANDERSON BROTHERS CONST					
		I-10343	235-43100-2220	REPAIR & MAIN 1.86 TONS HOT MIX	072159	120.90
01-0125	CONSOLIDATED TELEPHONE					
		I-20350661	235-43100-3321	TELEPHONE 6/12-7/11 SHOP PHONE/INTERNET	072177	106.72
01-0162	DIAMOND VOGEL PAINT					
		I-813127542	235-43170-2210	OPERATING SUP 30 5 GALLON WHITE TRAFFIC PAIN	072182	2,153.88
01-0204	HOLLCO INC					
		I-12320008/MAY 16	235-43100-2212	MOTOR FUELS FUEL MAY 2016	072192	260.96
01-0232	LEAGUE MN CITIES INS TR					
		I-32245	235-43100-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	5,702.18
01-0237	LOCATORS - SUPPLIES INC					
		I-245962	235-43100-2220	REPAIR & MAIN 1 BOX MARKING FLAGS	072198	100.58
01-0239	MACQUEEN EQUIPMENT INC					
		I-2163363	235-43100-2220	REPAIR & MAIN WIPER SEAL, OIL SEAL, SPEEDI S	072200	83.02
		I-2163413	235-43100-2220	REPAIR & MAIN 5 RUNNER DIRT SHOE, 4 RUNNER D	072200	314.27
01-0296	BRAINERD PUBLIC UTILITI					
		I-MAY 2016	235-43100-3381	BPU UTILITIES 4/22/16-5/23/16 UTILITIES	072168	20,360.68
01-0311	ROYAL TIRE INC					
		I-317-22960	235-43100-2220	REPAIR & MAIN TIRE REPAIR	072220	70.35
01-0315	SHERWIN WILLIAMS					
		I-6182-1	235-43170-2220	REPAIR & MAIN 25 STRAINERS	072221	43.80
01-0344	WASTE PARTNERS INC					
		I-65X00912	235-43100-3430	MISCELLANEOUS GARBAGE MAY 2016	072233	81.90
01-0889	MENARDS - BAXTER					
		I-21532	235-43100-2220	REPAIR & MAIN PAINT PAIL OPENER	072205	2.49
01-1859	ENTERPRISE FM TRUST					
		I-FBN3023956	235-43100-3331	LEASE PAYMENT 5/26/16-6/30/16 CHEV SILVERADO	072184	873.57
01-2846	AMERICAN WELDING-GAS IN					

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VENDOR SET: 01

FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2846	AMERICAN WELDING-GAS IN	continued				
		I-4079115	235-43100-3410	RENTAL EXPENS MAY CYLINDER RENTAL	072157	39.95
01-2902	ADVANCE AUTO PARTS					
		C-6574616085651	235-43100-2220	REPAIR & MAIN BATTERY REPLACED WARRANTY	072156	73.02-
		I-6574615485487	235-43100-2220	REPAIR & MAIN CARB/CHOKE CLEANER	072156	3.29
		I-6574615979342	235-43100-2220	REPAIR & MAIN OIL ABSORBENT	072156	53.70
		I-6574615985610	235-43100-2220	REPAIR & MAIN 12 CT BRAKE CLEANER	072156	25.08
		I-6574615985613	235-43100-2220	REPAIR & MAIN BATTERY	072156	73.02
01-3199	FLEET ONE LLC					
		I-MAY 16 S&S	235-43100-2212	MOTOR FUELS FUEL MAY 2016	072186	411.40
01-3394	MIDWEST MACHINERY CO					
		C-1278414	235-43100-2220	REPAIR & MAIN MERCHANDISE RETURN	072206	2.17-
		I-1274961	235-43100-2220	REPAIR & MAIN PIN, BUSHING, FILTER ELEMENT	072206	118.03
		I-1275895	235-43100-2220	REPAIR & MAIN CARBURETOR	072206	15.41
		I-1276511	235-43100-2220	REPAIR & MAIN BREAKER POINTS	072206	15.46
		I-1277108	235-43100-2220	REPAIR & MAIN BUSHINGS	072206	46.96
		I-1278293	235-43100-2220	REPAIR & MAIN 1 WASHER	072206	2.17
01-3438	D - D BEVERAGE, LLC					
		I-66464	235-43100-2210	OPERATING SUP GARBAGE LINERS	072180	34.55
				FUND 235 STREET & SEWER FUND	TOTAL:	31,225.32

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VENDOR SET: 01

FUND : 236 PARKING LOT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0296	BRAINERD PUBLIC UTILITI					
		I-MAY 2016	236-43180-3381	BPU UTILITIES 4/22/16-5/23/16 UTILITIES	072168	36.00
				FUND 236 PARKING LOT FUND	TOTAL:	36.00

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FUND : 237 SANITARY SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0170	FASTENAL COMPANY					
		I-MNBAX196659	237-43190-2220	REPAIR & MAIN 12" PVC	072185	36.94
01-0193	GOODIN COMPANY					
		I-6466941-00	237-43190-2220	REPAIR & MAIN 2 SPG COUPLINGS	072188	12.53
01-0232	LEAGUE MN CITIES INS TR					
		I-32245	237-43190-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	2,356.15
01-1093	ROAD EQUIPMENT PARTS CE					
		I-MB725276-1	237-43190-2220	REPAIR & MAIN PRESSURE SWITCH	072219	46.61
01-3199	FLEET ONE LLC					
		I-MAY 16 S&S	237-43190-2212	MOTOR FUELS FUEL MAY 2016	072186	911.64
01-3438	D - D BEVERAGE, LLC					
		I-66119	237-43190-2220	REPAIR & MAIN GREEN MAGIC CLEANER	072180	38.20
				FUND 237 SANITARY SEWER FUND	TOTAL:	3,402.07

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PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 238 STORM SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0232	LEAGUE MN CITIES INS TR					
		I-32245	238-43160-1150	WORKERS COMP 3RD QTR WORK COMP PREM	072196	978.79
01-0349	W W THOMPSON CONCRETE					
		I-1605-645018	238-43160-2220	REPAIR & MAIN 6 SPEC MIX TYPE S	072231	47.40
			FUND	238 STORM SEWER FUND	TOTAL:	1,026.19

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PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 250 HYDRANT RENT & EL CURRENT

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-MAY ELEC 2016	250-49042-3466	BPU COSTS DIS MAY 2016 ELEC SALES	072174	49,471.54
			FUND	250 HYDRANT RENT & EL CURRENT	TOTAL:	49,471.54

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PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 251 LOCAL OPTION SALES TAX

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0296	BRAINERD PUBLIC UTILITI					
		I-TAX JUN 2016	251-49360-3467	REMIT LOCAL S LOCAL USE TAX REMITTANCE	072168	82,984.42
				FUND 251 LOCAL OPTION SALES TAX TOTAL:		82,984.42

6/16/2016 1:11 PM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 20

PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 260 AIRPORT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0229	CLIFTONLARSONALLEN LLP					
		I-1288982	260-49020-3300	PROFESSIONAL 2015 AUDIT	072175	2,000.00
			FUND	260 AIRPORT FUND	TOTAL:	2,000.00

6/16/2016 1:11 PM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 21

PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 278 HEALTHY EMPLOYEE INITIATIVE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-1159	WINNERS TROPHY					
		I-8002	278-46515-3430	MISCELLANEOUS WELLNESS AWARD ENGRAVING	072236	10.00
				FUND 278 HEALTHY EMPLOYEE INITIATIVE	TOTAL:	10.00

6/16/2016 1:11 PM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 22

PACKET: 03725 06/20/16 COUNCIL

VENDOR SET: 01

FUND : 295 EDA FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0078	BRAINERD LAKES AREA DEV					
		I-1ST HALF 2016	295-46510-3300	PROFESSIONAL 1ST HALF 2016 FUNDING	072167	38,750.00
				FUND 295 EDA FUND	TOTAL:	38,750.00

PACKET: 03725 06/20/16 COUNCIL
 VENDOR SET: 01
 FUND : 401 CONSTRUCTION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-236832	401-41408-3430	MISCELLANEOUS FASTENERS	072155	0.13
01-0204	HOLLCO INC					
		I-12320061/MAY 16	401-41408-3430	MISCELLANEOUS FUEL MAY 2016	072192	112.98
01-0291	PIKE PLUMBING AND HEATI					
		I-63641	401-41003-3300	PROFESSIONAL ANNUAL BACKFLOW PREVENTER TEST	072216	85.00
01-0329	TOMS BACKHOE SERVICE IN					
		I-PAYAPP2/JUN 16	401-41415-5530	PYMTS TO CONT ARPT UTIL EXT THRU 5/31	072227	842,075.11
01-0344	WASTE PARTNERS INC					
		I-65X00915	401-41003-3300	PROFESSIONAL GARBAGE MAY 2016	072233	164.97
01-0929	BRAUN INTERTEC CORP					
		I-B059722	401-41408-3300	PROFESSIONAL SOIL TESTING THRU 5/13	072169	2,762.00
01-2152	ASPHALT PRESERVATION CO					
		I-PAYAPP1 FINAL 6/16	401-41603-5530	PYMTS TO CONT FINAL 2016 CHIP SEAL PRO FINAL	072161	131,270.50
			FUND 401 CONSTRUCTION FUND	TOTAL:		976,470.69
				REPORT GRAND TOTAL:		1,939,591.45

THE ABOVE LISTED ACCOUNTS PAYABLE DISBURSEMENTS HAVE BEEN REVIEWED AND ARE HEREBY APPROVED:

 MARY KOEP

 DAVID PRITSCHET

 GABE JOHNSON



Brainerd City Council Agenda Request

PAF
#2

Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: 2017 Budget Discussion

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen/Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): Thoreen/Koep/Hillman	Estimated Time Needed: 15 minutes
Summary of Issue: It is that time of year again to start the budget discussion. P&F Chair Koep would like the council to set a target for the 2017 levy before staff starts to assemble the budget. Alderwoman Koep's suggestion is to set a percentage increase for the operating levy and perhaps a different percentage for the capital needs. The 2016 Levy: Debt \$2,075,916; EDA: \$114,603; Street Improvements: \$323,460; Library: \$141,000; Set by Charter for Other Organizations: \$242,595; Operating & Capital: \$2,319,686; TOTAL LEVY: \$5,217,260.	
Alternatives, Options, Effects on Others/Comments: We respect the Council's latitude to guide staff as the majority of Council members may direct. Attached is a list of alternative guidelines which will assist department heads to prepare in coming days their needs, priorities and expectations for the 2017 budget.	
Recommended Action/Motion: On motion of _____, seconded by _____, and carried, the council hereby adopts the following guidelines for preparation of the 2017 budget and directs Department Heads to present to Personnel and Finance Committee a Preliminary Budget Document which conforms to these guidelines:	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

BRAINERD CITY COUNCIL AGENDA

June 20, 2016

ATTACHMENT TO BUDGET AGENDA DISCUSSION

Budget Preparation Guidelines either as Stand Alone Option or Mix and Match

- *No Administration recommendations until Council has discussed options*
- *All Options Subject to Outcomes of Labor Negotiations for 2017*

OPTION A

1. Other than Levy Increases Seek Additional Revenue; Fees for Service
 - Reduce both Long- and Short-Term Expenses through investment in software and equipment.
 - Seek collaboration with other entities to reduce costs
2. Increase Operational & Maintenance Expenditures No More than 2%
3. Increase Capital Expenditures Over 2016 Expenses 3%
AND/OR
 - b. IT software, hardware, training \$100,000
 - c. Planned Increase in Fund Balances \$100,000

OPTION B

1. Other than Levy Increases Seek Additional Revenues; Fees for Service
 - Reduce both Long- and Short-Term Expenses through investment in software and equipment.
 - Seek collaboration with other entities to reduce costs
2. Increase Operational & Maintenance Expenditures No More than 1%
3. Increase Capital Expenditures 10%
4. Through Continuous Improvement Invest in IT
Software, Hardware, Contracts \$200,000

OPTION C

1. Other than Levy Increases Seek Additional Revenues; Fees for Service

- Reduce both Long- and Short-Term Expenses through investment in software and equipment.
- Seek collaboration with other entities to reduce costs

2. Increase Operational & Maintenance Expenditures

1%

3. Increase Capital Expenditures

No more than 5%

4. Undertake a Facilities Plan of Action based on
Facilities Committee Findings and Report; Projects
Phased to begin in 2018; Hire Project Manager

\$25,000

5. Continuous Improvement Training for Departments

\$10,000

6. Consulting Assistance to Examine City Organizational
Structure

\$10,000

7. Planned Increase in Reserves/Fund Balances

\$150,000

COMBINATION OF OPTIONS... PICK AND CHOOSE... OR INVENT

NOTES:

- Staff will appreciate guidance from Council prior to submission of budget requests from Department Heads
- Equipment and Facilities Improvements for 2017 have been prepared by departments/facilities as part of departmental planning for five years; Council will receive past list of needs and previously planned year of purchase.

2016 Levy: \$ 5,217,260

1% increase = \$ 52,173

3% increase = \$ 156,518

2% increase = \$ 104,345

4% increase = \$ 208,690



Brainerd City Council Agenda Request

PVF
#3
Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Election Judge Compensation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Connie Hillman	Department: Administration
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 10 minutes
Summary of Issue: We are in the process of recruiting election judges for the 2016 Election. Historically, we have passed a resolution declaring the polling locations, authorizing the rate of pay for the election judges, and authorizing staff to make the necessary supplies to run the election (see Attachment A). This item is on the agenda to discuss the pay rates for judges and possibly adding a mileage reimbursement component.	
Alternatives, Options, Effects on Others/Comments: The City has 8 polling location. In each location, we have a Head Judge, an Assistant Head Judge and at least 6 Election Judges. Attachment B is the results of a impromptu survey that was done. Most of our judges reside within the city limits, but we do have an assistant head judge that comes from Pequot, and there are other judges that come from a 15-20 mile radius to serve as well. All election judges have a 2 hour minimum training requirement that is done at the Courthouse or online. The head and assistant judges have additional training that is done at the Courthouse, they participate in public testing before each election, and are responsible for picking up supplies from City Hall before the elections.	
Recommended Action/Motion: Items for Discussion: * Should the hourly rates be increased or be maintained? * Should the City reimburse mileage for all election judges, only head or assistant judges, for judges that travel a certain mile radius, or not at all?	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> We have an estimated \$28,800 in the budget for both the primary and general election.	

RESOLUTION NO. 39:14

**RESOLUTION ESTABLISHING POLLING LOCATIONS AND
SETTING PAY FOR ELECTION JUDGES FOR THE 2014 PRIMARY ELECTION**

WHEREAS, the State General Election for the City of Brainerd will be held August 12, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRAINERD, that the polling places in the several voting precincts in the City of Brainerd shall be as follows:

Ward 1 Precinct 1	Trinity Lutheran Church
Ward 1 Precinct 2	Church of Jesus Christ of Latter-Day Saints
Ward 2 Precinct 1	Riverside Elementary School
Ward 2 Precinct 2	Lakes Area Senior Center
Ward 3 Precinct 1	Lowell Elementary School
Ward 3 Precinct 2	Garfield Elementary School
Ward 3 Precinct 3	Garfield Elementary School
Ward 4 Precinct 1	Harrison Elementary School
Ward 4 Precinct 2	St. Andrew's Catholic Church

BE IT FURTHER RESOLVED, that the judges of the Election are those individuals who have completed training as required by MN Statutes and are on file with the Administrator's Office.

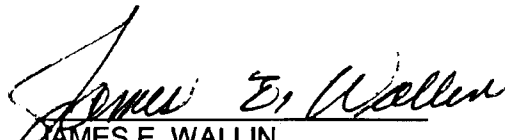
BE IT FURTHER RESOLVED, that the rate of pay of judges for the election be fixed as follows: Precinct Head Judges - \$12.00 per hour; Regular Judges - \$10.00 per hour; Trainee Election Judges - \$5.50 per hour.

BE IT FURTHER RESOLVED, that the Acting City Administrator/Finance Director be and hereby is directed and authorized to purchase the necessary supplies as needed for this election.

Adopted this 7th day of July, 2014


DALE A. PARKS
President of the Council

Approved this 8th day of July, 2014


JAMES E. WALLIN
Mayor

ATTEST: 
PATRICK WUSSOW
City Administrator

Election Judge Compensation Comparison

City	Election Judge	Head Judge	Mileage	Meals	Extra/Misc.
Aitkin	\$10.00	\$10.00		Pizza	
Babbitt	\$10.00	\$12.00	To/From training		
Barnum	\$10.00	\$10.00	Yes	Lunch, dinner, coffee & water	
Bigfork	\$10.00	City Clerk	Yes	Lunch & dinner on election days	
Brainerd	\$10.00	\$12.00	No	Lunch & dinner on election days	Head Judge extra hour for supply pickup
Coleraine	\$10.00	\$11.00	Yes	One meal on election days	
Cook	\$10.00	\$10.00	To/From training		
Crosby	\$10.00	\$10.00	Yes	Donuts	
Crosslake	\$10.00	\$10.00	Yes	Coffee, water, bananas, donuts, lunch & dinner	
Deer River	\$10.00	\$11.00	Yes	\$7.00 for a meal	Judges work half days
Duluth	\$9.00	\$9.00	For judge picking up/dropping off keys & election material		Additional \$15.00 flat for Head Judge
East Gull Lake	\$12.00		Drive time	Lunch or dinner for training day, dinner and snacks on election days	
Ely	\$10.00	\$12.00		Coffee, pop, water, bakery items in AM, lunch and dinner	
Fifty Lakes	\$12.50	Deputy Clerk	For training, unless online training		
Grand Rapids	\$10.00	\$11.00	Yes		
Hermantown	\$10.00	\$10.00			Head Judge extra hour for mileage
Hoyt Lakes	\$9.50	\$10.80	To/From training	Morning goodies, snacks for day, lunch & supper from local restaurant	
Kettle River	\$10.00	\$10.00	Yes		
Littlefork	\$9.00	\$9.00	Yes		
Nisswa	\$9.50	City Clerk	To/From training		
Pequot Lakes	\$10.50	City staff	To and from training and polling place on election days	All meals & snacks throughout the election day.	
Pillager	\$13.00	Deputy Clerk	Yes	One meal per day	
Ranier	\$10.00	City Clerk		Donuts, drinks, evening meal	
Rice Lake	\$9.50	\$11.50	No		
Silver Bay	\$9.00	\$9.00			
Tow Harbors	\$9.50	\$9.50			Lunch compensation of \$16 per judge for absentee nursing home judges.
White, Town of	\$10.00	\$10.50	Yes	Meals	

Attachment B

**CITY OF BRAINERD
SAFETY AND PUBLIC WORKS COMMITTEE
AGENDA**

June 20, 2016
7:00 p.m.
City Council Chambers

1. Out-of-State Travel Request
2. Improvement 16-03 – 2016 Chip Seal – Final Payment
3. Improvement 14-15 – Airport Utility Extension – Requested Work
4. 2017 Construction Update



Brainerd City Council Agenda Request

SPW #1
Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Out of State Travel Request - Andy Stone

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: In this year's transit budget, we included funding to send Andy Stone to the annual Routematch training in Atlanta Georgia. Last year Andy attended the conference and received a master's in reporting. This year he plans to attend sessions to receive his master's in scheduling. The funding is part of the systems operating funds which is 85% State and Federal and 15% local. The conference is scheduled for October.	
Alternatives, Options, Effects on Others/Comments: Last year we started too late to book a room in the block reserved at the same hotel as the conference, so this year we would like to start earlier with the approval process to avoid those complications.	
Recommended Action/Motion: Staff is recommending approval of the out-of state travel.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

SPW #2
Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Improvement 16-03 - 2016 Chip Seal Project - Final Payment

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Included in the bills for payment is the final payment for Improvement 16-03, the 2016 chip seal project. The final payment amount is \$131,270.50, which compares favorably to the original approved contract amount of \$132,796.70 based on estimated quantities and the \$140,000.00 ceiling on contract cost placed on the project by the Council.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Staff is recommending approval of the final payment in the amount of \$131,270.50	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>\$131,270.50</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i>	

**CITY OF BRAINERD
CITY IMPROVEMENTS 16-03
Brainerd 2016 Chip Seal Project**

Pay Estimate: 1 FINAL				Contract Summary:			
Period Ending		6/2/2016		Original Contract Amount		\$ 132,796.70	
				Contract Changes		\$ -	
Contractor				Current Contract Amount		\$ 132,796.70	
Asphalt Preservation Company, Inc.				Value Completed to Date		\$ 131,270.50	
22923 N Pearl Lake Road				Material on Hand		\$ -	
Detroit Lakes, MN 56501				Amount Earned		\$ 131,270.50	
				Less Retainage (1%)		\$ -	
Contract Times:		Substantial		Final		Subtotal	
Original Final Completion Date		August 31, 2016		August 31, 2016		\$ 131,270.50	
Current Final Completion Date		August 31, 2016		August 31, 2016		Less Amount Previously Paid	
						\$ -	
				Liquidated Damages		\$ -	
				AMOUNT DUE THIS PAY ESTIMATE			
				\$ 131,270.50			

THIS IS TO CERTIFY THAT THE ITEMS OF WORK SHOWN IN THIS CERTIFICATE OF FINAL PAYMENT HAVE BEEN ACTUALLY FINISHED FOR THE WORK COMPRISING THE ABOVE MENTIONED PROJECT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS HERETOFORE APPROVED AND THAT THIS PAYMENT IS CONSIDERED FINAL FOR ALL WORK PERFORMED AND FINISHED ON THE ABOVE MENTIONED PROJECT.

Approved by Owner/Engineer

City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Approved by Contractor


06/03/2016
 Asphalt Preservation Company, Inc. Date
 22923 N Pearl Lake Road
 Detroit Lakes, MN 56501



Payment Summary

Pay Estimate #	From Date	To Date	Work Completed	Retainage Withheld	Payment to Contractor
1 - FINAL	5/31/2016	6/2/2016	\$ 131,270.50	\$ -	\$ 131,270.50
					\$ -
					\$ -
				Payment Totals	\$ 131,270.50

Fund Breakdown

Pay Estimate #	Improvement 16-03	Total Project
1 - FINAL	\$ 131,270.50	\$ 131,270.50
	\$ -	\$ -
	\$ -	\$ -
Totals	131,270.50	131,270.50



Brainerd City Council Agenda Request

SPW #3
Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Improvement 14-15 - Airport Utility Extension - Requested work

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Staff is received a request from Richard Cahoon, who owns property along Whitely Creek Trail, has requested that sanitary manhole structure #22 be constructed with an outside drop to accommodate a future extension down Whitely Creek Trail. The manhole structure is located on the south side of T.H. 210 just east of Whitely Creek Trail, at the point where the extension crosses over to the north side of the highway. The manhole structure is approximately 30 feet deep, much deeper than a lateral extension would require. Mr. Cahoon has offered to pay for the modification to the manhole.	
Alternatives, Options, Effects on Others/Comments: Staff agrees that this is the appropriate time to install an outside drop. Since the property is located outside of the city limits and not subject to special assessments, staff would suggest proceeding with having our consultant negotiate a cost for the extra work with the contractor and require Mr. Cahoon to place a cash deposit in that amount with the city prior to the start of work.	
Recommended Action/Motion: Staff is recommending approval of Mr. Cahoon's request with payment in advance.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i> Cost will be fully reimbursed by requestor.	



Brainerd City Council Agenda Request

SPW #4
Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: 2017 Construction Work Plan/5-Year Plan

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is a memo containing a proposal for advancing some projects into the 2017 construction work schedule due to the Business 371 project being moved back to 2018.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Staff is requesting authorization to proceed with developing and preparing a feasibility report for the projects identified in the memo.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO

TO: Mayor and City Council

FROM: Jeff Hulsether

DATE: June 9, 2016

RE: 5-Year Capital Improvement Plan (Streets)

With Mn/DOT's letting date for the Business 371 reconstruction being pushed back to the fall of 2017 for 2018 construction, staff has shuffled projects in the proposed 5 year street plan to advance projects into the 2017 schedule to make room for the Business 371 project in 2018 and to prepare for the Federally funded sidewalk projects in 2019.

Attached is a draft of a 5-year capital program that actually includes a 6th year temporarily while we continue to evaluate streets. The projects being proposed to be advanced into 2017 are as follows:

- Imp 14-03 – Jackson Street from City Limits to NW 4th Street – FDR
- Imp 14-01 – Oak Street from South 6th Street to SE 19th Street – Mill & Overlay
- Imp 15-12 – South 6th Street EFR - Wright St. to 117 – reconstruction
- H Street from 8th Avenue to 13th Avenue – reconstruction
- Buffalo Hills Lane from Greenwood St. to Bus 371 – FDR
- NW 3rd & NW 8th from Washington to James St.- resurfacing
- James St. from NW 8th to NW 7th. – resurfacing
- NW 7th Street – Charles to Washington - Resurfacing

Jackson Street was originally proposed to be resurfaced in 2015 but has been deferred due to debt service concerns. The project is proposing a full depth reclamation (FDR) with a new bituminous wear course.

Oak Street was originally programed for a micro-surfacing to address the rutting problem, but on advice from the State Aid Bituminous Engineer, we conducted some Falling Weight Deflectometer (FWD) testing last fall which identified a problem with subgrade materials and recommended a 1 ½ inch mill and 3 inch overlay of the driving lanes to correct the structural problems. Not included in the cost estimate is the cost of upgrading the ped ramps to current standards, which would have been a requirement with either surfacing option.

The South 6th Street frontage road pavement is in need of replacement and the road needs to be reconstructed to improve drainage and to accommodate the TAP funded sidewalk between Joseph Street and C.R. 117.

The H Street pavement dates back to the mid 60's and is in need of replacement. The street is currently constructed to the old 44 ft. wide State Aid standard but it does not need to continue to be that width. We are proposing to move the north curb line 8 feet south to reconstruct the road to a 36 ft. width which will create a level 8 ft. landing in back of the north curb to accommodate the sidewalk that was approved for 2020 SRTS funding. We will also try to advance the 2020 funding to 2019 so that all of the federally funded sidewalk projects can be developed and let as a single contract.

Buffalo Hills lane has several areas of severe pavement distress and potholes and is in need of resurfacing. For this street we are proposing FDR with a new bituminous wear course.

NW 3rd and NW 8th Streets between Washington and James, NW 7th Street between Charles and Washington, and James Street between 7th and 8th are in extreme poor condition and need resurfacing. With the work being proposed on Jackson Street, staff would like to address these 3 blocks while we have a contractor working in the neighborhood.

The scope of work on each of these streets is still preliminary and might be modified depending on our investigations and a Complete Streets review.

4 of the streets, Jackson, Oak, H, and Buffalo Hills are on our State Aid system making the resurfacing eligible for State Aid reimbursement. The estimated cost of these 4 streets is about \$1.2 million, before ADA improvements, of which about \$400,000 could be assessed to benefitted properties leaving about \$800,000 from State Aid. Our current State Aid unencumbered construction Fund balance is (\$691,000) and our January 2017 allocation is estimated at \$750,000, which will leave us with a positive balance of about \$60,000. To fund the streets, it will be necessary to advance about \$700,000 of future allocation.

The balance of the proposed work program consists of our annual pavement preservation projects, the South 6th Street Frontage Road, the and 4 blocks of resurfacing in West Brainerd. The current cost estimate for this work is about \$600,000 of which about \$120,000 can be assessed. With an annual levy of about \$300,000 to support the construction fund, this would leave a gap of about \$180,000 the City would need to bond and levy for over 10 years.

The proposed resurfacing projects improve about 2.64 miles of streets, which includes almost a mile of Oak Street which is more of a preservation project than a resurfacing project. Annually, we should be averaging a little over 2 miles of resurfacing/reconstruction to maintain our pavement condition ratings. In 2012, we started trying to rate our pavements on a 3 year cycle. The attached tabulation and graphic shows that between 2005 and 2012, even with many new streets being constructed, the average age of pavement increased which is an indication that we are not resurfacing at a rate to maintain a 40 year life cycle. The graphic showing the

pavement condition rating has an exaggerated scale and the decline in condition rating is not as dramatic as the graphic depicts, but is nonetheless a decline.

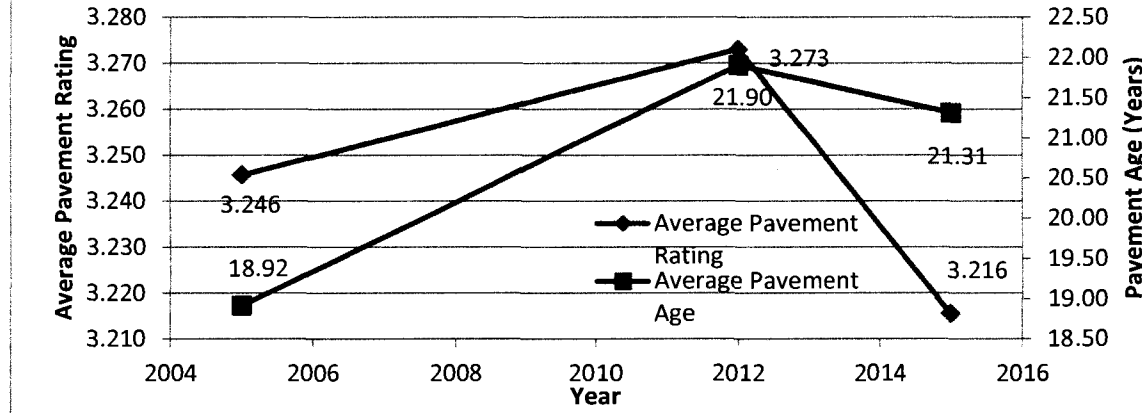
At this time, staff is seeking direction and authorization to begin preliminary engineering activities on those projects not already started and to further develop the 2017 program as described. When the final recommended project scopes and cost estimates are arrived at, staff will present the information in the form of a feasibility report. We hope to complete this phase by mid fall so that we can make a request for State Aid advance prior to the December deadline and start scheduling public hearings for after the holidays. .

Capital Improvement Plan Report 2017-2022 - Construction Costs

Improvement Year	Project #	Project Name	Construction Fund	Special Assessment	Municipal State Aid	Sanitary Sewer Fund	Storm Water Utility	Water Fund (BPU)	Other	Total Project Cost	Project Length
2017											
		2017 Crack Filling	\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	\$25,000	0
		2017 Seal Coat	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	0
		2017 Street Patching	\$30,000	\$0	\$0	\$0	\$0	\$0	\$0	\$30,000	0
		2017 Street Striping	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0	\$20,000	0
		Buffalo Hills Lane, Bus. 371 - Greenwo	\$0	\$165,000	\$165,000	\$0	\$0	\$0	\$0	\$330,000	0.43
		H St, 8th Avenue NE - 13th Ave NE	\$0	\$127,000	\$126,000	\$0	\$18,000	\$0	\$0	\$271,000	0.34
		NW 7th, NW 8th, NW 3rd , and James	\$82,000	\$82,000	\$0	\$0	\$0	\$0	\$0	\$164,000	0.28
14-01		Oak Street Mill/Overlay	\$0	\$0	\$340,000	\$0	\$0	\$0	\$0	\$340,000	0.95
14-03		Jackson St, City Limits - NW 4th Pave	\$0	\$73,000	\$108,000	\$0	\$5,000	\$0	\$0	\$186,000	0.26
15-12		S 6th St EFR Reconstruction	\$109,000	\$109,000	\$0	\$0	\$20,000	\$0	\$0	\$238,000	0.38
		Yearly Total	\$416,000	\$556,000	\$739,000	\$0	\$43,000	\$0	\$0	\$1,754,000	2.64
2018											
		2018 Crack Filling	\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	\$25,000	0
		2018 Seal Coat	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	0
		2018 Street Patching	\$30,000	\$0	\$0	\$0	\$0	\$0	\$0	\$30,000	0
		2018 Street Striping	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0	\$20,000	0
		S 4th Street and Willow Street Mill/Ov	\$11,500	\$11,500	\$57,000	\$0	\$0	\$0	\$0	\$80,000	0.26
12-14		S 6th St (B371) Reconstruction	\$0	\$0	\$800,000	\$0	\$0	\$1,000,000	\$0	\$1,800,000	0
12-14		S 6th St Sanitary Sewer	\$0	\$0	\$0	\$800,000	\$0	\$0	\$0	\$800,000	0
		Yearly Total	\$236,500	\$11,500	\$857,000	\$800,000	\$0	\$1,000,000	\$0	\$2,905,000	0.26
2019											
		10th Ave NE, 210 - H St	\$70,000	\$70,000	\$0	\$0	\$0	\$0	\$0	\$140,000	0.21
		11th Ave NE, H-J Reconstruction	\$72,000	\$72,000	\$0	\$0	\$0	\$0	\$0	\$144,000	0.15
		2019 Crack Filling	\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	\$25,000	0
		2019 Seal Coat	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	0
		2019 Street Patching	\$30,000	\$0	\$0	\$0	\$0	\$0	\$0	\$30,000	0
		2019 Street Striping	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0	\$20,000	0
		Garfield SRTS Phase III	\$192,000	\$0	\$0	\$0	\$0	\$0	\$408,000	\$600,000	0

Improvement Year	Project #	Project Name	Construction Fund	Special Assessment	Municipal State Aid	Sanitary Sewer Fund	Storm Water Utility	Water Fund (BPU)	Other	Total Project Cost	Project Length
		J St, Mill Ave - 10th Ave	\$49,000	\$49,000	\$0	\$0	\$0	\$0	\$0	\$98,000	0.2
		L St, Mill - 8th Ave Pavement Reconstr	\$22,500	\$7,500	\$0	\$0	\$0	\$0	\$0	\$30,000	0.05
14-13		S 6th St Sidewalk Extension		\$0	\$156,000	\$0	\$0	\$0	\$391,000	\$0	0
15-05		Garfield SRTS Phase II	\$140,000	\$0	\$0	\$0	\$0	\$0	\$280,000	\$420,000	0.25
		Yearly Total	\$770,500	\$198,500	\$156,000	\$0	\$0	\$0	\$1,079,000	\$1,657,000	0.86
2020											
		2020 Crack Filling	\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	\$25,000	0
		2020 Seal Coat	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	0
		2020 Street Patching	\$30,000	\$0	\$0	\$0	\$0	\$0	\$0	\$30,000	0
		2020 Street Striping	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0	\$20,000	0
		Evergreen Ave Pavement Reconstructi	\$0	\$107,000	\$107,000	\$0	\$0	\$0	\$0	\$214,000	0.35
		Juniper St, N 2nd - N 5th Pavement Re	\$102,000	\$102,000	\$0	\$0	\$64,000	\$0	\$0	\$268,000	0.22
		Juniper St, N 5th - N 7th St	\$66,000	\$66,000	\$0	\$0	\$52,000	\$0	\$0	\$184,000	0.14
		Juniper St, N 7th St - N 10th St	\$88,000	\$88,000	\$0	\$0	\$64,000	\$0	\$0	\$240,000	0.22
		N 7th St, Kingwood - Holly St Reconstr	\$90,000	\$90,000	\$0	\$0	\$41,000	\$0	\$0	\$221,000	0.22
		North 3rd, Washington - Holly Recons	\$138,000	\$138,000	\$0	\$0	\$37,000	\$0	\$0	\$313,000	0.29
12-04		North 6th, Washington - Juniper Reco	\$73,000	\$73,000	\$0	\$0	\$0	\$0	\$0	\$146,000	0.14
13-21		B St NE, Gillis - 5th Ave NE Reconstruc	\$0	\$168,000	\$168,000	\$0	\$0	\$0	\$0	\$336,000	0.38
		Yearly Total	\$782,000	\$832,000	\$275,000	\$0	\$258,000	\$0	\$0	\$2,147,000	1.96
2021											
		10th Ave NE, N-O, P-Q	\$36,000	\$36,000	\$0	\$0	\$0	\$0	\$0	\$72,000	0.14
		10th St S, S End to Willow St	\$74,000	\$74,000	\$0	\$0	\$0	\$0	\$0	\$148,000	0.38
		2021 Crack Filling	\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	\$25,000	0
		2021 Seal Coat	\$150,000	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	0
		2021 Street Patching	\$30,000	\$0	\$0	\$0	\$0	\$0	\$0	\$30,000	0
		2021 Street Striping	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0	\$20,000	0
		5th Ave NE, Washington - D St	\$49,000	\$49,000	\$0	\$0	\$0	\$0	\$0	\$98,000	0.21
		7th Ave NE, E - H Pavement Reconstru	\$43,000	\$43,000	\$0	\$0	\$0	\$0	\$0	\$86,000	0.22
		Brook St, S 8th St - 13th St SE	\$0	\$91,000	\$91,000	\$0	\$0	\$0	\$0	\$182,000	0.39
		E Street, 1st Ave - League Ave	\$73,000	\$73,000	\$0	\$0	\$0	\$0	\$0	\$146,000	0.26
		James St. NW 2nd - NW 4th and NW 6	\$69,000	\$69,000	\$0	\$0	\$25,000	\$0	\$0	\$163,000	0.43

Pavement Management Summary 2015



Miles of Road by Surface Rating						
Surface Rating	2005		2012		2015	
	Miles	%	Miles	%	Miles	%
0.0-2.0	9.70	12.42%	4.90	6.11%	7.32	9.13%
2.01-3.0	20.07	25.68%	17.41	21.71%	17.93	22.36%
3.01-4.0	48.36	61.90%	57.90	72.18%	54.95	68.51%
Totals	78.13	100.00%	80.21	100.00%	80.20	100.00%

Miles of Road by Age						
Pavement Age	2005		2012		2015	
	Miles	%	Miles	%	Miles	%
0-20	46.82	59.92%	43.82	54.64%	42.19	52.60%
21-40	26.57	34.01%	26.93	33.58%	26.48	33.02%
41+	4.74	6.07%	9.45	11.79%	11.54	14.38%
Totals	78.13	100.00%	80.21	100.00%	80.20	100.00%

Pavement Management Summary			
	2005	2012	2015
Average Pavement Rating	3.246	3.273	3.216
Average Pavement Age	18.92	21.90	21.31



Brainerd City Council Agenda Request

#8A

Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: 2nd Reading of Ordinance 1452

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny/ Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading
Submitted by: Fire Chief Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: Second reading of Ordinance 1452, An Ordinance Amending Brainerd City Code Section 421 Uniform Fire Code.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Proceed with the second reading and adoption of Ordinance 1452.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No Please Explain:	

**ORDINANCE
NO. 1452**

**AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 421
UNIFORM FIRE CODE**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 421 shall be amended by adding and removing the following:

Section 421 – Uniform Fire Code

421.01 Adoption of the 2015 Minnesota State Fire Code. Subdivision 1. The 2015 Minnesota State Fire Code, as adopted pursuant to Minnesota Statute 299F.011, is hereby adopted as the Fire Code for the City of Brainerd for the purpose of prescribing regulations governing conditions hazardous to life or property from fire, hazardous materials, or explosives. The provisions of the 2015 Minnesota State Fire Code, appendices B, C, D, F, H, I and K thereto, the International Fire Code published by the International Code Council Inc., (Falls Church, Virginia) and any and all amendments and changes thereto adopted by the Minnesota Commissioner of Public Safety through the Division of Fire Marshal and set forth in Minnesota State Rules and Regulations of the Department of Public Safety, Fire Marshal Division, Chapter 7511 except as modified or amended by this Section, are hereby adopted by reference and made a part of this Section as if set forth herein. One copy of this Code shall be marked as the official copy and shall be on file in the office of the State Fire Marshal.

Subd. 2. The rules and codes governed by this Section shall be enforced by the Brainerd Fire Department which shall be operated under the supervision of the Chief of the Fire Department. The Fire Chief may appoint an employee, or employees, of the Fire Department to carry out the duties of Fire Inspector.

Subd. 3. The Fire Inspector shall prepare fire prevention policies for the interpretation and efficient administration of this code, which policies shall not require approval of the City Council. A copy of said policies shall be maintained on file in the office of the Fire Inspector.

Subd. 4. If there is conflict between or among any of the provisions or policies of the above mentioned codes, standards or policies, the following orders of precedence shall apply:

- 1) The City's fire prevention code.
- 2) The Minnesota State Fire Code.
- 3) Standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the Fire Inspector.

421.03 Definitions. Subdivision 1. Wherever the word “jurisdiction” is used in the 2007 Minnesota State Fire code, it shall mean the City of Brainerd.

Subd. 2. Whenever the term “this Code” is used in the 2015 Minnesota State Fire Code or this Section, it shall mean the Code adopted pursuant to this Section.

Subd. 3. “Fire service” means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

421.05 Amendments to the Minnesota State Fire Code. Subdivision 1. Section 314 of the 2015 Minnesota State Fire Code is amended to add a new section 314.5 to read: Solid Fuel Burning Appliances in Exhibit Halls and Assembly Occupancies. Use of solid fuel burning appliances for display purposes is prohibited in assembly occupancies other than cooking fuel as described in NFPA 101, 2000 Edition, Section 12.7.1.4. Solid fuel burning appliances may be defined as any appliance that uses decomposition of cellulose material, hydrocarbon solids, animal fat or proteins to produce heat or leaves an ash residue. This would include plant products or materials, wood, coal, mesquite, etc.

Subd. 2. Section 314 of the 2015 Minnesota State Fire Code is amended to add a new Section 314.6 to read: Compressed flammable gas cylinders and flammable or combustible liquids. Compressed flammable gas cylinders and flammable or combustible liquids used for display purposes are prohibited within exhibit hall and assembly occupancies.

Subd. 3. Section 505.1 of the 2015 Minnesota State Fire Code relating to Address Numbers is amended by adding the following language: New and existing buildings and buildings under construction or demolition shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Buildings with multiple tenants/addresses shall place approved numbers or addresses on front and rear doors identifying each address. These numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch (12.7 mm).

Exception: R-3 Occupancies shall have a minimum of 4 inches high with a minimum stroke width of 0.5 inches (12.7 mm).

Subd. 4. Section 3308.2.2 of the 2015 Minnesota State Fire Code Proximate Audience Displays is amended by adding the following language: Indoor displays of fireworks, pyrotechnics and open flame performances to proximate audiences are prohibited within the City.

Subd. 5. Section 105.1.1 of the 2015 Minnesota State Fire Code is hereby replaced in its entirety with the following language:

- 1) Permit required. No person shall engage in any activity, operation, practice, or function listed below without first having obtained a permit from the Fire Inspector, or designee, or MN State Fire Marshal. Permits shall be kept on the premises designated therein at all times and shall be readily available for inspection.
 - a) Installation and removal of all fire suppression systems.
 - b) Installation and removal of all fire alarm, monitoring, or related systems.
 - c) Installation and removal of underground or above-ground tanks for the storage or use of flammable or combustible liquids, gas, or any hazardous material.
 - d) Installation of spray booths or spray areas involving spraying or dipping operations utilizing flammable or combustible liquids and spray booths involving the application of powders by powder spray guns, electrostatic powder spray guns, fluidized beds, or electrostatic fluidized beds.
 - e) Installation of smoke removal systems
 - f) Storage of explosives, black powder, and blasting agents.
 - g) Use of explosives.
 - h) Fireworks sales, displays, and pyrotechnic special effects material.
 - i) Any open burning.
 - j) Carnivals and fairs.
 - k) Exhibition and trade shows and any special event requiring a fire safety inspection.
 - l) Temporary membrane structures, tents, and canopies.

(Amended Ord. 1352 – 2010)

- 2) The fees for such permits, if any, shall be in an amount set forth in the City's Fee Schedule as adopted by City Council resolution from time to time.

421.06 Additional Fire Department Fees. Subdivision 1. The Fire Department is authorized to charge fees for annual fire safety inspection and follow-up inspections, fire watch supplied by the Fire Department, and family day care and/or foster care home initial licensure inspections.

Subd. 2. Fees for Emergency Protection Fire Services. The Fire Department is authorized to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012,

and 415.01. The Fire Department may charge fees for fire service provided to owners of property within the City who receive fire service, anyone who receives fire service as a result of a motor vehicle accident or fire within the City, and owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract in accordance with the terms of the applicable fire protection contract.

Subd. 3. False alarms may be billed as a fire call.

Subd. 4. The fees for services under this section, if any, shall be in an amount set forth in the City's Fee Schedule as adopted by City Council resolution from time to time.

Subd. 5. A person requesting and receiving fire services may be billed directly by the Fire Department. If the person receiving the fire services did not request services but a fire or other situation exists which, at the discretion of the Fire Department personnel in charge requires fire service, the person will be charged and billed. If the fire service charge remains unpaid for thirty days after a notice of delinquency is sent by the City, the City may, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the service owns real property for collection with property taxes in accordance with Minn. Stat. § 366.011.

Subd. 6. A person billed for fire services may appeal the billing by filing an appeal of the billing in writing with the Fire Chief within fifteen (15) days of receipt of the billing. The appeal will be heard by the Personnel and Finance Committee at its next available meeting. The Personnel and Finance Committee shall make a recommendation to affirm, repeal, or modify the billing to the City Council.

421.07 Enforcement. The Fire Chief or designee is authorized to enforce the provisions of the Minnesota State Fire Code and this Section.

421.09 Penalties. A person who violates the provisions of the Minnesota State Fire Code or this Section after being given written notice shall be guilty of a misdemeanor. Each day's violation after notice thereof shall constitute a separate offense.

421.11 Appeals. Whenever the Fire Inspector or Chief of the Fire Department, as the case may be, disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code and Standards do not apply or that the true intent and meaning of the Code and Standards have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Inspector or Chief to the Brainerd City Council Safety and Public Works Committee within thirty (30) days from the date of the Inspector's or Chief's decision.

421.13 New Materials, Processes, or Occupancies That May Require Permits. The Building Official, the Chief of the Fire Department and the Fire Inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in

addition to those now enumerated in the Code and Standards. The Chief shall post such list in a conspicuous place in the office of the Chief, and distribute copies thereof to interested persons.

421.15 Repeal of Conflicting Ordinances. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Section of the Code and Standards hereby adopted are repealed.

421.17 Validity. The City Council hereby declares that should any section, paragraph, sentence or word of this Section of the City Code or of the Code or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

(Added Ord. 902 – 1991)

(Amended Ord. 978 – 1994, Ord. 1069 – 1999, Ord. 1201 – 2003, Ord. 1321 – 2008)

SECTION TWO: All other provisions of Section 421 shall remain in full force and effect.

SECTION THREE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this ____ day of _____, 2016

GARY SCHEELER
President of the Council

Approved this ____ day of _____, 2016

EDWIN L. MENK
Mayor

ATTEST:

JAMES M. THOREEN
City Administrator

Published: One time, _____



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Modify Service Agreement with HART

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue: The ad hoc Animal Control Committee recommends that HART be authorized to sell city dog licenses at their operation with the intention that this convenience to customers will provide another means of getting dogs licensed. We recommend that HART be allowed to retain \$5 of the license fee for this service.	
Alternatives, Options, Effects on Others/Comments: HART representatives have relayed to the Committee that dog owners whose pets have been brought to the shelter assure the HART staff that they will go to city hall and license the dog. Our observations that this occurs infrequently, thus HART's ability to license animals which are not current will boost the total number of dogs licensed. Currently we license just over 100 dogs of the many hundred we know are in the city.	
Recommended Action/Motion: On motion of ____, seconded ____ the Council authorizes appropriate city officials to sign an amendment to the Service Agreement between the City and Heartland Animal Rescue Team (HART) which permits a portion of dog licenses fees to be allocated to HART.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No An estimated loss of \$500 revenue to the city <u>Please Explain:</u>	

SERVICE AGREEMENT AMENDMENT

This Amendment, made this ____ day of June, 2016, is for the purpose of amending the Service Agreement, dated January 1, 2014, made between Heartland Animal Rescue Team ("HART"), and the City of Brainerd, a Minnesota municipal corporation ("Municipality").

In consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1 of the Service Agreement, dated January 1, 2014, is hereby amended to include the following:

- HART will issue animal licenses on behalf of the Municipality in accordance with the Brainerd City Code. HART shall collect and remit the appropriate license fee to the Municipality, provided that HART may retain \$5.00 per license issued.

This Amendment modifies and amends the Service Agreement only to the extent expressly set forth above. All other provisions of the Service Agreement shall remain in full force and effect, without any change, modification or limitation of any kind or nature whatsoever.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed on the above date.

HEARTLAND ANIMAL RESCUE TEAM

By: _____
Its: _____

Dated: _____

CITY OF BRAINERD

By: _____
Its: _____

Dated: _____

By: _____
Its: _____

Dated: _____



Brainerd City Council Agenda Request

8B2

Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Amendment to City Code Sec. 900; Striking Certain Language

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: The ad hoc Animal Control Committee recommends that Subd. 2.A. of Section 900.03 be amended to strike language pertaining to "distemper"; this amendment will accomplish that.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No Publication charges <u>Please Explain:</u>	

**ORDINANCE
NO. 1453**

**AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900,
ANIMAL CONTROL**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 900 shall be amended by removing the following:

Section 900 – Animal Control

900.03 Dogs and Cats. Subdivision 1. Running at Large Prohibited. It shall be unlawful for any person, or the parents or the guardians of any such person under 18 years of age, who owns, harbors, or keeps a dog or cat, to allow the dog or cat to run at large. Dogs or cats on a leash and accompanied by a responsible person shall be permitted on streets, sidewalks, trails or on other public land unless the City has posted an area with signs reading “Dogs or Cats Prohibited”. A leash used to control an animal under this Section shall not exceed six (6) feet in length.

Subd. 2. License Required.

- A) All dogs over the age of four (4) months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City. Dog licenses shall be issued by the City upon payment of the annual license fee on or before the first day of January of each year, or within thirty (30) days of acquiring ownership or possession of any unlicensed dog. The annual license fee shall be set by Chapter X of the Brainerd City Code. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog which has not been vaccinated against ~~distemper~~ and rabies, as provided in this Section. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the State in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City shall complete a certificate of vaccination. One copy shall be issued to the dog owner for affixing to the license application. An applicant for a license for a neutered dog shall sign an affidavit indicating that the dog has been neutered and shall give the date of the operation.

SECTION TWO: All other provisions of Section 900 shall remain in full force and effect.

SECTION THREE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____ day of _____, 2016

GARY SCHEELER
President of the Council

Approved this _____ day of _____, 2016

ED MENK
Mayor

ATTEST: _____
JAMES THOREEN
City Administrator

Published: One time, _____



Brainerd City Council Agenda Request

8B3

Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Amendment to City Code Sec. 1010; Licensing Fees

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: The ad hoc Animal Control Committee recommends that fees for unspayed and spayed dogs be raised by \$5 each. From \$15 to \$20 for unspayed and from \$10 to \$15 for spayed animals.	
Alternatives, Options, Effects on Others/Comments: The committee had originally recommended higher increases but follows the suggestions of the council.	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No Publication charges; plus increased revenue <u>Please Explain:</u>	

**ORDINANCE
NO. 1454**

**AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010,
LICENSING FEES**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 1010 shall be amended by adding and removing the following:

Section 1010 – Licensing Fees

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Fee Schedule</u>
Subd. 7. <u>Miscellaneous.</u>		
Unspayed or Unneutered Dogs or Cats	900	\$15.00 20.00
Spayed or Neutered Dogs Or Cats	900	\$10.00 15.00
Replacement of Dog or Cat Tags	900	\$ 2.50
Impound Fees for Dogs Or Cats	900	\$25.00/plus an additional sum equal to the cost to the City for feeding/housing the dog or cat in a kennel.
Kennel License	900	\$35.00
Junk Dealers	1145	\$50.00
Vending Vehicles	1150	\$75.00

(Amended Ord. 936 – 1992, Ord. 999 – 1995)

SECTION TWO: All other provisions of Section 1010 shall remain in full force and effect.

SECTION THREE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this ____ day of _____, 2016

GARY SCHEELER
President of the Council

Approved this ____ day of _____, 2016

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One time, _____



Brainerd City Council Agenda Request

80

Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Ordinance Deleting Section 820 - First Reading

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: At the last Council meeting, staff recommended deleting Section 820 of the City Code which regulates the placement of phone booths within the public right of way. The Council agreed and authorized proceeding with the ordinance amendment process.	
Alternatives, Options, Effects on Others/Comments: Attached is a draft ordinance deleting Section 820 of the City Code	
Recommended Action/Motion: Staff is recommending the first reading of the Ordinance	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

**ORDINANCE
NO. 1455**

**AN ORDINANCE DELETING SECTION 820 OF
THE BRAINERD CITY CODE PERTAINING TO PHONE BOOTHS
IN THE PUBLIC RIGHT OF WAY**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 820 be deleted in its entirety.

SECTION TWO : That this Ordinance shall be in full force and take effect one week from and after its publication.

Adopted this _____ day of July, 2016

GARY SCHEELER
President of the Council

Approved this _____ day of July, 2016

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

8D
Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Splash Pad Development Procedure

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title): Jim & Park Board Representative	Estimated Time Needed: 10 minutes
Summary of Issue: A group of citizens has approached the City and has discussed with the Park Board their desire to construct a splash pad. The original request specifically cited Gregory Park as the site. Park Board discussion has not concluded that Gregory is the only or preferred site. In order to conduct a fund-raising campaign the Board has discussed with the Initiative Foundation of Little Falls their services to serve as a qualified independent depository for donations, rather than establishing an account on the city's books. Donations to the account at the Initiative Foundation are tax deductible. If for some reason the project never comes about, our concern would be disposition of the funds generated. You may recall that the Olson Family has stated that they will contribute \$1,000 to the project if constructed in Gregory Park.	
Alternatives, Options, Effects on Others/Comments: The attached set of guidelines is intended to ensure that the Park Board and the City Council honor the City Charter requirements regarding parks operations and funding. Authorization to contract with the Initiative Foundation will require Council action.	
Recommended Action/Motion: On motion of ____, seconded by ____ and carried the Council adopted a list of 8 items dated 5/23/16 which set forth guidance in role-playing by the Park Board and the City Council regarding construction of a Splash Pad on park property; the Council further authorizes the Mayor and City Administrator to enter into agreement with the Initiative Foundation, Little Falls, MN for purposes receiving and disbursing donations intended to construct a Splash Pad on City Park property at a date to be determined.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No Costs of I.F. services will be covered by the fund <u>Please Explain:</u>	

Guidance for Park Board/City Council in Contemplation of Construction of a "Splash Pad"

1. The Brainerd City Charter Section 112 requires the Park and Recreation Board to "...control and super[vise]...all parks" and "establish the recreation policy and conduct and supervise recreation areas, facilities, services..."
2. The Brainerd City Charter Section 114 provides: "Said Board shall have the power of coordination of services with other governmental programs...develop and maintain facilities..."; and further that..."expenditures shall be within the moneys appropriated by the City for such purposes, together with donations, gifts, bequests of any money...All money received from donations, bequests or earnings shall be deposited in a special account managed by the board."
3. The Park and Recreation Board has received a request from citizens to construct a "splash pad" for summer recreational use at a site to be determined by the Board presuming the Board believes the project is worthy and appropriate.
4. Funding for this proposal is separate and above the current or usual revenues from either the City Council or from other traditional sources for Parks and Recreation; construction of this special project will be funded solely from the receipt of donations or bequests.
5. The City Council, subject to future review, will not allocate from local levy dollars any funds for construction of the proposed facility; operation and maintenance of the completed project is anticipated to be provided by the Park Department through its annual budget.
6. The Initiative Foundation of Little Falls, MN, a 501 (c) 3 organization, is a qualified independent depository for receipt of donations and bequests for the Splash Pad Project and will provide full accounting for all donations and ultimate release of funds for construction; the Foundation will also provide guidance regarding fundraising techniques.
7. The Park and Recreation Board will coordinate the Splash Pad Project as part of its facilities planning process with the intention that only upon sufficient funds to design and construct a facility will expenditures be authorized through the City of Brainerd standard practices and policies.
8. It is the intention of the Park and Recreation Board that the fundraising process be concluded no later than _____, 2017 and that the project be considered for construction in 2017.

5/23/16

jmt

INITIATIVE FOUNDATION AGREEMENT ESTABLISHING THE
Brainerd Splash Pad Project Fund

A SPECIAL PROJECT FUND FOR COMMUNITY

On this date, _____, this Agreement is made by the City of Brainerd, located at 501 Laurel St, Brainerd, MN ("the City") and the Initiative Foundation, a Minnesota nonprofit corporation with headquarters at Little Falls, Minnesota, ("the Foundation") to evidence the absolute and irrevocable transfer by the City of any and all designated contributions to the Foundation for its charitable purposes. Such property shall be the initial property of a component fund of the Foundation named the "Brainerd Splash Pad Project Fund".

1. Assets of the Fund: At the request of the City, the Foundation agrees to hold the Fund in a non interest-bearing account and all additions from any sources under the terms and subject to the conditions set forth by this Agreement.
2. Fund Purpose: All uses of the Fund must support the tax-exempt purposes of the Foundation. Subject to that requirement, the purpose of the Fund is to support the planning, construction, improvements, maintenance and operations of a Splash Pad to be built in a City of Brainerd park.
3. Advisor(s): The City shall certify to the Foundation the name of the person or persons who have the authority on behalf of the City to communicate with the Foundation with respect to its Fund.
4. Distributions: The Foundation shall pay out of the Fund's net principal such amounts (whether the whole or a lesser amount) as the Foundation in its sole discretion shall determine in furtherance of the purpose of the Fund as described in paragraph 1 above. In exercising this discretionary power, the Foundation shall give primary consideration to the needs and recommendations of the City, including its long and short term needs.
5. Release of Restriction: The Fund shall be subject to the Articles of Incorporation and Bylaws of the Foundation, as they may be amended from time to time, including a provision granting the Foundation unilateral power to modify or release a restriction applicable to this or other funds of the Foundation if the Foundation, in its sole discretion, determines that the City ceases to operate in the Foundation's service region or any restriction under this Fund Agreement has become unnecessary, inapplicable, or inconsistent with the charitable needs of Central Minnesota. If the Foundation exercises its discretion to modify or release a restriction, future withdrawals from the Fund shall be used, to the extent possible, for purposes similar to those expressed in this Agreement.

6. Administration of the Fund: The Foundation may assess the Fund a reasonable amount to cover the costs of the Fund's administration, not to exceed Initiative Foundation's usual fee for administering its component funds. Transaction fees may be assessed for fund-specific bank and merchant costs associated with items such as credit card payments, wire transfers, and ACH costs, etc.

IN WITNESS WHEREOF, the City and the Foundation have caused this instrument to be executed by their duly appointed and authorized officers on the day and year first above written.

Initiative Foundation

City of Brainerd

By: _____ Date _____
Kathy Gaalswyk, President

By: _____ Date _____

Jim Thoreen

*Per expressed authorization of the Brainerd
City Council*

DRAFT



Brainerd City Council Agenda Request

9A_{1,2}
Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Sale of 2016A & 2016B Bonds

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): Paul Steinman, Springsted	Estimated Time Needed: 15 minutes
Summary of Issue: March 21, 2016 the City Council adopted Resolutions 14:16 and 15:16 which authorized the issuance and sale of General Obligation Utility Revenue Bonds, Series 2016A in the proposed amount of \$10,715,000 for the airport utility extension project and for the issuance and sale of General Obligation Equipment Certificates, Series 2016B in the proposed amount of \$1,105,000 to pay for the fire engine, the dump truck and various pieces of equipment for BPU. Mr. Paul Steinman from Springsted will present the tabulation of the bid results at the meeting.	
Alternatives, Options, Effects on Others/Comments: We delayed the awarding of sale until after the legislative session ended with the hope that the airport project was part of the bonding bill. The attached resolutions for awarding the sale of the bonds are drafts. You will notice that the draft resolutions have many blanks and can only be completed after bids are received which will occur on Monday, June 20, 2016. The sale information will be forwarded to our bond council who will complete the resolutions.	
Recommended Action/Motion: The recommended action would be to: 1. Adopt the resolution awarding the sale of GO Utility Revenue Bonds, Series 2016A; fixing their form and specifications; directing their execution and delivery; and providing for their payment. 2. Adopt the resolution awarding the sale of GO Equipment Certificates of Indebtedness, Series 2016B; fixing their form and specifications; directing their execution and delivery; and providing for their payment.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

Extract of Minutes of Meeting
of the City Council of the City of
Brainerd, Crow Wing County, Minnesota

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Brainerd, Crow Wing County, Minnesota, was duly held in the City Hall in said City on Monday, June 20, 2016, commencing at 7:30 P.M.

The following members were present:

and the following were absent:

* * *

* * *

* * *

The Mayor announced that the next order of business was consideration of the proposals that had been received for the purchase of the City's General Obligation Utility Revenue Bonds, Series 2016A, proposed to be issued in the original aggregate principal amount of \$_____.

The City Administrator presented a tabulation of the proposals that had been received in the manner specified in the Terms of Proposal for the Bonds. The proposals were as set forth in EXHIBIT A attached.

After due consideration of the proposals, Member _____ then introduced the following written resolution, the reading of which was dispensed with by unanimous consent, and moved its adoption:

RESOLUTION NO. _____

**A RESOLUTION AWARDING THE SALE OF GENERAL
OBLIGATION UTILITY REVENUE BONDS, SERIES 2016A, IN
THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF
\$_____; FIXING THEIR FORM AND SPECIFICATIONS;
DIRECTING THEIR EXECUTION AND DELIVERY; AND
PROVIDING FOR THEIR PAYMENT**

BE IT RESOLVED By the City Council of the City of Brainerd, Crow Wing County, Minnesota (the “City”), as follows:

Section 1. Sale of Bonds.

1.01. Authorization for Sale of Bonds.

(a) Pursuant to a resolution adopted by the City Council of the City on March 21, 2016, the City authorized the sale of its General Obligation Utility Revenue Bonds, Series 2016A (the “Bonds”), to finance the improvements to the City’s water, sanitary sewer, and wastewater treatment systems, including but not limited to utility improvements related to the Brainerd Lakes Regional Airport (the “Improvements”), in accordance with the Agreement (as defined herein), Minnesota Statutes, Section 471.59, as amended, and Minnesota Statutes, Chapters 444 and 475, as amended (the “Act”).

(b) Minnesota Laws 2014, Chapter 308, Article 3, Sections 24 to 26 (the “2014 Law”), authorized the City of Baxter, Minnesota (the “City of Baxter”) to extend its sales and use and motor vehicle excise taxes (the “Taxes”) for the purpose of, among other things, issuing general obligation bonds in the aggregate principal amount not to exceed \$8,000,000, plus costs of issuance, to finance the Improvements. Pursuant to a Sales Tax Distribution Agreement, dated August 18, 2015 (the “Agreement”), between the City and the City of Baxter, the 2014 Law, and Minnesota Statutes, Section 471.59, as amended, the City agreed to undertake the improvements and the City of Baxter agreed to contribute a portion of its Taxes to help finance the costs associated therewith. Following the execution of the Agreement, the City of Baxter provided the City with \$500,000 representing gross Taxes received by the City of Baxter, net of the costs incurred by the City of Baxter to administer the Taxes (the “Net Tax Revenues”). Additionally, the City of Baxter agreed to pay to the City, semiannually on February 1 and August 1, commencing February 1, 2017, twenty percent (20%) of the Net Tax Revenues received by the City of Baxter from the prior semiannual period for the payment or reimbursement of costs related to the improvements. The Agreement is effective until the earlier of (i) the date on which the Taxes are terminated in accordance with the 2014 Law, December 31, 2037, or (ii) the date on which the aggregate amount of payments under the Agreement equals \$8,000,000. The City anticipates applying funds received from the City of Baxter to offset debt service payments on the Bonds.

1.02. Award to the Purchaser and Interest Rates. The proposal of _____ (the “Purchaser”) to purchase the Bonds of the City described in the Terms of Proposal thereof is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of \$_____ (par amount of \$_____, [plus original issue premium of \$_____,] [less original issue discount of \$_____,] less underwriter’s discount of \$_____), plus accrued interest to date of delivery, if any, for Bonds bearing interest as follows:

<u>Year</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Interest Rate</u>
2017	%	2025	%
2018		2026	
2019		2027	
2020		2028	
2021		2029	
2022		2030	
2023		2031	
2024			

True interest cost: _____%

1.03. Purchase Contract. The amount proposed by the Purchaser in excess of the minimum bid shall be credited to the Debt Service Fund hereinafter created or deposited in the Construction Fund hereinafter created, as determined by the Finance Director of the City in consultation with the City's municipal advisor. The Finance Director is directed to deposit the good faith check or deposit of the Purchaser, pending completion of the sale of the Bonds, and to return the good faith deposits of the unsuccessful proposers. The Mayor and City Administrator are directed to execute a contract with the Purchaser on behalf of the City.

1.04. Terms and Principal Amounts of the Bonds. The City will forthwith issue and sell the Bonds pursuant to the City Charter and the Act in the total principal amount of \$_____, originally dated July 20, 2016, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1, upward, bearing interest as above set forth, and maturing serially on October 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2017	\$	2025	\$
2018		2026	
2019		2027	
2020		2028	
2021		2029	
2022		2030	
2023		2031	
2024			

1.05. Optional Redemption. The City may elect on October 1, 2025, and on any day thereafter to prepay Bonds due on or after October 1, 2026. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

[1.06. Mandatory Redemption; Term Bond. To be completed if Term Bonds are requested by the Purchaser.]

Section 2. Registration and Payment.

2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on April 1 and October 1 of each year, commencing April 1, 2017, to the registered owners of record thereof as of the close of business on the fifteenth day immediately preceding each interest payment date, whether or not such day is a business day.

2.03. Registration. The City will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. When Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the

principal of and interest on the Bond and for all other purposes and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds, sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen, or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen, or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Appointment of Initial Registrar. The City appoints U.S. Bank National Association, Saint Paul, Minnesota, as the initial Registrar. The Mayor and the City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the Finance Director must transmit to the Registrar moneys sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the City Administrator and executed on behalf of the City by the signatures of the Mayor and the City Administrator, provided that those signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of a Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on the Bond has

been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this resolution. When the Bonds have been so prepared, executed and authenticated, the City Administrator will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

2.06. Temporary Bonds. The City may elect to deliver in lieu of printed definitive Bonds one or more typewritten temporary Bonds in substantially the form set forth in EXHIBIT B attached hereto, with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Upon the execution and delivery of definitive Bonds the temporary Bonds will be exchanged therefor and cancelled.

Section 3. Form of Bond.

3.01. Execution of the Bonds. The Bonds will be printed or typewritten in substantially the form as attached hereto as EXHIBIT B.

3.02. Approving Legal Opinion. The City Administrator is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which is to be complete except as to dating thereof and cause the opinion to be printed on or accompany each Bond.

Section 4. Payment; Security; Pledges and Covenants.

4.01. Debt Service Fund. The Bonds will be payable from the General Obligation Utility Revenue Bonds, Series 2016A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The City will continue to maintain and operate its Water Fund, to which will be credited all gross revenues of the water system and out of which will be paid all normal and reasonable expenses of current operations of such system, and its Sewer Fund, to which will be credited all gross revenues of the sanitary sewer and wastewater systems and out of which will be paid all normal and reasonable expenses of current operations of such systems. Any balances therein are deemed net revenues (the "Net Revenues") and will be transferred, from time to time, to the Debt Service Fund, which Debt Service Fund will be used only to pay principal of and interest on the Bonds and any other bonds similarly authorized. There will always be retained in the Debt Service Fund a sufficient amount to pay principal of and interest on all the Bonds, and the Finance Director must report any current or anticipated deficiency in the Debt Service Fund to the City Council. There is also appropriated to the Debt Service Fund (i) capitalized interest financed from Bond proceeds, if any; and (ii) amounts over the minimum purchase price of the Bonds paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.03 hereof.

4.02. Construction Fund. The City hereby creates the General Obligation Utility Revenue Bonds, Series 2016A Construction Fund (the "Construction Fund"). Proceeds of the Bonds, less the appropriations made in Section 4.01 hereof, will be deposited in the Construction Fund to be used solely to defray expenses of the Improvements. When the Improvements are completed and the cost thereof paid, the Construction Fund is to be closed and any funds remaining may be deposited in the Debt Service Fund.

4.03. City Covenants. The City Council covenants and agrees with the holders of the Bonds that so long as any of the Bonds remain outstanding and unpaid, it will keep and enforce the following covenants and agreements:

(a) The City will continue to maintain and efficiently operate the water, sanitary sewer, and wastewater systems as public utilities and conveniences free from competition of other like municipal utilities and will cause all revenues therefrom to be deposited in bank accounts and credited to the Water Fund and Sewer Fund, as hereinabove provided, and will make no expenditures from those accounts except for a duly authorized purpose and in accordance with this resolution.

(b) The City will also maintain the Debt Service Fund as a separate account and will cause money to be credited thereto from time to time, out of Net Revenues from the water, sanitary sewer, and wastewater systems in sums sufficient to pay principal of and interest on the Bonds when due.

(c) The City will keep and maintain proper and adequate books of records and accounts separate from all other records of the City in which will be complete and correct entries as to all transactions relating to the water, sanitary sewer, and wastewater systems and which will be open to inspection and copying by any Bondholder, or the Bondholder's agent or attorney, at any reasonable time, and it will furnish certified transcripts therefrom upon request and upon payment of a reasonable fee therefor, and said account will be audited at least annually by a qualified public accountant and statements of such audit and report will be furnished to all Bondholders upon request.

(d) The City Council will cause persons handling revenues of the water, sanitary sewer, and wastewater systems to be bonded in reasonable amounts for the protection of the City and the Bondholders and will cause the funds collected on account of the operations of such systems to be deposited in a bank whose deposits are guaranteed under the Federal Deposit Insurance Law.

(e) The City Council will keep the water, sanitary sewer, and wastewater systems insured at all times against loss by fire, tornado and other risks customarily insured against with an insurer or insurers in good standing, in such amounts as are customary for like plants, to protect the holders, from time to time, of the Bonds and the City from any loss due to any such casualty and will apply the proceeds of such insurance to make good any such loss.

(f) The City and each and all of its officers will punctually perform all duties with reference to the water, sanitary sewer, and wastewater systems as required by law.

(g) The City will impose and collect charges of the nature authorized by Section 444.075 of the Act, at the times and in the amounts required to produce Net Revenues adequate to pay all principal and interest when due on the Bonds and to create and maintain such reserves securing said payments as may be provided in this resolution.

(h) The City Council will levy general ad valorem taxes on all taxable property in the City when required to meet any deficiency in Net Revenues.

4.04. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all

principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

4.05. Debt Service Coverage. It is hereby determined that the estimated collection of Net Revenues from the water, sanitary sewer, and wastewater systems of the City for the payment of principal and interest on the Bonds will produce at least five percent (5%) in excess of the amount needed to meet, when due, the principal and interest payments on the Bonds and that no tax levy is needed at this time. Furthermore, pursuant to the Agreement, the Net Tax Revenues provided by the City of Baxter to the City are expected to offset a portion of the Net Revenues payable hereunder.

4.06. State Credit Enhancement.

(a) Pursuant to a resolution adopted by the City Council on April 4, 2016, the City Council authorized and directed City staff to enter the City into a Credit Enhancement Program Agreement (the "Credit Agreement") with the Minnesota Public Facilities Authority (the "Authority"). Pursuant to Minnesota Statutes, Section 446A.086, as amended (the "Credit Enhancement Act"), the State of Minnesota, acting through the Authority, may provide a guarantee of any deficiency of debt service payments on the Bond. Pursuant to the Credit Enhancement Act, the City makes the following representations and covenants:

(i) the City will notify the Authority of any default or potential default in the payment of principal or interest due on the Bond;

(ii) the City will deposit with the Registrar all payments of principal and interest due on the Bond at least three business days prior to the payment due date;

(iii) the agreement the City enters into with the Registrar will include all provisions required by the Credit Enhancement Act; and

(iv) the City will comply with all provisions of the Credit Agreement and with the Credit Enhancement Act.

(b) Pursuant to subdivision 3 of the Credit Enhancement Act, the City acknowledges and agrees that the Registrar is required to inform the Minnesota Commissioner of Management and Budget and the Authority if the Registrar becomes aware of a default or potential default in the payment of principal or interest on the Bond or if, on the day two business days before the date a payment is due on the Bond, there are insufficient funds to make the payment on deposit with the Registrar.

4.07. Registration of Resolution. The City Administrator is authorized and directed to file a certified copy of this resolution with the County Auditor-Treasurer of Crow Wing County, Minnesota and to obtain the certificate required by Section 475.63 of the Act.

Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds, certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within

their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

5.02. Certification as to Official Statement. The Mayor, the City Administrator, and the Finance Director are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

5.03. Other Certificates. The Mayor, the City Administrator, and the Finance Director are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Mayor, the City Administrator, and the Finance Director shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Finance Director shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

Section 6. Tax Covenants.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees, or agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds.

6.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments and limitations on amounts invested at a yield greater than the yield on the Bonds.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Not Qualified Tax-Exempt Obligations. The Bonds are not designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its

successors and assigns ("DTC"). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the "Participants") or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar) of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Administrator of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." will refer to such new nominee of DTC; and upon receipt of such a notice, the City Administrator will promptly deliver a copy of the same to the Registrar and Paying Agent.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which will govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this Resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond

will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 8. Continuing Disclosure.

8.01. Execution of Continuing Disclosure Certificate. For purposes of this Section, "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Administrator and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

8.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 9. Defeasance. When all Bonds and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge all Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

The motion for the adoption of the foregoing resolution was duly seconded by Member _____,
and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted.

Adopted this ____ day of June, 2016.

GARY SCHEELER
President of the Council

Approved this ____ day of June, 2016.

EDWIN L. MENK
Mayor

ATTEST:

JAMES M. THOREEN
City Administrator

EXHIBIT A
PROPOSALS

EXHIBIT B

FORM OF BOND

No. R-_____

\$_____

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF CROW WING
CITY OF BRAINERD

GENERAL OBLIGATION UTILITY REVENUE BOND
SERIES 2016A

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	October 1, 20__	July 20, 2016	

Registered Owner: Cede & Co.

The City of Brainerd, Minnesota, a duly organized and existing municipal corporation in Crow Wing County, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the Registered Owner specified above or registered assigns, the principal sum of \$_____ on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above (calculated on the basis of a 360 day year of twelve 30 day months), payable April 1 and October 1 in each year, commencing April 1, 2017, to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by U.S. Bank National Association, Saint Paul, Minnesota, as Registrar, Paying Agent, Transfer Agent and Authenticating Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

The City may elect on October 1, 2025, and on any day thereafter to prepay Bonds due on or after October 1, 2026. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify The Depository Trust Company ("DTC") of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

This Bond is one of an issue in the aggregate principal amount of \$_____ all of like original issue date and tenor, except as to number, maturity date, interest rate, and redemption privilege, all issued pursuant to a resolution adopted by the City Council on June 20, 2016 (the "Resolution"), for the purpose of providing money to defray the expenses incurred and to be incurred in making certain improvements to the water, sanitary sewer, and wastewater systems related to the Brainerd Lakes Regional Airport, pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapters 444 and 475, as amended, and the principal hereof and interest hereon are payable from net revenues of the water, sanitary sewer, and

wastewater systems of the City, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the City are irrevocably pledged for payment of this Bond and the City Council has obligated itself to levy ad valorem taxes on all taxable property in the City in the event of any deficiency in net revenues pledged, which taxes may be levied without limitation as to rate or amount. The Bonds of this series are issued only as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof of single maturities.

The Bonds are not designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

IT IS HEREBY CERTIFIED AND RECITED That in and by the Resolution, the City has covenanted and agreed that it will continue to own and operate the water, sanitary sewer, and wastewater systems free from competition by other like municipal utilities; that adequate insurance on said systems and suitable fidelity bonds on employees will be carried; that proper and adequate books of account will be kept showing all receipts and disbursements relating to the Water Fund and Sewer Fund, into which it will pay all of the gross revenues from the water, sanitary sewer, and wastewater systems; that it will also create and maintain a General Obligation Utility Revenue Bonds, Series 2016A Debt Service Fund, into which it will pay, out of the net revenues from the water, sanitary sewer, and wastewater systems a sum sufficient to pay principal of the Bonds and interest on the Bonds when due; and that it will provide, by ad valorem tax levies, for any deficiency in required net revenues of the water, sanitary sewer, and wastewater systems.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner's attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee, or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Registrar will be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the home rule charter of the City and the Constitution and laws of the State of Minnesota, to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Bond does not cause the indebtedness of the City to exceed any constitutional, statutory, or charter limitation of indebtedness.

This Bond is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Brainerd, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile or manual signatures of the Mayor and City Administrator and has caused this Bond to be dated as of the date set forth below.

Dated: July 20, 2016

CITY OF BRAINERD, MINNESOTA

(Facsimile)
Mayor

(Facsimile)
City Administrator

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

U.S. BANK NATIONAL ASSOCIATION

By _____
Authorized Representative

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

UNIF GIFT MIN ACT

Custodian _____

TEN ENT -- as tenants by entireties

(Cust) _____ (Minor)
under Uniform Gifts or Transfers to Minors
Act, State of _____

JT TEN -- as joint tenants with right of
survivorship and not as tenants in common

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: _____

(Include information for all joint owners if this Bond is held by joint account.)

Please insert social security or other identifying number of assignee

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Signature of Officer of Registrar</u>
	Cede & Co. Federal ID #13-2555119	

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

I, the undersigned, being the duly qualified and acting City Administrator of the City of Brainerd, Minnesota (the “City”), do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council of the City held on June 20, 2016, with the original minutes on file in my office and the extract is a full, true and correct copy of the minutes insofar as they relate to the issuance and sale of the City’s General Obligation Utility Revenue Bonds, Series 2016A, in the original aggregate principal amount of \$_____.

WITNESS My hand officially as such City Administrator and the corporate seal of the City this _____ day of _____, 2016.

James M. Thoreen
City Administrator
City of Brainerd, Minnesota

(SEAL)

STATE OF MINNESOTA
COUNTY OF CROW WING

CERTIFICATE OF COUNTY AUDITOR-
TREASURER AS TO REGISTRATION
WHERE NO AD VALOREM TAX LEVY

I, the undersigned County Auditor-Treasurer of Crow Wing County, Minnesota, hereby certify that a certified copy of a resolution adopted by the governing body of the City of Brainerd, Minnesota (the "City"), on June 20, 2016, relating to the City's General Obligation Utility Revenue Bonds, Series 2016A, issued in the original aggregate principal amount of \$_____, dated July 20, 2016, has been filed in my office and said bonds have been entered on the register of obligations in my office.

WITNESS My hand and official seal this ____ day of _____, 2016.

**COUNTY AUDITOR-TREASURER
CROW WING COUNTY, MINNESOTA**

By _____

Its _____

(SEAL)

2

Extract of Minutes of Meeting
of the City Council of the City of
Brainerd, Crow Wing County, Minnesota

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Brainerd, Crow Wing County, Minnesota, was duly held in the City Hall in said City on Monday, June 20, 2016, commencing at 7:30 P.M.

The following members were present:

and the following were absent:

* * *

* * *

* * *

The Mayor announced that the next order of business was consideration of the proposals that had been received for the purchase of the City's General Obligation Equipment Certificates of Indebtedness, Series 2016B, proposed to be issued in the original aggregate principal amount of \$_____.

The City Administrator presented a tabulation of the proposals that had been received in the manner specified in the Terms of Proposal for the Certificates. The proposals were as set forth in EXHIBIT A attached.

After due consideration of the proposals, Member _____ then introduced the following written resolution, the reading of which was dispensed with by unanimous consent, and moved its adoption:

RESOLUTION NO. _____

**A RESOLUTION AWARDING THE SALE OF GENERAL
OBLIGATION EQUIPMENT CERTIFICATES OF
INDEBTEDNESS, SERIES 2016B, IN THE ORIGINAL
AGGREGATE PRINCIPAL AMOUNT OF \$_____; FIXING
THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR
EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR
PAYMENT**

BE IT RESOLVED By the City Council of the City of Brainerd, Crow Wing County, Minnesota (the "City"), as follows:

Section 1. Sale of Certificates

1.01. Authorization. Pursuant to a resolution adopted by the City Council of the City on March 21, 2016 (the "Initial Resolution"), the City provided preliminary approval to issue and sell its General Obligation Equipment Certificates of Indebtedness, Series 2016B (the "Certificates"), to finance the acquisition of items of capital equipment described in Exhibit A attached to the Initial Resolution, or other similar equipment to be purchased (the "Equipment"), pursuant to Minnesota Statutes, Chapter 475, as amended, and Sections 410.32 and 412.301 (collectively, the "Act").

1.02. Award to the Purchaser and Interest Rates. The proposal of _____ (the "Purchaser") to purchase the Certificates of the City described in the Terms of Proposal thereof is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Certificates at a price of \$_____ (par amount of \$_____, [plus original issue premium of \$_____,] [less original issue discount of \$_____,] less underwriter's discount of \$_____), plus accrued interest to date of delivery, if any, for Certificates bearing interest as follows:

<u>Year</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Interest Rate</u>
2017	%	2020	%
2018		2021	
2019			

True interest cost: _____%

1.03. Purchase Contract. The amount proposed by the Purchaser in excess of the minimum bid shall be credited to the Debt Service Fund hereinafter created or deposited in the Project Fund hereinafter created, as determined by the Finance Director of the City in consultation with the City's municipal advisor. The Finance Director is directed to deposit the good faith check or deposit of the Purchaser, pending completion of the sale of the Certificates, and to return the good faith deposits of the unsuccessful proposers. The Mayor and City Administrator are directed to execute a contract with the Purchaser on behalf of the City.

1.04. Terms and Principal Amounts of the Certificates. The City will forthwith issue and sell the Certificates pursuant to the City Charter and the Act, in the total principal amount of \$_____, originally dated July 20, 2016, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1 upward, bearing interest as above set forth, and maturing serially on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2017	\$	2020	\$
2018		2021	
2019			

1.05. Optional Redemption. The Certificates are not subject to optional redemption prior to maturity.

[1.06. Mandatory Redemption; Term Certificate. To be completed if Term Certificates are requested by the Purchaser.]

Section 2. Registration and Payment.

2.01. Registered Form. The Certificates will be issued only in fully registered form. The interest thereon and, upon surrender of each Certificate, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. Each Certificate will be dated as of the last interest payment date preceding the date of authentication to which interest on the Certificate has been paid or made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Certificate will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Certificate will be dated as of the date of original issue. The interest on the Certificates is payable on February 1 and August 1 of each year, commencing February 1, 2017, to the registered owners of record thereof as of the close of business on the fifteenth day immediately preceding each interest payment date, whether or not such day is a business day.

2.03. Registration. The City will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Certificates and the registration of transfers and exchanges of Certificates entitled to be registered, transferred, or exchanged.

(b) Transfer of Certificates. Upon surrender for transfer of a Certificate duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Certificates of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Certificates. When Certificates are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Certificates of a like aggregate principal amount and maturity as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. Certificates surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Certificate is presented to the Registrar for transfer, the Registrar may refuse to transfer the Certificate until the Registrar is satisfied that the endorsement on the Certificate or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Certificate is registered in the bond register as the absolute owner of the Certificate, whether the Certificate is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Certificate and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Certificate to the extent of the sum or sums so paid.

(g) Taxes, Fees, and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Certificates sufficient to reimburse the Registrar for any tax, fee, or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen, or Destroyed Certificates. If a Certificate becomes mutilated or is destroyed, stolen, or lost, the Registrar will deliver a new Certificate of like amount, number, maturity date, and tenor in exchange and substitution for and upon cancellation of the mutilated Certificate or in lieu of and in substitution for any Certificate destroyed, stolen, or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Certificate destroyed, stolen, or lost, upon filing with the Registrar of evidence satisfactory to it that the Certificate was destroyed, stolen, or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance, and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Certificates so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Certificate has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Certificate prior to payment.

2.04. Appointment of Initial Registrar. The City appoints U.S. Bank National Association, Saint Paul, Minnesota, as the initial Registrar. The Mayor and the City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and Certificates in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of this Council, the Finance Director must transmit to the Registrar moneys sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication, and Delivery. The Certificates will be prepared under the direction of the City Administrator and executed on behalf of the City by the signatures of the Mayor and the City Administrator provided that those signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Certificates ceases to be such officer before the delivery of a Certificate, that signature or facsimile will nevertheless be valid and

sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Certificate will not be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on the Certificate has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Certificates need not be signed by the same representative. The executed certificate of authentication on a Certificate is conclusive evidence that it has been authenticated and delivered under this resolution. When the Certificates have been so prepared, executed, and authenticated, the City Administrator will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

2.06. Temporary Certificates. The City may elect to deliver in lieu of printed definitive Certificates one or more typewritten temporary Certificates in substantially the form set forth in EXHIBIT B attached hereto with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Upon the execution and delivery of definitive Certificates the temporary Certificates will be exchanged therefor and cancelled.

Section 3. Form of Certificate.

3.01. Execution of the Certificates. The Certificates will be printed or typewritten in substantially the form attached hereto as EXHIBIT B.

3.02. Approving Legal Opinion. The City Administrator is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which is to be complete except as to dating thereof and cause the opinion to be printed on or accompany each Certificate.

Section 4. Payment; Security; Funds; and Pledges.

4.01. Debt Service Fund. The Certificates will be payable from the General Obligation Equipment Certificates of Indebtedness, Series 2016B Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. To the Debt Service Fund, there is hereby pledged and appropriated the following: (i) ad valorem taxes hereinafter levied for payment of the Certificates; and (ii) amounts over the minimum purchase price of the Certificates paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.03 hereof.

4.02. Project Fund. The City hereby creates the General Obligation Equipment Certificates of Indebtedness, Series 2016B Project Fund (the "Project Fund"). Proceeds of the Certificates, less the appropriations made in Section 4.01 hereof, together with any other funds appropriated for the purchase of the Equipment, will be deposited in the Project Fund to be used solely to pay the costs of acquiring the Equipment. When the Equipment is purchased and the cost thereof paid, the Project Fund is to be closed and any monies remaining therein shall be transferred to the Debt Service Fund.

4.03. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Certificates, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Certificates and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and

such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

4.04. Pledge of Taxes. For the purpose of paying a portion of the principal of and interest on the Certificates, there is levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the City (the "Taxes"), to be spread upon the tax rolls and collected with and as part of other general taxes of the City. The Taxes will be credited to the Debt Service Fund above provided and will be in the years and amounts attached hereto as EXHIBIT C.

4.05. Debt Service Coverage. It is determined that the estimated collection of the foregoing Taxes will produce at least five percent (5%) in excess of the amount needed to meet, when due, the principal and interest payments on the Certificates. The tax levy herein provided will be irrevocable until all of the Certificates are paid, provided that at the time the City makes its annual tax levies the Finance Director may certify to the County Auditor-Treasurer of Crow Wing County, Minnesota (the "County Auditor-Treasurer") the amount available in the Debt Service Fund to pay principal and interest due during the ensuing year, and the County Auditor-Treasurer will thereupon reduce the levy collectible during such year by the amount so certified.

4.06. Registration of Resolution. The City Administrator is authorized and directed to file a certified copy of this resolution with the County Auditor-Treasurer and to obtain the certificate required by Section 475.63 of the Act.

Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Certificates, certified copies of proceedings and records of the City relating to the Certificates and to the financial condition and affairs of the City, and such other certificates, affidavits, and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Certificates, and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

5.02. Certification as to Official Statement. The Mayor, the City Administrator, and the Finance Director are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Certificates and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

5.03. Other Certificates. The Mayor, the City Administrator, and the Finance Director are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Certificates or the organization of the City or incumbency of its officers, at the closing the Mayor, the City Administrator, and the Finance Director shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Finance Director shall also execute and deliver a certificate as to payment for and delivery of the Certificates.

Section 6. Tax Covenants.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Certificates that it will not take or permit to be taken by any of its officers, employees, or agents any action which would cause the interest on the Certificates to become subject to taxation under the Internal

Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Certificates.

6.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Certificates under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments and limitations on amounts invested at a yield greater than the yield on the Certificates.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Certificates or to cause or permit them or any of them to be used, in such a manner as to cause the Certificates to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Not Qualified Tax-Exempt Obligations. The Certificates are not designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Certificates will be initially issued in the form of a separate single typewritten or printed fully registered Certificate for each of the maturities set forth in Section 1.03 hereof. Upon initial issuance, the ownership of each Certificate will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns ("DTC"). Except as provided in this section, all of the outstanding Certificates will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Certificates registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar, and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Certificates as securities depository (the "Participants") or to any other person on behalf of which a Participant holds an interest in the Certificates, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Certificates; (ii) the delivery to any Participant or any other person (other than a registered owner of Certificates, as shown by the registration books kept by the Registrar), of any notice with respect to the Certificates, including any notice of redemption; or (iii) the payment to any Participant or any other person, other than a registered owner of Certificates, of any amount with respect to principal of, premium, if any, or interest on the Certificates. The City, the Registrar, and the Paying Agent may treat and consider the person in whose name each Certificate is registered in the registration books kept by the Registrar as the holder and absolute owner of such Certificate for the purpose of payment of principal, premium and interest with respect to such Certificate, for the purpose of registering transfers with respect to such Certificates, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Certificates only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, or interest on the Certificates to the extent of the sum or sums so paid. No person other than a registered owner of Certificates, as shown in the registration books kept by the Registrar, will receive a certificated Certificate evidencing the obligation of this resolution. Upon delivery by DTC to the City

Administrator of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words "Cede & Co." will refer to such new nominee of DTC; and upon receipt of such a notice, the City Administrator will promptly deliver a copy of the same to the Registrar and Paying Agent.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the "Representation Letter") which will govern payment of principal of, premium, if any, and interest on the Certificates and notices with respect to the Certificates. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Certificates will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Certificates that they be able to obtain Certificate certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Certificate certificates. In such event the City will issue, transfer and exchange Certificate certificates as requested by DTC and any other registered owners in accordance with the provisions of this resolution. DTC may determine to discontinue providing its services with respect to the Certificates at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Certificate certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this resolution to the contrary, so long as a Certificate is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Certificate and all notices with respect to the Certificate will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 8. Continuing Disclosure.

8.01. Execution of Continuing Disclosure Certificate. For purposes of this Section, "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Administrator and dated the date of issuance and delivery of the Certificates, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

8.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Certificates; however, any Certificateholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 9. Defeasance. When all the Certificates and all interest thereon have been discharged as provided in this section, all pledges, covenants, and other rights granted by this resolution to the holders of the Certificates will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Certificates will remain in full force and effect. The City may discharge all Certificates which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Certificate should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

The motion for the adoption of the foregoing resolution was duly seconded by Member _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted.

Adopted this ____ day of June, 2016.

GARY SCHEELER
President of the Council

Approved this ____ day of June, 2016.

EDWIN L. MENK
Mayor

ATTEST:

JAMES M. THOREEN
City Administrator

EXHIBIT A
PROPOSALS

EXHIBIT B

FORM OF BOND

No. R-_____

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF CROW WING
CITY OF BRAINERD

\$ _____

**GENERAL OBLIGATION EQUIPMENT CERTIFICATE OF INDEBTEDNESS
SERIES 2016B**

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	February 1, 20__	July 20, 2016	

Registered Owner: Cede & Co.

The City of Brainerd, Minnesota, a duly organized and existing municipal corporation in Crow Wing County, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the Registered Owner specified above or registered assigns the principal sum of \$ _____ on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above (calculated on the basis of a 360 day year of twelve 30 day months), payable February 1 and August 1 in each year, commencing February 1, 2017, to the person in whose name this Certificate is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by U.S. Bank National Association, Saint Paul, Minnesota, as Registrar, Paying Agent, Transfer Agent, and Authenticating Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

The Certificates are not subject to optional redemption prior to maturity.

This Certificate is one of an issue in the aggregate principal amount of \$ _____ all of like original issue date and tenor, except as to number, maturity date, and interest rate, all issued pursuant to a resolution adopted by the City Council on June 20, 2016 (the "Resolution"), for the purpose of providing money to aid in financing the cost of the acquisition of items of capital equipment, pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapter 475 and Sections 410.32 and 412.301, all as amended, and the principal hereof and interest hereon are payable from ad valorem taxes, as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the City are irrevocably pledged for payment of this Certificate and the City Council has obligated itself to levy additional ad valorem taxes on all taxable property in the City in the event of any deficiency in ad valorem taxes, which additional ad valorem taxes may be levied without limitation as to rate or amount. The Certificates of this series are issued only as fully registered Certificates in denominations of \$5,000 or any integral multiple thereof of single maturities.

The Certificates are not designated as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

As provided in the Resolution and subject to certain limitations set forth therein, this Certificate is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner's attorney; and may also be surrendered in exchange for Certificates of other authorized denominations. Upon such transfer or exchange the City will cause a new Certificate or Certificates to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee, or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Registrar may deem and treat the person in whose name this Certificate is registered as the absolute owner hereof, whether this Certificate is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Registrar will be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the home rule charter of the City and the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Certificate in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Certificate does not cause the indebtedness of the City to exceed any constitutional, statutory, or charter limitation of indebtedness.

This Certificate is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Brainerd, Minnesota, by its City Council, has caused this Certificate to be executed on its behalf by the facsimile or manual signatures of the Mayor and City Administrator and has caused this Certificate to be dated as of the date set forth below.

Dated: July 20, 2016

CITY OF BRAINERD, MINNESOTA

(Facsimile)
Mayor

(Facsimile)
City Administrator

CERTIFICATE OF AUTHENTICATION

This is one of the Certificates delivered pursuant to the Resolution mentioned within.

U.S. BANK NATIONAL ASSOCIATION

By _____
Authorized Representative

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Certificate, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

UNIF GIFT MIN ACT

Custodian _____

TEN ENT -- as tenants by entireties

(Cust) _____ (Minor)

under Uniform Gifts or Transfers to Minors
Act, State of _____

JT TEN -- as joint tenants with right of
survivorship and not as tenants in common

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Certificate and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Certificate on the books kept for registration of the within Certificate, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Certificate in every particular, without alteration or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the

New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Registrar will not effect transfer of this Certificate unless the information concerning the assignee requested below is provided.

Name and Address:

(Include information for all joint owners if this
Certificate is held by joint account.)

Please insert social security or other identifying
number of assignee

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Certificate has been registered on the books of the Registrar in the name of the person last noted below.

Date of Registration

Registered Owner

Signature of
Officer of Registrar

Cede & Co.
Federal ID #13-2555119

EXHIBIT C

TAX LEVY SCHEDULE

YEAR *	TAX LEVY
2016	
2017	
2018	
2019	
2020	

** Year tax levy collected.*

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

I, the undersigned, being the duly qualified and acting City Administrator of the City of Brainerd, Minnesota (the "City"), do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council of the City held on June 20, 2016, with the original minutes on file in my office and the extract is a full, true and correct copy of the minutes insofar as they relate to the issuance and sale of the City's General Obligation Equipment Certificates of Indebtedness, Series 2016B, in the original aggregate principal amount of \$_____.

WITNESS My hand officially as such City Administrator and the corporate seal of the City this _____ day of _____, 2016.

(SEAL)

James M. Thoreen
City Administrator
City of Brainerd, Minnesota

STATE OF MINNESOTA
COUNTY OF CROW WING

CERTIFICATE OF COUNTY
AUDITOR-TREASURER AS TO TAX
LEVY AND REGISTRATION

I, the undersigned County Auditor-Treasurer of Crow Wing County, Minnesota, hereby certify that a certified copy of a resolution adopted by the governing body of the City of Brainerd, Minnesota (the "City"), on June 20, 2016, levying taxes for the payment of the City's General Obligation Equipment Certificates of Indebtedness, Series 2016B, issued in the original aggregate principal amount of \$_____, dated July 20, 2016, has been filed in my office and said bonds have been entered on the register of obligations in my office and that such tax has been levied as required by law.

WITNESS My hand and official seal this _____ day of _____, 2016.

**COUNTY AUDITOR-TREASURER,
CROW WING COUNTY, MINNESOTA**

By _____

Its _____

(SEAL)

PLANNING COMMISSION
Wednesday, June 20, 2016

10 A, B, C

City Planner Ostgarden called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Antolak, Straw, Plantenberg, Parks and Turner. Also present were City Planner Ostgarden, Planning Intern Hermerding and 4 others.

#2 **Approval/Amendment of Agenda**

MOTIONED AND SECONDED BY COMMISSIONERS STRAW AND TURNER, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 **Approve Minutes of the Regular Meeting held on May 18, 2016**

MOTIONED AND SECONDED BY COMMISSIONERS STRAW AND TURNER, DULY CARRIED, TO APPROVE THE MINUTES FROM THE REGULAR MEETING HELD ON MAY 18, 2016.

#4 **New Business**

- a. **Public Hearing – Request from David Hill for Variance at 1020 Ivy Street to construct a 560 sq. ft. dwelling on a conforming lot on which the minimum allowed dwelling size is 750 sq ft.**

City Planner Ostgarden reported that Mr. Hill purchased the property at 1020 Ivy Street and has demolished the condemned dwelling which was located on the property. He stated that Mr. Hill plans to move onto the lot a 560 sq. ft. dwelling; however, the City's Zoning Ordinance states that the minimum dwelling size on a conforming lot such as this is 750 sq. ft.

The Public Hearing was opened at 6:07pm.

The Chair recognized the petitioner, Mr. David Hill, who stated that he will be using the small house and garage as a rental unit. He answered questions of the Commission and assured them that the garage is in good shape.

The Public Hearing was closed at 6:08pm.

The following findings-of-fact were read into the record as follows:

1. The property is zoned R-1.
2. Property is 150 x 150' (22,500 sq. ft.) which is a conforming R-1 single family lot.
3. The minimum dwelling size permitted on a conforming lot is 750 sq. ft. and the owner is proposing a 560 sq. ft. dwelling.
4. The neighborhood is predominately single family houses.
5. The lot is located on a dead end street with little likelihood off the road being extended.
6. The property is located in a somewhat secluded area of the city.
7. The dwelling will be located on a lot where a house was condemned and demolished.
8. The dwelling will be similar in appearance and size to others in the neighborhood.
9. Using the property in this manner will be in harmony with the following Zoning Ordinance purposes:
 - a. *Protect neighborhoods.*

- b. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational, and public areas.*
- c. *Provide adequate light, air, and convenience of access to property.*
- d. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*

10. The variance is consistent with the following Comprehensive Plan Land Use Goals and Strategies:

LAND USE GOAL #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.

Strategies

- 1. *Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.*
- 2. *Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.*
- 3. *Encourage housing rehabilitation and redevelopment in appropriate areas.*

LAND USE GOAL #5: Support development that enhances community character and identity.

Strategy

- 1. *Support the redevelopment of vacant and abandoned sites within the urban core.*

11. Petitioner spoke in favor, two emails were received in favor and no oppositions were received.

12. East half of property has a substantial slope.

MOTIONED AND SECONDED BY COMMISSIONERS PARKS AND STRAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE APPLIED FOR BY MR. DAVID HILL, 1020 IVY STREET, BRAINERD, FOR CONSTRUCTION OF A 560 SQ. FT. DWELLING ON A CONFORMING LOT ON WHICH THE MINIMUM ALLOWED DWELLING SIZE IS 750 SQ FT.

b. Public Hearing – Request from John and Jennifer Berg for Variances at 15340 Russel Road to construct a metal panel sided accessory building with a ribbed metal roof

City Planner Ostgarden reported that the Bergs are purchasing the property at 15340 Russell Road at the north end of the street on Gilbert Lake. The Bergs plan to demolish the existing house that has been vacant according to utility records since February 2016 and construct a new one in that location. They also plan to purchase the parcel to the south and construct a new accessory building on that parcel. The 2 parcels total approximately 1.6 areas.

The accessory building is planned to be 1,200 sq. with sheet metal siding and roof design. A site plan depicting the building location and a typical building elevation with the metal material shown is attached.

The Public Hearing was opened at 6:24pm.

The Chair recognized petitioner John Berg, who provided the Commission with more specific plans and answered questions relating to design of the accessory building to be constructed.

The Public Hearing was closed at 6:31pm.

The following findings-of-fact were read into the record as follows:

1. The property is zoned R-1A (Single Family Residential) District.
2. The parcel size is 1.6 acres.
3. The buildings will be 1,200 sq. ft. with metal sides and roof. The appearance does not comply with Zoning Ordinance requirements for accessory buildings.
4. The area is wooded with large lot development.
5. There are 7 other residential properties in the 17 acre area northerly of Riverside Drive and Gilbert Lake.
6. Using the property in this manner will be in harmony with the following Zoning Ordinance purposes:
 - a. *Provide adequate light, air, and convenience of access to property.*
 - b. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
 - c. *Protect and preserve the natural environment of the City.*
 - d. *Encourage the protection of historic and aesthetic resources in the City.*
 - e. *Provide for compatibility of different land uses.*
7. The variance is consistent with the following Comprehensive Plan Land use goals and Strategies:

LAND USE GOAL #3: *Plan for the orderly, efficient and fiscally Responsible growth of residential development in Brainerd:*

Strategies

 1. Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements, and the character and quality of the city's existing neighborhoods can be maintained and enhanced.
 2. Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.

LAND USE GOAL #5: *Support development that enhances community character and identity.*

Strategy

Support the redevelopment of vacant and abandoned sites...
8. Petitioner spoke in favor and no opposition was received.

The following condition was added:

1. Required placement of two windows on passage door side.

MOTIONED AND SECONDED BY COMMISSIONERS PARKS AND ANTOLAK, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE FOR METAL SIDING ON AN ACCESSORY BUILDING AT 15340 RUSSELL ROAD AS APPLIED FOR BY JOHN AND JENNIFER BERG.

MOTIONED AND SECONDED BY COMMISSIONERS PARKS AND TURNER, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE FOR A RIBBED METAL ROOF ON AN ACCESSORY BUILDING AT 15340 RUSSELL ROAD AS APPLIED FOR BY JOHN AND JENNIFER BERG.

- c. **Public Hearing – Request from Benjamin Larson to Rezone 814 Front Street from a B-3 (Central Business) District to a B-4 (General Commercial) District**

City Planner Ostgarden reported that Ben Larson owns the property and operated the Sound Connection business at this location until May 2014 when he relocated the business out of the community. The building has been vacant since the relocation. He has received an inquiry to lease the building to individuals interested in using the property for automotive repair. Automotive repair is not a use listed in the B-3 District as one permitted by right or by Conditional Use Permit (CUP). I have advised Mr. Larson that should he B-4 zoning be approved, a CUP would be required to operate an automotive repair in the B-4 District.

The Public Hearing was opened at 6:46pm.

The Chair recognized Mr. John Larson, brother of petitioner Ben Larson. He stated that the company interested in leasing the property is a "towing and recovery" service which would be performing only basic repairs as far as he knows. He answered questions of the Commission.

The Public Hearing was closed at 6:48pm.

The following findings-of-fact were read into the record as follows:

1. The property is zoned B-3 (Central Business) District and the property is planned to be an automotive repair business a use not permitted in B-3 Districts.
2. Property is approximately 12,805 sq. ft. (.29 acres)
3. Land uses have not changed along this section of Front Street in many years.
4. Front Street has uses that could be considered light industrial in nature.
5. Automotive repair is a Conditional Use in a B-4 District.
6. Uses allowed in a B-4 District would not affect the capabilities of city streets or utilities in the area.
7. The Future Land Use Map identifies the property as future General Commercial Land Use. The site is adjacent to a small multifamily parcel identified as future Medium to High Density Residential Land Use and is zoned R-3.
8. *LAND USE GOAL #5: Support development that enhances community character and identity. Support the redevelopment of vacant and abandoned sites within the urban core.*
9. Petitioner's brother spoke in favor and no opposition was received.
10. Prior to 2011 the property was zoned B-4.

MOVED BY COMMISSIONER ANTOLAK TO APPROVE THE REQUEST SUBMITTED BY BEN LARSON TO REZONE 814 FRONT STREET FROM A B-3 (CENTRAL BUSINESS) TO A B-4 DISTRICT (GENERAL COMMERCIAL).

As there was no second, the motion was considered failed.

MOVED AND SECONDED BY COMMISSIONERS PARKS AND STRAW TO DENY THE REQUEST SUBMITTED BY BEN LARSON TO REZONE 814 FRONT STREET FROM A B-3 (CENTRAL BUSINESS) TO A B-4 DISTRICT (GENERAL COMMERCIAL).

Commissioners voiced concerns with "spot zoning" over concerns with the business prospect itself.

City Planner Ostgarden asked the Commissioners to consider if the area being discussed would be more fitting as a B-4 zone; he also stated that the item will go before the Council on June 20, 2016 for final vote.

Commissioners Straw, Plantenberg, Parks and Turner voted "aye." Commissioner Antolak voted "nay." The Chair declared the motion carried.

#5 **PUBLIC FORUM**

None

#6 **OLD BUSINESS**

a. Off Street Parking Changes

City Planner Ostgarden reviewed the information regarding concerns with off street parking as included in the Packet, including options given for the Planning Commission to reach a conclusion on the change in hopes of moving toward a public hearing in July or August.

Commission determined that removing restrictions for B4 and B6 would be their recommendation for a Public Hearing at their July 20, 2016 Planning Commission meeting.

b. S. 6th Street Zoning

City Planner Ostgarden reviewed the information regarding concerns with S. 6th ST Parking as included in the Packet, including options given for the Planning Commission to reach a final recommendation for a public hearing in July or August.

Commission determined that "Option 2" would be their recommendation for a Public Hearing at their July 20, 2016 Planning Commission meeting.

#7 **Commissioners' Questions/Comments**

None.

#8 **City Planner's Report**

City Planner Ostgarden discussed the community survey which is being sent to Brainerd residents in the hopes of getting up to 300 participants to participate in confidential surveys which will be compiled by city staff and the survey company Qualtrix which City Council approved up to \$5,000 expense reimbursement for.

#9 **Adjourn**

As there was no further business, the meeting was adjourned at 7:27pm.

Respectfully submitted,

Mark Ostgarden AICP
City Planner



Brainerd City Council Agenda Request

10A

Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Variance - David Hill at 1020 Ivy Street to Construct a 560 SQ. FT. Dwelling on a Conforming Lot on which the Minimum Allowed Dwelling Size is 750 SQ. FT.

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: Mr. Hill has purchased the lot at 1020 Ivy Street, demolished the condemned dwelling and desires to construct a 560 sq. ft. dwelling on a conforming lot where 750 sq. ft. is the minimum allowed dwelling size. The Planning Commission recommended approval.	
Alternatives, Options, Effects on Others/Comments: 1. Deny the variance which will not permit the 567 sq. ft. dwelling to be constructed. 2. Approve the request which will permit the dwelling to be constructed.	
Recommended Action/Motion: Attached is the Staff Report, draft June 15, 2016 minutes and Findings of Fact. A motion by _____ and 2nd by _____ to _____ the Variance to construct a 560 sq. ft. dwelling on a conforming lot where 750 sq. ft. is the minimum allowed dwelling size.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

STAFF REPORT TO THE PLANNING COMMISSION

June 7, 2016

APPLICANT/LOCATION: David Hill, 15798 Jordan Road, Brainerd, MN 56401 for property at 1020 Ivy Street

PROPOSED USE: A Variance to permit a 560 sq. ft. dwelling on a conforming lot where 750 sq. ft. is the minimum dwelling size

LOT AREA: 150 ft. x 150 ft. = 22,500 sq. ft.

CURRENT ZONING: R-1 (Single Family) Residential

ADJACENT USES: North: Single family residential
East: Vacant
South: Vacant/Single family dwellings
West: Single family dwellings

ADJACENT ZONING: North: R-1 (Single Family) Residential
East: R-1 (Single Family) Residential
South: R-1 (Single Family) Residential
West: R-1 (Single Family) Residential

REPORT

David Hill has purchased the property at 1020 Ivy Street. He has demolished the condemned dwelling and plans to move into the city a 560 sf. ft. dwelling and locate it on the lot. The lot is conforming in width and area. Zoning Ordinance Section 515-54-9: Building Performance Standards for R-1 Districts specifies that the minimum dwelling size on a conforming lot is 750 sq. ft.

Criteria for Granting Variances

A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

- A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. Protect neighborhoods.*
- D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*

- E. *Provide adequate light, air, and convenience of access to property.*
 - F. *Prevent congestion in the public right-of-way.*
 - G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
 - H. *Protect and preserve the natural environment of the City.*
 - I. *Encourage the protection of historic and aesthetic resources in the City.*
 - J. *Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
 - K. *Provide for compatibility of different land uses.*
 - L. *Provide for administration of this Ordinance.*
 - M. *Provide for amendments.*
 - N. *Prescribe penalties for violation of such regulations.*
 - O. *To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*
- Placement of the dwelling is in harmony with the above highlighted Zoning Ordinance purposes.

When the variance is consistent with the Comprehensive Plan.

LAND USE GOAL #3: *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*

Strategies

1. Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.
2. Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.
3. Encourage housing rehabilitation and redevelopment in appropriate areas.

LAND USE GOAL #5: *Support development that enhances community character and identity.*

Strategy

1. Support the redevelopment of vacant and abandoned sites within the urban core.

- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:

- I. *The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;*

The dwelling that was on the lot was condemned and demolished. In looking at the age of surrounding dwellings, their condition and value, is it reasonable to expect that the property would be attractive for a larger more valuable dwelling?

- II. *The plight of the landowner is due to circumstances unique to the property not created by the landowner;*

The property has some unique circumstances

1. The dwelling on the lot was condemned and demolished.
2. It is located in a somewhat secluded are of the community.
3. The property is not readily visible to the public.

- III. *The variance, if granted, will not alter the essential character of the locality.*

This is the section that most applicable to the placement of this building in this location. The dwelling will be similar in appeared as other houses and there are houses across the street similar in size. The street dead ends so no further construction can be anticipated to the east.

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at its June 15, 2016 meeting and the City Council can receive the recommendation for consideration at its TUESDAY July 5, 2016 meeting.

Respectfully submitted,



Mark Ostgarden AICP
City Planner

Dear Planning Comission and Council,

Last week I received notification of a variance request for a small house to be built in my immediate neighborhood.

I would like to make known my strong support of granting this variance request and would love it if this message could be read at the meeting:

A cute small house on this currently vacant lot will be wonderful addition to our neighborhood. I would like to thank you truly for choosing to invest in our city and neighborhood, can't wait to welcome you to the neighborhood!

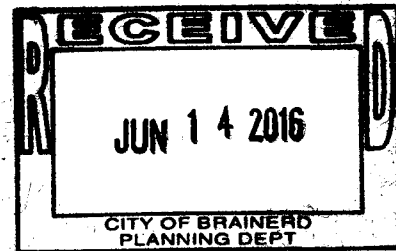
Sarah Hayden Shaw
517 N. 9th St.
Brainerd

I am writing as a nearby resident and property owner, I live and own three other properties within two blocks of the proposed small house. I support the variance, the older neighborhoods of Brainerd desperately need investment, and small house are a great fit. I would be proud to call the proposed house my home, and hope that the city allows the property owner to develop his land in a way that will benefit the entire city.

Please share this comment with the Planning Commission and others as you see fit.

Thank you

Ed





Neighborhood Dwellings



Request for Zoning Ordinance Variance for a house structure to be located at 1020 Ivy Street Brainerd, MN

Background-

In October 2015, the foreclosed property at this address was sold on auction by the mortgage holder. Because the property had sat empty and received no maintenance for more than four years, it was condemned by the City of Brainerd. I purchased the property and immediately filed for, and was granted, a demolition permit. I worked closely with the City to arrange demolition as required by the Building Department. Because the winter weather prevented a timely demolition, an extension was granted and I completed the demolition, debris removal and site refurbishment in April 2016.

Permit Application-

I applied for a building permit April 22, 2016 to relocate an existing one bedroom house structure onto the property. Because moving an existing structure into the City requires that that structure meet all current building codes, I asked and obtained the guidance from Tim Caughey, Building Inspector. He visited the structure which is located in Baxter with me to determine if the house meets current codes. The current owner is selling the house because new hookups for sewer and water cost more than the owner wishes to spend, otherwise, the house is fully functional and needs no repairs. With Tim's verbal assent that the structure was new enough and had been built with acceptable materials and methods, I placed a \$500 earnest deposit on the structure and arranged with a licensed building mover to relocate the structure onto the lot.

Recently I received notification that my permit application was not approved because the structure does not meet the minimum square footage required for a single family dwelling. The City code minimum is 750 square feet and the structure measures 560.

Request for Variance-

I am requesting to be permitted to use the house structure I purchased and move it onto the lot.

In terms of practical difficulties, the house structure does not lend itself to expansion or modification. It is a one bedroom house that has a simple floor plan and would necessitate considerable expense to add 190 square feet of floor space to the structure. I also can not afford the cost of building a new house and I have not been able to find another larger structure to move onto the lot.

I have spoken to the two neighboring homeowners who are adjacent to the property. Andrew Philippi and Joel who told me that the size of my house was not important to them since most of the houses in the neighborhood are also quite small. Their concern is that it be in good repair and have an appearance that complements the neighborhood. I showed them pictures of the proposed structure and they both thought it was attractive and appropriate. They told me that the previous house was an eyesore and that its removal was long overdue. They appreciate my efforts in cleaning up the lot and arranging to build a nice home where a condemned one previously stood. They also noted that the house across from my lot at 1019 Ivy Street is empty, in very bad repair and poor appearance and detracts much more from the neighborhood than a smaller house on my lot would.

My objective is to establish an affordable rental property that will offer a one bedroom choice for a single person or couple who desire an energy efficient and comfortable residence. There is considerable demand for this size of rental housing. In every respect, the house will fit the appearance, character and style of this quaint, old neighborhood in north Brainerd. It will, in fact, be in much better condition and appearance than the other houses situated across the street from it. The lot is wooded with large, old trees and the house will be situated to offer a pleasing view of the soccer field for the occupant. In multi-family housing a one bedroom unit, Zoning requirements are a minimum of 520 square feet. This single person/couple structure exceeds that size, so it should be as comfortable and livable as a comparable one bedroom multi-family unit.

Thank you for your consideration, David Hill 2128.232.5583



Brainerd City Council Agenda Request

10B

Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Variances - John and Jennifer Berg, 15340 Russell Road to Construct a Metal Panel Sided Accessory Building with a Ribbed Metal Roof

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: The Bergs plan to construct a 40' x 30' (1,200 sq. ft.) ribbed metal sided accessory building that will not have standing seam roof design. The ribbed metal sided building and standing seam roof are separate variances. The Planning Commission recommended approval for the ribbed metal siding with 1 condition and it recommended approval for the alternate roof design.	
Alternatives, Options, Effects on Others/Comments: 1. Deny the variances which will require compliance with Zoning Ordinance appearance criteria. 2. Approve the variances which will permit the accessory building to have the appearance proposed by the petitioner. 3. If the City Council does not support one of the requests, such as support for the alternate roof design but not support for the ribbed metal appearance proposed for the siding, vise versa or the variances can be voted on separately.	
Recommended Action/Motion: Attached is the Staff Report, draft June 15, 2016 minutes and Findings of Fact. A motion by _____ and 2nd by _____ to _____ the Variances to permit the accessory building at 15340 Russell Road to be a ribbed metal sided building and have the alternate roof design as proposed by the petitioner with the condition that 2 windows be along the wall of the passage door.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

STAFF REPORT TO THE PLANNING COMMISSION

June 7, 2016

APPLICANT/LOCATION: John and Jennifer Berg, 13096 Timberlane Drive, Baxter, MN 56425 for property at 15340 Russell Road, Brainerd, MN 56401

PROPOSED USE: A Variance to permit a metal sided accessory building and a Variance to permit the accessory building to have a metal roof that is not standing seam design

LOT AREA: 1.6 acres

CURRENT ZONING: R-1A (Single Family) Residential

ADJACENT USES: North: Gilbert Lake
East: Large Lot Single Family Residential
South: Vacant Woodland
West: Large Lot Single Family Residential

ADJACENT ZONING: North: R-1A (Single Family) Residential
East: R-1A (Single Family) Residential
South: R-1A (Single Family) Residential
West: R-1A (Single Family) Residential

REPORT

The Bergs are purchasing the property at 15340 Russell Road, property located at the north end of the street on Gilbert Lake. The Berg's plan to demolish the existing house that has been vacant according to utility records since February 2016 and construct a new one in that location. They also plan to purchase the parcel to the south and construct a new accessory building on that parcel. The 2 parcels total approximately 1.6 areas.

The accessory building is planned to be 1,200 sq. with sheet metal siding and roof design. A site plan depicting the building location and a typical building elevation with the metal material shown is attached.

The City of Brainerd Zoning Ordinance SECTION 17-8: GENERAL BUILDING, USE AND DESIGN PROVISIONS Accessory Buildings, Uses and Equipment reads:

All buildings over one hundred twenty (120) square feet shall have the same or similar Finish as the neighboring buildings.... Metal roofs are allowed provided they are constructed with standing seams and concealed or exposed fasteners.

The proposed building is not the same or similar in appearance as neighboring buildings and the metal roof is not standing seam design.

This request has 2 variances to allow

1. Metal siding
2. A roof that is not standing seam design.

The variances can be discussed together however they should be voted on separately.

Criteria for Granting Variances

A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

- A. *Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. *This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. *Protect neighborhoods.*
- D. *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. *Provide adequate light, air, and convenience of access to property.*
- F. *Prevent congestion in the public right-of-way.*
- G. *Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. *Protect and preserve the natural environment of the City.*
- I. *Encourage the protection of historic and aesthetic resources in the City.*
- J. *Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. *Provide for compatibility of different land uses.*
- L. *Provide for administration of this Ordinance.*
- M. *Provide for amendments.*
- N. *Prescribe penalties for violation of such regulations.*

O. To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.

Construction of the accessory building is in harmony with the above highlighted general purposes and intent of the Zoning Ordinance.

When the variance is consistent with the Comprehensive Plan.

LAND USE GOAL #3: *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*

Strategies

1. Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.
2. Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.

LAND USE GOAL #5: *Support development that enhances community character and identity.*

Strategies

1. Support the redevelopment of vacant and abandoned sites...

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:

- I. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance;*

In considering this request 2 factors to consider are area density and building visibility. This area for the community with larger lots with deciduous woods. The units per/acre is much less than the community south of the Mississippi River.

II. The plight of the landowner is due to circumstances unique to the property not created by the landowner;

Synonyms for plight include dilemma, predicament and difficulty. There is no dilemma, predicament or difficulty the property owner would have in complying with Zoning Ordinance requirements for appearance and roof design.

III. The variance, if granted, will not alter the essential character of the locality.

If granted, the variance should not alter the essential neighborhood character. The enclosed 2013 aerial photo identifies a 17 acre area between Riverside Drive, Gilbertview Estates, Gilbert Lake and the east side of Russell Road. There appears to be 7 single family dwellings in that area, which results in gross average density of 1 dwelling/2.42 acres.

Should the Planning Commission think the variances are warranted, it may want to condition approval on the building appearance be like the model shown in the submitted photo.

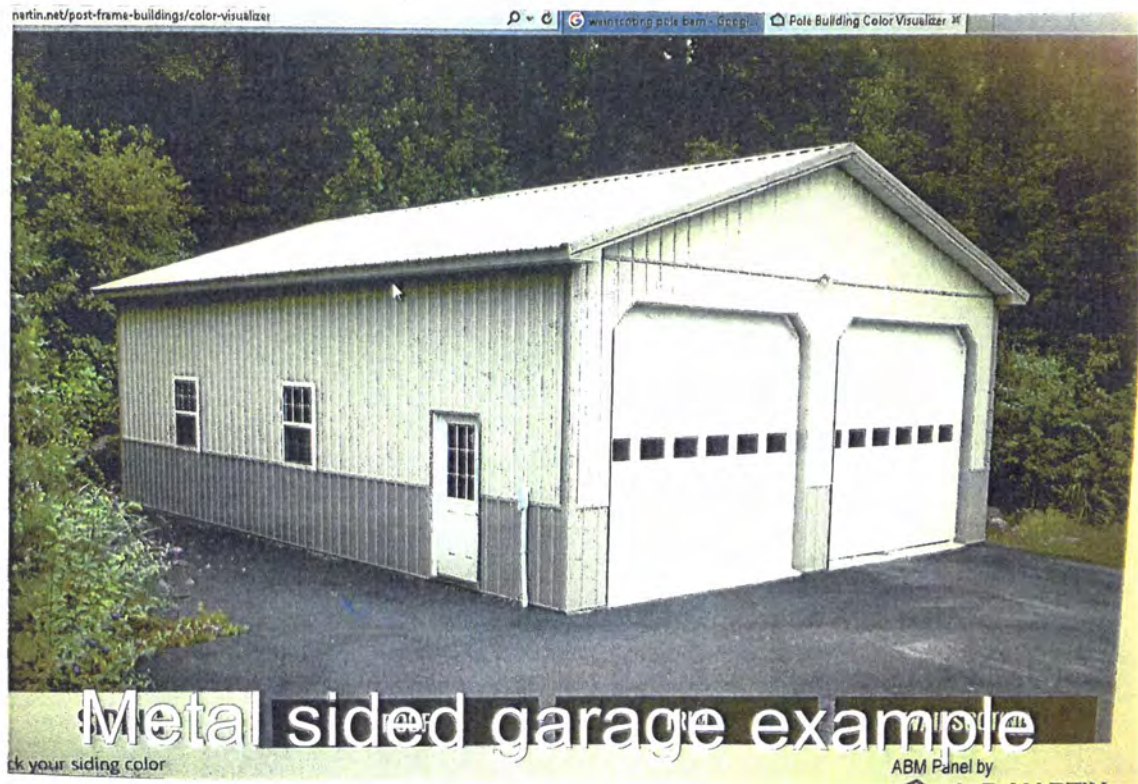
Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at its June 15, 2015 meeting and the City Council can receive the recommendation for consideration at its July 6, 2015 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner



6/1/16

Dear Commissioners,

We are respectfully requesting a variance for the siding material and standing seam requirement on our accessory garage construction. We would like to use sheet steel material for the exterior construction. Brainerd zoning ordinance design standards allow for sheet steel construction on buildings 120 square feet or less. The ordinance currently states that siding material "shall have the same or similar finish as the neighboring buildings and be homogeneous in design." Our current house property has composite wood siding. We anticipate building a new home on the existing home site. The exact type of siding material for the new home is yet to be determined. We would like to construct the new garage prior to the new home construction. This would allow for storage of our personal property during the new home construction and provide the long term benefit of additional garage space.

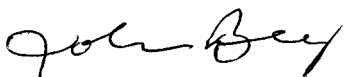
The garage would be located on parcel 09218000007X009 which is being consolidated with parcel 09218000008Z009. The garage would be constructed at a location that is accessed from the Russell Road easement. This is the same access for our home. We would place the garage in such a manner to minimize the visibility from the surrounding neighborhood property owners. The location is heavily wooded which will provide the benefit of decreased visibility. We would place the garage at least 30' from the property line. I have provided a photograph of the anticipated location where there is currently a steel storage shed.

We desire to use steel siding and roofing for several reasons. The location is heavily wooded and very shaded during the summer. Steel siding and roofing material would provide a virtually zero maintenance requirement and alleviate the need for periodical staining or painting of wood siding. Steel siding and roofing can be very aesthetic in appearance and superior in appearance to low cost wood laminate material and asphalt singles in our opinion. We would anticipate using a wainscoting design for aesthetic visual effect. The lack of standing seam roof construction would not change the mechanism of use that we anticipate. This requirement would increase the material and labor cost substantially. We would like to construct a 30' X 40" garage. Our property comprises 1.7 acres of land.

There is precedence for steel sided garages in the city of Brainerd. I am aware of at least one such building in the city limits. I have enclosed a photograph of a steel sided garage at 15468 McKay Road in the city of Brainerd.

We thank you for consideration of the variance.

Respectfully,



John Berg

Jenifer Berg

my wife is out of the country until 6/12/16. I will provide a letter with her signature at the time of the P+Z meeting

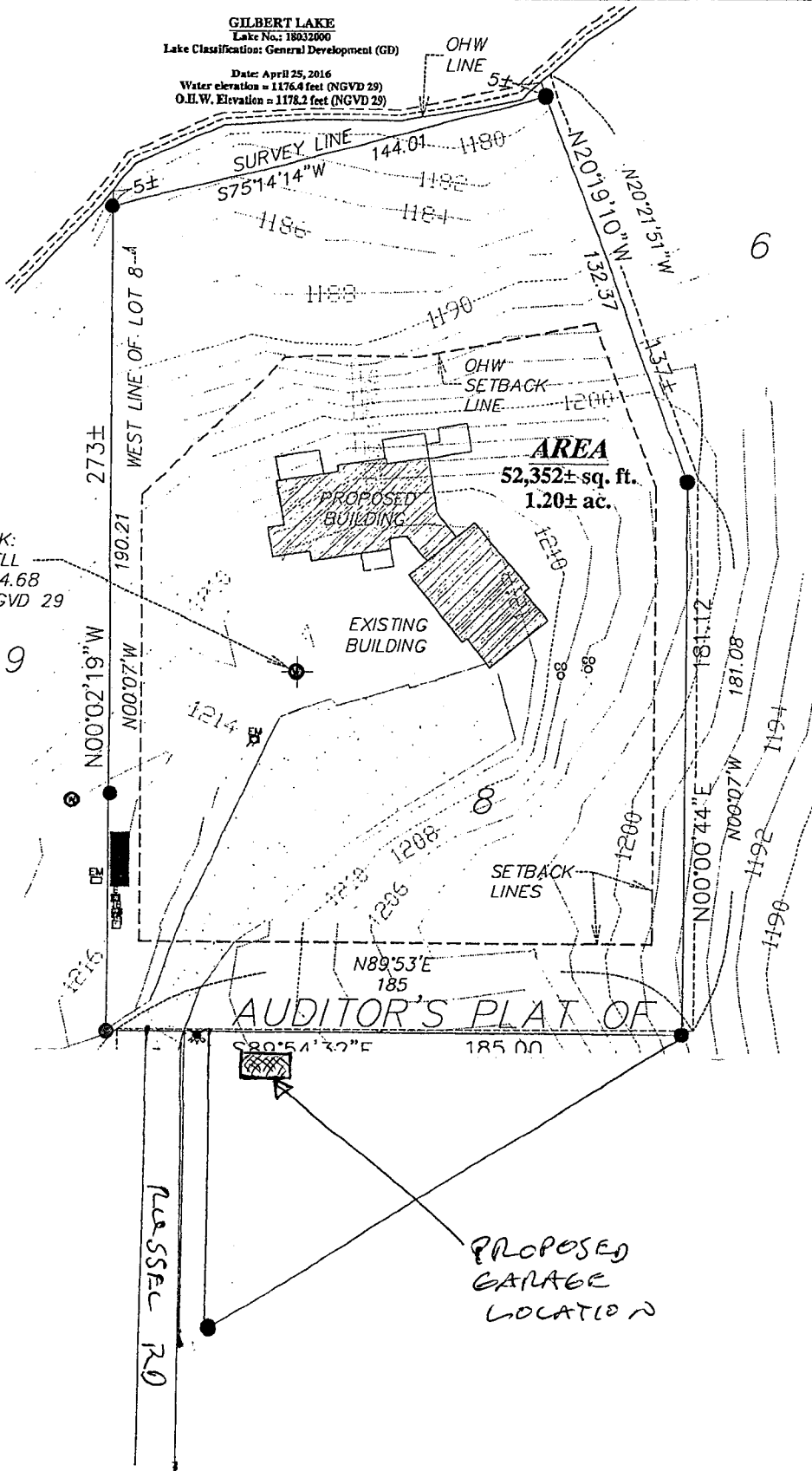
GILBERT LAKE
Lake No.: 18832600
Lake Classification: General Development (GD)

Date: April 25, 2016
Water elevation = 1176.4 feet (NGVD 29)
O.H.W. Elevation = 1178.2 feet (NGVD 29)

BENCHMARK:
TOP OF WELL
ELEV.: 1214.68
DATUM: NGVD 29

9

6





Brainerd City Council Agenda Request

10C

Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Rezoning - Benjamin Larson for 814 Front Street from a B-3 (Central Business) District to a B-4 (General Commercial) District

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 15 minutes
Summary of Issue: Benjamin Larson owns the building at 814 Front Street which is zoned B-3. The building has been vacant since he moved his business and he has an offer to use the building for automotive repair which requires a B-4 District to operate. The Planning Commission recommended denial.	
Alternatives, Options, Effects on Others/Comments: 1. Deny the rezoning which will not permit the parcel to be used for B-4 purposes. 2. Approve the request which will permit the parcel to be used for B-4 purposes. 3. Should the City Council think this area of Front Street could be a B-4 District, it could consider approval of this request and direct the Planning Commission to determine the area for a B-4 District and direct it to hold a public hearing and submit a recommendation to the City Council for a B-4 zone.	
Recommended Action/Motion: Attached is the Staff Report, draft June 15, 2016 minutes, Finding of Facts and Ordinance No. 1456 for 1st reading consideration. A motion by _____ and 2nd by _____ to _____ the 1st Ordinance reading to rezone 814 Front Street from B-3 (Central Business) District to B-4 (General Commercial) District.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

**ORDINANCE
NO. 1456**

**AN ORDINANCE AMENDING ORDINANCE NO. 812
PERTAINING TO THE ZONING IN THE CITY OF BRAINERD**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That existing Section 515-04-2 of the Brainerd City Code is hereby amended by changing the zoning designation of the property descriptions below from R-3 (High Density Residential) District to B-4 (General Commercial) District for the following:

*Lots 8 thru 13 inclusive Block 39, except part to Blue Ox Corp & except part to Michael Kayala,
Town of Brainerd & 1st Addn to Brainerd
Section 24 Township 45 Range 21
P.I.N. #09196039008Y889*

SECTION TWO: This Ordinance shall take effect and be in force one week from and after its publication.

Adopted this _____ day of _____, 2016

GARY SCHEELER
President of the Council

Approved this _____ day of _____, 2016

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One Time, _____

STAFF REPORT TO THE PLANNING COMMISSION

June 8, 2016

APPLICANT/LOCATION: Ben Larson, PO Box 300, Sartell, MN 56377 for property at 814 Front Street, Brainerd, MN 56401

PROPOSED ZONING: B-4 (General Commercial)

AREA: 12,805 sq. ft/ .29 acres

CURRENT ZONING: B-3 (Central Business) District

ADJACENT USES: North: Overhead door company
East: T-shirt company
South: Business uses and parking lot
West: Fire extinguisher company

ADJACENT ZONING: North: B-3 (Central Business) District
East: B-3 (Central Business) District
South: B-3 (Central Business) District
West: B-3 (Central Business) District

Ben Larson owns the property and operated the Sound Connection business at this location until May 2014 when he relocated the business out of the community. The building has been vacant since the relocation. He has received an inquiry to lease the building to individuals interested in using the property for automotive repair. Automotive repair is not a use listed in the B-3 District as one permitted by right or by Conditional Use Permit (CUP). I have advised Mr. Larson that should he B-4 zoning be approved, a CUP would be required to operate an automotive repair in the B-4 District.

PETITION EVALUATION

1. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.

The Future Land Use Map identifies the property as future General Commercial Land Use. The site is adjacent to a small multifamily parcel identified as future Medium to High Density Residential Land Use and is zoned R-3.

LAND USE GOAL #5: Support development that enhances community character and identity.

Support the redevelopment of vacant and abandoned sites within the urban core.

2. The proposed use's compatibility with present and future land uses of the area.

With the exception of Sound Conduction leaving, land uses along Front Street and in the area have not changed in many years.

3. The proposed use's effect upon the area in which it is proposed.

All that is known is that the perspective leasee desires to operate an automotive repair business. To what extent is unknown. Automotive repair is a permitted CUP in B-4, however it does include a number of conditions listed in the Zoning Ordinance. They are:

Automobile and truck repair - major and minor (including body shops) provided that:

- 1. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a storm water drainage system and is subject to the approval of the City Engineer.*
 - 2. All painting shall be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulated matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.*
 - 3. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota regulations APC, as amended.*
 - 4. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.*
 - 5. All outside storage shall be prohibited except for customer automobiles and trucks awaiting repair.*
- 4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.**
The use will not generate traffic that would affect the area streets capability of serving the property.
- 5. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.**
See #4 above.

PLANNING DEPARTMENT COMMENTS

The current and future owner desires the property to be rezoned for their interest, however rezoning should not be based on a desired use. A rezoning should stand on its own merits and a decision on rezoning should be based on all of the land use issues for the area being considered. If a desired use doesn't materialize, the rezoned area should be suitable for all the other uses allowed in the zone.

The Purpose of the B-4 District as stated in The Zoning Ordinance is to "allow more intensive commercial uses that require extensive highway access for customer contact". However, the B-4 District is used in parts of the city where extensive highway access does not exist.

Should rezoning to B-4 occur, off-street parking requirements for customers and employees (vehicle storage area is not included in this total) will need to be established for the property.

The Comprehensive Plan Future Land Use Map does identify the property as future Downtown Commercial. This area of the Downtown Commercial future land use area was zoned B-4 until 2011 when a B-3 District was expanded in an effort to create additional commercial area that is a mixed use, compact, walkable destination area.

The B-3 District Purpose and Intent reads:

...encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as the allowance of second-story dwelling units located above such uses.

Two issues the Planning Commission will need to address:

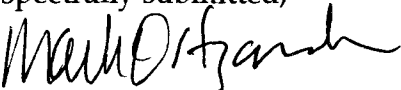
1. Is the area appropriate for automotive repair? If so is it appropriate to consider a larger B-4 District.
2. This is a one parcel zoning request. Does the Planning Commission want to continue considering zoning on a parcel by parcel basis, or is it going to uphold the decisions made in 2011 when a lot of thought was given to zoning in the entire community?

We should not lose sight of the importance of zoning in the community. Zoning changes should not be made based solely on the current needs of a property owner. Zoning is also about future predictability and trust. Parties interested in development need the confidence and trust that surrounding uses will not change parcel by parcel and there is the desire for predictability in what future uses can be anticipated.

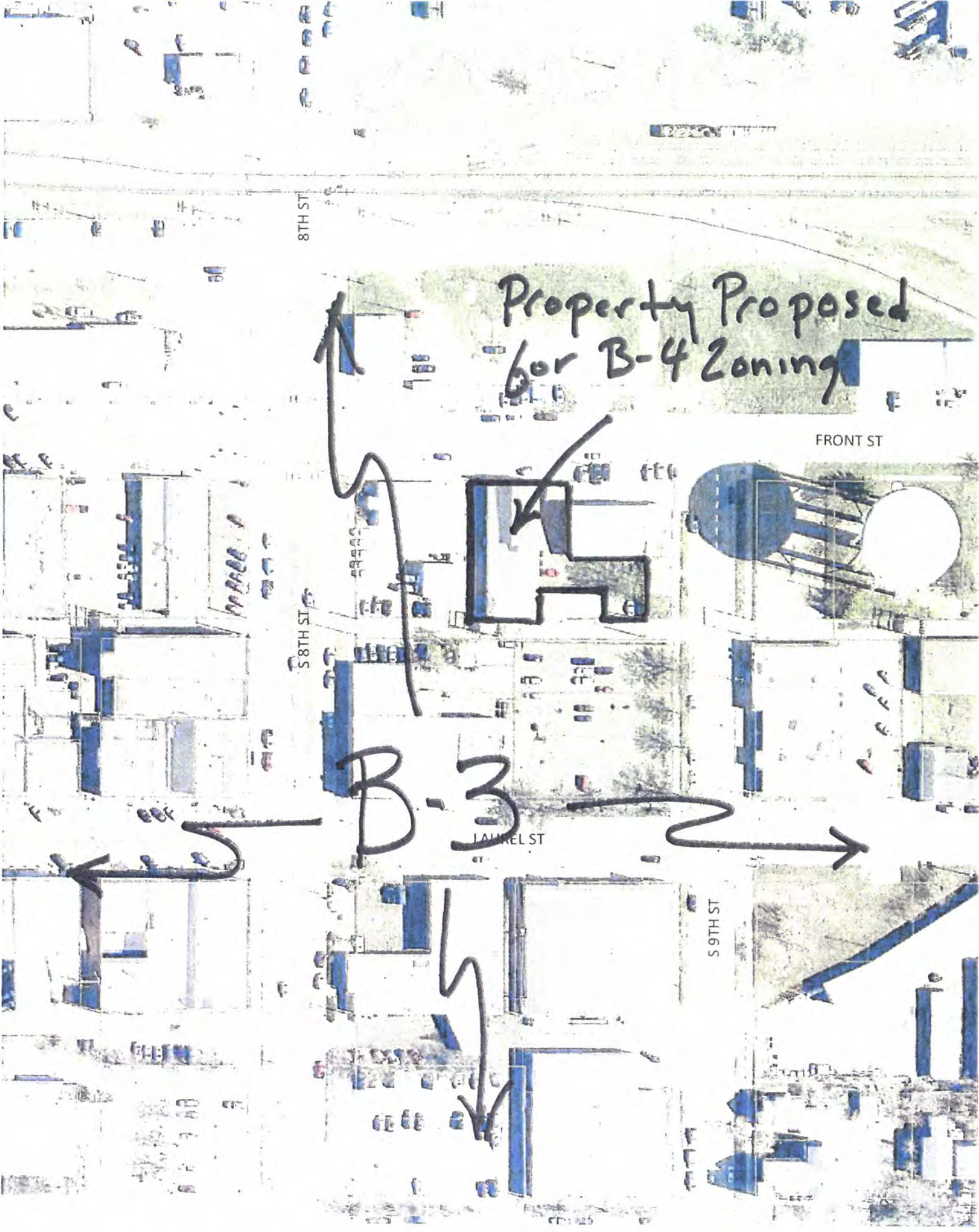
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its June 15, 2016 meeting. The City Council can receive the Planning Commission recommendation and can consider an Ordinance First Reading on June 20, 2016 and can consider the Ordinance Second Reading on Tuesday July 5, 2016.

Respectfully submitted,



Mark Ostgarden AICP
City Planner



8TH ST

Property Proposed
for B-4 Zoning

FRONT ST

S 8TH ST

B-3

LAUREL ST

S 9TH ST