

CITY COUNCIL AGENDA

Brainerd, Minnesota

August 1, 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 – 7:30 P.M.
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda – Voice Vote
5. Consent Calendar (NOTICE TO PUBLIC) – All matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion – (Roll Call Vote)
 - A. Approval of the Minutes of the Regular Meeting held on July 18, 2016, as distributed
 - B. Approval of License
 1. On-Sale Liquor – Patrick Severson dba 218, 723 Mill Avenue, Brainerd
Contingent upon fire inspection
 - C. Department Activity Reports – (See Attachments)
 1. Fire Chief
 2. Park Director
6. Council Committee Reports
 - A. Safety and Public Works Committee Report
 1. Event/Street Closure Application – Night Beats

- 2. Event/Street Closure – Street Rod Association**
- 3. Dial-A-Ride Operating Policy Amendment**
- 4. Buffalo Hills Construction Project Development Status**
- 5. Request from WBCC**
- 6. Downtown Maintenance Update**

B. Personnel and Finance Committee Report

1. Approval of Bills & Payments to Contractors – (Roll Call Vote)

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained On Project</u>
S E H	14-15	Airport Utilities Ext. – Through 6/30	\$99,970.64	N/A
S E H	16-07	Jordan Rd Utilities Ext. – Feasibility Report	\$2,500.00	N/A
Anderson Brothers	16-05	2016 Crack Sealing – Final	\$13,838.72	N/A

- 2. Fire Relief Association – Authorize Signatures on Annual Reports**
- 3. Credit Card Status Update**
- 4. Ratification of Administration Department Administrative Specialist – Hiring: Nicole Torrence**
- 5. Police Department – Promotion of Police Officer Michael Kulzer to Sergeant effective August 2, 2016**
- 6. Fire Department – Resignation of Paid On-Call Firefighter Dennis Logelin effective July 26, 2016**
- 7. Subordination of Loan to 3rd Position**

7. Unfinished Business

A. Public Hearing – Final Reading – Proposed Ordinance No. 1458 – An Ordinance Opting out of the Requirements of Minnesota Statutes, Section 462.3593 – Temporary Family Healthcare Dwellings:

1. Hold Public Hearing
2. Hold Final Reading
3. Adopt Ordinance by Roll Call

- B. 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

8. New Business

- A. Canvass of Primary Election Returns**
- B. Consideration of Resolution Waiving Recertification of Outstanding Special Assessments to Certain Tax-Forfeit Parcels in the City**
- C. Change Orders #3 and #4 for IMP 14-15 – Airport Utility Extension**
1. Rescind Motion from 7/18/16 Council Meeting to Deny Change Orders #3 & #4
 2. Discussion and Action on Change Order #3 for Improvement 14-15
 3. Discussion and Action on Change Order #4 for Improvement 14-15

9. Planning Commission

- A. First Reading – Proposed Ordinance No. 1459 – Rezoning Property located South of Quince Street on S. 6th Street and S. 7th Street to just South of Willow Street from a B-4 (General Commercial) District to a B-2 Neighborhood Business) District and R-2 One and Two Family Residential District – Initiated by City of Brainerd Planning Commission**
- B. First Reading – Proposed Ordinance No. 1460 – Rezoning Property located at 310 W Laurel Street, Brainerd from a B-2 (Neighborhood Business) District to a B-4 (General Commercial) District as requested by KRRC LLP, 521 Charles St, Ste 210, Brainerd**
- C. First Reading – Proposed Ordinance No. 1461 – Zoning Ordinance Text Amendment – Section 22, Off Street Parking – To Remove Minimum Off Street Parking Requirements in Certain Zoning Districts**

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

- A. Mike Higgins, BIC

11. Staff Reports

1. Facilities Committee Report – City Administrator
2. PUC/HRA Information Request re Pay and Benefits – City Administrator
3. Other

12. Council Member Reports

13. Committee Recommendations:

- A. EDA – Mr. Ed Menk, Retroactive Re-Appointment, 9/8/15 – 9/7/2021

14. Adjourn – To Canvass of of Primary Election Returns (date and time tbd)

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

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS, PLEASE CALL 828-2307. Visit the City's website at www.ci.brainerd.mn.us

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

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

Upon roll call, the following members were noted present: 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 President Scheeler added item 6B: Introduction of Hara Charlier, the new President of Central Lakes College.

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

Council Member Johnson requested that the July 5, 2016 City Council minutes be corrected in the last paragraph to reflect the meeting of the "Crow Wing County" HRA rather than "Brainerd" HRA.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND PRITSCHET TO ADOPT THE CONSENT CALENDAR WITH THE CORRECTION TO THE JULY 5, 2016 MINUTES.

- A. Minutes of the Regular Meeting held on July 5, 2016, as Corrected – Approved**
- B. Licenses – Approved**
 - 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 – Approved**
 - 1. Mayor
 - 2. Police Chief
 - 3. Finance Director
- D. Police Department – Resolution No. 29:16 Adopted – 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 – Approved**
- 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 – 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

Jeff Czczok – Charter Commission – Informational

The Chair recognized Mr. Jeff Czczok, 511 “D” Street, Brainerd, who spoke on behalf of the Brainerd Charter Commission. Mr. Czczok questioned the validity of the Public Utilities Commission and the Housing and Redevelopment Authority to receive wages and, in the PUC’s case, insurance coverage while no other boards receive compensation. He added that the money being paid is “the people’s” money and questioned how the City could allow the practice based on Charter rules.

Council discussion was held. It was suggested that the boards that are compensated are asked their opinion before proceeding with further research.

Introduction of new Central Lakes College President Hara Charlier – Informational

The Chair introduced Ms. Hara Charlier, new president of Central Lakes College, 501 W College Drive, who discussed the current happenings and future plans at the College. She stated that she and her husband are very happy to be in Brainerd and answered questions of the Council.

Council Committee Reports

Safety and Public Works Committee Report

IMP 14-15 – Change Orders for Airport Utility Extension:

Change Order #5 – Approved; Change Orders #3 and #4 – Denied

Per agenda request, Change order #3 (additional \$88,037.50) 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 (additional \$27,490) 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 (savings of \$260,792.93) is to document the cost differential of a design change from gravity sewer in the concrete rubble area to a directional drilled force main.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE CHANGE ORDER #5 RELATING TO SANITARY SEWER FOR IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION.

Committee Chair Bevans reported that discussion in Committee relating to the engineering involved in change orders #3 and #4. Following confirmation that bidding for the project was accepted without the requirement of methodology, a motion was made for denial.

MOVED BY ALDERMEN BEVANS AND KOEP TO DENY CHANGE ORDER #3 RELATING TO EXTRA EQUIPMENT FOR ROCK REMOVAL AND CHANGE ORDER #4 RELATING TO EXTRA WORK FOR ROCK AND RUBBLE REMOVAL FOR IMPROVEMENT 14-15 – AIRPORT UTILITY EXTENSION.

Extensive discussion was held by the Council on change orders #3 and #4 being separate items; one dealing with hitting rubble while digging and one being for an obstruction

that has to be dealt with; they discussed the validity and questioned the methodology used. Concerns on the procedure following a rejection of a change order were also discussed.

The Chair recognized representatives from the City's consulting engineer on the project, SEH, who answered questions on and recommended approval of both Change Orders #3 and #4.

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

Utility Connection Procedures for Properties Out of City Limits – Adopt Recommendations of City Engineer – Approved

City Engineer Hulsether's recommendations were included in the Packet.

*Note: Council Member Pritschet stepped out briefly and was not included in this vote.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE CITY ENGINEER'S RECOMMENDATIONS FOR UTILITY CONNECTION PROCEDURES FOR PROPERTIES OUT OF CITY LIMITS.

IMP 16-06 – Alley Block 46 – Approve Plans and Specifications for the Alley Block 46 Sanitary Sewer Replacement and Authorize Engineering Staff to Solicit Bids for Construction in the Fall of this Year – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE PLANS AND SPECIFICATIONS FOR THE ALLEY BLOCK 46 SANITARY SEWER REPLACEMENT AND AUTHORIZE ENGINEERING STAFF TO SOLICIT BIDS FOR CONSTRUCTION IN THE FALL OF THIS YEAR.

Council discussion was held relating to the sanitary sewer fund and the contingency fund balance on the airport utility project.

College Drive Trees – Include \$15,500 in the 2017 Budget to Replace Missing and Vandalized/Unhealthy Trees – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO INCLUDE \$15,500 IN THE 2017 BUDGET FOR TREE REPLACEMENT.

First Reading of Proposed Ordinance No. 1458 – An Ordinance Opting out of the Requirements of Minnesota Statutes, Section 462.3593 relating to Temporary Family Health Care Dwellings – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1458 – OPTING OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593 RELATING TO TEMPORARY FAMILY HEALTH CARE DWELLINGS; FURTHER, TO DISPENSE WITH THE ACTUAL READING.

Greater Minnesota Regional Trails & Park Commission Application – Informational

Per Agenda Request, the Planning Department has learned the submittal is not needed at this time. Information about future commitments will be part of a future submittal for designation status.

Storm Update – Added Item – Informational

City Engineer Hulsether reported on events that were a result of the nearly 9 inches of rain that fell last week, stating that sinkholes have been created and that staff is concerned about the condition of the interceptor near the BIC property. He stated that the City crews all did a great job keeping up with the many challenges the storms created and that he does expect more sinkholes to occur in the near future.

Personnel and Finance Committee Report

Approval of Bills, Transfer of Funds & Payments to Contractors – Approved

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

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

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

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 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE THE CHANGE OF STATUS FROM "PROBATIONARY" TO "REGULAR" AND THE ADVANCEMENT TO STEP C OR 95% OF BASE WAGE FOR FIRE CHIEF HOLMES BASED ON THE SUCCESSFUL COMPLETION OF HIS ONE-YEAR PROBATIONARY PERIOD, EFFECTIVE JULY 13, 2016.

Administrative Specialist Position – Added Item – Authorize Staff to Negotiate and Make a Conditional Job Offer to the Top Candidate at 85% of Base Wage – Name and Hire Date to be Included on the August 1, 2016 Agenda – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE STAFF TO NEGOTIATE AND MAKE A CONDITIONAL JOB OFFER TO THE TOP ADMINISTRATIVE SPECIALIST CANDIDATE AT 85% OF THE BASE WAGE FOR THE POSITION; FURTHER, THAT THE COUNCIL WILL RATIFY THE APPLICANT'S NAME AND DATE OF HIRE AT THE AUGUST 1, 2016 MEETING.

Unfinished Business

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

Code Enforcement Report – Building Official Caughey – Informational

The Chair recognized Building Official Caughey who summarized the Code Enforcement Report included in the Packet. He answered questions of the Council and the Chair thanked him for the presentation.

Public Forum:

The Chair recognized Mr. Jeff Czeczok, 511 “D” Street, Brainerd, who asked if a state-licensed contractor is required to get a city license to work in the City of Brainerd.

City Engineer Hulsether stated that residential work would be covered under a state contractor license but commercial work would require a city license.

Staff Reports – Written

City Administrator Thoreen reported on the progress of the City Hall Facilities Committee recommendations. He stated that Gene Halvorson from Maple Hill Energy of Duluth inspected the City Hall and Fire Department HVAC systems last week. He will forward the report to Council when received for a determination on whether a second opinion will be warranted.

Council Member Reports

Council Member Johnson reported that the CWC HRA has accepted the offer from PaxMar for the redevelopment of Brainerd Oaks, DalMar Estates and Serene Pines; he will present a resolution at the August 1, 2016 meeting stating that the City will not recertify assessments and is willing to take all of the net proceeds from the land sale. He stated that the Park Board is holding a public input meeting at 7:00 P.M. on Tuesday, July 18, 2016 at the Fire Department Training Room.

Council Member Pritschet stated that he had attended the Ski Loons show and that it was very impressive and well-attended.

Council Member Koep requested an opinion from the City Attorney on whether individuals could smoke in their own apartments within an apartment building based on a complaint received from a citizen. It was determined that a person's apartment building is private property and therefore can be smoked in unless prohibited by landlord's lease.

Mayor Menk reported on BLAEDC's micropolitan summit. He also warned people of distracted walkers and drivers playing Pokémon Go.

Committee Recommendations – Recommended by Mayor Menk – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPOINT MR. DANIEL HEGSTAD TO THE AD HOC WALKABLE BIKEABLE CITY COMMITTEE.

Adjourn

The Chair adjourned the meeting at 8:41 P.M.

James M. Thoreen
City Administrator

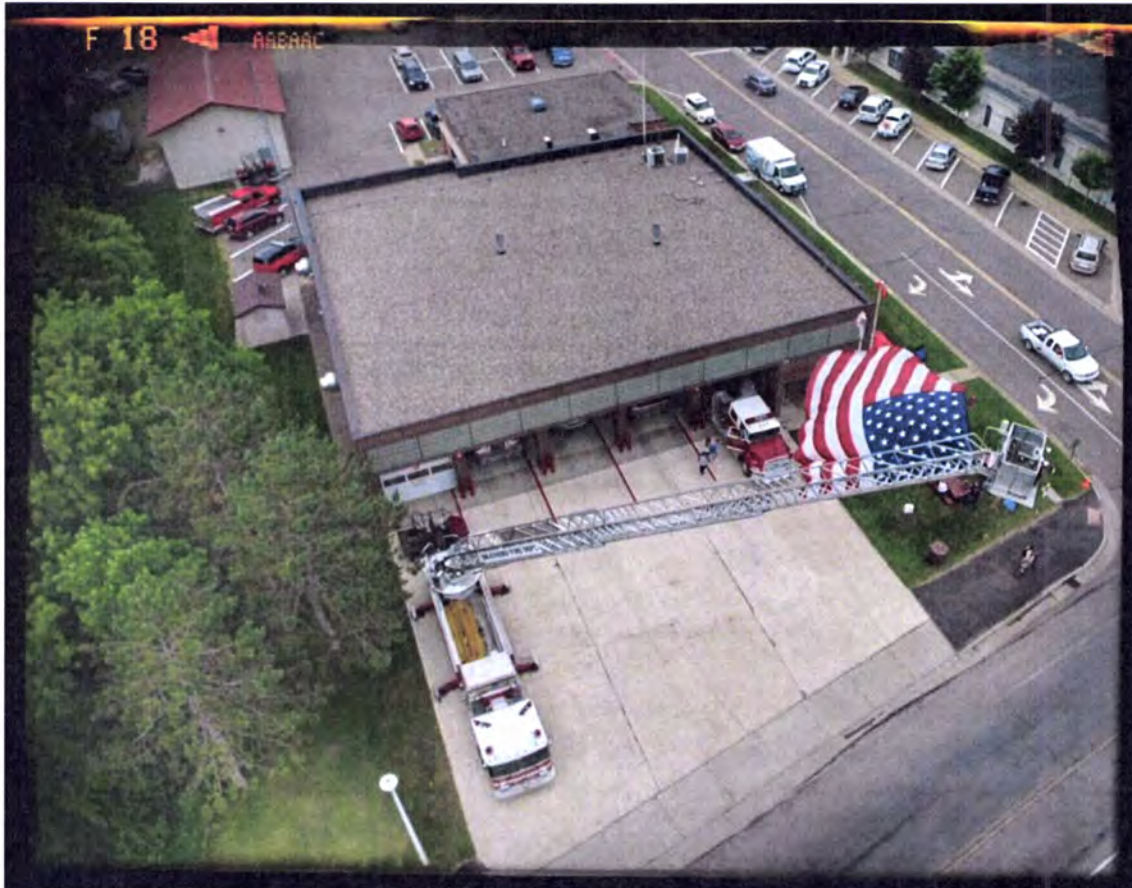
Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: July 28, 2016
Re: July 2016 Fire Department Monthly Report, To Date

July 2016 has proven to be a very busy month and the start of my second year with the Brainerd Fire Department. The past year has gone by very fast and I am looking forward to many more. Three new Paid on Call Firefighters started with the department July 1st.

Along with all the higher call volume for the month, we continue to service the community through our inspections and public education events.

We participated in the Brainerd and Nisswa parades over the 4th of July weekend. We also assisted the Brainerd Police Department after the fireworks with traffic control at a number of intersections around the City. We had a lot of visitors throughout the day on the 4th and the Relief Association sold their famous brats.



The fire department provided fire extinguisher training to the employees of AmeriGas and a fire station tour to a preschool group from Trinity Lutheran Church.

Firefighters also will participate in the Jaycees Street Fest with the Kitchen Fire demo trailer.

Fire Marshal/Deputy Chief Cox, Battalion Chief Rubbelke and myself took our practical test for our Fire Inspector certification in Plato, MN.

I had the great opportunity to talk to the Morning Group at the Senior Center. We also have setup additional fire extinguisher training for the group later this year.

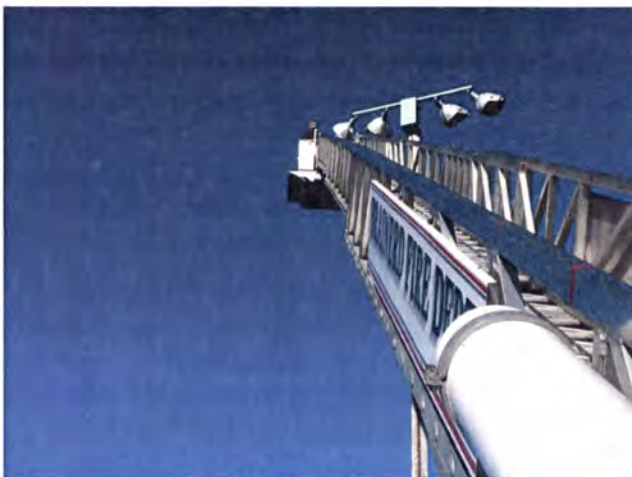
We are continuing to be diligent with our fire inspections and are working with several business owners to repair some deficiencies.

Mid-month the fire department had a family fun picnic. It was great to get all of our families together to build our relationship and spend time together. It was also a great time for everyone to meet the families of our three new Paid on Call firefighters.

Fire Marshal/Deputy Chief Cox attended a 4 day Sprinkler System Hydraulics Plan Review and Inspection class in Waite Park.

Firefighter training in July included Haz Mat Operations. This is an ongoing training spanning several months.

We assisted the Parks Department with changing several lights on the softball fields at Memorial Park. This was another great chance to work together and to get a little practice with our aerial apparatus.



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

Structure Fire	3
Cooking Fire	1
Vehicle/Mobile Property Fire	3
Grass Fire	1
Dumpster Fire	1
Medical Assist	1
Vehicle Accident with Injuries	3
Vehicle Extrication	1
Elevator Rescue	1
Gas/Chemical Leak	4
Assist other Governmental Agency	1
Public Service	1
Mutual Aid	2
Good Intent Call	2
Canceled Enroute	3
Alarm Activation	16
Total	44

City of Brainerd Incident Report

Structure Fire	3
Cooking Fire	1
Vehicle Fire	2
Dumpster Fire	1
Vehicle Accident with Injuries	2
Vehicle Extrication	1
Elevator Rescue	1
Gas/Chemical Leak	2
Assist other Governmental Agency	1
Good Intent Call	2
Canceled Enroute	2
Alarm Activation	11
Total	29

Parks and Recreation Report

August 2016

Submitted by Tony Sailer, Director

- Staff met with representatives of the Brainerd Ski Loons and the Rice Lake Association on July 13 to discuss a number of concerns raised by residents living along the east side of the lake. The City Council was sent a report on the meeting.

Staff then met with Ski Loons president Christopher Dens on July 18 to discuss the dock the group installed along the show/practice area. Noting that the Ski Loons are a 501(c)3 organization, the Park Board agreed to let the Ski Loons retain ownership of the dock and not have the Parks and Recreation Department “adopt” the dock. The dock will be available for public use, except during practices and shows. The Ski Loons have insurance coverage for the dock and ramp. The Ski Loons were given permission by the Park Board to place advertising banners on the dock during shows.

Staff also discussed the parking situation following the July 17 show in which an estimated 600-700 people attended. Dr. Dens retained a volunteer group to help with parking at future shows.

- The Park Board hosted a public input meeting July 19 at the Fire Department meeting room regarding the proposed Gregory Park location of the splash pad. At its July 26 meeting, the Park Board directed staff to contact splash pad dealers to get conceptual designs which would give an indication as to the size of the pad which would help the Park Board determine the potential location of the splash pad.
- Staff met with the firm of Fosters, Jacobs and Johnson, Inc. which will hold a convention at Grand View Lodge and has volunteered 80-100 employees to weed and clean up the roundabouts on Sept. 22 as a team building exercise. The firm also indicated it will pay for wood chips which it will distribute throughout the roundabouts.
- The state minimum wage goes to \$9.50 an hour beginning Aug. 1. The state minimum wage went from \$8 to \$9 last August. However, because of streamlining seasonal recreational aide costs, staff was able to maintain or lower program costs, while still providing quality service, in 2016. Staff has completed projected seasonal recreational aide and concession stand employee costs for 2017. In addition the City will be moving to a debit/credit card system which would result in an added cost per customer. The Park Board was advised by staff that it may wish to consider raising program costs and concession stand prices slightly in 2017.
- KLN of Perham made its quarterly donation of \$986.21 for the Miracle League field. The next quarterly payment will be its last.
- Twenty-four teams participated in the Gopher State Tournament of Champions 15 & Under baseball tournament at Mills, BHS, CLC and Forestview fields July 15-17.

- The Women's state softball tournament and Masters state softball tournament took place July 30-31 at Memorial Park.
- The opening round of the VFW District baseball tournament took place July 29 at Mills Field.
- The summer youth programs concluded July 27.
- Staff is beginning to purchase materials to replace the hockey rink at Bane Park. Funds for this project were approved by the City Council from the Capital Improvement Fund.
- Staff is beginning to paint plywood sections and will soon be purchasing other materials, such as support posts, to repair the fence around Mills Field. The dugouts are also being painted. Funds for this project come from the annual anonymous \$5,000 donation for repair and maintenance of the field. There is nearly \$15,000 in the fund.
- Vicki Vinokur will conclude her internship on Aug. 12. Ms. Vinokur is completing her Master's degree in Recreation Management and has been a valuable asset to the department this summer.

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

August 1, 2016
7:00 P.M.
City Council Chambers

1. Event/Street Closure Application – Night Beats
2. Event/Street Closure – Street Rod Association
3. Dial-A-Ride Operating Policy Amendment
4. Buffalo Hills Construction Project Development Status
5. Request from WBCC
6. Downtown Maintenance Update



Brainerd City Council Agenda Request

SPW
1

Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Event/Street Closure Application - Night Beats

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is an event application from the Night Beats Committee for a street closure and event on the 800 block of Laurel Street on Saturday, September 24th. The requested closure is for the east 1/2 of the block between noon and 5:00 when Thrifty closes and then the entire block for the remainder of the evening until about 2:00 a.m.	
Alternatives, Options, Effects on Others/Comments: Music and activities will cease at 10:30, the remainder of the closure will be for tear down and clean up. The application has been distributed to all city departments and the only recommended conditions of approval are as stated below:	
Recommended Action/Motion: Staff is recommending approval of the application subject to 2 conditions: 1. Coordinate traffic control with the street department 2. Submittal of appropriate certificate of insurance naming the city as additional insured.	
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>	



Street Closure, Special Event And Festival Application

Brainerd, Minnesota

Thank you for your interest in organizing a special event in Brainerd. The City is home to numerous cultural, community, and recreational events. These events are integral to our sense of community, and they play an important economic role by increasing tourism, generating downtown foot traffic, and fostering a festive atmosphere within the City. We look forward to working with you to help make your event a success.

All special events and festivals that require significant logistics planning between City departments or are requesting a street closure must submit this application to the City Administrator's Office at least thirty (30) days prior to the event. Event planners are encouraged to submit their applications as early as possible. City Council must approve all street closure requests, and additional licenses and permits may also be required, as outlined in part III of this application.

For questions, please contact the City of Brainerd Engineering Office at:

501 Laurel Street
Brainerd, MN 56401
Phone: (219) 828-2309
Email: engineering@ci.brainerd.mn.us

Application for a Street Closure, Special Event and Festival Permit

PART I: GENERAL INFORMATION

Name of the event: Night Beats with Heart of the City
Date(s) of the event: Saturday September 24, 2016
Time of event (setup to breakdown): 12pm (noon) to 3am (9/25)
Location: 800 Block of Laurel Street
Estimated number of attendees: 50 to 75

Organizer Information

Organizer's name (Please print): Night Beats Committee
Organizer's address: 2540 130th Street SW. Pillager, MN 56473
Event contact person: Pam Beaulieu

Event contact daytime phone number: (h) n/a (w) n/a (c) 218-820-9202

Event contact persons' e-mail address: one-way-john316@hotmail.com
izzyslow@outlook.com

Contact name and phone number to be used on the day of the event:

(h) n/a (w) n/a (c) 218-820-9202

For Profit/Nonprofit status (type): Eden Church - 501C3

Applicant Information, if different from the event organizer:

Applicant name (Please print): _____

Applicant address: _____

Applicant's telephone number (h) _____ (w) _____ (c) _____

Event contact e-mail address: _____

Description of Activities

Brief description of the activities planned during the event:

outdoor concert
w/ music & fellowship

If a parade, please describe the proposed route with the assembly and dispersal locations and attach a map: n/a

Site Information

Electrical usage?

50 Amp/220V

Yes ☒ No ☐

Describe the type of equipment to be used and how you intend to supply the power:

musical equipment - mikes/channels, monitor mixes

Amplified sound?

Yes ☒ No ☐

Description of any recording and sound amplification equipment to be used in your event and the times:

8,000 watt sound system w/ 8 powered speakers.
LED style lighting will include mixing console & various band gear.

Restrooms provided?

Yes ☒ No ☐ How many? 4

A ratio of 1 restroom for every 100-150 people is recommended.

Company contracted for restrooms:

Communitas Church - 844 Laurel Street

If restrooms are provided by neighboring property(s) please submit the location and the property owner's signature to verify that approval has been granted.

attached

Sign, banners, and posters/flyers?

Yes ☒ No ☐

Locations and descriptions:

flyers distributed to the downtown
businesses and neighborhood

Trash Disposal?

Yes ☒ No ☐

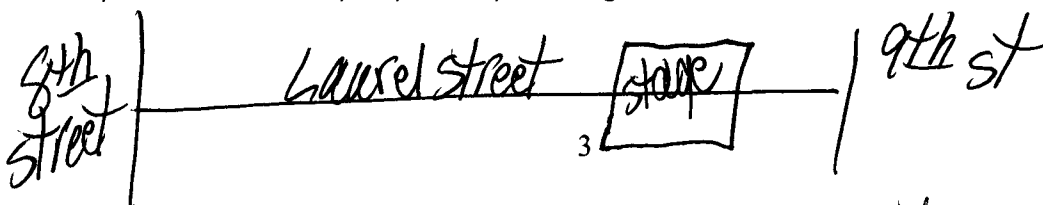
Company contracted for trash disposal:

Communitas Church -

Event Layout and Street Site Map

Yes ☒ No ☐

Please provide a layout of the event showing booths, staging, amusements, food, etc. and also provide a street map or park map showing the borders of the event.



Thrifty White will have access to their store & parking lot
til they close at 5pm then we'll close the street at 8th

Soundcheck
at 6pm
Event from 6pm-8pm
8:00-10:30pm if allowed

from Communitas Church
for generators.

Area Notification

Please describe your plans to notify property owners, tenants, and/or businesses within 300 feet of the event or festival site prior to City Council meeting.

Flyer will be hand delivered explaining our event

PART II: STREET CLOSURE REQUEST

While the City continues to treat downtown as a venue for special events, event plans must be balanced with the interests and needs of property owners.

Throughout all events, businesses should be reasonably accessible to the general public. If a business's entrance is blocked by the event layout, then accommodations such as signage, handbills, or similar methods should be made available to mitigate the impact on customer access. If a street closure occurs along residential streets, reasonable efforts must be made to alert all property owners along the road of the proposed closure. All street closures must be approved by City Council.

Please describe the name and sections of the streets for which you are requesting temporary closure (e.g. "South 7th Street between Maple Street and Front Street").

Laurel street between 8th & 9th street

Time and date for beginning of street closures:

9/24 - noon (12pm)

Time and date for reopening of streets:

9/25 by 2 AM

Please describe your plans to notify property owners, tenants, and/or businesses along the affected route of the proposed street closure within 300 feet prior to City Council meeting. The City will supply you with a Notice of Hearing flyer to use in notification that lists the necessary information.

The Notice of Hearing Flyer will be hand delivered to all affected.

Failure to notify property owners and tenants in street closure areas will result in revocation of street closure permit.

Please describe how your event preserves customer and residential access for businesses and houses along your proposed street closure (e.g. preserving pedestrian flow along the downtown sidewalks). Additional pages or proposed layouts may be attached.

We will only close the 800 Block of Laurel halfway to allow access to Thrifty White til they close at 5pm then we will close off the street at 8th st ~~to 9th~~ to 9th street Sidewalk access will not be hindered.

PART III: CONTACTS, PERMITS, AND FEES CHECKLIST

Each special event has its own requirements and needs. Listed below is a summary of the permits and fees common to many special events. Please note that it is not necessary to have all permits approved upon submission of this application. However, this checklist should serve as a guide as you plan your event. *All special events must have all permits and fees paid and approved prior to the start of the event.*

Permit, License, or Checklist	Yes	Pending	N/A	Contact (See contact information below)
Authorization to use a city park			X	Contact the Parks & Recreation Department for information.
Fire/EMS/Police support			X	Check yes to request emergency support. The appropriate level of fire, EMS, and police support will be determined by the City based on crowd size and the type of event. Fees may be discussed with the sponsor.
Food and vendor licenses			X	All vendors must apply for a temporary license through the Commissioner of Revenue's Office. Food vendors are required to collect and report meals tax.
Health Department permit			X	All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).
Insurance certificate				May be required before issuing a permit.
Sign/banner permits				Contact the Planning Department for information.
Parade permit			X	Issued by the Police Department after complete submission of application.
Street closure				Must be approved by City Council after submission of the special events application. Contact the City Engineering Department for information/procedure. Closure of a State highway must be approved by MNDOT prior to City Council review.
Alcohol Use Permit			X	Must be approved by City Council after submission of the special events application. Contact the City Administrator's Office for information/procedure.

Contact Information:

Administrator's Office:	(218) 828-2307 E-MAIL admin@ci.brainerd.mn.us
Engineering Department:	(218) 828-2309 E-MAIL engineer@ci.brainerd.mn.us
Commissioner of Revenue:	(651) 282-5225 E-MAIL www.taxes.state.mn.us
Parks and Rec. Department:	(218) 828-2320 E-MAIL parks@ci.brainerd.mn.us
Planning Department:	(218) 828-2309 E-MAIL planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 E-MAIL police@ci.brainerd.mn.us
MN Department of Health	(320) 223-7300 E-Mail www.health.state.mn.us
MNDOT – Baxter Office	(218) 828-5700 E-Mail www.dot.state.mn.us

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

The applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney's fees), charges, liability, or exposure, however caused, resulting from, arising out of, or in any way connected with the applicant's event herein described.

The City, in its discretion, may require the Applicant to obtain liability insurance for any special event. If liability insurance is required, the following requirements apply:

- a. Minimum of \$1,000,000 in commercial general liability insurance.
- b. Applicant's insurance shall be primary.
- c. Insurance shall cover liability for injury death and property damage including coverage for alcohol related claims, if alcohol will be served.
- d. The insurance policy must be issued by an insurance company licensed to do business in Minnesota acceptable to the City.
- e. The City must be named as an "Additional Insured" on the policy.
- f. At least ten (10) days prior to the event, the applicant must give to the City a Certificate of Insurance showing the required coverage.

PART V: SIGNATURE OF EVENT APPLICANT

I attest that the above information is true and accurate and I have signed this application on behalf of the Applicant. I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.

Pam Beaulieu
Signature of the Event Applicant

7-15-16
Date submitted to the City

Pam Beaulieu
PRINT NAME

Committee Chair
Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	<u>✓</u>	<u>NO ISSUES</u>
City Administration	<u>/</u>	
Engineering Depart.	<u>/</u>	
Fire Department	<u>/</u>	
Fire Support/EMS	<u>✓</u>	
Parks and Recreation	<u>✓</u>	<u>NO COMMENT</u>
Planning Department	<u>/</u>	
Police Department	<u>✓</u>	<u>ONLY ACTIVITY AFTER 10:30 IS TEAR DOWN & CLEAN-UP.</u>

Certification of Street Closure Approval

The street closure request as described herein was approved by City Council at their _____, 20____ meeting. Approval is subject to the following condition:

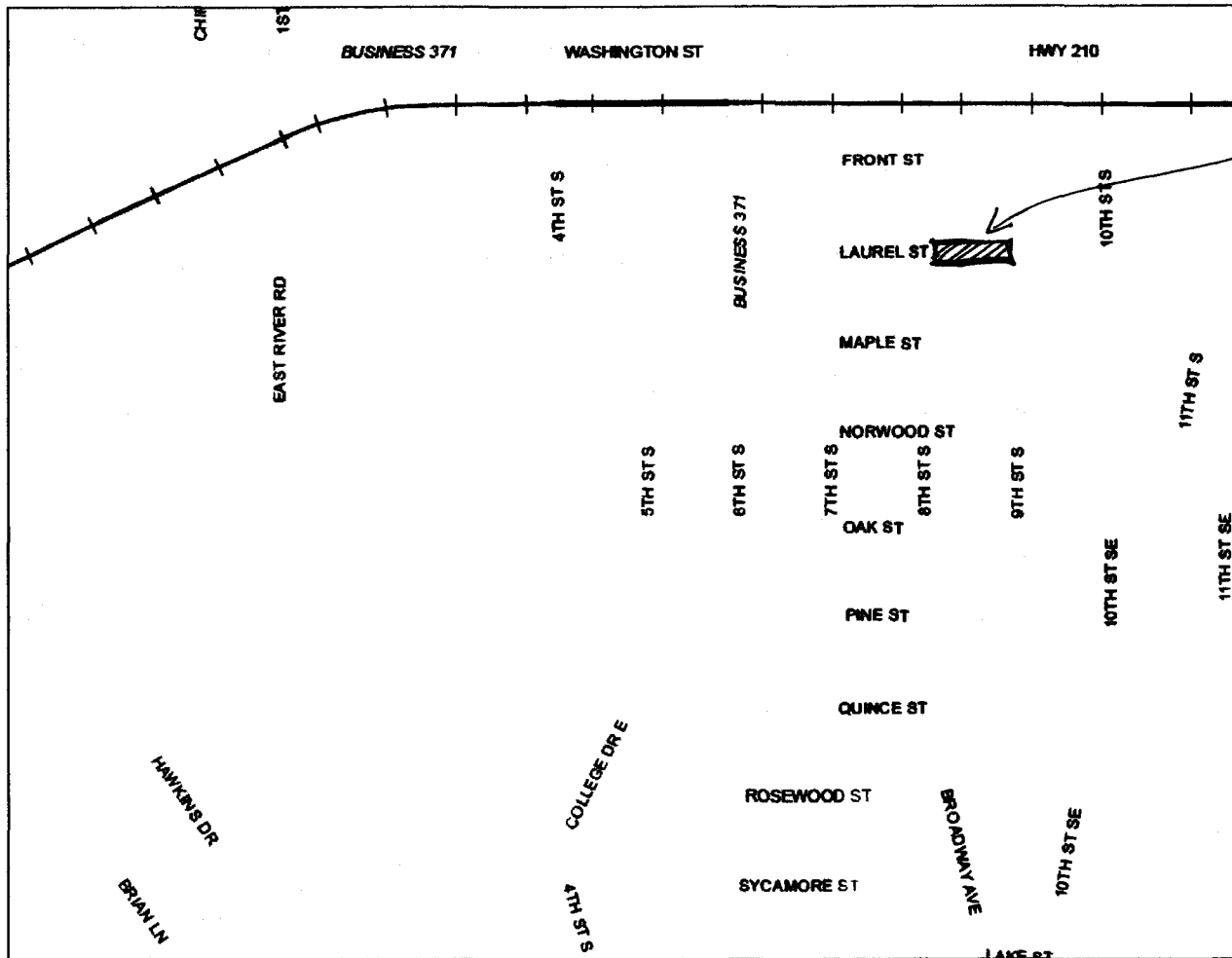
Special Event/Festival Application and Permit Approval

The Special Event as described above is approved subject to any conditions noted on this form or otherwise set forth by the City of Brainerd.

City Administrator

Date

Commonly Used Maps





824 Laurel Street
Brainerd, MN 56401

Tuesday, July 12, 2016

To Whom it May Concern:

Pam Beaulieu et al have permission to use the bathrooms at our facility during the street concert planned for September 24. We will also provide our trash disposal systems for the evening.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert P. Evans', followed by a long horizontal line.

Rev. Dr. Robert Evans
Pastor



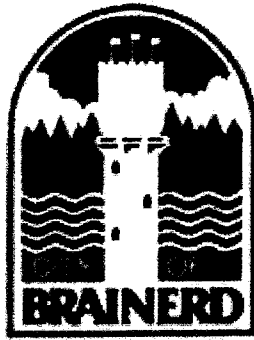
Brainerd City Council Agenda Request

SPW 2
Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Event/Street Closure Application - Minn Street Rod Assn. Fall Campout

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is an event application from the Minnesota Street Rod Association for an event on Saturday, September 10th, which is requesting temporary no parking zones for bus loading areas at 3 locations.	
Alternatives, Options, Effects on Others/Comments: The bus loading locations are along the south side of Front Street between 5th and 6th; the north side of Juniper at the intersection with 6th Street; and the east side of North 10th Street by the Franklin Art Center entrance. The application has been reviewed by all city department and there were no recommended conditions of approval. The use of Gregory Park has already been approved through the Park Board.	
Recommended Action/Motion: Staff is recommending approval of the application.	
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>	



Street Closure, Special Event And Festival Application

Brainerd, Minnesota

Thank you for your interest in organizing a special event in Brainerd. The City is home to numerous cultural, community, and recreational events. These events are integral to our sense of community, and they play an important economic role by increasing tourism, generating downtown foot traffic, and fostering a festive atmosphere within the City. We look forward to working with you to help make your event a success.

All special events and festivals that require significant logistics planning between City departments or are requesting a street closure must submit this application to the City Administrator's Office at least thirty (30) days prior to the event. Event planners are encouraged to submit their applications as early as possible. City Council must approve all street closure requests, and additional licenses and permits may also be required, as outlined in part III of this application.

For questions, please contact the City of Brainerd Engineering Office at:

501 Laurel Street
Brainerd, MN 56401
Phone: (219) 828-2309
Email: engineering@ci.brainerd.mn.us

Application for a Street Closure, Special Event and Festival Permit

PART I: GENERAL INFORMATION

Name of the event: Minnesota Street Rod Assoc. Fall Campout

Date(s) of the event: Sept 9-10-11 2016

Time of event (setup to breakdown): _____

Location: Crow Wing County Fairgrounds (closed club event)

Estimated number of attendees: 800-900

Organizer Information

Organizer's name (Please print): Northern Tin Street Rod Assoc. Merle Gallant

Organizer's address: 816 Lawn St. Brainerd

Event contact person: Merle Gallant

Event contact daytime phone number: (h) 829-1346 (w) _____ (c) 330-4585

Event contact persons e-mail address: mmgallant@brainerd.net

Contact name and phone number to be used on the day of the event:

(h) _____ (w) _____ (c) 330-4585

For Profit/Nonprofit status (type): Non profit

Applicant Information, if different from the event organizer:

Applicant name (Please print): _____

Applicant address: _____

Applicant's telephone number (h) _____ (w) _____ (c) _____

Event contact e-mail address: _____

Description of Activities

Brief description of the activities planned during the event: camping - catered
meals - shopping - Bus Tours - car show in
Gregory Park - open to public

If a parade, please describe the proposed route with the assembly and dispersal locations and attach a map: _____

Site Information

Gregory Park leased for Sept 10th

Electrical usage?

Yes ☐ No ☐

Describe the type of equipment to be used and how you intend to supply the power: _____

Amplified sound?

Yes ☐ No ☐

Description of any recording and sound amplification equipment to be used in your event and the times: _____

Restrooms provided?

Yes ☒ No ☐ How many? _____

A ratio of 1 restroom for every 100-150 people is recommended.

Company contracted for restrooms: _____

If restrooms are provided by neighboring property(s) please submit the location and the property owner's signature to verify that approval has been granted.

Sign, banners, and posters/flyers?

Yes ☐ No ☐

Locations and descriptions: _____

Trash Disposal?

Yes ☒ No ☐

Company contracted for trash disposal: Brainard Parks & Rec

Event Layout and Street Site Map

Yes ☐ No ☐

Please provide a layout of the event showing booths, staging, amusements, food, etc. and also provide a street map or park map showing the borders of the event.

Area Notification

Please describe your plans to notify property owners, tenants, and/or businesses within 300 feet of the event or festival site prior to City Council meeting.

N/A *No Parking Request*
PART II: STREET CLOSURE REQUEST

While the City continues to treat downtown as a venue for special events, event plans must be balanced with the interests and needs of property owners.

Throughout all events, businesses should be reasonably accessible to the general public. If a business's entrance is blocked by the event layout, then accommodations such as signage, handbills, or similar methods should be made available to mitigate the impact on customer access. If a street closure occurs along residential streets, reasonable efforts must be made to alert all property owners along the road of the proposed closure. All street closures must be approved by City Council.

Requesting no parking signs for bus loading areas
Please describe the name and sections of the streets for which you are requesting temporary closure (e.g. "South 7th Street between Maple Street and Front Street").
no parking
south side of front-between 5th & 6th - east end 4 spots
north side of Juniper - next to Gregory fountain - 4 spots
east side of North 10th at Franklin entrance - 4 spots

Time and date for beginning of ~~street closures~~ *no parking*: Saturday Sept 10th 8:00 AM
5:00 PM

Time and date for reopening of streets: _____

Please describe your plans to notify property owners, tenants, and/or businesses along the affected route of the proposed street closure within 300 feet prior to City Council meeting. The City will supply you with a Notice of Hearing flyer to use in notification that lists the necessary information.

Failure to notify property owners and tenants in street closure areas will result in revocation of street closure permit.

Please describe how your event preserves customer and residential access for businesses and houses along your proposed street closure (e.g. preserving pedestrian flow along the downtown sidewalks). Additional pages or proposed layouts may be attached.

Description of Activities

Brief description of the activities planned during the event: _____

If a parade, please describe the proposed route with the assembly and dispersal locations and attach a map: _____

Site Information

Electrical usage?

Yes ☐ No ☐

Describe the type of equipment to be used and how you intend to supply the power: _____

Amplified sound?

Yes ☐ No ☐

Description of any recording and sound amplification equipment to be used in your event and the times: _____

Restrooms provided?

Yes ☐ No ☐ How many? _____

A ratio of 1 restroom for every 100-150 people is recommended.

Company contracted for restrooms: _____

If restrooms are provided by neighboring property(s) please submit the location and the property owner's signature to verify that approval has been granted.

Sign, banners, and posters/flyers?

Yes ☐ No ☐

Locations and descriptions: _____

Trash Disposal?

Yes ☐ No ☐

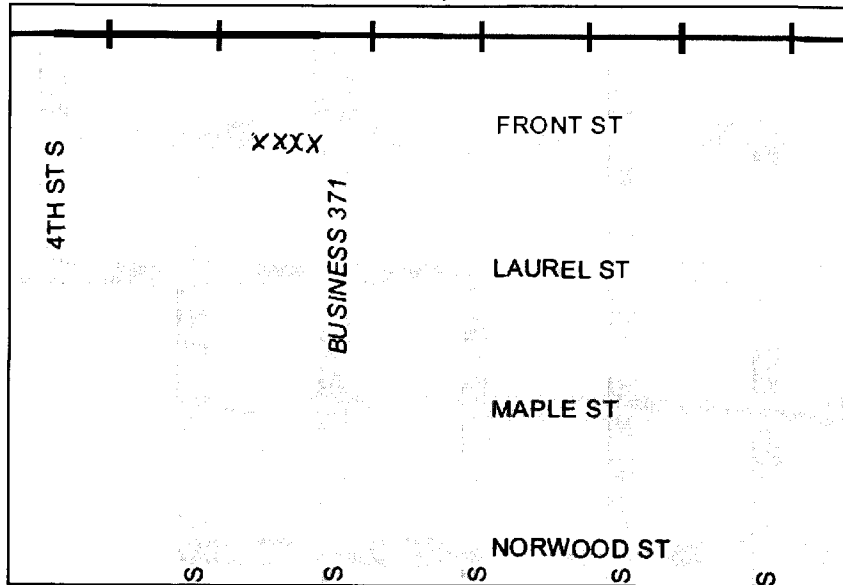
Company contracted for trash disposal: _____

Event Layout and Street Site Map

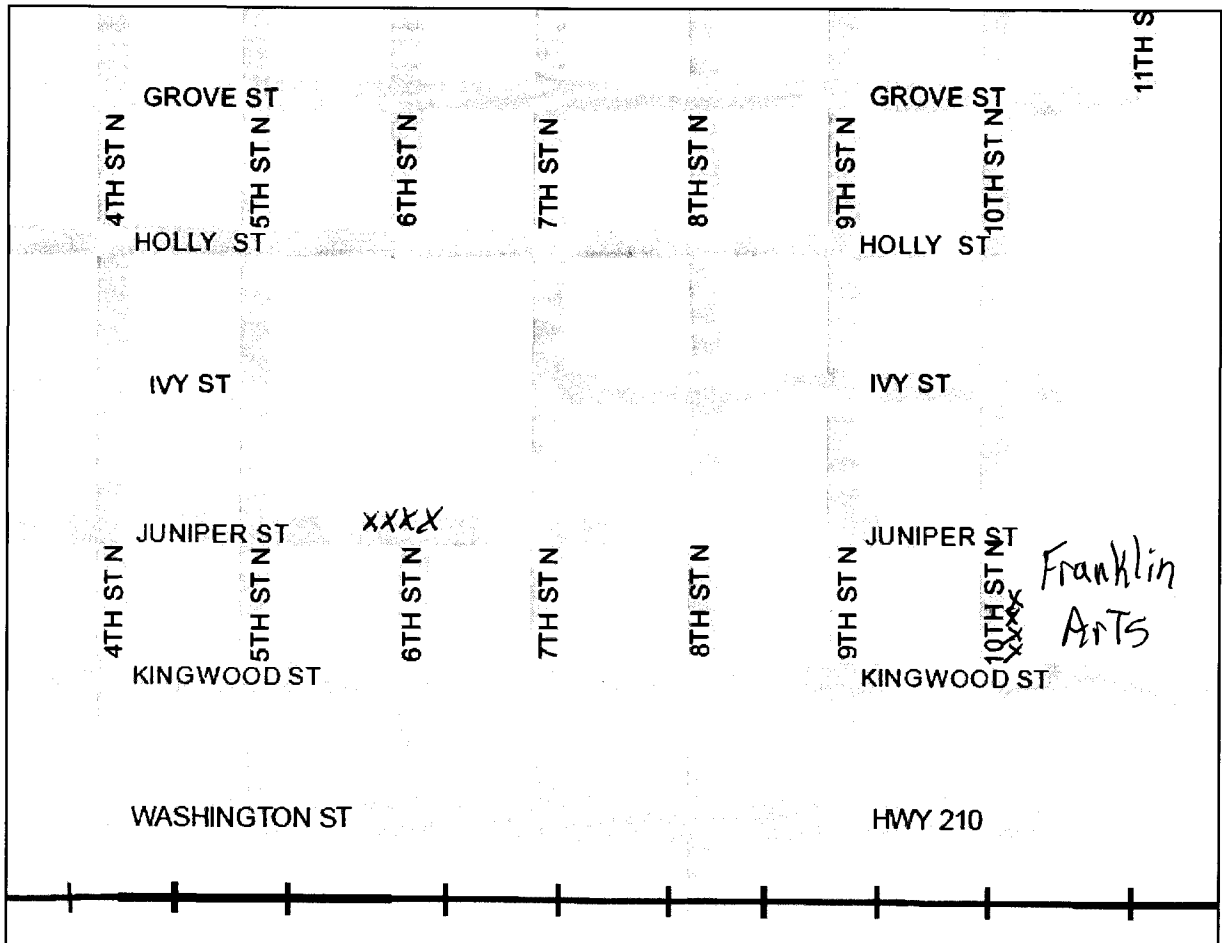
Yes ☐ No ☐

Please provide a layout of the event showing booths, staging, amusements, food, etc. and also provide a street map or park map showing the borders of the event.

Historic Downtown



Gregory Park



PART III: CONTACTS, PERMITS, AND FEES CHECKLIST

Each special event has its own requirements and needs. Listed below is a summary of the permits and fees common to many special events. Please note that it is *not* necessary to have all permits approved upon submission of this application. However, this checklist should serve as a guide as you plan your event. *All special events must have all permits and fees paid and approved prior to the start of the event.*

Permit, License, or Checklist	Yes	Pending	N/A	Contact (See contact information below)
Authorization to use a city park	X			Contact the Parks & Recreation Department for information.
Fire/EMS/Police support				Check yes to request emergency support. The appropriate level of fire, EMS, and police support will be determined by the City based on crowd size and the type of event. Fees may be discussed with the sponsor.
Food and vendor licenses	X			All vendors must apply for a temporary license through the Commissioner of Revenue's Office. Food vendors are required to collect and report meals tax.
Health Department permit				All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).
Insurance certificate	X			May be required before issuing a permit.
Sign/banner permits				Contact the Planning Department for information.
Parade permit				Issued by the Police Department after complete submission of application.
Street closure				Must be approved by City Council after submission of the special events application. Contact the City Engineering Department for information/procedure. Closure of a State highway must be approved by MNDOT prior to City Council review.
Alcohol Use Permit				Must be approved by City Council after submission of the special events application. Contact the City Administrator's Office for information/procedure.

Contact Information:

Administrator's Office:	(218) 828-2307 E-MAIL admin@ci.brainerd.mn.us
Engineering Department:	(218) 828-2309 E-MAIL engineer@ci.brainerd.mn.us
Commissioner of Revenue:	(651) 282-5225 E-MAIL www.taxes.state.mn.us
Parks and Rec. Department:	(218) 828-2320 E-MAIL parks@ci.brainerd.mn.us
Planning Department:	(218) 828-2309 E-MAIL planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 E-MAIL police@ci.brainerd.mn.us
MN Department of Health	(320) 223-7300 E-Mail www.health.state.mn.us
MNDOT – Baxter Office	(218) 828-5700 E-Mail www.dot.state.mn.us

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

The applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney's fees), charges, liability, or exposure, however caused, resulting from, arising out of, or in any way connected with the applicant's event herein described.

(copy given to Parks and Rec)

The City, in its discretion, may require the Applicant to obtain liability insurance for any special event. If liability insurance is required, the following requirements apply:

- a. Minimum of \$1,000,000 in commercial general liability insurance.
- b. Applicant's insurance shall be primary.
- c. Insurance shall cover liability for injury death and property damage including coverage for alcohol related claims, if alcohol will be served.
- d. The insurance policy must be issued by an insurance company licensed to do business in Minnesota acceptable to the City.
- e. The City must be named as an "Additional Insured" on the policy.
- f. At least ten (10) days prior to the event, the applicant must give to the City a Certificate of Insurance showing the required coverage.

PART V: SIGNATURE OF EVENT APPLICANT

I attest that the above information is true and accurate and I have signed this application on behalf of the Applicant. I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.


Signature of the Event Applicant

Date submitted to the City

Merle H. Gallant Jr
PRINT NAME

President Northern 7th Street Rod Assoc.
Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	✓	NONE
City Administration	✓	NONE
Engineering Depart.	✓	NONE
Fire Department	✓	NONE
Fire Support/EMS	✓	NONE
Parks and Recreation	✓	NONE
Planning Department	✓	NONE
Police Department	✓	NONE

Certification of Street Closure Approval

The street closure request as described herein was approved by City Council at their _____, 20____ meeting. Approval is subject to the following condition:

Special Event/Festival Application and Permit Approval

The Special Event as described above is approved subject to any conditions noted on this form or otherwise set forth by the City of Brainerd.

City Administrator

Date



Brainerd City Council Agenda Request

SPW
3

Agenda Item #

Requested Meeting Date:

Title of Item: Transit Policy Change to Service Time

☐ 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: Andy Stone	Department: Transit
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue: Transit has historically started at 7 am. The Policy states 7:15. 700 rides annually are given during this time window. The change does not affect operations, but will align the Policy with current operations. The Joint Transportation Advisory Committee meeting dated July 21, 2016 recommended council support of this change.	
Alternatives, Options, Effects on Others/Comments: Current language: 2.1.1 Service Availability: Passenger pick-ups will occur between the hours of 8:00 a.m. and 4:30 p.m. There will be limited service for passenger pickups as early as 7:15 a.m. for prearranged and subscription service.	
Recommended Action/Motion: Approve Transit Operating Policy change	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

SPW 4
Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Improvement 16-09 - Buffalo Hills Impvements

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is a memo that provides some historical background on previously proposed improvements to Buffalo Hills Lane between Ridge Drive west and Greenwood Street. The memo discusses several issues that staff will be seeking direction on as this project moves forward.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO

TO: Safety and Public Works Committee

FROM: Jeff Hulsether

DATE: July 28, 2016

RE: Buffalo Hills Lane Improvements

At the June 20th Council meeting, the Council expressed an interest in revisiting Improvement 03-08, the construction of Buffalo Hills Lane from Greenwood Street to the west intersection of Ridge Drive in conjunction with the Full Depth Reclamation on the section between Greenwood Street and Business 371. As the project number indicates, this project was first being developed in the 2003-2004 time frame and the process involved several neighborhood meetings to discuss project scope, design features, cost, and assessments.

The project stalled out in 2004 primarily due to a lack of consensus on design and assessment methodology and lack of neighborhood support. The project was briefly discussed in 2014, but after reviewing design issues, the project stalled out again.

When the project was initiated in 2003, the only funding sources available were special assessments and a general city levy. Since then, the alignment has been placed on our State Aid system which makes it eligible for State Aid reimbursement. Presently, our unencumbered construction fund balance is negative, but funds can be advanced to cover eligible costs if desired.

Our technicians started reviewing the design data that was collected when the project was initiated back in 2003 and it became apparent that the data collected is not compatible with our modern data collection and design software. The result is that we will need to re-establish control based on the county coordinate system in the corridor and re-survey everything.

There are still some unresolved questions from our earlier processes, specifically the scope of project and the assessment methodology.

The original project limits were between Ridge Drive (west) and Greenwood Street. We never did arrive at a decision on the street section. Parking was not a concern of the area residents so the 2 primary sections discussed were a 36 ft. wide road with 2-12 ft driving lanes and 2-6ft multiuse shoulders for walkers and bikers; and a combination 26 ft. wide road with a separated 10 ft. bituminous trail similar to what we constructed last year on 28th Street. Given the topography of the corridor, the separated trail option provides the most flexibility with design.

The project limits should also be revisited. Adding the full depth reclamation between Greenwood Street and Business 371 is what started this discussion. We should also look at the westerly extension of Buffalo Hills Lane to the intersection with Mississippi Pkwy and Mississippi Pkwy from Buffalo Hills to the westerly end. These two segments were not considered in 2003 because they are a dead end serving about a half dozen houses. Utilities are in place and the road surface is in about the same condition as the remainder of Buffalo Hills Lane. Development of the Mills property could be years away so this might be an appropriate time to complete the work in the neighborhood.

The more controversial issue in 2003 was the assessment methodology to pay for the improvements. Because the road is a rural section without curb and gutter, has never had an established grade, and does not meet minimum standards for grade, width and structure, the proposed improvement by definition is initial construction and by policy is assessed at 100% for a typical local residential street. The methodology proposed was for area assessments and to assess all of the parcels in each adjacent subdivision an equal amount and each subdivision a prorated share based on its frontage to the project. This seemed most equitable because all of the parcels within each of the adjacent subdivisions use the road. There was general agreement at the neighborhood meetings that something should be done with the road, but nobody wanted to pay for it.

At the Committee meeting, I would like to generate some discussion about project limits, project scope, assessment methodology, and a process for moving forward.



Brainerd City Council Agenda Request

SPW
5

Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: WBCC Meeting Request

☐ 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 copy of an email from the Chair of the WBCC requesting that the Safety and Public Works Committee set a date for a special meeting with the WBCC to address any concerns with the non-motorized transportation plan prior to it being submitted to the full council for adoption.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Staff is recommending that committee members bring their calendars and be prepared to discuss possible meeting dates.	
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>	

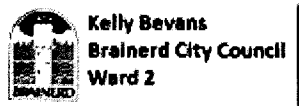
Jeff Hulsether

From: kelly@kellysservice.biz
Sent: Wednesday, July 27, 2016 9:04 PM
To: Jeff Hulsether
Cc: Sue; Chip@riverplace-mn.com; garyscheeler@hotmail.com; Ellie Burkett "Ellie" Burkett
Subject: Fw: Meeting request: Walkable Bikeable City committee and Safety and Public Works committee

Jeff

Can this be added to our agenda Mon. to discuss time & purpose.

Thank You,



From: Eleanor "Ellie" Burkett
Sent: Wednesday, July 27, 2016 4:45 PM
To: <mailto:Kelly@kellysservice.biz>
Subject: Meeting request: Walkable Bikeable City committee and Safety and Public Works committee

hello Kelly,

The WBCC is working to wrap up the Brainerd Non-Motorized Transportation Plan.. We would like to meet with the Safety and Public Works committee prior to submitting it to the Brainerd City Council to find possible concerns and strategies to get this approved. Could you please suggest a time soon after August 22nd when your committee could meet with us? We will send you the full NMTP for your review prior to our meeting.

Thank you,

Eleanor "Ellie" Burkett
WBCC chair

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

August 1, 2016
City Hall Conference Room
7:00 P.M.

1. Approval of Bills & Payments to Contractors

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained On Project</u>
S E H	14-15	Airport Utilities Ext. – through 6/30	\$99,970.64	N/A
S E H	16-07	Jordan Rd Utilities Ext. – feasibility Report	\$2,500.00	N/A
Anderson Brothers	16-05	2016 Crack Sealing – final	\$13,838.72	N/A

2. Fire Relief Association – Authorize Signatures on Annual Reports

3. Credit Card Status Update

4. Ratification of Administration Department Administrative Specialist Hiring: Nicole Torrence

5. Police Department – Promotion of Police Officer Michael Kulzer to Sergeant - Effective August 2, 2016

6. Fire Department – Resignation of Paid On-Call Firefighter Dennis Logelin - Effective July 26, 2016

7. Subordination of Loan to 3rd Position

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE	I-238929	101-41940-2220	REPAIR & MAIN SPRINKLER DUAL 4" PRO, SPRINKE	072745	5.83
01-0087	VISIT BRAINERD	I-JUN 2016	101-49200-3340	LODGING TAX R JUNE 2016 LODGING	072811	902.51
01-0215	JANITORIAL SERVICES OF	I-407666	101-41940-3300	PROFESSIONAL JUNE CLEANING SERVICES	072774	589.70
01-0284	OFFICE SHOP	I-1008564-0	101-41940-2210	OPERATING SUP CASE PAPER TOWELS, SOAP, TISSU	072789	131.03
		I-1008644-0	101-41400-2200	OFFICE SUPPLI RUBBERBANDS	072789	3.89
		I-1008674-0	101-41940-2210	OPERATING SUP DYMO LABELS	072789	22.49
01-0293	PITNEY BOWES RESERVE AC	I-7/8/16 REFILL	101-15500	PREPAID EXPEN POSTAGE REFILL 7/8/2016	072794	500.00
01-0296	BRAINERD PUBLIC UTILITI	I-7/16 PERA	101-20850	DUE TO COMPON REMIT PERA RATE AID	072755	5,310.50
		I-JUL 16 TAX	101-20700	DUE TO OTHER DEL W & L	072755	3,102.96
01-0332	TRU GREEN	I-234633	101-49200-3430	MISCELLANEOUS CITY HALL GROUNDS TREATMENT	072803	47.38
01-0447	CDW GOVERNMENT, INC	I-DQG2491	101-41400-2200	OFFICE SUPPLI INK FOR RECEIPT MACHINE	072758	4.73
		I-DQT0883	101-41400-2200	OFFICE SUPPLI RECEIPT TAPE PAPER - CASE	072758	69.17
		I-DRB8185	101-41800-2210	OPERATING SUP 2 EXTERNAL HARDDRIVES	072758	250.24
01-0521	PITNEY BOWES INC	I-3100350013	101-41940-3331	LEASE PAYMENT POSTAGE MACH LEASE 4/30-7/29	072792	774.81
01-0617	KIWANIS CLUB OF BRAINER	I-527	101-41400-3433	DUES & SUBSCR QTRLY DUES END 6/30 FOR J THOR	072776	32.50
01-1432	INTEGRA TELECOM	I-14027327	101-41940-3321	TELEPHONE ELEV PHONE LINE 7/23-8/22	072773	47.43
01-2212	PITNEY BOWES PURCHASE P	I-07/12/16	101-41940-3430	MISCELLANEOUS POSTAGE TRANSACTION FEE	072793	20.99
01-2257	U.S. BANK	I-JUL 16 ADM	101-49200-3430	MISCELLANEOUS 2015 GFOA AWARD	072804	435.00
		I-JUL 16 ADM	101-41400-3430	MISCELLANEOUS ADMIN SPEC TESTING NEW HIRE	072804	139.00
		I-JUL 16 ENG	101-41800-5570	CAPITAL - OFF BEST BUY - MONITOR & WALL MOUN	072804	849.98
		I-JUL 16 ENG	101-42400-3435	BOOKS & PAMPH ICC - CODE BOOKS	072804	333.00
		I-JUL 16 PLN	101-41910-3433	DUES & SUBSCR CONSTANT CONTACT	072804	20.00
		I-JUL 16 PLN	101-41910-3330	PROFESSIONAL REG WORKSHOP 7/15	072804	89.00

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2667	BRAINERD ENGINEERING DE					
		I-AUG 2016	101-41700-3430	MISCELLANEOUS CWC - DEED TAX	072753	1.65
01-3320	ESSENTIA HEALTH					
		I-07/26/2016	101-14100	DUE FROM COMP BPU - 1 PRE-EMPLOY SCREEN 8/15	072767	76.00
01-3411	GROUP HEALTH INC. - WOR					
		I-W812838	101-41400-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	7.89
		I-W812838	101-42400-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	15.79
		I-W812838	101-41800-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	7.89
		I-W812838	101-14100	DUE FROM COMP BPU EAP DATES 3/1/16-4/1/17	072770	47.37
01-3413	RATWIK, ROSZAK AND MALO					
		I-58977	101-41610-3301	CITY ATTORNEY JUNE 2016 SERVICES	072795	652.50
		I-JUNE 2016	101-14100	DUE FROM COMP HRA JUNE 2016 ATTORNEY	072795	29.00
		I-JUNE 2016	101-14100	DUE FROM COMP BPU JUNE 2016 ATTORNEY	072795	36.25
		I-JUNE 2016	101-41610-3301	CITY ATTORNEY JUNE 2016 RETAINER	072795	3,874.66
01-3469	LAKES AREA MAT SERVICE					
		I-#522: 20160712	101-41940-3410	RENTAL EXPENS #522 RUG SERVICE	072777	49.91
		I-#522: 20160726	101-41940-3410	RENTAL EXPENS #522 RUG SERVICE	072777	49.91
			FUND	101 GENERAL FUND	TOTAL:	18,530.96

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 203 TRANSIT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-AUGUST 2016	203-49000-3410	RENTAL EXPENS AUG 16 TRANSIT RENT	072760	500.00
01-0102	CANON FINANCIAL SERVICE					
		I-16289080	203-49000-3420	COPY MACHINE COPIER CONTRACT CHARGE	072756	104.90
01-2257	U.S. BANK					
		I-JUL 16 TRANS	203-49000-3330	PROFESSIONAL EXPEDIA - TRAVEL INSURANCE	072804	53.00
		I-JUL 16 TRANS	203-49000-3330	PROFESSIONAL DELTA - CONF FLIGHT	072804	739.70
			FUND	203 TRANSIT FUND	TOTAL:	1,397.60

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 211 LIBRARY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE	I-237891	211-45500-2220	REPAIR & MAIN PAINT	072745	16.43
01-0102	CANON FINANCIAL SERVICE	I-16271677	211-45505-3430	MISC - COPY M CONTRACT CHARGE JUNE	072756	92.98
01-0307	CENTER POINT ENERGY/MIN	I-6032449-8/JUL 16	211-45500-3380	UTILITIES 6/20-7/20 HEAT	072759	45.43
01-0344	WASTE PARTNERS INC	I-66X01378	211-45500-3430	MISCELLANEOUS WASTE DISPOSAL JUNE	072812	70.14
01-1	MISCELLANEOUS VENDOR TONY KRAMER	I-396670	211-45500-3400	REPAIR & MAIN LAWN SERVICE 5/19-6/15	072802	318.00
01-1636	SCR - NORTHERN BAXTER	I-318450	211-45500-3400	REPAIR & MAIN HVAC CONTROL SUPPORT	072797	511.00
01-1897	SERVICEMASTER CLEAN OF	I-19833	211-45500-3400	REPAIR & MAIN FULL CARPET CLEAN	072798	1,189.00
01-2257	U.S. BANK	I-JUL 16 LIB	211-45501-3430	MISC - SPECIF SNAPPISH - LEGACY REIM FROM KR	072804	351.66
		I-JUL 16 LIB	211-45500-2240	LIBRARY MATER DEMCO - BOOK REPAIR SUPPLIES	072804	254.21
		I-JUL 16 LIB	211-45500-2220	REPAIR & MAIN MENARDS - BLEACH & TOWELS	072804	64.37
		I-JUL 16 LIB	211-45500-2220	REPAIR & MAIN AMAZON - PLANNER & POWER STRIP	072804	68.55
		I-JUL 16 LIB	211-45501-3430	MISC - SPECIF MICKEYS - VOLUNTEER RECOGNITIO	072804	80.00
		I-JUL 16 LIB	211-45501-3430	MISC - SPECIF COSTCO - SRP PLATES & NAPKINS	072804	37.94
		I-JUL 16 LIB	211-45500-2220	REPAIR & MAIN AMAZON - RETURNED POWER STRIPS	072804	27.66-
		I-JUL 16 LIB	211-45500-2200	OFFICE SUPPLI AMAZON - SIGNS & POWER STRIPS	072804	70.39
		I-JUL 16 LIB	211-45500-2200	OFFICE SUPPLI AMAZON - SIGN	072804	5.48
01-3438	D - D BEVERAGE, LLC	I-68829	211-45500-2220	REPAIR & MAIN SOAP & TISSUE	072766	130.25
		I-70621	211-45500-2220	REPAIR & MAIN GLASS CLEANER & DISINFECTANT	072766	18.45
			FUND	211 LIBRARY FUND	TOTAL:	3,296.62

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FUND : 223 DRUG FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0086	CITY OF BRAINERD					
	I-ICR: 15002471	223-22800	OTHER LIABILI	ICR: 15002471	072760	645.60
	I-ICR: 16002409	223-22800	OTHER LIABILI	ICR: 16002409	072760	157.50
	I-ICR: 16003953	223-22800	OTHER LIABILI	ICR: 16003953	072760	14.00
01-0136	CWC ATTORNEY					
	I-ICR: 15002471	223-22800	OTHER LIABILI	ICR: 15002471	072764	173.60
	I-ICR: 16002409	223-22800	OTHER LIABILI	ICR: 16002409	072764	45.00
	I-ICR: 16003953	223-22800	OTHER LIABILI	ICR: 16003953	072764	4.00
01-0289	PETERSON TOWING					
	I-34156	223-42140-2210	OPERATING EXP	TOW: 16009244	072791	150.00
01-0586	MN STATE TREASURER					
	I-ICR: 15002471	223-22800	OTHER LIABILI	ICR: 15002471	072783	86.80
	I-ICR: 16002409	223-22800	OTHER LIABILI	ICR: 16002409	072783	22.50
	I-ICR: 16003953	223-22800	OTHER LIABILI	ICR: 16003953	072783	2.00
	FUND	223	DRUG FORFEITURE	TOTAL:		1,301.00

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PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 224 DUI FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0888	WEST BRAINERD AUTO SERV					
		I-26418	224-42150-2210	OPERATING EXP TOW: 16009598	072813	45.00
				FUND 224 DUI FORFEITURE	TOTAL:	45.00

PACKET: 03764 08/01/16 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-238653	225-42120-2221	SQUAD CAR REP SQD 422 - RADAR ANTENNA	072745	4.47
		I-238792	225-42220-2210	OPERATING SUP FASTENERS	072745	2.20
01-0049	AUTO VALUE - WEST					
		I-17147034	225-42220-2210	OPERATING SUP POWER CLEAN	072751	8.49
01-0102	CANON FINANCIAL SERVICE					
		I-16271678	225-42220-3331	LEASE PAYMENT AUGUST COPIER LEASE	072756	66.23
01-0209	HEARTLAND TIRE INC.					
		I-67178	225-42120-2221	SQUAD CAR REP SQD 411 - MOUNT/INSTALL TIRES	072771	51.84
		I-67197	225-42120-2221	SQUAD CAR REP SQD 411 - TIRE REPAIR	072771	25.92
		I-67353	225-42120-2221	SQUAD CAR REP SQD 411 - FRONT TIRES	072771	267.50
01-0242	MALLIE LAW OFFICE, PA					
		I-AUGUST 2016	225-42127-3310	MISDEMEANOR P AUGUST 2016	072778	14,973.44
01-0260	MN BUREAU OF CRIM APPRE					
		I-9301	225-42120-3330	PROFESSIONAL 725 - FIELD ANALYSIS OF DRUGS	072782	75.00
01-0265	OFFICE OF ENTERPRISE TE					
		I-W16060719	225-42127-3430	MISC - PROSEC JUN 16 CITY PROSECUTOR PHONE	072788	59.72
01-0273	NAPA AUTO PARTS					
		I-980802	225-42220-2210	OPERATING SUP COOLANT	072786	38.94
		I-980804	225-42220-2212	MOTOR FUELS CHAINSAW PREMIX FUEL	072786	100.48
01-0322	STREICHERS PROF EQUIP					
		I-I1216495	225-42120-1113	UNIFORM ALLOW 723 - UNIFORM BELT LOOP ATTACH	072801	34.98
		I-I1216860	225-42120-1113	UNIFORM ALLOW 776AS- UNIFORM SHIRT	072801	49.24
01-0337	UNIFORMS UNLIMITED					
		I-34698-1	225-42120-1113	UNIFORM ALLOW 723 - UNIFORM SHIRT	072809	51.94
01-0669	MICKEY'S OF BRAINERD					
		I-559916	225-42120-3430	MISCELLANEOUS SRGT INTERVIEW PANEL LUNCH	072779	27.98
01-0745	BATTERIES PLUS					
		I-035-312640	225-42220-2210	OPERATING SUP PAGER BATTERIES	072752	71.94
		I-035-312715	225-42220-2220	REPAIR & MAIN T3 BATTERY	072752	179.98
01-0888	WEST BRAINERD AUTO SERV					
		I-25715	225-42120-3430	MISCELLANEOUS TOW: 16009669	072813	45.00
01-0900	CUB FOODS - BRAINERD					
		I-JUL 15 FD	225-42220-2210	OPERATING SUP OIL FOR KITCHEN FIRE TRAILER	072763	33.45
		I-JUL 15 FD	225-42220-2210	OPERATING SUP TOLIET PAPER & PAPER TOWELS	072763	34.98

PACKET: 03764 08/01/16 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1156	CWC SHERIFF					
		I-2ND QTR 2016 ADJ	225-20800	DUE TO OTHER TOWARD ZERO DEATHS APR-JUN 16	072765	295.18
01-1912	MINNEAPOLIS FINANCE DEP					
		I-400451000248	225-42120-3309	COMPUTER TECH APS SUPPORT JUNE 2016	072780	536.40
01-2137	O'REILLY AUTOMOTIVE STO					
		I-1647-153153	225-42120-2221	SQUAD CAR REP SQD 422 - RADAR ANTENNA	072787	3.89
		I-1647-154415	225-42120-2221	SQUAD CAR REP SQD 416 - WIPER BLADES	072787	28.48
		I-1647-154471	225-42120-2221	SQUAD CAR REP SQD 401 - HITCH	072787	27.99
01-2226	CORE PROFESSIONAL SERVI					
		I-5096	225-42225-3300	PROFESSIONAL POC PRE-EMPLOYMENT EVAL	072761	250.00
		I-5098	225-42225-3300	PROFESSIONAL POC PRE-EMPLOY EVAL	072761	250.00
		I-5102	225-42225-3300	PROFESSIONAL POC PRE-EMPLOY EVAL	072761	250.00
01-2230	JN TACTICAL					
		I-1600138	225-42220-2210	OPERATING SUP L2/E4 CLAMPS	072775	142.95
01-2257	U.S. BANK					
		I-JUL 16 ADM	225-42220-3309	COMPUTER TECH WEB SUPPORT ATTORNEY FILES	072804	15.00
		I-JUL 16 FD	225-42220-3330	PROFESSIONAL BJERGA - STRAW BALES LIVE BURN	072804	96.90
		I-JUL 16 FD	225-42225-2250	PERSONAL PROT FELD FIRE - 8 RESCUE HELMETS	072804	1,365.05
		I-JUL 16 FD	225-42220-3330	PROFESSIONAL CWC LANDFILL - LIVE BURN DEMO	072804	77.00
		I-JUL 16 FD	225-42220-3433	DUES & SUBSCR ACTIVE 911 - 911 PAGING	072804	528.75
		I-JUL 16 FD	225-42220-2210	OPERATING SUP MILLS - STATION 1 SPRINKLER RE	072804	5.34
		I-JUL 16 FD	225-42220-3435	BOOKS & PAMPH AMAZON - NFPA 921 GUIDE	072804	100.49
		I-JUL 16 FD	225-42220-3435	BOOKS & PAMPH FSP BOOKS - FIRE INV 2014 ED	072804	57.30
		I-JUL 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	072804	24.00
		I-JUL 16 PD	225-42120-2221	SQUAD CAR REP BH PHOTO VIDEO - SQD CAR PRINT	072804	45.00
		I-JUL 16 PD	225-42120-3322	POSTAGE POSTMASTER - 200 POSTAGE STAMP	072804	94.00
		I-JUL 16 PD	225-42120-1113	UNIFORM ALLOW LA GEAR - 715 DOUBLE CUFF CASE	072804	41.32
		I-JUL 16 PD	225-42120-2212	MOTOR FUELS SA - 707/727 K9 CERTS SQD FUEL	072804	45.66
		I-JUL 16 PD	225-42120-3322	POSTAGE POSTMASTER - 200 POSTAGE STAMP	072804	94.00
		I-JUL 16 PD	225-42120-3330	PROFESSIONAL MPLS MARRIOTT - 707 K9 CERT HO	072804	262.46
		I-JUL 16 PD	225-42120-3330	PROFESSIONAL MPLS MARRIOTT - 727 K9 CERT HO	072804	262.46
		I-JUL 16 PD	225-42120-2210	OPERATING SUP TRANSUNION - SSN #S PARKING TI	072804	25.00
		I-JUL 16 PD	225-42120-3430	MISCELLANEOUS CUB FOODS - PARADE ASSIST	072804	26.94
		I-JUL 16 PD	225-42120-3430	MISCELLANEOUS LIL CAESARS - PARADE ASSIST	072804	106.80
		I-JUL 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	072804	6.47
		I-JUL 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	072804	6.80
		I-JUL 16 PD	225-42128-3430	MISC - K9 PRO MILLS - K9 SUPPLIES	072804	69.78
		I-JUL 16 PD	225-42120-3330	PROFESSIONAL ECONOLIDGE - 717 BASIC FIN CRI	072804	92.67
		I-JUL 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	072804	6.47
01-2620	PERSONNEL EVALUATION IN					
		I-19238	225-42120-3300	PROFESSIONAL PROFILE - POTENT NEW HIRE X2	072790	56.00
01-2924	VERIZON WIRELESS					

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PACKET: 03764 08/01/16 COUNCIL
VENDOR SET: 01
FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2924	VERIZON WIRELESS		continued			
		I-9768145759	225-42120-3309	COMPUTER TECH COMP SUPPORT 6/5-7/4	072810	525.15
		I-9768765219	225-42220-3321	TELEPHONE 6/16-7/15 IPAD SUPPORT	072810	175.05
01-3168	MOTORS-N-MORE					
		I-24416	225-42120-2221	SQUAD CAR REP SQD 422 - OIL CHANGE	072784	23.00
		I-24424	225-42120-2221	SQUAD CAR REP SQD 419 - OIL CHANGE	072784	23.00
		I-24433	225-42120-2221	SQUAD CAR REP SQD 416 - OIL CHANGE	072784	23.00
		I-24438	225-42120-2221	SQUAD CAR REP SQD 424 - OIL CHANGE	072784	23.00
01-3202	INNOVATIVE OFFICE SOLUT					
		I-IN1242184	225-42120-2200	OFFICE SUPPLI TONER, KEY TAGS, BINDERS & TAB	072772	128.06
01-3411	GROUP HEALTH INC. - WOR					
		I-W812838	225-42120-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	78.95
				FUND 225 PUBLIC SAFETY FUND	TOTAL:	22,499.48

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 230 PARK & RECREATION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0147	MINNESOTA ASA/USA SOFTB					
		I-2062	230-45215-2210	OPERATING SUP ADULT STATE TOURN ENTRY FEE	072781	2,520.00
01-0532	MUSIC GENERAL					
		I-6019	230-45216-2210	OPERATING SUP SOUND SYSTEM RENTAL 15U TOUR	072785	275.00
01-1159	WINNERS TROPHY					
		I-8137	230-45215-2210	OPERATING SUP MASTERS' TOURNAMENT TROPHIES	072814	65.00
01-2257	U.S. BANK					
		I-JUL 16 PK	230-45204-2210	OPERATING SUP COUNTRY HEARTH - BUNS	072804	39.00
		I-JUL 16 PK	230-45200-2220	REPAIR & MAIN PAVE SOURCE - TENNIS COURT CRA	072804	142.03
		I-JUL 16 PK	230-45202-2210	OPERATING SUP TARGET - PROGRAM SUPPLIES	072804	15.00
		I-JUL 16 PK	230-45212-2210	OPERATING SUP TARGET - PROGRAM SUPPLIES	072804	14.97
		I-JUL 16 PK	230-45203-2210	OPERATING SUP DOLLAR TREE - PROGRAM SUPPLIES	072804	22.50
		I-JUL 16 PK	230-45205-2210	OPERATING SUP DOLLAR TREE - PROGRAM SUPPLIES	072804	22.50
01-3320	ESSENTIA HEALTH					
		I-07/26/2016	230-45200-3430	MISCELLANEOUS 1 RANDOM DRUG & ALCOHOL	072767	50.00
01-3411	GROUP HEALTH INC. - WOR					
		I-W812838	230-45200-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	47.37
				FUND 230 PARK & RECREATION FUND	TOTAL:	3,213.37

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-238649	235-43100-2240	SMALL TOOLS PLIER SLIP JOINT	072745	8.99
		I-238859	235-43100-2220	REPAIR & MAIN BATTERIES	072745	13.49
		I-239003	235-43100-2220	REPAIR & MAIN GRASS SEED	072745	12.59
		I-239128	235-43100-2220	REPAIR & MAIN GRASS SEED	072745	22.05
01-0039	AMERIPRIDE LINEN SERVIC					
		I-2200804262	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	072749	88.98
		I-2200806810	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	072749	65.31
01-2667	BRAINERD ENGINEERING DE					
		I-AUG 2016	235-43100-3322	POSTAGE ST DEPT PARTS RETURN	072753	9.77
01-2902	ADVANCE AUTO PARTS					
		C-6574619670719	235-43100-2220	REPAIR & MAIN MINI BULB & RETURNED PARTS	072747	6.30-
		I-6574619570663	235-43100-2220	REPAIR & MAIN BRAKE CAL W/ HDW-RMFD, CORE BR	072747	56.84
		I-6574619592369	235-43100-2220	REPAIR & MAIN BRAKE PADS	072747	31.84
		I-6574619686625	235-43100-2220	REPAIR & MAIN BRAKE CAL W/ HDW-RMFD	072747	56.84
		I-6574619686626	235-43100-2220	REPAIR & MAIN HEADLIGHT	072747	10.49
		I-6574619686633	235-43100-2220	REPAIR & MAIN BRAKE HOSES	072747	19.16
		I-6574619786663	235-43100-2220	REPAIR & MAIN BRAKE MASTER CYLINDER	072747	36.39
		I-6574620786862	235-43100-2220	REPAIR & MAIN REFRIGERANT	072747	71.70
01-3205	CROW WING POWER					
		I-AUG 2016	235-43100-3380	UTILITIES SECURITY LIGHT @ WISE RD	072762	12.00
01-3320	ESSENTIA HEALTH					
		I-07/26/2016	235-43100-3430	MISCELLANEOUS 1 RANDOM DRUG SCREEN	072767	25.00
01-3411	GROUP HEALTH INC. - WOR					
		I-W812838	235-43100-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	38.68
			FUND	235 STREET & SEWER FUND	TOTAL:	573.82

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 237 SANITARY SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-238871	237-43190-2220	REPAIR & MAIN SILICONE, BLADE RECIP, DUCT TA	072745	21.92
01-0077	BRAINERD HYDRAULICS/AIR					
		I-2535	237-43190-2220	REPAIR & MAIN AIR VALVE AND 4 MNPT	072754	32.54
01-0181	FLEXIBLE PIPE TOOL CO					
		I-20085	237-43190-2220	REPAIR & MAIN 2 LEADER HOSES	072768	485.00
		I-20176	237-43190-2220	REPAIR & MAIN 2 TIGER TAIL JETTING TOOLS	072768	120.50
01-1093	ROAD EQUIPMENT PARTS CE					
		I-MB726747	237-43190-2220	REPAIR & MAIN A/C CLUTCH	072796	169.03
01-3393	CAUGHEY, DARIN					
		I-AUG 2016	237-43190-3430	MISCELLANEOUS REIM 1/2 COST SAFETY BOOTS	072757	69.00
01-3411	GROUP HEALTH INC. - WOR					
		I-W812838	237-43190-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	14.21
			FUND	237 SANITARY SEWER FUND	TOTAL:	912.20

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REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 13

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 238 STORM SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-3411	GROUP HEALTH INC. - WOR					
		I-W812838	238-43160-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	3.16
				FUND 238 STORM SEWER FUND	TOTAL:	3.16

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REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 14

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 240 PERMANENT IMPROVEMENT FUN

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-JUL 16 TAX	240-49300-7720	TRANSFERS OUT PERM IMPR COLLECTION	072760	172,082.49
			FUND	240 PERMANENT IMPROVEMENT FUN	TOTAL:	172,082.49

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REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 15

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 250 HYDRANT RENT & EL CURRENT

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0086	CITY OF BRAINERD					
		I-JUL 16 TAX	250-49042-3464	REMIT LEVY HYDRANT RENT & EC	072760	86,058.61
				FUND 250 HYDRANT RENT & EL CURRENT	TOTAL:	86,058.61

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REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 16

PACKET: 03764 08/01/16 COUNCIL

VENDOR SET: 01

FUND : 260 AIRPORT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-3411	GROUP HEALTH INC. - WOR					
		I-W812838	260-49020-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	31.58
				FUND 260 AIRPORT FUND	TOTAL:	31.58

PAGE: 17

FUND : 400 CAPITAL PROJECTS FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0319	SPRINGSTED INC					
		I-194.120	400-49050-3300	PROFESSIONAL GO EQUIP CERTS SERIES 2016B	072800	14,087.48
				FUND 400 CAPITAL PROJECTS FUND	TOTAL:	14,087.48

PACKET: 03764 08/01/16 COUNCIL
VENDOR SET: 01
FUND : 401 CONSTRUCTION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0041	ANDERSON BROTHERS CONST					
		I-665	401-41605-5530	PYMTS TO CONT 2016 CRACK SEAL PROJ - FINAL	072750	13,838.72
01-0317	SHORT ELLIOTT HENDRICKS					
		I-318118	401-41415-3300	PROFESSIONAL ARPT UTIL EXT THRU 6/30	072799	99,970.64
		I-318123	401-41607-3300	PROFESSIONAL JORDAN RD UTIL EXT FEAS RPRT	072799	2,500.00
01-0319	SPRINGSTED INC					
		I-194.116-1	401-41415-3300	PROFESSIONAL GO UTIL REV BONDS 2016A ARPT U	072800	28,837.60
01-1967	FRONTIER PRECISION INC					
		I-150592	401-41408-3430	MISCELLANEOUS MAGNAILS	072769	40.60
01-3411	GROUP HEALTH INC. - WOR					
		I-W812838	401-49030-1131	HEALTH INSURA EAP DATES 3/1/16-4/1/17	072770	7.11
			FUND	401 CONSTRUCTION FUND	TOTAL:	145,194.67
					REPORT GRAND TOTAL:	469,228.04

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

MARY KOEP

DAVID PRITSCHET

GABE JOHNSON



Brainerd City Council Agenda Request

P+F
2
Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Fire Relief Association - Annual Report

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): POC Representatives	Estimated Time Needed: 5-10 minutes
Summary of Issue: Please see attached memo and reports from the Brainerd Fire Department Relief Association.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize staff to sign the annual reports.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

Brainerd Fire Department
Relief Association
23 Laurel St
Brainerd MN 56401
(218) 828-2312

July 26th, 2016

TO: City Council City of Brainerd

FR: Brainerd Fire Department Relief Association

Pursuant to Minnesota State Statute 424A.093, subdivision 5(c), the Brainerd Fire Department Relief Association must certify to the municipality the annual financial requirements for the association by August 1, 2016. The financial requirements for the association are calculated on the Form SC-16, which is provided to the relief association by the Office of the State Auditor. This form is used to determine the current year end plan liabilities, any surplus or deficit, and the future year (2017) required municipal contribution.

Based upon the financial projections on the Form SC-16, the Brainerd Fire Department Relief Association is not asking for an increase to our benefit level. We are currently at \$8,750 per year of service. Based on the year to date return of 5.67% and several other variables we feel that an increase would not be in the funds best interest. As a result of this decision we will be leaving our plan funded to 105% with no required municipal contribution. Thank you for your consideration of this matter.

The form SC-16 is attached for your review and certification.

Sincerely,



Matt Holmstrom
Secretary

OFFICE OF THE STATE AUDITOR

Active Member Information

Enter Annual Benefit Level in effect for 2016: \$8,750

(If you change your benefit level before 12/31/2016, the SC must be recalculated and recertified at the new level.)

							2016		2017	
Total Active Member Liabilities							2,229,150		2,503,025	
							To end of 2016		To end of 2017	
	Name	Status	Date of Birth	Fire Department Entry Date	Leaves of Absence and Breaks in Service (months)	Return to Service Member ?	Years of Service	Accrued Liability	Years of Service	Accrued Liability
1	Rubbelke, Daryl A	Active		07/21/1992	6		24	210,000	25	218,750
2	Tengwall, Kevin A	Deferred		06/27/1994	11		22	0	23	0
3	Martin, Randy C	Active		08/03/1995	3		21	183,750	22	192,500
4	Anderson, Robert A	Active		11/01/1996	3		20	175,000	21	183,750
5	Rubado, Joseph J	Active		11/01/1996	11		19	161,350	20	175,000
6	Cox, David J	Active		01/26/1998	0		19	161,350	20	175,000
7	Johnson, Richard C	Active		01/26/1998	51		15	114,100	16	124,950
8	Logelin, Dennis J	Deferred		07/01/2001	37		12	0	13	0
9	Schellin, Jeffrey J	Active		10/01/2001	0		15	114,100	16	124,950
10	Sell, Barry L	Active		10/01/2002	6		14	103,600	15	114,100
11	Smith, Joshua R	Active		10/01/2002	3		14	103,600	15	114,100
12	Davis, Lance M	Deferred		11/01/2003	0		13	0	14	0
13	Johnson, Todd M	Active		11/01/2003	0		13	93,625	14	103,600
14	Doree, Kurt A	Deferred		10/01/2004	0		12	0	13	0
15	Mann, Lawayne R	Active		03/08/2005	3		12	84,175	13	93,625
16	Howard, Dennis J	Active		06/07/2005	25		9	58,275	10	66,500
17	Zeien, Cory J	Active		06/07/2005	13		10	66,500	11	75,075
18	Holmstrom, Matthew D	Active		08/07/2006	16		9	58,275	10	66,500
19	Bautch, James P	Active		10/03/2006	3		10	66,500	11	75,075
20	Enge, Joseph	Active		10/20/2008	0		8	50,400	9	58,275
21	Jacobson, Joel L	Active		10/20/2008	12		7	43,050	8	50,400
22	Read, David T	Active		10/20/2008	0		8	50,400	9	58,275
23	Langrerud, Clinton	Separated/Not Vested		12/09/2009	31		4	0	5	0
24	Marohn, Samuel	Active		12/09/2009	0		7	43,050	8	50,400
25	Powell, Jeremy	Active		12/09/2009	6		7	43,050	8	50,400
26	Amundson, Greg	Active		02/04/2011	0		6	35,875	7	43,050
27	Groenwold, Christopher	Active		02/04/2011	0		6	35,875	7	43,050
28	Lemieur, Jonathan	Active		02/04/2011	0		6	35,875	7	43,050
29	Findlay, Rahn D	Active		08/01/2013	0		3	16,625	4	22,750
30	Kargel, Brian T	Active		08/01/2013	0		3	16,625	4	22,750
31	Mailhot, Joshua	Active		08/01/2013	2		3	16,625	4	22,750
32	Norwood, James	Active		08/01/2013	0		3	16,625	4	22,750
33	Teckemeyer, Mark	Active		08/01/2013	0		3	16,625	4	22,750
34	White, Darin A	Active		08/01/2013	11		3	16,625	4	22,750
35	Bickel, Andrew J	Active		10/21/2013	3		3	16,625	4	22,750
36	Stangel, Josh	Active		10/01/2015	0		1	5,250	2	10,850

Form SC-16

Brainerd Fire Relief Association

37	Haglin, Nicholas	Active		07/01/2016	0		1	5,250	2	10,850
38	Flowers, Eric	Active		07/01/2016	0		1	5,250	2	10,850
39	Isle, Steven	Active		07/01/2016	0		1	5,250	2	10,850
40		Choose Status						0		0
41		Choose Status						0		0
42		Choose Status						0		0
43		Choose Status						0		0
44		Choose Status						0		0
45		Choose Status						0		0
46		Choose Status						0		0
47		Choose Status						0		0
48		Choose Status						0		0
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79		Choose Status						0		0
80		Choose Status						0		0
81		Choose Status						0		0
82		Choose Status						0		0
83		Choose Status						0		0
84		Choose Status						0		0
85		Choose Status						0		0

OFFICE OF THE STATE AUDITOR

Deferred Member Information
(fully or partially vested)

Total Deferred Member Liabilities 2016 588,291
Total Deferred Member Liabilities 2017 617,706

1

Enter all information as it pertains to this member.

Member Name:	Innes, Jeff	Benefit Level at Separation:	5,600	Months of Service Are Paid	Yes	
Minimum Years Required to Vest:	10	DOB:	Deferred Interest Paid (Select "Yes" if offered.) <u>Yes</u> If Interest is Paid, Choose Type: Straight 5% Period Interest is Paid: Full Period			
Service Dates: Entry:	12/05/1990	Separation:				05/16/2005
LOAs and BIS (in months):	3	Vesting %:				76
Return to Service Member ?	(Select "Yes" if applicable.)					
Total Service: Years:	14	Months (if paid):				2
2016 Estimated Liability:	0					
2017 Estimated Liability:	0	Status:	Paid			

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1985: _____ %	1990: _____ %	1995: _____ %	2000: _____ %	2005: _____ %	2011: _____ %
1986: _____ %	1991: _____ %	1996: _____ %	2001: _____ %	2006: _____ %	2012: _____ %
1987: _____ %	1992: _____ %	1997: _____ %	2002: _____ %	2007: _____ %	2013: _____ %
1988: _____ %	1993: _____ %	1998: _____ %	2003: _____ %	2008: _____ %	2014: _____ %
1989: _____ %	1994: _____ %	1999: _____ %	2004: _____ %	2009: _____ %	2015: _____ %
+Rate of return is calculated using the earnings projected on Page 4 of this form.				2010: _____ %	2016: _____ % +

2

Enter all information as it pertains to this member.

Member Name:	Dunemann, Charles	Benefit Level at Separation:	7,400	Months of Service Are Paid	Yes	
Minimum Years Required to Vest:	10	DOB:	Deferred Interest Paid (Select "Yes" if offered.) <u>Yes</u> If Interest is Paid, Choose Type: Straight 5% Period Interest is Paid: Full Period			
Service Dates: Entry:	07/01/1991	Separation:				07/31/2009
LOAs and BIS (in months):	2	Vesting %:				88
Return to Service Member ?	(Select "Yes" if applicable.)					
Total Service: Years:	17	Months (if paid):				11
2016 Estimated Liability:	0					
2017 Estimated Liability:	0	Status:	Paid			

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1985: _____ %	1990: _____ %	1995: _____ %	2000: _____ %	2005: _____ %	2011: _____ %
1986: _____ %	1991: _____ %	1996: _____ %	2001: _____ %	2006: _____ %	2012: _____ %
1987: _____ %	1992: _____ %	1997: _____ %	2002: _____ %	2007: _____ %	2013: _____ %
1988: _____ %	1993: _____ %	1998: _____ %	2003: _____ %	2008: _____ %	2014: _____ %
1989: _____ %	1994: _____ %	1999: _____ %	2004: _____ %	2009: _____ %	2015: _____ %
+Rate of return is calculated using the earnings projected on Page 4 of this form.				2010: _____ %	2016: _____ % +

3

Enter all information as it pertains to this member.

Member Name:	<u>Forbord, Ramona R</u>	Benefit Level at Separation:	<u>6,825</u>	Months of Service Are Paid	<u>Yes</u>
Minimum Years Required to Vest:	<u>10</u>	DOB:	<u>[REDACTED]</u>		
Service Dates:	Entry: <u>08/01/1991</u>	Separation:	<u>04/01/2012</u>		
LOAs and BIS (in months):	<u>46</u>	Vesting %:	<u>84</u>		
Return to Service Member ?	(Select "Yes" if applicable.)				
Total Service:	Years: <u>16</u>	Months (if paid):	<u>10</u>		
2016 Estimated Liability:	<u>121,711</u>				
2017 Estimated Liability:	<u>127,797</u>	Status:	<u>Deferred</u>		

Deferred Interest Paid
 (Select "Yes" if offered.) Yes

 If Interest is Paid, Choose Type:
 Straight 5%
 Period Interest is Paid:
 Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1985: <u> </u> %	1990: <u> </u> %	1995: <u> </u> %	2000: <u> </u> %	2005: <u> </u> %	2011: <u> </u> %
1986: <u> </u> %	1991: <u> </u> %	1996: <u> </u> %	2001: <u> </u> %	2006: <u> </u> %	2012: <u> </u> %
1987: <u> </u> %	1992: <u> </u> %	1997: <u> </u> %	2002: <u> </u> %	2007: <u> </u> %	2013: <u> </u> %
1988: <u> </u> %	1993: <u> </u> %	1998: <u> </u> %	2003: <u> </u> %	2008: <u> </u> %	2014: <u> </u> %
1989: <u> </u> %	1994: <u> </u> %	1999: <u> </u> %	2004: <u> </u> %	2009: <u> </u> %	2015: <u> </u> %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2010: % 2016: % +**4**

Enter all information as it pertains to this member.

Member Name:	<u>Turner, Mark</u>	Benefit Level at Separation:	<u>7,400</u>	Months of Service Are Paid	<u>Yes</u>
Minimum Years Required to Vest:	<u>10</u>	DOB:	<u>[REDACTED]</u>		
Service Dates:	Entry: <u>11/01/1996</u>	Separation:	<u>07/31/2009</u>		
LOAs and BIS (in months):	<u>23</u>	Vesting %:	<u>60</u>		
Return to Service Member ?	(Select "Yes" if applicable.)				
Total Service:	Years: <u>10</u>	Months (if paid):	<u>10</u>		
2016 Estimated Liability:	<u>69,109</u>				
2017 Estimated Liability:	<u>72,564</u>	Status:	<u>Deferred</u>		

Deferred Interest Paid
 (Select "Yes" if offered.) Yes

 If Interest is Paid, Choose Type:
 Straight 5%
 Period Interest is Paid:
 Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1985: <u> </u> %	1990: <u> </u> %	1995: <u> </u> %	2000: <u> </u> %	2005: <u> </u> %	2011: <u> </u> %
1986: <u> </u> %	1991: <u> </u> %	1996: <u> </u> %	2001: <u> </u> %	2006: <u> </u> %	2012: <u> </u> %
1987: <u> </u> %	1992: <u> </u> %	1997: <u> </u> %	2002: <u> </u> %	2007: <u> </u> %	2013: <u> </u> %
1988: <u> </u> %	1993: <u> </u> %	1998: <u> </u> %	2003: <u> </u> %	2008: <u> </u> %	2014: <u> </u> %
1989: <u> </u> %	1994: <u> </u> %	1999: <u> </u> %	2004: <u> </u> %	2009: <u> </u> %	2015: <u> </u> %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2010: % 2016: % +

5

Enter all information as it pertains to this member.

Member Name:	<u>Kevin A Tengwall</u>	Benefit Level at Separation:	<u>8,750</u>	Months of Service Are Paid	<u>Yes</u>
Minimum Years Required to Vest:	<u>10</u>	DOB:	<u>[REDACTED]</u>		
Service Dates:	Entry: <u>06/27/1994</u>	Separation:	<u>06/30/2016</u>		
LOAs and BIS (in months):	<u>11</u>	Vesting %:	<u>100</u>		
Return to Service Member ?	(Select "Yes" if applicable.)				
Total Service:	Years: <u>21</u>	Months (if paid):	<u>1</u>		
2016 Estimated Liability:	<u>189,141</u>				
2017 Estimated Liability:	<u>198,598</u>	Status:	<u>Deferred</u>		

Deferred Interest Paid
 (Select "Yes" if offered.) Yes

 If Interest is Paid, Choose Type:
 Straight 5%
 Period Interest is Paid:
 Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1985: <u> </u> %	1990: <u> </u> %	1995: <u> </u> %	2000: <u> </u> %	2005: <u> </u> %	2011: <u> </u> %
1986: <u> </u> %	1991: <u> </u> %	1996: <u> </u> %	2001: <u> </u> %	2006: <u> </u> %	2012: <u> </u> %
1987: <u> </u> %	1992: <u> </u> %	1997: <u> </u> %	2002: <u> </u> %	2007: <u> </u> %	2013: <u> </u> %
1988: <u> </u> %	1993: <u> </u> %	1998: <u> </u> %	2003: <u> </u> %	2008: <u> </u> %	2014: <u> </u> %
1989: <u> </u> %	1994: <u> </u> %	1999: <u> </u> %	2004: <u> </u> %	2009: <u> </u> %	2015: <u> </u> %
+Rate of return is calculated using the earnings projected on Page 4 of this form.				2010: <u> </u> %	2016: <u> </u> % +

6

Enter all information as it pertains to this member.

Member Name:	<u>Kurt A Doree</u>	Benefit Level at Separation:	<u>8,750</u>	Months of Service Are Paid	<u>Yes</u>
Minimum Years Required to Vest:	<u>10</u>	DOB:	<u>[REDACTED]</u>		
Service Dates:	Entry: <u>10/01/2004</u>	Separation:	<u>04/30/2016</u>		
LOAs and BIS (in months):	<u>5</u>	Vesting %:	<u>64</u>		
Return to Service Member ?	(Select "Yes" if applicable.)				
Total Service:	Years: <u>11</u>	Months (if paid):	<u>2</u>		
2016 Estimated Liability:	<u>64,635</u>				
2017 Estimated Liability:	<u>67,866</u>	Status:	<u>Deferred</u>		

Deferred Interest Paid
 (Select "Yes" if offered.) Yes

 If Interest is Paid, Choose Type:
 Straight 5%
 Period Interest is Paid:
 Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1985: <u> </u> %	1990: <u> </u> %	1995: <u> </u> %	2000: <u> </u> %	2005: <u> </u> %	2011: <u> </u> %
1986: <u> </u> %	1991: <u> </u> %	1996: <u> </u> %	2001: <u> </u> %	2006: <u> </u> %	2012: <u> </u> %
1987: <u> </u> %	1992: <u> </u> %	1997: <u> </u> %	2002: <u> </u> %	2007: <u> </u> %	2013: <u> </u> %
1988: <u> </u> %	1993: <u> </u> %	1998: <u> </u> %	2003: <u> </u> %	2008: <u> </u> %	2014: <u> </u> %
1989: <u> </u> %	1994: <u> </u> %	1999: <u> </u> %	2004: <u> </u> %	2009: <u> </u> %	2015: <u> </u> %
+Rate of return is calculated using the earnings projected on Page 4 of this form.				2010: <u> </u> %	2016: <u> </u> % +

7

Enter all information as it pertains to this member.

Member Name:	<u>Lance M Davis</u>	Benefit Level at Separation:	<u>8,750</u>	Months of Service Are Paid	<u>Yes</u>
Minimum Years Required to Vest:	<u>10</u>	DOB:	[REDACTED]		
Service Dates:	Entry: <u>11/01/2003</u>	Separation:	<u>11/09/2015</u>		
LOAs and BIS (in months):	<u>0</u>	Vesting %:	<u>68</u>		
Return to Service Member ?	(Select "Yes" if applicable.)				
Total Service:	Years: <u>12</u>	Months (if paid):	<u>0</u>		
2016 Estimated Liability:	<u>75,513</u>				
2017 Estimated Liability:	<u>79,289</u>	Status:	<u>Deferred</u>		

Deferred Interest Paid
 (Select "Yes" if offered.) Yes

 If Interest is Paid, Choose Type:
 Straight 5%
 Period Interest is Paid:
 Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1985: <u> </u> %	1990: <u> </u> %	1995: <u> </u> %	2000: <u> </u> %	2005: <u> </u> %	2011: <u> </u> %
1986: <u> </u> %	1991: <u> </u> %	1996: <u> </u> %	2001: <u> </u> %	2006: <u> </u> %	2012: <u> </u> %
1987: <u> </u> %	1992: <u> </u> %	1997: <u> </u> %	2002: <u> </u> %	2007: <u> </u> %	2013: <u> </u> %
1988: <u> </u> %	1993: <u> </u> %	1998: <u> </u> %	2003: <u> </u> %	2008: <u> </u> %	2014: <u> </u> %
1989: <u> </u> %	1994: <u> </u> %	1999: <u> </u> %	2004: <u> </u> %	2009: <u> </u> %	2015: <u> </u> %
+Rate of return is calculated using the earnings projected on Page 4 of this form.				2010: <u> </u> %	2016: <u> </u> % +

8

Enter all information as it pertains to this member.

Member Name:	<u>Dennis Logelin</u>	Benefit Level at Separation:	<u>8,750</u>	Months of Service Are Paid	<u>Yes</u>
Minimum Years Required to Vest:	<u>10</u>	DOB:	[REDACTED]		
Service Dates:	Entry: <u>07/01/2001</u>	Separation:	<u>07/26/2016</u>		
LOAs and BIS (in months):	<u>37</u>	Vesting %:	<u>64</u>		
Return to Service Member ?	(Select "Yes" if applicable.)				
Total Service:	Years: <u>11</u>	Months (if paid):	<u>11</u>		
2016 Estimated Liability:	<u>68,183</u>				
2017 Estimated Liability:	<u>71,592</u>	Status:	<u>Deferred</u>		

Deferred Interest Paid
 (Select "Yes" if offered.) Yes

 If Interest is Paid, Choose Type:
 Straight 5%
 Period Interest is Paid:
 Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1985: <u> </u> %	1990: <u> </u> %	1995: <u> </u> %	2000: <u> </u> %	2005: <u> </u> %	2011: <u> </u> %
1986: <u> </u> %	1991: <u> </u> %	1996: <u> </u> %	2001: <u> </u> %	2006: <u> </u> %	2012: <u> </u> %
1987: <u> </u> %	1992: <u> </u> %	1997: <u> </u> %	2002: <u> </u> %	2007: <u> </u> %	2013: <u> </u> %
1988: <u> </u> %	1993: <u> </u> %	1998: <u> </u> %	2003: <u> </u> %	2008: <u> </u> %	2014: <u> </u> %
1989: <u> </u> %	1994: <u> </u> %	1999: <u> </u> %	2004: <u> </u> %	2009: <u> </u> %	2015: <u> </u> %
+Rate of return is calculated using the earnings projected on Page 4 of this form.				2010: <u> </u> %	2016: <u> </u> % +

OFFICE OF THE STATE AUDITOR**Unpaid Installment Information**

Enter here the name of each member who has been paid portions of a pension benefit and who still has outstanding liabilities.

Name	Status	Birth Date	Entry Date	Separation Date	Amount Previously Paid	2016 Estimated Liability	2017 Estimated Liability
	Unpaid Installment						
	Unpaid Installment						
	Unpaid Installment						
	Unpaid Installment						
	Unpaid Installment						
	Unpaid Installment						
	Unpaid Installment						
	Unpaid Installment						
	Unpaid Installment						
	Unpaid Installment						

Totals

0	0
---	---

OFFICE OF THE STATE AUDITOR

	2016	2017	
Total Active Member Liabilities	2,229,150	2,503,025	
Total Deferred Member Liabilities	588,291	617,706	
Total Unpaid Installments	0	0	
Grand Total Special Fund Liability	A. 2,817,441	B. 3,120,731	
Normal Cost (Cell B minus Cell A)			C. 303,290

Projection of Net Assets for Year Ending December 31, 2016

Special Fund Assets at December 31, 2015 (FIRE-15 Form ending assets) 1 2,831,918

Projected Income for 2016

Fire State Aid (2015 fire state aid of \$165,681 may be increased by up to 3.5%)	D.	165,681	
Supplemental State Aid (actual 2015 supplemental state aid)	E.	40,538	
Municipal / Independent Fire Dept. Contributions	F.	0	
Interest / Dividends	G.	98,234	
Appreciation / (Depreciation)	H.	100,000	
Member Dues	I.	0	
Other Revenues	J.	1,000	
Total Projected Income for 2016 (Add Lines D through J)			2 405,453

Projected Expenses for 2016

Service Pensions (fill in individual pension amounts below)	K.	171,551	
Names:	\$ Amounts:		
Charles Dunemann	171,551		
Other Benefits	L.	0	
Administrative Expenses	M.	20,000	
Total Projected Expenses for 2016 (Add Lines K through M)			3 191,551
Projected Net Assets at December 31, 2016 (Add Lines 1 and 2, subtract Line 3)			4 3,045,820

Projection of Surplus or (Deficit) as of December 31, 2016

Projected Assets (Line 4)	5	3,045,820
2016 Accrued Liability (Page 4, cell A)	6	2,817,441
Surplus or (Deficit) (Line 5 minus Line 6)	7	228,379

OFFICE OF THE STATE AUDITOR**Calculation of Required Contribution**

Deficit Information - Original			Deficit Information - Adjusted		
Year Incurred	Original Amount	Amount Retired as of 12/31/2015	Original Amount	Amount Retired as of 12/31/2016	Amount Left to Retire 1/1/2017
2007	0	0			
2008	0	0			
2009	0	0			
2010	0	0			
2011	0	0			
2012	0	0			
2013	0	0			
2014	0	0			
2015	0	0			
2016					
Totals			0		0

Normal Cost	8	303,290
Projected Administrative Expense	9	18,536
Amortization of Deficit (Total of Original Amount column x 0.10)	10	0
10% of Surplus	11	22,838
Fire and Supplemental State Aid	12	206,219
Member Dues	13	0
5% of Projected Assets at December 31, 2016	14	152,291
Required Contribution (Add Lines 8, 9 and 10, subtract Lines 11, 12, 13 and 14. If negative, zero is displayed.)	15	0

No required contribution due in 2017.

OFFICE OF THE STATE AUDITOR**2016 Maximum Benefit Worksheet**

	A	B	C	D	E
	Fire State Aid and Supplemental State Aid	Municipal Contribution	10% of Surplus *	Active Members in Relief Association	Per Year Average [(A + B + C) / D]
	(From FIRE-15)	(From FIRE-15)	(SC-15 or Actuarial)	(From FIRE-15)	
2015	206,219	57,324	20,294	35	8,110
	(From RF-14)	(From RF-14)	(SC-14 or Actuarial)	(From RF-14)	
2014	203,105	46,833	15,275	37	7,168
	(From RF-13)	(From RF-13)	(SC-13 or Actuarial)	(From RF-13)	
2013	207,334	41,983	15,450	33	8,023

* If deficit for the year, leave blank.

Average available financing per active member for the most recent 3-year period:
(sum of column E divided by 3)

7,767

Maximum Lump Sum Benefit Level under Minn. Stat. § 424A.02, subd. 3

10,000



Brainerd City Council Agenda Request

P + F
3
Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Credit Card Update

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): GIS/IT Coordinator Strong	Estimated Time Needed: 5 minutes
Summary of Issue: As of Monday, August 1st, we will start accepting credit cards at City Hall, and parking will be able to be paid online. We will continue to work with other departments to be able to accept more online and in person credit card payments.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Update - no action required	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

P & F
4
Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Administrative Specialist Position - Ratify Hiring of Nicole Torrence

☐ 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: Kris Schubert & Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): Finance Director Connie Hillman	Estimated Time Needed: 1 minute
Summary of Issue: At the July 18th Council meeting, Staff requested and the City Council approved giving Staff the authority to negotiate and make a conditional job offer to our top Administrative Specialist - Administration Department candidate at 85% of the base wage for the position. The position was offered to Nicole Torrence with an anticipated date of hire of August 8, 2016. Ms. Torrence will start at Step A of the Salary Administration Plan or 85% of the top wage for the position; therefore, her starting wage will be \$19.81 per hour.	
Alternatives, Options, Effects on Others/Comments: The hiring is subject to successful completion of pre-employment testing.	
Recommended Action/Motion: Motion to ratify the hiring of Nicole Torrence as the Administrative Specialist in the Administration/Finance Department with an anticipated date of hire of August 8, 2016.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ \$19.81 per hour Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> Position was included in the 2016 budget. The listed hourly wage represents Step A of our Salary Administration Plan or 85% of the base wage for the position.	



Brainerd City Council Agenda Request

P+F
5
Agenda Item #

Requested Meeting Date: August 1st, 2016

Title of Item: Sergeant Promotion

☐ 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: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: On Monday, July 25th, the Civil Service Commission met and certified a new Sergeant Eligibility list upon the completion of our recent promotional testing process. This is to fill the vacancy of retired Police Patrol Sergeant Joy Larson. Officer Michael Kulzer scored the highest in the process. I am very confident in Officer Kulzer's ability to assume the important role of Patrol Sergeant in our agency and he will compliment the existing Patrol Sergeant team well.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve a motion promoting Police Officer Micheal Kulzer to Sergeant, effective August 2nd, 2016, with the appropriate wage/benefit changes made pursuant to the current labor agreement in place.	
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> Police Department budget for 2016 includes four Sergeant positions.	



Brainerd City Council Agenda Request

P&F 6
Agenda Item #

Requested Meeting Date: August 1st, 2016

Title of Item: Resignation of POC Firefighter Logelin

☐ 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: Fire Chief Tim Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Tim Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: Paid on Call Firefighter Logelin submitted a letter of resignation on July 26th, 2016. The effective date is July 26th, 2016. Logelin has been on the fire department since 2001.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Accept, with regret, the resignation of Dennis Logelin from the Brainerd Fire Department affective July26th, 2016.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

BRAINERD FIRE DEPARTMENT

JUL 26 2016

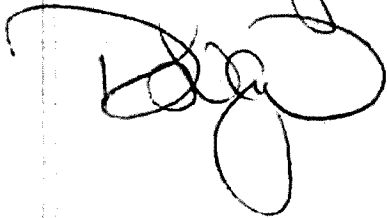
RECEIVED

7-26-16

Tim,

As of July 26-2016 I - Dennis J
Logelin would like to retire as
part on call Fire-(Brainerd Fire Dept)
Due to life busy schedule. Thank you
for giving me the opportunity to serve
our community

Thanks Again





Brainerd City Council Agenda Request

P+F
7
Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Subordination of Loan to 3rd Position

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 minutes
Summary of Issue: A resident who has a SCDG loan through the City is considering getting a 2nd mortgage on their home. In order to do so, the City needs to issue the lender a subordination agreement in which the City will be in third lien position. The City is currently in second position.	
Alternatives, Options, Effects on Others/Comments: Research needs to be done if the grant agreement will allow the City to be in 3rd position. If we can research before the Council meeting on Monday night, consideration of the subordination agreement is requested by the council which would be subject to City Attorney review. The loan was originally \$25,000, interest free, payable upon the sale or change of ownership. 100% is payable if the home is sold in the first 9 years of the grant/loan, 50% within 10-19 years and 100% forgiven after 20 years. The grant/loan is in the 50% forgiveness category with \$12,500 remaining and will be 100% forgiven after 10/4/22.	
Recommended Action/Motion: Approve or deny the request for the subordination agreement to 3rd position.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

7A

Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Public Hearing - Final Reading of Proposed Ordinance No. 1458 - An Ordinance Opting out of the Requirements of Minnesota Statutes, Section 462.3593 re Temporary Family Healthcare Dwellings

☐ 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: 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. Please see attached memo that explains more about the law and the opt out provision. A copy of a Minneapolis Tribune article about this issue is also 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: 1. Hold Public Hearing 2. Hold Final Reading of Proposed Ordinance No. 1458 opting out of Temporary Family Healthcare Bill 3. Adopt (by roll call) City Ordinance No. 1458	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

ORDINANCE NO. 1458

**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



Brainerd City Council Agenda Request

8A

Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Canvass of Primary Election Returns

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 minutes
Summary of Issue: The primary election is Tuesday, August 9, 2016. Pursuant to state law, the City Council must canvass the results for the primary on or before the 3rd day following the election, which would be August 12, 2016. The earliest the results would be available for canvassing is be August 11th.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: This item appears on the August 1st agenda to determine: 1. Who is going to serve on the primary canvassing board. We need a quorum of the council. 2. Set the date and time. 3. Adjourn the August 1st meeting to the canvassing board meeting.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

8B

Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Consideration of Resolution to Waive Recertification

☐ 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: CWC HRA	Department:
Presenter (Name & Title): CWC HRA Executive Director & City Administrator Thoreen	Estimated Time Needed: 15 minutes
Summary of Issue: The Crow Wing County HRA is requesting the City Council to consider a resolution waiving recertification of outstanding special assessments on certain tax-forfeit parcels in the City.	
Alternatives, Options, Effects on Others/Comments: Please see the following: Attachment 1 is a memo from Crow Wing County HRA Executive Director. Attachment 2 is a memo from City Staff.	
Recommended Action/Motion: Approve or deny the attached draft resolution to waive recertification of outstanding special assessments to certain tax-forfeit parcels in the City.	
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, MINNESOTA
RESOLUTION NO. _____

A RESOLUTION WAIVING RECERTIFICATION OF OUTSTANDING SPECIAL
ASSESSMENTS TO CERTAIN TAX-FORFEIT PARCELS IN THE CITY

WHEREAS, the City Council of the City of Brainerd, Minnesota (the "City") previously ordered improvements (the "Improvements") and authorized the certification of special assessments (the "Assessments") to be levied against certain parcels pursuant to Resolutions No. 86:03; 79:06; and 85:07 (the "Assessment Resolutions"), all pursuant to Minnesota Statutes, Chapter 429 (the "Improvement Act"); and

WHEREAS, subsequent to the certification of the Assessments, certain of the parcels benefited by the Improvements and described in Exhibit A (the "Tax Forfeit Parcels") were tax forfeited and are now held by the State of Minnesota in trust for Crow Wing County (the "County"); and

WHEREAS, the County has agreed to convey the Tax Forfeit Parcels to the Housing and Redevelopment Authority in and for the County of Crow Wing (the "County HRA") for conveyance to private developers in order to prevent and eliminate the emergence of blight through the construction of a range of owner-occupied single-family housing, on condition that the City agree not to exercise its statutory right to reassess the Tax Forfeit Parcels as authorized under Section 429.071, subd. 4 of the Improvement Act, and the County HRA has agreed that all proceeds of any sale of the Tax Forfeit Parcels, net of direct costs to the County HRA incurred in the closing on the sale of the Tax Forfeit Parcels including legal and closing costs, shall be disbursed to the City in partial reimbursement of the canceled Assessments at the time of closing on each conveyance to a private developer; and

WHEREAS, the City hereby finds that it is in the best interest of the City and its residents to agree not to reassess the Tax Forfeit Parcels in order to encourage the redevelopment of the Tax Forfeit Parcels by private enterprise, to foster the construction of a range of housing options for the City's residents on land that is currently underutilized, and to expeditiously return the Tax Forfeit Parcels to the City and County tax rolls..

NOW THEREFORE BE IT RESOLVED, by the Brainerd City Council, that the City agrees, upon conveyance of the Tax Forfeit Parcels by the County to the County HRA, to waive its statutory right to reassess the Tax Forfeit Parcels as described in this Resolution, but solely with regard to the Assessments levied pursuant to the Assessment Resolutions, and will accept from the County HRA the net proceeds of the sale of such parcels to private developers.

Adopted by the City Council of the City of Brainerd, Minnesota, this 1st day of August, 2016.

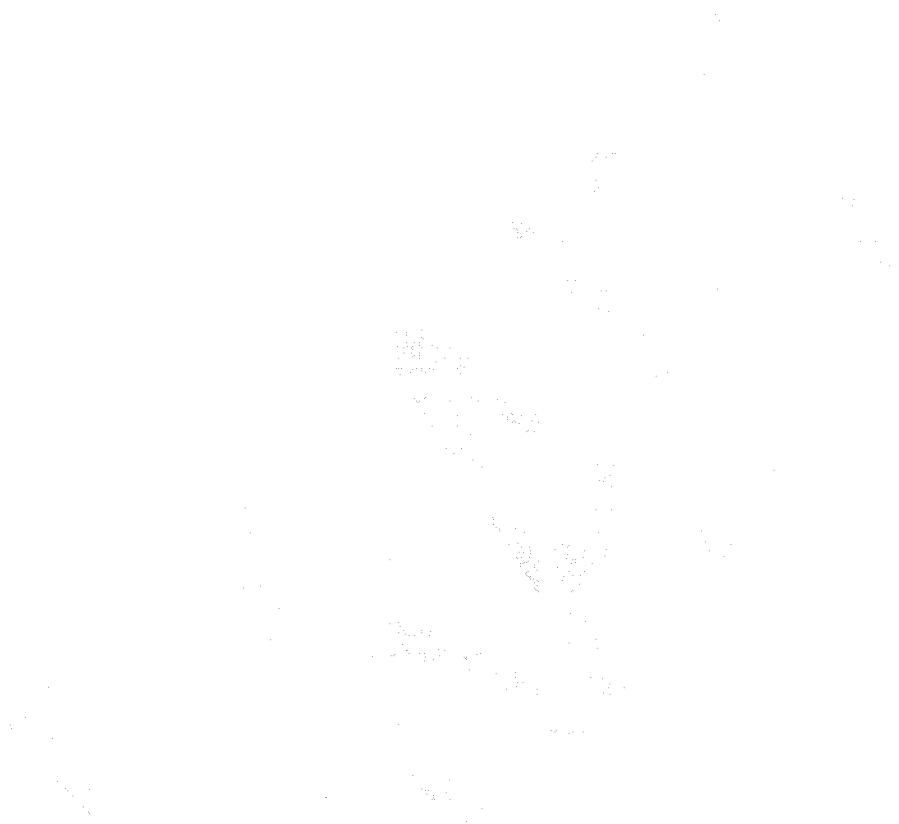
Mayor

Attest:

City Clerk

EXHIBIT A

Tax Forfeit Parcels



To: Honorable Mayor and City Council Members

From: Jennifer Bergman, Crow Wing County HRA Executive Director 

Date: July 28, 2016

Re: Consider Resolution Waiving Recertification of Outstanding Special Assessments to Certain Tax-Forfeit Parcels in the City

Summary:

The Crow Wing County Housing and Redevelopment Authority (CWC HRA) received a proposal from Paxmar to purchase tax-forfeited lots in Brainerd Oaks, Serene Pines and Dal Mar Estates. Their proposal is to purchase a minimum of 10 lots and a maximum of 30 lots per year and maintain a minimum of \$1.5 million of homes in process of construction per calendar year during the term of the agreement. They will construct 63 homes at Brainerd Oaks, 23 homes at Serene Pines and seven homes at Dal Mar Estates. They are proposing a three- to nine-year build-out schedule.

After negotiations, the CWC HRA accepted the offer of \$912,300 contingent upon the conveyance of the land from Crow Wing County to the CWC HRA, the agreement of the City to reduce assessments and agree to not recertify the assessments and the negotiation of a Purchase and Development Agreement (PDA) with the CWC HRA among a number of other things. Attached A is a timeline of how the proposal progressed.

Background:

In 2010, the Crow Wing County Board asked for the assistance of the CWC HRA to assist them in getting Brainerd Oaks back on the tax rolls. Since the value of the lots plus the special assessments are more than two times the estimated market value (see table below), the County has not been successful in selling these lots over the counter.

Parcels in Offer	*Estimated Market Value (EMV)	*Average Special Assessments (Principal & Interest)	*Total
Brainerd Oaks	\$6,809.64	\$17,155.14	\$23,964.78
Serene Pines	\$14,069.57	\$32,473.73	\$46,543.30
Dal Mar Estates	\$25,200.00	\$32,139.30	\$57,339.30

**These numbers are based on averages provided by County Staff in 2016; EMV and special assessments will vary based on the size of the lot (see Attachment for actual numbers by parcel).*

Minnesota State Statutes allows HRA's the ability to sell property for less than market value based for a price less than market value if (1) the county board determines that such a sale is in the public interest because a reduced price is necessary for the correction of blight that makes the land undesirable, or the reduced price will lead to affordable housing; and (2) the political subdivision has documented its specific plans for correcting the blight or constructing the housing, as well as the legal authority for acquiring the property. The CWC HRA received a legal opinion from Kennedy & Graven stating that the all three subdivisions meet the definition of blight and, therefore, can be sold the CWC HRA for less than market value and a plan was developed by the CWC HRA.

In 2011, the CWC HRA entered into a Development Agreement with Lakes Area Habitat for Humanity (LAHFH) to purchase 20 lots and build homes on those lots. The first property LAHFH purchased was the sales home on Holton and Oak. They rehabbed the house and sold it to an eligible home buyer; however, because of the cost of the land plus the assessments were so high and they owned other lots free and clear in the City of Brainerd, they declined to purchase additional lots.

In 2015, the CWC HRA hired the Urban Land Institute (ULI) to put together a Technical Assistance Panel (TAP) with experts including a developer, a commercial Realtor, a financial analyst and a builder to evaluate Brainerd Oaks. The purpose of ULI's TAP is to address specific challenges such as site redevelopment options. For your information, I have attached a list of the panel members and the findings and observations from the TAP Report (see Attachment B).

History of the Current Offer

In April, City Staff received a call from Kent Roessler of Paxmar who was interested in purchasing Brainerd Oaks. City and CWC HRA staff met with Mr. Roessler on April 13th to discuss this potential.

The CWC HRA received a Letter of Intent (LOI) from Paxmar to purchase Brainerd Oaks, Serene Pines and Dal Mar Estates. After several hours of discussion and negotiation, the CWC HRA Board ultimately accepted Paxmar's offer of \$912,300 for the purchase of Brainerd Oaks, Serene Pines and Dal Mar Estates contingent upon the conveyance of the tax-forfeited lots from the County to the CWC HRA, the agreement of the City Council to reduce and not recertify the special assessments and the negotiation and execution of a Purchase and Development Agreement (PDA) between the CWC HRA and Paxmar (see Attachment A for full details).

The CWC HRA evaluated the offer by Paxmar based on the estimated market value of the lots as determined by Crow Wing County. The table below compares the offer to the estimated market value:

	Brainerd Oaks	Serene Pines	Dal Mar	Total
# of Lots in Proposal	83	23	7	113
# of Homes to be Built	63	23	7	93
*Estimated Market Value	\$565,200	\$323,600	\$176,400	\$1,065,200
Paxmar Purchase Price	\$404,625	\$362,250	\$145,425	\$912,300
Difference	\$160,575	(38,750)	\$30,975	\$152,900

**The Estimated Market Value is based on an average. See Attachment C for a full list*

Based on this analysis, the offer from Paxmar is about 85% of the estimated market value.

Paxmar's offer includes a prepayment of partial SAC and WAC fees and full prepayment of Park Dedication Fees which reduces the amount that will go towards assessments. See table below:

	Brainerd Oaks	Serene Pines	Dal Mar	Total
Paxmar Purchase Price	\$404,625	\$362,250	\$145,425	\$912,300
*Less Prepaid SAC/WAC	(\$113,400)	(\$41,400)	(\$12,600)	(\$167,400)
Less Prepaid Park Ded Fees	(\$31,500)	(\$11,500)	(\$3,500)	(\$46,500)
Estimated CWC HRA Costs	(\$49,593)	(\$18,745)	(\$6,409)	(\$74,747)
Net Amount toward Assess.	\$210,132	\$290,605	\$122,916	\$623,653

**Paxmar will prepay \$1,800 per lot for SAC and WAC and the builder will pay the additional \$1,500 at the time the permit is pulled.*

Action Requested

Since the CWC HRA has no financial interest in the project, the CWC HRA is simply the conduit in this deal. Because of this, the Board wants some assurances that they will not be burdened with any future debt before they accept the land from Crow Wing County.

The CWC HRA is asking the City Council to consider the resolution that the City agrees, upon conveyance of the Tax Forfeit Parcels by the County to the County HRA, that it will waive in perpetuity its statutory right to reassess the Tax Forfeit Parcels but solely with regard to the Assessments levied pursuant to the Assessment Resolutions, and will accept from the County HRA the net proceeds of the sale of such parcels to private developers.

A

**Paxmar Offer
for the Purchase of
Brainerd Oaks, Serene Pines and Dal Mar Estates
Timeline**

- April 13th: City Staff and CWC HRA staff met with Paxmar who contacted the City of Brainerd inquiring about the potential purchase of Brainerd Oaks
- April 18th: Received an email from Paxmar inquiring about Serene Pines and Dal Mar Estates in addition to Brainerd Oaks – referred him to the Land Services Supervisor at Crow Wing County
- April 19th: The CWC HRA and Brainerd HRA Boards held a joint meeting. One of the agenda items was to discuss the ULI Technical Assistance Panel's evaluation of Brainerd Oaks and Staff shared this potential offer
- April 25th: The CWC HRA received the first Letter of Intent (LOI) from Paxmar which included Brainerd Oaks, Serene Pines and Dal Mar Estates for a total purchase price of \$637,000
- April 29th: City Staff, County and CWC staff met to discuss offer and determine estimated market value
- April 29th: The CWC HRA Board met to discuss the Paxmar offer to discuss counteroffer
- May 4th: The CWC HRA sent counter LOI to Paxmar for a total of \$1,100,842 (which was determined by using the "estimated market value" and reducing the amount by 9.5% for a "bulk" purchase)
- May 5th: The CWC HRA received a counteroffer on the LOI from Paxmar for \$912,300
- May 10th: The CWC HRA Board met to discuss the \$912,300 offer and made a motion to "authorize staff to pass along the counteroffer of \$912,300 along with the terms of the Letter of Intent to the City Council for their consideration and acceptance less any costs incurred by the CWC HRA on this negotiation and proposed sale"
- May 19th: CWC HRA Staff and CWC HRA Chair Kneeland attended the Personnel and Finance Committee to request a special Worksession of the City Council to discuss this offer
- May 23rd: City Council held a special Worksession to discuss the reduction of assessments, SAC and WAC and elimination of Park Dedication Fees
- June 6th: City Council discussed the assessments, SAC/WAC, Park Dedication Fees and the Pueringer/Junker offer to purchase Brainerd Oaks and made a motion to "inform the Crow Wing County HRA that the City trusts them to

negotiate the sale of Brainerd Oaks, Serene Pines and Dal Mare Estates including vetting the interested purchasers and considering the best interest of the City with the understanding that the City is willing to write down special assessments on the project but not willing to write down SAC and WAC or Park Dedication Fees"

June 14th: The CWC HRA Board met to consider whether to 1) Consider doing Request for Proposals, 2) Accept the Paxmar offer, or, 3) Do nothing. Since the County Board had only requested the CWC HRA's assistance with Brainerd Oaks and not Serene Pines or Dal Mar Estates, the CWC HRA Board made a motion to request to "be on the next Crow Wing County Board agenda to ask their considering of transferring ownership of the tax-forfeited lots in Serene Pines and Dal Mar Estates (in addition to Brainerd Oaks) to the CWC HRA pending formal agreement of the City of Brainerd to not recertify the special assessments"

June 23rd: CWC HRA met with the Crow Wing County Committee of the Whole to discuss the transference of Serene Pines and Dal Mar Estates to the CWC HRA in addition the Brainerd Oaks and requested that the CWC HRA approve a resolution accept the lots

July 7th: The CWC HRA Board passed a resolution to "accept title to the Developments from the County upon transfer of title to such Developments from the State of Minnesota, contingent upon receipt of an executed resolution by the City of Brainerd agreeing to accept the net proceeds from the sale of the lots in the Developments in lieu of recertifying previously-certified special assessments in connection with the Developments, and further agreeing to permanently waive its right to recertify such special assessments"

July 12th: Crow Wing County Board passed a resolution to "approve the plan of the County HRA to acquire all the tax-forfeit property in the Brainerd Oaks, Serene Pines, and Dal Mar Estates subdivisions from the County pursuant to Section 469.012, subd. 1g. of the HRA Act, in order to manage and dispose of the lots in the Developments through conveyance by the County HRA of such lots to private developers in order to correct blighted conditions"

B

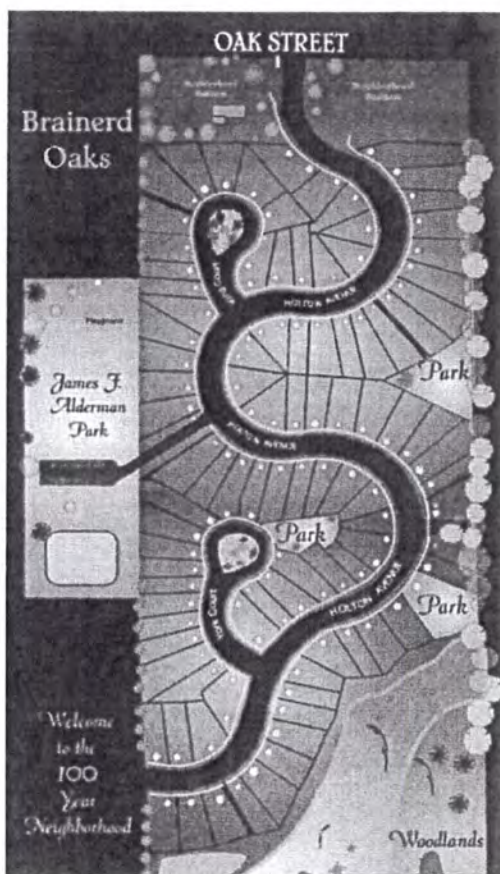


TECHNICAL ASSISTANCE PANEL REPORT

Brainerd Oaks Development Area

City of Brainerd & Crow Wing County HRA

January 13, 2016



The Panel

The panelists are ULI MN members and experts who volunteer their time because of a commitment to the principles of redevelopment, planned growth, economic expansion and local and regional capacity-building.

Panel	ULI Minnesota Staff
John Shardlow, Stantec, TAP Chair	Cathy Bennett
Ben Baratto, Baratto Brothers Construction	Gordon Hughes
Bill Beard, The Beard Group	
Chris Eng, Northland Securities	
Deanna Hemmesch, Central Minnesota Housing Partnership	
Rod Osterloh, Close Converse	

"With the assistance of a ULI MN Technical Assistance Panel (TAP), our city has moved forward on a key redevelopment project that expands rental housing options for residents. The TAP provided immeasurable assistance and was vital in guiding the strategic direction for the property."

Sandra Martin, Mayor, City of Shorview

Preliminary Findings and Observations

Prior to responding to the specific questions posed by the HRA, the panel developed some overall consensus findings and observations regarding Brainerd Oaks which serve as a backdrop for the panel's specific recommendations.

- **Special Assessments.** The special assessments which constitute the first lien on each of the forfeited lots create an insurmountable obstacle to successful development. The amount of the special assessments (ranging from \$16,000 - \$18,000 per lot depending upon the lot size) substantially exceeds the value of each lot which is estimated to be between \$5,000 - \$8,000 per lot. Nothing positive can happen without a solution to the special assessments.
- **No Action:** "Doing nothing" is an alternative, but not a good one. "If nothing changes, nothing changes", said Panel Chairman John Shardlow. He added, "We see nothing to convince us that just waiting is a viable option". The County/HRA/City can play a waiting game in hope that the calculus for the development will improve and the lots will sell for a price that affords repayment of the special assessments while allowing a reasonable profit for a builder/developer. The panel is not confident that this will occur in the foreseeable future based on the current pricing of similar lots in the Brainerd/Baxter market and the projected demand for home sites based on the recent Maxfield report.
- **Sell to a Master Developer.** The prospect of selling Brainerd Oaks in its entirety to a developer is unlikely even if the special assessments are wiped from the property. The potential profit margin is simply too thin to attract a developer who would hold the property and pay attendant carrying costs while pursuing a multi-year build out. "From a developer's perspective it would not be a good investment to be a master developer on this site as the risk is too high given the site constraints and high assessments", noted Bill Beard of The Beard Group.

Similar opportunities exist in the Brainerd Lakes area which are more attractive; better-located, more financially feasible. These opportunities are more competitive and would attract developer interest, which is limited, ahead of Brainerd Oaks. The likely customer for Brainerd Oaks is a lot by lot builder, not a developer.

- **Public/Private Partnership.** The Crow Wing County HRA, Crow Wing County, the Brainerd HRA or the City of Brainerd (or a combination thereof) will need to play the role of the developer/construction lender in order to facilitate development



Rush City Example where Chisago EDA acted as the lender to facilitate a mixed housing development.

of Brainerd Oaks. This option may open up opportunities to attract various home builders who would enter into an agreement to construct, stage, market and sell homes with less financial risk and added carrying costs. Panelist Chris Eng suggested that, "The HRA is in a unique position to secure low cost bond financing privately placed with a local lender to build and/or partner with builders to jumpstart the construction of new housing units". For example, the HRA could solicit bids from contractors and realtors and then provide the temporary construction financing for new housing units (single family or townhomes) to be built and sold. When the units are sold the proceeds from the sale can then be used to create a revolving fund to construct new additional units.

In addition, it will be very important to seek a variety of partnership opportunities. This will open up options to market for a mix of housing types simultaneously to different market segments.

- **Rebrand the Project:** Based upon the history of Brainerd Oaks the panel recommends that the project should start with a clean slate both financially and from a marketing perspective. This should include changing the project name, enhancing the development entrance, and identifying ways to bring residents to the development to create a more positive image for the area. These strategies will help to create a critical mass of activity to overcome the current negative stigma attached to the property and help to increase buyer confidence.

"Once the fundamental financial barriers have been addressed the County/City leadership should actively pursue multiple partnerships. We all agree that the ability to simultaneously market to multiple buyer types would be very positive."

TAP Chair John Shardlow, Stantec

<u>RE CODE</u>	<u>PLAT NAME</u>	<u>LOT</u>	<u>BLOCK</u>	<u>EMV</u>	<u>TIMBER VALUE</u>	<u>SPECIAL ASSMTS</u>
092710020020009	BRAINERD OAKS	2	2	\$7,000.00	\$0.00	\$20,620.37
092710020030009	BRAINERD OAKS	3	2	\$6,100.00	\$0.00	\$20,620.37
092710020040009	BRAINERD OAKS	4	2	\$7,200.00	\$0.00	\$20,620.37
092710020050009	BRAINERD OAKS	5	2	\$5,400.00	\$0.00	\$20,620.37
092710020060009	BRAINERD OAKS	6	2	\$7,000.00	\$0.00	\$20,620.37
092710020070009	BRAINERD OAKS	7	2	\$6,700.00	\$0.00	\$20,620.37
092710020080009	BRAINERD OAKS	8	2	\$7,000.00	\$0.00	\$20,620.37
092710020090009	BRAINERD OAKS	9	2	\$7,000.00	\$0.00	\$20,620.37
092710020100009	BRAINERD OAKS	10	2	\$5,400.00	\$0.00	\$20,620.37
092710020110009	BRAINERD OAKS	11	2	\$6,400.00	\$0.00	\$20,620.37
092710020120009	BRAINERD OAKS	12	2	\$7,200.00	\$0.00	\$20,620.37
092710020130009	BRAINERD OAKS	13	2	\$7,800.00	\$0.00	\$20,620.37
092710020140009	BRAINERD OAKS	14	2	\$7,700.00	\$0.00	\$20,620.37
092710020150009	BRAINERD OAKS	15	2	\$7,200.00	\$0.00	\$20,620.37
092710020160009	BRAINERD OAKS	16	2	\$7,800.00	\$0.00	\$20,620.37
092710020170009	BRAINERD OAKS	17	2	\$5,700.00	\$0.00	\$20,620.37
092710020180009	BRAINERD OAKS	18	2	\$6,800.00	\$0.00	\$20,620.37
092710040010009	BRAINERD OAKS	1	4	\$7,000.00	\$0.00	\$20,620.37
092710040020009	BRAINERD OAKS	2	4	\$7,200.00	\$0.00	\$20,620.37
092710040030009	BRAINERD OAKS	3	4	\$5,700.00	\$0.00	\$20,620.37
092710040040009	BRAINERD OAKS	4	4	\$7,000.00	\$0.00	\$20,620.37
092710040050009	BRAINERD OAKS	5	4	\$6,600.00	\$0.00	\$20,620.37
092710040060009	BRAINERD OAKS	6	4	\$5,400.00	\$0.00	\$20,620.37
092710040070009	BRAINERD OAKS	7	4	\$6,100.00	\$0.00	\$20,620.37
092710040080009	BRAINERD OAKS	8	4	\$6,800.00	\$0.00	\$20,620.37
092710040090009	BRAINERD OAKS	9	4	\$6,800.00	\$0.00	\$20,620.37
092710040100009	BRAINERD OAKS	10	4	\$7,700.00	\$0.00	\$20,620.37
092710040110009	BRAINERD OAKS	11	4	\$7,200.00	\$0.00	\$20,620.37
092710040130009	BRAINERD OAKS	13	4	\$7,400.00	\$0.00	\$20,620.37
092710040140009	BRAINERD OAKS	14	4	\$7,700.00	\$0.00	\$20,620.37
092710050010009	BRAINERD OAKS	1	5	\$6,800.00	\$0.00	\$15,193.69
092710050020009	BRAINERD OAKS	2	5	\$6,800.00	\$0.00	\$15,193.69
092710050030009	BRAINERD OAKS	3	5	\$7,400.00	\$0.00	\$15,193.69
092710050040009	BRAINERD OAKS	4	5	\$7,800.00	\$0.00	\$15,193.69
092710050050009	BRAINERD OAKS	5	5	\$6,800.00	\$0.00	\$15,193.69
092710050060009	BRAINERD OAKS	6	5	\$8,200.00	\$0.00	\$15,193.69
092710050070009	BRAINERD OAKS	7	5	\$6,600.00	\$0.00	\$15,193.69
092710050080009	BRAINERD OAKS	8	5	\$6,400.00	\$0.00	\$15,193.69
092710050090009	BRAINERD OAKS	9	5	\$6,400.00	\$0.00	\$15,193.69
092710050100009	BRAINERD OAKS	10	5	\$5,700.00	\$0.00	\$15,193.69
092710050110009	BRAINERD OAKS	11	5	\$6,400.00	\$0.00	\$15,193.69
092710050120009	BRAINERD OAKS	12	5	\$6,400.00	\$0.00	\$15,193.69
092710050130009	BRAINERD OAKS	13	5	\$6,800.00	\$0.00	\$15,193.69
092710050140009	BRAINERD OAKS	14	5	\$7,200.00	\$0.00	\$15,193.69
092710050150009	BRAINERD OAKS	15	5	\$7,700.00	\$0.00	\$15,193.69
092710050160009	BRAINERD OAKS	16	5	\$5,700.00	\$0.00	\$15,193.69
092710050170009	BRAINERD OAKS	17	5	\$6,800.00	\$0.00	\$15,193.69
092710050180009	BRAINERD OAKS	18	5	\$7,400.00	\$0.00	\$15,193.69
092710050190009	BRAINERD OAKS	19	5	\$6,400.00	\$0.00	\$15,193.69
092710050200009	BRAINERD OAKS	20	5	\$5,000.00	\$0.00	\$15,193.69
092710050210009	BRAINERD OAKS	21	5	\$7,200.00	\$0.00	\$15,193.69
092710050220009	BRAINERD OAKS	22	5	\$6,800.00	\$0.00	\$15,193.69
092710050230009	BRAINERD OAKS	23	5	\$6,600.00	\$0.00	\$15,193.69
092710050240009	BRAINERD OAKS	24	5	\$6,800.00	\$0.00	\$15,193.69
092710050250009	BRAINERD OAKS	25	5	\$6,400.00	\$0.00	\$15,193.69
092710050260009	BRAINERD OAKS	26	5	\$6,100.00	\$0.00	\$15,193.69
092710050270009	BRAINERD OAKS	27	5	\$7,000.00	\$0.00	\$15,193.69
092710050280009	BRAINERD OAKS	28	5	\$6,600.00	\$0.00	\$15,193.69
092710050290009	BRAINERD OAKS	29	5	\$7,200.00	\$0.00	\$15,193.69
092710050300009	BRAINERD OAKS	30	5	\$6,800.00	\$0.00	\$15,193.69
092710050310009	BRAINERD OAKS	31	5	\$7,900.00	\$0.00	\$15,193.69
092710060020009	BRAINERD OAKS	2	6	\$6,800.00	\$0.00	\$15,193.69
092710060030009	BRAINERD OAKS	3	6	\$6,800.00	\$0.00	\$15,193.69
092710060040009	BRAINERD OAKS	4	6	\$7,400.00	\$0.00	\$15,193.69
092710060050009	BRAINERD OAKS	5	6	\$7,400.00	\$0.00	\$15,193.69
092710060060009	BRAINERD OAKS	6	6	\$6,100.00	\$0.00	\$15,193.69
092710060070009	BRAINERD OAKS	7	6	\$5,400.00	\$0.00	\$15,193.69
092710060080009	BRAINERD OAKS	8	6	\$7,000.00	\$0.00	\$15,193.69
092710060090009	BRAINERD OAKS	9	6	\$7,400.00	\$0.00	\$15,193.69
092710060100009	BRAINERD OAKS	10	6	\$7,900.00	\$0.00	\$15,193.69
092710060110009	BRAINERD OAKS	11	6	\$7,400.00	\$0.00	\$15,193.69
092710060120009	BRAINERD OAKS	12	6	\$7,200.00	\$0.00	\$15,193.69
092710060130009	BRAINERD OAKS	13	6	\$7,400.00	\$0.00	\$15,193.69
092710060140009	BRAINERD OAKS	14	6	\$6,400.00	\$0.00	\$15,193.69

092710060150009	BRAINERD OAKS	15	6	\$7,500.00	\$0.00	\$15,193.69	
092710060160009	BRAINERD OAKS	16	6	\$6,400.00	\$0.00	\$15,193.69	
092710060170009	BRAINERD OAKS	17	6	\$6,100.00	\$0.00	\$15,193.69	
092710060180009	BRAINERD OAKS	18	6	\$6,600.00	\$0.00	\$15,193.69	
092710060190009	BRAINERD OAKS	19	6	\$6,400.00	\$0.00	\$15,193.69	
092710060200009	BRAINERD OAKS	20	6	\$6,400.00	\$0.00	\$15,193.69	
092710060210009	BRAINERD OAKS	21	6	\$6,600.00	\$0.00	\$15,193.69	
092710060220009	BRAINERD OAKS	22	6	\$6,800.00	\$0.00	\$15,193.69	
092710060230009	BRAINERD OAKS	23	6	\$7,700.00	\$0.00	\$15,193.69	
# of Parcels		83		\$565,200.00		\$1,423,876.67	
Average				\$6,809.64		\$17,155.14	\$23,964.78
092790010010009	DALMAR ESTATES	1	1	\$19,900.00	\$10.00	\$32,139.30	
092790010020009	DALMAR ESTATES	2	1	\$18,600.00	\$20.00	\$32,139.30	
092790010030009	DALMAR ESTATES	3	1	\$21,600.00	\$60.00	\$32,139.30	
092790010040009	DALMAR ESTATES	4	1	\$25,200.00	\$60.00	\$32,139.30	
092790010050009	DALMAR ESTATES	5	1	\$25,900.00	\$65.00	\$32,139.30	
092790010060009	DALMAR ESTATES	6	1	\$28,000.00	\$150.00	\$32,139.30	
092790010070009	DALMAR ESTATES	7	1	\$37,200.00	\$210.00	\$32,139.30	
# of Parcels		7		\$176,400.00		\$224,975.10	
Average				\$25,200.00		\$32,139.30	\$57,339.30
092820010010009	SERENE PINES	1	1	\$13,800.00	\$0.00	\$32,473.73	
092820010020009	SERENE PINES	2	1	\$14,500.00	\$10.00	\$32,473.73	
092820010030009	SERENE PINES	3	1	\$14,100.00	\$10.00	\$32,473.73	
092820010040009	SERENE PINES	4	1	\$14,100.00	\$40.00	\$32,473.73	
092820010050009	SERENE PINES	5	1	\$15,500.00	\$50.00	\$32,473.73	
092820010060009	SERENE PINES	6	1	\$15,100.00	\$60.00	\$32,473.73	
092820010070009	SERENE PINES	7	1	\$12,800.00	\$20.00	\$32,473.73	
092820020010009	SERENE PINES	1	2	\$15,300.00	\$40.00	\$32,473.73	
092820020020009	SERENE PINES	2	2	\$15,200.00	\$20.00	\$32,473.73	
092820020030009	SERENE PINES	3	2	\$14,500.00	\$50.00	\$32,473.73	
092820020040009	SERENE PINES	4	2	\$13,300.00	\$50.00	\$32,473.73	
092820020050009	SERENE PINES	5	2	\$13,300.00	\$20.00	\$32,473.73	
092820020060009	SERENE PINES	6	2	\$13,300.00	\$50.00	\$32,473.73	
092820030010009	SERENE PINES	1	3	\$13,300.00	\$60.00	\$32,473.73	
092820030020009	SERENE PINES	2	3	\$13,400.00	\$20.00	\$32,473.73	
092820030030009	SERENE PINES	3	3	\$13,700.00	\$40.00	\$32,473.73	
092820030040009	SERENE PINES	4	3	\$13,500.00	\$50.00	\$32,473.73	
092820030070009	SERENE PINES	7	3	\$13,300.00	\$30.00	\$32,473.73	
092820030080009	SERENE PINES	8	3	\$13,400.00	\$30.00	\$32,473.73	
092820030090009	SERENE PINES	9	3	\$14,900.00	\$50.00	\$32,473.73	
092820040010009	SERENE PINES	1	4	\$14,300.00	\$0.00	\$32,473.73	
092820040020009	SERENE PINES	2	4	\$13,100.00	\$0.00	\$32,473.73	
092820040030009	SERENE PINES	3	4	\$15,900.00	\$0.00	\$32,473.73	
# of Parcels		23		\$323,600.00		\$746,895.79	
Average				\$14,069.57		\$32,473.73	\$46,543.30
GRAND TOTAL				\$1,065,200.00	\$1,275.00	\$2,395,747.56	

2014 Tax Forfeit Sales Information

Parcels sold at Auction	Parcels sold Over-the-Counter	Value Sold
16	38	\$ 301,576.02

2015 Tax Forfeit Sales Information

Parcels sold at Auction	Parcels sold Over-the-Counter	Value Sold
25	27	\$ 326,289.00

Updated: May 19, 2016

MEMO

TO: Mayor & Council

FROM: City Administrator Thoreen
Finance Director Hillman

DATE: July 28, 2016

RE: Resolution to Waive Recertification of Current Assessment

On the August 1, 2016 agenda there is a resolution for the Council to consider waiving the City's statutory right to recertify outstanding assessments on certain tax forfeit parcels in the Brainerd Oaks, Serene Pines and Dal Mar Estates developments. Also included in the resolution is that the City will receive all of the proceeds from the sale of the parcels less any direct costs such as legal or closing costs incurred by the County HRA associated with the sale of the parcels.

The City Council passed a motion on June 6, 2016 (attachment A) for the County HRA to negotiate the sale of certain tax forfeit parcels in Brainerd Oaks, Serene Pines and Dal Mar developments with the understanding that the City is willing to write down special assessments on the project but not willing to write down SAC and WAC or waive park dedication fees. As noted in the CWC HRA Director's memo, the CWC Board accepted an offer of \$912,300 for the purchase of certain tax forfeited lots in the Brainerd Oaks, Serene Pines and Dal Mar Estates, contingent on a number of conditions, but the one that the Council is involved in is the waiving of the City's statutory right to not recertify the outstanding assessments.

Also noted in the Director's memo, 100% of the proceeds less the amount of closing and legal costs will be paid to the City of Brainerd. The direct costs are unknown at this time, and the amount below is an **estimate**. As shown below it is estimated that the City will receive \$837,553 + or -.

	<u>Brainerd Oaks</u>	<u>Serene Pines</u>	<u>Dal Mar</u>	<u>Total</u>
# of Lots in Proposal	83	23	7	113
# of Homes to be Built	63	23	7	93
Purchase Price	\$ 404,625	\$ 362,250	\$ 145,425	\$ 912,300
Less: Estimated Legal and Closing Costs				
Closing Costs (\$500 per lot)	\$ (41,500)	\$ (11,500)	\$ (3,500)	\$ (56,500)
Legal Fees (2% of purchase price)	(8,093)	(7,245)	(2,909)	(18,247)
Estimated Net Amount to the City	\$ 355,032	\$ 343,505	\$ 139,016	\$ 837,553

Based on the June 6, 2016 meeting motion the City Council will not reduce the SAC or WAC or waive the Park Dedication Fees. The offer accepted by the CWC HRA, the builder will pay \$750 for both SAC and WAC (total of \$1,500) and \$0 for Park Dedication Fees when the permit is issued. Therefore, we need to deduct \$1,800 for SAC and WAC (current fee is \$3,300 for both) and \$500 for Park dedications fees based on the estimated number of homes to be built to determine the amount that is remaining to go toward the assessments.

Paxmar's Offer

	<u>Brainerd Oaks</u>	<u>Serene Pines</u>	<u>Dal Mar</u>	<u>Total</u>
# of Lots in Proposal	83	23	7	113
# of Homes to be Built	63	23	7	93
Purchase Price	\$ 404,625	\$ 362,250	\$ 145,425	\$ 912,300
Less: Estimated Legal and Closing Costs				
Closing Costs (\$500 per lot)	\$ (41,500)	\$ (11,500)	\$ (3,500)	\$ (56,500)
Legal Fees (2% of purchase price)	(8,093)	(7,245)	(2,909)	(18,247)
Estimated Net Amount to the City	\$ 355,032	\$ 343,505	\$ 139,016	\$ 837,553
Less:				
Prepayment SAC & WAC	(113,400)	(41,400)	(12,600)	(167,400)
Prepayment of Park Dedication Fee	(31,500)	(11,500)	(3,500)	(46,500)
Estimated Net Amount for Assessments	\$ 210,132	\$ 290,605	\$ 122,916	\$ 623,653
Net Amount WITHOUT Estimated Closing Costs	\$ 259,725	\$ 309,350	\$ 129,325	\$ 698,400

The estimated amount of principal and interest the City has and will pay on the debt associated only with the parcels included in the offer accepted by the CWC HRA is as follows:

	<u>Brainerd Oaks</u>	<u>Serene Pines</u>	<u>Dal Mar</u>	<u>Total</u>
Estimated Principal & Interest Paid on Bonds	\$ 973,013	\$ 495,257	\$ 151,150	\$ 1,619,420
Estimated Principal & Interest To Be Paid on Bonds	135,995	120,470	33,387	289,852
Total Estimated Debt Paid on Parcels in Offer	\$ 1,109,008	\$ 615,727	\$ 184,537	\$ 1,909,272

The average outstanding principal assessment outstanding on the parcels in the offer is as following:

	<u>Brainerd Oaks</u>	<u>Serene Pines</u>	<u>Dal Mar</u>	<u>Total</u>
Average Special Assessment Principal Outstanding Per Parcel	\$ 10,807	\$ 21,009	\$ 20,847	
Total Special Assessment Principal for Parcels	\$ 896,987	\$ 483,214	\$ 145,929	\$ 1,526,130

There is an interest component as well. However, in the accounting world, interest is not earned until paid. Therefore, the amount of special assessments on the City's books associated with the parcels in the offer is \$1,526,130. The amount provided to the county as outstanding assessments includes interest and is \$2,395,751 on the parcels in the offer.

As previously mentioned the action before the Council on August 1, 2016 is to approve or deny the resolution to waive the City's statutory right to recertify the remaining assessments against the parcels in the offer that was accepted by the CWC HRA.

If the Council denies the resolution, staff requests in the near future, Council has discussion and/or adopts a resolution on how it would like staff to handle outstanding assessments against these and other tax forfeited properties. It is the County's policy to list the minimum bid of all tax forfeit property at the estimated market value (EMV) of the property plus the amount of special assessment outstanding. By statute, the County cannot sell the property for less than the EMV other than to another government agency. The question therefore is, in order to get tax forfeit property back on the tax rolls, what should the special assessment amount be, i.e. principal only, principal and interest, 50% of principal. etc., etc.

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

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

Council discussion was held.

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

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

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

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

Alderman Koep withdrew her motion .

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

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

Public Forum

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

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

Staff Reports – Written

(Verbal: Any Updates since Packet)

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



Brainerd City Council Agenda Request

8C

Agenda Item #

Requested Meeting Date: August 1, 2016

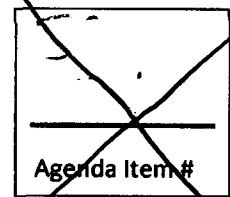
Title of Item: Change Orders #3 and #4 for Airport Utility Extension

☐ 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: Alderman Borkenhagen	Department:
Presenter (Name & Title):	Estimated Time Needed: 10 minutes
Summary of Issue: Alderman Borkenhagen requested Change Orders #3 and #4 for the Airport Utility Extension project to be on the August 1, 2016 council agenda. At the last council meeting by a majority vote, the Council denied the contractor's request to approve Change Orders #3 and #4. Information provided provided at the July 18, 2016 regarding the two change orders is attached.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: The action requested would be to: i. Rescind motion from 7/18/16 Council meeting to deny change orders #3 and #4. ii. Discussion and action on Change Order #3 for Improvement 14-15 Airport Utility Extension. iii. Discussion and action on Change Order #4 for Improvement 14-15 Airport Utility Extension.	
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> The engineer's report indicated a deduct from the contract if C.O.'s #3 (inc of \$88,037.50) and #4 (inc of \$27,490) are adopted in conjunction with C.O. 5 (decrease of \$260,792.93) approved at the last council meeting.	



Brainerd City Council Agenda Request

7/18/16



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) *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 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

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CO #3

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.pdf Iowa Trenchless 30 inch Bore Obstruction Proposal.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

Co #3



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 with 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.



I. 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.

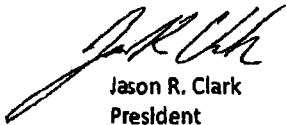
III. Conclusion

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

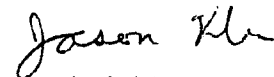
operations as deemed necessary. Iowa Trenchless has extensive experience with numerous types of grouting procedures – including contact grouting – and will determine the most suitable method.

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.

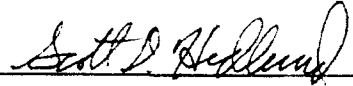
ITEM	CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES	
		Substantial Completion	Ready for Final Payment
Original Contract Price:	\$8,591,721.58	10/21/16	12/14/16
Net increase (decrease) from previous Change Order No.1 to 3:	\$97,012.50	No Change	No Change
Contract price prior to the Change Order:	\$8,688,734.08	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

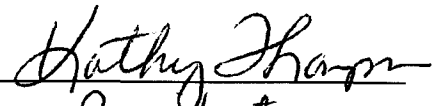
By: _____

Title: _____

Date: _____

ACCEPTED:

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

By: 

Title: President

Date: 7/14/16

P:\AEB\BRODMN\131759\71-const-svcs\71-const-mgmt\50-change-orders\CO #4\CO #4 .docx

PLANNING COMMISSION
Wednesday, July 20, 2016

Item #9

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

Noted present were Commissioners Parks, Plantenberg, Straw, Headley, Turner and Pritschet. Also present were City Planner Ostgarden, Planning Intern Hermerding, and 10 others.

#2 **Approval/Amendment of Agenda**

MOTIONED AND SECONDED BY COMMISSIONERS PARKS AND PRITSCHET, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 **Approve Minutes of the Regular Meeting held on June 15, 2016 and the Special Meeting held on June 29, 2016, as Distributed**

MOTIONED AND SECONDED BY COMMISSIONERS PARKS AND PRITSCHET, DULY CARRIED, TO APPROVE THE MINUTES FROM THE REGULAR MEETING HELD ON JUNE 15, 2016 AND THE SPECIAL MEETING HELD ON JUNE 29, 2016, AS DISTRIBUTED.

#4 **NEW BUSINESS**

- a) **Public Hearing – City of Brainerd - for the Rezoning of property located south of Quince Street on S. 6th Street and S. 7th Street to just south of Willow Street from a B-4 (General Commercial) District to a B-2 Neighborhood Business) District and R-2 One and Two Family Residential) District**

City Planner Ostgarden reported that the proposed amendment dates back to even before the zoning ordinance amendment to change the B-2 zoning language to allow residential land uses. He presented the public hearing notice and maps and discussed existing structures and future land use. He stated that he'd received many phone calls from those who received the information; most inquiring about what the change would mean for them.

The Public Hearing was opened at 6:14pm.

The Chair recognized Ms. Sara Hayden-Shaw, 521 N 9th St and co-owner of 810 S 6th St, Brainerd, who stated that she is very much in favor of the rezoning. She stated that the removal of the non-conforming status is extremely important to allow her neighbors to rebuild, maintain and remodel their properties.

The Public Hearing was closed at 6:15pm.

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

1. The rezoning area is generally an area south of Quince to just south of Willow Street and between S. 6th St and S. 7th St.

2. The area proposed for rezoning is an area with businesses and residential land uses.
3. The B-2 District has been amended to include residential uses as permitted uses.
4. The B-4 District makes residential uses non-conforming uses and rezoning to B-2 will eliminate the nonconforming status.
5. B-2 zoning permits commercial uses in buildings up to 5,000 sq. ft. and also permits residential uses.
6. The S. 6th Street corridor is one with an uncertain development future which makes land use and zoning decisions difficult.
7. Rezoning the S. 7th Street frontage to R-2 will affect how development along S. 6th Street will occur.
8. The rezoning is supported by the following Comprehensive Plan Goals and Strategies:
 - LAND USE GOAL #3:** *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
 - Strategies**
 - Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.*
 - Encourage development of low-density and high-density family housing units in those areas designated on the adopted Land Use Plan.*
 - 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.*
 - Support the redevelopment of vacant and abandoned sites within the urban core.*
 - LAND USE GOAL #2:** *Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*
 - Encourage the development of additional commercial and industrial areas within the city in accordance with the land use plan.*
 - LAND USE GOAL #5:** *Support development that enhances community character and identity.*
 - Strategy**
 - Work to strengthen and maintain the appearance of the Business Highway 371, Highway 210/Washington Street, Oak Street (former Highway 18), Highway 25 and County Road 3 corridors through design standards, trails, lighting, sidewalks, signage and other tools.*
9. One resident spoke in favor of the change.

10. City Planner received several calls relating to the nature of the change; answers satisfied their concerns.

MOTIONED AND SECONDED BY COMMISSIONERS STRAW AND PRITSCHET, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REZONING OF PROPERTY LOCATED SOUTH OF QUINCE STREET ON S. 6TH STREET AND S. 7TH STREET TO JUST SOUTH OF WILLOW STREET FROM A B-4 (GENERAL COMMERCIAL) DISTRICT TO A B-2 NEIGHBORHOOD BUSINESS) DISTRICT AND R-2 ONE AND TWO FAMILY RESIDENTIAL) DISTRICT.

Commissioners discussed the advantages of this rezone, including flexibility for residents, the reduction of spot zoning, and the creation of a more vital organic community with the option for more home-based businesses.

b) Public Hearing - KRRC LLP 521 Charles Street, Ste. 210, Brainerd, MN 56401- for the Rezoning of the property at 310 W Laurel Street, Brainerd, MN 56401 from a B-2 (Neighborhood Business) District to a B-4 (General Commercial) District

City Planner Ostgarden reported that the property has been an automotive repair business for approximately 7 years and the company wishes to expand to include a U-Haul rental outlet. He discussed the location and surrounding areas, stating that the property has Mississippi River frontage subjecting it to Shoreland Regulations. He stated that the land use plan for this area has not been updated since 2004 and asked the Commission to consider if the ability for additional activity that comes with B-4 help with redevelopment as referenced in the staff report as a "Land Use Goal."

Following Commission inquiries, City Planner Ostgarden confirmed that the petitioner is not requesting to expand or build at the site; the request will involve the storage of U-Haul trailers.

The Chair opened the Public Hearing at 6:32pm.

The Chair recognized Mr. Greg Schmidt, 11573 River Vista Drive, Baxter, co-owner of the automotive repair business at 310 W. Laurel Street. He stated that the parking lot was expanded and improved recently and that the rezoning would allow for further traffic and business to the area as there is no U-Haul rental location within the City of Brainerd.

The Chair recognized Mr. Bill Simon, 9671 Leisure Lane, Brainerd, owner of the four-plex across from the petitioner's shop. He stated that his only concern is noise based on the complaint of one of his tenants.

The Chair closed the Public Hearing at 6:37pm.

The following Findings-of-Fact were read into the record:

1. Property is approximately 2.34 acres and partially developed.
2. The property is adjacent to the Mississippi River and subject to shoreland regulations that will limit the amount of development on the property.
3. There is vacant land to the north, office use to the west and multifamily development to the south.

4. The Future Land Used Map has not been updated and identifies the property as future Public/Semi Public land use.
5. Laurel Street is designed to accommodate traffic associated with a B-4 District.
6. The property has been used for automotive repair for about 7 years.
7. The rezoning is consistent with the following Comprehensive Plan Land Use goals and Strategies:
8. ***LAND USE GOAL #5: Support development that enhances community character and identity.***
Support the redevelopment of vacant and abandoned sites within the urban core.
9. Petitioner spoke in favor.
10. One person expressed a concern with noise.

Commissioner Parks asked how this request is not “spot zoning.” He stated that his inquiry is based on the denial of the rezoning request at 814 Front Street which the Commission denied based specifically on not desiring to “spot zone.”

Discussion was held relating to noise levels/emissions in a B-4 as compared to a B-2 based on the residential area directly across the street. City Planner Ostgarden stated that there were conditions attached to the original opening of Paradigm Performance based on those concerns and that if the zoning change to B-4 is approved those conditions would no longer apply. He added that noise requirements for the City in general would still apply to encourage neighborhood compatibility; however, the City does not know about these issues unless they are reported.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND STRAW, DULY CARRIED, TO RECOMMEND APPROVAL OF THE REQUEST FROM KRRC LLP 521 CHARLES STREET, STE. 210, BRAINERD, MN 56401- FOR THE REZONING OF THE PROPERTY AT 310 W LAUREL STREET, BRAINERD, MN 56401 FROM A B-2 (NEIGHBORHOOD BUSINESS) DISTRICT TO A B-4 (GENERAL COMMERCIAL) DISTRICT.

c) Public Hearing - Zoning Ordinance Text Amendment – Amend Zoning Ordinance Section 22 – Off Street Parking – to Remove Minimum Off Street Parking

City Planner Ostgarden that from the Planning Department’s perspective he recommends to not include the residential uses or rural agricultural areas in off street parking minimum requirement removals at this time; rather, to look mostly at the business uses and industrial districts. He stated that a meeting of representatives of the business and realty industries was recently held with the outcome being positive and even, “the sooner the better” response and that similar changes are happening in many other communities. He advised the Commission to carefully consider how any changes will affect future businesses, stating no off-street parking at a business would be concerning to him.

The Chair opened the Public Hearing at 6:58pm.

The Chair recognized Ms. Sara Hayden-Shaw, 521 N 9th St, Brainerd, who spoke in favor of this concept moving forward, stating that it will make Brainerd more open to investment based on businesses having some parking available without having to add the immediate expense of creating their own parking areas. She encouraged the Commission to include all of the business zones. She also recommended having a “retro-active” option.

Commission discussion was held relating to the many variations that need to be considered relating to the numerous zones within the community.

MOTIONED AND SECONDED BY COMMISSIONERS PRITSCHET AND PARKS, DULY CARRIED, TO REMOVE THE PARKING RESTRICTIONS FOR I-2, I-1, B-4, B-6 AND B-5.

It was determined that the Commission would wait for Council action before addressing parking restrictions for other zones.

d) Vacation Residence By Owner (VRBO) Discussion

City Planner Ostgarden explained that there may be VRBOs operating in Brainerd; however, this is not a use that is permitted according to the Zoning Ordinance. He stated that the practice involves a property owner renting out their own home to visitors for a short amount of time as a vacation rather than using a hotel or resort or bed and breakfast. He asked the Planning Commission to consider whether they would like to permit this use, and distributed language adopted by Aitkin County on the subject. He recommended that the City consider requiring inspections of the units as well as a license.

Pros and Cons of allowing VRBOs were discussed by the Commission. Other items considered were having a limit on how many rentals one could own, registration to track complaints, amount of days staying determining hotel vs. timeshare and department of health requirements.

Commission requested further information be provided in order to hold further discussion at the next Planning Commission meeting.

e) Temporary Family Healthcare Dwellings

City Planner Ostgarden added this item which was presented to the City Council at their July 18, 2016 meeting. The first reading of Ordinance No. 1458 was read opting out of the requirements for temporary family healthcare dwellings.

He explained that "Temporary Family Healthcare Dwellings" are a new type of dwelling that supersedes zoning ordinance requirements wherein a property owner can place a temporary dwelling on their property to house someone that is providing healthcare services to that property owner. He stated that per Legislature, cities that wish to opt out of having this option available can opt out via city ordinance by September 1, 2016.

Following discussion, Commission agreed that the ordinance should proceed to final reading and adoption.

#5 PUBLIC FORUM

None.

#6 OLD BUSINESS

None.

#7 Commissioners' Questions/Comments

Commissioner Pritschet discussed Pokémon Go, stating that businesses should consider embracing this new app to bring people in to their shops, etc.

#8 City Planner's Report

None.

#9 Adjourn

As there was no further business, the Chair adjourned the meeting at 7:50pm.

Respectfully submitted,

Mark Ostgarden AICP
City Planner



Brainerd City Council Agenda Request

9A
Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: First Reading - Proposed Ordinance No. 1459 - Rezoning of South 6th Street and South 7th Street

☐ 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: 5-10 minutes
Summary of Issue: The City of Brainerd has initiated rezoning of property located south of Quince St. on S. 6th St. and S. 7th St. to just south of Willow St. from a B-4 (General Commercial) District to a B-2 (Neighborhood Business) District and an R-2 (One and Two Family Residential) District. The Planning Commission recommended approval. Minutes from the Planning Commission meeting held on July 20, 2016 are also attached in draft form. Attached please find proposed Ordinance No. 1459 and the Staff Report which provides the issue summary, maps and Findings of Fact.	
Alternatives, Options, Effects on Others/Comments: 1. Deny the rezoning which will not permit the parcels to be rezoned. 2. Approve the request which will permit the parcel to be used for R-2 and B-2 uses.	
Recommended Action/Motion: Please refer to Packet information supporting the following motion: A motion by _____ and seconded by _____ to hold/deny the first reading of proposed ordinance no. 1459 - Rezoning property located south of Quince St. on S. 6th St. and S. 7th St. to just south of Willow St. from a B-4 (General Commercial) District to a B-2 (Neighborhood Business) District and an R-2 (One and Two Family Residential) District; further to dispense with the actual reading.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

**ORDINANCE
NO. 1459**

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

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

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

Lots 1-12 Block 217, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 21
Lots 1-12 Block 239, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 21
Lots 1-12 Block 269, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 21
Lots 1-5 inclusive Block 287 and E 132 ft of Lots 6 thru 8 Inclusive Block 287, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 21
Lots 1-12 Block 319, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 21

and

PT OF LOT 1 DESC: COMM AT POINT ON N LINE OF SD LOT 1 WHICH IS 137 FT W ASSM BEAR FROM NE COR OF SD LOT 1 THEN S 0D 28'30" W 40 FT TO S'LY LINE OF WILLOW STREET THEN W 62.4 FT ALG SD WILLOW STREET TO POB THEN S 1D 23'30" E 150.04 FT TO S LINE OF SD LOT 1 THEN W 49 FT TO E LINE OF W 125 FT OF SD LOT 1 THEN N 0D 8" E 150 FT PARA/W W LINE OF SD LOT 1 TO S LINE OF WILLOW STREET THEN E 45 FT ALG SD WILLOW STREET TO POB, AUD PLAT OF E1/2 NW1/4 SEC 36-45-31

and

THAT PART OF LOT 1 DESCRIBED AS FOLLOWS; COMM. AT THE NE CORNER OF SAID LOT 1, THEN W. ASSUMED BEARING 137 FT ALONG THE N. LINE OF SAID LOT 1, THEN S. 0 DEG 28 MIN 30 SEC W. 40 FT PARALLEL WITH THE E. LINE OF SAID LOT 1 TO THE POINT OF BEG ON THE S'LY LINE OF WILLOW STREET, THEN CONT. S. 0 DEG 28 MIN 30 SEC W. 150 FT TO THE S. LINE OF SAID LOT 1, THEN W. 57.4 FT, THEN N. 1 DEG 23 MIN 30 SEC W. 150.04 FT TO THE S'LY LINE OF WILLOW STREET, THEN E. 62.4 FT TO THE POINT OF BEG. SUBJECT TO RESTRICTIONS, AND RESERVATIONS AND EASEMENTS OF RECORD, AUD PLAT OF E1/2 NW1/4 SEC 36-45-31

and

THE N'LY 128 1/2 FT OF E. 137 FT OF LOT 1 SUBJ. TO WILLOW STR. & S. 7TH STR. EASE, AUD PLAT OF E1/2 NW1/4 SEC 36-45-31

and

THE E'LY 137 FT EX. THE N. 128 1/2 FT OF LOT 1 SUBJECT TO S. 7TH STR. EASE, AUD PLAT OF E1/2 NW1/4 SEC 36-45-31

and

N. 65 FT OF LOT 2, EXCEPT THE W'LY 125 FT THEREOF, SUBJECT TO S. 7TH STR EASEMENT, AUD PLAT OF E1/2 NW1/4 SEC 36-45-31

and

S. 50 FT OF N. 115 FT OF LOT 2 EX. WLY 125 FT THEREOF. SUBJECT TO S. 7TH STR. EASE, AUD PLAT OF E1/2 NW1/4 SEC 36-45-31

and

S. 75 FT OF LOT 2 EX. W. 125 FT. SUBJECT TO S. 7TH STR. EASE, AUD PLAT OF E1/2 NW1/4 SEC 36-45-31

SECTION TWO: That existing Section 515-04-2 of the Brainerd City Code is hereby amended by changing the zoning designation of the property descriptions below from R-1 (Single Family Residential) District to R-2 (Medium Density Residential) District for the following:

E 132 ft of Lots 9 thru 12 Block 287 incl, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

SECTION THREE: That existing Section 515-04-2 of the Brainerd City Code is hereby amended by changing the zoning designation of the property descriptions below from B-4 (General Commercial) District to B-2 (Neighborhood Business) District for the following:

Lots 13 and 14, Block 217, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

Lots 17-24, Block 217, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

Lots 13-24, Block 239, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

Lots 13-24 Block 269, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

Lots 13-24 Block 287, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

Lots 13-24 Block 319, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

and

W 125 FT OF N 165 FT OF LOT 1 AUDITOR'S SUBDIVISION OF THE E 1/2 OF THE NW QTR, AUD PLAT OF E1/2 OF NW1/4 SEC 36-45-31

and

W. 125 FT OF LOT 2 AND W. 125 FT OF S. 25 FT OF LOT 1, AUD PLAT OF E1/2 OF NW1/4 SEC 36-45-31

and

LOTS 13 THRU 16 INCLUSIVE BLK 285 & ALSO INCL W 55 FT OF LOTS 10 THRU 12 INCL BLK 285, TOWN OF BRAINERD & 1ST ADDN TO BRAINERD, SECTION 24 TOWNSHIP 45 RANGE 31

and

LOTS 10 THRU 12 INCL BLK 285 EXC W 55 FT THEREOF, TOWN OF BRAINERD & 1ST ADDN TO BRAINERD, SECTION 24 TOWNSHIP 45 RANGE 31

and

Lots 1-9 Block 285, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

and

Lots 1-12 Block 317, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

SECTION FOUR: That existing Section 515-04-2 of the Brainerd City Code is hereby amended by changing the zoning designation of the property descriptions below from R-2 (Medium Density Residential) District to B-2 (Neighborhood Business) District for the following:

Lots 15 and 16 Block 187, Town of Brainerd & 1st Addn to Brainerd, Section 24 Township 45 Range 31

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

Adopted this _____ day of _____, 2016

GARY SCHEELER
President of the Council

Approved this _____ day of _____, 2016

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One Time, _____

STAFF REPORT TO THE PLANNING COMMISSION

July 11, 2016

REZONING

APPLICANT/LOCATION:	City of Brainerd for property located south of Quince Street on S. 6 th Street and S. 7 th Street to just south of Willow Street
REQUESTED ACTION:	Rezone property from B-4 (General Commercial) District to B-2 (Neighborhood Business) District and R-2 (Medium Density Residential) District
ADJACENT USES:	North: Single Family Residential East: Single Family Residential South: Single Family Residential West: Single Family Residential
ADJACENT ZONING:	North: B-4 (General Commercial) District East: R-2 One and Two Family Residential) District South: R-1 (Single Family Residential) District West: R-1 (Single Family Residential) District

PETITION EVALUATION

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

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

Strategies

Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.

Encourage development of low-density and high-density family housing units in those areas designated on the adopted Land Use Plan.

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.

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

LAND USE GOAL #2: *Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*

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

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

Strategies

Work to strengthen and maintain the appearance of the Business Highway 371, Highway 210/Washington Street, Oak Street (former Highway 18), Highway 25 and County Road 3 corridors through design standards, trails, lighting, sidewalks, signage and other tools.

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

The attached section of the Future Land Use Map identifies this area along the South 6th Street corridor as Low to Medium Density Residential Land Use. Typically that is considered one and two family units.

The Future Land Use Map has not been updated to include S. 6th Street as a Mixed Commercial and Residential land use area. The Comprehensive Plan reads as follows:

Mixed General Commercial and Residential

The purpose of this category is to identify portions of Brainerd that would benefit from a mix of General Commercial and Medium to High Density Residential. Areas that would benefit from this type of development would be along the Business Highway 371 corridor and the southern portion of the rail yards. New commercial development along the Business Highway 371 corridor and along the existing rail yard will encourage the inclusion of residential units. The city will need to amend its zoning ordinance to include a percentage of residential units for all new commercial development in these areas.

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

Rezoning the area will permit it to be used for neighborhood business and residential uses. Residential use is the predominate lands along in this area.

4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.

S. 6th Street capacity will not be affected by this change.

5. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

There should be no negative impact upon existing public services and facilities including parks, schools, streets, and utilities, or its potential to overburden the City's service capacity.

PLANNING DEPARTMENT REVIEW

The S. 6th Street/B371 corridor from Quince Street to just south of Willow Street is an area of uncertain future land use. Will this be a desirable location for business use? Will residential use continue to dominate the land use pattern along this section of the corridor? Will residential investment (or disinvestment) occur? Should the community plan for an area where business and residential uses can coexist in a mixed use area?

Lot depths along this corridor section are generally 50' deep, which makes (re)development difficult. The area between S. 6th and S. 7th Street was zoned B-4 in 2011 as part of a community wide zoning review to promote additional business development and to permit

larger sites for (re)development and/or more efficient land use. The issue the B-4 zoning created is that residential uses included in the proposed rezoned area became nonconforming uses, uses that have rights to continue but have limits on the ability to expand.

In order to continue as a business corridor and recognizing the corridor will also be a residential corridor in the future, the Planning Commission is recommending the zoning change to permit both business and residential uses along a portion of the corridor.

There are 4 significant changes that would occur should the property be rezoned.

1. S. 6th Street is rezoned, changed from B-4 to B-2. We permit the residential and business uses and eliminate the non-nonconformity issues.
2. S. 7th Street is rezoned from B-4 to R-2, removing the residential nonconformity issues along S. 7th Street
3. Rezoning S. 7th Street to R-2 removing the potential for larger development sites between S. 6th Street and S. 7th Street.

The B-4 to B-2 rezoning will permit the businesses to remain either permitted uses or conditional uses. There is a 5,000 sq. ft. building size limit for B-2, meaning any new construction or current building with expansion will have that size limit. The building at the west end of Tamarac Street is about 5,400 sq. ft. meaning expansion of that building is not possible. The attached aerial map identifies the building sq. ft. for the businesses uses in the proposed rezoning area.

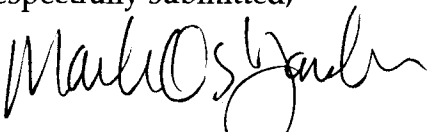
Attached is a Zoning Ordinance Use Matrix that lists uses allowed by right, as an accessory use or conditional use in B-4 and B-2 Districts. This helps clarify the uses that will (will not) be permitted in the proposed rezoning area. Following is a list of the attached maps and documents:

1. Option 2 rezoning
2. Zoning prior to 12/2/2011
3. Existing Land Use
4. Future Land Use
5. Commercial Building sq. ft. in the proposed rezoning
6. Zoning Ordinance B-2 and B-4 Use Matrix

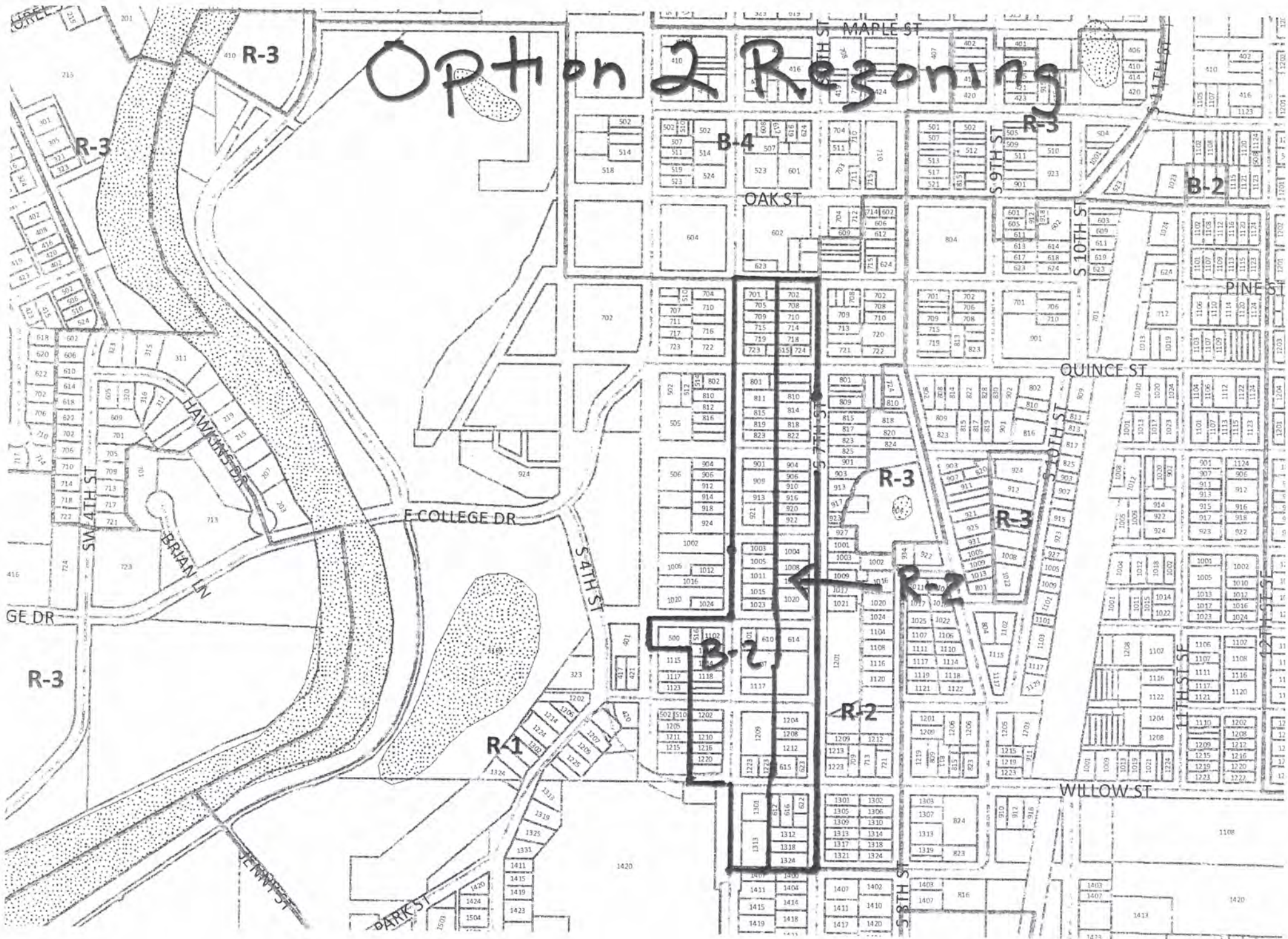
PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its July 20, 2016 meeting. The City Council can receive the Planning Commission recommendation and can consider an Ordinance First Reading on August 1, 2016 and can consider the Ordinance Second Reading August 15, 2016.

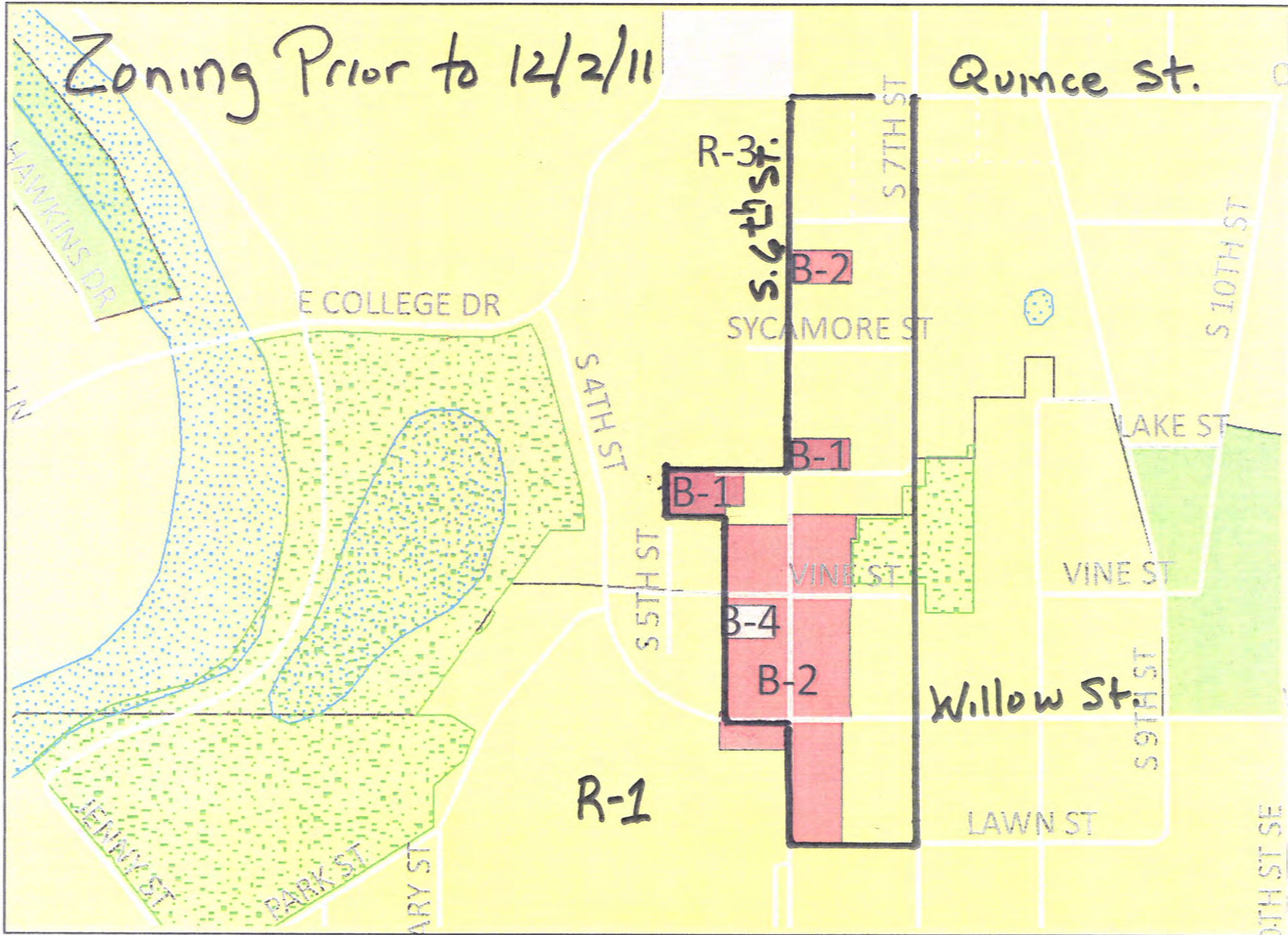
Respectfully submitted,

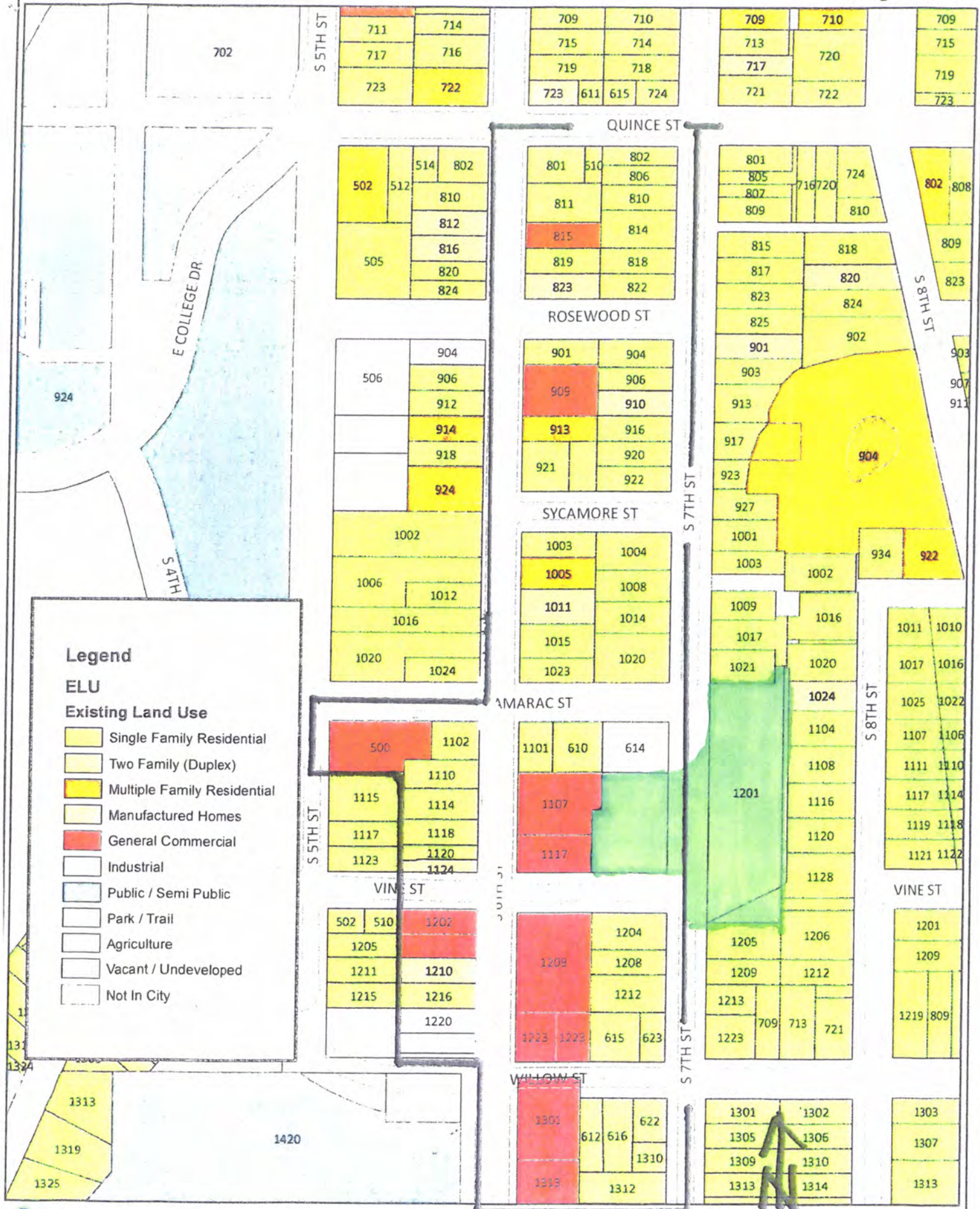


Mark Ostgarden AICP
City Planner



Zoning Prior to 12/2/11



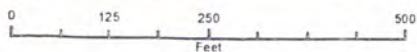


Legend

ELU

Existing Land Use

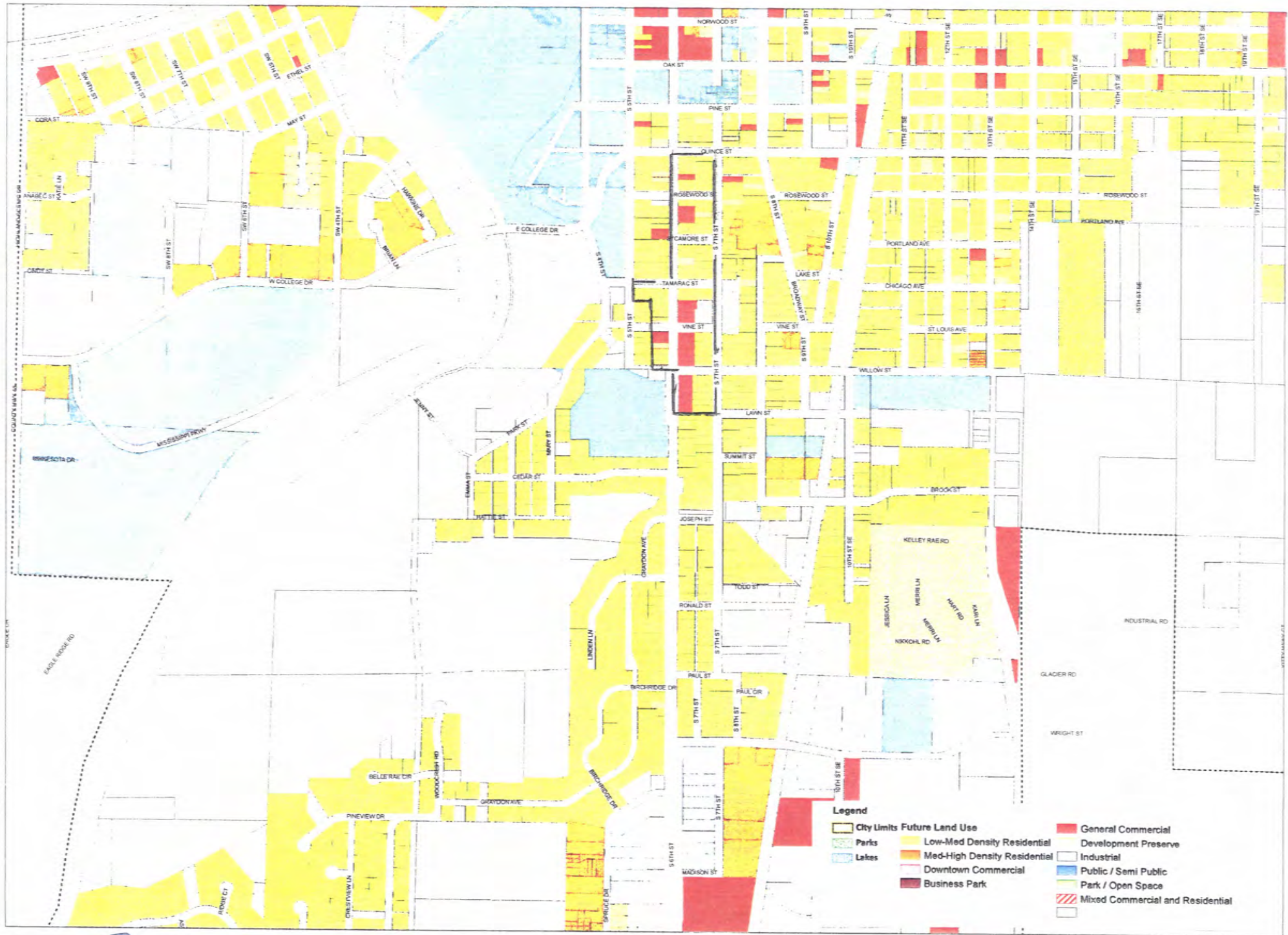
- Single Family Residential
- Two Family (Duplex)
- Multiple Family Residential
- Manufactured Homes
- General Commercial
- Industrial
- Public / Semi Public
- Park / Trail
- Agriculture
- Vacant / Undeveloped
- Not In City



Print Date
8/14/2015

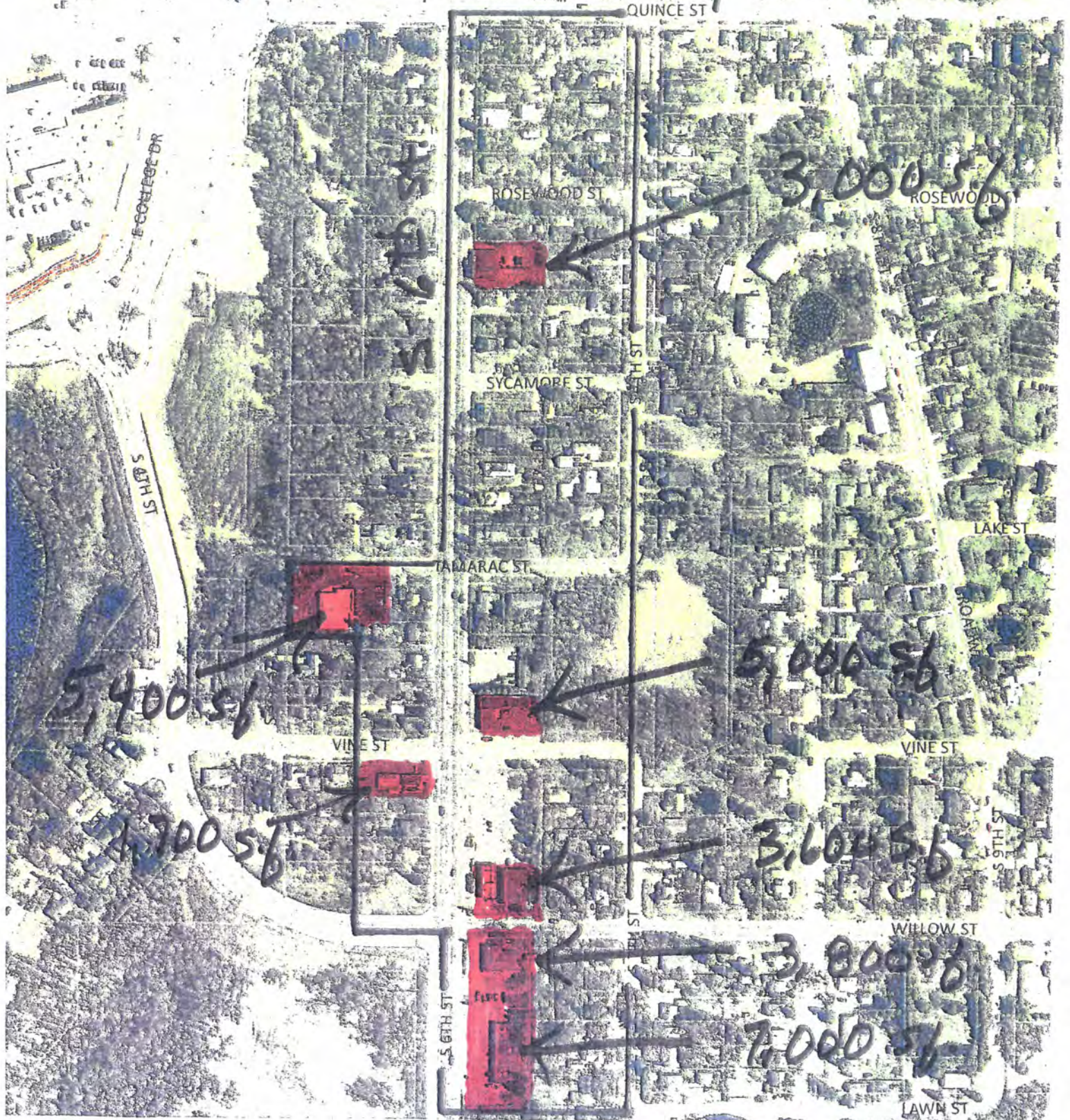
This map is intended for reference purposes only and is not a legally recorded map nor survey.
The City of Brainerd shall not be liable for any damages or claims that arise due to accuracy,
availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.





Future Land Use

Commercial Building Area in the Proposed Area



B-2 and B-4 Zoning Ordinance Use Matrix

A “C” appearing in the table for any use means that the use will be permitted in the zoning district by a “Conditional Use Permit”. By “I” appearing in the table for any use means that the use will be permitted an “Interim Use Permit”. A “P” means that the use is permitted in the zoning district subject to the general provisions of the Zoning Ordinance, and “NP” means the use is not permitted in the zoning district. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

USE	B-2	B-4
Adult Uses	NP	P
Agricultural Building	NP	NP
Agricultural Sales	NP	NP3
Agricultural Uses	NP	NP
Amusement Park	NP	NP
Animal Hospital or clinic and kennels	NP	C
Antenna ¹	P	P
Armories	NP	C
Art centers, museums	NP	P
Automobile Dealership	NP	C
Auto Racing tracks	NP	NP
Auto Service Stations	NP	C
Automobile and truck repair	NP	C
Bed & Breakfasts	NP	NP
Business or trade school	NP	P
Campground	NP	C
Car wash	NP	NP
Cemeteries	NP	NP
Colleges and universities	NP	C
Commercial kennels	NP	NP
Commercial Car Wash	NP	C
Commercial riding stables	NP	NP
Commercial recreational businesses	NP	NP
Commercial Day Care Facility	C	C
DHS Drug/alcohol treatment center	NP	C
Drive-In movie Theater	NP	NP
Drive-up service facilities	NP	P ²
Equipment rental- indoor	NP	P
Farms, farmsteads and farming	NP	NP
Financial institutions	P	P
Funeral Homes	C	P
Golf Courses	NP	NP
Government and public buildings, utilities and/or structure	P	P
Health Clubs	NP	NP
Home Businesses	P/C	NP

B-2 and B-4 Zoning Ordinance Use Matrix

USE	B-2	B-4
Hospitality Business	NP	P
Hospitals	NP	C
In home day care ²	P	NP
Liquor Sales, Off-sale	NP	NP
Liquor Sales, On-sale	C	NP
Light manufacturing	NP	C
Loading and unloading areas	P ²	P ²
Mining & Extraction	NP	NP
Motor Fuel Sales	C	C
Nursing Home	NP	NP
Office Business- Clinic & General	P	P
Offices		P
Off-street parking ²	P	P
Off-street loading ²	P	P
On-site service businesses ³	P	P
Outdoor Dining	C	C
Outdoor Entertainment Venues	NP	NP
Outdoor Sales ⁴	NP	C
Outdoor Storage	NP	C ²
Outside services, sales, and equipment rental ⁵	NP	P ²
Pawn Shops	NP	P
Parking Structures	NP	NP
Personal, Professional, and Recreational Vehicle Repair- major	NP	NP
Personal, Professional, and Recreational Vehicle Repair- minor	NP	NP
Personal Services ⁶	P	P
Place of Worship	C	NP
Planned Unit Development	C ⁷	C ⁷
Private Clubs	C	P
Public Buildings	NP	P
Public Parks	NP	NP
Public & Private Schools	NP	NP
Radio and Television studios	NP	C
Recreational Businesses- indoor	NP	P
Repair services	P	P
Residential uses	P	NP
Restaurants-sit down, take out or delivery	C	P
Restaurants and on-sale establishments	C	NP

B-2 and B-4 Zoning Ordinance Use Matrix

USE	B-2	B-4
Restaurants with drive-up window	NP	P
Retail Businesses	NP	P
Retail Establishments	P	P
Seasonal Non-Agricultural Merchandise Sales	NP	p ¹⁴
Self-service Laundromat with dry cleaning pick up and drop off	P	P
Service Business-Off site	NP	NP
Small engine and boat repair	NP	C
Specialty Food Shops	C	P
Sports Stadium	NP	NP
Studio ¹⁰	P	P
Swimming Pool and Water Parks	NP	NP
Taxi or bus dispatch sites	NP	P
Temporary/seasonal outdoor events and sales ⁹	P	P
Testing Labs for water and soil, rocks/minerals and air quality	NP	P
Theaters-except drive-in	NP	P
Wind Energy Conversion Systems ⁸	C	C

1 All antennas are accessory uses and need a permit

2 Are accessory uses

3 Limited to tailoring/alterations, dry cleaners, self-service and copy centers

4 And/or rental lot to lumber yards, motor vehicle and boat sales/rental, construction and landscaping sales/rental and farm implement sales/rental

5 Is an accessory to the principal use and limited in area to 15 ft of the gross floor area of the principal building or 15% of the tenant bay if it is a multiple tenant building. Must be located on private property and shall not intrude on the public sidewalk or boulevard.

6 Such as barber shops, beauty salons, nail salons, tanning salons, therapeutic massage and tattooing

7 Includes shopping centers

8 Wind Energy Conversion Systems may be allowed as an accessory, conditional use, provided the property upon which the system is to be located is zoned R-A, B-1, B-2, B-3, B-4, B-5, I-1, or I-2 (Section 34 of the Zoning Ordinance)

9 Needs a permit

10 These are art, decorating, dance, music and photography studios



Brainerd City Council Agenda Request

9B

Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: First Reading - Proposed Ordinance No. 1460 - Rezoning of 310 Laurel Street

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1st Reading
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: KRRC LLP 521 Charles Street, Ste. 210, Brainerd, the property owner at 310 W Laurel Street, Brainerd where Paradigm Performance Auto Repair is located, has requested rezoning from a B-2 (Neighborhood Business) District to a B-4 (General Commercial) District. The Planning Commission recommended approval. Minutes from the Planning Commission meeting held on July 20, 2016 are also attached in draft form. Attached please find proposed Ordinance No. 1460 and the City Planner Staff Report which provides the issue summary, maps and Findings of Fact.	
Alternatives, Options, Effects on Others/Comments: 1. Deny the rezoning which will not permit the parcels to be rezoned. 2. Approve the request which will permit the parcel to be used for B-4 uses.	
Recommended Action/Motion: Please refer to Packet information supporting the following motion: A motion by _____ and seconded by _____ to hold/deny the first reading of proposed ordinance no. 1460 - rezoning property located at 310 W Laurel Street, Brainerd, MN 56401 from a B-2 (Neighborhood Business) District to a B-4 (General Commercial) District; further to dispense with the actual reading.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

**ORDINANCE
NO. 1460**

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

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

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

*THE S'LY 150 FT OF BNFS RAILWAY COMPANY'S 400 FT ROW, BEING 200 FT WIDE ON EACH SIDE OF SAIDRAILWAY COMPANY'S MAIN TRACT CENTERLINE, AS ORIGINALLY LOCATED AND CONSTRUCTED UPON, OVER AND ACROSS GOVT LOT 7 OF SEC 4 AND GOVT LOT 1 OF SEC 9 ALL IN TWP 133 RNG 28, LYING BETWEEN TWO LINES DRAWN PARALLEL WITH AND DIST RESPECTIVELY 50 FT AND 200 FT S'LY, AS MEASURED AT RIGHT ANGLES FROM SAID MAIN TRACK CENTERLINE BOUNDED ON THE E BY THE W BANK OF THE MISSISSIPPI RIVER, AND BOUNDED ON THE W BY THE E'LY ROW LINE OF SW 4TH STREET AS DEDICATED ON THE PLAT OF WEST BRAINERD, EXCPT THAT PART THEREOF THAT LIES NE'LY OF THE NE'LY LINE OF THIRD STREET AS DEDICATED ON WEST BRAINERD PLAT AND THE S'LY EXTENSION THEREOF. THE ABOVE DESC PARCEL INCLUDES PORT- IONS OF BLOCK 3, THIRD STREET AND FLORENCE STREET, ALL AS DEDICATED ON THE PLAT OF WEST BRAINERD. & ALSO EXCEPT THE FOLLOWING PARCEL; (S'LY 150 FT OF BNSF RAILWAY CO 400 FT WIDE CHARTER ROW BEING 200 FT WIDE ON EACH SIDE OF SD RAILWAY CO MAIN TRACK CNT LINE AS ORIGIN- ALLY LOCATED & CONSTRUCTED UPON OVER & ACROSS GL 7 OF SEC 4 & GL 1 OF SEC 9 TWP 133 RNG 28 LYING BETWEEN 2 LINES DRAWN PARALLEL WITH & DISTANT RESPECTIVELY 50 FT & 200 FT S'LY AS MEASURED AT RIGHT ANG FROM MAIL TRACT C/L BOUNDED ON E BY W BANK OF MISSISSIPPI RIVER & BOUNDED ON W BY E'LY ROW OF SW 4TH STREET AS DEDICATED ON PLAT OF WEST BRAINERD EXC PT THEREOF THAT LIES NE'LY OF SW'LY LINE OF LOT 5 BLOCK 3 WEST BRAINERD & THE SE'LY EXT THERE OF. THE ABOVE DESC PARCELS INCL PT OF BLOCK 3 OF PLAT WEST BRAINERD.) SUBJ TO AN ESMNT OF RECORD
SECTION 4 TOWNSHIP44 RANGE 31
PID 09198001001A009*

and

*THE S'LY 150 FT OF BNSF RAILWAY COMPANY'S 400 FT WIDE CHARTER ROW, BEING 200 FT WIDE ON EACH SIDE OF SAID RAILWAY COMPANY'S MAIN TRACK CENTERLINE, AS ORIGINALLY LOCATED AND CONSTRUCTED UPON, OVER AND ACROSS GOVT LOT 7 OF SEC 4 AND GOVT LOT 1 OF SEC 9, ALL IN TWP 133, RNG 28, LYING BETWEEN TWO LINES DRAWN PARALLEL WITH AND DIST RESPECTIVELY 50 FT AND 200 FT S'LY, AS MEASURED AT RIGHT ANGLES FROM SAID MAIN TRACT CENTERLINE, BOUNDED ON THE E BY THE W BANK OF THE MISSISSIPPI RIVER, AND BOUNDED ON THE W BY THE E'LY ROW LINE OF SW 4TH STREET AS DEDICATED ON THE PLAT OF WEST BRAINERD, EXCEPT THAT PART THEREOF THAT LIES SW'LY OF THE SE'LY LINE OF THIRD STREET AS DEDICATED ON THE PLAT OF WEST BRAINERD AND THE S'LY EXTENSION THEREOF. THE ABOVE DESC PARCEL INCLUDES PORTIONS OF BLOCK 1 AND FLORENCE STREET ALL IN THE PLAT OF WEST BRAINERD
SECTION 4 TOWNSHIP44 RANGE 31
PID 09198003001A009
310 W LAUREL STREET*

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

Adopted this _____ day of _____, 2016

GARY SCHEELER
President of the Council

Approved this _____ day of _____, 2016

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One Time, _____

STAFF REPORT TO THE PLANNING COMMISSION

July 11, 2016

REZONING

APPLICANT/LOCATION: KRRC LLP 521 Charles Street, Ste. 210, Brainerd, MN 56401
for 310 W Laurel Street, Brainerd, MN 56401

PROPOSED ZONING: B-4 (General Commercial)

AREA: 2.34 acres

CURRENT ZONING: (Neighborhood Business) District

ADJACENT USES: North: Railroad, Vacant
East: River
South: Mental Health Center, Multi-Family Residential
West: Office

ADJACENT ZONING: North: R-3 (Multi-Family Residential)
East: B-4 (General Commercial) District
South: R-3 (Multi-Family) District
West: B-2 (General Commercial) District

PETITION EVALUATION

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

The Future Land Use Map identifies the property as future Public Semi Public Land Use. This designation was done in 2004 when the property was still owned by the City of Brainerd and the map has not been updated. The site is adjacent to a small multi-family parcel identified as future Medium to High Density Residential Land Use and is zoned R-3. The following land use goal would support the rezoning:

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

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

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

There are office uses to the west, southwest across the intersection of Laurel Street and SW 4th Street and north of the BNSF tracks.

B-4 Districts list drive-up restaurants as permitted uses which would have the potential for additional traffic for the area (Restaurants without drive windows are permitted in B-2). B-4 permitted uses should not create compatibility issues for uses north of Laurel Street.

The B-4 District includes conditional uses such as automobile and truck repair, animal hospitals/clinics/kennels and light manufacturing. Such uses have the potential for added noise, odors, and unsightly outdoor storage which could have an impact on the multi-family development to the south of Laurel Street. However, because automobile and truck repair, animal hospitals/clinics/kennels and light manufacturing are conditionally permitted, problems caused by noise, odors, and unsightly outdoor storage can jeopardize a conditional use permit.

Attached is a Zoning Ordinance Use Matrix that lists uses allowed by right, accessory and conditional uses in B-2 and B-4 Districts. This helps clarify the uses that will (will not) be permitted in the proposed rezoning area.

3. **The proposed use's effect upon the area in which it is proposed.**
The property has Mississippi River frontage subjecting it to Shoreland Regulations. The significant one being the land within 300' of the river is subject to a 25% maximum impervious coverage limit. This requirement will limit the size and type of property development. The attached map identifies the limit of the shoreland regulation area on the property.
4. **Traffic generation of the proposed use in relation to capabilities of streets serving the property.**
NW 7th Street is a local street which can accommodate the additional day-to-day traffic of the proposed use as well as the traffic generated by the multi-family dwellings to the north.
5. **The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.**
None of the uses allowed in the district will have a negative impact on public services and facilities nor will they overburden city services.

PLANNING DEPARTMENT COMMENTS

The property has been an automotive repair business for approximately 7 years initially permitted by conditional use permit. A few years ago we did have a complaint about excessive engine noise, but since then no complaints have been received.

The automotive repair business desires to expand to include a U-Haul rental outlet. I have talked to the business owner and explained that should another use be added, the site needs to be brought into conformance with current regulations. The gravel parking will need to be paved and striped with a properly identified handicapped space and the parking will need to be screened.

Following is a list of the attached maps and documents:

1. Existing Zoning
2. Existing Land Use
3. Future Land Use
4. Aerial of Site Identifying the 300' Shoreland Regulation Area
5. Zoning Ordinance B-2 and B-4 Use Matrix

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its July 20, 2016 meeting. The City Council can receive the Planning Commission recommendation and can consider an Ordinance First Reading on August 1, 2016 and can consider the Ordinance Second Reading August 15, 2016.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

Mark Ostgarden

From: Ed Shaw <lawyer@edshawlaw.com>
Sent: Tuesday, July 19, 2016 4:29 PM
To: Mark Ostgarden
Subject: Public hearing regarding parking requirements

Mr. Ostgarden:

Please share this email with the city administrator, mayor and councilmembers, and at the public hearing. I am writing in support of the elimination of parking requirements concerning residences and businesses. Our city desperately needs private investment in our commercial and residential areas. Many of our neighborhoods will designed on a pedestrian scale and do not have room for the large parking areas common in modern suburban development. Requiring property owners in these areas to provide large amounts of parking, which is often not used, prevents development in these areas and interferes with their right to use their properties as they see fit. I do hope that the planning commission eliminates the parking requirements and allows property owners to provide the parking that they believe they need.

Thank you

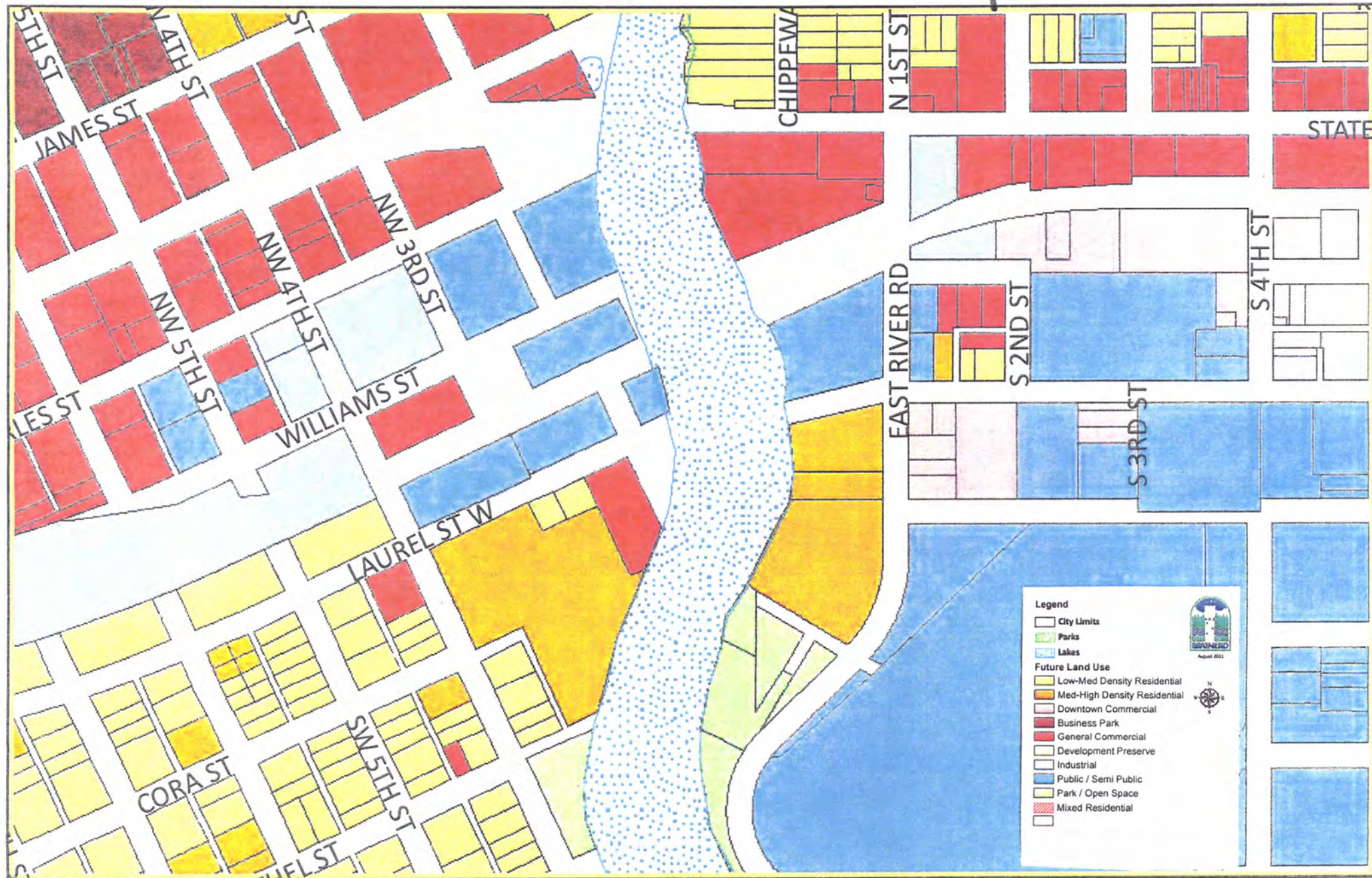
Ed

Edward R. Shaw
Edward R. Shaw P.A.
722 South 6th Street
Brainerd, MN 56401
(218) 825-7030
(218) 822-3144 (fax)
lawyer@EdShawLaw.com
www.edshawlaw.com

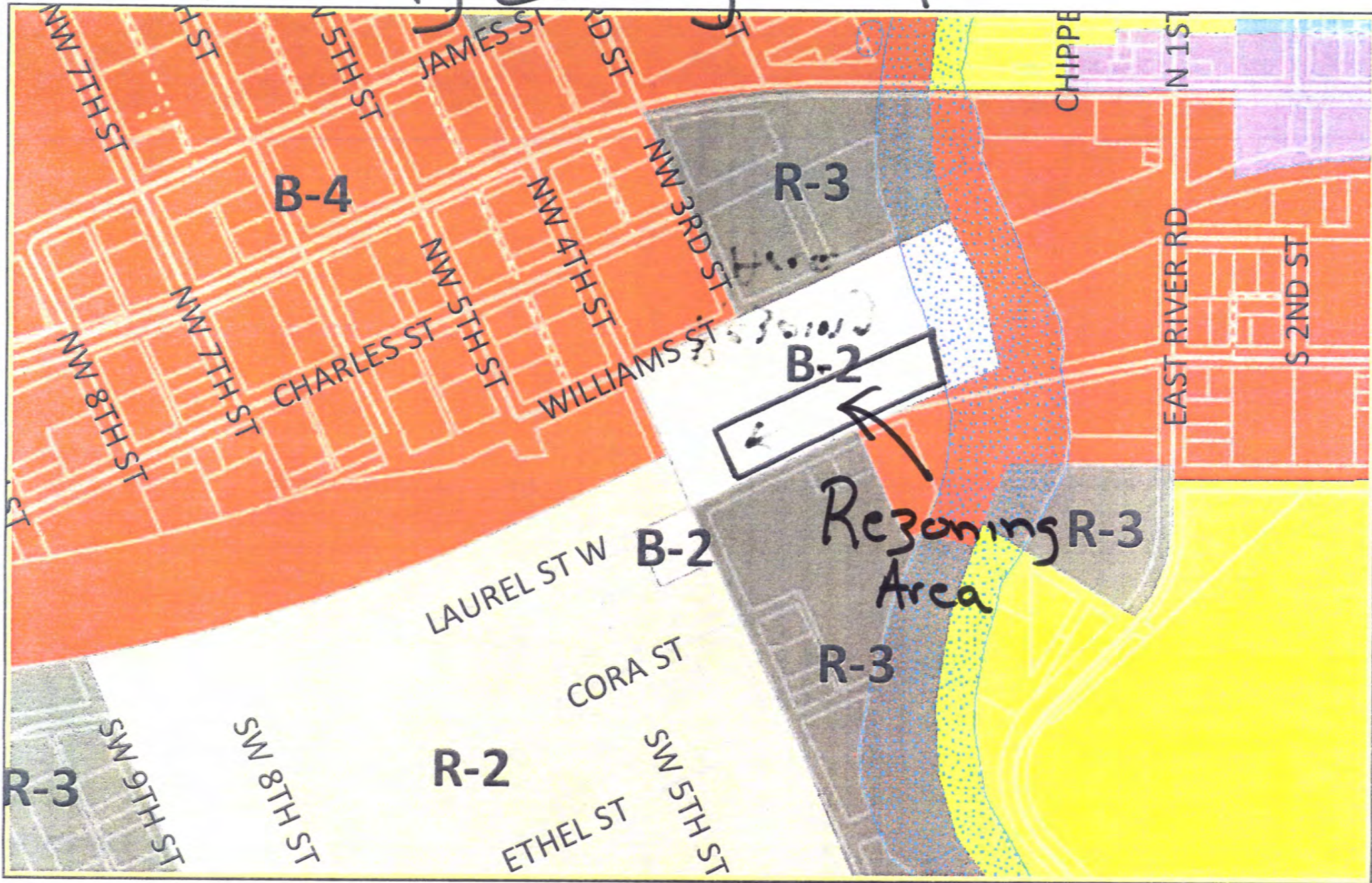
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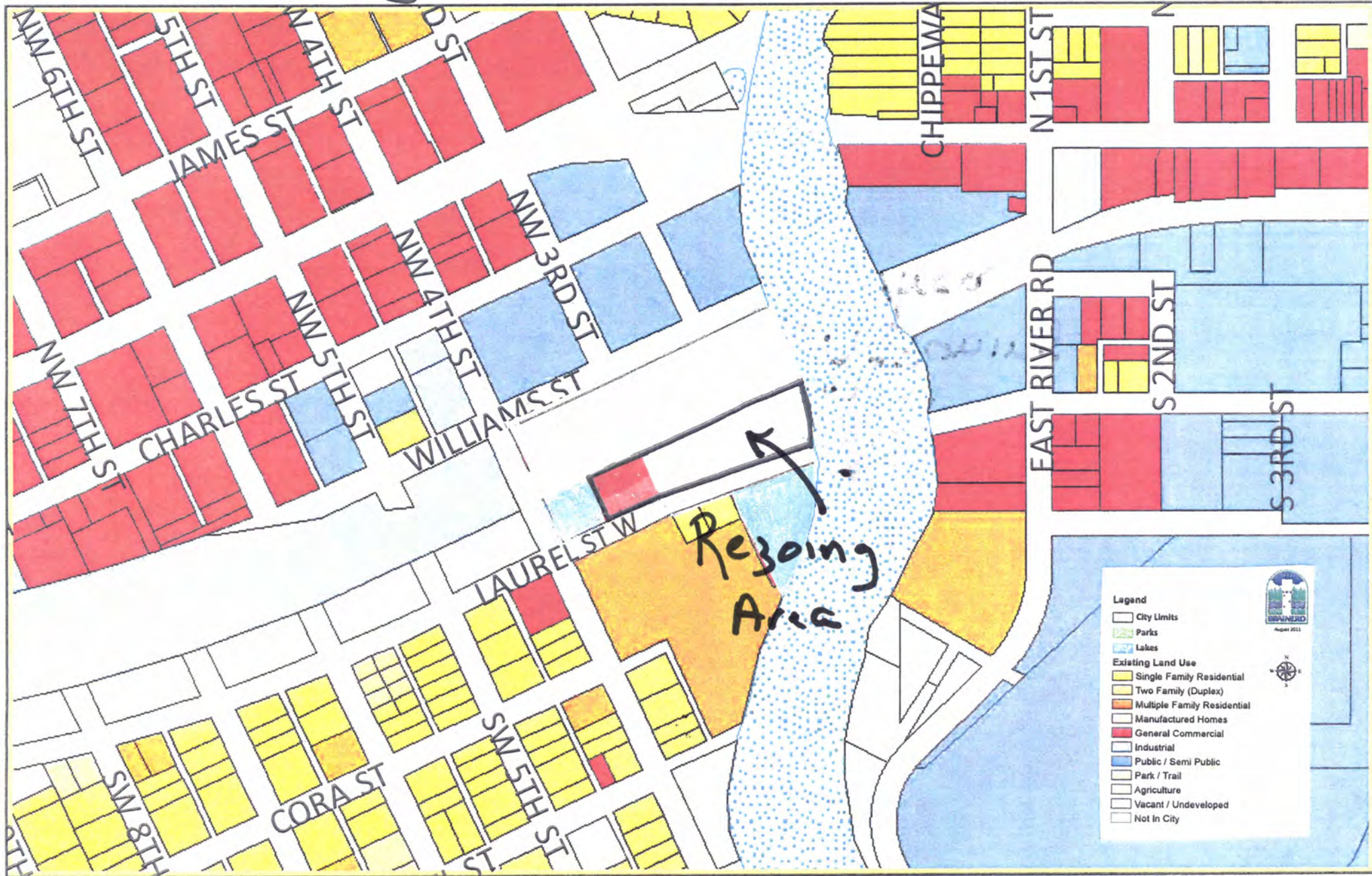
Future Land Use Map



Existing Zoning Map



Existing Land Use





Brainerd City Council Agenda Request

9C

Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: First Reading - Proposed Ordinance No. 1461 - Zoning Ordinance Text Amendment - Section 22, Off Street Parking - To Remove Minimum Off Street Parking Requirements in Certain Zoning Districts

☐ 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: The amendment would eliminate the minimum off street parking requirements in the B-4 (General Business) District, B-5 (Commercial Amusement) District, B-6 (Washington Street Commercial) District, I-1 (Light Industry) District and I-2 (General Industry) District The Planning Commission recommended approval. Minutes from the Planning Commission meeting held on July 20, 2016 are also attached in draft form. Attached please find proposed ordinance No. 1461 and Planning Department memo to the Planning Commission.	
Alternatives, Options, Effects on Others/Comments: 1. Deny the text amendment which will retain the minimum off street parking requirements. 2. Approve the request which will eliminate the off street parking requirements in the districts listed above.	
Recommended Action/Motion: Please refer to Packet information supporting the following motion: A motion by _____ and seconded by _____ to hold/deny the 1st Ordinance reading to amend the B-4 (General Business) District, B-5 (Commercial Amusement) District, B-6 (Washington Street Commercial) District, I-1 (Light Industry) District and I-2 (General Industry) District eliminating the minimum off street parking requirements for said districts; further to dispense with the actual reading.	
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: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: July 12, 2016

RE: Zoning Ordinance Text Amendment - Off Street Parking

The public hearing to consider testimony about removing the minimum Zoning Ordinance off street parking requirements is scheduled for July 20, 2016. The notice is worded so as to permit the Planning Commission to consider removing the requirements in all zoning districts. Below is a list of the zoning districts in the community. It is the Planning Department's suggestion that the highlighted districts be the one we initially consider amending:

A. Agricultural Districts:

1. R-A, Rural Agricultural District

B. Residential Districts:

1. R-R, Rural Residential District
2. R-E, Single Family Estate Residential District
3. R-1A, Single Family Residential
4. R-1, Single Family Residential
5. R-2, Medium Density Residential
6. R-3, High Density Residential
7. R-MH, Manufactured Housing District

C. Business Districts:

1. B-1, Residential-Office District
2. B-2, Neighborhood Business District
3. B-3, Central Business District
4. B-4, General Business District
5. B-5, Commercial Amusement District
6. B-6, Washington Street Commercial District

D. Industrial Districts:

1. I-1, Light Industry District
2. I-2, General Industry District

E. Special Districts:

1. PUD, Planned Unit Development District
2. Floodplain District
3. FW, Floodway District
4. FF, Flood Fringe District

Following is draft language for the Planning Commission to consider:

515-22-8: Number of Spaces Required. The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth. THE FOLLOWING DISTRICTS ARE EXEMPT FROM THE MINIMUM OFF STREET REQUIREMENTS:

- B-3 (CENTRAL BUSINESS) DISTRICT
- B-4 (GENERAL BUSINESS) DISTRICT
- B-5 (COMMERCIAL AMUSEMENT) DISTRICT
- B-6 (WASHINGTON STREET COMMERCIAL) DISTRICT
- I-1 (LIGHT INDUSTRY) DISTRICT
- I-2 (GENERAL INDUSTRY) DISTRICT

The Planning Department is supportive of amending our off street parking requirements. However it does not think that eliminating the minimums without addressing other land use issues should be done.

For example, communities the Planning Department researched have included parking maximums to cap the number of off street spaces. Another issue that should be addressed is parking lot placement and site design. The Planning Department would like to think the community desires better in our ability to create attractive corridors with more green space, parking lots along a building side or behind a building rather than between the road and the building, and corridors that promote walking and bicycling.

ORDINANCE
NO. 1461

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTIONS 515-22-8 REGARDING OFF-STREET PARKING REQUIREMENTS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 515-22-8: Number of Spaces Required shall be amended as follows:

515-22-8: Number of Spaces Required. The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth. THE FOLLOWING DISTRICTS ARE EXEMPT FROM THE MINIMUM OFF STREET REQUIREMENTS:

- B-4 (GENERAL BUSINESS) DISTRICT
- B-5 (COMMERCIAL AMUSEMENT) DISTRICT
- B-6 (WASHINGTON STREET COMMERCIAL) DISTRICT
- I-1 (LIGHT INDUSTRY) DISTRICT
- I-2 (GENERAL INDUSTRY) DISTRICT

SECTION TWO: All other provisions of Section 515-22 shall remain in full force and effect.

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

Adopted this ____ day _____, 2016

GARY SCHEELER
President of the Council

Approved this ____ day of _____, 2016

GARY SCHEELER
Acting Mayor

ATTEST: _____
JIM THOREEN
City Administrator

Published: One Time, _____



Brainerd City Council Agenda Request

14

Agenda Item #

Requested Meeting Date: August 1, 2016

Title of Item: Re-Appointment of Mayor Menk to EDA

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title): N/A	Estimated Time Needed: N/A
Summary of Issue: We overlooked the re-appointment of Mayor Ed Menk to the EDA for the term of 2015-2021. We seek retroactive appointment in order to comply with Charter provisions and/or statute. EDA terms expire on September 7th rather than December 31st.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	