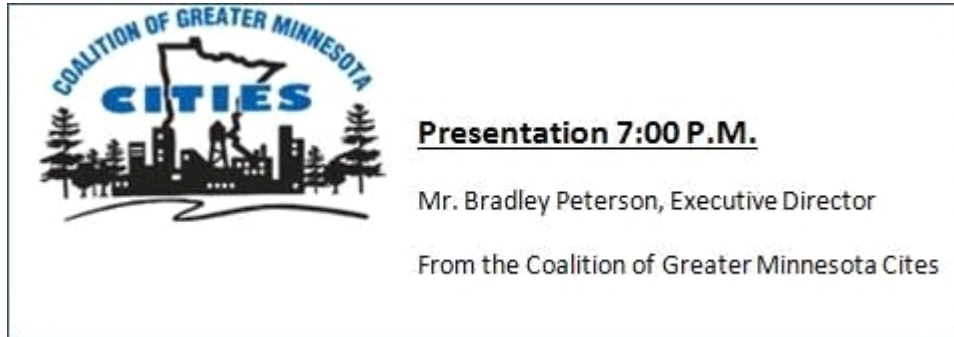


CITY COUNCIL AGENDA

Brainerd, Minnesota
August 7, 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 17, 2017

Documents:

Minutes of Meeting 07-17-17.pdf

B. Approval Of Licenses

1. Contractor's Licenses - 5 - New and - 3 - Renewals
2. Taxicab Certificate - 1 - New
Baker Transportation Inc., dba "ELITE TAXI" 630 30th Ave N., St.
Cloud, MN 56304

Documents:

Contractor Licenses.pdf

C. Department Activity Reports

1. Fire Chief
2. Parks Director

Documents:

FD July Reports.pdf
Park Director Report.pdf

- D. Minnesota Lawful Gambling Application For Exempt Permit - Submitted By Sexual Assault Services, 324 S. 5th St, Brainerd For An Event To Be Held December 17, 2017 At Roundhouse Brewery, 1551 Northern Pacific Rd, Brainerd
- E. MN Lawful Gambling Application For Exempt Permit -- Submitted By The Brainerd Fire Department Relief Association, 23 Laurel St Brainerd, For An Event To Be Held December 4, 2017 At The Brainerd Fire Dept
- F. Temporary On-Sale Liquor License Application - Submitted By Mount Ski Gull / Ski Gull Inc., Nisswa, MN, For An Event To Be Held On September 28, 2017 At The NP Event Center, 210 Blacksmith Cir., Brainerd, MN
- G. Temporary Liquor License Application - Submitted By Crossing Arts Alliance, 711 Laurel St., Brainerd, MN For An Event To Be Held September 8, 2017 Contingent Upon Background Investigation
- H. Memorandum Of Understanding (MOU) For Brainerd Public Utilities (BPU) Lab Tech Wage Adjustment

Documents:

MOU for BPU Lab Tech Wage Adjustment.pdf

6. **Presentations**

- A. Introduction Of Mr. Gary Weiers From DDA Human Resources, Inc.

Documents:

Introduction Gary Weiers.pdf

7. **Council Committee Reports**

- A. **Safety And Public Works Committee**

Documents:

SPW Agenda.pdf

1. Agreement Of Assessment And Waiver Of Notice Of Hearing, Hearing, Irregularity, And Appeal

Documents:

Agreement of Assessment.pdf

2. Anderson Brothers Well Sealing Quotes

Documents:

Anderson Bros.pdf

3. Improvement 14-01 (SAP 108-113-007) Change Order 1

Documents:

Imp 14-01.pdf

4. NW 4th Street (CSAH 20) - Riverside Drive Traffic Study Proposals

Documents:

NW 4th Street.pdf

5. Resolution Combining Construction Projects

Documents:

Res Combining Projects.pdf

6. Tax Forfeit Non-Conservation Parcel

Documents:

Tax Forfeit Non-Conservation Parcel.pdf

7. South 6th Street 4 Lane Section - Discussion

Documents:

South 6th St 4 Lane Section.pdf

8. Marohn - Oak Lawn Township Dispute

Documents:

Marohn Oak Lawn Dispute.pdf

9. Airport SAC/WAC Charge Discussion

Documents:

Airport Charges.pdf

10. Request For Direction - Taxi Cab License - 623 N. 5th St. - Planning Dept

Documents:

Grab A Cab License Review.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>
Braun Intertec	14-03	Jackson St Testing thru 6/16	\$3,134	\$0
Braun Intertec	17-02	2017 Chip Seal Testing thru 6/16	\$659	\$0
S.E.H.	14-15	Airport Util Ext thru 6/30	\$22,022	\$0
Tri-City Paving	16-13	Buffalo Hills Resurfacing thru 7/28	\$6,056	\$319
Tri-City Paving	14-01	Oak St Mill & Overlay thru 7/28	\$327,478	\$17,288
Tri-City Paving	14-03	Jackson St Resurfacing thru 7/28	\$56,443	\$2971

2. Fire Department Relief Association -- Annual Report

Documents:

FD Relief Assoc Annual Report.pdf

3. Police School Resource Officer Contract With ISD 181

Documents:

Police ISD 181.pdf

4. Police Request To Purchase Body Worn Cameras

Documents:

Police Body Cam.pdf

5. Compensation System/Pay Equity RFP

Documents:

Compensation System Pay Equity RFP.pdf

6. Sewer Gas Monitors Purchase - Informational

Documents:

[Sewer Gas Monitors.pdf](#)

7. 2016 Tax Increment Financing (TIF) Report Summary

Documents:

[2016 TIF Summary Report.pdf](#)

8. Heartland Animal Rescue Team (HART) Rate Increases - Carried Over

Documents:

[HART Rate Increases.pdf](#)

9. Set 2018 Budget Workshop Date

Documents:

[2018 Budget Workshop Date.pdf](#)

8. **Unfinished Business**

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

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

Charter Commission - 1 term (Expire 2020)

Transportation Advisory Committee - 1 term (Expire 2018)

9. **New Business**

A. **Airport Annual Report - Steven Wright**

Documents:

[Airport Annual Report.pdf](#)

B. **Brainerd Public Utilities (BPU) Request For Annexation Of Property**

Documents:

[BPU Request Annexation.pdf](#)

10. **Planning Commission**

A. **Variance Request - 8299 Wise Road - Exterior Building Material**

Documents:

Variance Request - Exterior Building Material 8299 Wise Road .pdf

B. Discuss Comprehensive Plan Steering Committee And Ward Meetings

Documents:

Comprehensive Plan - Discuss Steering Committee Appointments and Ward Meetings.pdf

C. Comprehensive Plan - Consider Shared Services Agreement With The National Joint Powers Alliance (NJPA)

Documents:

Comprehensive Plan agreement NJPA.pdf

D. Planning Commission Request - Direction On Priority; Antennas And Towers Zoning Ordinance Review

Documents:

Priority of Antennas and Towers Zoning Ordinance Review.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 6:00 P.M.
Personnel and Finance Committee will meet at 6:15 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 17, 2017

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:32 P.M. by Council President Pritschet.

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

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

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

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

- A. Approval of the Minutes of the Regular Meeting held on July 3, 2017 – Approved**
- B. Approval of Licenses – Approved**

Contractor's Licenses –1- New and -1- Renewals
- C. Department Activity Reports- Approved**

1. Police Chief
2. Finance Director
- D. Resolution No. 38:17 – Resolution Accepting Donations & Contributions for the 2nd Quarter 2017 – Approved**
- E. Minnesota Lawful Gambling Premises Permit Application – Resolution No. 37:17 – Resolution to Allow Lawful Gambling by Ducks Unlimited Frozen North MN 271 at Barrett's NE Liquors, 105 Washington St., Brainerd, MN – Approved**
- 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 – Approved**
- G. Brainerd Area Sertoma (Noon Club) – Conducting a Raffle Below the \$5,000 Prize Value (Maximum Allowed without a Permit) on August 23, 2017 at Connie's Kitchen, 221 Ridge Drive, Brainerd - Informational**

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

Presentation:

2016 Audit Presentation

The Chair recognized Ms. Mary Reedy of the City's accounting firm, CliftonLarsonAllen, who reviewed the City of Brainerd 2016 Audit Results along with Finance Director Hillman.

Items discussed:

- BPU Audit Results
- BPU Financial Results
- Required Communication to Governance
- City's Audit Results
- City's Financial Results
- Insights, Observations

Ms. Reedy and Finance Director Hillman answered questions of the Council. The Chair thanked them for their presentation.

Wellness Program Presentation – Summary of the 2016/2017 Program

Human Resource Coordinator Schubert presented an update of the 2016/2017 Wellness Program. The new online program, "Benovate" launched in May 2016 with 136 employees eligible to participate. Benovate is the company that provides the technology and program management that supports our group's health and wellness initiatives. Points are earned by participating in outlined activities on the Benovate platform. Financial incentives are earned for employees covered by National Joint Powers Alliance (NJPA), however all participants can be entered into a drawing for one vacation day based on the number of points earned. NJPA funds this program through our health insurance pool. By the end of June 2017, there were 142 eligible in which 112 had submitted email addresses to Benovate. The program is designed to be customized to the participant and details about the program were discussed. As part of the program, the award for 2016-2017 Fitness Champion was announced as Katie Kaufman, Recreation Specialist and the drawing for the free vacation day was held with the winner being Sharon Jensen from Brainerd Public Utilities.

2017/2018 Employee Wellness Program:

Human Resource Coordinator Schubert explained the incentives remain the same as last year. Some of the goals for the upcoming program year are as follows:

- Reduce the number of sick leave hours used by 5% in 2017 and an additional 5% in 2018.
- Increase participation in all employee wellness activities.
- Have a participation rate of 50% on the Benovate platform.

Employee events will continue this year with an Employee Picnic, Employee Chili Cook-Off and Lunch & Learn sessions. Another idea discussed was to offer employees the option to participate in an onsite biometric screening, with the cost being covered by NJPA. This would earn the employee a \$75 contribution to their HSA Plan. A projected timeframe for this screening to take place would be in the fall.

Approve 2017/2018 Wellness Program and Authorize Staff to Submit Application for \$6,000 Wellness Program to NJPA per City Policy – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE 2017/2018 “BENOVATE” WELLNESS PROGRAM AS PRESENTED AND RECOMMENDED BY THE WELLNESS COMMITTEE AND TO AUTHORIZE STAFF TO SUBMIT AN APPLICATION FOR A \$6,000 WELLNESS PROGRAM TO NJPA FOR THE CITY’S 2017-2018 WELLNESS PROGRAM AS REQUIRED BY THE COUNCIL NOTIFICATION OF INTENT TO SUBMIT GRANT APPLICATION POLICY.

HR Coordinator Schubert answered questions from the council and spoke about the Wellness Committee meeting dates.

Community Survey Panel – Surveys #3 and #4 - Informational

City Planner Ostgarden reviewed the results from the Community Surveys #3 and #4. The contract with our current survey company, Qualtrics, will expire in September 2017 so there is time to complete another survey or two. NJPA will be submitting a contract for the Comprehensive Plan update to be reviewed by council at a later meeting.

Council Committee Reports

Safety and Public Works Committee Report

Event/Street Closure Application – Canoe Days – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR CANOE DAYS TO BE HELD IN KIWANIS PARK ON AUGUST 5, 2017.

Event/Street Closure Application – Lil Rubber Ducky Race – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE LIL RUBBER DUCKY RACE TO BE HELD ON EAST RIVER ROAD ON AUGUST 5, 2017 SUBJECT TO THE APPLICANT COORDINATING WITH THE STREET DEPARTMENT FOR TRAFFIC CONTROL.

Committee Chair Bevans indicated both of the Event/Street Closure Applications are on the same day in the same area. Staff has been directed to contact the applicants to make them aware of both events to avoid any potential conflict.

Resolution Accepting Bids for Improvements 15-12 and 16-10 – Adopted by Resolution No. 40:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT THE RESOLUTION ACCEPTING THE LOW BID BY ANDERSON BROTHERS CONSTRUCTION OF BRAINERD IN THE TOTAL AMOUNT OF \$773,103 FOR IMPROVEMENTS 15-12 AND 16-10 AS FOLLOWS:

IMPROVEMENT 15-12

Street Reconstruction

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

IMPROVEMENT 16-10

Street Resurfacing

Williams Street – NW 5th Street to NW 4th Street

NW 5th Street – Washington Street to Williams Street

NW 3rd Street – James Street to Washington Street

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

NW 8th Street – Charles Street to Washington Street

NW 7th Street – Charles Street to Washington Street

RESOLUTION NO. 40:17

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

Update of No Parking Request – N 1st Street and Kingwood Street - Informational

Committee Chair Bevans stated the curbs have been painted in this area along with a no parking sign placed at the north-south stretch of North 1st Street where Kingwood Street meanders. Staff will continue to monitor the situation with traffic, along with working with the CSO officers to make sure the parking in this area is enforced within the yellow painted curb areas.

Oak Lawn Township Cross-Jurisdictional Maintenance Agreement - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ADOPT THE CROSS-JURISDICTIONAL MAINTENANCE AGREEMENT AS PROPOSED AND AUTHORIZE THE PROPER SIGNATURES ON THE AGREEMENT.

Improvement 17-03 – 2017 Crack Sealing Final Pay Application – Informational

Committee Chair Bevans indicated the Safety and Public Works Committee approves the final payment as this project has been completed. The final payment details are included in the Personnel and Finance Committee agenda.

S 6th Street Reconstruction Public Informational Meeting – Informational

Committee Chair Bevans stated that MNDOT will be holding a Public Informational Meeting regarding the Highway 371B/South Sixth Street construction project on Tuesday, July 25, 2017 at City Hall. An open house takes place from 6:30 p.m. to 8:30 p.m. with a short presentation at 7 p.m.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors – Approved

Contractor	IMP#	Project	Amount Paid	Amount Retained
Anderson Brothers Constr	17-03	Final 2017 Crack Seal	\$16,040	\$0
Tom's Backhoe	14-15	Airport Util Ext thru 7/7	\$ 8,076	\$250

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, Bevans, Badeaux, Johnson and Pritschet voted "aye." No member voted "nay." The Chair declared the motion carried.

Fire Department – Paid On-Call Firefighters Erik Flowers and Nick Haglin – Completed One Year Probation – Change Employment Status from "Probationary" to "Regular" Effective July 1, 2017 – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE THE CHANGE IN EMPLOYMENT STATUS FROM "PROBATIONARY" TO "REGULAR" FOR PAID ON-CALL FIREFIGHTERS ERIK FLOWERS AND NICK HAGLIN FOLLOWING THE SUCCESSFUL COMPLETION OF THE ONE-YEAR PROBATION PERIOD, EFFECTIVE JULY 1, 2017.

Subordination of Loan – Approve Agreement Retaining the City as Second Position and Authorize Appropriate Signatures on Agreement – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE SUBORDINATION AGREEMENT RETAINING THE CITY AS SECOND POSITION FOR THE 1614 LAUREL STREET SCDG LOAN AND TO AUTHORIZE APPROPRIATE SIGNATURES ON THE SUBORDINATION AGREEMENT.

Heartland Animal Rescue Team (HART) Rate Increase – Held Over

Committee Chair Johnson stated this topic will be held over and discussed at a future council meeting.

(Added Item) To Approve Proposal From David Drown Associates Company (DDA Human Resources, Inc.) For the City of Brainerd City Administrator Search Contingent Upon the City Council Accepting the Resignation of City Administrator Thoreen – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE PROPOSAL FROM DAVID DROWN ASSOCIATES COMPANY (DDA HUMAN RESOURCES, INC.) FOR THE SEARCH OF CITY OF BRAINERD ADMINISTRATOR CONTINGENT UPON THE CITY COUNCIL ACCEPTING THE RESIGNATION OF CITY ADMINISTRATOR THOREEN.

Committee Chair Johnson stated the proposal was reviewed and the timeline was adequate. The fees will be partially reimbursed by National Joint Powers Alliance (NJPA).

Unfinished Business

Public Hearing – Final Reading of Proposed Ordinance No. 1470 – An Ordinance Amending Brainerd City Code Section 1205 – Non-Intoxicating Malt Liquor - Approved

City Administrator Thoreen stated this is simply to bring the ordinance into compliance with Minnesota State Law of amending the age from 19 years to 21 years.

The Chair opened the Public Hearing at 8:36 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:36 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1470 – AN ORDINANCE AMENDING SECTION 1205 OF THE BRAINERD CITY CODE – NON-INTOXICATING LIQUOR TO CORRECT THE LEGAL AGE FROM 19 YEARS TO 21 YEARS AS PER MINNESOTA STATE LAW.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT ORDINANCE NO. 1470 – AN ORDINANCE AMENDING: SECTION 1470 OF THE BRAINERD CITY CODE – NON-INTOXICATING MALT LIQUOR TO CORRECT THE LEGAL AGE FROM 19 YEARS TO 21 YEARS AS PER MINNESOTA STATE LAW.

ORDINANCE NO. 1470

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

Public Hearing – Petition to Vacate O Street Right-of-Way – Doran's Addition - Denied

Assistant City Engineer Fladung indicated staff recommends denial after the DNR opposes vacating roads that lead to public waters. It is 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. The City also has a storm sewer outfall that may need to be replaced in the coming years on this property.

The Chair opened the Public Hearing at 8:44 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:44 p.m.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO DENY THE PETITION TO VACATE THE O STREET RIGHT-OF-WAY DORAN'S ADDITION.

Council discussion took place and directed the engineering staff to follow up with the petitioner on his concerns.

Public Hearing – Petition to Vacate 12' x 5' Section on Terrace Avenue – Approved

Assistant City Engineer Fladung stated the property owner is currently working through a sale of the property and the buyer's underwriters will not accept the temporary easement already granted to the property. Staff has reviewed with City Attorney and it was concluded the only way to assist the seller in the sale was to vacate the portion that encompasses the encroachment into the City right-of-way.

The Chair opened the Public Hearing at 8:46 p.m.

The Chair recognized Mr. Richard Jensen, 1028 Terrace Avenue, Brainerd, who is the owner of the property. Mr. Jensen explained his situation of entering into a sale agreement of the property with a first time home buyer. The underwriters will not accept the temporary easement on the property. The only solution is to vacate the 12' x 5' section of Terrace Avenue to allow the sale to proceed.

The Chair closed the Public Hearing at 8:47 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT RESOLUTION 39:17 TO APPROVE THE VACATION OF THE 12' X 5' AREA ON TERRACE AVENUE, BRAINERD THAT ENCOMPASSES THE ENCROACHMENT INTO THE CITY RIGHT-OF-WAY.

RESOLUTION 39:17

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

Joint Meeting with Baxter City Council - Informational

City Administrator Thoreen stated we will be meeting with the City of Baxter on Monday, August 14, 2017 at 6:00 p.m. to share an informal discuss on the mutual concerns, needs and challenges of the respective cities. The State Demographer will be presenting information on population trends, work force challenges, aging population and the effect of all factors as related to the school district(s).

Status of Legal Action – 6th Street Motel – Informational

City Administrator Thoreen updated council on the projected timetable for the legal portion of our efforts to be completed. City Attorney explained that there is a statutory process that is used for hazardous structures. The case has been filed in Crow Wing County Court.

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 presented a brief update on current projects for council.

Accept with Regret the Resignation of City Administrator James Thoreen, Effective October 27, 2017 – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF CITY ADMINISTRATOR JAMES THOREEN, EFFECTIVE OCTOBER 27, 2017.

City Administrator Thoreen thanked the council and the citizens of Brainerd for the opportunity to serve them and Mr. Thoreen was thanked for his service as well.

Planning Commission

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 - Approved

The Chair opened the Public Hearing at 8:58 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:58 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1469 – AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 2 DEFINITIONS AND SECTION 76 FLOODPLAIN DISTRICT, 77 FW FLOODWAY DISTRICT, SECTION 78 FF FLOOD FRINGE DISTRICT.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT PROPOSED ORDINANCE NO. 1469 – AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 2 DEFINITIONS AND SECTION 76 FLOODPLAIN DISTRICT, 77 FW FLOODWAY DISTRICT, SECTION 78 FF FLOOD FRINGE DISTRICT.

ORDINANCE NO. 1469

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

Public Forum

The Chair Opened the public forum at 8:59 P.M.

No one came forward.

The Chair Closed the public forum at 8:59 P.M.

Staff Reports

City Planner Ostgarden commented to date in 2017, there have been 19 new single family building permits issued in the City of Brainerd. This is the highest number since 2009.

Council Member Reports

Council Member Hilgart stated she is looking forward to the next scheduled PTO Study Committee meeting.

Council Member Bevans reminded council August 1, 2017 is National Night Out in area neighborhoods.

Council Member Badeaux extended thanks to Brainerd Community Action for the great 4th of July events that took place in our city. Holly Holm, Executive Director, did a fantastic job her first year coordinating the events.

Adjourn - To Closed Session Pursuant to the Attorney-Client Privilege Under MN Statute 13D.05, Subd. 3(B) – 9:00 p.m.

The Council reconvened into open session at 9:30 P.M.

Adjourn to the MNDOT Meeting on July 25, 2017 at 6:30 p.m. at City Hall

The Chair adjourned the meeting at 9:31 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
August 7, 2017
(5 New, 3 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
MID LAKES MECHANICAL LLC 12647 WEST MILE LAKE ROAD SW BRAINERD, MN 56401 17-0185 (new)	(218) 821-6561	MECH	4/27/2018	4/30/2019	MB694875
LANDMARK STUCCO INC. 16744 CO RD 151 AVON, MN 56310 17-0186 (new)	(320) 267-8199	STUC	3/30/2018	12/31/2017	
FRANK M. CHARNETZKI 3 JESSICA LANE BRAINERD, MN 56401 17-0187	(320) 630-0317	SIDE	6/4/2018	12/31/2017	
JAMES KLINK CONSTRUCTION 11460 COUNTY ROAD 144 BRAINERD, MN 56401 17-0188 (new)	(218) 251-1475	GENL	6/12/2018	12/31/2017	BC637771
SAC WIRELESS LLC 575 OLD HWY 8 SW SUITE 200 NEW BRIGHTON, MN 55112 17-0189	(715) 781-4373	TELE	5/1/2018	12/31/2017	
RASINSKI TOTAL DOOR SERVICE 6933 FOLEY ROAD BAXTER, MN 56425 17-0190 (new)	(218) 821-8625	GENL	5/31/2018	12/31/2017	
FRANZEN CONCRETE & MASONRY LLC 13249 53RD AVENUE SW PILLAGER, MN 56473 17-0191	(218) 746-3653	MASO	8/19/2017	12/31/2017	
CREAK BUILDERS INC. 6617 PINE BEACH ROAD BRAINERD, MN 56401 17-0192 (new)	(218) 831-1302	FRAM	9/1/2017	12/31/2017	

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: August 2, 2017
Re: July 2017 Fire Department Monthly Report

July marks my two year anniversary with the Brainerd Fire Department. It is hard to believe how fast the time goes. I am very honored to be with the Brainerd Fire Department and the City of Brainerd.

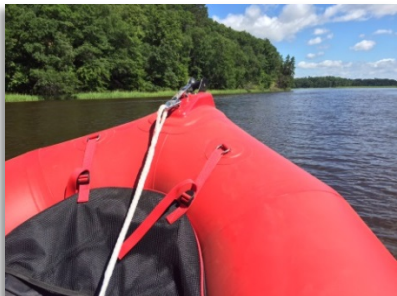
We had a large crowd through the fire station during the 4th of July events and the Relief Association sold brats as in previous years. Over the 4th of July we participated in the Brainerd, Crosby, and Nisswa parades.



Each month we continue with our fire inspections and are working with several area businesses on deficiencies.

I am working with several other public safety leaders in the development of the CWC UAS (Drone) Program with funding which the group received from NJPA. I also trained with the Baxter Police on 'Law Enforcement on the Fireground'. Both of these are great examples of the collaboration between the fire department and other public safety departments in our area.

As always, training is an important part of what we do to stay ready and current for what we may be asked to respond to. We took delivery of the new Zodiac boat and started training with that along with some other training during the month.



At the end of the month we conducted a prescribed burn at Rotary Park. The objectives were to help restore the natural grasses of the area and to training with the MN DNR on these types of activities. The burn was very successful and the training was great.

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

Cooking Fire	1
Vehicle, Equipment, Recreational Vehicle Fire	4
Grass Fire	1
Medical Assist	2
Motor Vehicle Crash with Injuries	2
Power Line Down	1
Smoke Odor Removal, Smoke Scare	2
Unauthorized Burning	1
Authorized Controlled Burning	2
Good Intent Call	3
Canceled Enroute	4
Sprinkler Activation	1
Alarm Activation	9
Carbon Monoxide Detector Activation	2
<u>Total</u>	<u>35</u>

City of Brainerd Incident Report

Cooking Fire	1
Vehicle, Equipment, Recreational Vehicle Fire	1
Medical Assist	1
Smoke Odor Removal, Smoke Scare	1
Unauthorized Burning	1
Good Intent Call	2
Canceled Enroute	2
Alarm Activation	5
Carbon Monoxide Detector Activation	1
<u>Total</u>	<u>15</u>

Parks and Recreation Report

August 2017

Submitted by Tony Sailer, Director

- The Park Board discussed the department's policy of waiving pavilion rental fees for non-profit groups. Staff checked with Baxter, Detroit Lakes, Bemidji and St. Cloud and none of these communities waived park pavilion rental fees for non-profits. In 2016, the department waived 32 of 121 pavilion rental fees. The Park Board voted unanimously that beginning in 2018 park pavilion fees would no longer be waived.
- Staff has submitted its 2018 capital project requests to the Finance director. Included in the request is \$30,000 for playground equipment at the Northtown Addition. The owners of the property have made presentations to the Park Board requesting a playground and two companies have provided designs which were presented earlier this year. However, the Park Board has not approved installing playground equipment in the Northtown Addition. Should the Park Board decide not to install playground equipment the request will be withdrawn.

The Park Board requested staff to evaluate what site prep costs would be and what it takes to designate park land. The City Planner could find no ordinance regarding the designation of park land.

- The Wounded Warrior Amputee Softball Team event on July 7 at Mills Field was a huge success with approximately 2,000 people attending. Preliminary donation figures are approximately \$12,500 (one vendor has not yet had its monthly meeting to compile final tallies).



- The Brainerd Eagles Club donated \$1,000 toward the Field 3 lights project at Memorial Park. To date, \$12,666.57 has been raised for the \$100,000 project. Staff has requested \$30,000 for three consecutive years in the capital project budget.
- Work resumed on the Gregory Park fountain project on July 31 to connect water and electricity, and install the pumps and lights.
- The Gopher State Tournament of Champions 15 & Under state baseball tournament took place at Mills, Adamson, CLC and two Forestview fields July 21-23 with 24 teams participating.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: MOU for BPU Lab Tech Wage Adjustment

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert	Department: Administration/BPU
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: n/a
Summary of Issue: BPU Wastewater Crew Chief Gregg Kropp recently submitted his resignation. He was promoted to this position in 2016. He previously was our Wastewater Treatment Plant Lab Tech and continued to perform those duties after his promotion. With Gregg's resignation, BPU now needs to fill the Lab Tech position. When we negotiated the BPU market adjustments last year during union negotiations, we did not review vacant positions. We have now reviewed the survey info for the Lab Tech position and would like to make a market wage adjustment to help us be more competitive. This adjustment follows the same survey data and recommendations for other BPU positions included as market adjustments for the 2017-2018 union contract settlement.	
Alternatives, Options, Effects on Others/Comments: We are proposing a market adjustment for the BPU Lab Tech position of \$2.72 per hour. The new 2017 base wage would be \$29.28 per hour. This recommendation also includes a 2% wage adjustment effective January 1, 2018, as agreed to for the other union groups. Attached is a Memorandum of Understanding (MOU) with the IBEW Union representing the Public Utilities unit to approve the recommended market adjustment. This MOU is subject to review and approval by the union.	
Recommended Action/Motion: Approval of the MOU is included on the consent calendar.	
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>\$2.72 per hour</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <u>Please Explain:</u> This market adjustment is less than Mr. Kropp's wage as the Crew Chief. BPU Management is reviewing staffing options regarding the Wastewater Crew Chief position.	

Memorandum of Understanding

This Memorandum of Understanding (hereinafter, "MOU") is entered into between the City of Brainerd (hereinafter, "City") and the International Brotherhood of Electrical Workers, Local No. 31 (hereinafter, "Union"), on behalf of the Brainerd Public Utilities bargaining unit.

WHEREAS, the City and Union are parties to a 2017-2018 collective bargaining agreement (hereinafter, "CBA"). Article 12 of the CBA stipulates pay schedules for classifications;

WHEREAS, the City and Union reviewed and agreed to market adjustments in the 2017-2018 contract for BPU classifications where active employees were in the classifications;

WHEREAS, the BPU classifications that were vacant were not reviewed and did not receive market adjustments; and

WHEREAS, a recent resignation has triggered BPU to fill a position that was previously vacant.

NOW, THEREFORE, BE IT RESOLVED THAT the parties hereto agree as follows:

1. To amend Article 12 – Wages of the CBA specifically to modify the base wage for the following classification to include a market adjustment as implemented for other BPU positions for the 2017-2018 contract:

<u>Classification</u>	<u>7/1/17 Base Hourly Wage</u>	<u>1/1/18 Base Hourly Wage</u>
Lab Tech	\$29.28	\$29.87

2. The City and the Union agree that this MOU will not result in the payment of back pay to any employee.
3. The City and the Union acknowledge that this MOU shall not be deemed to constitute a precedent or create a past practice which would be applicable to any other member of the bargaining unit or classification identified in the CBA or be admissible in any arbitration proceeding or other proceeding involving a dispute between the parties.
4. The City and the Union agree that this MOU constitutes the entire agreement between the parties with respect to the payment of wages to the Lab Tech. No party has relied upon any oral statements or promises that are not set forth in this document. No changes to this MOU will be valid unless they are in writing and signed by the parties.

IN WITNESS whereof the parties have hereunto set their hands the date and year affixed below.

FOR THE CITY OF BRAINERD

FOR INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL NO. 31

James M. Thoreen, City Administrator

Will Keyes, Business Manager

Date

Date

FOR BRAINERD PUBLIC UTILITIES COMMISSION:

Todd Wicklund, BPU Finance Director/Secretary

Date



Brainerd City Council Agenda Request

#6A

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: Introduction of Mr. Gary Weiers from DDA Human Resources, Inc.

☒ 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): Mr. Gary Weiers	Estimated Time Needed: 5 Minutes
Summary of Issue: Mr. Gary Weiers from DDA Human Resources, Inc., A David Drown Associates Company, the consultant hired to perform the City Administrator search, will in Brainerd on Monday and Tuesday August 7th and 8th to meet with council members and department heads in order to develop the position profile. Mr. Weiers will be at the council meeting to get formally introduced to the council.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Informational, no action needed.	
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>	

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

August 7, 2017
City Council Chambers
6:00 PM

1. Agreement of Assessment and Waiver of Notice of Hearing, Hearing, Irregularity and Appeal
2. Anderson Brothers Well Sealing Quotes
3. Improvement 14-01 – SAP 108-113-007 Change Order 1
4. NW 4th Street (CSAH 20) Traffic Study Proposals
5. Resolution Combining Construction Projects
6. Tax Forfeit Non-Conservation Parcel
7. South 6th Street 4 Lane Section – Discussion
8. Marohn/Oak Lawn Township Dispute
9. Airport SAC/WAS Charge Discussion
10. Request for Direction Regarding Taxi Cab License Issues at 623 N 5th Street - Planning



Brainerd City Council Agenda Request

SPW #1

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Agreement of Assessment and Waiver of Assessment Proceedings

☐ 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): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: The City has been approached by a landowner about hooking up to the sewer and water that was installed as part of the Beaver Dam Road project. Attached is an agreement of assessment form and a waiver of public hearing requirements.	
Alternatives, Options, Effects on Others/Comments: The original assessments on Beaver Dam Road were calculated proportionally based upon acreage and an equivalent number of hookups that could be provided on the property if the property were ever to subdivide. This was done because a majority of the parcels on Beaver Dam Road are undeveloped and are very large in size. If a connection is made prior to subdividing, the connector would be charged a connection charge. The connection charge established originally for Beaver Dam Road was \$13,387.37. Since that time, connections charges have been established each year by council which consists of the original charge plus accrued interest. Connection charges on Beaver Dam Road have accrued 10 years of interest and have been frozen at \$19,237.12. The owner requests that the \$19,237.12 be certified and assessed onto his taxes and collected over 10 years. Since this has already collected 10 years of interest, no other interest on the assessment would be calculated. Thus, an additional \$1,923.71/year would be added to the owners taxes if the assessment is approved by the council. The owner will still pay SAC and WAC along with applicable building permit fees.	
Recommended Action/Motion: Staff recommends approving the request from the owner and certifying the connection charge of \$19,237.12 to owner's tax rolls. A request for a signature on the waiver of assessment will be requested before the certification.	
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>	

AGREEMENT OF ASSESSMENT AND WAIVER OF
NOTICE OF HEARING, HEARING, IRREGULARITY AND APPEAL

THIS AGREEMENT, is made this _____ day of _____, 2017,
between the City of Brainerd, State of Minnesota, hereinafter referred to as the City and
<<Owner>>, the owners of the parcel of property described as <<Legal Description>>;
PID #<<PID>>; <<Address>>; hereinafter referred to as the owner.

In consideration of the action of the City Council, at the owners request, to cause
the connection to City sewer and Water at the property located at <<Address>> and to
assess One Hundred (100%) percent of the actual cost of such project which is
\$22,602.12 (\$22,602.12) dollars to the owner, owner agrees to pay the actual cost, over a
period of ten years together with no interest. Owner expressly waives notice of the
hearing, a hearing and any objections to any irregularity with regard to the said
improvement assessments and any claim that the amount thereof levied against owner's
property is excessive, together with all rights to appeal in the courts.

Dated this _____ day of _____, 2017

Subscribed and sworn to before me
this _____ day of _____, 2015

Notary Public



Brainerd City Council Agenda Request

SPW #2

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Airport Utility Extension Well Sealing on Anderson Brothers Property

☐ 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): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: As we get close to connections being made to the water and sewer as part of the Airport Utility Extension Project, there are a few wells that have to be sealed before connections at the airport can be made. Attached are three quotes for the 3 wells in need of sealing from Northstar Well Drilling.	
Alternatives, Options, Effects on Others/Comments: During the design phase, a permit from the Minnesota Department of Health was obtained to allow a variance for the wells that Anderson Brothers currently get water from to stay active until the sewer mains are constructed. Now that connections are ready to be made at the airport, Anderson Brothers' wells currently in use need to be sealed at the same time Anderson Brothers connects to City sewer and water. The sewer cannot become active until these wells are sealed and the sewer becomes active. The planned sealing of the wells are considered a project expense as it is part of the variance and the variance was needed to install the sewer main closer than 50 feet from the wells. Anderson Brothers has tentatively planned to hook to City sewer and water on August 14th, at which time the wells would be sealed.	
Recommended Action/Motion: Staff would recommend accepting all 3 quotes from Northstar Well Drilling so that connections to the sewer can be made at both Anderson Brothers and the airport.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>\$5,125</u> Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> This is considered a project cost to get the project completed.	

29621 St Hwy 371
Pequot Lakes Mn 56472
218-829-0892 phone
218-568-5858 fax

North Star Well Drilling LLC



July 25, 2017

City of Brainerd Attn: Paul Sandy
501 Laurel St
Brainerd Mn 56401

Proposal

Estimate to seal 63' well at Anderson Brothers. Well number 177422.

Description	Units	UOM	Cost	Ext. Cost
Well				
Mob/demob	1	each	\$ 100.00	\$ 100.00
MDH well sealing permit	1	each	\$ 100.00	\$ 100.00
Seal estimated 63"x4" well	63	feet	\$ 4.00	\$ 252.00
Labor to pull pump and drop pipe @ \$155.00/hr Includes removing excess fluids and cutting casing off 3' below grade	4	hours	\$ 155.00	\$ 620.00
Black dirt and seeding around well area	1	each	\$ 200.00	\$ 200.00
			Sealing Total	\$ 1,272.00
If pitless unit is stuck cost to dig it up is \$155.00/hr plus \$300.00 for backhoe. If pump is stuck the cost to try and free it is \$155.00/hr plus materials. If pump will not come out the MDH will be notified. If driving stuck pump to bottom of well is approved cost will be \$155.00/hr.				
If backhoe is used price for black dirt and seeding is \$500.00				

Regards,

Milo Backowski

mbackowski@nsdrilling.com

TERMS: 1/2 down with remainder due on completion unless otherwise noted. Interest of 18% per year (1.5% per month) will be charged on all past due accounts. State and local taxes will be added if applicable. Failure to pay may result in the filing of a Mechanics Lien. Proposal is based on estimated quantities. Actual quantities will be billed. Quantity and quality of water not guaranteed. Estimate is good for 30 days. **Financing Options Available**

ACCEPTANCE BY OWNERS REPRESENTATIVE: The above prices, specifications and conditions are satisfactory and are hereby accepted. I have read and understand my lien rights. You are authorized to do the work specified. Payment will be made as outlined above unless otherwise agreed to.

Quote By: Milo Backowski Date: 7/25/2017

Customer: _____ Date: _____

29621 St Hwy 371
Pequot Lakes Mn 56472
218-829-0892 phone
218-568-5858 fax

North Star Well Drilling LLC



July 25, 2017

City of Brainerd Attn: Paul Sandy
501 Laurel St
Brainerd Mn 56401

Proposal

Estimate to seal 172' well at Anderson Brothers. Well number 500641.

Description	Units	UOM	Cost	Ext. Cost
Well				
Mob/demob	1	each	\$ 100.00	\$ 100.00
MDH well sealing permit	1	each	\$ 100.00	\$ 100.00
Seal estimated 172"x4" well	172	feet	\$ 4.00	\$ 688.00
Labor to pull pump and drop pipe @ \$155.00/hr Includes removing excess fluids and cutting casing off 3' below grade.	5	hours	\$ 155.00	\$ 775.00
Black dirt and seeding around well area	1	each	\$ 200.00	\$ 200.00
			Sealing Total	\$ 1,863.00
If pitless unit is stuck cost to dig it up is \$155.00 hr plus \$300.00 for backhoe. If pump is stuck the cost to try and free it is \$155.00 hr plus materials. If pump will not come out the MDH will be notified. If driving stuck pump to bottom of well is approved cost will be \$155.00 hr.				
If backhoe is used price for black dirt and seeding is \$500.00				

Regards,

Milo Backowski

mbackowski@nsdrilling.com

TERMS: 1/2 down with remainder due on completion unless otherwise noted. Interest of 18% per year (1.5% per month) will be charged on all past due accounts. State and local taxes will be added if applicable. Failure to pay may result in the filing of a Mechanics Lien. Proposal is based on estimated quantities. Actual quantities will be billed. Quantity and quality of water not guaranteed. Estimate is good for 30 days. **Financing Options Available**

ACCEPTANCE BY OWNERS REPRESENTATIVE: The above prices, specifications and conditions are satisfactory and are hereby accepted. I have read and understand my lien rights. You are authorized to do the work specified. Payment will be made as outlined above unless otherwise agreed to.

Quote By:



Date:

7/25/2017

Customer

Date:

Date:



Brainerd City Council Agenda Request

SPW #3

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Improvement 14-01 - SAP 108-113-007 Change Order 1 - Oak 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): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is Change Order 1 for Improvement 14-01 - SAP 108-113-007 - Oak Street Mill and Overlay.	
Alternatives, Options, Effects on Others/Comments: As part of the ADA improvements that were made on Oak Street, the curb ramp in the NW corner of S 9th and Oak Street had to be lowered to meet slope requirements during construction. There was an existing timber retaining wall at the residence in this location, and the plan was to salvage the timber retaining wall and replace it when the curb ramp was replaced. During the construction, it was noticed that the wall was going to be very difficult to salvage without damaging it, and additional timbers were going to be needed. The wall was also green, so it would have had to be painted. Staff decided to approach the landowner and ask if they would like a block retaining wall in its place. She was agreeable, so the contractor installed the block retaining wall at the price that the contractor had for the retaining walls on Jackson Street. This change order deletes the timber retaining wall item and replaces the item with the block retaining wall item.	
Recommended Action/Motion: Staff would recommend authorizing the change order presented.	
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> \$ 2,428.50 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> This will be an additional project cost. However, the project looks as though it will come in under the contract cost, even with the change order presented.	

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

City/County of City of Brainerd

Change Order No. 1

FEDERAL PROJECT NO.	STATE PROJECT NO. SAP 108-113-007	LOCAL PROJECT NO. 14-01	CONTRACT NO. 2017-1
CONTRACTOR NAME AND ADDRESS Tri-City Paving, Inc. P.O. Box 326 Little Falls, MN 56345		LOCATION OF WORK OAK STREET - S 6TH STREET TO SE 19TH STREET	
		TOTAL CHANGE ORDER AMOUNT \$2,428.50	

In accordance with the terms of this Contract, you are hereby authorized and instructed to perform the work as altered by the following provisions.

Item 2540.618 Timber Retaining Wall with a quantity of 38 SF and Unit Price of 28.00 is being replaced by Item 2411.618 Modular Block Retaining Wall with a quantity of 127 SF and Unit Price of 27.50.

COST BREAKDOWN

Item No.	Item	Unit	Unit Price	Quantity	Amount
Funding Category No. 000					
2411.618	MODULAR BLOCK RETAINING WALL	S F	\$27.50	127	\$3,492.50
2540.618	TIMBER RETAINING WALL	S F	(\$28.00)	38	(\$1,064.00)
Funding Category No. 000 Total:					\$2,428.50
Change Order No. 1 Total:					\$2,428.50

* Funding category is required for federal projects.

CHANGE IN CONTRACT TIME (check one)

Due to this change the Contract Time:

- a. ☐ Is Increased by _____ Working Days b. ☒ Is Not Changed
☐ Is Decreased _____ Working Days
by _____ Calendar c. ☐ May be revised if work affected the controlling
☐ Is Increased by Days operation
☐ Is Decreased _____ Calendar
by _____ Days

Approved By Project Engineer: Sandy, Paul G	Approved By Contractor: Tri-City Paving, Inc.
Signed <u>a93c6c3fc63f5b198165e6b7822564dd</u> <u>66210448f7f0f73e8053fe22c8d2b0f4</u>	Signed Schneider, Michelle A <u>d0a860959e9324e6dca83360e1efade6</u> <u>1ba4e5d66abedb2e16ea467f0522115c</u>
Date: <u>07/26/2017</u> Phone: <u>0</u>	Date: <u>07/26/2017</u> Phone: <u>(320) 632-5435</u>

Original to Project Engineer; Copy to Contractor

Once contract has been fully executed, forward a copy to DSAE for funding review:

The State of Minnesota is not a participant in this contract; signing by the District State Aid Engineer is for FUNDING PURPOSES ONLY. Reviewed for compliance with State and Federal Aid Rules/Policy.

Eligibility does not guarantee funds will be available.

This project is eligible for: _____ Federal Funding _____ State Aid Funding _____
Local funds

District State Aid Engineer: _____ Date: _____
N/A



Brainerd City Council Agenda Request

SPW #4

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: NW 4th Street (CSAH 20) Traffic Study Proposal Recommendation

☐ 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): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Request for Proposals were solicited to qualified engineering firms for the NW 4th Street (CSAH 20) traffic study per council authorization on October 17, 2016.	
Alternatives, Options, Effects on Others/Comments: In total, 4 proposals were received from Spack Consulting, Bolton and Menk, WSB and Associates, and SEH. The fees not to exceed were \$18,840, \$19,320, \$26,680, and \$39,895 respectively. A panel of Crow Wing County and City personnel convened to discuss the proposals to make a recommendation presented tonight. The panel discussed the proposals as presented and how each firm demonstrated understanding of the request and the deliverables that would be presented. After consultation, the panel recommended that Bolton and Menk presented considerable knowledge of the corridor, understanding of the RFP deliverables, and can provide the technical and project management staff to deliver a quality final product. It is the hope that the deliverables will be presented so that HSIP (Highway Safety Improvement Program) or LRIP (Local Road Improvement Program) funding can be applied for in the fall to construct the desired project, if any. The other proposals are not included as part of this request, but can be provided to anyone whom wants to look at them.	
Recommended Action/Motion: Staff is recommending the acceptance of the proposal from Bolton and Menk and a fee not to exceed \$19,320 and authorize proper signatures on the contract. Crow Wing County has agreed to cover half of the studies expenses. City expense will be estimates \$9,660.	
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> \$ 9,660 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Costs are anticipated to come from the construction fund.	

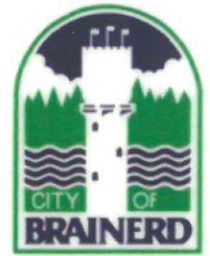


**BOLTON
& MENK**

Real People. Real Solutions.



CROW WING COUNTY



Submitted by:

Bolton & Menk, Inc.

7656 Design Road Suite 200

Baxter, MN 56425

P: 218-825-0684

F: 218-825-0685

Contact:

Jacob Bongard, P.E., PTOE

C: 952-201-9488

jacobbo@bolton-menk.com

Qualifications for

City of Brainerd/Crow Wing County

CSAH 20 (NW 4th Street) Corridor Analysis

July 14, 2017





Real People. Real Solutions.

7656 Design Road
Suite 200
Baxter, MN 56425-8676

Ph: (218) 825-0684
Fax: (218) 825-0685
Bolton-Menk.com

July 14, 2017

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

RE: Proposal for NW 4th Street (CSAH 20) Corridor Analysis

Dear Mr. Sandy:

The NW 4th Street (CSAH 20) Corridor Analysis will develop a corridor vision fully supported by the City of Brainerd, Crow Wing County, and MnDOT that best serves the needs of the growing community. Our team will develop a range of alternatives that minimize queuing, greatly improve safety, and accommodate pedestrian improvements within the corridor. Bolton & Menk, Inc. will lead all agencies to a unified vision and a corresponding implementation plan to leverage competitive funding and construct improvements in a reasonable and responsible manner. We believe you will find outstanding value in our approach to your project for the following reasons:

Proven and Experienced Team - We have assembled a team of professionals who specialize in preliminary engineering and transportation planning. I have worked with Eric Johnson and others within our firm to develop more than a dozen right-sized corridor visions, that with our assistance, have had tremendous success in attaining funding. Our approach and past experience greatly benefits this study, as there are many lessons learned we will bring to this effort.

Clear Understanding of Objectives - Our team will lead partners through problem identification and development of goals, objectives, and a vision that preserves and enhances the local nature of NW 4th Street, while accommodating the regional function of the roadway. The final product will be a fully supported vision ready for submittal to the Fall 2017 HSIP and LRIP solicitations.

Engaging Stakeholder Involvement - You can expect a well-organized and engaging stakeholder involvement program that starts with active listening, informs stakeholders on what is and isn't possible, gathers meaningful input on alternatives, and shares why the corridor vision is reasonable and responsible.

In continued service to the City of Brainerd and Crow Wing County, we are excited at the opportunity to complete the NW 4th Street (CSAH 20) Corridor Analysis for you. I will personally serve as your Project Manager and lead client contact on this project. Please contact me at 952-201-9488 or jacobbo@bolton-menk.com if you have any questions regarding our proposal.

Respectfully submitted,

Bolton & Menk, Inc.

Jacob Bongard, P.E. PTOE
Transportation Project Manager

Table of Contents

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Section 4	Client References	13
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Bolton & Menk, Inc.

7656 Design Road Suite 200

Baxter, MN 56425

P: 218-825-0684

F: 218-825-0685

Engineering News-Record Top 500

Ranked #161 among the Top 500 Engineering and Surveying Firms in the United States.

Services Provided:

Civil/Municipal Engineering & Planning

Water & Wastewater Engineering

Transportation Planning & Engineering

Structural Engineering

Aviation Services

Water Resources Engineering

Landscape Architecture

Land Surveying

Geographic Information System Services

Project Funding & Financing





Project Understanding and Approach

Section 1



Project Understanding

Background



The City of Brainerd is a regional center that attracts visitors from all over the state of Minnesota in addition to supporting a year-round population of over 13,000 residents. The study area is located in one of the busier areas of the City where much development and redevelopment is planned to integrate more high density residential and commercial properties. Roadway projects accompanying this growth and development are planned to better serve existing and future traffic movements. The extension of Cypress Drive from north of Excelsior Road to south of College Road and a future study and improvement project on TH 210 represent two of these opportunities.



The 4th Street corridor accommodates over 11,000 vehicles per day between TH 210 and Jackson Street. Elevated traffic volumes paired with a transportation system in need of improvements to access management, intersection geometrics, and traffic control contribute to an environment hindered by traffic delays and elevated crash rates. In addition to a deficient system for vehicle traffic, pedestrians are also unserved with gaps in the city sidewalk/trail network along 4th Street between TH 210 and Jackson Street. A solution has been proposed by the City and while its benefit may appear evident, a thorough understanding of existing and future corridor conditions may uncover additional improvements and recommendations.

The proposed timing of the 4th Street corridor study allows an application be submitted to the Highway Safety Improvement Program (HSIP) and potential Local Road Improvement Program (LRIP) funding solicitations

this fall. The schedule allows for improvements to be established on 4th Street in advance of a TH 210 project. This study will review signal timings and geometrics at the 4th Street and TH 210 intersection and may recommend improvements on TH 210 to be implemented at a later date

Importance of the Corridor

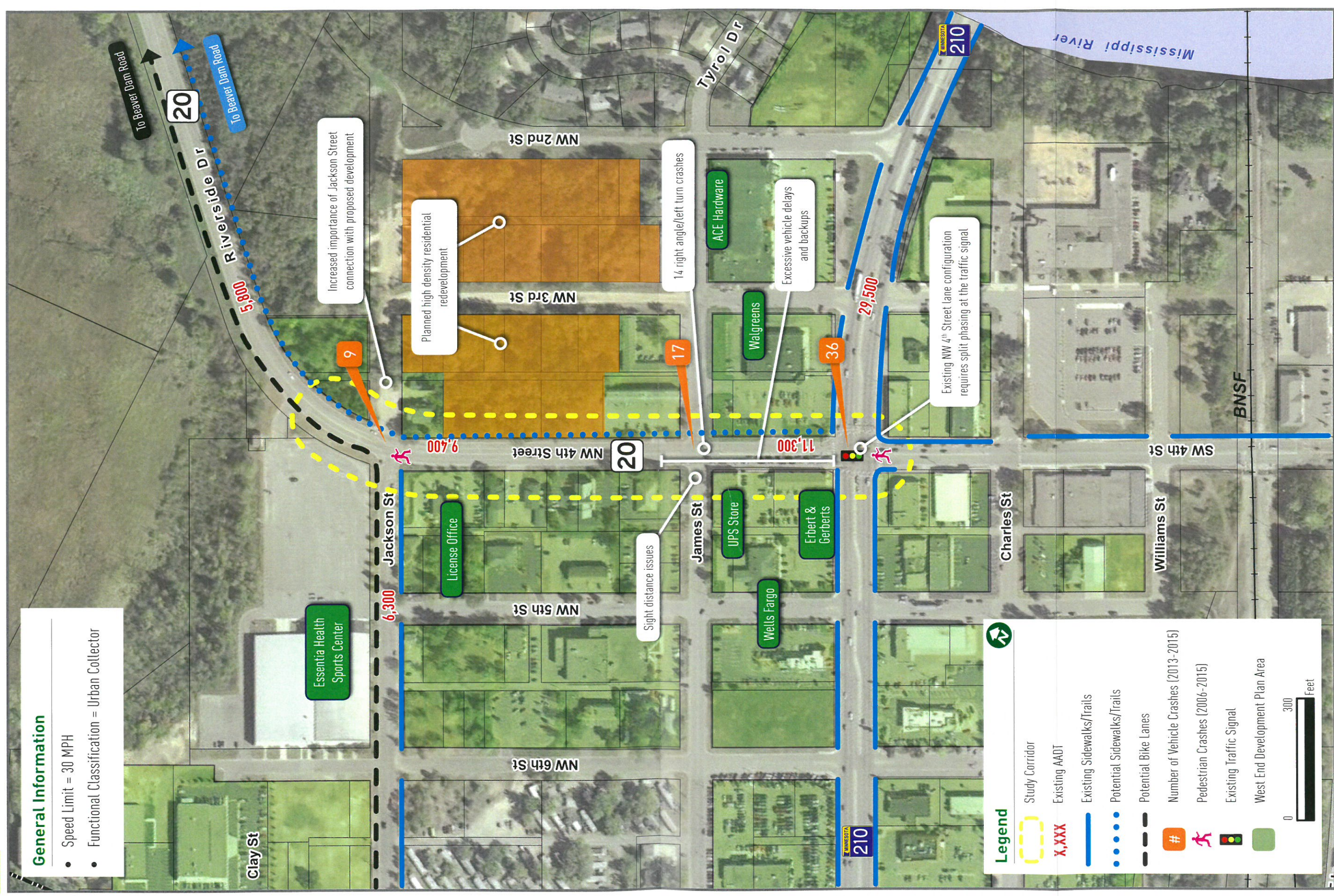
The NW 4th Street (CSAH 20) and Riverside Drive corridor is an important connection for traffic generating in the north central Brainerd area known as Ahrens Hill and northwest Brainerd developments along Beaver Dam Road. It serves as an important route for traffic generated from northerly areas beyond the City as it allows traffic to avoid congestion associated with Hwy 210 through town. From Merrifield/Crosslake on CSAH 3, access is via Wise Road and Beaver Dam Road or along Riverside Drive to Essentia Health Sports Center, 4th Street commerce areas, or Westgate Mall. Traffic from 371 north uses Wise Road and Beaver Dam road to access the 4th Street area and avoid the signals and congestion in Baxter and Brainerd.

Jackson Street/Excelsior Drive is an important parallel reliever most locals take to avoid congestion and signals on Hwy 210. For people working in the industrial park, a logical current route from north central and northwest Brainerd is along CSAH 20 to south on 4th Street across Hwy 210, eventually working west to the industrial park on Laurel and Highland Scenic. With Cypress Drive improvements, a portion of traffic flow will likely use the Jackson/Excelsior corridor and takes Cypress south across 210 directly to the industrial park.

4th Street functions as an urban collector, providing a vital north-south connection to West Brainerd as well as the local and regional trips served by CSAH 20, north of the Mississippi River. The four-lane undivided roadway with a narrow center median near the TH 210 intersection serves between 5,800 and 11,300 vehicles per day.

Corridor Issues

Our team understands the challenges along the corridor and at the TH 210 intersection the study will address. **A Study Considerations Map is included on the following page.** We've reviewed the corridor context related to local interests as well as the impacts accompanying the Cypress Drive extension and intersection with TH 210. The corridor is characterized by a four-lane road section lacking the necessary access control and adequate pedestrian facilities.





CSAH 20 (NW 4th Street) is in need of repair and capacity expansions at the TH 210 intersection.



Pedestrian accommodations are not present along the CSAH 20 (NW 4th Street) corridor.

Existing and Future Traffic

The existing geometry at the TH 210 and 4th Street intersection contributes to operational deficiencies and extended vehicle queues regularly blocking sight lines for vehicles entering onto or crossing at James Street. The geometry requires the traffic signal to operate with split phasing to allow the southbound and northbound movements to be accommodated independently.

James Avenue movements are currently served by side street stop control, and when paired with a limited number of gaps in traffic during peak periods can make it difficult for vehicles to enter or cross 4th Street.

A comprehensive review is also required to fully understand traffic patterns through the corridor both now and in the future. The City of Baxter is planning an extension of Cypress Drive from south of College Road to north of Excelsior Road that will provide a direct connection to TH 210 from the south. This connection paired with anticipated redevelopment in the area is expected to alter traffic patterns and potentially modify the current use of 4th Street. Modifications to area traffic patterns and additional trips generated by future development may also contribute to the need for additional traffic control at the Jackson Street intersection.

ADA and Pedestrian Routes

Pedestrian accommodations have gaps, lack accessibility, and are in poor condition in this area of the community. Pedestrian facilities are currently present along TH 210, south of the study corridor, and along the south side of Jackson Street, west of the corridor. While future connections are documented within the City of Brainerd Non-Motorized Transportation Plan, a north-south connection through the study area does not currently exist. Pedestrian improvements we will consider include:

- Future pedestrian accommodations, including an off-street multi-use trail along 4th Street
- Bike lane and trail connections along Riverside Drive to Beaver Dam Road
- Bike lane along Jackson Street to accompany the south side sidewalk constructed in 2017
- Potential pedestrian crossing at James Street
- Upgrading the pedestrian accommodations at the TH 210 and 4th Street signalized intersection
- Providing ADA-compliant pedestrian accommodations



Safety

Safety is the driver of this project. Along the project corridor there are six private accesses and three public streets, including TH 210, James Street, and Jackson Street. Through a preliminary evaluation we found the James Street intersection experiences a high rate of crashes as well as a significant number of right angle and left-turn crashes. Extensive southbound queues and sight line issues appear to contribute to the safety deficiencies at the intersection.

Project Approach

We have tailored our approach based on conversations with the City of Brainerd and Crow Wing County, knowledge of the corridor and community, and our history working with Crow Wing County as well as numerous cities throughout the state. We understand the importance of developing a solution that remedies documented issues from varying perspectives held by the City, County, and MnDOT. We have done our homework and developed a detailed approach tailored for this study.

Sustainability

Our team will implement a Sustainable Decision Making Approach that will address the identified goals and objectives.

A Technically Feasible plan

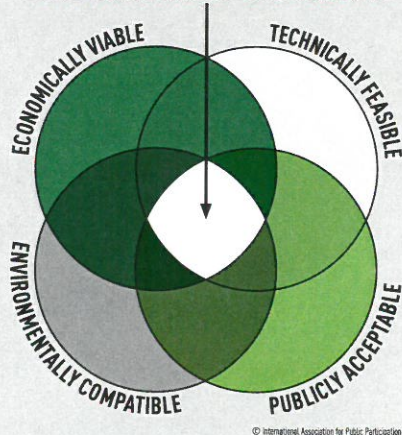
includes one that builds upon work already completed, establishes technical objectives based on sound planning and engineering principles, and applies extensive design experience to finding flexibility and feasible solutions at the planning level.

An **Economically Viable** plan will be sensitive to initial capital costs as well as lifecycle costs, and will focus on individual design details such as construction materials or site planning details. Our team will prepare the study and findings with competitive funding in mind. This project should leverage competitive funds.

An **Environmentally Compatible** plan identifies sensitive features of the site, determines what levels of environmental review may be necessary, and balances design alternatives to protect and accentuate environmental resources while accommodating the fundamental purpose of the roadway improvements.

A **Publicly and Politically Acceptable** plan identifies and involves stakeholders early in the decision-making process, listens and understands issues, and informs and maintains communication.

Sustainable Solution



Path to a Fully Supported Vision

Our team will work through a series of investigations and evaluations to fully understand existing conditions, develop traffic forecasts consistent with growth in both West Brainerd and the region, develop feasible alternatives, evaluate alternatives, and provide recommendations and a plan to construct, document the study, and define a plan to effectively pursue compatible funding solicitations such as HSIP and LRIP this fall. Ongoing discussions will occur with all stakeholders, finalizing steps along the way to minimize potential surprises as the study concludes. We believe the process outlined below will effectively study and provide corridor improvement recommendations supported by all project partners.



Step 1: Define the Problem

August 2017

Before proceeding with analysis or jumping to solutions, it is important to develop a well-rounded understanding of existing conditions within the corridor. Understanding the root cause of the issues in the study area will allow the project team to provide recommendations for corridor improvements. A study of current and future issues will be completed for social impacts, land uses and trends, pedestrian network and needs, roadway safety and capacity issues, supporting roadway network, access management, and community connectivity.

In addition to formal research and data collection efforts, stakeholder coordination will occur with the City of Brainerd, Crow Wing County, and MnDOT to establish goals and work toward a solution that can be fully supported by all agencies. The development of this vision will be a process that defines the ultimate setting and function of the corridor including:

- Understanding what the area is and what it will become
- Determining the ultimate transportation network to serve proposed land uses
- Considering multimodal needs to serve all users of the system
- Context sensitivity to work within the existing right-of-way corridor



Current back-ups at Washington Street (TH 210) impact the safety and mobility of the corridor.

We will document corridor issues by developing a comprehensive and specific Existing Conditions review within the final report.

Step 2: Develop Alternatives September 2017

Upon gaining a comprehensive understanding of agency goals and existing corridor conditions, we will incorporate the information into the alternative development process to identify constraints, sensitive areas, and unmet needs. Transportation system improvements will be developed that minimize impacts while serving the needs of project partners. Our team will develop a range of alternatives that minimize queuing, greatly improve safety, and accommodate pedestrian improvements within the corridor.

Step 3: Evaluate Alternatives September 2017

We will reference the goals agreed upon by project partners to measure the effectiveness of proposed design alternatives and overall competitiveness as they relate to available funding sources. Alternatives will be narrowed to one build alternative. A record of alternatives considered and reasons for dismissal will be included in the final report. Ultimately, the recommended alternative will be refined and presented in a layout.

Step 4: Final Documentation and Funding September/October 2017

We will develop the documentation necessary to carry forward the recommended alternative from the preliminary design phase to a fiscally responsible plan to apply for potential funding sources. Recommendations will work to:

- Preserve the current investment in the infrastructure
- Seek to improve safety
- Preserve the regional function of the roadway, yet plan improvements to accommodate modifications to the local roadway network

We will deliver a comprehensive study report that will not only serve as documentation of the study, but as a valuable resource to be referenced as the corridor grows and evolves. The study report will contain the research, findings, and recommendations that were completed. We will also deliver benefit-cost tables and calculations needed for the HSIP application.

We promise every client two things: we'll work hard for you and we'll do a good job.



Detailed Work Plan and Schedule

The City of Brainerd, Crow Wing County, and MnDOT can be assured Bolton & Menk will provide outstanding technical deliverables, exceptional leadership, and superior project management in a timely and cost-effective manner. The detailed work plan below is outlined by tasks addressing all elements of the RFP.

Task 1: Project Management and Coordination

One of the most significant components of the study is the management process. Our proactive and effective project management is critical for successful completion of the study resulting in full stakeholder support. **Our approach is to lead this study process through consistent communication, firm schedules, and established milestones while building consensus along the way.** We will schedule all meetings, complete all agendas, maintain meeting records, and offer regular updates on next steps and upcoming requirements.

Subtask 1.1: Project Management

Bolton & Menk will prepare and provide miscellaneous project correspondence, schedules, invoices, and budget management necessary for expediting work products and project decision-making. Schedule updates, invoices, and progress reports will be provided on a monthly basis.

Expected City and County Participation: Process monthly invoices and progress reports and ongoing communication

Deliverables: Regular communication with project partners, schedule updates, monthly invoices, progress reports

Subtask 1.2: Information Gathering and Research

As part of the analysis to understand existing conditions and developing forecasts for future year conditions, our team will utilize collected traffic data. The 24-hour traffic and pedestrian counts will be collected using video detection cameras and manual observations at 4th Street and:

- Washington Street (TH 210)
- James Street
- Jackson Street

A 13-hour traffic count will also be completed at the intersection of Excelsior Road N at Cypress Drive to better understand current traffic patterns at the intersection. Our team will complete a field review of existing conditions

including speed limits, traffic control, turn lane lengths, curve radii, public and private access locations, and other information pertinent to the existing corridor. Traffic signal timings and record drawings will be requested to develop traffic models consistent with existing conditions.

Expected City and County Participation: Share past studies, planning documents, GIS information, traffic signal timings and record drawings, basemapping

Deliverables: Turning movement volumes

Subtask 1.3: Project Meetings

Our team will have ongoing discussions and scheduled bi-weekly check-in meetings with City staff via phone. The purpose is discuss progress, questions, and findings on a regular basis to ensure no surprises arise that risk impacting the proposed schedule.



We will lead coordination meetings comprised of a core group of staff from the City of Brainerd, Crow Wing County, and MnDOT. Bolton & Menk will have two scheduled meetings to kick-off the project and discuss key findings/recommendations with the study group. The purpose is to understand individual agency perspectives to gain insight relative to key issues or perceived impacts, discuss potential mitigation strategies to minimize negative impacts, and identify considerations that could influence the project's conclusion. These meetings may include other agencies as needed and are planned to occur as detailed in the schedule at the end of this section.

Expected City and County Participation: Attendance and participation at meetings

Deliverables: Meeting leadership, meeting materials

Task 2: Corridor and Intersection Analysis

Understanding the root cause of issues in the study area will allow our team to provide recommendations for corridor improvements. A study of current and future issues will be completed for roadway safety and capacity, land uses, traffic patterns, supporting roadway network, and impacts to local businesses.

Our team will use information assembled in Task 1 as the basis for the corridor analysis and alternative development. Below is a sampling of these items:

- Project construction history/relevant prior studies
- Functional classification/role in the network
- Future roadway connections/travel patterns
- Accommodations and safety for all modes
- Existing pavement sections and condition
- Existing lane use/access points and control
- Lighting/utilities in the corridor
- Land use changes/growth patterns

Subtask 2.1: Existing and Future Traffic Volumes

Existing Traffic Volumes

Existing traffic volumes collected at key study area intersections will be reviewed and verified for consistency with typical conditions observed within the corridor.

Traffic Forecasting

Our team will use collected data in conjunction with historical traffic volumes, trip generation, and available planning documents provided by the City and County to assess current and projected traffic operations along the study corridor.

Traffic forecasts will be developed with historical traffic trends acting as the foundation for establishing future volumes. Building upon this, we will review a variety of influencers, including but not limited to:

- Changes in traffic patterns with the City of Baxter Cypress Drive extension from south of College Road to north of Excelsior Road
- MnDOT access modifications planned for TH 210 near the study corridor
- High density residential development east of 4th Street, between James Street and Jackson Street
- Redevelopment of residential properties from east of 4th Street to west of NW 7th Street as documented in the West End Brainerd Plan in the current comprehensive plan



Parcels east of NW 4th Street between James Street and Jackson Street have been identified for redevelopment

This will all be completed to develop peak hour turning movement counts in addition to daily traffic volumes at key study area intersections. A Forecasting Processes and Results section will be included in the final report to document the processes and findings.

Expected City and County Participation: Share available traffic information

Deliverables: Turning movement and ADT volumes, traffic forecasting methodology

Subtask 2.2: Corridor Analysis

We will use the existing conditions information relative to safety, right-of-way, sight lines, traffic speeds, traffic signal timings, and volumes to identify corridor issues.

Traffic operations along the corridor will be analyzed using Trafficware Synchro/Simtraffic 9 models for existing and forecast year conditions. Models provide operations analysis and are able to output visualizations of simulations produced within Simtraffic. Base models will be developed for AM and PM peak hours to evaluate the corridor with intersection modifications at TH 210, James Street, and Jackson Street. Various traffic control, access, and geometric alternatives will be evaluated with existing and future traffic volumes in the corridor.

Measures of effectiveness from the modeling include intersection and corridor delay, level-of-service, travel times, queue lengths, and volume to capacity ratios. These will be used to understand current and future needs of the corridor and provide a baseline for alternative analysis of build options. The analysis will include evaluation of key intersections identified earlier.

A safety analysis will be completed to document crash locations, types, and frequency to better understand the issues currently present within the corridor.

Expected City and County Participation: Traffic signal timings and record drawings

Deliverables: Existing conditions evaluation, future conditions and recommendations, Trafficware Synchro/Simtraffic 9 models

Subtask 2.3: Pedestrian/Bicycle Improvements

Bolton & Menk will complete an analysis of existing pedestrian/bicycle facilities to identify deficiencies in the current network. Recommendations will be made to review opportunities to provide safe, continuous, and accessible pedestrian and bicyclist routes within the constrained environment. The City of Brainerd's Non-Motorized Transportation Plan will guide development of these recommendations.

Expected City and County Participation: Share past studies and planning documents

Deliverables: Guidance for Subtask 2.4



Our team will work to incorporate the recommendations of the City of Brainerd Walkable/Bikeable City Committee

Subtask 2.4: Conceptual Design Layouts

Alternatives Development

A range of alternatives will be prepared and evaluated for the 4th Street corridor. Design alternatives will be reviewed at key study area intersections, including 4th Street at TH 210, James Street, and Jackson Street. Up to three alternatives may be considered, with one alternative reviewing the feasibility of repurposing the existing lane configuration present on the north leg of TH 210,

extending the concrete median through James Street and implementing a roundabout at Jackson Street.

Typical Sections

Typical sections will be prepared that correspond with the alternative layouts.

Preliminary Cost Estimate

Planning level estimates will be prepared that correlate with the planning level layouts.

Alternatives Screening

An initial alternative screening will occur. It is likely some alternatives will not meet the project's purpose and need. The initial screening will eliminate those alternatives from further consideration.

Planning Level Layouts

The alternatives will be further developed in a planning level layout demonstrating a general geometry, operations, and capacity. These planning level layouts will display access conditions, property impacts, circulation, and cross sections. The alternatives will also highlight proposed pedestrian, bicycle, and recreational improvements. Cost estimates will be updated to reflect modifications to the planning level layouts. Below are elements that will be considered and developed in the layouts:

- Alternative roadway designs, including supporting roadway network and intersection treatments
- Trail and sidewalk alternatives
- Corridor enhancements
- Right-of-way/easements

Alternative Development Documentation

The alternative development, evaluation, and selection of the preferred alternative will be documented within a section of the final report.

Expected City and County Participation: Active participation and review in the alternative development, screening, evaluation, recommendations, cost estimates

Deliverables: Alternatives, typical sections, refined alternatives, alternative development documentation, cost estimates of roadway, pedestrian alternatives

Task 3: Final Report Preparation and Submittal

Our team will deliver a Comprehensive Study Report to project partners that will not only serve as documentation of the study, but as a valuable resource to be referenced as the corridor grows and evolves. The study report will contain research, findings, and recommendations completed in this study.

As an appendix to the final report, we will include a completed benefit/cost ratio form populated with existing crashes and crash modification factors for the HSIP Solicitation.

Expected City and County Participation: Review draft document

Deliverables: Three hard copies of the Draft study report, three hard copies and a digital copy of the Final study report

Optional Tasks

We have developed two optional tasks we would like to discuss if selected. These ideas may improve quality of deliverables or aid in stakeholder understanding of concepts and recommendations. We have taken liberties in the scope above, as well as customized the RFP scope, to align with the way we believe the project should be directed. We appreciate the opportunity to discuss further.

We are committed to providing sustainable solutions that are technically feasible, economically viable, environmentally compatible, and publicly acceptable. Simply put, even the best-designed project is not sustainable if funding is not available.

Transportation Funding Impact

In the last 5 years, Bolton & Menk has secured **\$40 million** in transportation funding for our clients, leveraging **\$90 million** in projects.



We will work diligently on behalf of the City of Brainerd to identify and secure any available outside grant and low interest loan funding for the project from various federal, state, and local agencies. We have been successful in securing federal and state bonding appropriations and other special legislative authorizations for our clients, and will pursue these grant opportunities when appropriate.

Bolton & Menk has a history of helping clients find manageable sources of funding. We have secured over \$500 million in funding from a variety of sources in the past 15 years.

Optional Task 1: HSIP Funding Application

Our team has had great success securing Highway Safety Improvement Program (HSIP) funding on a variety of projects for our client communities. Bolton & Menk successfully secured funding for five of five submitted projects in the 2016 Metro HSIP solicitation, totaling over \$5.6 million and 26% of the available funds.

With the background attained in the completion of the NW 4th Street (CSAH 20) Corridor Analysis, we will have the project history and expertise to assemble a complete application for the upcoming Greater Minnesota HSIP Solicitation. Included within this task is the additional work anticipated to complete all solicitation documentation in excess of the benefit/cost worksheet documented in Task 3.

Optional Task 2: LRIP Funding Application

In addition to HSIP funding in Optional Task 1, other funding programs are available to help supplement the responsibilities of the City of Brainerd, Crow Wing County, and MnDOT in providing funding for construction of the proposed improvements. Included within this task is the additional work anticipated to complete the documentation necessary to formally submit a competitive application to the upcoming Local Road Improvement Program (LRIP) solicitation.

Project Schedule

We have prepared a draft schedule below for completion of the NW 4th Street (CSAH 20) Corridor Analysis project. With initial and consistent emphasis on meeting interim project milestones and commitment of the necessary staff, the City of Brainerd and Crow Wing County can be assured Bolton & Menk will deliver this project on time. We will work with City and County staff to develop a final schedule that best meets your needs and requests.

		2017															
		August				September				October				November			
Month		7	14	21	28	4	11	18	25	2	9	16	23	30	6	13	21
Week of																	
1.0 Project Management and Coordination																	
1.1	Project Management																
1.2	Information Gathering and Research																
1.3	Project Meetings																
2.0 Corridor and Intersection Analysis																	
2.1	Existing and Future Traffic Volumes																
2.2	Corridor Analysis																
2.3	Pedestrian/Bicycle Improvements																
2.4	Conceptual Design Layouts																
3.0 Final Report Preparation and Submittal																	
3.1	Final Report Preparation and Submittal																
4.0 Optional Tasks																	
4.1	HSIP Funding Application																
4.2	LRIP Funding Application																

● City Check-In Meeting (By Phone)

● Project Coordination Meeting (City, County, MnDOT)



Project Team

The Bolton & Menk team includes individuals with the appropriate technical and managerial experience and training to complete the projects. We are committed to maintaining the availability of the proposed project team throughout all projects.



Eric Johnson, P.E.
Principal-in-Charge
Availability: 50%

Eric will lend the team his critical thinking perspective and guidance developed from his 18 years of transportation engineering experience leading roadway design efforts (including conceptual designs, geometric layouts, and final design), as well as bicycle/pedestrian and ADA compliant facilities. He also has extensive experience in the preparation of various engineering documents, such as feasibility reports, study reports and technical memorandums, cost estimates, funding applications, and preliminary design. Eric holds a B.S. Degree in Civil Engineering from North Dakota State University.

Eric will be responsible for committing sufficient personnel and resources to accomplish the project work plan and schedule within the time frame defined. The team will engage Eric periodically throughout the project as a sounding board to provide a critical review of direction and products. Eric is formally trained in SDIC and specializes in understanding stakeholder concerns and finding sustainable solutions.

He will monitor progress, schedule, and budget and work closely with Jake to ensure critical issues are addressed in a timely manner. Eric and Jake continuously coordinate and have successfully delivered a variety of similar projects.

Similar Project Experience:

- CSAH 11 Corridor Study, Pequot Lakes to Breezy Point, Crow Wing County
- CSAH 61/TH 41 Corridor Study, Carver County
- CSAH 10 Corridor Study, Watertown, Carver County



Jacob Bongard, P.E., PTOE
Project Manager
Availability: 70%

Jake began his career in 2009 and has gained experience in planning, traffic forecasting, traffic impact analyses, intersection control evaluations, preliminary and final design, and funding applications. He has the ability to utilize the knowledge and experience attained through his education and professional practice to identify the needs of a project, work towards a solution, and communicate the results to those in and outside the field of engineering. Jake holds a B.S. Degree in Civil Engineering from the University of North Dakota.

During his time at Bolton & Menk, Jake has led or contributed to the completion of 30+ corridor studies, with many of them requiring solutions be identified for problems within a constrained environment.

Jake will be responsible for overall management, including responsibility for on-time delivery, meeting the schedule, and scope management processes. With his leadership, the team's technical professionals will have the knowledge and tools they need to deliver a contextually sensitive and sustainable solution for the NW 4th Street (CSAH 20) corridor. We will schedule all meetings, complete all agendas, maintain meeting records, and offer regular updates on next steps and upcoming project requirements. His project management tools include weekly updates, proactive discussions to stay on task and schedule, and monthly discussions on progress reports.

Similar Project Experience:

- CSAH 11 Corridor Study, Pequot Lakes to Breezy Point, Crow Wing County
- CH 21 Downtown Reconstruction Project, Scott County
- CSAH 83 Corridor Readiness Study, City of Shakopee
- CSAH 61/TH 41 Corridor Study, Carver County



Phil Martin, P.E.
Local Client Resource Expert
Availability: 50%

Phil began his civil engineering profession in 1992 and has managed the planning and design of various projects. His experience includes municipal water, sewer, and street construction, wastewater and water treatment, transportation studies, site layouts, and aviation related construction for numerous cities, townships, and counties. He has been involved with transportation corridor studies, trail studies, and capital improvement planning. He has experience with Federal and State Aid requirements and funding through County State Aid, Municipal State Aid, MnDOT cooperative agreement, and SPRA program. He is familiar with all types of funding programs related to municipal improvements, including CWRP, DWRP, Rural Development, SCDP, IRRRB, Statute 429, and enterprise funds. Phil holds a B.S. Degree in Civil Engineering from North Dakota State University.

Phil manages the firm's Baxter Work Group. He will use his extensive knowledge of the Brainerd/Baxter area to provide guidance to the project team. Phil understands the issues and is familiar with the study area from working within two miles of the corridor for a large portion of his career.

Similar Project Experience:

- CSAH 11 Corridor Study, Pequot Lakes to Breezy Point, Crow Wing County
- Flood Mitigation Culverts, Crow Wing County



Mike Narow, EIT
Design Engineer
Availability: 70%

Mike began his engineering career with Bolton & Menk in 2014. He has gained experience in traffic operation analysis, traffic forecasting, preliminary roadway design, signing and pavement marking plan design, intersection control evaluations, traffic signal design, and preparing construction plans. Mike has experience performing traffic impact studies and corridor readiness studies. He has additional experience in field testing, field inspecting, and construction observation. Mike is a certified signal and lighting technician and a grade I certified concrete field testing technician. Mike holds a B.S. Degree in Civil Engineering from the University of Minnesota.

Mike is a Design Engineer that excels at everything we throw his way. Mike has strongly supported Jake on several projects, including the CSAH 83 Corridor Readiness Study and the CSAH 61/TH 41 Corridor Study. Mike will work closely with Jake and assist in the completion of traffic forecasting, traffic operations analysis, preliminary design, and all other facets of the project.

Similar Project Experience:

- CSAH 83 Corridor Readiness Study, City of Shakopee
- CSAH 61/TH 41 Corridor Study, Carver County



Client References

Section 4



Client References

Client satisfaction through quality deliverables, cost-effective rates, and timely project delivery are top priorities for Bolton & Menk on all projects. The following includes client references along with recent similar projects that demonstrate Bolton & Menk's competence and performance. Please contact the following references to evaluate our performance.

Crow Wing County

Rob Hall, Assistant County Engineer

16589 County Road 142, Brainerd, MN 56401

218-824-1110

rob.hall@crowwing.us



CROW WING COUNTY

CSAH 11 Corridor Study

A study was initiated by Crow Wing County to plan the CSAH 11 corridor to align with a tentatively planned TH 371 bypass of Pequot Lakes in 2018.

Bolton & Menk completed the corridor study between the Cities of Pequot Lakes and Breezy Point. The study focused on an off-road multi-use trail, short- and long-range improvements in downtown Pequot Lakes to improve pedestrian movements, access management and intersection safety improvements near an elementary school, and potential upgrades to a parallel township roadway. The study developed alternatives for the connection of CSAH 11 to the new bypass road. Our team worked with project partners to develop a vision to meet the needs of the CSAH 11 corridor. Traffic safety improvements were implemented as a result of the study.

Eric Johnson was Project manager for this effort with assistance from Jake Bongard as Lead Traffic Engineer and Phil Martin as the Local Client Resource Expert.



Flood Mitigation Culverts

As a result of significant rainfall events and subsequent flooding in June of 2012, Crow Wing County sustained extensive damage to County roadways totaling approximately \$600,000. The County received an emergency disaster declaration and the Federal Emergency Management Agency (FEMA) provided funding. Four County roadways suffered damage at culvert crossings from the rain events. The County requested assistance in performing hydraulic/hydrologic analysis, construction document preparation, and permitting assistance for the improvements slated to take place at these locations. The County also required that construction be completed by October 31, 2012, making the design timeline highly constrained.

Bolton & Menk worked with Crow Wing County to provide preliminary and final design, construction document preparation, and permitting/funding documents in eight weeks. Design and construction deliverables included:

- State and Federal hydraulic reporting documents
- Hydraulic risk assessments
- Fish passage suitability per MnDNR requirements
- Joint permit application forms suitable to local, state, and federal wetland permitting agencies
- Construction plans and special provisions (including State Aid bridge plans)
- Construction observation

Bolton & Menk worked successfully with Crow Wing County staff to produce all requested deliverables, ensure funding, and provide high quality construction documents in the limited design timeline.

Phil Martin was Project manager for this effort with assistance from Eric Johnson as the environmental coordination and documentation lead.

Scott County**Kate Miner, Traffic Manager**

600 Country Trail East, Jordan, MN 55352

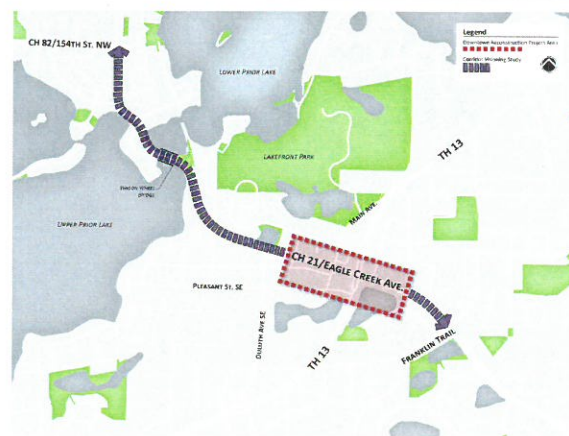
952-496-8367

kminer@co.scott.mn.us

**CH 21 Downtown Prior Lake Reconstruction**

For years, the CH 21/TH 13 intersection has been identified as needing improvement. The current intersection design poses safety and operational concerns and lacks the capacity to move traffic efficiently, both today and in the long term. The intersection has been studied multiple times without finding a solution suitable to all project partners.

In 2005, Scott County completed the *Highway 21 Corridor Study*, which created a long-term concept plan for the CH 21 corridor between CH 82 and CH 87 within the City of Prior Lake. This study produced a recommended alternative based on considerations of safety, mobility, access, and economic vitality. While the plan was adopted by the County Board of Commissioners, significant concerns were raised, including that the access to and economic vitality of downtown Prior Lake needed more consideration and that more options should be evaluated.



The intent of the CH 21 Downtown Prior Lake Reconstruction is to evaluate potential improvements to intersections in close proximity to the CH 21/TH 13 intersection, in particular CH 21/Main Avenue. Currently, the intersection of CH 21/TH 13 operates with split phasing due to overlapping opposing vehicle movements. Vehicle delays and queuing cause trips to back up through the adjacent all-way stop control at Main Avenue or avoid the corridor all together by finding alternate routes. In addition to a comprehensive analysis of vehicle safety and operations, pedestrian movements play a large role in the decision-making process. Downtown Prior Lake is bisected by CH 21 in that portions are located both north and south of the current alignment. The study will review pedestrian safety and operations along the corridor and at key crossings to provide a solution that is suitable for all modes of travel. The focus of this effort will be in Downtown Prior Lake, with a corridor visioning exercise completed for the longer segment of CH 21 from CH 82/154th Street to Franklin Trail.

Jake Bongard is currently serving as the Project Engineer for this effort and leading the traffic forecasting, analysis, safety review, and preliminary design efforts.

CSAH 33/CSAH 34 Roundabout Project, Carver County

Before moving to Scott County, Kate Miner worked for Carver County alongside Bolton & Menk on the CSAH 33/CSAH 34 Roundabout Project.

The intersection of CSAH 33 at CSAH 34 in Carver County has been plagued by high severity crashes due to sight line obstructions and elevated vehicle speeds that accompany a rural corridor. Bolton & Menk brought forth the opportunity to submit an HSIP application on behalf of the County for the construction of a roundabout to mitigate the high number of right angle crashes.

The application was successful and funding was attained to construct a roundabout at the intersection.

Eric Johnson managed this effort with Jake Bongard leading the completion of the preliminary design concept, cost estimates, benefit-cost worksheet, and submittal of the application.

City of Shakopee

Bruce Loney, Public Works Director/City Engineer

500 Gorman Street, Shakopee, MN 55379

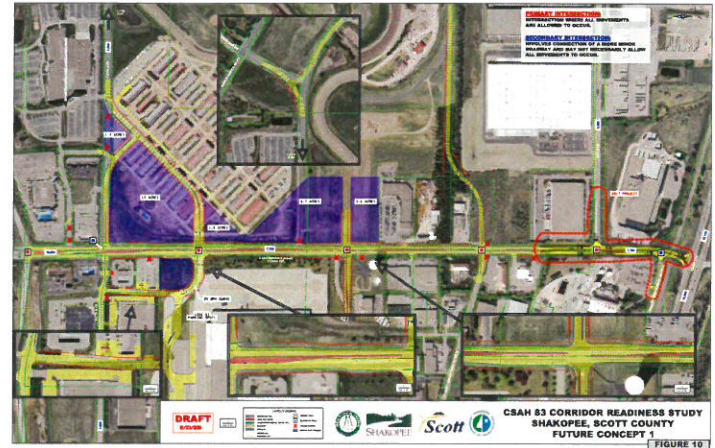
952-233-9361

bloney@ci.shakopee.mn.us



CSAH 83 Corridor Readiness Study

CSAH 83 is one of few minor arterial roadways providing north/south continuity through Shakopee and into Prior Lake. It serves as a direct access to a substantial entertainment district and commercial businesses. The City identified the importance of a comprehensive study of the corridor to anticipate future traffic demands and make a cohesive plan to address capacity, safety, and supporting roadway network needs for this area as they see continued economic growth.



Bolton & Menk led this study to evaluate existing congestion from the TH 169 interchange to CH 101, address needs and economic development initiatives, and establish future multimodal traffic demands at key intersections to maximize safety. An implementation plan was established to prioritize maintainable and fundable transportation improvements and identify roadway network recommendations to accommodate future growth.

Jake Bongard served as the Project Engineer for this effort and led the traffic forecasting, trip generation, traffic analysis, safety review, and preliminary design efforts.

CH 17 and Vierling Drive and CH 17 at TH 169 North Ramp

Marschall Road (CH 17) provides one of the primary access points to TH 169 in Shakopee. It is a vital roadway serving motorists, pedestrians, and transit users. Serving over 18,000 vehicles per day with access to retail destinations, this corridor is typically congested. Limited intersection spacing and narrow right-of-way prohibit substantial capacity improvements.

Rear end crashes and safety concerns required the City to take action to preserve the corridor. Through a Federal Highway Safety Improvement Program grant, creative and cost-effective solutions were developed to accommodate traffic, improve safety, and avoid property acquisition. This included narrowed lanes to accommodate an additional left turn lane to Vierling Drive, widened exit ramp to provide an additional left turn lane to Marschall Road, and implementation of interconnected traffic signals. A Level 2 Layout was approved, final design plans and specifications prepared, and construction administered on behalf of the City.



Continuous communication was provided to affected businesses and residents. The improvements have increased safety and allowed for better mobility and access to retail and residential areas.

Jake Bongard served as a Project Engineer for this effort and contributed to the traffic forecasting, traffic analysis, safety review, preliminary design, and final design. Eric Johnson was involved in the completion of the environmental review and documentation.



Fee Schedule

Section 5



Fee Schedule

Bolton & Menk understands the importance of delivering a project within budget. We closely monitor our budget to ensure efficiency of our staff and value to our clients. Any issues relating to requested scope modifications and potential budget impacts will be communicated in a timely manner.

Our estimated fee for the tasks provided in our project approach is proposed on an hourly not-to-exceed basis. We propose to provide services for the NW 4th Street (CSAH 20) Corridor Analysis for a **not-to-exceed fee of \$19,320**. Because we understand the proposed scope of work is dynamic and subject to modification, our scope of services and estimated fee is open to further negotiation.

Detailed Hourly Breakdown

Client: City of Brainerd Project: NW 4th Street (CSAH 20) Corridor Anlaysis		Bolton & Menk, Inc.					
Task No.	Work Task Description	Principal-in-Charge	Project Manager	Local Client Resource Expert	Design Engineer	Clerical	Totals
1.0 Project Management and Coordination							
1.1	Project Management	1	3				4
1.2	Information Gathering and Research		4	1	24		29
1.3	Project Meetings	6	10	2			18
Subtotal Hours - Task 1		7	17	3	24	0	51
2.0 Corridor and Intersection Analysis							
2.1	Existing and Future Traffic Volumes		2		4		6
2.2	Corridor Analysis	1	4		16		21
2.3	Pedestrian/Bicycle Improvements		4	1	4		9
2.4	Conceptual Design	2	12	1	40		55
Subtotal Hours - Task 2		3	22	2	64	0	91
3.0 Final Report Preparation and Submittal							
3.1	Final Report Preparation and Submittal	1	6		24	2	33
Subtotal Hours - Task 3		1	6	0	24	2	33

Detailed Cost Breakdown

Client: City of Brainerd Project: NW 4th Street (CSAH 20) Corridor Analysis		Bolton & Menk, Inc.						Total Cost
Task No.	Work Task Description	Principal-in-Charge	Project Manager	Local Client Resource Expert	Design Engineer	Clerical	Total Hours	
1.0	Project Management and Coordination	7	17	3	24	0	51	\$6,060
2.0	Corridor and Intersection Analysis	3	22	2	64	0	91	\$9,845
3.0	Final Report Preparation and Submittal	1	6	0	24	2	33	\$3,415
Total Hours		11	45	5	112	2	175	
Average Hourly Rate		\$165.00	\$120.00	\$155.00	\$100.00	\$65.00		
Subtotal		\$1,815	\$5,400	\$775	\$11,200	\$130		
Total Fee							\$19,320	



Brainerd City Council Agenda Request

SPW #5

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Resolutions Combining Projects

☐ 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): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request are two resolutions combining Improvements 14-03 with 16-13 and combining Improvements 15-12 with 16-10.	
Alternatives, Options, Effects on Others/Comments: The reason for combining improvement projects has many advantages. Better bid prices for larger projects are usually expected. As the committee knows, we let two larger contracts this year. One consisted of our State Aid projects and the other our locally funded projects. By consolidating these projects by resolution, all assessment proceedings can be conducted as one proceeding. This also ensures that we meet the 20% assessed cost for bonding purposes per Minnesota Statute 429.	
Recommended Action/Motion: Staff recommends adopting both resolutions attached to this request so that our locally funded projects and state aid projects will be officially combined.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

RESOLUTION

NO _____

RESOLUTION CONSOLIDATING CERTAIN IMPROVEMENT PROJECTS

WHEREAS, the City of Brainerd (the "City") previously instituted proceedings for the following public improvements:

City Improvement 14-03 (the "First Project") and City Improvement 16-13 (the "Second Project")

WHEREAS, the City Council held an improvement hearing for both the First Project and the Second Project on February 20, 2017; and

WHEREAS, the City Council ordered the improvements described as the First Project and the Second Project immediately following the public hearing therefor; and

WHEREAS, the proceedings for the above projects were instituted on substantially the same dates; and

WHEREAS, the City solicited bids for the construction of the First Project and the Second Project at substantially the same time, and contracts were awarded for the two projects on March 24, 2011, to a single contractor, as if they comprised a single improvement project; and

WHEREAS, the City Council has determined that the various components of the First Project and the Second Project may be more economically completed if consolidated and joined as one project, as authorized under Minnesota Statutes, Section 435.56.

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

1. The Council hereby consolidates and joins the First Project and the Second Project as a single consolidated improvement project for all purposes under Minnesota Statutes, Section 435.56 and Chapter 429.
2. All proceedings in connection with each component of the above named projects shall be deemed instituted and conducted as one proceeding.
3. The consolidated project is designated as "2017 Street Resurfacing Project".

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

RESOLUTION

NO _____

RESOLUTION CONSOLIDATING CERTAIN IMPROVEMENT PROJECTS

WHEREAS, the City of Brainerd (the "City") previously instituted proceedings for the following public improvements:

City Improvement 15-12 (the "First Project") and City Improvement 16-10 (the "Second Project")

WHEREAS, the City Council held an improvement hearing for both the First Project and the Second Project on June 5, 2017; and

WHEREAS, the City Council ordered the improvements described as the First Project and the Second Project immediately following the public hearing therefor; and

WHEREAS, the proceedings for the above projects were instituted on substantially the same dates; and

WHEREAS, the City Council has determined that the various components of the First Project and the Second Project may be more economically completed if consolidated and joined as one project, as authorized under Minnesota Statutes, Section 435.56.

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

1. The Council hereby consolidates and joins the First Project and the Second Project as a single consolidated improvement project for all purposes under Minnesota Statutes, Section 435.56 and Chapter 429.
2. All proceedings in connection with each component of the above named projects shall be deemed instituted and conducted as one proceeding.
3. The consolidated project is designated as "2017 Street Reconstruction Project".

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

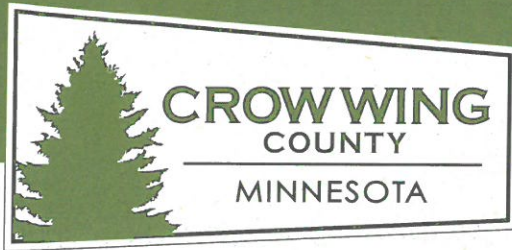
SPW #6

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Tax Forfeit Non-Conservation Parcel

☐ 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): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is a notification from Crow Wing County notifying the City that they are interested in classifying a parcel of tax forfeit property as non-conservation and offering the property to an adjoining landowner for a direct sale to the landowner. The parcel is 0.02 acre parcel in a platted dead end alley of May Street between the SW 5th Street cul-de-sac and SW 4th Street.	
Alternatives, Options, Effects on Others/Comments: Whenever a tax forfeited land is proposed for to be sold, a letter must be sent to the township or city where the land lies to give the city or township the option of holding the parcel in conservation for future purchase by the city or township. The main reasons the City would hold parcels in conservation for future purchase would be for future stormwater improvements such as ponds or swales. In this case, this parcel of land holds no value for the City to hold in conservation because of the size and location of the parcel.	
Recommended Action/Motion: Staff is recommending that the council agree with the non-conservation classification of the parcel to allow Crow Wing County to offer the sale of the land to the adjoining landowner.	
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>	



July 11, 2017

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

RECEIVED

JUL 13 2017

CITY OF BRAINERD
ADMINISTRATION

Re: Classification to "Non-Conservation" and Future Direct Sale of a Tax Forfeited Tract

Dear Mr. Thoreen:

In the near future, the Crow Wing County Board of Commissioners will classify the tax forfeited tract(s), below, as "Non-Conservation" which is required prior to sale pursuant to MS 282.01.

Lot 9, Block 63, West Brainerd

RE Code: 091980630090009

Before, however, Crow Wing County can proceed with its plans to offer this tract for sale, the city or township wherein these tracts lie, ***"must first approve the classification and intended sale"*** by the County Board. The city or township ***"is considered to have approved the classification and sale if the county board is not notified of the disapproval.....within 60 days of the date"*** of this letter.

If you respond within 60 days and do not support the County Board's action, ***"the County Board must follow the procedures in paragraphs (c) and (d), with regard to the parcel, and must additionally cause to be published in a newspaper a notice of the date, time, location, and purpose of the required meeting."***

Gary Griffin, Director
Land Services Department
322 Laurel Street, Suite 15
Brainerd, MN 56401

Our Vision: Being Minnesota's favorite place.
Our Mission: Serve well. Deliver value. Drive results.
Our Values: Be responsible. Treat people right. Build a better future.

Office: (218) 824-1010
Fax: (218) 824-1126
www.crowwing.us



According to MS 282.01, Subdivision 1, If the town or city *"fails to submit an application and a resolution of the board or governing body to acquire the property within the six month withholding period, the county may offer the property for sale upon expiration of the withholding period."*

Whenever tax forfeited land is proposed to be sold, a generic form letter containing the language above is mailed to the township or city wherein the tax forfeited land lies. The language, above, stipulates the Statutes which apply and does reference a PUBLIC SALE which is the typical sale method. **IN THIS CASE, HOWEVER, CROW WING COUNTY PLANS TO PURSUE A POSSIBLE ALTERNATE SALE PROCEDURE PURSUANT TO MS 282.01, SUBD 7A, WHICH ALLOWS THE COUNTY BOARD TO SELL TO AN ADJOINING LANDOWNER.**

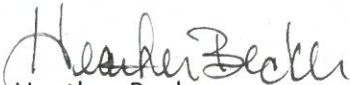
The tax forfeited tract.....

- Is 0.02 acre in size.
- Forfeited 6-28-2016
- Adjoining landowner to the southeast would like to pursue a direct purchase.

Please review the tax forfeited tract, attached, and inform this Department of your approval or disapproval of the County Board's future action to classify said tract to a "non-conservation" status with intentions to sell directly to an the other undivided interest landowners.

If you have further questions, please give me a call.

Sincerely,


Heather Becker

Customer Service Specialist II

Encl: map

Our Vision: Being Minnesota's favorite place.

Our Mission: Serve well. Deliver value. Drive results.

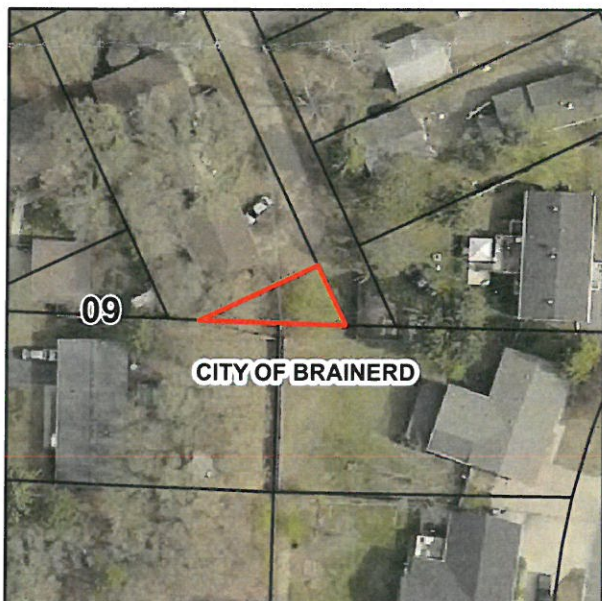
Our Values: Be responsible. Treat people right. Build a better future.

Possible Direct Sale to Adjoining Landowner
City of Brainerd
West Brainerd
Lot 9, Block 63
RE code: 091980630090009



0 0.03 0.06 0.12 Miles

1 inch = 292 feet



Legend

- | | | |
|--------------------------------|--------------------------------|-------------|
| ----- Unnamed Private Driveway | ----- City Road | Private |
| ----- US Highway | ----- Named Private Road | State (DNR) |
| ----- State Highway | ----- Minimum Maintenance Road | Federal |
| ----- County Road | ----- Cass County Road | Municipal |
| ----- Township Road | Boundary | Lakes |
| | Sections | Streams |
| | Parcel Data | |
| | County | |



July 11, 2017

Crow Wing County Coordinates (projection) ArcGIS 10.1



Brainerd City Council Agenda Request

SPW #7

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: South 6th Street 4 Lane Section

☐ 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: Alderman Bevans	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Alderman Bevans wanted to have a discussion about the 4 lane final layout between Front Street and Washington Street presented at the public informational open house for the S 6th Street Reconstruction Project planned for 2018.	
Alternatives, Options, Effects on Others/Comments: This layout presented when municipal consent was granted on December 7, 2015, the layout showed a 4 lane section from Front Street to Washington Street consisting of one northbound left turn, one northbound left/through, one northbound right turn, and one southbound lane. This layout is necessary due to the pharmacy building on the west side of S 6th Street south of the tracks and the configuration of the 9 foot wide median separating the northbound and southbound travel. The median is a requirement of the railroad, as the stop arms need a 4.5 foot clearance from the face of the curb to prevent traffic from trying to swerve around the stop arms. If two southbound lanes were provided, the pharmacy building would need to be bought out and relocated. Two southbound lanes would also severely encroach on the strip mall parking north of the tracks. One receiving lane is more than enough to handle southbound traffic at this intersection, and will also take away the ability of west bound 210 traffic taking left turns from turning into the outside southbound lane on S 6th Street. This may require, however, the use of no right turn on red when westbound 210 left turning movement is happening to avoid conflicts with east bound right turning traffic. The municipal consent layout approved on December 7th is available for viewing at the City Engineer's office.	
Recommended Action/Motion: Informational only.	
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>	

**RESOLUTION
NO. 54:15**

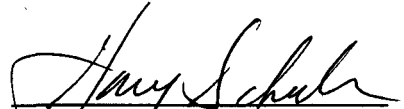
A RESOLUTION FOR LAYOUT APPROVAL

WHEREAS, the Commissioner of Transportation has prepared a final layout for State Project 1814-06 on Trunk Highway 371B, from Joseph Street to Highway 210 within the City of Brainerd for Highway 371B improvements; and seeks the approval thereof, as described in Minnesota Statutes 161.162 to 161.167; and

WHEREAS, said final layout is on file in the District 3 Minnesota Department of Transportation office, Baxter, Minnesota, being marked as Layout No. 1 S.P. 1814-06, from R.P. 5+00.402 to 6+00.526; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRAINERD, that said final layout for the improvement of said Trunk Highway within the corporate limits be and is hereby approved.

Adopted this 7th day of December, 2015


GARY SCHEELER
President of the Council

Approved this 8th day of December, 2015


EDWIN L. MENK
Mayor

ATTEST:


JIM THOREEN
City Administrator



Brainerd City Council Agenda Request

SPW #8

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Marohn/Oak Lawn Township Drainage Dispute

☐ 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): Paul Sandy, City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: Mr. Bob Marohn has requested to be heard in front of the committee in regards to a dispute between him and Oak Lawn Township.	
Alternatives, Options, Effects on Others/Comments: Mr. Marohn is the property owner at 11427 Easy Street. The Pine Shores area, as many of you know, has severe topography. In order to address a multitude of drainage issues, Oak Lawn Township has proposed a plan and sent a letter to Mr. Marohn in regards to their planned maintenance work to fix the issue. The attached maintenance agreement the City has with Oak Lawn Township specifies maintenance as activities outlined as the responsibility of the jurisdiction listed in the agreement. In this case, Pine Shores Road and Easy Street are both Oak Lawn Township maintenance jurisdiction, and 100% of Oak Lawn Township cost. Easy Street and Pine Shores are also considered township roads, therefore, Oak Lawn Township is the road authority in this case. Work being proposed includes repairing a washout, filling in a gutter flume, placing a curb and gutter on the east side of the road, and patching the street with a 2" overlay. This is in hopes of crowning the road so that the water does not accumulate, pick up speed, and wash out the location of the road that has been. From my conversations with the township, their hope is to crown the road so the water runs off in a natural manner and does not gain force and speed down the flume. Oak Lawn Township has the right and authority to maintain the road and their ROW as they feel is necessary and needed to prevent this from occurring on Mr. Marohn's property. If Mr. Marohn sees issues with the Township's plans, the resolution of the issues must come from from the Oak Lawn Township Board. The City is not responsible for the maintenance of this/these roads. It is staff's hope that an agreeable solution can be made between Mr. Marohn and the Town Board.	
Recommended Action/Motion: Discussion item. However, staff's recommendation for a motion, if any, would be to maintain the City's stance that this issue is between a road authority (Oak Lawn Township) and a private property owner (Mr. Marohn).	
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 18th 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:

By:



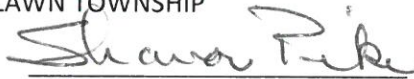
JAMES M. THOREEN

Brainerd City Administrator

Date:

OAK LAWN TOWNSHIP

By:



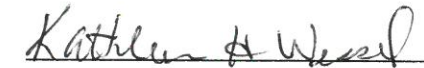
SHARON PIKE

Township Chair

Date:

7-11-17

By:



KATHLEEN WESSEL

Township Clerk

Date:

7-11-17





Brainerd City Council Agenda Request

SPW #9

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Airport Utility Project SAC/WAC Charges

☐ 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: Alderman Bevans	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Public Utilities Commissioner O'Day and Alderman Bevans wanted a discussion on the SAC and WAC fees that are collected when connections are made to City water and sewer as part of the Airport Utility Extension Project.	
Alternatives, Options, Effects on Others/Comments: The original intent of SAC and WAC was to provide funds for things related to water and sewer distribution, treatment, plant facilities, payment of capital charges represented by bonds, etc. I have attached the sections of the code pertaining to SAC and WAC. An original split of the quantities and project costs were calculated before the project went into construction. The percentages the City and BPU would be responsible for were calculated to be an estimated 38% and 62% respectively. The City and BPU financed the project through bonds together. These percentages should correlate directly to debt service payments. Staff feels the SAC and WAC fees that are collected should be split proportionally based off of the final project costs the City and BPU are responsible for.	
Recommended Action/Motion: Staff would recommend that the collected SAC and WAC fees as part of connections being made to City sewer and water as part of the Airport Utility Extension Project should be split based proportionally on final project costs BPU and the City are responsible for.	
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>	

Section 703 – Sewer Availability Charge (SAC)

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

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

Subd. 1. Payment Required.

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

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

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

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

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

(Added Ord. 1146 – 2002)

Section 706 – Water Availability Charge (WAC)

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

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

Subd. 1. Payment Required:

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

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

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

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

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

(Added Ord. 1147 – 2002)

Paul Sandy

From: Kelly Bevans
Sent: Monday, July 24, 2017 5:05 PM
To: Paul Sandy
Cc: Dave Badeaux; Jan Lambert
Subject: Fw: AIRPORT UTILITIES PROJECT

Paul: Please add this to next meeting's SP & W agenda.

Thanks

Kelly

From: Mark O'Day <mark@wwthompson.com>
Sent: Monday, July 24, 2017 12:04 PM
To: Kelly Bevans
Subject: AIRPORT UTILITIES PROJECT

THE PUC WOULD LIKE ASSURANCE THAT THE SAC & WAC FEES THAT OCCUR FOR THIS PROJECT ARE FORWARDED TO THE BRAINERD PUBLIC UTILITIES. WE ALL KNOW, THE LOCAL OPTION SALES TAX WILL NOT COVER PAYMENT OF THE BONDS. IF YOU NEED ME TO COME TO A MEETING, I WILL DO THAT.

THANKS



Brainerd City Council Agenda Request

SPW #10

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: Grab A Cab Taxi License Review

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: Attached is a memo that describes a request to review the taxi cab license issued to Grab A Cab on December 12, 2016.	
Alternatives, Options, Effects on Others/Comments: The Planning Department has placed this issue on the SPW agenda for guidance on how to address the license.	
Recommended Action/Motion: The Planning Department has no recommendations for a motion.	
Final Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No Please Explain:	

MEMO

TO: Mayor and City Council

FROM: Mark Ostgarden, City Planner

DATE: August 2, 2017

RE: Grab-A-Cab License Review

The Planning Department has learned a license to operate a taxi cab business has been issued to an address in a residential zoning district. This item is on the agenda for direction on what to do about the license.

Background

On December 19, 2016, the City Council issued a license (copy attached) for Grab-A-Cab to operate one taxi cab at 421 ½ S. 9th Street. Earlier this year, the applicant/owner moved to her personal residence at 623 N 5th Street in another residentially zoned area. Since the relocation, two additional taxi cabs have been added to the business (3 total).

The Planning Department has observed Grab-A-Cab taxi cabs parked in the driveway on the street at 623 N 5th Street. The taxi cab business owner is a tenant in a licensed rental unit. How the business operates is not known, however, because taxi cabs have been observed at the property, the Planning Department presumes they must be parked overnight and from time to time be dispatched from the site.

Issue

The issue is the license has been issued for a business to operate in a residential zoning district, a use not generally permitted by right, as an accessory use or as a conditional use.

Zoning Ordinance Provisions

The Zoning Ordinance does make some provisions to permit home businesses and home extended businesses to operate in residential districts within specified criteria. It is the Planning Department's position and concurred with by the City Attorney that although permitted a home business, the operation is not in compliance with home business criteria to operate.

Home businesses are permitted subject to the following criteria:

1. *Any lawful occupation or profession conducted within a dwelling unit by the owner and/or occupant who resides at the dwelling. All such occupants shall obtain written approval of the property owner and provide evidence of such approval to the City prior to issuance of a permit.*
2. *Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barbershops, beauty shops, or similar uses. Only articles made or services originating on the premises may be sold on the premises.*

3. *Other than signs permitted in residential districts, evidence of the occupation shall not be visible from the perimeter of the lot. Evidence of the occupation means outdoor storage of materials, equipment or merchandise.*
4. *Such occupation must provide up to two (2) off-street parking spaces. Parking of one commercial vehicle not to exceed twelve thousand (12,000) pounds may be allowed per premises.*
5. *No accessory building shall be used for a Home Business.*
6. *Entrance to the Home Business shall be gained from within the principal building. Not more than twenty-five (25) percent of the gross floor area of the residence shall be used for this purpose.*
7. *No mechanical or electrical equipment shall be used that interferes with the desired quiet residential environment of the neighborhood or if it endangers the health and safety of the occupants or neighborhood residents.*
8. *A person having a Home Business shall provide proof of meeting the above requirements if complaints are received by the City Council.*

Home businesses are permitted subject to the following criteria:

1. *Any lawful occupation or profession engaged within a dwelling unit by the property owner and/or occupant which involves any of the following:*
 - a. *The storage of stock-in-trade incidental to the performance of the service.*
 - b. *Repair or manufacturing which requires equipment other than that customarily found in a home.*
 - c. *The employment on the premises at any one time, of not more than one (1) person who is a non-resident of the premises.*
 - d. *The need for not more than three (3) parking spaces in addition to spaces required for the persons residing on the premises.*
2. *Only articles made or services provided on the premises shall be sold on the premises.*
3. *The proposed activity shall be clearly incidental and secondary to the residential use of the premises.*
4. *An attached garage and/or an accessory building may be used for a Home Extended Business.*
5. *Shall not consist of over-the-counter sales of merchandise produced off the premises.*

6. *A Home Extended Business shall be subject to the approval of an Interim Use Permit and any conditions imposed on the approved permit.*
7. *All such occupants shall obtain written approval of the property owner and provide evidence of such approval at the time of an application for an Interim Use Permit.*
8. *Expiration of the Interim Use Permit may include sale of the property, change in tenancy of the property, or an event or date agreed upon by the applicant and the City.*

Home extended business is an incidental and secondary use which operates within an accessory building on the premises where the home extended business Interim use was permitted. The operation of a taxi cab business does not meet the criteria to qualify for a home extended business.

Planning Department discussions with the City Attorney have concluded the operation is not in compliance with home business guidelines #1 and #3.

Criteria #1 specifies written approval from the property owner is needed, which has not been submitted. Criteria #2 specifies that one commercial vehicle is allowed on the premises. There is the potential of three commercial vehicles to be present at the premises.

NOTE: As stated above, the use does not meet the home extended business criteria to operate and it is the Planning Department's position that a taxi cab business in a residential district is not a use that is allowed as a home business.

It is the Planning Departments position (the Department that serves as the Zoning Administrator) that in addition to meriting criteria #1 and #3, a taxi cab business does not meet Criteria's #2 which reads:

Such uses include professional offices, minor repair services, photo or art studios, dressmaking, barbershops, beauty shops, or similar uses.

A taxi cab business is in **no way** a use like the types of uses listed that are appropriate home businesses.

The Planning Departments position has been discussed with City Attorney who is not in agreement with its position.

City Council Options

1. Allow the business to operate with the issued permit.
2. Inform the license holder that:
 - a. Written approval from the property owner to operate is needed.
 - b. One taxi cab can be kept on site. The other two taxi cabs must be kept in a commercial district or outside the city.

TAXICAB CERTIFICATE APPLICATION
CITY OF BRAINERD

RECEIVED
DEC 12 2016
CITY OF BRAINERD
ADMINISTRATION

TO COMPLY WITH THE PROVISIONS OF SECTION 1160 OF THE BRAINERD CITY CODE:

NOTE: License fee is \$40 per year per vehicle (January 1 to December 31). Certificate of Insurance from a Minnesota authorized company in the following amounts must be provided prior to issuing a license: each vehicle authorized in the amount of \$100,000 for bodily injury to one person, in the amount of \$300,000 to injuries to more than one person which are sustained in the same accident and \$50,000 for property damage resulting from any one accident. Every taxicab licensed by the City of Brainerd is required to be inspected upon licensing. Refer to the vehicle inspection form for specific details.

(please print)

1. Business Name Grab-A-Cab LLC
2. Applicant Full Name Ronnie [REDACTED] Schnichels
3. Previous Last Names Ronnie Fletcher
4. Date of Birth [REDACTED]
5. Home Telephone Number 218-821-7586
6. Applicant Home Address 421 1/2 59th St. Brainerd
7. Applicant Business Address 421 1/2 59th St
8. Business Telephone Number 218 270 2992
9. Federal Tax Number 81-3982846 State Tax Number 4742604
10. All unpaid judgments NONE
11. Years of experience in transporting passengers 5+
12. List years and names of companies Brainerd Area Taxi, Reichert, Executive
13. Number of vehicles to be operated 1
14. Color scheme or insignia to designate vehicles Black + Yellow
15. Facts to prove why the public conveniences and necessity call for granting of certificate to meet community needs
16. Other comments or pertinent facts _____

<u>Grab-A-Cab LLC</u>	<u>Ron Schnichels</u>	<u>12-12-14</u>
NAME OF COMPANY	SIGNATURE OF APPLICANT	DATE
<u>[Signature]</u>		<u>12-14-16</u>
CHIEF OF POLICE SIGNATURE		DATE

OFFICE USE

Amount paid 40.00 Date paid 12/14/16 Receipt No. 47242 Council Approval 12/14/16 License 17-02

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

August 7, 2017
City Hall Conference Room
6:15 PM

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

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Braun Intertec	14-03	Jackson St Testing thru 6/16	\$3,134	\$0
Braun Intertec	17-02	2017 Chip Seal Testing thru 6/16	\$659	\$0
S.E.H.	14-15	Airport Util Ext thru 6/30	\$22,022	\$0
Tri-City Paving	16-13	Buffalo Hills Resurfacing thru 7/28	\$6,056	\$319
Tri-City Paving	14-01	Oak St Mill & Overlay thru 7/28	\$328,478	\$17,288
Tri-City Paving	14-03	Jackson St Resurfacing thru 7/28	\$56,443	\$2,971

2. Fire Department Relief Association – Annual Report
3. Police School Resource Officer Contract with ISD 181
4. Police Request to Purchase Body Worn Cameras
5. Compensation System/Pay Equity RFP
6. Sewer Gas Monitors Purchase – Informational
7. 2016 Tax Increment Financing (TIF) Report Summary
8. Heartland Animal Rescue Team Rate Increases (HART) – Carried Over
9. Set 2018 Budget Workshop Date



Brainerd City Council Agenda Request

P&F #2

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Fire Department Relief Association -- Annual Report

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Fire Chief Holmes	Department: Fire
Presenter (Name & Title): POC Representatives	Estimated Time Needed: 10 minutes
Summary of Issue: See attached memo and reports from the Brainerd Fire Department Relief Association.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize staff to sign the annual reports.	
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 Fire Department
Relief Association
23 Laurel St
Brainerd MN 56401
(218) 828-2312

July 26th, 2017

TO: City Council City of Brainerd

FR: Brainerd Fire Department Relief Association

Pursuant to Minnesota State Statute 424A.093, subdivision 5(c), the Brainerd Fire Department Relief Association must certify to the municipality the annual financial requirements for the association by August 1, 2017. The financial requirements for the association are calculated on the Form SC-17, which is provided to the relief association by the Office of the State Auditor. This form is used to determine the current year end plan liabilities, any surplus or deficit, and the future year (2018) required municipal contribution.

Based upon the financial projections on the Form SC-17, the Brainerd Fire Department Relief Association is requesting an increase to our benefit level. We are currently at \$8,750 per year of service and are requesting an increase to \$9,500 per year of service. Based on the year to date return of 7.38% and several other variables we feel that an increase would be acceptable and in the funds best interest. As a result of this decision we will be leaving our plan funded to 109 %. Thank you for your consideration of this matter.

The form SC-17 is attached for your review and certification.

Sincerely,



Matt Holmstrom
Secretary

OFFICE OF THE STATE AUDITOR

Active Member Information

Enter Annual Benefit Level in effect for 2017: **\$9,500**

(If you change your benefit level before 12/31/2017, the SC must be recalculated and recertified at the new level.)

								2017	2018	
Total Active Member Liabilities								2,385,260		2,661,330
							To end of 2017		To end of 2018	
	Name	Status	Date of Birth	Fire Department Entry Date	Leaves of Absence and Breaks in Service (months)	Return to Service Member ?	Years of Service	Accrued Liability	Years of Service	Accrued Liability
1	Rubbelke, Daryl A	Active		7/21/1992	6		25	237,500	26	247,000
2	Martin, Randy C	Active		8/3/1995	3		22	209,000	23	218,500
3	Anderson, Robert A	Active		11/1/1996	6		21	199,500	22	209,000
4	Rubado, Joseph J	Active		11/1/1996	14		20	190,000	21	199,500
5	Cox, David J	Deferred		1/1/1998	12		19	0	20	0
6	Johnson, Richard C	Deferred		1/26/1998	61		15	0	16	0
7	Schellin, Jeffrey J	Active		10/1/2001	0		16	135,660	17	148,200
8	Sell, Barry L	Active		10/1/2002	6		15	123,880	16	135,660
9	Smith, Joshua R	Active		10/1/2002	3		15	123,880	16	135,660
10	Johnson, Todd M	Active		11/1/2003	0		14	112,480	15	123,880
11	Mann, Lawayne R	Active		3/8/2005	3		13	101,650	14	112,480
12	Howard, Dennis J	Active		6/7/2005	28		10	72,200	11	81,510
13	Zeien, Cory J	Active		6/7/2005	13		11	81,510	12	91,390
14	Holmstrom, Matthew D	Active		8/7/2006	16		10	72,200	11	81,510
15	Bautch, James P	Active		10/3/2006	3		11	81,510	12	91,390
16	Enge, Joseph	Active		10/20/2008	0		9	63,270	10	72,200
17	Jacobson, Joel L	Active		10/20/2008	12		8	54,720	9	63,270
18	Read, David T	Active		10/20/2008	0		9	63,270	10	72,200
19	Marohn, Samuel	Active		12/9/2009	0		8	54,720	9	63,270
20	Powell, Jeremy	Active		12/9/2009	6		8	54,720	9	63,270
21	Amundson, Greg	Active		2/4/2011	3		7	46,740	8	54,720
22	Grocnwold, Christopher	Active		2/4/2011	0		7	46,740	8	54,720
23	Lemieur, Jonathan	Active		2/4/2011	0		7	46,740	8	54,720
24	Findlay, Rahn D	Active		8/1/2013	0		4	24,700	5	31,730
25	Kargel, Brian T	Active		8/1/2013	0		4	24,700	5	31,730
26	Mailhot, Joshua	Active		8/1/2013	0		4	24,700	5	31,730
27	Norwood, James	Active		8/1/2013	0		4	24,700	5	31,730
28	Teckemeyer, Mark	Active		8/1/2013	0		4	24,700	5	31,730
29	White, Darin A	Active		8/1/2013	14		3	18,050	4	24,700
30	Bickel, Andrew J	Active		10/21/2013	6		4	24,700	5	31,730
31	Stangel, Josh	Active		10/1/2015	0		2	11,780	3	18,050
32	Flowers, Eric	Active		7/1/2016	0		2	11,780	3	18,050
33	Haglin, Nicholas	Active		7/1/2016	0		2	11,780	3	18,050
34	Isle, Steven	Active		7/1/2016	0		2	11,780	3	18,050
35		Choose Status						0		0
36		Choose Status						0		0

OFFICE OF THE STATE AUDITOR

Deferred Member Information

(fully or partially vested)

Total Deferred Member Liabilities 2017 662,956
 Total Deferred Member Liabilities 2018 696,104

1

Enter all information as it pertains to this member.

Member Name: Forbord, Ramona R Benefit Level at Separation: 6,825 Months of Service Are Paid Yes

Minimum Years Required to Vest: 10 DOB: _____Service Dates: Entry: 8/1/1991 Separation: 4/1/2012LOAs and BIS (in months): 46 Vesting %: 84

Return to Service Member ? _____ (Select "Yes" if applicable.)

Total Service: Years: 16 Months (if paid): 102017 Estimated Liability: 127,7972018 Estimated Liability: 134,187 Status: Deferred

Deferred Interest Paid

(Select "Yes" if offered.) Yes

If Interest is Paid, Choose Type:

Straight 5%

Period Interest is Paid:

Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1986: _____ %	1991: _____ %	1996: _____ %	2001: _____ %	2006: _____ %	2012: _____ %
1987: _____ %	1992: _____ %	1997: _____ %	2002: _____ %	2007: _____ %	2013: _____ %
1988: _____ %	1993: _____ %	1998: _____ %	2003: _____ %	2008: _____ %	2014: _____ %
1989: _____ %	1994: _____ %	1999: _____ %	2004: _____ %	2009: _____ %	2015: _____ %
1990: _____ %	1995: _____ %	2000: _____ %	2005: _____ %	2010: _____ %	2016: _____ %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2011: _____ % 2017: _____ % +

2

Enter all information as it pertains to this member.

Member Name: Tengwall, Kevin A Benefit Level at Separation: 8,750 Months of Service Are Paid Yes

Minimum Years Required to Vest: 10 DOB: _____Service Dates: Entry: 6/27/1994 Separation: 6/30/2016LOAs and BIS (in months): 11 Vesting %: 100

Return to Service Member ? _____ (Select "Yes" if applicable.)

Total Service: Years: 21 Months (if paid): 12017 Estimated Liability: 02018 Estimated Liability: 0 Status: Paid

Deferred Interest Paid

(Select "Yes" if offered.) Yes

If Interest is Paid, Choose Type:

Straight 5%

Period Interest is Paid:

Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1986: _____ %	1991: _____ %	1996: _____ %	2001: _____ %	2006: _____ %	2012: _____ %
1987: _____ %	1992: _____ %	1997: _____ %	2002: _____ %	2007: _____ %	2013: _____ %
1988: _____ %	1993: _____ %	1998: _____ %	2003: _____ %	2008: _____ %	2014: _____ %
1989: _____ %	1994: _____ %	1999: _____ %	2004: _____ %	2009: _____ %	2015: _____ %
1990: _____ %	1995: _____ %	2000: _____ %	2005: _____ %	2010: _____ %	2016: _____ %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2011: _____ % 2017: _____ % +

3

Enter all information as it pertains to this member.

Member Name: Turner, Mark Benefit Level at Separation: 7,400 Months of Service Are Paid Yes

Minimum Years Required to Vest: 10 DOB: _____

Service Dates: Entry: 11/1/1996 Separation: 7/31/2009

LOAs and BIS (in months): 23 Vesting %: 60

Return to Service Member ? _____ (Select "Yes" if applicable.)

Total Service: Years: 10 Months (if paid): 10

2017 Estimated Liability: 72,564

2018 Estimated Liability: 76,192 Status: Deferred

Deferred Interest Paid

(Select "Yes" if offered.) Yes

If Interest is Paid, Choose Type:

Straight 5%

Period Interest is Paid:

Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1986: _____ %	1991: _____ %	1996: _____ %	2001: _____ %	2006: _____ %	2012: _____ %
1987: _____ %	1992: _____ %	1997: _____ %	2002: _____ %	2007: _____ %	2013: _____ %
1988: _____ %	1993: _____ %	1998: _____ %	2003: _____ %	2008: _____ %	2014: _____ %
1989: _____ %	1994: _____ %	1999: _____ %	2004: _____ %	2009: _____ %	2015: _____ %
1990: _____ %	1995: _____ %	2000: _____ %	2005: _____ %	2010: _____ %	2016: _____ %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2011: _____ % 2017: _____ % +

4

Enter all information as it pertains to this member.

Member Name: Logelin, Dennis J Benefit Level at Separation: 8,750 Months of Service Are Paid Yes

Minimum Years Required to Vest: 10 DOB: _____

Service Dates: Entry: 7/1/2001 Separation: 7/26/2016

LOAs and BIS (in months): 36 Vesting %: 64

Return to Service Member ? _____ (Select "Yes" if applicable.)

Total Service: Years: 12 Months (if paid): 0

2017 Estimated Liability: 72,093

2018 Estimated Liability: 75,698 Status: Deferred

Deferred Interest Paid

(Select "Yes" if offered.) Yes

If Interest is Paid, Choose Type:

Straight 5%

Period Interest is Paid:

Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1986: _____ %	1991: _____ %	1996: _____ %	2001: _____ %	2006: _____ %	2012: _____ %
1987: _____ %	1992: _____ %	1997: _____ %	2002: _____ %	2007: _____ %	2013: _____ %
1988: _____ %	1993: _____ %	1998: _____ %	2003: _____ %	2008: _____ %	2014: _____ %
1989: _____ %	1994: _____ %	1999: _____ %	2004: _____ %	2009: _____ %	2015: _____ %
1990: _____ %	1995: _____ %	2000: _____ %	2005: _____ %	2010: _____ %	2016: _____ %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2011: _____ % 2017: _____ % +

5

Enter all information as it pertains to this member.

Member Name:	<u>Davis, Lance M</u>	Benefit Level at Separation:	<u>8,750</u>	Months of Service Are Paid	<u>Yes</u>
Minimum Years Required to Vest:	<u>10</u>	DOB:			
Service Dates:	Entry: <u>11/1/2003</u>	Separation:	<u>11/9/2015</u>	Deferred Interest Paid (Select "Yes" if offered.) <u>Yes</u>	
LOAs and BIS (in months):	<u>0</u>	Vesting %:	<u>68</u>	If Interest is Paid, Choose Type: Straight 5% Period Interest is Paid: Full Period	
Return to Service Member ?	(Select "Yes" if applicable.)				
Total Service: Years:	<u>12</u>	Months (if paid):	<u>0</u>		
2017 Estimated Liability:	<u>79,289</u>				
2018 Estimated Liability:	<u>83,253</u>	Status:	Deferred		

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1986: _____ %	1991: _____ %	1996: _____ %	2001: _____ %	2006: _____ %	2012: _____ %
1987: _____ %	1992: _____ %	1997: _____ %	2002: _____ %	2007: _____ %	2013: _____ %
1988: _____ %	1993: _____ %	1998: _____ %	2003: _____ %	2008: _____ %	2014: _____ %
1989: _____ %	1994: _____ %	1999: _____ %	2004: _____ %	2009: _____ %	2015: _____ %
1990: _____ %	1995: _____ %	2000: _____ %	2005: _____ %	2010: _____ %	2016: _____ %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2011: _____ % 2017: _____ % +

6

Enter all information as it pertains to this member.

Member Name:	<u>Doree, Kurt A</u>	Benefit Level at Separation:	<u>8,750</u>	Months of Service Are Paid	<u>Yes</u>
Minimum Years Required to Vest:	<u>10</u>	DOB:			
Service Dates:	Entry: <u>10/1/2004</u>	Separation:	<u>4/30/2016</u>	Deferred Interest Paid (Select "Yes" if offered.) <u>Yes</u>	
LOAs and BIS (in months):	<u>5</u>	Vesting %:	<u>64</u>	If Interest is Paid, Choose Type: Straight 5% Period Interest is Paid: Full Period	
Return to Service Member ?	(Select "Yes" if applicable.)				
Total Service: Years:	<u>11</u>	Months (if paid):	<u>2</u>		
2017 Estimated Liability:	<u>67,866</u>				
2018 Estimated Liability:	<u>71,259</u>	Status:	Deferred		

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1986: _____ %	1991: _____ %	1996: _____ %	2001: _____ %	2006: _____ %	2012: _____ %
1987: _____ %	1992: _____ %	1997: _____ %	2002: _____ %	2007: _____ %	2013: _____ %
1988: _____ %	1993: _____ %	1998: _____ %	2003: _____ %	2008: _____ %	2014: _____ %
1989: _____ %	1994: _____ %	1999: _____ %	2004: _____ %	2009: _____ %	2015: _____ %
1990: _____ %	1995: _____ %	2000: _____ %	2005: _____ %	2010: _____ %	2016: _____ %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2011: _____ % 2017: _____ % +

7

Enter all information as it pertains to this member.

Member Name: Richard C. Johnson Benefit Level at Separation: 8,750 Months of Service Are Paid Yes

Minimum Years Required to Vest: 10 DOB:

Service Dates: Entry: 1/26/1998 Separation: 11/3/2016

LOAs and BIS (in months): 61 Vesting %: 72

Return to Service Member ? (Select "Yes" if applicable.)

Total Service: Years: 13 Months (if paid): 8

2017 Estimated Liability: 91,134

2018 Estimated Liability: 95,691 Status: Deferred

Deferred Interest Paid
(Select "Yes" if offered.) Yes

If Interest is Paid, Choose Type:
Straight 5%
Period Interest is Paid:
Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1986: <u></u> %	1991: <u></u> %	1996: <u></u> %	2001: <u></u> %	2006: <u></u> %	2012: <u></u> %
1987: <u></u> %	1992: <u></u> %	1997: <u></u> %	2002: <u></u> %	2007: <u></u> %	2013: <u></u> %
1988: <u></u> %	1993: <u></u> %	1998: <u></u> %	2003: <u></u> %	2008: <u></u> %	2014: <u></u> %
1989: <u></u> %	1994: <u></u> %	1999: <u></u> %	2004: <u></u> %	2009: <u></u> %	2015: <u></u> %
1990: <u></u> %	1995: <u></u> %	2000: <u></u> %	2005: <u></u> %	2010: <u></u> %	2016: <u></u> %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2011: % 2017: % +**8**

Enter all information as it pertains to this member.

Member Name: Dave Cox Benefit Level at Separation: 8,750 Months of Service Are Paid Yes

Minimum Years Required to Vest: 10 DOB:

Service Dates: Entry: 1/1/1998 Separation: 2/1/2017

LOAs and BIS (in months): 12 Vesting %: 92

Return to Service Member ? (Select "Yes" if applicable.)

Total Service: Years: 18 Months (if paid): 1

2017 Estimated Liability: 152,213

2018 Estimated Liability: 159,824 Status: Deferred

Deferred Interest Paid
(Select "Yes" if offered.) Yes

If Interest is Paid, Choose Type:
Straight 5%
Period Interest is Paid:
Full Period

For Relief ROR up to 5%, OSA ROR up to 5% or Board Set ROR up to 5% enter interest rates below.

1986: <u></u> %	1991: <u></u> %	1996: <u></u> %	2001: <u></u> %	2006: <u></u> %	2012: <u></u> %
1987: <u></u> %	1992: <u></u> %	1997: <u></u> %	2002: <u></u> %	2007: <u></u> %	2013: <u></u> %
1988: <u></u> %	1993: <u></u> %	1998: <u></u> %	2003: <u></u> %	2008: <u></u> %	2014: <u></u> %
1989: <u></u> %	1994: <u></u> %	1999: <u></u> %	2004: <u></u> %	2009: <u></u> %	2015: <u></u> %
1990: <u></u> %	1995: <u></u> %	2000: <u></u> %	2005: <u></u> %	2010: <u></u> %	2016: <u></u> %

+Rate of return is calculated using the earnings projected on Page 4 of this form.

2011: % 2017: % +

OFFICE OF THE STATE AUDITOR

Unpaid Installment Information

Enter here the name of each member who has been paid portions of a pension benefit and who still has outstanding liabilities.

[illegible]

Totals	0	0
--------	---	---

OFFICE OF THE STATE AUDITOR

Financial Projections

	2017	2018	
Total Active Member Liabilities	2,385,260	2,661,330	
Total Deferred Member Liabilities	662,956	696,104	
Total Unpaid Installments	0	0	
Grand Total Special Fund Liability	A. 3,048,216	B. 3,357,434	
Normal Cost (Cell B minus Cell A)			C. 309,218

Projection of Net Assets for Year Ending December 31, 2017

Special Fund Assets at December 31, 2016 (FIRE-16 Form ending assets) 1 2,929,326

Projected Income for 2017

Fire State Aid (2016 fire state aid of \$156,646 may be increased by up to 3.5%)	D. 156,646
Supplemental State Aid (actual 2016 supplemental state aid)	E. 37,999
Municipal / Independent Fire Dept. Contributions	F. 0
Interest / Dividends	G. 187,477
Appreciation / (Depreciation)	H. 46,869
Member Dues	I. 0
Other Revenues	J. 2,000

Total Projected Income for 2017 (Add Lines D through J) 2 430,991

Projected Expenses for 2017

Service Pensions (fill in individual pension amounts below)

K. 0

Names:

\$ Amounts:

Other Benefits

L. 0

Administrative Expenses

M. 17,451

Total Projected Expenses for 2017 (Add Lines K through M) 3 17,451

Projected Net Assets at December 31, 2017 (Add Lines 1 and 2, subtract Line 3) 4 3,342,866

Projection of Surplus or (Deficit) as of December 31, 2017

Projected Assets (Line 4)	5 3,342,866
2017 Accrued Liability (Page 4, cell A)	6 3,048,216
Surplus or (Deficit) (Line 5 minus Line 6)	7 294,650

OFFICE OF THE STATE AUDITOR

Calculation of Required Contribution

Deficit Information - Original			Deficit Information - Adjusted		
Year Incurred	Original Amount	Amount Retired as of 12/31/2016	Original Amount	Amount Retired as of 12/31/2017	Amount Left to Retire 1/1/2018
2008	0	0			
2009	0	0			
2010	0	0			
2011	0	0			
2012	0	0			
2013	0	0			
2014	0	0			
2015	0	0			
2016	0	0			
2017					
Totals			0		0

Normal Cost	8	309,218
Projected Administrative Expense	9	15,586
Amortization of Deficit (Total of Original Amount column x 0.10)	10	0
10% of Surplus	11	29,465
Fire and Supplemental State Aid	12	194,645
Member Dues	13	0
5% of Projected Assets at December 31, 2017	14	167,143
Required Contribution (Add Lines 8, 9 and 10, subtract Lines 11, 12, 13 and 14. If negative, zero is displayed)	15	0
No required contribution due in 2018.		

OFFICE OF THE STATE AUDITOR**2017 Maximum Benefit Worksheet**

	A	B	C	D	E
	Fire State Aid and Supplemental State Aid	Municipal Contribution	10% of Surplus *	Active Members in Relief Association	Per Year Average [(A + B + C) / D]
	(From FIRE-16)	(From FIRE-16)	(From SC-16)	(From FIRE-16)	
2016	194,645	60,678	22,838	34	8,181
	(From FIRE-15)	(From FIRE-15)	(From SC-15)	(From FIRE-15)	
2015	206,219	57,324	20,294	35	8,110
	(From RF-14)	(From RF-14)	(From SC-14)	(From RF-14)	
2014	203,105	46,833	15,275	37	7,168

* If deficit for the year, leave blank.

Average available financing per active member for the most recent 3-year period:
(sum of column E divided by 3)

7,820

Maximum Lump Sum Benefit Level under Minn. Stat. § 424A.02, subd. 3

10,000

OFFICE OF THE STATE AUDITOR

Plan Information

Fire Department Affiliation & Member Counts

The Fire Relief Association is associated with:

A municipality which has a fire department.

Enter the appropriate number:

34	Active members in the Relief Association
5	Inactive members who are deferred
	Other inactive members (medical and other leave)
39	Total Active + Inactive with Relief Association

3	Lump sum service distributions
	Lump sum survivor distributions
	Lump sum disability distributions
	Monthly benefit recipients (retired, disabled and survivor)

Plan Type & Benefit Information

Plan Type:	Defined Benefit Lump Sum	Benefit payable for each year of service	\$ 8,750
------------	--------------------------	--	----------

Vesting & Ancillary Benefits (must be stated in bylaws)

Years required for full vesting in:	Partial Vesting in Bylaws?	Years required for partial vesting in:
20 Fire Department	Yes	10 Fire Department
20 Relief Association		10 Relief Association
50 Minimum age to receive retirement benefits		

	Amount	Per
Short-term Disability		
Long-term Disability	8,750.00	year of service
Survivor Benefit	8,750.00	year of service

Bonding, Bylaws & Resolutions

Yes	Is the Treasurer bonded for at least 10% of assets? (Amount of bond need not exceed \$500,000)
	\$ 500,000 Amount
Yes	Is the Secretary bonded?
	\$ 500,000 Amount
No	Did you amend your bylaws for 2016?
No	Did you modify your benefits for 2016?
Yes	Has your association completed its Annual Renewal as a Nonprofit Corporation with the Secretary of State?

OFFICE OF THE STATE AUDITOR

Plan Information

Investment Forms & Information

Has the Relief Association collected and retained the following information:

(Please retain and be able to submit individual account or portfolio data to the Office of the State Auditor on request.)

Yes	Signed Broker Certification form(s) (BC-1)?
Yes	Signed Statements of Economic Interest?
Yes	Signed Investment Business Recipient Disclosure Form?
Yes	The market value of each investment account and investment portfolio at the beginning of the calendar year and for each quarter pursuant to Minn. Stat. § 356.219, subd. 3(g)?
Yes	The date and amount of each injection and withdrawal to each investment account and investment portfolio pursuant to Minn. Stat. §356.219, subd. 3(g)?
No	Did the Relief Associations amend its investment policy statement in 2016?

OFFICE OF THE STATE AUDITOR

Investments

	Special Fund	General Fund	Special Fund Accrued Interest
Cash (including all non-interest bearing accounts at banks, credit unions or thrift institutions)		15,431	
Certificates of Deposit (time deposits)			
Other interest bearing accounts (at banks, credit unions or thrifts, including Money Market Accounts)	361,401	39,845	
Treasury Bills			
Treasury Bonds & Notes			
Domestic Stock			
International Stock			
Corporate Bonds (domestic)	657,704		
Government Bonds (domestic)	21,264		
Corporate and Government Bonds (international)			
Venture Capital, Resource or Real Estate Limited Partnerships			
State Board of Investment (SBI) - Bond Fund			
State Board of Investment (SBI) - U.S. Stock Index Fund			
State Board of Investment (SBI) - U.S. Stock Actively Managed Fund			
State Board of Investment (SBI) - Balanced Fund			
State Board of Investment (SBI) - Broad International Stock Fund			
State Board of Investment (SBI) - Money Market Fund			
Mutual Funds and Exchange Traded Funds: List mutual funds (including Money Market mutual funds) and exchange traded funds held at 12/31/2016 in the next tab.	1,882,381	0	0
Description			
Other			
Other			
Other			
Other			
Other			
Total Investments at 12/31/2016	2,922,750	55,276	0

[illegible][illegible]

OFFICE OF THE STATE AUDITOR

Financial Information

	Special Fund	General Fund
A. Total Net Assets as of December 31, 2015	2,831,918	57,012

Revenues - 2016

Fire State Aid (<i>regular fire state aid and supplemental state aid</i>)	194,646	
State 10% Supplemental Reimbursement	2,000	
Municipal/Independent Fire Department Contributions	60,768	
Member Contributions/Dues		
Interest & Dividends	111,075	18
Appreciation/(Depreciation) in Fair Market Value (<i>Realized or Unrealized</i>)	123,103	
LESS: Investment Management Fees	(17,260)	
Fundraising Revenue		50,628
Outside Donations	Click here to enter Outside Donations	0
Other Income	Click here to enter Other Income	0

B. Total Revenues	474,332	50,646
--------------------------	---------	--------

Benefit Expenditures - 2016

Service Pensions - Retirees	361,338
Service Pensions - Monthly (<i>including monthly survivor and disability benefits</i>)	
Service Pensions - Survivors	
Service Pensions - Disabled	
Illness or Short-term Disability	
1. Total Benefit Expenditures	361,338

Administrative Expenditures - 2016

Salary	4,098	
Conventions & Meetings		6,018
Dues	335	
Training		
Professional Fees (Actuarial, Audit and Legal)	11,153	807
Bond		
Investment Performance Evaluation		
Fundraising Expenses		32,081
Other Expenditures	Click here to enter Other Expenditures	3,006
2. Total Administrative Expenditures	15,586	41,912

C. Total Expenditures (1 + 2)	376,924	41,912
--------------------------------------	---------	--------

D. Transfers (<i>Can be made from General Fund to Special Fund only</i>)		
---	--	--

E. Total Net Assets at December 31, 2016 (A + B - C +/- D)	2,929,326	65,746
---	-----------	--------

[illegible]

OFFICE OF THE STATE AUDITOR

Financial Information

F. Selected Assets and Liabilities

	Special Fund	General Fund
Accounts Receivable (Other than interest income receivable)	7,154	1,625
Other Assets		12,499
Accounts Payable or Other Liabilities	578	3,654
Accrued Liability - 2016	2,628,301	

OFFICE OF THE STATE AUDITOR

[illegible]

Totals:	301,152	58,186	2,000	361,338
	Regular Retirement Benefit Amount	Deferred Interest Amount	Supplemental Benefit Amount	Total Benefit Amount

Return to Service Member?	Calculation Notes
No	
No	
No	

OFFICE OF THE STATE AUDITOR

Total market value of Special Fund assets at the SBI (12/31/16) 0

Cash equivalent assets not invested through the SBI (12/31/16) 361,401

Expected expenses for first six months of 2017:

Administrative 10,000

Benefits

Total expected expenses for first six months of 2017 10,000

Are Market Values and Cash Flows required to be completed?

Yes

Market Values:

First Quarter *Beginning* Value 2,823,726 (December 31, 2015/January 1, 2016)

First Quarter *Ending* Value 2,871,311 (March 31, 2016)

Second Quarter Ending Value 2,782,499 (June 30, 2016)

Third Quarter Ending Value 2,886,761 (September 30, 2016)

Fourth Quarter Ending Value 2,922,750 (December 31, 2016)

Cash Flows:

Type	Description, if needed.	Date	Amount
Investment Fees (Out)		1/14/2016	4,444
Administrative Expense (Out)		1/25/2016	450
Administrative Expense (Out)		1/29/2016	23
Administrative Expense (Out)		1/29/2016	574
Administrative Expense (Out)		2/2/2016	6
Municipal Contribution (In)		3/2/2016	5,766
Municipal Contribution (In)		3/3/2016	6,414
Municipal Contribution (In)		3/31/2016	5,006
Supplemental Reimbursement (In)		3/31/2016	3,000
Investment Fees (Out)		4/14/2016	4,446
Municipal Contribution (In)		5/5/2016	4,846
Benefit Payment (Out)		5/5/2016	171,551
Municipal Contribution (In)		6/8/2016	5,559
Investment Fees (Out)		7/14/2016	4,005
Municipal Contribution (In)		7/21/2016	5,092
Administrative Expense (Out)		8/15/2016	235
Municipal Contribution (In)		9/23/2016	5,877

[illegible]

**BRAINERD FIRE DEPARTMENT
RELIEF ASSOCIATION**

**FINANCIAL STATEMENTS AND
SUPPLEMENTARY INFORMATION**

DECEMBER 31, 2016

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION

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BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
OFFICERS AND BOARD OF TRUSTEES

OFFICERS

Joseph Enge - President

Joshua Mailhot - Vice President

Matthew Holmstrom - Secretary

Jonathan LeMieur - Treasurer

TRUSTEES

Edward Menk - Mayor

James Thoreen - City Administrator

Timothy Holmes - Fire Chief

Joseph Rubado

Jeremy Powell



Richard L. Kummet, CPA

Michael A. Sands, CPA

Laura J. Richter, CPA

Michael J. Youngquist, CPA

INDEPENDENT AUDITOR'S REPORT

Board of Trustees
Brainerd Fire Department Relief Association
Brainerd, Minnesota

We have audited the accompanying financial statements of Brainerd Fire Department Relief Association as of and for the year ended December 31, 2016, and the related notes to the financial statements, which collectively comprise the Association's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation of and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Association's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the organization's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Board of Trustees
Brainerd Fire Department Relief Association

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the fiduciary net position of Brainerd Fire Department Relief Association as of December 31, 2016, and the changes in fiduciary net position for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the schedule of changes in the Association's net pension liability, schedule of contributions from employer and other entities, and schedule of investment returns as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of the financial reporting for placing the basic financial statements in an appropriate operational, economic, or historic context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the management discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of the financial reporting for placing the basic financial statements in an appropriate operational, economic, or historic context. Our opinion on the basic financial statements is not affected by this missing information.

Kummet Larson Bluth & Co., P.A.

KUMMET LARSON BLUTH & CO., P.A.
Brainerd, Minnesota
July 12, 2017

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
STATEMENT OF FIDUCIARY NET POSITION

DECEMBER 31, 2016

	Special Pension Trust Fund	General Fund	Total
ASSETS			
CASH AND CASH EQUIVALENTS	\$ 361,401	\$ 55,276	\$ 416,677
ACCOUNTS RECEIVABLE	7,154	1,625	8,779
PREPAID EXPENSES	-	4,708	4,708
INVESTMENTS	2,561,349	-	2,561,349
PROPERTY AND EQUIPMENT			
Furniture and equipment	-	13,753	13,753
Less: Accumulated depreciation	-	(5,962)	(5,962)
Net property and equipment	-	7,791	7,791
Total assets	<u>\$ 2,929,904</u>	<u>\$ 69,400</u>	<u>\$ 2,999,304</u>
LIABILITIES			
Payroll and sales taxes	<u>\$ 578</u>	<u>\$ 3,654</u>	<u>\$ 4,232</u>
Total liabilities	<u>578</u>	<u>3,654</u>	<u>4,232</u>
NET POSITION			
Net position restricted for pension benefits	2,929,326	-	2,929,326
Net position restricted for general account	-	65,746	65,746
Total net position	<u>\$ 2,929,326</u>	<u>\$ 65,746</u>	<u>\$ 2,995,072</u>

See accompanying notes to financial statements.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
SPECIAL PENSION TRUST FUND

YEAR ENDED DECEMBER 31, 2016

ADDITIONS

Contributions and Support	
State of Minnesota	\$ 194,646
City of Brainerd	60,768
State 10% supplemental reimbursement	2,000
Total contributions	<u>257,414</u>
Investment income	
Interest and dividends	111,075
Net appreciation in fair value of investments	123,103
Total investment income	<u>234,178</u>
Less: direct investment expenses	(17,260)
Net investment income (loss)	<u>216,918</u>
Total additions	<u>474,332</u>

DEDUCTIONS

Pension benefit payments	361,338
Wages and payroll taxes	4,098
Professional fees	10,153
Actuarial fees	1,000
Other	335
Total deductions	<u>376,924</u>

INCREASE IN NET POSITION 97,408

Net position - beginning of year 2,831,918

NET POSITION - END OF YEAR \$ 2,929,326

See accompanying notes to financial statements.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
STATEMENT OF CHANGES IN FIDUCIARY NET POSITION
GENERAL FUND

YEAR ENDED DECEMBER 31, 2016

ADDITIONS

Investment income	
Interest	\$ 18
Other income	
Special events and fundraisers (net)	18,547
Total additions	<u>18,565</u>

DEDUCTIONS

Convention and meeting expenses	3,055
Annual meeting	2,963
Donations, memorials and public relations	2,035
Professional fees	807
Office supplies and postage	16
Repairs, maintenance and supplies	160
Insurance	109
Depreciation	686
Total deductions	<u>9,831</u>

INCREASE IN NET POSITION	8,734
--------------------------	-------

Net position - beginning of year	<u>57,012</u>
----------------------------------	---------------

NET POSITION - END OF YEAR	<u><u>\$ 65,746</u></u>
----------------------------	-------------------------

See accompanying notes to financial statements.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2016

NOTE 1 PLAN DESCRIPTION AND ORGANIZATION STRUCTURE

A. General Information

The Brainerd Fire Department Relief Association was incorporated on April 18, 1921. The Association is the administrator of a single employer defined benefit pension plan available for firefighters of the City of Brainerd. The plan operates under the provisions of Minnesota Statute Secs. 69 and 424A and is exempt from income taxes under Minnesota Statute Section 290.05, Subdivision 1 and Internal Revenue Code Section 501(c)(4). The Association is governed by a board of six members elected by the members of the Association for three-year terms, and three members representing the City of Brainerd including one elected official, one elected or appointed official, and the fire chief who serve as ex-officio voting members. The Association is not a component unit of the city.

B. Plan Membership

As of December 31, 2016 membership data related to the Relief Association was:

Terminated members entitled to benefits but have not received them	5
Active members:	
Vested	3
Partially vested	10
Non-vested	<u>21</u>
Total	<u>39</u>

C. Pension Benefits

Authority for payment of pension benefits is established in Minnesota Statute Sec. 424A and the Association's bylaws. Pension benefits are earned by each member of the Association as follows:

1. Each member who is at least 50 years of age, has retired from the Fire Department of the City of Brainerd, has served at least twenty (20) years of active service with such department before retirement and has been a member of the Association in good standing at least 20 years prior to such retirement shall be entitled to a lump sum service pension in the amount of \$8,750 for each year of service (including each year over 20) but not exceeding the maximum amount per year of service allowed by law for the minimum average amount of available financing per firefighter as prescribed by law.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2016

NOTE 1 PLAN DESCRIPTION AND ORGANIZATION STRUCTURE (CONTINUED)

C. Pension Benefits (Continued)

2. According to the bylaws of the Association and pursuant to Minn. Stat. Sec. 424A.02, subd.2, members who retire with less than 20 years of service and have reached the age of 50 years and have completed at least ten years of active membership are entitled to a reduced lump sum service pension not to exceed the amount calculated by multiplying the member's service pension for the completed years of service by the applicable non-forfeitable percentage of pension as follows:

<u>Completed Years of Service</u>	<u>Non-forfeitable Percentage of Pension Amount</u>
10	60
11	64
12	68
13	72
14	76
15	80
16	84
17	88
18	92
19	96
20 and thereafter	100

3. To be eligible to receive a permanent disability benefit, the member must be totally and permanently disabled, to the extent that a physician shall certify that such disability will prevent the member from performing firefighting duties. When a member is disabled to the extent that it is substantially certain that they will never again be able to return to active duty as a firefighter, then the member shall be paid a disability benefit out of the Special Fund in the amount equivalent to the accrued retirement liability at the time of disability.
4. Upon the death of an active or deferred member, the surviving spouse and surviving children of the deceased member, and if no surviving spouse, the estate of the deceased member shall be paid a benefit out of the Special Fund in an amount equivalent to the accrued retirement liability at the time of death.

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Fund Accounting

The resources of the Association are accounted for in two funds:

The Special Pension Trust Fund is a pension trust fund for the accumulation of resources to be used for retirement, dependency, death and disability payments of appropriate amounts and at appropriate times in the future. Resources are contributed by the City of Brainerd at amounts determined by law; and from the two-percent insurance premium tax and amortization aid from the State of Minnesota.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2016

NOTE 2 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

A. Fund Accounting (Continued)

The General Fund is a governmental fund which accounts for the resources other than those in the Special Pension Trust Fund. It is used for the good and benefit of the Association as determined by Association bylaws. Its resources consist of membership dues, fundraiser proceeds, investment earnings and miscellaneous sources.

B. Basis of Presentation and Accounting

The accompanying financial statements have been prepared in conformity with accounting principles generally accepted in the United States of America, as set forth by the Governmental Accounting Standards Board (GASB). GASB is the accepted standard setting body for establishing governmental accounting and financial reporting principles.

C. Investments

The Association's investment policy is established and may be amended by its Board with a majority vote of its members. There were no changes to the investment policy during 2016.

Investments are reported at fair value. Short-term investments are reported at cost, which approximates fair value. Securities traded on an exchange are valued at last reported sales price at the current exchange rates. Investments that do not have an established market are reported at estimated fair value.

Net appreciation (depreciation) in fair value of investments includes net unrealized and realized gains and losses. Purchases and sales of securities are recorded on a trade-date basis. Interest and dividend income is recognized as earned.

D. Property and Equipment

Property and equipment are stated at cost. Expenditures for major renewals and betterments that extend the useful lives of property and equipment are capitalized. Expenditures for maintenance and repairs are charged to expense as incurred. Depreciation is computed using the straight-line method and amounted to \$686 in 2016.

E. Use of Estimates

The Association uses estimates and assumptions in preparing financial statements. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could differ from those estimates.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2016

NOTE 3 DEPOSITS AND INVESTMENTS

A. Deposits

The Association is authorized by Minnesota Statutes § 356A.06 to deposit its cash in financial institutions designated by the Board of Trustees.

Custodial Credit Risk

The custodial credit risk for deposits is the risk that, in the event of a bank failure, the Association's deposits may not be recovered. The Association's policy for custodial credit risk is to maintain compliance with Minnesota statutes that require all the Association's deposits be protected by insurance, surety bond, or pledged collateral.

B. Investments

The types of securities available to the Association for investment are authorized and defined by Minnesota Statutes §§424A.095 and 356A.06. Permissible investments include, but are not limited to: government and corporate obligations, United States and Canadian common stock, mutual funds and exchange traded funds. The Association invests primarily in government and corporate obligations, and mutual funds.

Custodial Credit Risk

Custodial credit risk for investments is the risk that, in the event of a failure of the issuer of an investment, the Association will not be able to recover the value of the investment or the collateral securities in the possession of an outside party. All investments purchased by the Association are held by a third-party agent as custodian.

Interest Rate Risk

Interest rate risk is the risk that changes in market interest rates of debt investments will adversely affect the fair value of an investment. The Association manages its exposure to fair value of loss arising from changing interest rates by having fixed income investments with varying maturity dates.

Credit Risk

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. Minnesota statutes provide for the types of fixed income investments that a pension plan can make. In addition, the Association establishes other restrictions that are set forth in the investment guidelines for the management of the Association's fixed assets.

Concentration of Credit Risk

The Association's investment policy limits investments in any one issuer to not more than five percent unless the increase is a result of market price increase. U.S. Treasuries and agencies along with commingled investment pools are exempted. The Association's investments as of December 31, 2016, were below these limits.

Rate of Return

The money-weighted rate of return expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested. For the year ended December 31, 2016 the annual money-weighted rate of return on pension plan investments, net of pension plan investment expense, was 7.92%.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2016

NOTE 3 DEPOSITS AND INVESTMENTS (CONTINUED)

The following is a summary of investments and deposits as of December 31, 2016:

SPECIAL PENSION TRUST FUND	CARRYING VALUE
Cash	\$ <u>361,401</u>
Corporate obligations	\$ 657,704
Government obligations	21,264
Mutual funds	<u>1,882,381</u>
Total investments	\$ <u>2,561,349</u>
GENERAL FUND	
Cash	\$ <u>55,276</u>

NOTE 4 CONTRIBUTIONS REQUIRED AND CONTRIBUTIONS MADE

Minnesota Statutes § 424A.092 specifies minimum support rates required on an annual basis. The minimum support rates from the municipality and from state aid are determined as the amount required to meet the normal cost plus amortizing any existing prior service costs over a 10-year period. The significant actuarial assumptions used to compute the municipal support are the same as those used to compute the accrued pension liability. The Association is comprised of volunteers; therefore, there are no payroll expenditures (i.e. there are no covered payroll percentage calculations).

Contributions totaling \$194,646 consisted of the 2% insurance premium tax from the State of Minnesota and were made in accordance with state statute requirements for the year ended December 31, 2016. The City of Brainerd made voluntary contributions in the amount of \$60,768.

NOTE 5 ACCOUNTS RECEIVABLE

Special Fund accounts receivable represents the amount due from the City of Brainerd for their municipal contribution. General Fund accounts receivable represents the amount due from a fundraising activity.

NOTE 6 RISK MANAGEMENT

The Association is exposed to various risks of loss related to torts, theft of assets, errors, and omissions. The Association manages its risk of loss through the purchase of commercial insurance. There were no reductions in insurance coverage from the previous year, and there have been no claims resulting from these risks in any of the past three years.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2016

NOTE 7 NET PENSION ASSET

The components of the net pension asset at December 31, 2016, are as follows:

Net Pension Asset			
(a)	(b)	(a-b)	(b/a)
Actuarial Total Pension Liability	Plan Fiduciary Net Position	Net Pension Asset	Plan Fiduciary Net Position as a Percentage of the Total Pension Liability
\$ 2,326,072	\$ 2,929,326	\$ (603,254)	125.93%

A. Actuarial Assumptions

The actuarial total pension liability as of December 31, 2016, was determined by an actuarial valuation as of January 1, 2017, using the following actuarial assumptions.

- Investment Rate of Return 5.25%
- Discount Rate 5.25%
- 20-Year Municipal Bond Yield 3.50%
- Salary Increases 2.50%
- Inflation Rate 2.50%
- Cost of Living Adjustment 5.00% annual increase to eligible deferred pension amounts
- Age of Service Retirement 50

B. Long-Term Expected Rate of Return

The long-term expected rate of return on pension plan investments was determined using best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
NOTES TO FINANCIAL STATEMENTS
DECEMBER 31, 2016

NOTE 7 NET PENSION ASSET (CONTINUED)

B. Long-Term Expected Rate of Return (Continued)

Best estimates of arithmetic real rates of return for each major asset class included in the pension plan's target asset allocation as of December 31, 2016 are summarized in the following table:

<u>Asset Class</u>	<u>Portfolio Weight</u>	<u>Expected Class Return</u>
Cash	15.0%	2.00%
Fixed Income	28.0%	3.50%
Equities	56.0%	7.00%
Other	<u>1.0%</u>	<u>6.00%</u>
Total Portfolio	<u>100.0%</u>	<u>5.25%</u>

C. Discount Rate

The discount rate used to measure the total pension liability was 5.25%. Assets were projected using expected benefit payments and expected asset returns. Expected benefit payments were discounted by year using expected assets return assumption for years in which the assets were sufficient to pay all benefit payments. Any remaining benefit payments after the trust fund is exhausted are discounted at the municipal bond rate of return. The equivalent single rate is the discount rate. Based on those assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members.

D. Sensitivity Analysis

The following presents the net pension asset calculated using the discount rate of 5.25%, as well as what the net pension (asset)/liability would be if it were calculated using a discount that is one-percentage-point lower (4.25%) or one-percentage-point higher (6.25%) than the current rate:

	<u>1% Decrease (4.25%)</u>	<u>Selected Discount Rate (5.25%)</u>	<u>1% Increase (6.25%)</u>
Net Pension (Asset)/Liability	\$ (529,140)	\$ (603,254)	\$ (674,941)

REQUIRED SUPPLEMENTARY INFORMATION

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION
SCHEDULE OF CHANGES IN THE ASSOCIATION'S NET PENSION LIABILITY
(UNAUDITED)

	2016	2015	2014
Total Pension Liability			
Service Cost	\$ 155,063	\$ 155,042	\$ 151,260
Interest Cost	141,169	133,392	135,543
Assumption Changes	18,154	-	-
Plan Changes	-	64,528	-
Gain or Loss	(219,298)	-	-
Benefit Payments	(361,338)	(371,914)	(201)
Other Changes	-	-	-
Net Change in Total Pension Liability	<u>(266,250)</u>	<u>(18,952)</u>	<u>286,602</u>
Total Pension Liability - Beginning	<u>2,592,322</u>	<u>2,611,274</u>	<u>2,324,672</u>
Total Pension Liability - Ending (a)	<u>2,326,072</u>	<u>2,592,322</u>	<u>2,611,274</u>
Fiduciary Net Position			
Municipal Contributions	60,768	57,324	46,833
State Contributions	196,646	209,218	203,105
Net Investment Income	216,918	(67,607)	129,037
Benefit Payments	(361,338)	(371,914)	(201)
Administrative Expenses	(15,586)	(18,356)	(14,697)
Net Change in Fiduciary Net Position	<u>97,408</u>	<u>(191,335)</u>	<u>364,077</u>
Fiduciary Net Position - Beginning	<u>2,831,918</u>	<u>3,023,253</u>	<u>2,659,176</u>
Fiduciary Net Position - Ending (b)	<u>2,929,326</u>	<u>2,831,918</u>	<u>3,023,253</u>
Association's Net Position Liability/(Asset) - Ending (a) - (b)	<u><u>\$ (603,254)</u></u>	<u><u>\$ (239,596)</u></u>	<u><u>\$ (411,979)</u></u>
Fiduciary Net Position as a Percentage of the Total Pension Liability	125.93%	109.24%	115.78%

Note:

This schedule is prepared prospectively until it contains ten years of data.

BRAINERD FIRE DEPARTMENT RELIEF ASSOCIATION

SCHEDULE OF CONTRIBUTIONS FROM EMPLOYER AND OTHER ENTITIES (UNAUDITED)

Year Ended December 31	City of Brainerd			State of Minnesota		
	Annual Required Contribution	Actual Contribution	(Excess) Deficiency	Annual Required Contribution	Actual Contribution	(Excess) Deficiency
2016	\$ -	\$ 60,768	(60,768)	\$ 194,646	\$ 194,646	-
2015	-	57,324	(57,324)	206,218	206,218	-
2014	-	46,833	(46,833)	203,105	203,105	-
2013	-	41,983	(41,983)	207,334	207,334	-
2012	41,431	44,285	(2,854)	147,237	147,237	-
2011	65,993	65,993	-	145,914	145,914	-
2010	51,064	56,416	(5,352)	142,236	142,236	-
2009	-	46,402	(46,402)	133,596	133,596	-
2008	-	54,423	(54,423)	154,394	154,394	-
2007	-	47,865	(47,865)	178,438	178,438	-

SCHEDULE OF INVESTMENT RETURNS (UNAUDITED)

Annual Money-Weighted Rate of Return - Net of Investment Expenses

<u>Fiscal Year</u>	<u>Annual Return</u>
2016	7.92 %
2015	(2.37) %
2014	4.74 %

Note:

This schedule is prepared prospectively until it contains ten years of data.

OTHER REQUIRED REPORTS



Richard L. Kummet, CPA

Michael A. Sands, CPA

Laura J. Richter, CPA

Michael J. Youngquist, CPA

INDEPENDENT AUDITOR'S REPORT ON MINNESOTA LEGAL COMPLIANCE

Board of Trustees
Brainerd Fire Department Relief Association
Brainerd, Minnesota

We have audited, in accordance with auditing standards generally accepted in the United States of America, the financial statements of Brainerd Fire Department Relief Association as of and for the year ended December 31, 2016, and the related notes to the financial statements, which collectively comprise the Association's basic financial statements, and have issued our report thereon dated July 12, 2017.

The *Minnesota Legal Compliance Audit Guide for Relief Associations*, promulgated by the State Auditor pursuant to Minn. Stat. § 6.65, contains two categories of compliance to be tested in connection with audits of relief association financial statements: deposits and investments, and relief associations. Our audit considered all of the listed categories.

In connection with our audit, nothing came to our attention that caused us to believe that Brainerd Fire Department Relief Association failed to comply with the provisions of the *Minnesota Legal Compliance Audit Guide for Relief Associations*. However, our audit was not directed primarily toward obtaining knowledge of such noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding the Association's noncompliance with the above referenced provisions.

This report is intended solely for the information and use of those charged with governance and management of Brainerd Fire Department Relief Association, and the State Auditor, and is not intended to be, and should not be, used by anyone other than these specified parties.

Kummet Larson Bluth & Co., P.A.

KUMMET LARSON BLUTH & CO., P.A.

Brainerd, Minnesota

July 12, 2017



Brainerd City Council Agenda Request

P&F #3

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Police School Resource Officer Contract with ISD181 - Renewal Of

☐ 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: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: The School Resource Officer agreement with ISD 181 was reviewed and updated. This was reviewed by the Police Chief, Finance Director and City Administrator with final review and recommended changes from the City Attorney. Administration from the school district has also reviewed the attached agreement and tentatively approved the language changes and rate increases (2% annually over current rate) ,pending approval by the board.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize the City Administrator and Mayor to sign the contract and forward a signed copy to ISD 181 for their approval and signatures.	
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>	

**Contract for School Resource Officer
Between the
City of Brainerd
and
Independent School District No. 181, Brainerd, Minnesota**

THIS CONTRACT, made and entered into this ____ day of _____, 2017, by and between the City of Brainerd, hereinafter referred to as the ("City"), and Independent School District No. 181, Brainerd, Minnesota, hereafter referred to as the ("District"), is entered into under Minnesota law.

WHEREAS, the District has the management, jurisdiction, and control of Brainerd Public Schools, at all sites ("School"), situated within the City; and

WHEREAS, the District has the implied power to provide for the protection of life and property at the School; and

WHEREAS, the City has the power to provide for the protection of life and property within the City; and

WHEREAS, it has been determined that it is in the public interest to have additional protection furnished to the School above that which is presently being furnished by the City under its general obligation to provide protection;

NOW, THEREFORE, the District and the City do hereby agree and contract as follows:

1) PURPOSE

This Contract is to address the need for the presence of one law enforcement School Resource Officer ("SRO") to be assigned by the Chief of Police to work in and around the School. The SRO will provide instruction and law enforcement school liaison services to the District as set forth in this Contract.

2) SERVICES PROVIDED

The services of at least one full-time duly certified police officer of the Police Department of the City shall be furnished by the City to the School eight (8) hours of each day beginning the first day of the regular school year through the last day of the regular school year, excepting the days when students are not in attendance.

It shall be the primary function of each SRO, while on duty at the School, to take reasonable steps and employ lawful and accepted police measures for the protection of life and property of the School.

3) OFFICER EMPLOYED BY THE CITY

Each such SRO shall, while on duty at the School, remain at all times under the direct control and supervision of the Chief of Police of the City and shall in no sense be considered an employee of the District. The Chief of Police shall, in supervising each such SRO, confer with the administration of the School as to the manner in which such SRO shall, in any given circumstance, perform the functions assigned. The Police Chief will confer with District Administration on the selection of each such SRO assigned to the School.

The City shall furnish each such SRO with all necessary police equipment, including an automobile when needed in the judgment of the Chief of Police, to enable the proper performance of the duties assigned under this Contract. At least one SRO shall, while on duty at the School, be stationed full-time on the campus of the School, and shall devote the entire time performing the duties assigned.

The City shall provide workers' compensation coverage for each such SRO.

4) INDEMNIFICATION AND INSURANCE

The City agrees to indemnify and hold harmless the District for actions and representations made by its assigned SRO which occur in the performance of the terms of this Contract or their employment duties, and the results thereof, to the extent authorized by law.

During the term of this Contract, the City shall, at its own expense, maintain an insurance policy that shall be endorsed to add the District as additional insureds with respect to liability for bodily injury, property damage, or personal injury caused in whole or in part by the acts or omissions of the City. Evidence of procurement of the insurance policy shall be provided to the District on a yearly basis.

5) STUDENT DATA PRIVACY

The City and District agree to abide by the Minnesota Government Data Practices Act ("MGDPA"), as well as any other applicable federal, state, and local laws and ordinances. The District will share information and records with the SRO in accordance with applicable law, and both parties agree that all data collected, created, received, maintained, or disseminated pursuant to this Contract will be done in accordance with the MGDPA.

6) DURATION AND COST

The amount to be paid to the City in full payment for all services furnished by the City pursuant to this Contract shall be as follows:

2017-18	\$53,722
2018-19	\$55,065

Payment of the annual amounts will be evenly divided and paid in December and June of each year.

The annual cost shall be prorated to a daily cost based on the official number of school days in the academic year. This daily rate shall be used as a base rate for additional contracted time which may be agreed to by the parties hereto.

The initial term of this Contract shall be the 2017-18 and 2018-19 school years and shall automatically renew each school year thereafter, unless terminated pursuant to the procedure herein provided. This Contract may be terminated at any time by mutual consent of the parties hereto, and it shall be terminated not less than thirty (30) days following the presentation of written notice by either party to the other contracting party.

IN WITNESS WHEREOF, this Contract has been executed by the duly authorized officers of the respective parties this ____ day of _____, 2017.

CITY OF BRAINERD

By _____
EDWIN L. MENK
Mayor

By _____
JAMES THOREEN
City Administrator

INDEPENDENT SCHOOL DISTRICT
NO. 181, BRAINERD, MINNESOTA

By _____
Chairperson

By _____
Clerk

MTR:JB:sb
2014-6301
6/20/2017



Brainerd City Council Agenda Request

P&F #4

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Capital Budget Expenditure - Body Worn Cameras

☐ 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: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 10 MINUTES
Summary of Issue: The police department's 2017 capital budget was approved with \$40,000 allocated for Body Worn Cameras (BWC). One vendor, AXON was awarded State Contract Pricing by the State of Minnesota. AXON was a model we tested last fall/winter and is also our preferred choice. We have received the attached quote from AXON for \$37,902 for year-one start-up costs. This is a five-year contract with annual costs of \$23,680.80 for years two through five.	
Alternatives, Options, Effects on Others/Comments: Although this is a significant increase in the police department computer support budget for the following years, we have discussed this project with both the City IT staff, Administrator, and Finance Director. We have agreed that this system meets the needs of the department without creating a significant increase in City IT resources. We will work with the Finance Director regarding the on-going increase to the police department's budget and feel the timing is right with the slight increase in LGA that the city will be receiving. This product is probably one of the most widely used BWC in the country at this time and their software, audit trail, support, reliability, and ease of product use makes it our preferred choice. While it may be difficult to anticipate potential cost savings in officer court time, and staff time on officer complaints, we feel the ability to defend the city in litigation by having a reliable quality product as such has compelling value. We also believe this will raise the professionalism and the overall quality of our cases for prosecution while increasing the public's confidence.	
Recommended Action/Motion: Authorize the purchase of AXON Body Camera's as outlined in the attached contract.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 37,902 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Approved in 2017 Police Department Capital Expenditures.	

Axon Enterprise, Inc.

Protect Life.

17800 N 85th St.
Scottsdale, Arizona 85255
United States
Phone: (800) 978-2737
Fax: (480) 448-9922



Corky McQuiston

(218) 829-2805
(218) 825-3489
corky.mcquiston@ci.brainerd.mn.us

Quotation

Quote: Q-124365-2
Date: 7/6/2017 3:13 PM
Quote Expiration: 10/1/2017
Contract Start Date*: 9/15/2017
Contract Term: 5 years

AX Account Number:

184057

Bill To:

Brainerd Police Department - MN
225 E. RIVER RD.
BRAINERD, MN 56401
US

Ship To:

Corky McQuiston
Brainerd Police Department - MN
225 E. RIVER RD.
BRAINERD, MN 56401
US

SALESPERSON	PHONE	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Steven Insalaco	(480) 905-2023	sinsalaco@axon.com	Fedex - Ground	Net 30

*Note this will vary based on the shipment date of the product.

AXON BODY 2 - EVIDENCE.COM UNLIMITED - Due Net 30
YEAR 1

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
24	74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	USD 399.00	USD 9,576.00	USD 3,750.00	USD 5,826.00
24	74020	MAGNET MOUNT, FLEXIBLE, AXON RAPIDLOCK	USD 0.00	USD 0.00	USD 0.00	USD 0.00
24	74021	MAGNET MOUNT, THICK OUTERWEAR, AXON RAPIDLOCK	USD 0.00	USD 0.00	USD 0.00	USD 0.00
24	11553	SYNC CABLE, USB A TO 2.5MM	USD 0.00	USD 0.00	USD 0.00	USD 0.00
24	80082	UNLIMITED BWC BUNDLE: YEAR 1 PAYMENT	USD 948.00	USD 22,752.00	USD 0.00	USD 22,752.00
960	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
5	80022	PRO EVIDENCE.COM LICENSE: YEAR 1 PAYMENT	USD 468.00	USD 2,340.00	USD 0.00	USD 2,340.00
150	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
4	74008	AXON DOCK, 6 BAY + CORE, AXON BODY 2	USD 1,495.00	USD 5,980.00	USD 0.00	USD 5,980.00
4	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	USD 35.00	USD 140.00	USD 0.00	USD 140.00

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 864.00	USD 0.00	USD 864.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 1 Total Before Discounts:						USD 41,652.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 1 Discount:						USD 3,750.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 1 Net Amount Due:						USD 37,902.00

ONE DAY - ON SITE TRAINING

Due Net 30

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
1	85144	AXON STARTER	USD 2,500.00	USD 2,500.00	USD 0.00	USD 2,500.00
ONE DAY - ON SITE TRAINING Total Before Discounts:						USD 2,500.00
ONE DAY - ON SITE TRAINING Net Amount Due:						USD 2,500.00

AXON BODY 2 - SPARES - NO CHARGE

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
2	74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	USD 0.00	USD 0.00	USD 0.00	USD 0.00
2	74021	MAGNET MOUNT, THICK OUTERWEAR, AXON RAPIDLOCK	USD 0.00	USD 0.00	USD 0.00	USD 0.00
2	74020	MAGNET MOUNT, FLEXIBLE, AXON RAPIDLOCK	USD 0.00	USD 0.00	USD 0.00	USD 0.00
2	11553	SYNC CABLE, USB A TO 2.5MM	USD 0.00	USD 0.00	USD 0.00	USD 0.00
AXON BODY 2 - SPARES - NO CHARGE Total Before Discounts:						USD 0.00
AXON BODY 2 - SPARES - NO CHARGE Net Amount Due:						USD 0.00

AXON BODY 2 - EVIDENCE.COM UNLIMITED -
YEAR 2 - DUE : 2018

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
24	80083	UNLIMITED BWC BUNDLE: YEAR 2 PAYMENT	USD 948.00	USD 22,752.00	USD 2,275.20	USD 20,476.80
960	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
5	80023	PRO EVIDENCE.COM LICENSE: YEAR 2 PAYMENT	USD 468.00	USD 2,340.00	USD 0.00	USD 2,340.00
150	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 864.00	USD 0.00	USD 864.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 2 - DUE : 2018 Total Before Discounts:						USD 25,956.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 2 - DUE : 2018 Discount:						USD 2,275.20
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 2 - DUE : 2018 Net Amount Due:						USD 23,680.80

AXON BODY 2 - EVIDENCE.COM UNLIMITED -
YEAR 3 - DUE 2019

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
24	80084	UNLIMITED BWC BUNDLE: YEAR 3 PAYMENT	USD 948.00	USD 22,752.00	USD 2,275.20	USD 20,476.80

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
960	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
5	80024	PRO EVIDENCE.COM LICENSE: YEAR 3 PAYMENT	USD 468.00	USD 2,340.00	USD 0.00	USD 2,340.00
150	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 864.00	USD 0.00	USD 864.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 3 - DUE 2019 Total Before Discounts:						USD 25,956.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 3 - DUE 2019 Discount:						USD 2,275.20
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 3 - DUE 2019 Net Amount Due:						USD 23,680.80

AXON BODY 2 - EVIDENCE.COM UNLIMITED -
YEAR 4- DUE 2020

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
24	80085	UNLIMITED BWC BUNDLE: YEAR 4 PAYMENT	USD 948.00	USD 22,752.00	USD 2,275.20	USD 20,476.80
960	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
5	80025	PRO EVIDENCE.COM LICENSE: YEAR 4 PAYMENT	USD 468.00	USD 2,340.00	USD 0.00	USD 2,340.00
150	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 864.00	USD 0.00	USD 864.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 4- DUE 2020 Total Before Discounts:						USD 25,956.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 4- DUE 2020 Discount:						USD 2,275.20
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 4- DUE 2020 Net Amount Due:						USD 23,680.80

AXON BODY 2 - EVIDENCE.COM UNLIMITED -
YEAR 5 - DUE 2021

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
24	80086	UNLIMITED BWC BUNDLE: YEAR 5 PAYMENT	USD 948.00	USD 22,752.00	USD 2,275.20	USD 20,476.80
960	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
5	80026	PRO EVIDENCE.COM LICENSE: YEAR 5 PAYMENT	USD 468.00	USD 2,340.00	USD 0.00	USD 2,340.00
150	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
4	87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	USD 216.00	USD 864.00	USD 0.00	USD 864.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 5 - DUE 2021 Total Before Discounts:						USD 25,956.00
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 5 - DUE 2021 Discount:						USD 2,275.20
AXON BODY 2 - EVIDENCE.COM UNLIMITED - YEAR 5 - DUE 2021 Net Amount Due:						USD 23,680.80

Subtotal	USD 135,125.20
Estimated Shipping & Handling Cost	USD 155.30
Grand Total	USD 135,280.50

Axon Body 2 Shipping

Axon Body 2 is available for delivery between 8-10 weeks after purchase date. You will be notified if there are any delays. Axon reserves the right to make product changes without notice.

Axon Enterprise, Inc.'s Sales Terms and Conditions for Direct Sales to End User Purchasers

By signing this Quote, you are entering into a contract and you certify that you have read and agree to the provisions set forth in this Quote and Axon's Master Services and Purchasing Agreement posted at www.axon.com/legal. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

Signature:	_____	Date:	_____
Name (Print):	_____	Title:	_____
PO# (if needed):	_____		

Quote: Q-124365-2

Please sign and email to Steven Insalaco at sinsalaco@axon.com or fax to (480) 448-9922

THANK YOU FOR YOUR BUSINESS!

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Brainerd City Council Agenda Request

P&F #5

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: Compensation System/Pay Equity RFP

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert	Department: Administration
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: 5 minutes
Summary of Issue: During the 2017-2018 union contract negotiations, Staff requested and Council agreed to conduct a compensation study in 2017. This study will review position wages at external comparable cities for potential market adjustments as well as explore the possibility of a new compensation plan. Attached is an Request for Proposals (RFP) for said study.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Motion to approve the RFP as submitted.	
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> \$ unknown <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**CITY OF BRAINERD
REQUEST FOR PROPOSAL (RFP)
COMPENSATION SYSTEM/PAY EQUITY
2017**

PROJECT

The City of Brainerd is soliciting proposals for the development, design and implementation of a compensation system that meets federal and state compensation standards.

BACKGROUND

The City of Brainerd currently has in place a job evaluation and compensation system that was reviewed and updated in 2013 for pay equity compliance. The point system was implemented by Springsted in 2013. We have approximately 50 position titles for our regular full-time and part-time employees.

Brainerd employs 115 full-time and 5 part-time employees. Of this, 91 employees are organized in the following unions:

- Teamsters General Local Union No. 346 representing our Police Sergeant Unit.
- Law Enforcement Labor Services Local #65 which represents our Police Officer Unit.
- International Brotherhood of Electrical Workers Local Union #31 representing our Administrative Support Unit.
- International Brotherhood of Electrical Workers Local Union #31 representing our Public Utilities Unit.
- International Union of Operating Engineers, Local No. 49 representing our Street Department Unit.
- International Union of Operating Engineers, Local No. 49 representing our Parks Maintenance Unit.
- United Steel Workers International Union representing our Hydro Dam Unit.

Approved 2017-2018 collective bargaining agreements will expire on December 31, 2018.

Exempt and various union non-exempt positions are paid based on our four-step Salary Administration Plan program. The City has been in compliance with pay equity requirements in the past, but will need written confirmation that this continues to be the case under the new compensation plan. Internal equity is currently based on Springsted's Systematic Analysis and Factor Evaluation (SAFE®) System. The City may be interested in keeping the existing system or adopting another system to better match other area municipalities and for comparison purposes. Considering the current compensation system and step schedule, the City of Brainerd would like to consider alternative plans to make comparison to the current plan, but at a similar cost.

Management may also want to explore various methods of payment such as merit vs. step systems and a new step system while creating consistency throughout. An Open Range structure may also be an option.

SCOPE OF WORK

1. Design, develop, and implement a compensation system for the City of Brainerd including the following:
 - Evaluation and analysis of City needs and philosophy.
 - Review the existing job points for city positions and make recommendations on any needed changes.
 - Provide a wage/labor survey and analysis to develop a pay structure assuring internal and external equity with comparable cities to be determined.

- Determine exempt and non-exempt status for each position.
 - Create an opportunity for management and employee input through utilizing key participants.
 - Provide training for supervisors to ensure that implementation is understood.
 - Provide recommendations and options for a newly designed evaluation and compensation system. Include the feasibility of implementing a performance based compensation system or a performance based component of the system.
 - Implementation schedule for any recommended changes.
 - Provide implementation support, which would include, but not be limited to, City Council, employee groups and union groups presentations and maintenance training on the system.
 - The end report must conform to the standards set by the MN Department of Management and Budget (MMB) for compliance with pay equity, Fair Labor Standards Act as well as all other pertinent laws.
 - Assistance with the first State Pay Equity report following compensation review to assure compliance.
 - Minor revisions to original proposals, if requested by the City, may be negotiated following the proposal deadline and prior to being submitted to the Council for approval.
2. Present findings and recommendations, including written and oral reports and policies at various meetings such as employee and City Council meetings.
3. If you have any questions concerning the specifications, etc. please contact HR Coordinator Kris Schubert at 218-828-2307.

CONSULTANT SUBMITTAL

The proposal shall contain the following:

1. Description of the firm's approach to the development of a compensation system.
2. Tentative time line for the project.
3. Clearly define the proposed fees and scope of services for each of the following project components.
 - A. Conducting an External wage survey including data analysis.
 - B. Preparation of final documents of the plan including guidelines for plan administration, cost of living adjustments, advancement through pay scale, etc. Written and electronic data, as appropriate, must be submitted.
 - 1) The proposal shall clearly define additional services and reimbursable costs not included in the base fee, and an hourly rate for post-contract services.
 - 2) Proposals must include a not to exceed lump sum fee.
 - 3) Identify cost estimates for all aspects including potential areas in which the City of Brainerd staff can provide assistance resulting in cost savings to the City.

4. References from municipalities in the State of Minnesota who have used the firm for similar services and are now using the system. References should include a point of contact at the city, as well as a description of the services performed, implementation date, and the names of the personnel from your office that worked on the project at each municipality.
5. Names and relative backgrounds of the personnel to be assigned to the project.
6. Identify your approach to creating union and non-union involvement with the development of compensation schedules.
7. Professional Liability (E & O) Insurance.
*Please note that when the contract is negotiated with the successful bidder, there may be other provisions required with regard to professional liability insurance.

Bidder is required to maintain insurance protecting it from all claims the Bidder may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Bidder's professional services required under the contract. Contractor is required to carry the following limits:

\$2,000,000 – per claim or event
\$4,000,000 – annual aggregate

PROJECT COMPLETION

It is anticipated that the contract will be awarded by September 6, 2017. Completion shall be within 90 days of the award.

It is the intent of the City to provide as much support and assistance to the consultant to ensure that the project is completed by December 15, 2017.

OTHER

1. Questions regarding this Request for Proposal shall be directed to:

HR Coordinator Kris Schubert
City of Brainerd/Brainerd Public Utilities
501 Laurel Street, Brainerd, MN 56401
Telephone: 218-454-3415
kschubert@ci.brainerd.mn.us

2. The City of Brainerd reserves the right to reject any and or all proposals for any, or no reason, and furthermore reserve the right to accept any proposal deemed to be in the best interest of the City.
3. Four (4) copies of the proposal are to be submitted by 4:30 pm on Tuesday, August 22, 2017, to Kris Schubert at the above address.
4. Finalists may be required to make a presentation to an employee committee and/or City Council/employee-subcommittee for evaluation.

PROPOSAL RATE SHEET

DATE OF SUBMISSION:

NAME OF CONSULTANT SUBMITTING PROPOSAL:

BACKGROUND ON COMPANY AND EXPECTATION FOR CONTINUED BUSINESS:

PROJECT BREAKDOWN WITH CONCRETE TIMELINE DATES:

PROPOSAL:

RATES INCLUDING SAVINGS EXTENDED FOR CITY STAFF ASSISTANCE, ANTICIPATED TOTAL COST OF SERVICES BROKEN DOWN BY ITEMS IDENTIFIED IN THE RFP AS CONSULTANT SUBMITTAL ITEM #3, INCLUDING THE LUMP SUM NOT TO EXCEED PROTECTION:

OUTCOMES INCLUDING ALL DOCUMENTS THAT WILL BE PROVIDED:

HOW ARE DISPUTES HANDLED?

WILL THE CONSULTANT PROVIDE HELPFUL RECOMMENDATIONS ON THE DIALOGUE USED FOR DIFFULT CONVERSATION BY CITY STAFF (I.E. PAY FREEZE – redlined employees)?

WILL THE CONSULTANT PRESENT TO EMPLOYEE, UNION AND CITY COUNCIL GROUPS AT VARIOUS STEPS IN THE PROCESS?

WILL THE CONSULTANT PROVIDE ANY NECESSARY DOCUMENTATION REQUIRED BY MMB IN ORDER TO FULFILL PAY EQUITY REPORT (NOTABLY MINN. STAT. § 471.994, “A political subdivision that substantially modifies its job evaluation system or adopts a new system shall notify the commissioner.”)

FUTURE HELP POSSIBILITIES INCLUDING TIMELINES AND RATES:

RECOMMENDED TIPS YOU’VE LEARNED ABOUT IMPLEMENTATION OF A COMPENSATION AND PAY STUDY:

SUBMITTED BY: (officer of company)



Brainerd City Council Agenda Request

P&F #6

Agenda Item #

Requested Meeting Date: August 7th, 2017

Title of Item: Sewer Gas Monitors for Sanitary Sewer Crew

☐ 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): Connie Hillman, Finance Director	Estimated Time Needed: 5 Minutes
Summary of Issue: The Street and Sewer Department needed new sewer gas monitors	
Alternatives, Options, Effects on Others/Comments: The sewer gas monitors that the street department had previously could not be correctly calibrated and it was near impossible to find replacement sensors for them. The new gas monitors are compatible with monitors used by BPU staff and use the same docking stations.	
Recommended Action/Motion: Informational only. The purchase came out of the sanitary sewer fund capital outlay.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>\$1,498.00</u> Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u> This was not included in the budget, but is necessary to keep employees safe when entering confined spaces.	



ACKNOWLEDGEMENT

Safety, Fastener & Strut Specialists

Viking Industrial North
4730 Grand Ave.
Duluth, MN 55807
218-624-4851

Order Number	
1119119	
Order Date	Page
7/27/2017	1 of 1

Bill To: **Customer ID:** 103392

Brainerd City of
501 Laurel St.
City Hall
Brainerd, MN 56401

Ship To:

Brainerd City of
501 Laurel St.
Brainerd, MN 56401

218-829-2193

JOB#

PO Number	Ship Route	Taker
Gary \ Dale	1009	DRUBERG

Quantities					Item ID Item Description	Pricing UOM	Unit Price	Extended Price
Ordered	Allocated	Remaining	UOM Unit Size	Disp.		Unit Size		

2.00	2.00	0.00	EA		V8D2-QT-XWHM-A-Y-NA	EA	749.000000	1,498.00
				1.0	GAQUATTRO 4-GAS F/O2,LEL, H2S & CO ALK	1.0		
					GasAlertQuattro Gas Monitor - 4 Gas for Ox, PercentLEL, H2S & CO w/3 AA Alkaline batteries, calibration cap & tubing, reversible screwdriver, manual & tech reference guide (QT-XWHM-A-Y-NA)..Ser."			

Serial Number: QA117-003743

Serial Number: QA117-003782

Total Lines: 1

SUB-TOTAL: 1,498.00
TAX: 0.00
AMOUNT TENDERED: 0.00
AMOUNT DUE: 1,498.00

U.S. Dollars



Brainerd City Council Agenda Request

P&F #7

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: 2016 Tax Increment Financing (TIF) Report Summary

☒ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 2 Minutes
Summary of Issue: Annually before August 1st, the City needs to file annual TIF reports. The reports were filed before the deadline and attached is the 2016 required TIF disclosure that was published in the Dispatch on August 4, 2017.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Informational, no action required.	
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>	

City of Brainerd, Minnesota

Annual Disclosure of Tax Increment Districts for the Year Ended December 31, 2016

TIF District Name:	TIF 4-3 ASI Apartments	TIF 4-11 East Brainerd Mall	TIF 4-13 Timberland Townhomes	TIF 4-14 Brainerd Oaks *	TIF 4-15 Artspace	TIF 4-16 Taco John's	TIF 4-17 Jimmy John's	TIF 4-18 Royal Tire
Current net tax capacity	\$6,687	\$251,250	\$14,306	\$2,383	\$38,254	\$11,654	\$5,890	\$6,578
Original net tax capacity	\$418	\$50,184	\$258	\$21	\$22,158	\$7,346	\$2,848	\$6,578
Captured net tax capacity	\$6,269	\$201,066	\$14,048	\$2,362	\$16,096	\$4,308	\$3,042	\$0
Principal and interest payments due in 2017	\$5,140	\$187,887	\$11,706	\$0	\$7,463	\$3,389	\$2,443	\$2,265
Tax increment received in 2016	\$5,702	\$191,190	\$11,680	\$2,069	\$15,550	\$4,025	\$2,786	\$0
Tax increment expended in 2016	\$2,851	\$190,926	\$11,152	\$11,762	\$19,364	\$3,709	\$2,594	\$0
Month and year of first tax increment receipt	7 / 1994	7 / 2004	7 / 2003	7 / 2005	7 / 2009	7 / 2009	7 / 2010	7 / 2017
Date of required decertification	12/31/2019	12/31/2029	12/31/2028	12/31/2030	12/31/2034	12/31/2034	12/31/2035	12/31/2042

* Denotes districts that were decertified 12/31/16

Additional information regarding each district may be obtained from-

Ms. Connie Hillman, Finance Director
City of Brainerd
501 Laurel Street
Brainerd, MN 56401
(218) 828-2307



Brainerd City Council Agenda Request

P&F #8

Agenda Item #

Requested Meeting Date: August 7, 2017

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

☐ 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: At the July 17, 2017 council meeting, a request from HART was on the agenda to increase the administration fee by \$.10 per capita and the boarding fee by \$1.00 per day (letter is attached for your reference). The item was held over for staff to do further analysis on the estimated cost of the \$1.00 per day increase on the boarding fee.	
Alternatives, Options, Effects on Others/Comments: As presented at the last council meeting, 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. Based on the amount paid for boarding fees for 2014-2016, the \$1.00 per day increase would have cost the City an additional \$4,417 over the 3 years or on average \$1,472 each year. The current City Ordinance says that any animal picked up will be held for seven days. An option may be to look into lowering the number of days an animal is held. Staff would need to review state statute.	
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

P&F #9

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: Set 2018 Budget Workshop Date

☐ 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: The P&F and Council President met with the City Administrator and Finance Director to discuss the 2018 budget and levy. We would like to schedule a budget workshop for Monday, August 28, 2017 to present the status of the 2018 budget and levy to the council.	
Alternatives, Options, Effects on Others/Comments: The preliminary levy needs to be certified to the County by September 30, 2017. The preliminary levy could be set at the the September 18, 2017 regular council meeting or a special council meeting would need to be called.	
Recommended Action/Motion: Set a budget workshop for Monday, August 28, 2017 at 5:30 or 6:00 p.m.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

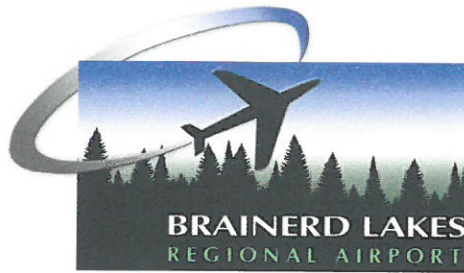
#9A

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: Airport Annual Report

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title): Steve Wright, Airport Director	Estimated Time Needed: 10 Minutes
Summary of Issue: Mr. Steve Wright, Airport Director will be at the council meeting to present the 2016 Annual Report for the airport. The report is attached for your review.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Informational, no action needed.	
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>	



RECEIVED

JUL - 7 2017

**CITY OF BRAINERD
ADMINISTRATION**

July 3, 2017

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

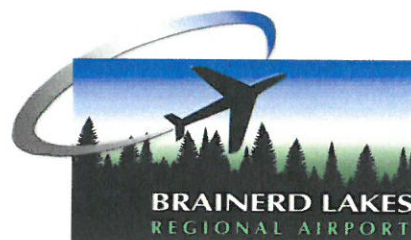
Dear Mr. Thoreen,

The Brainerd Lakes Regional Airport Ordinance requires the Airport Commission to prepare and present to the City Council and County Board a comprehensive annual report of its activities. In accordance with the ordinance, please find an enclosed copy of the 2016 Annual Report for review by the City Council. As always, the City of Brainerd's support of the Brainerd Lakes Regional Airport is appreciated.

Sincerely,

Steven A. Wright, A.A.E.
Airport Director

Brainerd Lakes Regional Airport
16384 Airport Road, Suite 5, Brainerd, MN 56401
Tel 218-825-2166
Fax 218-825-2186
www.brainerdairport.com



ANNUAL REPORT

2016

The mission of the Brainerd Lakes Regional Airport is to provide a convenient global gateway that safely and efficiently generates economic vitality in a sustainable and responsible manner.

POLICY

Subdivision 8 of the Brainerd Lakes Regional Airport Ordinance states that, "the Commission shall, as soon as possible after the end of each calendar year, prepare and present to the City Council and County Board a comprehensive annual report of its activities."

This report is hereby submitted to the City Council of the City of Brainerd and the County Board of Crow Wing County for 2016.

The Brainerd Lakes Regional Airport Commission was established under a joint powers agreement between the City of Brainerd and Crow Wing County for the purpose of constructing and operating the Brainerd Lakes Regional Airport.

ACTIVITY HIGHLIGHTS

STRATEGIC HIGHLIGHTS

The Brainerd Lakes Regional Airport continues to be a global gateway connecting the central Minnesota region to various locations around the world. Local businesses and residents can access the world through scheduled airline service as well as various corporate and private aircraft options. Various aeronautical services are based out of the Brainerd Lakes Regional Airport due to the Airport's central location within the State of Minnesota. The Brainerd Lakes Region continues to discover the value of time and benefits from the dedicated flights between the Brainerd Lakes Regional Airport and the Minneapolis St. Paul International Airport with over 200 convenient daily connections to global destinations.

FINANCIAL HIGHLIGHTS

The Brainerd Lakes Region benefits from the joint ownership and operation of the Brainerd Lakes Regional Airport through the City of Brainerd and Crow Wing County. Conservative planning minimizes necessary investments from the joint owners, with Airport revenues primarily being generated out of the users of Airport services. A full comprehensive report is summarized within the annual financial report of the City of Brainerd.

OPERATING HIGHLIGHTS

2016 has been a year of change for the Brainerd Lakes Regional Airport as the previous Airport Manager resigned. The Brainerd Lakes Regional Airport Commission retained the services of an Interim Manager to oversee the search for a permanent Airport Director. The Commission selected the services of Steven Wright, an Accredited Airport Executive, to serve as its Airport Director. Mr. Wright began his service on May 2, 2016.

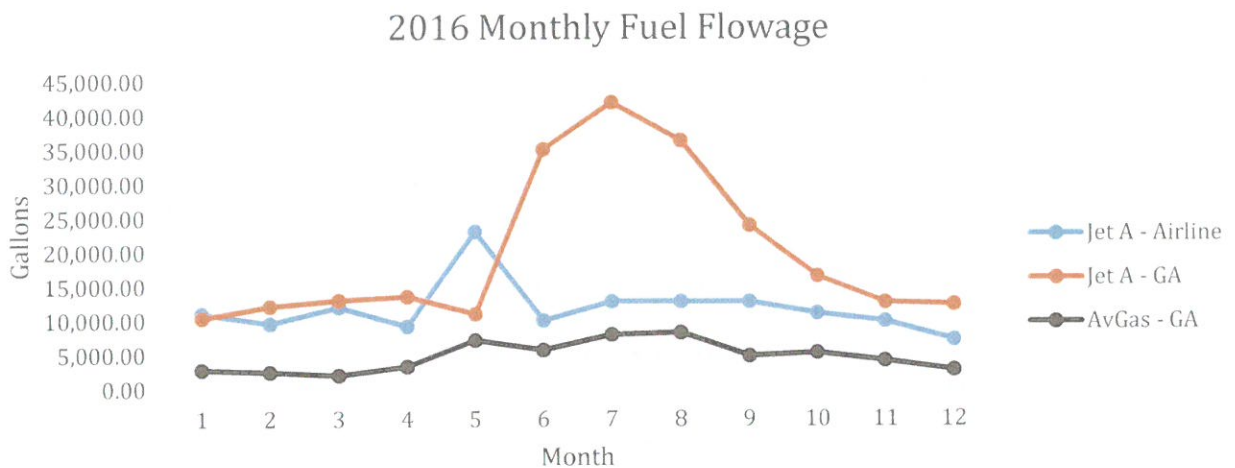
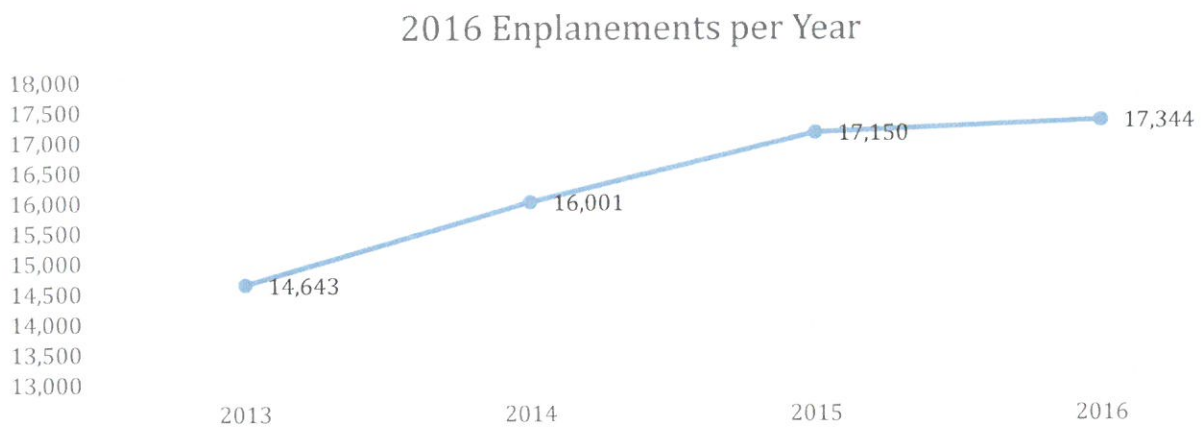
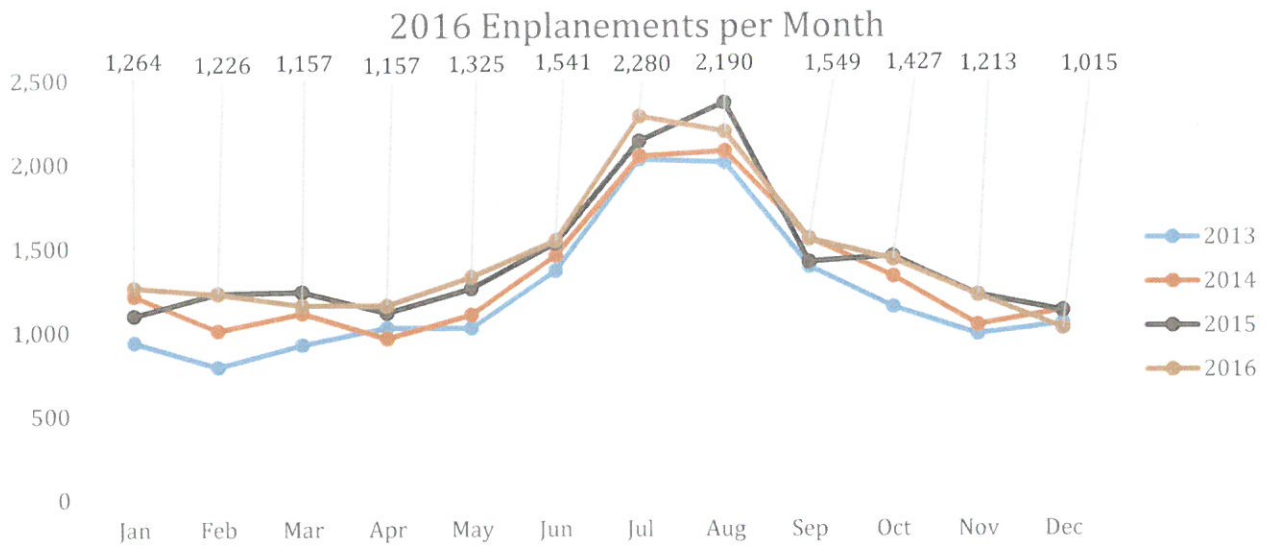
LOOKING AHEAD

The Commission completed a 20-year Airport Master Plan in 2015 establishing two concrete runways with precision approach guidance capable of landing larger airline passenger aircraft. Mead & Hunt was selected in 2015 to oversee the planning and engineering of the Brainerd Lakes Regional Airport over a five-year term. One of Mead & Hunt's primary tasks is to research, develop, and submit an updated 20-year Master Plan for Federal Aviation Administration (FAA) consideration. The Master Plan will also include an updated Airport Layout Plan that will be approved and used by the FAA in their capital planning for the Airport Improvement Program. **Current projects include water/sewer connection into the Brainerd Public Utility system to complete the requirements of the new passenger terminal, pavement rehabilitation in the hangar areas, fuel tank relocation, and design of an arrival/departure corridor for general aviation customers.**

Respectfully submitted,

Steven A. Wright, A.A.E.
Airport Director
June 2017

ACTIVITY HIGHLIGHTS





Brainerd City Council Agenda Request

#9B

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: BPU Request for Annexation of Property - Amended

☐ 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: Joseph Langel	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: 5 minutes
Summary of Issue: The Council previously approved Resolution No. 55:16 supporting the Petition for Concurrent Detachment and Annexation of BPU property in Baxter. The legal description in the Petition, however, included right-of-ways that were not intended to be annexed. The attached Petition simply corrects the legal description. The approximately 99.51 acres of property to be annexed, as shown in the original drawing attached to the Petition, is not changing.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve the Resolution supporting the Petition with the corrected legal description.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

RESOLUTION

No. _____

WHEREAS, since its construction in 1981, the Brainerd Wastewater Treatment Facility (BWTF) has been located on property owned by the City of Brainerd but located in the City of Baxter (Property ID Nos – 010171100A00009, 010171302A00009, 010171401B00009, 0313200090A0009, 031490010110009, 031490010120009, 031490010130009) (the Property); and

WHEREAS, the City of Brainerd has been interested in annexing the Property since construction of the BWTF; and

WHEREAS, the City of Brainerd Public Utilities Commission oversees the BWTF, its operation and the surrounding property; and

WHEREAS, the 99.51 acres of Property abut the City of Brainerd making it eligible for annexation to the City of Brainerd; and

WHEREAS, the BWTF and Property most appropriately belong within the City of Brainerd in order to clarify for customers, businesses and government entities that this municipal function is, indeed within and a function of the City of Brainerd; and

WHEREAS, the City of Brainerd is petitioning the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings for detachment from the City of Baxter and annexation to the City of Brainerd.

BE IT RESOLVED by the City Council of Brainerd, Minnesota, that the City of Brainerd supports the petition for concurrent detachment and annexation.

Adopted this _ day of August, 2017

David Pritschet
President of the Council

Approved this _ day of August, 2017

Edwin L. Menk
Mayor

ATTEST: _____

James M. Thoreen
City Administrator

**PROPERTY OWNER PETITION FOR CONCURRENT
DETACHMENT AND ANNEXATION**

IN THE MATTER OF THE PETITION FOR THE DETACHMENT OF CERTAIN LAND
FROM THE CITY OF BAXTER, MINNESOTA AND CONCURRENT ANNEXATION TO
THE CITY OF BRAINERD, MINNESOTA PURSUANT TO MINNESOTA STATUTES §
414.061, SUBD. 5

TO: Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

We, the undersigned, being the property owner of the following described lands, hereby request the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings to detach said property from the City of Baxter and annex it to the City of Brainerd, pursuant to Minnesota Statutes § 414.061, Subd. 5:

See Attachment 1 dated November 21, 2016 entitled:

City of Brainerd Wastewater Treatment Facility and Surrounding Property
Map of Parcels for Concurrent Annexation and Detachment

for the location of the following legally described parcels:

Parcel 1

The N^{1/2}NE^{1/4}, Section 17, Twp. 133, Range 28 West,

Except that portion of the above described tract lying North and West of County Highway Number 48 and;

Except the West 66 feet of the above described tract lying South of the Southeasterly Right of Way line of County Highway Number 48, and;

Except the East 33 feet lying North of a line described as follows: Commencing on the East line of the N ½ of the NE ¼ at a point 871.91 feet south of the Northeast corner, then on a bearing of North 66 degrees 17 minutes 50 seconds West a distance of 36.27 feet more or less to a point on a line 33 feet West of and parallel to the East line of the N ½ of the NE ¼ and there ending, and;

Except that portion of the above described tract lying southeasterly of a line described as follows: Commencing on the east line of the N ½ of the NE ¼ at a point 74.33 feet North of the Southeast corner, then on a bearing of South 61 degrees 48 minutes 18 seconds West a distance of 161.63 feet more or less to a point on the South line of the N ½ of the NE ¼ located 143.52 feet West of the Southeast corner, and there ending.

Parcels 2 and 3.

That part of Government Lot 1 and Government Lot 2, Section 17, Township 133, North, Range 28 West, Crow Wing County, Minnesota, described as follows:

Commencing at the northeast corner of said Government Lot 1; thence South 87 degrees 17 minutes 01 seconds West, bearings are based on the City of Baxter Coordinate system, 1762.89 feet along the north line of said Government Lot 1 and along the north line of said Government Lot 2 to an iron monument, on the westerly line of the tract described in Document Number 402922 on record in the Crow Wing County Recorder's Office; thence South 39 degrees 54 minutes 55 seconds East, a distance of 171.04 feet along said westerly line of the tract described Document Number 402922 to an iron monument, said point being the point of beginning; thence reversing course North 39 degrees 54 minutes 55 seconds West, a distance of 171.04 feet, along said westerly line of the tract described Document Number 402922 to an iron monument on the north line of said Government Lot 2; thence North 87 degrees 17 minutes 01 seconds East, along the north line of said Government Lot 2 and along the north line of said Government Lot 1, a distance of 1576.88 feet; thence South 61 degrees 48 minutes 18 seconds West, a distance of 43.81 feet; thence southwesterly 199.14 feet along a tangential curve concave to the southeast, said curve having a radius of 430.00 feet and a central angle of 26 degrees 32 minutes 05 seconds; thence westerly and southerly 234.94 feet along a non-tangential curve concave to the southeast, said curve having a radius of 80.00 feet, a central angle of 168 degrees 15 minutes 54 seconds and a chord bearing of South 35 degrees 48 minutes 00 seconds West; thence South 34 degrees 11 minutes 30 seconds West, not tangent to the last described curve, a distance of 346.79 feet; thence South 31 degrees 22 minutes 34 seconds East, a distance of 544 feet, more or less, to the northwesterly bank of the Mississippi River; thence southerly, westerly and northwesterly along said bank of the Mississippi River to the intersection with a line that bears South 03 degrees 05 minutes 05 seconds West from the point of beginning; thence North 03 degrees 05 minutes 05 seconds East, a distance of 929 feet more or less to the point of beginning.

Said tract contains 42.3 acres, more or less, and is subject to all restrictions, reservation and easements of record, if any.

Parcels 4, 5 and 6.

Lots 11, 12, and 13, Block 1 of Wildwood Addition, Section 17, Township 133, North, Range 28 West, Crow Wing County, Minnesota

Parcel 7.

Outlot A, Norway Hills, City of Baxter, Minnesota Section 17, Township 133, North, Range 28 West, Crow Wing County, Minnesota

In bringing forward this petition, the petitioner states that:

1. At is October 25, 2016 meeting, the Brainerd Public Utilities Commission voted to request the wastewater treatment facility and surrounding property be annexed to the City of Brainerd.
2. There is one (1) property owner of the area proposed for detachment/annexation.
3. The property is presently within the City of Baxter and abuts the City of Brainerd, in the County of Crow Wing

4. The property proposed for detachment/annexation is 99.51 acres.
5. The property is tax exempt meaning no property taxes are paid.
6. This boundary adjustment is being requested because: The City of Brainerd Public Utilities Commission oversees the operation of sanitary sewer services located in the City of Baxter. Therefore, the sanitary sewer facilities and grounds, utility offices, facility address and function of these services most appropriately belong within the City of Brainerd in order to clarify for customers, businesses and government entities that this municipal function is, indeed within and a function of the City of Brainerd.
7. At its November 21, 2016 meeting the Brainerd City Council approved the submitting this petition for the concurrent detachment and annexation of wastewater treatment facility and surrounding property depicted in the attached map.

Adopted this _ day of August, 2017

David Pritschet, President of the Council

Approved this _ day of August, 2017

Edwin L. Menk
Mayor

Attest: _____
James M. Thoreen
City Administrator

NOTE: Pursuant to Minnesota Statutes § 414.061, Subd. 5, this petition is accompanied by a resolution of support from the Brainerd City Council.



Acreage By Parcel:	
1)	53.22
2)	9.67
3)	32.38
4)	0.79
5)	0.82
6)	0.84
7)	1.79

Attachment 1, November 21, 2016

City of Brainerd Wastewater Treatment Facility and Surrounding Property

Map of Parcels for Concurrent Annexation and Detachment

N

W

E

S

0

190

380

760

Feet

This map is intended for reference purposes only and is not a legally recorded map nor survey.

The City of Brainerd shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.



Brainerd City Council Agenda Request

#10A

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: Variance - Exterior Building Material, Michael Rodahl on behalf of Swan Ventures LLC, 8299 Wise Road

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: The Planning Commission recommends denial. Attached please find the City Planner Staff Report which provides the issue summary, photos, and the July 17, 2017 Planning Commission meeting minutes which includes the Findings of Fact and the reason for its denial recommendation.	
Alternatives, Options, Effects on Others/Comments: 1. Approve the variance not requiring an alternative exterior material. 2. Deny the variance requiring an alternative exterior material.	
Recommended Action/Motion: Moved and 2nd by _____ and _____ to approve/deny the Variance submitted by Michael Rodahl on behalf of Swan Ventures LLC, 8299 Wise Road related to providing an alternate exterior building material.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

PLANNING COMMISSION
Wednesday, July 19, 2017

#1 Call to Order

Planning Commission Chair Headley called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers.

Noted present were Commissioners Antolak, Burslie, Gorham, Headley, Marohn and Wussow. Noted absent was Council Liaison Lambert. Also present was City Planner Ostgarden.

#2 Approval of Agenda

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

#3 Approval of minutes of the regular meeting held on June 21, 2017

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 21, 2017.

City Planner Ostgarden welcomed the newest member to the Planning Commission, Mr. Patrick Wussow.

#4 NEW BUSINESS

A. Public Hearing – Variance Request – 8299 Wise Road, Brainerd

City Planner Ostgarden stated that a couple meetings previously, there was a similar request for a variance to not require an alternate exterior on a commercial building in an industrial area. This is another request for that same type of variance. In the past years, City Planner Ostgarden could not recall any other requests coming before the Planning Commission.

City Planner Ostgarden explained the property is in the north part of Brainerd and adjacent to the city limits. An aerial map was provided along with photos of a similar building that is already on the site. The proposed building would be a pole style construction with steel siding. The site is 7 acres in size in a B-4 District. That area of the city and county is rather undeveloped. There are subdivisions south of this property and to the east in unorganized territory. As you travel down Wise Road, there is a rather rural feel in that area. The Zoning Ordinance specifies that materials such as metal panels, window trim, flashing, accent features and the like shall not exceed 25% of the building exterior. This variance is asking for this requirement to not apply in this situation. Photos of a similar proposed building were discussed showing examples of the steel siding. It is also important to see from the aerial views of the relationship this property has to others; particularly the wetlands that encompasses a large area. There is a wetland to the north and the west side of Wise Road. Having the wetlands there limits development from occurring which may be a consideration in the Commission's decision. To the east outside of the city limits is a subdivision that has a large platted outlet adjacent to the single family lots which is also undeveloped and will remain undeveloped. The building would be set back about 400' east of Wise Road which is well over a block from the road. It would be located immediately on the north side of the existing building. The Planning Department has not received any correspondence for or against this variance request.

Commissioner Marohn questioned if the City Council gave guidance on the future of these requests based on the variance criteria. City Planner Ostgarden replied that the council "did not like the ordinance". Commissioner Marohn asked if the council has indicated that we as the Planning Commission should look at changing this part of the code. City Planner Ostgarden said that was the impression he received from them.

Commissioner Antolak asked if the applicant considered looking at other building materials. City Planner Ostgarden replied no, but contrasting colors could be added on the steel building to enhance the look.

The Chair opened the Public Hearing at 6:09 p.m.

The Chair recognized Roberts Construction, Nisswa, MN who will be constructing the building. The building will be a cold storage pole building strictly for equipment storage. This is the reason that no other materials were even looked at or considered. The business is called Swan Ventures which service the gas stations and pumps.

The Chair recognized Mr. Orris Rodahl, VP and Branch Manager of Independent Petroleum Services (IPS). Mr. Rodahl built the business in 1972 and sold the business to Swan Ventures. He remains as the Vice President. Mr. Rodahl indicated that the building will be strictly for storage of the new pumps and equipment needed for new projects as the current building is becoming too small to accommodate everything.

Commissioner Marohn asked how the building exterior will be similar or different from the existing structure. The new pole building will be a similar steel constructed building in a similar color or two tone colors to blend the rest of the buildings. Mr. Mike Rodahl spoke on behalf of Swan Ventures that steel is the least expensive material to construct a building, and since this will be for storage only they do not want to have to put a lot of extra money into the aesthetics of the exterior. Mr. Rodahl stated they are very flexible with the arrangement of the building regarding door location, colors of siding, etc.

Commissioner Antolak asked the petitioner about the existing buildings on the property and the annexation that took place several years ago. City Planner Ostgarden explained the property was annexed in several years ago and the existing buildings were already there.

Committee discussion took place and the petitioner answered questions from the committee.

The Chair closed the Public Hearing at 6:25 p.m.

Commissioner Antolak read the Findings of Fact as follows:

1. The property is located in a B-4 General Commercial District which requires that:
All exterior wall surfaces shall be a combination of materials including brick, dimensioned stone, or their replicas, rock face block, decorative concrete panels, stone, stucco, wood, glass, or Exterior Finish Installation (EFIS). Material such as metal panels, window trim, flashing, accent features and the like that make up the exterior of a building shall not exceed twenty-five (25) percent.
2. The property is approximately 7 acres in size located in an area that has wetlands to the west, north and east of the location where the proposed building will be located.

3. The building will be 60' x 100' and located on the north side of an existing metal sided building of the same size.
4. The building will be approximately 400' setback from Wise Road.
5. The site is located on the border of the city limits in an area that can be considered rural in character.
6. There is an existing subdivision to the east; not in the city that has a platted undeveloped outlet adjacent to the site. The new building should not be visible from the subdivision for most if not all year.
7. The new building should not be visible from the developing subdivision located in the city to the south.
8. There was no public correspondence received about the request.
9. The request is consistent with the following Comprehensive Plan Goals and Strategies:

LAND USE GOAL #4: *Plan land uses and implement standards to minimize land use conflicts.*

STRATEGY:

Encourage the location of commercial and industrial development in areas that avoid adverse impacts, such as truck traffic, through residential areas.

GOAL: *Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*

STRATEGY:

Buffer commercial and industrial developments from...and residential areas within the community because:

10. There are not practical difficulties because:
 - a. Reasonable manner – Yes
 - b. Uniqueness – No
 - c. Essential character of the locality – Yes

Commissioner Marohn stated if we are to follow the rules of the ordinance, then this should be denied. However, the City Council overruled recently on a similar request and suggested the ordinance be reviewed.

Commissioner Gorham agrees with Commissioner Marohn, but indicated that the ordinance is clear on the criteria and agrees with the City Council reviewing the ordinance.

Commissioner Burslie said based on the variance review criteria; the petitioner does not meet the second requirement of "The plight of the landowner is due to circumstances unique to the property not created by the landowner." If the City wishes to issue these types of permits, then we need to reexamine the ordinance.

Commissioner Wussow stated that because the property was brought into the City (annexed in) that may be a condition with the zoning as it was adopted for that parcel.

City Planner Ostgarden indicated that it was unfortunate that the petitioner brought up the economic issue-if they would have presented the issue differently rather than to focus on the economic concern, it may have been a better approach. There is uniqueness to this property in relation to the entire city and the area around it. Does the rural character of this part of the community provide some of the uniqueness to this application? Variances may be granted when the applicant establishes practical difficulties based on three criteria; Reasonableness, unique circumstances, or altering essential character of the locality. In this setting, in relationship to the rest of the community is it reasonable in this situation to not require the 25% metal siding? Consider just this situation, not other or past requests. Is this property unique? Seeing as how north Brainerd has a rural character, does this indicate a unique area? Consider the essential character, size of the parcel, the wetlands, and distance from the road. Do those factors all together not alter the essential character?

City Administrator Thoreen stated that we are in a tough situation and sympathizes with the petitioner. The setting is a rural area and not likely to change due to the geography of the wetlands. If the criteria are followed, then it should be denied. However, we have had some indication from the Council of the desire to see a different setting for this. This is another indicator that perhaps our language is in need of a review. There could be a middle road for purposes of this request, the requirement could be waived and a recommendation given to the City Council to approve this application with the stipulation that the Planning Commission strongly recommends changing the ordinance to comply with the rural settings.

City Planner Ostgarden indicated that there is no guarantee that the ordinance is going to be changed. In 2009, there were hundreds of man hours put into the ordinance to create what was best for the community. Before stating that we need to change the ordinance, we need to discuss what we are interested in appearing as to the community. There will need to be a broader discussion with community input and will take time to do so.

MOVED AND SECONDED BY COMMISSIONERS BURSLIE AND MAROHN TO RECOMMEND DENIAL OF THE VARIANCE REQUEST BASED ON STAFF FINDINGS OF FACT AND THE REQUEST WAS MADE SOLELY FOR ECONOMIC REASONS.

Members Burslie, Gorham, Headley, Marohn and Wussow voted "aye". Member Antolak voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY COMMISSIONERS MAROHN AND BURSLIE TO PREPARE A STATEMENT OF ADVISEMENT TO THE CITY COUNCIL IN REFERENCE TO THIS APPLICATION AS FOLLOWS:

If the council is inclined to look at this variance favorably, the Planning Commission recognizes:

1. The building proposed will not be visible from the road
2. The building proposed will not be visible from adjacent properties
3. The application of the code as written will have no practical positive effect despite the cost incurred by the property owner
4. Request better direction, guidance and comments from Council

Members Antolak, Burslie, Gorham, Headley, Marohn and Wussow voted "aye". No member voted "nay". The Chair declared the motion carried.

Commissioner Gorham stated the positive thing by doing this is saying that the Planning Commission believes in the ordinance and the decision will not be made just by saying the ordinance needs changing. It is not the Planning Commission's job to rewrite the ordinance. There is a precedence being said – by supporting the ordinance now says we support the ordinance going forward. Even if the request is not in the central part of town, there is not a section of the ordinance indicating different areas.

City Administrator Thoreen stated there is already a heavy workload of the Council and staff with the upcoming work to do on the Comprehensive Plan. Many of these questions for Council may be resolved with the results of the Comprehensive Plan.

City Planner Ostgarden indicated this will go to the City Council at the next meeting August 7, 2017 at 7:30 p.m.

Roberts Construction approached the podium and asked where in Brainerd there is a storage building that is constructed with these alternate materials. He has not seen any and the Commission is trying to make the petitioner modify his steel pole building design. Commissioner Marohn replied that he understands the petitioners request but the City went through a planning process and created ordinances that addressed the issues of aesthetics in the industrial areas. It is now being questioned whether the ordinance that was created is consistent with how the Council wants it.

B. Review Draft Zoning Ordinance Chapter 35 – Antennas and Towers

City Planner Ostgarden informed the Commission about the right of way issue. New legislation passed this year addressed wireless communication devices in the right of way. The City of Brainerd has a municipal power company and the details need to be sorted out and advice from the City Attorney is needed on whether we are exempt from the requirements of this new legislation. The use of the right of way is not necessarily a Planning Commission issue. It is an issue regarding private property and the placement of antennas and towers on private property outside of the right of way. The ordinance does need to be amended as the industry has changed. The construction of the 180' tower is obsolete as technology is going towards small cell poles. It is not necessarily the volume of calls; it is the data that is associated with being transmitted from tower to tower. Currently in the City of Brainerd, we only allow towers in the industrial districts. With the change in technology, this area needs to be reviewed to be appropriately allowed in other zoning districts.

City Planner Ostgarden directed the Commission to the draft ordinance that was provided. Several of the sections were read and reviewed with questions from the Commission. Commissioner Burslie asked if there was anything in the ordinance regarding lighting. City Planner Ostgarden will check into that issue. The photos indicate a type that may possibly be at Central Lakes College (CLC).

Commissioner Marohn requested the data be compiled into a chart or table with the types of towers, the zone and the heights of the towers. It would be beneficial for the Commission to view in an easier fashion. Commissioner Gorham indicated there is a lot of information in the ordinance and it is very complicated. It would be need to be clarified in a way that is easily understandable. Commissioner Wussow asked City Planner Ostgarden to clarify what was requested by CLC and the Fire Department – how are those different than what is provided in the photos and are these allowed in a residential district? The answer is no. Commissioner Wussow inquired about St. Louis Park transitioning to Wi-Fi in their entire city if City Planner Ostgarden was aware of that process. City Planner Ostgarden reviewed ordinances from many different cities, but St. Louis Park was not one of them but will review.

City Administrator Thoreen asked about Section 515-35-10 regarding New Towers; if new guyed towers are prohibited, what about towers to replace the old ones that may come down due to weather,

etc? Would a replacement be considered “new”? City Planner Ostgarden explained if the new language was updated in the ordinance, and guyed towers were prohibited, the guyed towers we currently have would be non-conforming. Those non-conformities have rights same as a non-conforming home, etc. If any act of nature that would cause them to fall or needing to be rebuilt, it can be done within the one year timeframe.

The Chair recognized Mr. Rick Adams of Backus, MN who has been in the industry for 23 years and has dealt with most of the facilities in Crow Wing, Cass County and northern Minnesota. Mr. Adams explained a lot of the language to be added was written by him for the City of Rogers, MN. He agrees with compiling data into a chart as it is confusing. Mr. Adams will advise many cities on ordinances in the industry and how technology is rapidly changing. In this case, Verizon hired Mr. Adams as a Telecom Consultant. When they hired Mr. Adams for the application at the Fire Department, it was clear that the ordinance didn't allow it. The ordinance is now obsolete due to the rapid change in technology. City Planner Ostgarden went through the State Laws and it appears that Brainerd would be exempt due to the electric utility company owning, providing power to and managing the pole. However, there are Federal Laws being proposed to the FCC and the FCC does not allow exemptions. This may be changed in the next Legislative Session. Mr. Adams recommends the City to make the ordinance more user friendly and easier to understand combined with a relationship with the carriers. This would provide the infrastructure in town so both the city and the carriers could locate the needed facilities on property and to not force into the right-of-ways. Mr. Adams continued to speak on the technical terms and definitions of the ordinance revisions.

Commissioner Marohn questioned the urgency of this project. City Planner Ostgarden replied that it got urgent when CLC requested some towers on their property and they could not because of the ordinance. They are unable to get cell service in some parts of the building. It was expressed to City Planner Ostgarden to proceed with drafting a revision to assist in that situation.

Mr. Adams clarified that he submitted a request on behalf of Verizon to have the Zoning Ordinance amended. Verizon would like to put the pole on city property and pay the City of Brainerd rent for that space. That project was identified nearly one year ago. Mr. Adams then started working with the Fire Department and City Administrator Thoreen on the issue. This does not have to be a zoning problem. If the City does not want a pole on their property, they just tell Verizon no. It is not a zoning problem. The problem is that City Administration stated they would like to consider that option. City Planner Ostgarden indicated that it is not an option because the ordinance will not allow it. That is what brings us here to draft a new ordinance. Mr. Adams stated in his opinion, priorities need to be set because eventually these 50' poles will be mandated in the right of way. For example, is it better to have one 100' pole on city property where the city is receiving \$1,000 month rent for that space or is it better to have six 50' poles in the right of way collecting \$25 a year rent. It is a monetary decision for the city to make of wanting to see the income and have the community want the technology with one 100' pole knowing the city is collecting a lot more rent. City Planner Ostgarden asked to not make presumptions that we don't know will happen.

Commissioner Marohn stated there should be a different group of people, not the Planning Commission, that are stakeholders that actually set the policy. At that time would we get involved in that code modification.

Commission discussion took place and questions answered by Mr. Adams.

MOVED AND SECONDED BY COMMISSIONERS WUSSOW AND MAROHN, DULY CARRIED, TO PRESENT THIS ISSUE TO THE CITY COUNCIL AND CITY ATTORNEY FOR DIRECTION.

C. Discuss Comprehensive Plan Process and Schedule

City Planner Ostgarden inquired if all members of the Commission took the time to go through the Scope of Services that was provided to them. It was previously emailed to all members on June 29, 2017 and again July 19th upon the request of Commissioner Marohn. Several of the members did not receive this to review beforehand.

Commissioner Gorham indicated it seemed like a lot of work to do in the time frame on the schedule. Commissioner Marohn asked about the data collection that needs to take place in terms of analysis of the data collected. What is the process for analyzing the data? Commissioner Marohn volunteered to assist in the gathering of topics that should be looked at.

City Planner Ostgarden requested that a meeting take place with Ms. Ashley Kaisershot from NJPA, Commissioners Headley and Marohn, City Administrator Thoreen, and City Planner Ostgarden and any others willing to meet.

City Planner Ostgarden is sending an email to the Council about meeting locations; parks etc to get some dialog participation on the plan. The NJPA has available funding to assist in notification to the community. We are asking for the City Council to assist in arranging those meetings by Ward in their neighborhoods. Within the next couple months should generate at least four meetings. Commissioner Marohn suggested standing on the street talking to passing residents about the Plan and to get their input. These could be the residents that may not attend a meeting. Our planning process would really benefit from capturing the insights from that group of people that would not attend a formal meeting. The Rotary Club meetings and the Lions Club meetings to speak to a group-they are always looking for speakers and here would be a good opportunity to get the word out. It would need to be a Council Member or a member of the steering committee. The cities that were successful had that type of leadership.

City Planner Ostgarden commented the success of the Comprehensive Plan is going to be based on how well the Council is engaged in the process – actively speaking to the community and supporting it. The steering committee is going to be compiled of members that the City Council appoints. Each City Council member will be strongly urged to submit one name that they believe would be a good fit for the committee. The steering committee will consist of an 11 member group, and hopefully will be assembled by the end of August to be voted on first of September. Commissioner Marohn asked how many of the Planning Commission will be on the steering committee. City Planner Ostgarden said it depends on how many members of the community volunteer.

Commissioner Marohn indicated the documents he was provided with stated the committee will send a report to the Planning Commission and inquired about what the role of the Planning Commission will be. City Planner Ostgarden stated at present time, it is intended to be a briefing of the progress. But, it is up to the Planning Commission to how involved the group wants to be and they are able to take it further. The concern of a briefing only would be to progress to a certain point and then the expectation would be for the Planning Commission to be on board with all that has been done with only being briefed and not involved directly. It is possible that after several months of work and several briefings, but no feedback the process may need to start over because there is a conflict from the commission that the plans are not what they are looking for. Hopefully, the Commission will give a lot of latitude to the steering committee in terms of recommendations.

Commissioner Marohn expressed strong interest to be a member of the steering committee.

Commissioner Gorham requested the plan progress be brought to the Planning Commission on a monthly basis at least to start with.

Commissioner Marohn interpreted the individuals that volunteer to be a part of the steering committee are not just attending meetings – they are active parts of the process; participating in the necessary events that need to take place.

Commissioner Gorham questioned the general idea of social media involvement – we all know that there are many views regarding the City of Brainerd. These individuals need to be “tapped” for information and what is felt among the community members. Social media is cheap, widely available and the majority of young adults can be reached this way. (i.e. Facebook page)

Commissioner Marohn mentioned he has seen cities do a really good job in social media engagement. Basically, taking the conversation that is happening “in the meeting” and expanding it to the public to draw people in. There is a wide range of responses; negative, and positive but it expands the conversation. This is a way to put a point out there for feedback and it can be very helpful.

City Planner Ostgarden conveyed that a lot of help will be needed in order to do all of these things to make the plan a success. The social media idea is a great idea, however who will be the one to set it up, monitor incoming comments and respond to the comments? We need to come up with the questions to ask, conversations to have and the way we want to communicate. Commissioner Marohn volunteered to set it up – that is the simple part. The complicated part is the questions, conversations and responses – it all comes down to control and how much response is generated with a two way conversation on social media.

Commissioner Wussow suggested that when information is sent to City Planner Ostgarden, the Council Liaison is included.

City Planner Ostgarden introduced Emma Anderson, the Planning Department Intern for the summer.

#5 PUBLIC FORUM

None

#6 OLD BUSINESS

City Planner Ostgarden urged the Planning Commission to complete the online Land Use Test offered by the League of Minnesota Cities Insurance Trust. If everyone takes the test, it helps us get a better rate for insurance claims. The City Council should take the test as well.

#7 COMMISSIONERS' QUESTIONS/COMMENTS

Commissioner Marohn requested that the Findings of Fact are included in the packet, instead of being distributed at the meeting. City Planner Ostgarden indicated that past commissions approved of the way it was being done, but it can be changed. Findings of fact have been discussed with past commissions. There has been discussion and debate about what is fact and what is an opinion.

Commissioner Marohn brought up the topic of fences from a past meeting variance request. City Council voted to deny the variance on Buffalo Hills as was recommended by the Planning Commission. Commissioner Marohn was for approving the variance, and indicated the ordinance is zoning code specific and not neighborhood specific in a way that if it was neighborhood specific it would be very different. In a practical sense of fences, why would the decision be to deny something that it is supposed to do (i.e. block lights, provide security).

Commissioner Marohn volunteered to assemble data into a table regarding fences and the residential differentials in neighborhoods. Commissioner Marohn's opinion on the ideal zoning code would be form based and not use based. It would be much more nuanced to the neighborhood characteristics than the zoning classification.

Commission discussion took place regarding zoning and ordinances.

#8 CITY PLANNER'S REPORT

City Planner Ostgarden announced the Floodplain Regulations were approved by the City Council at the last meeting.

#9 ADJOURNED AT 8:30 P.M

Respectfully submitted,

Mark Ostgarden AICP
City Planner

STAFF REPORT TO THE PLANNING COMMISSION
July 12, 2017

VARIANCE REQUEST

APPLICANT/LOCATION: Michael Rodahl, 16270 Miles Circle, Brainerd MN has applied on behalf of Swan Ventures LLC, 682 39th Avenue NE, Columbia Heights, MN 55421 for variance to construct a 60' x 100' steel sided building on property it owns at 8299 Wise Road, Brainerd, MN 56401.

REQUESTED VARIANCE: To permit a steel sided building without an alternate material

LOT AREA: 7 acres

CURRENT ZONING: B-4 (General Commercial) District

ADJACENT USES: North: Undeveloped
East: Undeveloped
South: A residence and undeveloped residential plat
West: Undeveloped

ADJACENT ZONING: North: Unorganized Territory
East: Unorganized Territory
South: R-1A (Single family)
West: R-R (Rural Residential District) and Unorganized Territory

REPORT

The property owner is proposing a new steel sided and steel roofed pole style construction building. There is a similar building on the site. The B-4 District zoning requires that:

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

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

Criteria for Granting Variances

A. Variances shall only be permitted:

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

- A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*

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

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

When the variance is consistent with the Comprehensive Plan.

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

LAND USE GOAL #4: *Plan land uses and implement standards to minimize land use conflicts.*

STRATEGY

Encourage the location of commercial and industrial development in areas that avoid adverse impacts, such as truck traffic, through residential areas.

GOAL: *Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*

STRATEGY

Buffer commercial and industrial developments from...and residential areas within the community.

Will granting the Variance be consistent with these Goals and Strategies?

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

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

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

The property location of this property relative to the rest of the community should be considered in considering this criterion. The area is rural character and because of wetlands has limited development potential.

Is it reasonable to permit a steel sided building in this area?

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

Is the uniqueness based on the rural character of the area?

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

The building will be over 400' (over a block) from Wise Road and 60' x 100' in size about the size of the existing building. At this distance can the type of exterior building material be readily identified?

The new building will be constructed north of the existing building. The site is buffered on the north and west by wetlands which will preclude development. Residential development is occurring to the south and east. The adjacent plat appears to have an outlot area that is not planned for development. Will this area buffer the site as development continues in this area?

Enclosed are 2 aerials that depict the wetlands and the platted outlet area.

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

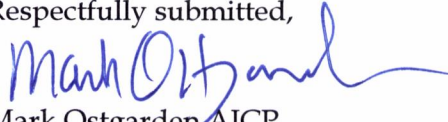
PLANNING DEPARTMENT COMMENTS

This is the 2nd variance request of this nature in the last 3 meetings. Since the Zoning Ordinance was adopted in 2009, these are the only 2 variance requests of this kind.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation at its meeting on Wednesday, July 19, 2017 and the City Council may receive the recommendation for consideration at its meeting on August 7, 2017.

Respectfully submitted,


Mark Ostgarden AICP
City Planner

6-21-2017

RECEIVED

JUN 23 2017

**CITY OF BRAINERD
ADMINISTRATION**

To: City of Brainerd Planning Department

We are submitting this application to the City of Brainerd to request permission to build another pole building warehouse on our commercial property located at 8299 Wise Rd in Brainerd, MN. As our business continues to grow we find that we have run out of room for storing our inventory and equipment inside where it can be safe and protected from the elements and lessen the risk of theft or damage sitting outside. We are proposing to build a 60'x100' pole building with side walls of 16'. (6,000 sq. feet) The floor would be poured concrete. Outside of the building we would have some concrete aprons by the overhead doors. The exterior walls and roof would be covered with pole barn steel. The color of steel would be an attractive two tone to compliment the area. There one would be a couple of overhead doors and two man doors. This would be a non heated warehouse. No plumbing necessary for storing our inventory and equipment.

About us: we have been doing business in the Brainerd Lakes Area since 1971. We have had previous locations in Brainerd and Baxter. We are in the Sales, Service and Installation business of fueling systems. We have built most of the Gas Stations in Brainerd and Baxter. We have built many other Commercial and Industrial fueling systems in this area. We do not build anything at our shop or place of business. Our products and equipment are delivered to our place of business and then we build or service our customer at there location.

Sincerely,



Orris A Rodahl

VP and Branch Manager of IPS

Swan Ventures LLC (DBA MN Independent Petroleum Services)

218-820-1416 cell phone

Email: orodahl@mnpetro.com

Plot Plan For 8299 Wise Road Brainerd

Interactive Map

Crow Wing County



Scale 1: 2500

Plot Plan by: Mike Rodahl 218-839-7296

X: 561033.0129

Y: 185025.6053



Similar
building in
size, wall
height,
length and
width



Example
of the
steel
siding
look



Site



Wetlands



WISE RD

SUGARBERRY CREEK

COUNTY RD 79

SERENE PINES CT





These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied. Including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.





Brainerd City Council Agenda Request

#10B

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: Discuss Comprehensive Plan Steering Committee and Ward Meetings

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: See attached memo	
Alternatives, Options, Effects on Others/Comments: None	
Recommended Action/Motion: None	
Final Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

MEMO

TO: Mayor and City Council

FROM: Mark Ostgarden, City Planner

DATE: August 2, 2017

RE: Comprehensive Plan – Discuss Steering Committee and Ward Meetings

The Planning Department would like to discuss two (2) Comprehensive Plan Update issues:

1. Steering Committee Appointments. The request is for the City Council to appoint members to the Steering Committee. Attached are talking points to assist you in your conversations with a potential member. Also attached is an initial list of potential members for most of the sector areas that should be represented on the committee. If you think there is an individual better suited for the committee from that sector, by all means feel free to contact that individual rather than the name on the list.

2. Ward Meetings. Attached is the email sent to the City Council regarding the ward meetings. This is on the agenda for a discussion about whether the City Council desires to move forward with the meetings and if so, when can they be scheduled?

STEERING COMMITTEE

City of Brainerd

Comprehensive Plan Update

What is the Comprehensive Plan

The Comprehensive Plan is a document designed to guide the future actions of our community. It presents a vision for the future, with long-range goals and objectives for all activities that affect the local government. This includes guidance on how to make decisions on public and private land development proposals, the expenditure of public funds, availability of tax policy (tax incentives), cooperative efforts and issues of pressing concern, such as farmland preservation or the rehabilitation of older neighborhoods areas. Most plans are written to provide direction for future activities over a 10- to 20-year period after plan adoption. However, plans should receive a considered review and possible update every five years.

Steering Committee Overview

The Steering Committee is comprised of 11 members appointed by the City Council.

The role of the Steering Committee is to build consensus and support regarding the various topics, approaches, and policies outlined in the comprehensive plan project.

The Steering Committee will work with the consultant, city staff, and other local leaders while engaging the public for input throughout the duration of the project. The Steering Committee will provide recommendations to the Planning Commission and City Council on the drafting and adopting the updated Comprehensive Plan.

The Committee members will be responsible for:

- Providing guidance through the entirety of the process
- Advising NJPA in reviewing data in addition to developing and reviewing goals, policies, and draft documents
- Providing comment and input during all project phases and civic engagement meetings and components
- Identifying issues and concerns during the project development process, and for the project as a whole
- Encouraging community consensus and encourage stakeholder participation during civic engagement events
- Promoting awareness, participation, and support the mission of the project
- Representing broad community interests
- Developing goals and strategies based on ideas generated from the public involvement process. The goals and strategies will be categorized by plan element. Themes that summarize the overriding issues in the ideas, and a draft

goal statement and strategies for each element will be used as a basis for developing final goals and strategies.

- Acting in an advisory capacity to the Planning Commission and City Council
- Tentatively eleven (11) Steering Committee meetings are planned throughout the duration of the project. Workshop topics are tentatively planned to be:
 - o Idea gathering
 - o Data and information analysis
 - o Community Tour
 - o Existing and Future Land Use
 - o Goal writing
 - o Report to the Planning Commission
- The first Steering Committee meeting is tentatively planned for the month of September. No December meeting is planned. Meetings will resume in January. Anticipate 90 minutes to 2 hours for each meeting.
- The goal is to complete the process by the end of 2018.
- At the 1st meeting, the Steering Committee will determine what time of day is the best to schedule future meetings.
- A Steering Committee Chair will be selected by the members.
- Being a member will require at least a 30-hour commitment.
- The committee will choose its chairman.

Mark Ostgarden

From: Mark Ostgarden
Sent: Wednesday, July 26, 2017 3:26 PM
To: Dave Badeaux; Kelly Bevans; Gabe Johnson; Dave Pritschet
Cc: Sue Hilgart; Jan Lambert; Kevin Stunek; Ed Menk; Jim Thoreen; 'Ashley Kaisershot'; Staci Headley (sheadley@regionfive.org)
Subject: Comprehensive Plan Ward Meetings

Good afternoon Mayor and City Council, to date the Planning Department has had several focus group meetings and we have the Community Survey Panel surveys. There are a couple of other community engagement tools that we would like to use. One of which needs your help for it to be successful.

We would like to have a "neighborhood" meeting in each of the 4 wards. We would start the meetings as soon as possible and try to have them done before it gets too cold (I can't believe I'm saying that already). The concept so far is to have the meetings outdoors at a park in each ward, with an indoor location in case of inclement weather.

The meeting discussions would start with questions from the surveys to find out if we get similar responses.

For the ward meetings to be successful, we would need your help with the following:

1. Pick a day/time for the meeting in your ward.
2. We are looking into a way to send invitation by ward. We are looking into a source of funds for invitations to each household. If we cannot secure any funds, we'll get the word out as best we can. If we cannot use a mailing your help in spreading the word about the ward meeting will go a long way in getting people to the meeting.
3. We would like you to welcome your constituents to the meeting and reiterate the purpose and importance of the process. If needed we can help you with talking points.

I would suggest we not schedule a meeting until the week of August 14th. If this something you all want to pursue send me the dates between August 14th and September 8th that you will be available for an evening meeting. When I get that information we'll try and select 4 evenings that will work. Sue, Jan and Kevin, we won't need dates from you.

This is the concept so far. We are open to any ideas and suggestions for making the meetings as successful as possible. So if after reading this spurs any ideas for making the meetings successful and/or if there are ideas for a different way to communicate with your constituents we are all ears.

Mark Ostgarden AICP

501 Laurel Street
Brainerd, MN 56401
(218) 828-2309

Comprehensive Plan Steering Committee Sector List

Potential Sector Representatives

	Sector	Name
	School District	Laine Larson/Andrea Rusk
Councilman Lambert	Health Care	Adam Reese/Mike Larson
Mayor Menk	Industry	Rob Dimke- Lexington Manufacturing
Councilman Bevans	Small Business	Tom's TV
Councilman Pritschet	Resident with topic expertise	Staci Headley
Councilman Badeaux	Park Board	
	City Council	
	Planning Commission	Chuck Marohn
Councilman Johnson	Real Estate	Kevon Close/Nate Grotzke
Councilman Hilgert	BLAEDC Board	Pam O'Rourke



Brainerd City Council Agenda Request

#10C

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: Comprehensive Plan - Consider Shared Services Agreement with the NJPA

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: minutes
Summary of Issue: Attached is a draft of shared services agreement with the National Joint Powers Alliance (NJPA) to work with us on the Comprehensive Plan Update. The agreement will be for the \$15,000 budgeted amount. The agreement (copy attached) has been reviewed by the City Attorney and is acceptable.	
Alternatives, Options, Effects on Others/Comments: The alternative is to not approve the agreement, which will not permit us to begin work on the update.	
Recommended Action/Motion: Motion by ____ second by ____ to approve the NJPA agreement for \$15,000 to work with the City of Brainerd on the Comprehensive Plan update.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ 15,000 Is this budgeted? ☒ Yes ☐ No Please Explain: The City Council budgeted \$15,000 for a Comprehensive Plan Update.	

NJPA SHARED SERVICES AGREEMENT

This Shared Services Agreement (“Agreement”) is made, effective upon execution by all parties (“Effective Date”), by and between National Joint Powers Alliance, an educational service cooperative, with its principal offices located at 202 12th Street NE, Staples, Minnesota 56479 (“NJPA”) and the City of Brainerd (“City”), with its principal offices located at 501 Laurel Street, Brainerd, MN 56401.

ARTICLE 1: PURPOSE

1.1 Purpose. NJPA and City agree that the purpose of this Agreement is to provide NJPA shared services to the City under the terms and conditions contained herein.

ARTICLE 2: SERVICES

2.1 Services. The scope of NJPA shared services provided to City under the terms and conditions of this Agreement are outlined in Exhibit A.

ARTICLE 3: PRICING AND PAYMENT

3.1 Pricing. NJPA shall provide shared services at the rate and terms specified in Exhibit A.

3.2 Payment. NJPA will invoice City for services provided under this Agreement under the terms and conditions specified in Exhibit A.

ARTICLE 4: TERM AND TERMINATION

4.1 Term. The term of this Agreement will commence on the Effective Date and will continue through the date specified in Exhibit A unless earlier terminated pursuant to the terms of this Agreement.

4.2 Termination for Convenience. Either party may terminate this Agreement upon thirty calendar days' written notice. Unless otherwise agreed by the parties, termination pursuant to this Section 4.2 will not relieve NJPA of its obligations under any open services, which obligations will continue to be governed by this Agreement. Termination pursuant to this Section 4.2 will not relieve City of its obligation to pay for any services or expenses performed pursuant to any open services.

4.3 Termination for Cause. Either party may terminate this Agreement upon written notice if the other party has materially breached any provision of this Agreement and has not cured such breach within thirty calendar days after receiving written notice from the non-breaching party describing such breach in reasonable detail and stating the non-breaching party's intent to terminate this Agreement.

4.4 Survival. Notwithstanding any expiration or termination of this Agreement, all payment obligations incurred prior to expiration or termination will survive, and the following provisions

will survive: Articles 3 and 5, and Section 4.3. All other rights granted under this Agreement will cease upon expiration or termination of this Agreement.

ARTICLE 5. GENERAL TERMS

5.1 Notices. Whether or not so stipulated herein, all notices, communication, requests, invoices and statements (the “Notice”) required or permitted hereunder shall be in writing. Notice required or permitted in Section 4.2 and 4.3 shall be sent to the intended recipient at its physical address as listed in Exhibit A. Any other Notice required or permitted under this Agreement may be given by (a) actual delivery to the other Party at the address specified herein during normal business hours, (b) by fax or email to the other Party, (c) or by mailing via first class registered post, postage prepaid, to the other Party at the address specified herein.

All notices will be deemed to have been duly given (a) when delivered in person during normal business hours, (b) upon confirmation of receipt when transmitted by facsimile transmission or by electronic mail, (c) upon receipt after dispatch by registered or certified mail, postage prepaid or (d) on the next business day if transmitted by national overnight courier with confirmation of delivery.

5.2 Governing Law, Jurisdiction and Attorney’s Fees. This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Minnesota. Any dispute arising out of this Agreement shall be adjudicated in Todd County, Minnesota. In any action or proceeding to enforce rights under this Agreement, the prevailing party will be entitled to recover costs and reasonable attorney’s fees from the other party.

5.3 Assignment. Neither party shall have the right to assign or otherwise transfer its rights and obligations under this Agreement except with the prior written consent of the other party, provided that a successor in interest by merger, by operation of law, assignment, purchase or otherwise of the entire business of either party shall acquire all interest of such party hereunder. Any prohibited assignment shall be invalid.

5.4 Independent Contractor. Each party is an independent entity under the terms of this Agreement. Neither party, by virtue of this Agreement, will have any right, power, nor authority to act or create any obligation, expressed or implied, on behalf of the other party. Except as otherwise provided, or as may hereafter be established by a written agreement executed by authorized representatives of the parties, all operational expenses incurred by either party will be borne by the party incurring the expense.

5.5 Indemnity. In the performance of this Contract by NJPA, or NJPA’s agents or employees, City must, to the extent allowed by law, indemnify, save, and hold harmless NJPA, its agents, and employees, from any claims or causes of action, including attorney’s fees incurred by NJPA, to the extent caused by City’s:

- 5.5.1 Intentional, willful, or negligent acts or omissions; or
- 5.5.2 Actions that give rise to strict liability; or
- 5.5.3 Breach of contract or warranty.

The City's indemnification obligations of this section do not apply in the event the claim or cause of action is the result of NJPA's negligence or willful conduct. NJPA shall indemnify, save and hold harmless the City for the negligent or willful acts or omissions of NJPA, its agents, employees and assigns. This clause will not be construed to bar any legal remedies the parties may have for failure to fulfill their respective obligations under this Agreement.

5.6 Limitations of Liability. Excepting the parties' indemnification obligations hereunder, neither party shall, by reason of termination of this Agreement or otherwise, be liable to the other party for any punitive, special, incidental or consequential damages including but not limited to: compensation or damages for loss of present or prospective profits or revenues, loss of actual or anticipated commissions on sales or anticipated sales, or expenditures, investments or commitments made in connection with the establishment, development or maintenance of the selling representation created by this Agreement or in connection with the performance of obligations regardless of the form of action, whether in contract, tort or other legal theory. The foregoing limitation shall apply (A) even if such party has been advised of the possibility of such damages and (B) notwithstanding any failure of essential purpose of any limited remedy herein.

5.7 Entire Agreement: The individuals signing this Agreement are authorized to execute said Agreement and it is binding upon the parties. This Agreement supersedes all prior understandings and agreements between the parties and may not be amended orally, but only in writing as mutually agreed upon.

5.8 Government Data Practices. City and NJPA agree and understand that NJPA is a public entity that is subject to the Minnesota Government Data Practices Act (Minnesota Statutes Chapter 13) and that all information that NJPA possesses shall be considered public unless such information qualifies as an exception under the Minnesota Government Data Practices Act. The parties shall take all reasonable measures to enforce the obligation of confidentiality and use contained herein with respect to any of their employees or former employees who while in the employ of the parties have access to nonpublic information. To the extent allowed by law, the parties agree to indemnify and hold each other harmless from all damages and expenses, including reasonable attorney's fees, which either may sustain as a result of unauthorized disclosure of nonpublic information by the other hereunder, and each party shall have the right to enforce this agreement by injunctive relief as well as recovery of damages.

5.9 Severability. In the event that any of the terms of this Agreement are in conflict with any rule, law, statutory provision or are otherwise unenforceable under the laws or regulations of any government or subdivision thereof, such terms shall be deemed stricken from this Agreement, but such invalidity or unenforceability shall not invalidate any of the other terms of this Agreement. This Agreement shall continue in force, unless the invalidity or unenforceability of any such provisions hereof does substantial harm to, or where the invalid or unenforceable provisions compromise an integral part of, or are otherwise inseparable from the remainder of this Agreement.

5.10 Waiver. Failure by either party to take action or assert any right hereunder shall not be deemed a waiver of such right in the event of the continuation or repetition of the circumstances giving rise to such right.

5.11 Successors. All rights and remedies of the parties hereunder shall inure to the benefit of their successors and assigns.

5.12 Amendments. This Agreement shall not be deemed or construed to be modified, amended, rescinded, canceled or waived, in whole or in part, other than by written amendment signed by both parties.

5.13 Execution and Delivery of Documents. Each of the parties hereto, his or her heirs, legal representatives, successors and assigns, shall do all things to execute and deliver any and all documents which may be necessary at any time to carry out and effectuate the terms and conditions of this Agreement.

5.14 Incorporation. Exhibit A is hereby fully incorporated into the terms of this Agreement and will be binding upon the parties as of the Effective Date.

ARTICLE 6. AGREEMENT

IN WITNESS WHEREOF, the parties have executed this Agreement effective the day and year written below.

National Joint Powers Alliance

City of Brainerd

By _____
Authorized Signature- Signed

By _____
Authorized Signature- Signed

By _____
Name- Printed

By _____
Name- Printed

Title _____

Title _____

Date _____

Date _____

APPROVED AS TO FORM AND CONTENT:

NJPA Legal Department



Brainerd City Council Agenda Request

#10D

Agenda Item #

Requested Meeting Date: August 7, 2017

Title of Item: Planning Commission Request - Direction on Priority, Antennas and Towers Zoning Ordinance Review

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: See attached memo.	
Alternatives, Options, Effects on Others/Comments: At the Planning Commission's request, this issue on the City Council agenda for its direction on whether to continue with the review of Zoning Ordinance Section 35 Antennas and Towers. Attached are photos of new antenna and towers used in wireless transmission.	
Recommended Action/Motion: The Planning Department recommendation is that the review should continue so we have zoning requirements that 1. Do not limit this use to industrial districts 2. Expands the ability for coverage 3. Permits the use with limitations to protect the community health, safety and welfare of the city.	
Final Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No Please Explain:	

MEMO

TO: Mayor and City Council

FROM: Mark Ostgarden, City Planner

DATE: August 2, 2017

RE: Planning Commission Request for Direction on Priority of Antennas and Towers Zoning Ordinance Review

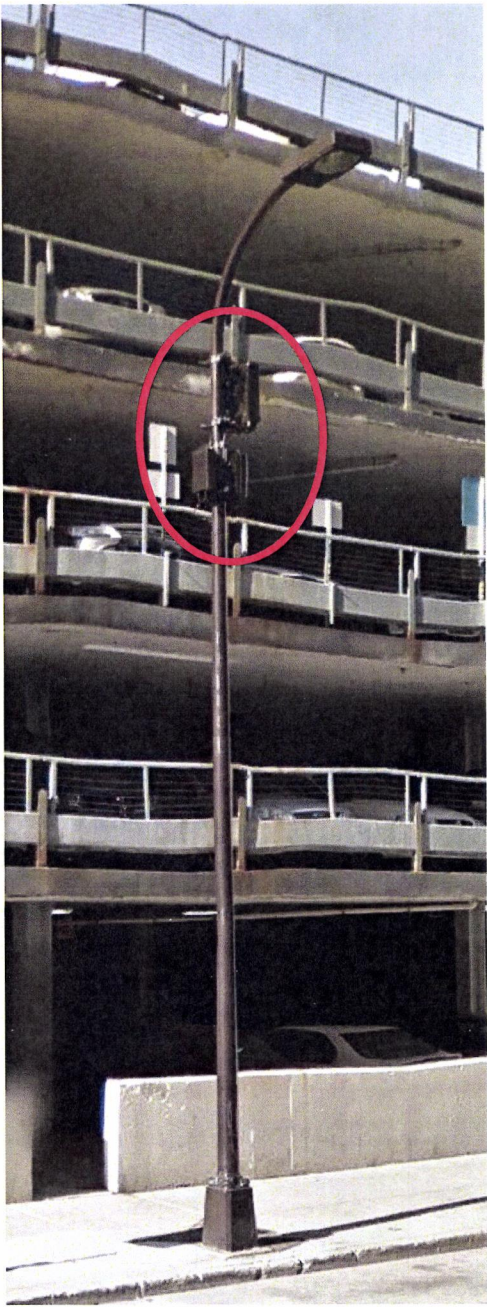
Last fall, the City of Brainerd received an e-mail requesting the Zoning Ordinance be amended to permit cell towers up to 120' tall in B-4 (General Business) Districts. Central Lakes College, located in an R-3 (Multifamily Residential) District, proposed converting light poles in its parking lots into wireless towers approximately 35' tall with an antenna and a parking lot light. Neither installation was permitted as the Zoning Ordinance limits new towers to industrial districts.

Following those requests, the Planning Department discussed the issue with the Planning Commission. Based on several factors, it decided we should consider revisions to Zoning Ordinance Section 35 Antennas and Towers.

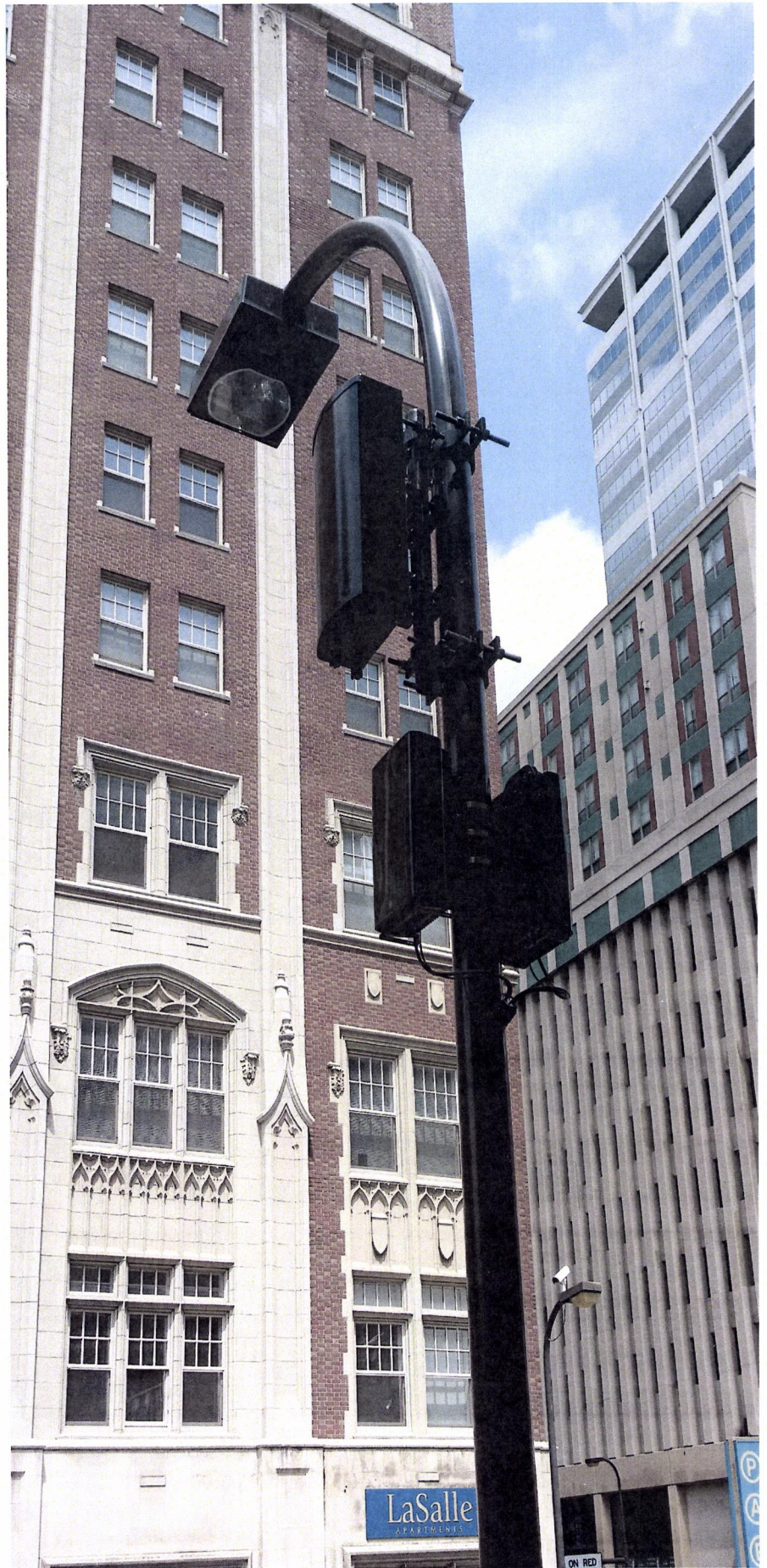
Throughout the winter, the Planning Department has been working with the City Attorney on draft revisions and presented them to the Planning Commission at its July 19, 2017 meeting. There has been almost a complete turnover in Planning Commission members since this discussion began last year. The new members have questioned the urgency to revise our ordinance and have asked the City Council for direction on whether a review should continue.

On July 19, 2017, it passed the following motion:

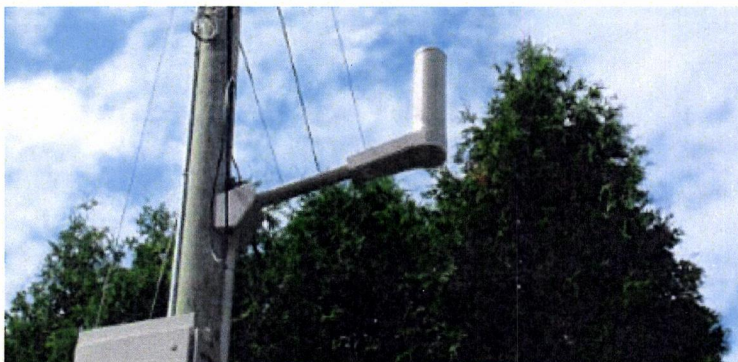
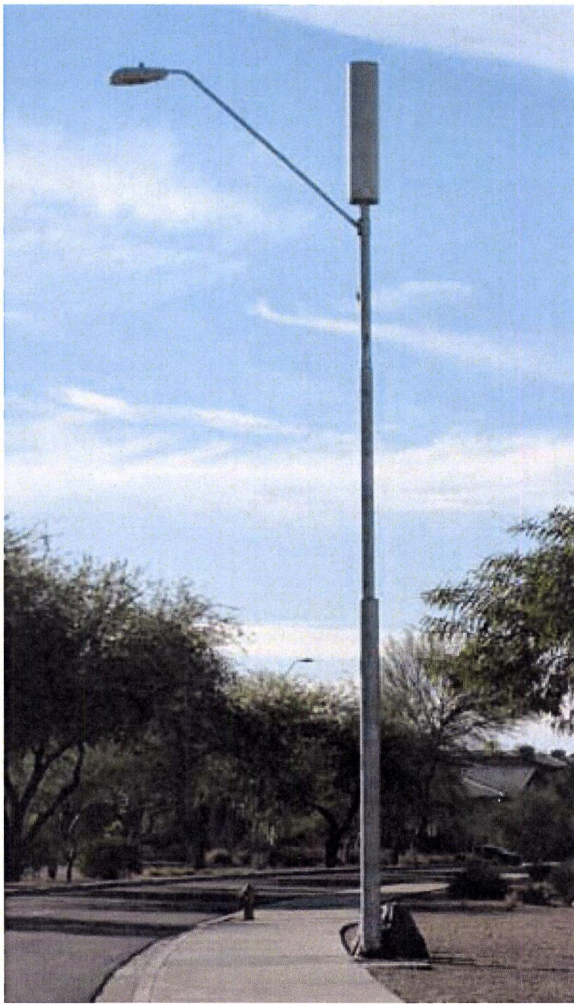
MOVED AND SECONDED BY COMMISSIONERS WUSSOW AND MAROHN, DULY CARRIED, TO PRESENT THIS ISSUE TO THE CITY COUNCIL AND CITY ATTORNEY FOR DIRECTION.



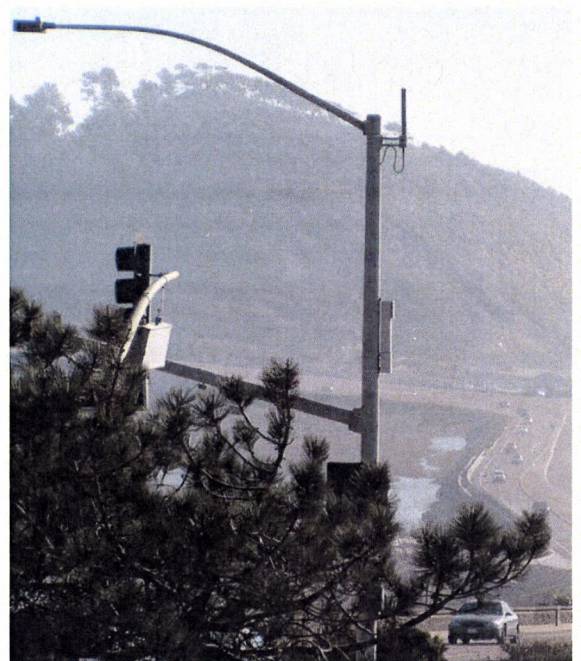
Currently at corner of 9th
St S and Lasalle Ave in
downtown Minneapolis



Over for additional photos



DAS and small cell antennas in other settings



Over for additional photos