

CITY COUNCIL AGENDA

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

Showcasing Brainerd – 7:15 P.M.

Royal Tire

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

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Agenda**
- 5. Consent Calendar (NOTICE TO PUBLIC) – All matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to be ADOPTED BY ROLL CALL**
 - A. Approval of the Minutes of the Regular Meeting held on November 21, 2016, as distributed**
 - B. Approval of Licenses – (See Attachment)**
 1. Garbage Licenses – 4 – Renewals
 2. Tobacco Licenses – 17 – Renewals
 3. Taxicab Licenses – 1 – Renewal
 4. Second Hand Licenses – 1 – Renewal
 5. Second Hand Auto Licenses – 7 – Renewals
 - C. Department Activity Reports – (See Attachments)**
 1. Fire Chief
 2. Park Director

6. Presentations

A. BPU 2017 Operating & Capital Budget – Approval of – (See Attachment)

B. Walkable Bikeable City Committee – Non-Motorized Transportation Plan – (See Attachment)

- 1) Council Direction on Acceptance of All or Part of Plan or Alternative Action
- 2) Council Direction to WBCC on Any Specific Requested Action

7. Council Committee Reports

A. Safety and Public Works Committee Report

1. RtVision One Office Software
2. Traffic Concerns on SW 4th Street
3. Drainage Issues on Pine Street
4. Organized Collection

B. Personnel and Finance Committee Report

1. Approval of Bills & Payments to Contractors

Contractor	IMP #	Project	Amount	Total Retained
North Star Well Drilling	14-15	Arpt Util Ext – 11284 Hwy 210	\$8,734	\$0
North Star Well Drilling	14-15	Arpt Util Ext – 11284 Hwy 210	\$7,498	\$0
S.E.H.	14-15	Arpt Util Ext thru 10/29	\$62,326	\$0
MNDot	16-11	Bridge Inspection Svc	\$1,925	\$0

2. Fire Department – Compliance Engine Contract

3. Fire Department – Paid On Call Firefighter Richard Johnson Resignation

4. Telephone System Follow Up

8. Unfinished Business

A. Sanitary and Storm Sewer Rate Study – Set Presentation Date

B. Call for Applicants – Applications available at City Hall or Apply online: <http://www.ci.brainerd.mn.us/279/Boards-Commissions>

PLEASE NOTE: THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT – ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY

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

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Cable TV Advisory Committee – 2 terms (Expire 2019)
Charter Commission – 2 terms (Expire 2020)
Housing and Redevelopment Authority (HRA) – 1 term (Expires 2021)
Public Utilities Commission – 1 term (Expires 2021)
Transportation Advisory Committee – 2 terms (Expire 2018)
Rental Dwelling Board of Appeals – 5 terms (see below) – (Expire 2018)
 1. *Residential Property Manager Representatives* (2)
 2. *Residential Rental Housing Advocate Representative* (1)
 3. *Tenant Representative* (1)
 4. *General Public Representative* (1)

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

Airport Commission – 1 term (Expires 2019)
Planning Commission – 3 terms (Expire 2019)
Police & Fire Civil Service Commission – 1 term (Expires 2019)

- 9. Public Forum: Time allocated for citizens to bring matters not on the agenda to the attention of the Council – Time limits may be imposed.**
- 10. Staff Reports – Written**
(Verbal: Any Updates since Packet)
- 11. Council Member Reports**
- 12. Adjourn – To the Budget Public Hearing to be held on December 12, 2016 at 6:00 P.M. at City Hall**

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

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

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

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

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 as present: Koep, Pritschet, Bevans, Johnson, Borkenhagen and Hilgart. Council Member Scheeler was noted as absent. Mayor Menk was also noted as present.

Vice President Pritschet opened the meeting with the Pledge of Allegiance to the Flag.

City Administrator Thoreen requested the addition of an application for a Temporary On-Sale Liquor License to the Consent Calendar.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART TO HOLD OVER CONSENT CALENDAR ITEM, "FIRE DEPARTMENT – THE COMPLIANCE ENGINE CONTRACT" TO THE DECEMBER 5, 2016 PERSONNEL AND FINANCE COMMITTEE AGENDA IN ORDER TO OBTAIN FURTHER INFORMATION FROM THE FIRE CHIEF.

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

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART TO ADOPT THE CONSENT CALENDAR AS AMENDED.

- A. Approval of the Minutes of the Regular Meeting held on November 7, 2016 and the Special Meeting held on November 15, 2016, as distributed – Approved**
- B. Department Activity Reports – Approved**
 - 1. Police Chief
 - 2. Finance Director
- C. Fire Department – The Compliance Engine Contract – Held Over to December 5, 2016 Personnel and Finance Committee Agenda**
- D. Temporary On-Sale Liquor License Application – Submitted by the Brainerd American Legion for an Event to be held on December 10, 2016 at the Brainerd Armory, 1115 Wright Street, Brainerd – Approved**

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

Presentation/Proclamation: Brainerd Toastmasters – Mr. Rich Andresen

Mayor Menk read through and presented Mr. Rich Andresen with a framed proclamation for December being "Toastmasters Month" in the City of Brainerd.

Mr. Andresen thanked the City for the proclamation and discussed the history and activities the Toastmasters take part in throughout the year. He stated they meet each month at 7:30 A.M. at the Sawmill Inn and focus on all types of public speaking to assist people in feeling more comfortable doing so. He answered questions of the Council and the Chair thanked him for his presentation.

Council Committee Reports

Safety and Public Works Committee Report

Improvement 16-06 – Total Project Cost Overrun – Accept Overrun of Total Project Cost of \$2,187.73 (\$1,110.62 of which was approved at the November 7, 2016 City Council Meeting) and Approve the Final Payment to Anderson Brothers Construction of Brainerd for a Total Contract Cost of \$96,131.60 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO ACCEPT THE OVERRUN OF TOTAL PROJECT COST OF \$2,187.73 (\$1,110.62 OF WHICH WAS APPROVED AT THE NOVEMBER 7, 2016 CITY COUNCIL MEETING) AND APPROVE THE FINAL PAYMENT TO ANDERSON BROTHERS CONSTRUCTION OF BRAINERD FOR A TOTAL CONTRACT COST OF \$96,131.60 FOR IMPROVEMENT 16-06.

Sign Request – 205 1st Avenue NE – Designate a Handicap Parking Stall on the West Side of 1st Avenue NE in Front of 205 1st Avenue NE – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DESIGNATE A HANDICAP PARKING STALL ON THE WEST SIDE OF 1ST AVENUE NE IN FRONT OF 205 1ST AVENUE NE.

Eric Nordstrom – Traffic Concerns – Referred to Police and Engineering Departments for Recommendations on Improving Traffic Safety – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO REFER TRAFFIC CONCERNS DUE TO THE RESURFACING OF SW 4TH STREET TO THE ENGINEERING AND POLICE DEPARTMENTS FOR RECOMMENDATIONS ON IMPROVING TRAFFIC SAFETY.

Street Closure/Special Event Application – “Homeless Heroes 5K, 1 Mile and All Veterans Expo” to be held on Saturday, December 10, 2016 from 8:30-11:00 A.M. along College Drive, Boom Lake and Kiwanis Park; Subject to Organizer working with the Police Department to Ensure Safety During the Event – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE STREET CLOSURE/SPECIAL EVENT APPLICATION FOR THE “HOMELESS HEROES 5K, 1 MILE AND ALL VETERANS EXPO” TO BE HELD ON SATURDAY, DECEMBER 10, 2016 BETWEEN THE HOURS OF 8:30-11:00 A.M. ALONG COLLEGE DRIVE, BOOM LAKE AND KIWANIS PARK; APPROVAL SUBJECT TO ORGANIZER WORKING WITH THE POLICE DEPARTMENT TO ENSURE SAFETY DURING THE EVENT.

Added Item – Robert Marohn Annexation Issues – Water Runoff – To be placed on Future Safety and Public Works Committee Agenda – Informational

Committee Chair Bevans reported that Mr. Robert Marohn appeared at the Committee meeting with concerns about water runoff at his recently annexed property on 11427 Easy Street. He stated that this item will appear on a future Safety and Public Works agenda.

Personnel and Finance Committee Report

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

General Fund to Public Safety Fund	\$310,000
General Fund to Park Fund	\$ 60,000
General Fund to Street & Sewer Fund	\$ 75,000
General Fund to Airport Fund	<u>\$ 12,960</u>
	\$457,960

Contractor	IMP #	Project	Amount	Total Retained
Anderson Bros. Const.	16-06	Sanitary Swr Blck 46-Final	\$1,077	\$0
Braun Intertec	14-15	Arpt Util Ext Thru 10/21	\$2,548	\$0
Tom's Backhoe	14-15	Arpt Util Ext thru 10/31	\$1,275,528.71	\$67,133

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

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

Deferred Assessment Criteria – Held Over from November 7, 2016 – Resolution No. 54:16 Adopted – Raising the Property Market Valuation from \$100,000 to \$110,000 for Criteria to apply for Deferment

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO ADOPT RESOLUTION NO. 54:16 – RAISING THE PROPERTY MARKET VALUATION IN RESOLUTION NO. 06:05 FROM \$100,000 TO \$110,000 FOR CRITERIA TO APPLY FOR DEFERMENT OF SPECIAL ASSESSMENTS.

RESOLUTION NO. 54:16

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

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR DEFERMENT OF ASSESSMENTS FOR PROPERTIES 091220100110009, 091220100110009, 091210000040009 BASED ON THE APPLICANTS MEETING CRITERIA SET FORTH IN RESOLUTION NO. 54:16.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO DENY THE APPLICATION FOR DEFERMENT OF SPECIAL ASSESSMENTS FOR PROPERTY 091860010070009 BASED ON THE APPLICANT FAILING TO MEET CRITERIA SET FORTH IN RESOLUTION NO. 54:16.

Resignation of Police Officer Campbell, Effective November 3, 2016 – Accepted with Regret – Hiring of Mr. Nicholas Petri with an Expected Start Date of December 27, 2016, Contingent on Successful Completion of Pre-Employment Screenings – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF POLICE OFFICER PATRICK CAMPBELL EFFECTIVE NOVEMBER 3, 2016 AND TO HIRE MR. NICHOLAS PETRI AS POLICE OFFICER WITH AN EXPECTED STARTING DATE OF DECEMBER 27, 2016 CONTINGENT ON THE SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT SCREENINGS.

Sale of Fire Engine #1 – Authorize Fire Chief to Proceed with Sale at Auction – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE FIRE CHIEF HOLMES TO PROCEED WITH THE SALE OF FIRE ENGINE #1 AT AUCTION.

Sale of Fire Department Hovercraft – Authorize Fire Chief to Proceed with Sale of Hovercraft and Use Proceeds toward Inflatable Boat, Motor and Trailer Purchase – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE FIRE CHIEF HOLMES TO PROCEED WITH THE SALE OF THE FIRE DEPARTMENT HOVERCRAFT WITH PROCEEDS TO BE USED TOWARD THE PURCHASE OF AN INFLATABLE STYLE BOAT WITH MOTOR AND TRAILER.

Muriel West Fee Appeal Follow-up – Appeal Granted – Fire Department to Waive Extrication Fee of \$500 for August 17, 2015 Accident – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO GRANT THE APPEAL FILED BY MS. MURIEL WEST AND WAIVE THE \$500 EXTRICATION FEE CHARGED FOR HER AUGUST 17, 2015 ACCIDENT.

Discussion was held by Council.

Upon roll call, members Koep, Pritschet, Johnson, Borkenhagen and Hilgart voted “aye.” Member Bevans voted “nay.” The Chair declared the motion carried.

Budget Process – Workshop to be held on Thursday, December 1, 2016 at 6:00 P.M. at City Hall – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, THAT THE CITY COUNCIL HOLD A BUDGET WORKSHOP ON THURSDAY, DECEMBER 1, 2016 AT 6:00 P.M. AT CITY HALL.

Preliminary Discussion of Potential Bonding Requests – Identify The City Water Tower and the Cuyuna Lakes Trail as “Dual Top Priority” Projects in the Request – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO IDENTIFY THE CITY WATER TOWER AND THE CUYUNA LAKES TRAIL AS "DUAL TOP PRIORITY" PROJECTS IN THE CITY'S BONDING REQUESTS TO THE STATE.

2016 Audit Services – Engagement Letter between the City of Brainerd and Clifton Larson Allen identifying a fee of \$44,880 for 2016 Audit Services – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE ENGAGEMENT LETTER BETWEEN THE CITY OF BRAINERD AND CLIFTON LARSON ALLEN FOR 2016 AUDIT SERVICES WITH THE FEE OF \$44,880 IDENTIFIED.

Employee Meal Reimbursement Policy – Amend Section 19 of the Employee Policy Manual to Confirm a Total of \$47 for Full-Day Training Meal Reimbursement and Specifying that Breakfast is Reimbursable when an Employee has to leave for Any Training Prior to 7:00 A.M.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AMEND SECTION 19 OF THE EMPLOYEE POLICY MANUAL TO CONFIRM A TOTAL OF \$47 FOR FULL-DAY TRAINING MEAL REIMBURSEMENT AND SPECIFYING THAT BREAKFAST IS REIMBURSABLE WHEN AN EMPLOYEE HAS TO LEAVE FOR ANY TRAINING PRIOR TO 7:00 A.M.

Telephone Issues – Informational

Council Member Koep reported that there had been several issues with the new phone system for the City and that the City Administrator will meet with the City's IT Department to troubleshoot.

Unfinished Business

City of Brainerd Petition Requesting Concurrent Detachment/Annexation of Wastewater Treatment Facility and Surrounding Property from the City of Baxter to the City of Brainerd – Resolution No. 55:16 Adopted – Authorizing Submission of Petition

The Chair recognized Public Utilities Commission Chair Lucy Nesheim, who discussed the history of this issue which involved the Wastewater Treatment Facility (WWTF) and surrounding property totaling 99.51 acres located in Baxter being eligible for a concurrent detachment from Baxter and annexing into Brainerd. Complete statute language was included in the Packet and Ms. Nesheim referred to a letter from the Public Utilities Commission requesting the annexation.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT RESOLUTION NO. 55:16 – AUTHORIZING THE SUBMITTAL OF A PETITION TO THE OFFICE OF ADMINISTRATIVE HEARINGS AT THE STATE MUNICIPAL BOUNDARY ADJUSTMENT UNIT REQUESTING CONCURRENT DETACHMENT AND ANNEXATION OF THE WASTEWATER TREATMENT FACILITY AND SURROUNDING PROPERTY FROM THE CITY OF BAXTER TO THE CITY OF BRAINERD.

Council Discussion was held.

RESOLUTION NO. 55:16

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

Call for Applicants:

PLEASE NOTE: THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT – ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY

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

- Cable TV Advisory Committee – 2 terms (Expire 2019)
- Charter Commission – 2 terms (Expire 2020)
- Housing and Redevelopment Authority (HRA) – 1 term (Expires 2021)
- Public Utilities Commission – 1 term (Expires 2021)
- Transportation Advisory Committee – 2 terms (Expire 2018)
- Rental Dwelling Board of Appeals – 5 terms (see below) – (Expire 2018)
 - 1. *Residential Property Manager Representatives (2)*
 - 2. *Residential Rental Housing Advocate Representative (1)*
 - 3. *Tenant Representative (1)*
 - 4. *General Public Representative (1)*

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

- Airport Commission – 1 term (Expires 2019)
- Planning Commission – 3 terms (Expire 2019)
- Police & Fire Civil Service Commission – 1 term (Expires 2019)

Planning Commission

Conditional Use Permit – City of Brainerd on Behalf of Brainerd Public Utilities, 8027 Highland Scenic Road, Baxter, MN for RipRap Steep Slope Stabilization at the Hydroelectric Dam, 1801 Mill Avenue, Brainerd, MN – Authorize CUP based on 10 Findings-of-Fact and 1 Condition as Identified by the Planning Commission – Approved

Findings-of-Fact:

1. The City of Brainerd owns the hydroelectric dam and adjacent lands on the Mississippi River located in the city. The dam is operated and maintained by Brainerd Public Utilities.
2. The dam property abuts the Brainerd Industrial Center property and it has a steep slope that is creating erosion concerns for the dam and property.
3. Brainerd Pubic Utilities would like to stabilize about 300' lineal feet of the slope with rip rap.
4. The property is located within 300' of the Mississippi River, making it subject to the City of Brainerd Shoreland Management Regulations.
5. The stabilization method has been reviewed by the Crow Wing County Soil and Water Conservation District that has submitted a letter of support for the project subject to conditions.
6. The DNR, MPCA, and Army Corps of Engineers who were notified of the project and each submitted no comments.

7. The project is in keeping with the Zoning Ordinance objective to *Protect and preserve the natural environment of the City.*
8. The plan is consistent with the following Comprehensive Plan Goal and Strategy:
Commercial/Industrial Land Use
Goal: *Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*
Strategy
Buffer commercial and industrial developments from environmentally sensitive areas and residential areas within the community.
9. BPU Superintendent Magnuson appeared at the meeting and reported that all parties involved feel this will be the best solution for the multiple problems on the hill.
10. No correspondence was received for or against the CUP.

Condition:

1. That the stabilization be done in accord with the recommendations for using native vegetation described in the November 14, 2016 Crow Wing County Soil and Water Conservation letter to Brainerd Public Utilities Superintendent as identified by the Planning Commission.

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR THE RIP RAP STABILIZATION PROJECT AT THE BRAINERD HYDROELECTRIC DAM PROPERTY LOCATED AT 1801 MILL AVENUE BASED ON THE 10 FINDINGS-OF-FACT AND THE 1 CONDITION AS IDENTIFIED BY THE PLANNING COMMISSION.

Public Forum: None.

Staff Reports

City Planner Ostgarden reported that responses for the City Survey have been coming in.

City Engineer Hulsether reported on the November 18, 2016 snow event.

City Administrator Thoreen thanked the Niswaga, Crosby and Pillager Fire Departments in assisting the Brainerd and Baxter Fire Departments for a large business fire which also occurred on November 18th. He also thanked City Street and Utilities crews for all their hard work during the storm. He reported that the City received notification from the League of Minnesota Cities Insurance Trust (LMCIT) that for this year they are sending out the largest dividend in LMCIT history.

Council Member Reports

Council Member Johnson thanked all City Departments for their work during the storm.

Council Member Koep reported that the City has received a grant from the State for transit service and that one request being considered is running transit an hour earlier in the day and an hour later into the evening. She stated that the Grant has been accepted recognizing the city's 15% share with a one-year time frame to determine if this option improves ridership.

Mayor Menk stated that he was honored to be on the canvassing board for the County. He mentioned that KARE 11 had appeared at City Hall on Friday, November 18th and again appeared Downtown on Saturday, November 19th to report on various City departments throughout the storm.

Council Member Hilgart reported that the Fire Advisory Board had met on November 16th and discussed the earlier mentioned extrication fee waiver. She stated that she feels the extension of hours for transit ridership will be very helpful for those working in the area. She also thanked the Street Department for their work during the storm.

Council Member Borkenhagen thanked the City employees for all their work during the storm event.

Council Member Pritschet congratulated the new Council Elects.

Adjourn – To Closed Session Pursuant to M.S. 13D.03 to Discuss Union Negotiation Strategies – 8:56pm

The Council reconvened into open session at 9:49 P.M.

Adjourn – to Budget Workshop to be held at 6:00 P.M. on Thursday, December 1, 2016 in the City Hall Council Chambers

The Chair adjourned the meeting at 9:50 P.M.

James M. Thoreen
City Administrator

2017 LICENSE RENEWALS

DECEMBER 5, 2016 COUNCIL MEETING

GARBAGE LICENSE – 4 Renewals

Garrison Disposal dba Nisswa Sanitation
PO Box 308
Aitkin, MN 56431

Waste Partners, Inc.
2928 State Hwy 371
Pine River, MN 56474

Waste Management of Brainerd
7968 Industrial Park Road
Baxter, MN 56425

Jark, Inc. dba Nisswa Rolloff Service
26525 State Hwy 371
Nisswa, MN 56468

TOBACCO LICENSES – 17 Renewals

S & R Quisberg, Inc. dba Brainerd Cub Foods
417 8th Ave NE
Brainerd, MN 56401

Risky Business
326 Washington Street
Brainerd, MN 56401

Hollco, Inc. dba Eastside Superamerica #4880
421 NE Washington Street
Brainerd, MN 56401

Highway 25 Liquor
1424 Mill Avenue NE
Brainerd, MN 56401

Mill Avenue Holiday
1500 Mill Avenue
Brainerd, MN 56401

Tobacco Den
633 Washington Street NE
Brainerd, MN 56401

Cashwise Liquor
513 B Street NE
Brainerd, MN 56401

Shep's on Sixth
315 South 6th Street
Brainerd, MN 56401

Evas dba Southside Express
701 Industrial Park Rd SW
Brainerd, MN 56401

Baxter Liquor Mart
105 NE Washington Street
Brainerd, MN 56401

Yesterday's Gone
219 S 9th Street
Brainerd, MN 56401

Hollco, Inc. dba Triangle Store
901 Oak Street
Brainerd, MN 56401

Walgreens #05635
340 W Washington Street
Brainerd, MN 56401

Hollco, Inc. dba Superamerica #4883 Midtown
321 Washington Street
Brainerd, MN 56401

Pine Square
3325 Oak Street
Brainerd, MN 56401

Holiday Stationstores, Inc.
424 South 6th Street
Brainerd, MN 56401

Adium Oil Company, Inc. dba Petro Plus #107
850 Lum Park Road
Brainerd, MN 56401

TAXI CAB LICENSES – 1 Renewal

Brainerd Area Taxi
713 Co Rd 45
Fort Ripley, MN 56444

**2017 LICENSE RENEWALS
DECEMBER 5, 2016 COUNCIL MEETING (CONT.)**

SECOND HAND GOODS LICENSES– 1 Renewal

E.L. Menk Jewelers
623 Laurel Street
Brainerd, MN 56401

SECOND HAND AUTO LICENSES – 7 Renewals

Midway Auto
10 E Washington Street
Brainerd, MN 56401

FCA Sales
301 Washington Street
Brainerd, MN 56401

Wood Motor, Inc. dba Tanner Motors
620 W Washington Street
Brainerd, MN 56401

Motors-N-More
510 10th Ave NE
Brainerd, MN 56401

West Brainerd Auto
721 W Washington Street
Brainerd, MN 56401

East Side Auto & Muffler
413 Washington Street
Brainerd, MN 56401

Professional Auto Leasing, Inc. dba Tanner Nissan
620 W Washington Street
Brainerd, MN 56401

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: December 1, 2016
Re: November 2016 Fire Department Monthly Report

Brainerd Fire Department was honored to be part of a large group of volunteers that helped deliver and serve Thanksgiving dinner to nearly 600 people this Thanksgiving. The event was at the Brainerd American Legion and several firefighters and their families helped. Firefighters were also involved with the Toys for Kids Kickoff event the day after Thanksgiving and gave Santa a ride downtown to the "Light Up Downtown" event.

Public education was presented to 175 children at ECFE and several other groups. Brainerd Lakes Surgical Center staff received fire extinguisher training. Chief Holmes was a guest speaker at the Noon Rotary Group in November.



November training included: OSHA Compliance Update attended by Administrative Specialist Kraemer; Reading Smoke attended by Deputy Chief/Fire Marshal Cox, Battalion Chief Rubbelke and Paid on Call Firefighters Powell and Norwood; and Fire Code Update attended by Chief Holmes.

Our new engine arrived in November and we have held numerous training sessions with the apparatus this month.



The Brainerd Fire Department was awarded a Turnout Gear Washer/Extractor grant from the State Fire Marshal Division in November. This grant will allow the department to replace a 30 year old commercial washing machine currently used for cleaning turnout gear. We were also awarded an AED from Essentia Health Take Heart Program, which has been placed in our Northeast Fire Station.

The Fire Department Safety Committee met in November to begin reviewing department policies. An Officer's Meeting was also held in November with the command staff.

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

Structure Fire	1
Vehicle Fire	1
Grass Fire	1
Rubbish Fire	2
Authorized Controlled Burning	1
Medical Assist	1
Accident with Injuries	4
Rescue, Extrication	3
Gas Leak	1
Assist Governmental Agency	4
Smoke Scare/Removal	4
Unauthorized Burning	4
Good Intent Call	2
Canceled Enroute	4
Alarm Activation	5
Carbon Monoxide Alarm	1
Mutual Aid	1
Total	40

City of Brainerd Incident Report

Medical Assist	1
Rescue, Extrication	2
Assist Governmental Agency	2
Smoke Scare/Removal	1
Unauthorized Burning	4
Canceled Enroute	1
Alarm Activation	3
Carbon Monoxide Alarm	1
Total	15

Parks and Recreation Report

December 2016

Submitted by Tony Sailer, Director

- Loggers have completed the selective harvest at Buffalo Hills-Lions Park but there is still some timber to be hauled. Staff will need to do some chipping of pine branches in the area near the concession stand and there are plans to do some cleanup work near the townhouses on the east side of the property and along the Buffalo Hills Trail.

Staff has requested funding from a grant through the Crow Wing County Soil and Water Conservation District to hire a crew next summer to combat the buckthorn issue at Buffalo Hills-Lions Park. Much of this \$54,000 grant is earmarked for Rotary Park, which would involve developing nature trails and planting of native flowers and grass.

- Staff received three bids for the Gregory Park fountain project. The Park Board approved the bid, pending City Council approval, of \$61,306 from Aquatic Recreation. The information will be forwarded to the City Council in hopes that funds will be allocated for the project in the 2017 budget. To date \$7,640.07 has been raised in donations. Details of the bids will be provided to the City Council, City Administrator and Finance Director in a separate memo.

- At the October meeting, the Park Board requested information regarding Park Dedication fees at the Northtown Addition. Representatives of the addition are interested in the City developing a park in that location. In June 2004 Lakeland Construction paid \$82,000 in fees. The Park Dedication fund was started in 2005 and \$134,683 was transferred into that account. It doesn't appear that the \$82,000 was specifically set aside for a particular purpose other than in accordance with the Park Dedication fee ordinance.

During the past years Park Dedication funds have been used to construct the restroom/concession building at Buffalo Hills-Lions Park, the Memorial Park concession stand and restroom structures, Trailside Park parking lot, the Bane Park warming house/concession/restroom building, softball field fences, and Gregory Park tennis courts, to name a few.

Staff met with playground suppliers at the state convention to discuss potential playground designs and costs. One concept presented was a "spider web" type design which uses steel reinforced ropes as the main structure for climbing. Costs vary depending on the design and size of the structure. At this time the Park Board has not approved a playground at the addition.

- The Brainerd Ski Loons requested an additional practice day for the 2017 season. Last year the Ski Loons practiced three times per week. The Ski Loons requested an additional practice day, with two days working on group development and the other two days designed for improving individual skills. Practices would be from 6:30 p.m. to dusk, Monday through Thursday. The Park Board approved the extra day of practice.

Show dates for 2017 are July 16, July 30, Aug. 16 and Aug. 20. Shows would begin at 5 p.m. on the Sunday dates, while the Wednesday, Aug. 16, show would start at 6:30 p.m.

- On-line registration is now being accepted at the Parks and Recreation Department. Persons using credit/debit cards will be charged a small service fee. Staff is working out the “bugs” of switching over to the new software as well as inputting data specific to department needs.
- The Park Board approved the 2017 fee schedule for registrations and reservations. The fees will remain the same as 2016.
- Staff reserved 1,223 over-night stays at the Lum Park campground in 2016. Through Nov. 21 the campground generated a record \$34,905 in revenue with expenses of \$3,620.
- The deadline to register for Pond Hockey is Dec. 16. Equipment handouts will be from 11 a.m. to noon on Dec. 17 with the two age groups beginning practices the first week of January.
- Staff met with committee heads at Cragun’s Resort and Conference Center on Nov. 9-10 to begin planning for the MRPA state conference which will take place at Cragun’s Oct. 10-13, 2017.



Brainerd City Council Agenda Request

6A
Agenda Item #

Requested Meeting Date: December 5, 2016

Title of Item: BPU 2017 Operating & Capital Budget

☐ 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: Todd Wicklund	Department: BPU
Presenter (Name & Title):	Estimated Time Needed: 20 minutes
Summary of Issue: BPU representatives will be at the council meeting to present BPU's 2017 Operating and Capital Budget. A copy of their budget is enclosed with the packet.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve BPU's 2017 Operating & Capital budget as adopted by the Public Utilities Commission at their November 29, 2016 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

6 B

Agenda Item #

Requested Meeting Date: December 5, 2016

Title of Item: Non-Motorized Transportation Plan - Approval Consideration

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Eleanor Burkett	Estimated Time Needed: 30 minutes
Summary of Issue: The Walkable Bikeable City Committee (WBCC) is requesting action on the DRAFT Non-Motorized Transportation Plan. The City Council received a Plan copy at its November 21, 2016 meeting. Eleanor Burkett, WBCC Chair, will have a PowerPoint presentation of plan highlights and information about the benefits in becoming non-motorized transportation friendly. Attached are two AARP Fact Sheets about walking and bicycling.	
Alternatives, Options, Effects on Others/Comments: * Approve/Deny all or part, table, take the DRAFT under advisement, send the DRAFT to the Planning Commission for comment, send the DRAFT back to the WBCC, City Council can have a hearing before consideration. * Should the City Council Approve/Deny all or part of the DRAFT, the City Council should provide direction to the WBCC about what changes it desires for the DRAFT to be approved.	
Recommended Action/Motion: Motion by _____, second by _____, to _____ the Non-Motorized Transportation Plan.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>See the Draft</u> Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u> The Plan is for 2017-2025 which may need to be pushed back 1 year. Once the Plan is approved budgeting can occur on an annual basis.	

Sidewalks | A LIVABILITY FACT SHEET

Eight in 10 Americans prefer being in a community that offers sidewalks and good places to walk. Six in 10 prefer a neighborhood that features a mix of houses, shops and services within an easy walk versus a neighborhood that requires a car for every errand.¹

People who live in neighborhoods with sidewalks are 47 percent more likely than residents of areas without sidewalks to be active at least 39 minutes a day.²

Sidewalks play a vital role in community life. As conduits for pedestrian movement and access, they enhance connectivity and promote walking. As public spaces, sidewalks are the front steps to the community, activating streets socially and economically.

Safe, accessible, well-maintained sidewalks are a fundamental community investment that enhances public health and maximizes social capital.³

Sidewalks increase foot traffic in retail centers, delivering the customers that local shops and restaurants need in order to thrive. Retail properties with a Walk Score ranking of 80 out of 100 were valued 54 percent higher than those with a Walk Score⁴ of 20 and had an increase in net operating income of 42 percent.⁵

Interest in sidewalks is so keen that they've become a factor in home prices. For example, in a scenario where two houses are nearly identical, the one with a five-foot-wide sidewalk and two street trees not only sells for \$4,000 to \$34,000 more but it also sells in less time.

A well-constructed sidewalk for a typical 50-foot-wide residential property might cost a builder \$2,000, but it can return 15 times that investment in resale value. According to a 2009 CEOs for Cities report, even a one-point increase in a community's Walk Score could increase home values by \$700 to \$3,000.⁶

People who live in neighborhoods with sidewalks are 47 percent more likely than residents of areas without sidewalks to be active for at least 39 minutes a day.



Good downtown sidewalks have enough room for people to walk, stop and talk, or even sit for a bit. This wide sidewalk in State College, Pa., is made of visually appealing paver stones. Care must be taken when installing paver and similar surfaces so wheelchairs and other wheeled devices can roll smoothly over them.

Myth-Busting!

■ "No one will use the sidewalk."

This might have been true in the past, but research published in 2012 by the U.S. Centers for Disease Control and Prevention⁷ (CDC) and in 2013 by the National Center for Safe Routes to School⁸ shows that a growing number of people are walking, and that many are children and adults age 65 and older.

People just need safe, convenient and pleasant places near their homes, schools and workplaces to make walking routine, says the CDC study.

■ "Americans prefer to drive."

Perhaps, or maybe they're driving so much because there are no sidewalks! Federal data on vehicle miles traveled and a recent national study show a decline in driving and car ownership during the 2000s in an overwhelming majority of metro areas.

At the same time, the number of people commuting by bicycle and transit increased.⁹ A survey by the Surface Transportation Policy Partnership found that 55 percent of Americans would prefer to walk more and drive less.¹⁰

■ "Trees will be destroyed."

Not necessarily. Sidewalks can be curved to avoid trees. In fact, protecting a tree is one of the few reasons for a sidewalk to deviate from a direct route.¹¹

■ "A sidewalk will take land from my lawn."

Many homeowners don't realize how far from the curb their private property line actually extends. There's often enough of a public right-of-way easement in place to create a sidewalk without infringing in any way on a property owner's land.¹²

■ "People will walk too close to my house."

There's little difference between what passersby can see from a sidewalk versus what they can already see from their cars or by walking along the edge of the street. Any nearness added by a sidewalk would likely be as little as a just a few feet.¹³

■ "Sidewalks increase crime."

Actually, increased pedestrian activity puts more eyes on the street and creates safety in numbers, which deters and reduces criminal activity.¹⁴

■ "Tax dollars are better spent on other needs."

Since sidewalks increase property values and tax revenues, they serve as an economic engine. Plus, sidewalk maintenance costs are real estate tax-deductible (IRS Publication 530). Sidewalks are also safety investments (by bringing more eyes and ears to the street) and an integral part of a balanced transportation budget.¹⁵

■ "I'll be liable if someone gets hurt on a sidewalk near my property."

It depends. Liability is determined by state and local law, but either government or private owner negligence concerning an "unreasonably safe" or "defective condition" (such as a wide crack or raised section) has to be proven in court in order to win a lawsuit.¹⁶

■ "Sidewalks ruin the character of rural neighborhoods."

It's only in recent decades that sidewalks have been phased out of developments. There are many ways to build a sidewalk or path to match the design and feel of a community.

1. National Association of Realtors. (November 2013) National Community Preference Survey. <http://www.realtor.org/articles/nar-2013-community-preference-survey>
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4. Walk Score® is an online logarithmic ranking system that determines the basic walkability of a residential or commercial property. Walk Score uses neighborhood factors such as distance to shops and schools to create a number between 0 and 100 that measures the walkability of any address <http://www.walkscore.com>
5. Pivo, G. and Fisher, J.D. (2010) *The Walkability Premium in Commercial Real Estate Investments*. University of Arizona and Benecki Center for Real Estate Studies, Indiana University. http://www.u.arizona.edu/~gpivo/Walkability%20Paper%208_4%20draft.pdf
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7. Centers for Disease Control and Prevention. (August 2012) Vital Signs. <http://www.nmhc.org/files/ContentFiles/Brochures/Myth%20and%20Fact%20FINAL.pdf>
8. National Center for Safe Routes to School. (October 2013) *Trends in Walking and Bicycling to School from 2007 to 2012*. http://saferoutesinfo.org/sites/default/files/Trends_in_Walking_and_Bicycling_to_School_from_2007_to_2012_FINAL.pdf
9. U.S. PIRG Educational Fund. (December 2013) *Transportation in Transition: A Look at Changing Travel Patterns in America's Biggest Cities*. <http://www.uspirg.org/news/usp/study-shows-driving-decline-america%E2%80%99s-cities>
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11. Rails to Trails Conservancy, National Park Service. (January 1998) *Rail-trails and Safe Communities: The Experience on 372 Trails*. http://www.railstotrails.org/resources/documents/resource_docs/Safe%20Communities_F_Jr.pdf
12. Ibid

How To Get It Right



The ideal sidewalk widths: seven feet in residential areas, eight to 12 feet in downtown settings.



Sidewalks that are properly built can last 25 years or more with little more than minimal care.

When advocating and planning for sidewalks, consider the following:

■ Engage neighbors and the community

Expect some opposition and use this fact sheet to help make the case for the sidewalks. Mobilize like-minded people and work together as a neighborhood or community. Meet with your neighbors to raise awareness and address any resistance.

■ Make the sidewalk wide enough

Sidewalks are critical in downtown neighborhoods and busy retail areas, both of which have lots of people, destinations and potential conflicts with vehicles. In these areas it's important to install sidewalks that are wide enough to handle foot traffic and features such as cafe seating, benches and other spots for socializing.

■ Use a site-appropriate design

A sidewalk should fit its setting. Even rural communities can benefit from a tastefully designed walkway. Make sure sidewalks are well-maintained and appealing, with safe and convenient street crossings and enough width to accommodate two or three people walking side by side.

The ideal setback for a sidewalk is four to 10 feet from the street. Planter strips, trees and on-street parking can extend the buffer, increasing comfort and slowing traffic.

■ Prioritize high-use areas and connectivity

At the outset of a sidewalk construction program, prioritize where to build first by focusing on a quarter-mile circle around schools, parks, transit stops and key commercial destinations. Everything within that circle should be a priority for sidewalk construction. Be sure to map sidewalks so they're connected between the primary areas where people work, shop and play.

■ Consider driveways

In many neighborhoods and retail areas, driveways are full of both moving and parked cars. Since driveways interrupt a sidewalk's flow and safety, they should be kept to a minimum in commercial areas.

Carefully plan the best way to treat sidewalks that will cross driveways, especially in high-use areas. Alleys are a good tool for separating people from traffic, especially in retail areas.

■ Build and maintain with municipal funds

Many communities require property owners to pay for and clear sidewalks (snow, ice, etc.). Since sidewalks are a public benefit, a better policy would be to install and maintain sidewalks with public funds.

13. Ibid

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Success Stories

■ Decatur, Georgia: Citywide Sidewalk Program

Decatur has been dubbed the most walkable city in Georgia, with more than 60 miles of sidewalks in its 4.2 square miles. The ongoing, citywide sidewalk improvement program began in 2004 with a Health Impact Assessment and funding from annual appropriations by the Decatur City Commission.

The program's goal is to have a sidewalk on at least one side of every street in town. More than four miles of new and replacement sidewalks had been built by 2014.

■ Austin, Texas: Sidewalk Prioritization

The City of Austin has built almost 100 miles of new sidewalks since 2005 to encourage walking as a viable mode of transportation and to improve safety, accessibility and pedestrian mobility.

Austin completed a detailed sidewalk inventory, documented current conditions, obtained public input on sidewalk needs and issues, and established city sidewalk priorities that were organized into a downloadable Sidewalk Prioritization Map. The city prioritizes compliance with the Americans with Disabilities Act, sidewalks that allow children to walk safely to school, a connected network of sidewalks, trails and bikeway, and sidewalks that serve bus stops. More than 300 bus stop sidewalks have been completed since 2011.

■ Calloway County, Kentucky: School Sidewalks

Walking or bicycling to school was prohibited in and around the small city of Murray because there were no sidewalks and it wasn't a safe way to travel. The local government offered to build sidewalks if the school system would change the policy. The effort resulted in 15,960 feet of sidewalks, including from the county middle school to a low-income housing area. Hundreds

of students now regularly walk to school.

"Every time I look down the street, there are people on the sidewalks, people pulling wagons, people walking their dogs," said a school district administrator.

HOW IT WORKS

Design guidelines recommend a minimum sidewalk cross section of five feet, exclusive of other amenities and large enough for at least two people to walk side by side. Here's a guide to the potential spaces alongside a property.

1. **Frontage Zone:** an extension of the building
2. **Pedestrian Through Zone:** safe and adequate place for walking, five to seven feet wide in residential areas, eight to 12 feet in downtown or commercial settings
3. **Street Furniture/Curb Zone:** plants, trees, benches, lighting and bike parking to provide a protective barrier from motorized traffic
4. **Enhancement/Buffer Zone:** curb extensions, parklets, parking, bike riding, bike e-racks and bike stations



National Association of City Transportation Officials, Urban Street Design Guide, nacto.org

RESOURCES

1. **Los Angeles County Model Design Manual for Living Streets.** (2011) <http://www.modelstreetdesignmanual.com/>
2. **Advanced Sidewalks and Streets Toolkit.** AARP. (2011) <http://www.aarp.org/content/dam/aarp/livable-communities/plan/assessments/advanced-streets-and-sidewalks-toolkit-2011-aarp.pdf>
3. **Costs for Pedestrian and Bicyclist Infrastructure Improvements.** Bushell, M., et al. UNC Highway Safety Research Center, Federal Highway Administration. (October 2013) http://katana.hsrc.unc.edu/cms/downloads/Countermeasure%20Costs_Report_Nov2013.pdf
4. **Walkability, Real Estate and Public Health Data,** Walk Score Data Services, <http://www.walkscore.com/professional/research.php>
5. **Sidewalks and Streets Survey.** http://safety.fhwa.dot.gov/provencountermeasures/fhwa_sa_12_013.htm
6. **Business Performance in Walkable Shopping Areas.** Active Living Research. (November 2009) http://activelivingresearch.org/files/BusinessPerformanceWalkableShoppingAreas_Nov2013.pdf
7. **Walk Score blog** at <http://blog.walkscore.com/>



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Bicycling | A LIVABILITY FACT SHEET

Half of all trips taken in the United States are three miles or less, yet most Americans drive — even to the closest destinations. Only 3 percent of commuting trips in the U.S. are by bicycle, compared to up to 60 percent in The Netherlands.

Still, it's not unreasonable to believe we can improve our numbers. The popularity of bicycling has been on the rise. The number of bike trips doubled between 1990 and 2009, and many communities and the federal government are embracing the bicycle as a transportation solution for a healthy and viable future.¹

Surveys show that 60 percent of Americans would ride a bicycle if they felt safe doing so, and eight out of 10 agree that bicycling is a healthy, positive activity.

Although issues related to bicycling continue to be debated, experience shows that bicycle-friendly features increase safety for all road users, including motor vehicles.²

In 2010, New York City removed a traffic lane and painted a two-way bicycle path with a three-foot parking lane buffer

alongside Brooklyn's Prospect Park. Weekday bicycling traffic tripled, speeding by all vehicles dropped from 74 to 20 percent, crashes for all road users dropped 16 percent and injuries went down 21 percent, all without a change in corridor travel time.³ Throughout New York City, deaths and serious crashes are down 40 percent where there are bike lanes.⁴

Bicycling also provides economic benefits: Two-thirds of merchants surveyed on San Francisco's Valencia Street say that bike lanes have improved business. In North Carolina's Outer Banks, bicycle tourism has already generated \$60 million in annual economic activity on its \$6.7 million bicycle infrastructure investment. In 2009, people using bicycles spent \$261 million on goods and services in Minnesota, supporting more than 5,000 jobs and generating \$35 million in taxes.⁵

Building bike infrastructure creates an average of 11.4 jobs for every \$1 million spent. Road-only projects create 7.8 jobs per \$1 million.⁶ The average American household spends more than \$8,000 a year on its cars; the cost to maintain a bicycle is about \$300 a year.⁷

**Building bike infrastructure creates an average of 11.4 jobs for every \$1 million spent.
Road-only projects create 7.8 jobs per \$1 million.**



Myth-Busting!

■ "Bicyclists don't follow rules."

While there are bicyclists who do break the law, a large Federal Highway Administration study found that motorists failed to yield the right of way in 43 percent of crashes; bicyclists were at fault 36 percent of the time.⁸ Since the 1982 passage of Idaho's "stop as yield" law, which allows cyclists to treat stop signs as yield signs, there has been "no discernible increase in injuries or fatalities," according to the Idaho Department of Transportation.⁹

■ "Bicyclists don't pay their fair share."

All road users — cars, trucks, bicycles, pedestrians, buses, light rail — are subsidized to some extent by society at large. Funding for U.S. roadways comes partly from vehicle taxes, fuel taxes and tolls, which together account for up to 60 percent of direct costs. General taxes and fees pay the remaining 40 percent. The federal gas tax of 18.4 cents per gallon has not been raised since 1992.

Cars, buses and trucks impose much higher maintenance and capital costs on roads than bicycles do, and they benefit from subsidies that are not directly paid by motorists.¹⁰ In 2009, the Seattle Department of Transportation paid only 4 percent of its road expenses with the gas tax while non-motor vehicle funds paid for the rest.¹¹

Motor vehicle crash injuries cost society \$99 billion in 2010 due to medical expenses and lost productivity.¹² Pedestrians and bicyclists bear a larger share of costs than they impose.¹³

■ "Bicycling is for fit middle-class white guys."

Six in 10 young bicycle owners are women, eight out of 10 American women have a positive view of bicycling and two out of three believe their community would

be a better place to live if biking were safer and more comfortable. Between 2001 and 2009, the fastest growth in bicycle use in the U.S., from 16 to 23 percent, occurred among self-identified Hispanics, African-Americans and Asian-Americans, 86 percent of whom have a positive view of bicyclists.¹⁴

■ "Bicycling is too dangerous."

Bicycling does tend to have higher fatality rates per mile than motorized travel, but a typical motorist drives five to 10 times more miles than a typical cyclist.

Bicycling risk can be significantly reduced through improved infrastructure and a greater number of bicycles on the road.¹⁵ Bicycling also imposes a minimal risk to other road users and provides significant health benefits that can offset crash risks.¹⁶

There were no bicycling fatalities in bicycle-friendly Portland, Ore., in 2013 even though bicycling accounts for at least six percent of all trips. By comparison, 21 people were killed inside motor vehicles that year.¹⁷

■ "Bicyclists slow down cars and create congestion."

Average traffic speeds in Manhattan increased nearly seven percent since the installation of bicycle lanes south of 60th Street in 2008.¹⁸ Bicycles take up way less road space than motor vehicles and cyclists tend to avoid congested roads that don't have bike lanes.¹⁹

■ "Bicycle lanes hurt business."

After the installation of protected bike lanes on Manhattan's 8th and 9th avenues in 2007, retail sales increased 49 percent in those areas compared to 3 percent in the rest of the borough.¹⁹

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How To Get It Right



Bicycle parking promotes bicycle riding. Bike racks can be placed on or off the street. Fun Fact: One vehicle parking space can accommodate 12 bicycles.



Grade-separated, protected bike lanes (like this raised cycle track in Missoula, Montana) provide separate, defined spaces for riders and drivers.

To encourage bicycling and bicycle-friendly streets and communities, try the following:

■ Embrace a public process and build support

Develop an education and awareness campaign prior to implementation, and reach out broadly to community members, elected officials and municipal leaders. Government officials may need to see public support before acting. Toward that end, advocates can share this fact sheet, talk to neighbors, build community support and then meet with decision makers, the media, experts and others to discuss the benefits of bicycling. Agency staff can engage residents by hosting workshops to build acceptance and understanding.

■ Start with a pilot project

Do a simple, low-cost project, such as striping a bike lane in an area with high bicycling potential and an existing right of way. This can help residents become comfortable with bicycling and enable municipal staff to document what works and what doesn't. Promote the pilot as a road improvement project rather than only as a bicycle project.

■ Provide adequate bicycle parking

Bicycle racks encourage bicycling. Well-placed racks provide a secure place for parking bikes while shopping, working or playing. Racks can be located inside buildings or bolted into sidewalks or even the street. A single parking space can hold up to 12 bicycles on staple racks (they look like an inverted "U" shape) mounted in a row.

■ Create routes and wayfinding signs

Develop a system of routes cyclists can follow to get around town safely. Install highly-visible wayfinding signs that indicate distances, destinations and street names and install signs at all important crossings.

■ Establish a bike share

More than 500 communities worldwide, including at least 50 in the U.S., have a short-term bicycle rental or bike share program.²⁰ (New York City and Washington, D.C., feature popular bike share networks.) People can join a share program for the day or a full year by paying a nominal fee. To participate, a rider checks out a bicycle from a computerized kiosk and then returns the bike at a share program rack near his or her destination.

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20. Earth Policy Institute (May 2013), "Plan B Updates: Dozens of U.S. Cities Board the Bike-Sharing Bandwagon." Retrieved May 8, 2014, http://www.earth-policy.org/plan_b_updates/2013/update113

Success Stories

■ Palo Alto, California: Bicycle Boulevards

Bicycle boulevards are low-volume, low-speed streets that have been optimized for bicycle travel. Palo Alto has an extensive network of paths, bike lanes and boulevards, including connections to schools throughout town.

Data from the 2010 Census showed 7.1 percent of residents commuted to work by bicycle, an increase from 5.6 percent in 2000. The city continues to provide facilities, services and programs to promote travel by bicycle.

■ Indianapolis, Indiana: Cultural Trail

The eight-mile, \$63 million walk-bike trail was completed in May 2013, having been financed by both public and private dollars.

The trail winds through the downtown of this auto-oriented city (home of the Indy 500), connecting a half-dozen emerging cultural districts, a 1.5 mile section of the historic Indianapolis Canal and to White River State Park, a former industrial wasteland that's now filled with museums, lawns and attractions. By April 2014 the trail had added more than \$864 million to the local economy.

■ Memphis, Tennessee: Broad Avenue

The Broad Avenue Arts District initiative revitalized a struggling commercial and residential area. The project's popularity exploded when the focus was expanded to include bicycles.

"The lanes slowed down traffic and people started noticing the businesses more," says Pat Brown, co-owner of T Clifton Art Gallery. "Our revenues have grown on average 30 percent per year. Yes, that's for an art-related business

in a tough economy." The district has seen more than 15 new businesses and nearly 30 property renovations. Restaurants report a growth in business due to bicyclists.

WHY IT WORKS

Protected Bike Lanes provide a barrier between motor vehicles and cyclists. (This barrier can be installed and permanent, or as simple as a row of parked cars, planters or plastic posts.) They're good for ...

Business: A Portland study found that bike riders will go out of their way to use a street that has good bicycling infrastructure. That's more business exposure.

Safety: Drivers don't have to worry about unexpected maneuvers by cyclists and pedestrians don't need to dodge bike riders on sidewalks.

Lawfulness: Protected bike lanes in Chicago resulted in a more than 150 percent increase in the number of bike riders obeying traffic lights.

Everyone: Bicycles don't pollute, they cause less wear and tear on roadways than cars do, they help people stay healthy!

Source: Adapted from the Tranitized.com infographic "Why Build Protected Bike Lanes?"

RESOURCES

1. **Whose Roads? Defining Bicyclists' and Pedestrians' Right to Use Public Roadways.** Litman, T. Victoria Transport Policy Institute (November 2004), <http://www.vtpi.org/whoserd.pdf>
2. **Bicycling Means Business: The Economic Benefits of Bicycle Infrastructure.** Flusche, D. League of American Bicyclists, Advocacy Advance (2009, 2012), [http://www.advocacyadvance.org/site_images/content/Final_Econ_Update\(small\).pdf](http://www.advocacyadvance.org/site_images/content/Final_Econ_Update(small).pdf)
3. **Urban Bikeway Design Guide.** National Association of City Transportation Officials (NACTO Sept. 2012), <http://nacto.org/cities-for-cycling/design-guide/>
4. **Pedestrian and Bicycle Information Center.** www.pedbikeinfo.org/
5. **Alliance for Biking & Walking.** Resource Library, <http://www.bikewalkalliance.org/resources/resource-library/>
6. **Safe Routes to School National Partnership.** <http://www.saferoutespartnership.org/resourcecenter/National-Learning-Network-Library-of-Resources>
7. **Association of Pedestrian and Bicycle Professionals.** <http://www.apbp.org/?page=Library>
8. **Fundamentals of Bicycle Boulevard Planning & Design.** Portland State University, Initiative for Bicycle and Pedestrian Innovation (2009)
9. **Bicycling and Walking in the United States: 2014 Benchmarking Report.** <http://www.bikewalkalliance.org/resources/benchmarking>
10. **Protected Bike Lanes Mean Business.** <http://www.bikewalkalliance.org/resources/reports/protected-bike-lanes-mean-business>
11. **National Complete Streets Coalition.** <http://www.smartgrowthamerica.org/complete-streets>



AARP LIVABLE COMMUNITIES

Mail: 601 E Street NW, Washington, DC 20049
Email: livable@aarp.org
Online: aarp.org/livable



WALKABLE AND LIVABLE COMMUNITIES INSTITUTE

Mail: 2023 E. Sims Way #121, Port Townsend, WA 98368
Email: community@walklive.org
Online: walklive.org

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

December 5, 2016
6:45 p.m.
City Council Chambers

1. RtVision One Office Software
2. Traffic Concerns on SW 4th Street
3. Drainage Issues on Pine Shores Road
4. Organized Collection

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



Brainerd City Council Agenda Request

SPW 1
Agenda Item #

Requested Meeting Date: December 5, 2016

Title of Item: RTVision Software

☐ 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: minutes
Summary of Issue: Attached is a memo which outlines the origins and benefits of a construction management software program developed specifically for local road authorities in the State of Minnesota to assist with uniform construction project documentation. The software and resulting documentation assist greatly in the auditing processes on State aid and Federal Aid project.	
Alternatives, Options, Effects on Others/Comments: There are no comparable software packages available.	
Recommended Action/Motion: Staff is recommending that the Council authorize the acquisition of the software with the cost coming from the construction fund to be reimbursed as an engineering expense for our State Aid account on this years State Aid street projects	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No. What is the total cost, with tax and shipping \$ 16,140.00 Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u> The state aid street projects were advanced into 2017 because of the Business 371 project being delayed until 2018.	

MEMO

TO: Safety and Public Works Committee

FROM: Jeff Hulsether

DATE: November 30, 2016

RE: RTVision Software



www.ci.brainerd.mn.us

The last street reconstruction project on which the City used State Aid funds were the Kingwood Street project in 2009 and the College Drive project in 2011-2013. As the Council is aware, the city advanced funding for the College Drive project which will be paid back in early 2017 but has also requested an advance to utilize State Aid funding on the projects being proposed for 2017, those being the Jackson Street, Oak Street, and Buffalo Hills projects.

In 2009, a Committee from the City Engineer's Association of Minnesota (CEAM) joined forces with a committee of the Minnesota County Engineer's Association (MCEA) who had been working with a software firm called TRVision out of Little Falls. TRVision had developed a construction project management software call OneOffice for the Counties and the State Aid Division of Mn/DOT which the counties paid for through their Administrative Account. The software was designed to provide uniform documentation of Federal Aid and State Aid projects to reduce errors in the project documentation and auditing processes. With the feedback from the joint committee, additional enhancements were made to the software to include multi-funding source capabilities, a fully integrated document creation system using standard Mn/DOT forms, and an on-line bidding and document approval system.

There are currently over 20 cities utilizing the software on their projects and it is being used by most consulting engineers on their clients projects. WSB for example used this software for the project documentation on the College Drive project.

The State Aid division has told cities that the purchase of this software is an eligible engineering expense on a State-Aid project provided that we stay within our allowable 25% maximum engineering cost allowance. Our staff sat through a presentation of the software 3 or 4 years ago, but we have not had a state-aid project in the program that would allow us to acquire the software as a reimbursable expense until now. Our staff went through another presentation of the software last week and the entire staff is excited about the potential time saving and efficiencies the software will provide. They were also exposed to the field applications of the software when working with Crow Wing County Highway Department staff, who have been using the software for at least 6 or 7 years and used it on the SE 13th Street project this past summer.

Examples of some of the efficiencies are that the software creates a data base of work item numbers, descriptions, and history of unit prices bid on previous projects; insertion of a work items into all contract documents happens with a click, work items and estimated quantities automatically populate all other documents and eliminates the need to re-enter data and possible transpose numbers; daily log notes automatically populate weekly and monthly progress reports; daily Item Record Accounts (IRA) quantities automatically populate progress reports and sum/populate monthly partial payment forms. The automation is expected to substantially reduce the time required for entering data on multiple forms, the error associated with re-entering numbers and substantially reduce the amount of office/paperwork time to complete weekly and monthly documentation.

The cost of the RTVision OneOffice with 3 user licenses and eGram software is \$16,140.00 which include a server to host the application, implementation and training. There is an ongoing annual maintenance fee of \$1,800.

Staff is requesting authorization to acquire the OneOffice software to be paid through the construction fund and reimbursed as an engineering expense for this year's projects from our State Aid account.



AGREEMENT

OneOffice & eGram for MN Cities

www.rtvision.com

115 2nd St NE
PO Box 394
Little Falls, MN 56345
320.632.0760
MarcR@RtVision.com

November 22, 2016

City of Brainerd, MN
Jeff Hulseither

AGREEMENT EXPIRATION		AGREEMENT TERMS		
45 Days		Net 30 - \$9,000 (Software Fee) Invoiced Upon Signed Agreement / \$7,140 (Service Fees) Invoiced as Performed		
PRODUCT	DESCRIPTION	UNIT PRICE	QUANTITY	LINE TOTAL
OneOffice and eGram	Three OneOffice named user licenses and eGram software *Additional licenses are \$2,500 per license + support/maintenance	\$9,000.00	1.00	\$9,000.00
Hardware	1U rack server - includes 5 year warranty	\$2,600.00	1.00	\$2,600.00
Implementation	One day of software implementation and installation	\$840 / Day	1 Day	\$840.00
Training	Two days of onsite OneOffice/eGram training	\$1,200 / Day	2 Days	\$2,400.00
Professional Services	One day of project management, system testing, and documentation.	\$1,000 / Day	1 Day	\$1,000.00
MN City Discount	MN City discount (discount for purchase of 3 licenses)	-\$1,500.00	1.00	-\$1,500.00
Support & Maintenance	Annual Support: telephone, email and online support. Microsoft and Linux software updates for application development tools, various browsers, and latest releases. Support/maintenance begins after final training session.	\$1,800 / Year	1 Year	\$1,800.00
TOTAL				\$16,140.00

If you have any questions regarding this agreement, please contact Marc Rood @ 651.528.7004.

THANK YOU FOR YOUR BUSINESS!

By purchasing OneOffice and eGram, the purchaser authorizes RTVision, Inc. to use its name and logo on any print, online, and video-based marketing materials, as well as other Company publications as a user of this product.

Authorized By

Date



Brainerd City Council Agenda Request

SPW 2
Agenda Item #

Requested Meeting Date: December 5, 2016

Title of Item: Traffic Concerns on SW 4th 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: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: minutes
Summary of Issue: At the last Committee meeting, Eric Norstrom expressed some concerns about traffic on SW 4th Street and provided some potential solutions as outlined in the attached memo.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: The recommended action from staff is to have staff proceed with a study of the speeds travelled on SW 4th Street and to take appropriate action including occasional driver feedback speed displays combined with attempts by police, as staffing allows, to increase speed and crosswalk compliance enforcement activities on those corridors.	
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: November 28, 2016

RE: Traffic concerns on SW 4th Street



www.ci.brainerd.mn.us

During the last Committee meeting, Eric Norstrom from 610 SW 4th street discussed some traffic concerns with the Committee and offered some suggestions to address the concerns, which included a disregard for pedestrians in the crosswalks at 4th and Laurel, inattentive and distracted driving, speeding, and lack of pedestrian facilities on SW 4th Street. Some of the suggested remedies included lowering the speed limit, remove the centerline striping so that the street does not appear to be a highway, add speed bumps, have crossing guards at the intersection of 4th and Laurel Street, and add children at play signs. The traffic issue was referred to staff for further consideration and recommendations.

The inattentive driving and failure to yield to pedestrians in a crosswalk is not a problem that is isolated to the SW 4th Street corridor. The Minnesota Towards Zero Deaths (TZD) program sponsors many educational and enforcement activities geared towards increasing awareness of the dangers of distracted driving. As a local road authority, our Police and Engineering Departments actively participate in TZD efforts but there are still going to be those drivers that make bad decisions.

The speed limit on SW 4th Street is set at 30 MPH by State Statute. All streets in the City have a 30 MPH speed limit unless set higher following an engineering speed study and approval of the Commissioner of Transportation. The City does not have the authority or flexibility to reduce speed limits on a whim. The Police Department has placed their speed trailer with a driver speed feedback unit on both SW 4th Street and Laurel Street to assist with making drivers more aware of their actual speed travelled. The Engineering Department staff will follow up with an actual speed analysis when pavement conditions are normal to determine if there is an actual speeding problem or if it is being perceived that there is a problem. If there is a problem, we will request some additional enforcement from the Police Department.

The centerline striping on SW 4th Street, like all other State Aid Routes, is required under the state aid rules as part of the ongoing maintenance. If there were an option of whether or not to stripe the street, staff would still stripe the street because it establishes lane assignments in the reverse curve portion of the street making it less likely that traffic will encroach into an oncoming lane when negotiating the curves and vehicles need to reduce their speed to be able to stay in their lane assignment. The notion that striping increases speed is not supported by research, in fact, Staff's belief is

that the opposite is true, that vehicles restricted to traveling down the right hand side of a local street are likely to travel slower than a vehicle driving unrestrictedly down the center of the street.

Speed bumps are generally not used on local street systems primarily because of liability. Speed humps are used by some cities on some streets but they are designed to be more effective in slowing larger commercial vehicles and have limited effect on passenger vehicles. Again, with a statutory speed limit of 30 MPH, a city is obligated to maintain the streets in an appropriate condition so that people can safely operate their vehicles at the statutory speed limit. Speed bumps could cause a driver to make erratic movements and possibly lose control of a vehicle creating a substantial liability.

Having worked with Riverside School on a variety of traffic related issues over the years, it was my understanding that the school district discourages students walking to school from south of the railroad grade and makes accommodation to transport all of their students by bus. There was a crossing guard for the students crossing NW 3rd Street by the school's front entrance at one time but since the vacation of the street and re-routing of all vehicle traffic, that crossing guard is no longer needed. Any request for crossing guards should be directed to the school district but given the distance from the school and having made other accommodations I think it very unlikely that the school would consider it.

The last suggestion was the installation of children at play signs. We usually receive a couple of requests each year for children at play signs but once we explain that there have been numerous studies performed on the effects of this type of signage which have documented absolutely no change in driver behavior in terms of speed travelled and attentiveness, the requesters generally withdraw the request. We explain further that the only thing these signs accomplish is to make a requesting parent feel better by giving them a false sense of security in the belief that drivers will change their behavior because of the signs and their children will be safer while playing near the street. When these requests make their way to the Council, staff always cautions the Council against approving the signage because the signs do not produce the desired result and because there are children in every neighborhood, which could lead to a proliferation of requests and signage.

In conclusion, staff is recommending that we proceed with a simple speed study to better understand the speed profile of vehicles travelling SW 4th Street and to take appropriate action including occasional driver feedback speed displays combined with attempts by the police, as staffing allows, to increase speed and crosswalk compliance enforcement activities on those corridors.



Brainerd City Council Agenda Request

SPW 3
Agenda Item #

Requested Meeting Date: December 5, 2016

Title of Item: Drainage Problem on Pine Shores Road

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: minutes
Summary of Issue: Attached is a memo to bring the Council up to date on the drainage issues brought to the S&PW committee's attention at the last meeting	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: This is for informational purposes only	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO

TO: Safety and Public Works Committee

FROM: Jeff Hulsether

DATE: December 1, 2017

RE: Drainage issues on Pine Shores Road

At the last Committee meeting, Bob Marohn spoke for a few minutes to bring a drainage matter to the attention of the Committee. Up until that meeting several council members and staff had met with Mr. Marohn to review the problem, The Council referred this issue to the Safety and Public Works Committee, but I don't believe that there is a specific request being made of the Council, so this background is intended to bring the Council up to date.

Following his annexation to the City, Mr. Marohn contacted Councilmembers Sheeler and Koep with concerns that Oak Lawn Township is directing storm water runoff onto his property. To assist Mr. Marohn and Oak Lawn Township with being able to identify the existing platted right of ways on Easy Street and Pine Shores Road, we sent our survey crew out for a few hours to locate existing survey markers and delineated the boundaries.

After talking with both parties, there are a couple of disputes ongoing. Mr. Marohn believes that the township has recently altered drainage patterns to direct runoff from Opine Shores Road onto his property and that the runoff has caused erosion and a buildup of sediment. Township officials have stated that they have not altered the drainage patterns but have simply been performing maintenance to address the erosion issue. A secondary drainage issue has arisen on Easy Street which the township believes to be related the impervious areas created by Mr. Marohn's construction of a garage and driveway access.

Drainage law can be somewhat specialized and would be better addressed by the City Attorney, but it is my understanding that historic drainage patterns play a significant role in a roadway authorities ability to discharge drainage. With there being a contested set of facts, the 2 parties will need to resolve their dispute either through a negotiated settlement or a court order.

From a staff perspective, this is a dispute between 2 entities that could just a well both be private parties. There are legal issues involved, that do not involve the City of Brainerd and as such, staff believes that the parties would be best served by negotiation a settlement or if that cannot happen, retain legal council.

Attached is an email received today (Thursday) from Mr. Marohn, which states that he has had contact with a representative from Oak Lawn Township, and that the township intends to perform an engineering study of the situation, probably in the spring, to address the drainage situation. Based on this email, it appears that the 2 parties are talking and the township is taking appropriate action to try to address the situation.



Brainerd City Council Agenda Request

SPW 4
Agenda Item #

Requested Meeting Date: December 5, 2016

Title of Item: Organized Collection

☐ 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: Chip Borkenhagen	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: minutes
Summary of Issue: Council Member Borkenhagen has requested that Organized Collection be placed on the agenda for discussion. Chip and staff will be handing out some information related to organized collection. We would like to have a discussion about a process to move forward with consideration of this item.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: This is for informational purposes only	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

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

December 5, 2016
City Hall Conference Room
6:45 p.m.

1. Approval of Bills & Payments to Contractors

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
North Star Well Drilling	14-15	Arpt Util Ext – 11284 Hwy 210	\$8,734	\$0
North Star Well Drilling	14-15	Arpt Util Ext – 11284 Hwy 210	\$7,498	\$0
S.E.H.	14-15	Arpt Util Ext thru 10/29	\$62,326	\$0
MNDot	16-11	Bridge Inspection Svc	\$1,925	\$0

2. Fire Department – Compliance Engine Contract

3. Fire Department – Paid On Call Firefighter Richard Johnson Resignation

4. Telephone System Follow Up

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

PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-244408	101-41940-3430	MISCELLANEOUS GPI OUTLET	074100	17.09
01-0087	VISIT BRAINERD					
		I-OCTOBER 2016	101-49200-3340	LODGING TAX R OCTOBER LODGING TAX	074161	511.67
01-0284	OFFICE SHOP					
		I-1015808-0	101-42400-2210	OPERATING SUP CALCULATOR	074146	8.79
01-0291	PIKE PLUMBING AND HEATI					
		I-64912	101-41940-2220	REPAIR & MAIN REPAIRED BASEMENT TOLIET	074147	87.95
01-0307	CENTER POINT ENERGY					
		I-5942870-6/NOV 16	101-41940-3380	UTILITIES 10/18-11/17 HEAT	074114	808.48
		I-6031615-5/NOV 16	101-41940-3380	UTILITIES 10/18-11/17 HEAT	074114	99.17
01-0669	MICKEY'S PIZZA					
		I-559853	101-41410-3430	MISCELLANEOUS GENERAL ELECTION DINNERS	074136	388.41
01-1	MISCELLANEOUS VENDOR					
	VALARIE MEYER	I-091860010070009/16	101-36299	MISCELLANEOUS REFUND DEF ASSESS FILING FEE	074159	46.00
	DAIKIN APPLIED	I-DEC 2016	101-32230	MECHANICAL PE REFUND OVERPYMT PERMIT 00826	074120	31.36
01-1432	INTEGRA TELECOM					
		I-14291619	101-41940-3321	TELEPHONE ELEVATOR LINE 11/23-12/22	074131	47.47
01-1794	HULSETH, JEFF					
		I-DEC 2016	101-41700-3330	PROFESSIONAL LODGING APWA CONF - JEFF	074129	152.92
01-2257	U.S. BANK					
		I-NOV 16 ADM	101-41400-3330	PROFESSIONAL CLA BOY TRAINING - TORRENCE	074153	35.00
		I-NOV 16 ADM	101-41400-3330	PROFESSIONAL CLA BOY TRAINING - JOHNSON	074153	35.00
		I-NOV 16 ADM	101-49200-3430	MISCELLANEOUS BOX.NET - WEB SUPPORT ATTORNEY	074153	15.00
		I-NOV 16 ENG	101-42400-3435	BOOKS & PAMPH STRU BLDG COMP - MANUAL	074153	32.50
		I-NOV 16 ENG	101-41700-3330	PROFESSIONAL U OF M - ANNUAL CEAM CONF SAND	074153	380.00
		I-NOV 16 ENG	101-41700-3330	PROFESSIONAL EMBASSY SUITES - LODGING SANDY	074153	152.92
		I-NOV 16 ENG	101-41700-2200	OFFICE SUPPLI BEST BUY - NIKON CAMERA -JAMES	074153	109.99
		I-NOV 16 IT	101-41800-5570	CAPITAL - OFF BEST BUY - 32GB USB	074153	34.99
		I-NOV 16 IT	101-41800-3330	PROFESSIONAL CANAL PARK LODGING - STRONG	074153	228.70
		I-NOV 16 PLN	101-41910-3433	DUES & SUBSCR CONSTANT CONTACT	074153	20.00
		I-NOV 16 PLN	101-41910-3330	PROFESSIONAL WALKING SIGNS	074153	48.00
01-2677	BRAINERD ADMINISTRATION					
		I-DECEMBER 2016	101-41910-3322	POSTAGE POSTAGE	074107	1.88
		I-DECEMBER 2016	101-42400-3322	POSTAGE POSTAGE	074107	0.47
		I-DECEMBER 2016	101-42400-3322	POSTAGE POSTAGE	074107	1.41
		I-DECEMBER 2016	101-41700-3322	POSTAGE POSTAGE	074107	0.94
01-3413	RATWIK, ROSZAK AND MALO					

PAGE: 2

FUND : 101 GENERAL FUND

8,265.52

12/01/2016 4:54 PM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 3

PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 203 TRANSIT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-201654	203-49000-2200	OFFICE SUPPLI NOV TAC MEETING PACKETS	074116	25.20
		I-DECEMBER 2016	203-49000-3410	RENTAL EXPENS DECEMBER TRANSIT RENT	074116	500.00
01-0447	CDW GOVERNMENT, INC					
		I-FWW2353	203-49000-2200	OFFICE SUPPLI 2 USB CHARGERS & HDMI CABLE	074113	104.11
01-1528	BROWN & BIGELOW					
		I-618454	203-49000-3340	ADVERTISING/M 1000 PLASTIC TOKENS	074111	415.17
01-2257	U.S. BANK					
		I-NOV 16 TRANS	203-49000-3330	PROFESSIONAL COUNTRY INN & SUITES - TRAININ	074153	131.05
			FUND	203 TRANSIT FUND	TOTAL:	1,175.53

PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 211 LIBRARY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-244099	211-45500-2220	REPAIR & MAIN POLY COVER	074100	8.99
01-0102	CANON FINANCIAL SERVICE					
		I-16680466	211-45505-3430	MISC - COPY M CONTRACT CHARGE	074112	92.98
01-0221	KITCHIGAMI REG LIBRARY					
		I-BR2016-2	211-45500-3450	KITCHIGAMI RE 2016 LEVY 2ND HALF	074133	39,400.00
01-0291	PIKE PLUMBING AND HEATI					
		I-64924	211-45500-3400	REPAIR & MAIN PLUMBING REPAIR	074147	132.68
01-0307	CENTER POINT ENERGY					
		I-6032449-8/NOV 16	211-45500-3380	UTILITIES 10/18-11/17 HEAT	074114	502.91
01-0344	WASTE PARTNERS INC					
		I-6AX01220	211-45500-3430	MISCELLANEOUS OCTOBER GARBAGE REMOVAL	074164	70.14
01-2257	U.S. BANK					
		I-NOV 16 LIB	211-45501-3430	MISC - SPECIF EVENTBRITE - CONT ED CLASS	074153	168.95
		I-NOV 16 LIB	211-45500-2200	OFFICE SUPPLI AMAZON - LIDS, MIC, BRACKET	074153	61.29
		I-NOV 16 LIB	211-45500-2220	REPAIR & MAIN AMAZON - BULB FOR FLAG LIGHT	074153	19.99
		I-NOV 16 LIB	211-45500-2220	REPAIR & MAIN BATTERIES PLUS - BATTERY EXIT	074153	89.94
		I-NOV 16 LIB	211-45500-2220	REPAIR & MAIN COSTCO - BULBS & CLEANING SUP	074153	129.61
		I-NOV 16 LIB	211-45501-3430	MISC - SPECIF COSTCO - ALARMS & BATTERIES	074153	148.74
		I-NOV 16 LIB	211-45500-2200	OFFICE SUPPLI OFFICE MAX - DESK CALENDAR/PEN	074153	38.94
		I-NOV 16 LIB	211-45503-3430	MISC - USE OF 4IMPRINT - WRP PRIZES, GLOVES	074153	363.83
		I-NOV 16 LIB	211-45501-3430	MISC - SPECIF 4IMPRINT - IMPRINT JOLENE	074153	271.96
		I-NOV 16 LIB	211-45501-3430	MISC - SPECIF AMAZON - EMERGENCY SIGNS	074153	82.52
		I-NOV 16 LIB	211-45501-3430	MISC - SPECIF AMAZON - WE DO PARTS MID MN	074153	99.75
		I-NOV 16 LIB	211-45501-3430	MISC - SPECIF AMAZON - EMERGENCY SIGNS	074153	57.00
01-2267	KRAMER, ANTHONY					
		I-74565	211-45500-3400	REPAIR & MAIN MOW & TRIM FALL CLEANUP	074134	674.00
01-3438	D - D BEVERAGE, LLC					
		I-80745	211-45500-2220	REPAIR & MAIN TISSUE & SOAP	074119	143.20
		I-81830	211-45500-2220	REPAIR & MAIN SOAP & TISSUE	074119	105.15
			FUND 211 LIBRARY FUND	TOTAL:		42,662.57

PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0008	GENERATOR POWER SYSTEMS	I-21672	225-42220-2220	REPAIR & MAIN GENERATOR REPAIR	074125	759.46
01-0011	ACE HARDWARE	I-243955	225-42220-2210	OPERATING SUP STOP NUT, FASTENERS	074100	21.34
		I-244147	225-42220-2210	OPERATING SUP FASTENERS	074100	11.90
		I-244244	225-42220-2210	OPERATING SUP CONNECTORS & SPLICER	074100	37.77
01-0040	TACTICAL SOLUTIONS	I-5915	225-42120-3300	PROFESSIONAL CERTIFICATION OF RADAR UNITS	074152	437.00
01-0057	BESTUL, MIKE	I-TRAV REIM/NOV 16	225-42120-3330	PROFESSIONAL 702 - LODGING TZD CONF	074106	225.48
01-0079	BRAINERD LICENSE OFFICE	I-047MWR/2016	225-42120-2221	SQUAD CAR REP SQD 498 - REG RENEWAL	074110	11.00
01-0102	CANON FINANCIAL SERVICE	I-16680467	225-42220-3331	LEASE PAYMENT DECEMBER COPIER LEASE	074112	66.23
01-0209	HEARTLAND TIRE INC.	I-70170	225-42220-2220	REPAIR & MAIN TAHOE TIRES, STEERING TIE ROD	074128	1,168.21
		I-70268	225-42120-2221	SQUAD CAR REP SQD 419 - 4 TIRES	074128	604.40
		I-70270	225-42120-2221	SQUAD CAR REP SQD 422 - 4 TIRES	074128	604.40
		I-70304	225-42120-2221	SQUAD CAR REP SQD 424 - 4 TIRES	074128	565.72
01-0242	MALLIE LAW OFFICE, PA	I-DECEMBER 2016	225-42127-3310	MISDEMEANOR P DECEMBER 2016	074135	14,973.44
01-0265	OFFICE OF ENTERPRISE TE	I-W16100718	225-42127-3430	MISC - PROSEC OCT CITY PROSECUTOR PHONE	074145	63.90
01-0282	OBERG MFG & FENCING	I-3261	225-42120-2210	OPERATING SUP PRIVACY FENCE FOR GENERATOR	074144	2,582.00
01-0307	CENTER POINT ENERGY	I-5956221-5/NOV 16	225-42120-3380	UTILITIES 10/18-11/17 HEAT	074114	17.04
		I-6004720-6/NOV 16	225-42220-3380	UTILITIES 10/18-11/17 HEAT	074114	47.83
01-0322	STREICHERS PROF EQUIP	C-CM274811	225-42120-1113	UNIFORM ALLOW CREDIT INV. I1233054	074151	768.00-
		I-I1233054	225-42120-1113	UNIFORM ALLOW 720PC - BODY ARMOR/VEST	074151	960.00
01-0883	RUBBELKE, DARYL	I-11182016	225-42225-3330	PROFESSIONAL TRAINING MILEAGE REIM	074149	140.18
01-1343	CHARTER COMMUNICATIONS	I-NOV-DEC 16	225-42220-3380	UTILITIES NOV-DEC NE STATION	074115	7.35

PACKET: 03845 12/05/16 COUNCIL
VENDOR SET: 01
FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1912	MINNEAPOLIS FINANCE DEP					
		I-400451000543	225-42120-3309	COMPUTER TECH 10/16 APS SUPPORT	074138	486.00
01-2257	U.S. BANK					
		I-NOV 16 FD	225-42220-2210	OPERATING SUP AMAZON - CHAINSAW CARBURETOR	074153	13.61
		I-NOV 16 FD	225-42220-3309	COMPUTER TECH JET.COM - DUAL MONITOR DESK MO	074153	49.95
		I-NOV 16 FD	225-42220-3330	PROFESSIONAL HAMPTON INN - LODGING FIRE CHE	074153	401.22
		I-NOV 16 FD	225-42220-1113	UNIFORM ALLOW GANDER MT - UNIFORM HOLMES	074153	56.24
		I-NOV 16 FD	225-42225-3330	PROFESSIONAL MN FIRE CH ASSN - TRAINING 5 P	074153	1,125.00
		I-NOV 16 FD	225-42220-2210	OPERATING SUP FLEET FARM - TISSUE, TOWELS, C	074153	131.02
		I-NOV 16 FD	225-42220-3330	PROFESSIONAL HAMPTON INN - LODGING FIRE CHI	074153	401.22
		I-NOV 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	074153	6.47
		I-NOV 16 PD	225-42120-2210	OPERATING SUP TRANSUNION - SSN #S FOR PARKIN	074153	25.00
		I-NOV 16 PD	225-42120-3305	CRIME PREVENT FOREMOSTPRO - HALLOWEEN SAFETY	074153	137.72
		I-NOV 16 PD	225-42120-3322	POSTAGE POSTMASTER - 200 STAMPS	074153	94.00
		I-NOV 16 PD	225-42120-3322	POSTAGE UPS - POSTAGE	074153	12.85
		I-NOV 16 PD	225-42128-3430	MISC - K9 PRO K9 SUPPLIES	074153	69.78
		I-NOV 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	074153	3.38
		I-NOV 16 PD	225-42120-3321	TELEPHONE WALGREENS - CSO CELL MINS	074153	100.99
		I-NOV 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	074153	2.62
		I-NOV 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	074153	47.00
		I-NOV 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	074153	2.88
		I-NOV 16 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	074153	6.47
01-2377	GRANITE ELECTRONICS					
		I-153003153-1	225-42220-2220	REPAIR & MAIN REPROGRAM E3 MOBILE RADIO	074126	97.86
01-2924	VERIZON WIRELESS					
		I-9775405685	225-42220-3321	TELEPHONE 11/16-12/15 IPADS SERV	074160	175.05
01-3018	NORTH COUNTRY JANITORIA					
		I-NOV 2016	225-42120-3300	PROFESSIONAL NOVEMBER JANITORIAL SERV	074141	1,000.00
01-3168	MOTORS-N-MORE					
		I-24665	225-42120-2221	SQUAD CAR REP SQD 422 - OIL CHANGE	074140	23.00
		I-24671	225-42120-2221	SQUAD CAR REP SQD 415 - OIL CHANGE & WIPER B	074140	42.98
		I-24685	225-42120-2221	SQUAD CAR REP SQD 419 - OIL CHANGE	074140	23.00
01-3202	INNOVATIVE OFFICE SOLUT					
		I-1404180	225-42220-2200	OFFICE SUPPLI COPY PAPER, TONER, POST-IT NOT	074130	121.02
		I-1404181	225-42220-2200	OFFICE SUPPLI 2017 CALENDAR	074130	5.92
				FUND 225 PUBLIC SAFETY FUND	TOTAL:	27,198.90

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REGULAR DEPARTMENT PAYMENT REGISTER

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PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 227 RECYCLING FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1286	EAST SIDE OIL COMPANY	I-R65248	227-43230-3428	USED OIL RECY 11/16/16 FILTER & ANTIFREEZE	074121	205.00
			FUND	227 RECYCLING FUND	TOTAL:	205.00

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REGULAR DEPARTMENT PAYMENT REGISTER

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PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 237 SANITARY SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2661	UTILITY FINANCIAL SOLUT	I-22688UFS	237-43190-3300	PROFESSIONAL WSTWTR FP & RATE DESIGN 10/30	074158	3,465.00
			FUND	237 SANITARY SEWER FUND	TOTAL:	3,465.00

PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 238 STORM SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0349	W W THOMPSON CONCRETE					
		I-1611-676388	238-43160-2220	REPAIR & MAIN 6 SPEC MIX TYPE S	074162	47.40
		I-1611-676440	238-43160-2220	REPAIR & MAIN 3 SPEC MIX TYPE S	074162	23.70
01-2661	UTILITY FINANCIAL SOLUT					
		I-13379UFS	238-43160-3300	PROFESSIONAL STRMWTR FP & RATE DESIGN 10/30	074158	3,570.00
			FUND	238 STORM SEWER FUND	TOTAL:	3,641.10

PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 260 AIRPORT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2677	BRAINERD ADMINISTRATION					
		I-DECEMBER 2016	260-49020-3322	POSTAGE	074107	0.47
01-3320	ESSENTIA HEALTH					
		I-NOVEMBER 2016	260-49020-3324	SAFETY TRAINI 1 PRE-EMP DOT	074123	208.00
				FUND 260 AIRPORT FUND	TOTAL:	208.47

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REGULAR DEPARTMENT PAYMENT REGISTER

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PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 295 EDA FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0078	BRAINERD LAKES AREA DEV	I-127	295-46510-3300	PROFESSIONAL 2ND HALF 2016 FUNDING	074109	38,750.00
01-0220	KENNEDY & GRAVEN	I-134365	295-22800	OTHER LIABILI ROYAL TIRE TIF THRU 10/31	074132	190.00
			FUND	295 EDA FUND	TOTAL:	38,940.00

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FUND : 298 SCDG-DOWNTOWN FUND

FUND	298	SCDG-DOWNTOWN FUND	TOTAL:	1,470.00
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PACKET: 03845 12/05/16 COUNCIL

VENDOR SET: 01

FUND : 401 CONSTRUCTION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0317	SHORT ELLIOTT HENDRICKS					
		I-324261	401-41415-3300	PROFESSIONAL ARPT UTIL EXT THRU 10/29	074150	62,326.23
01-2063	NORTH STARWELL DRILLING					
		I-4146	401-41415-3300	PROFESSIONAL NEW WELL - 11284 HWY 210	074142	8,734.00
		I-4151	401-41415-3300	PROFESSIONAL NEW WELL - 11264 HWY 210	074142	7,498.00
01-2833	MN DEPT TRANSPORTATION					
		I-P00006658	401-41611-3300	PROFESSIONAL BRIDGE INSPECTION SERVICE	074139	1,924.92
01-3413	RATWIK, ROSZAK AND MALO					
		I-59564	401-41415-3300	PROFESSIONAL OCTOBER ATTORNEY SERVICES	074148	145.00
			FUND 401	CONSTRUCTION FUND	TOTAL:	80,628.15
					REPORT GRAND TOTAL:	217,294.10

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: December 5th, 2016

Title of Item: The Compliance Engine Contract

☐ 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: Fire Chief Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: I have been working with a third party vendor, The Compliance Engine (TCE), to develop a new process for gathering information on inspections and testing of fire protection systems. The service is free to the fire department, all fees are collected by TCE from the companies doing the testing and servicing. We will have a revenue sharing program with TCE and we will receive a small portion of the fees collected to offset expenses associated with the follow-up of non-compliant systems.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize the signing of the contract with The Compliance Engine and the City of Brainerd, Fire Department.	
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>	

BRYCER, LLC
4355 Weaver Parkway
Suite 330
Warrenville, IL 60555

September 1, 2016

Brainerd Fire Department
23 Laurel St
Brainerd, MN 56401

Attn: Fire Chief Tim Holmes

Re: “The Compliance Engine”

Dear: Chief Holmes

We look forward to providing you with “The Compliance Engine” (the “Solution”). This proposal letter provides the basic terms by which Brycer, LLC (“Brycer”) will provide you, City of Brainerd (“Client”), with the Solution. The use of the Solution and all matters between Brycer and Client will be subject to the standard “Terms and Conditions” attached to this proposal as Exhibit A. The basic terms are as follows:

1. **Term**: Brycer will provide Client with the Solution for three years, commencing December 1, 2016 (the “Initial Term”). Thereafter, the Term shall automatically renew for successive three year period unless terminated by Brycer or Client in writing at least 90 days prior to the expiration of the then current Term (each, a “Renewal Term” and together with the Initial Term, the “Term”). Following the expiration or termination of the Term (as provided in the Terms and Conditions), Client shall stop using the Solution; provided, however, Brycer shall make available, and Client shall have the right to download, Client’s data from the Solution for a period of 60 days after the expiration or termination of the Term. Client shall have the right to terminate this agreement at any time upon giving 90 days written notice to Brycer.

2. **Fees**: Client shall not pay any fees for use of the Solution. Brycer will collect all fees due and payable by third party inspectors in connection with activities relating to the Solution plus any additional fees which Client charges in connection with the activities relating to the subject premises (the “Certification Fees”). Upon receipt of a Certification Fee, Brycer will remit to Client the amount by which such Certification Fee exceeds the amount of fees due and payable to Brycer in connection with such third party inspector’s use of the Solution, which may be amended from time to time upon the written agreement of Brycer and Client. The Certification Fee shall be determined by Client. Brycer will charge Client a processing fee of 7% for collecting Certification Fees for life safety systems on behalf of Client. Brycer will remit payment to Client on a quarterly basis.

3. **Brycer Responsibilities**: During the Term, Brycer shall be responsible for the following in connection with Client’s use of the Solution:

- **Availability**. Brycer shall make the Solution available to Client as set forth on Exhibit B. The maintenance schedule and minimum service levels for the Solution are set forth on Exhibit B.

- ***Service Level.*** Brycer shall provide commercially reasonable levels of customer service with respect to the Solution to all third parties who transact business with Client and access the Solution.
 - ***Backup.*** Brycer shall backup the database used in connection with the Solution to a separate server located within the same web hosting firm which the Solution is being hosted on a real time basis. Upon request by Client (which can be no more than once a month) or made prior to or within 60 days after the effective date of termination of the Term, Brycer will make available to Client a complete and secure (i.e. encrypted and appropriately authenticated) download file of Client data in XML format including all schema and attachments in their native format. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and integrity of Client data. Brycer shall not (a) modify Client data or (b) disclose Client data except as required by law.
 - ***Retention of Information.*** Brycer will maintain all information entered into the database by third party inspectors for at least five (5) years from the time such information is entered into the database.
 - ***Notices.*** Brycer will be responsible for generating and delivering the following notices to third parties in connection with the Solution: (a) reminders of upcoming inspections that are due; (b) notices that an inspection is past due; and (c) notices of completed inspection reports which contain one or more deficiencies.
 - ***Call Center.*** Phone calls by Brycer on behalf of the Client to the property for EACH life-safety system overdue for service based on dates automatically tracked within the TCE database. Brycer is not an agent of the Client and all scripts for the overdue calls will be approved by the Client.
 - ***Updates and Enhancements.*** In the event Brycer releases any updates, corrections, or enhancements to the Solution during the Term, Brycer shall promptly provide such updates or corrections to Client free of any charge or fee.
4. **Client Responsibilities:** During the Term, Client shall be responsible for the following in connection with Client's use of the Solution:
- ***Operating System.*** Client shall be solely responsible for providing a proper operating environment, including computer hardware or other equipment and software, for any portion of the Solution installed on the Client's equipment (the "Client Access Software") and for the installation of network connections to the Internet. In addition to any other Client Access Software requirements, Client must use version Internet Explorer 11.0, Edge, Firefox version 37, Chrome 40 or Safari 7.1 (or more recent versions), in addition to having a .pdf reader installed on machines to view attachments.
 - ***Training.*** Client shall allow Brycer at Client's facilities to train all applicable personnel of Client on the use of the Solution.
 - ***Information.*** Client shall promptly provide Brycer with all appropriate information necessary for Brycer to create the database for the Solution, including without limitation: (a) all commercial building addresses within **the City of Brainerd Fire Department's service area** for Brycer's initial upload; and (b) quarterly updates to in a format acceptable to Brycer in its discretion.
 - ***Enforcement.*** Client shall take all actions necessary to require in writing (e.g. resolution, ordinance, fire policy, code amendment) the use of the Solution by third party inspection companies.
 - ***Reports.*** Client will require all compliant and deficient test results to be submitted.
5. **Ownership of Data.** Client owns all the data provided by Client and received from third party contractors for Client. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and integrity of Client's data.

Please acknowledge your acceptance of this proposal and our standard Terms and Conditions by counter-signing this proposal below. We look forward to a long-term and mutually beneficial relationship with you.

Brycer, LLC

By: Matthew B. Tz.
Its: President

Acknowledged and Agreed to this
__ day of ____, 20__:

City of Brainerd

By: _____
Its: _____

Exhibit A

Terms and Conditions

Any capitalized terms not defined in these Terms and Conditions shall have the meaning assigned to it in that certain Letter Agreement attached hereto by and between Brycer, LLC and Client (the "Agreement").

1. Restrictions on Use. Client shall not copy, distribute, create derivative works of or modify the Solution in any way. Client agrees that: (a) it shall only permit its officers and employees (collectively, the "Authorized Users") to use the Solution for the benefit of Client; (b) it shall use commercially reasonable efforts to prevent the unauthorized use or disclosure of the Solution; (c) it shall not sell, resell, rent or lease the Solution; (d) it shall not use the Solution to store or transmit infringing or otherwise unlawful or tortious material, or to store or transmit material in violation of third party rights; (e) it shall not interfere with or disrupt the integrity or performance of the Solution or third-party data contained therein; and (f) it shall not reverse engineer, translate, disassemble, decompile or otherwise attempt to create any source code which is derived from the Solution. Client is responsible for all actions taken by the Authorized Users in connection with the Solution.
2. Proprietary Rights. All right, title and interest in and to the Solution and any and all derivative works or modifications thereof (the "Derivative Works"), and any accompanying documentation, manuals or other materials used or supplied under this Agreement or with respect to the Solution or Derivative Works (the "Documentation"), and any reproductions works made thereof, remain with Brycer. Client shall not remove any product identification or notices of such proprietary rights from the Solution. Client acknowledges and agrees that, except for the limited use rights established hereunder, Client has no right, title or interest in the Solution, the Derivative Works or the Documentation.
3. Independent Contractor. Nothing in the Agreement may be construed or interpreted as constituting either party hereto as the agent, principal, employee or joint venturer of the other. Each of Client and Brycer is an independent contractor. Neither may assume, either directly or indirectly, any liability of or for the other party. Neither party has the authority to bind or obligate the other party and neither party may represent that it has such authority.
4. Reservation of Rights. Brycer reserves the right, in its sole discretion and with prior notice to Client, to discontinue, add, adapt, or otherwise modify any design or specification of the Solution and/or Brycer's policies, procedures, and requirements specified or related hereto. All rights not expressly granted to Client are reserved to Brycer, including the right to provide all or any part of the Solution to other parties.
5. Use of Logos. During the term of this Agreement, Brycer shall have the right to use Client's logos for the purpose of providing the Solution to Client.
6. Confidential Information. Brycer and Client acknowledge and agree that in providing the Solution, Brycer and Client, as the case may be, may disclose to the other party certain confidential, proprietary trade secret information ("Confidential Information"). Confidential Information may include, but is not limited to, the Solution, computer programs, flowcharts, diagrams, manuals, schematics, development tools, specifications, design documents, marketing information, financial information or business plans. Each party agrees that it will not, without the express prior written consent of the other party, disclose any Confidential Information or any part thereof to any third party. Confidential Information excludes information: (a) that is or becomes generally available to the public through no fault of the receiving party; (b) that is rightfully received by the receiving party from a third party without limitation as to its use; or (c) that is independently developed by receiving party without use of any Confidential Information. At the termination of this Agreement, each party will return the other party all Confidential Information of the other party. Each party also agrees that it shall not duplicate, translate, modify, copy, printout, disassemble, decompile or otherwise tamper with any Confidential Information of the other party or any firmware, circuit board or software provided therewith. Notwithstanding the foregoing, the parties acknowledge that Client shall be permitted to comply with any all federal and state laws concerning disclosure.
7. Brycer Warranty. Brycer represents and warrants to Client that Brycer has all rights necessary in and to any patent, copyright, trademark, service mark or other intellectual property right used in, or associated with, the Solution, and that Brycer is duly authorized to enter into this Agreement and provide the Solution to Client pursuant to this Agreement.
8. Disclaimer. All information entered into Brycer's database is produced by third party inspectors and their agents. **THEREFORE, BRYCER SPECIFICALLY DISCLAIMS ANY REPRESENTATION OR WARRANTY AS TO THE ACCURACY OR COMPLETENESS OF ANY INFORMATION ENTERED INTO BRYCER'S DATABASE BY EITHER CLIENT OR THIRD PARTY INSPECTORS. EXCEPT AS SET FORTH IN SECTION 7, BRYCER MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE SOLUTION OR ANY OTHER INFORMATION AND ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, ARE HEREBY DISCLAIMED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. BRYCER'S SOLE LIABILITY FOR BREACH OF THE REPRESENTATION AND WARRANTY SET FORTH IN SECTION 7, AND CLIENT'S SOLE REMEDY, SHALL BE THAT BRYCER SHALL INDEMNIFY AND HOLD RECIPIENT HARMLESS FROM AND AGAINST ANY LOSS, SUIT, DAMAGE, CLAIM OR DEFENSE ARISING OUT OF BREACH OF THE REPRESENTATION AND WARRANTY.**
9. LIMITATION ON DAMAGES. **EXCEPT AS OTHERWISE PROVIDED IN SECTION 7, IN NO EVENT SHALL BRYCER BE LIABLE FOR OR OBLIGATED IN ANY MANNER FOR SPECIAL, CONSEQUENTIAL, OR INDIRECT DAMAGES, INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, LOSS OF PROFITS OR SYSTEM DOWNTIME. CLIENT ACKNOWLEDGES AND AGREES THAT IN NO CASE SHALL BRYCER'S LIABILITY FOR ANY LOSS OF DATA OR DATA INTEGRITY EXCEED THE REPLACEMENT COST OF THE MEDIA ON WHICH THE DATA WAS STORED.**
10. Risks Inherent to Internet. Client acknowledges that: (a) the Internet is a worldwide network of computers, (b) communication on the Internet may not be secure, (c) the Internet is beyond the control of Brycer, and (d) Brycer does not own, operate or manage the Internet. Client also acknowledges that there are inherent risks associated with using the Solution, including but not limited to the risk of breach of security, the risk of exposure to computer viruses and the risk of interception, distortion, or loss of communications. Client assumes these risks knowingly and voluntarily and indemnifies and holds Brycer harmless from all liability from all such risks. Not in limitation of the foregoing, Client hereby assumes the risk, and

Brycer shall have no responsibility or liability of any kind hereunder, for: (1) errors in the Solution resulting from misuse, negligence, revision, modification, or improper use of all or any part of the Solution by any entity other than Brycer or its authorized representatives; (2) any version of the Solution other than the then-current unmodified version provided to Client; (3) Client's failure to timely or correctly install any updates to the Client Access Software; (4) problems caused by connecting or failure to connect to the Internet; (5) failure to provide and maintain the technical and connectivity configurations for the use and operation of the Solution that meet Brycer's recommended requirements; (6) nonconformities resulting from or problems to or caused by non-Brycer products or services; or (7) data or data input, output, accuracy, and suitability, which shall be deemed under Client's exclusive control.

11. Indemnity. To the extent allowed by law, each party (the "Indemnifying Party") will defend and indemnify the non-indemnifying party against any damages, losses, liabilities, causes of action, costs or expenses (including reasonable attorneys' fees) arising from the Indemnifying Party's breach of this Agreement, gross negligence or intentional misconduct. Client will defend and indemnify Brycer against any damages, losses, liabilities, costs or expenses (including reasonable attorneys' fees), claims, demands, suits or proceedings made or brought against Brycer by a third party in connection with Client's or an Authorized User's use of the Solution, or any action or inaction taken by a third party, including, but not limited to, third party inspectors, in connection with such third party providing services for Client or otherwise at Client's or an Authorized User's request or direction.
12. Breach. Brycer shall have the right to terminate or suspend this Agreement, and all of Client's rights hereunder, immediately upon delivering written notice to Client detailing Client's breach of any provision of this Agreement. If Client cures such breach within 5 days of receiving written notice thereof, Brycer shall restore the Solution and Client shall pay any fees or costs incurred by Brycer in connection with the restoration of the Solution.
13. Illegal Payments. Client acknowledges and agrees that it has not received or been offered any illegal or improper bribe, kickback, payment, gift or anything of value from any employee or agent of Brycer in connection with the Agreement.
14. Beneficiaries. There are no third party beneficiaries to the Agreement.
15. Force Majeure. Neither party shall be responsible for any failure to perform due to unforeseen, non-commercial circumstances beyond its reasonable control, including but not limited to acts of God, war, riot, embargoes, acts of civil or military authorities, fire, floods, earthquakes, blackouts, accidents, or strikes. In the event of any such delay, any applicable period of time for action by said party may be deferred for a period of time equal to the time of such delay, except that a party's failure to make any payment when due hereunder shall not be so excused.
16. Notices. All notices required in the Agreement shall be effective: (a) if given personally, upon receipt; (b) if given by facsimile or electronic mail, when such notice is transmitted and confirmation of receipt obtained; (c) if mailed by certified mail, postage prepaid, to the last known address of each party, three business days after mailing; or (d) if delivered to a nationally

recognized overnight courier service, one business day after delivery.

17. Assignment. The Agreement may not be assigned or transferred by Client without the prior written consent of Brycer and any purported transfer in violation of this section shall be null and void. The Agreement shall be binding upon and inure to the benefit of the parties thereto and their respective successors and representatives.
18. JURISDICTION AND VENUE. THE AGREEMENT SHALL BE GOVERNED BY, CONSTRUED AND INTERPRETED IN ACCORDANCE WITH, AND ENFORCEABLE UNDER, THE LAWS OF THE STATE IN WHICH CLIENT EXISTS APPLICABLE TO CONTRACTS MADE IN SUCH STATE AND THAT ARE TO BE WHOLLY PERFORMED IN SUCH STATE WITHOUT REFERENCE TO THE CHOICE-OF-LAW PRINCIPLES OF SUCH STATE. THE PARTIES IRREVOCABLY AGREE THAT ALL ACTIONS OR PROCEEDINGS IN ANY WAY, MANNER OR RESPECT ARISING OUT OF OR FROM OR RELATED TO THE AGREEMENT SHALL BE LITIGATED ONLY IN COURTS LOCATED WITHIN THE STATE IN WHICH CLIENT EXISTS. THE PARTIES HEREBY CONSENT AND SUBMIT TO THE EXCLUSIVE JURISDICTION OF ANY LOCAL, STATE OR FEDERAL COURT LOCATED WITHIN SAID STATE. THE PARTIES HEREBY WAIVE ANY RIGHTS THEY MAY HAVE TO TRANSFER OR CHANGE VENUE OF ANY SUCH ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT. THE PARTIES WAIVE ANY RIGHT TO TRIAL BY JURY ON ANY ACTION OR PROCEEDING TO ENFORCE OR DEFEND ANY RIGHTS UNDER THE AGREEMENT, AND AGREE THAT ANY SUCH ACTION OR PROCEEDING SHALL BE TRIED BEFORE A COURT AND NOT BEFORE A JURY.
19. Attorneys' Fees. The prevailing party in any proceeding in connection with the Agreement shall be entitled to recover from the non-prevailing party all costs and expenses, including without limitation, reasonable attorneys' and paralegals' fees and costs incurred by such party in connection with any such proceeding.
20. Entire Agreement. The Agreement sets out the entire agreement between the parties relative to the subject matter hereof and supersedes all prior or contemporaneous agreements or representations, oral or written.
21. Amendment. The Agreement may not be altered or modified, except by written amendment which expressly refers to the Agreement and which is duly executed by authorized representatives of both parties. The waiver or failure by either party to exercise or enforce any right provided for in the Agreement shall not be deemed a waiver of any further right under the Agreement. Any provision of the Agreement held to be invalid under applicable law shall not render the Agreement invalid as a whole, and in such an event, such provision shall be interpreted so as to best accomplish the intent of the parties within the limits of applicable law. The Agreement may be executed by facsimile and in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
22. Expiration. The rights and obligations contained in these Terms and Conditions shall survive any expiration or termination of the Agreement.

Exhibit B

Maintenance Schedule and Minimum Service Levels

1. **Uptime and Maintenance.**

The Solution shall be available 24 hours per day during the term of this Agreement. The Solution shall be fully functional, timely and accessible by Client at least 99.5% of the time or better and Brycer shall use reasonable efforts to provide Client with advance notice of any unscheduled downtime.

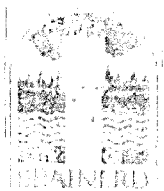
2. **Response Time.**

Developer shall respond to telephone calls from Client within two hours of the call and/or message and all emails from Client within two hours of the receipt of the email.

3. **Customer Support**

Customer support hours are 24/7/365. The toll free number is 1-855-279-2371

Brycer will assign client a dedicated customer representative with direct access to their email and work number.



Brainerd City Council Agenda Request

P+F
3

Agenda Item #

Requested Meeting Date: December 5, 2016

Title of Item: Paid on Call Firefighter R. Johnson Resignation

☐ 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: Fire Chief Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: Paid on Call Firefighter Richard Johnson has submitted his resignation, effective November 3, 2016. Mr. Johnson has been with the Brainerd Fire Department for 18 years.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Accept the resignation of POC Firefighter Richard Johnson, effective November 3, 2016, with regrets.	
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>	

I will be retiring from
the Brainerd Fire Dept. 11/3/16

Thank you Pat  #1060

BRAINERD FIRE DEPARTMENT

NOV 29 2016

RECEIVED



Brainerd City Council Agenda Request

8 + F 4
Agenda Item #

Requested Meeting Date: December 5, 2016

Title of Item: Telephone System Follow Up - November 18th

☐ 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: Shawn Strong	Department: Finance
Presenter (Name & Title): Hillman/Thoreen	Estimated Time Needed: 5 minutes
Summary of Issue: The phone system was discussed at the last council meeting, specifically that there was no way to contact City Hall when power was lost during the storm on November 18th. The short answer is that the phones will not work at City Hall if there is not any power. Both the Police and Fire stations phones will work because they both have generators. There are alternatives, but they cost money and in reality long periods of power outages (i.e. more than 15 minutes) do not occur that often.	
Alternatives, Options, Effects on Others/Comments: The most expensive option would be to purchase a generator with an estimated cost of \$70-\$80,000 to keep City Hall completely operational during a power outage. Another option would be to purchase additional battery back up power for each phone switch (under \$500 total) which would add some additional time during an outage, but computers and lights would still be off. The third option and probably the recommended option is to have protocol that if power is out for say more than 15 minutes, IT is notified and a message is recorded saying City Hall is without power and unable to answer phones. If we know the cause or expected duration, we could put that on the message as well.	
Recommended Action/Motion: Provide direction to staff.	
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

CC 8A
Agenda Item #

Requested Meeting Date: December 5, 2016

Title of Item: Sanitary and Storm Sewer Rate Study Presentation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 minutes
Summary of Issue: At a council meeting earlier this year, the council authorized staff to enter into an agreement with UFS, LLC to conduct a Sanitary Sewer Collection and Storm Water Financial Plan and Rate Design Study. UFS is the same consultant BPU uses for their rate studies and design. The consultant from UFS is coming to Brainerd to present to the BPU Commission the morning of December 20th.	
Alternatives, Options, Effects on Others/Comments: We can save on travel costs by having UFS present the City's rate information on the same trip. The presentation is about an hour. Our options are: a. Have the presentation as part of the regular council meeting on December 19th. b. Set a workshop for December 20th. It is suggested to have the meeting start no later than 6:00 p.m. c. Have the consultant travel to Brainerd in January. We will have to pay 100% of the travel costs and any rate adjustment would be further delayed.	
Recommended Action/Motion: Set a date for the consultant to present the rate study and design for the City of Brainerd's sanitary and sewer fund either as part of the regular council meeting on December 19th or schedule a workshop for December 20th.	
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>	