

CITY COUNCIL AGENDA

Brainerd, Minnesota

December 19, 2016

7:30 P.M.

Brainerd City Hall

Council Chambers

PLEASE NOTE – **THERE WILL BE A PUBLIC COOKIE AND COFFEE RECEPTION HELD MONDAY EVENING IN THE COUNCIL CHAMBERS FROM 7:00 – 7:30 PM TO RECOGNIZE BOTH DEPARTING AND NEW COUNCIL MEMBERS; REGULAR CITY COUNCIL MEETING WILL BE HELD AT 7:30 AS USUAL**

____ 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 (Voice Vote)
5. Consent Calendar (NOTICE TO PUBLIC) – All matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to adopt by ROLL CALL VOTE.
 - A. Approval of the Minutes of the Regular Meeting held on December 5, 2016, the Budget Workshop held on December 1, 2016 and the Budget Public Hearing held on December 12, 2016
 - B. Approval of Licenses – (See Attachment)
 1. Contractor's Licenses – 60 – Renewals
 2. Contractor's Licenses – 2 – New
 3. Tobacco Licenses – 5 – Renewals
 4. Pawnbrokers Licenses – 2 – Renewals
 5. Second Hand Goods Licenses – 1 – Renewal

6. Second Hand Auto Licenses – 1 – Renewal (Contingent Upon Fire Dept Inspection)
7. Taxi Cab Licenses – 1 – Renewal
8. **DATE CHANGE:** Brainerd American Legion Temporary Liquor License Approved at 12/7/16 meeting for a December 10, 2016 Event – Event Postponed to January 7, 2017

C. Department Activity Reports – (See Attachments)

1. Police Chief
2. Finance Director

D. Congressman Elect Rick Nolan's District Office Lease for \$200 per month Effective January 3, 2017 – January 2, 2019 – Approval of – (See Attachment)

6. **Presentation of Tower Awards to Departing Council Members**
7. **Welcome to New Council Members**
8. **Presentation – Sanitary and Storm Sewer Rate Study – UFS, LLC**
9. **Council Committee Reports**

A. Safety and Public Works Committee Report

1. **Jackson Street Parking Resolution**
2. **Street Light Request**
3. **Tax Forfeit Parcel**
4. **Organized Collection**

B. Personnel and Finance Committee Report

1. **Approval of Bills, Transfer of Funds and Payments to Contractors**
2. **Proposed Technology Use Policy**
3. **Request to Establish a New Police Officer Eligibility List**
4. **Casualty/Property Insurance Dividend**

10. Unfinished Business

A. 2017 Budget and Levy

**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)

Cable TV Advisory Committee – 2 terms (Expire 2019)
Charter Commission – 2 terms (Expire 2020)
Public Utilities Commission – 1 term (Expires 2021)
Transportation Advisory Committee – 2 full terms (Expire 2018) & 1 thru 2017
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)

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

12. Staff Reports – Written
(Verbal: Any Updates since Packet)

13. Council Member Reports

14. Adjourn – To Closed Session Pursuant to M.S. 13D.03 to discuss Labor Negotiation Strategy

NOTE: Safety and Public Works Committee will meet at 6:15 P.M.
Personnel and Finance Committee will meet at 6:30 P.M.

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

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

MISSION

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

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

It was noted that Royal Tire had not been available for the Showcasing Brainerd presentation which was scheduled to occur prior to tonight's meeting.

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

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

Council Member Pritschet requested the adjournment to closed session at the end of the meeting to discuss labor negotiations. Council concurred.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND KOEP, DULY CARRIED, TO ADOPT THE AMENDED AGENDA.

Council Member Johnson noted a correction to the first line of the November 21, 2016 City Council minutes which lists Council President Scheeler calling the meeting to order when it should have been Vice President Pritschet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO APPROVE THE CONSENT CALENDAR WITH THE CORRECTED MINUTES TO THE NOVEMBER 21, 2016 CITY COUNCIL MEETING.

A. Approval of the Corrected Minutes of the Regular Meeting held on November 21, 2016 – Approved

B. Approval of Licenses – Approved

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 – Approved

1. Fire Chief
2. Park Director

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

Presentations

BPU 2017 Operating & Capital Budget – Approved

Brainerd Public Utilities Superintendent Scott Magnuson and Secretary Todd Wicklund reviewed key points of the budget which had been provided to the Council prior to the meeting. They answered questions of the Council and the Chair thanked them for their presentation.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE 2017 BPU OPERATING AND CAPITAL BUDGET AS PRESENTED.

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

Walkable Bikeable City Committee (WBCC) – Conceptual Non-Motorized Transportation Plan – Approved

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

The Chair recognized Ms. Ellie Burkett from the Walkable Bikeable City Committee who reported that several members of the WBCC Committee were seated in the audience. She reviewed the "Non-Motorized Transportation Plan" developed by the Committee to make City neighborhoods more walkable and bikeable. She stated that the plan includes the development of citywide sidewalks, trails and bike lanes as well as a possible skatepark and went over some of the specific proposals. In closing she shared that the plan is available at www.ci.brainerd.mn.us and reported that public input has been ongoing. She answered questions of the Council and the Chair thanked her for her presentation.

Council Member Koep expressed a great deal of concern with property owners' required responsibility to maintain the sidewalks around their own homes. She also requested more bicycle education as well as the re-implementation of bicycle licenses to increase safety.

Council discussion was held. Key points included funding, communication between all parties involved and confirmation that this is a conceptual plan which will be worked on over several years.

MOVED AND SECONDED BY ALDERMEN BORKENHAGEN AND JOHNSON TO ACCEPT THE CONCEPTUAL NON-MOTORIZED TRANSPORTATION PLAN AS PROPOSED BY THE WALKABLE BIKEABLE CITY COMMITTEE.

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

Council Member Bevans asked Ms. Burkett what the future plans of the WBCC include based on the 10-year plan just accepted.

Ms. Burkett stated that the Committee plans to continue to work with the community and the Council including bicycle and vehicle education and to work on funding goals.

Council Member Bevans asked why there continues to be a focus on setting up the busiest traffic areas to accommodate bicycle and foot traffic; he stated that he, being an avid bicyclist, would choose to instead use a route that would not be as busy based on safety concerns.

Ms. Burkett stated that these questions are being addressed by the WBCC and asked that a Council liaison be established after the first of the year.

Council Committee Reports

Safety and Public Works Committee Report

RtVision One Office Software – Authorize Acquisition of Software at Estimated Cost of \$16,140 to be paid from the Construction Fund and Reimbursed as an Engineering Expense from the City's State Aid Funds – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO AUTHORIZE THE ACQUISITION OF RTVISION ONE OFFICE SOFTWARE AT THE ESTIMATED COST OF \$16,140 TO BE PAID FROM THE CONSTRUCTION FUND AND REIMBURSED AS AN ENGINEERING EXPENSE FROM THE CITY'S STATE AID FUNDS.

Traffic Concerns on SW 4th Street – Authorize City Staff to Conduct Informal Traffic Study to Increase Speed and Crosswalk Compliance Enforcement – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO PROCEED WITH A STUDY OF THE SPEEDS TRAVELED 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.

Drainage Issues on Pine Shores Road – Refer to Oak Lawn Township – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DIRECT STAFF TO NOTIFY OAK LAWN TOWNSHIP OF A COMPLAINT RECEIVED ON DRAINAGE ISSUES ON PINE SHORES ROAD.

Organized Collection – Garbage/Recycling – Staff to Notify all Potentially Interested Parties that Discussion will be Held at the December 19, 2016 Safety and Public Works Committee Meeting – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BORKENHAGEN, DULY CARRIED, TO DIRECT STAFF TO NOTIFY ALL POTENTIALLY INTERESTED PARTIES THAT DISCUSSION RELATING TO ORGANIZED GARBAGE COLLECTION IN THE CITY OF BRAINERD WILL BE HELD AT THE DECEMBER 19, 2016 SAFETY AND PUBLIC WORKS COMMITTEE MEETING.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors – Approved

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

Committee Chair Koep clarified the amount proposed for the two wells on the Airport Utility Extension Project wells.

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

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

Fire Department – Approve and Authorize Signatures on “The Compliance Engine”(the “Solution”) Contract with Brycer, LLC – Effective December 1, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE AND AUTHORIZE SIGNATURES ON “THE COMPLIANCE ENGINE”(THE “SOLUTION”) CONTRACT BETWEEN BRYCER, LLC AND THE CITY OF BRAINERD FIRE DEPARTMENT WITH EFFECTIVE STARTING DATE OF DECEMBER 1, 2016.

Fire Department – Paid On Call Firefighter Richard Johnson Resignation – Effective November 3, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF PAID ON-CALL FIREFIGHTER RICHARD JOHNSON EFFECTIVE NOVEMBER 3, 2016.

Telephone System Follow Up – Establish Protocol that IT Department Utilize a Recording Alerting Callers of City Hall's Inability to Receive Phone Calls if at any time Power is Lost for 15 Minutes or More – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND HILGART, DULY CARRIED, TO ESTABLISH PROTOCOL THAT THE IT DEPARTMENT UTILIZE A RECORDING ALERTING CALLERS OF CITY HALL'S INABILITY TO RECEIVE PHONE CALLS IF AT ANY TIME POWER IS LOST FOR 15 MINUTES OR MORE.

Unfinished Business

Sanitary and Storm Sewer Rate Study and Design Results – Set Presentation Date – To be held at the December 19, 2016 Safety and Public Works Committee Meeting – Approved

Finance Director Hillman reported that UFS, LLC will be in Brainerd on December 19th to present a rate study and design to Brainerd Public Utilities on December 20th. She requested Council direction on having the company present the City's rate study and design results at the December 19, 2016 City Council Meeting or to schedule a special Council meeting on December 20th.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO INVITE UFS, LLC TO PRESENT THE CITY'S SANITARY AND STORM SEWER RATE STUDY AND DESIGN RESULTS DURING THE DECEMBER 19, 2016 COUNCIL MEETING.

Call for Applicants – Informational

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)

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)

Public Forum

Staff Reports

City Administrator Thoreen announced that at a reception will be held prior to the December 19, 2016 City Council Meeting with coffee and cookies to recognize both departing and new Council Members.

Council Member Reports

Mayor Menk reported that he had addressed the new Lions Club at Central Lakes College on December 4th and had attended a meeting relating to Downtown Organization this afternoon with City Planner Ostgarden and Mr. Todd Streeter.

Break

9:06 P.M. – The Council took a 10 minute break prior to adjourning into closed session.

Adjourn – To Closed Session Pursuant to M.S. 13D.03 for Labor Negotiation Strategy and to the Canvass of General Election Results – 9:16 P.M.

The Council reconvened into open session at 9:40 P.M.

Adjourn – To Budget Public Hearing to be held on Monday, December 12, 2016 at 6:00 P.M.

The Chair adjourned the meeting at 9:42 P.M.

James M. Thoreen
City Administrator

Pursuant to due call and notice thereof, the Budget Workshop of the Brainerd City Council was called to order at 6:00 P.M. by Council President Scheeler.

Upon roll call, the following members were noted present: Koep, Pritschet, Bevans, Johnson, Hilgart, Scheeler and Mayor Wallin. Member Borkenhagen was noted as absent. City Staff present included: City Administrator Thoreen, Finance Director Hillman, Engineer Hulsether, Police Chief McQuiston, Fire Chief Holmes, Park Director Sailer and Planner Ostgarden.

Resolution No. 56:16 Adopted – Authorizing Off-Site Gambling by Brainerd Lions for a Raffle to be held on December 5, 2016 at First Lutheran Church, 424 S 8th Street, Brainerd

MOVED AND SECONDED BY ALDERMEN HILGART AND BEVANS TO ADOPT RESOLUTION NO. 56:16 – AUTHORIZING OFF-SITE GAMBLING TO BE CONDUCTED BY THE BRAINERD LIONS IN THE FORM OF A RAFFLE TO BE HELD ON DECEMBER 5, 2016 AT FIRST LUTHERAN CHURCH, 424 S 8TH STREET, BRAINERD.

RESOLUTION NO. 56:16

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

2017 Budget and Levy Discussion

City Administrator Thoreen announced that this evening is for Council discussions and considerations as a work session. Public Comment will be welcomed at the Budget Public Hearing to be held on Monday, December 12, 2016 at 6:00 P.M. He stated that the Council adopted the preliminary 2017 levy with a 3% increase over the 2016 tax levy and that the Final Budget and Levy will be adopted at the December 19, 2016 City Council meeting.

Finance Director Hillman walked Council through two different options to balance the 2017 budget and presented the “2017 Budget and Levy Workshop” outline which included Estimated Market Values, 2016 to 2017 Preliminary Levy Comparison, and Impacts to both Residential Homestead and Commercial/Industrial Properties.

Council and staff discussion was held.

Adjourn – To the Downtown Meeting to be held at 3:00 P.M. on Monday, December 5, 2016 at the Brainerd Public Library.

The Chair adjourned the meeting at 6:46 P.M.

James M. Thoreen
City Administrator

Pursuant to due call and notice thereof, the Special Meeting of the Brainerd City Council was called to order at 6:00 P.M. by Council President Gary Scheeler

Upon roll call, the following members were noted present: Koep, Pritschet, Bevans, Johnson, Hilgart, Scheeler and Mayor Menk. Council Member Borkenhagen arrived at the meeting at 6:10 P.M. The following staff was also noted as present: Finance Director Hillman, City Engineer Hulsether, Police Chief McQuiston, Fire Chief Holmes, and Park Director Sailer. It was noted that City Administrator Thoreen was absent.

The Chair opened the meeting with the Pledge of Allegiance.

2017 Budget and Levy Presentations

a) City Administrator Thoreen – VIA RECORDED PRESENTATION

City Administrator Thoreen announced that a great deal of information will be presented by Finance Director Hillman on the City's finances and property taxes but that the main purpose of tonight's meeting is to hear the Public's concerns about these very issues. He stated that the final 2017 Budget and Property Tax Levy will be adopted at the December 19, 2016 Regular City Council Meeting.

b) Finance Director Hillman

Finance Director Hillman presented and overview of the property tax timeline, history of the City's Estimated Market Value, the 2017 Levy and Budget and impact to both Residential Homestead and Commercial/Industrial Properties.

Public Comment Period

The Chair opened the Public Comment Period at 6:16 P.M.

The Chair recognized Mr. Stephen Johnson who addressed the Council relating to his properties at 11575 CR 45 South, Brainerd and 2601 11th Street South, who stated that his property tax due has gone up over 97 percent for County only and 127.73 percent for City portion.

Finance Director Hillman was given Mr. Johnson's information to research the increased taxes due.

The Chair closed the Public Hearing at 6:21 P.M.

Council President Scheeler thanked everyone for attending.

Adjourn

The Chair adjourned the meeting at 6:28 P.M.

Connie Hillman
Finance Director/Deputy Clerk

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
December 19, 2016

(2 New, 60 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
CLIMATE MAKERS, INC. 1700 FREEWAY BLVD SUITE 10 BROOKLYN CENTER, MN 55430 17-0001	(763) 786-5999	MECH	11/20/2017	12/12/2018 12/12/2017	MB004290 PC648912
NU/WAY CONSTRUCTION INC. PO BOX 230 BRAINERD, MN 56401 17-0002 (new)	(218) 820-4123	GENL	1/20/2017	12/31/2017	BC685355
BRUSHMARKS SIGNS 30350 HWY 10 FRAZEE, MN 56544 17-0003 (new)	(218) 847-3599	SIGN	12/1/2017	3/1/2017	SB691887
ALTERS MASONRY CONCRETE, INC. 19784 SEE GULL ROAD BRAINERD, MN 56401 17-0004	(218) 828-1820	MASO	2/27/2017	12/31/2017	
ST. CLOUD ACOUSTICS, INC. 30762 PEARL DRIVE P.O. BOX 758 ST JOSEPH, MN 56374 17-0005	(320) 363-8585	CEIL	6/23/2017	12/31/2017	
KASSULKER CONCRETE LLC 16200 MILES CIRCLE BRAINERD, MN 56401 17-0006	(218) 851-5679	MASO	8/12/2017	12/31/2017	
ASPEN CREEK PLUMBING & HEATING LLC 20271 STATE HWY 18 BRAINERD, MN 56401 17-0007	(218) 764-2731	MECH	7/1/2017	7/1/2017 12/31/2017	MB669490 PC669464
R&H DRYWALL, INC. 26023 HWY 27 PO BOX 400 PIERZ, MN 56364 17-0008	(320) 468-6808	DRYW	3/15/2017	12/31/2017	
QUICK CONSTRUCTION, INC. 12478 WHITELEY CREEK TRAIL BRAINERD, MN 56401 17-0009	(218) 829-6203	GENL	2/22/2017	12/31/2017	BC320749
MN INDEPENDENT PETROLEUM SERVICES 8299 WISE ROAD BRAINERD, MN 56401 17-0010	(218) 829-2745	MECH	7/1/2017	12/14/2018	MB005791

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
December 19, 2016
(2 New, 60 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
MICHELS CORPORATION 817 WEST MAIN STREET BROWNSVILLE, WI 53006 17-0011	(920) 583-3132	MECH PLUM	2/1/2017	10/29/2017 12/31/2017	MB674871 PC646114
MARV'S INTERIORS/DRYWALL LLC 3807 WOODLAWN STREET BRAINERD, MN 56401 17-0012	(218) 839-8475	DRYW	10/26/2017	12/31/2017	
LOST LAKE PLUMBING LLC 3880 COUNTY 1 SW PINE RIVER, MN 56474 17-0013	(218) 820-0951	PLUM	4/15/2017	12/31/2017	PC695521
KEN'S HEATING & MOBILE HOME SUPPLY 42281 290TH STREET AITKIN, MN 56431 17-0014	(218) 821-6720	MECH	12/19/2017	4/21/2018	MB005039
J-BERD MECHANICAL 3308 SOUTHWAY DRIVE ST. CLOUD, MN 56301 17-0015	(320) 656-0847	MECH PLUM	2/28/2017	9/8/2018 12/31/2017	MB006107 PC642621
INTERIOR RESOURCES 26567 E SHORE PL HARTFORD, SD 57033 17-0016	(605) 526-4333	GENL	1/9/2017	12/31/2017	
GRAVELLE PLUMBING & HEATNG, INC. 223 FIRST AVENUE NW AITKIN, MN 56431 17-0017	(218) 927-2624	MECH PLUM TSYS	9/1/2017	10/15/2018 12/31/2017 7/31/2018	MB003759 PC645381 TS001809
GRANITE CITY REFRIG. & SHEET METAL PO BOX 358 SAUK RAPIDS, MN 56379 17-0018	(320) 252-3111	MECH	5/1/2017	9/1/2018	MB003158
D.S. TRUDEAU CONSTRUCTION INC. 1385 FARMDALE ROAD MENDOTA HEIGHTS, MN 55118 17-0019	(651) 450-1238	GENL	10/31/2017	12/31/2017	
A-1 ENTERPRISES, DBA: A-1 ROOFNG 43716 CONIFER STREET AITKIN, MN 56431 17-0020	(218) 678-2493	GENL	10/20/2017	12/31/2017	BC636806
H&H MASONRY, LLC 23305 STATE HWY 18 DEERWOOD, MN 56444 17-0021	(218) 764-2389	MASO	7/8/2017	12/31/2017	

CITY OF BRAINERD
LICENSED CONTRACTORS
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December 19, 2016
(2 New, 60 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
ALL ELEMENTS, INC. 301 CHELSEA ROAD MONTICELLO, MN 55362 17-0022	(763) 314-0234	ROOF	9/1/2017	12/31/2017	BC323540
ALL SEASON HEATING & AC OF BRD, INC 11502 THIESSE ROAD BRAINERD, MN 56401 17-0023	(218) 825-0513	MECH	12/1/2017	10/8/2018	MB004765
CARL E. JOHNSON PLUMBING & HEATING 12724 160TH STREET PO BOX 26 MILACA, MN 56353 17-0024	(320) 983-2171	MECH PLUM	9/25/2017	11/17/2018 12/31/2017	MB003624 PC003624
DAIKIN APPLIED AMERICAS INC. 13600 INDUSTRIAL PARK BOULEVARD PLYMOUTH, MN 55441 17-0025	(763) 553-5330	MECH TSYS HPPB	4/1/2017	10/8/2018 7/31/2018 12/31/2017	MB003904 TS002163 HC004213
DAN'S SOD SERVICE, LLC 6163 PINE BEACH ROAD BRAINERD, MN 56401 17-0026	(218) 829-0880	EXCA	6/1/2017	12/31/2017	
DECHANTAL EXCAVATING, LLC PO BOX 315 BRAINERD, MN 56401 17-0027	(218) 828-4636	EXCA SSTS	2/1/2017	12/31/2017 2/10/2017	L-2267
PETE'S CABIN CARE, INC. 32781 CULLEN CT BREEZY POINT, MN 56472 17-0028	(218) 838-7165	GENL	4/6/2017	12/31/2017	BC634328
SEARS HOME IMPROVEMENT PRODUCTS, INC 1024 FLORIDA CENTRAL PKWY LONGWOOD, FL 32750 17-0029	(407) 551-6000	GENL	8/1/2017	12/31/2017	CR268257
EL-JAY MECHANICAL, INC. 520 APOLLO AVENUE NE ST. CLOUD, MN 56304 17-0030	(320) 251-8330	MECH PLUM	10/1/2017	1/1/2019 12/31/2017	MB659649 PC659649
GULL LAKE GLASS, INC. 18441 STATE HWY 371 BRAINERD, MN 56401 17-0031	(218) 829-2881	GLAS	9/22/2017	12/31/2017	
BEDNAR PLUMBING & HEATING, LLC 14208 COUNTY ROAD 22 BRAINERD, MN 56401 17-0032	(218) 829-6534	MECH PLUM	9/25/2017	2/9/2018 12/31/2017	MB004963 PC645438

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
December 19, 2016
(2 New, 60 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
GRANITE CITY ROOFING, INC. PO BOX 1482 ST. CLOUD, MN 56302 17-0033	(320) 253-4441	ROOF	5/1/2017	12/31/2017	
BERCHER CONSTRUCTION, INC. 7676 DESIGN ROAD SUITE 100 BAXTER, MN 56425 17-0034	(218) 829-1381	GENL	1/1/2017	12/31/2017	BC004461
BARRIE REMPEL BUILDER 15381 DEMERY ROAD BRAINERD, MN 56401 17-0035	(218) 838-4888	GENL	5/16/2017	12/31/2017	BC631941
MCDOWALL COMPANY 1431 PROSPER DRIVE WAITE PARK, MN 56387 17-0036	(320) 251-8640	MECH	4/1/2017	8/26/2018	MB003342
Q3 CONTRACTING, INC. 3066 SPRUCE STREET LITTLE CANADA, MN 55117 17-0037	(651) 224-2424	EXCA	2/28/2017	12/31/2017	
NORTH COUNTRY PLUMBING & HEATING PO BOX 1020 CROSSLAKE, MN 56442 17-0038	(218) 692-3000	MECH PLUM	10/9/2017	11/4/2018 12/31/2017	MB003740 PC645506
MAJKA CONSTRUCTION, INC. 6367 LENDEE DRIVE NISSWA, MN 56468 17-0039	(218) 963-1367	GENL	1/1/2018	12/31/2017	BC003300
SCENIC SIGN CORPORATION 828 SOUTH 5TH STREET PO BOX 881 SAUK RAPIDS, MN 56379 17-0040	(320) 252-9400	SIGN	11/1/2017	6/19/2017	SB693852
RICE LAKE CONSTRUCTION GROUP 22360 COUNTY ROAD 12 PO BOX 517 DEERWOOD, MN 56444 17-0041	(218) 546-5519	GENL	11/1/2017	12/31/2017	
WEATHERPROOFING TECHNOLOGIES, INC. 3735 GREEN ROAD BEACHWOOD, OH 44122 17-0042	(800) 852-6013	GENL	4/1/2017	12/31/2017	
W. L. HALL CO. 530 15TH AVENUE S. HOPKINS, MN 55343 17-0043	(952) 937-8400	GENL	4/1/2017	12/31/2017	

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
December 19, 2016
(2 New, 60 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
TRI-CITY PAVING, INC. 13504 HAVEN ROAD LITTLE FALLS, MN 56345 17-0044	(320) 632-5435	EXCA	3/31/2017	12/31/2017	
T-RAY CONSTRUCTION COMPANY INC. 8651 NAPLES STREET NE SUITE 100 BLAINE, MN 55449 17-0045	(763) 757-6859	UNGD	4/1/2017	12/31/2017	
MASTER PLUMBING & HEATING OF BRD 17131 MOGENSEN ROAD BRAINERD, MN 56401 17-0046	(218) 829-2443	MECH PLUM	10/12/2017	5/10/2018 12/31/2017	MB005013 PC644493
KASELLA CONCRETE, INC. 6191 330TH AVENUE PIERZ, MN 56364 17-0047	(320) 355-2926	MASO	2/12/2017	12/31/2017	
TELCOM CONSTRUCTION, INC. 2218 200TH STREET E PO BOX 189 CLEARWATER, MN 55320 17-0048	(320) 547-1099	UTIL	7/31/2017	12/31/2017	
RASINSKI EXCAVATING, INC. 10775 PINWOOD DRIVE SW NISSWA, MN 56468 17-0049	(218) 825-8609	EXCA SSTS	5/1/2017	12/31/2017 10/7/2017	L133
PIKE PLUMBING & HEATING OF BRAINERD 830 BROOK STREET BRAINERD, MN 56401 17-0050	(218) 829-4332	MECH PLUM	3/1/2017	10/9/2018 12/31/2017	MB003963 PC645518
MASTER TRADE SERVICES, INC. 1200 5TH STREET SOUTH SAUK RAPIDS, MN 56379 17-0051	(320) 240-0025	GENL	9/1/2017	12/31/2017	BC443594
LARSON PLUMBING & HEATING OF AITKIN 37615 430TH PLACE AITKIN, MN 56431 17-0052	(218) 927-4911	PLUM	11/1/2017	12/31/2017	PC702463
CROSSLAKE SHEETMETAL, INC. P.O. BOX 191 CROSSLAKE, MN 56442 17-0053	(218) 692-2177	MECH	7/15/2017	10/23/2018	MB003832
BUTTWEILER'S DO-ALL, INC. 4298 STATE HWY 114 SW ALEXANDRIA, MN 56308 17-0054	(320) 886-5319	ROOF	1/1/2018	12/31/2017	

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
December 19, 2016
(2 New, 60 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
QWEST CORPORATION dba: CENTURY LINK 4658 HEATHERWOOD RD ST. CLOUD, MN 56301 17-0055	(218) 828-2154	UNGD	9/1/2017	12/31/2017	
KUEPERS CONSTRUCTION, INC. 17018 COMMERCIAL PARK ROAD BRAINERD, MN 56401 17-0056	(218) 829-0707	GENL TECH	12/1/2017	12/31/2017 7/31/2018	BC002599 TS001858
DINGMAN BROTHERS EXCAVATING 8747 SOUTHVIEW DRIVE BREEZY POINT, MN 56472 17-0057	(218) 820-0181	EXCA	2/1/2017	12/31/2017	
CENTRAL LAKES DRYWALL, INC. PO BOX 2569 BAXTER, MN 56425 17-0058	(218) 820-9600	DRYW	9/1/2017	12/31/2017	
TOTAL COMFORT 4000 WINNETKA AVENUE N. SUITE 100 NEW HOPE, MN 55427 17-0059	(763) 383-8383	MECH	6/1/2017	9/30/2018	MB993665
LITTLE PINE MECHANICAL LLC 1575 VOYAGER LANE RD BRAINERD, MN 56401 17-0060	(218) 821-2789	PLUM	3/20/2017	12/31/2017	PC680802
VINCO, INC. 18995 FOREST BLVD N. FOREST LAKE, MN 55025 17-0061	(651) 982-4642	TELE	5/1/2017	12/31/2017	
B-DIRT LLC 4706 WILDERNESS CT SUITE 103 BRAINERD, MN 56401 17-0062	(218) 232-1360	GENL	1/1/2018	12/31/2017	BC328737

**2017 LICENSE RENEWALS
DECEMBER 19, 2016 COUNCIL MEETING**

TOBACCO LICENSES – 5 Renewals

Northern Tier Retail LLC dba SuperAmerica #4076
1223 South 6th Street
Brainerd, MN 56401

Cornerstone Liquor
817 Washington Street
Brainerd, MN 56401

J.H.T. Vape
823 Washington Street
Brainerd, MN 56401

Family Dollar
402 Washington Street
Brainerd, MN 56401

VIP Vapors
207 South 7th Street
Brainerd, MN 56401

PAWNBROKERS LICENSES – 2 Renewals

Iron Hills Gun & Pawn Inc.
704 Front Street
Brainerd, MN 56401

T & B Pawn & Gun Inc.
515 Washington Street
Brainerd, MN 56401

SECOND HAND GOODS LICENSES– 1 Renewal

Brainerd Gold & Silver
702 W Washington Street
Brainerd, MN 56401

TAXI CAB LICENSES – 1 Renewal

Grab-A-Cab
421 ½ S. 9th Street
Brainerd, MN 5640

• **Contingent upon inspection by the Fire Department**

SECOND HAND AUTO LICENSES – 1 Renewal

Auto Import
22 Washington Street
Brainerd, MN 56401

**BRAINERD POLICE DEPARTMENT
MEMORANDUM**



www.ci.brainerd.mn.us

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston *CM*
DATE: 12-13-16
RE: Monthly Report

Body Worn Cameras

During November we began testing and evaluating Body Worn Cameras (BWC). We have received three different models to try. The Taser Axon, VieVu LE4, and Watchguard Vista were the three models chosen to test. The decision on which model and software will best meet our needs will not be an easy. As we get feedback from the officers on functionality, we will try to balance those concerns with the administrative aspects of management and access on the back end, while also taking into account the demands each one will potentially have on IT support needs. Storage, redaction capabilities, ease of operation, and on-going licensing costs will play a significant role in which camera system will fit the departments needs the best.

Prior to implementing a program, we will conduct a process that will include time for public/community feedback. That process will most likely involve a combination of a web based survey for the community to participate in and time for public comment at a future council meeting. During the initial testing, we've been impressed with the quality of the audio and video of the cameras.



VieVu LE4



Taser Axon



Watchguard Vista

November Police Activity

While this November brought a spike in property damage car crashes compared to November of 2015, fortunately the number of serious injury crashes stayed the same at a relatively low number. Both Stalled Vehicle incidents and Driving Complaints were also noticeably higher in 2016 by comparison.

Crash Type	2015	2016
Property Damage Crashes	24	49
Personal Injury Crashes	3	3
Total Crashes	27	52
Stalled Vehicles	3	8
Driving Complaints	21	39

On November 17th, Sergeants Dooley and Kulzer, along with our K-9 Keno visited the Kinderclub group at their Washington Education Services Building on Oak Street for a K-9 demonstration.



On Thanksgiving, Brainerd Police Officers along with the Brainerd Fire Department, Baxter Police Department and Crow Wing County Sheriff's Department delivered meals to area residents prepared by the American Legion.



Level 3 Predatory Offenders

The Minnesota Department of Corrections reported that Level 3 Predatory Offender Joshua Chad Tromblay would be released from prison on November 22nd. Tromblay was scheduled to be living in the area of Gillis Avenue NE, in Brainerd.

Tromblay is not new to our community and has resided in Brainerd in the past, moving back to the same general area. Because Tromblay was not a new release to the community, no community notification meeting was held. Public Fact Notification Sheets regarding Tromblay were available at the Brainerd Police Department and on the Brainerd Police Department Facebook Page.

Tromblay's prior offenses include criminal sexual conduct involving penetration with an adult female he was known to. He also has a prior history of sexual contact with a three-year-old female victim.

This brings our current number of Level 3 Predatory Offenders living in the City Limits to two.

Police Officer Resignation

Effective November 3rd, Police Officer Patrick Campbell resigned during his sixth week of initial training. We are in the process of filling that position and a request to establish a new hiring list is on the current Personnel & Finance Agenda.

Conduct on Premises Activity Report for November

ICR	Date Reported	Title	House #	Summary
16015051	11/01/16	Conduct on Premises	709 S 8 th Street	Conduct on Premises Notice Sent
16015391	11/07/16	Conduct on Premises	1211 SE 12 th Street	Conduct on Premises Notice Sent
16015520	11/10/16	Conduct on Premises	927 SE 12 th Street	Conduct on Premises Notice Sent

Monthly Police Activity

November	2016	2015
Calls	1492	1463
Citations (Inc. Parking)	257	182
Part I and Part II Crimes Reported	279 **	291

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

113 parking tickets were issued in the month of November with the following dispositions:

1	Dismissed
0	Business Validations
45	Paid in Full
1	Partial Payments Received
66	No Payment Received

Revenue Recapture Receipts:

To Date: \$ 27,959.46

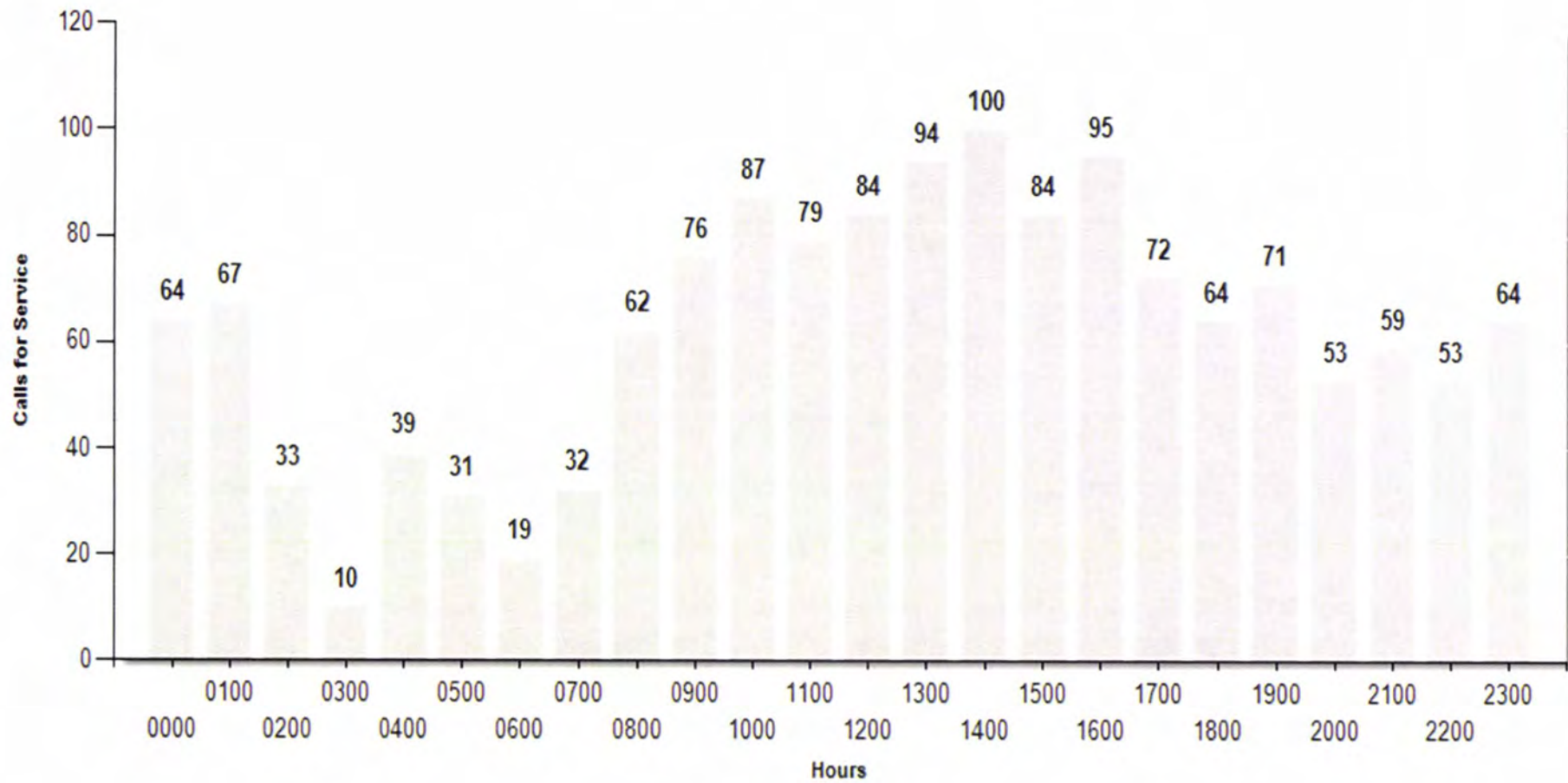
In 2016: \$ 4,817.65



Calls for Service Hourly

11/1/2016 to 11/30/2016

Total Calls: 1534



District Office Lease – Instructions

NO LEASE OR ATTACHMENT CAN BE SIGNED BEFORE THEY HAVE BEEN APPROVED BY THE ADMINISTRATIVE COUNSEL.

The term for a District Office Lease for the 115th Congress may not commence prior to January 3, 2017.

Members should endeavor to lease space through the last day of a congressional term rather than the last day of a calendar year. For the 115th Congress, leases should end on January 2, 2019, not December 31, 2018.

- A. The preamble has three blank lines to be filled in: (1) Landlord's name; (2) Landlord's address; and (3) Member/Member-Elect's name.
- B. Section 1 has three blank lines to be filled in: (1) square footage of the leased office (optional); (2) street address of the leased office; and (3) city, state and ZIP code of the leased office.
- C. Section 2 confirms that all amenities identified in the District Office Lease Attachment accompanying the Lease are to be provided by Lessor.
- D. Section 3 has two blank lines to be filled in: (1) date lease begins (must be on or after January 3, 2017); and (2) date lease ends (must be on or before January 2, 2019).
- E. Section 4 has one blank line for the monthly rent amount (write "zero" if no rent is to be paid).
- F. Section 5 has one blank line – the number of days' notice required for either party to terminate the lease before the end of the term. A standard period is 30 days, but any figure is acceptable. If the lease may not be terminated early, enter "N/A" in this blank.
- G. Sections 1–9, other than filling in the blanks, may not be altered or deleted.
- H. Section 11 has space provided to list any additional lease provisions.
- I. Prior to either party signing a lease, the Member/Member-Elect must submit the proposed lease, accompanied by a copy of the District Office Lease Attachment for the 115th Congress, to the Administrative Counsel for review and approval. If the proposed terms and conditions of the lease are determined to be in compliance with applicable law and House Rules and Regulations, the Administrative Counsel will notify the Member/Member-Elect that (s)he may proceed with the signing of the lease. Please submit the proposed lease and District Office Lease Attachment either by e-mail in PDF form (leases@mail.house.gov) or fax (202-225-6999).
- J. The Member/Member-Elect is required to personally sign the documents. A signed and dated District Office Lease Attachment must accompany this lease. Once signed by both parties, the Lease and the District Office Lease Attachment must be submitted to the Administrative Counsel for final approval. They may be sent by email in PDF form or faxed to 202-225-6999.
- K. If approved, Administrative Counsel will send the forms to Finance so that payment can begin. If there are errors on the form, the Member office will be contacted and required to correct them.

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U.S. House of Representatives

Washington, D.C. 20515

District Office Lease

(Page 1 of 3 - 115th Congress)

Pursuant to 2 U.S.C.A. § 4313, and the Regulations of the Committee on House Administration (as modified from time to time by Committee Order) relating to office space in home districts, _____
City of Brainerd, Minnesota, Brainerd City Hall, 501 Laurel St, Brainerd, MN 56401
(Landlord's name) (Landlord's street address, city, state, ZIP code)

("Lessor"), and Richard M. Nolan, a Member/Member-Elect of the U.S. House of Representatives ("Lessee"), agree as follows:

1. **Location.** Lessor shall lease to Lessee 198 square feet of office space located at
Brainerd City Hall, 501 Laurel St
(Office street address)
in the city, state and ZIP code of Brainerd, MN 56401
(Office city, state and ZIP)
2. **Lease Amenities.** Lessee shall be entitled to receive and Lessor shall be required to provide the amenities selected in Section A of the District Office Lease Attachment ("Attachment") accompanying this Lease.
3. **Term.** Lessee shall have and hold the leased premises for the period beginning January 3, 2017 and ending January 2, 2019. The term of this District Office Lease ("Lease") may not exceed two (2) years and may not extend beyond January 2, 2019, which is the end of the constitutional term of the Congress to which the Member is elected.
4. **Rent.** The monthly rent shall be \$ 200.00, and is payable in arrears on or before the last day of each calendar month. Rent payable under this Lease shall be prorated on a daily basis for any fraction of a month of occupancy.
5. **Early Termination.** This Lease may be terminated by either party giving 30 days' prior written notice to the other party. The commencement date of such termination notice shall be the date such notice is delivered or, if mailed, the date such notice is postmarked.
6. **Payments.** During the term of this Lease, rent payments under Section 4 of this Lease shall be remitted to the Lessor by the Chief Administrative Officer of the U.S. House of Representatives (the "CAO") on behalf of the Lessee.
7. **District Office Lease Attachment for 115th Congress.** The District Office Lease Attachment attached hereto is incorporated herein by reference, and this Lease shall have no force or effect unless and until accompanied by an executed District Office Lease Attachment for the 115th Congress.
8. **Counterparts.** This Lease may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
9. **Section Headings.** The section headings of this Lease are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.

U.S. House of Representatives
Washington, D.C. 20515

District Office Lease

(Page 2 of 3 – 115th Congress)

10. **Modifications.** Any amendments, additions or modifications to this Lease inconsistent with Sections 1 through 9 above shall have no force or effect to the extent of such inconsistency.
11. **Other.** Additionally, the Lessor and the Lessee agree to the following:

N/A

[Signature page follows.]

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Washington, D.C. 20515

District Office Lease
(Page 3 of 3 – 115th Congress)

IN WITNESS WHEREOF, the parties have duly executed this District Office Lease as of the later date written below by the Lessor or the Lessee.

City of Brainerd, Minnesota

Print Name of Lessor/Landlord/Company

Richard M. Nolan

Print Name of Lessee

By: _____

Lessor Signature

Name:

Title:

Lessee Signature

Date

Date

This District Office Lease must be accompanied with an executed District Office Lease Attachment.

District Office Lease Attachment- Instructions

The District Office Lease Attachment must accompany *every* Lease or District Office Lease Amendment that is submitted for a Member/Member-Elect's District Office.

NO LEASE, AMENDMENT OR ATTACHMENT CAN BE SIGNED BEFORE THEY HAVE BEEN APPROVED BY THE ADMINISTRATIVE COUNSEL.

The term of a District Office Lease or Amendment for the 115th Congress may not commence prior to January 3, 2017.

Members should endeavor to lease space through the last day of a congressional term rather than the last day of a calendar year. For the 115th Congress, leases should end on January 2, 2019, not December 31, 2018.

A few things to keep in mind:

- A. The Member/Member-Elect is required to personally sign the documents.
- B. The Member/Member-Elect must indicate in Section A ("Lease Amenities") of the Attachment whether the proposed leased space will serve as a flagship district office.
- C. The Lessor must complete the amenities checklist in Section A ("Lease Amenities"), unless the checkbox at the top of the amenities checklist is marked to indicate that amenities are listed elsewhere in the Lease.
- D. Broadband/cable availability can be confirmed by visiting www.broadbandmap.gov and entering the address of the proposed leased space.
- E. Section B ("Additional Terms and Conditions") of the Attachment **SHALL NOT** have any provisions deleted or changed.
- F. Even if rent is zero, an Attachment is still required.
- G. Prior to either party signing a Lease or Amendment, the Member/Member-Elect must submit the proposed Lease or Amendment, accompanied by a copy of the Attachment, to the Administrative Counsel for review and approval. If the Administrative Counsel determines that the proposed terms and conditions of the Lease or Amendment are in compliance with applicable law and House Rules and Regulations, the Administrative Counsel will notify the Member/Member-Elect that (s)he may proceed with the execution of the Lease or Amendment. Please submit the proposed Lease or Amendment and Attachment either by e-mail in PDF form (leases@mail.house.gov) or by fax (202-225-6999).
- H. Once signed by both parties, the Lease or Amendment and the Attachment must be submitted to the Administrative Counsel for final approval. The Attachment should be submitted at the same time the Lease or Amendment is sent to the Administrative Counsel. They may be sent by email in PDF form or faxed to (202-225-6999).
- I. Without a properly signed and submitted Attachment, the Lease or Amendment cannot be approved and payments will not be made. The parties agree that any charges for default, early termination or cancellation of the Lease or Amendment which result from actions taken by or on behalf of the Lessee shall be the sole responsibility of the Lessee, and are not reimbursable from the Member's Representational Allowance.
- J. Lessor shall provide a copy of any assignment, estoppel certificate, notice of a bankruptcy or foreclosure, or notice of a sale or transfer of the leased premises to the Administrative Counsel by e-mail in PDF form (leases@mail.house.gov).

U.S. House of Representatives
Washington, D.C. 20515

District Office Lease Attachment
(Page 1 of 5 – 115th Congress)

SECTION A
(Lease Amenities)

Section A designates whether the leased space will be the Member/Member-Elect's flagship (primary) office and sets forth the amenities provided by the Lessor to be included in the Lease. Except as noted below, the amenities listed are not required for all district offices.

To be completed by the Member/Member-elect:

- ☐ The leased space will serve as my flagship (primary) District Office.
☒ The leased space will NOT serve as my flagship (primary) District Office.

To be completed by the Lessor:

- ☐ Amenities are separately listed elsewhere in the Lease.
(The below checklist can be left blank if the above box is checked.)

The Lease includes (please check and complete all that apply):
(Items marked with an asterisk and in bold are required for all flagship offices of Freshman Members of the 115th Congress.)

- ☒ * **Broadband and/or Cable Access to the Leased Space (e.g. Comcast, Cox, Verizon, etc.).**
(Verify broadband access by entering the address of the leased space at www.broadbandmap.gov)
- ☒ * **Interior Wiring CAT 5e or Better within Leased Space.**
- ☒ **Lockable Space for Networking Equipment.**
- ☒ **Telephone Service Available.**
- ☐ **Parking.** ☐ Assigned Parking Spaces
 ☐ Unassigned Parking Spaces
 ☒ General Off-Street Parking on an As-Available Basis
- ☒ **Utilities.** Includes: Electric, Water
- ☐ **Janitorial Services.** Frequency: _____
- ☐ **Trash Removal.** Frequency: _____
- ☐ **Carpet Cleaning.** Frequency: _____
- ☐ **Window Washing.** ☐ **Window Treatments.**
- ☐ **Tenant Alterations Included In Rental Rate.**
- ☒ **After Hours Building Access.**
- ☐ **Office Furnishings.** Includes: _____
- ☐ **Cable TV Accessible.** If checked, Included in Rental Rate: ☐ Yes ☐ No
- ☒ **Building Manager.** ☒ Onsite ☐ On Call Contact Name: James Thoreen
Phone Number: 218-828-2307 Email Address: jthoreen@cl.brainerd.mn.us

Send completed forms to: Administrative Counsel, 217 Ford House Office Building, Washington, D.C. 20515.
Copies may also be faxed to 202-225-6999.

Print Form

Save Form

Clear Page

U.S. House of Representatives
Washington, D.C. 20515

District Office Lease Attachment
(Page 2 of 5 – 115th Congress)

SECTION B
(Additional Terms and Conditions)

1. **Incorporated District Office Lease Attachment.** Lessor (Landlord) and Lessee (Member/Member-Elect of the U.S. House of Representatives) agree that this District Office Lease Attachment ("Attachment") is incorporated into and made part of the Lease ("Lease") and, if applicable, District Office Lease Amendment ("Amendment") to which it is attached.
2. **Performance.** Lessor expressly acknowledges that neither the U.S. House of Representatives (the "House") nor its Officers are liable for the performance of the Lease. Lessor further expressly acknowledges that payments made by the Chief Administrative Officer of the House (the "CAO") to Lessor to satisfy Lessee's rent obligations under the Lease – which payments are made solely on behalf of Lessee in support of his/her official and representational duties as a Member of the House – shall create no legal obligation or liability on the part of the CAO or the House whatsoever. Lessee shall be solely responsible for the performance of the Lease and Lessor expressly agrees to look solely to Lessee for such performance.
3. **Modifications.** Any amendment to the Lease must be in writing and signed by the Lessor and Lessee. Lessor and Lessee also understand and acknowledge that the Administrative Counsel for the CAO ("Administrative Counsel") must review and give approval of any amendment to the Lease prior to its execution.
4. **Compliance with House Rules and Regulations.** Lessor and Lessee understand and acknowledge that the Lease shall not be valid, and the CAO will not authorize the disbursement of funds to the Lessor, until the Administrative Counsel has reviewed the Lease to determine that it complies with the Rules of the House and the Regulations of the Committee on House Administration, and approved the Lease by signing the last page of this Attachment.
5. **Payments.** The Lease is a fixed term lease with monthly installments for which payment is due in arrears on or before the end of each calendar month. In the event of a payment dispute, Lessor agrees to contact the Office of Finance of the House at 202-225-7474 to attempt to resolve the dispute before contacting Lessee.
6. **Void Provisions.** Any provision in the Lease purporting to require the payment of a security deposit shall have no force or effect. Furthermore, any provision in the Lease purporting to vary the dollar amount of the rent specified in the Lease by any cost of living clause, operating expense clause, pro rata expense clause, escalation clause, or any other adjustment or measure during the term of the Lease shall have no force or effect.
7. **Certain Charges.** The parties agree that any charge for default, early termination or cancellation of the Lease which results from actions taken by or on behalf of the Lessee shall be the sole responsibility of the Lessee, and shall not be paid by the CAO on behalf of the Lessee.
8. **Death, Resignation or Removal.** In the event Lessee dies, resigns or is removed from office during the term of the Lease, the Clerk of the House may, at his or her sole option, either: (a)

*Send completed forms to: Administrative Counsel, 217 Ford House Office Building, Washington, D.C. 20515.
Copies may also be faxed to 202-225-6999.*

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U.S. House of Representatives

Washington, D.C. 20515

District Office Lease Attachment

(Page 3 of 5 – 115th Congress)

terminate the Lease by giving thirty (30) days' prior written notice to Lessor; or (b) assume the obligation of the Lease and continue to occupy the premises for a period not to exceed sixty (60) days following the certification of the election of the Lessee's successor. In the event the Clerk elects to terminate the Lease, the commencement date of such thirty (30) day termination notice shall be the date such notice is delivered to the Lessor or, if mailed, the date on which such notice is postmarked.

9. **Term.** The term of the Lease may not exceed the constitutional term of the Congress to which the Lessee has been elected. The Lease may be signed by the Member-Elect before taking office. Should the Member-Elect not take office to serve as a Member of the 115th Congress, the Lease will be considered null and void.
10. **Early Termination.** If either Lessor or Lessee terminates the Lease under the terms of the Lease, the terminating party agrees to promptly file a copy of any termination notice with the Office of Finance, U.S. House of Representatives, O'Neill Federal Building, Suite 3220, Attn: Levi Matthews, Washington, D.C. 20515, and with the Administrative Counsel by e-mail at leases@mail.house.gov.
11. **Assignments.** Lessor shall not have the right to assign (by operation of law or otherwise) any of its rights, interests and obligations under the Lease, in whole or in part, without providing thirty (30) days prior written notice to Lessee, and any such purported assignment without such notice shall be void. Lessor shall promptly file a copy of any such assignment notice with the Administrative Counsel by e-mail at leases@mail.house.gov.
12. **Sale or Transfer of Leased Premises.** Lessor shall provide thirty (30) days prior written notice to Lessee in the event (a) of any sale to a third party of any part of the leased premises, or (b) Lessor transfers or otherwise disposes of any of the leased premises, and provide documentation evidencing such sale or transfer in such notice. Lessor shall promptly file a copy of any such sale or transfer notice with the Administrative Counsel by e-mail at leases@mail.house.gov.
13. **Bankruptcy and Foreclosure.** In the event (a) Lessor is placed in bankruptcy proceedings (whether voluntarily or involuntarily), (b) the leased premises is foreclosed upon, or (c) of any similar occurrence, Lessor agrees to promptly notify Lessee in writing. Lessor shall promptly file a copy of any such notice with the Office of Finance, U.S. House of Representatives, O'Neill Federal Building, Suite 3220, Attn: Levi Matthews, Washington, D.C. 20515, and with the Administrative Counsel by e-mail at leases@mail.house.gov.
14. **Estoppel Certificates.** Lessee agrees to sign an estoppel certificate relating to the leased premises (usually used in instances when the Lessor is selling or refinancing the building) upon the request of the Lessor. Such an estoppel certificate shall require the review of the Administrative Counsel, prior to Lessee signing the estoppel certificate. Lessor shall promptly provide a copy of any such estoppel certificate to the Administrative Counsel by e-mail at leases@mail.house.gov.

Send completed forms to: Administrative Counsel, 217 Ford House Office Building, Washington, D.C. 20515. Copies may also be faxed to 202-225-6999.

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District Office Lease Attachment
(Page 4 of 5 – 115th Congress)

15. **Maintenance of Common Areas.** Lessor agrees to maintain in good order, at its sole expense, all public and common areas of the building including, but not limited to, all sidewalks, parking areas, lobbies, elevators, escalators, entryways, exits, alleys and other like areas.
16. **Maintenance of Structural Components.** Lessor also agrees to maintain in good order, repair or replace as needed, at its sole expense, all structural and other components of the premises including, but not limited to, roofs, ceilings, walls (interior and exterior), floors, windows, doors, foundations, fixtures, and all mechanical, plumbing, electrical and air conditioning/heating systems or equipment (including window air conditioning units provided by the Lessor) serving the premises.
17. **Lessor Liability for Failure to Maintain.** Lessor shall be liable for any damage, either to persons or property, sustained by Lessee or any of his or her employees or guests, caused by Lessor's failure to fulfill its obligations under Sections 15 and 16.
18. **Initial Alterations.** Lessor shall make any initial alterations to the leased premises, as requested by Lessee and subject to Lessor's consent, which shall not be unreasonably withheld. The cost of such initial alterations shall be included in the annual rental rate.
19. **Federal Tort Claims Act.** Lessor agrees that the Federal Tort Claims Act, 28 U.S.C. §§ 2671-80, satisfies any and all obligations on the part of the Lessee to purchase private liability insurance. Lessee shall not be required to provide any certificates of insurance to Lessor.
20. **Limitation of Liability.** Lessor agrees that neither Lessee nor the House nor any of the House's officers or employees will indemnify or hold harmless Lessor against any liability of Lessor to any third party that may arise during or as a result of the Lease or Lessee's tenancy.
21. **Compliance with Laws.** Lessor shall be solely responsible for complying with all applicable permitting and zoning ordinances or requirements, and with all local and state building codes, safety codes and handicap accessibility codes (including the Americans with Disabilities Act), both in the common areas of the building and the leased space of the Lessee.
22. **Electronic Funds Transfer.** Lessor agrees to accept monthly rent payments by Electronic Funds Transfer and agrees to provide the Office of Finance, U.S. House of Representatives, with all banking information necessary to facilitate such payments.
23. **Refunds.** Lessor shall promptly refund to the CAO, without formal demand, any payment made to the Lessor by the CAO for any period for which rent is not owed because the Lease has ended or been terminated.
24. **Conflict.** Should any provision of this Attachment be inconsistent with any provision of the attached Lease or attached Amendment, the provisions of this Attachment shall control, and those inconsistent provisions of the Lease or the Amendment shall have no force and effect to the extent of such inconsistency.

*Send completed forms to: Administrative Counsel, 217 Ford House Office Building, Washington, D.C. 20515.
Copies may also be faxed to 202-225-6999.*

U.S. House of Representatives
Washington, D.C. 20515

District Office Lease Attachment
(Page 5 of 5 – 115th Congress)

25. **Construction.** Unless the clear meaning requires otherwise, words of feminine, masculine or neuter gender include all other genders and, wherever appropriate, words in the singular include the plural and vice versa.
26. **Fair Market Value.** The Lease or Amendment is entered into at fair market value as the result of a bona fide, arms-length, marketplace transaction. The Lessor and Lessee certify that the parties are not relatives nor have had, or continue to have, a professional or legal relationship (except as a landlord and tenant).
27. **District Certification.** The Lessee certifies that the office space that is the subject of the Lease is located within the district the Lessee was elected to represent unless otherwise authorized by Regulations of the Committee on House Administration.
28. **Counterparts.** This Attachment may be executed in any number of counterparts and by facsimile copy, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.
29. **Section Headings.** The section headings of this Attachment are for convenience of reference only and shall not be deemed to limit or affect any of the provisions hereof.

IN WITNESS WHEREOF, the parties have duly executed this District Office Lease Attachment as of the later date written below by the Lessor or the Lessee.

City of Brainerd, Minnesota

Print Name of Lessor/Landlord

Richard M. Nolan

Print Name of Lessee

By:

Lessor Signature

Name:

Title:

Lessee Signature

Date

Date

From the Member's Office, who is the point of contact for questions?

Name Jeffery Anderson

Phone (218) 484-5085

E-mail jeff.anderson

@mail.house.gov

This District Office Lease Attachment and the attached Lease or Amendment have been reviewed and are approved, pursuant to Regulations of the Committee on House Administration.

Signed _____ Date _____, 20____.
(Administrative Counsel)

Send completed forms to: Administrative Counsel, 217 Ford House Office Building, Washington, D.C. 20515.
Copies may also be faxed to 202-225-6999.



Brainerd City Council Agenda Request

7

Agenda Item #

Requested Meeting Date: December 19, 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) *provide copy of published hearing notice ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Mr. Dan Kasbohm	Estimated Time Needed: 60 minutes
Summary of Issue: Mr. Dan Kasbohm from UFS will be at the council meeting to present the Sanitary and Storm Sewer rate and design study results and to provide recommendations.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: The council has the option to adopt resolutions implementing the recommendations or to continue the discussion at a future 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>	

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

December 19, 2016
6:15 p.m.
City Council Chambers

1. Jackson Street parking Resolution
2. Street Light Request
3. Tax Forfeit Parcel
4. Organized Collection

***COMMITTEES WILL ADJOURN BY 7:00 IN ORDER TO ATTEND RECEPTION TO
RECOGNIZE DEPARTING AND NEW CITY COUNCIL MEMBERS IN THE CITY COUNCIL
CHAMBERS***



Brainerd City Council Agenda Request

SPW

1

Agenda Item #

Requested Meeting Date: December 19, 2016

Title of Item: Jackson Street Parking Resolution

☐ 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: The lane configuration being proposed for Jackson Street following the resurfacing project is a 3-lane section with center left turn lane and paved shoulders which will meet the minimum width requirement for bike lanes. To provide the width necessary for the lanes, the parking, which has already been removed from the north side of the street, will also need to be removed from the south side of the street. Under State Aid rules, when a road authority is proposing to construct an urban roadway that does not provide the minimum widths required for parking lanes, they are required to adopt a resolution that bans parking from the street.	
Alternatives, Options, Effects on Others/Comments: Attached is a draft resolution for the Council's consideration.	
Recommended Action/Motion: Staff is recommending adoption of the resolution restricting parking of Jackson Street from the west city limits to NW 4th Street.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

RESOLUTION
NO _____

PARKING RESTRICTIONS RELATED TO SAP 108-129-002
JACKSON STREET – FROM NW 4TH STREET TO BRAINERD CITY LIMITS

WHEREAS, THIS RESOLUTION was passed this 19th day of December, 2016, by the City of Brainerd in Crow Wing County, Minnesota. The Municipal corporation shall hereinafter be called the "City"; and

WHEREAS, the "City" has planned the improvement of Jackson Street, State Aid Route No. 129 from NW 4th Street to the Brainerd City Limits in the City of Brainerd, Minnesota; and

WHEREAS, the "City" will be expending Municipal Street Aid Funds on the improvements of this Street; and

WHEREAS, this improvement does not provide adequate width for parking on both sides of the street; and approval of the proposed construction as a Municipal State Aid Street project must therefore be conditioned upon certain parking restrictions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRAINERD, MINNESOTA:

1. That the "City" shall ban parking of motor vehicles on Jackson Street from NW 4th Street to the City Limits at all times.

Adopted this _____ day of _____, 201__

GARY SHEELER
President of the Council

Approved this _____ day of _____, 201__

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

SPW 2
Agenda Item #

Requested Meeting Date: December 19, 2016

Title of Item: Street Light Request

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is a request to install a street light at the intersection on Greenwood Street and Business 371.	
Alternatives, Options, Effects on Others/Comments: Studies conducted by the Local Road Research Board have concluded that rural intersection lighting on high speed highways is a cost effective safety improvement with demonstrated reductions in the number and severity of crashes.	
Recommended Action/Motion: Staff is recommending approval of the request	
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> BPU will add the light to the City's monthly invoice for street lighting.	

Brainerd Public Utilities

Request for Street Lighting Form

Date requested: 12-8-16

Requested By: David E. Richard

Address: 2502 Greenwood St. SW. #2
Brainerd MN. 56401

Location of street lights: _____

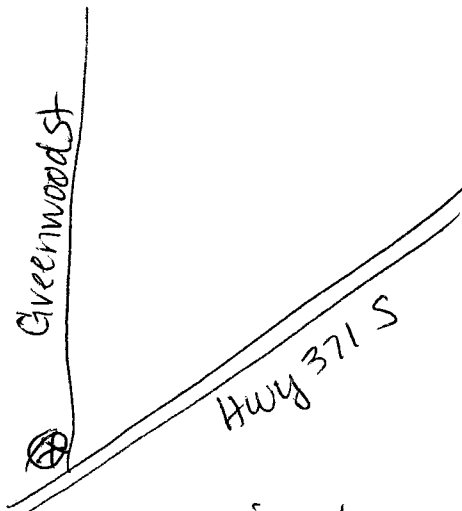
☒ Attached street light plan or sketch _____

City of Brainerd
Approved /Date: _____

City Engineer

Brainerd Public Utilities
Approved /Date: 12-9-16

Trent Hawkinson TH
Superintendent



email w/ results davidrichard1945@gmail.com





Brainerd City Council Agenda Request

SPW
3

Agenda Item #

Requested Meeting Date: December 19, 2016

Title of Item: Tax forfeit Parcel

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is a notification from Crow Wing County that they are interested in classifying a parcel of tax forfeit property as non-conservation and offering it for sale. The parcel is a 30 ft. wide cart way across the north side of the Northtown addition.	
Alternatives, Options, Effects on Others/Comments: The parcel was originally acquired by the Northtown developer so that it would not block access to the 30 acre parcel north of the Northtown addition. Since then, both the Northtown subdivision and 30 acre parcels went back to the bank. Staff beleives there is benefit for the city to acquire this parcel so that we can preserve access to the northerly parcel and the cartway provides an opportunity for a trail access in the future.	
Recommended Action/Motion: Staff is recommending that the Council hold the parcel in conservation and express an interest to the county to acquire the parcel.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>unknown</u> Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



December 7, 2016

City of Brainerd
Jim Thoreen, Clerk
501 Laurel Street
Brainerd, MN 56401

RECEIVED

DEC 12 2016

**CITY OF BRAINERD
ADMINISTRATION**

Re: Classification to "Non-Conservation" and Future Direct Sale of N. 30 ft of the SW1/4 of SE1/4, Section 33-Township 134-Range 28

Dear Mr. Thoreen:

In the near future, the Crow Wing County Board of Commissioners will classify the tax forfeited tract(s), below, as "Non-Conservation" which is required prior to sale pursuant to MS 282.01.

***North 30 feet of the Southwest Quarter of Southeast Quarter
Section 33, Township 134, Range 28***

RE Code: 080334400A00009

Before, however, Crow Wing County can proceed with its plans to offer this tract for sale, the city or township wherein these tracts lie, ***"must first approve the classification and intended sale"*** by the County Board. The city or township ***"is considered to have approved the classification and sale if the county board is not notified of the disapproval.....within 60 days of the date"*** of this letter.

If you respond within 60 days and do not support the County Board's action, ***"the County Board must follow the procedures in paragraphs (c) and (d), with regard to the parcel, and must additionally cause to be published in a newspaper a notice of the date, time, location, and purpose of the required meeting."***

Mark B. Liedl, Director
Land Services Department
322 Laurel Street, Suite 15
Brainerd, MN 56401

Our Vision: Being Minnesota's favorite place.
Our Mission: Serve well. Deliver value. Drive results.
Our Values: Be responsible. Treat people right. Build a better future.

Office: (218) 824-1010
Fax: (218) 824-1126
www.crowwing.us

According to MS 282.01, Subdivision 1, If the town or city ***"fails to submit an application and a resolution of the board or governing body to acquire the property within the six month withholding period, the county may offer the property for sale upon expiration of the withholding period."***

Whenever tax forfeited land is proposed to be sold, a generic form letter containing the language above is mailed to the township or city wherein the tax forfeited land lies. The language, above, stipulates the Statutes which apply and does reference a PUBLIC SALE which is the typical sale method. **IN THIS CASE, HOWEVER, CROW WING COUNTY PLANS TO PURSUE A POSSIBLE ALTERNATE SALE PROCEDURE PURSUANT TO MS 282.01, SUBD 7A, WHICH ALLOWS THE COUNTY BOARD TO SELL THE TAX FORFEIT PARCEL TO AN ADJOINING LANDOWNER ONLY OR A GOVERNMENT ENTITY FOR A PUBLIC PURPOSE.**

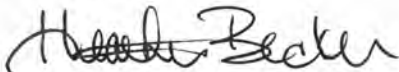
The tax forfeited tract.....

- Is 0.91 acre in size.
- Forfeited 9-30-2015

Please review the tax forfeited tract, attached, and inform this Department of your approval or disapproval of the County Board's future action to classify said tract to a "non-conservation" status with intentions to sell directly to an adjoining landowner.

If you have further questions, please give me a call.

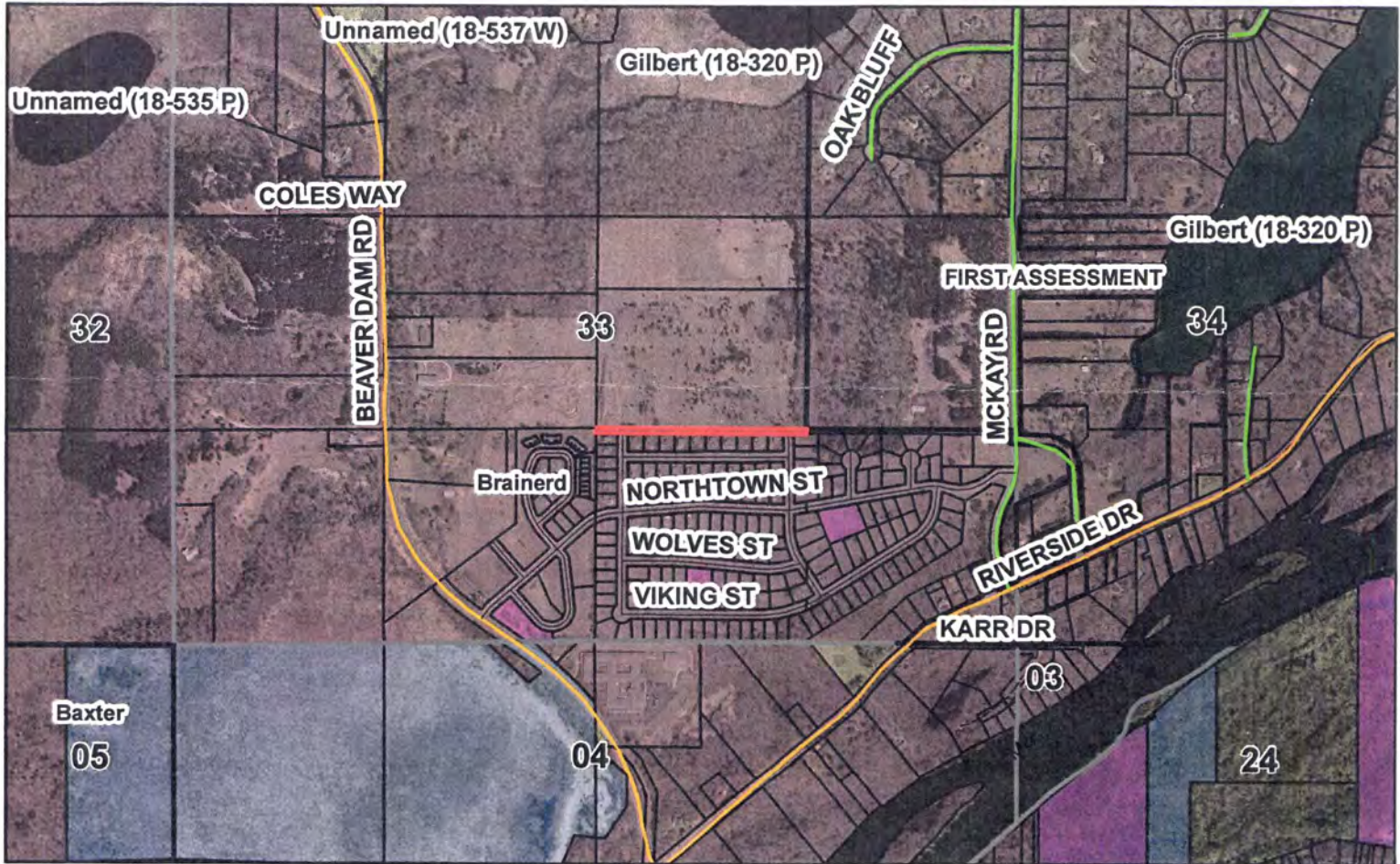
Sincerely,



Heather Becker
Customer Service Specialist II

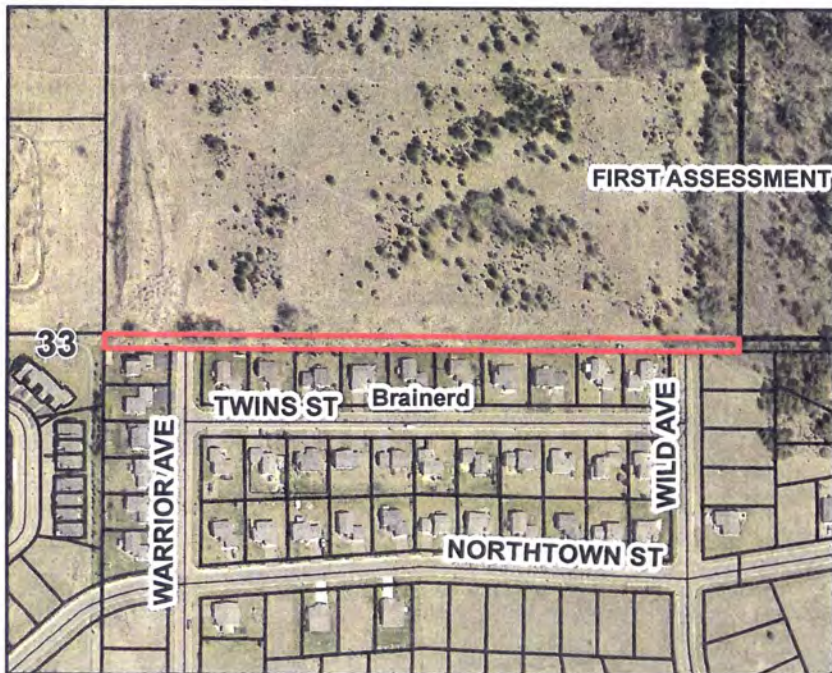
Encl: map

Direct Sale to Adjoining Landowner or City of Brainerd
City of Brainerd
North 30 feet of the Southwest Quarter of Southeast Quarter
Section 33, Township 134, Range 28
RE code: 080334400A00009



0 0.1 0.2 0.4 Miles

1 inch = 1,089 feet



Legend

- Unnamed Private Driveway
- US Highway
- State Highway
- County Road
- Township Road
- City Road
- Named Private Road
- Minimum Maintenance Road
- Cass County Road
- Boundary
- Sections
- Parcel Data
- County
- Private
- State (DNR)
- Federal
- Municipal
- Lakes
- Streams



December 7, 2016

Crow Wing County Coordinates (projection) ArcGIS 10.1



Brainerd City Council Agenda Request

SPW
4

Agenda Item #

Requested Meeting Date: December 19, 2016

Title of Item: Organized Garbage Collection

☐ 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: 30 minutes
Summary of Issue: The Committee had a preliminary discussion about organized collection at the last meeting and scheduled a discussion for the December 19th meeting. The 3 licensed haulers have been notified that the committee will be discussing the topic on Monday and 1/2 hour between 6:30 and 7:00 has been set aside for the topic.	
Alternatives, Options, Effects on Others/Comments: Attached is information distributed by Council Member Borkenhagen at the last meeting and a copy of an informational handout from the League of Minnesota Cities that has a section on organized collection and lays out the statutory process for implementing organized collection if that is the desire of the council.	
Recommended Action/Motion: Staff is seeking guidance and direction from the Council in terms of whether or not there is interest in pursuing or discussing the topic further. If there is, staff can return at a future meeting with a recommended process and schedule.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

The City of Brainerd's consideration of Organized Trash & Recycling Collection

What is Organized Collection?

It is simply a process developed by each city providing the ability to reduce large truck traffic through alleys and streets by designing a grid system for haulers to work within.

Why do we need it?

Per the MPCA, our own engineering department, and residents and businesses, the number of trucks running up and down our city alleys (and streets) is becoming a dangerous nuisance. This practice puts more wear and tear on the streets (where alleys connect) than any other part of our street system.

The vast amount of unnecessary truck traffic uses more gasoline, contributes unnecessarily to our city's air pollution, and most importantly increases the costs of these services to our residents and businesses.

How does Brainerd compare to state or national methodology?

About 30% of Minnesota cities (so far) have adopted Organized collection. About 70% of U.S. cities have adopted it. It would be advisable for Brainerd to inquire with other cities who have adopted organized collection so as to not re-invent the wheel.

How would Brainerd go about working toward this goal?

The council would approve further investigation of this opportunity, and decide on which committee would establish an investigative group composed of City staff, community members, a waste management representative, and city businesses.

How will this benefit the stakeholders?

The haulers would see the first benefits of lower costs regarding fuel consumption, vehicle maintenance, and general efficiencies.

It would be hoped that these haulers would then pass along the financial savings to their customers. Residents and businesses could see their rates either stabilize, or even be reduced (as in a number of other cities.)

What could a successful solution look like for Brainerd?

Some cities have organized their existing haulers, and developed a grid system. Each hauler retains the same market share as when adopted, but is allocated that share-percentage into quadrants of the city. This eliminates physical overlapping services, becomes more environmentally friendly, and holds down resident and business costs, while allowing more cost savings for the haulers. State law requires that if the city does switch to the organized approach, it must give haulers 60 days to come up with a consortium approach to share the market.

The visual below is obviously far too simplistic, but it serves as a quick glimpse of the difference between organized and unorganized waste collection and recycling.

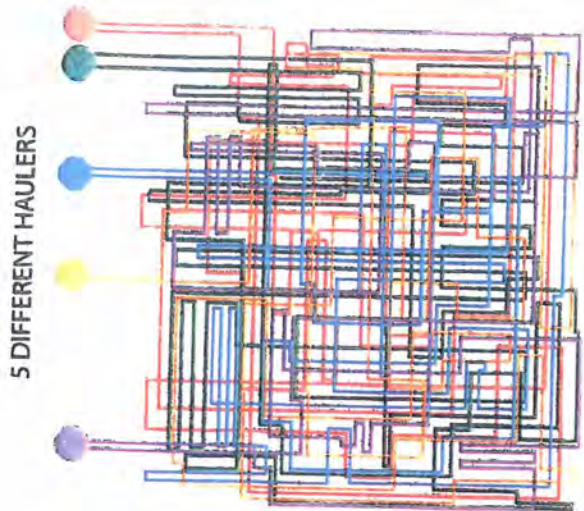
Unorganized Collection:

Pros:

- Enhances an illusion that the city allows for free-market enterprise.
- Allows the bigger companies more "edge" in gaining market share.
- Local gas wholesalers / retailers make more money.

Cons:

- Many alley-ways can have 3 or 4 garbage trucks running through them each day.
- The entrances of alley-ways are always in need of repair much sooner than the streets themselves.
- More gasoline is burned contributing to air pollution.
- More mileage is put on each garbage truck contributing to wear and tear, making costs higher for haulers and customers.
- Contributes to noise, and less-safer streets and alley-ways.



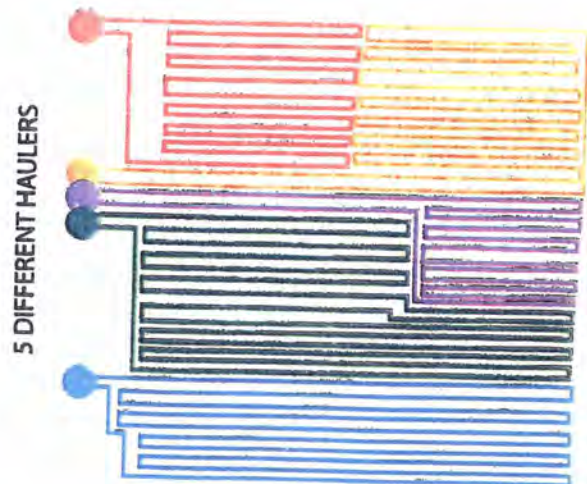
Organized Collection:

Pros:

- Could establish the same existing market-share territories.
- Would significantly decrease the alley-way traffic, making them safer.
- Would control and decrease the wear and tear of alleys, alley-street egress.
- Saves the garbage haulers gas and wear and tear on their vehicles, thus allowing for lower cost to customers.
- Gives more accountability power to customers.

Cons:

- May *slightly* increase city management *to begin with*.



In 2009, the Minnesota Pollution Control Agency commissioned a study to develop quantifiable information comparing open and organized municipal solid waste (MSW) and recycling collection systems. The analysis revealed that:

- organized collection systems *consistently result in lower overall costs to consumers*
- *recycling capture rates are typically higher* in organized systems.
- *reduces noise pollution, road wear, air emissions and fuel consumption.*

In an unorganized collection system, individual customers choose their own waste hauler. In an organized system, waste hauling services are coordinated by a public entity through either a competitive bidding process or redistribution of territory based on existing market share. Nearly 30 percent of the communities in Minnesota have organized MSW and recycling collection systems compared to 72 percent nationally.

Lower residential service rates:

The report found consumers in organized MSW collection cities experience reduced rates compared to non-organized residents. A resident can save as much as \$100 per year by living in a city with organized collection.

For example, the city of Maplewood expects its residents to save \$1.6 million city-wide per year after a recent switch to an organized system. The average Maplewood household will see a 50 percent decrease in trash hauling bills compared to the open collection system.

The averages in the following table include garbage service, taxes, surcharges and recycling service fees.

Collection System	Average Monthly Rate		
	30 Gallon	60 Gallon	90 Gallon
Open MSW	\$22.64	\$25.46	\$25.46
Organized MSW	<u>\$14.83</u>	<u>\$16.98</u>	<u>\$22.23</u>
Difference	\$7.81	\$8.48	\$3.23
% Change	+34.5%	+33.3%	+12.7%

Road wear:

Reducing the impact on roads and alleys, by reducing the number of heavy duty vehicles traveling on them is a benefit and goal of municipalities interested in moving from an open to an organized collection system. Organized cities typically have one truck traveling a particular route compared to two to eight trucks per route in an open system. *Nearly 86 percent of the road wear in alleys and eight percent of the road wear in high traffic areas is due to garbage trucks.*

The potential economic impact of road maintenance costs associated with garbage trucks has been estimated by some city officials. For example, the city of Roseville estimates the cost to reconstruct one mile of seven-ton street at approximately \$500,000. Roseville engineering staff believe the city's streets *would last an estimated five to ten years longer if garbage truck traffic was limited.* The reduced road maintenance could potentially save each of Roseville's 9,400 single family households \$20 to \$40 per year. This represents a savings of \$188,000 to \$376,000 per year. Similarly, the city of Oakdale has estimated that reducing the number of MSW haulers from five down to one traveling down an alley would conservatively *result in a more than four percent reduction in street maintenance costs per year.* With an annual street maintenance budget of \$3 million, Oakdale could save \$120,000 to more than \$300,000 per year.

Recycling rates:

Cities with organized recycling collection systems have a *higher rate of recycled materials collected* per-household. Reasons include:

- Cities with organized recycling have *more control over the details of the system* (e.g. materials collected, sorting instructions for residents, collection days and frequency).
- Organized cities also have more control over *public education tools and message content* – recycling public education campaigns are more cost-effective if outreach tools are consistent in message and design and available in several formats (brochures, web pages, public service announcements, etc.). Cities with both organized MSW and recycling have the opportunity to reach the same residential audience with multiple service messages.

Much of the reason more people don't recycle is because it (appears to be) too confusing. Contacts with residents can address both MSW and recycling issues.

Reduced fuel consumption and emissions:

Creating efficiencies in waste collection activities can *reduce both fuel consumption and emissions.* Fuel consumption during collection activities in cities with open collection systems is typically much higher than that of cities with organized systems. The numbers below signify the percentage of additional fuel used in these open cities than if they were to switch to an organized system.

Eagan 216%

Duluth 294%

Rochester 250%

Woodbury 355%

St. Paul 437%

The number of haulers and their market share can affect overall fuel consumption and emissions. In an open system, trucks from many haulers travel the same alley. In an organized system there may be the same number of haulers, but only one truck travels down each alley, resulting in lower fuel use. Even open cities with one hauler having more than 60 percent of the market share (e.g. Eagan) would see a significant reduction in fuel use by switching to an organized system. *A city with many haulers each having a smaller market share (e.g. St. Paul) would realize even greater savings.*

Fewer vehicle miles traveled also result in less air pollutant emissions from heavy duty waste/recycling collection vehicles. Public concern has increased regarding human health and environmental impacts of particulate matter and nitrogen oxides which are *emitted in large amounts from heavy duty vehicles.*

Collection System	Pounds recycled materials collected per household per year
Open MSW and recycling	510
Open MSW / organized recycling	583
Organized MSW and recycling	573
Average for organized recycling	579

Myths of organized collection

Organized collection means that there will only be one hauler in the community.

There are many examples of cities that have organized and chosen to use a group of haulers instead. In this situation, the city is zoned to maximize collection efficiency, but each hauler retains a certain market share.

Small haulers will never win the contract.

This depends upon the values of the city. If a city chooses to promote local and/or small businesses as criteria in their request for proposal, small haulers have an advantage.

Organized collection creates a monopoly.

The most effective method of keeping rates low is to consistently re-bid waste services through an open and competitive process. At the end of the contract period, the public entity reopens the competitive bidding process, to ensure that residents continue to receive the lowest rates available. Effective collection arrangements prevent monopolies and price gouging.

Recently from *The Brainerd Daily Dispatch...*

Baxter City Council hears proposition for organized trash collection

By Renee Richardson on Jul 7, 2015 at 10:21 p.m.

BAXTER - Organized collection, with the city determining garbage collection, was one of the elements from a recent League of Minnesota Cities conference.

Council member Todd Holman attended the conference with multiple sessions on a wide variety of topics. One of those was a law change that streamlines the public process to adopt organized collection with city testimonials in favor of an organized collection model. Instead of multiple companies serving throughout the city, the city may contract with one hauler or divide the city into quadrants. Each quadrant would be served by a single hauler.

"My position is that the city of Baxter should pursue this conversation with public, private haulers, and all stakeholder groups for the sake of road longevity, traffic safety, cost benefits and many other considerations," Holman wrote in a report to the council.

Holman said the city of Sauk Rapids, for instance, bids for the service and has the hauler deal with any calls from customers and canister replacements.

Holman told the council during a work session before the regular meeting that he didn't have a recommendation but thought it was a priority conversation to have. A key piece, he said, comes from the city's own pavement management plan and prolonging the life of city streets. With the city determining one hauler per area or for the city in general, it ends four to five different haulers traveling with heavy vehicles over the same street on a regular basis, Holman noted. With homeowners carrying the financial burden of street reconstruction assessments, Holman said the street conservation piece was part of the discussion. In addition, he pointed to the panel discussion noting rates for garbage removal service also went down for residents in cities with organized collection.

"So there are all kinds of really good reasons for us to pursue it," Holman said.

There wasn't an overt indication how the other council members viewed the suggestion. After the meeting, Holman addressed concerns raised in previous discussions of organized collection, namely ending consumer choice over who they hire for a service, potentially curtailing private, small businesses now serving the area, and increasing the reach of government. Previously private haulers said a large national chain may be likely to win such a city bid, but should the city ever want an alternative the local, independent hauling businesses may be hard-pressed to compete for future bids should they be forced to sell expensive equipment once their customer base was reduced. They also asked if government is going to limit large trucks or delivery vehicles to one service in a community as well.

Holman said the garbage haulers have a unique impact on city streets. The city, he said, could set up requirements to give consumers choices through the bid process. One option even added a mobility segment in case a customer physically couldn't take their own container to the curb, the hauler would pick it up at the garage, Holman said.

"We need to explore it," he said. "There are a lot of compelling reasons to look into it."

RENEE RICHARDSON, associate editor



INFORMATION MEMO

City Solid Waste Management

Understand city authority and requirements to regulate the collection and disposal of solid waste and the roles of state and county oversight. Read about city licensing authority and permitted assessments and fees. Learn about open and organized systems of solid waste collection, including their advantages and disadvantages. Includes a flowchart showing the process for adopting organized collection.

RELEVANT LINKS:

Minn. Stat. § 412.221, subd. 22 (3). Minn. Stat. § 410.33. *Troje v. City Council of City of Hastings*, 310 Minn. 183, 245 N.W.2d 596 (1976).

Minn. Stat. § 443.18. Minn. Stat. § 410.01.

See Minn. Stat. §§ 443.18-443.35 for more information about first class cities' authority and restrictions regarding solid waste management.

I. Authority, oversight, and definitions

A. Authority to regulate

All cities are authorized to provide for or regulate by ordinance the disposal of sewage, garbage, and other refuse. This broad grant of police power authorizes cities to regulate the collection and disposal of solid waste.

B. Authority to acquire, construct, and operate solid waste facilities—first class cities

Any first class city (Minneapolis, St. Paul, Duluth, and Rochester) is authorized:

- to acquire by purchase or condemnation lands on which to build plants for the destruction of garbage and other refuse
- to purchase, build, operate, and maintain such plants for the destruction of garbage and other refuse
- to provide for the collection of all such garbage or refuse and its delivery to destruction plants or other places
- to pay and contract to pay for the same in such annual installments and at such a rate of interest on deferred payments as the city council determines

Each of these actions must be authorized by at least a three-fourths vote of all members of the city council. First class cities have additional authority and restrictions regarding solid waste management.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

See Information Brief, *Minnesota Solid Waste History*, Minnesota House of Representatives.

Minn. Stat. § 115A.46.
MPCA Local Government Assistance Unit.

See Minn. Stat. ch. 115A.

Minn. Stat. § 115A.02.

Minn. Stat. § 115A.46. Minn. Stat. § 400.16. Minn. Stat. § 473.149. Minn. R. ch. 9215. The MPCA maintains a database of county contacts for solid waste and recycling. For more information about recycling in your county, visit Recycle More Minnesota's website.

C. State oversight

Before the 1970s, open burning and open dumping were the most common forms of solid waste management. Beginning in the 1970s, a variety of waste management regulations were adopted, and the Minnesota Pollution Control Agency (MPCA) was given regulatory oversight over solid waste and recycling.

The MPCA develops and enforces the state's solid waste management regulations. It is also responsible for approving the solid waste plans that counties must adopt. The MPCA has a Local Government Assistance Unit that helps counties, cities, and townships develop solid waste systems designed to recover resources and manage waste to reduce its environmental impact.

The Minnesota Legislature adopted the Waste Management Act in 1980. It establishes the following descending order of priority for waste management:

- Waste reduction and reuse
- Waste recycling
- Composting of source-separated compostable materials, including, but not limited to, yard waste and food waste
- Resource recovery through mixed municipal solid waste composting or incineration
- Land disposal that produces no measurable methane gas or that involves the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale
- Land disposal that produces measurable methane and that does not involve the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale

D. County oversight

Minnesota counties have primary responsibility for solid waste management, including recycling. All counties are required to adopt a solid waste plan that must include waste reduction and recycling provisions, as well as provisions to minimize the amount of waste disposed of in landfills.

RELEVANT LINKS:

Minn. Stat. § 115A.46 subd. 5.

Minn. Stat. § 473.149. See Metropolitan Solid Waste Management Policy Plan 2010-2030.

Minn. Stat. § 115A.03, subd. 21.

Minn. Stat. § 115A.03, subd. 31. Minn. Stat. § 116.06, subd. 22.

After the MPCA has approved a county's solid waste plan, a city located in that county may not enter into a binding agreement governing solid waste management activity or develop, or implement solid waste management activity (other than activity to reduce waste generation or reuse waste materials) that is inconsistent with the county's plan without the county's consent.

Metropolitan counties must develop solid waste management plans that are consistent with the most recent "metropolitan long-range policy plan."

E. Definitions

1. Mixed municipal solid waste

Mixed municipal solid waste is defined as "garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection." Mixed municipal solid waste does not include "auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams."

2. Solid waste

Solid waste is defined as "garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities." Solid waste does not include:

- hazardous waste
- animal waste used as fertilizer
- earthen fill, boulders, rock
- concrete diamond grinding and saw slurry associated with the construction, improvement, or repair of a road when deposited on the road project site in a manner that is in compliance with best management practices and rules of the agency
- sewage sludge
- solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows
- source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

RELEVANT LINKS:

Minn. Stat. § 115A.951.
Minn. Stat. § 115A.96. Minn.
Stat. § 115A.03, subd. 17a.
Minn. Stat. § 115A.9565.
Minn. Stat. § 115A.931.
Minn. Stat. § 115A.935.
Minn. Stat. § 115A.932.
Minn. Stat. § 115A.9155.
Minn. Stat. § 115A.9157.

Minn. Stat. § 115A.03, subd.
38.

Minn. Stat. § 115A.03, subd.
25a.

Minn. Stat. § 115A.03, subd.
32b.

Minn. Stat. § 115A.03, subd.
32a. Minn. Stat. § 115A.93.

State law specifically prohibits certain items from being included in mixed municipal solid waste or in solid waste including telephone directories, major appliances, electronic products containing a cathode-ray tube, yard waste, tires, motor and vehicle fluids and filters, mercury or a mercury-containing devices or products from which the mercury has not been removed for reuse or recycling, fluorescent tubes, and certain batteries.

3. Yard waste

Yard waste is defined as “garden wastes, leaves, lawn cuttings, weeds, shrub and tree waste, and prunings.”

4. Recyclable materials

Recyclable materials are defined as “materials that are separated from mixed municipal solid waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, and source-separated compostable materials.” Recyclable materials do not include refuse-derived fuel or other material that is destroyed by incineration.

Rec

5. Source-separated recyclable materials

Source-separated recyclable materials are defined as “recyclable materials, including commingled recyclable materials that are separated by the generator.”

6. Source-separated compostable materials

Source-separated compostable materials are defined as materials that:

- are separated at the source by waste generators for the purpose of preparing them for use as compost
- are collected separately from mixed municipal solid waste, and are governed by the licensing provisions of section 115A.93
- are comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable
- are delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the MPCA’s class I or class II, or equivalent, compost standards, and where process residues do not exceed 15 percent by weight of the total material delivered to the facility
- may be delivered to a transfer station, mixed municipal solid waste processing facility, or recycling facility only for the purposes of composting or transfer to a composting facility, unless the commissioner determines that no other person is willing to accept the materials

RELEVANT LINKS:

Minn. Stat. § 115A.94. See Section IV, *Solid waste and recycling collection*, for more information about organized collection.

Minn. Stat. § 115A.94, subd. 5. See Section IV, *Solid waste and recycling collection*, for more information about organized collection.

Minn. Stat. § 115A.94, subd. 5.

Minn. Stat. § 473.811, subd. 5. Minn. Stat. § 473.121.

7. Organized collection

Organized collection is defined as “a system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.”

8. Open collection

Open collection is generally defined as a system for collecting solid waste or recyclable materials where individual residents and businesses are free to contract with any collector licensed to do business in the city.

II. City regulation and licensing

A. Required regulation

There are three situations where cities are required to regulate solid waste collection.

1. County organized collection ordinance

Any county can adopt an ordinance requiring cities or towns within its boundaries to organize collection of solid waste. If a city does not comply with the county’s organized collection ordinance, the county can organize collection itself.

A county’s organized collection ordinance—in addition to requiring solid waste collection—may also require the separation and separate collection of recyclable materials, specify the material to be separated, and require cities to meet any performance standards for source separation contained in the county’s solid waste plan.

2. Cities in the metropolitan area

Cities in the metropolitan area must adopt an ordinance regulating the collection of solid waste within its boundaries. The metropolitan area includes the counties of Anoka, Carver, Dakota (excluding the city of Northfield), Hennepin (excluding the cities of Hanover and Rockford), Ramsey, Scott (excluding the city of New Prague), and Washington. If a city is located in a metropolitan county that has adopted a collection ordinance, the city must adopt either the county ordinance by reference or a stricter ordinance. If a city is located in a metropolitan county that has adopted a recyclable-separation ordinance, the ordinance applies in all cities within the county that have failed to meet the local abatement performance standards stated in the most recent annual county report.

RELEVANT LINKS:

Minn. Stat. § 115A.941.

Minn. Stat. § 115A.941. See Section IV, *Solid waste and recycling collection*, for more information about organized collection.

Minn. Stat. § 115A.941.

Minn. Stat. 115A.151.

Minn. Stat. § 115A.93, subd. 1.

Minn. Stat. § 115A.93, subd. 2. *Troje v. City Council of City of Hastings*, 310 Minn. 183, 245 N.W.2d 596 (1976).

Minn. Stat. § 115A.93, subd. 3.

3. Cities with a population of 1,000 or more

Any city, regardless of where it is located, with a population of 1,000 or more must ensure that every residential household and business in the city has solid waste collection service.

To comply with this requirement, cities are authorized to organize solid waste collection, provide collection by city employees, or require by ordinance that every household and business has a contract for collection services. An ordinance with such a requirement must also provide for enforcement. Cities must follow specific procedural requirements before adopting organized collection of solid waste.

A city with a population of 1,000 or more may exempt a residential household or business from the requirement to have solid waste collection service if the household or business ensures that an environmentally sound alternative is used.

B. Recycling required at city facilities

All statutory and home rule charter cities are required to ensure that facilities under their control, from which mixed municipal solid waste is collected, have containers for at least three recyclable materials such as, but not limited to, paper, glass, plastic, and metal. Cities must also transfer all recyclable materials collected to a recycler.

C. Licensing

1. Solid waste collectors

State law prohibits any person from collecting mixed municipal solid waste for hire without a license from the jurisdiction where that waste is collected.

Cities are authorized to license solid waste collectors. County boards are required to adopt by resolution the licensing authority of any city that does not license solid waste collectors. If a city acts as a licensing authority, it may impose requirements that are consistent with the county's solid waste policies. In addition, state law establishes several requirements that must be imposed for any license issued to a solid waste collector.

First, a license must require collectors to impose charges for collection of mixed municipal solid waste that increase with the volume or weight of the waste collected. For example, a solid waste collector could charge fees that increase with the increasing volume of solid waste generated by customers. Garbage carts of different sizes measured by their volume in gallons could be issued to customers who can decide what size garbage cart best suits their disposal needs.

RELEVANT LINKS:

Minn. Stat. § 115A.93, subd. 3.

Minn. Stat. § 115A.93, subd. 3(d).

Minn. Stat. § 115A.93, subd. 3.

Minn. Stat. § 115A.553, subd. 2.

Minn. Stat. § 115A.46, subd. 5.

Orr v. City of Rochester, 193 Minn. 371, 258 N.W. 569 (1935).

The commissioner of the MPCA may exempt a licensing authority from this requirement if the county in which the city is located has an approved solid waste plan that concludes that variable rate pricing is not appropriate for that jurisdiction because it is inconsistent with other incentives and mechanisms implemented that are more effective in attaining the goals of discouraging on-site disposal, littering, and illegal dumping. The commissioner may also exempt a collector from this requirement while revisions are being made to the county's solid waste plan if certain conditions are met. The exemption is only effective until the county solid waste plan is revised.

Second, a license that requires a pricing system based on volume instead of weight shall determine a base unit size for an average small quantity household generator of waste and establish, or require the licensee to establish, a multiple unit pricing system that ensures that amounts of waste generated in excess of the base unit amount are priced higher than the base unit price.

Third, a license shall prohibit collectors from imposing a greater charge on residents who recycle than on residents who do not.

2. Recycling collectors

Counties can require either county or municipal licenses for the collection of recyclable materials. Each county must ensure that materials separated for recycling are taken to markets for sale or to recyclable material processing centers. No county may prevent a person that generates or collects solid waste from delivering recyclable materials to a recycling facility of the generator's or collector's choice.

If a city acts as a licensing authority, it may impose requirements that are consistent with the county's recycling policies. A city can also impose requirements that are in addition to or different from the county's policies if the city's requirements are designed to reduce waste generation or promote the reuse of waste materials.

3. License fees

State law does not address the amount that cities can charge for licenses for collection of solid waste or recyclable materials. Generally, a license fee must be reasonable. It should not be viewed as a source of revenue and should be in an amount that is close to the direct and indirect costs in issuing the license and in regulating the licensed activity.

RELEVANT LINKS:

Waste Systems Corp. v. Cnty. of Martin, 985 F.2d 1381 (8th Cir. 1993). *C & A Carbone, Inc. v. Clarkstown, New York*, 511 U.S. 383 (1994). *Ben Oehrleins and Sons and Daughter, Inc. v. Hennepin Cnty.*, 115 F.3d 1372 (8th Cir. 1997).

City of Philadelphia v. New Jersey, 437 U.S. 617 (1978). *United Haulers Ass'n, Inc. v. Oneida-Herkimer Solid Waste Management Auth.*, 550 U.S. 330 (2007).

Minn. Stat. §§ 115A.83-115A.86.

Minn. Stat. § 115A.83. Minn. Stat. § 115A.03, subds. 27 and 28.

Minn. Stat. § 115A.94, subd. 3. Minn. Stat. § 115A.86.

D. Requiring use of specific waste facility

Some municipalities have adopted ordinances that regulate the flow of solid waste, for example, by designating where it can be disposed. This is generally done as a tool to achieve solid waste management goals. Flow control ordinances may raise constitutional issues under the Commerce Clause of the United States Constitution if they interfere with the flow of interstate commerce.

Courts have recognized a distinction under the Commerce Clause that generally allows municipalities more authority to take actions affecting solid waste if they are acting as a "market participant" instead of as a government regulator. When a municipality is providing for or contracting for waste management services, it is generally thought to be acting as a market participant.

State law authorizes counties or sanitary districts to adopt a designation ordinance requiring that all solid waste generated within a specific geographic area must be delivered to a specific solid waste facility. A designation ordinance does not apply to the following materials:

- Materials separated from solid waste and recovered for reuse in their original form or for use in manufacturing processes
- Materials that are processed at a resource recovery facility at the capacity in operation at the time that the designation plan is approved by the commissioner of the MPCA
- Materials that are separated at a permitted transfer station located within the boundaries of the designating authority for the purpose of recycling the materials if: (1) the transfer station was in operation on Jan. 1, 1991; or (2) the materials were not being separated for recycling at the designated facility at the time the transfer station began separation of the materials
- Recyclable materials that are being recycled, and residuals from recycling if there is at least an 85 percent volume reduction in the solid waste processed at the recycling facility and the residuals are managed as separate waste streams

If a city organizes collection by contract or as a municipal service, it may include a requirement that all or any portion of the solid waste be delivered to a waste facility identified by the city. This requirement would not apply to recyclable materials and materials that are processed at a resource recovery facility at the capacity in operation at the time the requirement is imposed. In a district or county where a resource recovery facility has been designated by ordinance, organized collection must conform to the designation ordinance's requirements.

RELEVANT LINKS:

Minn. Stat. § 473.813. Minn. Stat. § 473.121. LMCIT staff can assist in reviewing city contracts, especially provisions related to insurance and liability. For more information, contact Chris Smith, Risk Management Attorney, at csmith@lmc.org or 651-281-1269.

Minn. Stat. § 115A.93, subd. 5. Minn. Stat. § 13.02, subds. 9, 12.

Minn. Stat. § 443.015. See LMC Sample Resolution Adopting Assessments for Unpaid Charges for Garbage Collection and Disposal Services. See Sample Ordinance Providing for Assessment of Unpaid Charges for Garbage Collection and Disposal Services.

Minn. Stat. § 443.29.

Minn. Stat. § 115A.921, subd. 1.

Cities in the metropolitan area have authority to directly negotiate and enter into contracts—for a term not to exceed 30 years—for the delivery of solid waste to a waste facility, and the processing of solid waste. Contracts made by direct negotiations shall be approved by resolution. Before a city in the metropolitan area enters into a contract for a period of more than five years, it must submit the proposed contract and a description of the proposed activities under the contract to the commissioner of the MPCA for review and approval.

E. Customer lists

Customer lists provided to cities by solid waste collectors are private data on individuals, or nonpublic data with regard to data not on individuals under the Minnesota Government Data Practices Act.

III. City assessments and fees

A. Assessments for unpaid services

Any statutory city or city of the fourth class that provides, by contract or otherwise, for garbage collection and disposal may by ordinance require the owners of all property served to pay the proportionate cost of the service to their properties. The city council may annually levy an assessment equal to the unpaid cost as of Sept. 1 of each year against each lot or parcel of land. The assessment may include a penalty not to exceed 10 percent of the unpaid amount, and shall bear interest not exceeding 6 percent per year. Such assessments shall be certified to the county auditor and shall be collected and remitted to the city treasurer in the same manner as assessments for local improvements.

First class cities (Minneapolis, St. Paul, Duluth, and Rochester) have additional authority to collect unpaid charges for rubbish disposal in a civil action, or to assess them against the property receiving the service and collect them as other taxes are collected.

B. City fees

1. Operators of disposal facilities

A city may charge a fee that cannot exceed \$1 per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located in the city. The fees must be credited to the city's general fund. Revenue produced by 25 cents of the fee must be used only for purposes of landfill abatement or for mitigating and compensating for the local risks, costs, and other adverse effects of the facilities.

RELEVANT LINKS:

Minn. Stat. § 115A.921,
subd. 1.

Minn. Stat. § 115A.921,
subd. 2. Minn. Stat. §
115A.03, subd. 7.

Minn. Stat. § 115A.921,
subd. 2.

Minn. Stat. § 115A.929.

Minn. Stat. § 115A.03, subd.
36.

Revenue produced by the balance of the fee may be used for any general fund purpose.

There is an exemption from this fee for waste residue from recycling facilities at which recyclable materials are separated or processed for the purpose of recycling, or from energy and resource-recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse if there is at least an 85 percent weight reduction in the solid waste processed.

A city may also charge a fee not to exceed 50 cents per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of construction debris located within the city. The revenue from the fees must be credited to the city or town general fund. Two-thirds of the revenue must be used only for purposes of landfill abatement or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects resulting from the facilities.

There is an exemption from 25 percent of this fee if the facility has implemented a recycling program that the county has approved, and 25 percent if the facility contains a liner and leachate collection system the MPCA has approved. Two-thirds of the revenue from this fee must offset any financial assurances required by the city for a construction debris facility. The maximum revenue that may be collected for this type of fee must be determined by multiplying the total permitted capacity of a facility by 15 cents per cubic yard. Once the maximum revenue has been collected for a facility, the fees in this subdivision may no longer be imposed.

2. Accounting for fees

Cities that provide for solid waste management shall account for all revenue collected from waste management fees, together with interest earned on revenue from the fees, separately from other revenue collected by the city. Cities must report revenue collected from the fees and use of the revenue separately from other revenue and use of revenue in any required financial report or audit.

A city provides solid waste management and is subject to this requirement for a separate accounting and reporting if a city engages in any activities that are intended to affect or control the generation of waste, or engages in any activities that provide for or control the collection, processing, and disposal of waste. State law defines waste management fees as:

RELEVANT LINKS:

Minn. Stat. § 115A.921. For more information about these fees see Section IV. B., *City Fees*. Minn. Stat. § 115A.929.

Minn. Stat. § 115A.945.

Analysis of Waste Collection Service Arrangements, Minnesota Pollution Control Agency, June 2009.

Minn. Stat. § 115A.94, subds. 1, 3. See Section IV. D., *Procedural requirements for adopting organized collection*, for more information.

Minn. Stat. § 115A.94, subd. 3.

- All fees, charges, and surcharges collected under sections 115A.921 of the Minnesota Statutes.
- All tipping fees collected at waste management facilities owned or operated by the city.
- All city charges for waste collection and management services.
- Any other fees, charges, or surcharges imposed on waste for the purpose of waste management, whether collected directly from generators, indirectly through property taxes, or as part of utility or other charges for city-provided services.

Any city that provides or pays for the costs of collection or disposal of solid waste must, through a billing or other system, make the prorated share of those costs for each solid waste generator visible and obvious to the generator.

IV. Solid waste and recycling collection

A. Types of collection systems—open collection and organized collection

The two main types of collection systems for solid waste and recycling are commonly referred to as “open collection” and “organized collection.” A 2009 study authorized by the MPCA estimated that the number of cities with open solid waste collection was between 65 to 80 percent, and the number of cities with organized solid waste collection was between 20 to 35 percent. The same study indicated that the number of cities with open recycling was estimated to be between 40 to 60 percent, and the number of cities with organized recycling was estimated to be between 50 to 60 percent.

Open collection is generally defined as a collection system where individual residents and businesses are free to contract with any collector licensed to do business in the city.

Organized collection is defined as a “system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.” A city must comply with certain procedural requirements in the organized collection statute before adopting organized collection of solid waste.

A city may organize collection as a municipal service where city employees collect solid waste from a defined geographic service area or areas. In the alternative, cities may organize collection by using one or more private collectors or an organization of collectors. The agreement with the private collectors may be made through an ordinance, franchise, license, negotiated or bidded contract, or by other means.

RELEVANT LINKS:

Minn. Stat. § 471.345. Minn. Stat. § 412.311. *Schwandt Sanitation of Paynesville v. City of Paynesville*, 423 N.W.2d 59 (Minn. Ct. App. 1988).

Minn. Stat. § 115A.94, subd. 3. Minn. Stat. § 115A.86.

Minn. Stat. § 115A.94, subd. 3.

Minn. Stat. § 115A.94, subds. 1, 3. Minn. Stat. § 115A.03, subds. 25a and 31. Minn. Stat. § 116.06, subd. 22.

Waste Recovery Coop. of Minnesota v. County of Hennepin, 475 N.W.2d 892 (Minn. Ct. App. 1991).

The competitive bidding requirements in state law do not apply to contracts for solid waste collection because they do not meet the definition of a “contract” subject to the Uniform Municipal Contracting Law.

Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste—except recyclable materials and materials that are processed at a resource-recovery facility at the capacity in operation at the time the requirement is imposed—be delivered to a waste facility identified by the city. In a district or county where a resource-recovery facility has been designated by ordinance, organized collection must conform to the ordinance’s requirements.

Cities are prohibited from establishing or administering organized collection in a way that impairs recycling. Further, cities must exempt recyclable materials from organized collection upon a showing by the person who generates the recyclables or a collector of recyclables that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

It is not absolutely clear whether a city that decides to enter into an agreement for the collection of recyclable materials, including source-separated compostable materials, with one collector or an organization of collectors is required to comply with the procedural requirements in the organized collection statute. The answer likely depends on whether the definition of “solid waste” referenced in the organized collection statute should be interpreted to include recyclable materials.

The MPCA has taken the position (while advising cities that they should consult their city attorneys) that recyclable materials are not subject to the organized collection statute because they are not a part of solid waste or mixed municipal solid waste once they have been separated out for separate collection and recycling.

The Minnesota Court of Appeals, in a published opinion, considered a similar issue of whether telephone directories collected for recycling were subject to a county’s designation ordinance requiring mixed municipal solid waste to be disposed of at a county-designated facility. The court of appeals concluded that the telephone directories did not meet the definition of mixed municipal solid waste or of solid waste because they were being collected for recycling in a “separate waste stream” and were not being “discarded” as solid waste.

If a city is considering entering into an agreement for the collection of recyclable materials with one collector or an organization of collectors, it should consult its city attorney to determine whether it must follow the procedural requirements in the organized collection statute.

RELEVANT LINKS:

Minn. Stat. § 115A.94, subd. 6.

Minn. Stat. § 115A.03, subd. 4.
Minn. Stat. § 115A.94.

Analysis of Waste Collection Service Arrangements,
Minnesota Pollution Control Agency, June 2009.

Analysis of Waste Collection Service Arrangements,
Minnesota Pollution Control Agency, June 2009.

B. Organized collection is generally optional

The organized collection statute provides that the authority to organize the collection of solid waste is optional and is in addition to authority governing solid waste collection granted by other law. The statute also provides that a city may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste. A city would only be required to organize collection if the county in which it is located has by ordinance required cities within its jurisdiction to organize collection.

The Waste Management Act defines cities as “statutory and home rule charter cities authorized to plan under sections 462.351 to 462.364.” Therefore, both statutory and home rule charter cities may adopt organized collection using the procedures outlined in the organized collection statute.

C. Open collection versus organized collection: pros and cons

1. Open collection

There are several frequently cited advantages of open collection:

- Residents have more choice and are free to select a solid waste collector based on their preference.
- There is a direct relationship between the solid waste collector and its customers.
- There are minimal administrative costs for cities.
- Smaller solid waste collectors are better able to enter the market in an open collection system by servicing a portion of city residents.

In contrast, there are several frequently cited disadvantages of open collection:

- Open collection generally results in a more expensive monthly cost for residents.
- Multiple collectors means more truck traffic and the resulting negative side effects, including the potential for added street maintenance costs, and increased vehicle noise and emissions, fuel consumption, and vehicle accidents.
- There may be inconsistent charges for the same level of service in a city.
- Cities have reduced ability to manage solid waste collection.

RELEVANT LINKS:

The Benefits of Organized Collection, Minnesota Pollution Control Agency, Feb. 2012. *Analysis of Waste Collection Service Arrangements*, Minnesota Pollution Control Agency, June 2009.

Analysis of Waste Collection Service Arrangements, Minnesota Pollution Control Agency, June 2009.

Minn. Stat. § 115A.94, 2013 Minn. Laws ch. 45. See Appendix A, Organized Collection Flowchart.

2. Organized collection

There are several frequently cited advantages of organized collection:

- The price paid by households in an organized collection system is generally lower per month for similar service levels than in an open collection system due to increased efficiencies from serving every household or business in the community or on a particular route.
- Limiting the number of solid waste collectors allows cities to decrease the impacts of increased truck traffic, including the potential for added street maintenance costs, vehicle noise and emissions, fuel consumption, and vehicle accidents.
- Cities have greater ability to manage solid waste collection and can establish service requirements.
- Standardized service makes public education easier.
- Cities' ability to seek requests for proposals on a regular basis helps lower costs.

In contrast, there are several frequently cited disadvantages of organized collection:

- Households and businesses do not get to choose their collector.
- Cities have greater administrative involvement and costs.
- Small collectors have higher entry costs to get into the market and competitive opportunities are limited to contract openings.
- The statutory requirements for switching from open to organized collection are time consuming and can be difficult politically.

D. Procedural requirements for adopting organized collection

There are several procedural steps a city must take before it is authorized to adopt organized collection of solid waste. The Minnesota Legislature adopted significant changes to the organized collection statute in 2013 that were designed to simplify the process for adopting organized collection. Any city that has adopted organized collection as of May 1, 2013, is exempt from the new requirements.

RELEVANT LINKS:

Minn. Stat. § 115A.03, subd.
4. Minn. Stat. § 115A.94.

Minn. Stat. § 115A.94, subd.
4d. Minn. Stat. § 331A.03.

Minn. Stat. § 115A.94, subd.
4d.

Minn. Stat. § 115A.94, subd.
4d.

Minn. Stat. § 115A.94, subd.
4d.

Minn. Stat. § 115A.94, subd.
4d.

Minn. Stat. § 115A.94, subd.
4c.

LMCIT staff can assist in reviewing city contracts, especially provisions related to insurance and liability. For more information, contact Chris Smith, Risk Management Attorney, at csmith@lmc.org or 651-281-1269.

The Waste Management Act defines cities as “statutory and home rule charter cities authorized to plan under sections 462.351 to 462.364.” Therefore, both statutory and home rule charter cities may adopt organized collection using the procedures outlined in the organized collection statute.

1. Notice to public and to licensed collectors

A city must first give notice to the public and to any licensed collectors that it is considering adopting organized collection. State law does not specify how notice should be provided. The League recommends providing both published notice and individual mailed notice to each licensed collector.

2. 60-day negotiation period with licensed collectors

After the city provides notice of its intent to consider adopting organized collection, it must provide a 60-day negotiation period that is exclusive between the city and any collectors licensed to operate in the city.

A city is not required to reach an agreement with the licensed collectors during this period. The purpose of the negotiation period is to allow the licensed collectors to develop a proposal in which they, as members of an organization of collectors, will collect solid waste from designated sections of the city.

The proposal must contain identified city priorities, including issues related to zone creation, traffic, safety, environmental performance, service provided, and price, and must reflect existing collectors maintaining their respective market share of business as determined by each hauler’s average customer count during the six months before the beginning of the 60-day negotiation period.

If an existing collector opts to be excluded from the proposal, the city may allocate its customers proportionally based on market share to the participating collectors who choose to negotiate.

If an organized collection agreement is established as a result of the 60-day negotiation period, it must be in effect for a period of three to seven years. Upon execution of an agreement between the participating licensed collectors and the city, the city shall establish organized collection through appropriate local controls. The city does not need to establish an organized collections options committee if it reaches an agreement with the licensed haulers during the 60-day negotiation period; however, the city must first provide public notice and a public hearing before officially deciding to implement organized collection. Organized collection may begin no sooner than six months after the effective date of the city’s decision to implement organized collection.

RELEVANT LINKS:

Minn. Stat. § 115A.94 subd.
4a. Minn. Stat. ch. 13D.

Minn. Stat. § 115A.94, subd.
4b.

Minn. Stat. § 115A.94, subd.
4b.

Minn. Stat. § 115A.94, subd.
4b.

Minn. Stat. § 115A.94, subd.
4b.

Minn. Stat. § 115A.94, subd.
4b.

Minn. Stat. § 115A.94, subd.
4c.

3. Organized collection options committee

If a city does not reach an agreement with its licensed collectors during the 60-day negotiation period, it can form by resolution an “organized collection options committee” to study various methods of organized collection and to issue a report. The city council appoints the committee members. The committee is subject to the open meeting law and has several mandatory duties.

First, the committee shall determine which methods of organized collection to examine, which must include: a system in which a single collector collects solid waste from all sections of the city; and a system in which multiple collectors, either singly or as members of an organization of collectors, collect solid waste from different sections of the city.

Second, the committee shall establish a list of criteria on which the organized collection methods selected for examination will be evaluated, which may include: costs to residential subscribers, miles driven by collection vehicles on city streets and alleys, initial and operating costs of implementing the organized collection system, providing incentives for waste reduction, impacts on solid waste collectors, and other physical, economic, fiscal, social, environmental, and aesthetic impacts.

Third, the committee shall collect information regarding the operation and efficacy of existing methods of organized collection in other cities and towns.

Fourth, the committee shall seek input from, at a minimum:

- the city council
- the city official responsible for solid waste issues
- persons currently licensed to operate solid waste collection and recycling services in the city
- city residents who currently pay for residential solid waste collection services.

Finally, the committee must issue a report on its research, findings, and any recommendations to the city council.

4. Public notice and public hearing

A city council shall consider the report and recommendations of the organized collection options committee. A city must provide public notice and hold at least one public hearing before deciding to implement organized collection.

RELEVANT LINKS:

Minn. Stat. § 115A.94, subd.
4c.
Minn. Stat. § 115A.94, subd.
3.

5. Implementation

A city can begin organized collection no sooner than six months after the effective date of the city's decision to implement organized collection. A city may organize collection as a municipal service where city employees collect solid waste from a defined geographic service area or areas. In the alternative, cities may organize collection by using one or more private solid waste collectors or an organization of collectors. An agreement with private collectors may be made through an ordinance, franchise, license, negotiated or bidded contract, or by other means.

V. Conclusion

Cities have broad authority to regulate the collection and disposal of solid waste. Cities exercise this authority subject to state and county oversight. Cities should work closely with their city attorneys when exercising this authority by requiring licenses, imposing fees and assessments, entering into contracts, and adopting ordinances. Cities must comply with procedural requirements in the organized collection statute before they may adopt organized collection of solid waste.

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

December 19, 2016
City Hall Conference Room
6:30 P.M.

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

General Fund to Public Safety Fund	\$450,000
General Fund to Park Fund	\$ 75,000
General Fund to Street & Sewer Fund	\$ 75,000
General Fund to Airport Fund	<u>\$ 12,940</u>
	\$612,940
 Fire to Fire Capital Fund per FAB Agreement	 \$ 85,517
SAC Fund to Sanitary Sewer Fund – O St Project	<u>\$ 61,000</u>
	\$146,517

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
Braun Intertec	14-15	Soil Testing thru 11/30	\$3,327	\$0
Tom's Backhoe	11/18-11/19	DT Snow Removal	\$19,393	\$0
Tom's Backhoe	14-15	Arpt Util Ext thru 11/30	\$672,167	\$0

2. Proposed Technology Use Policy
3. Request to Establish a New Police Officer Eligibility List
4. Casualty/Property Insurance Dividend

**COMMITTEES WILL ADJOURN BY 7:00 IN ORDER TO ATTEND RECEPTION TO
RECOGNIZE DEPARTING AND NEW CITY COUNCIL MEMBERS IN THE CITY COUNCIL
CHAMBERS**

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-244993	101-41940-2220	REPAIR & MAIN FLUORESCENT BULBS RECYCLED	074227	62.15
01-0071	FORUM COMMUNICATIONS CO					
		I-1799966	101-41910-3350	PRINTING/LEGA NOH - BPU COND USE PERMIT	074239	49.76
01-0086	CITY OF BRAINERD					
		I-TRANSFERS 12/16	101-49300-7720	TRANSFERS OUT DECEMBER TRANS PUBLIC SAFETY	074249	450,000.00
		I-TRANSFERS 12/16	101-49300-7720	TRANSFERS OUT DECEMBER TRANS PARKS	074249	75,000.00
		I-TRANSFERS 12/16	101-49300-7720	TRANSFERS OUT DECEMBER TRANS S&S	074249	75,000.00
		I-TRANSFERS 12/16	101-49300-7720	TRANSFERS OUT DECEMBER TRANS AIRPORT	074249	12,940.00
01-0100	BUSINESS FORMS PLUS					
		I-211356	101-41400-2210	OPERATING SUP 2016 W-2 & 1099 FORMS	074245	177.91
01-0122	COMMUNITY ACTION					
		I-2016 YE	101-49200-3460	REMIT COMMUNI 2016 END OF YEAR PAYMENT	074252	3,315.21
01-0125	CONSOLIDATED TELEPHONE					
		I-20392819	101-41800-3321	TELEPHONE LD/INTERNET 12/12-01/12	074253	554.41
		I-20392819	101-41400-3321	TELEPHONE LD/INTERNET 12/12-01/12	074253	13.41
		I-20392819	101-41700-3321	TELEPHONE LD/INTERNET 12/12-01/12	074253	2.45
		I-20392819	101-42400-3321	TELEPHONE LD/INTERNET 12/12-01/12	074253	3.55
		I-20392819	101-41910-3321	TELEPHONE LD/INTERNET 12/12-01/12	074253	0.67
		I-20392819	101-41940-3321	TELEPHONE LD/INTERNET 12/12-01/12	074253	79.05
01-0133	CWC RECORDER					
		I-201100007062	101-41610-3350	PRINTING/LEGA DEFERRED ASSESSMENT FILINGS	074256	184.00
01-0204	HOLLCO INC					
		I-12320008/DEC 16	101-41940-2212	MOTOR FUELS NOVEMBER MOTOR FUELS	074269	19.50
		I-12320061/DEC 16	101-42400-2212	MOTOR FUELS NOVEMBER MOTOR FUELS	074269	106.37
01-0243	MARCO FINANCING					
		I-319485181	101-41800-3331	LEASE PAYMENT DECEMBER COPIER LEASE	074283	848.66
01-0264	MN DEPT LABOR & INDUSTR					
		I-ABR0154853I	101-41940-2220	REPAIR & MAIN BOILER REG 501 LAUREL	074288	10.00
01-0284	OFFICE SHOP					
		I-1015923-0	101-41110-2200	OFFICE SUPPLI NEW COUNCIL NAME PLATES	074296	58.53
		I-1016351-0	101-42400-2200	OFFICE SUPPLI 2 OFFICE CHAIRS - BLDG DEPT	074296	578.00
		I-1016733-0	101-41700-2200	OFFICE SUPPLI 3 REAMS PAPER, MESSAGE LOG BOO	074296	18.63
		I-1016733-0	101-42400-2200	OFFICE SUPPLI 3 REAMS PAPER, MESSAGE LOG BOO	074296	18.63
		I-1016997-0	101-41940-2210	OPERATING SUP 6 CASES PAPER	074296	361.38
01-0293	PITNEY BOWES RESERVE AC					
		I-12/08/16 REFILL	101-15500	PREPAID EXPEN POSTAGE REFILL 12/08/2016	074298	500.00

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0296	BRAINERD PUBLIC UTILITI					
		I-2016 DIVID	101-20850	DUE TO COMPON 2016 PROP/LIAB DIVIDEND	074241	64,077.50
		I-CA 19481/2016	101-20850	DUE TO COMPON REMIT AUGUST 2016 STORM INSURA	074241	10,035.17
		I-DEC 16 TAX	101-20700	DUE TO OTHER DEL W & L	074241	8,551.90
		I-NOVEMBER 2016	101-41940-3381	BPU UTILITIES 10/24/2016-11/23/2016 UTILITIE	074241	2,315.86
		I-NOVEMBER 2016	101-49200-3381	BPU UTILITIES 10/24/2016-11/23/2016 UTILITIE	074241	271.50
01-0313	LAKES AREA SENIOR CENTE					
		I-2016 YE	101-49200-3461	REMIT SENIOR 2016 END OF YEAR PAYMENT	074279	3,315.21
01-0325	THELEN HTG & RFG CO					
		I-4118	101-41940-2220	REPAIR & MAIN HALLWAY HEAT PUMP RESTART	074309	299.00
01-0344	WASTE PARTNERS INC					
		I-6BX96509	101-41940-3300	PROFESSIONAL NOVEMBER GARBAGE SERVICE	074316	70.24
01-0415	CAUGHEY, TIM					
		I-DEC 2016	101-42400-3433	DUES & SUBSCR NW CHAPTER MEETING DUES	074246	20.00
01-1153	NORTHLAND ARBORETUM					
		I-2016 YE	101-49200-3462	REMIT ARBORET 2016 END OF YEAR PAYMENT	074295	3,313.57
01-1753	MARCO					
		I-3837481	101-41800-5570	CAPITAL - OFF CISCO FIREPOWER PROJECT	074282	6,132.97
		I-3863737	101-41800-5570	CAPITAL - OFF CISCO FIREPOWER PROJECT	074282	2,100.00
01-1859	ENTERPRISE FM TRUST					
		I-FBN3140983	101-41940-3331	LEASE PAYMENT 12/1/16-12/31/16 FUSION LEASE	074257	312.37
01-2005	T-MOBILE					
		I-DEC 2016	101-41940-3321	TELEPHONE NOVEMBER GPS SATELLITE ACCESS	074307	33.82
01-2130	INTERNATIONAL CODE COUN					
		I-DEC 2016	101-42400-3330	PROFESSIONAL 2017 ICC CONT ED REG FEE	074273	276.00
01-2174	PRO-WEST & ASSOCIATES I					
		I-1065	101-41800-3330	PROFESSIONAL ARCGIS ONLINE TRAINING	074299	800.00
01-2513	TABAKA, NIKKI					
		I-DEC 2016	101-49200-2210	OPERATING SUP REIM COFFEE FOR MEETINGS	074308	4.65
01-2528	TURKOWSKI, LORI					
		I-DEC 2016	101-41800-3330	PROFESSIONAL GOV IT SYMPOSIUM - MILEAGE	074311	133.92
		I-DEC 2016	101-41800-3330	PROFESSIONAL GOV IT SYMPOSIUM - MEALS	074311	11.55
		I-DEC 2016	101-41800-3330	PROFESSIONAL GOV IT SYMPOSIUM - HOTEL	074311	159.08
		I-DEC 2016	101-41800-3330	PROFESSIONAL GOV IT SYMPOSIUM - PARKING	074311	31.52
01-2591	STRONG, SHAWN					
		I-DEC 2016	101-41800-3330	PROFESSIONAL DINNER	074306	10.00

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2591	STRONG, SHAWN	continued				
		I-DEC 2016	101-41800-3330	PROFESSIONAL PARKING	074306	10.00
01-2623	MN BOARD OF ACCOUNTANCY					
		I-2017	101-41400-3433	DUES & SUBSCR 2017 LICENSE RENEWAL	074287	100.00
01-2915	MINNESOTA ELEVATOR INC					
		I-686347	101-41940-3300	PROFESSIONAL ELEV SERV AGMT CITY HALL	074286	290.58
01-2924	VERIZON WIRELESS					
		I-9775849449	101-41940-3321	TELEPHONE GPS SATELLITE ACCESS 11/24-12/	074314	35.01
01-2956	ULINE					
		I-82442202	101-42400-2210	OPERATING SUP 500 PERMIT BAGS	074313	137.44
01-3413	RATWIK, ROSZAK AND MALO					
		I-59701	101-41610-3301	CITY ATTORNEY NOVEMBER SERVICES	074301	1,232.50
		I-NOVEMBER 2016	101-41610-3301	CITY ATTORNEY NOVEMBER RETAINER	074301	3,185.98
		I-NOVEMBER 2016	101-14100	DUE FROM COMP BPU - NOVEMBER ATTORNEY	074301	790.25
01-3469	LAKES AREA MAT SERVICE					
		I-#522: 20161101	101-41940-3410	RENTAL EXPENS #522 CITY HALL RUG SERVICE	074278	49.91
		I-#522: 20161115	101-41940-3410	RENTAL EXPENS #522 CITY HALL RUG SERVICE	074278	49.91
		I-#522: 20161129	101-41940-3410	RENTAL EXPENS #522 CITY HALL RUG SERVICE	074278	49.91
			FUND 101 GENERAL FUND	TOTAL:		728,109.59

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 203 TRANSIT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0069	BRAINERD BUS LINES INC					
		I-11611	203-49000-2212	MOTOR FUELS NOVEMBER SERIVCES	074238	5,705.92
		I-11611	203-49000-3401	VEHICLE REPAI NOVEMBER SERIVCES	074238	1,769.59
		I-11611	203-49000-3440	TRANSIT SERVI NOVEMBER SERIVCES	074238	51,000.94
01-0071	FORUM COMMUNICATIONS CO					
		I-1799966	203-49000-3350	PRINTING/LEGA MEETING NOTICE - 11/17 TAC	074239	24.88
01-0125	CONSOLIDATED TELEPHONE					
		I-20392819	203-49000-3321	TELEPHONE LD/INTERNET 12/12-01/12	074253	22.47
01-0232	LEAGUE MN CITIES INS TR					
		I-1703	203-49000-3365	INS - OTHER CA 20477 - BUS RIDER CLAIM	074280	1,000.00
01-0381	STONE, ANDER					
		I-DEC 2016	203-49000-2210	OPERATING SUP REIM SMALL SCREWDRIVER TABLET	074304	5.39
01-0634	HBI RADIO BRAINERD					
		I-1161111678	203-49000-3340	ADVERTISING/M KLIZ 11/3-11/29 ADS	074264	540.00
		I-1161111679	203-49000-3340	ADVERTISING/M B93.3 ADS 11/3-11/29	074264	540.00
		I-1161111680	203-49000-3340	ADVERTISING/M WJYY 11/3-11/29 ADS	074264	675.00
01-2181	IDEAL MARKTING GROUP					
		I-66515	203-49000-3340	ADVERTISING/M TRIPLE AD CWC COMMUNITY GUIDE	074271	260.00
				FUND 203 TRANSIT FUND	TOTAL:	61,544.19

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0296	BRAINERD PUBLIC UTILITI					
	I-NOVEMBER 2016		211-45500-3381	BPU UTILITIES 10/24/2016-11/23/2016 UTILITIE	074241	1,957.94
				FUND 211 LIBRARY FUND	TOTAL:	1,957.94

PAGE: 6

FUND : 223 DRUG FORFEITURE

FUND	223	DRUG FORFEITURE	TOTAL:	2,020.00
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PAGE: 7

FUND : 224 DUI FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0086	CITY OF BRAINERD					
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 16000357	074249	1,607.40
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 15000654	074249	463.00
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 14016597	074249	1,811.00
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 14012592	074249	2,002.00
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 15007844	074249	923.00
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 14009743	074249	1,525.00
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 13015462	074249	1,425.00
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 13009897	074249	1,825.00
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 15011708	074249	831.00
		I-ICR: REIMB 12/2016	224-22800	OTHER LIABILI ICR: 14011684	074249	1,250.00
01-0136	CWC ATTORNEY					
		I-ICR: REIM 12/2016	224-22800	OTHER LIABILI ICR: 16000357	074254	672.60
01-0888	WEST BRAINERD AUTO SERV					
		I-28208	224-42150-2210	OPERATING EXP TOW ICR 16016794	074318	45.00
		I-28318	224-42150-2210	OPERATING EXP TOW ICR 16016711	074318	45.00
01-2160	MATT HEINEN'S EMERGENCY					
		I-417	224-42150-2210	OPERATING EXP SQD 415 & 418 CAMERA INSTALL	074285	357.50
		I-420	224-42150-2210	OPERATING EXP SQD 419 & 424 CAMERA INSTALL	074285	357.50
				FUND 224 DUI FORFEITURE	TOTAL:	15,140.00

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-244455	225-42220-2210	OPERATING SUP ZIPLOC BAGS, BULB	074227	8.96
		I-244553	225-42120-2220	REPAIR & MAIN HOOKS	074227	8.99
		I-244594	225-42120-2220	REPAIR & MAIN LIGHTS	074227	7.18
		I-244636	225-42120-2220	REPAIR & MAIN LIGHTS	074227	7.18
		I-244674	225-42120-2220	REPAIR & MAIN REPLACEMENT BULBS	074227	6.44
		I-244690	225-42120-2221	SQUAD CAR REP SQD 424 - WINDOW WASHER FLUID	074227	2.69
		I-244807	225-42120-2220	REPAIR & MAIN WINDOW FILM KIT	074227	20.69
01-0013	ACTION GRAPHICS					
		I-1012301	225-42120-2221	SQUAD CAR REP MESSAGE TRAILER GRAPHICS	074229	65.00
01-0086	CITY OF BRAINERD					
		I-TRANSFERS 12/16	225-49300-7720	TRANSFERS OUT DECEMBER TRANS TO FIRE CAPITAL	074249	85,517.00
01-0125	CONSOLIDATED TELEPHONE					
		I-20392819	225-42120-3309	COMPUTER TECH LD/INTERNET 12/12-01/12	074253	26.25
		I-20392819	225-42120-3321	TELEPHONE LD/INTERNET 12/12-01/12	074253	139.94
		I-20392819	225-42220-3380	UTILITIES LD/INTERNET 12/12-01/12	074253	29.38
01-0199	HANNAHS, DONALD C. JR.					
		I-DECEMBER 2016	225-42700-3300	PROFESSIONAL DECEMBER 2016	074262	1,360.60
01-0200	HEARTLAND ANIMAL RESCUE					
		I-NOVEMBER 2016	225-42700-3430	MISCELLANEOUS NOVEMBER 2016 BOARDING	074265	1,606.00
		I-NOVEMBER 2016	225-42700-3300	PROFESSIONAL NOVEMBER 2016 MONTHLY FEE	074265	1,698.75
01-0204	HOLLCO INC					
		I-12320052/NOV 16	225-42220-2212	MOTOR FUELS NOVEMBER MOTOR FUELS	074269	326.63
01-0213	INTOXIMETERS INC					
		I-549443	225-42120-2210	OPERATING SUP PBT MOUTHPIECES	074274	255.00
01-0226	LAKES AREA MAT SERVICE					
		I-#580: 20161101	225-42120-3430	MISCELLANEOUS #580 POLICE DEPT MAT SERVICE	074277	40.15
		I-#580: 20161115	225-42120-3430	MISCELLANEOUS #580 POLICE DEPT MAT SERVICE	074277	40.15
		I-#580: 20161129	225-42120-3430	MISCELLANEOUS #580 POLICE DEPT MAT SERVICE	074277	40.15
01-0243	MARCO FINANCING					
		I-319485785	225-42120-3331	LEASED PAYMEN 2017 1ST QTR COPIER LEASE	074283	711.39
01-0244	MARTIN COMMUNICATIONS I					
		I-104626	225-42120-2210	OPERATING SUP PORTABLE RADIO BATTERIES	074284	270.00
01-0273	NAPA AUTO PARTS					
		I-014529	225-42220-2210	OPERATING SUP GROMMETS, LAMPS	074293	5.14
		I-014749	225-42220-2210	OPERATING SUP PRE-MIX	074293	50.24
		I-014751	225-42220-2212	MOTOR FUELS DIESEL FUEL ADDITIVE	074293	38.97

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0296	BRAINERD PUBLIC UTILITI					
		I-NOVEMBER 2016	225-42120-3381	BPU UTILITIES 10/24/2016-11/23/2016 UTILITIE	074241	2,504.49
		I-NOVEMBER 2016	225-42220-3381	BPU UTILITIES 10/24/2016-11/23/2016 UTILITIE	074241	1,999.27
01-0322	STREICHERS PROF EQUIP					
		I-I1238845	225-42131-2210	OPERATING SUP 705 - BODY ARMOR/VEST	074305	1,656.00
01-0344	WASTE PARTNERS INC					
		I-6BX96508	225-42220-3430	MISCELLANEOUS OCTOBER GARBAGE REMOVAL	074316	81.90
		I-6BX96806	225-42120-3430	MISCELLANEOUS NOVEMBER GARBAGE REMOVAL	074316	91.23
01-0418	MN CHIEF'S OF POLICE AS					
		I-1684	225-42120-3433	DUES & SUBSCR 2017 MEMBERSHIP RENEWAL	074289	290.00
01-0501	BAERTSCHI, PAUL					
		I-2017	225-42120-3433	DUES & SUBSCR MINNESOTA POLICE BRIEFS	074235	140.00
01-0745	BATTERIES PLUS					
		I-035-320335	225-42120-2221	SQUAD CAR REP SQD 419 - BATTERY	074236	229.50
		I-035-320349	225-42120-2210	OPERATING SUP 3V LITHIUM BATTERIES	074236	17.75
		I-035-320691	225-42220-2210	OPERATING SUP 3V, AAA, AA, 9V BATTERIES	074236	50.96
		I-035-320920	225-42220-2210	OPERATING SUP BALLAST	074236	17.25
		I-035-321193	225-42220-2210	OPERATING SUP BALLASTS	074236	31.80
01-0944	ASPEN MILLS					
		I-190157	225-42225-1113	UNIFORMS X3 POC UNIFORMS	074233	547.72
01-1021	MOTOROLA					
		I-13138377	225-42500-3430	MISCELLANEOUS RADIO BATTERIES	074292	228.00
01-1159	WINNERS TROPHY					
		I-8444	225-42225-3430	MISCELLANEOUS 2016 FIREFIGHTER OF THE YEAR	074319	89.95
01-1291	R.O.C. DETAIL CO.					
		I-121425	225-42220-2220	REPAIR & MAIN E4 DETAIL/WET SAND & BUFF	074300	400.00
01-1343	CHARTER COMMUNICATIONS					
		I-12/01/2016	225-42120-3380	UTILITIES BUSINESS TV	074247	28.37
		I-DEC 16 - JAN 17	225-42220-3380	UTILITIES STATION 1 BUSINESS TV 12/16-1/	074247	7.35
01-1440	HOLMES, TIM					
		I-11292016	225-42220-3330	PROFESSIONAL FIRE CODE TRAINING - MEALS	074270	33.88
01-1632	ADVANCED AUTO REPAIR OF					
		I-56353	225-42220-2220	REPAIR & MAIN S1 OIL CHANGE	074231	15.52
01-1753	MARCO					
		I-INV3863846	225-42120-3309	COMPUTER TECH PRINTER MAINT CONTRACT	074282	43.72

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1815	F.I.R.E. CROSSLAKE	I-2106	225-42225-3330	PROFESSIONAL ICE RESCUE TRAINING	074258	600.00
01-1859	ENTERPRISE FM TRUST	I-FBN3140983	225-42220-3331	LEASE PAYMENT 12/1/16-12/31/16 UTILITY INTER	074257	482.31
01-1913	GRAND FORKS FIRE EQUIPM	I-18588	225-42225-2250	PERSONAL PROT HELMETS X 12	074261	4,101.00
01-2002	BUDGET BLINDS OF BRAINE	I-12302	225-42220-2220	REPAIR & MAIN STATION 1 WINDOW TREATMENTS	074244	2,020.64
01-2160	MATT HEINEN'S EMERGENCY	I-402	225-42120-5550	CAPITAL - VEH SQD 423 - NEW SQD BUILD	074285	1,385.00
01-2177	HOLIDAY CREDIT OFFICE	C-NOVEMBER 2016	225-42120-2212	MOTOR FUELS CREDITS/REBATES NOV 2016	074268	221.68-
		C-NOVEMBER 2016	225-42220-2212	MOTOR FUELS CREDITS/REBATES NOV 2016	074268	27.68-
		I-NOV 16 FD	225-42220-2212	MOTOR FUELS NOVEMBER MOTOR FUELS	074268	252.48
		I-NOV 16 PD	225-42120-2212	MOTOR FUELS NOVEMBER MOTOR FUELS	074268	2,106.77
01-2620	PERSONNEL EVALUATION IN	I-21317	225-42120-3300	PROFESSIONAL PROFILE - POTENTIAL NEW HIRE	074297	20.00
01-2666	HERREID & ASSOCIATES	I-1022	225-42120-3300	PROFESSIONAL CONSULTATION	074267	5,832.52
01-3199	FLEET ONE LLC	I-NOV 16 FD	225-42220-2212	MOTOR FUELS NOVEMBER MOTOR FUEL	074259	257.37
		I-NOV 16 PD	225-42120-2212	MOTOR FUELS NOVEMBER MOTOR FUELS	074259	630.51
01-3202	INNOVATIVE OFFICE SOLUT	I-1417508	225-42220-2200	OFFICE SUPPLI POSTCARDS, NOTEPADS, PENS, PEN	074272	27.27
01-3488	JEFFERSON FIRE & SAFETY	I-232291	225-42225-2250	PERSONAL PROT TURN OUT GEAR	074275	2,022.92
			FUND 225 PUBLIC SAFETY FUND	TOTAL:		120,276.96

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 227 RECYCLING FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0059	BLUE LAKES DISPOSAL					
		I-NOVEMBER 2016	227-43230-3300	PROFESSIONAL 11/01/16-11/13/16 RECYCLE PAYM	074237	675.39
01-0278	NISSWA SANITATION					
		I-DECEMBER 2016	227-43230-3300	PROFESSIONAL DECEMBER 2016 RECYCLING PYMT	074294	1,578.36
01-0343	WASTE MANAGEMENT					
		I-DECEMBER 2016	227-43230-3300	PROFESSIONAL DECEMBER 2016 RECYCLING PYMT	074315	2,623.49
		I-NOVEMBER 2016 BL	227-43230-3300	PROFESSIONAL BLUE LAKES BUYOUT NOVEMBER PYM	074315	675.38
01-0344	WASTE PARTNERS INC					
		I-6BX96511	227-43230-3428	USED OIL RECY OCTOBER GARBAGE REMOVAL	074316	54.99
		I-DECEMBER 2016	227-43230-3300	PROFESSIONAL DECEMBER 2016 RECYCLING PYMT	074316	1,464.82
				FUND 227 RECYCLING FUND	TOTAL:	7,072.43

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 230 PARK & RECREATION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0296	BRAINERD PUBLIC UTILITI					
		I-NOVEMBER 2016	230-45200-3381	BPU UTILITIES 10/24/2016-11/23/2016 UTILITIE	074241	2,274.45
01-1859	ENTERPRISE FM TRUST					
		I-FBN3140983	230-45200-3331	LEASE PAYMENT 12/1/16-12/31/16 EQUINOX LEASE	074257	392.03
01-2177	HOLIDAY CREDIT OFFICE					
		C-NOVEMBER 2016	230-45200-2212	MOTOR FUELS CREDITS/REBATES NOV 2016	074268	29.84-
			FUND	230 PARK & RECREATION FUND	TOTAL:	2,636.64

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PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 234 SAC FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0086	CITY OF BRAINERD					
		I-TRANSFERS 12/16	234-49300-7720	TRANSFER OUT DECEMBER TRANS TO SANITARY SEW	074249	61,000.00
				FUND 234 SAC FUND	TOTAL:	61,000.00

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0039	AMERIPRIDE LINEN SERVIC					
		I-2200855664	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	074232	103.40
		I-2200858201	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	074232	78.25
01-0049	AUTO VALUE - WEST					
		I-17160586	235-43100-2220	REPAIR & MAIN 6 PENETRATE-A	074234	65.94
01-0077	BRAINERD HYDRAULICS/AIR					
		I-3901	235-43100-2220	REPAIR & MAIN 4 O-RINGS, 4 BU RINGS	074240	6.52
01-0201	HEARTLAND TIRE SERVICE					
		I-48241	235-43100-2220	REPAIR & MAIN VALVE CORE HOUSING	074266	7.00
		I-48279	235-43100-2220	REPAIR & MAIN 4 TIRES #116	074266	1,728.64
01-0204	HOLLCO INC					
		I-12320008/DEC 16	235-43125-2212	MOTOR FUELS NOVEMBER MOTOR FUELS	074269	483.11
01-0223	L & M STEEL					
		I-15250	235-43100-2220	REPAIR & MAIN HR FLAT STEEL	074276	11.83
01-0264	MN DEPT LABOR & INDUSTR					
		I-ABR0154780I	235-43100-2220	REPAIR & MAIN BOILER REG 724 THIESSE	074288	10.00
01-0273	NAPA AUTO PARTS					
		I-14373	235-43100-2210	OPERATING SUP PURPLE POWER CLEANER	074293	26.29
		I-14949	235-43100-2220	REPAIR & MAIN HEADLIGHT SOCKET #107	074293	8.88
01-0296	BRAINERD PUBLIC UTILITI					
		I-NOVEMBER 2016	235-43100-3381	BPU UTILITIES 10/24/2016-11/23/2016 UTILITIE	074241	20,476.41
01-0316	SHIPMAN AUTO PARTS					
		I-498661	235-43100-2220	REPAIR & MAIN REPAIR PART #105	074303	48.00
01-0329	TOMS BACKHOE SERVICE IN					
		I-16451	235-43125-3402	DOWNTOWN SNOW 11/18-11/19 DT SNOW REMOVAL	074310	19,392.95
01-0344	WASTE PARTNERS INC					
		I-6BX96507	235-43100-3430	MISCELLANEOUS NOVEMBER GARBAGE SERVICE	074316	81.90
01-0354	ZIEGLER, INC					
		I-PC190062006	235-43100-2220	REPAIR & MAIN 10 BOLTS, 2 CUTTING EDGES, 3 E	074320	774.64
01-1859	ENTERPRISE FM TRUST					
		I-FBN3140983	235-43100-3331	LEASE PAYMENT 12/1/16-12/31/16 CHEV SILVERAD	074257	731.91
01-2902	ADVANCE AUTO PARTS					
		I-6574633675464	235-43100-2210	OPERATING SUP AIR 1 EA CQ BLUE	074230	22.22
		I-6574634080555	235-43100-2220	REPAIR & MAIN HALOGEN HEADLIGHT	074230	10.49
		I-6574634080562	235-43100-2220	REPAIR & MAIN COPPER BRAKE LINE 40 IN	074230	7.47

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-2902	ADVANCE AUTO PARTS	continued				
		I-6574634375712	235-43100-2220	REPAIR & MAIN ROT ELEC NF CONC GAL 1	074230	36.78
01-3181	HARBO MULCH INC					
		I-1644	235-43100-2220	REPAIR & MAIN 33 YDS RED MULCH ROUNDABOUTS	074263	693.00
01-3199	FLEET ONE LLC					
		I-NOV 16 S&S	235-43125-2212	MOTOR FUELS NOVEMBER MOTOR FUELS	074259	3,590.57
				FUND 235 STREET & SEWER FUND	TOTAL:	48,396.20

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FUND : 236 PARKING LOT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT	NAME	DESCRIPTION	CHECK#	AMOUNT
01-0296	BRAINERD PUBLIC UTILITI						
		I-NOVEMBER 2016	236-43180-3381	BPU UTILITIES	10/24/2016-11/23/2016 UTILITIE	074241	36.00
				FUND	236 PARKING LOT FUND	TOTAL:	36.00

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VENDOR SET: 01

FUND : 237 SANITARY SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0181	FLEXIBLE PIPE TOOL CO					
		I-20643	237-43190-2220	REPAIR & MAIN 2 CONCAVE ROOT SAWS	074260	217.00
01-0237	LOCATORS - SUPPLIES INC					
		I-251643	237-43190-2220	REPAIR & MAIN 1 CASE GREEN MARKING PAINT	074281	44.98
01-3199	FLEET ONE LLC					
		I-NOV 16 S&S	237-43190-2212	MOTOR FUELS NOVEMBER MOTOR FUELS	074259	412.54
			FUND	237 SANITARY SEWER FUND	TOTAL:	674.52

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VENDOR SET: 01

FUND : 240 PERMANENT IMPROVEMENT FUN

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0086	CITY OF BRAINERD					
		I-DEC 16 TAX	240-49300-7720	TRANSFERS OUT PERM IMPR COLLECTION	074249	143,721.25
				FUND 240 PERMANENT IMPROVEMENT FUN	TOTAL:	143,721.25

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FUND : 250 HYDRANT RENT & EL CURRENT

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-DEC 16 TAX	250-49042-3464	REMIT LEVY HYDRANT RENT & EC	074249	71,875.29
		I-NOV 16 ELEC	250-49042-3466	BPU COSTS DIS NOVEMBER 2016 ELEC SALES	074249	53,029.71
				FUND 250 HYDRANT RENT & EL CURRENTTOTAL:		124,905.00

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VENDOR SET: 01

FUND : 251 LOCAL OPTION SALES TAX

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0296	BRAINERD PUBLIC UTILITI					
		I-TAX DEC 2016	251-49360-3467	REMIT LOCAL S LOCAL USE TAX REMITTANCE	074241	84,464.43
			FUND	251 LOCAL OPTION SALES TAX	TOTAL:	84,464.43

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VENDOR SET: 01

FUND : 309 SINKING 309 2010A GO FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0334	U.S. BANK					
		I-802999200/12-16	309-47800-6620	PAYING AGENT GO IMP BONDS 2010A AGENT FEE	074312	450.00
				FUND 309 SINKING 309 2010A GO FUND	TOTAL:	450.00

PACKET: 03856 12/19/16 COUNCIL

VENDOR SET: 01

FUND : 401 CONSTRUCTION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0267	MN POLLUTION CONTROL AG	I-10000018961	401-41606-3300	PROFESSIONAL 423 WASHINGTON ST	074290	125.00
01-0329	TOMS BACKHOE SERVICE IN	I-PAYAPP8/DEC 16	401-41415-5530	PYMTS TO CONT ARPT UTIL EXT THRU 11/30/16	074310	672,167.45
01-0344	WASTE PARTNERS INC	I-6BX96510	401-41003-3300	PROFESSIONAL NOVEMBER GARBAGE SERVICE	074316	123.73
01-0929	BRAUN INTERTEC CORP	I-B078858	401-41415-3300	PROFESSIONAL SOIL TESTING THRU 11/25	074243	3,327.00
01-1217	CWC AUDITOR-TREASURER	I-DEC 2016	401-40501-3430	MISCELLANEOUS REIM OVERPAYMENT COLLEGE DR	074255	6,092.03
01-1513	CITY OF BAXTER	I-DEC 2016	401-40501-3430	MISCELLANEOUS REIM OVERPAYMENT COLLEGE DR	074248	2,195.81
01-2664	RTVISION, INC.	I-12576	401-41401-3430	MISCELLANEOUS ONE OFFICE/EGRAM SOFTWARE	074302	3,000.00
		I-12576	401-41403-3430	MISCELLANEOUS ONE OFFICE/EGRAM SOFTWARE	074302	3,000.00
		I-12576	401-41613-3430	MISCELLANEOUS ONE OFFICE/EGRAM SOFTWARE	074302	3,000.00
			FUND 401 CONSTRUCTION FUND	TOTAL:		693,031.02

REPORT GRAND TOTAL: 2,095,436.17

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+P
2

Agenda Item #

Requested Meeting Date: December 19, 2016

Title of Item: Proposed Technology Use Policy

☐ 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: IT/GIS Coord Shawn Strong	Department: Administration
Presenter (Name & Title): IT/GIS Coord Shawn Strong	Estimated Time Needed: 10 minutes
Summary of Issue: The City's existing 'Computer Use Policy' was adopted in 2008 and is need of an update to include new technologies and to better address emerging issues affecting the networks and operations of the City of Brainerd and Brainerd Public Utilities. This new 'Technology Use Policy' replaces the existing 'Computer Use Policy'. The new policy is based on the League of MN Cities 'Model Computer Use Policy' (2/2016) with additional items (highlighted) from the LMC 'Computer and Network Loss Control' document (2/2016) and from the existing policy.	
Alternatives, Options, Effects on Others/Comments: 1. Take no action, Computer Use Policy (2008) remains in place. 2. Reconsider at a future date after further review and/or revision. 3. Adopt Technology Use Policy effective immediately, with staff training to follow.	
Recommended Action/Motion: This policy is being brought forward for your review and consideration. If the policy is acceptable, a motion to adopt the Technology Use Policy effective immediately is appropriate contingent upon City Attorney's review.	
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>	

Technology Use Policy

City of Brainerd / Brainerd Public Utilities

General Information

This policy serves to protect the security and integrity of the City of Brainerd and Brainerd Public Utilities ("City") electronic communication and information systems by educating employees about appropriate and safe use of available technology resources.

Computers and related equipment used by City employees are property of the City. The City reserves the right to inspect, without notice, all data, emails, files, settings, or any other aspect of a City-owned computer or related system, including personal information created or maintained by an employee. The City may conduct inspections on an as-needed basis as determined by City management or Information Technology (IT) staff.

Beyond this policy, IT staff may distribute information regarding precautions and actions needed to protect City systems; all employees are responsible for reading and following the guidance and directives in these communications.

Personal Use

The City recognizes that some personal use of City-owned computers and related equipment has and will continue to occur. Some controls are necessary to protect the City's equipment and computer network and to prevent abuse of this privilege.

Reasonable, incidental personal use of City computers and software (e.g., word processing, spreadsheets, email, internet, etc.) is allowed but should never preempt or interfere with work. All use of City computers and software, including personal use, must adhere to provisions in this policy, including the following:

- Employees shall not connect personal peripheral tools or equipment (such as cell phones, USB drives, flash cards, disks, digital cameras, or printers) to City-owned systems, without prior approval from the IT staff. If permission to connect these tools/peripherals is granted, the employee must follow provided directions for protecting the City's computer network.
- Personal files should not be stored on City computer equipment. This also applies to personal media files, including but not limited to mp3 files, wav files, movie files, iTunes files, or any other file created by copying a music CD, DVD, or files from the Internet. IT staff may delete these types of files if found on City-owned equipment. Exceptions would be recordings for which the City has created, owns, purchased, or has a license.
- City equipment or technology shall not be used for personal business interests, for-profit ventures, political activities, or other uses deemed by City management to be inconsistent with City activities.

Hardware

In general, the City will provide the hardware required for an employee to perform his or her job duties. Requests for new or different equipment should be made to your supervisor, who will forward the request to the IT staff.

The City will not supply laptop computers based solely on the desire of employees to work offsite. A business need will be required for each laptop deployment, and must be approved by the employee's supervisor and department head. Laptops will only be issued to employees who: regularly use their laptop offsite; require a laptop for access to special software or systems; have a documented business need for a laptop; and/or require the use of a full computer while traveling

Only City staff may use City owned computer equipment. Use of City equipment by family members, friends, or others is prohibited.

Employees are responsible for the proper use and care of City-owned computer equipment. City computer equipment must be secured while off City premises; do not leave computer equipment in an unlocked vehicle or unattended at any offsite facility. Computer equipment should not be exposed to extreme temperature or humidity. If a computer is exposed to extreme heat, cold, or humidity, it should be allowed to achieve normal room temperature and humidity before being powered on.

Software

In general, the City will provide the software required for an employee to perform his or her job duties. Requests for new or different software should be made to your supervisor, who will forward the request to the IT staff.

Employees shall not download or install any software on their computer without the prior approval of the IT staff. Exceptions to this include updates to software approved by IT such as Microsoft updates, anti-virus, anti-malware, Java, Adobe Reader/Flash. IT staff may, without notice, remove any unauthorized programs or software, equipment, downloads, or other resources.

Electronic Mail

The City provides most employees with an email address for work-related use. Minimal personal use of the City email system by employees is allowed, provided it does not interfere with an employee's work and is consistent with all City policies.

Employee emails (including those that are personal in nature) may be considered public data for both e-discovery and information requests and may not be protected by privacy laws. Email may also be monitored as directed by the City authorized staff and without notice to the employee.

Employees must adhere to these email guidelines:

- Do not open email attachments or links from an unknown sender. Review sender's email address, date/time, subject line, and name and file type of attachments to verify legitimacy/relevance. Delete junk or "spam" email without opening. Do not respond to unknown senders.
- Never transmit an email that you would not want your supervisor, other employees, members, city officials, or the media to read or publish (e.g., avoid gossip, personal information, swearing, etc.).
- Use caution or avoid corresponding by email on confidential communications (e.g., letters of reprimand, correspondence with attorneys, medical information).
- Do not use harassing language (including sexually harassing language) or any other remarks, including insensitive language or derogatory, offensive, or insulting comments or jokes.

Electronic Calendars

A shared calendar environment is provided as part of the City's email software program (Exchange/Outlook). All employees are encouraged to keep their electronic calendar up to date and may grant relevant staff the ability to view their calendar. All employees are encouraged to utilize the out of office automatic replies for known absences.

Phone/Voicemail

Voicemail that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network for storage. All other voicemails should be deleted from the voicemail system (and email) when no longer needed.

Presence/Instant Messaging

Employees who are provided with the City's presence / instant messaging (IM) software should remain logged in and may utilize it for communications between city staff. Similar to email, instant messaging is considered public data and may be subject to e-discovery and information requests. Employees are not allowed to download or install any other IM software on their City computer.

Intranet

Employees should keep the Intranet as their web browser home page and are encouraged to utilize the announcements/links/calendars to remain informed and share information with other staff.

Personal Devices

Employees with prior approval may choose to use their own equipment to read or compose email or other City data as governed in this policy. Employees understand that by connecting their personal equipment to the City's email server, their personal devices could be searched during an e-discovery or other court-ordered scenarios, and agree to grant access to their personal devices should such a situation arise.

Security

Passwords

Employees are responsible for maintaining computer/network passwords and must adhere to these guidelines:

- Passwords must be at least eight characters long and include at least three of the following: lowercase character; uppercase character; a number; and non-alpha-numeric character (e.g., *, &, %, etc.). (Example: J0yfu11y!) Password requirements may be changed as necessary, as determined by IT staff.
- Passwords should not be shared with anyone including other staff. If it is necessary to access an employee's computer when he or she is absent, contact your supervisor; IT staff will not provide access to staff accounts without prior approval.
- Passwords should not be stored in any location on or near the computer, or stored electronically such as in a cell phone or other mobile device.
- Employees must change passwords every 90 days when prompted, or on another schedule as determined by IT staff.
- Computers should not be left unattended while a user is logged in – either lock the computer when away (Ctrl+Alt+Del) or use a timed screen saver that will require a password to unlock upon return.

Network Access

Non-City-owned computer equipment used in the City's building should only use the wireless connection to the Internet. Under no circumstances should any non-City-owned equipment be connected to the City's computer network via a network cable. Exceptions may be granted by IT staff.

Personal computer equipment may not be connected to the City's network without prior approval of the IT staff. Personal equipment may be subject to password requirements or other electronic security measures as determined by IT staff.

Staff shall not attempt to circumvent or disable firewalls, anti-virus/anti-malware software, software updates and patches, network/computer security settings, or any other measures put in place to protect the network. If access to necessary resources is obstructed, notify supervisor and/or IT staff to explore options.

Remote Access to the Network

Examples of remote access include, but are not limited to: Outlook Web Access (web mail), virtual private network (VPN), Windows Remote Desktop, and Windows Terminal Server connections. While remotely connected to City computer resources, all aspects of the City's Technology Policy will apply, including the following:

- Remote access to the City's network including Outlook Web Access requires a request from a supervisor. Remote access privileges may be revoked at any time by an employee's supervisor, department head, or IT staff.
- If remote access is from a non-City-owned computer, updated security software (anti-virus and anti-malware) must be installed and operational, and all critical operating system updates must be installed prior to connecting. Failure to comply could result in the termination of remote access privileges.
- Remote access/assistance from third parties is not allowed without prior approval from IT staff. When remote access/assistance from a third party is granted, their activities must be monitored.
- Recreational use of remote connections to the City's network is strictly forbidden. An example of this would be a family member utilizing the City's cellular connection to visit websites.
- Private or confidential data should not be transmitted over an unsecured wireless connection. Wireless connections that are not secure could pose a security risk if used to transmit City passwords or private data. Unsecure wireless connections may include cellular networks and wireless access points unless proper security protocols are in place.

Security Compromise

If a virus or malware is suspected, IT staff must be notified immediately. All other indications of computer/network security compromise must also be reported to IT staff immediately.

Internet

The following considerations apply to all uses of the Internet:

- Information found on the Internet and used for City work must be verified to be accurate and factually correct.
- Approved web browsers include Internet Explorer, Mozilla Firefox, and Google Chrome. Usage of other browsers requires prior authorize from IT staff.
- Browsing history including cookies, passwords, and temporary files should be cleared from web browsers frequently or set to automatic.
- Limited personal use of the Internet is permitted. Employees may not at any time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races, or religions. If you are unsure whether a site may include inappropriate information, you should not visit it.
- City data should not be stored in any cloud-based application without prior authorization from supervisor and IT staff.
- If an employee's use of the Internet is compromising the integrity of the City's network, IT staff may temporarily restrict that employee's access to the Internet. If IT staff does restrict access, they will notify the employee and the employee's

supervisor as soon as possible, and work with the employee and supervisor to rectify the situation.

- Social media use on City owned computers should be limited to maintaining the City's social media presence. Personal use of social media on City owned computers is discouraged.
- Peer-to-peer software/applications are not permitted.
- The City may monitor or restrict any employee's use of the Internet without prior notice, as deemed appropriate by the employee's supervisor.

Data Retention

Electronic data should be stored and retained in accordance with the City's records retention schedule.

Storing and Transferring Files

If you are unsure whether an email or other file is a government record for purposes of records retention laws or whether it is considered protected or private, check with your supervisor. If you are unsure how to create an appropriate file structure for saving and storing electronic information, contact IT staff.

Employees must adhere to these guidelines when transferring and storing electronic files:

- All electronic files should be stored on network drives. The City will not back up documents stored on local computer hard drives, and holds no responsibility for recovery of documents on local computer hard drives should they fail. Files may be temporarily stored on a laptop hard drive when an employee is offsite; however, the files should be copied to the network as soon as possible.
- Electronic files created on an employee's home or personal computer must not be transferred to the City's network. City-related files should not be created or stored on an employee's personal computer.
- All removable storage media (e.g., CD-ROM, flash or USB drive, or other storage media) must be verified to be virus-free before being connected to City equipment.
- Email that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network for storage.
- Email that is simple correspondence and not an official record of City business should be deleted (from both the "Inbox" and the "Deleted" box) when no longer needed but should not be retained by employees for more than three months. The City will not retain emails longer than one year on the network or in backups.
- Electronic files or emails that may be classified as protected or private information should be stored in a location on the City's network that is properly secured.
- Any files considered private or confidential should not be stored anywhere other than the City's network. If there is a need to take confidential information offsite, prior arrangements must be made to ensure files are protected.

Technology Use Policy
City of Brainerd / Brainerd Public Utilities

Employee Acknowledgement and Agreement

I have received and read the above policy and have had an opportunity to ask any questions. I understand that my failure to follow this policy may result in disciplinary action, including revocation of system privileges or termination.

Employee Signature

Date

Employee Printed Name

Department



Brainerd City Council Agenda Request

P & F
3
Agenda Item #

Requested Meeting Date: December 19th, 2016

Title of Item: Request to Establish a New Police Officer Eligibility List

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 10 MINUTES
Summary of Issue: The current police officer candidate hiring list has been exhausted. The most recent candidate that a conditional job offer was made to, was not able to successfully complete the pre-employment screening process. We are requesting council authorization for the Police & Fire Civil Service Commission to establish a new Police Officer Eligibility List for the purpose of filling the vacant police officer position that was created with the resignation of a police officer in training back on November 3rd.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize the Police & Fire Civil Service Commission to establish a new Police Officer Eligibility List.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> The position and costs associated with the process are with in the department's current & proposed budgets.	



Brainerd City Council Agenda Request

P+F
4

Agenda Item #

Requested Meeting Date: December 19, 2016

Title of Item: Casualty/Property Insurance Dividend

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 minutes
Summary of Issue: The City of Brainerd received a dividend check from teh LMC in the amount of \$128,155. Attachment A is information about the property/casualty dividend. The dividend is split 50/50 with BPU, so the City's share is \$67,077.50. Prior to 2015, any dividend received for the property/casualty insurance had been put into the Insurance Fund (280) which pays for the insurance deductibles related to property and casualty claims, and any uninsured losses (ex. sewer back up claim). The estimated cash as of 12/15/16, after the dividend was deposited is \$160,726.	
Alternatives, Options, Effects on Others/Comments: With the 2015 dividend of \$43,294.50, the council transfered the dividend, plus \$16,705.50 (total of \$60,000) from the insurance fund to the City Capital Fund. We used about \$10,000 from the insurance fund to pay for deductibles in 2016.	
Recommended Action/Motion: Options include: * Transferring some or all of the dividend or fund balance to capital. * Continue to let the fund build in case of an emergency or to offset premiums.	
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>	



Attachment A

CONNECTING & INNOVATING
SINCE 1913

RECEIVED

DEC 12 2016

CITY OF BRAINERD
ADMINISTRATION

December 8, 2016

To: LMCIT Property/Casualty Members

From: LMCIT Board of Trustees

Joel Hanson, Administrator, Little Canada	Mark Karnowski, Administrator, Princeton
D. Love, Councilmember, Centerville	Dave Callister, Manager, Plymouth
Rhonda Pownell, Councilmember, Northfield	Todd Prafke, Administrator, St. Peter
Dave Unmacht, Executive Director, LMC	

Re: **2016 Property/Casualty Dividend**

We are very pleased to enclose a check for your share of the \$25 million dividend, which the League of Minnesota Cities Insurance Trust (LMCIT) property/casualty program is returning for 2016.

Also included in this mailing are:

- A memo providing background on the dividend, including a detailed explanation for how your dividend is calculated.
- A data sheet showing the earned premium and loss data used to calculate your dividend, as well as graphs showing your written premium and dividend history.

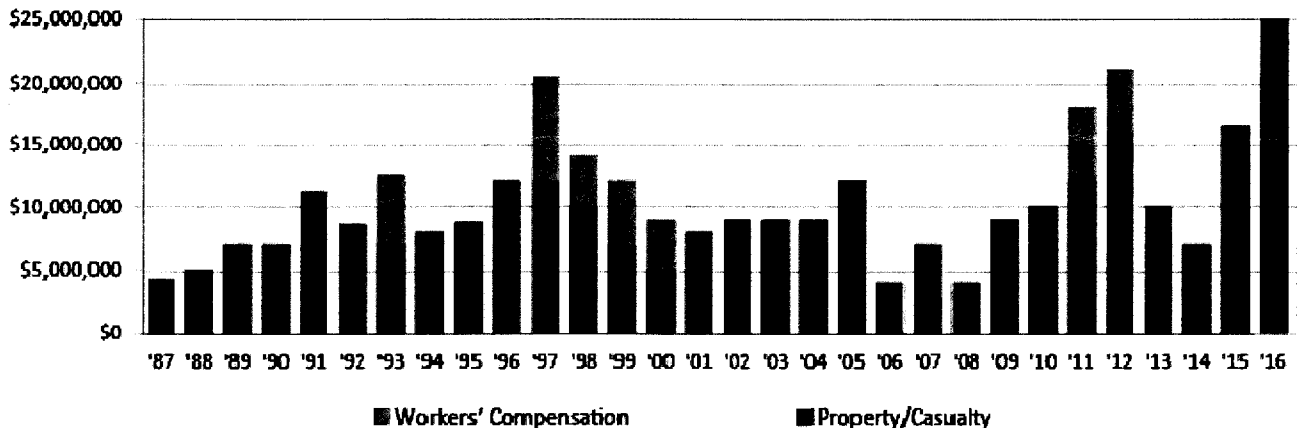
A copy of this same information will also be sent to your insurance agent. We also encourage you to share this information with your city council or other governing body.

We want to thank you again for your continued participation in LMCIT. Please feel free to contact Laura Honeck, LMCIT Operations Manager, at lhoneck@lmc.org or 651-281-1280 if you have any questions or need additional information.

League of Minnesota Cities Insurance Trust 2016 Property/Casualty Dividend

Congratulations to members of the League of Minnesota Cities Insurance Trust (LMCIT) property/casualty program on another successful year! Property/casualty members will share in a \$25 million dividend this year, bringing the sum of dividends returned to members since 1987 to \$320 million.

LMCIT Dividends \$320 Million Since 1987



Factors Driving the 2016 Dividend

This year's dividend amount is largely driven by three factors:

- After a thorough actuarial evaluation of projected loss costs, it was determined LMCIT could decrease its estimates for outstanding liabilities on old claims that were incurred before May 31, 2015. The decrease is due primarily to favorable claim development in recent years for property claims (fewer weather-related events) and liability claims (especially in the areas of land use and employment liability).
- The cost of new property, auto liability, and general liability (the most significant being liability for police, land use, and sewer backups) claims that were incurred after May 31, 2015, is less than what LMCIT projected when it set premium rates last year. That good experience is reflected in this year's dividend.
- For the past couple years LMCIT has been dealing with a large number of claims alleging violation of the Drivers' Privacy Protection Act (DPPA). Because there are so many of these claims and because they involve some complex legal issues, there's a lot of uncertainty about what these claims might ultimately cost. Because of this, LMCIT has been holding some additional funds as a hedge against what they might ultimately cost. However, some favorable

court decisions and the fact that very few new DPPA claims have been submitted means that the uncertainty of these claims has lessened. This in turn means that LMCIT is now able to release some of the extra funds. When these claims are ultimately resolved, LMCIT hopes to be able to return the rest to cities too.

Dividend Determination

Every year the LMCIT Board determines whether a dividend can be returned, and if so, how much. A number of considerations are weighed, with the ultimate decision involving a comparison of the LMCIT year-end fund balance (also known as member equity or surplus) to a targeted amount of fund balance.

Typically the major driver behind whether a dividend can be returned is how rates in recent years compare to LMCIT's loss experience. Premium rates are designed to pay for projected losses, expenses, and a safety margin in case losses turn out to be greater than expected. If losses turn out to be at or below LMCIT's projections, then the safety margin isn't needed and can either be returned to members as a dividend or used to strengthen LMCIT's fund balance.

Dividend Calculation

The first step the LMCIT Board takes in determining the dividend amount is to look at LMCIT's actual fund balance compared to the fund balance targets the Board has established. This year the Trustees determined that \$25 million could be returned to member cities.

The next step is to calculate the dividend. The formula for calculating the dividend is designed to return proportionally greater amounts to members that have been with LMCIT for a longer period of time and that have been most successful in avoiding and controlling losses. Here are the steps to determine the dividend for each individual member:

Step 1: Each member's adjusted losses are subtracted from its gross earned premiums.

Step 2: After calculating Step 1, the remaining dollar amount for each member is added together. This is the total that is used to calculate each individual dividend amount.

Step 3: The amount for each member calculated in Step 1 is then divided by the sum of all members calculated in Step 2. This results in each member's percentage, or share, of the \$25 million total that's available as a dividend this year.

The enclosed data sheet shows the exact figures, including your percentage of the dividend share, that were used to calculate your dividend. A few definitions may help as you look at this information.

Gross Earned Premium: This figure is your total of all earned premiums through May 31 for the past 20 years.

Adjusted Loss: This figure is your losses for the past 20 years, minus applicable deductibles, and after capping each individual large loss. Each individual loss is capped at the lesser of \$200,000 or 200 percent of the member's annual premium for the year of the loss. Without this cap, a small or mid-sized entity that experiences a catastrophic loss might not receive any dividend for many years.

Future Dividends

The ultimate goal of LMCIT is to manage *risk* – in other words, uncertainty. There's no guarantee a dividend will always be returned to members because it is impossible to know precisely what losses will occur or cost. Dividend amounts will vary from year to year just as they have in the past.

With that said, LMCIT will do its best to estimate and project what loss costs will be, and will continue to return to members any funds that aren't needed for losses, expenses, or reserves. While we can't guarantee future dividends, members should be proud of their success accomplished in controlling losses during 2016.

**LEAGUE OF MINNESOTA CITIES INSURANCE TRUST
PROPERTY/CASUALTY
2016 DIVIDEND CALCULATION
AT MAY 31, 2016**

PRIMARY SOURCE INS AGENCY INC

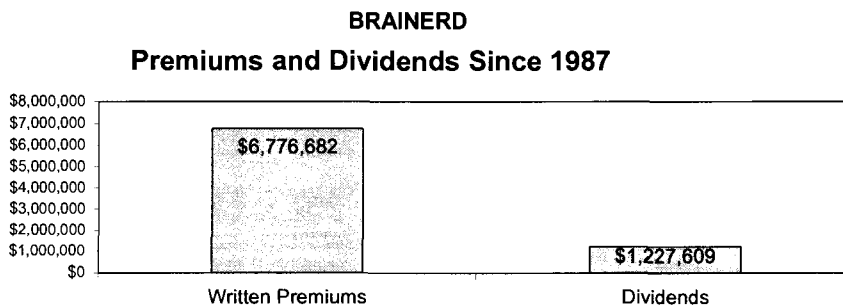
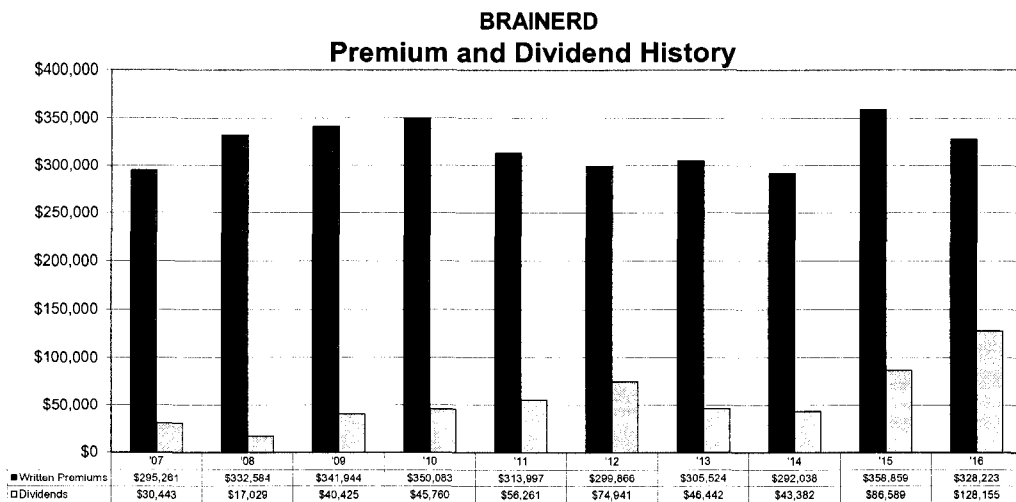
DBA WEIZENEGGER-ENGEL INS AGCY

MAIL CODE C-203

PO BOX 328

OWATONNA MN 55060-0328

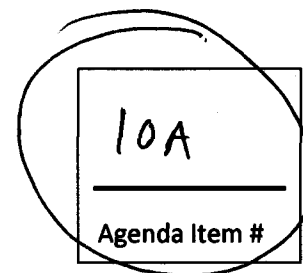
Brainerd	GROSS EARNED PREMIUM	\$5,410,993
<i>CITY HALL</i>	ADJUSTED LOSSES	\$2,188,641
<i>501 LAUREL STREET</i>	MEMBERS DIVIDEND PERCENTAGE	0.00512621942
<i>BRAINERD, MN 56401-3595</i>	DIVIDEND AMOUNT	\$128,155



The "gross earned premium" figure is the member's total earned premiums as of May 31, 2016 for the past 20 years. This is the premium figure that's used in the dividend calculation. The "2016 written premium" figure is the member's total premium for the member's most recent renewal prior to May 31, 2016 (for most members, only a portion of that 2016 written premium would be earned as of May 31, 2016).



Brainerd City Council Agenda Request



Requested Meeting Date: December 19, 2016

Title of Item: 2017 Levy and Budget

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☒ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 10 minutes
Summary of Issue: The final levy for the City and the HRA needs to be certified to the County Auditor by December 28, 2016. The final budget needs to be adopted by the end of the year. The preliminary levies for the City and HRA were set at \$5,373,778 (3% increase from 2016 levy) and \$121,407 respectively. This was City levy was used for the public hearing and presented in the attached budget recap.	
Alternatives, Options, Effects on Others/Comments: The estimated City tax rate for 2017 based on the 3% increase in levy is 74.974%, 2016 actual rate is 74.579% an estimated increase of approximately .395%.	
Recommended Action/Motion: Two separate actions are needed: 1. Adopt a resolution setting the City and HRA levy for 2017. A draft resolution with the 3% increase for the City is attached. 2. Adopt a motion setting the 2016 budget as presented.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

RESOLUTION
NO. __:16

WHEREAS, the Brainerd City Council is required to set a Final Levy by December 28, 2016; and

WHEREAS, the Brainerd City Council held its first Budget Workshop on September 12, 2016 and subsequent workshop on December 1, 2016 and a public hearing on December 12, 2016; and

WHEREAS, the Brainerd City Council, during the Special Meeting, discussed the overall budget process, the overall expenditures and the debt service of the City;

NOW, THEREFORE BE IT RESOLVED by the City of Brainerd, County of Crow Wing, State of Minnesota that the following sums are the levy for the taxes payable in the year 2017:

\$5,373,778 plus \$121,408 for the HRA.

Adopted this ____ day of December, 2016

GARY SCHEELER
President of the Council

Approved this ____ day of December, 2016

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

2017 PROPOSED BUDGET RECAP

	REVENUES			EXPENDITURES			
	ESTIMATED		TOTAL	ESTIMATED		TOTAL	
	NON-LEVY REVENUE	PRELIMINARY TAX LEVY	ESTIMATED REVENUE	EXPENDITURES W/O CAPITAL	CAPITAL REQUESTS	EXPENDITURES	DIFFERENCE
General Fund #101	\$5,210,952	\$1,985,388	\$7,196,340	\$2,245,934		\$2,245,934	\$4,950,406
Transfer to Airport			\$0	\$155,500		\$155,500	(\$155,500)
Transfer to Contingency			\$0	\$2,500		\$2,500	(\$2,500)
Transfer to IT Capital Fund			\$0	\$29,600		\$29,600	(\$29,600)
Transfer to Capital Replacement			\$0	\$0		\$0	\$0
Public Safety #225	\$1,355,737	\$46,000	\$1,401,737	\$4,614,397		\$4,614,397	(\$3,212,660)
Transfer to Fire Capital Fund - Per FAB Agreement				\$89,793		\$89,793	(\$89,793)
Transfer to Fire Capital Fund				\$57,000		\$57,000	(\$57,000)
Transfer to Debt Service (from FAB)				\$57,120		\$57,120	(\$57,120)
Park #230	\$261,100	\$35,000	\$296,100	\$995,230		\$995,230	(\$699,130)
Transfer to Park Dedication Fund				\$0		\$0	\$0
Street & Sewer Fund #235	\$270,800	\$40,000	\$310,800	\$967,903		\$967,903	(\$657,103)
Transfer in from Parking Fund #2	\$10,000		\$10,000	\$0		\$0	\$10,000
Fund balance Policy		\$0	\$0	\$0		\$0	\$0
SUBTOTAL	\$7,108,589	\$2,106,388	\$9,214,977	\$9,214,977	\$0	\$9,214,977	\$0
OTHER FUNDS							
Capital #400	\$10,000	\$428,919	\$438,919	\$0	\$450,100	\$450,100	(\$11,181)
Transit Fund #203	\$1,119,203		\$1,119,203	\$976,655	\$85,000	\$1,061,655	\$57,548
Library Fund #211	\$3,000	\$143,820	\$146,820	\$140,820	\$6,000	\$146,820	\$0
Recycling Fund #227	\$62,200		\$62,200	\$64,060		\$64,060	(\$1,860)
Parking #236	\$22,500		\$22,500	\$18,523		\$18,523	\$3,977
Transfer to Street & Sewer Fund				\$10,000		\$10,000	(\$10,000)
Sanitary Sewer Fund #237	\$605,000		\$605,000	\$634,400		\$634,400	(\$29,400)
Storm Sewer Fund #238	\$325,000		\$325,000	\$351,610		\$351,610	(\$26,610)
Perm Impr Fund #240		\$333,170	\$333,170	\$333,170		\$333,170	\$0
Mayor's Contingency Fund #245	\$2,500		\$2,500	\$2,500		\$2,500	\$0
Hydrant Rent & E.C. #250	\$684,860	\$166,585	\$851,445	\$851,445		\$851,445	\$0
EDA #295	\$250	\$118,980	\$119,230	\$113,517		\$113,517	\$5,713
Debt Redemption		\$2,075,916	\$2,075,916	\$2,075,916		\$2,075,916	\$0
Transfer from General Fund			\$0			\$0	\$0
OTHER FUNDS SUBTOTAL	\$2,834,513	\$3,267,390	\$6,101,903	\$5,572,616	\$541,100	\$6,113,716	(\$11,813)
GRAND TOTAL ALL FUNDS	\$9,943,102	\$5,373,778	\$15,316,880	\$14,787,593	\$541,100	\$15,328,693	(\$11,813)

(\$6,023)