

CITY COUNCIL AGENDA

Brainerd, Minnesota

March 20, 2017

7:30 P.M.

Brainerd City Hall

Council Chambers

_____ D. Badeaux
_____ G. Johnson
_____ S. Hilgart
_____ J. Lambert
_____ K. Stunek
_____ K. Bevans
_____ D. Pritschet
_____ 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 (Roll Call)**
 - A. Approval of the Minutes of the Regular Meeting held on March 6, 2017, as distributed**
 - B. Approval of Licenses – (See Attachment)**
 1. Contractor's Licenses - 3 Renewals
 - C. Department Activity Reports – (See Attachments)**
 1. Mayor
 2. Police Chief
 3. Finance Director
 - D. Approval to Accept the Otto Bremer Trust Grant in the Amount of \$44,650 for the Brainerd Public Library and Authorize Proper Signatures (See Attachment).**

- E. Temporary 3.2 Percent Malt Beverage (Beer) On-Sale License Application Submitted by the Brainerd Eagles Club for an Event to be Held on April 22, 2017 at Memorial Park, 1700 Mill Avenue, Brainerd, MN – Approval of**
- F. Temporary On-Sale Liquor License Application – Submitted by the Brainerd Jaycees for an Event to be Held on May 6, 2017 at the Essentia Health Sports Center, 502 Jackson Street, Brainerd – Approval of**
- G. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Lakes Chapter MN Darkhouse & Angling Association for a Raffle to be Held on October 28, 2017 at Brainerd American Legion, 708 Front Street, Brainerd, MN – Approval of**
- H. Minnesota Lawful Gambling – Adopt a Resolution Authorizing the American Legion Post 255 to Conduct Off-Site Gambling on May 6, 2017 at Essentia Health Sports Center, 502 Jackson Street, Brainerd, MN – Approval of**
- I. Minnesota Lawful Gambling – Adopt a Resolution Authorizing the American Legion Post 255 to Conduct Off-Site Gambling on July 7 – July 9, 2017 at Memorial Park, 1700 Mill Avenue, Brainerd, MN – Approval of**

6. Council Committee Reports

A. Safety and Public Works Committee Report

- 1. WBCC Non-Motorized Transportation Plan Tier I Recommendations**
- 2. Bee Keeping – Planning Commission Recommendation**
- 3. Event Application – Rally4ShrinersKidz**
- 4. Event Application – Lowell School Walk-A-Thon**
- 5. Improvement 17-02: 2017 Chip Seal**
- 6. Resolution Opposing Small Cell Telecommunication Right of Way Use Bills (Roll Call)**

B. Personnel and Finance Committee Report

- 1. Approval of Bills & Payments to Contractors**

Contractor	IMP #	Project	Amount	Total Retained
S.E.H.	14-15	Appt Util Ext thru 2/25/17	\$6,598	\$0

- 2. Approval of Hiring Police Records Management Technician**
- 3. Authorization to Dispose of Decommissioned Police Cars**

4. **Authorization to Dispose of 1997 Ford Van**
5. **Retirement of City Engineer Hulsether**
6. **Replacement Process for City Engineer**
7. **RFP for Facility Assessment**
8. **Discussion of 2018 Bonding Priorities**

7. **Unfinished Business**

- A. **Public Hearing/Presentation – MS4 Permit – Annual Hearing to Review Stormwater Related City Activities – Assistant City Engineer Sandy**
- B. **Public Hearing – Final Reading of Proposed of Proposed Ordinance No. 1462 – An Ordinance Amending Brainerd City Code Section 1315 – Street Cleaning and Snow Removal – City Administrator Thoreen Recommends Dispensing with the Actual Reading:**
1. Hold Public Hearing
 2. Hold Final Reading of Ordinance (Voice Vote)
 3. Adopt Ordinance (Roll Call)
- C. **Set Date and Time for Riverfront Workshop**
- D. **Call for Applicants – Informational:**
- (Application Information at www.ci.brainerd.mn.us/boards/)

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

Cable TV Advisory Committee – 1 term (Expire 2019)

Charter Commission – 1 term (Expire 2020)

Transportation Advisory Committee – 1 terms (Expire 2018)

8. **New Business**

- A. **City Administrator's Report**
1. Determine City Representative to attend NJPA's Annual Meeting on April 12, 2017
- B. **City Administrator Thoreen's Annual Performance Review**

9. Planning Commission

A. First Reading – Proposed Ordinance No. 1463 – Zoning Ordinance Text Amendment – Amend Section 2: Definitions – Add “boarding school” definition and Amend Section 63-6: B-4 (General Commercial) District – Add Boarding Schools as a Conditional Use – City Administrator Thoreen Recommends Dispensing with Actual Reading – Approval of

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

11. Staff Reports (Verbal: Any Updates since Packet)

12. Council Member Reports

13. Adjourn

NOTE: Safety and Public Works Committee will meet at 6:30 P.M. (City Hall Conference Room)
Personnel and Finance Committee will meet at 6:45 P.M. (City Council Chambers)

**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 Pritschet.

Upon roll call, the following members were noted as present: Badeaux, Johnson, Hilgart, Lambert, Stunek, Bevans and Pritschet. Mayor Menk was also noted as present.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

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

- A. Approval of the Minutes of the Regular Meeting held on February 21, 2017, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 2 - Renewals
- C. Department Activity Reports – Approved**
 - 1. Fire Chief
 - 2. Park Director
- D. Resolution No. 09:17 – Resolution Approving Release of Contract for Private Development Related to Brainerd Oaks – Approved**
- E. On Sale Liquor License Transfer – Gregg A. Gribbin dba Liquor Pigz Sports Bar Inc. to Isaac F. Carranza dba Big Dogs Bar LLC – Subject to Background Investigation, Fire Inspection and Satisfaction of All City Code Requirements - Approved**
- F. Temporary 3.2 Percent Malt Beverage (Beer) On Sale License Application – Submitted by Mid-Minnesota Builders Association for an event to be held March 31-April 2, 2017 at the Essentia Health Sports Center - Approved**

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

Presentation:

Brainerd Community Action Annual Report

The Chair recognized Ms. Holly Holm, Executive Director of Brainerd Community Action. Ms. Holm introduced herself to the council. Ms. Holm was recently appointed the Executive Director earlier this year. A goal is to get the word out about Community Action and what it can

do to help non-profits in the area. Another goal is to update the website and social media marketing. Mr. Musel, Community Action Board Member shared several events that Community Action is involved with and stated that Ms. Holm brings lots of energy and looks forward to working with her. Questions were answered and the Chair thanked her for her presentation.

Council Committee Reports

Safety and Public Works Committee Report

Sanitary Sewer System Presentation – Informational

Committee Chair Bevans referred to the material that had been distributed to Council as part of the presentation to Committee this evening by Assistant City Engineer Sandy on the City's sanitary sewer system.

Resolution Establishing Connection Charges – Adopted per Resolution No. 10:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, TO ADOPT RESOLUTION NO 10:17 ESTABLISHING THE FINAL CONNECTION CHARGE FOR THE BEAVER DAM ROAD IMPROVEMENT PROJECT.

RESOLUTION NO 10:17

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

Brainerd Amateur Hockey Foundation (BAHF) Assessment Consideration – Reaffirmed Policy

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO DENY THE REQUEST AND TO REAFFIRM THAT THE CITY'S ASSESSMENT POLICY WILL BE FOLLOWED.

Transit Bus Replacement – Adopted per Resolution No. 11:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, TO ADOPT RESOLUTION NO 11:17 AUTHORIZING AN AMENDMENT TO AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE FOR A SECOND REPLACEMENT VEHICLE.

RESOLUTION NO 11:17

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

Pavement Marking Agreement with Crow Wing County – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ENTER INTO A PAVING MARKING AGREEMENT WITH CROW WING COUNTY AND TO AUTHORIZE SIGNATURE OF THE AGREEMENT.

In the information provided by City Engineer Hulsether, the City benefits from reduced costs associated with higher quantities by having the agreement with Crow Wing County. City employees will still do the painting of the crosswalks, stop bars, and parking stalls where needed.

Walkable Bikable City Committee (WBCC) – Request Meeting to Discuss Non-Motorized Transportation Plan Tier 1 Recommendations - Informational

The Safety and Public Works Committee will be meeting with the Walkable Bikable City Committee as part of the March 20, 2017 committee meeting to discuss the recommendations.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

Contractor	IMP #	Project	Amount	Total Retained
S.E.H.	14-15	Appt Util Ext thru 1/31	\$15,942	\$0

MOVED AND SECONDED BY ALDMERMEN JOHNSON AND HILGART TO APPROVE THE PAYMENT OF BILLS AND PAYMENTS TO CONTRACTORS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

Committee Chair Johnson stated that we have spent about \$30,000 of the additional \$69,000 approved by council for S.E.H. services.

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

Paid-On-Call Trainee/Probationary Pay Rate – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ESTABLISH A TRAINEE FIREFIGHTER WAGE AT 60% OF THE REGULAR WAGE AND PROBATIONARY FIREFIGHTER WAGE AT 80% OF THE REGULAR WAGE EFFECTIVE FOR NEW HIRES AFTER JANUARY 1, 2017.

Committee Chair Johnson stated it is estimated we will save approximately \$5,600 per firefighter over 3 years, which is the average time it takes a firefighter to go through the training program. While a firefighter is going through the training program they do not do the same duties as a fully trained firefighter, therefore the reduction of pay seems justifiable.

Council Member Bevans requested an update from the Fire Chief at a future council meeting on how things are going at the Fire Department since the restructure.

HR Intern – Approval to Hire with Funding from NJPA – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO MAKE A CONDITIONAL JOB OFFER TO MS. MEGAN DUHN AT A RATE OF \$12 PER HOUR, AS AN HR INTERN FOR THE CITY OF BRAINERD/BPU WITH AN ANTICIPATED HIRE DATE OF MAY 8, 2017 SUBJECT TO SUCCESSFUL COMPLETION OF PRE-EMPLOYMENT BACKGROUND CHECK WITH FUNDING FOR THE POSITION COMING FROM NJPA.

Committee Chair Johnson stated that NJPA will reimburse the City up to \$12 per hour plus payroll expenses so the cost will be minimal to the City, and it doesn't affect the other interns we have received funding for in the past from NJPA.

Street Department Capital Equipment Purchases – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE OVERRUN OF COST ON THE BROOM TRACTOR AND ATTACHMENTS AND TO AUTHORIZE THE PURCHASE OF THE TRACTOR AND CHIPPER IN THE TOTAL AMOUNT OF \$96,711.76, AND TO DISPOSE OF THE OLD EQUIPMENT.

Close Out Bond Fund 308 - Adopted by Resolution No. 12:17

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, TO ADOPT RESOLUTION NO 12:17 AS PRESENTED TO CLOSE OUT BOND FUND 308.

RESOLUTION NO 12:17

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

Notification of Budgeted Expenditures – Discussion of a Need for Policy - Informational

Committee Chair Johnson stated the discussion from the committee was that a policy is not needed, however council requests better communication from staff on how funds are being spent.

2018 Polling Places - Informational

Committee Chair Johnson stated after the 2016 election the school district informed staff that due to safety concerns for students and staff we cannot use their buildings as polling locations. This means we will need to find four new polling locations before the 2018 election. If you have any ideas for new polling locations, please let staff know.

City Administrator Thoreen explained that even though we are talking about the 2018 election, we need to choose new polling places now so that all registered voters can be properly notified prior to the election.

HRA Per Diem Discussion (Carryover from February 6, 2017 Meeting) - Informational

Committee Chair Johnson referred the letter from the HRA's counsel that was included in the packet which states that it is up to the Brainerd HRA Board to set their per diem according to state statute (M.S. 460.011), and that state law prevails over the City Charter on this issue.

Council Member Bevans requested to hear from our City Attorney and to notify the Charter Commission.

City Attorney Langel concurred with the opinion of the HRA's counsel.

2018 Bonding Priorities - Informational

Committee Chair Johnson stated that we had previously established priorities for a 2017 bonding bill. At this time, it doesn't sound like there will be a bonding bill in 2017, therefore we need to establish our priorities as a City for a possible 2018 bonding bill. Discussion will take place at the next council meeting.

Unfinished Business

Public Hearing – To consider Vacation of Portion of North 10th Street – Adopted By Resolution No. 13:17

The Chair opened the Public Hearing at 7:56 P.M. No one came forward.

The Chair closed the Public Hearing at 7:56 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK, TO ADOPT RESOLUTION NO 13:17 AUTHORIZING THE VACATION OF "THAT PART OF NORTH 10TH STREET WHICH LIES SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF MINNESOTA TRUNK HIGHWAY NUMBER 210 AND WHICH LIES NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 65 FEET OF BLOCK 22, FIRST ADDITION TO BRAINERD" AS REQUESTED BY RONALD F. MEUSER JR, RESERVING EASEMENT FOR UTILITIES.

Council Member Johnson inquired who owns the property after it is vacated. Assistant City Engineer Sandy stated the property is split between the adjacent property owners.

RESOLUTION NO 13:17

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

Call for Applicants – Informational:

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

Cable TV Advisory Committee – 1 term (Expire 2019)

Charter Commission – 1 term (Expire 2020)

Transportation Advisory Committee – 1 terms (Expire 2018)

New Business

First Reading - Proposed Ordinance No. 1462 – An Ordinance Amending Brainerd City Code Section 1315 – Street Cleaning and Snow Removal – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1462 – AN ORDAINNCE AMENDING BRAINERD CITY CODE SECTION 1315 – STREET CLEANING AND SNOW REMOVAL; FUTHER, TO SET THE PUBLIC HEARING AND SECOND READING AT THE MARCH 20, 2017 MEETING.

Set Date and Time for Riverfront Workshop - Informational

The workshop will be set for either April 10th or April 24th at the March 20, 2017 council meeting.

Public Forum:

No one appeared for Public Forum.

Staff Reports – Verbal

City Administrator Thoreen shared that several bills have been introduced which would have an impact on the City. One of the bills includes a requirement that cities and counties notify businesses of ordinances that may impact their operations. Specifically, the bill would require for each city and county to send notification by first class mail or by e-mail to potentially affected businesses, licensed by the city, that a pending ordinance may affect their business. The bill has since been amended to include more detail and timeframes.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BADEAUX, DULY CARRIED, TO HAVE STAFF DRAFT A LETTER TO THE LEAGUE AND TO OUR LEGISTALTORS STATING THE CITY OPPOSES HOUSE FILE 1242 IN ITS CURRENT FORM.

City Administrator Thoreen shared another bill that has been introduced broadly defining “correspondence” under the records management laws and limiting city discretion on what records could be destroyed. The bill was introduced in response to cities adopting e-mail retention policies which would auto delete e-mails after a certain period of time, such as 30 or 180 days. The League’s opinion is that the bill is problematic for three main reasons: (1) the City would have to keep everything that it has created or received; (2) the broad definition of correspondence would require retaining everything to and from all elected officials and staff for three years; (3) keeping material and information with little business, legal, fiscal or historical value would be unnecessarily costly. The bill does delete a part of the records management law and takes away discretion from the city to destroy things that are no longer needed.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND JOHNSON, DULY CARRIED, TO HAVE STAFF DRAFT A LETTER TO THE LEAGUE AND TO OUR LEGISTALTORS STATING THE CITY OPPOSES HOUSE FILE 1185 IN ITS CURRENT FORM.

Council Member Reports

Council Member Johnson reported the HRA Board had a presentation from Springsted on the possibility of creating a TIF district over the entire downtown area, or a couple of properties, to assist with redevelopment. No action has been taken, just discussion.

Council Member Hilgart attended the realtor listening session. A couple of things discussed was broadening the scope of which grant funds could be used, and to put our commercial marketing of the industrial park up for proposal rather than continuing with the same broker year after year. Hilgart also attend the Arborteam meeting. The Arb is considering submittal of a project of regional significance to the Legacy Foundation. This may be a good time for Brainerd to look at how our efforts can go along with the project to help the rating.

Council Members Stunek, Lambert and Badeaux reported that they had attended the Newly Elected Official Conference sponsored the League, and felt it was a good learning experience.

Mayor Menk reported that various individuals did some cleanup of dead fall at Rotary Park over the weekend, and Mayor Menk also congratulated the Robotics Club for a job well done at a meet over the weekend.

Committee Recommendations – Recommended by Mayor Menk

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPOINT MS. RACHEL ZETAH TO THE BRAINERD RENTAL BAORD OF APPEALS AS A RESIDENTIAL HOUSING ADVOCATE REPRESENTATIVE, WITH TERM TO EXPIRE 12/31/18 AND SUBJECT TO BACKGROUND CHECK.

Adjourn

The Chair adjourned the meeting at 8:16 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
March 20, 2017
(3 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
NORTHERN AIR PLUMBING & HEATING INC 273 WESTWOOD DRIVE AITKIN, MN 56431 17-0133	(218) 927-6828	MECH	1/1/2018	4/23/2018	MB004886 PC643757
LANDWERX LLC 16035 CARLSON LAKE RD BRAINERD, MN 56401 17-0134	(218) 831-3435	EXCA	9/21/2017	12/31/2017	
BRAINERD GLASS, INC. 302 5TH AVENUE NE SUITE 4 BRAINERD, MN 56401 17-0135	(218) 829-5430	GLAS	3/27/2018	12/31/2017	



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MAYOR'S REPORT TO COUNCIL

For the March 20, 2017 City Council Meeting

This morning as I got up I decided that this morning's walk would include a trip to the Center for a donut or a dozen. And now, as I munch on the first donut I wonder if my exercise of walking to get them deserves another. As my mind wanders I think about what I saw during that walk.

1. I observed that the sidewalks are clear of ice.
2. I saw and heard both chickadees and cardinals singing their spring territorial songs.
3. I watched a fantastic Sunrise arriving almost straight east down Laurel Street. This only happens in March and September.
4. I had a gentleman stop and wave me across the street (Minnesota Nice).
5. I watched many of our citizens heading to work.

My next thoughts were about the next few evenings as I expect to see young kids with training wheels on their bikes going for their first rides down the sidewalks, couples walking with their kids to the parks (the kids telling their parents to hurry up), and older individuals taking an evening stroll (possible some with walkers and some holding hands with their loved ones). If they happen to be near the river they will be observing the early migrating birds. These are just a few of the beautiful things to be observed in our city.

Just think about all of the great reasons that we live in such a wonderful community. Along with those reasons come responsibilities. We need to pick up the scattered debris that accumulated during the winter, sweep our sidewalks, pick up the various branches and make our city presentable to our visitors, as well as ourselves. Now is the time to look at your yard and buildings to see if there is some maintenance that may need doing. If you have a neighbor that needs a little help it would be nice to offer to help.

This is also the time to get out and get to know your neighborhood and renew your friendships with your neighbors and get to know the new people in the area. You will find that you have a lot in common with each other.

I was out and about and got to know one of our new business neighbors on Wednesday. I was able to attend the ribbon cutting at Tim Horton's and got to hear a great rendition of the Canadian National Anthem sung by our own City Administrator, Jim Thoreen welcoming them to our community. The Brainerd Lakes Chamber Ambassadors did a great job staging their Grand opening.

Recently I had a phone conversation with a person from New York and they asked me what it is like living in the Lakes Area and being the Mayor of Brainerd, MN. How many ways can you say "GREAT".

Thank You.

Ed Menk

**BRainerd POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council

FROM: Police Chief Corky McQuiston *CM*

DATE: 03-13-17

RE: Monthly Report



www.ci.brainerd.mn.us

Staffing

Investigator Craig Katzenberger submitted a letter of resignation in January and his last official day was February 3rd. He was able to return and receive the Tower Award from Mayor Menk on February 16th. Craig accepted employment at the Crow Wing County Sheriff's Department for a newly created position that will focus mainly on computer and technology forensics. Craig started with our department in October of 2005, and has worked primarily as one of our two Criminal Investigators. During his 11 plus years, Craig started as a Patrol Officer, and also worked in the School Resource Officer assignment, and as an acting Patrol Sergeant. The loss of Craig will have a significant impact on our Investigative Unit. Craig had received extensive specialized training from out-of-state federal agencies on computer and technology forensics.

Together with the supervisors and our Senior Investigator, we selected Officer Justin Athman to be assigned to Investigations. Justin has been with our department for almost five years and has demonstrated very diligent investigative skills as a Patrol Officer. We are looking forward to him accepting the challenges of this assignment. Justin was selected as the Officer of the Year for 2013 and has been the liaison officer to the Drug Court Team.

The resignation of Investigator Katzenberger created a second vacant Patrol Officer position. In February we completed the process of establishing a new Police Officer Eligibility List. Conditional job offers have been made to the top two candidates and we are completing the pre-employment screening process. Hiring police officers continues to be a nationwide challenge. Enrollment in Law Enforcement training programs has declined and we are seeing the effects of it with a historically low response to our job opening postings.

Records Management Technician Kelly Ruff also resigned from her position effective February 17th. Kelly also received a Tower Award from Mayor Menk on February 16th. Kelly accepted a position with another law enforcement agency outside of the area. Kelly worked as a Records Technician for nearly 16 years for our department.

February Training Activity

In-service training for all officers in February consisted of advanced Crisis Intervention Training(CIT) and Use of Force Simulations.



We were able to utilize the new Use of Force Simulator as a result of a partnership we have with Central Lakes College. Officer Troy Schreifels is a Use of Force Instructor part-time at CLC. CLC purchased a new Ti Training Training Lab Use of Force Simulator. Officer Schreifels had received training through the college to operate the system from the company in Colorado. This system is an interactive theater-style use of force simulator that, unlike conventional simulators utilizes multiple use of force devices including Taser and Pepper Spray along with traditional firearm applications.



Here is a link to a YouTube video showing a demonstration of the equipment:

<https://www.youtube.com/watch?v=zxL96YpfeSU>

Officer Justin Athman and Officer Paul Rosier are shown here partnered up in a senario with the Ti Simulator at the Law Enforcement section at CLC.



The CIT(Crisis Intervention Techniques) training will soon be a mandated annual licensing requirement by the POST Board. We've mentioned this before when we had training on it from a national trainer back in December of last year. Based on the value and everyday practicalness of the training, and in anticipation of the mandates to come, we will be working this into more ongoing in-service training. Officer Nick Andringa is a certified training for our agency in CIT Training.

This training enhances officers understandig on Mental Illness and persons in crisis, and discusses how common and prevalent it is in police calls. The training helps the officers to develop essential de-escalation techniques that center around:

- Active Listening
- Empathy
- Building Rapport
- Influence
- Behavior Change

Sergeants Dooley and Kulzer attended a two-day advanced supervisors training at the Bureau of Criminal Apprehension(BCA) in St. Paul on February 15th & 16th. The course is one of a seven part series offered by the BCA in their Supervision and Management Series designed to provide law enforcement personnel the opportunity to learn skills needed for leading employees and understanding their impact as leaders. This particular training was designed to teach the participants how to:

- Differentiate between unethical behavior and conflicting ethical approaches to problems.
- Understand the Unity of Command in management as an effective method of formal leadership.
- Provide examples and assist students in the changes necessary for them to become effective supervisors; the cultural separation from line staff.
- Help students understand the differences between political maneuvering, self-interest decision making, and leadership in the interest of the organizational entity

On February 20th, Sergeant John Davis and Officer Paul Rosier attended the *Fully Involved* training offered at Brainerd Fire Department. This was a free three-hour session, and a great opportunity for our staff to receive this free training that talked about leadership and how leading does not have to come from the top. It identified teamwork concepts and was also a unique opportunity for us to train with local firefighters.

Level 3 Predatory Offenders



In February, we received notification from the Minnesota Department of Corrections regarding two Level 3 Predatory Offenders in Brainerd.

The Department of Corrections reported that 31-year-old Joshua Chad Tromblay would be relocating from the area of Gillis Avenue in Brainerd to the area of the 200 block of 4th Avenue NE, Brainerd.

Because Tromblay was not a new release to the community, a Community Notification Meeting was not held regarding him. Public Fact Notification Sheets on 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

The Department of Corrections also reported that 22-year-old Joel Evan Greenough was scheduled to be released from incarceration on March 1st, and would be residing in the area of the 100 block of Gillis Avenue in Brainerd. Greenough has a history of sexual contact with 14-year-old and 10-year-old female victims. Greenough was known to the victims and sexual contact included penetration.

A Community Notification Meeting regarding Greenough was held on Monday, February 27th, at 6 pm, at the Brainerd Police Department. Brainerd Police and Minnesota Department of Corrections staff was at the meeting to provide information regarding this and to answer questions. **No one** from the public attended the meeting. A newspaper reporter was the only person in attendance.

Police Activity

On February 1st, 44-year-old Brian John Raden of Brainerd, was arraigned in court on multiple counts of Criminal Sexual Conduct. Brainerd Police Investigator Chad Kleffman received a report from a 17-year old female who reported that Raden had installed a hidden webcam in her bedroom, had digital penetration with her on several occasions starting when she was 15, and has shown her pornograph on a computer.



Raden bailed out of jail on February 16th, and has another court appearance pending in April.

Conduct on Premises Activity Report for February

ICR	Date Reported	Title	Address	Summary
17001620	02/04/17	Conduct on Premises	217 South 7 th Street	License Revocation Action Pending.
17002464	02/21/17	Conduct on Premises	1420 South 8 th Street	Written Management Plan in place.
17002699	02/26/17	Conduct on Premises	220 N 7 th Street	Conduct on Premises Notice.

Monthly Police Activity

February	2017	2016
Calls	1467	1248
Citations (Inc. Parking)	312	195
Part I and Part II Crimes Reported	199 **	264

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

158 parking tickets were issued in the month of February with the following dispositions:

6	Dismissed
4	Business Validations
85	Paid in Full
3	Partial Payments Received
60	No Payment Received

Revenue Recapture Receipts:

To Date: \$ 29,021.06

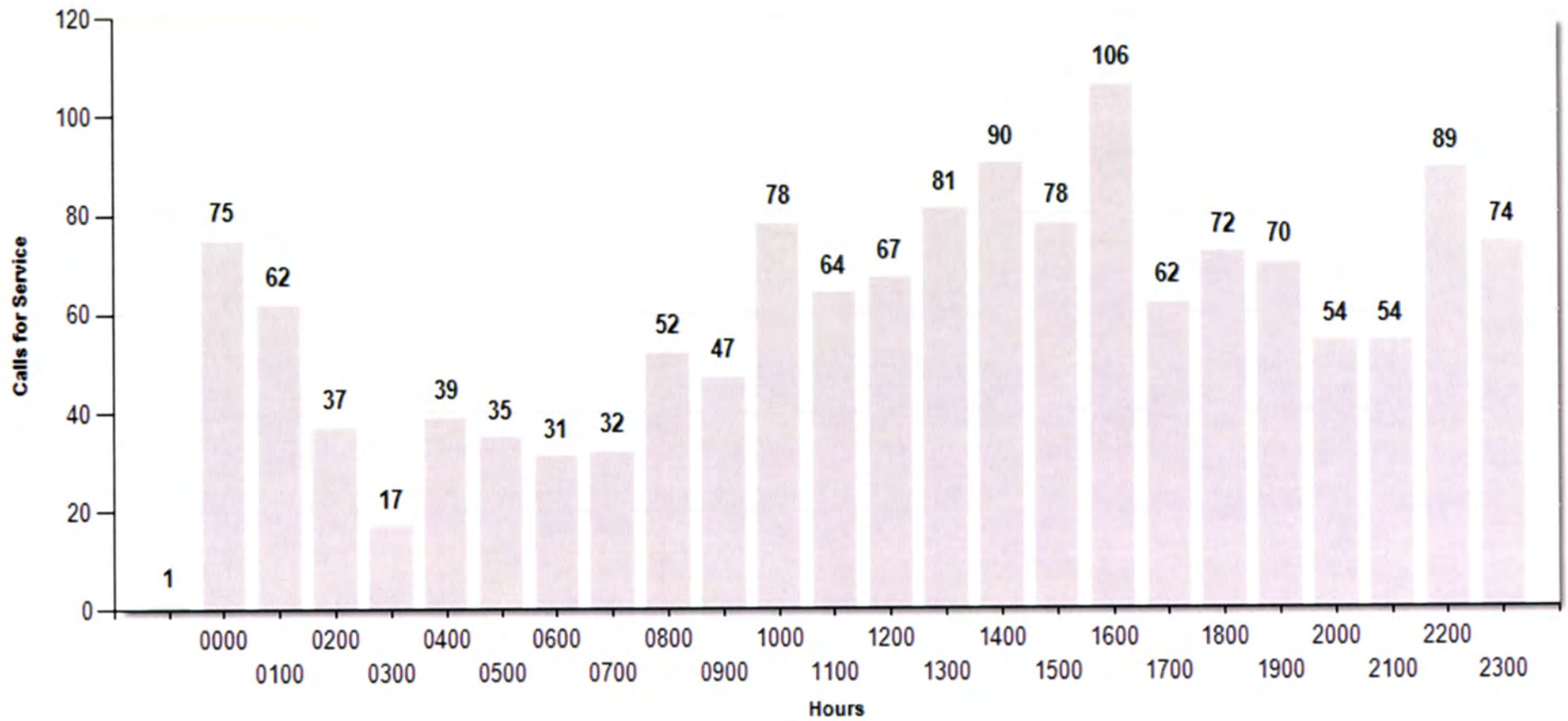
In 2017: \$ 1,011.60



Calls for Service Hourly

2/1/2017 to 2/28/2017

Total Calls: 1538





Brainerd City Council Agenda Request

5D

Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Approval of Library Grant

☐ 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: 1 minutes
Summary of Issue: The Library applied and received a \$44,650 grant from the Otto Bremer Trust (OBT). The purpose of the grant is to provide an innovator lab, where the community can gather to create, invent, tinker, explore and discover using technology, materials and instruction.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Accept the grant and authorize signature of the grant agreement.	
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>	

PLEASE SIGN AND
RETURN THIS ENTIRE COPY.



February 23, 2017

Ms. Connie Hillman
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

RECEIVED

MAR - 3 2017

**CITY OF BRAINERD
ADMINISTRATION**

Dear Ms. Hillman:

RE: Grant #: 16-48432

Purpose: To provide an Innovator Lab, where the community can gather to create, invent, tinker, explore and discover using technology, materials and instruction.

This letter outlines the terms that apply to the Otto Bremer Trust ("OBT") grant to the City of Brainerd in the amount of \$44,650.

1. Purpose

The grant, and any income you earn from investment of the grant funds, must be used as described in this letter and in your proposal to OBT. Your proposal is defined as the original written and budget materials submitted on October 11, 2016, but it also incorporates any financial and program updates and modifications you provided to OBT during the grant review process. If this box is checked -- ☐ -- additional terms of this letter are set forth in an attachment, which must be signed on behalf of OBT and your organization in order to be effective. To the extent that the terms of this letter differ from your proposal, this letter governs. The grant is to be expended over the one-year period beginning on the date of this letter. Any substantial variance from the proposal or this letter must be approved in advance and in writing by OBT.

2. Payment Schedule; Termination

Your payment will be sent shortly after OBT receives this signed agreement.

OBT reserves the right, in its sole discretion, to discontinue funding if: (a) it is not satisfied with the progress of the activity to be supported by the grant or the content of any written report required by this letter; (b) you have failed in any other material way to comply with the terms of this letter; or (c) we determine that any statement in your proposal that we relied on in approving the grant is false. You agree to repay to OBT any grant funds that have not been used by end of the one-year grant period in compliance with the terms of this letter.

3. Reporting

A final narrative and expenditure report is due on February 23, 2018. You must provide OBT with a written report describing the activities carried out under the grant and whether the goals of the grant have been met. To submit your report, log in to your Otto Bremer Trust Applicant and Grantee Portal account and select the relevant Grantee Report from the list of items under your account. You will be required to provide both narrative and financial information, including a detailed expenditure report.

You must maintain financial and other business records in accordance with sound accounting and business practices, and you agree to permit a representative of OBT to have access to those records on reasonable notice for the purpose of auditing or verifying your use of the grant funds.

4. Access

You agree to take reasonable measures to assure access of any interested party to activities supported by the grant, and not to discriminate on the basis of race, color, creed, gender, religion, age, disability, sexual orientation, marital status, or national origin.

5. Oversight

OBT may monitor and conduct an evaluation of operations funded by this grant, which may include a visit from OBT personnel to observe your organization's program, discuss the program with your personnel, and review financial and other records and materials connected with the activities financed by this grant.

6. Public Reports

OBT may include information about this grant in public reports and may also refer to the grant in press releases. If there are special considerations concerning the public announcement of this grant by your organization, or if you would like to coordinate a public announcement of the grant with OBT's announcement, we encourage you to contact OBT to discuss this.

7. Anti-Terrorism

You acknowledge that you are familiar with the U.S. Executive Orders and laws that prohibit the provision of resources and support to individuals and organizations associated with terrorism. You will ensure that you do not support or promote violence, terrorist activity or related training, or money laundering.

8. Notice of Change

Your organization must promptly notify OBT in writing, at the address listed in this letter, of any lawsuit brought against the organization; any proceeding or investigation directed at the organization by a federal, state, tribal, or local administrative agency or authority; or any proposed change in the organization's status under Section 501(c)(3) or 509(a) of the Internal Revenue Code.

9. Miscellaneous

- a. This agreement constitutes the entire agreement between OBT and your organization with respect to the grant, and supersedes all prior agreements and understandings between the parties, whether written or oral.
- b. Any provision or requirement of this letter may be waived at any time by the party entitled to the benefits thereof. Such waiver or failure to insist on strict compliance will not operate as a waiver of any other failure to comply.
- c. Your organization must not assign its rights or delegate its obligations under this letter without the prior written consent of OBT.

If this letter correctly sets forth your understanding of the terms of this grant, please indicate your organization's agreement by having the enclosed copy of this letter countersigned by an officer of your organization and returned to OBT to the attention of Danielle Cheslog.

On behalf of OBT, we extend every good wish for your organization's success. Please do not hesitate to contact your assigned program officer if you have questions about this grant agreement or the grant.

Sincerely,

OTTO BREMER TRUST



Kristine Kosek
Program Officer



Co-CEO and Trustee

The undersigned, on behalf of the City of Brainerd, hereby accepts and agrees to the foregoing terms.

CITY OF BRAINERD

By: _____
Signature

Printed Name: _____

Title: _____

Address: _____

Phone: _____

Email: _____

Date: _____

Grant #16-48432

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

March 20, 2017

6:30 P.M.

City Hall Conference Room

1. WBCC Non-Motorized Transportation Plan Tier I Recommendations
2. Bee Keeping – Planning Commission Recommendation
3. Event Application – Rally4ShrinersKidz
4. Event Application – Lowell School Walk-A-Thon
5. Improvement 17-02: 2017 Chip Seal
6. Resolution Opposing Small Cell Telecommunication Right of Way Use Bills



Brainerd City Council Agenda Request

SPW 1
Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Review Non-Motorized Transportation Plan (NMTP) Tier 1 Recommendations

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 30 minutes
Summary of Issue: The Walkable Bikeable City Committee has requested to meet with the SPW Committee to discuss the NMTP Tier 1 recommendations and discuss how they can be implemented.	
Alternatives, Options, Effects on Others/Comments: Attached is a copy of the Tier 1 Recommendations. A map identifying the project locations will be available at the meeting.	
Recommended Action/Motion: None.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>See Tier 1 Recommendations</u> Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u> <i>See Tier 1 Recommendations</i>	

Projects Tier 1 (2017-2019)

Maintenance	Estimated Cost
<u>Locations:</u>	
Total	

ADA Compliance	Estimated Cost
<u>Locations:</u>	
Total	

Crosswalks	Estimated Cost
<u>Locations:</u>	
Mill Ave and N St. NE	
Mill Ave and H St NE w/ activator	
SW 4th St and Laurel St w/ activator button	
S 7th St and Oak St	
Woodland Good Samaritan to Buffalo Hills	
Park on Buffalo Hills Ln	
Total	

Sidewalks	Sq. Ft.	Estimated Cost
<u>Locations:</u>		\$20/Sq. Ft.
E St. from 1st Ave NE to 8 th Ave NE	7,350	
<u>G St between 1st Ave NE and 3rd Ave NE</u>	3,000	
H St from 1st Ave NE to 3rd Ave NE	3,180	
<u>H St from 8th Ave NE to 13th Ave NE</u>	3,385	
<u>N St from 14th Ave NE to Mill Ave</u>	11,465	
1st Ave NE from G St to H St	2,000	
4th Ave NE from Washington St to C St	3,385	
10th Ave NE from Washington St to I St	6,105	
Willow St from S 6th St to 13th St SE	10,485	
Quince St from S 8th St to 13th St SE	18,295	
SW 4th St to May Street to SW 6th to College Dr	14,710	
4th Ave NE from M St to H St	13,075	
S 8th St/S 9th St from Quince to Willow St	8,715	

Total 110,625

*Underlined Segments are Safe Routes to School funds

Multi Use Trail	Sq. Ft	Estimated Cost
<u>Locations:</u>		\$4-\$10 Sq. Ft
East side of NW 4th St from Jackson St to Hwy 210	20,330	
Multi use trail and/or sidewalk of 13th St SE from Hwy 210 to Thiesse Drive (east side of 13th St SE)	105,510	
Total	125,840	

Bike Lanes	Estimated Cost
<u>Locations:</u>	
Co Rd 20 from Jackson to Beaver Dam Rd	
Willow St (5th St) from S 6th St to College Drive	
Total	0

Other	Estimated Cost
<u>Locations:</u>	
Sharrow symbols in both directions on designated bicycle routes	
Total	0

Projects Tier 2 (2020-2023)

Maintenance	Estimated Cost
<u>Locations:</u>	
Total	

ADA Compliance	Estimated Cost
<u>Locations:</u>	
Total	

Crosswalks	Estimated Cost
<u>Locations:</u>	
Total	

Sidewalks	Sq. Ft.	Estimated Cost
<u>Locations:</u>		\$20/Sq. Ft.
Gillis Ave from Washington St to B St	1,600	
2nd Ave NE from F St to G St	1,615	
Mill Ave from Washington St to E St	2,750	
13th Ave NE from N St to Hwy 210	10,715	
B St from 2nd Ave NE to 4th Ave NE	1,550	
C St from Gillis Ave to 3rd Ave NE	15,465	
F St from 3rd Ave NE to Mill Ave	950	
<u>9th Ave NE from N St to Q St</u>	4,845	
4th Ave NE from Washington St to C St	4,065	
<u>L St from Mill Ave to 9th St</u>	4,450	
<u>L St from 12th Ave NE to 14th Ave NE</u>	3,320	
<u>J St from 12th Ave NE to 13th Ave NE</u>	1,615	
Norwood St from 9th St SE to 12th St SE	1,750	
Tamarac St from S 6th St to S 7th St	1,500	

*Underlined Segments are Safe Routes to School funds

Locations:

Locations:

Locations:



Brainerd City Council Agenda Request

SPW 2
Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Bee Keeping

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5-10 minutes
Summary of Issue: The City Council received a request to consider allowing bee keeping in the community. It asked the Planning Commission to review the request and provide a recommendation on whether it should be permitted. Attached is the March 15, 2017 minutes that include the discussion on bee keeping and the draft language for City Code consideration and bee keeping background educational information.	
Alternatives, Options, Effects on Others/Comments: There are 2 options to consider the Planning Commission recommendation: Option 1. Decide not to change the City Code. Option 2. Direct staff to prepare an ordinance for 1st reading consideration based on the draft language recommended by the Planning Commission or as revised by the City Council.	
Recommended Action/Motion: The Planning Commission has recommended that Section 900 of the City Code be amended to permit bee keeping and it unanimously recommended the attached draft language be considered for City Code Section 900 Animals to allow bee keeping.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO

TO: Mayor and City Council

FROM: Mark Ostgarden, City Planner 

DATE: March 8, 2017

RE: Bee Keeping

Attached are draft regulations to permit bee keeping in the City of Brainerd. The draft is modeled after ordinances in St. Paul and Stillwater. Edina and Duluth are larger cities that permit bee keeping. The draft has been reviewed by an individual very knowledgeable in bee keeping.

Attached is bee keeping information prepared by the Cass Clay Food Systems Initiative. Its mission is to impact all levels of the food system to assure that residents have access to safe, nutritious, and affordable food through a collaborative effort of Extension & Public Health in Cass County North Dakota (Fargo) and Clay County Minnesota (Moorhead).

The Planning Department will review the draft at the March 15, 2017 meeting. Should the Planning Commission think that bee keeping in the City of Brainerd should be allowed and the regulations are appropriate, it should make those recommendations to the City Council. Should it agree, bee keeping regulations would be added to City Code Section 900 - Animals.

Modelled after St. Paul and Stillwater Ordinances

Sec. 27-3. - Keeping of bees.

Definitions.

The following words and terms shall have the meanings ascribed in this section unless the context of their usage indicates another usage:

1. "Apiary" means the assembly of 1 or more colonies of bees at any 1 location.
2. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
3. "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
4. "Colony" means an aggregate of bees consisting principally of workers, but having, when perfect, one queen and at times drones, brood, combs, and honey.
5. "Hive" means the receptacle inhabited by a colony that is manufactured for that purpose.
6. "Honey bee" means all life stages of the common domestic honey bee, *apis mellifera* (African subspecies and Africanized hybrids are not allowed).
7. "Lot" means a contiguous parcel of land under common ownership.

Purpose of ordinance.

The purpose of this section is to establish certain requirements for beekeeping within the city, to avoid issues that might otherwise be associated with beekeeping in populated areas.

1. Compliance with this section shall not be a defense to a proceeding alleging that a given colony constitutes a nuisance; however such compliance may be offered as evidence of the beekeeper's efforts to abate any proven nuisance.
2. Compliance with this section shall not be a defense to a proceeding alleging that a given colony violates applicable ordinances regarding public health; however such compliance may be offered as evidence of the beekeeper's compliance with acceptable standards of practice among hobby beekeepers in the State of Minnesota.

Standards of practice.

1. Honey bee colonies shall be kept in hives with removable frames, which must be kept in sound and usable conditions.
2. Each beekeeper must ensure that a convenient source of water is available within 10' of each colony at all times that the colonies remain active outside the hive.
3. Each beekeeper must ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other vermin-proof container.
4. Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted if they have been painted but are peeling or flaking and securing unused equipment from weather, potential theft, vandalism and occupancy by swarms.
5. Honey bee colonies may be kept in on the single-family residential lots in the following residential zoning districts:
 - a. R-R (Rural Residential) District
 - b. R-E (Single Family Estate Residential) District
 - c. R-1A (Single Family) Residential
 - d. R-1 (Single Family) Residential
 - e. R-2, (Medium Density) Residential

One exception to the single-family residential standard is that honeybee colonies may be kept on a 2-family property if it is zoned R-2 and a resident owner of the property is the beekeeper.

Hives.

Hives are permitted in accord with the following:

1. Not permitted in a front yard or in a street side yard.
2. Shall be located at least 10' from all interior property lines and 10' from an alley right of way.
3. Shall be at least 25' from a principal building on an abutting lot.
4. In each instance where a colony is kept less than 25' from a property line of the lot upon which the apiary is located, the beekeeper shall establish and maintain a flyway barrier 6' in height as follows:

- a. Flyway barriers must be installed if the colony is less than 25' from the property line. The flyway barrier must extend 10' in either direction from the hive along the property line.
 - b. Barriers may be made of a wall, fence, or dense vegetation. A combination of these things is permissible.
5. A permit is required to install a fence. Information on fencing permits can be obtained through the Brainerd Planning Department at 218-828-230
6. Each beekeeper is allowed to make in person sales of honey from the beekeeper's residence as long as the following standards are met:
 - a. The beekeeper must live on the apiary lot.
 - b. All honey sold in person on the residential premise must be produced by the beekeeper's hives that are located on the subject residential premise.
 - c. No products may be sold in person at the residence except honey produced from hives on the premise.
 - d. No outside storage or display of products or merchandise.
 - e. No traffic that is greater than the residential level of the neighborhood
 - f. No separate business entrance.
 - g. One sign, located on the apiary lot, with a dimension not exceeding 4 sq. ft.
 - h. Not more than 15% of the total gross floor area of the residence is devoted to making, storing and selling honey.
 - i. No activity or equipment may be used that creates noise, vibration, glare, fumes, odor, or electric or television interference is permitted if it is detectable by adjacent neighbors.
 - j. No nonresident employees are permitted.
 - k. In any instance in which a colony exhibits unusually aggressive behavior, it shall be the duty of the permit holder to promptly take appropriate action to address the behavior.

Colony Density.

The following numbers of colonies are permitted on any lot within the city:

1. 7000 sq. ft. or less: 2 colonies
2. 7,0001 sq. ft. to 12,000 sq. ft.: 3 colonies
3. 12,001 sq. ft. to 21,780 sq. ft. (½ acre) 4 colonies
4. ½ acre to 43,560 sq. ft. (1 acre) : 5 colonies
5. Larger than 1 acre: 6 colonies

Rooftop Hives.

Roof top hives are permitted on flat roofs subject to:

1. The layout of the roof should show the location of the hives, stair access, and guard rails.

2. Access to hives must be provided by a permanent stair system, meeting applicable building code standards. Ladders or other similar devices may not be used in place of stairs.
3. A guard is required if the hive is within 10' of the roof edge.
4. A layout for a walkway to the hive, depending on the type of roof surface.
5. A strapping system to ensure the lid to the hive is kept secure.

Beekeeping Training.

Training is required for the beekeeper prior to issuance of an initial beekeeping permit by the city by:

1. Either providing a letter or a certificate of completion to verify completion of a honeybee keeping course from the University of Minnesota or other educational institution offering similar beekeeping courses that states that the permit applicant has gained through other means a substantially similar knowledge base to one that could be gained through appropriate beekeeping courses at the University of Minnesota.
2. Requesting consideration for substituting equivalent experience for the honeybee keeping course.

Permit Required.

No beekeeping may occur on any property in the city unless the city issues a permit to the beekeeper on that specific property. The permit will be valid for ____ growing seasons.

1. A beekeeping permit will only be issued if:
 - a. The permit application documents the satisfaction of all applicable items found in Section ____ of the City Code.
 - b. Notices have been mailed to all property owners within __' of the applicant's property lines.
 - c. If there are objections received within 10 days of mailing the notices, then the permit application must be considered by the city council.
3. If there are no objections received within 10 days of mailing the notices, then the permit application will be processed by city staff. It will not be referred to the city council for consideration.
4. Permits are non-transferable and do not run with the land.
5. A permit constitutes a limited license granted to the beekeeper by the city and in no way creates a vested zoning right.

6. By signing the permit, the beekeeper acknowledges that he or she shall defend and indemnify the city against any and all claims arising out of keeping the bees on the premises.
7. The fee for the initial permit shall be as established by the city council. For each subsequent permit, there shall be no fee for the permit, unless there are substantial changes to the apiary or there is a new beekeeper.
8. All standards of practice and colony density standards must be met in order to issue a permit.
9. If the standards of practice are not maintained subsequent to issuance of a beekeeping permit, the permit may be revoked by the city.
10. Any beekeeper wishing to make in person sales of honey from their home according to the standards of practice section must so indicate on the annual permit.

Penalty for Violation of Section.

Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

Urban Agriculture and

Backyard Beekeeping



A Blueprint Developed by the Cass Clay Food Systems Initiative

Backyard Beekeeping

This issue brief will provide background information related to urban beekeeping, and address the common concerns and benefits from a health, environment, social, and economic standpoint. The brief will also address how each concern can be remedied through ordinance language and education. Appendices have been provided to share how regional jurisdictions are addressing backyard beekeeping, example policy language from other jurisdictions, and educational material on bee stings.

Background

In 2014, the USDA issued a report declaring we are in a “critical time for efforts” to support our honey bee populations, since these populations have been in decline for decades. The bee colonies in the U.S have decreased from 6 million in 1947 to 2.5 million today.¹ No one knows the reason for the sharp decline, although some suspect colony collapse disorder (CCD) caused by a combination of environmental stressors such as bacteria, viruses, parasites, and pesticides.²

Beekeepers and citizens are concerned about colony collapse since bees are responsible for up to one-third of the food eaten by U.S. consumers.³ With concerns about CCD, encouraging new research suggests that bees are thriving in urban environments due to the diversity of plants in urban areas compared to farmland, where much of it consist of large swaths of a single crop (known as monocropping).⁴

The popularity of urban beekeeping has grown rapidly, and in the past few years, cities such as Chicago, Denver, Salt Lake City, and Duluth, MN have begun issuing permits for backyard hives.

The following are common issues addressed in local ordinances:

- Number of hives permitted
- Permit and fee process
- Hive restrictions
- Location on the lot (e.g. backyard)
- Removal of beekeeping equipment and bee combs from apiary* grounds to prevent robbing**
- Equipment requirements (e.g. hives with removable frames and in sound condition)
- Flyway barriers***
- Source of fresh water
- Setback distances
- Minimum lot size
- Rooftop considerations
- Nuisance clause
- Re-queening an aggressive colony
- Hive clearly marked with owner's contact information/permit number
- Hive disposal
- Educational requirements (e.g. beginner beekeeping class)

¹ USDA [online]. 2014. USDA Provides \$8 Million to Help Boost Declining Honey Bee Population. Accessed 2015 January 21. <http://www.usda.gov/wps/portal/usda/usdahome?contentid=2014/06/0130.xml>

² Bartholomew, D. 2014. Los Angeles Daily News [online]. Accessed 2015 January 21. <http://www.dailynews.com/environment-and-nature/20140308/los-angeles-may-join-other-cities-allowing-backyard-beekeeping>

³ Roach, J. 2004. Bee Decline May Spell End of Some Fruits, Vegetables. National Geographic [online]. Accessed 2015 January 21. http://news.nationalgeographic.com/news/2004/10/1005_041005_honeybees.html

⁴ University of Bristol. 2015. Study shows urban habitats provide haven for UK bees [online]. Cabot Institute. Accessed 2015 Feb 23. <http://www.bris.ac.uk/cabot/news/2015/urban-haven.html>

- Violation or penalty
- If honey and other products can be bought/sold or only consumed by owner

**Apiary: place where honey bee hives or colonies are kept*

***Robbing: pilfering of honey from a weak colony by other honey bees or insects*

****Flyway barrier: an obstacle like a fence, wall, or vegetation used to force bees to fly upwards when they leave the hive to avoid contact with people and reduce the risk of stinging*

Table 1. Summary of beekeeping approval in local jurisdictions (as of March 2015)

Moorhead	Dilworth	Clay County	Fargo	West Fargo	Cass County
Not addressed*	Not addressed	Not addressed	Not addressed*	Not addressed	Not addressed

**City ordinances were reviewed by a city attorney who ruled that bees are not allowed in the city since they are not addressed*

Table 2. Framework for evaluating urban beekeeping

DOMAIN	BENEFIT	CONCERN
Health	Increases easy access to nutritious food source	Allergies to bee stings
Environment	More fruitful gardens and plants due to increased bee pollination Increase in biodiversity Helps support dwindling honeybee populations	
Economic	Furnish individuals and families with honey, wax and other useful products Potential for individuals to sell honey Increased pollination of food crops	Cost of permitting fee, setting up a hive and the equipment may be cost prohibitive for low-income families Jurisdiction cost of monitoring and addressing issues
Social	Increased awareness of the food cycle and connection to agriculture Provide a positive family activity	Fear of getting stung Nuisances include occasional stinging when they feel threatened, swarming, and gravitating to nearby shallow bodies of water

Table 3. Common urban beekeeping concerns addressed

CONCERN	MORE INFORMATION	POSSIBLE SOLUTIONS
Bee sting	One of the key concerns regarding urban beekeeping is the fear of being stung. See Appendix C for a handout that addresses common misconceptions about bee stings and may be a useful resource for citizens and beekeepers. Yellow jackets are the most aggressive and prone to stinging. Honey bees, by contrast, are the least likely to attack because honey bee strains have been bred for traits like gentleness and reduced swarming. A majority of individuals are allergic to yellow jackets, not honey bees.	Public education is crucial to minimizing the fear of stinging. Most ordinances require a six-foot tall flyway barrier at the hive exit which forces bees to fly up and away, reducing their contact with humans. Many ordinances have requirements, such as: 1. The barrier be located a certain number of feet from the hive (e.g. 3-5 ft.) 2. It extends anywhere from 2-10 feet on either side of the colony 3. No barrier required if the hive is a certain number of feet (e.g. 15-30 ft.) from the property line or located on porches or balconies at least 10 feet high and five feet from the property line.
Cost for low-income families		Part of the Metropolitan Food Systems Plan is addressing issues of food access. Possible barrier reduction could include funding and management from outside sources, like a non-profit, to cover the startup costs.
Gravitating toward bodies of water		Most ordinances require urban beekeepers to provide a water source for their colonies during the non-dormant period to minimize the nuisance to surrounding property owners.

Resource

If you have questions, please contact Kim Lipetzky with the Fargo Cass Public Health Office at 701-241-8195 or klipetzky@cityoffargo.com.

Appendix A: Backyard Beekeeping in Regional Jurisdictions

Bismarck, ND

Beekeeping is not addressed in their zoning code, so it is not permitted.

Duluth, MN

Urban beekeeping is permitted. See appendix B for ordinance language.

Grand Forks, ND

Urban beekeeping is not addressed in any city ordinance, so it is currently allowed unless there is a nuisance complaint (stinging, swarming, etc.). Beekeepers must follow the state beekeeping code and have their hives registered with the state. (See Appendix B for the ND state beekeeping code.)

Lincoln, NE

Allows for urban beekeeping with common restrictions (setbacks, flyway barrier, number of hives, etc.).

Mankato, MN

Urban beekeeping is prohibited.

Rochester, MN

Urban beekeeping is not addressed, therefore not permitted.

Sioux Falls, SD

Beekeeping is only allowed in agricultural districts and not permitted residentially.

Appendix B: Example Ordinances

Boston, MA (population 645,966)

SECTION 89-10. Accessory Keeping of Honey Bees.

1. Use Regulations. For proposed ground level or roof level Hives, see Underlying Zoning for applicable use regulations.

(a) For all areas covered under the Base Code, see Article 8 – Use No. 76.

(b) For all other areas not covered under the Base Code, see Use Regulation Table in specific Article.

(c) Where the Accessory Keeping of Animals is a Conditional Use in the applicable Underlying Zoning, the Board of Appeal shall not grant a Conditional Use Permit for the Accessory Keeping of Honey Bees unless the following conditions are met.

2. Maximum Number of Hives.

(a) The maximum number of Hives on any given Lot or roof for personal consumption of Honey Bee products shall be two (2).

3. Maximum Height and Size.

(a) No Hive shall exceed five (5) feet in height and twenty (20) cubic feet in size on any Lot or roof.

4. Specific Ground Level Beekeeping Requirements.

(a) Setbacks.

i. Where there is a wall, fence or similar barrier between the subject property and adjacent property, no setback from the property line is required. Where there is no wall, fence or similar barrier between subject property and adjacent property, Hives shall be set back five (5) feet from the property line.

ii. Hives shall not be located in the front yard or in a side yard that abuts a street in all residential and commercial Districts and Subdistricts.

iii. No Hive shall be located closer than ten (10) feet from a public sidewalk.

(b) Hive Placement and Flyways.

i. For any ground level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:

a. The Hive opening must face away from doors and/or windows; or

b. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.

5. Specific Rooftop Beekeeping Requirements.

(a) Setbacks.

i. Hives shall be set back six (6) feet from the edge of the roof.

(b) Hive Placement and Flyways.

i. For any roof level Hive that is within twenty (20) feet of the doors and/or windows of the principal building on an abutting Lot, either of the following conditions must exist:

a. The Hive opening must face away from doors and/or windows; or

b. A flyway of at least six (6) feet in height comprising of a lattice fence, dense hedge or similar barrier must be established in front of the opening of the Hive such that the Honey Bees fly upward and away from neighboring properties. The flyway shall be located within three (3) feet of the entrance to the Hive and shall extend at least two (2) feet in width on either side of the Hive opening.

6. Compliance with State and Local Laws.

(a) All beekeeping shall comply with applicable State and local laws and regulations.

Duluth, MN (population 86,128)

Sec. 6-80.1. Keeping of honeybees.

(a) Each person holding a license to keep honeybees within the city of Duluth shall comply with the following

(1) No more than five hives may be located on a lot;

(2) No hive shall exceed 20 cubic feet in volume

(3) A constant supply of water shall be provided for all hives, except during the dormant period;

(4) No ground hive shall be located closer than five feet from any property line;

(5) No ground hive shall be located closer than 15 feet from a public sidewalk or 30 feet from a principal building on an abutting lot;

(6) A flyway barrier at least six feet in height shall shield any part of a property line that is within 30 feet of a ground hive. The flyway barrier shall consist of a wall, fence, dense vegetation or combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex to each end point of the part of the property line to be shielded;

(7) Rooftop apiaries are allowed but shall not be located closer than 15 feet from a principal building on an abutting lot.

Minneapolis, MN (population 400,070)

74.80. - Keeping of honeybees.

(a) No person shall keep, maintain, or allow to be kept any hive or other facility for the housing of honeybees on or in any property in the City of Minneapolis without a permit.

(b) The number and location of hives, colonies and/or facilities for the housing of honeybees permitted by this section shall be determined by a permit issued by Minneapolis Animal Care and Control. The permit shall specify any restrictions, limitations, conditions or prohibitions required by Minneapolis Animal Care and Control as necessary to safeguard public health and the general welfare. Subject to a hearing to be held by a committee of the council or other designated hearing examiner, if requested within five (5) days of the notification, Minneapolis Animal Care and Control may deny, suspend, or revoke any permit applied for or granted pursuant to this section if any condition or requirement is violated or if the keeping of honeybees becomes a public nuisance.

(c) Minneapolis Animal Care and Control may grant a permit pursuant to this section only after the applicant has met any educational requirements as established and published by the manager and has provided evidence of notification

to all immediately adjacent property owners, in a format supplied by or approved by and to the satisfaction of Minneapolis Animal Care and Control. If the applicant is a renter, approval from the property owner will be required. Neighbor notification will be the responsibility of the property owner, though it may be carried out by the applicant.

(d) Any person desiring a permit for the keeping of honeybees shall make application to Minneapolis Animal Care and Control. Approval of the application is subject to reasonable conditions prescribed by Minneapolis Animal Care and Control. All permits issued shall expire on January thirty-first of the year following issuance unless sooner revoked. The application fee for such permit shall be one hundred dollars (\$100.00) which shall be paid at the time of application. There shall be no fee for annual renewal but the permit must be renewed annually for administrative tracking and notification purposes in a format supplied by or approved by Minneapolis Animal Care and Control. Failure to provide such renewal may result in an inspection and penalties including citation and revocation of permit. Minneapolis Animal Care and Control shall inspect the premises as deemed necessary. Should the permit be refused, denied or revoked, the fee paid with the application shall be retained by Minneapolis Animal Care and Control.

(e) Minneapolis Animal Care and Control shall enforce the provisions of this section.

(f) Definitions. As used in this section:

- (1) Apiary means the assembly of one (1) or more colonies of honeybees at a single location.
- (2) Beekeeper means a person who owns or has charge of one (1) or more colonies of honeybees.
- (3) Beekeeping equipment means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- (4) Colony means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.
- (5) Hive means the receptacle inhabited by a colony that is manufactured for that purpose.
- (6) Honeybee means all life stages of the common domestic honeybee, *Apis mellifera* species of European origin.
- (7) Lot means a contiguous parcel of land under common ownership.
- (8) Nucleus colony means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.
- (9) Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(g) Standards of practice. Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

- (1) Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- (2) Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
- (3) Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
- (4) For each colony permitted to be maintained under this article, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths-inch depth ten-frame hive body with no supers.
- (5) Each beekeeper shall maintain his beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.
- (6) Each beekeeper shall enclose their property and/or the apiary with a latching fence. A fence shall not be required if the hives are approved to be located on a rooftop so as to be inaccessible to the general public so that bee movements to and from the hive do not interfere with the ordinary movements of persons on adjacent properties or the public right-of-way.
- (7) Each beekeeper shall, if unable or unwilling to continue to maintain their permitted hives, promptly notify Minneapolis Animal Care and Control so that the hives may be made available to an approved honeybee

rescue entity, or, if necessary, disposed of by Minneapolis Animal Care and Control. There shall be a fifty dollar (\$50.00) fee for disposal of hives.

(h) Colony density. Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density:

- (1) Except as otherwise provided in this chapter, in each instance where a colony is kept less than twenty-five (25) feet from a property line of the lot upon which the apiary is located, as measured from the nearest point on the hive to the property line, and any entrances to the hive faces that lot line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height. The flyway barrier may consist of a wall, fence, dense vegetation or a combination thereof, such that honeybees will fly over rather than through the material to reach the colony. If a flyway barrier of dense vegetation is used, the initial planting may be four (4) feet in height, so long as the vegetation normally reaches six (6) feet in height or higher. The flyway barrier must continue parallel to the apiary lot line for ten (10) feet in either direction from the hive. All other sides of the area encompassing the colonies shall consist of fencing, a wall, dense vegetation or combination of at least four (4) feet tall. The area encompassing the colonies need not entail the entire property. A flyway barrier is not required if the property adjoining the apiary lot line is undeveloped, or is zoned agricultural or industrial, or is a wildlife management area or naturalistic park land with no horse or foot trails located within twenty-five (25) feet of the apiary lot line. A flyway barrier is not required if the hives are located on the roof of a structure containing at least one (1) full story if all hives are located at least five (5) feet from the side of the structure and at least fifteen (15) feet from any adjacent and occupied structure.
- (2) No person is permitted to keep more than the following numbers of colonies on any lot within the city, based upon the size or configuration of the apiary lot:
 - a. One-half ($\frac{1}{2}$) acre or smaller lot: Two (2) colonies;
 - b. Larger than one-half ($\frac{1}{2}$) acre but smaller than three-quarter ($\frac{3}{4}$) acre lot: Four (4) colonies;
 - c. Larger than three-quarter ($\frac{3}{4}$) acre lot but smaller than one (1) acre lot: Six (6) colonies;
 - d. One (1) acre but smaller than five (5) acres: Eight (8) colonies;
 - e. Larger than five (5) acres: As determined by Minneapolis Animal Care and Control.

(3) Regardless of lot size, so long as all lots within a radius of at least two hundred (200) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by Minneapolis Animal Care and Control. No grandfathering rights shall accrue under this subsection.

(4) If a beekeeper serves the community by removing a swarm or swarms of honeybees from locations where they are not desired, a beekeeper shall not be considered in violation of the portion of this section limiting the number of colonies while temporarily housing the swarm on the apiary lot in compliance with the standards of practice established pursuant to this section if the swarm is so housed for no more than thirty (30) days from the date acquired.

(i) Pursuant to section 244.2000(a) of this Code, any rental dwelling license holder notified by an immediately adjacent property owner of the intent to house beehives on the immediately adjacent owner's property shall post said notice in a common area of the rental property or, if a single-family home, the rental license holder shall provide said notice to the tenant by means of mail, hand delivery, or posting. Said notice shall be provided by the rental license holder to each new tenant thereafter for as long as the adjacent property continues to house beehives.

Minnesota State

Note: A few years ago the Minnesota Honey Producers Association, Inc. lobbied the MN state legislature to repeal the Apiary Statute Chapter 19. They were successful so there is no longer a general state statute regarding apiaries.

17.445 INSPECTIONS AND SERVICES: FEES.

Subdivision 1. Definitions.

For the purposes of this section, the definitions in this subdivision have the meanings given them.

- (a) "Apiary" means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.
- (b) "Bee equipment" means hives, supers, frames, veils, gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax, which may be used in an apiary or in transporting bees and their products and apiary supplies.
- (c) "Bees" means any stage of the common honey bee, *Apis mellifera* (L).
- (d) "Commissioner" means the commissioner of agriculture or the commissioner's designees or authorized agents.

Subd. 2. Purpose.

To ensure continued access to foreign and domestic markets, the commissioner shall provide requested bee inspections and other necessary services.

Subd. 3. Inspections and other services.

On request, the commissioner may make inspections for sale of bees, bee equipment, or appliances or perform other necessary services.

Subd. 4. Fees.

The commissioner shall charge a fee or charge for expenses so as to recover the cost of performing the inspections and services in subdivision 3. If a person for whom these inspections or services are to be performed requests it, the commissioner shall provide to the person in advance an estimate of the fees or expenses that will be charged. All fees and charges collected under this section shall be deposited in the state treasury and credited to the agricultural fund. Revenue from inspection fees and other charges deposited in the agricultural fund, including any interest earned, is appropriated to the commissioner to perform the services provided for under this section.

18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.

(a) Plants, plant materials, or nursery stock must not be labeled or advertised with false or misleading information including, but not limited to, scientific name, variety, place of origin, hardiness zone as defined by the United States Department of Agriculture, and growth habit.

(b) All nonhardy nursery stock as designated by the commissioner must be labeled correctly for hardiness or be labeled "nonhardy" in Minnesota.

(c) A person may not offer for distribution plants, plant materials, or nursery stock, represented by some specific or special form of notation, including, but not limited to, "free from" or "grown free of," unless the plants are produced under a specific program approved by the commissioner to address the specific plant properties addressed in the special notation claim.

(d) Nursery stock collected from the wild state must be inspected and certified prior to sale and at the time of sale must be labeled "Collected from the Wild." The label must remain on each plant or clump of plants while it is offered for sale and during the distribution process. The collected stock may be grown in nursery rows at least two years, after which the plants may be sold without the labeling required by this paragraph.

(e) A person selling at retail or providing to an end user may not label or advertise an annual plant, bedding plant, or other plant, plant material, or nursery stock as beneficial to pollinators if the annual plant, bedding plant, plant material, or nursery stock has:

(1) been treated with a systemic insecticide that:

(i) has a pollinator protection box on the label; or

(ii) has a pollinator, bee, or honey bee precautionary statement in the environmental hazards section of the insecticide product label; and

(2) a concentration in its flowers greater than the no observed adverse effect level of a systemic insecticide.

The commissioner shall enforce this paragraph as provided in chapter 18J.

(f) For the purposes of paragraph (e):

(1) "systemic insecticide" means an insecticide that is both absorbed by the plant and translocated through the plant's vascular system; and

(2) "no observed adverse effect level" means the level established by the United States Environmental Protection Agency for acute oral toxicity for adult honeybees.

North Dakota State

CHAPTER 04.1-16 BEEKEEPING

4.1-16-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "Apiary" means the site at which one or more colonies of bees are kept.
2. "Bee" means a honey-producing insect of the genus *Apis*, including all stages of its life.
3. "Beekeeper" means a person who by virtue of ownership or a lease is responsible for the maintenance of bees located in or placed in this state.
4. "Colony" means a familial group of adult bees consisting of drones, workers, and a queen.
5. "Hive" means a manmade structure that houses a colony.

4.1-16-02. Beekeeper's license - Application - Declaration.

1. Before a person may act as a beekeeper in this state, the person must be licensed by the agriculture commissioner.

2. To obtain a beekeeper's license, a person must complete an application and submit it to the commissioner.
3. The application must include:
 - a. The applicant's name, address, and telephone number;
 - b. The maximum number of colonies to be located in or placed in this state; and
 - c. The name, address, and telephone number of a resident agent who is authorized to accept service of process.
4. As a condition of licensure, the applicant shall declare that:
 - a. An apiary will not be placed at a location without first obtaining the consent of the property owner; and
 - b. An apiary will be relocated at the request of the agriculture commissioner if:
 - i. The commissioner, after examining documentary evidence, has determined that the health or welfare of an individual is endangered as a result of the apiary's location;
 - ii. The individual referenced in paragraph 1 resides on land contiguous to that on which the apiary has been placed;
 - iii. The commissioner has identified another acceptable location for placement of the apiary; and
 - iv. There are no other contractual or other legal impediments to the relocation.

4.1-16-03. Beekeeper's license - Application of minor - Liability.

An individual who is less than eighteen years of age may be licensed as a beekeeper, if that individual's application for license is signed by the individual's parent. Any civil or administrative liability for a violation of this chapter by a beekeeper who is less than eighteen years of age is imputed to the parent who signed the application. The parent is jointly and severally liable with the beekeeper.

4.1-16-04. Beekeeper's license - Transferability - Expiration.

1. A beekeeper's license issued under this chapter is not transferable.
2. A beekeeper's license issued under this chapter expires on December thirty-first.

4.1-16-05. License - Grounds for denial.

The agriculture commissioner may refuse to grant a license to any person who:

1. Has repeatedly violated this chapter;
2. Failed to pay an adjudicated civil penalty for violating this chapter, within thirty days after a final determination that the civil penalty is owed; or
3. Provided false or misleading information in connection with any application or notification required by this chapter.

4.1-16-06. License fee.

The fee for a beekeeper's license is five dollars.

4.1-16-07. Colony assessment.

In addition to the license fee required by section 4.1-16-06, an applicant for a license must submit a colony assessment in an amount equal to fifteen cents multiplied by the maximum number of colonies listed in the application.

4.1-16-08. Apiary location - Notification.

1. Before placing or locating hives in this state, a beekeeper shall notify the agriculture commissioner of:
 - a. The location of each apiary to the nearest section, quarter section, township, and range, and, if within the corporate limits of a city, the number or name of the lot, block, and addition in the city; or
 - b. The location of each apiary using satellite navigation system coordinates; and
 - c. The name of the person who owns or leases the property on which the apiary is located.
2. The notification required by this section may be provided to the commissioner in written or in electronic format.

4.1-16-09. Identification of apiary.

1. A beekeeper shall identify each apiary for which the beekeeper is responsible by:
 - a. Affixing a three-digit identification number, assigned by the agriculture commissioner, to the uppermost box of a hive that is visible upon approach to the apiary's main entrance, provided each digit is at least three inches [7.62 centimeters] high, one-half inch [1.27 centimeters] wide, and weather-resistant; and

- b. Displaying the beekeeper's name and phone number in a location that is visible upon approach to the apiary's main entrance, provided the numbers and letters used are at least one and one-half inches [3.81 centimeters] high and weather-resistant.

2. Any apiary that is not identified, as required by this section, may be subject to seizure by the commissioner.

4.1-16-10. Unidentified apiary - Notice - Seizure.

1. If the agriculture commissioner determines that an apiary is not identified, as required by section 4.1-16-09, and if after making a reasonable effort the commissioner fails to identify the beekeeper responsible for the apiary, the commissioner shall publish in the official newspaper of the county in which the apiary is located, a notice indicating that at a time certain, all of the colonies, the hives, including their content, and all beekeeping equipment present at the apiary, will be seized and sold at auction or destroyed, unless the beekeeper or other responsible person appears to claim the property and pay for any costs incurred by the commissioner under this section.
2. A seizure under this section may not occur until at least the sixth day after the date of the published notice.

4.1-16-11. Confiscation and disposal.

Except as provided for in section 4.1-16-10, the agriculture commissioner or a law enforcement officer may confiscate bees, hives, or beekeeping equipment, being transported or maintained in violation of this chapter. Any bees, hives, or beekeeping equipment, confiscated under this section, must be disposed of pursuant to a court order or an administrative order issued by the commissioner.

4.1-16-12. Agriculture commissioner - Powers.

The agriculture commissioner may:

1. Assist farmers in identifying beekeepers who provide pollination services; and
2. Enter upon private land during daylight hours, for the purpose of enforcing this chapter. Except when conducting an inspection in accordance with section 4.1-16-13, the commissioner shall first make a good faith effort to notify the owner of the land or a lessee regarding the entry.

4.1-16-13. Agriculture commissioner - Inspection of apiary - Issuance of certificate.

At the request of a beekeeper, the agriculture commissioner shall inspect an apiary for the purpose of issuing a certificate of inspection or other official document or validation. The commissioner may charge a fee to cover the costs of inspecting an apiary under this section.

4.1-16-14. Agriculture commissioner - Inspection of apiary - Noncertification purposes.

The agriculture commissioner may:

1. At the request of a beekeeper, inspect apiaries for any purpose other than the issuance of a certificate of inspection or other official document or validation; and
2. Charge a fee to cover the costs of inspecting an apiary under subsection 1.

4.1-16-15. Quarantine - Declaration - Hearing - Penalty.

1.
 - a. If the agriculture commissioner determines that a quarantine of this state or any portion thereof may be necessary to eradicate or control the spread of disease, insects, or pests, within the apicultural industry, the commissioner shall schedule a public hearing on the matter and provide notice of the hearing by publishing its time, place, and date in the official newspaper of each county having land within the proposed quarantine area.
 - b. If after the hearing the commissioner orders the imposition of a quarantine, the order must include the date by which or the circumstances under which the commissioner shall lift the quarantine order.
2. If the commissioner determines that the imposition of an emergency quarantine is necessary to eradicate or control the spread of disease, insects, or pests, within the apicultural industry, the commissioner may impose such an order for a period not exceeding fourteen days. Within the fourteen-day period, the commissioner shall hold a public hearing as provided for in subsection 1 and determine whether a quarantine order under subsection 1 should be imposed.
3. Following the establishment of a quarantine, the movement of any colonies, hives, or other beekeeping equipment, described in the quarantine order, is subject to the order.
4. For purposes of this section, "insects" include Africanized honeybees.

4.1-16-16. Service of process.

If neither the beekeeper nor the beekeeper's registered agent can be located for the purpose of serving process, in connection with a violation of this chapter or rules adopted to implement this chapter, the agriculture commissioner

becomes the statutory agent for service of process and any service upon the commissioner is deemed to be complete.

4.1-16-17. Penalties.

1. A person violating this chapter is guilty of a class A misdemeanor.
2. In addition to criminal sanctions that may be imposed pursuant to subsection 1, a person found to have violated this chapter or rules adopted under this chapter is subject to a civil penalty not to exceed five thousand dollars per violation. The civil penalty may be adjudicated by a court or by the agriculture commissioner through an administrative hearing pursuant to chapter 28-32.
3. The commissioner may maintain a civil action in the name of the state against any person violating this chapter.
4. The violation of any condition of licensure, as set forth in section 4.1-16-02, is deemed to be a violation of this chapter.

4.1-16-18. Beekeeping - Agricultural practice.

Beekeeping is deemed to be an agricultural practice.

<http://www.legis.nd.gov/cencode/t04-1c16.pdf?20150702140731>

Salt Lake City, UT (population 191,180)

Chapter 8.10 BEEKEEPING

8.10.010: PURPOSE:

The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

8.10.020: CERTAIN CONDUCT UNLAWFUL:

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.

8.10.030: HIVES ON RESIDENTIAL LOTS:

A. As provided in this chapter, and notwithstanding any contrary provision in Title 21A of this code, an apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a side yard or the rear yard of any residential lot. On a residential lot which is larger one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.

B. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.

8.10.040: BEEKEEPER REGISTRATION:

Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended.

8.10.050: HIVES:

A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

B. Hives shall be placed at least five (5) feet from any property line and six (6) inches above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.

C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.

D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

8.10.060: FLYWAYS:

A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five (5) feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six (6) feet above ground level over property lines in the vicinity of the apiary.

8.10.070: WATER:

Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

8.10.080: BEEKEEPING EQUIPMENT:

Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

8.10.090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:

In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Salt Lake Valley Health Department, the most restrictive regulations shall apply.

8.10.100: VIOLATIONS:

A violation of this chapter may be remedied as provided in Sections 8.04.500, 8.04.510, and 8.04.520 of this title. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth or succeeding notice of violation within a twenty-four (24) month period, an authorized agent of the City shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation.

Littleton, CO (excerpt from ordinance)

(G) Queens: In any instance in which a colony exhibits usually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.



Brainerd City Council Agenda Request

SPW
3
Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Event Application - Rally4ShrinersKidz

☐ 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 an application for an event/street closure for a motorcycle rally and car show on Sunday, June 25th. The application references the use of the parking lot at 6th and Front which is a private lot, but the intent, and the request, is for the use of the public parking lot at the corner of 7th and Front and the closure of Front Street between 7th and 8th.	
Alternatives, Options, Effects on Others/Comments: The application has been distributed to all city departments for comments and recommended conditions of approval. all Departments have responded and have not recommended any conditions of approval.	
Recommended Action/Motion: Staff is recommending approval of the application.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

Application for a Street Closure, Special Event and Festival Permit

PART I: GENERAL INFORMATION

Name of the event: Rally4ShrinersKidz
Date(s) of the event: June 25th 2017
Time of event (setup to breakdown): 8AM - 5PM
Location: 708 Front St Brainerd
Estimated number of attendees: 125-250

Organizer Information

Organizer's name (Please print): Aadzuhman Shrine Club
Organizer's address: 205 1/2 S 6th / PO 287 Brainerd MN 56401
Event contact person: Brant Baker
Event contact daytime phone number: (h) ²¹⁸⁻³³⁰⁻⁶²⁹⁰ (w) (c)
Event contact persons e-mail address: brant.baker2@gmail.com
Contact name and phone number to be used on the day of the event:
(h) ²¹⁸⁻³³⁰⁻⁶²⁹⁰ (w) (c)
For Profit/Nonprofit status (type): Nonprofit

Applicant Information, if different from the event organizer:

Applicant name (Please print): Brant Baker
Applicant address: 15062 Riverside Dr Brainerd MN 56401
Applicant's telephone number (h) ²¹⁸⁻³³⁰⁻⁶²⁹⁰ (w) (c)
Event contact e-mail address: brant.baker2@gmail.com

Description of Activities

Brief description of the activities planned during the event: Motor cyle rally and car show.

Car show from 8:30 AM to 11:30 AM Motorcycle ride departing at 12 noon and returning at appox 3:30 PM.

Meal following the ride and raffle, both held in the Legion

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

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☐ No ☒

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

Restrooms provided?

Yes ☐ No ☒ How many? _____

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

Company contracted for restrooms: _____

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

Sign, banners, and posters/flyers?

Yes ☒ No ☐

Locations and descriptions: One banner attached to the front of the Legion

Trash Disposal?

Yes ☐ No ☒

Company contracted for trash disposal: _____

Event Layout and Street Site Map

Yes ☐ No ☐

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

Area Notification

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

Flyers to be handed out the prior Wednesday

PART II: STREET CLOSURE REQUEST

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

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

Please describe the name and sections of the streets for which you are requesting temporary closure (e.g. "South 7th Street between Maple Street and Front Street").
700 block of Front and the parking lot at the corner of 6th and Front

Time and date for beginning of street closures: 8AM

Time and date for reopening of streets: 12 noon for the parking lot and 5PM for Front

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

Flyers to handed out the prior Wednesday

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

Please describe how your event preserves customer and residential access for businesses and houses along your proposed street closure (e.g. preserving pedestrian flow along the downtown sidewalks). Additional pages or proposed layouts may be attached.
Most business are closed the day of the event. Closers will be manned to allow access.

PART III: CONTACTS, PERMITS, AND FEES CHECKLIST

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

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

Contact Information:

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

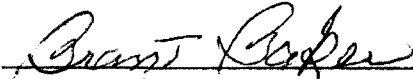
The applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and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

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

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

PART V: SIGNATURE OF EVENT APPLICANT

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



Signature of the Event Applicant

Brant Baker

PRINT NAME

Diresctor

Event Applicant Title

Date submitted to the City

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	_____	_____
City Administration	_____	_____
Engineering Depart.	_____	_____
Fire Department	_____	_____
Fire Support/EMS	_____	_____
Parks and Recreation	_____	_____
Planning Department	_____	_____
Police Department	_____	_____

Certification of Street Closure Approval

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

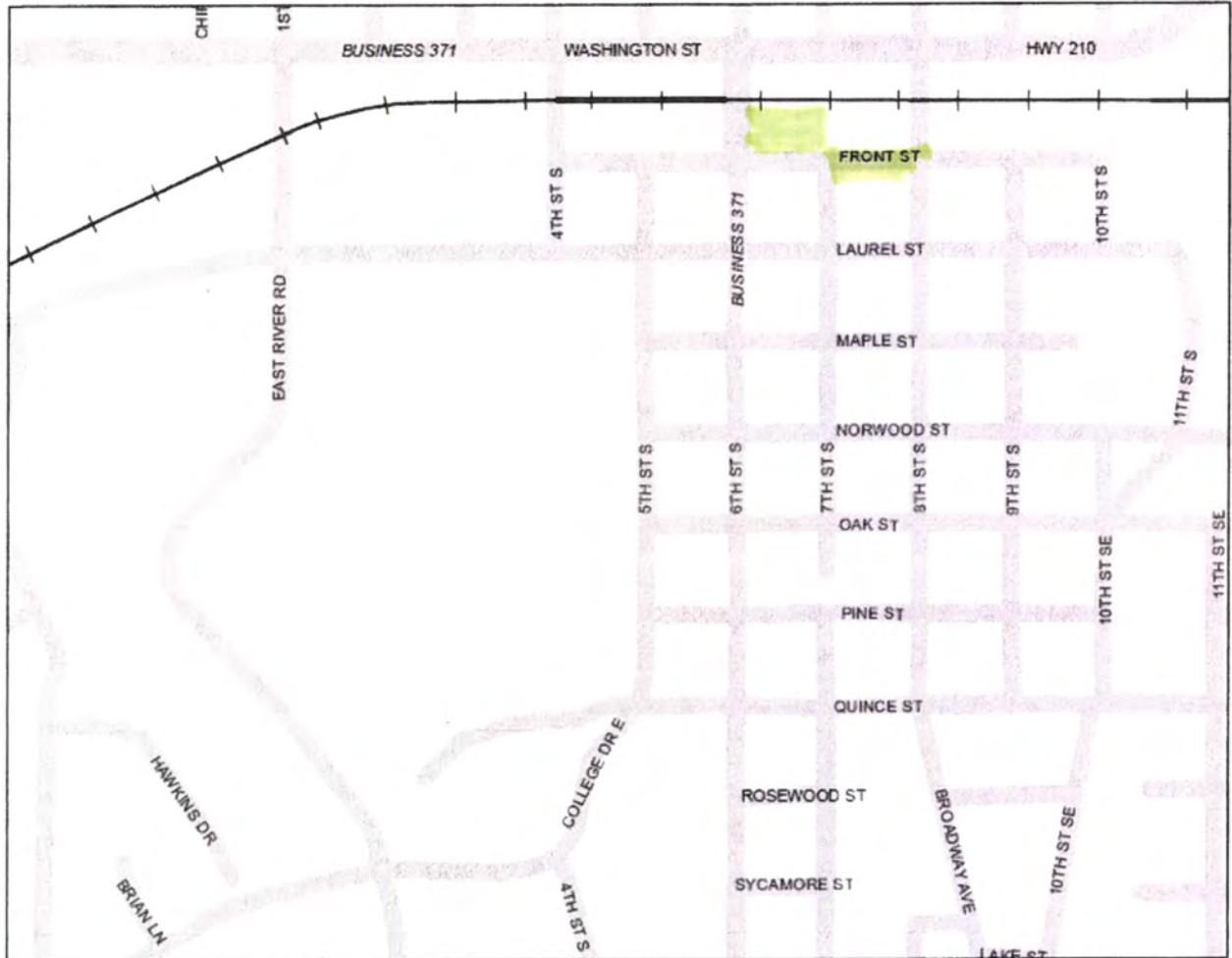
Special Event/Festival Application and Permit Approval

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

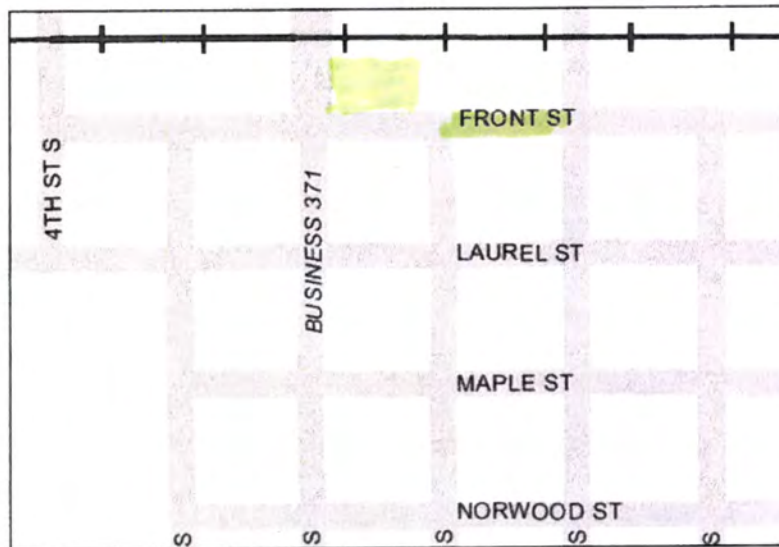
City Administrator

Date

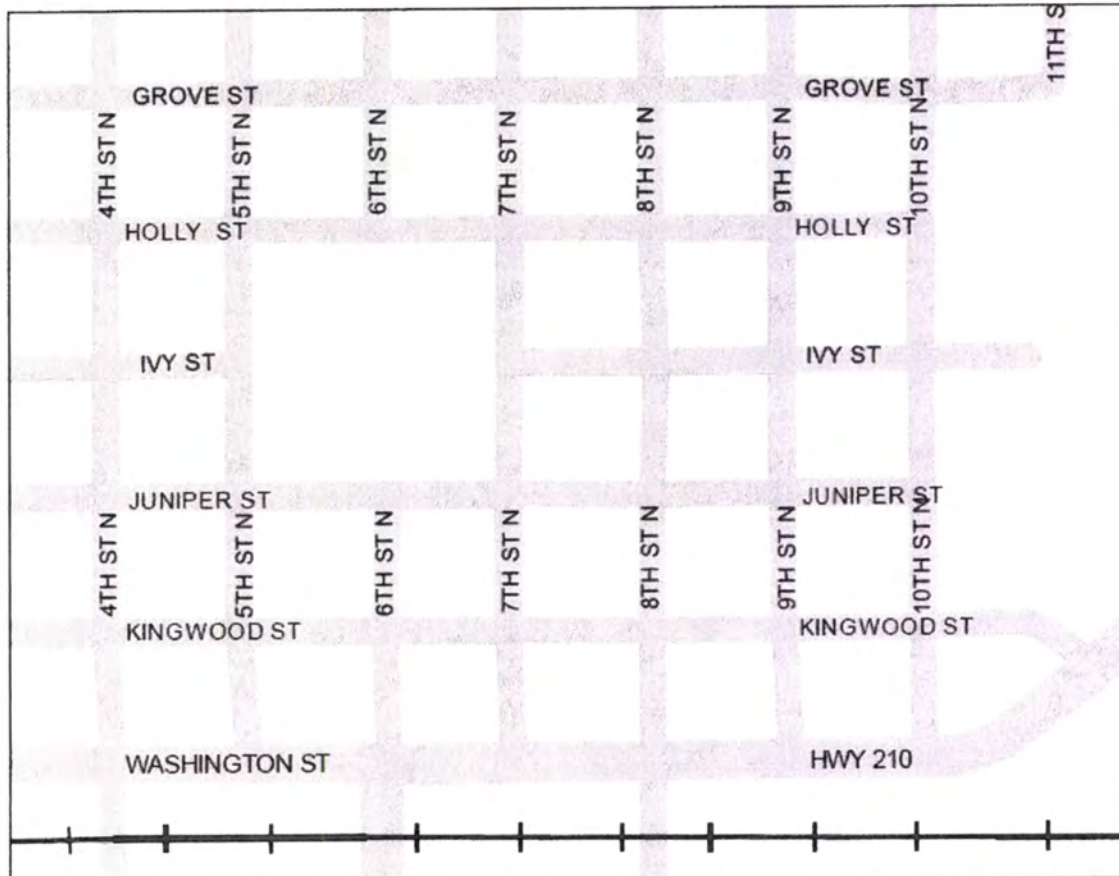
Commonly Used Maps



Historic Downtown



Gregory Park





Brainerd City Council Agenda Request

SPW
4
Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Event Application - Lowell School Walk-A-Thon

☐ 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 an application for an event/street closure for the Lowell School Walk-A-Thon which is scheduled for Thursday, May 11th. The request is to close 3rd and 4th Avenues between G Street and H Street and G Street between 3rd and 4th Avenues between the hours of 9:30 a.m. and 1:30 p.m.	
Alternatives, Options, Effects on Others/Comments: This event was first conducted last year with traffic control coordinated with the Street Department. The application has been distributed to all city departments for comments and recommended conditions of approval. The only condition of approval being recommended is that coordination of traffic control again be coordinated with the Street Department.	
Recommended Action/Motion: Staff is recommending approval of the application subject to the condition of coordinating the traffic control.	
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 will be a labor cost associated with setting up and taking down traffic control.	



Street Closure, Special Event And Festival Application

Brainerd, Minnesota

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

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

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

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

Application for a Street Closure, Special Event and Festival Permit

PART I: GENERAL INFORMATION

Name of the event: Lowell School Walk-A-Thon
Date(s) of the event: May 11, 2017
Time of event (setup to breakdown): 9:30-1:30
Location: Lowell School 704 3rd Ave NE
Estimated number of attendees: 550

Organizer Information

Organizer's name (Please print): Sam Marohn
Organizer's address: 704 3rd Ave NE
Event contact person: Sam Marohn
Event contact daytime phone number: (h) 2184546574 (w) _____ (c) 2183309322
Event contact persons e-mail address: Samuel.Marohn@isd181.org
Contact name and phone number to be used on the day of the event:
(h) _____ (w) _____ (c) 2183309322
For Profit/Nonprofit status (type): _____

Applicant Information, if different from the event organizer:

Applicant name (Please print): _____
Applicant address: _____
Applicant's telephone number (h) _____ (w) _____ (c) _____
Event contact e-mail address: _____

Description of Activities

Brief description of the activities planned during the event: walk-a-thon
around the school. 30 minute walks for
grades K-4.

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

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☐ No ☒

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

Radio for music _____

Restrooms provided?

Yes ☒ No ☐ How many? 6

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

Company contracted for restrooms: building use

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

Sign, banners, and posters/flyers?

Yes ☐ No ☒

Locations and descriptions: _____

Trash Disposal?

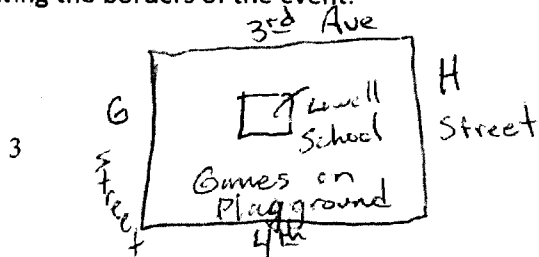
Yes ☐ No ☒

Company contracted for trash disposal: _____

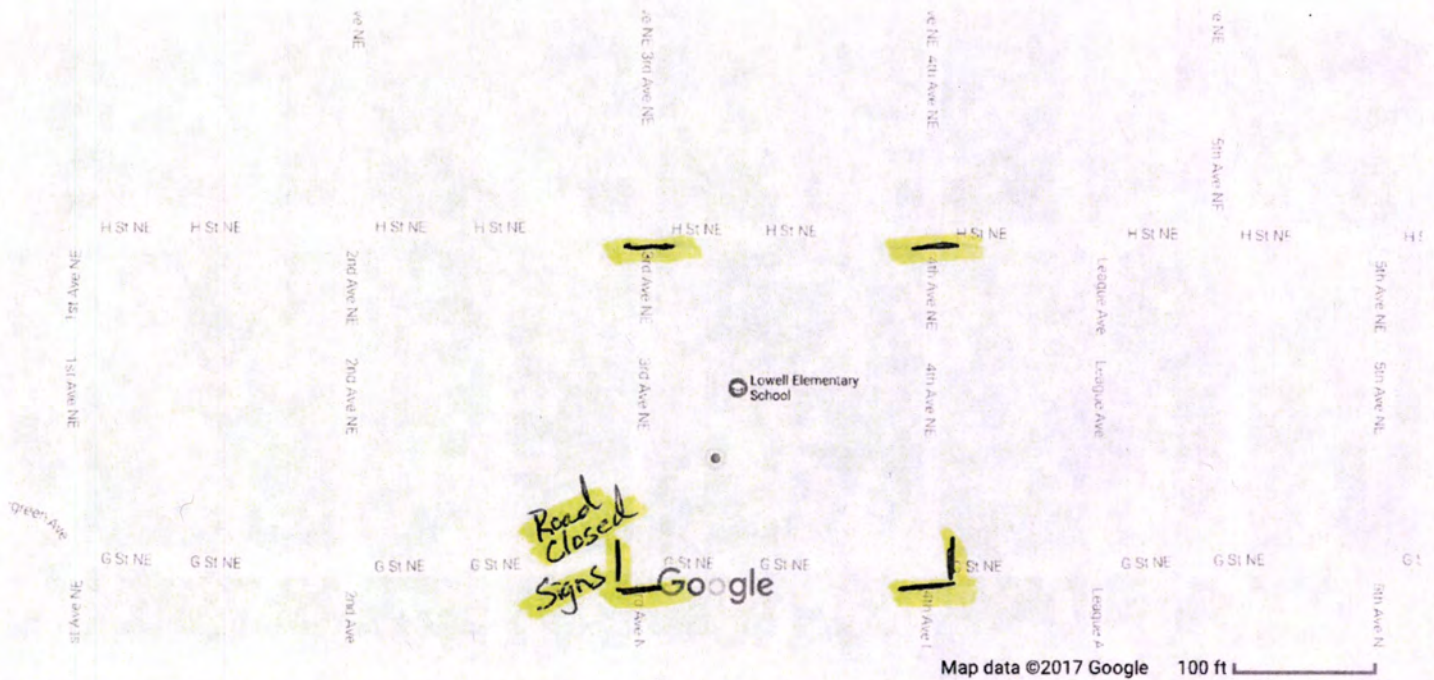
Event Layout and Street Site Map

Yes ☐ No ☐

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



Google Maps Brainerd



Brainerd

Minnesota 56401

Cloudy · 32°F
11:36 AM



Quick facts

Brainerd is a city in Crow Wing County, Minnesota, United States. Its population was 13,592 as of the 2010 census. It is the county seat of Crow Wing County, and is one of the largest cities in Central Minnesota. [Wikipedia](#)

Zip code: 56401

Area Notification

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

We send letters to all neighboring houses
prior to the event. Did this last year and
it went really well.

PART II: STREET CLOSURE REQUEST

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

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

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

3rd Ave - G street corner / leaving H street
4th Ave - G street corner / open for traffic
4th Ave + H street / flow. We use the sidewalk
on "H" street side.

Time and date for beginning of street closures: 9:30 - 1:30 on May 11, 2017

Time and date for reopening of streets: 1:30 on May 11th, 2017

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

Sending letters. No businesses are impacted
by the closures.

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

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

Traffic last year used the alley for
home access.

PART III: CONTACTS, PERMITS, AND FEES CHECKLIST

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

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

Contact Information:

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

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

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

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

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

PART V: SIGNATURE OF EVENT APPLICANT

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

Sam Marchin
Signature of the Event Applicant

3/1/17
Date submitted to the City

Sam Marchin
PRINT NAME

Lowell Walk-A-Thon
Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	_____	_____
City Administration	_____	_____
Engineering Depart.	_____	_____
Fire Department	_____	_____
Fire Support/EMS	_____	_____
Parks and Recreation	_____	_____
Planning Department	_____	_____
Police Department	_____	_____

Certification of Street Closure Approval

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

Special Event/Festival Application and Permit Approval

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

City Administrator

Date



Brainerd City Council Agenda Request

SPW
5

Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Improvement 17-02: 2017 Chip Seal Project

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, Assistant City Engineer	Department: Engineering
Presenter (Name & Title): Jeff Hulsether, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Plans and specifications for Improvement 17-02: 2017 Chip Seal Project have been prepared and are ready for bidding.	
Alternatives, Options, Effects on Others/Comments: We typically like to perform approximately \$150,000 in chip sealing a year. Chip sealing has been proven to extend the life of pavements by sealing the pavement surface while also providing skid resistance. The engineer's estimate of construction cost for Improvement 17-02 is \$143,152.25. Streets planned to be sealed can be seen on the attached plan cover sheet.	
Recommended Action/Motion: Staff would recommend council approve the plans and specifications as proposed and authorize staff to bid Improvement 17-02. Bid opening would be April 21, 2017 at 10:00 AM CDT.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>Estimated \$143,152.25</u> Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> Funds for this project would be paid out of the construction fund. We typically budget for \$150,000 of chip sealing in the 5 year CIP.	

**City of Brainerd
Engineer's Estimate**

Project Number: 17-02
Project Title or Road Number: 2017 CHIP SEAL PROJECT
Work Type: Seal Coat

Item No.	Description	Units	Base Bid / Alternate	Quantity	Unit Price	Total Price
2017 SEAL COAT						
2021.501	MOBILIZATION	LS	Base Bid	1.00	\$5,000.00	\$5,000.00
2355.502	BITUMINOUS MATERIAL FOR FOG SEAL	GAL	Base Bid	8,293.00	\$3.25	\$26,952.25
2356.505	BITUMINOUS MATERIAL FOR SEAL COAT	GAL	Base Bid	24,177.00	\$2.25	\$54,398.25
2356.506	BITUMINOUS SEAL COAT	S Y	Base Bid	69,069.00	\$0.75	\$51,801.75
2563.601	TRAFFIC CONTROL	LS	Base Bid	1.00	\$5,000.00	\$5,000.00
Total 2017 SEAL COAT						\$143,152.25
Total						\$143,152.25

Certified By: Paul Sandy License No. 53635

Date: 03/03/17

CITY OF BRAINERD, MINNESOTA

DEPARTMENT OF ENGINEERING

CONSTRUCTION PLAN FOR: IMPROVEMENT PROJECT 17-02 2017 CHIP SEAL PROJECT

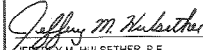


PROJECT LOCATION AREAS

- 1: NORTH 10TH ST (WASHINGTON ST TO BLUFF AVE)
- 2: NORTH 2ND ST (WASHINGTON ST TO IVY ST)
- 3: NORTH 5TH ST (WASHINGTON ST TO BLUFF AVE)
- 4: NORTH 8TH ST (FIR ST TO BLUFF AVE)
- 5: NORTH 9TH ST (WASHINGTON ST TO BLUFF AVE)
- 6: BLUFF AVE (NORTH 7TH ST TO NORTH 10TH ST)
- 7: HOLLY ST (NORTH 3RD ST TO NORTH 10TH ST)
- 8: KINGWOOD ST (1ST ST TO WASHINGTON ST)
- 9: TERRACE AVE (10TH ST TO EVERGREEN AVE)
- 10: FIR ST (8TH ST TO 9TH ST)
- 11: IVY ST (10TH ST TO 11TH)
- 12: NORTH 7TH ST (WASHINGTON ST TO KINGWOOD ST)

*ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND ORDINANCES
WILL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

NOTE: MATERIALS STORAGE IS AVAILABLE ON CITY PROPERTY.

REV.	DATE	DESCRIPTION	SHEETS REVISED		City of Brainerd Engineering Department 501 Laurel Street Brainerd, MN 56401	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.  DATE: 03/01/17 JEFFREY M. HULSETH, P.E. LICENSE NO. 19865	NOT TO SCALE	<table><tr><th>NO.</th><th>SHEET INDEX</th></tr><tr><td>1</td><td>TITLE SHEET</td></tr><tr><td>2</td><td>ESTIMATED QUANTITIES</td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></table>	NO.	SHEET INDEX	1	TITLE SHEET	2	ESTIMATED QUANTITIES									SHEET 1 OF 2
NO.	SHEET INDEX																						
1	TITLE SHEET																						
2	ESTIMATED QUANTITIES																						



Brainerd City Council Agenda Request

SPW
6

Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Resolution Opposing Small Cell Telecommunication Right of Way Use Bill

☐ 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: Bills have been introduced in both the House and Senate, which are in the hearing processes and, which would allow small cell telecommunication equipment to be located within the public right of way and on public facilities with little or no regulation and oversight by the city. These bills severely undermine a city's ability to manage our right of ways and structures, to be reimbursed for the value and cost of managing our right of ways, and to protect the health, safety, and welfare of the public.	
Alternatives, Options, Effects on Others/Comments: These bills are a dangerous intrusion into the rights of local jurisdictions to manage and regulate not only our rights of way but also chips away at local authority to regulate land use.	
Recommended Action/Motion: Staff is recommending adoption of the Resolution	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

RESOLUTION NO. ____

A RESOLUTION OPPOSING ADOPTION OF
HF 739/SF 561; LEGISLATION WHICH WOULD
PERMIT UNREGULATED ACCESS TO
PUBLIC RIGHT OF WAY (PROW) FOR
“SMALL CELL WIRELESS” EQUIPMENT

WHEREAS, current public right-of-way (PROW) laws for the past 20 years have granted municipal responsibility for an exclusive and fundamental role in developing, siting and enforcing utility construction and safety standards; and

WHEREAS, PROWs are a limited resource and cities are, and should remain, responsible to ensure that this limited resource is properly and consistently maintained; specifically noting that the City of Brainerd has successfully managed this resource for decades to serve the best interests of our residents and customers; and

WHEREAS, cities must continue to exercise full authority to consider public health, safety and welfare concerns, including issues of aesthetic and property value in proposals to site small cell wireless antennae; and

WHEREAS, the traditional permitting process already exists and allows both parties to come to an agreement on financial terms, thus this proposed legislation will interfere with public-private transactions that define free market negotiations; and

WHEREAS, the proposed bills would allow “for-profit companies” to become the only unregulated industry granted access to this public asset for which local government is best suited to regulate, to oversee and to work with potential customers;

NOW THEREFORE BE IT RESOLVED, that the Brainerd City Council opposes adoption of HF 739/SF 561 in their current language; we urge legislators to work with representatives of the League of Minnesota Cities, the City Engineers Association, and other local government associations to revise the proposed legislation in such manner that will address the issues/perspectives cited in this resolution.

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

March 20, 2017
6:45 P.M.

City Council Chambers

1. Approval of Bills & Payments to Contractors

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
S.E.H.	14-15	Appt Util Ext thru 2/25/17	\$6,598	\$0

2. Approval of Hiring Police Records Management Technician
3. Authorization to Dispose of Decommissioned Police Cars
4. Authorization to Dispose of 1997 Ford Van
5. Retirement of City Engineer Hulsether
6. Replacement Process for City Engineer
7. RFP for Facility Assessment
8. Discussion of 2018 Bonding Priorities

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-248073	101-42400-2210	OPERATING SUP SCRUB BRUSH	075204	2.69
01-0071	FORUM COMMUNICATIONS CO					
		I-1829282	101-49200-3350	LEGAL PUBLICA NOH - VACATION N 10TH ST	075229	93.30
		I-1829282	101-49200-3350	LEGAL PUBLICA 2017 BUDGET SUMMARY	075229	199.06
01-0125	CONSOLIDATED TELEPHONE					
		I-20416822	101-41800-3321	TELEPHONE 3/12/17 - 4/11/17 PHONE/INTERN	075218	562.91
		I-20416822	101-41400-3321	TELEPHONE 3/12/17 - 4/11/17 PHONE/INTERN	075218	8.69
		I-20416822	101-41700-3321	TELEPHONE 3/12/17 - 4/11/17 PHONE/INTERN	075218	4.30
		I-20416822	101-42400-3321	TELEPHONE 3/12/17 - 4/11/17 PHONE/INTERN	075218	3.37
		I-20416822	101-41910-3321	TELEPHONE 3/12/17 - 4/11/17 PHONE/INTERN	075218	1.89
		I-20416822	101-41940-3321	TELEPHONE 3/12/17 - 4/11/17 PHONE/INTERN	075218	78.96
01-0204	HOLLCO INC					
		I-12320061/FEB 17	101-42400-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075240	183.00
		I-12320061/FEB 17	101-41940-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075240	20.80
01-0243	MARCO FINANCING					
		I-326050713	101-41800-3331	LEASE PAYMENT MARCH COPIER LEASE	075251	848.66
		I-326050713	101-41800-3331	LEASE PAYMENT OVERAGE 10/1/15-10/1/16	075251	410.75
01-0284	OFFICE SHOP					
		I-1021845-0	101-41940-2210	OPERATING SUP 2 CS PAPER TOWELS	075264	39.98
		I-1022376-0	101-41940-2200	OFFICE SUPPLI BOX AA BATTERIES	075264	9.99
01-0293	PITNEY BOWES RESERVE AC					
		I-03/08/17 REFILL	101-15500	PREPAID EXPEN POSTAGE REFILL 03/08/2017	075265	500.00
01-0296	BRAINERD PUBLIC UTILITI					
		I-FEBRUARY 2017	101-41940-3381	BPU UTILITIES 01/25/2017-2/23/2017 UTILITIES	075212	2,260.09
		I-FEBRUARY 2017	101-49200-3381	BPU UTILITIES 01/25/2017-2/23/2017 UTILITIES	075212	265.00
		I-TAX MARCH 2017	101-20850	DUE TO COMPON 62% LOST FROM BAXTER	075212	167,730.58
01-0338	PRO-BUILD					
		I-401937	101-42400-3405	NUISANCES 3 BITS, SCREWS, STRND BOARD	075266	192.60
		I-401975	101-42400-3405	NUISANCES WASHERS, STRND BOARD	075266	15.43
01-0344	WASTE PARTNERS INC					
		I-72X00302	101-41940-3380	UTILITIES FEBRUARY GARBAGE SERVICE	075278	70.24
01-0736	NORTHLAND FIRE PROTECTI					
		I-25966	101-41940-3300	PROFESSIONAL FIRE EXT RECERT, CITY HALL ANN	075262	72.00
01-1822	HITESMAN & WOLD PA					
		I-24411	101-49200-3300	PROFESSIONAL 1/3-2/21 EE BENEFIT ATTORNEY F	075238	830.00
		I-24411	101-14100	DUE FROM COMP BPU 1/3-2/21 EE BNFT ATTORNEY	075238	830.00

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1832	LAKES MEDIA COLLABORATI					
		I-2016	101-49200-3434	LAKES MEDIA C REMIT 2016 FRANCHISE FEE	075248	66,720.54
01-1859	ENTERPRISE FM TRUST					
		I-FBN3198781	101-41940-3331	LEASE PAYMENT 3/1/17-3/31/17 FUSION LEASE	075225	312.37
01-2552	TYLER TECHNOLOGIES					
		I-025-182908	101-41400-3330	PROFESSIONAL TRAINING - TIME ENTRY	075276	375.00
01-2666	HERREID & ASSOCIATES					
		I-1031	101-49200-3430	MISCELLANEOUS FEB. EMPLOYEE TRAINING 15 FTE	075236	481.38
		I-1031	101-14100	DUE FROM COMP BPU FEB EMPLOYEE TRNING 47 FTE	075236	1,575.44
		I-1031	101-14100	DUE FROM COMP HRA FEB EMPLOYEE TRNING 69 FTE	075236	2,319.39
01-2924	VERIZON WIRELESS					
		I-9780871043	101-42400-3321	TELEPHONE DATE PLAN 2/3-3/23	075277	117.46
01-3050	HILDI INC.					
		I-8145	101-49200-3300	PROFESSIONAL ACTUARIAL DISCLOSURES GASB 45	075237	490.00
01-3320	ESSENTIA HEALTH					
		I-2/28/2017	101-41700-3430	MISCELLANEOUS 1 PRE-EE SCREENING	075226	125.00
01-3389	CTC I.T.					
		I-4846	101-41800-3300	PROFESSIONAL IT SUPPORT	075220	600.00
01-3421	JOBSHQ					
		I-1824659	101-41700-3350	PRINTING/LEGA ENG TECH ADS	075245	454.00
		I-1824659	101-41400-3430	MISCELLANEOUS ADMIN SPEC ADS	075245	488.00
01-3507	DR. JAMES MULDER					
		I-2016 TRAINING	101-49200-3300	PROFESSIONAL TRAINING ON 'WHO MOVED MY CHEE	075223	449.80
01-3508	BIG RIVER GROUP LLC					
		I-2/24/2017	101-49200-3438	MISC SPECIAL 2017 COUNCIL RETREAT	075210	5,620.00
			FUND	101 GENERAL FUND	TOTAL:	255,362.67

3/16/2017 8:42 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 3

PACKET: 03925 03/20/17 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-11702	203-49000-2212	MOTOR FUELS FEBRUARY SERVICES	075211	6,629.69
		I-11702	203-49000-3401	VEHICLE REPAI FEBRUARY SERVICES	075211	15,780.00
		I-11702	203-49000-3440	TRANSIT SERVI FEBRUARY SERVICES	075211	53,292.80
01-0125	CONSOLIDATED TELEPHONE					
		I-20416822	203-49000-3321	TELEPHONE 3/12/17 - 4/11/17 PHONE/INTERN	075218	26.38
01-0227	LAKES PRINTING					
		I-00181106	203-49000-3340	ADVERTISING/M 2500 BROCHURES	075249	1,240.80
01-1965	NORTH CENTRAL BUS SALES					
		I-237527	203-49000-3401	VEHICLE REPAI RADIO	075261	264.59
			FUND	203 TRANSIT FUND	TOTAL:	77,234.26

3/16/2017 8:42 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 4

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 211 LIBRARY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0296	BRAINERD PUBLIC UTILITI					
		I-FEBRUARY 2017	211-45500-3381	BPU UTILITIES 01/25/2017-2/23/2017 UTILITIES	075212	1,602.76
			FUND	211 LIBRARY FUND	TOTAL:	1,602.76

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 223 DRUG FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0086	CITY OF BRAINERD					
		I-ICR: 15015066	223-22800	OTHER LIABILI ICR: 15015066	075216	63.20
		I-ICR: 16006006	223-22800	OTHER LIABILI ICR: 16006006 NATHAN BENDER	075216	117.60
		I-ICR: 16006006A	223-22800	OTHER LIABILI ICR: 16006006 NOAH WOLFE	075216	28.70
01-0136	CWC ATTORNEY					
		I-ICR: 15015066	223-22800	OTHER LIABILI ICR: 15015066	075222	7.20
		I-ICR: 16006006	223-22800	OTHER LIABILI ICR: 16006006 - NATHAN BENDER	075222	33.60
		I-ICR: 16006006A	223-22800	OTHER LIABILI ICR: 16006006 - NOAH WOLFE	075222	8.20
01-0586	MN STATE TREASURER					
		I-ICR: 15015066	223-22800	OTHER LIABILI ICR: 15015066	075259	3.60
		I-ICR: 16006006	223-22800	OTHER LIABILI ICR: 16006006 - NATHAN BENDER	075259	16.80
		I-ICR: 16006006A	223-22800	OTHER LIABILI ICR: 16006006 - NOAH WOLFE	075259	4.10
01-0888	WEST BRAINERD AUTO SERV					
		I-28469	223-42140-2210	OPERATING EXP TOW: ICR 17002902	075279	45.00
FUND 223 DRUG FORFEITURE TOTAL:						328.00

3/16/2017 8:42 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 6

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 224 DUI FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0888	WEST BRAINERD AUTO SERV					
		I-28650	224-42150-2210	OPERATING EXP TOW: ICR 17003286	075279	65.00
			FUND	224 DUI FORFEITURE	TOTAL:	65.00

PACKET: 03925 03/20/17 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-ICR: 15016173	225-22800	OTHER LIABILI ICR: 15016173	075216	48.00
01-0125	CONSOLIDATED TELEPHONE					
		I-20416822	225-42220-3321	TELEPHONE 3/12/17 - 4/11/17 PHONE/INTERN	075218	26.73
		I-20416822	225-42120-3321	TELEPHONE 3/12/17 - 4/11/17 PHONE/INTERN	075218	135.58
		I-20416822	225-42120-3309	COMPUTER TECH 3/12/17 - 4/11/17 PHONE/INTERN	075218	26.25
01-0136	CWC ATTORNEY					
		I-ICR: 15016173	225-22800	OTHER LIABILI ICR: 15016173	075222	24.00
01-0145	TREAS, FIRE RELIEF ASSO					
		I-2016 SBR	225-20700	DUE TO OTHER REMIT 2016 SUPPLEMENTAL BENEFI	075275	2,000.00
01-0199	HANNAHS, DONALD C. JR.					
		I-MARCH 2017	225-42700-3300	PROFESSIONAL MARCH 2017 ANIMAL SERVICE	075232	1,360.60
01-0200	HEARTLAND ANIMAL RESCUE					
		I-FEBRUARY 2017	225-42700-3300	PROFESSIONAL FEBRUARY 2017 MONTHLY FEE	075233	1,698.75
		I-FEBRUARY 2017	225-42700-3430	MISCELLANEOUS FEBRUARY 2017 BOARDING	075233	1,154.00
01-0204	HOLLCO INC					
		I-12320052/FEB 17	225-42220-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075240	159.91
01-0209	HEARTLAND TIRE INC.					
		I-0000072439	225-42120-2221	SQUAD CAR REP SQD 422 TIRE REPAIR	075234	50.76
01-0213	INTOXIMETERS INC					
		I-558088	225-42120-2210	OPERATING SUP PBT MOUTHPIECES	075244	340.00
01-0243	MARCO FINANCING					
		I-326051075	225-42120-3331	LEASED PAYMEN APR-JUN COPIER LEASE	075251	754.41
01-0244	MARTIN COMMUNICATIONS I					
		I-104630	225-42120-2220	REPAIR & MAIN PORTABLE RADIO REPAIR	075252	405.00
01-0247	MED COMPASS INC					
		I-30798	225-42120-3330	PROFESSIONAL OSHA HEARING TEST 2017 18 FTE	075253	234.00
01-0296	BRAINERD PUBLIC UTILITI					
		I-FEBRUARY 2017	225-42120-3381	BPU UTILITIES 01/25/2017-2/23/2017 UTILITIES	075212	3,134.69
		I-FEBRUARY 2017	225-42220-3381	BPU UTILITIES 01/25/2017-2/23/2017 UTILITIES	075212	3,896.43
01-0298	QUILL CORPORATION					
		I-4802720	225-42120-2200	OFFICE SUPPLI COPY PAPER	075268	139.95
01-0322	STREICHERS PROF EQUIP					
		I-I1252981	225-42120-1113	UNIFORM ALLOW FIRST DEFENSE IRRITANT SPRAY	075274	125.99
		I-I1252982	225-42120-1113	UNIFORM ALLOW FIRST DEFENSE IRRITANT SPRAY	075274	36.00

PACKET: 03925 03/20/17 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0344	WASTE PARTNERS INC					
		I-72X00301	225-42220-3380	UTILITIES FEBRUARY GARBAGE SERVICE	075278	81.90
		I-72X00611	225-42120-3380	UTILITIES FEBRUARY GARBAGE SERVICE	075278	91.23
01-0491	CUYUNA RANGE FF/CHIEFS					
		I-2017	225-42220-3433	DUES & SUBSCR 2017 DUES	075221	300.00
01-0497	SIRCHIE FINGER PRINT LA					
		I-0292248-IN	225-42120-2210	OPERATING SUP EVIDENCE SUPPLIES	075272	313.47
01-0745	BATTERIES PLUS					
		I-035-326143	225-42220-2210	OPERATING SUP 12V BATTERY	075209	19.95
01-1	MISCELLANEOUS VENDOR					
	MEGHAN KLEINECK	I-15015425	225-35102	PARKING FINES REFUND PARKING TICKET	075254	25.00
01-1171	KEEPRS, INC/CY'S UNIFOR					
		I-337612	225-42120-1113	UNIFORM ALLOW 716 - UNIFORM PANTS	075246	147.97
		I-337612-01	225-42120-1113	UNIFORM ALLOW 716 - UNIFORM SHIRTS	075246	181.09
01-1343	CHARTER COMMUNICATIONS					
		I-MARCH-APRIL 2017	225-42220-3380	UTILITIES MARCH-APRIL 2017 MAIN STATION	075215	7.40
01-1440	HOLMES, TIM					
		I-02/03/2017	225-42220-3330	PROFESSIONAL MEAL REIM - CONF ALEXANDRIA	075241	18.47
01-1753	MARCO					
		I-INV4101553	225-42120-3309	COMPUTER TECH PRINTER MAINT CONTRACT	075250	43.72
01-1859	ENTERPRISE FM TRUST					
		I-FBN3198781	225-42220-3331	LEASE PAYMENT 3/1/17-3/31/17 UTILITY INTERCE	075225	482.31
01-1913	GRAND FORKS FIRE EQUIPM					
		I-19229	225-42220-2250	PERSONAL PROT BOOTS	075230	378.94
		I-19289	225-42220-2250	PERSONAL PROT HELMET	075230	306.00
01-2137	O'REILLY AUTOMOTIVE STO					
		I-1647-189388	225-42120-2221	SQUAD CAR REP ANTIFREEZE	075263	15.99
01-2177	HOLIDAY CREDIT OFFICE					
		C-FEBRUARY 2017	225-42120-2212	MOTOR FUELS CREDITS/REBATES FEBRUARY 2017	075239	242.33-
		C-FEBRUARY 2017	225-42220-2212	MOTOR FUELS CREDITS/REBATES FEBRUARY 2017	075239	26.12-
		I-FEB 17 FD	225-42220-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075239	281.28
		I-FEB 17 FD	225-42220-2210	OPERATING SUP FEBRUARY CAR WASH	075239	3.44
		I-FEB 17 PD	225-42120-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075239	2,644.33
01-2589	STAPLES ADVANTAGE					
		I-3331981963	225-42120-2200	OFFICE SUPPLI BPD WINDOW ENVELOPES	075273	259.45
		I-3331981964	225-42120-2200	OFFICE SUPPLI MOUSE PAD	075273	9.99

PAGE: 9

FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2589	STAPLES ADVANTAGE		continued			
		I-3331981965	225-42120-2200	OFFICE SUPPLI KEYBOARD & MOUSE	075273	32.51
		I-3332874689	225-42120-2200	OFFICE SUPPLI STORAGE BOXES	075273	53.66
		I-3332874690	225-42120-2200	OFFICE SUPPLI MOUSE PAD & THERMAL FAX PAPER	075273	72.03
01-2666	HERREID & ASSOCIATES					
		I-1029	225-42120-3300	PROFESSIONAL CONSULTATION	075236	2,953.36
01-2924	VERIZON WIRELESS					
		I-9781483993	225-42120-3309	COMPUTER TECH COMP SUPPORT 3/5-4/4	075277	428.29
01-3077	MINNESOTA STATE FIRE MA					
		I-17140	225-42220-3330	PROFESSIONAL FIRE MARSHAL TRAINING	075257	145.00
01-3168	MOTORS-N-MORE					
		I-24926	225-42120-2221	SQUAD CAR REP SQD 424 - OIL CHANGE	075260	23.00
01-3199	FLEET ONE LLC					
		I-FEB 17 FD	225-42220-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075228	171.65
		I-FEB 17 PD	225-42120-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075228	583.37
01-3480	FALLS FLAG SOURCE					
		I-17312	225-42220-2210	OPERATING SUP FLAGS	075227	144.00
01-3505	COMMISSIONER OF PUBLIC					
		I-ICR: 15016173	225-22800	OTHER LIABILI ICR: 15016173	075217	48.00
				FUND 225 PUBLIC SAFETY FUND	TOTAL:	25,749.40

3/16/2017 8:42 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 10

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 227 RECYCLING FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0344	WASTE PARTNERS INC					
		I-72X00304	227-43230-3430	MISCELLANEOUS FEBRUARY WASTE OIL	075278	54.99
01-1286	EAST SIDE OIL COMPANY					
		I-R66773	227-43230-3428	USED OIL RECY 2/28/17 FILTER & ANTI-FREEZE R	075224	25.00
			FUND	227 RECYCLING FUND	TOTAL:	79.99

PAGE: 11

FUND : 230 PARK & RECREATION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0027	WEX BANK	I-48866326	230-45200-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	000125	197.83
01-0247	MED COMPASS INC	I-30798	230-45200-3330	PROFESSIONAL OSHA HEARING TEST 2017 5 FTE	075253	65.00
01-0296	BRAINERD PUBLIC UTILITI	I-FEBRUARY 2017	230-45200-3381	BPU UTILITIES 01/25/2017-2/23/2017 UTILITIES	075212	3,507.63
01-0889	MENARDS - BAXTER	I-47481	230-45211-2210	OPERATING SUP PVC PIPE EASTER EGG HUNT	075255	0.70
01-0926	MINNESOTA T'S	I-E 26944	230-45208-2210	OPERATING SUP EMBROIDERY - STAFF SHIRTS	075258	12.00
		I-E 26944	230-45226-2210	OPERATING SUP EMBROIDERY - STAFF SHIRTS	075258	6.00
		I-SH 26672	230-45228-2210	OPERATING SUP LIL BUCKAROOS UNIFORM SHIRTS	075258	894.08
01-1388	HEIMAN INC.	I-0855279-IN	230-45200-2220	REPAIR & MAIN FIRE HOSE - OUTDOOR RINKS	075235	278.91
01-1453	AMERICAN DOOR WORKS	I-0176864-IN	230-45200-2220	REPAIR & MAIN REPLACED GARAGE DOOR OPENERS	075206	3,408.00
01-1859	ENTERPRISE FM TRUST	I-FBN3198781	230-45200-3331	LEASE PAYMENT 3/1/17-3/31/17 EQUINOX LEASE	075225	392.03
01-2106	BSN SPORTS, LLC	I-98778431	230-45208-2210	OPERATING SUP STAFF SHIRTS	075214	69.33
		I-98778431	230-45226-2210	OPERATING SUP STAFF SHIRTS	075214	34.67
01-2137	O'REILLY AUTOMOTIVE STO	I-1647-187844	230-45200-2220	REPAIR & MAIN MOTOR OIL, OIL FILTERS	075263	27.50
		I-1647-187858	230-45200-2220	REPAIR & MAIN WIPER BLADE	075263	3.82
01-2177	HOLIDAY CREDIT OFFICE	C-FEBRUARY 2017	230-45200-2212	MOTOR FUELS CREDITS/REBATES FEBRUARY 2017	075239	20.64-
		I-FEB 17 PK	230-45200-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075239	226.24
01-2846	AMERICAN WELDING-GAS IN	I-04630552	230-45200-3410	RENTAL EXPENS WELDING TANK 60 MO LEASE	075207	386.95
01-3199	FLEET ONE LLC	I-FEB 17 PK	230-45200-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075228	72.57
				FUND 230 PARK & RECREATION FUND TOTAL:		9,562.62

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-247686	235-43100-2220	REPAIR & MAIN PRIMER SPRAY, YELLOW SPRAY PAI	075204	10.78
01-0039	AMERIPRIDE LINEN SERVIC					
		I-2200889285	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	075208	78.25
		I-2200891838	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	075208	103.40
01-0125	CONSOLIDATED TELEPHONE					
		I-20421258	235-43100-3321	TELEPHONE PHONE/INTERNET 03/12-4/11	075218	109.38
01-0204	HOLCO INC					
		I-12320008/FEB 17	235-43125-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075240	764.27
01-0209	HEARTLAND TIRE INC.					
		I-72328	235-43100-2220	REPAIR & MAIN TIRE REPAIR	075234	25.38
01-0223	L & M STEEL					
		I-16109	235-43100-2220	REPAIR & MAIN REPLICATE FENDER	075247	179.69
01-0247	MED COMPASS INC					
		I-30798	235-43100-3330	PROFESSIONAL OSHA HEARING TEST 2017 7 FTE	075253	96.00
01-0296	BRAINERD PUBLIC UTILITI					
		I-FEBRUARY 2017	235-43100-3381	BPU UTILITIES 01/25/2017-2/23/2017 UTILITIES	075212	20,503.90
01-0344	WASTE PARTNERS INC					
		I-72X00300	235-43100-3380	UTILITIES FEBRUARY GARBAGE SERVICE	075278	81.90
01-1093	ROAD EQUIPMENT PARTS CE					
		I-MB732123	235-43100-2220	REPAIR & MAIN DOT INSPECTION - '98 STERLING	075269	2,168.64
01-1205	SILVER STAR INDUSTRIES					
		I-BRD-46580	235-43125-2220	REPAIR & MAIN 3 TOW STRAPS	075271	75.00
01-1589	HOTSYMINNESOTA.COM					
		I-54752	235-43100-2220	REPAIR & MAIN SODIUM METASILLICATE, COUPLER,	075242	374.64
01-1859	ENTERPRISE FM TRUST					
		I-FBN3198781	235-43100-3331	LEASE PAYMENT 3/1/17-3/31/17 CHEV SILVERADO	075225	731.91
01-2377	GRANITE ELECTRONICS					
		I-219000105-1	235-43100-2220	REPAIR & MAIN PROGRAMMED 10 PORTABLE RADIOS	075231	453.99
01-2902	ADVANCE AUTO PARTS					
		I-6574706182884	235-43100-2220	REPAIR & MAIN SEALED BEAM	075205	22.20
01-3199	FLEET ONE LLC					
		I-FEB 17 ENG	235-43125-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075228	401.48

3/16/2017 8:42 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 13

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-3320	ESSENTIA HEALTH					
		I-2/28/2017	235-43100-3430	MISCELLANEOUS 2 RANDOMS	075226	50.00
01-3394	MIDWEST MACHINERY CO					
		I-1414652	235-43100-2220	REPAIR & MAIN 2 14" 3/8 .050, FILES	075256	39.49
		I-1414813	235-43100-2220	REPAIR & MAIN 6 CT 5.2 2-GALLON MI	075256	19.74
		I-1415282	235-43100-2220	REPAIR & MAIN OIL FILTER, TENSION SPRINGS, N	075256	27.72
		I-1418354	235-43100-2220	REPAIR & MAIN SAW BLADE, BAR CHAIN OIL	075256	15.99
				FUND 235 STREET & SEWER FUND	TOTAL:	26,333.75

3/16/2017 8:42 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 14

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 236 PARKING LOT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0296	BRAINERD PUBLIC UTILITI					
	I-FEBRUARY 2017		236-43180-3381	BPU UTILITIES 01/25/2017-2/23/2017 UTILITIES	075212	36.00
			FUND	236 PARKING LOT FUND	TOTAL:	36.00

PAGE: 15

FUND : 237 SANITARY SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0204	HOLLCO INC	I-12320008/FEB 17	237-43190-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075240	68.26
01-0296	BRAINERD PUBLIC UTILITI	I-TAX MARCH 2017	237-43190-6611	INTEREST PAYM 38% INTEREST PAYMENT	075212	91,508.50
01-3199	FLEET ONE LLC	I-FEB 17 ENG	237-43190-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075228	219.07
			FUND	237 SANITARY SEWER FUND	TOTAL:	91,795.83

PAGE: 16

FUND : 238 STORM SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
--------	------	--------	------------------	-------------	--------	--------

01-0071 FORUM COMMUNICATIONS CO

I-1829282

238-43160-3430

MISCELLANEOUS STORMWATER ANNUAL PUBLIC MEETI 075229

27.99

FUND	238	STORM SEWER FUND	TOTAL:	27.99
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PAGE: 17

FUND : 250 HYDRANT RENT & EL. CURRENT

FUND	250	HYDRANT RENT & EL CURRENT	TOTAL:	57,704.26
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3/16/2017 8:42 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 18

PACKET: 03925 03/20/17 COUNCIL

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 MAR 2017	251-49360-3467	REMIT LOCAL S LOCAL USE TAX REMITTANCE	075212	67,624.46
				FUND 251 LOCAL OPTION SALES TAX TOTAL:		67,624.46

3/16/2017 8:42 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 19

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 279 HEALTH INSURANCE FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0247	MED COMPASS INC					
		I-30798	279-14100	DUE FROM COMP BPU OSHA HEAR TEST '17 38 FTE	075253	499.00
				FUND 279 HEALTH INSURANCE FUND	TOTAL:	499.00

PAGE: 20

FUND : 400 CAPITAL PROJECTS FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1293	IDENTISYS					
		I-333203	400-49050-5530	CAPITAL - OTH ID CARD PRINTER	075243	2,582.71
01-2125	QUALTRICS LLC					
		I-85845	400-49050-5530	CAPITAL - OTH ANNUAL LIC. 6 MONTH EXTENSION	075267	2,500.00
				FUND 400 CAPITAL PROJECTS FUND	TOTAL:	5,082.71

PACKET: 03925 03/20/17 COUNCIL

VENDOR SET: 01

FUND : 401 CONSTRUCTION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0071	FORUM COMMUNICATIONS CO					
		I-1829282	401-41403-3350	LEGAL PUBLICA NOH - IMP 14-03	075229	53.91
		I-1829282	401-41613-3350	LEGAL PUBLICA NOH - IMP 16-13	075229	53.91
		I-1829282	401-41401-3350	LEGAL PUBLICA NOH - IMP 14-01	075229	53.91
		I-1829282	401-41403-3350	LEGAL PUBLICA NOB - IMP 14-03	075229	83.98
		I-1829282	401-41613-3350	LEGAL PUBLICA NOB - IMP 16-13	075229	83.97
		I-1829282	401-41401-3350	LEGAL PUBLICA NOB - IMP 14-01	075229	83.97
01-0204	HOLLCO INC					
		I-12320061/FEB 17	401-49030-2212	MOTOR FUELS FEBRUARY MOTOR FUELS	075240	44.75
01-0317	SHORT ELLIOTT HENDRICKS					
		I-329636	401-41415-3300	PROFESSIONAL ARPT UTIL EXT THRU 2/25/17	075270	6,598.19
01-0344	WASTE PARTNERS INC					
		I-72X00303	401-41003-3300	PROFESSIONAL FEBRUARY GARBAGE SERVICE	075278	133.38
01-2924	VERIZON WIRELESS					
		I-9780871043	401-49030-3321	TELEPHONE DATE PLAN 2/3-3/23	075277	93.74
01-3389	CTC I.T.					
		I-4846	401-41401-3430	MISCELLANEOUS RTVISION SETUP	075220	300.00
		I-4846	401-41403-3430	MISCELLANEOUS RTVISION SETUP	075220	300.00
		I-4846	401-41613-3430	MISCELLANEOUS RTVISION SETUP	075220	300.00
			FUND 401 CONSTRUCTION FUND	TOTAL:		8,183.71

REPORT GRAND TOTAL: 627,272.41

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

GABE JOHNSON

SUE HILGART

KEVIN STUNEK



Brainerd City Council Agenda Request

P & F
2
Agenda Item #

Requested Meeting Date: March 20th, 2017

Title of Item: Approval Hiring Records Management Technician

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 3 MINUTES
Summary of Issue: On February 21st, the City Council authorized internal posting for a vacant Records Management Technician position. Only one current City Employee signed the internal posting, Community Service Officer (CSO) Miranda Lambert. Miranda has successfully completed the pre-employment screening and we are requesting approval of her selection for the position, effective March 21st, 2017.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve hiring Miranda Lambert for the vacant Records Management Technician position effective March 21st, 2017, at 85% of the Base Wage according to the Salary Administration Plan at Step A = \$20.21 per hour; further, to authorize hiring a replacement for Ms. Lambert's CSO position at the established CSO rate of pay.	
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> This is a budgeted position within the department's current budget.	



Brainerd City Council Agenda Request

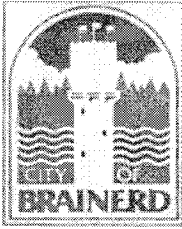
P & F
3

Agenda Item #

Requested Meeting Date: March 20th, 2017

Title of Item: Authorization to sell decommissioned police cars

☐ 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 <i>am</i>	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 3 MINUTES
Summary of Issue: Our new police cars leased through Enterprise have arrived. We are requesting authorization to sell the two cars being replaced. The vehicles involved are Squad 411 a 2011 Ford Crown Victoria VIN 2FABP7BV2BX154306, and Squad 499 at 2004 Chevrolet Impala VIN 2G1WF52E849384385. We would like to try utilizing the services our leasing agent Enterprise offers for selling vehicles	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize the sale of decommissioned police department vehicles 411 and 499 utilizing Enterprise.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

P & F
4

Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Sale of 1997 Ford van

☐ 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: Tony Sailer	Department: Parks and Recreation
Presenter (Name & Title): Tony Sailer, Parks Director	Estimated Time Needed: 5 minutes
Summary of Issue: Summary of Issue: The Parks and Recreation Department recently received the 2017 Ford van through a lease from Enterprise to replace the 1997 Ford van. Permission to sell the 1997 van through Enterprise is requested.	
Alternatives, Options, Effects on Others/Comments: Alternatives, Options, Effects on Others/Comments: It was budgeted that we would receive \$500 from the proceeds of the sale of the 1997 van.	
Recommended Action/Motion: Recommended Action/Motion: Staff recommends approval to sell the 1997 Ford van through Enterprise.	
Final Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No Please Explain:	



Brainerd City Council Agenda Request

P&F
5
Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Retirement of City Engineer

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: Attached please find Jeff Hulsether's letter of resignation for purposes of retirement. Jeff's 30 years of service to the citizen's of Brainerd has been a portrait of due diligence to work, attention to accuracy in the complex world of engineering design, and thoughtful execution of plans prepared under this supervision.	
Alternatives, Options, Effects on Others/Comments: Options for Council consideration of finding a successor are described on the following Agenda Request	
Recommended Action/Motion: On motion of _____, seconded by _____ the City Council accepts with regret the notice of resignation of City Engineer Jeff Hulsether for purposes of retirement; the Council appreciates and honors Jeff's 30 years of devoted service to this City; Jeff's last official work day will be June 9, 2017.	
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> There will be an expense to find a replacement. His knowledge of the City's streets, sewers and civil engineering feats is "Priceless".	

Mr. Jim Thoreen
City Administrator
City of Brainerd



www.ci.brainerd.mn.us

RE: Notice of Retirement

Dear Mr. Thoreen,

It is with mixed emotions that I am announcing that I will be retiring from employment as City Engineer for the City of Brainerd with my last work day being Friday, June 9, 2017. It has been an honor and a privilege to have served the residents of the City of Brainerd over these past 30 years and I want to take this opportunity to thank the city for that tremendous career opportunity. I will have very fond memories of the city's many achievements that were made possible by the vision, support and trust of the city's elected officials and the commitment, cooperation and work ethic of an outstanding city staff. As the city continues to pursue some very exciting initiatives, I will be cheering with wishes of great success and accomplishment. I offer my services in any way desired during my replacement selection process and will do everything possible to achieve a smooth transition and orientation of my successor.

Once again I want to express my sincere appreciation to the City of Brainerd and all of the elected officials and city staff that I have worked with over the years for their support and for the wonderful memories that will last a lifetime.

Sincerely,

Jeffrey M Hulsether, P.E.
City Engineer

RECEIVED

MAR 15 2017

CITY OF BRAINERD
ADMINISTRATION



Brainerd City Council Agenda Request

P & F
6
Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Replacement Process for City Engineer

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P & F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 10 minutes
Summary of Issue: In order to find Jeff's replacement I suggest three options: 1.) Promote from within presuming that Ass't. Engineer Sandy is interested; 2.) Retain the services of David Drown Associates through NJPA with reimbursement of up to \$7,500 or choose another search firm with no reimbursement; 3.) Direct the Administrator and HR Coordinator to conduct the search process. Since Jeff will be gone after June 9, it will be a challenge to find and hire a replacement in that time frame unless we promote Mr. Sandy.	
Alternatives, Options, Effects on Others/Comments: Each option offers advantages/challenges: 1.) Promoting from within is quickest, assures a smooth transition, is less costly; challenges include: not knowing the availability of other qualified engineers in the market; perhaps a more experienced Engineer is a better fit but qualified Engineers may be in short supply 2.) Hiring David Drown Associates through NJPA will cost the city directly perhaps up to \$8,000+; no guarantees of finding the "right fit"; staff time devoted to the process is limited; 3.) An in-house search process will require time commitments from Administrator and HR; the advertising and job announcements will be done in-house as opposed to the search firm's time which cost is included in their fee.	
Recommended Action/Motion: If the Council desires promotion from within, the Administrator will prepare a council interview process to determine Mr. Sandy's suitability. If the Drown Associates is preferred I suggest that their representative meet, minimally, with P & F committee to review the process. If the third option is chosen Kris and I will initiate our process immediately with preparation of a schedule of events, preparation of a brochure for distribution to applicants, and posting in the most advantageous publications and web sites.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

P & F
7

Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: RFP for Facilities Assessment

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: Last year the Council appointed a citizens study committee to examine our facilities and issue a report regarding our needs to improve/replace buildings or portions of them. The report was brief, and we have followed up on several of the recommendations but the impact to date has been minimal. Administration recommends issuance of the attached RFP in order to compile a more detailed inventory of our facilities, which will permit the Council to make decisions for changes/improvements as funds and time permit.	
Alternatives, Options, Effects on Others/Comments: Retention of a qualified firm, or firms, will provide the detail necessary to formulate a plan to address the shortcomings of our facilities. One of the challenges to maintain our facilities is the lack of a coordinator, or designation of one person to ensure that we are compliant with the City's codes and state or federal requirements. Since we are "grandfathered in" regarding some of the codes which we impose on local builders, our City Hall for example does not meet handicapped accessibility requirements for the counters at the second and third floors. We also do not comply with emergency exit features on the south and west doors of the building.	
Recommended Action/Motion: On motion of ____, 2nd by ____ and carried the Council authorizes the City Administrator to seek responses to a Request for Proposal for purposes of assessment of the City's building facilities; said RFP to be submitted no later than April 7, 2017; the responses will be reviewed by the appropriate Council Committee or full Council as outlined in the RFP.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ est. \$25,000 Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u>	

March 15, 2017

REQUEST FOR PROPOSAL (RFP)

FACILITIES ASSESSMENT FOR THE CITY OF BRAINERD

INTRODUCTION

The City of Brainerd seeks a qualified architect, engineering and construction management team to provide professional services for the evaluation and planning of improvements for the City's multiple facilities. The successful qualified consulting team will compile for the City Council a review and assessment of all City Buildings for purposes of determining the safety, performance and remaining useful life of said buildings with specific accounting of the following aspects of each building:

1. Ability to safely serve public needs
2. Building code compliance
3. Structural integrity
4. State of each building's resistance to moisture intrusion (roofing and exterior envelope)
5. Cosmetic appearance of exterior or interior surfaces
6. State of all electrical and data services to and within the building
7. Condition of all heating, ventilation, and air conditioning systems
8. Configuration and appropriateness of office and staff space
9. Assess storage needs for all departments
10. Opportunities to improve energy efficiency of all structures

The assessment will serve as a basis for City Council decisions regarding appropriate improvements, alterations, replacement or elimination of facilities for the coming 10-30 years. The structures are all located in the City of Brainerd as listed on the address sheet attached, which also features a photo of the principal place of operation of the various departments.

INVITATION

The City seeks to hire a qualified consultant team to conduct the assessment of facilities as summarized in the above paragraph. The consultant team will become part of an integrated effort, with City representatives, to assure that the goals of the City of Brainerd, as well as the scope and progress of the outcomes of this study, will align with long-term facilities planning.

A. The City's general expectations:

- Identify the conditions of facilities in 2017 with a retrospective examination of what major improvements to facilities were last accomplished, for purposes of assisting the City to make future decisions based, in part, on history;
- Quantify any aspects of current structures which would require, in the opinion of the consultant team and/or regulatory bodies, immediate or near term repair or replacement;
- Prioritize, as a guideline for City decision makers, those aspects of current facilities improvements or corrections which will require attention within 2-5 years. The Council will develop a plan which considers those recommendations based upon affordability, timeliness, and other future needs.

B. Services of the Consulting Team:

- Provide architectural, structural, mechanical, electrical and civil engineering reviews of existing facilities;
- Discuss with each city department their specific needs for serving the public, daily operations and especially as it relates to department efficiencies;
- Prioritize critical facilities challenges within a 2-5 year time frame and allocating lessor important issues within a 10 year time frame;
- Provide probable cost estimates for corrective work and advise as to quality and value comparisons for renovating versus replacement of facilities;
- Assist the City in developing implementation strategies based on agreed upon priorities and construction;
- Meet with City representatives to review progress and to test recommended solutions;
- The City Council will monitor the process and will receive updates during the process from either Administration and/or the consulting team.

C. Process and Important Dates:

- ❖ Interested firms are invited to submit a proposal no later than 4:30 p.m. on Friday, April 7, 2017. Proposals should be addressed to (either mailed or delivered):

Mr. Jim Thoreen, City Administrator
Brainerd City Hall
501 Laurel Street
Brainerd, MN 56401

- ❖ Questions regarding the RFP may be directed to Mr. Jim Thoreen. Please email questions to; jthoreen@ci.brainerd.mn.us

- ❖ A summary of all questions and responses will be provided to requesting respondents five (5) days prior to the proposal due date. Following issuance of questions and responses, no other inquiries will be accepted.
- ❖ The City does not require any specific format for the proposal other than responding to the general expectations; we defer to the individual firm as to preferred format. The City requires submission of examples of at least two (2) similar projects accomplished in other public sector entities within the past 3 years.
- ❖ Respondents shall include a lump sum fee, or hourly with a maximum total, for the services outlined. Include an itemized amount for reimbursable expenses and any known items excluded from that amount.
- ❖ Projected timeline:
 - a. April 17, 2017: City Council committee or full council reviews and considers RFP's and will direct staff regarding the need or desire to interview respondents.
 - b. April 24, 2017: If deemed appropriate by Council, interviews of respondents
 - c. May 1, 2017: Anticipated award of contract
 - d. June 30, 2017: Submit final report and findings to City Council

D. Deliverables

- a. At the conclusion of the assessment the consulting team will provide to the City 15 copies of a comprehensive written report which portrays in print and photos:
 - Findings regarding Items 1-10 listed above
 - Prospective time frame to address all major issues in the next 10 years, with concentration on the critical issues which warrant immediate or near-term solutions.
 - Recommendations which may not be requested by the City but which the firm believes to be critical to long-term planning.

CONTRACT AWARD

- ❖ The City of Brainerd reserves the right to award the contract to the most responsible team which meets the needs of the City as ascertained by the City Council and Staff. Total cost to the City will not be the sole factor in the award. **This is not a bid.** Award will be based on the qualifications of the consulting team, proximity of their main office to Brainerd and experience with similar projects.

The successful firm(s) will enter into a single AIA contract, or similar contractual language akin to the AIA family of documents.

Attachment – list of buildings; 1 page

ADDRESSES OF CITY OF BRAINERD PROPERTIES

1. City Hall 501 Laurel Street
2. City Hall Annex (adjoining City Hall)
3. Main Fire Station 23 Laurel Street
4. North Fire Station 1305 Mill Avenue
5. Street & Sewer Dept. 724 Thiesse Drive
6. Library 416 So. 5th Street
7. Police Station 225 East River Road
8. Parks Department 1619 NE Washington Street (main office)
9. Parks Containing Structures and/or Buildings:
 - a. Gregory
 - b. Lum
 - c. Bane
 - d. Buffalo Hills
 - e. Jaycees
 - f. Kiwanis
 - g. Memorial
 - h. Mill
 - i. Gustafson
 - j. Buster Dog Park



Brainerd City Council Agenda Request

Pd F 8
Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Reconsideration of 2018 State Bonding Requests

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: The Council has indicated in past action that the list of State Bonding projects include the Cuyuna Trail and the Old Water Tower. Given the unknown nature of a 2017 Bonding bill, attributable to the failure of the Legislature to pass a bill in 2016, it is appropriate to re-visit our priorities.	
Alternatives, Options, Effects on Others/Comments: General discussion among several Council members indicates that a revised list of priorities for 2018 bonding prospects include: Extension of the Cuyuna Trail through the City but that the Riverfront Redevelopment Plan be linked to it. Such an application will demonstrate also connectivity to the Paul Bunyan Trail. When the State Bonding Committee members visit our City we will carefully guide them to this all-encompassing approach to community development and a major new aspect of North Central Minnesota tourism improvements.	
Recommended Action/Motion: On motion of ____, seconded by ____ the Council directs the Administrator and staff to prepare a calendar of events to yield in a timely manner invitations to the Minnesota Legislature for visitation to the proposed expansion of the Cuyuna Trail and the associated development along the Mississippi Riverfront in Brainerd as the primary projects for state bonding allocations in 2018.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ unknown, ____ Is this budgeted? ☒ Yes ☐ No Staff and special vendor support funded by Council Special Projects Please Explain:	



Brainerd City Council Agenda Request

7A

Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: MS4 Annual Public Hearing and Presentation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Paul Sandy, Assistant City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy - Assistant City Engineer	Estimated Time Needed: 20 Minutes
Summary of Issue: As a requirement for our municipal separate storm sewer permit as issued by the MPCA, I will be giving a short presentation on our storm sewer system and our MS4 permit. This will also be a part of our informational presentations to council as we have done for the streets and sanitary sewer at previous meetings.	
Alternatives, Options, Effects on Others/Comments: The hearing gives a chance for the public to speak on stormwater related issues within the City.	
Recommended Action/Motion: Staff would recommend holding the public hearing as per the MS4 permit.	
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>	

NOTICE OF ANNUAL STORMWATER PUBLIC MEETING

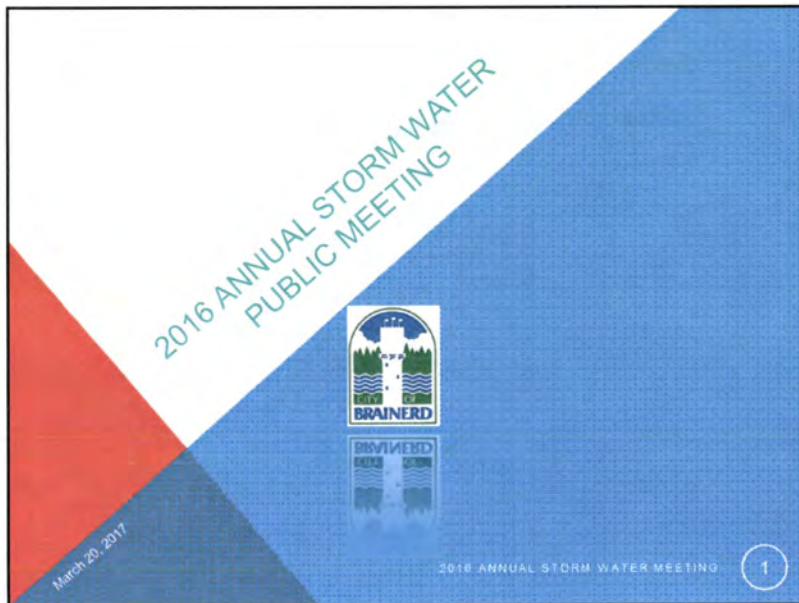
NOTICE is hereby given that the City Council of the City of Brainerd will hold the Annual Stormwater Public Meeting in the Council Chambers of the City Hall, 501 Laurel Street, Brainerd, Minnesota 56401 at 7:30 p.m. on Monday, March 20, 2017. Any person wishing to express an opinion on the matters to be considered will be heard orally or in writing.

Dated this 7th day of February, 2017



JAMES THOREEN
City Administrator
City of Brainerd, Minnesota

Publish Brainerd Dispatch February 10, 2017 (once)



PURPOSE OF THE MEETING



- To educate the public on the importance of storm water management
- Give an overview of the City of Brainerd's storm sewer system
- To give an update on the status of compliance with the Municipal Separate Storm Sewer System (MS4) Permit conditions
- Allow the public to comment on the SWPPP (Stormwater Pollution Prevention Plan) or implementation procedures

March 20, 2017

CITY OF BRAINERD

2016 ANNUAL STORM WATER MEETING

2

MS4 (MUNICIPAL SEPARATE STORM SEWER SYSTEM) MS4 PERMIT



- Issued Every 5 years by MPCA (Minnesota Pollution Control Agency) to City's/Townships with over 5,000 population.
- Permit regulates the discharge of stormwater into waters of the state.
- Requires that the permittee implement a SWPPP (stormwater pollution prevention plan).
- Requires that the permittee implement minimum control measures and standard operating procedures to reduce stormwater pollutants entering the MS4.



March 20, 2017

2016 ANNUAL STORM WATER MEETING

3

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

- City developed a SWPPP to address six minimum control measures set by MPCA
 - Public Education & Outreach
 - Public Participation & Involvement
 - Illicit Discharge Detection & Elimination
 - Construction Site Runoff Controls
 - Post-Construction Storm Water Management
 - Pollution Prevention/Good Housekeeping
- Goal of the SWPPP is to create Best Management Practices (BMP's) which will reduce or eliminate sediment and other pollutants from our lakes, rivers, and wetlands
- City of Brainerd's SWPPP contains 44 BMP's



March 20, 2017

2016 ANNUAL STORM WATER MEETING

4

STORM SEWER SYSTEM OVERVIEW

- **Total Pipe in System**
 - 301,300 LF (57 Miles) – Ranging in Size from 8" to 60"
 - Most is Reinforced Concrete Pipe
- **Structures**
 - 2,528 Catch Basin Structures
 - 578 Storm Manholes
- **Outfalls**
 - 84 Storm Sewer Outfalls (generally to Mississippi River, Little Buffalo Creek, or lowlands)
- **Other Stormwater Structures**
 - 43 Wet Detention Ponds - Used for treatment of stormwater before discharge
 - 32 Private Infiltration or Detention Ponds - Required per Section 725 City Code
 - 19 Rain Gardens – Used for sediment/phosphorus removal from run-off



March 20, 2017

2016 ANNUAL STORM WATER MEETING

5

STORM SEWER FUND

- Upgrades to City of Brainerd storm sewer system are made through the Storm Sewer Fund
- Residential Properties are all charged 1 REU
- 1 Residential Equivalency Unit (REU)= \$3.15 (2017)
- Commercial/Industrial Properties Fees are based on 1 REU per 1/12 Acre of Impervious surface, or 12 REU's per Acre.
- Total Current REU's: 3,637 Residential
4,979 Commercial/Industrial
- Rate/REU planned to increase to \$3.30 in 2018.



March 20, 2017

2016 ANNUAL STORM WATER MEETING

6

MS4 ACCOMPLISHMENTS THAT HAVE BEEN COMPLETED IN THE LAST YEAR

- **Inspected 39 outfalls** – Required to inspect 20% of total/year
- **Inspected 13 ponds** – Required to inspect 20% of total/year
- **Inspected 5 Stockpiles** – Required to inspect 4 times/year
 - 4x each
- **Inspected 19 Rain Gardens** – Required to inspect 4 times/year
 - 4x each
- **Performed Maintenance as needed**



March 20, 2017

2016 ANNUAL STORM WATER MEETING

7

MS4 ACCOMPLISHMENTS THAT HAVE BEEN COMPLETED IN THE LAST YEAR

- **Conducted 31 formal erosion and sediment control site inspections on construction sites** (done as part of building permit inspections)
- **Cleaned 155,255 LF of sanitary sewer**
- **Swept 1,006 CY of material from streets** (Spring/Fall)
- **Finished/Performed Maintenance on Rain Gardens at Lum Park and Gregory Park**



March 20, 2017

2016 ANNUAL STORM WATER MEETING

8

MS4 ACCOMPLISHMENTS THAT HAVE BEEN COMPLETED IN THE LAST YEAR

- Updated Section 430 and 725 of Brainerd City Code to reflect changes in the new MS4 Permit
- Adopted Standard Operating Procedures for Minimum Control Measures as Outlines in the permit pertaining to:
 - Construction Site Erosion and Sediment Control
 - Spill Response
 - Illicit Discharge Detection and Elimination
 - Pollution Prevention and Good Housekeeping for Municipal Operations
- These are all posted on the website.
- <http://www.ci.brainerd.mn.us/183/Stormwater>



March 20, 2017

2016 ANNUAL STORM WATER MEETING

9

UNFINISHED TASKS FOR MS4 COMPLIANCE



- Address salt storage issue at Street Department Facility to meet Stockpile BMP



March 20, 2017

2016 ANNUAL STORM WATER MEETING

10

MS4 ITEMS FOR NEXT YEAR

- Create maintenance schedules for permanent stormwater BMP's (ponds, rain gardens, outfalls)
- Perform yearly inspections of storm ponds, outfalls, rain gardens, and stockpile/material handling areas.



March 20, 2017

2016 ANNUAL STORM WATER MEETING

11

MS4 ITEMS FOR NEXT YEAR

- Work with field staff in detection and reporting of Illicit Discharges into the MS4
 - Engineering
 - Street & Sewer
 - Parks Department
 - Police Department
 - Fire Department
 - Brainerd Public Utilities
 - Water
 - Wastewater
 - Electric
 - Develop Materials and Schedule
- Train staff on new Standard Operating Procedures pertaining to Good Housekeeping Practices for Municipal Operations and Illicit Discharge Detection and Reporting



March 20, 2017

2016 ANNUAL STORM WATER MEETING

12

TASKS FOR NEW MS4 PERMIT

- Work with Baxter and Crow Wing County SWCD on Public Education and Outreach
- Create new materials for handouts/brochures and schedules for implementation

GENERAL OPERATIONS
 The permittee shall maintain the MS4 system in good working order and shall be responsible for the collection, conveyance, and treatment of stormwater. The permittee shall also be responsible for the maintenance of the MS4 system and the collection, conveyance, and treatment of stormwater. The permittee shall also be responsible for the maintenance of the MS4 system and the collection, conveyance, and treatment of stormwater.

ONLY RAIN DOWN THE DRAIN

City of Brainerd

STORM WATER POLLUTION PREVENTION

EROSION AND SEDIMENT CONTROL

City of Brainerd
 City Hall
 501 Laurel Street
 Brainerd, MN 56601
 Phone 763.838.3366
 Fax 763.838.3369
www.cityofbrainerd.com
stormwater@cityofbrainerd.com

Storm Water Information
www.ci.brainerd.mn.us
stormwater@cityofbrainerd.com

March 20, 2017

2016 ANNUAL STORM WATER MEETING

13

QUESTIONS OR COMMENTS?



March 20, 2017

2016 ANNUAL STORM WATER MEETING

14



Brainerd City Council Agenda Request

7B
Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Ordinance Amended Section 1315 - Hearing/2nd Reading/Adoption

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Jeff Hulsether	Department: Engineering
Presenter (Name & Title): Jeff Hulsether	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is a copy the Ordinance amending Section 1315 of the City Code pertaining to parking for street cleaning and snow removal.	
Alternatives, Options, Effects on Others/Comments: The draft Ordinance was reviewed at the February 21st meeting, after which minor amendments were made. The first reading occurred on March 6th.	
Recommended Action/Motion: Staff is recommending that the council conduct a Public Hearing to consider the proposed Ordinance amendment, have the 2nd reading of the Ordinance, and adopt the Ordinance.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

**ORDINANCE
NO. _____**

**AN ORDINANCE AMENDING SECTION 1315 OF THE
BRAINERD CITY CODE PERTAINING TO PARKING
FOR STREET CLEANING AND SNOW REMOVAL**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 1315.03 be amended by deleting the first paragraph of the Section in its entirety and substituting in lieu thereof the following:

1315.03 Snow Removal Parking Regulations. In the event of an accumulation of snow which necessitates the removal of snow from the streets of the City, the City Engineer may declare a Snow Plowing Parking Restriction by means of the local news media and social media. Upon declaration of a Parking Restriction, there shall be no parking of motor vehicles, trailers, or conveyances, on all city streets, except within the Downtown Special Services District, between the hours of 5:00 a.m. and 7:00 p.m. or until the street has been plowed full width.

SECTION TWO: That Section 1315.03 Subd.1 be amended by deleting the Section in its entirety and substitute in lieu thereof the following:

Subd. 1. Downtown Special Services District Snow Removal Parking Regulations. That during Downtown Snow Plowing Parking Restrictions there shall be no parking of motor vehicles, trailers and conveyances on the streets in the City's Downtown Special Services District, within the area bounded by the railroad tracks on the north, Maple Street on the south, South Eighth Street on the east, and South Sixth Street on the west, between the hours of 3:00 a.m and 9:00 a.m. or until the snow has been removed from the street and sidewalks on that block.

SECTION THREE: That Section 1315.03 Subd. 4 be amended by deleting the Section in its entirety and substituting in lieu thereof the following:

Subd. 4. Parking Regulation Enforcement. When an accumulation of snow that necessitates snow removal exceeds 4 inches, vehicles that are plowed around will be in violation of this Section and ticketed accordingly. Vehicles that are ticketed and not moved within 48 hours will be in violation of Section 1310.05 r of the City Code and towed. Vehicles parked in violation of Subdivision 1 of this Section shall be ticketed and towed at the owners expense.

SECTION FOUR: This Ordinance shall take effect and be in full force on November 1, 2017.

Adopted this _____ day of _____, 2017

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

7C

Agenda Item #

Requested Meeting Date: March 6, 2017

Title of Item: Riverfront Workshop

☐ 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: Jim Thoreen	Department: Administration
Presenter (Name & Title): City Administrator Thoreen	Estimated Time Needed: 5 minutes
Summary of Issue: The Riverfront Committee would like to make a presentation to the City Council. The suggested dates for the workshop are Monday, April 10, 2017 or Monday, April 24, 2017.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Set a date and time for workshop to discuss the Riverfront project.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

8A

Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: Administrator's Report

☒ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: Attached please find the following correspondence: a.) Thank you letter from the Initiative Foundation; b.) Correspondence from MPCA authorizing BPU additional acreage for disposal of biosolids; c.) an invitation from NJPA for (2) representatives from the Council to attend the April 12th meeting of the NJPA's Representative Assembly at Maddens.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

(320) 632-9255
405 First Street SE
Little Falls, MN 56345



ifound.org

March 6, 2017

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

RECEIVED

MAR 10 2017

CITY OF BRAINERD
ADMINISTRATION

Dear Mr. Thoreen, Mayor Menk and Council Members,

We have received your 2017 appropriation, in support of the work of the Initiative Foundation, in the amount of \$5,350. **Thank you!**

Together, we work to build strong local economies and vibrant communities in Central Minnesota. Your investment supports economic development through business financing activities designed to create living-wage jobs, diversify economies and leverage private sector investment. Communities are strengthened through signature leadership training and capacity building programs, grants to local units of government and nonprofit organizations, early childhood initiatives, and scholarships. This work will provide lasting impact on the health of the region and the future of rural Minnesota.

We truly value your partnership and your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matt'.

Matt Varilek
President

A handwritten signature in black ink, appearing to read 'Carrie'.

Carrie Tripp

Vice President for External Relations

*We appreciate your leadership and service
to Brainerd and the region!
Thank you.*

*I look forward to
working with you!*



Powering Possible

Equal opportunity lender, provider and employer.



Minnesota Pollution Control Agency

Brainerd Office | 7678 College Road | Suite 105 | Baxter, MN 56425 | 218-828-2492

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

March 10, 2017

The Honorable Ed Menk
Mayor, City of Brainerd
501 Laurel Street
Brainerd, MN 56401

RECEIVED

MAR 15 2017

**CITY OF BRAINERD
ADMINISTRATION**

Dear Mayor Menk:

This letter is written to notify you that the biosolids land application site submitted to the Minnesota Pollution Control Agency (MPCA) by the City of Brainerd, permit number MN0049328, on January 18, 2017, has been approved for this purpose. Site approvals are enforceable to the same extent as a permit.

The approved site located in Long Lake Township, Township 44 North, Range 30 West, Crow Wing County, is:

Site DT-4, 17.7 acres in the E ½ of Section 5

The site was reviewed and determined suitable by the MPCA for land application of biosolids. Applicable standards and management practices of Minn. R. ch. 7041 must be followed. Any proposed changes to management practices specified in this letter must be requested in writing and approved by the MPCA before the change is initiated.

If you have any questions, please contact Sherry Bock at 218-316-3882.

Sincerely,

A handwritten signature in black ink that reads "Sheryl Bock".

Sheryl Bock
Environmental Specialist
Municipal Division

SB:jmw

cc: Gregg Kropp, City of Brainerd
Chris Pence, Crow Wing County Land Services
Patsy Olson, Long Lake Township
Dwight Thiesse
Loren Thiesse
Jeremy Sanoski, MPCA

www.njpacoop.org



202 12th Street NE
P.O. Box 219
Staples, MN 56479

RECEIVED

MAR 13 2017

CITY OF BRAINERD
ADMINISTRATION

March 9, 2017

To: NJPA Member Chief Executive Officers

Re: 39th Annual Meeting of the Representative Assembly

On April 12, 2017, the National Joint Powers Alliance® will hold their 39th Annual Meeting of the Representative Assembly at the Town Hall at Maddens near Brainerd. The program for this meeting is our annual Student Recognition awards whereby two students from each of our 24 member school districts have been nominated to be recognized.

NJPA's By-laws state "Each full-voting member government agency shall be entitled to select two (2) of its current board members to serve on the NJPA Representative Assembly." Please present the enclosed information at your next Board, Council, or Commissioner meeting and select one or two board members to represent your School District, City or County. These seats cannot be filled by a staff member of the district, city, or county. Additional tickets can be purchased for guests or staff for \$10 each. Please note in your email if you will need additional tickets.

Send the names of those selected along with their home address, phone, and email to Deb Cervantez at deb.cervantez@njpacoop.org by March 31, 2017.

National Joint Powers Alliance Representative Assembly Response Form

Please have your Board select one or two of their members to serve on the NJPA Representative Assembly for 2016-17. Please fill in their names, home addresses, phone numbers, and email below and return to NJPA, Attn: Deb Cervantez, 202 12th St. NE, PO Box 219, Staples, MN 56479. You can also email the requested information to deb.cervantez@njpacoop.org

The Annual Meeting is scheduled for April 12, 2017 in the Town Hall at Maddens near Brainerd. Registration begins at 5:00pm and call to order is at 5:25pm.

Thank you for your cooperation!

Representative Assembly Members' Names Form

School District, City, or County Name:

Elected Representatives' Names and Contact Information:

Name: _____

Home Phone: _____

Home Address: _____

City/State/Zip: _____

Email Address: _____

Name: _____

Home Phone: _____

Home Address: _____

City/State/Zip: _____

Email Address: _____



Brainerd City Council Agenda Request

88

Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: City Administrator Thoreen's Annual Performance Review

☐ 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: Council President Pritschet	Department: Council
Presenter (Name & Title): Council President Pritschet	Estimated Time Needed: 10 minutes
Summary of Issue: The annual performance review of City Administrator Thoreen will be during the regular council meeting on March 20, 2017.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Discussion item.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

9

PLANNING COMMISSION
Wednesday, March 15, 2017

#1 Call to Order

Planning Commission Chair Headley called the meeting of the Brainerd Planning Commission to order at 6:07 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Headley, Gorham, Burslie, and Lambert. Noted absent were Commissioner Antolak, Marohn and Turner. Also present were City Planner Ostgarden, City Administrator Thoreen and 1 other.

#2 Approval/Amendment of Agenda

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA AS PRESENTED.

#3 Approval of minutes of the regular meeting and workshop held on February 15, 2017

MOTION AND SECONDED BY COMMISSIONERS, DULY CARRIED, TO APPROVE THE MINUTES OF THE FEBRUARY 15, 2017 REGULAR PLANNING COMMISSION MEETING.

#4 NEW BUSINESS

- a) Public Hearing - Amend Zoning Ordinance to add the term "Boarding School" to Section 515-2 Definitions and Amend Section 63-2 or 63-6 General Commercial (B-4) District to add Boarding Schools as a Permitted Use or as a Conditional Use in the District.**

City Planner Ostgarden reviewed the Zoning Ordinance changes being considered. One change is to add the following boarding school definition:

"Boarding School – a school at which the pupils receive board and lodging during the school term."

The other change is to consider adding boarding schools as a permitted use or a conditional use in B-4 (General Commercial) Districts.

Headley Williamson spoke about the proposed boarding school and answered questions related to its operation. No one else spoke during the public hearing.

Motion by Lambert, second by Burslie to add *"Boarding School – a school at which the pupils receive board and lodging during the school year"* to Zoning Ordinance Section 2: Definitions. Duly carried.

MOTION BY BURSLIE, SECOND BY LAMBERT TO ADD BOARDING SCHOOLS AS A CONDITIONAL USE IN B-4 (GENERAL COMMERCIAL) DISTRICTS.

Commissioner Lambert preferred the conditional use permit option because she thought the community should have an opportunity to learn about the use and offer public input. She also thought that rather than rezone the Holiday Inn property, where a boarding school is proposed, to a residential zone, in the event the boarding school does not occur, the B-4 zoning would remain in place and could continue to be marketed as commercial property.

Commissioner Burslie stated that should the former Holiday Inn property become a boarding school, it would not be subject to property tax and would be unfortunate to lose the property tax revenue.

#5 PUBLIC FORUM - None

#6 OLD BUSINESS

- a) Sober Houses
- b) Bee Keeping in the City

City Planner Ostgarden reviewed the 2 options to amend the City Code to allow bee keeping in the community. One is to amend City Code Section 515 Zoning Ordinance. This process includes the Planning Commission who would review draft language; conduct a public hearing to consider adding the use to the Zoning Ordinance and make recommendation to the City Council on adding it to the Zoning Ordinance.

The other option is to amend City Code Section 900 Animals to add bee keeping to this section. This would be a City Council process to amend the City Code. The Planning Commission would be part of the process should the City Council desire a recommendation from the Planning Commission on possible language, which it has done with bee keeping.

City Planner Ostgarden reviewed draft language to permit bee keeping highlighting key elements of the draft. He reviewed:

- Districts in which bee keeping would be permitted
- Number of allowed hives based on lot size
- Sale of honey
- Hive location on a property
- Bee keeping education verification
- Permit to operate.

MOTION BY BURLIE, SECOND BY GORHAM, DULY CARRIED, TO RECOMMEND "BEE KEEPING" BE ADDED TO THE ANIMAL SECTION OF THE CITY CODE AND THAT THE DRAFT LANGUAGE, IN THE MARCH 8 STAFF REPORT, BE CONSIDERED FOR ADOPTION.

Commissure Gorham suggested that this is similar to allowing chickens. He thought the regulations should be included in that section of the City code. He supports the opportunity for residents to provide for themselves and also having small home businesses.

- c) Community Survey

#7 COMMISSIONERS' QUESTIONS/COMMENTS

#8 CITY PLANNER'S REPORT

#9 ADJOURN

Respectfully submitted,

Mark Ostgarden AICP, City Planner



Brainerd City Council Agenda Request

9A

Agenda Item #

Requested Meeting Date: March 20, 2017

Title of Item: 1st Ordinance Reading – ZTA to add "Boarding School" definition and add Boarding Schools as a Conditional Use

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5-10 minutes
Summary of Issue: A request has been submitted to amend the Zoning Ordinance language to permit boarding schools in the community. The proposal is to add a "boarding school" definition to Zoning Ordinance Section 2: Definitions and to amend Zoning Ordinance Section 63:6 - B-4 (General Commercial) District to permit boarding schools as a conditional use. Attached is the minutes from the March 15, 2017 Planning Commission meeting and the ordinance for 1st reading consideration that amends the Zoning Ordinance.	
Alternatives, Options, Effects on Others/Comments: Option 1. Do not amend the Zoning Ordinance which will not permit the use. Option 2. Amend the Zoning Ordinance add a "boarding school" definition and amend the Zoning Ordinance to add boarding school as a conditional use.	
Recommended Action/Motion: The Planning Commission recommends adding the "boarding school" definition and adding boarding schools as a B-4 (General Commercial) District conditional use.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

ORDINANCE
NO. _____

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTIONS 515-2-2 AND 515-63 REGARDING BOARDING SCHOOLS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 515-22-2 – Definitions shall be amended by adding the following:

515-22-2: Definitions. The following words and terms, wherever they occur in this Ordinance, shall be interpreted as herein defined:

Boarding School – a school at which the pupils receive board and lodging during the school term.

SECTION TWO: That Section 515-63-2 – Permitted Uses shall be amended by adding the following:

515-63-6: Conditional Uses.

R. Boarding Schools

SECTION THREE: All other provisions of Section 515-22 and 515-63 shall remain in full force and effect.

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

Adopted this ____ day of _____, 2017

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of _____, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One Time, _____

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: March 6, 2017

RE: Zoning Ordinance Text Amendment Hearing - Boarding Schools

At its February meeting, the Planning Commission directed staff to prepare a Zoning Ordinance public hearing notice to consider allowing boarding schools in the community. Based on the Planning Commission discussion, the public hearing will be to consider adding a "boarding school" definition to the Zoning Ordinance and to consider adding the use as one allowed by right or by conditional use in B-4 (General Business) Districts.

Following is the definition that would be included in Zoning Ordinance Section 515-2
Definitions:

"Boarding School - a school at which the pupils receive board and lodging during the school term."

The B-4 (General Business) District amendment options in the notice are Zoning Ordinance Section 515-63:

63-2: *Permitted Uses.*

AA. BOARDING SCHOOLS

Or

63-6: *Conditional Uses.*

R. BOARDING SCHOOLS

If approved, attached is a copy of each section depicting how the amendments would be added to Section 2 and Section 63.

Amending the B-4 District is the most practical change to permit the use. Should the amendment be approved and the boarding school does not come to fruition, the property retains its B-4 zoning for future commercial use.

Amending the B-4 District will permit boarding schools in any B-4 District in the community. While this is a possibility, the probability is low that another boarding school will locate in Brainerd.

Permitting the use as a conditional use is a better method to allow the use. Doing so will permit the neighborhood and community an opportunity to learn more about this type of use and its operations. Because the use has a residential element, it will provide an opportunity to address compatibility with adjacent uses (presumably commercial) and surrounding neighborhoods (presumably residential). The community has the ability to require standards beyond what might already be in the Zoning Ordinance to protect community health, safety and welfare.

Should the Planning Commission recommend the use be permitted by right, the use would be approved through the staff administrative review process. The Zoning Ordinance does include a number of standards with which the use would be required to comply. They include:

Exterior Building Materials. Exterior Building Materials - B-1, B-2, B-4, B-5 and B-6 Zoning Districts.

All exterior wall surfaces shall be a combination of materials including brick, dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent.

Building additions of less than fifty (50) percent of the gross floor area of the existing structure may use the same as the existing structure. Building additions, remodeling, replacement or reconstruction of fifty (50) percent or greater, shall conform to the standards in this section.

Greenspace.

New developments shall designate a minimum of fifteen (15) percent of the total site area for green space.

Screening.

A six (6) foot high fence or landscaped screen, providing eighty (80) percent year around opacity, shall be required wherever a non-residential use abuts directly upon land zoned or used for residential purposes or is across an alley from land used or zoned for residential purposes.

All exposed parking areas of ten (10) or more required spaces in a front and side street yard shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year round fifty (50) percent opacity.

Screening of Equipment.

Ground mounted mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, air conditioners, and similar equipment shall be screened on all sides except those facing a building. An eighty (80) percent opacity visual screen

*shall exceed the vertical height of the equipment being screened by at least six (6) inches.
A three (3) foot open area shall be maintained around such equipment to facilitate repairs.*

Off street parking is no longer a requirement in the B-4 District Permitted Uses. The Zoning Ordinance specifies the following minimums:

Schools, Elementary and Junior High.

One (1) space for each classroom plus one (1) additional space for each three hundred (300) students, plus one (1) space for each employee, plus one (1) space for each four (4) seats in auditorium.

School, High Schools, Colleges and Universities.

At least one (1) parking space for each two (2) students based on the design capacity plus one (1) space for each classroom. Auditorium or event space shall be subject to separate, additional calculations.

Should the use be recommended as a permitted use, the recommendation may want to include a minimum off street parking standard. An example from a city that does regulate boarding schools is:

One car space for each teacher and/or employee plus one car space for every four students/residents.

A copy of the published hearing notice is attached.

SECTION 2 RULES AND DEFINITIONS

Auto or Motor Vehicle Wrecking Yard. A lot or yard where one (1) or more unlicensed motor vehicle(s), or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage, or abandonment. (See also "Junk Yard".)

Awning. A roof like cover, often of fabric, plastic, metal or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which projects over a door shall be counted as an awning.

Basement. Any area of a structure, including crawl spaces, having its floor or base sub grade (below ground level) on at least three sides, regardless of the depth of excavation below ground level.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Bluff. A topographic feature such as a hill, cliff, or embankment having all of the following characteristics:

1. Part or all of the feature is located in a shoreland area.
2. The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body.
3. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater.
4. The slope must drain toward the water body.

Board of Zoning and Appeals. Brainerd City Council.

Boarding House (Rooming or Lodging House). A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodgings are provided for three (3) or more persons, but not to exceed twenty (20) persons.

BOARDING SCHOOL - A SCHOOL AT WHICH THE PUPILS RECEIVE BOARD AND LODGING DURING THE SCHOOL TERM.

Brew Pub – A restaurant and brewery that brews less than 3,500 barrels of beer per year for sales on the premises provided the beer is sold for consumption on the premises and not sold to other bars, restaurants or wholesalers, except that an establishment licensed under Minnesota Statutes 304A.301, Subdivision 6D may sell “growlers” off-sale with appropriate City licenses.

SECTION 63
B-4, GENERAL BUSINESS DISTRICT

515-63-1: Purpose and Intent. The purpose of the General Business District is to allow more intensive commercial uses that require extensive highway access for customer contact.

515-63-2: Permitted Uses.

- A. Government and public buildings, utilities and/or structures.
- B. Financial institutions such as banks and credit unions.
- C. Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:
- D. Liquor sales, on and off sale.
- E. Office business – clinic such as general medical clinics, medical labs, mental health providers, chiropractors, dentists, orthodontia, oral surgeons, opticians, physical therapy and other out-patient treatment.
- F. Office business – general such as professional administrative or clerical service operations such as attorneys, financial advisors, insurance, travel and real estate.
- G. Personal services such as barber shops, beauty salons, nail salons, tanning salons, therapeutic massage and tattooing.
- H. Recreational businesses - indoor.
- I. Restaurants – sit down, take out or delivery (Drive-up window requirements are listed in Accessory Uses).
- J. Retail businesses contained within a principal building.
- K. Business or trade school when conducted entirely within a building.
- L. Places of worship and related buildings.
- M. Theaters – except drive-in.
- N. Cultural facilities such as museums, art centers, or art institute.
- O. Repair services limited to jewelry and radio and television/household appliance repair shops.
- P. On-site service businesses limited to tailoring/alterations, dry cleaners, self-service laundry and copy centers.

- Q. Pawn shops.
- R. Music, art, decorating, photography and dance studios.
- S. Taxi or bus dispatch sites.
- T. Adult Uses as regulated by Section 33 of this Ordinance.
- U. Essential services as regulated by Section 36 of this Ordinance.
- V. Equipment rental (indoor).

W. BOARDING SCHOOLS (IF RECOMMENDED AS USE BY RIGHT)

515-63-3: Accessory Uses.

- A. Uses incidental to the principal uses such as off-street parking as regulated by Section 17 of this Ordinance.
- B. Loading and unloading areas subject to the provisions of Section 23 of this Ordinance.
- C. Signs as regulated by Section 37 of this Ordinance.
- D. Fences as regulated by Section 19 of this Ordinance.
- E. Commercial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
- F. Drive-up service facilities provided that:
- G. Outside services, sales, and equipment rental accessory...
- H. Radio and television receiving antennas, satellite dishes,...

515-63-4: Uses by Administrative Permit.

- A. Temporary outdoor promotional events and sales...
- B. Seasonal Non-Agricultural Merchandise Sales
- C. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

515-63-5: Interim Uses.

None.

515-63-6: Conditional Uses.

- A. Armories provided that:
- B. Automobile and truck repair - major and minor (including body shops) provided that:
- C. Commercial car washes (drive-up, mechanical and self-service) provided that:
- D. Hospitals provided that:
- E. Motor vehicle fuel sales provided that:
- F. Outdoor sales and/or rental lot limited to lumber yards, motor vehicle and boat sales/rental, construction and landscaping sales/rental and farm implement sales/rental provided that:
- G. Planned Unit Development (PUD) (including shopping centers) as regulated by Section 11 of this Ordinance.
- H. Outdoor dining facilities accessory to a restaurant provided that:
- I. Small engine and boat repair provided that:
- J. Animal hospital or clinic and kennels provided that:
- K. Light manufacturing.
- L. Radio and television studios.
- M. Outdoor storage as an accessory use provided that:
- N. Colleges and universities provided that:
- O. Auto dealership provided that:
- P. Commercial day care facilities are regulated by Section 29 of this Ordinance.
- Q. Department of Human Services (DHS) licensed Drug and Alcohol Treatment and Recovery Facilities and Unlicensed Drug and Alcohol Treatment and Recovery Facilities that are substantially the same in character as a DHS licensed program of longer duration but not to exceed eighteen (18) months.

R. BOARDING SCHOOLS (IF RECOMMENDED AS A CONDITIONAL USE)

515-63-7: Lot Area and Setbacks Requirements.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Brainerd Planning Commission has initiated a public hearing to consider input on adding the following definition to Zoning Ordinance Section 515-2 Definitions:

"Boarding School – a school at which the pupils receive board and lodging during the school term."

And to consider the following options to allow boarding schools as a use allowed in Zoning Ordinance Sections 515-:

63-2: Permitted Uses.

AA. BOARDING SCHOOLS

Or

63-6: Conditional Uses.

R. BOARDING SCHOOLS

A copy of the proposed Zoning Ordinance amendments can be obtained by contacting the City of Brainerd Planning Department at 218-828-2309.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, March 15, 2017 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider amending the Zoning Ordinance.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 1th day of March, 2017

Mark Ostgarden AICP
City Planner

Publication Date: March 3, 2017