

CITY COUNCIL AGENDA

Brainerd, Minnesota

June 5, 2017

7:30 P.M.

Brainerd City Hall

Council Chambers

1. Call To Order - 7:30 PM

2. Roll Call

___ G. Johnson ___ S. Hilgart ___ J. Lambert ___ K. Stunek ___ K. Bevans ___ D. Badeaux ___ D. Pritschet ___ Mayor Menk

3. Pledge Of Allegiance

4. Approval Of Agenda - Voice Vote

5. Consent Calendar

NOTICE TO PUBLIC - all matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to be ADOPTED BY ROLL CALL

A. Approval Of Minutes

1. Regular Meeting Held on May 15, 2017

Documents:

Minutes 20170515.pdf

B. Approval Of Licenses

1. Contractor's Licenses - 5 - New and 7 - Renewals
2. Bulk Plant License – 1 Renewal
3. Growler License – 1 Renewal
4. Filling Station Licenses – 9 Renewals
5. Off-Sale Beer Licenses – 5 Renewals
6. On-Sale Beer Licenses – 2 Renewals
7. On-Sale Wine License – 2 Renewals
8. On-Sale Liquor Licenses – 9 Renewals
9. Club On-Sale Licenses – 4 Renewals
10. Off-Sale Liquor Licenses – 5 Renewals
11. Taproom License – 1 Renewal

Documents:

Licensed Contractors 2017-06.pdf

C. On-Sale Liquor License Renewal – Submitted By 612 Station, LLC., Dba 612 Station, 612 Front St., Brainerd, MN – Subject To Satisfaction Of All City Code Requirements

D. Department Activity Reports

1. Fire Chief
2. Parks Director

Documents:

FD Report.pdf

Park Report.pdf

E. Minnesota Lawful Gambling Application For Exempt Permit – Submitted By The Brainerd Jaycees For An Event To Be Held On August 5, 2017 In Kiwanis Park, 1101 E River Rd, Brainerd, MN – Approval Of

F. Extension Of Premises – Submitted By The Eagles Club For An Event To Be Held On July 4, 2017 At 124 Front St., Brainerd, MN – Approval Of

6. Council Committee Reports

A. Personnel And Finance Committee

1. Approval Of Bills & Payments To Contractors

Contractor	IMP#	Project	Amount Paid	Amount Retained
S.E.H.	14-15	Airport Util Ext thru 4/30/17	\$20,659	\$0
Tri-City Paving	14-03	Jackson St Resurfacing	\$116,612	\$6,137

Documents:

AP 2017-06-05.pdf

2. Purchase Of Inflatable Style Rescue Boat

Documents:

FD Boat.pdf

3. Ratification Of Conditional Job Offer For Assistant City Engineer Position

Documents:

Job Offer Asst City Engineer.pdf

4. Ratification Of Conditional Job Offer For Street Department Maintenance I Position

Documents:

Job Offer St Dept Maint I.pdf

5. Hiring Process - Consider Allowing Staff To Make Conditional Job Offers

Documents:

Hiring Process.pdf

6. League Of MN Cities Insurance Trust Liability Coverage Waiver Form

Documents:

LMCIT Liability Coverage Waiver .pdf

7. League Of MN Membership Dues For Fiscal Year 2018

Documents:

LMC Membership Fees.pdf

B. Safety And Public Works Committee

1. Authorization For Appraisal And Offer - Wright Street Re-Alignment

Documents:

Appraisal Authorization.pdf

2. Downtown Landscaping Report - Planning Department

Documents:

Downtown Landscaping Report.pdf

3. MnDOT Master Partnership Agreement

Documents:

MnDOT Agreement.pdf

4. Stop Sign Request - N 9th Street And Juniper Street

Documents:

Stop Sign Request.pdf

7. Unfinished Business

- A. Public Hearing - Improvements 15-12 And 16-10

Documents:

PH - Imp 15-12 and 16-10.pdf

- B. Public Hearing - ADA Transition Plan

Documents:

PH - ADA Transition Plan.pdf

- C. Public Hearing - Final Reading Of Proposed Ordinance 1465 - An Ordinance Amending Brainerd Zoning Ordinance Sections 515-02, 515-54, 515-55, And 515-56 Regarding Short Term Rentals
 - a. Hold Public Hearing
 - b. Consider Testimony and Alternatives
 - c. Hold Final Reading of Ordinance (Voice Vote)
 - d. Adopt Ordinance (roll call)

Documents:

Ord 1465.pdf

- D. Public Hearing - Final Reading Of Proposed Ordinance 1466 - An Ordinance Amending Brainerd Zoning Ordinance Section 515-66-2 Regarding Transient Food Unit (TFU) Permitted Hours Of Operation
 - a. Hold Public Hearing
 - b. Consider Testimony and Alternatives
 - c. Hold Final Reading of Ordinance (voice vote)
 - d. Adopt Ordinance (roll call)

Documents:

Ord 1466.pdf

- E. Joint Meeting With The City Of Baxter

Documents:

Joint Meeting With City of Baxter .pdf

- F. Call For Applicants - Informational
(**Application Information at the [City's website](#)**)

Mayor Recommended: (all terms expire on 12/31 of said year)
Charter Commission - 1 term (Expire 2020)
Transportation Advisory Committee - 1 term (Expire 2018)

8. New Business

- A. Hearing To Contest Liquor License Violation Fine

Documents:

Hearing to Contest Violation .pdf

- B. Hold First Reading Of Proposed Ordinance 1467 - Ordinance Adding Section 455 To Brainerd City Code Relating To Subsurface Sewage Treatment Systems

Documents:

Ord 1467.pdf

- C. Hold First Reading Of Proposed Ordinance 1468 - Ordinance Amending Section 1315 Of Brainerd City Code Relating To Parking For Street Cleaning And Snow Removal

Documents:

Ord 1468.pdf

- D. Resolution To File An Application With MN Management Of Budget For The Purpose Of The Three Bridges Trail Project

Documents:

Res Application for MMB .pdf

9. Planning Commission

- A. Variance Request - Exterior Building Material At 1924 South 10th Street - Nor-Son Inc On Behalf Of DH Holdings

Documents:

Variance Request.pdf

10. Public Forum
Time allocated for citizens to bring matters not on the agenda to the attention of the Council - Time limits may be imposed
11. Staff Reports
(Verbal: Any Updates since Packet)
12. Council Member Reports
13. Adjourn

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

**ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307
Visit the [City's Website](http://ci.brainerd.mn.us) (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: Johnson, Hilgart, Lambert, Stunek, Bevans, Badeaux and Pritschet. Mayor Menk was also noted as present.

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

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

City Administrator Thoreen welcomed the new Administrative Specialist, Stephanie Bestul to her first City Council meeting.

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

A. Approval of the Minutes of the Regular Meeting held on May 1, 2017 and the Recruitment and Retention Workshop held on May 8, 2017 – Approved

B. Approval of Licenses – Approved

Contractor's Licenses – 3 – New and 6- Renewals

C. Department Activity Reports –Approved

1. Police Chief
2. Finance Director

D. Temporary On-Sale Liquor License Application – Submitted by The Crossing Arts Alliance for an Event to be held on June 2, 2017 at the Franklin Arts Center, 1001 Kingwood Street, Brainerd – Approved

E. Extension of Premises – Submitted by Brainerd American Legion for an Event to be held on May 29, 2017 at 708 Front Street, Brainerd – Approved

F. Extension of Premises – Submitted by Steven Shepherd for an Event to be held on August 25th and August 26th, 2017 at Shep's on 6th, 315 S 6th Street, Brainerd – Approved

G. Minnesota Lawful Gambling – Adopt a Resolution Authorizing the American Legion Post 255 to Conduct Off-Site Gambling on July 4th, 2017 at the Brainerd High School Sports Field, 702 S 5th Street, Brainerd – Approved

H. Minnesota Lawful Gambling – Adopt a Resolution Authorizing the American Legion Post 255 to Conduct Off-Site Gambling on June 8th

**through June 10th, 2017 at the NP Event Center 210 Blacksmith Circle,
Brainerd – Approved**

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

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

Contractor	IMP #	Project	Amount	Total Retained
Tom's Backhoe	14-15	Airport Util. Ext	\$46,971	\$1,453

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.

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

Out of State Travel Request for Training – Approved

Police Officer Tim Friis

Police Administrative Supervisor Julie McCullogh

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE OUT OF STATE TRAVEL REQUEST OF POLICE OFFICER TIM FRIIS TO ATTEND THE ATF CERTIFIED EXPLOSIVES SPECIALIST PROGRAM (CES) JULY 10TH – JULY 28TH IN ALABAMA.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE OUT OF STATE TRAVEL REQUEST OF POLICE ADMINISTRATIVE SUPERVISOR JULIE MCCULLOGH TO ATTEND TRAINING FOR THE FBI NATIONAL CRIME STATISTICS EXCHANGE (NCS-X) SEPTEMBER 19TH – 21ST IN MISSOURI.

Council Chambers Audio Enhancements - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE QUOTE FROM DIGITAL HORIZONS IN THE AMOUNT OF \$6,905.34 FOR AUDIO ENHANCEMENTS IN THE COUNCIL CHAMBERS AND TO TRANSFER FUNDS FROM THE GENERAL FUND (COUNCIL SPECIAL PROJECTS) TO CAPITAL EQUIPMENT FUND.

City Administrator Thoreen explained the best option for our situation was to accept the quote from Digital Horizons. They were the only vendor to offer digital mixers to replace our 12 year old analog mixers. We have determined that this should alleviate the issues we are having as the microphones are operating properly. Tom's TV had basically the same plan that Digital

Horizons proposed, but they did not include the digital mixers in our quote due to the cost. IT Coordinator, Shawn Strong met with all three vendors and suggested the quote from Digital Horizons. He was satisfied with the technology offered. City Administrator Thoreen suggested moving the microphones closer for the next meeting. The speakers we currently have are also operating properly and do not need replacement at this time. This however will not solve the problems in the TV control room. The audio and video equipment we are using have no parts available to upgrade. We approached the issue as we will work on audio first and address the video at a later date.

Revised Technology Use Policy With Attorney Revisions - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE TECHNOLOGY USE POLICY AS REVISED BY OUR CITY ATTORNEY.

Committee Chair Johnson added that all staff members will be participating in training on Thursday, May 18th, 2017. The session will be recorded and City Council members will be required to watch the video. City Administrator Thoreen stated all employees will need to sign off in acknowledgment of receiving and understanding this information.

Settlement Agreement for IBEW Grievance 2017-1 – Held Over

Committee Chair Johnson moved for this topic to be held over and discussed at the next council meeting on Monday, June 5th, 2017.

Discussion of Workforce Potential Changes (per 5/8/17 workshop) - Informational

Committee Chair Johnson shared the discussion at committee was to give staff direction as to what their department needs may be going forward.

(Added Item) To Approve Conditional Job Offers – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE CONDITIONAL JOB OFFERS FOR THE ASSISTANT CITY ENGINEER AND STREET MAINTENANCE I AT STEP A OF SALARY ADMINISTRATION.

Committee Chair Johnson said interviews are being conducted this week. We would like to speed up the process by having approval in advance. Names will be presented at the next council meeting. Council Member Hilgart commented this is a trial for future consideration to adding this as part of our hiring process.

PTO Study Committee Update - Informational

Council Member Hilgart will be attending the upcoming meetings. Committee Chair Johnson volunteered to be a second point of contact if Council Member Hilgart is unable to attend.

Safety and Public Works Committee Report

Crack Sealing Quotes - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE CRACK SEALING QUOTE PROVIDED BY ANDERSON BROTHERS CONSTRUCTION OF BRAINERD IN THE AMOUNT OF \$13,824 AND TO AUTHORIZE PROPER SIGNATURES ON THE AGREEMENTS WITH THEM.

Event/Street Closure Application – Brainerd High School Triathlon – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT APPLICATION FOR THE BRAINERD HIGH SCHOOL TRIATHLON ON MAY 20, 2017 BEGINNING AT 11:00 A.M. ALONG EAST RIVER ROAD, TO LAUREL STREET CONNECTING TO THE PAUL BUNYAN TRAIL.

Committee Chair Bevans added that the route is slightly different from previous years.

Event/Street Closure Application – American Celebration 4th of July – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE 4TH OF JULY CELEBRATION BEGINNING 8:00 A.M. UNTIL 11:00 P.M. ALONG EAST RIVER ROAD, LAUREL STREET, 5TH STREET, AND COLLEGE DRIVE.

Snow Plow Parking Restriction – Held Over

Committee Chair Bevans advocated for the discussion to be held over to the next council meeting on Monday, June 5th, 2017.

2017 Transit Bus Purchase - Adopted by Resolution No. 32:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, TO ADOPT RESOLUTION NO. 32:17 TO PURCHASE A 2017 TRANSIT BUS FROM NORTH CENTRAL BUS COMPANY IN THE AMOUNT OF \$79,099.

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

Improvement 14-15 Change Order 6 and 7 – Change in Contract Final Completion Date and Tree Planting - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE CHANGE IN COMPLETION DATE FROM DECEMBER 14TH, 2016 TO JUNE 2nd, 2017.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE REPLACING TREES IN THE AMOUNT OF \$6,401.

Committee Chair Bevans added these are to replace the trees that were previously removed along the alignment of the sewer and water mains. This is not a request to plant trees in a new area.

(Added Item) Regarding the leftover debris from the tree cutting in the school district property of Buffalo Hills Park - Informational

Committee Chair Bevans stated that we have received calls from residents in that area about cleaning up the debris. We are aware of the issue and are grateful for the calls. Brainerd Parks and Rec Department are currently very busy arranging summer activities but will address the concern as soon as they are able.

Unfinished Business

Legislative Update – Informational

City Administrator Thoreen highlighted various bills and activity of the legislation.

Call for Applicants – Informational:

(Application Information at www.ci.brainerd.mn.us/boards/)

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

Charter Commission – 1 term (Expire 2020)

Transportation Advisory Committee – 1 term (Expire 2018)

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

Airport Commission – 1 term (Expire 2019)

Planning Commission – 1 term (Expire 2018)

New Business

1st Reading of Request to Extend Hours of Operation at the Northern Pacific Center for Transient Food Unit District - Approved

City Planner Ostgarden briefly explained the history and the request to expand the hours of operation.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE FIRST READING OF THE CHANGE OF HOURS OF OPERATION FOR TRANSIENT FOOD UNITS AT THE NORTHERN PACIFIC CENTER FROM 11 A.M. – 7 P.M. TO 11 A.M. – 2 A.M.

Council Member Bevans argued we should not approve extending the hours to 2 a.m. without the request of the petitioner.

Upon roll call, members Johnson and Hilgart voted “aye”. Members Lambert, Stunek, Bevans, Badeaux and Pritschet voted “nay”. The Chair declared the motion failed.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE FIRST READING OF THE CHANGE OF HOURS OF OPERATION FOR TRANSIENT FOOD UNITS AT THE NORTHERN PACIFIC CENTER FROM 11 A.M. – 7 P.M. TO 11 A.M. – 10 P.M.

Council Member Bevans suggested we approve the extension of hours to 10 p.m. and discuss the 2 a.m. possibility with the petitioners.

MOVED AND SECONDED BY ALDERMAN BEVANS AND LAMBERT TO DIRECT STAFF TO ASK THE PETITIONERS OF THE REQUEST IF THEY WOULD PREFER A 2 A.M. CLOSE RATHER THAN 10 P.M.

Joint Meeting with the City of Baxter – Discuss potential meeting date - Informational

City Administrator Thoreen discussed the date of Monday, June 12th or Tuesday, June 13th to meet with the City of Baxter to discuss the demographics of southern Crow Wing County along with other mutual beneficial topics. A complete agenda with a precise date will follow.

Council discussion was held on dates and agenda items.

Discussion of Notification to Citizens- Informational

Council Member Johnson brought up the May 7th, 2017 water boil alert from Brainerd Public Utilities due to the lack of water pressure. BPU did post this on their Facebook page, but there was no communication from the City of Brainerd to the residents. It was ISD #181 that alerted most residents through the school alert system. We need to identify a means of notification to alert residents of water issues, snow concerns, etc. Our website does offer the email notification system and it has been suggested to update our website with the alerts. Council discussion was held regarding additional technology and what other entities use. City Administrator Thoreen shared that staff will work through how we notify the public in a timely manner.

Planning Commission

Sober House Report – Recommendation to not regulate sober houses at this time because sufficient oversight of the use can occur under City Code.

City Planner Ostgarden shared the Planning Commissions' recommendation and the reasons for the recommendation.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART DULY CARRIED, TO REJECT THE REGULATION OF SOBER HOUSES.

Public Forum

The Chair Opened the public forum at 8:36 P.M.

No one came forward.

The Chair Closed the public forum at 8:36 P.M.

Staff Reports

City Planner Mark Ostgarden mentioned the Brainerd Dispatch had an article regarding City Zoning Regulations. Everyone was encouraged to share this post on Facebook.

City Planner Mark Ostgarden announced Friday, May 19th is the Crow Wing County Energized Health & Wellness Summit. This is an opportunity to learn about the organization and the wonderful things this program does.

City Administrator Thoreen reminded everyone that at 5:00 p.m. Wednesday, May 17th, we will resume our hearing regarding the rental dwelling appeals board issue regarding 217 S 7th St, Brainerd.

Mayor Menk has been asked to welcome the MN HRA group that will be meeting at Madden's Resort on Friday, May 26th.

Council Member Reports

Committee Chair Johnson attended the meeting at Harrison School in an attempt to save our neighborhood schools. All residents are very passionate about saving the school in their neighborhood.

Council President Pritschet hoped residents enjoyed the fishing opener last weekend. He also congratulated the 2017 graduates from CLC and area colleges along with the upcoming high school graduation. The high school had a production of "Guys & Dolls" which was a great event.

Council member Badeaux accompanied 6th graders today on a field trip to the State Capitol. The kids were very enthusiastic to see the capitol.

City Administrator Thoreen mentioned there is going to be Emergency Management Training (EMT) at the Fire Hall on May 24th at 5:00 p.m. This is an invitation to any and all council members who would like to attend.

Committee Recommendations – Recommended by Mayor Menk

Cable TV Advisory Committee – Mr. Vladimir Zivkovic - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND JOHNSON TO APPROVE THE APPOINTMENT OF MR. VLADIMIR ZIVKOVIC TO THE CABLE TV ADVISORY BOARD.

Adjourn

The Chair adjourned the meeting at 8:43 P.M to the Emergency Management Training at 5:00 p.m. on May 24th, 2017.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
June 5, 2017

(5 New, 7 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
ZIEGLER PLUMBING & HEATING 23414 165TH AVENUE FORT RIPLEY, MN 56449 17-0156	(320) 630-4579	MECH	4/9/2018	4/25/2018	MB005991 PC646072
HEATWAVE HEATING & AIR CONDITIONING 20539 DIVISION ROAD BRAINERD, MN 56401 17-0157	(218) 764-3324	MECH	9/8/2017	6/16/2018	MB005232
SIG OLSON & SONS PLASTERING, INC. 1923 27TH STREET S MOORHEAD, MN 56560 17-0158 (new)	(218) 233-1349	DRYW	12/31/2017	12/31/2017	
DIAMOND TOWER SERVICE, INC. 23603 70TH AVENUE ST. CLOUD, MN 56301 17-0159 (new)	(320) 761-2927	TELE	8/1/2017	12/31/2017	
TOPLINE ADVERTISING, INC. 11775 JUSTEN CIRCLE STE A MAPLE GROVE, MN 55369 17-0160	(763) 428-5067	SIGN	6/22/2017	6/1/2018	SB712347
ROSS LEWIS SIGNS, INC. 2201 BARDWELL DRIVE NW BEMIDJI, MN 56601 17-0161	(218) 751-5733	SIGN	1/19/2018	2/7/2018	SB678195
FROGGY'S SIGNS, INC. 1402 WEST BROADWAY STREET LITTLE FALLS, MN 56345 17-0162	(320) 632-4842	SIGN	1/1/2018	3/1/2018	SB686272
NORTHLAND CONSTRUCTION 15496 SORENSON LAKE ROAD MERRIFIELD, MN 56465 17-0163	(218) 765-4015	GENL	10/26/2017	12/31/2017	BC460780
HARBOR CITY MASONRY, INC. 310 S. CENTRAL AVENUE P.O. BOX 7125 DULUTH, MN 55807 17-0164	(218) 628-3686	MASO	6/19/2017	12/31/2017	
QUALITY CUTTING & CORING, INC. 1471 91ST AVENUE NE BLAINE, MN 55449 17-0165 (new)	(763) 785-9605	MASO	3/31/2018	12/31/2017	

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
June 5, 2017

(5 New, 7 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
PROJECT ONE CONSTRUCTION, INC. 10375 COUNTY ROAD 8 KIMBALL, MN 55353 17-0165 (new)	(320) 398-7000	GENL	1/1/2018	12/31/2017	
JH SIGN & DESGINS, INC. 41357 460TH STREET PERHAM, MN 56573 17-0167 (new)	(218) 346-7446	SIGN	5/22/2018	12/31/2018	

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: May 31, 2017
Re: May 2017 Fire Department Monthly Report

May is marked by five structure fires and nearly 50 calls for service. It was a busy month and a true start to the summer season. Committees have been working very hard to finalize all the details for the 142nd MN Fire Convention that the Brainerd Fire Department Relief Association is hosting June 8th-10th. They have put countless hours into preparing for a great few days of training, meetings and networking.

May is a month that is full of public education events. We participated in the two day Health and Safety Event at Forestview Middle School in Baxter with the MSFCA Kitchen Fire Demo Trailer. The message and demo trailer showed the dangers of unattended kitchen fires and the importance of NOT using water on a grease fire.



We also had several station tours with kids from Lowell School and Baxter Elementary School.



Firefighter training continues to be a very important part of the fire department. This month we had several very important training opportunities including; High-Rise/Multi-Level Firefighting, Fire Alarms/Suppression Systems, AirCare Spring Conference, Special Team Operations, and Water Supply/Pump Operations. All of these skills are extremely important to practice and stay proficient at. Chief Holmes also attended FEMA NIMS ICS All-Hazard Planning Section Chief training at Camp Ripley.

The department conducted several inspections for fireworks displays, liquor licenses and new construction projects.

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

Structure Fire	5
Appliance Fire	3
Vehicle, Equipment Fire	3
Grass, Rubbish Fire	4
Ventilate	1
EMS	1
Motor Vehicle Crash with Injuries	3
Carbon Monoxide Incident	1
Public Service Assistance	2
Good Intent Call	3
Canceled Enroute	7
Authorized Controlled Burning	1
Sprinkler Activation	1
Alarm Activation	8
Carbon Monoxide Detector Activation	4
Total	<u>47</u>

City of Brainerd Incident Report

Structure Fire	1
Appliance Fire	3
Grass, Rubbish Fire	1
Vehicle, Equipment Fire	1
EMS	1
Motor Vehicle Crash with Injuries	1
Carbon Monoxide Incident	1
Public Service Assistance	1
Good Intent Call	1
Canceled Enroute	1
Alarm Activation	6
Carbon Monoxide Detector Activation	4
Total	<u>22</u>

Parks and Recreation Report

June 2017

Submitted by Tony Sailer, Director

- In 1927 the Samuel Huntington Chapter of the Daughters of the American Revolution placed a commemorative marker on a boulder at Gregory Park honoring J. Gregory Smith, the first president of the Northern Pacific Railway. While the chapter disbanded years ago, the Daughters of the American Revolution would like to restore the marker to its original condition. The Daughters of the American Revolution will hire a professional monument company to remove, restore and replace the marker. The project is headed by State Vice Regent Faye Leach of rural Brainerd.

- Staff, along with Master Gardener Jackie Burkey, planted approximately 150 whips in the gravel beds at Central Lakes College. The whips were purchased with funds provided by the University of Minnesota. The bare roots grow quickly in the gravel bed and are much easier to transplant once the root ball is developed.



- The Lions and Leo clubs, Boy Scouts, the DNR and Parks staff planted 1,500 red maple, nanny berry and pin cherry saplings in Buffalo Hills-Lions Park on May 13. The saplings were planted along Buffalo Hills Lane, on the



east side by the townhouses, and from Buffalo Hills Trail toward the center of the park. The saplings were donated by the DNR, which also loaned staff planting bars to use.

- Mills Field will host two Northwoods League baseball games on June 5 and June 6. Thunder Bay will play St. Cloud. Admission will be \$5 per person. Thunder Bay, whose field is under repair, will pay the Northwoods League field rental fee (\$400 per game) and pay for all employees but will keep the gate receipts.

- Ben Soukup designed and fabricated a bicycle rack which he donated to the Parks and Recreation Department. The bicycle rack, which is placed at Gregory Park, was Ben's final badge to earn Eagle Scout status.



- The Brainerd Kiwanis Club donated \$100 designated for the Miracle League.
- The Brainerd Eagles Club donated \$300 to purchase flags which are hung along Washington and South 6th streets during the summer.
- The Brainerd Jaycees donated \$1,000 from the Ice Fishing Extravaganza. The funds will be designated for Jaycees Park.



The Lakes Area Bicycle Clinic took place May 20. The event was moved to the Brainerd High School gymnasium due to cold and rainy weather. About 75 youths participated. The event is sponsored by Essentia Health, Lakes Area Law Enforcement, Brainerd and Baxter Police Departments, and Brainerd Parks and Recreation. Each youth received a bicycle helmet from Essentia Health and bicycle tune-ups from Easy Riders. The Brainerd Lions and Leos assisted with the event.



- The Kids Fishing Clinic took place on Saturday, May 27, at Lum Park. About 75 youths participated in the free event. Youths participated in 12 learning stations, a lunch and fishing contest. Each participant was given a bag of fishing supplies and informational materials.
- Competitive youth baseball and softball regular seasons began May 30. Non-competitive activities begin June 5-6.
- The Twins youth baseball/softball clinic will take place on Saturday, June 10, at Bane Park. The clinic for 6-9 year olds is from 9-10:30 a.m. and for 10-13 year olds from 10:30 a.m. to noon.
- The 10 and 12 & Under state baseball qualifiers are June 16-18 and the 11 and 13 & Under state baseball qualifiers are June 23-25. Games will take place at Bane, Jaycees and Memorial parks. A total of 48 teams are registered.
- Construction has been completed on the new announcer's booth and dugouts at the Bane Park Pony League field. The announcer's booth also has a storage area for field maintenance supplies.
- Intern Lydia Herath begins May 31. Her salary this summer will be paid from a grant through the NJPA.

PACKET: 03976 06/05/17 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-250576	101-42400-2210	OPERATING SUP LEVEL 48"	075961	28.79
		I-250769	101-41940-2220	REPAIR & MAIN FASTENERS	075961	1.98
		I-250816	101-41940-2220	REPAIR & MAIN SPRINKLER HEAD	075961	5.39
01-0087	VISIT BRAINERD					
		I-APR 2017	101-49200-3340	LODGING TAX R APRIL 2017 LODGING	076057	352.64
01-0125	CONSOLIDATED TELEPHONE					
		I-20432851-A	101-41800-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	787.99
		I-20432851-A	101-41400-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	6.33
		I-20432851-A	101-41700-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	6.96
		I-20432851-A	101-42400-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	7.01
		I-20432851-A	101-41910-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	1.17
		I-20432851-A	101-41940-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	79.05
01-0133	CWC RECORDER					
		I-201700000267	101-41700-3350	PRINTING/LEGA DOC #A888103 QUIT CLAIM DEED	075990	46.00
01-0202	HENGEL CONSTRUCTION					
		I-5/22/2017	101-20600	DEPOSITS PAYA FINANC GUARANTEE - 510 PINE &	076002	1,000.00
01-0209	HEARTLAND TIRE INC.					
		I-73664	101-42400-2220	REPAIR & MAIN 4 TIRES REPLACED '05 DODGE DAK	075999	583.96
01-0215	JANITORIAL SERVICES OF					
		I-414474	101-41940-3300	PROFESSIONAL APRIL CLEANING SERVICES	076006	589.70
01-0227	LAKES PRINTING					
		I-00182385	101-41940-2200	OFFICE SUPPLI 100 PROCLAMATION PAPER	076012	75.65
01-0229	CLIFTONLARSONALLEN LLP					
		I-1546155	101-49200-3300	PROFESSIONAL SECOND HALF AUDIT 2016	075983	15,500.00
01-0233	LEAGUE OF MN CITIES					
		I-255434	101-41400-3330	PROFESSIONAL 2017 SAFETY & LOSS CONTROL WRK	076013	20.00
01-0284	OFFICE SHOP					
		I-1025693-0	101-41940-2200	OFFICE SUPPLI CALCULATOR INK	076035	7.45
		I-1025732-0	101-41940-2200	OFFICE SUPPLI 11X17 PAPER	076035	29.97
		I-1025775-0	101-41940-2210	OPERATING SUP COPY PAPER	076035	206.40
		I-1025775-1	101-41940-2200	OFFICE SUPPLI 'SCANNED' STAMP - TORRENCE	076035	8.56
		I-1025949-0	101-41940-2210	OPERATING SUP HAND SOAP	076035	71.52
01-0291	PIKE PLUMBING AND HEATI					
		I-66250	101-41940-2220	REPAIR & MAIN REPAIR FROZEN LINE COOLING TOW	076037	188.48
01-0307	CENTERPOINT ENERGY					
		I-5942870-6/MAY 17	101-41940-3380	UTILITIES HEAT 4/19-5/18	075978	210.86

PACKET: 03976 06/05/17 COUNCIL

VENDOR SET: 01

FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0307	CENTERPOINT ENERGY	continued				
		I-6031615-5/MAY 17	101-41940-3380	UTILITIES HEAT 4/19-5/18	075978	91.47
01-0349	W W THOMPSON CONCRETE					
		I-1705-691619	101-41940-2220	REPAIR & MAIN BENCH REPAIR AT CITY HALL	076058	119.90
01-0582	MSES					
		I-JUNE 2017	101-41700-3330	PROFESSIONAL 2017 MSES ANNUAL DUES - SANDY	076028	40.00
01-0888	WEST BRAINERD AUTO SERV					
		I-27052	101-41940-3430	MISCELLANEOUS TOW SERV - CHEV SUBURBAN	076060	30.00
01-0889	MENARDS - BAXTER					
		I-53689	101-41940-2220	REPAIR & MAIN 3 2X6-14' CEDAR (CH BENCH)	076019	102.87
01-1	MISCELLANEOUS VENDOR					
	SUSAN GEBHARD	I-JUNE 2017	101-32270	RENTAL HOUSIN REFUND OVERPAYMENT RENTAL LIC	076047	3.00
01-1432	INTEGRA TELECOM					
		I-14669548	101-41940-3321	TELEPHONE ELEV PHONE LINE 5/23-6/22	076004	47.47
01-1991	ARVIDSON, CHUCK					
		I-JUNE 2017	101-42400-2210	OPERATING SUP REIM SPRAY BOTTLE PURCHASE	075968	16.17
01-2196	MN CITY/COUNTY MGMT ASS					
		I-2017-2018	101-41400-3433	DUES & SUBSCR 2017-2018 MEMBERSHIP - THOREE	076023	138.00
01-2257	U.S. BANK					
		I-MAY 17 ADM	101-41800-2210	OPERATING SUP SMARTSIGN - ASSET TAGS	076049	92.00
		I-MAY 17 ADM	101-41400-3330	PROFESSIONAL MNSOCIETOPCPA - WEBINARS	076049	316.00
		I-MAY 17 ADM	101-41800-3330	PROFESSIONAL AMAZON - BOOK - PROJECT MGMT	076049	39.67
		I-MAY 17 ADM	101-41800-3309	COMPUTER SUPP CRBCARBONITE - ANNUAL SUPPORT	076049	899.99
		I-MAY 17 ADM	101-41400-3433	DUES & SUBSCR NNA SERVICES - NOTARY SERV BES	076049	160.00
		I-MAY 17 PLN	101-41910-3433	DUES & SUBSCR MAY VISA PURCHASES	076049	20.00
01-2652	OFFICE OF THE SECRETARY					
		I-2017-BESTUL	101-41400-3433	DUES & SUBSCR REGISTRATION NOTARY - BESTUL	076034	120.00
01-2911	BUILDERS FIRST SOURCE					
		I-403367	101-41940-2220	REPAIR & MAIN 1 CEDAR PLANK	075976	11.21
01-3138	ST. LOUIS MRO INC.					
		I-41487	101-41400-3430	MISCELLANEOUS 1 PRE-EE DRUG TESTS	076043	49.00
01-3320	ESSENTIA HEALTH					
		I-APRIL 2017	101-41400-3300	PROFESSIONAL 2 PRE-EE PHYS & SCREENING	075994	250.00
01-3413	RATWIK, ROSZAK AND MALO					
		I-60505	101-14100	DUE FROM COMP BPU APRIL ATTORNEY SERVICES	076038	609.00

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FUND : 101 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-3413	RATWIK, ROSZAK AND MALO	continued				
		I-60505	101-41610-3301	CITY ATTORNEY APRIL ATTORNEY SERVICES	076038	3,933.08
		I-APRIL 2017	101-41610-3301	CITY ATTORNEY APRIL 2017 RETAINER	076038	3,590.41
		I-APRIL 2017	101-14100	DUE FROM COMP HRA APRIL ATTORNEY	076038	261.00
01-3469	LAKES AREA MAT SERVICE					
		I-#522: 20170502	101-41940-3410	RENTAL EXPENS #522 CITY HALL MAT SERVICE	076011	49.91
		I-#522: 20170516	101-41940-3410	RENTAL EXPENS #522 CITY HALL MAT SERVICE	076011	49.91
		I-#522: 20170530	101-41940-3410	RENTAL EXPENS #522 CITY HALL MAT SERVICE	076011	49.91
			FUND	101 GENERAL FUND	TOTAL:	30,905.83

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VENDOR SET: 01

FUND : 203 TRANSIT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-JUNE 2017	203-49000-3410	RENTAL EXPENS JUNE TRANSIT RENT	075980	550.00
01-0125	CONSOLIDATED TELEPHONE					
		I-20432851-A	203-49000-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	22.67
01-3410	ROUTE MATCH SOFTWARE					
		I-28915	203-49000-3309	COMPUTER TECH 10MB DATA PLAN 3/17-2/18	076039	190.00
		I-28916	203-49000-3309	COMPUTER TECH DATA PLAN - YEAR 4 3/17-2/18	076039	2,025.00
			FUND	203 TRANSIT FUND	TOTAL:	2,787.67

FUND : 211 LIBRARY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-249981	211-45500-2220	REPAIR & MAIN BOLTS FOR TABLE	075961	3.24
		I-250524	211-45500-2220	REPAIR & MAIN DESK STAINING PROJECT	075961	35.41
		I-250915	211-45501-3430	MISC - SPECIF REPKRLS SIDEWALK PAINT	075961	54.45
01-0102	CANON FINANCIAL SERVICE					
		I-17305897	211-45505-3430	MISC - COPY M CONTRACT CHARGE MAY	075977	92.98
01-0207	ISD #181 BRAINERD PUBLI					
		I-SS1704	211-45501-3430	MISC - SPECIF SRP AD	076005	210.00
01-0307	CENTERPOINT ENERGY					
		I-6032449-8/MAY 17	211-45500-3380	UTILITIES HEAT 4/19-5/18	075978	409.55
01-0344	WASTE PARTNERS INC					
		I-74X00565	211-45500-3430	MISCELLANEOUS APRIL GARBAGE SERVICE	076059	70.14
		I-74X00995	211-45500-3400	REPAIR & MAIN DUMPSTER - BASEMENT WASTE	076059	64.35
01-2257	U.S. BANK					
		I-MAY 17 LIB	211-45500-2220	REPAIR & MAIN COSTCO - CLEANER, PAPER TOWELS	076049	69.59
		I-MAY 17 LIB	211-45501-3430	MISC - SPECIF FACEBOOK - REPKRLS FD ADS LEGA	076049	51.93
		I-MAY 17 LIB	211-45501-3430	MISC - SPECIF OTC BRANDS - SRP INCENTIVES	076049	151.81
		I-MAY 17 LIB	211-45500-2200	OFFICE SUPPLI AMAZON - FELT PENS	076049	9.98
		I-MAY 17 LIB	211-45500-2200	OFFICE SUPPLI AMAZON - TAPE & SHARPIE	076049	36.98
		I-MAY 17 LIB	211-45501-3430	MISC - SPECIF AMAZON - SRP CRAFTS BEADS ETC	076049	51.09
		I-MAY 17 LIB	211-45500-2220	REPAIR & MAIN AMAZON - FLATBED CART	076049	47.00
		I-MAY 17 LIB	211-45501-3430	MISC - SPECIF AMAZON - SRP INCENTIVES	076049	39.92
		I-MAY 17 LIB	211-45500-2200	OFFICE SUPPLI AMAZON - COMPUTER MOUSE	076049	22.99
		I-MAY 17 LIB	211-45501-3430	MISC - SPECIF AMAZON - SRP PET SUPPLIES	076049	56.75
		I-MAY 17 LIB	211-45501-3430	MISC - SPECIF AMAZON - SRP CRAFT GAME	076049	232.61
		I-MAY 17 LIB	211-45501-3430	MISC - SPECIF SCHOLASTIC BOOK - SRP INCENTIV	076049	20.49
01-2894	A2Z YARN LLC					
		I-1000	211-45501-3430	MISC - SPECIF REPKRLS YARN PROJECT	075960	47.94
		I-1001	211-45501-3430	MISC - SPECIF REPKRLS YARN PROJECT	075960	30.00
01-3190	PATNODE'S CUSTOM CABINE					
		I-5182017	211-45503-3430	MISC - USE OF CABINET & ROLLOUTS INSERT	076036	750.00
01-3418	LAKES AREA LOCK & DOOR					
		I-2974	211-45500-3400	REPAIR & MAIN KEY REPAIR	076009	155.00
01-3438	D - D BEVERAGE, LLC					
		I-1276839	211-45500-2220	REPAIR & MAIN TISSUE - TOWELS	075991	115.55

FUND	211	LIBRARY FUND	TOTAL:	2,829.75
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VENDOR SET: 01

FUND : 223 DRUG FORFEITURE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0086	CITY OF BRAINERD					
		I-ICR: 17002579	223-22800	OTHER LIABILI ICR: 17002579	075980	162.40
01-0136	CWC ATTORNEY					
		I-ICR: 17002579	223-22800	OTHER LIABILI ICR: 17002579	075989	46.40
01-0586	MN STATE TREASURER					
		I-ICR: 17002579	223-22800	OTHER LIABILI ICR: 17002579	076026	23.20
01-0888	WEST BRAINERD AUTO SERV					
		I-26984	223-42140-2210	OPERATING EXP TOW: ICR 17007187	076060	45.00
				FUND 223 DRUG FORFEITURE	TOTAL:	277.00

PACKET: 03976 06/05/17 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-17305898	225-42220-3331	LEASE PAYMENT JUNE COPIER LEASE	075977	66.23
01-0119	CLAREY'S SAFETY EQUIPME					
		I-171650	225-42220-2250	PERSONAL PROT GLOVES	075981	105.88
01-0125	CONSOLIDATED TELEPHONE					
		I-20432851-A	225-42220-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	17.46
		I-20432851-A	225-42120-3309	COMPUTER TECH PHONE/INTERNET 5/12-6/11	075984	16.24
		I-20432851-A	225-42120-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	137.05
01-0186	GALLS LLC					
		I-007476398	225-42120-1113	UNIFORM ALLOW 725 - UNIFORM FOOTGEAR	075997	72.94
01-0209	HEARTLAND TIRE INC.					
		I-73900	225-42120-2221	SQUAD CAR REP SQD 425 - 1 TIRE & FLAT REPAIR	075999	172.47
		I-73916	225-42120-2221	SQUAD CAR REP SQD 421 - 4 TIRES	075999	548.84
01-0226	LAKES AREA MAT SERVICE					
		I-#580: 20170502	225-42120-3430	MISCELLANEOUS #580 POLICE MAT SERVICE	076010	40.15
		I-#580: 20170516	225-42120-3430	MISCELLANEOUS #580 POLICE MAT SERVICE	076010	40.15
		I-#580: 20170530	225-42120-3430	MISCELLANEOUS #580 POLICE MAT SERVICE	076010	40.15
01-0242	MALLIE LAW OFFICE, PA					
		I-JUNE 2017	225-42127-3310	MISDEMEANOR P JUNE 2017	076017	15,272.91
01-0265	OFFICE OF MN.IT SERVICE					
		I-W17040716	225-42127-3430	MISC - PROSEC APR CITY PROSECUTOR PHONE	076033	62.74
01-0273	NAPA AUTO PARTS					
		I-052099	225-42220-2210	OPERATING SUP FEND/RET	076029	4.56
		I-052100	225-42220-2210	OPERATING SUP PURPLE POWER CLEANER	076029	11.97
		I-052240	225-42220-2210	OPERATING SUP CLIP	076029	4.56
01-0291	PIKE PLUMBING AND HEATI					
		I-66354	225-42220-2220	REPAIR & MAIN IRRIGATION SYSTEM ST 2, HOSE R	076037	407.15
01-0307	CENTERPOINT ENERGY					
		I-5956221-5/MAY 17	225-42120-3380	UTILITIES HEAT 4/19-5/18	075978	27.49
		I-6004720-6/MAY 17	225-42220-3380	UTILITIES HEAT 4/19-5/18	075978	112.20
01-0314	SHANNON'S AUTO BODY					
		I-22820	225-42120-2221	SQUAD CAR REP SQD 418 - AUTOBODY REPAIR	076041	4,644.12
01-0322	STREICHERS PROF EQUIP					
		I-I1232950	225-42120-1113	UNIFORM ALLOW UNIFORM CLUTCHBACKS	076045	32.74
		I-I1260898	225-42120-1113	UNIFORM ALLOW WEAPONLIGHT	076045	190.98
		I-I1261129	225-42120-1113	UNIFORM ALLOW 720TG - INITIAL ISSUE	076045	525.95
		I-I1261139	225-42120-1113	UNIFORM ALLOW 775DL - INITIAL ISSUE	076045	112.48

PACKET: 03976 06/05/17 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0322	STREICHERS PROF EQUIP	continued				
		I-I1261708	225-42131-2210	OPERATING SUP 721 - BODY ARMOR/VEST	076045	1,674.90
		I-I1263797	225-42120-1113	UNIFORM ALLOW 727DS - INITIAL ISSUE	076045	53.98
01-0384	SANBORN, DIXIE					
		I-05/17 TRAV REIM	225-42120-3330	PROFESSIONAL MNJIS OP CERT - MEAL REIM	076040	17.72
01-0445	MN FIRE SERVICE CERTIFI					
		I-4831	225-42220-3330	PROFESSIONAL FFI/FFII/HAZ MAT CERT X3	076024	495.00
01-0745	BATTERIES PLUS					
		C-035-330833	225-42120-2221	SQUAD CAR REP RETURN HEADLIGHT SQD 424	075970	32.99-
		I-035-329846	225-42120-2210	OPERATING SUP AA & AAA BATTERIES	075970	10.56
		I-035-329890	225-42220-2210	OPERATING SUP 9V AND AAA BATTERIES	075970	29.64
		I-035-330284	225-42128-3430	MISC - K9 PRO K9 SUPPLIES (BATTERY)	075970	21.99
		I-035-330807	225-42120-2221	SQUAD CAR REP SQD 424 - HEADLIGHT	075970	32.99
01-0900	CUB FOODS - BRAINERD					
		I-MAY 2017	225-42220-2210	OPERATING SUP FLOWER PLANTS	075988	49.98
		I-MAY 2017	225-42220-2210	OPERATING SUP GARBAGE BAGS, TOLIET TISSUE	075988	22.87
		I-MAY 2017	225-42220-2210	OPERATING SUP KITCHEN TRAILER PUBLIC EDU SUP	075988	13.98
01-0944	ASPEN MILLS					
		I-197893	225-42220-1113	UNIFORM ALLOW UNIFORM BUGLES	075969	58.45
01-1171	KEEPRS, INC/CY'S UNIFOR					
		I-337612-90	225-42120-1113	UNIFORM ALLOW 716 - UNIFORM PANTS	076007	62.99
01-1343	CHARTER COMMUNICATIONS					
		I-MAY-JUN 2017	225-42220-3380	UTILITIES MAY-JUNE NE STATION	075979	7.40
01-1388	HEIMAN INC.					
		I-0858549-IN	225-42220-2210	OPERATING SUP FOAM	076001	2,004.29
01-1912	MINNEAPOLIS FINANCE DEP					
		I-400451001149	225-42120-3309	COMPUTER TECH 04/17 APS COMP SUPPORT	076022	430.20
01-2137	O'REILLY AUTOMOTIVE STO					
		I-1647-198631	225-42120-2221	SQUAD CAR REP SQD 415 - BULBS	076032	17.09
		I-1647-201391	225-42120-2221	SQUAD CAR REP SQD 424 - HEADLIGHT	076032	14.28
01-2257	U.S. BANK					
		I-MAY 17 FD	225-42220-2210	OPERATING SUP HOME DEPOT - TOOL BAG	076049	19.97
		I-MAY 17 FD	225-42220-1113	UNIFORM ALLOW GANDER MT - UNIFORM PANTS	076049	67.49
		I-MAY 17 FD	225-42220-3322	POSTAGE USPS - POSTAGE	076049	6.78
		I-MAY 17 PD	225-42120-2220	REPAIR & MAIN MILLS FLEET - GUN CLEANING SUP	076049	2.98
		I-MAY 17 PD	225-42120-2210	OPERATING SUP TRANSUNION - SSN #S TICKETS	076049	25.00
		I-MAY 17 PD	225-42120-2240	SMALL TOOLS AMAZON - WHEEL CHOCKS	076049	11.98
		I-MAY 17 PD	225-42120-3330	PROFESSIONAL BCA CJTE - 707 DMT RECERT TRAI	076049	75.00

PACKET: 03976 06/05/17 COUNCIL
 VENDOR SET: 01
 FUND : 225 PUBLIC SAFETY FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2257	U.S. BANK	continued				
		I-MAY 17 PD	225-42120-3330	PROFESSIONAL BCA CJTE - 707 DMT RECERT TRAI	076049	75.00
		I-MAY 17 PD	225-42120-3330	PROFESSIONAL GRANDSTAY - 702 CHIEFS CONF HO	076049	367.47
		I-MAY 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	076049	6.59
		I-MAY 17 PD	225-42120-3330	PROFESSIONAL AMAZON - REFERENCE BOOK	076049	12.93
		I-MAY 17 PD	225-42120-3330	PROFESSIONAL BCA CJTE - REFUND DUPLICATE PY	076049	75.00-
		I-MAY 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	076049	3.75
		I-MAY 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	076049	2.67
		I-MAY 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	076049	7.20
		I-MAY 17 PD	225-42120-2221	SQUAD CAR REP AMAZON - SQD 424 SPOTLIGHT PAR	076049	36.88
		I-MAY 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	076049	6.59
		I-MAY 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	076049	2.85
		I-MAY 17 PD	225-42120-3322	POSTAGE POSTMASTER - POSTAGE	076049	7.20
		I-MAY 17 PD	225-42120-2210	OPERATING SUP BEST BUY - 2 CAMERAS	076049	239.98
		I-MAY 17 PD	225-42120-1113	UNIFORM ALLOW GANDER MT - 721 UNIFORM BOOTS	076049	139.99
		I-MAY 17 PD	225-42128-3430	MISC - K9 PRO GANDER MT - 721 UNIFORM BOOTS	076049	104.67
		I-MAY 17 PD	225-42120-3330	PROFESSIONAL GANDER MT - 721 UNIFORM BOOTS	076049	375.00
01-2589	STAPLES ADVANTAGE					
		I-3340660319	225-42120-2210	OPERATING SUP EVIDENCE SUPPLIES	076044	12.29
01-2902	ADVANCE AUTO PARTS					
		I-6574713129328	225-42220-2210	OPERATING SUP REPLACEMENT BULBS	075964	13.98
01-2905	CLEAN PLUS INC					
		I-1705041	225-42120-2209	SAFETY EQUIPM NITRILE GLOVES	075982	182.90
01-2924	VERIZON WIRELESS					
		I-9785828035	225-42220-3321	TELEPHONE 5/16-6/15 IPAD SERVICE	076055	210.06
01-3018	NORTH COUNTRY JANITORIA					
		I-MAY 2017	225-42120-3300	PROFESSIONAL MAY JANITORIAL SERVICES	076030	1,000.00
01-3138	ST. LOUIS MRO INC.					
		I-41487	225-42120-3300	PROFESSIONAL 1 PRE-EE DRUG TESTS	076043	49.00
01-3168	MOTORS-N-MORE					
		I-25107	225-42120-2221	SQUAD CAR REP SQD 423 - OIL CHANGE	076027	23.00
01-3202	INNOVATIVE OFFICE SOLUT					
		I-IN1609700	225-42220-2200	OFFICE SUPPLI PRINTER TONER	076003	34.77
		I-IN1615421	225-42120-2210	OPERATING SUP EVIDENCE SUPPLIES	076003	50.72
01-3302	COX, DAVID					
		I-04/17 REIM	225-42220-3330	PROFESSIONAL FIRE MARSHAL CONF LODGING REIM	075986	213.20
01-3320	ESSENTIA HEALTH					
		I-APRIL 2017	225-42120-3300	PROFESSIONAL 2 PRE-EE PHYS & SCREENING	075994	250.00
				FUND 225 PUBLIC SAFETY FUND	TOTAL:	31,215.62

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FUND : 230 PARK & RECREATION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0102	CANON FINANCIAL SERVICE					
		I-17305896	230-45200-3331	LEASE PAYMENT COPIER LEASE - MAY	075977	177.79
01-0339	UPPER LAKES FOODS INC					
		I-925414-00	230-45204-2210	OPERATING SUP CHEESE/CUPS, LIDS, FOOD TRAYS,	076054	725.60
01-0476	BELISLE, SCOTT					
		I-5191701	230-45200-2210	OPERATING SUP WORK BOOT REIM	075971	45.00
01-0486	FERGUSON ENTERPRISES IN					
		I-4785341	230-45200-2220	REPAIR & MAIN WATER FOUNTAIN BUBBLERS	075996	125.54
01-0745	BATTERIES PLUS					
		I-035-330501	230-45200-2220	REPAIR & MAIN REBUILT BATTERY FOR GREASE GUN	075970	59.99
01-0889	MENARDS - BAXTER					
		I-53584	230-45200-2220	REPAIR & MAIN RAINBIRD CONTROL BOX - MMP IRR	076019	57.99
01-1159	WINNERS TROPHY					
		I-8822	230-45226-2210	OPERATING SUP BASEBALL TROPHIES	076061	1,395.60
01-1617	MN MUNICIPAL UTILITIES					
		I-49077/49089	230-45200-3430	MISCELLANEOUS ANNUAL FEE DRUG TESTING SERV	076025	186.00
01-1896	ALL AMERICAN CRANE INSP					
		I-517-4485	230-45200-2220	REPAIR & MAIN ANNUAL OSHA OVERHEAD CRANE INS	075965	250.00
01-2257	U.S. BANK					
		I-MAY 17 PK	230-45204-2210	OPERATING SUP COUNTRY HEARTH - BUNS	076049	26.00
		I-MAY 17 PK	230-45200-2210	OPERATING SUP OSHA STICKER - OVERHEAD HOIST	076049	10.50
		I-MAY 17 PK	230-45200-2220	REPAIR & MAIN SALES TAX REFUNDED	076049	2.81-
		I-MAY 17 PK	230-45200-3322	POSTAGE UPS STORE - SCOREBOARD CONTROL	076049	24.78
01-2587	GRANITE CITY JOBBING CO					
		I-48343	230-45204-2210	OPERATING SUP CONCESSIONS - CANDY	075998	98.33
		I-48595	230-45204-2210	OPERATING SUP CONCESSIONS - SEEDS	075998	282.30
01-2939	VIKING COCA COLA BOTTLI					
		I-708289	230-45204-2210	OPERATING SUP CONCESSIONS - MMP BEVERAGES	076056	153.25
		I-708290	230-45204-2210	OPERATING SUP CONCESSIONS - GGP BEVERAGES	076056	150.00
		I-709412	230-45204-2210	OPERATING SUP CONCESSIONS - LMP BEVERAGES	076056	286.25
01-3394	MIDWEST MACHINERY CO					
		I-1468003	230-45200-2220	REPAIR & MAIN BOLTS, WOODCUTTER OIL	076020	15.80
01-3424	SULLIVAN CANDY & SUPPLY					
		I-556606	230-45204-2210	OPERATING SUP POPCORN BOX, CANDY, COFFEE	076046	704.11
				FUND	230	PARK & RECREATION FUND
				TOTAL:		4,772.02

PACKET: 03976 06/05/17 COUNCIL
 VENDOR SET: 01
 FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-250881	235-43100-2220	REPAIR & MAIN GRASS SEED	075961	4.90
01-0013	ACTION GRAPHICS					
		I-1012716	235-43100-2220	REPAIR & MAIN BRAINERD LOGO DOOR SET	075963	180.00
01-0039	AMERIPRIDE LINEN SERVIC					
		I-2200914897	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	075967	78.79
		I-2200917522	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	075967	104.01
		I-2200920044	235-43100-3430	MISCELLANEOUS COVERALLS & MAT LAUNDRY SERV	075967	78.79
01-0077	BRAINERD HYDRAULICS/AIR					
		I-5373	235-43100-2220	REPAIR & MAIN 3 PLOW GENERIC OIL FOR CRANE	075973	33.00
01-0125	CONSOLIDATED TELEPHONE					
		I-20437298	235-43100-3321	TELEPHONE PHONE/INTERNET 5/12-6/11	075984	109.55
01-0170	FASTENAL COMPANY					
		I-MNBAX206241	235-43100-2220	REPAIR & MAIN NYLOCK Z	075995	5.88
		I-MNBAX206275	235-43170-2220	REPAIR & MAIN 200 HCS5/16-18X1 3/4 Z5	075995	32.28
		I-MNBAX206302	235-43170-2220	REPAIR & MAIN 12 3/8X2-1/2SQ DW SNPN	075995	22.76
		I-MNBAX206340	235-43170-2220	REPAIR & MAIN NYLON WASHERS	075995	112.90
01-0201	HEARTLAND TIRE SERVICE					
		I-50256	235-43100-2220	REPAIR & MAIN TIRE REPAIR	076000	21.60
01-0223	L & M STEEL					
		I-17238	235-43100-2220	REPAIR & MAIN FLAT STEEL	076008	11.11
01-0239	MACQUEEN EQUIPMENT INC					
		I-P06584	235-43100-2220	REPAIR & MAIN GB, PELICAN PAT Q2C (8 CT)	076016	936.00
01-0307	CENTERPOINT ENERGY					
		I-5974635-4/MAY 17	235-43100-3380	UTILITIES HEAT 4/19-5/18	075978	164.82
01-1449	M-R SIGN CO., INC.					
		I-195201	235-43170-2210	OPERATING SUP SIGNAGE, HARDWARE	076015	1,617.63
		I-195402	235-43170-2210	OPERATING SUP SIGNAGE, HARDWARE	076015	89.45
01-1617	MN MUNICIPAL UTILITIES					
		I-49077/49089	235-43100-3430	MISCELLANEOUS ANNUAL FEE DRUG TESTING SERV	076025	217.00
01-1896	ALL AMERICAN CRANE INSP					
		I-517-4486	235-43100-2220	REPAIR & MAIN ANNUAL AUTO LIFT INSP, BRIDGE	075965	600.00
01-2257	U.S. BANK					
		I-MAY 17 ENG	235-43100-2220	REPAIR & MAIN NUSS TRUCK - MACK GU713 REPAIR	076049	309.94
01-2902	ADVANCE AUTO PARTS					

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FUND : 235 STREET & SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2902	ADVANCE AUTO PARTS	continued				
		I-6574713629666	235-43100-2220	REPAIR & MAIN WIPER BLADES	075964	14.38
		I-6574713984979	235-43100-2220	REPAIR & MAIN 10 MINI BULBS	075964	5.70
		I-6574714485091	235-43100-2220	REPAIR & MAIN FUEL CAP	075964	12.12
01-3205	CROW WING POWER					
		I-JUNE 2017	235-43100-3380	UTILITIES SECURITY LIGHT @ WISE RD	075987	12.00
				FUND 235 STREET & SEWER FUND	TOTAL:	4,774.61

PACKET: 03976 06/05/17 COUNCIL

VENDOR SET: 01

FUND : 237 SANITARY SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0237	LOCATORS - SUPPLIES INC					
		I-0256054-IN	237-43190-2220	REPAIR & MAIN 2 CS GREEN MARKING PAINT	076014	96.60
01-1381	DECHANTAL EXCAVATING LL					
		I-3973	237-43190-2220	REPAIR & MAIN BACKHOE SERV SEWER LINE MILL &	075992	580.00
			FUND	237 SANITARY SEWER FUND	TOTAL:	676.60

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FUND : 238 STORM SEWER FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0349	W W THOMPSON CONCRETE					
		I-1705-692689	238-43160-2220	REPAIR & MAIN 5 SPEC MIX TYPE S	076058	40.75
				FUND 238 STORM SEWER FUND	TOTAL:	40.75

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REGULAR DEPARTMENT PAYMENT REGISTER

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PACKET: 03976 06/05/17 COUNCIL

VENDOR SET: 01

FUND : 260 AIRPORT FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-1617	MN MUNICIPAL UTILITIES					
		I-49077/49089	260-49020-3324	SAFETY TRAINI ANNUAL FEE DRUG TESTING SERV	076025	124.00
				FUND 260 AIRPORT FUND	TOTAL:	124.00

PACKET: 03976 06/05/17 COUNCIL

VENDOR SET: 01

FUND : 278 HEALTHY EMPLOYE INITIATIVE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-0206	BRAINERD HOUSING AUTHOR					
		I-1ST QTR 17	278-46515-3430	MISCELLANEOUS 1ST QTR 2017 WELLNESS HSA	075972	428.60
01-0296	BRAINERD PUBLIC UTILITI					
		I-1ST QTR 2017	278-46515-3430	MISCELLANEOUS 1ST QTR 2017 WELLNESS HSA	075974	479.00
			FUND	278 HEALTHY EMPLOYE INITIATIVE	TOTAL:	907.60

PACKET: 03978 06/05/17 COUNCIL

VENDOR SET: 01

FUND : 298 SCDG-DOWNTOWN FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-2914	A&J ELECTRIC INC.					
		I-1856	298-46580-5500	OWNER'S MATCH SCDP 5117 - 606 LAUREL	076062	10,979.50
01-2920	SCHAFER BUILDING MAINT.					
		I-413176	298-46580-5500	OWNER'S MATCH SCDP 5117 - 606 LAUREL	076063	9,793.20
		I-413176	298-46570-5500	CAPITAL OUTLA SCDP 5117 - 606 LAUREL	076063	18,406.80
			FUND	298 SCDG-DOWNTOWN FUND	TOTAL:	39,179.50

PACKET: 03976 06/05/17 COUNCIL

VENDOR SET: 01

FUND : 400 CAPITAL PROJECTS FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1753	MARCO					
		I-INV4258800	400-49050-5530	CAPITAL - OTH PARKS PHONE SWITCH/CONFIG	076018	535.50
01-2257	U.S. BANK					
		I-MAY 17 ADM	400-49050-5530	CAPITAL - OTH OFFICEMAX - CHAIRS	076049	343.98
		I-MAY 17 ADM	400-49050-5530	CAPITAL - OTH OFFICEREPLA - NEW CHAIR PARTS	076049	136.24
01-2898	DIGITAL HORIZONS					
		I-754	400-49050-5530	CAPITAL - OTH CHAMBER AUDIO 70%	075993	4,833.73
FUND 400 CAPITAL PROJECTS FUND TOTAL:						5,849.45

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FUND : 401 CONSTRUCTION FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-0011	ACE HARDWARE					
		I-250438	401-49030-3430	MISCELLANEOUS MARKING PAINT	075961	60.20
01-0095	BROCK WHITE CO LLC					
		I-12773141-00	401-41703-3430	MISCELLANEOUS ROADSaver SEALANT	075975	5,017.50
01-0253	MILLS AUTOMOTIVE GROUP					
		I-474041	401-49030-3430	MISCELLANEOUS FUEL PUMP REPLACED '99 SUBURBA	076021	769.23
01-0317	SHORT ELLIOTT HENDRICKS					
		I-332454	401-41415-3300	PROFESSIONAL ARPT UTIL EXT THRU 4/30	076042	20,658.86
01-0512	TRI-CITY PAVING INC					
		I-IMP 14-03/PAYAPP 1	401-41403-5530	PYMTS TO CONT JACKSON ST RESURFACI THRU 5/26	076048	116,611.55
01-1449	M-R SIGN CO., INC.					
		I-195402	401-41403-3430	MISCELLANEOUS SIGNAGE, HARDWARE	076015	834.63
		I-195402	401-41613-3430	MISCELLANEOUS SIGNAGE, HARDWARE	076015	468.55
01-3102	NORTHWOODS LANDSCAPING					
		I-5/9/2017	401-41003-3300	PROFESSIONAL APRIL DOWNTOWN MAINT	076031	2,030.00
01-3413	RATWIK, ROSZAK AND MALO					
		I-60505	401-41415-3300	PROFESSIONAL APRIL ATTORNEY SERVICES	076038	493.00
				FUND 401 CONSTRUCTION FUND	TOTAL:	146,943.52

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REGULAR DEPARTMENT PAYMENT REGISTER

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PACKET: 03976 06/05/17 COUNCIL

VENDOR SET: 01

FUND : 403 IT CAPITAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-2257	U.S. BANK					
		I-MAY 17 ADM	403-49070-5530	CAPITAL OUTLA AMAZON - COUNCIL SURFACES	076049	7,633.90
			FUND 403	IT CAPITAL FUND	TOTAL:	7,633.90

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REGULAR DEPARTMENT PAYMENT REGISTER

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PACKET: 03976 06/05/17 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-75982	405-41762-3430	MISCELLANEOUS MATERIALS - BAP ANNOUNCER'S BO 075966		66.77
			FUND	405 PARK DEDICATION CAPITAL TOTAL:		66.77

REPORT GRAND TOTAL: 278,984.59

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

GABE JOHNSON

SUE HILGART

KEVIN STUNEK



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5th, 2017

Title of Item: Purchase of Inflatable Style Rescue Boat

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Fire Chief Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: In November of 2016 the council approved the sale of the fire departments 1989 hovercraft. The proceeds were to be used for the purchase of an inflatable style boat with motor and trailer. At the May 2017 Fire Advisory Board meeting the board agreed with the purchase of a Zodiac rescue boat with motor and trailer with funds from the Fire Capital Account.	
Alternatives, Options, Effects on Others/Comments: Money from the sale of the hovercraft and the sale of the fire engine has been put back into the Fire Capital Account, total of \$12,981.80.	
Recommended Action/Motion: Authorize the purchase of a Zodiac rescue boat with motor and trailer in the amount of \$13,000.	
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> \$ 13000 <i>Is this budgeted?</i> ☐ Yes ☒ No <u>Please Explain:</u> Money will be used from the sale of the fire engine and hovercraft which is in the Fire Capital Account.	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Ratification of Conditional Job Offer for Assistant City Engineer Position

☐ 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	Department: Administration
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: 3 minutes
Summary of Issue: Recently the City Council discussed trying to expedite our hiring process. With this in mind, at the May 15, 2017 meeting, Staff requested and the Council approved authorizing staff to offer a conditional job offer for our Assistant City Engineer position if the individual was hired at Step A of our Salary Administration Plan. Interviews were held on May 22nd. The Interview Panel consisted of City Engineer Hulsether, Assistant City Engineer Sandy and myself. The panel agreed to offer the position to James Fladung with an anticipated date of hire of June 19, 2017. Mr. Fladung has agreed to start at Step A or 85% of the base wage for the position; therefore, his starting wage will be \$5,403.68 per month.	
Alternatives, Options, Effects on Others/Comments: This hiring is subject to Council ratification and successful completion of pre-employment testing.	
Recommended Action/Motion: Motion to ratify the conditional job offer for James Fladung for the Assistant City Engineer position effective June 19, 2017 subject to successful completion of required pre-employment exams; further, Mr. Fladung's starting pay will be \$5,403.68 per month which is Step A (85% of base wage) of the City's Salary Administration Plan.	
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> \$ <u>\$5,403.68 per month</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Position was included in the 2017 budget.	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Ratification of Conditional Job Offer for Street Dept. Maintenance I Position

☐ 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	Department: Administration
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: 3 minutes
Summary of Issue: Recently the City Council discussed trying to expedite our hiring process. With this in mind, at the May 15, 2017 meeting, Staff requested and the Council approved authorizing staff to offer a conditional job offer for our Street Department Maintenance I position. Interviews were held on May 25th. The Interview Panel consisted of City Engineer Hulsether, Assistant City Engineer Sandy, Street Foreman Rademacher and myself. The panel agreed to offer the position to Shawn Middagh with an anticipated date of hire of June 19, 2017. Per the IUOE (Street Department) Union Contract, the starting wage for this position is \$22.11 per hour which is \$.20 less than the base wage for the position for the first six months.	
Alternatives, Options, Effects on Others/Comments: The hiring is subject to Council ratification and successful completion of pre-employment testing.	
Recommended Action/Motion: Motion to ratify the conditional job offer for Shawn Middagh for the Street Department Maintenance I position effective June 19, 2017 subject to successful completion of required pre-employment exams; further, Mr. Middagh's starting pay will be \$22.11 per hour per the IUOE (Street Department) Union Contract.	
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> \$ <u>\$22.11 per hour</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Position was included in the 2017 budget. The listed hourly wage represents the starting wage per the union contract for the position.	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Hiring Process – Consider allowing Staff to make Conditional Job Offers

☐ 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: HR Coordinator Kris Schubert	Department: Administration
Presenter (Name & Title): Jim Thoreen & Kris Schubert	Estimated Time Needed: 5 minutes
Summary of Issue: Recently the City Council discussed trying to expedite our hiring process. One of the items discussed was allowing Staff to make conditional job offers subject to ratification of the hiring by Council at their next meeting. According to the our City Attorney, under state law, a city council cannot delegate its responsibility for hiring and firing personnel, unless the city charter says otherwise. He has not seen anything in the Brainerd Charter that specifically delegates hiring authority. Our Charter gives the City Administrator authority to supervise employees in Chapter 2, Section 18, but that is as close as it gets. That same section provides that the Council can delegate to the City Administrator "whatever powers and duties it deems necessary or proper for the efficient administration of City affairs," which is pretty broad. Our Attorney is not aware of the Council ever expressly delegating to the City Administrator the power to hire and fire. Absent such specific delegation, the Council retains ultimate hiring and firing authority.	
Alternatives, Options, Effects on Others/Comments: As noted above, the City Council is the ultimate hiring authority and cannot completely delegate the hiring authority. The Council can, however, authorize the City Administrator or designee the authority to conduct the hiring process, except for the final hiring decision. Therefore, the Council could delegate the appropriate Staff the authority to make a conditional hiring decision, subject to the Council's ultimate approval. Said delegation should be specific and in writing in order to avoid some possible claims or misunderstandings down the road.	
Recommended Action/Motion: Council action could include: 1. No action - continue current process. 2. Authorize City Administrator or designee to conduct the hiring process and provide verbal and written conditional job offers including all conditions that will need to be satisfied before the offer is final. Said conditions shall include that the City Council retains the ultimate approval of the hiring. Permissible hiring action by the Council can include ratification of the job offer/official hiring at their next council meeting.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: LMCIT Liability Coverage Waiver Form

☐ 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: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 minutes
Summary of Issue: Annually the City needs to decide whether or not to waive the statutory tort limits. The waiver form is attached for your review. Historically the City has elected not to waive the statutory tort limit. By doing so, the City pays a little extra for the coverage but if we did not, the City could be sued for an undetermined amount of money and it may cost the City more money in the long run. It is also the recommendation of our local insurance agents to not waive the statutory tort limit as well.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: The recommended motion would be to approve and submit the liability coverage waiver form with "does not waive" the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 option selected.	
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> \$ <u>Unknown</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The cost of not waiving the tort limit is not know, it is part of the amount the City annually budgets for general liability insurance.	



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LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to pstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name

Check one:

☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.

☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting _____

Signature _____

Position _____



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: League of MN Membership Dues for FY 2018

☐ 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: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 2 minutes
Summary of Issue: Attached is a letter from the League of Minnesota Cities talking about the Board of Director's setting the membership dues for the League's 2018 fiscal year (9/1/17-8/31/18) with a zero percent increase. This is the first time since 2012 that the dues have been held flat. Our dues may still increase or decrease slightly due to changes in population.	
Alternatives, Options, Effects on Others/Comments: Dues History: 2016-2017 Fiscal Year - \$12,308 2015-2016 Fiscal Year - \$11,940 2014-2015 Fiscal Year - \$11,374 The League will use the 2016 State Demographer & Metropolitan Council Estimates to calculate the dues for 2017-2018 fiscal year, which are not available at this point.	
Recommended Action/Motion: Informational.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The 2017-2018 membership dues will be included in the 2018 budget.	



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MAY 22 2017

**CITY OF BRAINERD
ADMINISTRATION**

May 19, 2017

Dear Mayors and Administrators,

We hope that all is well as your city transitions to the summer season, and prepares for warm weather activities and services (put the snowplows away for a few months!).

We are pleased to let you know that the League of Minnesota Cities Board of Directors voted at its May meeting to set a maximum member dues schedule increase of zero percent (or, no dues increase) for the League's 2018 fiscal year that runs from September 1, 2017 through August 31, 2018. This would be the first time that dues have been held flat since 2012.

Similar to how your city sets its preliminary levy increase, the League's final dues schedule cannot be higher than the maximum that is set. Please note, though, that while there is no proposed dues increase you may still see a slight increase or decrease in dues based on any shifts in your city's population (to learn more about how your dues are calculated, visit www.lmc.org/dues). A final decision on annual dues will be determined by the Board when it meets on July 20 to approve the FY 2018 budget.

The League's financial position allows us to consider this action that will provide some budget relief for members, while allowing us to seamlessly continue delivering the nearly 90 programs and services you rely on to effectively govern and manage your city. Those programs and services include: advocacy at the Capitol; training on the basics for new officials and staff as well as future-focused topics; and analysis and guidance on laws, statutes, and hot-button topics like public safety and technology among many others.

Our unwavering commitment is to provide premier service that responds to the changing needs of members and to be recognized as the trusted, authoritative, and unified voice on issues affecting all cities. We take our responsibility to carefully manage member assets very seriously, and we thank you for your continued support of our work.

If you have any questions or comments about how we can better serve your needs, please feel free to call or email Dave Unmacht at (651) 281-1205 or dunmacht@lmc.org. And, if you find yourself in St. Paul this summer, we hope that you stop by for a cup of coffee or a conversation.

Rhonda Pownell
League of Minnesota Cities President,
Mayor, City of Northfield

David J. Unmacht
Executive Director,
League of Minnesota Cities



Brainerd City Council Agenda Request

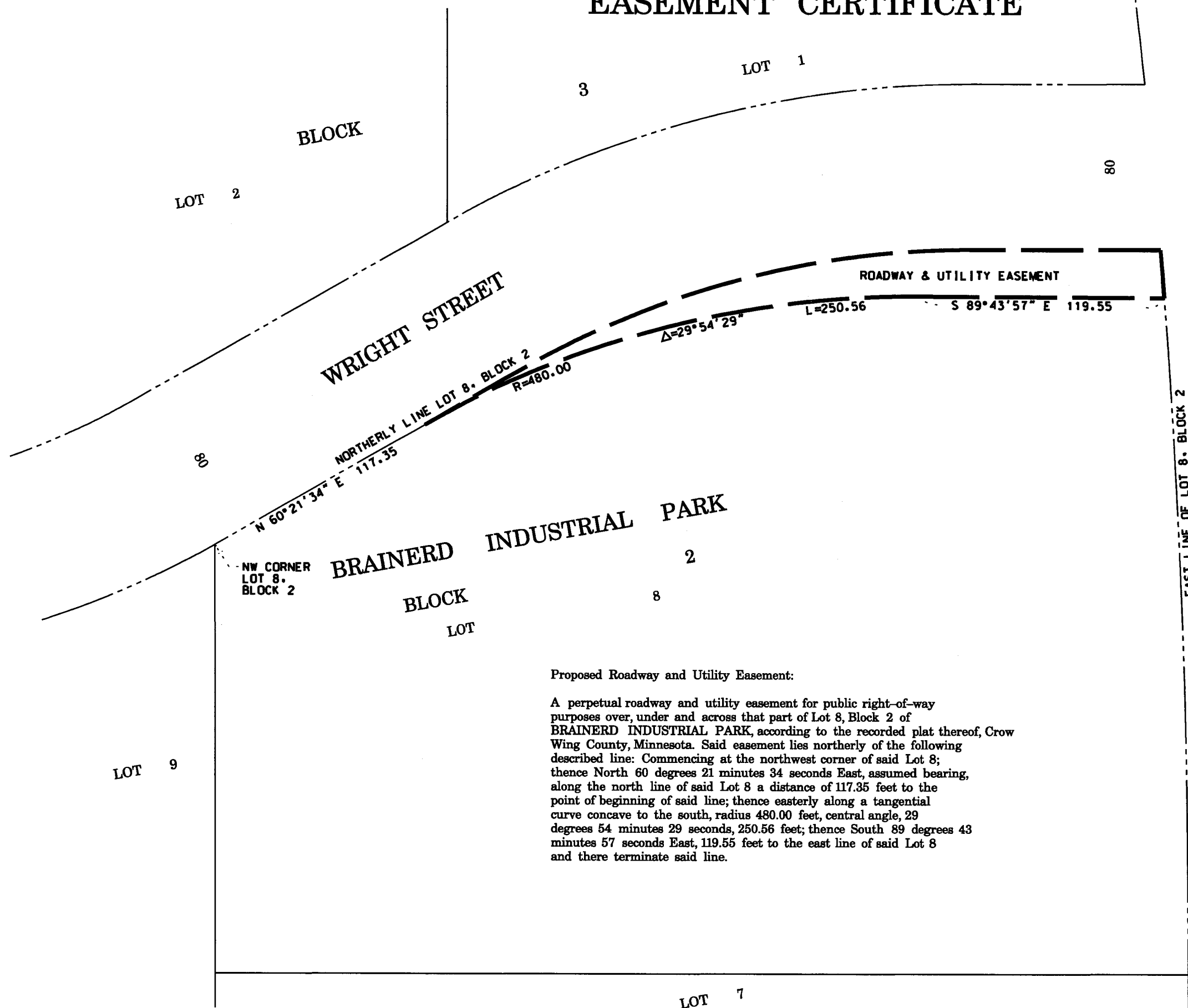
Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Authorization for Appraisal and Offer - Wright Street Re-Alignment

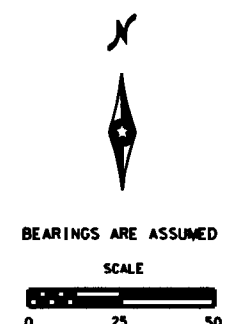
☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, Assistant City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is a legal description and drawing that was prepared when the Wright Street extension was built.	
Alternatives, Options, Effects on Others/Comments: With the possibility of resurfacing Wright Street coming up on the radar here within the next few years, staff feels that it would be a good time to align Wright Street with the Wright Street extension. Currently, the two roads do not line up when they cross SE 13th Street (CR 45). This would require the acquisition of a sliver of property as described and shown in the attachment. Staff would like to ensure the property is purchased and deeded over before we get to the design or surveying of Wright Street for a resurfacing project. The original intent during the Wright Street Extension was to realign the west leg of Wright Street during that time, however staff felt it was more feasible to construct this realignment when a resurfacing of Wright Street was planned.	
Recommended Action/Motion: Staff would recommend authorization to seek an appraisal and send out an offer letter once the appraisal is received per the attached legal description and drawing.	
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> \$ <u>Unknown</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> Funds are anticipated to come from the Construction Fund. The cost for the appraisal and property are assumed to be relatively small.	

EASEMENT CERTIFICATE



Proposed Roadway and Utility Easement:

A perpetual roadway and utility easement for public right-of-way purposes over, under and across that part of Lot 8, Block 2 of BRAINERD INDUSTRIAL PARK, according to the recorded plat thereof, Crow Wing County, Minnesota. Said easement lies northerly of the following described line: Commencing at the northwest corner of said Lot 8; thence North 60 degrees 21 minutes 34 seconds East, assumed bearing, along the north line of said Lot 8 a distance of 117.35 feet to the point of beginning of said line; thence easterly along a tangential curve concave to the south, radius 480.00 feet, central angle, 29 degrees 54 minutes 29 seconds, 250.56 feet; thence South 89 degrees 43 minutes 57 seconds East, 119.55 feet to the east line of said Lot 8 and there terminate said line.



C.S.A.H. NO. 45



416 S 6TH ST
SUITE 200
BRAINERD, MN
56401-3540
PH: 218.855.1700
FAX: 218.855.1701

SEH PROJ. NO.
ORDN 0604.00



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Downtown Landscaping Report

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: At its April 17, 2017 the City Council awarded the Downtown landscaping maintenance to Northwoods Landscaping. The breakdown of activities was not as complete as the other quote that was received. The City Council requested that Northwoods Landscaping provide a report on the maintenance activities it performs.	
Alternatives, Options, Effects on Others/Comments: The Planning Department prepared the attached quote breakdown for Northwoods Landscaping to complete. On May 16, 2017 City Administrator Thoreen and I met with Al Praska, Northwoods Landscaping owner at which time he presented the information requested by the City Council.	
Recommended Action/Motion: There is no recommended action or motion. The Planning Department thinks that the information provided by Mr. Praska addresses expectations of what is required and occurring Downtown.	
Final Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

Northwoods Landscaping Quote – May 6, 2017

Landscape Urns

Use new annual soil. [Yes](#).

Number times using slow release fertilizer. [Miracle Grow used during growing season](#).

Number of times using weed preventive granules. [2x](#).

Spring Clean Up/Pruning/Trimming/Fertilizing

Trees – Number of times per year pruning/trimming. [2x or as needed](#), fertilizing [2x](#).

Shrubs – Number of times per year pruning/trimming. [2x or as needed](#), fertilizing [2x](#).

Number of times using granular weed preventative spray for weeds. [Spray for weeds as needed. Wait until June 1st, doing so earlier may be harmful to the Oak trees because of the Roundup used in tree wells.](#)

Planting Beds/Streetscape

Number of times per month doing weed control/deadheading May ____,

June – August ____, September – October _____. [Landscaped islands are checked every other day.](#)

Number of times fertilizing perennials per year [2x](#).

Paver Surfaces/General Clean Up

Number of times per month checking for garbage, accumulation of cigarette butts, etc. [Every other day](#).

Parking Lots

Number of times fertilizing shrubs per year [1x](#).

[Herbicide spraying as needed per visit at parking lot edges.](#)

Replacement Planting's

[As Needed](#)

Fall Inspection

[Irrigation System blow out.](#)

Other

[Trash looked for every other day.](#)

[Sidewalk get a 1X /week blow off.](#)



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: MnDOT Master Partnership Agreement

☐ 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): Paul Sandy - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is the master partnership agreement between the City of Brainerd and the Minnesota Department of Transportation.	
Alternatives, Options, Effects on Others/Comments: The master partnership agreements between the City and MnDOT allow for the exchanging of small routine services and payments between the two agencies. Attachment A shows some, but not all, of the services that can be exchanged. The current agreement in place between the City and MnDOT expires on June 30, 2017.	
Recommended Action/Motion: Staff would recommend adopting the attached resolution to enter into the master partnership agreement with MnDOT.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

Date: May 18, 2017

To: Paul Sandy
Brainerd City Engineer
Brainerd City Hall
501 Laurel St.
Brainerd, MN 56401

RE: Proposed Master Partnership Contract

Attached is a copy of a proposed master partnership contract between the Minnesota Department of Transportation (MnDOT) and Brainerd City.

The Master Partnership Contract provides a framework for MnDOT and Local Agencies to provide services and payment to each other. A few MnDOT provided routine services are included in the contract—see Exhibit A-- but all other services require work orders describing costs and scope.

Kindly review the enclosed document and if acceptable, arrange to have it presented to your Council for their approval and execution. Please provide signatures only under the **City of Brainerd** heading.

Also required is a new resolution passed by the Council authorizing its officials to sign and execute the agreement on its behalf. **(Only the named officials may sign the agreement: if anyone else signs in the named official's place, the agreement will not be executed.)**

Please return to me at the address listed above or as a pdf to olga.kruglova@state.mn.us. Please note that no work shall be performed by MnDOT personnel until the full execution of the agreement. After execution by MnDOT and other State officials, a copy of the agreement will be returned to you.

If you have any questions or require additional information, please feel free to contact me at 651-366-3806. If your local agency will not be executing this contract, please send me an email informing me of this so I can remove you from our list.

Thank you

Olga Kruglova
Transportation Program Specialist
MnDOT State Aid Office
olga.kruglova@state.mn.us

CC: Kelvin Howieson

**STATE OF MINNESOTA
AND
CITY OF BRAINERD
MASTER PARTNERSHIP CONTRACT**

This master contract is between the State of Minnesota, acting through its Commissioner of Transportation in this contract referred to as the “State” and the City of BRAINERD, acting through its City Council, in this contract referred to as the “Local Government.”

Recitals

1. The parties are authorized to enter into this contract pursuant to Minnesota Statutes, §§15.061, 471.59 and 174.02.
2. Minn. Stat. § 161.20, subd. 2, authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining and improving the trunk highway system.
3. Each party to this contract is a “road authority” as defined by Minn. Stat. §160.02, subd. 25.
4. Minn. Stat. § 161.39, subd. 1, authorizes a road authority to perform work for another road authority. Such work may include providing technical and engineering advice, assistance and supervision, surveying, preparing plans for the construction or reconstruction of roadways, and performing roadway maintenance.
5. Minn. Stat. §174.02, subd. 6, authorizes the Commissioner of Transportation to enter into contracts with other governmental entities for research and experimentation; for sharing facilities, equipment, staff, data, or other means of providing transportation-related services; or for other cooperative programs that promote efficiencies in providing governmental services, or that further development of innovation in transportation for the benefit of the citizens of Minnesota.
6. Each party wishes to occasionally purchase services from the other party, which the parties agree will enhance the efficiency of delivering governmental services at all levels. This Master Partnership Contract (MPC) provides a framework for the efficient handling of such requests. This MPC contains terms generally governing the relationship between the parties. When specific services are requested, the parties will (unless otherwise specified) enter into a “Work Order” contracts.
7. After the execution of this MPC, the parties may (but are not required to) enter into “Work Order” contracts. These Work Orders will specify the work to be done, timelines for completion, and compensation to be paid for the specific work.
8. The parties are entering into this MPC to establish terms that will govern all of the Work Orders subsequently issued under the authority of this Contract.

Master Partnership Contract

1. **Term of Master Partnership Contract; Use of Work Order Contracts; Survival of Terms**
 - 1.1. **Effective Date:** This contract will be effective on the date last signed by the Local Government, and all State officials as required under Minn. Stat. § 16C.05, subd. 2.
 - 1.2. A party must not accept work under this Contract until it is fully executed.
 - 1.3. **Expiration Date.** This Contract will expire on June 30, 2022.

- 1.4. **Work Order Contracts.** A work order contract must be negotiated and executed (by both the State and the Local Government) for each particular engagement, except for Technical Services provided by the State to the Local Government as specified in Article 2. The work order contract must specify the detailed scope of work and deliverables for that project. A party must not begin work under a work order until the work order is fully executed. The terms of this MPC will apply to all work orders contracts issued, unless specifically varied in the work order. The Local Government understands that this MPC is not a guarantee of any payments or work order assignments, and that payments will only be issued for work actually performed under fully-executed work orders.
- 1.5. **Survival of Terms.** The following clauses survive the expiration or cancellation of this master contract and all work order contracts: 12. Liability; 13. State Audits; 14. Government Data Practices and Intellectual Property; 17. Publicity; 18. Governing Law, Jurisdiction, and Venue; and 22. Data Disclosure. All terms of this MPC will survive with respect to any work order contract issued prior to the expiration date of the MPC.
- 1.6. **Sample Work Order.** A sample work order contract is available upon request from the State.
- 1.7. **Definition of “Providing Party” and “Requesting Party”.** For the purpose of assigning certain duties and obligations in the MPC to work order contracts, the following definitions will apply throughout the MPC. “Requesting Party” is defined as the party requesting the other party to perform work under a work order contract. “Providing Party” is defined as the party performing the scope of work under a work order contract.

2. Technical Services

- 2.1. **Technical Services** include repetitive low-cost services routinely performed by the State for the Local Government. These services may be performed by the State for the Local Government without the execution of a work order, as these services are provided in accordance with standardized practices and processes and do not require a detailed scope of work. Exhibit A – Table of Technical Services is attached.
 - 2.1.1. Every other service not falling under the services listed in Exhibit A will require a work order contract.
- 2.2. The Local Government may request the State to perform Technical Services in an informal manner, such as by the use of email, a purchase order, or by delivering materials to a State lab and requesting testing. A request may be made via telephone, but will not be considered accepted unless acknowledged in writing by the State.
- 2.3. The State will promptly inform the Local Government if the State will be unable to perform the requested Technical Services. Otherwise, the State will perform the Technical Services in accordance with the State’s normal processes and practices, including scheduling practices taking into account the availability of State staff and equipment.
- 2.4. **Payment Basis.** Unless otherwise agreed to by the parties prior to performance of the services, the State will charge the Local Government the State’s then-current rate for performing the Technical Services. The then-current rate may include the State’s normal and customary additives. The State will invoice the Local Government upon completion of the services, or at regular intervals not more than once monthly as agreed upon by the parties. The invoice will provide a summary of the Technical Services provided by the State during the invoice period.

3. Services Requiring A Work Order Contract

- 3.1. **Work Order Contracts:** A party may request the other party to perform any of the following services under individual work order contracts.

- 3.2. **Professional and Technical Services.** A party may provide professional and technical services upon the request of the other party. As defined by Minn. Stat. §16C.08, subd. 1, professional/technical services “means services that are intellectual in character, including consultation, analysis, evaluation, prediction, planning, programming, or recommendation; and result in the production of a report or completion of a task.” Professional and technical services do not include providing supplies or materials except as incidental to performing such services. Professional and technical services include (by way of example and without limitation) engineering services, surveying, foundation recommendations and reports, environmental documentation, right-of-way assistance (such as performing appraisals or providing relocation assistance, but excluding the exercise of the power of eminent domain), geometric layouts, final construction plans, graphic presentations, public relations, and facilitating open houses. A party will normally provide such services with its own personnel; however, a party’s professional/technical services may also include hiring and managing outside consultants to perform work provided that a party itself provides active project management for the use of such outside consultants.
- 3.3. **Roadway Maintenance.** A party may provide roadway maintenance upon the request of the other party. Roadway maintenance does not include roadway reconstruction. This work may include but is not limited to snow removal, ditch spraying, roadside mowing, bituminous mill and overlay (only small projects), seal coat, bridge hits, major retaining wall failures, major drainage failures, and message painting. All services must be performed by an employee with sufficient skills, training, expertise or certification to perform such work, and work must be supervised by a qualified employee of the party performing the work.
- 3.4. **Construction Administration.** A party may administer roadway construction projects upon the request of the other party. Roadway construction includes (by way of example and without limitation) the construction, reconstruction, or rehabilitation of mainline, shoulder, median, pedestrian or bicycle pathway, lighting and signal systems, pavement mill and overlays, seal coating, guardrail installation, and channelization. These services may be performed by the Providing Party’s own forces, or the Providing Party may administer outside contracts for such work. Construction administration may include letting and awarding construction contracts for such work (including state projects to be completed in conjunction with local projects). All contract administration services must be performed by an employee with sufficient skills, training, expertise or certification to perform such work.
- 3.5. **Emergency Services.** A party may provide aid upon request of the other party in the event of a man-made disaster, natural disaster or other act of God. Emergency services includes all those services as the parties mutually agree are necessary to plan for, prepare for, deal with, and recover from emergency situations. These services include, without limitation, planning, engineering, construction, maintenance, and removal and disposal services related to things such as road closures, traffic control, debris removal, flood protection and mitigation, sign repair, sandbag activities and general cleanup. Work will be performed by an employee with sufficient skills, training, expertise or certification to perform such work, and work must be supervised by a qualified employee of the party performing the work. If it is not feasible to have an executed work order prior to performance of the work, the parties will promptly confer to determine whether work may be commenced without a fully-executed work order in place. If work commences without a fully-executed work order, the parties will follow up with execution of a work order as soon as feasible.
- 3.6. When a need is identified, the State and the Local Government will discuss the proposed work and the resources needed to perform the work. If a party desires to perform such work, the parties will negotiate the specific and detailed work tasks and cost. The State will then prepare a work order contract. Generally, a work order contract will be limited to one specific project/engagement, although “on call” work orders may be prepared for certain types of services, especially for “Technical Services” items as identified section 2.1.. The work order will also identify specific deliverables required, and timeframes for completing work. A work order must be fully executed by the parties prior to work being commenced.

The Local Government will not be paid for work performed prior to execution of a work order contract and authorization by the State.

4. Responsibilities of the Providing Party

- 4.1. ***Terms Applicable to ALL Work Order Contracts.*** The terms in this section 4.1 will apply to ALL work order contracts.
- 4.1.1. Each work order will identify an Authorized Representative for each party. Each party's authorized representative is responsible for administering the work order, and has the authority to make any decisions regarding the work, and to give and receive any notices required or permitted under this MPC or the work order.
- 4.1.2. The Providing Party will furnish and assign a publicly employed licensed engineer (Project Engineer), to be in responsible charge of the project(s) and to supervise and direct the work to be performed under each work order contract. For services not requiring an engineer, the Providing Party will furnish and assign another responsible employee to be in charge of the project. The services of the Providing Party under a work order contract may not be otherwise assigned, sublet, or transferred unless approved in writing by the Requesting Party's authorized representative. This written consent will in no way relieve the Providing Party from its primary responsibility for the work.
- 4.1.3. If the Local Government is the Providing Party, the Project Engineer may request in writing specific engineering and/or technical services from the State, pursuant to Minn. Stat. Section 161.39. The work order Contract will require the Local Government to deposit payment in advance. The costs and expenses will include the current State additives and overhead rates, subject to adjustment based on actual direct costs that have been verified by audit.
- 4.1.4. Only the receipt of a fully executed work order contract authorizes the Providing Party to begin work on a project. Any and all effort, expenses, or actions taken by the Providing Party before the work order contract is fully executed are considered unauthorized and undertaken at the risk of non-payment.
- 4.1.5. In connection with the performance of this contract and any work orders issued, the Providing Agency will comply with all applicable Federal and State laws and regulations. When the Providing Party is authorized or permitted to award contracts in connection with any work order, the Providing Party will require and cause its contractors and subcontractors to comply with all Federal and State laws and regulations.
- 4.2. ***Additional Terms for Roadway Maintenance.*** The terms of section 4.1 and this section 4.2 will apply to all work orders for Roadway Maintenance.
- 4.2.1. Unless otherwise provided for by contract or work order, the Providing Party must obtain all permits and sanctions that may be required for the proper and lawful performance of the work.
- 4.2.2. The Providing Party must perform maintenance in accordance with MnDOT maintenance manuals, policies and operations.
- 4.2.3. The Providing Party must use State-approved materials, including (by way of example and without limitation), sign posts, sign sheeting, and de-icing and anti-icing chemicals.
- 4.3. ***Additional Terms for Construction Administration.*** The terms of section 4.1 and this section 4.3 will apply to all work order contracts for construction administration.
- 4.3.1. Contract(s) must be awarded to the lowest responsible bidder or best value proposer in accordance with state law.

- 4.3.2. Contractor(s) must be required to post payment and performance bonds in an amount equal to the contract amount. The Providing Party will take all necessary action to make claims against such bonds in the event of any default by the contractor.
- 4.3.3. Contractor(s) must be required to perform work in accordance with the latest edition of the Minnesota Department of Transportation Standard Specifications for Construction.
- 4.3.4. For work performed on State right-of-way, contractor(s) must be required to indemnify and hold the State harmless against any loss incurred with respect to the performance of the contracted work, and must be required to provide evidence of insurance coverage commensurate with project risk.
- 4.3.5. Contractor(s) must pay prevailing wages pursuant to applicable state and federal law.
- 4.3.6. Contractor(s) must comply with all applicable Federal, and State laws, ordinances and regulations, including but not limited to applicable human rights/anti-discrimination laws and laws concerning the participation of Disadvantaged Business Enterprises in federally-assisted contracts.
- 4.3.7. Unless otherwise agreed in a work order contract, each party will be responsible for providing rights of way, easement, and construction permits for its portion of the improvements. Each party will, upon the other's request, furnish copies of right of way certificates, easements, and construction permits.
- 4.3.8. The Providing Party may approve minor changes to the Requesting Party's portion of the project work if such changes do not increase the Requesting Party's cost obligation under the applicable work order contract.
- 4.3.9. The Providing Party will not approve any contractor claims for additional compensation without the Requesting Party's written approval, and the execution of a proper amendment to the applicable work order contract when necessary. The Local Government will tender the processing and defense of any such claims to the State upon the State's request.
- 4.3.10. The Local Government must coordinate all trunk highway work affecting any utilities with the State's Utilities Office.
- 4.3.11. The Providing Party must coordinate all necessary detours with the Requesting Party.
- 4.3.12. If the Local Government is the Providing Party, and there is work performed on the trunk highway right-of-way, the following will apply:
 - 4.3.12.1 The Local Government will have a permit to perform the work on the trunk highway. The State may revoke this permit if the work is not being performed in a safe, proper and skillful manner, or if the contractor is violating the terms of any law, regulation, or permit applicable to the work. The State will have no liability to the Local Government, or its contractor, if work is suspended or stopped due to any such condition or concern.
 - 4.3.12.2 The Local Government will require its contractor to conduct all traffic control in accordance with the Minnesota Manual on Uniform Traffic Control Devices.
 - 4.3.12.3 The Local Government will require its contractor to comply with the terms of all permits issued for the project including, but not limited to, National Pollutant Discharge Elimination System (NPDES) and other environmental permits.
 - 4.3.12.4 All improvements constructed on the State's right-of-way will become the property of the State.

5. Responsibilities of the Requesting Party

- 5.1. After authorizing the Providing Party to begin work, the Requesting Party will furnish any data or material in its possession relating to the project that may be of use to the Providing Party in performing the work.
- 5.2. All such data furnished to the Providing Party will remain the property of the Requesting Party and will be promptly returned upon the Requesting Party's request or upon the expiration or termination of this contract (subject to data retention requirements of the Minnesota Government Data Practices Act and other applicable law).
- 5.3. The Providing Party will analyze all such data furnished by the Requesting Party. If the Providing Party finds any such data to be incorrect or incomplete, the Providing Party will bring the facts to the attention of the Requesting Party before proceeding with the part of the project affected. The Providing Party will investigate the matter, and if it finds that such data is incorrect or incomplete, it will promptly determine a method for furnishing corrected data. Delay in furnishing data will not be considered justification for an adjustment in compensation.
- 5.4. The State will provide to the Local Government copies of any Trunk Highway fund clauses to be included in the bid solicitation and will provide any required Trunk Highway fund provisions to be included in the Proposal for Highway Construction, that are different from those required for State Aid construction.
- 5.5. The Requesting Party will perform final reviews and inspections of its portion of the project work. If the work is found to have been completed in accordance with the work order contract, the Requesting Party will promptly release any remaining funds due the Providing Party for the Project(s).
- 5.6. The work order contracts may include additional responsibilities to be completed by the Requesting Party.

6. Time

In the performance of project work under a work order contract, time is of the essence.

7. Consideration and Payment

- 7.1. **Consideration.** The Requesting Party will pay the Providing Party as specified in the work order. The State's normal and customary additives will apply to work performed by the State, unless otherwise specified in the work order. The State's normal and customary additives will not apply if the parties agree to a "lump sum" or "unit rate" payment.
 - 7.2. **State's Maximum Obligation.** The total compensation to be paid by the State to the Local Government under all work order contracts issued pursuant to this MPC will not exceed \$100,000.00.
- 7.3. **Travel Expenses.** It is anticipated that all travel expenses will be included in the base cost of the Providing Party's services, and unless otherwise specifically set forth in an applicable work order contract, the Providing Party will not be separately reimbursed for travel and subsistence expenses incurred by the Providing Party in performing any work order contract. In those cases where the State agrees to reimburse travel expenses, such expenses will be reimbursed in the same manner and in no greater amount than provided in the current "MnDOT Travel Regulations" a copy of which is on file with and available from the MnDOT District Office. The Local Government will not be reimbursed for travel and subsistence expenses incurred outside of Minnesota unless it has received the State's prior written approval for such travel.
- 7.4. **Payment.**
 - 7.4.1. **Generally.** The **Requesting Party** will pay the Providing Party as specified in the applicable work order, and will make prompt payment in accordance with Minnesota law.
 - 7.4.2. **Payment by the Local Government.**

7.4.2.1. The Local Government will make payment to the order of the Commissioner of Transportation.

7.4.2.2. **IMPORTANT NOTE: PAYMENT MUST REFERENCE THE “MNDOT CONTRACT NUMBER” SHOWN ON THE FACE PAGE OF THIS CONTRACT AND THE “INVOICE NUMBER” ON THE INVOICE RECEIVED FROM MNDOT.**

7.4.2.3. Remit payment to the address below:

MnDOT
Attn: Cash Accounting
RE: MnDOT Contract Number 1028372.
Mail Stop 215
395 John Ireland Blvd
St. Paul, MN 55155

7.4.3. ***Payment by the State.***

7.4.3.1. *Generally.* The State will promptly pay the Local Government after the Local Government presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Invoices must be submitted as specified in the applicable work order, but no more frequently than monthly.

7.4.3.2. *Retainage for Professional and Technical Services.* For work orders for professional and technical services, as required by Minn. Stat. § 16C.08, subd. 2(10), no more than 90 percent of the amount due under any work order contract may be paid until the final product of the work order contract has been reviewed by the State's authorized representative. The balance due will be paid when the State's authorized representative determines that the Local Government has satisfactorily fulfilled all the terms of the work order contract.

8. Conditions of Payment

All work performed by the Providing Party under a work order contract must be performed to the Requesting Party's satisfaction, as determined at the sole and reasonable discretion of the Requesting Party's Authorized Representative and in accordance with all applicable federal and state laws, rules, and regulations. The Providing Party will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal or state law.

9. Local Government's Authorized Representative and Project Manager; Authority to Execute Work Order Contracts

9.1. The Local Government's Authorized Representative for administering this master contract is the Local Government's Engineer, and the Engineer has the responsibility to monitor the Local Government's performance. The Local Government's Authorized Representative is also authorized to execute work order contracts on behalf of the Local Government without approval of each proposed work order contract by its governing body.

9.2. The Local Government's Project Manager will be identified in each work order contract.

10. State's Authorized Representative and Project Manager

10.1. The State's Authorized Representative for this master contract is the District State Aid Engineer, who has the responsibility to monitor the State's performance.

10.2. The State's Project Manager will be identified in each work order contract.

11. Assignment, Amendments, Waiver, and Contract Complete

- 11.1. **Assignment.** Neither party may assign or transfer any rights or obligations under this MPC or any work order contract without the prior consent of the other and a fully executed Assignment Contract, executed and approved by the same parties who executed and approved this MPC, or their successors in office.
- 11.2. **Amendments.** Any amendment to this master contract or any work order contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original contract, or their successors in office.
- 11.3. **Waiver.** If a party fails to enforce any provision of this master contract or any work order contract, that failure does not waive the provision or the party's right to subsequently enforce it.
- 11.4. **Contract Complete.** This master contract and any work order contract contain all negotiations and contracts between the State and the Local Government. No other understanding regarding this master contract or any work order contract issued hereunder, whether written or oral may be used to bind either party.

12. Liability.

Each party will be responsible for its own acts and omissions to the extent provided by law. The Local Government's liability is governed by Minn. Stat. chapter 466 and other applicable law. The State's liability is governed by Minn. Stat. section 3.736 and other applicable law. This clause will not be construed to bar any legal remedies a party may have for the other party's failure to fulfill its obligations under this master contract or any work order contract. Neither party agrees to assume any environmental liability on behalf of the other party. A Providing Party under any work order is acting only as a "Contractor" to the Requesting Party, as the term "Contractor" is defined in Minn. Stat. §115B.03 (subd. 10), and is entitled to the protections afforded to a "Contractor" by the Minnesota Environmental Response and Liability Act. The parties specifically intend that Minn. Stat. §471.59 subd. 1a will apply to any work undertaken under this MPC and any work order issued hereunder.

13. State Audits

Under Minn. Stat. § 16C.05, subd. 5, the party's books, records, documents, and accounting procedures and practices relevant to any work order contract are subject to examination by the parties and by the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this MPC.

14. Government Data Practices and Intellectual Property

- 14.1. **Government Data Practices.** The Local Government and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this MPC and any work order contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Local Government under this MPC and any work order contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Local Government or the State.
- 14.2. **Intellectual Property Rights**
 - 14.2.1. **Intellectual Property Rights.** The Requesting Party will own all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents created and paid for under work order contracts. Works means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Providing Party, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this master contract or any work order contract. Works includes "Documents." Documents are the originals of any databases, computer programs, reports, notes,

studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Providing Party, its employees, agents, or contractors, in the performance of a work order contract. The Documents will be the exclusive property of the Requesting Party and all such Documents must be immediately returned to the Requesting Party by the Providing Party upon completion or cancellation of the work order contract. To the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be “works made for hire.” The Providing Party Government assigns all right, title, and interest it may have in the Works and the Documents to the Requesting Party. The Providing Party must, at the request of the Requesting Party, execute all papers and perform all other acts necessary to transfer or record the Requesting Party’s ownership interest in the Works and Documents. Notwithstanding the foregoing, the Requesting Party grants the Providing Party an irrevocable and royalty-free license to use such intellectual property for its own non-commercial purposes, including dissemination to political subdivisions of the state of Minnesota and to transportation-related agencies such as the American Association of State Highway and Transportation Officials.

14.2.2. *Obligations with Respect to Intellectual Property.*

14.2.2.1. *Notification.* Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time or actually or constructively reduced to practice by the Providing Party, including its employees and subcontractors, in the performance of the work order contract, the Providing Party will immediately give the Requesting Party’s Authorized Representative written notice thereof, and must promptly furnish the Authorized Representative with complete information and/or disclosure thereon.

14.2.2.2. *Representation.* The Providing Party must perform all acts, and take all steps necessary to ensure that all intellectual property rights in the Works and Documents are the sole property of the Requesting Party, and that neither Providing Party nor its employees, agents or contractors retain any interest in and to the Works and Documents.

15. **Affirmative Action**

The State intends to carry out its responsibility for requiring affirmative action by its Contractors, pursuant to Minn. Stat. §363A.36. Pursuant to that Statute, the Local Government is encouraged to prepare and implement an affirmative action plan for the employment of minority persons, women, and the qualified disabled, and submit such plan to the Commissioner of the Minnesota Department of Human Rights. In addition, when the Local Government lets a contract for the performance of work under a work order issued pursuant to this MPC, it must include the following in the bid or proposal solicitation and any contracts awarded as a result thereof:

- 15.1. ***Covered Contracts and Contractors.*** If the Contract exceeds \$100,000 and the Contractor employed more than 40 full-time employees on a single working day during the previous 12 months in Minnesota or in the state where it has its principle place of business, then the Contractor must comply with the requirements of Minn. Stat. § 363A.36 and Minn. R. Parts 5000.3400-5000.3600. A Contractor covered by Minn. Stat. § 363A.36 because it employed more than 40 full-time employees in another state and does not have a certificate of compliance, must certify that it is in compliance with federal affirmative action requirements.
- 15.2. ***Minn. Stat. § 363A.36.*** Minn. Stat. § 363A.36 requires the Contractor to have an affirmative action plan for the employment of minority persons, women, and qualified disabled individuals approved by the Minnesota Commissioner of Human Rights (“Commissioner”) as indicated by a certificate of compliance. The law addresses suspension or revocation of a certificate of compliance and contract consequences in that event. A contract awarded without a certificate of compliance may be voided.
- 15.3. ***Minn. R. Parts 5000.3400-5000.3600.***

- 15.3.1. *General.* Minn. R. Parts 5000.3400-5000.3600 implement Minn. Stat. § 363A.36. These rules include, but are not limited to, criteria for contents, approval, and implementation of affirmative action plans; procedures for issuing certificates of compliance and criteria for determining a contractor's compliance status; procedures for addressing deficiencies, sanctions, and notice and hearing; annual compliance reports; procedures for compliance review; and contract consequences for non-compliance. The specific criteria for approval or rejection of an affirmative action plan are contained in various provisions of Minn. R. Parts 5000.3400-5000.3600 including, but not limited to, parts 5000.3420-5000.3500 and 5000.3552-5000.3559.
- 15.3.2. *Disabled Workers.* The Contractor must comply with the following affirmative action requirements for disabled workers:
- 15.3.2.1. The Contractor must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
 - 15.3.2.2. The Contractor agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - 15.3.2.3. In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with Minn. Stat. Section 363A.36, and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - 15.3.2.4. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the commissioner of the Minnesota Department of Human Rights. Such notices must state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.
 - 15.3.2.5. The Contractor must notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of Minn. Stat. Section 363A.36, of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled persons.
- 15.3.3. *Consequences.* The consequences for the Contractor's failure to implement its affirmative action plan or make a good faith effort to do so include, but are not limited to, suspension or revocation of a certificate of compliance by the Commissioner, refusal by the Commissioner to approve subsequent plans, and termination of all or part of this contract by the Commissioner or the State.
- 15.3.4. *Certification.* The Contractor hereby certifies that it is in compliance with the requirements of Minn. Stat. § 363A.36 and Minn. R. Parts 5000.3400-5000.3600 and is aware of the consequences for noncompliance.

16. Workers' Compensation

Each party will be responsible for its own employees for any workers compensation claims. This MPC, and any work order contracts issued hereunder, are not intended to constitute an interchange of government employees under Minn. Stat. §15.53. To the extent that this MPC, or any work order issued hereunder, is determined to be

subject to Minn. Stat. §15.53, such statute will control to the extent of any conflict between the contract and the statute.

17. **Publicity**

- 17.1. **Publicity.** Any publicity regarding the subject matter of a work order contract where the State is the Requesting Party must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Local Government individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from a work order contract.
- 17.2. **Data Practices Act.** Section 17.1 is not intended to override the Local Government's responsibilities under the Minnesota Government Data Practices Act.

18. **Governing Law, Jurisdiction, and Venue**

Minnesota law, without regard to its choice-of-law provisions, governs this master contract and all work order contracts. Venue for all legal proceedings out of this master contract or any work order contracts, or the breach of any such contracts, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

19. **Prompt Payment; Payment to Subcontractors**

The parties must make prompt payment of their obligations in accordance with applicable law. As required by Minn. Stat. § 16A.1245, when the Local Government lets a contract for work pursuant to any work order, the Local Government must require its contractor to pay all subcontractors, less any retainage, within 10 calendar days of the prime contractor's receipt of payment from the Local Government for undisputed services provided by the subcontractor(s) and must pay interest at the rate of one and one-half percent per month or any part of a month to the subcontractor(s) on any undisputed amount not paid on time to the subcontractor(s).

20. **Minn. Stat. § 181.59.** The Local Government will comply with the provisions of Minn. Stat. § 181.59 which requires: Every contract for or on behalf of the state of Minnesota, or any county, city, town, township, school, school district, or any other district in the state, for materials, supplies, or construction shall contain provisions by which the Contractor agrees: (1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no contractor, material supplier, or vendor, shall, by reason of race, creed, or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; (2) That no contractor, material supplier, or vendor, shall, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause (1) of this section, or on being hired, prevent, or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed, or color; (3) That a violation of this section is a misdemeanor; and (4) That this contract may be canceled or terminated by the state, county, city, town, school board, or any other person authorized to grant the contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

21. **Termination; Suspension**

- 21.1. **Termination by the State for Convenience.** The State or commissioner of Administration may cancel this MPC and any work order contracts at any time, with or without cause, upon 30 days written notice to the Local Government. Upon termination, the Local Government and the State will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 21.2. **Termination by the Local Government for Convenience.** The Local Government may cancel this MPC and any work order contracts at any time, with or without cause, upon 30 days written notice to the State.

Upon termination, the Local Government and the State will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

- 21.3. ***Termination for Insufficient Funding.*** The State may immediately terminate or suspend this MPC and any work order contract if it does not obtain funding from the Minnesota legislature or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination or suspension must be by written or fax notice to the Local Government. The State is not obligated to pay for any services that are provided after notice and effective date of termination or suspension. However, the Local Government will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the master contract or work order is terminated because of the decision of the Minnesota legislature or other funding source, not to appropriate funds. The State must provide the Local Government notice of the lack of funding within a reasonable time of the State's receiving that notice.

22. **Data Disclosure**

Under Minn. Stat. §270C.65, subd. 3, and other applicable law, the Local Government consents to disclosure of its federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Local Government to file state tax returns and pay delinquent state tax liabilities, if any.

23. **Defense of Claims and Lawsuits**

If any lawsuit or claim is filed by a third party (including but not limited to the Local Government's contractors and subcontractors), arising out of trunk highway work performed pursuant to a valid work order issued under this MPC, the Local Government will, at the discretion of and upon the request of the State, tender the defense of such claims to the State or allow the State to participate in the defense of such claims. The Local Government will, however, be solely responsible for defending any lawsuit or claim, or any portion thereof, when the claim or cause of action asserted is based on its own acts or omissions in performing or supervising the work. The Local Government will not purport to represent the State in any litigation, settlement, or alternative dispute resolution process. The State will not be responsible for any judgment entered against the Local Government, and will not be bound by the terms of any settlement entered into by the Local Government except with the written approval of the Attorney General and the Commissioner of Transportation and pursuant to applicable law.

24. **Additional Provisions**

[The balance of this page has intentionally been left blank – signature page follows]

LOCAL GOVERNMENT

The Local Government certifies that the appropriate person(s) have executed the contract on behalf of the Local Government as required by applicable ordinance, resolution, or charter provision.

By: _____
Title: _____
Date: _____

By: _____
Title: _____
Date: _____

COMMISSIONER OF TRANSPORTATION

By: _____
(with delegated authority)
Title: Assistant Commissioner or
Assistant Division Director
Date: _____

COMMISSIONER OF ADMINISTRATION

As delegated to Materials Management Division

By: _____
Date: _____

Exhibit A - Table of Tech Serv

Used with TA98 Project IDs

If a source code is not on this list, a work order is needed.

Source Code	Title	Description
0032	Business Unit Management	All expenses of business/office managers for general management and administration of support functions. includes administering central facilities maintenance and facilities capital budgets.
0152	Support Services	Work that supports general office management, system management such as entering data into SWIFT, PPMS, PUMA and other MnDOT systems, attending staff meetings and other indirect support activities.
0400	Equipment Calibration-Mat Insp	Use when performing periodic equipment calibration for equipment used in the materials lab or on construction projects.
0600	General Training Attended	All costs (time, registration, materials, travel expenses, etc.) for attending or participating informal or informal training, including conferences that primarily provide training.
1182	Soils/Foundation Field/Laboratory Tests	All laboratory testing necessary to provide geotechnical information to complete roadway soils recommendations and approvals for use in the development of Final Design Plans and Special Provisions. Lab work includes R-value, resilient modulus, soil classification, gradation, proctor testing, unconfined compression, consolidation, direct simple shear, direct shear, permeability and triaxial tests.
1312	Tech Assist-Outside MnDOT	Use when providing technical assistance to an organization external to MnDOT.
1421	Bridge Management System Operation/Administration/Data	Use for tasks related to the Bridge Management System, including operations, administration, or data entry.
1434	Structural Metals Inspection-Non DOT	Reviewing shop drawings furnished by suppliers, fabricators, and contractors (working drawing or calculations), and for tasks related to structural metals inspection (materials surveys, physical and chemical laboratory testing, material inspection and engineering, and technical services in the field and offices) for local agency projects.
1501	Traffic Management System (TMS)	Used by traffic operations staff for all tasks that support the RTMC's operations center (or TOCC) providing traveler information, managing incidents and monitoring the FMS. Includes dynamic message sign maintenance, ramp meter maintenance, camera maintenance, and loop detection activities. Includes maintenance activities related to any ITS or TMS device such as RTMC cables, monitor wall, switchers, routers, or modems. Use to record all costs for maintenance activities related to traffic management fiber optics. Use for tasks related to maintaining traffic operations software including minor software enhancements and fixes. Use when providing traffic operations technical assistance external to MnDOT.
1513	Traffic Management System (TMS) Integration	For tasks associated with the incorporation of new and existing TMS devices (cameras, loops, DMS, and other ITS devices) into existing infrastructure to ensure proper operation. Use with the Construction/Program Delivery Appropriation.
1520	Pavement Management System	For tasks related to the operation of the pavement management system, including development and maintenance/technical support. Includes tasks to meet needs external to MnDOT.
1716	Record Sampling	Used by Materials and Research Section and district materials staff to verify inspector" sampling and testing procedures and checking inspectors' equipment during project construction as required by FHWA. Use when performing field tests on split sample.
1721	Traffic Sign Work Orders	Use for work involved in preparing work orders for traffic signs. Use only with Maintenance Operations appropriation (T790081).

If a source code is not on this list, a work order is needed.

Exhibit A - Table of Tech Serv

Used with TA98 Project IDs

If a source code is not on this list, a work order is needed.

Source Code	Title	Description
1732	Material Testing & Inspection	Performing construction phase and research physical and chemical laboratory testing, and related technical services in the districts and central labs, and for performing research and construction phase non-destructive testing materials surveys, and related technical services in the field and offices. Includes detour surveys. Non-destructive tests include, skid resistance and falling weight deflectometer (FWD) testing.
1733	Concrete Plant Inspections	Performing QA/QC physical testing at the plant; sampling and transporting of materials from the plant to the lab for lab testing, plant reviews, and operations; investigating plant discrepancies; and other technical services in the plant or office associated with stationary concrete plants or mobile concrete paving plant inspection.
1734	Construction Materials Inspections	Performing construction phase material inspection and engineering, for structural steel, precast and pre-stressed concrete, reinforcement steel, and electrical products and related technical services in the field and office for materials to be used in multiple projects. Includes travel time, sampling, and sample delivery. Includes tasks related to reviewing shop drawings furnished by suppliers or fabricators and contractor working drawings or calculations, and for tasks related to structural metals inspection (materials surveys, physical and chemical laboratory testing, material inspection and engineering, and technical services in the field and offices).
1735	Bituminous Plant Inspection	Performing QA/QC physical testing at the plant; sampling and transporting of materials from the plant to the lab for lab testing, plant reviews, and operations; investigating plant discrepancies; and other technical services in the plant or office associated with bituminous plant inspection.
1738	State Project - Specific Materials Inspection	Performing material inspection for materials designated for a specific construction project (SP). Generally applies to inspection of such things as structural steel, prestressed concrete items, and most precast concrete items and for SP specific tasks related to structural metals inspection (materials surveys, physical and chemical laboratory testing, material inspection and engineering and technical services in the field and offices).
1800	Field Inspection	Occasional construction project field inspection (not cyclical inspection of assets); Includes field inspection of materials such as gradations, densities/DCP, proctors, compaction, slump tests, and field air tests and collecting and transporting samples for lab tests, but not the actual laboratory verifications.
1870	Traffic Signal Maintenance	This work will not substitute for or alter existing cooperative construction agreements or traffic signal maintenance agreements. Work related to the occasional repair and replacement of traffic signal system structures and all electrical maintenance for traffic signal systems including electrical power, labor, equipment materials, GSOC locates, traffic control and responses to public inquiries.
1871	Lighting Maintenance & Utilities	All work related to installing, maintaining, restoring, or removing highway lighting systems and fixtures. Includes repairing, maintaining, or replacing supports necessary for roadway lighting luminaries. Includes patrol highway lighting, inspect lighting structures, electrical service for highway lighting, re-lamping, pump stations, anti-icing systems, truck roll-over warning systems and electrical repairs. Includes traffic control in support of roadway lighting activities. Use for tasks related to public inquiries/complaints, review utility billings, provide data, and conduct field reviews.
1875	Locate One Call	Finding and marking locations of buried conduit, cables, hand holes, loops, etc. in order to maintain or repair the traffic management system, signal systems, or roadway lighting systems.

If a source code is not on this list, a work order is needed.

Exhibit A - Table of Tech Serv

Used with TA98 Project IDs

If a source code is not on this list, a work order is needed.

Source Code	Title	Description
1876	Traffic Counting	Use to record labor, equipment usage, and material costs for activities related to traffic counts made for statewide traffic monitoring or traffic operations. Includes all activities related to traffic counting, such as taking requests, assigning priorities, collecting field data, processing data, and developing new techniques for collection.
2102	Patching	Related source type codes: 2103-Heavy patching, 2104-Bituminous paving, 2105-Blow patching
2142	Overhead Sign Panel Maintenance	Work related to the repair and replacement of overhead sign panels, extruded sign panels mounted on I-beams, and overhead sign structures. Includes related cable locates and traffic control. Does not include structural work.
2210	Guardrail-Install/Repair/Maintenance	Install, repair, or maintain low tension cable, plate beams, and end treatments; cable tension adjustments; and reflector replacement. includes related traffic control.
2222	Sign/Delineation/Marker Repair	Replacing, repairing, and washing signs (including temporary stop signs). Includes re-sequencing intersection signing and repair/replace overhead and extrude signs mounted on I-beams. Includes related cable locates and traffic control.
2316	Brush & Tree Removal	Maintaining, watering, trimming, and removing highway right of way tree and brush. Includes chipping of tree limbs and stump removal/grinding. Includes related traffic control.
2624	Indirect Expense	Indirect shop expenses and shop equipment. Allocate to mobile equipment.
2629	Supplies & Small Tools	Shop tools, small equipment, and supplies that cannot be directly charged to a mobile equipment unit.
2819	Bridge Curb, Walk And Railing	Repairing and maintaining bridge curb, walk, rail, coping, and fencing connected to the rail. Includes glare screen and median barriers on bridges. Includes related traffic control.
2820	Bridge Deck	Work associated with bridge deck and slab repair regardless of removal depth or type of material used for patching. Includes deck or slab overlays and replacements and underside deck delamination. Includes related traffic control.
2822	Miscellaneous Bridge Maintenance	This source code does not include replacement or major repair. Miscellaneous maintenance tasks performed on a specific bridge or structure not covered by other source codes. Includes minor repairs and simple fixes on items such as stairways, drains, fencing, light bases, transient guards, and access doors. Includes transient removal, ordering materials, and picking up equipment. Includes related traffic control.
2824	Bridge Inspection-Non-Federal	All tasks related to inventory, inspection, and load capacity rating work done on trunk highway bridges to meet the requirements of the National Bridge Inspection System and/or Minnesota Bridge Safety Inspection Program or for billing to local governments. Includes related inspection reports and deck condition surveys.
2827	Bridge Expansion, Relief Joints	All maintenance tasks associated with bridge expansion joints, except joint reestablishment. Includes tightening expansion device bolts and replacing seal glands. Includes related traffic control.
2828	Bridge Inspection-Federal Fund	All bridge inspection tasks for non-MnDOT bridges funded by the federal Fracture-Critical Bridge Program (Project Code will begin with TSL and with the local bridge number). Includes related inspection reports. For MnDOT Trunk Highway bridges (Project Code begins with TSO followed by the bridge number) and local and Department of Natural Resources (DNR) (bridge number begins with 9A follow by bridge number) bridge inspections to be billed to the local government or Department of Natural Resources (DNR) use Source Code 2824.

If a source code is not on this list, a work order is needed.

Exhibit A - Table of Tech Serv

Used with TA98 Project IDs

If a source code is not on this list, a work order is needed.

Source Code	Title	Description
2829	Bridge Superstructure	All tasks to repair any bridge component above the bridge seat that is not included in other source codes. Includes repairs to all types of bridge superstructure elements such as girders, beams, floor beams, trusses, stringers, t-beams, precast channels, and box girders. Includes related traffic control.
2830	Bridge Bearing Assemblies	All tasks related to the repair and maintenance of fixed or expansion-bearing assemblies on bridges. Includes related traffic
2834	Waterway Maintenance	All tasks related to waterway maintenance for deck bridges. Includes debris removal, waterway cleanup, channel repair, and channel protection repair that is not part of slope protection. Includes related traffic control.
2838	Bridge Deck Crack Sealing	All tasks related to deck crack sealing. Includes related traffic control.
2863	Traffic Signal Inspection	Work related to cyclical structural and electrical inspection and preventive maintenance checks of traffic signal systems/structures. Includes labor, equipment, materials, and traffic control.
3000	Class Of Frequency Coordination	Use for frequency coordination done with APCO, AASHTO or FCCA.
3002	Radio/Electronic Infrastructure	Use for the repair and preventative maintenance of all equipment associated with wireless two-way radio communications systems (includes mobile radios, portable radios, base stations, console workstations, recorders, etc.). Non-MnDOT equipment - Must use Project number assigned to requesting agency; Department of Public Safety (DPS) includes State Patrol (SP) Bureau of Criminal Apprehension (BCA), Fire Marshall); does not include Department of Natural Resources (DNR). See OSRC Project
3005	Radio - Mobile Equipment	Use for the repair and preventative maintenance of all equipment associated with wireless two-way radio communications systems (includes mobile radios, portable radios, base stations, console workstations, recorders, etc.). Non-MnDOT equipment - Must use Project number assigned to requesting agency (State Patrol, DNR, BCA, Fire Marshall). See OSRC Project Code list.
3009	Radio/Electronic System Upgrade & Installation	Use for the installation and other services needed to provide major system upgrades or improvements to wireless or electronic systems. Use for all work performed to correct or repair deficiencies found in a new installation.
3025	Tower/Building Maintenance	Use for all tasks related to the maintenance of a tower building or site. Includes towers, buildings, generators, LP system, fencing, landscaping, grounding, ice bridge, cable management, climbing ladders, card key systems, and HVAC.
3027	Radio Programming	Creating or modifying radio frequency programs and programming mobile and portable radios. Does not include mobile radios used as fixed base radios as part of the Inter-OP System (Use 3009).
3049	On Call Electronic Communications Infrastructure Maintenance	To be used by Statewide Radio Communications personnel to record on-call time.

If a source code is not on this list, a work order is needed.

R E S O L U T I O N
NO _____

ADOPTION OF MNDOT MASTER PARTNERSHIP AGREEMENT

WHEREAS, The Minnesota Department of Transportation wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and

WHEREAS, MnDOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and

WHEREAS, the parties wish to be able to respond quickly and efficiently to such opportunities for collaboration, and have determined that having the ability to write "work orders" against a master contract would provide the greatest speed and flexibility in responding to identified needs.

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

1. That the City of Brainerd enter into a Master Partnership Contract with the Minnesota Department of Transportation, a copy of which was before the Council.
2. That the proper City officers are authorized to execute such contract, and any amendments thereto.
3. That the Brainerd City Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from MnDOT, and that the City Engineer may execute such work order contracts on behalf of the City of Brainerd without further approval by this Council.

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

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Stop Sign Request - N 9th Street and Juniper Street

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, Assistant City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy - Assistant City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: Staff has reviewed the intersection of N 9th Street and Juniper Street and provided materials and a memo for the committees review.	
Alternatives, Options, Effects on Others/Comments: Please see the attached memo.	
Recommended Action/Motion: Staff would recommend formally denying the stop sign request from St. Francis School and, per the recommendation in the memo, direct staff to install yield signs on Juniper Street at the N 9th Street intersection.	
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> \$ Minimal <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Signs will run about \$50.00/each and the posts are already at the street garage.	

MEMO



www.ci.brainerd.mn.us

DATE: May 15, 2017

TO: Safety and Public Works Committee

FROM: Paul Sandy, Assistant City Engineer

CC: Jeff Hulsether, City Engineer

RE: Stop Sign Request at N 9th Street and Juniper Street

At the May 1, 2017 Council Meeting, at the recommendation of Safety and Public Works Committee, City Council directed Engineering staff to work with the applicant to explore other options of controlling speed and possibilities of crashes with the application of traffic control.

I met with Deb Euteneuer, the principle at St. Francis School, and Ryan Kramer, St. Francis School PTA member to look at the student drop off and pick up at the school. I reviewed the pick-up on Friday, May 12 and the drop-off on Monday, May 15. Both Ryan and Deb told me that mass on Mondays, Tuesdays, and Thursdays causes much more congestion around the school than on other days.

The Friday review consisted of watching the pick-up and how efficiently traffic moved through the intersection while also trying to identify conflicts between pedestrians and vehicles moving through the intersection. I will get to my observations at this intersection further in this memo.

The Minnesota Manual on Uniform Traffic Control Devices (MMUTCD) is Minnesota's version of the Federal Highway Administrations (FHWA) Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD is nationally recognized to be the standard for placement of traffic control devices and the guidance provided gives the size, height, and placement of any traffic control device you may encounter along with guidance and warrants for placement of certain devices.

Attached to this memo is a document from FHWA with some frequently asked questions in regards to stop sign placement explaining some common misconceptions about stop signs. I have highlighted some of the key points.

Below are the main points I want to highlight out of the attached document that should provide some clarity to the recommendation further in this memo;

1. A stop sign is an inconvenience to motorists. Because of this, stop signs should only be place if it meets a MUTCD warrant for placement of a stop sign. Before warrants are even considered, less restrictive measures, such as yield signs, are usually considered.
2. Many studies have shown that stop signs are not an effective measure for controlling or reducing midblock speeds. In fact, the overuse of stop signs may cause drivers to carelessly stop at the stop signs installed. Studies have shown that approximately half of all drivers come to a rolling stop at a stop sign and 25% did not stop at all. In short, in many cases, stop signs increase

peak speed of vehicles because of the perception of lost time at stop signs. This tends to lead to more severe crashes at stop controlled intersections than at uncontrolled intersections.

3. Stop signs can also give pedestrians a false sense of safety because it is *assumed* traffic will stop.
4. Often times, the true problem stems from drivers that *live in the neighborhood*. By simply raising awareness of the perceived issue, drivers in the neighborhood may adjust their driving speeds or behaviors. In this case, the drivers traversing through this area at these times of the day are typically parents and people attending mass. This is a defined population of motorists, and bringing up the issue and providing education to pedestrians may be the best way to change driver and pedestrian behavior around the school and church.

Staff has reviewed the warrants for stop control at this intersection, and the intersection, with the 4 listed crashes between 2008 and 2014 and the two unlisted crashes that have happened more recently in 2016 and 2017 do not meet the warrant for stop control. The warrant according to FHWA guidance states that 5 crashes within 12 months could have been prevented due to stop control. The MnDOT warrant is less restrictive in that 3 crashes/year or 5 crashes in two years would be correctable by the placement of stop controls. In this case, neither warrant is met. A majority of the crashes were due to driver inattentiveness, as stated in the 4 crash reports on hand.

Through my evaluation at the intersection on May 12 and May 15, speeds traversing through the intersection were much less than the statutory 30 mph speed limits on local streets. In fact, most vehicles nearly came to a complete stop before the intersection to look for crossing traffic.

The site distance issues seen through my evaluation are directly attributed to vehicles parking too close to the intersection itself. Vehicles are prohibited from parking within 20 feet of a crosswalk, at which this intersection has a crosswalk on all 4 legs.

Pedestrian use of the crosswalks was minimal during my evaluation on the morning of May 15. A total of 5 students crossed the east leg on N 9th Street while I was evaluating. None of the pedestrians came into conflict or met a vehicle while traversing through the intersection. Many of the pedestrians were crossing mid-block to the school or church to attend mass or school, and were not using the intersection to cross the street.

In conclusion, through all the evaluation done at this intersection and other related intersections around the City, staff still cannot approve the placement of stop control at this intersection. However, through the consideration process, less restrictive measures, such as placement of a yield sign on the Juniper Street crossing of N 9th Street should be considered to designate right-of-way through the intersection. The general north and south nature of commuter traffic leads staff to believe that the east/west traffic should be discouraged through north Brainerd. The major collector routes, in which all have two way stop control, are N 4th, N 8th, and Kingwood Street. We would like to preserve these streets along with the N-S streets as commuter routes through north Brainerd, as these are the general traffic tendencies throughout this area.

Staff would again like to stress the expectation that all traffic control devices are important and should be treated as such. Unwarranted or unnecessary traffic control devices diminishes the importance of all other traffic control and therefore leads to unintended consequences.

TRAFFIC AND SAFETY INFORMATIONAL SERIES

FREQUENTLY ASKED QUESTION #13

WHY CAN'T WE HAVE STOP SIGNS TO REDUCE SPEEDING ALONG MY STREET?

One of the complaints that people have in residential areas is that vehicles constantly speed by the front of their house. They are concerned about the safety of their children. These residents frequently request the erection of additional stop signs. The addition of a stop sign, however, usually does not solve the problem.

WHY DON'T WE JUST INSTALL ANOTHER STOP SIGN?

A stop sign is an inconvenience to motorists. Because of this, stop signs should only be placed if they meet a *Manual on Uniform Traffic Control Devices* (MUTCD) warrant. Stop signs are frequently violated if unwarranted. Before warrants are even considered, however, less restrictive measures (such as a yield sign) are usually considered. In certain cases, the use of less restrictive measure or no control at all will accommodate traffic demands safely and effectively.

Warrants for a stop sign

Because a stop sign is an inconvenience to through traffic, it should be used only where needed. A stop sign may be warranted at an intersection where one or more of the following conditions exist:

- intersection of a less important road with a main road where application of the regular right-of-way rule is hazardous;
- street entering a through highway or street;
- unsignalized intersection in a signalized area;
- other intersections where a combination of high speed, restricted view, and serious accident record indicates a need for control by the stop sign.

A yield sign can also be considered where a full stop is not necessary. Existing sign installations should be reviewed to determine whether the use of a less restrictive control or no control at all could accommodate the existing and projected traffic flow safely and more effectively.

WHERE SHOULD A STOP SIGN BE INSTALLED?

Stop signs should be installed/located where the vehicles are to stop or as near to that point as possible. The sign may also be supplemented with a stop line and/or the word STOP on the pavement. A yield sign is erected in the same manner. Where there is a marked crosswalk, the stop or yield sign should be erected approximately four feet in advance of the crosswalk line.

When only one stop or yield sign is used on an intersection approach it should be on the right side of the roadway. At wide intersections, however, violations of the yield or stop sign may be reduced by the erection of an additional sign on the left side of the approach. If two lanes of traffic exist on an approach, at least one stop sign should be visible to each lane of traffic.

CAN STOP SIGNS CONTROL SPEED?

Many studies have shown that stop signs are not an effective measure for controlling or reducing midblock speeds. In fact, the overuse of stop signs may cause drivers to carelessly stop at the stop signs that are installed. In stop sign observance studies approximately half of all motorists came to a rolling stop and 25 percent did not stop at all. Stop signs can give pedestrians a false sense of safety if it is assumed that all vehicles will come to a complete stop at the proper location. A study conducted by Beaubien also showed that placing stop signs along a street may actually increase the peak speed of vehicles, because motorists tend to increase their speed between stop signs to regain the time spent at the stop signs.

WHAT CAN WE DO INSTEAD OF INSTALLING A NEW STOP SIGN?

There are many alternatives to stop signs. For example, a concept called *traffic calming*, the combination of physical controls and community support, might be a good alternative for some communities. Calming measures can be installed as part of an areawide traffic management plan or on a single street and involve local law enforcement, emergency and maintenance officials, engineers, and the community.

Some communities also start interneighborhood programs to address the problem of the speeding and safety in their neighborhood areas. Often times, the true problem stems mostly from drivers that live in the neighborhood. By simply raising awareness of the issue, drivers in the neighborhood may adjust their driving and decrease their speeds.

Unfortunately, there is no general solution to the problem of speeding traffic. There will always be drivers that speed through residential areas. It is important for residents in a neighborhood to be aware of this issue.

For more information

For more information, please contact _____.

TRAFFIC AND SAFETY INFORMATIONAL SERIES

FREQUENTLY ASKED QUESTION #13

Can we have stop signs placed at intersections in our neighborhood to reduce speeding?

We get many complaints from people in residential areas about cars speeding in their neighborhoods. They often ask us to install more stop signs. This concern is very understandable. Unfortunately, adding stop signs may not be the best solution. In fact, you may be surprised to learn, adding stop signs can sometimes make the problem worse. Here is why:

Stop signs don't always slow traffic

Strange as it may seem, installing stop signs may not result in reduced traffic speeds. Studies have shown that stop signs are not effective at controlling drivers' speeds between intersections. In fact, motorists sometimes drive even faster between stop signs to make up for time "lost" while stopped—actually increasing peak speeds and potentially making neighborhoods more dangerous.

Installing stop signs can do more harm than good

Too many stop signs may also actually discourage good driving habits. Studies have shown that if stop signs are overused or are located where they don't seem to be necessary, some drivers become careless about stopping at them. This can be especially dangerous for pedestrians and bicyclists who may have a false sense of safety from the existence of a stop sign.

Other solutions

Fortunately, there are other ways to encourage traffic to slow down. Sometimes even a simple neighborhood awareness program can be effective.

For more information

For more information, please contact _____.

TRAFFIC AND SAFETY INFORMATIONAL SERIES FREQUENTLY ASKED QUESTION #14

WHY CAN'T WE HAVE A FOUR-WAY STOP TO REDUCE ACCIDENTS?

Four-way stop signs are not always the answer to reducing intersection crashes. Crash analysis is very complicated and usually identifies multiple causes. Stop signs delay drivers, and many times the drivers become impatient. Impatient drivers may cause crashes. Not all four-way stop intersections are dangerous, but they must be warranted and other less-restrictive options should be considered before they are installed.

WHAT IS REQUIRED FOR THE INSTALLATION OF FOUR-WAY STOP CONTROL?

The addition of four-way stop control is an inconvenience to all the drivers using the intersection. For this reason, three warrants have been developed and are listed in the *Manual on Uniform Traffic Control Devices* (MUTCD). A multiway stop control installation may be warranted at an intersection if any of the following conditions exist:

1. Traffic signals are warranted and urgently needed, and the multiway stop signs are an interim measure that can be installed quickly to control traffic while arrangements are being made for the signal installation.
2. A crash problem, as indicated by five or more reported accidents of a type susceptible to correction by a multiway stop installation in a 12-month period. Such accidents include right- and left-turn collisions as well as right-angle collisions.
3. Minimum traffic volumes. (a) The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any eight hours of an average day; and (b) the combined vehicular and pedestrian volume from the minor street or highway must average at least 200 units per hour for the same eight hours, with an average delay to minor street vehicular traffic of at least 30 seconds per vehicle during the maximum hour; but (c) when the 85-percentile approach speed of the major street traffic exceeds 40 miles per hour, the minimum vehicular volume warrant is 70 percent of the above requirements.

A four-way stop installation should only be used when traffic volumes on the intersecting roadways are approximately equal. However, if volumes are particularly large a traffic signal may be more appropriate (see informational series answer to "What is the harm in installing an unwarranted traffic control device?" for signal warrant). Investigating the warrants listed above will require an extensive traffic engineering study. This study may indicate whether or not a multiway stop control installation is appropriate.

WON'T CRASHES BE REDUCED IF A STOP SIGN IS INSTALLED?

One of the multiway stop control warrants is crash related. If an intersection meets this requirement (see above) and it has approximately equal approach volumes, a multiway stop control installation may be warranted for safety purposes. However, the overall results of the traffic engineering study and the professional judgement of the engineer should also be considered. In fact, research has shown that under certain conditions other traffic control

measures may be more effective and safer than the addition of a multiway stop sign (other options are discussed below). A study conducted by the city of Irvine, California, indicated that simply improving intersection visibility can sometimes be a successful approach to crash reduction at intersections.

WHAT CAN BE DONE OTHER THAN TO ADD STOP SIGNS?

Every intersection has unique characteristics. A thorough analysis of the traffic, safety, and geometric characteristics of an intersection is required to provide the validity of certain traffic control measures at a specific location. The following are some of the less restrictive alternatives that can be considered at an intersection before the installation of a multiway stop sign or traffic signal:

- install warning signs and/or flashing beacons along the major roadway to warn users approaching the intersection;
- relocating the stop line(s) to improve sight distance and visibility at the intersection;
- installing a flashing beacon at the intersection to supplement the existing stop signs;
- adding one or more lanes on a minor roadway approach to reduce the number of vehicles per lane on the approach;
- installing roadway lighting to reduce the frequency of accidents at night;
- restricting one or more turning movements;
- limiting the number of driveways in close proximity to an intersection, since unexpected movements from these driveways could cause vehicles on the street to suddenly stop.

Four-way stop signs are needed in certain situations, and careful studies must be made before any installation is approved. There are countermeasures available (see above) that do not include the addition of stop signs. The ultimate goal is to provide a safe intersection for vehicles, pedestrians, and bicyclists.

For more information

For more information, please contact _____.

TRAFFIC AND SAFETY INFORMATIONAL SERIES FREQUENTLY ASKED QUESTION #14

Wouldn't installing a four-way stop reduce accidents at an intersection?

Adding four-way stop signs may seem like it would slow drivers down and make the streets safer, but additional stop signs do not necessarily increase safety. In fact, in some cases, especially when they are not really needed, the overuse of signs can lead to them being ignored by drivers. Therefore, traffic engineers make careful decisions concerning the use of four-way stop signs. Here are some of the factors they consider:

Too many signs can lead to ineffectiveness

Studies have shown that when stop signs are placed at intersections where they are not really needed, some motorists become careless about stopping. Moreover, overuse of four-way stop signs can contribute to the number of frustrated and impatient drivers on the streets, and these drivers may start driving recklessly.

Where four-way stop signs are used

Four-way stop signs are often used at the intersection of two roadways that contain similar traffic volumes. The intersection must, however, meet at least one of the following conditions:

- a traffic signal is going to be installed and the intersection needs a temporary solution to control the traffic;
- within 12 months at least five crashes have occurred at the intersection that could have been prevented by stop signs;
- relatively high volumes and/or high major-street vehicle speeds exist.

Other solutions may provide just as much safety

To make travel efficient and safe, four-way stop signs are usually installed only where they are absolutely necessary. Before four-way stop signs are installed, other solutions should be considered. Here are a few examples:

- Relocate the line where vehicles stop to improve visibility at the intersection.
- Limit the number of driveways in close proximity to an intersection since unexpected movements to/from these driveways sometimes cause drivers to suddenly stop or swerve, resulting in crashes.
- Install flashing lights before or at the intersection to warn drivers or to supplement existing stop signs, respectively.
- Install roadway lighting to reduce the frequency of crashes at night.

For more information

For more information, please contact _____.

TRAFFIC AND SAFETY INFORMATIONAL SERIES

FREQUENTLY ASKED QUESTION #15

WHAT IS THE HARM IN INSTALLING AN UNWARRANTED TRAFFIC CONTROL DEVICE?

Installing stop signs or traffic signals where they are not needed can cause significant disruption of traffic flow and increase intersection delay for drivers. The induced delay increases travel time and annoys drivers, and the additional starts and stops result in increased fuel consumption and the consequent production of carbon monoxide, nitrous oxide, particulate matter, and other pollutants.

WHAT IS THE HARM IN INSTALLING A STOP SIGN?

Two-way stop signs assign the right-of-way at an intersection. The warrants for the installation two-way stop signs in the *Manual for Uniform Traffic Control Devices* (MUTCD) are listed below. Because a stop sign causes substantial inconvenience to motorists, it should be used only where warranted. It may be warranted where the following conditions exist:

1. the intersection of a less important road with a main road where the applications of the normal right-of-way rule is hazardous;
2. a street entering a through highway or street;
3. an unsignalized intersection in a signalized area;
4. other intersections where a combination of high speed, restricted view, and serious accident record indicates a need for control by the stop sign.

The amount of delay created by the stop sign depends on both major and minor street flows. The gaps in the major flow traffic stream must be adequate to allow the stopped traffic to execute the through, right, or left movement through the intersection. The term "critical gap" is often used to describe the median gap accepted by drivers for specific turning maneuvers and roadway characteristics. According to the 1997 *Highway Capacity Manual*, typical critical gaps are 6.2 to 6.9 seconds for right turns from a minor roadway and 7.1 to 7.5 seconds for left turns from a minor roadway. Left-turning movements take longer, and left-turning drivers must cross more traffic streams. Additional delay for minor street vehicles is also determined by the vehicle arrival rate. The arrival rate of vehicles on the minor street is related to how long drivers will wait in the queue to get to the stop line.

The delay times at stopped approaches can become excessive if either major or minor flow is high. The advantage of a two-way stop is that the major flows do not have to stop and they incur almost no delay at the intersection (i.e., the majority of the traffic does not have to stop).

Four-way stop control is often controversial as it can often confuse motorists and can cause more average delay than other types of control. The multiway stop sign should only be used where the volume on all approaches to the intersection is approximately equal and the traffic volumes are relatively low. However, the four-way stop sign alternative can be quite useful in unusual situations where two-way stop control has not solved the safety problems but where signalization is not yet warranted.

WHAT IS THE HARM IN INSTALLING TRAFFIC SIGNALS?

Justification of signal installation requires considerable data collection and analysis. The following data need to be collected and analyzed:

- traffic volumes by approach and movement for the 16 highest hours in a day,
- pedestrian counts in crosswalks,
- intersection approach speed distributions,
- collision diagrams for recent crashes, and
- condition diagram for the intersection.

The MUTCD lists 11 warrants for the placement of traffic signals. These warrants are summarized below (please refer to the MUTCD for details). If none of these warrants are met, a traffic signal should not be placed. In addition, the fulfillment of a warrant or warrants also does not in itself justify the installation of a signal. Please

1. *Minimum vehicular volume.* The volume of intersecting traffic must be above a certain value.
2. *Interruption of continuous traffic.* The traffic volume on a major street is so significant that the traffic on the minor street cannot safely merge, enter, or cross the major street.
3. *Minimum pedestrian volume.* The volume of pedestrians crossing a major street exceeds a certain value.
4. *School crossing.* At an established school crossing, a signal can be placed if it is shown that there are not enough gaps in the traffic for the children to safely cross.
5. *Progressive movement.* To maintain the proper grouping of vehicles and to effectively regulate the group speed.
6. *Accident experience.* When less restrictive remedies and enforcement has failed to decrease the accident rate below levels expected with signalization.
7. *Systems warrant.* A common intersection that serves a principle network for through traffic flow.
8. *Combination of warrants.* If warrants 1 and 2 are each satisfied by 80 percent of the stated values, a signal placement could be justified.
9. *Four-hour vehicular volume.* The traffic volumes on the major and minor streets exceed a certain value for each of any four hours on an average day.
10. *Peak hour delay.* The minor street traffic suffers major delay in entering or crossing the major street for only one hour of an average weekday.
11. *Peak hour vehicular volume.* The traffic volumes on the major and minor streets exceed a certain value for only one hour of the day.

Installing a traffic signal at a low-volume intersection can significantly increase crashes and delays. Again, the increase in delay and stops then translates into higher fuel consumption, increased travel times, and higher point source pollution. The length of delay is directly related to a number of factors. Cycle length is one factor, for example, that is influenced by traffic volumes and the need to safely accommodate pedestrians. The pedestrian crossing time constraints could significantly increase the necessary cycle lengths. Although traffic signals can reduce the total number of collisions at an intersection, research has shown that certain types of crashes (e.g., rear-end collisions) may actually increase after a signal is installed. For this reason, the type and number of crashes at an intersection should be considered before the installation of a signal.

Traffic signals can represent a positive public investment when justified, but they are costly. A modern signal can cost \$80,000 to \$100,000 to install. In addition, there is the cost of the electrical power consumed in operating a signalized intersection 24 hours a day (which can average about \$1,400 per year).

It is important to carefully consider whether a traffic control device is needed before rushing to an implementation decision. The costs and benefits must be carefully evaluated, and a careful analysis and engineering study must be completed.

For more information

For more information, please contact _____.

TRAFFIC AND SAFETY INFORMATIONAL SERIES

FREQUENTLY ASKED QUESTION #15

What is the harm in installing traffic signs and signals that aren't really needed?

It may surprise you to learn that adding more stop signs or traffic signals along a roadway does not necessarily slow drivers down or increase safety. In fact, in some cases, especially when they are not really needed, the overuse of signs and signals can lead drivers to ignore or not properly obey them.

Too many signs can lead to ineffectiveness

Studies have shown that when stop signs are placed at intersections where they don't appear to be needed, motorists become careless about stopping.

Too many traffic signals can negatively impact traffic flow

Installing traffic signals where they are not needed can create traffic congestion, add travel time, and frustrate drivers, who may start driving impatiently.

Other options can provide safety

To make travel efficient and safe and to help ensure the proper observance of stop signs and traffic signals, they are usually installed only where they are absolutely necessary. Other solutions—for example, a yield sign—may also provide enough safety, without any detriment to traffic flow.

For more information

For more information, please contact _____.

TRAFFIC AND SAFETY INFORMATIONAL SERIES

FREQUENTLY ASKED QUESTION #20

WHEN DO INTERSECTIONS RECEIVE STOP SIGNS (TWO-WAY AND FOUR-WAY) AND SIGNALS?

Traffic control devices are present to safely assist and guide drivers. Several people believe that many of our traffic problems would be solved by the addition of a stop sign or traffic signal. Some would even like a traffic signal or a stop sign at every intersection. In fact, there are situations in which the absence of a stop sign or traffic signal actually provides a safer situation.

Based on the *Manual on Uniform Traffic Control Devices* (MUTCD), traffic control devices should meet five basic requirements. They should

- fulfill a need;
- command attention;
- convey a clear, simple meaning;
- command respect of road users; and
- give adequate time for proper response.

WHAT IS THE APPROPRIATE USE AND PLACEMENT OF STOP SIGNS?

The stop sign is a regulatory sign used to stop traffic. It is a red octagon that has a white border and large white letters that read "STOP." At multiway stop intersections, a small plate is placed below the stop sign to inform the driver of how many approaches are required to stop.



Because stop signs inconvenience drivers, they should only be used where they are strictly warranted. The following warrants for the placement of stop signs are found in the MUTCD:

1. the intersection of a less important road with a main road where application of the normal right-of-way rule is unduly hazardous;
2. a street entering a through highway or street;
3. an unsignalized intersection in a signalized area;
4. other intersections where a combination of high speed, restricted view, and serious accident record indicates a need for control by the stop sign.

There are also locations where the use of stop signs should be avoided. Every time a stop sign is considered, a less restrictive method such as a yield sign should first be considered.

WHAT DETERMINES THE PLACEMENT OF A MULTI-WAY STOP SIGN?

The multiway stop sign may improve the safety of an intersection. Normally, it is used at the intersection of two roads that contain similar traffic volumes. A three-way stop is used at intersections that have only three approaches (e.g., a T-intersection). According to the MUTCD, the warrants for placing multiway stop signs are as follows:

1. where traffic signals are going to be placed soon and the intersection needs a temporary solution to control the traffic;
2. an intersection that has several crashes (≥ 5 correctable accidents in 12 months);
3. when an intersection has the following traffic volumes: (a) the total volume of traffic entering the intersection from all approaches must average at least 500 vehicles per hour for any eight hours of an average day; (b) the combined vehicular and pedestrian volume that enters the intersection from the minor street must average at least 200 units per hour for the same eight hours, with an average delay to the minor street traffic of at least 30 seconds per vehicle during the maximum hour; (c) the 85th percentile approach speed (this is the speed at or below which 85 percent of the vehicles travel on a given roadway) of the major street traffic exceeds 40 miles per hour, and the minimum vehicular volume warrant is 70 percent of the above requirements.

WHY CAN'T WE PLACE A TRAFFIC SIGNAL AT EVERY SCHOOL CROSSING?

The fourth MUTCD warrant for traffic signalization explains traffic signal placement with regard to school crossings. If a traffic study shows that the number and length of gaps in the traffic flow are not adequate to allow the children to cross safely, then a traffic control signal may be warranted. When the gaps are sufficient, the addition of a traffic control device may not be necessary. A crossing guard or school crossing sign at the crosswalk with warning signs at the approaches can also help control traffic during peak traffic flow times.

When traffic control signals are installed entirely because of this warrant, the MUTCD notes the following:

- Pedestrian indications shall be provided for each crosswalk established as a school crossing.
- At an intersection, the signal normally should be traffic-actuated. As a minimum, it should be semi-actuated, but full actuation with detectors on all approaches may be desirable. Intersection installations that can be fitted into progressive signal systems may have pretimed control.
- At nonintersection crossings, the signal should be pedestrian-actuated, parking and other obstructions should be prohibited for at least 100 feet in advance of and 20 feet beyond the crosswalk, and the installation should include suitable standard signs and pavement markings. Special police supervision and/or enforcement should be provided for a new nonintersection location.

WHAT DETERMINES THE PLACEMENT OF TRAFFIC SIGNALS?

The warrants for the placement of traffic signals are found in the MUTCD. Please refer to the informational series answer for the question, "What is the harm in installing an unwarranted traffic control device?"

For more information

For more information, please contact _____.

TRAFFIC AND SAFETY INFORMATIONAL SERIES

FREQUENTLY ASKED QUESTION #20

When do intersections receive stop signs and signals?

It may surprise you to learn that adding stop signs or traffic signals would not necessarily slow drivers down or increase safety at an intersections. In fact, in some cases, especially when the signs or signals do not seem to be needed, some drivers may begin to ignore them. Therefore, officials in your area make careful decisions concerning the use of stop signs and traffic signals. Here are some of the factors they consider:

Too many signs can lead to ineffectiveness

Studies have shown that when stop signs are placed at intersections where they are not really needed, motorists become careless about stopping. Installing traffic signals where they are not needed can also create traffic congestion, add travel time, and frustrate drivers, and these drivers may become impatient and make unsafe maneuvers.

The use of signs and signals should be restricted to locations where they will be effective

Signs and signals are only effective and should only be used when they meet the following four requirements. They should (1) fulfill a need, (2) convey a clear, simple meaning, (3) command attention and respect, and (4) give adequate time for drivers to respond.

Locations must have one or more of the following the conditions for two-way stop signs to be installed:

- an intersection of a minor and a major road, where the application of the normal right-of-rule would be hazardous;
- a street enters a highway;
- an unsignalized intersection in a signalized area;
- there is high-speed traffic, it is hard to see, and there is a previous crash record.

Four-way stop signs are often used at the intersection of two roadways that contain similar traffic volumes. The location must have at least one of the following conditions:

- a traffic signal is going to be installed and the intersection needs a temporary solution to control the traffic;
- within 12 months at least five crashes have occurred at the intersection that could have been prevented by stop signs;
- relatively high volumes and/or high major-street vehicle speeds exist.

At least one of 11 conditions must be met for a traffic signal to be installed. The conditions include high vehicle and/or pedestrian volumes, a record of severe crashes, and school crossings where there is not enough of a gap in traffic flow for children to cross safely.

Other options

To make travel efficient and safe and to help ensure the proper observance of stop signs and traffic signals, they are installed only where they are absolutely necessary. Other solutions—for example, a yield sign—should be considered first and may be more appropriate.

For more information

For more information, please contact _____.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Public Hearing - Improvements 15-12 and 16-10

☐ 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): Paul Sandy - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: To continue with the assessment process per MS 429, attached is the original notice of hearing on Improvements 15-12 and 16-10 along with the resolution ordering the improvement, ordering preparation of plans and specifications, approving the plans and specifications, and ordering the advertisement for bids.	
Alternatives, Options, Effects on Others/Comments: The two local improvements have been discussed at prior meetings and include the reconstruction S. 6th Street East Frontage Road from Industrial Park Road to Wright Street and the resurfacing of numerous streets in NW Brainerd including Williams Street, NW 8th Street, NW 7th Street, James Street, NW 3rd Street, and NW 5th Street. The estimated project costs with engineering and construction costs are \$562,000 for Improvement 16-10 and \$380,000 for Improvement 15-12. Estimated assessment rates were calculated to be \$50.00/front foot on Improvement 15-12 and \$29.00/front foot on 16-10. Estimated assessment totals for each improvement are \$141,230 for Improvement 16-10 and \$87,675 for Improvement 15-12.	
Recommended Action/Motion: Staff would recommend holding the public hearing to consider Improvements 15-12 and 16-10 and adopt the attached resolution therefore ordering the Improvements, ordering preparation of plans and specifications, approving plans and specifications, and authorizing advertisement for bids.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ 942,000 Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u> Staff is proposing to issue bonds for the local Improvements.	

NOTICE OF HEARING ON IMPROVEMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota, will meet in the Council Chambers of the City Hall at 7:30 p.m. on June 5, 2017 to consider making the improvement as described below pursuant to Minnesota Statute Sections 429.011 to 429.111:

IMPROVEMENT 15-12

Street Reconstruction – Grading, Aggregate Base, Bituminous, Storm Sewer, and Curb and Gutter

S 6th Street East Frontage Road – CR 117 to Wright Street

The area proposed to be assessed is the property abutting said streets and alleys.

The estimated cost of such improvements is \$380,000.

IMPROVEMENT 16-10

Street Resurfacing – Grading, Aggregate Base, Bituminous, Curb and Gutter

Williams Street from NW 5th Street to NW 4th Street; NW 5th Street from Williams Street to Washington Street; NW 7th Street from Charles Street to Washington Street; NW 8th Street from Charles Street to James Street; James Street from NW 8th Street to NW 6th Street; James Street from NW 4th Street to NW 2nd Street; NW 3rd Street from Washington Street to James Street

The area proposed to be assessed is the property abutting said streets and alleys.

The estimated cost of such improvements is \$562,000.

Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

Any individual needing special accommodations please call 828-2307.

Dated: May 2nd, 2017



Jim Thoreen
City Administrator

Publish Brainerd Dispatch May 5th, 2017 and May 12th, 2017 (2 times)

RESOLUTION
NO. _____

**RESOLUTION ORDERING IMPROVEMENT, APPROVING PLANS AND
SPECIFICATIONS, AND ORDERING ADVERTISEMENT FOR BIDS**

WHEREAS, a motion by the City Council passed on the 1st day of May, 2017, fixed a date for a Council hearing on the proposed improvement listed below; and

WHEREAS, the City Engineer has prepared plans and specifications for the improvement of the following described project:

IMPROVEMENT 16-10

Street Resurfacing

NW Brainerd Resurfacing Project

Williams Street from NW 5th Street to NW 4th Street

NW 5th Street from Williams Street to Washington Street

NW 7th Street from Charles Street to Washington Street

NW 8th Street from Charles Street to James Street

James Street from NW 8th Street to NW 6th Street and NW 4th Street to NW 2nd Street

NW 3rd Street from Washington Street to James Street

IMPROVEMENT 15-12

Street Reconstruction

S 6th Street East Frontage Road (EFR) from CR 117 (Industrial Park Road) to Wright Street

WHEREAS, such plans and specifications have been presented to the Council for approval;

WHEREAS, ten days' mailed and two weeks' published notice of the hearing was given and the hearing was held thereon on the 5th day of June, 2017, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, at said hearing there was available a reasonable estimate of the amount to be assessed and a description of the methodology, in the forms attached hereto as Exhibits A and B:

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

1. Said improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Said improvement is hereby ordered as proposed in the Council motion on the 5th day of June, 2017.
3. City Engineer Hulsether is hereby designated as the engineer for this improvement. He shall prepare plans and specifications for the making of such improvement.
4. The City Council declares its official intent to reimburse itself for costs of the project from proceeds of bonds, which are expected to be issued in the maximum principal amount of \$950,000.

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

1. Such plans and specifications, a copy of which is on file at the offices of the City Administrator and the City Engineer, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and

specifications. The advertisement shall be published, shall specify the work to be done, shall state that bids will be received by the City Administrator until 10:00 a.m. on July 7, 2017, at which time they will be publicly opened in the Council Chambers of the City Hall by the City Administrator and City Engineer, will then be tabulated, and will be considered by the Council at 7:30 p.m. on July 17, 2017, in the Council Chambers of the City Hall, Brainerd, Minnesota. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City Administrator for five (5) percent of the amount of such bid.

Upon roll call, members _____ voted "aye." No member voted "nay."

Adopted this ____ day of _____, 201__

Approved this _____ day of _____, 201__

DAVID J. PRITSCHET
President of the Council

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

EXHIBIT A

IMPACT OF ASSESSMENTS CITY OF BRAINERD IMPROVEMENT NO. 16-10

Available at Hearing Held June 5, 2017

The impact of the improvement is to provide necessary and desirable facilities for public use. The impact of the assessments for the improvement is to make benefited properties and their owners responsible for paying the costs of the improvement over time, not the public at large. The extent of the impact of the assessments depends upon the amount assessed.

A reasonable estimate of the total amount assessed is \$141,230. This estimate is approximately 50% of the street resurfacing costs. The City reserves the right when actually levying assessments to assess up to the full costs of the improvement, which may exceed estimates available at the time of the hearing on the improvement.

The following is a description of the methodology the City intends to use to calculate individual assessments for affected parcels on Improvement 16-10: front footage. The City reserves the right when actually levying assessments to modify or depart from this methodology to the extent the City deems appropriate.

EXHIBIT B

IMPACT OF ASSESSMENTS CITY OF BRAINERD IMPROVEMENT NO. 15-12

Available at Hearing Held June 5, 2017

The impact of the improvement is to provide necessary and desirable facilities for public use. The impact of the assessments for the improvement is to make benefited properties and their owners responsible for paying the costs of the improvement over time, not the public at large. The extent of the impact of the assessments depends upon the amount assessed.

A reasonable estimate of the total amount assessed is \$87,675. This estimate is approximately 50% of the street resurfacing costs. The City reserves the right when actually levying assessments to assess up to the full costs of the improvement, which may exceed estimates available at the time of the hearing on the improvement.

The following is a description of the methodology the City intends to use to calculate individual assessments for affected parcels on Improvement 15-12: front footage. The City reserves the right when actually levying assessments to modify or depart from this methodology to the extent the City deems appropriate.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Public Hearing - ADA Transition Plan

- ☐ 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 1st Reading

**provide copy of published hearing notice*

Submitted by:
Paul Sandy, Assistant City Engineer

Department:
Engineering

Presenter (Name & Title):
Paul Sandy - Assistant City Engineer

Estimated Time Needed:
5 Minutes

Summary of Issue:

The draft of the ADA Transition Plan has been posted on the website for public review for over 30 days.

Alternatives, Options, Effects on Others/Comments:

An ADA Transition Plan is required to be adopted by all public agencies with greater than or equal to 50 employees and is a requirement to be in compliance with Title II of the Americans with Disabilities Act. The plan is also required to be adopted to be able to receive State Aid and Federal funds in the future. ADA is a civil rights law prohibiting the discrimination of individuals on the basis of a disability. Staff has collected information and data along with performing self evaluations of all facilities within the public rights-of-way along with evaluations of policies, practices, and programs. The evaluations are included in the report appendices. The report is not attached to this request, but can be seen at <http://www.ci.brainerd.mn.us/502/ADA-Transition-Plan>.

Recommended Action/Motion:

Staff would recommend holding a public hearing to gather input by the public on the draft plan. Once the hearing is complete, staff will compile comments and feedback into the report and present the report for adoption at the next scheduled meeting.

Financial Impact:

Is there a cost associated with this request: ☐ Yes ☒ No

What is the total cost, with tax and shipping \$ _____

Is this budgeted? ☐ Yes ☐ No

Please Explain:

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota, will meet in the Council Chambers of the City Hall at 7:30 p.m. on June 5, 2017 to hear public comment and recommendations on the City of Brainerd's draft ADA (American's with Disabilities Act) Transition Plan. The draft plan is available for viewing on the City's website at <http://www.ci.brainerd.mn.us/502/ADA-Transition-Plan>. Such persons as desire to be heard with reference to the draft ADA Transition Plan will be heard at this meeting.

Any individual needing special accommodations please call 828-2307.

Publish Brainerd Dispatch April 21, 2017

Publish City of Brainerd Website April 21, 2017 - June 4, 2017



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Ordinance 1465 2nd Reading - Short Term Rentals

☐ 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: 10 Minutes
Summary of Issue: 1st Ordinance reading of this item was approved at the April 3rd meeting. Because short term rentals will be inspected and permitted as other rentals, the Planning Department, prior to 2nd Ordinance reading consideration wanted to verify with the Building Department that that the use would create a conflict with the Rental Housing Maintenance Code. Planning Commission discussion on this 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, the Planning Commission is Recommending 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. A meeting with the Building Department found no changes related to the rental code are needed. However, what was brought up is there are month-to-month rentals. So as not to exclude this housing option, an Ordinance change defining short term rentals as up to 28 consecutive nights is recommended.	
Alternatives, Options, Effects on Others/Comments: Option 1. Deny 2nd reading which will prevent the use in the community and require any short term rentals to stop operating in this manner. Option 2. Approve 2nd 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>	

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.



Vacation Rentals Regulations

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. Please contact the City Planning Division at 218-730-5580 to learn about the process for obtaining a permit to operate a vacation rental and to schedule a pre-application meeting.

Vacation Dwelling Unit – a habitable unit in a dwelling providing sleeping, cooking, eating, living and sanitation facilities that are physically separated from other habitable units that may or may not be located in the same building for periods of occupancy from 3 to 21 days. This use does not include hotels, motels, or bed and breakfasts.

Accessory Vacation Dwelling Unit – an accessory dwelling unit as defined by this chapter that is used for periods of occupancy from 3 to 21 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.

Vacation Dwelling Unit Interim Use Permit Standards:

1. The minimum rental period shall be as follows:
 - a. For properties zoned RR-1, RR-2, R-1, and R-P the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights;
 - b. For properties zoned R-2, MU-N, and F-5 the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 3 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. 3-4 bedroom unit, 2 spaces
 - c. 5+ bedroom unit, 3 spaces
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 3 to 21 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 interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

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 as follows:
 - a. For properties zoned RR-1, RR-2, R-1, and R-P the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 5 nights;
 - b. For properties zoned R-2, MU-N, and F-5 the minimum rental period shall not be less than 2 nights except for the period from June 15 to September 15 when the minimum rental period shall not be less than 3 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. 3-4 bedroom unit, 2 spaces
 - c. 5+ bedroom unit, 3 spaces
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 3 to 21 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 interim use permit shall expire upon change in ownership of the property or in six years, whichever occurs first.

In addition to the UDC Interim Use Permit requirements listed above, Vacation Dwelling Units and Accessory Vacation Dwelling Units must adhere to the following regulations:

1. 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.
2. 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.
3. 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.
4. 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;
5. If a permit holder is cited for any nuisance event as described in Chapter 40, Article III of the Duluth Legislative Code, the Land Use Supervisor may suspend the Interim Use Permit for 90 days. If the permit holder is cited for any nuisance event a second time, the Interim Use Permit shall be revoked.
 6. Permit holder must post their permit number on all print, poster or web advertisements;
 7. Prior to rental, the building must be inspected and an Operational Permit issued by the Fire Prevention office. Contact the Fire Prevention office at 218-730-4397 or 218-730-4399 for information.
 8. 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

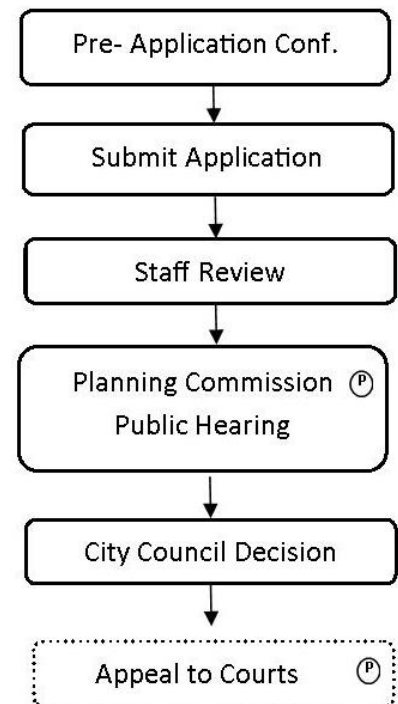
Interim Use Permit, Including Vacation Dwelling

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. This process includes applications for vacation dwelling units, but not accessory dwelling units. A maximum of 60 vacation dwelling units is allowed within the City of Duluth.

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, and make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application. The pre-application meeting is intended to discuss the application process and general timeline. A comprehensive review of the proposed project is not possible at this meeting; detailed review of the project will occur once a complete application, with sufficient supporting information and exhibits, is submitted.
- ☐ Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission application deadline. Your application must include the following:
 - ☐ Application Cover Sheet and Applicable Fee
 - ☐ Pre-App Verification
 - ☐ Survey of the property (recommended); and a site plan with accurate depiction of the lot size, existing and proposed structures, parking, and any other relevant features (required)
 - ☐ Landscape or screening plan (if required) detailing species type and number of trees and shrubs. The city may require an escrow fee to ensure that the landscape is installed and maintained as approved.

Interim Use Permit



 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*

[Sign Up](#)

[Log In](#)

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."

**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 28 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 28 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



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Ordinance 1466 2nd Reading - Transient Food Unit Permitted Hours of Operation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: At the May 15, 2017 City Council meeting, a motion was approved to amend the proposed ordinance extending the NP Center food unit operation time from 11 a.m.-7 p.m. to 11 a.m.-10 p.m. (the original request) to be 11 a.m.-2 a.m. Attached is the Ordinance and map approved in May 2015 specifying where and when transient food units may operate, which were compromises to allow the activity. Vendors are allowed on private property in the specified districts. Attached is a letter dated May 18, 2017 for the NP Center owner requesting the ordinance amendment to 2 a.m.	
Alternatives, Options, Effects on Others/Comments: There are 2 alternatives. One is to deny the request to lengthen the hours which will maintain the status quo. The other option is to approve the longer operational hours. A license was issued in April which is the only 1 since the Ordinance allowing vendors was approved.	
Recommended Action/Motion: Motion by _____, second by _____ to approve a change in the the food truck operation hours at The Northern Pacific Center from 11 a.m. to 7 p.m. to 11 a.m. to 2 a.m. Attached is an Ordinance for 2nd reading consideration.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

Northern Pacific Center, Inc.

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

May 18, 2017

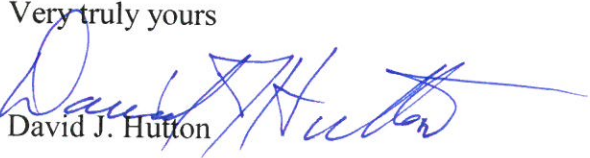
Mr. Mark Ostgarden
City of Brainerd
Brainerd, MN 56401

Re: Food Trucks

Dear Mr. Ostgarden:

This is to advise you that Northern Pacific Center, Inc. would like the City of Brainerd Ordinance for food trucks be amended to allow food trucks to operate at the NPC site from 11:00 a.m. to 2::00 a.m.

Very truly yours


David J. Hutton

Cc: Mark Lelwica

City of Brainerd
City Council
Mayor Ed Menk
501 Laurel St
Brainerd, MN 56401

May 1, 2017

Roundhouse Brewery
1551 Northern Pacific Rd
Brainerd, MN 56401
RE: Food Truck Ordinance

Dear Mayor and City Council,

I would like to propose a change to the current city code that limits the service of food trucks in the designated zone #4, which serves the NP Center property. Currently Food trucks can operate in that area from 11 am-7 pm. I am proposing to extend those hours to 11 am-10 pm.

As you know, food trucks are a highly sought after commodity by the public. Understanding that this issue has been visited in the past and that current food establishments would like their businesses protected from this sort of competition, I would like to propose this change for the NP Center area, given its unique status as Mixed Use as well as the fact no food establishments are serving the property.

Thank you for your consideration.

Respectfully,



Mark Lelwica
President
Roundhouse Brewery

RECEIVED

MAY - 8 2017

**CITY OF BRAINERD
ADMINISTRATION**

Northern Pacific Center, Inc.

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

May 11, 2017

Mr. Mark Ostgarden
City of Brainerd
Brainerd, MN 56401

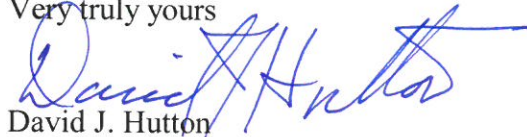
Re: Food Truck City Ordinance

Dear Mr. Ostgarden:

This is to advise you that the Northern Pacific Center strongly supports the request of Roundhouse Brewery, LLC to have the City Ordinance for food trucks amended to allow food trucks to operate at the NPC site from 11:00 a.m. to 10:00 p.m. Please advise me if you have any issues with this request. NPC reserves the right to adopt policies that may further restrict the operation of food trucks on site.

Thank you for your consideration.

Very truly yours



David J. Hutton

Cc: Mark Lelwica

**ORDINANCE
NO. 1434**

**AN ORDINANCE CREATING SECTION 515-66 OF THE BRAINERD ZONING CODE
RELATED TO TRANSIENT FOOD UNIT OVERLAY DISTRICTS**

SECTION ONE: That the Brainerd Zoning Code be amended by adding Section 515-66 entitled "TFU – Transient Food Unit Overlay Districts" as follows:

**SECTION 66
TFU – Transient Food Unit Overlay Districts**

515-66-1: Purpose and Intent. The Purpose of the TFU Overlay District is to provide areas within the community where mobile food units can operate.

515-66-2: Established Boundaries and Permitted Hours of Operation. The boundaries of the TFU – Transient Food Unit Overlay Districts are shown on the Transient Food Unit Overlay Map attached to this Ordinance as Appendix 1.

Transient food unit hours of operation are identified as follow:

- | | |
|------------------------------------|--------------------|
| 1. West Brainerd | 11:00am to 7:00pm |
| 2. County Government Center | 11:00am to 7:00pm |
| 3. Downtown | 11:00pm to 2:00 am |
| 4. Northern Pacific Center | 11:00am to 7:00pm |
| 5. Intersection of Hwys 18 and 25 | 11:00am to 7:00pm |
| 6. Brainerd Industrial Park | 11:00am to 7:00pm |
| 7. Central Lakes College | 11:00am to 7:00pm |
| 8. Franklin Art Center Parking Lot | 11:00am to 7:00pm |

515-66-3: Relationship to other Applicable Regulations. Property located within a redevelopment overlay district shall be subject to the provisions of the primary zoning district.

515-66-4: Permitted Uses. Transient food units including trucks, trailers, wagons, carts, seasonal temporary food stands, etc. are allowed on public and private property subject to the following:

1. Only food and non-alcoholic beverages can be sold.
2. At least one (1) trash receptacle with a tight fitting lid shall be provided.
3. Operators must clean around their unit at the end of each day.
4. Operator cannot call attention to themselves by crying out, blowing a horn, ringing a bell, and playing music or other noise discernable beyond the unit.
5. Units must be kept in good repair and order and have a neat appearance.
6. Electrical cords and hookups to public utilities are not permitted.
7. Liquids from a food unit cannot be drained onto public property.
8. Generators must be self-contained and fully screened from view and not exceed 70 dbs.
9. Exterior lighting that will call attention to the setup is not permitted.
10. Follow applicable Department of Health regulations.
11. Copies of all required state licenses and insurance coverage.
12. One "A" frame sign not exceeding twelve (12) square feet per side is permitted during operation.
13. Property owner written approval is required.
14. Units cannot be left unattended nor remain at an authorized operating location outside allowed hours of operation.

15. Sales cannot be made to individuals parked or stopped in a public street or alley. Sales to customers on a sidewalk are not allowed.
16. Units cannot locate within 300' of the property line of a restaurant or bar that serves food.
17. Units cannot locate within 300' from the property perimeter of any festival (including the Crow Wing County Fairgrounds), sporting event and civic event unless a license is issued to be a part of the festival or event.
18. Proof of liability insurance is provided in accordance with City of Brainerd requirements.
19. Transient food units are permitted to operate during festivals and community events provided it is approved by City of Brainerd as part of a festival and community events permit.
20. Sales are permitted in a City park when approved by City of Brainerd Parks and Recreation Board.
21. Maximum number of units per property:
 - Two (2) food trucks on lots of one-half acre or less.
 - Three (3) food trucks on lots between one-half acre and 1 acre.
 - Four (4) food trucks on lots greater than 1 acre.
22. A primary use must be operating on the property in order for food unit operations to be allowed.

515-66-6: Uses by Administrative Permit. None

515-66-7: Interim Uses. None

515-66-8: Conditional Uses. None

515-66-9: Lot Area and Setback Requirements. Not Applicable

515-66-10: Building Height. Not Applicable

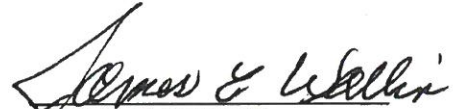
515-66-11: Exterior Building Standards. Not Applicable

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

Adopted this 4th day of May, 2015

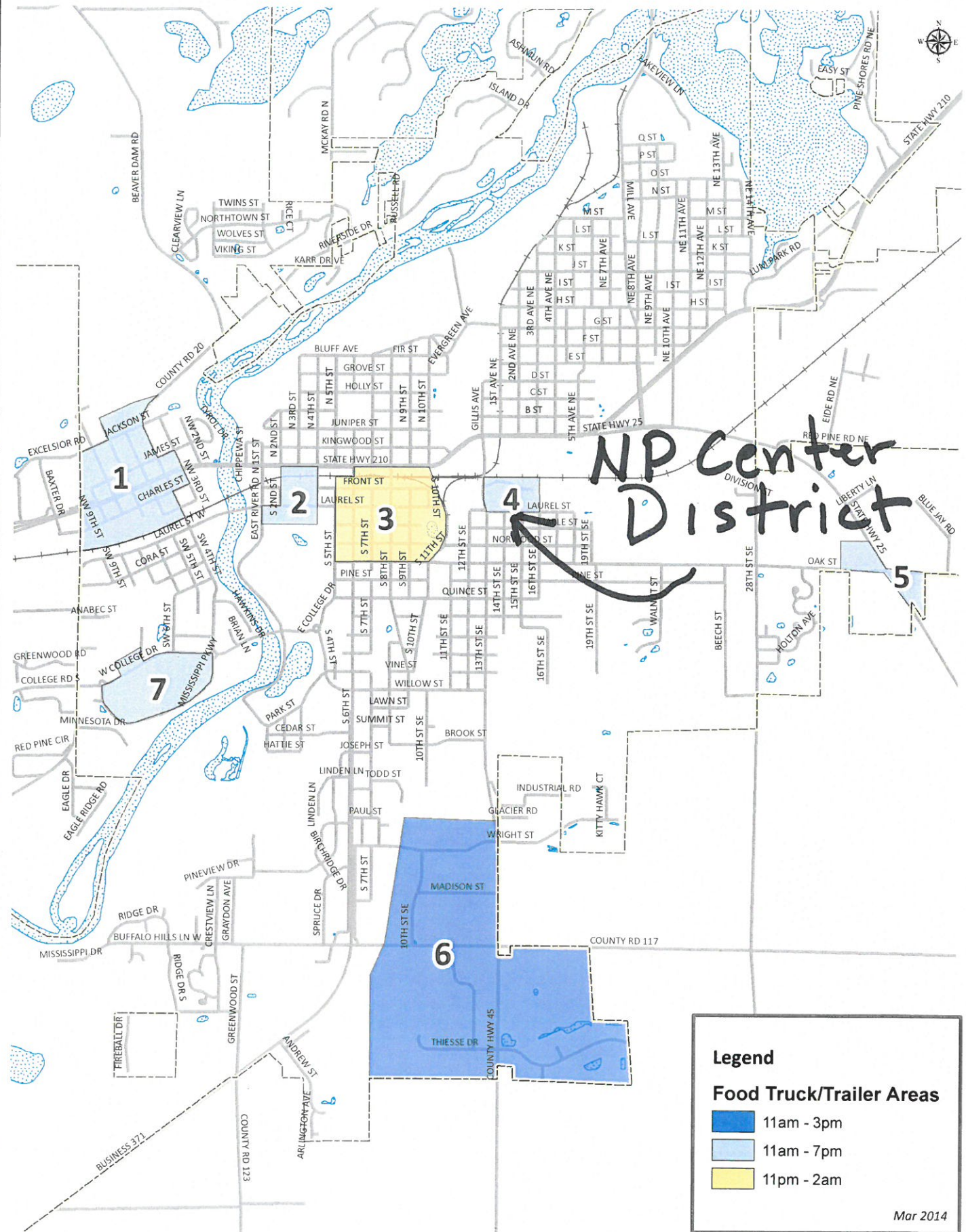

GARY SCHEELER
President of the Council

Approved this 5th day of May, 2015


JAMES E. WALLIN
Mayor

ATTEST: 
PATRICK WUSSOW
City Administrator

Summary Published: One Time, May 22, 2015



**ORDINANCE
NO. 1466**

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTION 515-66-2
REGARDING TRANSIENT FOOD UNIT (TFU) PERMITTED HOURS OF OPERATION**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 515-66-2: Established Boundaries and Permitted Hours of Operation shall be amended as follows:

515-66-2: **Established Boundaries and Permitted Hours of Operation.** The boundaries of the TFU- Transient Food Unit Overlay Districts are shown on the Transient Food Unit Overlay Map attached to this Ordinance as Appendix 1.

Transient Food Unit hours of operation are identified as follows:

4. Northern Pacific Center 11:00am to 2:00am

SECTION TWO: All other provisions of Section 515-66 shall remain in full force and effect.

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

Adopted this _ day 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

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Joint Meeting with the City of Baxter

- ☐ 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 1st Reading
**provide copy of published hearing notice*

Submitted by:

Jim Thoreen

Department:

Administration

Presenter (Name & Title):

City Administrator Thoreen

Estimated Time Needed:

10 minutes

Summary of Issue:

At the May 15, 2017 council meeting, June 12th and 13th were dates discussed for a joint meeting with the City of Baxter, with the general consensus being June 12th. This date does not work for the City of Baxter as they have an open house event planned for that evening. Therefore, we are proposing another date of Monday, June 26th.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Discussion if June 26th will work for the joint meeting with the City of Baxter. If this date will not work for all or the majority of the council, discussion of another date for the meeting.

Financial Impact:

Is there a cost associated with this request: ☐ Yes ☒ No

What is the total cost, with tax and shipping \$ _____

Is this budgeted? ☐ Yes ☐ No

Please Explain:



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Hearing to Contest Liquor License Violation Fine

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title): City Administrator Thoreen	Estimated Time Needed: 10 minutes
Summary of Issue: Attached is a letter from Mr. Isaac Carranza, owner of Big Dogs Bar requesting a hearing to contest the liquor license violation fine.	
Alternatives, Options, Effects on Others/Comments: Also attached is the letter that was sent to Mr. Carranza by the police department on May 1, 2017. As indicated in the letter, one of Mr. Carranza's employees served to a minor. The employee is being criminally charged for serving alcohol to a minor. The fee Mr. Carranza is being cited for is in accordance with City Code 1205.23 Subd. 3 which was also attached to the letter sent to Mr. Carranza.	
Recommended Action/Motion: Allow Mr. Carranza to appear before the City Council.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

5/25/17

1 Isaac Carranza would like to
request a hearing in front of the
City Council to contest the Liq.
license violation on April 21st
2017 at Big Digs bar 718
Laval street Brainerd MN.

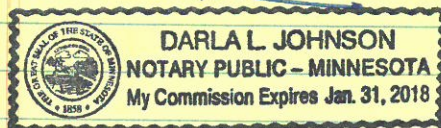
The paperwork was sent to the
wrong mailing address and I ~~was~~
not received by me until the
18th. I came in right away on the
18th and the person was not here.
My number was taken and nobody
called me so I returned today
to make a written request.

X Isaac Carranza

RECEIVED

MAY 25 2017

CITY OF BRAINERD
ADMINISTRATION





www.ci.brainerd.mn.us

May 1st, 2017

LIQUOR MANAGER
BIG DOGS
718 LAUREL STREET
BRAINERD MN 56401

RE: LIQUOR LICENSE VIOLATION

Dear Manager,

On April 21st, 2017, the Brainerd Police Department conducted a liquor sale compliance check at your business. As you are probably aware by now, an underage buyer working for the Brainerd Police Department was served alcohol from Big Dogs employee Courtney Bennett (Brainerd Police Case # 17005564).

City Ordinance 1205.23 subdivision 3 (see attached) makes provisions for administrative penalties for liquor compliance failures. In this case, your administrative penalty is \$500. This fine must be paid to the City Administrator's Office within 30 days of the receipt of this letter.

If you wish to contest the fine, you may request a hearing before the City Council. This request must be made to the City Administrator with 15 days. This same ordinance also requires participation in training concerning liquor and beer sales regulations and restrictions. This training may be arranged by contacting:

MN Department of Public Safety, Alcohol and Gambling Enforcement, 444 Cedar Street, Suite 133, St. Paul, MN 55101, Phone: (651) 282-5218.

Respectfully,

Corky T. McQuiston
Chief of Police
Brainerd Police Department
225 East River Road
Brainerd MN 56401
218-829-2805

cc: Brainerd City Administrator



BRAINERD POLICE DEPARTMENT

INCIDENT REPORT

ICR# 17005564		AGENCY ORI# MN0180100		JUVENILE: Juvenile Involved	
INCIDENT	Reported: 04-21-2017 1718 Committed Start: Committed End: Title: Compliance Check Alcohol How Received: Phone Summary: While conducting a Liquor Compliance Check at local Liquor establishments (see MCF 17005653) Big Dogs Failed Alcohol Compliance Test. Long forming XXXXXXXX XXX XXXXXXXX DOB XXXXXXXX for GM Furnishing Alcohol to a Minor. Location(s) Big Dogs Address: 718 Laurel St City: Brainerd State: MN Zip: 56401 Country: Custom Attributes POLD				
	OFFICERS Officer Assigned: Kleffman, Chad Badge No: 719 Primary: Yes				
NAMES	Involvement: Offender Name: XXXXXXXX XXXXXXXX XXX DOB: XXXXXXXXXXXX Age: XX Sex: Race: Height: XXX Weight: XXX Address: (XXXXXXXXXXXX XXXX XXXX XXXXXX City: XXXXXXXX State: XX Zip: XXXXX Country:				
	PRIVATE Involvement: Witness Name: XXXXXXXX XXXX XXXXX DOB: XXXXXXXXXXXX Age: XX Sex: Race: Height: X Weight: X Address: (XXXXXXXXXXXX XXXX XXXXX XXXXXXXX XX XXX City: XXXXXXXX State: Zip: XXXXX Country:				
	PRIVATE Involvement: Witness Name: XXXXXXXX XXXXXXXXXX XXXXXXXX DOB: XXXXXXXXXXXX Age: XX Sex: Race: Height: X X Weight: X Address: (XXXXXXXXXXXX XXX X XXXXX XX XXX City: XXXXXXXX State: XX Zip: XXXXX Country:				
	Involvement: Mentioned Name: XXXXXXXX XXXXX XXXXXX DOB: XXXXXXXXXXXX Age: XX Sex: Race: Height: XXX Weight: XXX Address: (XXXXXXXXXXXX XXX X XXX XX XXX City: XXXXXXXX State: XX Zip: XXXXX Country:				
	Involvement: Location Name: Big Dogs Bar Address: (Business) 718 Laurel St APT City: Brainerd State: MN Zip: 56401 Country:				

Subd. 2. Inducing Purchase. No person shall induce a person under the age of 19 years to purchase or procure beer.

Subd. 3. Procurement. No person other than the parent or legal guardian shall procure beer for any person under the age of 19 years.

Subd. 4. Possession. No person under the age of 19 years shall have beer in his possession with the intent to consume it at a place other than the household of his parent or guardian.

Subd. 5. Consumption. No person under the age of 19 years shall consume beer unless in the company of his parent or guardian.

Subd. 6. Liquor Consumption and Display. No person shall consume or display any intoxicating liquor on the premises of a licensee who is not also licensed to sell intoxicating liquors or who does not hold a consumption and display permit.

1205.23 Suspension and Revocation. Subdivision 1. Violation of Statute, Regulations to City Code Relating to Intoxicating Liquor. The City Council may suspend for a period not to exceed 60 days or revoke any beer license after finding that the licensee has failed to comply with any applicable statute, regulation, or provision of this Code relating to beer. Except in cases of failure of financial responsibility, or where a conviction by a court of competent jurisdiction for such violation has occurred, no sanction under this Ordinance shall be imposed until the licensee has been afforded an opportunity for a full hearing before the City Council or its designee.

Subd. 2. Conviction of Sale to a Minor or Discovery of Non-Compliance During Liquor Compliance Investigation. Upon either the conviction of a licensee or the licensee's employee or agent of sale of beer to a minor, or discovery of non compliance during a liquor compliance investigation, the sanctions set out below shall apply.

Subd. 3. First Occurrence. Upon either the first conviction of sale of beer to a minor by a licensee or the licensee's employee or agent, or upon the first failure of a liquor compliance check within any three year period, the licensee shall pay a civil penalty to the City of \$500.00 and participate in training concerning liquor and beer sales regulations and restrictions.

Subd. 4. Subsequent Occurrences. In the event of a second conviction of sale of beer to a minor by a licensee or the licensee's employee or agent, or a second failure of the liquor compliance check within three (3) years of any such prior conviction or failure, shall pay a civil penalty to the City of \$1,000.00 and participate in training concerning liquor and beer sales regulations and restrictions.

Subd. 5. Additional Penalties for Frequent Violations of this Section. If the licensee or an employee or agent of the licensee is either convicted of sale of beer to a minor or fails a liquor compliance check for a third time within any three (3) year period the beer license shall be suspended for such five (5) day period as shall be determined by the Chief of Police. In addition, the licensee shall pay a civil penalty to the City in the sum of \$2,000.00.

Subd. 6. Extended License Suspension. If the licensee or an employee or agent of the licensee is either convicted of sale of beer to a minor or fails a liquor compliance check a fourth time within any three (3) year period, the liquor license shall be revoked.

(Amended Ord. 1097 – 2000)



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Proposed Ordinance No.1467 - Ordinance Adding Section 455 City Code

☐ 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): Paul Sandy - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is Proposed Ordinance 1467 - and Ordinance adding Section 455 to Brainerd City Code for Subsurface Sewage Treatment Systems - Technical Standards and Criteria.	
Alternatives, Options, Effects on Others/Comments: The purpose of this ordinance is to adopt Crow Wing County's technical regulations pertaining to Subsurface Sewage Treatment Systems. This is really just a formalization of a process we have already been going through with Crow Wing County. The Ordinance gives the City of Brainerd the authority to regulate septic systems within the City corporate limits. The attached MOU gives Crow Wing County the authority to administer, review, approve, collect fees, and perform inspections on SSTs within the City for the purpose of ensuring better consistency in land use regulations and in the implementation of those regulations. As Crow Wing County has already been performing all of the SSTs review, approval, and inspections, this is just more of a formalization of the process that has already been occurring.	
Recommended Action/Motion: Staff would recommend holding the first reading of Proposed Ordinance 455 pertaining to Subsurface Sewage Treatment Systems - Technical Standards and Criteria. The MOU is for information purposes at this meeting and will be brought back at the next meeting when the 2nd reading is held and the ordinance adopted.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1467**

**AN ORDINANCE ADDING SECTION 455
TO THE BRAINERD CITY CODE**

SECTION ONE: That the Brainerd City Code be amended by adding Section 455 entitled "Subsurface Sewage Treatment Systems – Technical Standards and Criteria" as follows:

Section 455 – Subsurface Sewage Treatment Systems – Technical Standards and Criteria

455.01 Purpose and Authority. The purpose of the Subsurface Sewage Treatment System (SSTS) Ordinance is to provide minimum standards for and regulation of Individual Sewage Treatment Systems (ISTS) and Midsized Sewage Treatment Systems (MSTS) including the proper location, design and construction; their necessary modification and reconstruction; their operation, maintenance and repair to protect surface water and groundwater from contamination by human sewage and waterborne household and commercial wastes; to protect the public's health and safety, and eliminate or prevent the development of public nuisances pursuant to the authority granted under Minnesota Statutes sections 115.55, 145A.05, 375.51, 394.21-394.37, and 471.82, the County Comprehensive Plan and the County Land Use Ordinance.

455.03 Intent. It is intended by the City that this Ordinance will promote the following:

- a) The protection of lakes, rivers and streams, wetlands, and groundwater in the City of Brainerd essential to the promotion of public health, safety, welfare, socioeconomic growth and development of the City.
- b) The regulation of proper SSTS construction, reconstruction, repair and maintenance to prevent the entry and migration of contaminants, thereby protecting the degradation of surface water and groundwater quality.
- c) The establishment of minimum standards for SSTS placement, design, construction, reconstruction, repair and maintenance to prevent contamination and, if contamination is discovered, the identification and control of its consequences and the abatement of its source and migration.
- d) The appropriate utilization of privy vaults and other non-water carried sewage collection and storage facilities.

455.05 Jurisdiction. The jurisdiction of this Ordinance shall include all lands in the corporate limits of the City of Brainerd.

455.07 Effective Date. The provisions set forth in this Ordinance shall become effective on August 1st, 2017.

455.09 Scope. This Ordinance regulates the siting, design, installation, alterations, operation, maintenance, monitoring, and management of all SSTS within the City's applicable jurisdiction including, but not necessarily limited to individual SSTS and cluster or community SSTS, privy vaults, and other non-water carried SSTS. All sewage generated in unsewered areas of the City shall be treated and dispersed by an approved SSTS that is sited, designed, installed, operated, and maintained in accordance with the provisions of this Ordinance or by a system that has been permitted by the MPCA.

455.11 City Administration.

- a) The City of Brainerd shall administer the SSTS program and all provisions of this ordinance within the incorporated area of the City of Brainerd.
- b) The City's duties and responsibilities include, but are not be limited to, the following:
 - 1) Review all applications for SSTS.
 - 2) Issue all permits required in this Article.
 - 3) Inspect all work regulated in this Article.
 - 4) Investigate all complaints regarding SSTS.
 - 5) Issue certificates of installation, certificates of compliance or notices of noncompliance where applicable.
 - 6) Enact enforcement provisions of this Article as necessary.
 - 7) Refer unresolved violations of this Article to the City Attorney.
 - 8) Maintain current records for each permitted SSTS including all site evaluation documents, design documents, inspection documents, and other applicable documents.
 - 9) The City shall employ or retain under contract qualified and appropriately licensed professionals to administer and operate the SSTS program.
 - 10) Submit annual reports to MPCA as required.

455.13 State Administration. The owner or owners of a single SSTS or a group of SSTS under common ownership must obtain an SDS permit from the agency according to chapter 7001 when all or part of proposed or existing soil dispersal components are within one-half mile of each other and the combined flow from all proposed and existing SSTS is greater than 10,000 gallons per day. For proposed SSTS, the flow must be determined according 7081.0110. For existing SSTS, the flow is determined by the greater of the average maximum seven-day measured flow or flow amounts according to part [7081.0110](#). The highest calculated value of the various methods in Table I under part [7081.0130](#), subpart 1, must be used to make this determination, with no reduction allowed. An SDS permit is not required if a factor of safety is added to the design flow that results in a design flow that is in excess of the SDS permit threshold.

455.15 Liability. The City's involvement in administration of this Ordinance does not create a special duty to any person and, further liability or responsibility shall not be imposed upon the City or County or any of its officials, employees, or other contract agents, for damage resulting from the defective construction, operation, or abandonment of any onsite or cluster SSTS regulated under this Ordinance or by reason of any standards, requirements, or inspections authorized by this Ordinance hereunder.

455.17 All SSTS. Except as explicitly set forth in Section 37.12, all provisions of this Ordinance shall apply to any SSTS regardless of the date it was originally permitted.

455.19 Existing Permits. Unexpired permits which were issued prior to the effective date of this Article shall remain valid under the terms and conditions of the original permit until the original expiration date or until a change in system design, whichever is earlier.

455.21 SSTS on Lots Created After January 23, 1996. All lots created after January 23, 1996, must have a minimum of two soil treatment and dispersal areas that can support Type 1 systems as defined by Minnesota Rule 7080.2200.

455.23 Upgrade, Repair, Replacement and Abandonment.

- a) SSTS Capacity Expansions. Expansion of an existing SSTS must include any system upgrades that are necessary to bring the entire system into compliance with the prevailing provisions of this Ordinance at the time of the expansion.
- b) Bedroom Addition. Any addition to a structure that includes bedroom(s) that require a building permit from the City shall require that the SSTS meet the required design flow according to Minnesota Rule 7080.1860 or be upgraded to meet Class 1 sizing for both the septic tanks and soil absorption area. Any required upgrades shall be completed within two years.
- c) Failure to Protect Groundwater. An SSTS that is determined not to be protective of groundwater in accordance with Minnesota Rule 7080.1500, Subp. 4(B) shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.
- d) Imminent Threat to Public Health or Safety. An SSTS posing an imminent threat to public health or safety shall be pumped within 24 hours and managed as a holding tank in accordance with Minnesota Rule 7080.1500, Subp. 4(A) and said SSTS shall be upgraded, repaired, replaced or abandoned by the owner in accordance with the provisions of this Article within 10 months upon receipt of a Notice of Noncompliance and must meet Class I sizing requirements according to Minnesota Rule 7080.1860.
- e) Abandonment. Any SSTS, or any component thereof, which is no longer intended to be used, must be abandoned in accordance with Minnesota Rule 7080.2500.

455.25 SSTS in Floodplains. SSTS shall not be located in a floodway. Wherever possible, location within any part of a floodplain should be avoided. If no option exists to locate a SSTS outside of a floodplain, location within the flood fringe is allowed if the requirements in Minnesota Rule 7080.2270 and all relevant local requirements are met.

455.27 Class V Injection Wells. All owners of new or replacement SSTS that are considered to be Class V injection wells, as defined in the Code of Federal Regulations, Title 40, Part 144, are required by the Federal Government to submit a UIC Class 5 Inventory Form to the Environmental Protection Agency as described in 40 CFR Part 144. Further, owners are required to identify all Class V injection wells in property transfer disclosures.

455.29 SSTS Practitioner Licensing.

- a) No person shall engage in site evaluation, inspection, design, installation, construction, alteration, extension, repair, maintenance, or pumping of SSTS without an appropriate and valid license issued by MPCA in accordance with Minnesota Rules Chapter 7083 except as exempted in Rule 7083.0700.
- b) An MPCA license is not required of an individual who is constructing a SSTS on land that is owned by the individual and functions solely as a dwelling for that individual pursuant to Minnesota Rule 7083.0700. Installation of the system shall be based upon a design by a licensed designer. The system shall be inspected before it is covered and a 24-hour notification to the Department for inspection is required.

455.31

Prohibitions.

- a) Occupancy or Use of a Building without a Compliant SSTS. It is unlawful for any person to maintain, occupy, or use any building intended for habitation or that contains plumbing fixtures that is not provided with a wastewater treatment system or that disposes of wastewater in a manner that does not comply with the provisions of this Ordinance.
- b) Sewage Discharge to Ground Surface or Surface Water. It is unlawful for any person to construct, maintain, or use any SSTS system regulated under this Ordinance that results in raw or partially treated wastewater seeping to the ground surface or flowing into any surface water. Any surface discharging system must be permitted under the National Pollutant Discharge Elimination System program by the MPCA.
- c) Sewage Discharge to a Well or Boring. It is unlawful for any person to discharge raw or treated wastewater into any well or boring as described in Minnesota Rule 4725.2050, or any other excavation in the ground that is not in compliance with this ordinance.
- d) Discharge of Hazardous or Deleterious Materials. It is unlawful for any person to discharge into any treatment system regulated under this Ordinance any hazardous or deleterious material that adversely affects the treatment or dispersal performance of the system or groundwater quality.

455.33

Alternative Local Standards Adopted by Reference.

- a) Adoption of Rule by Reference.
 - 1) The City hereby adopts by reference the provisions of Minnesota Rules Chapters 7080 -7083 in their entirety except as referenced under Section 37.18(B), except as otherwise expressly modified by this Ordinance.
 - 2) When "2006 version of Minnesota Rules Chapter 7080" is utilized, the reference is to the rules effective April 3, 2006, otherwise the City is referencing the current rules in effect.
 - 3) All new construction or replacement of SSTS shall employ sewage tanks, distribution media and treatment products which have been registered by the Minnesota Pollution Control Agency.
- b) Alternative Local Standards for New and Existing SSTS.
 - 1) The City hereby adopts the 2006 version of Minnesota Rules Chapter 7080 for all new and existing residential Type I, Type II and Type III SSTS and SSTS that serve any Food, Beverage and Lodging Establishment under 2,500 gallons per day provided the effluent discharge does not exceed the standards in Minnesota Rule 7080.2150, Subp. 3(K).

455.35

Differences in Standards.

- a) List of Different Adopted Standards.
 - 1) In no land use district shall a building permit, shoreline alteration permit, minor subdivision, plat, conditional use permit or variance be issued without a current Certificate of Compliance or Certificate of Installation that has not expired according to Section 37.26(C) of this ordinance.
 - 2) At least one cleanout at or above finished grade shall be installed between the structure and the septic tank with additional clean outs at intervals not more than 100 feet.

- 3) Class I sizing is required on all new construction. New construction will be defined as placement of a new structure or replacement structure that is served by pressurized water.
- 4) Minimum septic tank sizing shall be 1,500 gallons. This can be accomplished through a compartmentalized tank, multiple tanks in series, or a single existing 1500 gallon tank with the use of an effluent filter for the last baffle. The filter must be of such a design that when the filter is removed from the filter housing, the flow of water leaving the tank is not allowed. The first tank or compartment shall be no less than 1,000 gallons in size and applies to new and replacement SSTs. Any additional septic tanks shall be a minimum of 1,000 gallons. All other tank sizing shall follow Minnesota Rule 7080.1930 with 1,500 gallon tank sizing replacing 1,000 gallon tank sizing for 3 bedrooms or less according to Table V.
- 5) Pump tank sizing shall follow Minnesota Rule 7080.2100.
- 6) Soil pits shall be required. The soil pit shall and be excavated to a depth that will allow the verification of redoximorphic features and the three feet of vertical separation as required. Location of soil pits shall be adjacent to the lowest trench or next to the down slope side of an elevated treatment area. The pit shall not impact the hydraulic performance of the ISTS. A certificate of installation will not be issued until the soils are verified. Soils may be verified by a licensed and certified inspector. The inspector may not share the same license as the person who designed or installed the system. The soil profile must be submitted to the county inspector or its designee on the county approved form at or before the time of the installation inspection. If the soil profile is not provided by the installation inspection, county staff will verify the soils via a soils pit during the installation inspection.
- 7) All dwellings or buildings that contain plumbing fixtures shall meet the required setbacks to the septic tank and soil absorption area. Accessory structures, including but not limited to, decks, screen decks, porches, sheds, garages and pole buildings shall not be required to meet said setbacks provided that the tank(s) can be maintained properly and that the structure does not negatively impact the function of the system.

455.37 Compliance Criteria for Existing SSTs. For an SSTs built before April 1, 1996, and outside of areas designated as “SWF” – Systems in shoreland areas, wellhead protection areas, or systems serving food, beverage, or lodging establishments – there must be at least two feet of vertical separation between the bottom of the dispersal system and seasonal saturation or bedrock.

455.39 Holding Tanks. Holding tanks may be allowed for the following applications: as replacements for existing failing SSTs and SSTs that pose an imminent threat to public health or safety, on lots with limitations that will not allow for the installation of a Type 1 SSTs or for uses that are seasonal or intermittent in nature and will not use more than 150 gallons of water per day.

455.41 Variance Requests. A property owner may request a variance from the standards as specified in this ordinance pursuant to Article 8 of this Ordinance.

455.43 State Agency Variance Requests. Variances that pertain to the standards and requirements of the State of Minnesota must be approved by the affected State Agency

pursuant to the requirements of the State Agency. No permits will be issued by the City until all required State Agency variances have been approved.

455.45 Permit Requirements.

- a) Activities Not Requiring a Land Use Permit from the County. A land use permit from the County is not required for minor repairs or replacements of system components that do not alter the original function of the system; change the treatment capacity of the system; change the location of the system; or otherwise change the original system design, layout, or function. Examples are, but not limited to, pumps, baffles, and effluent filters.
- b) Activities Requiring a Land Use Permit from the County. A land use permit from the County shall be obtained by the property owner or an agent of the property owner from the County prior to the installation, construction, replacement, modification, alteration, or capacity expansion including the use of advanced treatment components of a SSTS. It is unlawful for any person to construct, install, modify or replace a SSTS without the appropriate permit from the Department including repair or replacement of components that will alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system's design, layout, or function. The issuing of any permit, variance, or conditional use under the provisions of this ordinance shall not absolve the applicant of responsibility to obtain any other required permit.
- c) Permit Requirements. Land Use Permit applications from the County shall be made on forms provided by the Department and signed by the applicant or applicant's agent, and must include the following information and documentation:
 - 1) Applicant name, mailing address, telephone number, and email address.
 - 2) Property Identification Number, property address and legal description of property location.
 - 3) Site Evaluation Report, as defined by Section 37.18, and shall be made on form provided by the Department.
 - 4) Design Report, as defined by 37.18, and shall be made on form provided by the Department.
 - 5) A management plan, as defined by Minnesota Rule 7082.0600.
- d) Application Review and Response. The Department shall review a permit application and supporting documents according to Article 3 of this Ordinance.
- e) Appeal. The applicant may appeal any decision of the Department in accordance with Section 8.7 of this Ordinance.
- f) Permit Expiration. A Land Use Permit from the County for a new SSTS is valid for a period of no more than two years from its date of issue. A Land Use Permit for the replacement of SSTS failing to protect groundwater is valid for 10 months. A Land Use Permit from the County for the replacement of SSTS that are imminent threats to public health is valid for 10 months. Satisfactory completion of construction shall be determined by as-built drawings and a signed certification that the construction and installation of the system was completed in reasonable conformance with the approved design documents by a qualified employee of the Department or a licensed inspection business, which is authorized by the Department and independent of the owner and the SSTS installer.
- g) Transferability. A Land Use Permit from the County may be transferred to a new owner provided there are no proposed changes to the SSTS design.

- h) Suspension or Revocation. The Department may suspend or revoke a Land Use Permit from the County issued under this section for any false statements, misrepresentations of facts on which the Land Use Permit was issued, or unauthorized changes to the system design that alter the original function of the system, change the treatment capacity of the system, change the location of the system, or otherwise change the original system design, layout, or function. A notice of suspension or revocation and the reasons for the suspension or revocation shall be conveyed in writing to the permit holder. If suspended or revoked, installation or modification of a treatment system may not commence or continue until a valid Land Use Permit is obtained.
- i) SSTS Assessment Requirements. For those SSTS without a management plan or operating permit according to the provisions of this Article, the following provisions apply:
 - 1) The owner of an SSTS or the owner's agent shall regularly, but in no case less frequently than every three years, assess whether sewage tanks leak below the designed operating depth and whether sewage tank tops, riser joints, and riser connections leak through visual evidence of major defects and measure or remove the accumulations of scum, grease, and other floating materials at the top of each septic tank and compartment, along with the sludge, which consists of the solids denser than water.
 - 2) All solids and liquids must be removed by pumping from all tanks or compartments in which the top of the sludge layer is less than 12 inches from the bottom of the outlet baffle or transfer hole or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle or transfer hole. Total sludge and scum volume must not be greater than 25 percent of the tank's liquid capacity. Removal of accumulated sludge, scum, and liquids from septic tanks and pump tanks must be through the maintenance hole. The removal of solids from any location other than the maintenance hole is not a compliant method of solids removal from a sewage tank, and this method does not fulfill the solids removal requirement of this part or a management plan. Liquid and solids removal from clean-out pipes is allowed for holding tanks.

455.47

Operating Permit.

- a) An Operating Permit shall be required for the following SSTS:
 - 1) SSTS with high strength waste effluent standards that exceed Minnesota Rule 7080.2150, Subp. 3(K);
 - 2) Holding Tanks;
 - 3) SSTS serving three or more connections;
 - 4) Type 4 and Type 5 SSTS;
 - 5) SSTS that exceed a daily flow of 2,500 gallons per day; or,
 - 6) MSTs designed under Minnesota Rules Chapter 7081.
- b) Operating Permits shall be a signed agreement between the Department and the property owner and shall include monitoring, performance, mitigation, and reporting requirements.
- c) A valid Operating Permit shall be considered a certificate of compliance if that system is in compliance with the requirements of the Operating Permit.
- d) Owners of holding tanks shall provide the Department upon request a copy of a valid monitoring and disposal contract executed between the owner and a licensed maintenance business, which guarantees the removal of the holding tank contents in a timely manner and prevents an illegal discharge in

accordance with Minnesota Rule 7082.0100, Subp. 3(G). This requirement is waived if the owner is a farmer who is exempt from licensing under Minn. Stat., § 115.56, subd. 3(b)(3).

- e) Operating Permits shall be valid for the specific term stated on the permit as determined by the Department.
- f) An Operating Permit must be renewed prior to its expiration. If not renewed, the Department may require the system to be removed from service or operated as a holding tank until the permit is renewed. If not renewed within 90 calendar days of the expiration date, the Department may require that the system be abandoned in accordance with Section 37.13(E).
- g) Operating Permits do not transfer to new property owners. New owners shall apply for an Operating Permit in accordance with Section 37.25. The Department shall not terminate the current permit until 90 calendar days after the date of sale unless an imminent threat to public health and safety exists. To consider the new owner's application, the Department may require a performance inspection of the treatment system certified by a licensed inspector or qualified employee.
- h) A report shall be prepared and certified by the licensed inspection business or licensed service provider. The report shall be submitted to the Department on a form provided by the Department on or before the compliance reporting date stipulated in the operating permit as required. The report shall contain a description of all maintenance and servicing activities performed since the last compliance monitoring report as described in the operating permit.
- i) The Department may suspend or revoke any Operating Permit issued under this section for any false statements or misrepresentations of facts on which the Operating Permit was issued.
- j) If suspended or revoked, the Department may require that the treatment system be removed from service, operated as a holding tank, or abandoned.
- k) At the Department's sole discretion, the operating permit may be reinstated or renewed upon the owner taking appropriate corrective actions.

455.49

Compliance Inspection Program.

- a) Department Responsibility. It is the responsibility of the Department, or its agent, to perform installation inspections of new SSTs or upgrades of SSTs to assure that the requirements of this Ordinance are met.
 - 1) All compliance inspections must be performed and signed by licensed inspection businesses or qualified employees certified as inspectors.
 - 2) The Department shall be given access to enter a property at any reasonable time to inspect and/or monitor the SSTs system. As used in this paragraph, "property" does not include a residence or private building.
 - 3) No person shall hinder or otherwise interfere with the Department's employees in the performance of their duties and responsibilities pursuant to this Ordinance. Refusal to allow reasonable access to the property by the Department shall be deemed a separate and distinct offense.
 - 4) A signed winter agreement may be accepted in lieu of a compliance inspection for property transfers, permit applications and designs to the Department between November 1 and April 30, at the Department's sole discretion, provided the required information is submitted to the Department by June 1 of the subsequent year. Failure to fulfill all of the obligations of the winter agreement shall be a violation of this Ordinance.
- b) New Construction or Replacement.

- 1) New installation inspections must be performed on new or replacement SSTS to determine compliance with Minnesota Rules, Chapters 7080 or 7081, respectively, according to this section. SSTS found to be noncompliant with other applicable requirements must be repaired or replaced according to the Department's requirements.
 - 2) It is the responsibility of the SSTS owner or the owner's agent to notify the Department 24 hours prior to the installation inspection.
 - 3) If the installer provides proper notice and the department does not provide an inspection within one hour after an inspection time was set, the installer may complete the construction per the following: The installer shall submit photographs of the entire uncovered system and an as-built drawing with a certified statement that the installation of the SSTS met the appropriate standards of this Article within five working days of the installation.
 - 4) A Certificate of Installation for new SSTS construction or replacement shall be issued by the Department within 30 days of inspection if the Department has reasonable assurance that the system was built in accordance with the applicable requirements as specified in the construction permit.
 - 5) The Certificate of Installation must include a certified statement by the certified inspector or qualified employee who conducted the inspection that the SSTS is or is not in compliance with the ordinance requirements. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must be issued to the owner which includes a statement specifying those ordinance provisions with which the SSTS does not comply.
 - 6) No SSTS shall be placed into operation until a valid Certificate of Installation has been issued.
 - 7) Certificates of Installation for new construction or replacement shall remain valid for (5) five years from the date of issue unless the Department finds evidence of noncompliance.
- c) Existing Systems.
- 1) Compliance inspections shall be required when any of the following conditions occur:
 - a) When applying for a building permit, shoreline alteration permit, minor subdivision, plat, land use map amendment, conditional use permit or variance and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - b) Within 90 days of conveyance of any real property and the Certificate of Installation is more than five years old or the Certificate of Compliance is more than three years old.
 - c) Any time there is a change in use of the property being served by an existing SSTS which may impact the performance of the system.
 - d) At any time as required by this Ordinance or the Department deems appropriate such as upon receipt of a complaint or other notice of a system malfunction.
 - 2) Compliance inspections of existing SSTS shall be reported on the inspection report forms provided by MPCA. The following conditions, must be assessed, or verified:
 - a) Watertightness assessment of all treatment tanks including a leakage report;
 - b) Vertical separation distance between the bottom of the soil treatment and dispersal system and the periodically saturated soil or bedrock

including a vertical soils separation verification report unless soils have been verified according to Minnesota Rule 7082.0700, Subpart 4B.

- c) Sewage backup, surface seepage or surface discharge including a hydraulic function report.
- 3) The Certificate of Compliance must include a certified statement by a Qualified Employee or licensed inspection business, indicating whether the SSTS is in compliance with the requirements of this Article. If the SSTS is determined not to be in compliance with the applicable requirements, a notice of noncompliance must include a statement specifying those ordinance provisions with which the SSTS does not comply. A construction permit application must be submitted to the Department if the required corrective action is not a minor repair.
- 4) The Certificate of Compliance or notice of noncompliance must be submitted to the Department no later than 15 calendar days after the date the inspection was performed.
- 5) Certificates of Compliance for existing SSTS shall remain valid for three years from the date of issue unless the Department finds evidence of noncompliance.
- d) Transfer of Property
 - 1) Any property on which a SSTS is located shall not be transferred or sold unless the parties to the transaction have complied with one of the following:
 - a) A current Certificate of Compliance, as provided by Section 37.26 C
 - b) A written agreement, as provided by Section 37.26 A.
 - c) In the event the seller does not provide a Certificate of Compliance or compliant Operating Permit, the seller and buyer may establish a written agreement or contract to repair, replace or upgrade the existing SSTS according to the terms of this Ordinance.
 - d) The buyer may accept total responsibility of the existing SSTS and be responsible for the necessary upgrading. In the absence of a written agreement according to Section 37.26 (D)(1)(b), the buyer shall be responsible for the necessary upgrading of said SSTS.
- e) Commercial SSTS
 - 1) Septic tank effluent testing for Carbonaceous Biochemical Oxygen Demand (CBOD), Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Nitrogen and oil / grease combination is mandatory for all SSTS that serve commercial establishments that serve food and beverages or have a flow that exceeds 1000 gallons per day as part of any compliance inspection.
 - 2) Effluent testing shall not be required for commercial SSTS that have a current operating permit as of the date this Ordinance is effective. If all provisions of the operating permit are met, the SSTS shall be considered to be in compliance.
 - 3) An SSTS with effluent testing that does not meet the standards in the Minnesota Rule 7080.2150, Subpart 3(K) shall be upgraded within 3 years to meet said standards and be placed on an Operating Permit as provided in this Ordinance.
- f) Vertical Separation Reduction. Minnesota Rule 7080.1500, Subp. 4(D) is hereby adopted allowing a 15 percent reduction in vertical separation distance for settling of sand or soil, normal variation of measurements and interpretations of the limiting layer for existing SSTS. This provision does not apply to Section 37.20.

455.51 Enforcement. Enforcement of this Article shall follow the standards in Article 3 of this Ordinance.

455.53 State Notification of Violation. The Department shall notify the MPCA of any inspection, installation, design, construction, alteration or repair of an SSTS by a licensed/certified person or any septage removal by a licensed maintainer that is performed in violation of the provisions of this Ordinance. The department shall also notify the MPCA of any discovered straight pipes pursuant to Minnesota Statute 115.55 Subdivision 11.

455.55 Record Keeping. The City and County shall maintain a current record of all permitted systems. The record shall contain all permit applications, issued permits, fees assessed, variance requests, Certificates of Compliance, notices of noncompliance, enforcement proceedings, site evaluation reports, design reports, record drawings, management plans, maintenance reports, Operating Permits, an annual list of all sewage tanks installed in the City sorted by licensed installation businesses, and other records the City deems relevant to a particular system.

455.57 Annual Report. The Department shall provide an annual report of SSTS permitting activities to MPCA no later than February 1 for the previous calendar year.

455.59 Fees. From time to time, the County Board shall establish fees for activities undertaken by the Department pursuant to this Ordinance. Fees shall be due and payable at a time and in a manner to be determined by the Department.

455.61 Dispute Resolution. Resolution of disputes between SSTS Certified Individuals regarding conflicting compliance inspections, determination of seasonal saturation of soils and other technical issues shall follow Minnesota Rule 7082.0700, Subp. 5.

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

Memorandum of Understanding
Between the County of Crow Wing
And the
City of Brainerd

WHEREAS, Minnesota Statutes, Section 394.32 provides that the governing body of any municipality may contract with the County Board for planning and zoning services to be provided by the County, and the contract may provide that the municipality shall pay such fees as agreed for the services performed; and

WHEREAS, the County of Crow Wing (“County”) and the City of Brainerd (“City”) recognize the importance of cooperating on land use issues in order to: promote and protect public health, safety and welfare; promote and provide for the orderly development of the county; and provide official controls to implement the goals and policies included in the respective comprehensive plans of the respective units of government; and

WHEREAS, the County and City desire to enter into a Memorandum of Understanding in order to cooperate in administering subsurface sewage treatment systems (SSTS) within the City for the purpose of ensuring better consistency in land use regulations and in the implementation of those regulations; and

WHEREAS, the County and City desire to enter into a Memorandum of Understanding to ensure mutual understanding of each party to this Memorandum of their respective duties and responsibilities related to land use issues; and

WHEREAS, the permitting and enforcement process may involve provisions enforced by the County and provisions enforced by the City.

NOW THEREFORE IT IS AGREED, by the County of Crow Wing and the City of Brainerd that Crow Wing County will enforce the SSTS rules of the City of Brainerd within the incorporated area of the City of Brainerd; and

It IS FURTHER AGREED, by the County of Crow Wing and the City of Brainerd to cooperate in administering the City of Brainerd SSTS ordinance in the City of Brainerd as set out in Attachment 1 of this Memorandum of Understanding.

COUNTY OF CROW WING

BY _____
Chairman, Crow Wing County Board of Commissioners

DATE _____

ATTEST _____
Administrator, Crow Wing County

CITY OF BRAINERD

BY _____
Mayor, City of Brainerd

DATE _____

ATTEST _____
City Administrator

ATTACHMENT 1

A. Administrative Provisions

1. The County shall be responsible to review and approve all subsurface sewage treatment system (SSTS) permits requests within the City.
2. Permit fees for review, approval, inspection and enforcement of SSTS shall be according to the most recent fee schedule approved by the County Board.
3. The County shall conduct one on-site installation inspection for each approved permit application. All subsequent inspections shall be according to the most recent fee schedule approved by the County Board.
4. The County shall enforce the City SSTS ordinance within the City for proper installation of SSTS only. The County will take appropriate action to bring the parcel into compliance with the City SSTS ordinance.
5. The City shall be responsible for pursuing any civil or criminal violations.

B. Respective Duties and Responsibilities

1. The City shall provide the County copies of all existing permits, variances, conditional use permits, interim use permits and any other permits upon request of the County.
2. The County shall provide the City with copies of approved SSTS permits and SSTS Certificates of Installation within the City within seven days of completion in an electronic format.
3. The County and City shall meet once per year to discuss this memorandum of understanding.
4. The County shall notify the City no less than 60 days to terminate this memorandum of understanding.
5. The City shall notify the County no less than 60 days to terminate this memorandum of understanding.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Proposed Ordinance 1468-Ordinance Amending Section 1315 City Code

☐ 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): Paul Sandy - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: A draft ordinance and map has been prepared pertaining to multiple previous conversations about snow plow parking restrictions within the City.	
Alternatives, Options, Effects on Others/Comments: Per previous meetings, the direction from both the SPW Committee and Council was to research how to re-write the current ordinance pertaining to parking restrictions during a snow emergency and create a map showing the changes. Staff has re-written the ordinance and can be seen attached to this request and also has created a map showing the parking enforcement areas as written in the ordinance. The basic premise behind the ordinance is to re-establish the snow emergency routes with a few tweaks to the system, along with enforcement during plowing occurring on the 1st and 2nd days of a snow emergency on north/south streets and east/west streets respectively. The ordinance also establishes a 48 hour ban of parking on all Snow Emergency Routes and a parking ban in the Downtown Special Services District from 3:00 AM to 9:00 AM. Staff feels this gives the plow drivers the opportunity to open up the routes early in the morning for emergency vehicles, and gives them the opportunity to come back later in the day or the next day to ensure the roads are properly scraped and salt/sand applied to ensure traffic safety. A majority of the snow emergency routes proposed do not currently have parking on them and are considered higher traffic corridors. The ordinance also, in addition to North/South streets day 1, allows for the plowing of all streets west of the Mississippi River and South of Willow Street to be plowed Day 1 with enforcement of the 48 hour rule for parking.	
Recommended Action/Motion: Staff recommends, if the ordinance is acceptable, to hold the first reading of the Ordinance amending Section 1315 of the Brainerd City Code relating to parking for street cleaning and snow removal.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1468**

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

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

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

1315.03 Snow Emergencies. In the event of an accumulation of snow which necessitates the removal of snow from the streets of the City, the City Engineer may declare a snow emergency by means of local news media and social media. Upon declaration of a snow emergency, parking is banned on all snow emergency routes for a period of 48 hours. On the first day of said declared snow emergency, there shall be no parking on all north/south streets, or streets that predominantly run north and south, all streets lying west of the Mississippi River, and all streets south of Willow Street, excluding all streets within the Downtown Special Services District as described in Subd. 1. On the second day of said declared snow emergency, there shall be no parking on all east/west streets, or streets that run predominantly east and west, excluding all streets within the Downtown Special Services District as described in Subd. 1 and streets that were covered on day 1.

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

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

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

Subd. 4. Parking Regulation Enforcement. When a snow emergency is declared, vehicles that are plowed around and in violation of this section will be ticketed accordingly. Vehicles parked and/or plowed around on Snow Emergency Routes or in violation of Subd. 1 will be ticketed and towed immediately at the owner's expense. Vehicles that are plowed around on all other streets and not moved within 48 hours after the issuance of the ticket will be in violation of Section 1310.05 r of the City Code and towed at the owner's expense.

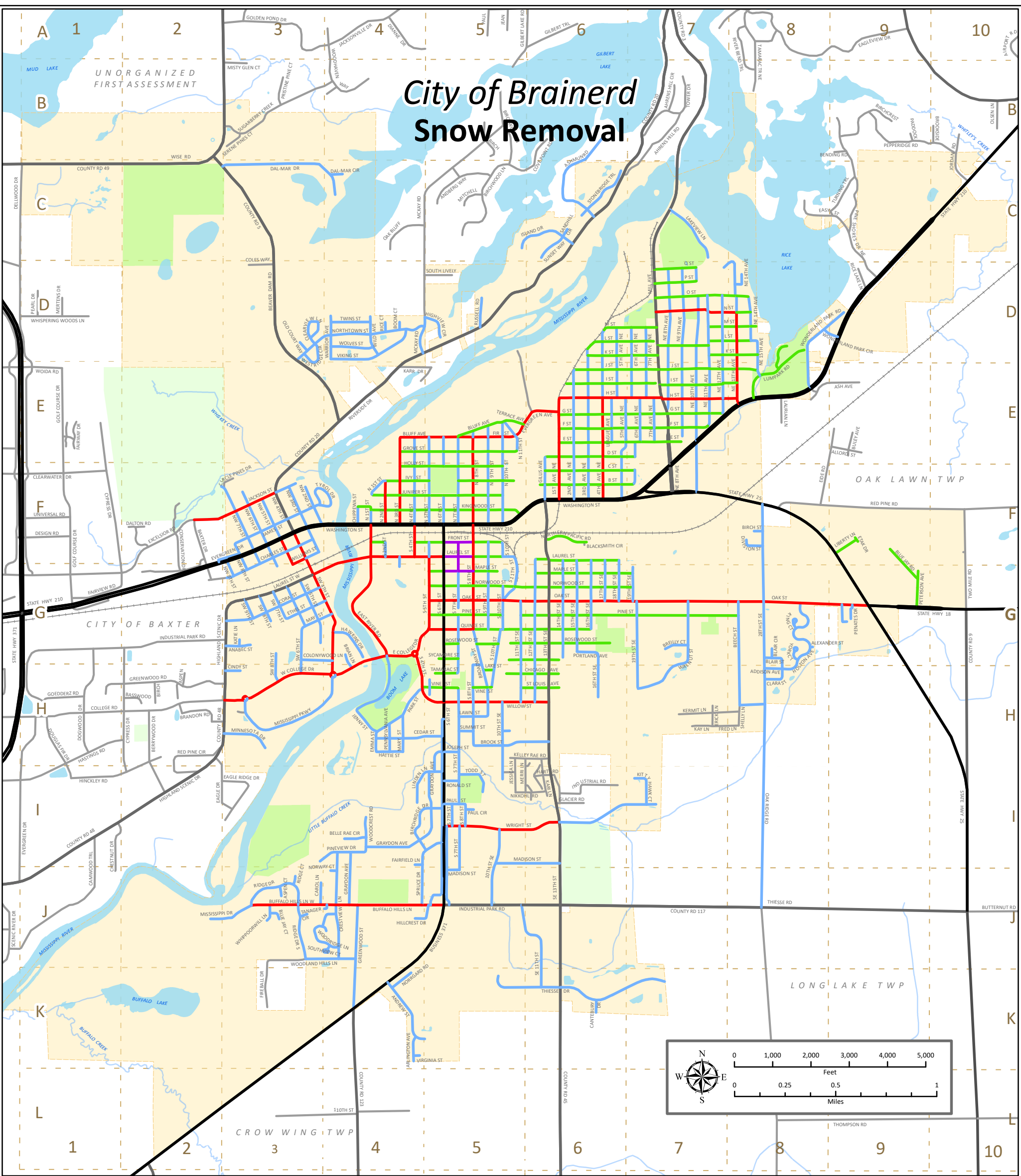
Adopted this _____ day of _____, 2017

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



1st Ave NE	E6-F6	10th Ave NE	D7-F7	Bluff Ave	E4-E5	East River Rd	F4-G4	Jordan Rd	B10-C10	Nikkohl Rd *	I5-I6	Stonebridge Ct	C6
1st St N	F5	10th St N	E5-F5	Breilly Ct	G7	Easy St	C8-C9	Joseph St	H5	Norwood St	G5-G7	Stonebridge Trl	C6
2nd Ave NE	E6-F6	10th St S	F5, G5	Brian Ln	G4	Emma St	H4	Juniper St	F4-F5	O St	D7-D8	Sugarberry Creek	B3-B4
2nd St N	F5	10th St SE	H5-I5	Broadway St	H5	Erick Ln *	H7	K St	D6-D8	Oak Lawn	G9-G10	Summit St	H5, H5
2nd St NW	F3	11th Ave NE	D7-E7	Brook St	H5-H6	Etak Dr	F9	Kari Ln *	H6-I6	Oak Ridge Rd	H8-L8	Sunset Way	C6
2nd St S	F4	11th St S	G5-G5	Boom Ct	D4	Ethel St	G3-G4	Katie Ln	G3	Oak St	G5-G9	Sycamore St	G5
3rd Ave NE	D6-F6	11th St SE	G5-K6	Buffalo Hills Ln E	J4-J5	Evergreen Ave	E5-E6	Kay Ln *	H7	Old Court Way	D3	Tamarac St	H5
3rd St N	E4-F4	12th Ave NE	D7-E7	Buffalo Hills Ln W	J3-J4	Evergreen Dr	F2-F3	Kelley Rae Rd *	H5-H6	P St	D7	Tanager Cir	J3
3rd St NW	F3	12th St SE	F6-H6	Business 371	J5-L2	F St	E6-E7	Kermit Ln *	H7-H8	Park St	H4	Terrace Ave	E5
3rd St S	F4	13th Ave NE	D7-E8	C St	F6-F7	Fairfield Ln	I4	King Ct	G8	Paul Cir / St	I5	Thiesse Dr	K5-K7
4th Ave NE	D6-F6	13th St SE	F6-J6	Cantebury Ct	K6	Fireball Dr	E5	Kingwood St	F4-F5	Pennsylvania Ave	H4	Todd St	I5
4th St N	E4-F4	14th Ave NE	D8	Carol Ln	J3	Fireball Dr	J3-K3	Kitty Hawk Ct	I7	Peterson Ave	G9	Twins St	D4
4th St NW	F3	14th St SE	F6-G6	Fred Ln *	H4-H5	Fred Ln *	H7-H8	L St	D6-D8	Pine Shores Rd	B9-D9	Two Mile Rd	F10-H10
4th St SW	G3-H4	15th Ave NE	D8-E8	Charles St	F3-G3	Front St	F4-F5	Laurel St	F4-F6	Pine St	G5-G8	Tyrol Dr	F3-F4
5th Ave NE	D6-F6	15th St SE	F6-G6	Chicago Ave	H5-H6	G St	E6-E7	Laurel St W	F4-G3	Pineview Dr	I3-I4	Viking St	D4
5th St N	E5-F5	16th St SE	F6-G6	Chippewa St	F4	Gillis Ave	E6-F6	Lake St	H5	Portland Ave	G5-G6	Vine St	H4-H5
5th St NW	F3	17th St SE	F6-G6	Cindy St	H3	Glacier Rd *	I6	Lakeview Ln	C7	Q St	D7	Virginia St	K4
5th St S	F5-G5	18th St SE	F6-G6	Circle Pines Dr	F3	Graydon Ave	J4-H5	Lawn St	H5	Quince St	G5-G6	Walnut St	G7-H7
5th St SW	G3	19th St SE	G6-H6	Clara St	H8	Greenwood St	J4-K4	League Ave	E6	Red Pine Rd	F8-F10	Warrior Ave	D4
6th Ave NE	D7-E7	28th St SE	F8-H8	Clearview Ln	D3	Grove St	E4-E5	Liberty Ln	F9	Rice Ct	D4	Washington St	F3-F4
6th St N	E5-F5			Coles Way *	D3	H St	E6-E8	Linden Ln	E4-E5	Ridge Ct	J3	Washington St NE	F6-E8
6th St NW	F3	Addison Ave	H8	College Dr E	G4-G5	Hattie St	H4	Lum Park Rd	D8-E8	Ridge Dr	J3	Washington St W	F3-F4
6th St S	F5-J5	Alexander St	G8	College Dr W	H3-G4	Hart Rd *	I6	M St	D6-D8	Ridge Dr S	J3	Westridge Cir	D3
6th St SW	G3	Anabec St	G3	Colonywood Ln	G3-G4	Hawkins Dr	G4	Madison St	J5-I6	Riverside Dr	A7-F3	Whippoorwill Ln	J3
7th Ave Ne	D7-E7	Andrew St	K4	Cora St	G3	Highland Scenic Dr	G3-J1	Maple St	G5-G7	Robin Rd	F10-G10	Wild Ave	D4
7th St N	E5-F5	Arlington Ave	K4	County Rd 117	J5-J7	Highview Cir	D5	May St	G3-G4	Ronald St	I5	Williams St	F3
7th St NW	F3	Ashmun Rd	C6	County Rd 20	A7-F3	Hillcrest Dr	J4-J5	Mary St	H4	Rosewood St	G5-G6	Willow St	H4-H6
7th St S	F5-J5	Aspen Ct	J3	County Rd 3	A7-F7	Holly St	F4-F5	McKay Rd	D9	Russell Rd	D5	Wise Rd	A2-C2
7th St SW	G3	B St	F6-F7	County Rd 48	H3-1	Holton Ave	G8-H8	Meadowlark Ln	F9-F10	Sandhill Ct / Cir	C6	Wolves St	D4
8th Ave NE	D7-F7	Beaver Dam Rd	B2-E4	County Rd 49	A2-C2	I St	E6-E8	Merri Ln *	H6-I6	Serene Pines Ct	B3	Wonderland Park Cir	D8-D9
8th St N	E5-F5	Beech St	G8-H8	County Rd 45	F6-K6	Industrial Park Rd	J5-J7	Mill Ave	C7-E7	Shelly Ln *	H8	Wonderland Park Rd	E8-D9
8th St NW	F3	Belle Rae Cir	I4	County Rd 5	B2-E4	Industrial Rd	I6	Minnesota Dr	H3	Southview Ct	J4	Woodcrest Rd	I4
8th St S	F5-H5	Birch St	F8	Crestview Ln	I4-J4	Island Dr	C5-C6	Mississippi Pkwy	H3-H4	Spruce Dr	J4-I5	Woodland Hills Ln	J3-J4
8th St SW	G3	Birchridge Dr	I4-I5	Crow Wing Rd	G9-G10	Ivy St	F4-F5	Mississippi Dr	J2-J3	St Louis Ave	H5-H6	Woodridge Ln	J4
9th Ave NE	D7-E7	Blacksmith Cir	F6	D St	E6-E7	J St	E6-F8	N St	D7-D8	State Ave	G10	Wright St	I5-I7
9th St N	E5-F5	Blair Cir	G8	Dal-Mar Cir	C4	Jackson St	F3	Norrard Rd	K4	State Hwy 18	G9-G10	York Ct	G8
9th St NW	F3-G3	Blair St	G8	Dal-mar Dr	C3-C4	James St	F3	Northern Pacific Rd	F6	State Hwy 210	B10-G1		
9th St S	F5-H5	Blue Jay Ct	J3	Division St	F8	Jenny St	H4	Northtown St	D3-D4	State Hwy 25	F7-L10		
9th St SW	G3	Blue Jay Rd	F9-G9	E St	E6-E7	Jessica Ln *	H5-I5	Norway Ct	J4	State Hwy 371	D1-H1		



Legend

Roads

Snow Removal

- Snow Emergency Routes
- Special Services District
- Day 1
- Day 2
- County
- State
- Lakes
- Parks
- City Limits

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

Subd21.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Resolution to File Application with MMB for the Three Bridges Trail

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title): City Administrator Thoreen	Estimated Time Needed: 5 minutes
Summary of Issue: At the May 1, 2017 council meeting, the council passed a resolution to submit an application to the LCCMR for funding for the engineering of the proposed Three Bridges Trail. The attached resolution is to submit an application to the Minnesota Management and Budget (MMB) Office for the 2018 bonding bill request list. This will also get us a spot on the tours that will take place this year.	
Alternatives, Options, Effects on Others/Comments: The application to the MMB is due by Friday, June 16, 2017. It would be nice to have the resolution to upload with the application at that time, but it is not critical.	
Recommended Action/Motion: The recommended action to be to consider passing the attached resolution authorizing the City Administrator to file an application with the Minnesota Management and Budget Office for the purpose of the Three Bridges Trail project.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

R E S O L U T I O N
NO. _____

**AUTHORIZING THE CITY ADMINISTRATOR TO FILE AN APPLICATION WITH THE
MINNESOTA MANAGEMENT AND BUDGET OFFICE FOR THE PURPOSE OF THE
THREE BRIDGES TRAIL PROJECT**

WHEREAS, the Minnesota Management and Budget Office, has released application instructions for local governments and political subdivisions for 2018 capital budget requests; and,

WHEREAS, the City of Brainerd, the Brainerd HRA, and the Brainerd Riverfront Development Committee have identified need for and intend to design and construct the Three Bridges Trail; and,

WHEREAS, all requests must be made to the Minnesota Management and Budget Office by June 16, 2017;

NOW, THEREFORE BE IT RESOLVED, the City Administrator through actions of the Brainerd City Council, is hereby authorized to execute and file an application on behalf of the City of Brainerd, with the Minnesota Management and Budget Office for the project identified above.

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

Agenda Item #

Requested Meeting Date: June 5, 2017

Title of Item: Variance Request - Exterior Building Material at 1924 South 10th Street

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: The Planning Commission recommends denial. Attached please find the City Planner Staff Report which provides the issue summary, photos, and the May 17, 2017 Planning Commission meeting minutes which includes the Findings of Fact and the reason for its denial recommendation.	
Alternatives, Options, Effects on Others/Comments: 1. Approve the variance not requiring an alternative exterior material. 2. Deny the variance requiring an alternative exterior material.	
Recommended Action/Motion: Moved and 2nd by _____ and _____ to approve/deny the Variance submitted by Nor-Son, Inc. on behalf of DH Holdings 1924 10th St. S. related to providing an alternate exterior building material.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

PLANNING COMMISSION
Wednesday, May 17, 2017

#1 Call to Order

Planning Commission Chair Headley called the meeting of the Brainerd Planning Commission to order at 6:06 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Burslie, Gorham, Headley and Lambert. Noted absent were Commissioners Antolak and Marohn. Also present was City Planner Ostgarden and 4 others.

#2 Approval/Amendment of Agenda

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

#3 Approval/Amendment of minutes of the regular meeting held on April 19, 2017

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND LAMBERT, DULY CARRIED, TO AMEND THE MINUTES OF THE APRIL 19, 2017 PLANNING COMMISSION MEETING REGARDING THE SOBER HOUSE REGULATIONS.

#4 NEW BUSINESS

Nor-Son Inc., 7900 Hastings Road, Baxter, MN 56425 has applied for a variance on behalf of DH Holdings, 915 Blair Circle, Brainerd, MN 56401 to not require exterior wall changes at 1924 10th Street S., Brainerd, MN 56401. Nathan Norton, Project Manager from Nor-Son Inc., and Chris Schucker from DH Holdings LLC were in attendance and presented their case for a variance on the building.

City Planner Ostgarden reviewed the staff report and explained that to be granted, the request would need to meet the practical difficulty “tests” which include:

- Is the request in harmony with the purpose and intent of the Zoning Ordinance?
- Is the request consistent with the Comprehensive Plan?
- What is unique about the property that prevents following the Zoning Ordinance requirements?
- Will the request alter the essential character of the neighborhood?

Chairman Headley opened the Public Hearing at approximately 6:15 p.m.

Representatives of Nor-Son and DH Holdings addressed the Planning Commission. They emphasized what was in the letter about the request which stated the other buildings in the area all had metal walls. The property owner explained the 2 buildings on the site have been combined and they do plan on remodeling the north part of the easterly wall (as shown in the elevation drawing in the packet). The property owner did not see any added value to having an alternate material on the wall.

The Public Hearing was closed at approximately 6:35 p.m.

The following findings of fact were read into the record:

1. The building is located in an I-1 District and was vacant from 11/12 to 10/28/15.
2. It is a non-nonconforming building and Zoning Ordinance Section 17-3 E. 2. reads:
Exterior Building Materials
Within the I-1 and I-2 Zoning Districts, all exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.
3. Zoning Ordinance Section 515-15-A.1. reads:
The nonconforming use or occupancy is discontinued for a period of more than one (1) year any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
4. The building was occupied from 10/29/15 -5/9/16 without City knowledge.
5. When the building was again occupied, at that time it was required to comply with #2 above.
6. The building was vacant again from 5/20/16 to 8/16; sold and now has been occupied since 8/16. The city learned about the occupancy when the new owners inquired about remodeling.
7. The remodeling will include improvements to the east façade of the north building on the site.
8. Based on 15-A.1.the street side building elevation is required to comply with #2 above.
9. A review of the Comprehensive Plan Goals and Strategies specifies that:
ECONOMIC DEVELOPMENT
GOAL: *Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.*
Strategy: Promote aesthetically pleasing development and redevelopment in the city.
10. Representatives of Nor-Son and DH Holdings spoke in support of the request.
11. There was no other testimony regarding the request.

When asked whether the entire east wall of the two buildings now combined would need to have the alternate material, City Planner Ostgarden stated that yes the entire east wall would need an alternate material.

Commissioner Gorham stated that it is good that the intentions of the city are to raise the overall aesthetics, but it is something we need to work towards. Either we amend the ordinance or we follow the ordinance. He is inclined to deny the request based on the fact that it seems more like a want then a need.

Council Liaison Lambert agreed with the others. She added that we may need to look at the ordinance to possibly revise. Commissioner Chair Headley stated that while it is maybe not keeping with the other buildings in the area, what we have in the ordinance is what it is and if there is no practical difficulties in following the ordinance, we should not approve the variance. The requirements are clearly stated.

Commissioner Burslie asked if the ordinance could be discussed in more detail at a later commission meeting i.e. when it was created, why it was created, and how it was created. Typically in industrial areas of a city, they do not have architectural design standards that we do here so he would like to have more background for us to discuss going forward.

City Planner Ostgarden cautioned the Planning Commission not to give any false hopes to the petitioners here if the variance is denied that they can just wait for an amendment or a change to the ordinance.

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND BURLIE, DULY CARRIED, BASED ON THE FINDINGS OF FACT AND THE REQUEST IS PRIMARILY BASED ON PRATICAL DIFFICULTIES. THE RECOMMENDATION WILL GO TO THE COUNCIL ON MONDAY, JUNE 5, 2017.

#5 **PUBLIC FORUM**

None

#6 **OLD BUSINESS**

None

#7 **COMMISSIONERS' QUESTIONS/COMMENTS**

Commissioner Burslie asked staff when the ordinance that applied to the previous variance request was created and to what zones does it apply to. City Planner Ostgarden stated it has been a part of Brainerd's Zoning Ordinances since approximately 2004 when that ordinance was written and may have been an amendment after that. It would apply to I-1 and I-2 Districts. At the time and hopefully still, the community was concerned about the aesthetics and what our developments look like. At that time, they did not think that all metal siding was the appropriate look in the community even in industrial areas. This particular are is more in the "industrial park" area. I think at the time, this visual look is what the community desired.

Commissioner Burslie inquired about allowing them to paint or amending the ordinance to maybe allow an earth tone paint option instead.

Council Liaison Lambert stated that at the time this came out, a lot of metal buildings were being constructed in the community and other communities. Many commissioners did not care for that look and so they wanted to break it up a bit. City Planner Ostgarden indicated we do want to encourage small businesses and can be sympathetic to their needs, however, he thinks that once we start referencing affordability into the discussion, we may not want to go in that direction.

Commissioner Gorham questioned if the Baxter Industrial Park has a similar design standard in place as he has noticed that there is an effort made to encourage many different appealing aesthetics. City Planner Ostgarden thinks they do have a design review board. He believes they have gone further into this than we have.

#8 **CITY PLANNER'S REPORT**

City Planner Ostgarden brought up something that will be occurring in the month of June. FEMA has issued flood plain maps for the City of Brainerd that go into effect on August 15th, 2017. We currently have 3 chapters

dealing with flood plains in the zoning ordinance. We are required to update our flood plain ordinance requirements by August 15th or risk suspension from the National Flood Insurance Program. We need to go through a process of holding a public hearing to amend the zoning ordinance to adopt new flood plain regulations. The State of Minnesota has released a “sample” flood plain ordinance for review. The City Engineer and City Planner Ostgarden will research the maps, and sample and we may be going forward with the state provided sample with the public hearing to follow next month. If we hold the hearing in June, and incur no issues, we can be approved by the end of July. Our flood plain ordinance language was drafted in 2009 and we are reviewing with the state to determine what is in our current ordinance that is no longer in compliance.

City Planner Ostgarden asked if anyone on the Planning Commission is able to or wants to attend any of the training workshops taking place this summer.

#9 **ADJOURN TO WORKSHOP IN COUNCIL CHAMBERS AT 6:42 P.M**

Respectfully submitted,

Mark Ostgarden AICP
City Planner

STAFF REPORT TO THE PLANNING COMMISSION
May 8, 2017

VARIANCE REQUEST

APPLICANT/LOCATION: Nor-Son Inc., 7900 Hastings Road, Baxter, MN 56425 has applied on behalf of DH Holdings, 915 Blair Circle, Brainerd, MN 56401

REQUESTED VARIANCE: To not require exterior wall changes at 1924 10th St. S., Brainerd, MN 56401

LOT AREA: The parcel is over 2 acres (500' of depth) and mostly wooded

CURRENT ZONING: I-1 (Light Industrial) District

ADJACENT USES: North: Light Industrial
East: Light Industrial
South: Light Industrial
West: Assisted living apartments with the intervening Buffalo Hills Trail

ADJACENT ZONING: North: I-1 (Light Industrial) District
East: I-1 (Light Industrial) District
South: I-1 (Light Industrial) District
West: R-3 (High Density) District

REPORT

The building in the attached image is in an I-1 District and was vacant from November, 2012 to October, 2015. The building has been occupied from October 29, 2017 to present. The owners are remodeling a portion of the interior and exterior of the west building. The building is non-conforming in that it does not comply with Zoning Ordinance Section 17-3 E. 2.b. that reads:

Exterior Building Materials.

Within the I-1 and I-2 Zoning Districts, all exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.

Regarding non-conformity, Zoning Ordinance Section 515-15-A.1. reads that when:

The nonconforming use or occupancy is discontinued for a period of more than one (1) year any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

The owners have applied for a variance to not require that the street side elevation to be changed to comply with 17-3 E.2.b.

Criteria for Granting Variances

A. Variances shall only be permitted:

When they are in harmony with the general purposes and intent of the ordinance. Following is the Intent and Purpose section of the Zoning Ordinance:

- A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. Protect neighborhoods.*
- D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. Provide adequate light, air, and convenience of access to property.*
- F. Prevent congestion in the public right-of-way.*
- G. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. Protect and preserve the natural environment of the City.*
- I. Encourage the protection of historic and aesthetic resources in the City.*
- J. Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. Provide for compatibility of different land uses.*
- L. Provide for administration of this Ordinance.*
- M. Provide for amendments.*
- N. Prescribe penalties for violation of such regulations.*
- O. To define powers and duties of the City staff, the Planning Commission, the City Council and the Board of Zoning Appeals in relation to the Zoning Ordinance.*

If the variance is to be approved or denied, how is it /is it not in harmony with the above statements of Zoning Ordinance Purpose and Intent.

When the variance is consistent with the Comprehensive Plan.

A review of the Comprehensive Plan the following Goal and Strategy appears to the one that most closely aligns with this request:

ECONOMIC DEVELOPMENT

GOAL: Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.

Strategy: Promote aesthetically pleasing development and redevelopment in the city.

Will granting the Variance be consistent with this Goal and Strategy?

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

Subdivision 4. "Practical Difficulties", as used in connection with the granting of a variance means that:

I. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance

The applicant is making a case based on the number of other non-conforming buildings in the area. Photographs of several metal buildings without alternate material have been submitted.

II. The plight of the landowner is due to circumstances unique to the property not created by the landowner;

Has the applicant provided any information that demonstrates there is anything unique about the building that would warrant not requiring an alternate exterior material. Is there anything unique about the property that would warrant not requiring an alternate exterior material.

III. The variance, if granted, will not alter the essential character of the locality.

Character as defined by Merriam Webster dictionary:

A set of qualities that make a place or thing different from other places or things.

What are the "set of qualities" that create the character of the locality of the building? Arguably metal buildings are one quality in the "set of qualities," however there are others. For example:

1. Many of the buildings have pitched roofs of various slopes.
2. Each business has individual site access from a public right of way.
3. Most properties have buildings setback to establish front yard green space.
4. Arguably the area is not densely developed.
5. The area has wide streets to provide access and turning for large vehicles.
6. Some buildings have loading/unloading that access directly onto a public right of way.

Based on the "set of qualities" that create character, will requiring the alternate material alter that character?

Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

PLANNING DEPARTMENT COMMENTS

Since at least 2004 the Zoning Ordinance has had language requiring alternate exterior material on buildings in an industrial zone. Since at least 2004, it also had the 1 year vacancy improvement requirement. We need to recognize the rights of existing non-conformities, yet keeping in mind the community has determined that the all metal façade appearance is no longer desired. When new buildings are constructed and/or major remodeling is planned, new and/or remodeled buildings are required to have the alternate material.

The other argument that “*The other guys don’t have to, why do I?*” is very common response when non-conformities are required to be changed. A reason why there are no other buildings with alternate material is that the remodeling and/or additions made to buildings have not been significant enough to require the alternate material. The easy response is to agree with the argument; however is that upholding the integrity of the ordinance.

Therefore after reviewing the information provided and thinking through the criteria, is there a practical difficulty in meeting the Ordinance requirement?

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation at its meeting on Wednesday, May 17, 2017 and the City Council may receive the recommendation for consideration at its meeting on June 5, 2017.

Respectfully submitted,


Mark Ostgarden AICP
City Planner



City of Brainerd
Attn: Mark Ostgarden
4/12/2017

Mark,

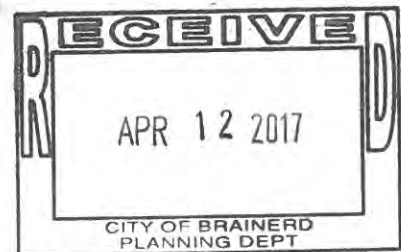
Digital Horizons is requesting a variance of code 515-7-3 Section E, number 2a with Nor-Son's assistance. The code states that:

"Within the I-1 and I-2 Zoning Districts, all exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined."

Digital Horizons is requesting this variance based on the statute saying the project known as "Digital Horizons" requires a minimum of 50% of non-metal panel material on the street facade. As shown on the attached documents, the buildings in the immediate area surrounding Digital Horizons have uniform exterior metal panels. Digital Horizons is requesting the variance to install a uniform cladding that would be consistent with other surrounding structures. Digital Horizons believes compliance to this code would be excessive when other buildings in the area are non-compliant. The structure is still to receive an upgrade from what is currently existing. Digital Horizons believes this to be the most cost-effective, but more importantly aesthetically pleasing solution to code 515-7-3 Section E, number 2a for the area. Please see attached and review other supporting information.

Respectfully,

Nathan Norton
Project Manager Nor-Son Inc.



Other existing buildings in area with uniform exterior metal cladding.

2017-3-13

Filename		Image	Description	Uploaded
2032 S 10th St. Brainerd, MN	A			Nathan Norton 2017/04/07 12:43:58
1009 Madison St. Brainerd, MN	B			Nathan Norton 2017/04/07 12:43:45
1002 Madison St. Brainerd, MN	C			Nathan Norton 2017/04/07 12:43:40
2198 S 10th St. Brainerd, MN	D			Nathan Norton 2017/04/07 12:43:36



Nor-Son, Inc.
7900 Hastings Rd
Baxter, Minnesota 56425
United States

Printed on Mon Apr 10, 2017 at 12:57 pm CDT

Job #: 3332 Digital Horizons
1924 S 10th St
Brainerd Minnesota. 56401

Other existing buildings in area with uniform exterior metal cladding.



Upgrades from existing condition. An approved variance will give the design a more uniform and consistent look, feel, and color palette with all metal paneling.



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Nor-Son Inc., 7900 Hastings Road, Baxter, MN 56425 has applied on behalf of DH Holdings, 915 Blair Circle, Brainerd, MN 56401 for a variance to not require exterior wall changes at 1924 10th St S., Brainerd, MN 56401. The property is located in an I-1 (Industrial) District. The building exterior does not comply with Zoning Ordinance Section 515-17-3.E.2. Exterior Building Standards that reads:

Within the I-1 and I-2 Zoning Districts, all exterior walls may be a combination of materials including brick, dimensioned stone, rock faced block, decorative concrete panels, architectural concrete block, cast in place concrete, stone, wood, glass, EFIS, or metal panels. Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.

There was a period when the building was vacant for more than 1 year and in accord with Zoning Ordinance Section 515-15-2.D.2. Non-Conforming Uses reads:

Any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of an additional control under this Ordinance, may be continued in the same size and manner, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as specifically provided in this Section, unless:

The nonconforming use or occupancy is discontinued for a period of more than one (1) year. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

When subsequent occupancy occurred, in order to grant occupancy, the building exterior should have been changed to comply with 515-17-3.E.2. above.

The property owner is requesting a variance from the requirement that “Metal panels shall not encompass more than an average of fifty (50) percent of street side building elevations combined.”

The Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., May 17, 2017, to consider the request for the Variance.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

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

Dated this 3rd day of May, 2017

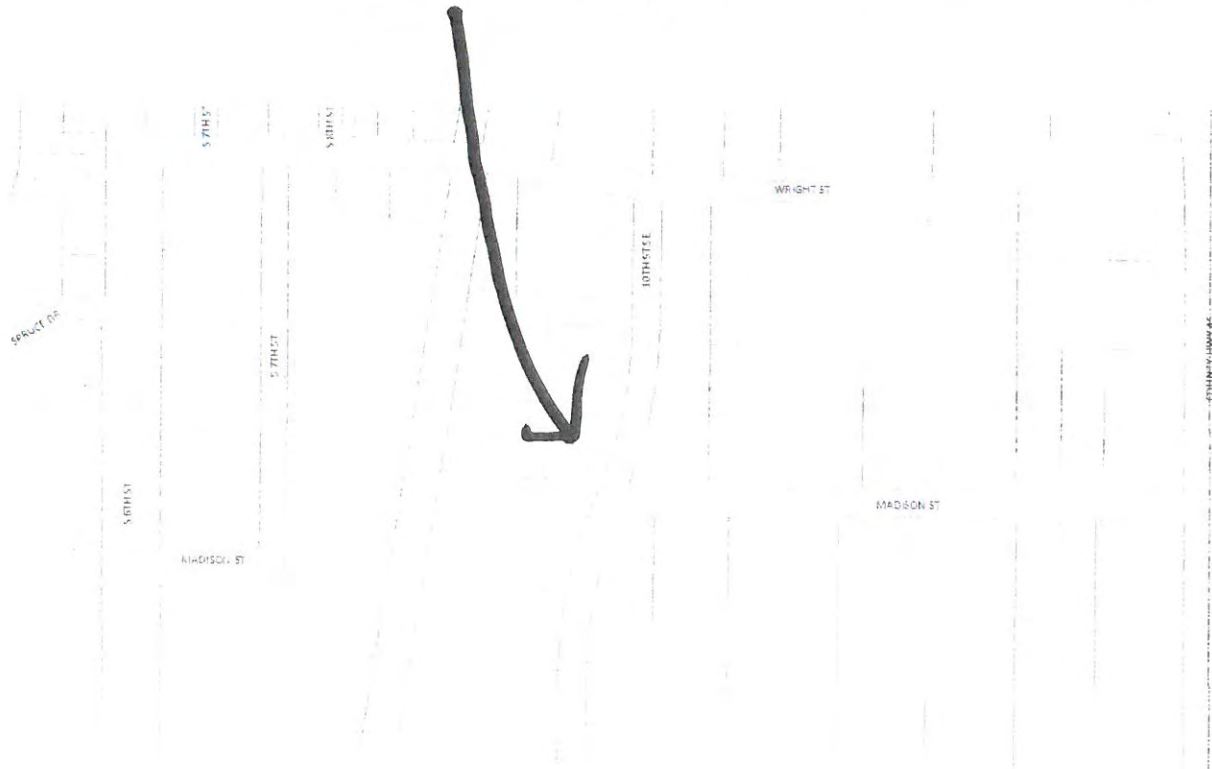


Mark Ostgarden AICP
City Planner

See reverse side for location map and building photograph



1924 10th St. S.



APPRCL	TXNAME	TXADR1	TXADR2
09111001001D009	BRAINERD SNODEOS	5446 CHIPPEWA LN	BRAINERD, MN 56401
091420040020889	BRAINERD SOUTH HOUSING GROUP INC	324 EAST RIVER RD	BRAINERD, MN 56401
09111002001B009	BT PROPERTY LLC	55 GLENLAKE PKWY NE	ATLANTA, GA 30328
09111004003B009	BX PROPERTIES, LIMITED LIABILITY PA	3621 NE MARSHALL ST	MINNEAPOLIS MN 55418
09111004003A009	CARLSON & LYTER DISTRIBUTING INC	1020 INDUSTRIAL DR S	PO BOX 457
091110020100009	CHARAL PROPERTIES BRAINERD LLC	15 E UNION AVE	E RUTHERFORD, NJ 07073
060360000A00009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401
09111001001C009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401
091420040030889	COVENANT HOSPITALITY LLC	1515 STOUT RD SUITE B	PO BOX 636
09111004002B009	DH HOLDINGS LLC	915 BLAIR CIR	BRAINERD, MN 56401
09111004002A009	EVANGELICAL LUTHERAN GOOD SAMARITAN	804 WRIGHT ST	BRAINERD, MN 56401
091340010010009	EVANGELICAL LUTHERAN GOOD SAMARITAN	804 WRIGHT ST	BRAINERD, MN 56401
091420040010009	EVANGELICAL LUTHERAN GOOD SAMARITAN	804 WRIGHT ST	BRAINERD, MN 56401
09111004001A009	OPTIC PROPERTIES LLC	P O BOX 763	BRAINERD, MN 56401
09111004001B009	OPTIC PROPERTIES LLC	P O BOX 763	BRAINERD, MN 56401
091110020020009	PAT'S POSSESSIONS LLC	C/O DAVID KAUL	1021 MADISON ST
09111002001A009	POMERLEAU PROPERTIES LLC	1002 WRIGHT ST	BRAINERD, MN 56401

TXADR3

PHYSADDR

1002 MADISON ST

1969 7TH ST S

SAUK RAPIDS, MN 56379

1916 10TH ST S

1006 WRIGHT ST

MENOMONIE, WI 54751-0636

1924 10TH ST S

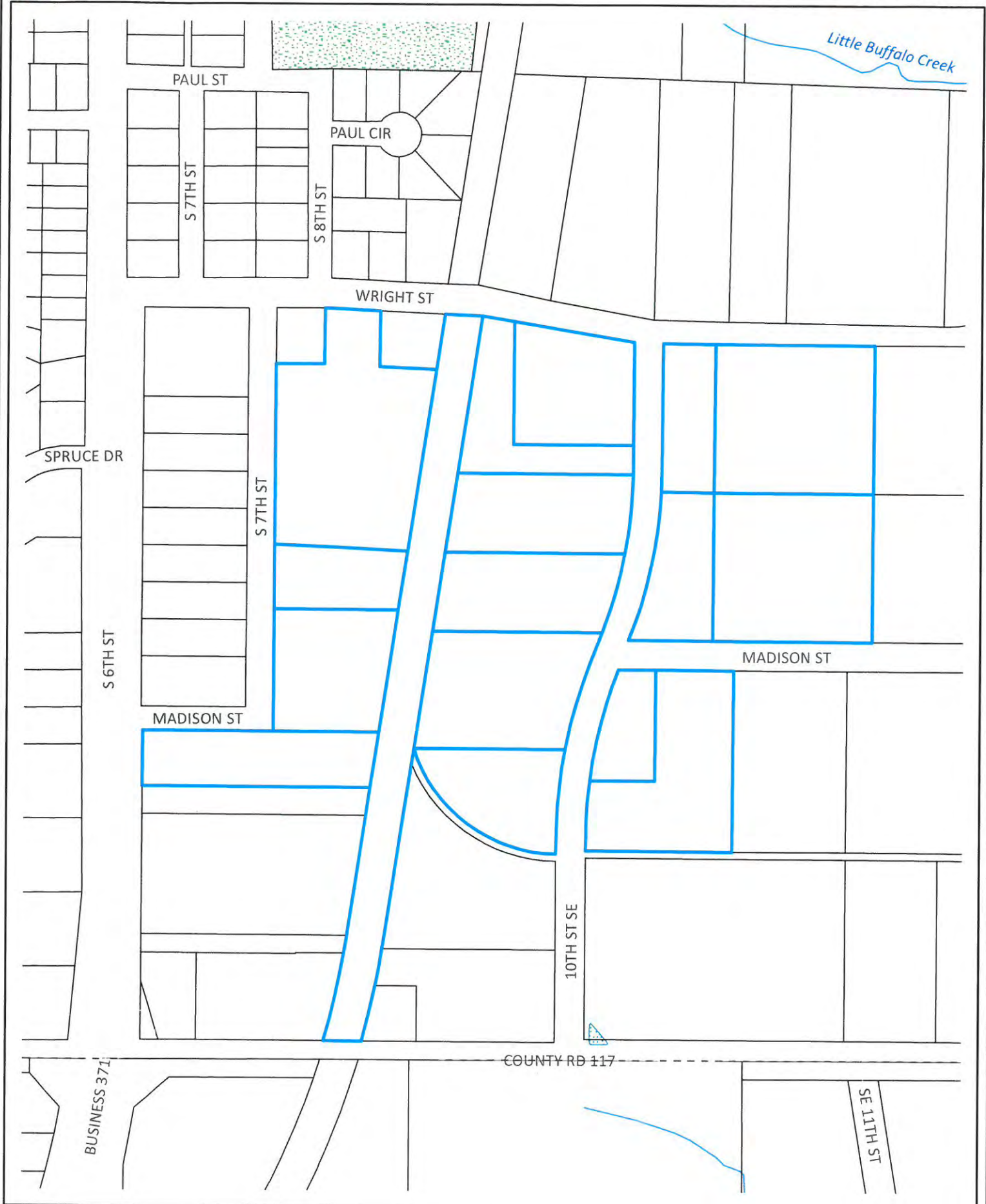
1953 7TH ST S

924 WRIGHT ST

BRAINERD, MN 56401

BRAINERD INDST PK

1002 WRIGHT ST



Print Date
5/1/2017

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





City Planning Department

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # _____
Check # 216903
Date Paid: 4/12/17

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☒ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 1924 10TH ST SOUTH BRAINERD, MN 56401

LEGAL DESCRIPTION: Lot(s): 002 Block: 004 Addition: _____
(attach description if lengthy)

Property Owner Name: DH HOLDINGS LLC

Street Address: 915 BLAIR CIR City: BRAINERD State: MN Zip Code 56401

Phone Number: 218-330-4140 Fax: _____ E-mail: chris@digitalhorizonsmn.com

Applicant Name: (If different than Property Owner) Nathan Norton

Street Address: 7900 Hastings Rd City: Baxter State: MN Zip Code: 56425

Phone Number: 218-822-2029 Fax: _____ E-mail: nathan.norton@nor-son.com

Description of Request: Digital Horizons requests a variance from the city ordinance for I-2 zoning that requires a minimum of 50% of non-metal panel material on the street facing facade, in keeping with the character of other existing building in the immediate area that have uniform exterior metal cladding.

See attached for further information.


Property Owner Signature

4/10/17

Date

CHRIS SCHUCKER

(Please print name)

Nathan Norton
2017.04.10 13:27:15-05'00'

Applicant Signature

4/10/17

Date

Nathan Norton

(Please print name)

(OVER)

