

CITY COUNCIL AGENDA

Brainerd, Minnesota
TUESDAY, July 5, 2016
7:30 P.M.
Brainerd City Hall
Council Chambers

Showcasing Brainerd – 7:15 P.M.

**Brainerd Armory, 194th Regiment
Larry Osvold**

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

1. Call to Order – 7:30 P.M.
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 be ADOPTED BY ROLL CALL
 - A. Approval of the Minutes of the Regular Meeting held on June 20, 2016 as distributed
 - B. Approval of Licenses – (See Attachment)
 1. Contractor's Licenses – 3 – Renewals
 - C. Department Activity Reports – (See Attachments)
 1. Mayor
 2. Fire Chief
 3. Park Director
 - D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Minnesota Darkhouse & Angling Association Brainerd Area for a Raffle to be held on October 29, 2016 at the Brainerd American Legion, 708 Front Street – Approval of

6. Presentations:

1. Jeff Czczok, Charter Commission – 5 Minutes
2. Dan Hegstad, Brainerd Rotary Club – 5 Minutes
3. 2015 Audit, CliftonLarsonAllen – 12 Minutes

7. Council Committee Reports

A. Safety and Public Works Committee Report

1. IMP 16-04 – 2017 Patching Project – Voice Vote
2. IMP 14-15 – Airport Utility Extension – Change Order #2
3. 2017 Transit Agreement – Adopt Resolution by Roll Call
4. Tree Vandalism on College Drive – Direction Requested
5. College Drive Roundabout Landscape Maintenance – Voice Vote

B. Personnel and Finance Committee Report

1. Bills & Payments to Contractors – Approve by Roll Call Vote

Contractor	IMP #	Project	Amount	Total Retained
Anderson Brothers Const.	15-06	Lum Park Rain Garden	\$ 4,967.23	\$0
Braun Intertec	14-15	Airport Utility Extension	\$ 4,336.25	\$0
S.E.H.	14-15	Airport Utility Extension	\$87,588.21	\$0

2. Update on Pueringer Solar Panel Project – Discussion Item
3. 2017 Budget – Discussion Item
4. Council/BPU Health Insurance – Discussion Item
5. Facility Committee Update – Voice Vote
6. Council Chamber Audio Visual Equipment Discussion – Voice Vote

8. Unfinished Business

A. Public Hearing – Final Reading of Proposed Ordinance No. 1453 – An Ordinance Amending Brainerd City Code Section 900 – Animal Control – City Administrator Thoreen Recommends Dispensing with the Actual Reading:

1. Hold Public Hearing
2. Hold Final Reading of Ordinance – Voice Vote
3. Adopt Ordinance by Roll Call Vote

B. Public Hearing – Final Reading of Proposed Ordinance No. 1454 – An Ordinance Amending Brainerd City Code Section 1010 – Licensing Fees – City Administrator Thoreen Recommends Dispensing with the Actual Reading:

1. Hold Public Hearing
2. Hold Final Reading of Ordinance – *Voice Vote*
3. Adopt Ordinance by *Roll Call Vote*

C. Public Hearing – Final Reading of Proposed Ordinance No. 1455 – An Ordinance Deleting Section 820 re Public Phone Booths – City Administrator Thoreen Recommends Dispensing with the Actual Reading:

1. Hold Public Hearing
2. Hold Final Reading of Ordinance – *Voice Vote*
3. Adopt Ordinance by *Roll Call Vote*

D. 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. Smoking and Tobacco Use Policy – Discussion Item/Voice Vote

B. Proposed Ordinance No. 1457 – Annexation of Robert & Andrea Marohn Property at 11427 Easy Street, PID #811080000590009 – Hold First Reading of Ordinance and Set Public Hearing – Voice Vote

C. Renewal of Contract – State of MN DHS/Quality Enterprises – For Paper Shredding of City Hall Documents – Voice Vote

D. Police Department – MOU with CLC for Sexual Assault Matters – Adopt Resolution by Roll Call Vote

E. Regional Park Dedication and Master Plan Submission – “Brainerd Riverfront Regional Park” – Adopt Resolution by Roll Call Vote

10. Planning Commission

A. Variance – Request from Erich Jenkins for a Variance to Construct an Accessory Building with a Commercial Steel Roof to Match the Roof of the Dwelling on the Property that is No Standing Seam in Design – Voice Vote

B. Conditional Use Permit – Request from Land and Lease Development LLC, on Behalf of Josh Imgrund, for 2 Conditional Use Permits for its Property at 303 W Washington Street; Auto Sales and Vehicle Repair – 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 6:30 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"

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 noted 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.

Council Member Bevans requested that Item B3 from the Consent Calendar (Secondhand Automobile License) be moved to the Safety and Public Works Committee for discussion.

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

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO ADOPT THE CONSENT CALENDAR AS AMENDED.

- A. Approval of the Minutes of the Regular Meeting held on June 06, 2016, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 1 – New
 - 2. Contractor's Licenses – 4 – Renewals
- C. Department Activity Reports – Approved**
 - 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 – Approved**
- 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 – Approved**
- F. Police Department – Resolution No. 25:16 Adopted – 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**

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

Presentation: Nancy Williams, Kids Day Follow-up

The Chair recognized Ms. Nancy Williams, owner of Fancy Pants Chocolates and coordinator of the children's parade which took place during last week's History Week celebration. She showed a video of the 65+ kids that took part in the parade held downtown which featured Brainerd Mayor Ed Menk as Paul Bunyan. The Chair thanked her for her presentation.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills, Transfers & Payments to Contractors – Approved

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

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO APPROVE THE PAYMENT OF BILLS, TRANSFER OF FUNDS AND PAYMENTS TO CONTRACTORS AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

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

2017 Budget Discussion – No Action Taken

Committee Chair Koep reported that there is no action out of Committee. Council discussion was held.

Election Judge Pay Discussion – Leave Rate of Pay for Election Judges "As Is" for 2016 Election – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO LEAVE THE RATE OF PAY FOR ELECTION JUDGES "AS IS" FOR THE 2016 ELECTION.

Safety and Public Works Committee Report

Out-of-State Travel Request – Transit Coordinator Stone – Authorize Request with a 15% Local Match of up to \$350 to be paid from the Transit Fund – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE OUT-OF-STATE TRAVEL REQUEST FOR TRANSIT COORDINATOR STONE WITH A 15% LOCAL MATCH OF UP TO \$350 TO BE PAID FROM THE TRANSIT FUND.

Improvement 16-03 – 2016 Chip Seal – Final Payment – Informational

Committee Chair Bevans reported that this payment was approved in Personnel and Finance Committee Agenda item 1: Approval of Payment of Bills, Transfers and Contractor Payments.

Improvement 14-15 – Airport Utility Extension – Request from Mr. Richard Cahoon to Add an Outside Drop Sanitary Sewer Manhole Modification to the Airport Utility Extension Project at His Expense with the Cost of Approximately \$4,700 to be paid in Advance – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE REQUEST FROM MR. RICHARD CAHOON TO ADD AN OUTSIDE DROP SANITARY SEWER MANHOLE MODIFICATION TO THE AIRPORT UTILITY EXTENSION PROJECT AT HIS EXPENSE WITH THE COST OF APPROXIMATELY \$4,700 TO BE PAID IN ADVANCE.

2017 Construction Update – Direct Staff to Develop Feasibility Report for 2017 Projects as Identified with the Addition of Buffalo Hills West of Greenwood – Approved

A memo from City Engineer Hulsether was included in the Packet stating that based on MnDOT's letting date being pushed back, construction projects have been shuffled; a 5-year capital program draft with a 6th year temporarily included was attached. Projects being proposed to be advanced into 2017 include (State Aid projects are underlined):

- Imp 14-03 – Jackson St from City Limits to NW 4th St – FDR
- Imp 14-01 – Oak St from S 6th St to SE 19th St – Mill & Overlay
- Imp 15-12 – S 6th St EFR – Wright St to 117 – Reconstruction
- H St from 8th Ave to 13th Ave – 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 St – Charles to Washington - Resurfacing

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DIRECT STAFF TO DEVELOP A FEASIBILITY REPORT FOR 2017 CONSTRUCTION PROJECTS AS IDENTIFIED WITH THE ADDITION OF BUFFALO HILLS WEST OF GREENWOOD.

Committee Chair Bevans reported that \$800,000 of the costs will be covered by State Aid and Council discussed recommendations for the feasibility report.

Imgrund Motors:

Request to Conduct Car Sales at 303 W Washington Street Prior to CUP Consideration by Planning Commission on June 29, 2016 and Final Approval of Council on July 5, 2016 – Denied

Allow Vehicles Owned by Imgrund Motors and Parked at 303 W Washington to Remain on Lot until July 5, 2016 Council Determination – Approved

Secondhand Automobile License Contingent Upon Police and Fire Inspections and the Planning Department/City Council Approval of the CUP – Approved

(This item was moved from Consent Calendar and modified)

Committee Chair Bevans reported that Mr. Joshua Imgrund and Mr. Justin Imgrund had appeared before the Safety and Public Works Committee requesting to conduct sales of the cars already located at the leased location of 303 W Washington Street which had formerly been an automobile dealership. The applicants have already applied for a Conditional Use Permit for the purpose of sales and repair at the site which has been scheduled for consideration of the Planning Commission at their special meeting to be held on June 29, 2016; however, to avoid loss of revenue they are requesting to be able to sell cars for the next 15 days.

Council President Scheeler passed the gavel to Vice President Pritschet and announced that he would be abstaining from the discussion or vote based on conflict of interest; he is the listing agent for the former "Imgrund Motors" building in Baxter.

Council discussion was held.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN TO DENY THE REQUEST FROM IMGRUND MOTORS TO SELL AUTOMOBILES AT 303 W WASHINGTON STREET PRIOR TO CUP CONSIDERATION BY THE PLANNING COMMISSION ON JUNE 29, 2016 AND FINAL APPROVAL BY CITY COUNCIL ON JULY 5, 2016.

Members Johnson, Borkenhagen, Hilgart, Koep, Pritschet and Bevans voted "aye." No member voted "nay." Member Scheeler abstained. The Chair declared the motion carried.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ALLOW THE VEHICLES OWNED BY IMGRUND MOTORS AND PARKED AT 303 W WASHINGTON TO REMAIN ON THE PROPERTY UNTIL THE CITY COUNCIL DETERMINATION OF THE IMGRUND MOTORS' CUP APPLICATION ON JULY 5, 2016.

Members Johnson, Borkenhagen, Hilgart, Koep, Pritschet and Bevans voted "aye." No member voted "nay." Member Scheeler abstained. The Chair declared the motion carried.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO APPROVE THE SECONDHAND AUTOMOBILE SALES LICENSE AS APPLIED FOR BY JOSHUA IMGRUND TO CONDUCT SALES AT 303 W WASHINGTON STREET CONTINGENT UPON POLICE AND FIRE INSPECTIONS AND THE APPROVAL OF THE CUP BY THE CITY COUNCIL ON JULY 5, 2016.

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

Airport Utility Discussion – Informational

(This item was not on the agenda)

Council President Scheeler asked for an update on Airport Utility Extension Connection Procedures.

Assistant City Engineer Paul Sandy reported that a meeting is scheduled this week and the Council will be kept up to date.

Unfinished Business

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 – Approved

The Chair opened the Public Hearing at 8:06 P.M. No one came forward.

The Chair closed the Public Hearing at 8:07 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1452 – AN ORDINANCE AMENDING CITY CODE SECTION 421 – UNIFORM FIRE CODE.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ADOPT ORDINANCE NO. 1452 – AN ORDINANCE AMENDING CITY CODE SECTION 421 – UNIFORM FIRE CODE.

ORDINANCE NO. 1452

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.

Animal Control and Licensing:

Modify Service Agreement with H.A.R.T. – Approve and Authorize Signatures on Amendment to Service Agreement which Permits a Portion of Dog License Fees to be Allocated to H.A.R.T – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE AND AUTHORIZE APPROPRIATE CITY OFFICIALS TO SIGN THE AMENDMENT TO THE SERVICE AGREEMENT BETWEEN THE CITY AND HEARTLAND ANIMAL RESCUE TEAM (H.A.R.T.) WHICH PERMITS A PORTION OF DOG LICENSE FEES TO BE ALLOCATED TO H.A.R.T.

It was clarified that citizens can still license their dogs at City Hall; that this would allow licensing at H.A.R.T. when dogs are being picked up as well.

First Reading – Proposed Ordinance No. 1453 – An Ordinance Amending Brainerd City Code Section 900 – Animal Control – Approved

This amendment to the City Code would remove “distemper” from the required vaccinations and increase licensing fees for dogs.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1453 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900 – ANIMAL CONTROL; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

First Reading – Proposed Ordinance No. 1454 – An Ordinance Amending Brainerd City Code Section 1010 – Licensing Fees – Approved

This amendment would update the dog licensing fee on the City’s fee schedule section of the Code.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1454 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010 – LICENSING FEES; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

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

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1455 – AN ORDINANCE DELETING SECTION 820 – PUBLIC PHONE BOOTHS; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

Splash Pad Development Procedure – Adopt 8 Conditions relating to Operation and Funding of Proposed Splash Pad by Brainerd Parks and Recreation and Authorize Signatures of Proper City Officials on Agreement with Initiative Foundation of Little Falls, MN for the Purposes of Receiving and Disbursing Donations toward Proposed Splash Pad – Approved

A list of 8 guidelines intended to ensure that the Park Board and City Council honor the City Charter requirements regarding Parks operations and funding was attached.

The Chair recognized Ms. Emily Noble, 13760 Five Mile Road and Mr. Dale Parks, 1415 Pine Street, who spoke in favor of the guidelines and requested signature authorization to contract with the Initiative Foundation for the handling of donations.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BORKENHAGEN, DULY CARRIED, TO ADOPT THE 8 CONDITIONS DATED 5/23/2016 RELATING TO BRAINERD PARKS AND RECREATION’S OPERATION AND FUNDING OF A PROPOSED SPLASH PAD IN THE CITY OF BRAINERD; FURTHER, TO AUTHORIZE PROPER CITY OFFICIALS TO

ENTER INTO AN AGREEMENT WITH THE INITIATIVE FOUNDATION, LITTLE FALLS, MN, FOR THE PURPOSES OF RECEIVING AND DISBURSING DONATIONS INTENDED TO CONSTRUCT THE SPLASH PAD ON CITY PARK PROPERTY AT A DATE YET TO BE DETERMINED.

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

NOTE: “New Business” items were moved to the end of the meeting while awaiting bond counsel representation.

Planning Commission

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. – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE VARIANCE SUBMITTED BY DAVID HILL TO CONSTRUCT A 560 SQ. FT. DWELLING ON THE CONFORMING LOT AT 1020 IVY STREET ON WHICH THE MINIMUM ALLOWED DWELLING SIZE IS 750 SQ. FT. BASED ON THE PLANNING COMMISSION RECOMMENDATION AND THE 12 FINDINGS-OF-FACT.

Variance Applications – Submitted by John and Jennifer Berg, 15340 Russell Road – To Construct a Metal Panel Sided Accessory Building with a Ribbed Metal Roof – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE VARIANCE APPLICATIONS SUBMITTED BY JOHN AND JENNIFER BERG TO CONSTRUCT A METAL PANEL SIDED ACCESSORY BUILDING WITH A RIBBED METAL ROOF AT 15340 RUSSELL ROAD BASED ON THE PLANNING COMMISSION RECOMMENDATION, 8 FINDINGS-OF-FACT AND 1 CONDITION.

Rezoning – Request Submitted by Benjamin Larson – To Rezone 814 Front Street from a B-3 (Central Business) District to a B-4 (General Commercial) District – Denied

City Planner Ostgarden reported that the Planning Commission denied approval of the rezoning based on “spot zoning” and not on the license application itself.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND KEOP, DULY CARRIED, TO DENY THE REZONING AS REQUESTED BY BENJAMIN LARSON FOR 814 FRONT STREET FROM A B-3 (CENTRAL BUSINESS) DISTRICT TO A B-4 (GENERAL COMMERCIAL) DISTRICT BASED ON THE PLANNING COMMISSION RECOMMENDATION.

Public Forum: No one appeared for Public Forum.

Staff Reports – Written

(Verbal: Any Updates since Packet)

Finance Director Hillman reported that election judges are needed for the upcoming election.

City Planner Ostgarden reported that a community-wide survey will be taking place which will utilize a body of about 300 panelists; interested citizens should contact City Hall at 218-828-2309 or go to the website at www.ci.brainerd.mn.us

Council Member Reports

Council Member Pritschet reported that Roundhouse Brewery had their grand opening and also that the High School Debate Team did very well in Salt Lake City.

Council Member Koep reported that History Week was very successful and well-attended and that she is enjoying seeing growth in the community's interest in Brainerd's history.

Mayor Menk reported that there will be a celebration for retiring Brainerd Police Sergeant Joy Larson at 3:00 P.M. on June 30, 2016 at the Police Department.

Break

The Council took a break from 8:47 P.M. to 8:57 P.M.

New Business

Sale of 2016A & 2016B Bonds:

Resolution No. 26:16 Adopted – Awarding Sale of GO Utility Revenue Bonds, Series 2016A

The Chair recognized Mr. Paul Steinman, municipal advisor of the City's bond counsel, Springsted, Inc., who introduced the bonds and distributed bid and rating information and answered questions of the Council.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT RESOLUTION NO. 26:16 – A RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION UTILITY REVENUE BONDS, SERIES 2016A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$9,690,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

RESOLUTION NO. 26:16

Upon roll call, members Johnson, Borkenhagen, Hilgart, Koep, Pritschet and Scheeler voted "aye." Member Bevans voted "nay." The Chair declared the motion carried and the resolution adopted.

Resolution No. 27:16 Adopted – Awarding the Sale of GO Equipment Certificates of Indebtedness, Series 2016

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON TO ADOPT RESOLUTION NO. 27:16 – A RESOLUTION AWARDED THE SALE OF GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2016B, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$1,075,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

RESOLUTION NO. 27:16

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.

Adjourn

The Chair adjourned the meeting at 9:03 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
 LICENSED CONTRACTORS
 CITY COUNCIL MEETING
 July 5, 2016
 (3 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
SCHAFER BUILDING MAINTENANCE 6037 85TH STREET NE FOLEY, MN 56329 16-0172	(320) 387-3205	GENL	3/7/2017	12/31/2016	
BARATTO BROTHERS CONSTRUCTION INC 13872 SHAFER RD CROSSLAKE, MN 56442 16-0182	(218) 692-1070	GENL	10/26/2016	12/31/2016	BC322437
MOBILE MAINTENANCE, INC. 505 NE FAIRMONT STREET FRIDLEY, MN 55432 16-0183	(763) 784-7710	MECH	7/22/2016	9/10/2016	MB003511 BC008198 MI605440 PC001159



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MAYOR'S REPORT TO COUNCIL

July 5, 2016

The last two weeks have been somewhat quiet after the Brainerd History Week.

On Friday June 24th I “supervised” the installation of our new Paul Bunyan steel sculpture/ bike rack on the corner of 7th and Laurel. Actually the Street crew did the installation with the help of Mark Ostgarden and Paul Sandy and I was a casual observer.

On Tuesday the 28th I attended the Mid Minnesota Credit Unions 60 year celebration at the Brainerd Industrial Center and they had a huge crowd. The weather was perfect. Later the same evening I attended the Brainerd Noon Rotary “Change of Gavel” on Gull Lake and it was good to see many of our community leaders in attendance.

On Thursday afternoon I will be attending Sergeant Joy Larson’s retirement party where she will be presented with a “Tower Award” for her years of dedicated service to our community. I personally will miss seeing her go about making friends with the City’s residents and businesses. She was always friendly and professional while on and off duty.

I will be #11 in the 4th of July parade. The weather is supposed to be nice and the crowds huge! In the evening I intend to watch the fireworks. After doing fireworks with Dean Kuhn for many years it will feel strange not having him in charge. Dean’s passing has left a big hole in the fireworks community. The people who do the fireworks put in many hours of hard labor to give us the best light show in the Brainerd Lakes area.

My thanks go out to Nancy Cross and her many workers who plan and implement the festivities for our community this 4th of July week.

Ed Menk
Mayor

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: June 30, 2016
Re: June 2016 Fire Department Monthly Report

June has proven to be another busy month at the Brainerd Fire Department. Firework sales inspections were the focus for the first part of the month and equipment testing and training the focus the end of the month.

We provided fire extinguisher training to nearly 250 employees from Bang Printing and Animal Care Center. We also did a fire extinguisher demo at Walmart, which was part of their monthly safety promotions.

Brainerd History week was a great event for us. We were able to have the antique fire truck at two events; the 125th celebration at the Salvation Army and the fundraiser for the Crow Wing County Historical Society at the NP Center.



In June we also did our annual aerial ladder testing, ground ladder testing, and hose testing. I am happy to report both the aerial apparatus passed the testing with just some minor repairs needed. We also tested 15,625 feet of hose of which only 550 feet failed. That represents a failure rate of <1%. Along with the hoses, we tested 412 feet of ground ladders with zero failures.



Aerial apparatus testing



Towards the end of June, the Brainerd Fire Department hosted an Advanced Arson Investigation class. The class was 5 days long and was both classroom and hands-on training. There were 22 people in the class from all over the state and ND. The Brainerd Fire Department had 3 people in the class.

Vehicle Fire Investigation training



We finished up the month with Live Burn training at the same house we used for the arson investigation training. The live burn training is a great opportunity for everyone to get more hands-on training with live fire and more true to live experience with extinguishing house fires. We also started HazMat Operations training which will run into the fall.



Brainerd Fire Coverage Area Incident Report (Includes City of Brainerd)

Structure Fire	2
Dumpster, Outside Rubbish Fire	3
Motor Vehicle Accident with Injuries	3
Extrication from Vehicle	1
Gas Spill	1
Arching Shorted Electrical Equipment	3
Assist other Governmental Agency	3
Canceled Enroute	5
Alarm Activation	7
Carbon Monoxide Alarm	2
<u>Total</u>	<u>30</u>

City of Brainerd Incident Report

Dumpster, Outside Rubbish Fire	2
Arching Shorted Electrical Equipment	2
Assist other Governmental Agency	3
Canceled Enroute	1
Alarm Activation	4
Carbon Monoxide Alarm	2
<u>Total</u>	<u>14</u>

Parks and Recreation Report

July 2016

Submitted by Tony Sailer, Director

- The Park Board directed staff to meet with the splash pad committee to look at potential sites for the splash pad. The group considered Gregory, Lum and Kiwanis parks. Staff and committee members believe Gregory Park would be the best site as it is flat, has a restroom, and also has existing water and electric sources. The southeast corner of Gregory Park is mostly neighbored by churches. While Lum Park has existing restrooms, water and electric, much of the park is sloped with few level areas and the disc golf course traverses those areas. Kiwanis Park has restrooms, water and electric, but the area near the restrooms affords no space for a splash pad and there is no space near the dog park. Other parks that have restrooms do not have adequate space for a splash pad as these parks each have ball fields covering much of the park area.

The Park Board, on a 4-1 vote, approved the southeast corner of Gregory Park as the splash pad site pending a public input meeting which will take place from 7-8 p.m. on Tuesday, July 19, at the Brainerd Fire Department meeting room on Laurel Street.

- In 2004 the Park Board approved placing a no wake zone buoy near the Rice Lake boat ramp in Lum Park. The City applied for a no wake zone from Crow Wing County, which was not approved. Crow Wing County has jurisdiction over the waters. A no wake zone buoy was placed by Park staff until 2014 when the buoy was no longer usable. Staff contacted the Crow Wing County Boat and Water Department in the spring of 2015 and were told the county never approved a no wake zone buoy at the site. Therefore, a replacement buoy was never purchased. It was also determined that whoever places a non-approved buoy in public waters would be held liable should an incident arise.

Marty Johnson, who lives across from Lum Park, asked staff why a buoy was no longer in place near the boat ramp. While an individual, association or the City could place a buoy in Rice Lake, enforcement officials could only issue warnings to violators since it is not a county or state approved site. A League of Minnesota City's representative said the City could get liability insurance if the buoy was placed by the City, but recommended that "this is a county issue and we don't want to take on the liability issue."

Since the City does not have jurisdiction over the waters and could be held liable if a buoy was placed without a County ordinance and approved by the state, the Park Board voted not to place a no wake zone buoy near the Rice Lake boat ramp. Lawrence Severt, president of the Rice Lake Association, has applied for a no wake zone buoy. In the meantime, the association is looking into purchasing a sign requesting boats to consider the area as a no wake zone.

- Someone used what appears to be a machete and chopped down 12 trees in Kiwanis Park and along College Drive in June. Charges have been filed against two individuals. Staff is working with the Engineering Department to determine tree replacement costs and an invoice will be submitted to the Crow Wing County attorney. There is a \$5,000 deductible and insurance only covers trees along the roadway and those within 100 feet of park buildings.

- An individual from Maple Grove was arrested following a complaint at the 11 & Under and 13 & Under state baseball qualifiers on June 18 at Bane Park after a report from parents that an unknown man had repeatedly followed youth into the restroom. The 28-year-old male was charged with interfering with the privacy of a minor under 18 (a felony); interfering with privacy at hotel, tan booth, or other place – gaze, stare or peep in window or aperture (a gross misdemeanor); and disorderly conduct-offensive/abusive/noisy/obscene (a misdemeanor). Minnesota Youth Athletic Services, which oversees the state qualifiers, and each team at the tournament were notified of the arrest and asked to provide any information they may have witnessed regarding the suspect to the Brainerd Police Department.

Alert parents from the Elk River team noticed the individual following players into the restroom and brought the matter to the attention of the Brainerd Police Department who apprehended the suspect shortly thereafter. Players from the Elk River team said they recall seeing the suspect at a tournament in Rogers the weekend prior to the Brainerd tournament.

- The 61st annual Bronco League Mid-Summer Classic and the 17th annual Pony League Mid-Summer Classic will take place at Bane Park on July 5.
- The youth softball Mid-Summer Slam will take place at Buffalo Hills-Lions Park on July 14.
- The Gopher State Tournament of Champions 15 & Under baseball tournament will take place at the Mills, Adamson, Central Lakes College, Forestview and Nisswa fields July 15-17.
- The state softball Masters and Women's state softball tournaments will take place July 30-31 at Memorial and Mill Avenue parks.
- The VFW state baseball tournament will be played at Mills Field on July 29 and Aug. 1-2.
- An ADA compliant curb cut and sidewalk was installed at the Lum Park fishing pier.
- Winner's Trophy and Engraving donated trophies for the Miracle League players.

#6A

On 6/23/2016 4:41 PM, Jim Thoreen wrote:

Hi Eric:

Could you please confirm the ability, authority or prerogative of the City Council to set or change the compensation for members of an HRA.

Chapter 2, Section 15 of the Charter: "The compensation of all elective and appointive officers of the city shall be fixed by a resolution of the City Council as permitted by State Statute."

M.S. 469.011: "Each Commissioner may be paid up to \$75 for attending each regular and special meeting of the authority."

Clearly the law is permissive.

I have not yet discovered in city documents a resolution setting the salary of HRA Board members.

1. Is adoption of a resolution to set the salary in the near term the optimal solution to this apparent dilemma?
2. Do you have other comments or suggestions regarding the salaries of HRA Board members?

Thank you.

Jim

From: Jeff V. Czezok [<mailto:bubbajustice@charter.net>]

Sent: Friday, June 24, 2016 5:18 AM

To: Jim Thoreen

Subject: Re: Clarification of Statute v. Charter

Good morning Jim,

In lieu of going into my disappointments via email communication related to the email you sent to Eric, I am respectfully requesting of you to ask of Eric to simply disregard the email you sent and submit the following information and corresponding question...I'll discuss this with you later, either via phone or in person.

Please copy the text below and submit to Eric:

Eric, The City Charter states:

Chapter 2, Section 15 - "The compensation of all elective and appointive officers of the city shall be fixed by a resolution of the City Council as permitted by State Statute."

State Statute indicates:

M.S. 469.011 - "Each Commissioner may be paid up to \$75 for attending each regular and special meeting of the authority."

As the word used in the statute is "may," and "may" is optional, in this instance, is Charter language given deference over, or does Charter language supersede State Statute?

Thank you, Jim

Please copy me with the email. Thanks, Jeff

From: Jim Thoreen

Sent: Friday, June 24, 2016 7:59 AM

To: Jeff V. Czczok

Cc: Sue Hilgart; Chip Borkenhagen; David Pritschet; Gabe Johnson; Gary Scheeler; Kelly Bevans; Mary Koep ; Edwin Menk ; Eric Quiring

Subject: RE: Clarification of Statute v. Charter

Hi Jeff:

I appreciate your suggestion, but my questions to the city attorney stand as submitted. I'll see how he responds. If you believe my work on your behalf is insufficient, lacking, or inappropriate I suggest you take it up with the City Council.

Jim

From: Eric Quiring

Sent: Friday, June 24, 2016 10:27 AM

To: Jim Thoreen

Subject: RE: Clarification of Statute v. Charter

Jim:

The City Charter grants authority to set the compensation of appointed officers, such as HRA members, by resolution. State law also grants cities the authority to compensate HRA board members up to \$75 per meeting. These two grants of authority are not inconsistent. HRA members are not entitled to be compensated, but the City may choose to do so pursuant to its Charter and applicable state law. The compensation would be limited to no more than \$75 per meeting as set by statute. The Charter does not overrule state statute on this topic, and in fact, specifically limits the authority to compensate "as permitted by State Statute." The general rule under Minnesota law is that when a charter provision is in conflict with statute, the statute prevails and the charter provision is ineffective. *See Nordmarken v. City of Richfield*, 641 N.W.2d 343 (Minn. Ct. App. 2002).

If the City Council desires to compensate HRA members for meetings, it may do so by resolution. Let me know if you have any questions or concerns.

Eric Quiring
City Attorney



Brainerd City Council Agenda Request

bc

Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: 2015 Audit Presentation

☐ 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): Mary Reedy, Principal & Connie Hillman	Estimated Time Needed: 15 minutes
Summary of Issue: Ms. Mary Reedy from CliftonLarsonAllen and Finance Director Hillman will summarize the results of the 2015 audit.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Informational - no action is needed.	
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

6D

Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Presentation by Brainerd Restoration of a new Downtown Bicycle Rack and Recognition of the Central Lakes College Welding Class for the Design and Construction

☒ 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: 10-15 minutes
Summary of Issue: Presentation by Brainerd Restoration of a new downtown bicycle rack, recognition of Brainerd Restoration for the donation and the Central Lakes College welding class for the design and construction.	
Alternatives, Options, Effects on Others/Comments: Attached is a photo of the bike rack. Also attached is a letter from Brainerd Restoration describing the bike rack project. Amy Gray, Brainerd Restoration President, will be at the meeting to present the bike rack and help introduce the CLC welding class instructor and students.	
Recommended Action/Motion: Acceptance of the bike rack and recognition of the work by Brainerd Restoration and the CLC welding class.	
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>	

downtown
ART and FRAME CO.
Artist Supplies

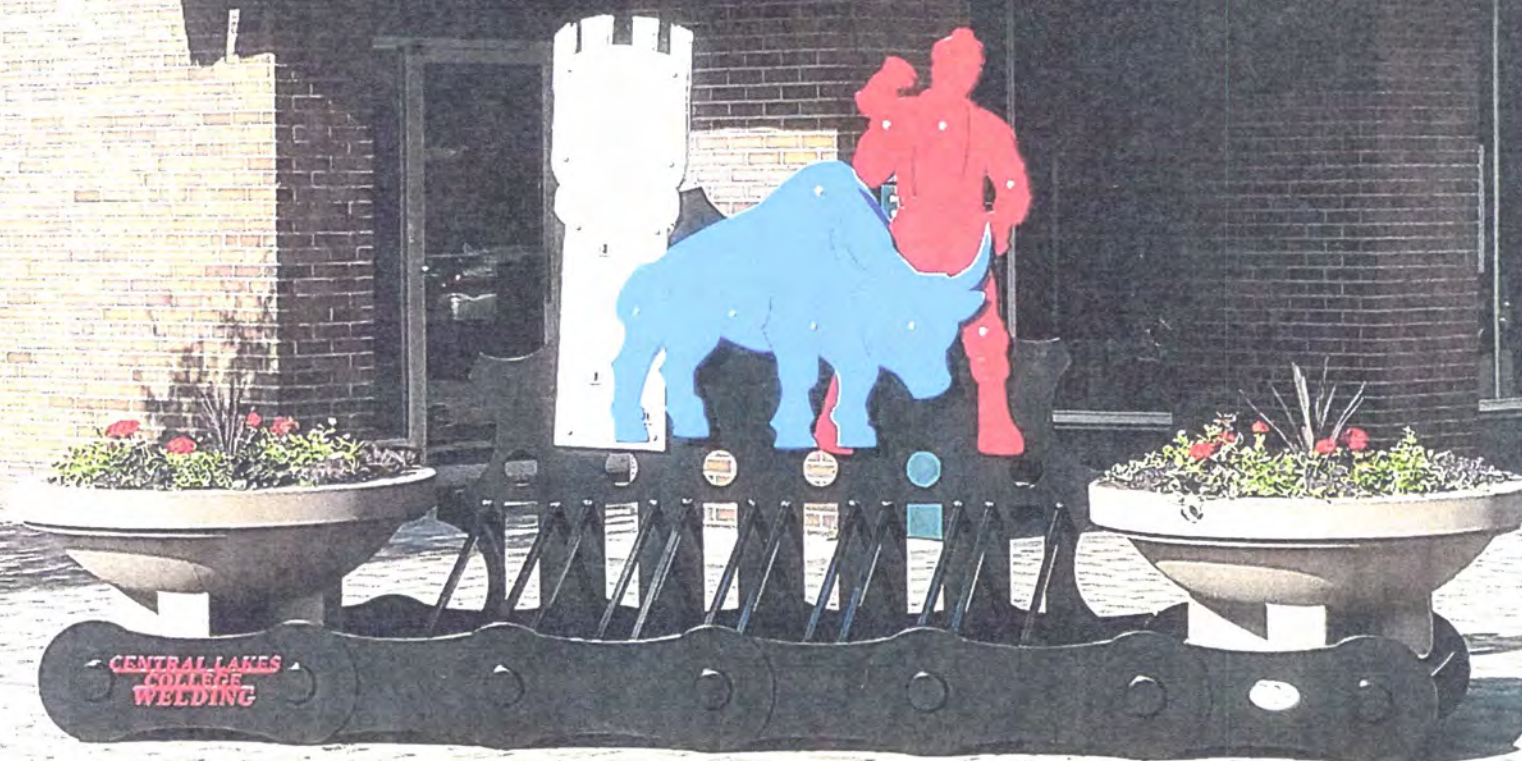
downtown



ART

Professional Picture Framing

Art Instruction



CENTRAL LAKES
LODGING
WELDING

Mark Ostgarden, AICP
City Planner
501 Laurel Street
Brainerd, MN 56401

Re: Bike Rack Project

Mr. Ostgarden,



Brainerd Restoration is a 501(c)(3) charitable organization with a mission of developing a culturally and economically vital, dynamic, and attractive Brainerd business district to visit and work in. Since its inception, Brainerd Restoration has provided funding for a 2002 City of Brainerd Master Plan, historic streetlamps, as well as holiday lighting for the Historic Downtown. In 2015, Brainerd Restoration developed an idea for a project that is consistent with our mission of **building our community through innovation, advocacy and collaboration.**

The project consists of identifying key locations throughout Brainerd where bike racks can be installed to serve a much needed function as well as display the talent of local artists. With the increase of providing pedestrian access throughout Brainerd in recent years, there is a need to provide bike racks for bicyclists at our local businesses. The installation of these bike racks will be consistent with the current efforts of the Brainerd Bikeable City Walkable Committee in their mission to improve walking, biking and skateboarding accessibility in our community. This is a great example of Brainerd Restoration's attempt to collaborate with other local organizations to improve and enhance our community.



Bick rack located in downtown Little Falls, MN.

Brainerd Restoration has reached out to local artists, organizations, Central Lakes College and businesses to discuss the potential of this exciting project and the positive impact it will have in our community. We are pleased to say that this idea has been well received throughout the community and that we are now moving forward with the project!

Central Lakes College has offered to provide time and materials required for this project and will incorporate this project into their Welding & Fabrication program at CLC curriculum. The only financial commitment for Crow Wing County at this time would be to provide installation of the bike rack.

Our vision for this project is for you to have the opportunity to work with Central Lakes College to develop a design that will be on display for the community to experience as they frequent your establishment. There are no



SW Corner of Laurel Street and 7th Street.

preconceived designs for the bike rack, however you will see an example of a 2-dimensional image on the next page that can be fabricated by the CLC Welding & Fabrication program through the use of their equipment and technology.

Brainerd Restoration will coordinate a press release for this project to highlight the collaborative process between all artists, businesses and organizations involved. This will not only draw attention to the additional bike racks throughout our community, it will also demonstrate how local artists, businesses and organizations can work together to enhance our community through innovation and advocacy.



City of Brainerd map highlighting potential bike rack locations.

We anticipate that this project will begin in the spring of 2016 with an initial meeting between you and CLC to determine the design for your bike rack. The design and fabrication will proceed soon with an anticipated installation date that will coincide with the 27th Annual Tour of Lakes Bicycle Ride scheduled for June 4, 2016.

Brainerd Restoration is very excited to proceed with this project and talking in more detail about your potential participation with this project! Please feel free to contact me with any further questions.

Sincerely,

Amy Gray, Brainerd Restoration President
amy@positiverealty.com



Potential concept for Downtown Brainerd bike rack.

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

**TUESDAY, July 5, 2016
7:00 P.M.
City Council Chambers**

- 1. IMP 16-04 – 2017 Patching Project**
- 2. IMP 14-15 – Airport Utility Extension – Change Order #2**
- 3. Transit Resolution**
- 4. College Drive Trees**
- 5. College Drive Roundabout Landscape Maintenance**



Brainerd City Council Agenda Request

SPW
#1

Agenda Item #

Requested Meeting Date: 07/05/2016

Title of Item: Improvement 16-04 - 2016 Patching Project

☐ 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: Paul Sandy	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 Minutes
Summary of Issue: Quotes were solicited for Improvement 16-04 - 2016 Street Patching Project. As you recall from previous council meetings, we quote patching work every year to contractors for fixing some of our streets with high maintenance and pothole patching costs and that are not in our 5 capital improvement plan. This lengthens the life cycle of these streets by repairing the bad areas before they completely fall apart.	
Alternatives, Options, Effects on Others/Comments: One quote was received from Anderson Brothers. The quote is based on unit pricing for removals, Class 5 gravel, and bituminous pavement. The prices received were \$4.86/SY for removals, \$39.14/Ton for Class 5 gravel, and \$91.82/Ton for the bituminous pavement. With all of the estimate areas of the patch locations included, it is estimated the total project would be around \$33,000.	
Recommended Action/Motion: Accept the quote from Anderson Brothers for the 2016 Patching Project at a total project construction cost not to exceed \$20,000.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>\$20,000</u> Is this budgeted? ☒ Yes ☐ No This is part of the 5 year CIP every year for maintenance. <u>Please Explain:</u>	



Anderson Brothers Construction Company of Brainerd, LLC

P.O. Box 668

Brainerd, MN 56401

218-829-1768 • Fax 218-829-7607

Building Our Communities Since 1940

An Equal Opportunity Employer

June 16, 2016

RE: City Improvement #16-04 2016 Street Patching

Below is our quote pricing for the 2016 patch locations:

Removals	\$4.86/sy
Class 5	\$39.14/ton
SPWEB240B	\$91.82/ton

Please call with any questions. Chris Larson 820-9947

Thanks,
Chris Larson
Project Manager



Brainerd City Council Agenda Request

SPW
#2

Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Improvement 14-15, Airport Utility Extension - Change Order #2

☐ 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 proposed Change Order #2 for the airport utility extension project. The change order documents an adjustment in lump sum prices for jack/bore operations at the locations where utilities are crossing T.H. 210.	
Alternatives, Options, Effects on Others/Comments: There are both positive and negative adjustments associated with this change order. There is an increase in cost due to additional length of some of the jack bores that were necessary to avoid private utility disturbances/relocations and there is a decrease in cost from a value engineering request from the contractor to reduce the diameter of the carrier pipes for the 8 inch water main crossings. The net value of the change order is a decrease in the contract cost of \$775.00.	
Recommended Action/Motion: Staff is recommending approval of change order number 2 which provides for a decrease in contract cost of \$775.00	
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>	

CHANGE ORDER NO. 2

OWNER	City of Brainerd, Minnesota	DATE	June 21, 2016
CONTRACTOR	Tom's Backhoe Service		
ENGINEER	SEH		
Project	2016 Brainerd Airport Utilities Extension	OWNER's No.	14-15
SEH No.	BRDMN 131759	WSN No.	0101B0042.002

You are directed to make the following changes in the Contract Documents:

Description: Add additional footage to jack bore crossings and apply value engineering credit for reduced casing diameter at 8-inch water main carrier pipe crossing locations.

ITEM	DESCRIPTION	UNIT	UNIT COST	QUANTITY	AMOUNT
228	ADDITIONAL JACK BORE STEEL CASING PIPE FOOTAGE (PROJECT AREA 1)	LIN FT	\$275.00	25.00	\$6,875.00
229	VALUE ENGINEERING PROPOSAL CREDIT TO DECREASE JACK BORE STEEL CASING PIPE DIAMETER AT ALL 8-INCH WATER MAIN CARRIER PIPE CROSSINGS	LUMP SUM	(\$7,650.00)	1.00	(\$7,650.00)
TOTAL					(\$775.00)

Reason for Change Order: During construction the Engineer determined that it is necessary to modify the jack bore steel casings under TH 210 to avoid private utility conflicts in MnDOT right of way as follows: lengthen casings at the Wonderland Park Road cul-de-sac, Jordan Road, and the TH 210 crossing near the airport and shorten the casings at Pine Shores Road and future crossing at Station 73+25. After thorough in-field review with the Contractor and private utility representatives, it was determined there is no cost effective way to relocate the utilities in conflict. The Contract Documents call for jack bore work to be paid for by lump sum unit price at each crossing location. Thus, there are no provisions for additional casing footage. Also, the Contractor submitted a value engineering proposal to reduce the jack bore steel casing diameters from planned 24-inch to 16-inch at all 8-inch water main carrier pipe crossing locations. The Contractor advised his equipment does not require the larger diameter normally preferred by other Contractors. The approval of this Change Order does not relieve the Contractor from any responsibilities relating to lump sum bid items, restoration, utility coordination, traffic controls, erosion controls, or other provisions as set forth in the Contract. The Unit Price includes all costs associated with additional casing and chocks needed, all markup and other incidental costs, and shall be the final unit price for additional casing length determined to be necessary by the Engineer.

Attachments (List of documents supporting change): Drawing Nos. 01C14, 01C18, and 01C19.

ITEM	CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES	
		Substantial Completion	Ready for Final Payment
Original Contract Price:	\$8,591,721.58	10/21/16	12/14/16
Net increase (decrease) from previous Change Order No.1 to 1:	\$9,750.00	No Change	No Change
Contract price prior to the Change Order:	\$8,601,471.58	No Change	No Change
Net increase (decrease) of this Change Order:	(\$775.00)	No Change	No Change
Contract price with all approved Change Orders:	\$8,600,696.58	10/21/16	12/14/16

In accordance with the Minnesota Uniform Transaction Act, an electronic signature on this document is binding and afforded the same effect as if the document was signed by hand.

RECOMMENDED:

SEH

416 S. 6th St, Suite 200
Brainerd, MN 56401-3540

By:



Title: Project Manager/Engineer

Date:

6-29-16

RECOMMENDED:

WSN

7804 Industrial Park Road
Baxter, MN 56345-2720

By:

Title:

Date:

APPROVED:

City of Brainerd
501 Laurel Street
Brainerd, MN 56401

By:

Title:

Date:

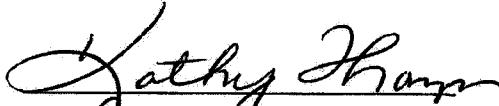
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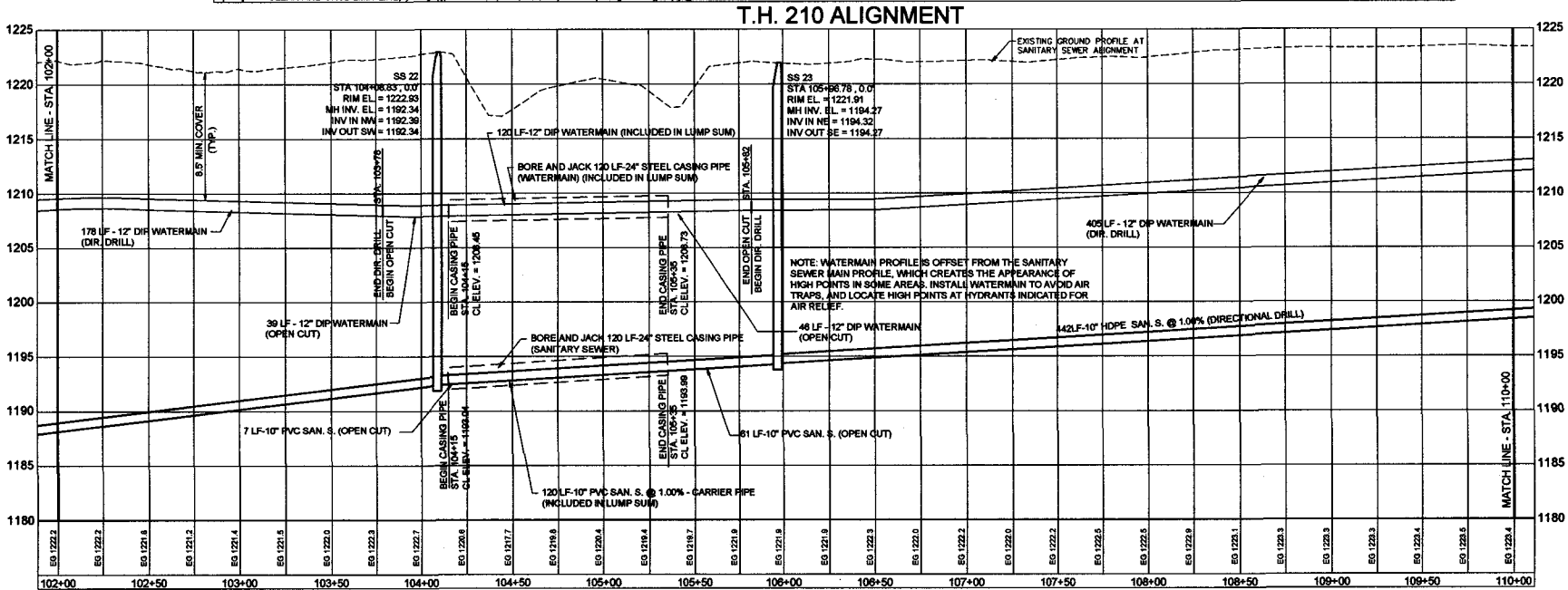
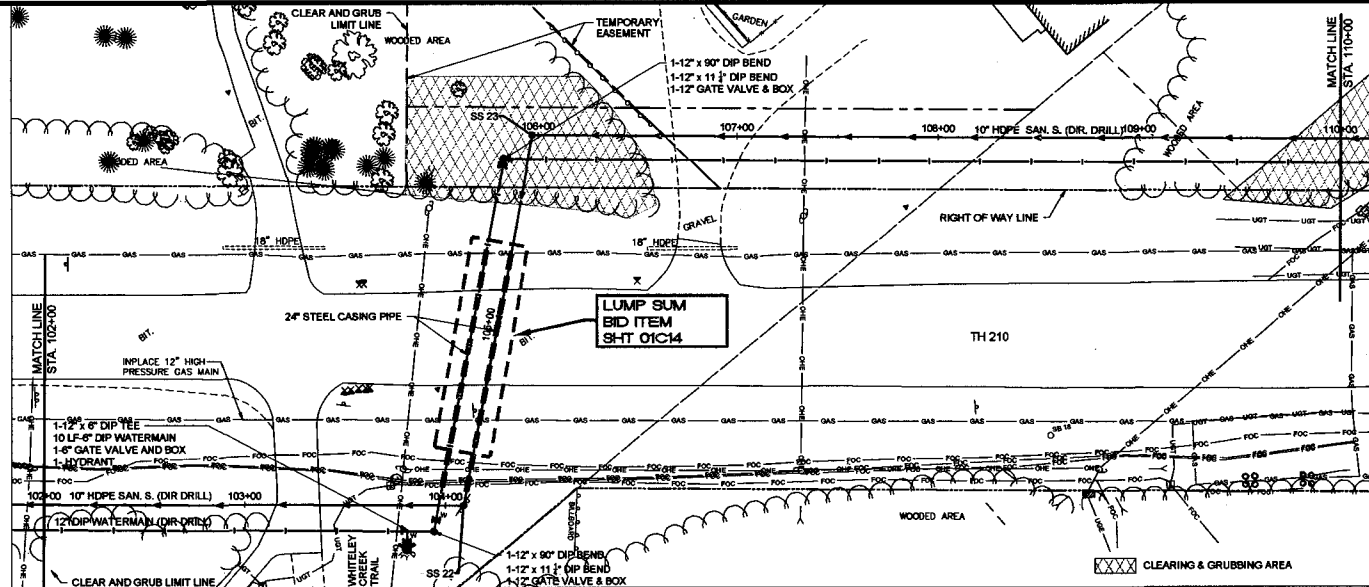
Tom's Backhoe Service
323 Woodland Hills Lane SW
Brainerd, MN 56401-6515

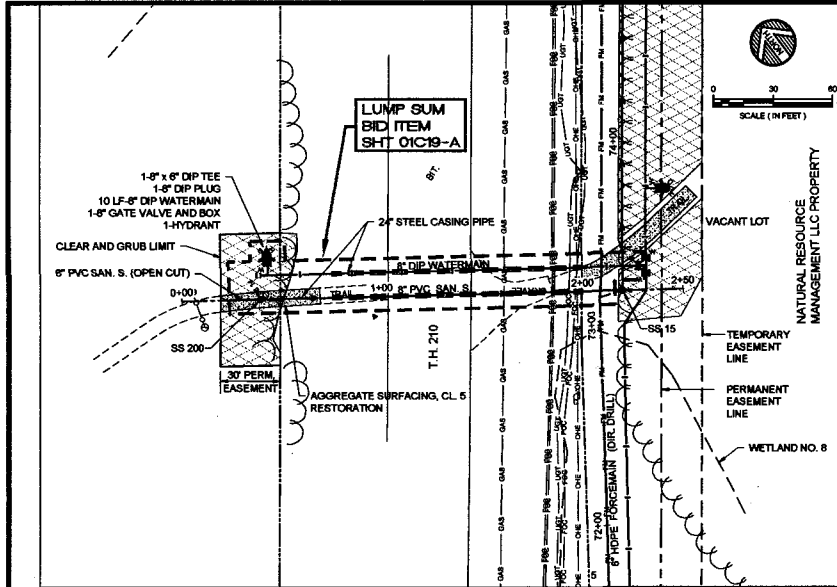
By:

Title:

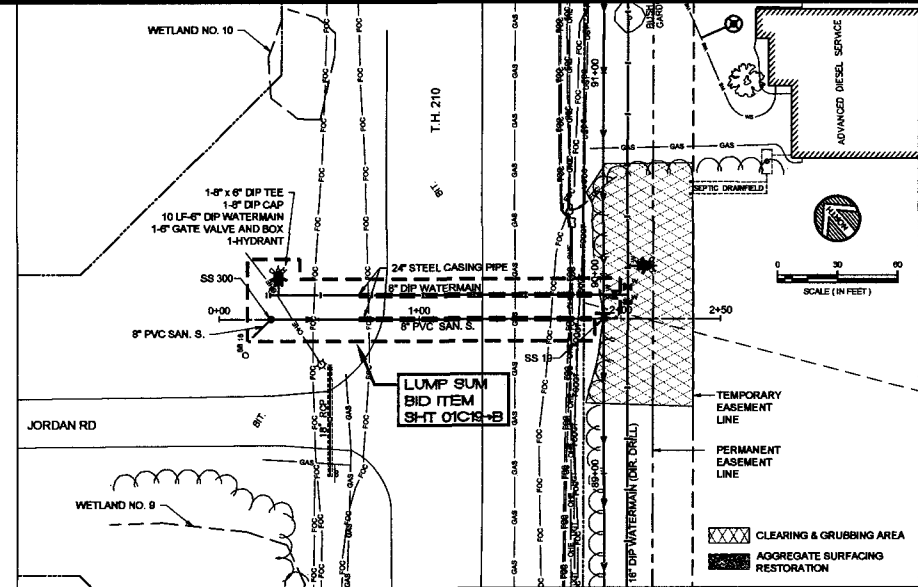
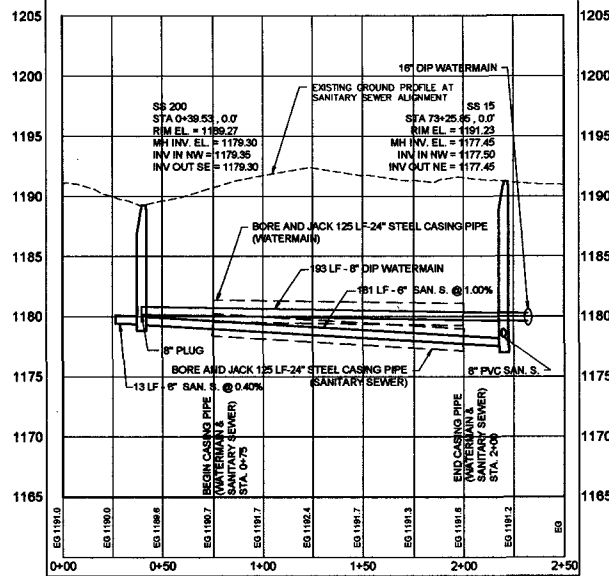
Date:


President
6-29-16

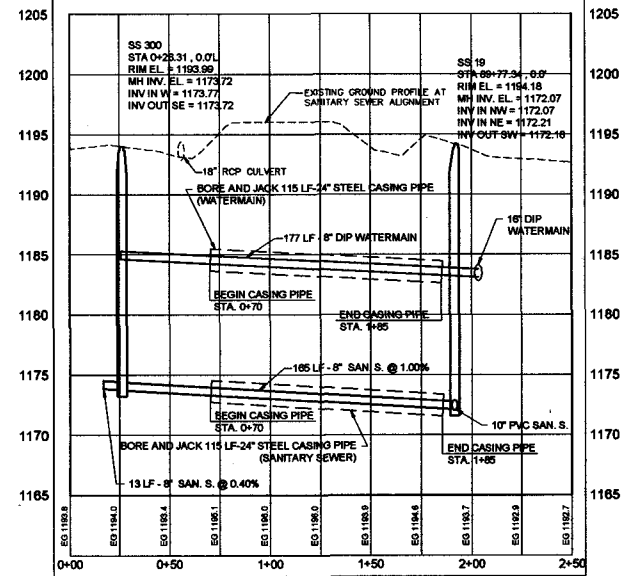




T.H. 210 - WATERMAIN AND SANITARY SEWER CROSSING TO FUTURE ROAD ACCESS



T.H. 210 - JORDAN RD. WATERMAIN AND SANITARY SEWER CROSSING





Brainerd City Council Agenda Request

SPW
3

Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Resolution Authorizing 2017 Transit Agreement

☐ 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: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is a draft Resolution which authorizes the proper city officials to enter into an agreement with Mn/DOT for 2017 transit services.	
Alternatives, Options, Effects on Others/Comments: The Resolution also agrees to provide 15% of total operating costs and 20% of capital costs; agrees to 100% of the costs in excess of the state grant; and authorizes the Transit Coordinator and Accounts Payable Administrative Specialist (Darla) to submit Requests for Funds.	
Recommended Action/Motion: Staff is recommending adoption of the attached Resolution	
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>	

RESOLUTION
NO.

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA TO
PROVIDE PUBLIC TRANSPORTATION SERVICES IN THE YEAR 2017

BE IT RESOLVED, by the City Council of the City of Brainerd to enter into an Agreement with the State of Minnesota to provide public transportation services in Crow Wing County and selected areas of Cass County in 2017; and

BE IT RESOLVED that the City of Brainerd agrees to provide a local share of 15 percent of the total operating cost and 20 percent of the total capital costs; and

BE IT RESOLVED that the City of Brainerd agrees to provide 100 percent of the expenses that exceed funds available from the State pursuant to the approved grant agreement and amendments thereto; and

BE IT RESOLVED that the persons authorized to submit Requests for Funds (RFFs) to the State of Minnesota are the Transit Coordinator and Accounts Payable Administrative Specialist, and

BE IT FURTHER RESOLVED that the City of Brainerd authorizes the Mayor and the City Administrator to execute the aforementioned Agreement and any amendments thereto.

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



Brainerd City Council Agenda Request

SPW
#4
Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Tree Vandalism on College Drive

☐ 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: Over the last couple of weeks there have been 2 instances of tree vandalism in the College Drive corridor and Kiwanis Park which has resulted in the loss of 12 trees, 8 maples and lindens from the street boulevards and median and 3 crab apple and one apple tree within the park. Staff is requesting quotes for the replacement of the trees and for possible restitution.	
Alternatives, Options, Effects on Others/Comments: There are several other trees (8 to 10) primarily along the north side of the corridor that have been the victim of vandalism and which will not mature into desirable boulevard trees. It would be much easier to remove these trees now while they are small and if we are going to replace them, they should be replaced soon so that the size of the new trees are comparable with the existing trees. Staff is requesting direction on how to proceed with tree replacement and is suggesting that Council members take a good look at the remaining trees over the next couple of weeks and then have a discussion about replacement at the July 18th meeting. By then, we will have actual quotes for tree replacement.	
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 <u>Please Explain:</u>	



Brainerd City Council Agenda Request

SPW
#5
Agenda Item #

Requested Meeting Date: JULY 5, 2016

Title of Item: COLLEGE DRIVE ROUNDABOUT LANDSCAPE MAINTENANCE

☐ 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: Staff has been concerned with the maintenance and appearance of the College Drive landscaping, particularly on the roundabouts and splitter islands. With the 4th of July approaching and with the exposure this corridor will have during this holiday, Staff solicited and accepted a proposal from Northwoods Landscaping, the downtown landscape contractor, to weed the roundabouts and splitter islands.	
Alternatives, Options, Effects on Others/Comments: The cost of the weeding on the corridor was very reasonable at \$285 per roundabout and about \$500.00 for all of the splitter islands. The cost is considerable less than what it would have cost to have the work supervised and performed by city crews. When developing the 2017 budget, staff will be considering the development of a maintenance specification and inclusion of funds to contract for this service. For this year, there will be an invoice arriving for this service and staff is recommending that it be paid from the Street and Sewer Repair and Maintenance budget which includes both supplies and labor.	
Recommended Action/Motion: This item is for informational purposes. When the invoice for the service arrives we will process the invoice in the normal fashion through the bill approval process.	
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>	

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

TUESDAY, July 5, 2016
City Hall Conference Room
6:30 P.M.

1. Approval of Bills & Payments to Contractors (from F. Director)

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
Anderson Brothers Const.	15-06	Lum Park Rain Garden	\$ 4,967.23	\$0
Braun Intertec	14-15	Airport Utility Extension	\$ 4,336.25	\$0
S.E.H.	14-15	Airport Utility Extension	\$87,588.21	\$0

2. Update on Pueringer Solar Panel Project
3. 2017 Budget Discussion
4. Council/BPU Health Insurance Discussion
5. Facility Committee Update
6. Council Chamber Audio Visual Equipment Discussion

**COMMITTEES WILL ADJOURN BY 7:15 IN ORDER TO ATTEND "SHOWCASING
BRAINERD" PRESENTATION IN COUNCIL CHAMBERS**

PACKET: 03737 07/05/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE	I-237281	101-49200-3430	MISCELLANEOUS STRAPS FOR HISTORY WEEK BANNER	072351	10.40
01-0087	VISIT BRAINERD	I-MAY 2016	101-49200-3340	LODGING TAX R MAY 2016 LODGING	072418	298.27
01-0203	HOLDEN ELECTRIC	I-43107	101-41940-3300	PROFESSIONAL 3 RECEPTABLES IN LOWER LEVEL	072380	452.13
01-0284	OFFICE SHOP	I-1007009-0	101-41700-2200	OFFICE SUPPLI 2 BOX BLUE PENS, 10 RED GEL PE	072400	19.16
		I-1007009-0	101-42400-2200	OFFICE SUPPLI 2 BOX BLUE PENS, 10 RED GEL PE	072400	19.16
		I-1007009-0	101-41910-2200	OFFICE SUPPLI 2 BOX BLUE PENS, 10 RED GEL PE	072400	19.16
		I-1007336-0	101-42400-2200	OFFICE SUPPLI LOG BOOK	072400	7.29
01-0293	PITNEY BOWES RESERVE AC	I-6/16/16 REFILL	101-15500	PREPAID EXPEN POSTAGE REFILL 6/16/2016	072402	500.00
01-0307	CENTER POINT ENERGY/MIN	I-5942870-6/JUN 16	101-41940-3380	UTILITIES 5/18-6/20 HEAT	072365	45.43
		I-6031615-5/JUN 16	101-41940-3380	UTILITIES 5/18-6/20 HEAT	072365	22.19
01-0332	TRU GREEN	I-232288	101-49200-3430	MISCELLANEOUS CITY HALL GROUNDS TREATMENT	072409	47.38
01-0736	NORTHLAND FIRE PROTECTI	I-22555	101-41940-3300	PROFESSIONAL FIRE EXT RECERT CITY HALL	072397	90.00
01-0925	ERICKSON GREENHOUSE	I-2028	101-49200-3430	MISCELLANEOUS PLANTING CITY HALL	072375	525.00
01-1309	THOREEN, JAMES M.	I-JUNE 2016	101-41400-3330	PROFESSIONAL REIM MILEAGE & PARKING LMC CON	072408	186.20
01-1573	DELL MARKETING LP	I-XJXMR3D56	101-41800-5570	CAPITAL - OFF POWER EDGE R730 SERVER C.H.	072372	8,400.72
01-2220	CITIES DIGITAL	I-38047	101-41800-3309	COMPUTER SUPP LASERFICHE SUPPORT 2016-2017	072366	6,684.00
01-2257	U.S. BANK	I-JUN 16 ADM	101-41400-3330	PROFESSIONAL HR CERT - K. SCHUBERT RECERT	072411	150.00
		I-JUN 16 ADM	101-49200-3430	MISCELLANEOUS INSTY-PRINTS - POSTAGE TO ENTE	072411	26.29
		I-JUN 16 ADM	101-41400-3330	PROFESSIONAL INTERCONTINENTAL - J. THOREEN	072411	513.24
		I-JUN 16 ADM	101-41400-3330	PROFESSIONAL MN SOCIETY OF CPAS - C HILLMAN	072411	129.00
		I-JUN 16 ENG	101-42400-3330	PROFESSIONAL MN HOUSING ASSC - CONF STOCKIN	072411	119.00
		I-JUN 16 ENG	101-42400-3330	PROFESSIONAL DOLI - TESTING FEE STOCKINGER	072411	50.00
		I-JUN 16 PLN	101-41910-3433	DUES & SUBSCR JUNE VISA PURCHASES	072411	20.00

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FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-3181	HARBO MULCH INC					
		I-1622	101-49200-3430	MISCELLANEOUS 18.5 YDS CEDAR CITY HALL LANDS	072379	407.00
01-3469	LAKES AREA MAT SERVICE					
		I-#522: 20160614	101-41940-3410	RENTAL EXPENS #522 CITY HALL RUG SERVICE	072384	49.91
		I-#522: 20160628	101-41940-3410	RENTAL EXPENS #522 CITY HALL RUG SERVICE	072384	49.91
				FUND 101 GENERAL FUND	TOTAL:	18,840.84

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FUND : 203 TRANSIT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-JULY 2016	203-49000-3410	RENTAL EXPENS JULY 15 TRANSIT RENT	072367	500.00
01-0381	STONE, ANDER					
		I-JUNE 2016	203-49000-3330	PROFESSIONAL MILEAGE - TRANSIT WRKSP	072407	196.02
01-2181	IDEAL MARKTING GROUP					
		I-62711	203-49000-3340	ADVERTISING/M TRIPLE AD CWC COMM GUIDE	072381	360.00
				FUND 203 TRANSIT FUND	TOTAL:	1,056.02

PACKET: 03737 07/05/16 COUNCIL

VENDOR SET: 01

FUND : 211 LIBRARY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-237186	211-45500-2220	REPAIR & MAIN GLUE & VELCRO	072351	18.75
01-0102	CANON FINANCIAL SERVICE					
		I-16170567	211-45505-3430	MISC - COPY M CONTRACT CHARGE JUNE	072364	92.98
01-0291	PIKE PLUMBING AND HEATI					
		I-63670	211-45500-3400	REPAIR & MAIN ANNUAL BACKFLOW TESTING	072401	85.00
01-0307	CENTER POINT ENERGY/MIN					
		I-6032449-8/JUN 16	211-45500-3380	UTILITIES 5/18-6/20 HEAT	072365	120.00
01-0344	WASTE PARTNERS INC					
		I-65X01209	211-45500-3430	MISCELLANEOUS GARBAGE SERVICE MAY	072420	70.14
01-1	MISCELLANEOUS VENDOR					
	ALICE LARSON	I-61314/2016	211-45501-3430	MISC - SPECIF ART SUPPLIES - JOHNDAL	072355	41.48
01-1636	SCR - NORTHERN BAXTER					
		I-88638	211-45500-3400	REPAIR & MAIN HVAC CONTROL RESET	072404	208.00
01-2257	U.S. BANK					
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF Groupon - 2 HISTORICAL CANVAS	072411	39.99
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF Groupon - 4 HISTORICAL CANVAS	072411	59.99
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF Groupon - 4 HISTORICAL CANVAS	072411	59.99
		I-JUN 16 LIB	211-45503-3430	MISC - USE OF MYDRIVERSMANUALS - MOTORCYCLE	072411	275.20
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	22.03
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	22.03
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	7.08-
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	7.08-
		I-JUN 16 LIB	211-45503-3430	MISC - USE OF ORIENTAL TRADING - SRP INCENTI	072411	212.88
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF Groupon - 4 HISTORICAL CANVAS	072411	59.99
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF Groupon - 4 HISTORICAL CANVAS	072411	59.99
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF Groupon - 4 HISTORICAL CANVAS	072411	59.99
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF Groupon - 4 HISTORICAL CANVAS	072411	59.99
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	22.03
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	22.03
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	22.03
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	7.08-
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	7.08-
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF CANVASONDEMAND - CANVAS SHIP	072411	7.08-
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF WALMART - VOL1 CORRESPONDENCE	072411	33.15
		I-JUN 16 LIB	211-45505-3430	MISC - COPY M WALMART - COFFEE POT & WATER P	072411	35.82
		I-JUN 16 LIB	211-45503-3430	MISC - USE OF WALMART - SRP HOLDEN EVENT	072411	45.65
		I-JUN 16 LIB	211-45505-3430	MISC - COPY M OFFICE SUPPLY - METAL BOOKENDS	072411	398.75
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF AMAZON - EMERG MAP FRAM STJ	072411	83.80
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF AMAZON - SIGNS FOR EMERG EQUIP	072411	125.41
		I-JUN 16 LIB	211-45501-3430	MISC - SPECIF AMAZON - GOLF FOR SRP	072411	49.00
		I-JUN 16 LIB	211-45503-3430	MISC - USE OF CUB FOODS - REFRESHMENTS LIB A	072411	29.43

6/30/2016 9:43 AM

REGULAR DEPARTMENT PAYMENT REGISTER

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PACKET: 03737 07/05/16 COUNCIL

VENDOR SET: 01

FUND : 211 LIBRARY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-3438	D - D BEVERAGE, LLC					
		I-66546	211-45500-2220	REPAIR & MAIN TISSUE & SOAP	072370	157.30
				FUND 211 LIBRARY FUND	TOTAL:	2,497.43

PACKET: 03737 07/05/16 COUNCIL

VENDOR SET: 01

FUND : 224 DUI FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0888	WEST BRAINERD AUTO SERV					
		I-25671	224-42150-2210	OPERATING EXP TOW: 16008224	072421	45.00
		I-25672	224-42150-2210	OPERATING EXP TOW: 16008356	072421	45.00
		I-27782	224-42150-2210	OPERATING EXP TOW: 16008134	072421	45.00
		I-27960	224-42150-2210	OPERATING EXP TOW: 16007943	072421	90.00

FUND	224	DUI FORFEITURE	TOTAL:	225.00
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PACKET: 03737 07/05/16 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-237393	225-42220-2210	OPERATING SUP RESTROOM CLEANING SUPPLIES	072351	11.74
		I-237432	225-42220-2210	OPERATING SUP FASTENERS	072351	1.18
		I-237628	225-42120-2220	REPAIR & MAIN TOP SOIL AND GRASS SEED	072351	17.61
		I-237679	225-42120-2200	OFFICE SUPPLI SUPER GLUE	072351	12.58
		I-237696	225-42120-2221	SQUAD CAR REP CLOROX WIPES	072351	9.88
01-0049	AUTO VALUE - WEST					
		I-17144681	225-42220-2210	OPERATING SUP SCENE FLOOR DRY	072358	199.80
01-0102	CANON FINANCIAL SERVICE					
		I-16170568	225-42220-3331	LEASED PAYMEN JULY COPIER LEASE	072364	66.23
01-0164	DOOR DOCTOR, THE					
		I-38632	225-42220-2210	OPERATING SUP OVERHEAD DOOR SWITCH	072373	15.00
01-0177	FIRST IMPRESSION PRINTI					
		I-64520	225-42120-2200	OFFICE SUPPLI BUSINESS CARDS - 714	072377	25.00
01-0242	MALLIE LAW OFFICE, PA					
		I-JULY 2016	225-42127-3310	MISDEMEANOR P JULY 2016	072388	14,973.44
01-0265	OFFICE OF ENTERPRISE TE					
		I-W16050714	225-42127-3430	MISC - PROSEC MAY 16 PROSECUTOR PHONE	072399	59.72
01-0273	NAPA AUTO PARTS					
		I-973014	225-42220-2210	OPERATING SUP L2 GREASE	072394	7.54
01-0307	CENTER POINT ENERGY/MIN					
		I-5956221-5/JUN 16	225-42120-3380	UTILITIES 5/18-6/20 HEAT	072365	22.19
		I-6004720-6/JUN 16	225-42220-3380	UTILITIES 5/18-6/20 HEAT	072365	23.57
01-0745	BATTERIES PLUS					
		I-035-310520	225-42220-2210	OPERATING SUP TRAINING ROOM & EXTERIOR BULBS	072359	120.90
01-0883	RUBBELKE, DARYL					
		I-2796	225-42225-2250	PERSONAL PROT REIM GEAR BAG	072403	97.82
01-0888	WEST BRAINERD AUTO SERV					
		I-25670	225-42120-3430	MISCELLANEOUS TOW: 16008166	072421	45.00
01-1815	F.I.R.E. CROSSLAKE					
		I-1892	225-42220-3330	PROFESSIONAL FIRE INVESTIGATION TRAINING	072376	500.00
		I-1917	225-42225-3330	PROFESSIONAL LIVE BURN TRAINING	072376	1,500.00
01-1912	MINNEAPOLIS FINANCE DEP					
		I-400451000174	225-42120-3309	COMPUTER TECH APS COMP SUPPORT 5/16	072392	563.40
01-2137	O'REILLY AUTOMOTIVE STO					

PACKET: 03737 07/05/16 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2137	O'REILLY AUTOMOTIVE STO	continued				
		I-1647-148785	225-42120-2221	SQUAD CAR REP SQD 442 - TAILLIGHT BULB	072398	6.74
		I-1647-149370	225-42120-2221	SQUAD CAR REP SQD 421 - FUSE, ETC.	072398	10.77
01-2158	FORD OF HIBBING					
		I-VIN: 1988-2016	225-42120-5550	CAPITAL - VEH SQD 423 VIN: 1FAHP2MK8GG111988	072378	23,463.00
01-2160	MATT HEINEN'S EMERGENCY					
		I-386	225-42120-5550	CAPITAL - VEH SQD 421 - BUILD UP	072389	1,385.00
		I-392	225-42120-5550	CAPITAL - VEH SQD 422 - BUILD UP	072389	1,050.00
01-2168	NISSWA SIGNS					
		I-8615	225-42220-5550	CAPITAL - VEH 2016 FORD SUV GRAPHICS	072395	93.00
01-2257	U.S. BANK					
		I-JUN 16 FD	225-42220-3309	COMPUTER TECH BEST BUY - 2 IPAD INVISIBLE SH	072411	20.00
		I-JUN 16 FD	225-42220-3435	BOOKS & PAMPH MN BOOKSTORE - FIRE CODE BOOK	072411	237.00
		I-JUN 16 FD	225-42220-2210	OPERATING SUP CUB FOODS - MAIN ST PLANTERS	072411	49.98
		I-JUN 16 PD	225-42120-1113	UNIFORM ALLOW KOHLS - 719 INVESTIGAT UNIFORM	072411	149.99
		I-JUN 16 PD	225-42120-3322	POSTAGE UPS - SHIPPING	072411	111.78
		I-JUN 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	072411	6.47
		I-JUN 16 PD	225-42120-2200	OFFICE SUPPLI MN CO ATTY ASSN - PROP RECPT	072411	154.00
		I-JUN 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	072411	2.20
		I-JUN 16 PD	225-42120-2210	OPERATING SUP BEST BUY - MICROWAVE	072411	139.99
		I-JUN 16 PD	225-42120-2210	OPERATING SUP TRANSUNION - SSN #'S	072411	25.00
		I-JUN 16 PD	225-42120-2221	SQUAD CAR REP ADVANCE AUTO - SQD CAR BULB	072411	34.99
		I-JUN 16 PD	225-42120-3322	POSTAGE POSTMASTER - 200 STAMPS	072411	94.00
		I-JUN 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	072411	6.47
		I-JUN 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	072411	2.20
		I-JUN 16 PD	225-42120-3322	POSTAGE UPS STORE - SHIPPING	072411	21.48
		I-JUN 16 PD	225-42120-2200	OFFICE SUPPLI DOLLAR TREE - HAND SANITIZER	072411	15.00
		I-JUN 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	072411	3.40
01-2924	VERIZON WIRELESS					
		I-9767123163	225-42220-3309	COMPUTER TECH IPAD	072417	279.99
		I-9767123163	225-42220-3321	TELEPHONE SERVICE 5/16-6/15	072417	202.16
01-3018	NORTH COUNTRY JANITORIA					
		I-JUNE 2016	225-42120-3300	PROFESSIONAL JANITORIAL SERVICES	072396	1,000.00
01-3168	MOTORS-N-MORE					
		I-24359	225-42120-2221	SQUAD CAR REP SQD 416 - OIL CHANGE	072393	23.00
		I-24369	225-42120-2221	SQUAD CAR REP SQD 419 - BRAKE REPAIR	072393	479.88
01-3220	DALCO					
		I-3040252	225-42120-2220	REPAIR & MAIN CLEANING & MAINT SUPPLIES	072371	317.27
		I-3040301	225-42120-2220	REPAIR & MAIN CLEANING & MAINT SUPPLIES	072371	113.82
01-3389	CTC I.T.					

PACKET: 03737 07/05/16 COUNCIL
VENDOR SET: 01
FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-3389	CTC I.T.		continued			
		I-4292	225-42120-3309	COMPUTER TECH PORTAL XL IP/VPN TEST	072369	120.00
01-3418	LAKES AREA LOCK & DOOR					
		I-88288	225-42120-2221	SQUAD CAR REP SQD 414 - REKEY	072383	120.00
01-3428	TURFCARE, INC.					
		I-12962	225-42220-3300	PROFESSIONAL NE STATION LAWN CARE	072410	69.70
		I-12973	225-42220-3300	PROFESSIONAL MAIN STATION LAWN CARE	072410	230.00
01-3487	ACTION FLEET INC.					
		I-6061605	225-42220-2220	REPAIR & MAIN T4 LIGHTS	072353	331.50
				FUND 225 PUBLIC SAFETY FUND	TOTAL:	48,642.38

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FUND : 227 RECYCLING FUND

FUND	227	RECYCLING FUND	TOTAL:	100.00
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FUND : 230 PARK & RECREATION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2257	U.S. BANK					
		I-JUN 16 PK	230-45204-2210	OPERATING SUP COUNTRY HEARTH - BUNS	072411	137.34
				FUND 230 PARK & RECREATION FUND	TOTAL:	137.34

PACKET: 03737 07/05/16 COUNCIL

VENDOR SET: 01

FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-237450	235-43100-2220	REPAIR & MAIN WIRE CUP BRUSH	072351	14.39
01-0039	AMERIPRIDE LINEN SERVIC					
		I-2200794159	235-43100-3430	MISCELLANEOUS COVERALLS & MATS LAUNDRY SERV	072356	88.98
		I-2200796670	235-43100-3430	MISCELLANEOUS COVERALLS & LAUNDRY MAT SERV	072356	65.31
01-0077	BRAINERD HYDRAULICS/AIR					
		I-2263	235-43100-2220	REPAIR & MAIN 17 HOSE 2 BRAID 3/8 BOLTS	072361	18.08
01-0307	CENTER POINT ENERGY/MIN					
		I-5974635-4/JUN 16	235-43100-3380	UTILITIES 5/18-6/20 HEAT	072365	45.43
01-0816	BUSH, MARVIN					
		I-JULY 2016	235-43100-3430	MISCELLANEOUS REIM 1/2 COST SAFETY BOOTS	072363	84.50
01-0889	MENARDS - BAXTER					
		I-22275	235-43170-2220	REPAIR & MAIN 8 6V BATTERIES	072390	23.76
		I-22409	235-43170-2220	REPAIR & MAIN FLUORESCENT GREEN CHALK	072390	1.49
		I-23138	235-43170-2220	REPAIR & MAIN FLUORESCENT GREEN CHALK	072390	5.96
01-1205	SILVER STAR INDUSTRIES					
		I-BRD-30779-01	235-43100-2220	REPAIR & MAIN STAINLESS NERF BAR AND LABOR	072406	382.95
01-2257	U.S. BANK					
		I-JUN 16 ENG	235-43100-2240	SMALL TOOLS HOME DEPOT - HAMMER DRILL	072411	259.00
01-2902	ADVANCE AUTO PARTS					
		I-6574617348196	235-43100-2220	REPAIR & MAIN ULTRA BLK HI TEMP RTV 9	072354	15.63
01-3205	CROW WING POWER					
		I-JULY 2016	235-43100-3380	UTILITIES SECURITY LIGHT @ WISE	072368	12.00
01-3394	MIDWEST MACHINERY CO					
		I-1285307	235-43100-2220	REPAIR & MAIN 20 BOLTS, 25 KNIVES, 20 NUTS	072391	88.45
		I-1287338	235-43100-2220	REPAIR & MAIN 24 O-RINGS, 3 SPACERS, 4 GASKE	072391	320.99
			FUND	235 STREET & SEWER FUND	TOTAL:	1,426.92

6/30/2016 9:43 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 13

PACKET: 03737 07/05/16 COUNCIL

VENDOR SET: 01

FUND : 236 PARKING LOT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0086	CITY OF BRAINERD					
		I-Q3 2016	236-43180-3430	MISCELLANEOUS 3D QTR PARKING ADMIN FEE	072367	250.00
				FUND 236 PARKING LOT FUND	TOTAL:	250.00

PACKET: 03737 07/05/16 COUNCIL

VENDOR SET: 01

FUND : 237 SANITARY SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0239	MACQUEEN EQUIPMENT INC					
		I-2163858	237-43190-2220	REPAIR & MAIN 2 CO2 CARTRIDGES	072387	59.23
01-0748	BJERGA FEED STORES					
		I-1104427	237-43190-2220	REPAIR & MAIN 1 GALLON LV-4	072360	34.24
			FUND	237 SANITARY SEWER FUND	TOTAL:	93.47

PACKET: 03737 07/05/16 COUNCIL

VENDOR SET: 01

FUND : 238 STORM SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0349	W W THOMPSON CONCRETE					
		I-1606-650779	238-43160-2220	REPAIR & MAIN 4 SPEC MIX TYPE S MIX	072419	31.60
				FUND 238 STORM SEWER FUND	TOTAL:	31.60

PAGE: 16

FUND : 280 PACKAGE INSURANCE FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
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01-0232 LEAGUE MN CITIES INS TR

I-C0023910

I-C0025438

FUND	280	PACKAGE INSURANCE FUND	TOTAL:	2,000.00
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PAGE: 17

FUND : 400 CAPITAL PROJECTS FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0217	JOHNSON CONTROLS					
		I-39031396	400-49050-5530	CAPITAL - OTH HVAC UPGRADE THRU APRIL	072382	18,396.00
		I-39126597	400-49050-5530	CAPITAL - OTH HVAC UPGRADE THRU MAY	072382	17,074.00
				FUND 400 CAPITAL PROJECTS FUND	TOTAL:	35,470.00

PACKET: 03737 07/05/16 COUNCIL

VENDOR SET: 01

FUND : 401 CONSTRUCTION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0041	ANDERSON BROTHERS CONST	I-451	401-41506-5530	PYMTS TO CONT LUM PARK RAIN GARDENS CONCRETE	072357	4,967.23
01-0317	SHORT ELLIOTT HENDRICKS	I-316703	401-41415-3300	PROFESSIONAL AIRPORT UTIL PROJ THRU 5/28	072405	87,588.21
01-0929	BRAUN INTERTEC CORP	I-B061621	401-41415-3300	PROFESSIONAL MATERIAL TESTING THRU 6/10	072362	4,336.25
01-2257	U.S. BANK	I-JUN 16 ENG	401-41608-3430	MISCELLANEOUS HOME DEPOT - DIGITAL LASER LEV	072411	165.98
			FUND	401 CONSTRUCTION FUND	TOTAL:	97,057.67
				REPORT GRAND TOTAL:		207,828.67

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

MARY KOEP

DAVID PRITSCHET

GABE JOHNSON



Brainerd City Council Agenda Request

P+F
Q
Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Update on Pueringer Solar Panel Project

☐ 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/Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 3 minutes
Summary of Issue: On December 21, 2015, the City Council approved the application for loan funding through the Downtown Revolving Loan fund for roof mounted solar energy panels as applied for by Mr. Pueringer subject to Mr. Puergnger proceeding with the plan as presented. This item appears on the agenda to provide council with an update on the project.	
Alternatives, Options, Effects on Others/Comments: The project has encountered several obstacles that Mr. Pueringer has and is hoping to overcome. The latest is the roof might not be strong enough to hold the panels. The panels themselves are not heavy but the materials used to set the panels may pose a weight issue. Mr. Pueringer is working to resolve this issue and is hoping to still be able to move forward with the project. The City has recently been awarded a new \$650,105 grant through DEED for Downtown Rehabilitation. It is our understanding that we will have to use the funds available either through the Pueringer loan or other projects before we will be able to draw on the new grant.	
Recommended Action/Motion: Update - no action required	
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

P&F
#3

Agenda Item #

Requested Meeting Date: July 5, 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) *provide copy of published hearing notice ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Jim Thoreen/Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): City Administrator/Finance Director	Estimated Time Needed: 10 minutes
Summary of Issue: At the June 20, 2016 council meeting, providing guidelines in preparation the 2017 budget was discussed. Please see that attached memo for a proposed process and timeline.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Hold discussion on the proposed process and timeline, or establish an alternative process for the preparation of the 2017 budget and levy.	
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

July 5, 2016

2017 BUDGET PREPARATION

In accordance with the City Charter and within the scope of discussion offered by the Council on June 20, 2016 the Administrator and Finance Director present the following outline of process, timeline and recommendations:

Process

In conformance with the City Charter the Council President, Chair of Personnel and Finance and the Administrator will confer no later than July 13, 2016 to review and/or draft key elements for the 2017 budget and levy. Attached please find 2016 budget data in summary form. Department Heads will submit requests which conform to Administration directives no later than July 27.

For 2016 the Council heard proposals in Committee-of-Whole. We recommend that same process for the 2017 budget with the provision that the initial work be directed by the three-member Budget Committee noted above. The Administrator offers these recommendations to the Budget Committee and Council as a broad perspective:

- The total levy increase to be no greater than 5%
- Union contract settlements will likely consume much of the levy increase
- Projected health insurance premiums will consume much of the levy increase
- Spend-down of reserves needs to be minimal; avoided if possible
- Short-term debt for equipment replacement is attractive due to low interest rates
- Develop a second year "Ghost Budget" in order to determine '18 priorities
- Explore as a cost-saving measure a proven, self-standing health insurance plan for coming years
- Invest in technology and continuous improvement processes
- Prepare in early '17 a new/revised Capital Improvement Plan

Timeline

- | | |
|---------|---|
| July 13 | Budget Committee completes initial work establishing the key elements for the 2017 Budget and Levy. |
| July 18 | Council to review key elements established by the Committee; Provide direction to staff. |

- August 22 Department Heads may review/supplement budget requests with Committee and/or full Council.
- August 29 Preliminary budget proposal delivered to Council.
- September 6 Council reviews preliminary budget and directs staff.
- September 19 Adoption of preliminary levy (deadline is 9/30) and set public hearing date.
- October – November Refine preliminary budget at staff level.
- December 12 Truth in Taxation Hearing
- December 19 Adopt 2017 levy and budget (deadline is 12/30)

The dates suggested above are for planning purposes and the Council and is subject to Council member availability and staff constraints.

2016 ADOPTED BUDGET RECAP

	REVENUES			EXPENDITURES			
	ESTIMATED		TOTAL	ESTIMATED		TOTAL	
	NON-LEVY	PRELIMINARY	ESTIMATED	EXPENDITURES	CAPITAL		
	REVENUE	TAX LEVY	REVENUE	W/O CAPITAL	REQUESTS	EXPENDITURES	DIFFERENCE
General Fund #101	\$5,176,181	\$2,192,551	\$7,368,732	\$2,065,086		\$2,065,086	\$5,303,646
Transfer to Airport			\$0	\$155,500		\$155,500	(\$155,500)
Transfer to Contingency			\$0	\$2,500		\$2,500	(\$2,500)
Transfer to Capital Replacement			\$0	\$147,060		\$147,060	(\$147,060)
Transfer to IT Capital Fund			\$0	\$20,000		\$20,000	(\$20,000)
Transfer of Fire Savings			\$0	\$275,000		\$275,000	(\$275,000)
Public Safety #225	\$1,402,642	\$46,000	\$1,448,642	\$4,683,983		\$4,683,983	(\$3,235,341)
Transfer to Fire Capital Fund - Per FAB Agreement				\$85,517		\$85,517	(\$85,517)
Transfer to Fire Capital Fund				\$37,000		\$37,000	(\$37,000)
Park #230	\$259,580	\$35,000	\$294,580	\$982,921		\$982,921	(\$688,341)
Transfer to Park Dedication Fund				\$0		\$0	\$0
Street & Sewer Fund #235	\$271,800	\$40,000	\$311,800	\$979,187		\$979,187	(\$667,387)
Transfer in from Parking Fund #2	\$10,000		\$10,000	\$0		\$0	\$10,000
Fund balance Policy		\$0	\$0	\$0		\$0	\$0
SUBTOTAL	\$7,120,203	\$2,313,551	\$9,433,754	\$9,433,754	\$0	\$9,433,754	\$0
OTHER FUNDS							
Capital #400	\$733,000	\$87,000	\$820,000	\$0	\$820,000	\$820,000	\$0
Transit Fund #203	\$1,039,974		\$1,039,974	\$959,974	\$80,000	\$1,039,974	\$0
Library Fund #211	\$3,000	\$141,000	\$144,000	\$138,000	\$6,000	\$144,000	\$0
Recycling Fund #227	\$68,600		\$68,600	\$69,795		\$69,795	(\$1,195)
Parking #236	\$22,000		\$22,000	\$18,154		\$18,154	\$3,846
Transfer to Street & Sewer Fund				\$10,000		\$10,000	(\$10,000)
Sanitary Sewer Fund #237	\$420,000		\$420,000	\$230,903	\$15,000	\$245,903	\$174,097
Transfer to Debt Service Fund				\$49,303		\$49,303	(\$49,303)
Transfer to Construction Fund				\$600,000		\$600,000	(\$600,000)
Storm Sewer Fund #238	\$260,000		\$260,000	\$97,892		\$97,892	\$162,108
Transfer to Debt Service Fund				\$97,720		\$97,720	(\$97,720)
Transfer to Construction Fund				\$30,000		\$30,000	(\$30,000)
Perm Impr Fund #240	\$1,000	\$323,460	\$324,460	\$324,460		\$324,460	\$0
Mayor's Contingency Fund #245	\$2,500		\$2,500	\$2,500		\$2,500	\$0
Hydrant Rent & E.C. #250	\$679,030	\$161,730	\$840,760	\$840,760		\$840,760	\$0
EDA #295	\$1,000	\$114,603	\$115,603	\$112,656		\$112,656	\$2,947
Debt Redemption		\$2,075,916	\$2,075,916	\$2,075,916		\$2,075,916	\$0
Transfer from General Fund			\$0			\$0	\$0
OTHER FUNDS SUBTOTAL	\$3,230,104	\$2,903,709	\$6,133,813	\$5,658,033	\$921,000	\$6,579,033	(\$445,220)
GRAND TOTAL ALL FUNDS	\$10,350,307	\$5,217,260	\$15,567,567	\$15,091,787	\$921,000	\$16,012,787	(\$445,220)

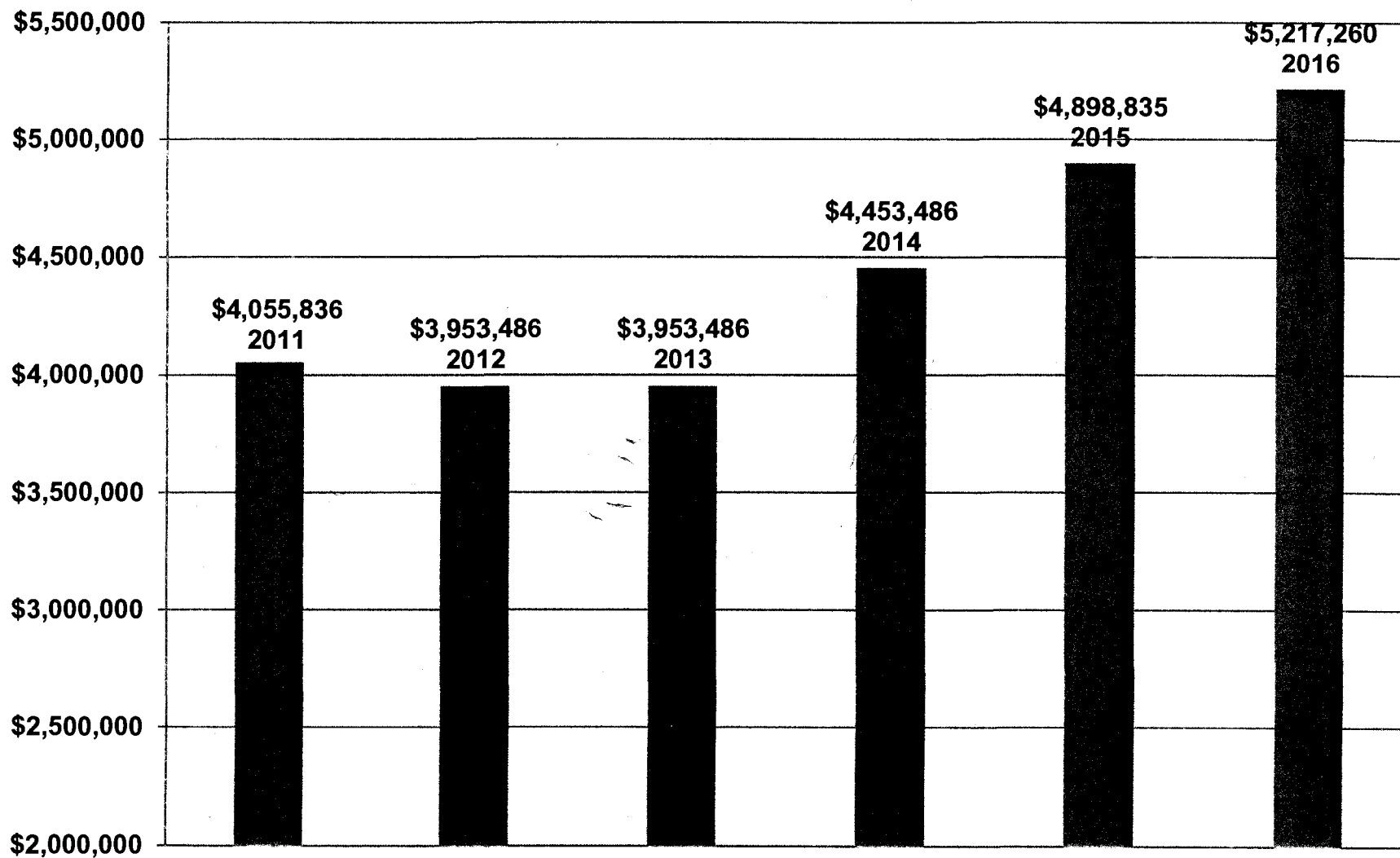
2016 ADOPTED BUDGET AS COMPARED TO 2015 ADOPTED/AMENDED REVENUE

2016 ADOPTED BUDGET AS COMPARED TO 2015 ADOPTED BUDGET										
FUNCTION	PROPERTY TAX	OTHER TAXES	LICENSE & PERMITS	INTERGOV REV	SERVICES & FINES	INTEREST	BPU ENTERPRISE FUNDS	MISC	2016 TOTAL	2015 TOTAL
GENERAL FUND	\$2,192,551	\$273,500	\$311,980	\$4,102,091	\$38,950	\$3,000	\$443,360	\$3,300	\$7,368,732	\$7,360,450
PUBLIC SAFETY	\$46,000	\$1,000		\$455,698	\$862,444		\$75,000	\$8,500	\$1,448,642	\$1,403,992
PARK FUND	\$35,000				\$197,180		\$62,400		\$294,580	\$290,500
S & S FUND	\$40,000	\$1,000					\$260,000	\$20,800	\$321,800	\$337,800
WORKING FUNDS TOTAL	\$2,313,551	\$275,500	\$311,980	\$4,557,789	\$1,098,574	\$3,000	\$840,760	\$32,600	\$9,433,754	\$9,392,742
CAPITAL FUND	\$87,000	\$63,000						\$670,000	\$820,000	\$0
TRANSIT FUND				\$891,300	\$148,674				\$1,039,974	\$1,001,700
LIBRARY FUND	\$141,000	\$3,000							\$144,000	\$144,000
RECYCLING FUND				\$68,000	\$600				\$68,600	\$64,655
PARKING LOT					\$22,000				\$22,000	\$23,000
SANITARY SEWER					\$420,000				\$420,000	\$406,250
STORM SEWER					\$260,000				\$260,000	\$199,000
CONTINGENCY FUND								\$2,500	\$2,500	\$2,500
HYDRANT RENT	\$161,730	\$2,000					\$677,030		\$840,760	\$792,536
EDA FUND	\$114,603	\$1,000							\$115,603	\$116,719
PERM IMPR FUND	\$323,460	\$1,000							\$324,460	\$316,072
DEBT REDEMPTION	\$2,075,916								\$2,075,916	\$1,811,860
2016 GRAND TOTAL	\$5,217,260	\$345,500	\$311,980	\$5,517,089	\$1,949,848	\$3,000	\$1,517,790	\$705,100	\$15,567,567	\$14,271,034
2015 ADOPTED/AMENDED REV	\$4,898,835	\$275,000	\$318,925	\$5,470,626	\$1,853,112	\$3,000	\$1,419,536	\$32,000	\$14,271,034	
INCR (DECR)	\$318,425	\$70,500	(\$6,945)	\$46,463	\$96,736	\$0	\$98,254	\$673,100	\$1,296,533	
% INCR (DECR)	6.50%	25.64%	-2.18%	0.85%	5.22%	0.00%	6.92%	2103.44%	9.09%	

2016 ADOPTED BUDGET EXPENDITURES AS COMPARED TO 2015 BUDGET

FUNCTION	PERSONNEL SERVICES	SUPPLIES	SERVICES	CAPITAL	TRANSFERS OUT	LEVY/STATE PASS-THRU	DEBT SERVICE	2016 TOTAL	2015 Amended BUDGET
MAYOR & COUNCIL	\$121,953	\$50	\$2,700					\$124,703	\$125,074
ADMINISTRATION	\$484,110	\$5,300	\$24,806					\$514,216	\$511,336
ELECTIONS	\$25,400	\$400	\$3,000					\$28,800	\$0
LEGAL			\$85,000					\$85,000	\$90,600
ENGINEERING	\$60,747	\$800	\$7,304					\$68,851	\$76,403
IT/GIS	\$105,024	\$700	\$66,838					\$172,562	\$135,513
PLANNING	\$138,951	\$300	\$8,557					\$147,808	\$133,379
CITY HALL		\$14,700	\$87,313					\$82,013	\$91,573
INSPECTIONS	\$349,001	\$4,200	\$25,200					\$378,401	\$367,564
UNALLOCATED		\$600	\$219,537		\$600,060	\$242,595		\$1,062,792	\$811,823
GENERAL FUND TOTALS	\$1,285,188	\$27,050	\$510,255	\$0	\$600,060	\$242,595	\$0	\$2,665,146	\$2,343,265
POLICE DEPT	\$2,981,181	\$114,000	\$204,982					\$3,280,173	\$3,163,075
COMMUNITY SERVICE	\$33,091							\$33,091	\$31,091
BOMB DISPOSAL/HAZ MAT			\$500					\$500	\$500
BIKE PATROL			\$350					\$350	\$300
K9 PROGRAM			\$2,500					\$2,500	\$1,500
SAFE & SOBER	\$4,000							\$4,000	\$4,000
TACTICAL TEAM			\$5,000					\$5,000	\$5,000
MISDEMEANOR PROSECUTOR			\$185,682					\$185,682	\$181,159
FIRE DEPT	\$373,347	\$109,500	\$106,792		\$122,517			\$712,156	\$917,970
PAID ON-CALL FIRE DEPT	\$232,198		\$11,000					\$243,198	\$179,579
FIRE BENEFIT ASSC			\$58,850			\$208,000		\$264,850	\$250,500
CIVIL DEFENSE			\$6,000					\$6,000	\$6,000
ANIMAL CONTROL			\$69,000					\$69,000	\$69,000
PUBLIC SAFETY TOTAL	\$3,603,817	\$223,500	\$650,686	\$0	\$122,517	\$208,000	\$0	\$4,806,500	\$4,809,874
PARKS MAINTENANCE	\$678,622	\$83,500	\$101,408					\$843,530	\$804,996
PARK PROGRAMS	\$68,741	\$67,850	\$3,000					\$139,391	\$127,100
PARK FUND TOTAL	\$747,363	\$131,150	\$104,408	\$0	\$0	\$0	\$0	\$982,921	\$932,096
STREET & SEWER	\$457,749	\$81,200	\$308,493					\$827,442	\$815,122
SNOW REMOVAL		\$55,000	\$30,000					\$85,000	\$90,000
TRAFFIC CONTROL	\$48,145	\$18,600						\$66,745	\$51,745
STREET & SEWER TOTAL	\$505,894	\$134,800	\$338,493	\$0	\$0	\$0	\$0	\$979,187	\$956,867
TOTAL 2015 WORKING FUNDS	\$6,142,260	\$516,500	\$1,603,822	\$0	\$722,577	\$448,595	\$0	\$9,433,754	\$9,041,902
2015 Expenditures	\$6,195,727	\$410,750	\$1,566,536	\$0	\$324,445	\$436,304	\$108,140	\$9,041,902	
Incr(Decr) 2016 over 2015	(\$53,467)	\$105,750	\$37,286	\$0	\$398,132	\$12,281	(\$108,140)	\$391,852	
% Incr (Decr)	-0.86%	25.75%	2.38%	N/A	122.71%	2.82%	-100.00%	4.33%	
OTHER FUNDS:									
CAPITAL FUND				\$820,000				\$820,000	\$260,000
TRANSIT FUND	\$91,766	\$97,003	\$771,205	\$80,000				\$1,039,974	\$1,001,700
LIBRARY FUND		\$6,600	\$131,400	\$8,000				\$144,000	\$144,000
RECYCLING FUND			\$69,795					\$69,795	\$64,655
PARKING LOT FUND	\$4,055	\$100	\$13,999		\$10,000			\$28,154	\$28,255
SANITARY SEWER FUND	\$199,416	\$20,500	\$10,987	\$15,000	\$649,303			\$895,206	\$343,275
STORM SEWER FUND	\$90,749	\$2,500	\$4,643		\$127,720			\$225,612	\$274,307
CONTINGENCY FUND			\$2,500					\$2,500	\$2,500
HYDRANT RENT & EC						\$840,760		\$840,760	\$792,536
EDA FUND	\$28,610		\$84,046					\$112,656	\$116,719
PERM IMPR FUND						\$324,460		\$324,460	\$316,072
DEBT SERVICE							\$2,075,916	\$2,075,916	\$1,811,860
GRAND TOTAL EXPENDITURES	\$6,556,856	\$643,203	\$2,692,397	\$921,000	\$1,509,600	\$1,613,815	\$2,075,916	\$16,012,787	\$14,197,781
2015 Expenditures	\$6,575,342	\$569,713	\$2,593,390	\$383,580	\$610,844	\$1,544,912	\$1,920,000	\$14,197,781	
INCR (DECR)	(\$18,486)	\$73,490	\$99,007	\$537,420	\$898,756	\$68,903	\$155,916	\$1,815,006	
% INCR (DECR)	-0.28%	12.90%	3.82%	140.11%	147.13%	4.46%	8.12%	12.78%	

LEVY HISTORY





Brainerd City Council Agenda Request

P+F #4
Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Council/BPU Commissioners Health Insurance 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 *provide copy of published hearing notice
Submitted by: Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 10 minutes
Summary of Issue: At the December 7, 2015 council meeting, the council set the City and BPU Commissioner's health insurance benefit effective January 1, 2016 as follows: * 80% of the family premium based on the \$2,600/\$5,200 deductible insurance plan. * 100% of the single premium based on the \$2,600/\$5,200 deductible insurance plan. * \$250 monthly opt out payment.	
Alternatives, Options, Effects on Others/Comments: The above change was implemented to comply with ACA requirements. During the 2015 discussions, we were told by our attorney that Minnesota law provides guidance and restrictions on revising elected official's salaries but is silent on other benefits. For salaries, Minnesota law only requires that any changes in salary may not take effect until the next municipal election, although it allows for a temporary reduction in salary at any time. At the time the change was being discussed, it was mentioned that the council would discuss the issue again in 2016.	
Recommended Action/Motion: Direction of the council is requested if further discussion on the Council/BPU Commissioner health insurance is desired and if so, how the council would like to proceed.	
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

AT #5
Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Report of Facilities Committee

☐ 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: Attached is a report from the 8 member facilities committee appointed by the Council in May.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Move to accept the report of the Facilities Committee and authorize the City Administrator to implement the recommendations as presented.	
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> total costs of work yet to be determined; will depend upon quotes for various projects	

REPORT OF THE AD HOC FACILITIES COMMITTEE

TO THE BRAINERD CITY COUNCIL



July 5, 2016

Committee Members:

Dan Vogt, Chair

Tom Hofius

Kevin Goedker

Amy Gray

Jeff Czczok

Mike Angland

Dave Pueringer

Council Members Koep and Borkenhagen

President Scheeler, Ex Officio

Process:

- A. Upon appointment by the City Council the members met on May 17, 2016 to review the charge given the Committee by Council Members:

“To identify City of Brainerd facilities needs and shortcomings through tours of facilities, photographic evidence, preliminary engineering reports if available, and visitations with staff. It is not the expectation that solutions to identified needs/challenges/shortcomings will be developed by this committee unless emergency situations are identified which require attention in short order.”

Committee members introduced themselves, reviewed the scope of expectations, discussed means of communicating with the residents and then toured city hall and the annex building and garage.

- B. On May 31, 2016 the Committee continued its work by visiting and inspecting the Police Department building, the Fire Department Stations 1 and 2, and concluding the evening with a tour of the warming house/storage building next to Station No. 2.
- C. On June 7, 2016 the Committee visited and inspected the Library, the Street Department facilities, and Park Department facilities at Lum Park.
- D. On June 28, 2016 the Committee met to review the draft report and take appropriate action.

Outcomes:

1. Committee members received from department heads a compilation of issues/shortcomings/challenges documented in the major buildings or other facilities, made part of this report.
2. Made part of this report are the observations of Committee Members and the City Administrator's suggestions for further action by the Council.

Next Steps:

At its June 28, 216 Meeting the following recommendations for City Council action were adopted unanimously:

- A. Invite an HVAC specialist from Duluth to inspect and to make recommendations for City Hall, a person experienced with Dave Pueringer in the proper maintenance of building HVAC systems; estimated cost of no more than \$500.
- B. Request a quote from HyTec Construction and other qualified contractors for the replacement/repair of the City Hall front steps.
- C. Request a quote from a local qualified contractor for the repair of the hole in the roof on the rear entrance to the City Hall Annex building.
- D. Determine the number of windows to be replaced on the 2nd floor of the Annex and retain a local contractor for installation of those in critical need.
- E. Seek quotes from local contractors for replacement of the furnaces as needed in the Annex building and installation of central air for the building.
- F. Seek quotes for the washing or other appropriate repair of the City Hall exterior walls and proceed when the satisfied with method and cost.

Administrator's Recommendations:

- A. The work and observations of the Ad Hoc Facilities Committee, while much appreciated and thoughtful, does not yet paint a long-term picture of the total challenges with our facilities.
- B. The Council will need a long-term plan to assure that City Hall, for example, will retain its architectural grandeur while also configured internally to meet 21st century customer services processes and staff IT needs.
- C. Retain the professional services of a construction management firm well experienced in local government building repair, renovation, and construction to prepare an inventory of all challenges of current facilities. If the Council so directs, request as part of the work a suggested time frame for repairs and an estimate of cost as well as alternative solutions.
- D. Submit the construction management firm's report to the Council by early 2017 in order to review and to create options for solutions to the problems identified in the inventory.

Additional Meetings:

The Committee will monitor outcomes of the recommendations and reserves the ability to meet in coming months as situations dictate. The need/desire for future meetings will be notified to the Council prior to setting a date and agenda.

City Hall Facilities Issues May, 2016

Penthouse

- Makeup Air Unit freeze stat shuts down unit when temps are below zero. Either inadequate controls, boiler water loop not hot enough, etc.
- Exhaust fan creates negative pressure when Make Up Air Unit shuts down.
- Exhaust fan provides very poor energy management and should be replaced with an energy recovery unit to meet current energy codes.
- Makeup air unit only tempers cold air, does not provide any de-humidification.

3rd Floor

City Council Chambers

- Deficient sound system
- Lacking up to date audio/visual and access to current technology
- Digital recording
- Ability to webcast/record
- HVAC handled by rooftop unit
- No security systems

Administration/building

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- Units require multiple resets per day
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Restrooms

- Improper venting – flushing stool in either bathroom creates vacuum that causes the other stool to have a hydraulic jump.
- Minor accessibility issues

Common Areas

- Heat Pump for common corridor is out of commission, hasn't operated for several years.
- Business counters are not ADA accessible
- Security

2nd Floor

Engineering

- 3 HVAC zones, 1 unit in women's restroom is inaccessible and no longer works. Replaced with a mini split which cools but does not heat.
- Baseboard auxiliary heat does not work, bad relays at heat pumps
- Lack of consistency in thermometer types.
- Functionally diminished with separation of planning building and support staff

Conference Room

- On its own heat pump – needs multiple resets daily due to loop temp
- Not equipped for current technology

Dam Room/Nolan's Office/HR

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1st Floor

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- Problems with public traffic – installed cameras

IT

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Employee Lounge

- Thermostat is unique and difficult to reset system

Training Room

- Inadequate power outlets

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Elevator Lobby

- Heat pump requires frequent resets

General Interior

- Lighting has high energy consumption
- Faucets need to be changed out – cannot be repaired
- Replacement parts not available for drinking fountains
- Some heat pumps have newer compressors, remaining heat pumps are beyond life expectancy.
- Needs dry wall repair and painting
- Carpets show wear
- Fire detection system 2nd floor annunciator panel is inoperable – basement panel on verge of failing - system requires upgrade
- Fin tube radiation rarely works throughout building.
- Windows leak

- Roof air intake too low
- HVAC system not balanced – does not comply with energy codes

General Exterior

- Steps and Handrail need refurbishing
- Brick and stone façade should be cleaned/tuckpointed
- Roof is 25 years old
- Cooling tower corroded, will test spray pump when controls are replaced

Code Issues

- Accessibility of bathrooms, counters, and drinking fountains
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CITY HALL ANNEX ISSUES

- Major ADA accessibility issues with restrooms
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- Roof approaching 25 years of age

Jeff Hulsether, City Engineer

Fire Department Building concerns and issues.

May, 2016

FOR CITIZEN'S FACILITIES COMMITTEE REVIEW AND INFORMATION

Station #1, Main administrative Offices

No lobby or secure area for visitors to enter into. Access to all areas once inside the facility.

- Multiple entry doors for public to enter through.
 - Parking lot in the rear and main door and main office in the front of the building.
 - No sidewalk in the east side of the building to direct people from the back to the front.

Lack of adequate office space.

- Fire Marshal/ Deputy Chief's office is in the dayroom.
 - No privacy when on phone calls or meeting with customers.
 - Others in and out of the space all the time disrupting his work.
- Fire Chiefs office
 - Poor design and layout. Two enter doors limit usable space
 - Too small
- Front administrative office
 - Poor work flow – Copier is in another room through the dayroom and FM/DC office space.
 - No security or privacy.
 - Need to put all paperwork away every time not in the office. Something dealing with personal and private information.
- Lack of a conference room or a larger space for meetings and/ or plan review meetings. (If training room is occupied.)

Lack of parking for the training room space and the facility

Poor traffic flow for training room access

Lack of adequate space on the apparatus floor. Larger truck now than what the space was designed for.

- No gear/ locker room so all gear lockers are on the apparatus floor.

Workroom is too small

- Too much large equipment has been added to the space that it was not designed to handle.

Lack of any storage space inside the facility.

- No storage space of files, extra tables and chairs, extra supplies, and gear.

Needed Repairs

- Windows need to be upgraded
 - Leaking and not energy efficient.
- Poor water pressure
- Backup generator is dated and will need upgrading soon.
- HVAC -- I believe the HVAC is the original from when the building was built in 1982. Portions have been upgraded with the remodel in 2004.
- Cracks in the walls -- Several cracks in the concrete walls from the building shifting.
- Exterior needs to be power washed.
- Interior needs to be painted. Dayroom, training room.

Work stations are not ergonomically correct – keyboards on the desktops, poor work flow for office equipment.

Station #1 is the Emergency Operations Center for the city. The project has not been completed with the necessary phone hardware. Also need network access and internet for EOC if used. Wireless will not be enough access with heavy usage.

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No phone, internet, or network access.

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Switch from electric to gas for heating??

**BRAINERD POLICE DEPARTMENT
FACILITY NEED REVIEW**

May, 2016 **CITIZEN'S FACILITIES COMMITTEE NOTES**

General:

- **HVAC & controlling systems** has extensive history of issues
 - Controller very unreliable, frequently drops locations, has to be rebooted or software reconfigured
 - Single Roof Top Unit has no redundancy/back-up for failures
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- Extreme Heating/Cooling losses at **Squad Room Windows** (causes very significant energy loss for building, adjacent work stations extremely cold in winter). Lack of vestibule at main public entrance also causes extreme temperature changes in winter for lobby and adjacent records area
- **Building Security System** Repairs/Improvements
 - DVR is not functioning for digital recordings of exterior cameras
 - Additional camera needed for lobby interior
 - Not a fully secure facility (windows; door between building & garage, etc.)
- **Plumbing configuration**---Water heater one block away from primary point of use and has developed **numerous leaks** throughout building because of recirculation design causing premature wearing of copper piping system
- Stucco on exterior of building is coming off in places
- Evidence Room Ventilation System unable to meet needs – smells, chemicals
- Parking lot drainage –grounds concerns (puddles in summer; ice in winter)
- Water seepage into garage from west downspout and also causes frequent ice problems on adjacent sidewalk
- Server room needs upgrade of HVAC monitoring and/or alarm system
- Configuration of Front Desk Reception to Clerical Processing. Area is counterproductive to work that needs to occur.
- Unusually high amount of lightbulb burnouts. Existing fluorescent lighting is very costly to maintain bulb replacement and may not be best option for computer screen viewing
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- Staff concerns with lack of cross walk from parking lot to building
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To: City Council
Jim Thoreen, City Administrator
From: Tony Sailer, Parks and Recreation Director *TS*
RE: Facilities upgrade requests
Date: June 23, 2016

Listed below are areas the Parks and Recreation Department feels the need for improvements, upgrades and/or replacement of various facilities within the park system.

Buffalo Hills-Lions Park

- **Parking lot:** Create and pave. There is no parking lot for the park and, with two youth softball fields at the facility, people are parking among the trees.

Lum Park

- **Pavilions:** Both pavilions are in need of new shingles and fascia. Pavilion #1 needs foundation repair work
- **Beach house:** Needs new shingles and paint
- **Office:** Needs new carpeting (requested past two years in budget requests). A new office would be nice, with a meeting room, and better configuration of the floor plan.

Bane Park

- **Replace old concession stand/announcer's booth:** Concession is no longer used in that building. Announcer's booth is on second floor and is dangerous. A single story structure for the announcer and scoreboard operator is all that is needed.

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- **Replace gazebo by center court**
- **Repair asphalt surface on basketball court**
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Mill Avenue Park

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Brainerd Public Library- Facility Report 6-7-16

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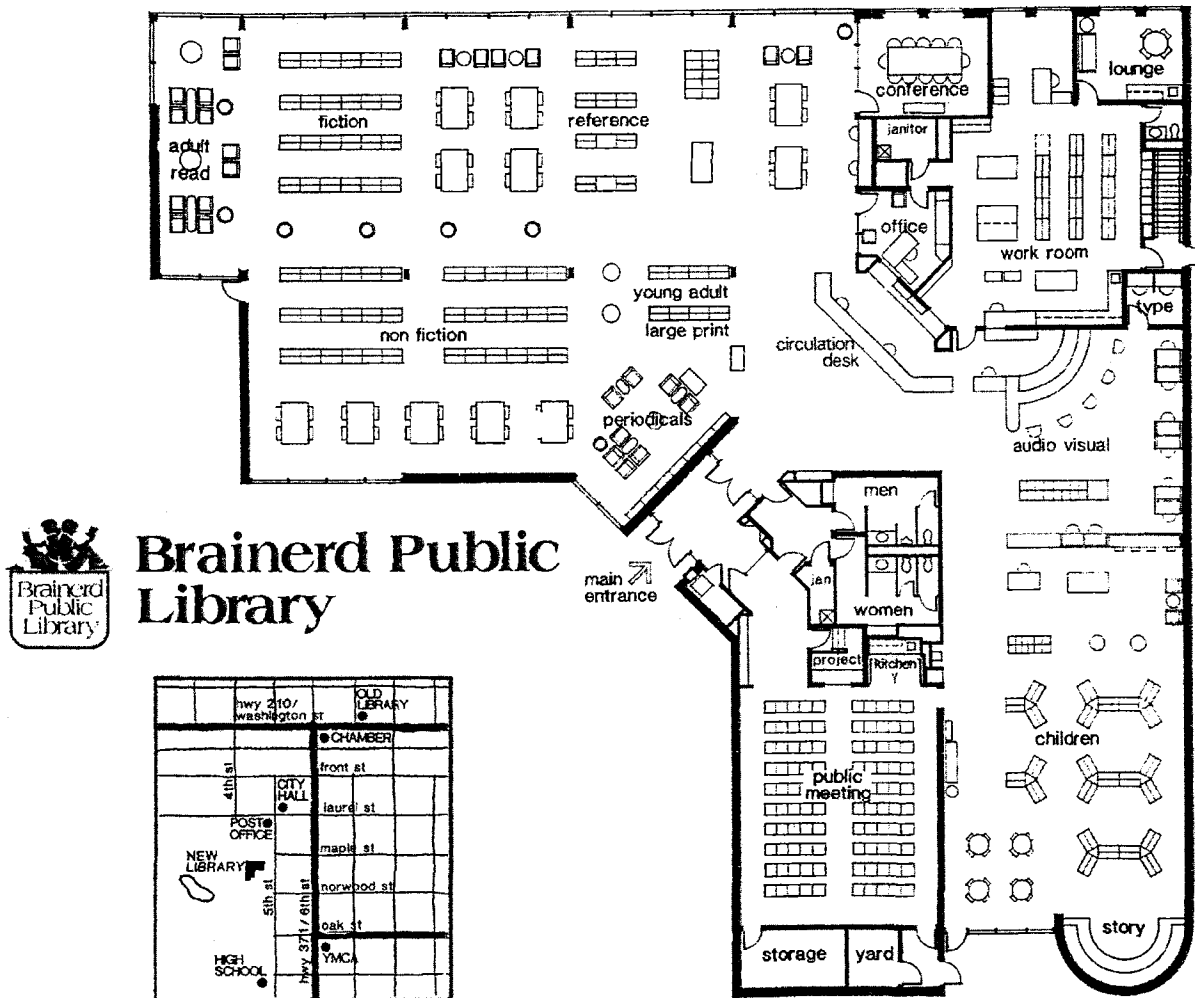
Main concerns:

- Space – we have run out of space because of increased usage and needs. Building was not built for current technologies and population size.
- HVAC- We now have regular repairs that need to be made to the HVAC. The computer portion of the HVAC has been failing in the last two years. There are also concerns on a pulley system that will need to be replaced soon.
- Carpet is wearing out – the seam by the computer area has separated because of wear.
- Lack of capital for future repairs. Because the library no longer receives the reimbursement from the BPU expenditure we are able to save very little money for capital costs.
- Landscaping upkeep – weeds in planter beds, lawn care.
- Need to have a routine emergency drill for staff. Currently developing a plan. We are looking for professional emergency personnel assistance in preparing a plan.
- Bathroom ventilation – possible new hand dryers, family/nursing restroom
- More storage areas for non-circulating materials such as old furniture, computers, etc...

The Brainerd Public Library has seen space constraints become an ever-increasing concern. The library has seen an increased usage in many areas including visitors, checkouts, and overall computer usage. The library collection has also grown. In 2012 we had approximately 87,851 items, which represents a growth of 31.89% compared to five years ago. This is a clear indication that our building size will no longer contain this growth. In 1980 the population of Baxter was 2,625 and Brainerd was 11,489 totaling 14,114. In 2013, the combined population of both cities was 21,268 which is an increase of 50.56% from 1980. We now have a much larger service area (25 mile radius of the library) and the building needs have changed dramatically. The ideal situation would be to conduct a space needs analysis for the library's space constraints and the continued population growth of our service area.

The library has been very fortunate to make improvements such as a new sign, upholstery, new shelving and much more with generous funding from the Holden Family. The Friends of the Brainerd Public Library also raise funds to support the library and our users with projects such as outdoor seating, fireplace and much more. Additional improvements have also made with grants and fundraising; prime examples are the children's early literacy area and agate lights.

To give some perspective of the change in the use of the library the image below is the initial layout of the library from 1986. We have had to use creative space management options to allow for more materials, work with new technologies and to continue meet the demands of seating. We have also had to make compromises on staff space and for office materials. The library's needs have changed dramatically since the building was built.



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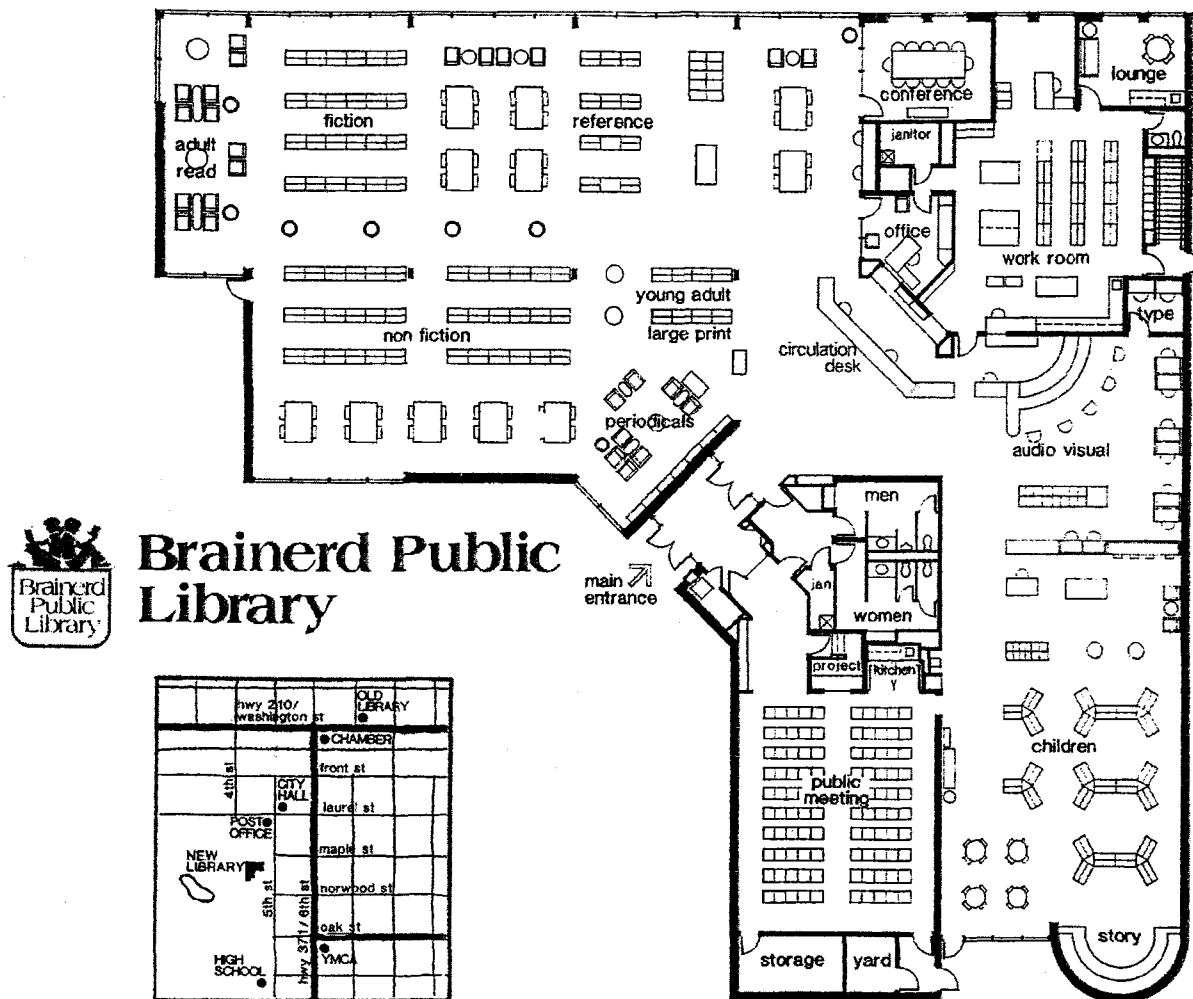
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**FOLLOWING PAGES ARE SUBMITTED RECOMMENDATIONS
FROM COMMITTEE MEMBERS:**

- 1. JEFF CZECZOK AND**
- 2. DAVE PUERGINGER**

Jeff C. 6/27/16

Deficiency Prioritization List

The deficiency reports provided appear to address all major and minor deficiencies associated with city facilities. There is not one council member with less intelligence than I, and the council members are in as good a position as me when it pertains to determining the scope of what should be prioritized.

In the end, I am not really certain the purpose of the Citizens Facilities Committee, as I believe the council will glean as much from reading the reports as any member of the committee.

Nevertheless, below I've included some of my priorities as they relate to the various facilities, however, I do understand this is solely a council decision and when reading through the various reports, I am confident you'll find it quite difficult to determine what deficiencies should be prioritized.

I wish you all luck in making your determinations.

Jeff Czezok

City Hall

HVAC - Heating and cooling systems are and should be the council's first priority. The city would be remiss if more investigation is not done regarding Mr. Pueringer's suggestions on this issue. The city should spend whatever it takes to learn from him and make a determination of his suggestions following a visit to his facility. This should not be a large cost.

FIX ALL FAUCETS and drinking fountains BUILDING WIDE! This appears on its face to be a little ridiculous.

Annex

Facility appears to be at its end-of-life especially when a cost / benefit analysis is considered relating to repair/renovation and building new. This is pure speculation on my part. I would be very hesitant to spend a great deal to bring this facility up to code.

Police Station

Get ahead of the current problems with the HVAC system. Address lighting concerns first...should see a cost savings if go to LED lighting.

Consider building a permanent vestibule to capture energy savings.

Hot water heater issues should be addressed and other issues contained/identified in report need addressing.

Fire Hall #1

Focus first on needed repairs and minimize energy loss as indicated in deficiency report.

Appears a redesign or remodel might serve current situation well or perhaps consider a new station? This is a very big and important decision.

Layout seems to be quite poor for current needs.

Fire Hall #2

Define cost verses benefit analysis to determine if gas would save dollars in the long run verses electric...seems to make sense.

Library

Try to get ahead of HVAC system breakdowns/failures.

City Garage

Soot build-up can be minimized by having vehicles leave sooner. There's no need to leave vehicles running inside longer than the time to hook-up snow plows. Do not have more than two vehicles running at the same time.

Parks Department

The report speaks for itself; however, it would appear the BANE Park concession stand/announcer's booth might be considered first.

David Pueringer
Pueringer Investments
616 ½ Front St #11
Brainerd Minn 56401

To City of Brainerd
Citizen Facilities Committee

Dear Sirs:

The area of concern I noted in the City hall are as such.

First, is the lack of maintenance of the facility. The bathroom faucets are running constantly because of no washers which is a very minor fix. I would recommend that new American Standard washerless silicone wafer faucets be installed which cost about \$60.00 each, and last about 10 to 15 years with no maintenance.. They would pay for themselves in less than month in water and sewer savings. Next, I would install infrared motion sensors in rooms with timers to control lights. These cost under \$50.00 installed, and would save enormous electric bills. Light bulbs should be switched to LED lights. They use only 22% of the electricity that the circular or florescent lights do, and they can use the same fixtures. Again, a very quick payback. The bulbs also last about 60,000.00 hours, so replacements would be very cost effective.

The city hall chambers could be fitted with three large screen tvs, or projectors one for each wall, that could be hooked up to any computer for better showing of presentations. A \$5000.00 cost would cover this purchasing at Best Buy. New solid state plug and play recorders and amplifiers could be purchased to keep records of the minutes, and provide an acceptable PA system. I would recommend purchasing from one of the music shops in town such as Bridge of Harmony, as they provide amps, recorders, and speakers to lots of local bands. They also provide service. None of these purchases are large enough to warrant taking bids, as they can be installed by city staff, or the local music stores, and are only minor purchases. This would solve all problems with visual computer presentations, and communications during city meetings. I would not recommend moving the city council chambers.

Security cameras could be provided by purchasing from Costco the Ultra high definition cameras system both wireless, and hard wired. Total cost installed would be less than \$5000.00 for state of the art ultra high definition color systems with auto recording, and date and time markers. They are simple to install, and staff would be able to do this.

The city steps can be repaired cheaply by putting in new cement steps with lots of metal rerod to hold them stable. Next they could be covered with granite tile which would fit the old design, and provide a course non slip surface to walk on. This would be much more affordable than

solid granite, and would look the same. Also, tiles can be repaired cheaply if one breaks. I would be very surprised if this would cost more than \$60,000.00.

The facade could be acid washed by a local contractor to make the front pretty again. There is no need at this point to spend major money on tuck pointing the bricks.

The city just wasted \$65,000.00 on temporary repairs of the HVAC system repairing the old computer, and old thermostats that go with it. This old computer system will have more problems, and this money was spent without checking out any other possibilities, and I am told without repairing the heat pumps as needed, but this may have been included which would help bring the costs down below for what I propose.

Enclosed are pictures of thermostats that could control heat and cooling of each of the 14 heat pumps in this building. They cost \$42.00 each. Also pictured are new control boards for each of the 14 heat pumps. They cost \$220.00 each. Also needed are 14 doorbell transformers which cost about \$10.00 each to wire the thermostats to each heat pump with 12 volt wire. The computer can be bypassed, thrown away, and each room have total automatic control of its temperatures by hooking up these new thermostats. Usually the heat pumps have minor problems that these would fix and control. The only other moving parts are the compressor, fan, and solenoids. Usually we can have these replaced for under \$1,500.00 for all labor and parts. Again there are only 14 heat pumps. Freon charges run about \$200.00 per pump if needed. The water cooler and furnace can be controlled by sensors in the water loop to make it function again with no computer. These are already installed and would need only two relays to activate the furnace or outside water cooler for air conditioning as needed. This is optional, but I would recommend a controller to control the speed of the water loop motors so they do not run full speed, but instead as needed. This controller costs \$3,500.00 installed, but would save enough electricity to pay for itself in about 2 to 3 years. **All Service Heating of Duluth 218 310 5953 specializes in these types of HVAC systems, along with Gene Halverson 218 310 7433 of Duluth who installed our controls.** These two people have the ability to rework your system as needed, and repair and replace only as needed. They could eliminate the centralized control, and give you throw away parts that would be very easy for staff, or local people to repair. A lot of the heat pumps will not need all the repairs mentioned above, but only some of the repairs and upgrades.

The non moving parts, such as radiators and piping last 40 to 50 years and do not need replacement. The biggest thing is getting people who know how to repair these heat pumps, and doing regular maintenance. The system is very useable, and can work for many more years but needs to be maintained.

I would guestimate upgrading and repairs to abandon the computer and have everything working would be under \$40,000.00. Regular maintenance after this would provide years of service, and no major control problems.

I do not recommend at this point changing furnaces, but an additional option would be install new more efficient furnaces which now go as high as 98% efficiency. A New double modulating

furnace system would provide for emergency backup, and should be able to be installed for about \$50,000.00 as most of the plumbing is already there. The cooling tower going out is not emergency, so it could be repaired if it breaks down. I would not replace this, but instead, put a new cover on the outside.

David Pueringer
Pueringer Investments
616 ½ Front St #11
Brainerd Minn 56401

To City of Brainerd
Citizen Facilities Committee

The old fire hall/ former Senior Citizens Center needs to have a small repair done on the rear porch. The remaining roof has been repaired and is in good condition. Randy Schaefer Roofing at 320 333 9001 would be a very good person to handle this repair or re roofing of this small section. Another roofer for this repair would be Thelen Roofing of Brainerd. The remaining roof looks in very good condition. The peeling paint, is remaining from before the roof was replaced. These roofs are good for about thirty years of more with some maintenance. I would recommend painting the building, and replacement of a couple of windows with new vinyl windows in some of the offices. Flooring should probably be replaced in several areas. Good commercial flooring shouldn't cost more than \$20.00 per yard.. I would also look at the insulation as I suspect little has been done. Lighting could also be upgraded to new LED lighting.

The furnaces are old and should be replaced, as these are only 65 to 70% efficient. The fuel savings, for new 98% efficient furnaces would pay for them, plus there is a \$400 rebater available from Centerpoint Energy. Venting is mostly good. Both furnaces should cost no more than about \$5500 to \$6000 total to replace. The bathrooms are older, but are handicap accessible, and could get by with paint. Entrance door needs to have threshold replaced. I understand that Community action is the only office renting there for only about \$400 per month. This barely covers utilities. Efforts should be made to rent to more tenants, or move some additional city or county offices into this building to make it cost effective.

David Pueringer
Pueringer Investments
616 ½ Front St #11
Brainerd Minn 56401

To City of Brainerd
Citizen Facilities Committee

The Library carpeting does not need replacing. I only was shown one seam tear. A good carpet layer should be able to repair this for about \$50.00. The rest is in good condition. The furnace needs repair on seals for the water pumps. \$250 to \$350,00 should do it. I see a lot of unused space in the basement, and the extra office space on the main level. They are disorganized and full of books that are spread out, and not on the shelves along with furniture etc. I would eliminate some of this storage and instead use it for books or reading area. I would utilize staffing better and get the books on the shelves, in storage, or sold as a fund raiser for the library. More shelves could be added to walls. Possibly some of the seating areas replaced with books. I would not recommend a driveway to the back of the basement, as the front is suited to loading or unloading books etc, and the rear is fine as an emergency exit. The library is a newer building, and is a great asset to the community, but budgets are tight right now, and I believe we need to use what we have to the best of our ability.

David Pueringer
Pueringer Investments
616 ½ Front St #11
Brainerd Minn 56401

To City of Brainerd
Citizen Facilities Committee

Sports facilities

The sports facilities on the rented paper mill field should be left as they are until the city comes to agreement to buy or lease for long a term. The box car is ugly, but it is senseless to build new without owning or having long term property rights. I would recommend starting negotiations, and see if the sports community is willing to shoulder the costs needed by way of fees, or fund raising to pay the costs. The Lum Park facilities need to be painted, but otherwise seemed presentable. There was talk of rebuilding one facility, but we never received pictures from Jim as to what was wrong with it.

David Pueringer
Pueringer Investments
616 ½ Front St #11
Brainerd Minn 56401

To City of Brainerd
Citizen Facilities Committee

City Garages.

Need paint in main lounge. There were complaints about the truck garage getting cold in the winter. I recommend installing several fans to circulate the air better, as the hot air rises to the ceiling, and it does not seem to have the circulation needed. Besides saving money on additional furnaces, it would save money on fuel, as the hot air would be pulled back down.

I was told that the City loses a lot of the salted gravel effectiveness because of Rain washing out the salt. . Jeff was quoting figures that suggested it may be worth while to build a new salt storage building..

David Pueringer
Pueringer Investments
616 ½ Front St #11
Brainerd Minn 56401

To City of Brainerd
Citizen Facilities Committee

Police station:

Furnace needs to be maintained, but not replaced. The controllers are easily accessible, and parts should be available for some time. There are several areas in the building that have inadequate heat venting and cooling. This could be alleviated by installing some more venting. The evidence room should have a heat exchanger installed to provide fresh air for the drug evidence room.

There is need for additional doorway to block people waiting to be interviewed from the outside general waiting area. Also, some of this empty space could be made into a reception area as suggested by Corky. Some wall additions are needed to accomplish this.

Surprisingly to me, there is no security camera system. Again, I suggest Costco Lorex camera systems. We purchased a 32 camera ultra high definition system with a 2 terabyte hard drive recording system for under \$5000.00. This is state of the art, and set up for next generation additions. It is plug and play, and can easily be installed by staff.

There is a need for better television and recording systems in the evidence viewing room. I would also recommend a television in the lobby to distract people waiting. It would be low cost as televisions are super cheap right now. I would recommend purchasing at Best Buy, as they are small purchases, or letting out for bids as one purchase along with all audio video equipment for City Hall.

A vestibule added to the entrance would be very affordable, and save heat besides making people comfortable.

David Pueringer
Pueringer Investments
616 ½ Front St #11
Brainerd Minn 56401

To City of Brainerd
Citizen Facilities Commitee

Fire hall needs to divide the waiting room to provide offices for the Fire Marshal/ Deputy chief. The day room space can be made smaller to acheive this, and still provide a day room. I also noted that the Training are could be used as a day room in off times. I would recommend backup generator for North side Fire hall





Brainerd City Council Agenda Request

P+F # 6
Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Council Chambers Audio/Video Improvements

☐ 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): JT	Estimated Time Needed:
Summary of Issue: IT coordinator Shawn Strong, Jeff Hulsether and I reviewed the challenges of communications in the Council Chambers as noted in many meetings when the audience expresses frustration to hear the discussions. Additionally, we have received a few complaints from viewers regarding the sound quality on the TV channel. In order to accommodate ease of viewing all items in front of the council and to provide improved audio services we provide a recommended list of improvements.	
Alternatives, Options, Effects on Others/Comments: A "do nothing" option will only aggravate existing communication challenges. The recommendations may be pared to a shorter list, but we believe the options presented will solve problems and assure more effective audio/video communications. As an option which we believe will enhance communications for almost any circumstance is the purchase of a unit sufficiently flexible to provide overheads, flash drives, power points and other visual means of communicating. While the attached estimate suggests a cost of \$7,280 it is suggested that any action authorize an amount up to \$10,000.	
Recommended Action/Motion: Authorize the City Administrator and IT Coordinator to seek formal quotes to purchase and install by city staff visual, audio and miscellaneous support equipment to improve and enhance Council Chamber communications system; staff will at a future date submit a report on best practices to ensure effective local cable TV qualities for viewers.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ up to \$10,000 Is this budgeted? ☐ Yes ☒ No Please Explain: total costs of work yet to be determined; will depend upon quotes for various projects; funded from Capital Improvement	

Council Chambers Audio/Visual Enhancements

	Qty	Cost	Total
<u>Visual Components</u>			
65" monitors	2	\$800	\$1,600
40-50" monitors	2	\$400	\$800
Wall mounts	4	\$100	\$400
50' HDMI Cables	4	\$50	\$200
Boxes, jacks, plates for video connections			\$100
Computer (Win10Pro, Office2016)	1	\$1,200	\$1,200
Presentation Pointer	1	\$100	\$100
Document Camera	1	\$500	\$500
Video signal (HDMI) amplifier and splitter (1x4+)	1	\$200	\$200
<u>Audio Components</u>			
Conference Phone (cisco 8831)	1	\$800	\$800
Speakers	6	\$80	\$480
Amplifier	1	\$300	\$300
Digital audio recording	1	\$300	\$300
<u>Miscellaneous</u>			
UPS (Uninterruptable Power Supply)	2	\$100	\$200
Cables, connections, converters, etc			\$100
Estimate			\$7,280

Additional Components to Consider

Table/desk/podium
Electrician parts/labor for 4+ outlets

**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 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 5th day of July, 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, _____

**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	\$20.00
Spayed or Neutered Dogs Or Cats	900	\$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 5th day of July, 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, _____

#8C

**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 5th 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

9A

Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Smoking & Tobacco Use Policy

☐ 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: HR Coordinator Kris Schubert	Department: Administration
Presenter (Name & Title): City Administrator Jim Thoreen	Estimated Time Needed: 5 minutes
Summary of Issue: Last month City Administrator Thoreen was contacted by a member of the public voicing concern that the individual observed a city employee smoking in a city vehicle and inquired about our policy on this matter. Attached is our current city policy adopted in 1990 that prohibits smoking in city buildings as well MN Statutes 144.413, Subd. 1b., that states smoking is prohibited in "Vehicles used in whole or in part for work purposes... if more than one person is present." City Administrator Thoreen asked that I prepare a draft Smoking and Tobacco Use Policy clarifying that smoking should not be allowed in any city vehicles and equipment as well. The draft policy is enclosed for your review and consideration.	
Alternatives, Options, Effects on Others/Comments: The draft policy follows the City of Roseville and City of Northfield's policy prohibiting smoking in all city buildings, vehicles and equipment. It also clarifies when and where smoking can take place if the employee chooses to use tobacco.	
Recommended Action/Motion: This issue is being brought forward for your review and consideration. If the policy is acceptable, a motion to adopt the Smoking & Tobacco Use Policy effective immediately is appropriate.	
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>	

City of Brainerd

Smoking & Tobacco Use Policy

The City is committed to providing a safe and healthy environment for its employees, City officials and visitors. This policy is designed to comply with the Minnesota Clean Indoor Air Act and to respond to the increasing evidence that tobacco use creates a danger to the health of persons who use tobacco as well as persons who are present in a smoke-filled environment. It is the City's goal to comply with the law, provide a non-smoking work environment, motivate tobacco users to quit using, and protect all employees from the effects of smoke.

In an effort to provide and promote a healthy, comfortable and productive working environment, smoking of any kind including the use of tobacco products such as pipes, cigars, cigarettes or "vaping" with e-cigarettes is prohibited in all city buildings, vehicles, and equipment.

During the work day, employees 18 and over are allowed to smoke only during their breaks and meals periods, and only in areas designated for that purpose.

DESIGNATED AREAS

Outside designated smoking areas must be at least 25 feet away from any entrance, exit, open window or ventilation intakes and 10 feet from walkways to public entrances of any City owned facility.

ENFORCEMENT

All City employees and members of the public are expected to comply with the guidelines of this policy 24 hours a day, seven days a week. Employees violating the policy shall be subject to disciplinary action.

SMOKING CESSATION

HealthPartners and our Employee Assistance Program (EAP) offers tools for employees wishing to quit using tobacco products. Please see the HealthPartners website (<https://www.healthpartners.com/hp/index.html>) or contact our EAP for more details.

Reviewed and adopted by the City Council
Date:

City Engineer Hulsether stated that an agreement between the parties and Burlington Northern Railroad did not accompany the application or even that Burlington Northern approves of the particular use. City Engineer Hulsether stated the City Planner was concerned regarding the appropriateness of having a flea market or business in an industrial zone.

MOVED AND SECONDED BY ALDERWOMAN NESHEIM AND ALDERMAN THOMPSON, DULY CARRIED, TO DENY THE REQUEST OF MS. CHRISTINE MAGNEY AND MR. PETE RANUM FOR A TRANSIENT MERCHANT LICENSE (FLEA MARKET).

City Buildings - Smoke Free - Approved.

Aldermoman Nesheim recommended since all public buildings and work places are to be smoke free and the latest scientific findings define the hazards of second hand smoke, the city should take a lead in a smoke free environment.

MOVED AND SECONDED BY ALDERWOMAN NESHEIM AND ALDERMAN MARTIN, DULY CARRIED, TO BAN SMOKING IN CITY BUILDINGS EFFECTIVE IMMEDIATELY.

Alderman Martin stated there is only pro-evidence for stop smoking and a smoke free environment and strongly supported the motion.

OTHER COMMITTEES.

None.

PUBLIC FORUM.

Mr. Ray Norrgard - RR #3 - Request Permission to Place Sign on City Right-of-Way Advertising Restaurant - South City Limits of Brainerd - Committee Formed to Deal with Issue and Council Will Concur with Findings.

The Chair recognized Mr. Ray Norrgard, RR #3, Brainerd, Minnesota, who requested permission to place a sign advertising his new restaurant on the city right-of-way at the south city limits of Brainerd. Mr. Norrgard stated he is willing to sign an agreement that when the frontage road is built, the sign will be taken down and is also willing to have an amendment to his insurance policy to assume liability. Mr. Norrgard stated time is a factor as the restaurant will be opening in two weeks.

Alderman Thompson recommended to direct the City Attorney to draw up an agreement which will allow the placement of the sign until the frontage road improvement takes place or a thirty day notice to remove is given and to furnish the city with an insurance endorsement.

2015 Minnesota Statutes

Authenticate

144.413 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 144.411 to 144.416, the terms defined in this section have the meanings given them.

Subd. 1a. **Indoor area.** "Indoor area" means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge window screen with an 18 by 16 mesh count is not a wall.

Subd. 1b. **Place of employment.** "Place of employment" means any indoor area at which two or more individuals perform any type of a service for consideration of payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, and rooms or areas containing photocopying equipment or other office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if:

- (1) the homeowner uses the area exclusively and regularly as a principal place of business and has one or more on-site employees; or
- (2) the homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients, or customers in the normal course of the homeowner's trade or business.

Subd. 2. **Public place.** "Public place" means any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores and other commercial establishments; educational facilities other than public schools, as defined in section 120A.05, subdivisions 9, 11, and 13; hospitals; nursing homes; auditoriums; arenas; meeting rooms; and common areas of rental apartment buildings.

Subd. 3. **Public meeting.** "Public meeting" includes all meetings open to the public pursuant to section 13D.01.

Subd. 4. **Smoking.** "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

Subd. 5. **Public transportation.** "Public transportation" means public means of transportation, including light and commuter rail transit; buses; enclosed bus and transit stops; taxis, vans, limousines, and other for-hire vehicles other than those being operated by the lessee; and ticketing, boarding, and waiting areas in public transportation terminals.

History: 1975 c 211 s 3; 1992 c 576 s 1; 1994 c 520 s 1; 1998 c 397 art 11 s 3; 1999 c 245 art 2 s 24; 2007 c 82 s 3-7



Brainerd City Council Agenda Request

9B

Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: 2nd Annexation Request - Robert and Andrea Marohn 11427 Easy Street- Hold 1st Ordinance Reading and Set Public Hearing

☐ 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: Robert and Andrea Marohn have submitted an annexation request for a .61 acre parcel located in Oak Lawn Township. That parcel is located across the street from their residence at 11427 Easy Street. The parcel by definition abuts the current Brainerd city limits. Attached is the annexation petition, a map depicting the proposed annexation area and property in the city in that area.	
Alternatives, Options, Effects on Others/Comments: The annexation qualifies for annexation by ordinance. A criteria for this type of annexation is the property must abut the current city limits. However the Municipal Boundary Adjustment Unit for the State of Minnesota has determined that lands across a public waterway can be considered abutting the city limits. This is how parcels to the northwest along Easy Street were approved for annexation some years ago. State statute requires that the municipality schedule a public hearing and provide 30 days notice of the hearing to all land owners in the proposed annexation area and to the State property owners adjacent to the proposed annexation. The next opportunity for a public hearing that will provide 30 days notice to landowners is Monday August 15, 2016.	
Recommended Action/Motion: Note that Ordinance # 1457 Section 6 describes the tax reimbursement schedule with the affected township. The petitioners pays no property tax due to his status as a disabled American veteran. I have discussed this with the Office of Administrative Hearings and the City Attorney. Section 6 language has been recommended d by the City Attorney to address this situation. Motion _____ and second by _____ to approve the 1st Reading of Ordinance # 1457 and schedule a public hearing for August 15, 2016.	
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. 1457**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN
PROPERTIES LOCATED IN OAK LAWN TOWNSHIP, CROW WING COUNTY,
TO THE CITY OF BRAINERD, CROW WING COUNTY MINNESOTA, PURSUANT
TO MINNESOTA STATUTE 414.033**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Robert and Andrea Marohn, 11427 Easy Street, Brainerd, MN 56401, the fee owner of certain property in the County of Crow Wing, State of Minnesota, described as follows:

LOT 59 PINE SHORES ADDITION, Crow Wing County, Minnesota.

P.I.N. # 811080000590009
Sect/Town/Range: 17/45/30

filed a petition with the City Council of the City of Brainerd pursuant to Section 414.033, Subdivision 2 (3) of the Minnesota Statutes. This property is located within Oak Lawn Township of Crow Wing County. This area contains approximately .61 acres of land.

SECTION TWO: That said realty abuts the City of Brainerd and is less than 120 acres in size.

SECTION THREE: That pursuant to Minnesota Statutes Section 414.033, Subdivision 13, the petitioner will see no change in their electric utility service at this time.

SECTION FOUR: That pursuant to Minnesota Statutes Section 414.033, Subdivision 2B, the City of Brainerd has held the required public hearing and notified the town along with all landowners within and contiguous to the area being annexed.

SECTION FIVE: That Council of the City of Brainerd deems the annexation of said realty to the City of Brainerd to be in the best interest of the City of Brainerd and the territory affected and accordingly, said realty is hereby annexed to the City of Brainerd as R-1 (Single Family Residential) District so as to become and be part of the City of Brainerd and included within its corporate limits and boundaries thereof.

SECTION SIX: The property is currently exempt from property taxes. In the event the property becomes subject to property taxes, any such property taxes payable on the annexed land for the year in which the annexation becomes effective shall be paid to the affected Township. If the annexation becomes effective on or before August 1, of a levy year, the City may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the Township may levy on the annexed area for that levy year, and the City may not levy on the annexed area until the following levy year. The first year following the year when the City could first levy on the annexed area, any available property taxes on the annexed land would be paid to the City. However, the City would then make a cash payment to the Township for that period and in accordance with the following schedule:

Any necessary reimbursement shall be completed in substantially equal payments over two years from the time of annexation. The City must reimburse the Township for all special assessments assigned by the Township to the annexed property, and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed but for which no special assessments are outstanding, in substantially equal payments over a period of not less than two or no more than eight years.

SECTION SEVEN: This Ordinance shall take effect and be in force one week from and after its publication and is further subject to final approval of Minnesota Municipal Boundary Adjustment Unit.

Adopted this ____ day of _____, 2016

GARY SCHEELER
President of the Council

Approved this ____ day of _____, 2016

EDWIN L. MENK
Mayor

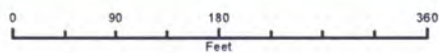
ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One Time, _____



Legend

 City Limits



Print Date
6/28/2016

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



PROPERTY OWNER PETITION FOR ANNEXATION BY ORDINANCE

IN THE MATTER OF THE PETITION OF CERTAIN PERSONS FOR THE ANNEXATION
OF CERTAIN LAND TO THE CITY OF BRAINERD, MINNESOTA
PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 5

TO: Council of the City of Brainerd, Minnesota

AND

Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

PETITIONER(S) STATE: The property owner or a majority of the property owners in number are required to commence a proceeding under Minnesota Statutes § 414.033, Subd. 5.

It is hereby requested by:

- ☒ the sole property owner; or
☐ all of the property owners; or
☐ a majority of the property owners of the area proposed for annexation to annex certain property described herein lying in the Town of _____ to the City of Brainerd, County of Crow Wing, Minnesota.

The area proposed for annexation is described as follows:

***INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION.
DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.***

1. There are _____ property owners in the area proposed for annexation. (If a property owner owns more than one parcel in the area proposed for annexation, he/she is only counted once as an owner - the number of parcels owned by a petitioner is not counted.)
2. Two property owners have signed this petition. (If the land is owned by both husband and wife, both must sign the petition to represent all owners.)
3. Said property is unincorporated, abuts on the city's N S (E) W (circle one) boundary(ies), and is not included within any other municipality.
4. The area of land proposed for annexation, in acres, is:
 ☐ Unplatted ☐ Platted ☐ Total
5. The reason for the requested annexation is have all properties in the City of Brainerd.
6. The area proposed for annexation will be zoned Residential.
7. All of the area proposed for annexation is or is about to become urban or suburban in character.

8. The area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes § 414.0325, nor in any other boundary adjustment proceeding pending before the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

PETITIONERS REQUEST: That pursuant to Minnesota Statutes § 414.033, the property described herein be annexed to and included within the City of Brainerd, Minnesota.

Dated: 06/16/16

Signatures: Robert E Marohn
Andrea K Marohn

NOTE: Pursuant to Minnesota Statutes § 414.033 and Minnesota Rules 6000.0800, the petition to the Office of Administrative Hearings must be accompanied by a certification showing that a copy of the petition was filed within 10 days after service on the annexing city to the affected township(s), county, and any other abutting municipality(ies).

NOTE: Under Minnesota Statutes § 414.033, Subd. 5, if the petition is not signed by all of the property owners of the land proposed for annexation, the ordinance shall not be enacted until the municipal council has held a hearing on the proposed annexation after at least 30 days mailed notice to all property owners within the area to be annexed.

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02



Crow Wing County
Land Services
322 Laurel Street, Suite 15
Brainerd, MN 56401
218-824-1010
www.crowwing.us

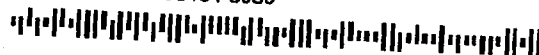
Property ID Number: 811080000590009

Owner: MAROHN, ROBERT E & ANDREA K

Taxpayer ID: 000146066

3373

MAROHN, ROBERT E & ANDREA K
11427 EASY ST
BRainerd MN 56401-5835



Property Description: OAK LAWN TOWNSHIP
SEC:17 TWP:045.0 RG:30 LOT:059 BLK:000 ACRES:.00
PINE SHORES-FIRST SUBDIVISION LOT 59

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
WORK ACTIVITY/INCOME CONTRACT UNDER \$5,000

#90

This Work Activity/Income Contract is between the State of Minnesota, acting through its Department of Human Services, Minnesota State Operated Community Services, Day Treatment and Habilitation Services **Quality Enterprises** and **City Of Brainerd** an independent contractor, not an employee of the State of Minnesota, **501 Laurel St. Brainerd MN 56401** ntabaka@ci.brainerd.mn.us #218-828-2309

WHEREAS, CONTRACTOR wishes to purchase employment services, and Day Treatment and Habilitation Services (DT&H) services from STATE, and STATE will best serve the needs of its individuals by furnishing supported employment services and DT&H to CONTRACTOR.

THEREFORE, the Parties agree as follows:

1. **State's Duties.** STATE shall:
 - A. Provide individuals to perform the following tasks: **Shred and bale confidential materials.**
 - B. Provide staff supervision of all individuals performing work under this Agreement.
 - C. Provide any adaptive equipment necessary for its individuals to perform work under this Agreement.
2. **Contractor's Duties.** CONTRACTOR shall:
 - A. Provide STATE the necessary equipment for STATE's individual's to perform the duties specified in Clause 1.
 - B. Pay STATE in accordance with the rates and terms set forth in Clause 4.
3. **Term of Contract.** This Agreement shall be effective **July 1st, 2016** or the date the STATE obtains all signatures, whichever is later, and shall continue through **June 30th, 2017** or until all obligations have been satisfactorily fulfilled, whichever occurs first.
4. **Consideration and Terms of Payment.**
 - 4.1 **Consideration.** Consideration for all services performed and goods or materials supplied by STATE under this Agreement shall be paid by CONTRACTOR at the following rate: **\$.20 per pound.**
 - 4.2 **Terms of Payment.** Payment shall be made by CONTRACTOR to STATE within 15 days after the STATE has presented CONTRACTOR with invoices for services performed or goods or materials supplied.
5. **Authorized Representatives.** The STATE's Authorized Representative for this Agreement is **Steve Jensen** and the CONTRACTORS Authorized Representative for this Agreement is **Nickie Tabaka.**
6. **Information Privacy and Security.**

The CONTRACTOR and STATE must comply with the Minnesota Government Data Practices Act and the Health Insurance Portability Accountability Act ("HIPAA") as it applies to all data provided by the STATE under this contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the CONTRACTOR under this contract.

If the CONTRACTOR receives a request to release the data referred to in this clause, the CONTRACTOR must immediately notify and consult with the STATE's Authorized Representative as to how the CONTRACTOR should respond to the request. The CONTRACTOR's response to the request shall comply with applicable law.

It is expressly agreed that the CONTRACTOR will not be handling private data collected by STATE and is therefore not a member of or included within the "welfare system" for purposes of the Minnesota Government Data Practices Act as a result of this contract. It is also expressly agreed that CONTRACTOR will not be handling

"protected health information" collected by STATE. CONTRACTOR is not a "business associate" of STATE, as defined in HIPAA as a result of or in connection with this contract. CONTRACTOR agrees not to discuss any health related issues with STATE's clients.

7. **Cancellation.** This Contract may be canceled by the STATE, Minnesota Commissioner of Administration, or CONTRACTOR at any time, with or without cause, upon seven (7) days written notice to the other Parties. In the event of such a cancellation, STATE will be entitled to payment, determined on a pro rata basis, for work or services satisfactorily performed.
8. **Liability.** Each party shall be responsible for claims, losses and damages which are caused by acts or omissions of that party. The liability of STATE is as set out in Minnesota Statutes, section 3.736 and subject to the limitations therein. Nothing herein shall be construed to limit either party from asserting against third parties any defenses or it may have or so construed as to create a basis for a claim or suit when none would otherwise exist. This provision shall survive the termination of this Contract.
9. **Governing Law, Jurisdiction and Venue.** Minnesota law, without regard to its choice of law provisions, governs this Contract and amendments and supplements thereto. Venue for all legal proceedings arising out of this Contract, or breach thereof, will be in the state or federal court with competent jurisdiction in Ramsey County, Minnesota.
10. **Assignment, Amendments, and Contract Complete.**
 - 10.1 **Assignment.** Neither STATE nor CONTRACTOR shall assign or transfer any rights or obligations under this Contract without the prior consent of the Party and a fully executed Assignment Agreement, approved by the same parties who executed and approved this Agreement.
 - 10.2 **Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original contract, or their successors in office.
 - 10.3 **Waiver.** If the STATE fails to enforce any provision of this Contract, that failure does not waive the provision or STATE'S right to enforce it.
 - 10.4 **Contract Complete.** This Contract contains all negotiations and agreements between the STATE and the CONTRACTOR. No other understanding regarding this Contract, whether written or oral, may be used to bind either party.

Remainder of Page Intentionally Left Blank (Signature Page follows).

1. CONTRACTOR:

*CONTRACTOR certifies that the appropriate person(s)
have executed the contract on behalf of the COUNTY as
required by applicable articles, by-laws resolutions or
ordinances.*

<i>By:</i>
<i>Title:</i>
<i>Date:</i>

2. STATE AGENCY:

<i>By (with delegated authority):</i>
<i>Title:</i>
<i>Date:</i>



Brainerd City Council Agenda Request

90

Agenda Item #

Requested Meeting Date: July 5th, 2016

Title of Item: MOU with CLC for Sexual Assault related matters

☐ 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:
Summary of Issue: New laws are in effect requiring Central Lakes College and the Brainerd Police Department to enter into a MOU for matters related to Sexual Assaults and Sexual Harassment for shared information and response to those matters at post-secondary institutions.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Adopt the included Resolution authorizing the Mayor and Police Chief to sign and execute the MOU.	
Final 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:	

RESOLUTION NO. _____

**RESOLUTION APPROVING STATE OF MINNESOTA MEMORANDUM OF UNDERSTANDING
ON BEHALF OF MNSCU AND CENTRAL LAKES COLLEGE
WITH THE CITY OF BRAINERD ON BEHALF OF
ITS POLICE DEPARTMENT**

WHEREAS, the City of Brainerd on behalf of its Police Department desires to enter into Memorandum of Understanding with the State of Minnesota by and through its Board of Trustees of the Minnesota State College and Universities (MNSCU) on behalf of Central Lakes College to be able to be in compliance with Minn. Stat. § 135A.15, 2015 Minn. Laws, Ch. 69, Art. 4, Sec. 2, as they relate to Sexual Harassment and Violence Policy, and Campus Sexual Assaults.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Brainerd, Minnesota as follows:

1. That the State of Minnesota Memorandum of Understanding by and between the State of Minnesota acting through MNSCU on behalf of Central Lakes College and the City of Brainerd on behalf of its Police Department, are hereby approved. Copies of the Memorandum of Understanding is attached to this Resolution and made a part of it.
2. That the Police Chief, Corky McQuiston and the Mayor Edwin Menk or their successors, are designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's adherence to Minn. Stat. § 135A.15, 2015 Minn. Laws, Ch. 69, Art. 4, Sec. 2.
3. That Corky McQuiston, Chief of Police for the City of Brainerd, and Edwin L. Menk, the Mayor for the City of Brainerd, are authorized to sign the State of Minnesota Joint Powers Agreements.

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

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is made and entered into effective _____, 2016, by and between the State of Minnesota by and through its Board of Trustees of the Minnesota State Colleges and Universities on behalf of Central Lakes College and The City of Brainerd. The City and the College may, from time to time herein, be collectively referred to as “the Parties.”

WHEREAS, the City and the College have a long history of cooperation regarding their shared mutual interests in a strong, safe, and vibrant community;

WHEREAS, the City has a department, the Brainerd Police Department (PD), that is the principal law enforcement agency in the City of Brainerd, Minnesota, that exercises such authority and jurisdiction granted by the laws of the State of Minnesota; and

WHEREAS, the Minnesota Legislature recently passed legislation, Minn. Stat. § 135A.15, 2015 Minn. Laws, Ch. 69, Art. 4, Sec. 2, addressing campus sexual assault that, among other things, requires postsecondary institutions and local law enforcement agencies to enter into a memorandum of understanding that delineates responsibilities and requires certain information sharing, in accordance with applicable state and federal privacy laws, about certain crimes.

WHEREAS, the recently passed legislation also requires that local law enforcement agencies cooperate with postsecondary institutions by entering into and honoring the memoranda of understanding required by the new legislation, Minn. Stat. §626.891, 2015 Minn. Laws, Ch. 69, Art. 4, Sec. 3.

WHEREAS, the College has an administrator that serves as the Title IX Coordinator and is responsible for investigating complaints of discrimination and sexual harassment, which includes sexual assault, domestic violence, dating violence and stalking;

WHEREAS, the City and the College agree that crime occurring on campus and in certain areas off campus is a serious problem that warrants the parties’ continued cooperation, collaboration, and communication, to the extent allowable under law, and further agree to assist crime victims and ensure appropriate prosecution of responsible persons when a crime affecting a College student or employee occurs in the City;

WHEREAS, in recognition of the College’s obligations under federal law and acknowledgment that the City may, but is not legally required to, provide information to the College, the purpose of this MOU is to acknowledge shared interests between the City and the College and to promote and maintain a continued, harmonious working relationship and cooperative effort between the parties. It is not intended to make one entity responsible or liable for the actions or omissions of any personnel from the other entity, and any such liability or responsibility is expressly denied by the parties; and

WHEREAS, the parties desire to further clarify how the parties may cooperate in the future in certain circumstances as more fully described herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. **Sexual Assault and other forms of Sexual Violence.** As set forth herein, the parties agree to confer and cooperate, to the extent permitted by law, regarding incidents of sexual violence involving a College student-victim or student-suspect. For purposes of this MOU sexual violence means a continuum of conduct that includes sexual assault, sexual battery, dating and relationship violence, stalking, as well as aiding acts of sexual violence. Nothing in this MOU shall be construed as requiring PD to share information with the College if PD reasonably believes that doing so would jeopardize its criminal investigation.
 - a. The College and PD will communicate regularly during their respective investigations, to the extent permitted by law. The parties recognize the need to balance the interests of the criminal process and the College's obligations under state and federal law.
 - b. If necessary to prevent interference with its criminal investigation, PD will provide the College a report of sexual violence involving a College student-victim. PD will provide College with the victim's name and basic information about the incident upon the written consent of the victim(s). In some cases, the College may need to take immediate interim action to protect the victim(s) and keep the campus safe. However, upon PD's request, College will delay taking action to the extent reasonably possible to prevent interference with the criminal investigation. Upon such notice by PD, the College will limit information regarding the incident to only those administrative units with a need to know to protect the campus community. In such cases, PD will notify College when it has completed its initial investigation and notification to the parties by College will not interfere with the criminal investigation.
 - c. When College receives a report of sexual violence, it will inform the victim of its coordination with PD and will make the victim aware of the victim's right to make a criminal report, if the victim desires. If the victim requests, the College will coordinate and assist the victim in contacting PD.
 - d. The College will provide PD with copies of all student and staff materials regarding the College's administrative complaint process, protective measures, campus resources, and information provided to victims regarding preservation of evidence. PD agrees that its investigators will strive to provide this information to student-victims interviewed in cases involving sexual violence.
 - e. Upon request, the parties will provide one another with information and records to the extent allowed or required by law and in accordance with applicable policy.

2. **Domestic Violence and Stalking.** The College agrees to provide PD information (e.g., office name and contact information) about campus resources for victims of domestic violence and/or stalking. PD agrees that its investigators will strive to provide this information to student-victims as appropriate.
3. **Collection of Crime Statistics.** The College is required by federal law to collect and publish statistics for reports of certain crimes, including crimes that occur on and around campus. As part of that obligation, the College must request crime statistics from PD annually. PD agrees to cooperate with the College and undertake reasonable efforts to respond to the College's request for crime statistics.
4. **Emergency Notification and Crime Alerts.**
 - a. The parties acknowledge that the College is required by federal law to have an emergency notification process to alert the campus community about significant emergencies or dangerous situations that pose an immediate threat to the health or safety of students or employees occurring on campus. The College is also required by federal law to issue timely warnings to alert the campus community about crimes that pose a serious or continuing threat to safety when a crime is ongoing or may be repeated.
 - b. If PD is aware of a significant emergency, dangerous situation, or ongoing crime that poses an immediate threat to the health and safety of the College's students, faculty or staff, PD may notify the College so that the College can determine whether an emergency notification or timely warning should be issued by the College.
5. **Training.** The parties agree to collaborate to provide education and training opportunities of interest to the parties. Specific education and training opportunities will be separately agreed to by the parties, and may include the following.
 - a. The parties agree to share information about education and training opportunities that may be of interest to the other party and to share information from training sessions of mutual interest.
 - b. The College agrees to provide training to PD personnel regarding the College's obligations under federal law, including Title IX, to respond to incidents of sexual violence involving members of the College community. This training may include information about College policies and procedures, the differences between the College's administrative process and the criminal process, College resources, and other information that would be of value to PD.
 - c. PD agrees to provide training to College employees, including those with responsibility for investigating and responding to matters of sexual violence and those providing support services to parties involved in matters of sexual violence on agreed upon topics such as preservation of evidence.

- d. Upon mutual agreement by the representatives of the parties who are coordinating an education or training program, the parties may extend invitations to community partners to participate in the program.
6. **Periodic Meetings.** The parties agree to meet annually at agreed upon times, or as otherwise agreed to by the parties, to discuss matters relating to this MOU, including:
 - a. Critically evaluate and discuss the effectiveness of the cooperation of the parties pursuant to this MOU and identify areas for improvement;
 - b. Review and confirm the accuracy of the information contained on materials (such as the information sheet and victim resource card) handed out pursuant to this MOU; and
 - c. Discuss any other matters of importance to the parties.
7. **Term.** This MOU is effective on August 1st, 2016, or upon the date the final required signature is obtained by College, whichever occurs later, and shall remain in effect until December 31, 2019. The parties shall endeavor to examine this MOU as the end date approaches to ensure compatibility and effectiveness with any changes in laws, policies, or circumstances.
8. **Termination.** Either party to the MOU may terminate it upon 30 days' prior written notice without necessity of demonstrating cause; provided, however, that either party may terminate this MOU immediately upon written notice to the other party in the event that such action is necessary for significant health or safety issues or to comply with applicable law.
9. **Modification.** This MOU may be modified only in a writing signed by both parties.
10. **Severability.** If any provision of this MOU is held by a court of competent jurisdiction to be illegal or unenforceable, the remaining provisions of this MOU shall not be affected and shall be read as if the MOU did not contain the particular provision held to be invalid, unless to do so would contravene the present valid and legal intent of the parties.
11. **Assignment.** Neither party may assign nor transfer any rights or obligations under this MOU without the prior written consent of the other party.
12. **Liability.** Each party is responsible for its own acts and behavior and the results thereof. College/College's liability is governed by the Minnesota Tort Claims Act, Minn. Stat. §3.736, and other applicable law.
13. **No Third Party Beneficiary.** This MOU is not intended to benefit any third party, nor shall any person who is not now or in the future a party hereto be entitled to enforce any of the rights or obligations of a party under this MOU.

14. **Government Data Practices Act.** The Parties must comply with the Minnesota Government Data Practice Act, Minnesota Statutes Chapter 13, as it applies to this MOU.

15. **Applicable Law.** This MOU shall be governed and interpreted in accordance with the laws of the State of Minnesota.

IN WITNESS WHEREOF, the undersigned hereto have executed this Memorandum of Understanding this ____ day of _____, 2016.

Corky McQuiston
City of Brainerd Chief of Police

Hara Charlier
President of Central Lakes College

Edwin L. Menk
City of Brainerd Mayor



Brainerd City Council Agenda Request

9E
Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Resolution supporting the Mississippi Riverfront regional park designation and Master Plan submission to the Greater Minnesota Regional Parks and Trails Commission

☐ 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: Attached is a resolution authorizing the City of Brainerd to act as the sponsor for an application to the Greater Minnesota Regional Parks and Trails Commission (GMRPTC) called "Request for Designation as a Regionally Significant Park in Greater Minnesota." In 2015 the City Council approved the attached resolution supporting the Mississippi River Partnership Plan area as a regionally significant park. The plan area was designed by the (GMRPTC) as a regionally significant park with a "Medium" priority ranking. Attached is the letter form the GMRPTC about the ranking. The Brainerd Riverfront Committee thinks that the project now called "Brainerd Riverfront" deserves the highest ranking possible. It is working with Short Elliot Hendrickson who has revised the 2015 application to resubmit for a higher ranking consideration. Note the resolution specifies that the City of Brainerd will act as the legal public project sponsor and there are responsibilities and long term commitments associated with being the sponsor.	
Alternatives, Options, Effects on Others/Comments: A "High" ranking by the GMRPTC is critical when applications for project funding is sought. Lacking GMRPTC support very likely would reduce the likelihood of grant approval.	
Recommended Action/Motion: A motion by _____ and 2nd by _____ to _____ to approve	
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>	

CITY OF BRAINERD
RESOLUTION NO. _____

RESOLUTION SUPPORTING REGIONAL PARK DESIGNATION AND
MASTER PLAN SUBMISSION

BE IT RESOLVED that the City of Brainerd as applicant, has the authority to act as legal public sponsor for the application described in the *Request for Designation as a Regional Park in Greater Minnesota*.

BE IT FURTHER RESOLVED that we are fully aware of the information provided in the application and associated responsibilities, including long-term commitments as defined in the application and related master plan and supporting information as submitted.

BE IT FURTHER RESOLVED that, should the Brainerd Riverfront receive formal designation as a Regional Park in Greater Minnesota by the Commission, that we have the legal authority to enter into formal designation and funding agreements with the Commission for the referenced park.

BE IT FURTHER RESOLVED that the City of Brainerd certifies that it will comply with all applicable laws and regulations associated with regional designation and any future grant funding for their respective portions of any project.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Administrator, or their successors in office, are hereby authorized to execute any agreements and amendments as are necessary to implement the project as applicant.

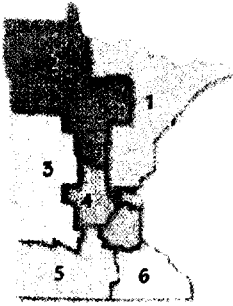
Adopted this 5th day of July, 2016

GARY SCHEELER
President of the Council

Approved this 6th day of July, 2016

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Greater Minnesota Regional Parks and Trails Commission

www.legacy.leg.mn/gmrptc

gmrptcommission@gmail.com

August 5, 2015

Re: Application for Designation as a Regionally Significant Park or Trail: Mississippi Riverfront

At-Large Member

Anita Rasmussen
Sartell

District 1

Keith Nelson
Eveleth

LuAnn Wilcox
Finlayson

District 2

Rita Albrecht
Bemidji

Bryan Pike
Brainerd

District 3

Mike Hulett
Moorhead

Al Liefert
Alexandria

District 4

Marc Mattice
Eden Valley

Barry Wendorf
Zimmerman

District 5

Rick Anderson
Balaton

Tom Schmitz
New Ulm

District 6

O. William Bruins
Rochester

Thomas Ryan
Byron

Dear Mark Ostgarden AICP:

Thank you for submitting your application for the 2015 statewide Regional designation application process. The objective of the Greater Minnesota Regional Parks and Trails Commission is to identify facilities that, when complete, will create a comprehensive network of Regional outdoor recreation opportunities for people that enhance and compliment the DNR State Park and Trail system in Greater Minnesota.

The Commission's Evaluation Team (ETeam) reviewed 85 applications in this round of requests for Regional designation. It is the role of the ETeam to help the Commission objectively identify those facilities that meet the high standards for quality established by the Commission. All applications received a Step 1 ranking evaluation, resulting in either a "High," "Medium," or "Low" rank. Applications that ranked "High" become eligible for Step 2 scoring evaluation upon completion of a qualified Master Plan.

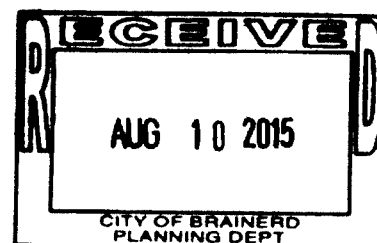
Your application has been reviewed and given a "Medium" ranking in this application cycle. The ETeam recognized potential in your facility, however your concept and the supporting information provided did not warrant a full evaluation and scoring of the facility. We encourage you to review the Commission's Strategic Plan when considering changes in your application to meet the high expectation for quality outdoor recreation established by the criteria, if you wish to apply again in the future.

The ETeam did provide the following comments to help you understand their evaluation: Unsure on size. Planning process was robust on the public involvement. Application needed to have more clarify as to which sections along the riverfront are included in the regional concept. The sections they apply for need to tie in more strongly to the outdoor recreation theme, not just a continuation to downtown.

The Commission wants to be clear: projects that received a "Medium" ranking need improvement before they should be resubmitted for Regional designation. Should you have questions, please visit our website www.legacy.leg.mn/gmrptc, or contact one of the two Commissioners that represent your District.

Sincerely,

Donald "Al" Liefert, Chair
GMRP&T Commission



RESOLUTION
NO. 24:15

WHEREAS, the City of Brainerd has accepted the Mississippi River Partnership Plan (the Plan); and whereas the Plan is a master plan for a two (2) mile section of the Mississippi River in our community; and

WHEREAS, implementing the Plan will establish this section of the river with amenities that will be enjoyed by residents and visitors to our region; and

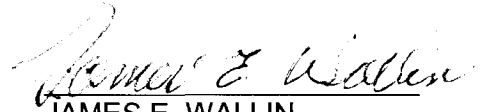
WHEREAS, the City Council has granted Plan implementation oversight to the City of Brainerd Housing and Redevelopment Authority.

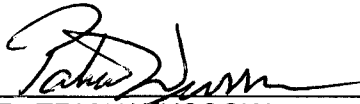
NOW, THEREFORE, BE IT RESOLVED the Brainerd City Council supports the designation of the Plan area as a regionally significant park.

Adopted this 15th day of June, 2015


GARY SCHEELER
President of the Council

Adopted this 16th day of June, 2015


JAMES E. WALLIN
Mayor

ATTEST: 
PATRICK WUSSOW
City Administrator

PLANNING COMMISSION
Special Meeting – Wednesday, June 29, 2016
City Hall Council Chambers

#10
Planning
Commission

City Planner Ostgarden called the meeting of the Brainerd Planning Commission to order at 4:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Pritschet, Turner, Parks, Plantenberg, Straw, Headly and Antolak. Also present were City Planner Ostgarden, Planning Intern Hermerding, City Administrator Thoreen and 3 others.

#2 Public Hearing – Request from Erich Jenkins for a variance to construct an accessory building at 1407 S. 6th Street with a commercial steel roof to match the roof of the dwelling on the property that is no standing seam in design

City Planner Ostgarden reported that the zoning ordinance requires standing seam design appearance. He stated that the house has about a 2/12 pitch when a 4/12 is a standard slope. This creates a flatter-appearing roof which he wants to match on the garage he plans to construct. He stated that warranties for asphalt shingles for the 2/12 slope are difficult to find and that the metal roof of the house is more a ribbed style rather than standing seam; therefore, the variance is necessary to move forward with the construction project.

The Public Hearing was opened at 4:06pm.

City Planner Ostgarden reported that an email had been received from Steve Emerson, 1400 S. 7th Street requesting that a 6ft privacy fence be installed if the building to be constructed is a commercial building.

The Chair recognized the petitioner, Mr. Erich Jenkins, 1407 S 6th Street, who stated that the purpose of the building is to do woodworking projects, etc., in. He discussed the age of the home and the struggle to find warrantied shingles that would work with the pitch of his home. He answered questions of the Commission.

The Public Hearing was closed at 4:10pm.

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

1. The property is zoned R-1.
2. Property is 58' 155' = 8,900 sq. ft. which is a conforming R-1 single family lot.
3. The neighborhood is predominately single family houses.
4. The accessory building is 36' x 24' (864 sq. ft.) and will have 2/12 slope that matches the house.
5. The accessory building meets all zoning setback and building size limit requirements.
6. The dwelling has a steel ribbed metal panel roof and the accessory building will have the same roof material and design.
7. Asphalt shingles cannot be warrantied on a 2/12 roof slope.
8. The accessory building placement will be such that it is not visible to the general public.
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.

Strategy

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 within the urban core.

11. Petitioner spoke in favor of the project.
12. One email requesting a 6ft privacy fence in the event that the building is a commercial building was received.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE VARIANCE TO CONSTRUCT AN ACCESSORY BUILDING AT 1407 S. 6TH STREET WITH A COMMERCIAL STEEL ROOF TO MATCH THE ROOF OF THE DWELLING ON THE PROPERTY THAT IS NOT STANDING SEAM IN DESIGN AS APPLIED FOR BY MR. ERICH JENKINS.

****At this time, City Engineer Hulsether appeared before the Commission to introduce two individuals from the Initiative Foundation who were doing a segment on public employment/public agencies who filmed the last portion of the meeting for their project.***

#3 Public Hearing – Request from Land and Lease Development LLC, on behalf of Josh Imgrund, for 2 Conditional Use Permits for its property at 303 W Washington Street; auto sales and vehicle repair

City Planner Ostgarden reported that the property is located in a B4 district which requires a Conditional Use Permit for both Auto Sales and Auto Repair, each with their own requirements. He stated that Imgrund Motors will be leasing the property; however, the CUP, if approved, will be granted to the owner of the property, Land and Lease Development, LLC and will stay with that company unless vacant for the period of one year at which time He reported that the area is non-residential in nature and that the building had been used as auto sales and repair in the past and has two bays for vehicle repair already in place, and that the cars from the former Imgrund Motors site have already been moved to the leased spot. He recommended 3 conditions relating to parking, visibility and dumpster use.

The Public Hearing was opened at 4:26pm.

The Chair recognized petitioner Josh Imgrund, 35 1st Avenue, Rice, MN, who stated that he agrees with the information as presented as well as the conditions discussed by City Planner Ostgarden. He stated that Imgrund Motors is expecting to be at the location for approximately one year while a new place is being built and that there will be three total employees total during the leased period. He requested being able to do the striping for parking prior to the possible opening on July 6th.

The Public Hearing was closed at 4:30pm.

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

1. The property is zoned B-4 (General Commercial) District and auto sales and vehicle repair are uses allowed by Conditional Use Permit.
2. The parcel size is 140' x 100' (14, 000 sq. ft.).

3. The site has a history of auto related uses. The building on the site has 2 service stalls for auto repair.
4. The site is completely paved.
5. There area is commercially developed.
6. There will be no painting or body work on the premises.
7. Washington Street is the major east/west arterial through the City.
8. Building, Fire, BPU, have no issues with the uses.
9. The Engineering Department stated no vehicles should be in the right of way or blocking the 20' x 20' clear vision corner.
10. The Planning Department cited the need for off street parking that includes a handicapped stall and an enclosure if a dumpster is used.
11. Using the property in this manner will be in harmony with the following Zoning Ordinance purposes:
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 #5: *Support development that enhances community character and identity.*
Strategy
Support the redevelopment of vacant and abandoned sites...
12. Petitioner spoke in favor.
13. No one spoke against.
14. There will be three employees.

Conditions:

1. Provide at least 7 separately identified and marked parking spaces for visitors and employees and including a handicap parking spot.
2. Should a dumpster become necessary it must be screened.
3. Based on visibility concerns with the lot being on a corner, no vehicle shall be parked less than 20ft back from Washington Street and NW 3rd Street.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR AUTO SALES AT 303 W WASHINGTON STREET AS APPLIED FOR BY LAND AND LEASE DEVELOPMENT LLC ON BEHALF OF JOSH IMGRUND dba IMGRUND MOTORS.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR VEHICLE REPAIR T 303 W WASHINGTON STREET AS APPLIED FOR BY LAND AND LEASE DEVELOPMENT LLC ON BEHALF OF JOSH IMGRUND dba IMGRUND MOTORS.

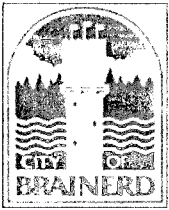
City Planner Ostgarden reported that in regards to Mr. Imgrund's request to put up advertisements and complete the required striping for parking, the petitioner can hire a contractor for the striping based on the lease; however, no adverting should be done before approval of the CUPs on Tuesday, July 5, 2016 by the City Council.

#3 Adjourn

As there was no further business, the meeting was adjourned at 4:38pm.

Respectfully submitted,

Mark Ostgarden AICP, city Planner



Brainerd City Council Agenda Request

#10A

Agenda Item #

Requested Meeting Date: July 5, 2016**Title of Item:** Variance - Erich Jenkins -1407 S. 6th Street for a variance to have an accessory building with a commercial steel roof to match the dwelling roof that is not the required standing seam design

☐ 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. Jenkins is constructing an accessory building and is seeking a variance for a metal roof appearance that is not the required standing seam design. Several years ago the ribbed metal roof was installed and Mr. Jenkins desires to match the accessory building roof appearance with the dwelling's roof appearance.	
Alternatives, Options, Effects on Others/Comments: 1. Approve the variance which will permit the accessory building to have the appearance proposed by the petitioner. 2. Deny the variance which will require compliance with Zoning Ordinance appearance criteria.	
Recommended Action/Motion: Attached is the Staff Report, draft June 29, 2016 minutes and Findings of Fact. A motion by _____ and 2nd by _____ to _____ the Variance for an accessory building to have a commercial steel roof design to match the roof of the dwelling on the property that is not standing seam in design.	
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 22, 2016

APPLICANT/LOCATION: Erich Jenkins, 1407 S. 6th Street, Brainerd, MN

PROPOSED USE: A Variance to construct an accessory building with a steel ribbed style roof

LOT AREA: 58' x 155' + 8,900 sq. ft.

CURRENT ZONING: R-1 (Single Family) Residential

ADJACENT USES: North: Commercial
East: Single Family Residential
South: Single Family Residential
West: Church and vacant land Single family dwellings

ADJACENT ZONING: North: B-2 (General Commercial) District
East: R-1 (Single Family) Residential
South: R-1 (Single Family) Residential
West: R-1 (Single Family) Residential

REPORT

Mr. Jenkins intends to construct a 36' x 24' accessory building. The roof material proposed is a ribbed style metal panel and the dwelling on the lot has this style roof appearance. Mr. Jenkins would like the accessory building's roof to match that appearance.

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.

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. 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.
2. Encourage housing rehabilitation and redevelopment in appropriate areas.

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

- 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 has a 2/12 slope which is almost a flat roof. Shingles are not a viable option for a roof with such little slope. The dwelling has ribbed steel appearance. The proposal is to match this style on the accessory building.

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

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

The dwelling already has this style of metal roof. The accessory building will be in the rear yard directly behind the house. It will have limited exposure to S. 6th Street and the shallow roof slope should lessen any impact on adjacent properties.

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 SPECIAL meeting on Wednesday, June 29, 2016 and the City Council can receive the recommendation for consideration at its meeting on Tuesday, July 5, 2016.

Respectfully submitted,



Mark Ostgarden AICP
City Planner

Mark Ostgarden

From: Erich Jenkins, INX Open <erich@inxopen.com>
Sent: Wednesday, June 08, 2016 11:14 AM
To: Mark Ostgarden
Subject: Fwd: Special Meeting for Variance

----- Forwarded Message -----

Subject:Special Meeting for Variance

Date:Tue, 07 Jun 2016 20:17:12 -0500

From:Erich Jenkins, INX Open <erich@inxopen.com>

To:mostgarden@ci.brainerd.mn.us

Mark:

Thank you for taking time to meet with me on Monday. Your help has been greatly appreciated, and the solutions you've offered me seem like an excellent way to resolve the issue I'm encountering. The purpose of this email is to request a special meeting of the zoning board due to time constraints which winter will impose on my construction project. As we discussed, I would like to put a commercial steel roof on my proposed shop building in south Brainerd. A number of years ago, the roof on my home was destroyed in a storm (which also damaged most of the homes in South Brainerd), and at that time, the City allowed the installation of a commercial steel roof. I understand that the rules concerning building materials have since changed, which presents a serious issue for me. I understand that the soonest I could have a resolution on this issue is the end of August without a special meeting, which would make construction impossible this year.

The height restrictions prevent me from building a structure any taller than my home (the existing structure), which has a 2/12/ pitch roof as was a common design in 1953. This in turn, prevents me from building a structure with a roof pitch which is greater than 2/12 because my home is a single-story structure. In 2008, the issue was finding a shingle manufacturer who would warranty their product on such a shallow pitch, and there were none. The same issue confronts me today, as after consulting UBC Probuild, Matteson Lumber, Home Depot, Menards, and Timberline directly, no one will warranty a shingle roof in the state of Minnesota with a 2/12 pitch. The reasoning expressed by the manufacturers and distributors is that ice damming due to the shallow pitch, and the increased snow load were not acceptable under the warranty guidelines and would be contrary to the manufacturer's installation instructions regardless of underlayment or other precautions.

After much searching, I found that commercial steel was a viable option, and contacted a local distributor for Fabral Roofing Systems. Provided I used their commercial product line (which is NOT what is commonly called pole-barn steel), there was no issue with the pitch of my roof, as long as I followed their installation instructions. The City of Brainerd issued a permit (number 0800278, on 2008-06-27) approving the installation of the roof currently on my home. It is not a standing-seam

steel roof.

I have made great efforts to ensure that the proposed accessory structure will be as close as possible in appearance and construction to my existing home, to ensure the property's appearance is thoughtfully deliberate and planned, as opposed to hap-hazard or significantly different in any way which would detract from the intended design of my home. I believe, as I hope the Planning Board will believe, that installing a roof which matches the existing structure in color and construction, will not only be aesthetically pleasing, but will ensure that the essential character of the property is preserved and unaltered.

--

Erich M. Jenkins
INX Open
(Direct) 218-251-5359

Phone message received 6/22/2016:

Hi Mark, my name is Steve Emerson, I live at 1400 S. 7th Street – just received a notice here about Erich Jenkins' property at 1407 .6th Street. It sounds like he wants to build some type of commercial building with a steel roof. We don't really have a problem with that but we would like to see him put up a six foot fence at the property line for that...some sort of privacy fence to accommodate that.

Any questions give me a call 218-851-9933

Thank you.

Roof Style

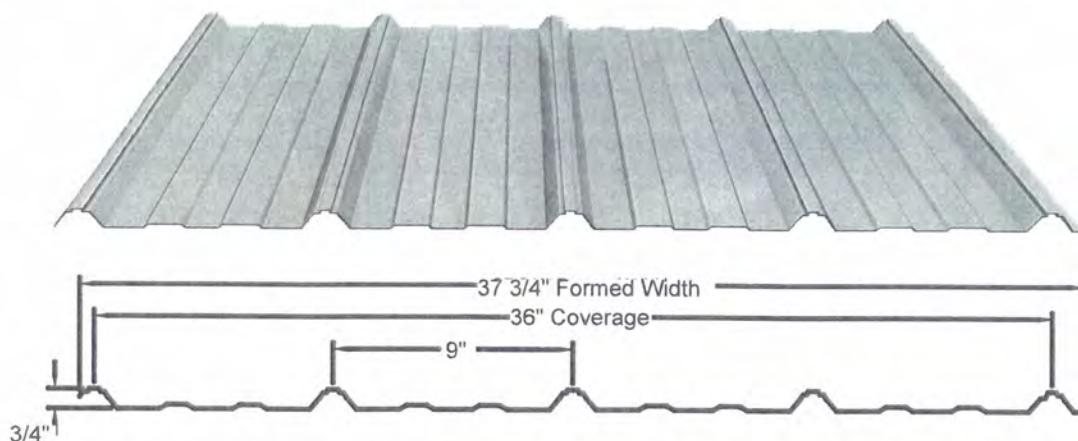


1407 S. 6th St.

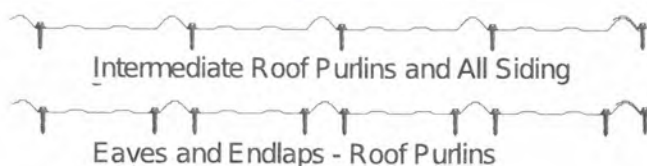
6/16/14

STEEL PANELS

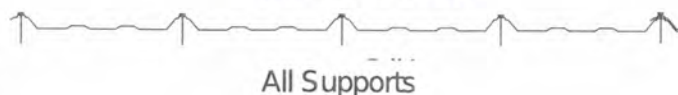
Grandrib 3®



SCREW PATTERNS



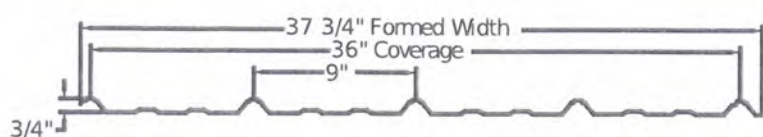
NAIL PATTERNS



80 screws per square or 1 pound of nails per square
See page 11 for a load table



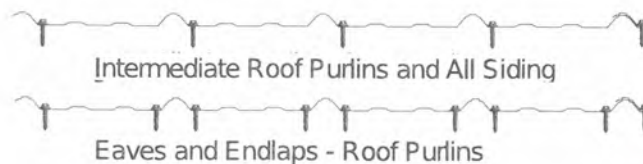
TrustiRib™



NAIL PATTERNS



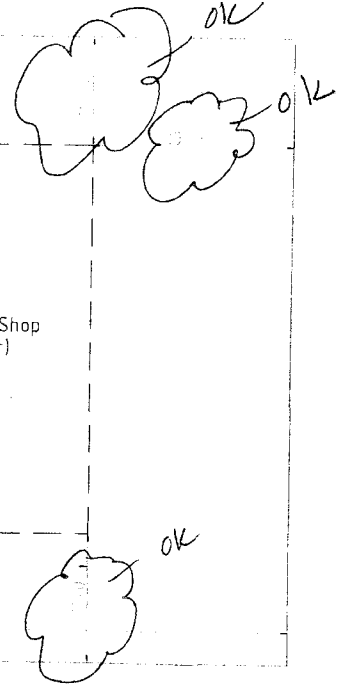
SCREW PATTERNS



Not all profiles are available in all areas. Please contact Fabral for availability

Engineering: No exceptions to plan
as noted
(Existing sewer goes to S.
6th Street)

PS



South 6th Street

Property Line

Existing House
(1200 Sq Ft)

Proposed Shop
(864 Sq Ft)



Drawing No	001	View	Plot View w/Lot Lines
Drawn By	EMJ	Project	1407 S 6th St. Shop Bld
		Date	2016-06-06

OK
MAD
6/10/16

Variance needed for
roof material (6-29-16)



Brainerd City Council Agenda Request

#10B
Agenda Item #

Requested Meeting Date: July 5, 2016

Title of Item: Conditional Use Permit (CUP) - Land and Lease Development LLC, on behalf of Josh Imgrund, for 2 Conditional Use Permits for its property at 303 W Washington Street; auto sales and vehicle repair

☐ 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: Land and Lease is the property owner leasing 303 W. Washington Street to Josh Imgrund for automotive sales and repair. The request is for 2 Conditional Use Permits. One for auto sales and one for vehicle repair. The Planning Commission recommended approval.	
Alternatives, Options, Effects on Others/Comments: 1. Approve the request which will permit the parcel to be used for auto sales and repair. 2. Should the City Council think that one or both uses are not appropriate for the site it can deny that CUP request.	
Recommended Action/Motion: Attached is the Staff Report, draft June 29, 2016 meeting minutes and Finding of Facts. A motion by _____ and 2nd by _____ to _____ approve/deny the Conditional Use Permits for auto sales and vehicle repair at 303 W. Washington Street based on the Findings of Facts and the following conditions: 1. Provide at least 7 separately identified and marked parking spaces for visitors and employees and including a handicap parking spot. 2. Should a dumpster become necessary it must be screened. 3. Based on visibility concerns with the lot being on a corner, no vehicle shall be parked less than 20 ft. back from Washington Street and NW 3rd Street.	
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 22, 2016

APPLICANT/LOCATION: Land & Lease Development LLC, 24226 Lone Pine Road, Hinckley, MN 55037 has applied on behalf of Josh Imgrund, PO Box 703, Brainerd, MN 56401 for property at 303 W. Washington Street, Brainerd, MN

PROPOSED USE: Automobile Sales and Automotive Repair

LOT AREA: 140' X 100' = 14,000 sq. ft.

CURRENT ZONING: B-4 (General Commercial) District

ADJACENT USES: East: School
South: Office/Commercial
West: Commercial
North: Commercial

ADJACENT ZONING: North: B-4 (General Commercial) District
East: R-3 (High Density Residential) District
South: B-4 (General Commercial) District
West: B-4 (General Commercial) District

REPORT

Josh Imgrund has submitted a request for 2 Conditional Use Permits (CUPs) at 303 W. Washington. One for used automobile sales and a 2nd for automotive repair. These are 2 separate CUPs and can be considered independent of one another.

A. Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.

- 1. The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.***

The site is an existing developed property. Should it not meet current district standards the nonconformance would be considered legal in nature.

- 2. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.***

515-63-6: Conditional Uses

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.*

The site has a concrete surface and has been a repair station and a used car sales lot in the past. Because of the property's automotive related history the requirements for curbing can be considered not required and a legal non-conforming situation.

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.*

There will be no painting at the facility.

2. *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.*

Site odors should not be a problem.

4. *All flammable materials, including liquids and rags, shall conform to the applicable provisions of the Minnesota Uniform Fire Code.*

See Building Department comment.

5. *All outside storage shall be prohibited except for customer automobiles and trucks awaiting repair.*

This requirement will be monitored.

Auto dealership provided that:

1. *Outdoor sales area shall be set at least five (5) feet back from all property lines, and at least fifteen (15) feet back from any street surface.*

Mr. Imgrund will need to abide by these requirements.

2. *Outdoor sales shall be physically defined on the site by surfacing, curbing, landscaping, or a fence barrier.*

The sales area is defined by concrete surfacing.

3. *The boulevard portion of the street right-of-way shall not be used for parking, or storage or display of sale items.*

This requirement will be monitored.

4. *Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 20 of this Ordinance.*

There are no residential uses in the area.

- 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.

Comprehensive Plan

The following Comprehensive plan Goals and Strategies support the proposal:

COMMERCIAL/INDUSTRIAL LAND USE

Goal: PLAN FOR THE ORDERLY, EFFICIENT AND FISCALLY RESPONSIBLE GROWTH OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN BRAINERD.

Strategy

Encourage the development of additional commercial and industrial areas within the city in accordance with the land use plan.

ECONOMIC DEVELOPMENT

GOAL: Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.

Strategy

Promote aesthetically pleasing development and redevelopment in the city.

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

Strategy

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

B. Requirements for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:

1. Fire Protection. Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.
2. Electrical Disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.
3. Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled subject to MPCA standards. Fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.
4. Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
5. Odors. No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
6. Air Pollution. No pollution of air by flying ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.

5. *All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 18 of this Ordinance.*
No changes to site lighting have been proposed and a lighting plan is not required.
 6. *All display/sales/storage areas shall be paved.*
The site plan identifies that all display/sales areas have a concrete surface.
 7. *Required parking shall be segregated from the sales display. The use shall not take up parking space as required for conformity to this Ordinance.*
See the Planning Department comments related to this requirement.
3. *The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.*
See Fire, Police and Building Department comments.
 4. *The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.*
The site is an existing fully developed site. There are no planned changes to the site nor are any needed to conform to this requirement.
 5. *The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.*
The site has existed in this condition for years. There are no planned changes to the site nor are any needed to conform to this requirement.
 6. *The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.*
Existing curb cuts on Washington Street and on SW 3rd Street will be used.
 7. *The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.*
The objectives of the Zoning Ordinance are:
515-1-2: *Intent and Purpose.*
 - 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.*

7. *Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.*
8. *Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.*
9. *Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.*

DEPARTMENT INFORMATION

Engineering

Reviewing the request. I will forward a response when I receive one.

Utilities

No issues

Fire

No issues.

Police

No Issues

Building

The floor drain will need inspection to verify if it is a flammable wastes trap.

Planning Department Review

Off street parking is based on the requirement for:

Auto, Boat, Trailer, Farm Equipment and Other Outdoor Sales Lots.

One (1) space per four hundred (400) square feet gross sales and office floor area and of the building plus one (1) space per each two thousand (2,000) square feet of gross outdoor sales lot area.

Auto Repair

Two (2) spaces per serving bay; the service bay is not a parking space, plus one (1) for each employee on the maximum shift.

In this situation the auto repair off street requirements can satisfy off street parking for both sales and repair. There is additional parking on the south side of the building for employees should it be needed.

Seven striped off street parking spaces will be required, 1 of which will need to be handicapped striped and signed.

Trash Receptacle

Should a dumpster be used at the property it will need to be screened on all sides.

Number of Vehicles on the Property

A nearby property owner commented on how the vehicles are "*stacked there like cordwood.*" We do not specify in the Zoning Ordinance vehicle density at auto dealerships.

I have inquired of the City Attorney whether we have the ability to require a minimum drive lane wide between vehicle rows.

Site Design

Attached is a property site plan. I have identified on the plan where it appears employee and visitor parking could be provided.

It's suggested that a date be specified by which to complete the striping, to screen the dumpster if one is going to be used and to comply with any building code requirements. It is suggested they be completed by August 5, 2016.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its SPECIAL Wednesday June 29, 2016 meeting. City Council consideration can occur at its TUESDAY, July 5, 2016 meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Mark Ostgarden', is written over the typed name.

Mark Ostgarden AICP
City Planner

Employee & Visitor Parking Example

STATE HWY 210

STATE HWY 210

NW 3RD ST

Possible Dumpster
Location

Legend

Sidewalk

Driveways

Road Edge

Parcels



Print Date
6/23/2016

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

