CITY COUNCIL AGENDA

Brainerd, Minnesota
July 3, 2017
7:30 P.M.
Brainerd City Hall
Council Chambers

1. **Call To Order - 7:30 PM**

2. **Roll Call**
   ___ S. Hilgart ___ J. Lambert ___ K. Stunek ___ K. Bevans
   ___ D. Badeaux ___ G. Johnson ___ 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 June 19, 2017

      Documents:

      20170619_CCdraft.pdf

   B. **Approval Of Licenses**
      1. Contractor's Licenses - 4 - New and - 6 - Renewals

      Documents:

      Contr Licens.pdf

   C. **Department Activity Reports**
      1. Mayor's Report
      2. Fire Chief
      3. Parks Director

      Documents:

      Mayors Report.pdf
      FD Report.pdf
      Park Report.pdf

   D. **Temporary 3.2 Percent Malt Beverage (Beer) On Sale - Submitted By Brainerd Jaycees For An Event To Be Held July 8th-9th, 2017 At Memorial Park**

E. **Temporary On-Sale Liquor License Application - Submitted By Brainerd Jaycees For An Event To Be Held July 28th-29th, 2017 In Downtown Brainerd**

F. **On-Sale Liquor License Transfer - Shirley Schroeml 9th Street Bar To Robert Lewis 9th Street Social Club - Subject To Background Investigation, Fire Inspection And Satisfaction Of All City Code Requirements**

6. **Presentations**

Documents:

Showcasing Brainerd.pdf

7. **Council Committee Reports**

A. **Safety And Public Works Agenda**

Documents:

20170703_SPW.pdf

B. **Safety And Public Works Committee**

1. 2019 Street And Sewer Capital Improvement Plan Update

Documents:

2019 Street and Sewer Capital Plan.pdf

2. Event/Street Closure Application - Rosary Procession

Documents:

Event Application.pdf

3. Transient Food Unit Approval At Streetfest - Planning

Documents:

Transient Food Unit-Streetfest.pdf

C. **Personnel And Finance Committee**

Documents:

20170703_PF .pdf

D. **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 5/31/17	$29,804	$0
Tri-City Paving	14-03	Jackson St Resurfacing thru 6/23/17	$70,842	$3,729
Tri-City Paving	14-01	Oak St Mill & Overlay thru 6/23/17	$107,844	$5,676

2. Authorize Purchase And Installation Of New Outdoor Warning Siren

   Documents:

   Outdoor Warning Siren.pdf

3. 2016 Year End Transfers Between Funds

   Documents:

   2016 Transfers.pdf

4. 2018 Budget Discussion/Timeline

   Documents:

   2018 Budget Discussion.pdf

8. **Unfinished Business**

   A. **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)

9. **New Business**

   A. **City Adminstrator's Report**

   Documents:

   170703AdminRptCouncil .pdf

1. LMC Legislator Of Distinction For 2017
   Senator Carrie Ruud
   Representative Lueck

   Documents:

   LMC Legisl of Distinct.pdf

B. **1st Reading - Amend Non-Intoxicating Malt Liquor Code**

Documents:

1st Reading Amend Liquor Code.pdf

10. **Planning Commission**

A. **Comprehensive Plan - Draft Scope Of Services And Project Schedule**

Documents:

Comp Plan Update.pdf

B. **Conditional Use Permit - WSN On Behalf Of Headley Williamson - 2115 S. 6th St**

Documents:

Cond Use Permit.pdf

C. **Variance Request - 102 Ridge Drive - Fence Height**

Documents:

Variance - 102 Ridge Drive.pdf

D. **1st Reading - Ordinance To Amend Zoning Ordinance Floodplain District**

Documents:

1st Reading ORD Floodplains.pdf

11. **Public Forum**

Time allocated for citizens to bring matters not on the agenda to the attention of the Council - Time limits may be imposed

12. **Staff Reports**

(Verbal: Any Updates since Packet)

13. **Council Member Reports**

14. **Adjourn**

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

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307
Visit the City's Website (ci.brainerd.mn.us)

MISSION

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

Brainerd, MN
June 19, 2017

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:31 P.M. by Mayor Menk.

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

Mayor Menk opened the meeting with the Pledge of Allegiance to the Flag.

City Administrator Thoreen explained due to the circumstances of both Council President and Vice-President being absent, we are to elect a President Pro Tem for the purpose of tonight's meeting.

MOVED AND SECONDED BY ALDERMEN STUNEK AND LAMBERT, DULY CARRIED, TO ELECT COUNCIL MEMBER BEVANS AS PRESIDENT PRO TEM.

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

MOVED AND SECONDED BY ALDERMEN STUNEK AND BADEAUX TO ADOPT THE CONSENT CALENDAR AS PRESENTED.

A. Approval of the Minutes of the Regular Meeting held on June 5, 2017 - Approved

B. Approval of Licenses - Approved

Contractor's Licenses – 2 – New and 3 - Renewals

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

Upon roll call, members Lambert, Stunek, Bevans, and Badeaux 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 Paid	Retained
Asphalt Preservation	17-02	2017 Chip Seal Project-Final	$124,773	$0
Braun Intertec	14-03	Jackson St Resurfacing thru 5/26/17	$3,254	$0
Tom's Backhoe	14-15	Airport Util. Ext	$16,712	$0

MOVED AND SECONDED BY ALDERMEN STUNEK AND LAMBERT TO APPROVE THE PAYMENT OF BILLS AND PAYMENTS TO CONTRACTORS.

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

Safety and Public Works Committee Report

2018 and 2019 Street and Sewer Capital Improvement Plan Update-Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT THE ENGINEER'S REQUEST FOR RECOMMENDATIONS FOR STAFFING PERTAINING TO DESIGN AND CONSTRUCTION, CONTINGENT UPON PROVIDING FINANCIAL ESTIMATES.

City Engineer Sandy will provide financial estimates at the next Council Meeting.

Adoption of ADA Transition Plan- Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ADOPT THE ADA TRANSITION PLAN AS PROPOSED.

Event/Street Closure Application – Jaycees Street Fest- Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION ON LAUREL STREET BETWEEN SOUTH 5TH STREET AND SOUTH 6TH STREET STARTING AT 3:00 P.M. JULY 28TH THROUGH JULY 29TH UNDER THESE CONDITIONS: TO COORDINATE WITH THE STREET DEPARTMENT ON TRAFFIC CONTROL, HAND DELIVER NOTIFICATIONS OF THE EVENT TO PROPERTY OWNERS AND PARKING TENANTS AS STATED IN THE APPLICATION BY THE APPLICANT AND TO ENSURE ALL APPLICABLE LICENSES AND PERMITS ARE OBTAINED PRIOR TO THE EVENT.

Improvement 17-02 2017 Chip Seal Project Final Pay Application-Informational

Committee Chair Bevans reported information was provided about the 2017 Chip Seal Project and final payment was authorized under Bills & Payments to Contractors.

No Parking Request – N 1st Street and Kingwood Street- Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE NO PARKING REQUEST ON NORTH 1ST STREET AND KINGWOOD STREET.

Public Hearing - Petition to Vacate Terrace Avenue- Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX, DULY CARRIED, TO APPROVE HOLDING A PUBLIC HEARING FOR THE PROPOSED VACATION ON TERRACE AVENUE FOR JULY 17TH, 2017 AT 7:30 P.M.

2018 State of Minnesota Transit Grant Resolution – Adopted by Resolution No. 36:17

MOVED AND SECONDED BY ALDERMEN BADEAUX AND LAMBERT, TO ADOPT RESOLUTION NO. 36:17 TO ALLOW THE CITY ADMINISTRATOR AND MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE PUBLIC TRANSPORTATION SERVICES IN CROW WING COUNTY AND SELECTED AREAS OF CASS COUNTY BEFORE THE DEADLINE OF JULY 28TH 2017.

RESOLUTION NO. 36:17

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

Amendment for Engineering Services for SEH/WSN for the Airport Utility Project-Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE FEE AMENDMENT AS PROPOSED AT AN ESTIMATED HOURLY BASIS TO BE $6,300/WEEK INCLUDING EXPENSES AND EQUIPMENT UNTIL CONSTRUCTION ON THE PROJECT IS COMPLETED OR THE RETAINAGE AMOUNT IS DEPLETED.

Unfinished Business

Final Reading of Proposed Ordinance No. 1468 – Ordinance Amending Section 1315 of Brainerd City Code Pertaining to Parking For Street Cleaning and Snow Removal-Adopted by Ordinance No. 1468

The Chair opened the public forum at 7:43 P.M.

No one came forward.

The Chair closed the public forum at 7:44 P.M.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND LAMBERT, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1468 – AN ORDINANCE AMENDING: SECTION 1315 OF THE BRAINERD CITY CODE – PARKING FOR STREET CLEANING AND SNOW REMOVAL.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX TO ADOPT ORDINANCE NO. 1468 – AN ORDINANCE AMENDING: SECTION 1315 OF THE BRAINERD CITY CODE – PARKING FOR STREET CLEANING AND SNOW REMOVAL

ORDINANCE NO. 1468

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

Final Reading of Proposed Ordinance No. 1467 – Ordinance Adding Section 455 To Brainerd City Code Pertaining to Subsurface Sewage Treatment Systems And Memorandum of Understanding With Crow Wing County – Adopted by Ordinance No. 1467

The Chair opened the public forum at 7:44 P.M.

No one came forward.

The Chair closed the public forum at 7:45 P.M.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1467 – AN ORDINANCE ADDING SECTION 455 TO BRAINERD CITY CODE PERTAINING TO SUBSURFACE SEWAGE SYSTEMS AND MEMORANDUM OF UNDERSTANDING WITH CROW WING COUNTY.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND LAMBERT TO ADOPT ORDINANCE NO. 1467 – AN ORDINANCE ADDING SECTION 455 TO BRAINERD CITY CODE PERTAINING TO SUBSURFACE SEWAGE SYSTEMS AND MEMORANDUM OF UNDERSTANDING WITH CROW WING COUNTY

ORDINANCE NO. 1467

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

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX, DULY CARRIED, TO AUTHORIZE THE SIGNATURES ON THE MEMORANDUM OF UNDERSTANDING WITH CROW WING COUNTY.

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)

New Business

Rental Dwelling Appeals Board Report – Approval To Deny Rental License Renewal -Approved

Council Member Badeaux spoke as the council liaison as a representative of the Rental Board of Appeals. The members of the board did not take the decision lightly and they took their time to deliberate the situation and in making their recommendation to council.

City attorney stated the license for the property has expired as of May 31, 2017. The property owner has applied for a renewal. The City has not issued the renewal due to the pending revocation process. At this point, the motion would be to deny the license renewal

request.

The owner, Mr. Julian Jayasuriya of DTM Partnership, LLC, 8845 Medley Lane, Golden Valley, MN spoke about the situation at hand and asked the council for leniency by extending the revocation for an additional 30 days to allow him to hire adequate management and to find a buyer for the property.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND LAMBERT, DULY CARRIED, TO DENY THE RENEWAL OF THE RENTAL LICENSE APPLICATION FROM THE PROPERTY OWNER OF 217 S 7TH ST, BRAINERD AS RECOMMENDED BY THE APPEAL'S BOARD.

Public Forum

The Chair Opened the public forum at 7:55 P.M.

No one came forward.

The Chair Closed the public forum at 7:56 P.M.

Staff Reports

City Administrator Thoreen reported good news regarding the change in local government aid from the Legislative Session. In 2018, the City of Brainerd will receive an additional $107,500 which is not where we wanted to be, but it is better than where we have been. We had asked the legislature to be restored to our 2002 level, which was not honored. However, there will be the slight increase in 2018 as indicated. The plan for 2019 has not yet been mapped out, but we understand there will be an increase over the 2017 level.

City Planner Ostgarden announced the public hearing for the proposed Exodus Boy's Academy boarding school will take place at 6:00 P.M. on Wednesday, June 21, 2017 at the Planning Commission meeting. Also at the meeting, a presentation will be held on the Comprehensive Plan Update.

Council Member Reports

Council Member Stunek had the opportunity last Wednesday to witness the critical rescue of a construction worker in Baxter who was buried in the sand on a work site. The Brainerd Fire Department, and the Cities of Brainerd and Baxter came together with their resources to the aid of this man. He is very lucky to be alive today. Thank you to both cities for working together and coordinating their efforts between the Street Department and Public Works for a good ending to this unfortunate incident.

Council Member Badeaux wanted to thank everyone who was involved in Brainerd History Week for a successful week. It is a great annual event and hopefully will continue for years to come.

Mayor Menk thanks everyone for participating in Brainerd History Week and he took the opportunity to visit Roscoe Field which is the Shipman's Auto Parts property. He did not realize it was there and it proved to be quite interesting. Good job to the Brainerd Dispatch for informing everyone about the week of events if they did not get the chance to participate.

Committee Recommendations – Recommended by Council President

Planning Commission – Mr. Patrick Wussow - Approved

Airport Commission – Mr. Jeffrey Czeczok - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND STUNEK, DULY CARRIED TO APPROVE THE APPOINTMENT OF MR. PATRICK WUSSOWC TO THE PLANNING COMMISSION AND MR. JEFFREY CZECZOK TO THE AIRPORT COMMISSION.

Adjourn

The Chair adjourned the meeting at 8:02 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS

CITY COUNCIL MEETING
July 3, 2017

(4 New, 6 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
MASTER MOBILE HOME SERVICE, INC. 1486 CLOUD DRIVE NE BLAINE, MN 55449 17-0173	(763) 755-7555	MECH	2/19/2018	9/3/2018	MB003380
JACOBSON EXCAVATING & LANDSCAPING 13252 STATE HWY 18 BRAINERD, MN 56401 17-0174	(218) 851-1818	EXCA	3/23/2018	8/4/2017	L3324
BARATTO BROTHERS CONSTRUCTION INC 13872 SHAFER RD CROSSLAKE, MN 56442 17-0175	(218) 692-1070	GENL	10/26/2017	12/31/2017	BC322437
DOW ACOUSTICS, INC. PO BOX 477 DETROIT LAKES, MN 56502 17-0176 (new)	(218) 847-8976	CEIL	8/1/2018	12/31/2017	
D.R.S.C. CONCRETE, INC. 13464 5TH AVENUE NE RICE, MN 56367 17-0177	(320) 293-5065	MASO	8/19/2017	12/31/2017	
OSTROWSKI CONCRETE CONCEPTS LLC 6144 LENNOX LANE BRAINERD, MN 56401 17-0178 (New)	(218) 838-2458	MASO	5/15/2018	12/31/2017	
KORDIAK PLUMBING AND HVAC LLC 1057 ROCK ELM TRAIL NW PINE RIVER, MN 56474 17-0179 (new)	(218) 232-6253	MECH	5/24/2018	5/22/2019	MB725715 PC725714
DON HUMMER CONSTRUCTION LLC 925 WHITNEY CT NISSWA, MN 56468 17-0180	(218) 820-7117	GENL	1/17/2018	12/31/2017	BC638178
CUMMINGS MASONRY INC 4205 MARYVILLE CT BRAINERD, MN 56401 17-0181	(218) 828-4795	MASO	8/1/2017	12/31/2017	
HAGEMEIR EXCAVATING LLC 27043 COUNTY ROAD 23 ALBANY, MN 56307 17-0182 (new)	(320) 548-3240	MASO	4/10/2018	12/31/2017	

MAYOR'S REPORT TO COUNCIL

For the July 3, 2017 City Council Meeting

www.ci.brainerd.mn.us

This past couple of weeks it has been kind of quiet in the city, but as we head into the 4th of July weekend things are heating up. Temperature wise as well as activity wise.

Paxmar is making progress on a number of new homes in Brainerd Oaks. In the next few years we will have new neighborhoods in the developments that Paxmar is working on. I feel that they will add much to the vitality of our city.

In the downtown area, we have seen some changes taking place including the new rentals in the Phelps Building (711 Laurel Street). They are the Lakes Area Music Festival and The Crossing Arts Alliance. I wish them luck.

On Thursday the 29th, the Destination Downtown Committee will be kicking of the $50,000 contest that will help a new business locate in the four block area of downtown. This contest will be awarding $50,000.00 worth of in kind services to the lucky winner. This is not just another drawing because the winning entry, picked from a group of three finalists, will have to provide a full blown business plan that will be judged by a panel of business leaders from out community. This will insure a very high likely hood of success for that business in the future.

On Friday the 30th, St. Paul Mayor Chris Coleman will be in the area and will join myself and others for lunch to discuss various issues facing Minnesota cities.

On another note, other changes are happening in Brainerd:

1. 707 Laurel Street also known as the Iron Rail is closed and the liquor license has been suspended by the state. The building is listed for sale.
2. The 217 7th Street building residential occupants are looking for new housing.
3. Progress is being made on the Blue Ox Building renovation.
4. The planters and flowers in Downtown are doing well.
5. I was told that KFC on the East side of Brainerd is closed.
6. Progress is being made on Oak Street with new sidewalk corner ramps and the mill and overlay work causing minor inconveniences.

Thank you,

Ed Menk

Brainerd Fire Department

To: Mayor and City Council

From: Tim Holmes, Brainerd Fire Chief

Date: June 28, 2017

Re: June 2017 Fire Department Monthly Report, To Date

The focus of June was the 142nd MN State Fire Department Association Convention, hosted by the Brainerd Fire Department Relief Association. The convention was a great success and an example of the pride our firefighters have in the department and the community. Over 200 firefighters from across the state participated in the 2 days of training, vendor show and banquet. There was also over 100 firefighter partners that participated in a wonderful partners event, with several options of activities including a luncheon and a guest speaker who spoke about the emotional aspects of being a firefighter and a spouse/partner of a firefighter. I have heard many positive comments about the entire convention. We should all be proud of how the firefighters represented the Brainerd Fire Department, the City of Brainerd, and the fire service. The convention included; firefighter training, vendor show, partner's event and luncheon, car show, parade, station open house, memorial service, several board meetings, and a banquet with entertainment.

Training

Partners Event

Car Show and Parade

Banquet

The fire department provided fire extinguisher training to over 200 employees of Bang Printing and had several public education events at the fire station. We also had several inspections of firework sales.

We ended the month with CPR training for the department as we are always working to strengthen our skills.

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

Structure Fire	1
Vehicle, Equipment Fire	2
Garbage, Outside Fire	4
Motor Vehicle Crash with Injuries	2
Extrication	1
Trench Rescue	1
Gas Leak	2
Electrical Condition	1
Smoke Odor Removal, Smoke Scare	2
Public Service Assistance	1
Unauthorized Burning	3
Good Intent Call	5
Canceled Enroute	6
Alarm Activation	5
Carbon Monoxide Detector Activation	3
Total	**39**

City of Brainerd Incident Report

Vehicle, Equipment Fire	2
Motor Vehicle Crash with Injuries	1
Extrication	1
Electrical Condition	1
Smoke Odor Removal, Smoke Scare	2
Public Service Assistance	1
Unauthorized Burning	3
Good Intent Call	3
Canceled Enroute	3
Alarm Activation	2
Carbon Monoxide Detector Activation	2
Total	**21**

Parks and Recreation Report

July 2017

Submitted by Tony Sailer, Director

Gregory Park landscaping

Ten Sienna Glen maple trees were planted along the southeast and east boulevards of Gregory Park and the center court vegetation was replaced with new plants and wood fiber June 16-17. The trees, plants, labor and equipment costs were provided through a grant from Essentia Health. Landsburg Landscaping worked with Essentia Health volunteers to complete the project.

Gregory Park fountain

Crews began work on the Gregory Park fountain restoration project on June 19. The first week involved sandblasting the fountain's bowl, filling cracks and painting. Crews are expected to return soon to install the lights and pumps, and connect the water and electrical sources.

Wounded Warriors

Informational

Members of the Wounded Warriors amputee softball team will play against the Miracle League players at 1 p.m. on Friday, July 7. At 7:30 p.m. the Wounded Warriors will play a local team in a softball game at Mills Field. There will be a special performance by Kat Perkins. Special guest is Indianapolis Colts offensive lineman Joe Haag, a Brainerd High School graduate. A number of activities and vendors will be part of the event. There is no admission charge, but a free-will offering will be accepted. All proceeds benefit the Wounded Warriors.

Seasonal employee pay increase

On Aug. 1, 2016, the state's minimum pay increased to $9.50 per hour, an increase of 50 cents. The Park Board approved the 2017 seasonal employee rates to reflect the minimum wage. However, Diane Roberts, a long-time concession worker, was making $10 per hour prior to the minimum wage increase. Ms. Roberts has requested a pay rate of $10.50 to reflect the raise the other seasonal employees received. The Park Board approved the wage increase, retroactive to May 28.

Around the parks

- The 62nd annual Bronco League Mid-Summer Classic will take place at Bane Park at 6 p.m. on July 5 and the 18th annual Pony League Mid-Summer Classic will be played at 6:15 p.m. the same evening. The Pony League game will have the Brainerd and Baxter teams playing against the teams from Aitkin, Crosby-Ironton and Pequot Lakes.
- The Minnesota Twins youth baseball/softball clinic had 36 participants on June 10 at Bane Park. Participants were from Brainerd, Baxter, Pillager and Pequot Lakes.
- The Gopher State 15 & Under state baseball tournament will take place at Mills, Adamson, CLC and Forestview fields July 21-23.
- Rain hampered the two youth baseball tournaments in June, but the field crews did an outstanding job getting the fields playable and many coaches and parents praised their efforts.
- The new ramp to the Boom Lake fishing pier has been completed, but a few adjustments to the hinge system need to be made. Much of the funding for the project was provided by the Kiwanis Club.
- The final panel repairs have been made to the Mills Field wall, which surrounds the field. The outfield wall has been repainted to cover up old advertising, peeling paint and the new panels.

Brainerd City Council
Agenda Request

#6

Agenda Item #

Requested Meeting Date: July 3, 2017

Title of Item: Showcasing Brainerd

☐ 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): Scott Lykins, Director, Lakes Area Music Festival	**Estimated Time Needed:** 10 minutes

Summary of Issue:

This evening we bring back to the Agenda something former Council Member Koep took a major role to provide periodically. This presentation will highlight one of the Brainerd Lakes Area Cultural success stories of this decade. Scott Lykins will share the upcoming season of performances at Tornstrom Auditorium. He will also discuss the soon-to-occur move of the Lakes Area Music Festival office to renovated space on Laurel Street between 7th and 8th.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

None

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

CITY OF BRAINERD
SAFETY AND PUBLIC WORKS COMMITTEE
AGENDA

July 3, 2017
7:00 p.m.
City Council Chambers

1. 2019 Street and Sewer Capital Improvement Plan Update

2. Event/Street Closure Application – Rosary Procession

3. Transient Food Unit Approval at Streetfest - Planning

Brainerd City Council
Agenda Request

SPW #1

Agenda Item #

Requested Meeting Date: July 3rd, 2017

Title of Item: 2019 Street and Sewer Capital Improvement Plan Update

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☑ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Paul Sandy, City Engineer	**Department:** Engineering
Presenter (Name & Title): Paul Sandy - City Engineer	**Estimated Time Needed:** 10 Minutes

Summary of Issue:

Attached is some additional information that was requested at the Safety and Public Works Committee Meeting on June 19th, 2017 pertaining to the street and sewer capital improvements plan FY 2019.

Alternatives, Options, Effects on Others/Comments:

See the attached memo and attached estimates of costs.

Recommended Action/Motion:

Recommend directing staff to proceed on with Buffalo Hills Lane, H Street, and 10th Avenue NE project development and direct staff to solicit RFP's for preliminary construction and engineering services for the federally funded 2019 Safe Routes to School projects and the S 6th Street Sidewalk Extension.

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: See the attachment for the funding sources for each project.

MEMO

www.ci.brainerd.mn.us

TO: Safety and Public Works Committee

FROM: Paul Sandy, City Engineer

DATE: June 23, 2017

RE: 2019 Capital Improvement Plan Recommendation

At the June 19 Safety and Public Works Committee meeting, the committee discussed the 2019 capital improvement plan including the recommendations of 10th Avenue NE reconstruction, H Street reconstruction, Buffalo Hills Lane reconstruction, and the 3 federally funded sidewalk projects currently programmed with MnDOT for the 2019 season.

As the committee may recall, the concept of soliciting design and construction engineering services to a consulting firm for the federally funded sidewalk projects was discussed, and the concept was agreed upon submittal of some estimated costs in the difference between doing the work in house and consulting it out.

The attachment to this memo gives the preliminary construction and engineering costs for each project considered at the last meeting. Generally, our in house engineering fees are estimated based upon a percentage of the total construction cost. These percentages vary greatly dependent on the type of project, however are fairly consistent to the type of work being performed and the type of funding being used (i.e. resurfacing, reconstruction, sidewalks, etc). In general, our in house projects have the lowest costs of engineering, mostly because the plans do not have to go through any MnDOT review for State Aid or FHWA review for federal projects. We also generally see lower construction costs on these projects because the contractor does not have to pay his employees the State Prevailing Wages, unlike State Aid and federally funded construction work. The amount of administrative time is also a huge player in the amount of cost in preliminary and construction engineering during a project. For example, State Aid documentation requires more time administratively than our in house work, and federal documentation requires more time administratively than State Aid work.

With that being said, staff has evaluated the work load for the 2019 construction season and feels that it may be necessary, in order to deliver the entire program, to consult out a portion of the projects listed in the attachments. The level of administrative work and documentation for the federally funded sidewalk projects are great for consultants that specialize in the federal DCP (Delegated Contract Process) because they can generally deliver the projects more efficiently and more timely than City staff. The attachment shows what City staff had in engineering costs (design and construction) and what the construction cost was for the first phase of Garfield Safe Routes to School. The engineering cost totaled 23.67% of the construction costs on the project. Although we have never had a consultant contract with a Safe Routes to School Project, a general number for engineering costs (design and construction) to use for federal DCP projects is 25% of the construction cost. This may vary dependent on the type of work. In total, the estimated difference between the City staff performing the design and construction

compared to a consultant performing the design and construction would be a loss of an estimated $3,000. However, this number does not take into account the lost time on other street projects and the efficiencies staff can gain by providing more time and effort on the street projects planned for 2019.

In conclusion, staff is asking for the committee to evaluate the attachment and provide feedback. Staff's recommendation is to solicit an RFP for the 3 federal safe routes to school projects and bring back a recommendation once the materials are received from the consultants and reviewed by staff.

City of Brainerd
2019 CIP Street and Sidewalk Estimated Costs

1	**Project**	**10th Avenue NE Reconstruction**		**H Street Reconstruction**		**Buffalo Hills Lane**		**S 6th Street Sidewalk Extension (Federal)**		**Garfield SRTS Phase II (Federal)**		**Garfield SRTS Phase III (Federal)**	
2	**Location**	Washington Street to I Street		8th Avenue NE to 13th Avenue NE		Graydon Avenue to Mississippi Drive		Joseph Street to CR 117 (Industrial Park Road		G Street, 10th Avenue NE, 9th Avenue NE, N Street		N Street, L Street, J Street, 10th Avenue NE, H Street	
3	**Funding Notes**	Local, Assessments		State Aid, Assessments		State Aid, Assessments		80%/20% Federal/Local (Engineering and Construction)		80%/%20 Federal/Local (Construction) 100% Local (Engineering)		80%/20% Federal/Local (Construction) 100% Local (Engineering)	
4	**Estimated Construction Costs**	$	175,000.00	$	345,000.00	$	650,900.00	$	437,000.00	$	350,000.00	$	510,000.00
5	**Estimated Engineering Costs**	$	32,000.00	$	65,000.00	$	163,000.00	$	110,000.00	$	87,500.00	$	127,500.00
6	**Total Cost**	$	207,000.00	$	410,000.00	$	813,900.00	$	547,000.00	$	437,500.00	$	637,500.00
7	**Cost Breakdown**	**Assessments**	$ 103,000.00	**Assessments**	$ 150,000.00	**Assessments**	$ 690,900.00	**Federal**	$ 437,000.00	**Federal**	$ 280,000.00	**Federal**	$ 408,000.00
		Local	$ 104,000.00	**Storm Fund**	$ 63,000.00	**Storm Fund**	$ 63,000.00	**Local**	$ 110,000.00	**Local**	$ 157,500.00	**Local**	$ 229,500.00
				State Aid	$ 197,000.00	**State Aid**	$ 60,000.00						
8	**Estimated Engineering % of Construction (Consultants)**							25.00%		25.00%		25.00%	
9	**Example - Garfield SRTS Phase I (Actual Costs)**							**Construction**	$ 248,075.70	**Construction**	$ 248,075.70	**Construction**	$ 248,075.70
								Engineering	$ 58,952.51	**Engineering**	$ 58,952.51	**Engineering**	$ 58,952.51
								% Engineering	23.76%	**% Engineering**	23.76%	**% Engineering**	23.76%
10	**Difference**								-1.24%		-1.24%		-1.24%
11	**Estimated Savings/Loss**								$ (1,359.69)		$ (1,081.57)		$ (1,576.00)
12								**X 20%**	$ (271.94)				
13												**Total**	**$ (2,929.51)**

Explanation of Table: Row 1: Project Name;
Row 2: Project Location:
Row 3: Funding Sources;
Row 4: Estimated Cost for Construction;
Row 5: Estimated Engineering Cost (Design and Construction);
Row 6: Total Cost (Construction and Enginering);
Row 7: Estimated Breakdown Between Funding Sources;
Row 8: Estimated Percentage of Engineering Cost Related to Total Construction Cost for Consultants;
Row 9: Real Life Example of In House Expenses for Garfield Safe Routes to School Phase I (Construction, Engineering, % Engineering Related to Construction);
Row 10: Difference between Consultant Percent in Column 8 Compared to In House Percent from Garfield SRTS Phase 1 in Row 9;
Row 11: Cost Difference Calculated Using Row 5 X Row 10
Row 12: 20% of the S 6th Street East Frontage Road Cost as this grant is the 80%/20% Federal/Local split in Engineering Expenses
Row 13: Estimated Total Cost Difference from using In House work Compared to Consultant Forces

Brainerd City Council
Agenda Request

SPW#2

Agenda Item #

Requested Meeting Date: July 3rd, 2017

Title of Item: Event/Street Closure Application - Rosary Procession

☐ 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, City Engineer	**Department:** Engineering
Presenter (Name & Title): Paul Sandy - City Engineer	**Estimated Time Needed:** 5 Minutes

Summary of Issue:

Attached is an Event/Street Closure Application for a Rosary Procession from Lakes Area Catholic Churches.

Alternatives, Options, Effects on Others/Comments:

The event consists of a procession from St. Francis Catholic Church to St. Andrews Church using Juniper Street, N 8th Street, S 8th Street, S 9th Street, and Willow Street. It will involve a number of people moving as a group through town.

Recommended Action/Motion:

Recommend approval of the event application with the conditions that the applicant contact the police department for assistance (unless unforeseen circumstances arise) to cross Trunk Highway 210 along the procession route.

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:

Street Closure, Special Event And Festival Application

Brainerd, Minnesota

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

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

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

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

Application for a Street Closure, Special Event and Festival Permit

PART I: GENERAL INFORMATION

Name of the event: Rosary Procession

Date(s) of the event: October 12th, 2017

Time of event (setup to breakdown): ~~5:30~~-6:30 - 8 pm

Location: Route between St. Francis Catholic Church and St. Andrews Catholic church on Juniper to N 8th to Willow st

Estimated number of attendees: 300

Organizer Information

Organizer's name (Please print): Lakes Area Catholic Churches

Organizer's address: 1108 Willow St. Brainerd, MN

Event contact person: Dan O'Reilly

Event contact daytime phone number: (h)_____(w)_____(c) 218-831-3197

Event contact persons e-mail address: dan@oreillystavern.com

Contact name and phone number to be used on the day of the event: tgoble@lakescatholic.org

(h)_____(w)_____(c) 218-831-3197

For Profit/Nonprofit status (type): Nonprofit

Applicant Information, if different from the event organizer:

Applicant name (Please print):_____

Applicant address: _____

Applicant's telephone number (h)_____(w)_____(c)_____

Event contact e-mail address: _____

Description of Activities

Brief description of the activities planned during the event: Procession of people praying the rosary. The procession will take place between St. Francis Catholic Church and St. Andrew's Catholic church. It will involve a number of people moving as a group through town. There will be some low amplified sound and singing of hymn music.

If a parade, please describe the proposed route with the assembly and dispersal locations and attach a map: The route will begin at St. Francis Church at 404 N 9th St. and procede West on Juniper St to North 8th St. At N 8th St. the procession will turn South and procede down 8th st. Until it becomes S. 9th St. The procession will turn East on Willow St and end at St. Andrews Church at 1108 Willow St.

Site Information

Electrical usage? *Yes* ☐ *No* ☑

Describe the type of equipment to be used and how you intend to supply the power:
A mild use of power from batteries will be used for sound.

Amplified sound? *Yes* ☑ *No* ☐

Description of any recording and sound amplification equipment to be used in your event and the times:
Some sound amplification will be used to allow the procession group to follow along with prayers said during the procession. This will likely consist of a small set of speakers on the back of a vehicle.

Restrooms provided? *Yes* ☐ No ☑ How many? _____

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

Company contracted for restrooms: _____

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

Sign, banners, and posters/flyers? *Yes* ☑ *No* ☐

Locations and descriptions: Only carried with the group durring procession. These will consist of images of Mary as well as a statue.

Trash Disposal? *Yes* ☐ *No* ☑

Company contracted for trash disposal: _____

Event Layout and Street Site Map *Yes* ☑ *No* ☐

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

Area Notification

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

Flyers/Information distributed to property owners prior to the event.

PART II: STREET CLOSURE REQUEST

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

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

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

We would request an escorted crossing of Major intersections such as 8th and Washinton St. As well as through the downtown area.

Time and date for beginning of street closures: _____

Time and date for reopening of streets: _____

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

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

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

PART III: CONTACTS, PERMITS, AND FEES CHECKLIST

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

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

Contact Information:

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

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

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

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

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

PART V: SIGNATURE OF EVENT APPLICANT

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

Dal W O'Reilly
Signature of the Event Applicant

Date submitted to the City

Daniel O'Reilly
PRINT NAME

Event Applicant Title

Theresa Goble 839-6653

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	None	
City Administration	None	
Engineering Depart.	None	
Fire Department	None	
Fire Support/EMS	None	
Parks and Recreation	None	
Planning Department	None	
Police Department	PS	Police will assist across Washington Street unless unforseen circumstances arise. Procession will have to obey by crosswalk in this circumstance

Certification of Street Closure Approval

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Special Event/Festival Application and Permit Approval

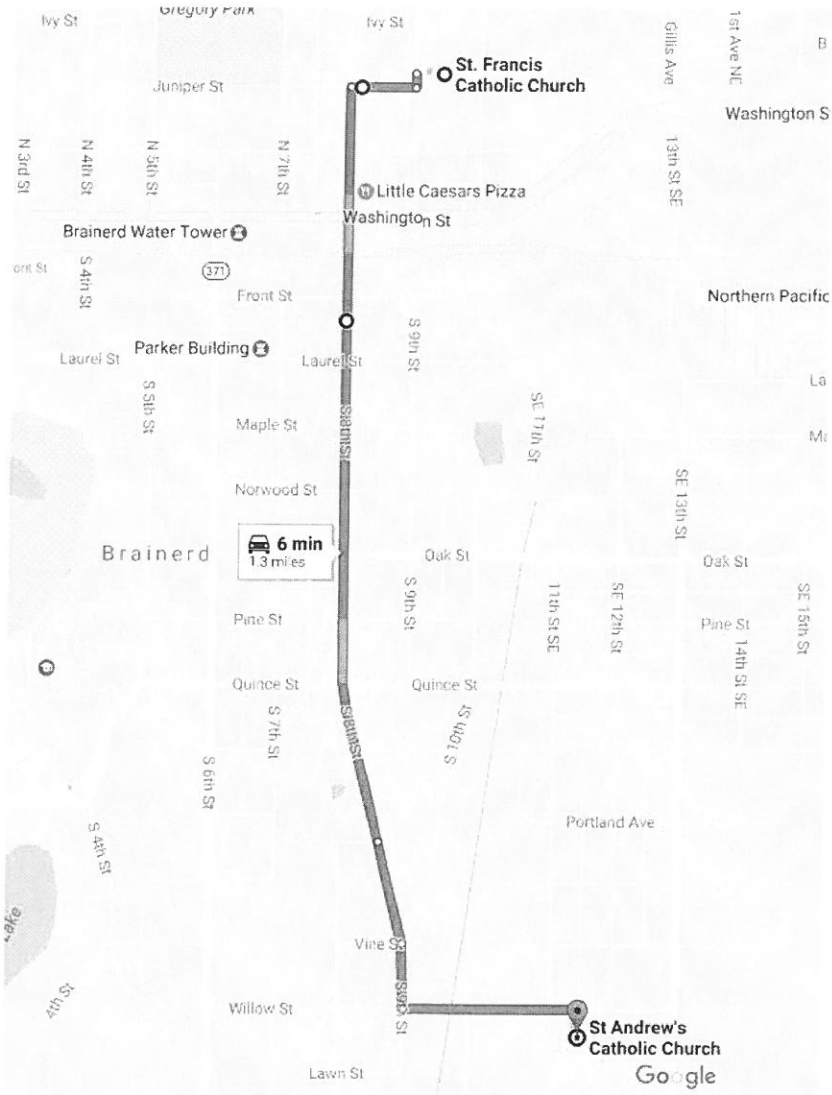
The Special Event as described above is approved subject to any conditions noted on this form or otherwise set forth by the City of Brainerd.

_____

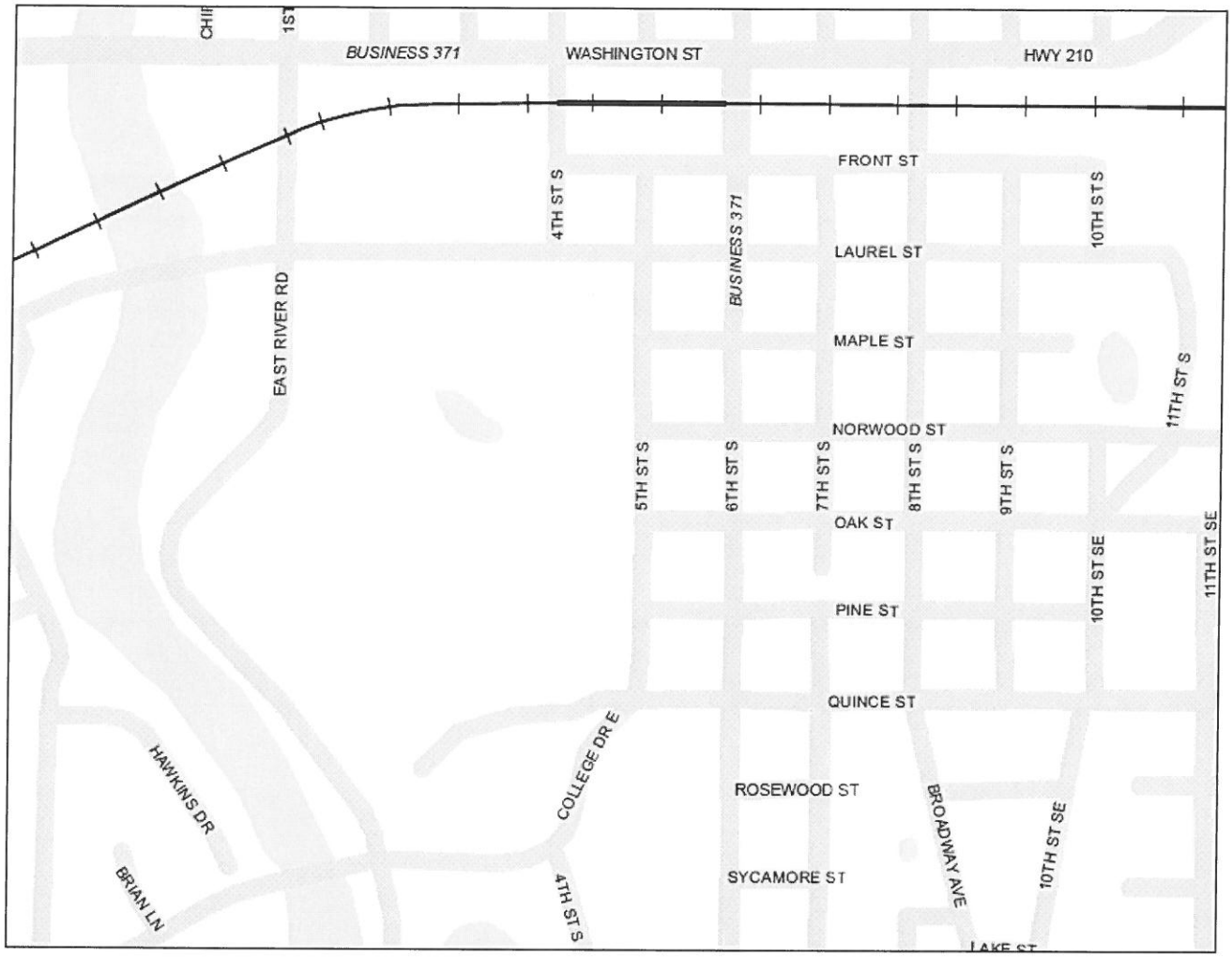
City Administrator

_____

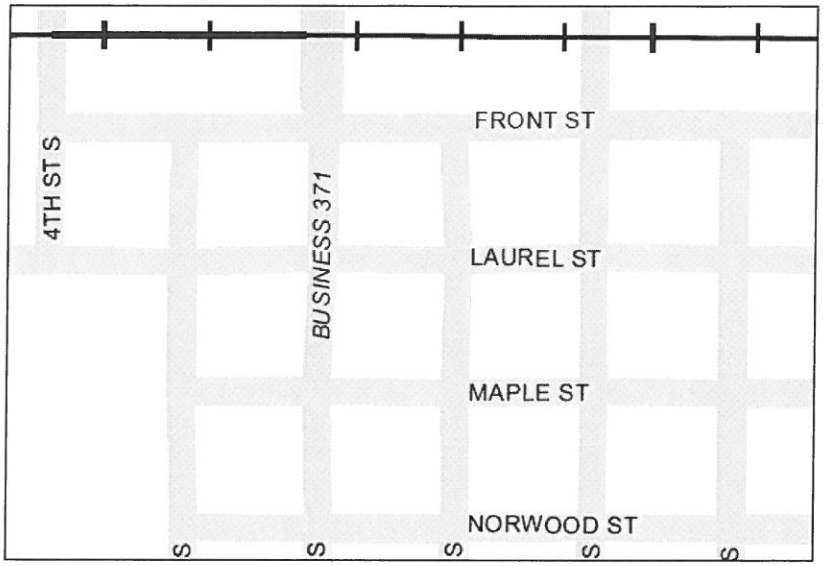
Date


St. Francis Catholic Church
Little Caesars Pizza
Brainerd Water Tower
Parker Building
6 min
1.3 miles
St Andrew's Catholic Church
Ivy St
Juniper St
Washington St
Front St
Laurel St
Maple St
Norwood St
Oak St
Pine St
Quince St
Vine St
Willow St
Lawn St
Portland Ave
Northern Pacific
Brainerd
Google

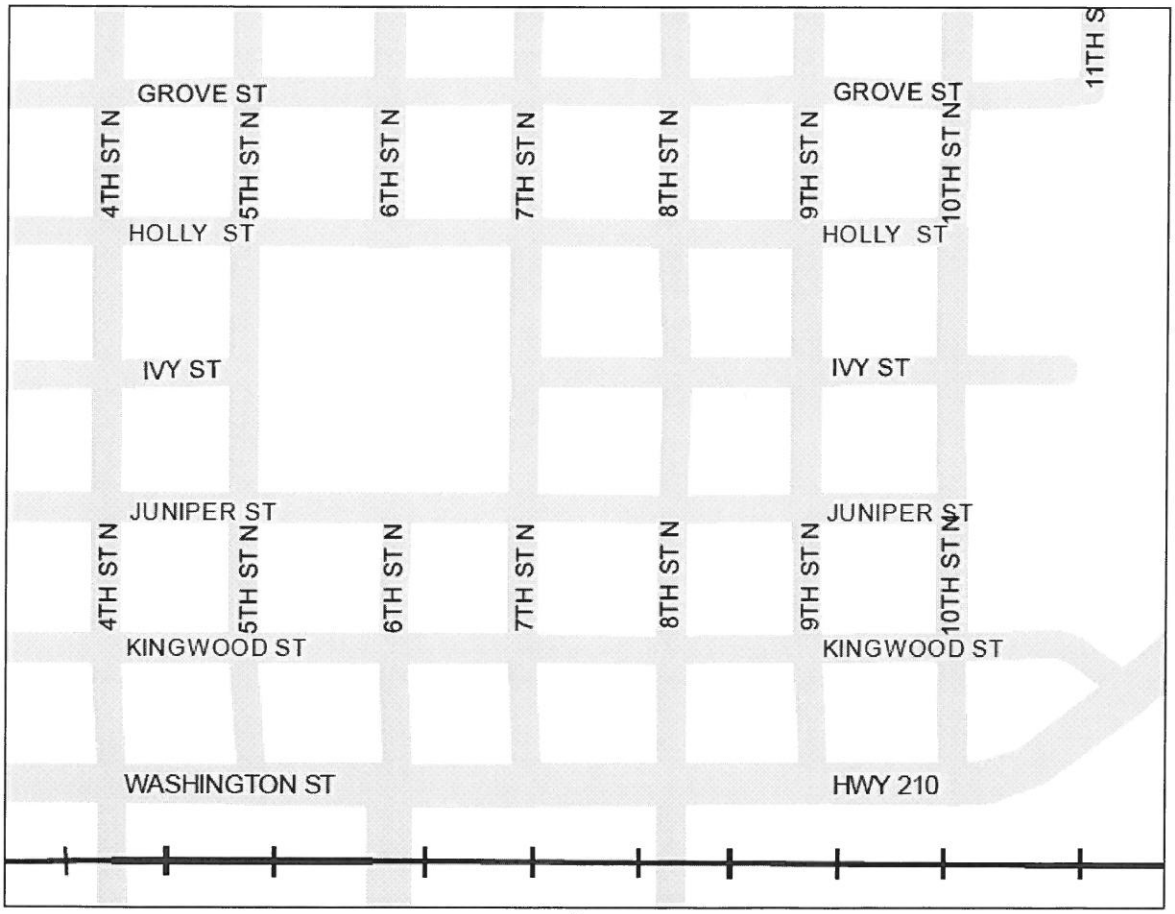
Commonly Used Maps



Historic Downtown



Gregory Park



Theresa Goble

From: Daniel O'Reilly <dan@oreillystavern.com>
Sent: Tuesday, May 23, 2017 10:41 AM
To: Theresa Goble; Fr. Daniel Weiske; frtony w
Subject: Permit Application
Attachments: Street Closure, Special Event, and Festival Application Filled out (PDF).pdf

Fathers and Theresa,

I have attached a copy of the city permit application for the rosary procession. There are a couple of sections I will need help filling in, specifically in determining what our requirements for notification of businesses and residents along the route. And also the best way to request street closures. We don't really need streets closed but an escort across the busy ones would be helpful, maybe though closing 8th st as we go through would be helpful too?

Any help or feedback would be much appreciated.

thank you,
Dan

Brainerd City Council
Agenda Request

SPW #3

Agenda Item #

Requested Meeting Date: July 3, 2017

Title of Item: Transient Food Unit Approval at Streetfest

☐ 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: Mark Ostgarden	**Department:** Planning
Presenter (Name & Title): Same	**Estimated Time Needed:** 10 minutes

Summary of Issue:

The City Council approved a Street Closure Special Event and Festival Permit for the annual Jaycee Streetfest. On June 26, 2017 I received a call from an out of town vendor who asked if a permit to operate her food trailer is needed for the event. I explained that food units (trucks wagons, carts, etc.) are not part of the event application.
Zoning Ordinance Section 515-64-4 Transient Food Unit Overlay District - Permitted Use #19 reads:
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. Procedurally the City Council will need to approve food units at the event.

Downtown food unit operation hours is 10 p. m. to 2 a. m. There is no language that species the hours do not apply during an event or festival. Procedurally to operate longer the City Council will need to waive the operation hours.

A license to operate a food unit is $500 annually. The license application approval for a vendor includes a Police Department background check. There is no fee established for an operation that is for 1 or 2 days or for an event. Does the City Council want to waive the annual fee for this event.

Alternatives, Options, Effects on Others/Comments:

There are a number of options that can be considered:
1. Do nothing. This will not permit food units to operate during Streetfest.
2. Approve food units. This will permit vendors to operate but they will be permitted to operate only from 10 p. m. to 2 a. m. and require each to obtain a license and pay the $500 annual fee.
3. Approve food units, require a license, waive the fee and do nothing about the hours.
4. Approve food units, require a license and fee and allow vendors to operate outside of the approved hours.
5. Approve food units, waive the license, fee and hour restrictions.

Recommended Action/Motion:

The Planning Department recommends that the fair and reasonable way to address this issue is to permit food units, waive the license, fee and hour restrictions for this year. Then request that staff review options for a fee schedule and options to allow vendors to operate during a special event or festival.

Final Impact:

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

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

Is this budgeted? ☐ Yes ☑ No

Please Explain:

CITY OF BRAINERD
PERSONNEL AND FINANCE COMMITTEE
AGENDA

July 3, 2017
7:00 P.M.
City Hall Conference Room

1. Approval of Bills & Payments to Contractors

Contractor	IMP #	Project	Amount	Total Retained

2. Authorize Purchase and Installation of New Outdoor Warning Siren

3. 2016 Year End Transfers Between Funds

4. 2018 Budget Discussion

Brainerd City Council
Agenda Request

P&F #2

Agenda Item #

Requested Meeting Date: July 3rd, 2017

Title of Item: Authorize purchase and installation of new Outdoor Warning Siren

☐ 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: Fire Chief Holmes	**Department:** Fire
Presenter (Name & Title): Fire Chief Holmes	**Estimated Time Needed:** 5 minutes

Summary of Issue:

Authorized the purchase and installation of a new outdoor warning siren to replace the outdated siren at the intersection of H St NE and 7th Ave NE.

Alternatives, Options, Effects on Others/Comments:

The siren at the intersection of H St NE and 7th Ave NE is very outdated and needs to be upgraded. Several other sirens were updated in 2004 and 2005. The new siren will increase the coverage area and will also be both AC and DC powered.
First map is current coverage and the second is the coverage with the new siren installed.

Recommended Action/Motion:

Authorize the purchase and installation of a new outdoor warning siren with the total cost not to exceed $20,000.

Financial Impact:

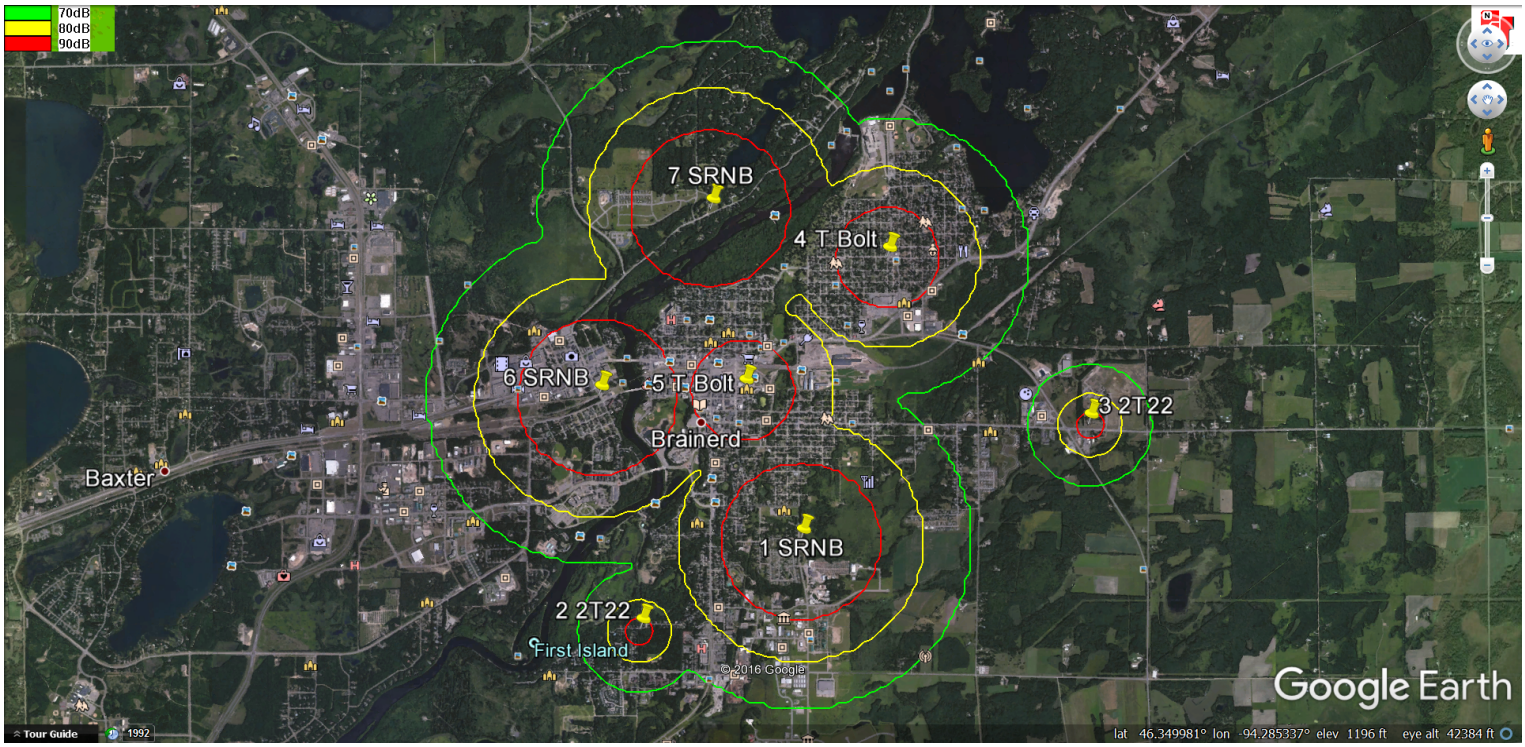
Is there a cost associated with this request: ☑ Yes ☐ No

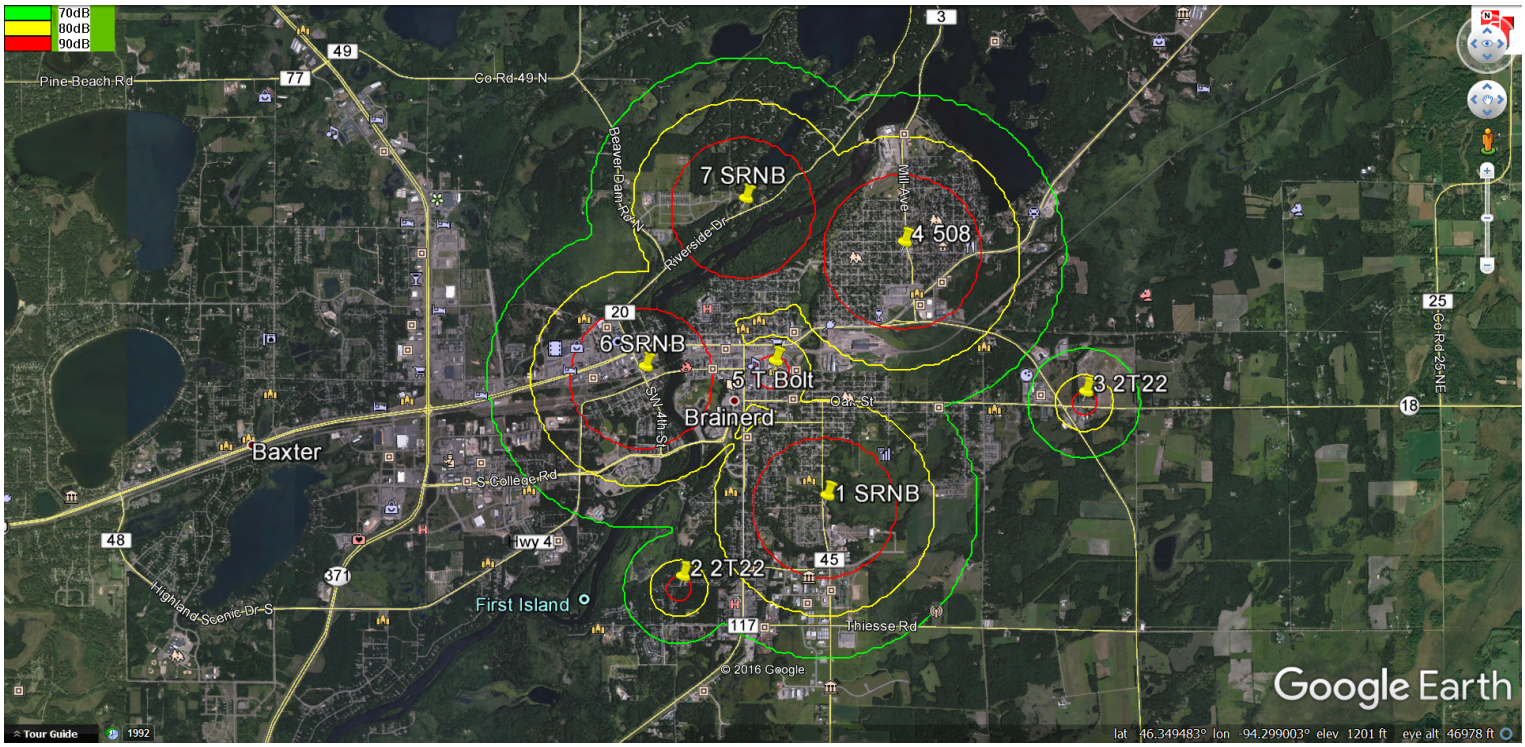
What is the total cost, with tax and shipping $ _____

Is this budgeted? ☑ Yes ☐ No

Please Explain:

2017 Capital improvement


70dB
80dB
90dB
7 SRNB
4 T Bolt
6 SRNB
5 T Bolt
Brainerd
3 2T22
Baxter
1 SRNB
2 2T22
First Island
© 2016 Google
Google Earth
Tour Guide
1992
lat 46.349981° lon -94.285337° elev 1196 ft eye alt 42384 ft


70dB
80dB
90dB
7 SRNB
4 508
6 SRNB
5 T Bolt
3 2T22
1 SRNB
2 2T22
Brainerd
Baxter
First Island
Pine Beach Rd
Co Rd 49 N
Beaver Dam Rd N
Riverside Dr
Mill Ave
Oak St
S College Rd
Hwy 4
Highland Scenic Dr S
Thiesse Rd
Co Rd 25 NE
© 2016 Google
Google Earth
Tour Guide
1992
lat 46.349483° lon -94.299003° elev 1201 ft eye alt 46978 ft

Brainerd City Council
Agenda Request

P&F #3

Agenda Item #

Requested Meeting Date: July 3, 2017

Title of Item: 2016 Year End Transfers Between Funds

☐ 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: Connie Hillman	**Department:** Finance
Presenter (Name & Title): Finance Director Hillman	**Estimated Time Needed:** 10 minutes

Summary of Issue:

The 2016 audit has been completed, and CiftonLarsonAllen will be at the July 17, 2017 council meeting to present the results. There were transfers between funds that needed to be made as a result of projects being completed and final operating results. Please see the attached memo for further information.

Alternatives, Options, Effects on Others/Comments:

Transfer $788,239 from Sanitary Sewer Fund (237) to Construction Fund (401).
Transfer $128,313 from Storm Sewer Fund (238) to Construction Fund (401).
Transfer $1,300 from the Street & Sewer Fund (235) to Park Dedication Fund (405).
Transfer $92,100 from the Public Safety Fund (225) to Fire Capital Fund (404).
Transfer $316,600 from the General Fund (101) to Capital Equipment Fund (400).

Recommended Action/Motion:

The suggested action is to approve the transfers as outlined above and in the memo.

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:

M E M O

TO: Mayor & Council

FROM: Finance Director Connie Hillman

DATE: June 28, 2017

RE: 2016 Transfers Between Funds

This memo is to explain the 2016 transfers requested in more detail.

Transfers from Sanitary (237) and Storm Sewer Fund (238) to Construction Fund (401).

For both the Sanitary and Storm Sewer funds (237 & 238) we pay for the construction of infrastructure out of Fund 401. Some projects include sanitary, storm and street improvements all in the same project. Staff felt it is easier to account for the entire project in one fund, and then to allocate/transfer the cost of the project among the funds one time after the project is completed, rather than having to allocate every bill. Also by doing it this way, we are able to get the entire project cost by looking at one fund rather than having to look at multiple funds.

Sanitary Sewer Transfer

$788,239 is to pay for the following sanitary sewer infrastructure projects completed in 2016:

Impr 14-08: CASH 45 (13th Street)	$585,648
Impr 15-11 O Street	60,954
Impr 16-06 Block 46	141,636
Total	**$788,238**

Storm Sewer Transfer

$128,313 is to pay for the following storm sewer infrastructure projects completed in 2016:

Impr 14-08: CASH 45 (13th Street)	$113,950
Impr 15-06 CWSWCD Mini Run off	14,363
Total	**$128,313**

Transfer from Street & Sewer Fund (235) to Park Dedication Fund (405):

The City received a $2,000 donation and receipted it to the Street & Sewer Fund. The donation was to be used for College Drive landscaping supplies. $700 of the donation was used to purchase mulch for the roundabouts out of the Street & Sewer Fund. The remainder of the donation is to be transferred to the Park Dedication Fund to ensure that it is used as the donor requested.

Transfer from Public Safety Fund (225) to Fire Capital Fund (404):

To calculate the amount due from the fire contracted areas for 2017, we used the 2016 budget. As shown on Attachment A, the amount spent was less than the amount budgeted and used for the billing. Attachment B is a page from the Fire Protection Agreement which states that any operating budget surplus in any given year shall be transferred to the Fire Capital Equipment Fund.

The contract also addresses if there is an operating budget deficit in any given year. This was the case for 2015, in which a proportional amount was billed to each service area.

Transfer from General Fund (101) to Capital Equipment Fund (400):

Attachment C is pages from the City's Fund balance policy that was amended at the October 17, 2016 council meeting. It was determined that if revenues exceed expenditures in excess of budget in the Working Funds (General, Public Safety, Parks and Street & Sewer), all funds in excess of 1% of operating expenditures should be transferred to the general Capital Account.

The budget that was adopted for 2016 for the Working Funds was a balanced budget, revenues equaled expenditures. Actual for 2016 was that revenues for the working funds exceeded expenditures by $401,523. The calculated total operating expenditures for the working funds was $8,492,998, of which 1% is $84,930. The excess is therefore $316,593 which was rounded $316,600 and needs to be transferred to fund 400 to comply with the policy.

Our fund balance policy states that the unassigned portion of the fund balance should be maintained at a range of 35-50% of the Working Funds current year operating expenditures. After the transfer, the unassigned fund balance is 39% of the 2016 expenditures at 12/31/16, up from 37% at 12/31/15.

2016 YTD Actual Versus Budget

As of 12/31/16

	Fire Department		
	2016 Adopted Budget	**Actual thru 12/31/16- Unaudited**	**% of Budget**
Personnel Services			
Salary	354,394	349,502	
OT	-	1,306	
Uniforms	5,800	5,200	
PERA/Pension	84,942	87,775	
FICA	13,048	13,077	
Medicare	5,052	5,249	
CAFÉ/Sick	-	-	
Health Ins	55,045	50,182	
Life Ins	265	257	
LTD	274	260	
Unemployment	83,200	26,685	
Workers Comp	62,375	61,569	
Total Personnel Services	**664,395**	**601,063**	**90%**
Supplies			
Office Supplies	1,500	1,519	
Operating Supplies	18,000	15,824	
Motor Fuels	15,000	8,696	
R&M Supplies	40,000	42,175	
Personal Protective Gear	25,000	24,235	
Total Supplies	**99,500**	**92,450**	**93%**
Services			
Professional Services	15,000	19,894	
Computer Support	2,600	2,829	
Telephone	7,500	3,565	
Postage	200	197	
Legal Publications	1,000	151	
Professional Development	15,500	24,771	
Lease Payments	9,393	5,284	
Insurance	20,799	21,867	
Utilities	41,000	32,318	
Misc.	2,500	1,635	
Dues & Subscription	1,800	1,374	
Books & Pamphlet	500	602	
Total Services	**117,792**	**114,486**	**97%**
Grants/Revenue	**(10,000)**	**(28,245)**	**282%**
Capital	**47,000**	**46,837**	**100%**
TOTAL	**918,687**	**826,590**	**90%**

92,097 Transferred to Fire Capital

ev = The specific governmental unit's total market value of tax exempt property as determined by the Crow Wing County Assessor.

U = The average number of calls for service for the City and all Contractees for the last five calendar years. This calculation carries a 30% weight.

Q = The total population of the City and all Contractees provided by the State Demographer's Office. This calculation carries a 30% weight.

V = The total market value, excluding tax exempt property of the City and all Contractees. This calculation carries a 30% weight.

EV = The total market value of tax exempt property of the City and all Contractees. This calculation carries a 10% weight.

City budget for fire protection shall be calculated according to the following formula:

C + E + D + R = Total Fire Protection Budget

C = The amount budgeted for fire department operations, including all personnel costs, supplies and services.

E = An amount budgeted for equipment replacement, capital expenditures and major equipment repair, to be kept in a separate Fire Capital Equipment Fund. As part of its annual budget, the City shall maintain a Fire Capital Equipment Fund for capital expenditures, replacement of equipment and major repairs to equipment.

D = Depreciation of Buildings. This represents the cost of using the building for the year to house the equipment and staff. Any upgrades to the building shall not be included in the operating budget ("C" above) nor paid from the equipment replacement fund ("E") Rather the upgrades or improvements will be paid for by the City and passed onto the service areas as an increase in the amount of this factor.

R = Contributions to the relief association

All figures shall be carried out to two decimal places in calculating the formula. Each Contractee's share of the total budget contribution shall be determined by multiplying the percentage assigned to that Contractee by the annual City Fire Protection budget. Each Contractee's contribution shall be recalculated annually.

Annually, at the end of each fiscal year, the City shall report to the Contractees the variance between actual and budgeted expense. In the event that there is an operating budget surplus in any given year, it shall be transferred to the Fire Capital Equipment Fund. In the event that there is an operating budget deficit in any given year, the Fire Advisory Board will meet to discuss the remedy of the deficit.

City shall provide Contractee with a written claim for the Payment Amount. Payment shall be due as follows: One-half paid by April 1st and the remaining half paid by August 1st of each year.

Spendable – Committed (GAAP Unreserved - Designated)

Definition -

The committed fund balance classification includes the portion of the *spendable fund balance* that reflects constraints that the city has *imposed upon itself* by a *formal action* of the *city council* (for example, an ordinance or resolution passed by a city council).

Policy -

At the end of each fiscal year, the City will maintain a Spendable-Committed fund balance for long-term loan receivables such as advances to other funds. *Any unrestricted fund balance at year end in any special revenue fund is deemed to be committed to the purpose of that fund and can only be removed by council action. (As amended by Council Action on 12/19/11).*

Spendable – Assigned (GAAP Unreserved – Designated)

Definition -

The assigned fund balance is the portion of the *spendable fund balance* that reflects funds intended to be used by the government for specific purposes assigned by more informal operational plans (e.g. capital goods replacement - the constraint on use is not imposed by external parties or by formal council action). In governmental funds other than the general fund (special revenue funds, capital project funds, debt service funds and permanent funds), assigned fund balance represents the amount that is not restricted or limited.

Policy -

Capital Goods Replacement

At the end of each fiscal year, the City will maintain a Spendable – Assigned fund balance portion for equipment replacement according to the City's Capital Improvement Plan.

Special Revenue Funds Cash Flow

At the end of each fiscal year, The City will maintain Spendable – Assigned portion of the fund balance for cash flow in a range equal to 20 – 40% of the subsequent year's budgeted revenues.

Spendable – Unassigned (GAAP Unreserved - Undesignated)

Definition -

This is the residual classification for the government's **General Fund** and includes all spendable amounts not contained in the other classifications and, therefore, not subject to any constraints. Unassigned amounts are available for any purpose. These are the current resources available for which there are no government self-imposed limitations or set spending plan. Although there is generally no set spending plan for the undesignated portion, there is a need to maintain a certain funding level. Undesignated fund balance is commonly used for emergency expenditures not previously considered. In addition, the resources classified as undesignated can be used to cover expenditures for revenues not yet received.

Policy -

Cash Flow

At the end of each fiscal year, the City will maintain Spendable – Unassigned portion of the fund balance for Cash Flow in a range equal to 35 – 50% of

the Working Funds current year operating expenditures(as amended by Council Action 10/17/16). In addition to cash flow needs this accommodates emergency contingency concerns.

In the event that amounts designated for cash flow fall above or below the desired range, the City Administrator shall report such amounts to the City Council as soon as practical after the end of the fiscal year. Should the actual amount designated for Cash Flow fall below the desired range, the City shall create a plan to restore the appropriate levels. Should the actual amount designated for cash flow rise above the desired range, any excess funds will remain undesignated pending the Council's final decision concerning transfer to another fund. It is the policy of the City that such excess funds will be, by council action, to be reported in the spendable limited category of this policy.

If revenues exceed expenditures in excess of budget in the Working Funds for any given year, all funds in excess of 1% of operating expenditures should be transferred to the general Capital Fund (400) until we get to 50% of unreserved funds balance (as amended by Council Action 10/17/16).

Adopted by the Brainerd City Council on this 18th day of May, 2009.

Amended by the Brainerd City Council on this 19th day of December, 2011
Amended by the Brainerd City Council on this 17th day of October, 2016

James M. Thoreen
City Administrator

Brainerd City Council
Agenda Request

P&F #4

Agenda Item #

Requested Meeting Date: July 3, 2017

Title of Item: 2018 Budget Discussion/Timeline

☐ 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/Finance
Presenter (Name & Title): City Administrator Thoreen	**Estimated Time Needed:** 10 Minutes

Summary of Issue:

Please see attached draft outline.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Discussion and guidance.

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

July 3, 2017

2018 BUDGET PREPARATION

In accordance with the City Charter and within the scope of direction offered by the Council, the Administrator and Finance Director present the following outline of process, timeline and recommendations:

Process

In conformance with the City Charter the Council President, Chair of Personnel and Finance and the Administrator will confer no later than July 24, 2017 to review the draft key elements of the 2018 budget.

We recommend, for those departments so inclined, that we again hear department head proposals in the Committee-of-the Whole for the 2018 budget with the provision that the initial work be directed by the three- member Budget Committee noted above. The Administrator offers these recommendations to the Budget Committee and Council as a broad perspective:

- The process is driven by needs, mandates such as union contracts, affordability from a taxpayer perspective, and consideration for future budgets.
- One measure of Council decision-making processes centers on the major question of impact on taxpayers. As a starting point, here are examples of percentage increases to the levy as a guide to your thought process:
    - 2017 Levy: $5,373,778
    - 2% increase: $107,476
    - 3% " $161,213
    - 4% " $214,951
    - 5% " $268,689
    - 10% " $537,378

- Projected health insurance premiums may consume much of the levy increase
- Spend-down of reserves needs to be minimal; avoided if possible
- Short-term debt for equipment replacement remains attractive due to low interest rates
- Develop a second year "Ghost Budget" in order to determine '19 priorities
- Invest in technology and continuous improvement processes
- Prepare a new/revised Capital Improvement Plan as part of the '18 budget, separate and distinct from operating budged
- Consider capital investment opportunities in '18 and '19 as debt decreases substantially

DRAFT

Timeline

July 24	Budget Committee Completes Initial Work; Recommended max levy increase; other recommendations
August 7	Council to Review Initial Proposal; Provide Direction to Staff
August 21	Department Heads May Review/Supplement Budget Requests with Committee-of-the Whole
August 28	Preliminary Budget Proposal Delivered to Council; To be reviewed in a workshop that date: A.) Operating Budget B.) Capital Budget
September 5	Council Reviews Preliminary Budget and Directs Staff
September 18	Adoption of Preliminary Budget (Deadline is 9/30)
October – November	*Refine Preliminary Budget at Staff Level*
December	Truth in Taxation Hearing
December 18	Adopt 2018 Budget

The dates suggested above are for planning purposes and the Council, if so inclined, will adopt a more precise calendar of events in July, subject to Council member availability and staff constraints.

DRAFT

July 3, 2017 Council Meeting

City Administrator's Report

1. **Enforcement of Code Requirements on (2) Downtown Properties**

   The two major issues the Council has acted upon and toward which staff has directed our resources:

   a. 217 So. 7th Street Apartments

      The property owner and residents of the 12 apartments have been served notice that the units will be vacated no later than July 13, 2017. The rental license has expired and the owner has been informed that his request for renewal will not be approved. I have received phone calls from two potential purchasers of the building but as of this date have not been informed of any pending sale. I informed each potential buyer that the City will expect any changes to the property to adhere exactly to our Code/Ordinance requirements. One of the tenants contacted me regarding challenges she has encountered with the property owner; she has been directed to the Legal Aid Society for guidance.

   b. Motel Property on South 6th Street

      The property owner has received notice of the Council's Declaration of a Hazardous Building and Ordering its Demolition. The owner's attorney has filed an appeal of the order, which means we will take the issue to District Court for a hearing. City Attorney Langel is preparing for the action and will inform us of a hearing date. It is interesting to note that the defendant's consulting engineer

finds the buildings to be "structurally stable and suitable for rehabilitation".

2. **<u>PTO Study Committee Progress</u>**
   The Committee has met twice as we follow through with the union contact agreements to examine the pros/cons of Paid Time Off versus the current Sick Leave/Vacation Leave/other paid time off under our present system. At the initial meeting we heard from Crow Wing County HR Director Tami Laska, who outlined the county's system and how it evolved to its current PTO program. At the second meeting we reviewed and compared several of the case studies from other communities to take a broad view of how those cities/counties have derived the total amount of paid time off. The Committee has asked Finance Director Connie Hillman and BPU Finance Director Todd Wicklund to prepare some comparable scenarios as to: a.) how the transition has been accomplished in other communities; b.) development of examples of how our union contracts could transition to PTO and the costs/benefits of these examples. We will meet again in July with an August meeting to determine what recommendations the Committee will bring to the City Council as well as their respective members.

3. **<u>Three Bridges Trail Initiative</u>**
   The Council-authorized submission of a request for $7.5 million bonding request for 2018 has been submitted to the state agency. We expect to hear within a month just how the Legislative Bonding Committee will meet and take its annual tour of sites which have been placed on the request list for bonding allocation. I will work with the local committee and Jennifer Bergman to

coordinate a presentation to the Bonding Committee when their visit is scheduled. We will develop a clear, concise message and a tour of our site to demonstrate our commitment. One aspect of this request, though submitted by Brainerd, is that of the Regional significance of the confluence of recreational trails along our riverfront. We will keep our local legislators informed and work with legislative staff and leaders to assure that the visit to Brainerd will provide ample evidence that the request is worthy of state bonding.

LEAGUE OF MINNESOTA CITIES

RECEIVED
JUN 29 2017
CITY OF BRAINERD
ADMINISTRATION

CONNECTING & INNOVATING
SINCE 1913

Memorandum

To: Mayor Edwin Menk, City of Brainerd

From: Gary Carlson, Director, Intergovernmental Relations, League of Minnesota Cities

Date: June 26, 2017

Re: League of Minnesota Cities Legislators of Distinction for 2017

Senator Carrie Ruud, who represents your city at the state legislature, has been selected as a League of Minnesota Cities Legislator of Distinction for 2017. The League's Board of Directors recognized a total of 32 legislators this year, including 18 House members and 14 Senate members, for their actions and leadership on a wide variety of legislative issues of importance to cities across our state. **The enclosed letter describes the specific reasons your legislator was chosen for this recognition.** A copy of this letter, and printed certificate, was sent to your legislator last Thursday.

Please share this recognition with your city council and the public at your next council meeting. We also encourage you to share this information with your local newspaper. Publicly acknowledging legislators for their support of city-friendly legislation helps to continue strengthening the partnership between state and local government officials in Minnesota.

If you have any questions, please feel free to contact Heather Corcoran, IGR Member Relations Coordinator at the League of Minnesota Cities at hcorcoran@lmc.org, (651) 281-1256, or toll-free at 800-925-1122. To read the complete list of all 32 legislators who received this designation, see the *Cities Bulletin* article online at www.lmc.org/lod.

Thank you, in advance, for your consideration and your support of the League's Legislators of Distinction recognition program.

Enclosure

145 UNIVERSITY AVE. WEST
ST. PAUL, MN 55103-2044

PHONE: (651) 281-1200 FAX: (651) 281-1299
TOLL FREE: (800) 925-1122 WEB: WWW.LMC.ORG

LEAGUE OF MINNESOTA CITIES

CONNECTING & INNOVATING
SINCE 1913

June 21, 2017

The Honorable Carrie Ruud
8636 Bluebird Lane
Breezy Point, MN 56472

Dear Senator Ruud,

On behalf of our 833 member cities, I want to thank you for your efforts this past legislative session and to recognize you as a League of Minnesota Cities Legislator of Distinction for 2017.

League staff and member city officials appreciate your accessibility and your consultation with us on legislation affecting cities. Specifically, our members appreciate your work on environmental issues giving cities the resources necessary to protecting Minnesota's environment. Member city officials thank you for your authorship on stormwater reuse provisions as well as legislation that gave assurance to cities that once they invest in improvements to wastewater treatment facilities, in order to meet environmental standards, they will not need to reinvest in improvements until they have paid off a reasonable portion of the previous investment.

Our members know that in order to be successful in serving our common constituents, state and city officials must work together as partners to reach solutions that meet the unique needs of rural, suburban, and urban communities all across Minnesota. City leaders also understand that without the support of legislative leaders like you, this state-local partnership would not be possible.

To acknowledge your contributions last session, mayors of each city in your legislative district will receive notification of your recognition. A press release will also be issued to media in your area. City officials and League staff look forward to continuing to work with you in the future.

Sincerely,

Jo Emerson

Jo Emerson
Mayor, City of White Bear Lake
President, League of Minnesota Cities

Enclosure

145 UNIVERSITY AVE. WEST
ST. PAUL, MN 55103-2044

PHONE: (651) 281-1200 FAX: (651) 281-1299
TOLL FREE: (800) 925-1122 WEB: WWW.LMC.ORG

LEAGUE OF MINNESOTA CITIES

RECEIVED
JUN 29 2017
CITY OF BRAINERD
ADMINISTRATION

CONNECTING & INNOVATING
SINCE 1913

Memorandum

To: Mayor Edwin Menk, City of Brainerd

From: Gary Carlson, Director, Intergovernmental Relations, League of Minnesota Cities

Date: June 26, 2017

Re: League of Minnesota Cities Legislators of Distinction for 2017

Representative Dale Lueck, who represents your city at the state legislature, has been selected as a League of Minnesota Cities Legislator of Distinction for 2017. The League's Board of Directors recognized a total of 32 legislators this year, including 18 House members and 14 Senate members, for their actions and leadership on a wide variety of legislative issues of importance to cities across our state. **The enclosed letter describes the specific reasons your legislator was chosen for this recognition.** A copy of this letter, and printed certificate, was sent to your legislator last Thursday.

Please share this recognition with your city council and the public at your next council meeting. We also encourage you to share this information with your local newspaper. Publicly acknowledging legislators for their support of city-friendly legislation helps to continue strengthening the partnership between state and local government officials in Minnesota.

If you have any questions, please feel free to contact Heather Corcoran, IGR Member Relations Coordinator at the League of Minnesota Cities at hcorcoran@lmc.org, (651) 281-1256, or toll-free at 800-925-1122. To read the complete list of all 32 legislators who received this designation, see the *Cities Bulletin* article online at www.lmc.org/lod.

Thank you, in advance, for your consideration and your support of the League's Legislators of Distinction recognition program.

Enclosure

145 UNIVERSITY AVE. WEST
ST. PAUL, MN 55103-2044

PHONE: (651) 281-1200 FAX: (651) 281-1299
TOLL FREE: (800) 925-1122 WEB: WWW.LMC.ORG

LEAGUE OF MINNESOTA CITIES

CONNECTING & INNOVATING
SINCE 1913

June 21, 2017

The Honorable Dale Lueck
37489 – 295th St.
Aitkin, MN 56431

Dear Representative Lueck,

On behalf of our 833 member cities, I want to thank you for your efforts this past legislative session and to recognize you as a League of Minnesota Cities Legislator of Distinction for 2017.

League staff and member city officials appreciate your accessibility and your consultation with us on legislation affecting cities. Specifically, our members appreciate you authoring legislation to provide city wastewater treatment facilities with assurance that once they improve their facility to meet new environmental standards, they will not need to rebuild until they have been able to pay off a reasonable portion of the debt they incurred.

Our members know that in order to be successful in serving our common constituents, state and city officials must work together as partners to reach solutions that meet the unique needs of rural, suburban, and urban communities all across Minnesota. City leaders also understand that without the support of legislative leaders like you, this state-local partnership would not be possible.

To acknowledge your contributions last session, mayors of each city in your legislative district will receive notification of your recognition. A press release will also be issued to media in your area. City officials and League staff look forward to continuing to work with you in the future.

Sincerely,

Jo Emerson

Jo Emerson
Mayor, City of White Bear Lake
President, League of Minnesota Cities

Enclosure

145 UNIVERSITY AVE. WEST
ST. PAUL, MN 55103-2044

PHONE: (651) 281-1200 FAX: (651) 281-1299
TOLL FREE: (800) 925-1122 WEB: WWW.LMC.ORG

Brainerd City Council
Agenda Request

#9B

Agenda Item #

Requested Meeting Date: July 3, 2017

Title of Item: First Reading - Amend Non-Intoxicating Malt Liquor 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 1st Reading **provide copy of published hearing notice*
Submitted by: Jim Thoreen	**Department:** Administration
Presenter (Name & Title):	**Estimated Time Needed:** 5 minutes

Summary of Issue:

Brainerd City Code 1205 regulates issuance of non-intoxicating malt liquor (3.2 beer) licenses. The Code needs to reflect current State Law regarding the eligible age to purchase, consume, sell, or possess this beverage. This amendment provides the eligible age of "21" in conformance with state law. Current language reads "19".

Alternatives, Options, Effects on Others/Comments:

No option. State law prevails.

Recommended Action/Motion:

Initiate process to amend ordinance with the first reading July 3, 2017.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

O R D I N A N C E
NO. _____

AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1205 REGARDING NON-INTOXICATING MALT LIQUOR

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That the Brainerd City Code Section 1205 shall be amended as follows:

Section 1205 – Non-Intoxicating Malt Liquor

1205.11 Persons Ineligible for License. No license shall be granted to or held by any person who:

1. Is under 21 years of age

1205.15 Conditions of License.

Subd. 3. Sales to Minors or Intoxicated Persons. No beer shall be sold or served to any intoxicated person or to any person under 21 years of age.

Subd. 4. Consumption by Minors. No person under the age of 21 years shall be permitted to consume beer on the licensed premises or remain or loiter in a room where beer is being sold or served unless accompanied by his parent or legal guardian.

1205.21 Restrictions on Purchase and Consumption. Subd. 1. Age Misrepresentation. No person under the age of 21 years shall misrepresent his age for the purpose of obtaining beer.

Subd. 3. Procurement. No person other than the parent or legal guardian shall procure beer for any person under the age of 21 years.

Subd. 4. Possession. No person under the age of 21 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 21 years 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.

SECTION TWO: All other provisions of Section 1205 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

_____
DAVID PRITSCHET
President of the Council

Approved this ____day of _____, 2017

_____
EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One time, _____, 2017

Section 1205 – Non-Intoxicating Malt Liquor

1201.01 Definition of Terms. Subdivision 1. The terms defined in this Subsection have the meaning given them.

Subd. 2. "Beer" or "non-intoxicating malt liquor" means any malt beverage with an alcoholic content of more than one-half of one percent by volume and not more than three and two-tenths percent by weight.

Subd. 3. "Beer store" means an establishment for the sale of beer, cigars, cigarettes, all forms of tobacco, beverages and soft drinks at retail.

1205.03 License Required. Subdivision 1. Licenses. No person, except wholesales and manufacturers to the extent authorized by law, shall deal in or dispose of by gift, sale or otherwise, or keep or offer for sale, any beer within the City without first having received a license as hereinafter provided. Licenses shall be of three kinds: (1) regular on-sale; (2) temporary on-sale; and (3) off-sale.

Subd. 2. Regular On-Sale. Regular on-sale licenses shall be granted only to bona fide clubs, beer stores, exclusive on-sale liquor stores, drug stores and restaurants and hotels where food is prepared and served for consumption on the premises. On-sale licenses shall permit the sale of beer for consumption on the premises only.

(Amended Ord. 963 – 1994, Ord. 1012 – 1996)

Subd. 3. Temporary On-Sale. Temporary on-sale licenses shall be granted only to bona-fide clubs and charitable, religious and non-profit organizations for the sale of beer for consumption only on the premises designated in the application.

Subd. 4. Off-Sale. Off-sale licenses shall permit the sale of beer at retail, in the original package for consumption off the premises only.

Subd. 5. Limited On-Sale. Limited on-sale licenses shall be granted to professional baseball organizations and to concession stand vendors at Memorial Park. As to professional baseball organizations, the consumption of non-intoxicating malt liquor shall be limited to the vending structures and the spectator seating areas on the premises. As to a license issued to a vendor at Memorial Pack under this Subdivision, sales of non-intoxicating malt liquor shall be permitted only during scheduled adult activities for consumption on the premises.

(Added Ord. 1012 – 1996)

1205.05 License Applications. Subdivision 1. Form. Every application for a license to sell beer shall be made to the City Clerk-Treasurer on a form supplied by the City and containing such information as the Clerk-Treasurer or the Council may require. It shall be unlawful to make any false statement in an application.

Subd. 2. Proof of Financial Responsibility. Prior to the issuance of a beer license, the applicant shall demonstrate proof of financial responsibility as defined in Minnesota Statutes, Section 340A.409, Subdivision 1, with reference to liability under Minnesota Statutes, Section 340A801. Such proof shall be filed with the commissioner of public safety. Any liability insurance policy filed as proof of financial responsibility under this Subdivision shall conform to Minnesota Statutes, Section 340A412.

Subd. 3. Approval of Security. Liability insurance policies required by this section but not by state law shall be approved as to form by the City Attorney. Operation of a business licensed by this Section without having on file with the State Commissioner of Public Safety or the City at all times effective security as required in Subdivision 2 is a cause for revocation or suspension of the license.

1205.07 License Fees. Subdivision 1. Payment Required. Each application for a license shall be accompanied by a receipt from the Clerk-Treasurer for payment in full of the required fee for the license. All fees shall be paid into the general fund of the City. Upon rejection of any application for a license, the Clerk-Treasurer shall refund the amount paid.

Subd. 2. Expiration; Pro Rata Fees. Every license, except a temporary license, shall expire on the last day of June in each year. Each license, except a temporary license, shall be issued for a period of one year, except that if a portion of the license year has elapsed when the license is granted, the license shall be issued for the remainder of the year for a pro rata fee. In computing such fee, any unexpired fraction of a month shall be counted as one month. A temporary license shall be issued for a specific period in which a special event to which the sale is incident is being held and such period shall be stated on the license.

Subd. 3. Fees. The annual fees for licenses under this Section are fixed by Chapter X.

Subd. 4. Number of Licenses. Not more than thirty "off-sale" and seventeen regular "on-sale" license shall be in effect at any one time.

1205.09 Granting of License. Subdivision 1. Investigation and Hearing. The Council shall investigate all facts set out in the application. Opportunity shall be given to any person to be heard for or against the granting of the license. After such investigation and hearing, the Council shall grant or refuse the application in its discretion.

Subd. 2. Transfers. Each license shall be issued to the applicant only and shall not be transferable to another holder. Each license shall be issued only for the premises described in the application. No license may be transferred to another place without the approval of the Council.

1205.11 Persons Ineligible for License. No license shall be granted to or held by any person who:

1) Is under 19 years of age;

2) Has within five years prior to the application for such license, been convicted of a felony, or of violating any law of this State or Local ordinance relating to the manufacture, sale, distribution or possession for sale or distribution of intoxicating or non intoxicating liquors, and cannot show competent evidence under Minnesota Statutes, Section 364.03 of sufficient rehabilitation and present fitness to perform the duties of a beer licensee;

3) Is a manufacturer of beer or is interested in the control of any place where beer is manufactured;

4) Is an alien;

5) Is not of good moral character;

6) Is or during the period of this license becomes the holder of a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to him a local license to sell intoxicating liquor at such place.

1205.13 Places Ineligible for License. Subdivision 1. Conviction of Revocation. Subject to the provisions of Minnesota Statutes, Section 364.03, no license shall be granted for sale on any premises where a licensee has been convicted of the violation of this Section, or of the State beer or liquor law, or where any license hereunder has been revoked for cause until one year has elapsed after such conviction or revocation.

Subd. 2. Distance from Schools and Churches. No license shall be granted for any place within 300 feet of any public school or within 300 feet of any church. In applying this restriction, the distance shall be measured between the main front entrances following the route of ordinary pedestrian travel.

1205.15 Conditions of License. Subdivision 1. General Conditions. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this section and of any other applicable ordinance of the City or State law.

Subd. 2. Insurance. Compliance with financial responsibility requirements of State law and of this Section is a continuing condition of any license granted pursuant to this Ordinance.

Subd. 3. Sales to Minors or Intoxicated Persons. No beer shall be sold or served to any intoxicated person or to any person under 19 years of age.

Subd. 4. Consumption by Minors. No person under the age of 19 years shall be permitted to consume beer on the licensed premises or remain or loiter in a room where beer is being sold or served unless accompanied by his parent or legal guardian.

Subd. 5. Interest of Manufacturers or Wholesalers. No manufacturer or wholesaler of beer shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of Minnesota Statutes, Section 340.031. No retail licensee and manufacturer or wholesaler of beer shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of beer and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

Subd. 6. Liquor Dealer's Stamp. No licensee shall sell beer while holding or exhibiting in the licensed premises a federal retail liquor dealer's special tax stamp unless he is licensed under the laws of Minnesota to sell intoxicating liquors.

Subd. 7. Sales, Consumption, and Display of Intoxicating Liquors. No licensee who is not also licensed to sell intoxicating liquor and who does not hold a consumption and display permit as provided by law shall sell or permit the consumption or display of intoxicating liquors on the licensed premises or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the premises of such a licensee shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale; and the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this Ordinance.

Subd. 8. Searches and Seizures. Any peace officer may enter, inspect and search the premises of a licensee during business hours without a search and seizure warranty and may seize all intoxicating liquors found on the licensed premises in violation of Subdivision 6.

Subd. 9. Licensee Responsibility. Every licensee shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order.

1205.17 Closing Hours. No sale of nonintoxicating malt liquor shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any weekday Monday through Saturday inclusive. Neither shall any sale of such liquor be made on any Sunday between the hours of 1:00 a.m. and 12:00 noon.

1205.19 Clubs. No club shall sell beer except to members and to guests in the company of members.

1205.21 Restrictions on Purchase and Consumption. Subdivision 1. Age Mis-Representation. No person under the age of 19 years shall misrepresent his age for the purpose of obtaining beer.

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

#10A

Agenda Item #

Requested Meeting Date: July 3, 2017

Title of Item: Comprehensive Plan - Draft Scope of Services and Project Schedule

☐ 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: Mark Ostgarden	**Department:** Planning
Presenter (Name & Title): Same	**Estimated Time Needed:** 10 minutes

Summary of Issue:

Attached is a draft Comprehensive Plan Scope of Services and draft Project Schedule. An overview of both were presented to the Planning Commission for review at its June 21, 2017. A copy of the both documents have been distributed to the Planning Commission.

Alternatives, Options, Effects on Others/Comments:

The scope and time line are provided for information purposes. The next step is an Agreement with NJPA will be submitted at the July 17th meeting for consideration of approval. The agreement will be for the $15,000 budgeted update process.

Recommended Action/Motion:

No formal action is needed on the scope and time line.

Final Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain:

The City Council budgeted $15,000 for a Comprehensive Plan Update.

City of Brainerd Comprehensive Plan Update - Scope of Work

Overview
The scope of work has two parts:
Part I – Community Engagement and Existing Conditions
Task 1 – Project Kickoff
Task 2 – Data Gathering and Analysis

Part II – Document Development
Task 1 – Public Involvement
Task 2 – Report Development
Task 3 – Drafting the Report
Task 4 – Implementation
Task 5 – Draft Report and Approval

City Staff
City staff will actively participate in the project, including research and writing for specifically defined topics. City staff will provide NJPA with all existing data, plans and reports, GIS mapping, and will assist in the reproduction and distribution of materials including mailings, meeting set-up, and other logistical and administrative functions.

City staff will coordinate meeting logistics with the Comprehensive Plan Steering Committee and the public and review draft documents for initial comment. NJPA and City staff will conduct bi-weekly/monthly/ project management meetings (in person or via conference call) to address project management issues. During especially intense periods, these meetings may take place weekly. NJPA will produce monthly status reports prior to monthly meetings that will be attached to meeting agendas and monthly invoices. City staff will provide minutes of Comprehensive Plan Committee meetings.

Comprehensive Plan Steering Committee (the Committee)
The Committee is comprised of 10-12 members appointed by the City Council. These members represent the local business community, citizens at large, City staff, City Council member(s), area stakeholders, and other various Commission members within the City. The role of the Committee is to build consensus and support regarding the various topics, approaches, and policies outlined in the comprehensive plan project. The Committee will work with the consultant, City staff, and other local leaders while engaging the public for input throughout the duration of the project. The Committee will provide recommendations to the Planning Commission and City Council on the drafting and adopting the updated Comprehensive Plan.

The Committee members will be responsible for:

- Providing guidance through the entirety of the process
- Advising NJPA in reviewing data in addition to developing and reviewing goals, policies, and draft documents
- Providing comment and input during all project phases and civic engagement meetings and components
- Identifying issues and concerns during the project development process, and for the project as a whole
- Encouraging community consensus and encourage stakeholder participation during civic engagement events
- Promoting awareness, participation, and support the mission of the project

- Representing broad community interests
- Developing goals and strategies based on ideas generated from the public involvement process. The goals and strategies will be categorized by plan element. Themes that summarize the overriding issues in the ideas, and a draft goal statement and strategies for each element will be used as a basis for developing final goals and strategies.
- Acting in an advisory capacity to the Planning Commission and City Council

Focus Groups
Focus groups will be convened during the process and have two meetings with each focus group. The first meeting will include an introduction to the planning process and gather input. The second meeting would focus on the initial direction of the Comprehensive Plan.

Community Survey Panel
The City of Brainerd has created a 300 member Community Survey Panel to obtain feedback on important issues affecting the City. The Panel will take serval surveys that will provide information useful for the Comprehensive Plan public information process.

Elected Officials and Community Stakeholders Roundtables
Stakeholder groups will be convened at critical times in the process for series of two roundtables discussions. The first roundtable would include an introduction to the planning process and gather input. The second meeting would focus on the initial direction of the Comprehensive Plan. Brainerd City Council members and City staff will comprise one of the Roundtable meetings.

Community representatives will comprise the other Roundtable discussion. City staff and the Committee will determine the list of community officials included to invite to the meetings. Representatives may include, school district administration, airport administration, Chamber of Commerce, HRA, hospital/clinic, local utilities, etc. The first roundtable would include an introduction to the planning process and gather input. The second meeting would focus on the initial direction of the Comprehensive Plan.

Planning Commission
City staff will update the Planning Commission on a monthly basis. Planning Commission and NJPA meetings will be held which will follow roughly the same format as the Elected Officials/City staff and Community Representative Roundtable(s) but with more direction provided from NJPA with the ultimate goal of plan adoption. The Committee will make its final draft plan recommendation to the Planning Commission who will determine whether the draft is complete. Once a draft has been determined complete by the Planning Commission, it will conduct the required public hearing. Following the public hearing, should revisions be required, such revisions will be completed by the Planning Commission. When completed, the Planning Commission will recommend the draft to the City Council for approval consideration.

Process Duration
A 12-14 month planning process is anticipated. This will provide adequate time to complete all tasks, engage the public, write, deliver and approve a final plan.

Reproduction
City staff will be responsible for reproducing and distributing all materials to the Committee, except as otherwise noted below. NJPA will provide originals (hard copies and/or electronic files).

Contracting
NJPA and the City of Brainerd will finalize the Scope of Services, the fee and executing the contract for approval by the Brainerd City Council and NJPA.

Part I – Community Engagement and Existing Conditions

Task 1 Public Involvement
This task is an ongoing task that continues from Project Kick Off to Plan Adoption.

Task 1.1 Project Kick-off – Internal Staff
A project kick-off meeting will be held between City Staff and NJPA. The project scope, schedule, roles and responsibilities, process, and end deliverables will be discussed. Applicable departments and/or disciplines include planning, engineering, administration, economic development (BLAEDC), park department.

Task 1.1.1 Project Kick-off – Elected Officials
City staff and NJPA will facilitate a project kick-off workshop with the City Council, Planning Commission and the Committee. This workshop will include a review of the scope and schedule, role and responsibilities of City staff and NJPA and a planning issues exercise to understand the various perspectives of individual Committee members.

Task 1.2 Steering Committee Meeting: The Committee is organized for undertaking the plan and this meeting is the first step in the planning process. NJPA will provide a review of the Committee and engage it in a work session about key aspects of the public involvement program.

Task 1.3 Community Meetings: NJPA will conduct two (2) idea gathering meetings in part I, and two meetings in part II. NJPA will create the meeting agendas in collaboration with City staff and the Committee.

Task 1.4 Focus Groups
City staff will facilitate a series of Focus Group meetings to obtain feedback on issues important to the City of Brainerd.

Task 1.5 Preparation of Publicity Material: NJPA will provide guidance on the preparation of publicity materials to support the planning process. City staff will be responsible for reproduction of these materials.

Task 1.6 Distribution of Publicity Materials: City staff will manage the distribution of publicity materials through networks identified by the Committee (i.e. neighborhood distribution, elementary schools, churches, public buildings, local newspapers, cable television and radio, etc.).

Deliverables: Task 1 will continue through the entire project duration. Deliverables include posters, flyers, postcards, TV and radio interviews, social media postings, presentations, articles, and other applicable mediums to market, brand and promote the project. A Community Engagement Plan (CEP) will incorporate effective and innovative practices and techniques to collect input from a broad cross-section of the community where their feedback will directly inform the plan recommendations. This document will be finalized at the end of the project.

City Staff Support: City staff will prepare Committee meeting notifications, mailing materials prepared by NJPA, provide existing reports/plans to NJPA, prepare project notebooks for the Committee, and conduct planning area tours for NJPA and the Committee.

Timeframe: November 2017

Task 2 Data Gathering and Analysis

To the greatest extent possible, the data gathered for this project will be based on existing information, reports, etc. There are a number of recent and ongoing initiatives that are relevant to the planning process. These efforts will be integrated into the Comprehensive Plan.

Task 2.1 Planning Tour: City staff will lead a tour of the city for NJPA and the Committee

Task 2.2 Existing Plans and Reports: City staff will provide NJPA with a complete set of all existing plans, reports, aerials, and data that pertain to the Plan. NJPA will review these documents as background to undertaking this phase of the project.

Task 2.3 Base Mapping: City staff will provide NJPA with digital base maps in ArcView, which will be used by the team to prepare major plan maps. A land use inventory by City staff has been completed.

Task 2.4 Data Analysis: NJPA will inventory and assess existing conditions and trends as the baseline piece of the planning process.

Land Capability Analysis: NJPA will review the overall land composition of the planning area and address constraints for development, environmentally sensitive areas, and agricultural resources.

Existing Land Use and Development: NJPA will analyze existing land use for the planning area using land use inventories and aerial photographs. (The inventory will be mapped, and quantified, and planning issues identified by City staff). Development trends will also be analyzed (annexations and building permit activity) for patterns and planning issues.

Urban Design: NJPA will work with City staff to inventory and identity major components of the community's built character, including architecture of commercial development, especially along the City's major road corridors. This inventory will include historic structures, landmarks, and cultural facilities. NJPA will review and analyze City's development regulations that impact appearance and character of the built environment.

Transportation: NJPA will review data, existing plans and available studies. Existing traffic counts traffic forecasts, selected arterials and significant corridors (street and right-of-way widths, bridges, etc.) and existing and proposed non-motorized transportation plans will be reviewed.

The analysis will focus on area specific urban and rural land use transportation policies. Issues of connectivity will also be identified. Air transportation issues and transit issues will be evaluated.

Public and Private Utilities: City staff will provide information on existing conditions and utility planning efforts.

Public Safety: City staff will identify existing and proposed public safety facilities, including police and fire. NJPA will analyze this data.

Schools: City staff will identify the location and extent of existing and proposed educational facilities. NJPA will analyze this data.

Parks and Recreation: City staff will provide information about existing parks and recreation programs and facilities. The information will include a review of resource uses/conflicts, resource problems of particular concern and significant resources requiring preservation efforts. NJPA will analyze this data.

Housing: NJPA will prepare a summary of housing conditions and trends based on existing data from the 2000 and 2010 U.S. Census and other available sources and incorporate the results of the Crow Wing County Comprehensive Housing Strategy. Opportunities for urban infill will be identified.

Economic Development Assessment: NJPA will coordinate with the EDA and City staff to create an economic development element that provides realistic tools for growth and redevelopment. In order to assist City staff with the Economic Development Assessment for of the Comprehensive Plan, NJPA proposes the following:

- Facilitating a meeting with the EDA and other stakeholders to develop a Strengths-Weaknesses-Opportunities-Threats (SWOT) analysis for the community focused on development and redevelopment issues.
- Holding a meeting with City staff to create a strategic Economic Development Vision.
- Creation of a location map for areas that will be high priority redevelopment areas as the city continues to grow. This will map will be integrated with the future land use map.
- Goals and objectives integrated into the Implementation element of the Comprehensive Plan

Natural Resources: NJPA will utilize City and County natural resource data in order to assess important and unique natural resources, including clean air and water initiatives, wetlands, flood plains, prime agricultural land, and natural areas.

Task 2.5 Findings: The findings of the previous tasks will be summarized in a series of memoranda. The findings will identify relevant planning issues, a summary of the findings, and policy implications for the Plan. The findings will be reviewed by the Committee.

Task 2.6 Committee Workshops: NJPA will facilitate up to 2 Committee workshops to review the findings of this phase and to consider the implications of the next steps in the process.

Task 2.7 Planning Commission Meeting: City staff and NJPA will provide project updates and presentations as needed of the exiting conditions and trend findings.

Deliverables: Phase 2 deliverables include reports for topics outlined above and other

materials for the Committee workshops, and a report of SWOT analysis results, and Economic development chapter and a stand-alone Economic Development Strategic Plan

City Staff Support: City staff will prepare the Committee meeting notification and mail materials prepared by NJPA.

Timeframe: November 2017

Part II – Document Development

Task 1 Public Involvement
This task is an ongoing task that continues from Project Kick Off to Plan Adoption.

Task 2: Report Development
Public Involvement, Data Gathering and Analysis are merged to create options for future land use and development. Public participation continues in this phase and consensus will be reached regarding a preferred scenario that serves as the basis for drafting the plan.

Task 2.1 Goal Writing Workshop(s): A Goal Writing Workshop(s) with the Committee during which NJPA provides the ideas generated in the community meetings (categorized by plan element from the database), themes that summarize the overriding issues in the ideas, and a draft goal statement for each element as a starting point.

Task 2.2 Preliminary Scenario: NJPA will develop a preliminary land use scenario based upon the goals, selected visual and/or environmental exercises, and the technical findings of the existing conditions phase. A proposed land use and development concept that depicts conceptual land use and development, major open space features, and major infrastructure facilities will be developed. An assessment of how urban and rural area relate to the preliminary scenario be developed. Contemporary planning concepts including New Urbanism, Neo-traditional development, and Smart Growth will also be considered. The scenario is presented in a conceptual map form, with a narrative and it is quantified relative to population, development capacity, and fiscal benefit.

Task 2.3 Elected Officials/City Staff Roundtable: The land use concept will be shared with the Roundtable to gain insight and acceptance. This is a critical check to coordinate the effort and ensure the land use direction of the Plan has the support of elected officials and City staff. NJPA will lead this meeting.

Task 2.4 Community Stakeholder Roundtable: The land use concept will be shared with the roundtable to gain insight and acceptance. This is a critical check to coordinate the effort and ensure the land use direction of the Plan has the support of the community's leadership. NJPA will lead this meeting.

Task 2.5 City Council and Planning Commission: City staff will provide updates to the City Council and Planning Commission on the plan progress; especially the land use concept.

Task 3: Drafting the Plan: NJPA will prepare the first draft of the plan in this task. The draft will be reviewed by the Comprehensive Plan Committee and the draft will be presented for public comment at a Community Meeting.

The following plan elements are anticipated to be studied:

Community Profile, Land Use and Zoning, Housing, Intergovernmental Cooperation Transportation, Economic and Community Development, Parks and Open Space, Natural Resources and Recreation, Tourism, Utilities and Community Facilities, Food Planning, Energy, Broadband, Aging Population/Changes in Population, Sustainability, Resiliency, Health and Wellness, others.

Task 4. Implementation

Recommendations will be made with respect to amending the Zoning Ordinance and various development incentives and inducements will be identified as part of the economic development policies and strategies. The implementation plan will identify responsibilities and time frames for carrying out strategies that can easily be incorporated into a Capital Improvement Plan.

Task 4.1 Comprehensive Plan Committee Workshops: Chapters will be forwarded in clusters to City staff for review. Once City staff approves the drafts, they will be forwarded to the Committee for review. Comments and agreed upon changes will be made by NJPA in the document.

Task 4.2 Community Meeting: This is an evening event during which a short presentation is made by NJPA summarizing the key recommendations of the plan. NJPA will prepare a display summarizing the plan for presentation to the public at an open house. The **Planning Commission**, Committee, City staff, and NJPA are present to answer questions.

Task 4.3 Joint Planning Commission Meeting: The draft plan and results of the Community Meeting will be presented at a meeting of the Planning Commission by the Committee, NJPA and City staff.

Task 4.4 Committee Approval: Following review of the feedback from the Community Meeting and the joint meeting, the Committee will consider any changes to the draft plan. This revised document will become the final recommended document, which will be used in the adoption process.

Deliverables: Phase 4 deliverables include preliminary scenario report, all materials for the Community Choices event, all materials for the Roundtable 3, and drafts of plan elements.

City staff Support: City staff will support the Community Meeting, Comprehensive Plan Committee Workshops, and Roundtables. City staff will prepare Comprehensive Plan Committee meeting notification and mail materials prepared by NJPA.

Timeframe: March 2018

Task 5: Draft Report and Approval

The final phase of the project includes formal adoption of the plan and its reproduction and delivery.

Task 5.1 Planning Commission Action: City staff will circulate the final draft to the Planning Commissions. A Planning Commission meeting will be held to review the final plan draft.

Task 5.2 City Council Consideration: The Committee, City staff and NJPA will present the final draft plan to the City Council.

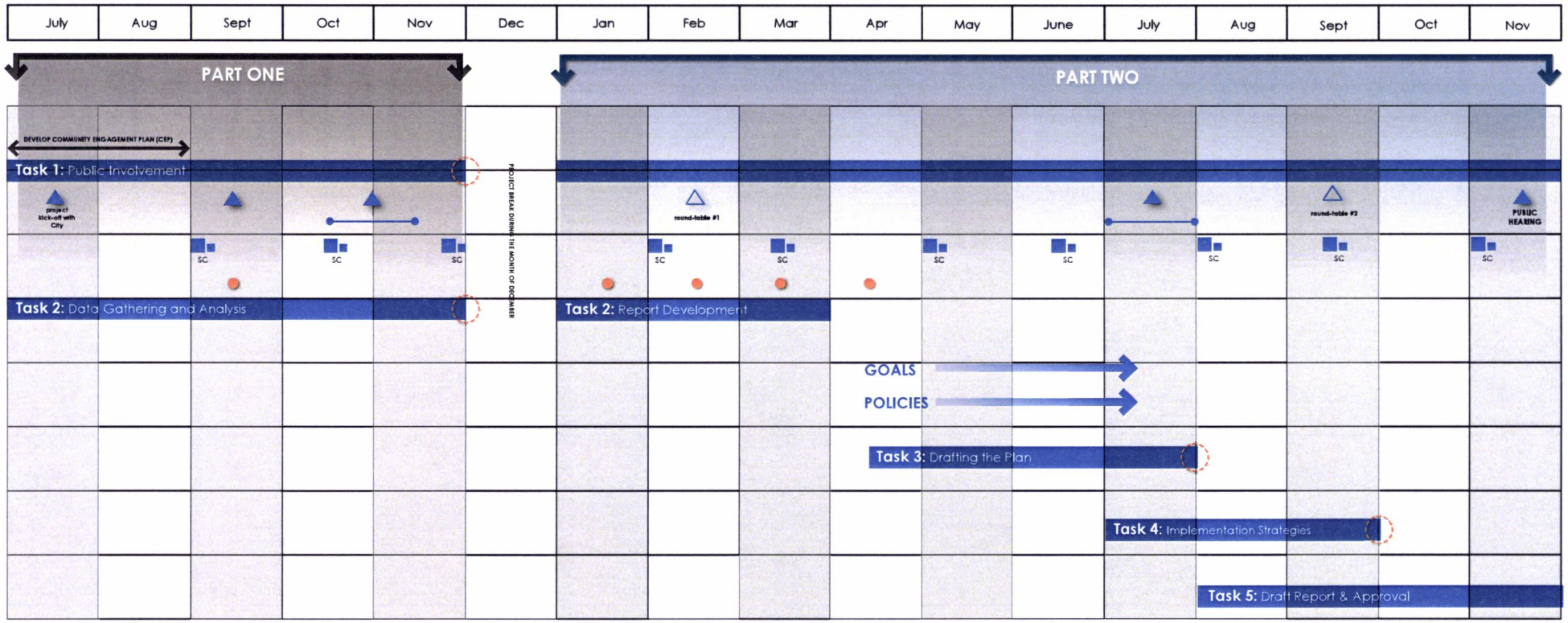
Deliverables: Following adoption of the Plan, City staff will prepare the final document.

City Staff Support: City staff will support the meeting of the Planning Commission review and any modifications that result from the adoption process.

Timeframe: November 2018

City of Brainerd

Comprehensive Plan Schedule
JULY 2017 - NOV 2018



Legend

- RS/NJPA team meeting
- public involvement meeting
- Steering Committee (SC) meeting
- team milestone
- time period for online content postings
- RS/NJPA progress check-in
- focus group meetings

PART ONE

Task 1: Draft public participation plan, and develop a schedule and strategy for our public outreach efforts. Meetings with steering committee will be necessary to define approach.

Task 2: Research, analyze, graph, chart, and map information. Present to SC, online survey, and summarize data.

PART TWO

Task 1: Continue public engagement efforts during Part II. This phase will run through the entire project duration.

Task 2: Using public comment develop chapter outlines, mapping, and supporting narratives for each chapter. This task will create the framework for future report development.

Task 3: Work with SC, use public comment, and develop visions, objectives, and goals. Use public comment and other means to gather input and participation during this phase.

Task 4: Work with SC, use public comment, and identify implementation strategies. Use public comment and other means to gather input and participation during this phase.

Task 5: Draft report and prepare for open house and work towards completed draft. Review time is incorporated in this timeline.

NOTE: The above schedule is a general representation of the numerous outreach activities, meetings, and tasks to be completed.

A Community Engagement Plan (CEP) will be developed in an effort to identify public particpation and outreach opportunities, and as an effort to manage and schedule these events. The plan will identify all stakeholders and community groups. CEP development will begin and commence at the beginning of task one.

DRAFT
for discussion purposes **only**

Brainerd City Council
Agenda Request

#10B

Agenda Item #

Requested Meeting Date: July 3, 2017

Title of Item: Conditional Use Permit (CUP) - Kevin Donnay of Widseth Smith Nolting, 7804 Industrial Park Road; Baxter, MN on behalf of Headley Williamson, 4630 Summit Pass, Eagan, MN to permit a boarding school at 2115 S. 6th Street, Brainerd, MN 56401

☐ 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: Mark Ostgarden, City Planner	**Department:** Planning
Presenter (Name & Title): Same	**Estimated Time Needed:** 5 minutes

Summary of Issue:

A CUP application has been submitted to operate a boarding school at the former Holiday Inn site on S. 6th Street.

Attached please find the City Planner Staff Report which provides the issue summary, several Power Point slides from the Planning Commission presentation, information submitted by Mr. Williamson, and Planning Commission draft minutes which include Findings of Fact related to this request.

Alternatives, Options, Effects on Others/Comments:

1. Approve the request as recommended by the Planning Commission which will permit the boarding school at this location.
2. Deny the request, a decision which must be based on the CUP review criteria.
3. Approve the request without the recommended conditions or approve with a modified list of conditions.

Recommended Action/Motion:

The motion based on the Planning Commission recommendation would read:
Motion by _____ and 2nd by _____ to ____ approve the Conditional Use Permit for the boarding school at 2115 S. 6th Street based on the Findings of Facts and recommended conditions.

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:

UPDATED STAFF REPORT TO THE PLANNING COMMISSION

JUNE 21, 2017 – Updated June 28, 2017

CONDITIONAL USE PERMIT

APPLICANT/LOCATION:	Kevin Donnay of Widseth Smith Nolting, 7804 Industrial Park Road; Baxter, MN on behalf of Headley Williamson, 4630 Summit Pass, Eagan, MN for property at 2115 S. 6th Street, Brainerd, MN 56401
PROPOSED USE:	Boarding School on an 8+ Acre Site
CURRENT ZONING:	B-4 (General Commercial) District
ADJACENT USES:	East: Trail and Commercial South: Methadone Center West: S. 6th Street and Medical Clinic across S. 6th St. North: Office
ADJACENT ZONING:	North: B-4 (General Commercial) District and R-3 (High Density Residential) East: B-4 (Neighborhood Commercial) District South: B-4 (Neighborhood Business) District West: R-3 (Multifamily) Residential and B-2 (Neighborhood Commercial District

---

REPORT

Following is information submitted by Headley Williamson the Academy's Board Chairman:

Exodus Boys Academy will open fall 2018 at 2115 South 6th Street, Brainerd, MN 56401. The school will start with no more than 60 students grades 6th-8th and will add a grade and 20+ students every year until it is 6th-12th grade and a maximum of 200 students. Please see the staff chart below. The live-in staff and resident director will be staying overnight at the school. A staff chart is provided at the end of this report.

The school will be accredited through the Association of Christian Schools International (ACSI) and will be a member of the Association of Christian Schools of Minnesota. Initially for sports such as football and basketball, the school will utilize community education sports for the boys until the school's athletic capability is realized (participants and standard home playing gym/field).

The property will be modified to be appropriate for a boarding school. Please see attached diagrams for landscape changes, parking changes, and building modification. Some highlights are:

- Changing the pool area into a gym. This will include modifications to the floor for a gym floor surface, removal of exterior wall windows and sliding glass doors and HVAC modifications.
- Changing the upstairs west wing into classrooms by removing walls between bedrooms and adding HVAC to the classrooms.
- Moving the restaurant bathrooms closer to the restaurant to ensure that there is no public access to the school through the restaurant.
- Removing the exterior doors from the ground level bedrooms and replacing them with wall and windows.
- Utilize the conference area as a permanent student cafeteria, Commons/Multi-Use space.
- Fire Sprinkler system will be added throughout.
- Refresh and replace interior finishes.
- Total roof replacement.
- Elevator addition.

Exterior Improvements to include:

- Remove the parking pavement and outside tennis court of the northwest corner of the lot and convert into a playing field.
- Parking stalls will be made larger to new standards. Parking count is included on the Proposed Site Plan.
- Addition of a fire hydrant at the southeast corner of the lot.
- Widseth Smith Nolting has been retained for Architectural and Engineering services. As such, the building modifications will adhere to the state building code.

There will be a total of 10 classrooms, which include math, science, English/religion, art, choir/band, music recording, dance, studio, computer lab, and robotics lab. There will also be a large recreation room.

All security measures have not been addressed at this point, but besides live-in staff, there will be a number of door sensors and internet based cameras with flood lights and motion detectors. This would ensure kids stay safe from outside intruders and for staff to know when students leave the campus.

Although there was talk about phases, we have decided that all of the school will be renovated at once. Unused student rooms will be locked and used as needed, every part of the school will be operational. During the winter months unused rooms will remain at a minimum temperature above freezing.

The restaurant will be contracted out or sold to a restaurateur who will manage the restaurant and cater breakfast, lunch and dinner for the students. The restaurant will

serve the public and either be a consistent source of income to the school through a lease, or sold to a restaurateur.

To provide adequate site access two of the existing access points along the Frontage Road to S. 6th Street have been maintained and the Madison Street access is planned to be closed. Since vehicle traffic is expected to be far less than under its previous use, we are comfortable eliminating the existing access to Madison Street.

The proposed site plan provides 176 parking stalls to meet City ordinance. We expect that the number of stalls provided will exceed the actual number used on a daily basis.

Additional City Zoning Ordinance Standards to be addressed include:

- Impervious surface coverage will be reduced from the current 53.6% to 39.6% with the proposed changes. This will be under the 50% requirement. See the information included on the site plans provided.
- Green space will exceed the 15% minimum included in the Standards.
- Parking areas requiring screening will be addressed to meet the Zoning Standards.
- The existing exterior building materials, which consists mostly of stucco meets Ordinances Standards.
- Ground mounted equipment either has or will have the required screening.
- Screening for rooftop equipment will be addressed with the existing parapet or with design elements.

A landscaping plan has not been included because the existing landscape features are to be preserved and maintained with little modification. There will also be green space added to the Northwest lot area when converted to a playing field.

It is our hope to begin work immediately after the closing on the building.

Everything above will depend on our fundraising efforts. We hired Non-profit 360 Consulting LLC to create our donor development program. Following is an outline of the strategy:

- Phase 1 (May, June, July). Ask each of our friends, family, and concerned citizens to donate from $100 to $1000. This will raise $40,000-$70,000.
- Phase 2 (July, August, September). Use funds from phase 1 to hire a grant writer and create a new video and presentation materials. This will allow us raise $1 million from government grants, corporate, and family foundations.
- Phase 3 (September -- ?). Use funds from phase 2 to buy the building and solicit national foundations to raise $20 million.

Depending on where Exodus Academy fundraising is at in August, it may have to finance the building.

NON-CONFORMING USE STATUS

State statute reads as follows relating to non-conforming uses:

(a) Except as otherwise provided by law, any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

(1) The nonconformity or occupancy is discontinued for a period of more than one year;

b) Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

The non-conforming use or occupation of land or premises has been discontinued for more than 1 year meaning the use or occupation of land or premises must be brought into compliance with current applicable Zoning Ordinance standards.

ZONING ORDINANCE REVIEW

Based on B.1. above, the following are the Conditional Use Permit criteria:

A. **Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.**

1. **The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.**

515-17-3: Building Design Standards.

Exterior Building Materials - B-1, B-2, B-4, B-5 and B-6 Zoning Districts. All exterior wall surfaces shall be a combination of materials including brick, dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent.

As stated by the petitioner the building exterior is primarily stucco. Metal does not exceed 25%.

515-17-5: Screening Rooftop Equipment.

As viewed from ground levels within one hundred (100) feet of street side view, all mechanical equipment located on the roof or around the perimeter of a structure shall be screened by a raised parapet.

A raised parapet or other architectural feature that is an integral part(s) of the building shall be required as screening for rooftop mechanical equipment or to soften rooftop views.

Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or constructed of a material and color compatible with other elements of the building.

Should any existing or planned rooftop equipment is visible as described above, screening will be required. The petitioner states it will be addressed.

515-20-4: Green Space.

Non-Residential Site Development and Non-Residential Site Redevelopment.

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

The wooded area east of the building well exceeds the minimum percentage.

A minimum of fifty (50) percent of the required green space shall be located along the street frontage with the most traffic and visibility. The fifty (50) percent requirement shall be located across the street from or adjacent to residentially zoned or used property.

The east side of the building has a large wooded area that helps the site exceed the 50% green space requirement. Current language requires that the green space be located as highlighted above.

Non-Residential Uses. Impervious surface lot coverage shall not exceed fifty (50) percent of the total lot area unless otherwise allowed by a grading and drainage plan approved by the City Engineer.

The petitioner has stated site changes we reduce the amount if impervious are to be less than the 50% maximum area allowed.

515-20-8: Non-Residential Uses in All Zoning Districts.

General Site Landscaping. All developed portions of the site shall conform to the general landscaping requirements in Section 515-20-3 except where screening is required.

Required Tree Planting. Except for single family and two family lots and parcels developed prior to the adoption of this Ordinance, new development shall have a mixture of evergreen and deciduous trees planted at the rate of one (1) tree per three thousand (3,000) square feet or portion thereof of any unpaved open area remaining after development for which specific landscaping requirements do not appear in this Section. Required trees may be planted at uniform intervals, at random, or in groupings. Newly planted trees shall comply with the requirements of this Ordinance. Trees retained on site following development can be reduced from the total required plantings.

The site's east side is a wooded area. Will the wooded area satisfy this requirement? Or, is the intent that trees should be planted in the developed site area. If so, calculations will be required to determine how many trees are required and if the existing trees in the developed area meet this requirement.

515-20-3 Screening.

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

There is an area on the north side of the site that abuts directly onto a residential use. Does this requirement apply to that situation?

515-20-9: Parking Lots.

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

There are parking spaces along Madison Street and along the S. 6th Street frontage road that will require screening.

515-20-10: Screening of Equipment.

Ground mounted mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, air conditioners, and similar equipment shall be screened on all sides except those facing a building. An eighty (80) percent opacity visual screen shall exceed the vertical height of the equipment being screened by at least six (6) inches. A three (3) foot open area shall be maintained around such equipment to facilitate repairs.

Existing or planned equipment will be required to be screened as above. The petitioner states that equipment either has or will have required screening.

Shoreland Management Zone Requirements

All property within 300' of the Mississippi River and 1,000'of a lake is subject to the land use regulations of the Shoreland Regulations.

The proposed additions are not within the area and not subject to those requirements.

2. **The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.**

The boarding school use and the restaurant reuse should not cause conditions that may be dangerous, injurious, or noxious to any other property or persons.

3. **The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.**

   The tennis court at the northwest corner of the property will be removed and used for a play area. No other property changes are anticipated.

   A landscaping plan has not yet been submitted. Other than the screening requirements green space minimum and impervious area maximum there are no minimum standards for landscaping.

4. **The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.**

   The only exterior change to the building will be the exterior doors from the ground level bedrooms, which will be removed and replaced with a wall and windows.

5. **The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.**

   The boarding school and restaurant use will generate less traffic than previous hotel and restaurant uses. The site has 2 access drives on S. 6th Street and is served by a frontage road which helps to channel vehicles to the Madison Street intersection or the Industrial Park Road intersection.

   The neighborhood should not be impacted by traffic movements associated with the boarding school. The site parking areas remain from previous uses (due to lack of maintenance, the parking lot asphalt has deteriorated over time) will remain. Parking stalls and drive isles will be striped in accord to current Zoning Ordinance standards.

6. **The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.**

   The objectives of the Zoning Ordinance are:

   515-1-2: Intent and Purpose.

   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.**

Reuse of the site for a boarding school should not create issues contrary to the purposes of the Zoning Ordinance.

Comprehensive Plan

Is the proposed use consistent with the following:

LAND USE GOAL #5: *Support development that enhances community character and identity.*

Strategies

- Support development that enhances community character and identity.
- Work to strengthen and maintain the appearance of the Business Highway 371…

A. **Requirements for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:**

1. **Fire Protection. Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.**

2. **Electrical Disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.**

3. **Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled subject to MPCA standards. Fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.**

4. **Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.**

5. **Odors. No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.**

6. **Air Pollution. No pollution of air by flying ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.**

7. **Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.**

8. **Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.**

8. **Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.**

The addition conversion should have no adverse effect on any of these issues. Should any arise they will be dealt with on a case by case basis.

DEPARTMENT INFORMATION

Utilities

No issues.

Fire

We have no concerns with the proposed use of the site.
We will certainly have to sit down and talk more about hydrants on the back side of the building and possibly the south side. They will also have to put a large turn around on the back dead end area or a better option is to leave the access around the north side of the building.

The only other thing would be automatic sprinkler system and I think they are addressing those needs.

Building

No concerns about the use, looking forward to seeing a plan, one issue that needs addressing is the maintenance garage in the East rear of the property needs attention (paint, shingles etc.)

Engineering

No Issues.

PLANNING DEPARTMENT REVIEW

Because the site is already developed many of the issues with development are known quantities. Also, the reuse of the site does not include significant building exterior changes or nor are there significant site changes.

Affected city departments have stated they have no concerns about the use proposed for the site. The Fire Department has identified a need to discuss hydrants and the need for access. The Building Department has identified a need to improve an accessory building on the site.

In addition to the information about the site and relevant information about the operation, Mr. Williamson has provided a lot of information about the school policy, and day-to-day operational information. The policy and day to day operational information is useful to understand more about the school. However, the school polices and day to day operation information is not relevant to the Conditional Use Permit approval process.

Children and staff will be on premises 365 days a year. An issue the Planning Commission may want to have a discussion about is the safety of the children and staff during a weather event. Is there an area of the building that will provide safe shelter in the event of a strong storm, high winds and/or tornados. If not should one be required?

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation on this request at its June 21, 2017, meeting and City Council may consider the recommendation at its July 3, 2017 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

H/Mark/Planning/Conditional Use Permit

Exodus Academy Staffing Chart

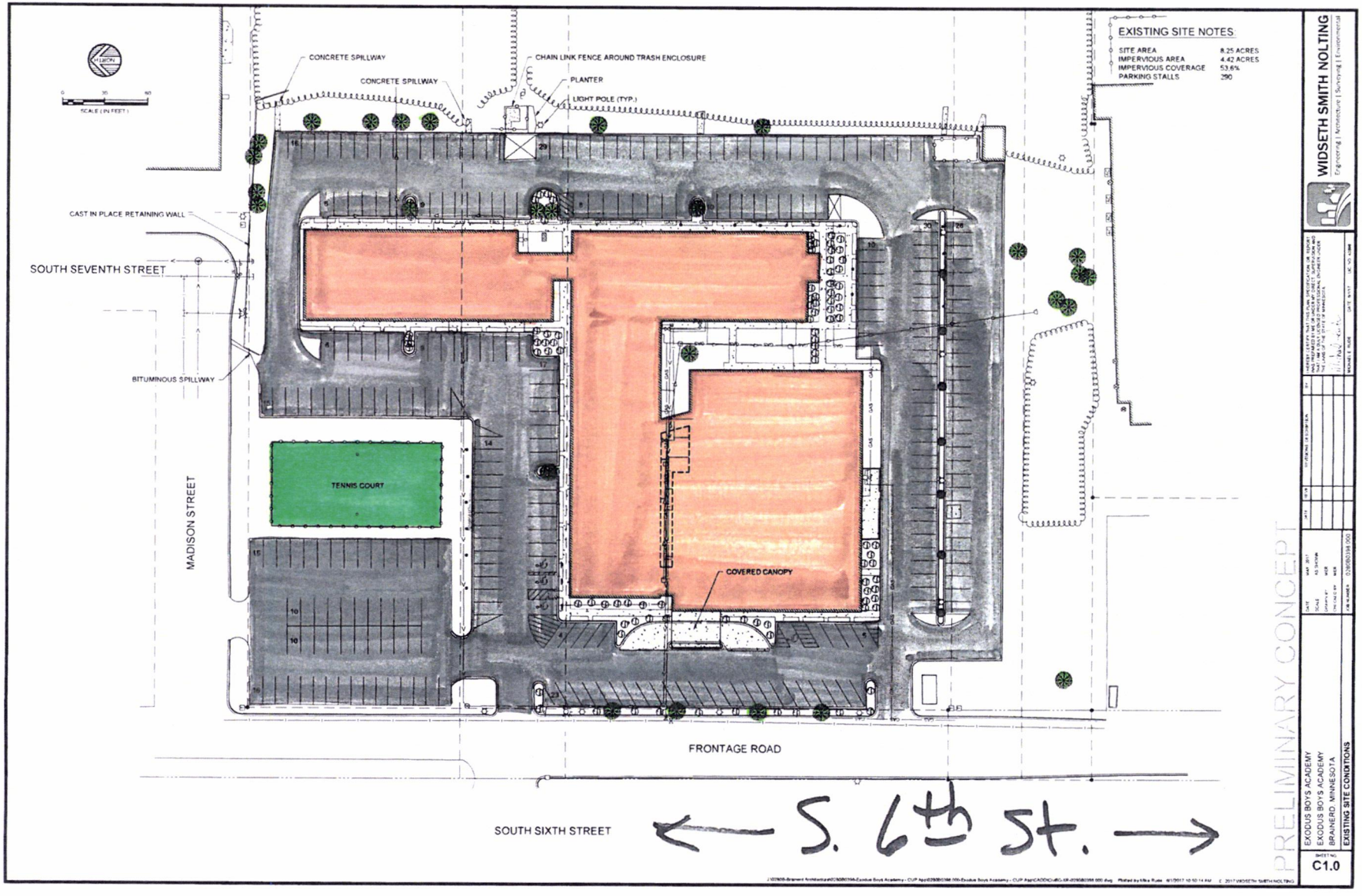
Year		2018	2019	2020	2021	2022	2023	2024
Operation year		1	2	3	4	5	6	7
Students		60	80	100	120	140	160	180
Director		1	1	1	1	1	1	1
Teachers		6	8	10	12	14	16	18
Resident Director		1	1	1	1	1	1	1
Resident Staff		3	4	5	6	7	8	9
Counselor		1	2	2	2	2	3	3
Custodian		1	2	2	2	2	3	4
Fundraisers		2	2	2	2	2	2	2
Admin Assist		2	3	4	4	4	5	5
Community Liaison/Student Recruiter		1	1	1	1	1	1	1
Admission Staff		1	1	1	1	1	1	1

* The live in staff and resident director will be staying overnight at the school.

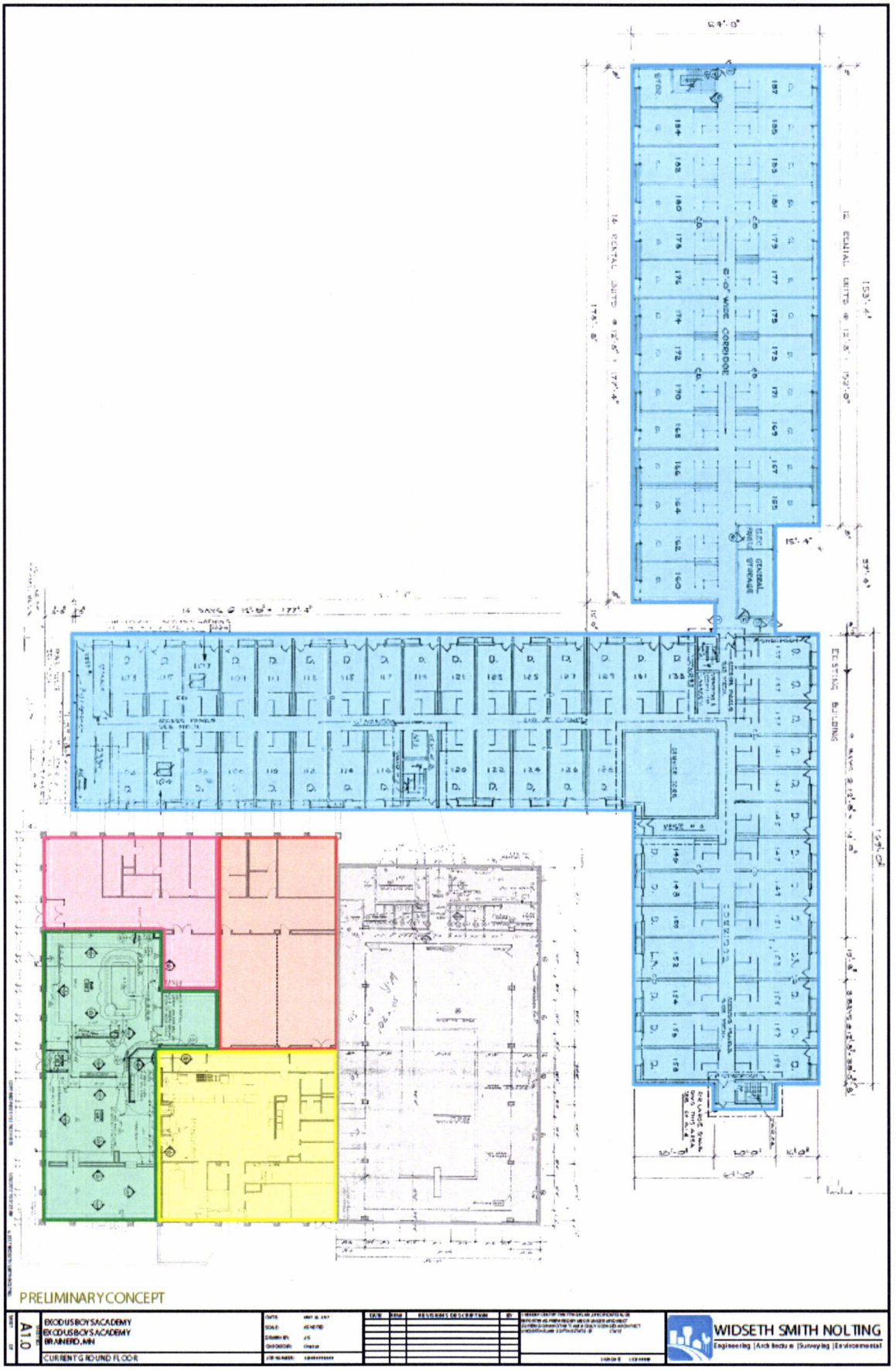
Current Site

SPRUCE DR
BUFFALO HILLS LN E
S 6TH ST
MADISON ST
S 7TH ST
COUNTY
Site

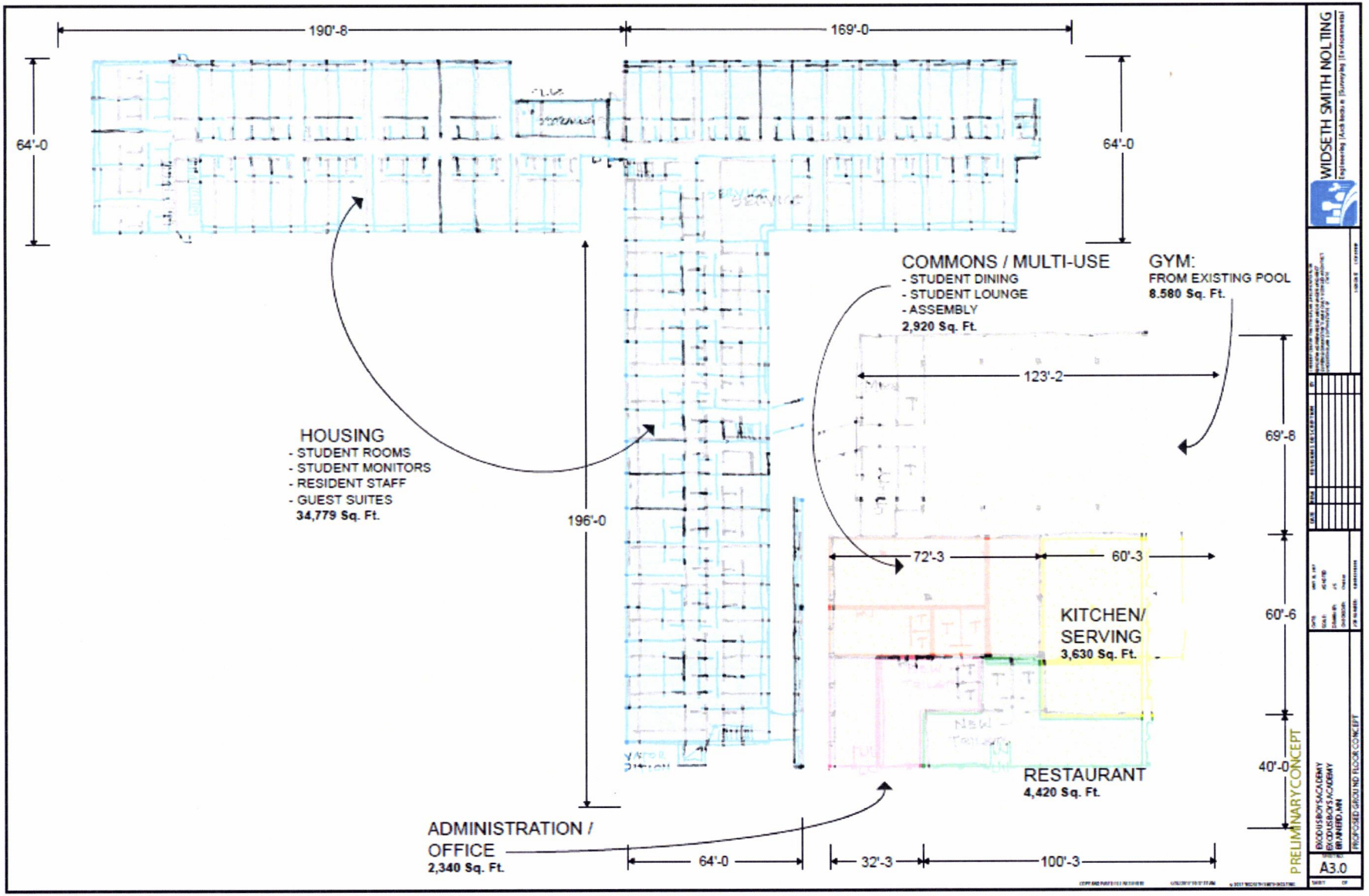
Current Site



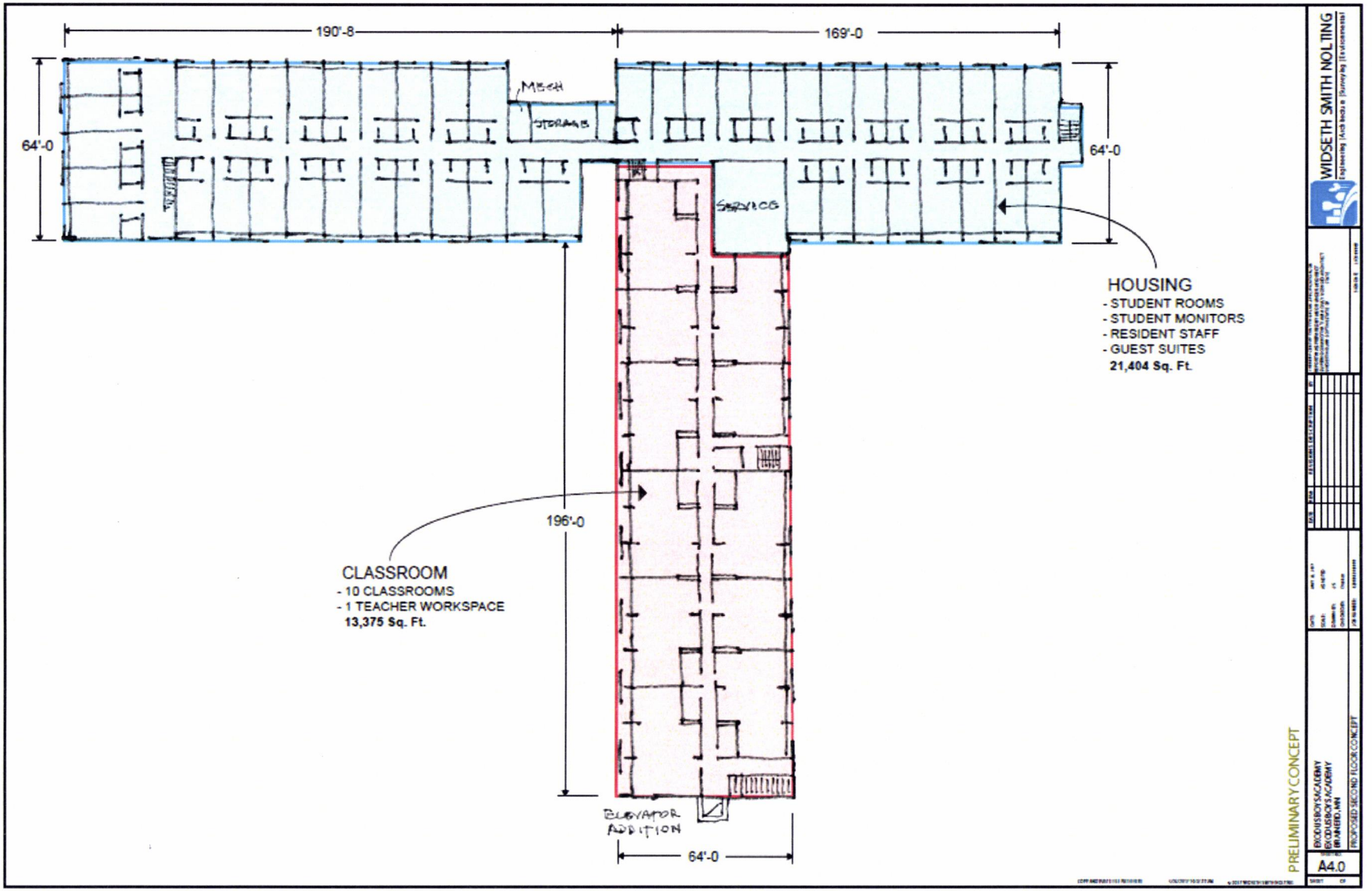
Current Layout



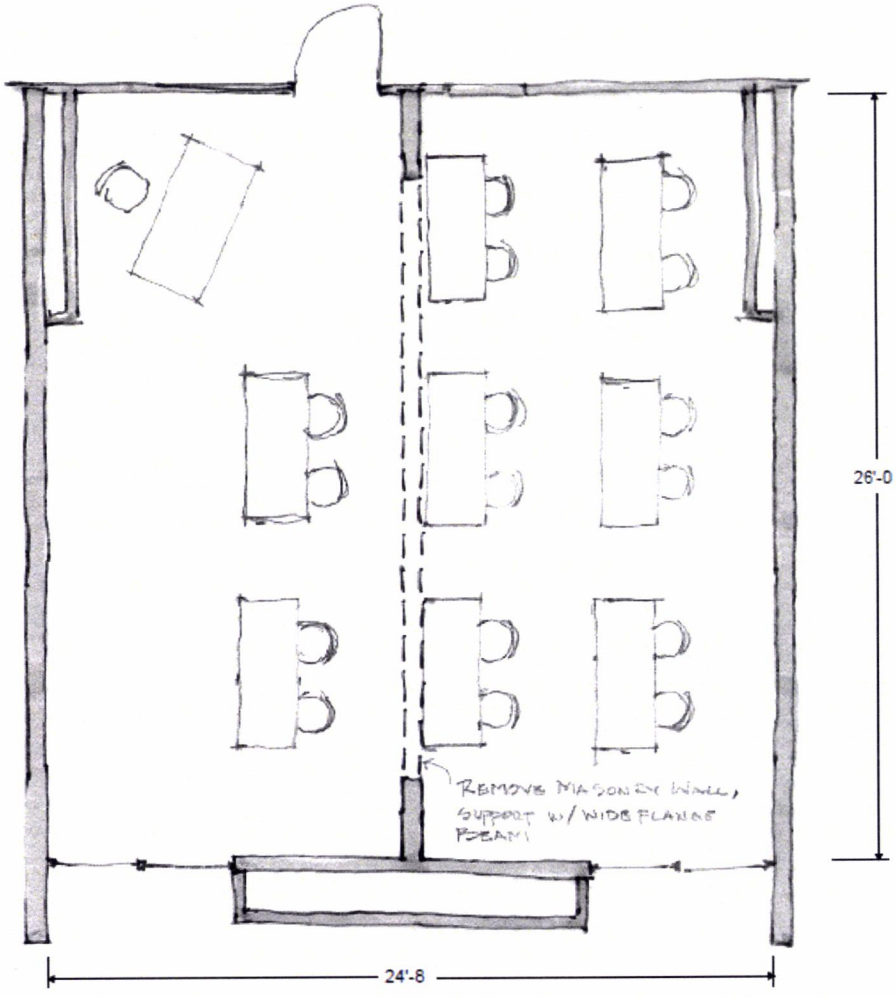
Proposed Use



Proposed Use



Typical Class Room



16 STUDENT CLASSROOM

612 S.F.

WIDSETH SMITH NOLTING

Engineering | Architecture | Surveying | Environmental

PRELIMINARY CONCEPT

EXODUS BOYS ACADEMY

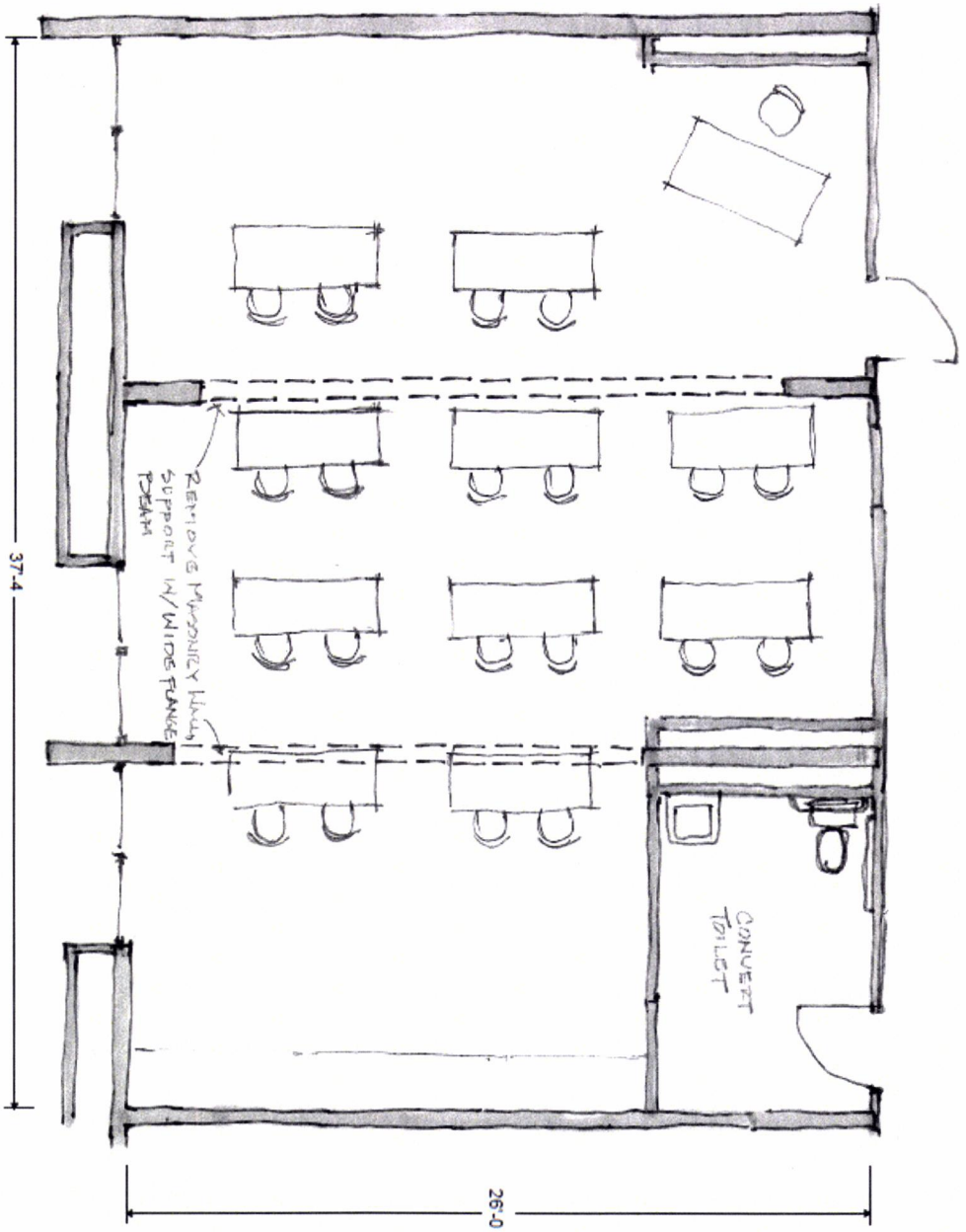
EXODUS BOYS ACADEMY

BRAINERD, MN

ENLARGED 16 STUDENT CLASSROOM

A5.0

Typical Class Room



20 STUDENT CLASSROOM
840 s.f.

PRELIMINARY CONCEPT

A6.0

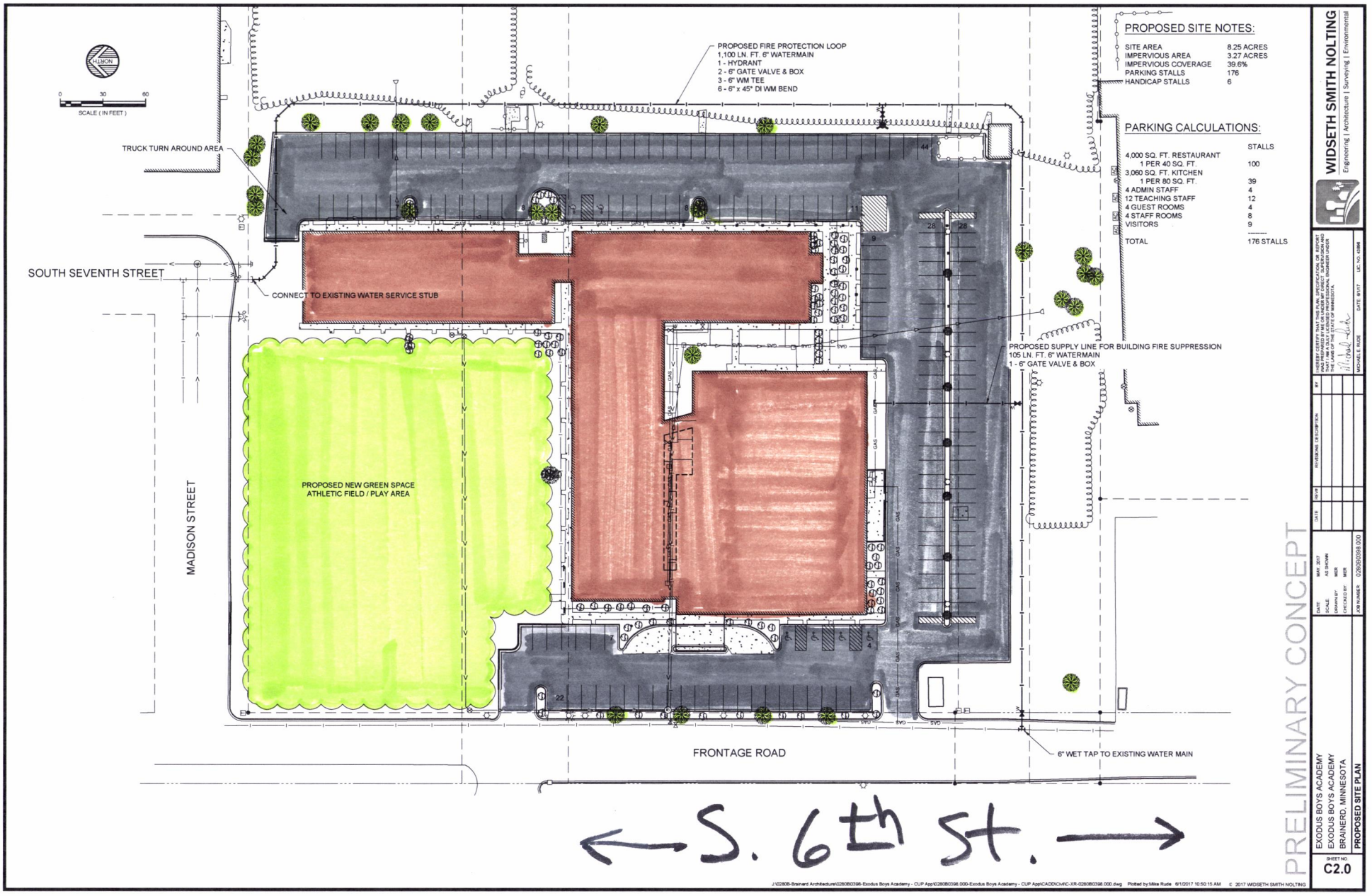
EXCEL US BOYS ACADEMY
EXCEL US BOYS ACADEMY
BRAINERD, MN

ENLARGED 20 STUDENT CLASSROOM

DATE	BY	REVISION DESCRIPTION	BY

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

Proposed Site

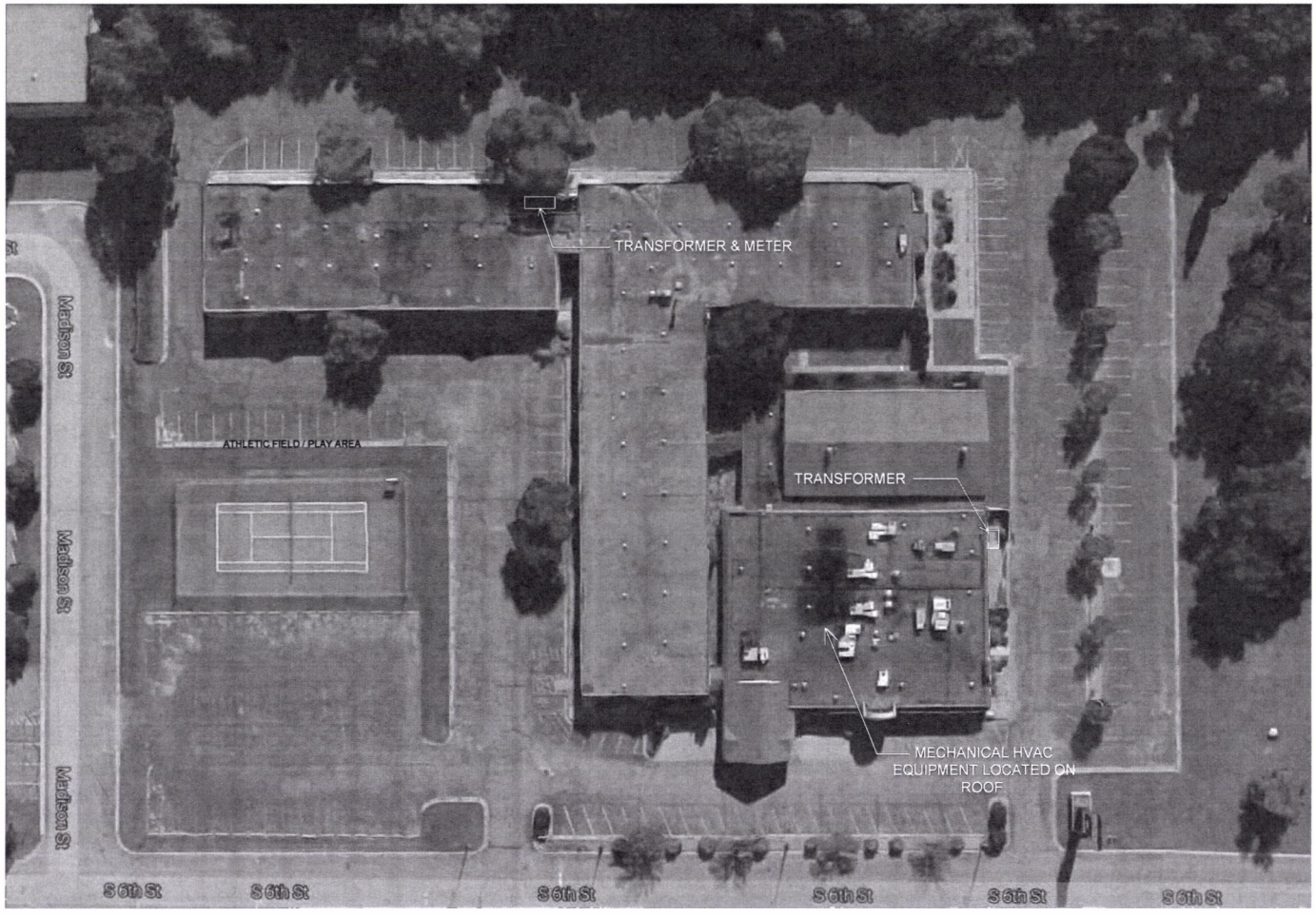


← S. 6th St. →

NORTH

0 30 60

SCALE (IN FEET)



NFC

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

JAMES W. SCHUTTER DATE: #### LIC. NO. 23398

DATE	REV#	REVISION DESCRIPTION	BY

DATE: ####
SCALE: AS SHOWN
DRAWN BY: KEV
CHECKED BY: JWS
JOB NUMBER: 0280B0398.000

EXODUS BOY'S ACADEMY
####
BRAINERD, MN

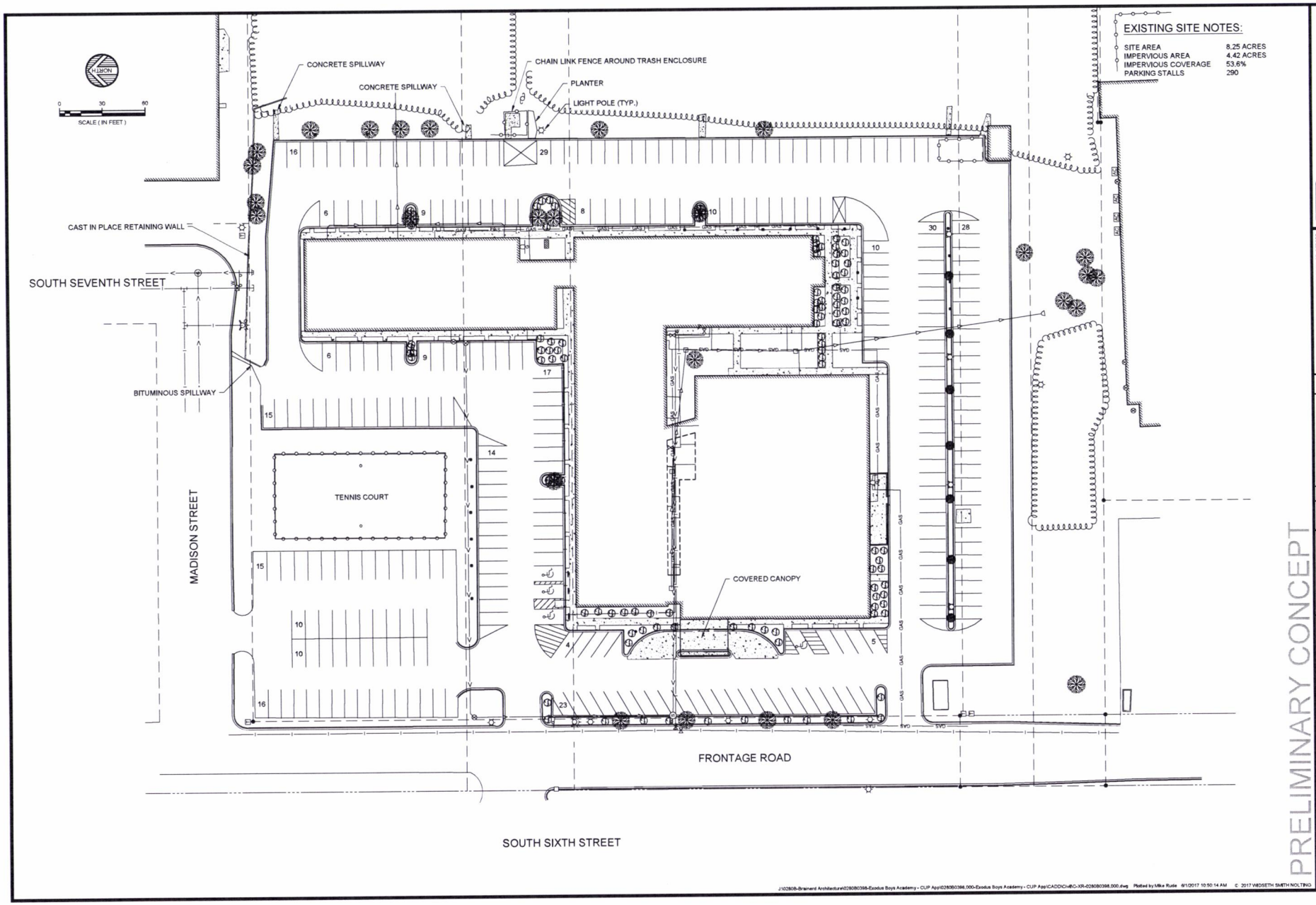
EXISTING EQUIPMENT GENERAL LOCATIONS

SHEET NO.
E0.1

SHEET OF

J:\0280B-Brainerd Architecture\0280B0398-Exodus Boys Academy - CUP App\0280B0398.000-Exodus Boys Academy - CUP App\CADD\Elec\E_EXISTING\0280B0398.000 .dwg Plotted by:Philip Ready 6/1/2017 9:44:15 AM

© 2017 WIDSETH SMITH NOLTING



PRELIMINARY CONCEPT

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

MICHAEL E. RUDE DATE: 6/1/17 LIC. NO. 43866

DATE	REV#	REVISIONS DESCRIPTION	BY

EXODUS BOYS ACADEMY
EXODUS BOYS ACADEMY
BRAINERD, MINNESOTA

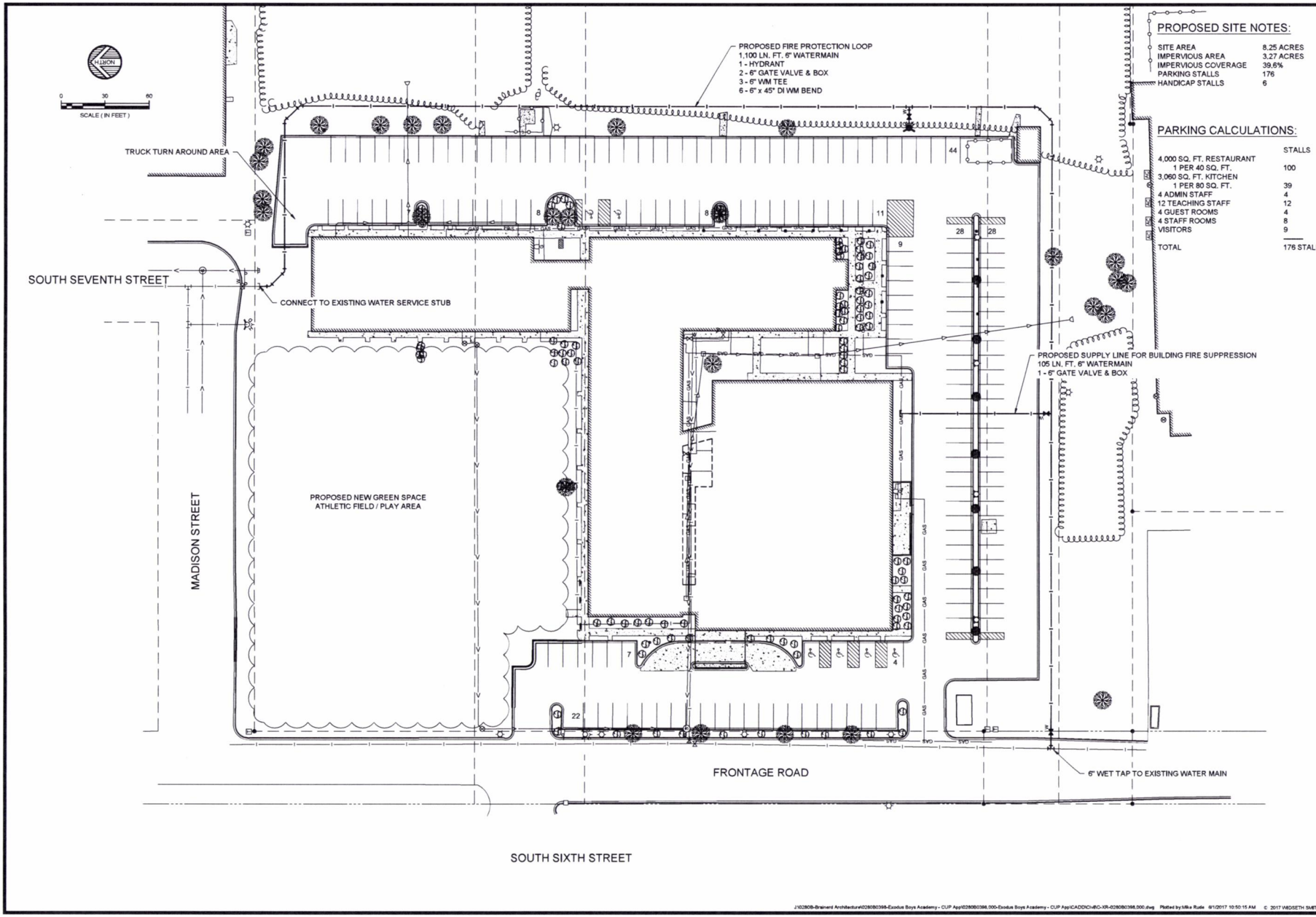
EXISTING SITE CONDITIONS

DATE: MAY, 2017
SCALE: AS SHOWN
DRAWN BY: MER
CHECKED BY: MER
JOB NUMBER: 0280B0398.000

SHEET NO.
C1.0

J:\02808-Brainerd Architecture\0280B0398-Exodus Boys Academy - CUP App\0280B0398.000-Exodus Boys Academy - CUP App\CADD\Civil\C-XR-0280B0398.000.dwg Plotted by Mike Rude 6/1/2017 10:50:14 AM

© 2017 WIDSETH SMITH NOLTING



PROPOSED SITE NOTES:

SITE AREA	8.25 ACRES
IMPERVIOUS AREA	3.27 ACRES
IMPERVIOUS COVERAGE	39.6%
PARKING STALLS	176
HANDICAP STALLS	6

PARKING CALCULATIONS:

	STALLS
4,000 SQ. FT. RESTAURANT 1 PER 40 SQ. FT.	100
3,060 SQ. FT. KITCHEN 1 PER 80 SQ. FT.	39
4 ADMIN STAFF	4
12 TEACHING STAFF	12
4 GUEST ROOMS	4
4 STAFF ROOMS	8
VISITORS	9
TOTAL	176 STALLS

PRELIMINARY CONCEPT

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

DATE	REVISION	REVISION DESCRIPTION	BY

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

MICHAEL E. RUDE — DATE 6/1/17 — LIC. NO. 43896

EXODUS BOYS ACADEMY
EXODUS BOYS ACADEMY
BRAINERD, MINNESOTA

PROPOSED SITE PLAN

DATE: MAY, 2017
SCALE: AS SHOWN
DRAWN BY: MEB
CHECKED BY: MEB
JOB NUMBER: 0280B0398.000

SHEET NO.
C2.0

J:\0280B-Brainerd Architecture\0280B0398-Exodus Boys Academy - CUP App\0280B0398.000-Exodus Boys Academy - CUP App\CADD\Civil\C-XR-0280B0398.000.dwg Plotted by Mike Rude 6/1/2017 10:50:15 AM

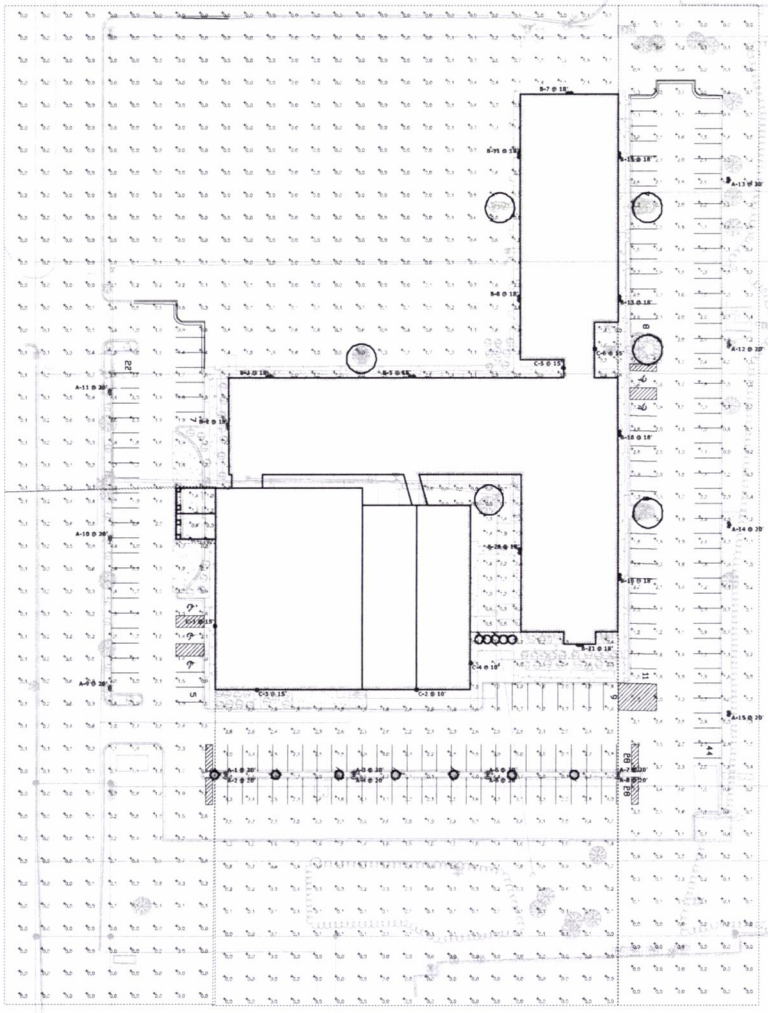
© 2017 WIDSETH SMITH NOLTING

Schedule

Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
	A	15	Lithonia Lighting	DSX0 LED 40C 1000 40K T4M MVOLT	DSX0 LED with 40 LEDs @1000 mA , 4000K, Type 4 Medium Optics	LED	1	DSX0_LED_40C_1000_40K_T4M_MVOLT.ies	15212.89	0.9	138
	B	12	Lithonia Lighting	DSX0 LED 20C 1000 40K T3M MVOLT HS	DSX0 LED with 20 LEDs @1000 mA , 4000k, Type 3 Medium Optics with HOUSE-SIDE SHIELD	LED	1	DSX0_LED_20C_1000_40K_T3M_MVOLT_HS.ies	6136.513	0.9	72
	C	6	Lithonia Lighting	OLWX1 LED 20W 40K DDB	20W 4000k LED WALL PACK	LED	1	OLWX1_LED_20W_40K_DDB.ies	1840.149	0.9	21.77

Luminaire Locations

		Location						Aim		
No.	Label	X	Y	Z	MH	Orientation	Tilt	X	Y	Z
1	A	567346.30	164117.40	20.00	20.00	0.00	0.00	567346.30	164117.40	0.00
2	A	567346.30	164116.20	20.00	20.00	180.00	0.00	567346.30	164116.20	0.00
3	A	567432.20	164117.40	20.00	20.00	0.00	0.00	567432.20	164117.40	0.00
4	A	567432.20	164116.20	20.00	20.00	180.00	0.00	567432.20	164116.20	0.00
5	A	567521.80	164117.40	20.00	20.00	0.00	0.00	567521.80	164117.40	0.00
6	A	567521.80	164116.20	20.00	20.00	180.00	0.00	567521.80	164116.20	0.00
7	A	567608.30	164117.40	20.00	20.00	0.00	0.00	567608.30	164117.40	0.00
8	A	567608.30	164116.20	20.00	20.00	180.00	0.00	567608.30	164116.20	0.00
9	A	567268.30	164175.00	20.00	20.00	90.00	0.00	567268.30	164175.00	0.00
10	A	567268.30	164274.90	20.00	20.00	90.00	0.00	567268.30	164274.90	0.00
11	A	567268.30	164372.70	20.00	20.00	90.00	0.00	567268.30	164372.70	0.00
12	A	567682.80	164403.70	20.00	20.00	270.00	0.00	567682.80	164403.70	0.00
13	A	567682.80	164513.80	20.00	20.00	270.00	0.00	567682.80	164513.80	0.00
14	A	567682.80	164283.50	20.00	20.00	270.00	0.00	567682.80	164283.50	0.00
15	A	567682.80	164157.80	20.00	20.00	270.00	0.00	567682.80	164157.80	0.00
2	B	567347.80	164349.70	18.00	18.00	270.00	0.00	567347.80	164349.70	0.00
3	B	567375.20	164382.30	18.00	18.00	0.00	0.00	567375.20	164382.30	0.00
5	B	567403.60	164382.30	18.00	18.00	0.00	0.00	567403.60	164382.30	0.00
7	B	567576.00	164571.50	18.00	18.00	0.00	0.00	567576.00	164571.50	0.00
8	B	567543.30	164434.90	18.00	18.00	270.00	0.00	567543.30	164434.90	0.00
11	B	567543.30	164530.40	18.00	18.00	270.00	0.00	567543.30	164530.40	0.00
13	B	567608.80	164434.90	18.00	18.00	90.00	0.00	567608.80	164434.90	0.00
15	B	567608.80	164530.40	18.00	18.00	90.00	0.00	567608.80	164530.40	0.00
16	B	567608.80	164249.30	18.00	18.00	90.00	0.00	567608.80	164249.30	0.00
18	B	567608.80	164344.80	18.00	18.00	90.00	0.00	567608.80	164344.80	0.00
20	B	567543.60	164286.30	18.00	18.00	270.00	0.00	567543.60	164286.30	0.00
21	B	567582.60	164204.30	18.00	18.00	180.00	0.00	567582.60	164204.30	0.00
1	C	567338.90	164216.50	15.00	15.00	270.00	0.00	567338.90	164216.50	0.00
2	C	567473.70	164173.70	20.00	10.00	0.00	0.00	567473.70	164173.70	10.00
3	C	567366.80	164173.80	15.00	15.00	180.00	0.00	567366.80	164173.80	0.00
4	C	567510.10	164191.80	10.00	10.00	90.00	0.00	567510.10	164191.80	0.00
5	C	567572.20	164388.50	15.00	15.00	270.00	0.00	567572.20	164388.50	0.00
6	C	567592.80	164401.10	15.00	15.00	270.00	0.00	567592.80	164401.10	0.00



Plan View
Scale - 1" = 40'

EXODUS BOYS ACADEMY
SITE LIGHTING CALCULATION

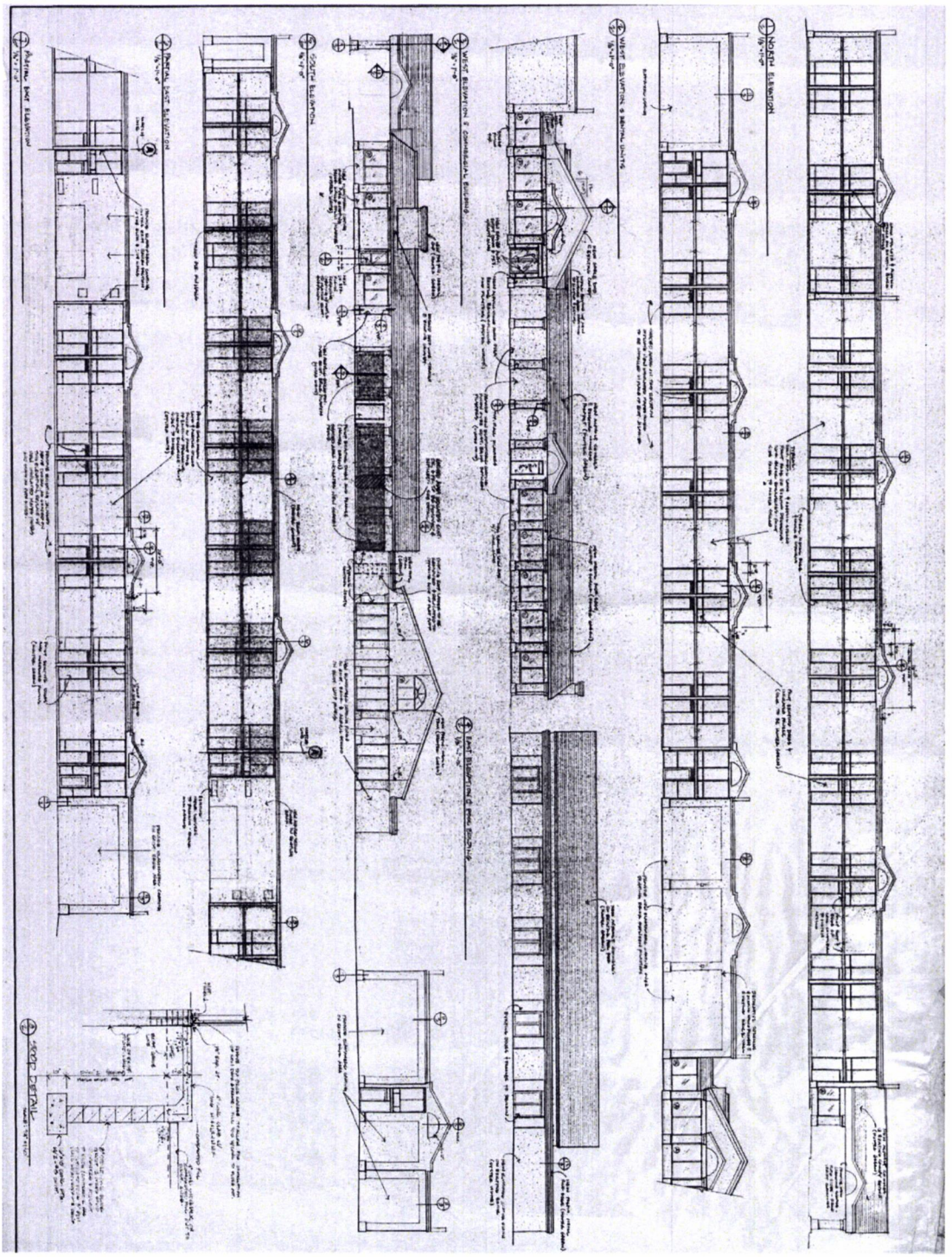
Designer

Date
5/23/2017

Scale
Not to Scale

Drawing No.

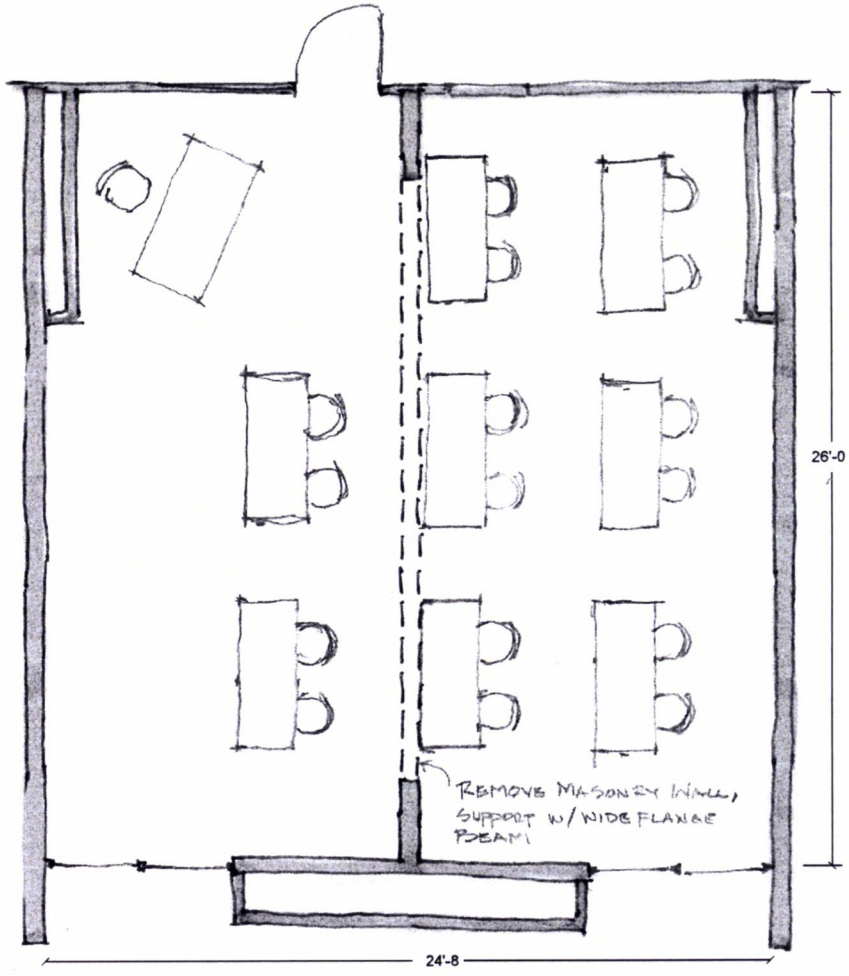
Summary



PRELIMINARY CONCEPT

SHEET A7.0 OF	EXODUS BOYS ACADEMY EXODUS BOYS ACADEMY BRAINERD, MN	DATE: MAY 26, 2017 SCALE: AS NOTED DRAWN BY: JJS CHECKED BY: Checker	DATE / REV# / REVISIONS DESCRIPTION / BY	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF STATE	WIDSETH SMITH NOLTING Engineering | Architecture | Surveying | Environmental
	CURRENT ELEVATIONS	JOB NUMBER: 0280.080.016.000		SIGN DATE LIC#: #######	

COPY AND PASTE FILE PATH HERE
YYYY.MM.DD 7:00:00 AM
© 2017 WIDSETH SMITH NOLTING



16 STUDENT CLASSROOM

612 S.F.

PRELIMINARY CONCEPT

EXODUS BOYS ACADEMY
EXODUS BOYS ACADEMY
BRAINERD, MN

ENLARGED 16 STUDENT CLASSROOM

SHEET NO. A5.0

DATE: MAY 26, 2017
SCALE: AS NOTED
DRAWN BY: JS
QA/QC BY: Checker

DATE	DESCRIPTION	BY

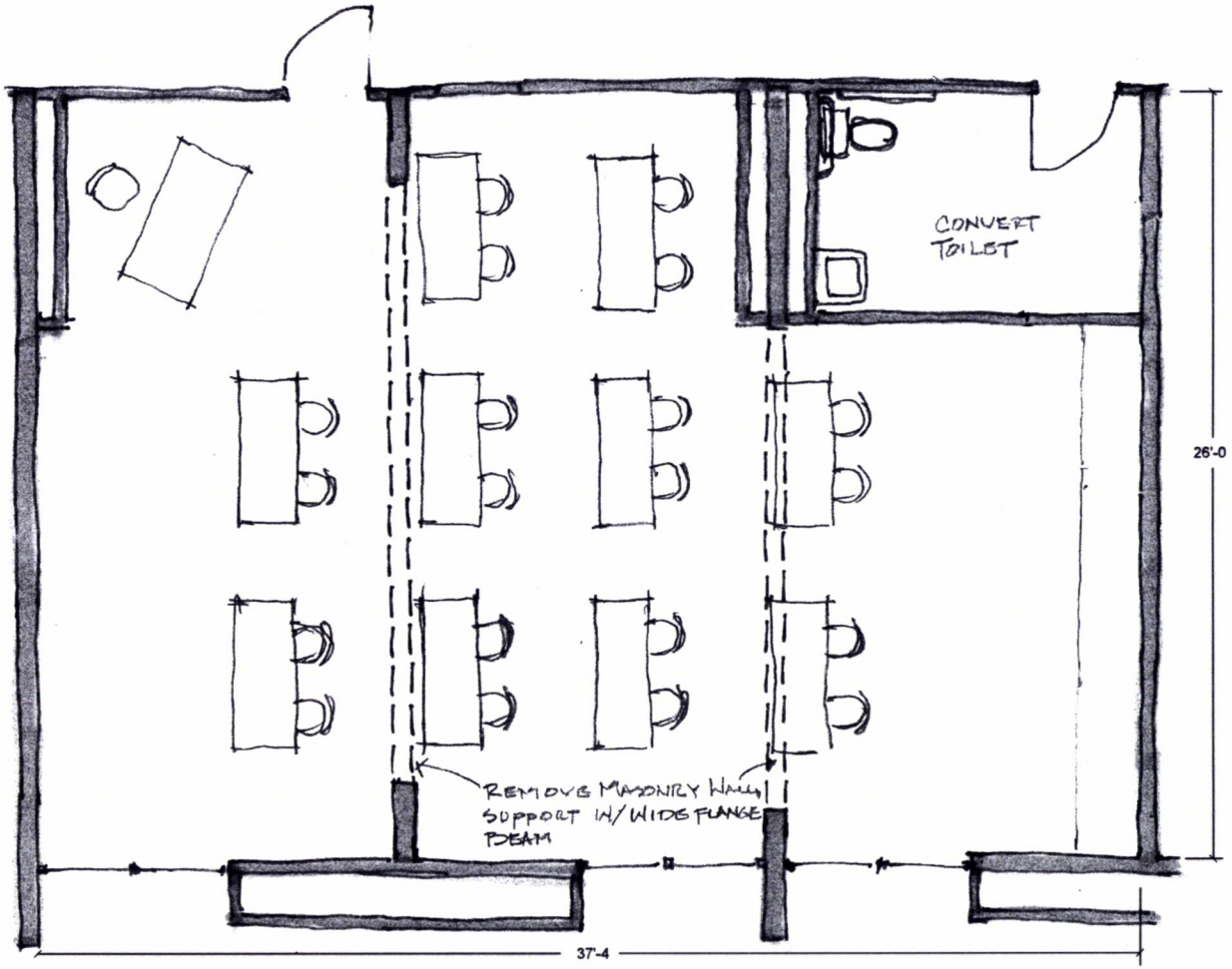
HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF STATE

SIGNATURE DATE

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

COPY AND PASTE FILE PATH HERE 5/26/2017 10:37:22 AM © 2017 WIDSETH SMITH NOLTING

SHEET OF



20 STUDENT CLASSROOM

840 S.F.

PRELIMINARY CONCEPT

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

EXODUS BOYS ACADEMY
EXODUS BOYS ACADEMY
BRAINERD, MN

ENLARGED 20 STUDENT CLASSROOM

DATE: MAY 26, 2017
SCALE: AS NOTED
DRAWN BY: DS
CHECKED BY: Chelsea
JOB NUMBER: 1000001.00

DATE	BY	REVISIONS DESCRIPTION	BY

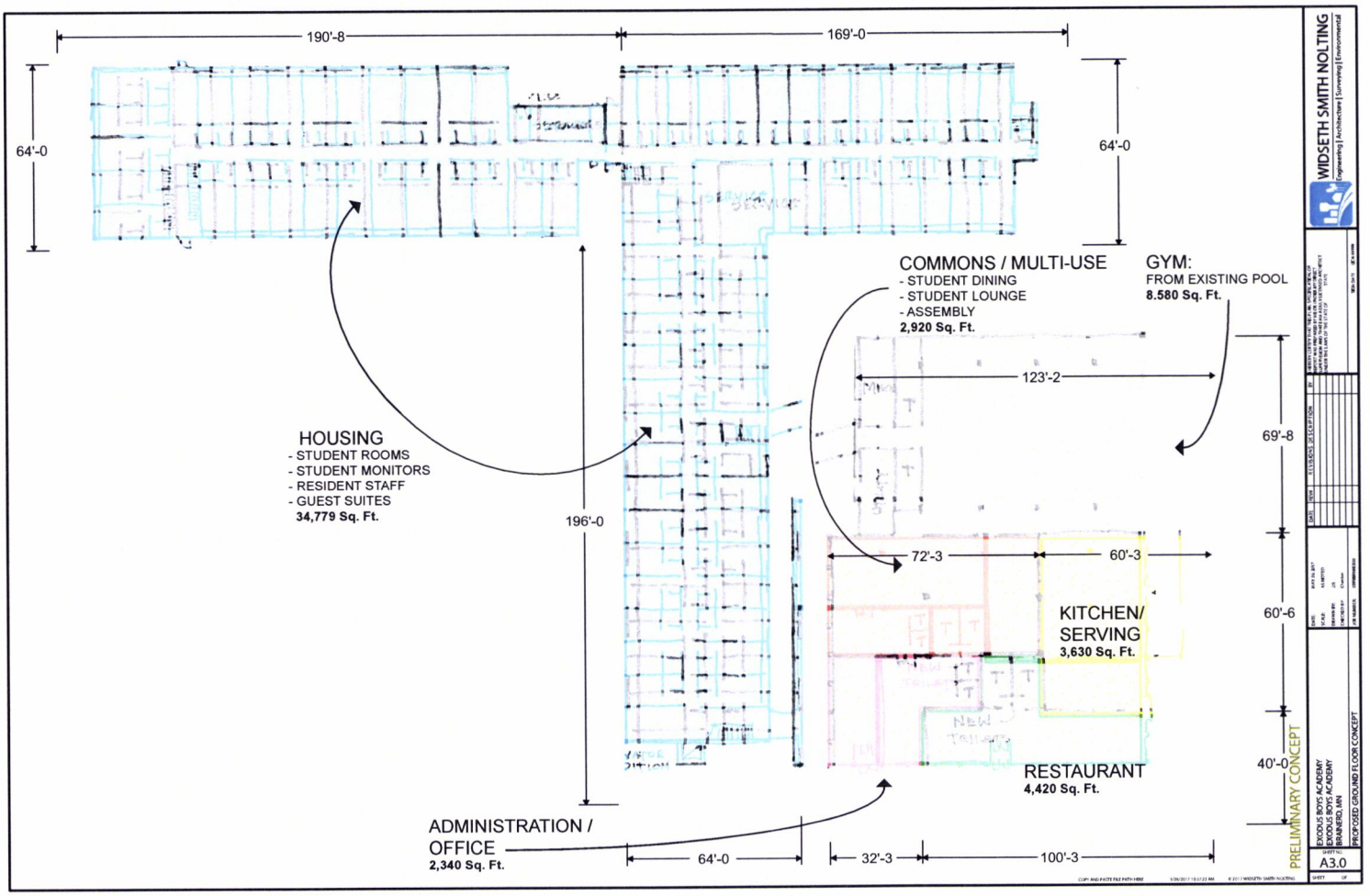
HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

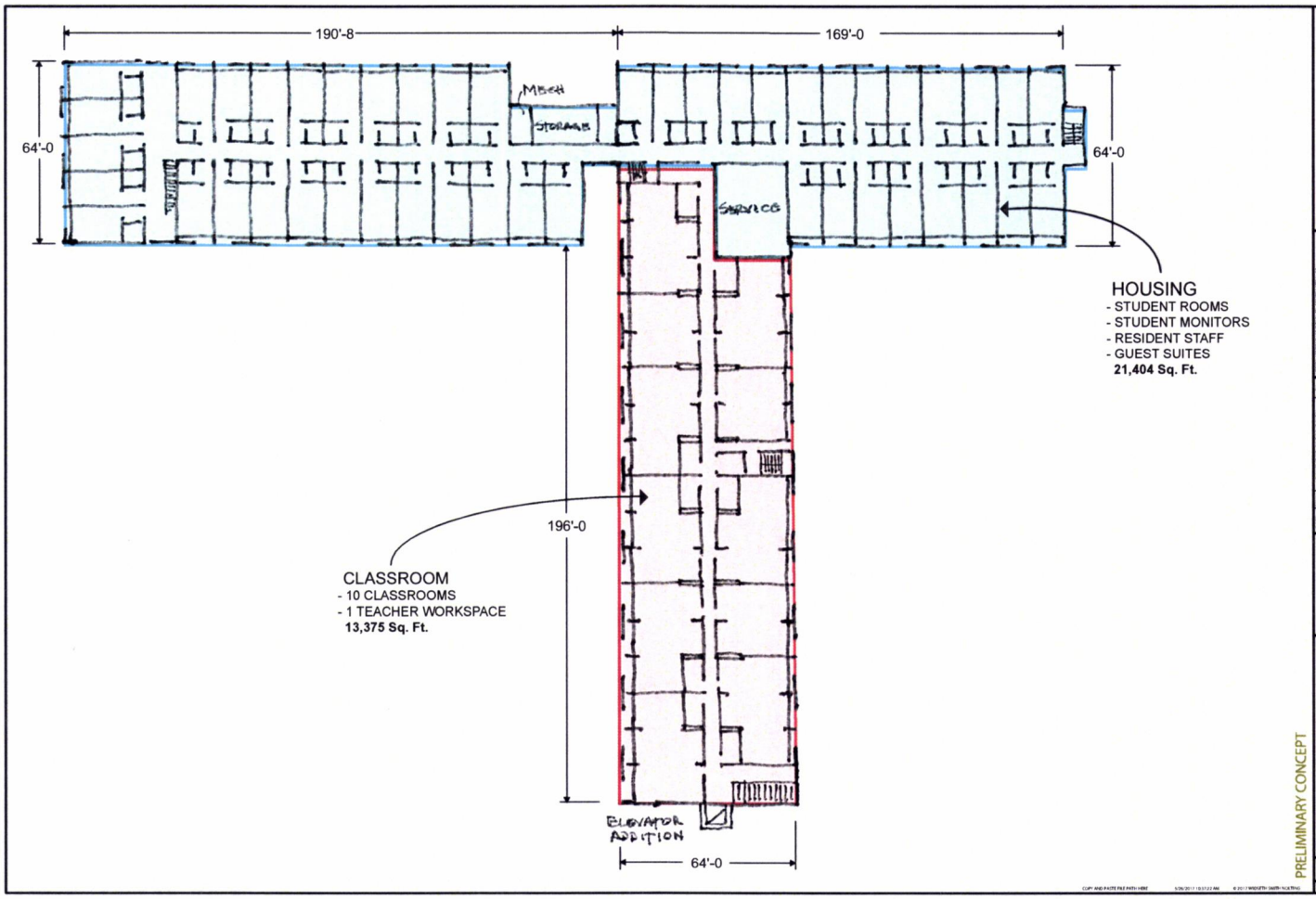
SIGNATURE LICENSE #

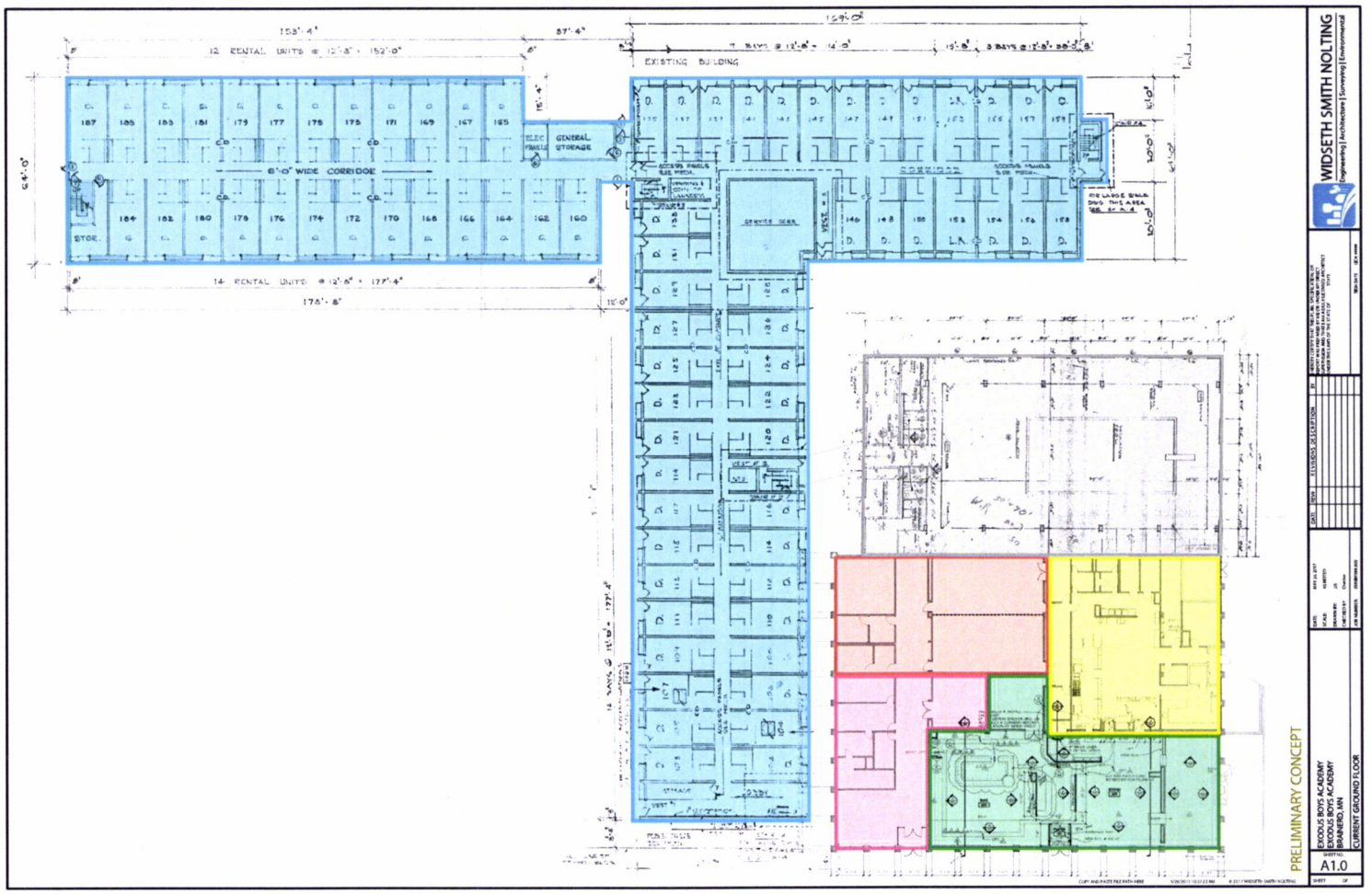
SHEET NO.
A6.0

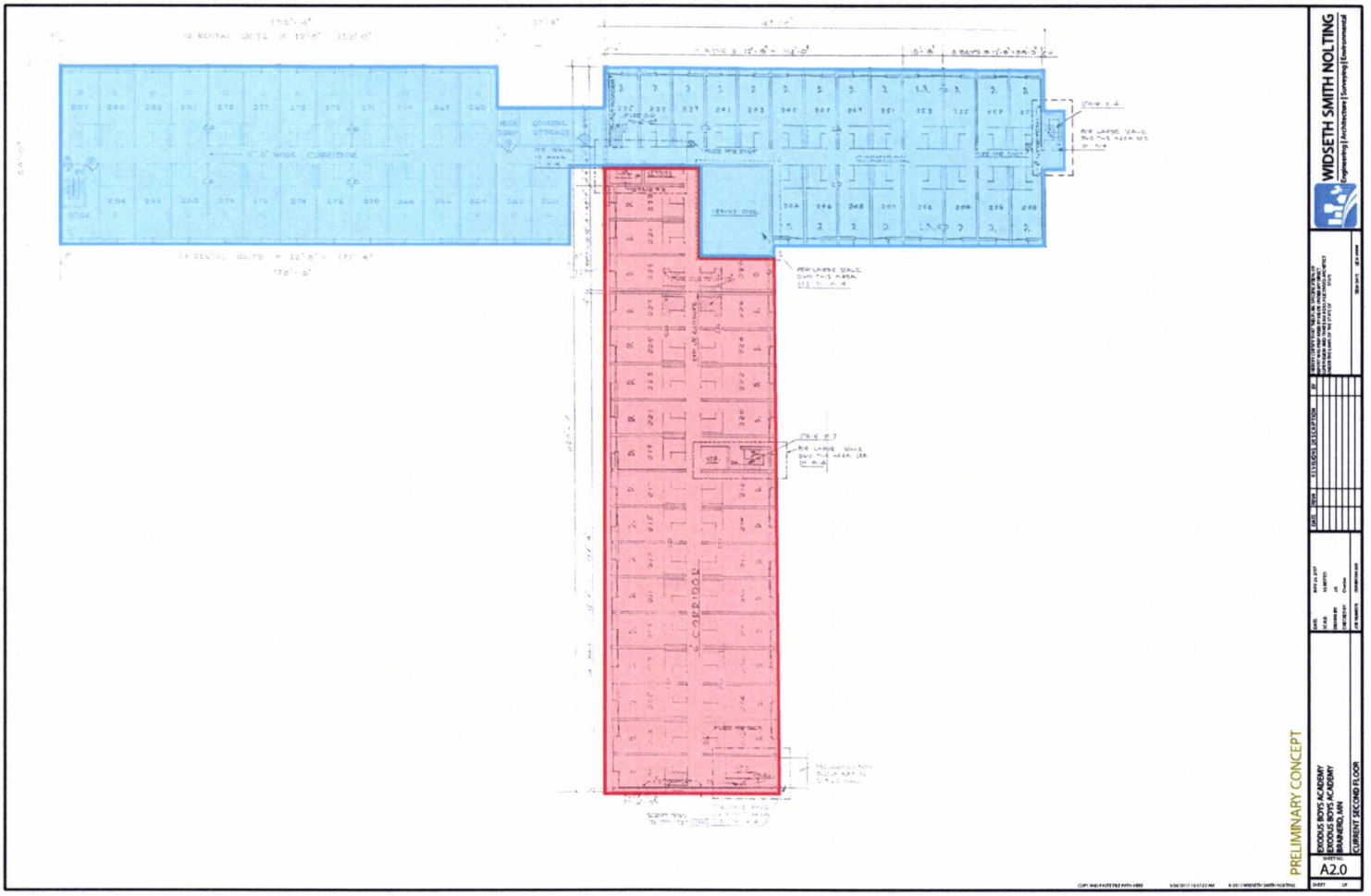
SHEET OF

COPY AND PASTE FILE PATH HERE 5/26/2017 10:37:22 AM © 2017 WIDSETH SMITH NOLTING


190'-8
169'-0
64'-0
64'-0
196'-0
HOUSING
- STUDENT ROOMS
- STUDENT MONITORS
- RESIDENT STAFF
- GUEST SUITES
34,779 Sq. Ft.
COMMONS / MULTI-USE
- STUDENT DINING
- STUDENT LOUNGE
- ASSEMBLY
2,920 Sq. Ft.
GYM:
FROM EXISTING POOL
8.580 Sq. Ft.
123'-2
69'-8
72'-3
60'-3
60'-6
KITCHEN/
SERVING
3,630 Sq. Ft.
RESTAURANT
4,420 Sq. Ft.
40'-0
ADMINISTRATION /
OFFICE
2,340 Sq. Ft.
64'-0
32'-3
100'-3
PRELIMINARY CONCEPT
WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental
EXODUS BOYS ACADEMY
EXODUS BOYS ACADEMY
BRAINERD, MN
PROPOSED GROUND FLOOR CONCEPT
A3.0


190'-8
169'-0
64'-0
64'-0
MECH
STORAGE
SERVICE
HOUSING
- STUDENT ROOMS
- STUDENT MONITORS
- RESIDENT STAFF
- GUEST SUITES
21,404 Sq. Ft.
196'-0
CLASSROOM
- 10 CLASSROOMS
- 1 TEACHER WORKSPACE
13,375 Sq. Ft.
ELEVATOR ADDITION
64'-0
WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental
PRELIMINARY CONCEPT
EXODUS BOYS ACADEMY
EXODUS BOYS ACADEMY
BISMARCK, ND
PROPOSED SECOND FLOOR CONCEPT
A4.0


12 RENTAL UNITS @ 12'-8" = 152'-0"
EXISTING BUILDING
8'-0" WIDE CORRIDOR
GENERAL STORAGE
STOR.
14 RENTAL UNITS @ 12'-8" = 177'-4"
SERVICE DESK
WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental
PRELIMINARY CONCEPT
EXODUS BOYS ACADEMY
BRAINERD, MN
CURRENT GROUND FLOOR
A1.0


12 RENTAL UNITS @ 12'-6" = 152'-0"
14 RENTAL UNITS @ 12'-6" = 175'-0"
6'-0" WIDE CORRIDOR
GENERAL STORAGE
CORRIDOR
SERVICE DOG
PER LARGE SCALE DWG THIS AREA
WIDESETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental
PRELIMINARY CONCEPT
EXODUS BOYS ACADEMY
EXODUS BOYS ACADEMY
BRAINERD, MN
CURRENT SECOND FLOOR
A2.0

May 30, 2017

Re: **Exodus Boys Academy**

Student Handbook Introduction

The Student Handbook draft that is included as part of the Conditional Use Permit Application is a 'work in progress' as Exodus Boys Academy (EBA) establishes their education program. While each individual section may not be relevant for the CUP application and approval process, please pay particular attention to the Table of Contents. The section headings contained therein demonstrate the organization and rigor of the boarding school's program. If a certain section is of interest of course feel free to review it at your discretion.

The Student Handbook document is a template from other similar schools. Exodus board members continue to develop the specifics for the Brainerd site. An example is the School Contact Information page. As faculty and staff are put into their key positions this page will be finalized. Obviously, this will be an important reference page for students, families, staff and the community.

# # # # #

RECEIVED
JUN - 2 2017
CITY OF BRAINERD
ADMINISTRATION

EXODUS
BOYS ACADEMY

Student- Parent Handbook

2016-17 School Year

(Name) Head of School

(Address)

(Phone)

Mission Statement

Exodus Boys Academy prepares men of character to be contributing citizens with in their urban communities through a rigorous college preparatory and STEM education.

Our program provides the framework for personal responsibility, integrity, and leadership.

We are committed to their mental and physical fitness while teaching young men to be followers of Christ.

WELCOME

Dear Exodus Families,

Written by Head of School – see example from SEED school

Welcome to the 20XX school year! Whether you are a new or returning student/parent(s), we are excited to kick off another successful year and have you with us on this journey. As the Head of School, I am eager to meet all of you in the coming weeks and share my enthusiasm for leading this unique school community.

Our leadership team and faculty have spent time making important updates and listing policies and procedures to fulfill our mission. Please spend the necessary time to review this Student-Parent Handbook carefully to obtain a clear understanding of the expectations we have set for all students and families of Exodus Academy.

The policies, expectations, and agreements contained in this Handbook will guide the actions and behavior of not only your child (our student), but also our staff and the school as a whole. This Handbook is considered a living document and changes/modifications will be made as necessary throughout the year in the best interest of our students and the school.

Like all good partnerships, Exodus students and staff should both know what is acceptable, necessary, and appropriate. Everything from our attendance policy to graduation requirements, are included in this Handbook. We hope this handbook will answer any questions you have regarding our policies and procedures.

We ask that you sit with your son, whether a new or returning student, and review this Handbook from cover-to-cover to ensure that we are all on the same page. And, once you have done so, we need you and your son's signature on the perforated Student-Parent-School Agreement sheet located in the back of the Handbook.

Please take the time to review and refresh your understanding of our policies, procedures and expectations. There is a wealth of information in this Handbook, and it should be something that you come back to again and again, if you need clarification about any of our expectations.

Thank you in advance for your support and cooperation.

(Name) Head of School

TABLE OF CONTENTS

SCHOOL CONTACT INFORMATION

MISSION/CORE VALUES

STATEMENT OF FAITH
- Our Understanding of God
- Our Understanding of Humanity
- Our Motivation for Ministry

CORE RELIGIOUS BELIEFS

DOCTRINAL STATEMENTS
- Statement on Marriage, Gender, and Sexuality
- Statement on the Sanctity of Human Life
- Statement of Final Authority for Matters of Faith and Conduct

ACCREDIDATION

ADMISSIONS
Admissions Criteria
Admissions Procedure

ADMINISTRATIVE POLICIES/PROCEDURES
Hours of Operation
Dress Code
Hygiene, Appearance and other Dress Requirements
Inclement Weather
Fire Emergency Procedures
Lock Down drills
Lost and Found

ATTENDANCE POLICY
Excused vs. Unexcused Absences
Early Dismissals and Planned Absences
Absences and Missed Assignments
Planned Absences From School: Leaving and Returning to Campus
Medical leave policy/Long-Term Absences
Excessive Absences not related to Medical/Long-Term absence policy
Tardiness
Truancy

MEDICAL/HEALTH POLICIES
Immunizations
Medical Records
Medications
Student Physical Privacy Policy

VISITOR POLICY
Visiting Students
Visitor Requirements
Unknown/Uninvited Visitors
Visitors During Events
Community Support Workers, CFSA Workers and Clinicians, and Court-Appointed Professionals
Suppliers, Contractors, and Delivery Personnel
Visitors of Residential Employees

SCHOOL SCHEDULE

SCHOOL TRADITIONS, CELEBRATIONS & ACTIVITIES
Assemblies, Celebrations, and Trips
Senior Traditions
Off-Campus Trips
Student Leadership Opportunities

STUDENT LIFE POLICIES
General Student Life Policies
Care of Dormitory Halls and Rooms
Evening Routines
Student Common Areas
Student Dorm Room Computer Privilege
Study Hall
Student Life Schedule

EXPERIENTIAL LEARNING
Student Life Program Departments
Travel
Financial Assistance

ATHLETICS
Interscholastic Athletics
Eligibility Requirements
Length of Eligibility/Ineligibility
Conference Eligibility
Sports Injuries

Equipment and Uniforms
Attendance
Athletic Chain of Communication

CODE OF CONDUCT .....
Core Values .....
Student Responsibilities and Rights.....
STUDENT CODE OF CONDUCT .....
Disciplinary Level Behaviors .....
Consequences .....
Model of Care.....
Suspension and Dismissal Process .....
Procedures for Suspending & Dismissing Students with Disabilities ..
Off-Campus Conduct Policy .....
STUDENT TOBACCO, DRUG, AND ALCOHOL USE POLICY .....
BULLYING/HARASSMENT POLICY .....
Definitions.....
Bullying/Harassment Prohibited .....
Reporting Bullying.....
Anonymous Reporting .....
Investigation of Incidents of Bullying Harassment or Retaliation.....
Appeals .....
Sanctions and Remedies for Bullying/Harassment.....
Bystander Policy .....
HARASSMENT POLICY .....
General Statement of Policy.....
Harassment Policy Definitions .....
Processes and Procedures.....
Confidentiality .....
Alternative Complaint Procedures .....
Notice and Publication .....
NONDISCRIMINATION POLICY .....
General Statement of Policy.....
Grievance Procedure for Reporting Complaints of Discrimination .....
CELL PHONE POLICY .....
TECHNOLOGY POLICY.....
Introduction .....
Behavior on the Network/Internet.....
Student Acceptable Use Policy.....
Limitation of Liability .....
PERSONAL STUDENT PROPERTY .....
Property Prohibited on Campus.....
RESPONSIBILITY FOR SCHOOL PROPERTY .....

UNIFORM POLICY.....
The SEED Ensemble .....
Student-Parent Handbook
Purchasing Uniforms from the Office of F&C Engagement .....
McKinney-Vento Act.....
Physical Education Uniform .....
Uniform Policy During Student Life Programming .....
Hygiene, Appearance, and Dress Requirements .....
STUDENT PASSES.....
OUT OF AREA .....
STUDENT MOTORIZED VEHICLE POLICY .....
GENERAL ACADEMIC POLICIES.....
Grading Scale.....
Grade Descriptions .....
Grade Calculations .....
Reports of Student Progress.....
Late Work Policy.....
Academic Probation .....
Grade Level Acceleration Policy.....
Academic Dishonesty.....
MIDDLE SCHOOL ACADEMIC POLICIES .....
Mastery of Common Core State Standards .....
Summer School Policy .....
Growth Year|| Policy .....
HIGH SCHOOL ACADEMIC POLICIES.....
Graduation Requirements.....
Upper School Promotion and Growth Year Policy .....
Advanced Placement (AP) Courses .....
Credit Recovery/Make-Up .....
Study Abroad .....
COLLEGE READINESS AND APPLICATION PROCESS .....
College Application Requirements.....
Transcript Fees .....
Discipline Reporting .....
Junior/Senior Seminars.....
College Admissions Testing and Fee Waivers .....
SEED DC LIBRARY POLICIES .....
Borrowing Policies .....
Returning Library Items .....
Overdue Fines.....
Notification of Overdue Items and/or Fines .....
STUDENT SUPPORT SERVICES.....
Counseling Team .....
Referrals .....

Suicide Prevention and Crisis Intervention .....
ChAMPS.....
Health and Wellness Suite .....
Medicine Policy .....
Medical Leave Policy .....
Health/Medical Records.....
Student-Parent Handbook
Medical Emergency Policy.....
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)....
Objectives of the Policy.....
Definitions Under FERPA.....
Rights of Parents and Eligibility of Students.....
Access to Records by School Officials.....
Access to Student Records by Other Educational Institutions .....
Law Enforcement.....
Release of Records Without Parental or Student Consent .....
Complaints .....
SPECIAL EDUCATION SERVICES .....
Special Education Department Mission .....
Child Find .....
Special Education Evaluations .....
Determining Student Eligibility for Special Education Services .....
Transition Services .....
Least Restrictive Environment (LRE) .....
Notifying Parents and Students of Progress Toward IEP Goals .....
Notice to Parents .....
Parent Requests.....
Discipline.....
SECTION 504 POLICY .....
Section 504 Defined .....
Eligibility Criteria .....
Student Identification.....
Referral Procedures .....
Team.....
504 Student Evaluation.....
504 Plan/Placement .....
Free and Appropriate Education (FAPE) .....
Review of Student's Progress .....
Procedural Safeguards .....
PARENT/GUARDIAN RESPONSIBILITIES .....
Student-Parent-Faculty Contract .....
Parent Involvement Policy .....
Parent Contribution to the School Program .....
Releases.....

ENROLLMENT FOR THE NEXT SCHOOL YEAR .....
WITHDRAWING A STUDENT .....
SIBLING PREFERENCE POLICY .....
PARENT GRIEVANCE PROCEDURE .....
EMPLOYEE GRIEVANCE PROCEDURE .....
CHECK ACCEPTANCE POLICY .....
FUNDRAISING POLICY .....
Reasons for the Fundraising Policy .....
Examples of Fundraising Activities.....
Fundraising for Special Groups and Activities .....
Donations and Reimbursements .....
Fundraising Project Form .....
RESPONSIBILITY TO ADHERE TO POLICIES .....
NOTES.....
STUDENT AND PARENT AGREEMENT .....

SCHOOL CONTACT INFORMATION

Exodus Boy's Academy

(Address)

Main School Number

Main School Email

School Website

FAX NUMBERS

Head of School's Office

Office of Community Engagement

Health Department

DEPARTMENT NUMBERS

Office of the Head of School

Middle & High School Programs

Middle School Director

High School Director

Director of Student Life

Administrative Assistant to the Director of Student Life

College & Career Services

Director of Family & Community Engagement

Family Engagement Specialist

Director of Student Support Services

Special Education Coordinator

Director of Athletics

Building Support Assistants Brown and Marshall Halls

Example from Minnehaha's handbook

Karen Balmer – Principal (ext. 2141)

Questions about Middle School policies, curriculum, teachers, calendar, and general Middle School questions

Steve Engdahl – Counselor (ext. 2245)

Questions about student academic issues, learning needs, social-emotional issues, tutoring

Kari Fields – Dean of Students (ext. 2145)

Questions about student discipline, peer issues, dress code, student schedule changes

Chantal Ulferts – Student Activities Coordinator (ext. 2239)

Questions about student clubs, special event days, student council, school parties

Josh Thurow – Athletic Director (ext. 1231)
Christian Zimmerman – Assistant Athletic Director (ext. 2222)

Questions about Middle School athletic schedules, gym and field schedules, coaches

Bruce Peterson – Transportation and Ice Arena (ext. 2314)

Questions about bus schedules and routes, bus driver issues, ice arena scheduling

Reverend Greg Bestland – Chaplain (ext. 2202)

Questions about chapel, speakers, spiritual counseling

Paul Slininger – Nurse (ext. 2150)

Questions about student health records, vaccinations, screenings, health issues

Kristin Kishaba – Director of After School Programming and Summer Programs (ext. 2013)
Carmen Coffman Johnson – Admin. Support for After School/Summer Programs (ext. 2014)

Questions about the Yellow Lounge (Middle School after school program)

May 25, 2017

Re: **Exodus Boys Academy**

From: Headley Williamson

1. Funding Strategy:

We hired Non-profit 360 Consulting LLC to create our donor development program... Here is an outline of the strategy:

Phase 1 (May, June,July). Ask each of our friends, family, and concerned citizens to donate from $100 to $1000.
This will raise $40,000-$70,000
Phase 2 (July, August,September). Use funds from phase 1 to hire a grant writer and create a new video and presentation materials. This will allow us raise $1 million from government grants, corporate, and family foundations.
Phase 3 (September--). Use funds from phase 2 to solicit national foundations to raise $20 million.

2. Here is how the Board will interface with the school:

The Board of Directors will hire the director of academics and director of residence. Board will acquire a facility and financing needed to run the school for 5 years prior to opening the school. Board will set the standard for hiring teachers, staff, and academics. Board will lay the ground work for student acquisition and student extracurricular activities. Board will also ensure the success of the school, through financial and advisory support.

# # # # #

RECEIVED
JUN - 2 2017
CITY OF BRAINERD
ADMINISTRATION

Our Statement of Faith:

Exodus Boys Academy is an interdenominational, evangelical Christian boarding school focused on giving young men a holistic education with a God-centered perspective. We exist to prepare a new generation of servant leaders who will return to serve their communities and reflect the Christian values taught at EBA. This information is prepared to help you become an integral part of Exodus Academy.

Our Understanding of God

We believe that there is one living and true God, eternally existing and unchanging throughout all time. We believe that God exists in three Persons, known throughout Christian history as God the Father and Creator, God the Son who is Jesus Christ, and God the Holy Spirit who indwells and empowers every believer in Christ. We believe in the deity of Jesus Christ, in His virgin birth, in His sinless life, in His atoning death through His shed blood, in His bodily resurrection and His ascension to the right hand of the Father. At Exodus Academy, we believe that a relationship with God is personal and we strive to make Him central in the daily life of EBA students and staff.

Humanity's need for God

We believe that all men and women are created in God's image and therefore are of infinite worth. We also believe that all of humanity is sinful by nature, are under condemnation, and that there are no good deeds that a person can do to free himself from condemnation. All mankind is in need of reconciliation with God and we believe that need has been met through the life, death and resurrection of Jesus Christ. We believe that those who trust in Jesus Christ by faith as the only way to salvation are regenerated by the Holy Spirit. We believe in the bodily resurrection of both the believers to eternal life with God, and the lost to eternal suffering and damnation.

Our Understanding of Scripture

We believe that the Old and New Testaments of the Bible are the inspired and infallible Word of God. We believe the Holy Scriptures were revealed by the Holy Spirit and are to be our final authority and the ultimate standard for determining what we believe and how we conduct our lives. Therefore at EBA, we strive to daily integrate its teachings into our instruction and community life.

RECEIVED
JUN - 2 2017
CITY OF BRAINERD
ADMINISTRATION

Doctrinal Statements

Statement on Gender, Marriage, and Sexuality

We believe that marriage means the uniting of one man and one woman. We believe that God intends sexual intimacy to occur only between a man and a woman who are married to each other. We believe that God condemns intimate sexual activity outside of a marriage between a man and woman. We believe that God considers all forms of sexuality outside of marriage to be sinful.

Statement on the Sanctity of Human Life

We believe that the life of every human being has been created uniquely by God in His image and each person is given specific abilities by design. We believe that all human life begins at conception and is of inestimable worth until natural death. We are called to defend, protect and value all human life including pre-born babies, the physically or mentally challenged, the aged and all stages and conditions of life. Every child of God must be treated with respect and dignity. Hateful and harassing behavior toward any individual is not in accord with Scripture nor the doctrines of Exodus Boys Academy.

Statement on our Educational Ministry

We believe that in order to maintain the integrity of Exodus Boy Academy as a Christian boarding school and to provide a biblical model to EBA students, families, and community, it is imperative that all persons employed by EBA in all capacities agree to and abide by these doctrinal statements on marriage, gender, sexuality and human life. All staff members serve as role models regardless of their duties and it is imperative that each staff member is in agreement with our Statement of Faith, our philosophy and purpose and that it reflects in their lifestyle as well.

Statement on Final Authority

While we believe the Bible to be the final authority concerning truth, morality and proper conduct, our Board of Directors is Exodus Boys Academy's final interpretive authority on the Bible's application into school life.

pdf

Brainerd Hotel and Conference Center

Brainerd, Minnesota

Building Assessment

PRELIMINARY DRAFT

May 23, 2017

WIDSETH SMITH NOLTING

Engineering | Architecture | Surveying | Environmental

Executive Summary

The material presented in this written report has been formulated for use by The Exodus Boys Academy in assessing the improvement needs and extent of renovation of The Brainerd Hotel and Conference Center in order to convert the building into a boy's academy. The contents of this report include descriptive information using text and graphics to describe the building complex, identify areas of deficiencies, make recommendations for improvements, and provide associated probable costs.

Complex and Building Description

Building and Complex Description:

The Brainerd Hotel and Conference Center was constructed in 1970 as a Holiday Inn and consisted of three areas of use: The first, which was labeled as the "Commercial" area includes a main lobby, office area, an attached restaurant/kitchen, meeting rooms and public toilets. The next area is an attached enclosed swimming pool which includes the open swimming area, toilets with showers, a sauna and pool equipment & mechanical rooms. The third area included 100 guest rooms in a two story, L-shaped connected structure. This area also includes a laundry room and utility rooms for mechanical and electrical. 50 guest rooms were added around 1972 with a two-story addition to the north side of the guest structure.
Parking for the guest rooms, employees and restaurant patrons surrounds the building.
There have been renovations to the building with the most notable being an exterior renovation in 1996 which resulted in the complex's current look and in 1997 when the restaurant was converted into a Green Mill.

Overall Assessment and Evaluation

Existing Conditions and Recommendations:

Early in its existence the Brainerd Holiday Inn was a premier location. The building was constructed using sound construction materials and methods. It appears to have been well maintained while it was the areas prime hotel. However, over time and the rerouting of highway 371, occupancy has dwindled and the building has not been as well maintained and kept up-to-date as it could have. Ownership and the franchise name has changed over the years until the hotel and restaurant was closed and the building locked up. With the building shut down for nearly three years it has gone through extreme temperature change resulting in wear and tear of many elements not intended to be exposed to such extremes. Maintenance has been minimal and items that could have been taken care of have been left and become worse over time. Overall the building is structurally sound but in general disrepair and in need of repair, maintenance and updating.

General Construction Evaluation

Building Exterior:

Item 1) Roofing: The roofing over the one-story portion of the complex is a mix of the original pitch and gravel over 2" rigid insulation at flat areas and asphalt shingles that cover the entrance canopy, the sloped roof over the pool and the mansard canopy around the perimeter of the "commercial" building.

The original pitch and gravel roofing is well past it's expected life and failure is evident with leaks at many locations within the building. The shingle roofing areas were replaced as part of the 1996 exterior renovation. Though the amount of wear of the shingles is not extreme the condition of the roofing is poor due to recent back to back years when storms with extreme winds had blown away portions of the roofing requiring patching that appears to have been done with hast and at minimum cost.

The roofing over the guest room portion of the building was replaced with a single ply (EPDM) membrane with rock ballast along with additional insulation. Based on dates printed on the membrane, it is assumed it was replaced around 1997. The membrane appears to be in fair condition, however, the membrane has shrunk and has pulled and stretched tight from the edge parapet. Areas of the roof have been problematic with leaking, according to Russ Carew, the building caretaker. These leaks have been more prevalent at areas where flashed penetrations occur.

Recommendation: It is highly recommended that the entire building be re-roofed.

Item 2) Exterior Walls and Siding: All three areas of the complex have exterior wall of concrete block and/or brick. The exterior renovation in 1997 covered all the areas with an "Acrylic Stucco" finish system to achieve the current look. There are numerous areas that have cracked and in some cases pulled away from the wall. There are also places where the roof edge flashing is damaged or missing.

Recommendation: The exterior stucco finish should be repaired and the roof edge flashing should be repaired and/or replaced.

Item 3) Exterior Windows and Doors: The exterior doors and windows appear to be original to the building. They vary in degree of condition from broken and missing glass & panels to being intact and in good condition. All the window units will have very poor energy efficiency. Another element of consideration is that many of the ground floor guest rooms include a door with direct access to the outside which may be undesirable. The pool currently has windows along the south wall and sliding glass doors along the east wall. These will be inappropriate for the intended conversion of the space into a gym.

Recommendation: It is recommended that the windows of the guest rooms area be replaced. This would greatly increase the buildings energy efficiency and would provide the rooms with the appropriate venting options. The windows of the converted gym should be removed and the wall area filled in. Smaller window with protection from balls and other objects could be installed.

Building Interior:

Item 4) Doors, Frames and Hardware: The interior doors, frames and hardware are in overall good shape. However, the doors and frames to the guest rooms are not fire rated and rated doors will be required. Other doors that separate the "commercial" area from the pool and guest rooms do not appear to have the proper fire rating.

Recommendation: A thorough code analysis will be required to determine the extent of replacement that will be required. At this stage, it is our recommendation to assume that all doors to the corridors in the guest room area will be replaced as well as the doors that separate the "commercial" area from the pool and guest rooms.

Item 5) Interior Walls, Ceilings and Finishes: The interior walls and ceilings vary greatly in condition while the finishes are typical for the buildings use but are outdated and should be replaced with material appropriate to the intended use. The exterior walls were built with furring strips and 1" of Styrofoam insulation and are not energy efficient.
- Numerous guest rooms are in good condition with little or no need of repair while a few will require patching and/or replacement of finishes and a couple that have a great deal of damage that will require a near gutting and rebuilding of the rooms.
- The "commercial" portion of the building has areas that will require patching and repair due to roof leaks. At the link to the guest rooms there is ceramic floor tile that has loosened from the extreme cold and in need of repair. The restaurant appears to need only minor repair. Water leaks have damaged some ceiling tile and the carpet has staining. Other minor wall repair will be required. The kitchen will require repair of areas where the wall and floor tile are in disrepair.
- The pool area has a support structure of wood glu-lam beams and wood decking. All the wood surfaces are in need of refinishing. The concrete block walls will also require new paint. The area has a pool, whirlpool and a floor that is sloped to numerous floor drains.

Recommendation: Once the roof leaks have been stopped with the roofing replacement, repair of the areas damaged from the leaks should occur. Replacement of finishes can be based on if they are salvageable or as a matter of choice. Some may be replaced to provide finishes appropriate for the intended use.
- In most of the student rooms it will not be required to repair the walls but it is recommended that the drywall be removed from the exterior walls, additional insulation be provided and the wall be refinished. This will make the building more energy efficient and will make the rooms more comfortable.
- The restaurant will require minor repair while in the kitchen the floor and walls will be required to be repaired to meet health department requirements.
- Converting the existing floor to a gym floor will require a design to support and provide a level and structurally sound system.

Item 6) Building Code Compliance: It is a requirement of the Building code that when an existing building changes use and occupancy the building is to meet current code requirements. To convert the building from its current use and occupancy of a hotel and conference center into the Boys Academy will require that the building be brought up to the current building code requirements.

A thorough and extensive code research will be necessary to determine the full extent of the changes that will be required. The building presents several complex challenges that will have to be examined in order to fully understand what will be required and the extent of the alterations.

The following are items that we know will have to be addressed:

- The building will be required to have a fire sprinkler system.
- A fire rated corridor with rated openings will be required in the sleeping room areas.
- Walls and openings between certain areas will require fire rated construction.
- An elevator will be necessary for access to the second level.
- Public toilet rooms will have to meet accessibility requirements.

Recommendation: When it becomes time to work on the renovation of the facility there will be factors that will come into play and there will be a certain amount of flexibility in design decisions. However, when it comes to code related items there will be very little to no flexibility. The building code will be required to be adhered to and costs of those items will have to be incurred.

Site Evaluation

Existing Conditions and Recommendations:

Overall the site is in fair condition with some repairs and corrections necessary prior to occupancy. Please refer to the following:

Item 1) Parking Lot Layout: The parking facilities provided were sized for the building's prior use as a restaurant and hotel facility. For the proposed use, the provided parking is likely far in excess of needs.

Parking stall sizes in the existing parking areas are undersized to the requirements of present City ordinances.

Recommendation: The parking facilities should be "right-sized" to the proposed application, including future expansions. Parking surfaces excess to these needs should be removed, with the resulting additional space dedicated to other desired uses.

Item 2) Parking Lot Pavement: Pavement of the existing parking areas is nearing failure in most locations. There are many open thermal cracks, and the surface has deteriorated greatly from lack of maintenance.

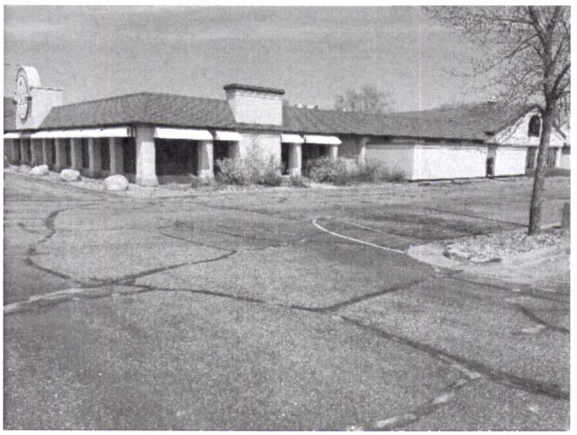
Recommendation: For those pavement surfaces to remain, it is recommended to mill two inches deep and inlay a two-inch lift of new bituminous pavement to maintain existing grades. Parking stalls should be striped to meet existing City standards for size and applicable standards for accessibility.

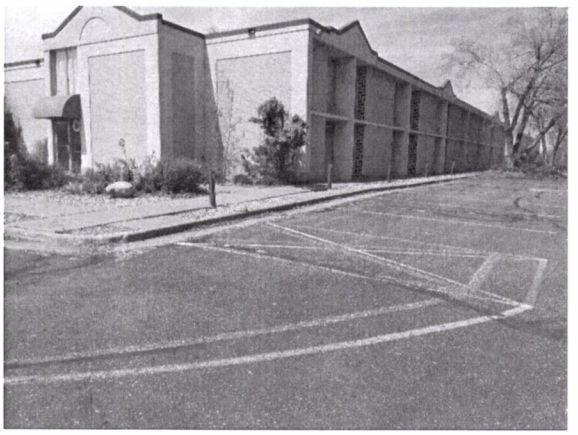
Item 3) Parking Lot Accessibility: Current accessible parking areas do not contain enough parking spaces and do not meet present accessibility standards.

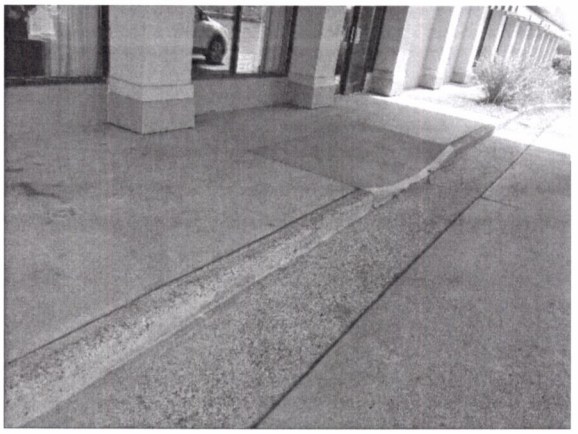
Recommendation: After resurfacing parking areas that remain, five total accessible parking spaces should be provided. Sidewalk and curb modifications will be required to provide ramps meeting present standards.

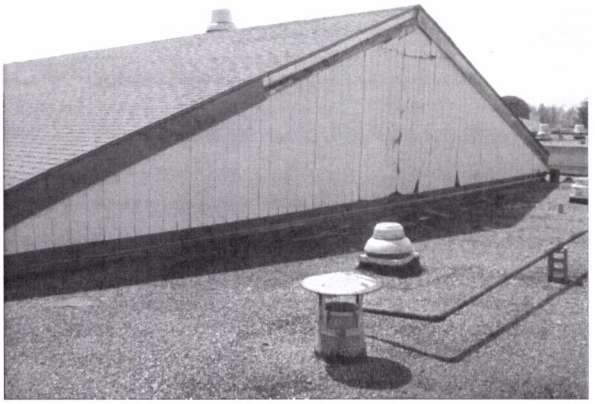
Item 4) Concrete Curbs and Walks: Throughout the site, there are sidewalks with offset joints and cracks that represent possible tripping hazards. Curbing is damaged in a number of locations; most likely from past plowing activities.

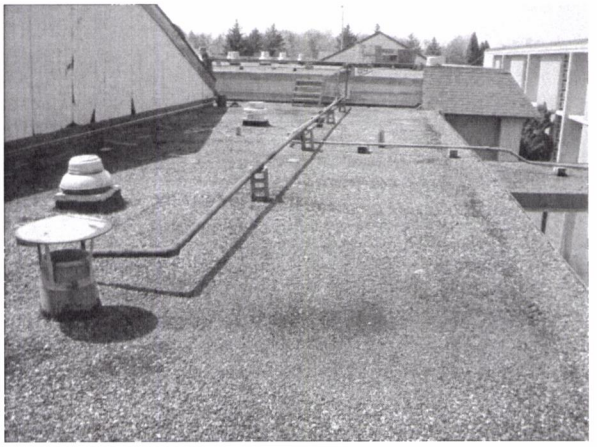
Recommendation: While wholesale replacement is not strictly necessary, as many areas are still serviceable, it will be necessary to remove and replace sections of both sidewalks and curb for both safety and functional reasons.



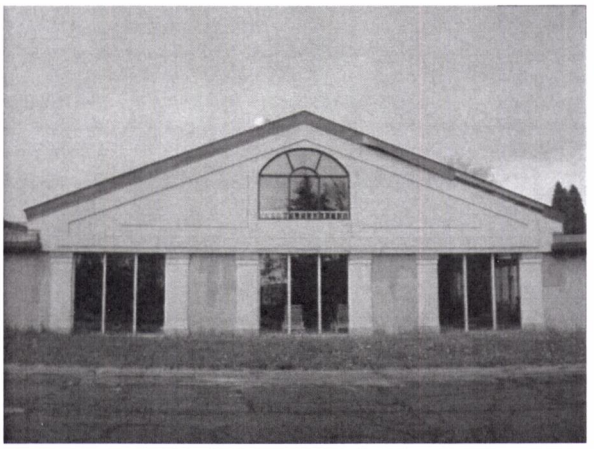


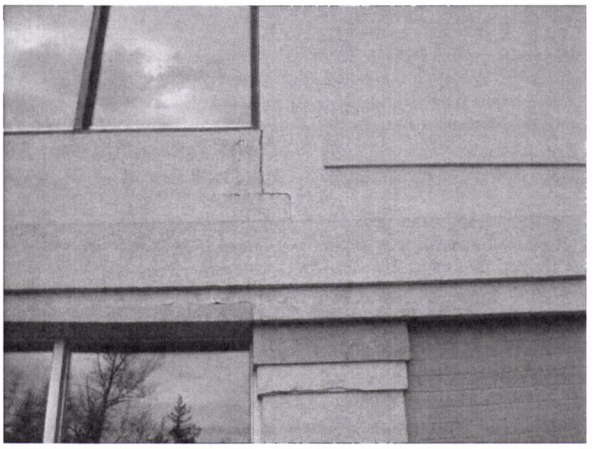


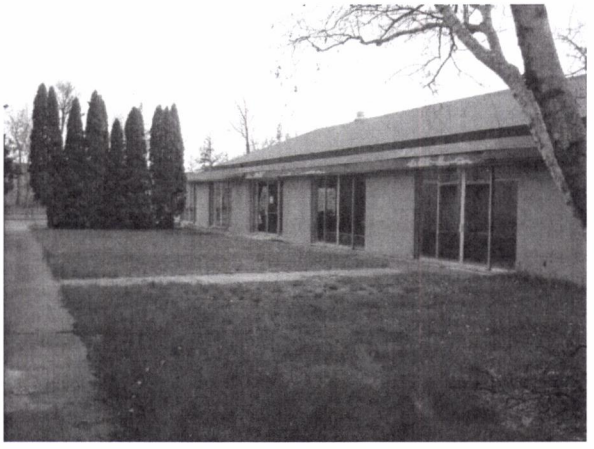


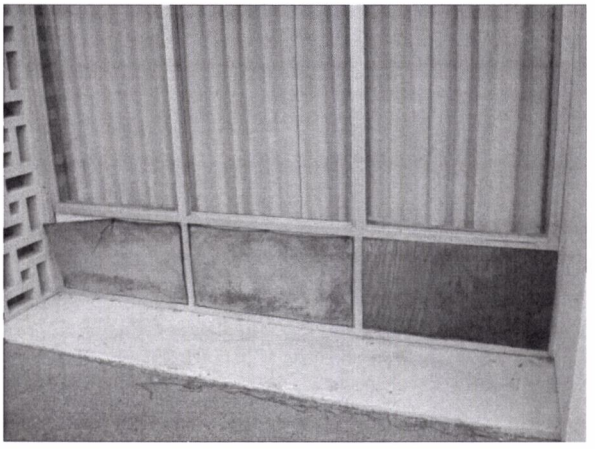


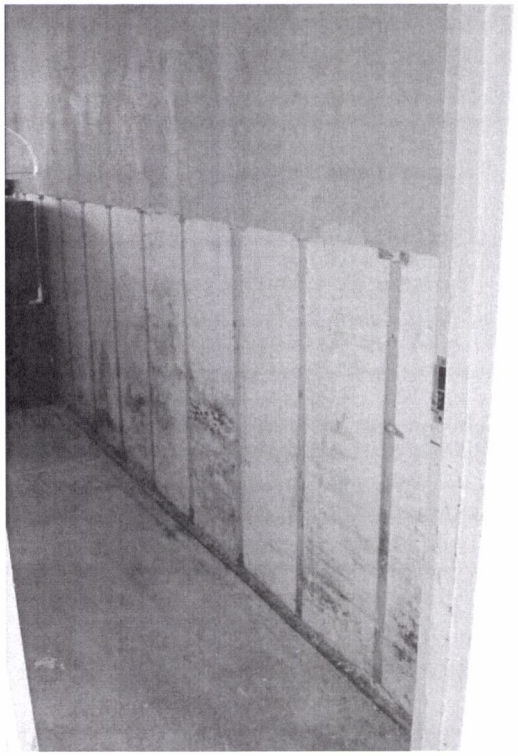
BRAINTREE
LAKE
CAFE
& LOUNGE

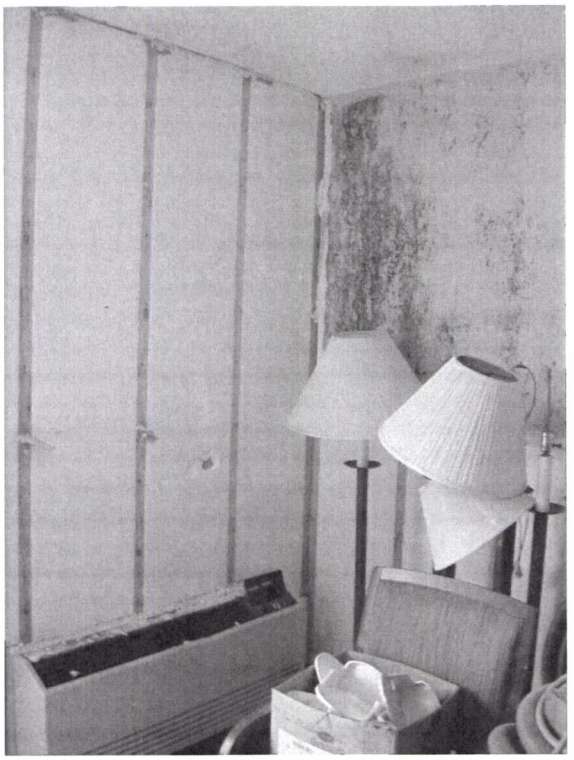


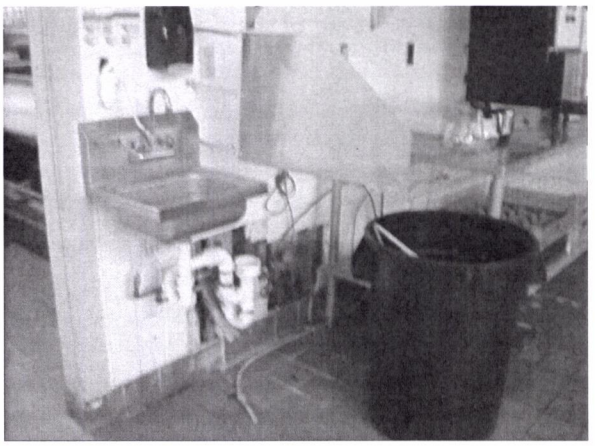


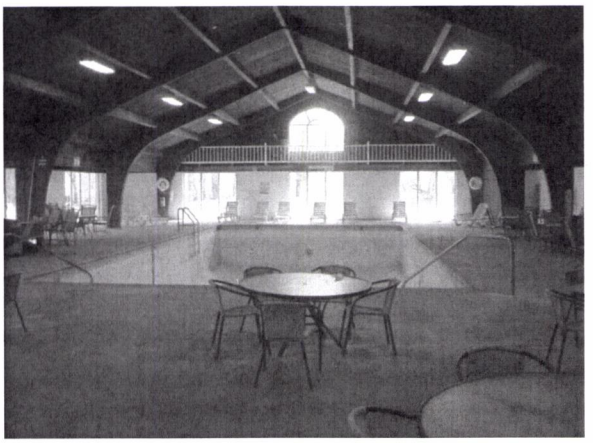












Mechanical Observations and Evaluation

Mechanical Systems Existing Conditions and Recommendations:

Item 1) "Commercial Area": The "Commercial" area is served by packaged rooftop units (RTU) with gas-fired heating and direct expansion (DX) cooling. The kitchen is served by gas-fired makeup air units and exhaust fans. Most the RTUs appear to be in poor condition and several have exceeded their estimated useful service life (15 years, according to ASHRAE Applications Handbook).

Recommendation: The existing RTUs and associated ductwork and controls should be replaced with new packaged RTUs – zoned and sized for their new intended use. The RTUs must provide code required ventilation which is dependent on square footage and space occupancy. The units will also need to have economizers and be capable of Demand Control Ventilation (DCV – a method of varying the outside air with room occupancy as determined by carbon dioxide levels) depending on size and application. The fans and makeup air units serving the kitchen appear to be in fair shape and have been installed in the last ten years. Depending on changes to the kitchen functionality, these units could be serviced and reused.

Item 2) Swimming Pool Area: The swimming pool area is served a ventilation/dehumidification unit specifically designed for swimming pools. Adjacent mechanical rooms contain pool and hot tub filtration and heating systems.

Recommendation: The equipment is in fair condition, however, changing this space into a gym will require a new HVAC system. This space could be served by a ground-mounted RTU and new exposed ductwork.

Item 3) Guest Room Area: The guest rooms are heated and cooled with Packaged Terminal Air Conditioner (PTAC) units most of which have exceeded their estimated useful life (10 years). Roof-mounted fans exhaust air from the bathrooms.

Recommendation: The PTAC units should be replaced – the new units should be heat pumps with auxiliary electric heat. The PTAC units must have the capability of providing code required ventilation rates to the sleeping quarters. The exhaust fans should be replaced and the exhaust system rebalanced.

The area to be converted to classrooms should be provided with a new HVAC system consisting of RTUs capable of providing ventilation to these densely occupied spaces. To increase the comfort level of the classrooms, the rooftop units could further zoned by utilizing Variable Air Volume (VAV) boxes with terminal electric reheat coils.

Item 4) Plumbing: Most of the plumbing fixtures appear to be in good condition – given their disuse in recent years, however, they may require refurbishing. Freezing has caused some pipes to burst in the mechanical room where the water enters the building – these appear to have been repaired. The water softening system was also damaged by freezing and has not been replaced.

The existing water service is not adequate to provide fire protection to the building.

Recommendation: The entire domestic water system should be pressure tested for leaks and thoroughly flushed. The waste and vent system should be pressure tested to identify possible leaks. Piping systems will need to be modified as required by building upgrades and a new 6" water service will need to be installed to provide fire protection.

Electrical Evaluation

The electrical distribution system in the facility consists of a 480/277 volt, 3-phase, 4-wire system. The system is fed by a 1500 KVA transformer. The main Switchboard, which is located in the electrical room right off of the main lobby has a 1600 amp bus. The main switchboard feeds four main distribution panelboards and two step down transformers which are located throughout the first floor of the facility. These main distribution panelboards and step down transformers then feed numerous 480/277 volt and 208/120 volt branch panelboards which are located on both floors of the facility. Overall, the current state of the distribution system is adequate, but in order to ensure reliability, certain maintenance procedures should be performed. There are some issues, however, that need to be corrected to bring the facility up to the current National Electric Code (NEC).

Item 1) Electrical Panels: The facility was constructed in 1969 and most of the panels appear to be the original panels that were installed. The panels appear to be in good condition but several procedures should be performed.

Recommendation: All Circuit Breakers should be checked for proper operation. Any dust and dirt that has accumulated in the panels should be cleaned out. It is also recommended that preventative maintenance procedures be performed to discover any potential problems that are not readily visible. These procedures would include, but not be limited to, an Infrared thermographic inspection to determine if there are hot spots in the panels (may be an indication of loose or defective wiring) and an Ultrasonic inspection to determine if there are corona emissions present which could indicate a potential arc flash incident. Also, energized and de-energized testing and analysis should be performed to check out all panel components for viability.

Item 2) Fire Alarm and Detection System: The Fire Alarm and Detection System is an addressable system and the main fire alarm panel has the capacity to monitor 198 points. The system appears to be several years old and the panel is on the verge of obsolescence. The field devices (sensors, pull stations, etc.) also appear to be several years old.

Recommendation: Consideration should be given to replacing the Fire Alarm Control panel and the field devices. The existing system is several years old and at the very least the system should be thoroughly tested by ensure operability. The system also has to conform to the latest versions of the International Building Code and NFPA 101 and as such, number and type of field devices will be needed to be

modified. These modifications need to be coordinated with the possible addition of a sprinkler system, as the requirements for a sprinkled or a non-sprinkled facility vary.

Item 3) Receptacles: The electrical receptacles in the facility do not meet the requirements of the latest version of the National Electrical Code (NEC). Some examples are:
All receptacles in the Kitchen Areas are required to be GFCI protected (NEC article 210.8 (B) (2).
All receptacles in Locker rooms with associated showing facilities are required to be GFCI protected (NEC article 210.8 (B) (8).
All receptacles that are within 6 feet of the outside of a sink are required to be GFCI protected (NEC article 210.8 (B) (5).

Recommendation: Replace receptacles with GFCI receptacles or GFCI circuit protection in all the required areas (Refer to NEC article 210.8 for requirements). Test all existing GFCI receptacles for proper operation.

Item 4) Arc-Fault Circuit-Interrupter Protection: The NEC requires Arc-Fault Circuit Interrupter Protection in certain areas of non-dwelling units (NEC article 210.12 (B) & (C). The age of the facility indicates that this protection is not provided.

Recommendation: Install Arc Fault Circuit-Interrupter Protection in all the required areas as per the NEC.

Item 5) Lighting: The facility has mainly fluorescent and incandescent lighting. The facility has no occupancy sensors or daylighting sensors.

Recommendation: To save money on the energy bill, replace all existing lighting with LED lighting. To further save money and conform to the latest version of the energy code, install occupancy sensors and daylighting sensors.

Brainerd City Council
Agenda Request

#10C

Agenda Item #

Requested Meeting Date: July 3, 2017

Title of Item: Variance Request, Terry W. Berger 102 Ridge Drive, Brainerd, MN 56401 to permit a 6' tall fence in a street side yard

☐ 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: 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 Planning Commission draft minutes which include Findings of Fact related to this request. Also attached is a petition of support submitted at the Planning Commission meeting.

Alternatives, Options, Effects on Others/Comments:

1. Approve the variance with or without conditions which will permit the 6' tall privacy fence to be constructed where a 4' tall fence is permitted.

2. Deny the variance which will require moving the fence back to comply with the fence height location requirements.

Recommended Action/Motion:

The motion based on the Planning Commission recommendation would read:
Moved and 2nd by _____ and _____ to deny the Variance for Terry W. Berger 102 Ridge Drive to construct a 6' tall fence where a 4' tall fence is permitted based on the Findings of Facts.

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:

STAFF REPORT TO THE PLANNING COMMISSION
June 21, 2017

VARIANCE

APPLICANT/LOCATION:	Terry W. Berger, 102 Ridge Drive
PROPOSED USE:	Six foot tall fence where a 4′ tall fence is permitted
LOT AREA:	20,000 sq. ft. (200′ x 100′)
CURRENT ZONING:	R-1A (Single Family Residential) District
ADJACENT USES:	East: Residential South: Residential West: Residential North: Residential
ADJACENT ZONING:	North: R-1A (Single Family Residential) District East: R-1A (Single Family Residential) District South: R-1A (Single Family Residential) District West: R-1A (Single Family Residential) District

---

REPORT

The Berger's recently completed the house at the property and installed the 6′ tall privacy fence along Buffalo Hills Lane where a 4′ tall fence is permitted. A 6′ tall fence can be constructed, but not any closer to the street than the house. Zoning Ordinance Section 515-19-7: Fence Height reads:

A. Fences may be located in any yard up to a height of four (4) feet.

B. Except as prohibited by Section 515-19-7.E a fence up to six and one half (6½) feet high may be erected from a line extended from the front façade of the principal building to the side lot lines, and then along the side lot lines and the rear lot line.

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.***

Is the variance in harmony with the general purposes and intent of the Ordinance?

When the Variance is consistent with the Comprehensive Plan.

The Comprehensive Plan Goal and Strategy that may apply is:

LAND USE GOAL #3: Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.

Strategy

1. *Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost effective provision of city services.*

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.

Attached is a photo of the street side yard where the fence has been constructed. The question is, why can't the property owner construct the fence at the dwelling setback and have reasonable use of the property?

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

When looking at the neighborhood, what is unique about the property? Lot shape? Size? Width? Topography? Large Trees? Building locations?

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

Does having a 6' tall fence along Buffalo Hills Lane property line affect the neighborhood's 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.

The Planning Department has received 1 call opposing the variance. The caller said they should install pine trees not build a fence. We don't need a fence blocking the view on the street. If the owners need privacy they should have built in the country.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation at its meeting on June 21, 2017 and the City Council may consider the Planning Commission's recommendation at its July 3, 2017 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

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

RECEIVED
MAY 24 2017
CITY OF BRAINERD
ADMINISTRATION

Receipt # 2017-00033
Check # 5012
Date Paid: 5/26/17

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: 102 Ridge Drive

LEGAL DESCRIPTION: Lot(s): 1 Block: 1 Addition: Buffalo Hills
(attach description if lengthy)

Property Owner Name: Terry w. Berger

Street Address: 102 Ridge Drive **City:** Brainerd **State:** Mn **Zip Code** 56401

Phone Number: 303-548-6386 **Fax:** **E-mail:** tbprecise60@gmail.com

Applicant Name: (If different than Property Owner)

Street Address: **City:** **State:** **Zip Code:**

Phone Number: **Fax:** **E-mail:**

Description of Request: to Keep Fence At the current height and location. This fence is for privacy and noise control from vehicles.

Terry W Berger
Property Owner Signature

5.24.2017
Date

Terry w. Bergen
(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

_____ **BRAINERD FIRE DEPARTMENT**
Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

_____ **BRAINERD POLICE DEPARTMENT**
Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

_____ **BRAINERD PUBLIC UTILITIES**
Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

_____ **BWSR (MN Board of Water and Soil Resources)**
Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

_____ **CROW WING COUNTY HIGHWAY DEPARTMENT**
Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@crowwing.us

_____ **CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT**
Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@crowwingswcd.us

_____ **CROW WING COUNTY SURVEYOR'S OFFICE**
Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126; mark.liedl@crowwing.us

_____ **HRA**
Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817; jennifer@brainerdhra.org

_____ **MISSISSIPPI HEADWATERS BOARD**
322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

_____ **MINNESOTA DEPARTMENT OF TRANSPORTATION**
Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

_____ **MINNESOTA DEPARTMENT OF NATURAL RESOURCES**
Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043; wade.miller@state.mn.us

_____ **MINNESOTA POLLUTION CONTROL AGENCY**
Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

_____ **U.S. ARMY CORPS OF ENGINEERS:** robert.g.maroney@usace.army.mil
Attn: Rob Maroney, 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 651-290-5766

Fence in street side yard

RECEIVED

MAY 25 2017

CITY OF BRAINERD
ADMINISTRATION

May 25, 2017

Mayor Ed Menk and City Council Members;

My name is Terry Berger and I live at 102 Ridge Drive in Brainerd Minnesota. I recently moved here from Colorado to enjoy my retirement years with my wife Kathy. We purchased a new home on the corner of Buffalo Hills Lane and Ridge Drive. This is our first new built home after 43 years of marriage. The overall experience was terrifying but yet exciting. Dealing with the contractor who was building our dream retirement home in the fall and winter to imagining the finished outside appearance. We pride ourselves on a well-manicured landscaped yard. After clearing a lot of the dead trees on the south and east side of the property we discovered we were pretty much on display in our corner lot, not to mention the road noise from passing vehicles. We decided to install a 6′ high fence to eliminate the noise factor and help to establish some privacy from car lights, traffic and pedestrians.

My neglect to inquire about a permit in building this fence is an oversight on my part. Not ever owning a property like this, I did not realize what the procedures were. I do apologize for this.

Please understand that I just want some privacy and do not intend to do any further building on my lot. By lowering the fence 2′, I would not get the privacy or noise reduction that I was hoping for, car lights would still shine in our bedroom. I should add that I have received many compliments on the appearance of the fence from the neighborhood residence.

Thank you all for understanding and I hope you will let me keep my fence.

Sincerely,

Terry L. Berger

Terry and Kathy Berger

Kathy Berger

May 30, 2017

To Whom It May Concern:

My name is Terry Berger and I live at 102 Ridge Drive in Brainerd. I am applying for a variance for my 50′ of 6′ high fence that I put up. The reason for this fence is for privacy, noise reduction and as a buffer for vehicles traveling down Buffalo Hills Lane. Without this fence, vehicle lights keep us up at night because thy shine in our bedroom and also shine in our living room in the evening. With the increase in traffic on Buffalo Hills Lane, the noise factor of trucks and other vehicles is very distracting and disturbs the serenity of this beautiful area. In addition to the privacy this fence accomplishes, I also believe it acts as a buffer from any unforeseen accident that may occur along Buffalo Hills Lane due to the increase in traffic.

The following neighbors have approved of this fence and see no reason for removing it.

Richard and Betty Hayes 322 Tanager Circle

Kurt Dehn 106 Ridge Drive

Marshall [illegible] 303 Aspen Ct.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Terry W. Berger, 102 Ridge Drive, Brainerd, MN 56401, has applied for a variance from Zoning Ordinance Section 515 -17 Fences to construct a 6' tall fence in a street side yard where a 4' tall fence is permitted. The property is located in an R-1 (Single Family Residential) District.

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., June 21, 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.

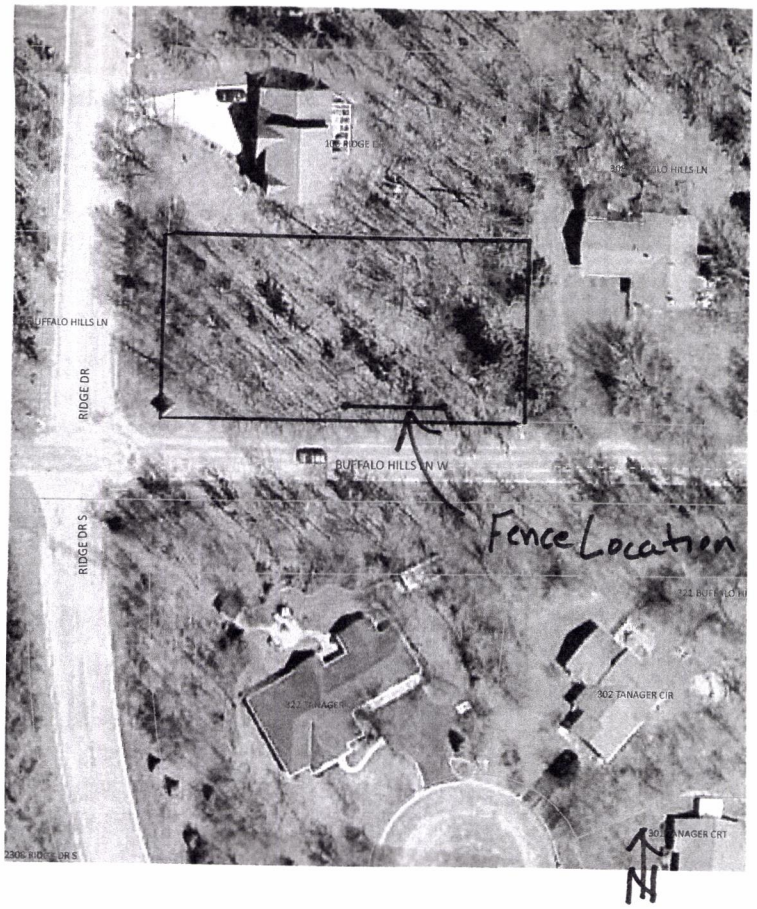
Any individual needing special accommodations please call (218) 828-2309.

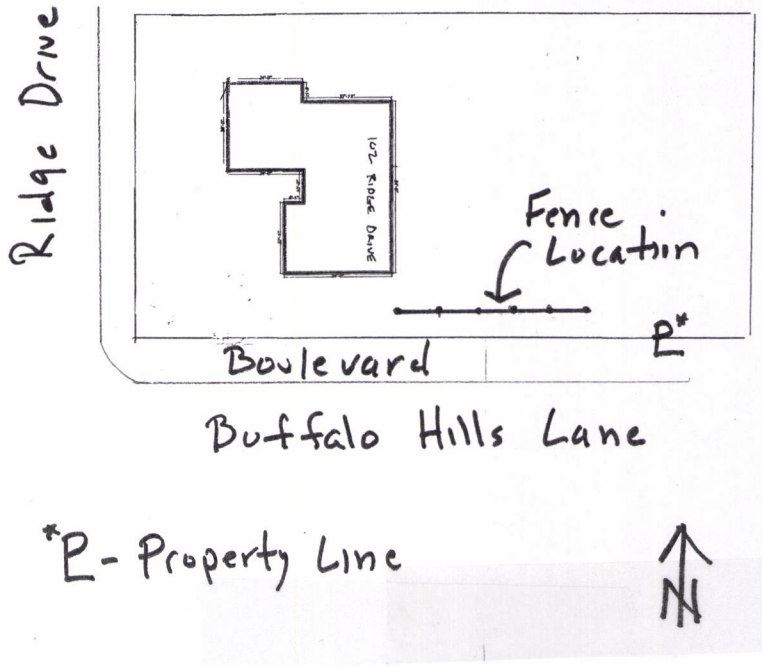
Dated this 7th day of June, 2017

Mark Ostgarden

Mark Ostgarden AICP
City Planner

Publication date: June 9, 2017





* Sent 6/8/17 SB

Brainerd City Council
Agenda Request

#10D

Agenda Item #

Requested Meeting Date: July 3, 2017

Title of Item: 1st Ordinance Reading to Amend the Brainerd Zoning Ordinance Definitions and Floodplain Sections

☐ 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: Mark Ostgarden	**Department:** Planning
Presenter (Name & Title): Same	**Estimated Time Needed:** 5-10 minutes

Summary of Issue:

Current Zoning Ordinance Sections 76 - Floodplain District; 77 - FW, Floodway District and 78 - FF, Flood Fringe District do not have standards needed to meet National Flood Insurance Program (NFIP) requirements. The Minnesota Department of Natural Resources (DNR) has provided a sample Ordinance (copy attached) that if followed, will include the standards necessary to meet NFIP requirements.

The Planning Commission, at its June 21, 2017, meeting unanimously recommended following the DNR sample ordinance as written. Approving the sample ordinance will require amendments to several floodplain definitions in Zoning Ordinance Section 2 Definitions. Attached in ordinance format are the changes to Sections 2, 76, 77 and 78 and new Section 76 entitled Floodplain Districts.

Alternatives, Options, Effects on Others/Comments:

Option 1. Have the ordinance 1st reading as drafted.
Option 2. Have the ordinance 1st reading and amend it as deemed needed or the 2nd reading.
Option 3. Deny the ordinance 1st reading.

Attached please find a City Planner memo which provides the issue summary, the proposed ordinance and Planning Commission draft minutes.

Recommended Action/Motion:

Based on the Planning Commission recommendation the motion would read:
Motion by ____, second by __ to approve the 1st reading to amend Zoning Ordinance Section 2 - Definitions to include new floodplain definitions and 1st reading to remove Sections 76 - Floodplain District; 77 - FW, Floodway District and 78 - FF, Flood Fringe District and replacing them with a new Section 76 entitled Floodplain Districts.

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:

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: June 12, 2017

RE: Zoning Ordinance Floodplain Regulations Update

BACKGROUND

A June 21, 2017 public hearing has been scheduled to consider testimony on revising Sections

- 76 - Floodplain District
- 77 - FW, Floodway District
- 78 - FF, Flood Fringe District

and replacing them with a new Section 76 entitled Floodplain Districts.

Our current Zoning Ordinance Sections 76, 77, and 78 do not have standards needed to meet National Flood Insurance Program (NFIP) requirements. The Minnesota Department of Natural Resources (DNR) has provided a sample Ordinance (copy attached) that if followed, will include standards necessary to meet NFIP requirements.

Following is background about why the updates are required.

The City of Brainerd has been part of the NFIP since 1981. Being part of the program carries 2 major administration responsibilities:

1. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) that identifies Special Flood hazard Areas (SFHA).
2. Adoption and Administration of floodplain management regulations that meet the standards of the NFIP.

The City of Brainerd has been administering these responsibilities since we started our participation in the program. FIRMs have been administered by city staff and the Zoning Ordinance has included floodplain use regulations.

In June 2011, FEMA issued a new City of Brainerd Flood Insurance Study (FIS) that identifies existing flood hazard areas. City of Brainerd Base Flood Elevations (BFE) for the flood hazard areas were published in the Federal Register on September 15, 2015

and a 90 day appeal period for those elevations was initiated. That 90 day period passed without any appeals meaning the BFEs are now final and the FIRM maps that have that data will become effective August 15, 2017.

Since the FIS and BFEs have been completed, we are responsible as a condition of continued participation in the NFIP, to adopt or show evidence of adopting floodplain regulations that meet NFIP regulations by August 15, 2017, the effective date of the FIRMs.

ORDINANCE DEFICIENCIES

Following are deficiencies in our current Floodplain Sections:

- Amendments to Zoning Ordinance Section 2 - Definitions are needed.
- There are a number of required items related to regulating A-zones that aren't in the current ordinance. Sections 2.1, 3, and 7 of the sample ordinance identify those items. We do not identify how the floodway/flood fringe boundaries will be established? Our current Ordinance does not have a procedure for designating the regulatory floodway?
- It is unclear what types of structures are allowed to be built in floodplain. Current Sections 77 and 78 appear to be in conflict with the subdivision section of Section 76. For new structures and expansions that are allowed, we do not specify fill requirements?
- Variances in floodplain areas need to meet the exceptional hardship criteria (not the practical difficulty test used for other area/dimension type variances). See section 11.3 of the model ordinance for this language
- There are a number of provisions related to nonconformities that are not included in our current ordinances. Most notably, there aren't provisions related to substantial improvement/damage. See section 12 of the model ordinance for required language.
- Procedures are needed for watercourse alterations and considerations related to maintaining capacity.
- We currently make no provisions for RVs.

NFIP PARTICIPATION

Due to current development patterns, topography, and access limitations, there is little likelihood of any residential, commercial, or industrial building in the floodplain. The Planning Department has inquired of the DNR about the number of structures in the floodplain. Its records show only 2 in the City of Brainerd. There are currently 2 flood insurance policies in or near the City of Brainerd. One is in the A zone where flood insurance is mandatory when you have a federally backed loan (though one is outside the city). The other is in a lower risk area and is choosing to carry something called a discounted Preferred Risk Policy.

A question that may be asked is that based on the unlikelihood of development, very few structures in the flood plain and only 1 property having flood insurance (done at the request of the owner and the property not even being in a flood hazed area) whether it is necessary that Brainerd be part of the NFIP.

IMPACTS OF NOT PARTICIPATING IN THE NFIP

If the City of Brainerd was to withdraw from the NFIP, a few of the impacts would be:

- Those who would like to get flood insurance would not be able to purchase it through the NFIP. While only 2 currently have policies, everyone has the option to purchase a policy. Those with a federally backed loan on a structure that is in the FEMA mapped floodplain are required to have flood insurance.
- In recent years the Small Business Association (SBA) has started to only give loans in NFIP communities. Several communities have joined the NFIP so a small business in town could be eligible for the loans, including in cities that had no mapped high flood risk areas.
- If there is a disaster, some of the types of assistance are not available in non-participating communities.
- Non-participating communities currently get Public Assistance (for debris removal, damaged roads, bridges, public buildings, etc.) if there is a presidential disaster declaration. There is growing concern at the national level with increasing post disaster costs for taxpayers, and as a result there is growing interest in tying eligibility for that public assistance to participation.
- Many of those impacted by flooding nationally and in Minnesota have been outside of the mapped FEMA floodplain. There have been storms all over the state that have had bigger floods than those shown on the Flood Insurance Rate Maps due to rainfalls in the 12-14 inch range. And there are many areas that have flooding damage due to overwhelmed storm water systems in areas that are not included on the maps.

RECOMMENDATION

Although floodplain development is unlikely, there are very few structures in the floodplain and only 2 properties have flood insurance, for the reasons listed above, updating our Zoning Ordinance floodplain regulations to meet state standards should be done.

O R D I N A N C E
NO. _____

AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTIONS 515-2-2 AND 515-76, 515-77 and 515-78 REGARDING FLOODPLAIN DISTRICTS

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

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

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

Flood Fringe. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe" used in the Flood Insurance Study for Brainerd.

Floodplain. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Flood-Proofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.

SECTION TWO: That Section 515-76 – Floodplain District; 515-77 – FW, Floodway Districts and 515-78-FF, Flood Fringe Districts be amended by deleting all in their entirety and substituting in lieu thereof the MNDNR Floodplain Ordinance as attached.

SECTION THREE: All other provisions of Section 515-2-2 shall remain in full force and effect.

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

Adopted this _____day of _____, 2017

_____
DAVID J. PRITSCHET
President of the Council

Approved this _____day of _____, 2017

_____
EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One Time, _____, 2017

SECTION 76
FLOODPLAIN DISTRICTS

Section:

515-76-1: Statutory Authorization, Findings of Fact and Purpose
515-76-2: General Provisions
515-76-3: Establishment of Floodplain Districts
515-76-4: Requirements for all Floodplain Districts
515-76-5: Floodway District (FW)
515-76-6: Flood Fringe District (FF)
515-76-7: General Floodplain District (GF)
515-76-8: Subdivision Standards
515-76-9: Public Utilities, Railroads, Roads, and Bridges
515-76-10: Manufactured Homes and Recreational Vehicles
515-76-11: Administration
515-76-12: Nonconformities
515-76-13: Violations and Penalties
515-76-14: Amendments

515-76-1: Statutory Authorization, Findings of Fact and Purpose

A. Statutory Authorization: The Legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Brainerd, Minnesota, does ordain as follows:

B. Purpose:

1. This ordinance regulates development in the flood hazard areas of Brainerd.
   These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

2. National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program

3. This ordinance is also intended to preserve the natural characteristics and

functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

515-76-2: General Provisions

A. **Lands to Which Ordinance Applies:** This ordinance applies to all lands within the jurisdiction of Brainerd within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with 2. shown below.

   1. The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
   2. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
   3. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the (Planning Commission/Board of Adjustment) and to submit technical evidence.

B. **Incorporation of Maps by Reference:** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Crow Wing County, Minnesota, and Incorporated Areas, dated August 15, 2017 and the Flood Insurance Rate Map panels enumerated below, dated August 15, 2017, all prepared by the Federal Emergency Management Agency. These materials are on file at City Hall.

27035C0414C	27035C0528C
27035C0418C	27035C0529C
27035C0419C	27035C0531C
27035C0425C	27035C0550C
27035C0526C	

C. **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the

provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

D. **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of Brainerd or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

E. **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

F. **Definitions:** Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Base Flood – the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation – The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

(a) Certain conditions as detailed in the zoning ordinance exist.

(b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

Critical Facilities – facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Crow Wing County, Minnesota.

Flood Insurance Rate Map – An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Prone Area – any land susceptible to being inundated by water from any source.

Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles,building access, or storage in an area other than a

DRAFT

basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

One Hundred Year Floodplain – lands inundated by the "Regional Flood" (see definition).

Principal Use or Structure – all uses or structures that are not accessory uses or structures.

Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self- propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."

Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.

Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases

in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

Repetitive Loss - Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

Special Flood Hazard Area – a term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 10.22 of this ordinance and other similar items.

Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

G. **Annexations:** The Flood Insurance Rate Map panels adopted by reference into Section 2B above may include floodplain areas that lie outside of the corporate boundaries of Brainerd at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into Brainerd after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

515-76-3: Establishment of Floodplain Districts

A. Districts:

1. Floodway District. The Floodway District includes those areas within Zones AE (that have a floodway delineated) as shown on the Flood Insurance Rate Map adopted in Section 2B. For lakes, wetlands, and other basins within Zones A or AE that do not have a floodway delineated, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

2. Flood Fringe District. The Flood Fringe District includes those riverine areas within Zones AE (that have a floodway delineated) on the Flood Insurance Rate Map adopted in Section 2.B, but located outside of the floodway. For lakes, wetlands, and other basins within Zones A or AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

3. General Floodplain District. The General Floodplain District includes those riverine areas within Zone A as shown on the Flood Insurance Rate Map adopted in Section 2.B.

B. **Applicability:** Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 5 or 6 will apply, depending on the location of a property. Locations where Floodway and Flood Fringe districts are not delineated within the riverine areas on the floodplain maps are considered to fall within the General Floodplain district. Within the General

Floodplain district, the Floodway District standards in Section 515-76-5 apply unless the floodway boundary is determined, according to the process outlined in Section 7B.

515-76-4: Requirements for All Floodplain Districts

A. **Permit Required**. A permit must be obtained from the Zoning Administrator to verify a development meets the standards outlines in this ordinance prior to conducting the following activities:

1. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
2. The use or change of use of a building, structure, or land.
3. The construction of a dam, on-site septic system, or fence, although a permit is not required for a farm fence as defined in this ordinance.
4. The change or extension of a nonconforming use.
5. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
6. The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
7. Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
8. Any other type of "development" as defined in this ordinance.

B. **Building Sites.** If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

1. Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. Constructed with materials and utility equipment resistant to flood damage;
3. Constructed by methods and practices that minimize flood damage; and
4. Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Flood Capacity. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

D. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

E. Critical Facilities, as defined in Section 2F, are prohibited in all floodplain districts.

515-76-5: Floodway District (FW)

A. **Permitted Uses:** The following uses, subject to the standards set forth in Section 5B are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

1. General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
2. Industrial-commercial loading areas, parking areas, and airport landing strips.
3. Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Residential yards, lawns, gardens, parking areas, and play areas.
5. Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

B. **Standards for Floodway Permitted Uses:**

1. The use must have a low flood damage potential.
2. The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
3. Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth(in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

C. **Conditional Uses:** The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 11D of this ordinance and further subject to the standards set forth in Section 5D, if otherwise allowed in the underlying zoning district or any applicable overlay district

1. Structures accessory to the uses listed in 5A above and the uses listed in 2 and 3 below.
2. Extraction, fill and storage of soil, sand, gravel, and other materials.
3. Marinas, boat rentals, permanent docks, piers, wharves, and water control structures.
4. Storage yards for equipment, machinery, or materials.
5. Construction of fences that obstruct flood flows. Farm fences, as defined in section 2F, are permitted uses.
6. Travel-ready recreational vehicles meeting the exception standards in Section 10.B
7. Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

D. Standards for Floodway Conditional Uses:

1. All Uses. A conditional use must not cause any increase in the regional flood elevations or cause an increase in flood damages in the reach or reaches affected.
2. Fill; Storage of Materials and Equipment:

(a) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

(b) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City of Brainerd has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

3. Accessory Structures. Accessory structures, as identified in Section 5C, may be permitted, provided that:

(a) Structures are not intended for human habitation;

(b) Structures will have a low flood damage potential;

(c) Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;

(d) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;

(e) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.

(f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

(1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

5. A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

6. Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

515-76-6: Flood Fringe District (FF)

A. **Permitted Uses:** Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 6B. If no pre- existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

B. **Standards for Flood Fringe Permitted Uses:**

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
2. Accessory Structures. As an alternative to the fill requirements of section 6B, structures accessory to the uses identified in Section 6A may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

    a. The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
    b. All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevations.
    c. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

        (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

        (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

3. The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 6B of this ordinance, or if allowed as a conditional use under Section 6C below.

4. The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

5. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

6. All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

7. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City of Brainerd.

8. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

9. Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.

C. **Conditional Uses:** The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 11D of this ordinance.

1. Storage of any material or equipment below the regulatory flood protection elevation.

2. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 6B of this ordinance.

3. **(OPTIONAL)** The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 6D.

D. **Standards for Flood Fringe Conditional Uses:**

1. The standards listed in Sections 6B apply to all conditional uses.
2. Residential basements, as defined by Section 2F of this ordinance, are not allowed below the regulatory flood protection elevation.
3. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, meeting the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

4. The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

    a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
    b. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City of Brainerd.
    c. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
5. Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
6. **(OPTIONAL)** Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

    a. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding. Structure shall be subject to a nonconversion agreement with upon the issuance of any permit.
    b. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

        1. The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice.

The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
2. That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

515-76-7: General Floodplain District (GF)

A. **Permitted Uses:**

1. The uses listed in Section 5A of this ordinance, Floodway District Permitted Uses, are permitted uses.
2. All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 7B below. Section 5 applies if the proposed use is determined to be in the Floodway District. Section 6 applies if the proposed use is determined to be in the Flood Fringe District.

B. **Procedures for Determining Floodway and Flood Fringe Boundaries and Regional Flood Elevations:**

1. Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source
2. If regional flood elevation and floodway data are not readily available, or the application involves a project exceeding the lesser of five acres or 50 lots, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 3 below.
3. The determination of floodway and flood fringe must include the following components, as applicable:

   (a) Estimate the peak discharge of the regional (1% chance) flood.

   (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

   (c.) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

DRAFT

4. The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

5. Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 5.0 and 6.0 of this ordinance.

515-76-8: Subdivision Standards

A. **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

1. All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
2. All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City of Brainerd. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
3. For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
4. In the General Floodplain District, applicants must provide the information required in Section 7B of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site
5. Subdivision proposals must be reviewed to assure that:

   (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(c) Adequate drainage is provided to reduce exposure of flood hazard.

515-76-9: Public Utilities, Railroads, Roads and Bridges

A. **Public Utilities:** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

B. **Public Transportation Facilities:** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

C. **On-site Water Supply and Sewage Treatment Systems:** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

515-76-10: Manufactured Homes and Recreational Vehicles

A. **Manufactured Homes:** New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

1. Placement or replacement of manufactured home units is prohibited in the Floodway District.

2. Placement or replacement of manufactured home units in the Flood Fringe District is subject to the requirements of Section 6 of this ordinance and the following standards.

(a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely

anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 8A of this ordinance.

B. **Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the requirements below.

1. Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 10B:

   (a) Individual lots or parcels of record.
   (b) Existing commercial recreational vehicle parks or campgrounds.
   (c) Existing condominium-type associations.

2. Criteria for Exempt Recreational Vehicles:

   (a) The vehicle must have a current license required for highway use.
   (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
   (c) No permanent structural type additions may be attached to the vehicle.
   (d) Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4B and 6B.

515-76-11:Administration

A. **Duties:** A Zoning Administrator or other official designated by the City of Brainerd must administer and enforce this ordinance.

B. **Permit Application Requirements:**

1. Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

(a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

(b) Location of fill or storage of materials in relation to the stream channel.

(c) Copies of any required municipal, county, state or federal permits or approvals.

(d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

2. Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect. Accessory structures designed in accordance with Section 6B of this ordinance are exempt from certification, provided sufficient documentation is provided.

3. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance

4. Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

5. Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

6. Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

C. **Variances:**

1. Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable State Statutes and Section(s) ____of the zoning ordinance/code.

2. Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
3. Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

   (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
   (b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
   (c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

5. General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

   (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
   (b) The danger that materials may be swept onto other lands or downstream to the injury of others;

(c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(e) The importance of the services to be provided by the proposed use to the community;

(f) The requirements of the facility for a waterfront location;

(g) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;

(j) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

6. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The (designated body/community official) must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

7. Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

8. Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

D. **Conditional Uses:**

1. Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section(s) __of the zoning ordinance/code.
2. Factors Used in Decision-Making. In passing upon conditional use applications, the City of Brainerd must consider all relevant factors

specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

3. Conditions Attached to Conditional Use Permits. The City of Brainerd may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following
   (a) Modification of waste treatment and water supply facilities.
   (b) Limitations on period of use, occupancy, and operation.
   (c) Imposition of operational controls, sureties, and deed restrictions.
   (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
   (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

4. Submittal of Hearing Notices to the Department of Natural Resources (DNR). The (designated body/community official) must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

5. Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

515-76-12: Nonconformities

A. **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2F (b) of this ordinance, are subject to the provisions of this ordinance shown below.

1. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

2. Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques

(i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted shown below.

3. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.

4. If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Section 5 or 6 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the current proposal, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 5 or 6 of this ordinance.

5. If any nonconformity is substantially damaged, as defined in this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 5 or 6 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

6. If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2F of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

515-76-13: Violations and Penalties

A. **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

B. **Other Lawful Action:** Nothing in this ordinance restricts the City of Brainerd from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

C. **Enforcement:** Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section(s) _____of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and City of Brainerd may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Brainerd must act

in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

515-76-14: Amendments

A. **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

B. **Amendments Require DNR Approval:** All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

C. **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2B of this ordinance.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

DRAFT