

CITY COUNCIL AGENDA

Brainerd, Minnesota
July 17, 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 July 3, 2017

Documents:

[Minutes Draft 070317.pdf](#)

B. **Approval Of Licenses**

1. Contractor's Licenses - 1 - New and - 1 - Renewals
2. New Bulk Plant License - Best Oil, LLC, 1202 Madison Street, Brainerd effective 7/18/17

Documents:

[Contractors License.pdf](#)

C. **Department Activity Reports**

1. Police Chief
2. Finance Director

Documents:

[Police Dept Report.pdf](#)

D. **Adopt Resolution To Accept Donations & Contributions For 2nd Quarter 2017**

Documents:

[*Donations.pdf*](#)

- E. **Minnesota Lawful Gambling - Adopt Resolution To Allow Ducks Unlimited Frozen North MN 271 To Conduct Off-Site Gambling At Barrett's NE Liquors., 105 Washington St. Brainerd, MN**
- F. **Minnesota Lawful Gambling Application To Conduct Excluded Bingo - Submitted By Lower South Long Lake Improvement Association. Bingo Events To Be Held September 3, 2017 At Jack's House, 300 State Highway 25, Brainerd MN**
- G. **Brainerd Area Sertoma (Noon Club) - Conducting A Raffle Below The \$5,000 Prize Value (Maximum Allowed - No Permit Required) On August 23rd, 2017 At Connie's Kitchen, 221 Ridge Drive, Brainerd - Informational**

6. **Presentations**

A. **2016 Audit Presentation**

[*Documents:*](#)

[*Audit Presentation.pdf*](#)

B. **Wellness Program Update**

[*Documents:*](#)

[*2017-18 Wellness Program.pdf*](#)

C. **Presentation - Community Survey Panel - Surveys #3 And #4**

[*Documents:*](#)

[*Community Survey Panel 3 and 4 Presentation.pdf*](#)

7. **Council Committee Reports**

A. **Safety And Public Works Committee**

[*Documents:*](#)

[*SPW Agenda.pdf*](#)

1. **Event/Street Closure Application - Canoe Days**

[*Documents:*](#)

[*Event App - Canoe.pdf*](#)

2. **Event/Street Closure Application - Lil Rubber Ducky Race**

[*Documents:*](#)

Event App - Lil Rubber Ducky Race.pdf

3. Improvement 15-12 And 16-10 - Resolution Accepting Bids

Documents:

Res-Accept Bid.pdf

4. Update On No Parking Request - N 1st Street And Kingwood Street

Documents:

No Parking Update.pdf

5. Oak Lawn Township Cross-Jurisdictional Maintenance Agreement

Documents:

Cross-Jurisdictional Agreement.pdf

6. Improvement 17-03 Final Pay Estimate

Documents:

Pay App.pdf

7. S 6th Street Reconstruction Public Informational Meeting

Documents:

Public Informational Meeting.pdf

B. Personnel And Finance Committee

Documents:

PF Agenda.pdf

1. Approval Of Bills & Payments To Contractors

<u>Contractor</u>	<u>Imp #</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Anderson Brothers Constr	17-03	Final 2017 Crack Seal	\$16,040.40	\$0
Tom's Backhoe	14-15	Airport Util Ext thru 7/7	\$8,076.17	\$0

2. One Year Probation Period; Flowers, Haglin

Documents:

One Year Probation Period.pdf

3. Consideration Of Subordination Agreement

Documents:

Subordination Agreement.pdf

4. Heartland Animal Rescue Team (HART) Rate Increases

Documents:

HART Rate Increases.pdf

8. **Unfinished Business**

A. **Public Hearing - Final Reading Of Proposed Ordinance No. 1470 - An Ordinance Amending Brainerd City Code Section 1205 - Non-Intoxicating Malt Liquor**

Documents:

PH - ORD 1470 Amend Liquor Code.pdf

B. **Public Hearing - O Street Vacation**

Documents:

PH - O Street Vacation.pdf

C. **Public Hearing - Terrace Avenue Vacation**

Documents:

PH - Terrace Ave Vacation.pdf

D. **Update On Joint Meeting With City Of Baxter**

Documents:

Joint Baxter Brainerd Meeting.pdf

E. **Status Of Legal Action - 6th Street Motel**

Documents:

Status of Legal Action 6th St Motel.pdf

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

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

9. **New Business**

A. **City Administrator's Report**

Documents:

[City Admn Report.pdf](#)

B. **Resignation Of City Administrator**

Documents:

[Resignation of City Administrator.pdf](#)

10. **Planning Commission**

A. **Public Hearing - Final Reading Of Proposed Ordinance No. 1469 -
An Ordinance Amending Zoning Ordinance Section 2 Definitions
And Section 76 Floodplain District, Section 77 FW Floodway
District, Section 78 FF Flood Fringe District**

Documents:

[PH - ORD 1469 - Floodplain.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 To Closed Session Pursuant To The Attorney-Client Privilege
Under MN Statute 13D.05, Subd. 3(B).**

NOTE: Safety and Public Works Committee will meet at 7:00 P.M.
Personnel and Finance Committee will meet at 7:15 P.M.

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

MISSION

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

Brainerd, MN
July 3, 2017

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

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

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

Council Member Johnson requested the following amendments to the agenda:

- 1) Move "Temporary 3.2 Percent Malt Beverage (Beer) On Sale License Application" to the agenda directly following the Consent Calendar.
- 2) Move item "Comprehensive Plan – Draft Scope of Services and Project Schedule" to the end of the Planning Commission agenda.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

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

A. Approval of the Minutes of the Regular Meeting held on June 19, 2017 – Approved

B. Approval of Licenses – Approved

Contractor's Licenses – 4 - New and 6 - Renewals

C. Department Activity Reports- Approved

1. Mayor's Report
2. Fire Chief
3. Parks Director

D. Temporary On-Sale Liquor License Application – Submitted by Brainerd Jaycees for an Event to be Held July 28th-29th, 2017 in Downtown Brainerd - Approved

E. 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 - Approved

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

Temporary 3.2 Percent Malt Beverage (Beer) On Sale License Application - Submitted by Brainerd Jaycees for an Event to be Held July 7th – 9th, 2017 at Memorial Park - Approved

Council Member Johnson indicated the dates on the application were incorrectly listed as July 8th and 9th, 2017 and correction was needed to include July 7th, 2017 due to the Wounded Warriors Amputee Softball Team game July 7th.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE TEMPORARY 3.2 PERCENT MALT BEVERAGE (BEER) ON SALE LICENSE APPLICATION JULY 7TH THROUGH JULY 9TH, 2017.

Presentation:

Lakes Area Music Festival

The Chair recognized Mr. Scott Lykins and Mr. John Taylor Ward, founding Artistic Directors for the Lakes Area Music Festival (LAMF). Mr. Lykins introduced themselves to the council and thanked the council for their time. They updated the council on the growth of their organization since last speaking to the council four years ago. The organization is currently moving to their new location on Laurel Street and is proud to be a part of the redevelopment of downtown Brainerd. LAMF is organized around three core values: 1) Excellence 2) Radical Hospitality 3) Sustainability. An outline of upcoming activities was discussed along with an event schedule that was offered to the council. All of the events are no charge, but a free will offering is accepted. Questions were answered regarding performances, education and outreach. The Chair thanked them for their presentation.

Council Committee Reports

Safety and Public Works Committee Report

2019 Street and Sewer Capital Improvement Plan Update - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO DIRECT STAFF TO PROCEED WITH BUFFALO HILLS LANE, H STREET AND 10TH AVENUE NE PROJECT DEVELOPMENT AND TO DIRECT STAFF TO SOLICIT RFP'S FOR PRELIMINARY CONSTRUCTION AND ENGINEERING SERVICES FOR THE FEDERALLY FUNDED 2019 SAFE ROUTES TO SCHOOL PROJECTS AND THE SOUTH 6TH STREET SIDEWALK EXTENSION.

Event/Street Closure Application Rosary Procession - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR A ROSARY PROCESSION FROM LAKES AREA CATHOLIC CHURCHES TO BE HELD OCTOBER 12TH, 2017 WITH THE CONDITIONS THE APPLICANT MUST CONTACT THE POLICE DEPARTMENT FOR ASSISTANCE TO CROSS TRUNK HIGHWAY 210 ALONG THE PROCESSION ROUTE.

Committee Chair Bevans explained the procession will start at St. Francis Church to St. Andrews Church using Juniper Street, North 8th Street, South 9th Street and Willow Street.

Transient Food Unit Approval at Streetfest – Planning Department - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE REQUEST FOR A TRANSIENT FOOD UNIT TO OPERATE AT THE STREETFEST ON JULY 28TH-JULY 29TH, 2017.

Committee Chair Bevans stated the Planning Department has received some questions and requests from food vendors in regards to operating a food unit at the Jaycees Streetfest event. There is currently a \$500 annual permit fee to operate a Transient Food Unit. For single event requests such as this, it has been allowed without a fee when the event organizer submits the request.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors – Approved

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	\$0
Tri-City Paving	14-01	Oak St Mill & Overlay thru 6/23/17	\$107,844	\$5,676

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

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

Authorize Purchase and Installation of a new Outdoor Warning Siren - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE PURCHASE AND INSTALLATION OF A NEW OUTDOOR WARNING SIREN WITH THE TOTAL COST NOT TO EXCEED \$20,000.

Fire Chief Holmes indicated the current siren is about 50 years old. Committee Chair Johnson explained this is a budgeted expense for the year.

2016 Year End Transfers Between Funds

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED TO APPROVE THE TRANSFERS AS OUTLINED BELOW:

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

Committee Chair Johnson explained Sanitary Sewer and Storm Sewer projects are initially paid out of the Construction Fund. Once those projects are complete, the money is then

repaid back to the Construction Fund. The Street & Sewer Fund to Park Dedication Fund was a remainder of a donation received for maintenance on the roundabouts on College Drive. The Street Department received the donation and it is now being transferred. The Public Safety Fund transfer to the Fire Capital Account is per the contracts with the entities for fire service. The General Fund to Capital Equipment Fund transfer was per our amended City Fund balance policy that all funds in excess of 1% of operating expenditures need to be transferred to the General Capital Fund.

2018 Budget Discussion/Timeline – Informational

Committee Chair Johnson stated City Administrator Thoreen provided an outline of the process, timeline and recommendations for the 2018 budget process. It was decided among the committee to follow the City Charter. City Administrator Thoreen, Committee President Johnson and Council President Pritschet will create an initial budget for the Council.

Unfinished Business

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

City Administrator's Report

City Administrator Thoreen informed the Council the date has been set to meet with the City Council of Baxter. The date of August 14, 2017 was presented and will be confirmed. The State Demographer has been invited to attend and provide information from a statewide level to county level and down to a city level regarding key trends such as economics, income and health. Council Member Johnson asked if information regarding school districts can be requested from them as well. A tentative time and place will be 6:00 P.M. at a location in Baxter.

City Administrator Thoreen indicated the city is beginning negotiations with the State of Minnesota regarding the license bureau space in our annex. The lease expires in October 2017 and a number of issues will need to be corrected, improved and cleaned up. They are asking for the same amount of space with a term of 2 years with a third year option. Building Official Caughey has been involved to review some of the electrical and heating concerns. They are requesting one new testing station and this will be incorporated in the remodel.

Council Member Johnson stated it is important that Building Official Caughey is involved to make sure that the building is entirely up to code as we need all buildings in the city to be. And since the City of Brainerd is renting it out, we should lead by example.

City Administrator Thoreen explained there are some exterior updates to the annex that will be done; new windows and the exterior front of the building needs some work. An initial

quote received was approximately \$5,000 and are awaiting a second quote. A full report will be brought to council once completed.

City Administrator Thoreen briefly explained progress is underway regarding the apartments at 217 South 7th Street and the motel property on South 6th Street. The PTO Study Committee has met twice to examine the PTO program and will meet again in July and August. The bonding request has been submitted to the State for the Three Bridges Trail Initiative along the Mississippi River.

Hold First Reading of Proposed Ordinance No. 1469 – An Ordinance to Amend Brainerd City Code Section 1205 – Non-Intoxicating Malt Liquor – Approved

City Administrator Thoreen explained the Brainerd City Code Section 1205 needed to be updated with the correct age of 21 years from 19 years to conform to Minnesota State Law.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1469 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 1205 – NON-INTOXICATING MALT LIQUOR TO CORRECT THE LEGAL AGE FROM 19 YEARS TO 21 YEARS AS PER MINNESOTA STATE LAW.

Planning Commission

Conditional Use Permit Application – Kevin Donnay, Widseth Smith Nolting on Behalf of Headley Williamson, Chairman of Exodus Boy's Academy – To Allow Boarding School at 2115 South 6th Street – Approved

City Planner Ostgarden stated there were two City Council members who attended the Planning Commission meeting on June 21, 2017; Members Lambert and Stunek. City Administrator Thoreen and Mayor Menk were also present. The Planning Commission has recommended approval of the Conditional Use Permit for the Exodus Boy's Academy based on the Findings of Fact and recommended conditions. City Planner Ostgarden reviewed the minutes from the Planning Commission meeting.

Council Member Bevans asked City Planner Ostgarden if conditions can be added to a Conditional Use Permit approval similar to the rental ordinance conduct on premises. City Planner Ostgarden was in contact with City Attorney today and it has been suggested not to put a condition on this school that is not applied to other schools.

Council discussion was held regarding the Conditional Use Permit criteria and the proposed timeline of the project.

City Administrator Thoreen invited Mr. Williamson and Mr. Donnay to speak in response to the questions and to discuss the proposed plans and construction timeline. Mr. Williamson gave a brief summary of the goals of the program and the need for a school of this nature.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON TO APPROVE THE CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT AND THE RECOMMENDATIONS OF THE PLANNING COMMISSION.

Members Hilgart, Lambert, Stunek, Bevans, Badeaux and Johnson voted “aye”. Member Pritschet voted “nay”. The Chair declared the motion carried.

Variance Request – 102 Ridge Drive - To Allow a 6’ High Fence in an Area a 4’ Fence is Permitted – Denied

City Planner Ostgarden reviewed the application details, Findings of Fact and Planning Commission recommendations for the request.

Council discussion took place and questions were answered.

MOVED BY ALDERWOMAN LAMBERT TO DENY THE VARIANCE REQUEST TO ALLOW A SIX FOOT HIGH FENCE IN AN AREA WHERE A FOUR FOOT HIGH FENCE IS ALLOWED BASED ON THE FINDINGS OF FACT.

Hearing no second, the Chair declared the motion failed.

MOVED AND SECONDED BY ALDERMAN BEVANS AND HILGART TO APPROVE THE VARIANCE REQUEST TO ALLOW A SIX FOOT HIGH FENCE IN AN AREA WHERE A FOUR FOOT HIGH FENCE IS ALLOWED.

City Planner Ostgarden expressed the importance of following the guidelines of the Findings of Fact before approving the variance. All three of the following criteria must be met in order to approve a variance:

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

- 1. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.*
- 2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
- 3. The variance, if granted, will not alter the essential character of the locality.*

Council discussion took place regarding the placement of the fence and an appropriate solution to where the fence could be located.

City Administrator Thoreen commented that the Planning Commission is advisory and makes recommendations to council who can ultimately override the decision. However, the need to follow the criteria, guidelines and conditions is important.

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

Pursuant to Sturgis Parliamentary Procedure, the President passed the gavel to Vice Chair Hilgart for purposes of participating in an action.

MOVED BY ALDERWOMAN LAMBERT TO DENY THE VARIANCE REQUEST BASED ON THE VARIANCE CRITERIA AND FINDINGS OF FACT. SECONDED BY COUNCIL PRESIDENT PRITSCHET.

Members Lambert, Stunek, Badeaux, Johnson and Pritschet voted “aye”. Members Hilgart and Bevans voted “nay”. The Chair declared the motion carried.

Vice President Hilgart yielded the gavel to President Pritschet.

Hold First Reading of Proposed Ordinance No. 1470 – An Ordinance to Amend the Brainerd Zoning Ordinance Definitions and Floodplain Sections - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1470 – AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 2 DEFINITIONS TO INCLUDE NEW FLOODPLAIN DEFINITIONS AND REMOVING SECTION 76 FLOODPLAIN DISTRICT, SECTION 77 FW FLOODWAY DISTRICT AND SECTION 78 FF FLOOD FRINGE DISTRICT AND REPLACE THEM WITH A NEW SECTION 76 ENTITLED FLOODPLAIN DISTRICTS.

Comprehensive Plan – Scope of Services and Project Schedule – Informational

City Planner Ostgarden introduced Ms. Ashley Kaisershot from the National Joint Powers Alliance. Ms. Kaisershot will be the individual working with the City of Brainerd if we enter into an agreement with NJPA to assist us in the project. A brief review of discussion that took place at the Planning Commission meeting was shared with council regarding the phases and steps in the update process. An agreement from the NJPA to enter into the contract will be presented at the next council meeting. Ms. Kaisershot spoke about the importance of community involvement and the plans to engage the public to participate.

City Administrator Thoreen commented this is going to be a marathon and not a sprint. The City of Brainerd has not had an update to the Comprehensive Plan since 2004. A lot has changed since then; we have many more resources to reach the community now then we did back in 2004.

Public Forum

The Chair Opened the public forum at 8:58 P.M

No one came forward.

The Chair Closed the public forum at 8:58 P.M.

Staff Reports

City Engineer Sandy introduced Mr. James Fladung who is our new Assistant City Engineer.

Council Member Reports

Council member Lambert announced she will be absent from the next council meeting, as she is expecting a new grandchild in Missouri.

Mayor Menk reported he received two letters from the League of Minnesota Cities regarding Senator Carrie Ruud and Representative Dale Lueck. They were each selected as a

Legislator of Distinction for 2017. Mayor Menk also made a Proclamation for July 7th, 2017 to be "Wounded Warriors Amputee Softball Day" in the City of Brainerd. They will be playing a game at Memorial Field Friday night at 7:30 P.M. There is no charge to attend, however a free will offering will be accepted. Mayor Menk stated a very nice flag has been displayed from a crane on the north side of Brainerd and is a very prominent sight coming over the bridge. He wished everyone a safe and happy 4th of July.

Council Member Johnson updated the council on the HRA progress on the Serene Pines and Brainerd Oaks projects. There are currently nine homes under construction; seven in Serene Pines and two in Brainerd Oaks. Purchase agreements have been completed on two or three of these homes. Those developments are progressing well.

Adjourned

The Chair adjourned the meeting at 9:01 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
July 17, 2017

(1 New, 1 Renewal)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
5 STAR HEATING AND AIR LLC 1516 3RD STREET N ST. CLOUD, MN 56303 17-0183 (new)	(320) 241-9001	MECH	11/15/2017	6/20/2018	MB682971
FERGUS DRYWALL, INC. 17300 COUNTY HWY 82 FERGUS FALLS, MN 56537 17-0184	(218) 736-5544	DRYW	1/1/2018	12/31/2017	

**BRAINERD POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston
DATE: 07-12-17
RE: Monthly Report



Treatment Courts State Conference



Prior to being assigned to an Investigator position in February, Patrol Officer Justin Athman was assigned for several years to the Crow Wing County Drug Court. Justin exemplifies integrity, commitment, compassion, and diligence, so it came as no surprise when we received a request for him to be on the law enforcement panel at the 2017 Treatment Courts Minnesota State Conference on June 8th.

The Law Enforcement Panel presentation at the conference was a session presented twice during break-out periods at the conference. Three people that were at the conference made it a point to let me know what an outstanding job Investigator Athman did at the conference. They noted the presentation was for groups made up of judges, attorneys, mental health and chemical dependency professionals, court staff, social workers, probation agents and law enforcement. They repeatedly commented that the Brainerd Police Department should be very proud of Investigator Athman.

NJPA Innovative Funding Award



On June 1st, our joint application with the Crow Wing County Sheriff's Department, Baxter Police Department, Brainerd Fire Department, and Crosslake Fire Department was presented at the annual NJPA Innovative Funding Review Day, at the NJPA facilities in Staples. Our project was requesting the start-up funding for a multi-agency Un-manned Aerial System (UAS) program.

UAS, commonly referred to as Drones, can have a significant impact on the overall safety, efficiency, and effectiveness in the response to a wide-variety of emergency management, fire, and law enforcement situations. Because our local agencies involved already work well together on multi-agency teams like the tactical response team, bomb team, drug task force, and human trafficking, we determined a multi-agency UAS program would also be the best use of collaborating collective resources.

There were ten total requests made on the funding review day. We were very excited to learn at the end of the day that our project received the highest score.

On June 20th, the NJPA Board reviewed the selection process results and we learned on June 21st that our project was approved and will receive the start-up funding of \$80,000 for equipment and training. The Crow Wing County Sheriff's Department will be the fiscal host for the project.

June Training

On June 6th, School Resource Officer Troy Schreifels and Deputy Chief Mike Bestul attended a free 7-hour training hosted by NJPA on Generation Death: How America Creates Teen Killers and Mass Murders. The course was conducted by Phil Chalmers. Phil is a national speaker that has done extensive research and written books on youth violence and youth culture.

The course was designed for law enforcement, school administrators, teachers, counselors and social workers. It provided attendees with information on:

- The top 10 reasons juveniles kill
- Six types of teen killers
- Warning signs that were missed
- Ways to keep or schools and communities safe

On June 28th, Sergeant Davis attended a free one-day training hosted at the St. Cloud Police Department on communication Strategies conducted by instructors from the FBI Academy. A major focus of the training revolved around the use of social media and the advantages to communicating through Twitter for law enforcement related matters. They used case studies in the presentation to demonstrate the benefits and gave examples on message structure and content. While Facebook has good applications for law enforcement, Twitter does push out faster, real-time messaging, keeping the public better informed in a timely manner. We will start to discuss with our staff if we can undertake utilization of Twitter and how we would manage that.

Bicycle Winners



On June 20th, Brainerd and Baxter Police, along with members of the Lakes Area Law Enforcement Association, and Essentia Health met with the winners of the Bike Give Away drawing at the Brainerd Police Department. This was the final part of the May Bicycle Safety Event.



K-9 Certification Trials



From June 12th to June 13th, Sergeant Paul Dooley and our K-9 Keno participated in the annual K-9 Certification Trials hosted by the Fargo Police Department. Keno and Sergeant Dooley successfully completed their annual Patrol Dog 1 certification sanctioned by the Region 12 United States Police Canine Association.

Conduct on Premises Activity Report for June

ICR	Date Reported	Title	Address	Summary
17007567	06/01/17	Conduct on Premises	1618 Norwood Street	Conduct on Premises Notice
17008286	06/14/17	Conduct on Premises	726 4 th Avenue NE	Conduct on Premises Notice
17008476	06/17/17	Conduct on Premises	215 North 5 th Street	Conduct on Premises Notice
17008818	06/24/17	Conduct on Premises	511 2 nd Avenue NE	Conduct on Premises Notice

Monthly Police Activity

June	2017	2016
Calls	1600	1554
Citations (Inc. Parking)	244	184
Part I and Part II Crimes Reported	209 **	325

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

78 parking tickets were issued in the month of June with the following dispositions:

3	Dismissed
6	Business Validations
35	Paid in Full
0	Partial Payments Received
34	No Payment Received

Revenue Recapture Receipts:

To Date: \$ 32,718.06

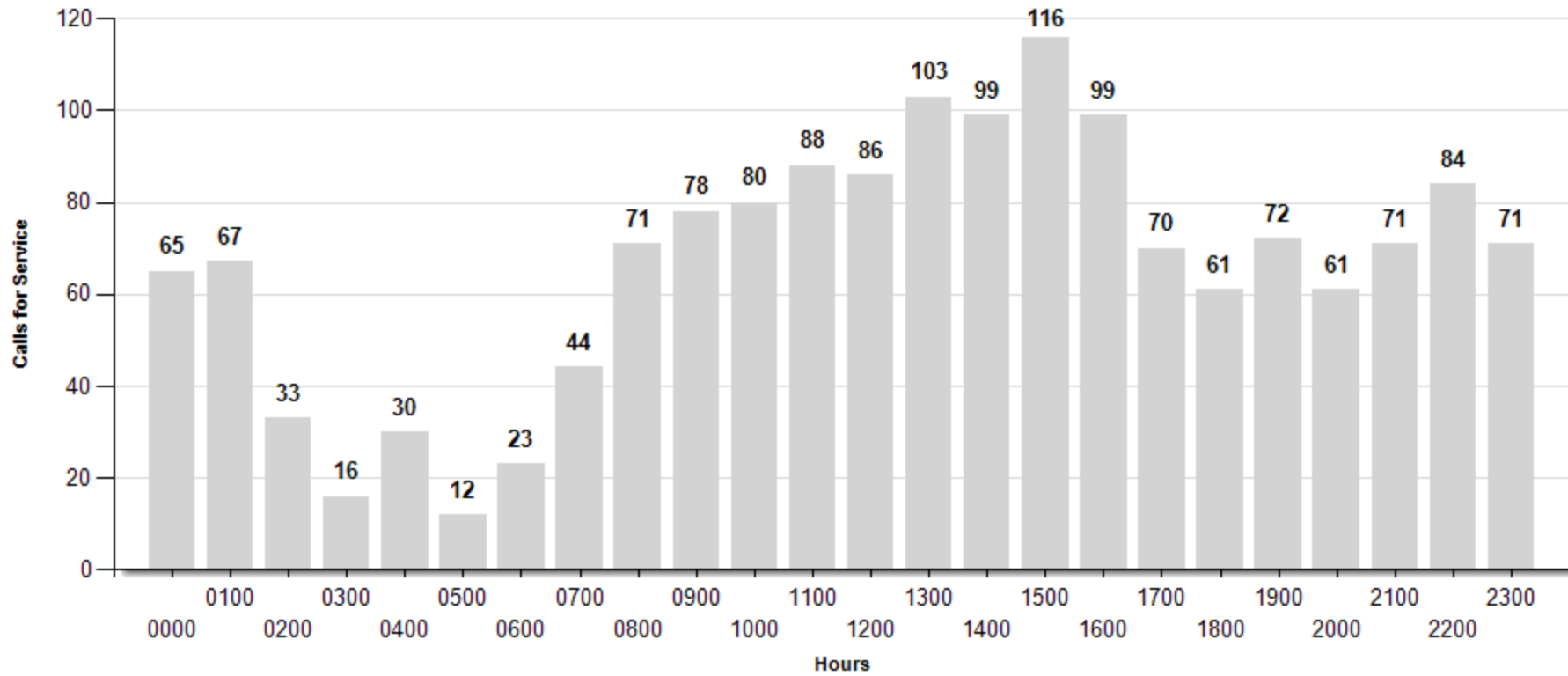
In 2017: \$ 4,708.60



Calls for Service Hourly

6/1/2017 to 6/30/2017

Total Calls: 1640



**RESOLUTION
NO. _____**

**RESOLUTION ACCEPTING DONATIONS AND/OR CONTRIBUTIONS
FROM APRIL 1, 2017 THROUGH JUNE 30, 2017**

WHEREAS, the City of Brainerd is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Sections 465.03 for the benefit of its citizens and is specifically authorized to accept gifts and bequests for the benefit of recreational service pursuant to Minnesota Statutes Section 471:17; and

WHEREAS, the following persons and entities have offered to contribute the gifts and cash sums set forth below to the City:

<u>Name of Donor</u>	<u>Amount</u>	<u>Requested Use of Donation or Contribution</u>
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SEE ATTACHED LIST OF DONORS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA that all donations and/or contributions described above are hereby graciously accepted by the City of Brainerd and shall be used as requested by the donors or grant requirements.

BE IT FURTHER RESOLVED, that the City Council expresses its gratitude to the donors of the gifts.

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



www.ci.brainerd.mn.us

MEMO

TO: Mayor and Council

FROM: City Administrator James Thoreen

DATE: July 6, 2017

RE: Resolution Accepting Donations & Contributions for 2nd Quarter 2017

Attached is a resolution accepting donations and contributions that have been made to the City of Brainerd for the period of April 1, 2017 through June 30, 2017. The City is very appreciative to all who have made these contributions. The funds from the donations and contributions will be used as requested by the donor.

A resolution needs to be adopted with a two-thirds vote of the Council. The item appears on the July 17, 2017 agenda.

If you have any questions, please don't hesitate to contact me.

\dj

LEGIONVILLE

Organization Name	2017
American Legion Post #255	\$ 275.00
Anderson Brothers Construction	\$ 100.00
Merrifield Lions Club	\$ 275.00
Nor-Son	\$ 50.00
Town of Fort Ripley	\$ 275.00
Town of Long Lake	\$ 275.00
Town of Nokay Lake	\$ 275.00
Town of St. Mathias	\$ 275.00
VFW Post #1647	\$ 550.00
Total	\$ 2,350.00

Brainerd Parks and Recreation

Contributions and Donations April-June 2017

Received From	Receipt Date	Type of Donation	Amount Received
Mill Avenue Holiday	04/03/17	Senior Youth Softball team sponsor	175.00
Anytime Fitness Crosslake	04/03/17	Designated for Memorial Park field improvements	150.00
Sullivan Candy & Supply	04/06/17	Candy for Easter Egg Hunt	in-kind
Party World	04/06/17	Designated for Memorial Park field improvements	150.00
Lakes Area Racquet Sports	04/07/17	Petite Youth Softball team sponsor	175.00
Three Bear Waterpark	04/11/17	Junior Youth Softball team sponsor	175.00
The Woods LLC	04/11/17	Designated for Memorial Park field improvements	150.00
Edina Realty-Eric Buersken	04/17/17	Junior Youth Softball team sponsor	175.00
Brainerd Jaycees	04/21/17	Mustang Baseball team sponsor	200.00
Donation-tournament vendor	04/24/17	Designated for Memorial Park field improvements	140.00
Baxter Dental PA	04/26/17	Designated for Memorial Park field improvements	150.00
Kiwanis of Brainerd	04/28/17	Designated for all-inclusive playground at Miracle League Field	100.00
Lakes Area Plumbing	05/01/17	Pinto Baseball team sponsor	150.00
Brainerd Jaycees	05/01/17	Designated for Jaycees Park	1,000.00
Eagles Club	05/09/17	Designated for downtown flags	300.00
Brainerd Lakes Chapter Muskies Inc	05/15/17	Fishing Clinic donation	100.00
East Side Auto & Muffler	05/16/17	Junior Youth Softball team sponsor	175.00
City of Brainerd-Mayor's Contingency Fund	05/18/17	Five crabapple trees for Arbor Day event-Erickson's Greenhouse	200.00
Viking Coca-Cola Bottling Co	05/19/17	17 cs soda for Fishing Clinic	in-kind
Sullivan Candy & Supply	05/24/17	Senior Youth Softball team sponsor	175.00
Lisa Jewett	06/22/17	Memorial tree plaque	25.00
Lisa Jewett	06/28/17	Memorial bench	700.00
Diane Resch	06/28/17	Memorial bench	704.00
TOTAL			\$5,269.00



www.ci.brainerd.mn.us

MEMO

TO: Finance Director Connie Hillman
FROM: Fire Chief Tim Holmes
DATE: July 3, 2017
SUBJECT: 2017 – 2nd Quarter Donations

2nd Quarter donations for the Brainerd Fire Department are as follows:

- | | | |
|-----------------------------|-------|----------|
| • Brainerd Jaycees | \$500 | Donation |
| • Helmrichs, Adam & Melanie | \$ 50 | Donation |
| • Kinney, Larry & Diana | \$100 | Donation |

Feel free to contact me with any questions.

MEMO

TO: ADMINISTRATIVE SPECIALIST DARLA JOHNSON
FROM: CHIEF MCQUISTON
DATE: 07-06-17
RE: DONATIONS TO THE BRAINERD POLICE DEPARTMENT
QUARTER 2---2017

Below is a listing of donations received by the Brainerd Police Department between March 1st, 2017 and June 30th, 2017:

- 1. \$300 from The Lakes Area Law Enforcement Association (LALEA) for the Police Department K-9 Program**

Please contact me if you have any questions regarding this.



Brainerd City Council Agenda Request

#6A

Agenda Item #

Requested Meeting Date: July 17, 2017

Title of Item: 2016 Audit Presentation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Principal Mary Reedy & Finance Director Hillman	Estimated Time Needed: 20 minutes
Summary of Issue: Ms. Mary Reedy from CliftonLarsonAllen and Finance Director Hillman will summarize the results of the 2016 audit.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

#6B

Agenda Item #

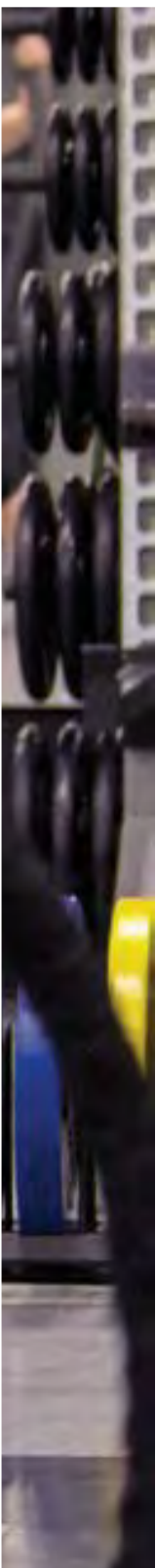
Requested Meeting Date: July 17, 2017

Title of Item: Wellness Program Presentation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: HR Coordinator Kris Schubert	Department: Administration
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: 5 minutes
Summary of Issue: I will be presenting a summary of Brainerd's 2016/2017 Wellness Program as well as the Wellness Committee's recommendations for our 2017/2018 Program. Our Wellness Program is funded by NJPA and NJPA has agreed to pay Benovate's administrative costs for the online program through December 2018.	
Alternatives, Options, Effects on Others/Comments: For several years NJPA has annually provided Brainerd with \$6,000 in Wellness Program funding. Starting in 2016, NJPA agreed to also reimburse the City up to \$250 in incentives for each employee covered under the NJPA/HealthPartners Insurance Pool for participating in the Benovate online wellness program platform. I will discuss our Wellness Committee's recommendation for activities and wellness incentives utilizing said funding.	
Recommended Action/Motion: Staff recommends: 1. Approval of the 2017/2018 Wellness Program as presented and recommended by the Wellness Committee; and 2. Authorize Staff to submit a \$6,000 Wellness Program Funds application to NJPA for our 2017-2018 Wellness Program as required by the Council Notification of Intent to Submit Grant Application Policy.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i> The NJPA Wellness Grant funding covers our Wellness Program expenses.	

Katie Kaufman building her strength with conditioning ropes while staying motivated in her fitness routine with the help of Benovate, an online wellness program that helps employees get active.





STRENGTHENING WELLNESS

with the help of an ONLINE PROGRAM

While Katie Kaufman was attending the University of Wisconsin-La Crosse, fitness was something she never needed to second guess. She was an active student-athlete involved in volleyball and in a consistent routine of working out and playing hard. Then, volleyball season ended. Slowly, bad habits began to sneak their way into her life. And then came graduation.

"Workouts were reduced; eating and celebrating was increased, and off I went into the real world," Kaufman recalls.

The following fall, she accepted a full-time position with Brainerd's Parks and Recreation Department. Along with ambition and anticipation, those poor habits followed Kaufman into the workplace. In her first two years, Kaufman said she was able to get involved in a local volleyball league and joined a gym. But the third year set her back with financial, mental, and physical stress.

"I just felt like I wasn't living in the present."

That's when Kaufman learned about Benovate Connect.



Katie Kaufman working out to earn points on Benovate's engaging platform which encourages users to increase physical activity and consider other aspects of well-being such as mental, financial, and spiritual.



“We wanted a wellness program that was **more engaging without regard to gender, age, or fitness levels. Benovate is helping us reach that goal.”**

— Kris Schubert, City of Brainerd Human Resources Coordinator

Since May 2016, the city of Brainerd has participated in Benovate, an individually customized online health platform helping individuals remain active and accountable. Benovate is offered courtesy of National Joint Powers Alliance to all NJPA health insurance pool member groups.

Kris Schubert, Brainerd human resources coordinator, said the Benovate program has been met enthusiastically by city employees. Currently, 46 percent of the city's 140 eligible, or full-time, employees have chosen to participate in Benovate.

“We had a good program before, but we only had a limited number of employees that participated,” Schubert said. “You had to keep track of your own points. Now, the Benovate system does all of that for you. We wanted a wellness program that was more engaging without regard to gender, age, or fitness levels. Benovate is helping us reach that goal.”

Participants are initially asked to complete an online HIPAA-compliant health risk assessment within the platform, with personal results shared with only the individual and an aggregate report being shared with the city and NJPA. Participants are also asked to answer a series of ongoing questions about likes and dislikes, habits, patterns, and other behaviors to better customize the experience within the Benovate platform. Activities and resources change depending on the results of the health risk assessment and answers to the questions, in order to advise the participant of the most effective and convenient ways to address those risks. HealthPartners is linked to the platform as well, making it easy to access health data and healthcare providers through the platform. Customized emails are typically sent once a week from Benovate to check in with participants.

In Kaufman's case, she appreciates Benovate's on-the-go mobility with smartphone access from virtually anywhere, among other enhanced features.

“It's adaptive to each person individually,” she added “It's nice because we all need help in different areas of our fitness journey. I like that it doesn't just focus on physical health. There are so many aspects to health: mental, physical, financial, spiritual. Even simple things we can overlook.”

Incentives and awards are used to drive users toward activities and services that will best address their unique health risks. Once an NJPA health insurance pool member group decides to adopt Benovate Connect, it's up to that particular entity to establish incentives limits, while Benovate provides a variety of ways employees can earn those incentives. Brainerd's employee wellness team opted to do a prize drawing each quarter for a paid day off. Chances to enter the drawing come via challenges and participation within the Benovate platform. Employee participants who are enrolled in the HealthPartners health insurance program through NJPA can also earn money toward their Health Savings Accounts. Money to subsidize those incentives is provided by NJPA.

Schubert said the average Brainerd employee participating in Benovate Connect has earned \$110 toward their HSA. Employees can earn up to \$330 annually; then, additional tickets go toward the drawing for a paid day off.

“Without NJPA's involvement, their contract with Benovate, and the provided incentive reimbursement, we wouldn't have a program like this,” Schubert said. “We just don't have the money.”

Brainerd has also identified four “Health Champions” for four of its employee groups – City Hall/Administration, Parks and Recreation, Fire Department, and Brainerd Public Utilities. These Champions are go-tos for questions and answers, as well as someone to help keep participants involved and accountable.

“Ideally, as an employer, we're looking to improve employee health,” Schubert said of wellness program participation, “helping individuals become more productive and healthy, resulting in less insurance claims. That's all wrapped into this as well.”

Kaufman, for one, can attest to the success of Benovate Connect and the difference it has already made in her life over the past 10 months.

“Your body, heart, and soul are just waiting for the right time to bloom. It may take years, it might mean being brave and taking the first step, it might be writing a list of things that make you happy or sad that spur you to take action, or it could be something traumatic. But at some point, you will take action in your life, and things just start to click.

“When you start living through your goals and priorities, it makes decisions, responses, and character seem natural. Once you understand who you are, and where you are going, you can learn to love, forgive, and believe in yourself. With routine, determination, and love in your life-you can start moving in the right direction. And quite frankly, that is something I owe Benovate the honor of sparking.”

If you're interested in learning more about incorporating Benovate into your workplace, please contact Laura Dwyer at 218-894-5470 or email laura.dwyer@NJPAcoop.org.

Wellness Program 2017-2018

City of Brainerd/BPU/HRA

All City of Brainerd/BPU/HRA employees are encouraged to participate in this wellness program. Participants are encouraged to find wellness related events and activities that fit their personal lifestyle and schedules.

Mission

The mission of the Brainerd Wellness Program is to create, promote, develop, maintain, and motivate healthy lifestyles that will encourage healthy habits that can be incorporated.

Goals

1. Reduce work comp claims 30% by 2020 and reduce the number of sick leave hours used by 5% in 2017 and an additional 5% in 2018 (based on 2015 data):
 - a. **40** worker comp claims in 2015.
 - b. **3549.75 sick leave hours used in 2015.**
2. Increase participation in all employee wellness activities.
3. Have a participation rate of 50% on the Benovate platform in 2017-2018:
 - a. **46% participation rate as of December 31, 2016.**



PROGRAM DESCRIPTION

Eligibility

All regular full-time employees are eligible to participate in the Benovate Wellness Program. Only employees that are covered under the NJPA/HealthPartners health insurance plan are eligible for incentive payments. Employees covered by other insurance plans may also participate in remaining areas of this program depending on availability.

Earning Points

1. Points are earned by participating in outlined activities on the Benovate platform. Each activity will be awarded points.
2. Benovate will inform the City quarterly of participants and their financial incentive and points awarded.
 - a. Employees participating in the NJPA Health Plan can earn financial incentives for participating in the Benovate platform.
 - b. All employees can participate in the Benovate platform to complete point worthy activities. For every 100 points earned, the employee will receive 1 ticket for a drawing of 1 vacation day.

Incentive Awards/Payments

Incentive payments only apply to employees covered by HealthPartners/NJPA insurance. \$330 is available this year as monetary incentives for Benovate Platform participation. Employees must complete the Benovate platform initial walkthrough and annually complete the Benovate Health Risk Assessment (HRA) to qualify for any incentive payments. Below is an annual incentive payment example for a new employee:

\$10.00	Initial Walkthrough
\$20.00	Traditional HRA Completion
\$75.00	Biometric Screening Completion
\$225.00	Daily Activities (may differ depending on EE activities)
Total: \$330.00	

Core Participation Requirements for Incentive Award:

1. On-line Health Risk Assessment (HRA) from Benovate.
 - a. Each participant in the wellness program is required to complete an on-line health assessment through Benovate annually.

- b. The information is confidential and individual data will NOT be reported to the City/BPU/HRA.
 - c. The 15-minute health assessment can help discover personal health potential and how to improve the employee's health today and in the future.
 - d. All employees have to do is answer a series of questions about their health, lifestyle and health history. The on-line program evaluates their current health status and helps determine risks for serious health conditions like diabetes and heart disease.
 - e. Quarterly Benovate will provide the City with a listing of participants and incentives earned for financial rewards and/or points.
2. Annual Exams and Screenings for Preventive Health:
- a. HealthPartners covers annual routine physical and appropriate wellness screenings at NO cost unless a diagnosis is given. If a medical condition is discussed, diagnosed or identified (beyond preventive testing), then charges may apply just for consulting/treatment of the condition.
 - b. Physical/screening MUST have occurred between 7/1/17 – 6/30/18.
 - c. Points and financial reward will be given to employees that participate.

Optional Wellness Program Participation:

- 1. Lunch & Learns – Offer Lunch & Learns sessions for employees on Health & Wellness Topics.
- 2. Employee Events – Wellness program to host Employee Cook-off and Employee Picnic (August 15th).
- 3. Participation in the Benovate Platform – For every 100 points employees receive they will receive 1 ticket towards the grand prize of 1 vacation day.
- 4. Wellness Champion – Employee with most accumulated points will be named Wellness Champion and receive a traveling trophy and recognition.
- 5. Biometric Screening – Offer employees the option to participate in a biometric screening with the screening cost covered by NJPA. This will only be offered to employees covered by our NJPA/HealthPartners Insurance plan.

WELLNESS PROGRAM IDEAS

Lunch and Learn Ideas:

- How To Care for an Aging Parent
- Lyme's Disease Info
- Chair Yoga
- How To Set Up Educational Savings Accounts for Children
- In-office Exercises and Stretches
- "Eat Right When Money's Tight"
- Eating On-the-Go
- Ted Talks
- Info Session on Insurance Benefits
 - Gym Memberships
 - Health Checkups
 - Preventative Care
- On-site Mini Massage Sessions
- Nutritionist to Speak on Healthy Eating
- Diabetes Informational Session

Ask BPU for additional ideas and if they'd be interested in hosting sessions over there

Benovate Card Ideas:

- Fitness tracker/Fitbit - first time connect
- Fitbit group challenges
 - Add a coworker
 - Challenge a coworker
 - Win a challenge
- Sign up for a gym membership
- Attend Lunch and Learns
- Community activities
 - Attend a turtle race
 - Chili Judge/participant
 - Tour of the Lakes Bike Ride – June 3rd
 - Lakes Area Habitat for Humanity Dinner and Auction – June 8th
 - Sour Grapes Half and Half run- June 10th
 - Flag Day Ceremony – June 14th
 - Golf Classic and Fishing Tournament – June 16th
 - Race for the Cure – June 25th
 - Right Friend's Picnic – June 30th
 - Grandpa's Run for the Walleye – July 1st

- Arts in the Park – July 3rd
 - Corn on the cob feed – July 4th
 - The American Celebration Parade – July 4th
 - Fireworks – July 4th
 - Tough Mudder X – July 14th
 - Run for Hope 5K/10K – September 16th
- Round of golf
- Water activities
 - Paddle boarding
 - Canoeing
 - Kayaking
 - Fishing
 - Swimming
- Hiking trails
- Bike to work
- Camping Weekend
- Visit the farmer's market
- Gardening
- Attend blood drive
- Attend local sporting/rec event
- Get a flu shot

Employee Activities:

- Wednesday Walks
 - Ex: Every Wed. at 10:30, any employee interested go for walk
- Employee Lunch Games
 - Bean Bag Toss
 - Polish Golf
- Employee Picnic – August 15th
- Bike to Work Week – May sometime
- Community team
 - City Volleyball
 - City Kickball
 - City Curling
- Competitions
 - Average steps per day
 - Fitbit group challenges
- Healthy snacks in break room – instead of donuts ☹️
- Walk-and-talk meetings
- Traveling Art Pub – employee engagement

- Bulletin with places to hike within Brainerd/surrounding area
- On-site flu shots
- Cookbook/Healthy recipe swap

Additional Info:

- Offer the biometric screening to employees – covered by NJPA/Benovate
- Tally and drawing for vacation day on July 3rd – points as of June 30th
- Date for Employee Picnic – August 15th at Lum Park



Assessment and Review

Understanding and managing health risks

Biometric Screening

A fasting biometric screening provides data that, when used in conjunction with a participant's online health assessment, creates an accurate picture of current health conditions and potential future health risks. Standard measurements and panel includes:

- | | | | | | |
|--------------|---------------------------------|-----------|---------------------|-----------------------|-------|
| • Height | • Alkaline Phosphatase | • Glucose | • Blood Pressure | • Globuline | • GGT |
| • Weight | • Tobacco Use (Cotinine) | • Albumin | • Triglycerides | • Blood Urea Nitrogen | • LDH |
| • Uric Acid | • Waist/Hip/Wrist Circumference | • Calcium | • Total Cholesterol | • Protein - Total | |
| • ALT (SGPT) | • VLDL | • LDL | • Bilirubin - Total | • TC/HDL Ratio | |
| • AST (SGOT) | • LDL/HDL Ratio | • HDL | • Creatinine | • AST/ALT Ratio | |

Online Health Assessment

Customized to each participant based on biometric screening results, the Benovate online health assessment uses a proprietary combination of metrics to determine the risk and future risk burden for the member. The individual report includes risk factors and potential associated costs for risks such as:

- | | | | | |
|-------------|------------------|-----------------|------------------------|------------------------------|
| • Stress | • Poor Nutrition | • Cancers | • Metabolic Conditions | • Musculoskeletal Conditions |
| • Lifestyle | • Low Exercise | • Mental Health | • Pulmonary Conditions | |

Medical Review

Employees have the opportunity to review all results on site or telephonically with a medical practitioner. The combination of the results from the blood draw and health assessment will produce a Wellcentive score, which places the employee in an overall risk group as well as specific disease risk groups based on all data. A typical review includes:

- Age and gender appropriate review of lab results, physical conditions and medical history
- Counseling regarding weight loss, exercise, substance abuse, stress and more
- Discussion regarding concerns or need for follow-up
- Referral to primary care physician as needed

benovate

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855-236-9411



Brainerd City Council Agenda Request

#6C

Agenda Item #

Requested Meeting Date: July 17, 2017

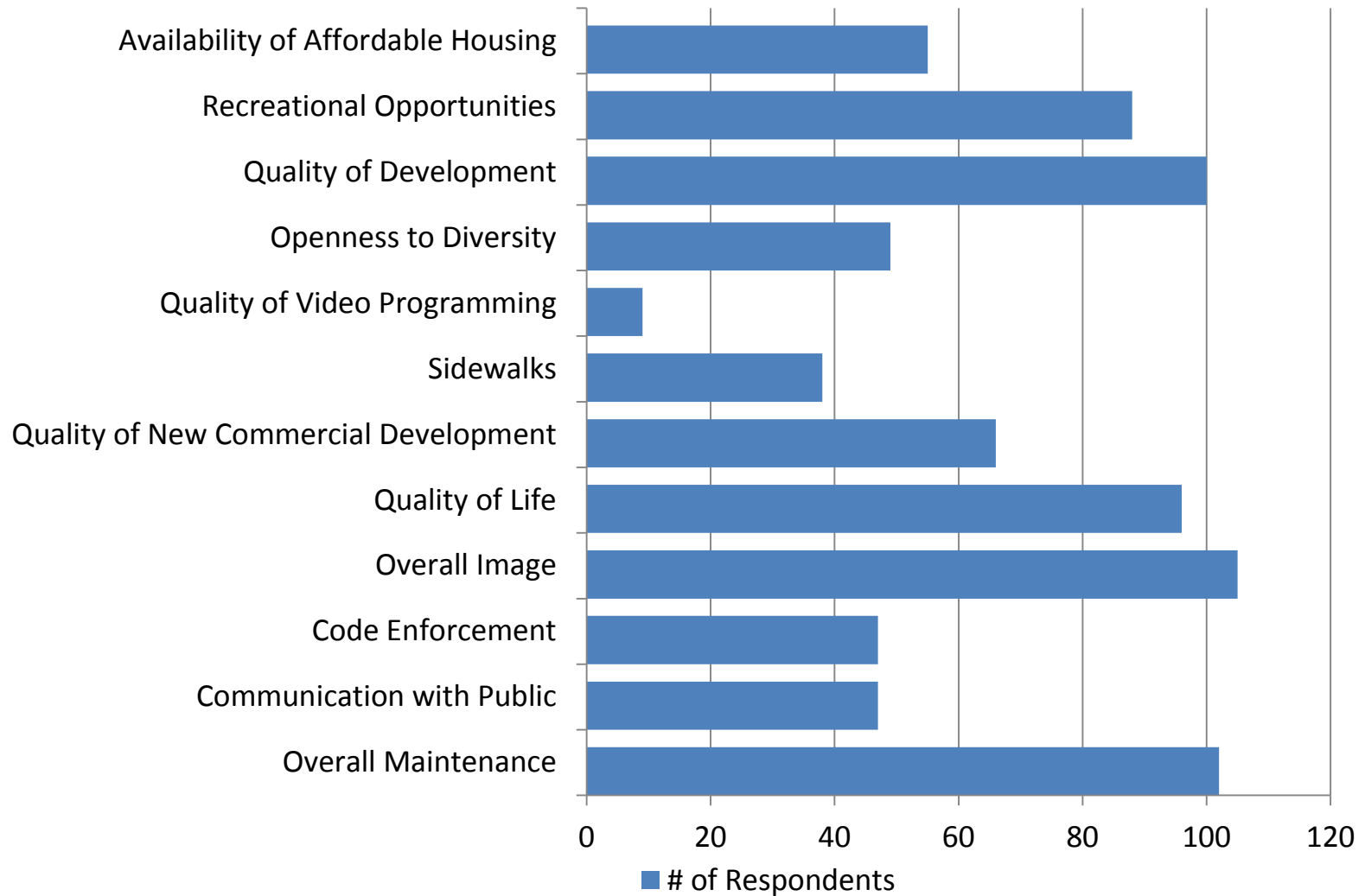
Title of Item: Presentation - Community Survey Panel Surveys #3 and #4

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 15 minutes
Summary of Issue: This is the presentation of the Community Survey #3 and #4. Attached is a copy of the PowerPoint Presentations.	
Alternatives, Options, Effects on Others/Comments: Not applicable to this agenda item.	
Recommended Action/Motion: The Planning Department is not requesting any action or a motion at this time.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

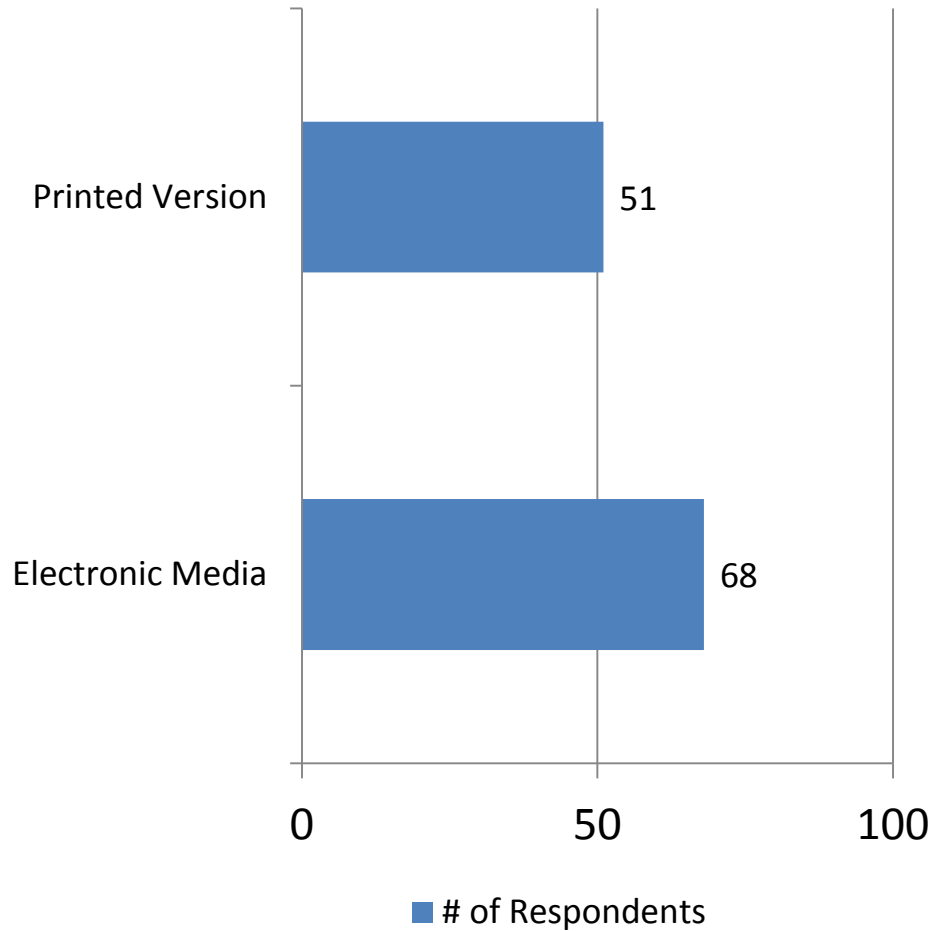
Citizen Feedback Survey #3 for the City of Brainerd

July 17, 2017

Q1 - The Brainerd Report Card (1st survey you took) included questions about how satisfied you are with various city services and your quality of life in the community. Based on your responses, following are the lowest rated areas. Please pick and rate your top 5 priorities on which the city should improve:

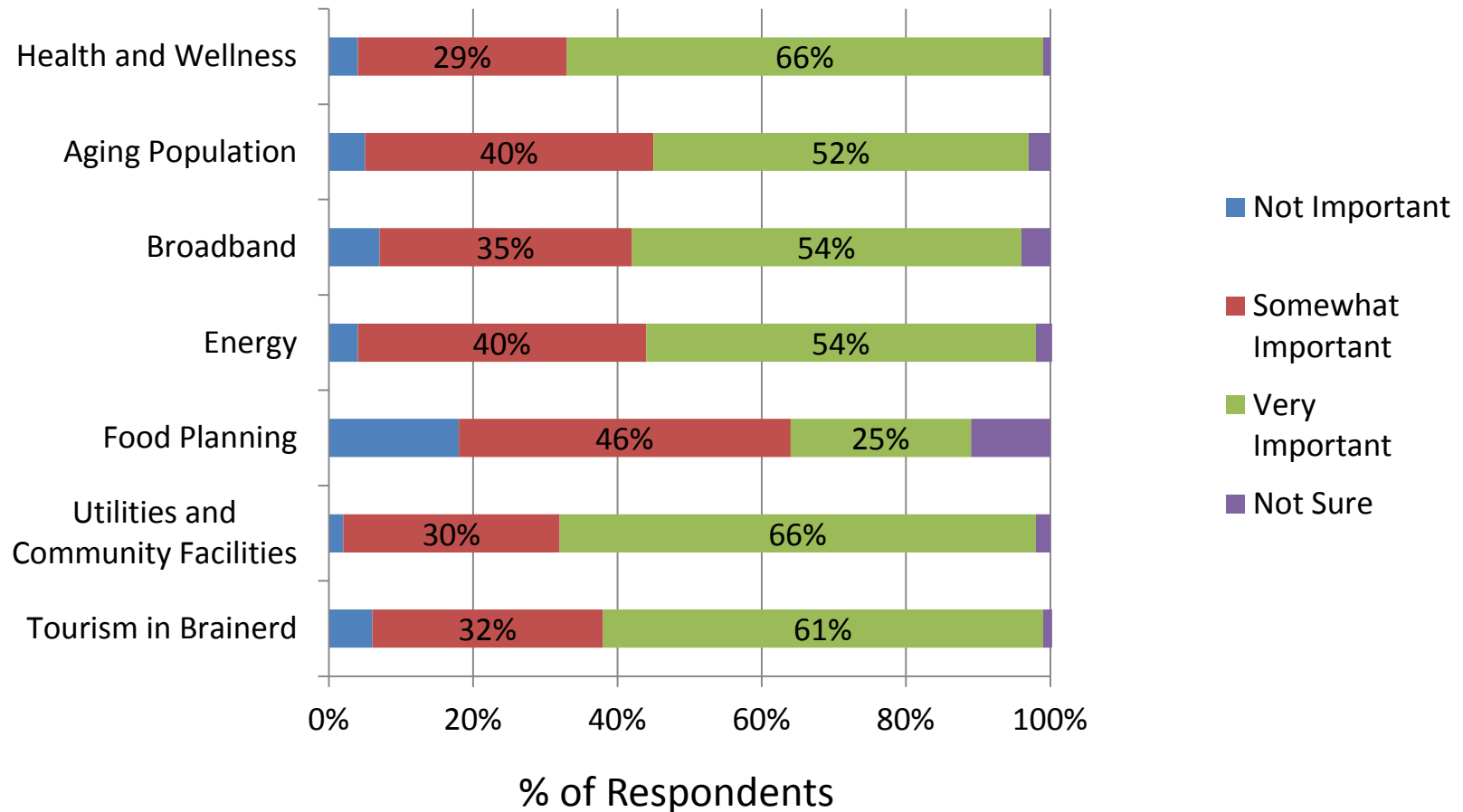


Q2 - Brainerd Report Card (1st survey) respondents said their primary source of information about city issues, services and events is the Brainerd Dispatch. Is the information from the:



Q3 - Many of the questions in the surveys are intended to assist us in updating the City Comprehensive Plan last done in 2004. It includes a set of goals to carry out the Plan related to Commercial and Industrial Land Use, Economic Development, Downtown, Future Growth and Land Use, Parks and Open Space and Transportation.

How important is it to include goals for the following issues in the Plan update:



Q3 - In addition to the above goals, how important is it to include goals for the following issues in the Plan update:

Is there an issue not listed that you should be included
Positive thinking
Quality neighborhoods to attract middle income families
Housing
Youth Population
Business Development
Community Engagment/Involvement
reduction of liquor licenses downtown as possible
Work to stop climate change
Jobs-Industry
Retail and Industry
Partnering with surrounding cities

Q3 - In addition to the above goals, how important is it to include goals for the following issues in the Plan update:

Is there an issue not listed that you should be included

Keeping budget under control so we can get taxes lower so people will want to move here

improve rental housing resource

Diversity

Stronger Businesses

Improved water quality and taste

Environmental preservation

Future jobs & business

No

Art and culture cultivation

Management of business that are not alone to abuse their employees

No

Q3 - In addition to the above goals, how important is it to include goals for the following issues in the Plan update:

Is there an issue not listed that you should be included

Attractive City

Youth Population who will become our future citizens.

Green space, environmental resources

Non car transportation

Making the downtown a safer & inviting place to shop.

The city of Brainerd needs to attract high tech businesses

Take action on tall grass violations

Riverfront Development

How to encourage educated young people back into our community.

Safety and Design for Pedestrian and Cycling

Job Opportunities

Q3 - In addition to the above goals, how important is it to include goals for the following issues in the Plan update:

Is there an issue not listed that you should be included

City's Finances

Tell the truth

Find renters for all the empty buildings

Comprehensive plan for zoning so the city business areas does not feel so "random," as well as a developing an over-arching plan for the whole region - the planning should not stop at the Brainerd/Baxter border.

Not sure how to do it, but there are way too many drug and alcohol problems/arrests/etc. in the paper every week.

New, Locally Owned Business Development

no

Rehabilitation of Historic Downtown and Financial Incentives for Commercial Developent

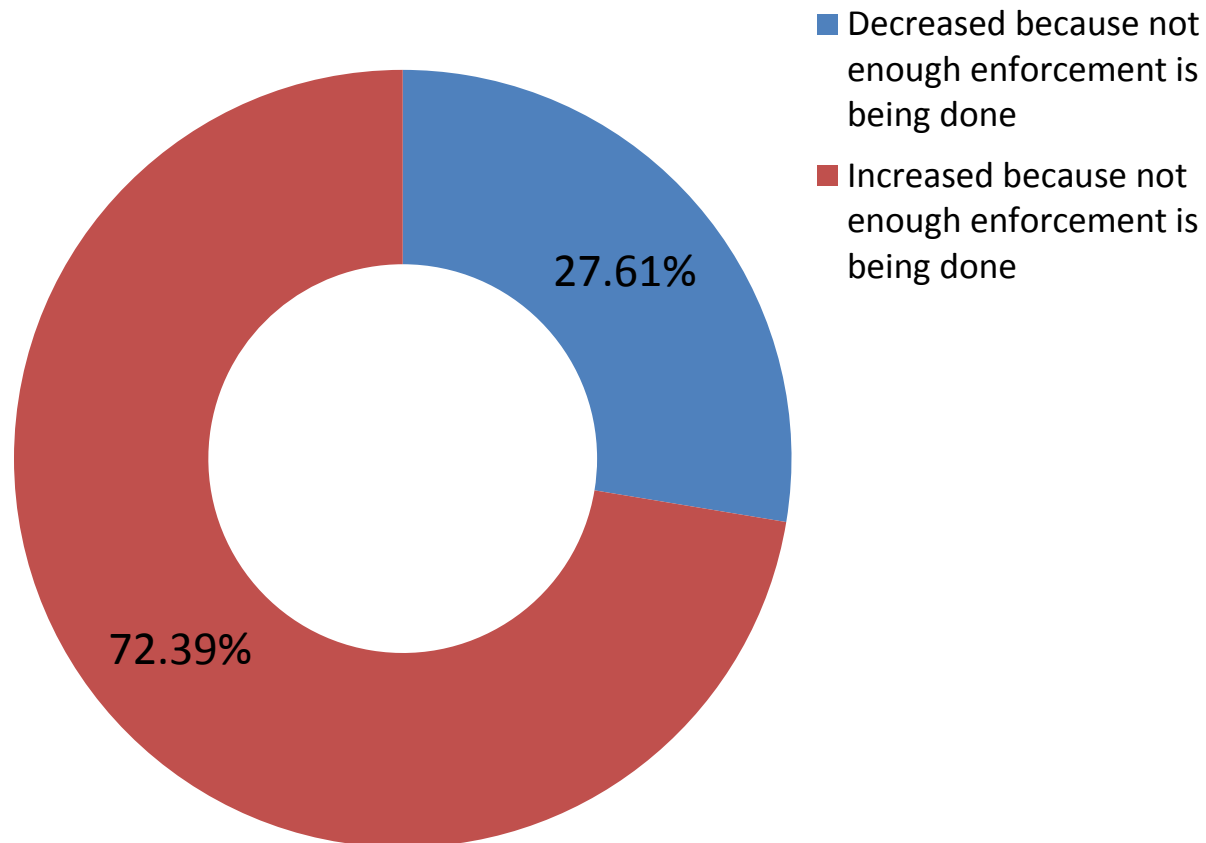
Cultural activities

public transportation for people that work full time. More bike friendly

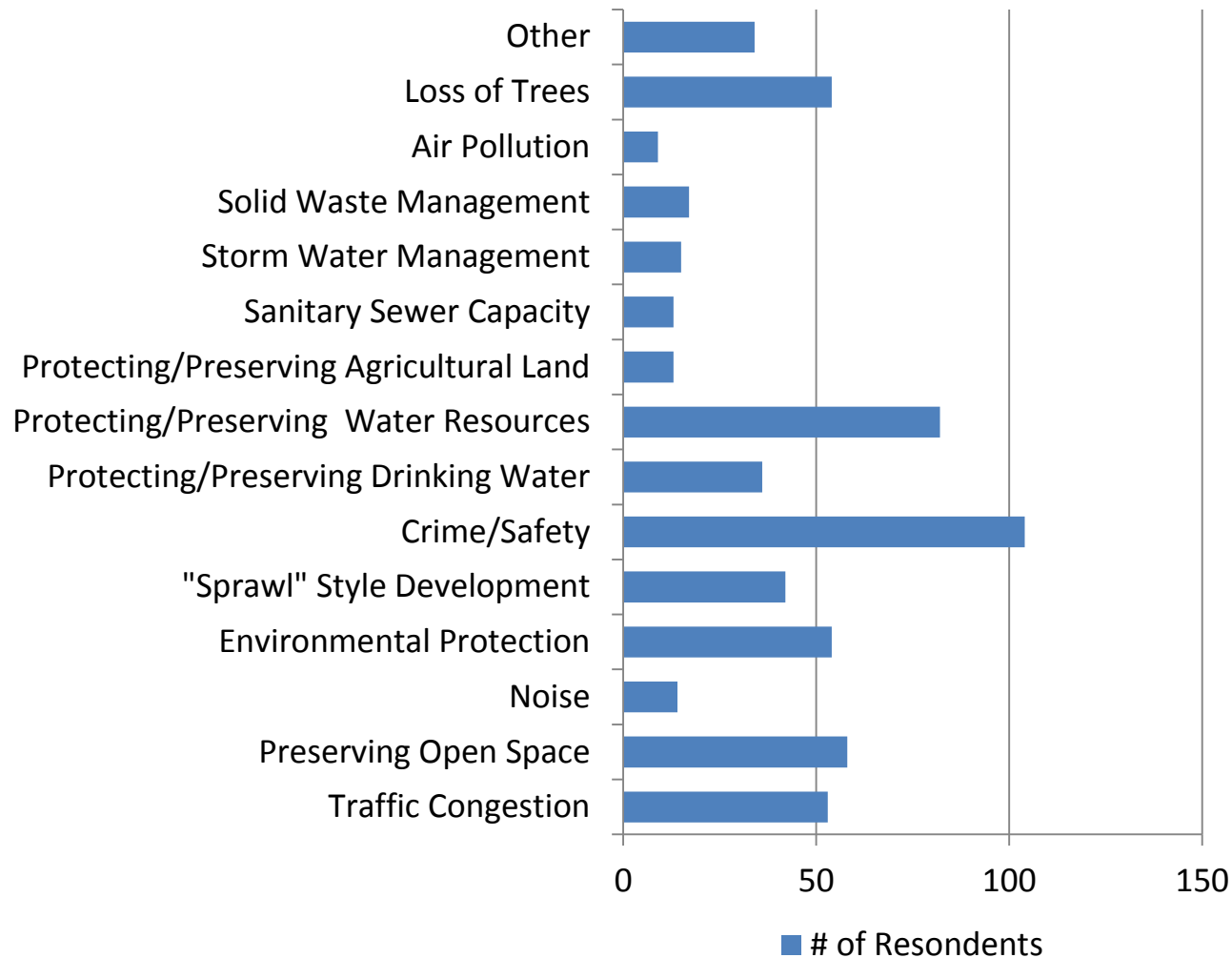
Q3 - In addition to the above goals, how important is it to include goals for the following issues in the Plan update:

Is there an issue not listed that you should be included
council video on internet
housing
better paying jobs
Maintaining schools as close to the city core as possible
Employment wages
Make the down town area safe and family friendly 20 4 7
historic preservation
Renewable energy and planning
Environment
Improve Run Down Neighborhoods
Infrastructure
Future Development

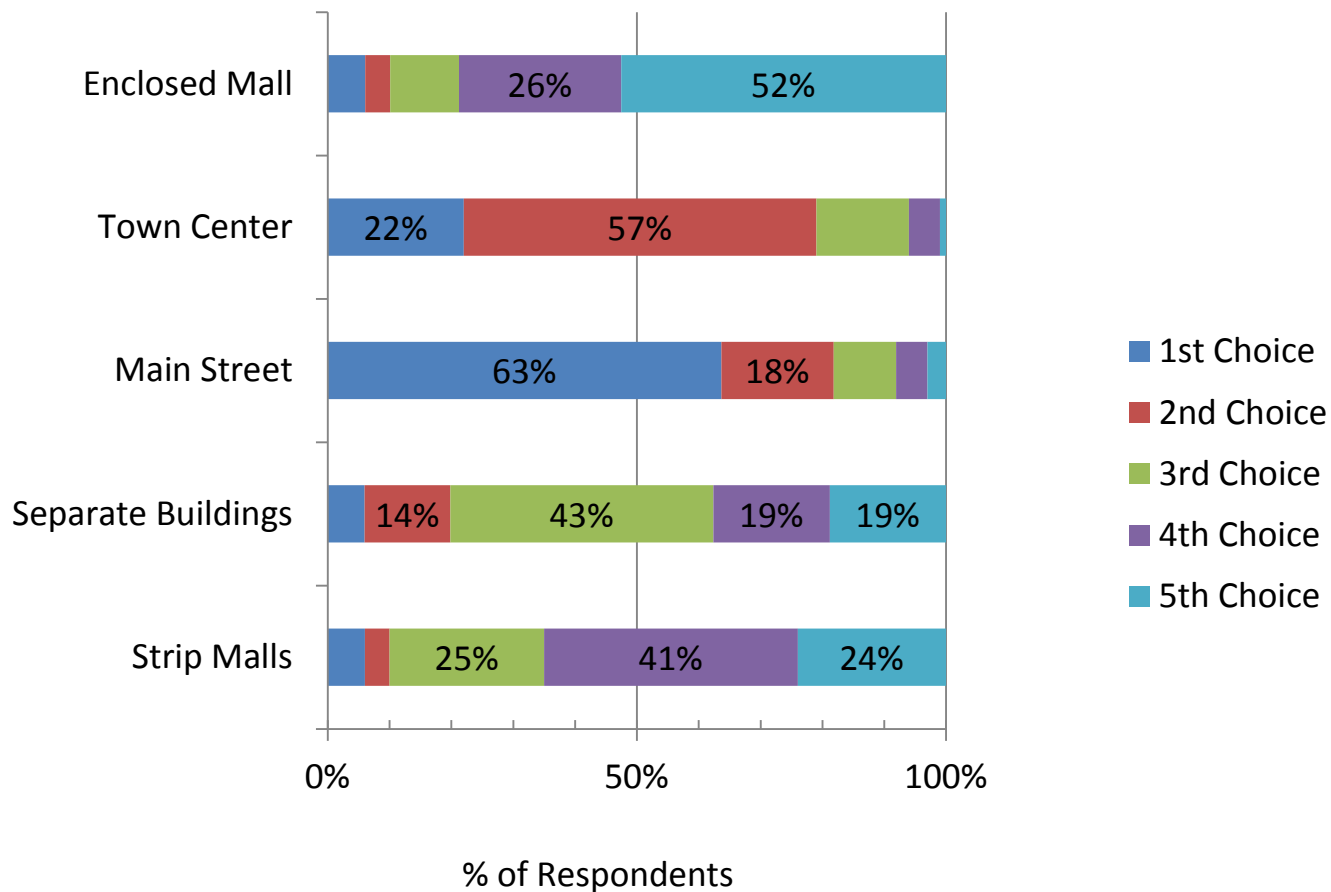
Q5 - The overall enforcement of city codes and ordinances received a low grade in the Brainerd Report Card (1st survey you took). We would like to clarify why there is a low grade. Should the amount of code enforcement be:



Q6 – From following list, select the 3 issues you are most concerned about in terms of city growth:



Q7 - There is commercial development and redevelopment opportunity within the City of Brainerd. In what form should it occur? Please rank the following development forms with 1 as your most preferred style and 5 as your least preferred style.

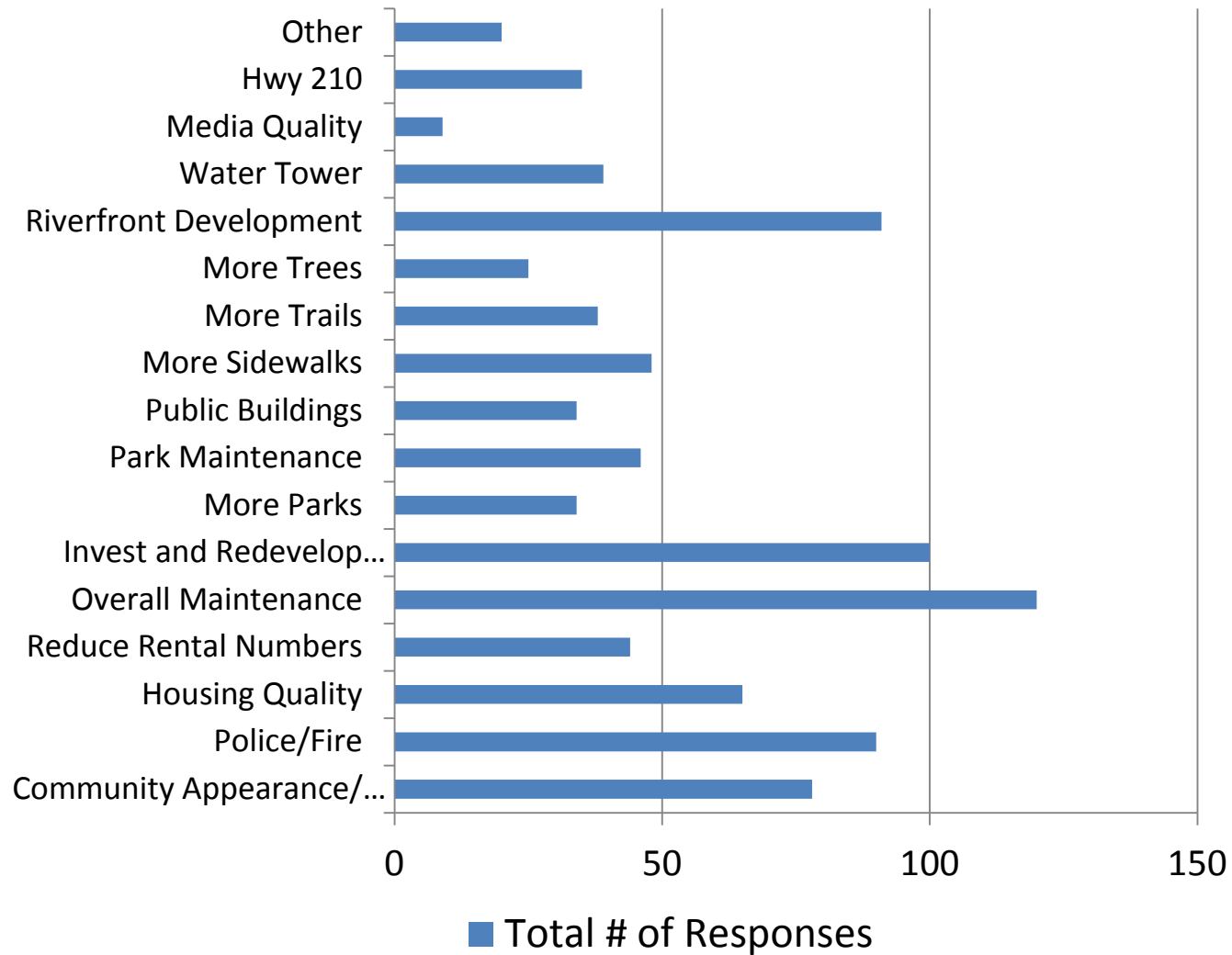


Citizen Feedback Survey #4

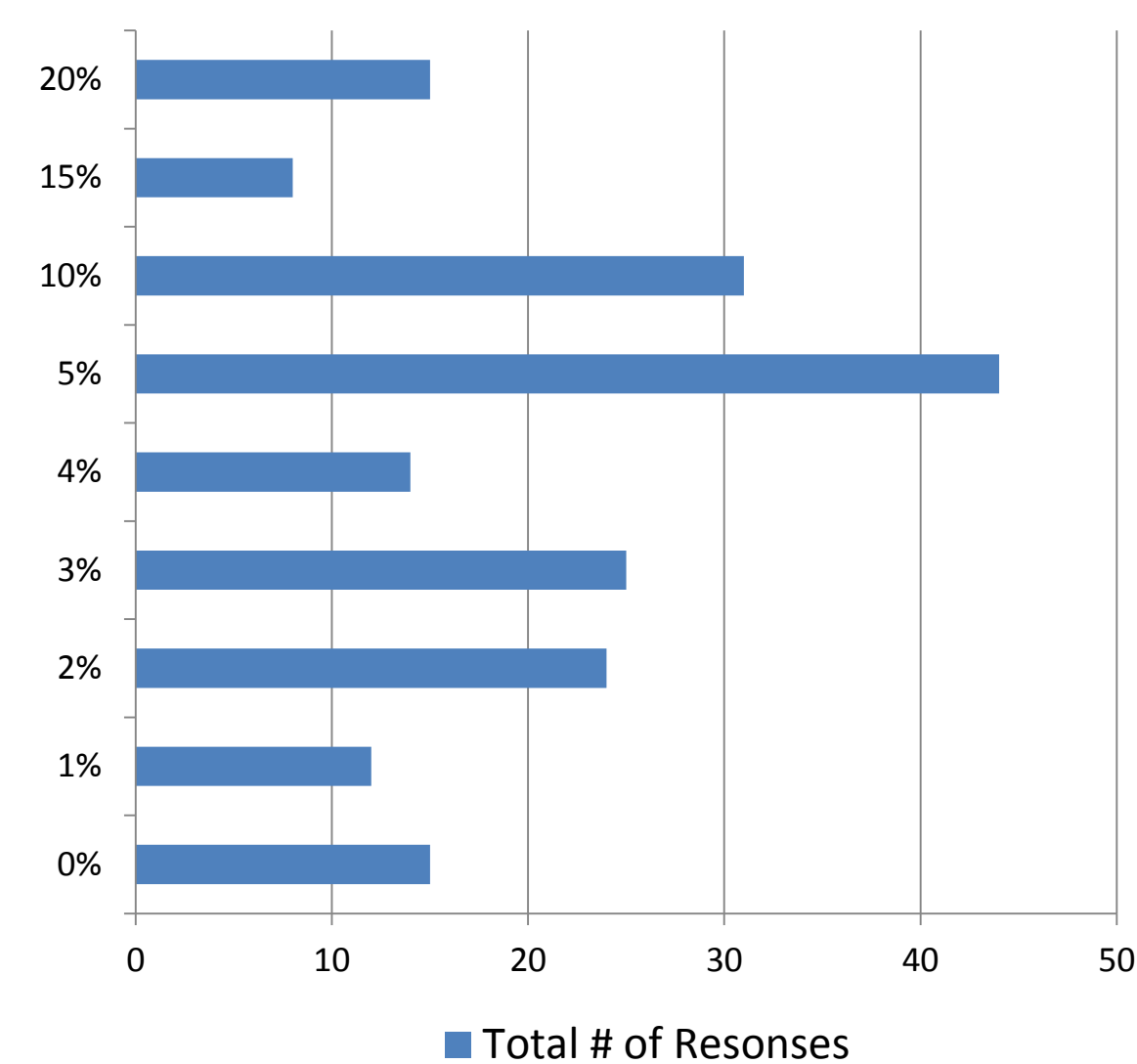
City of Brainerd

July 17, 2017

Q1 - Please identify 5 public improvement priorities for how your taxes should be used:



Q2 - How much of an increase in your City property tax is reasonable to accomplish your priorities?



% Increase in City Property Tax	Total of All Additional City Property Tax Available for Improvements
0%	\$0.00
1%	\$53,569
2%	\$107,181
3%	\$160,794
4%	\$214,406
5%	\$268,019
10%	\$536,081
15%	\$804,143
20%	\$1,072,205

Q2 - How much of an increase in your City property tax is reasonable to accomplish your priorities?

#	Answer	%	Count
1	0%	7.98%	15
2	1%	6.38%	12
3	2%	12.77%	24
4	3%	13.30%	25
5	4%	7.45%	14
6	5%	23.40%	44
7	10%	16.49%	31
8	15%	4.26%	8
9	20%	7.98%	15
	Total	100%	188

Q3 - If you answered 0% to Q2, how should improvements be funded? Please understand that grant funds are not possible for many desired improvements. If grant funds are available, improvements will still require a major city investment.

Q3 If you answered "No" to Q1, how should improvements be funded? Please...

tourist tax, wages decreased to those making 2x more than minimum

I do not live in Brainerd, so I do not want to respond to this question

Reallocate funds from ineffective or inefficient programs or projects

Re-prioritize spending and be more efficient with tax payer money

I pay taxes in Cass Co.

Cut out retirement benefits

quality of downtown

Aside from the riverfront redevelopment there shouldn't be much increase; especially if the focus is to encourage commercial/industrial development. It takes far less homes to account for the type of tax dollars paid by commercial/industrial/retail business. Planning around the city needs a better vision. Exhausting measures have been taken to makeover the downtown area that is primarily owned by a select few. Diversify and thus town could see "life" in a new area of its own city!

Reorganization of current funds

Q3 - If you answered 0% to Q2, how should improvements be funded? Please understand that grant funds are not possible for many desired improvements. If grant funds are available, improvements will still require a major city investment.

Q3 If you answered "No" to Q1, how should improvements be funded? Please...

You can't run the city with all the taxes you are already getting?

Infrastructure improvements alone must require a million dollars in a give year. Without those needed improvements, I would estimate perhaps 10%

Brainerd has some of the highest taxes in the state. Use the funds that you've collected more wisely to complete projects. Also, love how the blank for this question is two inches long- clever. You obviously do not want any actual opinions.

divert funds from other projects that are ineffective, inefficient.

Schools

We need to create more effective "tourists traps". Create or revamp and promote a city merchandise line. Use city park space for a garden nursery use volunteer service to staff as a teaching aid or community service, use plants to beautify our city and sale to the public for funding.

Solicite donors, fundraisers, grants.

You have enough money. Get it from all the foreitures that dont need to be reported as funds

Q3 - If you answered 0% to Q2, how should improvements be funded? Please understand that grant funds are not possible for many desired improvements. If grant funds are available, improvements will still require a major city investment.

Q3 If you answered "No" to Q1, how should improvements be funded? Please...

Bonds, private investment to fix Watertower

Why isn't there a maintenance fund for anything already in the City, and why isn't there a capital improvement fund for additional needs? What exactly do our tax \$ go for if not for needed improvements/maintenance?

bonds?

Cut the size of government, get rid of pensions

Why don't you use the taxes we are already paying? Why should an increase be needed for these basic services? Stop asking for more money. Many people are struggling to get by as is.

Taxes are the best plan

Adequate funding is provided in the current levy. Pay off/down existing debt and use those \$\$ to fund these projects.

Be more responsible with current funds and budgeting

I answered 5% increase would be comfortable, because property taxes are the only tax that I actually believe in. However, I believe the city can get creative in order to achieve its goals and improve what needs to be improved by fundraising, and small city or county sales taxes. Also, the amount that our county is spending on welfare/ medic aid has got to be hurting our revenue distribution.

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

July 17, 2017
City Council Chambers
7:00 PM

1. Event/Street Closure Application – Canoe Days
2. Event/Street Closure Application – Lil Rubber Ducky Race
3. Improvements 15-12 and 16-10 – Resolution Accepting Bids
4. Update on No Parking Request – N 1st Street and Kingwood Street -
Informational
5. Oak Lawn Township Cross-Jurisdictional Maintenance Agreement
6. Improvement 17-03 Final Pay Estimate – Informational
7. S 6th Street Public Informational Meeting - Informational



Brainerd City Council Agenda Request

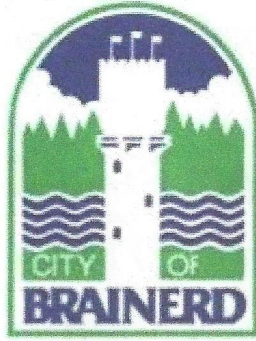
SPW#1

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: Event/Street Closure Application - Canoe Days

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): James Fladung - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is an event/street closure application for Canoe Days to take place August 5th, 2017 in Kiwanis Park.	
Alternatives, Options, Effects on Others/Comments: Approximately 10 booths will be set up at Kiwanis Park to present information on water quality, AIS, and recreation. At 10 AM, the general public will be invited to place their non-motorized watercraft in the water a paddle to Crow Wing State Park to a fur traders encampment. This has already been approved by the Park Board for use of the park on this day.	
Recommended Action/Motion: The application for the event has been passed around to staff with no recommended conditions for approval. Staff would recommend approving the event application for Canoe Days to take place on August 5th, 2017 at Kiwanis Park.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



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: Mississippi River Canoe Days
Date(s) of the event: August 5, 2017
Time of event (setup to breakdown): 8:30am until noon
Location: Kiwanis Park
Estimated number of attendees: 10 - 50

Organizer Information

Organizer's name (Please print): Tim Terrill
Organizer's address: 322 Laurel St.
Event contact person: Tim Terrill
Event contact daytime phone number: (h) _____ (w) 824-1189 (c) _____
Event contact persons e-mail address: timt@mississippiheadwaters.org
Contact name and phone number to be used on the day of the event:
(h) _____ (w) _____ (c) 507-923-7167
For Profit/Nonprofit status (type): N/A

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: A small group of about 10 booths
will be at Kiwanis Park to present water quality, recreational, and AIS awareness from 9am until noon.

At 10 am, the general public will be invited to place their non-motorized watercraft in the water and paddle
down to Crow Wing State Park to a fur traders encampment.

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

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☒ No ☒

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

maybe a megaphone if there is a large turnout

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: _____

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.

N/A

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").

N/A

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

Contact Information:

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

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

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

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

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

PART V: SIGNATURE OF EVENT APPLICANT

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

Tim Terrill
Signature of the Event Applicant

6/29/17
Date submitted to the City

Tim Terrill
PRINT NAME

Executive Director
Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	<u>None</u>	
City Administration	<u>None</u>	
Engineering Depart.	<u>None</u>	
Fire Department	<u>None</u>	
Fire Support/EMS	<u>None</u>	
Parks and Recreation	<u>None</u>	
Planning Department	<u>None</u>	
Police Department	<u>None</u>	

Certification of Street Closure Approval

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

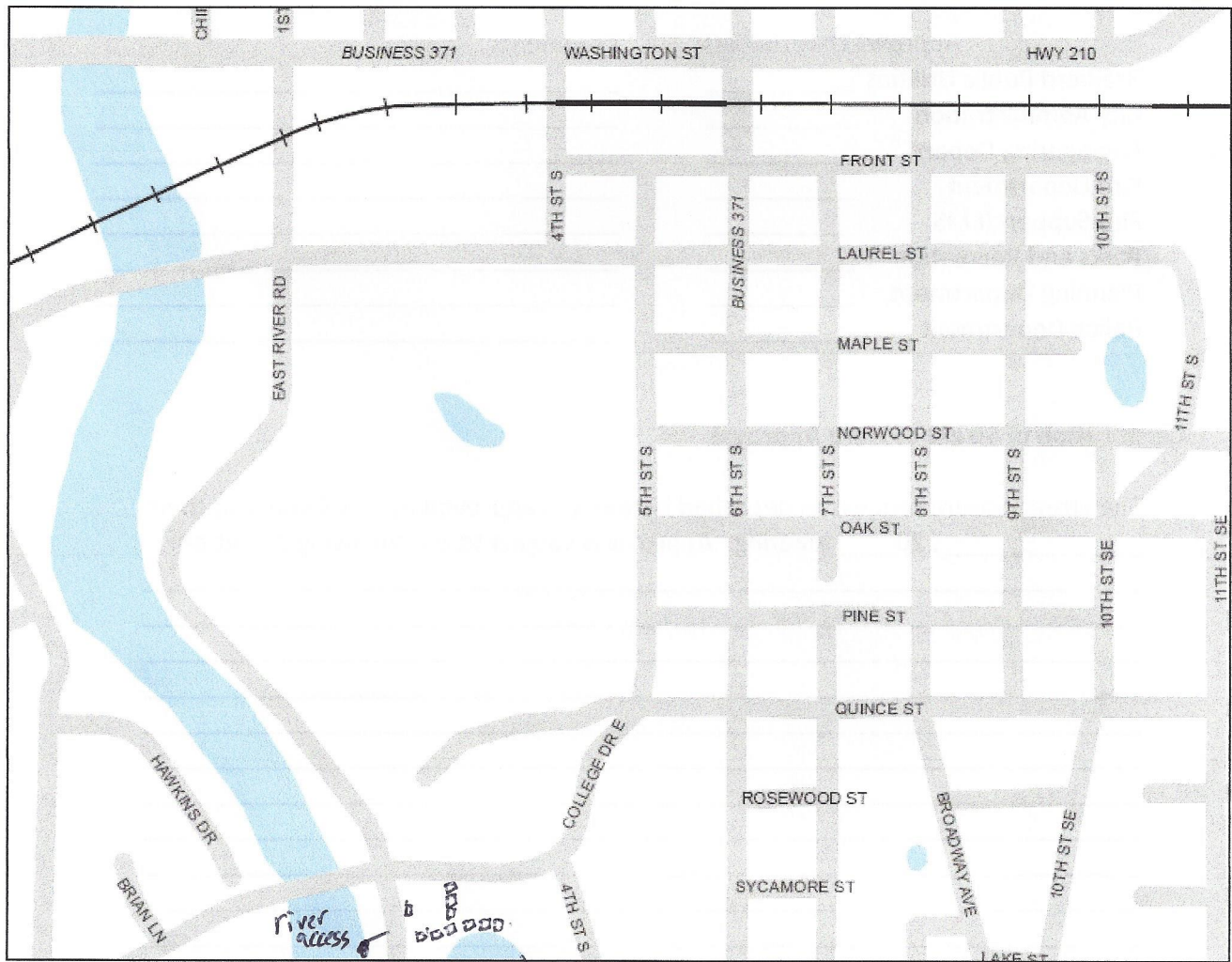
Special Event/Festival Application and Permit Approval

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

City Administrator

Date

Commonly Used Maps



Jenny St



Brainerd City Council Agenda Request

SPW#2

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: Event/Street Closure Application - Lil Rubber Ducky Race

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): James Fladung - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is an event/street closure application for the Lil Rubber Ducky Race to happen on August 5th on East River Road.	
Alternatives, Options, Effects on Others/Comments: East River Road will be closed for this event from south of the high rise to north of the high school parking lot between 8AM and 3PM. The only condition for approval by staff was to coordinate the traffic control for the closure with the street department staff.	
Recommended Action/Motion: Staff would recommend approving the street closure application for the Lil Rubber Ducky Race to take place on August 5th.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



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: ~~Lil Rubber Duckie Race~~ Lil Rubber Duckie Race

Date(s) of the event: 8/5/17

Time of event (setup to breakdown): 8:00am

Location: E River Road

Estimated number of attendees: ~100

Organizer Information

Organizer's name (Please print): Gabe Johnson - Brainerd Jaycees

Organizer's address: PO Box 384 Brainerd MN

Event contact person: Gabe Johnson

Event contact daytime phone number: (h) (w) (c) 831-3623

Event contact persons e-mail address: gabe.r.johnson@gmail.com

Contact name and phone number to be used on the day of the event:

(h) (w) (c) Same

For Profit/Nonprofit status (type): 501(c)4

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: Race Rubber Ducks
on a giant slip and slide down E River Rd.

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

Site Information

Electrical usage?

Yes ☐

No ☒

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

Amplified sound?

Yes ☒

No ☐

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

Maybe a Mic and speaker

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: _____

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.

Input will be accepted from the city.

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").

E River Rd south of High Rise to
North of HS parking lot

Time and date for beginning of street closures: 8/5 8:00 am - 3:00 pm

Time and date for reopening of streets: 8/5 3:00 pm

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.

We block no parking. Only thru traffic
is affected.

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			X	May be required before issuing a permit.
Sign/banner permits			X	Contact the Planning Department for information.
Parade permit			X	Issued by the Police Department after complete submission of application.
Street closure	X			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

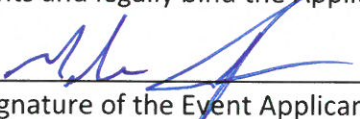
The applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and 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.



Signature of the Event Applicant

7/12/17

Date submitted to the City

Gabe Johnson

PRINT NAME

President - Brainerd Jaycees

Event Applicant Title

Departmental Sign-Offs Required

Departmental Sign-Offs Required

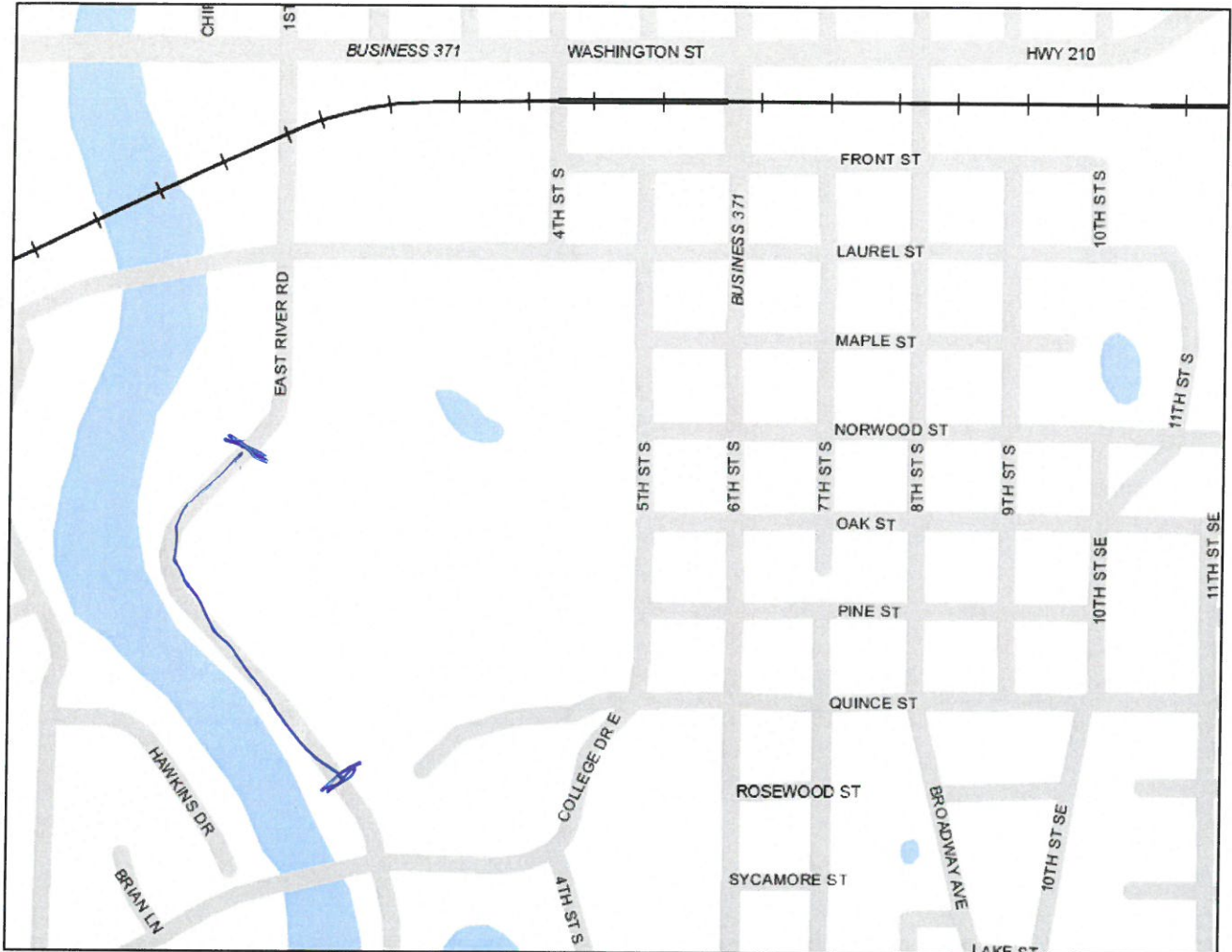
Certification of Street Closure Approval

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

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.

Date _____

Commonly Used Maps





Brainerd City Council Agenda Request

SPW#3

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: Improvements 15-12 and 16-10 - Resolution Accepting Bids

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): James Fladung - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Pursuant the advertisement for bids, bids were publicly opened and read aloud in the council chambers at 10:00 AM on July 7th, 2017 for Improvements 15-12 and 16-10.	
Alternatives, Options, Effects on Others/Comments: In total, 3 bids were received and opened from Anderson Brother's Construction of Brainerd LLC, Borden Excavating, Inc., and Tri-City Paving, Inc. Their bid prices being listed respectively are: (15-12:\$307,729.75 + 16-10: \$465,373.35 = Total: \$773,103.10); (15-12: \$321,501.25 + 16-10: \$466,939.50 = \$788,440.75); (15-12: 331,931.60 + 16-10: 525,229.45 = \$857,161.05). The lowest responsive and responsible bidder was Anderson Brother's Construction of Brainerd, LLC at a total bid cost of \$773,103.10. The bid totals were -3.66%, -1.75%, and 6.81% respectively over and under engineer's estimate of \$802,492.50.	
Recommended Action/Motion: Staff would recommend accepting the low bid from Anderson Brother's Construction of Brainerd, LLC and adopting the attached resolution in the amount of \$773,103.10	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>Estimated \$773,103.10</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> Staff is proposing the issuance of bonds to complete the improvements, as noted at previous council meetings.	

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

RESOLUTION ACCEPTING BID

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

IMPROVEMENT 15-12

Street Reconstruction

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

IMPROVEMENT 16-10

Street Resurfacing

NW Brainerd Resurfacing Project

NW 8th Street from Charles Street to James Street

NW 7th Street from Charles Street to Washington Street

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

NW 5th Street from Williams Street to Washington Street

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

NW 3rd Street from Washington Street to James Street

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

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Anderson Brothers Construction of Brainerd, LLC	15-12: \$307,729.75 16-10: \$465,373.35 Total: \$773,103.10
Borden Excavating, Incorporated	15-12: \$321,501.25 16-10: \$466,939.50 Total: \$788,440.75
Tri-City Paving, Incorporated	15-12: \$331,931.60 16-10: \$525,229.45 Total: \$857,161.05

AND WHEREAS, Anderson Brothers Construction of Brainerd, Minnesota, LLC is the lowest responsible bidder; and

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

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

Adopted this _____ day of _____, 201_

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 201_

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

SPW#4

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: Update on No Parking Request - N 1st Street and Kingwood Street

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): James Fladung - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: A quick update on the no parking area at the intersection of N 1st Street and Kingwood Street is below.	
Alternatives, Options, Effects on Others/Comments: The curbs have been painted in this area along with a no parking sign being placed on the N-S stretch of N 1st Street where Kingwood Street meanders. Staff will continue to monitor the situation with traffic along with working with CSO officers to make sure the parking in this area is enforced within the yellow painted curb areas.	
Recommended Action/Motion: Informational.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

SPW#5

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: Oak Lawn Township Cross-Jurisdictional Maintenance Agreement

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): James Fladung - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Engineering staff, with the assistance of Oak Lawn Township, have been working together to update the Cross Jurisdictional Maintenance Agreement for the jointly administered roads shared by the two jurisdictions.	
Alternatives, Options, Effects on Others/Comments: The premise behind the agreement is to establish the route locations, identify what constitutes maintenance, identify what constitutes engineered construction or road construction, and the cost splits between the two jurisdictions. The agreement consists of 9 jointly administered roads, which are defined as a road where, at some point, has Brainerd jurisdiction on one side and Oak Lawn Township jurisdiction on the other. In the agreement, maintenance costs are 100% paid by the party that is designated in the agreement. Engineered construction or road construction costs, per the agreement, are split proportionally between the two jurisdictions based upon front footages each jurisdiction has adjacent to the route under construction. Either party has the ability to review the engineered drawings and estimates and agree the work is needed before the construction takes place.	
Recommended Action/Motion: Staff would recommend adopting the Cross Jurisdictional Maintenance Agreement as proposed and authorize the proper signatures on the agreement. The Oak Lawn Township board has already authorized proper signatures on the agreement.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

CROSS-JURISDICTIONAL MAINTENANCE AGREEMENT
BETWEEN THE CITY OF BRAINERD AND OAK LAWN TOWNSHIP

This Agreement is made and entered into this day of July____, 2017, by and between the City of Brainerd, a Minnesota municipal corporation, 501 Laurel Street, Brainerd, MN 56401, hereinafter referred to as “Brainerd” and Oak Lawn Township, a political subdivision of the State of Minnesota, P.O. Box 333, Brainerd, MN 56401, hereinafter referred to as “Oak Lawn.”

WHEREAS, Oak Lawn and Brainerd identify the following as “Jointly Administered Roads”:

1. Red Pine Road from Trunk Highway 25 to Two Mile Road
2. Two Mile Road from Trunk Highway 18 to Red Pine Road
3. Oakridge Road adjacent to the North 1/16th of Sections 31 and 32, T45N, R30W
4. Easy Street from Pine Shores Road to Dead End
5. Jordan Road in the SW ¼ of the NW ¼ of Section 16, T45N R30W and the SE ¼ of the NE ¼ of Section 17, T45N R30W
6. Wonderland Park Road from Trunk Highway 210 to the cul-de-sac
7. Wonderland Park Circle from Trunk Highway 210 to Wonderland Park Road
8. SE 28th Street in the North 1/16th of Section 29, T45N, R30W
9. Pine Shores Road from Trunk Highway 210 to Dead End; and

WHEREAS, Brainerd performs all roadway maintenance operations on Wonderland Park Road, Wonderland Park Circle, and SE 28th Street; and

WHEREAS, Oak Lawn performs all roadway maintenance operations on Red Pine Road, Two Mile Road, Oakridge Road, Easy Street, Jordan Road, and Pine Shores Road; and

WHEREAS, Oak Lawn and Brainerd wish to mutually agree on the maintenance of the Jointly Administered Roads.

NOW THEREFORE, Oak Lawn and Brainerd agree to the following:

1. PURPOSE

The purpose of this Agreement is to establish a clear set of responsibilities and expectations with respect to the road maintenance operations of the Jointly Administered Roads.

2. MAINTENANCE

Brainerd will be responsible for the maintenance of Wonderland Park Road, Wonderland Park Circle, and SE 28th Street. Oak Lawn will be responsible for the maintenance of Red Pine Road, Two Mile Road, Oakridge Road, Easy Street, Jordan Road, and Pine Shores Road. Maintenance shall include: snow plowing with salting/sanding, crack sealing, asphalt patching, shouldering, brushing, tree and brush cleanup, brush control, brush removal, beaver control, roadside mowing, weed control, right-of-way enforcement, signage, road sweeping, pavement markings, culvert repairs, culvert replacement, culvert cleaning, emergency situations that pose a danger to public safety and welfare, storm sewer/drainage structures or devices, minor washouts

requiring less than 20 cubic yards of material to repair, and any other type of normal road maintenance.

3. COSTS

Materials and services for maintenance shall be considered equal trade between Oak Lawn and Brainerd and neither entity shall invoice the other for materials or services in accordance with this agreement if it pertains to maintenance.

4. EXCLUSIONS

Maintenance does not include engineered construction or road reconstruction. Brainerd will not be responsible for repair of damage caused by Oak Lawn. Oak Lawn will not be responsible for repair or damage caused by Brainerd.

5. ENGINEERED CONSTRUCTION OR ROAD CONSTRUCTION

Engineering construction or road construction (including repairs of washouts requiring more than 20 cubic yards of material), hereinafter referred to as major repairs, shall be initiated by the following procedure:

- A. Either party determines that such work must be done; and
- B. A written notice is served on the other party; and
- C. The other party has reviewed the engineered drawings and cost estimates and approves, in writing, that the proposed work is necessary.

6. COSTS FOR MAJOR REPAIRS

Any work considered as major repairs by both parties per Section 5 of this agreement shall be paid for by the party that contracts for such work. The other party agrees to reimburse the contracting party for the cost based proportionally off the front footage the other party has adjacent to the constructed portion of the jointly administered road compared to the entire length of the front footage of the constructed portion of the jointly administered road. The contracting party shall issue the other party an invoice after final completion of the work, and the invoice shall be paid by the other party within 30 days after the invoice was issued.

7. TERM

The term of this agreement shall continue until terminated pursuant to the terms contained herein.

8. TERMINATION

Either party may terminate this agreement by providing a 90-day written notice to the other party.

9. NOTICE

For purposes of delivery of any notices hereunder, the notice shall be effective if personally delivered or mailed to the Brainerd City Engineer, 501 Laurel Street, Brainerd, MN 56401 and Oak Lawn Township Clerk, PO Box 333, Brainerd, MN 56401.

10. INDEMNIFICATION

Oak Lawn and Brainerd mutually agree to indemnify and hold harmless each other party from any claims, losses, costs, expenses, or damages resulting from the acts or omissions of the respective officers, agents, or employees relating to activities conducted by either party under this Agreement.

11. ENTIRE AGREEMENT

It is understood that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and all negotiations between the parties relating to the subject matter hereof, as well as any previous agreements presently in effect between the parties to the subject matter hereof. Any alterations, variations, or modifications of the provisions of this Agreement shall be valid only when they have been reduced to writing and duly signed by both parties.

IN WITNESS WHEREOF, the parties of this Agreement have hereunto set their hands on the dates written below:

CITY OF BRAINERD

By: _____

EDWIN L. MENK

Brainerd Mayor

Date:

OAK LAWN TOWNSHIP

By: _____

SHARON PIKE

Township Chair

Date:

By: _____

JAMES M. THOREEN

Brainer City Administrator

Date:

By: _____

KATHLEEN WESSEL

Township Clerk

Date:



Brainerd City Council Agenda Request

SPW#6

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: Improvement 17-03 - 2017 Crack Sealing Final Pay Application

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): James Fladung - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Improvement 17-03 has been completed by Anderson Brothers Construction of Brainerd, LLC.	
Alternatives, Options, Effects on Others/Comments: As you may recall, we purchase the crack filling material from the State contract then let a contract for the installation of the materials. The material costs for the crack filling material was \$5,017.50 for 11,250 lbs of material. Anderson Brothers Construction was able to crack fill 59,235 linear feet of crack using the material. The contract cost was \$16,040.40 for a total cost for the project being \$21,057.90.	
Recommended Action/Motion: Informational. This item is on the personnel and finance committee agenda for approvals of payments to contractors.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>\$16,040.40</u> <i>Is this budgeted?</i> ☒ Yes ☐ No We typically budget for \$25,000 in crack filling every year. <i>Please Explain:</i>	

CITY OF BRAINERD ENGINEERING

Project 17-03 - 2017 CRACK SEALING
Final Pay Request No. 1

Contractor: Anderson Brothers Construction 11325 State Hwy 210 Brainerd, MN 56401

Contract No. 2017-4 Vendor No. N/A For Period: 6/5/2017 - 7/11/2017 Warrant # _____ Date _____

Contract Amounts

Original Contract	\$13,824.00
Contract Changes	\$0.00
Revised Contract	\$13,824.00

Work Certified To Date

Base Bid Items	\$16,040.40
Backsheet	\$0.00
Change Order	\$0.00
Supplemental Agreement	\$0.00
Work Order	\$0.00
Material On Hand	\$0.00
Total	\$16,040.40

Funds Encumbered

Original	\$13,824.00
Additional	N/A
Total	\$13,824.00

	Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
17-03	\$16,040.40	\$16,040.40	\$0.00	\$0.00	\$16,040.40	\$16,040.40
Percent Retained: 0.0000%						
Amount Paid This Final Pay Request					\$16,040.40	

I hereby certify that a Final Examination has been made of the noted Contract, that the Contract has been completed,
that the entire amount of Work Shown in this Final Voucher has been performed and the Total Value of the Work Performed
in accordance with, and pursuant to, the terms of the Contract is as shown in this Final Voucher.

Approved By Sandy, Paul G
 53e9b22b1116b3d774c83e867077a20a
 2cbe26d3bb43ba1513443d97cbfd5a8a

 County/City/Project Engineer
 07/11/2017

Approved By
 Niemi, Mike
 dcf7af5274fecf01603358a95f25389e
 19ca92e6b44ad8efcd0fd1dee2ad883a

 Contractor

CITY OF BRAINERD ENGINEERING

Project 17-03 - 2017 CRACK SEALING
Final Pay Request No. 1

Contractor:	Anderson Brothers Construction 11325 State Hwy 210 Brainerd, MN 56401
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Contract No.	2017-4
Vendor No.	N/A
For Period:	6/5/2017 - 7/11/2017
Warrant #	_____ Date _____

Date

07/12/2017

Date

CITY OF BRAINERD ENGINEERING

Project No. 17-03
Final Pay Request No. 1

17-03 Payment Summary

No.	From Date	To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	06/05/2017	07/11/2017	\$16,040.40	\$0.00	\$16,040.40
Totals:			\$16,040.40	\$0.00	\$16,040.40

17-03 Funding Category Report

Funding Category No.	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
000	16,040.40	0.00	0.00	16,040.40	16,040.40
Totals:		\$16,040.40	\$0.00	\$0.00	\$16,040.40

17-03 Funding Source Report

Accounting No.	Funding Source	Amount Paid This Request	Revised Contract Amount	Funds Encumbered To Date	Paid To Contractor To Date
401-41703-5530	Local	16,040.40	13,824.00	13,824.00	16,040.40
Totals:		\$16,040.40	\$13,824.00	\$13,824.00	\$16,040.40

CITY OF BRAINERD ENGINEERING

Project No. 17-03
Final Pay Request No. 1

<u>17-03 Project Item Status</u>									
Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
2017 CRACK SEALING									
1	2021.501	MOBILIZATION	LS	\$983.00	1	1	\$983.00	1	\$983.00
3	2331.603	CRACK SEALING	L F	\$0.24	50000	59235	\$14,216.40	59235	\$14,216.40
2	2563.601	TRAFFIC CONTROL	LS	\$841.00	1	1	\$841.00	1	\$841.00
Totals For 2017 CRACK SEALING:							\$16,040.40		\$16,040.40
Project Totals:							\$16,040.40		\$16,040.40



Brainerd City Council Agenda Request

SPW#7

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: S 6th Street Reconstruction Public Informational Meeting

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): James Fladung - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: A Public Informational Meeting on the S 6th Street Reconstruction Project scheduled for 2018 will be held on July 25th, 2017 in the City Council Chambers at City Hall at 6:30 PM - 8:30 PM.	
Alternatives, Options, Effects on Others/Comments: Items presented at the meeting will including project phasing, detours, and other informational items pertaining to the project. The public, council members and staff are encouraged to attend as this project will affect a lot of people while it is being constructed.	
Recommended Action/Motion: Informational.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

News Release

July 11, 2017

Contact: Jenny Seelen

Office: 218-828-5719

Follow on Twitter: [@MnDOTCentral](https://twitter.com/MnDOTCentral)

Highway 371B/South Sixth Street construction open house set for Tuesday, July 25 at Brainerd City Hall

BAXTER, Minn. – Brainerd area residents and businesses are invited to an informational open house for the upcoming Highway 371B/South Sixth Street construction project which begins this fall between Highway 210/Washington Street and Joseph Street in Brainerd.

The open house will be held Tuesday, July 25, from 6:30 p.m. to 8:30 p.m. at Brainerd City Hall, 501 Laurel Street. A short presentation to be given at 7 p.m.

Attendees will learn about the project's construction plans, tentative detour routes, view large layouts and be able to ask questions and meet with project staff.

The Highway 371B/South Sixth Street project is scheduled to begin fall 2017. Full reconstruction and detours will begin early spring 2018. When complete in fall 2018, the estimated \$7.5 million project will:

- Reconstruct and redesign the road, side street connections and driveway entrances
- Upgrade city utilities and infrastructure, including water and sewer systems
- Improve pedestrian accessibility, including wider sidewalks, and new bike lanes
- Upgrade motorist and pedestrian signal systems
- Install new road signs and overhead LED street safety lights

To request an ASL or foreign language interpreter, call 651-366-4720. To request other reasonable accommodations, call 651-366-4718; the Minnesota Relay service toll-free at 1-800-627-3529 (TTY, Voice or ASCII) or 711, or email your request to adarequest.dot@state.mn.us.

Access to businesses and residences will be maintained and open at all times during construction.

Stay connected with this project

To learn more about this project or sign up for project email updates, visit the project website at www.mndot.gov/d3/brd/.

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

July 17, 2017
City Hall Conference Room
7:15 PM

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

<u>Contractor</u>	<u>IMP #</u>	<u>Project</u>	<u>Amount</u>	<u>Total Retained</u>
Anderson Brothers Constr	17-03	Final 2017 Crack Seal	\$16,040.40	\$0
Tom's Backhoe	14-15	Airport Util Ext thru 7/7	\$ 8,076.17	\$249.78

2. One Year Probation Period; Flowers and Haglin
3. Consideration of Subordination Agreement
4. Heartland Animal Rescue Team (HART) Rate Increase



Brainerd City Council Agenda Request

P&F#2

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: One year probation period; Flowers, Haglin

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Fire Chief Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: Paid on Call Firefighter Flowers and Haglin have satisfactorily completed their one year probation as Paid on Call Firefighters effective July 1st, 2017. Both have shown great passion and have been very active members within the department.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Recommend approval of Erik Flowers' and Nick Haglin's firefighter status advance from probationary to regular Paid on Call Firefighter effective July 1st, 2017.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: July 17, 2017

Title of Item: Consideration of Subordination Agreement

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 minutes
Summary of Issue: A resident who has a SCDG loan through the City of Brainerd is refinancing the mortgage on their home. In order to do so, the City needs to issue the lender a subordination agreement. The City is currently in second position and would retain the same position. The loan was originally for \$19,958.96, is interest free and forgivable 10% each year over 10 years. The loan just about to the 3rd year.	
Alternatives, Options, Effects on Others/Comments: The City Attorney has reviewed the subordination agreement drafted by the bank and did not have any concerns.	
Recommended Action/Motion: The recommended action is to authorize the signature of the subordination agreement, whereas the City retains second position on the mortgage for 1614 Laurel Street.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

P&F#4

Agenda Item #

Requested Meeting Date: July 17, 2017

Title of Item: Heartland Animal Rescue Team (HART) Rate Increases

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 minutes
Summary of Issue: Please see the attached letter from HART. They are requesting a \$.10 per capita increase to the administrative fee and a \$1.00 per day increase to the boarding rate.	
Alternatives, Options, Effects on Others/Comments: The proposed increase to the administrative fee would cost the City an additional of \$1,359 a year. The proposed increase for the boarding fee is more difficult to estimate since it is based on the number of animals brought in and how long they are kept by HART. We could put together an estimate based on the last couple of years if council desires.	
Recommended Action/Motion: Authorize or deny staff to enter into a revised agreement with HART with the rate increase as proposed.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



15494 Dellwood Drive
Brainerd, Mn 56401
(210 829 4141

July 3, 2017

Dear Mr. Thoreen,

Heartland Animal Rescue Team would like to again thank you and the city of Brainerd for your continued business of impounding animals. Due to the ever increasing cost of doing business, HART feels an increase in rates is warranted at this time.

HART charges an annual administrative fee of \$1.50 per capita. The 2010 census is used to calculate this amount. The past history of this fee is; in 1993 when the in pound services started the per capita fee was .50, in 1998 the fee was increased to .75 and in 2002 the fee was increased to the current rate of \$1.50. HART is requesting a .10 per capita increase, bringing the fee to \$1.60. This administrative fee will also be calculated on the 2010 census.

HART charges a daily boarding rate of \$16.00 per animal. The past history on boarding fee is;
(1993) \$7.00 (1998) \$7.50 (2002) \$10.00 (2005) \$12.00 (2010) \$14.00 (2013) \$16.00.

HART is requesting a \$1.00 per day increase bringing the boarding rate to \$17.00 per day. The owner of the impounded animal, pays this fee when the animal is claimed from impound.

Thank you for your consideration of this request. If approved, all new rates will be effective, January 1, 2018.

Sincerely,

Donna Wambeke

HART Executive Director

(218) 454 4369



Brainerd City Council Agenda Request

#8A

Agenda Item #

Requested Meeting Date: July 17, 2017

Title of Item: Public Hearing - Final Reading Ord. No. 1470 to City Code Section 1205

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: 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: Approval of Proposed Ordinance No. 1470 to amend City Code Section 1205 to conform to MN State Law age of 21 years.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

**ORDINANCE
NO. 1470**

**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 340A.801. 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 340A.412.

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

#8B

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: Public Hearing - Petition to Vacate - O Street Right-of-Way - Doran's Addn.

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): James Fladung - Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Pursuant the Notice of Hearing published on May 5, 2017 and May 12, 2017, the City has received a petition from Darcy Harbott to vacate a portion of O Street right-of-way lying easterly of 14th Avenue NE.	
Alternatives, Options, Effects on Others/Comments: Staff has reviewed the petition and also served notice to the Commissioner of the DNR regarding the proposed vacation, as per MS 412.851. The response from the DNR can be seen attached. In the response, it does state that it is unusual for the DNR to support vacations abutting public waters. Although there is currently no public access at this point of time at this location, the City may want to preserve the property to provide for future access to shore fishing and protecting the lakeshore. The City also has a storm sewer outfall that may need to be replaced in the coming years on this property. Although we usually maintain easements on the vacated property, staff feels it may be in the City's best interest to preserve this portion of the O Street right-of-way as it may serve a public purpose in the future, along with ease of access to maintain its current utilities.	
Recommended Action/Motion: 1. Hold the public hearing to hear testimony for or against the proposed vacation. 2. Options: Approve or deny the proposed vacation. If denied (staff's recommendation), no further action. If approved, adopt the resolution attached to this agenda request.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd has received a petition from Darcy Harbott, the owner of Lot 9, Doran's Addition to the City of Brainerd, for the Vacation of a portion of O Street described as; That part of the platted O Street right-of-way, Doran's Addition to the City of Brainerd lying easterly of the northerly projection of the westerly lot line of Lot 9, Doran's Addition to the City of Brainerd.

Notice is further given that the City Council of Brainerd will meet in the Council Chambers of the City Hall at Brainerd, Minnesota, at 7:30 p.m. on Monday, July 17, 2017 to conduct a Public Hearing to consider said Vacation.

Such persons as desire to be heard with reference to the proposed vacation of said street will be heard at this meeting.

Dated this 2nd Day of May, 2017



Jim Thoreen
City Administrator

Publish - 2 times on
May 5, 2017 and May 12, 2017

PETITION FOR STREET OR ALLEY VACATION

Date 4-12, 2017

Brainerd, Minnesota

To the City Council of Brainerd, Minnesota:

We, the undersigned, owners of real estate abutting on the following described street or alley hereby petition that such street be vacated as follows:

SEE ATTACHED

in accordance with the provisions of Brainerd City Code Section 810.

NAME	ADDRESS	LOT	BLOCK	ADDITION
Darcy Harbott	1414 14 th Avenue	Brainerd	MIN.	lot 9 Doran's Addition
Parcel #: 091210000090009				
218-839-7879				
darcy@epiPerformance.com				

STATE OF MINNESOTA

COUNTY OF CROW WING

}
}
} ss
}

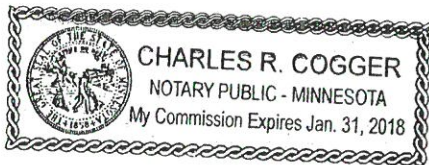
Daray D. Harbott, being duly sworn on oath, deposes and says that he/she is the property owner in regard to the above entitled petition; that he/she has read the foregoing petition which includes the signatures of abutting property owners and knows the contents and signatures thereof; and that the same are true of his own knowledge, save and except as to those matters therein stated on information and belief, and to such matters, he/she believes it to be true.

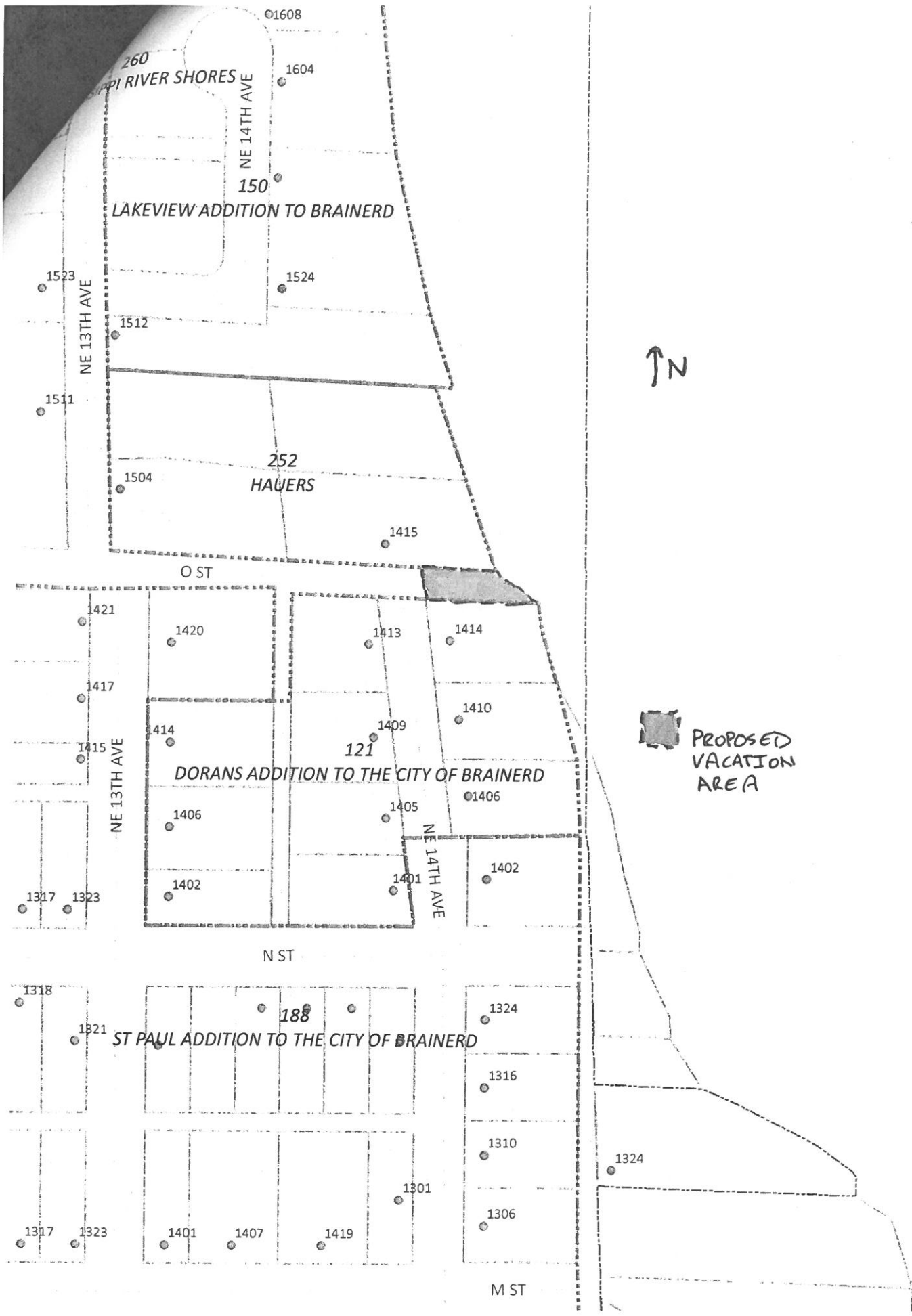
Sharmurgh

Subscribed and sworn to before me

this 14th day of April, 2017.

Ray H. H.





PROPOSED
VACATION
AREA A

July 17

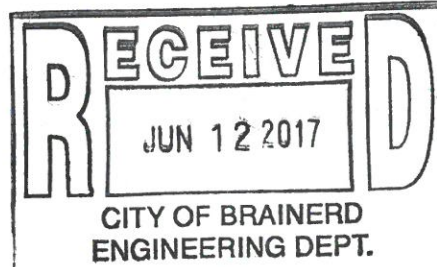
Legal Description for O Street Vacation, Doran's Addition to the City of Brainerd

That part of the platted O Street right-of-way, Doran's Addition to the City of Brainerd lying easterly of the northerly projection of the westerly lot line of Lot 9, Doran's Addition to the City of Brainerd.

July 17



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
NORTHEAST REGION
1201 E HWY 2
GRAND RAPIDS, MN 56744
218-328-8780



June 1, 2017

Paul Sandy, P.E.
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

RE: Proposed vacation of road: That part of the platted O Street right-of-way, Doran's Addition to the City of Brainerd lying easterly of the northerly projection of the westerly lot line of Lot 9, Doran's addition to the City of Brainerd, Crow Wing County, Minnesota.

Dear Mr. Sandy,

Thank you for seeking input from the Department of Natural Resources (DNR) regarding the proposal to vacate a portion of road dedicated to the public. Your letter was forwarded to me to review and provide comments as required by Minnesota Statutes § 412.851.

Typically the DNR opposes road vacations running to, or abutting, public waters. After review of your proposed road vacation the DNR has no objection. The original road as platted to the public does not appear to have any public use currently. There is a Public Water Access on Rice Lake that provides parking whereas this property does not provide that opportunity making it difficult for the DNR to maintain an active interest in the property for public water access needs.

The DNR acknowledges the property can serve to provide shore fishing, has the ability to protect the lakeshore, associated riparian habitat and water quality. Please encourage the petitioning landowner to adopt shoreline best management practices. Many resources on shore land management can be found on the DNR website at www.dnr.state.mn.us/shorelandmgmt/index.html

Thank you for the opportunity to comment on the proposed vacation. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Lori Dowling-Hanson'.

Lori Dowling-Hanson
NE Regional Director

cc: Nancy Stewart MNDNR Parks and Trails
Wade Miller Division of Parks and Trails



mndnr.gov

PRINTED ON RECYCLED PAPER CONTAINING A MINIMUM OF 10% POST-CONSUMER WASTE.
AN EQUAL OPPORTUNITY EMPLOYER.

**R E S O L U T I O N
N O.**

RESOLUTION VACATING STREET

WHEREAS, a hearing was duly held on July 17, 2017 for the proposed vacation of the following described Street:

That part of the platted O Street right-of-way, Doran's Addition to the City of Brainerd lying easterly of the northerly projection of the westerly lot line of Lot 9, Doran's Addition to the City of Brainerd.

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

1. That the Street as previously described is hereby vacated.
2. The City of Brainerd, however, specifically reserves unto itself an easement for utilities over, under, and upon said portion of the vacated street.

Adopted this ____ day of July, 201__

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of July, 201__

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

#8C

Agenda Item #

Requested Meeting Date: July 17th, 2017

Title of Item: Public Hearing - Petition to Vacate - Terrace Avenue Vacation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): James Fladung, Assistant City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Pursuant the Notice of Hearing published on June 23, 2017 and June 30, 2017, the City has received a petition from Richard Jensen to vacate a small portion of Terrace Avenue, as so duly described in the Notice of Hearing.	
Alternatives, Options, Effects on Others/Comments: Mr. Jensen originally approached staff about a temporary easement that was granted for a portion of his garage that was encroaching City right-of-way on August 5, 2008. The encroachment can be seen attached to this request. Rick is currently working through a sale of property, and the buyers underwriters will not accept the temporary easement already granted to the property. On a staff level, we discussed the possibility of issuing a permanent easement, however, because of the encroachment and other circumstances, a permanent easement would not be accepted by the buyer's underwriters for the loan. Staff reviewed the situation with the City Attorney and came to the conclusion that the only way in which to assist the seller in the sale of the property, the City would need vacate the 12' x 5' area that encompasses the encroachment into the City right-of-way. Staff feels that this little piece of property does not serve a public purpose, and for those reasons has no reason to deny the petitioner's request. The City would still reserve rights for easement for utilities on the property.	
Recommended Action/Motion: 1. Hold the public hearing to hear testimony for or against the proposed vacation. 2. Options: Approve or deny the proposed vacation. If denied , no further action. In approved (staff's recommendation), adopt the attached resolution vacating the property.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd has received a petition from Richard Jensen, the owner of Block 1, Lot 13 of the Terrace Park Addition to the City of Brainerd to vacate a portion of Terrace Avenue described as; Commencing at a point at the Northeast corner of Lot 13, Block 1, Terrace Park Addition, thence West along the North line of said lot 13 a distance of ten feet (10') to the point of beginning of the vacated portion to be described, thence North for a distance of five feet (5') at a right angle to the North line of Lot 13; thence West for a distance of twelve feet (12') on a line parallel with the five feet (5') distance from the North line of Lot 13 to a point; thence South for a distance of 5 feet (5') at a right angle to the line just described to a point on the North line of Lot 13 which is twelve feet (12') distant from the point of beginning; thence East along the North line of Lot 13 a distance of 12 feet (12') to the point of beginning.

Notice is further given that the City Council of Brainerd will meet in the Council Chambers of the City Hall at Brainerd, Minnesota, at 7:30 p.m. on Monday, July 17, 2017 to conduct a Public Hearing to consider said Vacation.

Such persons as desire to be heard with reference to the proposed vacation of said street will be heard at this meeting.

Dated this 20th day of June, 2017



Jim Thoreen
City Administrator

Publish - 2 times on
June 23, 2017 and June 30, 2017



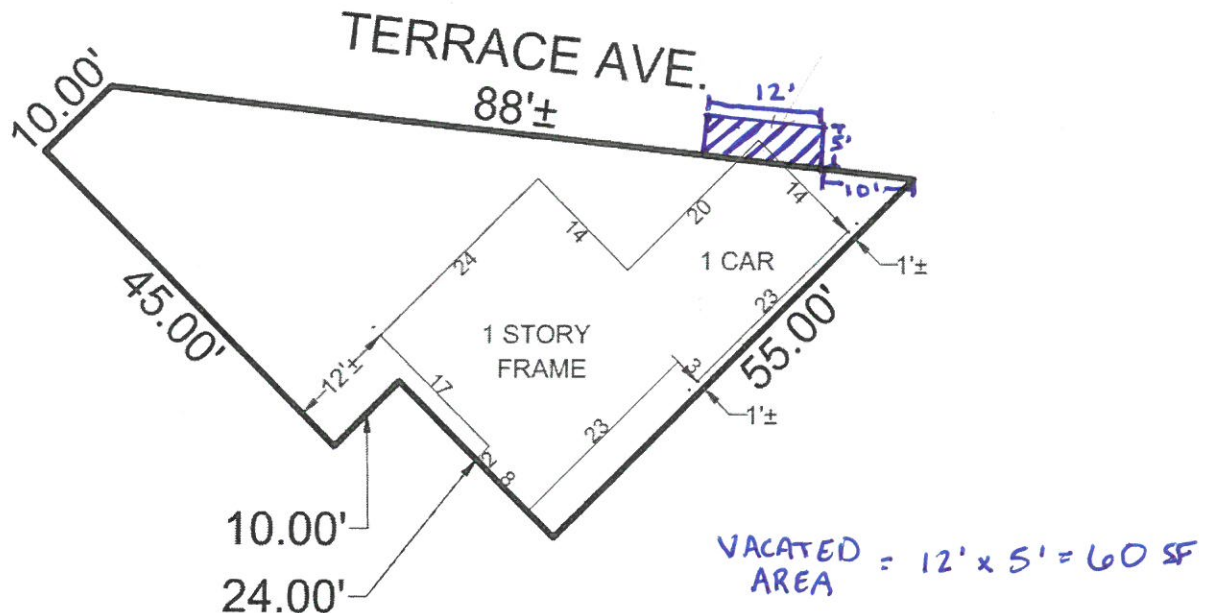
EPIC PROPERTY SERVICES

EPIC PROPERTY SERVICES, INC.

PROPERTY SKETCH

ENCROACHED

20 Scale



 - PROPOSED VACATION
1028 TERRACE AVENUE

1028 TERRACE AVE.

BRAINERD

THIS IS NOT A SURVEY NOR SHOULD THIS BE USED AS A SURVEY TO LOCATE FUTURE IMPROVEMENTS. This drawing is for residential mortgage informational purposes only. The information relating to the property dimensions is based upon the recorded plat or maps in the county records. The improvements location and dimensions shown are approximate and based upon a visual inspection.





TERRACE AVE

7 NORTH

EVERGREEN AVE

BLUFF AVE

Corporation or Partnership
to Corporation or PartnershipNo delinquent taxes and transfer entered; Certificate
of Real Estate Value () filed ☒ not required
Certificate of Real Estate Value No. _____

August 14, 2008

Deborah A. Erickson

County Auditor

by RJS

091930010135009 PT

Deputy

0807777

STATE DEED TAX DUE HEREON: \$ 1.65

Date: June 30, 2008

Total Consideration is \$500.00 or Less

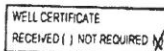
FOR VALUABLE CONSIDERATION, CITY OF BRAINERD

a municipal corporation under the laws of
Minnesota, Grantor, hereby conveys and quitclaims to CitiMortgage, Inc.a corporation under the laws of _____, real property in
Crow Wing County, Minnesota, described as follows:

A temporary easement over that portion of Terrace Avenue adjacent to Lot 13, Block 1, Terrace Park Addition to the City of Brainerd described as follows: Commencing at a point located at the Northeast corner of Lot 13, Block 1, Terrace Park Addition to the City of Brainerd, thence West along the North line of said Lot 13 a distance of ten feet (10') to the point of beginning of the temporary easement to be described, thence North for a distance of five feet (5') at a right angle to the North line of Lot 13; thence west for a distance of twelve feet (12') on a line parallel with and five feet (5') distant from the North line of Lot 13 to a point; thence south for a distance of five feet (5') at a right angle to the line just described to a point on the North line of Lot 13 which is twelve feet (12') distant from the point of beginning; thence East along the North line of Lot 13 a distance of twelve feet (12') to the point of beginning. This easement shall be automatically extinguished upon the occurrence of either of the following events: 1) removal or destruction of the existing garage which is encroaching into the area described above, or 2) expansion of the existing garage within the area described above.

together with all hereditaments and appurtenances belonging thereto.

Affix Deed Tax Stamp Here



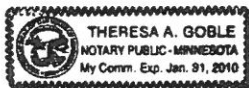
STATE OF MINNESOTA

COUNTY OF CROW WING

ss.

The foregoing was acknowledged before me this 30th day of June, 2008
by James E. Wallin and Daniel J. Vogt
the Mayor and City Administrator
of City of Brainerd, a municipal corporation
under the laws of Minnesota, on behalf of the City of Brainerd.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Thomas Fitzpatrick
Brainerd City Attorney
P.O. Box 367
Brainerd, MN 56401-0367
Telephone: 218-828-2775
Attorney Registration #29865

RETURN TO: 8-09204

Burnet Title

RETURN TO: 435112
France Ave.
Edina, MNOffice of County Recorder
County of Crow Wing, MN

I hereby certify that the within instrument was filed
in this office for record on the 6 day of Aug
A.D. 2008 at 5 o'clock P.M.
and was duly recorded as Doc. No. 0751700

County Recorder
Deputy

(reserved for recording data)

CITY OF BRAINERD

By James E. Wallin
Its James E. Wallin, MayorBy Daniel J. Vogt
Its Daniel J. Vogt
City Administrator

SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should
be sent to (include name and address of Grantee):

No Change

CURRENT TAX CERTIFICATION
() REQUIRED ☒ NOT REQUIRED

DATE August 14, 2008 REC# 10635
DEED TAX HEREON OF \$ 1.65
DEBORAH A. ERICKSON, BY RJS
CROW WING COUNTY AUDITOR

700

CURRENT TAX CERTIFICATION
() REQUIRED ~~NOT REQUIRED~~
CERTIFICATE OF REAL ESTATE VALUE
() FILED ~~NOT REQUIRED~~
NO DELINQUENT TAXES TRANSFER ENTERED
DATE Aug 27 2013 REC# 218981
DEED TAX HEREON OF \$ 1.65
LAUREN E. BORDEN, JR. W
CROW WING COUNTY AUDITOR/TREASURER
TRANSFER # 1306155
RE CODE: 09193001013Z009

Office of County Recorder
County of Crow Wing, MN }
I hereby certify that the within instrument was filed Aug
in this office for record on the 27 day of Aug
A.D. 2013 at 3:58 o'clock P M.
and was duly recorded as Doc. No. 0834735
Judith Albertson County Recorder
Deputy

Minnesota Uniform Conveyancing Blanks
Form No. 29-M-QUIT CLAIM DEED
Individual(s) to Joint Tenants

eCRV:
STATE DEED TAX DUE HEREON: \$1.65
Date: August 1, 2013

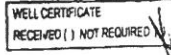
FOR VALUABLE CONSIDERATION, Richard W. Jensen Jr. and Lana J. Jensen, husband and wife, Grantor(s), hereby convey(s) and quitclaim(s) to Richard W. Jensen Jr. and Lana J. Jensen, husband and wife, Grantees as joint tenants, real property in Crow Wing County, Minnesota, described as follows:

0 Lot Thirteen (13), Block One (1) and the East Ten (10) feet of Lots Seven (7) and Eight (8), Block One (1), Terrace Park Addition to the City of Brainerd

Consideration is less than \$500.

together with all hereditaments and appurtenances belonging thereto.

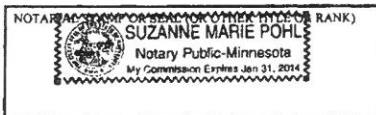
Affix Deed Tax Stamp here



Richard W. Jensen Jr.
Richard W. Jensen Jr.
Lana J. Jensen
Lana J. Jensen

STATE OF MINNESOTA
COUNTY OF CROW WING

The foregoing instrument was acknowledged before me this 1st day of August, 2013, by Richard W. Jensen Jr. and Lana J. Jensen, husband and wife, Grantor(s).



[Signature]
SIGNATURE OF PERSON TAKING
ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should be sent to (Include name and address of Grantee)

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS)
Cygnature Title & Abstract, Inc.
13432 Elmwood Drive, Suite 1 Baxter, MN 56425
13-49712B
RETURN TO

Richard W. Jensen Jr. and Lana J. Jensen
919 Bluff Avenue
Brainerd, MN 56401

PETITION FOR STREET OR ALLEY VACATION

Date MAY 7, 2017

Brainerd, Minnesota

To the City Council of Brainerd, Minnesota:

We, the undersigned, owners of real estate abutting on the following described street or alley hereby petition that such street be vacated as follows:

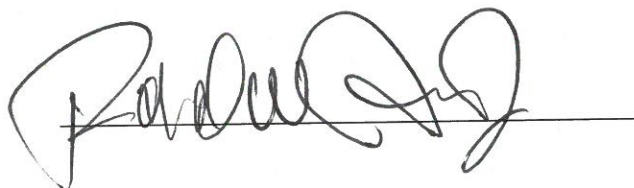
SEE ATTACHED.

in accordance with the provisions of Brainerd City Code Section 810.

[illegible]

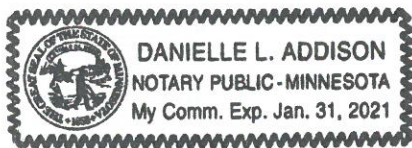
STATE OF MINNESOTA }
 } ss
COUNTY OF CROW WING }

Richard Jensen Jr., being duly sworn on oath, deposes and says that he/she is the property owner in regard to the above entitled petition; that he/she has read the foregoing petition which includes the signatures of abutting property owners and knows the contents and signatures thereof; and that the same are true of his own knowledge, save and except as to those matters therein stated on information and belief, and to such matters, he/she believes it to be true.



Subscribed and sworn to before me

this 7 day of June, 2017



**RESOLUTION
NO.**

RESOLUTION VACATING STREET

WHEREAS, a hearing was duly held on July 17, 2017 for the proposed vacation of the following described Street:

That portion of Terrace Avenue adjacent to Lot 13, Block 1, Terrace Park Addition to the City of Brainerd described as follows: Commencing at a point located at the Northeast corner of Lot 13, Block, 1, Terrace Park Addition to the City of Brainerd, thence West along the North line of said Lot 13 a distance of ten feet (10') to the point of beginning of the area to be described, thence North for a distance of five feet (5') at a right angle to the North line of Lot 13; thence west for a distance of twelve feet (12') on a line parallel with and five feet (5') distant from the North line of Lot 13 to a point; thence south for a distance of five feet (5') at a right angle to the line just described to a point on the North line of Lot 13 a distance twelve feet (12') distant from the point of beginning; thence East along the North line of Lot 13 a distance of twelve feet (12') to the point of beginning.

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

1. That the Street as previously described is hereby vacated.
2. The City of Brainerd, however, specifically reserves unto itself an easement for utilities over, under, and upon said portion of the vacated street.

Adopted this ____ day of July, 201__

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of July, 201__

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

#8D

Agenda Item #

Requested Meeting Date: July 17, 2017

Title of Item: Joint Meeting with Baxter Council

- ☐ 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:

We have agreed to meet with the Baxter City Council on August 14th. Attached is the draft agenda. Please review and offer comments or suggestions. At this point the key staff participants are the Planning & Zoning administrators and I suggest also the Finance Directors.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:



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Cities of Brainerd and Baxter

Joint Informal Work Session

Monday, August 14, 2017

Prairie Bay Meeting Room (to be confirmed)

Baxter

Time: 6:00 p.m. – 8:00 p.m.

Attendees: City Council Members; P & Z Directors; media; public

- Purpose:
- 1.) To discuss informally the mutual concerns, needs and challenges of the respective cities
 - 2.) To receive current and projected data from the State Demographer regarding population trends, work force challenges, an aging population base, and the effect of all factors as related to the school district(s)
 - 3.) Review success stories of mutual assistance
 - 4.) Plan the next meeting agenda/date/place

AGENDA

- | | |
|-------------|--|
| 6:00 – 6:05 | Welcome/comments from Mayors Olson and Menk |
| 6:05 – 6:35 | Dinner |
| 6:35 – 7:15 | State Demographer Susan Brower <ul style="list-style-type: none">• Formal Presentation• Q & A |
| 7:15 – 7:30 | Share history of mutually beneficial working relationships |
| 7:30 – 7:45 | Plan next meeting agenda/date/time/place in Brainerd |
| 7:45 – 8:00 | Closing remarks; summarize work accomplished |



Brainerd City Council Agenda Request

#8E

Agenda Item #

Requested Meeting Date: July 17, 2017

Title of Item: Status of Legal Action Regarding 6th Street Motel

☒ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is the legal notice served upon the owner of the 6th Street motel necessitated by the owner's claim that the property is redeemable.	
Alternatives, Options, Effects on Others/Comments: The City Attorney will offer comments and a projected timetable for the legal portion of our efforts to be rid of the unsafe eyesore. Once permission is granted and presuming there is no appeal to a higher court, if that is possible, we will seek quotes for demolition, establish a schedule, and develop a plan for what state of attractiveness we desire for the vacant lot.	
Recommended Action/Motion:	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No Not yet <u>Please Explain:</u>	

STATE OF MINNESOTA
COUNTY OF CROW WING

DISTRICT COURT
NINTH JUDICIAL DISTRICT
CASE TYPE: Other Civil

City of Brainerd,

Court File No. 18-CV-17-2814

Plaintiff,

v.

NOTICE OF LIS PENDENS

DBM Two Partnership, LLC,

Defendant.

NOTICE IS HEREBY GIVEN, that the above entitled action has been commenced and that the Resolution Declaring Building to be Hazardous and Ordering Removal is now on file in the Office of the Court Administrator of the above-named District Court; that the names of the parties of the action are as stated above; and that the real property affected, involved, and brought into question by the action is the tract of land described as follows:

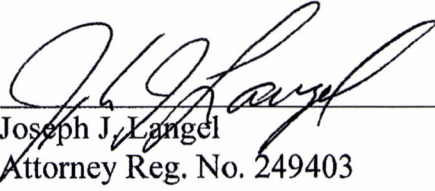
**Lot 16 of Block 129, Except the West 25 feet Thereof, and
all of Lots 17 and 18 of Block 129, Town of Brainerd and**

**First Addition to Brainerd, Crow Wing County,
Minnesota ("the Property").**

NOTICE IS FURTHER GIVEN that the object of the action is to obtain a judgment affirming the City Council's Order to demolish structures on the Property pursuant to Minnesota Statutes, chapter 463.

RATWIK, ROSZAK & MALONEY, P.A.

Dated: 7-10-17

By: 

Joseph J. Langel

Attorney Reg. No. 249403

Nathan B. Shepherd

Attorney Reg. No. 392050

730 Second Avenue South, Suite 300

Minneapolis, MN 55402

(612) 339-0060

ATTORNEYS FOR PLAINTIFF

RRM: 264548

Joseph J. Langel
Direct Phone: (612) 225-6837
Direct Fax: (612) 225-6860
jjl@ratwiklaw.com



July 10, 2017

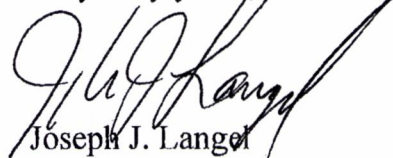
Gary Griffin
Crow Wing County Recorder
322 Laurel St., Suite 15
P.O. Box 383
Brainerd, MN 56401

RE: *Hazardous Building - 507 6th Street S., Brainerd*
Our File No. 4034-0091

Dear Mr. Griffin:

Enclosed for recording is a Notice of Lis Pendens for the above-referenced parcel, as well as a draft in the amount of \$46.00 for the recording fee. Please give me a call if you have any questions.

Very truly yours,



Joseph J. Langel

Enc.

cc: Jim Thoreen, Brainerd City Administrator
Loren Gross, Counsel for Plaintiff

RRM: #264549

1987



2017

City Administrator's Report

Monday, July 17, 2017

A. Notice of Resignation and Search for Successor

The Council will act on my resignation this evening. Once again, I offer my thanks to the Council members and Mayor Menk for your assistance, cooperation and support. Much is on your plates for this and coming years.

You have received a suggestion and recommendation from former Administrator Dan Vogt. I endorse his suggestion and believe that the City will be well served by contracting with David Drown Associates (DDA) through NJPA. The primary contact with DDA is Gary Weiers, a former County Administrator with whom I worked professionally during my years with several counties. He understands local government very well and has a proven track record. An obvious advantage is the discount offered through NJPA. I offer this perspective with full appreciation that there are other alternatives and that the Council will act as you deem appropriate in the City's best interests.

B. PTO Study Committee

Council Member Hilgart and I will provide an update on the process to examine potential implementation of PTO as our leave policy. Last Thursday we held our third meeting to examine all aspects of PTO vs. current leave practices. The agenda included a report and case studies as prepared by Connie and Todd Wicklund regarding prospective financial impact of conversion. While there has been some expression of reluctance by some committee members to adopt PTO, we have presented things openly and invited questions and comments throughout this undertaking. One of the other presentations last Thursday was from Todd Djonne, Local 49 business agent. He was employed by the City of Bemidji and is well familiar with that system and their process to achieve conversion. Our current schedule calls for another meeting on July 27th with an agenda to be determined.

C. Compensation Plan Project

Kris Schubert's plate has many things piled on it so we have necessarily delayed development of a call for proposals from qualified firms well practiced in Minnesota local government. Since our point system for the classifications of employees was recently adopted, we will focus on examination of comparable cities wage practices, and examine the relationships between classes in our system. I expect that we will bring the timetable, a draft RFP and list of vendors to the Council on August 7th. We anticipate that the vendor can have the work accomplished by December 1st and a report offered to the Council. Bear in mind that this comp study will have little immediate effect, as our contracts are valid through 2018. There is the possibility that non-union wages could be considered as of January, based on the findings of the study.

D. Examination of Liquor License Practices

As we continue to find means of improving the retail business activities downtown we face various long-standing and well-known challenges of some of our on-sale liquor venues. I have reached out to Chief McQuiston and Attorney Langel to examine City Code provisions which, at best, are daunting to understand both in language and intent. This is not an overnight project, but as we continue to examine how best to achieve a balance of a variety of downtown businesses, behavioral problems requiring sometimes extraordinary police involvement detract from our “ambience”. We will initiate a research project to discover what current code actually means, how it has developed and what are alternatives to correct, amend or replace the very dated language.



Brainerd City Council Agenda Request

#9B

Agenda Item #

Requested Meeting Date: July 17, 2017

Title of Item: Resignation of City Administrator

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: Attached is my notice of resignation from this position effective October 27, 2017. Perhaps this time I will better manage the art of retirement.	
Alternatives, Options, Effects on Others/Comments: As I have informed the Council, I will participate in the hiring process for my successor only upon the Council's request. I will not be part of the interview process. However, I offer experience in the search/hiring process and will offer perspective when called upon. I suggest that the Council discuss as early as this meeting the process and timeline you prefer. It is standard for communities our size that a search firm be engaged. I will offer perspectives, if so asked, but the current NJPA contract provides the opportunity to retain a well qualified firm with the first \$7,500 in expenses covered by NJPA.	
Recommended Action/Motion: On motion of ___, seconded by ___ and carried the Council accepted with regret the resignation of James Thoreen as Brainerd City Administrator effective October 27, 2017 and hereby affirms the terms of the contract between him and the City.	
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 Severance amounts to be presented <u>Please Explain:</u>	



www.ci.brainerd.mn.us

July 7, 2017

Mayor Menk and Council Members:

I hereby provide notice of my resignation as Brainerd City Administrator effective October 27, 2017 for purposes of retirement. This will be an action item for the July 17, 2017 meeting agenda.

You have been most considerate and supportive as we have worked to meet our mutual goal of making Brainerd a better place to live, work and play. Thank you for the opportunity to serve the citizens of our community.

Sincerely yours,

Jim Thoreen
Administrator

C: Personnel File



Brainerd City Council Agenda Request

#10A

Agenda Item #

Requested Meeting Date: July 17, 2017

Title of Item: Public Hearing and 2nd Ordinance Reading to Amend 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 2nd Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5-10 minutes
Summary of Issue: 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 Planning Commission, at its June 21, 2017, meeting unanimously recommended following the Minnesota Department of Natural Resources (DNR) sample Ordinance, that if followed will include the standards necessary to meet NFIP requirements. 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 2nd reading as drafted. Option 2. Deny the ordinance 2nd reading. Option 3. Postpone the ordinance 2nd reading should any concern be raised during the public hearing and should any changes be needed.	
Recommended Action/Motion: At the July 3rd meeting the Planning Department explained that there is almost no Brainerd activity in the NFIP, however there are benefits to being an NFIP member. Motion by ____, second by __ to approve the 2nd reading to amend Zoning Ordinance Section 2 - Definitions to include new floodplain definitions and remove Sections 76 - Floodplain District; 77 - FW, Floodway District and 78 - FF, Flood Fringe District and replace them with a new Section 76 entitled Floodplain Districts.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1469**

**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 language of the sample 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 Board of Zoning Appeals 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 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 10B.
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.

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.

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.
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) 7 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 City of Brainerd 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) 5 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 City of Brainerd 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) 3 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.