

CITY COUNCIL AGENDA

Brainerd, Minnesota

July 18, 2016

7:30 P.M.

Brainerd City Hall

Council Chambers

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

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Agenda (Voice Vote)**
- 5. Consent Calendar (NOTICE TO PUBLIC) – All matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to adopt by ROLL CALL VOTE.**
 - A. Approval of the Minutes of the Regular Meeting held on July 5, 2016, as distributed**
 - B. Approval of Licenses – (See Attachment)**
 1. Contractor's Licenses – 1 – New
 2. Tobacco License – Cory Locky dba Tobacco Den, 2806 Clara St
Contingent upon Police Chief and Fire Chief Approval
 - C. Department Activity Reports – (See Attachments)**
 1. Mayor
 2. Police Chief
 3. Finance Director
 - D. Police Department – Adopt Resolution Approving State of Minnesota MOU on Behalf of MNSCU and CLC with the City of Brainerd on behalf of its Police Department**
 - E. Temporary Liquor – Crossing Arts Alliance – August 18, 2016 at Franklin Arts Center, 1001 Kingwood Street, Ste 114, Brainerd – Approval of**

F. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lower South Long Lake Improvement Association for a Bingo Event to be held on September 4, 2016 at Jack’s House, 300 Hwy 25 S, Brainerd – Approval of

6. Presentations

A. Jeff Czeczok – Charter Commission – 5mn

7. Council Committee Reports

A. Safety and Public Works Committee Report

- 1. IMP 14-15 – Change Orders**
- 2. Utility Connection Procedures for Properties Out of City Limits**
- 3. IMP 16-06 – Alley Block 46**
- 4. College Drive Trees**
- 5. Temporary Family Health Care Dwellings**
- 6. Greater Minnesota Regional Trails & Park Commission Application Status**

B. Personnel and Finance Committee Report

1. Approval of Bills, Transfer of Funds & Payments to Contractors

General Fund to Public Safety Fund	\$315,000
General Fund to Park Fund	\$ 40,000
General Fund to Street & Sewer Fund	\$ 0
General Fund to Airport Fund	<u>\$ 12,960</u>
	\$367,960

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained On Project</u>
Braun Intertec	14-08	Soils Testing thru 6/10-CSAH 45	\$819.25	\$0.00
Tom’s Backhoe	14-15	Pay App #3, Brd Airport Utility Extension thru 6/30	\$790,203.12	\$110,057.98

2. Fire Department – Fire Chief Holmes – Successful Completion of One-Year Probationary Period – Change Status from “Probationary” to “Regular” Status as Recommended by City Administrator Thoreen – Effective July 13, 2016

8. Unfinished Business

A. 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. Code Enforcement Report – Building Official Caughey

10. Public Forum: Time allocated for citizens to bring matters not on the agenda to the attention of the Council – Time limits may be imposed.

11. Staff Reports – Written

(Verbal: Any Updates since Packet)

12. Council Member Reports

13. Committee Recommendations – Recommended by Mayor Menk

A. Daniel Hegstad, Ad Hoc Walkable Bikeable City Committee

14. Adjourn

NOTE: Safety and Public Works Committee will meet at 6:45 P.M.
Personnel and Finance Committee will meet at 7:15 P.M.

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

Visit the City’s website at www.ci.brainerd.mn.us

MISSION

***“Provide high quality, cost effective public services and leadership in creating
a sustainable city”***

7:15 P.M. – Showcasing Brainerd: Brainerd Armory, 194th Regiment; Larry Osvold

The Chair welcomed Mr. Larry Osvold from the Brainerd Armory who discussed the history of the 194th Regiment and Armory facility. He stated that one Bataan survivor, Mr. Walt Straaka, remains a member of the Regiment and that four other WWII survivors are current members: Russel Ness, Donald Klein Sr., Mervin Jensen and Ralph Yaeger. He stated that the Regiment has a Facebook page for the purpose of gathering and sharing the history of the members and their families. The Chair thanked Mr. Osvold for his presentation following brief Council discussion.

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

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

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

Council Member Hilgart requested replacing item 6.1 (Charter Commission Report/Jeff Czczok) with a presentation on new bike racks being installed throughout the community. She stated that the Charter Commission information will instead be presented at the July 18, 2016 City Council Meeting.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

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

A. Minutes of the Regular Meeting held on June 20, 2016 as distributed – Approved

B. Approval of Licenses – Approved

1. Contractor's Licenses – 3 – Renewals

C. Department Activity Reports – Approved

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 – Approved

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

Presentations:

Walkable Bikeable City Committee/CLC Welding Class – Brainerd Bicycle Racks

City Planner Ostgarden introduced Ms. Amy Gray of the Walkable Bikeable City Committee who presented information on the bicycle racks designed and created by the Central Lakes College welding class with powder coating done by Gull Lake Sandblasting and Powder Coating. She stated that the five racks will be placed at the following locations: The corner of 7th and Laurel Streets, Crow Wing County Community Services, Franklin Arts Center, Kiwanis Trailhead and in front of the Brainerd Lakes Chamber/BLAEDC building.

The Chair recognized Mr. David Otto from the CLC welding class who introduced the four students that volunteered their time and service to design and create the bicycle racks. He stated that the project was a great experience for the students because several issues needed to be considered including durability, safety and even theft deterrence.

The Chair thanked them for their presentations.

Dan Hegstad, Brainerd Rotary Club

The Chair recognized Mr. Dan Hegstad, 520 Third Avenue NE, Brainerd, who discussed the history and purpose of the Brainerd Rotary Club. He stated that on 7/9/1921 the Rotary Club of Brainerd MN was named as international club #945 and with their centennial coming up they would like to celebrate with a worthy project. He shared a link to submit suggestions for this project: <http://www.brainerdrotary.org/projects.html> and discussed some parameters to consider.

2015 Audit, CliftonLarsonAllen

The Chair recognized Ms. Mary Reedy of the City’s accounting firm, CliftonLarsonAllen, who reviewed the City of Brainerd 2015 Audit Results along with Finance Director Hillman.

Items discussed:

- BPU Audit Results
- BPU Financial Results
- Required Communications to Governance
- City’s Audit Results
- City’s Financial Results
- Insights, Observations

Ms. Reedy and Finance Director Hillman answered questions of the Council. The Chair thanked them for their presentation.

Council Committee Reports

Safety and Public Works Committee Report

IMP 16-04 – 2017 Patching Project – Accept Quote from Anderson Brothers at a Cost not to exceed \$20,000 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE QUOTE FROM ANDERSON BROTHERS FOR IMPROVEMENT 16-04 – 2017 STREET PATCHING – AT A COST NOT TO EXCEED \$20,000.

IMP 14-15 – Airport Utility Extension – Change Order #2 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE CHANGE ORDER #2 FOR IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION – WHICH PROVIDES FOR A DECREASE IN CONTRACT COST OF \$775.00 BASED ON AN ADJUSTMENT IN LUMP SUM PRICES FOR JACK/BORE OPERATIONS AT THE LOCATIONS WHERE UTILITIES ARE CROSSING T.H. 210.

Resolution No. 28:16 Adopted – Authorizing an Agreement with the State of Minnesota to Provide Public Transportation Services in the Year 2017

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 28:16 – AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE PUBLIC TRANSPORTATION SERVICES IN THE YEAR 2017.

RESOLUTION NO. 28:16

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

Tree Vandalism on College Drive – Informational

Committee Bevans reported that there has been recent vandalism involving trees along College Drive and in Kiwanis Park. He stated that the perpetrators have been caught and that Committee is considering replacement alternatives as well as insurance coverage options based on cumulative damage over the years from this type of situation.

College Drive Roundabout Landscape Maintenance – Informational

Committee Chair Bevans reported that more information will be forthcoming relating to whether the City will be able to handle College Drive landscaping maintenance or if it will need to be outsourced.

Personnel and Finance Committee Report

Bills & Payments to Contractors – Approved

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

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

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

Update on Pueringer Solar Panel Project – Informational

Per Packet Agenda Request, the project has encountered several obstacles that Mr. Pueringer has and is hoping to overcome. The City has recently been awarded a new \$650,105 grant through DEED for Downtown Rehabilitation. It is the City's understanding that funds available will have to be used either through the Pueringer loan or other projects before the City is able to draw on the new grant.

2017 Budget – Set a Levy Target at 3% with 2% toward Operating Budget and 1% toward Capital Budget – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART TO SET A LEVY TARGET AT 3% WITH 2% TOWARD OPERATING BUDGET AND 1% TOWARD CAPITAL BUDGET.

Alderman Johnson stated that he feels it is too early know what will be needed.

Alderman Hilgart spoke in favor of the motion to send a message on what the Council is looking for.

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

Council/BPU Health Insurance – Accept Recommendations as presented for Insurance Options – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT THE FOLLOWING RECOMMENDATIONS AS PRESENTED FOR CITY COUNCIL MEMBER AND BRAINERD PUBLIC UTILITIES COMMISSIONER HEALTH INSURANCE:

1. 80% of the family premium based on the \$2,600/\$5,200 deductible insurance plan
2. 100% of the single premium based on the \$2,600/\$5,200 deductible insurance plan
3. \$250 monthly opt-out payment

Facility Committee Update – Accept Committee Recommendations and Authorize City Administrator to Move Forward with Implementation – Request Presence of Facility Committee Chair Vogt at Meeting to be Scheduled with Heating, Ventilation and Air Conditioning Specialist from Duluth for Inspection of City Hall and its HVAC System – Approved

The Chair recognized Facility Committee Chair Dan Vogt, 332 Aspen Court South, Brainerd, who presented the Committee's findings and recommendations as included in the Packet.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO ACCEPT THE RECOMMENDATIONS OF THE FACILITY COMMITTEE AND TO AUTHORIZE THE CITY ADMINISTRATOR TO IMPLEMENT THE RECOMMENDATIONS AS PRESENTED; FURTHER, TO REQUEST MR. DAN VOGT'S PRESENCE AT A MEETING TO BE SCHEDULED WITH A HEATING, VENTILATION AND AIR CONDITIONING SPECIALIST FROM DULUTH FOR THE INSPECTION OF CITY HALL AND ITS HVAC SYSTEM.

Council Chamber Audio Visual Equipment Discussion – Authorize City Administrator and IT Coordinator to Seek Formal Quotes for Improvements – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO 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.

Break

The Council took a break from 9:00 P.M. to 9:05 P.M.

Unfinished Business

Public Hearing – Final Reading of Proposed Ordinance No. 1453 – An Ordinance Amending Brainerd City Code Section 900 re Animal Control by Removing the Requirement for Distemper Vaccination – City Administrator Thoreen Recommends Dispensing with the Actual Reading – Approved

The Chair opened the Public Hearing at 9:05 P.M. No one came forward.

The Chair closed the Public Hearing at 9:06 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1453 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900 ON ANIMAL CONTROL BY REMOVING THE REQUIREMENT FOR DISTEMPER VACCINATION; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT ORDINANCE NO. 1453 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900 ON ANIMAL CONTROL BY REMOVING THE REQUIREMENT FOR DISTEMPER VACCINATION.

ORDINANCE NO. 1453

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

Public Hearing – Final Reading of Proposed Ordinance No. 1454 – An Ordinance Amending Brainerd City Code Section 1010 re Licensing Fees by Increasing the Fees for

Animal Licensing Effective July 15, 2016 – City Administrator Thoreen Recommends Dispensing with the Actual Reading:

The Chair opened the Public Hearing at 9:06 P.M. No one came forward.

The Chair closed the Public Hearing at 9:07 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1454 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010 ON LICENSING FEES BY INCREASING THE FEES FOR ANIMAL LICENSES EFFECTIVE JULY 15, 2016; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY ALDERMEN BEVANS AND KOEP TO ADOPT ORDINANCE NO. 1454 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1010 ON LICENSING FEES BY INCREASING THE FEES FOR ANIMAL LICENSES EFFECTIVE JULY 15, 2016.

ORDINANCE NO. 1454

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

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:

The Chair opened the Public Hearing at 9:07 P.M. No one came forward.

The Chair closed the Public Hearing at 9:08 P.M.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT ORDINANCE NO. 1455 – AN ORDINANCE DELETING SECTION 820 RE PUBLIC PHONE BOOTHS.

ORDINANCE NO. 1455

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

Call for Applicants – Informational:

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

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

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

Ad Hoc Walkable Bikeable City Committee

New Business

Smoking and Tobacco Use Policy – Adopt Policy with the Addition of “Smokeless Tobacco” – Approved

City Administrator Thoreen reported that a citizen had concerns after seeing an employee smoking in a City vehicle which prompted the development of a policy to prohibit this use in City vehicles.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO ADOPT THE CITY OF BRAINERD EMPLOYEE SMOKING AND TOBACCO USE POLICY WITH THE ADDITION OF SMOKELESS TOBACCO.

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 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1457 – ANNEXATION OF ROBERT & ANDREA MAROHN PROPERTY AT 11427 EASY STREET, PID #08110000590009 AND TO SET A PUBLIC HEARING FOR AUGUST 15, 2016 AT 7:30 P.M.

Renewal of Contract – State of MN DHS/Quality Enterprises – For Paper Shredding of City Hall Documents – Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGREEMENT FOR THE STATE OF MN DHS/QUALITY ENTERPRISES FOR PAPER SHREDDING OF CITY HALL DOCUMENTS.

Police Department – MOU with CLC for Sexual Assault Matters – Send to City Attorney for Review Prior to Approval – Approved

Police Chief McQuiston reported that all post-secondary institutions have to adopt this policy to be in compliance with State law.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO SEND THE MOU BETWEEN THE CITY AND CENTRAL LAKES COLLEGE FOR SEXUAL ASSAULT MATTERS TO THE CITY ATTORNEY FOR REVIEW BEFORE APPROVAL.

Regional Park Dedication and Master Plan Submission – “Brainerd Riverfront Regional Park” – Held Over to July 18, 2016

Following discussion of Council; further information on future responsibilities the City might have relating to this project was requested.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO HOLD OVER ADOPTION OF A RESOLUTION SUPPORTING REGIONAL PARK DESIGNATION AND MASTER PLAN SUBMISSION TO THE JULY 18, 2016 CITY

COUNCIL MEETING IN ORDER TO RESEARCH THE CITY'S FUTURE RESPONSIBILITIES WITH THE PROJECT.

Planning Commission

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 – Approved

Findings-of-Fact:

1. The property is zoned R-1.
2. Property is 58'x155' = 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 warranted 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 6ft privacy fence in the event that the building is a commercial building was received.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO APPROVE THE VARIANCE REQUESTED BY MR. ERICH JENKINS 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 BASED ON THE 12 FINDINGS-OF-FACT AND PLANNING COMMISSION RECOMMENDATION.

Conditional Use Permit – Request from Land and Lease Development LLC, on Behalf of Josh Imgrund, for Two Conditional Use Permits for its Property at 303 W Washington Street; Auto Sales and Vehicle Repair – Approved

Findings-of-Fact:

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 two 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.*
12. 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...
13. Petitioner spoke in favor.
14. No one spoke against.
15. There will be three employees.

Conditions:

1. Provide at least seven 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 within the traffic visibility setback area at the corner of Washington Street and NW 3rd Street.

Aldermen Scheeler abstained from these motions.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND KOEP, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR AUTO SALES AT 303 W WASHINGTON STREET AS REQUESTED BY LAND AND LEASE DEVELOPMENT LLC ON

BEHALF OF JOSH IMGRUND BASED ON THE 14 FINDINGS-OF-FACT, 3 CONDITIONS AND RECOMMENDATION OF THE PLANNING COMMISSION.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR VEHICLE REPAIR AT 303 W WASHINGTON STREET AS REQUESTED BY LAND AND LEASE DEVELOPMENT LLC ON BEHALF OF JOSH IMGRUND BASED ON THE 15 FINDINGS-OF-FACT, 3 CONDITIONS AND RECOMMENDATION OF THE PLANNING COMMISSION.

Public Forum: No one appeared for Public Forum.

Council Member Reports

Mayor Menk reported on the successful 4th of July community celebration and stated that he had been contacted by a marketing specialist relating to a recent article listing Brainerd as the poorest town in Minnesota.

Council Member Johnson stated that Brainerd HRA will be holding a meeting on Thursday at 5:00 P.M. to decide if they will accept the current offer to purchase and develop Brainerd Oaks or offer an RFP. He stated that the County Board held a workshop and it appears they are willing to deed all three developments to the CWC HRA. If that offer is accepted he will be presenting a resolution for the City Council's adoption stating that the City will not recertify the special assessments.

Adjourn

The Chair adjourned the meeting at 9:40 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
July 18, 2016

(1 New)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
FRANK CHARNETZKI 3 JESSICA LANE BRAINERD, MN 56401 16-0184	(320) 630-0317	SIDE	6/4/2016	12/31/2016	



www.ci.brainerd.mn.us

MAYOR'S REPORT TO COUNCIL

July 18, 2016

At this time I would like to say thank you to all of the city crews and their supervisors for their work during and after the large rainstorm that we experienced on Monday the 11 of July. There was a whole lot of flooding but the damage from runoff was held to a minimum. The parks crew opened many of the ball fields soon after the rain had passed. The street crews and PUC crews worked over time to make certain that the disruptions were kept to a minimum. I am also certain that the police force was kept busy. Brainerd is blessed with hard working and caring staff.

On Friday the 8th I met briefly with Jim McComb of the McColm Group about the possibility of a retail marketing study for Brainerd. This meeting was prompted by the article in the Star-Tribune. He has done many of them including one in the area about the time of the bypass and one done for Little Falls in about 2008. He also met with several individuals the same day. At this time I am waiting to see if he follows thru with a proposal.

On Tuesday the 12th I attended the dedication of the Mississippi River Trail Kiosk in Kiwanis Park. I welcomed the local participants as well as the bikers that were traveling the trail. This trail extends from the Mississippi Headwaters to the Gulf of Mexico. I hope that it becomes as well known for bikers as the Appalachian Trail is known to hikers

On Friday the 15th I will be attending the Brainerd Lakes Area Micropolitan Summit and giving the closing at the request of Sheila Haverkamp. Blaede was instrumental at getting this conference that will address the numerous opportunities that exist in our area. While I am attending for my own knowledge the conference is worth 4 credits for real estate continuing education.

Mayor Ed Menk

Ed Menk
Mayor

**BRAINERD POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council

FROM: Police Chief Corky McQuiston *CM*

DATE: 07-13-16

RE: Monthly Report



www.ci.brainerd.mn.us



During June 26th--28th Sergeant Paul Dooley and his K-9 partner Keno attended annual K-9 Certification in Brooklyn Park. 85 other K-9 teams participated in certification. Keno had perfect scores and Paul & Keno received a trophy for the 3rd fastest times in the Article Search Exercise. Officer Mike Kulzer is assigned as the "decoy" or canine assistant and has to wear the bite sleeve and is Paul & Keno's training partner.

BRAINERD LAKES



TOWARD ZERO

DEATHS

June kicked off summer for us by receiving the Commissioner's Award for the Outstanding TZD Grant for 2015. On June 1st, at a luncheon in Baxter, we received the award from the Commissioner of Public Safety, Ramona Dohman. Brainerd Police Officer Derek Pallansch was also recognized at the ceremony for his outstanding DWI Enforcement while working the saturation projects in 2015.

Notable Police Activity in June:

At about 10:45 pm, on Friday June 10th, police were dispatched to investigate a report of man in the area of the 700 block of Laurel Street that had been stabbed. Officers later learned that the suspect was stabbed by a male while inside the Iron Rail Saloon.

Officers located a 24-year-old Brainerd man outside the bar with a serious single puncture wound to the abdomen and significant bleeding. The victim was subsequently transported to a twin cities area hospital where he was in critical condition. He was eventually stabilized and recovered from the assault.

Witnesses reported seeing the suspect run east from the area. Responding officers located the suspect in a wooded area on the south side of the 1000 block of Laurel Street. He was identified as 44-year-old Troy Eric Stalboerger of Brainerd. Stalboerger was arrested and taken into custody without incident. He was held in the Crow Wing County Jail on charges of 1st and 2nd Degree Assault. The matter is now pending in the court system.

The Baxter and Breezy Point Police Departments along with the Crow Wing County Sheriff's Department assisted in that incident.

Police arrested a 28-year-old Maple Grove man on June 18th, after investigating reports that the male was following children into the restrooms at a youth baseball tournament for 11u and 13u boys in Brainerd.

Shortly after 6 pm, on Saturday, June 18th, police responded to a report from parents at youth baseball tournament that an unknown man had repeatedly followed youth into the restroom at the baseball field in Bane Park, located at the 1700 Block of South 7th Street in Brainerd. Police learned that a parent had confronted the man and the suspect was trying to leave the area. Responding officers located a parent following the man who was trying to walk away. Police subsequently identified the suspect as Jeffrey Charles Gerdes.

Witnesses reported seeing the male in the area of the restrooms and that it appeared as soon as a young child would enter the restroom, the suspect would follow the child in. No information received indicated that Gerdes made any physical contact or comments with any of the children. Gerdes was arrested without incident and transported to jail where he was subsequently charged with Interference with Privacy Against a Minor.

The Brainerd Police Department sought the public's help in trying to locate a missing 15-year-old girl, Ayla Jean Madsen. Madsen was reported as missing at about 10:30 pm on June 25th by relatives.

She was staying in the Brainerd area with relatives to participate in a local teen pageant. Ayla did not meet with relatives as planned when the pageant had concluded. Police had no reason to believe that any foul play was involved and initial information lead us to believe that she was trying to avoid being found. Investigator Craig Katzenberger spent a large amount of time following up leads and talking with friends, relatives, and acquaintances, some of who had seen her after she left the pageant. Ayla eventually turned herself in at the police department on July 8th.

Conduct on Premises Activity Report for June

ICR	Date Reported	Title	Address	Summary Contains
16008010	06/16/16	Conduct on Premises	1409 Norwood Street	Conduct on Premises. Notice sent.
16008088	06/17/16	Conduct on Premises	904 S 8 th Street	Conduct on Premises. Notice sent.

Monthly Police Activity

June	2016	2015
Calls	1551	1505
Citations (Inc. Parking)	184	195
Part I and Part II Crimes Reported	278 **	328

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

41 parking tickets were issued in the month of June with the following dispositions:

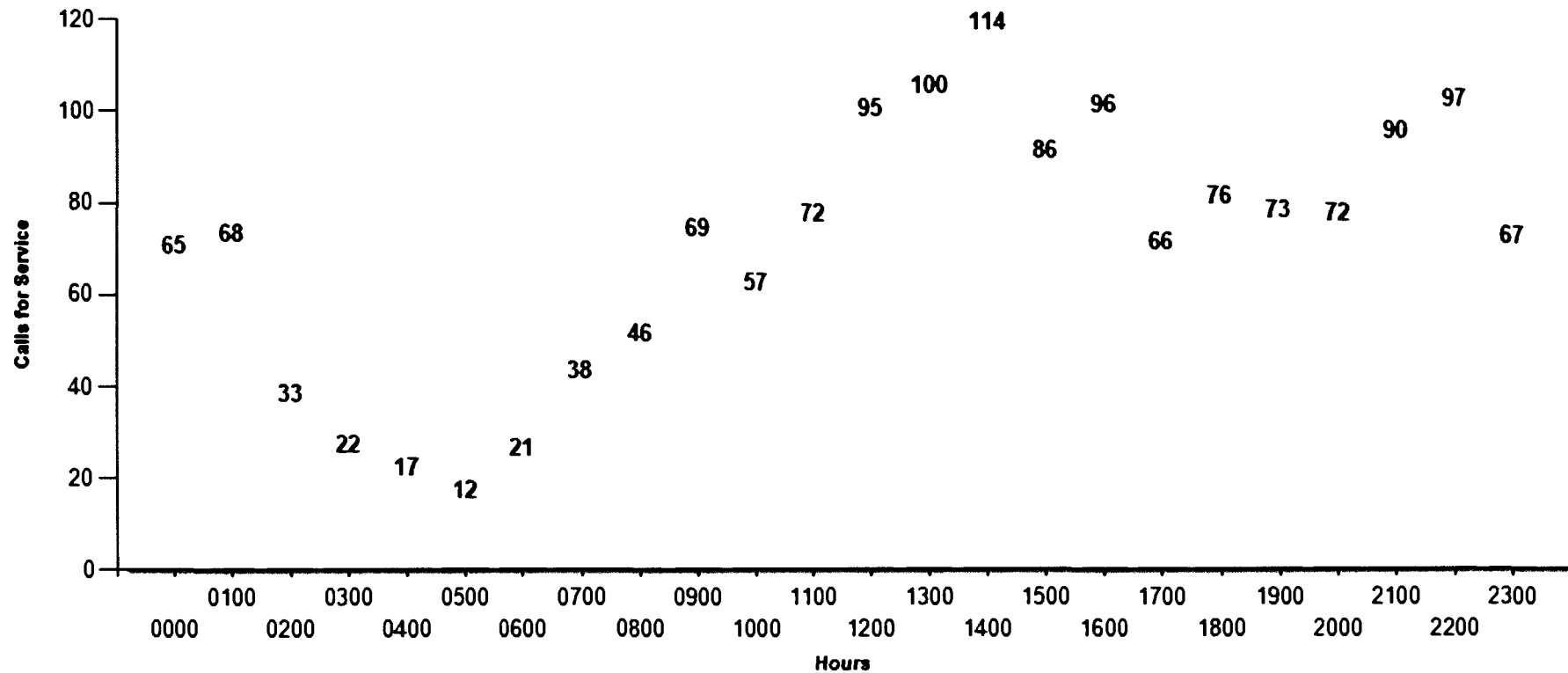
5	Dismissed
1	Business Validation
14	Paid in Full
3	Partial Payments Received
18	No Payment Received



Calls for Service Hourly

6/1/2016 to 6/30/2016

Total Calls: 1602





Brainerd City Council Agenda Request

5D

Agenda Item #

Requested Meeting Date: July 18th, 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: 2 MINUTES
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. As requested, the City Attorney has reviewed these documents and indicated they meet the statutory requirements.	
Alternatives, Options, Effects on Others/Comments: Adopt the included resolution authorizing the Mayor and Police Chief to sign and execute the attached MOU.	
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>	

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.

City of Brainerd Chief of Police

Central Lakes College President

City of Brainerd Mayor



Brainerd City Council Agenda Request

6
Agenda Item #

Requested Meeting Date: July 18, 2016

Title of Item: Jeff Czczok Presentation; background information

☒ 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: 5 minutes
Summary of Issue: Mr. Czczok on June 22, 2016 requested specific items be provided to the Council when Charter Commission issues are scheduled on the Council Agenda. In that e-mail he cites specific items for Council consideration. Since he has expressed disappointment with my response(s) to his communications with me, I include as an attachment to this request the specific items he seeks.	
Alternatives, Options, Effects on Others/Comments: In an effort to ensure compliance with his request in a manner which may assist the Council to view the materials, I have numbered the items requested in the order set forth in his e-mail of June 22, 2016, starting with Charter Commission Liaison Bevans' responses and concluding with a copy of the 6/22/16 e-mail. (Items 1-14) I also attach Mr. Czczok's 7/13/16 e-mail to me labeled "A".	
Recommended Action/Motion: Any action will depend upon Council's judgment or direction to staff following Mr. Czczok's presentation.	
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>	

Jim Thoreen

From: kelly@kellysservice.biz
Sent: Tuesday, June 07, 2016 8:11 PM
To: Jeff V. Czczok
Subject: Re: Kelly: Inequity Letter / Charter Commission

1.

Jeff,

My Read Once & React position (because that's the way I roll) is you're not asking for anything other than this be on the Council Agenda. You give no reason why, even though you mention that the compensation discrepancy is not fair. So what, life's not fair.

My recommendation: Be Specific

Why should this be on the Council Agenda (the problem)

What is the expected outcome (the solution)

When is an answer expected to both the agenda and the outcome questions (the when).

I'll read it again within 2 weeks & respond further if I feel differently, or have anything else to add.

Thanks for the opportunity,



Kelly Bevens
Brainerd City Council
Ward 2

From: Jeff V. Czczok
Sent: Tuesday, June 07, 2016 12:06 PM
To: <mailto:Kelly@kellysservice.biz>
Subject: Kelly: Inequity Letter / Charter Commission

Greetings Kelly,

Please read over the attached letter I was instructed to draft via a motion during the March 16, 2016 Charter Commission meeting.

I am looking for your feedback related to any changes or editing of the attached letter.

I am copying all communications related to this letter to City Hall to keep in line with the rules of the Open Meeting Law and Data Practice laws so everything emailed between you and I related to this topic will be public data.

If you desire to speak with me regarding this letter, please call me at: 828-8476.

I would like to complete everybody's editing or changes in the next two weeks.

Thank you for any input you care to offer, and, also, if you would please simply acknowledge you received this, I would greatly appreciate it.

Very truly yours, Jeff

Charter Commission Chair

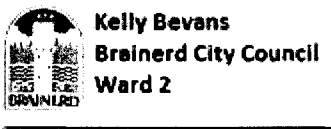
Jim Thoreen

From: kelly@kellysservice.biz
Sent: Sunday, June 12, 2016 12:55 PM
To: Jeff V. Czczok
Subject: Re: Kelly: Inequity Letter / Charter Commission

2.

Jeff

Thank you for your time/explanations regarding the intent of the Charter Commission's letter regarding pay inequity on the various volunteer committees. I will do my best to present the commissions viewpoint at the Council Meeting.



From: Jeff V. Czczok
Sent: Tuesday, June 07, 2016 12:06 PM
To: mailto:Kelly@kellysservice.biz
Subject: Kelly: Inequity Letter / Charter Commission

Greetings Kelly,

Please read over the attached letter I was instructed to draft via a motion during the March 16, 2016 Charter Commission meeting.

I am looking for your feedback related to any changes or editing of the attached letter.

I am copying all communications related to this letter to City Hall to keep in line with the rules of the Open Meeting Law and Data Practice laws so everything emailed between you and I related to this topic will be public data.

If you desire to speak with me regarding this letter, please call me at: 828-8476.

I would like to complete everybody's editing or changes in the next two weeks.

Thank you for any input you care to offer, and, also, if you would please simply acknowledge you received this, I would greatly appreciate it.

Very truly yours, Jeff

Charter Commission Chair

Jim Thoreen

From: Bill Dian <billdglock@gmail.com>
Sent: Tuesday, June 07, 2016 1:46 PM
To: Jeff V. Czczok
Subject: Re: Bill: Inequity Letter / Charter Commission

3.

Looks good

On Tue, Jun 7, 2016 at 12:10 PM, Jeff V. Czczok <bubbajustice@charter.net> wrote:

Greetings Bill,

Please read over the attached letter I was instructed to draft via a motion during the March 16, 2016 Charter Commission meeting.

I am looking for your feedback related to any changes or editing of the attached letter.

I am copying all communications related to this letter to City Hall to keep in line with the rules of the Open Meeting Law and Data Practice laws so everything emailed between you and I related to this topic will be public data.

If you desire to speak with me regarding this letter, please call me at: 828-8476.

I would like to complete everybody's editing or changes in the next two weeks.

Thank you for any input you care to offer, and, also, if you would please simply acknowledge you received this, I would greatly appreciate it.

Very truly yours, Jeff

Jim Thoreen

From: Carla Staffon <carlastaffon@yahoo.com>
Sent: Friday, June 17, 2016 7:19 PM
To: Jeff V. Czczok
Subject: Re: Carla: Charter Commission 2nd DRAFT

4.

Thanks Jeff,

Sorry for not getting to you sooner. I've had a crazy busy month and forgot to answer your email. Also, as to the email from Darla, my phone number is 330-4742.

While I agree with the letter and all points brought up, I'm a bit concerned with its tone.

- 1) You mention we couldn't find documentation regarding PUC. But this does not mean it doesn't exist. Perhaps taking a calmer approach might be best for now?
- 2) I feel paragraph 6 (Public Service and volunteering...) and 7 (When one appointed position...) are repetitive and help create an accusative feel to the letter.
- 3) I question us requesting a 2 month time frame. Are we making demands that sound accusatory?

Maybe it's because I'm female, or maybe it's because I have had limited experience with the council that I feel this way about the letter. I can't help but feel we would get more bees with honey.

Because I do agree with the gist of the letter, I will agree with whatever is decided on to send to the council. But I did want my feelings known.

Thanks for the work you have done on this.

Carla

From:

Jeff V. Czczok <bubbajustice@charter.net>;

To:

<carlastaffon@yahoo.com>;

Subject:

Carla: Charter Commission 2nd DRAFT

Jim Thoreen

From: Wayne Erickson <wayne.margie76@gmail.com>
Sent: Saturday, June 18, 2016 7:06 AM
To: Jeff V. Czczok
Subject: Re: Wayne: Charter Commission 2nd DRAFT

5.

Jeff, sounds like a meeting would be good, hopefully the city council might consider talking this through. Thanks for the update.

On Friday, June 17, 2016, Jeff V. Czczok <bubbajustice@charter.net> wrote:

Greetings Wayne,

after reviewing the March Charter Commission draft minutes, I noticed where a mistake was made in the earlier draft letter sent to you on June 7th.

I've attached a second draft with the corrections and minor editing based on feedback I've received.

All email exchanges will be included with the Council's information for the meeting whereby this might be on their agenda in accordance with the Open Meeting Law, as I mentioned in the email on June 7th.

If you wish to discuss this letter, please call me at: 828-8476

Thank you in advance for reviewing the attached letter and providing me your feedback.

Sincerely, Jeff

Chair, Charter Commission

Jim Thoreen

From: Jan Burton <janb@brainerd.net>
Sent: Friday, June 17, 2016 8:31 AM
To: Jeff V. Czczok
Subject: Re: Inequity Letter / Charter Commission



Jeff,

I believe your letter is concise with all details of subject matter easily understood. Thanks, Jan Burton

----- Original Message -----

From: Jeff V. Czczok
To: Jan Burton
Sent: Tuesday, June 07, 2016 12:07 PM
Subject: Jan: Inequity Letter / Charter Commission

Greetings Jan,

Please read over the attached letter I was instructed to draft via a motion during the March 16, 2016 Charter Commission meeting.

I am looking for your feedback related to any changes or editing of the attached letter.

I am copying all communications related to this letter to City Hall to keep in line with the rules of the Open Meeting Law and Data Practice laws so everything emailed between you and I related to this topic will be public data.

If you desire to speak with me regarding this letter, please call me at: 828-8476.

I would like to complete everybody's editing or changes in the next two weeks.

Thank you for any input you care to offer, and, also, if you would please simply acknowledge you received this, I would greatly appreciate it.

Very truly yours, Jeff

Charter Commission Chair

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4598/12378 - Release Date: 06/07/16

Jim Thoreen

From: Jan Burton <janb@brainerd.net>
Sent: Friday, June 17, 2016 4:46 PM
To: Jeff V. Czczok
Subject: Re: Charter Commission 2nd DRAFT

7.

Jeff, Thank you for your 2nd Draft copy with corrections and minor editing sent to City Council President Scheeler. Well done. Jan B.

----- Original Message -----

From: Jeff V. Czczok
To: Jan Burton
Sent: Friday, June 17, 2016 1:08 PM
Subject: Jan: Charter Commission 2nd DRAFT

Greetings Jan,

after reviewing the March Charter Commission draft minutes, I noticed where a mistake was made in the earlier draft letter sent to you on June 7th.

I've attached a second draft with the corrections and minor editing based on feedback I've received.

All email exchanges will be included with the Council's information for the meeting whereby this might be on their agenda in accordance with the Open Meeting Law, as I mentioned in the email on June 7th.

If you wish to discuss this letter, please call me at: 828-8476

Thank you in advance for reviewing the attached letter and providing me your feedback.

Sincerely, Jeff

Chair, Charter Commission

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.7639 / Virus Database: 4604/12440 - Release Date: 06/17/16

Jim Thoreen

From: jdizzile@gmail.com on behalf of JD Berns <JoshuaDBerns@gmail.com>
Sent: Tuesday, June 07, 2016 7:41 PM
To: Jeff Czczok
Subject: Re: JD: Inequity Letter / Charter Commission



I received the email. I will address this either tonight, or tomorrow as I have time.

Thank you,
JD Berns

On Jun 7, 2016 12:19 PM, "Jeff V. Czczok" <bubbajustice@charter.net> wrote:

Greetings JD,

Please read over the attached letter I was instructed to draft via a motion during the March 16, 2016 Charter Commission meeting.

I am looking for your feedback related to any changes or editing of the attached letter.

I am copying all communications related to this letter to City Hall to keep in line with the rules of the Open Meeting Law and Data Practice laws so everything emailed between you and I related to this topic will be public data.

If you desire to speak with me regarding this letter, please call me at: 828-8476.

I would like to complete everybody's editing or changes in the next two weeks.

Thank you for any input you care to offer, and, also, if you would please simply acknowledge you received this, I would greatly appreciate it.

Very truly yours, Jeff

Charter Commission Chair

Jim Thoreen

From: jdizzile@gmail.com on behalf of JD Berns <JoshuaDBerns@gmail.com>
Sent: Friday, June 17, 2016 1:18 PM
To: Jeff Czczok
Subject: Re: JD: Charter Commission 2nd DRAFT



I agree with this letter.
Thank you for your time Jeff.

JD

On Jun 17, 2016 1:08 PM, "Jeff V. Czczok" <bubbajustice@charter.net> wrote:

Greetings JD,

after reviewing the March Charter Commission draft minutes, I noticed where a mistake was made in the earlier draft letter sent to you on June 7th.

I've attached a second draft with the corrections and minor editing based on feedback I've received.

All email exchanges will be included with the Council's information for the meeting whereby this might be on their agenda in accordance with the Open Meeting Law, as I mentioned in the email on June 7th.

If you wish to discuss this letter, please call me at: 828-8476

Thank you in advance for reviewing the attached letter and providing me your feedback.

Sincerely, Jeff

Chair, Charter Commission

June 7, 2016

10.

To: Mayor and City Council

From: Brainerd Citizens / Charter Commission

The Charter Commission unanimously passed a motion to request of the City Council to review the inequity between the compensation of the Public Utilities Commission members and that of all other appointed officials of the City of Brainerd.

Chapter 2, Section 15 of the Brainerd City Charter states:

"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."

Although requested and due to time constraints, no documentation can be found of the City Council passing a resolution approving the compensation for the Public Utilities Commission.

As citizens of the City, we see a drastic inequity between the compensation of what one appointed commission receives verses all others. The level of indifference is such that PUC members receive more than thirty percent of pay per month than that of City Council members and PUC members are also entitled to health insurance benefits from the City. All other appointed officials receive no compensation with the exception of the HRA Board members who receive \$75 per meeting.

Public service and volunteering for the related boards, commissions and committees of the city are just that, a service to the public.

When one appointed position of public service provides for said members compensation of more than 30% of what the elected positions receive, and also provide for the health insurance all employees and elected officials receive, the term “public service” becomes meaningless.

Speaking as Brainerd Citizens, and recognizing the usefulness of volunteers and the value of the insight the appointed officials provide to the elected officials for you to make the most informed decisions as possible, , we respectfully request the City Council take the time to discuss the inequity we’ve identified and resolve this issue in a fair and appropriate manner.

We, the citizens serving on the Charter Commission are not interested in receiving any compensation for our service to the City.

We are requesting to be placed on a future City Council agenda and to also be allowed to participate in the discussion.

We are requesting that this agenda item be scheduled within the next two months.

Thank you for your time and consideration.

Citizens of Brainerd and members of the Brainerd Charter Commission

June 17, 2016

//

To: City Council President Scheeler

CC: Mayor and City Council

From: Brainerd Citizens / Charter Commission

On March 16, 2016, a motion by Charter Commissioner Stumpf and a second by Charter Commissioner Staffon, was unanimously passed by the Charter Commission to request of the City Council President to review the inequity between the compensation of the Public Utilities Commission members and that of all other appointed officials of the City of Brainerd.

Chapter 2, Section 15 of the Brainerd City Charter states:

"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."

Although requested and due to staff time constraints, no documentation has been found of the City Council passing a resolution approving the compensation for the Public Utilities Commission.

As citizens of the City, we see a drastic inequity between the compensation of what one appointed commission receives verses all others.

The level of indifference is such that PUC members receive more than thirty percent of pay per month than that of City Council members and PUC members are also entitled to health insurance benefits from the City. All other appointed officials receive no compensation with the exception of the HRA Board members who receive \$75 per meeting.

Public service and volunteering for the related boards, commissions and committees of the city are just that, a service to the public.

When one appointed position of public service provides for said members compensation of more than 30% of what the elected positions receive, and also provide for the health insurance all employees and elected officials receive, the term "public service" becomes meaningless.

Speaking as Brainerd Citizens, and recognizing the usefulness of volunteers and the value of the insight the appointed officials provide to the elected officials for you to make the most informed decisions as possible, , we respectfully request the City Council President take the time to consider how to best discuss the inequity we've identified and resolve this issue in an appropriate manner with the City Council.

We, the citizens serving on the Charter Commission, are not interested in receiving any compensation for our service to the City.

We are requesting to be placed on a future City Council agenda and to also be allowed to participate in the discussion.

We are requesting that this agenda item be scheduled within the next two months.

Thank you for your time and consideration.

Citizens of Brainerd and members of the Brainerd Charter Commission

12.

June 7, 2016, email template Charter Com members

Greetings (Charter Com. Member),

Please read over the attached letter I was instructed to draft via a motion during the March 16, 2016 Charter Commission meeting.

I am looking for your feedback related to any changes or editing of the attached letter.

I am copying all communications related to this letter to City Hall to keep in line with the rules of the Open Meeting Law and Data Practice laws so everything emailed between you and I related to this topic will be public data.

If you desire to speak with me regarding this letter, please call me at: 828-8476.

I would like to complete everybody's editing or changes in the next two weeks.

Thank you for any input you care to offer, and, also, if you would please simply acknowledge you received this, I would greatly appreciate it.

Very truly yours, Jeff

Charter Commission Chair

June 17, 2016, email template Charter Com members

13.

Greetings (Charter Com. Member),

after reviewing the March Charter Commission draft minutes, I noticed where a mistake was made in the earlier draft letter sent to you on June 7th.

I've attached a second draft with the corrections and minor editing based on feedback I've received.

All email exchanges will be included with the Council's information for the meeting whereby this might be on their agenda in accordance with the Open Meeting Law, as I mentioned in the email on June 7th.

If you wish to discuss this letter, please call me at: 828-8476

Thank you in advance for reviewing the attached letter and providing me your feedback.

Sincerely, Jeff

Chair, Charter Commission

Jim Thoreen

From: Jeff V. Czczok <bubbajustice@charter.net>
Sent: Wednesday, June 22, 2016 5:46 PM
To: Jim Thoreen; Nikki Tabaka
Subject: For Council: Charter Commission Letter and additional data
Attachments: June 7, 2016, email template Charter Com members.doc; June 17, 2016, email template Charter Com members.doc; Kelly: Inequity Letter / Charter Commission.eml; JD: Inequity Letter / Charter Commission.eml; Carla: Inequity Letter / Charter Commission.eml; Jan: Inequity Letter / Charter Commission.eml; Wayne: Inequity Letter / Charter Commission.eml; Bill: Inequity Letter / Charter Commission.eml; Kevin: Inequity Letter / Charter Commission.eml; JD: Inequity Letter / Charter Commission.eml; Re: Bill: Inequity Letter / Charter Commission.eml; Re: JD: Inequity Letter / Charter Commission.eml; Re: Kelly: Inequity Letter / Charter Commission.eml; Re: Kelly: Inequity Letter / Charter Commission.eml; Re: Inequity Letter / Charter Commission.eml; Kelly: Charter Commission 2nd DRAFT.eml; Carla: Charter Commission 2nd DRAFT.eml; Jan: Charter Commission 2nd DRAFT.eml; JD: Charter Commission 2nd DRAFT.eml; Bill: Charter Commission 2nd DRAFT.eml; Wayne: Charter Commission 2nd DRAFT.eml; Kevin: Charter Commission 2nd DRAFT.eml; Re: JD: Charter Commission 2nd DRAFT.eml; Re: Charter Commission 2nd DRAFT.eml; Re: Carla: Charter Commission 2nd DRAFT.eml; Re: Wayne: Charter Commission 2nd DRAFT.eml

14

June 22, 2016

Hello Administrator Thoreen,

In this email you'll find all emails (see list of 24 attachments and additional 2 attachments of templates) sent to and received from all Charter Commission members regarding the motion on March 16, 2016.

I've checked with an attorney from the MN Dept. of Administration regarding the procedure that should be followed related to the Charter Com. participating in the drafting of the letter per the 03/16 motion in order to follow the OML and Chapter 13.

In accordance with the advice I was given, I recommend providing The two templates of the emails (provided in Word docs) to the public/Council if/when this becomes an agenda item along with all responses from each Charter Com. member and of course the two draft letters and the text in this email as well.

There is nothing different from the two template email documents between the actual emails other than the first name of each Charter Com. member...providing only the templates will save on paper.

I want you to understand the procedure I am following is what I was advised to do and each email of the draft letter was sent individually to each Charter Com. member...no mass blind copy mailing was used and again, this is in accordance with the OML as the Charter Commission is subject to the same.

Specific items to be provided if/when this becomes an agenda item are as follows:

2 responses from Charter Commission liaison Bevans.

1 response each from Commissioners Dian, Staffon and Erickson.

2 responses from Commissioners Burton and Berns, 1 for each draft submission on 6/07 and 6/17.

2 drafts of letter to Council President Scheeler and copied to Mayor and City Council...June 17th is final draft.

2 templates of email note sent with each draft letter on 6/07 & 6/17.

1 copy of this email.

No further communications related to the letter are anticipated, however, if any related communications are receive, those will be provided as they are receive.

Please let me know if you've any questions or concerns.

Thank you.

Sincerely, Jeff
Chair, Charter Commission

Jim Thoreen

From: Jeff V. Czczok <bubbajustice@charter.net>
Sent: Wednesday, July 13, 2016 8:22 AM
To: Jim Thoreen
Subject: Fwd: FW: Clarification of Statute v. Charter

A.

Hello Jim,

the email below you sent me was not included in the July 5th packet as it should have been.

On June 6th, during the Public Forum portion of the City Council meeting, I made it very clear as to how data provided to the elected officials that is directly associated with items on their agendas must be provided for the public's review.

It is not up to you to determine what is or isn't relevant.

Even though you did provide a copy of the email question/request and response from the City Attorney in the July 5th council packet, because you decided to include all council members in your reply to me, the email then becomes data that must be provided to the public.

Additionally, whether or not the public body (city council) is copied blind, openly or individually, the same rule applies.

Again, whatever data is provided to the public body prior to or during a public meeting that isn't considered to be confidential or nonpublic, must be made available to the public.

I am again, counting on you to provide for Monday's meeting the specific attachments identified in the June 22nd email I sent you along with all email exchanges provided in the council packet for the July 5th meeting related to the email below, along with the email below.

I guess we can chalk this up to the nuisance of conducting the public's business.

On a separate note, the email below indicates you were providing it to me based on my "data request" earlier that day. I take umbrage with your framing of this, as I was asking for the City Attorney's opinion since March 16th in which I discussed with you at least five time prior to my request that day.

The day before I made the actual data request, I simply sent you an email suggesting that "I was hoping for the response" from the City Attorney and you still didn't provide, so I made the "data request".

Perhaps you would consider explaining to me why you didn't simply forward the City Attorney's response to me when you received it Friday, the previous week?

I would also ask you to recall that following my becoming Charter Commission Chairman on November 12, 2015, I asked you what the City Staff's role was as it relates to the Charter Commission and we discussed this. The last thing you said to me was how "you take directions very well" and I indicated that I was happy to learn this of you.

I bring this up because, you appeared to have made this a personal request of mine and I also want you to remember that the specific question for the City Attorney was a discussion item during the March 16th Charter Commission meeting and you indicated you would initiate the question to him.

If you've any questions or concerns, please don't hesitate letting me know.

Sincerely, Jeff

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

Subject:FW: Clarification of Statute v. Charter

Date:Thu, 30 Jun 2016 19:16:30 +0000

From:Jim Thoreen <jthoreen@ci.brainerd.mn.us>

To:Jeff V. Czezok <bubbajustice@charter.net>

CC:Sue Hilgart <hilgartsue@hotmail.com>, Chip Borkenhagen <chip@riverplacepress.com>, David Pritschet <dpri7@gmail.com> <dpri7@gmail.com>, Gabe Johnson <gabe.r.johnson@gmail.com>, Gary Scheeler <garyscheeler@hotmail.com>, Kelly Bevans <kelly@kellysservice.biz>, Edwin Menk <edmenk@brainerd.net>

Hi Jeff:

In response to your e-mail this morning I forward the information requested. Please note that you are also listed as a presenter to the City Council on July 5, 2016 fairly early in the agenda though I cannot provide a precise time.

Jim

From: Eric Quiring [<mailto:ejq@ratwiklaw.com>]

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 J. Quiring
730 Second Ave. S., Suite 300
Minneapolis, MN 55402
Ph. (612) 339-0060
Fax (612) 339-0038
Website: www.ratwiklaw.com

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From: Jim Thoreen [<mailto:jthoreen@ci.brainerd.mn.us>]
Sent: Friday, June 24, 2016 7:59 AM
To: Jeff V. Czczok <bubbajustice@charter.net>
Cc: Sue Hilgart <hilgartsue@hotmail.com>; Chip Borkenhagen <chip@riverplacepress.com>; David Pritschet (dpri7@gmail.com) <dpri7@gmail.com>; Gabe Johnson <gabe.r.johnson@gmail.com>; Gary Scheeler <garyscheeler@hotmail.com>; Kelly Bevans <kelly@kellysservice.biz>; Mary Koep <marywaltk@icloud.com>; Edwin Menk <edmenk@brainerd.net>; Eric Quiring <ejq@ratwiklaw.com>
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: Jeff V. Czczok [<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

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

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

July 18, 2016
6:45 P.M.
City Council Chambers

1. IMP 14-15 – Change Orders
2. Utility Connection Procedures for Properties Out of City Limits
3. IMP 16-06 – Alley Block 46
4. College Drive Trees
5. Temporary Family Health Care Dwellings
6. Greater Minnesota Regional Trails & Park Commission Application Status



Brainerd City Council Agenda Request

SPW
1
Agenda Item #

Requested Meeting Date: July 18, 2016

Title of Item: Improvement 14-15 - Airport Utility Extension - Change Orders 3, 4 & 5

☐ 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 are proposed change orders 3, 4 & 5 for the Airport Utility Extension project. Change order 3 is for extra equipment and work associated with moving of a large rock that is blocking the boring of the water casing under T.H. 25; Change Order #4 is for extra work associated with the removal of concrete rubble necessary for the construction of about 800 feet of water main; and Change Order #5 is to document the cost differential of a design change from gravity sewer in the concrete rubble area to a directional drilled force main.	
Alternatives, Options, Effects on Others/Comments: Representatives from SEH and WSN will be at the Committee and Council meeting to answer any questions related to the proposed change orders. The 3 change orders represent a reduction in contract cost of about \$135,000.00	
Recommended Action/Motion: Staff is recommending approval of the 3 change orders.	
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. 3

OWNER	City of Brainerd, Minnesota	DATE	July 12, 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: Proceed with 30-inch Jack and Bore Crossing Obstruction Remediation (Pipe Ramming Operations) for water main crossing (Sheet 01C1) in accordance with the 7/8/16 email proposal from Tom's Backhoe Service with 6/28/16 attachment from Iowa Trenchless, based on the following itemized units of the work:

ITEM	DESCRIPTION	UNIT	UNIT COST	QUANTITY	AMOUNT
230	MOBILIZATION OF PNEUMATIC PIPE HAMMER, 1600 CFM AIR COMPRESSOR(S) AND ANCILLARY PIPE RAMMING EQUIPMENT	LS	\$4,905.00	1.00	\$4,905.00
231	ADDITIONAL LABOR & EQUIPMENT TO PERFORM PIPE RAMMING OPERATIONS FOR BALANCE OF CROSSING INTALLATION	LS	\$34,170.00	1.00	\$34,170.00
232	RENTAL OF PNEUMATIC PIPE HAMMER & ANCILLARY EQUIPMENT	LS	\$16,675.00	1.00	\$16,675.00
TOTAL SUBCONTRACTOR COST					\$55,750.00
233	5% OF \$55,750.00 TOM'S BACKHOE (AS ALLOWED BY CONTRACT)	LS	\$2,787.50	1.00	\$2,787.50
234	ADDITIONAL DEWATERING	DAY	\$1,000.00	28.00	\$28,000.00
235	ADDITIONAL TOM'S BACKHOE MOBILIZATION	LS	\$1,500.00	1.00	\$1,500.00
ESTIMATED TOTAL COST					\$88,037.50

Reason for Change Order: During jack and bore installation of a 30" diameter steel casing crossing of TH 210, a rock obstruction was encountered that impedes further advancement of the casing using Iowa Trenchless' laser-guided pilot boring system. Approximately 50 feet of the 175-foot long casing was installed when the obstruction was encountered. The end of the casing is presently below the outside west-bound driving lane of TH 210. The rock obstruction cannot be removed or fractured through the reaming head and casing, and efforts to do so are impeded by non-cohesive soils and groundwater conditions. The pipe ramming option was recommended by Iowa Trenchless as a means of fracturing or pushing the rock out of the way with the heavy-walled casing so it can be advanced while also recovering the drill stem and reaming equipment that is currently in place. There is the possibility of additional rock obstructions being encountered in this strata, and the pipe ramming option is felt to have the best option for a successful casing installation for the water main. When the casing has been installed, this change order also requires the Contractor to fill all voids with grout. Pressure grouting is required in the Contract for Subsurface Crossings as identified in Section 31 7130 Section 3.02, and is incidental to all casing crossings. The approval of this change order does not relieve the Contractor from any other responsibilities or provisions of the Contract, and shall be the final unit price including all costs incidental to Jack and Bore Crossing Obstruction Remediation including traffic controls and other items incidental to this operation.

Iowa Trenchless has claimed \$12,359.71 for additional costs incurred to date associated with labor and equipment and standby relative to the obstruction issue. Costs incurred to date, in the Engineer's opinion, are primarily due to limitations of the equipment used for jack/boring which cannot address rocks that would normally be

inconsequential using traditional methods, and not wholly due to Subcontractor's claim of a Change of Conditions. Information available to bidders (Braun Intertec Geotechnical Evaluation Report dated 9/18/15 and Addendum dated 11/25/15) identified encountering rocks and cobbles and, although the general observations based on soil borings and soil pits completed intermittently over the 2-mile+ project corridor indicate soils are well suited for jack pit/boring methods, the report also advises of the potential to encounter variations in subsurface conditions. The area geology was characterized as glacial outwash and till, which may contain a wide range of sorted and unsorted soil particle sizes, rocks, cobbles, and boulders. The Bidder/Contractor is obligated to verify site conditions. The Contract requires removal of rocks, cobbles, or boulders. Based on this, no Change of Conditions is acknowledged; however, based on the generalization of conditions for jack pit/boring methods identified in the Braun report, 25% of stated cost incurred has been recommended by the Engineer for payment. Iowa Trenchless issued a letter dated July 12, 2016 stating they are not accepting payment as recommended by the Engineer. Therefore, in the interest of minimizing further delays, this claim will be resolved separately in accordance with the Contract provisions, and has been removed from this change order.

Attachments: Tom's Backhoe email proposal dated 7/8/16, Iowa Trenchless proposal dated 6/28/16, and Iowa Trenchless letter dated 7/12/16.

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 2:	\$8,975.00	No Change	No Change
Contract price prior to the Change Order:	\$8,600,696.58	No Change	No Change
Net increase (decrease) of this Change Order:	\$88,037.50	No Change	No Change
Contract price with all approved Change Orders:	\$8,688,734.08	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:

Scott D. Hedlund

Title: Project Manager/Engineer

Date:

7-14-16

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:

ACCEPTED:

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

By:

Title:

Date:

Kathy Thorne
President
7-14-16

Dave Reese

From: Tom's Backhoe Service, Inc. <tb12@brainerd.net>
Sent: Friday, July 08, 2016 10:09 AM
To: Dave Reese; shedlund@sehinc.com
Subject: 2016 Brnd airport TH210 Lum Park Watermain Crossing Boulder Obstruction
Attachments: Scan.pdfIowaTrenchless30inchBoreObstructionProposal.pdf

Dave & Scott,

Revision to our 6/17/16 & 6/27/16 proposal emails for the boulder obstruction for Lum Park water main crossing.
Contract item #75 original contract price - \$120,000.00
Attached is proposal letter and price from Iowa Trenchless for pipe ramming - \$68,109.71
Additional dewatering, approximately 28 days @ \$1,000.00 per day - \$28,000.00
Additional Mobilization - \$1,500.00

Total for Item #75 Water Main Crossing -	\$217,609.71
Tom's Backhoe Service 5% (\$68,109.71)	<u>\$3,405.48</u>
Total	\$221,015.19

Thank you,

Kathy Thompson
Tom's Backhoe service, Inc.
218-828-4232



June 28, 2016

Tom Thompson
Tom's Backhoe
323 Woodland Hills Ln
Brainerd, MN 56401

RE: Lum Park Road to TH 210 – 30-inch Jack and Bore Crossing Obstruction Remediation
2016 Brainerd Airport Utility Extension – Brainerd, MN

Tom,

This letter is in regards to the boulder obstruction currently impeding the jack and bore installation of the 30-inch diameter steel casing pipe for water main under TH 210 on the above referenced project in Brainerd, MN for your review and consideration.

I. Pipe Ramming Operations

We are able to offer the following proposed remediation procedure, as directed by the Engineers SEH and WSN, to overcome the aforementioned boulder obstruction. This procedure is intended to avoid a soil stabilization grouting application, as well as manual removal of the obstruction, while continuing to preserve the integrity of the State Trunk Highway above, as well as nearby structures, and providing for a use-able casing pipe for the project requirements.

We propose to mobilize and employ a pneumatic pipe hammer and hammer the casing pipe through the remainder of the crossing. The procedure will include re-packing soil into the casing pipe by rotating the augers in the opposite direction, thus creating a soil plug in the first 20-40 feet of casing pipe and stabilizing any flowing ground conditions during the pipe ramming operations. We will then remove the augers, enter the casing and reinforce the pipe joints with additional hardened steel welds and cross straps, designed to strengthen the joints to withstand the additional percussive forces of the pipe hammer operations. We will proceed to hammer on the casing pipe until the obstruction is overcome and the steel casing pipe reached the opposite side of the crossing. The spoils will then be removed from within the steel casing, by augers or manual removal, depending on the size and nature of the spoils.

Items Included:

1. Mobilization of Pneumatic Pipe Hammer, 1600 CFM Air Compressor(s) and Ancillary Pipe Ramming Equipment	\$ 4,905.00
2. Additional Labor & equipment to Perform Pipe Ramming Operations for Balance of Crossing Installation	\$ 34,170.00
3. Rental of Pneumatic Pipe Hammer & Ancillary Equipment	\$ 16,675.00
Estimated Range of Cost:	\$ 55,750.00

Note: There is no guarantee the pipe ramming procedure will successfully overcome the obstruction. However, it has been our experience that the pipe ramming method, when properly employed, is an adequate alternative to jack and bore in widespread conditions and is able to handle various obstructions.

II. Costs Incurred to Date

Iowa Trenchless is committed to working together to successfully complete this crossing, as well as the remaining jack and bore crossings on this project; However we must be fairly compensated for the additional costs and expenses we have incurred, and will continue to incur, as a result of the unanticipated obstruction(s) we have encountered on this bore.

To date, we have incurred \$12,359.71 in additional costs directly related to the obstruction on this jacked and bored crossing for which we must be compensated. These costs, as well as any future costs we will incur for delay, removal of obstruction, or any additional work required to remediate the situation, must be included in a Change Order to cover the expense of our resources for the additional scope of work not specified or intended for in the project documents.

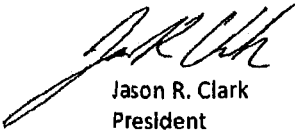
III. Conclusion

The Total Additional Estimated Costs associated with this extra work to complete the crossing is \$68,109.71.

We appreciate your consideration and review of the proposed remediation procedures outlined above, directed to overcome the unfortunate and unexpected complications experienced on this project, and we look forward to working together toward an effective, viable solution.

Please contact me with any questions you may have.

Sincerely,



Jason R. Clark
President



July 12, 2016

Tom Thompson
Tom's Backhoe
323 Woodland Hills Ln
Brainerd, MN 56401

RE: Change Order No. 3 – Lum Park Road to TH 210 – 30-inch Jack and Bore Crossing Obstruction
2016 Brainerd Airport Utility Extension – Brainerd, MN

Tom,

This letter is in response to the proposed Change Order No. 3 presented by the Owner, regarding the 30-inch steel casing jack and bore crossing on the above referenced project in Brainerd, MN, and the boulder obstruction impeding any further advancement.

We are in receipt of the Owner's proposed Change Order No. 3, dated July 7, 2016. We are in agreement with all cost items pertaining to Iowa Trenchless *except* ITEM 233 – COSTS INCURRED TO-DATE. We have recorded and compiled the costs and expenses of our resources that we have incurred as result of the obstruction impeding the proposed work for which we must be compensated, and therefore cannot accept the Change Order as presented, with a 75% reduction of our incurred costs.

We have been more than fair in compiling and presenting the additional costs we have incurred to-date. In fact, we have only requested compensation for those expenses which we incurred on the dates of June 9, 10 and 11, before we were able to move to other items of work on the project and limit the idle and stand-by costs for our resources while in delay waiting for a response directing how to proceed. If we had compiled the additional costs we have incurred for idle resources since these dates, they would include the following equipment that has been idle since June 17:

- 100,000 lb. Excavator – 2005 Komatsu PC400LC-7
- 75,000 lb. Excavator – 1993 Komatsu PC300LC-5
- Auger Boring Machine (ABM) – 2005 Barbco 48/54-950
- Guided Boring Machine (GBM) – 2010 Akkerman 240A

While we were able to utilize the labor on other work, both on this project and others – and thus did not incur any idle crew costs – and we were able to utilize this equipment for some of the time between June 11 and now – approximately 1 week – we have still incurred, and continue to accrue, extra costs for our idle resources which were not anticipated.

A realistic analysis of the costs we have incurred would be obtained by gathering the rental rates of the above listed equipment. In total, this cost for our equipment on-site would be in the proximity of \$80,000-85,000.00 per month for the time it has sat idle. We have not requested payment for these idle costs, and to-date, we do not intend to. That being said, we did incur additional expenses for our crew and equipment – operating – for the 3 dates mentioned above, and we must be adequately compensated for such. These costs have been documented and outlined, and are an accurate representation of the actual costs incurred by Iowa Trenchless.

In addition to the cost aspect of the proposed Change Order, we also do not agree the with directed "pressure grouting" procedure as outlined. As required by the contract documents, we will employ measures to allow for "contact grouting" of any voids that may have developed during the installation. Upon successful completion of the steel casing installation, we will perform contact grouting



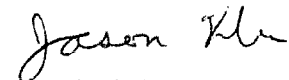
operations as deemed necessary. Iowa Trenchless has extensive experience with numerous types of grouting procedures – including contact grouting – and will determine the most suitable method.

Iowa Trenchless is still committed to working cooperatively to the successful completion of this crossing, as well as the remaining jack and bore crossings on this project; however we must be fairly and adequately compensated for the additional costs and expenses we have incurred as a result of the unanticipated obstruction encountered on this bore.

Due to the reasons stated herein, we are unable to accept the proposed Change Order No. 3 at the present time with the current format and terms.

Please feel free to contact us with any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Jason Klein". The signature is written in a cursive, flowing style.

Jason (Jay) Klein
Project Engineer

CHANGE ORDER NO. 4

OWNER	City of Brainerd, Minnesota	DATE	July 13, 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: Remove buried concrete rubble and miscellaneous debris and import replacement backfill to facilitate water main installation.

ITEM	DESCRIPTION	UNIT	UNIT COST	QUANTITY	AMOUNT
236	REMOVE AND DISPOSE OF CONCRETE RUBBLE AND MISCELLANEOUS DEBRIS (LV)	CU YD	\$8.00	2,084.00	\$16,672.00
237	GRANULAR REPLACEMENT BACKFILL (LV)	CU YD	\$6.00	1,803.00	\$10,818.00
TOTAL ADD					\$27,490.00

Reason for Change Order: During construction in Project Area 1, a layer of buried concrete rubble and miscellaneous debris was discovered while excavating the east water main jack bore pit at Station 41+60. The only soil boring in this area did not detect this layer. With the assistance of City Public Works staff and vacuum truck, exploratory vacuumed holes were recently completed between Station 37+00 and 45+00 along the sewer and water alignments. It is estimated the rubble and miscellaneous debris layer is approximately 800 feet long with an average thickness of 4 feet within the planned open cut water main trench limits. The Engineer determined it is necessary to remove the rubble/debris within the water main alignment and replace the void with granular backfill material.

Attachments: N/A.

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 3:	\$97,012.50	No Change	No Change
Contract price prior to the Change Order:	\$8,688,734.08	No Change	No Change
Net increase (decrease) of this Change Order:	\$27,490.00	No Change	No Change
Contract price with all approved Change Orders:	\$8,716,224.08	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: 7-14-16

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: _____

ACCEPTED:

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

By: _____

Title: _____

Date: 7/14/16

P:\AE\B\BRDMN\131759\7-const-svcs\71-const-mgmt\50-change-orders\CO #4\CO #4 .docx

CHANGE ORDER NO. 5

OWNER	City of Brainerd, Minnesota	DATE	July 14, 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: Reduction in trunk gravity line limits between Area 1 Station 36+89 and 54+28 due to rubble/debris obstructions. Eliminate sanitary manhole bases SS11 and SS14; 1,739 LF 12-inch HDPE sewer pipe; sanitary jack bore crossing SHT 01C18-B. Reuse SS11 and SS14 cone and barrel sections; reuse SS12 for SS26, SS13 for SS25, and SS100 for SS16. Add 1,739 LF of 6-inch sewer force main, air release manhole, and coat interior of SS10.

ITEM	DESCRIPTION	UNIT	UNIT COST	QUANTITY	AMOUNT
97	SANITARY SEWER CROSSING- SHT 01C18-B	LUMP SUM	\$124,000.00	(1.00)	(\$124,000.00)
97	RESTOCK CASING AND 8" X 16" CASING SPACERS*	LUMP SUM	\$5,379.30	1.00	\$5,379.30
106	6" HDPE PIPE FORCEMAIN – DIRECTIONALLY DRILLED	LIN FT	\$50.00	1,739.00	\$86,950.00
108	12" HDPE SEWER PIPE – DIRECTIONALLY DRILLED	LIN FT	\$215.00	(1,739.00)	(\$373,885.00)
108	12" HDPE SEWER PIPE – PIPE, FUSING LOADER/LABOR, CUTTING, DELIVERY, STOCKPILING, DISPOSAL; HDD UNIT PRICE VARIANCE BETWEEN 0-15' AND 15-30' WITH DEWATERING	LIN FT	\$92.00	1,739.00	\$159,988.00
111	CLEAN AND VIDEO TAPE PIPE SEWER – MAINLINE	LIN FT	\$3.00	(1,739.00)	(\$15,651.00)
113	SANITARY SEWER MANHOLE, MnDOT DESIGN 4007C	EACH	\$3,000.00	(5.00)	(\$15,000.00)
114	MANHOLE EXCESS DEPTH (OVER 8')	LIN FT	\$125.00	(19.04)	(\$2,380.00)
	AIR RELEASE MANHOLE	EACH	\$9,750.00	1.00	\$9,750.00
	RESTOCK 2 PRECAST SANITARY SEWER MANHOLE BASES (SS11 AND SS14)*	LUMP SUM	\$3,666.00	1.00	\$3,666.00
	COAT INSIDE OF SANITARY MANHOLE SS#10 WITH CIM 1000*	LUMP SUM	\$3,750.00	1.00	\$3,750.00
	* 5% OF \$12,795.30 TOM'S BACKHOE (AS ALLOWED BY CONTRACT)	LS	\$639.77	1.00	\$639.77
TOTAL					\$(260,792.93)

Reason for Change Order: During construction in Project Area 1, a 4 to 5-foot thick layer of buried concrete rubble/debris was discovered while excavating the east water main jack bore pit at Station 41+60. The only soil boring in this area did not detect this layer. With the assistance of City public works staff and vacuum truck, exploratory vacuumed holes were recently completed between Station 37+00 and 45+00 along the sewer alignment. In order to install the planned sanitary sewer, it would be necessary to switch from directional drilling to open-cut installation methods, and required removing the rubble/debris within the sewer alignment and replace the void with granular backfill material. Based on the added cost and disturbance to install gravity sewer compared with the benefit provided, the Engineer determined it is most cost effective to eliminate the gravity sewer system between Station 36+89 and 54+28 and, in lieu thereof, extend the 6-inch sewer force main from Station 54+28 to sanitary manhole SS#10 at

Station 36+89. An air release manhole is required on this extended force main alignment. Future connections to the sanitary sewer on the east side of TH 210 in this area would connect to SS #10. Future connections to the sanitary sewer off Pine Shores Road would connect either to the planned stubs crossings near Jordan Road, or by future force main to the existing sewer in Wonderland Park Road.

Attachments (List of documents supporting change): Revised plan sheets 01C5 – 01C8, 01C18.

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 4:	\$124,502.50	No Change	No Change
Contract price prior to the Change Order:	\$8,716,224.08	No Change	No Change
Net increase (decrease) of this Change Order:	(\$260,792.93)	No Change	No Change
Contract price with all approved Change Orders:	\$8,455,431.15	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: _____

RECOMMENDED:

WSN
7804 Industrial Park Road
Baxter, MN 56345-2720

By: _____

Title: Project Engineer

Date: 7-14-16

APPROVED:

City of Brainerd
501 Laurel Street
Brainerd, MN 56401

By: _____

Title: _____

Date: _____

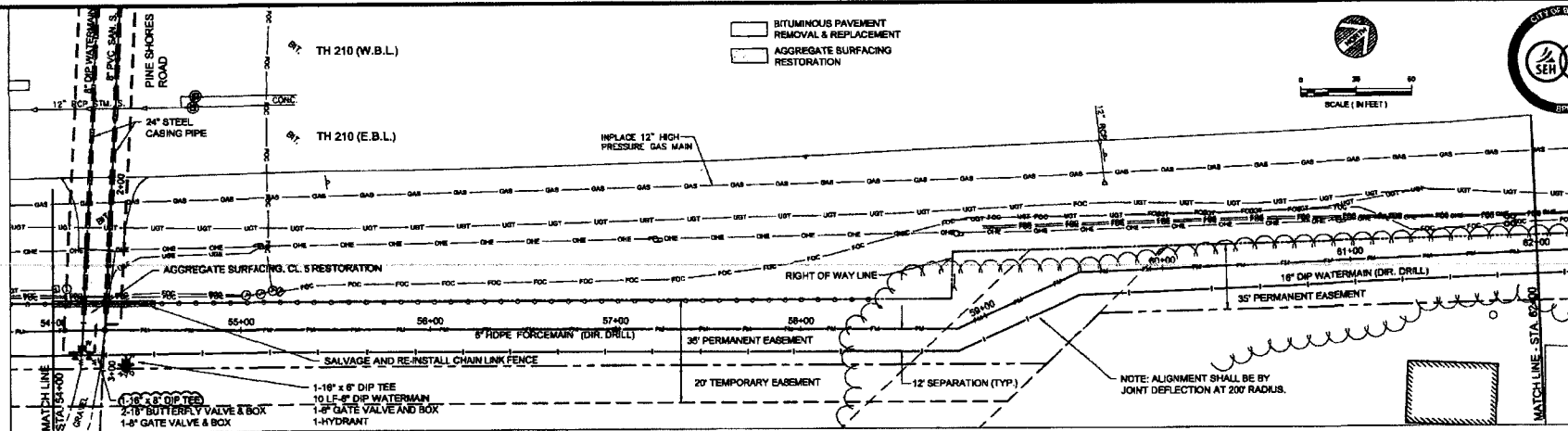
ACCEPTED:

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

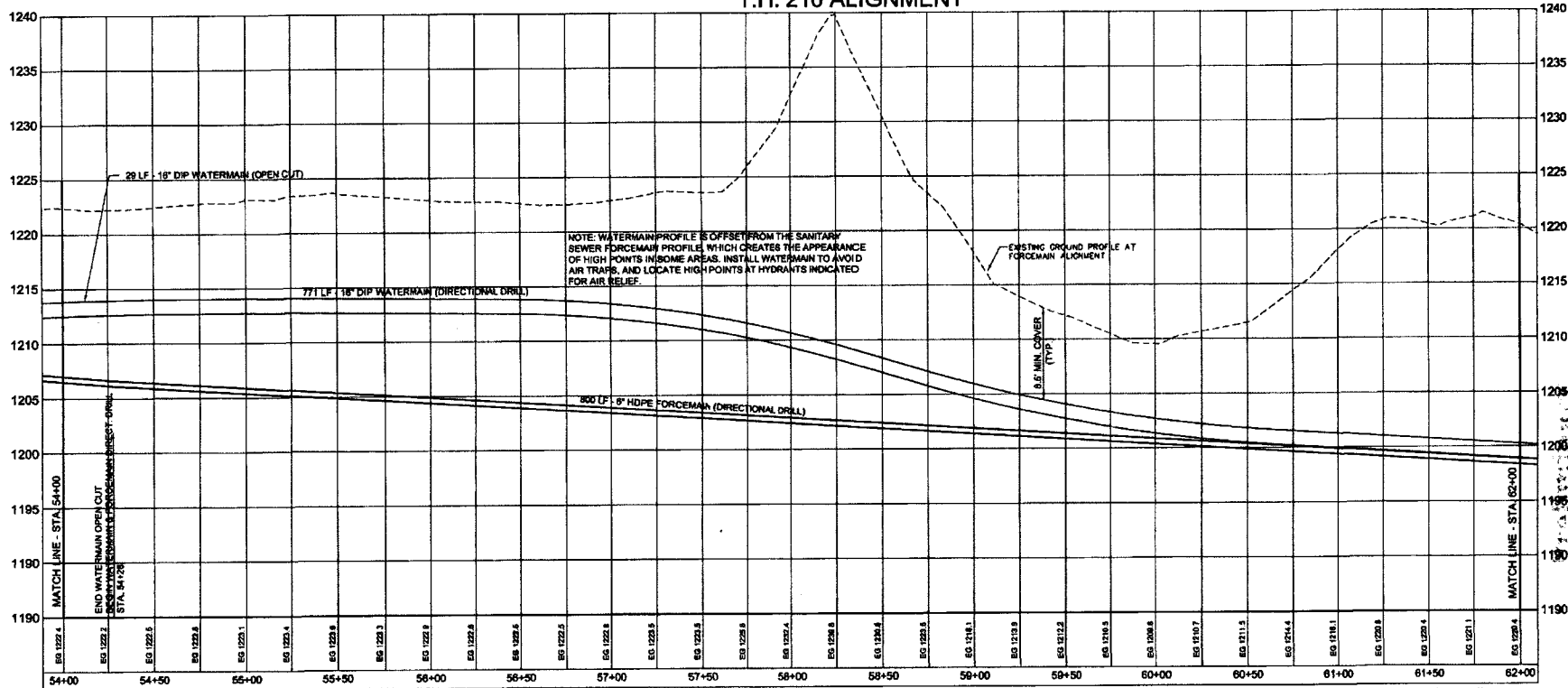
By: _____

Title: VA

Date: 7/14/16



T.H. 210 ALIGNMENT

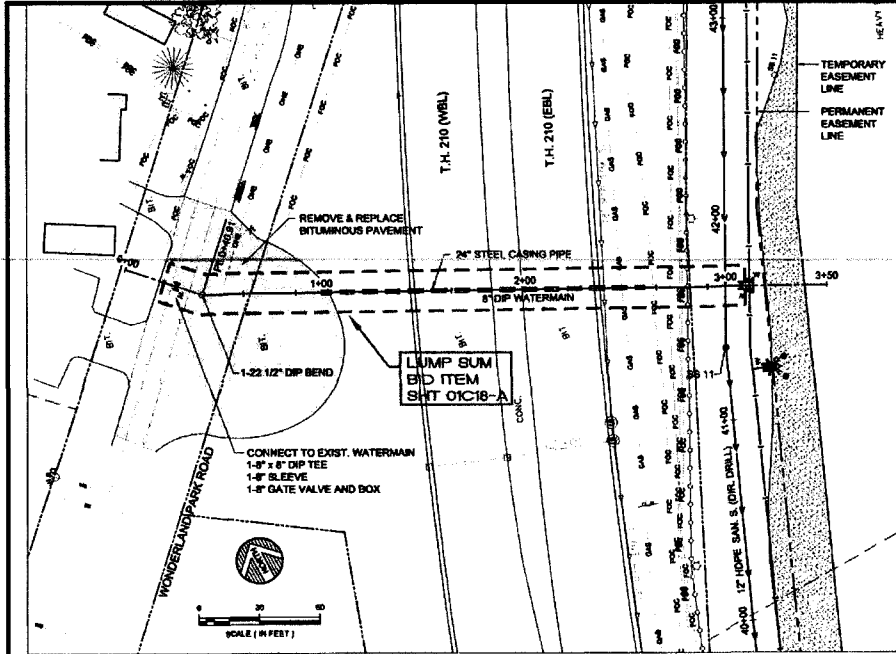


WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

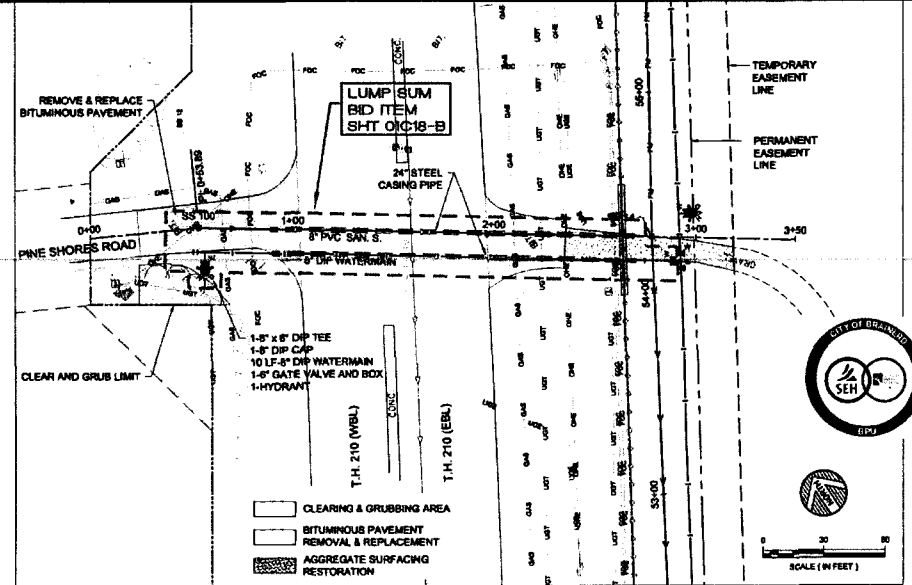
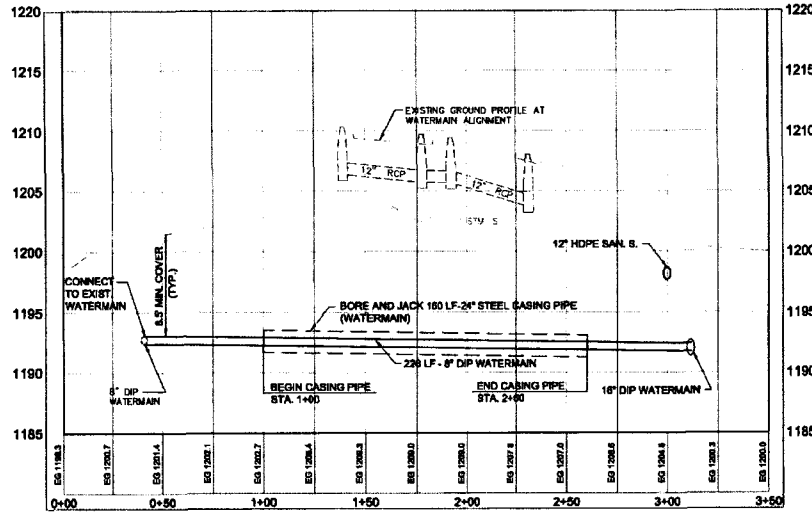


DATE	BY	REVISION	DESCRIPTION
11/11/19	WSN	1	ISSUED FOR PERMITTING
11/11/19	WSN	2	REVISED PERMITTING INFORMATION
11/11/19	WSN	3	ADDED PERMITTING INFORMATION
11/11/19	WSN	4	ADDED PERMITTING INFORMATION
11/11/19	WSN	5	ADDED PERMITTING INFORMATION
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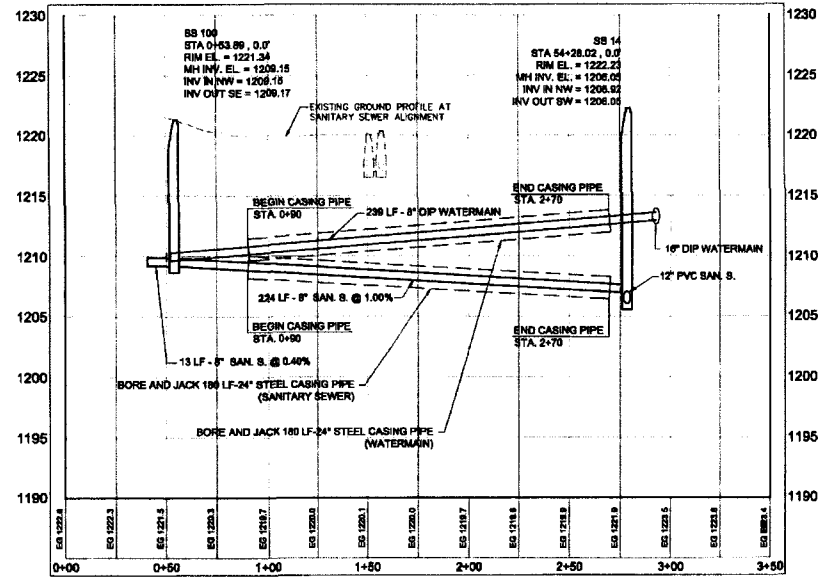
01C8



**T.H. 210 - WONDERLAND PARK ROAD
NORTH END WATERMAIN CONNECTION**



**T.H. 210 - PINE SHORES RD. WATERMAIN
AND SANITARY SEWER CROSSING**





Brainerd City Council Agenda Request

SPW
#2
Agenda Item #

Requested Meeting Date: July 18, 2016

Title of Item: Airport Property Utility Connection Procedures

☐ 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: As explained in the attached memo, staff has met on several occasions to discuss and develop a process and set of requirements to address issues not already addressed by other policies, for properties to connect to city utilities when they are located outside of the City of Brainerd.	
Alternatives, Options, Effects on Others/Comments: After the requirements are approved by the City Council, they will be forwarded to the Airport Manager and Commission.	
Recommended Action/Motion: Staff is requesting that the Council approve the procedures as presented or amended.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO

TO: Mayor and City Council

FROM: Jeff Hulsether

DATE: July 7, 2016

RE: Utility Connection Processes at the Airport

Staff has met on a couple occasions to discuss processes and procedures for allowing utility connections to the water and sewer systems being constructed to serve the airport. We have an unusual situation at the airport in that the property is not in the City of Brainerd and may or may not annex at some point in the future. Because of the unusual nature of the property, staff felt that it was necessary to establish and document processes for the connections so that all interested parties are aware of what the requirements will be. The recommended processes are as follows:

Connections from existing buildings

Permitting Processes

- Owner/Contractor submits and application for a plumbing/sewer connection permit.
- Staff will verify existing fixture types within the structure to calculate the appropriate SAC and WAC charges.
- Staff will investigate the adequacy of floor drain traps based on the usage of the structure.
- Owner/Contractor will pay all permit and SAC & WAC fees prior to commencing work.
- Excavation permits will not be required because the excavations are not with a city right of way. The airport will manage restoration through existing lease agreements with the tenants.
- Contractor requirements – A Master Plumber or Certified Pipelayer is required to connect to our system (State Licensed and bonded)
- Materials used for the connections shall be Schedule 40/SDR 35 for the sewer services and Type K copper with standard corp and curb stops for the water at least to the water meter. Materials on the private side of the meter are up to the owner.
- Testing of the water and sewer service shall be set up by plumber and inspected by the city
- Permit Fees still need to be reviewed and more than likely amended to cover staff costs

Connections from New Construction

Permitting Process

- Owner/Contractor submits application for plumbing/sewer tap permit with copy of plan set
- Staff reviews plumbing portion of plan set to identify plumbing fixture counts and calculates SAC and WAC fees.
- The owner/contractor will need to submit required documents to the Department of Labor and Industry who will conduct a plan review including plumbing and will perform necessary building and plumbing inspections.
- City will Issue permits for connections only
- Permit fees will be the same as established for existing buildings.

In both scenarios, owners will be required to purchase meters from BPU and set up their utility account which will include double water and sewer charges pursuant to policy.



Brainerd City Council Agenda Request

SPW
#3

Agenda Item #

Requested Meeting Date: 07/18/2016

Title of Item: Improvement 16-06 - Alley Block 46 Sanitary Sewer

☐ 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: Paul Sandy	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 Minutes
Summary of Issue: At previous meetings, it was approved to go ahead with design for the alley block 46 sanitary sewer replacement to eliminate 2 blocks of sanitary sewer that exists under Highway 210. The design has been completed and a final construction cost estimate has been prepared for review and can be seen attached to this request.	
Alternatives, Options, Effects on Others/Comments: A previous construction estimate of around \$81,000 was presented at previous meetings. The estimate with all estimated quantities calculated is \$84,000. With a 10% contingency, the estimate for construction is coming in around \$93,000. With the re-alignment of some sewer services that was previously quoted by Tim Thompson Plumbing, LLC for \$18,500 and the environmental work being completed by WSN for the MPCA hazardous material spill site (\$3,500), the total estimated cost for construction of the project is \$115,000. This does not, however, include some soil testing that may have to be done by WSN during construction to evaluate the possibility of contaminated soils. WSN agreed to negotiate a price to do testing, if testing is necessary.	
Recommended Action/Motion: Approve the Plans and Specifications for the Alley Block 46 Sanitary Sewer Replacement and approve Engineering staff to solicit bids for construction in the fall of this year.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ 115,000 Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u> This project would be paid through the sanitary sewer fund.	

Engineer's Estimate of Probable Costs
Improvement 16-06 Alley Block 46 Sanitary Sewer

ITEM NO.	SPEC NO.	DESCRIPTION	UNIT	TOTAL	UNIT PRICE	TOTAL COST
1	2021.501	MOBILIZATION	L SUM	1	\$ 5,000.00	\$ 5,000.00
2	2104.501	REMOVE SEWER PIPE (STORM)	LF	144	\$ 6.00	\$ 864.00
3	2104.501	REMOVE SEWER PIPE (SANITARY)	LF	330	\$ 2.00	\$ 660.00
4	2104.501	REMOVE CURB AND GUTTER	LF	76	\$ 3.00	\$ 228.00
5	2104.503	REMOVE CONCRETE SIDEWALK	SF	384	\$ 2.00	\$ 768.00
6	2104.505	REMOVE CONCRETE DRIVEWAY PAVEMENT	SY	65	\$ 15.00	\$ 975.00
7	2104.505	REMOVE BITUMINOUS PAVEMENT	SY	1143	\$ 1.50	\$ 1,714.50
8	2104.509	REMOVE CASTING	EA	1	\$ 50.00	\$ 50.00
9	2104.509	REMOVE DRAINAGE STRUCTURE	EA	1	\$ 250.00	\$ 250.00
10	2104.509	REMOVE MANHOLE (SANITARY)	EA	1	\$ 275.00	\$ 275.00
11	2104.511	SAWING CONCRETE PAVEMENT	LF	33	\$ 5.00	\$ 165.00
12	2104.513	SAWING BIT PAVEMENT (FULL DEPTH)	LF	551	\$ 2.00	\$ 1,102.00
13	2105.501	COMMON EXCAVATION (P)	CY	221	\$ 12.00	\$ 2,652.00
14	2211.501	AGGREGATE BASE COURSE CLASS 5	TON	291	\$ 20.00	\$ 5,820.00
15	2360.501	TYPE SP 9.5 WEARING COURSE MIX (3,B)	TON	153	\$ 70.00	\$ 10,710.00
16	2503.511	6" PVC PIPE SEWER	LF	117	\$ 30.00	\$ 3,510.00
17	2503.511	8" PVC PIPE SEWER	LF	479	\$ 40.00	\$ 19,160.00
18	2503.541	12" RC PIPE SEWER DESIGN 3006 CLASS III	LF	144	\$ 30.00	\$ 4,320.00
19	2503.602	8" CLEAN-OUT ASSEMBLY	EA	1	\$ 200.00	\$ 200.00
20	2503.602	SANITARY SEWER SERVICE	EA	10	\$ 300.00	\$ 3,000.00
21	2506.502	CONSTRUCT DRAINAGE STRUCTURE, DESIGN G OR H	SF	1	\$ 2,000.00	\$ 2,000.00
22	2506.516	CASTING ASSEMBLY	EA	2	\$ 1,000.00	\$ 2,000.00
23	2503.602	CONNECT INTO EXISTING SANITARY SEWER	EA	1	\$ 400.00	\$ 400.00
24	2503.602	CONNECT INTO EXISTING STORM SEWER	EA	1	\$ 600.00	\$ 600.00
25	2503.602	CONSTRUCT SANITARY MANHOLE	EA	2	\$ 2,500.00	\$ 5,000.00
26	2521.501	6" CONCRETE WALK	SF	384	\$ 8.00	\$ 3,072.00
27	2531.501	CONCRETE CURB AND GUTTER, DESIGN B618	LF	76	\$ 20.00	\$ 1,520.00
28	2531.507	7" CONCRETE DRIVEWAY PAVEMENT	SY	62	\$ 70.00	\$ 4,340.00
29	2563.601	TRAFFIC CONTROL	L SUM	1	\$ 1,000.00	\$ 1,000.00
30	2573.530	STORM DRAIN INLET PROTECTION	EA	4	\$ 150.00	\$ 600.00
31	2574.525	COMMON TOPSOIL BORROW (LV)	CY	35	\$ 30.00	\$ 1,050.00
32	2575.555	TURF ESTABLISHMENT	SY	102	\$ 10.00	\$ 1,020.00

TOTAL \$ 84,025.50
CONTINGENCY (10%) \$ 8,402.55
TOTAL ESTIMATED CONSTRUCTION COST \$ 92,428.05



Brainerd City Council Agenda Request

SPW
4

Agenda Item #

Requested Meeting Date: July 18, 2016

Title of Item: College Drive Trees

☐ 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 memo providing details of our insurance coverage as it pertains to trees in the College Drive corridor. The memo also discusses replacement of missing, vandalized, and undesirable trees.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Staff is seeking direction on how to proceed with tree replacements	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO

TO: Safety and Public Works Committee

FROM: Jeff Hulsether

DATE: July 13, 2016

RE: Trees on College Drive

At the last Committee meeting, Staff presented a quote from Doucette Landscaping for the replacement of the vandalized trees along College Drive and in Kiwanis Park. Since then we have received another quote from a local vendor to replace the same trees at a cost of about double the Doucette quote.

At the meeting, there was a question about insurance coverage and whether or not insurance would cover damaged and vandalized trees from previous incidents under a single deductible. What we have learned from the LMCIT is that we only have coverage for trees that are within 100 feet of an insured structure. This proximity requirement will exclude the trees in the north boulevard and several of the median trees from coverage bringing the cost of covered replacements under the \$5,000 deductible. Coverage for trees is available through the League but we must be specific about the species, location and cost of replacement. The cost of the coverage is about \$1.00 per \$100 of value. There were originally about 220 trees along the corridor. With a replacement cost of \$500.00 each, the annual premium would be about \$1,100.00, but there would still be a \$5,000 deductible per incident, so an incident would need to impact 10 or more trees to have any benefit of insurance coverage. Incidents cannot be combined for the purposes of reaching the deductible. Based on the probability of an incident damaging more than 10 trees

Staff has reviewed the corridor for missing and vandalized/unhealthy trees. Of the original 226 boulevard and median trees planted, 14 are missing due to vandalism and being run over, and 17 are deformed from vandalism and/or have bare tops and will not mature into desirable trees along the corridor. At about \$500.00 per tree, the cost of replacement trees will be about \$15,500.

The 31 trees mentioned are either noticeably absent or clearly identifiable in the corridor. To preserve the future aesthetic appeal of the corridor these 31 trees should be replaced soon so that their size and shape will blend in with the other trees.

We do not have a tree budget to fund the replacement. If we move forward with funding a replacement this fall, we could take funds out of the Capital Projects Fund or General Unallocated. If we wait until next spring, we could include the replacement in the budget under some special project fund.



Brainerd City Council Agenda Request

SPW
#5

Agenda Item #

Requested Meeting Date: July 18, 2016

Title of Item: Temporary Family Health Care Dwellings - Ordinance to Opt Out of State Law. 1st Reading and Set Public Hearing for August 1, 2016

☐ 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: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes at SPW and perhaps additional minutes at the City Council
Summary of Issue: On May 12, 2016, Governor Dayton signed into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling. The law includes a September 1, 2016 community opt out provision. This is new legislation and attempting to explain it and the opt out provision in the confines of this section creates type size too small to read. Attached is a memo that explains more about the law and the opt out provision. A copy of a Minneapolis Tribune article about this issue is attached.	
Alternatives, Options, Effects on Others/Comments: Option 1. Do nothing, which as of September 1st will require us to abide by Temporary Family Health Care Dwellings law requirements. Option 2. Adopt an Ordinance as provided for in the law, to opt out of the Temporary Family Health Care Dwellings law. See the attached memo for a Planning Department recommendation.	
Recommended Action/Motion: Motion by _____ second by _____ to approve the 1st reading of Ordinance # _____ to opt out of 2016 Minnesota Session Laws CHAPTER 111--S.F.No. 2555 an act relating to local government; regulating zoning of temporary family health care dwellings.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

MEMO

TO: Mayor and City Council

CC: Jim Thoreen, City Administrator

FROM: Mark Ostgarden, City Planner

MO

DATE: July 12, 2016

RE: New Temporary Family Health Care Dwellings Legislation - Ordinance to Opt Out of the State Law

Background

Communities that desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts for the legislature taking on the Temporary Family Health Care Dwellings initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.

The legislation allows for communities to "opt out" of the law by September 1, 2016. If a community does not opt out by that date it is required to follow the language of the law. It is the requirements to follow the law that has raised concern for many cities across the state. The attached spreadsheet lists cities that have commented on the legislation and whether the opt out opportunity will be used.

League of Minnesota Cities Review

The League of Minnesota Cities has prepared information for cities to assist them in understanding the law, the opt out provision and the consequences of not opting out. To help cities that would like to opt out of the statute, the League of Minnesota Cities has created a frequently asked questions (FAQs) document. Following are some of the issues covered in the document:

- Under the new law, most cities have 15 days to grant or deny a submitted application. (Cities that regularly meet only once a month get 30 days to make their decision.) The law expressly waives the public hearing due to the private medical information involved and because of the immediate need for care. The law does not specify an appeal process related to permit decisions.
- The permit is good for six months, with the option to renew once for an additional six months. The permit fee is set at \$100, with \$50 for a renewal; however, a city can choose to adopt, by ordinance, a different fee schedule.

- If a city wants to adopt a program that differs from the one specified in the new law, you should know that the law does not authorize partial adoption or modification of the program. Instead, a city would need to opt out of the entire law and then adopt a different ordinance that meets the city's needs.
- Existing local controls related to accessory uses and the parking and storage of recreational vehicles cannot regulate or prevent placement of a unit that qualifies as a temporary family health care dwelling (see section 3, subdivision 2). Other local ordinances and setbacks, as well as applicable state and federal laws, do apply.
- Section 3, subdivisions 5 and 6 of the law set forth parameters for inspection, enforcement, and permit revocation. At any time, cities can request proof that the unit remains compliant with the requirements of the law. Cities can arrange an inspection at a reasonable time that is convenient for the caregiver, to verify that the unit is compliant, is occupied, and that the resident is the one named on the permit.

Temporary family health care dwelling criteria

Section 3, subdivision 2 of the law specifically sets the criteria for a structure to be considered a qualified temporary family health care dwelling. These structures must:

- Be primarily assembled at a location other than its site of installation.
- Be no more than 300 gross square feet.
- Not be attached to a permanent foundation.
- Be universally designed and meet state-recognized accessibility standards.
- Provide access to water and electric utilities, either by connecting to the utilities serving the principal dwelling on the lot or by other comparable means.
- Have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction.
- Have a minimum insulation rating of R-15.
- Be able to be installed, removed, and transported by a one-ton pickup truck, a truck, or a truck tractor as defined in Minnesota Statutes, section 168.002.
- Be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2, which is an industry definition of a recreational vehicle.
- Be equipped with a backflow check valve.

Permit application requirements

A caregiver or a relative must submit a permit application to the city signed by the primary caregiver, the owner of the property on which the unit will be placed, and the resident of the property (if the owner does not reside there). The permit application requires a very specific list of information, including:

- **Applicant information.** Name, address, and phone number of the property owner, the property resident (if different from the owner), and the primary caregiver for the qualified inhabitant of the unit.
- **Resident name.** Only one person can reside in a temporary family health care dwelling and it must be the person named in the application.

- **Health care provider information.** Proof of the provider network that will provide the primary care, respite care, or remote patient monitoring service.
- **Verification of need.** Written certification of the need for assistance with two or more instrumental daily activities from a physician, physician's assistant, or advanced practice registered nurse licensed to practice in Minnesota.
- **Septic service.** An executed contract for septic service or management.
- **Neighbor notice.** An affidavit that all adjacent property owners and residents have received notification of the application.
- **Site map.** A general site map to show the location of existing structures and the proposed placement of the new unit. The placement must comply with the same setback requirements that apply to the primary residence and must allow septic service and emergency response access in a safe and timely manner.

Additionally, the law only allows one unit per lot and that unit must house only one resident, who must be the same person named in the application.

Recommendation

The Planning Department's recommendation that we opt out of the law for 3 reasons:

1. The Planning Department has not had sufficient time to thoroughly review the law and discuss with other staff.
2. Opting out provides us additional time to consider whether we want to address the use with the Planning Commission and seek community input.
3. Opting out will allow us to draft our own ordinance language if (when) we choose to consider the use in the city.

ORDINANCE NO. ____

**AN ORDINANCE OPTING-OUT OF
THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

WHEREAS, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

THE CITY COUNCIL OF THE CITY OF BRAINERD, ORDAINS as follows:

the City of Brainerd opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

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

Adopted this ____ day of _____, 2016

GARY SCHEELER
President of the Council

Approved this ____ day of _____, 2016

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One time

Temporary Health Care Dwellings - : Temporary health care Dwellings - What Are Your Cities Leaning?

MCMA- responses recived from post 7-7-16 by eric Johnson from Oak Park heights

Name of City	Likely to Opt Out Or Have done So?	Comments
Austin	Yes	We opted out in Austin - Craig Clark
Burnsville	Yes	Burnsville opted out. Heather J.
Chatfield	Yes	Chatfield is opting out, too, by the way. Joel Young
Clearwater	Yes	Hi Eric, We will be opting out for the following reasons: • lack of water/sewer facilities. • no meaningful ability to enforce removal at the end of the "temporary" period. • difficulty in controlling where they can go. • concerns about them becoming just a spare "room" for people that don't actually have a health condition. All the best, Kevin Kruss
Corcoan	Leaning Opt Out - Staff Report	We're recommending opt out and are considering it next week. Our draft report is attached. Brad Martens
Crystal	Yes	Eric – We had a work session discussion with our Council last month and they'd like us to opt out and then come up with our own criteria. We'll opt out in July and come up with criteria in early fall. Good luck, Anne
Detroit Lakes	Yes	We are working towards opting out before September 1 st , Kelcey Klemm
Dilworth	Yes	Yes, we are opting out of it and will be incorporating verbiage into our zoning ordinance in August. Look at it like this. If you don't opt out now, you are locked in for good. You can always "opt in" at a later time. With the short time frame to act, I would encourage communities to opt out. L. Peyton Mastera
Excelsior	Yes	We will be opting out, we have small lots and it appears to be a zoning nightmare. Kristi Luger
Glencoe	Yes	Glencoe will be opting out also. Mark Larson

Hopkins	yes	We are opting out at least at first to give us proper time to research and determine what we want to do. - Ari Lenz
Lake Elmo	Likely opting out - Upcoming public Hearing	We'll be holding a public hearing in the next month or so but will likely be opting out. Kristina Handt
Lakeville	Yes	Lakeville is opting out. Justin Miller
Lauderdale	Yes	My thoughts are too numerous to put to paper but mainly stem from enforcement if someone decides they would like to keep their new abode or maybe house a college student. Heather B.
Maple Grove	Planning Commission in July	Maple Grove will be opting out, going forward to Planning Commission later in July. Heidi Nelson
Mendota heights	Likely opting Out	Eric, Mendota Heights will likely be opting out, assuming the Planning Commission recommends taking that action. Mark mcneill
Montevideo	Yes	The City of Montevideo has introduced an ordinance to opt out of the temporary dwelling requirements. This will likely be adopted at our next council meeting. We wanted to ensure we met the September 1 st deadline. I saw in the news that many metro suburbs are doing this as well. There seems to be a plethora of issues along with the zoning and regulation of these types of structures. Angie Steinbach
New Prague	yes	The City of New Prague will be opting out as outlined below for generally the same reasons below. Mike
New Ulm	Yes	New Ulm is opting out - Brian Gramentz
Newport	Planning Comm - Discussing Soon	Will be recommending to Council to opt out. Deb Hill
North Oaks	YES	North Oaks opted out - Mike Robertson

North St. Paul	Yes	We will be opting out too. Jason Ziemer
Oak Park Heights	Leaning Opt Out - Staff is investigating	Will be taken up in late July or Early August. Eric Johnson
Osseo	NOT TO OPT OUT	So we tackled this issue at our last Council meeting. Ultimately, the Council decided NOT to opt out. Because Osseo is so small, with small lots and whatnot, there would actually be very few properties that could place a temp unit and still be within the City's setbacks, etc. So instead of outright banning them, the Council decided to not opt out in order to reduce the numbers of unnecessary ordinances. I don't expect we'll see any of these anymore. The motion passed by a 3-2 vote. Bill Green
Savage	Yes	We are opting out. In a community with primarily 11,000 sq. ft. lots it doesn't make sense. We are also concerned about having to monitor when the occupant has passed on and the conversion of the unit into something more than a place to put mom and dad. Barry Stock.
Shakopee	Seeking to Opt Out	Will be seeking to opt out as well. Bill Reynolds
Springfield	Yes	Springfield will be opting out., Matt
St Cloud	Yes	St. Cloud is proposing to opt-out. It will go to our Council this month. Mike Williams
Stillwater	Yes	The Stillwater City Council has directed staff to prepare an ordinance to opt out of this capacity. Tom M.
Swift County	YES	Swift County is planning to opt out, Mike Pogge
Tonka Bay	Yes	Tonka Bay will be opting out of this. We are going to use the LMC template language and will adopt it before Sept. 1 st . Our main reason is that over half of our lots already don't conform with our setbacks and lot area, this will only make it worse. Lindy Crawford

Two Harbors	Yes	The City of Two Harbors is opting out. There was a decent article about this in the Star Tribune earlier this week, Dan Walker
Vadnais Heights	Staff Reccomd. To Opt Out	We will recommend opting out as well. Kevin Watson.

Suburbs opt to go their own way on state's 'drop home' law

Facing a new state requirement to allow tiny trailers on residential lots, many cities are saying no.

By Erin Adler and Emma Nelson Star Tribune staff writers

JULY 5, 2016 — 8:41AM



Elizabeth Flores, Star TribuneJohn Louiselle, left, and Jesse Lammi are a pair of young New Brighton entrepreneurs that have started NextDoor Housing, a company that produces tiny houses with a twist. The handicapped-accessible houses are really more like trailers and aimed at adults recovering from an illness or who are disabled. The two helped draft a bill changing zoning laws so the houses would be welcome more places, regardless of zoning laws. It passed last week.

Metro suburbs are bypassing a new state law that would require them to allow tiny, portable houses on residential properties, saying the state mandate doesn't work for them.

The statute is intended to provide access to temporary "drop homes" for people — mostly older adults — with health care needs that require them to be close to a caregiver.

But worries about resident complaints, conflicts with local zoning ordinances and timing concerns have spurred cities to opt out of the law. Some say they already have the resources they need to meet the needs of aging residents, while others want to pass their own laws allowing temporary structures tailored to their city.

The League of Minnesota Cities fought for an opt-out provision in the statute so local governments could still have control over their own zoning.

Bill sponsor Rep. Roz Peterson, R-Lakeville, struggled to find a place for her elderly father to live when he got sick two years ago. It's disappointing that cities are opting out, she said, but she acknowledged that the law isn't one-size-fits-all.

"It's always difficult to accept change and innovation," Peterson said. "This won't solve everybody's problem — this is one tool in the toolbox, so to speak."

Drop homes, sometimes called granny pods, are trailers under 300 square feet that are billed as an affordable and temporary alternative to sending sick, injured or elderly family members to a nursing home.

The new law was based on similar, but less restrictive, laws in North Carolina and Virginia.

In Minnesota, the law allows homeowners to have a drop home on their property for six months by paying for a \$100 permit, unless their city has a specific ordinance against the homes.

The Burnsville City Council voted unanimously on June 21 to opt out. Drop homes don't meet city codes, said Mayor Elizabeth Kautz, and the city already has temporary housing options.

Those options include spare bedrooms, apartments, assisted living facilities, short-term health care facilities, hotels and group homes, according to a meeting agenda report.

"It's not that we don't have it," Kautz said. "We want control of what happens here in Burnsville."

Some cities want to allow accessory dwelling units but are choosing to do so on their own terms.

The Crystal City Council will likely vote to opt out at its next meeting, said Council Member Jeff Kolb. The decision stems largely from the nature of residential properties in Crystal, many of which may be too small to qualify for drop homes under the statute, he said.

The City Council will try to pass an ordinance in the future that allows for accessory units that are better tailored to the city, Kolb said.

"There was a concern that it would be perceived that by opting out, we were saying we don't want this kind of thing around here, that it was kind of a cold-hearted decision," he said. "The reality is it's not that at all."

In Lakeville, the City Council agreed to opt out last week but also sent the issue to city staff for further review.

There were multiple concerns, said Mayor Matt Little, including aesthetics, property values and the difficulty city staff would face in having to make judgments about residents' illnesses.

"Every single city in this country is going to need to figure out a way to start taking care of our seniors," Little said. "There's just a lot of issues we need to ... make fair and clear."

Meanwhile, city staff in Woodbury are recommending that city officials vote to opt out in order to have more time to figure out what local needs are, said Jason Egerstrom, Woodbury's spokesman.

Under the statute, cities have until Sept. 1 to opt out.

John Louiselle, co-owner of NextDoor Housing, a New Brighton-based drop home company that helped craft the law, said he doesn't mind if cities choose a different direction. "What's worrisome to us is when we see cities opting out and offering no alternative solution," he said.

Peterson said she would like to see cities try out the statute and see how it works. The biggest challenge, she said, is that people aren't familiar with the drop home idea.

"This is new — nobody's really done this before," she said. "Let's have a conversation with the community before we just choose to abandon the idea."

Erin Adler • 612-673-1781

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Brainerd City Council Agenda Request

SPW #6
Agenda Item #

Requested Meeting Date: July 18, 2016

Title of Item: Greater Minnesota Regional Parks and Trails Commission Mississippi Riverfront Park Regional Park Submission Status

☐ 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: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: At the July 5, 2016 meeting the City Council held over for 2 weeks the resolution to the Greater Minnesota Regional Parks and Trails Commission Mississippi regarding the Mississippi Riverfront Park regional park designation. It did so as it desired more information about the city's future commitments toward the project.	
Alternatives, Options, Effects on Others/Comments: The Planning Department has learned that the submittal is not needed at this time. Information about future commitments will be part of a future submittal for designation status.	
Recommended Action/Motion: None requested or recommended. This is an information item.	
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>	

Nikki Tabaka

From: Heidi Peper <hpeper@sehinc.com>
Sent: Wednesday, July 06, 2016 3:22 PM
To: Nikki Tabaka
Cc: Jim Thoreen; jennifer@brainerdhra.org
Subject: RE: FW: resolution for designation and master plan

Hi Nikki,

Yes I heard. The application that this was for is a three step process: 1) application for designation, 2) master plan, and then 3) request for funding. The resolution could be submitted during steps one or two. But to get to step 3, we need a rank of "High" from the first step. Since the time of needing the resolution to today, we learned that are app for designation received a "medium" ranking and are thus not eligible to move to step 3. So no need right now for the resolution.

However, before the need arises again, I think it would be a good idea for us (SEH / Riverfront Committee) to visit with the city council for long term visioning / ongoing maintenance of what will be ultimately built.

Thank you,
Heidi

Heidi Peper | Director of Sales - Central Region
SEH | 1200 25th Avenue South | P.O. Box 1717 | St. Cloud, MN 56302-1717
320.229.4386 direct | 320.248.9137 cell | 888.908.8166 fax
www.sehinc.com
SEH—Building a Better World for All of Us™

From: Nikki Tabaka <ntabaka@ci.brainerd.mn.us>
To: Heidi Peper <hpeper@sehinc.com>
Date: 07/06/2016 11:49 AM
Subject: RE: FW: resolution for designation and master plan

Good Morning - know Jennifer has been in contact with you relating to the resolution not getting adopted last night. At this point I have it scheduled to be on the July 18th meeting but am wondering if there's anything else I need to do in terms of the questions the Council wanted answered before adopting.

From: Kelly@kellysservice.biz [mailto:Kelly@kellysservice.biz]

Sent: Thursday, July 07, 2016 10:43 AM

To: Jim Thoreen

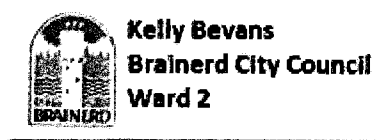
Cc: garyscheeler@hotmail.com

Subject: Fw: River walk project

Jim

Please forward to all Council Members & put a hard copy in next packet

Thank You



From: John Puckropp

Sent: Thursday, July 07, 2016 10:20 AM

To: <mailto:Kelly@kellysservice.biz>

Subject: River walk project

Kelly, I understand the council is to vote on the river walk project tonight. I am totally opposed to this proposal because:

I live on the river and want to keep it pristine!

It will be an economic cancer for taxpayers

It will never become a tourist attraction as falsely believed

Whoever is behind it is very shortsighted as to the impact it will have

What is the financial plan for the next 10 – 20 years, if any

Dreams of a San Antonio, TX "River walk" are falsely contrived

Isn't the river protected as a natural resource by the County and the City? I served on the Mississippi River Headwaters Board and doubt they, if asked to, would approve such a proposal knowing all the truthful facts.

In summary, I ask you not support the project and more importantly, encourage those who support the project to take another look at the impact it will have on taxpayers and determine if it is even justified and what will be the return on your investment.

Respectfully,

John E. Puckropp, Colonel USAF (Ret)

CITY OF BRAINERD PERSONNEL AND FINANCE COMMITTEE AGENDA

July 18, 2016
City Hall Conference Room
7:15 P.M.

1. Approval of Bills, Transfer of Funds & Payments to Contractors

General Fund to Public Safety Fund	\$315,000
General Fund to Park Fund	\$ 40,000
General Fund to Street & Sewer Fund	\$ 0
General Fund to Airport Fund	<u>\$ 12,960</u>
	\$367,960

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained On Project</u>
Braun Intertec	14-08	Soils Testing thru 6/10-CSAH 45	\$819.25	\$0.00
Tom's Backhoe	14-15	Pay App #3, Brd Airport Utility Extension thru 6/30	\$790,203.12	\$110,057.98

2. Fire Department – Fire Chief Holmes – Successful Completion of One-Year Probationary Period – Change Status from “Probationary” to “Regular” Status as Recommended by City Administrator Thoreen – Effective July 13, 2016

PACKET: 03745 07/18/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-238166	101-41800-2210	OPERATING SUP BATTERIES, STUD FINDER, FASTEN	072485	20.20
01-0071	FORUM COMMUNICATIONS CO					
		I-1735823	101-41910-3350	PRINTING/LEGA NOH VARIANCE RUSSEL RD	072496	52.87
		I-1735823	101-41910-3350	PRINTING/LEGA NOH VARIANCE IVY ST	072496	37.32
		I-1735823	101-41910-3350	PRINTING/LEGA NOH REZONE 814 FRONT ST	072496	31.10
		I-1735823	101-41910-3350	PRINTING/LEGA NOH VARIANCE JENKINS	072496	49.76
		I-1735823	101-41910-3350	PRINTING/LEGA NOH IMGRUND CUP	072496	49.76
		I-1735823	101-49200-3350	LEGAL PUBLICA ORD 4152 - FIRE FEES	072496	52.87
01-0086	CITY OF BRAINERD					
		I-TRANSFEERS	101-49300-7720	TRANSFERS OUT AIRPORT TRANSFER	072506	12,960.00
		I-TRANSFEERS	101-49300-7720	TRANSFERS OUT PUBLIC SAFETY TRANSFER	072506	315,000.00
		I-TRANSFEERS	101-49300-7720	TRANSFERS OUT PARKS TRANSFER	072506	40,000.00
		I-TRANSFEERS	101-49300-7720	TRANSFERS OUT STREET & SEWER TRANSFER	072506	0.00
01-0122	COMMUNITY ACTION					
		I-2ND HALF 2016	101-49200-3460	REMIT COMMUNI 2ND HALF 2016 LEVY	072508	38,400.00
01-0204	HOLLCO INC					
		I-12320061/JUNE 2016	101-42400-2212	MOTOR FUELS JUNE MOTOR FUEL CHARGES	072530	283.57
		I-12320061/JUNE 2016	101-41940-2212	MOTOR FUELS JUNE MOTOR FUEL CHARGES	072530	29.53
01-0227	LAKES PRINTING					
		I-176936	101-41940-2210	OPERATING SUP REPORT COVERS	072540	326.30
01-0229	CLIFTONLARSONALLEN LLP					
		I-1305517	101-49200-3300	PROFESSIONAL 3RD PROGRESS BILLING AUD 2015	072507	11,750.00
01-0270	MN DEPT LABOR & INDUSTR					
		I-2ND QTR 2016	101-21800	SURCHARGE PAY BLDG PERMIT SURCHARG 2ND QTR	072546	1,221.03
01-0284	OFFICE SHOP					
		I-1007838-0	101-41400-2200	OFFICE SUPPLI METAL FASTNERS FOR FOLDERS	072556	10.56
		I-1008132-0	101-41800-2210	OPERATING SUP DRY ERASE BOARD - TRNG ROOM	072556	199.99
		I-1008329-0	101-41400-2200	OFFICE SUPPLI TAPE DISP, STAPLER, MARKERS	072556	17.26
		I-1008335-0	101-41400-2200	OFFICE SUPPLI WALL CALENDAR	072556	10.99
01-0291	PIKE PLUMBING AND HEATI					
		I-63757	101-41940-2220	REPAIR & MAIN REPLACE BATHROOM FACETS	072559	1,629.00
		I-63771	101-41940-2220	REPAIR & MAIN REPLACE VALVES IN 3RD FLR BATH	072559	101.44
01-0296	BRAINERD PUBLIC UTILITI					
		I-JUNE 2016	101-41940-3381	BPU UTILITIES CITY HALL	072499	2,376.48
		I-JUNE 2016	101-41940-3381	BPU UTILITIES CITY HALL ANNEX	072499	587.17
		I-JUNE 2016	101-49200-3381	BPU UTILITIES TOWER LIGHTS	072499	198.83
		I-JUNE 2016	101-49200-3381	BPU UTILITIES WELCOME SIGNS	072499	67.35

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FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0313	LAKES AREA SENIOR CENTE					
		I-2ND HALF 2016	101-49200-3461	REMIT SENIOR 2ND HALF 2016 LEVY	072539	38,400.00
01-0344	WASTE PARTNERS INC					
		I-66X01085	101-41940-3300	PROFESSIONAL CITY HALL JUNE GARBAGE COLL	072571	70.24
01-0447	CDW GOVERNMENT, INC					
		I-DNG0775	101-49200-3438	MISC SPECIAL RECEIPT PRINTER - ESPON H6000I	072504	684.67
01-0533	INSTY-PRINTS					
		I-83777	101-41940-2210	OPERATING SUP CITY ENVELOPES	072532	488.73
01-1	MISCELLANEOUS VENDOR					
AMANDA	PARRISH	I-PARRISH, AMANDA	101-20801	SALES TAX PAY AMANDA PARRISH: RDF OF PAV REN	072488	4.74
STRACK	COMPANIES	I-STRACK COMPANIES	101-20600	DEPOSITS PAYA RFD OF FED EX FINANCIAL GUARAT	072561	50,000.00
01-1153	NORTHLAND ARBORETUM					
		I-2ND HALF 2016	101-49200-3462	REMIT ARBORET 2ND HALF 2016 LEVY	072552	38,400.00
01-1432	INTEGRA TELECOM					
		I-13958823	101-41940-3321	TELEPHONE ELEVATOR LINE 6/23-7/22	072533	47.41
01-1822	HITESMAN & WOLD PA					
		I-23540	101-49200-3300	PROFESSIONAL 2/1/16-3/31/16 'EE BENF ATY FE	072527	1,089.00
		I-23540	101-14100	DUE FROM COMP 2/1/16-3/31/16 'EE BNF FEE BPU	072527	1,089.00
		I-23540	101-14100	DUE FROM COMP 2/1/16-3/31/16 'EE BNF FEE HRA	072527	242.00
01-1859	ENTERPRISE FM TRUST					
		I-FBN3036829	101-41940-3331	LEASE PAYMENT 7/1/16-7/31/16 FUSION LEASE	072518	312.37
01-2005	T-MOBILE					
		I-JULY 2016	101-41940-3321	TELEPHONE JUNE CHG FOR GPS SATELLITE	072564	33.85
01-2924	VERIZON WIRELESS					
		I-9767559781	101-41940-3321	TELEPHONE GPS SATELLITE ACCESS 6/24-7/23	072568	35.01
01-3421	JOBSHQ					
		I-173360	101-41400-3430	MISCELLANEOUS ADM SPECIALIST AD	072534	750.50
				FUND 101 GENERAL FUND	TOTAL:	557,110.99

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FUND : 203 TRANSIT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0069	BRAINERD BUS LINES INC					
		I-11606	203-49000-2212	MOTOR FUELS JUNE 16 SERVICE	072495	5,634.21
		I-11606	203-49000-3401	VEHICLE REPAI JUNE 16 SERVICE	072495	8,021.39
		I-11606	203-49000-3440	TRANSIT SERVI JUNE 16 SERVICE	072495	51,101.25
01-0102	CANON FINANCIAL SERVICE					
		I-16237702	203-49000-3420	COPY MACHINE COPIER CHARGE	072503	104.90
01-0284	OFFICE SHOP					
		I-1007891-0	203-49000-2200	OFFICE SUPPLI OFFICE SUPPLIES	072556	130.06
			FUND	203 TRANSIT FUND	TOTAL:	64,991.81

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PACKET: 03745 07/18/16 COUNCIL

VENDOR SET: 01

FUND : 211 LIBRARY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0296	BRAINERD PUBLIC UTILITI					
	I-JUNE 2016		211-45500-3381	BPU UTILITIES LIBRARY	072499	2,630.93
			FUND	211 LIBRARY FUND	TOTAL:	2,630.93

PACKET: 03745 07/18/16 COUNCIL

VENDOR SET: 01

FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-238511	225-42120-2220	REPAIR & MAIN LAWN CARE/MAINTENANCE SCHED	072485	17.99
01-0049	AUTO VALUE - WEST					
		I-17145711	225-42220-2210	OPERATING SUP RED TACKY NON DETERGENT OIL	072491	23.96
01-0085	BRAINERD POLICE DEPT					
		I-JUNE 2016	225-42120-3430	MISCELLANEOUS MICROWAVE DISPOSAL	072498	5.00
		I-JUNE 2016	225-42120-3322	POSTAGE POSTAGE	072498	6.47
01-0199	HANNAHS, DONALD C. JR.					
		I-JULY 2016	225-42700-3300	PROFESSIONAL JULY 2016	072525	1,360.60
01-0200	HEARTLAND ANIMAL RESCUE					
		I-JUNE 2016	225-42700-3300	PROFESSIONAL JUNE 2016 MONTHLY FEE	072526	1,698.75
		I-JUNE 2016	225-42700-3430	MISCELLANEOUS JUNE 2016 BOARDING	072526	2,540.72
01-0203	HOLDEN ELECTRIC					
		I-43118	225-42120-3309	COMPUTER TECH WIRE NEW DRIVE	072528	141.00
01-0204	HOLLCO INC					
		I-12320052/JUNE 16	225-42220-2212	MOTOR FUELS JUNE 2016 FUEL	072530	410.34
01-0226	LAKES AREA MAT SERVICE					
		I-#580: 20160628	225-42120-3430	MISCELLANEOUS POLICE DEPT - MAT SERVICE	072538	40.15
		I-#580: 20160614	225-42120-3430	MISCELLANEOUS POLICE DEPT - MAT SERVICE	072538	40.15
01-0255	XTREME LAWN CARE LLC					
		I-357	225-42220-3300	PROFESSIONAL JUNE 2016 LAWN MOWING/TRIMMING	072573	180.00
01-0273	NAPA AUTO PARTS					
		I-971385	225-42220-2210	OPERATING SUP CREEPER	072548	64.24
01-0284	OFFICE SHOP					
		I-268350-0	225-42220-3331	LEASE PAYMENT MARCH-JUNE 2016 COPIES	072556	55.08
01-0296	BRAINERD PUBLIC UTILITI					
		I-JUNE 2016	225-42120-3381	BPU UTILITIES POLICE DEPT	072499	3,053.28
		I-JUNE 2016	225-42220-3381	BPU UTILITIES FIRE DEPT	072499	1,254.26
01-0322	STREICHERS PROF EQUIP					
		C-CM273590	225-42120-1113	UNIFORM ALLOW 776AS - UNIFORM BOOTS	072562	139.99-
		I-I1214411	225-42120-1113	UNIFORM ALLOW 776AS - NAMETAG	072562	7.99
		I-I1215036	225-42120-1113	UNIFORM ALLOW 721 - GLOVES	072562	24.99
		I-I1215107	225-42120-2210	OPERATING SUP CHEMICAL IRRITANT	072562	137.91
		I-I1215498	225-42120-1113	UNIFORM ALLOW 776AS - UNIFORM PANTS	072562	74.99
		I-I1215541	225-42120-1113	UNIFORM ALLOW STREICHERS PROF EQUIP	072562	114.99
		I-I1215541	225-42120-1114	DUTY ACCESSOR STREICHERS PROF EQUIP	072562	182.99

PACKET: 03745 07/18/16 COUNCIL

VENDOR SET: 01

FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0325	THELEN HTG & RFG CO					
		I-2154	225-42220-2220	REPAIR & MAIN STATION 1 HVAC REPAIR	072565	203.00
01-0344	WASTE PARTNERS INC					
		I-66X01084	225-42220-3430	MISCELLANEOUS JUNE 2016 FIRE STN TRASH REMOV	072571	81.90
		I-66X01377	225-42120-3430	MISCELLANEOUS SOLID WASTE REMOVAL	072571	91.23
01-0427	NISSWA POLICE DEPT					
		I-JULY 2016	225-20800	DUE TO OTHER TZD APRIL-JUNE 2016	072549	1,580.71
01-0660	MCQUISTON, CORKY					
		I-TRAVELREIMB	225-42120-2210	OPERATING SUP 701 - FEDERAL COURT PARKING	072543	10.00
01-0736	NORTHLAND FIRE PROTECTI					
		I-4162	225-42120-2209	SAFETY EQUIPM RECHARGE FIRE EXT	072553	42.85
01-0745	BATTERIES PLUS					
		C-035-311932	225-36299	MISCELLANEOUS CREDIT - BATTERY RECYCLE	072492	10.00-
		I-035-311369	225-42120-2221	SQUAD CAR REP SQUAD CAR FUSES	072492	3.35
		I-035-311389	225-42120-2221	SQUAD CAR REP SQD #421 - BATTERY	072492	184.95
01-0900	CUB FOODS - BRAINERD					
		I-06282016	225-42220-2210	OPERATING SUP PAPER TOWELS, TRASH BAGS, SOAP	072512	26.77
		I-390	225-42120-3430	MISCELLANEOUS PARADE ASSIST	072512	6.90
01-1156	CWC SHERIFF					
		I-2ND QTR 2016	225-20800	DUE TO OTHER TZD APRIL-JUNE 2016	072514	333.58
01-1171	KEEPRS, INC/CY'S UNIFOR					
		I-275061-90	225-42120-1113	UNIFORM ALLOW 704 - APEX CARRIER	072536	80.00
		I-312062	225-42120-1113	UNIFORM ALLOW 721 - UNIFORM SHIRT	072536	83.66
01-1343	CHARTER COMMUNICATIONS					
		I-07/01/16	225-42120-3380	UTILITIES BUSINESS TV	072505	28.37
		I-JUNE 2016 FD	225-42220-2210	OPERATING SUP BUSINESS TV	072505	2.19
01-1526	DOOLEY, PAUL					
		I-TRAVELREIMB	225-42120-3330	PROFESSIONAL 707 - K-9 CERT. TRIALS/TRAININ	072516	34.16
01-1601	MINNESOTA UI FUND					
		I-2ND QTR 2016	225-42220-1140	UNEMPLOYMENT 2ND QTR 2016 UNEMPL REIM	072545	2,560.00
01-1753	MARCO					
		I-INV3440864	225-42120-3309	COMPUTER TECH PRINTER MAINTENANCE CONTRACT	072542	38.02
01-1859	ENTERPRISE FM TRUST					
		I-FBN3036829	225-42220-3331	LEASE PAYMENT 7/1/16-7/31/16 UTILITY INTERC	072518	482.31
01-2068	BAXTER POLICE DEPARTMEN					

PACKET: 03745 07/18/16 COUNCIL

VENDOR SET: 01

FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2068	BAXTER POLICE DEPARTMEN	continued				
		I-2ND QTR 2016	225-20800	DUE TO OTHER TZD APRIL-JUNE 2016	072493	1,350.42
01-2069	CROSBY POLICE DEPARTMEN					
		I-2ND QTR 2016	225-20800	DUE TO OTHER CROSBY POLICE DEPARTMENT	072510	498.91
01-2072	BREEZY POINT POLICE DEP					
		I-2ND QTR 2016	225-20800	DUE TO OTHER BREEZY POINT POLICE DEPARTMENT	072502	1,465.60
01-2073	PEQUOT LAKES POLICE DEP					
		I-2ND QTR 2016	225-20800	DUE TO OTHER TZD APRIL-JUNE 2016	072558	495.25
01-2075	CROSSLAKE POLICE DEPART					
		I-2ND QTR 2016	225-20800	DUE TO OTHER TZD APRIL-JUNE 2016	072511	1,069.72
01-2177	HOLIDAY CREDIT OFFICE					
		C-JUNE 2016	225-42120-2212	MOTOR FUELS CREDITS/REBATES JUNE 2016	072529	259.62-
		C-JUNE 2016	225-42220-2212	MOTOR FUELS CREDITS/REBATES JUNE 2016	072529	33.62-
		I-FD	225-42220-2212	MOTOR FUELS JUNE 2016 FUEL	072529	322.22
		I-june 16 pd	225-42120-2212	MOTOR FUELS SQUAD FUEL	072529	2,696.30
01-2328	GREENHECK AUTO GLASS LL					
		I-18429	225-42120-2221	SQUAD CAR REP SQD #424 - WINDSHIELD REPAIR	072524	35.00
01-2589	STAPLES ADVANTAGE					
		I-3305932535	225-42120-2200	OFFICE SUPPLI KEYBOARD & LEGAL PADS	072560	31.56
01-3118	KULZER, MICHAEL					
		I-TRAVELREIMB	225-42120-3330	PROFESSIONAL 727 - K9 CERT TRIALS/TRAINING	072537	50.25
01-3168	MOTORS-N-MORE					
		I-24407	225-42120-2221	SQUAD CAR REP SQD #442 - OIL CHANGE	072547	23.00
01-3199	FLEET ONE LLC					
		I-JUNE 16 FD	225-42220-2212	MOTOR FUELS JUNE-JULY 2016 FUEL	072522	154.34
		I-JUNE 16 PD	225-42120-2212	MOTOR FUELS SQUAD FUEL	072522	686.69
01-3202	INNOVATIVE OFFICE SOLUT					
		I-IN1220696	225-42120-2200	OFFICE SUPPLI COPY PAPER, TONER & INK PENS	072531	326.03
01-3420	BCA - MNJIS SECTION					
		I-295415	225-42120-3321	TELEPHONE CJDN CONNECT - 2ND QRT 2016	072494	390.00
01-3493	FIRE CATT, LLC					
		I-MN 5231	225-42220-3300	PROFESSIONAL HOSE TESTING	072521	3,593.75
		I-MN 5231	225-42220-3300	PROFESSIONAL GROUND LADDER TESTING	072521	618.00
			FUND	225 PUBLIC SAFETY FUND	TOTAL:	30,673.61

PACKET: 03745 07/18/16 COUNCIL

VENDOR SET: 01

FUND : 227 RECYCLING FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0278	NISSWA SANITATION					
		I-JULY 2016	227-43230-3300	PROFESSIONAL JULY 2016 RECYCLING PAYMENT	072550	1,578.36
01-0343	WASTE MANAGEMENT					
		I-JULY 2016	227-43230-3300	PROFESSIONAL JULY 2016 RECYCLING PAYMNT	072570	1,187.81
		I-JULY 2016	227-43230-3300	PROFESSIONAL JULY 2016 (AAA DISP) RECY PYMT	072570	84.91
01-0344	WASTE PARTNERS INC					
		I-66X01087	227-43230-3428	USED OIL RECY JUNE 2016 WASTE OIL TR REMOVAL	072571	54.99
		I-JULY 2016	227-43230-3300	PROFESSIONAL JULY 2016 RECYCLING PAYMENT	072571	1,464.82
01-1286	EAST SIDE OIL COMPANY					
		I-R52966	227-43230-3428	USED OIL RECY 7/1/16 FILTER/ANTIFREEZ RECYCL	072517	50.00
01-3485	UNITED STATES TREASURY					
		I-JULY 2016	227-43230-3300	PROFESSIONAL JULY 2016 RECYCLING PAYMENT	072567	1,350.77
			FUND	227 RECYCLING FUND	TOTAL:	5,771.66

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FUND : 230 PARK & RECREATION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0027	WEX BANK					
		I-45997709	230-45200-2212	MOTOR FUELS JUNE MOTOR FUEL CHARGES	000001	485.67
01-0296	BRAINERD PUBLIC UTILITI					
		I-JUNE 2016	230-45200-3381	BPU UTILITIES PARKS DEPT	072499	7,340.17
		I-JUNE 2016	230-45280-3380	UTILITIES CAMPGROUND	072499	342.73
		I-JUNE 2016	230-45280-3380	UTILITIES DUMPING STATION	072499	67.82
		I-JUNE 2016	230-45280-3380	UTILITIES CAMPGROUND TAX	072499	28.36
01-1	MISCELLANEOUS VENDOR					
	AMANDA PARRISH	I-PARRISH, AMANDA	230-34780	PARK PAVILION AMANDA PARRISH: RDF OF PAV REN	072488	60.26
01-1601	MINNESOTA UI FUND					
		I-2ND QTR 2016	230-45200-1140	UNEMPLOYMENT 2ND QTR 2016 UNEMPL REIM	072545	164.62
01-1859	ENTERPRISE FM TRUST					
		I-FBN3036829	230-45200-3331	LEASE PAYMENT 7/1/16-7/31/16 EQUINOX LEASE	072518	392.03
01-2137	O'REILLY AUTOMOTIVE STO					
		I-1647-149779	230-45200-2220	REPAIR & MAIN GREASE	072555	7.99
01-2177	HOLIDAY CREDIT OFFICE					
		C-JUNE 2016	230-45200-2212	MOTOR FUELS CREDITS/REBATES JUNE 2016	072529	20.33-
		I-JUNE 16 PK	230-45200-2212	MOTOR FUELS JUNE MOTOR FUEL CHARGES	072529	191.97
01-3199	FLEET ONE LLC					
		I-JUNE 16 PK	230-45200-2212	MOTOR FUELS JUNE MOTOR FUEL CHARGES	072522	30.33
				FUND 230 PARK & RECREATION FUND	TOTAL:	9,091.62

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FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0011	ACE HARDWARE					
		I-238393	235-43100-2220	REPAIR & MAIN COUPLER HOSE, MEASURING CUP	072485	5.56
		I-238419	235-43100-2220	REPAIR & MAIN BAR & CHAIN OIL	072485	11.99
		I-238444	235-43100-2220	REPAIR & MAIN SPARK PLUG/CLAMP/TRIMMER LINE	072485	8.66
01-0039	AMERIPRIDE LINEN SERVIC					
		I-2200799203	235-43100-3430	MISCELLANEOUS COVERALLS & MATS LAUNDRY SER	072490	88.98
		I-2200801794	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	072490	65.31
01-0125	CONSOLIDATED TELEPHONE					
		I-20358273	235-43100-3321	TELEPHONE SHOP PHONE/INTERNET/TV SER	072509	112.30
01-0134	CWC SANITARY LANDFILL					
		I-101743	235-43100-3430	MISCELLANEOUS 217 10TH ST N - LANDFILL FEE	072513	5.00
01-0204	HOLLOCO INC					
		I-12320008/JUNE 2016	235-43100-2212	MOTOR FUELS JUNE MOTOR FUEL CHARGES	072530	345.99
01-0296	BRAINERD PUBLIC UTILITI					
		I-JUNE 2016	235-43100-3381	BPU UTILITIES STREET DEPT	072499	20,197.22
01-0344	WASTE PARTNERS INC					
		I-66X01083	235-43100-3430	MISCELLANEOUS JUNE GARBAGE SERVICE	072571	81.90
01-1859	ENTERPRISE FM TRUST					
		I-FBN3036829	235-43100-3331	LEASE PAYMENT CHEV SILVERADO REG FEE	072518	3,194.94
		I-FBN3036829	235-43100-3331	LEASE PAYMENT 5/26/16-06/30/16 CHEV SILVERAD	072518	731.91
01-2846	AMERICAN WELDING-GAS IN					
		I-4143461	235-43100-3410	RENTAL EXPENS JUNE CYLINDER RENTAL	072489	38.95
01-3102	NORTHWOODS LANDSCAPING					
		I-06/11/16	235-43100-2220	REPAIR & MAIN WEEDING - COLLEGE DRIVE	072554	1,710.00
01-3199	FLEET ONE LLC					
		I-JUNE 16 S&S	235-43100-2212	MOTOR FUELS JUNE- JULY MOTOR FUEL CHARGES	072522	659.46
01-3394	MIDWEST MACHINERY CO					
		I-1295147	235-43100-2220	REPAIR & MAIN SPACER	072544	9.05
		I-1300060	235-43100-2220	REPAIR & MAIN CHAIN SAW	072544	17.00
		I-1300158	235-43100-2220	REPAIR & MAIN HOSE	072544	11.43
01-3398	NORTH AMERICAN TEXTILES					
		I-2375	235-43100-2220	REPAIR & MAIN WHITE BONDED CELLULOSE	072551	124.00
				FUND 235 STREET & SEWER FUND	TOTAL:	27,419.65

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FUND : 236 PARKING LOT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0296	BRAINERD PUBLIC UTILITI					
	I-JUNE 2016	236-43180-3381	BPU UTILITIES PARKING FUND		072499	36.00
			FUND	236 PARKING LOT FUND	TOTAL:	36.00

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FUND : 237 SANITARY SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-238142	237-43190-2220	REPAIR & MAIN 4 TUBES SILICONE	072485	17.96
		I-238271	237-43190-2220	REPAIR & MAIN 2 CLEVIS SLIP HOOKS	072485	10.78
01-0084	BRAINERD PIPE SUPPLY					
		I-JULY 2016	237-43190-2220	REPAIR & MAIN CLAY FERNCO AND TEE	072497	116.97
01-0170	FASTENAL COMPANY					
		I-MNBAX197195	237-43190-2220	REPAIR & MAIN 3 CLEAN CHOICE WIPES	072520	44.97
01-0181	FLEXIBLE PIPE TOOL CO					
		I-20143	237-43190-2220	REPAIR & MAIN PIPE PLUG	072523	395.00
01-0204	HOLLCO INC					
		I-12320008/JUNE 2016	237-43190-2212	MOTOR FUELS JUNE MOTOR FUEL CHARGES	072530	51.38
01-0239	MACQUEEN EQUIPMENT INC					
		I-P00193	237-43190-2220	REPAIR & MAIN 4 O-RINGS/CONNECTOR	072541	34.76
01-0284	OFFICE SHOP					
		I-1007982-0	237-43190-2200	OFFICE SUPPLI 2 INK CARTRIDGES	072556	54.98
01-1695	ESS BROTHERS & SONS, IN					
		I-VV3973	237-43190-2220	REPAIR & MAIN SANITARY LID	072519	4,481.00
01-2603	VIKING INDUSTRIAL CENTE					
		I-3083459	237-43190-2220	REPAIR & MAIN 1 OXYGEN SENSOR	072569	301.31
01-3199	FLEET ONE LLC					
		I-JUNE 16 S&S	237-43190-2212	MOTOR FUELS JUNE- JULY MOTOR FUEL CHARGES	072522	714.76
				FUND 237 SANITARY SEWER FUND	TOTAL:	6,223.87

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FUND : 250 HYDRANT RENT & EL CURRENT

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-JUNE 16 ELEC	250-49042-3466	BPU COSTS DIS JUNE 2016 ELEC SALES	072506	54,667.32
				FUND 250 HYDRANT RENT & EL CURRENT	TOTAL:	54,667.32

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FUND : 251 LOCAL OPTION SALES TAX

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0296	BRAINERD PUBLIC UTILITI					
		I-TAX JUL 2016	251-49360-3467	REMIT LOCAL S LOCAL USE TAX REMITTANCE	072499	83,479.30
				FUND 251 LOCAL OPTION SALES TAX	TOTAL:	83,479.30

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FUND : 400 CAPITAL PROJECTS FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT	NAME	DESCRIPTION	CHECK#	AMOUNT
01-0013	ACTION GRAPHICS						
		I-1011899	400-49050-5530	CAPITAL - OTH SQD #423 - NEW SQUAD BUILD		072487	774.00
01-0217	JOHNSON CONTROLS						
		I-39265302	400-49050-5530	CAPITAL - OTH CITY HALL HVAC		072535	15,250.00
				FUND	400 CAPITAL PROJECTS FUND	TOTAL:	16,024.00

PACKET: 03745 07/18/16 COUNCIL

VENDOR SET: 01

FUND : 401 CONSTRUCTION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0204	HOLLCO INC					
		I-12320061/JUNE 2016	401-41408-3430	MISCELLANEOUS JUNE MOTOR FUEL CHARGES	072530	161.87
01-0329	TOMS BACKHOE SERVICE IN					
		I-PAYAPP3/JUL 18	401-41415-5530	PYMTS TO CONT PAY APP #3 THRU 6/30	072566	790,203.12
01-0344	WASTE PARTNERS INC					
		I-66X01086	401-41003-3300	PROFESSIONAL JUNE DOWNTOWN GARBAGE COLL	072571	164.97
01-0929	BRAUN INTERTEC CORP					
		I-B062261	401-41408-3300	PROFESSIONAL CSAH 45 TESTING SER THR 6/10	072501	819.25
01-1003	CWC SOIL & WATER CONSER					
		I-2016-1025	401-41506-3300	PROFESSIONAL RAINGARDEN MAINT- GREG. & LUM	072515	100.00
01-3102	NORTHWOODS LANDSCAPING					
		I-JUNE 2016	401-41003-3300	PROFESSIONAL JUNE MAINT - DOWNTOWN	072554	2,375.00
			FUND 401 CONSTRUCTION FUND	TOTAL:		793,824.21
				REPORT GRAND TOTAL:		1,651,944.88

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

MARY KOEP

DAVID PRITSCHET

GABE JOHNSON



Brainerd City Council Agenda Request

P&F
#2
Agenda Item #

Requested Meeting Date: July 18, 2016

Title of Item: Complete Probation and Salary Adjustment to Step C for Fire Chief

☐ 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: City Administrator Jim Thoreen	Department: Administration
Presenter (Name & Title): City Administrator Jim Thoreen	Estimated Time Needed: 5 minutes
Summary of Issue: Our Fire Civil Service Rules require that our Fire Chief complete a one-year probationary period. Fire Chief Tim Holmes completed his first year of employment with the City on July 13, 2016. I am recommending a change in job status from "probationary" to "regular" and that he advance to Step C or 95% of the base wage for the position. This recommendation results in a salary adjustment to \$6,924.49 per month effective July 13, 2016.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Motion to approve Fire Chief Tim Holmes' change in job status from probationary to regular; further, to authorize the advancement to Step C or 95% of the base wage for the position effective July 13, 2016.	
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> \$ 6,924.49 per month <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> This recommended wage adjustment was included in the 2016 budget.	

MEMO

TO: Mayor and City Council
FROM: City Administrator Jim Thoreen
DATE: July 13, 2016



SUBJECT: Fire Chief Tim Holmes – “Regular” Employment

Today marks the one year anniversary since Tim Holmes took over as the Fire Chief of Brainerd. Appearing on the agenda of the Personnel and Finance Committee for the meeting to be held on Monday, July 18, 2016, is my recommendation that Fire Chief Tim Holmes advance in job status from “Probationary” to “Regular”.

It is my strong believe that Chief Holmes has done an outstanding job in performing the duties of the position. In the past year, he has led the department in a highly professional and exemplary manner and has provided a positive leadership example to employees. The Department has a great compliment of well trained and competent staff and Chief Holmes has provided positive guidance and direction to them. Overall, the Fire Department is operating smoothly and competently.

With that, I have no concerns in recommending the job status change from probationary to regular. This employment status change also includes a recommendation that Chief Holmes advance to Step C or 95% of the base pay for this position. This advancement will result in a salary adjustment to \$6,924.49 per month effective July 13, 2016.

Please contact me prior to the Committee meeting if you have any questions.

/ks

C: Fire Chief Holmes
HR Coordinator Kris Schubert
Civil Service Commission
Personnel File



Brainerd City Council Agenda Request

8A

Agenda Item #

Requested Meeting Date: 07/18/2016

Title of Item: Code Enforcement Update

☒ 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: City Building Official	Department: Department of Building Safety
Presenter (Name & Title): Tim Caughey	Estimated Time Needed: 10 minutes
Summary of Issue: Attached are copies of comparable time frame for the last 3 years of code enforcement.	
Alternatives, Options, Effects on Others/Comments: information only	
Recommended Action/Motion: information only	
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

Code Enforcement Summary Report

1/1/14 – 6/30/14

Address Numbers	11
Animal Feces	3
Brush Overgrowth	2
Brush Pile	9
Fence Maintenance	1
Garbage	27
Graffiti	2
Junk and Debris	111
Long Grass and Weeds	117
Premises Identification	1
Property Maintenance Violation	174
Snow Removal	4
Unlicensed/Inoperable Vehicle	31
Total:	493

1/1/15 – 6/30/15

Address Numbers	3
Animal Feces	2
Brush Overgrowth	7
Brush Pile	51
Fence Maintenance	5
Garbage	30
Junk and Debris	182
Long Grass and Weeds	147
Premises Identification	24
Property Maintenance Violation	176
Unlicensed/Inoperable Vehicle	88
Unsecured Dwelling	5
Visibility & Safety	2
Total:	722

1/1/16 – 6/30/16

Address Numbers	4
Animal Feces	1
Brush Overgrowth	1
Brush Pile	84
Damage to Other Facilities in ROW	1
Deposit of Materials on Streets	1
Garbage	37
Junk and Debris	85
Long Grass and Weeds	410
Premises Identification	35
Property Maintenance Violation	124
Snow Removal	4
Unlicensed/Inoperable Vehicle	85
Unsecured Dwelling	1
Visibility & Safety	3
Total:	876

111 Citations Issued

31 Voided

(Rental Housing Citations Included)

106 Citations Issued

26 Voided

(Rental Housing Citations Included)

240 Citations Issued

35 Voided

(Rental Housing Citations Included)