

CITY COUNCIL AGENDA

Brainerd, Minnesota

April 3, 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 – 7:30 P.M.**
- 2. Roll Call**
- 3. Pledge of Allegiance**
- 4. Approval of Agenda (Voice Vote)**
- 5. Consent Calendar (NOTICE TO PUBLIC) – All matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion (Roll Call)**
 - A. Approval of the Minutes of the Regular Meeting held on March 20, 2017 (See Attachment)**
 - B. Approval of Licenses – (See Attachment)**
 1. Contractor's Licenses – 1 – New and 1- Renewal
 - C. Department Activity Reports – (See Attachments)**
 1. Fire Chief
 2. Park Director

- D. Minnesota Lawful Gambling – Adopt a Resolution Authorizing the Brainerd Aeries Eagles #287 to Conduct Off-Site Gambling on April 22- April 23, 2017 at Memorial Park, 1700 Mill Avenue, Brainerd, MN – Approval of
- E. Temporary On-Sale Liquor License Application – Submitted by the Elks Governing Body for an Event to be Held on May 3, 2017 at the Brainerd National Guard Armory, 1115 Wright Street, Brainerd – Approval of
- F. Adopt Resolution Concluding Solar Energy Application (See Attachment)

6. **Council Committee Reports**

A. **Safety and Public Works Committee Report**

- 1. Improvements 14-01, 14-03 & 16-13 – Adoption of Resolution Accepting Bids (Roll Call)
- 2. Improvements 14-01, 14-03 & 16-13 – Accept proposals from Braun Intertec for material sampling and testing
- 3. Request from Northern Pacific Center
- 4. Improvement 14-08 – Authorize Final Payment
- 5. Walkable Bikeable City Committee (WBCC) - Non-Motorized Transportation Plan (NMTP) Tier I Priorities

B. **Personnel and Finance Committee Report**

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

Contractor	IMP #	Project	Amount	Total Retained
CWC Highway Dept	14:08	CSAH 45 (13 th Street)	\$621,620	\$0

- 2. Police Officer Request to Hire
- 3. City Engineer Hiring Process Update
- 4. Administrative Specialist - Administration Department Hiring Process Update
- 5. Upgrade to Council Chambers Audio System
- 6. Paxmar Development Update
- 7. Status of Actions on Downtown Properties

7. Unfinished Business

A. Public Hearing – Final Reading of Proposed Ordinance No. 1463 – Zoning Ordinance Text Amendment:

- 1. Amend Section 2: Definitions – Add “boarding school” Definition**
- 2. Amend Section 63-6: B-4 (General Commercial) District – Add Boarding Schools as a Conditional Use**
 - a. Hold Public Hearing
 - b. Consider Testimony and Alternatives
 - c. Hold Final Reading of Ordinance (Voice Vote)
 - d. Adopt Ordinance (Roll Call)

B. Council Review/Discussion of Retreat

C. 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 Report

- 1. Registration for June League of Minnesota Cities Conference**

B. Hold First Reading of Proposed Ordinance No. 1464 – An Ordinance Amending:

- 1. Section 900 of the Brainerd City Code – Animals**
- 2. Section 1010 of the Brainerd City Code – Licensing**

C. Community Survey Presentation

9. Planning Commission

A. Hold First Reading of Proposed Ordinance No. 1465 – Zoning Ordinance Text Amendment:

- 1. Amend Section 2: Definitions – Add “Dwelling, Short Term Rental Unit” Definition**
- 2. Amend Section 54-4 – R-1 (Single Family Residential) District; Amend Section 55-5 – R-1A (Single Family Residential) District; and Amend Section 56-4 – R-2 (Medium Density Residential) District – Adding Short Term Rentals as an Interim Use**

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 6:45 P.M.
Personnel and Finance Committee will meet at 6:45 P.M.

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

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

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

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

City Administrator Thoreen requested three resolutions be added to the agenda for consideration pertaining to legislation that has been purposed as part of the City Administrator's Report.

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

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

- A. Approval of the Minutes of the Regular Meeting held on March 6, 2017, as distributed – Approved**
- B. Approval of Licenses – Approved**
 - 1. Contractor's Licenses – 3 - Renewals
- C. Department Activity Reports – Approved**
 - 1. Mayor
 - 2. Police Chief
 - 3. Finance Director
- D. Acceptance of the Otto Bremer Trust Grant in the Amount of \$44,650 for the Brainerd Public Library and Authorize Proper Signatures - Approved**
- 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 – Approved**
- 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, MN – Approved**
- 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 – Approved**

H. Minnesota Lawful Gambling – Resolution No. 14:17 - 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 – Approved

I. Minnesota Lawful Gambling – Resolution No. 15:17 - 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 – 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.

Council Committee Reports

Safety and Public Works Committee Report

WBCC Non-Motorized Transportation Plan Tier I Recommendations - Informational

Committee Chair Bevans stated the Safety and Public Works Committee met with the Walkable Bikeable City Committee (WBCC) this evening. Tier I recommendations are projects to be done in the 2017-2019 timeframe. There is nothing on the construction schedule for 2017 from the WBCC recommendations. The process for going forward is that the Safety and Public Works Committee along with the WBCC will give their thoughts to staff which will be brought to council in the near future. This will allow for a greater prioritization of the projects, with more detail on the cost and the feasibility of the projects as the council works through the 2018 budget process.

Bee Keeping – Planning Commission Recommendation - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO DIRECT STAFF TO PREPARE LANGUAGE TO AMEND SECTION 900 TO PERMIT BEE KEEPING AND RECOMMEND THE ATTACHED DRAFT LANGUAGE AS PROPOSED BY THE PLANNING COMMISSION TO AMEND THE CODE.

Committee Chair Bevans stated the first reading of the proposed ordinance change will be at the April 3, 2017 council meeting.

Event Application – Rally4ShrinersKidz - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE APPLICATION FOR THE EVENT AS SUBMITTED.

Event Application – Lowell School Walk-A-Thon - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE APPLICATION SUBJECT TO THE CONDITION OF COORDINATING THE TRAFFIC CONTROL.

Improvement 17-02: 2017 Chip Seal – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE PLANS AND SPECIFICATIONS AS PROPOSED AND TO AUTHORIZE

STAFF TO BID IMPROVEMENT 17-02 WITH BID OPENING TO BE HELD ON APRIL 21, 2017 AT 10:00 A.M.

Resolution Opposing Small Cell Telecommunication Right of Way Use Bills – Adopted by Resolution No. 16:17

City Engineer Hulsether reported the bills introduced would allow small cell telecommunication equipment to be located within the public rights of way and on public facilities with little or no regulation and oversight by the public entities. The bills, in current form, undermine the City's ability to manage the rights of way and structures, and the ability to be reimbursed for the value and cost of managing our rights of way, and to protect the public. Not only do the bills limit the rights of the local jurisdictions to manage and regulate the rights of way, but also limits the local authority to regulate land use.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, TO ADOPT RESOLUTION NO 16:17 OPPOSING THE ADOPTION OF HF 739/SF 561, LEGISLATION WHICH WOULD PERMIT UNREGULATED ACCESS TO PUBLIC RIGHT OF WAY (PROW) FOR "SMALL CELL WIRELESS" EQUIPMENT.

RESOLUTION NO 16:17

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

Personnel and Finance Committee Report

Bills & Payments to Contractors - Approved

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

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

Committee Chair Johnson stated the council has approved \$1,269,640 for engineering services for the airport project, and we have spent \$1,239,228. Therefore, \$30,412 is remaining on what has been approved for the engineering 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.

Hiring Police Records Management Technician - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE HIRING OF MIRANDA LAMBERT FOR THE VACANT RECORDS MANAGEMENT TECHNICIAN POSITION EFFECTIVE MARCH 21, 2017 AT 85% OF THE BASE WAGE ACCORDING TO THE SALARY ADMINISTRATION PLAN STEP A \$20.21 PER HOUR, AND FURTHER TO AUTHORIZE HIRING A REPLACEMENT FOR MS. LAMBERT'S CSO POSITION AT THE ESTABLISHED CSO RATE OF PAY.

Authorization to Dispose of Decommissioned Police Cars - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, AUTHORIZE THE SALE OF DECOMMISSIONED POLICE DEPARTMENT VEHICLES 411 AND 499 UTILIZING ENTERPRISE.

Committee Chair Johnson stated that we have sold our decommissioned squads using other means, such as public surplus and other auction sites. This time we are going to sell the vehicles through Enterprise as this is a service they provide since we lease our vehicles from them.

Authorization to Dispose of 1997 Ford Van - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE SALE OF THE 1997 FORD VAN UTILIZING ENTERPRISE.

Retirement of City Engineer Hulsether - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT WITH REGRET THE RETIREMENT OF CITY ENGINEER JEFFREY HULSETH ER EFFECTIVE JUNE 9, 2017.

City Administrator Thoreen read Mr. Hulsther's letter. Mr. Hulsether has been with the City for over 30 years and his last day worked will be Friday, June 9, 2017. Mr. Hulsether stated it has been an honor and a privilege to have served the residents of the City of Brainerd, and he thanked all the elected officials and city staff that he has worked with over the years for their support and the wonderful memories that will last a lifetime.

Replacement Process for City Engineer - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO POST THE JOB POSTING INTERNALLY PER OUR EMPLOYEE POLICY MANUAL.

Committee Chair Johnson stated any qualified staff can apply for the position, applicants will be interviewed and then a recommendation will be made to council.

RFP for Facility Assessment – Direction Provided

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO GIVE ALL COUNCIL MEMBERS COPIES THE FACILITIES REPORT FROM 2016, AND WE WILL REVISIT THAT REPORT WITH THIS RFP AT A LATER DATE.

Discussion of 2018 Bonding Priorities - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO DIRECT THE ADMINISTRATOR AND STAFF TO PREPARE A CALENDAR OF EVENTS TO YIELD IN A TIMELY MANNER INVITATIONS TO THE VARIOUS LEGISLATIVE ENTITIES FOR VISITATION TO THE PROPOSED EXPANSION OF THE CUYUNA TRAIL AND THE ASSOCIATED DEVELOPMENT OF THE BRAINERD RIVERFRONT, SPECIFICALLY THE THREE BRIDGES TRAIL, AS THE PRIMARY PROJECT FOR STATE BONDING ALLOCATIONS IN 2018.

Unfinished Business

Public Hearing/Presentation – MS4 Permit – Annual Hearing to Review Stormwater Related City Activities – Assistant City Engineer Sandy – Informational

Assistant City Engineer Sandy stated the purpose of the presentation tonight is: to educate the public on the importance of storm water management; to give an overview of the City's storm sewer system; to give an update on the status of compliance with the Municipal Separate Storm Sewer System (MS4) Permit conditions; and to allow the public to comment on the Stormwater Pollution Prevention Plan (SWPPP). Mr. Sandy went over the goals completed during the past year and tasks planned for the upcoming year.

The Chair opened the public hearing at 8:10.

The Chair recognized Mr. Jim Runberg, 1205 Lakeview Lane, Brainerd, who has a project for the City concerning the storm run-off into the Mississippi River from Lakeview Lane.

The Chair closed the public hearing at 8:12.

Public Hearing – Final Reading 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 – Denied

The Chair opened the public hearing at 8:12 P.M.

The Chair recognized Mr. Rick Fargo, 1315 Maple Street, Brainerd. Mr. Fargo stated that one of issues that has not been addressed is the number of properties that do not have any off-street parking available to them.

The Chair recognized Mr. Jim Runberg, 1205 Lakeview Lane, Brainerd. Mr. Runberg, owns eight rental properties in Brainerd and is concerned because he owns several buildings that have been grandfathered in over the years that have no off-street parking. The ordinance would be a big inconvenience for residents and he hoped that this would be taken into consideration.

The Chair recognized Mr. Mike Higgins, 1801 Mill Avenue, Brainerd. Mr. Higgins stated that Brainerd has three things: branding, history, and the river. It is difficult to put some of the new regulations into an old town.

Chair closed the public hearing at 8:20 P.M.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE 1462 - AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1315 PERTAINING TO PARKING FOR STREET CLEANING AND SNOW REMOVAL.

Council Member Bevans stated there has been good comments tonight on how we can work with our residents and it would be wonderful if we could accommodate everyone's needs. However, we need to have some rules and give guidelines to staff, and the rules need to work for as many people as possible.

Council discussion followed on how we are communicating with our residents and if there is a different alternative to the ordinance in its current form.

Members Lambert and Bevans voted "aye". Members Badeaux, Johnson, Hilgart, Stunek, and Pritschet voted "nay". The Chair declared the motion failed.

Set Date and Time for Riverfront Workshop - Approved

MOVED AND SECONDED BY ALDERMEN STUNEK AND JOHNSON, DULY CARRIED, TO HOLD THE RIVERFRONT WORKSHOP ON MONDAY, APRIL 24, 2017 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS.

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

City Administrator's Report – Determine City Representative for NJPA's Annual Meeting

City Administrator Thoreen stated the NJPA annual meeting will be held on April 12, 2017 at Maddens. We are allowed two delegates to serve on the NJPA Representative Assembly. Additional tickets can be purchased if desired.

Council Member Lambert volunteered to attend the meeting. If anyone else can attend, please contact the City Administrator.

Resolution Opposing Adoption of HF 1105 – Expand Definition of "Open Meetings" - Adopted by Resolution No. 17:17

City Administrator Thoreen stated that House File 1105 is a bill that intends to expand the definition of open meetings. The League of Minnesota Cities has testified opposing this bill in its current form. It is the understanding that if a quorum of council members are at a social event, a graduation as an example, we could be considered to be in violation of the open meeting law if the event was not noticed.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, TO ADOPT RESOLUTION NO 17:17 OPPOSING THE ADOPTION OF HF 1105, A BILL INTENDED TO EXPAND DEFINITION OF "OPEN MEETINGS" UNDER MINNESOTA STATUTE 13D.

RESOLUTION NO 17:17

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

Resolution Opposing Adoption of HF 112 – Expand Opportunities to Petition Certain Leases of Public-Private Partnerships - Adopted by Resolution No. 18:17

City Administrator Thoreen stated House File 112 in its current form, seeks to expand opportunities for citizen petition for an election to approve certain leases for real property between a City and the HRA or EDA when property was obtained with bonds or other debt instruments. It is critical that options exist for cities to choose financing methods for projects that best suit the needs of the community even if the project may not have a popular support among some citizens. The resolution would therefore oppose the adoption of HF 112 in its current form.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, TO ADOPT RESOLUTION NO 18:17 OPPOSING THE ADOPTION OF HF 112 IN ITS CURRENT LANGUAGE.

RESOLUTION NO 18:17

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

Resolution Opposing Adoption of HF 654 and SF 1590 – Legislation to Allow for a Reverse Referendum for Local Property Tax Levies – Adopted by Resolution No. 19:17

City Administrator Thoreen stated if the legislation was enacted in its current form it would create untenable circumstances to adopt local property tax levies, which would be subject to a reverse referendum. Mr. Thoreen went through the timeline of the city adopting a levy and the potential impact this legislation could have on the process. The state of Minnesota's property tax system is already complicated and this would complicate it even further. There are other means to which the legislature can put a cap on levies if they so choose.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BADEAUX, TO ADOPT RESOLUTION NO 19:17 OPPOSING THE ADOPTION OF HF 654 AND SF 1590, LEGISLATION WHICH IF ENACTED IN PRESENT FORM WILL CREATE UNTENABLE CIRCUMSTANCES TO ADOPT LOCAL PROPERTY TAX LEVIES SUBJECT TO A REVERSE REFERENDUM.

Council Member Hilgart stated she would not support adoption of the resolution because she feels the bill does not specifically apply to cities, therefore it is not our business to weigh in on the bills.

RESOLUTION NO 19:17

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

City Administrator Thoreen's Annual Performance Review - Informational

Council President Pritschet explained the process that all council members completed an evaluation of City Administrator Thoreen and submitted the evaluation to the Council President. A report was then compiled, which President Pritschet shared with the council.

In looking at the 12 criteria: attendance and punctuality; attitude; professionalism; productivity; ability to organize; meeting deadline; ability to work with staff; ability to work with the

public; ability to follow instructions; communication; leadership; and cooperative abilities, Mr. Thoreen generally meets expectations across the board. Goals for the upcoming year and supervisor's comments were shared.

City Administrator Thoreen shared his self-evaluation of the same criteria. In all areas of criteria, Mr. Thoreen stated he feels that he meets requirements. Overall, Mr. Thoreen gave himself a grade of B-. Mr. Thoreen thanked the council for the opportunity to serve them and the residents of the City of Brainerd as their City Administrator.

Planning Commission

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 – Approved

City Planner Ostgarden reported the Planning Commission looked at the options it had to consider a recommendation to include boarding schools in the zoning ordinance. The Planning Commission's recommendation is to add the “boarding school” definition, and adding boarding schools as a B-4 (General Commercial) District conditional use. The Planning Commission felt it would be better to make it a conditional use rather than rezoning the property for several reasons. The reasons noted included if the project does not go through, we could potentially have to rezone the property back to commercial, and they felt that the conditional use permit offered the community the opportunity to learn about the use and to offer public input.

The Chair recognized Mr. Headley Williamson, 4630 Summit Pass Eagan, who spoke about the proposed boarding school and answered questions from council relating to its operation.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO 1463 – ZONING 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.

Council Member Johnson requested that the planning department get a reading on the noise level at the facility.

City Administrator Thoreen requested a map of other B4 districts be presented at the next reading as the proposed ordinance change would not just affect this particular property.

Public Forum

Chair opened public forum at 9:26 P.M.

The Chair recognized Mr. Mike Higgins, 1801 Mill Avenue, Brainerd. Mr. Higgins addressed the council on how his workings have been going with the new council and an update on how things going at B.I.C.

Chair closed the public form at 9:29 P.M.

Staff Reports

City Engineer Hulsether provided information on another piece of potential legislation. He reported House File 2412, in its current form, would remove a city's authority to establish special service districts. We are one of the cities in the state that does have a special service district. It is in our downtown area where we provide some additional snow removal and landscaping services.

Council President Pritschet directed staff to send a letter to our legislators, informing them that we have special service district in our downtown area that is popular and needed, and we would like to maintain the ability to have the special service district. No one opposed going this route at this time.

City Administrator Thoreen stated Council President Pritschet and Council Member Stunek will be attending the League of Minnesota Cities Legislative Day on Thursday, March 23, 2017. Mr. Thoreen also shared that the Mayor and himself visited briefly with staff members from the Coalition last Thursday, and an EDA meeting is to be held on Tuesday, March 21, 2017.

Council Member Reports

Council President Pritschet shared that the school hosted the national qualification speech tournament over the weekend.

Mayor Menk congratulated the adapted floor hockey team and all those involved with the team and with the welcome home.

Adjourn

The Chair adjourned the meeting at 9:34 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
April 3, 2017

5B

(1 New, 1 Renewal)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
PALMER WEST CONSTRUCTION COMPANY 14595 JAMES ROAD ROGERS, MN 55374 17-0136 (new)	(763) 428-1867	ROOF	1/1/2018	12/31/2017	
NORTH AIR HEATING & COOLING INC. 3141 BERWICK KNOLL BROOKLYN PARK, MN 55443- 17-0137	(218) 824-5809	MECH	9/1/2017	10/31/2018	MB004012 PC644504

Brainerd Fire Department

501

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: March 29, 2017
Re: March 2017 Fire Department Monthly Report, To Date

March was a month full of a variety of inspections. We conducted inspections for foster care homes, apartment buildings with the Rental Inspector and an event at the Essentia Health Sports Center.

We also had several wonderful public education events. One of those was the CLC Career Exploration Day. This event brings in high school students from around the area and gives them an opportunity to explore career options and learn more about them. There were more than 2,500 students from 24 participating school districts attending.



Like every month, training was an important part as we are always working to improve our skills and knowledge. We conducted SCBA Confidence training, Drafting and Pumping, High-Rise/Multi-Story Strategies and Tactics, Airport Rescue Firefighting, and Active Shooter response with area fire departments and law enforcement. FM/DC Cox also attended the MN International Association of Arson Investigators annual conference in St. Cloud.



Our newest firefighters; Erik Flowers, Nick Haglin and Steve Isle completed their Firefighter II training and testing. Fire Instructor and Fire Officer training took place in March as well.

The Brainerd Fire Department Relief Association is continuing to work hard as they prep to host the 142nd MN State Fire Department Association Conference June 7th – 10th, 2017. The conference will bring in several hundred firefighters, plus their families to the area. The conference is full of training and events for all attending. The BFD Relief Association has been putting in a great deal of planning for this event.

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

Structure Fire	4
Vehicle, Equipment Fire	2
Grass, Rubbish Fire	4
Rescue	1
Gas Spill, Leak	3
Assist Governmental Agency	1
Mutual Aid Given	3
Good Intent Call	2
Canceled Enroute	8
Alarm Activation	3
Carbon Monoxide Detector Activation	2
Authorized Controlled Burning	2
Total	35

City of Brainerd Incident Report

Structure Fire	2
Rubbish Fire	2
Vehicle, Equipment Fire	1
Rescue	1
Gas Spill, Leak	2
Assist Governmental Agency	1
Good Intent Call	2
Canceled Enroute	6
Alarm Activation	1
Carbon Monoxide Detector Activation	2
Total	20

Parks and Recreation Report

April 2017

Submitted by Tony Sailer, Director

- Tom Dehn, the owner and developer of Northtown Meadows, and realtor David Mernin met with the Park Board to discuss the feasibility of installing a playground at the addition. Discussed were current and expected development at Northtown.

The original owners of the property, Lakeland Construction, deeded to the City two outlots in Northtown and one lot in Northtown West. In 2004 Lakeland Construction paid \$82,000 in Park Dedication fees. According to Finance Director Connie Hillman it doesn't appear that the \$82,000 was specifically set aside for a particular purpose other than in accordance with the Park Dedication fee ordinance.

Mr. Dehn said he would donate two additional lots to be designated for a playground and would also pay \$400 toward the Park Dedication for each future building permit.

Staff was directed to look into the process of accepting donated land, to work with companies to develop \$20,000 and \$30,000 playground designs, and to compile an expected budget for mowing, garbage pickup, etc. Park Dedication funds would be used to purchase and install the equipment.

Should the Park Board move forward with installing a playground facility in Northtown, it would like to have the additional maintenance costs included in the 2018 budget.

- The Park Board voted to pay the annual \$70 USA certification fee for Brainerd adult softball umpires. However, adult softball umpires would still need to purchase their own umpire attire.
- Staff has discussed with Essentia Health a possible monetary and volunteer labor donation to upgrade Gregory Park. Depending on the funding, staff has suggested replacing the pebble surface at the two playgrounds with engineered wood fiber, replacing the lilac bushes in center court and planting trees in the south and east portions of the park. A decision by Essentia Health on the donation should be made in late April or early May.
- Individuals from Sentence to Serve, Teen Challenge, Rotarians and friends and family, cleaned up storm damage at Rotary Riverside Park on March 4. The group used a loader with a grapple, a tractor with forks, two trailers, a 4-wheeler, nine chainsaws and miscellaneous equipment to complete the task.
- The Minnesota Twins will host a youth baseball/softball camp on Saturday, June 10, at Bane Park. The camp will run from 9 a.m. to 10:30 a.m. for ages 6-9, and from 10:30 a.m. to noon for ages 10-13. There is no charge.
- Buffalo Hills-Lions Park will benefit from the Warrior Day of Service on April 5. Students will pick up fallen branches through the center of the park and, if time allows, move debris from the selective harvest along the entrance/exit to the park.

- The family of Jim Guin, a long-time Pony League baseball coach in the 1960s and 1970s, donated \$250 to the Parks Department following his passing. The family requested the funds be put toward Pony League expenses.
- The annual Easter Egg Hunt will begin at 10 a.m. on Saturday, April 15. The event will take place at Gregory Park this year because a portion of Lum Park was seeded last fall following the construction project.
- The summer program guide was distributed to area schools on March 20. The deadline to register for youth baseball is April 14 and the youth softball deadline is April 21.
- The Early Bird men's C/D softball tournament is scheduled for April 22 at Memorial Park.
- The Park Board met with the Park Director to discuss his annual evaluation.



Brainerd City Council Agenda Request

5F

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Resolution to Conclude Solar Energy Application

☐ 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: In 2015 Mr. Dave Pueringer applied for city and HRA participation to install solar panels on three of his downtown properties. Due to circumstances beyond Mr. Pueringer's or City control, the project is no longer feasible.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Adoption of Attached 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. ____

**TERMINATION OF PROCESS TO FUND SOLAR ENERGY
PROJECT IN DOWNTOWN BRAINERD**

WHEREAS, on November 16, 2015 the Brainerd City Council conceptually approved a proposal from Mr. Dave Pueringer for installation of solar energy panels on three buildings (205, 209 and 214 So. 7th Street) in downtown Brainerd; and,

WHEREAS, the Council held a public hearing on the project on December 7, 2015 during which time a representative of the Brainerd Lakes Area Economic Development Corporation and the City Administrator outlined the proposal and, based on new information, recommended to withhold action until December 21, 2015; and,

WHEREAS, on December 21, 2015 the Council approved Mr. Pueringer's application for loan funding through the Downtown Brainerd Rental Rehabilitation program "...subject to Mr. Pueringer proceeding with the plans as presented."; and,

WHEREAS, due to various unanticipated events, procedural challenges, or practical considerations not within the control of the applicant or the City of Brainerd the project no longer remains viable;

NOW THEREFORE BE IT RESOLVED that the City of Brainerd hereby deems the application of Mr. Dave Pueringer for partial city funding for installation of solar panels on three downtown buildings to be null and void; should the applicant desire to re-introduce the proposal in the future the Council will cooperate with all parties to determine viability of said project.

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

April 3, 2017
6:45 P.M.
City Council Chambers

1. Improvements 14-01, 14-03 & 16-13 – Adoption of Resolution Accepting Bids
2. Improvements 14-01, 14-03 & 16-13 – Accept proposals from Braun Intertec for material sampling and testing
3. Request from Northern Pacific Center
4. Improvement 14-08 – Authorize Final Payment
5. Walkable Bikeable City Committee (WBCC) - Non-Motorized Transportation Plan (NMTP) Tier I Priorities



Brainerd City Council Agenda Request

SPW
#1

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Improvement 14-01, 14-03, and 16-3 Acceptance of Bids

☐ 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: Pursuant to the advertisement for bids for the above described improvements, staff received and opened bids on March 24, 2017 at 10:00 AM.	
Alternatives, Options, Effects on Others/Comments: Two bids were received for the three tied State Aid Projects. Tri-City Paving Incorporated's bid prices were as follows: Improvement 14-01 - Oak Street Mill and Overlay: \$495,571.42; Improvement 14-03 Jackson Street Resurfacing: \$270,736.73; Improvement 16-13 - Buffalo Hills Lane Resurfacing: \$272,820.75. Anderson Brothers Construction Company of Brainerd, LLC's bid prices were as follows: Improvement 14-01 - Oak Street Mill and Overlay: \$595,536.91; Improvement 14-03 Jackson Street Resurfacing: \$293,612.74; Improvement 16-13 - Buffalo Hills Lane Resurfacing: \$330,278.60. Total price for Tri-City's bid was \$1,039,128.90 and Anderson Brothers total price was \$1,219,428.25. Engineer's Estimate for all three combined projects was \$1,212,236.00. Tri-City was 14.28% under Engineer's Estimate and Anderson Brothers was 0.59% over Engineer's Estimate.	
Recommended Action/Motion: Staff would recommend adopting the attached resolution accepting the low bid by Tri-City Paving Incorporated's of \$1,039,128.90 as per Section 429 of Minnesota Statute for assessment purposes.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>\$1,039,128.90</u> Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> The costs are anticipated to come from the construction fund and are reimbursable from the City's State Aid account.	

RESOLUTION

NO _____

RESOLUTION ACCEPTING BID

WHEREAS, pursuant to an advertisement for bids for the improvements of the following described improvements:

IMPROVEMENT 14-01

SAP 108-113-007

Street Mill and Overlay

Oak Street between S 6th Street and SE 19th Street

IMPROVEMENT 14-03

SAP 108-129-002

Street Resurfacing

Jackson Street between NW 4th Street and Brainerd City Limits

IMPROVEMENT 16-13

SAP 108-136-003

Street Resurfacing

Buffalo Hills Lane between S 6th Street and Graydon Avenue

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

NAME OF BIDDER

AMOUNT OF BID

Tri-City Paving Incorporated

Improvement 14-01: \$495,571.42
Improvement 14-03: \$270,736.73
Improvement 16-13: \$272,820.75
Total: \$1,039,128.90

Anderson Brothers Construction Company of Brainerd, LLC

Improvement 14-01: \$595,536.91
Improvement 14-03: \$293,612.74
Improvement 16-13: \$330,278.60
Total: \$1,219,428.25

AND WHEREAS, Tri-City Paving Incorporated of Little Falls, Minnesota is the lowest responsible bidder; and

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

1. The Mayor and the City Administrator are hereby authorized and directed to enter into a contract with Tri-City Paving of Little Falls, Minnesota, for the amount of its said bid in the name of the City of Brainerd for the improvements above described according to the plans and specifications therefore approved by the City Council and of record in the office of the City Administrator.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted this _____ day of _____, 201_

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 201_

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

SPW
#2

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Proposals for Construction Materials Testing Services

☐ 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: Staff has solicited quotes for professional services related to materials testing services on Improvements 14-01 - Oak Street Mill/Overlay, 14-03 - Jackson Street Resurfacing, and 16-13 - Buffalo Hills Lane Resurfacing. Braun Intertec has responded to the RFQ and they can be seen for each project attached to this request.	
Alternatives, Options, Effects on Others/Comments: Materials testing for State Aid construction projects needs to be in accordance with the SALT (State Aid for Local Transportation) Schedule for Materials Control. This lays out what testing requirements that are necessary to meet State Aid requirements and is the basis for the prices submitted by Braun Intertec in the attached quotes. The prices for materials testing sums to \$50,490.00 (\$14,811.00, \$14,984.00, and \$20,695.00 for 16-13, 14-03, and 14-01 respectively). Staff anticipates that the total cost of the three in total may be less than the quoted amounts depending on the contractors bituminous paving and concrete operations and the overlapping of tests between the tied projects.	
Recommended Action/Motion: Staff would recommend accepting the quotes for materials testing as proposed by Braun Intertec at the estimated amount of \$50,490.00.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>\$50,490.00</u> Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> The costs are anticipated to come from the construction fund and are reimbursable from the City's State Aid account.	

March 16, 2017

Proposal QTB053988

Paul Sandy, PE
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Re: Proposal for Construction Materials Testing Services
Oak Street Improvements
SAP 108-113-007, City Project 14-01
Brainerd, Minnesota

Dear Mr. Sandy:

Braun Intertec Corporation respectfully submits this proposal to provide construction materials testing services for the Oak Street Improvement project in Brainerd, Minnesota.

Our Understanding of Project

This project will include bituminous milling, new concrete curb and gutter, sidewalk, and driveways along with a new bituminous pavement.

Available Project Information

This proposal is based on our review of the documents described below. If the project changes from the information provided in these documents, we may have to submit a revised scope of services and cost.

- Project plans and specifications prepared by the City of Brainerd dated January 20, 2017.
- Discussions with you.

Project Overview

This project is a City of Brainerd project with state-aid funding. Projects that are constructed with state-aid funding are required to perform Quality Control and Quality Assurance (QC/QA) testing in accordance with the Minnesota Department of Transportation's (MnDOT's) Schedule of Materials Control. This project is using MnDOT's 2017 Standard/ State-aid for local transportation (SALT) Schedule of Materials Control. Personnel with MnDOT certifications must complete the monitoring and testing. Braun Intertec will perform the QA field testing on the project for the items listed in our scope and as shown on our construction materials testing cost estimate. The contractor will be responsible for performing all of the required QC testing and submitting all the documentation upon completion of the project. An audit of the project could be conducted upon completion. The audit may include reviewing tests and paperwork provided by your QC/QA representative.

Braun Intertec Project Personnel

For this project, we will provide technicians that are MnDOT certified in each specialized field. Braun Intertec has many MnDOT certified employees. For the proposed scope of services, we assume our staff may need the following certifications:

- Aggregate Production
- Grading & Base I
- Concrete Field I
- Concrete Plant I
- Bituminous Plant I
- MnDOT or ACI Strength Testing

Our pool of certified employees allows us to be responsive to project needs. Also, our project managers are currently working on several state-aid and federal projects with requirements similar to your project.

Scope of Services

Testing services will be performed on an on-call, as-needed basis as requested and scheduled by you or your onsite project personnel. Based on our understanding of the project, we propose the following services:

Soils

The soil testing for this project will consist of the following:

- Aggregate base will be compacted per MnDOT's quality compaction method.
- Perform companion moisture content tests at time of compaction with contractor's quality control personnel on backfill materials.
- Gradation samples of the aggregate base will not be required because of small quantity.
- Assemble the preliminary and final grading and base report according to MnDOT Specifications.

Concrete

The concrete testing and batch plant monitoring for this project will consist of the following:

- Perform slump, temperature and air content tests on the plastic concrete prior to placement.
- Cast 4-inch by 8-inch cylinders for compressive strength testing.
- Laboratory compressive strength testing of cylinders.
- Concrete batch plant inspections which include monitoring plant operations, collecting and submitting aggregate samples, cement samples and admixture samples for testing.

- Perform coarse and fine aggregate gradation tests.
- Develop the Weekly Concrete Reports for the Project Engineer's review and their submittal to MnDOT's Concrete Office.

Bituminous

The bituminous testing and batch plant monitoring for this project will consist of the following:

- Bituminous plant inspections which include monitoring the contractor quality control testing, observing one set of contractor tests per day and collecting companion samples for quality assurance tests.
- Collect one verification sample per mix per day of production. Perform quality assurance tests on these samples which include rice specific gravity, asphalt content, extracted aggregate gradation, gyratory density, coarse aggregate angularity, fine aggregate angularity, and thickness and density of pavement cores.
- Randomly determine and mark pavement core locations.
- Observe the contractor coring and core testing in accordance with MnDOT's specifications, which include watching quality control personnel weigh the cores at their laboratory.

Reporting and Project Management

Test results will be issued for the project as the various tasks are performed. If, at any time, there are failing tests or we observe construction processes which do not appear to be in accordance with the plans and specifications or MnDOT's Schedule of Materials Control, we will notify the engineer's representative and any others that we are directed to notify.

After the project is completed, we will issue a final report. The report will include the following:

- Braun Intertec technician roster for technicians that conducted testing on the project.
- Completed MnDOT Materials Certification Exceptions Summary for items tested by Braun Intertec.
- Completed Preliminary and Final Grading and Base Reports.
- All Moisture test reports.
- Concrete mix designs.
- Weekly concrete reports.
- Concrete compressive strength results.

- Bituminous mix designs.
- Bituminous verification test results.
- Bituminous Contractor's summary sheets.
- Copies of concrete and bituminous plant certifications.

Scheduling Assumptions

Based on our understanding of the project and the available project information, we have assumed that the work for this phase of the project will proceed according to the following schedules:

- We estimated 9 sets of concrete tests will be required to complete the project.
- Bituminous Paving will be completed in 4 days for this project assuming the contractor paves 1200 tons a day.
- We assume the project engineer of record will review and approve contractor's quality control submittals and test results.

If the work is completed at different rates than described above, this proposal should be revised.

Cost and Invoicing

We will furnish the services described herein for an estimated fee of **\$20,695.00**. **Our estimated costs are based on industry averages for construction production. Depending on the contractor's performance our costs may be significantly reduced or slightly higher than estimated.** For the limits of this proposal we have estimated the testing rate and contractor's production based off our experience and have provided what we feel is a fair and realistic budget estimate. A tabulation showing our estimated hourly and/or unit rates associated with our proposed scope of services is also attached.

We would be happy to meet with you to discuss our proposed scope of services further, clarify the various scope components, and discuss how the scope may be adjusted to meet your projects requirements.

Additional Services and Overtime

It is difficult to estimate all of the services, and the quantity of each service, that will be required for any project. Our services are also directly controlled by the schedule and performance of others. For these reasons, our actual hourly or unit quantities, and associated fees, may vary from those reported herein.

If the number of hours or units ultimately required exceed those assumed for purposes of this proposal, they will be invoiced at the hourly or unit rates shown in the attached tabulation. If services are ultimately required that have not been identified or described herein, they will be invoiced in accordance with our current Schedule of Charges. Prior to exceeding our estimated fees, however, we will update

you regarding the progress of our work and notify you in the event it appears we will exceed our estimated fees; any fees associated with additional services will be summarized in a Change Order and submitted to you for review and authorization.

This proposal was also developed with the understanding that the scope of services defined herein will be required and requested during our normal work hours of 7:00 am to 4:00 pm, Monday through Friday. Services that we are asked to provide to meet the project requirements or a contractor's construction schedule **outside** our normal work hours will be invoiced using an overtime rate factor. The factor for services provided outside our normal work hours, or on Saturdays, will be 1.25 times the normal hourly rate for the service provided. The factor for services provided on Sundays or Legal holidays will be 1.5 times the normal hourly rate for the service provided.

General Remarks

Braun Intertec appreciates the opportunity to present this Proposal to you. ***Please sign and return a copy in its entirety.***

The proposed fee is based on the scope of services described and the assumptions that our services will be authorized within 30 days and that others will not significantly delay us beyond our proposed schedule.

Project Proposal

QTB053988

Oak Street Improvements

Client:

City of Brainerd
Paul Sandy
501 Laurel St
Brainerd, MN 56401
218-828-2309

Work Site Address:

Oak Street
Brainerd, MN

Service Description:

QA Testing
SAP 108-113-007

	Description	Quantity	Units	Unit Price	Extension
Phase 1	MnDOT Testing				
Activity 1.2	Concrete Testing				\$9,606.00
261	Concrete Testing	36.00	Hour	78.00	\$2,808.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Sidewalks	4.00	Trips	4.00	16.00
	Curb & Gutter	4.00	Trips	4.00	16.00
	Exterior Concrete & Driveway Aprons	1.00	Trips	4.00	4.00
1364	Compressive strength of concrete cylinders (ASTM C 39), per specimen	27.00	Each	30.00	\$810.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Sidewalks	4.00	Set	3.00	12.00
	Curb & Gutter	4.00	Set	3.00	12.00
	Exterior Concrete & Driveway Aprons	1.00	Set	3.00	3.00
1162	Sieve analysis & 200 wash (ASTM C 136 & C 117) per sample	8.00	Each	132.00	\$1,056.00
215	Concrete Ready Mix Plant Monitoring	20.00	Hour	99.00	\$1,980.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Sidewalks	2.00	Trips	5.00	10.00
	Curb & Gutter	2.00	Trips	5.00	10.00
278	Concrete Cylinder Pick up	15.00	Hour	78.00	\$1,170.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Cylinder Pickup	5.00	Trips	3.00	15.00
1861	CMT Trip Charge	18.00	Each	99.00	\$1,782.00
Activity 1.3	Pavement Testing				\$8,928.00
1530	Asphalt Content (ASTM D 2172/6307), per sample	4.00	Each	155.00	\$620.00
1532	Extracted aggregate gradation (ASTM D 5444), per sample	4.00	Each	105.00	\$420.00
221	Mark Cores & Observe QC Testing	20.00	Hour	99.00	\$1,980.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Mark & Observe Contractor Coring & Testing	4.00	Trips	5.00	20.00
1542	Thickness and density of pavement core (ASTM D 2726)	12.00	Each	53.00	\$636.00
222	Bituminous Verification Testing	32.00	Hour	99.00	\$3,168.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Bituminous Plant Monitoring	4.00	Trips	8.00	32.00
1528	Rice specific gravity (ASTM D 2041), per sample	4.00	Each	82.00	\$328.00
1705	Fine Aggregate Angularity (ASTM C1252), per sample	4.00	Each	78.00	\$312.00
1568	Gyratory gravity (AASHTO T312), per sample	4.00	Each	185.00	\$740.00
1688	Percent crushed (ASTM D5821), per sample	4.00	Each	82.00	\$328.00
1861	CMT Trip Charge	4.00	Each	99.00	\$396.00
Activity 1.4	Project Management				\$2,161.00
226	Project Manager	7.00	Hour	149.00	\$1,043.00
1230	MnDOT Final Report	1.00	Each	500.00	\$500.00



The Science You Build On.

Project Proposal

QTB053988

Oak Street Improvements

228	Senior Project Manager	2.00 Hour	159.00	\$318.00
238	Project Assistant	4.00 Hour	75.00	\$300.00
Phase 1 Total:				\$20,695.00

Proposal Total:	\$20,695.00
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March 16, 2017

Proposal QTB053991

Paul Sandy, PE
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Re: Proposal for Construction Materials Testing Services
Jackson Street NW Improvements
SAP 108-129-002, City Project 14-03
Brainerd, Minnesota

Dear Mr. Sandy:

Braun Intertec Corporation respectfully submits this proposal to provide construction materials testing services for the Jackson Street NW project in Brainerd, MN.

Our Understanding of Project

This project will include aggregate base placement, new concrete curb and gutter, sidewalk, and driveways along with a new bituminous pavement.

Available Project Information

This proposal is based on our review of the documents described below. If the project changes from the information provided in these documents, we may have to submit a revised scope of services and cost.

- Project plans and specifications prepared by the City of Brainerd dated January 20, 2017.
- Discussions with you.

Project Overview

This project is a City of Brainerd project with state-aid funding. Projects that are constructed with state-aid funding are required to perform Quality Control and Quality Assurance (QC/QA) testing in accordance with the Minnesota Department of Transportation's (MnDOT's) Schedule of Materials Control. This project is using MnDOT's 2016 Standard/ State-aid for local transportation (SALT) Schedule of Materials Control. Personnel with MnDOT certifications must complete the monitoring and testing. Braun Intertec will perform the QA field testing on the project for the items listed in our scope and as shown on our construction materials testing cost estimate. The contractor will be responsible for performing all of the required QC testing and submitting all the documentation upon completion of the project. An audit of the project could be conducted upon completion. The audit may include reviewing tests and paperwork provided by your QC/QA representative.

Braun Intertec Project Personnel

For this project, we will provide technicians that are MnDOT certified in each specialized field. Braun Intertec has many MnDOT certified employees. For the proposed scope of services, we assume our staff may need the following certifications:

- Aggregate Production
- Grading & Base I
- Concrete Field I
- Concrete Plant I
- Bituminous Plant I
- MnDOT or ACI Strength Testing

Our pool of certified employees allows us to be responsive to project needs. Also, our project managers are currently working on several state-aid and federal projects with requirements similar to your project.

Scope of Services

Testing services will be performed on an on-call, as-needed basis as requested and scheduled by you or your onsite project personnel. Based on our understanding of the project, we propose the following services:

Soils

The soil testing for this project will consist of the following:

- Perform companion moisture content tests at time of compaction with contractor's quality control personnel on backfill materials.
- Perform gradation tests on stabilizing aggregate and aggregate base materials.
- Assemble the preliminary and final grading and base reports along with assembling the random sampling locations report for the aggregate base according to MnDOT Specifications.

Concrete

The concrete testing and batch plant monitoring for this project will consist of the following:

- Perform slump, temperature and air content tests on the plastic concrete prior to placement.
- Cast 4-inch by 8-inch cylinders for compressive strength testing.
- Laboratory compressive strength testing of cylinders.
- Concrete batch plant inspections which include monitoring plant operations, collecting and submitting aggregate samples, cement samples and admixture samples for testing.
- Perform coarse and fine aggregate gradation tests.

- Develop the Weekly Concrete Reports for the Project Engineer's review and their submittal to MnDOT's Concrete Office.

Bituminous

The bituminous testing and batch plant monitoring for this project will consist of the following:

- Bituminous plant inspections which include monitoring the contractor quality control testing, observing one set of contractor tests per day and collecting companion samples for quality assurance tests.
- Collect one verification sample per mix per day of production. Perform quality assurance tests on these samples which include rice specific gravity, asphalt content, extracted aggregate gradation, gyratory density, coarse aggregate angularity, fine aggregate angularity, and thickness and density of pavement cores.
- Randomly determine and mark pavement core locations.
- Observe the contractor coring and core testing in accordance with MnDOT's specifications, which include watching quality control personnel weigh the cores at their laboratory.

Reporting and Project Management

Test results will be issued for the project as the various tasks are performed. If, at any time, there are failing tests or we observe construction processes which do not appear to be in accordance with the plans and specifications or MnDOT's Schedule of Materials Control, we will notify the engineer's representative and any others that we are directed to notify.

After the project is completed, we will issue a final report. The report will include the following:

- Braun Intertec technician roster for technicians that conducted testing on the project.
- Completed MnDOT Materials Certification Exceptions Summary for items tested by Braun Intertec.
- Completed Preliminary and Final Grading and Base Reports.
- All Moisture and Gradation test reports.
- Concrete mix designs.
- Weekly concrete reports.
- Concrete compressive strength results.
- Bituminous mix designs.

- Bituminous verification test results.
- Bituminous Contractor's summary sheets.
- Copies of concrete and bituminous plant certifications.

Scheduling Assumptions

Based on our understanding of the project and the available project information, we have assumed that the work for this phase of the project will proceed according to the following schedules:

- We assume 6 sets of concrete tests will be required to complete the project.
- Bituminous Paving will be completed in 2 days for this project assuming the contractor paves 900 tons a day.
- We assume the project engineer of record will review and approve contractor's quality control submittals and test results.

If the work is completed at different rates than described above, this proposal should be revised.

Cost and Invoicing

We will furnish the services described herein for an estimated fee of **\$14,984.00**. **Our estimated costs are based on industry averages for construction production. Depending on the contractor's performance our costs may be significantly reduced or slightly higher than estimated.** For the limits of this proposal we have estimated the testing rate and contractor's production based off our experience and have provided what we feel is a fair and realistic budget estimate. A tabulation showing our estimated hourly and/or unit rates associated with our proposed scope of services is also attached.

We would be happy to meet with you to discuss our proposed scope of services further, clarify the various scope components, and discuss how the scope may be adjusted to meet your projects requirements.

Additional Services and Overtime

It is difficult to estimate all of the services, and the quantity of each service, that will be required for any project. Our services are also directly controlled by the schedule and performance of others. For these reasons, our actual hourly or unit quantities, and associated fees, may vary from those reported herein.

If the number of hours or units ultimately required exceed those assumed for purposes of this proposal, they will be invoiced at the hourly or unit rates shown in the attached tabulation. If services are ultimately required that have not been identified or described herein, they will be invoiced in accordance with our current Schedule of Charges. Prior to exceeding our estimated fees, however, we will update you regarding the progress of our work and notify you in the event it appears we will exceed our estimated fees; any fees associated with additional services will be summarized in a Change Order and submitted to you for review and authorization.

This proposal was also developed with the understanding that the scope of services defined herein will be required and requested during our normal work hours of 7:00 am to 4:00 pm, Monday through Friday. Services that we are asked to provide to meet the project requirements or a contractor's construction schedule **outside** our normal work hours will be invoiced using an overtime rate factor. The factor for services provided outside our normal work hours, or on Saturdays, will be 1.25 times the normal hourly rate for the service provided. The factor for services provided on Sundays or Legal holidays will be 1.5 times the normal hourly rate for the service provided.

General Remarks

Braun Intertec appreciates the opportunity to present this Proposal to you. ***Please sign and return a copy in its entirety.***

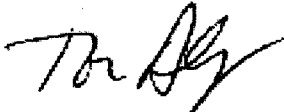
The proposed fee is based on the scope of services described and the assumptions that our services will be authorized within 30 days and that others will not significantly delay us beyond our proposed schedule.

We include the Braun Intertec General Conditions, which provide additional terms and are a part of our agreement.

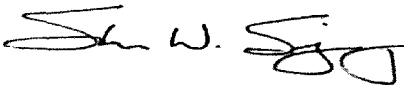
To have questions answered or schedule a time to meet and discuss our approach to this project further, please call Tom Henkemeyer at 320.980.3177 or thenkemeyer@braunintertec.com.

Sincerely,

BRAUN INTERTEC CORPORATION



Thomas L. Henkemeyer
Associate Principal/Senior Project Manager



Shaun W. Sevigny, PE
Principal

Attachments:
Table 1. Estimated Costs
General Conditions – CMT (7/18/16)

The proposal is accepted, and you are authorized to proceed.

Authorizer's Firm

Authorizer's Signature

Authorizer's Name (please print or type)

Authorizer's Title

Date

Project Proposal

QTB053991

Jackson Street NW Imps.

Client:

City of Brainerd
Paul Sandy
501 Laurel St
Brainerd, MN 56401
218-828-2309

Work Site Address:

Jackson Street NW
Brainerd, MN

Service Description:

QA Testing
SAP 108-129-002

	Description	Quantity	Units	Unit Price	Extension
Phase 1	MnDOT Testing				
Activity 1.1	Soil Testing				\$1,354.00
209	Sample pick-up	7.00	Hour	78.00	\$546.00
1162	Sieve analysis & 200 wash (ASTM C 136 & C 117) per sample	4.00	Each	132.00	\$528.00
1688	Percent crushed (ASTM D5821), per sample	1.00	Each	82.00	\$82.00
1861	CMT Trip Charge	2.00	Each	99.00	\$198.00
Activity 1.2	Concrete Testing				\$6,912.00
261	Concrete Testing	24.00	Hour	78.00	\$1,872.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Sidewalks	3.00	Trips	4.00	12.00
	Curb & Gutter	2.00	Trips	4.00	8.00
	Exterior Concrete & Driveway Aprons	1.00	Trips	4.00	4.00
1364	Compressive strength of concrete cylinders (ASTM C 39), per specimen	18.00	Each	30.00	\$540.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Sidewalks	3.00	Set	3.00	9.00
	Curb & Gutter	2.00	Set	3.00	6.00
	Exterior Concrete & Driveway Aprons	1.00	Set	3.00	3.00
1162	Sieve analysis & 200 wash (ASTM C 136 & C 117) per sample	6.00	Each	132.00	\$792.00
215	Concrete Ready Mix Plant Monitoring	15.00	Hour	99.00	\$1,485.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Sidewalks	1.00	Trips	5.00	5.00
	Curb & Gutter	2.00	Trips	5.00	10.00
278	Concrete Cylinder Pick up	12.00	Hour	78.00	\$936.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Cylinder Pickup	4.00	Trips	3.00	12.00
1861	CMT Trip Charge	13.00	Each	99.00	\$1,287.00
Activity 1.3	Pavement Testing				\$4,556.00
1530	Asphalt Content (ASTM D 2172/6307), per sample	2.00	Each	155.00	\$310.00
1532	Extracted aggregate gradation (ASTM D 5444), per sample	2.00	Each	105.00	\$210.00
221	Mark Cores & Observe QC Testing	10.00	Hour	99.00	\$990.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Mark & Observe Contractor Coring & Testing	2.00	Trips	5.00	10.00
1542	Thickness and density of pavement core (ASTM D 2726)	4.00	Each	53.00	\$212.00
222	Bituminous Verification Testing	16.00	Hour	99.00	\$1,584.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Bituminous Plant Monitoring	2.00	Trips	8.00	16.00
1528	Rice specific gravity (ASTM D 2041), per sample	2.00	Each	82.00	\$164.00
1705	Fine Aggregate Angularity (ASTM C1252), per sample	2.00	Each	78.00	\$156.00
1568	Gyratory gravity (AASHTO T312), per sample	2.00	Each	185.00	\$370.00

Project Proposal**QTB053991****Jackson Street NW Imps.**

1688	Percent crushed (ASTM D5821), per sample	2.00 Each	82.00	\$164.00
1861	CMT Trip Charge	4.00 Each	99.00	\$396.00
Activity 1.4	Project Management			\$2,162.00
226	Project Manager	6.00 Hour	149.00	\$894.00
1230	MnDOT Final Report	1.00 Each	650.00	\$650.00
228	Senior Project Manager	2.00 Hour	159.00	\$318.00
238	Project Assistant	4.00 Hour	75.00	\$300.00
Phase 1 Total:				\$14,984.00

Proposal Total:	\$14,984.00
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Braun Intertec Corporation
3900 Roosevelt Road, Suite 113
Saint Cloud, MN 56301

16-13
Phone: 320.253.9940
Fax: 320.253.3054
Web: braunintertec.com

March 16, 2017

Proposal QTB053992

Paul Sandy, PE
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Re: Proposal for Construction Materials Testing Services
Buffalo Hills Lane Improvements
SAP 108-136-003, City Project 16-13
Brainerd, Minnesota

Dear Mr. Sandy:

Braun Intertec Corporation respectfully submits this proposal to provide construction materials testing services for the Buffalo Hills Lane project in Brainerd, Minnesota.

Our Understanding of Project

This project will include aggregate base placement, new concrete curb and gutter, sidewalk, and driveways along with a new bituminous pavement.

Available Project Information

This proposal is based on our review of the documents described below. If the project changes from the information provided in these documents, we may have to submit a revised scope of services and cost.

- Project plans and specifications prepared by the City of Brainerd dated January 20, 2017.
- Discussions with you.

Project Overview

This project is a City of Brainerd project with state-aid funding. Projects that are constructed with state-aid funding are required to perform Quality Control and Quality Assurance (QC/QA) testing in accordance with the Minnesota Department of Transportation's (MnDOT's) Schedule of Materials Control. This project is using MnDOT's 2016 Standard/ State-aid for local transportation (SALT) Schedule of Materials Control. Personnel with MnDOT certifications must complete the monitoring and testing. Braun Intertec will perform the QA field testing on the project for the items listed in our scope and as shown on our construction materials testing cost estimate. The contractor will be responsible for performing all of the required QC testing and submitting all the documentation upon completion of the project. An audit of the project could be conducted upon completion. The audit may include reviewing tests and paperwork provided by your QC/QA representative.

Braun Intertec Project Personnel

For this project, we will provide technicians that are MnDOT certified in each specialized field. Braun Intertec has many MnDOT certified employees. For the proposed scope of services, we assume our staff may need the following certifications:

- Aggregate Production
- Grading & Base I
- Concrete Field I
- Concrete Plant I
- Bituminous Plant I
- MnDOT or ACI Strength Testing

Our pool of certified employees allows us to be responsive to project needs. Also, our project managers are currently working on several state-aid and federal projects with requirements similar to your project.

Scope of Services

Testing services will be performed on an on-call, as-needed basis as requested and scheduled by you or your onsite project personnel. Based on our understanding of the project, we propose the following services:

Soils

The soil testing for this project will consist of the following:

- Perform companion moisture content tests at time of compaction with contractor's quality control personnel on backfill materials.
- Perform gradation tests on stabilizing aggregate and aggregate base materials.
- Assemble the preliminary and final grading and base report along with assembling the random sampling locations report for the aggregate base according to MnDOT Specifications.

Concrete

The concrete testing and batch plant monitoring for this project will consist of the following:

- Perform slump, temperature and air content tests on the plastic concrete prior to placement.
- Cast 4-inch by 8-inch cylinders for compressive strength testing.
- Laboratory compressive strength testing of cylinders.
- Concrete batch plant inspections which include monitoring plant operations, collecting and submitting aggregate samples, cement samples and admixture samples for testing.
- Perform coarse and fine aggregate gradation tests.

- Develop the Weekly Concrete Reports for the Project Engineer's review and their submittal to MnDOT's Concrete Office.

Bituminous

The bituminous testing and batch plant monitoring for this project will consist of the following:

- Bituminous plant inspections which include monitoring the contractor quality control testing, observing one set of contractor tests per day and collecting companion samples for quality assurance tests.
- Collect one verification sample per mix per day of production. Perform quality assurance tests on these samples which include rice specific gravity, asphalt content, extracted aggregate gradation, gyratory density, coarse aggregate angularity, fine aggregate angularity, and thickness and density of pavement cores.
- Randomly determine and mark pavement core locations.
- Observe the contractor coring and core testing in accordance with MnDOT's specifications, which include watching quality control personnel weigh the cores at their laboratory.

Reporting and Project Management

Test results will be issued for the project as the various tasks are performed. If, at any time, there are failing tests or we observe construction processes which do not appear to be in accordance with the plans and specifications or MnDOT's Schedule of Materials Control, we will notify the engineer's representative and any others that we are directed to notify.

After the project is completed, we will issue a final report. The report will include the following:

- Braun Intertec technician roster for technicians that conducted testing on the project.
- Completed MnDOT Materials Certification Exceptions Summary for items tested by Braun Intertec.
- Completed Preliminary and Final Grading and Base Reports.
- All Moisture and Gradation test reports.
- Concrete mix designs.
- Weekly concrete reports.
- Concrete compressive strength results.
- Bituminous mix designs.

- Bituminous verification test results.
- Bituminous Contractor's summary sheets.
- Copies of concrete and bituminous plant certifications.

Scheduling Assumptions

Based on our understanding of the project and the available project information, we have assumed that the work for this phase of the project will proceed according to the following schedules:

- We assume 7 sets of concrete tests will be required to complete the project.
- Bituminous Paving will be completed in 2 days for this project assuming the contractor paves 1300 tons a day.
- We assume the project engineer of record will review and approve contractor's quality control submittals and test results.

If the work is completed at different rates than described above, this proposal should be revised.

Cost and Invoicing

We will furnish the services described herein for an estimated fee of **\$14,811.00**. **Our estimated costs are based on industry averages for construction production. Depending on the contractor's performance our costs may be significantly reduced or slightly higher than estimated.** For the limits of this proposal we have estimated the testing rate and contractor's production based off our experience and have provided what we feel is a fair and realistic budget estimate. A tabulation showing our estimated hourly and/or unit rates associated with our proposed scope of services is also attached.

We would be happy to meet with you to discuss our proposed scope of services further, clarify the various scope components, and discuss how the scope may be adjusted to meet your projects requirements.

Additional Services and Overtime

It is difficult to estimate all of the services, and the quantity of each service, that will be required for any project. Our services are also directly controlled by the schedule and performance of others. For these reasons, our actual hourly or unit quantities, and associated fees, may vary from those reported herein.

If the number of hours or units ultimately required exceed those assumed for purposes of this proposal, they will be invoiced at the hourly or unit rates shown in the attached tabulation. If services are ultimately required that have not been identified or described herein, they will be invoiced in accordance with our current Schedule of Charges. Prior to exceeding our estimated fees, however, we will update you regarding the progress of our work and notify you in the event it appears we will exceed our estimated fees; any fees associated with additional services will be summarized in a Change Order and submitted to you for review and authorization.

This proposal was also developed with the understanding that the scope of services defined herein will be required and requested during our normal work hours of 7:00 am to 4:00 pm, Monday through Friday. Services that we are asked to provide to meet the project requirements or a contractor's construction schedule **outside** our normal work hours will be invoiced using an overtime rate factor. The factor for services provided outside our normal work hours, or on Saturdays, will be 1.25 times the normal hourly rate for the service provided. The factor for services provided on Sundays or Legal holidays will be 1.5 times the normal hourly rate for the service provided.

General Remarks

Braun Intertec appreciates the opportunity to present this Proposal to you. ***Please sign and return a copy in its entirety.***

The proposed fee is based on the scope of services described and the assumptions that our services will be authorized within 30 days and that others will not significantly delay us beyond our proposed schedule.

We include the Braun Intertec General Conditions, which provide additional terms and are a part of our agreement.

To have questions answered or schedule a time to meet and discuss our approach to this project further, please call Tom Henkemeyer at 320.980.3177 or thenkemeyer@braunintertec.com.

Sincerely,

BRAUN INTERTEC CORPORATION



Thomas L. Henkemeyer
Associate Principal/Senior Project Manager



Shaun W. Sevigny, PE
Principal

Attachments:
Table 1. Estimated Costs
General Conditions – CMT (7/18/16)

The proposal is accepted, and you are authorized to proceed.

Authorizer's Firm

Authorizer's Signature

Authorizer's Name (please print or type)

Authorizer's Title

Date

Project Proposal

QTB053992

Buffalo Hills Lane Imps.

Client:

City of Brainerd
Paul Sandy
501 Laurel St
Brainerd, MN 56401
218-828-2309

Work Site Address:

Buffalo Hills Lane
Brainerd, MN

Service Description:

QA Testing
SAP 108-136-003

	Description	Quantity	Units	Unit Price	Extension
Phase 1	MnDOT Testing				
Activity 1.1	Soil Testing				\$1,432.00
209	Sample pick-up	8.00	Hour	78.00	\$624.00
1162	Sieve analysis & 200 wash (ASTM C 136 & C 117) per sample	4.00	Each	132.00	\$528.00
1688	Percent crushed (ASTM D5821), per sample	1.00	Each	82.00	\$82.00
1861	CMT Trip Charge	2.00	Each	99.00	\$198.00
Activity 1.2	Concrete Testing				\$6,555.00
261	Concrete Testing	28.00	Hour	78.00	\$2,184.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Sidewalks	2.00	Trips	4.00	8.00
	Curb & Gutter	4.00	Trips	4.00	16.00
	Exterior Concrete & Driveway Aprons	1.00	Trips	4.00	4.00
1364	Compressive strength of concrete cylinders (ASTM C 39), per specimen	21.00	Each	30.00	\$630.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Sidewalks	2.00	Set	3.00	6.00
	Curb & Gutter	4.00	Set	3.00	12.00
	Exterior Concrete & Driveway Aprons	1.00	Set	3.00	3.00
1162	Sieve analysis & 200 wash (ASTM C 136 & C 117) per sample	4.00	Each	132.00	\$528.00
215	Concrete Ready Mix Plant Monitoring	10.00	Hour	99.00	\$990.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Curb & Gutter	2.00	Trips	5.00	10.00
278	Concrete Cylinder Pick up	12.00	Hour	78.00	\$936.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Cylinder Pickup	4.00	Trips	3.00	12.00
1861	CMT Trip Charge	13.00	Each	99.00	\$1,287.00
Activity 1.3	Pavement Testing				\$4,662.00
1530	Asphalt Content (ASTM D 2172/6307), per sample	2.00	Each	155.00	\$310.00
1532	Extracted aggregate gradation (ASTM D 5444), per sample	2.00	Each	105.00	\$210.00
221	Mark Cores & Observe QC Testing	10.00	Hour	99.00	\$990.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Mark & Observe Contractor Coring & Testing	2.00	Trips	5.00	10.00
1542	Thickness and density of pavement core (ASTM D 2726)	6.00	Each	53.00	\$318.00
222	Bituminous Verification Testing	16.00	Hour	99.00	\$1,584.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Bituminous Plant Monitoring	2.00	Trips	8.00	16.00
1528	Rice specific gravity (ASTM D 2041), per sample	2.00	Each	82.00	\$164.00
1705	Fine Aggregate Angularity (ASTM C1252), per sample	2.00	Each	78.00	\$156.00
1568	Gyratory gravity (AASHTO T312), per sample	2.00	Each	185.00	\$370.00
1688	Percent crushed (ASTM D5821), per sample	2.00	Each	82.00	\$164.00

Project Proposal**QTB053992****Buffalo Hills Lane Imps.**

1861	CMT Trip Charge	4.00 Each	99.00	\$396.00
Activity 1.4	Project Management			\$2,162.00
226	Project Manager	6.00 Hour	149.00	\$894.00
1230	MnDOT Final Report	1.00 Each	650.00	\$650.00
228	Senior Project Manager	2.00 Hour	159.00	\$318.00
238	Project Assistant	4.00 Hour	75.00	\$300.00
Phase 1 Total:				\$14,811.00

Proposal Total:	\$14,811.00
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Brainerd City Council Agenda Request

SPW
#3

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Request for Northern Pacific Center

☐ 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: 15 minutes
Summary of Issue: Attached is a letter of request for a special consideration of SAC and WAC fees from the NP Center, a Staff memo, and copies of various related documents.	
Alternatives, Options, Effects on Others/Comments: See attached materials	
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>	

Northern Pacific Center, Inc.

6316 Halifax Avenue S.
Minneapolis, Minnesota 55424
Tel 612-986-2900
Fax 952-922-1764

March 28, 2017

Mr. Timothy Caughey
Building Official
Brainerd, MN 56401

Re: SAC and WAC Charges

Dear Mr. Caughey:

Pursuant to your recommendation, our request to receive Environmental Residential Connections ("ECR") credit for existing sewer and water facilities ("Facilities") to be abandoned be placed on the City Council agenda for April 3, 2017. These Facilities, when abandoned, should be given ECR credit against SAC and WAC charges for new Facilities that will be built in the future.

In the past we have only received ECR credit against SAC and WAC charges for Facilities being abandoned that were located in the same building that new Facilities were installed. In the last three years, after ECR credits Northern Pacific Center ("NPC") or NPC tenants have paid over \$17,000 in SAC and WAC charges to the City.

We have learned that the SAC and WAC ordinances provide that ECR credit against SAC and WAC charges can be claimed for any Facilities that are abandoned on the same property where new Facilities are installed. In the case of NPC our property is legally described as Lot 1, Block 1 Northern Pacific Center. Therefore ECR credit should be granted for Facilities abandoned in one building against charges for new Facilities in another building.

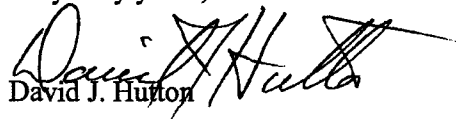
We have Facilities located in Buildings 3 and 4 that are no longer used by tenants but have not been permanently abandoned. These Facilities were used by the railroad. NPC therefore request that ECR credit be granted when these Facilities are permanently abandoned against new SAC and WAC charges.

Mr. Timothy Caughey
March 28, 2017, page 2

We appreciate any assistance you have or can provide for this request. Please call me if you have any questions or comments.

Thank you.

Very truly yours,


David J. Hutton

MEMO

TO: Safety and Public Works Committee

FROM: Jeff Hulsether

DATE: March 30, 2017

RE: Request from Northern Pacific Center

Attached is a letter from Dave Hutton at the Northern Pacific Center related to the collection of SAC and WAC fees associated with remodeling projects on the site. The nature of the request is for the city to grant credits for plumbing fixtures that have been abandoned on the site and to have those credits applied to new projects.

In 2002 when Ordinances 1146 and 1147, that established SAC and WAC fees, were adopted, Subd. 4 of the Ordinances provided for a transfer of Equivalent Residential Connections (ERC's) by stating that "An ERC can be transferred on the property from a structure being removed to a structure being constructed. At the time of the adoption, the Council also adopted 5 special considerations which are included in the attached minutes from the July 15, 2002 Council meeting. In those special considerations, the Council provided for the transfer of ERC credit on residential properties on which construction followed within 12 months of the demolition, and provided for waiving SAC and WAC fees on the remodeling of a retail space that remains a retail space. There were no special considerations for the remodeling of industrial spaces. In 2013 when working with Habitat for Humanity, the Council amended the special consideration related to the time between demolition and construction to 24 months. The rationale behind the time limit was twofold. First, it was there to encourage timely redevelopment of vacant lots and second, it was recognized that when there is no use of billable water and sewer, the property is not contributing to the costs of capital improvements to the systems and by paying SAC and WAC fees, the property is catching up with those payments.

When commercial and industrial properties are being remodeled, we do give credits for existing plumbing fixtures that are being removed or abandon as part of the remodel project. In the case of the NP Center, Credits have been granted for plumbing fixtures that were generally active and were being removed or abandon in the area of, and in conjunction with a remodel. In the request however, NP Center is requesting credits for plumbing fixtures that are not being directly impacted by a remodel project and were abandon some 50 years or more ago and have not been a customer or financial supporter of utility infrastructure for that period of time.

Based on the current special considerations and practices, staff cannot approve the request to provide these credits. As a result, this item is on the agenda for committee discussion to see if there is any interest in re-visiting the established special considerations.

Section 703 – Sewer Availability Charge (SAC)

703.01 Charges Established. For the purpose of providing funds for the City's wastewater treatment, force mains, lift stations and sewage collection systems, and the plant and facilities connected therewith, and the payment of capital charges represented by bonds, certificates of indebtedness or otherwise, which may be used to finance the costs of additions or expansions to the facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof, there is hereby imposed upon each lot, parcel of land, building or premises having any connection with the City's public sewer system a sewer availability charge (SAC) as hereinafter provided. Said charge shall be in addition to any other previous or future charge or assessment levied against the property.

703.02 Determination and Administration of Charge. The availability charge as hereinabove authorized shall be imposed in addition to the user charges for sewer service and shall be determined and administered as follows:

Subd. 1. Payment Required.

- a) Payment Required Prior To Connection: Prior to the issuance of the applicable permit and before connecting to the City's sewer system, a City sewer availability charge as hereinafter provided for shall be paid.
- b) Additional Building Permit: If, after the initial availability charge is paid, an additional building permit is issued, the use of the property changes, or new sewer connection is made, the availability charge shall be recalculated and any additional charges shall be paid.
- c) Change by Resolution: Any change in the City sewer availability charge as hereinafter set forth shall be by Council resolution.

Subd. 2. Determination of Charge. The amount of the availability charge shall be determined by the City by first determining the number of Equivalent Residential Connections (ERC's) applicable to the particular property. This charge shall be calculated in accordance with the most current ERC Table on file in the office of the City Engineer. Once the appropriate number of ERC's are determined in this manner, the availability charge shall be calculated using the charge in the most recent resolution setting the availability charge.

Subd. 3. Determination of ERC's. The City shall determine the number of ERC's.

Subd. 4. Transfer of ERC's. Once established, the number of ERC's shall remain the same on the property. An ERC can be transferred on the property from a structure being removed to a structure being constructed.

Subd. 5. Uses Not on Table. Any use not represented in the ERC table shall be subject to determination of the appropriate number of ERC's by the City based on estimated flows. The most recent edition of the Service Availability Charge Procedures Manual prepared by the Metropolitan Council Environmental Services division may also be utilized as a tool for calculating ERC's.

(Added Ord. 1146 – 2002)

Section 706 – Water Availability Charge (WAC)

706.01 Charge Established. For the purpose of providing funds for the City's wells, water treatment, water storage, and water distribution systems, and the plant and facilities connected therewith, and the payment of capital charges represented by bonds, certificates of indebtedness or otherwise, which may be used to finance the costs of additions or expansions to the facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof, there is hereby imposed upon each lot, parcel of land, building, or premises having any connection with the City's public water system a water availability charge (WAC) as hereinafter provided. Said charge shall be in addition to any other previous or future charge or assessment levied against the property.

706.02 Determination and Administration of Charge. The availability charge as hereinabove authorized shall be imposed in addition to the user charges for water service and shall be determined and administered as follows:

Subd. 1. Payment Required:

- a) Payment Required Prior to Connection: Prior to the issuance of the applicable permit and before connecting to the City's water system, a City water availability charge as hereinafter provided for shall be paid.
- b) Additional Building Permit: If, after the initial availability charge is paid, an additional building permit is issued, the use of the property changes, or new water connection is made, the availability charge shall be recalculated and any additional charges shall be paid.
- c) Change by Resolution: Any change in the City water availability charge as hereinafter set forth shall be by Council Resolution.

Subd. 2. Determination of Charge. The amount of the availability charge shall be determined by the City by first determining the number of Equivalent Residential Connections (ERC's) applicable to the particular property. This charge shall be calculated in accordance with the most current ERC Table on file in the office of the City Engineer. Once the appropriate number of ERC's are determined in this manner, the availability charge shall be calculated using the charge in the most recent resolution setting the availability charge.

Subd. 3. Determination of ERC's. The City shall determine the number of ERC's.

Subd. 4. Transfer of ERC's. Once established, the number of ERC's shall remain the same on the property. An ERC can be transferred on the property from a structure being removed to a structure being constructed.

Subd. 5. Uses Not on Table. Any use not represented in the ERC tables shall be subject to determination of the appropriate number of ERC's by the City based on estimated flows. The most recent edition of the Service Availability Charge Procedures Manual prepared by the Metropolitan Council Environmental Services division may also be utilized as a tool for calculating ERC's.

(Added Ord. 1147 – 2002)

fees of \$15,000 and \$300 have been paid by Edina Technical Products to the City of Brainerd, and now the City will make application for the bonding allocation.

Safety & Public Works Committee.

Demolition Derby Vehicles.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND OLSON, DULY CARRIED, TO FOLLOW STAFF'S RECOMMENDATION THAT THESE VEHICLES SHOULD BE REMOVED FROM ALL PREMISES NO LATER THAN SEPTEMBER 1 OF EACH YEAR, UNLESS THE OWNER CAN SHOW PROOF OF EVENT REGISTRATION AFTER THAT DATE, IN WHICH CASE THE VEHICLE SHOULD BE REMOVED WITHIN ONE WEEK FOLLOWING THAT EVENT.

SAC and WAC Fees - Special Considerations - Approved.

Alderman Scheeler noted the 5 criteria staff has recommended regarding collecting SAC and WAC charges, when applicable, along with building permit fees. They are: (1) residential remodel/additions/accessory structures - staff recommends that SAC and WAC charges not be collected for these activities; (2) residential reconstruction by same owner - staff recommends that in situations where the owner is both demolishing and reconstructing on the parcel, the SAC and WAC charges not be collected; (3) residential reconstruction by different owner - staff recommends that this category be considered the same as initial construction on any vacant lot that has been vacant for 12 months, and subject to the SAC and WAC charges; (4) manufactured home parks - staff recommends that SAC and WAC charges not be collected for a home replacement. However, if a park expands or a new park is constructed, there will be a resulting increase in demand, therefore a SAC and WAC charge will be collected from each initial connection to the utilities; and (5) commercial/industrial remodel - staff recommends if a retail space is remodeled and remains a retail space, SAC and WAC fees not be charged.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND OLSON, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION OF THE FIVE ABOVE STATED CRITERIA FOR SPECIAL CONSIDERATION WHEN IMPLEMENTING SAC AND WAC FEES.

Request for Street Closure.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND OLSON, DULY CARRIED, TO APPROVE THE REQUEST FROM THE LOCAL PUBLIC TELEVISION STATION FOR STREET CLOSURE OF THE NORTH ½ OF NORTHWEST 3RD STREET BETWEEN WASHINGTON STREET AND JAMES STREET, ON SEPTEMBER 7, 2002 FROM 1:00 P.M. TO 5:00 P.M.

Safety and Public Works Committee

Request from Habitat for Humanity – Waive SAC and WAC Fees for 24 Months for New Construction at 509 E Street, Brainerd – Approved

Per a memo included in the Packet from City Engineer Hulsether, Habitat for Humanity is asking the City to waive SAC and WAC fees for a house to be constructed at 509 E Street because of delays associated with architectural design to assure the new structure fits into the neighborhood. Staff recommends waiving the SAC and WAC fees for a 24-month period and will also be bringing forth language at a future meeting to amend the ordinance to provide for a 24-month waiver period for demolition/reconstruction situations such as this.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO WAIVE THE SAC AND WAC FEES FOR 24 MONTHS ON CONSTRUCTION OF A NEW HOUSE AT 509 E STREET AS REQUESTED BY HABITAT FOR HUMANITY.

October 10, 2013 National Fire Prevention Week Fire Department Open House Event – Street Closure Request for East River Road between Front and Laurel Streets from 4:00 P.M. to 8:00 P.M. – Approved Contingent Upon Receiving a Completed “Special Events/Street Closure” Application

A memo was included in the Packet from Fire Chief Stunek requesting to close East River Road between Front and Laurel Streets from 4:00 P.M. to 8:00 P.M. for the Fire Department Open House to be held from 5:00 P.M. to 7:00 P.M.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO APPROVE THE STREET CLOSURE REQUEST FROM FIRE CHIEF STUNEK TO CLOSE EAST RIVER ROAD BETWEEN FRONT AND LAUREL STREETS FROM 4:00 P.M. TO 8:00 P.M. ON THURSDAY, OCTOBER 10, 2013, FOR THE FIRE DEPARTMENT OPEN HOUSE, FURTHER, TO REQUIRE THE “SPECIAL EVENT/STREET CLOSURE” APPLICATION TO BE SUBMITTED PRIOR TO THE EVENT.

2013 Assessment Hearings – To be held on Monday, October 21 2013 at 7:30 – Approved

Per a memo included in the Packet from City Engineer Hulsether, staff is preparing assessment rolls for this year's projects

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO SET THE 2013 ASSESSMENT HEARINGS FOR MONDAY, OCTOBER 21, 2013 AT 7:30 P.M. FOR THE FOLLOWING IMPROVEMENTS:

- 13-01 – SW 4th Street – College Drive to West Laurel Street
- 13-02 – East River Road – College Drive to Washington Street
- 13-03 – North 8th Street – Washington Street to Fir Street
- 13-04 – 13th Avenue NE – N Street to O Street
- 13-05 – Ivy Street – North 10th Street to North 11th Street
- Downtown Snow Removal Assessment District
- Downtown Special Services District

FEMA Request for Confirmation – Direct Staff to Send Letter Confirming an Understanding of SAFER Grant Obligations – Approved

Personnel and Finance Committee Chair Bevans stated that correspondence was received from FEMA requesting a letter from the City confirming an understanding of the SAFER grant obligations.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS, DULY CARRIED, TO DIRECT STAFF TO WRITE A LETTER TO FEMA ENSURING THE CITY'S CLEAR UNDERSTANDING OF THE LONG-TERM OBLIGATIONS OF A SAFER GRANT INCLUDING THE MAINTENANCE OF STAFFING LEVELS AND INCURRING NO LAY-OFFS THROUGHOUT THE GRANT PERIOD.

Safety and Public Works Committee

SAC and WAC Fee Waiver Period – Amend Special Considerations Approved in 2002 to Reflect Change from 12 Months to 24 Months when referring to “Residential Reconstruction by Different Owner” as Recommended by Staff – Approved

Per a memo included in the Packet from City Engineer Hulsether, the Council had waived SAC and WAC fees on a building permit at the September 16, 2013 meeting and at that time staff was asked to develop ordinance language amending the waiver period from 12 months to 24 months. He states that when following up on the Council's direction, it became apparent that the waiting period was established by Council direction and approval at a meeting held July 15, 2002 (also attached) and staff recommends amending that criteria to adjust the time frame from 12 months to 24 months.

MOVED AND SECONDED BY ALDERMEN SCHEELER AND KOEP, DULY CARRIED, TO AMEND THE SPECIAL CONSIDERATIONS APPROVED ON JULY 15, 2002 REFERRING TO SAC AND WAC FEES TO READ “(3) RESIDENTIAL RECONSTRUCTION BY DIFFERENT OWNER – CONSIDER THIS CATEGORY THE SAME AS INITIAL CONSTRUCTION ON ANY VACANT LOT THAT HAS BEEN VACANT FOR 24 MONTHS, AND SUBJECT TO THE SAC AND WAC CHARGES” AS RECOMMENDED BY STAFF.

Dellwood Drive Project – Held Over

Safety and Public Works Committee Chair Scheeler stated that staff would like to have additional discussion about this item and then receive direction from the Council on a formal response to the County.

Safe Routes to School Project Scope – Stay within \$300,000 Grant Award and Deny \$75,000 City Matching Offer from School District – Approved

MOVED AND SECONDED BY ALDERMEN SCHEELER AND BORKENHAGEN, DULY CARRIED, TO STAY WITHIN THE \$300,000 GRANT AWARD FOR THE SAFE ROUTES TO SCHOOL PROJECT AND NOT ACCEPT THE \$75,000 OFFER FROM THE SCHOOL DISTRICT SUBJECT TO A CITY MATCH.

Street Closure/Event Applications for Parades – Require Parade Permit Application Process to be Concurrent with Event Approval Process including Submittal of Street Closure/Event Application – Approved



Brainerd City Council Agenda Request

SPW
#4

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Improvement 14-08 - Approval of Final Payment

☐ 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: We have received our final billing from Crow Wing County for the joint project on SE 13th Street last season. The final payment is \$621,619.96 which includes construct and engineering costs.	
Alternatives, Options, Effects on Others/Comments: The Council previously approved costs in the amount of \$602,931.87 based on the original estimated quantities and engineering, which leaves us with an overrun of \$18,688.09. The majority of the overrun is from an overrun of curb and gutter removal and replacement on SE 13th Street with is a 50-50 cost split with the County pursuant to their cost participation policy. The was also additional cost assigned to the City for the construction of a weight distribution slab at an alley sewer crossing.	
Recommended Action/Motion: Staff is recommending that the Council approve final payment to Crow Wing County in the amount of \$621,619.96.	
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 payment will be from the Construction Fund with portions reimbursed by the appropriate utility funds.	



Brainerd City Council Agenda Request

SPW
#5

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Walkable Bikeable City Committee - Non-Motorized Transportation Plan (NMTP) Tier 1 Priorities

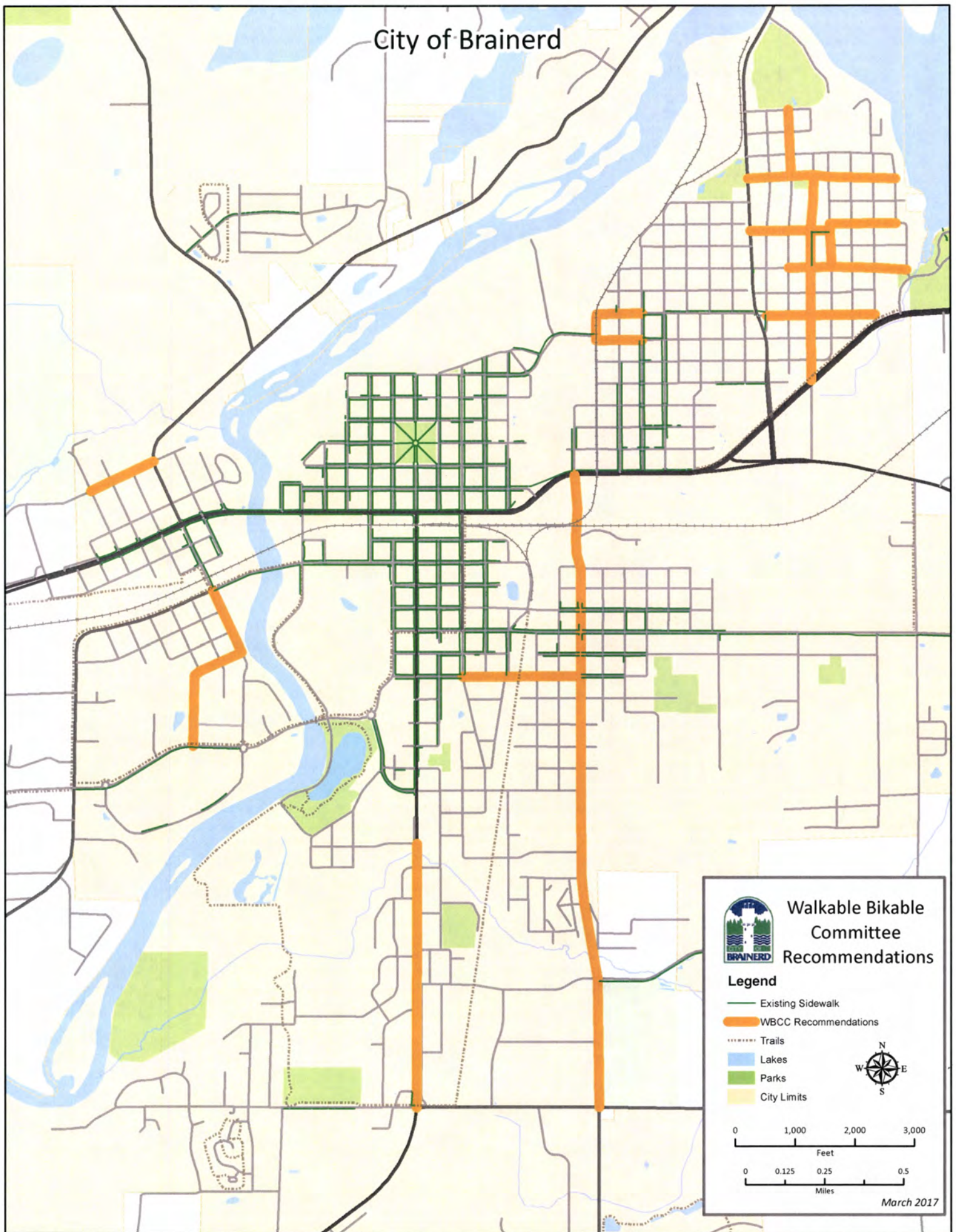
☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading *provide copy of published hearing notice
Submitted by: Paul Sandy/Mark Ostgarden	Department: Engineering/Planning
Presenter (Name & Title): Same	Estimated Time Needed: 15 Minutes
Summary of Issue: At its March 27 meeting, the WBCC reviewed the Tier 1 NMTP priorities and has recommended several projects for 2018-2020. Paul Sandy attended the meeting and reviewed whether any projects are part of the 5 year Capital Improvement Plan. Following that discussion the Committee reached a consensus on 5 top Tier 1 priorities and 2 Tier 1B priorities. Attached is a breakdown of the estimated project costs that includes Safe Routes To School sidewalk and TAP sidewalk costs and a map identifying project locations. The recommendations shown in orange include the Safe Routes and TAP sidewalk locations.	
Alternatives, Options, Effects on Others/Comments: SPW Chair Kelly Bevans requested that in addition to the WBCC, that the Committee members should identify individual Tier 1 priorities. Prior to a decision on the WBCC recommendations the Committee has the option of reviewing its priorities with those of the WBCC. Should the SPW think that the project list is too aggressive, it can either create a final priorities list or return it to the WBCC to revise its recommendations. Should it do so it is suggested it be done with a not to exceed budget amount.	
Recommended Action/Motion: The WBCC recommendations are attached.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>See attached</u> Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

Walkable Bikeable City Committee Non-Motorized Transportation Plan Tier 1 2018-2020 Recommendations

CROSS WALKS – PRIORITY 1 WBCC RECOMMENDATIONS		
Locations:	Square feet	Cost
Mill Ave and H St NE w/ activator flasher		\$25,000
SW 4th St and Laurel St w/activator flasher		\$25,000
TOTAL		\$50,000
SIDEWALK – PRIORITY 1 WBCC RECOMMENDATIONS		
Locations:	Square feet	Cost
1st Ave NE from G St to H St	2,000	\$48,000
H St from 1st Ave NE to 3rd Ave NE	3,400	\$82,000
Quince St from S 8th St to 13th St SE	8,850	\$213,000
SUBTOTAL		\$343,000
SIDEWALK – SAFE ROUTES TO SCHOOL		
Locations:	Square feet	Cost
<u>G St between 1st Ave NE and 3rd Ave NE</u>	<u>3,600</u>	<u>\$90,000</u>
<u>H St from 8th Ave NE to 13th Ave NE</u>	<u>8,200</u>	<u>\$169,000</u>
<u>N St from 14th Ave NE to Mill Ave</u>	<u>12,175</u>	<u>\$243,000</u>
<u>10TH Ave NE from Washington St to I St</u>	<u>6,400</u>	<u>\$168,000</u>
<u>9TH Ave NE from N Street to Q Street</u>	<u>5,000</u>	<u>\$122,000</u>
<u>1ST Ave NE from Evergreen Ave to G St</u>	<u>450</u>	<u>\$14,000</u>
<u>L St from Mill Ave to 9th Ave NE and 12th Ave NE to 14th Ave NE</u>	<u>6,425</u>	<u>\$136,000</u>
<u>J St from 12th Ave NE to 13th Ave NE</u>	<u>1,675</u>	<u>40,000</u>
SUBTOTAL		<u>\$982,000</u>

SIDEWALK - TAP		
<u>Locations:</u>	Square feet	Cost
<u>S. 6th Street from Joseph Street to CR 117</u>	<u>24,000</u>	<u>\$547,000</u>
SUBTOTAL		<u>\$547,000</u>
TOTAL		<u>\$2,225,000</u>
Note: Underlined projects are federally funded TAP and Safe Routes to School projects that the City of Brainerd has been awarded and currently programmed for the 2019 construction season. All totals above include construction and engineering estimates. Grant money awarded from the federal government includes a 20% cost share of construction costs by the local agency and an 80% share being paid by the federal grant. Engineering costs are not eligible for federal fund reimbursement. City of Brainerd costs are anticipated to be \$442,000 of the underlined total above of \$1,529,000		
BIKE LANES – PRIORITY 1 WBCC RECOMMENDATIONS		
<u>Locations:</u>	Square Feet	Cost
Willow St (5th St) from S 6th St to College Dr	N/A	\$5,000
MULTI USE TRAIL – PRIORITY 1B WBCC RECOMMENDATIONS		
<u>Locations:</u>	Square feet	Cost
13 TH St SE from Hwy 210 to College Drive	105,510	\$1,020,000
TOTAL		\$1,020,000
SIDEWALK – PRIORITY 1B WBCC RECOMMENDATIONS		
<u>Locations:</u>	Square Feet	Cost
SW 4th St to May Street to SW 6th to College Dr	14,710	\$353,000
TOTAL		\$353,000

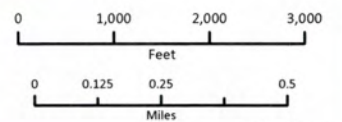
City of Brainerd



Walkable Bikable Committee Recommendations

Legend

- Existing Sidewalk
- WBCC Recommendations
- Trails
- Lakes
- Parks
- City Limits



March 2017

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

April 3, 2017
6:45 P.M.
City Hall Conference Room

1. Approval of Bills & Payments to Contractors

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
CWC Highway Dept	14:08	CSAH 45 (13 th Street)	\$621,620	\$0

2. Police Officer Request to Hire
3. City Engineer Hiring Process Update
4. Administrative Specialist - Administration Department Hiring Process Update
5. Upgrade to Council Chambers Audio System
6. Paxmar Development Update
7. Status of Actions on Downtown Properties

PACKET: 03937 04/03/17 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0087	VISIT BRAINERD					
		I-FEBRUARY 2017	101-49200-3340	LODGING TAX R FEBRUARY 2017 LODGING	075415	175.93
01-0133	CWC RECORDER					
		I-201700000137	101-41700-3350	PRINTING/LEGA RECORDING FEE DOC A885914	075367	46.00
01-0134	CWC SANITARY LANDFILL					
		I-110798	101-41940-3430	MISCELLANEOUS 3 YARDS DEBRIS	075368	30.00
01-0284	OFFICE SHOP					
		I-1022939-0	101-41940-2200	OFFICE SUPPLI COVERS, PENS, PENCILS, MARKERS	075399	23.71
		I-1023106-0	101-41940-2200	OFFICE SUPPLI PENS, MARKERS, LEAD, PENCILS,	075399	69.90
		I-1023106-0	101-41940-2210	OPERATING SUP COPY PAPER	075399	206.40
		I-1023106-1	101-41940-2200	OFFICE SUPPLI HIGHLIGHTERS	075399	8.16
01-0307	CENTERPOINT ENERGY					
		I-5942870-6/MAR 17	101-41940-3380	UTILITIES HEAT 2/17-3/20	075361	427.28
		I-6031615-5/MAR 17	101-41940-3380	UTILITIES HEAT 2/17-3/20	075361	277.16
01-0447	CDW GOVERNMENT, INC					
		C-ZRP00001572	101-41800-3309	COMPUTER SUPP CREDIT - INVOICE ZR00028578	075360	191.60-
		I-HGJ9423	101-41800-2200	OFFICE SUPPLI DELL OPTIPLEX COMPUTER	075360	706.32
		I-HHR7835	101-41800-3309	COMPUTER SUPP OFFICE 365 LICENSE	075360	94.50
		I-ZR00028578	101-41800-3309	COMPUTER SUPP OFFICE 365 LICENSE	075360	191.60
01-2257	U.S. BANK					
		I-MAR 17 ADM	101-41940-2200	OFFICE SUPPLI AMAZON - ELECTRIC STAPLER	075407	39.99
		I-MAR 17 ADM	101-41110-3330	PROFESSIONAL PEDDLERS - MEALS 2 COUNCILMEMB	075407	33.72
		I-MAR 17 ADM	101-41400-3330	PROFESSIONAL PEDDLERS - MEAL CITY ADMIN	075407	16.86
		I-MAR 17 ADM	101-41110-3330	PROFESSIONAL BEST WEST-LMC LEG CONF STUNEK	075407	159.06
		I-MAR 17 ADM	101-41110-3330	PROFESSIONAL BEST WEST-LMC LEG CONF PRITSCH	075407	159.06
		I-MAR 17 ADM	101-41400-3330	PROFESSIONAL BEST WEST-LMC LEG CONF THOREEN	075407	159.06
		I-MAR 17 ADM	101-41940-2212	MOTOR FUELS HOLIDAY-FUEL LMC LEG CONF	075407	15.00
		I-MAR 17 ADM	101-41940-2212	MOTOR FUELS KWIK TRIP-FUEL LMC LEG CONF	075407	32.65
		I-MAR 17 IT	101-41940-2200	OFFICE SUPPLI AMAZON - PHONE CORDS	075407	17.80
		I-MAR 17 IT	101-42400-3309	COMPUTER TECH AMAZON - 2 DELL TABLET CASES	075407	35.98
		I-MAR 17 IT	101-42400-3309	COMPUTER TECH AMAZON - 2 DELL SCREEN PROTECT	075407	32.78
		I-MAR 17 PLN	101-41910-3433	DUES & SUBSCR CONSTANT CONTACT	075407	20.00
01-2552	TYLER TECHNOLOGIES					
		I-025-183782	101-41400-3309	COMPUTER TECH SECURE SIGNATURE 5/17-4/18	075406	415.80
01-2791	INTEGRITY EMPLOYEE BENE					
		I-BC1	101-41400-3309	COMPUTER TECH BENEFITS CONNECT ENROLLMENT 17	075380	1,007.00
		I-BC1	101-14100	DUE FROM COMP BPU BENEFITS CONNECT 47 FTE	075380	684.00
		I-BC1	101-14100	DUE FROM COMP HRA BENEFITS CONNECT 15 FTE	075380	209.00
01-3138	ST. LOUIS MRO INC.					
		I-41133	101-41700-3430	MISCELLANEOUS PRE-EMPLOYMENT SCREENING	075402	24.50

PAGE: 2

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-3413	RATWIK, ROSZAK AND MALO					
		I-60113	101-41610-3301	CITY ATTORNEY FEBRUARY SPECIAL SERVICES	075401	899.75
		I-60113	101-14100	DUE FROM COMP BPU FEBRUARY ATTORNEY	075401	710.50
		I-FEBRUARY 2017	101-41610-3301	CITY ATTORNEY FEBRUARY RETAINER	075401	3,727.14
		I-FEBRUARY 2017	101-14100	DUE FROM COMP HRA FEBRUARY ATTORNEY	075401	203.00
		I-FEBRUARY 2017	101-14100	DUE FROM COMP BPU FEBRUARY ATTORNEY	075401	7.25
01-3469	LAKES AREA MAT SERVICE					
		I-#522: 20170307	101-41940-3410	RENTAL EXPENS #522 CITY HALL MAT SERVICE	075383	49.91
		I-#522: 20170321	101-41940-3410	RENTAL EXPENS #522 CITY HALL MAT SERVICE	075383	49.91
				FUND 101 GENERAL FUND	TOTAL:	10,775.08

PACKET: 03937 04/03/17 COUNCIL

VENDOR SET: 01

FUND : 203 TRANSIT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-APR 2017	203-49000-3410	RENTAL EXPENS APRIL TRANSIT RENT	075363	550.00
01-0447	CDW GOVERNMENT, INC					
		I-HFC2848	203-49000-3309	COMPUTER TECH STARTECH USB CAR CHARGER	075360	44.25
		I-HFR4834	203-49000-3309	COMPUTER TECH STARTECH GALAXY TAB CABLE	075360	43.40
01-1448	MN DEPT OF TRANSPORTATI					
		I-00000400098	203-33422	STATE GRANTS 2015 AGREEMENT 07178 AUDIT	075392	21,710.41
01-2677	BRAINERD ADMINISTRATION					
		I-201714	203-49000-2200	OFFICE SUPPLI MARCH OFFICE EXPENSE	075354	38.50
			FUND	203 TRANSIT FUND	TOTAL:	22,386.56

PACKET: 03937 04/03/17 COUNCIL

VENDOR SET: 01

FUND : 211 LIBRARY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0102	CANON FINANCIAL SERVICE	I-17095953	211-45505-3430	MISC - COPY M CONTRACT CHARGE MAR	075359	92.98
01-0161	MN DEPARTMENT OF AGRICU	I-2017	211-45501-3430	MISC - SPECIF 2017 SEED PERMIT	075391	75.00
01-0284	OFFICE SHOP	I-1021837-0	211-45500-2200	OFFICE SUPPLI RECEIPT PAPER	075399	10.09
01-0307	CENTERPOINT ENERGY	I-6032449-8/MAR 17	211-45500-3380	UTILITIES HEAT 2/17-3/20	075361	818.07
01-0325	THELEN HTG & RFG CO	I-5400	211-45500-3400	REPAIR & MAIN PUMP REPLACEMENT	075404	996.50
01-0344	WASTE PARTNERS INC	I-72X00612	211-45500-3430	MISCELLANEOUS FEBRUARY GARBAGE SERVICE	075416	70.14
01-0770	INITIATIVE FOUNDATION	I-2606	211-45501-3430	MISC - SPECIF VISTA COST SHARE	075379	1,000.00
01-2257	U.S. BANK	I-MAR 17 LIB	211-45505-3430	MISC - COPY M UPS STORE - SHIPPING RETURN	075407	26.59
		I-MAR 17 LIB	211-45500-3401	LIBRARY TECHN TECHSOUP - SOFTWARE	075407	8.00
		I-MAR 17 LIB	211-45503-3430	MISC - USE OF OVERNIGHTPRINTS - LIB BROCHURE	075407	170.26
		I-MAR 17 LIB	211-45500-2220	REPAIR & MAIN AMAZON - CLIPS FOR HANGING	075407	36.34
		I-MAR 17 LIB	211-45505-3430	MISC - COPY M MYDRIVERSMANUALS - DRIVER MANU	075407	195.04
		I-MAR 17 LIB	211-45505-3430	MISC - COPY M AMAZON - PAPER CUTTER	075407	136.96
		I-MAR 17 LIB	211-45501-3430	MISC - SPECIF AMAZON - YARN FOR LEGACY REIM	075407	16.90
		I-MAR 17 LIB	211-45501-3430	MISC - SPECIF AMAZON - YARN FOR LEGACY REIM	075407	45.17
01-2741	FRIENDS OF BRAINERD PUB	I-66276	211-45500-2220	REPAIR & MAIN DOOR STOPS & CLEANER	075374	33.89
01-2777	LAKES COUNTRY SERVICE C	I-83715	211-45500-3401	LIBRARY TECHN SERVER INSTALL	075384	50.00
			FUND 211 LIBRARY FUND	TOTAL:		3,781.93

PAGE: 5

FUND : 223 DRUG FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-ICR: 17000277	223-22800	OTHER LIABILI ICR: 17000277	075363	70.00
		I-ICR: 17000621	223-22800	OTHER LIABILI ICR: 17000621	075363	32.20
01-0136	CWC ATTORNEY					
		I-ICR: 17000277	223-22800	OTHER LIABILI ICR: 17000277	075365	20.00
		I-ICR: 17000621	223-22800	OTHER LIABILI ICR: 17000621	075365	9.20
01-0586	MN STATE TREASURER					
		I-ICR: 17000277	223-22800	OTHER LIABILI ICR: 17000277	075393	10.00
		I-ICR: 17000621	223-22800	OTHER LIABILI ICR: 17000621	075393	4.60
			FUND	223 DRUG FORFEITURE	TOTAL:	146.00

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REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 6

PACKET: 03937 04/03/17 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-28474	224-42150-2210	OPERATING EXP TOW ICR: 16003633	075417	45.00
			FUND	224 DUI FORFEITURE	TOTAL:	45.00

PACKET: 03937 04/03/17 COUNCIL

VENDOR SET: 01

FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0102	CANON FINANCIAL SERVICE					
		I-17095954	225-42220-3331	LEASE PAYMENT APRIL COPIER LEASE	075359	66.23
01-0170	FASTENAL COMPANY					
		I-MNBAX204100	225-42120-2220	REPAIR & MAIN ICE MELT	075373	49.95
01-0209	HEARTLAND TIRE INC.					
		I-0000072640	225-42120-2221	SQUAD CAR REP SQD 415 - 2 TIRES	075376	354.04
		I-0000072693	225-42120-2221	SQUAD CAR REP SQD 924 - 2 TIRES	075376	385.18
01-0226	LAKES AREA MAT SERVICE					
		I-#580: 20170307	225-42120-3430	MISCELLANEOUS #580 POLICE DEPT MAT SERVICE	075382	40.15
		I-#580: 20170321	225-42120-3430	MISCELLANEOUS #580 POLICE DEPT MAT SERVICE	075382	40.15
01-0242	MALLIE LAW OFFICE, PA					
		I-APR 2017	225-42127-3310	MISDEMEANOR P APRIL 2017	075386	15,272.91
01-0265	OFFICE OF MN.IT SERVICE					
		I-W17020718	225-42127-3430	MISC - PROSEC FEB CITY PROSECUTOR PHONE	075398	63.90
01-0273	NAPA AUTO PARTS					
		I-038495	225-42220-2210	OPERATING SUP DIESEL COOLANT, POWER CLEANER	075395	27.82
01-0307	CENTERPOINT ENERGY					
		I-5956221-5/MAR 17	225-42120-3380	UTILITIES HEAT 2/17-3/20	075361	154.85
		I-6004720-6/MAR 17	225-42220-3380	UTILITIES HEAT 2/17-3/20	075361	293.16
01-0325	THELEN HTG & RFG CO					
		I-5454	225-42220-2220	REPAIR & MAIN HVAC MOTOR, INSTALL LABOR	075404	952.00
01-0736	NORTHLAND FIRE PROTECTI					
		I-4325-1	225-42120-2209	SAFETY EQUIPM RECHARGE FIRE EXTINGUISHERS	075397	163.90
01-0745	BATTERIES PLUS					
		I-035-326507	225-42120-2210	OPERATING SUP CAMERA BATTERY	075353	26.95
01-1	MISCELLANEOUS VENDOR					
	PETE'S AMOCO	I-0012099	225-42120-2221	SQUAD CAR REP SQD 924 - TIRE CHANGE	075400	40.00
01-1343	CHARTER COMMUNICATIONS					
		I-MAR-APR 2017	225-42220-3380	UTILITIES MAR-APR 2017 NE STATION	075362	7.40
01-1365	MCCULLOUGH, JULIE					
		I-TRAVREIM 3/17	225-42120-3330	PROFESSIONAL MILEAGE REIM NIBRS FOCUS GROUP	075387	136.96
01-1815	F.I.R.E. CROSSLAKE					
		I-2334	225-42220-3330	PROFESSIONAL PUMPING SCENARIOS, DRAFTING	075372	550.00
		I-2359	225-42220-3330	PROFESSIONAL INCIDENT COMMAND, HIGH RISE S/	075372	700.00

PACKET: 03937 04/03/17 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1856	EMERGENCY AUTOMOTIVE TE					
		I-DL022117-20	225-42220-2220	REPAIR & MAIN SIGNAL FLASHER/KIT	075371	631.75
		I-DL022117-20A	225-42220-2220	REPAIR & MAIN 4 LED REPLACEMENT STROBE LIGHT	075371	297.00
01-1912	MINNEAPOLIS FINANCE DEP					
		I-400451001009	225-42120-3309	COMPUTER TECH 2/17 APS COMP SUPPORT	075390	432.90
01-1913	GRAND FORKS FIRE EQUIPM					
		I-19329	225-42220-2250	PERSONAL PROT HELMETS	075375	938.72
01-2257	U.S. BANK					
		I-MAR 17 FD	225-42220-3330	PROFESSIONAL PAYPAL - '17 FD INVEST CONF COX	075407	268.07
		I-MAR 17 FD	225-42220-2250	PERSONAL PROT FIREPENNY - FIREFIGHTER GLOVES	075407	547.34
		I-MAR 17 FD	225-42220-3309	COMPUTER TECH HAVIS - DOCKING STATION	075407	35.00
		I-MAR 17 FD	225-42220-3330	PROFESSIONAL COURTYARD - LODGING COX CONF	075407	239.52
		I-MAR 17 FD	225-42220-2250	PERSONAL PROT WPSG - HELMET LEATHER FRONTS	075407	262.45
		I-MAR 17 FD	225-42220-3322	POSTAGE USPS - POSTAGE	075407	2.38
		I-MAR 17 FD	225-42220-2210	OPERATING SUP MILLS - COOLER, CHAMOIS, RECV	075407	147.17
		I-MAR 17 PD	225-42120-3305	CRIME PREVENT WALGREENS - COMMUNITY POLICING	075407	5.99
		I-MAR 17 PD	225-42120-2210	OPERATING SUP TRANSUNION - SSN #S TICKETS	075407	25.00
		I-MAR 17 PD	225-42120-3322	POSTAGE UPS STORE - SHIPPING	075407	22.20
		I-MAR 17 PD	225-42120-3322	POSTAGE POSTMASTER - 100 POSTAGE STAMP	075407	49.00
		I-MAR 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	075407	10.10
		I-MAR 17 PD	225-42120-1113	UNIFORM ALLOW LA PD GEAR - 722 UNIFORM BOOTS	075407	107.98
		I-MAR 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	075407	6.59
		I-MAR 17 PD	225-42120-2200	OFFICE SUPPLI AMAZON - MONITOR SCREEN FILTER	075407	96.00
		I-MAR 17 PD	225-42120-2212	MOTOR FUELS HOLIDAY - SQUAD FUEL	075407	40.44
		I-MAR 17 PD	225-42128-3430	MISC - K9 PRO MILLS - K9 SUPPLIES	075407	73.98
		I-MAR 17 PD	225-42120-3330	PROFESSIONAL DOUBLE TREE - LODGING 707 K9 C	075407	81.90
		I-MAR 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	075407	7.20
		I-MAR 17 PD	225-42120-1113	UNIFORM ALLOW LA PD GEAR - 722 UNIFORM BOOTS	075407	113.99
		I-MAR 17 PD	225-42120-1113	UNIFORM ALLOW JCPENNYS 719 INVESTIGATOR UNIF	075407	226.89
		I-MAR 17 PD	225-42120-2210	OPERATING SUP MN CHIEFS ASSN 200 PERMIT TO A	075407	109.90
		I-MAR 17 PD	225-42120-2209	SAFETY EQUIPM LA PD GEAR - TOURNIQUETS	075407	393.75
		I-MAR 17 PD	225-42120-2210	OPERATING SUP EAR PHONE GUY - 715 EARPHONES	075407	29.25
		I-MAR 17 PD	225-42120-3330	PROFESSIONAL HOLIDAY INN - LODGING MCCULLOU	075407	126.82
		I-MAR 17 PD	225-42120-3330	PROFESSIONAL BCA CJTE UNIT - 725 ADVANCED N	075407	375.00
		I-MAR 17 PD	225-42120-2210	OPERATING SUP SIRCHIE - EVIDENCE SUPPLIES	075407	229.23
		I-MAR 17 PD	225-42120-2200	OFFICE SUPPLI AMAZON - TRANSCRIBER HEADSETS	075407	60.90
		I-MAR 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	075407	3.21
		I-MAR 17 PD	225-42120-3322	POSTAGE POSTMASTER - 200 POSTAGE STAMP	075407	98.00
		I-MAR 17 PD	225-42120-3330	PROFESSIONAL BCA CJTE - 707/721/729 DMT REC	075407	75.00
		I-MAR 17 PD	225-42120-2209	SAFETY EQUIPM BRD MEDICAL SUPPLY SHARPS CONT	075407	14.20
01-2589	STAPLES ADVANTAGE					
		I-3333429624	225-42120-2200	OFFICE SUPPLI STAPLER & FOLDERS	075403	16.46
		I-3333429624	225-42120-2220	REPAIR & MAIN CLEANING & MAINT SUPPLIES	075403	11.97
01-2924	VERIZON WIRELESS					

PACKET: 03937 04/03/17 COUNCIL
VENDOR SET: 01
FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-2924	VERIZON WIRELESS	continued				
		I-9782194078	225-42220-3321	TELEPHONE MAR-APR 2017 IPAD SERV	075414	210.06
01-3018	NORTH COUNTRY JANITORIA					
		I-MARCH 2017	225-42120-3300	PROFESSIONAL MARCH JANITORIAL SERVICES	075396	1,000.00
01-3168	MOTORS-N-MORE					
		I-24977	225-42120-2221	SQUAD CAR REP SQD 422 - OIL CHANGE	075394	23.00
		I-24985	225-42120-2221	SQUAD CAR REP SQD 404 - ENGINE COOLER HOSE	075394	637.50
		I-24987	225-42120-2221	SQUAD CAR REP SQD 421 - OIL CHANGE	075394	23.00
01-3488	JEFFERSON FIRE & SAFETY					
		I-235673	225-42220-2250	PERSONAL PROT HOODS	075381	724.92
FUND 225 PUBLIC SAFETY FUND TOTAL:						27,929.30

PAGE: 10

FUND : 230 PARK & RECREATION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0170	FASTENAL COMPANY					
		I-MNBAX204374	230-45200-2220	REPAIR & MAIN CABLE TIES	075373	10.18
01-0203	HOLDEN ELECTRIC					
		I-46258	230-45200-2220	REPAIR & MAIN WIRE NEW GARAGE DOOR OPENERS	075377	2,123.28
01-2106	BSN SPORTS, LLC					
		I-98863282	230-45200-2220	REPAIR & MAIN TENNIS NET AND CENTER STRAPS	075358	224.73
01-2257	U.S. BANK					
		I-MAR 17 PK	230-45200-2210	OPERATING SUP FLEET FARM - RAIN GEAR	075407	279.93
				FUND 230 PARK & RECREATION FUND	TOTAL:	2,638.12

PAGE: 11

PACKET: 03937 04/03/17 COUNCIL
VENDOR SET: 01
FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT	
=====							
01-0039	AMERIPRIDE LINEN SERVIC						
		I-2200894436	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	075352	78.25	
		I-2200897034	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	075352	103.40	
01-0253	MILLS AUTOMOTIVE GROUP						
		I-257676	235-43100-2220	REPAIR & MAIN SWITCH ASSEMBLY	075389	122.38	
01-0307	CENTERPOINT ENERGY						
		I-5974635-4/MAR 17	235-43100-3380	UTILITIES HEAT 2/17-3/20	075361	588.92	
01-0745	BATTERIES PLUS						
		I-035-326912	235-43100-2220	REPAIR & MAIN 1 18V NICAD, 1 12V NICAD BATTE	075353	98.98	
01-1589	HOTSYMINNESOTA.COM						
		I-54984	235-43100-2220	REPAIR & MAIN WASH BAY COMPONENTS	075378	2,069.15	
01-2902	ADVANCE AUTO PARTS						
		I-6574708083385	235-43100-2220	REPAIR & MAIN 1 ELECTRONIC FLASHER	075350	14.71	
		I-6574708378787	235-43100-2220	REPAIR & MAIN TRAFFIC LIGHT	075350	5.27	
01-3205	CROW WING POWER						
		I-APRIL 2017	235-43100-3380	UTILITIES SECURITY LIGHT @ WISE RD	075364	12.00	
				FUND	235 STREET & SEWER FUND	TOTAL:	3,093.06

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REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 12

PACKET: 03937 04/03/17 COUNCIL

VENDOR SET: 01

FUND : 236 PARKING LOT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0086	CITY OF BRAINERD					
		I-Q2 2017	236-43180-3430	MISCELLANEOUS 2ND QTR BN PARKING FEE	075363	250.00
			FUND	236 PARKING LOT FUND	TOTAL:	250.00

PAGE: 13

PACKET: 03937 04/03/17 COUNCIL
VENDOR SET: 01
FUND : 237 SANITARY SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0077	BRAINERD	HYDRAULICS/AIR				
		I-4735	237-43190-2220	REPAIR & MAIN 24 HOSE 2 BRAID, 2 6 MNPT 6, 1	075356	24.03
01-0354	ZIEGLER, INC					
		I-SW190019793	237-43190-2220	REPAIR & MAIN ENGINE REPAIR #126V	075418	2,743.33
01-1589	HOTSYMINNESOTA.COM					
		I-54971	237-43190-2220	REPAIR & MAIN HOSE REEL, BRACKET MOUNT	075378	284.79
01-2661	UTILITY FINANCIAL SOLUT					
		I-35431UFS	237-43190-3300	PROFESSIONAL WASTEWATER 2016FP RATE DESIGN	075413	1,535.00
				FUND 237 SANITARY SEWER FUND	TOTAL:	4,587.15

PACKET: 03937 04/03/17 COUNCIL

VENDOR SET: 01

FUND : 238 STORM SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0233	LEAGUE OF MN CITIES					
		I-253494	238-43160-3430	MISCELLANEOUS 1 MN CITIES STORMWATER COALITI	075385	760.00
01-2661	UTILITY FINANCIAL SOLUT					
		I-20940UFS	238-43160-3300	PROFESSIONAL STORMWATER 2016FP RATE DESIGN	075413	1,230.00
			FUND	238 STORM SEWER FUND	TOTAL:	1,990.00

PACKET: 03937 04/03/17 COUNCIL

VENDOR SET: 01

FUND : 278 HEALTHY EMPLOYEE INITIATIVE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0206	BRAINERD HOUSING AUTHOR					
		I-4TH QTR 16	278-46515-3430	MISCELLANEOUS 4TH QTR 2016 WELLNESS HSA REIM	075355	471.20
01-0296	BRAINERD PUBLIC UTILITI					
		I-4TH QTR 16	278-46515-3430	MISCELLANEOUS 4TH QTR 2016 WELLNESS HSA REIM	075357	1,353.60
			FUND	278 HEALTHY EMPLOYEE INITIATIVE	TOTAL:	1,824.80

PAGE: 16

PACKET: 03937 04/03/17 COUNCIL
VENDOR SET: 01
FUND : 298 SCDG-DOWNTOWN FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2707	DULUTH ARCHAEOLOGY CENT	I-2017-13	298-46530-3430	MISCELLANEOUS HISTORICAL SURVEY/STUDY	075370	4,432.66
01-3355	MILLER TESTING & CONSUL	I-201716	298-46530-3430	MISCELLANEOUS LEAD PAINT ASSESS 1717 NORWOOD	075388	400.00
		I-201725	298-46530-3430	MISCELLANEOUS LEAD PAINT & ASBESTOS 606 LAUR	075388	500.00
			FUND	298 SCDG-DOWNTOWN FUND	TOTAL:	5,332.66

PACKET: 03937 04/03/17 COUNCIL

VENDOR SET: 01

FUND : 400 CAPITAL PROJECTS FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-1573	DELL MARKETING LP					
		I-10153200513	400-49050-5530	CAPITAL - OTH POLICE SERVER REPLACEMENT	075369	3,687.74
01-1856	EMERGENCY AUTOMOTIVE TE					
		I-AW030917-6	400-49050-5530	CAPITAL - OTH SQD 402 & 425 BUILD UP	075371	1,694.55
		I-AW030917-6A	400-49050-5530	CAPITAL - OTH SQD 402 & 425 BUILD UP	075371	1,247.20
		I-AW030917-6B	400-49050-5530	CAPITAL - OTH SQD 402 & 425 BUILD UP	075371	55.83
		I-AW030917-6C	400-49050-5530	CAPITAL - OTH SQD 402 & 425 BUILD UP	075371	612.50
01-3468	TRI-STATE BOBCAT					
		I-S20655	400-49050-5530	CAPITAL - OTH 2016 BANDIT 250XP CHIPPER	075405	37,266.84
				FUND 400 CAPITAL PROJECTS FUND	TOTAL:	44,564.66

PAGE: 18

FUND : 401 CONSTRUCTION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0132	CWC HIGHWAY DEPT					
		I-APRIL 2017	401-41408-5530	PYMTS TO CONT STATE AID PROJ 018-645-007	075366	603,514.52
		I-APRIL 2017	401-41408-3300	PROFESSIONAL STATE AID PROJ 018-645-007	075366	18,105.44
			FUND	401 CONSTRUCTION FUND	TOTAL:	621,619.96

PACKET: 03937 04/03/17 COUNCIL

VENDOR SET: 01

FUND : 405 PARK DEDICATION CAPITAL

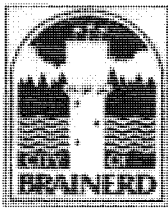
VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-2670	AMERICAN STEEL SUPPLY I					
		I-BHP/2017	405-49065-5500	CAPITAL OUTLA BEAMS FOR SCOREBOARD FRAME	075351	396.66
				FUND 405 PARK DEDICATION CAPITAL TOTAL:		396.66
				REPORT GRAND TOTAL:		751,360.94

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

GABE JOHNSON

SUE HILGART

KEVIN STUNEK



Brainerd City Council Agenda Request

Pa F
#2

Agenda Item #

Requested Meeting Date: April 3rd, 2017

Title of Item: Police Officer Request to Hire

☐ 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 <i>cm</i>	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: We are requesting authorization to make a conditional job offer to the next available police officer candidate Travis Gleason on the current eligibility list. Candidate number one was unable to successfully pass the pre-employment screening requirements. We still have two positions unfilled. We are in the process of completing the pre-employment screening for the second candidate. We would anticipate a projected starting date for Travis of April 17, or as soon as possible thereafter.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize making conditional job offer to Police Officer Candidate Travis Gleason, contingent on successful completion of the preemployment screening process, with a starting date of April 17th, or shortly thereafter.	
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 <u>Please Explain:</u> This is a budgeted position within the department's current budget and pre-employment screening costs are also covered in the Police Department 2017 budget.	



Brainerd City Council Agenda Request

Pd F
#3
Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: City Engineer Hiring Process Update

☐ 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: HR Coordinator Kris Schubert	Department: Administration/HR
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: 5 minutes
Summary of Issue: On March 20th, the City Council accepted City Engineer Jeff Hulsether's retirement and authorized an internal posting process to fill the position. It was noted that any qualified staff could apply for the position, applicants would be interviewed and then a recommendation would be made to the Council. When the position was posted, the deadline to submit applications was set for 3 pm on Friday, March 31st. Interviews will be held at 6 pm that evening. The interview panel will consist of Council President Pritschet, Safety and Public Works Chair Kelly Bevans, City Administrator Jim Thoreen, Mn/DOT District 3 State-Aid Engineer Kelvin Howieson, and HR Coordinator Kris Schubert.	
Alternatives, Options, Effects on Others/Comments: Since the interview(s) will be held on Friday evening after the packets are distributed, the interview panel hopes to provide a recommendation at the April 3rd P & F Committee meeting.	
Recommended Action/Motion: This depends on the Interview Panel's recommendation. An update will be provided at the 4/3/17 P & F Committee meeting.	
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 Position was included in the 2017 budget. <u>Please Explain:</u>	



Brainerd City Council Agenda Request

P&F #4
Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Administrative Specialist Hiring Process Update

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert & Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): Finance Director Connie Hillman	Estimated Time Needed: 5 minutes
Summary of Issue: Administrative Specialist Nikki Tabaka's resignation was effective February 10, 2017. Our application deadline was March 1st and we received 44 applications for the position. On 3/29/17 and 3/31/17, we will conduct eight interviews to fill the position. With this timeframe, we were unable to make a recommendation before the distribution of the 4/3/17 Council packet. Staff would like to present a conditional job offer recommendation at the 4/3/17 P & F meeting to avoid an additional two-week delay for the individual's date of hire.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Staff is hoping to present a recommendation at the meeting requesting approval of a conditional job offer for an individual for the Administrative Specialist - Administration Department position subject to successful completion of pre-employment physical, drug and background checks. Pay information will be provided in the recommendation.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>unknown</u> Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> Position was included in the 2017 budget. More details will be provided after a preliminary conditional job offer is discussed with the recommended applicant.	



Brainerd City Council Agenda Request

P & F
#5
Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Upgrade to Council Chambers Audio System

☐ 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):	Estimated Time Needed: 5 minutes
Summary of Issue: The Council is aware of challenges with the Council Chamber audio system, particularly as it relates to the sometimes garbled TV audio. IT Coordinator Shawn Strong and I have discussed some options presented by Dave Henschke as it relates to audio interconnection to the TV system.	
Alternatives, Options, Effects on Others/Comments: In order to improve audio, we suggest the following process: 1.) Invite two local vendors to submit proposals which will meet the basic elements: 17 new microphones, 2 (or more) new speakers in the room, and an audio recording system to replace the cassettes. 2.) Bring to the Council meeting of April 17 the proposals with recommendation from Shawn as to optimal, cost-effective solution. Shawn suggests that quality, but not necessarily top-of-the-line, equipment plus installation should not exceed \$10,000 and likely will be less.	
Recommended Action/Motion: None at this time unless the P & F committee seeks full Council input or wishes to direct staff to proceed as outlined.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>up to \$10,000</u> Is this budgeted? ☐ Yes ☒ No Council will direct a pay source if approved <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Pd F
#6
Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Paxmar Development Update

☒ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 minutes
Summary of Issue: On March 15, 2017, the CWC HRA closed on 12 lots with Paxmar-Brainerd, LLC. Eight of the lots were in Brainerd Oaks and four of the lots were in Serene Pines. The total sales price was \$99,398.31 and closing costs totaled \$502.65. The CWC HRA was reimbursed \$35,539.99 for expenses incurred to date and the City received a net amount of \$63,355.67	
Alternatives, Options, Effects on Others/Comments: \$6,000 of the proceeds was applied to Park Dedication Fees (12 * \$500). \$13,800 and \$7,800 was applied to payment for SAC and WAC fees respectively. The builder will pay an additional \$750 for each fee when the permit is pulled, thus making the City whole for SAC and WAC. The remaining \$35,755.67 that the City received was allocated among the debt service funds associated with the outstanding debt. \$6,925.04 went into Fund 314 (Brainerd Oaks) and \$28,830.63 went into Fund 322 (Serene Pines).	
Recommended Action/Motion: Informational.	
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: April 3, 2017

Title of Item: Status of Actions on Downtown Properties

☒ 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):	Estimated Time Needed: 5 minutes
Summary of Issue: The Council has been apprised of two downtown facilities against which we have filed notices to comply with directives: 1.) to repair apartments at 217 So. 7th Street to conform with rental housing codes and, 2.) once given a hearing in front of the Council on April 17, demolish the motel at 506 South Sixth Street.	
Alternatives, Options, Effects on Others/Comments: The owner of these properties has filed an appeal to be heard by the Rental Housing Appeals Board as it relates to our action at 217 So. 7th Street. The hearing will likely occur by mid-latter April with a report to be sent to the Council for its May 1 meeting. The motel property issue will be on the April 17 Council agenda for a directive to proceed with demolition of the buildings.	
Recommended Action/Motion: None at this time.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>unknown</u> Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u> No expense for the hearing process; outcome of processes could yield expenses to demolish property at city expense; TBD	



Brainerd City Council Agenda Request

7A

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: 2nd Ordinance Reading – ZTA to Add "Boarding School" Definition and Add Boarding Schools as a Conditional Use in B-4 Districts

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☒ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 20 minutes
Summary of Issue: A request has been submitted to amend the Zoning Ordinance language to permit boarding schools. The proposal adds 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. The Ordinance 1st reading occurred at the March 20, 2017 City Council meeting during which a map of all B-4 Districts in the city and information on noise standards was requested (both attached). The 1st part Section 2014 "Noise Related Issues" called "Prohibited Conduct Generally" is not enforceable language. The only verifiable method to determine whether a noise violation exists, is to use the MPCA noise measuring process. That requires hiring someone trained in using noise measuring equipment. The Planning Department finds it difficult to think that noise from school children, living in a boarding school environment, would rise to a MPCA violation.	
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 to add a "boarding school" definition and amend the Zoning Ordinance to add boarding school as a conditional use. Option 3. The April 3rd meeting is the final City Council meeting before the 60-day decision rule expires. Should the City Council think more time is needed in order to consider a 2nd reading, it can do so with a 1 time 60 day extension done by motion and majority vote.	
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. We all have a focus on the S. 6th St. property and the proposed boarding school. The City Council should base its text amendment decision on the appropriateness of boarding schools in any B-4 District in the community. Attached is a copy of the proposed Ordinance and staff memos related to boarding schools and the text amendment process.	
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 Please Explain:	

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:

515-63-2: Permitted Uses.

AA. 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, _____

Section 2014 – Noise Related Issues

2014.01 Prohibited Conduct Generally. Except as otherwise provided below in City Ordinance, it shall be unlawful for any person to make, assist in making, permit or allow the making of any noise in violation Brainerd City Ordinance or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others in the City, if the latter is done in such a manner as to be plainly audible at the boundary of the real property, structure, or residence from which the noise originates, or at a distance of fifty (50) feet from the source of the noise.

2014.02 Electronic Noise. No person shall play, use, or operate on any public or private property any radio, tape or disc player, musical instrument, phonograph, or other machine or device for the production of sound in such a manner, considering the time and place and the purpose for which the sound is produce, as to unreasonably disturb the peace, quite, or repose of a person of ordinary sensibility.

2014.03 Yelling, Shouting, Etc. Yelling, shouting, hooting, whistling, or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel, motel, or other place of residence, or of any person in the vicinity.

Subd. 1. When sounds violating this Section is produced by a machine or device that is located in or on vehicle, building, or land, the owner of the vehicle, building, or land is guilty of the violation; provided, however, that if the owner of the vehicle, building, or land is not present, the person in charge of the vehicle, building, or land at the time is guilty of the violation.

Subd. 2. This Section shall not apply to sound produced by the following:

- a) Amplifying equipment used in the connection with activities for which permits have been granted pursuant to Brainerd City Ordinance.
- b) Antitheft devices and personal safety devices.
- c) Safety devices for the production of sound on or in authorized emergency vehicles.
- d) Machines or devices for the production of sound on or in authorized emergency vehicles.

2014.04 Motor Vehicles. No person shall do any of the acts set forth in the following Subdivision.

Subd. 1. The sounding of any horn or audible signaling device on any automobile, motorcycle or other vehicle on any street, public place, or private property within the City except as a danger warning.

Subd. 2. The creation by means of any signaling device of any loud or harsh sound.

Subd. 3. The sounding of any such device for a period of time that disturbs the peace, quite, or repose of a person of ordinary sensibility.

Subd. 4. The use of any horn, whistle, or other audible signaling device operated by engine exhaust.

Subd. 5. The use of any horn, whistle, or audible signaling device when traffic is held up for any reason.

Subd. 6. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or any motor vehicle except through a muffler or other device which will effectively prevent loud or explosives noises therefrom.

Subd. 7. The use of any muffler of the type commonly known as "Glass Pack, Full Flow".

Subd. 8. To operate, allow or permit the operation of any motor vehicle or any auxiliary equipment attached to such vehicle to idle or test any internal combustion engine in such a manner as to be plainly audible as stated in Section 1.

Subd. 9. To operate any motor vehicle in such of disrepair as to create loud grating, grinding, rattling or other loud noise.

2014.05 Outdoor Power Equipment. Within five hundred (500) feet of any residentially zoned property, no person may operate any power implement including, but not limited to, an electric or gas powered implement such as a lawn mower, hedge clipper, chain saw, trimmer, bug zapper, or other device designed primarily for outdoor use, at any time other than between the hours of 6:30 AM to 10:00 PM on weekdays and 8:00 AM and 10:00 PM on public holidays, Saturdays, and Sundays. All implements shall be effectively muffled so as to prevent the emission of loud and explosive noises that disturb the peace, quite, or repose of a person or persons of ordinary sensibility.

2014.06 Noisy Parties and Gatherings, Prohibition. No person shall, between the hours of 10:00 PM and 7:00 AM congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume so as to disturb the peace, quiet, or repose of another person. No person shall knowingly remain at such a noisy party or gathering.

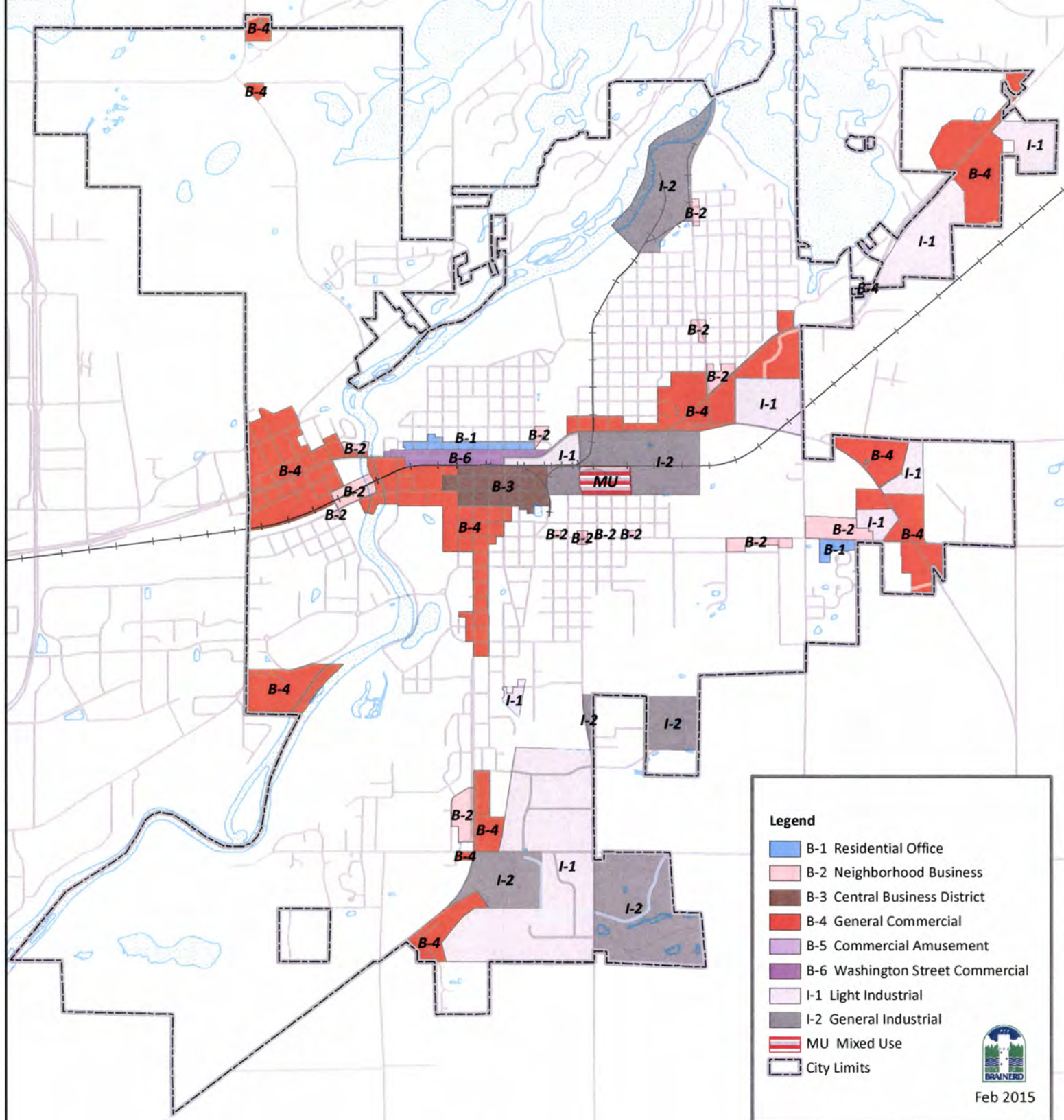
- a) Evidence. Noise of such volume as to be clearly audible at a distance of fifty (50) feet from the structure or building in which the party or gathering is occurring, or in the case of apartment buildings, in the adjacent hallway or apartment, shall be prima fascia evidence of a violation of this Section.

- b) Duty to Disperse. When a Police Officer determines that a party or gathering is in violation of this Section, the Officer may order all persons present at the premise where the violation is occurring, other than the owner or tenants of the premises, to disperse immediately. No person shall knowingly remain at such a party of gathering.
- c) Exceptions. The following are exempt from violation of this Section:
 - i) Activities which are duly authorized, sponsored or licensed by the City of Brainerd, so long as the activity is conducted pursuant to the conditions of the license, permit or contract authorizing such activity.
 - ii) Church bells, chimes, or carillons.
 - iii) Person who have gone to the party for the sole purpose of abating the violation.
- d) Penalties. Every owner or tenant of the premises where a party or gathering in violation of this Section occurs, who is present at such party or gathering, is guilty of a misdemeanor. Any person, who refuses to disperse from the party or gathering in violation of this Section after being ordered by a Police Officer to do so, is guilty of a misdemeanor.

2014.07 Exemptions. Authorized by the Brainerd City Council or their designees. Upon special request made by contractors, the Council may exempt contractors performing public works operations from the time prohibitions set forth within this Ordinance.

(Added Ord. 1177 – 2002)

City of Brainerd Zoning Map Business and Industrial Only





Brainerd City Council Agenda Request

7B

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Council Review/Discussion of Accomplishments

☐ 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: On February 11 the Council and Department Heads held a retreat to Review: Who and What We Are; What are our Visions and Priorities, and to Develop Future Work for the Council and Staff. Tonight: How Do We Grade Progress on Our Visions and Priorities; What Are the Success Stories	
Alternatives, Options, Effects on Others/Comments: One of the promises we made to ourselves is to re-visit our work on a regular basis. We did not want to put the report on the shelf and pat ourselves on the back. This evening we will re-visit the items we chose as the four most important to accomplish in five years. Each long journey starts with the first step. The exercise tonight will ask all of us to identify what has been accomplished in the past two months. Some suggestions are offered, but everyone needs to identify successes and additional paths to walk.	
Recommended Action/Motion: Review the attached list. Discuss and identify other successes. Compile a short list of "next steps to take." We'll return to this exercise in late May/early June.	
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>	

APRIL 3, 2017

2017 Council/Department Head Retreat Outcomes
...A Follow Up Conversation to the February 11, 2017 Session

WHAT AND HOW ARE WE DOING?

Review of What We Declared as a New VISION within 5 years; What Toward these Visions and Priorities Has Been Accomplished or Planned Since 2/11/17?

1. Improve Housing Quality (12)
 - ✓ Ground Breaking for Brainerd Oaks
 - ✓ Examination of Challenged Downtown Apartments
 - ✓ _____
 - ✓ _____
 - ✓ _____

2. Identify what Brainerd Is: Parks, Neighborhoods, Schools, History, Young, Family-Friendly (9)
 - ✓ Fountain Repair Planned for Gregory Park
 - ✓ Ad Hoc Group Fundraising for Splash Pad
 - ✓ _____
 - ✓ _____
 - ✓ _____

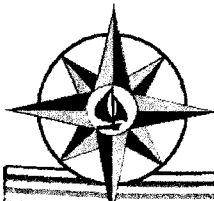
3. Preserve Character and History of Brainerd...Create Welcoming, Functional Space to Deliver City Services (7)
 - ✓ Another History Week Being Planned to Honor the Past
 - ✓ Comprehensive Plan in Formative Stages
 - ✓ _____
 - ✓ _____
 - ✓ _____

4. Sights and Recreational Opportunities (6)

- ✓ Brainerd Riverfront Project Initiates Work
- ✓ Cuyuna Trail Development Designated as a Primary Goal
- ✓ _____
- ✓ _____
- ✓ _____

IN MAY:

First Choice for Council Review:



City of Brainerd • Council & Department Heads • 12:30-5:00

Vision & Priorities

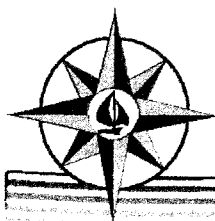
Step #1: Write items for your new Vision here.

In five years, we will have developed, delivered, & be recognized for...

- Improve housing quality (12)
- ID what Brainerd is – Parks, neighborhoods, schools, history, young, family-friendly (9)
- Preserving the character & history of Brainerd while creating a functional, welcoming space for delivering city services (7)
- Sights & recreational opportunities (Riverfront, trails, parks, etc.) (6)
- Redeveloped residential by block (4)
- Expand / create a Convention Center – More opportunities (4)
- Shops & restaurants that make Brainerd a destination, not a label (2)
- Good place to raise a family (2)
- Positive public opinion in our community & throughout MN (2)

Step #2: Identify between 4 & 6 near-term Priorities to get there.

- 1) Better branding of Brainerd – one voice & visuals from all (9)
- 2) IT investments (8)
- 3) Comprehensive plan as our road map (8)
- 4) Collaboration w/ BLADEC, HRA & high-quality professional for young family housing, townhomes, etc. (8)
- 5) Positively change our image as a great place to live & do business (7)
- 6) Facility study & inventory to know where we are (4)



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P.O. Box 5120 • St. Cloud, MN 56302-5120 • (800) 500-7017 • Fax (320) 202-1010 • www.bigrivergroup.com

City of Brainerd • Council & Department Heads • 12:30-5:00
Three Types of Future Work

Implement

Learn & Review

Consider

1) Better branding

* EDA role, planning & zoning * Growth projections

2) IT investments

* Strategies for public
information &
communication

* Recruitment, succession
planning, compensation

3) Comprehensive plan

* Housing – What is our role,
& what can we do?

* Stable financial planning

**4) Collaborate w/ HRA,
BLADEC &
developers**

* Incentive programs for
housing & business
development

* East side hotel & development

**5) Positively change our
image**

* ID businesses that fit our
needs & go after them

* Will we be able to afford the
cost of growth?

**6) Facility study &
inventory**

* Work with our neighbors –
shared services?

* Long-term maintenance

* Block by block
redevelopment opportunities



Brainerd City Council Agenda Request

8A

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Registration for June League of Minnesota Cities Conference

☐ 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 a brief reminder of the LMC conference in Rochester June 14-16. Earlier registration is better than later registration. Hotel Rooms fill up quickly. Please let me know who plans to attend in order to register you and get housing.	
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 \$ depends on #'s Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u>	

2017 LMC Annual Conference

Signs of a Vibrant City!



June 14-16—Mayo Civic Center, Rochester, MN

—REGISTER NOW! (Link to: <https://mylmc.lmc.org/ebusiness/ProductCatalog/Product.aspx?ID=2669>)

Is your city showing the signs of a vibrant community?

Get equipped with information, skills, and tools you'll need to keep you city moving forward.

During the 2017 Annual Conference you will:

Explore big trends and issues impacting local government, and how cities of ALL sizes can rise to the challenge

Step out of the conference center and explore city projects in action with tours and events in Rochester

Create connections during the exhibit hall featuring more than 120 vendors

Engage with colleagues from across the state and share your ideas and success stories

Plus, this year's conference also features pre-conference programming focused on advanced training for newly elected officials and policing in the 21st century.

Date/Location:

June 14-16—Rochester, MN

Mayo Civic Center

<http://www.lmc.org/17ac3>

3/28/2017

30 Civic Center Dr. SE. (view map) (Link to:

https://www.google.com/maps/place/Mayo+Civic+Center/@44.0224878,-92.4586301,15z/data=!4m2!3m1!1s0x0:0x67c34e22220d3344?sa=X&sqi=2&ved=0ahUKEwjVqia0LPSAhWf0YMKHQJaAJgQ_BII dzAN

Rochester, MN 55904

Pricing:

Regular Attendee

—Fee: \$400 (price increases to \$450 after May 1)

First-Time Attendee

—Fee: \$150 (price increases to \$450 after May 1)

Cities with Populations Under 1,000

—Fee: \$250 (price increases to \$450 after May 1)

Company Representative

—Fee: \$600

The registration fees below include admission to all conference sessions, networking, and meal events. Lodging is not included in the fees.

Find out more about the 2017 Annual Conference:

—Exhibit Hall (Link to: <http://www.lmc.org/page/1/AC2017-ExhibitorPage.jsp>)

—Arts4Trails Field Tour (Link to: <http://www.lmc.org/page/1/AC2017-Art4TrailsTour.jsp>)

—Rochester Development Field Tour (Link to: <http://www.lmc.org/page/1/AC2017-RochesterFieldTour.jsp>)

—Exercise Events (Link to: <http://www.lmc.org/page/1/AC2017-ExerciseEvents.jsp>)

—The Second City Workshop (Link to: <http://www.lmc.org/page/1/AC2017-SecondCity.jsp>)

—Hotel Information (Link to: <http://www.lmc.org/page/1/AC2017-Hotel.jsp>)

—Agenda (Link to: <http://www.lmc.org/page/1/AC2017-Agenda.jsp>)

—Keynote Speakers (Link to: <http://www.lmc.org/page/1/AC2017-Keynotes.jsp>)

—Session Tracks (Link to: <http://www.lmc.org/page/1/AC2017-SessionTrackDescriptions.jsp>)

—Session Descriptions (Link to: <http://www.lmc.org/page/1/AC2017-SessionDescriptions.jsp>)

—Pre-conference Workshop: Advanced Training for Newly Elected Officials (Link to: <http://www.lmc.org/page/1/AC2017-NEOPreCon.jsp>)

—Pre-conference Workshop: Working Collaboratively to Address 21st Century Policing Challenges (Link to: <http://www.lmc.org/page/1/AC2017-PolicePreCon.jsp>)

Your LMC Resource

For questions or special accommodations (dietary/mobility):

Contact Jamie Oxley

Training Program Coordinator

(651) 281-1250 or (800) 925-1122

joxley@lmc.org (Link to: <mailto:joxley@lmc.org>)

Billing/Cancellation Policy:

If you cannot attend, please consider sending a substitute. All cancellations must be received in writing by 4:30 p.m. on Tuesday, May 30 and are subject to a 30% cancellation fee. Any cancellation received after this date and time will be billed at the full conference rate; no refunds will be made.

Register today!

2017 Annual Conference: Hotel Information

Lodging is not included in the conference fee. Please contact the hotel directly to make your room reservations. To receive the special room rate, be sure to ask for the "League of Minnesota Cities" group block.

DoubleTree by Hilton *

150 S. Broadway (view map) (Link to: https://www.google.com/maps/place/DoubleTree/@44.021986,-92.462571,15z/data=!4m2!3m1!1s0x0:0x6d89bc43ad142de9?sa=X&ved=0ahUKEwjNg4HLt8LSAhUp_IMKHQ06DlcQ_BIIjwEwDQ)

Rochester, MN 55904

Phone: (507) 281-8000

Rate: \$120/night, plus tax

Hilton Garden Inn Rochester Downtown *

225 S. Broadway (view map) (Link to:

<https://www.google.com/maps/place/Hilton+Garden+Inn+Rochester+Downtown/@44.020815,-92.463429,15z/data=!4m5!3m4!1s0x0:0x66739aa5a4e6443b!8m2!3d44.020815!4d-92.463429>)

Rochester, MN 55904

Phone: (507) 285-1234

Rate: \$120/night, plus tax

Kahler Grand Hotel

20 2nd Ave. SW (view map) (Link to:

<https://www.google.com/maps/place/The+Kahler+Grand+Hotel/@44.0233848,-92.4655574,15z/data=!4m5!3m4!1s0x0:0x3449eb6a59c5677b!8m2!3d44.0233848!4d-92.4655574>)

Rochester, MN 55902

Phone: (507) 280-6200

Rate: \$95/night, plus tax

Kahler Inn & Suites

9 3rd Ave. NW (view map) (Link to: <https://www.google.com/maps/place/Kahler+Inn+%26+Suites/@44.0239981,-92.4676881,15z/data=!4m5!3m4!1s0x0:0xec4cc504f1526dfa!8m2!3d44.0239981!4d-92.4676881>)

Rochester, MN 55901

Phone: (507) 285-9200

Rate: Standard Room—\$101/night, plus tax

Mini-Suite—\$111/night, plus tax

Reserve your room by May 15 to receive the special League group rate.

Return to the main Annual Conference page. (Link to: <http://www.lmc.org/page/1/AC2017.jsp>)

* Closer to Conference Center

Your LMC Resource

Contact Amy Harger

Training and Conferences

Event Coordinator

(651) 281-1240 or (800) 925-1122

aharger@lmc.org (*Link to: <mailto:aharger@lmc.org>*)

Learn More!



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Minnesota
Cities**

www.4MFund.com

(*Link to: <http://www.lmc.org/ads/105504>*)



Brainerd City Council Agenda Request

8B

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: 1st Ord. Reading to Amend C.C. Sec. 900 "Animals" to Permit Bee Keeping and Sec.1010 "Licensing Fees" to Add Licensing Fee

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	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. At its March 20th meeting, the City Council reviewed recommended language and requested staff to prepare a draft ordinance based on that language. Attached is an ordinance that amends City Code Section 900 "Animals," to permit bee keeping in several residential districts. The Ordinance also includes an annual \$40 bee keeping fee and places that fee along with the Chicken keeping fee currently listed in Section 900 into Section 1010 "Licensing Fees."	
Alternatives, Options, Effects on Others/Comments: Option 1. Have the ordinance reading as drafted. Option 2. Have the ordinance reading and amend it 2nd reading as deemed needed by the City Council for the 2nd reading. Option 3. Deny the ordinance 1st reading.	
Recommended Action/Motion: The Planning Commission has unanimously recommended that City Code Section 900 be amended to permit bee keeping and it unanimously recommended the language in the draft 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 900 OF THE BRAINERD CITY CODE RELATED TO CHICKENS AND BEE KEEPING AND SECTION 1010 OF THE BRAINERD CITY CODE RELATED TO FEES FOR CHICKEN LICENSES AND BEES

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 900.08 be amended by deleting the last sentence of Subd 3 in its entirety as follows:

900.08 Chickens

Subd. 3. Permit. No chicken coop and/or chicken run shall be maintained unless granted a permit by the City. The permit shall be subject to all terms and conditions of this Section and any additional conditions deemed necessary by the City to protect the public health, safety and welfare. The necessary permit may be obtained from the City Administrator's office. Included with the information required prior to issuance of the permit must be a scaled diagram that indicates the location of any chicken coop and run, and the approximate size and distance from adjoining structures and property lines. The owner must also obtain written approval of the keeping of chickens from all abutting property owners. Written approval is not required if there is no abutting property. A permit for the keeping of chickens may be revoked or suspended by the Council for any violation of this Section following written notice and a public hearing. ~~An annual fee of \$30 will be charged for each permit which shall expire on December 31 of each year.~~

SECTION TWO: That Section 900 be amended by adding Section 900.09 as follows:

900.09 Bees. Subdivision 1. 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 melifera* (African subspecies and Africanized hybrids are not allowed).
7. "Lot" means a contiguous parcel of land under common ownership.

Subd. 2. Purpose. The purpose of this section is to establish certain requirements for beekeeping within the city.

Subd. 3. 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. Beekeepers
 - a. 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.
 - b. 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.
 - c. Shall maintain 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.
3. Bee colonies may be kept 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

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.

Subd. 4. Hives.

1. Are 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. 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 fence permit is required. Information on fencing permits can be obtained through the Planning Department at 218-828-2309.
6. Sale of honey and hive products from the beekeeper's residence is permitted in accord with Zoning Ordinance Section 26 Home Businesses and the following:
 - a. The beekeeper must live on the apiary lot.
 - b. The honey and hive products are from hives owned by the property owner.
 - c. 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.

Subd. 5 Colony Density. The following numbers of colonies are permitted:

1. Lots less than 21,780 sq. ft. (½ acre): 2 colonies
2. Larger than ½ acre: 4 colonies

Subd. 6. Beekeeper Training. Prior to obtaining an initial permit a beekeeper must provide:

1. A beekeeping course completion certificate or letter from an educational institution that offers a beekeeping course.
2. Verification of equivalent experience for the honeybee keeping course.

Subd. 7. Permit Required. Beekeeping may occur on any property in the city upon issuance of an annual permit to the beekeeper on that specific property which shall expire on December 31 of each year.

1. A beekeeping permit will be issued if:
 - a. The requirements of this section have been met.
 - 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, the application shall be considered by the City Council.
2. 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.
3. Permits are non-transferable and do not run with the land.
4. 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.
5. The permit fee 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.
6. If the standards of practice are not maintained subsequent to issuance of a beekeeping permit, the permit may be revoked by the city.
7. Sales of honey or hive products from the home must be stated on the permit.

Subd. 8. Penalty for Violation of Section. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

SECTION THREE: That Section 1010.01 Subd 7 be amended by adding the following:

Subd. 7. Miscellaneous.

Chickens	900	\$ 40.00
Bees	900	\$ 40.00

SECTION FOUR: All other provisions of Section 900 and Section 1010 shall remain in full force and effect.

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

Adopted this ____ day of ____, 2017

DAVE PRITSCHET
President of the Council

Approved this ____ day of _____, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JIM THOREEN
City Administrator

Published: One time, _____, 2017



Brainerd City Council Agenda Request

8C

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Community Survey #2 Presentation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 15 minutes
Summary of Issue: This is the presentation of the Community Survey #2 which had 191 (of 315) Community Survey Panel responses.	
Alternatives, Options, Effects on Others/Comments: Not applicable to this agenda item.	
Recommended Action/Motion: The Planning Department is not requesting any action or a motion at this time.	
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

9A

Agenda Item #

Requested Meeting Date: April 3, 2017

Title of Item: Zoning Ordinance Text Amendment - Add Short Term Rentals to Residential Districts as Interim Uses

☐ 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: 15 Minutes
Summary of Issue: Planning Commission discussion on this issue began last year when it became aware that at least 1 short term rental is operating or has operated in the city. The use is not allowed as it is not included in the Zoning Ordinance. To permit current short term rental and any future rentals of this nature, the use needs to be added to Zoning Ordinance. If approved short term rentals would be interim uses in R1(Single Family Residential) District, R-1A (Single Family Residential) District and R-2 (Medium Density Residential) District .	
Alternatives, Options, Effects on Others/Comments: Option 1. Deny 1st reading which will prevent the use in the community and require any short term rentals to stop operating in this manner. Option 2. Approve 1st reading as presented or should the City Council desire any language in the draft ordinance be amended it could do so and have the changes in the ordinance for the 2nd reading. This amendment was initiated by the Planning Commission, therefore the "60 day rule" does not affect this process. Attached are staff memos to the Planning Commission along with other short term rental information.	
Recommended Action/Motion: The Planning Commission has recommended short term rentals be an Interim Use in R1(Single Family Residential) District, R-1A (Single Family Residential) District and R-2 (Medium Density Residential) District. There will be an Interim Use Permit application fee. All short term rentals are proposed to be inspected annually. Does the City Council desire to have an annual fee? Also, there is language that any existing short term rental is required to comply by an unspecified date. The City Council will need to determine that date.	
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. 1465**

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-02, 515-54,
515-55 and 515-56 REGARDING SHORT TERM RENTALS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That existing Section 515-2-2 (Definitions) shall be amended by adding the following:

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

Dwelling, Short Term Rental Unit – A dwelling unit, as defined by this chapter, offered for trade or sale, whether for money or exchange of goods or services, for not more than 29 days consecutive nights.

SECTION TWO: That Sections **515-54-4 (Interim Uses – as Item C)**, **515-55-4 (Interim Uses – as Item C)** and **515-56-4 (Interim Uses – as Item A)** shall be amended by adding the following text:

Short term rentals provided that:

1. The minimum rental period shall not be more than 29 consecutive nights.
2. The permit holder (owner) of a short term rental must apply for and receive an interim use permit. Owner occupied dwellings that are also short term rentals do not require an interim use permit.
3. The application for an interim use permit shall include:
 - A. All information required for a conditional use permit.
 - B. Floor plan of the structure, including the number of bedrooms with dimensions and all other sleeping accommodations.
 - C. A to-scale site plan which shows locations and dimensions of property lines, the dwelling unit intended for licensing, accessory structures, parking areas and shoreland recreational facilities.
 - D. A plan for garbage disposal by the permit holder.
 - E. A pet policy.
4. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short term rental unit.
5. A permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit

holder shall notify all property owners within 100' of the property boundary within 10 days of a change in the managing agent or local contact's contact information.

6. A permit holder must disclose in writing to their renters the following information:
 - A. The managing agent or local contact's name, address, and phone number.
 - B. The maximum number of guests allowed at the property.
 - C. The maximum number of vehicles, recreational. Vehicles and trailers allowed at the property and where they are to be parked.
 - D. Property rules related to use of exterior features of the property, such as decks, patios, grills, pools, hot tubs, saunas, recreational fires and other outdoor recreational facilities.
 - E. Applicable sections of city ordinances governing noise, parks, parking and pets.
7. The occupancy of a short term rental shall be limited to not more than 2 people per bedroom.
8. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota state building code or the requirements of the building department, whichever is stricter.
9. The short term rental shall be connected to city sewer and water.
10. A short term rental shall have a full bathroom (sink, toilet and tub or shower).
11. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.
12. The permit holder shall provide a physical visual demarcation of the property lines.
13. The permit holder shall keep a report, detailing use of the short term rental by recording the full name, address, phone number and vehicle license number of guests using the rental. A copy of the report shall be provided to the planning department upon request.
14. A short term rental shall be a licensed rental unit by the city and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the fire marshall.
15. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.

16. A permit holder must post their permit number on all print, poster or web advertisements.
17. A permit holder must apply for and be granted state and local sales tax numbers, including hotel and motel use sales tax.
18. In addition to an interim use permit, short term rentals rented for less than 7 days are considered a hotel and are required to have a Minnesota department of health license.
19. All short term rentals, operating prior to the effective date of these standards, shall be in compliance with this section by _____.

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

Adopted this ____ day of _____, 2017

DAVE PRITSCHET
President of the Council

Approved this ____ day of _____, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JIM THOREEN
City Administrator

Published: One time, _____, 2017

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: November 7, 2016

RE: Short Term Rental (previously called Vacation Rental By Owner) Zoning Ordinance Draft Revisions

Attached is draft Zoning Ordinance language for short term rentals with amendments based on consensus of the Planning Commission's October 19, 2016 workshop and changes suggested by the Planning Department. Several clarification amendments have also been made to the draft.

The maximum number of consecutive days is 29. Duluth specifies 29 days to distinguish short term rental from long-term rentals, which have a minimum rental period of 30 days. I have discussed our minimum rental period with the Building Department and was informed we do not specify a requirement. The Planning Department is recommending 29 days be the maximum number of consecutive days for short term rentals. A rental for more than 29 days would be considered a long term rental.

The substantive amendments are as follows:

1. Standard 5 specifies "The permit holder must notify neighboring properties..." "Neighboring properties" is ambiguous so it is suggested that it be changed to notification of all properties within 300'.
2. Standard 7 specifies occupancy is limited to 2 adults (16 and older) per bedroom. Following are examples of how other cities limit the number of occupants. A few cities do reference "adult."

Boulder CO.

Short term rentals of accessory units (ADUs and OAU) are limited to members of a family* or up to two unrelated persons

Santa Fe, NM

The total number of persons that occupy the short term rental unit is twice the number of bedrooms

Nashville, TN

The maximum number of paying adult guests permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed. The occupancy maximum shall be conspicuously posted within the STRP unit.

Savanna, GA

The number of occupants shall not exceed two (2) adults per bedroom plus two (2) adults for each dwelling, subject to the verification of building code compliance by the Zoning Administrator.

Duluth, MN

For Vacation Dwelling Units (where the owner is not present at the time of rental) we limit based on the number of bedrooms – two people per bedroom plus one additional person (so a 3BR house gets 7 people).

Dana Point, CA

The maximum overnight occupancy of the short term rental shall be limited to two (2) persons per bedroom plus two (2) additional persons within the short-term rental.

Charlevoix, MI

Maximum occupancy will be based on two (2) adult people per bedroom.

South Haven, MI

Except as otherwise provided in subsection (d)(2) or (d)(3), the number of occupants in a dwelling unit during a short term rental shall not exceed the lesser of: (i) 16 total occupants; or (ii) 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.

Saugatuck Township, MI

Except as otherwise provided in this section, the maximum occupancy load shall be 2 persons per bedroom, plus two additional persons per finished level with means of emergency egress (*e.g.* a functional window), up to a total of 12 persons.

Bend, OR

Occupancy is limited to two people per bedroom, plus two more people if the entire home is being permitted (*e.g.* a 3 bedroom home allows for 8 person occupancy).

The Planning Department recommends the following:

Two people per bedroom plus one additional person.

3. The sentence in Standard 8 that refers to bedroom sized has been removed. The minimum bedroom size was raised at the Workshop by Rick Fargo. Many other cities' short term rental ordinances were reviewed and in no case was there a reference to a bedroom size.

After further thought, do we need to be concerned about the minimum size bedroom provided it has a smoke alarm and an egress window?

4. The separation requirement specified in Standard 16 was been struck. Of the cities researched, 2 have this requirement:

Santa Fe, NM

Short term rental permits will not be issued for more than 2 short term units directly adjoining each other on a residentially zoned street.

Bend OR

For Type II applications there shall be at least 250 feet of separation between properties permitted as Short-Term Rentals.

It is the Planning Department's suggestion that a separation requirement is not needed, however, if the Planning Commission is firm in its position, perhaps we might consider a 300' separation for lots with Mississippi River and lake frontage. Should short term rentals begin to appear in areas away from the River and lake frontage, this standard can be revisited at that time.

The Planning Commission will need to determine in what zoning districts short term rentals would be allowed. Following is a list of all the districts:

Agricultural Districts:

R-A, Rural Agricultural District

Residential Districts:

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

Business Districts:

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

Mixed Use Districts

MU, Mixed Use District

Industrial Districts:

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

The Planning Department suggestion for districts to allow short term rentals is:

Agricultural Districts:

R-A, Rural Agricultural District

Residential Districts:

1. R-R, Rural Residential District
2. R-E, Single Family Estate Residential District
3. R-1A, Single Family Residential
4. R-1, Single Family Residential
5. R-2, Medium Density Residential

Business Districts:

1. B-1, Residential-Office District
2. B-2, Neighborhood Business District
3. B-3, Central Business District
4. B-4, General Business District

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: August 11, 2016

RE: Vacation Rentals By Owner (VRBOs) Zoning Ordinance Language

Attached is draft Zoning Ordinance language for VRBOs. The draft is based upon language in the Aikin County Zoning Ordinance. The Planning Department contacted:

- Wilmar
- Hutchison
- Alexandria
- Bemidji
- Stillwater

Wilmar, Hutchinson and Alexandria do not address VRBO's.

Bemidji has zoning language that reads:

Vacation rentals are an interim use in all residential zoning districts and shall meet the following requirements:

1. A site plan showing location of home, garage and provision for guest parking is to be provided.
2. At least one parking space per guest room is to be established or at least one space per 3 maximum sleeping spaces, whichever is greater.
3. One three (3) square foot informational sign is allowed.
4. No exterior alterations or expansions shall be made to the residential structure other than those necessary to meet health and safety codes.
5. All recreational equipment (canoes, boats, and other types of equipment), will be stored inside an approved and permitted accessory structure).

Stillwater allows for overnight lodging (i.e. VRBO) in its commercial district by Special Use Permit as well as in the higher density multiple family districts (though no use permits exist for properties in these districts). It does not allow for them in its single family residential districts. It is in the process of soliciting for outside planning assistance to help guide the City through determining whether overnight lodging should/could be allowed in the single family residential districts as well as the development of appropriate regulations for these types of uses.

Should VRBOs be added to the Zoning Ordinance we may want to review the Zoning Ordinance Bed and Breakfast language. A copy of that language is attached.

I contacted the Minnesota Department of Health (MDH) about its role in VRBOs. MDH considers a VRBO a hotel and requires a license should it be rented for less than 7 days

I have reviewed the VRBO language with Building Official Tim Caughey who is attending a Building Officials meeting on August 12th, and plans to inquire if other cities may have addressed this issue. You will note that the draft requires the VRBO to be a licensed rental which will require a licensing process. If VRBOs are permitted it is recommended that an annual registration fee and inspection be required.

I have communicated with Chairman Plantenberg and she has agreed to discussion about VRBOs in a work session.



CITY OF DULUTH

DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES
Community Planning Division
411 West First Street – Room 208 - Duluth, Minnesota 55802-1197
218-730-5580 – An Equal Opportunity Employer

Vacation Rental Regulations

(Amended May 2016)

Vacation rental units are defined in the City of Duluth Legislative Code Chapter 50 (Unified Development Chapter) as Vacation Dwelling Units and Accessory Vacation Dwelling Units and are subject to the regulations described here. NOTE: Renting a portion of a dwelling while the owner is present is called an Accessory Home Share and is not covered by the regulations below. Please see Sec. 50-20.5.G and Sec. 50-37.17 for Accessory Home Share regulations.

Definitions:

Vacation Dwelling Unit – a dwelling unit, as defined by this Chapter, offered for trade or sale, whether for money or exchange of goods or services, for periods of 2 to 29 days.

Accessory Vacation Dwelling Unit – an accessory dwelling unit as defined by this Chapter that is used as a vacation dwelling unit as defined by this Chapter for periods of occupancy from 2 to 29 days.

Vacation Dwelling Units and Accessory Vacation Dwelling Units are allowed as an Interim Use in RR-1, RR-2, R-1, R-2, R-P, MU-N, and F-5 districts. All vacation rentals must obtain an Interim Use Permit. No more than 60 permits may be issued for either vacation dwelling units or accessory vacation dwelling units.

Vacation Dwelling Unit Interim Use Permit Standards:

1. The minimum rental period shall be not less than two consecutive nights.
2. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.
3. Off-street parking shall be provided at the following rate:
 - a. 1-2 bedroom unit, 1 space
 - b. 3 bedroom unit, 2 spaces
 - c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
 - d. Vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
4. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street.
5. The property owner must obtain all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 2 to 29 days.
6. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.
7. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties.
8. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of a vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as amended, for the remainder of the permit term.
9. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice.

10. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.
11. Permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.
12. Permit holder must disclose in writing to their guests the following rules and regulations:
 - a. The managing agent or local contact's name, address, and phone number;
 - b. The maximum number of guests allowed at the property;
 - c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
 - d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
 - e. Applicable sections of City ordinances governing noise, parks, parking and pets;
13. Permit holder must post their permit number on all print, poster or web advertisements;
14. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office.
15. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax.

Accessory Vacation Dwelling Unit Interim Use Permit Standards:

An accessory vacation dwelling unit may be created within, or detached from, any one-family dwelling or vacation dwelling unit in those districts shown where allowed by Table 50-19.8, provided these standards are met:

1. Only one accessory vacation dwelling unit may be created per lot.
2. No variances shall be granted for an accessory vacation dwelling unit.
3. An accessory vacation dwelling unit shall contain no more than 800 square feet of floor area and shall be consistent in character and design with the primary dwelling.
4. If a separate outside entrance is necessary for an accessory vacation dwelling unit located within the primary building, that entrance must be located either on the rear or side of the building.
5. The minimum rental period shall be not less than two consecutive nights.
6. The total number of persons that may occupy the vacation dwelling unit is one person plus the number of bedrooms multiplied by two.
7. Off-street parking shall be provided at the following rate:
 - a. 1-2 bedroom unit, 1 space
 - b. 3 bedroom unit, 2 spaces
 - c. 4+ bedroom unit, number of spaces equal to the number of bedrooms minus one.
 - d. Accessory vacation dwelling units licensed on May 15, 2016, are entitled to continue operating under the former off-street parking requirement. The parking exemption for accessory vacation dwelling units licensed on May 15, 2016, expires upon transfer of any ownership interest in the permitted property.
8. Only one motorhome (or pickup-mounted camper) and/or one trailer either for inhabiting or for transporting recreational vehicles (ATVs, boat, personal watercraft, snowmobiles, etc.) may be parked at the site, on or off the street.
9. The property owner must obtain all licenses and permits from the City of Duluth and State of Minnesota required for guest occupancy on the property for 2 to 29 days.
10. The property owner must provide required documents and adhere to additional requirements listed in the City of Duluth's UDC Application Manual related to the keeping of a guest record, designating and disclosing a local contact, property use rules, taxation, and interim use permit violations procedures.
11. The property owner must provide a site plan, drawn to scale, showing parking and driveways, all structures and outdoor recreational areas that guests will be allowed to use, including, but not limited to, deck/patio, barbeque grill, recreational fire, pool, hot tub, or sauna, and provide detail concerning the provision of any dense urban screen that may be required to buffer these areas from adjoining properties.
12. The interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first. An owner of an accessory vacation dwelling unit permitted prior to May 15, 2016, may request, and the land use supervisor may grant, an application for adjustment of an existing permit to conform to this section, as

- amended, for the remainder of the permit term.
13. Permit holder must keep a guest record including the name, address, phone number, and vehicle (and trailer) license plate information for all guests and must provide a report to the City upon 48 hours' notice.
 14. Permit holder must designate a managing agent or local contact who resides within 25 miles of the City and who has authority to act for the owner in responding 24-hours-a-day to any complaints from neighbors or the City. The permit holder must notify the Land Use Supervisor within 10 days of a change in the managing agent or local contact's contact information.
 15. Permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder must notify neighboring properties within 10 days of a change in the managing agent or local contact's contact information.
 16. Permit holder must disclose in writing to their guests the following rules and regulations:
 - a. The managing agent or local contact's name, address, and phone number;
 - b. The maximum number of guests allowed at the property;
 - c. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked;
 - d. Property rules related to use of exterior features of the property, such as decks, patios, grills, recreational fires, pools, hot tubs, saunas and other outdoor recreational facilities;
 - e. Applicable sections of City ordinances governing noise, parks, parking and pets;
 17. Permit holder must post their permit number on all print, poster or web advertisements;
 18. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office.
 19. Permit holder must apply for and be granted State and local sales tax numbers, including Hotel and Motel Use Sales Tax.

Minnesota State Building Code Requirements

The following summarizes applicable Minnesota State Building Code regulations for vacation rental units as defined in the Duluth Unified Development Chapter. Contact a Plans Examiner in the Construction Services Division at 218/730-5300 with questions about building code requirements.

One and Two Family Dwellings

Use of existing one and two family dwellings not more than three stories above grade plane in height with separate means of egress as vacation rentals is not a change of use for purposes of building code applicability.

Additions, alterations and repairs to one and two family dwellings not more than three stories above grade plane in height with separate means of egress must comply with the Minnesota State Residential Code.

The Minnesota Accessibility Code does not apply to one or two family dwellings. Owners of vacation rental properties should research federal regulations related to accessibility.

Three and More Dwelling Units

Conversion of apartments in buildings with three or more units to rentals of less than 30 days duration is a change of use from an R-2 occupancy (permanent) to an R-1 occupancy (transient.) A permit is required for a change of use and plans and a code summary prepared by a Minnesota licensed architect showing compliance with applicable provisions of the Minnesota State Building Code must be submitted for review with the permit application.

Required alterations will vary with each building. Owners should consult with a licensed architect for an evaluation of changes needed to comply with applicable building code provisions.

3.13 Checklist

Interim Use Permit

An interim use permit applies to special uses that will be authorized only for a specified period of time. See UDC Section 50-37.10 for more information.

Starting the Application Process

- ☐ You must discuss proposed interim use permits with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.
- ☐ Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:
 - ☐ Application Cover Sheet
 - ☐ Pre-App Verification
 - ☐ Required fee
 - ☐ Site plan
 - ☐ Other materials needed to confirm compliance with applicable standards, to be determined at the pre-application meeting:

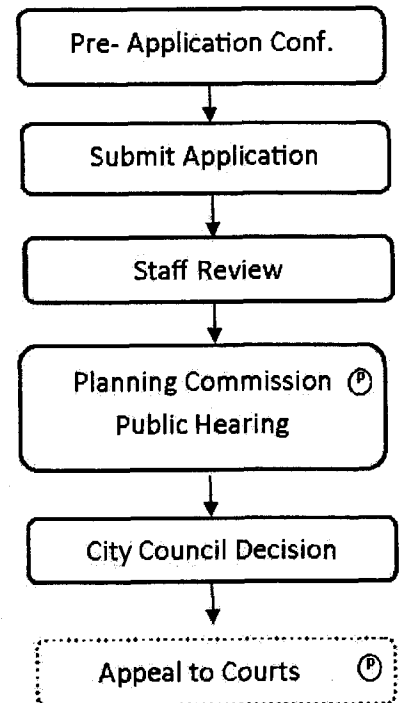
After Submitting Your Application

1. Determination of Completeness. Within 15 business days of your application, you should expect to:

- Receive an "Applicant Letter," which acknowledges a complete application, shares the date of the Planning Commission meeting and the assigned staff person, and notifies you of state-mandated deadlines for the City to make a decision, **OR**
- Receive notification that your application is incomplete, with details on further information to submit.

2. Public Notice. A mailed notice will be sent by the City to property owners within 350 feet.

Interim Use Permit



(P) Indicates Public Hearing Required

Important Dates

Application Deadline:

Sign Notice Placed:

Planning Commission:

City Council*:

Effective*:

**Please note that these dates are approximate guidelines and may change*

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http://www.swnewsmedia.com/savage_pacer/news/local/savage-council-passes-ban-on-short-term-rentals-of-homes/article_905489eb-16e3-5442-85c4-9a2a1c303ac7.html

TOP STORY

Savage council passes ban on short-term rentals of homes

By ALEX HALL editor@savagepacer.com Dec 11, 2015



FILE PHOTO

Savage City Council members include Christine Kelly, Gene Abbott, Jane Victorey, Al McColl and Mayor Janet William

In response to complaints from residents regarding neighbors who rent out their homes for nights and weekends, the Savage City Council decided Monday night to ban rentals of homes in residential zones for any period shorter than 15 days.

The council passed the new ordinance unanimously at its Monday, Dec. 7 meeting. Several council members stated that the practice of renting out one's home for a night or weekend essentially constitutes a commercial use, which they said has no place in an area that is zoned residential.

Short-term rentals have gained in popularity in recent years, largely due to online services like Airbnb that help facilitate the rental process. The economic downturn also played a role in the practice's popularity, as more and more homeowners became willing to rent out their house in order to make some extra money.

But as the practice has become more common in the suburbs, so have complaints about issues such as noise and parking. Savage officials have recently received a number of complaints regarding short-term rentals of homes in residential neighborhoods.

So due to residents' complaints, along with the apparent commercial use of properties in residential areas, city staff began working with the city attorney's office this fall to prepare an ordinance restricting short-term home rentals.

Other communities in Minnesota have adopted short-term rental ordinances recently, including Prior Lake. Officials in that city had been receiving complaints in regards to large parties, but because they live in a lake community, they did not want to completely eliminate the ability of lakeside home owners to rent out their properties on a short-term basis. Instead, Prior Lake decided to regulate short-term rentals instead of restrict them, meaning that homeowners would need to register and have their property inspected. The Prior Lake ordinance also now limits the number of overnight guests to two times the number of bedrooms, and there also must be one off-street parking space for each bedroom the property has.

Savage City Administrator Barry Stock said that it is important to note that every community is different, and that what might work for one might not work for another. He said city staff wanted to keep the Savage ordinance simple, and Council member Gene Abbott said he thought that was the right decision.

"If you get too complex with it, then you're using quite a bit of staff time, [going] out and [counting] how many people are there per bedroom," Abbott said.

Those found in violation of the ordinance could be convicted of a gross misdemeanor.

Abbott did ask if traditional bed and breakfasts would be affected by the decision. City Attorney Ric Rosow said they would, but Stock said he was unaware of any that were located in Savage. Stock said that if a bed and breakfast did want to open in a residential area, the council could possibly amend the ordinance so that certain properties could receive a conditional use permit for their operation.

OPPOSITION

Woodhill Circle resident John Binetti — who rents his house out via Airbnb — spoke at Monday's meeting in opposition to the ordinance. Binetti said he thought the city should try to find another way to address the issue without banning the practice entirely. He also said that issues with parking and noise are not isolated to short-term rental homes, and that the people he has rented to have been well-behaved.

"I think there's something that could be done that could work on both sides," Binetti said, adding that he would be open to limiting the number of times he rents out his house each month. "I think it's taking away an opportunity to be able to stay in my home."

Binetti's next door neighbor, Julie Bernick, also spoke at the meeting. Bernick said there are often no issues with the rentals, but on occasions when the house is rented out for things like family reunions or bachelor parties, the noise and parking problems start to arise.

"That's not six or eight people in a home [when there's a family reunion], that's 10 and 12 and 15," she said.

Stock also confirmed that police have responded to complaints at Binetti's residence while it's being used as a short-term rental, and he said "most of those complaints were [for] noise."

"That's not to say that the people who were renting didn't tone it down a notch, but nonetheless there were police calls that had to be responded to in response to noise and parking," Stock said.

Andrew Maurer, another neighbor of Binetti's, said the fact that he didn't know who might be in his neighborhood on any given night made him uncomfortable with having his young daughter play outside. Airbnb does background checks on renters and homeowners, but Maurer said that didn't account for people who are simply showing up to parties.

"I'm not saying anything has happened, but who says the person that registered to rent the [house] for the weekend [doesn't] invite 10 of their buddies who didn't get a background check," Maurer said. "How do you stop something like that from happening?"

Abbott said he could see why residents would be concerned about a short-term rental property located in their neighborhood.

"I didn't move next to a hotel or a motel, I moved into a single family residential area, and if this is allowed to happen, all of a sudden that changes," Abbott said. "From my perspective, I would be upset."

City documents state that the ordinance would help "preserve the residential character of the city's residential districts," and Council member Christine Kelly agreed, saying that Savage has "extraordinary" neighborhoods, and that allowing

short-term rental properties could affect their cohesiveness. Kelly said that when people move to Savage, "the expectation is that they're going to have the neighborhoods that we have become known for, and I want to preserve that."

Council member Al McColl said short-term rentals do not belong in residential neighborhoods, and that the ordinance needed to be kept simple for enforcement purposes.

"I sympathize with someone trying to make an honest dollar, but after having dealt with the ordinances in this community for over 27 years, I know it's important to keep them simple and enforceable," McColl said. "And to go back to what I said earlier, we have zoning laws for a reason. And this is not an appropriate fit for a residential neighborhood. It's that simple to me."